



Metro Outer Joint Development Assessment Panel Agenda

Meeting Date and Time: Thursday, 9 June 2022; 9:00am
Meeting Number: MOJDAP/180
Meeting Venue: Electronic Means

To connect to the meeting via your computer -
<https://us06web.zoom.us/j/87867784072>

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08 7150 1149

Insert Meeting ID followed by the hash (#) key when prompted - 878 6778 4072

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

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Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Ms Sheryl Chaffer (Deputy Presiding Member)
Mr Jason Hick (Third Specialist Member)

Item 8.1

Cr David Bolt (Local Government Member, Shire of Murray)
Cr Casey Rose (Local Government Member, Shire of Murray)

Item 9.1

Cr Michelle Rich (Local Government Member, Shire of Serpentine-Jarrahdale)
Cr Lauren Strange (Local Government Member, Shire of Serpentine-Jarrahdale)

Officers in attendance

Item 8.1

Ms Cherryll Oldham (Shire of Murray)
Mr Gregory Delahunty (Shire of Murray)
Mr Martin Harrop (Shire of Murray)
Mr Rod Peake (Shire of Murray)

Item 9.1

Ms Heather O'Brien (Shire of Serpentine-Jarrahdale)
Mr Andrew Trosic (Shire of Serpentine-Jarrahdale)

Minute Secretary

Ms Zoe Hendry (DAP Secretariat)

Applicants and Submitters

Item 8.1

Mr David Maiorana (Harley Dykstra Pty Ltd)

Item 9.1

Mr Aaron Lohman (Element WA)
Mr Elton Swarts (Claradon Property/Skukuza Ventures Pty Ltd)
Mr Brendan Foley (Thomson Geer Lawyers)

Members of the Public / Media

Nil.

1. Opening of Meeting, Welcome and Acknowledgement

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

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



2. Apologies

Nil.

3. Members on Leave of Absence

Nil.

4. Noting of Minutes

Signed minutes of previous meetings are available on the [DAP website](#).

5. Declarations of Due Consideration

The Presiding Member notes the agenda was updated on 31 May 2022, to include the addition of Item 8.1.

The Presiding Member notes an addendum to the agenda was published to include details of a DAP request for further information and responsible authority response in relation to Item 9.1, received on 2 June 2022.

Any member who is not familiar with the substance of any report or other information provided for consideration at the DAP meeting must declare that fact before the meeting considers the matter.

6. Disclosure of Interests

Nil.

7. Deputations and Presentations

- 7.1** Mr Scott Lambie (Stantec) presenting in support of the recommendation for the application at Item 8.1. The presentation will request that condition 12 be deleted.
- 7.2** Mr Clayton Plug (Harley Dykstra) presenting in support of the recommendation for the application at Item 8.1. The presentation will support the recommended approval and request the review of suggested conditions and comment on key points raised through the public submission period.
- 7.3** Mr Elton Swarts (Claradon Property/Skukuza Ventures Pty Ltd) presenting against the recommendation for the application at Item 9.1. The presentation will support the proposal and provide background history relevant to the intersection upgrades and progress made to date.
- 7.4** Mr Brendon Foley (Thomson Geer Lawyers) presenting against the recommendation for the application at Item 9.1. The presentation will address the legal submission against RAR and proposed alternate resolution, submission in support of the application.
- 7.5** Mr Aaron Lohman (element) presenting against the recommendation for the application at Item 9.1. The presentation will address the reasons for refusal and support the proposal.



- 7.6** Officers from the Shire of Murray and Shire of Serpentine-Jarrahdale may be provided with the opportunity to respond to questions of the panel, as invited by the Presiding Member.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 6 (No.126) South Yunderup Road, South Yunderup

Development Description: Proposed Child Day Care Centre
Applicant: Harley Dykstra Pty Ltd
Owner: Auspacific Pty Ltd
Responsible Authority: Shire of Murray
DAP File No: DAP/21/02094

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

9.1 Lot 504 & 506 Thomas Road, Oakford

Development Description: Proposed Extension of Commencement
Timeframe for Approved Service Station
Proposed Amendments: Form 2.2 - Extension of Time
Applicant: element
Owner: J & S Piipponen & Skukuza Ventures Pty Ltd
Responsible Authority: Shire of Serpentine-Jarrahdale
DAP File No: DAP/18/01394

10. State Administrative Tribunal Applications and Supreme Court Appeals

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/21/2047 DR257/2021	City of Swan	Lots 136 (26) & 3235 (34) Asturian Drive and Lots 137 (238) & 138 (230) Henley Street, Henley Brook	Proposed education facility	03/12/2021
DAP/18/01543 DR 75/2022	City of Joondalup	Lot 649 (98) O'Mara Boulevard, Iluka	Commercial development	02/05/2022

11. General Business

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

12. Meeting Closure



Direction for Further Services from the Responsible Authority

Regulation 13(1) and DAP Standing Orders 2020 cl. 3.3

Guidelines

A DAP Member who wishes to request further services (e.g. technical information or alternate recommendations) from the Responsible Authority must complete this form and submit to daps@dplh.wa.gov.au.


The request will be considered by the Presiding Member and if approved, the Responsible Authority will be directed to provide a response to DAP Secretariat within the form.

It is important to note that **the completed form containing the query and response will published on the DAP website** as an addendum to the meeting agenda.

DAP Application Details

DAP Name	Metro Outer
DAP Application Number	DAP/18/01394
Responsible Authority	Shire of Serpentine-Jarrahdale
Property Location	Lot 504 & Lot 506 Thomas Road, Oakford

Presiding Member Authorisation

Presiding Member Name	Mr Ian Birch
Signature	
Date	31 May 2022
Response Due	8 June 2022; 12:00pm

Nature of technical advice or information required*

1	DAP query	Please provide an alternate recommendation for Approval with Conditions.
	Response	<div><p>1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.</p><div><p>Plans and Specifications</p><p>P1 – P22 received at the Shire Offices on 28 March 2018 and 24 July 2018 and Bushfire Management Plan and Risk Management Plans dated 19 March 2018</p></div><p>2. Prior to issue of a Building Permit, a landscaping and revegetation plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. This is to demonstrate the landscaping of a 10m vegetation buffer along the Thomas Road and Nicholson Road</p></div>

* Any alternate recommendation sought does not infer a pre-determined position of the panel.
Any legal advice, commercially confidential or personal information will be exempt from publication.

		<p>frontages of the land, with this buffer to comprise a sufficient density of advanced trees and medium shrubs, which reflect the rural character either side of Thomas Road and Nicholson Road. Once approved, landscaping and revegetation must be fully installed prior to operation of the development, and thereafter maintained to the satisfaction of the Shire.</p> <p>3. Prior to issue of a Building Permit, a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The approved Stormwater Management Plan shall be implemented and thereafter maintained to the satisfaction of the Shire.</p> <p>Prior to issue of a Building Permit, a Construction Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia. The Construction Management Plan shall include (but not be limited to) the following information:</p> <ul style="list-style-type: none"> - Dust management - Traffic management <p>The approved plans shall be implemented and maintained throughout the construction of the development.</p> <p>4. Prior to issue of a Building Permit, a lighting plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia. The approved lighting plan shall be implemented and maintained thereafter to the satisfaction of the Shire.</p> <p>5. Prior to issue of a Building Permit, the applicant shall submit and have approved plans depicting the proposed art piece consistent with Local Planning Policy 1.6. Upon approval of the plans, the art piece is to be installed and thereafter maintained to the satisfaction of the Shire.</p> <p>6. The pylon sign shall be limited to a height of 7m, and shall be limited to one single pylon sign only. Plans are to be submitted with the Building Permit application demonstrating this.</p> <p>7. Prior to issue of a Building Permit, a Noise Assessment and Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the plans are to be integrated in to the plans submitted for a Building Permit, with a suitably qualified acoustic consultant verifying the plans in this regard. Once approved, the Noise Assessment and Management Plan shall be implemented and maintained thereafter to the satisfaction of the Shire.</p> <p>8. Prior to issue of a Building Permit, the separate allotments are to be amalgamated into a single lot. Alternatively, a right of carriageway easement shall be registered on the Certificate of Title over the land subject of this approval to secure reciprocal access across the lots as illustrated on the approved plans at the</p>
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		<p>expense of the applicant and to the satisfaction of the Shire of Serpentine Jarrahdale.</p> <p>Nicholson Road Access</p> <p>9. Prior to operation of the development, the proposed Nicholson Road access is to be designed and constructed to the satisfaction of the Shire, on the advice of Main Roads WA and Department of Planning, Lands and Heritage. The Nicholson Road access shall operate as left-in/left-out for light vehicles and left out only turning movements for heavy vehicles and shall have suitable signage advising motorists of these restricted movements. The developer shall be responsible for all costs involved in the land acquisition, design and construction of the left turning pocket and solid median to prevent right out turning movements onto Nicholson Road. This includes signage, road markings, relocation of services, and street lighting associated with the turning pocket.</p> <p>Thomas Road Access</p> <p>10. Prior to operation of the development, the proposed Thomas Road access is to be designed and constructed to the satisfaction of the Shire, on the advice of Main Roads WA. The Thomas Road access shall operate as left-in/left-out for light vehicles and left in only turning movements for heavy vehicles and shall have suitable signage advising motorists of these restricted movements. The developer shall be responsible for all costs involved in the land acquisition, design and construction of the left turning pocket and solid median to prevent right out turning movements onto Thomas Road. This includes signage, road markings, relocation of services, and street lighting associated with the turning pocket.</p> <p>11. No earthworks shall encroach onto either the Nicholson and Thomas Road road reserves.</p> <p>12. No stormwater drainage shall be discharged onto the Nicholson and Thomas Road road reserves.</p> <p>13. The applicant shall make good any damage to the existing verge vegetation within the Nicholson and Thomas Road road reserve. The full verges of Nicholson Road and Thomas Road are to be landscaped and maintained to the satisfaction of the Shire, on advice of Main Roads WA.</p> <p>Advertising Signage</p> <p>14. Signage illumination shall not exceed 300cd/m², and shall not flash, pulsate or chase.</p> <p>15. Signage shall not contain fluorescent, reflective or retro reflective colours or materials.</p> <p>16. No unauthorised signage is to be displayed without prior approval from the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia.</p>
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		<p>17. Plans submitted for a building permit are to demonstrate external colours and materials being modified to reflect dark and neutral earth tones. External finishes of the building, including signage, is to adopt such dark and neutral earth tones, to reflect the character of the rural landscape locality which the subject land is within.</p>
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Presentation Request Form

[Regulation 40\(3\)](#) and [DAP Standing Orders 2020](#) cl. 3.5

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

Presentation Request Guidelines

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

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

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

Presenter Details

Name	Scott Lambie
Company (if applicable)	Stantec
Please identify if you have any special requirements:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	Metro Outer Joint DAP
Meeting Date	9 th June 2022
DAP Application Number	DAP/21/02094
Property Location	126 South Yunderup Road, South Yunderup
Agenda Item Number	8.1

Presentation Details

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



Presentation Content*

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

Brief sentence summary for inclusion on the Agenda	<i>The presentation will address:</i> We are in support of the recommended approval but request that condition 12 be deleted for reasons set out in the attached deputation.
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In accordance with Clause 3.5.2 of the [DAP Standing Orders](#), your presentation request must also be accompanied with a written document detailing the content of your presentation.

Please attach detailed content of presentation or provide below:

Presentation attached to email accompanying this request.

Good morning JDAP chair, panel and elected members

My name is Scott Lambie – Team Leader of Traffic Engineering at Cardno now Stantec and Accredited Senior Road Safety Auditor through IPWEA and Main Roads WA.

I have been appointed by the proponent to undertake a review of the Traffic reporting in support of the JDAP application and undertake an analysis on the need for an auxiliary right turn treatment at the existing driveway which will be the primary access to the development from South Yunderup Road (*RAR condition 12 - Prior to the submission of an application for a building permit, engineering drawings and specifications for the upgrade of South Yunderup Road by providing a right turn pocket adjacent to the driveway entrance to the site are to be submitted to and approved by the Local Government. The approved works to South Yunderup Road must be implemented prior to the development first being occupied to the satisfaction of the Local Government*).

To begin the assessment of the justification for condition 12, a review of the RAR was undertaken and noted that only the following brief justification comments for the condition was provided. No evidence of a technical assessment of the right turn requirements was included within the RAR report or even if such a treatment can fit within the existing road environment;

- *The Shire recommends that a right turn pocket be provided on South Yunderup Road to assist with traffic safety. This is discussed in detail in the planning assessment. – RAR agenda page 15 (6) / 16 (7)*
- *The Shire is concerned that vehicles travelling west and turning right into the site from South Yunderup Road would obstruct vehicles travelling through the proximate roundabout. The submitted traffic impact statement acknowledges there has been some rear end car accidents in the vicinity. As such, it is recommended that a right turn pocket be provided in this location. – RAR agenda page 20 (11) / 21 (12)*

Traffic data was requested from the Shire, with a count undertaken in May 2021 provided, showing an average daily traffic volume of South Yunderup Road of **2957** vehicles per day (approx. 190m west of Camarri Way). Peak hour traffic and turning vehicle counts (video) were undertaken on the site during Tuesday 31 May 2022 and Wednesday 1 June 2022. Each of the AM and PM peak counts were undertaken over 2 hours and the peak 1 hour periods (highest base volume) were identified as 8:00am – 9:00am and 4:30pm – 5:30pm. During these video counts, the peak hour volume for South Yunderup Road was noted to be **232vph** in the **AM** and **298vph** in the **PM**. These peak hour volumes are consistent with the traffic data provided by the Shire (video counts were slightly higher) and can be considered as a robust representative of the typical traffic environment.

The crash data for the section of South Yunderup Road adjacent to the proposed development was examined and it was noted that only a single crash had been reported in the last 5 years (ending December 2021) between west of Camarri Way and the roundabout at Delta Drive. Assessment of the single crash details shows that the crash involved vehicles travelling east bound along South Yunderup Road and would therefore not have been assisted by the provision

of Right turn pockets (which would service west bound traffic only). As such, there is no existing reported crash history that could be considered to support the need for a right turn pocket.

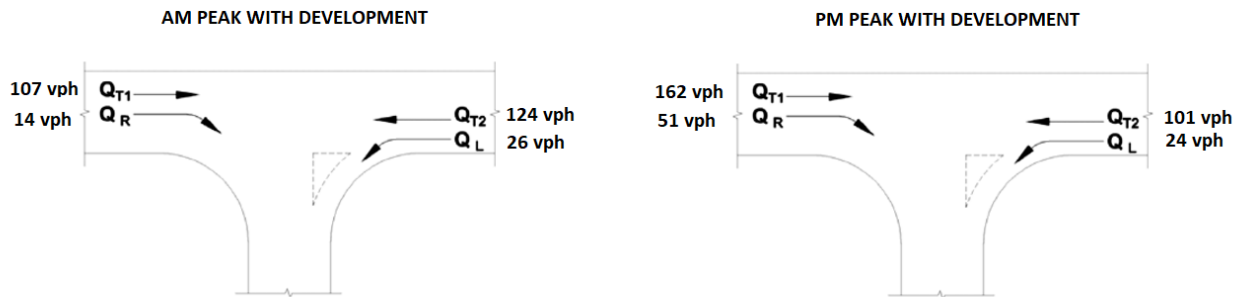


AustRoads assessment – ‘Part 4 Intersections and Crossings, Figure A10 Warrants for turn treatments on major roads of Austroads (2017) Guide to Road Design’, provides details of the warrants used for assessing the need for auxiliary turning pockets for intersections. It should be noted though that within the Austroads guidelines, it is clarified that the turn treatment warrants are not applicable to access driveways. In reference to ‘Part 4 Intersections and Crossings (2017) section C6.3 – application of Turning Treatment Warrants’ – “The Warrants are based on the construction of intersections on new roads (i.e. greenfield sites)” and “Not intended for direct application to accesses and driveways.”

As a guide however, an assessment against the warrants was undertaken to see if the expected traffic volumes would trigger the requirement of a right turn pocket.

As part of this assessment, it was assumed that 70% of new development traffic would approach from the west and 30% from the East in the AM peak, and that 30% would approach from the west and 70% would approach from the east in the PM peak. This represents the likely behaviour of parents dropping their child off on the way to work in the morning and picking up their child when returning from work in the evening.

