

DEVELOPMENT APPLICATION



**LOTS 243 & 244 (NOS.44 & 46) GRAND OCEAN
ENTRANCE, BURNS BEACH**

**PROPOSED CARE PREMISES & CAFE
(RESTAURANT/CAFE)
CITY OF JOONDALUP**

Prepared for

Germano Designs and Panda Early Learning Centre for the construction of a new child care premises and cafe (Restaurant/café) on Lots 243 & 244 (No.44 & 46) Grand Ocean Entrance, Burns Beach.

Prepared by

**CF Town Planning & Development
Planning & Development Consultants**

Address: 3/1 Mulgul Road, Malaga WA 6090

Tel: 92492158

Mb: 0407384140

Email: carlof@people.net.au



**Carlo Famiano
Director
CF Town Planning & Development**

Name	Position	Document Revision	Date
Mr Carlo Famiano	Town Planner	Planning Report	18 December 2023
Mr Carlo Famiano	Town Planner	Planning Report(Rev1)	22 December 2023

All rights are reserved by CVF Nominees Pty Ltd trading as CF Town Planning & Development. Other than for the purposes of and subject to conditions prescribed under the Copyright Act 1968 (C), no part of this report may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic or otherwise, without the prior written permission of CF Town Planning & Development.

Contents

1.0	INTRODUCTION	4
	1.1 List of Consultant Reports	4
2.0	BACKGROUND & PURPOSE	5
3.0	LAND DESCRIPTION	6
4.0	LOCATION	6
5.0	PHYSICAL CHARACTERISTICS	7
	5.1 Property Details	7
	5.2 Character of Locality	8
	5.3 Nearby Child Care Premises	8
	5.4 Essential Services	9
	5.5 Existing Land Uses	12
6.0	DEVELOPMENT PROPOSAL	13
7.0	STATUTORY CONSIDERATIONS	16
	7.1 Metropolitan Region Scheme	16
	7.2 City of Joondalup Local Planning Scheme No.3	16
	7.3 Burns Beach Local Structure Plan	18
	7.4 WAPC Planning Bulletin No.72/2009 - 'Child Care Centres'	20
	7.5 State Planning Policy No.5.4 – 'Road & Rail Noise'	21
	7.6 Bushfire Prone Areas	22
	7.7 Contaminated Site Investigation	23
8.0	DEVELOPMENT STANDARDS	23
	8.1 City of Joondalup 'Child Care Premises Local Planning Policy	24
	8.2 General Development Standards	27
	8.3 State Planning Policy No.7.0 – Design of Built Form Environmental	31
9.0	CITY OF JOONDALUP DEVELOPMENT REVIEW PANEL	36
10.0	CONSULTANT REPORTS	37
	10.1 Acoustic Report	37
	10.2 Traffic Impact Statement	38
	10.3 Waste Management Plan	38
11.0	SUMMARY OF JUSTIFICATIONS	39
12.0	CONCLUSION	40

List of Appendices

- Appendix 1: Certificate of Title
 Appendix 2 - Site Development Plans

1.0 INTRODUCTION

CF Town Planning & Development acts on behalf of Panda Early Learning Centre and Germano Designs as their consultant town planners and hereby prepare the following report in support of an Application for Development Approval for the construction of a new child care premises and cafe ('Restaurant/Café') on Lots 243 & 244 (No.44 & 46) Grand Ocean Entrance, Burns Beach ('subject land').

The proposed development of the subject land includes a high quality design that appropriately addresses the planning framework and reflects an appropriate built form (i.e. bulk and scale) within the area. The proposed use of the subject land will allow for activation along the street and provide a much needed service to the local community.

This report provides details regarding the following:

- Site details;
- Proposed development
- Technical information from specialised consultants (i.e. acoustic report & traffic impact statement);
- Planning considerations; and
- Provision of justification in support of the proposed development, addressing the relevant planning framework.

In light of the above, we respectfully request the City of Joondalup and the Metro Outer Joint Development Assessment Panel's (JDAP) favorable consideration and conditional approval of the application at their earliest possible convenience.

Should you have any queries or require any additional information regarding any of the matters raised above please do not hesitate to contact Mr Carlo Famiano on 0407384140 or carlof@people.net.au.

1.1 List of Consultant Reports

The following consultant reports have been prepared in support of this development application:

- i) Traffic Impact Statement and Parking Management Plan from KCTT;
- ii) Acoustic report from Herring Storer Acoustics;
- iii) Landscaping plan and playground plan from Childscapes; and
- iv) Waste management plan (WMP) from CF Town Planning & Development.

CF Town Planning & Development
Planning & Development Consultants

2.0 BACKGROUND & PURPOSE

The subject land is currently vacant/unused and was created as part of the Burns Beach residential estate, adjacent Bengello Park.

An overview of the locality has identified that the subject land is within close proximity and comprises convenient access to the following key nodes/infrastructure:

- A regional road network (i.e. Bruns Beach Road & Marmion Avenue);
- Public transport (i.e. bus route) along Whitehaven Avenue, Grand Ocean Entrance and Burns Beach Road (see Figure 8 – Public Transport Network);
- Various public open space reserves;
- Nearby schools (i.e. Burns Beach Primary School); and
- A large residential area comprising low to medium density type developments.

In light of the above key nodes, it is contended that the proposed child care premises and cafe will provide much needed services the local community and allow for activation of the site.

It is noted that a previous application for a child care premises was lodged with the City of Joondalup for the subject land in 2021. At the time, the application did not include a cafe component.

At its meeting held on 17 August 2021, the Joondalup City Council resolved the following:

That Council REFUSES under clause 68(2) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 the application for development approval, dated 25 March 2019 submitted by Urbanista, for a proposed child care premises at Lots 243 and 244 (44 and 46) Grand Ocean Entrance, Burns Beach, for the following reason:

1. *In accordance with clause 67(2), (h), (v), (w) and (x) of Schedule 2 the Planning and Development (Local Planning Schemes) Regulations 2015, the development is not compatible with the objectives of the Burns Beach Structure Plan as a child care premises as the sole land use in the 'Local Shop Precinct', with no retail or other commercial use, does not adequately cater for the daily needs of the local community;*
2. *in accordance with clause 67(2)(g) and (h) of Schedule 2 the Planning and Development (Local Planning Schemes) Regulations 2015, the development does not meet the development standards of the City of Joondalup Child Care Premises Local Planning Policy and Burns Beach Structure Plan in relation to:*
 - 2.1 *building height;*
 - 2.2 *building setbacks;*
 - 2.3 *parking.*

Following the above refusal, the landowner and designer held discussions with the City of Joondalup to address the concerns raised by the City. This application reflects those discussions and has included a retail component within the development to reflect the objective the Burns Beach Structure Plan to include a retail or commercial use that will cater for the needs of local residents and provide activation of the development at street level.

Planning & Development Consultants

Address: 3/1 Mulgill Road, Malaga WA 6090

Tel: 9249 2158 Mb: 0407384140 Email: carlof@people.net.au

CVF Nominees Pty Ltd ABN: 86 110 067 395

Accordingly, approval under the City of Joondalup's current operative Local Planning Scheme No.3 (LPS No.3) is hereby requested.

3.0 LAND DESCRIPTION

The subject land is legally described as follows:

- Lot 243 on Plan 47367 on Certificate of Title Volume 2625, Folio 6198; and
- Lot 244 on Plan 47367 on Certificate of Title Volume 2625, Folio 620.

The abovementioned lots are currently owned by Catalonia Investments Pty Ltd. A copy of the Certificate of Title is provided within Appendix 1 of this report.

4.0 LOCATION

The subject land is located on the south-western corner of the intersection of Grand Ocean Entrance and Whitehaven Avenue. Furthermore, the land is located adjacent Bengello Park and is located approximately 610 metres east of the coastal foreshore reserve (see Figure 1 – Location Plan).

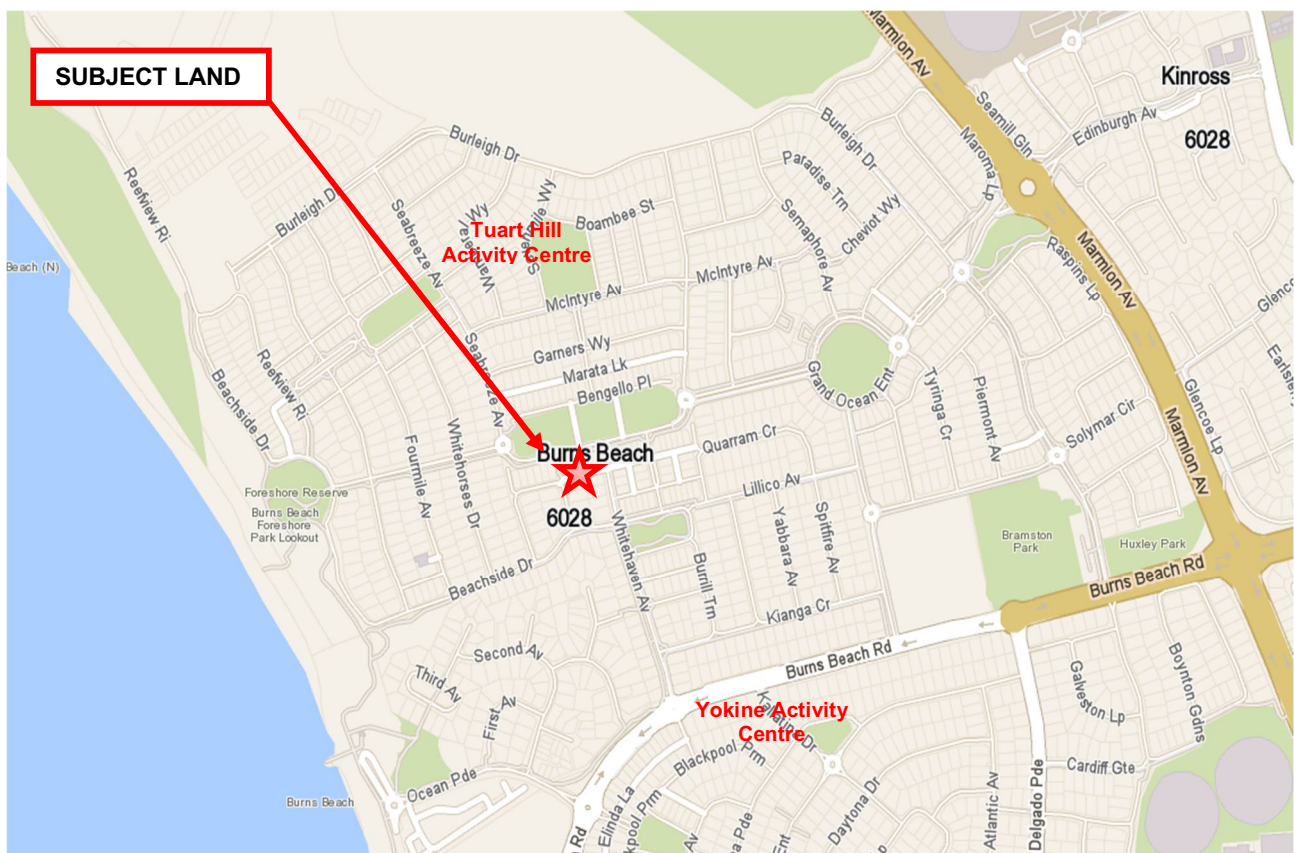


Figure 1 – Location Plan

5.0 PHYSICAL CHARACTERISTICS

5.1 Property Details

The subject land area is irregular in shape, comprises a total combined lot area of 877m², has direct frontage to Grand Ocean Entrance along its north-western lot boundary, Whitehaven Avenue along the land's north-eastern lot boundary and Broulee Lane along the land's south-eastern lot boundary. Vehicular access is to be from Broulee Lane, as the other adjoining road reserve include on-street parking. Furthermore, the Burns Berach Local Structure Plan requires vehicular access from the laneway.

