



Metro Outer Joint Development Assessment Panel Agenda

Meeting Date and Time: Monday, 7 February 2022; 10:00am
Meeting Number: MOJDAP/151
Meeting Venue: City of Rockingham
Civic Drive, Rockingham

To connect to the meeting via your computer -
<https://cityofrockingham.zoom.us/j/94957426587?pwd=Ynl1YXhMMmEyTDZ3b3p3STdCbENaUT09>

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

Insert Meeting ID followed by the hash (#) key when prompted - 949 5742 6587
and Passcode : 070348

This DAP meeting will be conducted in person at the City of Rockingham. Additional electronic means (Zoom) open to the public and participants who are unable to attend in person.

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Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Ms Sheryl Chaffer (Deputy Presiding Member) – via Zoom
Mr Jason Hick (Third Specialist Member)
Cr Lorna Buchan (Local Government Member, City of Rockingham)
Cr Mark Jones (Local Government Member, City of Rockingham)

Officers in attendance

Mr Mike Ross (City of Rockingham)
Ms Casey Gillespie (City of Rockingham)

Minute Secretary

Ms Nicole Gardner (City of Rockingham)

Applicants and Submitters

Mr Trent Will (Taylor Burrell Barnett)
Mr Walt Coulston (CK Group) – Via Zoom
Ms Anna Holloway (Insite Architecture) – Via Zoom
Mr Jonathan Riley (Riley Consulting)

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

2. Apologies

Nil.

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 – Participated in a prior Council decision in relation to Item 8.1.
Cr Mark Jones	8.1	Impartiality Interest Participated in prior Council decision in relation to Item 8.1.

7. Deputations and Presentations

7.1 Mr Trent Will (Taylor Burrell Burnett) presenting in support of the recommendation for the application at Item 8.1. The presentation will address *The presentation will address:*

- An overview of the proposed development and the design considerations.
- Requested modifications to conditions 2, 8, 13 and 16.

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 190 (No. 26) Beckingham Parkway, Baldivis

Development Description:	Childcare Premises
Applicant:	Taylor Burrell Barnett
Owner:	Timothy Houweling as the executor of the will of Marjorie Elsie Feast
Responsible Authority:	City of Rockingham
DAP File No	DAP/21/02091

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

Nil.



10. State Administrative Tribunal Applications and Supreme Court Appeals

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/21/02000 DR203.2021	City of Joondalup	Lot 642 (104) Mullaloo Drive & Lot 643 (20) Stanford Road, Kallaroo	Proposed Child Care Centre	28/09/2021
DAP.21/02016 DR207/2021	City of Joondalup	Centre Lot 667 (73) Kingsley Drive & Kit 666 (22) Woodford Wells Way, Kingsley	Child care Centre	28/09/2021
DAP/21/2047 DR	City of Swan	Lots 136 (26) & 3235 (34) Asturian Drive and Lots 137 (238) & 138 (230) Henley Street, Henley Brook	Proposed education facility	03/12/2021

11. General Business

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

12. Meeting Closure



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	Trent Will
Company (if applicable)	Taylor Burrell Barnett Town Planning and Design
Please identify if you have any special requirements:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	Metro Outer JDAP
Meeting Date	7 February 2022
DAP Application Number	DAP/21/02091
Property Location	26 Beckingham Parkway, Baldivis
Agenda Item Number	8.1

Presentation Details

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



Presentation Content*

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

Brief sentence summary for inclusion on the Agenda	<i>The presentation will address:</i> <ul style="list-style-type: none">• An overview of the proposed development and the design considerations.• Requested modifications to conditions 2, 8, 13 and 16.
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In accordance with Clause 3.5.2 of the [DAP Standing Orders](#), your presentation request must also be accompanied with a written document detailing the content of your presentation.

Please attach detailed content of presentation or provide below:

Refer attached

PRESENTATION SUMMARY

To	Presiding Member, Metro Outer Joint Development Assessment Panel
From	Trent Will, Taylor Burrell Barnett
Date	3 February 2022
DAP Ref	DAP/21/02091
Subject	Presentation in support of Item 8.1 (MOJDAP/151) – Proposed Child Care Premises – Lot 190 (26) Beckingham Parkway, Baldivis

Taylor Burrell Barnett (TBB) acts on behalf of CK Group, the proponent of the proposed childcare centre at Lot 190 (26) Beckingham Parkway, Baldivis. Item 8.1 of the Metro Outer JDAP agenda for 7 February 2022.

We are pleased to note the officer's recommendation of approval. TBB and the project team has worked collaboratively with the City's officers through the course of this development application.

The following sets out the content of our presentation:

Design and Planning Response

- The subject site is located in a growing residential area, diagonally opposite a primary school and is considered a highly suitable location for a child care premises. The centre does not immediately abut any existing residential properties and is assessed to be compliant with the Environmental Noise Regulations.
- The proposal involves the retention of two large Tuart trees and a grove containing Marri and other native trees, which will be transformed into a 'bush kinder' area where children can experience nature based play and learning. Whilst it is not possible to retain all trees on the site, we consider the efforts made are over-and-above the normal expectations for residential zoned land and deliver an exceptional ecological outcome. An arborist has undertaken a tree survey to identify suitability of trees to be retained.
- A substantive effort was made to ensure all relevant environmental and technical matters were considered through the preparation of the development application. The DA was accompanied by the following documents and reports which have been reviewed by officers:
 - Planning report
 - Operations Management Plan
 - Child Care Needs Assessment
 - Landscaping Plans and Playscape Design
 - Transport Impact Statement
 - Acoustic Report
 - Waste Management Plan
 - Bushfire Management Plan
 - Tree Survey (undertaken by a qualified arborist)
 - Environmental Report (Tuart assessment).

We would be pleased to make any of these documents available to the DAP if required.

Conditions

Modifications are sought for conditions 2, 8, 13 and 16 as detailed in **Attachment 1**.

TBB has liaised with the City of Rockingham officers in relation to the requested modifications. To assist the panel, the City's response to each request is included in Attachment 1. It is noted most requests have been agreed between the applicant and officers.

Summary

In summary, the proposal is consistent with the requirements of the planning framework and the site has the ideal context and characteristics for a child care premises. We respectfully request the DAP approves the application as per the officer's recommendation, with the requested conditions changes.

The following representatives will be present at the DAP meeting and available to answer any questions

- Walt Coulston, CK Group.
- Anna Holloway, Insite Architecture.
- Jonathan Riley, Riley Consulting (traffic consultant).

TAYLOR BURRELL BARNETT



TRENT WILL
SENIOR ASSOCIATE

ATTACHMENT 1

REQUESTED MODIFICATIONS TO CONDITIONS OF APPROVAL – PROPOSED CHILD CARE PREMISES – 26 BECKINGHAM PARKWAY, BALDIVIS

Recommended Condition	Requested Modification	Justification	City of Rockingham response
<p>2. Prior to applying for a Building Permit, the plans shall be amended to the satisfaction of the City of Rockingham showing the following modifications:</p> <p>...</p> <p>(vi) Provision of a turning bay for vehicles to turn around and exit in forward gear in accordance with AS2890.1.</p> <p>(vii) Tree numbers T10, T11, T12, T50, T40, T34, T35, T38, T39, T43, T44, T45, T46, T47, T48, T49 as shown on the Tree Reference Table and the Floor Plan shall be included within the boundaries of the Child Care Premises and retained;</p> <p>(viii) Plans clearly depicting the site boundaries of the Child Care Premises as amended by above.</p>	<p>2. Prior to applying for a Building Permit, the plans shall be amended to the satisfaction of the City of Rockingham showing the following modifications:</p> <p>...</p> <p>(vi) Provision of a turning bay for vehicles to turn around and exit in forward gear in accordance with AS2890.1. (delete)</p> <p>(vii) Tree numbers T10, T11, T42, T50, T40, T34, T35, T38, T39, T43, T44, T45, T46, T47, T48, T49 as shown on the Tree Reference Table and the Floor Plan shall be included within the boundaries of the Child Care Premises and retained;</p> <p>(viii) Plans clearly depicting the site boundaries of the Child Care Premises as amended by above, or in accordance with any approved subdivision plan.</p>	<p>vi – turning bay</p> <p>It is requested this condition is deleted as a turning space is already included in the car park adjacent to bay 15, and is consistent with AS2890.1.</p> <p>vii – tree retention</p> <p>It is requested trees 12 and 49 are removed from this condition for the following reasons:</p> <p>Tree 12 (identified as tree 108 on the tree survey) is assessed by the arborist as having 'low retention value'. The assessment identifies the tree is badly topped and has areas of decay which may impact its structural integrity. The tree is situated in the proposed car park and would require significant design changes to retain.</p> <p>Tree 49 is the southernmost tree identified for retention (situated outside the notional boundaries for the child care premises). This tree was not assessed in the tree survey; only suitable sized, advanced trees were assessed. The tree is a small Marri with a trunk diameter of only 200mm and a sparse canopy.</p> <p>Retention of tree 49 will have implications on the accompanying subdivision application as it requires area to be removed from the residential lot(s) and incorporated into the future child care lot. Whilst the subdivision is not a pertinent consideration in this development application, we do not consider the planning framework requires the retention of this (or any of the Marri trees).</p>	<p>vi – City agree to deletion, subject to resolution of waste vehicle manoeuvring (covered by condition 13).</p> <p>vii – City agree to removal of tree 12. City to advise further re Tree 49.</p> <p>viii – City agree to requested modification.</p>

Recommended Condition	Requested Modification	Justification	City of Rockingham response
		<p>It is not considered retention of the tree provides a significant ecological benefit. It is therefore requested this tree is not required to be retained and deleted from the condition.</p> <p>To avoid any uncertainty, a photograph of tree 49 is provided below.</p> <p>viii – child care premises boundaries</p> <p>It is requested the condition is amended to reference an approved subdivision plan given the future boundaries can only be confirmed via a subdivision approval.</p>	
<p>8. A 2.0 wide footpath extending the frontage (to lot 190 Beckingham Parkway) of Reushaw Link connecting to Nairn Drive footpath, to the City's standard specifications shall be provided.</p> <p><i>And</i></p> <p>16 (viii) A 2.0 wide footpath extending the length of Reushaw Link connecting to the existing Nairn Drive footpath.</p>	<p>Replace condition 8 with the following:</p> <p><i>A 2.0m wide footpath connecting to the existing footpath network, extending along Reushaw Link from the eastern side of the vehicle crossover connecting to Nairn Drive footpath, to the City's standard specifications shall be provided. A pedestrian crossing and pram ramp will be required for the connection to the northern side of Reushaw Link to connect to the existing footpath network and shall be located to not interfere with existing crossover to the City's standard specifications.</i></p> <p><i>And</i></p> <p>16 (viii) A 2.0 wide footpath extending the length of Reushaw Link connecting to the existing Nairn Drive footpath. (delete).</p>	<p>The applicant sought modifications as the original condition may infer that the footpath is required to extend the entire frontage of Lot 190 to Reushaw Link.</p> <p>As the child care premises occupies only a portion of Lot 190 (the parent lot), it was requested the footpath is only required to extend the frontage of the child care premises, and not across the future residential lots. There is an existing footpath on the north side of Reushaw Link, which is considered sufficient for a local road and there is no footpath for other residential properties on the south side of Reushaw Link.</p> <p>The suggested condition clarifies that the footpath can terminate at the eastern edge of the crossover (near the pedestrian entry of the child care premises).</p>	<p>City officers have agreed to suggested modifications. Revised wording for condition 8 was prepared by City officers.</p>

