



Metro South West Development Assessment Panel Agenda

Meeting Date and Time: 8 April 2020; 1.30pm
Meeting Number: MSWJDAP/211
Meeting Venue: This meeting is available for members of the public to attend via electronic means.

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 – 735 582 136

To connect to the meeting via your computer - <https://zoom.us/j/735582136>
Insert Meeting ID - 735 582 136

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

Attendance

DAP Members

Mr Tony Arias (Presiding Member)
Ms Lee O'Donohue (Deputy Presiding Member)
Mr John Turner (A/Specialist Member)

Item 8.1

Cr Mark Jones (Local Government Member, City of Rockingham)
Cr Deb Hamblin (Local Government Member, City of Rockingham)

Item 9.1

Cr Andrew Sullivan (Local Government Member, City of Fremantle)
Cr Rachel Pemberton (Local Government Member, City of Fremantle)

Officers in attendance

Item 8.1

Mr David Banovic (City of Rockingham)
Mr Michael Ross (City of Rockingham)

Item 9.1

Ms Julia Kingsbury (City of Fremantle)

Minute Secretary

Mr Phil Goodwin (DAP Secretariat)

Applicants and Submitters

Item 8.1

Mr Alessandro Stagno (Planning Solutions)



Item 9.1

Mr Patrick Prindiville (Red Rock Consolidated)

Members of the Public / Media

Nil

1. Declaration of Opening

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

In response to the COVID-19 situation, this meeting is being conducted by electronic means 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

Nil

7. Deputations and Presentations

- 7.1** Mr Alessandro Stagno (Planning Solutions) presenting in support of the application at Item 8.1. The presentation will Support for the officer recommendation and request modification to a number of conditions.

The City of Rockingham and City of Fremantle 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 Property Location: Lot 726 (No.591) Eighty Road, Baldivis
Lot 107 (No.577) Eighty Road, Baldivis
Development Description: Child Care Premises
Applicant: Planning Solutions
Owner: Mr George & Mrs Margaret Yiannakis
Mr Blair Thomas
Responsible Authority: City of Rockingham
DAP File No: DAP/19/01660

9. Form 2 – Responsible Authority Reports – Amending or cancelling DAP development approval

9.1 Property Location: No. 7-15 (Lot 502) Bannister Street, Fremantle
Development Description: Four Storey with Loft Addition to Existing Hotel
Proposed Amendments: Extension of substantial commencement time
Applicant: Red Rock Consolidated Pty Ltd
Owner: Red Rock Consolidated Pty Ltd
Responsible Authority: City of Fremantle
DAP File No: DAP/15/00916

10. Appeals to the State Administrative Tribunal and Supreme Court

Nil

11. General Business / Meeting Closure

In accordance with Section 7.3 of the DAP Standing Orders 2017 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.



Form 1 – Responsible Authority Report (Regulation 12)

Property Location:	Lot 726 (No.591) Eighty Road, Baldivis Lot 107 (No.577) Eighty Road, Baldivis
Development Description:	Child Care Premises
DAP Name:	Metro South West JDAP
Applicant:	Planning Solutions
Owner:	Mr George & Mrs Margaret Yiannakis Mr Blair Thomas
Value of Development:	\$2.1 million
LG Reference:	DD020.2019.00000219.001
Responsible Authority:	City of Rockingham
Authorising Officer:	Bob Jeans, Director Planning & Development Services
DAP File No:	DAP/19/01660
Report Due Date:	25 March 2020
Application Received Date:	23 August 2019
Application Process Days:	90 days
Attachment(s):	Attachment 1 Development Application Plans Attachment 2 Original Responsible Authority Report and Information Attachment 3 Additional Supporting Information Attachment 4 Schedule of Submissions

Officer Recommendation:

That the Metro South-West Joint Development Assessment Panel (MSWJDAP) resolves to:

Approve the DAP Application reference DAP/19/01660 and accompanying plans:

- Locality Plan, Sheet 01, Revision 03, dated 22 August 2019;
- Demolition Plan, Sheet 02, Revision 03, dated 22 August 2019;
- Site Plan, Sheet 03, Revision 03, dated 22 August 2019;
- Floor Plan, Sheet 04, Revision 03, dated 22 August 2019;
- Elevations, Sheet 05, Revision 03, dated 22 August 2019;
- Streetscape, Sheet 06, Revision 03, dated 22 August 2019;
- Carpark Plan, Sheet 07, Revision 03, dated 22 August 2019;
- Landscape Plan, Sheet 08, Revision 03, dated 22 August 2019;
- Activity Plan, Sheet 09, Revision 03, dated 22 August 2019;
- Roof Plan, Sheet 10, Revision 03, dated 22 August 2019;
- Fencing Plan, Sheet 11, Revision 03, dated 22 August 2019;

in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of Metropolitan Region Scheme and Clause 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No.2, subject to the following reasons as follows:

Conditions

1. This decision constitutes development approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
2. Prior to commencement of development, a Stormwater Management Plan must be prepared by a suitably qualified engineer 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.

3. Trees, shrubs taller than 2m and grasstree plants (XANTHORRHOEACEAE family) must be retained (unless specifically identified for removal on the approved plans) and, during the construction period, measures for their retention must be taken in accordance with Australian Standard AS 4970—2009, Protection of trees on development sites.

Arrangements must be made to the satisfaction of the City of Rockingham for grasstree plants that are specifically identified for removal to be relocated, prior to applying for a Building Permit.

4. Prior to applying for a Building Permit, an updated Landscaping Plan to the satisfaction of the City of Rockingham must be prepared and must include the following:
 - (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 to be retained, including retention of all existing street trees adjoining the site;
 - (iv) those areas to be reticulated or irrigated;
 - (v) proposed upgrading to landscaping, paving and reticulation of all verge areas;
 - (vi) all existing street trees to be retained unless otherwise required to allow for vehicle access;

- (vii) four (4) additional *Agnois flexuosa* trees with a minimum 100Lt size are to be installed within the Eighty Road reserve; and
- (viii) proposed tree species within the carpark area are to be *Eucalyptus torquate* shade tree with a minimum 100Lt size, with two (2) additional shade trees installed in the second row of the carpark closest to the building and one (1) additional shade tree adjacent to the access-driveway, as shown on the approved Landscape Plan.

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

5. Prior to applying for a Building Permit, the applicant must submit a Revegetation Plan to satisfaction of the City of Rockingham. The plan must contain detail on the revegetation of the Conservation Category Wetland buffer zone, excluding the buffer area occupied by the proposed outdoor play area. The Revegetation Plan must detail areas to be planted, site preparation and weed control, and a list of wetland species endemic to the Baldivis area. The revegetation must be completed in winter following approval of the Revegetation Plan.
6. Prior to applying for a Building Permit, the Bushfire Management Plan prepared by Eco Logical, dated 20 August 2019 shall be revised to account for the wetland buffer revegetation to the satisfaction of the City.
7. Prior to occupation of the development, the Asset Protection Zone, as depicted in the Bushfire Management Plan prepared by Eco Logical, dated 20 August 2019, must be implemented in accordance with the WAPC's Guidelines for Planning in Bushfire Prone Areas. The Asset Protection Zone must be maintained for the duration of the development.
8. Prior to the occupation of the development the landowner/s of Lot 107 Eighty Road, Baldivis and Lot 726 Eighty Road, Baldivis, shall enter into a legal agreement with the City of Rockingham to ensure that appropriate arrangements are put in place for the ongoing maintenance of the Asset Protection Zone as depicted in the Bushfire Management Plan prepared by Eco Logical, dated 20 August 2019.
9. Prior to applying for a Building Permit, a Waste Management Plan must be prepared 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;
 - (iv) frequency of bin collections; and
 - (v) the collection of the bins from an approved position.

All works must be carried out in accordance with the approved Waste Management Plan, for the duration of development and maintained at all times.

10. Prior to applying for a Building Permit, the applicant shall submit revised fencing details for the section of proposed link fencing within the front setback area, so as to comply with Schedule 3 of the City of Rockingham Local Fencing Law 2000. The modified fencing shall thereafter be constructed, retained and maintained in good condition to the satisfaction of the City of Rockingham for the duration of the development.
11. Prior to the occupation of the development, a Final Acoustic Assessment must be prepared and provided to the City of Rockingham which demonstrates to the 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.

12. Prior to occupation of the development site, a 1.8m high acoustic wall shall be erected around the perimeter of the building and play area to the satisfaction of the City of Rockingham.
13. Prior to occupation of the development, applicant shall implement the recommendations detailed in the Environmental Noise Assessment report prepared by Lloyd George Acoustics, dated 19 August 2019.

The recommendations of the report must be implemented for the duration of the development.

14. Prior to the occupation of the development, the verge must be reinstated to the satisfaction of the City of Rockingham.
15. Prior to applying for a Building Permit, a Sign Strategy must be prepared (which must include the information required by *Planning Policy 3.3.1, Control of Advertisements*) to the satisfaction of the City of Rockingham and it must thereafter be implemented for the duration of the development.
16. The proposed Pylon Sign does not form part of this Development Approval.
17. No more than 92 children are to be accommodated by the Child Care Premises at any time, for the duration of the development.

18. No more than 18 staff are permitted at the Child Care Premises, at any time, for the duration of the development.
19. 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.
20. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
21. The on-site car park area shall:
 - (i) be provided with a minimum of 30 parking spaces;
 - (ii) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* unless otherwise specified by this approval, prior to applying for a Building Permit;
 - (iii) include one car parking space dedicated to people with disability designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities*, linked to the main entrance of the development by a continuous accessible path of travel designed 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 marked prior to the development being occupied and maintained thereafter; and
 - (v) have lighting installed, prior to the occupation of the development, with all illumination confined 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, for the duration of the development.

The car parking area must comply with the above requirements for the duration of the development.

22. Eighteen staff parking bays and twelve-visitor car parking bays shall be provided and must be clearly marked on-site for the duration of the development.
23. Materials, sea containers, goods or bins must not be stored within the carpark at any time.
24. A bin storage area must be designed with a size suitable to service the development and be 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.

25. The proposed crossover for the child care premises shall be spaced a minimum of 30m from the relocated crossover on Lot 107 as per Austroads' *Guide to Road Design Part 4 – Intersections and Crossings General*.
26. An acid sulfate soils self-assessment form and, if required as a result of the self-assessment, an acid sulfate soils report and an acid sulfate soils management plan shall be submitted to and approved by the Department of Water and Environment Regulation before any development works are commenced. Where an acid sulfate soils management plan is required to be submitted, all development works shall be carried out in accordance with the approved management plan.

Advice Notes

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 new application for Development Approval must be submitted to the City of Rockingham.
2. A Certified Building Permit must be obtained prior to 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. The development must comply with the *Environmental Protection (Noise) Regulations 1997*; contact the City's Health Services for information on confirming requirements.
4. 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.
5. A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant should liaise with the City's Building Services in this regard.
6. With respect to the landscaping plan, the applicant and owner should liaise with the City of Rockingham's Land Development and Infrastructure Services to confirm requirements for the landscaping plan, including the requirements for developing and maintaining of the street verges abutting the development site.
7. With respect to the revegetation plan, the applicant and owner should liaise with the City of Rockingham's Environmental and Sustainability team to confirm requirements for the plan. It is advised that revegetation should take place outside of the development's Asset Protection Zone and not increase the assessed Bushfire Attack Level.
8. All works in the road reserve, including construction of a crossover or footpath and any works to the road carriageway must be to the specifications of the

City of Rockingham. The applicant should liaise with the City of Rockingham's Engineering Services in this regard.

9. Existing retained street trees adjacent to the development site must be protected throughout the course of the project in accordance with Australian Standard AS 4970-2009 protection of trees on Development Sites.
10. The applicant is to seek approval for a Form 2 - Maximum Accommodation Certificate from the City in addition to the Development Approval.
11. Proposed playground installations are to be installed and maintained in accordance with all relevant Australian Standards AS 4685:2014 1-6, 11 and all relevant amendments.

Background

Lot 726 (No.591) Eighty Road, Baldivis (subject site) has a land area of 4.8418ha and has been developed for rural lifestyle purposes, containing an existing dwelling and associated infrastructure. The subject site is well vegetated with approximately 75% of the land being designated as a Conservation Category Wetland (CCW), referred to as the Outridge Swamp.

The topography of the land has a downward slope west of Eighty Road.

The area directly east of Eighty Road has transitioned to urban. The adjoining northern Lot 107 (No.577) Eighty Road, Baldivis operates an industrial type land use (Landscape Supply Yard and Nursery - Baldivis Landscaping Supplies and Malee Flower Farm). The subject site is otherwise surrounded by rural-style residential land on three to five hectare lots.



Figure 1 - Location Plan

In a broader context, the site is situated within a rural cell bounded by Pike Road in the north, Sixty- Eight Road in the south, Eighty Road in the east and Mandurah Road in the west. Within this cell, also with direct frontage to Eighty Road, are the following sites that require consideration:

- future Baldvis District Sporting Complex (Lot 4 and Lots 103-105 Eighty Road, Baldvis);
- aforementioned Landscape Supply Yard and Nursery (Lot 107 Eighty Road, Baldvis); and
- Mother Theresa Catholic College (Lot 10 Eighty Road, Baldvis).

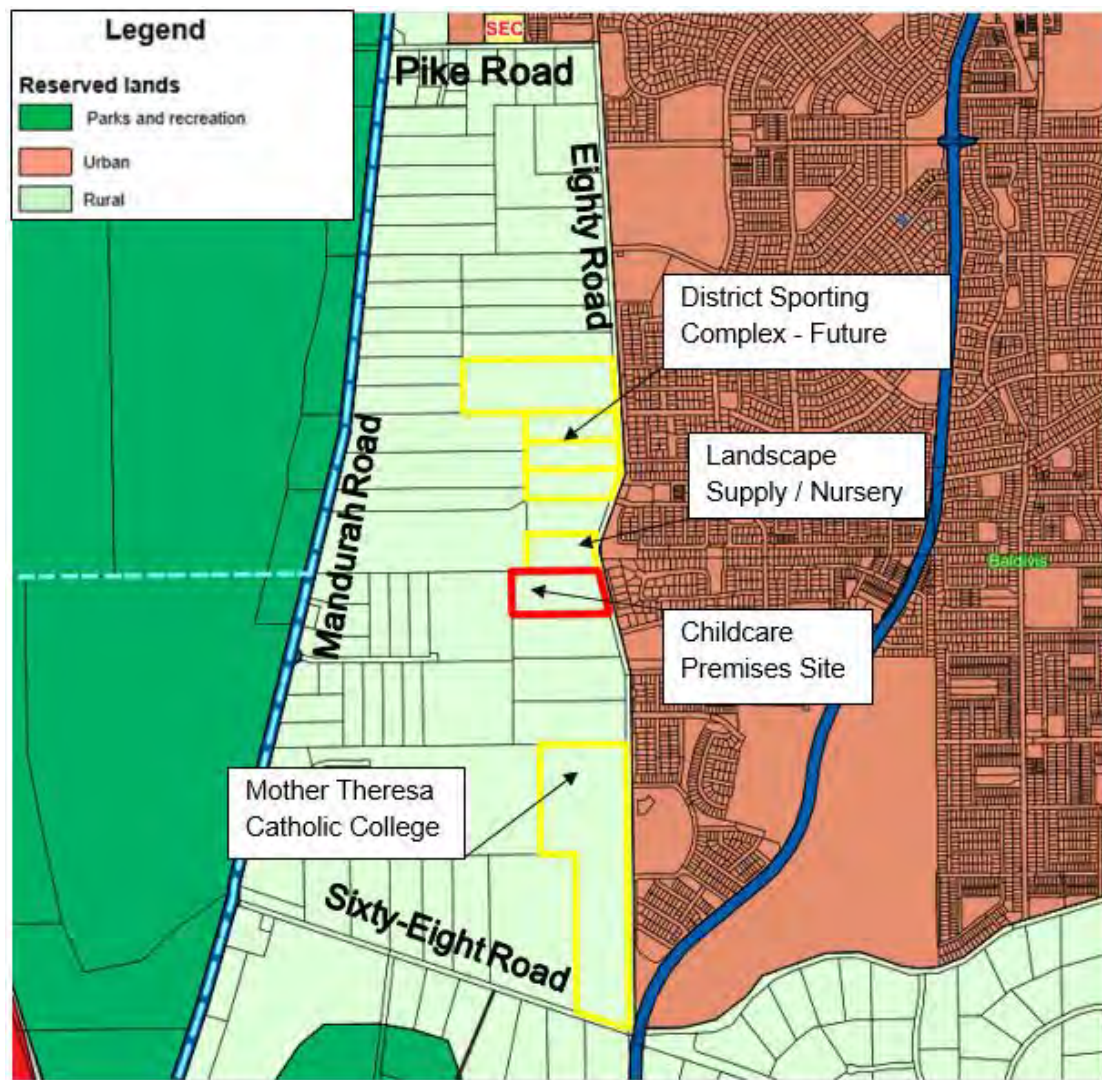


Figure 2 - Broader Location Context

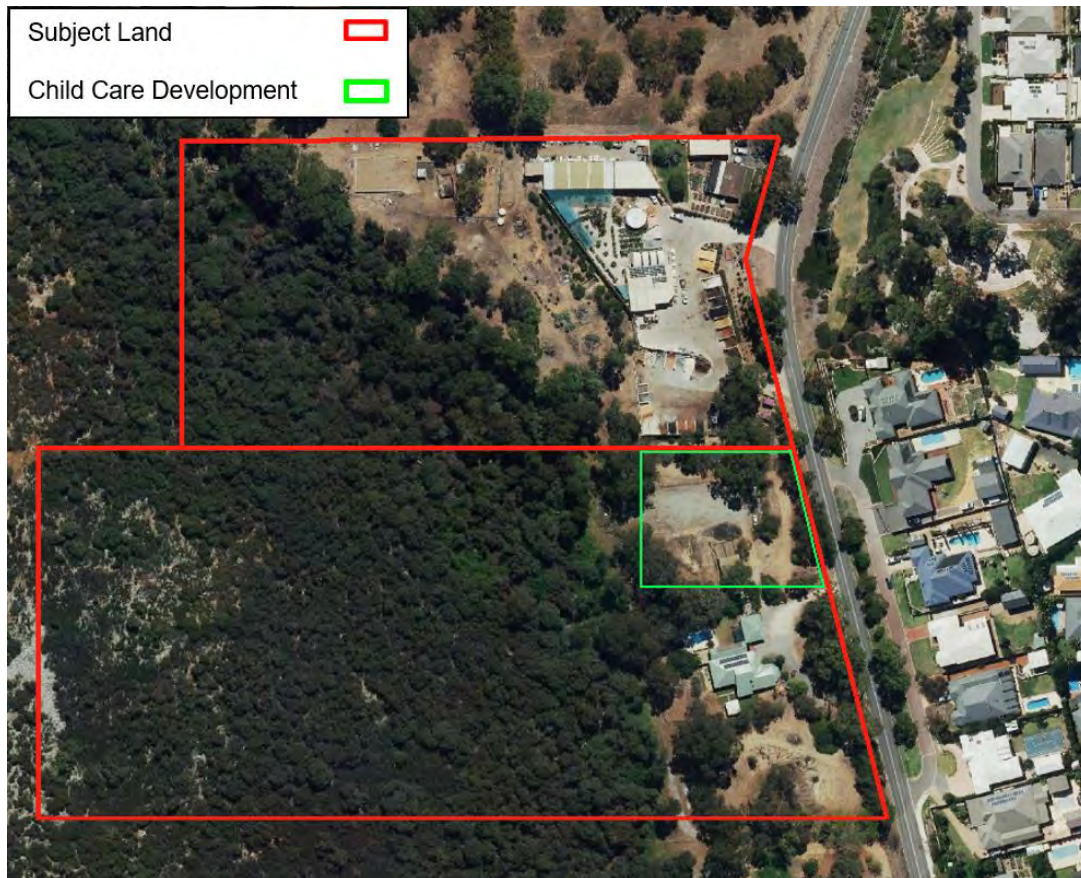


Figure 3 - Aerial Photo

History

The following outlines the history of the development proposal:

- In August 2019, the applicant lodged a Joint Development Assessment Panel (JDAP) application for a proposed Child Care Premises.
- The JDAP application was referred to the November 2019 Ordinary Meeting, when the Officer's recommendation to refuse the application was adopted by the Council for the following reasons:
 - "1. The location of the Child Care Premises adjacent to an operational Landscape Supply Yard /Nursery is contrary to orderly and properly planning principles.
 2. The proposed Child Care Premises is incompatible with characteristics of the immediate area in which it is located and therefore fails to comply with the objectives of the Rural zone in City of Rockingham Town Planning Scheme No.2.
 3. The development fails to provide a required right turn pocket on Eighty Road, thus failing to provide adequate safe access to the site as required by Clause 67(r) and 67(s) of the Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 – Deemed Provisions).
 4. The proposed Child Care Premises will have an adverse impact on the amenity of the community through increased vehicular movements and being an incompatible (non-rural) land use.

5. *As required by Clause 67(m) of the Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 – Deemed Provisions) it has not been demonstrated that this development is compatible with its setting, as the Child Care Premises, which is a sensitive land use, is proposed to be located adjacent to an Industrial land use (Landscape Supply Yard / Nursey).*
 6. *The location of the proposed Child Care Premises is unsuitable as the proposal fails to meet the location, site characterises and design considerations criteria contained within City of Rockingham Planning Policy 3.3.5 - Child Care Premises.*
 7. *The proposed Child Care Premises is not consistent with the City of Rockingham Planning Policy 3.3.1 - Rural Land Strategy which identifies the site for potential Special Rural development with a minimum lot size of 0.5 hectare and requires development to be of a scale that minimises intrusion into the landscape.*
 8. *The proposed Child Care Premises is not consistent with State Planning Policy 2.5 - Rural Planning as the development is contrary to the City of Rockingham rural planning framework and is likely to generate land use conflicts."*
- In December 2019, the MSWDJAP resolved to defer the JDAP application on the following basis:

"To allow the proponent to provide further information addressing mitigation measures associated with the nursery and its operation within 60 days (7 February 2020)

REASON: *Based on the conditions outlined it is considered that issues relating to the nursery have not been sufficiently clarified in order to ensure it can prevent an adverse impact on both operations given the nursery has a legitimate existing approval.*

Issues relating to the rural zone could be addressed by modification of the development as it is located within the Urban framework.

The child care centre is considered low impact in terms of traffic generation, the traffic impact can be mitigated and could be satisfactory addressed."
 - In February 2020, the applicant submitted additional information which included a Dust Assessment, Industrial Noise Assessment and a set of updated plans which depict the retention of verge trees and minor changes to the car park grades.

Details: outline of development application

Zoning	MRS:	Rural
	TPS2:	Rural
Use Class:		Child Care Premises - Discretionary 'D' use
Strategy Policy:		State Planning Policy 2.5 - <i>Rural Planning</i> ; State Planning Policy 3.7 - <i>Planning in Bushfire Prone Areas</i> ; Planning Bulletin No.72 – <i>Child Care Centres</i> ; Planning Policy 3.1.1 - <i>Rural Land Strategy</i> ; Planning Policy 3.3.1 - <i>Control of</i>

	<i>Advertisements;</i> Planning Policy 3.3.5 - <i>Child Care Premises;</i> City of Rockingham - <i>Fencing Local Law 2000;</i> Environmental Protection Authority (EPA) - <i>Separation Distances between Industrial and Sensitive Land Uses No.3 (Guidance Statement);</i> and Environmental Protection Authority (EPA) - <i>Environmental Guidance for Planning and Development (Guidance Statement No.33)</i>
Development Scheme:	City of Rockingham Town Planning Scheme No.2
Lot Size:	Lot 726 - 4.8418ha Lot 107 - 3.0677ha
Existing Land Use:	Lot 726 - Single House Lot 107 - Single House, Landscape Supply Yard / Nursery

The Development Assessment Panel (DAP) application proposes the development of a Child Care Premises (facility) on a 3,183m² portion of Lot 726.

Details of the proposal are as follows:

- A single story facility located in the north east corner of Lot 726, adjacent to Eighty Road, Baldivis;
- The facility is proposed to provide care and early education for up to 92 children;
- The facility is proposed to operate from 6.30am to 6.00pm, Monday to Friday and will accommodate up to 18 staff;
- A new crossover and driveway are proposed to the facility and existing dwelling;
- A total of 31 new car parking bays are proposed;
- Two outdoor play areas comprising a total area of approximately 655m²;
- Mix of open style and solid fencing (at a height of 1.8m) throughout the development;
- A bin store enclosure and limestone retaining walls throughout the proposed car parking area;
- One roof sign and one 4.6m metre high Pylon sign; and
- Removal of 10 on-site trees.

The following reports accompanied the original DAP application:

- Planning Report;
- Environmental Assessment;
- Environmental Noise Assessment;
- Transport Impact Assessment; and
- Bushfire Management Plan and Bushfire Emergency Evacuation Plan.

The Bushfire Management Plan proposes a five (5) metre Asset Protection Zone (APZ) that extends beyond the lot boundaries of the subject site into the northern Lot 107 Eighty Road, Baldivis. The use of Lot 107 for the purposes of an APZ will require modification and maintenance of vegetation for the life of the development, which constitutes 'Development' under the Planning and Development Act 2005. The

landowner of Lot 107 has signed the owner details section on the relevant development application forms and is party to this DAP application.

Lot 107 is only included in this DAP application for APZ reasons.



Figure 4 - Locality Plan



Figure 5 - Revised Site Plan



Figure 7 - Perspectives

Legislation and Policy:

Town Planning Scheme No.2

Town Planning Scheme No.2

Clause 3.2 - Zoning Table

'Child Care Premises' is a discretionary 'D' land use under TPS2. Discretionary means that the land use is not permitted unless the local government has exercised its discretion by granting Development Approval.

Clause 4.11.1 - Objective of Rural zone

The objective of the Rural zone is to preserve land for farming and foster semirural development, which is sympathetic to the particular characteristics of the area in which it is located.

It is considered that the proposed revised development is sympathetic with the Rural zone as the retained vegetation within the road reservation along with the lower topography helps screen the proposed carpark adjacent to Eighty Road boundary. Along with the removal/replacement of the Pylon Sign, the development would be acceptable along the western side of Eighty Road.