As such, the expected turning vehicle volumes at the main access driveway as taken from the video survey and TIS traffic generation rates, has been assessed as follows using the MRWA intersection warrant assessment tool;



AM peak

INTERSECTION WARRANTS

Main Roads WA Supplement to Austroads Guide to Road Design - Part 4 A.8

DESIGN SPEED =	60km/h	
SPLITTER ISLAND YES / NO =	No	
DUAL CARRIAGEWAY YES / NO =	No	
MOVEMENT	COUNT (v/h)	HV (%)
Q_{T1} =	107	12
Q_R =	14	0
Q_{T2} =	124	12
Q_L =	26	0

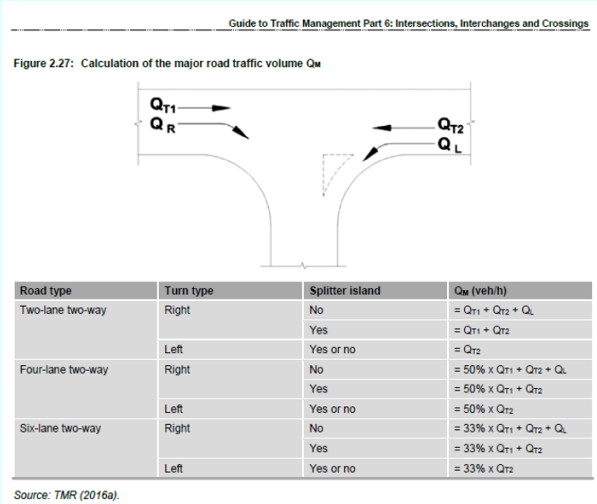
RIGHT TURN ASSESSMENT

Q_m =	257
% HV =	10.786
x =	1.06
TREATMENT =	BAR

LEFT TURN ASSESSMENT

Q_m =	124
% HV =	12.000
x =	0.71
TREATMENT =	BAL

Source: Austroads GTM Part 6 - 2017



PM PEAK

INTERSECTION WARRANTS

Main Roads WA Supplement to Austroads Guide to Road Design - Part 4 A.8

DESIGN SPEED =	60km/h
SPLITTER ISLAND YES / NO =	No
DUAL CARRIAGEWAY YES / NO =	No

MOVEMENT	COUNT (v/h)	HV (%)
Q_{T1} =	162	3
Q_R =	51	0
Q_{T2} =	101	3
Q_L =	24	0

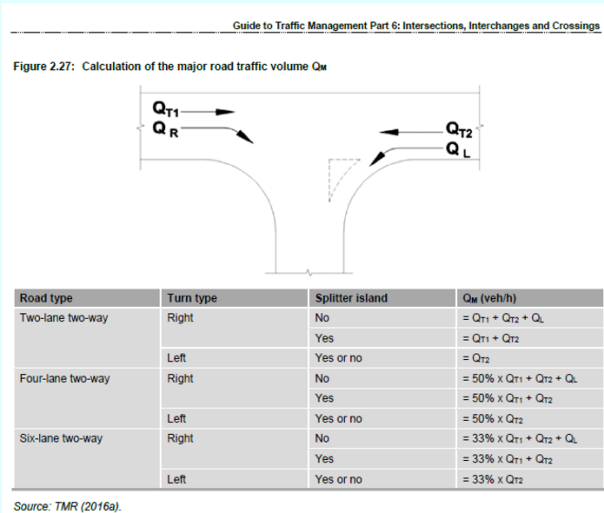
RIGHT TURN ASSESSMENT

Q_m =	287
% HV =	2.749
x =	1.87
TREATMENT =	BAR

LEFT TURN ASSESSMENT

Q_m =	101
% HV =	3.000
x =	0.53
TREATMENT =	BAL

Source: Austroads GTM Part 6 - 2017



As can be seen by the warrant assessment results, an auxiliary or channelised right turn treatment is not considered warranted based on the existing and projected turning traffic volumes accessing the site.

Given that South Yunderup Road is classified as a "Regional Distributor" under the MRWA road hierarchy, the car park, both existing and future could be considered as an "Access Facility Category 3" as categorised under Australian Standards if South Yunderup Road is considered

'Arterial'. Referring further to *AS2890.1 – Off Street Parking*, where *section 3.2.3 (b)* states that an access driveway onto an arterial road are "*To be designed and constructed as an intersection treatment catering adequately for all projected traffic flows*". To test that this standards requirement will be met, SIDRA intersection modelling of the main car park access was undertaken. The SIDRA results show that a level of service (LoS) for all in and out movements for the car park access perform at a LoS A. As this is the highest level of service able to be achieved, the SIDRA clearly demonstrates that the access design requirements of *AS2890.1 – Off Street Parking* are able to be achieved.

Summary

- No technical justification for condition 12 was provided within the Shires RAR showing that a right turn treatment was required as a direct result of the proposed development, or that a treatment is required at all under a need / nexus assessment.
- Historic crash data shows no crashes involving right turning vehicles in the vicinity of the development. The single crash that did occur involved left turning vehicles and occurred on a Sunday when the bulk of the proposed development will not be operating.
- AustRoad design guidelines states that their design warrants are not intended for use on access driveways and even so, the warrants would not be met based on the recorded base traffic + development traffic scenario.
- Childcare generated traffic is generally only over a small period during the AM and PM weekday peaks and generate very little traffic outside of these periods – and none over the weekend.



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Presenter Details

Name	Clayton Plug
Company (if applicable)	Harley Dykstra
Please identify if you have any special requirements:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	Metro Outer Joint DAP
Meeting Date	9 th June 2022
DAP Application Number	DAP/21/02094
Property Location	126 South Yunderup Road, South Yunderup
Agenda Item Number	8.1

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Please attach detailed content of presentation or provide below:

Presentation attached to email accompanying this request.

**DEVELOPMENT APPLICATION – CHILD CARE PREMISES
LOT 131 (NO. 126) SOUTH YUNDERUP ROAD, SOUTH YUNDERUP**

Good morning, Panel Members.

I wish to thank you for the opportunity to present before you today in respect of the minor amendments proposed to the Child Care Centre and shops at 126 South Yunderup Road in South Yunderup.

I'd like to commence by noting that we are thankful for the positive recommendation put forward by the Shire of Murray within its RAR. In doing so, however, we will also be encouraging the panel to review a few of the suggested conditions put forward in the Shire's recommendation. We'd also like to address a number of the key points that have been raised through the public submission period. This deputation will also primarily focus on the proposed childcare centre given this is the primary use on the site and because the proposed shops have not attracted significant attention during the public submission period.

The Shire identified a few key planning issues within their RAR, and this deputation will address the majority of those including the appropriateness of the use, traffic considerations and parking compliance.

Appropriateness of the Use

I'll start by briefly commenting on the appropriateness of the use in this location. In particular, I'd like the panel to note that the site is zoned commercial under the Local Planning Scheme, within which a child care centre is a potentially permissible use. Whilst there may be some questions raised during public submissions on the appropriateness of this use nearby to an existing tavern, I would like to confirm what the Shire have noted within their RAR: that the peak operating periods of the two uses largely occur outside of each other. For this reason, there are numerous examples of existing taverns being appropriately co-located with child care centres throughout the Peel and Metropolitan regions. Therefore, in our view it would be unusual for this use to be refused given its proximity to a tavern. Further, in respect of this specific site we note that the indoor and outdoor play areas of this child care centre are located in a manner that doesn't have any strong outlook on to the nearby tavern, which is located on the opposite side of the shared centre carpark. This ensures that even if the co-location was considered contentious, the impact and potential interaction between the two uses will be negligible at best.

Finally, in respect of Planning Bulletin 72, which requires applicants to demonstrate that the use will not have a "detrimental impact on the level of service for other child care operators" we would like to reiterate the Shire's RAR comments in this respect and also note that the developer of this centre is of the strong view that there is sufficient demand for all currently approved and operating child care centres in the South Yunderup locality.

Traffic Impact

Whilst the issue of traffic impact will be addressed by Mr Scott Lambie, from Stantec, in his subsequent deputation, I wish to note at this stage that his deputation will demonstrate that proposed Condition 12 is not necessary given the level of traffic on South Yunderup road during the

PERTH & FORRESTDAL

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FS 536019

peak periods of operation for the proposed land uses. Condition 12 requires the construction of a right-turn pocket into the proposed development and I note shire officers have proposed this condition without any substantial justification. Specifically, Scott will note that despite the Austroads guidelines not requiring turn pockets for driveways, even if it did the traffic warrants are not met for this upgrade in any event. Accordingly, we would request that the panel, in their final decision, remove this condition from any approval given it would impose a significant cost on the development that is entirely unwarranted. Whilst cost shouldn't be a factor in any planning decision, we do note that in this instance the cost would be significant given the Murray River runs parallel to South Yunderup Road, so any widening would require significant reinforcing to ensure the widening doesn't impact on the river system. Furthermore, retaining is also in existence on the north side of South Yunderup Road as well, which would significantly complicate widening in that direction. I've provided screen shots from google maps that demonstrate the existing road layout and constraints as of November 2021, as follows:



Figure 1: Looking West and South



Figure 2: Looking East and North

Therefore, following the evidence provided by Scott in his deputation, we would strongly encourage the panel to review this requirement given there is no demonstrated need for it meaning this condition would impose significant cost on the development for no reason. Whilst it certainly isn't our preference, if the panel was of a mind to include this condition or if they didn't think they had adequate information to resolve this issue we would request a short deferral to the application to

allow further investigations to be undertaken. I would reiterate, however, that we believe the subsequent deputation will clearly demonstrate that this proposed condition is overly onerous so our strong preference is for the panel to deal with this proposed condition accordingly.

Parking Assessment

The 3rd matter that this deputation seeks to address is in relation to parking at the proposed development. I note the Shire's RAR indicates that there is a 9 bay parking shortfall. In reality, we believe that the shortfall is slightly less at 7 bays, as set out in our response to public submissions in Attachment 6 of the RAR. Whilst only a minor difference, I'd just like to reiterate this fact so that the panel can make an informed decision on this element of the proposal. The difference is derived from the fact that we have presented a parking justification that reviews all development on Parent Lot 131 based on the fact that these bays are legally available to the proposed development. Broadly, however, we are satisfied with the proposed condition to require a connection to the nearby parking.

Panel members, following consideration of the above, including the suggested condition amendments, I encourage you to adopt the positive recommendation of the RAR so that the development of this site can continue to be progressed in a positive manner.

I thank you for your time today and confirm that I'd be happy to take any questions as the panel sees fit.

Kind Regards

Clayton Plug – Harley Dykstra



Presentation Request Form

[Regulation 40\(3\)](#) and [DAP Standing Orders 2020](#) cl. 3.5

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

Presentation Request Guidelines

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

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

Presenter Details

Name	Elton Swarts
Company (if applicable)	Claradon Property / Skukuza Ventures Pty Ltd
Please identify if you have any special requirements:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	MOJDAP
Meeting Date	9 June 2022
DAP Application Number	DAP/18/01394
Property Location	Lots 504 and 506 Thomas Road Oakford
Agenda Item Number	9.1

Presentation Details

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



Presentation Content*

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

Brief sentence summary for inclusion on the Agenda	<i>The presentation will address:</i> The presentation will support the proposal and provide background history relevant to the intersection upgrades and progress made to date.
--	---

In accordance with Clause 3.5.2 of the [DAP Standing Orders](#), your presentation request must also be accompanied with a written document detailing the content of your presentation.

Please attach detailed content of presentation or provide below:

1. *I am a director of both landowner entities and have been involved in managing the implementation of the development approval since its original approval.*
2. *With regard to consideration 3 and 4 and 6 outlined in the submission from Brendan Foley of Thomson Geer dated 3 June 2022 to the JDAP, the following is relevant:*
 - a. *I have actively pursued the implementation of the approval by ...*
 - i. *Promptly engaging traffic and civil engineers – we have 85% design approval and have submitted 100% plans for all MRWA “works by others” in the road reserve for the current road configuration.*
 - ii. *Gaining a building permit, by commissioning dewatering contractors, environmental consultants, geo technical studies, a builder, civil engineer, demolition contractors, surveyors (feature survey and for the transmission lines) and architectural services.*
 - iii. *Engagement with State Government agencies regarding site access.*
 - b. *I have not sought to “warehouse” the development approval. The reason for holding back on commencement of construction is due to the request from MRWA to delay implementation of the development approval to after they completed their at grade intersection upgrade works.*
 - c. *MRWA's reasoning for requesting a delay in construction is because it will make their job of upgrading the surrounding road network more difficult, potentially cause a less safe interface during that construction phase, potentially trigger claims for compensation and potentially result in unsustainable and wasteful abortive works.*
 - d. *Having successfully petitioned (we initiated a petition of 1593 signatures to the State parliament) after securing our DA for the intersection to be upgraded and having lost a brother to a car accident in proximity to the property, we acceded to MRWA's request to program our development to open after their upgrade of the intersection was completed. Despite the substantial economic cost and inconvenience.*



- e. *There have been multiple delays to MRWA completing the at grade intersection upgrade which are beyond my control as a landowner.*
- f. *If it were not for MRWA request, I have no doubt that the development would well and truly have been progressed through to construction.*
- g. *Given the agreement to not proceed with the works, I confirm that while I am reluctant, if the JDAP do not grant the extension, my hand will be forced to substantially commence the development within the existing approval period. However, I would prefer that it does not come to that point, as it will not only cost me money and time, but all of the concerns of MRWA will likely come to fruition, including making their job of upgrading the surrounding road network more difficult, potentially cause a less safe interface during that construction phase, potentially trigger claims for compensation due to disruptions and potentially result in unsustainable and wasteful abortive works.*
- h. *Finally, I have adopted and sustained a win-win community minded spirit, securing state and federal government funding for this black spot intersection to be upgraded, and consenting to MRWA request despite the cost of delays to our project. However, today we forced to appeal to you – supplying legal precedents and sensible planning rationale for our approval not to lapse.*



Presentation Request Form

[Regulation 40\(3\)](#) and [DAP Standing Orders 2020](#) cl. 3.5

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

Presentation Request Guidelines

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

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

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

Presenter Details

Name	Brendan Foley
Company (if applicable)	Thomson Geer Lawyers
Please identify if you have any special requirements:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	MOJDAP
Meeting Date	9 June 2022
DAP Application Number	DAP/18/01394
Property Location	Lots 504 and 506 Thomas Road Oakford
Agenda Item Number	9.1

Presentation Details

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



Presentation Content*

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

Brief sentence summary for inclusion on the Agenda	<i>The presentation will address:</i> Legal submission against RAR and proposed alternate resolution, submission in support of application
--	---

In accordance with Clause 3.5.2 of the [DAP Standing Orders](#), your presentation request must also be accompanied with a written document detailing the content of your presentation.

Please attach detailed content of presentation or provide below:

SEE ATTACHED SUBMISSION DATED 3 June 2022.

3 June 2022

Level 27, Exchange Tower
2 The Esplanade
Perth WA 6000 Australia

Presiding Member
Metro Outer Joint Development Assessment Panel
By email: daps@dplh.wa.gov.au

PO Box Z5025, St Georges Terrace
Perth WA 6831

T +61 8 9404 9100
F +61 8 9300 1338

Dear Sir

DAP/18/01394 - Form 2
Proposed Extension of Commencement Timeframe for Approved Service Station

- 1 I act for the applicant in respect of the above matter, which is due to be considered by the Metro Outer Joint Development Assessment Panel (**JDAP**) at its meeting on Thursday 9 June 2022.
- 2 This submission is provided to demonstrate that the Responsible Authority Report (**RAR**) prepared by the Shire of Serpentine-Jarrahdale (**Shire**) is misguided in its application of the legal principles surrounding applications for extensions of time, and when those legal principles are correctly applied, the correct decision is for the JDAP to grant approval to the application.

Legal framework and principles

- 3 Regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011* (WA) (**DAP Regs**) provides the power to lodge an application to amend an approved development to allow for an extension of time to substantially commence the development. It is pursuant to that regulation that this application has been submitted for consideration by the JDAP.
- 4 Relevantly, the DAP Regs do not prescribe any particular matters for consideration when the JDAP is considering an application to extend the period within which an approved development must be substantially commenced.
- 5 However, there is significant jurisprudence regarding the principles relevant to the consideration of an extension of time application. The relevant principles have expanded and been refined over time through the following cases (among others):
 - (a) **Kapila and City of Stirling** [2016] WASAT 59 (**Kapila**)
 - (b) **ALH Group Property Holdings Pty Ltd and Presiding Member of the Metro Central Joint Development Assessment Panel** [2018] WASAT 63 (**ALH**)
 - (c) **A.M.I Enterprises Pty Ltd and Presiding Member of the Midwest/Wheatbelt Joint Development Assessment Panel** [2018] WASAT 130 (**AMI**)
- 6 AMI is the latest case to have dealt with the matter in Western Australia. It confirmed at [73] that the relevant considerations include:
 - (a) *whether the planning framework has changed substantially since the development approval was granted; (**consideration 1**)*
 - (b) *whether the development would likely receive approval now; (**consideration 2**);*
 - (c) *whether the applicant has actively and relatively conscientiously pursued the implementation of the development approval; (**consideration 3**);*
 - (d) *whether the landowner has sought to 'warehouse' the development approval (**consideration 4**); and*
 - (e) *whether the time period for substantial commencement originally imposed was adequate (**consideration 5**).*

- 7 At page 7 of its RAR (page 394 of the agenda .pdf), the Shire have only referenced Considerations 1-3. This may be due to referencing or having been briefed on earlier case law.
- 8 With respect to the weighing up of relevant considerations, the Tribunal in ALH at [35] said:
- it is not necessary for each relevant matter for consideration to be answered in favour of an applicant for the decision-maker to be satisfied that an extension application should be approved.*
- The considerations are not conditions precedent to the availability or the exercise of a discretion.*
- Rather, the findings in relation to each relevant matter for consideration must be taken into account and balanced in the exercise of discretion conferred by reg 17(4) of the DAP Regs as to whether to approve the extension application, with or without conditions, or refuse the extension application.*
- 9 Importantly, as held in Kapila at [40]:
- 'the range of considerations' in the exercise of discretion as to whether to extend the period within which an approved development must be substantially commenced 'is not closed'.*
- 10 In this case, the applicant's view is that there are other relevant considerations in relation to the exercise of discretion under reg 17(4) of the DAP Regs. In this case, being the potential consequence if a refusal is issued to the application for extension of time (**Consideration 6**).
- 11 I will now discuss each of the matters for consideration referred to above.

Consideration 1 – Has the planning framework changed substantially since the development approval was granted?

- 12 The "Local Planning Framework" is not defined in the DAP Regs, however, has been defined in other state planning documents to comprise "all strategic, statutory and policy planning documents which collectively outline the planning for an area and development requirements for sites (see eg definition in *State Planning Policy 7.3 - Volume 1*).
- 13 In this case, the Shire's RAR does not appear to note that at the time the development received its original approval, the Shire's Town Planning Scheme No.2 (**TPS2**) was operative and that TPS2 remains the operative and primary statutory planning instrument in respect of the land, and will continue to be the operative and primary statutory planning instrument on 9 June 2022 when the JDAP consider this matter.
- 14 The Court of Appeal in ***Presiding Member of the Southern Joint Development Assessment Panel v DCSC Pty Ltd*** [2018] WASCA 213 confirmed that a decision maker will err in law by failing to have regard to the terms of the Scheme as in force at the date of its decision.
- 15 The Shire's officers appear to have sought to downplay the existing permissibility of the proposal under the existing and operational TPS2. For example, on the table at page 1 of the RAR (page 388 of the PDF) the RAR fails to note that the service station land use is permissible under TPS2.
- 16 The planning framework remains as it was at the date of the original decision, except that:
- (a) In June 2020, the Council of the Shire supported Draft Local Planning Scheme No.3 (**Draft LPS3**) and provided it to the WAPC for consideration; and
 - (b) In March 2022, the Shire's local planning strategy was endorsed by the WAPC.
- 17 The applicant's view, as discussed further below, is that there has not been a significant change in the Local Planning Framework such that a refusal should be issued.