Recommended Condition	Requested Modification	Justification	City of Rockingham response
<p>13. Prior to applying for a Building Permit, an amended Waste Management Plan generally in accordance with Waste Management Plan (Project No. TW21097) prepared by Talis Consultants and dated 22 September 2021 must be prepared for the Childcare Premises development only and include the following detail to the satisfaction of the City of Rockingham:</p> <p>(i) the location of bin storage areas and bin collection areas;</p> <p>(ii) the number, volume and type of bins, and the type of waste to be placed in the bins;</p> <p>(iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and</p> <p>(iv) frequency and timing of bin collections of which are to be conducted outside of operating hours only.</p> <p>All works must be carried out in accordance with the Waste Management Plan and maintained at all times, for the duration of development.</p>	<p>13. Prior to applying for a Building Permit, an amended Waste Management Plan generally in accordance with Waste Management Plan (Project No. TW21097) prepared by Talis Consultants and dated 22 September 2021 must be prepared for the Childcare Premises development only and include the following detail to the satisfaction of the City of Rockingham:</p> <p>(i) the location of bin storage areas and bin collection areas;</p> <p>(ii) the number, volume and type of bins, and the type of waste to be placed in the bins;</p> <p>(iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and</p> <p>(iv) frequency and timing of bin collections of which are to be conducted outside of operating hours only.</p> <p>All works must be carried out in accordance with the Waste Management Plan and maintained at all times, for the duration of development.</p>	<p>Waste collection is intended to occur between 10am and 2pm (outside of pick up and drop off times, but within operating times). The applicant initially sought for condition 13(iv) to reflect this approach. However, the City considers parking bays are required for the waste vehicle to manoeuvre and has concerns with collection during this time.</p> <p>It was agreed with City officers that the condition does not need to refer specifically to collection times and this can be resolved through the preparation of the amended Waste Management Plan and the subsequent clearance of the condition.</p>	<p>City officers agree with suggested modifications to condition 13(iv).</p>



Tree 49

**BECKINGHAM PARKWAY, No.26 (LOT 190) BALDIVIS –
PROPOSED CHILD CARE PREMISES**

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

DAP Name:	Metro Outer Joint Development Assessment Panel	
Local Government Area:	City of Rockingham	
Applicant:	Taylor Burrell Barnett	
Owner:	Mr Timothy Houweling (at time of lodgement)	
Value of Development:	\$ 2.1 million <input type="checkbox"/> Mandatory (Regulation 5) <input checked="" type="checkbox"/> Opt In (Regulation 6)	
Responsible Authority:	City of Rockingham	
Authorising Officer:	Mr Peter Ricci, Acting Director Planning and Development Services	
LG Reference:	DD020.2021.00000258.001	
DAP File No:	DAP/21/02091	
Application Received Date:	1 October 2021	
Report Due Date:	27 January 2022	
Application Statutory Process Timeframe:	90 Days, with an additional 28 days agreed.	
Attachment(s):	1. Development Plans 2. Schedule of Submissions 3. External Agency Comments	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	<input checked="" type="checkbox"/> Yes	Complete Responsible Authority Recommendation section
	<input type="checkbox"/> N/A	
	<input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections

Responsible Authority Recommendation

That the Metro Outer Joint Development Assessment Panel resolves to:

- Approve** DAP Application reference DAP21/2091 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the provisions of Clause 68(2)(b) of the Deemed Provisions of the City of Rockingham Town Planning Scheme No. 2 and pursuant to Clause 26 of the Metropolitan Region Scheme, subject to the following conditions:

Conditions

- This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
- Prior to applying for a Building Permit, the plans shall be amended to the satisfaction of the City of Rockingham showing the following modifications:
 - Deletion of the 'Demolition and Consolidation Plan' forming part of the Site Plan;
 - Fencing heights and treatments to the site boundaries shall be consistent with the recommendations contained within the Environmental Acoustic Assessment (Reference 28391-3-2129; Rev 2), prepared by Herring Storer Acoustics and dated September 2021;

- (iii) Fencing heights to the Reushaw Link frontage shall have a finished maximum solid height of 1.4m above natural ground level, with any fence treatment above the 1.4m height being visually permeable as defined by the R-Codes;
 - (iv) Uniform fencing (solid walls), contiguous with the adjoining fencing abutting the site to the south, along the Nairn Drive frontage shall be provided;
 - (v) Delete all 'Gate' references from the vehicle crossing entry;
 - (vi) Provision of a turning bay for vehicles to turn around and exit in forward gear in accordance with AS2890.1.
 - (vii) Tree numbers T10, T11, T12, T50, T40, T34, T35, T38, T39, T43, T44, T45, T46, T47, T48, T49 as shown on the Tree Reference Table and the Floor Plan shall be included within the boundaries of the Child Care Premises and retained;
 - (viii) Plans clearly depicting the site boundaries of the Child Care Premises as amended by above.
3. No more than 82 children are to be accommodated by the Child Care Premises at any time, for the duration of the development.
 4. No more than fifteen (15) staff are permitted at the Child Care Premises at any time, for the duration of the development, and generally only during the peak periods of operation being 9.30am to 4.00pm weekdays.
 5. The Child Care Premises must only operate between the hours of 6:30am to 6:30pm, Monday to Friday, with children not permitted in the open space areas until after 7:00am. Staff are permitted to access the site from 6.00am.
 6. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineering showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval. All stormwater generated by the development must be managed in accordance with Planning Policy 3.4.3 - Urban Water Management to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.
 7. Prior to the commencement of works a Construction Management Plan must be submitted and approved by the City of Rockingham. The Construction Management Plan shall include, but not be limited to, the following:
 - (i) A Dust, Noise and Vibration Management Plan;
 - (ii) Detail how access roads to and all trafficable areas on the site/s will be treated and maintained to prevent or minimise the generation of airborne dust;
 - (iii) How any stockpiles on site/s are to be managed;
 - (iv) Construction waste disposal strategy and location of waste disposal bins;
 - (v) How materials and equipment will be delivered and removed from the site/s; and
 - (vi) Parking arrangements for contractors.

All works must be carried out in accordance with the approved Construction Management Plan and maintained at all times, for duration of the development.
 8. A 2.0 wide footpath extending the frontage (to lot 190 Beckingham Parkway) of Reushaw Link connecting to Nairn Drive footpath, to the City's standard specifications shall be provided.
 9. The crossover shall be designed and constructed in accordance with the City's Commercial Crossover Specifications.

10. The carpark must:
 - (i) provide a minimum of 23 car parking spaces;
 - (ii) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 3 of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking prior to applying for a Building Permit;
 - (iii) provide one (1) car parking space dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
 - (iv) be constructed, sealed, kerbed, drained and clearly marked prior to the development being occupied and maintained thereafter;
 - (v) have lighting installed, prior to the occupation of the development, to the satisfaction of the City of Rockingham; and
 - (vi) confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282-1997, Control of the obtrusive effects of outdoor lighting, at all times.
11. Prior to applying for a Building Permit, the Parking Restriction Plan contained within the Environmental Acoustic Assessment (reference 28391-3-21295; Rev 2), prepared by Herring Storer Acoustics and dated September 2021, shall be updated to correctly reflect the car parking layout and development plans as amended by the condition of this Development Approval.
12. Car parking shall be managed for the duration of the development in accordance with the Parking Restriction Plan required by condition 12.
13. Prior to applying for a Building Permit, an amended Waste Management Plan generally in accordance with Waste Management Plan (Project No. TW21097) prepared by Talis Consultants and dated 22 September 2021 must be prepared for the Childcare Premises development only and include the following detail to the satisfaction of the City of Rockingham:
 - (i) the location of bin storage areas and bin collection areas;
 - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
 - (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
 - (iv) frequency and timing of bin collections of which are to be conducted outside of operating hours only.

All works must be carried out in accordance with the Waste Management Plan and maintained at all times, for the duration of development.
14. Prior to applying for a Building Permit, a bin storage area must be designed with a size suitable to service the development and screened from view of the street to the satisfaction of the City of Rockingham. The bin storage area must be constructed prior to the occupation of the development and must be retained and maintained in good condition for the duration of the Development.

15. Prior to the occupation of the development, a Final Acoustic Assessment must be prepared and provided to the City of Rockingham which demonstrates to City's satisfaction, that the completed development complies with the Environmental Protection (Noise) Regulations 1997. The Final Acoustic Assessment must include the following information:
 - (i) noise sources compared with the assigned noise levels as stated in the Environmental Protection (Noise) Regulations 1997, when the noise is received at the nearest "noise sensitive premises" and surrounding residential area;
 - (ii) tonality, modulation and impulsiveness of noise sources; and
 - (iii) confirmation of the implementation of noise attenuation measures. Any further works must be carried out in accordance with the Acoustic Report and implemented as such for the duration of the development.

16. Prior to applying for a Building Permit, a Landscaping Plan to the satisfaction of the City of Rockingham must be prepared and include the following detail:
 - (i) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - (ii) Any lawns to be established and areas to be mulched;
 - (iii) Any natural landscape areas and trees to be "retained" or "possible retention" as shown on the approved plans;
 - (iv) Tree Protection Zones and Structural Root Zones for all trees identified in (iii) above across the site;
 - (v) Those areas to be reticulated or irrigated, acknowledging that groundwater source cannot be used for this site.
 - (vi) Proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas;
 - (vii) Shade trees at a rate of one (1) per four (4) car parking bays;
 - (viii) A 2.0 wide footpath extending the length of Reushaw Link connecting to the existing Nairn Drive footpath.

The landscaping, paving and reticulation must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham for the duration of the development.

17. Prior to applying for a Building Permit, a Vegetation Retention Management Plan shall be submitted to and approved to the satisfaction of the City of Rockingham for all trees identified for retention on the approved plans. The Vegetation Retention Management Plan shall detail the measures for retention during the construction period, in accordance with Australian Standard AS 4970—2009, Protection of trees on development sites.

Should any of the earmarked trees become no longer suitable for retention or possible retention due to damage caused by site works, prior written approval is required from the City in order to remove the tree.

18. Groundwater abstraction shall be prohibited.

Advice

1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application a fresh application for Development Approval must be submitted to the City.
2. A Certified Building Permit must be obtained prior to any demolition or construction and thereafter an Occupancy Permit must be obtained; the applicant and owner should liaise with the City's Building Services in this regard.

