Metro Outer Joint Development Assessment Panel Agenda

Meeting Date and Time: Monday, 4 September 2023; 10:00am
Meeting Number: MOJDAP/270
Meeting Venue: Electronic Means

To connect to the meeting via your computer -
https://us06web.zoom.us/j/88295199607

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 - 882 9519 9607

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

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Attendance

DAP Members

Eugene Koltasz (Presiding Member)
Karen Hyde (A/Deputy Presiding Member)
Peter Lee (A/Third Specialist Member)
Cr Lorna Buchan (Local Government Member, City of Rockingham)
Cr Mark Jones (Local Government Member, City of Rockingham)

Officers in attendance

David Banovic (City of Rockingham)
Casey Gillespie (City of Rockingham)

Minute Secretary

Stephen Haimes (DAP Secretariat)

Applicants and Submitters

Sam Bowers (Rowe Group)
Nathan Stewart (Rowe Group)
John Hurley (Environmental Aur Quality Consulting)
Malek Vahdat (Carmel Group)
Bo Xiong (Greener4 Pty Ltd)
Dion Alston
Stephen Bianchini

Members of the Public / Media

Nil.

1. Opening of Meeting, Welcome and Acknowledgement

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

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

2. Apologies

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
Cr Lorna Buchan	8.1	Impartiality Interest – Cr Buchan participated in a prior Council meeting in relation to the application.
Cr Mark Jones	8.1	Impartiality Interest – Cr Jones participated in a prior Council meeting in relation to the application.

7. Deputations and Presentations

7.1 Dion Alston presenting in support of the recommendation for the application at Item 8.1. The presentation will address support for JDAP to reject the Proposal.

7.2 Stephen Bianchino presenting in support of the recommendation for the application at Item 8.1. The presentation will address local residents objection to the development.

7.3 M & A Horbach submitted a written deputation in support of the recommendation for the application at Item 8.1.

7.4 Gary and Ann Brennan submitted a written deputation in support of the recommendation for the application at Item 8.1.

7.5 Sam Bowers (Rowe Group) presenting against the recommendation for the application at Item 8.1. The presentation will address the City's three (3) reasons for recommending refusal in its RAR and request that the JDAP defer this DA.

The City of Rockingham 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 193 & 194 (4 - 6) Malibu Road, Safety Bay

Development Description:	Child Care Premises
Applicant:	Rowe Group
Owner:	M Tsai, B Xiong, Zhang & Li Property Trust, Xiong & Tsai Property Trust
Responsible Authority:	City of Rockingham
DAP File No:	DAP/23/02487

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

Nil.

10. State Administrative Tribunal Applications and Supreme Court Appeals

File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/22/02346 DR47/2023	City of Joondalup	8 Elcar Lane, Joondalup	Two Storey Mixed Used Development	17/03/2022
DAP/22/02394 DR69/2023	City of Mandurah	Lot 9124 Cobaki Brace, Lakelands	Proposed Bulky Goods Showroom	28/04/2023
DAP/22/02379 DR98/2023	City of Swan	Lot 31 (No.1487) Neaves Road, Bullsbrook	Proposed roadhouse	16/06/2023
DAP/18/01543 DR 75/2022	City of Joondalup	Lot 649 (98) O'Mara Boulevard, Iluka	Commercial development	02/05/2022

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

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Presentation Request Form

Regulation 40(3) and DAP Standing Orders 2020 cl. 3.5

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

Presentation Request Guidelines

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

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

Please complete a separate form for each presenter and submit to daps@dplh.wa.gov.au

Presenter Details

Name	Dion Alston
Company (if applicable)	Resident
Please identify if you have any special requirements:	**YES** ☐ **NO** ☒ If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	City of Rockingham Metro Outer JDAP FORM1 DAP/23/02487
Meeting Date	04/09/2023 09:30 AM Zoom Meetng
DAP Application Number	DAP/23/02487
Property Location	Lot 193 (No.6) & Lot 194 (No.4) Malibu Road Safety Bay
Agenda Item Number	Click or tap here to enter text.

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	**YES** ☒
Is the presentation in support of or against the report recommendation)? *(contained within the Agenda)*	**SUPPORT** ☒ **AGAINST** ☐
Is the presentation in support of or against the proposed development?	**SUPPORT** ☐ **AGAINST** ☒
Will the presentation require power-point facilities?	**YES** ☐ **NO** ☒ **If yes, please attach**

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Development Assessment Panels

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	*The presentation will address:* Submission of Support for JDAP to reject the Proposal

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.

The Alston Family
[redacted],
Safety Bay WA, 6169.

01 September 2023

<u>OBJECTION TO PROPOSED DEVELOPMENT</u> - SUBMISSION TO METRO OUTER JDAP

City of Rockingham Metro Outer JDAP FORM1 DAP/23/02487 $2m Child care centre Lot 193 (No.6) & Lot 194 (No.4) Malibu Road Safety Bay 04/09/2023 09:30 AM Zoom Meeting - City of Rockingham

This letter and attachments are in response to the application seeking development approval of a proposed childcare premises at Lot 194 and 193 (No 4 & 6) Malibu Road Safety Bay WA 6169.

Further to the Council's Decision to REJECT Approval of this proposed development, we would like to place on record our concerns. We don't feel it is necessary to present during the meeting, as we support the council's assessment and decision to reject the proposal. We trust that the JDAP will reach the right decision with respect to the proposal particularly given its sensitive use nature, and location opposite a BP, and wholly within a beachside residential area.

The Below is our original feedback to council from the community consultation with text added and highlighted with the 3 main reasons for the council's decision to reject the proposal.

In addition to the general concerns of the residents of the neighbourhood, our family of 4 persons have specific concerns regarding the proposed development and we <u>STRONGLY OBJECT</u> to the proposed application development. Ours is a nearby affected residence labelled in the application as the "Residence to the North West". We call it home, and our concern is that if the development received approval, our quiet and peaceful home would never be the same again.

<u>General Concerns:</u>

Traffic:

- Increase in traffic and traffic noise on Safety Bay Road, Malibu Road and connecting local streets as feeder roads. During Morning and Afternoon commute times Safety Bay Road is heavily utilised, Malibu Road (eastern end) can be very congested particularly during the High School Zone times, this will increase the traffic load on connecting local streets, many of which are narrow, and easily obstructed.
- Proximity of proposed crossover to childcare carpark to BP Petrol Station Entrance and Malibu/Safety Bay Road Roundabout increases issues with traffic flow and potential for accidents particularly from vehicles Eastbound on Safety Bay Road turning left onto Malibu Road. Considering the future proposed re-development including commercial, residential and licenced premises opposite this creates additional concerns.

Proximity of Childcare to Petrol Station and Licenced premises of Future re-development of Waikiki Hotel Site:

- Childcare premises are ideally located near Schools, and Primary Schools in particular. There are other sites more suitable for the proposed development.
- The proximity of the proposed childcare to the Malibu Road BP Petrol station is a concern. It is noted an emissions impact assessment has been created, the emissions impact

assessment has not included the Hi-Flow Diesel bowser that is in closest proximity to the proposed childcare location. It is understood the **<50m separation from BP** is one of the reasons for rejection.

- According to PLANNING POLICY No.3.3.23 Waikiki Hotel Site – Urban design Guidelines Future re-development conditions for the site require a licenced premises. Positioning of childcare opposite licenced premises is a concern for several reasons, particularly child safety and traffic density, traffic flow disturbances, and traffic and pedestrian safety.

Noise and loss of peaceful beachside ambience:

- Currently residents in the neighbourhood can hear the ocean. This is something that no environmental noise assessment or local planning requirement will ever consider. This intangible quality and it's value to residents cannot be quantified & needs to be considered.
- Sensitivity to Noise is increased due to the low background noise and beachside ambience.
- Please note that there are numerous existing noise sources and disturbances which presently exist. e.g., from Safety Bay and Malibu Road Traffic flow and vehicle accelerations and decelerations, BP service Station Vehicle Movements (& startups in particular), bowser announcements, automatic car wash, car vacuum station, fuel deliveries, inground fuel tank lids and level checks, Safety Bay Road Beachfront carpark and activities, council beachside rubbish bin collection etc.
- The Proposed Childcare will create a General increase in Night-time (Early Morning) and Daytime noise levels in addition to these existing noise levels and disturbances, causing further loss of peaceful beachside ambience. No consideration has been made in the Environmental Acoustic Assessment for combined effects of noise generated from the proposed childcare premises, nor any of the existing noise disturbances aside from ambient traffic. It is understood that **Noise** was one of the reasons for the councils rejection of the proposal.

Waste and Carpark Runoff:

- Garbage and Recycling from the Site is stored immediately adjacent to the rear boundary of the proposed centre. The concentration of waste storage is more than comparable residential premises. Aside from potential smell and flies associated with the garbage, the proximity of the waste storage is in close proximity to nearby households. This is an additional noise source during normal access, and creates a larger additional noise disturbance on collection due to the number of bins compared to a typical residence.
- Additional load on the local sewer system and potential consequences of blockages etc could have large impact on neighbouring properties.
- No mention has been made in the application or associated attachments in relation to the proposed means of dealing with carpark runoff or drainage,.

Demand for Childcare:

- The demand for childcare in the area is understood, however noting there are a number of applications for childcare premises in the area, some of which have recently been approved by JDAP (eg in Safety Bay/Shoalwater, Rae Road Safety Bay Rd, nearby Safety Bay Primary school which agreeably is an excellent location for a childcare premises, and was an existing commercial site), it is felt that the demand expressed in the application does not take into account the future competing developments, and increased number of places available.
- Also it is noted that current proposals include new Child Care Premises in nearby Warnbro.

Specific concerns:

The proposed development is entirely within an area zoned residential, and is not consistent with, and does not improve the amenity of the area. It has the potential to severely impact the habitability of nearby homes. The result could be unhappy residents stuck living alongside a high turnover commercial development, with no ability to move to a comparable location. A price cannot be placed on disruption of peace. It cannot be denied that the location is a peaceful beachside area, which increases the sensitivity of the impact of noise on nearby residents.

The proximity of the proposed development is immediately adjacent to the full length of the boundary line of our residential block. The proposed building has zero setback from this boundary, making the proposed building, carparks and play areas within metres of our house, living areas, and bedrooms. If residential, the existing 2 (or subdivided 3) blocks would limit the zero setback to one third of the rear width of each block. In the case of this development the amalgamated block boundary effectively doubles (or triples) the length of zero setback compared to typical residential land use in the area. It is understood this is one of the reasons for rejection, due to the **height and length of the wall on the rear boundary with zero setback.**

The proposed carpark is directly adjacent our front yard and front of home, with direct line of sight and sound propagation to the first-floor windows (front bedrooms) of our home. The carpark chatter, vehicle noise, impulse, vibration, ground borne noise, and vehicle emissions will severely impact the privacy and liveability of our home. The outdoor play area extends to the rear of the proposed development site, at the rear of our property, and has line of sight and direct sound propagation to the rear first floor bedrooms. The proposed operating hours of the centre from 06:30 to 18:30, 5 days a week, all year round would severely impact the peace and quiet of our home and the surrounding neighbourhood, pets would also be affected with dog barking increased due to the close proximity disturbances.

Additionally, 3 of 4 people in our household work atypical hours, outside the hours of operation of the proposed development, making their rest hours within the operating times of the centre. The potential reduction in quality of rest during the operating times of the proposed centre cannot be overstated.

The Environmental Acoustic assessment submitted, considers the various sources of noise individually, some of which are at the allowable upper limits. The assessment does not consider the combined effect of these, which together with the number of noise events accumulate to an intolerable level of noise and number of noise impulses over a 12 hour duration.

The proposed 1.8m high Colourbond fence would provide limited shielding and insignificant reduction in noise levels both at the front and rear of our property and may add additional characteristics to the noise with potential reverberation and vibration of the fencing material depending on the vehicles and their proximity to the fencing.

The proposed bitumen carpark could also potentially generate more noise than a concrete carpark. Aside from the noise there are also effects from increased heat and radiated heat in summer, and drainage concerns for the carpark itself, and further disturbances and security concerns if carpark is accessible on nights and weekends as it will be used by beachgoers and for parking at community events. Also carpark and building lighting will add additional light pollution and light intrusion.

To provide context, Traffic on Malibu Road is noticeable from our first floor front windows especially in the early morning hours. The noise of vehicles slowing and accelerating for the nearby Roundabout currently experienced will be more intense with vehicles frequently entering and leaving the carpark of the proposed childcare facility. The traffic assessment indicates the volume of vehicle visits to the childcare premises would be approximately 70% of the traffic experienced at the neighbouring BP service station, This is immediately adjacent to our front door, living areas and bedrooms. This has not been considered in the traffic assessment in any way.

Please consider the overall effect this will have on our neighbourhood, our neighbours, and on us trying to rest and live in our home, with the additional persistent disturbances this proposal could create in the area. Consideration also needs to be made that future re-development in the vicinity will further compound the noise effects, and increase the duration and regularity of disturbances to residents in the area.

Further pages follow in direct response to the development application and it's supporting documents which further detail our concern.

It is noted there are several errors and omissions in the application and supporting documents. The proposal should be rejected on the basis of these alone, and should not be considered for approval given the unacceptable location for childcare, and intolerable impact on the nearby residents.

Best Regards,
Dion, Trang, Johann and Baily Alston.

APPENDIX A: Additional Points in Direct response to the Items contained within the submission:

[1] ROWE GROUP - REF: 9736_20230309_R_ROCKINGHAM_DA_SB 16/05/2023

DEVELOPMENT APPLICATION- CHILD CARE CENTRE LOT 193 (NO. 6) AND LOT 194 (NO. 4) MALIBU ROAD, SAFETY BAY

COMMENTS:

This proposed commercial development is set entirely within an established area zoned residential.

The development of a child care premises in a peaceful beachside residential area is not consistent with, and does not improve the amenity of the area. It detracts from the quiet beachside ambience significantly and has potential to create continuous disturbance throughout the day and early morning 'night' hours.

The number of childcare places (60). It is noted that there are other Perth Suburbs where childcare centres in residential areas are limited to 50 places. A development of this magnitude is excessive, particularly in this location, and noting the existing BP Service Station and Future proposed re-development of the Waikiki Hotel site, which requires a mix of retail, residential and tavern creates additional concerns for noise and disturbances at all times, on all days.

Garbage and Recycling from the Site is stored immediately adjacent to the rear boundary of the proposed centre. The concentration of waste storage is more than comparable residential premises. Aside from potential smell and flies associated with the garbage, the proximity of the waste storage is in extremely close proximity to nearby households. This is also an additional noise source during normal access and creates a larger additional noise disturbance on collection due to the number of bins compared to a typical residence.

Additional load on the local sewer system and potential consequences of blockages etc could have large impact on neighbouring properties.

No mention has been made in the application or associated attachments in relation to the proposed means of dealing with carpark runoff or drainage.

The grassed play area which is in front of and in the side margin of the building. It is noted that play areas shouldn't be located in the margins of the building.

> *Outdoor play areas are to be located so as to limit their impact on the amenity of adjoining properties, whilst taking advantage of a passive solar orientation wherever possible. Measures should be taken to ensure that play areas are large enough and of such dimensions to be useful as play areas, and side setback and leftover building areas are not desirable for the purpose.*

It is predicted that the grassed play area will be mowed and garden care will occur outside the hours of operation of the centre, again creating an additional disturbance in close proximity to nearby residences.

ZERO Setback: Whilst this may be allowed within the planning requirements within residential areas, consideration needs to be made that this proposed development is not residential, but commercial. It is also an amalgamation of two residential blocks. It appears the developer's subsidiary real estate agent claims to have applied and gained pre-approval for further subdivision, into (3) smaller blocks

which would limit the allowable zero setback at rear boundary of each to one third of each of the individual blocks rear boundary length. Here in the case of the development application the amalgamated block has a rear boundary length of 41.5m. Consequently, the length of zero setback allowed for the amalgamated block is considerably more than would be typically be proposed or approved on two of the existing residential lots, or the claimed pre-approved 3 subdivided lots.

Due to the residential zoning of the site, determination of setbacks and particularly zero setbacks should be commensurate with that of the surrounding residences.

Section 3: Proposed Development "A 418m child care centre building located in the southern portion of the subject site (mostly within Lot 192);"

THIS IS INCORRECT. Lot 192 is an adjacent residence "The residence to the North-West". Very concerned if the rest of the application lacks this attention to detail.

Regarding the elevation of the site at the rear of the lots 193 and 194 it is assumed that the proposed development site would be levelled with additional soil at the rear of the block, which will increase the heights of the building and the fences encroaching on the neighbouring residence, and further restricting morning sunlight and ventilation, whilst potentially increasing the noise transmission and privacy issues with the extremely close proximity (ZERO SETBACK) of the proposed childcare premises.

COMMENTS ON ENVIRONENTAL ACOUSTIC ASSESSMENT: Herring Storer Acoustics Ref: 30830-3-23085

1. INTRODUCTION

Herring Storer Acoustics were commissioned to undertake an acoustic assessment of noise emissions associated with the proposed day care centre to be located at Lots 194 and 196 (No.4 - 6) Malibu Road, Safety Bay.

COMMENT: The address stated on the cover and introduction of this document in not the correct address of the development application. Lot 196 is an existing residence on Safety Bay Road.

The report considers noise received at the neighbouring premises from the proposed development for compliance with the requirements of the *Environmental Protection (Noise) Regulations 1997.* This report considers noise emissions from:
- Children playing within the outside play areas of the centre; and
- Mechanical services.

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

COMMENT: DWER The Department of Water and Environmental Regulation may consider a bitumen carpark as a road. However road is not normally within metres of a home's side boundary, adjacent to a home's front windows and doors on a boundary with no setback. It is noted that limited interest or concern is shown for the effect of vehicle noise, which is considered 'for information purposes only' because requested by council.

Environmental Protection (Noise) Regulations 1997 Part 1 Preliminary

3. Regulations do not apply to certain noise emissions (1) Nothing in these regulations applies to the following noise emissions — (a) noise emissions from the propulsion and braking systems of motor vehicles operating on a road; (b) noise emissions from a safety warning device, other than a reversing alarm, fitted to a motor vehicle operating on a road;

Nothing in the regulations suggests that the consideration of vehicle noise within a car park, door closing and vehicle startups should not be considered. The point regarding reversing alarms is noted, and this is an additional possible disturbance that has not been considered in the Environmental Acoustic assessment.

Table 5.1 – Sound Power Levels

TABLE 5.1 – SOUND POWER LEVELS

Item	Sound Power Level, dB(A)
Children Playing	83 (per 10 children over 2 years) 78 (per 10 children under 2 years)
Car Moving in Car Park	79
Car Starting	85
Door Closing	87 (for drop off / pick ups) 84 (Staff)
Air conditioning condensing Unit	8 @ 71

COMMENT: It is noted the Sound Power Levels of 10 Children over 2 years Playing is close to that of a car starting and a staff car door closing. (Conveniently, staff door closing is presented here as quieter than a Parents car door closing, likely due to the close proximity to the adjacent northwest property, noting staff arrival times begin in 'Night' hours).

Assuming there is no difference between the cars or the method of operating the doors between staff and parents there should be no difference in the sound level of the car doors.

Otherwise, what will be the restriction on the types of cars the staff have to drive to achieve this criterion? Or What additional Training and assessment will the staff undergo to ensure their door closing is 3dB(A) less than that of the Parents dropping of and collecting their children as modelled? Obviously, this is not feasible, so it cannot be assumed that Staff door closing is quieter, and that child drop off and pickups are louder. The difference is in the timing, and the impact of the 'Night' (early Morning) staff door closing is clearly greater, so this is either an error that needs to be addressed or has been deliberately altered to reduce the impact of the noise assessment.

It is also a requirement of the assessment that the parking arrangement provides the staff parking in closest proximity to our home. Which increases the impact of these 'night time' door closures. This point needs to be considered very closely.

In addition to this there are the car movements, HVAC plant (air conditioning), which are all considered in isolation. HVAC Plant noise will most likely be continuous during winter and summer extremes. Combined effects of these can create more significant accumulated sound power levels that the assessment presents. No consideration is made of other vehicle noises and vibrations, example vehicles braking and accelerating in the adjacent street, or additional noise and vibration from vehicles within the carpark, example engine and brake noise, car radios, and music, or occupant noise when exiting and entering the vehicle, or voices of vehicle occupants in the car park, and doors or gates of the centre opening and closing. Less frequently other noises such as such as access to and noise from rubbish bins and garbage trucks on bin day pickups are also neglected. It is also noted that it is a condition of the assessment that doors and windows of the centre are required to be closed when playing music inside. How this is controlled is of particular importance.

Some examples of external sounds we currently hear and feel already to the detriment of peace in our house are, Dog Barking and single unit Air conditioning unit to North-West, One Vehicle Starting to South-West on a daily basis (often multiple times). Exploring this example, our internal home SPL raises from 30 dB(A) to between 50 and 63 dB(A) and can be experienced several times per day which disturbs the peace and quiet (Noting this vehicle is heard through a Fibro fence, a brick building (shed) and a wall. This is one vehicle, not 262 (Proposed childcare could have 71 vehicles arriving and 60 departing each morning and 60 vehicles arriving and 71 departing each afternoon). To the South-East BP petrol station Carwash and vacuum cleaner which operates on and off for most of the day, there are fuel deliveries, opening and closing of inground fuel tank lids and level checks, Safety Bay Road Beachfront carpark and activities, council beachside rubbish bin collection etc.

These are things we tolerate, some of which were here when we moved to the house, some are new. The additional impact of the childcare noise needs to be considered In combination with existing disturbances.

6. Assessment:

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

From previous measurements, noise emissions from children playing does not contain any annoying characteristics. Noise emissions from the mechanical services could be tonal and a +5 dB(A) penalty would be applicable, as shown in Table 6.1. Noise emissions from both outdoor play and the mechanical services needs to comply with the assigned LA10 noise levels."

Whilst 'previous measurements' may indicate that children playing do not contain any annoying characteristics, children do make other sounds besides playing, such as screaming, squealing and squawking noises, and potential banging or drumming noises on fences etc are an additional concern and would have impulsiveness and tonality. Also, considerations should be made in case of any elevated play equipment and resultant increased noise transmission effects and additional privacy concerns associated with this.

TABLE 6.1 - ACOUSTIC MODELLING RESULTS FOR L_{A10} CRITERIA OUTDOOR PLAY AREAS AND MECHANICAL PLANT

Neighbouring Premises	Calculated Noise Level (dB(A))	
	Children Playing	Air Conditioning
South West	46	15 (20)
North East	41	32 (37)
North West	41	30 (35)

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

Noted no Tonality is included for children playing, but tonality is considered for air conditioning.

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

Neighbouring Premises	Calculated Noise Level (dB(A))			
	Car Starting		Door Closing	
	Day Period	Night Period	Day Period	Night Period
South West	35	35	37 [47]	37 [47]
North East	48	48	49 [59]	49 [59]
North West	55	47	56 [66]	48 [58]

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

Noted for the North West property ONLY there is a difference in results between Night and Day period for both car starting and door closing. This difference is not seen for the North East and South West Neighbouring premises. Again, it seems there is an error or faulty logic with the difference between noise disturbances in the night and day periods. Night period should have greater impact but is already on the limit, so any increase in values during the night period would exceed allowable limits.

TABLE 3.6 - ASSIGNED OUTDOOR NOISE LEVEL NEIGHBOURING RESIDENCES TO NORTH WEST

Premises Receiving Noise	Time of Day	Assigned Level (dB)		
		$L_{A\,10}$	$L_{A\,1}$	$L_{A\,max}$
Noise sensitive premises : Highly sensitive area	0700 - 1900 hours Monday to Saturday	48	58	68
	0900 - 1900 hours Sunday and Public Holidays	43	53	68
	1900 - 2200 hours all days	43	53	58
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and Public Holidays	38	48	58

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

Noting the allowable (assigned) noise levels determined above it can be seen from the results that the noise from car door closing is on the limit of what is allowable, for the residences immediately adjacent the proposed carpark during the night period. And very close to the limit for the North West Residence during the day period.

TABLE 6.9 – ASSESSMENT OF L_{Amax} DAY PERIOD NOISE LEVEL EMISSIONS CAR DOOR

Location	Assessable Noise Level dB(A)	Applicable Assigned Noise Level (dB(A))	Exceedance to Assigned Noise Level
South West	47	69	Complies
North East	59	69	Complies
North West	66	68	Complies

TABLE 6.10 – ASSESSMENT OF L_{Amax} NIGHT PERIOD NOISE LEVEL EMISSIONS CAR DOOR

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

To further highlight the sheer number of impulses of this extremely high level disturbance, please see the below table showing possible numbers for single child drop-offs, and dual child drop-offs.

CONSIDERATION OF PERSISTENT NOISE IMPULSE AND INTERRUPTIONS TO PEACE:

	HIGH	LOW
No Of Children:	60	60
No of Staff:	11	11
No of Carparks:	19	19
No of Adults/car:	1	1
No of Children/car:	1	2
No of Cars:	71	41
No of Carpark Entries/Exits:	262	142
No of Startups:	131	71
No of Drivers Doors:	262	142
No of Passenger Doors:	120	120
No of Car Boots/Hatchbacks (assume 1/2 of cars accessing boot)	60	30
Total Number of Door Slams	442	292
Over 12 Hours, slams per hour	37	24
Seconds between door slams	98	148
Over 6 Hours, slams per hour	74	49
Seconds between door slams	49	74

Averaged over two 3 hour periods from 06:30 to 09:30 and 15:30 to 18:30 barely a minute goes by without a door slam. Obviously the intensity at times will be far greater, and considerably more disturbing to the peace.
Considering the high noise impact and close proximity of the carpark to neighboring residences, the fact that this is on the allowable limit, even when considered in isolation from all other noise sources, it is clear that in combination with all other noise sources and disturbances that <u>the number of disturbances at these noise levels is intolerable, and should not be allowed in a residential area</u>.

EMISSIONS IMPACT ASSESSMENT:

Emissions Impact Assessment of BP Service Station adjacent to Proposed Child Care Centre
Malibu Road, Safety Bay, Western Australia
Greener4 Pty Ltd c/- ROWE Group
EAQ-23016

The BP Site comprises the following main features:

- 3 bowser ranks comprising a total of 6 bowser outlets at any one time;
- Car Wash;
- Restaurant/Convenience store;
- Trailer Hire;
- The types of fuels dispensed are;
  - Diesels & AdBlue (reduces NOx emissions),
  - Unleaded Petrols (ULPs), and
  - Autogas.

COMMENT: ONE BOWSER IS MISSING FROM THIS ASSESSMENT – HI FLOW DIESEL BOWSER (CLOSEST PROXIMITY TO PROPOSED CHILDCARE FACILITY).

"The proposed Child Care Centre will satisfy the guideline separation distance of 50 metres from the nearest refuelling location at the BP Site." – CHILDREN WILL BE PLAYING WITHIN THIS ZONE!
The proximity of childcare to the Petrol Station is unacceptable, particularly in case of any incident at the Petrol Station.

Transport Impact assessment:

The crash history surrounding the development site shows several incidents on Malibu Rd and the adjacent roundabout. With Traffic flow to the BP Service Station as well as the childcare facility and future re-development of the Waikiki Hotel Site, these incidents will no doubt increase significantly given the number of different entrances and traffic moving in multiple different directions. Example parents dropping children and then cutting across to fuel up at the BP or vice versa, meanwhile traffic on Roundabout entering the congested Malibu Road with a line of parents hurrying to get to/from work with their cars ready to pull across Malibu road to enter the childcare carpark.

Whilst it may not be considered in the report as a major safety issue, the risk is increased considerably.

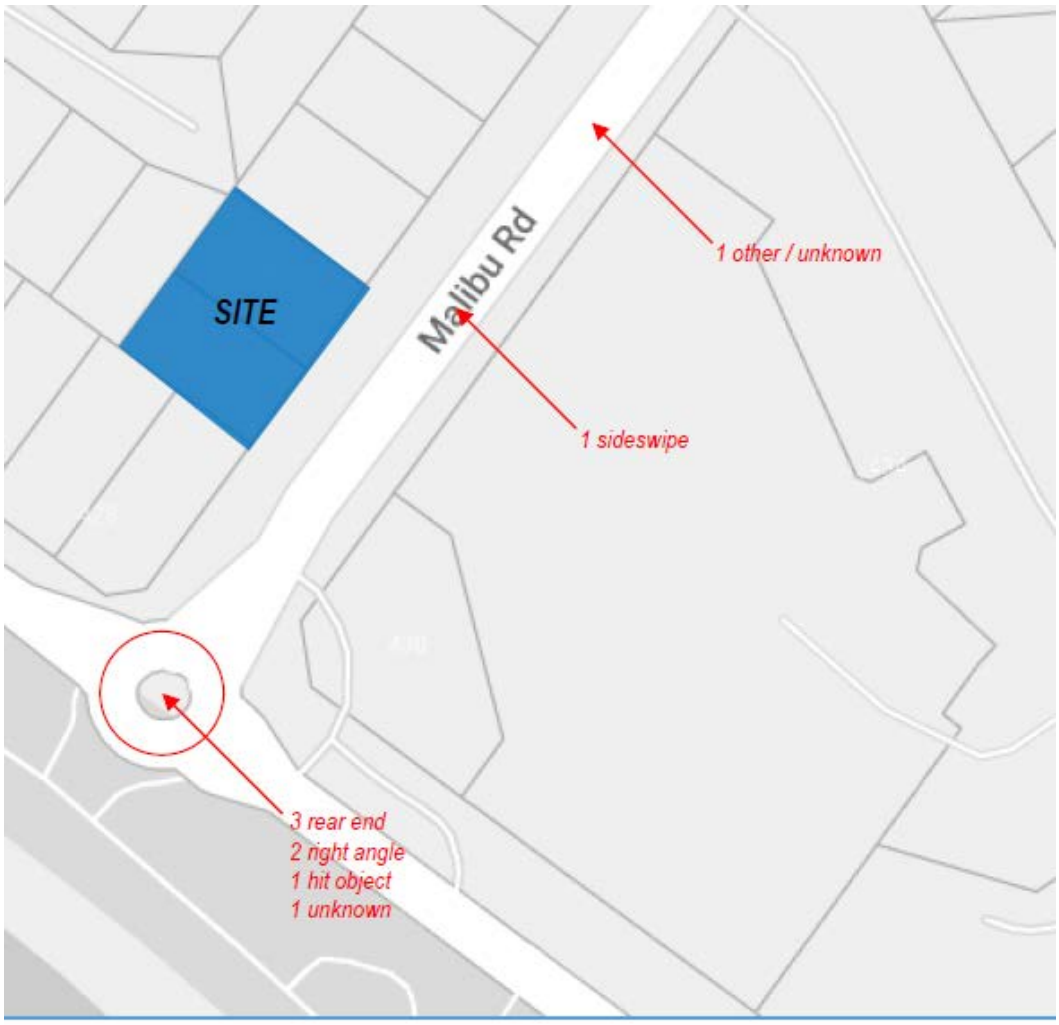

Figure 10: Crash History – January 2018 to December 2022

From the Transport impact assessment:

9 Conclusion

This Transport Impact Statement for the proposed child care centre at 4-6 Malibu Road in Safety Bay concludes the following:

- The proposed development is predicted to generate approximately 245 vehicle trips per day including 47 trips during the morning peak hour and 47 during the afternoon peak hour. This volume of traffic is low to moderate and can be accommodated within the existing capacity of the road network with no modifications required.

COMMENT: Given the number of vehicle trips, and noting the contents of the calculations of the Emissions assessment report the 245 vehicle trips per day predicted for the Childcare Premises is more than seventy percent of the calculated throughput of the adjacent Petrol Station (338 cars).

Excerpt from Emissions assessment:

hour	% daily csales	% to peak hr	# cars/peak hour	Petrol Throughput (L/hr)
1	1.20%	19.51%	6	205
2	0.80%	13.01%	4	137
3	0.60%	9.76%	3	102
4	0.80%	13.01%	4	137
5	1.90%	30.89%	10	324
6	4.60%	74.80%	23	785
7	5.50%	89.43%	27	939
8	5.70%	92.68%	28	973
9	5.50%	89.43%	27	939
10	5.70%	92.68%	28	973
11	6.00%	97.56%	30	1,024
12	6.00%	97.56%	30	1,024
13	5.70%	92.68%	28	973
14	5.60%	91.06%	28	956
15	5.90%	95.93%	29	1,007
16	**6.15%**	**100.00%**	**30**	1,050
17	**6.15%**	**100.00%**	**30**	1,050
18	5.80%	94.31%	29	990

This further highlights the persistent disturbance of the LOCAL carpark traffic immediately adjacent to the proposed childcare's neighbours. This has not been considered in the traffic assessment in any way. The number of vehicles and multiple arrivals and departures throughout the day is excessive for a residential zoned area, especially noting the immediately adjacent residences.

Other interesting information indicating contradictions and potential conflicts of interest:

It is noted that the Application for Development is submitted as follows: (Section 1) Introduction:

"Rowe Group acts on behalf of Greener4 Pty Ltd (Greener4), the landowner of Lot 193 (No. 6) and Lot 194 (No. 4) Malibu Road, Safety Bay (the subject site or Lot 193 and Lot 194). This Report has been prepared in support of a Development Application (the Application) to obtain Development Approval from the City of Rockingham (the City) for a child care centre at the subject site."

COMMENT:

It is noted that the same company Greener4 is also the Parent company of 'Listing Toolbox', a small volume Real Estate Agent with principal Bo Xiong, who to date still has the development site listed for sale.

ABN details (help)

Entity name:	GREENER4 PTY. LTD.
ABN status:	Active from 22 Sep 2010
Entity type:	Australian Private Company
Goods & Services Tax (GST):	Registered from 23 Sep 2010
Main business location:	WA 6000

Business name(s) (help)

Business name	From
SUBURBLENS	29 Jun 2021
ADD MAGIC SEASONING	03 Apr 2021
Listing Toolbox	30 Mar 2021

This companies business interests do not appear to be within the local community, and although the further subdivided blocks stated: "WAPC Has pre-approved for a 3 Green Title Lots subdivision on this block" it is mentioned that one of these blocks is 'reserved' however there no apparent intention to establish a residence in the area, which is described on the website as a "Perfect Home Site at a Premium Location". Instead, the plan is to develop the site into a 1.7 million dollar per year business in a residential area. The applicants contradict themselves. If it is a perfect home site, opposite a BP & Future Hotel development, then clearly this is not an ideal childcare location.

See your travel time

Perfect Home Site at a Premium Location

4-6 MALIBU ROAD, SAFETY BAY

We are proudly presenting this massive 1454sqm level vacant block (i.e. 3 individual Lots) to the market! It is a great opportunity to own a perfect piece of land on the premium coastline of WA.

At the opposite side of the street is the iconic Waikiki Hotel redevelopment site. Check out the Local Government Planning Policy No.3.3.23 if you haven't been aware of the site's "former reputation as a focal point for the coastal strip along the Safety Bay foreshore". If you are looking for a vibrant and convenient Beachside Lifestyle, this is exactly what you expected!

WAPC has pre-approved for a 3 Green Title Lots subdivision on this block, therefore you can choose to buy an individual lot to build your dream beach house, or to own the whole development site and enjoy the potential in future.

Lot 701 has been reserved, and Lot 702 and Lot 703 are available from $429,000 each. Take action now and secure one of the most premium locations before it is too late.

If you are interested in buying the whole development site please contact the agent on 0432 104 675 or send an online enquiry.

Read less

Bo Xiong
5.0 (2 reviews)
04321046...

Get in touch

Save property

Apply by 30 June 2023

Find out more

RAC For the better

Tap for *T&C and issuer details. PDS and TMD on site.

Presentation Request Form

Regulation 40(3) and DAP Standing Orders 2020 cl. 3.5

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

Presentation Request Guidelines

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

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

Please complete a separate form for each presenter and submit to daps@dplh.wa.gov.au

Presenter Details

Name	Stephen Bianchini
Company (if applicable)	Click or tap here to enter text.
Please identify if you have any special requirements:	**YES** ☐ **NO** ☒ If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	Metro Outer JDAP
Meeting Date	4 September
DAP Application Number	DAP/23/02487
Property Location	Lot 194 and 193 (Nos. 4 and 6) Malibu Road, Safety Bay
Agenda Item Number	8.1

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	**YES** ☒
Is the presentation in support of or against the report recommendation)? *(contained within the Agenda)*	**SUPPORT** ☒ **AGAINST** ☐
Is the presentation in support of or against the proposed development?	**SUPPORT** ☐ **AGAINST** ☒
Will the presentation require power-point facilities?	**YES** ☐ **NO** ☒ **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	*The presentation will address:* Local residents objection to the development

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:

1 It should be recognised, due to the wisdom of life long experiences by elderly local residents, they can evaluate the positive and negative outcomes of a foreign facility with its associated activities without the use of technical, scientific, and date reports. Many elderly residents have vocally expressed the short comings of a child care premises within their locale, and were unwilling to put in writing. Short comings include all concerns expressed (fuel, traffic, noise) in City of Rockingham report.

Long time retired elderly people live immediately either side of the proposed child care premises and their day to day living atmosphere will be shattered by the all new activities generated necessary to operate this facility

2 The individual submissions to Council for the initial proposal were by elderly local residents, many retired, not young family types. Obviously the elderly locals are aware of close by alternate child care premises (with vacancies) and additional premise proposed / planned in a more suitable Safety Bay location.

3 The visual and aesthetic appeal of the premises has not been highlighted. The office style premises does not fit within the existing street view: the garrison security fencing in more typical in industrial areas and not compatible with any other houses in the area; the proposed extensive black bitumen car park either empty of full of cars is unattractive in every sense.

1 September 2023

From: M & A Horbach of [redacted] Safety Bay WA 6169

To: **Metro Outer Joint Development Assessment Panel - Secretariat**

For: **Agenda Meeting Date and Time: Monday, 4 September 2023; 10:00am Meeting Number: MOJDAP/270**

Subject: Response to application seeking Development Approval for a childcare premises at Lot 194 and 193 (No.4 and 6) Malibu Road, Safety Bay.

In addition to our submission to the City of Rockingham we wish to highlight the following objections to the proposed child care centre:-

- Petrol station health and safety concerns have been reviewed and noted by residents and the Council. I think a past proposal of a multi-complex which included a petrol station in the City of Rockingham vicinity was refused by Council and upheld in review, due to its proximity to an already established childcare centre due to health and safety concerns mapped to the petrol station. Unfortunately, I haven't had the time to research this further to verify. The current proposal may be a mirror to the past refused proposal but in reverse. For in this current case the petrol station is present with the desire to build a childcare centre near it.
- We have elderly neighbours who live very close to the proposed centre. We cannot speak for them and nor are we suggesting this is the case, but we wish to highlight the possibility that some residents in the community may not have had the appropriate or accessible structures in place to present a submission to voice their opinion. We hope a lack of response by residents isn't conceptualized as these residents not caring about or not having an opinion about the proposal when this we suggest is just speculation.
- We concur with other residents' concerns on the negative daily impacts that will occur.
- The current quietude and ambiance of being able to listen to the ocean cannot be quantified and will be destroyed due to the variable noises from such a centre. For example, the number of people/children, voices from conversation, crying, yelling, laughter, car doors and engine noise and so on. At the Council's Planning meeting a resident played a recording of a local day care centre. The noise was so loud it was hard to understand how this noise level could be ok for residents to hear daily.
- Residents may likely feel they have to shut their windows and close external doors that usually allow the sea breeze in to cool their homes.
- This is an old residential area. One of the proposed lots originally had a house on it. Many residents have lived in the area for years and chose the location due to its location to the beach, and the fact that it is zoned for housing.
- Traffic congestion already occurs at the roundabout, one block from the proposed centre. This is because it's a main artery during peak hours, funnelling workers to and from work. This will dramatically increase and stem the flow of traffic with the proposal.
- The increased traffic, decreasing traffic flow will make pedestrian crossing to recreational beach and parks across the road extremely difficult, along with increased difficulty for vehicles on exit roads.
- The roundabout, one block from the proposed centre will likely become gridlocked with cars entering and exiting the proposed centre and we believe this will likely be an increase safety hazard to both pedestrians and traffic.
- Residents with A-typical work hours will likely have their sleep and thus their health negatively impacted.
- We consider the possible worry that may occur for some residents adjacent to the centre, of having their properties devalued and finding them harder to sell. That this possible consequence

may have a negative impact on their well-being and on their financial stability and security and into retirement. Whilst the financial impact to residents isn't a considered variable with such proposals, we think in a mature and inclusive way when trying to weigh up the balance between commercial and residential co-existence this is very important, especially when it maps to social and health outcomes of residents.

We wish to thank you in anticipation of a very considered review of both Residents and the Council's rejection of this proposal.

Development Assessment Panels

From: Ann Brennan [redacted]
Sent: Sunday, 3 September 2023 10:01 PM
To: Development Assessment Panels
Subject: Proposed childcare centre Malibu road safety bay

We live at [redacted] WA 6169. We purchased the house 3 years ago ready for our retirement. The local area has a demographic environment of older people. Our house does back onto the proposed childcare lots, but we purchased this house knowing that previously a house had been built on here but due to fire burnt down and always presumed that due to being residential would remain residential. We have commercial land across the road that consists of a petrol station, so we knew at anytime this could have a change in use.
I understand Rockingham council have declined the proposal of the childcare centre but I know this could also be over turned by the state council.

We write this email as you might not be familiar with our town. Safety bay is mostly made up of elderly people. The schools and childcare centres in these areas are not at full occupancy, so why would we need another childcare centre in this area. This land is also near a very busy intersection that already has traffic queues at peek times that consists of navy personal going to and from garden island, parents leaving the local high school or holiday makers visiting safety bay straight from the freeway.
Placing a centre here would be detrimental due to the increase in traffic flow to the main road that could cause an accident to a young child or staff coming to and from the site. The parking allocation of parking spots to this application is not enough so would cause street parking. Each day we have at least four disability scooters or students from Malibu special school come down Malibu road and cross at the roundabout, they would now struggle to pass due to the amount of cars crossing over the driveway area safely or the excess in street parking.
How would you also support the amount of daily noise. I understand they have provided an acoustic report but this does not account for the daily noise of 60 car doors opening and closing in the morning or afternoon, that's not accounting for educators opening the centre and closing the centre outside of the opening hours. Then we would have the commercial cleaners that would now be working outside of the 6.30am to 6.30pm and other maintenance services that would need to work on the weekend due to the nature of the business. How would the council be able to ensure that this business would not impact our quality of life when out in our garden each afternoon

Kind regards
Gary and Ann Brennan

Government of **Western Australia**
Development Assessment Panels

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.

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Please complete a separate form for each presenter and submit to daps@dplh.wa.gov.au

Presenter Details

Name	Sam Bowers / Nathan Stewart / John Hurley / Malek Vahdat / Bo Xiong
Company (if applicable)	Rowe Group / Environmental Air Quality Consulting / Carmel Group / Greener4Pty Ltd.
Please identify if you have any special requirements:	**YES** ☐ **NO** ☒ If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	Metro Outer Joint Development Assessment Panel
Meeting Date	4/09/23
DAP Application Number	DAP/23/02487
Property Location	Lot 193 (No. 6) and Lot 194 (No. 4) Malibu Road, Safety Bay
Agenda Item Number	8.1

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	**YES** ☒
Is the presentation in support of or against the report recommendation)? *(contained within the Agenda)*	**SUPPORT** ☐ **AGAINST** ☒
Is the presentation in support of or against the proposed development?	**SUPPORT** ☒ **AGAINST** ☐
Will the presentation require power-point facilities?	**YES** ☐ **NO** ☒ **If yes, please attach**

Government of **Western Australia**
Development Assessment Panels

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	*The presentation will address:* - The City's three (3) reasons for recommending refusal in its RAR. - Request that the JDAP defer this Development Application.

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 enclosed document.

METRO OUTER JOINT DEVELOPMENT ASSESSMENT PANEL

10:00AM MONDAY 4 SEPTEMBER 2023

ITEM 8.1 – CHILD CARE PREMISES AT LOT 193 (NO. 6) AND 194 (NO. 4) MALIBU ROAD, SAFETY BAY

Summary and Background

Rowe Group acts on behalf of Greener4 Pty Ltd (**our Client**) in relation to Lot 193 (No. 6) and Lot 194 (No. 4) Malibu Road, Safety Bay (**the subject site**). We lodged a Development Application (**the Application**) with the City of Rockingham (**the City**) on 16 May 2023 which seeks Development Approval for a childcare centre at the subject site. The Development Application is required to be determined by the Metro Outer Joint Development Assessment Panel (**JDAP**).

The City's Responsible Authority Report (**RAR**) contains a recommendation to refuse the Application for the following reasons:

1. *The proposed development is not compatible as a sensitive land use in the locality, in immediate proximity to an existing Service Station, where the proposal presents an unacceptable health risk to children from benzene exposure.*
2. *The Applicant's Environmental Acoustic Assessment has not demonstrated compliance with the Environmental Protection (Noise) Regulations 1997.*
3. *The proposed development does not comply with State Planning Policy 7.3 - Residential Design Codes (SPP7.3 Volume 1) and presents an unacceptable amenity impact to adjoining properties with respect to the height of the rear boundary wall.*

We are not supportive of the Officer Recommendation contained in the RAR, and we request that the Metro Outer Joint Development Assessment Panel (**the JDAP**) to defer this Application to allow the Applicant to revise the drawings and address the City's concerns.

The following members of the Project Team will be attending the JDAP meeting and will be available to respond to any questions from the JDAP.

- Ms Bo Xiong (Greener4 Pty Ltd).
- Mr Malek Vahdat (Carmel Group).
- Mr John Hurley (Environmental Air Quality Consulting).
- Mr Nathan Stewart (Rowe Group).
- Mr Sam Bowers (Rowe Group).

Revised Proposal

We are of the view that, based on the current Emissions Impact Assessment (**EIA**) prepared by EAQ Consulting, the proposed development should be approved. However, we acknowledge that the interface between the proposal and the existing service station can be improved.

We are of the view that "flipping" the design of the centre will improve the outcome, by moving the outdoor play space further away from the existing service centre and beyond the 50m buffer distance recommended by the EPA Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses (**the Guidelines**).

By "flipping" the design, the particulars of the proposed development, such as noise generation, traffic generation, parking requirements, operating hours, number of children and staff, etc. will not change. As a result, the findings of the traffic report are unchanged. In relation to the access location, we acknowledge that the crossover will move closer to the Safety Bay Road and Malibu Road intersection. However, the preliminary advice from the traffic engineer is that this an acceptable outcome. The findings of the EIA will improve.

Refer **Attachment 1 – Revised Drawings**.

Buffer Distance to Existing Service Station

As previously mentioned, the Guidelines stipulate a buffer distance of 50m between sensitive land uses and service stations. We acknowledge the City's comments in the RAR that the outdoor play space is in proximity to the existing service station. Therefore, we propose to modify the proposal by moving the outdoor playspace to the north eastern portion of the site, further away from the existing service station. The revised outdoor play space will be located at least 53m from the nearest fuel bowser at the nearby service station, which exceeds the buffer distance recommended by the Guidelines.

If a development complies with the generic buffer recommended by the Guidelines, then no further investigations are required. The proposed development is deemed to comply.

Acoustic Report

The City had provided comments on the Herring Storer Acoustic Report, including:

- *If calculations (Table 3.4) appear incorrect. The City's calculations suggest IF of +3dB (not +4dB) for SW and NE premises and +2db (not +3dB) for NW premises;*
- *Future residential (mixed use / multi story) across the road has not been assessed;*
- *Not all mechanical plant appears to have been assessed. eg no information in regards to kitchen exhaust or toilet exhaust;*
- *Delivery vehicles have not been included in the assessment;*
- *AAAC Guideline for Child Centre Acoustic Assessment indicates an effective SPL of 85 – 87dB for groups of 10 children over 2 years of age (not 83 dB). As the bulk of the children will be over 3 years of age, this would be closer to the 87dB SPL;*
- *No noise contours have been provided to demonstrate modelling results; and*
- *No noise contours or information has been provided to indicate how the parking restrictions proposed for the site have been determined and managed.*

In respect to these comments, Herring Storer Acoustics prepared a Technical Note to address the City's concerns. The Technical Note concludes as follows:

- We maintain that the noise modelling for the adjoining residences are correct and the assigned noise levels would be as outlined in the original Assessment Report.

- In relation to the future possibility of residences at the nearby commercial site. We note that the commercial site is currently vacant. We also note that the day care would be a day period use, with the main noise source that would be received at any residence would be that from the outdoor play area. For these residences, Herring Storer is of the view that the assigned noise level would be 50dB. Based on the ability to develop residential development on this commercial site, we are advised by Herring Storer Acoustics that the noise received from the outdoor play space would be 53dB, which would a marginal exceedance. However, this is without any form of fencing or balustrading. Therefore, given the marginal exceedance, depending on any design, if it occurs at all, the noise received at any future residences at the commercial site could possibly comply. Notwithstanding, Herring Storer Acoustics has advised that there are mitigation measures that could be implemented to reduce noise, such as:
  - Limiting the number of children outdoors at any one time.
  - The construction of barrier or screens or shade structures for upper floors.
- In relation to the comment on kitchen and toilet exhausts. These would comply if the exhausts would be ceiling mounted or contained within the ceiling space. The following noise mitigation measures could also be implemented:
  - Installing a fan within the ceiling space.
  - Providing screening to the neighbour.
  - Locating the fan sufficient distance from the residence.
  - Selection of a quieter fan.

  Notwithstanding, the Technical Note recommends that the final design be assessed for compliance with the requirements of the *Environmental Protection (Noise) Regulations 1997* (**Noise Regulations**). This can be imposed as a condition on Development Approval and from our experience, this is not unusual for this type of development.
- In relation to noise from delivery vehicles, this has been modelled as part of the Technical Note. The Technical Note concludes that the noise from delivery vehicles complies with relevant assigned noise levels during the day periods (7am to 7pm).
- Additional noise modelling has been undertaken in accordance with the AAAC Guidelines. In order to comply with the AAAC Guidelines, Herring Storer Acoustics recommend a 2.1m high fence to a portion of the side boundary fence. We expect a similar height fence would be required on the northern portion of the site should the design be "flipped".
- Noise contour mapping has been provided to demonstrate how the nighttime parking restrictions have been generated. Bays will be marked in accordance with the Herring Storer Acoustics recommendations.

On the basis of the above, the proposal is compliant with the Noise Regulations. We are of the view that the should the proposal be "flipped", the revised proposal would still be compliant. Should the JDAP resolve to defer this Application, Herring Storer will produce another acoustic assessment modelling the noise impacts of the revised proposal and if necessary, noise mitigation measures to achieve compliance.

Interface with Residential Development

To address the City's third reason for recommending refusal and to meet the relevant deemed-to-comply requirements outlined in State Planning Policy 7.3 – Residential Design Codes (**the R-Codes**), the following amendments to the Development Plans have been made:

- The maximum height of the rear boundary wall has now been reduced to 3.34m;
- The proposed skillion portion (highest portion) of the roof structure has now been setback adequately from the rear lot boundary; and
- The separate wall protruding out of the building (near the proposed cot room) has now been setback 1m from the rear lot boundary.

As a result of these amendments to the Development Plans, the proposed development now satisfies the 'Lot boundary setback' deemed-to-comply requirements outlined in SPP 7.3. Therefore, the proposed development now presents an acceptable level of impact to the adjoining residential property situated to the west of the subject site, with respect to the height of the rear boundary wall.

Refer **Attachment 1 – Revised Drawings**.

Technical Reports

We have instructed the Project Team to update and amend all the technical reports in accordance with the revised drawings (i.e. "flipped design"). We expect that the technical reports will be completed by no later than 19 September 2023.

Conclusion

As previously mentioned, we are not supportive of the RAR, and we request that the Metro Outer JDAP defer this Application in accordance with our proposed Alternative Recommendation (refer **Attachment 2 – Alternate Recommendation**).

Should the JDAP agree to defer this Application, we request that the deferral be worded in such a way that the City's revised RAR be due for submission to the JDAP by **22 December 2023** to enable the City's RAR to be presented to the 19 December 2023 Council Meeting. We make this request due to contractual arrangements between the landowner and the developer. The JDAP meeting would be held around early to mid-January 2024.

Should you have any queries in relation to this matter, please do not hesitate to contact the undersigned.