Consideration 2- whether the development would likely receive approval now?

- 18 The crux of the Shire's officer's argument against the application is that the Draft LPS3 is *a fait accompli*, and it appears on that basis should be given exceptional weight in the consideration of this matter – above all others.

- 19 The Shire's officer's position is flawed when considered in the context of caselaw regarding the weight to be applied to "seriously entertained planning proposals".
- 20 It is not disputed that as Draft LPS3 has been publicly advertised, it is appropriate to consider it in the matrix of various considerations required to be taken into account in exercising discretion.
- 21 What the applicant fundamentally disagrees with is the absolute weight that the Shire's officers have given to the Draft LPS3, and their interpretation and application of draft provisions of that draft document.
- 22 As was first said in **Kimber and Western Australian Planning Commission** [2006] WASAT 354 at [51], and cited positively many times since:
- Even if the [document] is a 'seriously entertained planning proposal' that does not elevate it to some sacrosanct status above the respondent's other policies, or the provisions of the [local planning scheme].*
- 23 The Tribunal in **Nicholls and Western Australian Planning Commission** [2005] WASAT 40 at [59] identified four principle criteria to determine the weight to be afforded to a draft planning instrument, these criteria have been referred to in many decisions since, and are:
- (a) *The degree to which the draft addresses the specific application.*
 - (b) *The degree to which the draft is based on sound town planning principles.*
 - (c) *The degree to which its ultimate approval could be regarded as 'certain'.*
 - (d) *The degree to which its ultimate approval could be regarded as 'imminent'.*
- 24 In this case, it is the third and fourth considerations in terms of certainty and imminence that the applicant significantly differs in view from the officers of the Shire.
- 25 This is because the Tribunal very clearly in **McDonald's Australia Limited and Presiding Member of the Metropolitan Central Joint Development Assessment Panel** [2015] WASAT 146 considered the weight to be applied to a proposed scheme which had been considered by the WAPC and recommendation already made to the Minister (ie. much further along the statutory approval pathway than draft LPS3), yet it held at [106]:
- " as the Tribunal is unaware of the view of the Minister for Planning, or even of the Commission, in relation to the proposed prohibition of fast food outlets containing a drive-through component on the site, it cannot be said that the ultimate approval of draft LPS 6 incorporating such a prohibition in relation to the site is reasonably certain or reasonably imminent.*
- 26 In this case, the Draft LPS3 is not before the Minister for consideration, and, I assume, that the JDAP is unaware of the views of the Minister or WAPC in respect of draft LPS3. Accordingly, the correct position is that the JDAP should give little weight to the draft LPS3 in its consideration of this matter, and on balance as a result, there is no doubt that properly considered, the development would likely receive approval now with appropriate management conditions.
- 27 Notwithstanding the above comments as to weight, it is the applicant's view that even if Draft LPS3 was gazetted over the next few years based on the provisions advertised a number of years ago now, the development would likely be capable of approval based on the proposed new definition of a 'roadhouse'.
- 28 The Shire's officer's view at page 8 of the RAR is that that this is not the case, however each of the criteria referred to by the officers (being criteria (b),(c),(d) and (g)) could all be accommodated through internal works (which don't require planning approval) or via management arrangements (which don't require planning approval), without the requirement for any amendment to the proposal as currently put. This adds further to the view that the development would likely receive approval now with appropriate management conditions.

Consideration 3 - whether the applicant has actively and relatively conscientiously pursued the implementation of the development approval?

29 The applicant and its planning consultant is best placed to address this consideration.

Consideration 4 - whether the landowner has sought to 'warehouse' the development approval?

30 The applicant and its planning consultant is best placed to address this consideration.

Consideration 5 - whether the time period for substantial commencement originally imposed was adequate?

31 This consideration was considered in AMI at [178]-[181].

32 The Tribunal in that case held that although the period for substantial commencement originally imposed was adequate in the circumstances existing at the time when the development approval was first granted, the surrounding circumstances changed, through no fault of the applicant, with the consequence that the period originally imposed was inadequate for substantial commencement to take place and as a consequence this was a factor in granting the extension to the applicant.

33 In this case, the surrounding factor that has changed, which is outside of the control of the applicant, is the timing and design for the upgrade of Thomas Road to support Westport.

34 Further submissions on this point will be made by the applicant and its planning consultant, suffice to say that:

- (a) MRWA have been working very closely with the applicant to progress its road designs in a way which facilitates the development; and
- (b) MRWA and the DPLH both do not object to the proposed extension.

Consideration 6 – likely consequence if application not approved

35 If the proposed extension is not approved, it will likely force the hand of the applicant to expend funds to immediately progress substantial commencement of the development prior to the current expiry date.

36 This has the potential to exacerbate the costs of the roadworks for the State through abortive costs and compensation that may be payable during the construction/disruption period.

37 Further, the Shire's officers would not prevail in their objective of restricting the sale of fuel from this site, as arguments regarding potential land use permissibility under draft LPS3 would be muted by the fact that the development would then benefit from non-conforming rights if a new scheme was ever adopted in a way which prohibited the use.

38 On balance, there is no reasonable upside to refusing the application for extension of time, while there are many positives for both the applicant and the State as a whole by ensuring that development on this site seamlessly integrates with the planned upgrading of Thomas Road.

Shire's alternate resolution for approval dated 2 June 2022

39 Disappointingly, in response to the Presiding Member's R13(1) request for an alternate motion for approval, the Shire has responded with conditions which are contrary to the existing approval and which are clearly tantamount to a refusal of the application.

40 For example, the Shire's proposed condition 2 seeks to amend the existing condition 2 to require a 10m vegetation buffer along the frontage to both Thomas and Nicholson road boundaries. Given the road widening that has occurred, a 10m wide strip is impossible to create without preventing access to the fuel bowzers and critically compromising the approved swept paths for the site.

- 41 I also note that in the Shire have deleted the numbering for existing condition 4, and added this to the wording of proposed condition 3. They have then re-numbered the subsequent conditions when compared to the existing approval conditions.
- 42 It appears the reason for doing this is maintain 17 overall conditions. However, the Shire has actually added a new final condition, which requires amended plans to be submitted to the Shire prior to the issue of a building permit. This condition is highly uncertain and would effectively give the Shire unlimited discretion to delay or refuse to accept a building permit. Such conditions have been found to be invalid on many occasions and should not be imposed (See eg: **Hill v State Planning Commission** (1994) 10 SR (WA) 354 at [367]; **Randall and Town of Vincent** [2005] WASAT 147 at [14] to [19] and **Anketell South Investment Pty Ltd and Western Australian Planning Commission** [2018] WASAT 100 at [25].
- 43 Finally, there is no reference in the Shire's alternate resolution to an extension of time to substantially commence the development to 31 December 2024, which is the only part of the approval that the applicant has sought to amend.
- 44 What has been requested by the applicant in this case is extremely simple, and approval of the request requires only a simple resolution.
- 45 An appropriate alternate resolution for approval is annexed to this submission for your consideration.

Yours sincerely



Brendan Foley

Special Counsel

T +61 8 9404 9126

M +61 402 577 770

E bfoley@tglaw.com.au

Annexure 1 - Proposed Alternative Resolution

That the Metro Outer JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/18/01394 as detailed on the DAP Form 2 dated 23 March 2022 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** DAP Application reference DAP/18/01394 and accompanying plans (P1 - P22) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, for the proposed minor amendment to the approved Service Station at Lot 504 & 506 Thomas Road, Oakford, subject to the following conditions:
 1. The latest date for substantial commencement of the development is extended to 31 December 2024.
 2. All other conditions remain as per the Metro East JDAP approval dated 29 October 2018.



Presentation Request Form

[Regulation 40\(3\)](#) and [DAP Standing Orders 2020](#) cl. 3.5

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

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

Presenter Details

Name	Aaron Lohman
Company (if applicable)	element
Please identify if you have any special requirements:	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	MOJDAP
Meeting Date	9 June 2022
DAP Application Number	DAP/18/01394
Property Location	Lots 504 and 506 Thomas Road Oakford
Agenda Item Number	9.1

Presentation Details

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



Presentation Content*

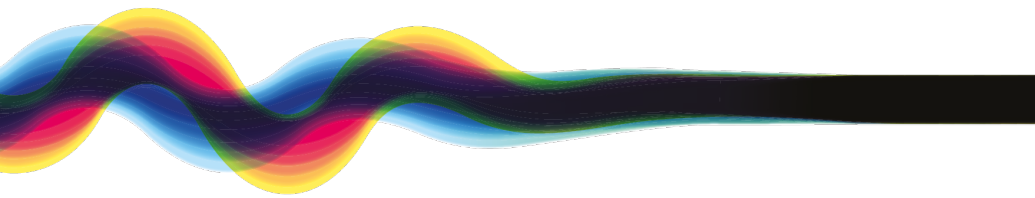
These details may be circulated to the local government and applicant if deemed necessary by the Presiding Member. Handouts or power points will not be accepted on the day.

Brief sentence summary for inclusion on the Agenda	<i>The presentation will address:</i> The presentation addresses the reasons for refusal and support the proposal. The presenter requests 10 minutes to speak on the matter.
--	---

In accordance with Clause 3.5.2 of the [DAP Standing Orders](#), your presentation request must also be accompanied with a written document detailing the content of your presentation.

Please attach detailed content of presentation or provide below:

Please refer to the attached letter



Our Ref: 22-108

3 June 2022

Presiding Member
Metro Outer Joint Development Assessment Panel
140 William Street
PERTH WA 6000

Dear Presiding Member

**REQUEST FOR PRESENTATION
ITEM 9.1 LOT 504 AND LOT 506 THOMAS ROAD, OAKFORD –PROPOSED EXTENSION
OF COMMENCEMENT TIMEFRAME FOR APPROVED SERVICE STATION**

element act on behalf of the Applicant in respect to the above-mentioned matter.

On behalf of the Applicant (Claradon Property / Skukuza Ventures Pty Ltd) we request a presentation to speak in favour of approval of extension of time. Given the nature of the matters to be discussed and complex history the Applicant requests additional time to make a submission.

Mr Brendon Foley from Thompson Greer Lawyers and Mr Elton Swarts (Claradon Property / Skukuza Ventures Pty Ltd) will submit presentation requests in addition to the undersigned.

In addition to the above, and unfortunately due to COVID restrictions, the Applicant was unable to make a verbal deputation to Council either in person or via electronic means when the recommendation on the matter was put to Council. This was because the meeting was closed to the public due to COVID.

The RAR recommends that the extension of time be refused on the following grounds:

- a. *The land use of 'Service Station' is a prohibited use in the 'Rural' zone under draft Local Planning Scheme No. 3. It is not consistent with orderly and proper planning to grant approval for a use which is imminently designated to become a prohibited use in the zone under the new Scheme.*
- b. *The land use of 'Service Station' is inconsistent with the objectives of the 'Rural' zone in draft Local Planning Scheme No.3;*
- c. *The land use of 'Service Station' does not reflect the approved strategic intent of the Local Planning Strategy, which designates the subject land within the Rural Resident 2 precinct under the approved Local Planning Strategy.*
- d. *The land use would make implementation of the strategic intent of the approved Local Planning Strategy more difficult, through allowing a use which is inconsistent with the objectives of the Rural Residential zone.*

In respect to these matters we provide the following:

- Our Client successfully campaigned for black spot funding to facilitate the construction of a roundabout at the intersection of Thomas and Nicholson Roads. Post approval of the original development application our Client agreed with Main Roads WA (MRWA) to not proceed with construction of the proposed development due to 'conflict' between MRWA's proposed road

works and development as proposed by the Applicant. That is, the intersection is a 'black spot' and works by the Applicant would impact the functioning of the intersection. Works undertaken by the Applicant to implement the approval would further become redundant as these would be superseded by MRWA works (e.g. two sets road works being completed with reduced amenity and traffic conditions). Furthermore, the proposed works would create unsuitable trading conditions and would be wasteful to undertake two sets of road works.

- Our Client has RAV 7 access and egress for the subject site. Our Client's understanding is the at grade works will not be completed construction until late 2023. It is pertinent that MRWA have no objections to the proposal which reflects that the site can be appropriately and safely accessed. The Department of Planning, Lands and Heritage (DPLH) also have no objections to the proposal which is again important relevant to access arrangements.
- We further note that the construction timeframe for roadworks has continued to advance beyond expected timeframes and is not certain.
- The subject site upon the construction of an at grade interchange or grade separated interchange will have little rural residential amenity. The Agenda Report states that:

According to the LPS, the intent is for this land to ultimately be rezoned and structure planned to provide 2ha Rural Residential lifestyle allotments.

- In regard to the above statement, it is important to note that the subject sites are already less than 2ha in area and thus have no potential to be rezoned or to be the subject of structure planning for 2ha rural residential lifestyle allotments. Lot 11 immediately to the north of the subject site is also less than 2ha and has no further development potential for rural residential development. Draft Local Planning Scheme No.3 (draft LPS3) states in this regard:

*Subdivision of land in the Rural Residential zone shall be supported by the local government **to the minimum lot size requirements** for the respective Rural Residential Codes as designated on the Scheme Maps.*

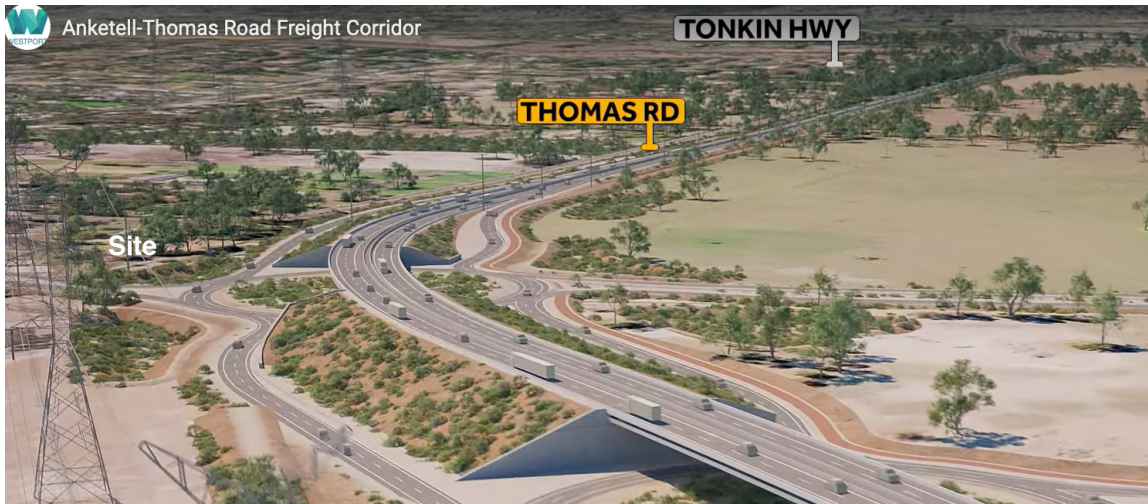
- The impact of the proposed development on surrounding properties has already been tested by approval of the original Development Application. This demonstrates that the proposal does not adversely impact on the current or likely future amenity of the locality. This is attributed to such factors as the location of the proposal on a freight road intersection and high voltage transmission lines on Lot 504.
- The agenda report further comments as follows:

A 'Service Station' is furthermore a prohibited use in the 'Rural Residential' zone under draft LPS3.

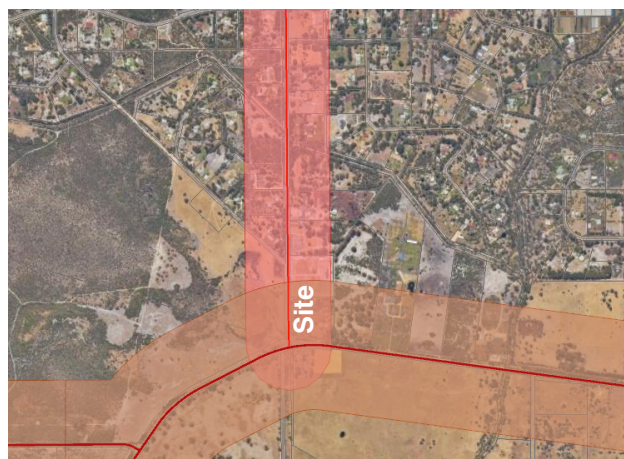
We refer to our comments above, that the subject site has no potential for rural residential development as the minimum lot size cannot be achieved, and therefore could not be rezoned to Rural Residential. Further, the argument prosecuted in the Agenda Report that the approved Local Planning Strategy foreshadows that the site is proposed for Rural Residential carries minimal weight as the lots cannot be developed for that purpose. The ability for the lots to be developed for rural residential purposes is also significantly compromised by a high voltage transmission line over Lot 504 which prevents buildings being constructed beneath it.

- Since the time of making the original submission on the draft LPS3 and the Local Planning Strategy the circumstances of the subject site have substantially changed with the proposed upgrading of Anketell and Thomas Roads as part of the key transport link associated with Westport. The grade separated interchange at the corner of Thomas and Nicholson Roads will create a significantly different future amenity for the subject site with impacts likely to result from noise, light spill, emissions and general amenity. This will further erode any 'rural amenity' that the subject sites currently enjoy especially in relation to heavy vehicle movements. As the subject sites would not be capable of development in accordance with a Rural Residential zone

the use of the sites for a Service Station in light of the Thomas Road becoming a connection to Westport is a logical and persuasive land use. The proposed interchange is shown in the images below.



- In respect to noise the image below shows the 'trigger distance' under State Planning Policy 5.4 Road and Rail Noise relevant to the subject sites and surrounds. This visual illustrates the potential for noise amenity impacts.