The subject land is relatively flat with a minor fall in natural ground levels (NGL) from 22.02 metres along the land's rear lot boundary (along the lane way) to 21.54 metres along the land's front lot boundary (Grand Ocean Entrance), which represents a fall of approximately 480mm down/across the site (see Site Development Plan – Site Feature Survey).

The subject land is currently vacant/unused and does not comprise any physical improvements and/or vegetation. In addition, the verge areas abutting the subject land contains one (1) street tree which will be retained as part of this application (see Figure 2 – Aerial Site Plan, Figures 3 & Figure 4).



Figure 2 - Aerial Site Plan

Planning & Development Consultants

Address: 3/1 Mulgool Road, Malaga WA 6090

Tel: 9249 2158 Mb: 0407384140 Email: carlof@people.net.au

CVF Nominees Pty Ltd ABN: 86 110 067 395



Figure 3 – The subject land viewed at the corner of Whitehaven Avenue and Grand Ocean Entrance.



Figure 4 – The subject land and rear lane way.

5.2 Character of Locality

The subject land is located within the Burns Bach Local Structure Plan area, which has allowed for predominantly residential development (low to medium density), a good allocation of public open space reserves and a local shop precinct.

A review of the immediate area has identified that the predominant form of development is two-storey residential development, with pitched roofs, balconies and masonry front fences. Figure 5 & 6 illustrate the range of development within the immediate area.

A review of existing developments within the immediate area provides the following description:

- i) The dwellings mostly comprises a rendered finish, with some scattered face brickwork and limestone render/cladding;
- ii) The predominant land use is single dwelling;

- iii) A large public open space reserve is located adjacent the subject land and contains play equipment and other structures;
- iv) The colour scheme includes a light shade, with some darker features that provide an element of visual interest (i.e. use of creams and greys); and
- v) Dwelling comprising garages, carports and front porches.



Figure 5 – Adjacent public open space reserve.



Figure 6 – Existing dwellings within the immediate area.

The proposed development on the subject land will offer good connectivity and activation along the adjoining public roads, with the proposed built form of the building being modern, attractive and two (2) storey to reflect the surrounding built form character of the area.

In light of the above, it is contended that the proposed new child care premises and cafe development on the subject land is consistent with the existing built form development within the area and is unlikely to have a negative impact on the existing character and amenity of the local streetscapes.

Planning & Development Consultants

Address: 3/1 Mulgool Road, Malaga WA 6090

Tel: 9249 2158 Mb: 0407384140 Email: carlof@people.net.au

CVF Nominees Pty Ltd ABN: 86 110 067 395

5.3 Nearby Child Care Premises

Whilst there is not limits on the number of child care premises allowed within the area, a review of the locality has identified the following centres within the district for reference:

1. Milestones Early Learning - No.38 Kinross Drive, Kinross.
2. Reynolds Rugsrats Family Day Care – No.3 Coatbridge Circuit, Kinross.
3. Nido Early School – No.98 O'Mara Boulevard, Iluka.

5.4 Essential Services

The subject land is served by an extensive range of essential service infrastructure including power, water, reticulated sewerage, stormwater drainage, gas and telecommunications (see Figure 7).

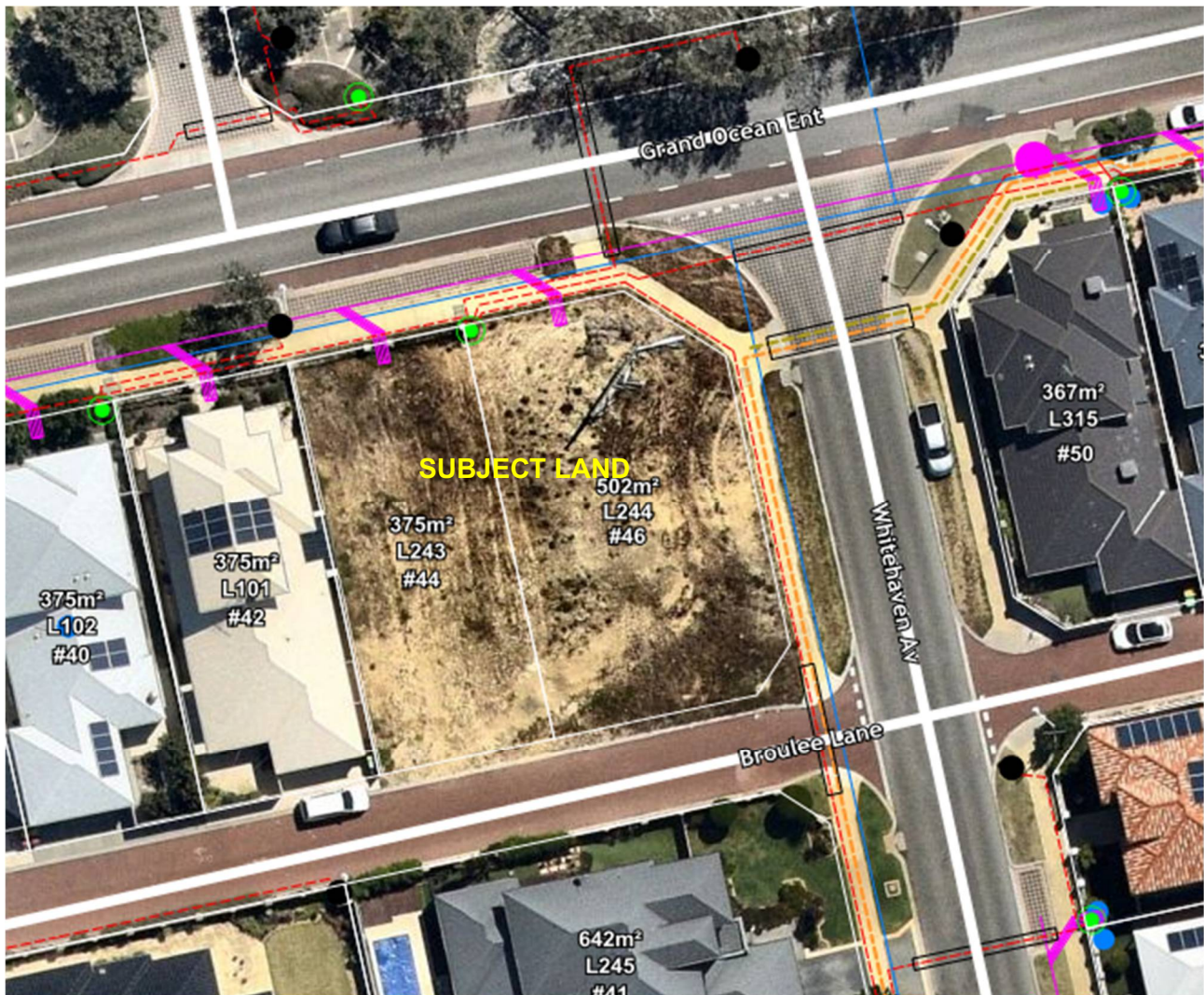


Figure 7 – The existing services in and around the subject land. Services include water, sewerage, electricity and telecommunications. The site is also well serviced with a pedestrian path network that provides good connection with the surrounding area (MNG Mapping).

Planning & Development Consultants

Address: 3/1 Mulgool Road, Malaga WA 6090

Tel: 9249 2158 Mb: 0407384140 Email: carlof@people.net.au

CVF Nominees Pty Ltd ABN: 86 110 067 395

The subject land is located approximately 450 metres from Burns Beach Road, which provides a connection to a regional road network and provides access to a number of significant key nodes such as Joondalup Health Campus and the Joondalup Activity Centre. Public transport is available along various nearby roads including bus stops within 50m of the subject land. The bus routes (Bus 470) provide a connection to Joondalup Train Station, Burns Beach and Clarkson Train Station. Bus route No.471 is located within 500 metres along Burns Beach Road and provides a Burns Beach and Joondalup Train Station (see Figure 8 – Public Transport Network).

The subject land is also well served by a pedestrian path network. It is contended that the subject land's good access to public transport and a pedestrian path network will provide an alternative form of transport for the future occupants (employees) and patrons of the child care premises.



Figure 8 – The existing public transport network (KCTT).

Planning & Development Consultants

Address: 3/1 Mulgool Road, Malaga WA 6090

Tel: 9249 2158 Mb: 0407384140 Email: carlof@people.net.au

CVF Nominees Pty Ltd ABN: 86 110 067 395

5.5 Existing Land Use

As previously mentioned, the subject land is currently vacant/unused and does not comprise any physical improvements.

Existing uses in the immediate locality are broadly described as follows:

- North-west: Grand Ocean Entrance road reserve with a public open space beyond;
- South-west: Low density residential development (i.e. single dwellings);
- South-east: Broulee Lane road reserve with low density residential development (i.e. single dwellings) beyond; and
- North-east: - Whitehaven Avenue road reserve with low density residential development (i.e. single dwellings) (see Figure 2 – Aerial Site Plan).

6.0 DEVELOPMENT PROPOSAL

This application seeks the JDAP and the City of Joondalup's development approval for the construction of a new child care premises and cafe on the subject land. The key details of the proposed works include the following:

- i) Construction of a new two-storey building comprising a total floor area of 481.8m²;
- ii) Provision of an outdoor play area in support of the child care premises comprising an area of 405.44m² (both ground and upper floor platy areas). A preliminary plan has been prepared by the prospective operators of the child care premises illustrating the layout of the playground area (see Figure 10). The plan will be finalized and lodged with the City of Joondalup if and when a development approval is granted and before completion of the development;
- iii) Construction of seventeen (17) on-site car parking bays to support the proposed development on the subject land. The on-site car parking area is located within the undercroft level of the building and will be screened from the adjoining streets;
- iv) Installation of two (2) bicycle parking bays;
- v) Construction of a one (1) new crossover along the land's Broulee Lane (right of way) frontage;
- vi) Construction of a bin storage area to service the development. The bin store will be located within the undercroft car parking area and screened from the street;
- vii) Provision of a café and a communal space along the land's Grand Ocean Entrance frontage of the building to provide a meeting place for parents and foster community interaction;
- viii) Installation of landscaping (including mature trees and required deep soil zones) throughout the development. A landscaping plan has been prepared by a landscape consultant in support of the application (see Figure 8);
- ix) Installation of solar panels to support the operation of the business on the land. It should be noted that provisions have been made to accommodate solar battery storage in the future; and
- x) The provision of electric vehicle (EV) charging stations.

The external facade of the proposed new development will be constructed using high quality finishes (i.e. varying materials and colours) (see Figure 9). It is envisaged that the proposed development on

the land will enhance the streetscape, will improve activation and the extent of passive surveillance over the adjoining road networks.

The proposed development will also comprises a defined entry along the land's Grand Ocean Entrance frontage, with direct connection to the existing pedestrian path network within the adjoining street.



Figure 9 – The façades of the new building will adopt varying materials, colours and landscaping to provide an element of visual interest and articulation.

It should be noted that details regarding all future proposed advertising signage is indicative at this stage and will require confirmation by the future operator of the child care premises/cafe. Any changes to the proposed advertising signage will therefore be the subject of a separate development application to the City of Joondalup if required.