Yours faithfully

Sam Bowers
Town Planner
Rowe Group

Attachment 1

Revised Drawings

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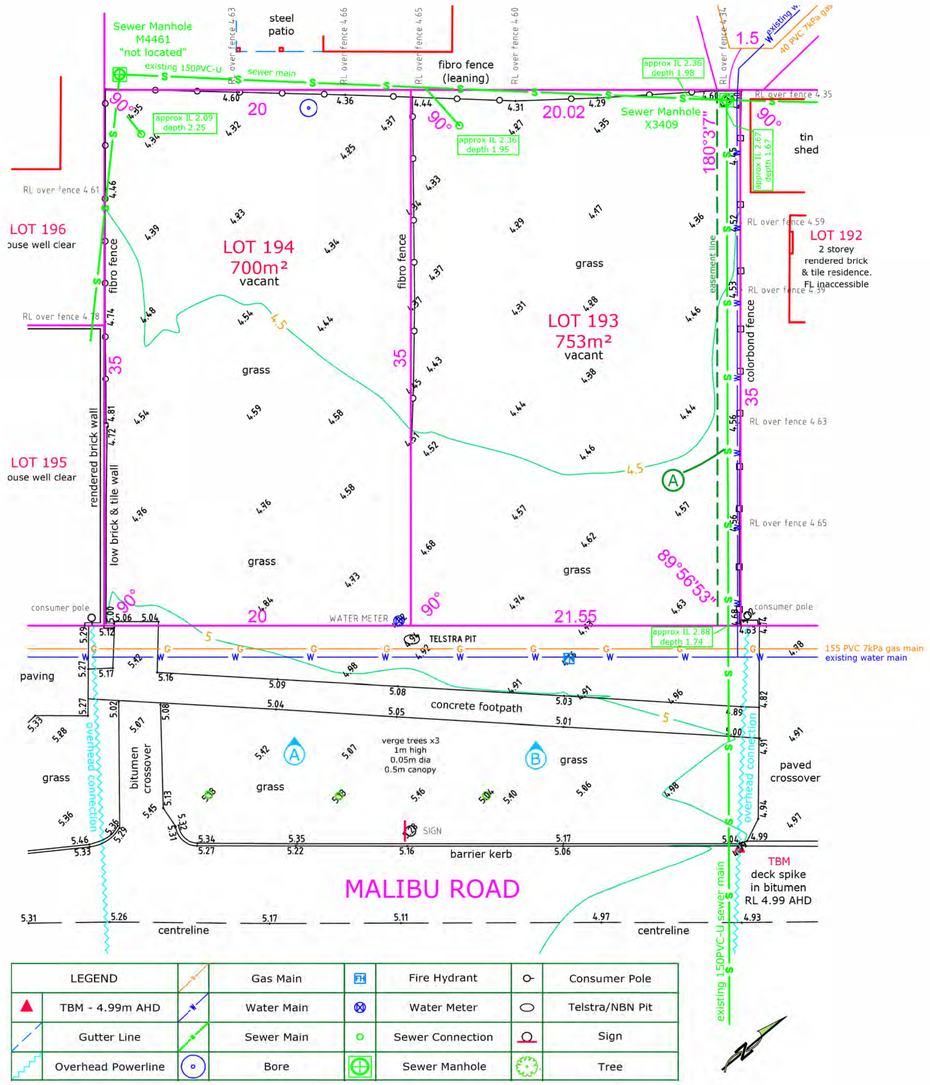


N

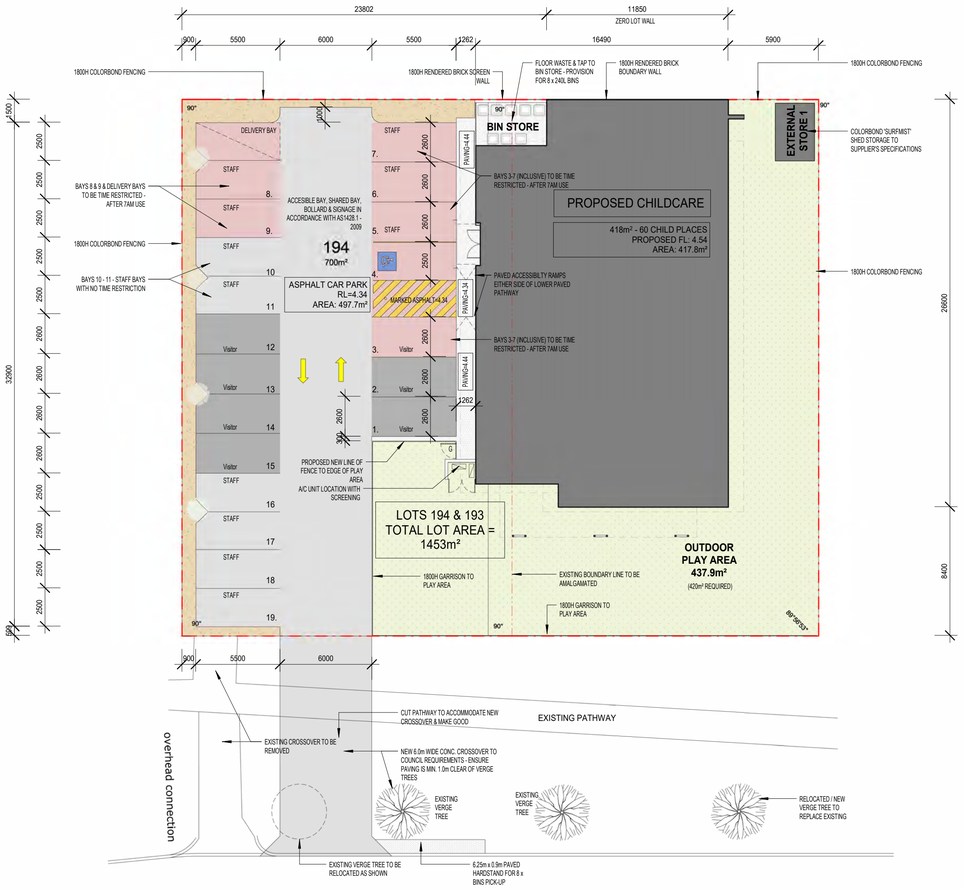
2 - LOCATION PLAN
SCALE 1 : 500

1 - EXISTING SURVEY PLAN
SCALE 1 : 200

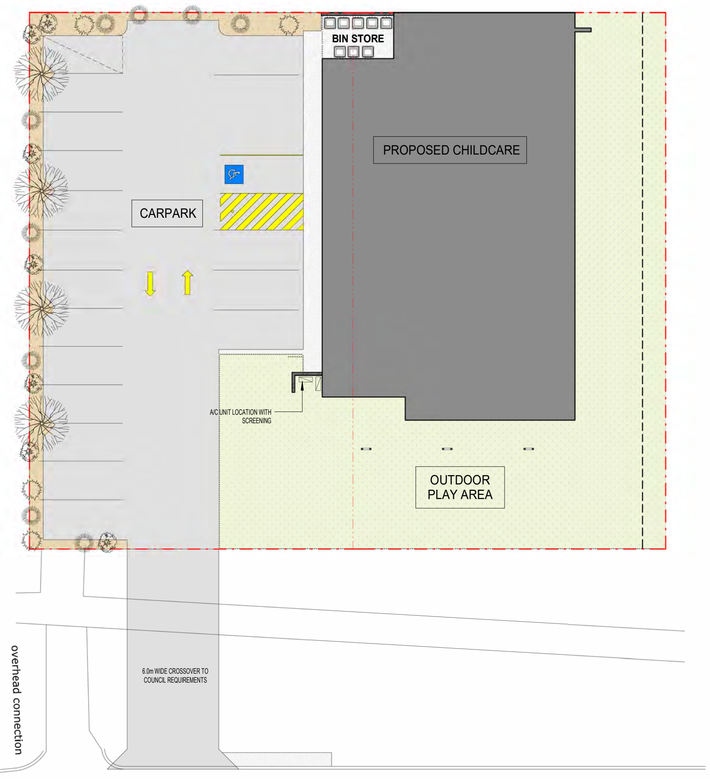
modus design pty ltd

SURVEY & LOCATION PLAN PROPOSED CHILDCARE CENTRE 4 & 6 MALIBU ROAD SAFETY BAY	DESIGN BF DRAWN BF CHECKED CG SCALE As indicated DATE MARCH 2023	A1	MODUS PROJECT D23-1660 REVISION E DWG SK000

© COPYRIGHT MODUS DESIGN PTY LTD



2 PROPOSED SITE PLAN
SCALE 1 : 200



1 LANDSCAPING PLAN
SCALE 1 : 200

LANDSCAPING LEGEND

- SELECTED CONCRETE PAVING - REFER TO SPECIFICATIONS
- LANDSCAPING AND PLAY EQUIPMENT BY SPECIALIST CONTRACTOR TO FUTURE DESIGN
- MULCHED GARDEN AREA
- CARPARKING - BITUMEN TO CIVIL ENGINEERS DESIGN
- **TREE x 1**
  TREE 1 (UP TO 12m HIGH, 6m CANOPY)
  CORYMBIA CALOPHYLLA
  WA MARRI
- **TREE x 8**
  TREE 2 (UP TO 2m HIGH, 1.5m CANOPY)
  LAMIACEAE, WESTRINGIA (NATIVE ROSEMARY)
  FRUTICOSA JERVIS GEM
- **SHRUB x 13**
  SHRUB (40cm HIGH, 40cm WIDE)
  ADENANTHOS SERICEUS
  ALBANY WOOLY BUSH
- **GROUND COVER x 7**
  LOW SHRUB (50cm HIGH, 1.5m WIDE)
  SCAEVOLA AEMULA CULTIVARS
  FAIRY FAN FLOWER

NOTE:
FINAL LAYOUT OF OUTDOOR PLAY SPACES TO BE DESIGNED IN CONJUNCTION WITH OPERATORS PREFERRED PLAY SPACE DESIGN CONSULTANT.

modus design pty ltd

PROPOSED SITE & LANDSCAPING PLAN
PROPOSED CHILDCARE CENTRE
4 & 6 MALIBU ROAD
SAFETY BAY

DESIGN	BF
DRAWN	BF
CHECKED	CG
SCALE	1 : 200
DATE	MARCH 2023

A1

MODUS PROJECT	D23-1660
REVISION	E
DWG	SK100

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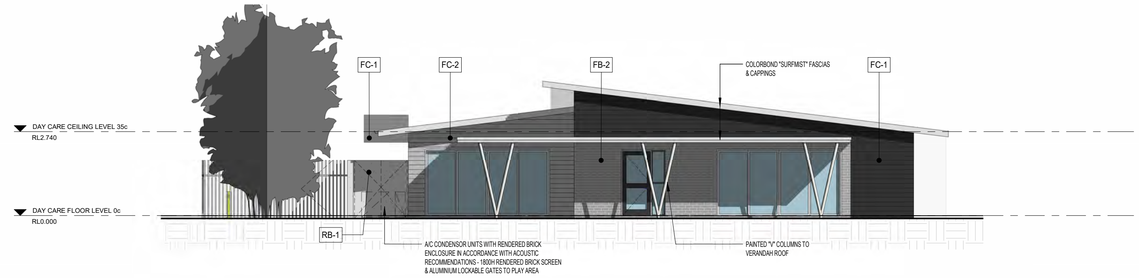
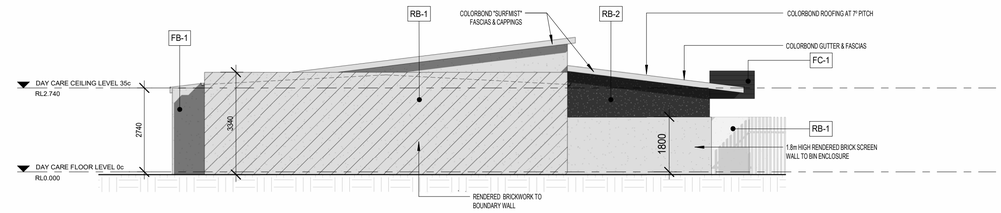
5 - FLOOR PLAN GA
SCALE 1 : 100



1 - ELEVATION SOUTH-EAST
SCALE 1 : 100

2 - ELEVATION SOUTH-WEST
SCALE 1 : 100



3 - ELEVATION NORTH-WEST
SCALE 1 : 100

4 - ELEVATION NORTH-EAST
SCALE 1 : 100

EXTERNAL FINISHES LEGEND

SAMPLE	TAG	DESCRIPTION	SAMPLE	TAG	DESCRIPTION
	FC-1	JAMES HARDIE SCYON STRIA CLADDING 325mm - "MONUMENT" COLOUR		CR-1	COLORBOND CUSTOM ORB ROOF SHEETING COLOUR: COLORBOND "SURFMIST"
	FC-2	JAMES HARDIE SCYON STRIA CLADDING 325mm - "SURFMIST" COLOUR		RB-1	RENDERED BRICK VENEER COLOUR "SURFMIST"
	FB-1	"RESTORATION RED - TUMBLED" FACE BRICKWORK - 230mm x 110mm x 76mm		RB-2	RENDERED BRICK VENEER COLOUR "MONUMENT"
	FB-2	PAINTED FACE BRICKWORK "SHALE GREY" - 230mm x 110mm x 76mm		FB-3	PAINTED FACE BRICKWORK "MONUMENT" - 230mm x 110mm x 76mm

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FLOOR PLAN & ELEVATIONS
PROPOSED CHILDCARE CENTRE
4 & 6 MALIBU ROAD
SAFETY BAY

DESIGN	BF/CG
DRAWN	BF
CHECKED	CG
SCALE	As indicated
DATE	MARCH 2023

A1

MODUS PROJECT	D23-1660
REVISION	E
DWG	SK200

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1 - 3D - CHILDCARE PERSPECTIVE
SCALE

2 - 3D - CHILDCARE PERSPECTIVE 2
SCALE

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3D VIEWS
PROPOSED CHILDCARE CENTRE
4 & 6 MALIBU ROAD
SAFETY BAY

DESIGN	BF/CG
DRAWN	BF
CHECKED	CG
SCALE	A1
DATE	MARCH 2023
MODUS PROJECT	D23-1660
REVISION	E
DWG	SK301

Attachment 2

Alternate Recommendation

ALTERNATE RECOMMENDATION FROM APPLICANT

That the Metro Outer JDAP resolves to:

DEFER Development Application reference DAP/23/02487 and the amended plans and supporting information (received on 10 July 2023) to be reconsidered by 12 January 2024 in accordance with section 5.10.1a of the DAP Standing Orders 2020, for the following reasons:

1. To allow the applicant to submit revised drawings that:
    a. Improve the interface between the proposed childcare centre (a sensitive land use) with the nearby existing service station.
    b. Resolve calculations, exceedances and proposed mitigation measures to confirm compliance can be achieved.
    c. Enhance the compatibility of the development with the adjoining sites to the north, north west and south west. Specifically, treatment options to reduce the impact of the boundary wall.

LOT 193 AND 194 (NO. 4 and 6) MALIBU ROAD, SAFETY BAY – CHILD CARE PREMISES

Form 1 – Responsible Authority Report
(Regulation 12)

DAP Name:	Metro Outer JDAP	
Local Government Area:	City of Rockingham	
Applicant:	Sam Bowers/ Rowe Group	
Owner:	M Tsai, B Xiong, Zhang & Li Property Trust, Xiong & Tsai Property Trust	
Value of Development:	$2 million ☐ Mandatory (Regulation 5) ☒ Opt In (Regulation 6)	
Responsible Authority:	City of Rockingham	
Authorising Officer:	Manager Statutory Planning	
LG Reference:	DD020.2023.00000102	
DAP File No:	DAP/23/02487	
Application Received Date:	18 May 2023	
Report Due Date:	23 August 2023	
Application Statutory Process Timeframe:	90 Days	
Attachment(s):	1. Development Plans 2. Development Application and Supporting Technical reports 3. Referral Agency Comments 4. Schedule of Submissions 5. Applicant response to Submissions	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	☒ Yes ☐ N/A	Complete Responsible Authority Recommendation section
	☐ No	Complete Responsible Authority and Officer Recommendation sections

Responsible Authority Recommendation

That the Metro Outer Joint Development Assessment Panel resolve to **REFUSE** Development Application reference DAP/23/02487 and the amended plans and supporting information received on 10 July 2023:

- SK000; Rev C - Survey and Location Plan;
- SK100; Rev C - Proposed Site Plan and Landscaping;
- SK200; Rev C - Floor Plan and Elevations ;
- SK301; Rev C - 3D Views;
- Development Application Report (16 May 2023);
- Development Application – Response to Requested Information (10 July 2023);
- Traffic Impact Statement (8 May 2023);
- Environmental Noise Assessment (Acoustic Report) (March 2023);
- Acoustic Technical Note (3 July 2023);
- Emissions Impact Assessment (EIA) (May 2023);
- Waste Management Plan (10 July 2023).

in accordance with the Metropolitan Region Scheme and Clause 68 of the amended Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of clause 68(2)(c) of the Deemed Provisions of the City of Rockingham Town Planning Scheme No.2, for the following reasons:

1. The proposed development is not compatible as a sensitive land use in the locality, in immediate proximity to an existing Service Station, where the proposal presents an unacceptable health risk to children from benzene exposure.

2. The Applicant's Environmental Acoustic Assessment has not demonstrated compliance with the Environmental Protection (Noise) Regulations 1997.

3. The proposed development does not comply with State Planning Policy 7.3 - Residential Design Codes (SPP7.3 Volume 1) and presents an unacceptable amenity impact to adjoining properties with respect to the height of the rear boundary wall.

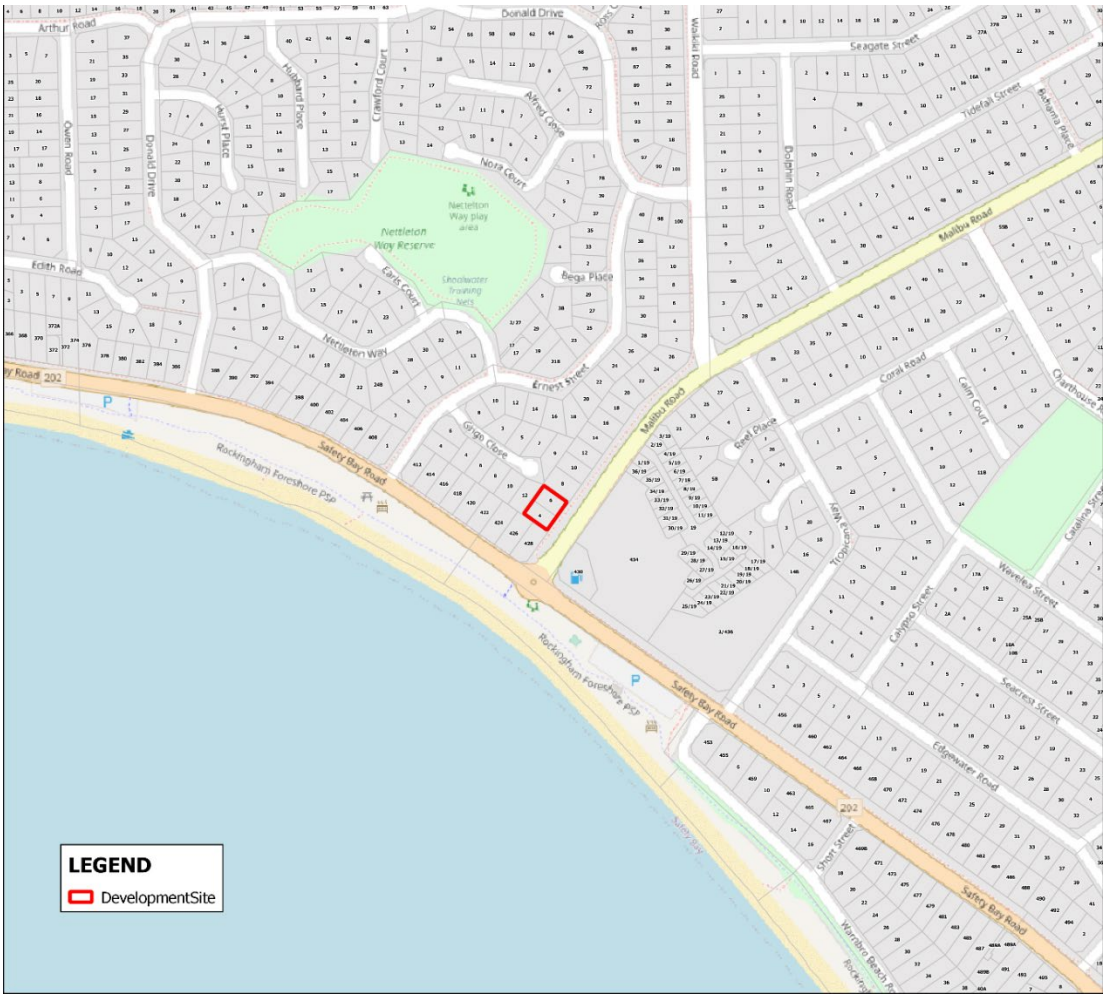
Details: outline of development application

Region Scheme	Metropolitan Regional Scheme
Region Scheme - Zone/Reserve	Urban
Local Planning Scheme	City of Rockingham Town Planning Scheme No.2
Local Planning Scheme - Zone/Reserve	Residential Zone
Structure Plan/Precinct Plan	N/A
Structure Plan/Precinct Plan - Land Use Designation	N/A
Use Class and permissibility:	Child Care Premises - A
Lot Size:	1401m2
Existing Land Use:	Vacant land
State Heritage Register	No
Local Heritage	☒ N/A ☐ Heritage List ☐ Heritage Area
Design Review	☒ N/A ☐ Local Design Review Panel ☐ State Design Review Panel ☐ Other
Bushfire Prone Area	No
Swan River Trust Area	No

Proposal:

Site and Context

The subject site is located within the established residential area in Safety Bay and is currently vacant. An existing BP Service Station operates to the south east of the site, on the opposite side of Malibu Road at the intersection with Safety Bay Road. Opposite the site, to the east, is undeveloped land that previously contained the Waikiki Hotel.
Refer to the images below depicting the site location and aerial view of the site.



Location Plan

Aerial View

Development Proposal

The application seeks Development Approval for a single storey, 60 place CCP with 11 staff, inclusive of the following:

- Foyer and Reception area;
- 3 x Group Rooms catering for age groups 0-5 years as follows:
  - Group Room 1: 0-24 months (9 spaces);
  - Group Room 2 -5: 24-36 months (12 spaces); and
  - Group Room 3: 36 months and over (39 spaces).
- Outdoor Play Area orientated toward Malibu Road frontage; and
- External bin store to the north-west of the building.

A total of 19 on-site car parking bays to the east of the CCP building are proposed. Vehicle access and egress is proposed via a new crossover located on the northern portion of the site from Malibu road. The existing crossover to be removed.

Pedestrian access to the site will be via the existing pedestrian paths, along Malibu Road. Waste collection will occur on street from Malibu Road.

The proposed hours of operation are 6:30am to 6:30pm on weekdays. No weekend operation is proposed.

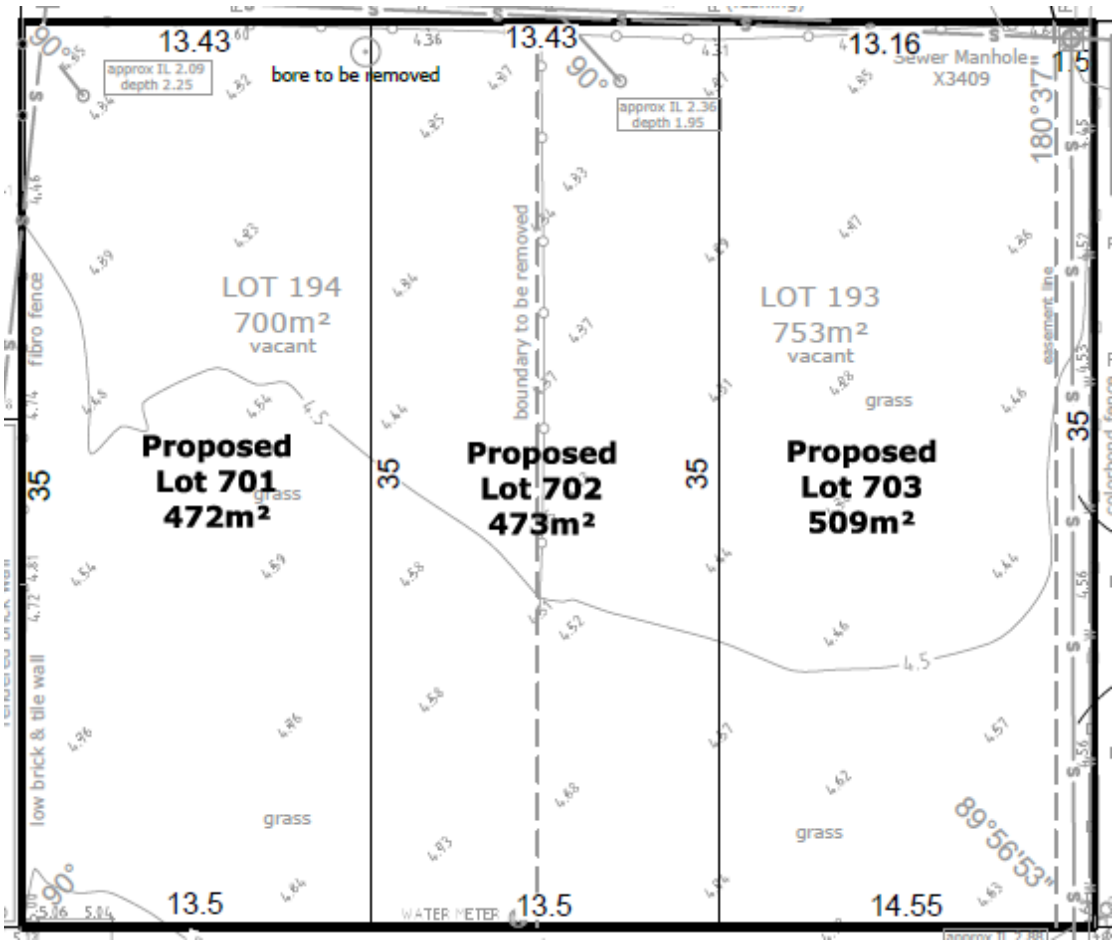
The following reports and supporting material accompany the application:

- Development Application Report;
- Development Plans including Landscape Plan ;
- Emissions Impact Assessment (EIA) and technical note;
- Transport Impact Statement (TIS);
- Environmental Acoustic Assessment (EAA); and
- Waste Management Plan.

Proposed Land Use	Child Care Premises
Proposed Net Lettable Area	Insert Net Lettable Area or N/A
Proposed No. Storeys	1
Proposed No. Dwellings	N/A

Background:

On 10 March 2022, the Western Australian Planning Commission (WAPC) issued a Subdivision Approval for the creation of three (3) lots on the subject site, as shown in Figure 3. The Subdivision Approval has not been acted upon.



Pre-Lodgement Engagement with Applicant:

The proposal was subject to pre-lodgement discussions with the Applicant, during which time a number of design and operational considerations were raised by the City, to be addressed in the Development Application.

Key issues of relevance to the assessment of the proposal was the City's concern about the proximity of the proposal to the adjacent Service Station and the potential impact of emissions on occupants of the proposed CCP. The applicant was advised during pre-lodgement processes that detailed emissions reporting and air quality modelling would be required of the existing Service Station in accordance with the requirements of the prevailing State Government framework (discussed further below).

Legislation and Policy:

Legislation

Planning and Development Act 2005
City of Rockingham Town Planning Scheme No. 2 (TPS2)

State Government Policies

State Planning Policy 2.6 – State Coastal Planning
State Planning Policy 4.1 – Industrial Interface (SPP4.1)
State Planning Policy 7.0 – Design of the Built Environment (SPP7.0)
State Planning Policy 7.3 – Residential Design Codes (SPP7.3)

Draft Position Statements

Child Care Premises – November 2022

Structure Plans/Activity Centre Plans

Not Applicable

Local Policies

Planning Policy 3.3.5 - Child Care Premises (PP3.3.5)
Planning Policy 3.3.14 – Bicycle Parking and End of Trip Facilities (PP3.3.14)

Consultation:

Public Consultation

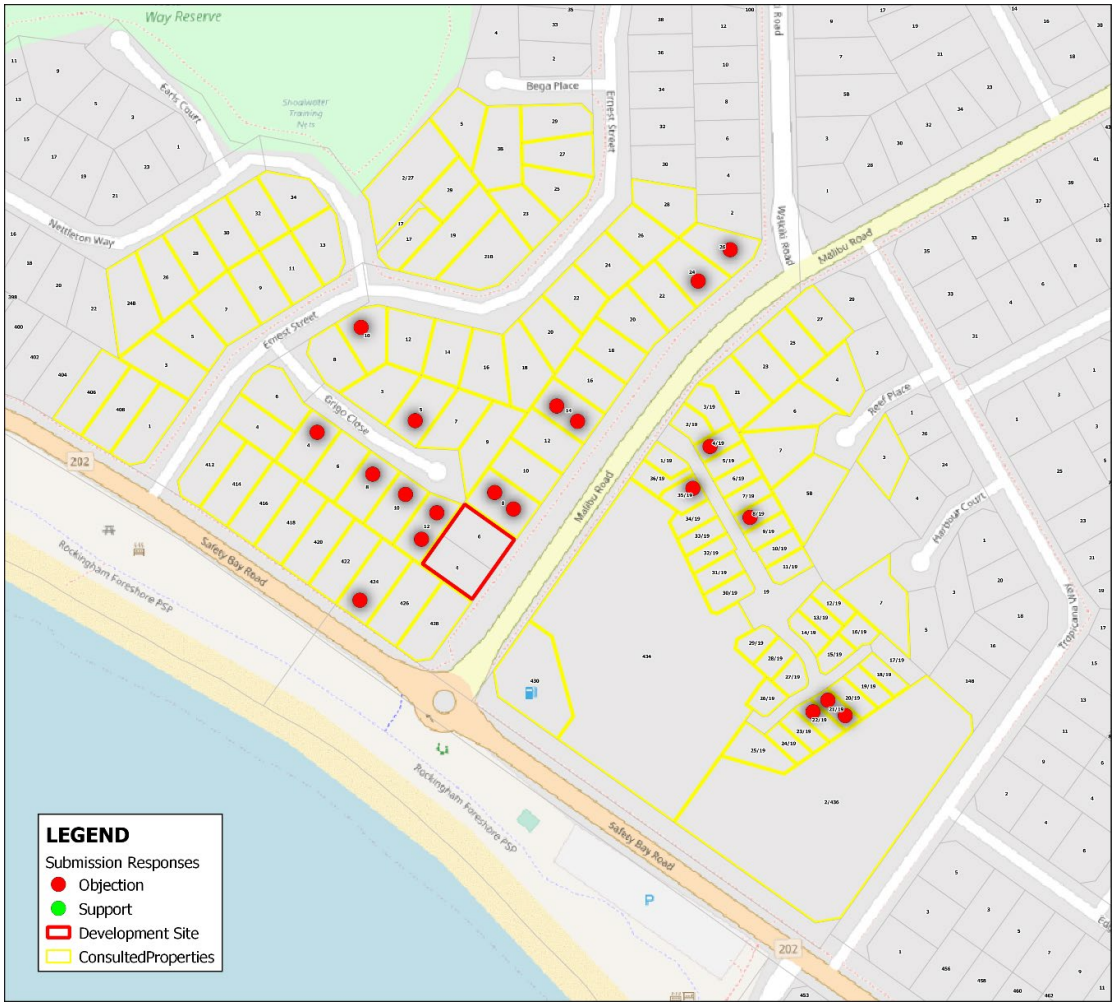
The application was advertised for public comment, for a period of 28 days between 14 June 2023 and 13 July 2023, in the following manner:

- Correspondence was sent to owners and occupiers within 200m of the subject site;
- The application was made available for public inspection at the City's Administration Offices and published on the City's website; and
- A sign was displayed on the property at the street frontage, advertising the proposal.

A total of 32 submissions were received at the conclusion of the advertising period comprising the following:

- 30 submissions objecting to the proposal with 22 received from owners and occupiers within the 200m consultation area;
- Two submissions supporting the proposal, received from outside of the 200m consultation area.

The figure below shows the distribution of responses within the 200m consultation area.



Consultation Plan

The following table is a summary of the main comments raised from the submissions received:

Traffic Impacts
Concern was raised with the impact of increased traffic on the function of the roundabout at the intersection of Malibu Road and Safety Bay Road. Concern raised for the aggregate increase in traffic movements on Malibu Road. Suggested that access be restricted with a slip lane or left turn only exit onto Malibu Road.
<u>Proponent's Response:</u> *"The conclusions outlined in the TIS clearly state that the proposed child care premises complies with all the relevant traffic and parking requirements. Therefore, the proposed CCP will not be adversely impacted by (or adversely impact) the existing local road network.* *With regards to traffic generation, the proposed CCP is estimated to generate 47 vehicle movements during the peak hour. A slip lane/left turn is not necessary as the proposed CCP is small".*

City's Comment: The City accepts the TIS which confirms that the proposed CCP will not have an adverse impact on traffic and can be accommodated within the existing capacity of the road network.
Car Parking
Concern was raised that the proposed number of car parking spaces on-site will not be adequate to cater for the use. The query was raised whether buses would be accessing the CCP.
Proponent's Response: *"The conclusions outlined in the TIS clearly state that the proposed child care premises complies with all the relevant traffic and parking requirements.* *No buses are proposed to access the site".*
City's Comment: The proposal complies with the required car parking applicable under the City's Town Planning Scheme No.2 (TPS2).
Emissions from Service Station
Concern was raised with the health impact of emissions from the Service Station located across the road and within the prescribed buffer distance. It was also noted that the EIA has not included the 'hi-flow' diesel bowser that is in closest proximity to the proposed child care location.
Proponent's Response: *"The conclusions outlined in the EIA clearly state that the pollutant emissions predicted at the proposed CCP are less than the exposure limits in ambient air. Therefore, the risk of exposure at this sensitive receptor location is low.* *The diesel bowser is only slightly within the 50m separation distance. Impact is negligible as the children will spend barely any time in this portion of the outdoor play area".*
City's Comment: The City does not accept the EIA submitted in support of the proposal. Further detailed discussion is contained within this Report.
Noise
Concern was raised regarding noise impacts to surrounding residential uses. particularly: • Children playing and screaming; • Car door noise; and • Arrival of staff and clients prior to opening times.

Proponent's Response: *"The business hours of the proposed CCP are from 6:30am – 6:30pm, and only a handful of staff are expected to arrive earlier for opening purposes (staff arrive in blocks and not all staff are there from opening).* *The conclusions outlined in the EAA clearly state that the proposed child care premises complies with all the relevant noise requirements. Therefore, the noise generated by the proposed CCP will not adversely impact the existing neighbouring properties".*
City's Comment: The City considers that the EAA and the responses to the queries raised are inconclusive and it cannot be determined that compliance with the EPNR can be achieved. Further discussion in this regard is contained within the Report.
Waste Odour
Concern was raised with odour from waste, particularly from nappies. Suggested that the waste store be relocated further away from residential areas.
Proponent's Response: *"The WMP will ensure that the waste generated by the proposed CCP will not adversely impact any neighbouring properties. Furthermore, the WMP will ensure that all the waste generated will not pose any health risks onto the staff or children at the proposed child care premises".*
City's Comment: The WMP adequately addresses waste management for the proposed CCP.
Property Values
Concern that the proposal, introducing a commercial use into a residential area, will negatively affect property prices
Proponent's Response: *"There is no evidence that the proposed child care premises will devalue the existing residential area".*
City's Comment: Property values are not a relevant planning consideration.
Location Suitability
The proposed development is entirely within an area zoned residential, and is not consistent with, and does not improve the amenity of the area. It is claimed to have the potential to severely impact the habitability of nearby homes. Suggestions that the proposal should be located elsewhere, in commercial area, possibly at the Waikiki Hotel site, and further from the service station.
Proponent's Response: *"The proposed CCP is a discretionary use within the 'Residential' Zone.*

Regarding location, the proposed child care premises is consistent with the provisions outlined in the Department of Planning, Lands and Heritage's Draft Position Statement: 'Child Care Premises'. *Regarding the property across the road, this Development Application does not include Lot 100 (Waikiki Hotel Site). We understand through our discussions with the City that there may be a new Development Application lodged for Lot 100. However, our understanding is that the previously approved development will not be commenced".*
City's Comment: A CCP is an 'A' land use within the 'Residential' Zone under TPS2, meaning that the land use is not permitted unless the local government has exercised its discretion by granting Development Approval after advertising the proposal. Whist the local planning framework allows for the proposal to be considered, the proposal must demonstrate compliance with the relevant TPS2 and Policy provisions.

Referrals/consultation with Government/Service Agencies

The following Agencies were consulted on the application:

- Department of Health (DoH);
- Department of Water and Environmental Regulation (DWER); and
- Department of Mines Industry Regulation and Safety (DMIRS).

Comments received from these Agencies are summarised as follows:

1. Department of Health (DoH)
Public Health Impacts *"The DoH cannot comment on the rigour of the emissions modelling in the 'Emissions Impact Assessment of BP Service Station Adjacent to Proposed Child Care Centre' that was provided in the referral submission. We have previously received advice from the DWER that due to model input uncertainties, the use of dispersion modelling to make precise judgements on separation distances is not possible. Therefore, we recommend the application of the separation distances as outlined in the Environment Protection Authority (EPA) 'Guidance Statement 3 Separation Distances between Industrial and Sensitive Land Uses (GS 3)', 2005.* *In the EPA document, separation distances relate to the distance between the boundary of the source (industry) and boundary of the sensitive land-use. The modelling has used the distance from the nearest bowser to the Child Care Premises (CCP). The DoH can accept the bowser as the starting point, although that will mean the service station will need approval to move those bowsers in the future, but requires that the distance is up to the boundary of the CCP (i.e., not just the building)".* Food Act Requirements *"All food related areas (kitchen, preparation areas, etc.) are to comply with the provisions of the Food Act 2008 and related code, regulations and guidelines".*

Proponent's Response Summarised: Public Health Impacts The applicant is of the view that the Emissions Impact Assessment Report provided with the Development Application is of sufficient detail to warrant approval.
Food Act Requirements The applicant requests an appropriately worded Advice Note be included in an approval to address this.
City's Comment: Public Health Impacts The City concurs with DoH advice that the separation distances, as outlined in the Environment Protection Authority (EPA) 'Guidance Statement 3 Separation Distances between Industrial and Sensitive Land Uses (2005) is not achieved. The City does not accept the Applicant's argument. Further detailed discussion is contained within this Report. Food Act Requirements The City agrees that an advice note can be included should an approval be recommended.
2. Department of Water and Environmental Regulation (DWER)
Stormwater Management *"DWER recommends the proposed Child Care Centre car park stormwater drainage system be designed, constructed and managed in accordance with the Stormwater Management Manual for Western Australia (DWER, 2004). Stormwater runoff should be fully contained onsite for small and minor storm events (1 and 0.2 Exceedance per Year runoff) and the first 15 mm of stormwater runoff (1 Exceedance per Year runoff) from carpark and hardstand areas should undergo water quality treatment via biofiltration".* Industry Buffers *"The Environmental Protection Authority's (EPA) Guidance for the Assessment of Environmental Factors, Separation Distances between Industrial and Sensitive Land Uses (EPA, June 2005) (GS3) provides advice on the use of generic separation distances (buffers) between industrial and sensitive land uses. The intent is to avoid conflicts between incompatible land uses and assist in the determination of suitable distances between industry and sensitive land uses where industry may have the potential to affect the amenity of a sensitive land use. CCP's are considered a sensitive land use within the document.* *The existing BP Service Station at the corner of Malibu Road and Safety Bay Road advertises its operating hours as Monday to Sunday 6am to 10pm. The GS3 notes 3 operating hours for Service Station premises, Monday - Saturday from 0700-1900 hours, 24-hour operations and Freeway 24-hour operations. The existing BP Service Station appears not to correspond to these operations but best fits the description 'operating Monday to Saturday 7am to 7pm'. In this case the GS3 recommends a buffer distance between the existing BP Service Station and the proposed childcare centre of 50 metres. The City of Rockingham should ensure that this recommended buffer distance is achieved".*

Proponent's Response Summarised: Stormwater Management The applicant requests that an appropriately worded condition which requires a stormwater management plan be imposed. Industry Buffers The applicant is of the view that the Emissions Impact Assessment Report provided with the Development Application is of sufficient detail to warrant approval.
City's Comment: Stormwater Management The City agrees that the Stormwater Management Plan can be resolved through the inclusion of a suitably worded condition should an approval be recommended. Industry Buffers The City does not accept the EIA submitted in support of the proposal. The City concurs with advice from DWER and does not accept the CCP located within the 50m buffer distance. Further detailed discussion is contained within this Report.
3. Department Mines Industry Regulation and Safety (DMIRS)
"DMIRS has no concerns to which this proposal pertains to. *Due to the CCP being classified as sensitive use as per Australian Standard (AS) 1596 - The storage and handling of LP Gas and a sensitive facility as per AS 1940 – The storage and handling of flammable and combustible liquids, the owner of the service station is required to ensure that if bulk LPG is stored on site, that there is adequate separation between the tank and the CCP. Additionally, the owner of the Service Station is required to ensure that measures are in place to prevent and contain any large spills of fuel during a road tanker unloading operation that would impact the CCP".*
Proponent's Response: Noted.
City's Comment: Noted.

Design Review Panel Advice

Not Applicable

Swan Valley Planning

Not Applicable

Planning Assessment:

State Government Policies

State Planning Policy 4.1 - Industrial Interface (SPP4.1)

SPP4.1 seeks to prevent conflict and encroachment between industrial development and sensitive land uses. SPP4.1 guides development and interface outcomes for particular buffer and separation requirements for development, and how potential risks can be mitigated.

The Service Station adjacent to the subject site is considered an industrial land use, and is subject *to EPA Guidance Statement No.3: 'Separation Distances between Industrial and Sensitive Land Uses'* (GS3) (addressed below).

An EIA has been submitted to address the impact of the Service Station on the CCP, being a 'sensitive land use'. Discussion is provided below in relation to the adequacy of the EIA, the proposal's compliance with SPP4.1/ GS3, along with relevant comments received during the referral process.

State Planning Policy 7.0 - Design of the Built Environment (SPP7.0)

SPP7.0 is the leading SPP to guide design outcomes in the planning system through an overarching framework that addresses design quality and built form outcomes. SPP7.0 includes 10 principles of good design and outlines the design review process. The proposal presents a built form and aesthetic compatible and consistent with the residential context and character. Safe and legible access has been considered to provide a community service. The proposal is therefore considered to be consistent with the intent of SPP7.0.

State Planning Policy 7.3 - Residential Design Codes (SPP7.3 Volume 1)

The purpose of SPP7.3 is to provide a comprehensive basis for the control of residential development. The objectives of SPP7.3 seek to provide for residential development of an appropriate design, context of place in concert with TPS objectives.

Whilst the proposed development is not for residential purposes, the site, however, is located adjacent to and within a 'Residential' zoned area. Assessment against the SPP7.3 is considered appropriate to ensure the development has regard to the presiding local context to achieve a harmonious design outcome. This is also in keeping with PP3.3.5, where the appearance of a CCP must be consistent with the scale and character of the locality, lending itself to domestic (residential) architecture.

Under clause 5.1.3 of SPP7.3, boundary walls may be built in areas coded R20, where they are not higher than 3.5m and up to a maximum length of the greater of 9m or one-third the length of the balance of the site boundary behind the front setback, up to two site boundaries.

The proposed CCP includes a solid wall on the rear boundary for a length of 11.85m, varying in height from 1.8m to 4.5m. The masonry wall extending the 11.85m to a height 1.8m is a recommended noise attenuation measure. Whilst the total length of wall on the combined lot boundary (11.85m) complies with the one-third of the boundary provisions, a portion of the wall and rear building façade is proposed at a height of 4.5m, for a length of 8.3m, exceeding the 3.5m height limit. It is considered that the resulting adverse impact on the amenity, through overshadowing and building bulk on the adjoining property, is not acceptable and does not meet the design principle of SPP7.3.

Clause 5.24 of SPP7.3 requires that front fencing within the primary street setback to be visually permeable above a height of 1.2m. A 2.1m high fence to the side boundary (south west) extending from the street frontage for a length of 8.4m is recommended as a noise attenuation measure. Whilst this exceeds the limits expressed, as this is required for the purposes of noise screening, it meets the intent of the design principle.

The proposed development is therefore not considered to be consistent in scale and appearance with the surrounding residential development and the requirements of SPP7.3.

Draft Position Statement: Child Care Premises

In November 2022, the WAPC released a 'Draft Position Statement on CCP's' to provide location and design guidance to decision makers, proponents and the community for a consistent policy approach to planning CCP within Western Australia.

In relation to Service Stations, the Position Statement provides as follows:

> *"The decision-maker should consult and obtain advice from the DoH regarding any external emission sources likely to have an adverse and unacceptable impact on the child care premises. For example, gaseous emissions from Service Stations and high volumes of passing traffic may be unacceptable in terms of noise and emissions."*

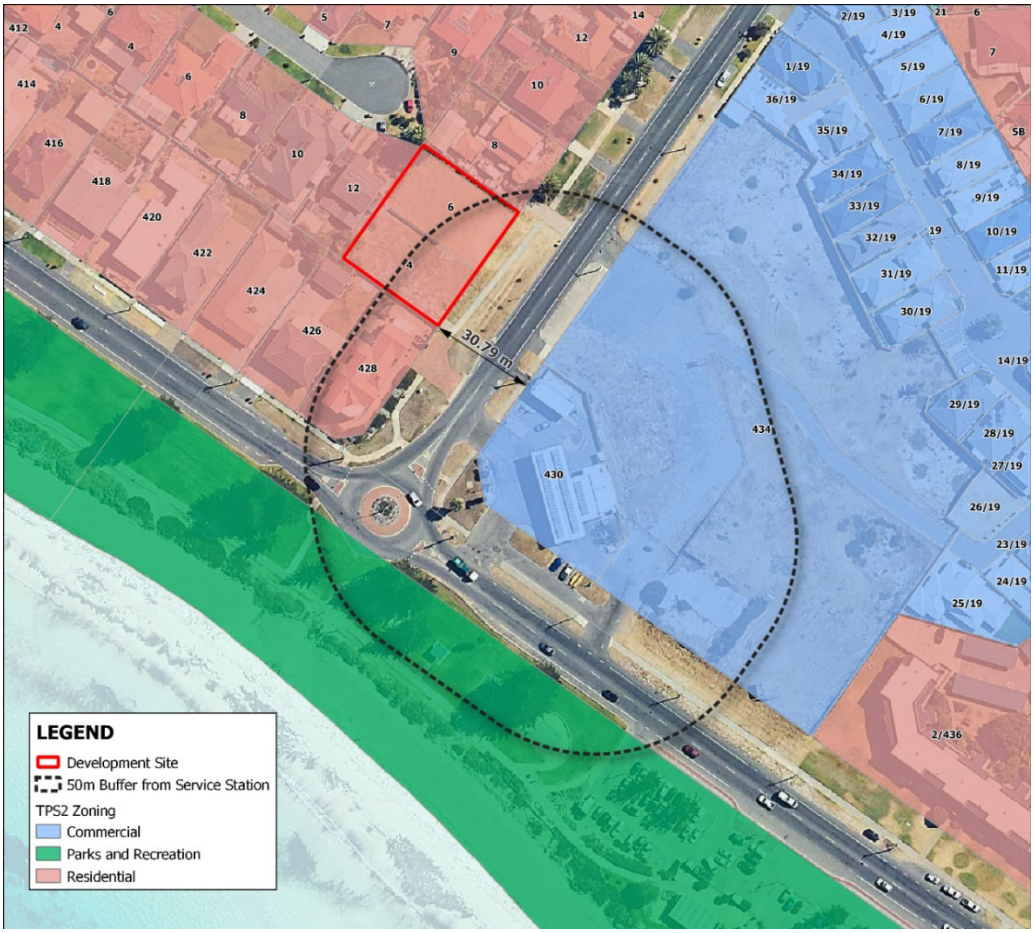
As previously noted, the proposed development is located opposite an existing Service Station. DoH and DWER comments are detailed above, and discussion on emissions and potential health risk is addressed below.

Environmental Protection Authority (EPA) Guidance Statement No.3 (GS3)

GS3 provides advice on the use of generic separation distances between industrial and sensitive land uses to avoid conflicts (gaseous, noise and odour) between incompatible land uses. GS3 applies to the subject application as the Service Station adjacent the subject site is an 'industrial land use' and the proposed use, CCP, is a 'sensitive land use'.

As mentioned in the submission from DWER, the existing Service Station best fits the description 'operating Monday to Saturday 7am to 7pm'. In this case, the GS3 recommends a buffer distance between the existing Service Station site boundary and the proposed CCP site boundary of 50 metres. Where proposals vary from this separation distance, site specific technical analysis is required to justify a lesser buffer.

A map showing the 50m separation distance for the subject site is provided below. The proposal is within the defined 50m separation distance, at approximately 30m.



EPA Guidance Statement No.3 - Separation Distance

Concerns have been raised by the DoH, DWER, the City's Health Services and submitters about the proximity of the proposed Service Station to the CCP. The concern is primarily in relation to the health impacts on young children from benzene gas emissions. Benzene is a known human carcinogen which is emitted during bulk fuel deliveries by fuel tankers filling underground tanks, vehicles filling tanks at bowsers, fuel spills and opening fuel caps on vehicles.

An EIA has been lodged with the application to demonstrate compliance of modelled emissions against industry standard modelling methods. The City has advocated the view that there is significant uncertainty in the accuracy of such studies and, as the Service Station is existing, detailed air quality monitoring and reporting would provide site specific information on emissions at the proposed CCP. The air quality monitoring required should be trans-seasonal (over the course of the year), so all weather conditions and patterns can be measured to ensure a robust report, which can be assessed against the National Environment Protection (Air Toxics) Measure (NEPM).

As such, the emissions modelling report provided is not considered acceptable. As mentioned above, Clause 4.4.1 of GS3 recommends that where the separation distance is less than the generic distance, a scientific study based on site and industry specific information must be presented to demonstrate that a lesser distance will not result in unacceptable impacts. There is a lack of guidance at State level to determine the nature of scientific study required to demonstrate impact, or to specify a monitoring programme over modelling results.

The City's Health Services has advised that the DWER Air Quality Unit and the DoH do not support air modelling emissions reports as a means of justifying a lesser buffer distance to sensitive land uses, given there can be significant uncertainty in the accuracy of these studies, and recommend applying the standard separation distances outlined in GS3.

The City does not recommend support of the reduced seperation distance (buffer) to the proposed CCP for the following reasons:

- The air modelling emissions reports, as a means of justifying a lesser buffer distance to sensitive land uses cannot be relied upon.
- The Council has taken a consistent approach to applying GS3 separation distances between Service Stations and sensitive uses.
- Given the concerns about the unreliability of modelling results, the precautionary principle, which urges caution in decision making where scientific evidence about a health hazard is uncertain and the stakes are high, is recommended.
- The City maintains its position that GS3 separation distances be applied, requiring 50m separation between Service Stations and CCP.

Local Government Policies

Planning Policy No.3.3.5 - Child Care Premises (PP3.3.5)

The objectives of PP3.3.5 seek to promote the orderly and proper development of land by making suitable provisions relating to the location and design of CCP are consistent with the scale and character of the immediate area, whilst ensuring that appropriate facilities are provided to accommodate the needs of the children and their carers within a safe environment.

The proposed development has been assessed against the requirements of PP3.3.5. Where the variation to the policy requirements is required, these are noted in the table below:

Requirement	Proposal	Officer Assessment
Location		
CCP are to be appropriately located to meet the needs of children and their families. It is also important in limiting the impact a CCP may have on surrounding activities and vice versa. This may be achieved by locating Child Care Premises on sites that are: (c) Located in areas where adjoining uses are compatible with a CCP (includes considering all permissible uses under the zoning of adjoining properties).	The subject site is located within an established residential area, and adjacent to an existing service station. To address the Service Station activities impact on the CCP, being a sensitive land use, the applicant has provided an EIA. An Environmental Acoustic Assessment (EAA) has been provided to address noise impacts on surrounding and adjacent residential locations.	Emissions The submitted EIA is an emissions modelling report, using standard modelling methodology. The City considers there is significant uncertainty in the accuracy of the reporting based on this methodology. The emissions modelling report provided is therefore not acceptable. A more detailed and robust site specific emissions monitoring report, taken

CCP generally would not be suitable where: • The current use or any permissible use under the zoning of the adjoining premises produces unacceptable levels of noise, fumes, or emissions or poses a potential hazard by reason of activities or materials stored on-site.		over a 12 month trans-seasonal period, was requested to validate modelling results. It cannot be determined that the service station impacts are suitable or acceptable. The GS3 separation distance of 50m must be applied, of which the site cannot achieve. For these reasons, the location of the proposal is not supported. <u>Noise</u> The submitted EAA has indicated that the proposed CCP is likely to comply with the *Environmental Protection (Noise) Regulations 1997* (EPNR). A number of questions have been raised with the Applicant regarding calculations, exceedances and proposed mitigations in the reporting to confirm that compliance can be achieved, specifically in relation to children playing outdoors, car door slamming during defined night periods (prior to 7am) and mechanical plant operation. Based on the information provided, when consolidating the acoustic assessment against the responses to the questions raised, the City deems the report inconclusive and cannot determine that compliance with the EPNR can be achieved. As such, the location is not suitable

Requirement	Proposal	Officer Assessment
Noise		
A Noise Impact Assessment may be required for the development of a CCP. The objectives should be to limit the noise impact of the CCP on adjacent properties, and also limit any noise impact from extern sources on the CCP. This may be achieved either by physical separation, design and layout of the premises or by implementing noise-mitigation measures, such as acoustic treatments to buildings. (a) Where a CCP is located adjacent to a noise sensitive use, such as houses, retirement village and nursing homes, the noise-generation activities of the CCP, such as the outdoor play areas, parking areas and any plant equipment, are to be located away from the noise sensitive use; (b) Where, due to design limitations or safety considerations, noise-generating activities such as outdoor play areas are located close to noise-sensitive uses, appropriate noise mitigation is to be undertaken; and (c) The design and construction of buildings may include noise-mitigation measures to reduce impact from external sources and to achieve accepted indoor noise limits.	The proposed operational hours for the CCP are 6.30am to 6.30pm. An Environmental Acoustic Assessment (EAA) has been provided to address noise impacts on surrounding and adjacent noise sensitive uses (residential).	The submitted EAA has indicated that the proposed CCP is likely to comply with the *Environmental Protection (Noise) Regulations 1997* (EPNR). A number of questions have been raised with the Applicant regarding noise modelling calculations, exceedances and proposed mitigations in the reporting to confirm that compliance can be achieved, specifically in relation to children playing outdoors, car door slamming during defined night periods (prior to 7am) and mechanical plant operation. The proposed operational hours are consistent with the hours permitted within this policy. The operational hours, however, have not clearly outlined if staff will access the site prior to 6.30am to prepare for daily operations and clientele arrivals from 6.30am. Based on the information provided, when consolidating the acoustic assessment against the responses to the queries raised, the City considers the report inconclusive and cannot determine that compliance with the EPNR can be achieved.

Planning Policy 3.3.14 - Bicycle Parking and End of Trip Facilities (PP3.3.14)

PP3.3.14 facilitates the appropriate provision of secure, well designed and effective on-site bicycle parking and end-of-trip facilities to encourage the use of bicycles as a means of transport and access to and within the City.

Whilst a public bus service route runs along Malibu Road with a bus stop within 120m of the site, the use of sustainable transport and the need to provide supportive environments including bicycle parking and end-of-trip facilities in new developments should be encouraged, premised by the PP3.3.14.

The development does not include the provision of any bicycle parking facilities, on the applicant's justification that the size of the centre does not require provisions of such facilities.

The City does not support the applicant's justification. Provision of long-term bicycle parking spaces at a rate of 0.3 per student and staff, consistent with the rate applicable "*all other uses*" should be applied. End-of-Trip facilities will also be required consistent with PP3.3.14.

Town Planning Scheme No.2 (TPS2)

Clause 3.2 - Zoning Table

The subject site is zoned 'Residential' in TPS2. The proposed development is consistent with the land use of 'Child Care Premises' (CCP) meaning:

(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 Care Services Act 2007 section 4 is provided.*

A CCP is an 'A' land use within the 'Residential' zone under TPS2, meaning that the land use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with Clause 64 of the deemed provisions.

Clause 4.1.1 - Residential Zone Objective

The objective of the Residential zone states:

> *" to promote a high quality residential environment by maintaining and enhancing the quality of existing residential areas and providing for a range of residential densities and housing types throughout the Scheme Area."*

The locality is an established residential area, and predominantly comprises single detached dwellings.

4.15.1.3 - Car parking

Pursuant to Clause 4.15.1.3, car parking for a CCP is to be provided in accordance with Table 2 of TPS2. The following table shows the calculation for the proposal:

Land Use	**TPS2 Requirement**	**Proposed Staff and Children**	**Bays Required**
Child Care Premises	1 bay per 8 children	61 children	8 (7.5)
	1 per staff	11 staff	11
Total Required	19		
Total Bays Provided on-site	19		

The proposal complies with the car parking requirements.

Conclusion:

The proximity of the proposed CCP to the existing Service Station is of concern from a public health perspective. The City considers that the potential health impacts from fuel vapour, especially benzene, creates unacceptable risk to children. Any risk, even a low risk, is considered to be unacceptable.

Air quality modelling has a number of areas of uncertainty, and consistent with its position on other Service Stations in proximity to CCP, and in the absence of modelling outcomes, the City considers a precautionary approach should be applied to avoid the risk of benzene exposure to children.

The noise impact of the proposed CCP on nearby and adjacent noise sensitive uses (residential) is inconclusive and cannot demonstrate compliance with the *Environmental Protection (Noise) Regulations 1997.*

The design of the proposal has not demonstrated that the built to boundary wall, specifically with respect to the height exceedance above 3.5m, will not have an adverse amenity impact on the adjoining property, pursuant to the SPP7.3.

The proposed development is therefore considered to be incompatible as a sensitive development in this locality and is not supported.

It is therefore recommended that the Council adopt the Responsible Authority Report for the proposed CCP which recommends that the MOJDAP refuse the application.