Clause 4.11.2 - General Provisions

Requirement	Provided	Compliance
Setback		
All development, including the clearing of land, shall be setback a minimum of 30 metres from the primary street and 10 metres from all other boundaries, other than for the purpose of providing a fire break or vehicular accessway	<p>Several components of the proposed development encroach into the street setback area. Development that encroach is detailed as follows:</p> <ul style="list-style-type: none">• Pylon Sign setback 1.8m in lieu of 30m;• Retaining walls setback 1.8m and 13.5m in lieu of 30m;• Bin Store Area setback 7.8m in lieu of 30m;• Access driveway and car parking areas setback 2.2m and 14.5m in lieu of 30m; and• Facility setback a minimum of 25.8m in lieu of 30m. <p>A 10m setback is generally provided from the development to the northern and southern boundaries of the development site, with the exception of the bin store area, outdoor play area '2', portion of the access driveway and staff bays '16 and 17'.</p>	<p>Acceptable Variations</p> <p><u>Retaining Walls and Bin Store Area setbacks</u></p> <p>The level of Eighty Road is approximately at a RL8.0, the pad level of the bin enclosure is at a RL5.8 and the height of the bin store will be 1.8m, meaning the top of the bin store will be approximately 0.4m-0.5m lower than the road level.</p> <p>The retaining top of wall height (TOW) varies between 6 to 7.5 throughout the car parking area.</p> <p>These structures are not visually prominent due to the higher level</p>

		<p>of Eighty Road.</p> <p><u>Facility setback</u></p> <p>The proposed building will be constructed at a lower level than Eighty Road and will be partially screened by the retained trees within the road reserve. Additionally, the facility is single storey and lends itself to domestic residential architecture.</p> <p><u>Access driveway and Car parking area</u></p> <p>The location of the access driveway and car parking area has been addressed, as the applicant intends to retain the seven trees along the Eighty Road road reserve.</p> <p>The City also considers that additional landscaping is required to provide maximum visual screening of access driveway and car parking area from the road.</p> <p><u>Outdoor Play area '2'</u></p> <p>The subject area is located on the northern boundary and does not provide for any separation from the adjoining industrial type development.</p> <p>It is noted that the adjoining development's sand bins are compliantly</p>
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		<p>setback from the common boundary.</p> <p>Non-Acceptable Variation</p> <p><u>Pylon Sign</u></p> <p>It is acknowledged that the proposed pylon sign is not akin to a typical pylon sign, and even without the removal of verge vegetation, the sign would still be highly visible to passing traffic as illustrated within the applicant's perspective (Figure 19 below). Although compliant with Planning Policy 3.3.1 - Controls of Advertisements, the sign is not considered to be sympathetic to the characteristics of the immediate area.</p> <p>A condition requiring the removal of the Pylon Sign is recommended should the application be approved.</p>
Clearing of Vegetation		
<p>No native or remnant vegetation shall be removed or cleared unless approved by the Local Government, and other than for the purpose of a fire break, fire protection within a asset protection zone, dwelling, outbuilding, fence and vehicular access or where such vegetation is dead, diseased or dangerous.</p>	<p>A total of 10 trees are required to be removed to facilitate the proposed development. All trees identified for removal are on-site. The proposed development was supported by an environmental assessment, which considered the conservation value of vegetation contained within the site.</p>	<p>Yes, as native trees within the verge are retained. While the retained vegetation may be degraded from a biodiversity perspective, it still plays a role in setting and maintaining the rural visual amenity of the locality. Pruning of the subject trees will not be approved by the City.</p>

Clause 4.15 - Carparking

TPS2 requires the provision of on-site parking for vehicles for development on Rural zoned land in accordance with the provisions of Clause 4.15 and Table No.2. The table below provides an assessment of the Child Care Premises proposal against the relevant car parking requirements of TPS2.

Use	Rate	Required	Provided
Child Care Premises	1 bay per employee and 1 bay per eight children	18 employees = 18 bays 92 children = 11.5 (12) bays	30
Total			31

The proposed development provides a total of 31 car parking spaces which satisfies the car parking requirement of Clause 4.15 of TPS2.

City of Rockingham - Fencing Local Law 2000

The City's Fencing Local Law provides the statutory instrument to regulate fencing. In particular it provides the local government with a framework for its assessment and consideration of fencing proposals on land in the City.

The development proposes three styles of fencing around perimeter of the development site. Details of fencing are as follows:

- Colorbond fencing is provided along the northern and southern boundaries, setback a minimum 29m from Eighty road;
- Open style (Link fencing) is provided along the northern and southern boundary within the setback area;
- Tubular fencing to rear of the development; and
- Height of 1.8m.

Schedule 3 of the Local Law applies to this development proposal as it sets out specifications for a 'sufficient fence' on a rural lot. The proposed fencing is non-compliant with Schedule 3 which requires 'rural style' iron star picket or timber post fencing at a maximum height of 1.2m above ground level or strainer post fencing.

It is noted that in its submission, the applicant contends that the proposed link fencing is reasonable as the exact same type of fencing is provided at the adjoining Landscape Supply Yard / Nursery. Approval from the City has not been obtained by the owner for the referenced fencing. This matter can be dealt with by the City separately.

Should MSWJDAP resolve to approve this development, it is recommended all link fencing within the setback area be modified to comply with Schedule 3 of the Local Law for 1.2m high post or strainer post fencing.

State Government Policies

State Planning Policy 3.7 - Planning in Bushfire Prone Areas

SPP3.7 seeks to guide the implementation of effective risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.

The subject land has been designated bushfire prone under the *Fire and Emergency Services Act 1998 (as amended)* and therefore the requirements of SPP3.7 are applicable.

The objectives of SPP3.7 are to:

- *"Avoid any increase in the threat of bushfire to people, property and infrastructure. The preservation of life and the management of bushfire impact are paramount.*
- *Reduce vulnerability to bushfire through the identification and consideration of bushfire risks in decision-making at all stages of the planning and development process.*
- *Ensure that higher order strategic planning documents, strategic planning proposals, subdivision and development applications take into account bushfire protection requirements and include specified bushfire protection measures.*
- *Achieve an appropriate balance between bushfire risk management measures and, biodiversity conservation values, environmental protection and biodiversity management and landscape amenity, with consideration of the potential impacts of climate change."*

As the land is designated as a bushfire prone area and is classified as a 'vulnerable' land use, the applicant submitted a Bushfire Management Plan (BMP) and Bushfire Emergency Plan (BEP) in support of the application, as per the requirements of SPP3.7. The proposal was referred to Department of Fire and Emergency Services (DFES), which was satisfied that the application adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved within the submitted BMP (refer to the Consultation with other Agencies or Consultants section of this report).

The BMP has been assessed by City staff and is considered acceptable.

Guidelines for Planning in Bushfire Prone Areas (GfPBPA)

The Department of Planning, Lands and Heritage's GfPBPA provide supporting information to assist in the interpretation of the objectives and policy measures outlined in SPP3.7. The following is an assessment against the relevant requirements of the GfPBPA.

Element 1 - Location

The development complies with the relevant Acceptable Solution for this Element, as the applicant has demonstrated through a BAL assessment and implementation of an overlapping Asset Protection Zone (APZ) that the maximum BAL level that buildings will be required to be constructed to will be BAL-29 of *Australian Standard 3959 - Construction of Buildings in Bushfire Prone Areas (AS3959)*.

Element 2 - Siting and Development

The development complies with the relevant Acceptable Solution for this Element, as the building on the lot will be provided with an overlapping APZ (of the required dimension), which is established for the most part within the lot boundaries of Lot 726 and a 5 metre APZ which extends beyond the northern lot boundary into Lot 107.

Element 3 - Vehicular Access

The development complies with the relevant Acceptable Solution for this Element, as development provides for two (2) egress options from the site, being north or south along Eighty Road.

Element 4 - Water

The development complies with the relevant Acceptable Solution for this Element, as reticulated water supply is currently available to the site.

Environmental Protection Authority (EPA) - Separation Distances between Industrial and Sensitive Land Uses No.3 (Guidance Statement)

The applicant's assessment of mitigation measures and impacts from the Landscape Supply Yard / Nursery is considered in the context of the following EPA requirements and the City's Health Services advice.

The EPA Guidance Statement provides advice to proponents, responsible authorities, stakeholders and the public, on the minimum requirements for environmental management which the EPA would expect to be met when the Authority considers a development proposal. For the purposes of the Guidance Statement, "industrial land use" is used in a general way to encompass a range of industrial, commercial and rural activities, and infrastructure, associated with off-site emissions that may affect adversely the amenity of sensitive land uses. A table of land uses is provided in the Guidance Statement, however, it is acknowledged that the list is not definitive.

The generic separation distances are based on the consideration of typical emissions that may affect the amenity of nearby sensitive land uses. These include:

- gaseous and particulate emissions;
- noise;
- dust; and
- odour.

A Child Care Premises is classified as a sensitive land use.

The EPA recommends a 100m buffer distance to all Nurseries from sensitive land uses. The buffer recommended by the Guidance Statement is not an absolute separation distance, but instead are default distances providing general guidance in the absence of site-specific technical studies.

The proposed Child Care Premises is located as close as 10m to adjacent Landscape Supply Yard / Nursery operations.

In the case of a new sensitive development being proposed near an existing industry, where the separation distance is less than the generic distance, a scientific study based on site and industry-specific information must be presented to demonstrate that a lesser distance will not result in unacceptable impacts.

Having regard to the associated deferral reason, the applicant submitted a site-specific Dust Assessment and Industrial Noise Impact Assessment.

The City's Health Services has reviewed the applicant's subsequent environmental assessments and advised that:

- the Dust Assessment addresses the main concerns and identifies a "very low to low" risk outcome. It is understood that *"very low to low risks are generally considered acceptable and represent the lowest possible risk"*; and

- the Child Care Premises will not operate on weekends, when the Landscape Supply Yard / Nursery is likely to generate the highest level of noise.

Given the findings of the site-specific studies, it is concluded that the location of this sensitive premises in such close proximity to an industrial type land use can be entertained and is therefore considered to be compliant with the EPA Guideline Statement, based on the applicant's environmental assessments.

It is noted that should the Landscape Supply / Nursery in future seek to intensify its operation, the land use/s may have the ability to impact on the operation at the Child Care Premises and further management practices may need to be implemented.

Environmental Protection Authority (EPA) - Environmental Guidance for Planning and Development (Guidance Statement No.33)

A purpose of this Guidance Statement No.33 is to provide an overview of environmental protection processes and information, to assist land use planning and development in Western Australia.

With regard to dust impacts, Guidance Statement No.33 states that atmospheric dust and particulate matter at levels associated with public health risks and/or public nuisance may potentially be generated by a variety of land uses and activities, including landscape supply businesses.

The City accepts the risk of dust impact is "very low to low" and noise levels generated at the northern boundary of the subject site, based on the applicant's investigations, which reduces the potential for land use conflict.

Local Policies

Planning Policy No.3.1.1 - *Rural Land Strategy (RLS)*

The City's RLS provides for the basis for land use planning in the rural areas of the district. In particular, it provides local government with a planning framework for its assessment of proposals to rezone, subdivide, manage and develop rural land in the City.

The RLS considers the City's rural land in terms of 'Planning Units' which are further divided into Planning Precincts. The subject land is within Planning Unit 4, Precinct 4A. Planning Unit 4 is dominated by a series of wetlands, swamps and other low lying areas and this is reflected on the subject site, with approximately 75% of the property being designated as a CCW and its buffer. The development application was accompanied by an environmental assessment of the site which has been reviewed by the City and Department of Biodiversity, Conservation and Attractions and is accepted from an environmental impact perspective.



Figure 8 - Planning Unit 4A of RLS

The primary objective for this Planning Unit is to encourage special rural/special residential development which recognises and enhances the landscape and natural resource attributes of the unit and provides a natural viewshed to Mandurah Road and a rural context to proposed urban development to the east. Development is required to be appropriately setback and be of a scale that minimises intrusion into the landscape.

The proposed development is required to comply with the following specific guidelines:

- *"Lots to be a minimum size of 5000m²;*
- *Buildings to be setback a minimum of 40m from Mandurah Road, 30m from other subdivisional roads and 10m from all other boundaries (with no clearing in the setback area except for fire management or for vehicular access as approved by Council; and*
- *Development shall be of a scale that minimises intrusion into the landscape."*

The City has provided perspective photos along Eighty Road representing a collective view experience from a motorist's perspective on the local network travelling in a northern direction. The subject lot and the land within the Rural zone is located on the western side of Eighty Road i.e. the left hand side of the photographs below.

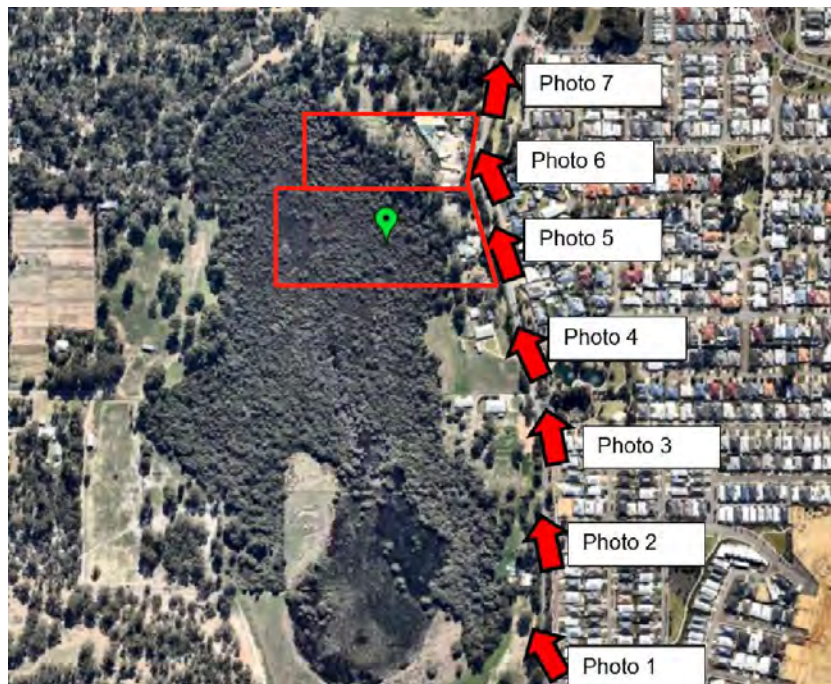


Figure 9 - Perspective Photo Plan



Figure 10 - Perspective Photo 1



Figure 11 - Perspective Photo 2



Figure 12 - Perspective Photo 3



Figure 13 - Perspective Photo 4



Figure 14 - Perspective Photo 5 (proposed development site - left side)



Figure 15 - Perspective Photo 6 (Landscape Supply Yard / Nursery)



Figure 16 - Perspective Photo 7



Figure 17 - Existing frontage of proposed development site 1



Figure 18 - Existing frontage of proposed development site 2

The perspective photos illustrate that a stretch of approximately 850 metres of land within which the subject site is located (along the western side of Eighty Road) maintains a distinctly rural vista. The adjoining development to the south maintains a 30m landscape buffer, whilst the adjoining Landscape Supply Yard/Nursery provides a 10m vegetation buffer and is screened by existing mature trees that collectively minimise the intrusion of the development along the western side of Eighty Road. The adjoining development is not considered to be visually dominant.

The applicant has also subsequently provided two perspectives illustrating the proposed development within its immediate surrounds. It is noted that the perspectives do not appear as an accurate representation of the existing trees within the Eighty Road reserve and it appears to show a different type of tree (possibly *Melaleuca sp*), which have been pruned with lower branches removed. This effectively opens up views into the proposed development.

Whilst the perspectives have not been updated (i.e to accurately reflect the existing tree type and form), it is important to note that the City does not support pruning the existing trees on Eighty Road to create views into the proposed development and that additional tree planting is recommended to maintain the rural character.

Upon further review, the City considers that the proposed development, while partially visible from Eighty Road is unlikely to have a detrimental impact upon the rural character of the area, subject to the retention of existing trees in the verge of Eighty Road



Figure 19 - Proposed Child Care Premises Perspective 1



Figure 20 - Proposed Child Care Premises Perspective 1

Amendments to Planning Policy No.3.1.1 - Rural Land Strategy (RLS)

The local government is required by Clause 67 of the deemed provisions to have 'due regard' to a range of matters. The pertinent matter regarding this application relates to subclause b) which states that the local government is required to give due regard to any proposed planning instrument that it is seriously considering approving or adopting.

In December 2019, Council resolved to approve the advertising of amendments to RLS for public comment. The release of the *South Metropolitan Peel-Sub Regional Planning Framework* has necessitated a comprehensive review of RLS to ensure it aligns with the State Government's strategic direction. Submissions on the amendments to RLS closed on 4 March 2020, following which the Council will further consider the amendments.

An assessment against the following specific guidelines and desired future character to the RLS is available below, where it is concluded the proposed development is generally consistent with the relevant changes to the RLS with the application of appropriate conditions of Development Approval.

- *"The Rural Wedge precinct provides for an important rural transition between the inland and coastal urban corridors and maintains the valuable rural vista to Mandurah Road. It contains multiple overlapping ecological values and linkages, including an extensive chain of wetlands, elevated ridgelines, prominent high points and remnant vegetation that provide an essential landscape and rural context. These areas of environmental and landscape significance are fundamental to the visual character and amenity of the area and their ongoing preservation is a key strategic objective of the RLS.*
- *No clearing being permitted without the specific approval of the City.*
- *All buildings and outbuildings are to be sympathetic in design, materials and colour to compliment surrounding landscape elements and be sited away*

from focal points and located where screening vegetation or landform can be utilised."

It is considered that the proposed development reflected in the submitted perspective drawings, will integrate within its rural context and is therefore compliant with the RLS amendments.

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

The City's assessment considered that the proposal was not compliant with the locational criteria relating to the sites proximity to public transport, but in other respects was generally compliant. Although the proposed development does not satisfy all of the locational criteria, it is recognised that the broader context of the site is not just rural. The subject site also fronts a key road for this portion of Baldivis and a Child Care Premises is considered compatible within this broader context.

Planning Policy No.3.3.1 - *Control of Advertisements* (PP3.3.1):

The City considered the proposed Pylon Sign as part of the original application, where it was determined that the Pylon Sign complies with the relevant provisions of PP3.3.1.

Consultation:

Public Consultation

The original application was advertised for public comment over a period of 18 days, commencing on 5 September 2019 and concluding on 23 September 2019. The nature of the facility (proposing to operate from 6.30am to 6.00pm, Monday to Friday) warranted comment from nearby landowners and occupiers, prior to Council providing its recommendation to the MSWJDAP.

Advertising was carried out in the following manner:

- Landowners and occupiers within 100m of Lot 107 and 726 were notified in writing of the proposed development; and
- Copies of technical documents and plans of the proposal were made available for public inspection at the City's Administration Offices and placed on the City's website.

Note: The proposal has not been advertised following the provision of the additional information received in February 2020, as it was considered that the original submissions are still of relevance to the Council with respect to traffic volumes and clearing of vegetation



Figure 21 - Consultation Plan

At the close of the public consultation period, a total of four submissions were received, three objecting the proposal and one neutral to the proposal.

Note: The location of one of the submitters objecting the proposal has not been captured on the Consultation Plan, as the submitter is located out of the immediate locality.

The objections received have been summarised in the table below, including the applicant's and the City's response to the submissioner objections. The applicant's response to concerns raised have also been summarised.

1. Traffic Impacts
Concerns including safety, access points and existing traffic issues.
<p><u>Applicant's Response:</u></p> <p>The proposed development is supported by a Transport Impact Statement (TIS) which assessed the traffic generation of the proposal in accordance with the requirements of WAPC guidelines.</p> <p>The TIS confirmed that the traffic generation resulting from the proposed development will have an insignificant impact on the surrounding road network.</p> <p>Additionally, the TIS confirms that the site's access arrangements to Eighty Road are satisfactory from a traffic engineering point of view. The scope of the traffic assessment, which was carried out by suitably qualified and experienced traffic engineers, did not determine the need for any slip lanes, changes in speed limit or warning signs.</p>

City's Comment:

Upon further consideration, it is the City's view that the potential traffic generated from this development can be managed, without a right turn pocket.

The proposed crossover for the Child Care Premises should be setback 30m in lieu of 25m based on a left-turn collision avoidance as suggested by Austroads' *Guide to Road Design Part 4 – Intersections and Crossings*,

The revised plans include off-street car parking (gradient) compliant with Australian Standard 2890.1 - Parking facilities.

2. Environmental / Visual

Concerns regarding removal of trees.

Applicant's Response:

The proposed development was supported by an environmental assessment, which considered the conservation value of vegetation contained within the site. The environmental assessment determined that the trees proposed for removal are in a "completely degraded" condition and do not have conservation significance.

The Department of Water and Environmental Regulation & Department of Biodiversity, Conservation and Attractions has commented on the proposal and confirmed no objection to the development from an environmental or biodiversity conservation point of view.

City's Comment:

A revised site plan has been submitted which denotes removal of only 10 on site trees and no trees within the road reserve, whilst the original plan illustrated a total of 17 trees required for removal to facilitate the proposed development, comprising seven within the road reserve and 10 on site.

The City accepts that the on-site vegetation proposed for removal is in a degraded condition from a biodiversity perspective. The City is also satisfied with the intention to retain of all verge trees as they are considered important from a visual amenity perspective and that they form an integral part of the rural amenity of the location. It is the City's view that retention of verge trees will assist to maintain the visual amenity of the locality.

3. Land use

Submission:

The area is already well served with child minding centres.

Applicant's Response:

A perceived oversupply of child care services is not a relevant planning consideration.

City's Comment:

The City must provide recommendations to the MSWJDAP on planning merits of the proposal. The number of existing child care services in the area is not a relevant planning consideration. The application has been considered in accordance with TPS2 and applicable planning policies. Further, the application will ultimately be determined by the MSWJDAP.

Consultation with other Agencies or Consultants

As part of the original application, the following government departments and service agencies were consulted:

- Department of Biodiversity, Conservation and Attractions;
- Department of Fire and Emergency Services; and
- Department of Water and Environmental Regulations.

The comments received are as follows:

1. Department of Biodiversity, Conservation and Attractions (DBCA) - summarised

DBCA notes that a portion of the outdoor play area is located within the outer edge of the 50 metre buffer to a Conservation Category Wetland (CCW) known as Outridge Swamp on DBCA's *Geomorphic Wetlands Swan Coastal Plain* dataset. The CCW and its buffer are mapped as an Environmentally Sensitive Area. The majority of Outridge Swamp is in private ownership and, from aerial imagery, it appears to be well vegetated.

State Planning Policy 3.7 - *Planning in Bushfire Prone Areas* includes policy objective 5.4 which aims to achieve an appropriate balance between bushfire risk management measures and biodiversity conservation values, environmental protection and biodiversity management and landscape amenity with consideration of the potential impacts of climate change. It is DBCA's expectation that the City of Rockingham will ensure that all necessary bushfire protection measures are accommodated within the subject development area so as not to impact on the adjoining environmentally sensitive area.

City's Comment:

The plans illustrate that a proposed outdoor play area will encroach into the wetland buffer by up to 10 metres in some areas. Additionally, some retaining and fencing (associated with the proposed play area) also encroaches into the wetland buffer. Despite being within the wetland buffer zone, the location of the proposed play area has been historically cleared and is currently not fulfilling its function of protecting the wetland from edge effects. Consequently, the City is amenable with the play area being located partially within the CCW.

Should MSWJDAP resolve to approve the proposed application, the City recommends that the applicant be required to enhance the remaining buffer area through revegetation, via a Revegetation Plan. The BMP would in this instance also need to be revised to account for wetland buffer revegetation so as to ensure that necessary bushfire protection measures are accommodated, without impact upon the adjoining environmentally sensitive area.

2. Department of Fire and Emergency Services (DFES) - summarised

DFES advises that the proponent has adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved within the submitted BMP.

Notwithstanding, it should be noted while the building will be located within BAL-29, outdoor play areas 1 & 2 are partially within BAL-FZ and BAL-40. It is recommended that any adjacent structures are separated by a distance of not less than 6 metres from the main building in line with the general construction requirements in Section 3 of Australian Standard AS3959 - *Construction of Buildings in Bush Fire Prone Areas*. If this separation is not achieved, the adjacent

structures may be considered part of the main building resulting in the development being impacted by a higher potential radiant heat.

The outdoor play area is also within the proposed APZ. It is important that the play area is maintained in accordance with the APZ requirements to minimise the level of bushfire impact to the building.

It is important that an enforceable mechanism is in place to ensure that the APZ proposed within the BMP that extends beyond the lot boundary of the subject site can be maintained in perpetuity. Conditions of planning approval should also reinforce the management of the APZ that extends beyond the lot boundary of the proposed development in perpetuity.

City's Comment:

The City is satisfied that the development has demonstrated compliance with SPP3.7, specifically Element 1: Location and Element 2: Siting and Design, which is further detailed in the State Government Policy section of this report.

The City is also satisfied that an enforceable mechanism would be in place to permit an overlapping APZ, should MSWJDAP resolve to approve the proposed application. In this instance, the City recommends imposing a condition requiring an agreement being entered into between the land owners of Lot 107 and Lot 726 and the City to ensure that the APZ on adjacent lot is managed in perpetuity.

DFES in its submission also provides advice relating to potential future structures being located within 6 metres of the main building line. A copy of the advice forms part of Attachment 4 - Schedule of Submissions. The applicant has been provided with a copy of the DFES submission.

3. Department of Water and Environmental Regulations (DWER) - summarised

DWER recommends the car park stormwater drainage system be designed, constructed and managed in accordance with the *Stormwater Management Manual for Western Australia* (DWER, 2004). Stormwater runoff should be fully contained onsite for small and minor storm events (1 and 0.2 Exceedance per Year runoff) and the first 15mm of stormwater runoff (1 Exceedance per Year runoff) should undergo water quality treatment via bio-retention.

City Comment:

While DWER has requested that stormwater is fully contained up to the 0.2 Exceedance per Year Runoff (5 year event), the City considers that stormwater should be contained up to the 10 year event, as is typical of a commercial land use.

DWER comment pertaining to the first 15mm of stormwater runoff is consistent with the City's expectation.

Officer Comments

Land use Compatibility

The reason for the MSWJDAP's decision for deferment of the application was due to the lack of available information surrounding the land-use compatibility between the operation of the adjoining Landscape Supply Yard / Nursery and proposed Child

Care Premises in terms of noise and dust impacts. It was likewise the central reason why the Council did not support the application being approved.

Based on the site specific Dust Assessment report and Acoustic report, which has been completed in accordance with the Environmental Protection Authority policy framework, the City is now satisfied that the proposed developments can co-exist, based on the current operations of the Landscape Supply Yard, without the need for any further mitigation measures.

Traffic and Safety

Upon further review of the need for a right turn pocket on Eighty Road, because of the future extension of Nairn Drive to Eighty Road (which is likely to occur in the next 10 years) and cul-de-sac treatment to Eighty Road at southern end, the traffic on Eighty Road can be managed. As such, the requirement for a right turn treatment has not been recommended. The City, however, recommends that the crossover to the existing dwelling must be setback 30m from the proposed Child Care Premises crossover and this matter be addressed as a condition of Development Approval.

Visual Impact

The visual impact of the revised development was reconsidered by the City, based on a perspective photo collection of the City's visual assessment and subsequent perspectives provided by applicant, as well as a site inspection. As detailed throughout the report, pending appropriate conditions of approval, it is considered that the application now satisfies the relevant objectives of PP3.3.1 and TPS2.

Council Recommendation:

The application was referred to the 24th March 2020 Ordinary Council Meeting, where the officer's recommendation was adopted by the Council.