3. Any existing effluent disposal system servicing the dwelling may need to be decommissioned with any demolition works; the applicant and owner should liaise with the City's Health Services in this regard.
4. The development must comply with the Health (Public Building) Regulations 1992; the applicant and owner should liaise with the City's Health Services in this regard.
5. The development must comply with the Food Act 2008, the Food Safety Standards and Chapter 3 of the Australian New Zealand Food Standards Code (Australia Only); the applicant and owner should liaise with the City's Health Services in this regard.
6. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant and owner should liaise with the City's Building Services in this regard.
7. With respect to Condition 16, the applicant and owner should liaise with the City's Land Infrastructure and Development Services to confirm requirements for landscaping plans.
8. All works in the road reserve, including construction of a crossover or footpath, installation of on-street car parking spaces, planting of street trees, bicycle parking devices, street furniture and other streetscape works and works to the road carriageway must be to the specifications of the City; the applicant and owner should liaise with the City's Land Infrastructure and Development Services in this regard.
9. The development must comply with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004; the applicant and owner should liaise with the Department of Environment Regulation in this regard.
10. The applicant is reminded of the obligation to refer the proposed action to the Department of Agriculture, water and Environment (DAWE) to determine whether the assessment requires formal assessment and approval by the Federal Government for impacts to the Tuart Woodlands and Forests of the Swan Coastal Plain Threatened Ecological Community.
11. The applicant is advised that in respect of Condition 6, a Stormwater Management Plan will require compliance with Planning Policy 3.4.3 - Urban Water Management. The applicant is encouraged to discuss the specific policy requirements with the City prior to the submission of the plan.
12. It is recommended that the applicant engage a suitably qualified arborist to provide advice on construction techniques when works encroach within a Tree Protection Zone.
13. In respect of Condition 18, Lot 190 on Deposited Plan 60727, as shown on certificate of title 2707/136, was part of former Lot 308 on Deposited Plan 202704, as shown on certificate of title 1693/675. Lot 308 was classified under the Contained Site Act as remediated for restricted use on 9 September 2009 and a memorial (reference number K893623) was placed on the certificate of title. Based on the information provided, former Lot 308 and therefore current Lot 190 is regarded suitable for residential and other sensitive land uses (such as primary schools and childcare centres) provided groundwater is not abstracted for residential purposes.

Details: outline of development application

Region Scheme	Metropolitan Region Scheme
Region Scheme Zone/Reserve	Urban
Local Planning Scheme	Town Planning Scheme No.2
Local Planning Scheme Zone/Reserve	Residential (R20)
Structure Plan/Precinct Plan	N/A
Structure Plan/Precinct Plan Land Use Designation	N/A
Use Class (proposed) and permissibility:	Child Care Premises – “A” use
Lot Size:	7,942m ²
Number of Dwellings:	N/A
Existing Land Use:	Vacant Land
State Heritage Register	No
Local Heritage	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Heritage List <input type="checkbox"/> Heritage Area
Design Review	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other
Bushfire Prone Area	Yes
Swan River Trust Area	No

Proposal:

The application seeks Development Approval for a single storey, 82 place Child Care Premises (CCP) with 15 staff, inclusive of the following:

- Foyer and Reception area;
- 2 x Atelier rooms;
- 5 x Group Rooms catering for age groups 0-5 years as follows:
 - Group Room 1: 0-24 months (12 spaces);
 - Group Room 2: 24-36 months (15 spaces);
 - Group Room 3 -5: 36 months and older (55 spaces);
- Outdoor Play Areas with shade sails;
- Outdoor storage shed; and
- External bin store to the south of the building.

A total of 23 on-site car parking bays to the west of the CCP building are proposed, with vehicle access proposed from Reushaw Link via a 5.5m wide crossover.

The proposed hours of operation are 6:30am to 6:30pm on weekdays. Staff will access the site from 6:00am to allow for Centre set up for the day’s activities. Staff may also be on-site for up to an hour at the end of each day for general cleaning activities. Occasional openings (4 per year) may occur between the hours of 8:00am and 5:00pm on Saturdays, purely for community open days and/or marketing purposes.

A number of trees are proposed for retention across the development site, and are incorporated into the design of the car parking and entry area and play areas to the south of the development. Fencing is proposed to all boundaries of the CCP comprising a mix of solid and open style treatments at varying heights.

Background:

Site and Locality

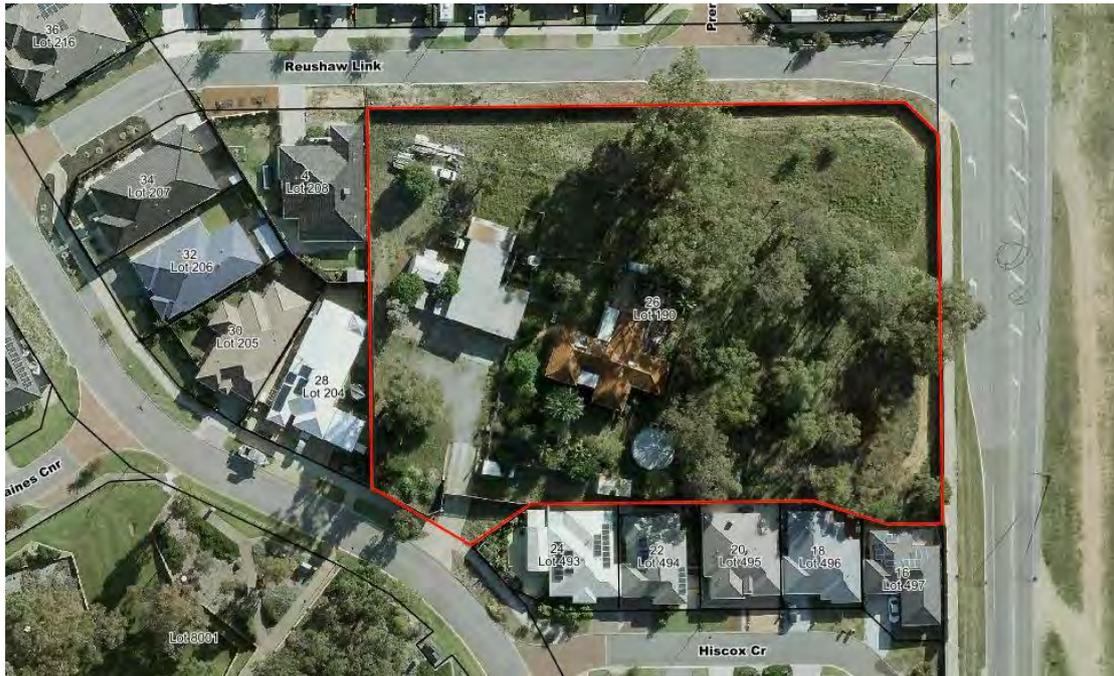
The subject site is located within a suburban context, with the immediate area having been redeveloped from its former rural use in the late 2000's with land uses now of an urban nature.

The subject site is bound by Reushaw Link to the north, Nairn Drive to the east and Beckingham Parkway to the south-west. Baldvis Primary School is located to the south-east of the site on Nairn Drive and Baldvis Reserve further east which includes an oval, bushland and a Recreation Centre.



1. Location Plan

The subject site contains a Single House (former homestead) and a small collection of outbuildings. Two Single Dwellings adjoin the western boundary of the subject site and five Single Dwellings along the southern boundary of the subject site.



2. Aerial Photograph of the Subject Site

The proposed CCP is located on the north-eastern corner with direct frontage to Reushaw Link and Nairn Drive. For clarity, CCP site is referred to as the development site throughout this report.



3. Development Site

The development site area has a land area of 2,740m², is generally rectangular in shape, bordered by existing trees to its south extending across the site in a diagonal pattern from Nairn Drive toward the Reushaw Link property boundary.

The subject site contains over 70 trees including Tuarts and Marris and a number of Jarrah and Eucalyptus trees. Figure 4 below illustrates the grove of Marri trees on the south-eastern portion of the development site, whilst Figure 5 illustrates the Tuarts on the Reushaw Link frontage.



4. Grove of Marri Trees



5. Tuarts along Reushaw Link Frontage

Whilst this Development Application is for a CCP only, it is important to note that two (2) residential Subdivision Applications for the balance of the subject site have been lodged with the Western Australian Planning Commission (WAPC) simultaneously and are pending determination. If approved, the subdivisions will create three (3) freehold lots fronting Reushaw Link, along with the development site and eight (8) survey strata lots accessible via common property from Beckingham Parkway. The indicative lot configurations are illustrated on Figure 6 below.



6. Development Site and Proposed Subdivision Layout on the Subject Site

Legislation and Policy:

Legislation

- Planning and Development Act 2005
- Metropolitan Region Scheme
- Town Planning Scheme No.2
- Planning and Development (Local Planning Schemes) Regulations 2015
- Environmental Protection (Noise) Regulations 1997

State Government Policies

- State Planning Policy 3.7 - Planning in Bushfire Prone Areas
- State Planning Policy 7.0 - Design of the Built Environment
- State Planning Policy 7.3 - Residential Design Codes Volume 1

Structure Plans/Activity Centre Plans

Not Applicable

Local Policies

- Planning Policy 3.3.5 - Child Care Premises
- Planning Policy 3.3.14 - Bicycle Parking and End of Trip Facilities
- Planning Policy 3.4.3 - Urban Water Management
- Planning Policy 3.4.2 - Subdivision Fencing

Consultation:

Public Consultation

The application was advertised for public comment in the following manner:

- Landowners and occupiers identified on the Consultation Map below (Image 7) were notified in writing of the proposed application;
- Two (2) signs were erected on the subject site, one fronting Nairn Drive and one fronting the Reushaw Link frontage for the duration of the consultation period;
- The application was made available for public inspection at the City's Administration Offices and published on the City's website; and
- Submissions were requested over a 15 day period, between 6 October and 21 October 2021.

Six (6) submissions were received at the conclusion of the advertising period, including:

- One (1) submission in support; and
- Five (5) submissioners having objected or raised concerns.

Two (2) of the submissions received were from outside of the consultation area.



7. Consultation Map

Matters raised in the submissions objecting to the proposal are summarised within the table below by theme, including the City's responses to submission objections.