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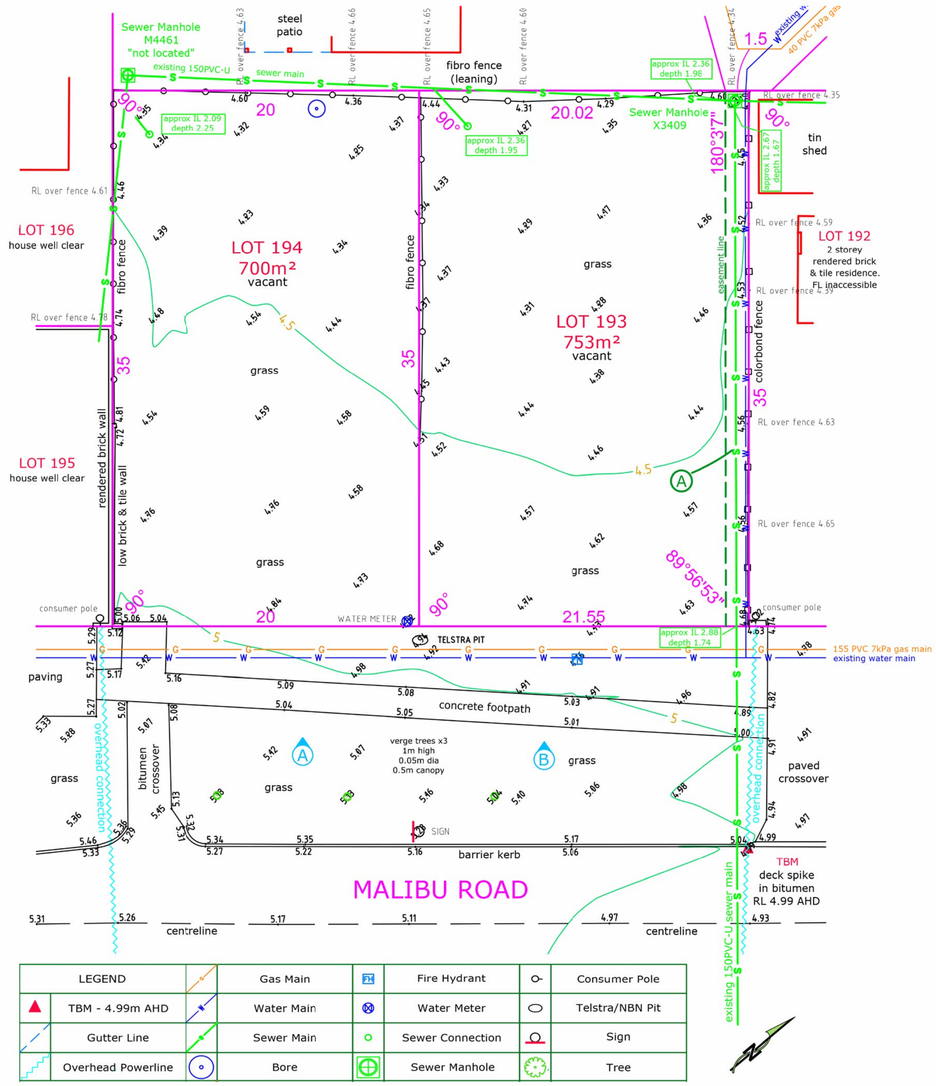

LEGEND					
TBM - 4.99m AHD	Gas Main	Fire Hydrant	Consumer Pole
	Water Main	Water Meter	Telstra/NBN Pit
Gutter Line	Sewer Main	Sewer Connection	Sign
Overhead Powerline	Bore	Sewer Manhole	Tree

N

2 - LOCATION PLAN
SCALE 1 : 500

1 - EXISTING SURVEY PLAN
SCALE 1 : 200

modus design pty ltd

SURVEY & LOCATION PLAN
PROPOSED CHILDCARE CENTRE
4 & 6 MALIBU ROAD
SAFETY BAY

DESIGN	BF
DRAWN	BF
CHECKED	CG
SCALE	As indicated
DATE	MARCH 2023

A1

MODUS PROJECT	D23-1660
REVISION	C
DWG	SK000

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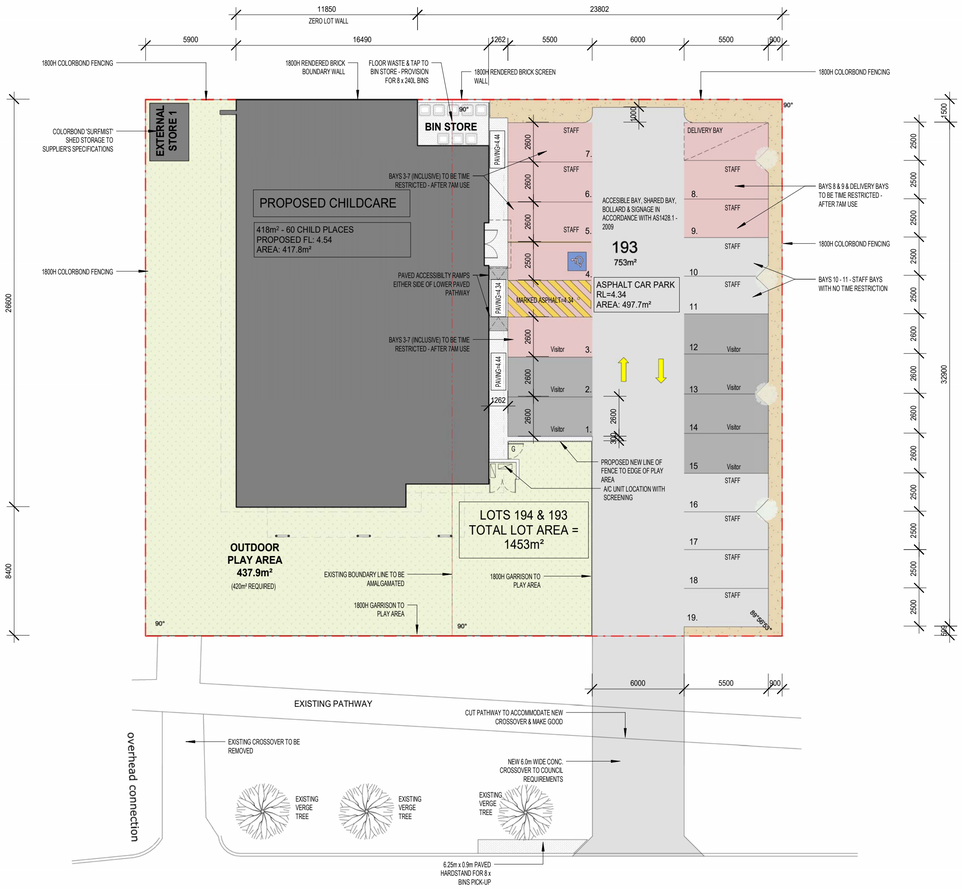
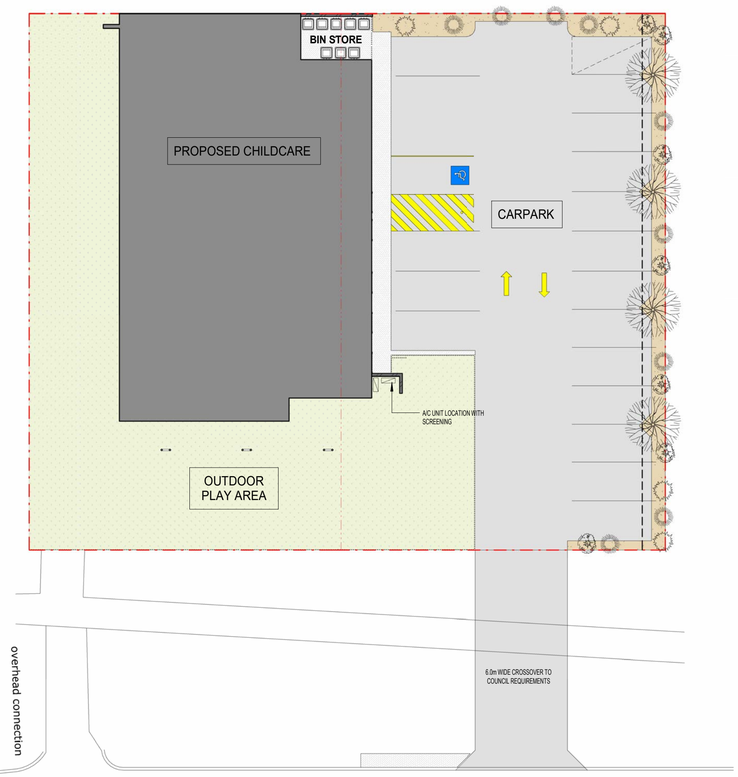


2 PROPOSED SITE PLAN
SCALE 1 : 200



1 LANDSCAPING PLAN
SCALE 1 : 200

LANDSCAPING LEGEND

- SELECTED CONCRETE PAVING - REFER TO SPECIFICATIONS
- LANDSCAPING AND PLAY EQUIPMENT BY SPECIALIST CONTRACTOR TO FUTURE DESIGN
- MULCHED GARDEN AREA
- CARPARKING - BITUMEN TO CIVIL ENGINEERS DESIGN
- **TREE x 1**
  TREE 1 (UP TO 12m HIGH, 6m CANOPY)
  CORYMBIA CALOPHYLLA
  WA MARRI
- **TREE x 8**
  TREE 2 (UP TO 2m HIGH, 1.5m CANOPY)
  LAMIACEAE, WESTRINGIA (NATIVE ROSEMARY)
  FRUTICOSA JERVIS GEM
- **SHRUB x 13**
  SHRUB (40cm HIGH, 40cm WIDE)
  ADENANTHOS SERICEUS
  ALBANY WOOLY BUSH
- **GROUND COVER x 7**
  LOW SHRUB (50cm HIGH, 1.5m WIDE)
  SCAEVOLA AEMULA CULTIVARS
  FAIRY FAN FLOWER

NOTE:
FINAL LAYOUT OF OUTDOOR PLAY SPACES TO BE DESIGNED IN CONJUNCTION WITH OPERATORS PREFERRED PLAY SPACE DESIGN CONSULTANT.

modus design pty ltd

PROPOSED SITE & LANDSCAPING PLAN
PROPOSED CHILDCARE CENTRE
4 & 6 MALIBU ROAD
SAFETY BAY

DESIGN	BF
DRAWN	BF
CHECKED	CG
SCALE	1 : 200
DATE	MARCH 2023

A1

MODUS PROJECT	D23-1660
REVISION	C
DWG	SK100

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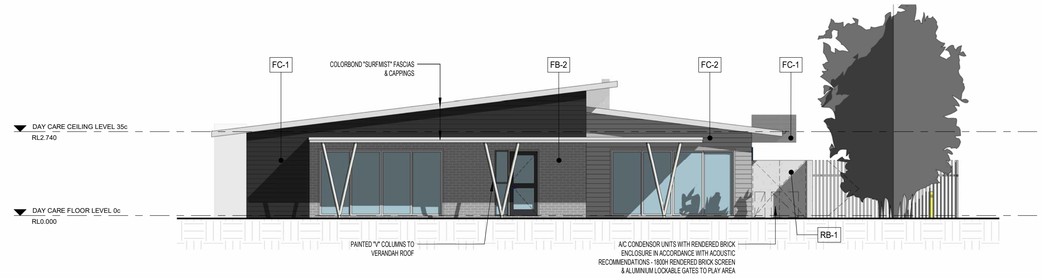
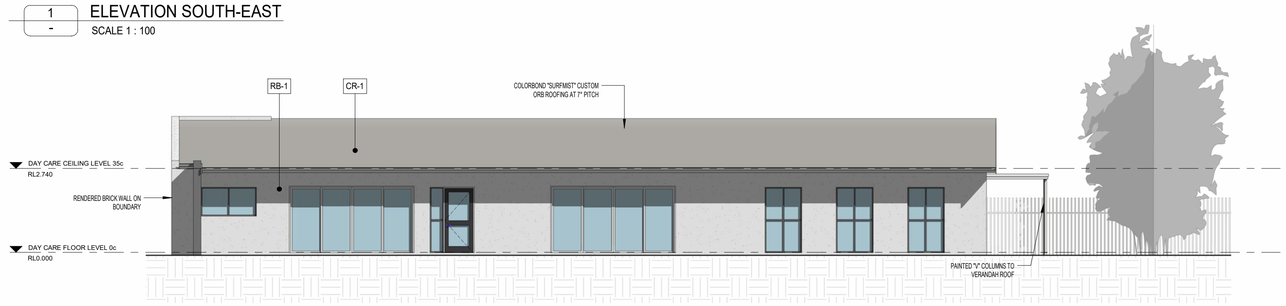
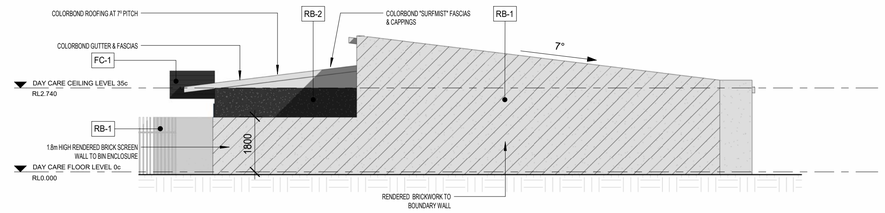
5 - FLOOR PLAN GA
SCALE 1 : 100



1 - ELEVATION SOUTH-EAST
SCALE 1 : 100



2 - ELEVATION SOUTH-WEST
SCALE 1 : 100



3 - ELEVATION NORTH-WEST
SCALE 1 : 100

4 - ELEVATION NORTH-EAST
SCALE 1 : 100

EXTERNAL FINISHES LEGEND

SAMPLE	TAG	DESCRIPTION	SAMPLE	TAG	DESCRIPTION
	FC-1	JAMES HARDIE SCYON STRIA CLADDING 325mm - "MONUMENT" COLOUR		CR-1	COLORBOND CUSTOM ORB ROOF SHEETING COLOUR: COLORBOND "SURFMIST"
	FC-2	JAMES HARDIE SCYON STRIA CLADDING 325mm - "SURFMIST" COLOUR		RB-1	RENDERED BRICK VENEER COLOUR "SURFMIST"
	FB-1	"RESTORATION RED - TUMBLED" FACE BRICKWORK - 230mm x 110mm x 76mm		RB-2	RENDERED BRICK VENEER COLOUR "MONUMENT"
	FB-2	PAINTED FACE BRICKWORK "SHALE GREY" - 230mm x 110mm x 76mm		FB-3	PAINTED FACE BRICKWORK "MONUMENT" - 230mm x 110mm x 76mm

modus design pty ltd

FLOOR PLAN & ELEVATIONS
PROPOSED CHILDCARE CENTRE
4 & 6 MALIBU ROAD
SAFETY BAY

DESIGN	BF/CG
DRAWN	BF
CHECKED	CG
SCALE	As indicated
DATE	MARCH 2023

A1

MODUS PROJECT	D23-1660
REVISION	C
DWG	SK200

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1 - 3D - CHILDCARE PERSPECTIVE
SCALE

2 - 3D - CHILDCARE PERSPECTIVE 2
SCALE

modus design pty ltd

3D VIEWS
PROPOSED CHILDCARE CENTRE
4 & 6 MALIBU ROAD
SAFETY BAY

DESIGN	BF/CG
DRAWN	BF
CHECKED	CG
SCALE	A1
DATE	MARCH 2023
MODUS PROJECT	D23-1660
REVISION	C
DWG	SK301

ROWE GROUP

DEVELOPMENT APPLICATION

CHILD CARE CENTRE

LOT 193 (NO. 6) AND LOT 194 (NO. 4) MALIBU ROAD, SAFETY BAY

OUR REF: 9736_20230309_R_ROCKINGHAM_DA_SB 16/05/2023

DOCUMENT CONTROL

Printed 16 May 2023 9736_20230309_R_Rockingham_DA_SB

VERSION	FILE NAME	PREPARED BY	APPROVED BY	DATE
1	9736_20230309_R_Rockingham_DA_SB	Sam Bowers	Nathan Stewart	16/05/2023

This report has been authorised by;

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ATTACHMENTS

1. CERTIFICATES OF TITLE
2. DEVELOPMENT PLANS
3. TRANSPORT IMPACT STATEMENT
4. ACOUSTIC ASSESSMENT
5. EMISSIONS IMPACT ASSESSMENT
6. WASTE MANAGEMENT PLAN

1. INTRODUCTION

Rowe Group acts on behalf of Greener4 Pty Ltd (**Greener4**), the landowner of Lot 193 (No. 6) and Lot 194 (No. 4) Malibu Road, Safety Bay (**the subject site** or **Lot 193** and **Lot 194**). This Report has been prepared in support of a Development Application (**the Application**) to obtain Development Approval from the City of Rockingham (**the City**) for a child care centre at the subject site.

This Report includes a description of the following matters:

- The location of the subject site;
- A description of the existing site characteristics;
- A detailed explanation of the proposed development;
- An overview of the relevant planning issues; and
- Justification for the proposed development.

This Application has been prepared with detailed technical input from a consultant team comprising:

- MODUS Design – Architect;
- Rowe Group – Town Planning and Urban Design;
- Shawmac – Traffic, Parking and Access;
- Herring Storer – Acoustics;
- Environmental and Air Quality Consulting – Environment and Emissions; and
- Talis – Waste Management.

2. DESCRIPTION OF SITE

2.1 LOCATION

The subject site is located in the municipality of the City of Rockingham and in the suburb of Safety Bay. The subject site is situated approximately 41 kilometres south of the Perth Central Area and 2.5 kilometres south west of the Rockingham Shopping Centre. The subject site is located within an established residential area and is situated immediately west to a large vacant property on the other side of Malibu Road, located at Lot 100 on Plan 74131.

Refer **Figure 1 – Regional Location** and **Figure 2 – Local Context.**

2.2 CADASTRAL INFORMATION

The subject site comprises two (2) land parcels, legally described as:

- Lot 193 on Plan 11828 Certificate of Title Volume 1457 Folio 432; and
- Lot 194 on Plan 11828 Certificate of Title Volume 1457 Folio 433.

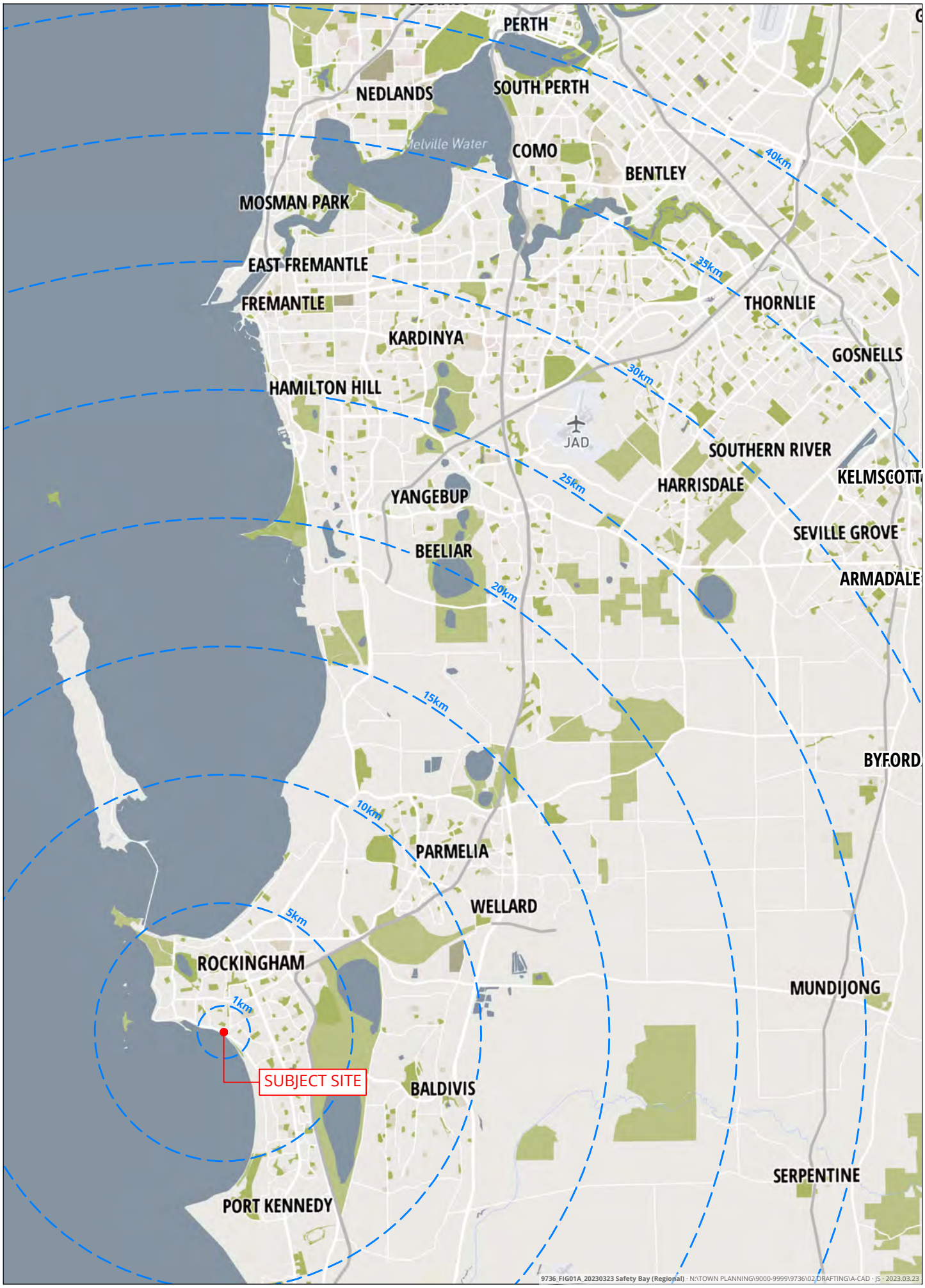
Refer **Attachment 1 - Certificates of Title.**

The subject site has a total land area of 1,454m^2, with a frontage to Malibu Road of approximately 41.5m.

2.3 EXISTING IMPROVEMENTS

The subject site is currently vacant and has been vacant for a number of years. All that exists at the subject site is grass, low-lying vegetation and a dividing fence which is located along the boundary of both lots.

Refer **Figure 3 – Site Plan.**



0 4500 m

SCALE @ A4: 1:200,000

FIGURE 1

REGIONAL LOCATION

0 220 m

SCALE @ A4: 1:10,000

FIGURE 2

LOCAL CONTEXT

0 12.5 m

SCALE @ A4: 1:500

N

FIGURE 3

SITE PLAN

3. PROPOSED DEVELOPMENT

This Application seeks to obtain Development Approval from the City for a child care centre at the subject site.

The proposed development comprises the following components:

- A 418m^2 child care centre building located in the southern portion of the subject site (mostly within Lot 192);
- A 438m^2 grassed outdoor play area which wraps around the child care centre building;
- One (1) bin store area located in the rear portion of the child care centre building along the north western lot boundary. The bin store area can accommodate up to eight (8) 240L bins;
- One (1) external colorbond storage shed located in the most western corner of the subject site;
- A 498m^2 bitumen car parking area located in the northern portion of the subject site (entirely within Lot 193). The car parking area includes 19 car parking bays (inclusive of one (1) disabled access bay);
- The existing crossover located in the southern portion of the subject site is to be removed. one (1) new double crossover to be located in the northern portion of the subject site to facilitate vehicle access from Malibu Road to the car parking area; and
- A mulched garden area which surrounds the bitumen car parking area.

Refer **Attachment 2 – Development Plans.**

3.1 OPERATIONAL DETAILS

The proposed development will operate as follows:

- Hours of operation are between 6:30am and 6:30pm, Monday to Friday. The child care centre is closed Saturday, Sunday and Public Holidays.
- Accommodate a maximum of 60 children on-site at any one time (i.e. 9 children between the ages of 0 and 2, 12 children between the ages 2 and 3 and 39 children that are older than the age of 3).
- Accommodate a maximum of 11 staff members on-site at any one time.

4. TOWN PLANNING CONSIDERATIONS

4.1 ZONING

4.1.1 METROPOLITAN REGION SCHEME

Under the provisions of the Metropolitan Region Scheme (**MRS**), the subject site is zoned 'Urban'. The proposed development at the subject site is consistent with the intent of the 'Urban' Zone.

Refer **Figure 4 – Metropolitan Region Scheme Zoning Plan.**

4.1.2 CITY OF ROCKINGHAM LOCAL PLANNING SCHEME NO. 2

Under the provisions of the City of Rockingham Local Planning Scheme No. 2 (**LPS 2**), the subject site is zoned 'Residential'.

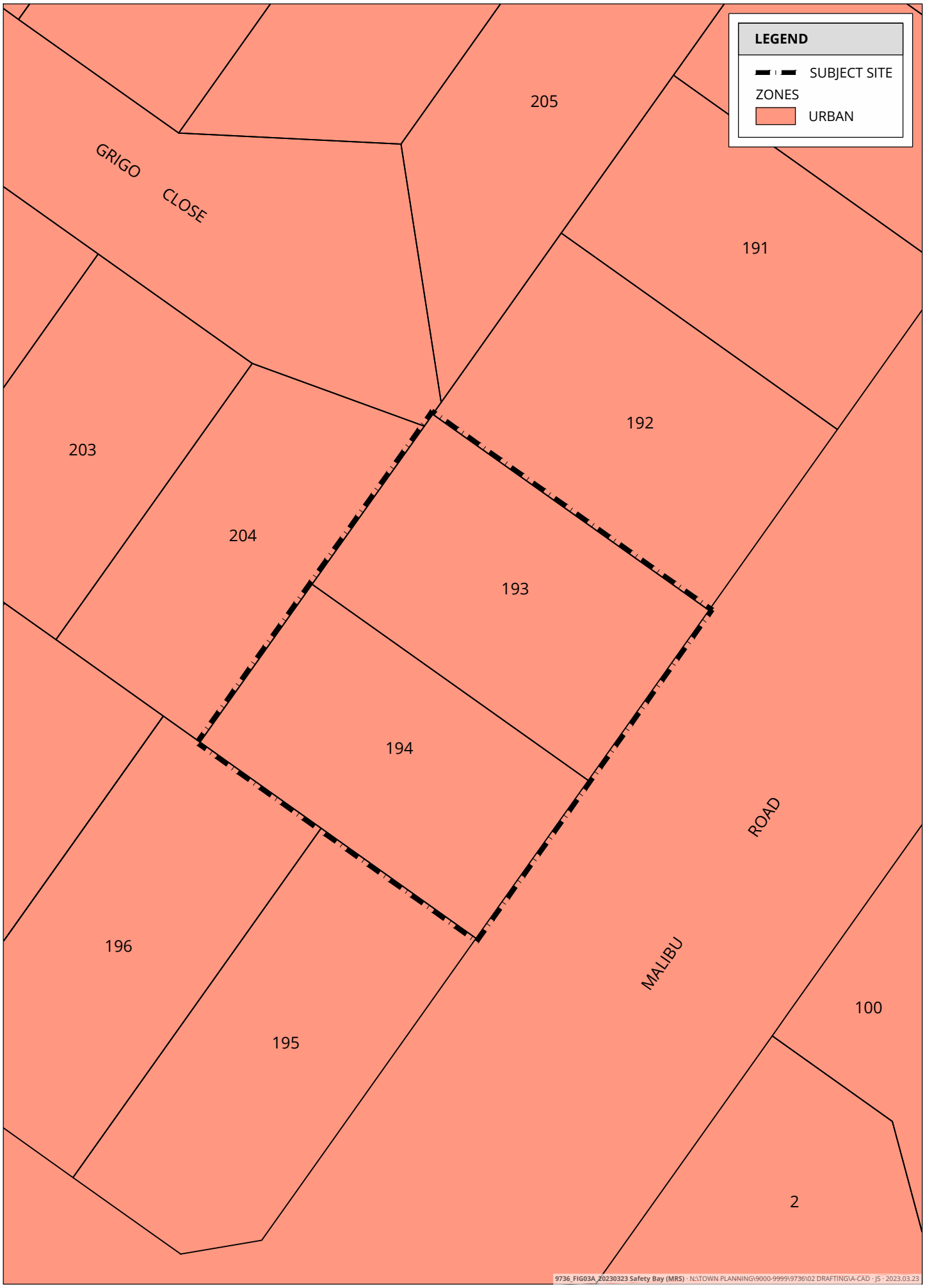
As outlined in Clause 4.1 'Residential Zone' of LPS 2, the objective of the 'Residential' Zone is as follows (underlining for emphasis):

> *to promote a high-quality residential environment by <u>maintaining and enhancing the quality of existing residential areas</u> and providing for a range of residential densities and housing types throughout the Scheme Area.*

With respect to the above, the proposed development is consistent with the objective of the 'Residential' Zone and should be supported by the City for the following reasons:

- The proposed development is residential in character and designed to a high architectural quality which enhances the existing amenity of the locality.
- The proposed development is compatible with the surrounding built form and improves the existing amenity of the residential streetscape.

Refer **Figure 5 – City of Rockingham Local Planning Scheme No. 2 Zoning Plan.**



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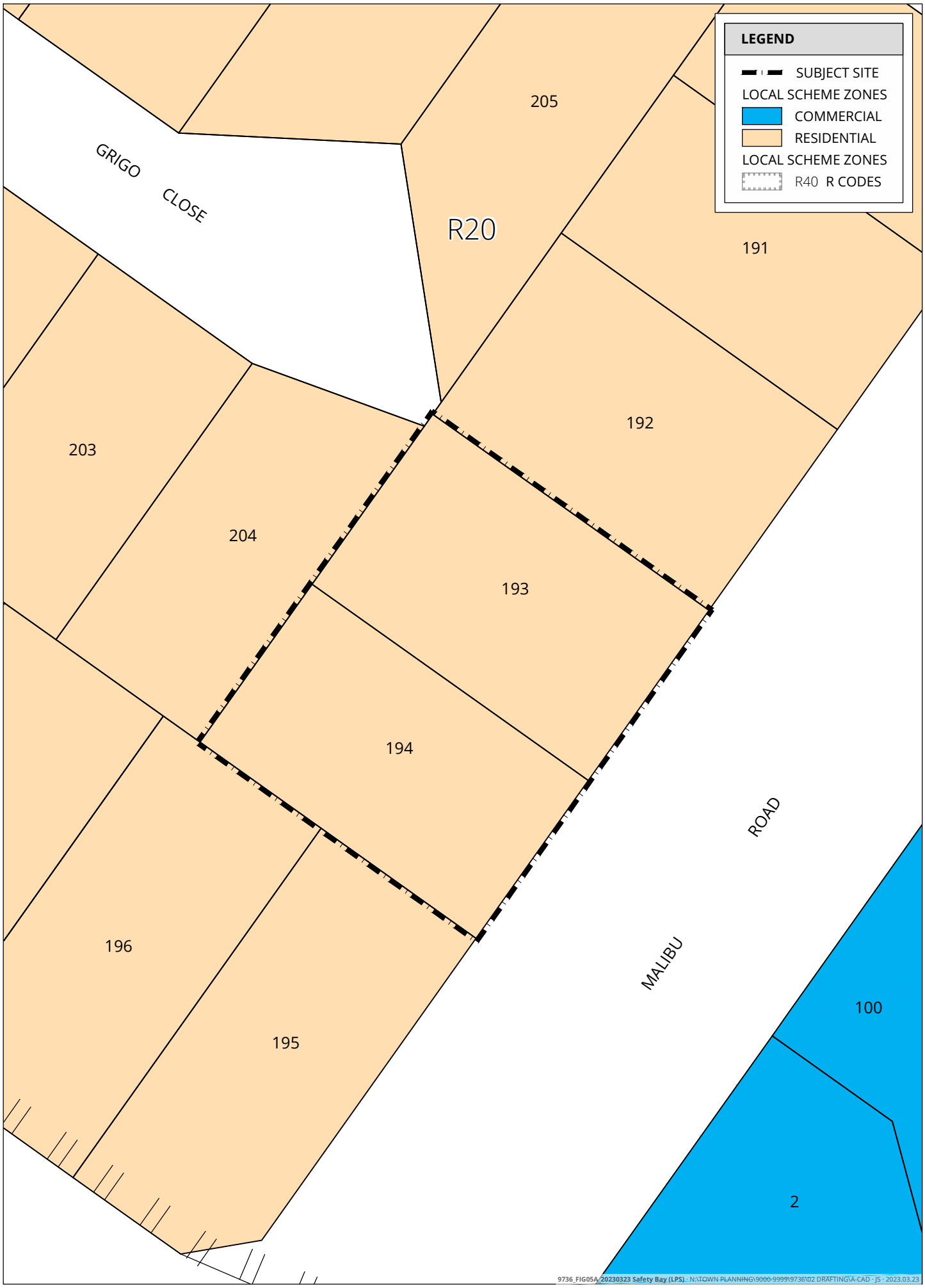
SCALE @ A4: 1:500

N

FIGURE 4

METROPOLITAN REGION SCHEME ZONING



0 12.5 m

SCALE @ A4: 1:500

FIGURE 5

CITY OF ROCKINGHAM TOWN PLANNING SCHEME No.2 ZONING

4.2 LAND USE PERMISSIBILITY

The proposed development is consistent with the land use definition of 'Child Care Premises', which is defined in LPS 2 as follows:

> *means 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 Care Services Act 2007 section 4 is provided.*

Under the provisions of LPS 2, Table No.1 'Zoning Table' stipulates that a 'Child Care Premises' is classified as an 'A' (discretionary) use within the 'Residential' Zone. An 'A' use is defined in LPS 2 as follows:

> *means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with Clause 64 of the deemed provisions.*

On the basis of the above, the proposed development at the subject site is capable of being approved by the City.

4.3 STRATEGIC CONTEXT

4.3.1 STATE PLANNING POLICY NO. 7.0 – DESIGN OF THE BUILT ENVIRONMENT

State Planning Policy 7.0 – Design of the Built Environment (**SPP 7**) provides the broad framework for the design of the built environment across Western Australia. The design has considered and responded to the ten (10) design principles.

1. *Context and Character*

   The proposed development is compatible with its context as the design is consistent with the existing built form and character of the locality. Importantly, the proposed development responds to adjoining lot boundary and street setbacks which will allow the existing, surrounding residential development to not be adversely impacted.

2. *Landscape Quality*

   The proposed development includes high quality landscaping within the front setback area and around the boundaries of the subject site (within the outdoor play area and surrounding the car park).

3. *Built Form and Scale*

   Given the existing residential character of the surrounding area, the overall built form and massing of the proposed development is considered appropriate to respond to development

pattern within the established area and is of an appropriate scale so as to not negatively impact the surrounding locality.

4. *Functionality and Build Quality*

   The proposed development has been architecturally designed and responds to the requirements of the child care operator. The proposed development will be constructed of high-quality and durable materials to ensure a high-quality streetscape outcome is provided.

5. *Sustainability*

   The orientation of the proposed development enables appropriate passive sun access and natural ventilation, particularly for the outdoor play spaces. This also balances the need for appropriate shade to be afforded to children in these play spaces.

6. *Amenity*

   The internal amenity provided for staff and children is considered to be of a high standard and commensurate with expectations placed on child care facilities. This includes passive and active play spaces or opportunities for children, and staff amenities inclusive of a staff room and meeting and office spaces.

7. *Legibility*

   The building entrance has been designed to improve legibility. Further, signage proposed appropriately directs visitors to the building entrance.

8. *Safety*

   The proposed development includes strong passive surveillance to the street and the internal areas of the site. The building is oriented towards the street to ensure visual sightlines are provided at all times, with the car park ensuring activity adjacent to the street is enhanced from what exists and what occurs on adjoining properties.

9. *Community*

   The proposed development will provide a high-quality and essential service and offering to the wider community.

10. *Aesthetics*

    The overall aesthetic and appearance of the proposed development is of a high-quality that balances the need to provide a 'playful' design for the benefit of children through materials and colours, while responding to surrounding residential character with massing, scale and form.

4.3.2 PLANNING BULLETIN 72/2009 – CHILD CARE CENTRES

Planning Bulletin 72/2009 Child Care Centres (**Planning Bulletin**) outlines child care centre guidelines and a consistent policy approach to planning for the location and development of these facilities. The Planning Bulletin identifies that the ever-increasing demand for child care centres and the strong focus on their appropriate distribution and location is closely linked to demographic change. This is discussed further below within section 4.3.2 of this report.

The proposed development is consistent with the objectives of the Planning Bulletin for the following reasons:

- The subject site is located within walking distance of the Malibu Road shopping centre, which includes; supermarkets, community facilities, medical offices etc;
- The subject site is located opposite to an existing non-residential land use;
- The subject site is serviced by public transport;
- The subject site is of a sufficient size to accommodate the proposed development while including appropriate setbacks and provision of car parking;
- There is a demonstrated need for the proposed development due to the lack of child care centres in the locality. When considering this, along with the other locational requirements of the Planning Bulletin, it is considered that the subject site is an appropriate location. Further information is provided in Section 4.4.5 of this Report;
- Parking is proposed to the north east of the proposed building to ensure it is partially visible for ease of access, but also largely screened at the rear of the subject site; and
- A transport impact statement and acoustic assessment have been supplied and is discussed further within the remainder of this report.

4.3.3 DRAFT POSITION STATEMENT – CHILD CARE PREMISES

The Draft Position Statement: Child Care Premises (**Position Statement**) was prepared by the Department of Planning, Lands and Heritage (**DPLH**) and was advertised for public comment between 11 November 2022 and 10 February 2023. The Draft Position Statement will replace the existing Planning Bulletin 72/2009 – Child Care Centres.

The Position Statement is designed to provide a more consistent policy approach to the planning for child care premises in Western Australia, in order to deliver key improvements to the location and operation of child care operations.

The proposed development is consistent with the objectives of the Position Statement for the following reasons:

- The proposed development is complementary to the existing residential development adjoining the subject site and the desired future land use character of the area. Due to its location at the subject site and how it has been designed, the proposed development will not have any adverse impacts on the surrounding residential properties or the existing road network.
- Operational management aspects such as acoustic, waste, landscaping and traffic matters have been considered as part of this Application and will be discussed in the following sections of this Report.
- The surrounding land uses are residential in nature and the vacant subject site is a suitable location for a commercial use which will be of great community benefit. The surrounding land uses will not be detrimental to the Application.

- The design of the proposed development is considered high quality and will ensure the safety of all children.

4.4 DEVELOPMENT STANDARDS

The following section contains an assessment of the proposed development against the City's relevant development standards.

4.4.1 SITE CHARACTERISTICS

The City of Rockingham's Local Planning Policy No. 3.3.5 (**LPP 3.3.5**) sets out the policy provisions which the City shall have due regard to in its assessment and determination of applications for Development Approval for the establishment of child care premises.

Clause 4.2 'Site Characteristics' in LPP 3.3.5 outlines the following (underlining for emphasis):

> *Sites selected for Child Care Premises should be of <u>sufficient size and suitable shape to accommodate the development,</u> including all buildings and structure, parking for staff and parents, outdoor play areas and landscaping, as determined by the City.*
>
> *As a general rule, sites in a residential area should be of <u>regular shape and greater than 1000m^2 in size. A maximum site coverage of 50%</u> will apply to any proposal to prevent the over-development of any lot.*
>
> *The topography of the site should be considered, as steep slopes may affect access to the facility, noise transfer and methods of noise mitigation.*

With respect to the above, the proposed development is consistent with Clause 4.2 in LPP 3.3.5 and should be supported by the City for the following reasons:

- The subject site is of sufficient size and suitable shape to accommodate the proposed development and all the necessary features/services (i.e. parking area, outdoor play areas, landscaping areas etc.).
- The subject site is of a regular rectangular shape and is approximately 1,454m^2 in site area. Furthermore, the proposed development is approximately 450m^2 in area, meaning that it only covers 31% of the total site area.
- The topography of the subject site is flat. Therefore, the proposed development is not affected by any steep slopes.

4.4.2 CAR PARKING

The proposed development will be serviced by a total of 19 car parking bays (inclusive of one (1) disabled access bay) which are all located on the northern portion of the subject site, entirely on Lot 193.

In accordance with Table No. 2 'Car Parking Table' in LPS 2, the minimum car parking provision for a 'Child Care Premises' land use is as follows:

> *1 bay per employee and 1 bay per eight children.*

On the basis of the above, given the proposed development will accommodate 11 staff and a maximum of 60 children, the minimum parking provision required at the subject site is 19 bays. Since the proposed development will be serviced by a total of 19 carparking bays (inclusive of one (1) disabled access bay), the proposal is compliant with the minimum car parking provision stipulated in LPS 2.

Furthermore, LPP 3.3.5 outlines the following with regard to car parking:

> *Parking areas should be located in front of the building. If this is not possible, parking areas should be clearly visibly and easily accessible from the entry to the site.*
>
> *In addition, landscaping may be required on-site to screen car parking areas from the street and the Child Care Premises from adjoining residences in order to maintain the amenity of the locality.*

With respect to the above, the proposed development is consistent with the car parking requirements under LPP 3.3.5 for the following reasons:

- The parking area is clearly visible from the entry to the site at Malibu Road.
- The parking area can be easily accessed via the new double crossover facilitating direct access at Malibu Road.
- A suitable level of landscaping will screen the parking area from Malibu Road and adjoining residential properties so that the existing residential amenity is not affected.

4.4.3 DESIGN CONSIDERATIONS

Clause 4.6 'Design Considerations' in LPP 3.3.5 outlines the following:

> *The appearance of a Child Care Premises must be consistent with the scale and character of the locality. In this regard, where the development is located in a residential area, the built-form should lend itself to domestic (residential) architecture.*
>
> *Setbacks to side and rear boundaries and the orientation of openings to indoor play areas should minimise any impact on adjoining properties.*
>
> *Outdoor play areas are to be located so as to limit their impact on the amenity of adjoining properties, whilst taking advantage of a passive solar orientation wherever possible. Measures should be taken to ensure that play areas are large enough and of such dimensions to be useful as play areas, and side setback and leftover building areas are not desirable for the purpose.*
>
> *Where a play area is located in the front setback area, fencing of the area should be of predominantly open construction to provide a safe playing area without closing the site in, casting shadows on the play area, or adversely affecting the residential streetscape.*
>
> *Landscaping will be required along the frontage of the development to a standard equal to that required or provided for on adjacent properties. Landscaping should not include potentially hazardous heights and potentially toxic plants.*

With respect to the above, the proposed development is consistent with Clause 4.6 in LPP 3.3.5 and should be supported by the City for the following reasons:

- The design and appearance of the proposed development is in keeping with, and does not adversely impact upon the established, surrounding residential built form.
- The setbacks and orientation of the proposed development do not result in neighbouring residential properties being negatively impacted upon. The design of the proposed development in terms of its bulk, scale, and overall impact on the amenity of neighbouring/nearby residential properties is taken into serious consideration.
- The outdoor play space of the proposed development is located and designed in a manner that minimises impact on the surrounding residential amenity. The outdoor play space has been designed so that it receives a suitable level of sunlight and is away from habitable rooms of adjoining residential properties.
- The portion of the outdoor play space located within the front setback area of the subject site is concealed by a visually permeable fence that allows for passive surveillance, does not cast considerable shadows, and does adversely impact the existing residential streetscape.
- A suitable level of landscaping is located along the frontage of the proposed development to ensure that the child care centre is consistent with the established residential streetscape, and does not adversely impact upon the existing amenity of the locality.

Given the subject site and adjoining residential properties are zoned R20, the City has confirmed that the rear boundary wall of the proposed development will be assessed against the deemed-to-comply requirements under clause 5.1.3 'Lot boundary setback' in State Planning Policy 7.3 - Residential Design Codes Volume 1 (**R-Codes**).

Part two (2) of deemed-to-comply requirement C3.2 under clause 5.1.3 'Lot boundary setback' in the R-Codes is as follows:

> *C3.2 Boundary walls may be built behind the street setback (specified in Table 1 and in accordance with clauses 5.1.2 and 5.2.1), within the following limits and subject to the overshadowing provisions of clause 5.4.2 and Figure Series 11:*
>
> *ii. in areas coded R20 and R25, walls not higher than 3.5m, up to a maximum length of the greater of 9m or one-third the length of the balance of the site boundary behind the front setback, up to two site boundaries.*

With respect to the above, the total length of the rear boundary of the subject site is 41.5m. Therefore, given one-third of 41.5m is 13.7m the maximum length the rear boundary wall of the proposed development can be is 13.7m.

On the basis of the above, given the rear boundary wall of the proposed development is 11.85m, this Application is consistent with the deemed-to-comply requirements under clause 5.1.3 'Lot boundary setback' in the R-Codes.

4.4.4 SIGNAGE

There is only one (1) sign included within the proposed development (i.e. the child care centre sign (2.63m x 0.66m) located above the main entrance on the north eastern elevation of the building).

The sign is consistent with the provisions outlined in Local Planning Policy No. 3.3.1 (**LPP 3.3.1**) and should be supported by the City for the following reasons:

- The sign is appropriate for its location at the proposed development.
- The sign does not adversely impact on traffic circulation and management, or pedestrian safety.
- The sign helps to direct and notify users of the proposed development.
- The sign is constructed of quality materials.
- The sign does not adversely impact on the existing residential amenity of the area as they cannot be seen from the streetscape.

4.5 NEEDS AND NECESSITY ASSESSMENT

Clause 4.9 'Need for Child Care Premises' in LPP 3.3.5 outlines the following:

> *Where, in the opinion of the Manager, Statutory Planning, a proposed Child Care Premises may have an adverse impact on the level of service to the community by similar existing or approved facilities, the proponent will be required to provide further information in regard to the level existing services in the locality, proximity to other Child Care Premises, population catchments for the proposed Child Care Premises and the number of primary schools and kindergartens in the locality, in relation to the development of the proposed new facility.*

With respect to the above, further analysis and information has been provided in the following section of this report which highlights the need for the proposed development at the subject site.

The local catchment area in which the subject site is contained only includes a total of two (2) existing, competing child care centres, both offering a total 118 children places. The two (2) child care centres are located at Lot 247 (No. 1) Waimea Road, Safety Bay (approximately 2.2km north west of the subject site), and Lot 337 (No. 141) Safety Bay Road, Shoalwater (approximately 2.6km north west of the subject site).

As mentioned previously in this report, the subject site is located near the Malibu Road shopping centre (No. 110 Malibu Road, Safety Bay) and the Safety Bay Senior High School Malibu School (No. 80 Malibu Road, Safety Bay). There are no existing child care centres situated in the immediate locality of the subject site. The existing child care centres located in this catchment area are both clustered in the Shoalwater locality.

With a population of 590 children between the ages 0 and 4 (ABS 2021), the current ratio of children per existing place in the catchment is 6:1. This ratio represents one licensed place that is demanded by more than six (6) children living in the catchment area. Please note, this is considered above the WA demand average ratio of children per existing place, and therefore, signifies a shortfall of places.

With the two (2) competing centres located in the catchment area also being more than 10 years old, and reporting high occupancies, this represents unmet demand at the local level and poses the possibility of having service insufficiency or accessibility shortcomings in the catchment area, particularly with regard to the Safety Bay locality.

Lastly, given the forecast population growth of 720 children between the ages of 0 and 4 during the 2021-2026 period (ABS 2021), this represents continual pressure on the existing unmet demand of child care centres in the Safety Bay locality. In this regard, the proposed development at the subject site is needed to serve this growing demand.

5. TRAFFIC CONSIDERATIONS

A Transport Impact Statement (**TIS**) has been prepared by Shawmac Civil and Traffic Engineering Consultants in support of the proposed development at the subject site. The TIS has been prepared in accordance with the Western Australian Planning Commission (**WAPC**) *Transport Impact Assessment Guidelines Volume 4 – Individual Developments*.

Refer **Attachment 3 – Transport Impact Statement.**

The following is a summary of the conclusions contained in the TIS:

- *The proposed development is predicted to generate approximately 254 vehicle trips per day including 48 trips during the morning peak hour and 49 during the afternoon peak hour. This volume of traffic is low to moderate and can be accommodated within the existing capacity of the road network with no modifications required.*
- *The minimum sight distance requirement of AS2890.1 is achieved from proposed crossovers in both directions.*
- *The provision of 19 car parking bays satisfies the minimum requirements of the City's Town Planning Scheme.*
- *The demand for bicycle parking is expected to be low and limited to staff only. Child care centres are typically well secured sites and so staff could potentially park within the site where there is room to do so.*
- *The parking layout mostly complies with the AS2890.1. It is recommended that at least 8 of the 2.6m wide bays are allocated for pick-up / drop-off use and the parking aisle is extended 1.0m beyond the last bay to fully comply with AS2890.1.*
- *The existing path network is considered to be adequate for the movement of pedestrians and cyclists to and from the development.*
- *The crash history of the adjacent road network did not indicate any safety issue on the adjacent road network and there is no indication that the development would increase the risk of crashes unacceptably.*
- *The demand for public transport is likely to be relatively low based on the proposed uses and so the existing public transport services are considered to be adequate to meet the likely demand.*

On the basis of the above, the TIS demonstrates that the proposed development will not have any adverse impacts on the surrounding road network.

6. ACOUSTIC CONSIDERATIONS

An Acoustic Assessment has been prepared by Herring Storer Acoustics in support of the proposed development at the subject site.

Refer **Attachment 4 – Acoustic Assessment.**

The following is a summary of the conclusions contained in the Acoustic Assessment:

> *Noise received at the neighbouring residences from the outdoor play area would comply with day period assigned noise level for the day period, with the babies outdoor area is to be located as shown on Figure 5.1 in Section 5 – Modelling.*
>
> *With the air conditioning condensing units located as shown of the drawings attached in Appendix A and screened from the neighbours, noise received at the neighbouring residences from the air conditioning condensing units have also been assessed to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 at all times. Even so, it is recommended that the air conditioning units be installed with "low noise" night period modes.*
>
> *It is noted that noise associated with cars movements and cars starting are exempt from complying with the Regulations. However, noise emissions from car doors are not strictly*
>
> *exempt from the Regulations. Noise received at the neighbouring premises would also comply with the Regulatory requirements, at all times with the inclusion of the parking restrictions, as shown on the drawings attached in Appendix A.*
>
> *Thus, noise emissions from the proposed development, would be deemed to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 for the proposed hours of operation, with the inclusion of the following:*
>
> - *Although, the proposed facility would open before 7 am (ie during the night period), the outdoor play area would not be used until after 7am. Thus, noise received at the neighbouring existing residences from the outdoor play area needs to comply with the assigned day period noise level. Additionally, the babies outdoor area is to be located as shown on Figure 5.1 in Section 5 – Modelling.*
> - *Fencing to the development to be as shown on the drawings at attached in Appendix A. It is noted that for a child care centre, colourbond is an acceptable fencing material.*
> - *Although not required for compliance, it is recommended that the air conditioning units be installed with "low noise" night period modes. Additionally, it is recommended that an assessment of the mechanical services design be undertaken to ensure compliance with the Regulations.*
> - *For noise associated with cars within the car park to comply with the Regulations, parking restrictions, as shown on the drawings attached in Appendix A are required.*

On the basis of the above, the Acoustic Assessment demonstrates that the proposed development will not result in any adverse noise impacts on the surrounding existing residential land uses.

7. ENVIRONMENTAL CONSIDERATIONS

An Emissions Impact Assessment (**EIA**) has been prepared by Environmental and Air Quality Consulting in support of the proposed development at the subject site.

Refer **Attachment 5 – Emissions Impact Assessment.**

The following is a summary of the conclusions contained in the EIA:

> *The site-specific scientific study addressed the health risks associated with vapour emissions from the BP Site for the purposes of determining the risk of emissions' impacts at an adjacently proposed Child Care Centre.*
>
> *The proposed Child Care Centre will satisfy the guideline separation distance of 50 metres from the nearest refuelling location at the BP Site.*
>
> *The BP Site is within an urban developed area with residential properties surrounding, and operates under limited hours daily i.e., not a 24-hour operation.*
>
> *The Assessment utilised accepted standards for estimating pollutant emission rates of primary airborne pollutants from fuel storage and refuelling activities at the service station and assessed these pollutant emission rates utilising conventional dispersion modelling methods to predict the concentration of primary pollutants at the nearest sensitive receiver within the locality.*
>
> *The outcomes of the Assessment found that the primary pollutants of Benzene, Toluene, Ethyl benzene, Xylenes, Cyclohexane, n-Hexane and Styrene were predicted to have ground level concentrations lower than acceptable exposure limits set by the National Environment Protection (Air Toxics) Measure and other relevant jurisdictional recommendations.*
>
> *The predicted concentrations of these primary pollutants demonstrated that the service station emissions is unlikely to have an unreasonable impact on the future health of those attending the Child Care Centre.*

On the basis of the above, the EIA demonstrates that users of the proposed development are not at risk of being adversely impacted by pollutant emissions from land uses in the locality.

8. WASTE CONSIDERATIONS

A Waste Management Plan (**WMP**) has been prepared by Talis Consultants in support of the proposed development at the subject site.

Refer **Attachment 6 – Waste Management Plan.**

The following is a summary of the conclusions contained in the WMP:

> *The proposed development provides a sufficiently sized Bin Storage Area for storage of refuse and recyclables, based on the estimated waste generation volumes and suitable configuration of bins. This indicates that an adequately designed Bin Storage Area has been provided, and collection of refuse and recyclables can be facilitated by the proposed development.*
>
> - *Four 240L refuse bins, collected once each week; and*
> - *Four 240L recycling bins, collected once each week.*
>
> *The City will service the bins from the Bin Presentation Area on the Malibu Road verge at the front of the subject site utilising its kerbside collection service.*
>
> *A caretaker/suitably qualified staff will oversee the relevant aspects of waste management.*

On the basis of the above, the WMP demonstrates that the proposed development can adequately and appropriately store the waste generated from the child care centre. Furthermore, the WMP outlines that the generated waste can be suitably managed and transported from the subject site.

9. CONCLUSION

This Development Application (**Application**) seeks to obtain Development Approval from the City of Rockingham (**the City**) for a child care centre at Lot 193 (No. 6) and Lot 194 (No. 4) Malibu Road, Safety Bay (**subject site**).

This Application should be approved by the City for the following reasons:

- The proposed development is consistent with the intent of the 'Urban' Zone under the provisions of the Metropolitan Region Scheme (**MRS**);
- The proposed development is consistent with the objective of the 'Residential' Zone under the provisions of the City's Local Planning Scheme No. 2 (**LPS 2**);
- The proposed development is residential in character, designed to a high architectural quality, compatible with the surrounding built form and improves the existing amenity of the residential streetscape;
- The proposed development is consistent with the development standards contained in the City's LPS 2, the relevant Local Planning Policies and the R-Codes;
- There is a demonstrated need for the proposed development due to the lack of child care centres in the locality. When considering this, along with the other locational requirements of the Planning Bulletin, it is considered that the subject site is an appropriate location;
- The proposed development does not result in any adverse traffic impacts on the surrounding road network;
- The proposed development is compliant with the *Environmental Protection (Noise) Regulations 1997*;
- Users of the proposed development are not at risk of being adversely impacted by pollutant emissions from land uses in the locality; and
- The proposed development provides a sufficiently sized Bin Storage Area for storage of refuse and recyclables, based on the estimated waste generation volumes and suitable configuration of bins.

The proposed development is consistent with the principles of orderly and proper planning and will improve the existing residential amenity of the locality. On this basis, the proposed development should be approved by the Town.

ATTACHMENT 1

CERTIFICATES OF TITLE

ROWE GROUP

REGISTER NUMBER	
194/P11828	
DUPLICATE EDITION	DATE DUPLICATE ISSUED
N/A	**N/A**

WESTERN AUSTRALIA

VOLUME **1457** FOLIO **433**

RECORD OF CERTIFICATE OF TITLE

UNDER THE TRANSFER OF LAND ACT 1893

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

BGRoberts

REGISTRAR OF TITLES

REGISTRAR OF TITLES WESTERN AUSTRALIA

LAND DESCRIPTION:

LOT 194 ON PLAN 11828

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

MING-HUAN TSAI
BO XIONG
BOTH OF 26 GIRRAWHEEN DRIVE, GOOSEBERRY HILL
AS JOINT TENANTS

(T M498428) REGISTERED 18/12/2013

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. *M498429 MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA REGISTERED 18/12/2013.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

----------END OF CERTIFICATE OF TITLE----------

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 1457-433 (194/P11828)
PREVIOUS TITLE: 1457-402
PROPERTY STREET ADDRESS: 4 MALIBU RD, SAFETY BAY.
LOCAL GOVERNMENT AUTHORITY: CITY OF ROCKINGHAM

NOTE 1: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING M498429

REGISTER NUMBER	
193/P11828	
DUPLICATE EDITION	DATE DUPLICATE ISSUED
1	**22/6/2007**

WESTERN AUSTRALIA

VOLUME **1457** FOLIO **432**

RECORD OF CERTIFICATE OF TITLE

UNDER THE TRANSFER OF LAND ACT 1893

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

BGRoberts

REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 193 ON PLAN 11828

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

YIWEI ZHANG OF 12 MAQUIRE WAY BULL CREEK WA 6149
IN 291/431 SHARE
BO XIONG OF 83 DEVENISH STREET EAST VICTORIA PARK WA 6101
IN 140/431 SHARE
AS TENANTS IN COMMON

(T O971653) REGISTERED 9/12/2021

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. *F604151 EASEMENT TO WATER AUTHORITY OF WESTERN AUSTRALIA. SEE SKETCH ON DEPOSITED PLAN 190769. REGISTERED 5/7/1994.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

----------END OF CERTIFICATE OF TITLE----------

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND:	1457-432 (193/P11828)
PREVIOUS TITLE:	1457-402
PROPERTY STREET ADDRESS:	6 MALIBU RD, SAFETY BAY.
LOCAL GOVERNMENT AUTHORITY:	CITY OF ROCKINGHAM

NOTE 1: K217858 INCLUDES CROWN LAND LAND ACT 1933
NOTE 2: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING O971653

ATTACHMENT 2

DEVELOPMENT PLANS

Superseded

ROWE GROUP

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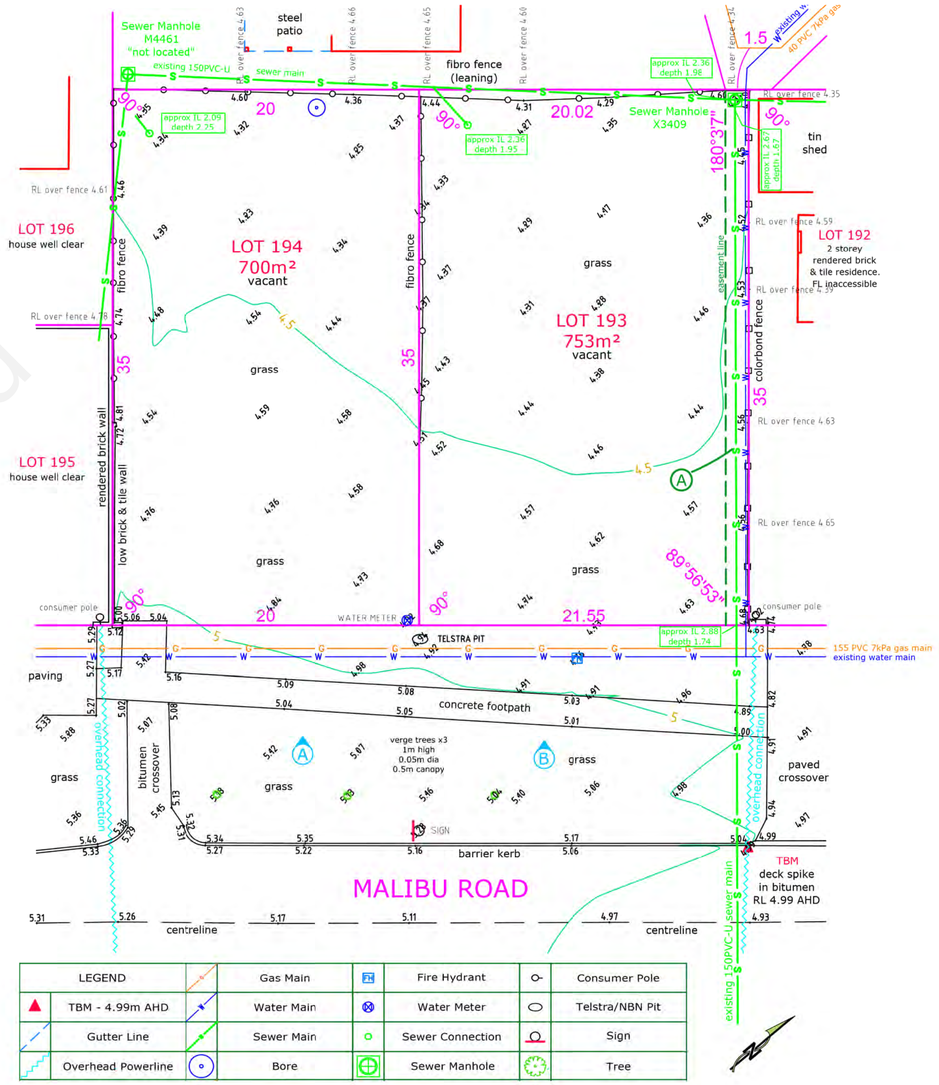

N

2 - LOCATION PLAN
SCALE 1 : 500

1 - EXISTING SURVEY PLAN
SCALE 1 : 200

Superseded

modus design pty ltd

SURVEY & LOCATION PLAN PROPOSED CHILDCARE CENTRE 4 & 6 MALIBU ROAD SAFETY BAY	DESIGN BF DRAWN BF CHECKED CG SCALE As indicated DATE MARCH 2023	A1	MODUS PROJECT D23-1660 REVISION B DWG SK000

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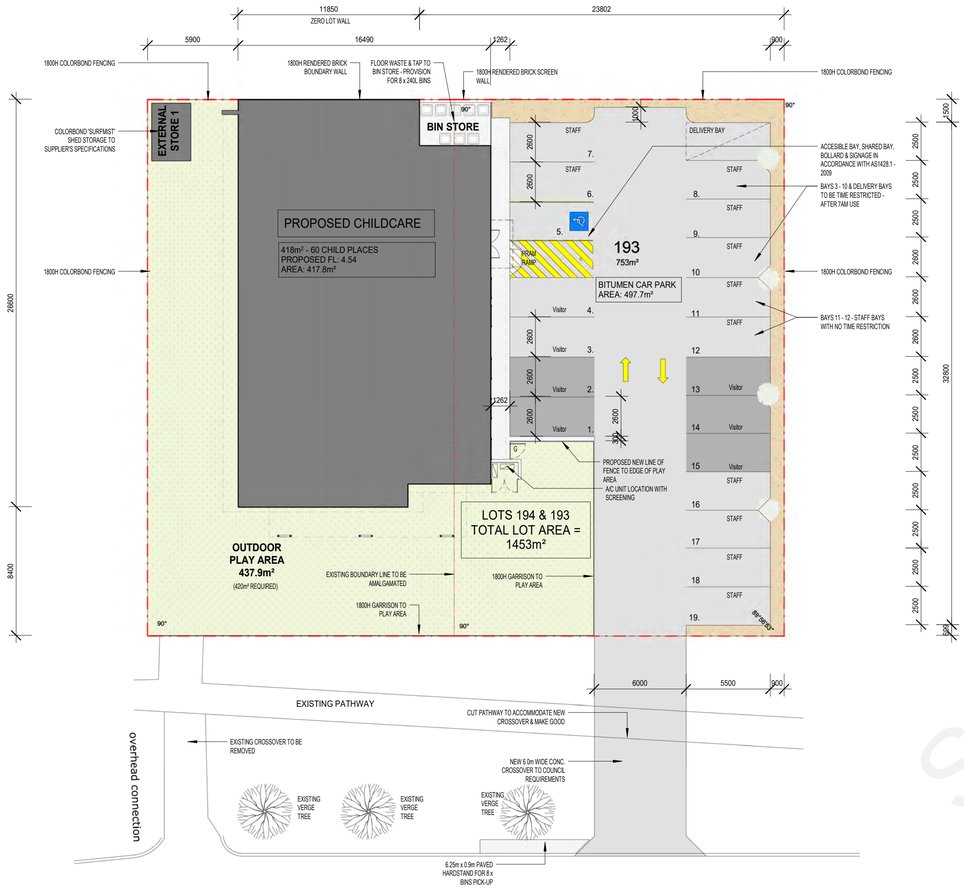
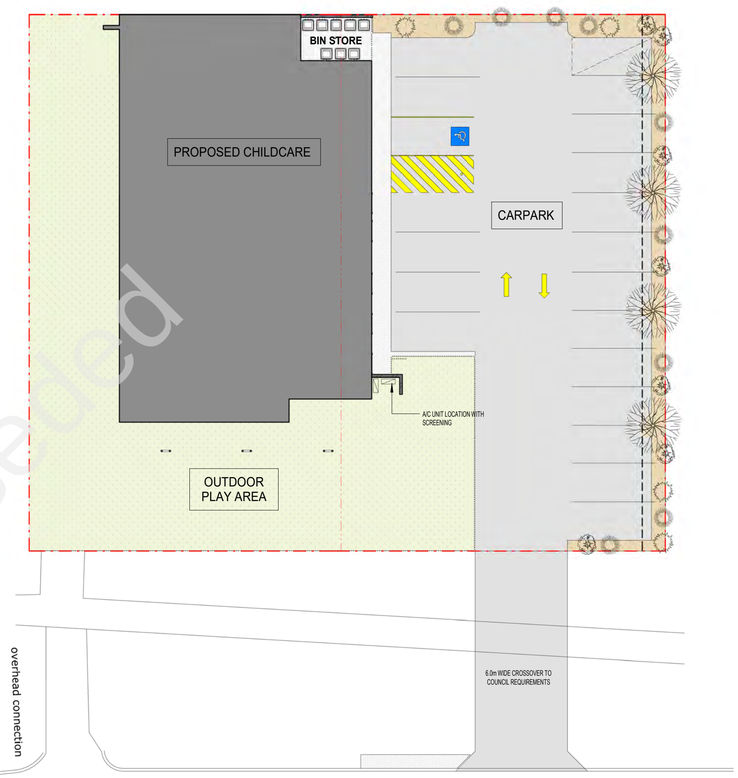


2 PROPOSED SITE PLAN
SCALE 1 : 200



LANDSCAPING LEGEND

- SELECTED CONCRETE PAVING - REFER TO SPECIFICATIONS
- LANDSCAPING AND PLAY EQUIPMENT BY SPECIALIST CONTRACTOR TO FUTURE DESIGN
- MULCHED GARDEN AREA
- CARPARKING - BITUMEN TO CIVIL ENGINEERS DESIGN
- **TREE x 1**
  TREE 1 (UP TO 12m HIGH, 6m CANOPY)
  CORYMBIA CALOPHYLLA
  WA MARRI
- **TREE x 8**
  TREE 2 (UP TO 2m HIGH, 1.5m CANOPY)
  LAMIACEAE, WESTRINGIA (NATIVE ROSEMARY)
  FRUTICOSA JERVIS GEM
- **SHRUB x 13**
  SHRUB (40cm HIGH, 40cm WIDE)
  ADENANTHOS SERICEUS
  ALBANY WOOLY BUSH
- **GROUND COVER x 7**
  LOW SHRUB (50cm HIGH, 1.5m WIDE)
  SCAEVOLA AEMULA CULTIVARS
  FAIRY FAN FLOWER

NOTE:
FINAL LAYOUT OF OUTDOOR PLAY SPACES TO BE DESIGNED IN CONJUNCTION WITH OPERATORS PREFERRED PLAY SPACE DESIGN CONSULTANT.