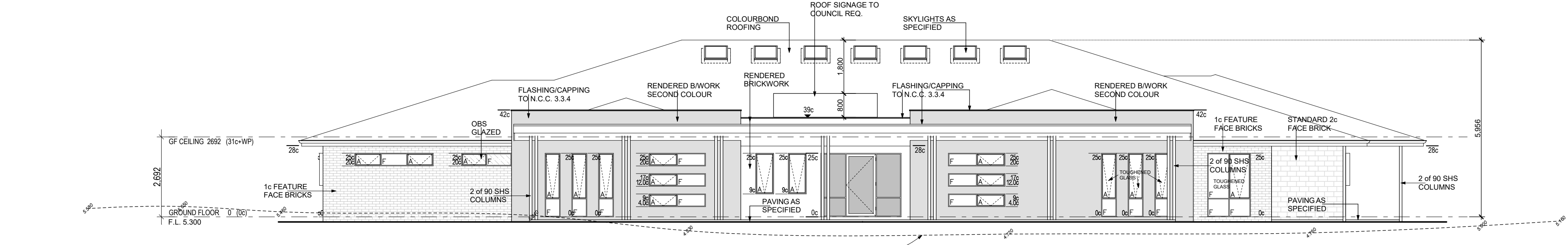
Conclusion:

Based on the additional information submitted, the proposal sufficiently addresses the MSWJDAP reason for deferment and City's previous concerns. It is therefore considered on balance that, subject to appropriate conditions, the proposal for a Child Care Premises at this site is recommended for approval.

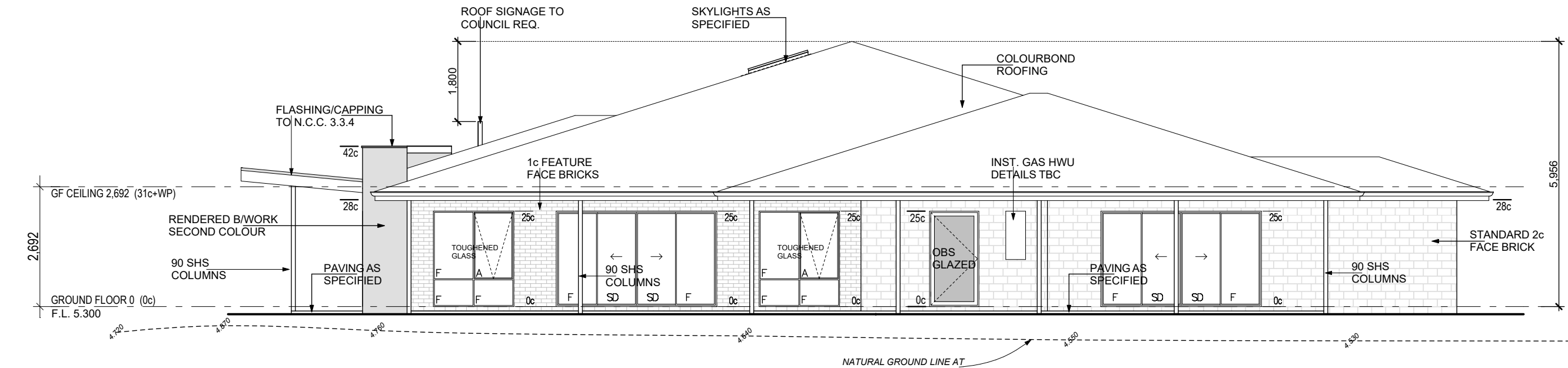
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AT 1°45', EAVE 100MM
METAL DECK VDOH ROOF
AT 5°42', EAVE 00MM
60c DOUBLE HEIGHT FACE BRICK FINISH TO
EXTERNAL BWK UNLESS NOTED
OTHERWISE.



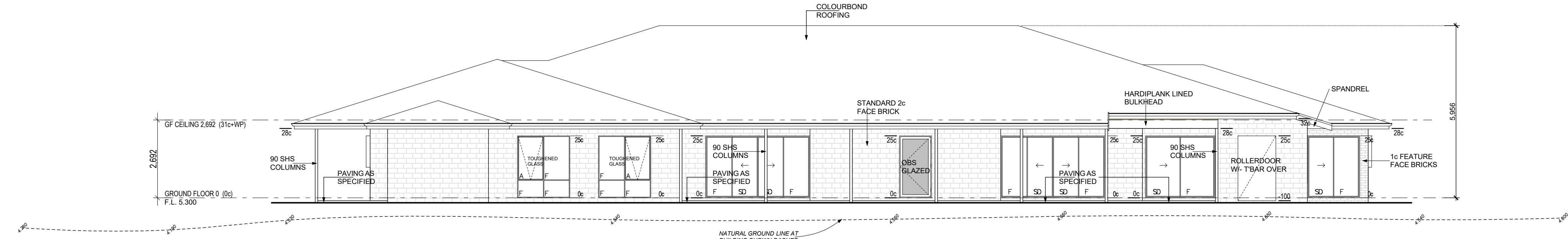
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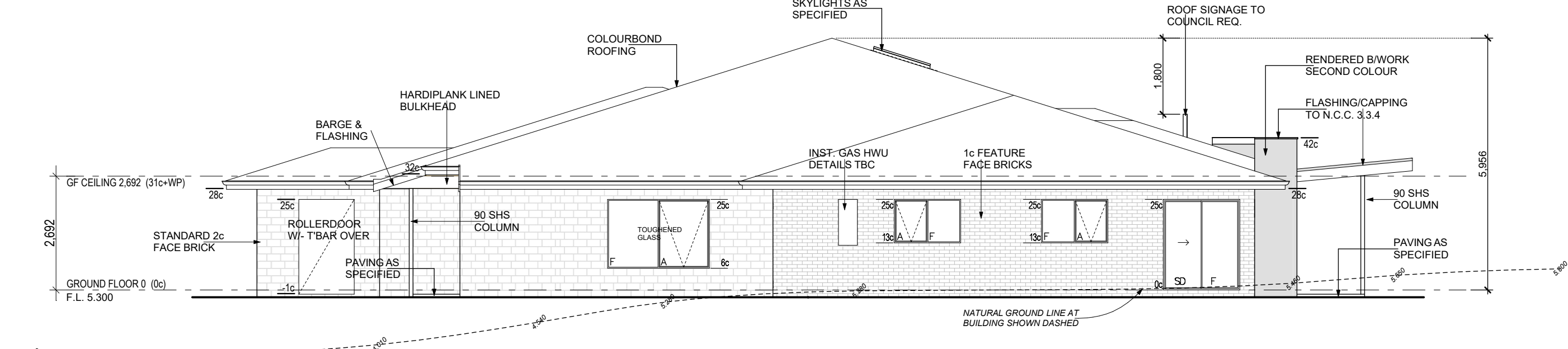
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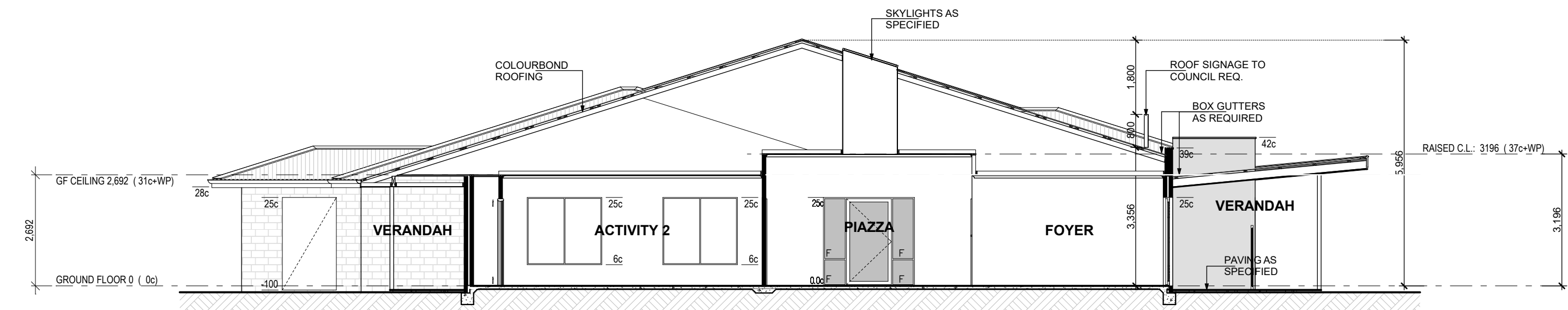
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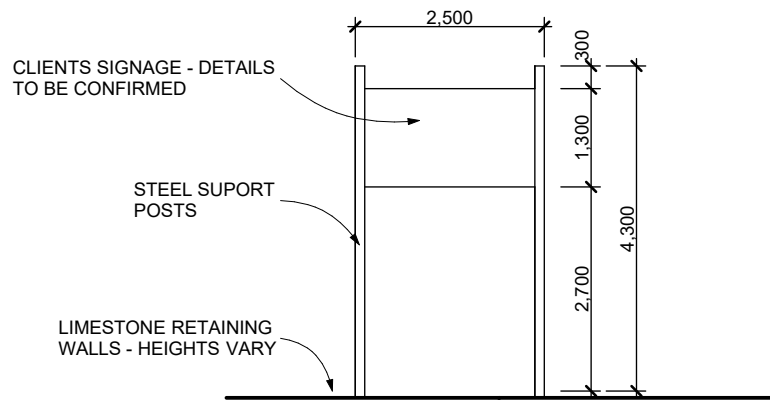
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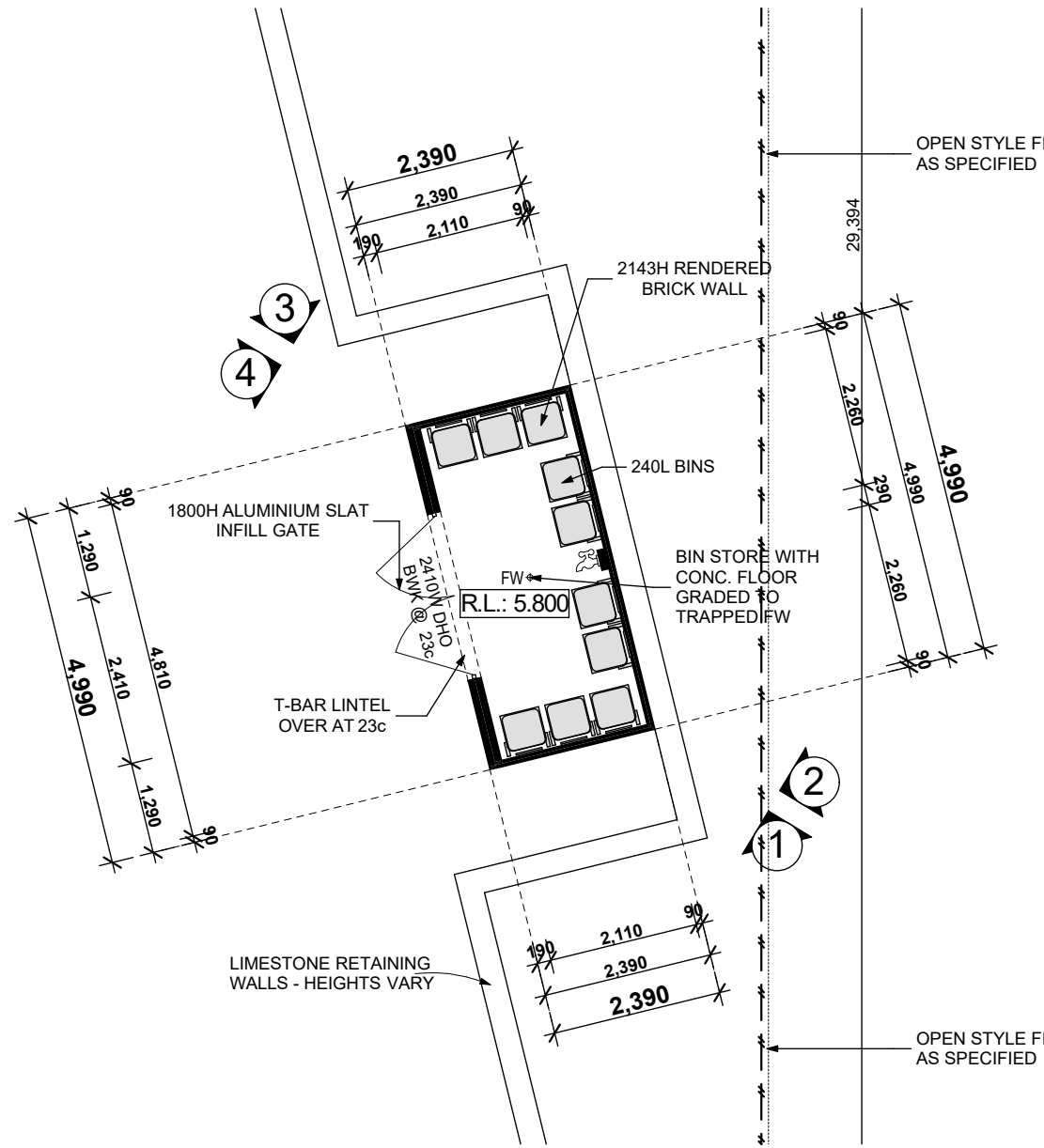
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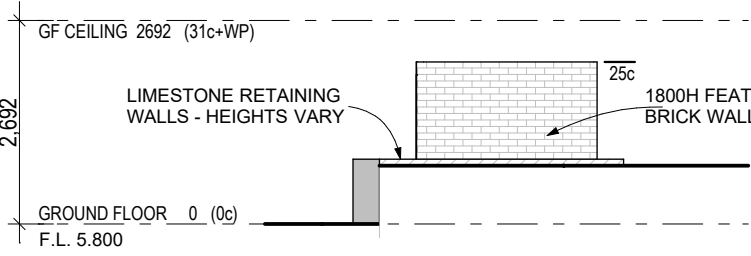
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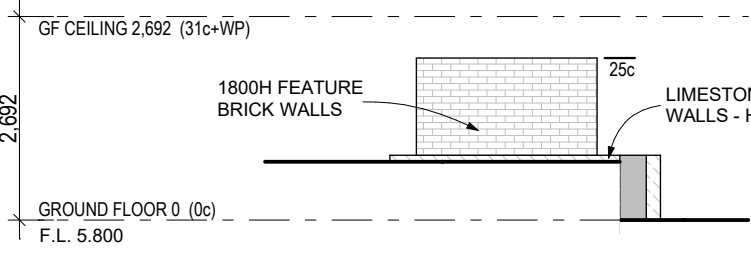
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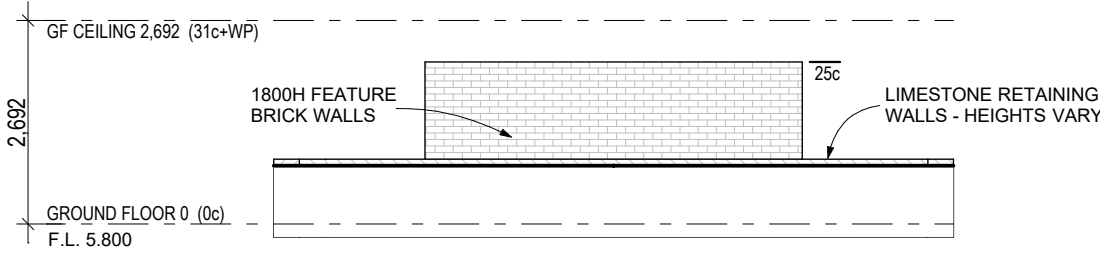
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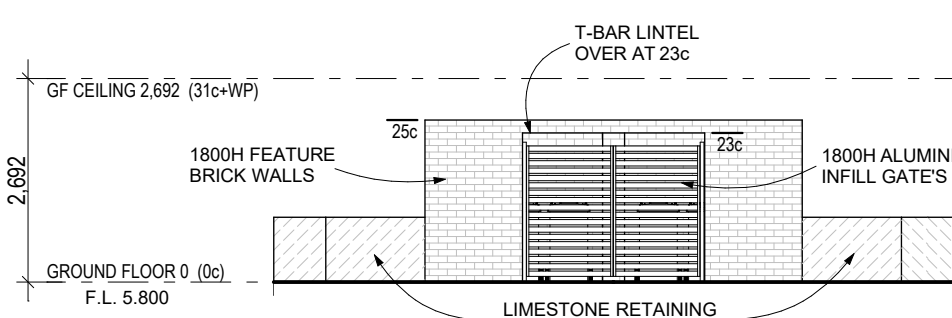
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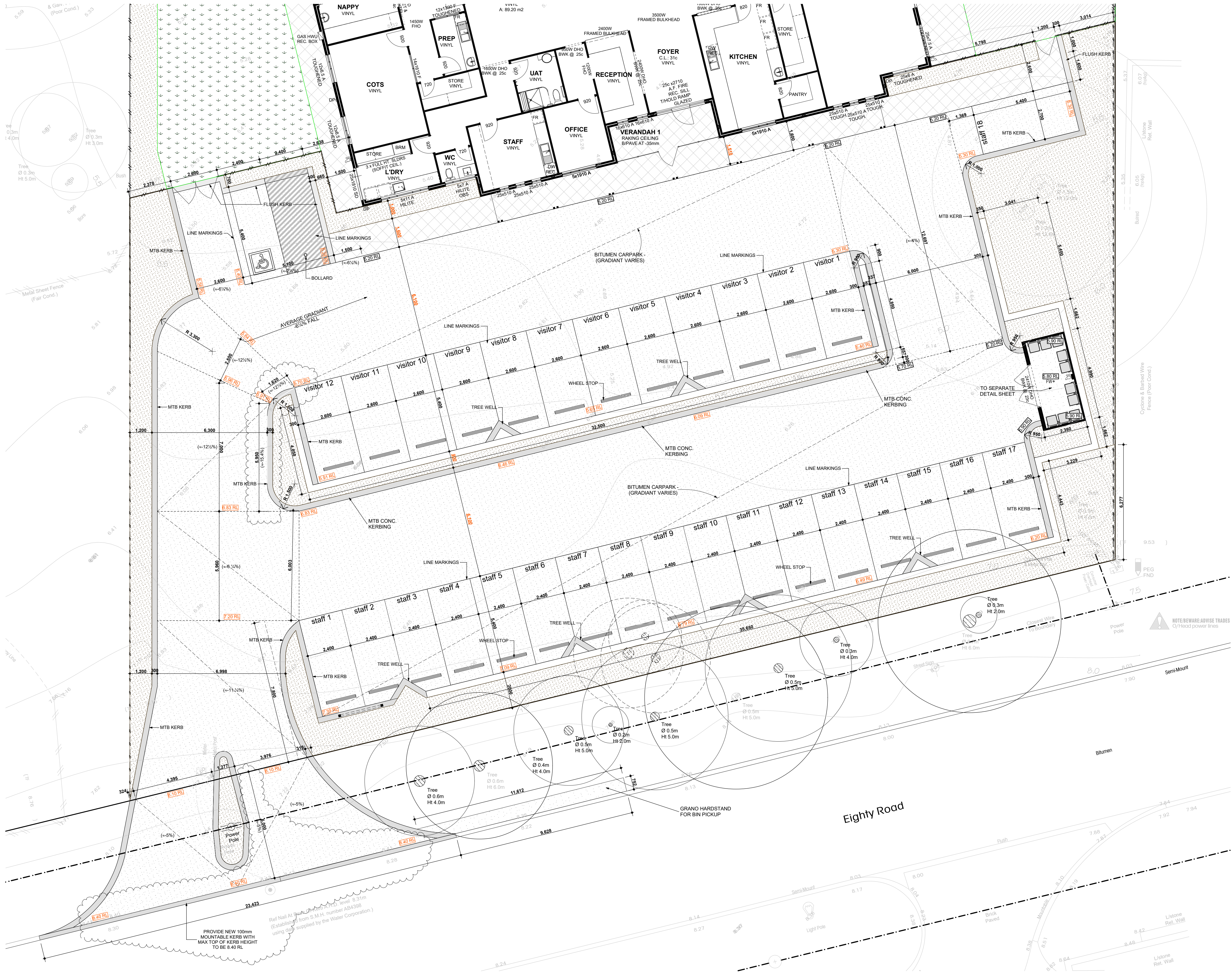
NOTE:
CEILING 31c + WALL PLATE
UNLESS NOTED OTHERWISE.
METAL DECK MAIN ROOF
AT 17°45', EAVE 700MM
METAL DECK V'DAH ROOF
AT 5°42', EAVE 00MM
02c: DOUBLE HEIGHT FACE BRICK FINISH TO
EXTERNAL BWK UNLESS NOTED
OTHERWISE.



NOTE:
CEILING: 3.1c WALL PLATE
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METAL DECK VERANDAH ROOF
METAL DECK VERANDAH ROOF
AT 9.42. EAVE 10MM
EXTERNAL BULKHEADS NOTED
OTHERWISE

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CARPARK LAYOUT
1:100

PAVING & GRANO AREA	
BITUMEN - DRIVEWAY	714.18
BITUMEN - PARKING	421.86
BITUMEN - XOVER	71.34
GRANO - BIN PICKUP	8.04
GRANO - PATH	30.73
PAVING - VERANDAH	172.38
TYPE A-2 KERB	60.27
TYPE M-1 KERB	4.83
1,894.24 m ²	

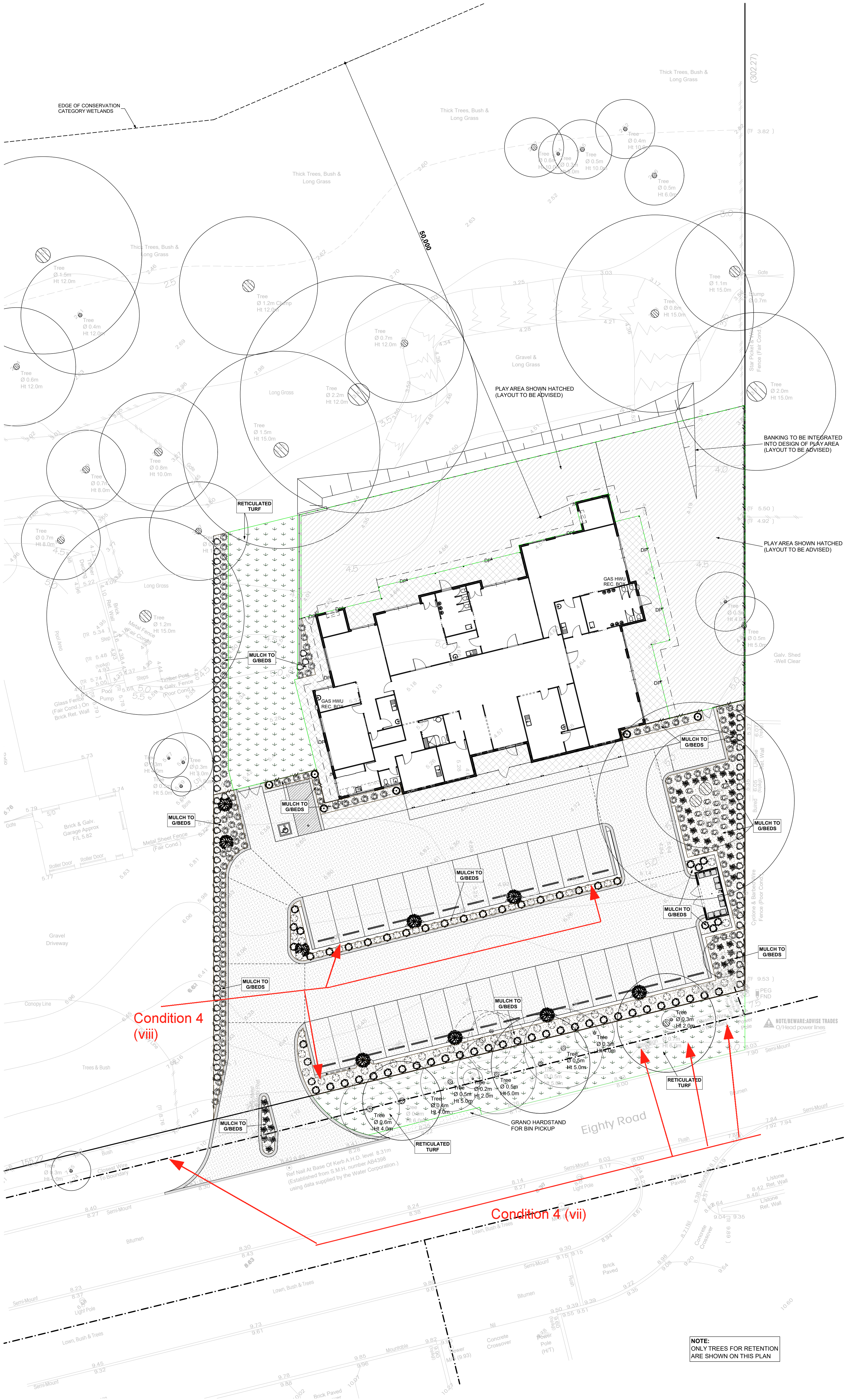


Draw: CARPARK PLAN
Client: CLARADON PROPERTY PTY LTD
Site: LOT 726 #91 EIGHTY ROAD
BALDWIN
Map Ref: Sheet 807: 641-940

CONTRACTS
OWNER: _____
OWNER: _____
OWNER: _____

CHILD CARE CENTRE
ROCKINGHAM
Date: 22/06/19
Drawn By: J. M.
Checked By: J. M.
Scale: 1:100
Sheet 807: Rev. 03

LAB No: G1376
Date: 22/06/19
Drawn By: J. M.
Checked By: J. M.
Scale: 1:100
Sheet 807: Rev. 03



SITE LANDSCAPE PLAN
1:200

LANDSCAPING LEGEND								
ID	Symbol	Botanical Name	Common Name	Type	Pot	Spacing	Height	No.
L		Acacia cognata	(Lime/leight)	Small Shrub	200mm	1 PER 1.0M²	600mm-100mm	18
L		Anisopanthos mangiferae	(Big Red)	Grass Plant	200mm	1 per 1.0M²	1000mm	59
L		Callistemon salignus	(Great Balls of Fire)	Large Shrub	200mm	1 per 1.0m²	1750mm	6
L		Dianella tasmanica	(Tas Red)	Small/Medium Grass Plant	140mm	1 PER 1.0M²	600mm-600mm	42
L		Eremophila glabra	(Kalbarri Carpet)	Small Shrub Ground Cover	140mm	1 PER 1.0m²	200mm	131
L		Eucalyptus torquata	(Coral Gum)	Small Tree	45 ltr	As Plan	4000mm-8000mm	9
L		Grevillea	(Bonnie Prince Charles)	Medium Shrub	200mm	1 PER 1.0M²	800mm	88
L		Lomandra longifolia	(Mat Rush)	Medium Grass	140mm	1 per 1.0M²	1000mm	54
407								

REFER TO SEPARATE PLAN FOR FENCING DETAILS

HARDSCAPES:

PE DEEP BARK CHIP MULCH

BRICK PAVING TO COUNCIL REQUIREMENTS

RETICULATED LAWN AREA

NOTE:
ALL AREA'S SHOWN AS MULCH OR GRASS IS TO BE RETICULATED ON AUTO TIMER

NOTE:
THIS PLAN TO BE READ IN CONJUNCTION WITH THE 'SITE PLAN' FOR ALL FINISHED AND GROUND LEVELS

NOTE:
ALL TREES OR EXISTING STRUCTURES SHOWN WITH SOLID LINES TO REMAIN

NOTE:
REFER TO DEMOLITION PLAN FOR ALL TREES AND STRUCTURE TO BE REMOVED FROM SITE

NOTE:
THERE IS 37.08% LANDSCAPING OF THE NEW BUILDING AREA (1180.20m² OF 3183m²) - NOT INCLUDING THE EXISTING VEGETATION TO THE REMAINDER OF THE UNDEVELOPED AREA OF THE SITE

ID	LANDSCAPING	M²
01	LANDSCAPE - FRONT	295.22
01	LANDSCAPE - LHS	45.16
02	GRASS - LHS	190.98
03	PLAY AREA	589.41
		1,120.79 m²



ACTIVITY PLAN
1:100




BUILDING AND SITE CRITERIA	
Site Details:	
Lot 726: 48,418m²	
Child Care DA: 3,183m²	
Building Details:	
Area: 604.91m²	
Landscaping:	
Area: 113.93m²	
Hours of Operation:	
Weekdays: 6:30AM-6:00PM	
Weekends: N/A	
Capacity:	
0-2 years: 12 (3 Staff)	
2-5 years: 12 (3 Staff)	
3 years and over: 50 Children (5 Staff)	
Total:	
92 Children	
10 Staff (14 Educators + 4 Admin)	
Activity Areas:	
Indoor:	
Provided: 299.09m²	
Outdoor:	
Provided: 314.87m²	
Required: 604.09m²	
Provided: 617.10m²	
Parking:	
Requirements: 30	
Visitors: 12 (inc. Accessible parking)	
Rev. Bay: 0	
Provided: 30	
Shortest: 0	

ACTIVITY AREAS	
ACTIVITY 1	34.73
ACTIVITY 2	39.37
ACTIVITY 3	39.49
ACTIVITY 4	59.80
OUTDOOR 1	60.28
OUTDOOR 2	359.85
PIAZZA	92.63 m²



TUBULAR FENCING

FENCING LEGEND:

	1800H OPEN STYLE TUBULAR FENCING
	1800H COLOURBOND BOUNDARY FENCING
	OPEN STYLE AS SPECIFIED

ATTACHMENT 2 – Original Responsible Authority Report and Information.