Copies of the proposed site development plans and building elevation drawings are provided herewith for review and consideration by the City of Joondalup and the JDAP (see Appendix 2 – Site Development Plans).

Operating Details of Child Care Premises

The proposed child care premises will provide a much needed service to the local community and would support local residents and staff/parents of the nearby school. The proposed use is similar to other existing child care premises established in the Perth Metropolitan Area that are constructed within a residential area to service the local community.

Details of the proposed child care premises use are summarized as follows:

- Operating hours for the child care premises will be Monday to Friday 6.30am to 6.30pm (the outdoor play will not be used before 7am);
- In addition to the above point, the 6.30am start time will cater for parents to drop children off on the way to work. This will allow for the child care premises to provide a service to cater for working family members utilizing the public transport network or those commencing work at an earlier time.
- The child care premises will be serviced by eleven (11) staff members at any one given time; and
- The maximum number of children at any one given time is fifty seven (57). This figure consists of the following breakdown:
 - 0 to 2 years – 12 children
 - 2 to 3 years - 15 children
 - 3 to 5 years - 30 children

Cafe

The café is aimed at providing a service to the local community, catering for parents dropping off and picking up children, with some sales to the local community (i.e. users of the adjacent public open space reserve). The following details are provided in regard to the proposed cafe within the new development:

- Operating hours- Monday to Friday 6.30am to 9am and 3.30pm to 6.30pm (closed on weekends at this stage);
- An external area will be provided for the café to allow parents and patrons to interact;
- No additional staff are required to operate the cafe, with the chef associated with the child care premises operating the cafe during the morning and afternoon operating times (i.e. the chef will operate the cafe whilst not preparing food for the child care premises); and
- Given the small nature of the cafe, it is estimated that the bulk of the trade will be associated with staff and parents of the child care premises.

Landscaping Plan

A landscaping plan (including play area layout) has been prepared by 'Childscapes' in support of the proposed development on the land (see Figure 10). The plan illustrates the planting of various tree/shrubs throughout the development (including within the play areas). The proposed landscaping will enhance the development when viewed from the public realm and will provide for sufficient protection from the elements (in particular during the hot summer months).

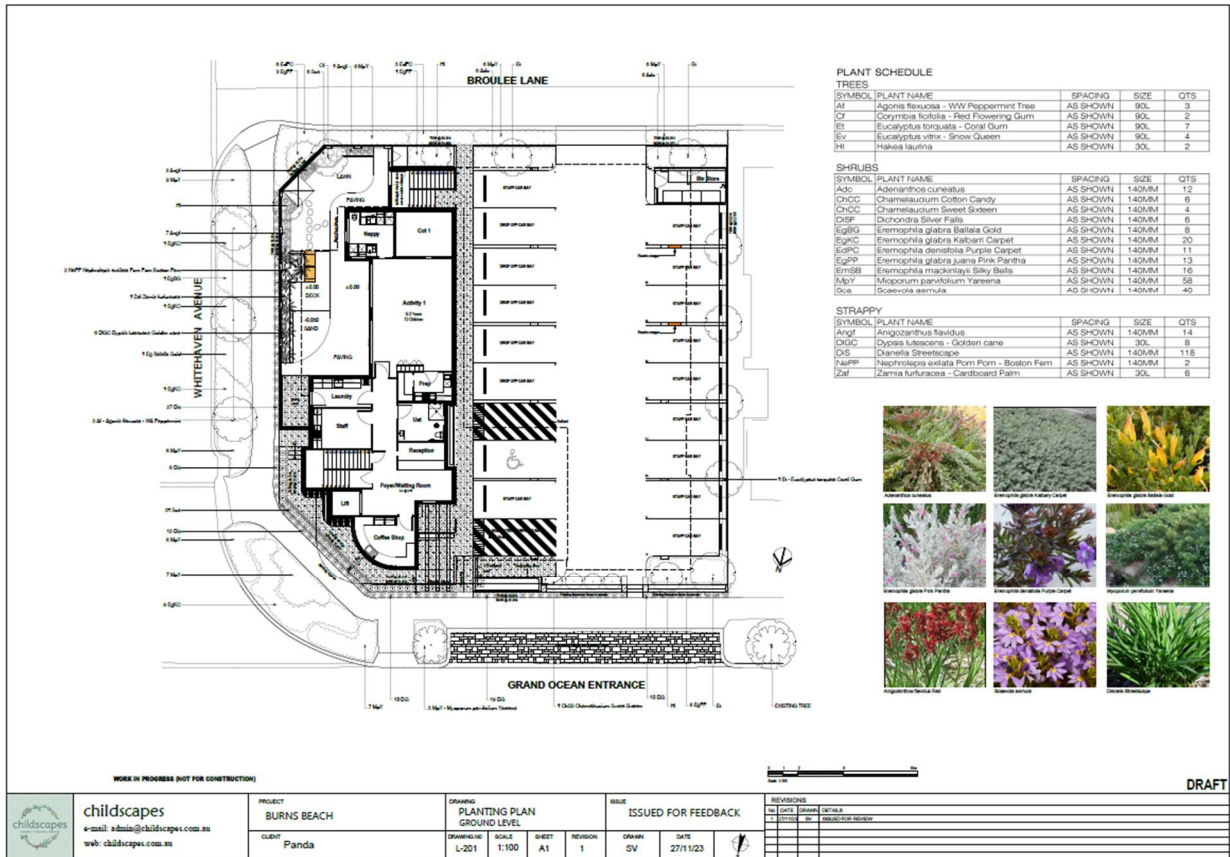


Figure 10 – Landscaping plan prepared in support of the proposed development of the subject land.



7.0 STATUTORY CONSIDERATIONS

7.1 Metropolitan Region Scheme

The subject land is currently classified 'Urban' zone under the Metropolitan Region Scheme (MRS) (see Figure 11 – MRS Map). It should be noted that the zones and reservations prescribed by the MRS are broad categories only that are intentionally not precisely defined or limited in order to enable a flexible approach to town planning. The following definition is provided as a guide to its stated purpose/s in the MRS:

“Urban Zone - Areas in which a range of activities are undertaken, including residential, commercial recreational and light industry.”

The proposed development and use of the subject land for a child care premises and cafe purposes is considered to be consistent with the defined intent of its current 'Urban' zoning classification under the MRS and has scope to be approved.

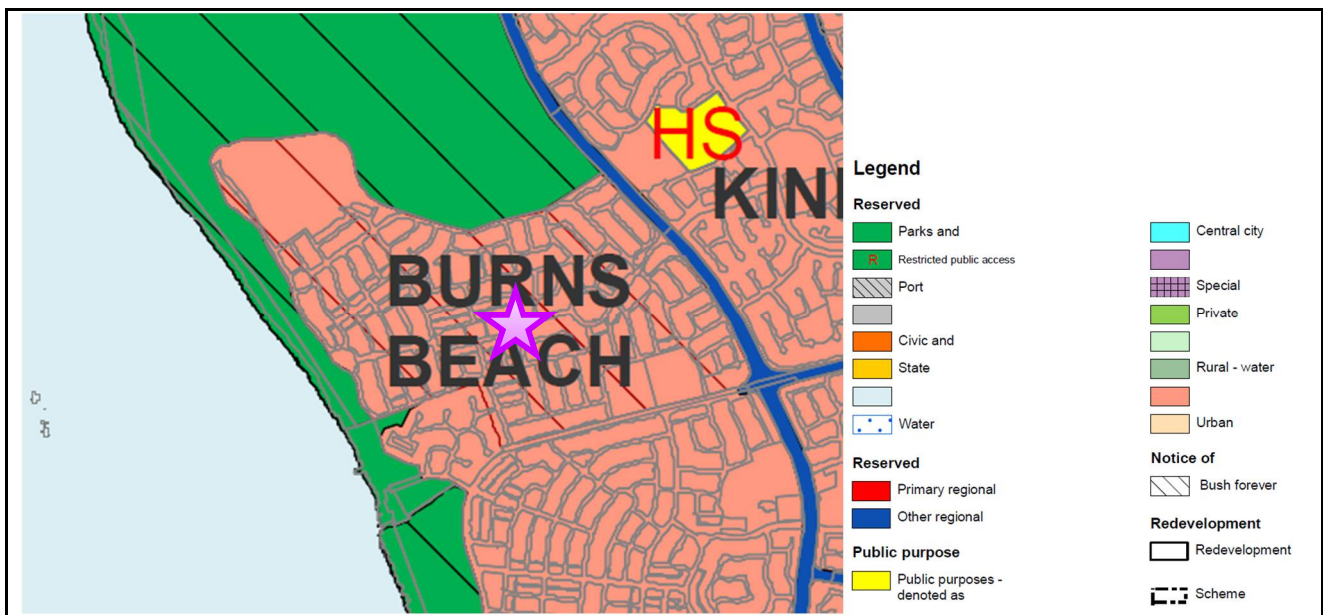


Figure 11 – MRS Map

7.2 City of Joondalup Local Planning Scheme No.3

The subject land is classified 'Urban Development' zone under the City of Joondalup's current operative Local Planning Scheme No.3 (LPS No.3), which reflects the zoning of the surrounding area (see Figure 12 – Scheme Map).

The subject land forms part of the Burns Beach Local Structure Plan ('Structure Plan'),

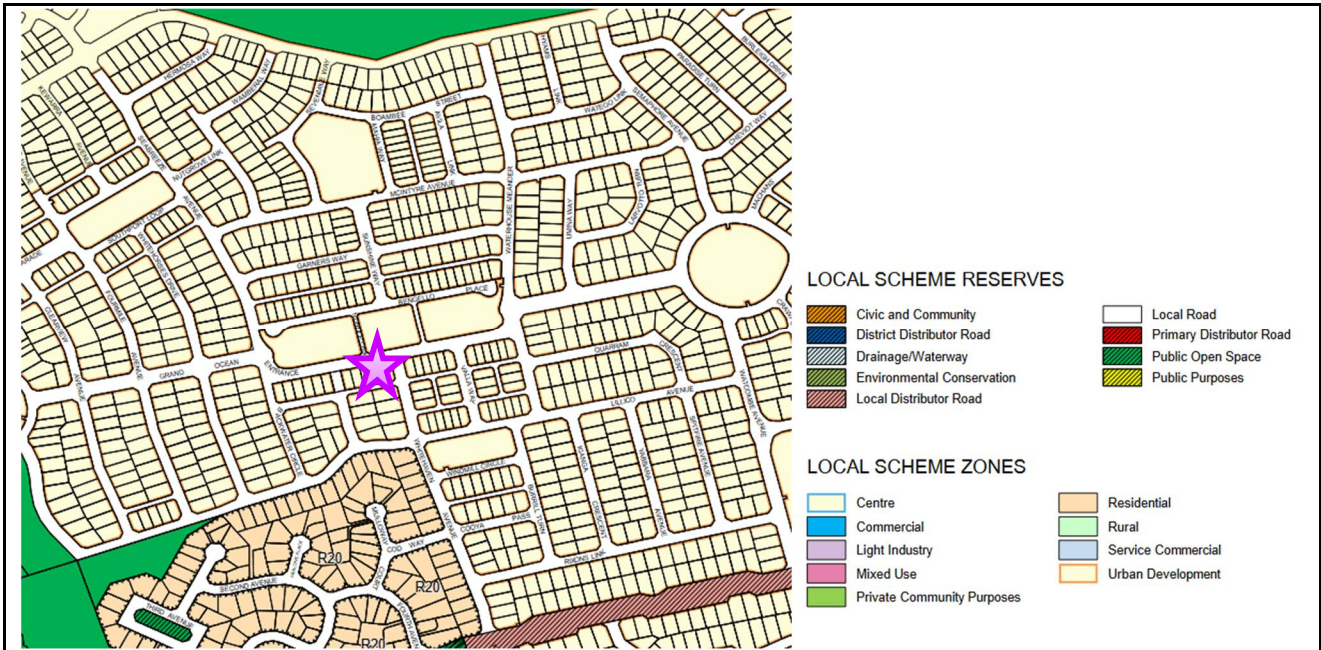


Figure 12 – LPS No.3 Scheme Map

Part No.6 of the City’s LPS No.3 (entitled ‘Terms Referred to in Scheme’) provides the definitions for the various uses that would apply to this application. Table 1 below provides an overview of the land use definition which will apply to the subject land:

Table 1– Land Use & Permissibility

LAND USE	DEFINITION
Child Care Premises	<p><i>has the same meaning as in the Community Services (Child Care) Regulations 1988;</i></p> <p>a) <i>an education and care service as defined in the Education and Care Services National Law (Western Australia) Act 2012 section 5(1), other than a family day care service as defined in that section, is provided; or</i></p> <p>b) <i>a child care service as defined in the Child Care Services Act 2007 section 4 is provided.</i></p>
Restaurant/Café (Cafe)	<p><i>means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the Liquor Control Act 1988.</i></p>

It is contended the proposed development and use of the land as depicted in this application falls comfortably within the aforementioned land use definition and permissibility prescribed in the City’s LPS No.3.