1 LANDSCAPING PLAN
SCALE 1 : 200

Superseded

modus design pty ltd

PROPOSED SITE & LANDSCAPING PLAN
PROPOSED CHILDCARE CENTRE
4 & 6 MALIBU ROAD
SAFETY BAY

DESIGN	BF
DRAWN	BF
CHECKED	CG
SCALE	1 : 200
DATE	MARCH 2023

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MODUS PROJECT	D23-1660
REVISION	B
DWG	SK100

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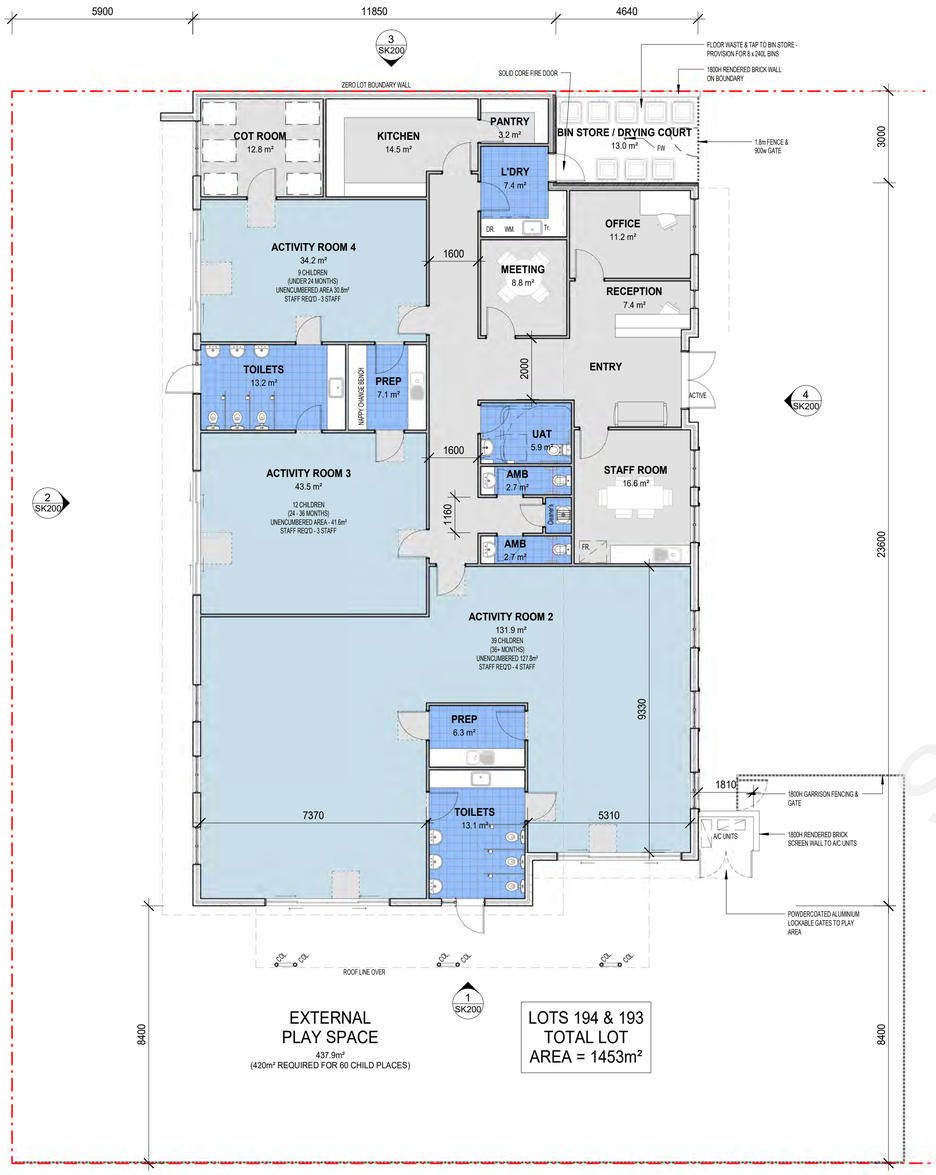

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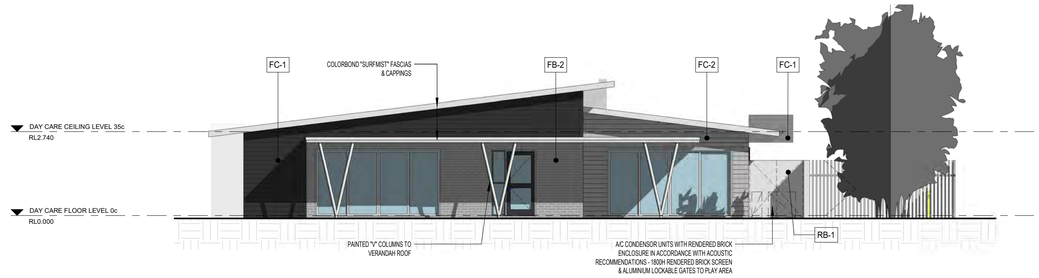

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SCALE 1 : 100

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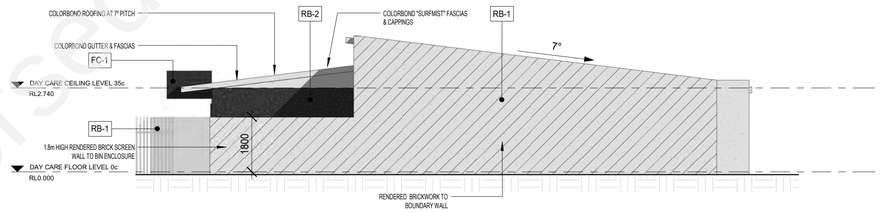
SCALE 1 : 100



3 - ELEVATION NORTH-WEST
SCALE 1 : 100

4 - ELEVATION NORTH-EAST
SCALE 1 : 100

EXTERNAL FINISHES LEGEND

SAMPLE	TAG	DESCRIPTION	SAMPLE	TAG	DESCRIPTION
	FC-1	JAMES HARDIE SCYON STRIA CLADDING 325mm - "MONUMENT" COLOUR		CR-1	COLORBOND CUSTOM ORB ROOF SHEETING COLOUR: COLORBOND "SURFMIST"
	FC-2	JAMES HARDIE SCYON STRIA CLADDING 325mm - "SURFMIST" COLOUR		RB-1	RENDERED BRICK VENEER COLOUR "SURFMIST"
	FB-1	"RESTORATION RED - TUMBLED" FACE BRICKWORK - 230mm x 110mm x 76mm		RB-2	RENDERED BRICK VENEER COLOUR "MONUMENT"
	FB-2	PAINTED FACE BRICKWORK "SHALE GREY" - 230mm x 110mm x 76mm		FB-3	PAINTED FACE BRICKWORK "MONUMENT" - 230mm x 110mm x 76mm

Superseded

modus design pty ltd

FLOOR PLAN & ELEVATIONS
PROPOSED CHILDCARE CENTRE
4 & 6 MALIBU ROAD
SAFETY BAY

DESIGN	BF/CG
DRAWN	BF
CHECKED	CG
SCALE	As indicated
DATE	MARCH 2023

A1

MODUS PROJECT	D23-1660
REVISION	B
DWG	SK200

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1 - 3D - CHILDCARE PERSPECTIVE
SCALE

Superseded

2 - 3D - CHILDCARE PERSPECTIVE 2
SCALE

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3D VIEWS
PROPOSED CHILDCARE CENTRE
4 & 6 MALIBU ROAD
SAFETY BAY

DESIGN	BF/CG
DRAWN	BF
CHECKED	CG
SCALE	A1
DATE	MARCH 2023
MODUS PROJECT	D23-1660
REVISION	B
DWG	SK301

ATTACHMENT 3

TRANSPORT IMPACT STATEMENT

ROWE GROUP

Transport Impact Statement

Project:	Proposed Child Care Centre 4-6 Malibu Road, Safety Bay
Client:	Greener4 Pty Ltd c/- Rowe Group
Author:	N. Baby
Date:	8th May 2023
Shawmac Document #:	2303013-TIS-001

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Version	Prepared By	Reviewed By	Approved By	Date
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1 Introduction

1.1 Proponent

Shawmac has been engaged by Rowe Group to prepare a Transport Impact Statement (TIS) for a proposed child care centre in Safety Bay.

This TIS has been prepared in accordance with the Western Australian Planning Commission (WAPC) *Transport Impact Assessment Guidelines Volume 4 – Individual Developments*. The assessment considers the following key matters:

- Details of the proposed development.
- Vehicle access and parking.
- Provision for service vehicles.
- Daily traffic volumes and vehicle types.
- Traffic management on frontage streets.
- Public transport access.
- Pedestrian access.
- Cycle access
- Site specific and safety issues.

1.2 Site Location

The site address is 4-6 Malibu Road, Safety Bay. The local authority is the City of Rockingham.

The general site location is shown in Figure 1. An aerial view of the existing site is shown in Figure 2.

Figure 1: Site Location

Figure 2: Aerial View (December 2022)

2 Proposed Development

2.1 Land Use

The proposed development is a child care centre accommodating up to 60 children and 11 staff. 19 car parking spaces are proposed which includes 1 ACROD car bay.

The proposed site plan is shown in Figure 3.

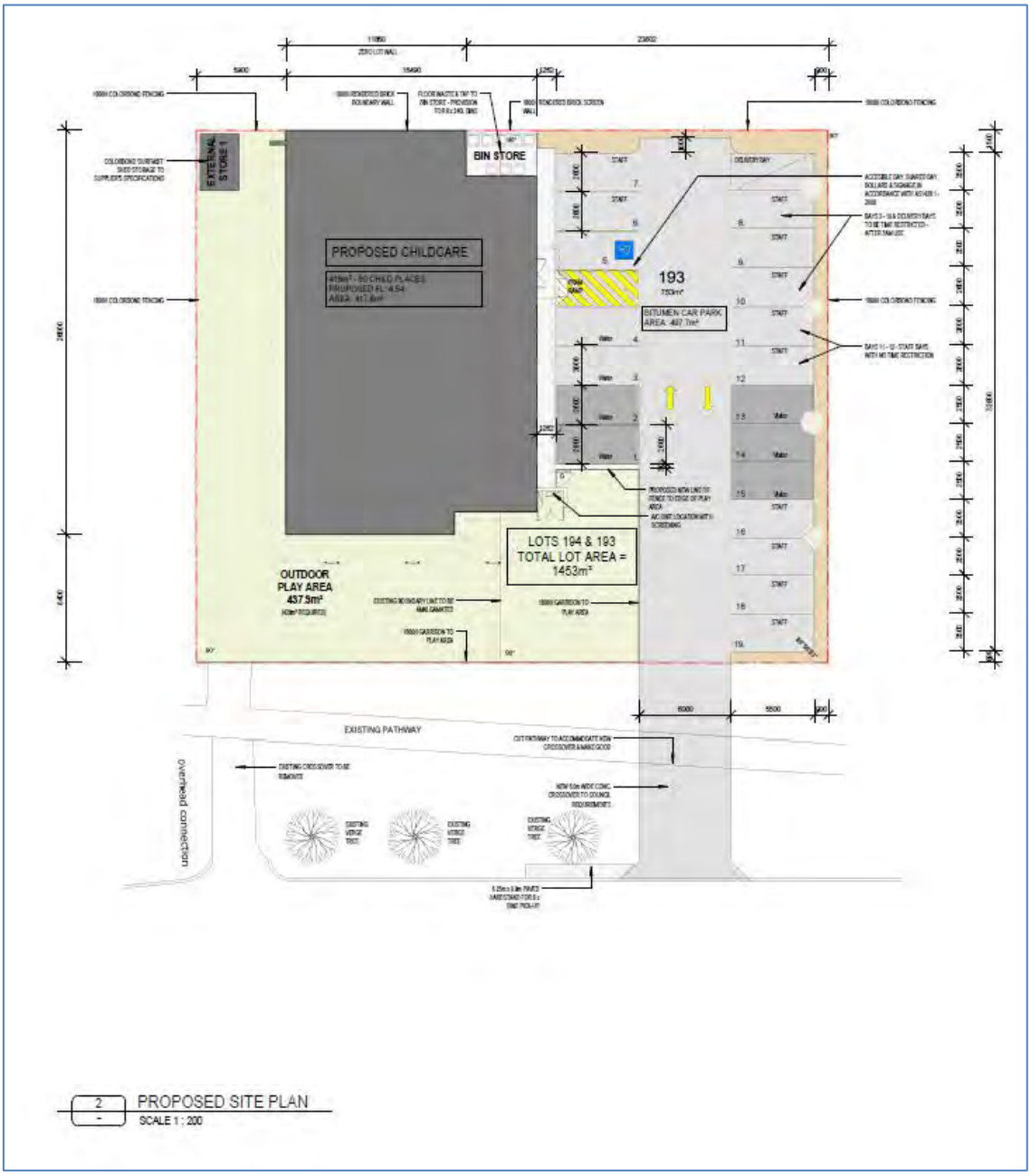


Figure 3: Site Plan

3 Traffic Management on Frontage Streets

3.1 Road Network

3.1.1 Existing Road Layout and Hierarchy

The layout and hierarchy of the existing local road network according to the Main Roads WA *Road Information Mapping System* is shown in Figure 4.

Figure 4: Existing Road Network Hierarchy

3.1.2 Speed Limits

The speed limit along the existing local road network according to the Main Roads WA *Road Information Mapping System* is shown in Figure 5.

Figure 5: Speed Limits

4 Vehicle Access and Parking

4.1 Access

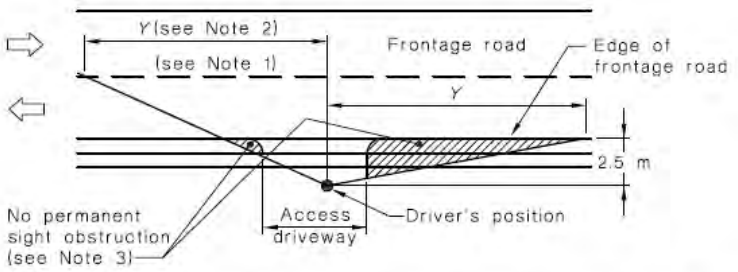
Vehicle access is proposed via new crossover on Malibu Road in Figure 6.

Figure 6: Vehicle Access Arrangement

According to the City of Rockingham's *Specification for the Construction of Commercial / Industrial Crossovers*, crossovers are to be between 4m and 10m wide at the property boundary and between 7m and 13m wide at the kerb line. The proposed crossover is 6m wide at the property boundary and 8.6m at the kerb line. The crossover width is therefore compliant.

4.2 Sight Distance

Sight distance requirements from vehicle exit points are defined in Figure 3.2 of Australian Standard AS2890.1-2004 *Parking facilities Part 1: Off street car parking* (AS2890.1) which is shown in Figure 7.



Frontage road speed (Note 4) km/h	Distance (Y) along frontage road m		
	Access driveways other than domestic (Note 5)		Domestic property access (Note 6)
	Desirable 5 s gap	Minimum SSD	
40	55	35	30
50	69	45	40
60	83	65	55
70	97	85	70
80	111	105	95
90	125	130	Use values from 2nd and 3rd columns
100	139	160	
110	153	190	

Figure 7: AS2890.1 Sight Distance Requirements

Based on the 60km/h speed limit along Malibu Road, the minimum required sight distance is 65m.

As shown in Figure 8, the minimum required sight distance is achieved in both directions from the new crossover.

Figure 8: Sight Distance Check

4.3 Car Parking

It is proposed to provide a total of 19 car parking bays on the site.

4.3.1 Planning Scheme Requirements

The car parking requirements calculated in accordance with the City of Rockingham Town Planning Scheme No 2. are outlined in Table 1.

Table 1: Car Parking Calculation – TPS2

Land Use	Requirement	Quantum	Bays Required
Childcare	1 space per every 8 children	60 children	8
	1 space for every employee	11 staff	11

As shown, the proposed development is required to provide 19 car bays. The proposed 19 bays satisfy the calculated requirements and are therefore considered to be adequate.

4.4 Bicycle Parking

The City's TPS does not appear to specify requirements for bicycle parking.

The demand for bicycle parking is expected to be low and limited to staff only. Child care centres are typically well secured sites and so staff could potentially park bicycles within the site where there is room to do so.

4.5 Parking Design

The parking layout will need to comply with the requirements of Australian Standard AS2890.1. The user class will depend on the purpose of the bay as detailed in Figure 9.

9 AS/NZS 2890.1:2004

TABLE 1.1

CLASSIFICATION OF OFF-STREET CAR PARKING FACILITIES

User class	Required door opening	Required aisle width	Examples of uses (Note 1)
1	Front door, first stop	Minimum for single manoeuvre entry and exit	Employee and commuter parking (generally, all-day parking)
1A	Front door, first stop	Three-point turn entry and exit into 90° parking spaces only, otherwise as for User Class 1	Residential, domestic and employee parking
2	Full opening, all doors	Minimum for single manoeuvre entry and exit	Long-term city and town centre parking, sports facilities, entertainment centres, hotels, motels, airport visitors (generally medium-term parking)
3	Full opening, all doors	Minimum for single manoeuvre entry and exit	Short-term city and town centre parking, parking stations, hospital and medical centres
3A	Full opening, all doors	Additional allowance above minimum single manoeuvre width to facilitate entry and exit	Short term, high turnover parking at shopping centres
4	Size requirements are specified in AS/NZS 2890.6 (Note 2)		Parking for people with disabilities

Figure 9: Classification of Parking Facilities

Staff parking (long-term parking) would be classified as User Class 1. Pick-up and drop-off parking (short term parking) would most likely be classified as User Class 3.

An assessment of the AS2890.1 parking requirements is detailed in Table 2.

Table 2: AS2890.1 Car Parking Compliance

Dimension	Requirement	Provided
90 degree parking – Class 1 – Long Term Parking (Staff)		
Car Bay Width	2.4m	2.4m
Car Bay Length	5.4m	5.5m
Parking Aisle Width	5.8m	6.0m
90 degree parking – Class 3 – Short Term Parking (Pick-up / Drop-off)		
Car Bay Width	2.6m	2.6m
Car Bay Length	5.4m	5.5m
Parking Aisle Width	5.8m	6.0m

As shown, the dimensions of the parking bays are compliant with AS2890.1. However it is recommended that at least 8 of the 2.6m wide bays should be allocated for pick-up / drop-off use.

4.6 Provision for Service Vehicles

It is understood that waste will be collected from the verge and so there is no need to accommodate waste vehicles on-site. Deliveries are assumed to be undertaken using light vehicles and vans which can park within the on-site bays.

5 Traffic Generation

The volume of traffic generated by the proposed development has been estimated using trip generation rates from the Institute of Transportation Engineers (ITE) *Trip Generation*.

The traffic generation is detailed in Table 3.

Table 3: Proposed Development Vehicle Trip Generation

Land Use	Units	Quantity	Generation Rate			Number of Trips		
			Daily	AM Peak	PM Peak	Daily	AM Peak	PM Peak
Child Care / Day Care Centre	Children	60	4.09	0.78	0.79	245	47	47

As shown above, the development is estimated to generate 245 daily vehicle trips including 47 during the AM peak hour and 47 vehicle trips during the PM peak hour.

According to the WAPC TIA guidelines, an increase of between 10 to 100 peak hour vehicles is considered to have a low to moderate impact and is generally deemed acceptable without requiring detailed capacity analysis. The estimated 47 vehicles per hour is at the middle of this range and so the development traffic is considered to have a moderate impact and can be accommodated within the existing capacity of the road network.

6 Pedestrian and Cyclist Access

All existing roads in the surrounding area have at least one footpath except for very minor access roads and laneways where pedestrian movements are unlikely to occur.

The existing path network is considered to be adequate for the movement of pedestrians and cyclists to and from the development.

7 Public Transport Access

The following public transport services currently operate within 1km walking distance of the site:

- Transperth Bus Route 553 which operates between Rockingham Station and Shoalwater via Waikiki Road. The closest stops are on Malibu Road within 110m walking distance of the site.

The existing public transport services are considered to be adequate to meet the likely demand.

8 Site Specific Issues and Safety Issues

8.1 Crash History

The crash history of the adjacent road network was obtained from Main Roads WA's *Reporting Centre*. A summary of the recorded incidents over the five-year period ending December 2022 is shown in Figure 10. The search included Malibu Road between Safety Bay Road and Waikiki Road.

Figure 10: Crash History – January 2018 to December 2022

The number, type and location of the crashes do not appear to indicate a major safety issue on the road network. There is also no indication that the proposed development will increase the risk of crashes to an unacceptable level.

9 Conclusion

This Transport Impact Statement for the proposed child care centre at 4-6 Malibu Road in Safety Bay concludes the following:

- The proposed development is predicted to generate approximately 245 vehicle trips per day including 47 trips during the morning peak hour and 47 during the afternoon peak hour. This volume of traffic is low to moderate and can be accommodated within the existing capacity of the road network with no modifications required.
- The minimum sight distance requirement of AS2890.1 is achieved from proposed crossovers in both directions.
- The provision of 19 car parking bays satisfies the minimum requirements of the City's Town Planning Scheme.
- The demand for bicycle parking is expected to be low and limited to staff only. Child care centres are typically well secured sites and so staff could potentially park within the site where there is room to do so.
- The parking layout mostly complies with the AS2890.1. It is recommended that at least 8 of the 2.6m wide bays are allocated for pick-up / drop-off use.
- The existing path network is considered to be adequate for the movement of pedestrians and cyclists to and from the development.
- The crash history of the adjacent road network did not indicate any safety issue on the adjacent road network and there is no indication that the development would increase the risk of crashes unacceptably.
- The demand for public transport is likely to be relatively low based on the proposed uses and so the existing public transport services are considered to be adequate to meet the likely demand.

ATTACHMENT 4

ACOUSTIC ASSESSMENT

ROWE GROUP

PROPOSED CHILD CARE CENTRE
LOTS 194 & 196 (# 4 – 6) MALIBU ROAD
SAFETY BAY

ENVIRONMENTAL ACOUSTIC ASSESSMENT

MARCH 2023

OUR REFERENCE: 30830-3-23085

Rochdale Holdings Pty Ltd A.B.N. 85 009 049 067 trading as:
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DOCUMENT CONTROL PAGE

ENVIRONMENTAL ACOUSTIC ASSESSMENT

PROPOSED CHILD CARE CENTRE
MALIBU ROAD, SAFETY BA

Job No: 23085

Document Reference: 30830-3-23085

FOR

ROWE GROUP

DOCUMENT INFORMATION			
Author:	Tim Reynolds	**Checked By:**	Geoff Harris
Date of Issue:	24 March 2023		

REVISION HISTORY

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

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4.	PROPOSAL	5
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APPENDICIES

A PLANS

1. INTRODUCTION

Herring Storer Acoustics were commissioned to undertake an acoustic assessment of noise emissions associated with the proposed day care centre to be located at Lots 194 and 196 (No. 4 - 6) Malibu Road, Safety Bay.

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

- Children playing within the outside play areas of the centre; and
- Mechanical services.

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

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

2. SUMMARY

Noise received at the neighbouring premises from the outdoor play areas would comply with the requirements of the *Environmental Protections (Noise) Regulations 1997*, provided outdoor play is limited to the day period (ie after 7am), with the inclusion of the boundary fencing as shown on the drawings attached in Appendix A and the babies outdoor area is to be located as shown on Figure 5.1 in Section 5 – Modelling.

With the air conditioning condensing units located, as shown on drawing attached in Appendix A, noise received at the neighbouring residences from the air conditioning condensing units have also been assessed to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* at all times. Even so, it is recommended that the air conditioning units be installed with “low noise” night period modes.

It is noted that noise associated with cars movements and cars starting are exempt from complying with the Regulations. However, noise emissions from car doors are not strictly exempt from the Regulations. Noise received at the neighbouring premises would also comply with the Regulatory requirements, at all times with the inclusion of the parking restrictions, as shown on the drawings attached in Appendix A.

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

1 Although, the proposed facility would open before 7 am (ie during the night period), the outdoor play area would not be used until after 7am. Thus, noise received at the neighbouring existing residences from the outdoor play area needs to comply with the assigned day period noise level. Additionally, the babies outdoor area is to be located as shown on Figure 5.1 in Section 5 – Modelling.

2 Fencing to the development to be as shown on the drawings at attached in Appendix A. It is noted that for a child care centre, colourbond is an acceptable fencing material.

3 Although not required for compliance, it is recommended that the air conditioning units be installed with "low noise" night period modes. Additionally, it is recommended that an assessment of the mechanical services design be undertaken to ensure compliance with the Regulations.

4 For noise associated with cars within the car park to comply, parking restrictions, as shown on the drawing attached in Appendix A are required.

3. CRITERIA

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

TABLE 3.1 - BASELINE ASSIGNED OUTDOOR NOISE LEVEL

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

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

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

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

"modulation" means a variation in the emission of noise that –

(a) is more than 3 dB L_{AFast} or is more than 3 dB L_{AFast} in any one-third octave band;

(b) is present for more at least 10% of the representative assessment period; and

(c) is regular, cyclic and audible;

"tonality" means the presence in the noise emission of tonal characteristics where the difference between –

(a) the A-weighted sound pressure level in any one-third octave band; and

(b) the arithmetic average of the A-weighted sound pressure levels in the 2 adjacent one-third octave bands,

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

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

TABLE 3.2 - ADJUSTMENTS TO MEASURED LEVELS

Where **tonality** is present	Where **modulation** is present	Where **impulsiveness** is present
+5 dB(A)	+5 dB(A)	+10 dB(A)

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

The development is located on the south eastern corner of Safety Bay Road and Malibu Road. From information available from the Main Roads traffic Map, the current traffic flow along Safety Bay Road is around 14 500vpd, with the traffic volume along Malibu Road being around 5,500 vpd. Thus, Safety Bay Road would be considered as a secondary road.

For this development, the closest residential premises of concern are located, as shown on Figure 3.1 below.

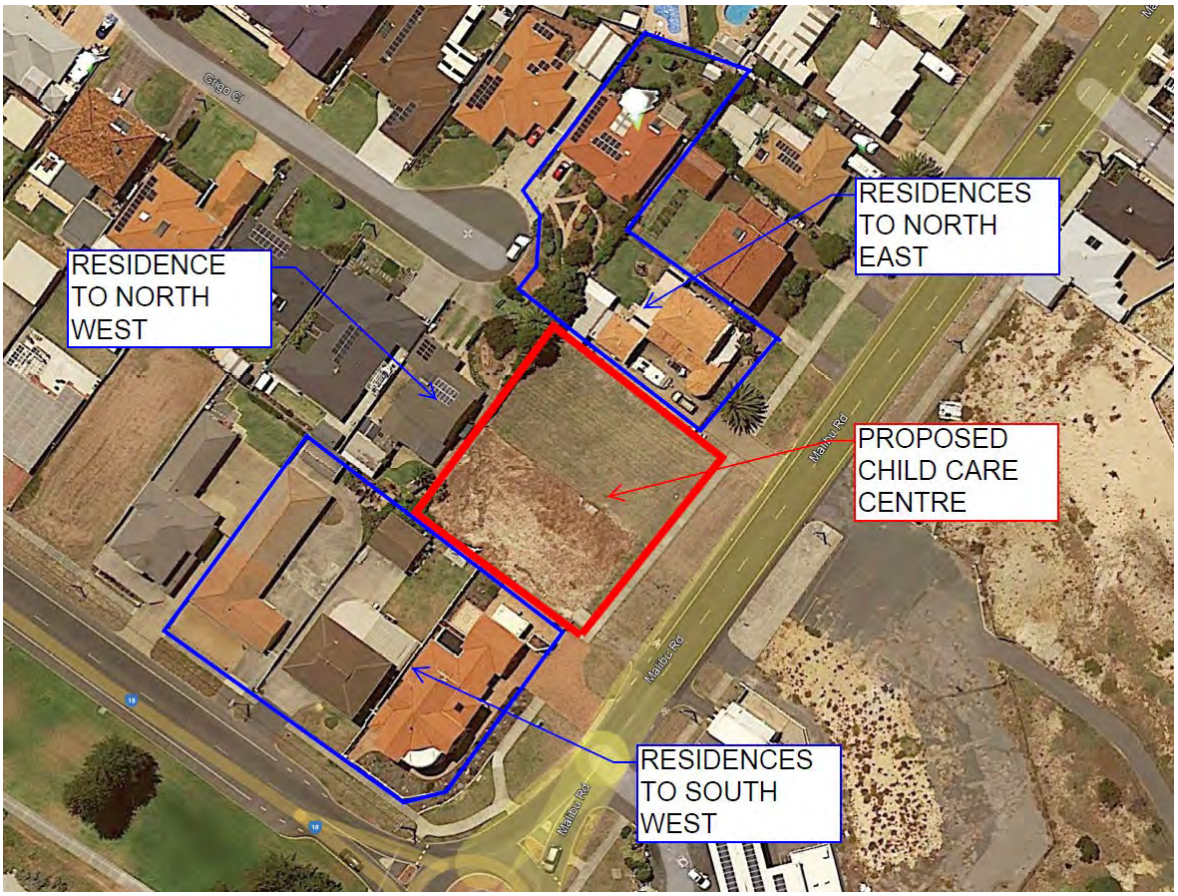

FIGURE 3.1 – RECEIVER POINTS

We have reviewed the Influencing Factors and provide the following analysis of the Influencing Factors to the neighbouring residents. The influencing factor at the nearest residential locations around the site have been determined as summarised in Table 3.4.

TABLE 3.4 – INFLUENCING FACTORS

Influencing Factor Parameter	Influencing Factor (dB)		
	Residences to South West	Residences to North East	Residence to North West
Major Road within inner circle	-	-	-
Major Road within outer circle	-	-	-
Secondary Road within inner circle	+2	+2	+2
Commercial Premises within the inner circle	+1.5 (30%)	+1.4 (28%)	+0.7 (14%)
Commercial Premises within the outer circle	+0.2 (4%)	+0.2 (4%)	+0.2 (4%)
TOTAL IF	+3.7 (Rounded to 4 dB)	+3.6 (Rounded to 4 dB)	+2.9 (Rounded to 3 dB)

Based on the above, the assigned noise levels are as listed in Tables 3.5 and 3.6.

TABLE 3.5 - ASSIGNED OUTDOOR NOISE LEVEL NEIGHBOURING RESIDENCES TO SOUTH WEST AND NORTH EAST

Premises Receiving Noise	Time of Day	Assigned Level (dB)		
		$L_{A\ 10}$	$L_{A\ 1}$	$L_{A\ max}$
Noise sensitive premises : Highly sensitive area	0700 - 1900 hours Monday to Saturday	49	59	69
	0900 - 1900 hours Sunday and Public Holidays	44	54	69
	1900 - 2200 hours all days	44	54	59
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and Public Holidays	39	49	59

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

TABLE 3.6 - ASSIGNED OUTDOOR NOISE LEVEL NEIGHBOURING RESIDENCES TO NORTH WEST

Premises Receiving Noise	Time of Day	Assigned Level (dB)		
		$L_{A\ 10}$	$L_{A\ 1}$	$L_{A\ max}$
Noise sensitive premises : Highly sensitive area	0700 - 1900 hours Monday to Saturday	48	58	68
	0900 - 1900 hours Sunday and Public Holidays	43	53	68
	1900 - 2200 hours all days	43	53	58
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and Public Holidays	38	48	58

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

4. PROPOSAL

From information supplied, we understand that the child care centre normal hours of operations would be between 0630 and 1830 hours, Monday to Friday (closed on public holidays). It is understood that the proposed childcare centre will cater for a maximum of 60 children: with the following breakdown:

0 – 2 years	9 places
2 - 3 years	12 places
3+ years	39 places

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

5. MODELLING

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

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

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

TABLE 5.1 – SOUND POWER LEVELS

Item	Sound Power Level, dB(A)
Children Playing	83 (per 10 children over 2 years) 78 (per 10 children under 2 years)
Car Moving in Car Park	79
Car Starting	85
Door Closing	87 (for drop off / pick ups) 84 (Staff)
Air conditioning condensing Unit	8 @ 71

Notes:

1 Given the number and breakdown of children, noting that the noise emissions from children under the age of 2 years is significantly reduced, acoustic modelling of outdoor play noise was made, based on 60 children playing, being 6 groups of 10 children, distributed as plane sources.

2 With the first floor of the residence to the north west the north east corner of the outdoor play space needs to be the 0 – 2 years outdoor play area as shown on Figure 5.1.

3 The building construction would be sufficient to contain noise generated internally and noise emissions from the outdoor playscape would be considered the worst case scenario. However, when music is played internally, the external doors to that activity room are to be closed.

4 Again, with the first floor of the residence to the north west, to achieve compliance at this location from car doors closing, the parking restrictions, as shown on the drawings attached in Appendix A have been determined and used within this assessment.

5 The noise level for the air conditioning has been based on the sound power levels used for previous assessment of child care centres. From other studies, we understand that the noise associated with the condensing units would be conservative.

6 The noise modelling has been based on the fencing indicted on the plans attached in Appendix A.

7 Noise modelling was undertaken to a number of different receiver locations for each of the neighbouring residences. However, to simplify the assessment, only the noise level in the worst case location (ie highest noise level), have been listed. The first floor windows / rooms of the neighbouring residence to the north west is also noted; and noise assessment undertaken includes these.

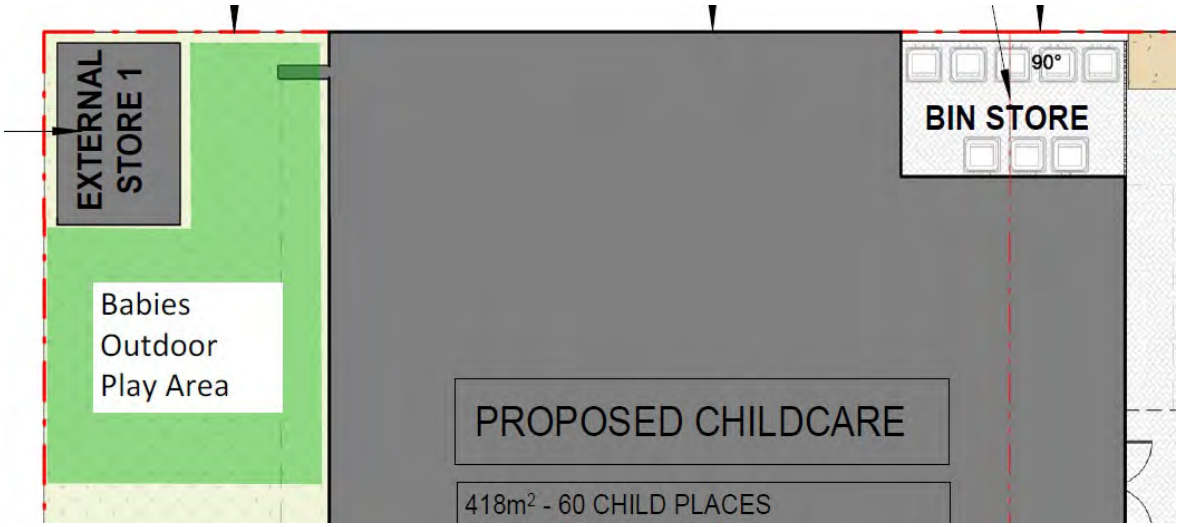

FIGURE 5.1 – ACOUSTIC REQUIREMENTS

6. ASSESSMENT

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

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

TABLE 6.1 - ACOUSTIC MODELLING RESULTS FOR L_{A10} CRITERIA OUTDOOR PLAY AREAS AND MECHANICAL PLANT

Neighbouring Premises	Calculated Noise Level (dB(A))	
	Children Playing	Air Conditioning
South West	46	15 (20)
North East	41	32 (37)
North West	41	30 (35)

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

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

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

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

Neighbouring Premises	Calculated Noise Level (dB(A))
South West	31
North East	42
North West	39

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

Neighbouring Premises	Calculated Noise Level (dB(A))			
	Car Starting		Door Closing	
	Day Period	Night Period	Day Period	Night Period
South West	35	35	37 [47]	37 [47]
North East	48	48	49 [59]	49 [59]
North West	55	47	56 [66]	48 [58]

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

Tables 6.4 to 6.10 summarise the applicable Assigned Noise Levels, and assessable noise level emissions for each identified noise.

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

Location	Assessable Noise Level dB(A)	Applicable Assigned Noise Level (dB(A))	Exceedance to Assigned Noise Level
South West	46	49	Complies
North East	41	49	Complies
North West	41	48	Complies

TABLE 6.5 – ASSESSMENT OF L_{A10} NIGHT PERIOD NOISE LEVEL EMISSIONS
AIR CONDITIONING

Location	Assessable Noise Level dB(A)	Applicable Assigned Noise Level (dB(A))	Exceedance to Assigned Noise Level
South West	20	39	Complies
North East	37	39	Complies
North West	35	38	Complies

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

Location	Assessable Noise Level dB(A)	Applicable Assigned Noise Level (dB(A))	Exceedance to Assigned Noise Level
South West	31	49	Complies
North East	42	49	Complies
North West	39	48	Complies

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

Location	Assessable Noise Level dB(A)	Applicable Assigned Noise Level (dB(A))	Exceedance to Assigned Noise Level
South West	35	69	Complies
North East	48	69	Complies
North West	55	68	Complies

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

Location	Assessable Noise Level dB(A)	Applicable Assigned Noise Level (dB(A))	Exceedance to Assigned Noise Level
South West	35	59	Complies
North East	48	59	Complies
North West	47	58	Complies

TABLE 6.9 – ASSESSMENT OF L_{Amax} DAY PERIOD NOISE LEVEL EMISSIONS CAR DOOR

Location	Assessable Noise Level dB(A)	Applicable Assigned Noise Level (dB(A))	Exceedance to Assigned Noise Level
South West	47	69	Complies
North East	59	69	Complies
North West	66	68	Complies

TABLE 6.10 – ASSESSMENT OF L_{Amax} NIGHT PERIOD NOISE LEVEL EMISSIONS CAR DOOR

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

7. CONCLUSION

Noise received at the neighbouring residences from the outdoor play area would comply with day period assigned noise level for the day period, with the babies outdoor area is to be located as shown on Figure 5.1 in Section 5 – Modelling.

With the air conditioning condensing units located as shown of the drawings attached in Appendix A and screened from the neighbours, noise received at the neighbouring residences from the air conditioning condensing units have also been assessed to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* at all times. Even so, it is recommended that the air conditioning units be installed with “low noise” night period modes.

It is noted that noise associated with cars movements and cars starting are exempt from complying with the Regulations. However, noise emissions from car doors are not strictly exempt from the Regulations. Noise received at the neighbouring premises would also comply with the Regulatory requirements, at all times with the inclusion of the parking restrictions, as shown on the drawings attached in Appendix A.

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

1 Although, the proposed facility would open before 7 am (ie during the night period), the outdoor play area would not be used until after 7am. Thus, noise received at the neighbouring existing residences from the outdoor play area needs to comply with the assigned day period noise level. Additionally, the babies outdoor area is to be located as shown on Figure 5.1 in Section 5 – Modelling.

2 Fencing to the development to be as shown on the drawings at attached in Appendix A. It is noted that for a child care centre, colourbond is an acceptable fencing material.

3 Although not required for compliance, it is recommended that the air conditioning units be installed with "low noise" night period modes. Additionally, it is recommended that an assessment of the mechanical services design be undertaken to ensure compliance with the Regulations.

4 For noise associated with cars within the car park to comply with the Regulations, parking restrictions, as shown on the drawings attached in Appendix A are required.

APPENDIX A

PLANS

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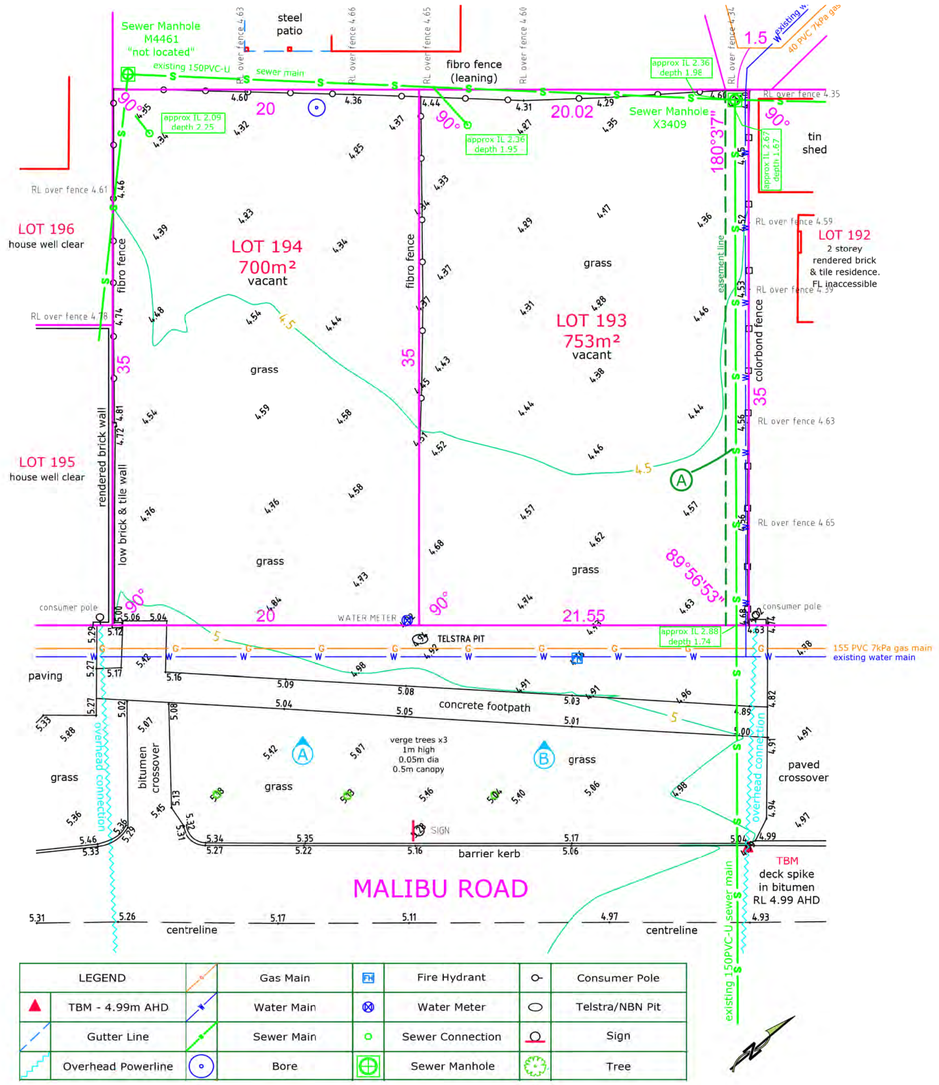

N

2 - LOCATION PLAN
SCALE 1 : 500

1 - EXISTING SURVEY PLAN
SCALE 1 : 200

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SURVEY & LOCATION PLAN PROPOSED CHILDCARE CENTRE 4 & 6 MALIBU ROAD SAFETY BAY	DESIGN BF DRAWN BF CHECKED CG SCALE As indicated DATE MARCH 2023	A1	MODUS PROJECT D23-1660 REVISION B DWG SK000

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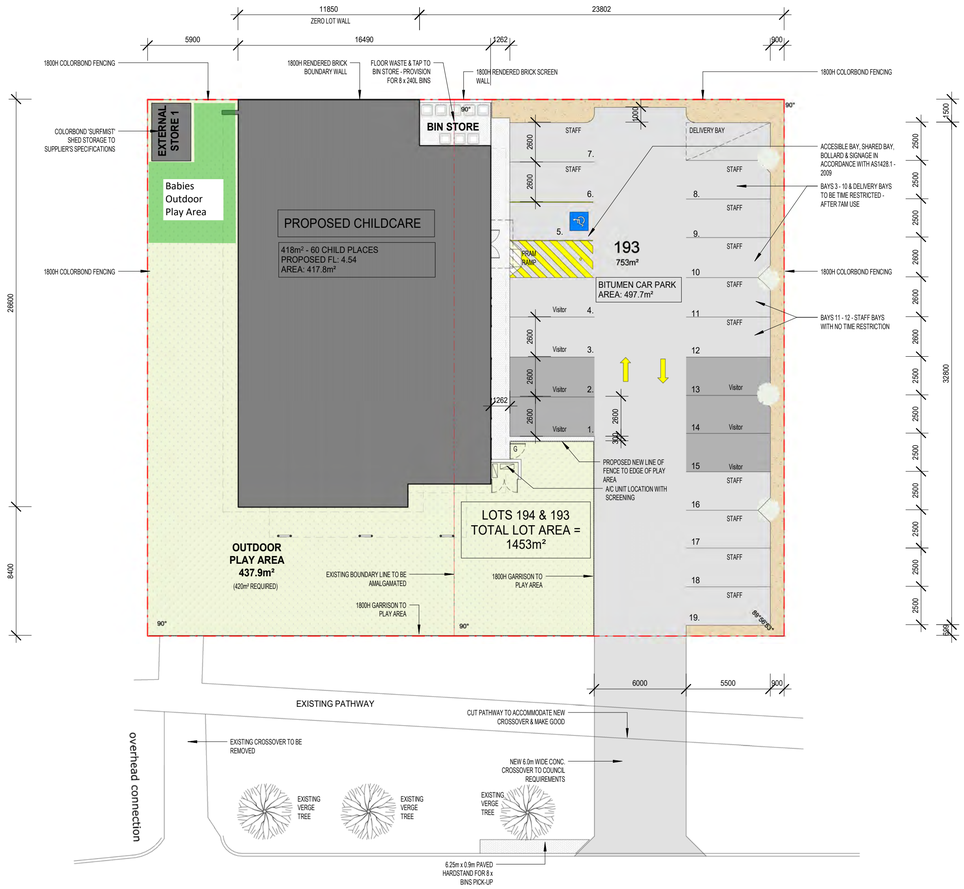
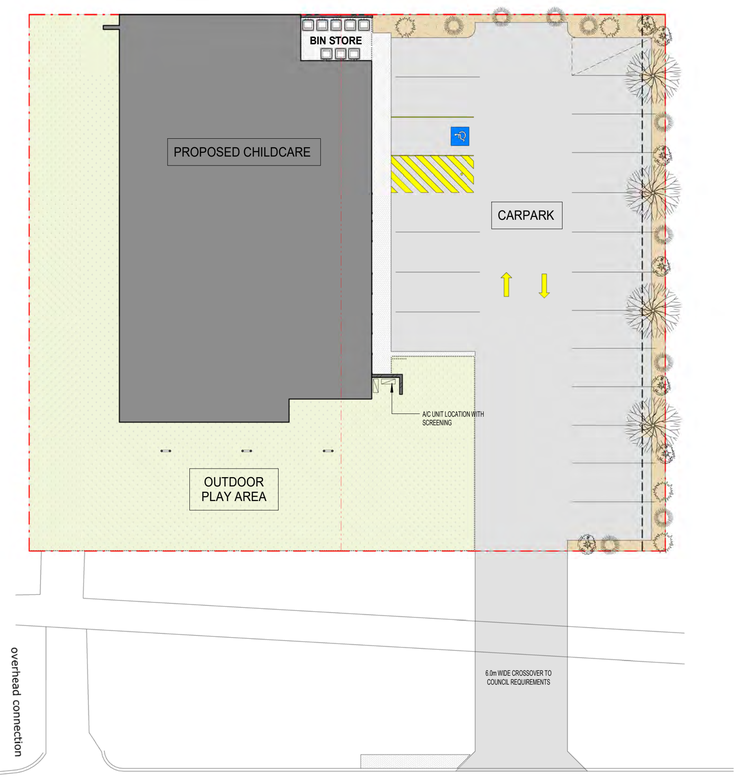


2 PROPOSED SITE PLAN
SCALE 1 : 200



1 LANDSCAPING PLAN
SCALE 1 : 200

LANDSCAPING LEGEND

- SELECTED CONCRETE PAVING - REFER TO SPECIFICATIONS
- LANDSCAPING AND PLAY EQUIPMENT BY SPECIALIST CONTRACTOR TO FUTURE DESIGN
- MULCHED GARDEN AREA
- CARPARKING - BITUMEN TO CIVIL ENGINEERS DESIGN
- **TREE x 1**
  TREE 1 (UP TO 12m HIGH, 6m CANOPY)
  CORYMBIA CALOPHYLLA
  WA MARRI
- **TREE x 8**
  TREE 2 (UP TO 2m HIGH, 1.5m CANOPY)
  LAMIACEAE, WESTRINGIA (NATIVE ROSEMARY)
  FRUTICOSA JERVIS GEM
- **SHRUB x 13**
  SHRUB (40cm HIGH, 40cm WIDE)
  ADENANTHOS SERICEUS
  ALBANY WOOLY BUSH
- **GROUND COVER x 7**
  LOW SHRUB (50cm HIGH, 1.5m WIDE)
  SCAEVOLA AEMULA CULTIVARS
  FAIRY FAN FLOWER

NOTE:
FINAL LAYOUT OF OUTDOOR PLAY SPACES TO BE DESIGNED IN CONJUNCTION WITH OPERATORS PREFERRED PLAY SPACE DESIGN CONSULTANT.