Metro South-West JDAP Meeting No. 196 Agenda and original responsible authority report can be found [here](#).

PS ref: 6101
City ref: 20-2019-219-1
DAP ref: DAP/19/01660

7 February 2020

City of Rockingham
PO Box 2142
ROCKINGHAM WA 6967

Attention: David Banovic, Planning Services

Dear Sir,

**LOT 726 (591) EIGHTY ROAD, BALDIVIS
PROPOSED YMCA CHILD CARE PREMISES
ADDITIONAL INFORMATION PACKAGE**

Planning Solutions acts on behalf of Claradon Property Pty Ltd in support of the proposed YMCA child care premises at Lot 726 (591) Eighty Road, Baldivis (**subject site**).

We refer to the Metro South West Joint Development Assessment Panel (**MSWJDAP**) meeting held on 9 December 2019 (MSWJDAP/196), where the Panel resolved (with a 4/1 vote) to defer the application. As outlined within the DAP minutes provided at **Appendix 1**, the application was deferred on the following basis:

To allow the proponent to provide further information addressing mitigation measures associated with the nursery and its operation within 60 days (7 February 2020).

REASON: Based on the conditions outlined it is considered that issues relating to the nursery have not been sufficiently clarified in order to ensure it can prevent an adverse impact on both operations given the nursery has a legitimate existing approval.

Issues relating to the rural zone could be addressed by modification of the development as it is located within the Urban framework.

The child care centre is considered low impact in terms of traffic generation, the traffic impact can be mitigated and could be satisfactory addressed.

Having regard for discussions at MSWJDAP/196 and the associated deferral reason contained within the minutes, the following additional information package seeks to address what are considered to be "outstanding considerations", to the satisfaction of the responsible authority and the decision-maker.

The following additional information package demonstrates the proposed YMCA child care facility is appropriate for the subject site, can satisfactorily co-exist with the adjoining landscape supply business, and will integrate with the surrounding locality.

1 OUTSTANDING CONSIDERATIONS

The principal purpose of this application being deferred was to allow further information to be submitted addressing the co-existence between the proposed child care facility (in particular, the northern outdoor play area) and the landscape supply business.

The other commentary contained within the deferral reason related to:

- The character of the development having regard for its rural context, and the ability for this matter to be addressed by modifications to the development.
- The child care facility being low impact, in the context of traffic and access.

Accordingly, the following additional information package addresses:

1. The principal issue of the interaction between the proposed northern outdoor play area and adjoining local landscape supply / nursery business.
2. Minor modifications to address rural character.

2 INTERFACE/CO-EXISTENCE OF USES

The proposed land use, being a child care premises, is identified as a 'sensitive land use' in accordance with section 2.3 of the EPA Separation Guidelines.

The adjoining northern Lot 107 contains an operational local landscape supply business and nursery, which are understood to be approved as Landscape Supply Yard and Nursery in accordance with the City's Local Planning Scheme No.2 (**LPS2**).

Pages 18-19 of the RAR contained within the agenda for MSWJDAP/196 offered some commentary regarding the relevant EPA guidance statements dealing with the co-existence of such uses.

Whilst it is evident from the commentary contained within the RAR that dust was the principal concern of the local authority, the following is noted:

- Landscape Supply Yard is not an activity referenced by the EPA Separation Guidelines. There is no recommended buffer or prescribed emission associated with this land use within the EPA Separation Guidelines.
- The EPA's Guidance Statement No.33 offers the following commentary with respect to dust, in the context of a landscape supply yard:
Nuisance may arise from small point sources, for example, quarries and landscape supply businesses, and permanent unsealed surfaces such as roads. Sometimes natural conditions cause problems for people, such as sand blow from dunes.
- In accordance with the EPA Separation Guidelines, the recommended buffer distance for a Nursery use is 100m and the only potential impact identified is noise (ie gaseous, dust, odour and risk are not identified as potential impacts).

Having regard for the EPA's identification that a potential "nuisance" may arise from dust emissions at a landscape supply business, and the EPA's identification of noise as a potential impact from a nursery, it is considered that dust and noise are the key considerations needing to be addressed in the context of this application.

2.1 DUST ASSESSMENT

Following the 9 December 2019 MSWJDAP meeting, Strategen JBS&G were commissioned to carry out an Air Quality Assessment (**AQA**), with a specific focus on dust (particulate) emissions from the landscape supply business and the potential for impacts at the proposed childcare centre (in particular, the northern outdoor play area). The AQA is provided at **Appendix 2** of this submission.

The AQA carried out by Strategen included the following key factors:

- An examination of site location and environmental setting (ie existing site conditions, land use, climate/meteorology and topography).
- Potential impacts and methods of dust emission at the subject site from the landscape supply business.
- Operations at the landscape supply business and existing dust controls – including consideration of the site layout, trafficable surfaces, treatment/handling of materials.
- A risk assessment which considers all of the factors outlined above and determines the likelihood of exposure to dust and consequence of such exposure.

Overall, the AQA and risk assessment demonstrates that the operation of the landscape supply business results in a “very low to low” risk of impact to the health of children playing outdoors at the centre. It is understood that *“very low to low risks are generally considered acceptable and represent the lowest possible risk”*.

Consequently, no mitigation measures or further dust assessments are deemed to be required in order for the child care centre and the landscape supply business to co-exist.

A summary of the key components of the AQA is provided below:

- The documented site conditions, layout and meteorological conditions are naturally inclined to effectively prevent dust exposure to the subject site. Wind erosion is considered a “very unlikely” source of dust, due to:
 - Monthly wind trends revealing that winds from the north are more prevalent during winter months when the dust potential of stockpiled materials is considered low due to damp conditions and colder temperatures.
 - During summer months, winds from the north rarely occur (less than 2% of the time). Hot and dry summer conditions that would be most likely to result in dust occur during times of high UV and heat index, which coincides with times when children would be moved inside for protection from extreme heat conditions in accordance with standard operational practices.
 - It is also relevant to note that the documented wind data is recorded at the Jandakot airfield, which is a large flat area. Lower wind speeds would be expected at the site due to its sloping topography and low-lying location.
- The storage enclosures comprising walls up to 1-1.25m in height and the associated 10m setback from the enclosures themselves serves to reduce the potential for wind erosion compared with an open stockpile, and affords a small measure of buffering to allow dust to settle under light wind conditions.

- A site inspection and examination of the landscape supply business was conducted in the afternoon of 16 January 2020, deliberately done during the “worst case” conditions for dust creation and emission. The observations made at this inspection found a very low risk of dust emission from the business.
- In the unlikely event of noticeable dust being carried over the fence line (an event which is understood to be very infrequent), the child carers have the and unhindered ability to respond by moving children inside, if necessary.

Refer to **Appendix 2** for a copy of the Air Quality Assessment prepared by Strategen JBS&G.

2.2 INDUSTRIAL NOISE ASSESSMENT

An acoustic assessment was prepared to consider the noise levels generated at the northern boundary of the subject site, which is shared with the landscape supply business.

The assessment was done by measuring actual noise production during weekday periods of Tuesday 28 to Friday 31 January 2020 with two automatic noise data loggers.

The weekday noise, as measured along the shared boundary with the landscape supply yard, is demonstrated to be below the prescribed $L_{eq,1hr}$ 55 db(A) level of the Association of Australasian Acoustical Consultants Guidelines for Childcare Developments.

It is expected that noise at the landscape supply business is expected to be higher on weekends due to a higher volume of customers, however, since the child care centre does not operate on weekends, this noise is not relevant to the childcare development.

Refer to **Appendix 3** for the Industrial Noise Impact Assessment prepared by Lloyd George Acoustics.

3 VISUAL AMENITY AND RURAL CHARACTER

A key component of the Rural zone objective provided by the City’s LPS2 is for development to be compatible with the characteristics of the immediate area in which it is located.

Two photomontages are included at **Appendix 4**, which were submitted prior to MSWJDAP/169, illustrating the proposed facility within its immediate surrounds. The images are considered to demonstrate an acceptable visual outcome by virtue of a sympathetic design, visual screening by the lower level of the development site than Eighty Road, and landscape buffering by existing and proposed vegetation.

It is noted that an element of the immediate area, particularly along the frontage of 577 Eighty Road and 591 Eighty Road, is the existence of vegetation within the verge which offers a screening function for development (refer to **Figure 1** on the following page).

A set of updated development plans is provided at **Appendix 5**, which depicts the retention of verge trees. This modification is made in the interest of increasing the screening of the development.



VISUAL ASSESSMENT



5 CONCLUSION

The information contained in this submission comprehensively addresses the requirements outlined by the MSWJDAP as stated within the reasons for deferral, and further demonstrates the acceptability and suitability of the proposed child care centre development for the subject site.

In summary:

- Site-specific assessments have been carried out, addressing the specific criteria of the EPA's policy framework, to demonstrate the proposed child care facility will co-exist with the adjoining local landscape supply business, without the need for any mitigation measures or modifications.
- The proposed child care facility is sympathetic to its surrounds and will integrate with its context, and minor modifications have been made (retention of verge trees) to further enhance its compatibility.

We look forward to the City's favourable recommendation to the MSWJDAP. Should the City decide not to offer a positive recommendation, we respectfully request an alternate recommendation for approval with conditions be prepared and included within its RAR.

Should you have any queries or require further clarification with regard to the above, please do not hesitate to contact the undersigned.

Yours sincerely,

ALESSANDRO STAGNO
SENIOR PLANNER

200207 6101 Letter to City - Additional information.docx

APPENDIX 1

DAP MINUTES



Metro South West Joint Development Assessment Panel Minutes

Meeting Date and Time: 9 December 2019; 10:00am
Meeting Number: MSWJDAP/196
Meeting Venue: City of Rockingham
Civic Boulevard, Rockingham

Attendance

DAP Members

Mr Tony Arias (Presiding Member)
Ms Lee O'Donohue (Deputy Presiding Member)
Mr John Taylor (A/Specialist Member)
Cr Deb Hamblin (Local Government Member, City of Rockingham)
Cr Joy Stewart (Local Government Member, City of Rockingham)

Officers in attendance

Mr David Banovic (City of Rockingham)
Mr Michael Ross (City of Rockingham)
Mr Sean Hollywood (City of Rockingham)
Mr James Henson (City of Rockingham)

Minute Secretary

Ms Nicole D'Alessandro (City of Rockingham)

Applicants and Submitters

Mr Alessandro Stagno (Planning Solutions)
Mr Vladimir Baltic (Transcore)
Mr Shane Mauger (YMCA)
Mr Elton Swarts (Claradon Property Pty Ltd)
Mrs Chevaunne Swarts (Claradon Property Pty Ltd)
Mr Michael Stevents (Claradon Property Pty Ltd)

Members of the Public / Media

There were 2 members of the public in attendance.

1. Declaration of Opening

The Presiding Member declared the meeting open at 10:01am on 9 December 2019 and acknowledged the traditional owners and pay respect to Elders past and present of the land on which the meeting was being held.

The Presiding Member, announced the meeting would be run in accordance with the DAP Standing Orders 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.



The Presiding Member advised that the meeting is being audio recorded in accordance with Section 5.16 of the DAP Standing Orders 2017 which states '*A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.*' The Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

2. Apologies

Nil

3. Members on Leave of Absence

Nil

4. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the [DAP website](#).

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil

7. Deputations and Presentations

7.1 Mr Shane Mauger (YMCA) addressed the DAP in support of the application at Item No.8.1.

7.2 Mr Alessandro Stagno (Planning Solutions) addressed the DAP in support of the application of Item No.8.1 and responses to questions from the panel.

7.3 Mr Vladimir Baltic (Transcore) addressed the DAP in support of the application of Item No.8.1 and responses to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Application

8.1 Property Location:	Lots 726 (591) and 107 (577) Eighty Road, Baldivis
Development Description:	Child Care Premises
Applicant:	Planning Solutions
Owner:	Mr George & Mrs Margaret Yiannakis, Mr Blair Thomas
Responsible Authority:	City of Rockingham
DAP File No:	DAP/19/01660

REPORT RECOMMENDATION

Moved by: Cr Deb Hamblin

Seconded by: Cr Joy Stewart



That the Metro South-West Joint Development Assessment Panel resolves to:

Refuse the DAP Application reference DAP/19/01660 and accompanying plans:

- Locality Plan, Sheet 01, dated 22 August 2019;
- Demolition Plan, Sheet 02, dated 22 August 2019;
- Site Plan, Sheet 03, dated 22 August 2019;
- Floor Plan, Sheet 04, dated 22 August 2019;
- Elevations, Sheet 05, dated 22 August 2019;
- Streetscape, Sheet 06, dated 22 August 2019;
- Carpark Plan, Sheet 07, dated 22 August 2019;
- Landscape Plan, Sheet 08, dated 22 August 2019;
- Activity Plan, Sheet 09, dated 22 August 2019;
- Roof Plan, Sheet 10, dated 22 August 2019;
- Fencing Plan, Sheet 11, dated 22 August 2019;

in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of Metropolitan Region Scheme and Clause 68(2)(c) of the deemed provisions of the City of Rockingham Town Planning Scheme No.2, subject to the following reasons as follows:

Reasons

1. The location of the Child Care Premises adjacent to an operational Landscape Supply Yard / Nursery is contrary to orderly and properly planning principles.
2. The proposed Child Care Premises is incompatible with characteristics of the immediate area in which it is located and therefore fails to comply with the objectives of the Rural zone in City of Rockingham Town Planning Scheme No.2.
3. The development fails to provide a required right turn pocket on Eighty Road, thus failing to provide adequate safe access to the site as required by Clause 67(r) and 67(s) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 – Deemed Provisions)*.
4. The proposed Child Care Premises will have an adverse impact on the amenity of the community through increased vehicular movements and being an incompatible (non-rural) land use.
5. As required by Clause 67(m) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 – Deemed Provisions)* it has not been demonstrated that this development is compatible with its setting, as the Child Care Premises, which is a sensitive land use, is proposed to be located adjacent to an Industrial land use (Landscape Supply Yard / Nursey).
6. The location of the proposed Child Care Premises is unsuitable as the proposal fails to meet the location, site characterises and design considerations criteria contained within City of Rockingham Planning Policy 3.3.5 - Child Care Premises.
7. The proposed Child Care Premises is not consistent with the City of



Rockingham Planning Policy 3.3.1 - Rural Land Strategy which identifies the site for potential Special Rural development with a minimum lot size of 0.5 hectare and requires development to be of a scale that minimises intrusion into the landscape.

8. The proposed Child Care Premises is not consistent with State Planning Policy 2.5 - Rural Planning as the development is contrary to the City of Rockingham rural planning framework and is likely to generate land use conflicts.

ALTERNATE MOTION

Moved by: Mr Tony Arias

Seconded by: Ms Lee O'Donohue

That the consideration of DAP Application DAP/19/01660 be deferred, in accordance with section 5.10.1a of the DAP Standing Orders 2017, for the following reasons:

- To allow the proponent to provide further information addressing mitigation measures associated with the nursery and its operation within 60 days (7 February 2020).

The Alternate Motion was put and CARRIED (4/1).

For:
Mr Tony Arias
Ms Lee O'Donohue
Mr John Taylor
Cr Joy Stewart

Against: Cr Deb Hamblin

REASON: Based on the conditions outlined it is considered that issues relating to the nursery have not been sufficiently clarified in order to ensure it can prevent an adverse impact on both operations given the nursery has a legitimate existing approval.

Issues relating to the rural zone could be addressed by modification of the development as it is located within the Urban framework.

The child care centre is considered low impact in terms of traffic generation, the traffic impact can be mitigated and could be satisfactory addressed.

9. **Form 2 – Responsible Authority Reports – Amending or cancelling DAP development approval**

Nil

10. **Appeals to the State Administrative Tribunal**

Nil



11. General Business / Meeting Close

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2017 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.

There being no further business, the Presiding Member declared the meeting closed at 11:09am.

APPENDIX 2

AIR QUALITY ASSESSMENT

Claradon Property Pty Ltd
Proposed Childcare Centre
Lot 726 (591) Eighty Road, Baldivis

Dust Assessment

3 February 2020

58117- 127,140

JBS&G Australia Pty Ltd T/A Strategen-JBS&G

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Appendices

Appendix A Monthly wind analysis Jandakot Aero

1. Introduction

Development approval for a proposed childcare centre at Lot 726 (591) Eighty Road, Baldivis is being sought by Planning Consultants on behalf of their client Claradon Property Pty Ltd (as trustee for The Eighty Road Trust).

The development application was deferred by the JDAP in order to address issues concerning the northern outdoor play area and potential impacts from the adjacent local landscape supply business.

To that end, Strategen-JBS&G have been engaged to conduct an air quality assessment, with a specific focus on dust (particulate) emissions from the landscape business and potential for impacts at the proposed childcare centre.

2. Site location and environmental setting

2.1 Existing land use, physical environment and proposed childcare centre site

The proposed childcare centre is to be located in the grounds of a 4.84 ha lot currently zoned rural (the Lot) (Figure 2.1). The Lot is predominantly bushland with cleared area in a strip of approximately 80 m from the eastern boundary line. The cleared area includes an existing residence and paddocks formerly used for agistment of horses. There are several large trees remaining adjacent to the cleared area.

The proposed childcare development site (the Site) is located in the north east corner of the Lot on an area previously used as a horse riding arena (Figure 2.2). Within the Lot directly south of the Site is an existing residence which will remain and south of that is land that has been used as paddocks, with some large trees to remain surrounding the Site.

The dense bushland within the Lot to the west of the Site is part of a wetland that covers approximately 35 ha and is intersected by several lots.

2.2 Surrounding land use

A landscape supply business¹ is operated on the adjacent lot to the north of the Site. The northern border of the Site, and thus the proposed fence line of the northern play area, abuts the boundary fence line (currently cyclone fencing²). A buffer of approximately 10 metres exists within the neighbouring lot between the fence line and the back of the bays in the yard used for holding bulk sand, soil and mulch supplies (bulk materials).

Directly to the west of the landscape supplies yard is paddock and bushland with a cleared (soil) firebreak around the boundary.

The Site faces Eighty Road to the east, across the road are verge gardens with trees and residential properties (zoned urban) beyond. The proposed childcare building is set back from the road with a car parking area located in front of the building.

Directly south of the Lot is a similar large rural zoned block with bushland to the west and clearing to the east end. A residence and sheds are located in the north west corner of the adjacent lot within 60 metres of the boundary.

¹ <https://baldivislandscapingsupplies.com.au/>

² The Lot owner advised that the business owner has indicated a wall is to be built to further screen the yard



Legend: <div><div></div> Project area</div> <div><div></div> Cadastral boundary</div> <div><div></div> Roads (MRWA)</div>	Scale 1:5,000 at A4		<div><div>050100</div><div>metres</div></div>	591 Eighty Road Baldvis, WA
	Coord. Sys. GDA 1994 MGA Zone 50		<div><div></div></div>	SITE LOCATION
	Job No: 58117			FIGURE 2-1
	Client: Planning Solutions			
	Version: A	Date: 24-Jan-2020		
	Drawn By: cthatcher	Checked By: PF		<div><div><div></div></div><div>strategen JBS&G</div></div>



Figure 2.2: Proposed Childcare Centre site

2.3 Climate and meteorology

The potential for dust impacts is in part a function of weather conditions, with a greater risk provided from summer months of higher temperatures, low rainfall and strong winds. Historically, the Baldvis locality experiences a Mediterranean climate characterised by mild, wet winters and warm to hot, dry summers. The nearest Bureau of Meteorology (BOM) weather station is at Garden Island, however that station is subject to strong coastal influences and is unlikely to be representative of the conditions at the Site. The BOM site at Jandakot Airport (Jandakot Aero site number 009172) 26 km to the north and 10 km inland is considered more applicable to the Baldvis location, which lies 5 km from the coastline.

Average monthly rainfall and maximum and minimum temperatures are illustrated in Figure 2.3. Average annual rainfall recorded at Jandakot since 1972 is 819 mm. Rainfall occurs throughout the year however the majority occurs from May to September associated with cold fronts coming from the west. Highest temperatures occur between January and February, with average monthly maximums ranging from 18°C in July to 31.6°C in February. Lowest temperatures occur in July and August, with average monthly minimums ranging from 7.2°C in July and August to 17.1°C in February (BoM 2019).

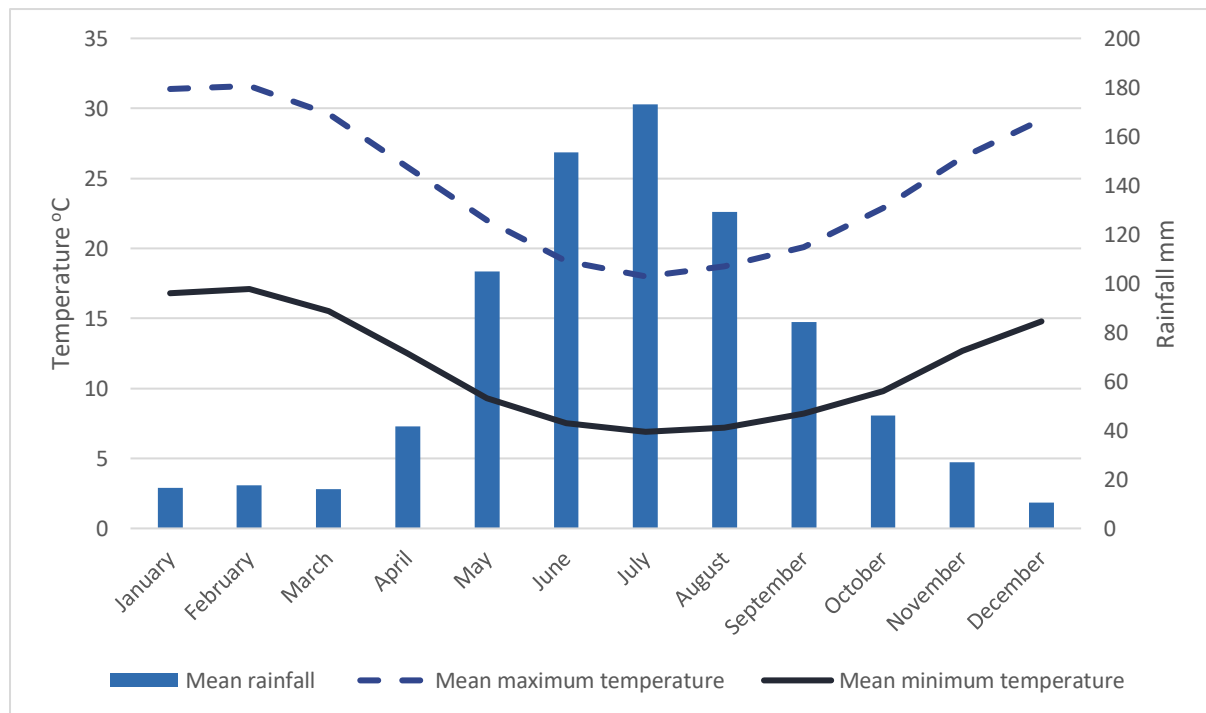


Figure 2.3 Mean monthly climatic data for Jandakot

Mean temperatures for years 1989 to 2019 and mean rainfalls for years 1972 to 2019

Two years of wind speed and direction data (2016 and 2017) from Jandakot Aero was examined (Figure 2.4). Analysis of the annual wind patterns reveals that the strongest prevailing winds come from the south west quadrant (SW 10% of winds and a further 18% of winds split between SSW and WSW), and east (E 7.5% and ESE 8.5%). Southerly winds, while highest in frequency, contributing approximately 12% of the winds, tend to be light with over 50% of winds from the south being < 4 m/s. Northerly winds make up less than 6% of the total winds in the two years examined with less than 1% of total wind being greater than 6 m/s from a northerly direction while north easterly winds were lighter but a little more prevalent.