- Whilst at this juncture a Service Station is proposed to be an 'X' use under the draft LPS3 when

it was advertised in 2019, a Road House is listed as an 'A' use. It is noted by comparison that the scale and intensity of a Road House is greater than a Service Station. A Road House is a use capable of approvable under the draft LPS3. Thus, whilst there are objections to a Service Station, a Road House could be approved on the subject site.

- Given the at grade intersection is yet to be completed, building the proposal would lead the Applicant, at no fault of their own, with a development that would be substantially impacted by roadworks to be undertaken by MRWA. In this regard, the Agenda Report makes the following comment:

Whilst Officers acknowledge the road upgrades are outside of the Applicant's control, there have been lawful conditions imposed on the current approval to provide both interim and ultimate access arrangements. The approval thus enables development to proceed without any contingent basis of the road works being completed.

This considered to be an oversimplification of the matter. For the reasons stated earlier in this advice development has not commenced. Development to achieve substantial commencement now would require significant cost with no certainty as to when the development would become operational. Given the significant delay associated with roadworks, and associated costs, it is not considered unreasonable for an extension of time to be granted. The Applicant is not seeking to 'warehouse' the approval rather await road works to be completed to allow for viable development to commence. Again, we make the point that to date our Client has agreed to not commence works due to conflict with MRWA's at grade intersection upgrades, and delay with this works is no fault of the applicant and was predicated on road safety. If the Applicant commenced development in 2019, the 'works by others' in the road reserve would affect traffic, and the 'works by others' would then need to be redone based on the configuration of the intersection upgrade design.

- In terms of the draft LPS3, the Agenda Report quotes that, *it is anticipated that approval will be forthcoming from the WAPC mid 2022*. We note that the WAPC does not approve a local planning scheme, but only provides a recommendation to the Minister for Transport; Planning; Ports. As such draft LPS3 will not be approved by the WAPC mid 2022. The Minister will determine the fate of the draft LPS3 after the consideration of the WAPC, which may occur mid 2022. We understand the potential for the draft LPS3 to be considered by the WAPC mid-year however the timeframe for consideration of draft LPS3 has also been subject to delays, and thus also has a degree of uncertainty as to when the report will be considered. It is also important to note that the WAPC can recommend changes to draft LPS3, and the Minister ultimately will determine the final content. Thus, the Shire's adopted form of the draft LPS3 is not certain especially considering the significant changes proposed to Thomas Road as part of Westport which has occurred post advertising of the Draft LPS3.
- We further note that the WAPC Development Control Policy Freeway Service Centres and Roadhouses, including Signage advises that freeway service centres should be located at interchanges (either one side or both) where they can be directly accessed by both freeway users and local motorists. The continued approval of this development would allow for a similar outcome with the Service Station on the southern side of Thomas Road having also gained approved.

Alternative Recommendation

The Applicant acknowledges that an alternative recommendation has been prepared which provides amended conditions and a new condition as compared to the original approval granted.

Whilst the Applicant is supportive of the alternative recommendation for approval, the Applicant is of the view that the original conditions should stand, and the Application be approved as follows:

That the Metro Outer JDAP resolves to:

- Accept** that the DAP Application reference DAP/18/01394 as detailed on the DAP Form 2

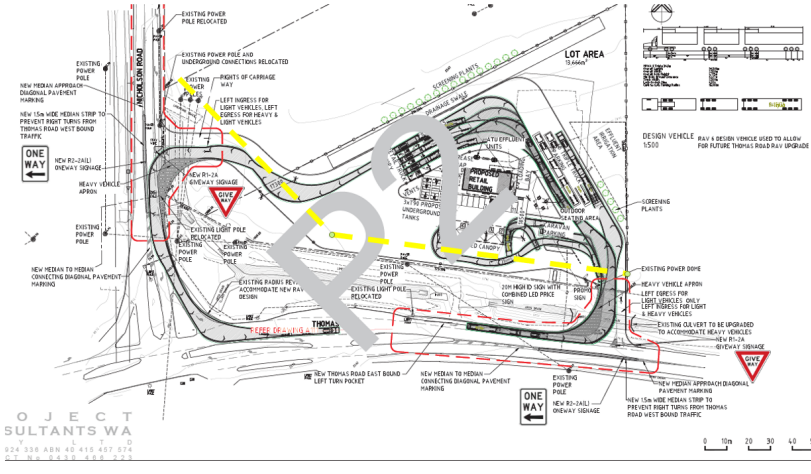
dated 23 March 2022 is appropriate for consideration in accordance with regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011;

2. **Approve** DAP Application reference DAP/18/01394 and accompanying plans (P1 - P22) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, for the proposed minor amendment to the approved Service Station at Lot 504 & 506 Thomas Road, Oakford, subject to the following conditions:

1. The latest date for substantial commencement of the development is extended to 31 December 2024.
2. All other conditions remain as per the Metro East JDAP approval dated 29 October 2018.

In terms of the conditions of the alternative recommendation we provide the following, noting the Applicant's comments above, that the approval should be granted in accordance with the previous Development Approval.

Please note the comments below should be read in conjunction with the presentation request from Mr Brendan Foley from Thompson Geer Lawyers.

Condition	Applicant's Comments
Condition 2 (Landscape Buffers)	<ul style="list-style-type: none"> • Ten metre landscape buffers to Thomas or Nicholson Roads were not required as part of the previous approval. There is no change of circumstance requiring the installation of landscape buffers. • The 10m buffers would prevent access to the site as it would interfere with swept paths for vehicle entry and exit. See image below. Yellow dashed line represents a 10m buffer from cadastral boundaries. 
Conditions 3, 4, 5, 7, 8 and unnumbered condition (Various Requirements)	<ul style="list-style-type: none"> • These conditions are required to be fulfilled prior to Building Permit rather than commencement of works. The original Development Approval required these conditions to be fulfilled prior to commencement of works.
Condition 5 (Public Art)	<ul style="list-style-type: none"> • Condition 5 requires public art to be installed on site. The previously equivalent condition, condition '6', only required a monetary contribution of 1%. • The Shire of Serpentine Jarrahdale Local Planning Policy 1.6 Public Art provides that public art may be provided on site or as a contribution as per the implementation section of the Policy as follows: <i>All applications for development where the development has a value of \$1 million or greater will be required to install public art or provide a contribution in accordance with</i>

	<i>the Public Art Contribution Matrix provided in Table 1:</i>
Condition 6 (Pylon Sign)	<ul style="list-style-type: none"> This condition seeks to restrict pylon signage to one sign. The condition cannot fetter a further application for additional signage.
Condition 7 (Noise Assessment)	<ul style="list-style-type: none"> It is unclear as to the need to amend the condition. The proposal is not classified as a 'noise sensitive use' under State Planning Policy 5.4 Road and Rail Noise. The condition appears to suggest noise amelioration measures would be required in that regard.
Condition 13 (Verge Landscaping)	<ul style="list-style-type: none"> Verge landscaping was not required as a condition of the previous approval. Verge landscaping will likely be removed as part of road works associated with the upgrades of Nicholson and Thomas Roads. This would render the Applicant non-compliant with the condition.
Condition 17 (Materials and Finishes)	<ul style="list-style-type: none"> This condition was not previously applied to the Development Approval granted. It is unclear as to why the condition is now required. The condition is also uncertain as to its application. The condition would unduly restrict the ability to use corporate branding on the subject site and buildings.

In summary, the delay in implementing the proposal results from delay in construction of the intersection upgrades by MRWA, and our Client agreeing with MRWA's request to not commence construction of the development so as to not create conflict during the upgrading works.

Our Client has actively pursued the implementation of the proposal through engagement with statutory authorities and perusing of a Building Permit. This application does not seek to 'warehouse' the proposal but allow for all relevant road works to be completed prior to commencing works on site.

As noted in the Agenda Report neither the DPLH or MRWA object to the proposal which confirms there are no issues with the proposed road access or future development of the Service Station. The confirms the acceptability of the proposal in respect to the road network.

Having regard to the above, we respectfully request that the Application be approved.

Should you have any queries or require clarification on the above matter, please do not hesitate to contact the undersigned on 9289 8300.

Yours sincerely

element



Aaron Lohman
Principal - Planning

element acknowledges the Whadjuk people of the Noongar nation as traditional owners of the land on which we live and work. We acknowledge and respect their enduring culture, their contribution to the life of this city, and Elders, past and present.

SOUTH YUNDERUP ROAD, LOT 6 (126) SOUTH YUNDERUP – PROPOSED CHILD DAY CARE CENTRE

Form 1 – Responsible Authority Report (Regulation 12)

DAP Name:	Metro Outer	
Local Government Area:	Shire of Murray	
Applicant:	Harley Dykstra (formerly Burgess Design Group)	
Owner:	Auspacific Pty Ltd	
Value of Development:	\$2.4 million <input type="checkbox"/> Mandatory (Regulation 5) <input checked="" type="checkbox"/> Opt In (Regulation 6)	
Responsible Authority:	Shire of Murray	
Authorising Officer:	Manager Planning Services	
LG Reference:	P251/2021	
DAP File No:	DAP/21/02094	
Application Received Date:	4/10/21	
Report Due Date:	31 May 2022	
Application Statutory Process Timeframe:	90 Days with additional 160 days agreed	
Attachment(s):	1. Aerial Photo 2. South Yunderup Locality Photo 3. Revised Development Plans 4. Revised Development Application submission including: <ul style="list-style-type: none"> • Development Plans • Certificate of Title • Landscaping Plan • Waste Management Plan • Bushfire Management Plan • Bushfire Emergency Plan • Environmental Noise Assessment • Transport Impact Statement • Parking Management Plan • Mosquito Management Plan 5. Original Development Application submission excluding technical appendices 6. Schedule of Submissions including applicant's response	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A	Complete Responsible Authority Recommendation section
	<input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections

Responsible Authority Recommendation

That the Metro Outer Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP/21/02094 and accompanying plans:

- Site Plan, A101, YU03082021, received 12/4/2022
- Ground Floor Plan, A102, YU03082021, received 12/4/2022
- Roof Plan, A103, YU0308201, received 12/4/2022
- Building Elevations, A104, YU03082021, received 12/4/2022

in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions the Shire of Murray *Local Planning Scheme No. 4*, subject to the following conditions:

Conditions

1. This decision constitutes development approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. Prior to the submission of an application for a building permit, updated development plans shall be submitted to the satisfaction of the Local Government showing:
 - (i) full design levels;
 - (ii) Pathway links between verge and internal pathways not to exceed 1:20 grade; and
 - (iii) Pedestrian connection between the child care centre and shop tenancy 3 where bin store is currently identified is to be adjusted provide a minimum pathway width of 1.2m.
3. Prior to the submission of an application for a building permit the plans shall be modified to include bicycle bays and end of trip bicycle facilities including showers and lockers within the development site with the facilities implemented in accordance with the Austroads' Guide to Traffic Engineering Practice Part 14: Bicycles and AS 2890.3 Parking facilities Bicycle parking to the satisfaction of the local government.
4. Prior to the submission of an application for a building permit an updated detailed landscaping plan for the development site and the abutting street verges shall be submitted to and approved by the Local Government. The landscape plan must include:
 - (i) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - (ii) any lawns to be established and areas to be mulched;
 - (iii) retention of all trees shown on the site plan for retention;
 - (iv) those areas to be reticulated or irrigated;
 - (v) proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas;
 - (vi) internal paving and footpaths to integrate with the existing commercial site.

The approved landscaping, paving and reticulation must be installed prior to the occupation of the development and must be maintained at all times to the satisfaction of the Local Government for the duration of the development.

5. Prior to the submission of an application for a building permit an Arborist's report shall be submitted to and approved by the Local Government which outlines the management and maintenance required for protecting the health and longevity of the existing trees on site that are identified on the approved plans to be retained. The recommendations of the approved Arborist report are to be implemented. To the satisfaction of the Local Government, including any necessary adjustments to the approved plans needed to achieve the protection of the trees.
6. The trees identified on the approved plans for retention are to be properly maintained in a healthy condition by the owners/occupiers of the land for the duration of the development. A person must not, other than with the further development approval of the local government, commence or carry out any works to any of these trees or within the tree protection zone of any of these trees, including:
 - (i) the ring-barking, cutting down, topping, lopping, removing, pruning, transplanting, filling or excavating around, injuring (whether by injecting anything or otherwise) or wilfully destroying any of the trees, or
 - (ii) any other works that would adversely impact the significance, health or longevity of one of these trees.
7. Prior to the submission of an application for a building permit a stormwater and drainage design plan shall be submitted to and approved by the Local Government. The approved plan must be implemented to the satisfaction of the Local Government prior to the occupation of the development and thereafter maintained in a functional condition for the duration of the development.
8. Prior to the submission of an application for a building permit a Fencing Design Plan shall be submitted to and approved by the Local Government. The plan must include:
 - (i) visually permeable fencing where fencing is identified in street front locations; and
 - (ii) Noise attenuation properties where identified in the acoustic assessment.

Fencing is to be constructed and maintained in accordance with the approved plan for the duration of the development.
9. Prior to the submission of an application for a building permit, engineering drawings and specifications for the provision of pedestrian connections from the existing public carpark on lot 346 Wharf Cove, South Yunderup to the development site, are to be submitted to and approved by the Local Government.

The pedestrian connection must be provided in accordance with the approved plans prior to the development first being occupied.
10. Prior to the submission of an application for a building permit, the parking bay(s) and points of ingress and egress are to be designed in accordance with AS/NZS 2890.1:2004 Parking facilities - Off-street car parking.

The car parking bays and accessways are to be constructed, kerbed, drained and line marked prior to the development first being occupied and thereafter maintained in a sound state of repair to the satisfaction of the Local Government.

11. Prior to the submission of an application for a building permit, all service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, must be designed to be located away from public view and/or screened, and this design must be provided to, and approved by, the Local Government.
12. Prior to the submission of an application for a building permit, engineering drawings and specifications for the upgrade of South Yunderup Road by providing a right turn pocket adjacent to the driveway entrance to the site are to be submitted to and approved by the Local Government. The approved works to South Yunderup Road must be implemented prior to the development first being occupied to the satisfaction of the Local Government.
13. The ground floor glazing fronting South Yunderup Road is to have a minimum visible light transmission rate of at least 79% and a maximum visible reflectivity rate of 9% in order to ensure that a commercial, interactive frontage is available to the development from South Yunderup Road.
14. Prior to the submission of an application for a building permit the recommendations of Part 6 of the Lloyd George Acoustics Environmental Noise Assessment Ref: 21076553-01A shall be incorporated within the building design. The recommendations of Part 6 of the report shall be implemented for the duration of the development.
15. The requirements of Part 6 Responsibilities for Implementation and Management of Bushfire Protection measures from the updated bushfire management plan prepared by Bushfire Prone Planning V1.2 dated 19 May 2022 are to be implemented and managed on an ongoing basis.
16. Prior to the development first being occupied the Bushfire Emergency Plan – Operational Document V1.1 dated 31st March 2022 shall be updated in accordance with Guidelines for Planning in Bushfire Prone Areas version 1.4 and shall be implemented to the satisfaction of the local government.
17. Prior to the development being occupied a footpath with a consistent width and design to that which abuts the South Yunderup Road frontage to the lot is to be extended along the full frontage of the lot where it abuts Camarri Way and Dilley Court.
18. Prior to the development first being occupied, lighting shall be installed along all driveways and pedestrian pathways and in all common service areas. Lighting shall be installed in the car parking area in accordance with relevant Australian Standards and to the satisfaction of the Local Government.
19. Prior to the installation of any signage, a signage strategy shall be submitted and approved by the Local Government for the overall development site in accordance with the Shire of Murray Signs Local Planning Policy. Only signage consistent with the approved signage strategy is to be installed.
20. Hours of operation for the Child Day Care Centre is limited to between 6.30am to 6.30pm, Monday to Friday, excluding public holidays.
21. The Child Day Care Centre shall be limited to a maximum 86 children at any one time.

22. The Waste Management Plan, version A dated 1 September 2021, is to be implemented to the satisfaction of the Local Government for the duration of the development.
23. No parking bays shall be obstructed in any way or used for purposed of storage.
24. The proposed bin store is to be designed and constructed in accordance with the Shire of Murray Health Local laws, and be roofed and screened to a height of at least 1.8m by a masonry, brick or other durable material which is visually compatible with the proposed buildings as approved by the Local Government.
25. A hard stand area designed to the satisfaction of the Local Government shall be provided for the storage of bins for collection on the road verge between the lot boundary and proposed footpath, adjacent to the bin storage area to accommodate the waste bins on bin pick up days.
26. All doors on the retail buildings facing the South Yunderup Road frontage must be kept unlocked and accessible to customers during all hours when the subject premises are trading. The internal fit out of these tenancies shall be undertaken in a manner that facilitates primary customer access.
27. Entries and window frontages facing the street of ground floor tenancies must not be covered, closed or screened off (including by means of dark tinting, shutters, curtains, blinds, roller doors, signage or similar), to ensure that a commercial, interactive frontage is available to the development from South Yunderup Road, for the duration of the development.
28. Public or customer access to the retail tenancies must be from South Yunderup Road, for the duration of the development.

Advice to the applicant

- a. In relation to the landscape plan conditions the updated landscape plan should include provision of a Hard Scape Plan along with civil plans and provide details of the installation of the hard surfaces such as paving, paths, footpath to kerb, drainage and other related infrastructure.
- b. In relation to signage strategy condition once the signage strategy has been approved, modifications to the signage strategy will require further approval from the local government.
- c. Features to be incorporated in the building design to minimise the impact of mosquitos.
- d. Should the preparation and provision of food be proposed as part of the Child Day Care Centre operation, the operator will be required to apply for and receive a food business registration from the Local Government.