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PROPOSED SITE & LANDSCAPING PLAN
PROPOSED CHILDCARE CENTRE
4 & 6 MALIBU ROAD
SAFETY BAY

DESIGN	BF
DRAWN	BF
CHECKED	CG
SCALE	1 : 200
DATE	MARCH 2023

A1

MODUS PROJECT	D23-1660
REVISION	B
DWG	SK100

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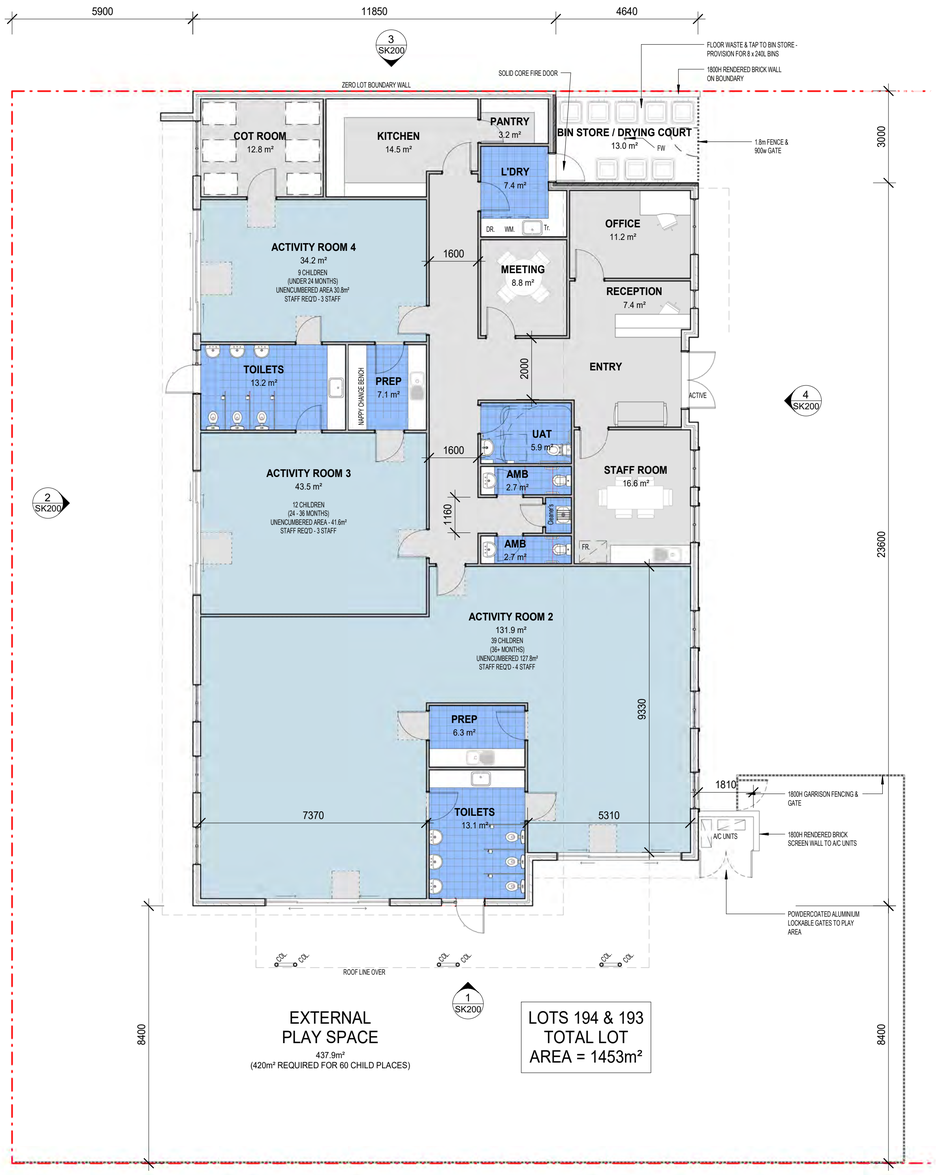
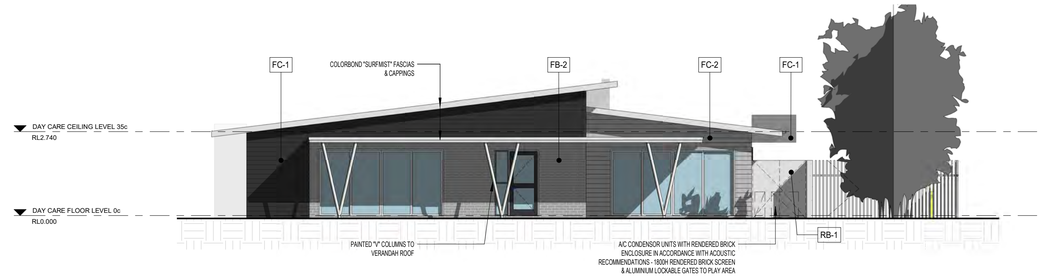
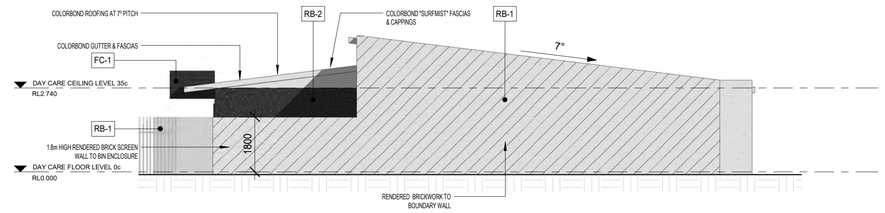


5 - FLOOR PLAN GA
SCALE 1 : 100



1 - ELEVATION SOUTH-EAST
SCALE 1 : 100

2 - ELEVATION SOUTH-WEST
SCALE 1 : 100



3 - ELEVATION NORTH-WEST
SCALE 1 : 100

4 - ELEVATION NORTH-EAST
SCALE 1 : 100

EXTERNAL FINISHES LEGEND

SAMPLE	TAG	DESCRIPTION	SAMPLE	TAG	DESCRIPTION
	FC-1	JAMES HARDIE SCYON STRIA CLADDING 325mm - "MONUMENT" COLOUR		CR-1	COLORBOND CUSTOM ORB ROOF SHEETING COLOUR: COLORBOND "SURFMIST"
	FC-2	JAMES HARDIE SCYON STRIA CLADDING 325mm - "SURFMIST" COLOUR		RB-1	RENDERED BRICK VENEER COLOUR "SURFMIST"
	FB-1	"RESTORATION RED - TUMBLED" FACE BRICKWORK - 230mm x 110mm x 76mm		RB-2	RENDERED BRICK VENEER COLOUR "MONUMENT"
	FB-2	PAINTED FACE BRICKWORK "SHALE GREY" - 230mm x 110mm x 76mm		FB-3	PAINTED FACE BRICKWORK "MONUMENT" - 230mm x 110mm x 76mm

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FLOOR PLAN & ELEVATIONS
PROPOSED CHILDCARE CENTRE
4 & 6 MALIBU ROAD
SAFETY BAY

DESIGN	BF/CG
DRAWN	BF
CHECKED	CG
SCALE	As indicated
DATE	MARCH 2023

A1

MODUS PROJECT	D23-1660
REVISION	B
DWG	SK200

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1 - 3D - CHILDCARE PERSPECTIVE
SCALE

2 - 3D - CHILDCARE PERSPECTIVE 2
SCALE

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3D VIEWS
PROPOSED CHILDCARE CENTRE
4 & 6 MALIBU ROAD
SAFETY BAY

DESIGN	BF/CG
DRAWN	BF
CHECKED	CG
SCALE	A1
DATE	MARCH 2023
MODUS PROJECT	D23-1660
REVISION	B
DWG	SK301

ATTACHMENT 5

EMISSIONS IMPACT ASSESSMENT

ROWE GROUP

EAQ Consulting

EMISSIONS IMPACT ASSESSMENT OF BP SERVICE STATION ADJACENT TO PROPOSED CHILD CARE CENTRE

MALIBU ROAD, SAFETY BAY, WESTERN AUSTRALIA

Emissions Impact Assessment of BP Service Station adjacent to Proposed Child Care Centre

Malibu Road, Safety Bay, Western Australia

Prepared for: Greener4 Pty Ltd c/- ROWE Group

Project Ref: EAQ-23016
May 2023

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Report Revision(s)				
Version(s)	**Description**	**Date**	**Author(s)**	**Reviewer(s)**
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Draft_1.0	Released to Client	24.04.2023	J. Hurley	ROWE Group, Greener4
FInal		01.05.2023		

Approved for Release		
Name	**Position**	**File Reference**
John Hurley	Principal Consultant	EAQ23016-MalibuRoadChildCare+BPSStation+EIA-FINAL

Signature

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This document presents the outcomes of a Desktop Emissions Modelling Assessment. All emissions inputs into the model were sourced from previous site-specific measurements, from peer reviewed public domain data and/or industry specific emissions' factor publications except where detailed otherwise herein. EAQ has not attempted to verify externally sourced data beyond its use herein. The modelling assessment has been prepared using the best available information provided by the Client and in conjunction with regulatory guidance from the appropriate regulatory jurisdiction(s), either State-wide or Nationally. EAQ has exercised its diligence and due-care in delivering the outcomes of the assessment according to accepted assessment practices and techniques. EAQ disclaims any and all liability and responsibilities for damages of any nature, to any party, which may be caused from misapplication or misinterpretation by third parties of this assessment

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Executive Summary

Environmental and Air Quality Consulting Pty Ltd undertook an Air Emissions Assessment of an existing BP Service Station located at the corner of Safety Bay Road and Malibu Road Safety Bay, Western Australia.

The site-specific scientific study addressed the health risks associated with vapour emissions from the BP Site for the purposes of determining the risk of emissions' impacts at an adjacently proposed Child Care Centre.

The proposed Child Care Centre will satisfy the guideline separation distance of 50 metres from the nearest refuelling location at the BP Site.

The BP Site is within an urban developed area with residential properties surrounding, and operates under limited hours daily i.e., not a 24-hour operation.

The Assessment utilised accepted standards for estimating pollutant emission rates of primary airborne pollutants from fuel storage and refuelling activities at the service station and assessed these pollutant emission rates utilising conventional dispersion modelling methods to predict the concentration of primary pollutants at the nearest sensitive receiver within the locality.

The outcomes of the Assessment found that the primary pollutants of Benzene, Toluene, Ethyl benzene, Xylenes, Cyclohexane, *n*-Hexane and Styrene were predicted to have ground level concentrations lower than acceptable exposure limits set by the National Environment Protection (Air Toxics) Measure and other relevant jurisdictional recommendations.

The predicted concentrations of these primary pollutants demonstrated that the service station emissions is unlikely to have an unreasonable impact on the future health of those attending the Child Care Centre.

1 Background & Scope

Environmental & Air Quality Consulting Pty Ltd (EAQ) was engaged by Greener4 Pty Ltd, through ROWE Group, to undertake an Air Emissions' Impact Assessment (the Assessment) of an existing limited hours BP Service Station (the BP Site) located on the corner of Safety Bay Road and Malibu Road, Safety Bay Western Australia.

The Assessment was commissioned to determine the risk of vapour impacts from refuelling activities at the BP Site, on a proposed Child Care Centre (the Centre) to be located adjacent to the Site at 4-6 Malibu Road, Safety Bay.

The Centre is proposed to be built within an established residential area where sensitive receptors are already established with respect to the BP Site and its vapour emissions.

The Centre will operate Monday to Friday between maximal hours of 0600 hrs – 1800 hrs.

The Assessment addressed toxic emissions of principal chemical compounds in petrols by undertaking a desktop scientific Assessment into the short and long-term health risks associated with vapour emissions from the Site.

Vapour emission rates assessed were developed from:

- NPI Emission Estimation Technique Manual (NPI, 1999) for Aggregated Emissions from Service Stations (Environment Australia);
- Air Toxics "Hot Spots" Program: Gasoline Service Stations Industry wide Assessment Guidelines – Toxics Committee of the California Air Pollution Control Officers Association (CAPCOA, 1997); and
- Brisbane City Council methodology for service stations (BCC, 2017).

The BCC, 2017 methodology was utilised to derive hourly throughput rates for service stations based on normal and peak traffic flows.

1.1 Assessment Scope

The Assessment was undertaken to determine the extent of offsite pollutant impacts beyond the boundary of the BP Site and subsequently determine the risk of health and amenity impacts for the proposed Centre which is categorised as a future sensitive receiver and/or sensitive land use (receptor).

The Assessment predicted ground level concentrations (GLCs) of various pollutants from vapour losses using regulatory standard dispersion modelling techniques.

The predicted GLCs were compared to the regulatory criteria for each pollutant assessed to determine if those GLCs would cause a health or amenity impact at the nearest receptor.

The model of choice was Aermod and its supporting pre- and post- processors.

1.1.1 Legislative Context

The existing BP Site is not a Prescribed Premise with regard to the WA Department of Water and Environmental Regulation (DWER).

The Western Australia (WA) Environmental Protection Authority (EPA) 2005 Guidance for the Assessment of Environmental Factors document, *Separation Distances between Industrial and Sensitive Land Uses* recommends a buffer separation distance for Service Stations and the nearest sensitive receptor is as follows:

Table 1-1: WA EPA Guidance for Separation Distances – Service Station

50 m	Operating during normal business hours of Monday – Saturday from 0700 – 1900 hours
100 m	Freeway service stations
200 m	Service stations in operations for 24 hours daily

Importantly, there have been sweeping changes to the operational hours of service stations and retail businesses in Western Australia i.e., deregulation of hours.

As a result, the 50 metre (m) separation distance as guided by the WA EPA (2005) does not adequately define between limited hours and 24-hour operations. Given the BP Site has limited trading hours, albeit over 7-days trading, the BP Site can be considered to trade between normal business hours and as such the guideline separation distance of 50 m is applicable.

The EPA recommended buffers imply that where the separation distance is not met, a further assessment of applicable emissions should be undertaken to support the application and thus inform the risk of health and amenity impacts at the nearest receptor.

"Sensitive land uses include residential development, hospitals, hotels, motels, hostels, caravan parks, schools, nursing homes, child care facilities, shopping centres, playgrounds and some public buildings. Some commercial, institutional and industrial land uses which require high levels of amenity or are sensitive to particular emissions may also be considered "sensitive land uses". Examples include some retail outlets, offices and training centres, and some types of storage and manufacturing."

1.1.2 Adjacent Receptors & Land Uses

The nearest existing receptor (residential) is approximately 40 - 50 m to the north-west of the BP Site. This distance excludes the public footpath that crosses along the front of this adjacent residential home.

The proposed Centre will achieve a minimum 50 m separation distance from the nearest refuelling bowser.

Public open space is approximately 30 m to the south and west of the BP Site. The location is long-established residential which surrounds the BP Site.

1.1.3 Assessment Substances

Principal chemical compounds (pollutants) typically emitted from service station activities are listed below. These compounds are part of the Total VOCs emitted; which are assessed in the first instance, and those individual pollutant contributions are then derived based on the percentage contribution of those pollutants within the Total VOC emissions.

Table 1-2: Assessment Substances (pollutants)

Pollutant	
Benzene	Cyclohexane
Toluene	*n*-Hexane
Ethyl benzene	Styrene
Xylenes	

1.2 Guidance for Assessing Impacts

The National Environment Protection (Air Toxics) Measure (NEPM) prescribes ambient air emission limits for a range of air toxics' pollutants. These limits, together with other jurisdictional recommendations and those of the WA DWER have been adopted for this Assessment. These receptor exposure limits are listed in **Table 1-3** to follow.

Table 1-3: Assessment Criteria for Toxic Substances

Substance	Averaging Period	Criteria Source	Maximum (ambient) concentration	
			ppm	µg/m³ at 25⁰C
Benzene	Annual	NEPM 2011	0.003	9.6
Toluene	24 hour	NEPM 2011	1	3,770
	Annual		0.1	377
Ethyl benzene	1 hour	EPA NSW 2016	1.8	8,000
	Annual	Toxicos 2011		270
Xylenes	24 hours	NEPM 2011	0.25	1,080
	Annual		0.2	870
Cyclohexane	1 hour	EPA NSW 2016	5	190
***n*-Hexane**			0.9	3,200
Styrene	1 hour	Dept. of Health WA	70	64

1.3 The BP Site

The BP Site operates between 0600 hrs – 2200 hrs weekly and provides three (3) refuelling bowsers with a total of six (6) refuelling positions.

The emission sources at the BP Site comprise the ventilation of the sub-terrain fuel storage tanks, and the refuelling bowsers (3 of). Incidental spills can also be a source of vapour release, albeit minor. Emission sources are primarily passive vapour losses from refilling (storage tanks) and bowser refuelling processes.

The BP Site comprises the following main features:

- 3 bowser ranks comprising a total of 6 bowser outlets at any one time;
- Car Wash;
- Restaurant/Convenience store;
- Trailer Hire;
- The types of fuels dispensed are;
    - Diesels & AdBlue (reduces NOx emissions),
    - Unleaded Petrols (ULPs), and
    - Autogas.

1.3.1 Emissions Assumptions

EAQ has estimated fuel throughputs based on the following assumptions:

- Bulk refuelling events would likely take place twice (x2) weekly;
- Bulk Storage Volumes of up to 42,000 Litres;
- Average vehicle refuelling volume per day, approximately 14,837 Litres between the hours of 0600 – 2200 hrs;
- Child Care Centre operational hours are maximally 0600 – 1800 hrs, 5-days per week;
    - Average vehicle refuelling volume per day, approximately 11,696 Litres during Centre operational hours.
- The peak flow of vehicles for an averaged fuel volume of 35 L is 30 per hour (6 refuelling at once) based on peak hourly volume of 1,050 L.

The Locality of the Site and Centre are illustrated in **Figure 1-1**. The Centre designs are illustrated in Appendix C.

Figure 1-1: Safety Bay Locality, Existing BP Service Station Site & Proposed Child Care Centre

2 Service Station Emissions Estimation

Activities at the BP Site that will produce emissions are related to losses of fuel vapours to atmosphere, or spillage and subsequent vapourisation of the spill(s). These specific activities comprise:

- Submerged filling of underground storage tanks;
- Underground tank breathing losses;
- Vehicle refuelling;
- "Whoosh" emissions from removal of vehicle fuel cap; and
- Fuel spills, typically at the bowser.

The BP Site throughputs are estimated based on like-for-like 3-bowser service stations' average throughput. Precise hourly throughputs are however unknown but would be comparable to typical service stations within residential areas.

There is a dearth of information within other Australian jurisdictions for estimating hourly throughputs based on typical traffic flows at metropolitan service stations, as a result the widely referenced 2017 Brisbane City Council (BCC) methodology for service stations has been used to estimate hourly emissions at the Site.

Emission estimates based on specific emission compounds **(refer Table 1-2)** were derived using the NPI, 1999 and CAPCOA, 1997 guidelines for emission estimation factors.

Vapour recovery (VR) at the Site is in place for submerged underground storage tank(s) referred to as VR1.

Vapour revery at the bowsers (VR2) is unknown and therefore assumed to be absent from the BP Site.

2.1 BP Site Operations and Emissions

The maximum volume of fuel that can be dispensed into the storage tanks at the Site is estimated at 42,000 L/hour based on a total bulk storage tank volume. The estimated total daily sales of fuels is 17,073 L over 24 hours, however; based on the BP Site's operational hours of between 0600 – 2200 hrs, the revised weekly fuel sales volume is 14,837 L.

- **NOTE:** The total fuel sales between the Child Care Centre's operational hours of 0600 – 1800 hrs is approximately 11,696 L.

The BP Site bulk fuel deliveries schedule will shift based on fuel volumes dispensed. To account for variability in daily hours where deliveries are made, and assuming deliveries are over 5-days to represent the Centre's operational hours; the delivery of bulk fuels is modelled 1-hourly, for each day and successive hour during those delivery times.

Table 2-1 lists an example of the delivery schedule and subsequent hourly emissions trend for bulk fuel deliveries over a 5-day week.

Table 2-1: Example of Bulk Fuel Delivery Schedule (L/hr)

Time (24 hrs)	Monday	Tuesday	Wednesday	Thursday	Friday
0600	42,000				
0700		42,000			
0800			42,000		
0900				42,000	
1000					42,000
1100	42,000				
1200		42,000			
1300			42,000		
1400				42,000	
1500					42,000
1600	42,000				
1700		42,000			
1800			42,000		

2.2 VOC Emissions

Of the fuel types proposed ULP contains the higher volatile fraction compared to diesel, as such all emissions in this Assessment have been assumed as ULP. This approach is conservative. There are no Ethanol blend fuels e.g., E5, E10. The vapour composition of VOCs in petroleum fuel (NPI, 1999), are listed in **Table 2-2**.

The vapour composition of Benzene has been revised in accordance with the Australian Government's Federal Register of Legislation, specifically the current Fuel Quality Standards (Petrol) Determination 2019, which limits the volume of Benzene in petrol to 1% v/v maximum. Assuming a Benzene density value of 0.8765, the petrol vapour Benzene composition (% weight) is listed in **Table 2-3**.

Table 2-2: Composition of Petrol (NPI, 1999)

Species	Petrol Liquid (% weight)	Petrol Vapour (% weight)
Cyclohexane	0.2	0.06370
Ethylbenzene	2.0	0.07910
n-Hexane	3.5	1.730
Styrene	0.1	0.00282
Toluene	10.4	1.080
Xylenes	12.2	0.433

Table 2-3: Composition of Petrol (Fuel Standards, 2019)

Species	Petrol Liquid (% weight)	Petrol Vapour (% weight)
Benzene	1.0	0.374

The composition percentages of the compounds listed in **Table 2-2** and **Table 2-3** were applied to the modelling outcomes of the final time-averaged emission rate GLC estimates (vapour and spill vapour losses) to derive individual pollutant contributions to airborne vapour impacts at the nearest receptor.

2.3 Site Operational Data Estimates

Table 2-4: BP Site Service Station Operating Detail

Parameter	Operational Data
Operating hours	0600 – 2200 hrs / 7 days per week
Child Care Centre Operating hours	***0600 – 1800 hrs / 5 days per week***
Tanker delivery	42,000 L/hour - VR1 Vapour Recovery
Vent stack	4.0 m high
Filling Stations/Bowsers	3 x Bowsers = 6 x filling points each side of Bowser
Fuel Storage	Diesel & ULP

2.4 Derived Emission Factors

Emissions generated from activities at the BP Site have been derived based on those vapour losses published by the NPI and CAPCOA guidance. **Table 2-5** lists those emission factors that apply to those processes where vapour losses occur.

Table 2-5: Emissions Factors for Service Stations

Emission Source	NPI, 1999 Mg / L throughput	CAPCOA, 1997 Lbs / 1000 Gallons throughput
Underground Tank Filling	-	-
Submerged Filling	880	8.4
Splash Filling	1380	-
Submerged filling with vapour balance	**40**	0.42
Underground tank breathing losses	**120**	0.84
Vehicle Refuelling	-	-
Displacement Losses (uncontrolled)	1320	**8.4**
Displacement Losses (90% controlled e.g. VR 2)	132	0.74
Spillages	-	-
Uncontrolled	80	**0.61**
Controlled	-	0.41
"Whoosh" Emissions (fuel cap removal)	-	0.26 - **0.66**

The refuelling activities are considered to be volume emission sources. These have been assessed utilising the CAPCOA, 1997 emission factors. Vent emissions from storage tank filling has been assessed using the NPI, 1999 emission factors.

2.4.1 Fuel Throughput Trends

To determine the hourly throughputs of fuel dispensing for service stations in accordance with the BCC, 2017 recommendations, the hourly profile of fuel sales daily is derived using the BCC, 2017 published profiles as listed in **Table 2-6**.

Table 2-6: Representative Service Station Fuel Throughputs (BCC, 2017)

Hour	Hourly Profile (%)
1	1.2
2	0.8
3	0.6
4	0.8
5	1.9
6	4.6
7	5.5
8	5.7
9	5.5
10	5.7
11	6
12	6
13	5.7
14	5.6
15	5.9
16	6.1
17	6
18	5.8
19	5.1
20	4
21	3.5
22	3.4
23	2.6
24	1.8

In **Table 2-6** the peak throughput hour is at 4-5pm (1600 - 1700 hrs).

Applying the Average Daily Refuelling Volume of 11,696 L, the emission factors in **Table 2-5**, and deriving hourly volumes based on **Table 2-6**, the hourly Total VOC mass emission rates in grams per second (g/s) are developed.

These mass emission rates represent the combined (ALL) number of filling points (6) at any one time, and single bowser (SINGLE) operations, and are listed in **Table 2-7**.

NOTE: The green-highlighted cells and rows represent the operational hours for the proposed Child Care Centre and are those values used in the modelling Assessment. All other values were marked to '0' in the modelling.

Table 2-7: Factored Total VOC Emission Rates per Hour

Hour	Throughput % daily volume/hr	Petrol Throughput (L/hr)	% to Peak Daily Hour	ALL Bowsers Mass Emission Rate (g/s)	SINGLE Bowser Mass Emission Rate (g/s)
1	1.2	205	19.67%	0.396	0.132
2	0.8	137	13.11%	0.264	0.088
3	0.6	102	9.84%	0.198	0.066
4	0.8	137	13.11%	0.264	0.088
5	1.9	324	31.15%	0.626	0.209
6	4.6	785	75.41%	1.517	0.506
7	5.5	939	90.16%	1.813	0.604
8	5.7	973	93.44%	1.879	0.626
9	5.5	939	90.16%	1.813	0.604
10	5.7	973	93.44%	1.879	0.626
11	6	1,024	98.36%	1.978	0.659
12	6	1,024	98.36%	1.978	0.659
13	5.7	973	93.44%	1.879	0.626
14	5.6	956	91.80%	1.846	0.615
15	5.9	1,007	96.72%	1.945	0.648
16	6.1	1,050	100.00%	2.028	0.676
17	6	1,050	98.36%	2.028	0.676
18	5.8	990	95.08%	1.912	0.637
19	5.1	871	83.61%	1.682	0.561
20	4	683	65.57%	1.319	0.440
21	3.5	598	57.38%	1.154	0.385
22	3.4	580	55.74%	1.121	0.374
23	2.6	444	42.62%	0.857	0.286
24	1.8	307	29.51%	0.593	0.198

Appendix A presents the summary calculations for the derived mass emission rates.

3 Aermod Dispersion Modelling Methods

3.1 Meteorology

A 2-year annual dataset (2020-2022) of meteorology was developed using surface observations from the Mandurah Bureau of Meteorology (BoM) Automatic Weather Station (AWS) and CSIRO's TAPM prognostic model for upper air characteristics.

The Mandurah BoM AWS is coastal and representative of coastal meteorological conditions for the Site's locality.

3.2 Sensitive Receptors

Discrete receptors were placed at locations adjacent to the Site to determine the ground level concentrations of vapours with respect to the Centre's proposed location **(refer Figure 1-1)**.

3.3 Building Profile Input Program (BPIP)

Building wake effects occur for those vertical stack emissions, in this case passive ventilation of the storage tank vent. An example of the Aermod Input File is presented in Appendix B.

3.4 Dispersion Modelling Limitations

By definition, air quality models can only approximate atmospheric processes. Many assumptions and simplifications are required to describe real phenomena in mathematical equations. Model uncertainties can result from:

- Simplifications and accuracy limitations related to source data;
- Extrapolation of meteorological data from selected locations to a larger region; and
- Simplifications to model physics to replicate the random nature of atmospheric dispersion processes.

Models are reasonable and reliable in estimating the maximum concentrations occurring on an average basis. That is, the maximum concentration that may occur at a given time somewhere within the model domain, as opposed to the exact concentration at a point at a given time will usually be within the ±10% to ±40% range (US EPA, 2003).

Typically, a model is viewed as replicating dispersion processes if it can predict within a factor of two, and if it can replicate the temporal and meteorological variations associated with monitoring data. Model predictions at a specific site and for a specific hour, however, may correlate poorly with the associated observations due to the above-indicated uncertainties. For example, an uncertainty of 5° to 10° in the measured wind direction can result in concentration errors of 20% to 70% for an individual event (US EPA, 2003).

4 Assessment Results & Discussion

The Assessment of the existing BP Site and its vapour emissions'' impacts on the location of the proposed Child Care Centre have projected ground level concentrations (GLCs) for assessed pollutants of BTEX (Benzene, Toluene, Ethyl benzene, Xylenes), Cyclohexane, *n*-Hexane and Styrene that are below the guideline exposure standards.

These pollutants were assessed by firstly modelling Total VOCs as a function of emission factors for fuel storage and vehicle dispensing volumes according to those methods in Section 2.

Those Total VOC GLCs projected were then revised to determine the percentage mass emission rate contributions for these pollutants **(refer Tables 2-2** and **2-3)**.

Table 4-1 lists each predicted pollutant concentration for each averaging period. These pollutant concentrations are revised based on each compounds vapour contribution to petrol VOC emissions.

Within **Table 4-1** are each pollutants respective assessment criteria, the projected GLCs from the modelling Assessment and the revised projected GLCs at the nearest assessed sensitive receptor with a Percentage of Exposure Limit Value (%). This value represents the percentage ratio of projected GLCs compared to the assessment criteria for each pollutant.

A % < 100 % shows that the projected concentration at the assessed receptor location achieves less than the assessment criteria i.e PASS, whereas % ≥ 100 % shows non-compliance against the assessment criteria i.e., FAIL.

The magnitude of the compliance PASS/FAIL can be readily gauged by the size of the Percentage of Exposure Limit Value (%).

- All GLC values reported for each sensitive receptor are the maximum, Rank 1 values for all averaging periods; and
- All units of concentration are in µg/m^3 unless stated otherwise.

Figure 4-1 illustrates the GLCs for annual Benzene predictions.

4.1 Conclusion

In reviewing the predicted GLCs for those pollutants in **Table 4-1**, within this Assessment, the pollutant emissions predicted at the proposed Child Care Centre are less than the exposure limits in ambient air.

Additionally, the Centre already satisfies the WA EPA guidance separation distance of 50 m from the nearest refuelling location, and given this and the Centre's limited operational hours, the risk of exposure at this sensitive receptor location is low.

Table 4-1: Assessment Results for GLC's of Pollutants

Receptor Location	Pollutant	Averaging Period	Exposure Limit (DWER) µg/m³ at 25⁰C	Predicted GLC (µg/m³)	Percentage of Exposure Limit	Pass/Fail	Pollutant	Averaging Period	Exposure Limit (DWER) µg/m³ at 25⁰C	Predicted GLC (µg/m³)	Percentage of Exposure Limit	Pass/Fail
house	Benzene	Annual	9.6	0.94	9.81%	Pass	Toluene	Annual	377	2.72	0.72%	Pass
CC1				0.50	5.26%	Pass				1.46	0.39%	Pass
CC2				0.28	2.96%	Pass				0.82	0.22%	Pass
CC3				0.29	3.03%	Pass				0.84	0.22%	Pass
CC4				0.27	2.77%	Pass				0.77	0.20%	Pass
house	Ethyl benzene	Annual	270	0.20	0.07%	Pass	Xylenes	Annual	870	1.09	0.13%	Pass
CC1				0.11	0.04%	Pass				0.58	0.07%	Pass
CC2				0.06	0.02%	Pass				0.33	0.04%	Pass
CC3				0.06	0.02%	Pass				0.34	0.04%	Pass
CC4				0.06	0.02%	Pass				0.31	0.04%	Pass
house	Toluene	24-hour	3,770	31.87	0.85%	Pass	Ethyl benzene	1-hour	8,000	21.46	0.27%	Pass
CC1				26.03	0.69%	Pass				17.14	0.21%	Pass
CC2				18.84	0.50%	Pass				15.09	0.19%	Pass
CC3				18.75	0.50%	Pass				13.31	0.17%	Pass
CC4				13.03	0.35%	Pass				10.85	0.14%	Pass
house	Xylenes	24-hour	1,080	12.78	1.18%	Pass	Cyclohexane	1-hour	190	17.28	9.10%	Pass
CC1				10.44	0.97%	Pass				13.80	7.26%	Pass
CC2				7.55	0.70%	Pass				12.15	6.40%	Pass
CC3				7.52	0.70%	Pass				10.72	5.64%	Pass
CC4				5.22	0.48%	Pass				8.74	4.60%	Pass
house	n-Hexane	1-hour	3,200	469.33	14.67%	Pass	Styrene	1-hour	64	0.77	1.20%	Pass
CC1				374.84	11.71%	Pass				0.61	0.95%	Pass
CC2				330.04	10.31%	Pass				0.54	0.84%	Pass
CC3				291.15	9.10%	Pass				0.47	0.74%	Pass
CC4				237.32	7.42%	Pass				0.39	0.60%	Pass

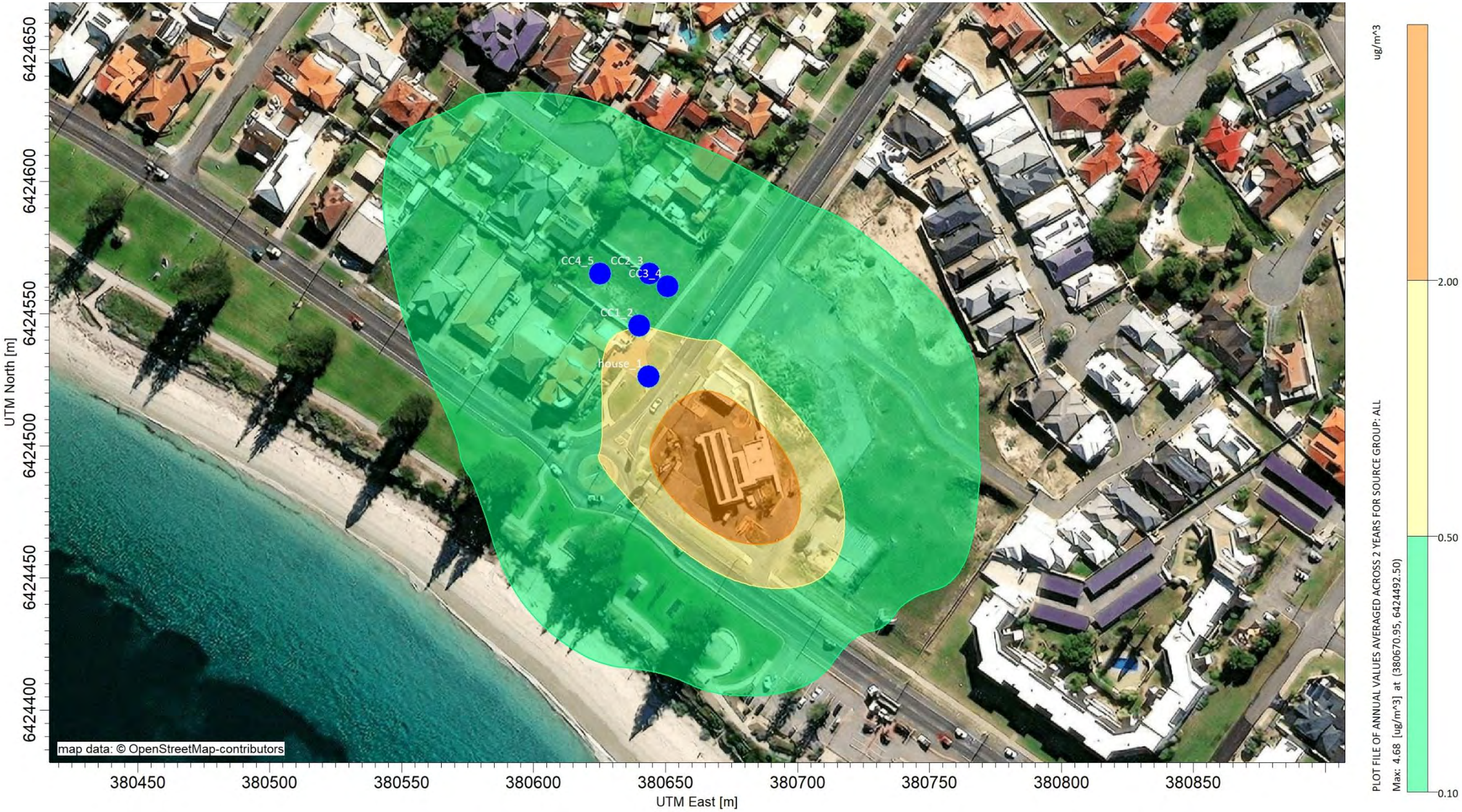

Figure 4-1: Predicted GLCs for Annual Benzene Concentrations

EAQ Consulting

Appendix A: Emissions Calculations

Bowser -VR2			
	Number of Dispensing Nozzles	6	
	Peak Hourly Volume at Bowsers (transactions x Litres per car)	1,050	
	CAPCOA (Lbs/1000gallons to mg/L)	6,952	mg/L
	CAPCOA (Lbs/1000gallons to g/L)	6.952	g/L
	Losses (g/L)	6.952	g/L/hr
	VR 2 - 10% Losses (g/L)	6.952	g/L/hr
	ESTIMATED TOTAL DAILY (24hr) VOLUME (L)	**11,696**	
	E10 Volatilisation	1.5	
	E10 % of T-Volumes	**0%**	
	E10 Fuel Ratio Factor	0	
	% of Other Fuels	100%	
	Fuel Ratio Factor	**1.000**	
Storage Tanks +VR 1	Total Storage Volume of Tanks(s)	42000	L
	NPI 1999	**160**	mg/L
		6720000	mg/hr
		6720.000	g/hr
		1.867	g/s
	4.5m High Vent Rate	0.00079	m3/s
	VR1 10% losses	0.187	g/s
	Final Value	**0.187**	**g/s**
	Annually	5887466.667	grams
		5887.466667	kgs
		16.13004566	kgs/day
	Deliveries weekly	1.662	kgs
	Per delivery	0.672	kg/hr
	Cars per Peak Hour	**30**	
	L per car on average	**35**	
	Peak Volumes Dispensed	1050	
	Average # Cars/hour Daily (7 days)	15	
	Cars Daily	338	
	Maximum Tanker Delivery (kL/hr)	42	
	Types of Fuel	Diesel, ULT Diesel, 91, 95, 98	
	Fuel Storage (kL)	Diesel	
		ULP 91	
		ULP 95	
		ULP 98	
	Bulk Deliveries per 42,000L Tank	1.24	
	Annual Sales	5,415,354	

hour	% daily csales	% to peak hr	# cars/peak hour	Petrol Throughput (L/hr)	L/s	g/s	**Final Value**	Per Bowser
1	1.20%	19.51%	6	205	0.057	0.396	0.396	0.132
2	0.80%	13.01%	4	137	0.038	0.264	0.264	0.088
3	0.60%	9.76%	3	102	0.028	0.198	0.198	0.066
4	0.80%	13.01%	4	137	0.038	0.264	0.264	0.088
5	1.90%	30.89%	10	324	0.090	0.626	0.626	0.209
6	4.60%	74.80%	23	785	0.218	1.517	1.517	0.506
7	5.50%	89.43%	27	939	0.261	1.813	1.813	0.604
8	5.70%	92.68%	28	973	0.270	1.879	1.879	0.626
9	5.50%	89.43%	27	939	0.261	1.813	1.813	0.604
10	5.70%	92.68%	28	973	0.270	1.879	1.879	0.626
11	6.00%	97.56%	30	1,024	0.285	1.978	1.978	0.659
12	6.00%	97.56%	30	1,024	0.285	1.978	1.978	0.659
13	5.70%	92.68%	28	973	0.270	1.879	1.879	0.626
14	5.60%	91.06%	28	956	0.266	1.846	1.846	0.615
15	5.90%	95.93%	29	1,007	0.280	1.945	1.945	0.648
16	**6.15%**	**100.00%**	**30**	1,050	0.292	2.028	**2.028**	**0.676**
17	**6.15%**	**100.00%**	**30**	1,050	0.292	2.028	**2.028**	**0.676**
18	5.80%	94.31%	29	990	0.275	1.912	1.912	0.637
19	5.10%	82.93%	25	871	0.242	1.682	1.682	0.561
20	4.00%	65.04%	20	683	0.190	1.319	1.319	0.440
21	3.50%	56.91%	18	598	0.166	1.154	1.154	0.385
22	3.40%	55.28%	17	580	0.161	1.121	1.121	0.374
23	2.60%	42.28%	13	444	0.123	0.857	0.857	0.286
24	1.80%	29.27%	9	307	0.085	0.593	0.593	0.198
	100.0%		338	**11696**		Max	2.028	0.676
			Daily ==>	14,837		SUM	32.9718	10.9906
						Per Nozzle	5.4953	5.4953

Emission Source	NPI 1999 mg/L throughput	CAPCOA Lbs/1000 Gallons throughput	CAPCOA mg/L throughput
Underground Tank Filling			
Submerged Filling	880	8.4	1007
Splash Filling	1380		
Submerged filling with vapour balance	**40**	0.42	50
Underground tank breathing losses	**120**	0.84	101
Vehicle Refuelling			
Displacement Losses (uncontrolled)	1320	**8.4**	1007
Displacement Losses (90% controlled e.g VRU 2)	132	0.74	89
Spillages			
Uncontrolled	80	**0.61**	73
Controlled		0.41	49
"Whoosh" Emissions		0.26 - **0.66**	79
"Whoosh" Emissions (averaged)		0.46	79
Diesel	176		
LPG	0.04		