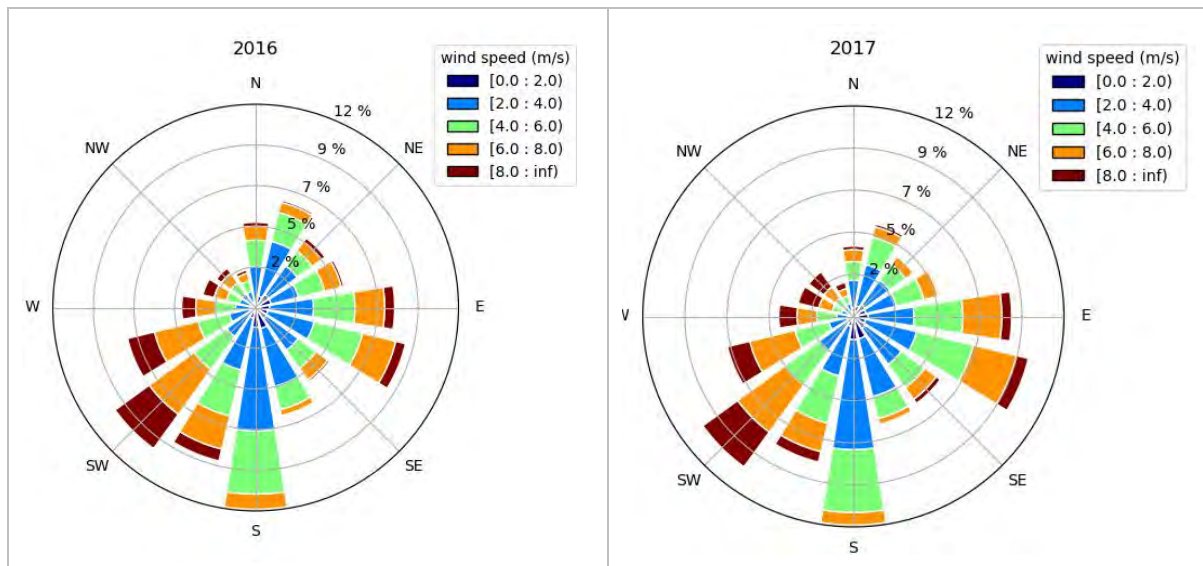


Figure 2.4 Annual wind roses for Jandakot Aero

The Site is located immediately to the south of the landscape supplies business, which means that direct impacts from activities at the business may occur for northerly winds only. The monthly wind patterns were therefore examined for the contribution of northerly winds over a 12 month period (Figure 2.4). During the summer months there are very little recorded winds from a northerly direction. During May to August the northerly and particularly the north easterly winds become more significant contributing approximately 20% of the total winds in the year examined (Appendix A).

2.4 Topography

The east end of the Lot where the Site is located is at approximately 5 mAHD. The landform slopes upwards in a north west direction. The Site is currently largely flat (due to former use as a horse riding arena) and is nestled below the height of Eighty Road and the adjacent landscape supplies business. The Site is approximately level with the height of the existing residence on the Lot but below the level of the lower yard of the business to the north.

3. Potential impacts at the Site

Activities that could result in dust and particulate impacts at the Site from the neighbouring landscape supplies business are associated with the stockpiling and handling of bulk soils, mulches and sands. These materials could contain fine particles that have the potential to become airborne during handling or from wind erosion of exposed surfaces.

The fine fractions of airborne dust have the potential to impact on human health. Deposited dust may also impact upon amenity (from soiling of surfaces such as vehicles, outdoor furniture, washing on clothes lines, etc.) and the environment where high levels of surface deposition may affect vegetation growth.

3.1 Emissions sources

Potential dust generating activities identified at the landscape supplies business are described in Table 3.3.

Table 3-3 Potential dust generating activities at the landscape supplies business

Activity	Dust generation potential
Vehicle movements	Vehicle movements on unsealed surfaces with loose materials could contribute to suspension of particulates into the air
Materials handling	Fine particle material has the potential to become airborne when bulk materials are handled during delivery of bulk materials and loading sold materials onto customer trailers/vehicles
Wind erosion	Dust lift off could occur if stockpiles or dry fine material spilt on the ground were subject to the action of the wind. Bulk materials loaded onto trailers could also be blown from the trailer with strong winds.

3.2 Parameters of interest

Dust arising from the landscaping business could include Total Suspended Particulates (TSP) and fine particle fraction (PM₁₀):

- TSP are particles each having an equivalent aerodynamic diameter of up to nominal 50 micrometres (µm). The primary issue with TSP emissions that could arise from the landscape supply business relates to impacts on amenity from a visible dust perspective and deposition onto surfaces.
- PM₁₀ is particulate matter of 10 µm or less in diameter, which is the fine particle fraction of TSP. PM₁₀ includes inhalable particles that are small enough to penetrate the thoracic region of the lungs, where they can have a direct physical (inflammatory) effect and/or be absorbed into the blood stream. Health impacts are related to the chemical composition of PM₁₀. All people are continuously exposed to PM₁₀ from naturally occurring and anthropogenic dust emissions in urban and industrial areas.

Other parameters that have been considered for inclusion in the dust risk assessment are PM_{2.5} and *Legionella longbeachae*:

- PM_{2.5} is particulate matter of 2.5 µm or less in diameter and is typically associated with combustion emissions and are generally not a significant component of the fine particles in soils and sands. The relatively small number of site vehicles and customer vehicles operating at the landscape supplies business are not considered to be a significant contributor to PM_{2.5} emissions into the air. PM_{2.5} is thus not considered further in this assessment.
- Commercial garden soils have been associated with a number of cases of Legionnaires' Disease in WA caused by exposure to *Legionella longbeachae* (DOH 2018). *Legionella* has been isolated from both bagged compost and natural soils taken from gardens (Steele 1990) thus there is a possibility of the bacteria occurring in the bulk soils. Exposure is typically

associated with handling of soils either occupationally or by members of the public carrying out gardening activities. A review on *Legionella* found legionellosis reported in published studies was related to direct contact with potting soil or compost and no evidence of long distance transmission was discovered (Wiley 2011). The children and employees at the proposed childcare centre will not have direct contact with the materials at the landscape supplies business which suggests the likelihood of exposure to *Legionella* from the neighbouring business is very low and is therefore not considered further in this assessment.

3.3 Air quality criteria

There is currently no formal ambient air quality standard for TSP in Western Australia that is protective of amenity. Draft air quality guidelines released by DWER propose a 24-hour average air guideline value for TSP of 90 $\mu\text{g}/\text{m}^3$. However, it is generally accepted (by air quality specialists) that this limit is not protective or indicative of impacts on amenity.

The National Environmental Protection (Ambient Air Quality) Measure 2015 (NEPM) provides air quality standards applicable to urban airsheds including criteria for particles as PM_{10} . The NEPM sets the standards for PM_{10} at 50 $\mu\text{g}/\text{m}^3$ on a 24-hr averaging period and an annual limit of 25 $\mu\text{g}/\text{m}^3$ derived from 24-hr measurements across a year.

3.4 Air quality dust monitoring

It appears that monitoring of ambient air TSP and PM_{10} concentrations has not been carried out at the landscape supplies business (to assess emissions from sources) or at the Site (to assess possible impacts). This precludes a direct comparison with the draft DWER criteria or the NEPM to ascertain the significance of any dust emissions from the business or any other sources in the vicinity of the proposed development site.

The assessment of likely dust impacts has therefore relied up visual inspection of the landscape supplies business and the proposed development site to identify dust generating activities and controls in place to minimise dust emissions.

4. Adjacent landscape business operations and dust controls

A visit to the neighbouring landscape supplies business was conducted in order to observe the dust control measures as implemented. A bucket of 'vegie mix' soil was purchased and loaded onto a low sided trailer by bobcat. The operators were not aware of the primary purpose of the visit. The visit was at approximately 4 pm during hot (~32 °C), dry and windy conditions with a south west wind of 8.8 m/s and wind gusts around 10 m/s.³ The hot, dry and windy conditions are considered to represent worst case scenario for potential dust generation.

4.1 General layout

The layout of the yard is shown in Figure 4.1. The access to the business is from Eighty road via the middle gateway of the lot onto a flat concrete yard area. There is a private house to the north of the access way with sheds to the east of that. There is another large shed area midway down the eastern fence line of the yard. Bulk materials are kept in concrete storage bays within the yard. There are some bulk materials storage bays in the main yard and a vegetation buffer has been planted between the main yard and Eighty Road.

The lot is tiered, and the majority of bays are in the lower area in the south of the yard, which is accessible down a short slope. As such the main body of the yard is elevated approximately 4 m above the level of the site and the lower yard 1-2 m. The bays in the lower yard back onto the buffer with the boundary of the Site. The buffer is currently sandy soil adjacent to the back portion of the Site with vegetation and trees which provide some screening.

The storage bay walls are approximately 1-1.25 m high and the bays that back onto the Site are topped with a metal fence to a total height of approximately 2 m. This serves to reduce the potential for wind erosion of the materials compared with an open stockpile.

Towards the front of the lower yard adjacent to the boundary is an area used to store trailers.

The 10 m separation distance from the southern materials bays and the boundary affords a small measure of buffering to allow dust to settle under light wind conditions.

4.2 Trafficable surfaces

The trafficable area of the yard is predominantly a concrete surface continuous with the storage bays. Unsealed areas in the lower yard, in the middle of the storage bay area and where trailers are stored, are recycled bitumen or similar material, which reduces the potential for dust emissions from vehicle movements.

The housekeeping within the yard was to a high standard with no spillage of materials onto the yard area observed and bulk materials were confined within the bays. Thus, there was no loose material in the trafficable area that could be mobilised into the air column, potentially causing a dust emission event.

4.3 Spray down of materials

An extensive reticulation system was visible around the storage bays and appeared to be well maintained. The sprayers were not operating at the time of the visit however the operator advised during discussion they were operated each morning and had also been on that afternoon. The concrete at the front of several of the bays was wet providing evidence to support that the sprayers had been recently utilised. Furthermore, the material loaded onto the trailer appeared to be damp

³ Wind data obtained for Jandakot Aero latest weather observations
<http://www.bom.gov.au/products/IDW60901/IDW60901.94609.shtml>

throughout. The operator indicated that the material should be damp throughout⁴. These measures will assist to minimise the potential for airborne dust.

4.4 Handling of materials

The soil purchased was loaded into the trailer using a bobcat. Care was taken to position the bucket directly over the trailer and deposit the material from a low height so that it all fell within the confines of the trailer. Little dust was raised with no visible dust exiting the sides of the trailer.

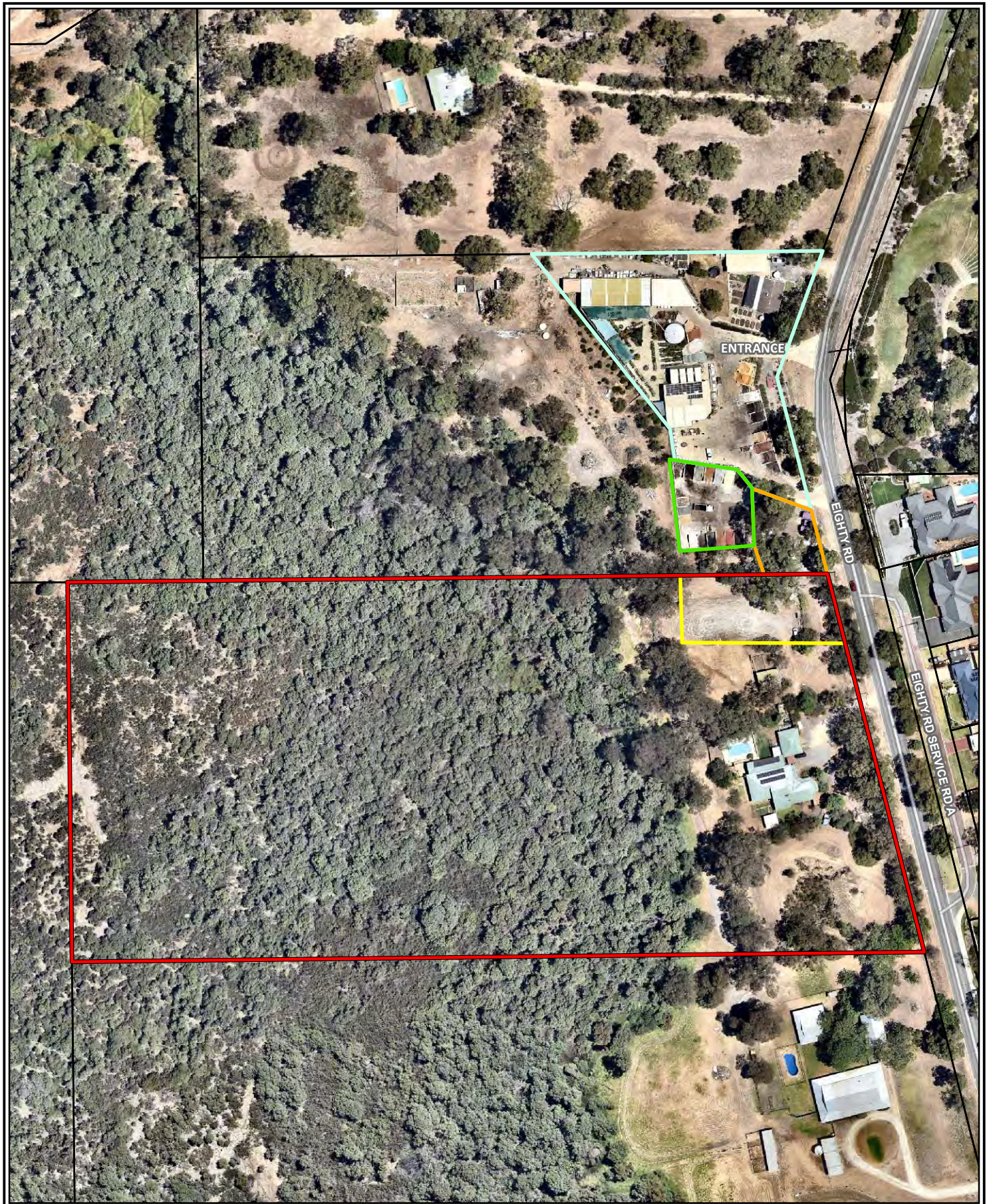
These observations suggest the loading practices will also assist to minimise the likelihood of dust generation.

It was not possible to observe a delivery of bulk materials to the site during the visit. This activity is likely to provide the greatest risk of dust emissions, in particular if the materials contain low moisture levels. Further discussion of the significance of this activity in respect of dust emissions impacts is provided in Section 5.2.

4.5 Covered loads

During the site visit the potential for loss of material from the trailer on the journey home (including travel on the freeway) was discussed. The operator advised that the material should be covered and assisted in securing the tarpaulin on the trailer to protect the load. This demonstrated an awareness of potential dust impacts from the material and a willingness to actively assist in minimising dust emission risks, which reflects positively on the management and operation of the landscape supplies business.

⁴ Revealed upon questioning regarding how quickly the material may dry out while sitting on a trailer



<div>Legend:</div> <div><div><div></div><div>Project area</div></div><div><div></div><div>Site</div></div><div><div></div><div>Lower yard</div></div><div><div></div><div>Trailer parking area</div></div><div><div></div><div>Upper yard</div></div><div><div></div><div>Cadastral boundary</div></div><div><div></div><div>Roads (MRWA)</div></div></div>	Scale 1:2,000 at A4 <div><div>02550</div><div>metres</div></div>		<div>591 Eighty Road Baldvis, WA</div> <div><div></div></div> <div>SITE LOCATION</div>	
	Coord. Sys. GDA 1994 MGA Zone 50 <div><div></div></div>			
	Job No: 58117			
	Client: Planning Solutions			
	Version: A		Date: 24-Jan-2020	<div><div><div></div></div><div>strategen JBS&G</div></div>
	Drawn By: cthatcher		Checked By: PF	



5. Risk Assessment

The risks from exposures to any dust emissions from the landscape supplies business at the proposed childcare centre are considered in terms of likelihood of exposure through the potential dust generating activities (described in Sections 3.1) and consequence of exposure to the parameters of interest (TSP and PM₁₀), with a risk level assigned according to the risk matrix below (Table 5-1):

Table 5-1 Risk matrix (DOH 2010)

Likelihood	Consequence					
	Slight/negligible	Minor	Moderate	Major	Massive	Catastrophic
Almost certain	Low	Medium	High	Extreme	Extreme	Extreme
Likely	Low	Low	Medium	High	Extreme	Extreme
Possible	Very Low	Low	Low	Medium	High	Extreme
Unlikely	Very Low	Very Low	Low	Low	Medium	High
Rare/Remote	Very Low	Very Low	Very Low	Low	Low	Medium

5.1 Exposure pathways

Pathways for exposure to dust is either through inhalation or through contact with deposited material. Inhalation is considered to be the primary method of potential exposure to dust at the Site. It is considered that the risk of harm to children via ingestion of dust is very low. Any deposited material is unlikely to contain components that pose a hazard when ingested. Furthermore, the outdoor play area will be subject to routine cleaning therefore any deposited dust from the neighbouring business will be prevented from accumulating in area.

5.2 Likelihood of exposure to airborne dust and controls

As previously described in Section 4, the handling of bulk materials and housekeeping is well managed at the landscape supplies business which when combined with trafficable surfaces not having the potential to yield dust from vehicle movements, gives a *Unlikely* likelihood rating for generation of airborne dust.

Materials handling, in particular loading trailers using the bobcat has the potential to yield airborne dust. The dust controls that are in place at the neighbouring business appeared well managed and given that any material lost as dust is essentially loss of saleable product, it is reasonable to assume that these controls will be maintained. Furthermore, the timing of operation of the yard and the operation of the childcare centre would be such that the dust controls would be implemented throughout the duration that children may be present in the northern play area.

TSP and PM₁₀ exposure could occur during delivery of bulk materials where the material may have dried out during transport. In the absence of knowledge on the delivery procedure it is assumed that the material is not actively moistened during delivery and therefore it is possible that transient dust emissions could occur. Deliveries are expected to be limited to one at a time due to the restrictive layout of the yard not having space for multiple trucks at one time, therefore there is little potential for a significant accumulation of airborne dust. The children will be under supervision in the outdoor play area and if materials deliveries are seen to generate visible dust then the children can be moved indoors. The likelihood of exposure to dust from deliveries is therefore considered *Unlikely*.

During winds from a northerly direction any dust raised by wind erosion of stockpiled materials at the landscape supplies business could be carried towards the outdoor play area. Wind erosion is considered a very unlikely source of dust impacting the Site due to the wind patterns and the sheltered location of the site. More specifically, analysis of the monthly wind trends revealed that winds from the north and north west are expected predominantly during winter months during

which the dust potential of the stockpiles is considered low due to the damp conditions. During summer months northerly to north westerly winds rarely occur (<2% of the time). Furthermore, the location of wind data recorded is out on the airfield which has a clear flat area for greater than 500 m to the north. Therefore, it is expected that the Jandakot Aero meteorology site is exposed to much higher wind speeds than the Site and the neighbouring block which, due to the natural slope of the land, the buildings in the north end of the lot and prevalence of large trees in the area is largely sheltered from the north and north west direction. The lower wind speeds expected at the Site will reduce the likelihood of wind erosion generated dust emissions.

Hot and dry summer conditions that, in the absence of dust controls, would be most likely to result in dust occur during time of high UV and heat index. It is considered likely that the children would be inside during these times in accordance with standard operation of day care centres to protect the children from extreme conditions. This management control further reduces the likelihood of exposure to airborne dust.

5.3 Consequences of exposure to dust

TSP and PM₁₀ exposure could cause lung irritation in sensitive individuals including children that may suffer from asthma. The consequences are therefore related to the existing respiratory health status of individual children, with ratings of *slight/negligible* assigned to children with no respiratory illness or disease through to *major* for a child with significant respiratory distress.

5.4 Risk assessment outcome

Overall the unlikely risk of exposure to TSP and PM₁₀ results in a very low to low risk to the health of children playing outdoors at the proposed childcare centre.⁵ Note that the risk assessment process does not contemplate a zero risk, however very low to low risks are generally considered acceptable and represent the lowest possible risk.

5.5 Additional controls

The risk assessment has identified a very low to low risk of dust impacts at the proposed childcare centre from operation of the landscape supplies business, on the basis of the existing controls implemented at that business, the low frequency of prevailing winds from the north and the ability of the childcare centre staff to move the children from the outdoor play area to inside the building in the event of dust being observed from delivery of bulk materials at the business.

The last mentioned control is entirely managed by the childcare centre and is independent of the extent and efficiency of controls managed by the landscape supplies business. As such, the impacts of future changes to the efficacy of controls managed by the business can be dealt with by the operation of the childcare centre. As indicated, the low frequency of prevailing winds from the north indicates the number of occasions that children would be removed from the outdoor play area is low. As such the impost upon the operation of the childcare centre from the landscape supplies business is considered to be insignificant.

5.6 Dust monitoring

In principal, monitoring of dust emissions from facilities involving handling and process of dusty materials can be contemplated to inform risks to health and amenity of persons at locations surround the facility. For the proposed childcare centre, monitoring of the dust concentrations at the boundary of the landscape supplies and the Site could be considered if a desktop risk assessment provided risks higher than a low rating, which is not the case as described above. As such, monitoring is not recommended.

⁵ A very low risk outcome is derived from an *unlikely* likelihood and *slight* consequence, whereas a low risk outcome is derived from the same likelihood but with a *major* consequence.

6. Conclusions

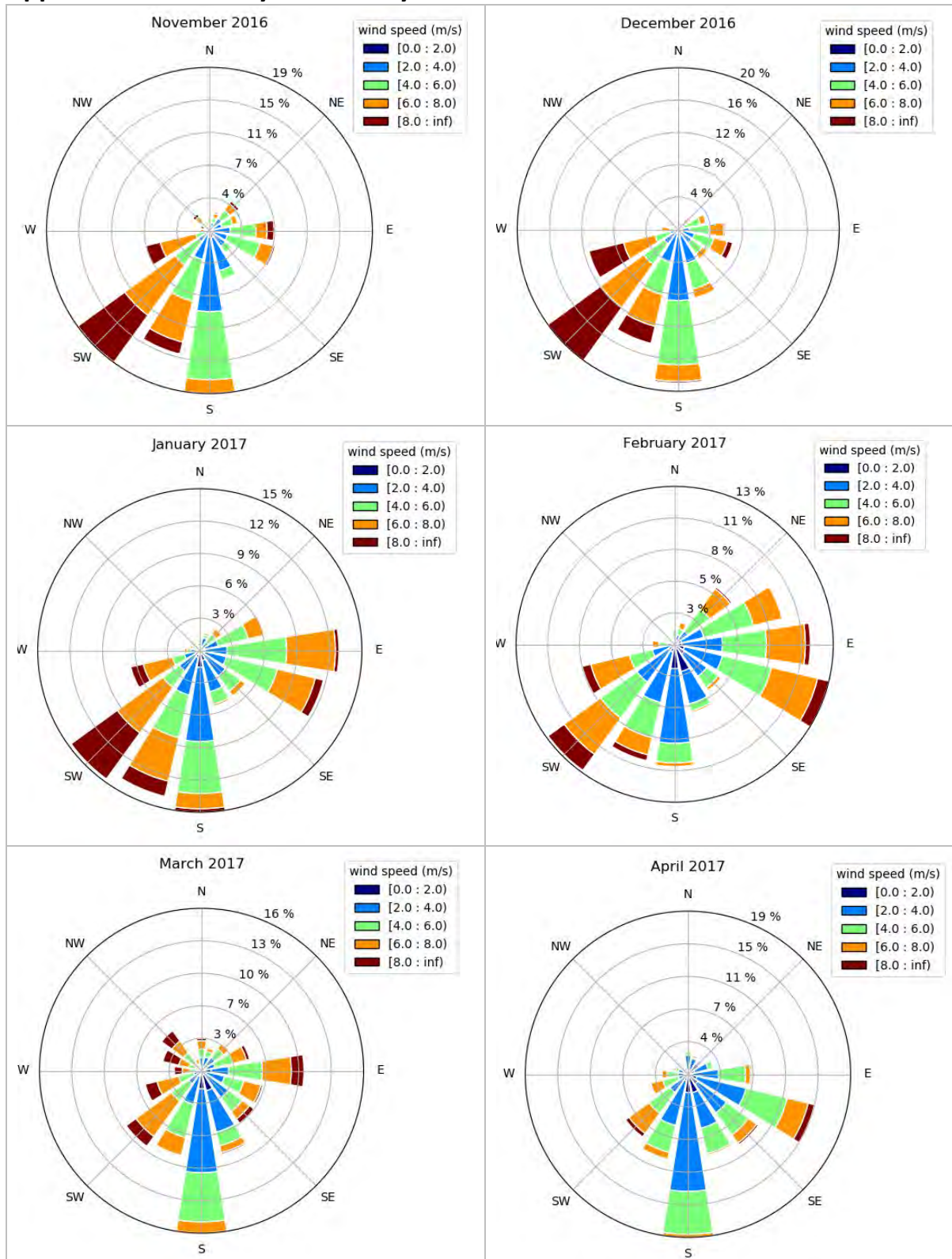
The following conclusions are drawn from the dust assessment:

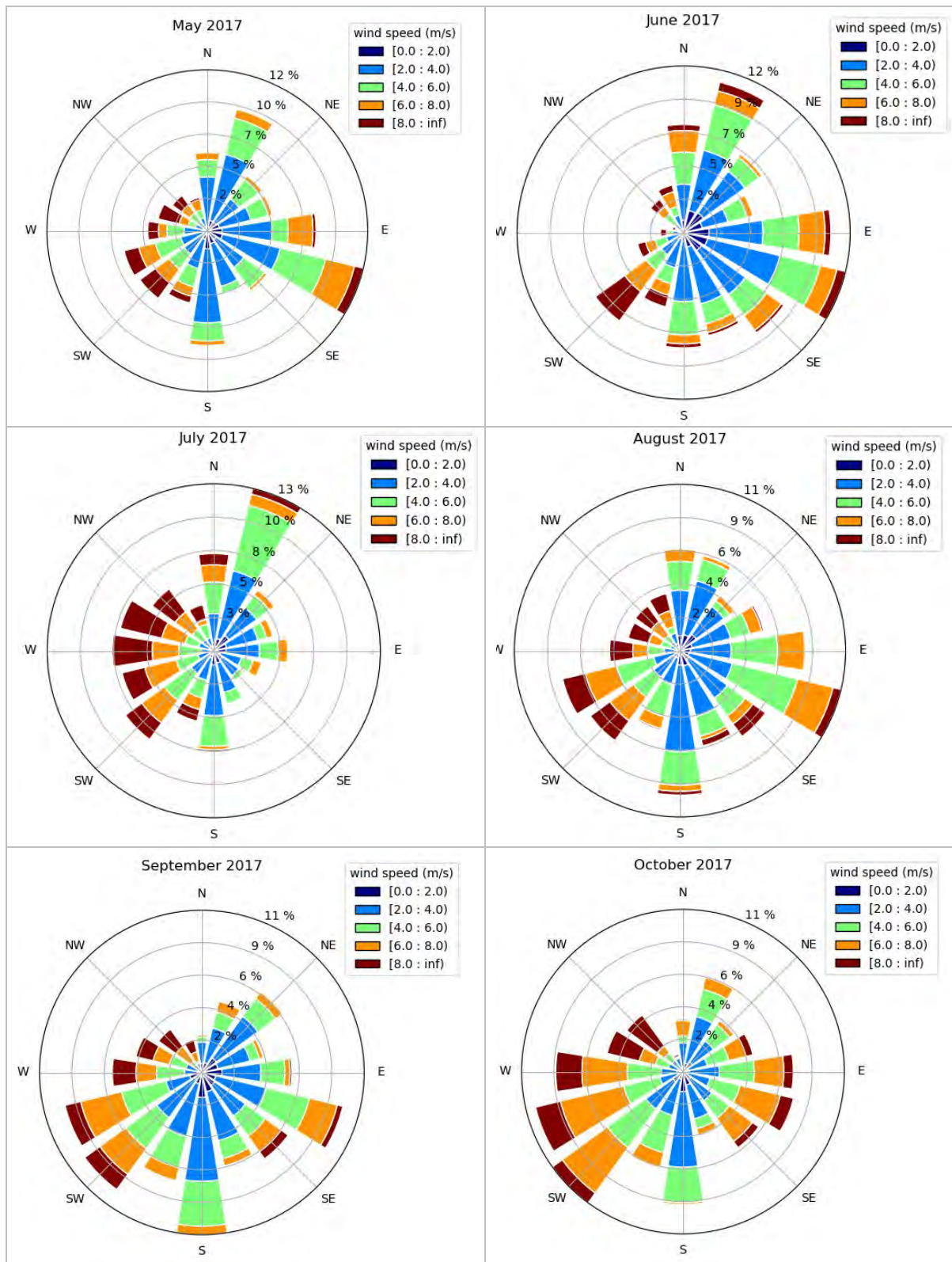
- An undisclosed visit to the neighbouring business found existing dust controls were implemented including no dust generating trafficable surfaces, good housekeeping and water sprays.
- Wind erosion is considered an unlikely source of dust due to northerly winds being largely restricted to the winter (when soils are moistened) and the sheltered nature of the neighbouring business and the site.
- Overall there is no continuous emission sources of dust in the vicinity of the proposed childcare, therefore chronic exposure to dust is not expected to occur.
- The dust controls already in place at the business appear to be sufficient to minimise likelihood of dust emissions, giving rise to very low or low acute exposure risk outcomes.
- In the event of dust being carried over the fence line during materials deliveries at the landscape supplies business, the ability of the child carers to respond by moving the children inside provides a management control independent of the business activities.
 - A low likelihood of such an event occurring is provided due to the low frequency of prevailing winds from the north during the dryer months
- Ambient air dust monitoring is not recommended on the basis of the very low to low risk of dust impacts at the Site.
- Overall, the risk assessment indicates that the operation of the landscape supplies business provides a very low to low risk of impact to health and amenity at the proposed childcare centre.

