

Our Ref: 21/095A

8 March 2024

**Attention: Tim Thornton, Planning Services**

City of Joondalup  
90 Boas Avenue  
Joondalup WA 6027

Dear Tim,

**DR 175 / 2023 – DROP AND RUN PTY LTD v PRESIDING MEMBER OF METRO OUTER JDAP  
DEVELOPMENT ASSESSMENT PANEL – WOODVALE CHILDCARE PREMISES OPENING HOURS –  
STRATA LOT 2 (NO. 1) LYELL GROVE, WOODVALE**

**Background**

1. Taylor Burrell Barnett acts on behalf of Drop and Run Pty Ltd, the landowner of Strata Lot 2 (No. 1) Lyell Grove, Woodvale (the subject site). A child care centre currently exists on the subject site, and was approved by the Metro Outer Joint Development Assessment Panel (DAP) on 22 April 2022.
2. On 25 July 2023, a development application was submitted on behalf of the landowner under the City of Joondalup Local Planning Scheme No. 3 (LPS 3) to amend development approval DAP 22/02166 pursuant to regulation 17(1)(b) of the *Planning and Development (Development Assessment Panels) Regulations 2011* (DAP Regulations 2011).
3. The application sought to amend Condition 5 of the development approval as follows:

*The hours of operation for the centre shall be between ~~7:00am~~ **6:30am** to ~~6:00pm~~ **6:30pm** Monday to Friday, and 8:00am to 1:00pm Saturdays. Staff are permitted on site up to 30 minutes before and after these operating hours.*

4. The amended development application was considered by the DAP at the 1 November 2023 meeting. The DAP resolved to support the recommendation of the RAR, to extend the Monday to Friday hours of operation from 6:00pm to 6:30pm only. The requested 6.30am opening time was not supported with the following reason noted in the minutes:

*“The City’s recommendation is considered to be appropriate at this stage as it is balanced given the concerns raised by the submissions received as part of the consultation process. Once the child care centre has commenced operation and it has been possible to assess its impact on the residential neighbours, the request for the 6.30am opening time could be revisited.”*

5. Following lodgement of an appeal with the State Administrative Tribunal (SAT), a mediation session was held with the respondent on 15 February 2024. Following mediation, an order was issued to invite reconsideration of the application by the respondent pursuant to Section 31(1) of the State Administrative Tribunal Act 2004 (WA).

## Proposal for Reconsideration

6. The Applicant provides the following further information and summary of modifications to outline the manner through which the revised proposal responds to the reasons for refusal. The following supporting information is also provided for consideration of the respondent and the City of Joondalup:
- Appendix A – Revised Environmental Acoustic Assessment
  - Appendix B – Parking Management Strategy
  - Appendix C – Parking Traffic Survey
  - Appendix D – Sagewood Woodvale record of arrival times
  - Appendix E – Metro Outer JDAP Approvals for Child Care Premises

## Planning Framework Overview

7. The child care centre is located within the 'Mixed Use' zone under LPS 3.
8. The City of Joondalup's Child Care Premises Local Planning Policy (LPP) requires that childcare premises which are in the 'Residential' zone or abut the 'Residential' zone are permitted to operate between 7.00am to 6.00pm on weekdays.
9. Noting the centre abuts residential land to the north, the proposal to open from 6.30am to 6.30pm is considered a variation to the policy.

## Review of Parking Management to Reduce Noise

10. To address the concerns of the DAP and the City of Joondalup RAR, we have consulted with Herring Storer Acoustics to identify measures to further attenuate noise and/or mitigate any noise impacts on adjacent properties.
11. The Acoustic Assessment submitted with the initial development application confirmed the noise levels received at neighbouring properties would remain within the allowable threshold for sensitive premises under the Noise Regulations at all times, without the implementation of any parking restrictions.
12. The noise levels received at neighbouring properties were modelled at a maximum Assessable Assigned Noise Level of 48dB(A) when assessing car door noise in the bays adjoining the residential property. The assessment is then increased to 58dB(A) after applying a 10dB(A) penalty. 58dB(A) is also the permissible level. The assessment focused on car door noise noting all other assessable noise items are comfortably compliant with the assigned levels.
13. Notwithstanding the proposal's compliance with the Noise Regulations, the parking restrictions illustrated in **Figure 1** are voluntarily proposed for staff and parents arriving prior to 7am as a means to respond to potential concerns from the neighbouring residential property to the north:
- a) Staff directed to park in bays to the west of the entry driveway.
  - b) Parents requested to park in the bays closest to Timberlane Drive, in close proximity to the building entrance and reception area, and approximately 15m away from residential properties.