The stated objectives of the ‘Urban Development’ zone within LPS No.3 are as follows:

- *To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme.*
- *To provide for a range of residential densities to encourage a variety of residential accommodation.*
- *To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development.*

It is contended that the proposed development on the subject land is consistent with the stated objectives of the zone through the implementation and consideration of the Burns Beach Local Structure Plan and the vision for the site prescribed with the Structure Plan.

7.3 Burns Beach Local Structure Plan

The subject land forms part of the Burns Beach Local Structure Plan ('Structure Plan'), which provide zonings and guide development within the area.

The stated objectives of the Structure Plan are as follows:

- *To provide for a variety of lot sizes and single residential dwelling types at a maximum density of R20.*
- *To provide residential homesites which have the correct solar orientation to facilitate the construction of energy efficient dwellings;*
- *To provide homesites with coastal proximity that derive benefit from*
- *ocean views and access to cooling sea breezes;*
- *To provide homesites which overlook parkland areas and streets to maximise passive surveillance opportunities and promote attractive streetscapes.*
- *To maintain a high level of pedestrian connectivity, amenity and safety.*
- *To ensure that the impact on the visual quality and aesthetics of the area are minimised, air conditioning or cooling units, hot water systems, solar panels, bin storage areas, TV antennae, satellite dishes and radio masts should be located such that they are screened from public view and they are located in a position to minimise noise impacts on neighbouring residences.*

According to the Structure Plan, the subject land is designated 'Local Shop Precinct'. The surrounding zonings include 'Public Open Space' (adjacent) and 'Residential R40 & R20' (see Figure 13 – Burns Beach Local Structure Plan).

It should be noted that the Structure Plan originally identified the 'Local Shop Precinct' over five (5) lots to provide for the daily retail needs of the community within the area. In 2010, the City of Joondalup permitted the lots on the eastern side of Whitehaven Avenue to be developed for 'Single House' purposes and ignore the objectives of the Structure Plan.

In 2020, Amendment No.4 to the Structure Plan was lodged seeking to undertake the following:

- Modify provisions of the 'Local Shop Precinct' to allow the land use 'Child Care Premises' on the subject land to be permitted; and
- Modify the boundary and reduce the size of the 'Local Shop Precinct' by reclassifying some of the lots to 'Residential'

On 3 December 2020, the Western Australian Planning Commission (WAPC) endorsed Amendment No.4 to the Structure Plan. As such, the use of the land for 'Child Care Premises' purposes is permitted.

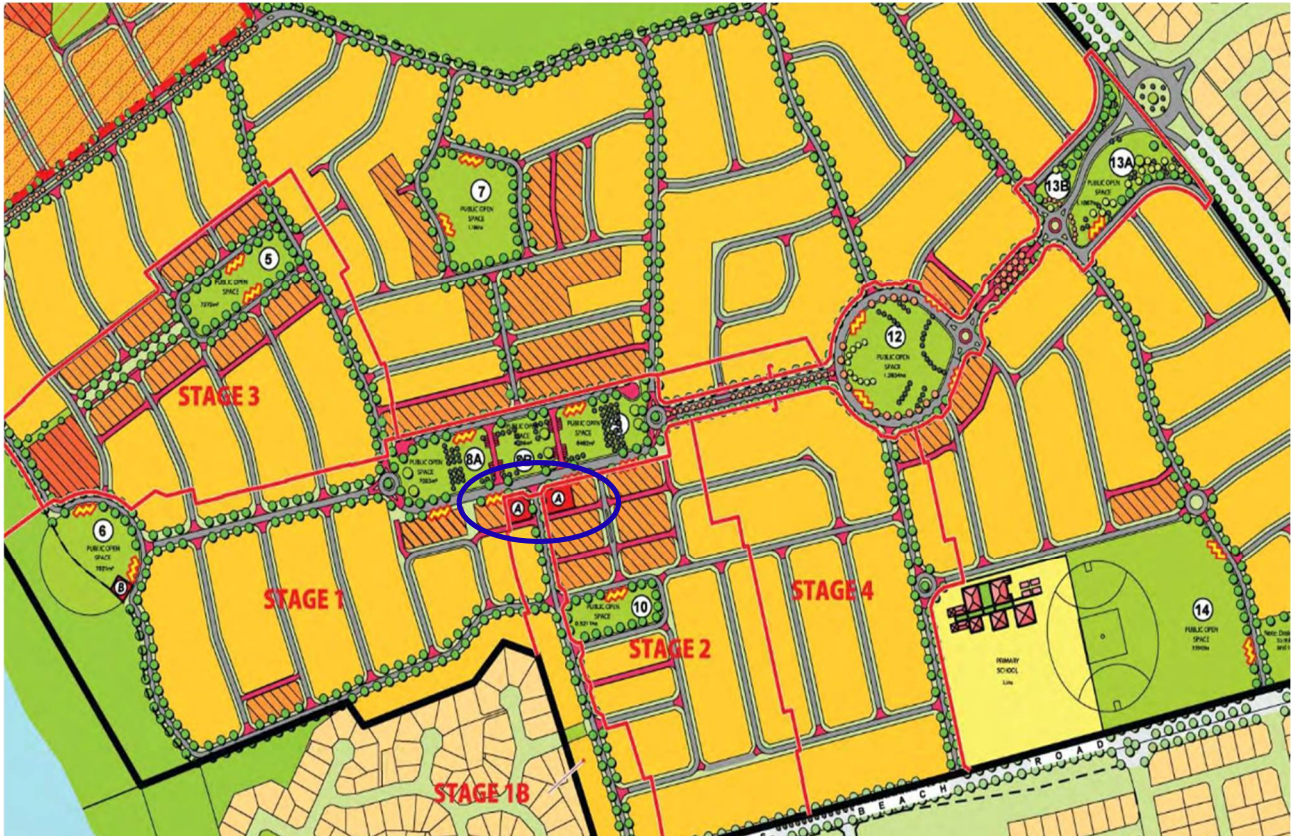


Figure 13 – Burns Beach Local Structure Plan.

The stated objectives of the of the 'Local Shop Precinct' stated within the Structure plan are as follows:

- To cater for the daily needs of the local community and generate local employment opportunities.
- To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.
- To ensure any retail or commercial uses are reflective of the local needs of the surrounding residential catchment; and
- To promote active street interfaces and minimal street setbacks, to enhance the vitality and permeability of the area.

It is contended that the proposed development on the subject land satisfies the stated objectives of the 'Local Shop Precinct' for the following reason:

- i) It will cater for the daily needs of the local community by providing a child care services for the residents, including providing for a local meeting place for social interaction (through the cafe);

- ii) It will provide a range of non-residential land uses that are compatible with and is complementary with the residential area (i.e. the use is typically located within residential areas);
- iii) It will provide employment opportunities within the local area;
- iv) It will provide for a new development that comprises a high quality design and built form that will enhance the streetscape; and
- v) It will provide activation along the street frontage of the site and allow for an element of connectivity.

Clause 7.2 of the Structure Plan outlines that the following land uses area permissible within the 'Local Shop Precinct':

- Convenience Store
- Restaurant/Café
- Child Care Premises
- Shop

In light of the above, the proposed development of the subject land for 'Child Care Premises' and Restaurant/Café' purposes is consideration appropriate and can be approved.

7.4 WAPC Planning Bulletin No.72/2009 - 'Child Care Centres'

The Western Australian Planning Commission's (WAPC's) Planning Bulletin No.72/2009 entitled 'Child Care Centres' provides guidance to decision makers, developers and the broader community regarding the various matters required to be considered when planning for the development and use of child care centres. The objectives of this Planning Bulletin are to:

- a) *locate child care centres appropriately in relation to their surrounding service area;*
- b) *minimise the impact a child care centre has on its surrounds, in particular on the amenity of existing residential areas;*
- c) *minimise the impact the surrounds may have on a child care centre; and*
- d) *consider the health and safety of children attending the child care centre within the confines of the planning system.*

It is contended that the proposed child care premises on the subject land is consistent with the objectives of Planning Bulletin No.72/2009 for the following reasons:

- i) It is well located in terms of access to a local, district and regional road network to allow for improved access and minimizes any impacts on the surrounding residential area;
- ii) It will provide a much needed service in the Burns Beach locality which will provide a significant benefit to the local community and the nearby school;
- iii) It is a community type use that is commonly located within close proximity and within residential areas;
- iv) The proposed development has been designed to comprise a layout that will ensure a safe environment for children attending the centre; and

- v) The traffic movements generated by the child care premises will not be excessive and will not have a detrimental impact on the surrounding road network.

The application proposes that the operating hours for the child care premises will be Monday to Friday 6.30am to 6.30pm, which is contrary to the hours prescribed within the Bulletin. Justification in support of this non-compliant aspect is provided below.

Hours of Operation

The application proposes that the operating hours for the child care premises will be Monday to Friday 6.30am to 6.30pm in lieu of the prescribed operating hours stated within the Bulletin of 7.00am to 7.00pm on weekdays. As such the application proposes to operate 30 minutes more during the morning period on weekdays. The following justification has been provided in support of the addition operating hours for the City of Joondalup and the JDAP's consideration:

- i) The proposed extension to the operating hours (i.e. 30 minutes in the morning) is considered minor and will not have an adverse impact on the amenity of the immediate locality;
- ii) Whilst the premises will accommodate for working parents to drop children off before 7am, the play areas could be limited so as to not be used until after 7am to reduce any adverse impacts on the surrounding area;
- iii) The subject land is located in close proximity to a public transport network that provides a service to other key employment nodes outside of the area. The additional start time will cater for parents using the public transport network to drop children off on the way to work;
- iv) A review of previous decision made by the JDAP for similar developments has identified that the starting time of 6.30am has been supported where there is merit. Given the location of the subject land along adjacent a public open space reserve and its access to public transport it is contented that this application has merit; and
- v) In addition to the above point, an acoustics report has been prepared by Herring Storer Acoustics in support of the application reviewing the noise generated by the child care premises commencing operation at 6.30am.