EAQ Consulting

Appendix B: Example of AERMOD Input File

```
**
****************************************
**
** AERMOD Input Produced by:
** AERMOD View Ver. 11.2.0
** Lakes Environmental Software Inc.
** Date: 24/04/2023
** File: D:\MyAERMOD\23016\23016.ADI
**
****************************************
**
**
****************************************
** AERMOD Control Pathway
****************************************
**
**
CO STARTING
   TITLEONE D:\MyAERMOD\22025\22025\22025.isc
   MODELOPT CONC FLAT ELEV
   AVERTIME 1 24 ANNUAL
   POLLUTID VOC
   RUNORNOT RUN
   ERRORFIL 23016.err
CO FINISHED
**
****************************************
** AERMOD Source Pathway
****************************************
**
**
SO STARTING
** Source Location **
** Source ID - Type - X Coord. - Y Coord. **
   LOCATION BOWS1        VOLUME     380672.839  6424485.754        7.860
** DESCRSRC Bowser 1
   LOCATION BOWS2        VOLUME     380670.949  6424492.505        7.940
** DESCRSRC Bowser 2
   LOCATION BOWS3        VOLUME     380669.050  6424499.348        8.000
** DESCRSRC Bowser 3
   LOCATION VENT         POINTCAP   380651.819  6424501.377        7.940
** DESCRSRC Tank Breather
** Source Parameters **
   SRCPARAM BOWS1              1.0     1.200     1.395     2.233
   SRCPARAM BOWS2              1.0     1.200     1.395     2.233
   SRCPARAM BOWS3              1.0     1.200     1.395     2.233
   SRCPARAM VENT               1.0     4.500     0.000       0.1       0.1

** Building Downwash **
   BUILDHGT VENT             0.00     0.00     0.00     0.00     0.00     0.00
   BUILDHGT VENT             0.00     0.00     0.00     0.00     0.00     0.00
   BUILDHGT VENT             0.00     0.00     0.00     0.00     0.00     0.00
   BUILDHGT VENT             0.00     0.00     0.00     0.00     0.00     0.00
   BUILDHGT VENT             0.00     0.00     5.00     5.00     5.00     5.00
   BUILDHGT VENT             0.00     0.00     0.00     0.00     0.00     0.00

   BUILDWID VENT             0.00     0.00     0.00     0.00     0.00     0.00
   BUILDWID VENT             0.00     0.00     0.00     0.00     0.00     0.00
   BUILDWID VENT             0.00     0.00     0.00     0.00     0.00     0.00
   BUILDWID VENT             0.00     0.00     0.00     0.00     0.00     0.00
   BUILDWID VENT             0.00     0.00    20.73    21.96    22.53    22.41
   BUILDWID VENT             0.00     0.00     0.00     0.00     0.00     0.00

   BUILDLEN VENT             0.00     0.00     0.00     0.00     0.00     0.00
   BUILDLEN VENT             0.00     0.00     0.00     0.00     0.00     0.00
   BUILDLEN VENT             0.00     0.00     0.00     0.00     0.00     0.00
   BUILDLEN VENT             0.00     0.00     0.00     0.00     0.00     0.00
   BUILDLEN VENT             0.00     0.00    18.09    20.16    21.62    22.42
   BUILDLEN VENT             0.00     0.00     0.00     0.00     0.00     0.00

   XBADJ    VENT             0.00     0.00     0.00     0.00     0.00     0.00
   XBADJ    VENT             0.00     0.00     0.00     0.00     0.00     0.00
   XBADJ    VENT             0.00     0.00     0.00     0.00     0.00     0.00
```

```
   XBADJ    VENT             0.00     0.00     0.00     0.00     0.00     0.00
   XBADJ    VENT             0.00     0.00   -41.48   -43.30   -43.80   -42.98
   XBADJ    VENT             0.00     0.00     0.00     0.00     0.00     0.00

   YBADJ    VENT             0.00     0.00     0.00     0.00     0.00     0.00
   YBADJ    VENT             0.00     0.00     0.00     0.00     0.00     0.00
   YBADJ    VENT             0.00     0.00     0.00     0.00     0.00     0.00
   YBADJ    VENT             0.00     0.00     0.00     0.00     0.00     0.00
   YBADJ    VENT             0.00     0.00     7.36     1.62    -4.17    -9.84
   YBADJ    VENT             0.00     0.00     0.00     0.00     0.00     0.00


** Variable Emissions Type: "By Hour / Seven Days (HRDOW7)"
** Variable Emission Scenario: "Vent (1)"
   EMISFACT VENT         HRDOW7 0.0 0.0 0.0 0.0 0.0 0.187 0.0 0.0
   EMISFACT VENT         HRDOW7 0.0 0.0 0.187 0.0 0.0 0.0 0.0 0.187
   EMISFACT VENT         HRDOW7 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0
   EMISFACT VENT         HRDOW7 0.0 0.0 0.0 0.0 0.0 0.0 0.187 0.0
   EMISFACT VENT         HRDOW7 0.0 0.0 0.0 0.187 0.0 0.0 0.0 0.0
   EMISFACT VENT         HRDOW7 0.187 0.0 0.0 0.0 0.0 0.0 0.0 0.0
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** DESCPTN  UTM: Universal Transverse Mercator
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** DTMRGN   Global Definition
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EAQ Consulting

Appendix C: Design Drawings of proposed Child Care Centre

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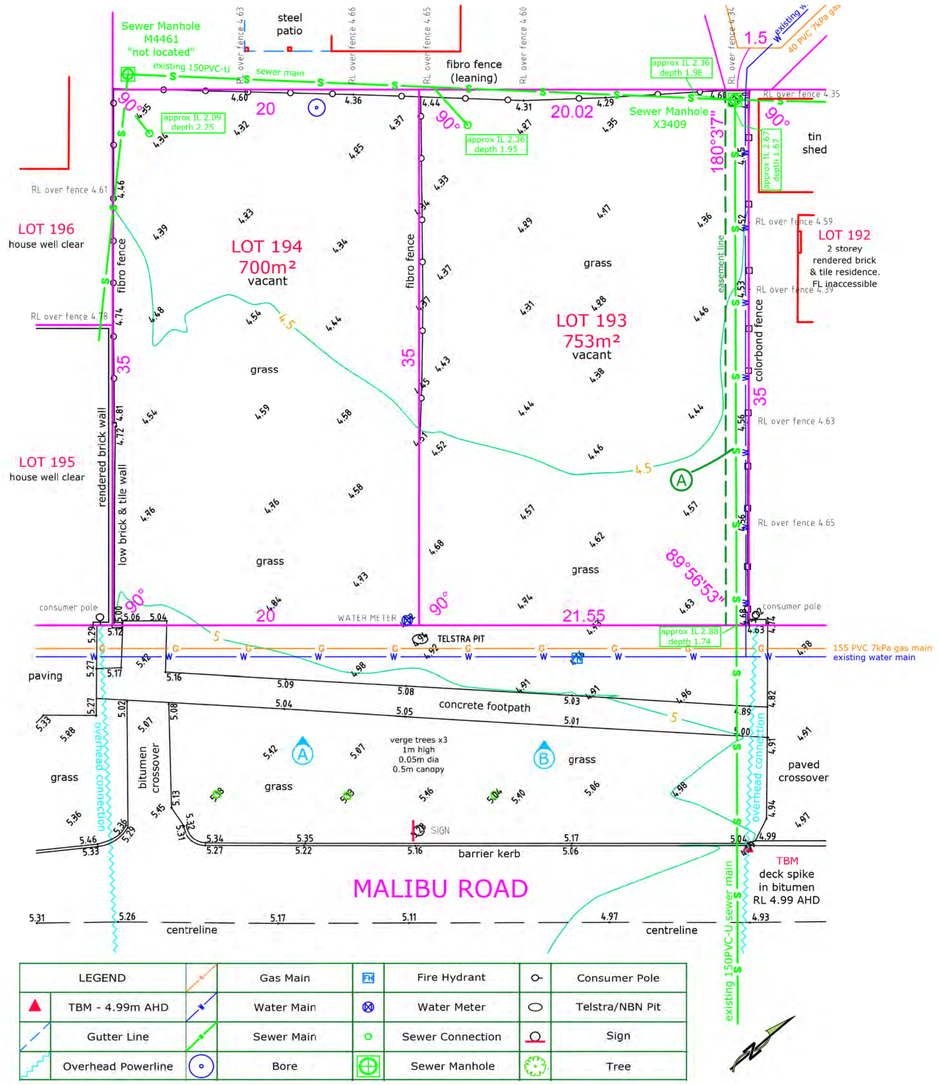

N

2 - LOCATION PLAN
SCALE 1 : 500

1 - EXISTING SURVEY PLAN
SCALE 1 : 200

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SURVEY & LOCATION PLAN PROPOSED CHILDCARE CENTRE 4 & 6 MALIBU ROAD SAFETY BAY	DESIGN BF DRAWN BF CHECKED CG SCALE As indicated DATE MARCH 2023	A1	MODUS PROJECT D23-1660 REVISION B DWG SK000

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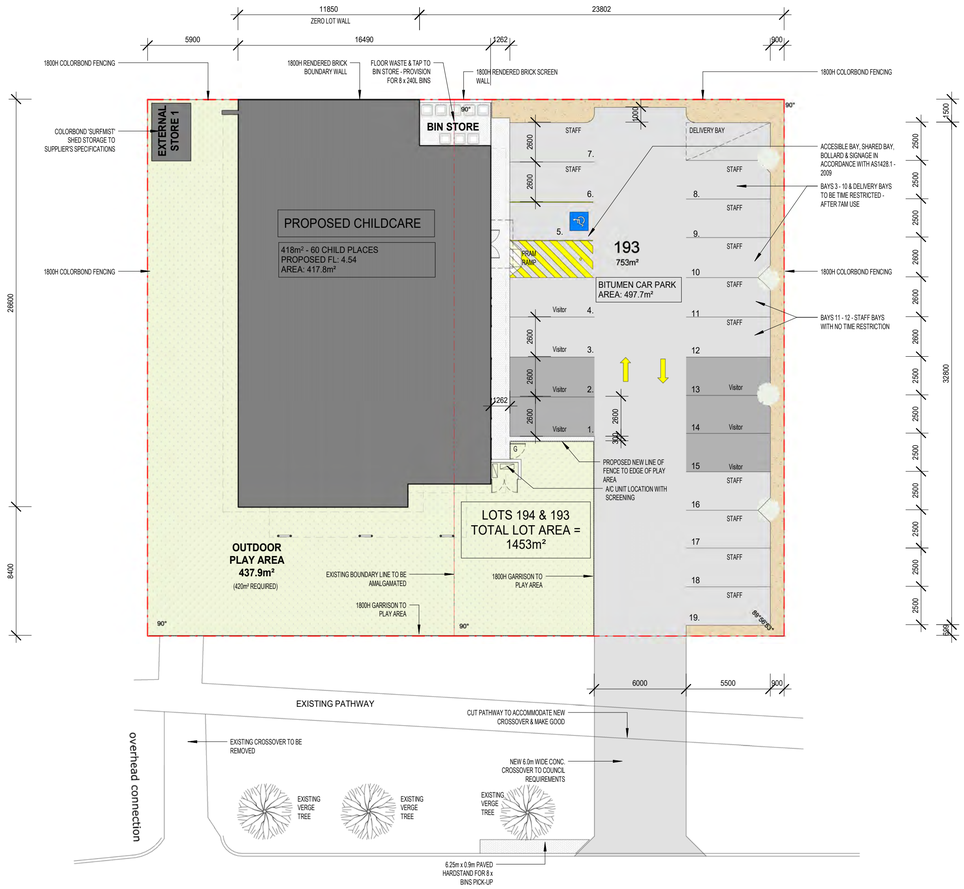
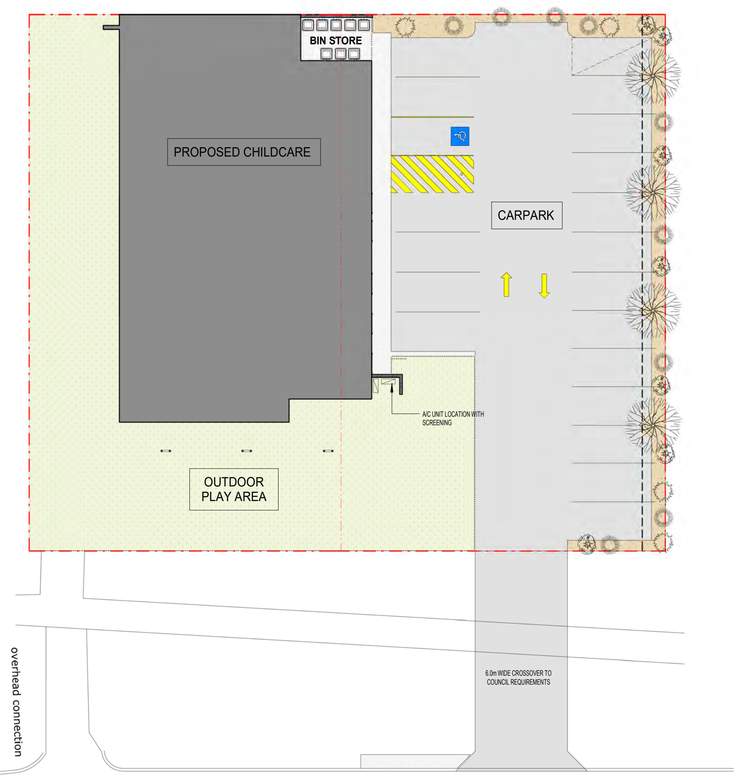


2 PROPOSED SITE PLAN
SCALE 1 : 200



LANDSCAPING LEGEND

- SELECTED CONCRETE PAVING - REFER TO SPECIFICATIONS
- LANDSCAPING AND PLAY EQUIPMENT BY SPECIALIST CONTRACTOR TO FUTURE DESIGN
- MULCHED GARDEN AREA
- CARPARKING - BITUMEN TO CIVIL ENGINEERS DESIGN
- **TREE x 1**
  TREE 1 (UP TO 12m HIGH, 6m CANOPY)
  CORYMBIA CALOPHYLLA
  WA MARRI
- **TREE x 8**
  TREE 2 (UP TO 2m HIGH, 1.5m CANOPY)
  LAMIACEAE, WESTRINGIA (NATIVE ROSEMARY)
  FRUTICOSA JERVIS GEM
- **SHRUB x 13**
  SHRUB (40cm HIGH, 40cm WIDE)
  ADENANTHOS SERICEUS
  ALBANY WOOLY BUSH
- **GROUND COVER x 7**
  LOW SHRUB (50cm HIGH, 1.5m WIDE)
  SCAEVOLA AEMULA CULTIVARS
  FAIRY FAN FLOWER

NOTE:
FINAL LAYOUT OF OUTDOOR PLAY SPACES TO BE DESIGNED IN CONJUNCTION WITH OPERATORS PREFERRED PLAY SPACE DESIGN CONSULTANT.

1 LANDSCAPING PLAN
SCALE 1 : 200

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PROPOSED SITE & LANDSCAPING PLAN
PROPOSED CHILDCARE CENTRE
4 & 6 MALIBU ROAD
SAFETY BAY

DESIGN	BF
DRAWN	BF
CHECKED	CG
SCALE	1 : 200
DATE	MARCH 2023

A1

MODUS PROJECT	D23-1660
REVISION	B
DWG	SK100

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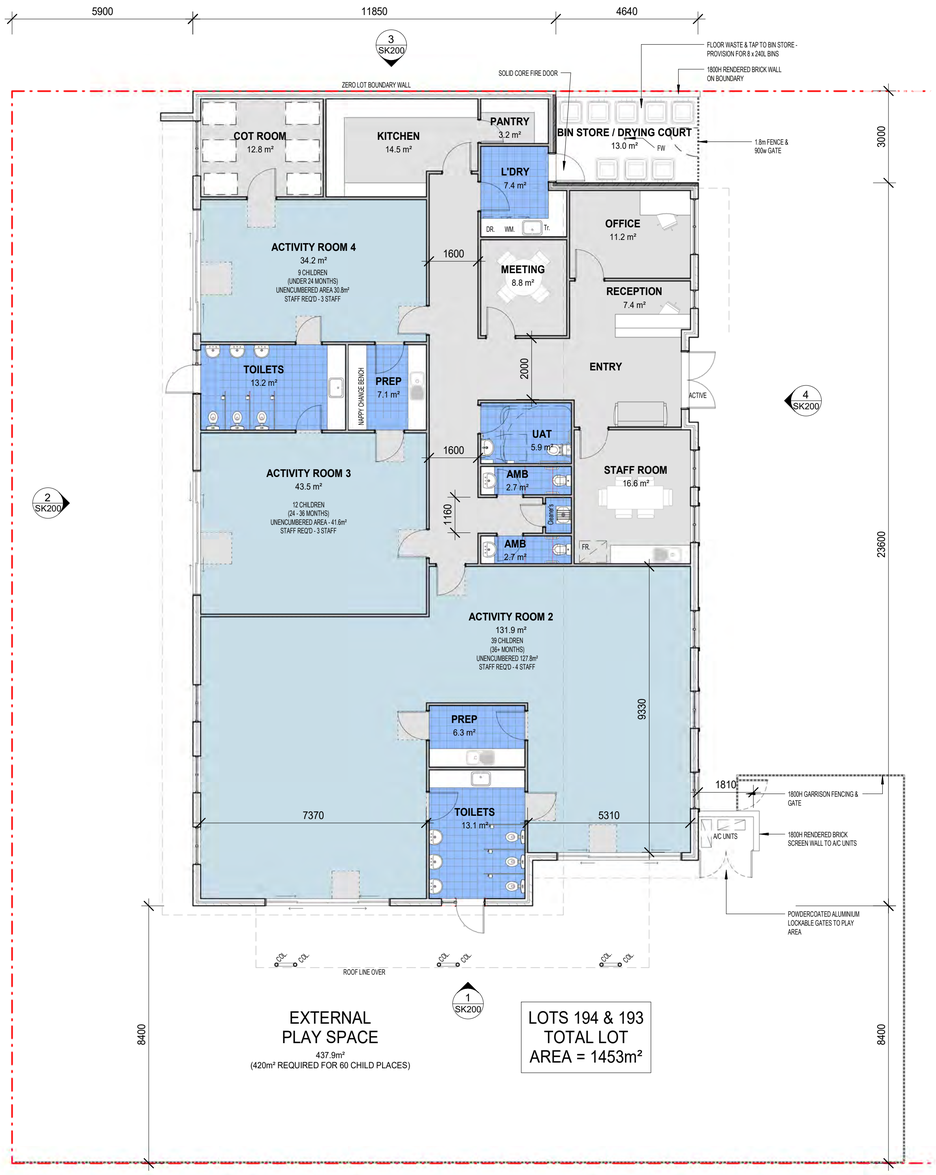
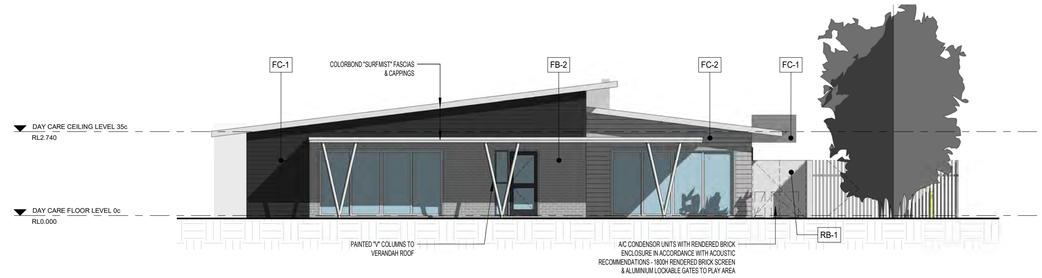
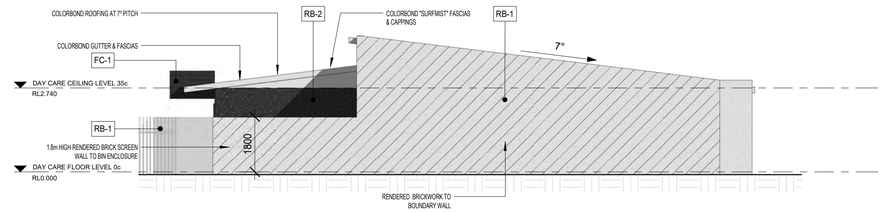


5 - FLOOR PLAN GA
SCALE 1 : 100



1 - ELEVATION SOUTH-EAST
SCALE 1 : 100

2 - ELEVATION SOUTH-WEST
SCALE 1 : 100



3 - ELEVATION NORTH-WEST
SCALE 1 : 100

4 - ELEVATION NORTH-EAST
SCALE 1 : 100

EXTERNAL FINISHES LEGEND

SAMPLE	TAG	DESCRIPTION	SAMPLE	TAG	DESCRIPTION
	FC-1	JAMES HARDIE SCYON STRIA CLADDING 325mm - "MONUMENT" COLOUR		CR-1	COLORBOND CUSTOM ORB ROOF SHEETING COLOUR: COLORBOND "SURFMIST"
	FC-2	JAMES HARDIE SCYON STRIA CLADDING 325mm - "SURFMIST" COLOUR		RB-1	RENDERED BRICK VENEER COLOUR "SURFMIST"
	FB-1	"RESTORATION RED - TUMBLED" FACE BRICKWORK - 230mm x 110mm x 76mm		RB-2	RENDERED BRICK VENEER COLOUR "MONUMENT"
	FB-2	PAINTED FACE BRICKWORK "SHALE GREY" - 230mm x 110mm x 76mm		FB-3	PAINTED FACE BRICKWORK "MONUMENT" - 230mm x 110mm x 76mm

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FLOOR PLAN & ELEVATIONS
PROPOSED CHILDCARE CENTRE
4 & 6 MALIBU ROAD
SAFETY BAY

DESIGN	BF/CG
DRAWN	BF
CHECKED	CG
SCALE	As indicated
DATE	MARCH 2023

A1

MODUS PROJECT	D23-1660
REVISION	B
DWG	SK200

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1 - 3D - CHILDCARE PERSPECTIVE
SCALE

2 - 3D - CHILDCARE PERSPECTIVE 2
SCALE

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3D VIEWS
PROPOSED CHILDCARE CENTRE
4 & 6 MALIBU ROAD
SAFETY BAY

DESIGN	BF/CG
DRAWN	BF
CHECKED	CG
SCALE	A1
DATE	MARCH 2023
MODUS PROJECT	D23-1660
REVISION	B
DWG	SK301

ATTACHMENT 6

WASTE MANAGEMENT PLAN

Superseded

ROWE GROUP

Waste Management Plan

Lots 194 and 193 (Nos. 4 – 6) Malibu Road, Safety Bay

Prepared for Rowe Group

1 May 2023

Project Number: WMP23025

Superseded

Superseded

DOCUMENT CONTROL

Version	Description	Date	Author	Reviewer	Approver
1.0	First Approved Release	1/05/2023	AB	DP	AB

Approval for Release

Name	Position	File Reference
Ann Brouwer	Waste Management Consultant	WMP23025-02_Waste Management Plan_1.0
Signature		

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Executive Summary

Rowe Group is seeking development approval for the proposed Childcare Centre located at Lots 194 and 193 (Nos. 4 – 6) Malibu Road, Safety Bay (the Proposal).

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

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

Proposed Waste Collection Summary

Waste Type	Generation (L/week)	Bin Size (L)	Number of Bins	Collection Frequency	Collection
Refuse	954	240	Four	Once each week	City of Rockingham
Recycling	954	240	Four	Once each week	City of Rockingham

The City will service the bins from the Bin Presentation Area on the Malibu Road verge at the front of the Proposal utilising its kerbside collection service.

A caretaker/suitably qualified staff will oversee the relevant aspects of waste management at the Proposal.

Superseded

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2 Waste Generation 2

2.1 Proposed Tenancies 2

2.2 Waste Generation Rates 2

2.3 Waste Generation Volumes 2

2.3.1 Waste Generation 2

3 Waste Storage 3

3.1 Internal Transfer of Waste 3

3.2 Bin Sizes 3

3.3 Bin Storage Area Size 3

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5 Waste Management 8

6 Conclusion 9

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Table 3-2: Bin Requirements for Bin Storage Area 4

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Diagram 1: Bin Storage Area

Diagram 2: Bin Presentation Area

Figures

Figure 1: Locality Plan

Superseded

1 Introduction

Rowe Group is seeking development approval for the proposed Childcare Centre located at Lots 194 and 193 (Nos. 4 – 6) Malibu Road, Safety Bay (the Proposal).

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

The Proposal is bordered by residential properties to the north, south and west, and Malibu Road to the east, as shown in Figure 1.

1.1 Objectives and Scope

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

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

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

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

Superseded

2 Waste Generation

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

2.1 Proposed Tenancies

The anticipated volume of refuse and recyclables is based on the floor area (m^2) of the Activity Rooms, Cot Room, Kitchen, Reception and Staff Room at the Childcare Centre – **273m²**.

2.2 Waste Generation Rates

In order to achieve an accurate projection of waste volumes for the Proposal, consideration was given to the City of Melbourne's *Guidelines for Waste Management Plans* (2021) as they contain contemporary estimates of waste generated from childcare centres.

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

Table 2-1: Waste Generation Rates

Tenancy Use Type	City of Melbourne Guideline Reference	Refuse Generation Rate	Recycling Generation Rate
Childcare Centre	Childcare	350L/100m²/week	350L/100m²/week

2.3 Waste Generation Volumes

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

2.3.1 Waste Generation

Waste generation volumes in litres per week (L/week) adopted for this waste assessment is shown in Table 2-2. It is estimated that the Proposal will generate 954L of refuse and 954L of recyclables each week.

Table 2-2: Estimated Waste Generation

Childcare Centre	Area (m²)	Waste Generation Rate (L/100m²/week)	Waste Generation (L/week)
Refuse	273	350	954
Recyclables	273	350	954
		Total	**1,908**

Superseded

3 Waste Storage

Waste materials generated within the Proposal will be collected in the bins located in the Bin Storage Area, as shown in Diagram 1, and discussed in the following sub-sections.

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

3.1 Internal Transfer of Waste

To promote positive recycling behaviour and maximise diversion from landfill, internal bins will be available throughout the Proposal for the source separation of refuse and recycling.

These internal bins will be collected by suitably qualified staff/cleaners and transferred to the Bin Storage Area for consolidation into the appropriate bins, as required. This internal servicing method may be conducted outside of main operational hours to mitigate disturbances to staff/visitors.

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

3.2 Bin Sizes

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

Table 3-1: Typical Bin Dimensions

Dimensions (m)	Bin Sizes			
	240L	360L	660L	1,100L
Depth	0.730	0.848	0.780	1.070
Width	0.585	0.680	1.260	1.240
Height	1.060	1.100	1.200	1.330

Reference: SULO Bin Specification Data Sheets

3.3 Bin Storage Area Size

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

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

- Four 240L refuse bins; and
- Four 240L recycling bins.

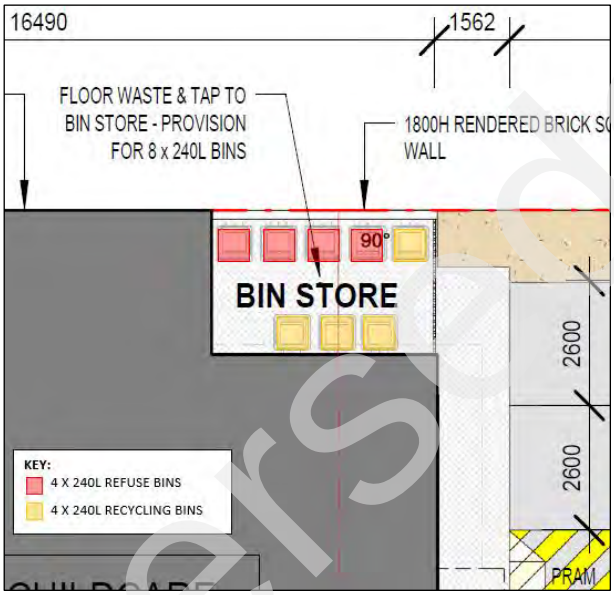
Superseded

Table 3-2: Bin Requirements for Bin Storage Area

Waste Stream	Waste Generation (L/week)	Number of Bins Required			
		240L	360L	660L	1,100L
Refuse	954	4	-	2	1
Recycling	954	4	3	2	1

The configuration of these bins within the Bin Storage Area is shown in Diagram 1. It is worth noting that the number of bins and corresponding placement of bins shown in Diagram 1 represents the maximum requirements assuming one collection each week of refuse and recyclables.

Diagram 1: Bin Storage Area



3.4 Bin Storage Area Design

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

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

Superseded

Bin numbers and storage space within the Bin Storage Area will be monitored by the caretaker/suitably qualified staff during the operation of the Proposal to ensure that the number of bins and collection frequency is sufficient.

Superseded

4 Waste Collection

The City will service the Proposal and provide four 240L bins for refuse and four 240L bins for recyclables.

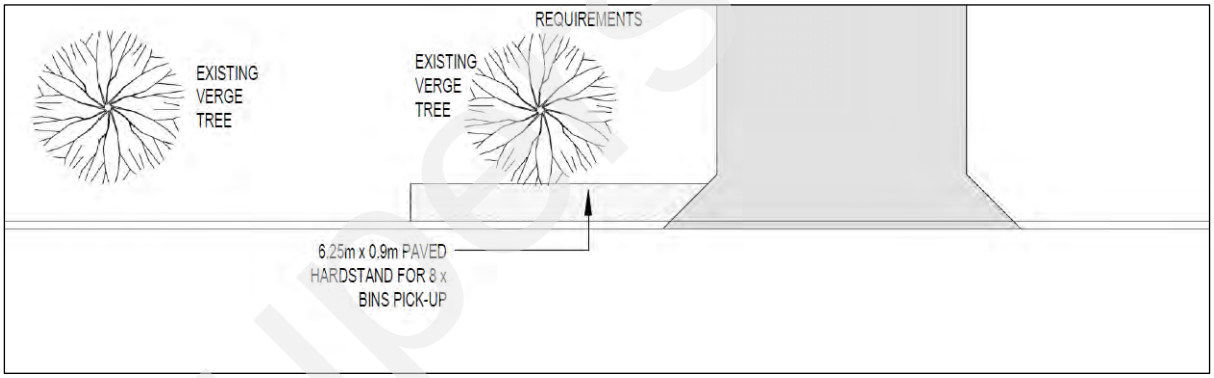
The City will collect refuse and recyclables once each week from the Proposal utilising the City's side arm waste collection vehicle.

The City will service bins from the Bin Presentation Area on the verge on Malibu Road at the front of the Proposal, as shown in Diagram 2.

Bins will be presented for collection 1m from the verge with the wheels and handles facing away from the street. The bins will remain clear of obstructions such as power poles, signs and street trees, and will be placed so as not to obstruct pedestrians, footpaths or bike lanes. Bins will be lined up neatly and in a single row along the verge, with sufficient space between each bin to facilitate collection by the City's side arm waste collection vehicle.

The caretaker/suitably qualified staff will ferry the bins to and from the Bin Presentation Area on collection days. The travel path between the Bin Storage Area and the Bin Presentation Area will be of flat surface and kept free of obstacles. The Strata Manager will return the bins to the Bin Storage Area as soon as possible on the same day following collection.

Diagram 2: Bin Presentation Area



4.1 Bulk and Speciality Waste

Bulk and speciality waste materials will be removed from the Proposal as they are generated on an 'as required' basis.

Adequate space may be allocated throughout the Proposal for placement of cabinets/containers for collection and storage of bulk and specialty wastes that are unable to be disposed of within the bins in the Bin Storage Area. These may include items such as:

- Refurbishment wastes from fit outs;
- Batteries and E-wastes;
- White goods/appliances;
- Cleaning chemicals; and
- Commercial Light globes.

Superseded

These materials will be removed from the Proposal once sufficient volumes have been accumulated to warrant disposal. Specialty waste collection will be monitored by the caretaker/suitably qualified staff who will organise their transport to the appropriate waste facility, as required.

Superseded

5 Waste Management

The caretaker/suitably qualified staff will be engaged to complete the following tasks:

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

Superseded

6 Conclusion

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

- Four 240L refuse bins, collected once each week; and
- Four 240L recycling bins, collected once each week.

The City will service the bins from the Bin Presentation Area on the Malibu Road verge at the front of the Proposal utilising its kerbside collection service.

A caretaker/suitably qualified staff will oversee the relevant aspects of waste management at the Proposal.

Superseded

Figures

Figure 1: Locality Plan

Superseded

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Draft

LEGEND

- Site Boundary

Cadastre

- Crown Allotment
- Freehold
- Road
- Strata Plan or Lot
- Easement
- Reserve

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LOCALITY

LOCALITY

Lots 194 and 193, 4-6 Malibu Rd
Safety Bay 6169 WA

Greener4 Pty Ltd
c/- Rowe Group

N
0 10 20 30 40 m

Coordinate System: GDA2020 MGA Zone 50
Scale @ A3: 1:1,000

Prepared:	E Jackson	Date:	28/03/2023
Reviewed:	A Brouwer	Revision:	A
Project:	WMP23025		

talis consultants

Figure 01

Assets | Engineering | Environment | Noise | Spatial | Waste

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Job Ref: 9736
10 July 2023

City of Rockingham
PO Box 2142
Rockingham DC WA 6967

Dear Sir/Madam

Development Application – Child Care Premises – Lots 193 and 194 (No. 4 and No. 6) Malibu Road, Safety Bay
Response to Request for Information

Rowe Group acts on behalf of the landowner of Lots 193 and 194 (No. 4 and No. 6) Malibu Road, Safety Bay (**the subject site**). We received a request for information from the City of Rockingham (**the City**) on 12 June 2023. We have been instructed by our Client to respond to the request for information. Please find below our responses to each comment.

Emissions Reporting

I refer to our Wednesday 5 July 2023 email correspondence to the City. We have reviewed the City's request with our emissions consultant, John Hurley from EAQ Consulting, and provide the following response.

We note that there are existing houses occupied by humans of all ages and public open space in the area surrounding the service station. Therefore, there appears to be an existing issue of close-field receptors at this site.

We note the City's comment that the existing service station operates 6am to 10pm, 7 days per week and could possibly operate 24 hours per day 7 days per week. The proposed childcare centre will operate 6:30am to 6:30pm Monday to Friday. We are of the view that the ability for the service station to operate 24 hours 7 days per week is not a relevant concern in this instance because the proposed childcare centre will not be open before 6:30am and after 6:30pm. The childcare centre will be closed during the extended trading hours of the service station (if it chooses to open for extended hours). The overlap of the trading hours for the service station and proposed childcare is only 5 days per week for limited hours.

Additionally, the separation distances specified by the EPA Separation Distances between Industrial and Sensitive Land Uses Guideline (**the Guideline**) are

generic minimum distances only. These are not statutory standards that are to apply to development. The Guidelines recommend for a service station that operates between 7am and 7pm (a 12 hour period – the same length of time that the proposed childcare centre will be open for) a generic 50m separation distance. We are advised that this distance should be measured from the source of the emission not the lot boundary (i.e. the fuel bowser). Therefore, any emissions impact from the existing service station is reduced.

For the reasons stated above, we are of the view that the City's request for emissions monitoring over the course of a year is not fair and reasonable in this instance given what is around existing service station. Firstly, we are advised that the cost of monitoring over a 1 year period would be in the order of tens, to possibly hundreds of thousands of dollars. This is unfeasible for a project of this scale (being a small childcare centre). Secondly, we are advised that there is no reliable equipment that can effectively capture airborne benzene and ensure other interfering factors are accounted for (e.g., vehicle exhaust emissions, wood fires, bush fires, ocean aerosols, gas fires etc.). Thirdly, there is no way of correlating the wind direction to any measured benzene levels in the air (i.e., no way of telling from what direction the benzene is coming from) based on commercially available scientific instruments for measuring airborne benzene. As a result, any monitoring that detects benzene levels will not be able to confirm whether the benzene is coming from the nearby service station or not which makes any data collected from the monitoring irrelevant. Additionally, the monitoring would need to be shut down outside of daily childcare operational hours, to ensure the data reflects actual hours of operations for the childcare facility, which is highly prohibitive when considering personnel would need to be attending the monitoring site every working day.

On the basis of the above, we are of the view that the Emissions Impact Assessment Report provided with the Development Application is of sufficient detail to warrant approval.

Acoustic Reporting

Herring Storer Acoustics has prepared a technical note to address the City's request for information and comments relating to the Acoustic Report submitted with the Development Application. Please refer **Attachment 1 – Acoustic Technical Note** for these responses.

Traffic, Access and Car Parking

The following section outlines our response to each of the comments made in relation to traffic, access and parking.

> *The minimum visitor car parking bay dimension requires 2.6m (width) by 5.4m (length). The site plan suggests that the three (3) visitor bays along the eastern boundary have a width of only 2.5m;*

The width of all visitor bays has been increased from 2.5m to 2.6m. Refer **Attachment 3 – Updated Architectural Drawings**.

> *The proposed blind aisle length exceeds the maximum allowable limit and therefore requires means for cars to turn around at the end and drive out in forward gear; and*

Large deliveries will be made outside of peak pick up and drop off hours. Therefore, the delivery bay can be used as a turnaround bay by visitors.

The shared area located adjacent to the universal bay is to be clear of any obstructions (except for the bollard requirement). In this particular case, the proposed pram ramp is considered to be an obstruction and should not be located within the shared area.

The walkway abutting the building has been dropped down in front of the shared space which provides an easy form of pedestrian movement.

Section 4.5 mentioned that "However it is recommended that at least 8 of the 2.6m wide bays should be allocated for pick-up/drop-off use". The site plan suggests that only seven (7) bays are dedicated for visitor bays.

We are advised by our traffic consultant that the ACROD bay should be included as a visitor bay. Therefore, the proposed development incorporates a total of eight (8) bays available for visitors (including one (1) ACROD bay and seven (7) visitor bays).

Please confirm that the dimension of the nominated light vehicles and vans shall be less than the dimension for a B99 vehicle (i.e. 1.94m wide and 5.2m in length). If a larger design vehicle is expected (such as Toyota HiAce van), then a service bay shall be provided and designed accordingly to AS2890.2 (eg. 6.4m in length for a Small Rigid Vehicle.

All deliveries to the subject site will be by standard cars or vans (B99 vehicles). Therefore, delivery vehicles will be able to utilise the delivery bay (2.5m by 5.5m).

Stormwater Management

In our experience with childcare centre developments, we have been able to condition the requirement for a stormwater management plan to be required prior to the issue of a building permit. Such a condition could read as follows:

Prior to the issue of a Building Permit, a Stormwater Management Plan shall be submitted to and approved by the City of Rockingham. All stormwater shall be directed so stormwater is disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted. Stormwater may be managed through either soak wells, raingardens or a combination of the two.

Waste Management Plan

The Waste Management Plan has been updated to state that general waste and recycling waste will be collected weekly by a private contractor – not the City. Refer **Attachment 3 – Updated Waste Management Plan**.

Landscaping

A preliminary landscaping plan has been provided with the Development Application. In our experience with childcare centre developments, we have been able to condition the requirement for a landscape plan to be required prior to the issue of a building permit. Such a condition could read as follows:

> *Prior to the issue of a Building Permit, a Landscape Plan shall be submitted to and approved by the City of Rockingham. The Landscape Plan is to incorporate:*
>
> - *The areas between the back of the kerb and footpath is to be maintained as irrigated turf, paperbark/woodchip mulch, plantation of natives and with feature verge trees, noting there are three (3) existing trees on the verge which will be maintained.*
> - *Any shade sails to be incorporated within the outdoor play space areas.*
>
> *Once approved, the Landscape Plan shall be implemented in its entirety to the City's satisfaction.*

Detailed consideration for the design of outdoor play spaces and landscaped areas is necessary for childcare centre developments. As we are in the preliminary stages of the development (i.e. obtaining Development Approval), we request that the detailed design of the outdoor play spaces and landscaped areas should be carried out as part of the detailed design stage.

In relation to the comment requesting a pedestrian connection between the existing footpath along Malibu Road and the main entry of the development, we are of the view that such a footpath is not required in this instance given this is a small childcare centre.

Development Plans and Details

The following section outlines our response to each of the comments made in relation to the development plans.

1. *Please confirm if shaded outdoor play areas are proposed and provide details of any shade structures to be used on amended plans and elevations.*

As previously mentioned, detailed consideration for the design of outdoor play spaces is required for childcare centre developments. This detailed consideration is usually undertaken as part of the detailed design stage of the project. The detailed design of the outdoor play spaces will influence the location of any shade sails. Therefore, it is requested that the requirement for confirmation of the location of shade sails is set as a condition of development approval. Our proposed wording of this condition is outlined above under "Landscaping".

2. *Please provide an assessment and updated plans demonstrating compliance with Local Planning Policy 3.3.14 – Bicycle Parking and End-of-Trip Facilities. For the purposes of this policy, a Child Care Premises should be considered akin to an Education land use, unless otherwise suitably justified.*

The City's Local Planning Policy 3.3.14 – Bicycle Parking and End-of-Trip Facilities (**LPP 3.3.14**) requires the provision of 0.3 bicycle parking spaces for each student and staff. The proposed development incorporates a maximum of 60 children and 11 staff, for a total of 71 people. This means that LPP 3.3.14 requires the provision of 21.3 bicycle parking spaces. We are of the view that this is excessive.

We are of the view that a childcare centre of this size does not require the provision of bicycle parking spaces.

Firstly, most visitors and staff for childcare centres drive to the centre as sufficient parking facilities are provided on-site. Secondly, the subject site is located in proximity to public transport (bus) services. Therefore, there are already alternative forms of transport available to the site.

> *Fire exit door through the laundry enters into the bin store / drying area. This has potential for blocking of a fire exit, and no clear exit path and bin gate does not open in the direction of egress;*

Bins will be required to be located within the designated locations indicated on the drawings. This will ensure that there is a path through the bin store in the event of an emergency.

> *Ventilation requirements must be designed to comply with the relevant indoor air quality standards (AS 1668.2), with the ventilation capacity and flow designed to accommodate loading and activities within the building with doors and windows closed.*

The proposed development has been designed to comply with the relevant indoor air quality standards (AS1668.2). This will be confirmed as part of the building permit application/detailed design stage.

Summary

We trust the above information addresses the City's 12 June 2023 request for information.

Should you require any further information or clarification in relation to this matter, please contact the undersigned on 9221 1991.

Yours faithfully,

Nathan Stewart
Rowe Group

EMAIL TRANSMITTAL

REF:	31241-1-23085-02
TO:	ROWE GROUP
ATTN:	Nathan Stewart
ADDRESS:	Nathan.Stewart@rowegroup.com.au
FROM:	Tim Reynolds
DATE:	03 July 2023
SUBJECT:	**CHILD CARE CENTRE – LOT 194 & 193 (# 4 & 6) MALIBU ROAD, SAFETY BAY**
	RESPONSE TO COUNCIL'S QUERIES

Nathan,

As requested, we provide the following information with regards to the queries from the City of Rockingham.

From Email of 21 June 2023, the Councils queries relati :ng to noise are as outlined below :

Acoustic Reporting

With regard to the Environmental Acoustic Assessment prepared by Herring Storer Acoustics (Ref: 30830-3-23085), it is difficult to determine if the proposed Child Care Premises can comply with the Environmental Protection Noise Regulation (EPNR). The following inaccuracies and missing information in the report requires clarification and reassessment of the acoustic report:

- IF calculations (Table 3.4) appear incorrect. The City's calculations suggest IF of +3dB (not +4dB) for SW and NE premises and +2db (not +3dB) for NW premises;
- Future residential (mixed use / multi story) across the road has not been assessed;
- Not all mechanical plant appears to have been assessed. eg no information in regards to kitchen exhaust or toilet exhaust;
- Delivery vehicles have not been included in the assessment;
- AAAC Guideline for Child Centre Acoustic Assessment indicates an effective SPL of 85 – 87dB for groups of 10 children over 2 years of age (not 83 dB). As the bulk of the children will be over 3 years of age, this would be closer to the 87dB SPL;
- No noise contours have been provided to demonstrate modelling results; and
- No noise contours or information has been provided to indicate how the parking restrictions proposed for the site have been determined and managed.

With regards to the above we provide the following responses.

IF CALCULATIONS

Firstly, we note that it is extremely disappointing that council have just stated that the Herring Storer Acoustic calculation appear incorrect, however they provide no additional information regarding the reasoning for the differences.

The City have stated that the their calculations suggest that the IF for the residences should be as follows:

SW residence +3 dB
NE residence +3 dB
NW residence +2 dB

We believe that the difference between the determinations of the IF could relate to the actual location for which the IF was determined. In this case, which is unusual, the use of a different location could result in a reduction in the IF, as determined by Herring Storer Acoustics. We have reviewed our calculations of the IF and note that for the residence to the south west, we agree that the IF would be +3 dB(A), thus the assigned noise levels would be as listed in Table 1, below.

TABLE 1 - NEIGHBOURING RESIDENCES TO SOUTH WEST

Premises Receiving Noise	Time of Day	Assigned Level (dB)		
		$L_{A\ 10}$	$L_{A\ 1}$	$L_{A\ max}$
Noise sensitive premises : Highly sensitive area	0700 - 1900 hours Monday to Saturday	48	58	68
	0900 - 1900 hours Sunday and Public Holidays	43	53	68
	1900 - 2200 hours all days	43	53	58
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and Public Holidays	38	48	58

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

For the other neighbouring residences to the North east and North west, we believe that calculation of the IF are correct and the assigned noise levels would be as outlined in the assessment report.

FUTURE RESIDENCE ACROSS THE ROAD

From the Town Planning Scheme, we understand that the premises to the south east across Malibu Road is currently zoned commercial. Thus, the assigned noise levels would currently be as listed in Table 2.

TABLE 2 – COMMERCIAL PREMISES

Premises Receiving Noise	Time of Day	Assigned Level (dB)		
		L_{A10}	L_{A1}	L_{Amax}
Commercial	All hours	60	75	80

We also note that the premises is currently vacant.

With regards to possible residences, we note from the City's concerns regarding fumes and emissions from the petrol station, it would appear that it is unlikely that, if a scheme was developed, that any residences would be included directly across from the child care as they would be located adjacent to the petrol station.

We also note that the day care would primarily be a day period use, with the main noise source that would be received at any residence would be that from the outdoor play area. For these residences, we believe that the IF would be +5 dB and the assigned L_{A10} day period noise level would be 50 dB(A).

Based on the AAAC noise levels for children playing outside, the noise received from the outdoor play has been calculated to be 53 dB(A), which would be a marginal exceedance.

We note from a SAT judgement (Copy attached with the relevant pages being P19 and 20), we understand that limited weight in terms of planning should be given "to future possible exceedances of the Noise Regulations".

We also believe that it would be several years before any development across the road would be completed, by which time the child care, if approved, would be in operation and would be completely obvious to any new neighbours of it existence. Thus, the activities of the child care would be part of the acoustic environment, and given usage, believe that the noise received at the residence would not be considered "unreasonable"

However, we note that the calculated noise level stated above is without any fencing or balustrading. Thus, given the marginal exceedance, depending on any design, if it occurs at all, the noise received at any future residences across Malibu Road could possible comply. However, there are mitigation measures that could be implemented to reduce noise received at these residences, such as :

- Limiting the number of children outdoors at any one time; and / or
- The construction of barrier or screens or shade structure for upper floors.

MECHANICAL SERVICES

TOILET EXHAUSTS

We note that for a child care centre the toilet exhausts are normally either ceiling mounted or contained within the ceiling space. From previous information provide that sound power level associated a toilet exhaust fan would be less than 60 dB(A). Thus, the noise emissions from the discharge, usually a roof cowl would be less than 30 dB(A). Hence noise received at the neighbouring residences from the toilet exhaust would be insignificant.

KITCHEN EXHAUSTS

Given the size of this child care, it is unclear as to whether a kitchen exhaust fan would be required. However, if one were installed, then it could be installed within the ceiling space, in which case, as for the toilet exhaust, noise received at the neighbouring residence would be insignificant. However, we have undertaken revised modelling for a roof mounted kitchen exhaust fan.

At this stage of the development it is not known whether the exhaust fans (ie kitchen, laundry and toilet) would be roof, wall mounted, ceiling mounted or fans within the ceiling space. With ceiling mounted or fans located within the ceiling spaces, the noise emission via the roof cowls or wall grille would be minimal. However, as requested we have undertaken additional modelling for the conservative case, with roof and wall mounted exhaust fans, as per below :

Kitchen Exhaust - Roof mounts with SWL of 72 dB(A).

We note that the Kitchen laundry exhaust would be limited to the day period. Thus, based on the above and including the air conditioning condensing units, the noise received at the neighbouring residences has been determined to be as listed in Table 3.

TABLE 3 - ACOUSTIC MODELLING RESULTS FOR L_{A10} CRITERIA MECHANICAL PLANT

Neighbouring Premises	Calculated Noise Level (dB(A))
	Day Period
South West	30 (35)
North East	34 (39)
North West	45 (50)

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

Based on the above, noise received at the neighbouring premises to the north west could exceed the assigned noise level. Thus to comply noise mitigation could required, which could include :

- Installing a fan within the ceiling space;
- Providing screening to the neighbour;
- Locating the fan sufficient distance from the residence; or
- Selection of quieter fan.

We note that, as stated in the Environmental Acoustic Assessment, it is noted that the mechanical services (air conditioning and ventilation) have not been designed at this stage of the project. Therefore, it is recommended that the final design be assessed for compliance with the requirements of the Environmental Protection (Noise) regulations 1997. We note that this could be a condition of development.

DELIVERIES

As requested, an assessment of delivery vehicles has been undertaken. We note that deliveries would only occur during the day period and for car movements they would be assessed under the L_{A1} assigned noise level.

Based on a sound power level for a delivery vehicle being 87 dB(A), the noise received at the neighbouring residence would be as listed in Table 2.

TABLE 2 - ACOUSTIC MODELLING RESULTS L_{A1} CRITERIA DELIVERY TRUCK

Neighbouring Premises	Calculated Noise Level (dB(A))
South West	40
North East	51
North West	48

Based on the above calculated noise levels assessment of noise received at the neighbouring residences is listed in Table 3.

TABLE 3 – ASSESSMENT OF L_{A10} NOISE LEVEL EMISSIONS DELIVERY VEHICLES (DAY PERIOD)

Location	Assessable Noise Level dB(A)	Applicable Assigned Noise Level (dB(A))	Exceedance to Assigned Noise Level
South West	40	58	Complies
North East	51	58	Complies
North West	48	57	Complies

Thus, noise from delivery vehicles would easily comply with the regulatory requirements.

AAAC NOISE LEVELS

As noted by the City, given the breakdown of the children using a noise level closer to that listed in the AAAC guideline may be more appropriate in the case. Thus, we have undertaken additional noise modelling based on the AAAC guidelines.

We note that under the latest AAAC guideline the following is provided as the sound power level for outdoor play:

Table 1 – Effective Sound Power Levels ($L_{Aeq, 15min}$) for Groups of 10 Children Playing

Number and Age of Children	Sound Power Levels [dB] at Octave Band Centre Frequencies [Hz]								
	dB(A)	63	125	250	500	1k	2k	4k	8k
10 Children - 0 to 2 years	78	54	60	66	72	74	71	67	64
10 Children - 2 to 3 years	85	61	67	73	79	81	78	74	70
10 Children - 3 to 5 years	87	64	70	75	81	83	80	76	72

Notes:
1 If applicable, an adjustment to the above sound power levels of -6 dB could be applied in each age group for children involved in passive play.

The AAAC noise levels also note that an adjustment of -6 dB could be applied to children at passive play.

Based on the above sound power levels and noting the proposed children within the various age groups (ie 39 with the 3- 5 age group) additional noise modelling was undertaken and the results are listed in Table 4.

TABLE 4 - ACOUSTIC MODELLING RESULTS FOR L_{A10} CRITERIA OUTDOOR PLAY AREAS (AAAC NOISE LEVELS)

Neighbouring Premises	Calculated Noise Level (dB(A))
South West	49
North East	46
North West	41

Based on the above, it is possible that noise received at the neighbouring residence to the south west, with the IF being only +3 dB rather than +4 dB, could exceed the assigned noise level by 1 dB(A). Thus, the ensure compliance, it is recommended that the boundary fence, as shown below in Figure 01, be 2.1 metre high. With this height boundary fence, the noise received at the neighbouring residence to the south west has been calculated to be 47 dB(A), which complies with the assigned noise level.

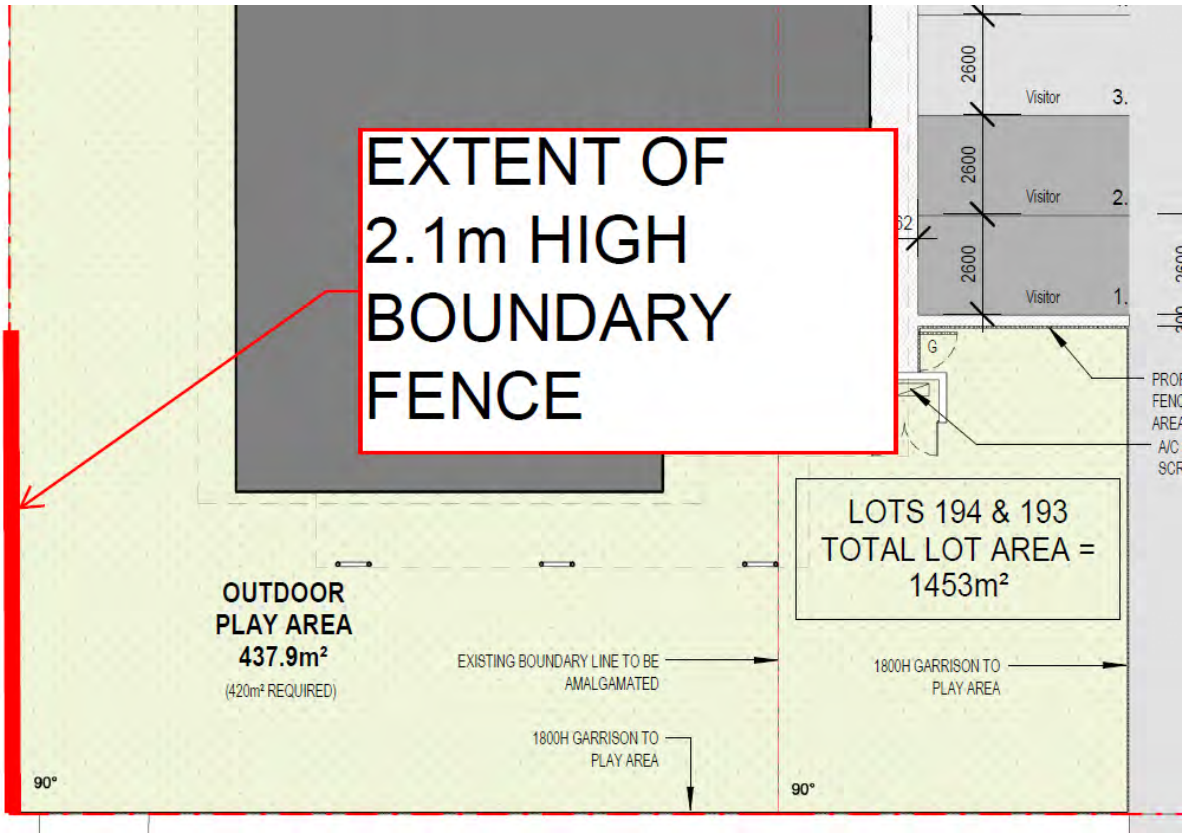

FIGURE 01 – EXTENT OF 2.1m HIGH BOUNDARY FENCE

For information, we provide the following Figure 02, noise contour plot for the outdoor play.

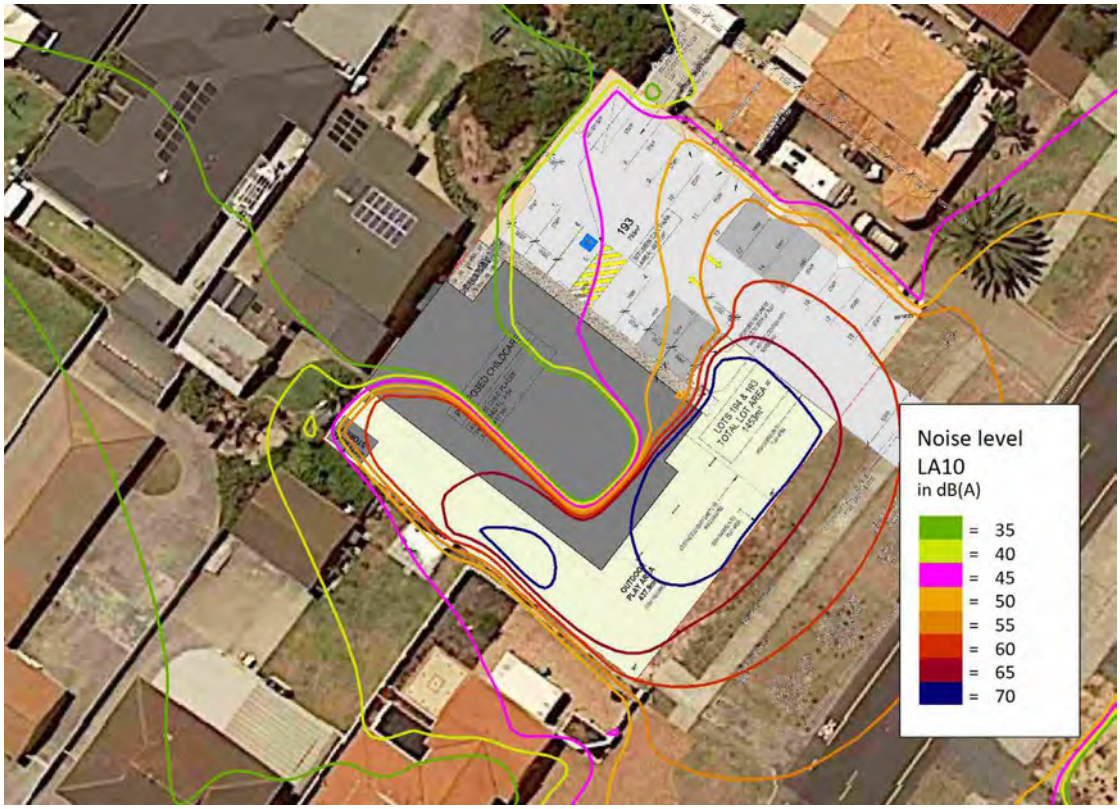

FIGURE 02 - NOISE CONTOUR PLO FOR OUTDOOR PLAY TO GROUND FLOOR LEVEL

PARKING

As requested, noise contour plots are provided with regards to the car door closing and the restrictions during the night period.

Figure 03 is for the day period, with Figure 04 being for the night period.

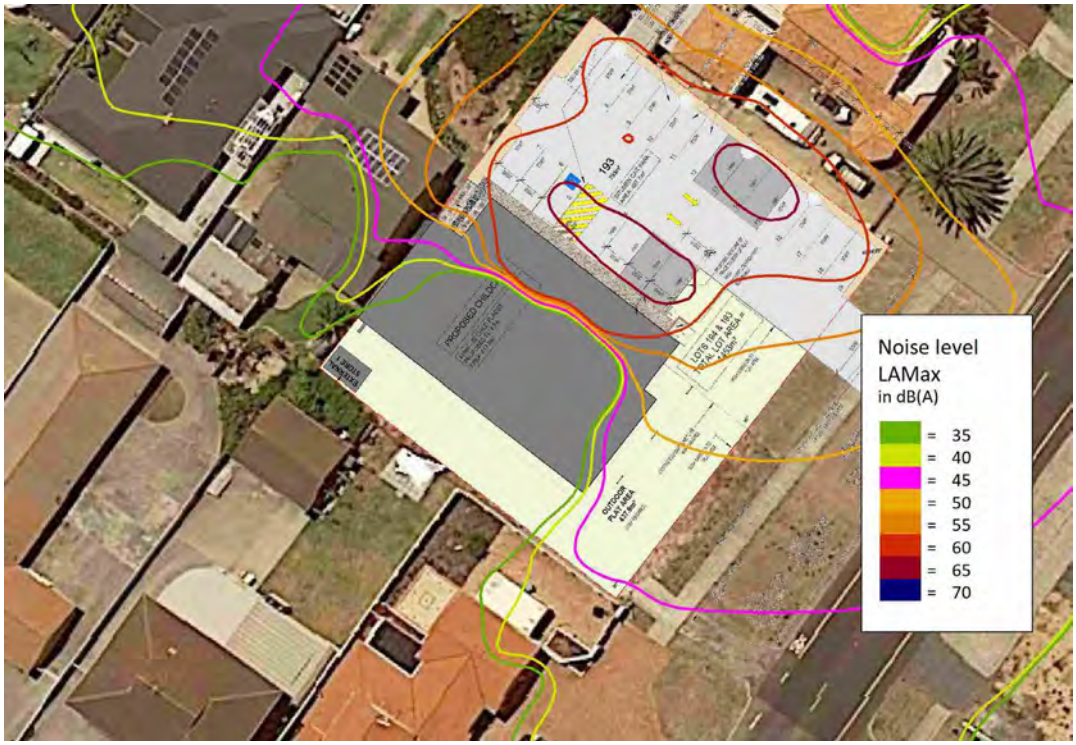

FIGURE 03 – NOISE CONTOUR PLOT FOR CAR DOORs CLOSING (DAY PERIOD)

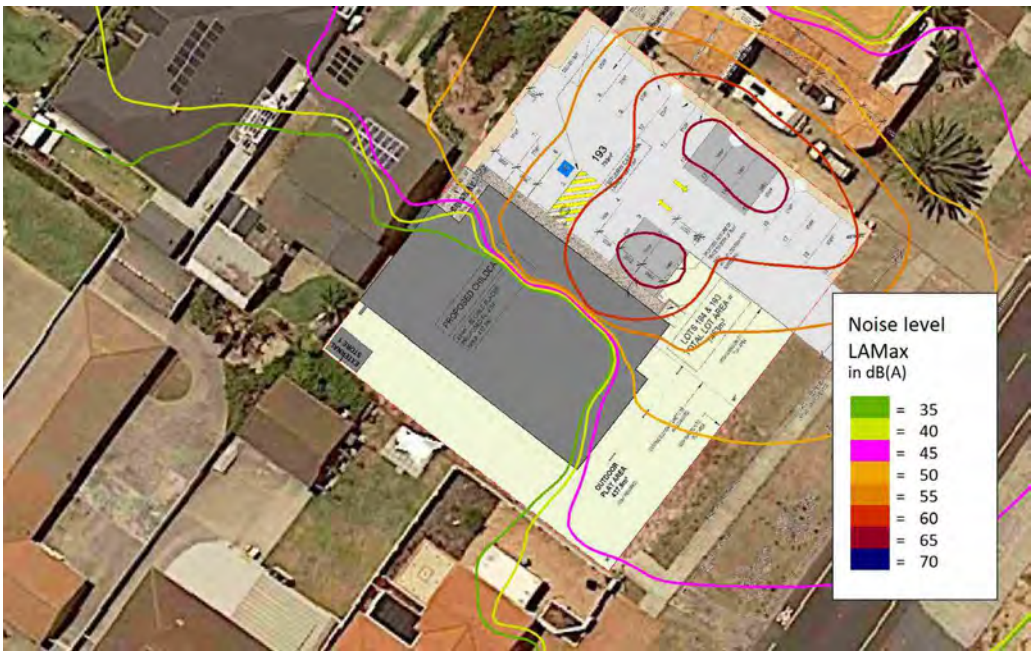

FIGURE 04 – NOISE CONTOUR PLOT FOR CAR DOORS (NIGHT PERIOD)

We note that given the distance to the critical received with regards to car doors, it is unlikely that the +10 dB(A) penalty would be applicable. Thus, the above is a highly conservative assessment.

We believe that ere may have been some confusion with regards to the night period parking restrictions. Thus Figure 05 is provided.

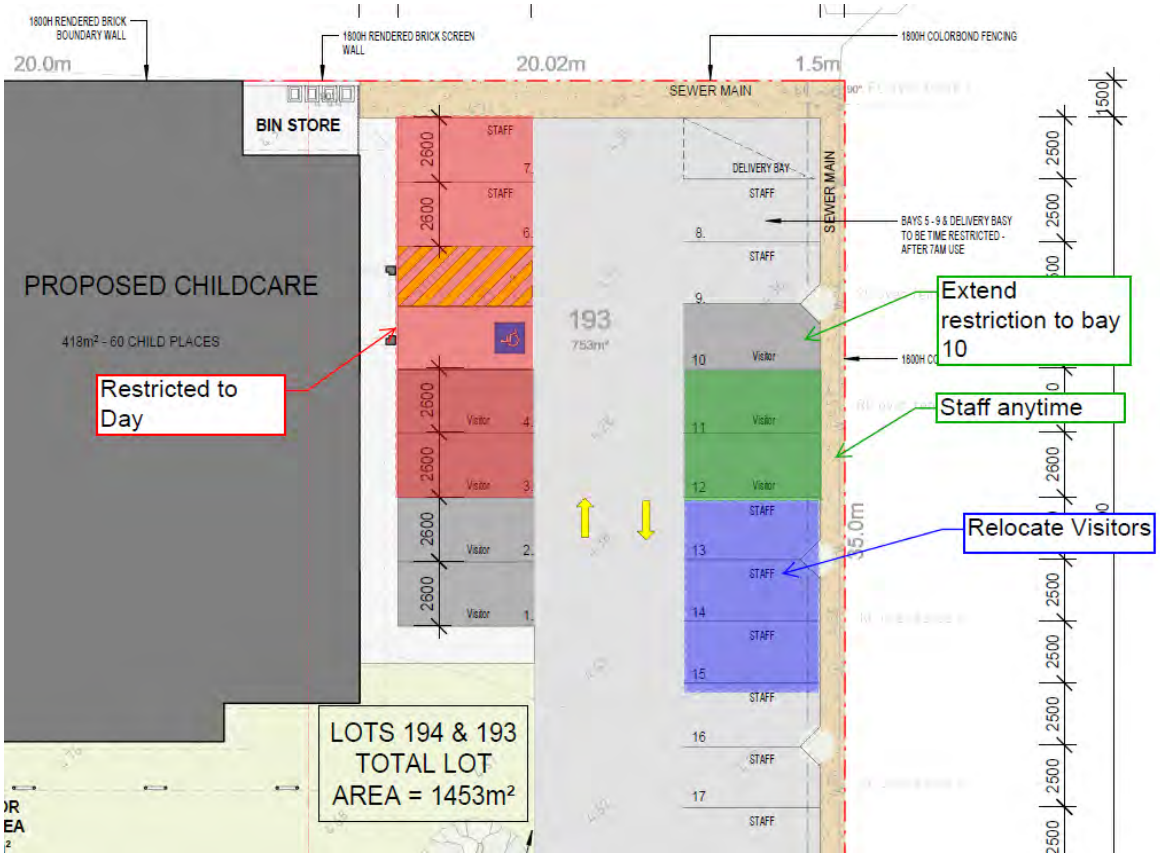

FIGURE 05 – NIGHT PERIOD PARKING RESTRICTIONS

We trust that the above answers the City of Rockingham's queries.

Yours faithfully,
for **Herring Storer Acoustics**

Tim Reynolds

Att.

Waste Management Plan

Lots 194 and 193 (Nos. 4 – 6) Malibu Road, Safety Bay

Prepared for Rowe Group

10 July 2023

Project Number: WMP23025

DOCUMENT CONTROL

Version	Description	Date	Author	Reviewer	Approver
1.0	First Approved Release	1/05/2023	AB	DP	AB
2.0	Second Approved Release	10/07/2023	AB	DP	DP

Approval for Release

Name	Position	File Reference
Dilan Patel	Waste Management Consultant	WMP23025-02_Waste Management Plan_2.0
Signature		

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Executive Summary

Rowe Group is seeking development approval for the proposed Childcare Centre located at Lots 194 and 193 (Nos. 4 – 6) Malibu Road, Safety Bay (the Proposal).

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

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

Proposed Waste Collection Summary

Waste Type	Generation (L/week)	Bin Size (L)	Number of Bins	Collection Frequency	Collection
Refuse	954	240	Four	Once each week	Private Contractor
Recycling	954	240	Four	Once each week	Private Contractor

A private contractor will service the bins from the Bin Presentation Area on the Malibu Road verge at the front of the Proposal utilising its kerbside collection service.

A caretaker/suitably qualified staff will oversee the relevant aspects of waste management at the Proposal.

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1 Introduction

Rowe Group is seeking development approval for the proposed Childcare Centre located at Lots 194 and 193 (Nos. 4 – 6) Malibu Road, Safety Bay (the Proposal).

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

The Proposal is bordered by residential properties to the north, south and west, and Malibu Road to the east, as shown in Figure 1.

1.1 Objectives and Scope

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

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

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

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

2 Waste Generation

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

2.1 Proposed Tenancies

The anticipated volume of refuse and recyclables is based on the floor area (m^2) of the Activity Rooms, Cot Room, Kitchen, Reception and Staff Room at the Childcare Centre – **273m²**.

2.2 Waste Generation Rates

In order to achieve an accurate projection of waste volumes for the Proposal, consideration was given to the City of Melbourne's *Guidelines for Waste Management Plans* (2021) as they contain contemporary estimates of waste generated from childcare centres.

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

Table 2-1: Waste Generation Rates

Tenancy Use Type	City of Melbourne Guideline Reference	Refuse Generation Rate	Recycling Generation Rate
Childcare Centre	Childcare	350L/100m²/week	350L/100m²/week

2.3 Waste Generation Volumes

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

2.3.1 Waste Generation

Waste generation volumes in litres per week (L/week) adopted for this waste assessment is shown in Table 2-2. It is estimated that the Proposal will generate 954L of refuse and 954L of recyclables each week.

Table 2-2: Estimated Waste Generation

Childcare Centre	Area (m²)	Waste Generation Rate (L/100m²/week)	Waste Generation (L/week)
Refuse	273	350	954
Recyclables	273	350	954
		Total	**1,908**

3 Waste Storage

Waste materials generated within the Proposal will be collected in the bins located in the Bin Storage Area, as shown in Diagram 1, and discussed in the following sub-sections.

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

3.1 Internal Transfer of Waste

To promote positive recycling behaviour and maximise diversion from landfill, internal bins will be available throughout the Proposal for the source separation of refuse and recycling.

These internal bins will be collected by suitably qualified staff/cleaners and transferred to the Bin Storage Area for consolidation into the appropriate bins, as required. This internal servicing method may be conducted outside of main operational hours to mitigate disturbances to staff/visitors.

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

3.2 Bin Sizes

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

Table 3-1: Typical Bin Dimensions

Dimensions (m)	Bin Sizes			
	240L	360L	660L	1,100L
Depth	0.730	0.848	0.780	1.070
Width	0.585	0.680	1.260	1.240
Height	1.060	1.100	1.200	1.330

Reference: SULO Bin Specification Data Sheets

3.3 Bin Storage Area Size

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

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

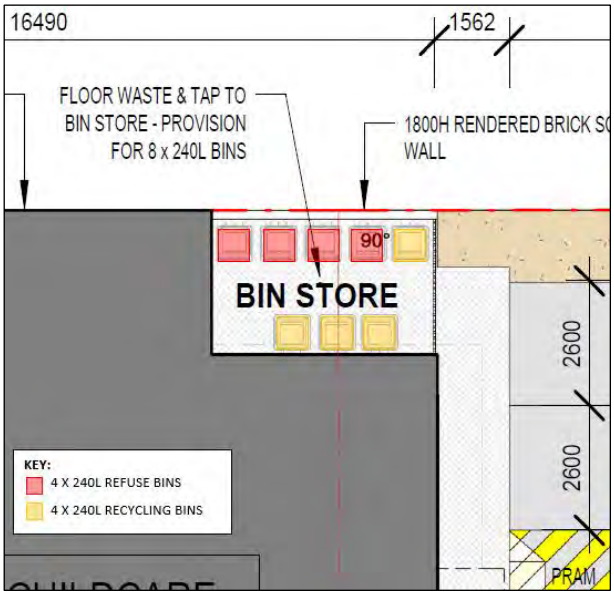
- Four 240L refuse bins; and
- Four 240L recycling bins.

Table 3-2: Bin Requirements for Bin Storage Area

Waste Stream	Waste Generation (L/week)	Number of Bins Required			
		240L	360L	660L	1,100L
Refuse	954	4	-	2	1
Recycling	954	4	3	2	1

The configuration of these bins within the Bin Storage Area is shown in Diagram 1. It is worth noting that the number of bins and corresponding placement of bins shown in Diagram 1 represents the maximum requirements assuming one collection each week of refuse and recyclables.

Diagram 1: Bin Storage Area



3.4 Bin Storage Area Design

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

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

Bin numbers and storage space within the Bin Storage Area will be monitored by the caretaker/suitably qualified staff during the operation of the Proposal to ensure that the number of bins and collection frequency is sufficient.

4 Waste Collection

A private contractor will service the Proposal and provide four 240L bins for refuse and four 240L bins for recyclables.

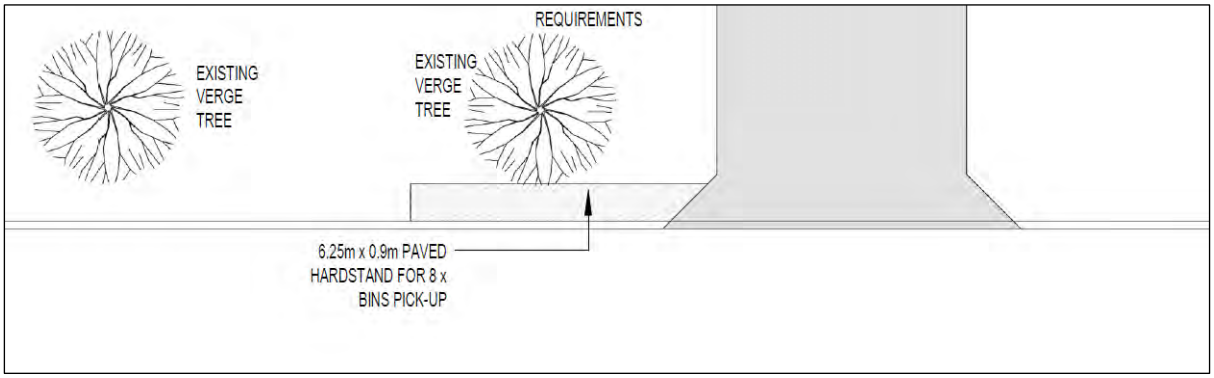
The private contractor will collect refuse and recyclables once each week from the Proposal utilising its side arm waste collection vehicle.

The private contractor will service bins from the Bin Presentation Area on the verge on Malibu Road at the front of the Proposal, as shown in Diagram 2.

Bins will be presented for collection 1m from the verge with the wheels and handles facing away from the street. The bins will remain clear of obstructions such as power poles, signs and street trees, and will be placed so as not to obstruct pedestrians, footpaths or bike lanes. Bins will be lined up neatly and in a single row along the verge, with sufficient space between each bin to facilitate collection by the private contractor's side arm waste collection vehicle.

The caretaker/suitably qualified staff will ferry the bins to and from the Bin Presentation Area on collection days. The travel path between the Bin Storage Area and the Bin Presentation Area will be of flat surface and kept free of obstacles. The Strata Manager will return the bins to the Bin Storage Area as soon as possible on the same day following collection.

Diagram 2: Bin Presentation Area



4.1 Bulk and Speciality Waste

Bulk and speciality waste materials will be removed from the Proposal as they are generated on an 'as required' basis.

Adequate space may be allocated throughout the Proposal for placement of cabinets/containers for collection and storage of bulk and specialty wastes that are unable to be disposed of within the bins in the Bin Storage Area. These may include items such as:

- Refurbishment wastes from fit outs;
- Batteries and E-wastes;
- White goods/appliances;
- Cleaning chemicals; and
- Commercial Light globes.

These materials will be removed from the Proposal once sufficient volumes have been accumulated to warrant disposal. Specialty waste collection will be monitored by the caretaker/suitably qualified staff who will organise their transport to the appropriate waste facility, as required.

5 Waste Management

The caretaker/suitably qualified staff will be engaged to complete the following tasks:

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

6 Conclusion

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

- Four 240L refuse bins, collected once each week; and
- Four 240L recycling bins, collected once each week.

A private contractor will service the bins from the Bin Presentation Area on the Malibu Road verge at the front of the Proposal utilising its kerbside collection service.

A caretaker/suitably qualified staff will oversee the relevant aspects of waste management at the Proposal.

Figures

Figure 1: Locality Plan

P: PO Box 454, Leederville WA 6903 | A: 604 Newcastle St, Leederville WA 6007 | T: 1300 251 070 | W: www.talisconsultants.com.au

Data source: Roads, Cadastre - Landgate, 2023. Imagery: Landgate, 2022.

LEGEND

- Site Boundary

Cadastre

- Crown Allotment
- Freehold
- Road
- Strata Plan or Lot
- Easement
- Reserve

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LOCALITY

LOCALITY

Lots 194 and 193, 4-6 Malibu Rd
Safety Bay 6169 WA

Greener4 Pty Ltd
c/- Rowe Group

N
0 10 20 30 40 m

Coordinate System: GDA2020 MGA Zone 50
Scale @ A3: 1:1,000

Prepared:	E Jackson	Date:	28/03/2023
Reviewed:	A Brouwer	Revision:	A
Project:	WMP23025		

talis consultants

Figure 01

Assets | Engineering | Environment | Noise | Spatial | Waste

Talis Consultants

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Government of **Western Australia**
Department of **Mines, Industry Regulation and Safety**

Your ref 20.2023.102.1 – D23/118393
Our ref X0001/201901
Enquiries Ben Croser
Ph: (08) 9358 8195
E: Ben.Croser@dmirs.wa.gov.au

Mrs. Casey Gillespie
Senior Town Planner
City of Rockingham
Civic Boulevard
ROCKINGHAM WA 6168

Dear Mrs. Gillespie

DANGEROUS GOODS SAFETY ACT 2004 – DANGEROUS GOODS SAFETY (STORAGE AND HANDLING OF NON-EXPLOSIVES) REGULATIONS 2007

Planning Proposal – Child Care Centre – Lots 193 & 194 (No. 4 & No. 6) Malibu Road, SAFETY BAY WA 6169

I refer to your email dated 3 July 2023 requesting comment regarding the above application.

The Department has no concerns to which this proposal pertains to.

Due to the Child Care Centre being classified as sensitive use as per Australian Standard (AS) 1596 – The storage and handling of LP Gas and a sensitive facility as per AS 1940 – The storage and handling of flammable and combustible liquids, the owner of the service station is required to ensure that if bulk LPG is stored on site, that there is adequate separation between the tank and the Child Care Centre. Additionally, the owner of the service station is required to ensure that measures are in place to prevent and contain any large spills of fuel during a road tanker unloading operation that would impact the Child Care Centre.

If the Child Care Centre has any concerns they should liaise initially with the service station.

Should you have any further enquiries, please contact (08) 9358 8195.

Yours sincerely,

Ben Croser

Ben Croser | Dangerous Goods Officer

Government of **Western Australia**
Department of **Health**

Your Ref: 20.2023.102.1 – AD23/52556
Our Ref: F-AA-03231 D-AA-23/255546
Contact: Chris Hill 9222 2000

Mr Michael Parker
Chief Executive Officer
City of Rockingham
PO Box 2142
Rockingham WA 6168

Attention: Casey Gillespie

Via email: customer@rockingham.wa.gov.au

Dear Mr Parker

PROPOSED CHILD CARE PREMISES - LOT 194 AND LOT 193 (NO.4 AND NO.6) MALIBU ROAD, SAFETY BAY

Thank you for your letter of 19 May 2023, requesting comments from the Department of Health (DoH) on the above proposal.

The DoH provides the following comment:

1. Public Health Impacts

The DoH cannot comment on the rigour of the emissions modelling in the 'Emissions Impact Assessment of BP Service Station Adjacent to Proposed Child Care Centre' that was provided in the referral submission. We have previously received advice from the Department of Water and Environmental Regulation (DWER) that due to model input uncertainties, the use of dispersion modelling to make precise judgements on separation distances is not possible. Therefore, we recommend the application of the separation distances as outlined in the Environment Protection Authority (EPA) 'Guidance Statement 3 Separation Distances between Industrial and Sensitive Land Uses (GS 3)', 2005.

In the EPA document, separation distances relate to the distance between the boundary of the source (industry) and boundary of the sensitive land-use. The modelling has used the distance from the nearest bowser to the Child Care Premises (CCP). The DoH can accept the bowser as the starting point, although that will mean the service station will need approval to move those bowsers in the future, but requires that the distance is up to the boundary of the CCP (i.e., not just the building).

2. Food Act Requirements

All food related areas (kitchen, preparation areas, etc.) are to comply with the provisions of the Food Act 2008 and related code, regulations and guidelines. Details

available for download from: https://ww2.health.wa.gov.au/Articles/S_T/Starting-a-food-business-in-WA.

Should you have any queries or require further information please contact Chris Hill or on 9222 2000 or eh.eSubmissions@health.wa.gov.au.

Yours sincerely

Dr Michael Lindsay
EXECUTIVE DIRECTOR
ENVIRONMENTAL HEALTH DIRECTORATE

20 June 2023

Government of **Western Australia**
Department of **Water and Environmental Regulation**

Your ref: 20.2023.102.1
Our ref: RF2024-06 & PA056396
Enquiries: Mark Hingston Ph 9550 4209

City of Rockingham
PO Box 2142
ROCKINGHAM DC, WA, 6967

Attention: Casey Gillespie

Dear Casey

Proposed Child Care Centre – Lots 193 & 194 Malibu Road, Safety Bay

Thank you for providing the proposed Child Care Centre at Lots 193 & 194 Malibu Road, Safety Bay received on 19 May 2023 for the Department of Water and Environmental Regulation (the Department) to consider.

The Department has identified that the proposed Child Care Centre has the potential for impacts on water resource values and management. In principle the Department does not object to the proposal however key issues, recommendations and advice are provided below and these matters should be addressed.

Issue
Stormwater Management

Advice
DWER recommends the proposed Child Care Centre car park stormwater drainage system be designed, constructed and managed in accordance with the S*tormwater Management Manual for Western Australia* (DWER, 2004). Stormwater runoff should be fully contained onsite for small and minor storm events (1 and 0.2 Exceedance per Year runoff) and the first 15 mm of stormwater runoff (1 Exceedance per Year runoff) from carpark and hardstand areas should undergo water quality treatment via biofiltration.

Kwinana Peel Region
107 Breakwater Parade Mandurah Ocean Marina Mandurah Western Australia 6210
PO Box 332 Mandurah Western Australia 6210
Telephone: 08 9550 4222 Facsimile: 08 9581 4560
www.dwer.wa.gov.au

Issue
Industry Buffers

Advice
The Environmental Protection Authority's (EPA) *Guidance for the Assessment of Environmental Factors, Separation Distances between Industrial and Sensitive Land Uses* (EPA, June 2005) (GS3) provides advice on the use of generic separation distances (buffers) between industrial and sensitive land uses. The intent is to avoid conflicts between incompatible land uses and assist in the determination of suitable distances between industry and sensitive land uses where industry may have the potential to affect the amenity of a sensitive land use. Child Care Centres are considered a sensitive land use within the document.

The existing BP Service Station at the corner of Malibu Road and Safety Bay Road advertises its operating hours as Monday to Sunday 6am to 10pm. The GS3 notes 3 operating hours for service station premises, Monday - Saturday from 0700-1900 hours, 24-hour operations and Freeway 24-hour operations. The existing BP Service Station appears not to correspond to these operations but best fits the description 'operating Monday to Saturday 7am to 7pm'. In this case the GS3 recommends a buffer distance between the existing BP Service Station and the proposed childcare centre of 50 metres. The City of Rockingham should ensure that this recommended buffer distance is achieved.

Should you require any further information on the comments please contact Mark Hingston on 9550 4209.

Yours sincerely

Jane Sturgess
Acting Program Manager – Planning Advice
Kwinana Peel Region

14 / 06 / 2023

Schedule Of Submissions
Proposed Child Care Premises
Lots 194 and 193 (No.4 and No.6) Malibu Road, Safety Bay
(20.2023.102.1)

PUBLIC SCHEDULE OF SUBMISSIONS		
Name	Address	Comment
1. Mrs Jennifer R Pettet	11 Cruise Road SAFETY BAY WA 6169 jendavep11@hotmail.com	This area can be quite hazardous with vehicles coming from the roundabout and turning into the fuel station. Many a near miss spotted. The same could apply here for vehicles looking to access this facility. There would need to be a large amount of parking and a good turnaround area for safety of those traversing Malibu Road. There would also need to be adequate fencing and security for little ones not to be able to exit the premises onto the very busy road. For these reasons I'm wondering if it is an appropriate area for such a business.
2. Ms Skye Y Moore	5 Dobson Court SAFETY BAY WA 6169 skyemoore@hotmail.com	This is a great idea
3. Ms Katherine Schwedes	55D Saw Avenue ROCKINGHAM WA 6168 Kathjohn87@gmail.com	No, the road and area is way too busy and too much traffic, wouldn't be safe for parents, parking and for those parents who don't drive very easily for a young child to get hit. Unfortunately there are people who drive with a zero care factor for children especially people with fast cars and have no children. Best to have one in a safer spot ????
4. Mrs Natalie Pieri	20 Reflection Mews SAFETY BAY WA 6169 nataliepieri@iinet.net.au	I think it would be a great idea. Daycare places are so hard to get. I fully support the plan.
5. Mrs Sophie J Eddie	388 Safety Bay Road SAFETY BAY WA 6169 sophieeddie@live.com	The roundabout is way too busy as it is and this will become even more busy with up to 71 extra cars coming and going twice per day- an accident waiting to happen. It will also reduce house prices in the area and it's not a suitable position for a daycare. It should either be residential or a coffee shop to draw in tourists.
6. Ms Carolyn A Whitford	Unit 35, 19 Malibu Road SAFETY BAY WA 6169 carolyn131267@gmail.com	Correct me if I'm wrong but we met with the developers of the old Waikiki site. They stated a child care centre has been leased for this site along with other commercial developments. This would mean two child care centres opposite each other and a lot of traffic on an already busy road and lead to an even more congested roundabout. We have been told plans have been submitted to council for the old Waikiki site.... Some clarification would be appreciated.
7. Mrs Ann Brennan	424 Safety Bay Road SAFETY BAY WA 6169	Submission (a) I live at 424 Safety Bay Road. I purchased the property to enjoy a relaxing retirement like so many others have within this area. Everyone around us are of an elderly age. We don't have a school near us, so where are these children going to come

Schedule Of Submissions
Proposed Child Care Premises
Lots 194 and 193 (No.4 and No.6) Malibu Road, Safety Bay
(20.2023.102.1)

PUBLIC SCHEDULE OF SUBMISSIONS		
Name	Address	Comment
No.7 Cont…	annbrennan1973@gmail.com	from? Safety Bay Road roundabout is already backed up with cars at all the peak times with work vehicles, so this is going to add more traffic as families drive in and out of the area to access the facilities. The properties on the front are million dollar properties that will now be devalued due to being next door to a childcare centre with staff screaming at children all day. You state the noise is fine for the area but have you ever sat outside a childcare centre during outdoor play and listened to the staff shouting at the children and the children screaming whilst having fun. It was bad whilst waiting for the bus at the Rockingham Childcare Centre on Council Avenue. Place it across the road next to the petrol station in what was the commercial hub but stay away from the housing area and let us enjoy the local area of peace and quiet and keeping the value of sea front houses.
Mr Gary J Brennan	theaussiegang@hotmail.com	Submission (b) Why do we need another childcare centre when Safety Bay already have two that is not at full occupancy, with a proposed one for the corner of Safety Bay Road and Rae Road? Where are the children going to come from when the lowest birth rate in Australia has gradually fallen, from 66 per 1,000 in 2007 to 56 per 1,000 in 2020, consistent with ABS findings? The AIHW report, Australia's mothers and babies captures data from the first months of the COVID-19 pandemic in Australia and shows that the number of babies born declined by around 7,100 (2.3%) between 2019 and 2020. If you contact other centres in the local area they all have vacancies and others according to the government are struggling for staff to care for these children. So what the government are advertising on TV about the new childcare funding for returning to work and quality care will not be able to be matched in either case, as there will not be enough staff for these new centres to open and other centre that will finally become full due to this new funding will be placed at a disadvantage due to the influx of centres on every corner. Living locally the disturbance on the elderly as they pass with their mobility vehicles will struggle due to the excess parking that will be needed, as every childcare centre in Rockingham has cars outside of the bays that are provided with the facility. The area has always been referred to as a holiday resort with the area becoming a tourist destination for water sports, so why not a motel for visitors to the area. Please do not shatter our peace and quiet of a residential area and decline the childcare centre or find another location that is better suited.
8. Ms Nancy I Wain	Unit 8, 19 Malibu Road SAFETY BAY WA 6169 nkwani8@bigpond.com	Noting the wide verge capacity and impact of vehicles (19 spaces for 60 children) would suggest it would benefit. From a slip lane or left turn in additional to the road to reduce impact to flow of traffic heading into Malibu Rd at such close proximity to the Roundabout. Especially noting volumes at peak hours and likely congestion at drop off and pick up times Thank you

Schedule Of Submissions
Proposed Child Care Premises
Lots 194 and 193 (No.4 and No.6) Malibu Road, Safety Bay
(20.2023.102.1)

PUBLIC SCHEDULE OF SUBMISSIONS		
Name	Address	Comment
9. Mr Mark B McCarthy	Unit 4, 19 Malibu Road SAFETY BAY WA 6169 mark@hostingwa.com	I'd like to comment on this new proposed child care centre. My only concern with this proposal is the aggregate traffic generation combined with any future development of lot 100 (across the road). Another child care centre is being proposed as part of the impending development of the old Waikiki pub site. The lot 100 is a commercial development that will also generate considerable traffic on Malibu Rd and Safety Bay Rd. As a regular pedestrian to the beach crossing Safety Bay road or Malibu Rd is already a challenge particularly during school drop off and pickup times and morning and afternoon traffic to and from Garden Island workers. Any development that will increase traffic to these two roads need to consider the impact on pedestrians and access to the beach by locals. I don't support the development unless the developers and council consider Safe passage of pedestrians over cars.
10. Mr Mathieu G Horbach	10 Grigo Close SAFETY BAY WA 6169 Matt.Horbach@outlook.com	There are 4 concerning factors. 1 Noise levels although legal will still be a nuisance and unpleasant for at least a 50 - 100 metre radius. As a minimum I would suggest a rendered brick wall on rear and both sides to a height of at least 2 metres. 2 Bin odours from disposable nappies will be an issue for residences to NW & NE, particularly during the warmer months. Maybe place bin compound nearer to the road. 3 Traffic is already an issue in this area. Please consider not only this proposal but the eventual proposal on the former Waikiki Hotel site. 4 Parking requirements seem inadequate. Are 19 parking bays specifically for drop off/pick up, or does it include staff use. We don't want overflow parking on street verges or in the Waikiki beachfront carpark. Please consider the above and note that we are not anti-development but as nearby residents, feel that we don't want our life impacted in a negative capacity.
11. Ieke Verkuil	Unit 21, 19 Malibu Road SAFETY BAY WA 6169 iekevw@gmail.com	The location of this potential childcare will effect traffic on Malibu Road significantly, considering it's around the corner of the already busy road about Safety Bay Road/Malibu Road especially during peak hours when traffic comes through from Garden Island Naval Base and school pick-ups for Safety Bay Senior High School. There is also going to be a child care facility build across the road. 2 childcare facilities opposite of each other is not ideal for traffic. Having 60 children on a daily basis surrounded by residential houses would not have a positive effect on the value of living in this area. I would be pleased if the CoR does not approve the application.