14. Further modelling prepared by Herring Storer Acoustics (refer Appendix A) confirms that the proposed parking restrictions illustrated in **Figure 1** would result in a noise level of 53dB(A), a reduction of 5dB(A) below the allowable threshold.

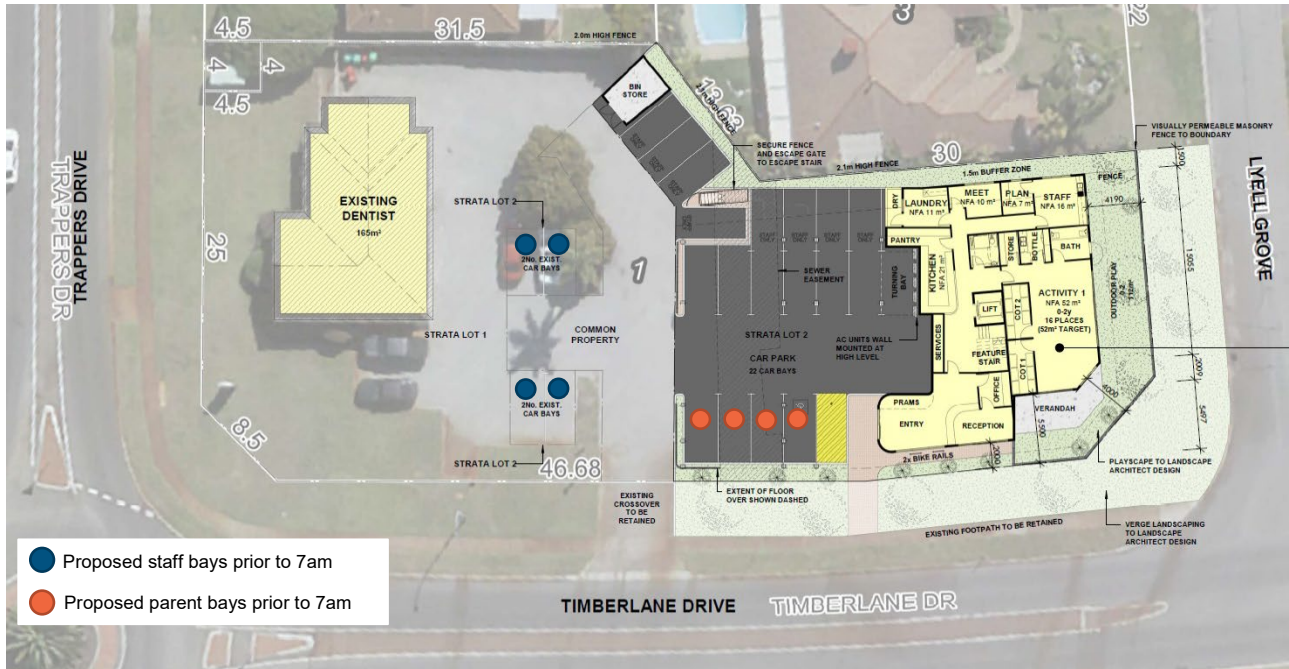


Figure 1 Parking Arrangement Previously Presented to Metro Outer JDAP

#### Proposed modifications from refused proposal

15. The parking restrictions illustrated in **Figure 2** are now proposed prior to 7am:
- Staff directed to park in the two bays west of the driveway, closest to Timberlane Drive and the two bays separated from the adjoining neighbour by the stair way.
  - Parents directed to park only in the bays closest to Timberlane Drive.
16. As outlined in the updated Acoustic Assessment, this arrangement will reduce noise levels received at the adjoining residential property to 48dB(A), a significant reduction of 10dB(A) below the permissible levels prior to 7am. Even though staff cars are actually closer to the neighbour in **Figure 2**, the escape stair and orientation of the cars provide an additional barrier, thus resulting in reduced level of noise received at the neighbour.