Details: outline of development application

Region Scheme	Peel Region Scheme
Region Scheme - Zone/Reserve	Urban
Local Planning Scheme	Shire of Murray Local Planning Scheme No.4

Local Planning Scheme - Zone/Reserve	Commercial
Structure Plan/Precinct Plan	N/A
Structure Plan/Precinct Plan - Land Use Designation	N/A
Use Class and permissibility:	Child Day Care Centre (AA) Shops (P)
Lot Size:	2907m ² – Strata Lot 6
Existing Land Use:	Vacant Lot
State Heritage Register	No
Local Heritage	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Heritage List <input type="checkbox"/> Heritage Area
Design Review	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other
Bushfire Prone Area	Yes
Swan River Trust Area	No

Proposal:

The application proposes to develop a Child Day Care Centre and three shop tenancies. The Child Day Care Centre is proposed to accommodate 86 children of various ages and 14 staff members. The centre will be single storey with 294m² of indoor play area and 774m² of outdoor play area. Provision is also made for amenity and staff spaces.

The Centre is proposed to operate between the hours of 6.30am to 6.30 pm Monday to Friday and during school holidays.

The three shop tenancies have floor areas ranging from 44m² to 100m².

Twenty car parking bays are located behind the new building abutting the carpark for the existing commercial development (shopping centre and tavern). Access to the site is through common property lot 131 South Yunderup Road which has access to South Yunderup Road. This access arrangement will require the removal of six car parking bays from the adjoining commercial carpark.

Proposed pedestrian paths integrate with the existing commercial development and provide legible pedestrian access to the centre frontage and the proposed retail buildings. Pedestrian paths are also provided to link with the existing footpath network in the area.

Background:

The site is a vacant strata lot located on the north eastern corner of South Yunderup Road and Camarri Way. Lot 6 is a portion of a commercial development strata (shopping centre) site and is generally bounded by South Yunderup Road to south, Camarri Road to the west, (residences are located on the western side of Camarri

Road) to north by Dilley Court, east abuts the existing Shopping Centre and an existing car park.

Council approval was granted for Stage 1 of the Shopping Centre 24th November 1988 and a building permit was issued for the tavern in 1990. Both developments share the parking.

There are a number of significant mature trees on the site, mainly located towards the street boundaries.

Legislation and Policy:

Legislation

- Planning and Development Act 2005
- Peel Region Scheme (PRS)
- Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations).
- Shire of Murray Local Planning Scheme No.4 (LPS4).
- State Planning Policy 4.2 - Activity Centres for Perth and Peel
- State Planning Policy 7.0 - Design Built Environment
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7)
- Planning Bulletin 72 Child Care Centres (2009)

Local Policies

- General Development Provisions Building Setbacks Car Parking Standards
- Signs
- Draft Proposed Child Care Services (currently being advertised)

Consultation:

Public Consultation

As the proposal has the potential to impact on the amenity of the nearby residential area, it was advertised by way of a notice in the local newspaper, a sign placed on the site, letters to adjacent landowners and a notice placed on the Shire's website.

At the close of advertising sixteen submissions were received with a further three late submissions. The submissions included nine objections generally raising matters discussed below:

Issue Raised	Officer comments
<u>Car Parking</u>	This development provides a parking shortfall as well as removing six parking bays from the existing car parking area. Consequently, it is recommended that a pedestrian connection be provided to the public carpark on Dilley Court to deal with any overflow parking. This is discussed in detail in the planning assessment.
<u>Traffic Safety</u>	The Shire recommends that a right turn pocket be provided on South Yunderup Road to

	assist with traffic safety. This is discussed in detail in the planning assessment.
<u>Proximity to Tavern</u>	<p>As a discretionary 'AA' use in a Commercial zone under LPS4 a child care centre may be approved in the Commercial zone.</p> <p>The child care centre and tavern are located in the same commercial centre, however, the land uses are separated by existing and proposed car parking areas. Whilst there may be some crossover of peak operating times for the two businesses i.e. pickup times for child care centre during the week, and peak operating times for the Tavern, i.e. Thursday and Friday early evenings it is unlikely 'typical activities' of patronage from a tavern would emerge early evening when the children are being picked up. There is no evidence that the two land uses could not be compatible given the most of the child care operating hours are prior to peak operating periods for the tavern.</p>
<u>Noise</u>	<p>An acoustic report has been provided confirming that noise impacts on residential areas can be mitigated with noise attenuating fencing. It is noted that the play areas are separated from the houses by acoustic fences and a road reserve. The acoustic report also recommends inline or ceiling mounted fans be used to mitigate noise and provides general recommendations on the management of noise.</p> <p>As such, given the developments location within a commercial zone and the above mitigating factors, it is considered that noise will not have a negative impact on the amenity of the nearby residential areas.</p>
<u>Detrimental impact on the level of service for other child care operations</u>	<p>Planning Bulletin 72/2009 Child Care Centres acknowledges legal decisions have discounted the requirement for an applicant to prove the need for commercial facilities as part of the planning process. Whilst the Planning Bulletin does indicate that if there is a demonstrable impact on the level of service enjoyed by a community, then this is a relevant planning consideration, it is also noted under clause 67(2) of the Deemed Provisions that the local government is to have due regard to <i>'the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses'</i>. The key issue here is whether a particular decision would result in a community losing a particular service.</p>

	<p>At present, there is only one operational child care centre within the South Yunderup/Austin Lakes area. A temporary approval has been granted for this centre until 31 December 2022. The Shire is currently considering a development application to relocate this centre to a new site to the south of the Austin Lakes estate, however, there is no certainty on the timing of a relocation should an approval be forthcoming.</p> <p>Council has also recently approved a 120-place child care centre in the nearby Austin Lakes estate. Once again there is no certainty that this proposal will progress.</p> <p>It would be unlikely that an approval would result in the community losing child care centre services in the locality. Indeed the approval of the proposed development may improve the level of service within the locality by providing additional child care places and an improved distribution of services throughout South Yunderup.</p>
The location will not efficiently serve the majority of the population that are likely to utilise the centre (i.e. young families in Austin Lakes).	The application has been assessed and is found to be suitable for this specific site. Given the uncertainty about child care services in the locality generally, this development will assist with meeting demand from South Yunderup including the Austin Lakes estate and will provide for child care services to the established part of South Yunderup.
Design of the development is incompatible with its setting.	<p>The building has been designed to address key streetscapes, retain significant vegetation and integrate with the existing commercial development.</p> <p>Whilst it is acknowledged that development varies the setback requirements of the General Development Provisions Building Setbacks Car Parking Standards Local Planning Policy it is highlighted that Table II of LPS4 states that the setbacks for child care centres is at the discretion of Council.</p> <p>The reduced setbacks for this development are not considered have a negative impact on the streetscape as the incursions into the setback area are relatively minor. The reduced setbacks are also consistent with the existing commercial development on Dilley Court.</p>

A copy of the applicant's response to the submissions is contained at Appendix 6.

Referrals/consultation with Government/Service Agencies

Department Fire Emergency Services (DFES)
<p>Revised Bushfire Management Plan (BMP) (Version 1.1), prepared by Bushfire Prone Planning and dated 31 March 2022, for the above development application.</p> <p>The development application and the BMP have adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved.</p> <p>However, modifications to the BMP are necessary to ensure it accurately identifies the bushfire risk and necessary mitigation measures. As these modifications will not affect the development design, these modifications can be undertaken without further referral to DFES.</p>
<p><u>Shire Comment</u></p> <p>The Shire supports the DFES advice the location for the child day care centre is suitable and bushfire risk may be managed.</p> <p>An updated bushfire management plan has been submitted incorporating DFES recommendations.</p>

Design Review Panel Advice

Not applicable.

Other Advice

Not applicable.

Planning Assessment:

The proposal has been assessed against all the relevant legislative requirements of the Scheme, State and Local Planning Policies outlined in the Legislation and Policy section of this report. The following matters have been identified as key considerations for the determination of this application:

- Suitability of the site
- Parking
- Traffic safety
- Bushfire

These matters are outlined and discussed below.

Suitability of the site

Zoning

The site is zoned Commercial under LPS4. Within the Commercial zone a Child Day Care Centre is an 'AA' discretionary land use, which may be permitted provide the development is not contrary to the orderly and proper planning of the area. The development also includes three retail buildings (shops) which are a 'P' permitted use in the Commercial Zone. As demonstrated in this assessment, the proposed development is appropriate for the zone.

Building Appearance

State Planning Policy 7.0 - Design of the Built Environment and the Shire's Draft *Child Care Services local planning policy* highlight the need for development design to reflect the character of the area and provide a welcoming and inviting appearance from the street. In this regard development on the corner of South Yunderup Road and Camarri Way should provide high quality design and inviting visual appearance from South Yunderup Road and for the residences on Camarri Way and Dilley Court. The design of this development reflects the effort taken to ensure the design, colours, roof pitches and materials used complement the existing shopping centre development.

Landscaping

This site contains several mature trees that have been identified to remain within the verge areas and within the site. Concern is raised, however as to whether the trees identified for retention can survive the progression of the development. The Shire will therefore require an Arborist's Report to be provided prior to the development commencing. Landscaping both verge and on the site should be provided particularly along the street frontage and shade trees should be provided within the car park at the rate of 1 tree per for car parking bays.

Fencing

The development proposes 1.8m high fencing fronting Camarri Way and Dilley Court to protect the amenity of the adjacent residence from the noise that children may make. This fencing will be required to be noise attenuating and visually permeable fencing to maintain the amenity of the streetscape.

Parking

Parking Assessment

The development proposes 20 car parking spaces to accommodate the child day care centre and the 200m² of retail/shop gross floor area.

It is noted that several submissions raised concerns about the lack of car parking on the existing site and the surrounding area and that the vacant portion of Lot 6 is already being used for car parking overflow in peak periods i.e. weekends and in the summer when the boat ramp in Dilley Court is in high demand. It should be noted that any pre-existing informal use of this site for parking is not a relevant consideration for this assessment. It is, however, important that this development provides sufficient car parking for its own needs without impact on the existing car parking availability. There are a number of planning instruments that need to be considered in determining the appropriate carparking demand for this proposal. These are assessed in the below tables.

Table II – Non-Residential Development Standards of LPS4			
Land Use	Rate	Proposed	Required
Child Care	1 / per staff member and that additional provisions for picking up and setting down of children may be required	14 staff	14
Shop	1 / per 20m ² of gross floor area	200m ²	10
TOTAL			24

Additional pickup and set down bays are not considered necessary due to most children being 36 months or younger and will require parents to park and collect children from the centre.

Building Setbacks and Car Parking Requirements LPP
--

Land Use	Rate	Proposed	Required
Child Care	1 / per staff member plus 2	14 staff	16
Shop	1 / per 20m ² of gross floor area	200m ²	10
TOTAL			26

Draft Child Care Services LPP (advertised)			
Land Use	Rate	Proposed	Required
Child Care	9 plus one 1 / 8 children in excess of 54	86 Children	13
Shop	1 / per 20m ² of gross floor area	200m ²	10
TOTAL			23

Based upon the above assessments there is a shortfall of parking of between three and six bays. It should be noted that the draft child care policy is the most contemporary of these documents although it has not yet been finally approved.

Additionally, six bays will be removed from the existing carpark to provide access to the new carparking area. Therefore, it is reasonably considered there will be a shortfall of nine bays as a result of this development.

The applicant's submission suggests that the development as a whole generates a demand of 21 car parking bays. Resulting in a shortfall of one (1) bay.

Reciprocal Car Parking

The applicant's submission notes that traffic peaks for child care centres are expected to occur prior to 9am and between 4:30pm and 6:30pm. The reports also state that under the consultant's database peak parking demand referred to above, the provision of 20 on-site car parking spaces may require a small amount of overflow parking to occur at busy peak periods.

Shops and offices are generally open between 9am and 5pm and Thursday nights and on Saturdays; this site would have steady parking requirements throughout the day with no peak parking periods. Peak parking periods for restaurants and the tavern are likely to be early evenings, though with some activity around midday (lunch) and generally later in the week and on the weekends. Therefore, the highest demand for parking will likely be between 4.30pm and 6.30pm.

It is also noted that there is an existing public carpark approximately 20m from the site on north side of Dille Court. This carpark services the adjacent Wharf Cove Boat ramp boat ramp and, although it is unmarked, it has capacity for around 25 -30 cars with a typically low demand during the week days during the peak hours for the proposed development. As such, this carpark can accommodate overflow parking from the development if required. It is recommended that appropriate pedestrian connections be provided.

Cycle Facilities within the Development

Also, to alleviate car parking congestion end of trip cycling facilities including bicycle bays, showers and lockers should be provided within the site to encourage residents and child care patrons to cycle to the site.

Traffic Safety

The Shire is concerned that vehicles travelling west and turning right into the site from South Yunderup Road would obstruct vehicles travelling through the proximate

roundabout. The submitted traffic impact statement acknowledges there has been some rear end car accidents in the vicinity. As such, it is recommended that a right turn pocket be provided in this location.

Bushfire

The site is located in a bushfire prone area and under the Guidelines for Planning in Bushfire Prone Areas and child care centre is a vulnerable land use, therefore both a bushfire management plan and an emergency evacuation plan were provided. Department Fire and Emergency Services (DFES) has reviewed both the bushfire management plan and emergency evacuation plan and provided comment on both. An amended bushfire management plan has been submitted incorporating DFES recommendations. The emergency evacuation plan as a working document, will need to be reviewed prior to the occupancy of the development to ensure the persons responsible for each stage of an emergency are registered in the document and that the occupants are aware of their responsibility.

Conclusion:

The subject development is an appropriate use of commercial land that will provide choice in provision of child care services in the area and the provision of more retail opportunities in the locality. The contemporary high-quality building design reflects the materials and characteristics of the existing commercial buildings in the area and therefore complements the site.

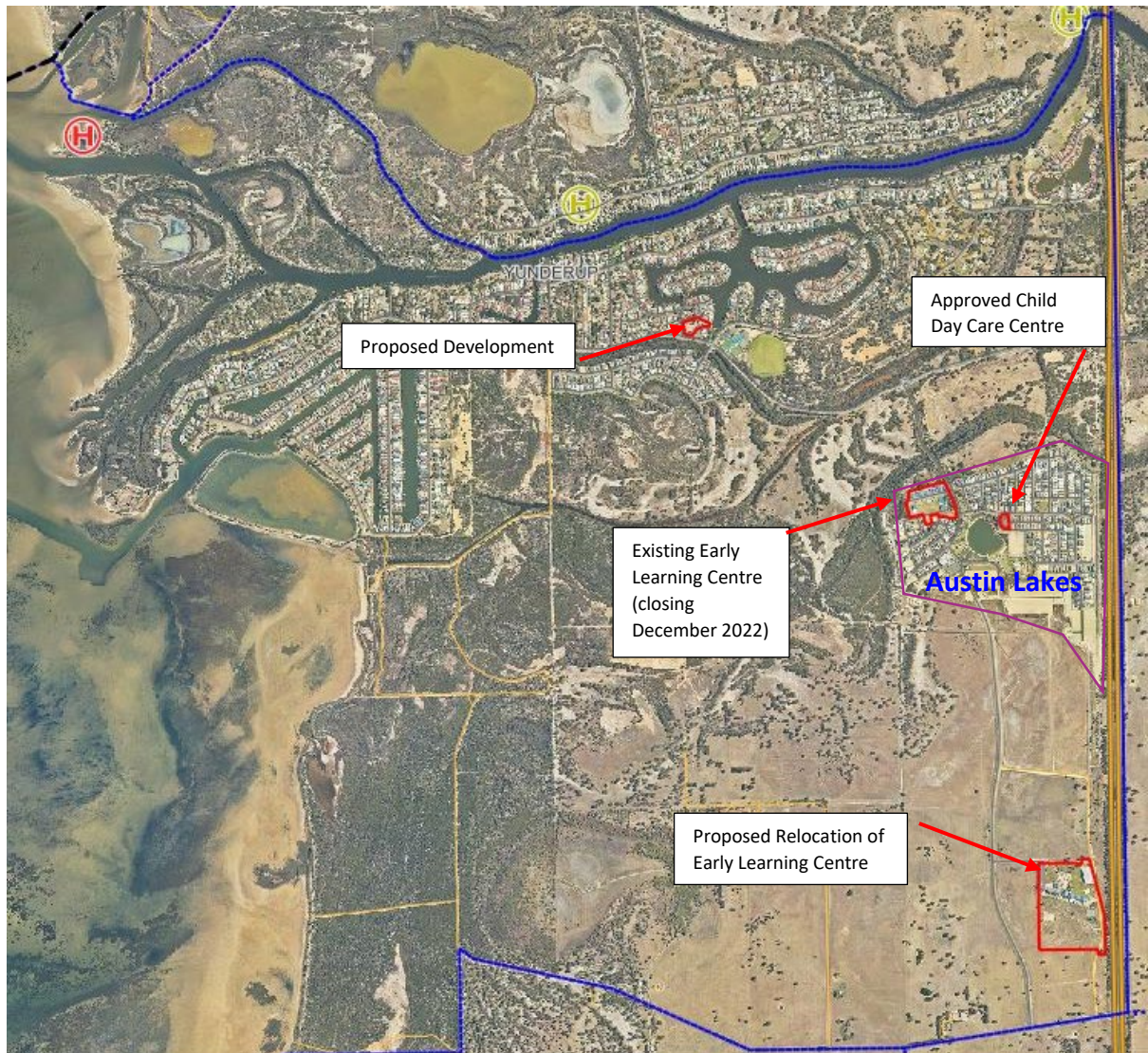
Potential noise impacts from children will be managed appropriately, whilst the visual amenity of the area will be enhanced by the retention of mature trees and the provision of additional landscaping. Pedestrian access within and around the site will be improved to integrate well with the existing commercial centre.