In light of the above, the proposed operating hours have merit and may therefore be supported.

7.5 State Planning Policy No.5.4 – 'Road & Rail Noise'

The subject land is not located within close proximity to any regional roads and/or railway corridors (see Figure 14 - PlanWA). As such, the application is not required to prepare an acoustic report to address *State Planning Policy No. 5.4 Road and Rail Noise*.

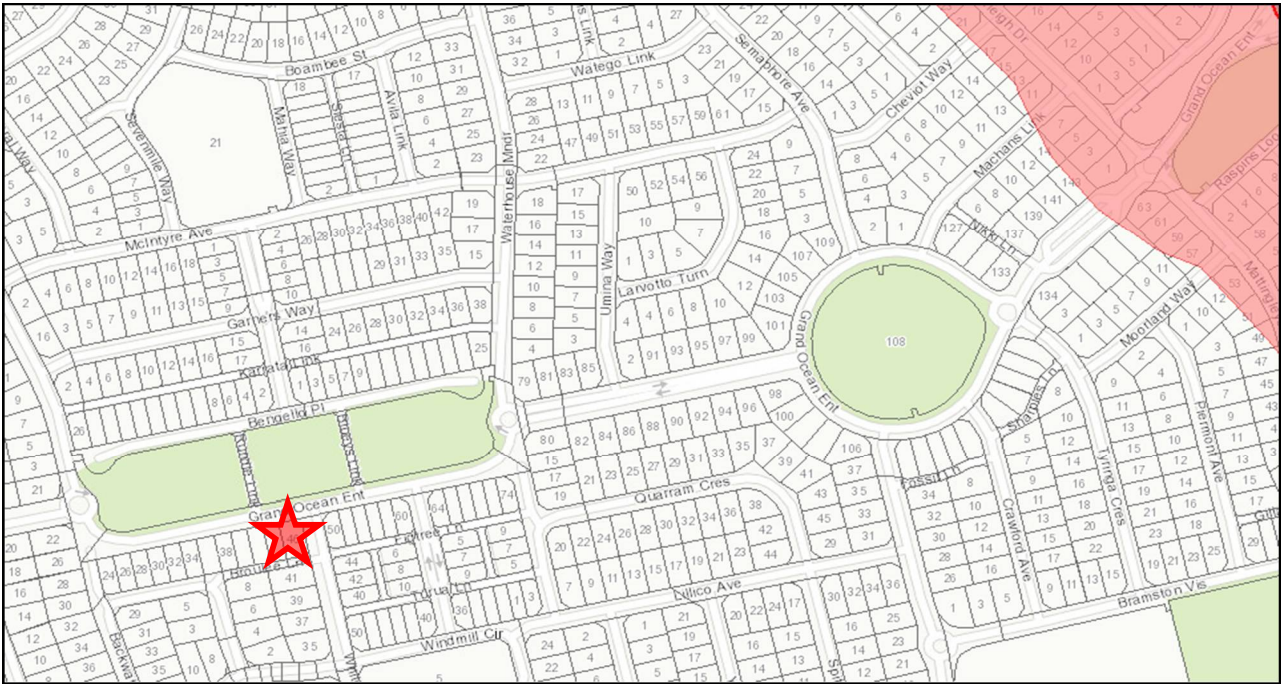


Figure 14 – Road Noise (PlanWA)

7.6 Bushfire Prone Areas

The subject land has not been identified by the Department of Fire & Emergency Services (DFES) as being located within a designated 'bushfire prone area' (see Figure 15).



Figure 15 – DFES Bushfire Mapping

Planning & Development Consultants

Address: 3/1 Mulgool Road, Malaga WA 6090

Tel: 9249 2158

Mb: 0407384140

Email: carlof@people.net.au

CVF Nominees Pty Ltd ABN: 86 110 067 395

7.7 Contaminated Site Investigation

A search of the site under the contaminated sites register has revealed that the land does not have any contamination (see Figure 16). In addition, the subject land is not impacted by floods plains, Bush Forever site and/or acid sulphate soils.

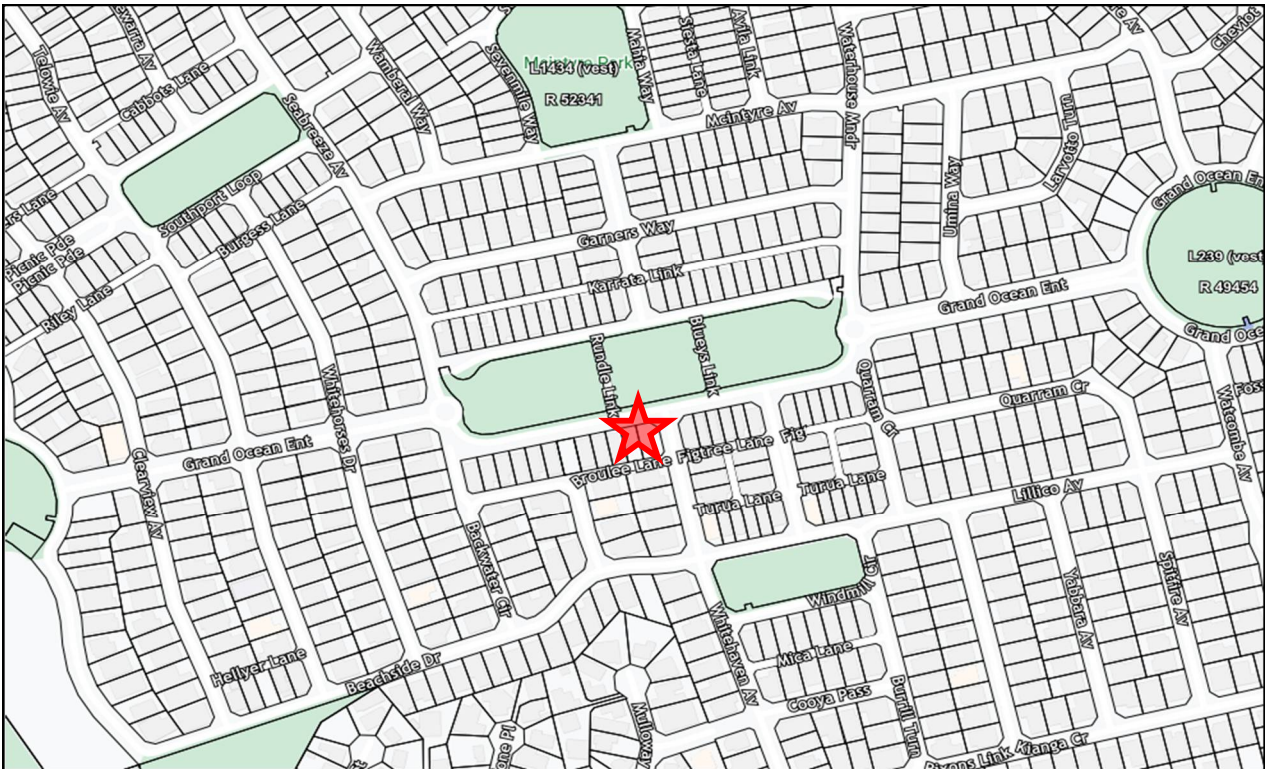


Figure 16 – Contaminated Site Mapping (MNG Mapping)

8.0 DEVELOPMENT STANDARDS

The design of the proposed new child care premises and café on the subject land has been formulated with due regard for the relevant 'deemed to comply requirements' of the City of Joondalup's current operative Local Planning Scheme No.3 (LPS No.3), all associated local planning policies and the Burns Beach Local Structure Plan. Any variations to the development standards will be addressed within this report.

The development standards applicable to the subject land have been derived from the following key planning documents:

- i) City of Joondalup's Local Planning Scheme No.3;
- ii) Burns Beach Local Structure Plan;
- iii) State Planning Policy No.7.0 – 'Design of Built Environment'; and
- iv) City of Joondalup 'Child Care Premises Local Planning Policy'.

8.1 City of Joondalup – ‘Child Care Premises Local Planning Policy’

The City of Joondalup ‘Child Care Premises Local Planning Policy’ provides a guide and for the assessment and consideration of development application for child care premises, along with providing criteria and some development standards that will apply to such developments.

The following table provides responses to the standards/criteria prescribed within the Policy for the JDAP and City’s of Joondalup’s consideration:

Table 2– Response to Policy

LAND USE	DEFINITION	COMPLIANCE
Clause 5.1 - Location	<ul style="list-style-type: none"> The child care premises is located within a ‘Local Shop Precinct’, with the use being listed as a permitted use on the land by the Burns Beach Local Structure Plan. The development has been designed to minimize any impact on the adjoining residential property. An acoustic report has been prepared in support of the development to address noise generation in relation to the surrounding residential lots. 	Yes
Clause 5.2 – Road hierarchy	<ul style="list-style-type: none"> As outlined previously within this report, the use of the subject land for child care premises purposes is permitted under the terms of the Burns Beach local Structure Plan. The proposed development will not conflict with traffic control device, does not result in unsafe vehicle movements and is not located on a cul-de-sac. A TIS has been prepared by a qualified traffic engineering consultant in support of the application to review traffic/parking matters. 	Yes
Clause 5.3 – Parking & access	<ul style="list-style-type: none"> Refer to Table 3 & 5 for parking and bicycle calculations. All car parking will be located on-site and is easily identified from the street by users. The car parking area has been designed in accordance with the Australian Standards. A TIS has been prepared in support of the application demonstrating/confirming compliance. Pedestrian paths have been provided within the car parking area to allow for safe movement from the car parking area to the entrance. 	On-site car parking does not comply – Justification provided below.
Clause 5.4 – Building height	<ul style="list-style-type: none"> Burns Beach Local Structure Plan applies – Refer to Section 8.2 of this report. 	Does not Comply (refer to Section 8.2 for justification)
Clause 5.5 – Building Design	<ul style="list-style-type: none"> Burns Beach Local Structure Plan applies – Refer to Section 8.2 of this report. 	Does not Comply (refer to Section 8.2 for justification)

Clause 5.6 Landscaping -	<ul style="list-style-type: none"> • A landscaping plan has been prepared in support of the application illustrating the extent of landscaping to be implemented as part of the development. • 11% landscaping has been provided throughout the development (in lieu of 8%). • Shade trees have been provided along the western side of the car parking area, with the car parking area being covered by the upper floor to provide shading. • The development and landscaping will provide sufficient canopy coverage, therefore allowing for reduced impact of heat generated and assist with enhancing the appearance of the development when viewed from the street 	Yes
Clause 5.7 – Hours of operation	<ul style="list-style-type: none"> • The proposed child care premises is proposed to operate from 6.30am to 6.30pm. 	Does not Comply (refer to Section 7.4 for justification)
Clause 5.8 – Application for Development Approval	<ul style="list-style-type: none"> • An acoustics and traffic impact report have been prepared in support of the application by qualified consultants. 	Yes
Clause 5.9 – Public consultation	<ul style="list-style-type: none"> • Is required 	Noted

In light of the above table, the proposed development on the land has been designed to have due regard for those provisions prescribed within the City's Policy.

Car Parking, Vehicular Access & bicycle bays

The proposed development has been designed to provide for seventeen (17) on-site car parking bays with vehicular access via Broulee Lane. As outlined previously within this report, the child care premises will comprise fifty seven (57) children and eleven (11) staff.