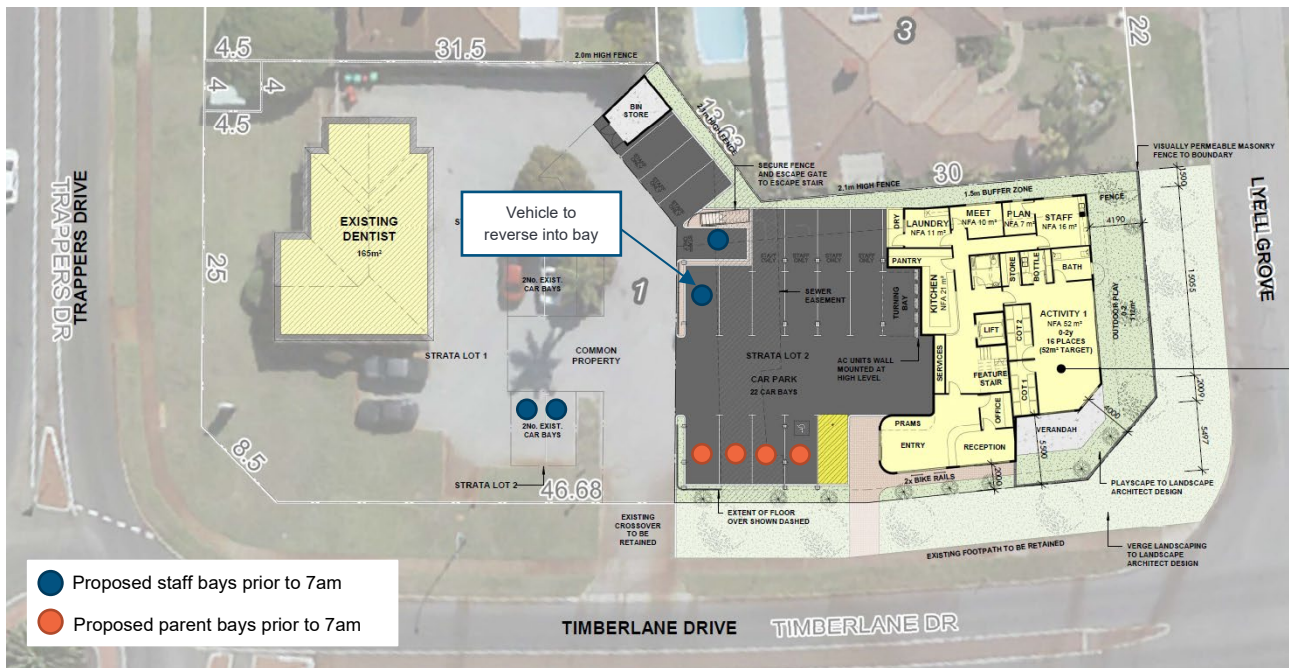


Figure 2 Revised Parking Arrangement for Consideration

17. A summary of the Assessable Noise Level received from the adjoining residential neighbour under each parking management scenario is outlined in **Table 1** below.

Table 1 Reduction in Assessed Noise Levels at Northern Boundary

Scenario	Permissible Noise Level at Northern Boundary	Assessed Noise Level at Northern Boundary (incl 10dB penalty)	Difference
1. No parking restrictions	58dB(A)	58dB(A)	Complies (no buffer)
2. Management measures as proposed for refused application	58dB(A)	53dB(A)	<b>5dB below permissible level</b>
3. Revised management measures	58dB(A)	48dB(A)	<b>10dB below permissible level</b>

### Parking Management

18. Based on the review of the number of children arriving before 7am at the Woodvale and other Sagewood Centres, the operator does not expect the number of staff parking bays required before 7am to exceed four. The revised parking approach of setting aside four bays for staff use prior to 7am is therefore appropriate and workable.

19. To confirm the number of parking bays proposed for parents to utilise is adequate, a parking survey was undertaken at the Sagewood Childcare Centre in Success to investigate the average number of drop offs before 7am and the average length of stay for parents. The Success and Woodvale centres are geographically similar in that they service suburban areas approximately 30 minutes from the CBD.

20. The parking survey was conducted between Tuesday 20<sup>th</sup> February and Monday 26<sup>th</sup> February between 6.30am – 7.00am. The findings of the parking survey are detailed in Appendix C and summarised in **Table 2** below.