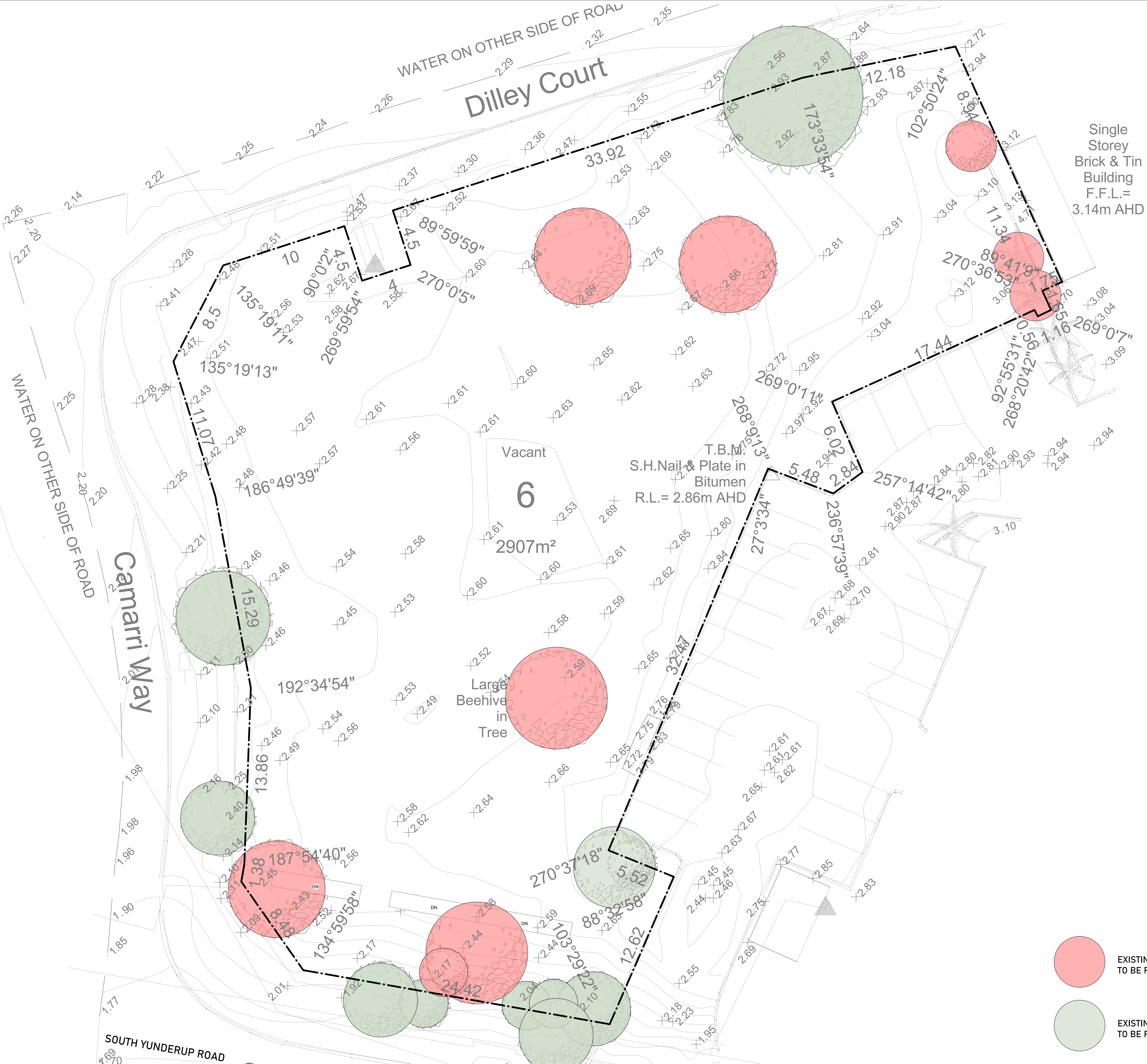
The development is generally consistent with the planning framework and is supported subject to the recommended conditions.

Alternatives

The JDAP may wish to refuse this application and provide sufficient reasons for doing so.







BLOOM
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Lot 6 South Yunderup Road		
Site Plan		
Project number	YU03082021	A101
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SOUTH YUNDERUP ROAD

CAMARRI WAY

DILLEY COURT

Ground Floor



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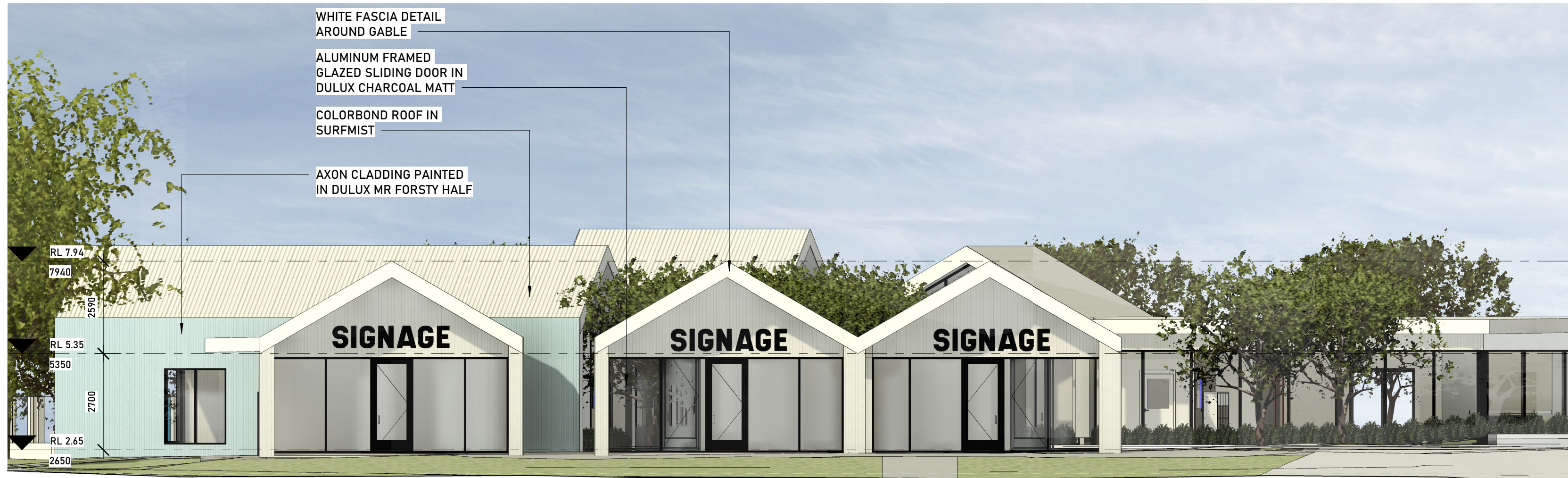
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Project number YU03082021
Date
Drawn by VD
Revision

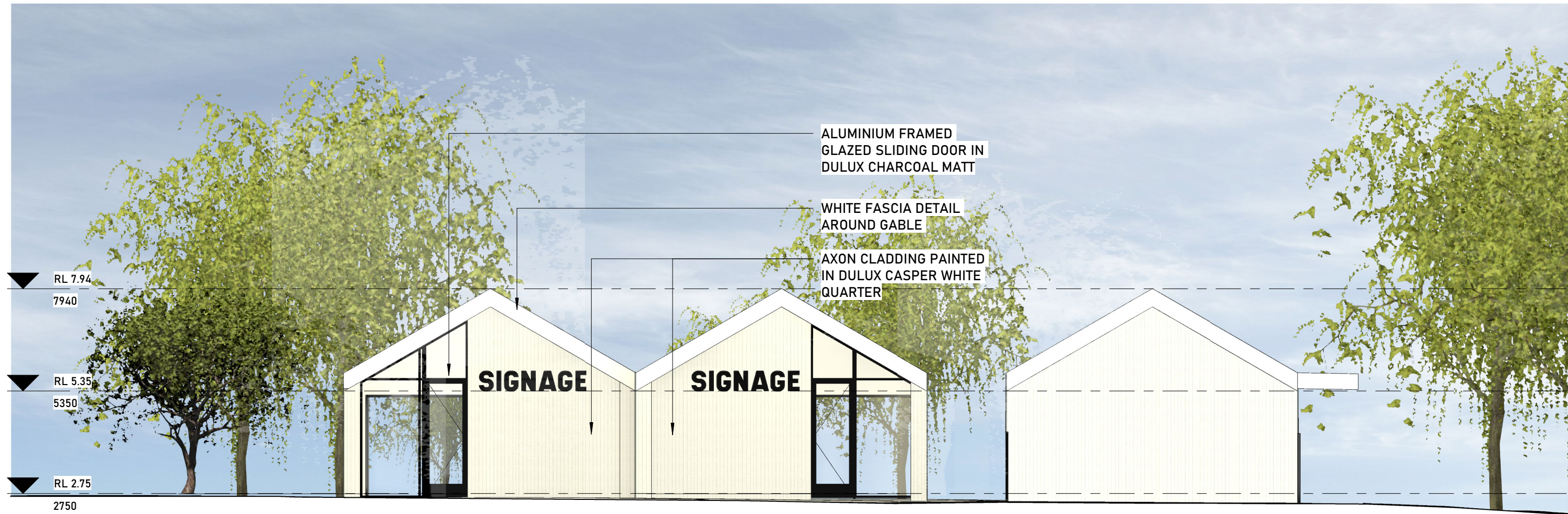
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Scale 1:100





1 South Yunderup Road Retail Elevation
1:100



2 Unit 1 & Unit 2 Northern Elevation
1:100



3 Camarri Way Unit 2 Elevation
1:100



4 Unit 1 East Elevation
1:100



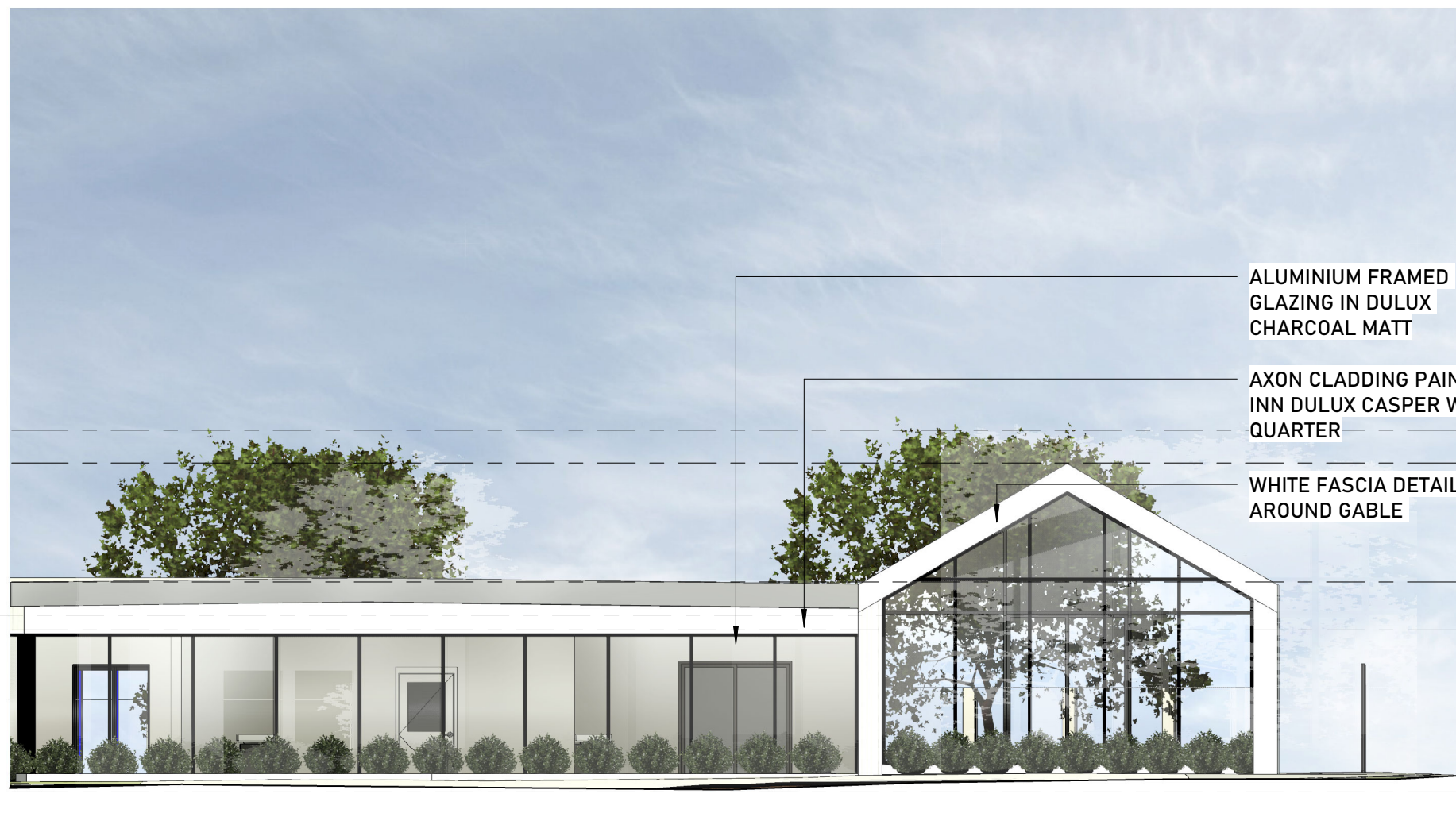
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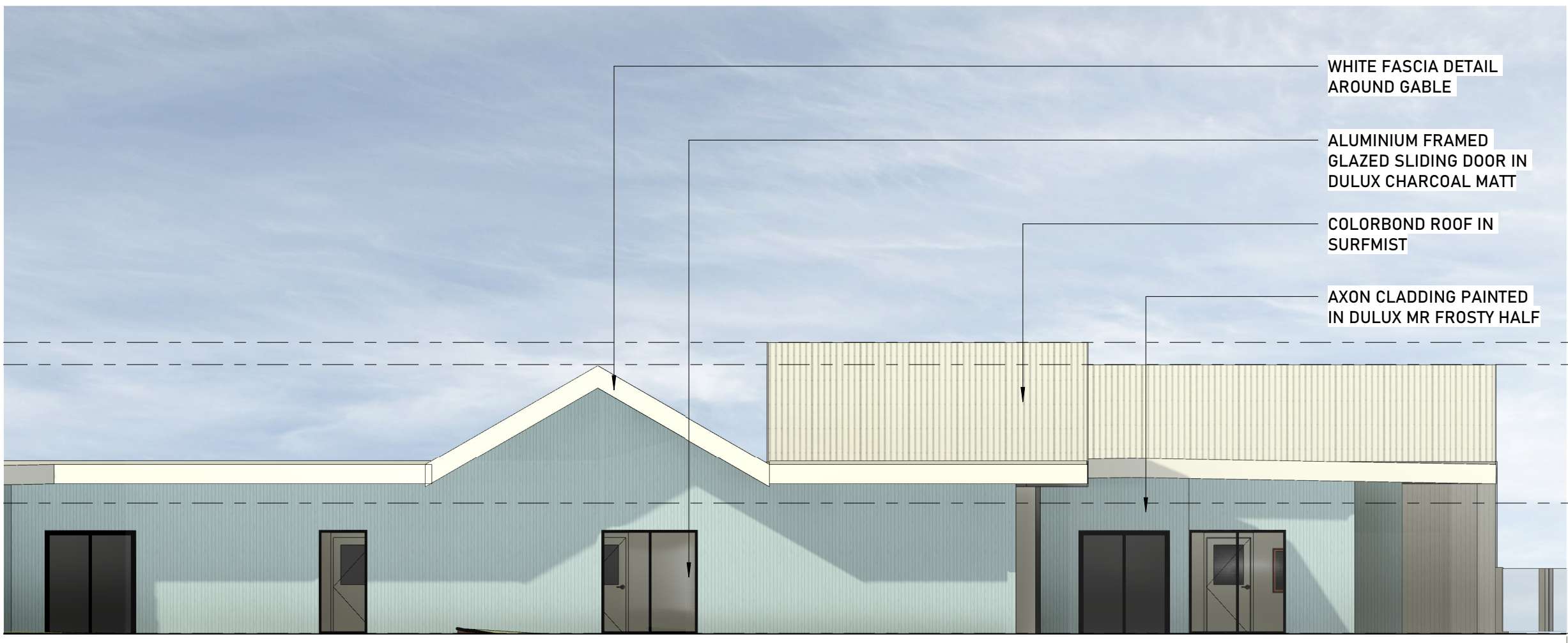
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7 Child Care Elevation 3
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10 Child Care Elevation 4
1:100



9 Child Care Elevation 5
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Lot 6 South Yunderup Road

Building Elevations

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SUPPLEMENTARY PLANNING REPORT – PROPOSED CHILD CARE PREMISES AND SHOPS

Lot 6 (No. 126) South Yunderup Road, South Yunderup

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Prepared by: BH
Reviewed by: JS

Date: 6 April 2022
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APPENDIX B	Certificate of Title
APPENDIX C	Landscaping Plan
APPENDIX D	Waste Management Plan
APPENDIX E	Bushfire Management Plan
APPENDIX F	Bushfire Emergency Plan
APPENDIX G	Environmental Acoustic Assessment
APPENDIX H	Transport Impact Statement
APPENDIX I	Parking Management Plan
APPENDIX J	Mosquito Management Plan

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1 INTRODUCTION

1.1 Purpose of Report

Harley Dykstra on behalf of our client, is pleased to provide this letter to the Shire of Murray in support of the development application for a 'Child Care Premises' and 'Shops' at Strata Lot 6 (No. 126) South Yunderup Road, South Yunderup (see updated development plans attached at **Appendix A**).

The application proposes three shops and a childcare premises which has been designed to accommodate 86 children and 14 staff members, comprising 294m² of creditable indoor play area, 774m² of creditable outdoor play area, and the associated amenities. The retail component of the development consists of three shops. Shop 1 has a floor area of 44m² Shop 2 has an area of 56m² and shop 3 has an area of 100m².

The development application was lodged by Burgess Design Group in late 2021. Following lodgement and the Shire's preliminary review of the development plans, an additional information request was received by the applicant on 2 November 2021. It is at this point that Harley Dykstra was engaged by the client to respond to the additional information request. Therefore, after extensive engagement with the Shire of Murray and the sub consultant team, the following updated report/plans are provided:

- Development Plans – Appendix A
- Certificate of Title – Appendix B
- Landscaping Plan – Appendix C
- Waste Management Plan – Appendix D
- Bushfire Management Plan – Appendix E
- Bushfire Emergency Plan – Appendix F
- Environmental Acoustic Report – Appendix G
- Transport Impact Statement – Appendix H
- Parking Management Plan – Appendix I
- Mosquito Management Plan – Appendix J

The above reports respond appropriately to the Shire's additional information request and provide detailed rationale in support of the application from a design, landscaping, bushfire, traffic, and acoustic perspective.