12. Ms Michelle G Boyd	8 Gascoyne Way COOLOONGUP WA 6168 michelleboyd64@gmail.com	I would like to express my concerns on the proposed development of the above childcare centre. I believe the traffic impact report has not taken into consideration the development that will be happening on the large vacant lot across the road. (Old Waikiki Hotel site) Which also includes a Childcare Centre. This development/information is very relevant to all the impact statements done for this development and don't seem to have been considered) This will create an increase in traffic alone. Traffic is going to be a major problem with a childcare either side of the road. Noise levels at 6.30am (and before with staff opening 30 mins before) with parents dropping off,

Schedule Of Submissions
Proposed Child Care Premises
Lots 194 and 193 (No.4 and No.6) Malibu Road, Safety Bay
(20.2023.102.1)

PUBLIC SCHEDULE OF SUBMISSIONS		
Name	Address	Comment
No.12 Cont…		shutting doors (not so quietly at times) cars starting. Feel sorry for house that has car park right next to it. Only having 8 car parks for parents dropping off & picking up does not seem sufficient. This will lead to kerb parking chaos, as we see at many centres. This is a built up, residential area, you have not considered shift workers etc. I don't feel the reports are correct as they have not taken into consideration what emissions, traffic etc are going to be with large development coming up. Would like council to explain why this has not been put in report. Do not feel another childcare centre is needed, literally, across from another one. Report needs to take in ALL upcoming developments. My intention is to move into my property on Malibu Rd by end of year and I am concerned about how busy not only that end of Malibu Rd will become, but also the intersection including busy Safety Rd is going to become, especially with summer beach traffic.
13. Mr Lee Archer	Unit 1, 3 Vista Place SAFETY BAY WA 6168 leewarcher@hotmail.com	I don't have an issue with the building my concerns are with the traffic management I'm hoping that someone has made the call on left turn only when leaving the premises on to Malibu Road as I think it's too close to the roundabout for people turning right onto Malibu Road A lot of traffic builds up at that roundabout waiting to enter safety bay Road and if allowed to turn right onto Malibu could cause some accidents
14. Ms Judy A Woolfenden	8 Short Street SAFETY BAY WA 6169 woolfies1@icloud.com	We need some form of entertainment in safety bay. Pub, cafe, restaurant etc. child care being built on corner of Rae and safety bay roads already.
15. Mrs Amy Verdouw	4 Grigo Close SAFETY BAY WA 6169 amyverdouw@gmail.com	As a local safety bay resident (off Grigo Close) I personally do not like the idea of a child care premise situated on that block. That road is busy & it would slow passing traffic (being a child related entity - we already have schools at end of Malibu that is slow enough at peak hour), it would cause extra noise to our street, it is also a prime location for some attractions like a coffee shop or just a normal residential house. I don't think a daycare centre would appreciate the view that is on offer at that location. Thankyou for your time & consideration.
16. Ms Rikky-Lynne Sands	372A Safety Bay Road SAFETY BAY WA 6169 sandsrikky@gmail.com	In response to the childcare centre, I would like to bring your attention to the amount of traffic on the road daily. The location is also within toddler running distance of the ocean. This seems extremely unsafe. Please review the ages of the people in this area and consider if this is meeting needs of the local residents. As a local resident this is of no benefit to us and would cause even further traffic issues when trying to arrive home.

Schedule Of Submissions
Proposed Child Care Premises
Lots 194 and 193 (No.4 and No.6) Malibu Road, Safety Bay
(20.2023.102.1)

PUBLIC SCHEDULE OF SUBMISSIONS		
Name	Address	Comment
17. Ms Kellie Waldron	10 Ernest Street SAFETY BAY WA 6169 kelfus23@hotmail.com	I would like to OBJECT to the proposed application for a Child Care Premise at Lots 193 and 194 Malibu Road, Safety Bay. The proposed commercial property should not be placed amongst the homes of families. This is residential land, for people to enjoy their properties, their homes and their gardens. Those residents of the immediate neighbouring properties in particular should not be subject to this development. The capacity of 71 persons, and the vehicle impact of 245 vehicle trips per day is simply unacceptable. The acoustic assessment acknowledges that this premise will operate outside the noise sensitive time. Excluding "play" to after 7am does not negate the impact of vehicles on those neighbouring residences. For the assessment to state that car movements and cars starting are exempt from regulations does not negate the fact that they WILL be impactful on residential neighbours. Vehicular noise, car doors and children do not have the capacity to know to be quiet just because it is 6.30am. These residents bought their homes in a residential area, with homes surrounding them. One of these lots was a residence until a fire destroyed the home. The blocks were always intended as residential properties, not commercial land. Rate payers invest in the chosen properties knowing this. Operations from 6.30am to 6.30pm also means that staff will be accessing the property before and after hours to be ready to be open for business at 6.30am. Parents will be collecting children as late as 6.30pm after which staff will need to perform closing duties and leave in vehicles. So the impact will indeed be more accurately 6am to 7pm - further impact on residents who did not purchase their properties in a commercial area. Not all people are employed in 9am-5pm jobs. What of the neighbours who are shift workers and may need to sleep during the day? They purchase homes in residential areas knowing they need to cope with residential noise in such environments - not commercial noise of 71 persons and 245 vehicle trips per day. The urban design guidelines (Planning Policy 3.3.23) for the former Waikiki Hotel Site stipulates that this land will be developed and approved for commercial and mixed use. Any commercial developments should be located here, not in between peoples homes. If this proposal was next to your home you would not be in approval.
18. Mrs Julia Pieri	8 Malibu Road SAFETY BAY WA 6169 peter.pieri@bigpond.com	I would like to appose this proposal. My reasons are, its 25mts from a busy roundabout and would cause traffic congestion, 35mts from a petrol station which has the potential of fire or explosion threat. Also the approved planning across the road which will also add to traffic problems, On top of the above there is 19 car park areas in the proposal 11 will be taken up by staff and a bus I am sure the center will have that leaves 7 for up to 60 children to get picked up. This will only add to traffic chaos. On a personal note it is next door to my house and will change the tranquility of my life. Not to mention the devaluation of my property, this is a residential area and not a commercial area. thank you

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19. Mr Marnix Van Winkelhoff	Unit 21, 19 Malibu Road SAFETY BAY WA 6169 11marnix@gmail.com	To build a Child care centre 100m from a other Child care centre (a cross the road lot 432-434) is not a good idea if you start thinking about traffic and noice. Around 3pm normally it is busy because of all traffic from garden island. If you then build 2 Child care centres next to each other it will be a traffic jam.
20. Mr Pieris Pieri	8 Malibu Road SAFETY BAY WA 6169 peter.pieri@bigpond.com	I strongly appose this proposal my reasons are it is a commercial enterprise on a residential block, less than 25 meters from a busy roundabout and 35 meters from a Petrol station well below the lawful distance because of cancer causing vapers. Also the risk of fire or explosion in close proximity to 60 children and 11 staff. Also the car parks do not add up, Proposed parking for 19 vehicles, 11 staff 1 mini bus that is 12 bays used up leaves 7 bays for up to 60 children to be dropped off at around 6 to 6.30 am and the same at pm. At this time the roundabout has a constant flow of traffic from navel personal going to work and returning. With no parking to drop off children people will park on the road and on verges. The proposed child care center is next door to my house which I bought in Safety Bay for the tranquil lifestyle offered by this area, I do not need to listen banging car doors, people talking and very possible yelling at the children, or children crying at that time of the morning. which will certainly impact greatly on the quality of our lives.
21. Mr Richard Pittard	8 Grigo Close SAFETY BAY WA 6169 frpittard@westnet.com.au	We the residents, of the above address, wish to strongly object to the proposed 60 place Childcare centre at 4 to 6 Malibu Road Safety Bay. Our objections are as follows- A) Immediate concern for all travellers, including navy and work drivers, who constantly use the "roundabout" situated on the corner of Malibu and Safety Bay Roads. Re — the existing garage and car wash opposite the proposed child care centre. The proposed Tavern entrance opposite the child care proposed site. B) The estimate staff required- 11 workers. The maximum car bays- 19 stated. The small children require a parent to take the child inside so the build back of cars would overflow back onto Malibu Road to block all entries to the very heavily used roundabout. There is only one lane in each direction so stoppage will be inevitable. C) The noise from the cars and car doors, dropping off and collecting children at times of 6.30 am to 6.30 pm is not appropriate for the shift workers but mostly the retired people living in this older suburb. Thanking you for receiving my objections to this
22. Ms Susan Day	19 Joseph Road SAFETY BAY WA 6169	I understand more daycares are need but there's one on safety bay road and one down by safety bay primary school so would it not be better in a different spot like in anchorage or near Rockingham shopping centre to replace the one that was there

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No.22 Cont…	sueday99@outlook.com	somewhere where they don't have one maybe down port Kennedy not sure how many they have think they need to be spread out so it's easy for more people to access special single mum's that don't drive
23. Mr John & Ms Anna Sepe	24 Malibu Road SAFETY BAY WA 6169 johnsepe@bigpond.com	We are Safety Bay residents living at 24 Malibu Rd. We strongly appose the proposed child care center at the top of our road as we believe this will cause even more traffic congestion than is already present at the other end of Malibu Rd due to the shopping center and 2 schools there. Trying to exit Malibu Rd on to Read St is a nightmare at certain times of the day and this new proposal will only lead to the same congestion at the other end of our Road. We can not even use Charthouse Road as our exit at these times due to the congestion caused by Charthouse Primary. We also believe the proposal will have a negative effect on property values as people do not like to live near a child care not only for traffic reasons but also noise.
24. Name and Address not provided		1. Financial impact and possible consequences 1.1 Failure to provide an assessment report on the financial impacts on the value of residential properties next to or close to the proposed commercial venture of the child care centre. 1.2 Will this commercial venture devalue the present residential properties next to or close to this commercial venture? 1.3 Will this commercial venture negatively impact re-sale of the residential properties next to or close to this commercial venture? Most of the residential properties have been there for many years. Initially when people purchased and built their homes in this area, one of the proposed lots had a residential home on it and the other was vacant and marked for a residential house. 1.4 No assessment report done on the short-term and long-term possible ripple effects on the social and well-being impacts of families in properties next to or close to the commercial venture if there is a negative financial impact on the value and/or a negative impact of sale-ability of these properties that are next to or close to the proposed commercial venture. 1.4.1 Will this negatively impact on their retirement options when possibly needing to access a retirement facility or nursing home? 1.4.2 Will this impact their socio-economic options into the future which in turn may impact their well-being? Especially if they have lost value to their property which I propose is usually one's most valued asset to secure their future. 1.4.3 Will this impact their retirement plans in general if there is a financial impact to their property? For example, reduced re-sale value or hardship selling property

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No.24 Cont…		4.1 No assessment report was done on how many children from the nearby Safety Bay High School would in fact access this child care centre, although the report seemed to highlight it would be of benefit. How many children of this age would use the centre? 4.1 No assessment report provided information on how many children would access this centre from the Malibu School either. 5. Future pending developments No report seemed to consider the vacant commercial land adjacent from this proposal to turn residential blocks into a child care centre, in terms of what increased traffic and impact on local residents and their properties will occur once the commercial blocks are also developed. 6. Aesthetic impacts of child care centre There are residential two-storey houses that will likely look onto this child day care centre. What will be the aesthetic impacts of this and how will this impact their residential life and well-being and property value? 7. Sanitary Nappies Whilst the report noted that it had assessed the disposal of waste and how this would be done, I am wondering about disposal nappy odour, any potential health risks, and if this type of waste will attract rodents when one would think it is likely to be of a large quantity compared to a residential home. Has the assessment considered the latter and if not, why not? 5. Location assessment No report was done on whether other locations for this commercial venture was done. Hence, no justification that this location would be more or less negatively or positively impactful for the general population and the local residents of this proposed area than another area or other locations in the Rockingham region that may be available for such a proposal. I have listed some questions and possible concerns that I would like considered and would appreciate a response to them. Thank you!
25. Mr Samuel Malfroid	26 Malibu Road SAFETY BAY WA 6169 protelec@hotmail.com	We will start with.. this is nonsense!! The way we see it is.. You cannot go ahead with this project because you would cause: Health hazards Traffic hazards Devaluation of surrounding area Health issues because the extra noise pollution with the cars as early as 6.30 up to 18.30 which around here it gets quiet by 17 when most traffic is gone. So, this would add, extra the noise and traffic

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No.25 Cont…		My wife does afternoon shift, she comes home late, this will add more traffic to our and close by houses. Now the real noise issue which really concern more the houses surrounding the land!! The noise would be unbearable for the people around and we feel sorry for them, we have to deal daily with kids screaming in our backyard, been going on for couple years now, the parents doesn't care and think it's OK to let them screams, who cares about the neighbour, the noise stop at the fence line! We could not imagine the screaming on and off all day, even if you would put time in place in long term people would not respect them because is the way people are. The stress and health issue this would cause to the houses around is the main reason why this project should not go ahead. The devaluation of the close by houses is another point, this is so unfair and selfish project, of course the developers doesn't live there why would they care, it's all about money is it! The Childcare would devalue the surrounding houses because no one want to live next to screaming kids, worse case only 60 of them would be screaming, common sense please. From a nice valuable seaside house to a noisy place by the sea. For the cherry on the cake, the traffic hazards it would create! I see it every day, at 6.30am the roundabout nearby is a hot spot, people going to Garden every morning race through there, sometime I go though it for my job. Then people in out of the petrol station all day, just opposite of this project. Then traffic coming into Malibu Rd, and so on, I can see the dramas this would cause, people racing up Malibu rd., getting to a sudden stop by cars trying to get out of the child care, plus traffic of the petrol station. Really!? 60 kids, worse case means 60+ cars in and out of there. We don't get it, how even the City Council could consider a project like this with all the impacts/ hazards it would have on local people. Yes, a child care is a good idea, population is growing and would help the working parents, we got that, but come on, not at this location, this is wrong, wrong and wrong.
26. Mr Greg & Mrs Shirley Neville	35 Malibu Road SAFETY BAY WA 6169 shaeneville@hotmail.com	My husband and I are residents of Malibu Rd, Safety Bay and have been for the last sixteen years. We strongly oppose the proposed *Child Care Premises* (CCP) in Malibu Rd. It will create major traffic problems:- Congestion, delays, accidents and a nightmare for local residents. Unfortunately Malibu Rd is becoming an extremely busy thoroughfare. When turning into one's home, motorists following are increasingly impatient as it is necessary for them to slow down.

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No.26 Cont…		With the roundabout at Safety Bay Rd clients of proposed *CCP* will be exiting onto Malibu Rd from both north and south directions. Within 10 metres of exiting the roundabout, on the right there is entry and exit to a busy garage AND a car wash exiting onto Malibu Rd AND a large development site (which will add more traffic) when and if it is established AND abutting that an established gated housing community which ALSO enters and exits onto Malibu Rd. A approximately a further 15 metres on the left of exiting (25 metres in total) vehicles will be entering and exiting into proposed *CCP* car park. Waikiki Rd some 120 metres further on entering and exiting Malibu Rd just adds more congestion and traffic problems. This is NOT A SAFE LOCATION and PROXIMITY and all the above obviously makes the proposed *CCP* unacceptable. and certainly doesn't lend to a sense of community. Accessing the proposed *CCP* from the Read street roundabout onto Malibu Rd poses yet another problem as within 70 metres OF EXITING on the right is a commercial business centre AND a shopping centre AND a special needs school AND Safety Bay High School More dilemma. Bearing in mind Malibu Rd is single lane. INCREASED TRAFFIC TRAFFIC. BOTTLENECKS EACH DIRECTION ON MALIBU ROAD In the proposal 5. Traffic Consideration It states crash history wouldn't increase the risk of crashes unacceptably on adjacent road. Is this suggesting ANY CRASH is acceptable?? As mentioned above regarding the location and proximity of Proposed *CCP* I believe crash history will be rewritten. This is definitely NOT acceptable. Oh and access to Safety Bay Foreshore and Park for residents, pedestrians and cyclists Is difficult and dangerous enough attempting to cross Safety Bay Rd Roundabout via Malibu Rd with the existing entrances and exits onto Malibu Rd. It is just another safety issue.
27. Dion, Trang, Johann and Baily Alston	12 Griggs Close SAFETY BAY WA 6169 alstondion@gmail.com	OBJECTION TO PROPOSED DEVELOPMENT - Lot 194 and 193 (No 4 & 6) Malibu Road Safety Bay WA 6169. This letter and attachments are in response to the application seeking development approval of a proposed childcare premises at Lot 194 and 193 (No 4 & 6) Malibu Road Safety Bay WA 6169. In addition to the general concerns of the residents of the neighbourhood, our family of 4 persons have specific concerns regarding the proposed development and we STRONGLY OBJECT to the proposed application development. Ours is a nearby affected residence labelled in the application as the

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28. G & K Melling	5 Grigo Close SAFETY BAY WA 6169 mellingmoments@outlook.com	Response to application seeking Development Approval for a childcare premises at Lot 194 and 193 (No.4 and 6) Malibu Road, Safety Bay. Due to our concerns, we are wanting it to be noted that we are adamantly opposed to the building of the childcare centre on lots 194 and 193 Malibu Road. Under no circumstances will we support the proposal to build a childcare centre on the proposed lots. Attached are our concerns to both our quality of life and health that will be impacted by this proposal.

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No.28 Cont…		Whilst it is all well intended to say that the parking bays 3 – 10 and the delivery bay will be time restricted until after 7am it is unlikely that this will be monitored or enforced. Often parents arrive prior to the opening hours of a centre waiting at the doors for the staff to open. The staff could also arrive prior to opening time to prepare both themselves and the environment. There is only 5 visitor bays and 6 staff bays available to support early morning drop offs with no access to the accessible bay until after 7. Where is it proposed that someone who needs this may park prior to 7am. It also dictates that the delivery bay will not be used prior to 7am. In my prior experience the food and products required for the centre are dropped off prior to opening as this allows for gates and doors to be propped open to allow an ease of delivery. If this is the case where is it proposed that the delivery driver is to park, it is also worth noting the delivery drivers often leave their vehicle running to enable their refrigeration etc to continue operating. In the image 3D - CHILDCARE PERSPECTIVE 2 it shows the fence around the play area to be open fencing. It also states in the planning report that Clause 4.6 'Design Considerations' in LPP 3.3.5 outlines the following: "Where a play area is located in the front setback area, fencing of the area should be of predominantly open construction to provide a safe playing area without closing the site in, casting shadows on the play area, or adversely affecting the residential streetscape". As the sea breeze will carry through the play area and carpark it will continue into the surrounding houses and the open street area of Grigo Close carrying with it the sounds from the playground and the children. Whilst the report says that "From previous measurements, noise emissions from children playing does not contain any annoying characteristics" I as both a previous childcare worker and my husband and I as workers in the field of education know that this is not always the case. The noise of children playing can range from enjoyable laughter to screaming, crying, shouting and arguing which heard on a daily basis would definitely be considered by many as annoying at times. Many of our houses due to the location of the beach and the sea breeze are not climate controlled rather rely on being open in order to take advantage of the sea breeze for cooling and fresh air. Our own property we rely on the sea breeze coming through our house to cool it in summer with windows and doors secured open for the majority of summer night and day. At times the sounds of people from the beach carries all the way into our house. The concern is that the additional sounds of 60 children and their parent's vehicles will also carry into our house and those of our surrounding neighbours affecting our quality of life. This also doesn't take into account the vehicle fumes which will also carry on the sea breeze into neighbouring houses which will be significantly increased due to the drop off and pick up of 60 children and the additional 11 vehicles of the staff thus potentially up to 71 vehicles starting their engines, plus those of any delivery and service vehicles,

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No.28 Cont…		twice a day, with their sound and fumes adding to the emissions received by our families. It is also common especially with parents of young children that vehicles are started or left running for a period of time to adjust the temperature and allow for air conditioning to take effect before they then proceed to clip children into child restraints. This whole length of time allowing additional emissions to impact on surrounding neighbouring properties. Added to this you have the sound of up to 142 car doors being opened and closed each day and then potentially 71 car boots on top of this as well as majority of vehicles will have a driver and at least one passenger. Whilst the report considers this to be of little impact due to the loop hole as "the bitumised area would be considered as a road, thus noise relating to motor vehicles is exempt from the Environmental Protection (Noise) Regulations 1997" we still consider whether or not it is a bitumised area that the impact on us, our children and my neighbours, some of which are elderly and unlikely to have the skills and ability to advocate for themselves, to be considerable. We chose this location due to the fact it is close to the beach, allowing us a relaxing and healthy lifestyle in which we can hear and smell the beach from our property. I feel the potential of losing the sound of the beach from our daily life only to be replaced by noisy children, car doors and the sounds of engines to be a negative impact to my quality of life and my reason for choosing this area to live. The healthy natural lifestyle we chose to adopt will also be impacted by the increased vehicle emissions we will be exposed to. The planning report makes notes that the building will fit in with the surrounding area aesthetically, yet they are stretching the truth as none of the surrounding houses have a 19 car carpark attached or up to potentially 131 people coming and going each day, the 60 children, their parent/s and the workers. It feels like the report is written taking note of only what they feel might be relevant to promote the development. Such as not including the emissions from the centre rather just those that will impact it. When taking into account the emissions from the BP service station it would have made sense to do an emissions report that adds the emissions from the centre vehicles coming and going onto the BP emissions to get a total accumulated potential emissions for the surrounding houses. It is noted that the emission report focussed solely on the impact emissions would be upon the childcare centre and not from the centre and its vehicles to that of neighbouring properties. In the report it states "Due to its location at the subject site and how it has been designed, the proposed development will not have any adverse impacts on the surrounding residential properties or the existing road network." (Page 14 of the

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No.28 Cont…		Planning report) We believe this to be incorrect. At times crossing Safety Bay Road to access the beach can be extremely difficult due to the sheer volume of traffic that uses the road especially at peak periods when Navy personal are entering and exiting the base and driving along Safety Bay Road. This increased traffic load led to the installation of pedestrian islands in multiple sites along the Safety Bay foreshore in order to deal with the increased traffic load and pedestrian safety. The childcare centre will be one property back from Safety Bay Road at a busy roundabout intersection and therefore it is significantly likely to have an increased traffic load impact on both pedestrians and road users of Safety Bay and Malibu roads. At times of school drop offs and pickups the Malibu Road and Read Street intersection has congestion leading to traffic delays and local roads users creating 'rat runs' in neighbouring streets to avoid this. It would be reasonable to assume that the increased traffic from the Childcare centre will add to this problem and a continuation of more 'rat runs' along neighbouring roads. The reports have not made any mention of cleaning of the property. Are commercial cleaners to be employed to clean the centre outside of operating hours. If so, what impact will this have on both vehicle and cleaning noise outside of the acceptable noise limitation hours? Surely commercial cleaners hours of operation would be either prior to children attending or after the services close of business in the evening. We feel that the report that has been done fails to take into account the impact the development will have on neighbouring properties, and the local roads and their users. Perhaps an independent report would read far less bias than those that have been submitted. The planning report notes in section 2.1 that this is "an established residential area" yet fails to make a connection between the residents and the impact that this commercial operation will have. As local rate payers who have lived in our house at this location for twelve years we feel that this proposal goes against our wishes. We chose this location based on the lifestyle choices it would provide which include closeness to the beach and the quiet ambience of the area. The proposal has reasonable likelihood to disturb and impact both of these significantly important aspects of our daily life. When we purchased our property there was only one vacant lot in the proposed childcare locality with the other having a house on it that was impacted by fire and subsequently knocked down. It was reasonable for us to assume that a commercial operation would not be likely and therefore impact upon our lifestyle which was our reason for purchasing our house.

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29. Stephen and Robyn Bianchini	14 Malibu Road, SAFETY BAY WA 6169 bianchini@iinet.net.au	The residents surrounding the proposed child care premises cannot understand why this facility can be parachuted into our residential area. The consultants' reports mix up the hours of operation; emission report flies in the face of considered residential opinions wrt fuel station, car wash, stop / start of cars, entry / exit integration of child care cars wrt high school vehicles flow load; the reaction of current road users to modify their drive patterns increasing the flow along Safety Bay Road and further limiting egress from Malibu into Safety Bay Road; Malibu Road at end of school pick up times is backed with waiting cars along Safety Bay Road to the bus stop; limited consideration of child care premises in extremely close proximity to houses. We believe there are 4 bowsers at petrol station not 3 as indicated in report. Hence 7 refuelling positions not 6. Table 1.1 Emissions Report indicates fuel station operating hours Mon-Sat 0700 to 1900. Fuel station operating hours are daily 0600 to 2200. The reference to fuel station limited trading hours, 16 hour operation is not normal business hours as stated in reports, and hence to 50m limit may not apply. Please clarify and confirm. No consideration of fires occurring at fuel stations and the consequences have been addressed. This is concerning to residents especially if children will be in the area. In the urban areas you can hear when your neighbour's car door is opened / closed. The rounded up science factors adopted for determining traffic noise levels have limited loadings for living immediately next door! Traffic report confirms existing traffic flow will not be impacted and can accommodate the new traffic loads. Most consultants confirm this in every developer's reports. We believe the current WA road death and injury levels are at the highest level WA has experienced. Traffic incidents cannot be predetermined, they happen anywhere, anytime, to any degrees of injury. Traffic flow volumes must be increasing due to the explosion in WA vehicle ownership, hence existing data will be out of date. Random incidents cannot be precluded from any area, no matter what history of accidents is available. When additional traffic movements are introduced into an existing heavily trafficked area, anything can happen. The additional preoccupation of driver's rushing to child care and getting to work can impact the existing traffic flow and driver attention.

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30. Mr Marc Scherer	1 Harbour Court SAFETY BAY WA 6169 marconjar@bigpond.com	I know they have to go some where but have you seen the trafic that is already at that roundabout up that end.. The congestion and risk of an accident ius huge!
31. Mr Dion & Mrs Trang & Mr Baily &	12 Grigo Close SAFETY BAY WA 6169	OBJECTION TO PROPOSED DEVELOPMENT - Lot 194 and 193 (No 4 & 6) Malibu Road Safety Bay WA 6169. This letter and attachments are in response to the application seeking development approval of a proposed childcare premises at Lot

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Mr Johann Alston No.31 Cont…	alstondion@gmail.com trang.alston9@gmail.com baily.alston@gmail.com johann.alston5@gmail.com	194 and 193 (No 4 & 6) Malibu Road Safety Bay WA 6169. In addition to the general concerns of the residents of the neighbourhood, our family of 4 persons have specific concerns regarding the proposed development and we STRONGLY OBJECT to the proposed application development. Ours is a nearby affected residence labelled in the application as the "Residence to the North West". We call it home, and our fear is that if the development received approval, our quiet and peaceful home would never be the same again. General Concerns: Traffic: ◆ ◆ Increase in traffic and traffic noise on Safety Bay Road, Malibu Road and connecting local streets as feeder roads. During Morning and Afternoon commute times Safety Bay Road is heavily utilised, Malibu Road (eastern end) can be very congested particularly during the High School Zone times, this will increase the traffic load on connecting local streets, many of which are narrow, and easily obstructed. ◆ ◆ Proximity of proposed crossover to childcare carpark to BP Petrol Station Entrance and Malibu/Safety Bay Road Roundabout increases issues with traffic flow and potential for accidents particularly from vehicles Eastbound on Safety Bay Road turning left onto Malibu Road. Considering the future proposed re-development including commercial, residential and licenced premises opposite this creates additional concerns. Proximity of Childcare to Petrol Station and Licenced premises of Future re-development of Waikiki Hotel Site: ◆ ◆ Childcare premises are ideally located near Schools, and Primary Schools in particular. There are other sites more suitable for the proposed development. ◆ ◆ The proximity of the proposed childcare to the Malibu Road BP Petrol station is a concern. It is noted an emissions impact assessment has been created, the emissions impact assessment has not included the Hi-Flow Diesel bowser that is in closest proximity to the proposed childcare location. This may be an error, hopefully it is not a deliberate omission. ◆ ◆ According to PLANNING POLICY No.3.3.23 Waikiki Hotel Site - Urban design Guidelines Future re-development conditions for the site require a licenced premises. Positioning of childcare opposite licenced premises is a concern for several reasons, particularly child safety and traffic density, traffic flow disturbances, and traffic and pedestrian safety. Noise and loss of peaceful beachside ambience: ◆ ◆ Currently residents in the neighbourhood can hear the ocean. This is something that no environmental noise assessment or local planning requirement will ever consider. This intangible quality and it's value to residents cannot be quantified & needs to be considered. ◆ ◆ Sensitivity to Noise is increased due to the low background noise and beachside ambience. ◆ ◆ Please note that there are numerous existing noise sources and disturbances which presently exist. e.g., from Safety Bay and Malibu Road Traffic flow and vehicle accelerations and decelerations, BP service Station Vehicle Movements (& startups in particular), bowser announcements, automatic car

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No.31 Cont…		wash, car vacuum station, fuel deliveries, inground fuel tank lids and level checks, Safety Bay Road Beachfront carpark and activities, council beachside rubbish bin collection etc. ◆ ◆ The Proposed Childcare will create a General increase in Night-time (Early Morning) and Daytime noise levels in addition to these existing noise levels and disturbances, causing further loss of peaceful beachside ambience. No consideration has been made in the Environmental Acoustic Assessment for combined effects of noise generated from the proposed childcare premises, nor any of the existing noise disturbances aside from ambient traffic. Waste and Carpark Runoff: ◆ ◆ Garbage and Recycling from the Site is stored immediately adjacent to the rear boundary of the proposed centre. The concentration of waste storage is more than comparable residential premises. Aside from potential smell and flies associated with the garbage, the proximity of the waste storage is in close proximity to nearby households. This is an additional noise source during normal access, and creates a larger additional noise disturbance on collection due to the number of bins compared to a typical residence. ◆ ◆ Additional load on the local sewer system and potential consequences of blockages etc could have large impact on neighbouring properties. ◆ ◆ No mention has been made in the application or associated attachments in relation to the proposed means of dealing with carpark runoff or drainage, Specific concerns: The proposed development is entirely within an area zoned residential, and is not consistent with, and does not improve the amenity of the area. It has the potential to severely impact the habitability of nearby homes. The result could be unhappy residents stuck living alongside a high turnover commercial development, with no ability to move to a comparable location. A price cannot be placed on disruption of peace. It cannot be denied that the location is a peaceful beachside area, which increases the sensitivity of the impact of noise on nearby residents. The proximity of the proposed development is immediately adjacent to the full length of the boundary line of our residential block. The proposed building has zero setback from this boundary, making the proposed building, carparks and play areas within metres of our house, living areas, and bedrooms. If residential, the existing 2 (or subdivided 3) blocks would limit the zero setback to one third of the rear width of each block. In the case of this development the amalgamated block boundary effectively doubles (or triples) the length of zero setback compared to typical residential land use in the area. The proposed carpark is directly adjacent our front yard and front of home, with direct line of sight and sound propagation to the first-floor windows (front bedrooms) of our home. The carpark chatter, vehicle noise, impulse, vibration, ground borne noise, and vehicle emissions will severely impact the privacy and liveability of our home. The outdoor play area extends to the rear of the proposed development site, at the rear of our property, and has line of sight and direct sound propagation to the rear first floor bedrooms. The proposed

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31. Mr Dion Alston Continued…	12 Grigo Close SAFETY BAY WA 6169 alstondion@gmail.com	**OBJECTION TO PROPOSED DEVELOPMENT - Lot 194 and 193 (No 4 & 6) Malibu Road Safety Bay WA 6169.** This letter and attachments are in response to the application seeking development approval of a proposed childcare premises at Lot 194 and 193 (No 4 & 6) Malibu Road Safety Bay WA 6169. In addition to the general concerns of the residents of the neighbourhood, our family of 4 persons have specific concerns regarding the proposed development and we STRONGLY OBJECT to the proposed application development. Ours is a nearby affected residence labelled in the application as the "Residence to the North West". We call it home, and our fear is that if the development received approval, our quiet and peaceful home would never be the same again. General Concerns: Traffic: · Increase in traffic and traffic noise on Safety Bay Road, Malibu Road and connecting local streets as feeder roads. During Morning and Afternoon commute times Safety Bay Road is heavily utilised, Malibu Road (eastern end) can be very congested particularly during the High School Zone times, this will increase the traffic load on connecting local streets, many of which are narrow, and easily obstructed. · Proximity of proposed crossover to childcare carpark to BP Petrol Station Entrance and Malibu/Safety Bay Road Roundabout increases issues with traffic flow and potential for accidents particularly from vehicles Eastbound on Safety Bay Road turning left onto Malibu Road. Considering the future proposed re-development including commercial, residential and licenced premises opposite this creates additional concerns. Proximity of Childcare to Petrol Station and Licenced premises of Future re-development of Waikiki Hotel Site: · Childcare premises are ideally located near Schools, and Primary Schools in particular. There are other sites more suitable for the proposed development. · The proximity of the proposed childcare to the Malibu Road BP Petrol station is a concern. It is noted an emissions impact assessment has been created, the emissions impact assessment has not included the Hi-Flow Diesel bowser that is in closest proximity to the proposed childcare location. This may be an error, hopefully it is not a deliberate omission. · According to PLANNING POLICY No.3.3.23 Waikiki Hotel Site — Urban design Guidelines Future re-development conditions for the site require a licenced premises. Positioning of childcare opposite licenced premises is a

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No.31 Cont…		- Children playing within the outside play areas of the centre; and - Mechanical services. We note that from information received from DWER, the bitumised area would be considered as a road, thus noise relating to motor vehicles is exempt from the *Environmental Protection (Noise) Regulations 1997*. We note that these noise sources are rarely critical in the determination of compliance. However, as requested by council and for completeness, they have been included in the assessment, for information purposes only. COMMENT: DWER The Department of Water and Environmental Regulation may consider a bitumen carpark as a road. However road is not normally within metres of a home's side boundary, adjacent to a home's front windows and doors on a boundary with no setback. It is noted that limited interest or concern is shown for the effect of vehicle noise, which is considered 'for information purposes only' because requested by council. *iutectioli* (Noise) Regulations 1997 Part 1 Preliminary 3. Regulations do not apply to certain noise emissions (1) Nothing in these regulations applies to the following noise emissions — (a) noise emissions from the propulsion and braking systems of motor vehicles operating on a road; (b) noise emissions from a safety warning device, other than a reversing alarm, fitted to a motor vehicle operating on a road; Nothing in the regulations suggests that the consideration of vehicle noise within a car park, door closing and vehicle startups should not be considered. The point regarding reversing alarms is noted, and this is an additional possible disturbance that has not been considered in the Environmental Acoustic assessment. **Table 5.1— Sound Power Levels** **TABLE 5.1— SOUND POWER LEVELS** Item: Sound Power Level, dB(A) Children Playing: 83 (per 10 children over 2 years) 78 (per 10 children under 2 years) Car Moving in Car Park: 79 Car Starting: 85 Door Closing: 87 (for drop off / pick ups) 84 (Staff) Air conditioning condensing Unit: 8 @ 71 **COMMENT:** It is noted the Sound Power Levels of 10 Children over 2 years Playing is close to that of a car starting and a staff car door closing. (Conveniently, staff door closing is presented here as quieter than a Parents car door closing, likely due to the close proximity to the adjacent northwest property, noting staff arrival times begin in 'Night' hours). Assuming there is no difference between the cars or the method of operating the doors between staff and parents there should be no difference in the sound level of the car doors.

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No.31 Cont..		Otherwise, what will be the restriction on the types of cars the staff have to drive to achieve this criterion? Or What additional Training and assessment will the staff undergo to ensure their door closing is 3dB(A) less than that of the Parents dropping of and collecting their children as modelled? Obviously, this is not feasible, so it cannot be assumed that Staff door closing is quieter, and that child drop off and pickups are louder. The difference is in the timing, and the impact of the 'Night' (early Morning) staff door closing is clearly greater, so this is either an error that needs to be addressed or has been deliberately altered to reduce the impact of the noise assessment. It is also a requirement of the assessment that the parking arrangement provides the staff parking in closest proximity to our home. Which increases the impact of these 'night time' door closures. This point needs to be considered very closely. In addition to this there are the car movements, HVAC plant (air conditioning), which are all considered in isolation. HVAC Plant noise will most likely be continuous during winter and summer extremes. Combined effects of these can create more significant accumulated sound power levels that the assessment presents. No consideration is made of other vehicle noises and vibrations, example vehicles braking and accelerating in the adjacent street, or additional noise and vibration from vehicles within the carpark, example engine and brake noise, car radios, and music, or occupant noise when exiting and entering the vehicle, or voices of vehicle occupants in the car park, and doors or gates of the centre opening and closing. Less frequently other noises such as such as access to and noise from rubbish bins and garbage trucks on bin day pickups are also neglected. It is also noted that it is a condition of the assessment that doors and windows of the centre are required to be closed when playing music inside. How this is controlled is of particular importance. Some examples of external sounds we currently hear and feel already to the detriment of peace in our house are, Dog Barking and single unit Air conditioning unit to North-West, One Vehicle Starting to South-West on a daily basis (often multiple times). Exploring this example, our internal home SPL raises from 30 dB(A) to between 50 and 63 dB(A) and can be experienced several times per day which disturbs the peace and quiet (Noting this vehicle is heard through a Fibro fence, a brick building (shed) and a wall. This is one vehicle, not 262 (Proposed childcare could have 71 vehicles arriving and 60 departing each morning and 60 vehicles arriving and 71 departing each afternoon). To the South-East BP petrol station Carwash and vacuum cleaner which operates on and off for most of the day, there are fuel deliveries, opening and closing of inground fuel tank lids and level checks, Safety Bay Road Beachfront carpark and activities, council beachside rubbish bin collection etc. These are things we tolerate, some of which were here when we moved to the house, some are new. The additional impact

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No.31 Cont…		of the childcare noise needs to be considered In combination with existing disturbances. **6. Assessment:** Stated: i lit resultant noise levels at the neighbouring residence from children playing outdoors and the mechanical services are tabulated in Table 6.1. From previous measurements, noise emissions from children playing does not contain any annoying characteristics. Noise emissions from the mechanical services could be tonal and a +5 dB(A) penalty would be applicable, as shown in Table 6.1. Noise emissions from both outdoor r*-ly and the rnPch7lnir2i c:Pniirpc npnric to comply with the assigned fAin Whilst 'previous measurements' may indicate that children playing do not contain any annoying characteristics, children do make other sounds besides playing, such as screaming, squealing and squawking noises, and potential banging or drumming noises on fences etc are an additional concern and would have impulsiveness and tonality. Also, considerations should be made in case of any elevated play equipment and resultant increased noise transmission effects and additional privacy concerns associated with this. **TABLE 6.1 - ACOUSTIC MODELLING RESULTS FOR LA10 CRITERIA** **OUTDOOR PLAY AREAS AND MECHANICAL PLANT** Calculated Noise Level (dB(A)) Neighbouring Premises: Children Playing / Air Conditioning South West: 46 / 15 (20) North East: 41 / 32 (37) North West: 41 / 30 (35) ( ) Includes +5 dB(A) penalty for tonality Noted no Tonality is included for children playing, but tonality is considered for air conditioning. **TABLE 6.3 - ACOUSTIC MODELLING RESULTS LA.ax CRITERIA** **CAR STARTING / DOOR CLOSING** Calculated Noise Level (dB(A)) Neighbouring Premises: Car Starting / Door Day Period / Night Period / Day Period / Night Period South West: 35 / 35 / 37 [47] / 37 [47] North East: 48 / 48 / 49 [59] / 49 [59] North West: 55 / 47 / 56 [66] / 48 [58] [Includes +10 dB(A) penalty for impulsiveness. Noted for the North West property ONLY there is a difference in results between Night and Day period for both car starting and door closing. This difference is not seen for the North East and South West Neighbouring premises. Again, it seems there is an error or faulty logic with the difference between noise disturbances in the night and day periods. Night period should have greater impact but is already on the limit, so any increase in values during the night period would exceed allowable limits. **TABLE 3.6 - ASSIGNED OUTDOOR NOISE LEVEL NEIGHBOURING RESIDENCES TO NORTH WEST**

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Premises Receiving Noise	Time of Day	Assigned Level (dB) LA 10	LA 1	LA max
Noise sensitive premises : Highly sensitive area	0700 - **1900 hours Monday to Saturday**	48	58	68
	0900 - 1900 **hours** Sunday and Public Holidays	43	53	68
	1900 - 2200 hours all days	43	53	58
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and Public Holidays	38	48	58

Note: **LA10** is the noise level exceeded **for 10% of the time.**
LA1 is the noise level exceeded for 1% of the time.
L_{Amax} is the maximum noise level.

Noting the allowable (assigned) noise levels determined above it can be seen from the results that the noise from car door closing is on the limit of what is allowable, for the residences immediately adjacent the proposed carpark during the night period. And very close to the limit for the North West Residence during the day period.

TABLE 6.9 — ASSESSMENT OF LArna. DAY PERIOD NOISE LEVEL EMISSIONS
CAR DOOR

Location	Assessable Noise Level dB(A)	Applicable Assigned Noise Level (dB(A))	Exceedance to Assigned Noise Level
South West	47	69	Complies
North East	59	69	Complies
North West	66	68	Complies

TABLE 6.10 — ASSESSMENT OF LArn. NIGHT PERIOD NOISE LEVEL EMISSIONS
CAR DOOR

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

To further highlight the sheer number of impulses of this extremely high level disturbance, please see the below table showing possible numbers for single child drop-offs, and dual child drop-offs.

CONSIDERATION OF PERSISTENT NOISE IMPULSE AND INTERRUPTIONS TO PEACE:

	HIGH	LOW
No Of Children:	60	60
No of Staff:	11	11
No of Carparks:	19	19
No of Adults/car:	1	1
No of Children/car:	1	2
No of Cars:	71	41
No of Carpark Entries/Exits:	262	142
No of Startups:	131	71
No of Drivers Doors:	262	142
No of Passenger Doors:	120	120
No of Car Boots/Hatchbacks (assume 1/2 of cars accessing boot)	60	30
Total Number of Door Slams	442	292
Over 12 Hours, slams per hour	37	24
Seconds between door slams	98	148
Over 6 Hours, slams per hour	74	49
Seconds between door slams	49	74

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No.31 Cont…		Averaged over two 3 hour periods from 06:30 to 09:30 and 15:30 to 18:30 barely a minute goes by without a door slam. Obviously the intensity at times will be far greater, and considerably more disturbing to the peace. Considering the high noise impact and close proximity of the carpark to neighboring residences, the fact that this is on the allowable limit, even when considered in isolation from all other noise sources, it is clear that in combination with all other noise sources and disturbances that <u>the number of disturbances at these noise levels is intolerable, and should not be allowed in a residential area.</u> **EMISSIONS IMPACT ASSESSMENT:** Emissions Impact Assessment of BP Service Station adjacent to Proposed Child Care Centre Malibu Road, Safety Bay, Western Australia Greener4 Pty Ltd c/- ROWE Group EAQ-23016 The BP Site comprises the following main features: · 3 bowser ranks comprising a total of 6 bowser outlets at any one time; · Car Wash; · Restaurant/Convenience store; · Trailer Hire; · The types of fuels dispensed are; Diesels & Ad Blue (reduces NOx emissions), Unleaded Petrols (ULPs), and Autogas. **COMMENT:** ONE BOWSER IS MISSING FROM THIS ASSESSMENT - HI FLOW DIESEL BOWSER (CLOSEST PROXIMITY TO PROPOSED CHILDCARE FACILITY). "The proposed Child Care Centre will satisfy the guideline separation distance of 50 metres from the nearest refuelling location at the BP Site." — CHILDREN WILL BE PLAYING WITHIN THIS ZONE! The proximity of childcare to the Petrol Station is unacceptable, particularly in case of any incident at the Petrol Station.

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No.31 Cont…		**<u>Transport Impact assessment:</u>** The crash history surrounding the development site shows several incidents on Malibu Rd and the adjacent roundabout. With Traffic flow to the BP Service Station as well as the childcare facility and future re-development of the Waikiki Hotel Site, these incidents will no doubt increase significantly given the number of different entrances and traffic moving in multiple different directions. Example parents dropping children and then cuffing across to fuel up at the BP or vice versa, meanwhile traffic on Roundabout entering the congested Malibu Road with a line of parents hurrying to get to/from work with their cars ready to pull across Malibu road to enter the childcare carpark. Whilst it may not be considered in the report as a major safety issue, <u>the risk is increased considerably</u>. **Figure 10: Crash History — January 2018 to December 2022** From the Transport impact assessment: <u>9 Conclusion</u> This Transport Impact Statement for the proposed child care centre at 4-6 Malibu Road in Safety Bay concludes the following: · The proposed development is predicted to generate approximately 245 vehicle trips per day including 47 trips during the morning peak hour and 47 during the afternoon peak hour. This volume of traffic is low to moderate and can be accommodated within the existing capacity of the road network with no modifications required. COMMENT: Given the number of vehicle trips, and noting the contents of the calculations of the Emissions assessment report the 245 vehicle trips per day predicted for the Childcare

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hour	% daily csales	% to peak hr	0 cars/peak hour	Petrol Throughput (LAO
1	1.20%	19.51%	6	205
2	0.80%	13.01%	4	137
3	0.60%	9.76%	3	102
4	0.80%	13.01%	4	137
5	1.90%	30.89 S	10	324
6	4.60%	74.80%	23	785
7	5.50%	89.43%	27	935
8	5.70%	92.68%	28	973
9	5.50%	89.43%	27	939
10	5.70%	92.68%	28	973
11	6.00%	97.56%	30	1.024
12	6.00%	97.56%	30	1.024
13	5.70%	92.68%	28	973
14	5.60%	91.06%	28	956
15	5.90%	95.93%	29	1,037
16	6.15%	100.00%	30	1.050
17	6.15%	100.00%	30	1.050
18	5.80%	94.31%	29	990

This further highlights the persistent disturbance of the LOCAL carpark traffic immediately adjacent to the proposed childcare's neighbours. This has not been considered in the traffic assessment in any way. The number of vehicles and multiple arrivals and departures throughout the day is excessive for a residential zoned area, especially noting the immediately adjacent residences.

Other interesting information indicating contradictions and potential conflicts of interest:

It is noted that the Application for Development is submitted as follows: (Section 1) Introduction:

"Rowe Group acts on behalf of Greener4 Pty Ltd (Greener4), the landowner of Lot 193 (No. 6) and Lot 194 (No. 4) Malibu Road, Safety Bay (the subject site or Lot 193 and Lot 194). This Report has been prepared in support of a Development Application (the Application) to obtain Development Approval from the City of Rockingham (the City) for a child care centre at the subject site." **COMMENT:**

It is noted that the same company Greener4 is also the Parent company of 'Listing Toolbox', a small volume Real Estate Agent with principal Bo Xiong, who to date still has the development site listed for sale.

ABN details

Entity name	
ABN status:	Active from 22 Sep 2010
Entity type	Australian Private CompALLy
Goods & Service, Tax (GST)	Registered from 13 Sep 2010
Main business location:	WA 60(10

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No.31 Cont…		This companies business interests do not appear to be within the local community, and although the further subdivided blocks stated: "WAPC Has pre-approved for a 3 Green Title Lots subdivision on this block" it is mentioned that one of these blocks is 'reserved' however there no apparent intention to establish a residence in the area, which is described on the website as a "Perfect Home Site at a Premium Location". Instead, the plan is to develop the site into a 1.7 million dollar per year business in a residential area. The applicants contradict themselves. If it is a perfect home site, opposite a BP & Future Hotel development, then clearly this is not an ideal childcare location. See your travel time Perfect Home Site at a Premium Location 4-6 MALIBU ROAD, SAFETY BA' We are proudly presenting this massive 1454sqm level vacant block (i.e. 3 individual Lots) to the market! It is a great opportunity to own a perfect piece of land on the premium coastline of WA. At the opposite side of the street is the iconic Waikiki Hotel redevelopment site. Check out the Local Government Planning Policy No.3.3.23 if you haven't been aware of the site's "former reputation as a focal point for the coastal strip along the Safety Bay foreshore". If you are looking for a vibrant and convenient Beachside Lifestyle, this is exactly what you expected! WAPC has pre-approved for a 3 Green Title Lots subdivision on this block, therefore you can choose to buy an individual lot to build your dream beach house, or to own the whole development site and enjoy the potential in future. Lot 701 has been reserved. and Lot 702 and Lot 703 are available from $429.000 each. Take action now and secure one of the most premium locations before it is too late. If you are interested in buying the whole development site please contact the agent on 0432 104 675 or send an online enquiry.. Read less ," zipBo Xiong 5.0 (2 reviews) 04321046_ Get in touch Save property Apply by 30 June 2023 Find out more)
32. Mr Stephen Bianchini	10 Ullapool Road APPLECROSS WA 6153 bianchini@iinet.net.au	The residents surrounding the proposed child care premises cannot understand why this facility can be parachuted into our residential area. The consultants' reports mix up the hours of operation; emission report flies in the face of considered residential opinions wrt fuel station, car wash, stop / start of cars, entry / exit integration of child care cars wrt high school vehicles flow load; the reaction of current road users to modify their drive patterns increasing the flow along Safety Bay Road and further limiting egress from Malibu into Safety Bay Road; Malibu Road at end of school pick up times is backed with waiting cars along Safety Bay Road to the bus stop; limited consideration of child care premises in extremely close proximity to houses. We believe there are 4 bowsers at petrol station not 3 as indicated in report. Hence 7 refueling positions not 6. Table 1.1 Emissions Report indicates fuel station operating hours Mon-Sat 0700 to 1900. Fuel station operating hours are daily 0600 to 2200. The reference to fuel station limited trading hours, 16 hour operation is not normal business hours as stated in reports, and hence to 50m limit may not apply. Please clarify and confirm. No consideration of fires occurring at fuel stations and the consequences have been addressed. This is concerning to residents especially if children will be in the area. In the urban areas you can hear when your neighbour's car door is opened / closed. The rounded up science factors adopted for determining traffic noise levels

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No.32 Cont…		have limited loadings for living immediately next door! Traffic report confirms existing traffic flow will not be impacted and can accommodate the new traffic loads. Most consultants confirm this in every developer's reports. We believe the current WA road death and injury levels are at the highest level WA has experienced. Traffic incidents cannot be predetermined, they happen any where, any time, to any degrees of injury. Traffic flow volumes must be increasing due to the explosion in WA vehicle ownership, hence existing data will be out of date. Random incidents cannot be precluded from any area, no matter what history of accidents is available. When additional traffic movements are introduced into an existing heavily trafficked area, anything can happen. The additional preoccupation of driver's rushing to child care and getting to work can impact the existing traffic flow and driver attention. Residential concern is also rising wrt future development on vacant site behind fuel station. This cannot be fully ignored as in the end, needs integration for all developments - the existing residents wear the brunt of everything developers' throw at them! The proposed hard standing for rubbish bins may limit the driver's line of sight when exiting the premises. 60 KPH traffic will not tolerate any indecision by child care parents at the busiest times of the day. 6.30am to 6.30pm operations forces staff into earlier start and later knock off times. Trades persons working on suburban building sites are restricted to 7.00 am to 7.00pm. Maybe discrimination against neighbouring residents for child care centres applies! We do not believe this is the case. How will the security gate be operated! Every parent to have a remote control! Security gate operations can be extremely noisy. Will a staff member be present to open / shut gate! Maybe parents bip their horn! Or do parents park on street verges and walk their children to front door! Needs clarification. The proposed building front elevation is not within the style of existing community houses. The industrial office block appearance with garrison security fencing is not within the existing community housing appeal. Child care premises may be required for the wider Rockingham community, however the older residential suburb of Safety Bay is comfortably settled with old established residents not young families. This older generation believe there is limited need for a child care premises in the proposed location and there will be no enhancing the quality of the existing community lifestyle. All existing residents have long enjoyed the current community lifestyle without neighbouring child care facilities. We believe the child care proposal has been ill considered and information available to the community has been poorly prepared and presented. We reject to proposal.

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Submitter Comment	Applicant response
• This area can be quite hazardous with vehicles coming from the roundabout and turning into the fuel station. Many a near miss spotted. The same could apply here for vehicles looking to access this facility. • There would need to be a large amount of parking and a good turnaround area for safety of those traversing Malibu Road. • There would also need to be adequate fencing and security for little ones not to be able to exit the premises onto the very busy road. For these reasons I'm wondering if it is an appropriate area for such a business.	The conclusions outlined in the Traffic Impact Statement (TIS) clearly state that the proposed child care premises complies with all the relevant traffic and parking requirements. Therefore, the proposed child care premises will not be adversely impacted by (or adversely impact) the existing local road network.
The road and area is way too busy and too much traffic, wouldn't be safe for parents, parking and for those parents who don't drive very easily for a young child to get hit. Unfortunately there are people who drive with a zero care factor for children especially people with fast cars and have no children. Best to have one in a safer spot	With regards to traffic generation, the proposed child care premises is estimated to generate 47 vehicle movements during the peak hour. According to Austroads guidelines, the theoretical capacity of an urban road with no kerbside parking is 900 vehicles per hour (VPH) in each direction, or 1,800vph for a two-lane, two-way road. Therefore, 47VPH is less than 3% of the theoretical mid-block capacity of the road. The queuing of cars during peak periods will reduce travel speeds and create gaps for development traffic to enter and exit the site.
• The roundabout is way too busy as it is and this will become even more busy with up to 71 extra cars coming and going twice per day- an accident waiting to happen. • It will also reduce house prices in the area and it's not a suitable position for a daycare. It should either be residential or a coffee shop to draw in tourists.	Refer above responses. There is no evidence that the proposed child care premises will devalue the existing residential area.