Given the operation of the café (as part of the child care premises), it is concluded that on-site car parking is not required to support the use. This is derived from the following:

- i) That parents and staff attending the child care premises will use the café;
- ii) There is a large walkable catchment;
- iii) Those utilizing the adjacent public open space reserve are likely to park within the public parking area within the reserve; and
- iv) Sufficient on-street parking.

The following car parking calculations are provided to assist the City of Joondalup and JDAP's assessment of the application and have been formulated with due regard for the parking standards prescribed in Clause 5.3.1 of the City's Local Planning Policy entitled 'Child Care Premises Local Planning Policy':

Table 3 – Car Parking Calculation

LAND USE	PRESCRIBED PARKING STANDARD	No. OF PERSONS OR FLOOR AREA	PARKING BAYS REQUIRED
Child Care Premises	1 bay per staff member	11 staff	11 bays
	8 bays per 57-64 children	57 children	8 bays
Total number of on-site car parking bays required			19 bays
Total number of on-site car parking bays provided			17 bays
Proposed on-site car parking shortfall			2 bays

As demonstrated by the above table, the proposed child care premises on the subject land will result in a shortfall of two (2) on-site car parking bays. The following justification is provided in support of this application in terms of the on-site car parking shortfall and associated reduction in the on-site car parking numbers:

- i) The shortfall of two (2) on-site car parking bays is considered minor and is unlikely to have any detrimental impacts upon the existing amenity, character, functionality and safety of the immediate locality;
- ii) Given the land's location within an established residential area, adjacent a public open space reserve, which comprise car parking, it is contended that some of the parents attending the child care premises may use the public open space reserve following drop-off and/or before picking up children;
- iii) The Grand Ocean Entrance road reserve (abutting the subject land) comprises approximately three (3) car parking bays, which is capable of accommodating any overflow parking;
- iv) It is significant to note that bus services (public transport) operate along Whitehaven Avenue (see Figure 8 – Public Transport Network). Access to these public transport networks will provide future patrons and staff of the child care premises/cafe with an alternative mode of transportation to private car usage and help alleviate some demand for on-site car parking;
- v) It is highly unlikely that the proposed child care premises would operate at its maximum capacity at all times. In addition, not all staff will work at one given time;
- vi) The TIS prepared in support of this application identifies that the peak time for child care premises is typically a 2-hour period. The average length of stay, as stated in NSW RTA – 'Guide to Traffic Generating Developments', is 6.8 minutes. The traffic engineer's experience in surveying dwell times for child care premises outside of commercial zones confirms this finding. Even assuming conservative 10 minutes average length of stay, the actual arrivals/departure rate of vehicles associated with parents attend the site is likely to be spread throughout the 2-hour peak time. The TIS has concluded that there is sufficient on-site car parking to address the needs of the uses on the subject land; and
- vii) The City planning staff supported a two (2) bay shortfall as part of the previous application considered in 2021 for a larger child care premises on the subject land;
- viii) The payment of a cash-in-lieu contribution for the two (2) bay shortfall is considered unnecessary in this particular instance given that the subject land has adequate on-site car parking to satisfy the parking demand generated by the proposed use, along with good access to a public transport and pedestrian network.

We recommend that in addition to the above points, that the City reviews the justification provided within the Traffic Impact Statement (TIS) prepared by KCTT in regard to the car parking shortfall.

Having regard for the above it is contended that the car parking to be provided in support for the new child care premises and cafe uses on the subject land is sufficient, that the car parking shortfall will not have an adverse impact on the immediate locality and may therefore be supported.

The following bicycle parking calculations are provided to assist the City of Jondalup and JDAP's assessment of the application and have been formulated with due regard for the standards prescribed in Clause 5.3.3 of the City's Local Planning Policy entitled 'Child Care Premises Local Planning Policy':

Table 4 – Bicycle Parking Calculation

LAND USE	PRESCRIBED PARKING STANDARD	No. OF PERSONS OR FLOOR AREA	PARKING BAYS REQUIRED
Child Care Premises	1 bay per 8 staff	11 staff	1.375 bays
Total number of on-site bicycle parking required			2 bays
Total number of on-site bicycle parking provided			2 bays

As demonstrated by the above table, the proposed child care premises on the subject land meets the 'deemed to comply requirements' of the City's Local Planning Policy in terms of the provision of on-site bicycle parking.

8.2 General Assessment

Table 5 below provides an assessment of the proposed development to assist with the consideration of the application against the applied development standards:

Table 5 – Assessment Table

DEVELOPMENT COMPONENT	PRESCRIBED DEVELOPMENT STANDARDS	PROPOSED	COMPLIANCE
SETBACKS			
Primary street	Min – 2 metres	Min – 1.59 metres	Does not comply. (refer to justification)
Secondary street	Min – 2 metres	Min – 1.018 metres (truncation)	Does not comply. (refer to justification)
Rear (ROW)	Min – 6 metres	<ul style="list-style-type: none"> • Ground – 1.52 metres • Upper – 1.3 metres 	Does not comply. (refer to justification)
Western boundary side	<ul style="list-style-type: none"> • Ground floor – 1 metre • Upper floor – 1.5 metres 	<ul style="list-style-type: none"> • Ground floor – 17.8 metres • Upper floor – 2.5 metres 	Yes

Planning & Development Consultants

Address: 3/1 Mulgill Road, Malaga WA 6090

Tel: 9249 2158 Mb: 0407384140 Email: carlof@people.net.au

CVF Nominees Pty Ltd ABN: 86 110 067 395

GENERAL/OTHER			
Building Height	<p>Max – two (2) storey</p> <p>Max wall height (pitched) – 6.5 metres</p> <p>Max top of pitch – 9.5 metres</p> <p>Max wall height (concealed) – 7.5 metres</p>	<ul style="list-style-type: none"> Proposed two (2) storey. Wall HT (concealed) 8.4 metres & 8.8 metres (max) 	Does not comply. (refer to justification)
Visual privacy	Avoid direct overlooking of habitable rooms and outdoor living area on adjoining property.	Use of highlight windows and screens to 1.6 metres to avoid any overlooking of the adjoining properties.	Yes
Storage/refuse areas	One bin store required, screened from the street	Located in undercroft level (screened from the street)	Yes
Location of car parking	Screen car parking from primary street	Located in undercroft level (screened from the street)	Yes
Articulation along street frontages	Primary & secondary street facade to include varying use of materials and colours. Windows to be orientated towards the street and address corner.	The development has major openings, visually permeable fencing to all street boundaries. The building setbacks are articulated to all street boundaries, with the use of varying materials to provide visual interest.	Yes
Visual quality	Screen services and utilities from adjoining properties & street.	All services and utilities are screened.	Yes
Vehicle access/egress	Vehicles to return to street in a forward gear, with access from Broulee Lane	All vehicles to return to street in a forward gear and access provided from Broulee Lane.	Yes
Pedestrian access	Definable entry point from street, universal access.	The building comprises a definable entry point, provides pedestrian connection with foot path network within street and allows for universal access.	Yes

The following table provides written justification for those aspects of the proposed development on the subject land that does not meet the relevant ‘deemed to comply requirements’ of the planning framework.

Table 6 - Justification

DEVELOPMENT PROVISION	PROPOSED VARIATION TO ‘DEEMED TO COMPLY REQUIREMENTS’	JUSTIFICATION
Burns Beach Local Structure Plan, Clause 7.3 (v) – ‘Street setbacks’	<p>The application proposes that the following aspects of the new development on the subject land do not comply with the street setback provisions of the Structure Plan;</p> <p>i) The development will</p>	<p>1. The setback variation to the street boundaries area are considered to be minor. Furthermore, the subject land has been identified within the Structure Plan as being a focal point for the local community and a could be considered as a landmark site. The reduced street setbacks and development provides good massing along the street and will provide for a landmark building on a corner lot and adjacent the public open space reserve. As such, it is contended that the</p>

Planning & Development Consultants

Address: 3/1 Mulgool Road, Malaga WA 6090

Tel: 9249 2158 Mb: 0407384140 Email: carlof@people.net.au

CVF Nominees Pty Ltd ABN: 86 110 067 395

	<p>comprise a minimum primary street setback of 1.59 metres in lieu of a minimum required setback of 2 metres; and</p> <p>ii) The development will comprise a minimum secondary street setback of 1.018 metres & 1.510 metres to the secondary street in lieu of a minimum required setback of 2 metres.</p>	<p>proposed development will not have an adverse impact on the streetscape in terms of bulk and scale.</p> <ol style="list-style-type: none"> 2. The development will include a café along the street frontage, which provides activation of the development at street level. 3. The proposed development has been designed to enhance the streetscape through the use of varying setbacks, the use of materials/colours and the inclusion of landscaping. These elements will provide articulation and visual interest when viewing the development from the adjoining streets. Furthermore, the building will provide a number of windows/openings orientated towards the street to allow for improved passive surveillance of the public realm. 4. In light of the above, it is contended that the proposed building will have a positive contribution to the streetscape despite the street setback variations. 5. The verge areas abutting the subject land is approximately 5 metres which will assist with providing an increased setback between the new development and the road pavement. Furthermore, the verge areas contains a street tree that will assist with soften any impact the building may have on the local streetscape. 6. The reduced street setbacks for the proposed development will not interfere with the outlook from any existing developments on the adjoining properties over the street or impact the visual sight lines at the intersection. <p>Having regard for all of the above it is contended that the proposed variation to the street setbacks for the new development on the subject land will not have an adverse impact on the streetscape, will not adversely impact any existing developments on the adjoining properties, will enhance the local streetscape, it does not undermine the objectives of the Burns Beach Local Structure Plan and and may therefore be approved.</p>
<p>Burns Beach Local Structure Plan, Clause 7.3 (vii) – ‘Lot boundary setbacks’</p>	<p>The application proposes that the proposed development will comprise a minimum setback of 1.3 metres from the right of way boundary in lieu of a minimum setback of 6 metres required by lot boundary provisions prescribed within the Structure Plan.</p>	<ol style="list-style-type: none"> 1. The proposed lot boundary setback variation to the right of way is consistent with the surrounding residential properties along Broulee Lane, which have setbacks between 1.5 and 2 metres. 2. An observation of Broulee Lane has identified that all dwellings have frontage to a primary street and that the laneway does not contain any active frontages. Given this, the reduced setback for the development will not adversely impact the amenity of those dwelling along Broulee Lane. 3. Broulee Lane comprises a width of 7 metres, which provide adequate separation between the proposed development on the subject land and the residential lots along the southern side of the laneway. 4. A majority of the two storey component of the development on the subject land is well setback from the Broulee Lane, with the open outdoor play area being located along the laneway. This reduces the overall bulk and scale of the development when viewed along the laneway.