Table 2 Parking Traffic Survey Results

Assessment	Success (87 places)
Parent vehicle average length of stay	3 min 20 sec (average)
Maximum number of parent vehicles on site at any one time	3*
Number of drop offs	6.8 (average)

*\* Over the 5-day survey period, on one occasion, for less than 1 minute two vehicles were recorded entering the site as two vehicles were exiting. The maximum number of parent vehicles on site at any one time therefore excludes this as the vehicles were not considered to be utilising the parking spaces at the same time.*

21. The Success Centre has a higher capacity for 87 children, whilst the centre subject of this application is only approved for 71 places, and is expected to have a proportionately lower patronage than the Success Centre.

22. With an average length of stay of 3 minutes and 20 seconds and a maximum of three vehicles on site at any one time. From this data, we can conclude that:

- a) The Woodvale Child Care will have similar length of stay given it is the same operators and the same procedures will be implemented.
- b) Given the number of places is approximately 18% lower than Success, the number of drop offs could be expected to be 18% less than Success. Notwithstanding, this average of 6.8 drop offs prior to 7am is very low and is able to be comfortably managed with the 3-4 bays available on site.
- c) Assuming only three bays are used at Woodvale (excluding the ACROD bay), the data indicates they would each be occupied for an average of 7 minutes and 30 seconds between 6.30am and 7am. This is approximately one quarter of the time. It is therefore extremely unlikely that more than three vehicles would arrive at once.

### Low Patronage

23. To further contextualise the suitability of the number of bays available to parents prior to 7am, the operator has recorded data since the opening of the Woodvale centre (subject of this application) to understand the current patronage between 7.00am to 7.30am. A record of child drop-off times from 19 February 2024 to 3 March 2024 is provided as Appendix D and summarised as follows:

- a) An average of 5 children are dropped off at the centre between 7.00am and 7.15am; and
- b) An average of 10 children will have arrived by 7.30am.

24. Notwithstanding, to provide greater control and to maximise the effectiveness of the parking restrictions presented above, a Parking Management Strategy will be provided to all parents and staff and is attached as Appendix B. A summary of the proposed parking management strategies is outlined below:

- a) Staff and parent parking bays will be restricted prior to 7.00am, and will be clearly marked and signposted.
- b) The operator's existing orientation system will be expanded to include the review of a Parking Management Plan, in accordance with the Parking Management Strategy. Parents will be advised of the bays to be utilised prior to 7am and requested to be considerate of noise levels to eliminate any adverse impacts on neighbouring properties. Parents will be asked to sign the Parking Management Plan, for implementation.



## Justification

25. There are three fundamental reasons we consider the 6.30am opening time is appropriate and would not impact the amenity of adjoining properties. This is further detailed below.

### Property is zoned Mixed Use

26. The property is zoned Mixed Use where a range of commercial uses can be considered. The site is ideally located directly across the Woodvale shopping centre, it is adjacent to a dentist to the west, a physiotherapist to the east and shares a boundary with only one residential property to the north.

### The proposal will cause no undue impact on residential amenity

27. It is understood the City of Joondalup Policy has stipulated the operational hour requirements so premises do not have an adverse impact on the amenity of surrounding areas, particularly residential areas. The design of the child care premises has been carefully considered to ensure neighbouring residential uses are respected, and there is no undue impact on residential amenity. The following factors demonstrate amenity for residential neighbours is not unduly impacted.
28. It has been established that the noise levels received at neighbouring properties would remain within the allowable threshold for sensitive premises and will be compliant under the Noise Regulations at all times. The following measures have been undertaken to further attenuate noise and/or mitigate any noise impact on adjacent properties:
- a) All children will remain indoors prior to 7am, and outdoor play areas will not be used during that time. Notwithstanding, both the classrooms and outdoor play areas of the child care premise are positioned to face south and east, towards Lyell Grove and Timberlane Drive, away from residential properties.
  - b) Fencing is provided along the northern boundary of the site to a maximum height of 2.1m, providing a noise barrier between the car parking area of the child care premises and adjacent residential properties.
  - c) Air-conditioning condensing units have been located to ensure compliance with the Noise Regulations at all times.
  - d) A Parking Management Strategy has been prepared and will be implemented to ensure noise levels prior to 7am are maintained at 10dB(A) below the permissible levels at the adjoining residential property.
29. Noting noise is not the only matter which constitutes amenity, consideration has also been given to the following matters:
- a) There is considered to be no amenity impacts caused by lighting, with all lighting directed toward the street frontages and maintained at low levels of illumination. The Woodvale Village Shopping Centre is located to the south of the site and Physio Rooms are located to its east, and will not be impacted by any lighting from the child care premise.
  - b) There are no undue amenity impacts caused by traffic due to the low levels of patronage expected at these times. The changes in opening hours also does not change the total traffic volumes as the number of children remains the same.