The Shire of Murray also advised that a supplementary planning report would assist in addressing *State Planning Policy 7.0 – Design of the Built Environment* and *State Planning Policy 4.2 – Activity Centres for Perth and Peel*. An address of these policies is provided at Section 4 of this report.

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2 SUBJECT LAND

The subject site is located on the corner of Dilley Court, Camarri Way, and South Yunderup Road, and consistent with the abutting site is zoned 'Commercial'.

The subject site is currently vacant as depicted on the aerial photograph included at **Figure 1** below. Lots to the north-west, and south have been developed for residential purposes, while land abutting the eastern lot boundary has been developed for commercial purposes. Photographs of the subject land and surrounds is included at **Figures 2 – 5**.



Figure 1 – Aerial Photograph (Subject Site Outlined in Red)

A summary of the land particulars is provided at **Table 1** and a copy of the Certificate of Title is included at **Appendix C**.

LOT NO.	PROPERTY ADDRESS	LANDOWNER	VOL.	FOLIO	PLAN NO.
6	UNIT 6, 126 SOUTH YUNDERUP ROAD, SOUTH YUNDERUP	AUSPACIFIC PTY LTD	1860	827	18378

Table 1 – Summary of Land

PROPOSED CHILD MINDING CENTRE
STRATA LOT 6 (NO. 126) SOUTH YUNDERUP ROAD, SOUTH YUNDERUP



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Figures 2 – Street View of Subject Land -Corner of South Yunderup Road and Camarri Way



Figures 3 – Street View of Subject Land – Corner of Dilley Court and Camarri Way



Figure 4 – Street View of existing commercial development



Figure 5 – Street View of 2 Dilley Court, Yunderup

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3 PROPOSED DEVELOPMENT

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3.1 Development Summary

The proposed development has been designed to address the Dilley Court, Camarri Way and South Yunderup Road frontages. The approval of this development will facilitate the construction of three new shops and a child care premises. The childcare has been designed to accommodate a maximum of 86 children and 14 child care employees (see **Table 2**). The operation of the proposed facility will provide an important service to its local community, and it seeks to do so within a high-quality, architecturally designed facility that successfully activates its road frontages.

The facility will activate the locality, while at the same time respecting neighbouring sensitive land uses (existing residential dwellings) and the amenity of the child care premises itself. In doing so, it ensures that appropriate visual and acoustic treatments are provided where required. Early input from the project traffic engineer and acoustic consultant has ensured that the development will have a minimal impact on the existing amenity of the locality, and where possible, all impacts are managed internally.

The child care premises comprises a total of 294m² of creditable indoor play area (in addition to the functional indoor spaces, amenities and staffing spaces), 774m² of creditable outdoor play area (in addition to other functional outdoor spaces). Each of these creditable areas are compliant with the spatial requirements per child, as set out in the *Child Care Services Act 2007* and associated Regulations.

Age Group	Staffing Required	Proposal
Children less than 24 months	1 educator per 4 children	16children 4 educators
Children aged 24 to 36 months	1 educator per 5 children	30children 6 educators
Children aged more than 36 months	1 educator per 10 children	40 children 4 educators
		86 children 14 educators

Table 2 – Child and Staff Numbers

The retail component of the development consists of three shops. Shop 1 has a floor area of 44m² Shop 2 has an area of 56m² and shop 3 has an area of 100m².

The proposed building facades comprise generally of the following materials:

- Masonry boundary and retaining walls;
- Weatherboard cladding;
- Timber decking; and
- Colorbond roof sheeting.

Windows throughout the building are framed and located to enable natural light to enter the building. Overall, the building respects and facilitates a high level of visual interest as viewed from the streetscape while also remaining compatible with the existing amenity of the locality. In particular, it is emphasised that the re-designed building seeks to integrate with the residential built form of the area and the neighbouring commercial land uses.



4 PLANNING FRAMEWORK

4.2 State Planning Policies

4.2.1 State Planning Policy 7.0: Design of the Built Environment

State Planning Policy 7.0 Design of the Built Environment (SPP 7.0) was enacted by the WAPC on 24 May 2019 and intends to provide a framework for improving the built form outcomes by introducing design review and assessment processes. The objectives of SPP 7.0 are as follows:

1. *A consistent framework to define the desired quality outcomes from the planning and design of built environment projects across the State.*
2. *A coordinated strategy of design quality mechanisms to achieve design outcomes that meet government and community expectations, including:*
 - *Design Principles – performance-based approach to policy*
 - *Design Review – skilled evaluation expertise*
 - *Design Skills – skilled design expertise*
3. *Timely and efficient review of planning and development proposals against the design principles.*

In achieving compliance with SPP 7.0, an Applicant must provide a design statement demonstrating the manner in which the proposal addresses each of the Design Principles set out in Schedule 1 of SPP 7.0 and shown in **Table 3** below.

DESIGN PRINCIPLES	DESIGN STATEMENT
Context & Character <i>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</i>	<p>This development proposes a colour and material palette that will respond to the natural and built form elements of the local area and contribute to a sense of place. In particular, the building places a significant focus on connections to the natural amenity of South Yunderup through significant landscaping treatments. With regard to built form elements, the development will complement the existing development to the neighbouring site. The development includes a pitched colourbond roof, timber deking, and weatherboard cladding.</p> <p>The masonry boundary and retaining walls incorporate building materials found at the neighbouring commercial site. At the same time, it seeks to respond to the existing scale of the area being a single storey development.</p> <p>While the building has been designed to complement the existing character of the area, it also seeks to capitalise on and activate its three street frontages by creating a unique identity through painted coloured panels, and unique materials.</p>
Landscape Quality <i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</i>	<p>The proposed development, while being set in an urban environment, recognises the responsibility to provide a connection to the natural environment. As such, in areas available for landscaping, significant landscaping treatments have been proposed in order to provide a connection to the natural environment and amenity of the locality.</p> <p>A landscaping plan has been prepared by Kelsie Davies Landscape Architecture as attached at Appendix C. The landscape plan has been prepared according to the summary of good design under “Landscape Quality” of SPP 7.0.</p>



	In particular, it is emphasised that the landscape plan proposes deep root zones capable of accommodating large trees.
Built Form and Scale <i>Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.</i>	The buildings respond appropriately to the existing built form and scale of buildings in the locality which are predominantly single storey developments used for residential and commercial purposes. The scale of the proposed development will enable appropriate landscaping treatments, adequate outdoor play spaces, sufficient parking, and appropriate building setbacks to be provided.
Functionality & Build Quality <i>Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life cycle.</i>	The development is designed to fit the requirements of the proposed land uses. The childcare centre has been designed to efficiently provide for the needs of childcare occupants, including their access to outdoor spaces and functional indoor spaces. At the same time, it provides a functional workplace for staff through the provision of a staff room, and appropriate facilities including wash up areas, an office, and kitchen space. The shops are adequately sized for the proposed tenants. At this stage, these are barber shop, gift shop and retail tenancies.
Sustainability <i>Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.</i>	The buildings have been sited to optimise solar access. This will reduce the development's reliance on conventional climate control systems. The adaptable design and use of robust cladding will also allow successful repurposing of the building in later years should demand change. The development will also allow for solar panels to be installed in the future. A selection of drought tolerant plants and irrigation sources to minimise water usage is also proposed to contribute to the visual amenity of the building while also combatting the urban heat island effect as evident in the landscaping plan.
Amenity <i>Good design provides successful places that offer a variety of uses and activities, while optimising internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.</i>	The proposed development will contribute to the variety of attractive uses and activities in the area. The built form will contribute to an attractive streetscape on the Dilley Court, Camarri Way and South Yunderup Road frontages through an attractive building design that is set in a considerable amount of landscaping. Extensive glazing is also featured on all facades to provide natural light for the tenancies while also contributing to passive surveillance.
Legibility <i>Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.</i>	<p>The development has been designed in a manner which clearly identifies the major openings both through architectural treatments and landscaping. The siting of the building facing the corner of Dilley Court and Camarri Way and South Yunderup Road clearly identifies the front façade as viewed from the road reserves.</p> <p>Vehicular access and parking areas will also be clearly marked.</p>
Safety <i>Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.</i>	The development provides for a high level of passive surveillance on both the local road frontages. Large glazing panels comprise a significant portion of the facades. In addition, the nature of the land uses themselves will attract a relatively high level of activity. This will reduce opportunities for anti-social behaviour within the site and the adjoining road reserves. Feature lighting will also be incorporated into the facades to provide an improved level of safety and visibility.

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<p>Community</p> <p><i>Good design responds to local community needs, as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.</i></p>	<p>The proposed childcare centre is anticipated to provide a much-needed social service to the area. The clientele of the childcare centre will be broad and diverse and encourage social interaction while the shops will provide retail opportunities in a local context.</p> <p>The building's setting in a significant amount of landscaping will also enhance the pedestrian experience of pedestrians along the frontage streets. Footpaths connect the subject land to the broader locality including the existing development and the surrounding residential streets. The building has also been designed to be adaptable for other uses should future demand change.</p>
<p>Aesthetics</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>	<p>Significant effort has been put into the design to ensure that it is contextually appropriate and responds to the existing and future character of the area well. The building seeks to in particular integrate with the neighbouring commercial land use. Overall, the built form acts as a landmark site on a prominent street corner. Overall, it is anticipated the proposed development will provide a positive contribution to the visual amenity of the streetscapes.</p>

Table 3 – Response to SPP 7.0 Design Principles

4.2.2 State Planning Policy 4.2 – Activity Centres for Perth and Peel

The West Australian Planning Commission Draft State Planning Policy 4.2 Activity Centre (dated May 2020) sets out three Objectives.

1. Provide a hierarchy and network of activity centres that meets community need and provides social, economic and environmental benefits to all Western Australians.
2. Enable the distribution of a broad range of goods, services and activities, including retail, commercial and mixed-use developments that do not undermine the hierarchy of activity centres.
3. Ensure consistency and rigour in the planning and development of activity centres.

The policy applies to development application for major developments within activity centres. Major development for local centres in established activity centres is defined by the policy as being greater than 1,000m². Given the proposed buildings are 755m² (in total), the policy isn't specifically applicable to the proposed development. Despite this, the proposed development has due regard to the objectives of the SPP 4.2. by providing a local centre that provides for community needs. The development offers a childcare service acceptable to the surrounding residential area. Further, the development provides for social and economic benefits by offering further employment opportunities and meeting places.

The scale of the proposed development and the neighbouring commercial uses, constitutes a local centre under Draft SPP 4.2 local centre is defined as follows:

"Local centres provide for the day to day needs of local communities. These centres provide an important role in providing walkable access to services and facilities for local communities."

While the subject site is not specifically designated as 'local centre' by the local Planning Scheme, the zoning is 'commercial', and the surrounding residential density is R25 within 200m of the site, consistent with Appendix 1 of SPP 4.2. In accordance with the above definition, the local centre will provide services for the day to day needs of the local community within a walkable catchment.

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5 CONCLUSION

This Development Application has provided the relevant details and supporting rationale for the development of a childcare centre and retail premises at Lot 6 (No. 126) South Yunderup Road, South Yunderup. This proposal would allow for the development of a new facility which has been designed to accommodate three shop sites and a childcare centre with a maximum of 86 children and 14 staff members.

This submission demonstrates that the servicing and management requirements for the facility, including traffic, parking, acoustic output and waste can adequately be met. The submission has also demonstrated that the proposal is compliant with the applicable planning framework, including the Town Planning Scheme No.4, relevant Local Planning Policies, and the applicable Design WA state planning policies.

The proposal intends to service the local community and via its high quality architectural form, improve the overall amenity of the area. It provides for street front activation on the Dilley Court, Camarri Way and South Yunderup Road frontages, while maintaining a high level of amenity. Overall, it is considered that this development will be a highly positive contribution to the overall area, increasing the level of activity and vibrancy to the locality.

In view of the attributes of this proposal as described within this report, the associated Development Plans and supporting technical studies, it is respectfully requested that the Shire of Murray approve the proposed child care premises and retail premises at Lot 6 (No.126) South Yunderup Road, South Yunderup. Should you have any further queries or require any additional information to support this proposal, please do not hesitate to contact Rashidah MacLeod at this office.

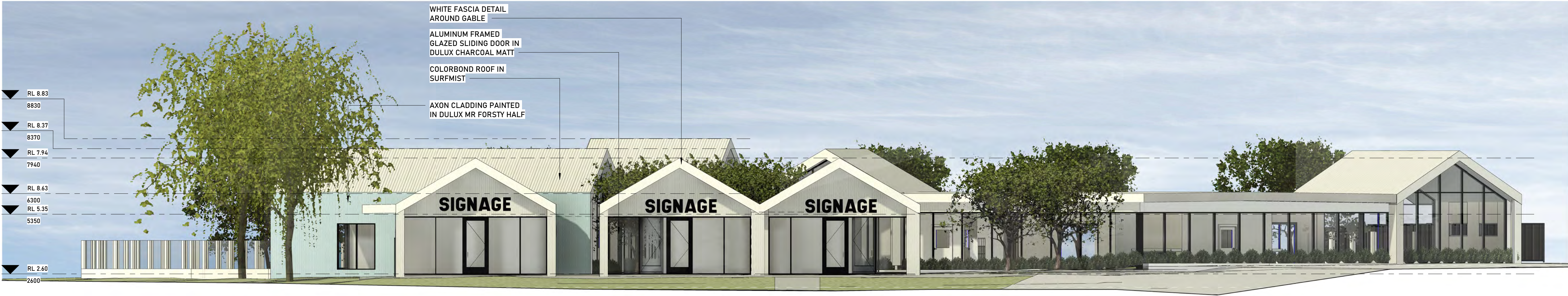
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APPENDIX A | Development Plans

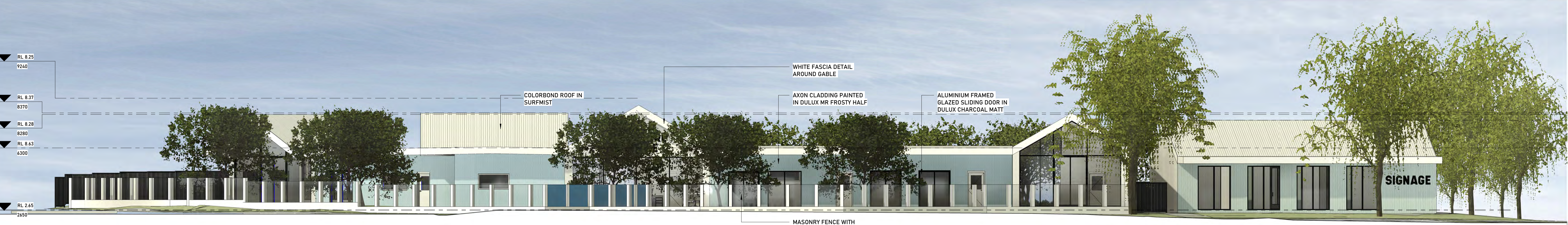
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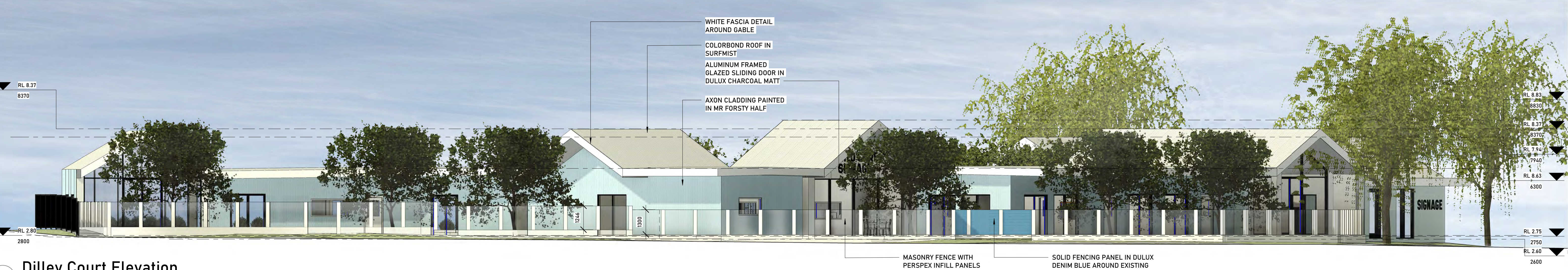




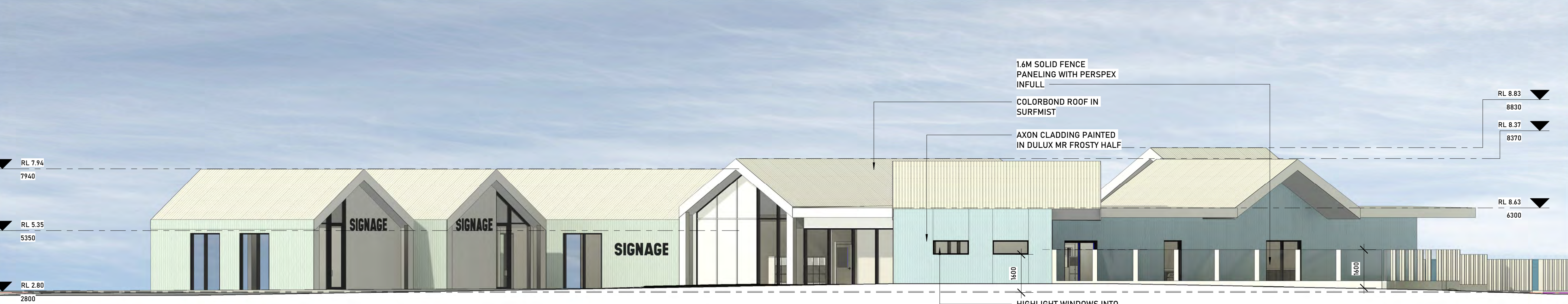
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2 Corner of Dilly Court & Camarri Way Elevation
1 : 100