7. References

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Appendix A Monthly wind analysis Jandakot Aero





Limitations

Scope of services

This report ("the report") has been prepared by Strategen-JBS&G in accordance with the scope of services set out in the contract, or as otherwise agreed, between the Client and Strategen-JBS&G. In some circumstances, a range of factors such as time, budget, access and/or site disturbance constraints may have limited the scope of services. This report is strictly limited to the matters stated in it and is not to be read as extending, by implication, to any other matter in connection with the matters addressed in it.

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Within the limitations imposed by the scope of services, the preparation of this report has been undertaken and performed in a professional manner, in accordance with generally accepted environmental consulting practices. No other warranty, whether express or implied, is made.

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B	C. Ingram	P. Forster	P. Forster		3 February 2020



APPENDIX 3

INDUSTRIAL NOISE IMPACT ASSESSMENT

To:	Claradon Property Ltd C/- Planning Solutions	From:	Matt Moyle
Attention:	Alessandro Stagno	Date:	5 February 2020
Email:	alessandro.stagno@planningsolutions.com.au	Pages:	3
Our Ref:	19054975-02 Industrial		
Re:	Industrial Noise Impacts on Childcare Centre		

Alessandro,

This email relates to the proposed Childcare Centre (CCC) at Lot 726 (#591) Eighty Road, Baldivis and provides comments relating to noise impacts of neighbouring industrial noise on the proposed centre, noting that vehicles working at the landscape supply yard are in close proximity to the proposed outdoor play area.

Noise generated by the CCC has been assessed in detail by Lloyd George Acoustics in the following report:

- 19055000-01 - *Environmental Noise Assessment – Lot 726 (591) Eighty Road, Baldivis*; dated 19 August 2019, Reference: 19055000-01.

Criteria

The *Association of Australasian Acoustical Consultants* (AAAC), as a recognised peak body of acoustic professionals, provides guidelines¹ for Childcare Centre developments. In terms of noise impact to outdoor play areas from industrial sources, the guideline recommends that the noise level $L_{eq,1hr}$ does not exceed 55 dB(A) in any area of child play. Furthermore, sleeping areas (internal rooms) should not exceed $L_{eq,1hr}$ of 40 dB(A).

Methodology

To determine compliance with the AAAC recommended criteria, noise measurements were carried out on site during weekday periods of Tuesday 28 to Friday 31 January 2020 using two automatic noise data loggers. One logger was set to record noise at the northern site boundary, being in close proximity to material storage bins in the adjacent supply yard. A second logger was set-up approximately 140m south of the industrial boundary, to assess other noise in the area.

A total of 3 weekdays were measured to better determine noise levels over time. Weekends were not measured, as this time period does not coincide with the proposed CCC operating hours and therefore no impact would be present.

Loggers were configured to record digital audio to allow for post measurement analysis and identification of recorded noise sources.

Loggers were calibrated before and after deployment and found to be within +/-0.5 dB. The serial numbers of loggers deployed were as follows:

- ARL type Ngara SN: 878115
- ARL type Ngara SN: 8780F7

Refer *Figure 1* showing map and pictures of logger locations.

¹ AAAC Guideline for Child Care Centre Acoustic Assessment, September 2010, Section 7.0



Figure 1: Locations of Noise Data Loggers on Site

Results

The $L_{eq,1hr}$ noise levels were plotted for both locations – refer Figure 2. It is generally evident that noise is mostly ambient traffic noise as both locations follow a similar trend in levels. There are periods where the north site measured higher than the south logger, however upon inspection of the digital audio recordings, these were found to be caused by noise from a calling crow very close to the microphone. The average level for the hour approaches the $L_{eq,1hr}$ 55 dB(A) compliance line on 29th Jan at 17:00, however 5 minutes of this time period is the bird calling noise at 65 dB(A). By removing this from the hourly average, the level would be calculated as only 50 dB(A). Similar instances were identified on the 30th at midday and at 17:00.

Based on the above, the noise level at the proposed outdoor play area of the CCC does not exceed $L_{eq,1hr}$ 55 dB(A) level throughout the day.

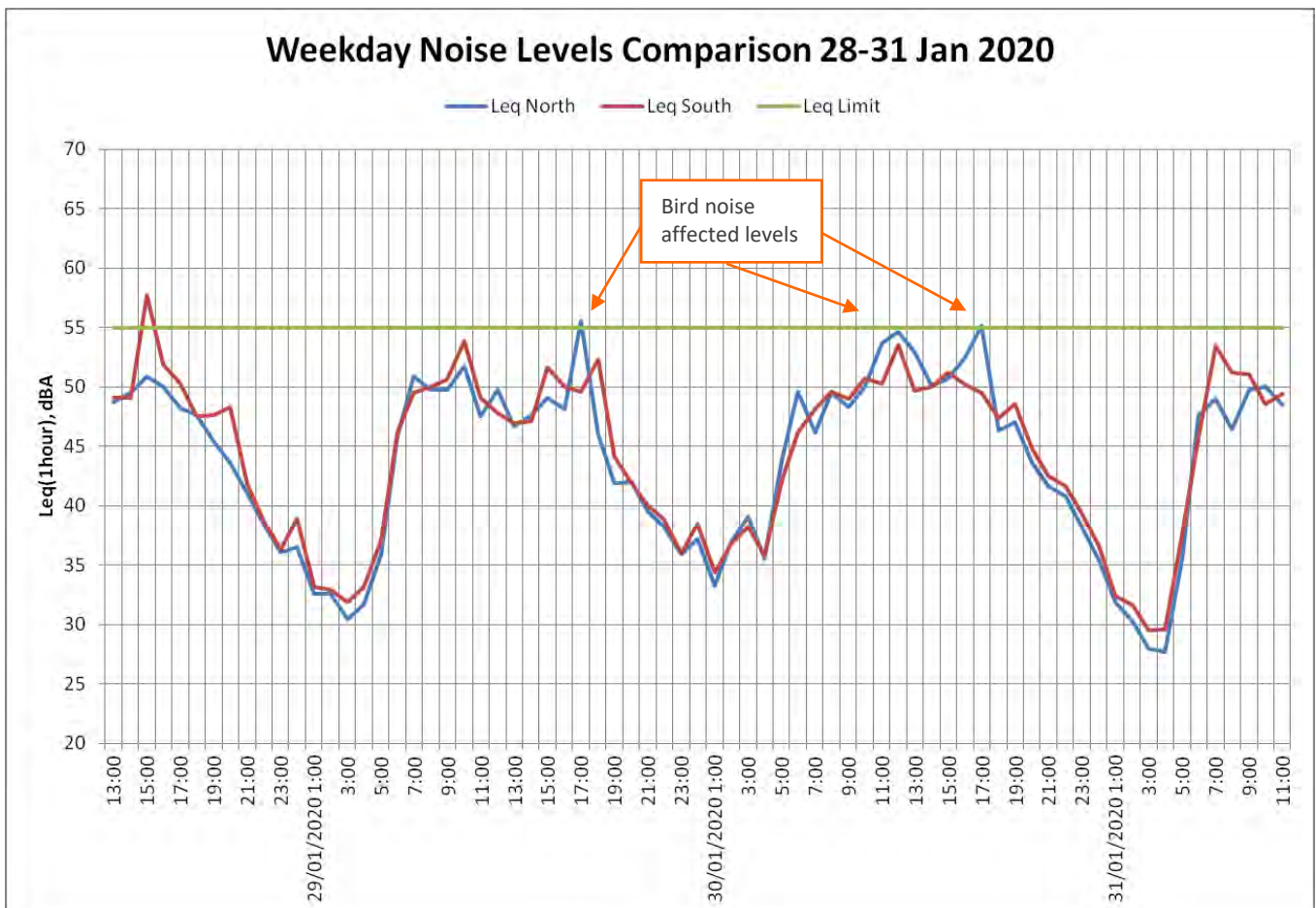


Figure 2: Weekday noise level results

In summary, the weekday noise as measured on the shared boundary with the landscape supply yard is demonstrated to be under the recommended $L_{eq,1hr}$ 55 dB(A) level of the AAAC Guidelines for Childcare Developments.

Indoor noise levels to sleeping areas are also expected to be below 40 dB(A), noting that these rooms are situated on the southern side of the development. Noise impact to the sleep areas is therefore considered to be minimal.

It should be noted that noise at the landscape supply yard is expected to be higher on weekends due to higher volume of customers, however since the CCC does not operate on weekends, the increased noise is not relevant for this project.

We trust this information is acceptable and should you have any queries, please do not hesitate to contact me.

Regards,

Matt Moyle
Senior Acoustical Consultant

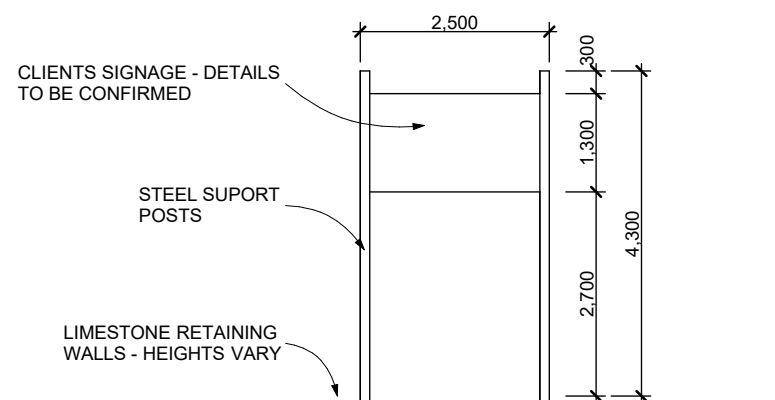
APPENDIX 4
PHOTOMONTAGES



EIGHTY ROAD
CHILD CARE CENTRE



APPENDIX 5
MODIFIED DRAWINGS



PYLON SIGN ELEVATION



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METAL DECK VDAH ROOF
AT 5°/42°, EAVE 00MM
600 DOUBLE HEIGHT FACE BRICK FINISH TO
EXTERNAL BWK UNLESS NOTED
OTHERWISE.



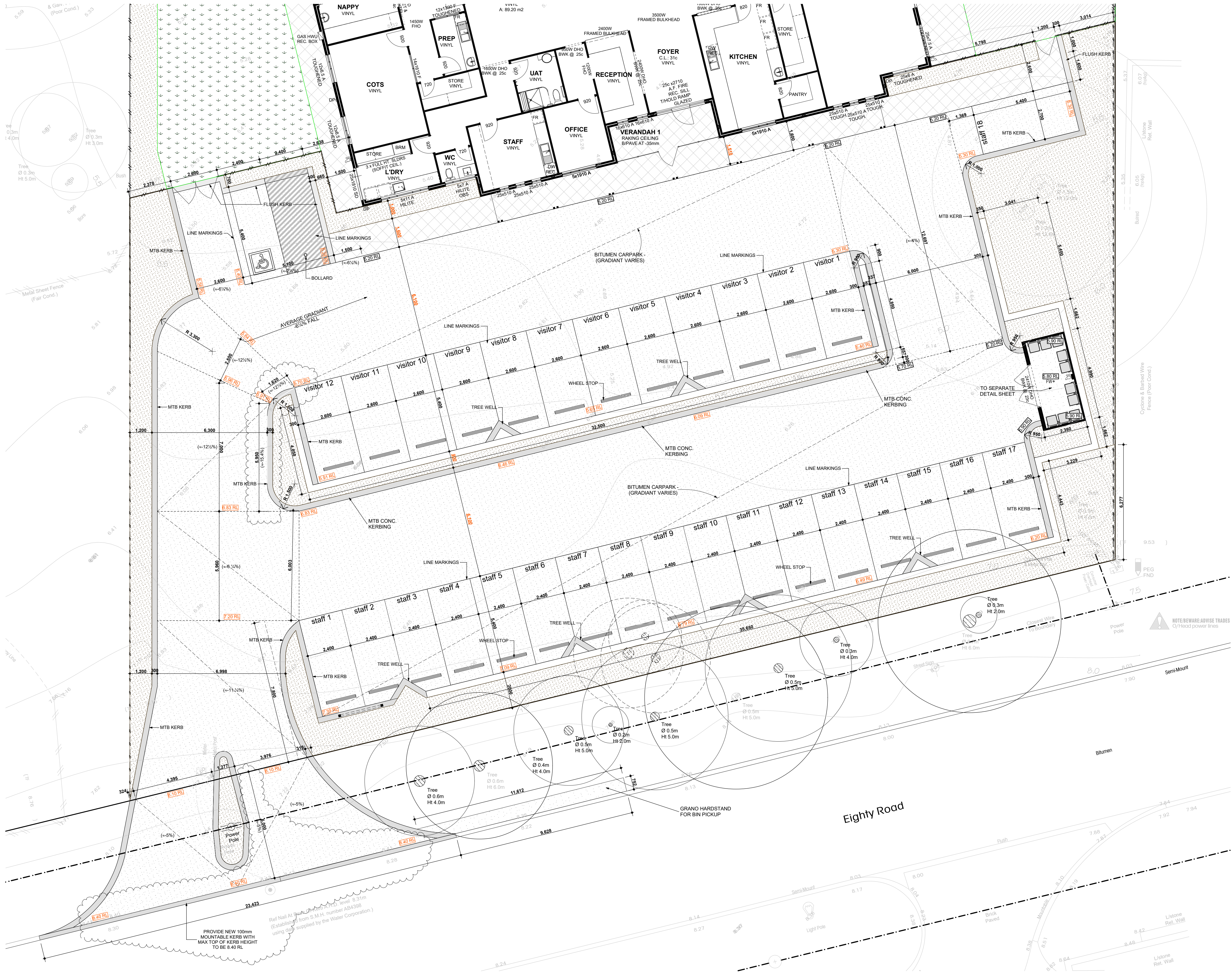
NOTE:
CEILING: 3.1c WALL PLATE
METAL DECK MAIN ROOF
METAL DECK VERANDAH ROOF
METAL DECK VERANDAH ROOF
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EXTERNAL BULKHEADS NOTED
OTHERWISE

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CARPARK LAYOUT
1:100

PAVING & GRANO AREA	
BITUMEN - DRIVEWAY	714.18
BITUMEN - PARKING	421.86
BITUMEN - COVER	71.34
GRANO - BIN PICKUP	8.04
GRANO - PATH	30.73
PAVING - VERANDAH	172.38
TYPE A-2 KERB	60.27
TYPE M-1 KERB	4.83
1,894.24 m ²	



Drawg: CARPARK PLAN
Client: CLARADON PROPERTY PTY LTD
Site: LOT 726 #91 EIGHTY ROAD
BALDWIN
Map Ref: Sheet 807: 641-940

CONTRACTS
OWNER: _____
OWNER: _____
BUILDER: _____

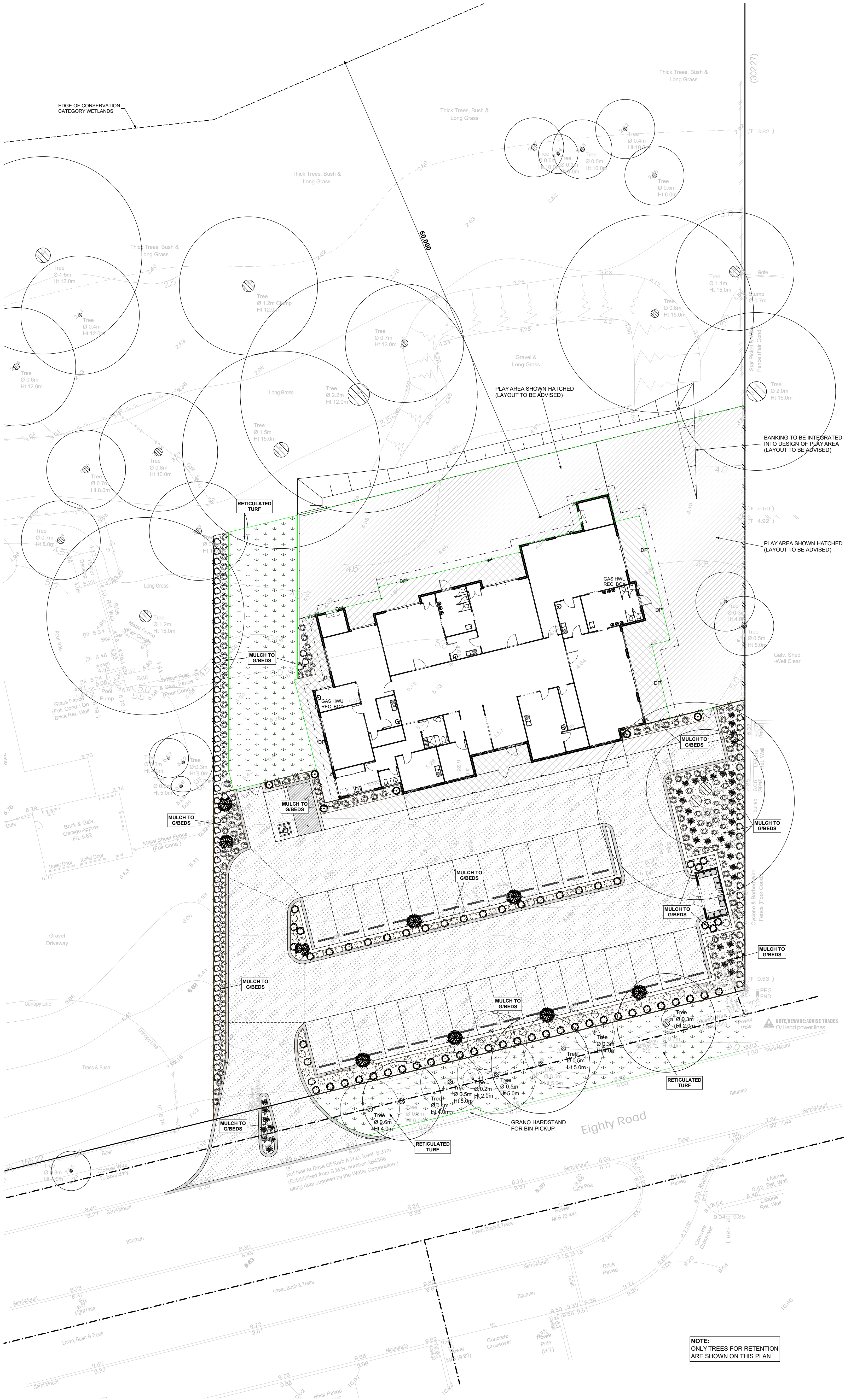
CHILD CARE CENTRE
Rockingham
Date: 22/06/19
Scale: 1:100
Rev: 03

LAB No: G1376
Date: 22/06/19
Scale: 1:100
Rev: 03

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AT 1°45', EAVE 100MM
METAL DECK VDAH ROOF
AT 5°42', EAVE 00MM
60 DOUBLE HEIGHT FENCE FINISH TO
EXTERNAL B/W UNLESS NOTED
OTHERWISE.



SITE LANDSCAPE PLAN
1:200

LANDSCAPING LEGEND									
ID	Symbol	Botanical Name	Common Name	Type	Pot	Spacing	Height	No.	
L		Acacia cognata	(Lime/ight)	Small Shrub	200mm	1 PER 1.0M²	600mm-1000mm	18	
L		Anisopanthos mangleri	(Big Red)	Grass Plant	200mm	1 per 1.0M²	1000mm	59	
L		Callistemon salignus	(Great Balls of Fire)	Large Shrub	200mm	1 per 1.0m²	1750mm	6	
L		Dianella tasmanica	(Tas Red)	Small/Medium Grass Plant	140mm	1 PER 1.0M²	600mm-600mm	42	
L		Eremophila glabra	(Kalbarri Carpet)	Small Shrub Ground Cover	140mm	1 PER 1.0m²	200mm	131	
L		Eucalyptus torquata	(Coral Gum)	Small Tree	45 ltr	As Plan	4000mm-8000mm	9	
L		Grevillea	(Bonnie Prince Charles)	Medium Shrub	200mm	1 PER 1.0M²	800mm	88	
L		Lomandra longifolia	(Mat Rush)	Medium Grass	140mm	1 per 1.0M²	1000mm	54	
									407

REFER TO SEPARATE PLAN FOR FENCING DETAILS

HARDSCAPES:
PE DEEP BARK CHIP MULCH
BRICK PAVING TO COUNCIL REQUIREMENTS
RETICULATED LAWN AREA

NOTE:
ALL AREA'S SHOWN AS MULCH OR GRASS IS TO BE RETICULATED ON AUTO TIMER

NOTE:
THIS PLAN TO BE READ IN CONJUNCTION WITH THE 'SITE PLAN' FOR ALL FINISHED AND GROUND LEVELS

NOTE:
ALL TREES OR EXISTING STRUCTURES SHOWN WITH SOLID LINES TO REMAIN

NOTE:
REFER TO DEMOLITION PLAN FOR ALL TREES AND STRUCTURE TO BE REMOVED FROM SITE

NOTE:
THERE IS 37.08% LANDSCAPING OF THE NEW BUILDING AREA (1180.20m² OF 3183m²) - NOT INCLUDING THE EXISTING VEGETATION TO THE REMAINDER OF THE UNDEVELOPED AREA OF THE SITE

ID	LANDSCAPING	M²
01	LANDSCAPE - FRONT	295.22
01	LANDSCAPE - LHS	45.16
02	GRASS - LHS	190.98
03	PLAY AREA	589.41
		1,120.79 m²

Job No: **G1376**
Date: 22/08/19
Dm By: TMM
Check: XX
Sales: LA
Scale: 1:200
Sheet # 08 Rev: 03

AVELING DEVELOPMENTS
BUILDING CONTRACTOR N° 12748
Level 1, 42 Cedric Street, Stirling WA 6021
Phone (08) 6144 1000 Fax (08) 6144 1004
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Dwg: **LANDSCAPE PLAN**
Client: **CLARATON PROPERTY PTY LTD**
Site: **LOT 726 #591 EIGHTY ROAD BALDIVIS**
Map Ref: StreetSmart® - 641:1940

CONTRACTS
OWNER..... DATE.....
OWNER..... DATE.....
BUILDER..... DATE.....

CHILDCARE CENTRE
Rev: 01 Date: 10/03/19
02 20/03/19
03 03/03/20
Amendment: PLANNING REQUIREMENTS
DRIVEWAY LEVELS ALTERED
SHOW ALL VERGE TREES AS RETAINED

Local Authority: **ROCKINGHAM**


PLANNING
DRAWINGS

AVELING HOMES HAS THE COPYRIGHT PROTECTION ON ANY DRAWINGS OR PRELIMINARY DESIGNS THAT ARE ISSUED TO CLIENTS. THESE PLANS CANNOT BE COPIED OR UTILISED BY ANYONE OTHER THAN AVELING HOMES PTY. LTD WITHOUT THE EXPRESS PERMISSION OF AVELING HOMES PTY. LTD.

NOTE:
CEILING 316 + WALL PLATE
UNLESS NOTED OTHERWISE
METAL DECK MAIN ROOF
AT 1°45', EAVE 100MM
METAL DECK VDOAH ROOF
AT 5°42', EAVE 00MM
60: DOUBLE HEIGHT FACE BRICK FINISH TO
EXTERNAL BWK UNLESS NOTED
OTHERWISE.