		<ol style="list-style-type: none"> 5. The building has been designed to comprise varying setbacks along its Broulee Lane frontage to provide an element of articulation and visual interest when viewed from the adjoining properties. 6. The development will not over shadow the adjoining/adjacent lots or impact access to light and ventilation for any existing dwellings on any adjoining properties. 7. The proposed development on the subject land has been designed to comply with the visual privacy requirements of the R-Codes and avoid any overlooking of the adjoining residential properties. 8. It is noted that as part of the previous development application considered by the City in 2021, that the City's planning staff supported the reduced setback to the right of way. <p>Having regard for the above it is contended that those portions of the new development on the subject land comprising reduced setbacks from rear right of way boundary will not have a negative impact on the adjoining properties or the streetscape, does not undermine the objectives of the Burns Beach Local Structure Plan and may therefore be approved.</p>
<p>Burns Beach Local Structure Plan, Clause 7.3 (iv) – 'Building height'</p>	<p>The application proposes that the new development on the subject land will comprise a minimum wall height of 8.4 metres and 8.8 metres from NGL (concealed roof) in lieu of a maximum height of 7.5 metres from NGL permitted by the Structure Plan.</p>	<ol style="list-style-type: none"> 1. The proposed development on the subject land will improve passive surveillance over the adjoining streets and the adjacent public open space reserve. 2. The roof line of the new development has been designed to provide an element of articulation (i.e. varying heights). As such, the design and configuration of the over height wall components will improve the appearance of the building when viewed from public realm or the adjoining properties. 3. The non-compliant portions of the building are located along street frontages and away from the adjoining residential lot. This provide for a landmark building and build bulk on the corner. 4. It is contended that the development will not impact any 'views of significance' enjoyed by the surrounding residential lots. 5. According to the 'deemed to comply requirements' of Element 5.1.6 C6 of the R-Codes, a residential development could comprise a wall height of 8 metres (concealed roof) and/or a ridge height of 10 metres. As such, the Structure Plan is out of date compared to the current planning framework. Given this, the height of the proposed development is consistent with the current planning framework. 6. The proposed development does not overshadow the adjoining lots and/or impact access to light and ventilation for the existing dwellings on any adjoining properties. 7. The proposed development complies with the visual privacy provisions of the R-Codes. 9. The proposed building has been designed to comprise varying setbacks, use of varying materials/colours and the extensive use of openings. Given this, the proposed development will

		<p>provide a positive contribution to the area and the local streetscape.</p> <p>10. It is noted that as part of the previous development application considered by the City in 2021, that the City’s planning staff supported the additional building height.</p> <p>Having regard for all of the above it is contended that the proposed building height variation for the development on the subject land will not have a detrimental impact on the local streetscape or the adjoining properties, does not undermine the objectives of the Burns Beach Local Structure Plan, reflects the City’s previous position of the development and may therefore be approved.</p>
--	--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

8.3 State Planning Policy No.7.0 - ‘Design of Built Form Environment’

The following table provides responses to the ‘design principles’ outlined with the Western Australian Planning Commission’s State Planning Policy No.7.0 for consideration by the City of Joondalup and the JDAP.

Table 7 – Design Principles

DESIGN PRINCIPLE	RESPONSE
<p><u>Context and character</u></p> <p><i>“Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.”</i></p>	<ul style="list-style-type: none"> • A review of the immediate locality has identified that the character along both Whitehaven Avenue and Grand Ocean Entrance is predominantly two storey single dwellings. • In light of the above, the adjoining streets comprise a consistent built form containing a modern architectural style (given the young age of the suburb). The proposed development on the subject land will provide activation of the land’s frontage along both streets and provides for a good building mass that reflects the existing built form in the area and the anticipated scale of development set by the Burns Beach Local Structure Plan for the site. • The proposed development and land use will provide a vital and much needed service within the immediate area. • The new development will provide distinguishable architectural features and high level of passive surveillance of the public realm.
<p><u>Landscape quality</u></p> <p><i>“Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.”</i></p>	<ul style="list-style-type: none"> • A review of the subject land has revealed that there is no existing vegetation on the site. • The proposed development will comprise extensive landscaping throughout the site (including within the play areas). This includes the planting of numerous mature trees throughout the site and the provision of interactive gardens for the children. Numerous trees will be planted along the western side of the building to provide a buffer with the residential development on the adjoining property. • Limited hardstand areas have been provided to avoid/limit ant heat generation.

	<ul style="list-style-type: none"> • The landscaping to be provided within street setback areas will assist with softening the appearance of the development when viewed from the street and assist with on-site drainage. • It is noted that the verge area abutting the subject land comprises a mature street tree which will be retained. • The development has been provided with a landscaped 'meeting place' and cafe for parents, and staff and the local community. This area is located at street level and will provide an awning to allow for good coverage of the space. • A variety of vegetation is proposed, ranging from shrubs to trees and sufficient space is allowed for the new trees to grow to a sufficient size to provide adequate canopy cover of the site for the benefit to the local community and the environment in general. This has been depicted within the landscaping plan prepared in support of the application by a landscape consultant. • The landscaping will provide adequate deep soil zone to accommodate substantial tree growth, therefore allowing for adequate shading and the creation of a comfortable environment.
<p><u>Built Form and scale</u></p> <p><i>“Good design provides development with massing and height that is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.”</i></p>	<ul style="list-style-type: none"> • The proposed development features good massing as the façade is broken up by multiple elements and articulation, including varied street setbacks, indentations along both street facades and use of varying materials (i.e. render, steel, timber, glazing etc). Given these key elements, it is contended that the future development on the subject land will provide a positive contribution to the built form character of the adjoining streetscapes and reflect the anticipated development set by the Burns Beach Local Structure Plan for the site. • In addition to the above point, the café along the land's street frontages will provide activation of the development at street level, provide an active frontage and assist with improved passive surveillance of the street. • The proposed development will comprise generous setbacks to the western side boundary to reduce the bulk and scale of the development when viewed from the adjoining residential property. This will also allow for adequate separation between the child care premises on the subject land and the existing residential development on the adjoining lot. • The proposed development will be two storey and reflects the predominant built form within the immediate area and the vision for the site set by the Burns Beach Local Structure Plan. • The proposed building height is consistent with existing developments within the area (i.e. two storey dwellings). • The development will include the concealment of the car parking area within an undercroft level, resulting in the space being screened from the public realm.
<p><u>Functionality and build quality</u></p> <p><i>“Good design meets the needs of users efficiently and effectively, balancing functional requirements to deliver optimum benefit and performing well over the full life-cycle.”</i></p>	<ul style="list-style-type: none"> • The design of the child care premises is considered to be functional, with the internal layout being designed to meet the needs of the future operator and patrons (children). • In addition to the above point, the development has been designed to satisfy the statutory requirements for the child care premises, including the required internal and external area to accommodate the proposed number of children attending the venue. • The development will include the use of robust materials and construction methods that will comprise a long life cycle. • The development has been designed to allow for access to northern winter sun and cross ventilation (air flow through the building) and good building separation from the

	<p>western lot boundary. This will allow for reduced usage of artificial lighting and mechanical ventilation, which will assist with reducing long term running cost (reduce electrical use).</p> <ul style="list-style-type: none"> • The development will comprise an entry point (pedestrian access path) that provides a clearly definable entry and a sense of place for the future patrons to the child care premises. This also allows for a link to the existing pedestrian network within the adjoining road network to encourage walking and use of public transport. • The landscaping provided along parts of the property boundaries and throughout the site (including within the car parking area and external play areas) will provide a buffer between the adjoining western property and the proposed building on the subject land for improved visual privacy. The landscaping will also assist with providing some shadowing of the development during the summer months (to provide protection from solar heating) and softening the appearance of the development when viewed from the public realm or the adjoining properties.
<p><u>Sustainability</u></p> <p><i>“Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.”</i></p>	<ul style="list-style-type: none"> • The proposed development has been designed to obtain northern orientation where possible to obtain access to both natural light and ventilation (in particular the outdoor play areas). The access to the natural light and ventilation is reinforced by the provision of good separation between the building on the subject land and the lot boundaries. It is contended that the design layout of the development will assist with reduced running costs of the child care premises and allow for access to natural light and ventilation, • The use of landscaping within the front setback area and providing an undercroft (covered) car parking area will assist with providing adequate shading during the hot summer months. • Adequate landscaping will be provided to accord with water-sensitive design, provide natural shading during the summer months and provide adequate greenery to benefit the development. This includes the installation of new mature trees on the land to provide shading and reduce the ‘heat island effect’. • The location of windows to key internal/external activity rooms and the entry points along the frontages of the building will provide for improved connectivity between the public and private realms that will assist with social interaction and good passive surveillance. • The proposed development will include the installation of solar panels to assist with reducing energy consumption and pollution. • The development will include EV car charging. • The proposed development will provide a vital community service within the immediate locality. • The development has good access to public transport and a pedestrian network which will assist with reducing motor vehicle dependency and provide for alternative methods of transportation to motor vehicle usage.
<p><u>Amenity</u></p> <p><i>“Good design optimises internal and external amenity for occupants, visitors and neighbours, contributing to living and working</i></p>	<ul style="list-style-type: none"> • The development has been designed to meet the needs of the operator and to achieve the statutory requirements associated with the running of a child care premises. • The design layout also includes easy connection/access between the internal and external play areas for the children. In addition, the key administrative areas have been located so they do not adversely impact the children’s active spaces.

<p><i>environments that are comfortable and productive.”</i></p>	<ul style="list-style-type: none"> • Screening and buffers have been provided along the edge of the outdoor play areas to assist with limiting any adverse impacts on the adjoining properties in terms of noise and visual privacy. This includes providing greater than required lot boundary setback for the upper floor play area from the western side boundary and the provision of acoustic walls. • Large windows have been provided along the street façades of the building from key active rooms and the location of the external play areas along the street frontages will promote passive surveillance of the streets and the adjacent public open space reserve. The windows also provide an outlook for the children and allow for effective connectivity with the public realm. • Adequate boundary setbacks and the absence of parapet walls have been provided for adequate separation between the buildings on the subject land and the adjoining properties. This provides for a buffer area around the perimeter of the development that will provide a green space and limit any potential impact associated with bulk, scale, visual privacy, noise etc. • The proposed development has been designed to locate the key active spaces with orientation to the north where possible to obtain the winter sun. • The development has been designed to avoid any direct overlooking of the adjoining properties to preserve the amenity of both the internal and external living areas on the adjoining properties. • The development has been designed to allow for easy access for both the staff and parents attending the development.
<p><u>Legibility</u></p> <p><i>“Good design results in buildings and places that are legible, with clear connections and memorable elements to help people find their way around.”</i></p>	<ul style="list-style-type: none"> • The proposed development is legible in that it provides a distinctive façade and conceals the on-site car parking area from the public realm. • One (1) crossover/driveway is proposed for the development to provide a clear vehicle entry point for both staff and parents attending the child care premises. • The main entry into the development is central and provides easy access, with the entry being directly from the street and allowing for easy access for parents and children to the child care premises. This entry is easily distinguishable and provides designated access to one secure entry area. This design philosophy will allow for clear and easy access for parents during pick up and drop off times. • The entry point is easily distinguishable and provides for clear and easy access for parents during pick up and drop off times. • The development has been designed provide a clear entry point for the designated car parking area to service the use. • The development is well connected to the existing pedestrian path network within the adjoining road network, which will cater for the walkable catchment for the child care premises. • The café along the front façade (on the corner) highlights the main focal point and entry for the building. • The development will comprise a covered entry point that will provide protection from the elements.
<p><u>Safety</u></p> <p><i>“Good design optimises safety and security,</i></p>	<ul style="list-style-type: none"> • The proposal provides multiple windows and the external playing area facing the street, the adjacent public open space reserve, the vehicle/pedestrian entrances to the building and the outdoor play areas.