Issue Raised	Officer's comments
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<p>Need and Location There are existing Child Care Premises within Baldivis with vacancies and staffing shortfalls. The appropriateness and timing of the development will affect property sales and values.</p>	<p>The appropriateness of the CCP in the proposed location has been considered against PP3.3.5 and the objectives of the Residential zone under TPS2.</p> <p>Impacts on property value is not a valid planning consideration. It is the impact on amenity by this proposal that is the relevant planning matter which has been discussed in the Planning Assessment section of this report.</p>
<p>Traffic and Car Parking Concern that the development will bring increased traffic flow to the area and traffic conflicts on Reushaw Link, particularly in light of a car parking shortfall.</p>	<p>The City considers that the development is not likely to have an unacceptable impact on the surrounding road network.</p> <p>Outstanding traffic related matters as well as the onsite car parking shortfall, are discussed in the Planning Assessment section of this report.</p> <p>Should the MOJDAP be of mind to support the development, conditions of Development Approval should include;</p> <ul style="list-style-type: none"> • Maximum staff numbers of 15 on site at any time, and rostered such that car parking can be managed as proposed; • Modification of the Parking Restriction Plan to be true and correct for the development; and • Inclusion of a turning bay to ensure vehicles can turn and exit the site in forward gear in accordance with AS2890.1.
<p>Noise Concern that noise, including car doors from 6am, and the location of the play areas will disrupt noise amenity to local residents.</p>	<p>The Acoustic Assessment has been reviewed and is supported by the City's Health Department.</p> <p>Should the MOJDAP be of mind to support the proposed development, conditions of Development Approval should be included consistent with the recommendations of the Applicant's Acoustic Assessment as they relate to acoustic fence treatments, daily hours of operation and car parking noise mitigation measures.</p>
<p>Tree Retention and Landscaping It is unclear from the plans whether all trees on the site are to be retained. It appears that some of the tallest trees with greatest visual prominence along Nairn Drive may fall within a proposed allotment boundary and would therefore be cleared in order to accommodate private residential development.</p>	<p>Throughout the initial assessment of this Development Application there has been inconsistencies between the Tree Surveys, Arborist Report and Development Plans with respect to clearly identifying all trees nominated for retention and possible tree retention. The City notes the proposed reconfiguration boundaries presented by the undetermined Subdivision Applications lodged over the subject site, and confirms the Applicant has indicated that tree retention as proposed by this Development Application cannot be confirmed based on the intentions for earthworks associated with the proposed subdivision alignments. Notwithstanding this, this Development Application has been assessed having regard to the current and defined site boundaries and existing site features, not the proposed future intentions</p> <p>Based on the documentation provided by the Applicant for the Development Site, the Applicant proposes retention of 11 of the 27 trees identified, whilst the City is of the opinion that 16 of the 27 should be retained. Considering that the Applicant has premised the design of the CCP on tree retention outcomes, to ensure this is achieved, through the conditions of Development Approval the 16 trees can be specified for retention.</p> <p>Deletion of the indicative Demolition and Consolidation Plan for the entire site from the proposed plans will clearly reflect the</p>

	<p>CCP development only without implying subdivisional intent or associated tree clearing across the subject site. Furthermore, the City considers the indicative boundary for the CCP should be informed by tree retention, and not development potential.</p> <p>Should the MOJDAP be of mind to support the development, condition of Development Approval should be included as follows:</p> <ul style="list-style-type: none"> • Prior to applying for a Building Permit, the plans shall be amended to the satisfaction of the City of Rockingham showing the following modifications Tree numbers T10, T11, T12, T50, T40, T34, T35, T38, T39, T43, T44, T45, T46, T47, T48, T49 as shown on the Tree Reference Table and the Floor Plan shall be included within the boundaries of the Child Care Premises and retained. • Prior to applying for a Building Permit, a Vegetation Retention Management Plan must be submitted and approved by the City of Rockingham for all trees identified for retention and possible retention on the approved plans. If any of the earmarked trees become no longer suitable for retention due to damage caused by site works, prior written approval is to be required from the City in order to remove tree/s.
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All public submissions are contained within Attachment 2.

Referrals/consultation with Government/Service Agencies

The following government departments and service agencies were consulted:

- Department of Health (DoH);
- Department of Water and Environmental Regulation (DWER);
- Department of Fire and Emergency Services (DFES);
- Department of Education (DoE);
- Department of Planning, Lands and Heritage (DPLH); and
- Water Corporation (WC).

The following summarises the comments received:

1. Department of Health (DoH)
<p>The site is the Balance Lot (Lot 26) retained after a residential subdivision in 2010. During the subdivision, investigations identified soil and groundwater contamination which required remediation and management which triggered a classification of the whole subdivision area (including Lot 26) as Remediated for Restricted Use.</p> <p>DOH is unclear whether the Balance Lot (Lot 26) was adequately investigated or remediated at that time and the proponent should seek clarification from DWER and obtain a copy of the Mandatory Auditors Report prepared at that time as evidence of the works done.</p> <p>In any event, the existing farmhouse may contain hazardous material including asbestos, agrochemicals and fuel oils associated with the previous land use which should be removed prior to any demolition, clearance or redevelopment of the site. This process is best managed through an appropriate contamination condition(s) and this process is best managed through an appropriate contamination condition(s) and subject to an independent review by an accredited Contaminated Sites Auditor under regulation 31(1) of the Contaminated Sites Regulations Act 2006. The proponent may wish to discuss this matter further with DWER.</p>
<u>City's Comment:</u>

The City notes the advice above and recommends a condition of Development Approval prohibiting the use of groundwater, per advice received by DWER immediately below.

2. Department of Water and Environmental Regulation (DWER)

Native Vegetation

The proposed clearing for the Bushfire Protection Zone (BPZ) surrounding the building may be exempt from the requirement for a clearing permit under Schedule 6, Clause 1 of the EP Act. Please note that this exemption would only apply if the clearing is in accordance with the City of Rockingham's Fire Control Notice. The clearing for a BPZ may also be exempt under Regulation 5, Item 1 if it is specified and considered within the Development Approval, noting that this exemption relates to clearing to the extent necessary for a building or structure.

The proposed clearing for the grassed play area is unlikely to be exempt and a clearing permit is likely to be required. Any clearing that is not consistent with the requirements of an exemption will require a clearing permit, this may include areas of clearing associated with the playground.

Contaminated Site (CS)

Land at Lot 190 on Deposited Plan 60727, as shown on certificate of title 2707/136, was part of former Lot 308 on Deposited Plan 202704, as shown on certificate of title 1693/675. Lot 308 was classified under the CS Act as remediated for restricted use on 9 September 2009 and a memorial (reference number K893623) was placed on the certificate of title. The memorial was subsequently transferred to the certificate of title for Lot 190.

The classification was based on the findings of several soil and groundwater investigations between April 2006 and January 2008. Following remediation of metal and pesticide-impacted soil, no potential contaminants remain within the soils of the site. However, metal and nutrient-impacted groundwater identified during the investigations may remain at concentrations exceeding Australian Drinking Water Guidelines and Irrigation Guidelines as published in Assessment and management of contaminated sites' (Department of Environment Regulation, 2014).

Based on the information provided, former Lot 308 and therefore current Lot 190 was regarded suitable for residential and other sensitive land uses (such as primary schools and childcare centres) provided groundwater is not abstracted for residential purposes.

DWER has no objection to the proposed development.

City's Comment:

The City notes the advice above and recommends a condition of Development Approval prohibiting the use of groundwater.

3. Department of Fire and Emergency Services (DFES)

BMP Context

The Bushfire Management Plan (BMP) appears to be for a combined subdivision and development application (DA). There is no context within the BMP of the proposed childcare centre (number of children etc.). The BMP should form part of the development application approval and should only contain compliance statements against the bushfire protection criteria for the childcare centre. (For example, the EAW mentioned in compliance statement for vehicular access A3.6 is not applicable to the DA.

Section 4 Implementation and enforcement should also be updated to only include the bushfire management measures relevant to the childcare centre.)

Landscape Management Plan

The development application report shows the retention of 15 trees within close proximity to the childcare centre for a 'kinder bush play area'. It is unclear if this proposal meets the requirements of Schedule 1 of the Guidelines. Tree Modification to the BMP is required. Canopies appear to be overhanging the building. A Landscape Management Plan should be prepared to provide certainty that any retained vegetation will meet the requirements of Schedule 1.

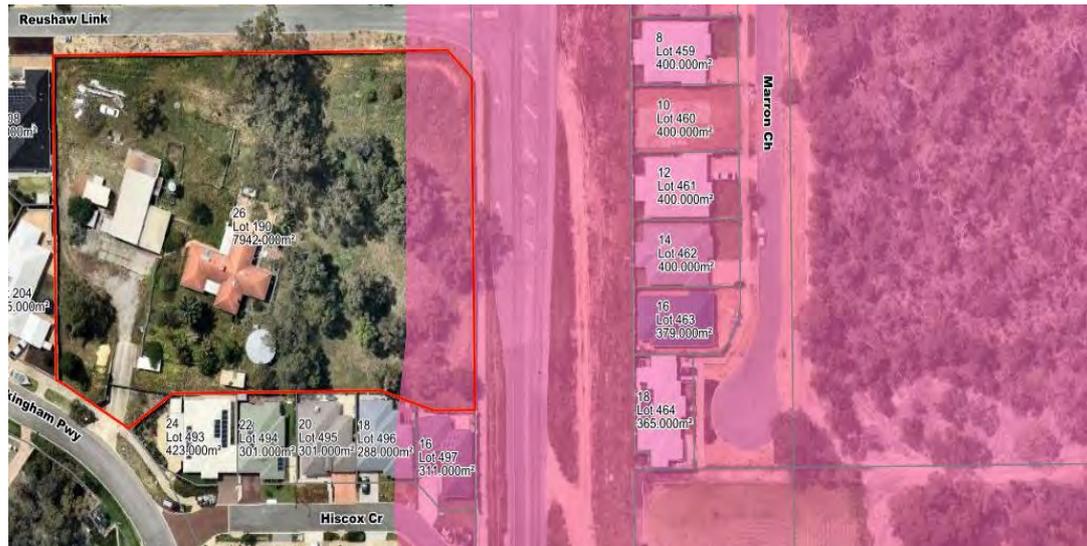
The development application and the BMP have adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection

criteria can be achieved. However, modifications to the BMP are necessary to ensure it accurately identifies the bushfire risk and necessary mitigation measures. As these modifications will not affect the development design, these modifications can be undertaken without further referral to DFES. If minded to approve the development application, the Local Government should be satisfied that relevant policy measures are complied with.

City's Comment:

BMP Context

Only a portion of the subject site parallel to Nairn Drive for a width of approximately 16m is mapped 'Bushfire Prone' pursuant to State Planning Policy 3.7 - Planning in Bushfire Prone Areas, as illustrated below:



Only a minor portion of the CCP building and associated outdoor area are subject to the State Planning Policy. The applicant provided an updated BMP removing reference to the Asset Protection Zone (APZ) extending along the Nairn Drive frontage for the CCP development. As the proposed CCP building is setback 91m from the nearest classified vegetation, an APZ was not required. The proposal satisfies the requirements for bushfire mitigation.

4. Department of Planning, Lands and Heritage (DPLH)

Transport Impact Assessment

The report states that the development will generate 436 vehicle trips per day when combined with proposed 11 residential lots (93 and 43 trips during AM and PM peak hour periods respectively).

All access will be obtained via Reushaw Link with no access to Nairn Drive. SIDRA analysis for the Nairn Drive/Reushaw Link intersection shows satisfactory performance with minimal delays and queuing for AM peak hour periods to 2022. The 2032 10 year horizon scenario shows longer delays for right turning movements (LOS: D). DPLH has no objection to the proposal on ORR planning grounds.

City's Comment:

Noted.

5. Water Corporation (WC)

Water Corporation has no objection to this development application.

City's Comment:

Noted.

No comments were received from the DoE.

A copy of the External Agency comments are contained within Attachment 3.

Design Review Panel Advice

Not Applicable

Swan Valley Planning

Not Applicable

Planning Assessment:

The proposal has been assessed against all the relevant legislative requirements of the Scheme, State and Local Planning Policies, as outlined in the Legislation and Policy section of this report.

The following matters have been identified as key considerations for the determination of this application:

- Land Use Appropriateness;
- Design (Context, Character and Landscaping);
- Fencing;
- Noise Impacts; and
- Car Parking.

Land Use Appropriateness

Provision	Requirement	Proposal	Assessment
<i>Clause 4.1.1 - Residential Zone Objective of TPS2</i>	<i>"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."</i>	A CCP is a 'A' land use within the Residential Zone under TPS2.	The locality is a newly developing residential area and as such, the proposed CCP will provide an amenity to the existing and future residents of the locality, as well as complementing the Primary Schools to the south east and north west of the site. The design is single storey, residential appearance in nature, taking cues from the nearby residential context. A Needs Analysis has been submitted with the Development Application which concludes that based on the community profile and current demand in the area, the proposed CCP is validated. The City concurs with the findings.