ENERGY EFFICIENCY & STAR REQUIREMENTS	
CAVITY WALL INSULATION:	NIL
(Extent between markers K-X)	
LIVING CEILING INSULATION:	R3.0
GARAGE CEILING INSULATION:	NIL or BAL SPEC.
ROOF INSULATION:	NIL or BAL SPEC.
DESIGN CHANGES:	NIL
WINDOW GLAZING:	SINGLE CLEAR
ENERGY RATING COMPLETE:	YES/NO

<div></div> <div>BUILDING CONTRACTOR N° 12788</div> <div>Level 1, 42 Cedric Street, Stirling WA 6021</div> <div>Phone (08) 6144 1000 Fax (08) 6144 1004</div> <div>© Copyright 2019 AVELING DEVELOPMENTS</div>	Dwg: FENCING PLAN		CONTRACTS		CHILDCARE CENTRE		Local Authority: ROCKINGHAM		Job No: G1376	
	Client: CLARADON PROPERTY PTY LTD		OWNER..... DATE.....		Rev: Date: Amendment:		Int: Date Dim: 22/08/19			
	Site: LOT 726 #591 EIGHTY ROAD BALDIVIS		OWNER..... DATE.....		01 10/10/18 PLANNING REQUIREMENTS					
					02 20/10/19 DRIVEWAY LEVELS ALTERED					
					03 03/02/20 SHOW ALL VERGE TREES AS RETAINED					
			BUILDER..... DATE.....		04		Check: XX			
					05		Sales: LA			
					06		Scale: 1:200			
					07		Sheet #11	Rev: 03		

Schedule of Submissions
Proposed Child Care Premises - Lot 726 (No.591) Eighty Road, Baldvis

PUBLIC SCHEDULE OF SUBMISSIONS		
Name	Address	Comment
1. Mr Raymond Brookes	6 Wanderer Parkway BALDIVIS WA 6171 rbrookes@internode.on.net	<p>There seems to be a number of changes taking place along Eighty Road giving rise to concerns about traffic congestion on this rural road. Recent developments and changes seem to have been assessed individually in the past but now as a whole are starting to impact the immediate area between Sixty Eight Road and Pike Road.</p> <p>Changes over the decade include:</p> <ul style="list-style-type: none"> • The establishment of Tranby College and its associated traffic problems on Eighty Road. • The continuing development of Mother Teresa Catholic College, starting as Primary School and eventually a Secondary College. The traffic issues at the Sixty eight Road/ Eighty Road intersection are getting worse every day at school start and finish times. • The continuing development of housing opposite Mother Teresa School. • The Soccer Sporting Ground at the south end opposite Mother Teresa School. • The new Sporting Complex at Lots 4, 5 and 6 of Eighty Road. <p>All of these developments either contribute now or will do so in the near future to the traffic load, especially at school start and finish times.</p> <p>The section of road where the Child Centre is proposed is in the worse section of Eighty Road given the undulating and winding aspects.</p> <p>Traffic attending the Child Centre has the potential of at least 110 cars accessing the Centre either once or twice a day.</p> <p>Why is the Council quiet on the proposed closure of Eighty Road at Sixty Eight Road so forcing southbound traffic onto the yet to be constructed Nairn Drive connection to Eighty Road.</p> <p>Having a Child Care Centre backing onto a swamp creates its own safety issues given the proliferation of snakes in this area.</p>
2. Mr Rodney & Mrs Trish Winch	2 Wanderer Parkway BALDIVIS WA 6171 Rodwinch45@gmail.com	<p>Eighty Road has two hazards approaching the proposed site. From the south a crest is before the site needing extra care. From the north a bend is before the site. Many cars with mums & kids may be lined up from the north side to turn right into the site, this is a two lane road, will there be slip roads?</p> <p>Will the speed limit be changed to 40 as schools are, will there be warning signs?</p> <p>It is needed great care to enter & exit the Baldvis land scaping centre next door & it has not got 92 children & 18 staff there, it will be a potential crash site. Road changes will be needed first.</p>
3. Mr Alex Hunter	34 Kogarah Street BALDIVIS WA 6171 Alex_s_1408@live.com.au	<p>After reviewing the site plans I have noticed that 9 trees currently situated on the verge area will be removed, and a further 7 to be removed from the proposed car park area, while only 3 trees are to remain on the verge removing 16 trees and only intending to keep 3 is not an environmentally sustainable practice. If 16 trees are to be removed then I propose a minimum of 32 new native trees should be planted to equalise out the removal.</p> <p>There is ample area on the verge for far more than 3 trees. There is ample room on the site to plant a great deal more trees behind the proposed childcare facility, this would allow wildlife to thrive, and provide a greater connection to nature.</p>

Schedule of Submissions
Proposed Child Care Premises - Lot 726 (No.591) Eighty Road, Baldivis

PUBLIC SCHEDULE OF SUBMISSIONS		
Name	Address	Comment
No.3 – cont...		Removing 16 out of the 19 trees will definitely have a negative effect on the area.
4. Mr Rodney & Mrs Rosemary Brown	1 Jerboa Green BALDIVIS WA 6171 rodrose1@westnet.com.au	<p>We object to the proposed zoning change because:</p> <ol style="list-style-type: none"> 1. Eighty Road is not a major thorough fare (ie dual lane). 2. Traffic on eighty Road is already impacted by the residential developments in the area and that associated with the new preschool to year 12 Catholic School on the corner of Sixty Eight Road. Further impact will be felt with the operation of the new Baldivis Sport Complex. None of this seems to be accounted for in the traffic impact. 3. The proposal only allows for a single entry and exit for vehicles, this was a disaster at the catholic school prior to them initiating dual drive through drop of points. If this is allowed traffic heading south will use the adjacent slip road to avoid the bank up of vehicle turning right at 9am & 3pm. 4. The area is already well served with child minding centres, one on the corner of Eighty Road and Safety Bay Road, one on the corner of Eighty Road and Amberley Drive and land set aside for a proposed one on the corner of Eighty Road and Pike Road. 5. "What price Development" the area south of the Pike Road and west of Eighty Road should retain rural or as a minimum semi-rural, this being a buffer to the ever increasing residential developments and a protection for the wetland and flora and fauna (especially the Kangaroos).

Schedule of Submissions
Proposed Child Care Premises - Lot 726 (No.591) Eighty Road, Baldivis

SERVICING AUTHORITY SCHEDULE OF SUBMISSIONS								
Name	Address	Comment						
1. Mr Brett Dunn Department of Water and Environmental Regulation	PO Box 332 MANDURAH WA 6210	<p>Thank you for the referral dated 30 August 2019 regarding the Proposed Child Care Centre at Lot 726 Eighty Road, Baldivis. The Department of Water and Environmental Regulation (DWER) has reviewed the application and provides the following advice.</p> <p><u>Stormwater Management</u></p> <p>DWER recommends the car park stormwater drainage system be designed, constructed and managed in accordance with the Stormwater Management Manual for Western Australia (DWER, 2004). Stormwater runoff should be fully contained onsite for small and minor storm events (1 and 0.2 Exceedance per Year runoff) and the first 15 mm of stormwater runoff (1 Exceedance per Year runoff) should undergo water quality treatment via bio-retention.</p> <p>If you have any queries relating to the above matter please contact Mark Hingston at DWER's Mandurah office on 9550 4222.</p>						
2. Mr Ron de Blank Department of Fire & Emergency Services	PO Box P1174 PERTH WA 6844 advice@dfes.wa.gov.au	<p>I refer to your email dated 29 August 2019 regarding the submission of a Bushfire Management Plan (BMP) (Version 2), prepared by Eco Logical Australia and dated 20 August 2019, for the above development application. The BMP is accompanied by a report from Planning Solutions titled "Development Application Proposed Child Care Centre" (Rev 0), dated 23 August 2019 for the above development application (DA).</p> <p>It should be noted that 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 that the proposal complies with all other relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining necessary approvals that may apply to the proposal including planning, building, health or any other approvals required by a relevant authority under other written laws.</p> <p>1. Policy Measure 6.5 c) Compliance with the Bushfire Protection Criteria</p> <table border="1"> <thead> <tr> <th>Element</th><th>Assessment</th><th>Action</th></tr> </thead> <tbody> <tr> <td>Siting & Design</td><td> <p>A2.1 – comment</p> <p>It should be noted while the building will be located within BAL-29, outdoor play areas 1 & 2, as indicated on site plans are partially within BAL-FZ and BAL-40. It is recommended that any adjacent structures are separated by a distance of not less than 6 metres from the main building in line with the general construction requirements in Section 3 of AS3959. If this separation is not achieved, the adjacent structures may be considered part of the main building resulting in the development being impacted by a higher potential radiant heat.</p> <p>The outdoor play area is also within the proposed APZ. It is important that the play area is maintained in accordance with the APZ requirements (Schedule 1 of the Guidelines) to minimise the level of bushfire impact to the building.</p> <p>It is important that an enforceable mechanism is in place to ensure that the APZ proposed within the BMP that extends beyond the lot boundary of the subject site can be maintained in perpetuity. Conditions of planning approval should also reinforce the management of the APZ that extends beyond the lot boundary of the proposed development in perpetuity.</p> </td><td>Comment only.</td></tr> </tbody> </table>	Element	Assessment	Action	Siting & Design	<p>A2.1 – comment</p> <p>It should be noted while the building will be located within BAL-29, outdoor play areas 1 & 2, as indicated on site plans are partially within BAL-FZ and BAL-40. It is recommended that any adjacent structures are separated by a distance of not less than 6 metres from the main building in line with the general construction requirements in Section 3 of AS3959. If this separation is not achieved, the adjacent structures may be considered part of the main building resulting in the development being impacted by a higher potential radiant heat.</p> <p>The outdoor play area is also within the proposed APZ. It is important that the play area is maintained in accordance with the APZ requirements (Schedule 1 of the Guidelines) to minimise the level of bushfire impact to the building.</p> <p>It is important that an enforceable mechanism is in place to ensure that the APZ proposed within the BMP that extends beyond the lot boundary of the subject site can be maintained in perpetuity. Conditions of planning approval should also reinforce the management of the APZ that extends beyond the lot boundary of the proposed development in perpetuity.</p>	Comment only.
Element	Assessment	Action						
Siting & Design	<p>A2.1 – comment</p> <p>It should be noted while the building will be located within BAL-29, outdoor play areas 1 & 2, as indicated on site plans are partially within BAL-FZ and BAL-40. It is recommended that any adjacent structures are separated by a distance of not less than 6 metres from the main building in line with the general construction requirements in Section 3 of AS3959. If this separation is not achieved, the adjacent structures may be considered part of the main building resulting in the development being impacted by a higher potential radiant heat.</p> <p>The outdoor play area is also within the proposed APZ. It is important that the play area is maintained in accordance with the APZ requirements (Schedule 1 of the Guidelines) to minimise the level of bushfire impact to the building.</p> <p>It is important that an enforceable mechanism is in place to ensure that the APZ proposed within the BMP that extends beyond the lot boundary of the subject site can be maintained in perpetuity. Conditions of planning approval should also reinforce the management of the APZ that extends beyond the lot boundary of the proposed development in perpetuity.</p>	Comment only.						

Schedule of Submissions
Proposed Child Care Premises - Lot 726 (No.591) Eighty Road, Baldivis

SERVICING AUTHORITY SCHEDULE OF SUBMISSIONS		
Name	Address	Comment
No.2 – cont...		<p>Recommendation – supported compliant application</p> <p>DFES advises that the proponent has adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved within the submitted BMP.</p> <p>As this planning decision is to be made by a Joint Development Assessment Panel please forward notification of the decision to DFES for our records.</p> <p>If you require further information, please contact Richard Trinh – Senior Land Use Planning Officer on telephone number 6551 4031.</p>
No.3 Mr Benson Todd Department of Biodiversity, Conservation and Attractions	Locked Bag 104 BENTLEY DELIVERY CENTRE WA 6983 Catherine.Prideaux@dbca.wa.gov.au	<p>Thank you for your letter of 5 September 2019 referring the above Development Assessment Panel application to the Parks and Wildlife Service of the Department of Biodiversity, Conservation and Attractions (DBCA) for comments.</p> <p>DBCA notes that a portion of the outdoor play area is located within the outer edge of the 50 meter buffer to a Conservation Category Wetland (CCW) UFI 6394 known as Outridge Swamp on DBCA's Geomorphic Wetlands Swan Coastal Plain dataset. The CCW and its buffer are mapped as an Environmentally Sensitive Area. The majority of Outridge Swamp is in private ownerships and, from aerial imagery, it appears to be well vegetated.</p> <p>State Planning Policy 3.7 Planning in Bushfire Prone Areas includes policy objective 5.4 which aims to achieve an appropriate balance between bushfire risk management measures and biodiversity conservation values, environmental protection and biodiversity management and landscape amenity with consideration of the potential impacts of climate change. It is DBCA's expectation that the City of Rockingham will ensure that all necessary bushfire protection measures are accommodated within the subject development area so as not to impact on the adjoining environmentally sensitive area.</p> <p>Please contact Planning Officer Catherine Prideaux of this office on telephone 9442 0300 or by email catherine.prideaux@dbca.wa.gov.au if you have any queries regarding the above comments.</p>

Schedule of Submissions
Proposed Child Care Premises - Lot 726 (No.591) Eighty Road, Baldivis

Form 2 – Responsible Authority Report
(Regulation 17)

Property Location:	No. 7-15 (Lot 502) Bannister Street, Fremantle
Development Description:	Four Storey with Loft Addition to Existing Hotel
Proposed Amendments:	Nil
DAP Name:	Metro South West Joint Development Assessment Panel
Applicant:	Red Rock Consolidated Pty Ltd
Owner:	Red Rock Consolidated Pty Ltd
Value of Amendment:	Nil
LG Reference:	DAPV001/20
Responsible Authority:	City of Fremantle
Authorising Officer:	Manager Development Approvals
DAP File No:	DAP/15/00916
Report Date:	23 March 2020
Application Received Date:	5 February 2020
Application Process Days:	60 days
Attachment(s):	1. Original Decision and approved plans.

Officer Recommendation:

That the South West Joint resolves to:

- 1. Accept** that the DAP Application reference DAP/15/00916 as detailed on the DAP Form 2 dated 9 January 2020 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
- 2. Approve** the DAP Application reference DAP/15/00916 as detailed on the DAP Form 2 dated 9 January 2020 and accompanying plans dated 20 April 2016 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Fremantle Local Planning Scheme No.4, the proposed extension of term of approval for a period of 2 years from the date of this determination for the approved four storey with loft addition to the existing hotel at No.7-15 Bannister Street, Fremantle.

Details: outline of development application

Insert Zoning	MRS:	Central City
LPS:		City Centre
Insert Use Class:		Hotel
Insert Strategy Policy:		Nil
Insert Development Scheme:		Local Planning Scheme No.4
Insert Lot Size:		1570sqm
Insert Existing Land Use:		Hotel

Approval is sought to extend the term of approval for the four storey Hotel addition (Stage 2 of the Hougoumont Hotel Development) at 7 – 15 Bannister Street, Fremantle.

On 20 April 2016 the South West Joint Development Assessment Panel granted planning approval for a four (4) storey with loft addition to the existing Hotel. The approved addition consists of the following:

- 48 Hotel rooms,
- 34 car bays,
- A 175m² Restaurant/
- A 95m² Bar,
- A 100m² Conference room with roof top terrace.

It is proposed to extend the current term of approval, which is due to expire on 20 April 2020 for a further two years. The applicant has advised the City that the extension is requested for the following reasons:

- There has been a change from under supply to excessive over supply of hotel rooms in Perth over the last few years. The applicant intends to proceed with the scheme as soon as the rebalancing of the market is evident.
- The applicant is involved in other developments in Fremantle which are due to open in late 2020, once these are operational and stabilised they plan to commence Stage 2 of the Hougoumont development
- The Hougoumont site currently has an interim temporary approval for food and beverage facility operating from temporary shipping containers, this business will be commenced over the next few months but will require a minimum of 2 years operation to achieve a return on the investment.

See '**Attachment 1**' below for copy of the original determination including a set of the approved plans relating to this development site and the proposal.

Background:

The City of Fremantle records show that the subject site previously known as the 'Fremantle Club' was redeveloped to a Hotel known as the 'Hougoumont Hotel' in 2012.

A summary of the relevant planning history is as follows:

Stage 1 (east wing)

- On 7 February 2012 – DA0465/11 – Council granted conditional approval for the Partial Demolition of existing Club Premises, Change of Use to Hotel and Restoration, Alterations and Construction of Four Storey Addition to existing Heritage Building
- On 14 May 2012 – DA0193/12 – Conditional approval was granted under delegated authority for the re-roofing of the existing heritage listed two storey portion of building on site
- On 13 August 2012 – DA0354/12 – Conditional approval was granted under delegated authority for alterations and additions to the existing hotel approved as part of DA0465/11
- On 13 March 2013 – DA0047/13 – Conditional approval was granted under delegated authority for internal alterations and signage additions to existing Hotel

Stage 2 (centre and west wing)

- On 20 October 2015 - DAP012/15 (DAP ref DAP/15/00916) the City received a JDAP application for a four storey with loft addition to existing Hotel. The City's RAR recommended refusal.
- On 18 January 2016 – DAP/15/00916 – JDAP deferred determination for a four storey with loft addition to existing Hotel.
- On 1 February 2016 – DAP/15/00916 – the applicant lodged SAT appeal for deemed refusal.
- On 20 April 2016 – DAP/15/00916 – JDAP reconsidered its decision under Section 31 of the State Administrative Tribunal Act 2004, and granted approval for a four storey with loft addition to existing Hotel.
- On 7 November 2018 – DA0364/18 – Conditional approval was granted under delegated authority for a temporary approval (five years) for two storey additions and signage to existing Hotel.

The extension of term request related to DAP012/15 (DAP ref DAP/15/00916). The existing term of approval is due to expire on 20 April 2020, as such an extension to the term of approval for a period of 2 years is sought under clause 77 (2) b of the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations).

Legislation and Policy:

Legislation

- Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)
- City of Fremantle LPS4

State Government Policies

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

Local Policies

- Local Planning Policy 1.1 - Amendment and Extension to the term of planning Approval

Consultation:

Public Consultation

The application was not required to be advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015 and Local Planning Policy 1.3 - Notification of Planning Proposals (LPP1.3).

Consultation with other Agencies or Consultants

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

The original application was referred to the State Heritage Office (now DPLH) as the site was located within the West End Conservation Area (local listing at the time) and adjacent to a number of State Registered properties. The SHO advised that they had no comments in regard to the proposed development.

Since the 2016 approval, the West End Conservation Area has been included in the State Register of Heritage Place. As such, the application was referred to the DPLH for comment. On 13 February 2020, and DPLH stated *'as the application is for an extension of time and no changes are made to the original application, our advice will stay the same. We decline to provide a comment'*.

Fremantle Port (FP)

The site is located within Port Buffer Area 2 of Councils LPP2.3 – Fremantle Port Buffer policy. FP provided conditions relating to the built form requirements of the Policy and the registration of a notification on the title of the subject lot which were incorporated into the City's recommendation. As there has been no changes to the FP buffer areas or LPP2.3 since the original proposal was determined it was not considered necessary to refer the extension of time request to the FA for further comment.

Planning Assessment:

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

Clause 77 of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows the local government to amend a development approval -

- (1) *An owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to do any or all of the following –*
 - (a) *to amend the approval so as to extend the period within which any development approved must be substantially commenced*

Furthermore,

- (2) *An application made under subclause (1) –*
- (a) *Is to be made in accordance with the requirements in Part 8 and dealt with under this Part as if it were an application for development approval; and*
 - (b) *May be made during or after the period within which the development approved must be substantially commenced.*

The request to extend the term of approval has been made in accordance with the regulations.

Local Planning Policy 1.1 - Amendment to and Extension to the Term of Planning Approvals (LPP1.1)

Clause 3.1 – 3.3 inclusive of Council's LPP1.1 states:

- 3.1 *Where an extension is granted, a period of up to a further two years will be granted.*
- 3.2 *In considering a request for an extension to the term of a planning approval under clause 10.5.2 of the Scheme, Council may have regard to the following factors;*
 - (a) *whether the scheme or a relevant planning policy has changed in a material way since the planning approval was granted;*
 - (b) *whether in granting the planning approval, a discretion was exercised in relation to the Scheme or policy requirements; and*
 - (c) *whether a material change has occurred to either the site to which the planning approval relates or the surrounding locality since the planning approval was granted.*
- 3.3 *Where a request to extend the term of a planning approval is approved, a letter will be issued advising the applicant of this. No new approval will be issued and all other conditions of the approval will remain unchanged.*

Officer Comments

Since the approval of the original proposal there have been no scheme or relevant planning policy changes which would significantly impact on the assessment of this application and the proposal is considered to remain, in substance, the same.

With regards to LPP1.1 cl3.2 (a) and (b), since the 2016 approval, *State Planning Policy 7: Design of the Built Environment (SPP7)* has been adopted. Consideration of the extension of the term of the approval should not be based on a complete re-assessment of an application, but whether the development still meets the intent of the planning framework. In this regard, the original application was referred to the City's Design Advisory Committee in accordance with LPS4. In accordance with LPS4, the Committee are to provide comment on the proposed development against the CABA Principles of good design, which are similar to the design principles specified in SPP7. The City's DAC supported the proposed development subject to final details of the materials and finishes being submitted for final approval, which was included as a condition of the original approval. Ultimately SPP7.0 policy adoption is not considered to impact significantly on the assessment of this application and the proposal is considered to remain, in substance, the same.

The subject site and surrounding area has undergone some changes in terms of new built form and/ or redevelopment of nearby sites but no significant changes to the overall character of the West End has occurred since the 2016 approval. The Fremantle West End was formally included in the State Register of Heritage Places in July 2017 but this has not changed the way in which the proposal is assessed, and DPLH (Heritage) had no further comments to make on the application.

In granting original approval, discretion was granted in relation to building height, Hotel land use and onsite car parking. All of these matters were supported by JDAP when in the original determination and considering no statutory provisions have altered, these matters could again be considered acceptable for similar reason.

Council Recommendation

The application was referred to the 4 March 2020 Planning Committee meeting where it was resolved to support the Officer recommendation to approve the extension of time request.

Conclusion:

Overall, the proposed extension of time for this development is considered to be consistent with the provisions contained within City of Fremantle's Local Planning Policy 1.1 - Amendment to and Extension to the Term of Planning Approvals. As such the request is supported.

Agenda attachment 1 - Development Plan and SAT determination



Government of Western Australia
Development Assessment Panels

LG Ref: DA012-15
DoP Ref: DAP/15/00916
Enquiries: Development Assessment Panels
Telephone: (08) 6551 9919

State Administrative Tribunal
contact@sat.justice.wa.gov.au

Dear Sir/Madam,

State Administrative Tribunal Review Outcome – DR 31 of 2016
No.7-15 (Lot 502) Bannister Street, Fremantle
Four Storey with Loft Addition to existing Hotel

Please be advised that the Metro South-West Joint Development Assessment Panel reconsidered the abovementioned development application pursuant to section 31 of the *State Administrative Tribunal Act 2004* on 20 April 2016.

The Notice of Determination is attached.

Yours sincerely,

DAP Secretariat

21/04/2016

Enc: Amended DAP Determination Notice

cc: Mr Patrick Prendiville
Red Rock Consolidation Pty Ltd

Mr Murray Casselton
TPG Town Planning, Urban Design and Heritage

State Solicitor's Office
GPO Box F317
PERTH WA 6001

Mr Justin Lawrence
City of Fremantle



wa.gov.au

Postal address: Locked Bag 2506 Perth WA Street address: 140 William Street Perth WA 6000
Tel: (08) 6551 9919 Fax: (08) 6551 9961 TTY: 6551 9007 Mailing: 1800 626 477
daps@planning.wa.gov.au www.planning.wa.gov.au
ABN 35 482 341 493



Planning and Development Act 2005

City of Fremantle Local Planning Scheme No.4

Metro South-West Joint Development Assessment Panel

**Determination on Development Assessment Panel
Application for Planning Approval**

Location: No.7-15 (Lot 502) Bannister Street, Fremantle

Description of proposed Development: Four Storey with Loft Addition to existing Hotel

Pursuant to section 31 of the *State Administrative Tribunal Act 2004*, the Metro South-West Joint Development Assessment Panel, at its meeting on 20 April 2016, has reconsidered its decision dated 18 January 2016 with respect to the above application, SAT Ref. DR of 2016 and has resolved to:

Reconsider its decision dated 18 January 2016 and **Approve** DAP Application reference DAP/15/00916 and accompanying plans dated 21 October 2015 and 7 December 2015 in accordance with Clause 8.1 of the City of Fremantle's Local Planning Scheme No.4, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 21 October 2015 and 7 December 2015. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
2. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or rare fabric of the building. Should the works subsequently be removed, any damage shall be rectified to the satisfaction of the City of Fremantle.
3. Prior to the submission of a Building Permit application, the owner is required to contribute a monetary amount of 1% of the estimated total cost of development as indicated on the Form of Application for Planning Approval for DAP012/15, for the development of public art works and/or heritage works to the enhance to the public realm to the satisfaction of the, City of Fremantle. Based on the estimated cost of the development being \$6,000,000.00, the contribution to be made is \$60,000.00.
4. Prior to the issue of a Building Permit, the applicant shall submit the following information to the satisfaction of the City of Fremantle having regard to advice from the Design Advisory Committee:
 - i. Additional detail relating to colour, texture and material arrangement for final facade finishes.
 - ii. Material construction details of the rear façade finishes including location and treatment of gutters and downpipes that mitigates any negative impressions as viewed from the adjoining properties.



5. All storm water discharge shall be contained and disposed of on site or otherwise approved by the City of Fremantle.
6. Prior to the occupation of the development hereby approved,, stormwater drainage works must be completed in accordance with the approved plans to the satisfaction of the, City of Fremantle.
7. Prior to the occupation of the development hereby approved, vehicle crossovers shall be constructed in either paving block, concrete, or bitumen and thereafter maintained to the satisfaction of the City of Fremantle.
8. Prior to occupation of the development hereby approved, eight (8) Class 3 bicycle rack as per the definition of clause 5.7.1 (d) of the Local Planning Scheme No.4 (LPS4) shall be installed either onsite or within nearby public land at the owners expense and maintained thereafter to the satisfaction of the City of Fremantle.
9. Prior to occupation of the development hereby approved, any redundant crossovers and kerbs shall be removed and the verge reinstated to the satisfaction of the, City of Fremantle and at the expense of the applicant.
10. Prior to occupation of the development hereby approved, the design and materials of the development shall adhere to the requirements set out within City of Fremantle policy L.P.P2.3: Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall provide the following:
 - i. Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or “double glazed” utilising laminated or toughened safety glass of a minimum thickness of 3mm.
 - ii. Air conditioners if provided, shall incorporate internal centrally located ‘shut down’ points and associated procedures for emergency use.
 - iii. Roof insulation shall be provided in accordance with the Building Code of Australia.
11. The design and construction of the development is to meet the 4 Star Green Star standard as per Local Planning Policy 2.13 or alternatively to an equivalent standard as agreed upon by the Chief Executive Officer, City of Fremantle. Any costs associated with generating, reviewing or modifying the alternative equivalent standard are to be incurred by the owner of the development site. Within 12 months of an issue of a certificate of Building Compliance for the development, the owner shall submit either of the following to the satisfaction of the City of Fremantle:
 - a. A copy of documentation from the Green Building Council of Australia certifying that the development achieves a Green Star Rating of at least 4 Stars, or
 - b. A copy of agreed equivalent documentation certifying that the development achieves a Green Star Rating of at least 4 Stars.
12. Prior to the occupation of the development hereby approved, the car parking area shown on the approved site plan shall be marked and provided in



accordance with Clause 5.7.1(a) of the City of Fremantle Local Planning Scheme No. 4, to the satisfaction of the City of Fremantle.

13. Prior to the submission of a Building Permit application, the owner is to submit further details on the storage and management of the waste generated by the development for approval by the City of Fremantle
14. All air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located to be not visible from the street, and where visible from other buildings or vantage points shall be suitably located, screened or housed, to the satisfaction of the City of Fremantle.
15. Prior to the commencement of development, a detailed landscaping plan, including information relating to species selection, reticulation, details of proposed vegetation for the southern elevation of the development, shall be submitted to and approved by the City of Fremantle. The landscaping shall be completed in accordance with the approved plans or any approved modifications thereto to the satisfaction of the City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development on the site to the satisfaction of the City of Fremantle.
16. Prior to the issue of a building permit, the primary street wall shall be modified at the vehicle access point onsite in order to provide adequate sight lines or otherwise comply with the relevant Australian and New Zealand Standard. 2890.1 (as amended) to the satisfaction of the City of Fremantle.
17. The ground floor openings to Bannister Street shall provide active frontage and remain transparent at all times.