• Safety Bay Road roundabout is already backed up with cars at all the peak times with work vehicles, so this is going to add more traffic as families drive in and out of the area to access the facilities. • The properties on the front are million dollar properties that will now be devalued due to being next door to a childcare centre with staff screaming at children all day. • It is stated the noise is fine for the area but have you ever sat outside a childcare centre during outdoor play and listened to the staff shouting	The conclusions outlined in the Environmental Acoustic Assessment (EAA) clearly state that the proposed child care premises complies with all the relevant noise requirements. Therefore, the noise generated by the proposed child care premises will not adversely impact the existing neighbouring properties. There is no evidence that the proposed child care premises will devalue the existing residential area.

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at the children and the children screaming whilst having fun. • It should be across the road next to the petrol station in what was the commercial hub but stay away from the housing area Why do we need another childcare centre when Safety Bay already have two that is not at full occupancy, with a proposed one for the corner of Safety Bay Road and Rae Road? Where are the children going to come from when the lowest birth rate in Australia has gradually fallen, from 66 per 1,000 in 2007 to 56 per 1,000 in 2020, consistent with ABS findings? The AIHW report, Australia's mothers and babies captures data from the first months of the COVID-19 pandemic in Australia and shows that the number of babies born declined by around 7,100 (2.3%) between 2019 and 2020. • If you contact other centres in the local area they all have vacancies and others according to the government are struggling for staff to care for these children. So what the government are advertising on TV about the new childcare funding for returning to work and quality care will not be able to be matched in either case, as there will not be enough staff for these new centres to open and other centre that will finally become full due to this new funding will be placed at a disadvantage due to the influx of centres on every corner. • Living locally the disturbance on the elderly as they pass with their mobility vehicles will struggle due to the excess parking that will be needed, as every childcare centre in Rockingham has cars outside of the bays that are provided with the facility. • The area has always been referred to as a holiday resort with the area becoming a tourist destination for water sports, so why not a motel for visitors to the area. • Please do not shatter our peace and quiet of a residential area, or find another location that is better suited	Regarding location, the proposed child care premises is consistent with the provisions outlined in the Department of Planning, Lands and Heritage's Draft Position Statement: 'Child Care Premises'. Regarding demand, the demand analysis outlined in the Development Application Report clearly identifies that there is a need for another child care premises in this locality. The conclusions outlined in the Traffic Impact Statement (TIS) clearly state that the proposed child care premises complies with all the relevant traffic and parking requirements. Therefore, the proposed child care premises will not be adversely impacted by (or adversely impact) the existing local road network. This Application does not seek approval for a tourist development. The subject site is opposite a commercial area. The subject site is an appropriate location for the proposed child care premises – refer Draft Position Statement: 'Child Care Premises'.

Noting the wide verge capacity and impact of vehicles (19 spaces for 60 children) would suggest it would benefit from a slip lane or left turn in additional to the road to reduce impact to flow of traffic heading into Malibu Rd at such close proximity to the Roundabout. Especially noting volumes at peak hours and likely congestion at drop off and pick up times	A slip lane/left turn is not necessary as the proposed child care premises is small. The conclusions outlined in the Traffic Impact Statement (TIS) clearly state that the proposed child care premises complies with all the relevant traffic and parking requirements. Therefore, the proposed child

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	care premises will not be adversely impacted by (or adversely impact) the existing local road network.
• Concern with this proposal is the aggregate traffic generation combined with any future development of lot 100 (across the road). • Another child care centre is being proposed as part of the impending development of the old Waikiki pub site. The lot 100 is a commercial development that will also generate considerable traffic on Malibu Rd and Safety Bay Rd. As a regular pedestrian to the beach crossing Safety Bay road or Malibu Rd is already a challenge particularly during school drop off and pickup times and morning and afternoon traffic to and from Garden Island workers. • Any development that will increase traffic to these two roads need to consider the impact on pedestrians and access to the beach by locals. • Safe passage of pedestrians over cars should be considered.	The conclusions outlined in the TIS clearly state that the proposed child care premises complies with all the relevant traffic and parking requirements. Therefore, the proposed child care premises will not be adversely impacted by (or adversely impact) the existing local road network. Regarding the property across the road, this Development Application does not include Lot 100. We understand through our discussions with the City that there may be a new Development Application lodged for Lot 100. However, our understanding is that the previously approved development will not be commenced. All potential traffic impacts have been considered. The conclusions outlined in the TIS clearly state that the proposed child care premises will not adversely impact the locality and existing road network.

• Noise levels although legal will still be a nuisance and unpleasant for at least a 50 - 100 metre radius. As a minimum I would suggest a rendered brick wall on rear and both sides to a height of at least 2 metres. • Bin odours from disposable nappies will be an issue for residences to NW & NE, particularly during the warmer months. Maybe place bin compound nearer to the road. • Traffic is already an issue in this area. Please consider not only this proposal but the eventual proposal on the former Waikiki Hotel site. • Parking requirements seem inadequate. Are 19 parking bays specifically for drop off/pick up, or does it include staff use. We don't want overflow parking on street verges or in the Waikiki beachfront carpark.	The conclusions outlined in the Environmental Acoustic Assessment (EAA) clearly state that the proposed child care premises complies with all the relevant noise requirements. Therefore, the noise generated by the proposed child care premises will not adversely impact the existing neighbouring properties. The conclusions and management tasks outlined in the Waste Management Plan (WMP) will ensure that the waste generated by the proposed child care premises will not adversely impact any neighbouring properties. Furthermore, the WMP will ensure that all the waste generated will not pose any health risks onto the staff or children at the proposed child care premises. The conclusions outlined in the TIS clearly state that the proposed child care premises complies with all the relevant traffic and parking requirements. Therefore, the proposed child care premises will not be adversely impacted by (or adversely impact) the existing local road network.

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• The location of this potential childcare will effect traffic on Malibu Road significantly, considering it's around the corner of the already busy road about Safety Bay Road/Malibu Road especially during peak hours when traffic comes through from Garden Island Naval Base and school pick-ups for Safety Bay Senior High School. • There is also going to be a child care facility build across the road. 2 childcare facilities opposite of each other is not ideal for traffic. • Having 60 children on a daily basis surrounded by residential houses would not have a positive effect on the value of living in this area.	The conclusions outlined in the TIS clearly state that the proposed child care premises complies with all the relevant traffic and parking requirements. Therefore, the proposed child care premises will not be adversely impacted by (or adversely impact) the existing local road network. With regards to traffic generation, the proposed child care premises is estimated to generate 47 vehicle movements during the peak hour. According to Austroads guidelines, the theoretical capacity of an urban road with no kerbside parking is 900 vehicles per hour (VPH) in each direction, or 1,800vph for a two-lane, two-way road. Therefore, 47VPH is less than 3% of the theoretical mid-block capacity of the road. Regarding the property across the road, this Development Application does not include Lot 100. We understand through our discussions with the City that there may be a new Development Application lodged for Lot 100. However, our understanding is that the previously approved development will not be commenced. The conclusions outlined in the Environmental Acoustic Assessment (EAA) clearly state that the proposed child care premises complies with all the relevant noise requirements. Therefore, the noise generated by the proposed child care premises will not adversely impact the existing neighbouring properties.
• The traffic impact report has not taken into consideration the development that will be happening on the large vacant lot across the road. (Old Waikiki Hotel site) Which also includes a Childcare Centre. This development/information is very relevant to all the impact statements done for this development and don't seem to have been considered) This will create an increase in traffic alone. Traffic is going to be a major problem with a childcare either side of the road. • Noise levels at 6.30am (and before with staff opening 30 mins before) with parents dropping off, shutting doors (not so quietly at times) cars starting. Feel sorry for house that has car park right next to it.	Regarding the property across the road, this Development Application does not include Lot 100. We understand through our discussions with the City that there may be a new Development Application lodged for Lot 100. However, our understanding is that the previously approved development will not be commenced. This has been factored into the EAA. The conclusions outlined in the EAA clearly state that the proposed child care premises complies with all the relevant noise requirements. Therefore, the noise generated by the proposed child care premises will not

	adversely impact the existing neighbouring properties.

• Only having 8 car parks for parents dropping off & picking up does not seem sufficient. This will lead to kerb parking chaos, as we see at many centres. This is a built up, residential area, you have not considered shift workers etc. • The reports have not taken into consideration what emissions, traffic etc are going to be with large development coming up. • Do not feel another childcare centre is needed, literally, across from another one. • Report needs to take in ALL upcoming developments. • Concerned about how busy not only that end of Malibu Rd will become, but also the intersection including busy Safety Rd is going to become, especially with summer beach traffic.	The conclusions outlined in the TIS clearly state that the proposed child care premises complies with all the relevant traffic and parking requirements. Therefore, the proposed child care premises will not be adversely impacted by (or adversely impact) the existing local road network. This Development Application does not include Lot 100. We understand through our discussions with the City that there may be a new Development Application lodged for Lot 100. However, our understanding is that the previously approved development will not be commenced. Regarding demand, the demand analysis outlined in the Development Application Report clearly identifies that there is a need for another child care premises in this locality. With regards to traffic generation, the proposed child care premises is estimated to generate 47 vehicle movements during the peak hour. According to Austroads guidelines, the theoretical capacity of an urban road with no kerbside parking is 900 vehicles per hour (VPH) in each direction, or 1,800vph for a two-lane, two-way road. Therefore, 47VPH is less than 3% of the theoretical mid-block capacity of the road. Furthermore, Safety Bay Road is a Distributor A road and Malibu Road is a Distributor B road. Both of these roads are designed to carry relatively high volumes of traffic and some congestion at intersections during peak hours is to be expected during peak periods.
• Left turn only when leaving the premises on to Malibu Road as I think it's to close to the roundabout for people turning right onto Malibu Road • A lot of traffic builds up at that roundabout waiting to enter safety bay Road and if allowed to turn right onto Malibu could cause some accidents	A slip lane/left turn is not necessary as the proposed child care premises is small. Furthermore, the conclusions outlined in the TIS clearly state that the proposed child care premises complies with all the relevant traffic and parking requirements. Therefore, the proposed child care premises will not be adversely impacted by (or adversely impact) the existing local road network.

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Some form of entertainment in safety bay is needed. Pub, cafe, restaurant etc. Child care being built on corner of Rae and safety bay roads already.	The subject site is an appropriate location for the proposed child care premises – refer Draft Position Statement: 'Child Care Premises'.
Malibu road is busy & it would slow passing traffic (being a child related entity - schools at end of Malibu that is slow enough at peak hour), it would cause extra noise, it is also a prime location for some attractions like a coffee shop or just a normal residential house.	The subject site is an appropriate location for the proposed child care premises – refer Draft Position Statement: 'Child Care Premises'.
• In response to the childcare centre, I would like to bring your attention to the amount of traffic on the road daily. The location is also within toddler running distance of the ocean. • This seems extremely unsafe. • Please review the ages of the people in this area and consider if this is meeting needs of the local residents. As a local resident this is of no benefit to us and would cause even further traffic issues when trying to arrive home.	Children movements and the entry/exit of the proposed child care premises is highly regulated and secure. The conclusions outlined in the TIS clearly state that the proposed child care premises complies with all the relevant traffic and parking requirements. Therefore, the proposed child care premises will not be adversely impacted by (or adversely impact) the existing local road network.
• The proposed commercial property should not be placed amongst the homes of families. • This is residential land, for people to enjoy their properties, their homes and their gardens. Those residents of the immediate neighbouring properties in particular should not be subject to this development.	The subject site is an appropriate location for the proposed child care premises – refer Draft Position Statement: 'Child Care Premises'.

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• The capacity, and the vehicle impact of 245 vehicle trips per day is simply unacceptable. • The acoustic assessment acknowledges that this premise will operate outside the noise sensitive time. Excluding "play" to after 7am does not negate the impact of vehicles on those neighbouring residences. For the assessment to state that car movements and cars starting are exempt from regulations does not negate the fact that they WILL be impactful on residential neighbours. Vehicular noise, car doors and children do not have the capacity to know to be quiet just because it is 6.30am. These residents bought their homes in a residential area, with homes surrounding them • Operations from 6.30am to 6.30pm also means that staff will be accessing the property before and after hours to be ready to be open for business at 6.30am. Parents will be collecting children as late as 6.30pm after which staff will need to perform closing duties and leave in vehicles. So the impact will indeed be more accurately 6am to 7pm - further impact on residents who did not purchase their properties in a commercial area. • Not all people are employed in 9am-5pm jobs. What about shift workers and may need to sleep during the day? They purchase homes in residential areas knowing they need to cope with residential noise in such environments - not commercial noise. • The urban design guidelines (Planning Policy 3.3.23) for the former Waikiki Hotel Site stipulates that this land will be developed and approved for commercial and mixed use. Any commercial developments should be located here, not in between residential homes.	245 vehicles over 1 day = 10 vehicles per hour. The conclusions outlined in the TIS clearly state that the proposed child care premises complies with all the relevant traffic and parking requirements. Therefore, the proposed child care premises will not be adversely impacted by (or adversely impact) the existing local road network. The conclusions outlined in the EAA clearly state that the proposed child care premises complies with all the relevant noise requirements. Therefore, the noise generated by the proposed child care premises will not adversely impact the existing neighbouring properties. The business hours of the proposed child care premises are from 6:30am – 6:30pm, and only a handful of staff are expected to arrive earlier for opening purposes (staff arrive in blocks and not all staff are there from opening). This is not a relevant planning issue. The subject site is an appropriate location for the proposed child care premises – refer Draft Position Statement: 'Child Care Premises'.
25mts from a busy roundabout and would cause traffic congestion, 35mts from a petrol station which has the potential of fire or explosion threat. Also the approved planning across the road which will also add to traffic problems, 19 carpark areas in the proposal, 11 will be taken up by staff and a bus I am sure the center will have that leaves 7 for up to 60 children to get picked up. This will only add to traffic chaos. Devaluation, this is a residential area and not a commercial area.	The conclusions outlined in the TIS clearly state that the proposed child care premises complies with all the relevant traffic and parking requirements. Therefore, the proposed child care premises will not be adversely impacted by (or adversely impact) the existing local road network. Furthermore, the separation distance between the proposed child care premises and the existing petrol station is 50 metres. This Development Application does not include Lot 100. We understand through our discussions with the City that there may be a new Development Application lodged for Lot 100. However, our understanding is that the

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	previously approved development will not be commenced. There will be no bus which enters into the proposed child care premises. There is no evidence that the proposed child care premises will devalue the existing residential area.
To build a Child care centre 100m from another Child care centre (a cross the road lot 432-434) is not a good idea if you start thinking about traffic and noise.	Regarding the property across the road, this Development Application does not include Lot 100. We understand through our discussions with the City that there may be a new Development Application lodged for Lot 100. However, our understanding is that the previously approved development will not be commenced.

Around 3pm normally it is busy because of all traffic from garden island.	The conclusions outlined in the TIS clearly state that the proposed child care premises complies with all the relevant traffic and parking requirements. Therefore, the proposed child care premises will not be adversely impacted by (or adversely impact) the existing local road network.
• This is a commercial enterprise on a residential block, less than 25 meters from a busy roundabout and 35 meters from a Petrol station, well below the lawful distance because of cancer causing vapers. • The risk of fire or explosion in close proximity to 60 children and 11 staff. • The car parks do not add up, Proposed parking for 19 vehicles, 11 staff 1 mini bus that is 12 bays used up leaves 7 bays for up to 60 children to be dropped off at around 6 to 6.30 am and the same at pm. At this time the roundabout has a constant flow of traffic from navel personal going to work and returning. With no parking to drop off children people will park on the road and on verges. T • Noise impacts from banging car doors, people talking and very possible yelling at the children, or children crying at that time of the morning which will certainly impact greatly on the quality of the residential area.	The conclusions outlined in the Emissions Impact Assessment (EIA) clearly state that the pollutant emissions predicted at the proposed child care premises are less than the exposure limits in ambient air. Therefore, the risk of exposure at this sensitive receptor location is low. The same fire risk applies to the existing surrounding residential properties. There is no bus proposed as part of this Development Application. The conclusions outlined in the TIS clearly state that the proposed child care premises complies with all the relevant traffic and parking requirements. Therefore, the proposed child care premises will not be adversely impacted by (or adversely impact) the existing local road network. The conclusions outlined in the EAA clearly state that the proposed child care premises complies with all the relevant noise requirements. Therefore, the noise generated by the proposed child care premises will not adversely impact the existing neighbouring properties.

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• Immediate concern for all travellers, including navy and work drivers, who constantly use the "roundabout" situated on the corner of Malibu and Safety Bay Roads. • The estimate staff required- 11 workers. The maximum car bays- 19 stated. The small children require a parent to take the child inside so the build back of cars would overflow back onto Malibu Road to block all entries to the very heavily used roundabout. There is only one lane in each direction so stoppage will be inevitable.	The conclusions outlined in the TIS clearly state that the proposed child care premises complies with all the relevant traffic and parking requirements. Therefore, the proposed child care premises will not be adversely impacted by (or adversely impact) the existing local road network.
• The noise from the cars and car doors, dropping off and collecting children at times of 6.30 am to 6.30 pm is not appropriate for the shift workers but mostly the retired people living in this older suburb.	The conclusions outlined in the EAA clearly state that the proposed child care premises complies with all the relevant noise requirements. Therefore, the noise generated by the proposed child care premises will not adversely impact the existing neighbouring properties.
A child Care on safety bay road and one down by safety bay primary school so would it not be better in a different spot?	The subject site is an appropriate location for the proposed child care premises – refer Draft Position Statement: 'Child Care Premises'.
• This will cause even more traffic congestion than is already present at the other end of Malibu Rd due to the shopping center and 2 schools there. Trying to exit Malibu Rd on to Read St is a nightmare at certain times of the day and this new proposal will only lead to the same congestion at the other end of Malibu Rd • The proposal will have a negative effect on property values as people do not like to live near a child care not only for traffic reasons but also noise.	The conclusions outlined in the TIS clearly state that the proposed child care premises complies with all the relevant traffic and parking requirements. Therefore, the proposed child care premises will not be adversely impacted by (or adversely impact) the existing local road network. Furthermore, the queuing of cars during peak periods will reduce travel speeds and create gaps for development traffic to enter and exit the site. There is no evidence that the proposed child care premises will devalue the existing residential area.

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• Financial impact and possible consequences – no assessment report on the financial impacts on the value of residential properties next to or close to the proposed commercial venture of the child care centre.	There is no evidence that the proposed child care premises will devalue the existing residential area.
• Entering Safety Bay Road side streets - The traffic assessment report noted that at peak times the traffic congestion would not be of a concerning level. It is quite congested and sometimes have had cars stop on Safety Bay Road to allow vehicles on side streets to enter whilst they wait in the queue of cars during peak times. Added congestion caused by the coming and going of a child care centre would be a negative impact	The conclusions outlined in the TIS clearly state that the proposed child care premises complies with all the relevant traffic and parking requirements. Therefore, the proposed child care premises will not be adversely impacted by (or adversely impact) the existing local road network. Furthermore, the queuing of cars during peak periods will reduce travel speeds and create gaps for development traffic to enter and exit the site.
• Pop-up food markets/vans in the beach area car park increase traffic congestion. Ad hoc events, especially over summer hasn't be considered in the traffic assessment report for any possible impacts.	It is not appropriate for a planning application to model ad-hoc events that may happen on an infrequent occasion.
• A report noted the number of traffic accidents but not the severity of the accidents. There has been a fatality at the intersection of Malibu and Safety Bay roundabout and there is pedestrian crossing there. Also, I have witnessed a car that failed to take this roundabout and drove through it onto the beach with it being luck that no one to my knowledge was severely hurt or killed. So whilst the accidents may be considered an acceptable level, I would suggest that the severity of them needs to be considered.	
• Please consider as an example the terrible congestion that already occurs at the opposite end of Malibu Road and Read Street roundabout near the Malibu shop, during drop off and pick up times for the Safety Bay High School, as an example of how this may mirror the traffic congestion at the Malibu and Safety Bay Road roundabout with the added burden of the child care centre.	This is a small child care premises, therefore the traffic is negligible.
• There seemed to be no mention or consideration as to whether there would be school buses coming and going to the centre and if this would be the case what would any possible impacts be?	No buses are proposed as part of this Development Application.
• Proposed benefits to community - no assessment report provided information on how many children would access this centre from the other schools within the area.	A childcare centre provides an important community benefit (early learning for children which allows parents to re-enter the workforce).
• No reporting seemed to consider the vacant commercial land adjacent from this proposal	Not a relevant planning issue.

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Submitter Comment	Applicant response
to turn residential blocks into a child care centre, in terms of what increased traffic and impact on local residents and their properties will occur once the commercial blocks are also developed.	
• Aesthetic impacts of child care centre - There are residential two-storey houses that will look onto this child day care centre. What will be the aesthetic impacts of this and how will this impact their residential life and well-being and property value?	The proposed design of the child care premises is consistent and harmonious with the surrounding residential development.
• Whilst the report noted that it had assessed the disposal of waste and how this would be done, especially with respect to disposal of and nappy odour, any potential health risks, and if this type of waste will attract rodents when one would think it is likely to be of a large quantity compared to a residential home. Has the assessment considered the latter and if not, why not?	The conclusions and management tasks outlined in the Waste Management Plan (WMP) will ensure that the waste generated by the proposed child care premises will not adversely impact any neighbouring properties. Furthermore, the WMP will ensure that all the waste generated will not pose any health risks onto the staff or children at the proposed child care premises.
• No report was done on whether other locations for this commercial venture was done. Hence, no justification that this location would be more or less negatively or positively impactful for the general population and the local residents of this proposed area than another area or other locations in the Rockingham region that may be available for such a proposal.	This is not a relevant planning issue.

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• Health issues because the extra noise pollution with the cars as early as 6.30 up to 18.30 which around here it gets quiet by 17 when most traffic is gone. So, this would add, extra the noise and traffic • This will add more traffic to our and close by houses. • Noise would be unbearable for the people around the site - daily with kids screaming on and off all day • The stress and health issue this would then cause to the residents around is the main reason why this project should not go ahead. • The devaluation of houses is another point. The Childcare would devalue the surrounding houses because no one want to live next to screaming kids • Changing from a nice valuable seaside house to a noisy place by the sea. • Traffic hazards - at 6.30am the roundabout nearby is a hot spot, people going to Garden Island every morning race through there, Then people in out of the petrol station all day, just opposite of this project. Then traffic coming into	There is no evidence of this. The conclusions outlined in the TIS clearly state that the proposed child care premises complies with all the relevant traffic and parking requirements. Therefore, the proposed child care premises will not be adversely impacted by (or adversely impact) the existing local road network. The conclusions outlined in the EAA clearly state that the proposed child care premises complies with all the relevant noise requirements. Therefore, the noise generated by the proposed child care premises will not adversely impact the existing neighbouring properties. There is no evidence that the proposed child care premises will devalue the existing residential area.

Malibu Rd, and so on, I can see the dramas this would cause, people racing up Malibu rd., getting to a sudden stop by cars trying to get out of the child care, plus traffic of the petrol station. Worse case means 60+ cars in and out of there.	The conclusions outlined in the TIS clearly state that the proposed child care premises complies with all the relevant traffic and parking requirements. Therefore, the proposed child care premises will not be adversely impacted by (or adversely impact) the existing local road network.

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• It will create major traffic problems:- Congestion, delays, accidents and a nightmare for local residents. • Unfortunately Malibu Rd is becoming an extremely busy thoroughfare. Motorists are increasingly impatient as it is necessary for them to slow down. With the roundabout at Safety Bay Rd clients of proposed CCP will be exiting onto Malibu Rd from both north and south directions. Within 10 metres of exiting the roundabout, on the right there is entry and exit to a busy garage AND a car wash exiting onto Malibu Rd AND a large development site (which will add more traffic) when and if it is established AND abutting that an established gated housing community which ALSO enters and exits onto Malibu Rd. Approximately a further 15 metres on the left of exiting (25 metres in total) vehicles will be entering and exiting into proposed *CCP* car park. Waikiki Rd some 120 metres further on entering and exiting Malibu Rd just adds more congestion and traffic problems. This is NOT A SAFE LOCATION and PROXIMITY and all the above obviously makes the proposed * CCP* unacceptable, and certainly doesn't lend to a sense of community.	The conclusions outlined in the TIS clearly state that the proposed child care premises complies with all the relevant traffic and parking requirements. Therefore, the proposed child care premises will not be adversely impacted by (or adversely impact) the existing local road network. The subject site is an appropriate location for the proposed child care premises – refer Draft Position Statement: 'Child Care Premises'. Regarding the property across the road, this Development Application does not include Lot 100. We understand through our discussions with the City that there may be a new Development Application lodged for Lot 100. However, our understanding is that the previously approved development will not be commenced.
• Accessing the proposed *CCP* from the Read street roundabout onto Malibu Rd poses yet another problem as within 70 metres OF EXITING on the right is a commercial business centre AND a shopping centre AND a special needs school AND Safety Bay High School More dilemma. Bearing in mind Malibu Rd is single lane.	Refer above.
• It states crash history wouldn't increase the risk of crashes unacceptably on adjacent road. Is this suggesting ANY CRASH is acceptable?? As mentioned above regarding the location and proximity of Proposed *CCP* I believe crash history will be rewritten. This is definitely NOT acceptable.	Refer above.
• Access to Safety Bay Foreshore and Park for residents, pedestrians and cyclists Is difficult and dangerous enough attempting to cross Safety Bay Rd Roundabout via Malibu Rd with the existing entrances and exits onto Malibu Rd. It is just another safety issue.	Refer above.

• Increase in traffic and traffic noise on Safety Bay Road, Malibu Road and connecting local streets as feeder roads. During Morning and Afternoon commute times Safety Bay Road is	The conclusions outlined in the EAA clearly state that the proposed child care premises complies with all the relevant noise requirements. Therefore, the noise generated by the proposed child care

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heavily utilised, Malibu Road (eastern end) can be very congested particularly during the High School Zone times, this will increase the traffic load on connecting local streets, many of which are narrow, and easily obstructed.	premises will not adversely impact the existing neighbouring properties.
• Proximity of proposed crossover to childcare carpark to BP Petrol Station Entrance and Malibu/Safety Bay Road Roundabout increases issues with traffic flow and potential for accidents particularly from vehicles Eastbound on Safety Bay Road turning left onto Malibu Road. Considering the future proposed re-development including commercial, residential and licenced premises opposite this creates additional concerns.	The conclusions outlined in the TIS clearly state that the proposed child care premises complies with all the relevant traffic and parking requirements. Therefore, the proposed child care premises will not be adversely impacted by (or adversely impact) the existing local road network.
• Childcare premises are ideally located near Schools, and Primary Schools in particular. There are other sites more suitable for the proposed development.	The subject site is an appropriate location for the proposed child care premises – refer Draft Position Statement: 'Child Care Premises'.
• The proximity of the proposed childcare to the Malibu Road BP Petrol station is a concern. It is noted an emissions impact assessment has been created, the emissions impact assessment has not included the Hi-Flow Diesel bowser that is in closest proximity to the proposed childcare location. This may be an error, hopefully it is not a deliberate omission.	The diesel bowser is only slightly within the 50m separation distance. Impact is negligible as the children will spend barely any time in this portion of the outdoor play area.
• According to PLANNING POLICY No.3.3.23 Waikiki Hotel Site – Urban design Guidelines Future re-development conditions for the site require a licenced premises. Positioning of childcare opposite licenced premises is a concern for several reasons, particularly child safety and traffic density, traffic flow disturbances, and traffic and pedestrian safety.	Refer above.
• Currently residents in the neighbourhood can hear the ocean. This is something that no environmental noise assessment or local planning requirement will ever consider. This intangible quality and it's value to residents cannot be quantified & needs to be considered.	There is no evidence that this proposal will impact the amenity of the surrounding residential area.
• Sensitivity to Noise is increased due to the low background noise and beachside ambience.	Refer above.
• Please note that there are numerous existing noise sources and disturbances which presently exist. e.g., from Safety Bay and Malibu Road Traffic flow and vehicle	

accelerations and decelerations, BP service Station Vehicle Movements (& startups in particular), bowser announcements, automatic car wash, car vacuum station, fuel deliveries, inground fuel tank lids and level checks, Safety Bay Road Beachfront carpark and activities, council beachside rubbish bin collection etc.	
• The Proposed Childcare will create a General increase in Night-time (Early Morning) and Daytime noise levels in addition to these existing noise levels and disturbances, causing further loss of peaceful beachside ambience. No consideration has been made in the Environmental Acoustic Assessment for combined effects of noise generated from the proposed childcare premises, nor any of the existing noise disturbances aside from ambient traffic.	The conclusions outlined in the EAA clearly state that the proposed child care premises complies with all the relevant noise requirements. Therefore, the noise generated by the proposed child care premises will not adversely impact the existing neighbouring properties.
• Garbage and Recycling from the Site is stored immediately adjacent to the rear boundary of the proposed centre. The concentration of waste storage is more than comparable residential premises. Aside from potential smell and flies associated with the garbage, the proximity of the waste storage is in close proximity to nearby households. This is an additional noise source during normal access, and creates a larger additional noise disturbance on collection due to the number of bins compared to a typical residence.	The conclusions and management tasks outlined in the Waste Management Plan (WMP) will ensure that the waste generated by the proposed child care premises will not adversely impact any neighbouring properties. Furthermore, the WMP will ensure that all the waste generated will not pose any health risks onto the staff or children at the proposed child care premises.
• Additional load on the local sewer system and potential consequences of blockages etc could have large impact on neighbouring properties.	The proposal will be required to connect to the existing sewer system.
• No mention has been made in the application or associated attachments in relation to the proposed means of dealing with carpark runoff or drainage.	It is requested that a condition be imposed which required a stormwater management plan is required as part of any future building permit.
• The proposed development is entirely within an area zoned residential, and <u>is not consistent with</u>, and <u>does not improve</u> the amenity of the area. It has the potential to <u>severely impact</u> the habitability of nearby homes. The result could be unhappy residents stuck living alongside a high turnover commercial development, with no ability to move to a comparable location. A price cannot be placed on disruption of peace. It cannot be denied that the location is a peaceful beachside area, which increases the sensitivity of the impact of noise on nearby residents.	The proposed child care premises is a discretionary use within the 'Residential' Zone.

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The proximity of the proposed development is immediately adjacent to the full length of the boundary line of our residential block. The proposed building has zero setback from this boundary, making the proposed building, carparks and play areas within metres of the adjoining house, living areas, and bedrooms. If residential, the existing 2 (or subdivided 3) blocks would limit the zero setback to one third of the rear width of each block. In the case of this development the amalgamated block boundary effectively doubles (or triples) the length of zero setback compared to typical residential land use in the area.	
• The proposed carpark is directly adjacent the front residential area, with direct line of sight and sound propagation to the first-floor windows (front bedrooms) that home. The carpark chatter, vehicle noise, impulse, vibration, ground borne noise, and vehicle emissions will severely impact the privacy and liveability. The outdoor play area extends to the rear of the proposed development site, and has line of sight and direct sound propagation to the rear first floor bedrooms.	The conclusions outlined in the EAA clearly state that the proposed child care premises complies with all the relevant noise requirements. Therefore, the noise generated by the proposed child care premises will not adversely impact the existing neighbouring properties.
• The proposed operating hours of the centre from 06:30 to 18:30, 5 days a week, all year round would severely impact the peace and quiet of our home and the surrounding neighbourhood, pets would also be affected with dog barking increased due to the close proximity disturbances.	
• Households that work atypical hours, outside the hours of operation of the proposed development, making their rest hours within the operating times of the centre will be impacted. The potential reduction in quality of rest during the operating times of the proposed centre cannot be overstated.	Discretionary use – not a valid argument.
• The Environmental Acoustic assessment submitted, considers the various sources of noise individually, some of which are <u>at the allowable upper limits</u>. The assessment does not consider the combined effect of these, which together with the number of noise events accumulate to an intolerable level of noise and number of noise impulses over a 12 hour duration.	The noise levels were assessed individually for the following reasons: - Noise levels are logarithmic and given the resultant levels, one does not contribute to the other. - One of the main noise sources being the outdoor play is not present during the night period, which is the critical period for the other noise sources. - If you actually wanted to combine the car park noise, the noise from the car door closing would no longer be impulsive and would
• The proposed 1.8m high Colourbond fence would provide limited shielding and insignificant reduction in noise levels both at the front and rear of the residential property and may add additional characteristics to the noise with potential reverberation and vibration of the	

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fencing material depending on the vehicles and their proximity to the fencing.	easily comply with the assigned night period noise level.
• The proposed bitumen carpark could also potentially generate more noise than a concrete carpark. Aside from the noise there are also effects from increased heat and radiated heat in summer, and drainage concerns for the carpark itself, and further disturbances and security concerns if carpark is accessible on nights and weekends as it will be used by beachgoers and for parking at community events. Also carpark and building lighting will add additional light pollution and light intrusion.	No noise walls required. There is no evidence of this.
• The noise of vehicles slowing and accelerating for the nearby Roundabout currently experienced will be more intense with vehicles frequently entering and leaving the carpark of the proposed childcare facility. The traffic assessment indicates the volume of vehicle visits to the childcare premises would be <u>approximately 70% of the traffic experienced at the neighbouring BP service station,</u> This is immediately adjacent residential front door, living areas and bedrooms. This has not been considered in the traffic assessment in any way.	The TIS states that the proposal will generate approximately 47 vehicle trips during the peak hour. The conclusions outlined in the TIS clearly state that the proposed child care premises complies with all the relevant traffic and parking requirements. Therefore, the proposed child care premises will not be adversely impacted by (or adversely impact) the existing local road network.
• Please consider the overall effect this will have on our neighbourhood, our neighbours, and trying to rest and live in our home, with the additional persistent disturbances this proposal could create in the area. Consideration also needs to be made that future re-development in the vicinity will further compound the noise effects, and increase the duration and regularity of disturbances to residents in the area.	Refer above. Regarding the property across the road, this Development Application does not include Lot 100. We understand through our discussions with the City that there may be a new Development Application lodged for Lot 100. However, our understanding is that the previously approved development will not be commenced.
• It is noted there are several errors and omissions in the application and supporting documents. Please see attached extracts	We have provided responses to the attached extracts (Appendix A) in a separate document.

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Whilst it is all well intended to say that the parking bays 3 – 10 and the delivery bay will be time restricted until after 7am it is unlikely that this will be monitored or enforced. Often parents arrive prior to the opening hours of a centre waiting at the doors for the staff to open. The staff could also arrive prior to opening time to prepare both themselves and the environment. There is only 5 visitor bays and 6 staff bays available to support early morning drop offs with no access to the accessible bay until after 7. Where is it proposed that someone who needs this may park prior to 7am. It also dictates that the delivery bay will not be used prior to 7am. In my prior experience the food and products required for the centre are are dropped off prior to opening as this allows for gates and doors to be propped open to allow an ease of delivery. If this is the case where is it proposed that the delivery driver is to park, it is also worth noting the delivery drivers often leave their vehicle running to enable their refrigeration etc to continue operating.	The parking bays will signed in accordance with the recommendations of the EAA. This will likely form a condition of any development approval issued.
In the image 3D - CHILDCARE PERSPECTIVE 2 it shows the fence around the play area to be open fencing. It also states in the planning report that Clause 4.6 'Design Considerations' in LPP 3.3.5 outlines the following: "Where a play area is located in the front setback area, fencing of the area should be of predominantly open construction to provide a safe playing area without closing the site in, casting shadows on the play area, or adversely affecting the residential streetscape". As the sea breeze will carry through the play area and carpark it will continue into the surrounding houses and the open street area of Grigo Close carrying with it the sounds from the playground and the children. Whilst the report says that "From previous measurements, noise emissions from children playing does not contain any annoying characteristics". The noise of children playing can range from enjoyable laughter to screaming, crying, shouting and arguing which heard on a daily basis would definitely be considered by many as annoying at times. Many of the houses due to the location of the beach and the sea breeze are not climate controlled rather relying on being open in order to take advantage of the sea breeze for cooling and fresh air. At times the sounds of people from the beach carries all the way into our house. The concern is that the additional sounds of 60 children and their parent's	The EAA does not recommend the use of any solid material in the front fence in order to meet compliance. Therefore, the front fence can be open.

vehicles will also carry into the houses affecting our quality of life. This also doesn't take into account the vehicle fumes which will also carry on the sea breeze into neighbouring houses which will be significantly increased due to the drop off and pick up of 60 children and the additional 11 vehicles of the staff thus potentially up to 71 vehicles starting their engines, plus those of any delivery and service vehicles, twice a day, with their sound and fumes adding to the emissions received by our families. It is also common especially with parents of young children that vehicles are started or left running for a period of time to adjust the temperature and allow for air conditioning to take effect before they then proceed to clip children into child restraints. This whole length of time allowing additional emissions to impact on surrounding neighbouring properties. • Added to this you have the sound of up to 142 car doors being opened and closed each day and then potentially 71 car boots on top of this as well as majority of vehicles will have a driver and at least one passenger. Whilst the report considers this to be of little impact due to the loop hole as "the bitumised area would be considered as a road, thus noise relating to motor vehicles is exempt from the Environmental Protection (Noise) Regulations 1997" we still consider whether or not it is a bitumised area that the impact on us, our children and neighbours, some of which are elderly and unlikely to have the skills and ability to advocate for themselves, to be considerable.	
• We chose to reside in this location due to the fact it is close to the beach, allowing us a relaxing and healthy lifestyle in which we can hear and smell the beach from our property. I feel the potential of losing the sound of the beach from our daily life only to be replaced by noisy children, car doors and the sounds of engines to be a negative impact to my quality of life and my reason for choosing this area to live. The healthy natural lifestyle we chose to adopt will also be impacted by the increased vehicle emissions we will be exposed to.	The proposed child care premises is a discretionary use within the 'Residential' Zone.
• The planning report makes notes that the building will fit in with the surrounding area aesthetically, yet they are stretching the truth as none of the surrounding houses have a 19 car carpark attached or up to potentially 131 people coming and going each day, the 60 children, their parent/s and the workers. It feels	All the technical reports support the proposed child care premises at the subject site.

like the report is written taking note of only what they feel might be relevant to promote the development. Such as not including the emissions from the centre rather just those that will impact it.	
• When taking into account the emissions from the BP service station it would have made sense to do an emissions report that adds the emissions from the centre vehicles coming and going onto the BP emissions to get a total accumulated potential emissions for the surrounding houses. It is noted that the emission report focussed solely on the impact emissions would be upon the childcare centre and not from the centre and its vehicles to that of neighbouring properties.	There is no evidence that vehicles visiting the proposed development will generate significant emissions to impact on the adjoining properties. No further assessment is required.
• In the report it states "Due to its location at the subject site and how it has been designed, the proposed development will not have any adverse impacts on the surrounding residential properties or the existing road network." (Page 14 of the Planning report) We believe this to be incorrect. At times crossing Safety Bay Road to access the beach can be extremely difficult due to the sheer volume of traffic that uses the road especially at peak periods when Navy personal are entering and exiting the base and driving along Safety Bay Road. This increased traffic load led to the installation of pedestrian islands in multiple sites along the Safety Bay foreshore in order to deal with the increased traffic load and pedestrian safety. • The childcare centre will be one property back from Safety Bay Road at a busy roundabout intersection and therefore it is significantly likely to have an increased traffic load impact on both pedestrians and road users of Safety Bay and Malibu roads. • At times of school drop offs and pickups the Malibu Road and Read Street intersection has congestion leading to traffic delays and local roads users creating 'rat runs' in neighbouring streets to avoid this. It would be reasonable to assume that the increased traffic from the Childcare centre will add to this problem and a continuation of more 'rat runs' along neighbouring roads.	The conclusions outlined in the TIS clearly state that the proposed child care premises complies with all the relevant traffic and parking requirements. Therefore, the proposed child care premises will not be adversely impacted by (or adversely impact) the existing local road network. With regards to traffic generation, the development is estimated to generate 47 vehicle movements during the peak hour. According to Austroads guidelines, the theoretical capacity of an urban road with no kerbside parking is 900 vehicles per hour (vph) in each direction or 1,800vph for a two-lane, two-way road. 47vph is less than 3% of the theoretical mid-block capacity of the road. Furthermore, Safety Bay Road is a Distributor A road and Malibu Road is a Distributor B road. Both of these roads are designed to carry relatively high volumes of traffic and some congestion at intersections during peak hours is to be expected during peak periods.
• The reports have not made any mention of cleaning of the property. Are commercial cleaners to be employed to clean the centre outside of operating hours. If so, what impact will this have on both vehicle and cleaning noise outside of the acceptable noise limitation	All childcare centers are governed by strict health and safety guideline's by the childcare regulator , including spot visits. Ongoing cleaning by staff and professional commercial cleaners is a necessary part of operating a child care center for licensing purposes.

hours? Surely commercial cleaners hours of operation would be either prior to children attending or after the services close of business in the evening. • We feel that the report that has been done fails to take into account the impact the development will have on neighbouring properties, and the local roads and their users. Perhaps an independent report would read far less bias than those that have been submitted. The planning report notes in section 2.1 that this is “an established residential area” yet fails to make a connection between the residents and the impact that this commercial operation will have.	The conclusions outlined in the TIS clearly state that the proposed child care premises complies with all the relevant traffic and parking requirements. Therefore, the proposed child care premises will not be adversely impacted by (or adversely impact) the existing local road network.

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As local rate payers who have lived in our house at this location for twelve years we feel that this proposal goes against our wishes. We chose this location based on the lifestyle choices it would provide which include closeness to the beach and the quiet ambience of the area. The proposal has reasonable likelihood to disturb and impact both of these significantly important aspects of our daily life. When we purchased our property there was only one vacant lot in the proposed childcare locality with the other having a house on it that was impacted by fire and subsequently knocked down. It was reasonable for us to assume that a commercial operation would not be likely and therefore impact upon our lifestyle which was our reason for purchasing our house.	The proposed child care premises is a discretionary use within the 'Residential' Zone.

• The consultants' reports mix up the hours of operation; emission report flies in the face of considered residential opinions wrt fuel station, car wash, stop / start of cars, entry / exit integration of child care cars wrt high school vehicles flow load; the reaction of current road users to modify their drive patterns increasing the flow along Safety Bay Road and further limiting egress from Malibu into Safety Bay Road; Malibu Road at end of school pick up times is backed with waiting cars along Safety Bay Road to the bus stop; limited consideration of child care premises in extremely close proximity to houses. • We believe there are 4 bowsers at petrol station not 3 as indicated in report. Hence 7 refuelling positions not 6. • Table 1.1 Emissions Report indicates fuel station operating hours Mon-Sat 0700 to 1900. Fuel station operating hours are daily 0600 to 2200. The reference to fuel station limited trading hours, 16 hour operation is not normal business hours as stated in reports, and hence to 50m limit may not apply. Please clarify and confirm. • No consideration of fires occurring at fuel stations and the consequences have been addressed. This is concerning to residents especially if children will be in the area. • In the urban areas you can hear when your neighbour's car door is opened / closed. The rounded up science factors adopted for determining traffic noise levels have limited loadings for living immediately next door.	The hours of operation of the childcare centre represent the "opening" hours of the service station given the assessment is based on operational hours of the childcare facility only. No assessment of the service station outside of the trading hours of the childcare centre is required. The conclusions outlined in the EAA clearly state that the proposed child care premises complies with all the relevant noise requirements. Therefore, the noise generated by the proposed child care premises will not adversely impact the existing neighbouring properties.

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Traffic report confirms existing traffic flow will not be impacted and can accommodate the new traffic loads. Most consultants confirm this in every developer's reports. We believe the current WA road death and injury levels are at the highest level WA has experienced. Traffic incidents cannot be predetermined, they happen anywhere, anytime, to any degrees of injury. Traffic flow volumes must be increasing due to the explosion in WA vehicle ownership, hence existing data will be out of date. • Random incidents cannot be precluded from any area, no matter what history of accidents is available. When additional traffic movements are introduced into an existing heavily trafficked area, anything can happen. The additional preoccupation of driver's rushing to child care and getting to work can impact the existing traffic flow and driver attention. • Residential concern is also rising wrt future development on the vacant site behind fuel station. This cannot be fully ignored as in the end, needs integration for all developments • The proposed hard standing for rubbish bins may limit the driver's line of sight when exiting the premises. 60 KPH traffic will not tolerate any indecision by child care parents at the busiest times of the day. • 6.30am to 6.30pm operations forces staff into earlier start and later knock off times. Trades persons working on suburban building sites are restricted to 7.00 am to 7.00pm. • The proposed building front elevation is not within the style of existing community houses. The industrial office block appearance with garrison security fencing is not within the existing community housing appeal. • Child care premises may be required for the wider Rockingham community, however the older residential suburb of Safety Bay is comfortably settled with old established residents not young families. This older generation believe there is limited need for a child care premises in the proposed location and there will be no enhancing the quality of the existing community lifestyle. All existing residents have long enjoyed the current community lifestyle without neighbouring child care facilities.	The conclusions outlined in the TIS clearly state that the proposed child care premises complies with all the relevant traffic and parking requirements. Therefore, the proposed child care premises will not be adversely impacted by (or adversely impact) the existing local road network. Regarding the property across the road, this Development Application does not include Lot 100. We understand through our discussions with the City that there may be a new Development Application lodged for Lot 100. However, our understanding is that the previously approved development will not be commenced. The proposed design of the child care premises is consistent and harmonious with the surrounding residential development. The subject site is an appropriate location for the proposed child care premises – refer Draft Position Statement: 'Child Care Premises'.
With the traffic that is already at that roundabout up at that end - The congestion and risk of an accident is huge.	The conclusions outlined in the TIS clearly state that the proposed child care premises complies with all the relevant traffic and parking requirements. Therefore, the proposed child care premises will not be

	adversely impacted by (or adversely impact) the existing local road network.

Applicant responses to 'extract of attachments received as part of a submission' (Appendix A)

Document	Applicant Response
Development Application Report	- The proposed child care centre is a discretionary use. - The setbacks have been assessed as per the R-Codes and are compliant. - All typing errors have been noted. - Our responses to all the other comments in Appendix A are outlined in the 'summary of submissions' document.
Environmental Acoustic Assessment	- All typing errors have been noted. - Department of Water and Environmental Regulation (DWER) did not raise any issues with the bitumen carpark. - The Environmental Acoustic Assessment (EAA) has considered all the requirements/provisions that are outlined in the Environmental Protection (Noise) Regulations 1997. - The conclusions outlined in the Environmental Acoustic Assessment (EAA) clearly state that the proposed child care premises complies with all the relevant noise requirements. Therefore, the noise generated by the proposed child care premises will not adversely impact the existing neighbouring properties.
Emissions Impact Assessment	- The diesel bowser that was missed in the Emissions Impact Assessment has been acknowledged. However, please note that the diesel bowser falls only slightly within the 50m separation distance. Therefore, the impact is negligible as the children will be spending very little time in the portion of the outdoor play area where the 50m separation distance is encroached. - Notwithstanding the above, the conclusions outlined in the Emissions Impact Assessment (EIA) clearly state that the pollutant emissions predicted at the proposed child care premises are less than the exposure limits in ambient air. Therefore, the risk of exposure at this sensitive receptor location is low.

Transport Impact Assessment	- The conclusions outlined in the TIS clearly state that the proposed child care premises complies with all the relevant traffic and parking requirements. Therefore, the proposed child care premises will not be adversely impacted by (or adversely impact) the existing local road network. - The proposed development is estimated to generate 47 vehicle movements during the peak hour. According to Austroads Guidelines, the theoretical capacity of an urban road with no kerbside parking is 900 vehicles per hour (vph) in each direction or 1,800vph for a two-lane, two-way road. 47vph is less than 3% of the theoretical mid-block capacity of the road. - Safety Bay Road is a Distributor A road and Malibu Road is a Distributor B road. Both of these roads are designed to carry relatively high volumes of traffic and some congestion at intersections during peak hours is to be expected during peak periods. - Regarding the property across the road, this Development Application does not include Lot 100. We understand through our discussions with the City that there may be a new Development Application lodged for Lot 100. However, our understanding is that the previously approved development will not be commenced. Therefore, the claims regarding the future redevelopment at the Waikiki Hotel Site are not relevant to this Development Application.
Conflicts of Interest	- The current landowner sought approval for a subdivision of at the subject site, which was subsequently approved. - The subdivision approval has not been implemented. - The approval of the subdivision will not impact on the potential for a development approval for the proposed development to be issued.