Design (Context, Character and Landscaping)

The design principles of SPP7.0 considered compromised by the design outcome uncertainties are summarised below:

Design Principle	Applicant's Response	City's Assessment
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Context and Character		
<p>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</p>	<p>A combination of pitched and skillion roof elements have been incorporated to maintain consistency with the existing context of the area, whilst also presenting a visually appealing design.</p> <p>The proposal incorporates a verandah as it faces Reushaw Link, consistent with the suburban context of the site, and having regard to the site's history as a former homestead.</p> <p>Vehicular access is proposed to be provided from one crossover to Reushaw Link in an effort to limit streetscape character impacts. The use of high-quality open style fencing along the outdoor play spaces is also proposed with extensive landscaping that is anticipated to complement the established character of the area.</p> <p>The use of a range of building materials commonly used on new houses in the locality, punctuated by use of colour that create an attractive feature and reinforce peoples' intuitive understanding of the building's intended use is proposed. The building is articulated with cladding where possible, aluminium framed windows and paint finish vertical cladding, which in combination with the pitched and flat Colorbond roof, creates an attractive well-articulated building.</p>	<p>The building design generally responds to and is complementary to the residential local area in regards to scale, massing, proposed materials and building height.</p> <p>The subject site, however, provides a distinctive characteristic attribute to the local area by virtue of the well-established tree presence across the site. The discrepancy in tree retention Vs potential tree retention requires further assessment in order to ensure context and character is appropriately considered. This matter is further discussed as part of the City's assessment of principle 2- Landscape Quality.</p> <p>The fencing heights and treatments presented are in conflict with the requirements recommended by the Acoustic Assessment and the residential design principles of SPP7.3 for fences and solid walls. Through conditions of Development Approval, fencing heights and treatments can be amended to reflect an optimum design outcome that is responsive to the context and character of the local area whilst achieving the minimum Acoustic Assessment recommendations.</p>
Design Principle	Applicant's Response	City's Assessment
Landscape Quality		
<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</p>	<p>The child care premises has been designed to complement the natural landscape as much as possible, with the building being designed around the retention of significant onsite trees.</p> <p>This occurs in two parts:</p>	<p>The City acknowledges the extent of the implied tree retention shown to be incorporated into the design.</p> <p>The retention of and inclusion of the grove of Marri trees and Tuarts on site is central to the theme presented by the Applicant. The grove of Marri Trees provides a wider ecological benefit to the</p>

	<ol style="list-style-type: none"> 1. Two large Tuart trees to be retained at the Reushaw Link street frontage, between the building and the car park. 2. A patch of trees to the south of the childcare centre to be retained and repurposed as a 'bush kinder', providing children a learning and play area in a natural environment. <p>The retention of these trees will assist in the protection of the natural existing environmental ecosystems onsite, whilst also improving its visual appeal to the staff and children utilising the child care premises. In addition, the retention of these trees and the implementation of additional landscaping throughout the design will enhance the local environmental context, to maintain the existing tree canopy, to reduce the urban heat island impact, and to provide significant shade to staff and children.</p> <p>Extensive landscaping is also proposed to be included internal to the site, including elements within both outdoor play areas. Soft landscaping is to be complemented by quality paving materials for the hard-landscaped areas (pedestrian footpaths).</p> <p>The combination of paving materials and soft landscaping is designed to facilitate ease of long-term management and maintenance, whilst also enhancing the visual appeal of the playscape.</p>	<p>broader fauna community and provides a sustainable natural amenity that the community appreciate and value. Figure 8 below illustrates the Marri trees presence when viewed from the public realm of Nairn Drive.</p> <p>The City notes the proposed reconfiguration boundaries presented by the undetermined Subdivision Applications lodged over the subject site, where the applicant has indicated that tree retention as proposed by this Development Application cannot be confirmed based on the intentions for earthworks associated with the proposed subdivision alignments.</p> <p>To ensure these natural features are retained where possible and realised by the resultant development, conditions of Development Approval should be included to ensure the trees identified for retention and possible retention are managed through a Vegetation Management Plan and the CCP southern boundary determined by this detail and not a future indicative boundary.</p>
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8. Grove of Marri Trees viewed from Nairn Drive

Fencing

Assessment against SPP7.3 Volume 1 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.

The proposed fencing treatments and heights to the street frontages exceed the limits expressed in SPP 7.3 proposed at heights ranging from 1.4m to 2.1m in lieu of 1.2m solid height. Fencing heights and styles have been recommended in the Acoustic Assessment in accordance with noise modelling and are considered appropriate for the development and respond to the residential character and streetscape.

Whilst the proposed development is not for residential purposes nor the subject of a subdivision, the site however, is located within the Residential zone, and presents as an infill site between sites created through the residential subdivision process. Assessment against the PP3.4.2 is considered appropriate to ensure the development has regard to the presiding local context to achieve a harmonious design outcome, particularly in regards to fencing and specifically as there is no guarantee that the subdivision applications will be determined favourably.

Assessment against relevant criteria is detailed below:

Provision	Requirement	Proposal	Assessment
Clause 5.2.4 of SPP7.3	Solid fences and walls to a maximum height of 1.2m, unless attenuation for traffic impacts are appropriate or necessary.	2.1m high, solid fencing with Perspex infill panels for portion of Reushaw Link frontage, balance to be Garrison style open fence.	The fencing heights and styles presented on the proposed development plans are inconsistent with the recommendations of the acoustic assessment and do not address the relevant design principles pertaining to street fencing and walls under cl.5.2.4 of SPP7.3.

			To achieve a balanced outcome that is in keeping with the acoustic assessment recommendations and the residential character, it is recommended that the fencing heights and styles be specified by way of conditions of Development Approval requiring submission of amended plans consistent with the recommendations of the Acoustic Assessment and consistent with the design principles for street walls and fencing under SPP7.3. Additionally, any portion of the solid fence for that extent of Reushaw Link frontage required to be attenuated above 1.4m, as recommended by the Acoustic Assessment, shall be of permeable material. This measure is considered to reduce the massing presented and provide a street interface more in keeping with the existing streetscape of the locality.
Provision	Requirement	Proposal	Assessment
PP3.3.5 – Design Considerations	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.	The fencing generally is of masonry construction with Perspex panel infills.	The proposal does not comply with solid fencing with infill panels proposed on the Reushaw Link street frontage; and open style fencing proposed to the Nairn Drive frontage. Fencing heights and styles consistent with the Acoustic Assessment can be managed via conditions of Development Approval.
Provision	Requirement	Proposal	Assessment
PP3.4.2 – Subdivision Fencing	Where perimeter subdivision fencing is approved along a road reserve, it is considered that for the purposes of amenity and public	Open style fencing proposed to the extent of the CCP development site only along Nairn Drive.	Fencing along the Nairn Drive frontage, both to the north and south of the development site, has been established in accordance with the provisions of PP3.4.2. For

	safety, uniform or complementary fencing heights and styles be utilised.		completeness and to reduce visual amenity impacts, the City considers that the balance of the boundary of the subject site along Nairn Drive should be fenced consistent with the existing fencing (refer Image 9). This matter can be addressed via a condition of Development Approval.
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9. Fencing Interface Along Nairn Drive

Noise Impacts

Provision	Requirement	Proposal	Assessment
PP3.3.5- Hours of Operation	For Child Care Premises in Residential areas, hours of operation will be restricted to 6.30am to 7.00pm, unless otherwise agreed to by the Council.	Proposed hours of operation are 6:30am - 6:30pm, with staff accessing the site from 6:00am. Clientele/children to be permitted in outdoor areas only after 7:00am.	Non-compliant, however can be managed via conditions of Development Approval consistent with the recommendations of the Acoustic Assessment.

Car Parking

Provision	Requirement	Proposal	Assessment
PP3.3.5- Car Parking and Clause 4.15.1.3 of TPS2	Parking to be provided at the rate of 1 bay per 8 children plus 1 bay per staff. A total of 26 required	Provision of 23 car parking spaces on site, representing a shortfall of 3 spaces.	The City accepts the Applicant's arguments in support of the shortfall, particularly noting the efforts and intentions by the Applicant to retain Tuart trees on the site to achieve a balanced design outcome whilst catering for car parking demand. The proposed staff rostering to ensure that a maximum number of staff, being 15, are only on site outside of peak periods will assist in

			<p>managing car parking demand.</p> <p>There are outstanding concerns with regards to the turning area provided so that vehicles can turn and exit the site in forward gear, particularly visitor car park bays located at the southern end of the car parking area. Amended plans demonstrating compliance with AS2890.1 are recommended as a condition of Development Approval to ensure safe and practical manoeuvring throughout the site.</p> <p>Through conditions of Development Approval the car parking can be managed to ensure peak periods are managed to negate car parking shortfalls in line with staff rosters and the Acoustic Assessment recommendations.</p>
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Conclusion:

The proposed CCP development provides a community service benefit and is considered compatible with the existing surrounding context of the locality.

The layout of the development proposed by the Applicant relies on indicative boundaries which are subject to approval under separate Subdivision Applications that are yet to be resolved at the time of preparation of this report. Consequently, the City considered it appropriate to undertake assessment of the CCP against the parent site boundaries.

The design of the CCP relies on the retention of a number of trees across the site to achieve a balanced design outcome. To achieve this, the City recommends that 16 of 27 trees across the Development Site be retained and incorporated into the design which can be achieved by virtue of appropriately worded condition of Development Approval.

A number of management plans and details provided by the Applicant have been provided on the basis of a site being development for a CCP and residential subdivisions. As such, the Waste Management Plan and Parking Restriction Plan are recommended to be updated to reflect the CCP development only.

The City is satisfied that these matters can be adequately addressed by conditions of Development Approval and as such, it is recommended that the application be conditionally approved.