### Offers flexibility for parents

30. The proposed opening hours from 6.30am to 6.30pm on weekdays seek to offer flexibility for parents and guardians to pick up children. A number of child care premises in similar locations presently operate with opening time as early as 6am and are located less than 2.5km from the subject site, including:
- a) Care for Kids School of Early Learning (6.30am – 6.30pm) – Located at 177 Timberlane Drive, Woodvale approximately 0.7km from the subject site;

- b) Keiki Early Learning (6.00am – 6.00pm) – Located at 45/57 Joondalup Drive, Edgewater approximately 1.8km from the subject site; and
- c) Beldon School of Early Learning (6.45am – 6.00pm) – Located at 185 Eddystone Avenue, Beldon approximately 2.2km from the subject site.

31. The proposal is not inconsistent with these opening times. We are not aware of any significant issues with these premises and consider it is reasonable for the subject site to have the same opening times.

## Previous DAP Approvals

- 32. The 6.30am opening is a normal and regular opening time for child care premises, as it seeks to offer flexibility for parents and guardians dropping off and picking up their children whilst not impinging on the amenity of nearby residents.
- 33. The applicant has undertaken a review of Metro Outer JDAP agendas between January 2023 and January 2024 to further understand standard child care premise opening times and approvals. A summary of this review is provided as Appendix E.
- 34. It was found that 23 of the 25 child care premises approved by the Metro Outer JDAP since January 2023, have been approved with opening times as early as 6am. The context of these child care premises is not dissimilar to this proposal, with many centres zoned 'Residential' or located with residential developments adjoining up to three property boundaries.
- 35. Although all applications are considered on merit having regard to the context and the planning framework, it is clear the subject site is well suited to an early opening time given its mixed-use zoning and the fact it abuts only one residential boundary (and parking is not proximate to that boundary during early morning times).
- 36. The most comparable approval to this proposal being a child care premises located at Lot 13 (No. 16) Blackwattle Parade, Padbury in the City of Joondalup. The child care premises is located within the 'Commercial' zone under LPS 3, and shares a boundary with three dwellings on Lot 192 (No. 20) Blackwattle Parade, Padbury. The proposal therefore similarly varies the requirements of the City of Joondalup LPP and was supported by both the DAP and the City.
- 37. It is our view there is no fundamental difference between this proposal and the subject premises. The design of the proposed child care premises has been carefully considered to ensure neighbouring residential uses are respect, there is no undue impact on residential amenity.
- 38. With the above in mind, the applicant considers it reasonable for the DAP to support the proposed opening hours.

## Other Matters

- 39. The child care premises is now open and has been operational for three months. The centre has operated smoothly and we understand no complaints have been received.
- 40. Notwithstanding, Sagewood are receiving requests to open the centre earlier. This includes requests from parents working in essential services such as paramedics, teachers and police officers.
- 41. Although the patronage prior to 7am is expected to be low, it remains a critically important element for the flexibility of parents.

## Conclusion

42. The proponent has made meaningful endeavours to respond to the concerns of the DAP and further mitigate any noise impacts on adjacent properties. The revised proposal demonstrates a significant reduction of 10dB(A) below the permissible levels prior to 7am to adjoining properties.
43. The findings of the parking survey at the Success centre provide confidence that the number of parking bays proposed for parents to utilise prior to 7am will be sufficient without any overflow and can be implemented as outlined in the Parking Management Strategy.
44. Noting the proposal's compliance with the Noise Regulations and cogent noise management measures proposed, we respectfully request the DAP approves the application, with the requested modification to allow a 6.30am opening time.

Yours faithfully

*Farida Farrag*

FARIDA FARRAG  
SENIOR CONSULTANT