ADVICE NOTE(S)

- i. In relation to condition 3, relating to the public art contribution, the applicant is advised that council may waive the requirement for the public art/heritage work contribution in accordance with clause 6 of LPP2.19 where the development incorporates public art in the development to the same value as that specified in condition 10 that is located in a position clearly visible to the general public on the site of the development. In determining the appropriateness and artistic merit of the public art, council shall seek relevant professional advice.
- ii. Where the applicant seeks to dispose of storm water off-site, the applicant is advised to contact the City of Fremantle's Infrastructure & Project Delivery department for further advice on a suitable drainage solution, whether by maintaining the current/existing connection or through surface flow into the drainage system.
- iii. With regards to the verge parklet/ beautification works, awning treatments etc, the applicant is advised to contact the City of Fremantle's Infrastructure Projects Delivery Department prior to submission of a building permit or obstruction permit regarding current foreseen design issues with this future envisaged road reserve development.



- iv. Construction related activities are to meet the requirements of Local Planning Policy 1.10 Construction Sites unless otherwise approved by the City.

Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

DEVELOPMENT ASSESSMENT PANELS APPROVED 20 APRIL 2016



SITE LOCATION - 15 BANNISTER ST, FREMANTLE, WA

ACCOMMODATION SCHEDULE

Houquoumont Hotel - Stage

Houghton Hotel - Stage 1
 Refurbishment of old Duke of York Hotel
 Hotel lobby and conference rooms
 37 rooms

Houqoumont Hotel - Stage 2

Houghton Hotel - Stage 2
 Restaurant & bar
 Commercial kitchen
 48 new rooms
 Roof loft conference room and terrace
 34 car parking bays



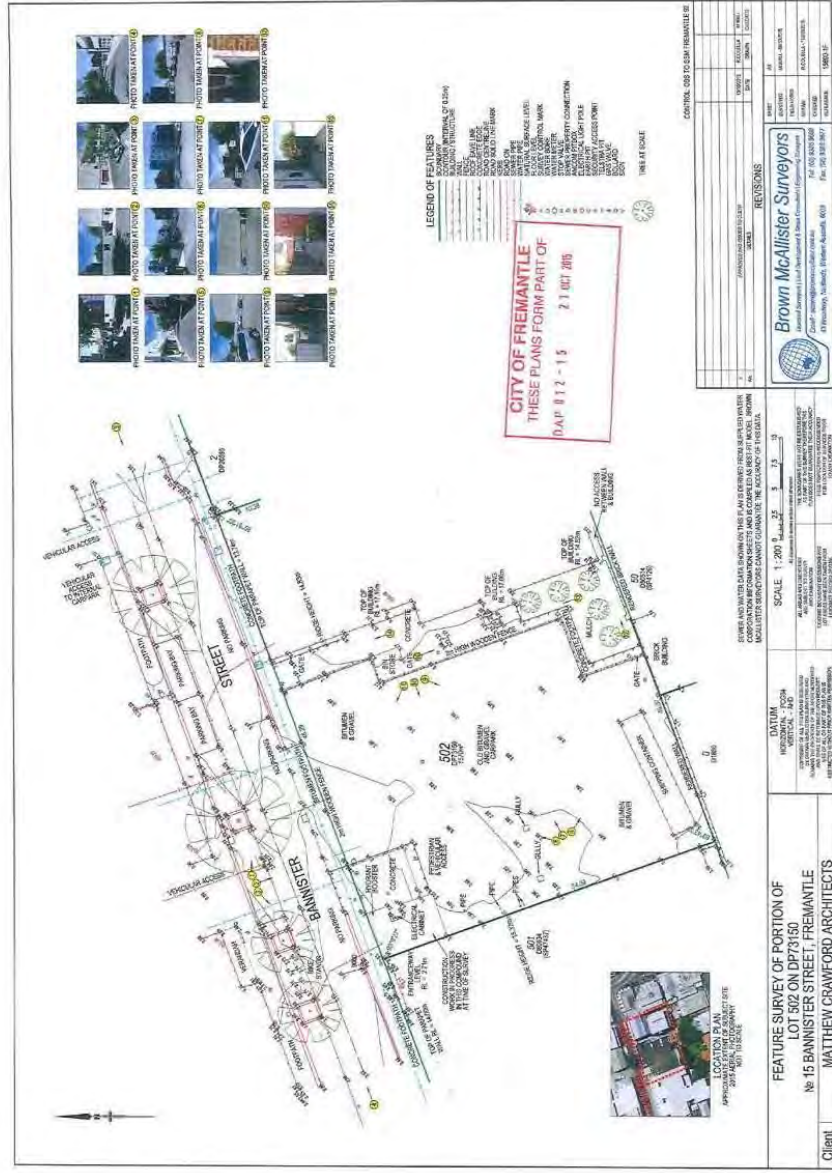
CITY OF FREMANTLE
THESE PLANS FORM PART OF
D.A.P. 012-15 21 OCT 2015

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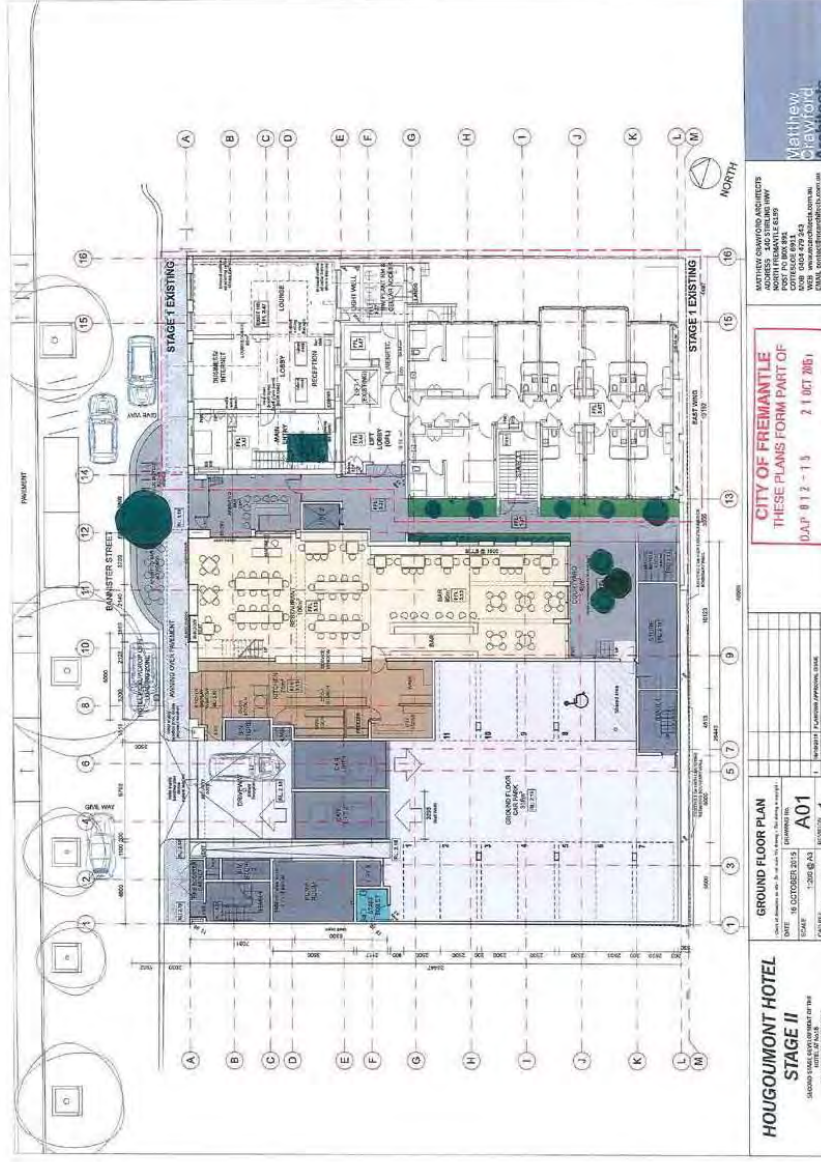
MATTHEW CRAWFORD ARCHITECTS
ADDRESS 140 STIRLING HWY
NORTH FREMANTLE 6159
POST PO BOX 891
COTTESLOE 6911
MOB 0404 479 243
WEB www.mcarchitects.com.au
EMAIL contact@mcarchitects.com.au

Matthew Crawford Architects

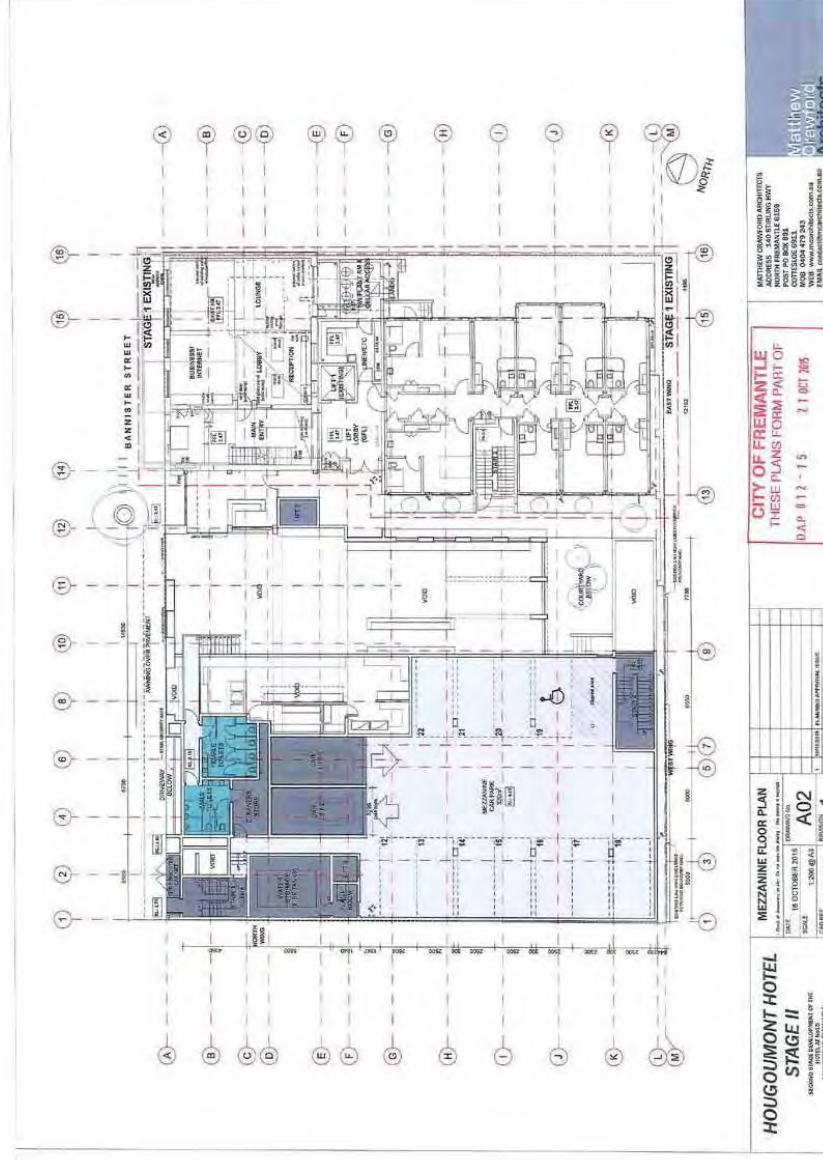
DEVELOPMENT ASSESSMENT PANELS APPROVED 20 APRIL 2016



DEVELOPMENT ASSESSMENT PANELS APPROVED 20 APRIL 2016



DEVELOPMENT ASSESSMENT PANELS APPROVED 20 APRIL 2016



**HOUGOUMONT HOTEL
STAGE II**
SECOND FLOOR PLAN
DATE: 18 OCT 2015
DRAWN BY: A03
CHECKED BY: 1-2000-05-01
SCALE: 1:2000

FIRST FLOOR PLAN
DATE: 18 OCT 2015
DRAWN BY: A03
CHECKED BY: 1-2000-05-01
SCALE: 1:2000

**CITY OF FREMANTLE
THESE PLANS FORM PART OF
DAP #112 - 15
21 OCT 06**

**ARCHITECT: JENNIFER J. HARRIS
ADDRESS: 1401 STIRLING WAY
FREMANTLE, WA 6155
PHONE: 9447 7733
FAX: 9447 7734
WEB: www.jenniferharris.com.au**

Matthew Crawford

Architectural drawing of the first floor plan of the Hougomont Hotel Stage II. The plan shows a large rectangular building with a central corridor and various rooms. The drawing is oriented with North at the top. The plan includes a grid system with letters A through M along the top and bottom edges, and numbers 1 through 16 along the left and right edges. The building is divided into several sections, including a 'STAGE 1 EXISTING' section on the right, a 'STAGE 2 EXISTING' section on the left, and a 'STAGE 3 EXISTING' section in the center. The plan also shows a 'STAGE 4 EXISTING' section at the bottom. The drawing includes a north arrow, a scale bar, and a title block. The title block contains the project name 'HOUGOUMONT HOTEL STAGE II', the drawing title 'FIRST FLOOR PLAN', the date '18 OCT 2015', the drawing number 'A03', and the scale '1:2000'. The title block also includes the name of the architect 'JENNIFER J. HARRIS' and the name of the client 'CITY OF FREMANTLE'.

SECOND FLOOR PLAN

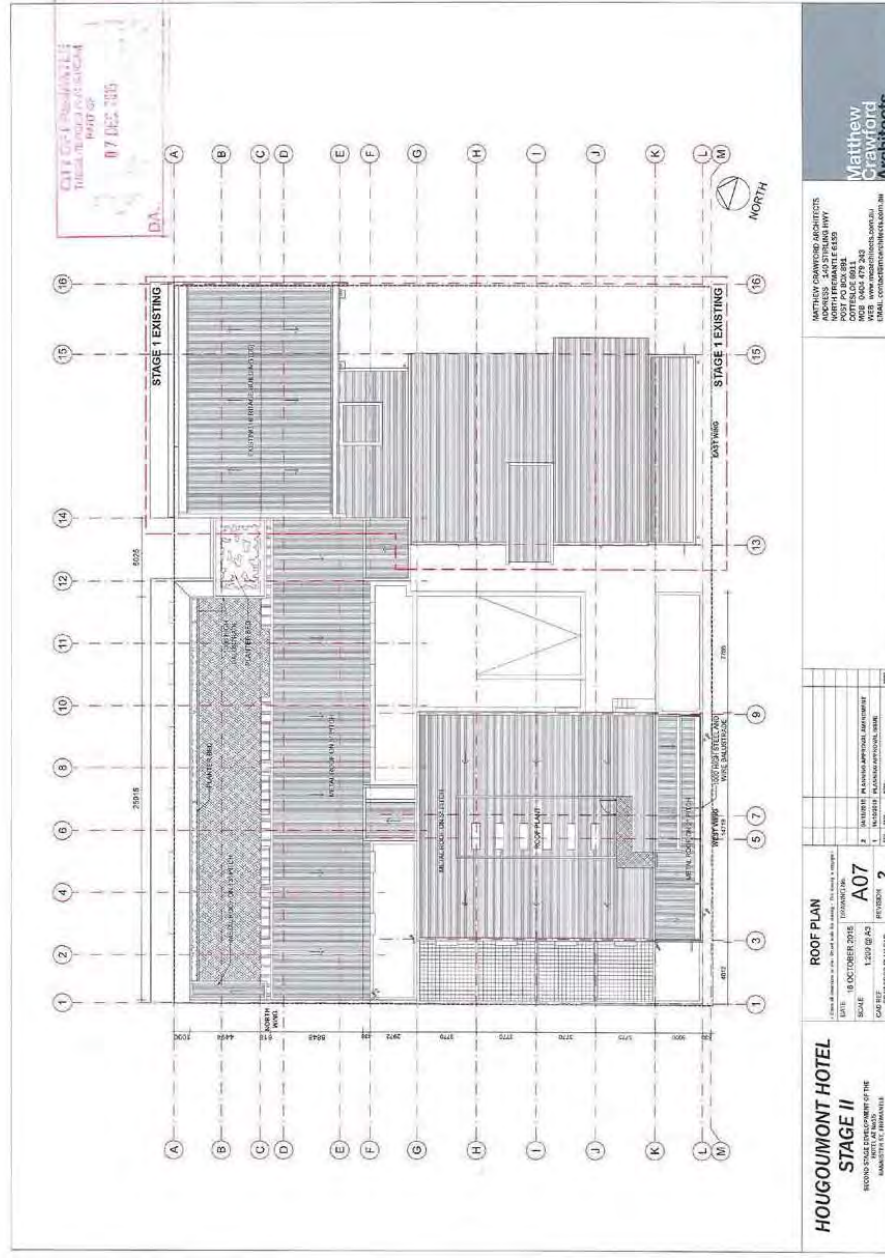
These plans form part of the development application for the proposed Fremantle Hotel, 100-110, 115-125, 130-135, 140-145, 150-155, 160-165, 170-175, 180-185, 190-195, 200-205, 210-215, 220-225, 230-235, 240-245, 250-255, 260-265, 270-275, 280-285, 290-295, 300-305, 310-315, 320-325, 330-335, 340-345, 350-355, 360-365, 370-375, 380-385, 390-395, 400-405, 410-415, 420-425, 430-435, 440-445, 450-455, 460-465, 470-475, 480-485, 490-495, 500-505, 510-515, 520-525, 530-535, 540-545, 550-555, 560-565, 570-575, 580-585, 590-595, 600-605, 610-615, 620-625, 630-635, 640-645, 650-655, 660-665, 670-675, 680-685, 690-695, 700-705, 710-715, 720-725, 730-735, 740-745, 750-755, 760-765, 770-775, 780-785, 790-795, 800-805, 810-815, 820-825, 830-835, 840-845, 850-855, 860-865, 870-875, 880-885, 890-895, 900-905, 910-915, 920-925, 930-935, 940-945, 950-955, 960-965, 970-975, 980-985, 990-995, 1000-1005, 1010-1015, 1020-1025, 1030-1035, 1040-1045, 1050-1055, 1060-1065, 1070-1075, 1080-1085, 1090-1095, 1100-1105, 1110-1115, 1120-1125, 1130-1135, 1140-1145, 1150-1155, 1160-1165, 1170-1175, 1180-1185, 1190-1195, 1200-1205, 1210-1215, 1220-1225, 1230-1235, 1240-1245, 1250-1255, 1260-1265, 1270-1275, 1280-1285, 1290-1295, 1300-1305, 1310-1315, 1320-1325, 1330-1335, 1340-1345, 1350-1355, 1360-1365, 1370-1375, 1380-1385, 1390-1395, 1400-1405, 1410-1415, 1420-1425, 1430-1435, 1440-1445, 1450-1455, 1460-1465, 1470-1475, 1480-1485, 1490-1495, 1500-1505, 1510-1515, 1520-1525, 1530-1535, 1540-1545, 1550-1555, 1560-1565, 1570-1575, 1580-1585, 1590-1595, 1600-1605, 1610-1615, 1620-1625, 1630-1635, 1640-1645, 1650-1655, 1660-1665, 1670-1675, 1680-1685, 1690-1695, 1700-1705, 1710-1715, 1720-1725, 1730-1735, 1740-1745, 1750-1755, 1760-1765, 1770-1775, 1780-1785, 1790-1795, 1800-1805, 1810-1815, 1820-1825, 1830-1835, 1840-1845, 1850-1855, 1860-1865, 1870-1875, 1880-1885, 1890-1895, 1900-1905, 1910-1915, 1920-1925, 1930-1935, 1940-1945, 1950-1955, 1960-1965, 1970-1975, 1980-1985, 1990-1995, 2000-2005, 2010-2015, 2020-2025, 2030-2035, 2040-2045, 2050-2055, 2060-2065, 2070-2075, 2080-2085, 2090-2095, 2100-2105, 2110-2115, 2120-2125, 2130-2135, 2140-2145, 2150-2155, 2160-2165, 2170-2175, 2180-2185, 2190-2195, 2200-2205, 2210-2215, 2220-2225, 2230-2235, 2240-2245, 2250-2255, 2260-2265, 2270-2275, 2280-2285, 2290-2295, 2300-2305, 2310-2315, 2320-2325, 2330-2335, 2340-2345, 2350-2355, 2360-2365, 2370-2375, 2380-2385, 2390-2395, 2400-2405, 2410-2415, 2420-2425, 2430-2435, 2440-2445, 2450-2455, 2460-2465, 2470-2475, 2480-2485, 2490-2495, 2500-2505, 2510-2515, 2520-2525, 2530-2535, 2540-2545, 2550-2555, 2560-2565, 2570-2575, 2580-2585, 2590-2595, 2600-2605, 2610-2615, 2620-2625, 2630-2635, 2640-2645, 2650-2655, 2660-2665, 2670-2675, 2680-2685, 2690-2695, 2700-2705, 2710-2715, 2720-2725, 2730-2735, 2740-2745, 2750-2755, 2760-2765, 2770-2775, 2780-2785, 2790-2795, 2800-2805, 2810-2815, 2820-2825, 2830-2835, 2840-2845, 2850-2855, 2860-2865, 2870-2875, 2880-2885, 2890-2895, 2900-2905, 2910-2915, 2920-2925, 2930-2935, 2940-2945, 2950-2955, 2960-2965, 2970-2975, 2980-2985, 2990-2995, 3000-3005, 3010-3015, 3020-3025, 3030-3035, 3040-3045, 3050-3055, 3060-3065, 3070-3075, 3080-3085, 3090-3095, 3100-3105, 3110-3115, 3120-3125, 3130-3135, 3140-3145, 3150-3155, 3160-3165, 3170-3175, 3180-3185, 3190-3195, 3200-3205, 3210-3215, 3220-3225, 3230-3235, 3240-3245, 3250-3255, 3260-3265, 3270-3275, 3280-3285, 3290-3295, 3300-3305, 3310-3315, 3320-3325, 3330-3335, 3340-3345, 3350-3355, 3360-3365, 3370-3375, 3380-3385, 3390-3395, 3400-3405, 3410-3415, 3420-3425, 3430-3435, 3440-3445, 3450-3455, 3460-3465, 3470-3475, 3480-3485, 3490-3495, 3500-3505, 3510-3515, 3520-3525, 3530-3535, 3540-3545, 3550-3555, 3560-3565, 3570-3575, 3580-3585, 3590-3595, 3600-3605, 3610-3615, 3620-3625, 3630-3635, 3640-3645, 3650-3655, 3660-3665, 3670-3675, 3680-3685, 3690-3695, 3700-3705, 3710-3715, 3720-3725, 3730-3735, 3740-3745, 3750-3755, 3760-3765, 3770-3775, 3780-3785, 3790-3795, 3800-3805, 3810-3815, 3820-3825, 3830-3835, 3840-3845, 3850-3855, 3860-3865, 3870-3875, 3880

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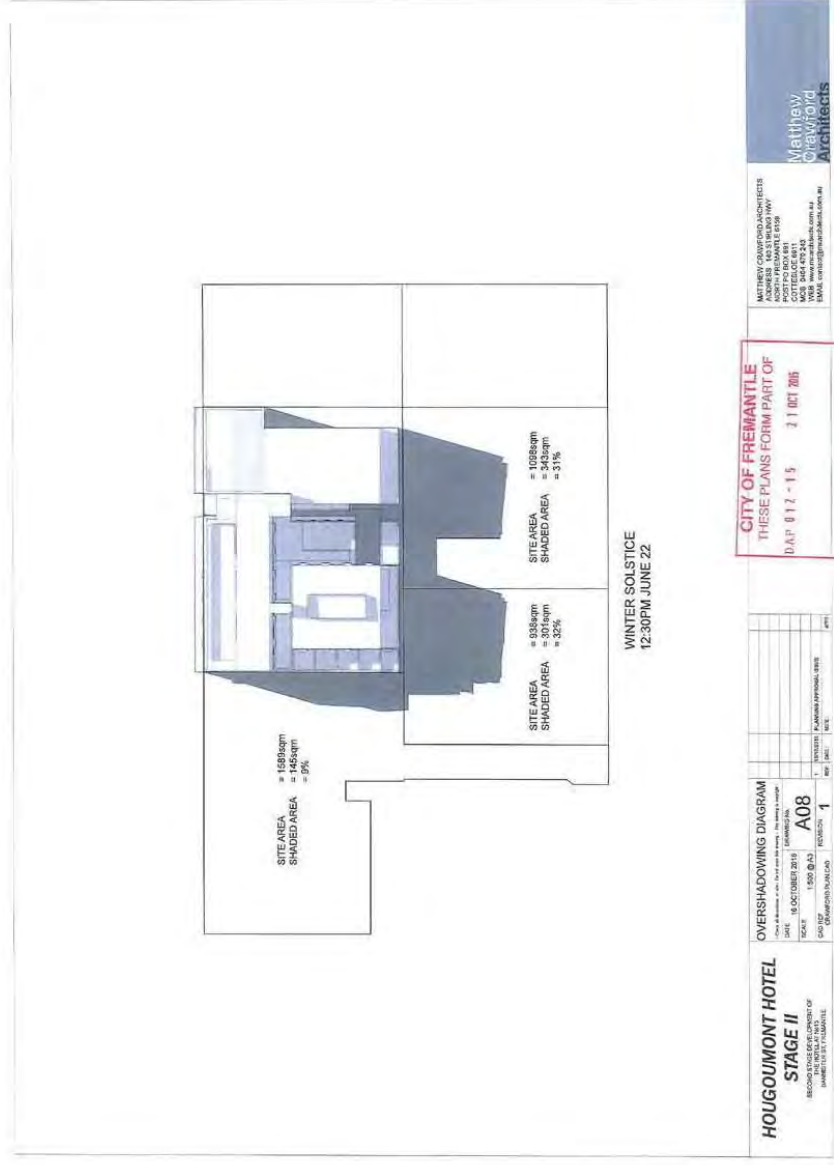


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DAYTIME ACTIVITY

- PUBLIC ACCESS TO APERITIVO BAR, RESTAURANT/BAR
- REMOTE ACCESS TO PARKING
- STREET ACTIVATION FROM APERITIVO BAR, ALFRESCO SEATING, RESTAURANT AND KITCHEN
- HOTEL HIRE BIKES



NIGHTTIME ACTIVITY

- PUBLIC ACCESS TO BAR & RESTAURANT
- REMOTE ACCESS TO LOBBY & PARKING
- PASSIVE STREET SURVEILLANCE FROM RESTAURANT, ROOMS AND SKY LOBBY

HOUGOU MONT HOTEL STAGE II second stage development of the HAWTHILL DEVELOPMENT		3D VIEWS (as shown in the 3D aerial view on the opposite page) DATE: 19 OCTOBER 2015 SCALE: NTS DRAWN BY: GARY CHECKED BY: JAMES	NIGHT TIME 1 DAY 1 NIGHT 1 DAY 1 NIGHT 1 DAY	CITY OF FREMANTLE THESE PLANS FORM PART OF DAP #12 - 15 21 OCT 2016	MATTHEW CRAWFORD ARCHITECTS ARCHITECTS 345 STIRLING HWY FREMANTLE WA 6155 PHONE: 9407 8000 FAX: 9407 8011 EMAIL: info@mccraford.com.au WEBSITE: www.mccraford.com.au EMAIL: contact@mccraford.com.au	Matthew Crawford Architects
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DEVELOPMENT ASSESSMENT PANELS APPROVED 20 APRIL 2016