PROPOSED CHILDCARE CENTRE

26 BECKINGHAM PARKWAY, BALDIVIS W.A.



DRAWING REGISTER PLANNING

SHEET NUMBER	SHEET NAME	ISSUE	DESCRIPTION	DATE
DA00	COVER SHEET	3	DEVELOPMENT APPLICATION RFI	29/11/2021
DA01	SITE PLAN	3	DEVELOPMENT APPLICATION RFI	29/11/2021
DA02	FLOOR PLAN	3	DEVELOPMENT APPLICATION RFI	29/11/2021
DA03	ELEVATIONS	3	DEVELOPMENT APPLICATION RFI	29/11/2021

ISSUE	DESCRIPTION	DATE
3	DEVELOPMENT APPLICATION RFI	29/11/2021
2	DEVELOPMENT APPLICATION ISSUE	27/09/2021
1	PRELIMINARY CHILDCARE DA ISSUE	21/09/2021

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www.insitearchitects.com.au



CLIENT:
CK Development Services

PROJECT:
Proposed Childcare Centre (82 places)

FILE: C:\Users\Cathy\Documents\J0000533_Beckingham Pkwy, Baldivis_DA_cathy.williams@insitearchitects.com.au.rvt

LOCATION:
26 Beckingham Parkway,
Baldivis WA

DRAWING TITLE:
COVER SHEET

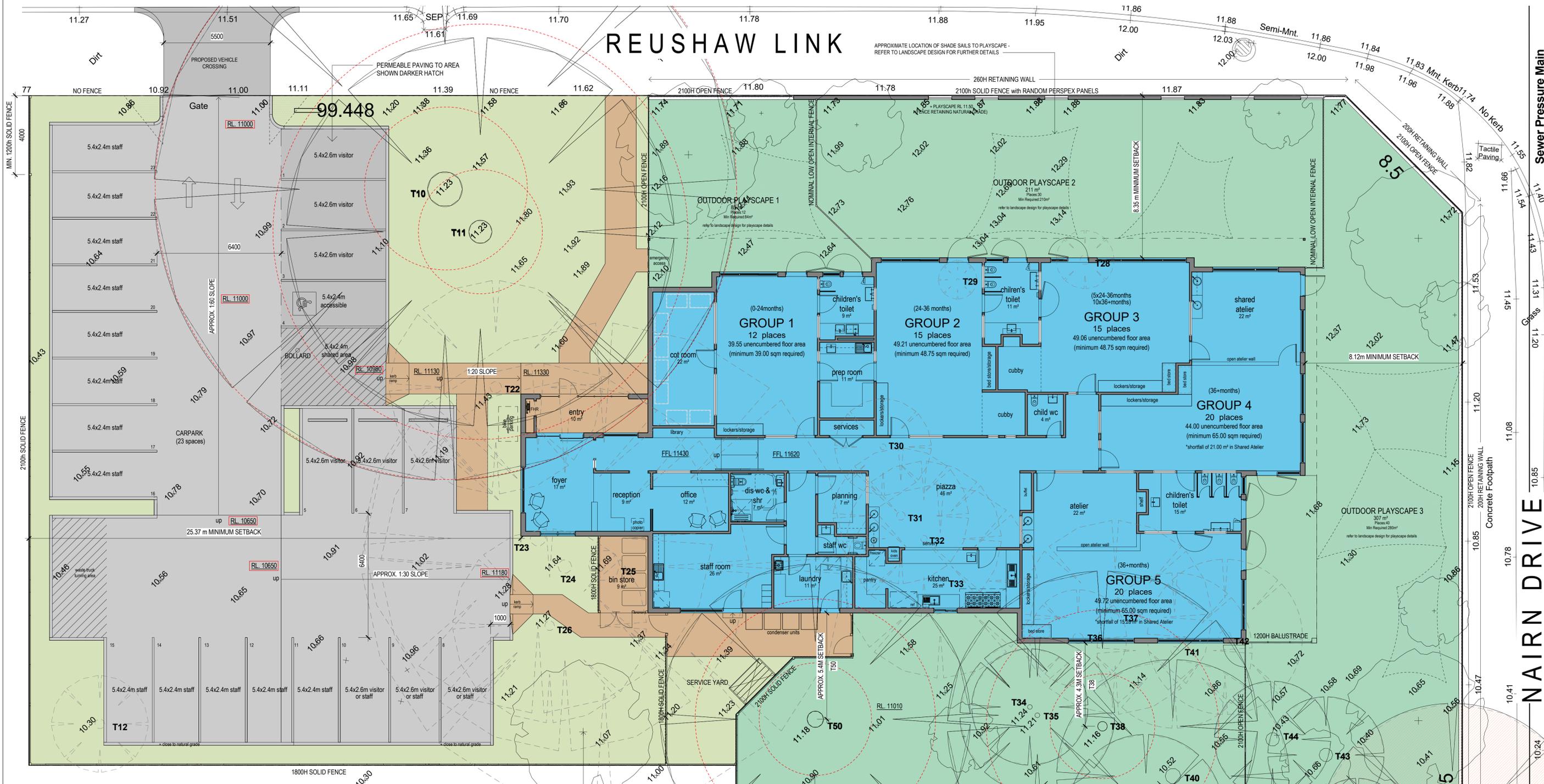
SCALE: DATE: AUG 2021
DRAWN: AH / CW PRINTED: 29/11/2021 12:26:52 PM
CHECKED: AH JOB No.: J0000533

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DA00₃

D/A ISSUE

REUSHAW LINK



1 CHILD CARE CENTRE GROUND FLOOR PLAN
1 : 100

CHILD CARE CENTRE ANALYSIS

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

GROUP ROOM 1	0-24months	12 PLACES	3 STAFF
GROUP ROOM 2	24-36months	15 PLACES	3 STAFF
GROUP ROOM 3	24-36months	5 PLACES	1 STAFF
GROUP ROOM 4	36+ months	10 PLACES	1 STAFF
GROUP ROOM 5	36+ months	20 PLACES	2 STAFF
		82 PLACES	15 STAFF

- LEGEND**
- UNENCUMBERED PLAYSPACE
 - LANDSCAPING
 - BUILDING AREA
 - CARPARK
 - PAVING or similar

- PROPOSED TREE nominal location shown
- EXISTING TREE to be retained & protected
- EXISTING TREE with possibility to be retained & protected subject to on-site investigation
- EXISTING TREE to be removed

RL 11180 NOMINAL RL proposed level
11.178 EXISTING LEVEL from survey

GENERAL NOTES

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

VERIFY LOCATION OF EXISTING SERVICES BEFORE COMMENCEMENT.

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

3	DEVELOPMENT APPLICATION RFI	29/11/2021
2	DEVELOPMENT APPLICATION ISSUE	27/09/2021
1	PRELIMINARY CHILD CARE DA ISSUE	21/09/2021
	ISSUE	DESCRIPTION
		DATE



CLIENT:
CK Development Services

PROJECT:
Proposed Childcare Centre (82 places)

LOCATION:
26 Beckingham Parkway,
Baldivis WA

DRAWING TITLE:
FLOOR PLAN

SCALE: 1 : 100@A1 DATE: AUG 2021

DRAWN: AH / CW PRINTED: 29/11/2021 12:26:56 PM

CHECKED: AH JOB No.: J0000533

1

DA02₃

D/A ISSUE

NOTE
EXISTING CONDITIONS INFORMATION OBTAINED FROM SURVEY
PREPARED BY Vision surveys REF Beckingham 26 F - v1.1 DATED 04/08/2021

FILE: C:\Users\Cathy\Documents\J0000533_Beckingham Pkwy, Baldivis_DA_cathy.williams@insitearchitects.com.au.rvt

MATERIAL/COLOUR SCHEDULE

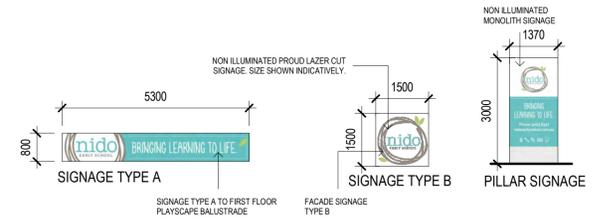
texture lightweight walls		dulux 'white duck quarter'
roofing, fascia & gutters		colorbond 'monument'
window & door frames		colorbond 'monument'
feature vertical cemental cladding		territory woodlands 'teak'
feature raked soffits		territory woodlands 'teak' or similar timber look
paint finish vertical scyon axon cladding		dulux 'ticking'
glazing		translucent glass (unless noted otherwise)



1 NORTH ELEVATION (REUSHAW LINK)
1 : 100



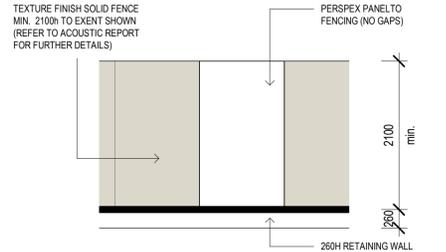
2 EAST ELEVATION (NAIRN DRIVE)
1 : 100



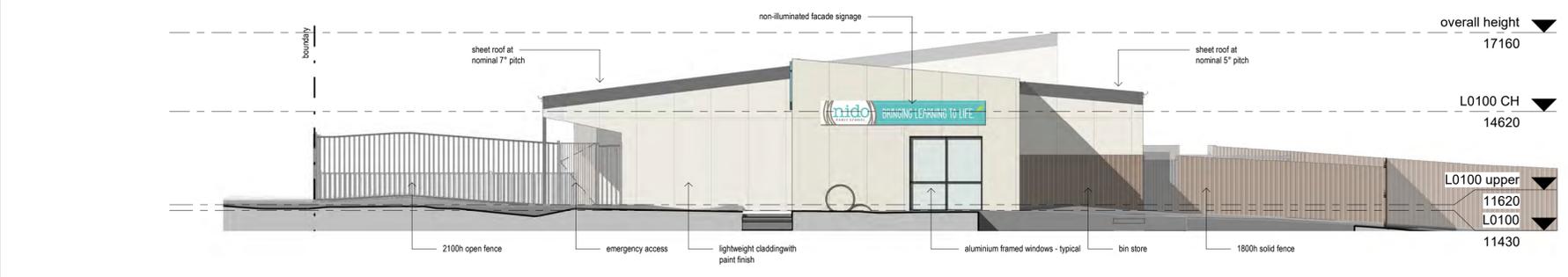
5 SIGNAGE DETAILS
1 : 100



3 SOUTH ELEVATION
1 : 100



6 RUSHAW LINK ACOUSTIC FENCE
1 : 50



4 WEST ELEVATION
1 : 100



5 SIGNAGE TYPE B ELEVATION
1 : 100

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

ISSUE	DESCRIPTION	DATE
3	DEVELOPMENT APPLICATION RFI	29/11/2021
2	DEVELOPMENT APPLICATION ISSUE	27/09/2021
1	PRELIMINARY CHILDCARE DA ISSUE	21/09/2021

insite
ARCHITECTS



CLIENT:
CK Development Services

PROJECT:
Proposed Childcare Centre (82 places)

LOCATION:
26 Beckingham Parkway,
Baldivis WA

DRAWING TITLE:
ELEVATIONS

SCALE: As indicated @A1 **DATE:** AUG 2021

DRAWN: LO / PR **PRINTED:** 29/11/2021 12:27:13 PM

CHECKED: AH **JOB No.:** J0000533

FILE: C:\Users\Cathy\Documents\J0000533_Beckingham Pkwy, Baldivis_WA_cathy.williams@insitearchitects.com.au.rvt

DA03₃

D/A ISSUE

Schedule of Submissions
Proposed Child Care Premises - Lot 190 (No.26) Beckingham Parkway, Baldivis (20.2021.258.1)