<p><i>minimising the risk of personal harm and supporting safe behaviour and use.”</i></p>	<ul style="list-style-type: none"> • The on-site car parking area and bin storage are all located within the undercroft area. • The child care premises has been designed to ensure that children will not have unsupervised access to the street. In addition, the entry foyer has been designed to ensure that parents pick up and drop of children in a safe environment and avoid the chances of a child walking into the car parking are or street without a parent. It should be noted that parents are required to sign in and out children. • The develoment has been designed to allow for all vehicles to entry the street in a forward gear. The vehicle access point comprises adeqaute visual sighlines to provided a safe pedstrian envionment. • The development will include numerous windows and gates to avoid any opportunities for concealment or entrapment by intruders.
<p><u>Community</u></p> <p><i>“Good design responds to local community needs as well as the wider social context, providing buildings and spaces that support a diverse range of people and facilitate social interaction.”</i></p>	<ul style="list-style-type: none"> • The proposed child care premises on the subject land will provide a vital service for working parents within the area and will service the nearby school. Furthermore, it will provide a service to the local residential community (which would include younger families). • The development provides a child care premises with easy access to public transport, therefore catering for parents using public transport to travel to work. • The hours of operation for the child care premises will also cater for working parents that start work before 7.00am. • The proposed development provides a number of windows and outdoor play areas which address the street to provide an active frontage and improved connectivity between both the private and public realms. • The proposed development has been provided with a ‘meeting place’ for parents and staff to utilise throughout the day. In addition, a coffee kiosk will be available during drop-off and pick-up periods. This will allow for an element of social interaction and provide a further service to the local community within a walkable catchment. • The proposed café and meeting spot at the front of the development to allow parents to socialise during both pick up and drop off periods.
<p><u>Aesthetics</u></p> <p><i>“Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.”</i></p>	<ul style="list-style-type: none"> • Aesthetics of the proposed street facing facades is highly demonstrated by the use of a variety of materials and renders, varied setbacks and windows of varying sizes. • The proposed façade provides visual interest and an active frontage that provides a connection between the public and private realms. This includes providing varying front setbacks for the development to reduce the overall impact on the street in terms of bulk and scale. • The design of the proposed development incorporates sufficient and safe pedestrian movements, whilst allowing for ease of access to various on-site facilities such as the bin storage area, administration areas and car parking. • The proposed building is reflective of the type and scale of development anticipated for the site, set by the Burns Beach Local Structure Plan. • The proposed development has been designed to include variable front setbacks, along with active spaces (i.e. a café a ground level), which will provide an attractive and articulated front façades. The impressive façade designs will appeal to all passers-by and engage interest from the public realm.

9.0 CITY OF JOONDALUP DESIGN REVIEW PANEL

The application has been referred to the City of Joondalup Design Review Panel (DRP) meeting held on 3 October 2023 for consideration and comment. It is noted that the proposed use and development on the land is generally supported by the Panel, with a number of recommendations and comments being made to improve the functionality and appearance of the development.

Following a review of the comments, the plans prepared in support of the development were amended to address some of the advice provided. The key changes undertaken include the following:

- i) The design of the building on the corner and at ground level to provide for greater exposure of the café along the street. In addition, the space at ground level has been changed to provide for improved interaction, improved functionality for the café and a sense of place;
- ii) The street façade and frontage have been amended to include a wide use of materials and placement of landscaping to improve the appearance of the development when viewed from the public realm;
- iii) Landscaping has been included along the frontage of the car parking area (including a planter box) to assist with screening the car parking area;
- iv) A landscaping plan has been prepared by a qualified landscaping consultant as requested by the DRP. The plan has included a suitable palette of hard and soft landscape materials;
- v) Revised levels have been provided to limit retaining walls;
- vi) Shade structures have been included within the play area. These include extending the roof structure of the building and the provision of shade sails;
- vii) A waste management plan has been prepared in support of the application as requested by the DRP;
- viii) All utilities and services will be screened from the public realm;
- ix) Additional windows have been included to allow for improved cross ventilation and penetration of natural light into the building;
- x) Installation of solar panels, solar battery storage and electric vehicle (EV) charging stations to provide energy initiatives for the development.
- xi) Awnings provided to windows to limit the impact of summer sun on the internal areas of the development;
- xii) Consideration has been given to the adjoining western residential lots, with a greater than required lot boundary setback being provided and the provision of a solid wall to provide a barrier between the development and the adjoining property. An acoustics report has been prepared in support of the application;
- xiii) The pedestrian entry and café area has been redesigned to improve access and allow for a covered entry space to the child care premises;
- xiv) Windows have been included throughout the development to provide for improved passive surveillance of the adjacent public open reserves from openings and vehicular movement to and within the site; and

- xv) A contextual review has been undertaken, with the selected colours and materials adopted for the development to achieve a 'sense of place. A contextual plan has been included to outline the findings within the immediate area.

Consideration was given the DRP's suggestion to provide through traffic movements for the development (i.e. one way movement between Broulee Lane and exit onto Grand Ocean Entrance. The matter was also discussed with the City of Joondalup, which opposed the suggestion.

It was concluded that the through traffic movement would compromise the design of the building, will impact pedestrian and traffic safety, diminish the activation of the development at ground level and remove on-street parking. As such, the suggestion has not been included as part of the latest plans.

10.0 CONSULTANT REPORTS

10.1 Acoustics Report

An acoustic report has been prepared in support of the application by 'Herring Storer Acoustics' (see copy attached herewith). The report has undertaken an assessment of the noise emissions generated by the proposed development and the potential impact that noise may have on the adjoining and surrounding residential properties.

The acoustics report provides a number of recommendations for the proposed development and concludes that the proposed child care premises and café is capable of operating without having any detrimental impacts on the surrounding residential properties.'

In light of the above, the acoustic report provide the following conclusion:

- i) *Noise received at the neighbouring residences from the outdoor play area would comply with day period assigned noise level.*
- ii) *The air conditioning condensing units have also been assessed to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 at all times, with the air conditioning condensing located within the drying court and with the condensing units being installed with "Low Noise" night period modes.*
- iii) *It is noted that noise associated with cars movements and cars starting are exempt from complying with the Regulations. However, noise emissions from car doors are not strictly exempt from the Regulations. Noise received at the neighbouring residences from these noise sources would with the western boundary fence being as shown of Figure 5.1 in Section 5 – Modelling; and the parking restrictions, as shown on Figure 5.2 in Section 5 comply with the Regulatory requirements, at all times.*
- iv) *Thus, noise emissions from the proposed development, would be deemed to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 for the proposed hours of operation, with the inclusion of the following:*
 - *Although the proposed facility would open before 7 am (i.e. during the night period), the outdoor play area would not be used until after 7am. Thus, noise received at the neighbouring existing residences from the outdoor play area needs to comply with the assigned day period noise level.*

- *Boundary fencing be, apart from the western boundary fence, being as shown on Figure 5.1 in Section 5 – Modelling, as shown the drawings attached in Appendix A. We note that for child care centres, colourbond is an acceptable fencing material.*
- *Parking restrictions to be as indicated on Figure 5.2 in Section 5 – Modelling.*
- *With regards to the air conditioning condensing units, it is recommended that the air conditioning condensing units be located within the drying court. Additionally, these units are be supplied with “Low Noise” night period modes.*

In light of the above, it is concluded that the design and location of the proposed child care premises and cafe on the land is suitable and can be managed in terms of noise generation.

10.2 Traffic Impact Statement

A Traffic Impact Statement has been prepared by ‘KCTT’ in support of this application (see copy attached herewith). The Traffic Impact Statement (TIS) comprises the following conclusions in terms of the proposed child care premises and cafe on the subject land:

- i) *A childcare centre for 57 children and 11 staff members is proposed.*
- ii) *As stated above the additional traffic attracted to the subject site will be up to 250 vehicular trips per day and 46 vehicular trips in the peak hour.*
- iii) *All three roads surrounding the subject site are classified as Access Roads as per MRWA classification with the maximum desirable volume of 3,000 vehicles per day. Both Whitehaven Avenue and Grand Ocean Entrance are below 3,000 VPD (2,244 VPD and 1,573 VPD respectively). Therefore, with the additional traffic from the subject site, these roads will remain under maximum desirable capacity.*
- iv) *Other surrounding roads would absorb significantly less traffic than Grand Ocean Entrance, Whitehaven Avenue and Broulee Lane, moreover, the traffic would be dispersed so that the impact can be considered negligible.*
- v) *In summary KCTT believe that the proposed childcare centre will not have a negative impact on the surrounding road network.*

In light of the above, it is concluded that the design and location of the proposed child care premises and cafe on the land is suitable in terms of traffic movement and generation.

10.3 Waste Management

A waste management plan (WMP) has been prepared by ‘CF Town Planning & Development’ in support of this application (see copy attached herewith). The proposed waste collection for the development along Broulee Lane (right of way) using a private contractor, servicing the site once per week per waste stream.

The WMP concludes that sufficient measures are proposed to ensure that the development can adequately be serviced in terms of waste disposal & collection.

11.0 SUMMARY OF JUSTIFICATIONS

Having regard for all of the above, it is contended the proposed construction of a new child care premises and café on Lots 243 & 244 (No.44 & 46) Grand Ocean Entrance, Burns Beach is suitable and capable of being approved by the City of Joondalup and Metro Outer Joint Development Assessment Panel for the following reasons:

- It is consistent with the general objectives of the land's current 'Urban' zoning classification under the Metropolitan Region Scheme.
- The proposed uses are consistent and permitted under the Burns Beach Local Structure Plan for the site and can therefore be approved by the City of Joondalup and JDAP.
- The proposed development is consistent with the stated objectives the WAPC Planning Bulletin No.72/2008 entitled 'Child Care Centres'.
- The proposed development is generally compliant with the various standards and requirements prescribed in the City of Joondalup's Local Planning Scheme No.3 and all associated local planning policies, including the Burns Beach Local Structure Plan. Where a variation has been sought, the proposed development has addressed the 'design principles criteria' of the relevant planning framework.
- The proposed development on the subject land will complement the adjacent public open space reserve.
- The proposed development will improve the streetscape and levels of passive surveillance along adjoining road network and the adjacent public open space reserve.
- The proposed child care premises and café will provide much needed services within the immediate locality and will have significant benefits to the local community and foster social interaction.
- The proposed development on the subject land is well serviced by a comprehensive pedestrian path network that will provide access for staff and patrons to the child care premises and cafe.
- The proposed development use on the land will not generate excessive traffic volumes and will not have a detrimental impact on the surrounding road network, given the land's easy access to a comprehensive regional road network. Furthermore, there is sufficient parking available on the subject land and within the adjoining road reserves to service the demand likely to be generated by the proposed development.
- The design layout has been amended to address the comments and recommendations provided by the City's Design Review Panel.
- The new development on the subject land will not compromise the existing character, amenity or compatibility of land usage in the immediate locality or give rise to any land use conflicts.

12.0 CONCLUSION

The proposed child care premises and cafe on the subject land will cater for the demand for such services within the locality and will assist with fostering an element of social interaction within the community, given the large public open space reserve adjacent the subject land. The child care premises will provide a much needed services for the residential population within the immediate locality.

The proposed development has been designed to have due regard for the existing built form and character within the immediate locality whilst providing a safe environment for the future patrons of the development. Furthermore, the development is consistent in terms of bulk and scale to the residential developments constructed along both Whitehaven Avenue and Grand Ocean Entrance.

In light of the above information and justifications, we respectfully request the City of Joondalup's and Metro Outer Joint Development Assessment Panel's favorable consideration and conditional approval of the application to construct a new child care premises and café on Lots 243 & 244 (No.44 & 46z0 Grand Ocean Entrance, Burns Beach in accordance with the plans prepared in support of this application at the JDAP's earliest possible convenience.



22 December 2023
CF Town Planning & Development
Planning & Development Consultants