PUBLIC SCHEDULE OF SUBMISSIONS		
Name	Address	Comment
1. Ms Jessica A Rose	No address details provided	I'm from baldivis I speak for every one when we say no more child care centres, how about more primary schools or high schools? Do something more then child cares for goddess sake! They are everywhere maybe think of some better ideas please! cheers very concern resident 😊😊
2. Ms Jayde Bianco	4 Hiscox Crescent BALDIVIS WA 6171	I am writing this email as I do not support this proposal for another childcare centre in Baldivis as I am concerned about the negative impacts this will bring to the area. Firstly, there is a childcare on Amalfi Chase, Baldivis already which is extremely close to the proposed site. Secondly, there are shortages for staff in childcare as it is without adding another childcare centre to this area. As a resident within walking distance to the proposed site, this will impact our neighbourhood negatively - including increased traffic flow to the area, unfamiliar people being in the area (that don't live nearby). I am concerned that this quiet, peaceful area which we chose to buy in because of the attractions being a family oriented neighbourhood will change for the worse. I urge you to reconsider the need for a childcare in this location.
3. Mr Joshua Britton	4 Hiscox Crescent BALDIVIS WA 6171	I oppose this plan as I am a local and do not see the need another daycare centre in such close proximity to another one.
4. Mrs Danielle Matthews	38A Adrien Street PALMYRA WA 6157	I support the proposed child care premises at this location to provide important services for the local community. I applaud the City and the proponent for addressing various issues in documentation supporting the application. I am particularly pleased by efforts to plan for the retention of existing native trees on site, which is important for maintaining the unique sense of place of this neighbourhood. However, it is unclear from the development plans whether all trees in group 119-130 are to be retained on proposed Lot 12. It appears that some of the tallest trees with greatest visual prominence along Nairn Drive may instead fall within proposed Lot 11, and would therefore be cleared in order to accommodate private residential development on that lot. Besides the matter of tree retention, I am pleased that native species will be used in landscaping of the development. I am also pleased that open-style fencing will be installed along Nairn Drive, which will help to create a pedestrian-friendly streetscape along the main road (compared with solid walls elsewhere). I would encourage the City to install appropriate landscaping within the Nairn Drive road reserve to further address this issue. Thanks for the opportunity to comment.
5. Ms Blanche Barrett	4 Reushaw Link BALDIVIS WA 6171	I am writing this submission in regards to the childcare proposed to being built at Lot 190 (No. 26) Beckingham Parkway, Baldivis. I am the home owner next door at 4 Reushaw Link, Baldivis. When this information came to me, I was very upset. My family brought this home 5 years ago and the reason we brought was for the peaceful and relaxed environment. The tree, the birds and the butterflies around here are the best. It is not fair this development is going next door and our home value will decrease. We have worked so hard to get this far and now we may not get what we brought this house. Not only will our property decrease in value, but it will also bring traffic, noise and privacy concerns for our neighbourhood.

Schedule of Submissions
Proposed Child Care Premises - Lot 190 (No.26) Beckingham Parkway, Baldivis (20.2021.258.1)

PUBLIC SCHEDULE OF SUBMISSIONS		
Name	Address	Comment
No.5 – cont...		<p>I understand that development needs to happen in suburbs, but I think something like a childcare Centre should be built first in a new development and then you can buy if you want. This is being forced on us and I can say I would have not brought this property 5 years ago if it was so close to a childcare and having the extra neighbours that is being proposed to be next to us.</p> <p>In the proposal it saying that there are shortages for spots in local childcare centres. I have spoken to Sona's North this week which is 2km from here and they have many vacancies. I have also seen on Facebook that other Baldivis childcare centres have vacancies also.</p> <p>There must be a time that Baldivis says no to anymore tree and bushes being knocked down for development.</p> <p>The wildlife habitats that is being destroyed is heartbreaking. The number of birds that I see making home in the vegetation next door is beautiful and for someone to destroy that for financial gain really puts such a negative outlook on people.</p> <p>After speaking to locals in this area, don't know one person who is for this childcare centre/new development.</p>
6. Ms Natasha Webster	15 Reushaw Link BALDIVIS WA 6171	<p>I am writing this submission in OPPOSITION to the proposed Child Care Premises - Lot 190 (No.26) Beckingham Parkway, Baldivis.</p> <p>I currently reside at 15 Reushaw Link, Directly opposite the proposed CCP, and I run a council approved beauty salon from my home address.</p> <p>My salon operating hours are between 9 - 5:30 and to 7:30Pm on Thursday evenings, this will coincide with the proposed hours and the proposed 358 vehicle movements per day outlined in the centre plans.</p> <p>Not only will this cause a disruption on a daily basis by will impact my clients from arriving and leaving their appointments, with the estimated cars arriving also outlined in the centres plans.</p> <p>From what I can decipher from the plans, the proposed driveway will be opposite my driveway, again causing parking disruptions for my customers, there is also no pedestrian access from Nairn Drive to the proposed front of the centre, as the footpath is at the front of my house, on the opposite side of the road from the centres proposed driveway access, surely this will cause an impact of car accessing the centre and parents and children walking to the centre.</p> <p>According to the plans the centre has a shortfall of two car bays, this may not prejudice the operation of the childcare centre but will inadvertently cause disruption to my customers, myself and my neighbours, and also taking into account the surrounding residents who use our street as a thoroughfare from Beckingham Parkway to Nairn Drive from 6:30am-7pm daily, Where do you propose the shortfall will then park?</p> <p>On our verges? Across our driveways?</p> <p>May you also take into account any split families where there will be more than one car picking up 1 or more children per day?</p> <p>I run my business in this lovely quiet street because of the beautiful quiet surroundings, with all the native birds and the picturesque bush block opposite my house.</p> <p>I offer quiet time for ladies to relax, and having the centre opposite my house and one of the proposed play areas directly opposite my front window will cause an endless disruption.</p>

Schedule of Submissions
Proposed Child Care Premises - Lot 190 (No.26) Beckingham Parkway, Baldivis (20.2021.258.1)

PUBLIC SCHEDULE OF SUBMISSIONS		
Name	Address	Comment
No.6 – cont...		<p>Although you outline in the plans that play time will be kept between certain hours and noise will be dealt with, I feel this will still be heard from my business premises and my home, not to mention the constant slamming of car doors from 6am.</p> <p>As I deal with a lot of the local mums as my clientele, I have asked them if they feel there is a problem with any childcare facilities already in our area being at full capacity, not one of them agree with this data, which has already been stated in a public Facebook post on the Baldivis/Rockingham Now Group</p> <p>https://www.facebook.com/135625643545640/posts/1278822912559235/?d=n</p> <p><u>Please have a read of the comments</u></p> <p>Besides this having a significant impact on my business, having a centre so close to houses in a built up residential area, the impact on the local traffic, it will also disrupt the quiet enjoyment of living in a quiet pocket of an already busy area with the noise of the buses travelling down Nairn Drive, which is only just bearable.</p> <p>I dread to think what an extra 358 vehicle movements per day will do to the local areas roads, other residents value of their properties, and the disruption of their quiet enjoyment.</p> <p>Since there are already plans for another CCP to be developed less than a kilometre away from the Sonas centre on Fifty Road at the development site on Amazon & Nairn Drive</p> <p>https://www.commercialrealestate.com.au/property/stargate-baldivis-shopping-centre-baldivis-wa-6171-14973797</p> <p>is it really necessary to build this one too, also there are a lot more sites available and suitable on Kerosene Lane in Baldivis.</p> <p>I look forward to hearing your responses to these oppositions and what solutions you may come up with.</p> <p>I will expect to be informed with due notice of the upcoming Metro Outer Joint Development Assessment Panel meeting.</p>



Your Ref: 20.2021.258.1 – AD21/103824
Our Ref: F-AA-03231 D-AA-21/499752
Contact: Phill Oorjitham 9222 2000

Mr Michael Parker
Chief Executive Officer
City of Rockingham
PO Box 2142
ROCKINGHAM DC WA 6967

Attention: Mrs C Gillespie

Via email: customer@rockingham.wa.gov.au

Dear Mr Parker

PROPOSED CHILD CARE PREMISES - LOT 190 (NO.26) BECKINGHAM PARKWAY, BALDIVIS

Thank you for your letter of 6 October 2021 requesting comments from the Department of Health (DOH) on the above proposal.

The DOH provides the following comment:

1. Food Act Requirements

All food related areas (kitchen, preparation areas, etc.) 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

2. Public Health

The site is the Balance Lot (Lot 26) retained after a residential subdivision in 2010. During the subdivision investigations identified soil and groundwater contamination which required remediation and management which triggered a classification of the whole subdivision area (including Lot 26) as Remediated for Restricted Use.

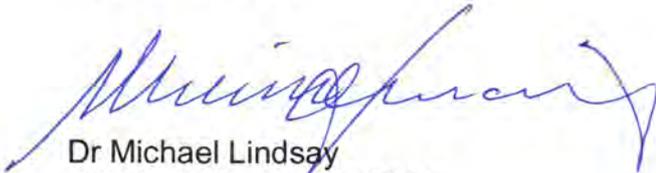
DOH is unclear whether the Balance Lot (Lot 26) was adequately investigated or remediated at that time and the proponent should seek clarification from DWER and obtain a copy of the Mandatory Auditors Report prepared at that time as evidence of the works done.

In any event, the existing farmhouse may contain hazardous material including asbestos, agrochemicals and fuel oils associated with the previous land use which should be removed prior to any demolition, clearance or redevelopment of the site. This process is best managed through an appropriate contamination condition(s) and

This process is best managed through an appropriate contamination condition(s) and subject to an independent review by an accredited Contaminated Sites Auditor under regulation 31(1) of the Contaminated Sites Regulations Act 2006. The proponent may wish to discuss this matter further with DWER.

Should you have any queries or require further information please contact Phill Oorjitham on 9222 2000 or eh.eSubmissions@health.wa.gov.au

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Michael Lindsay', written over a light blue horizontal line.

Dr Michael Lindsay
EXECUTIVE DIRECTOR
ENVIRONMENTAL HEALTH DIRECTORATE

15 October 2021



Your ref: 20.2021.258.1 – AD21/103822
Our ref: DWERT5842, PA045197
Enquiries: Nicolene Gault, Ph 9550 4237

City of Rockingham
PO Box 2142
Rockingham DC WA 6967

Attention: Casey Gillespie

Dear Casey

**RE: PROPOSED CHILD CARE PREMISES – LOT NO 190 (NO.26)
BECKINGHAM PARKWAY, BALDIVIS**

Thank you for providing the development application received with correspondence dated 6th October 2021 for the Department of Water and Environmental Regulation (Department) to consider.

The Department has identified that the proposed development at Lot No 190 Beckingham Parkway in Baldivis has the potential for impact on environment and 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

Native Vegetation

Advice

Under section 51C of the *Environmental Protection Act 1986* (EP Act), clearing of native vegetation is an offence unless undertaken under the authority of a clearing permit, or the clearing is subject to an exemption. Exemptions for clearing that are a requirement of written law, or authorised under certain statutory processes, are contained in Schedule 6 of the EP Act. Exemptions for low impact routine land management practices outside of environmentally sensitive areas (ESAs) are contained in the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* (the Clearing Regulations).

Based on the information provided it is likely that the proposed building and carpark is exempt from the requirement for a clearing permit under Regulation 5, Item 1 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* (the Clearing Regulations), as described in the Departments [‘A Guide to the Exemptions](#)

[and Regulations for Clearing Native Vegetation](#)'. It is the applicant's responsibility to determine compliance with these exemptions and therefore whether a clearing permit is required. The exemption will only apply once the planning/development approval has been issued (as the exemption doesn't apply without the relevant planning approval)

The proposed clearing for the Bushfire Protection Zone (BPZ) surrounding the building may be exempt from the requirement for a clearing permit under Schedule 6, Clause 1 of the EP Act. Please note that this exemption would only apply if the clearing is in accordance with the City of Rockingham's *Fire Control Notice*. The clearing for a BPZ may also be exempt under Regulation 5, Item 1 if it is specified and considered within the Development Approval, noting that this exemption relates to clearing to the extent necessary for a building or structure.

The proposed clearing for the grassed play area is unlikely to be exempt and a clearing permit is likely to be required. Any clearing that is not consistent with the requirements of an exemption will require a clearing permit, this may include areas of clearing associated with the playground.

Please note that a new referral system under the EP Act commenced on 22 October 2021. Under the referral system, the Department will determine whether very minor clearing proposals require a clearing permit. The decision on whether a clearing permit is required will be made against criteria specified in the EP Act and the Guideline: Native vegetation referrals ([Guideline - Native vegetation clearing referrals \(www.wa.gov.au\)](#)).

It is anticipated that native vegetation clearing of very low environmental risk that does not fit an exemption, will proceed through the referral process, and not require a clearing permit.

If further clarification is required, please contact the Department's Native Vegetation Regulation section by email (admin.nvp@dwer.wa.gov.au) or by telephone (6364 7098).

Issue

Contaminated Sites

Advice

Please refer to Attachment 1 for correspondence from the Contaminated Sites branch to the City of Rockingham dated 3rd November 2021.

Where the Department has a statutory role, planning applications should be considered prior to the Department issuing any relevant permits, licenses and/or approvals.

In the event there are modifications to the proposal that may have implications on aspects of environment and/or water management, the Department should be notified to enable the implications to be assessed.

Should you require any further information on the comments please contact Nicolene Gault on 9550 4237.

Yours sincerely

A handwritten signature in black ink, appearing to be 'J Sturgess', with a long horizontal flourish extending to the right.

Jane Sturgess
Acting Program Manager – Planning Advice
Kwinana Peel Region

16 / 11 / 2021

Attachment 1: - Letter from Delegated Officer Contaminated Sites



Your ref: DA 20.2021.258.1
Our ref: DMO 3270, Parcel 24737, 2011/11819
Enquiries: Justin Ritchie, Ph 6364 7183
Email: Justin.Ritchie@dwer.wa.gov.au

D Banovic
Senior Projects Officer
City of Rockingham
PO Box 2142
ROCKINGHAM DC, WA 6967

By email customer@rockingham.wa.gov.au

Dear D Banovic

***DEVELOPMENT APPLICATION NUMBER DA 20.2021.258.1 – LOT 190
BECKINGHAM PARKWAY, BALDIVIS***

I refer to your letter dated 6 October 2021 to the Department of Water and Environmental Regulation (the department) regarding an application to the City of Rockingham for the proposed development of Lot 190 Beckingham Parkway, Baldivis.

As per the requirements under section 58(6)(b) of the *Contaminated Sites Act 2003* (CS Act), advice is required as to the suitability of the land for the proposed development. Lot 190 is currently zoned 'Development' under the City of Rockingham's town planning scheme. The department understands that the proposed development comprises the construction of a single storey childcare centre and car parking space for 23 cars (see Attachment 1).

Land at Lot 190 on Deposited Plan 60727, as shown on certificate of title 2707/136, was part of former Lot 308 on Deposited Plan 202704, as shown on certificate of title 1693/675. Lot 308 was classified under the CS Act as *remediated for restricted use* on 9 September 2009 and a memorial (reference number K893623) was placed on the certificate of title. The memorial was subsequently transferred to the certificate of title for Lot 190.

The classification was based on the findings of several soil and groundwater investigations between April 2006 and January 2008. Following remediation of metal and pesticide-impacted soil, no potential contaminants remain within the soils of the site. However, metal and nutrient-impacted groundwater identified during the investigations may remain at concentrations exceeding Australian Drinking Water Guidelines and Irrigation Guidelines as published in *Assessment and management of contaminated sites* (Department of Environment Regulation, 2014).

Based on the information provided, former Lot 308 and therefore current Lot 190 was regarded suitable for residential and other sensitive land uses (such as primary schools and childcare centres) provided groundwater is not abstracted for residential purposes.

Therefore, the department has no objection to the proposed development of a childcare centre on Lot 190 on Deposited Plan 60727 and recommends that the approval should not include a contamination condition.

If you have any queries in relation to the above, please contact Environmental Officer, Justin Ritchie, on 6364 7183.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Andrew Miller', written in a cursive style.

Andrew Miller
SENIOR MANAGER
CONTAMINATED SITES
Delegated Officer under section 91
of the *Contaminated Sites Act 2003*

3 November 2021

Attachment 1 Proposed layout of the childcare centre



Our Ref: D22164
Your Ref: 20.2021.258

Casey Gillespie
City of Rockingham
customer@rockingham.gov.au

Dear Ms Gillespie

**RE: VULNERABLE LAND USE - LOT 190 (26) BECKINGHAM PARKWAY, BALDIVIS –
CHILDCARE CENTRE - DEVELOPMENT APPLICATION**

I refer to your email dated 6 October 2021 regarding the submission of a Bushfire Management Plan (BMP) (Version 2), prepared by Eco Logical and dated 29 September 2021, for the above development application. The BMP forms part of the report 'Beckingham Parkway Childcare Premises – Design Statement and Development Application Report' from the proponent dated 22 September 2021 for the above development application (DA).

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

Assessment

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

Issue	Assessment	Action
BMP Context	The BMP appears to be for a combined subdivision and development application (DA). There is no context within the BMP of the proposed childcare centre (number of children etc.). The BMP should form part of the development application approval and should only contain compliance statements against the bushfire protection criteria for the childcare centre. For example, the EAW mentioned in compliance statement for vehicular access A3.6 is not applicable to the DA. Section 4 Implementation and enforcement should also be updated to only include the bushfire management measures relevant to the childcare centre.	Modification to the BMP is required.
Landscape Management Plan	The development application report shows the retention of 15 trees within close proximity to the childcare centre for a 'kinder bush play area'. It is unclear if this proposal meets the requirements of Schedule 1 of the Guidelines. Tree	Modification to the BMP is required.

	canopies appear to be overhanging the building. A Landscape Management Plan should be prepared to provide certainty that any retained vegetation will meet the requirements of Schedule 1.	
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2. AS3959 construction standards including clause 3.2.3 adjacent structures

Issue	Assessment	Action
Building Construction Standards	<p>Class 9 buildings should be afforded significant protection from the impacts of a bushfire due to being occupied by people who may need assistance, or be unable, to evacuate the building in the event of a bushfire. In response, revised provisions in the National Construction Code are proposed for implementation in 2022.</p> <p>The proposed changes include but are not limited to; minimum separation between buildings, and separation from allotment boundaries, carparking areas and hazards. It is suggested the decision maker consider applying the proposed higher construction and design standards to the proposed development.</p> <p>Further information regarding the proposed changes can be found here: https://consultation.abcb.gov.au/engagement/ncc-2022-public-comment-draft/supporting_documents/NCC2022VolumeOnePCD.pdf</p>	BMP to include the bushfire construction elements of AS3959 be applied to the Class 9 building.

3. Policy Measure 6.6.1 Vulnerable land uses

Issue	Assessment	Action
Bushfire Emergency Evacuation Plan (BEEP)	The referral has included a <i>'Bushfire Emergency Evacuation Plan'</i> for the purposes of addressing the policy requirements. Consideration should be given to the Guidelines Section 5.5.2 'Developing a Bushfire Emergency Evacuation Plan'. This contains detail regarding what should be included in a BEEP and will ensure the appropriate content is detailed when finalising the BEEP to the satisfaction of the City.	Comment.

Recommendation – supported subject to modifications

The development application and the BMP have adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved. However, modifications to the BMP are necessary to ensure it accurately identifies the bushfire risk and necessary mitigation measures. As these modifications will not affect the development design, these modifications can be undertaken without further referral to DFES. If minded to approve the development application, the Local Government should be satisfied that relevant policy measures are complied with.

The required modifications are listed in the table(s) above.

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

If you require further information, please contact Sasha De Brito – A/Senior Land Use Planning Officer on telephone number 9395 9703.

Yours sincerely



Naomi Mynott
DIRECTOR LAND USE PLANNING

15 November 2021

CC Casey.Gillespie@rockingham.wa.gov.au



Department of **Planning,
Lands and Heritage**

Planning Services
City of Rockingham
PO Box 2142
Rockingham DC WA 6967

Your ref: 20.2021.258.1
Our ref: DP/10/00551
Enquiries: Simon Luscombe (Ph: 6551 9307)

7 October 2021

Attention: Casey Gillespie

Dear Casey,

Re: Lot 190 (26) Beckingham Parkway, Baldivis

I refer to your correspondence dated 6 October 2021. In accordance with the Western Australian Planning Commission (WAPC) Instrument of Delegation dated 30 May 2017, the following comments are provided. This proposal seeks approval for a child care centre for 82 children.

Land Requirements

The site abuts Nairn Drive which is reserved as an Other Regional Road (ORR) in the Metropolitan Region Scheme and Category 2 per Plan No. SP 694/4. The site is not affected by the ORR reservation per Land Requirement Plan No. 1.2909/2.

Transport Impact Assessment

The above report, prepared by Riley Consulting dated September 2021, states that the development will generate 436 vehicle trips per day when combined with proposed 11 residential lots (93 and 43 trips during AM and PM peak hour periods respectively). All access will be obtained via Reushaw Link with no access to Nairn Drive. SIDRA analysis for the Nairn Drive / Reushaw Link intersection shows satisfactory performance with minimal delays and queuing for AM peak hour periods to 2022. The 2032 10 year horizon scenario shows longer delays for right turning movements (LOS: D).

Recommendation

The Department of Planning, Lands and Heritage has no objection to the proposal on ORR planning grounds.

Thank you for your correspondence. Should you have any queries, please contact me on 6551 9307 or via email (simon.luscombe@dph.wa.gov.au).

Yours sincerely

Simon Luscombe
Principal Planning Officer
Strategy and Engagement



Land Requirement Plan No. 1.2909/2

Your Ref: 20.2021.258.1 – AD21/103833
Our Ref: DEV379936
Enquiries: Matt Calabro

12 October 2021

Chief Executive Officer
City of Rockingham
PO Box 2142
ROCKINGHAM WA 6967

Attention: Casey Gillespie

**Re: Proposed Child Care Premises - Lot 190, (No 26) Beckingham Parkway,
Baldivis**

Thank you for your letter dated 6th October 2021. We offer the following comments in regards to this proposal.

Water Corporation has no objection to this development application. The site can be serviced via extensions from the surrounding network. This will be determined as part of the subdivision application for the site.

This proposal will require approval by our Building Services section prior to commencement of works. Infrastructure contributions and fees may be required to be paid prior to approval being issued.

For further information about building applications, please click on the following link:
<https://www.watercorporation.com.au/Developing-and-building/Building/Lodging-a-building-application/Single-residential-building-applications>

Please provide the above comments to the landowner, developer and/or their representative.

Should you have any queries or require further clarification on any of the above issues, please do not hesitate to contact me at matt.calabro@watercorporation.com.au

Regards,



Matt Calabro
Advisor – Land Planning
Development Services