3 Dilly Court Elevation
1 : 100



4 North-East Site Elevation
1 : 100



5 South-East Elevation
1 : 100

Dulux C1
Colorbond® Surfmist®

Dulux 11W
Casper White Quarter

HARDIES AXON CLADDING
ANTARCTIC LAKE

HARDIES AXON CLADDING
MR FORSTY HALF

SOLID FENCE PANEL
DULUX DENIM BLUE

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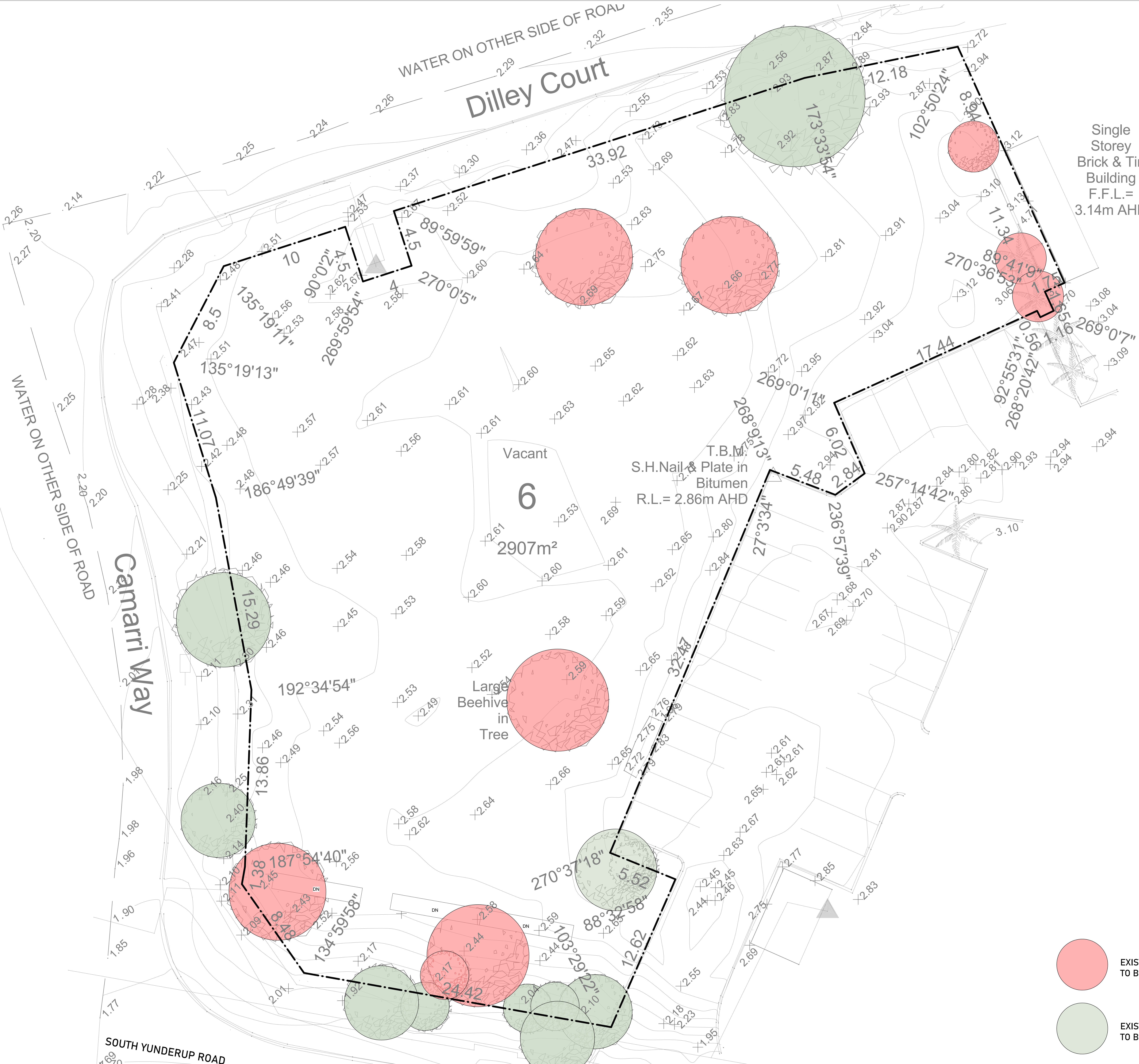
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ARCHITECTURE

Lot 6 South Yunderup Road

Site Elevations

Project number	YU03082021	A100
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Revision		

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EXISTING TREES
TO BE REMOVED

EXISTING TREES
TO BE REMAIN

BLOOM
ARCHITECTURE

Lot 6 South Yunderup Road

Site Plan

Project number
YU03082021

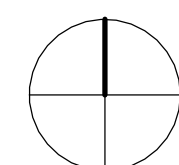
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VD

Revision

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SOUTH YUNDERUP ROAD

CAMARRI WAY

DILLEY COURT

Ground Floor



BLOOM
ARCHITECTURE

Lot 6 South Yunderup Road

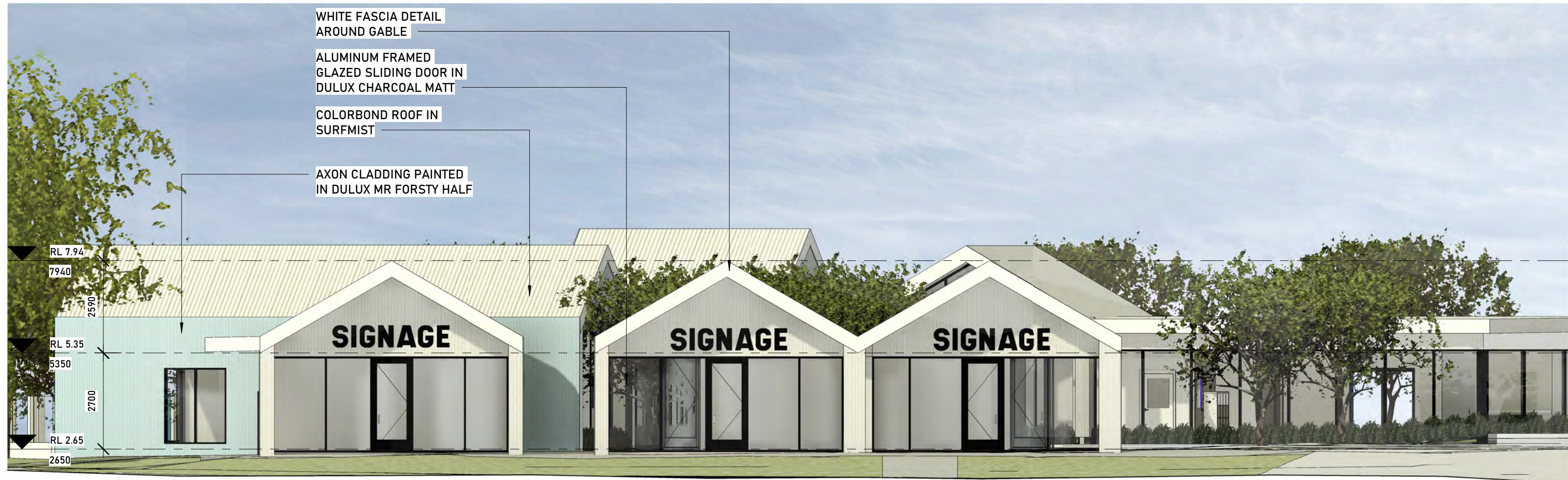
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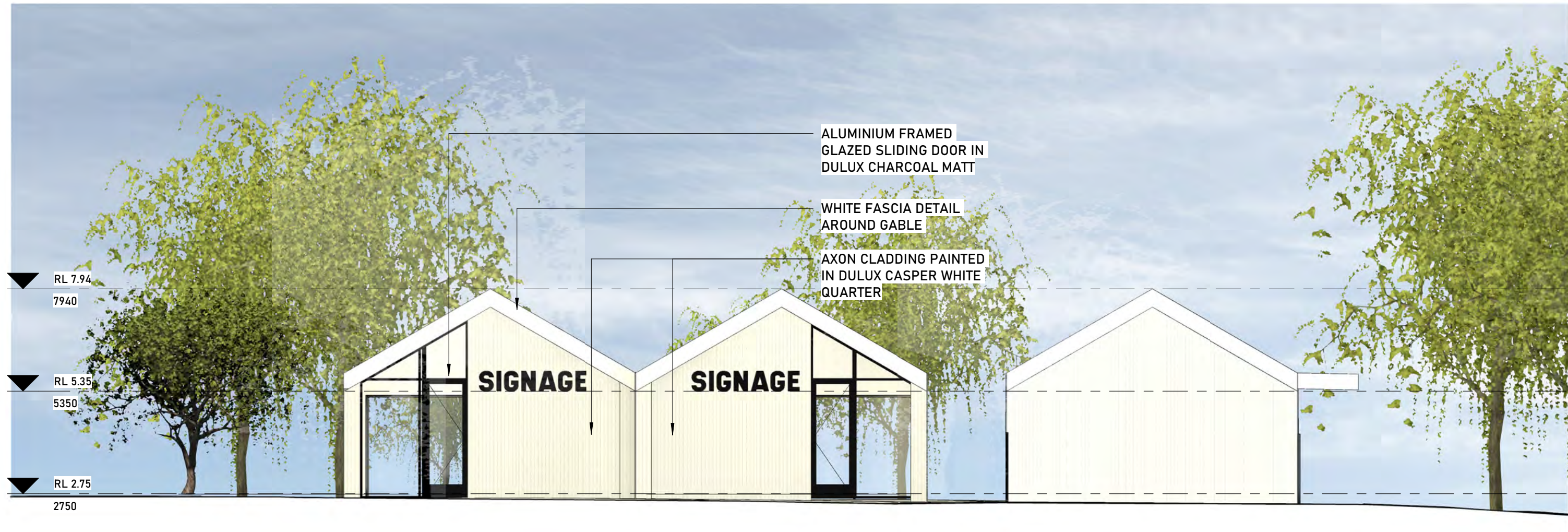
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1:100



2 Unit 1 & Unit 2 Northern Elevation
1:100



3 Camarri Way Unit 2 Elevation
1:100



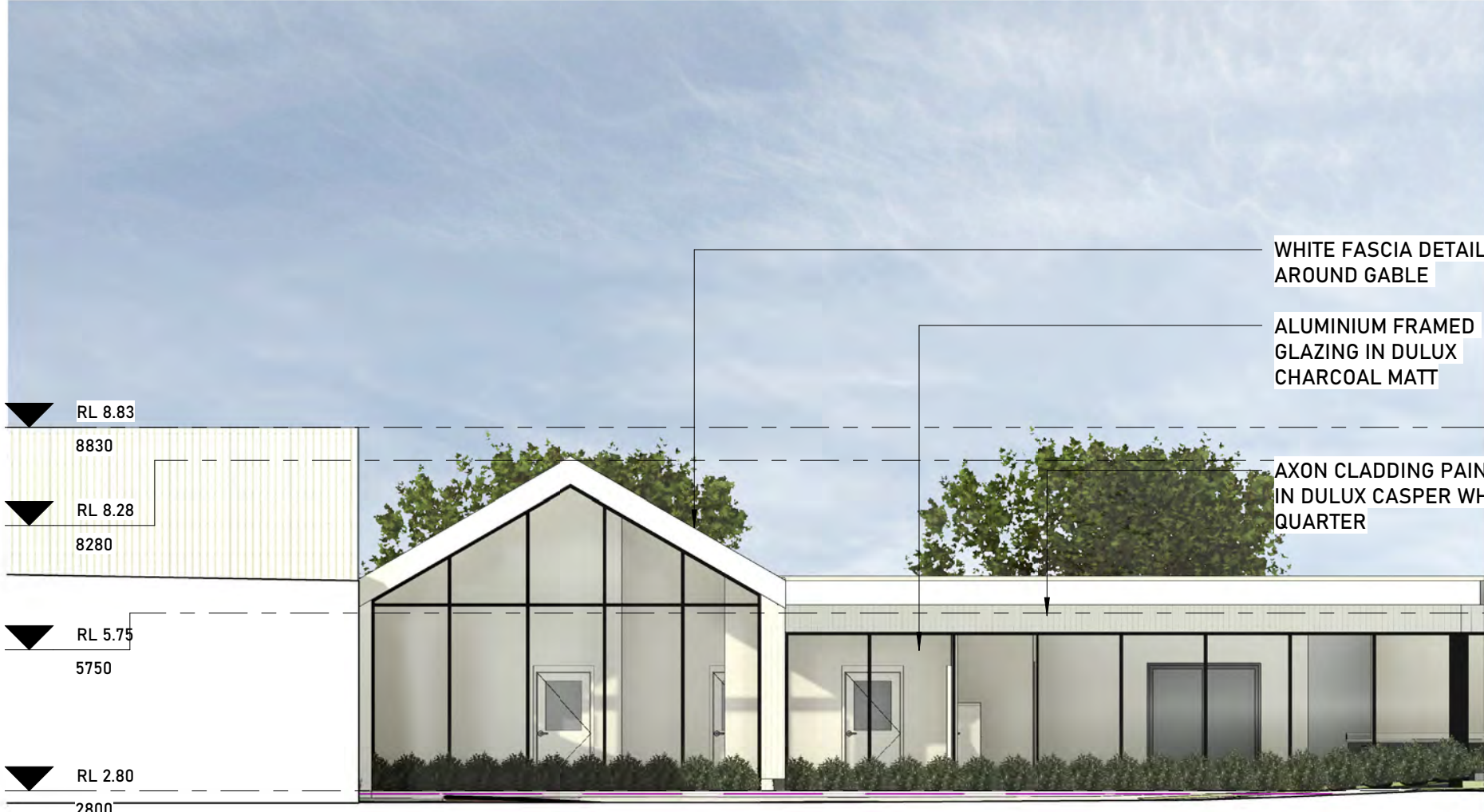
4 Unit 1 East Elevation
1:100



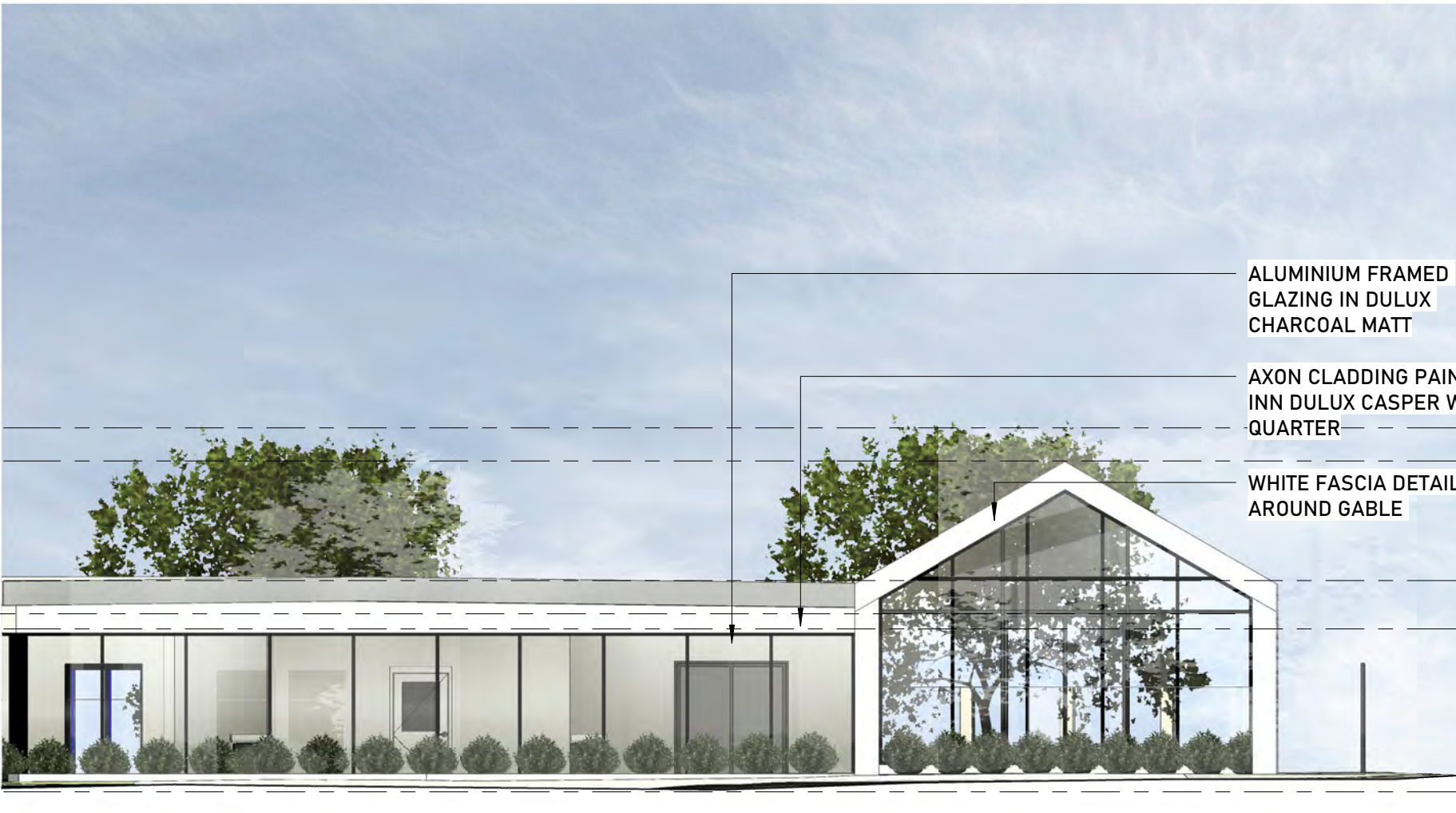
8 Corner of Dilly Court & Camarri Way Child Care Elevation
1:100



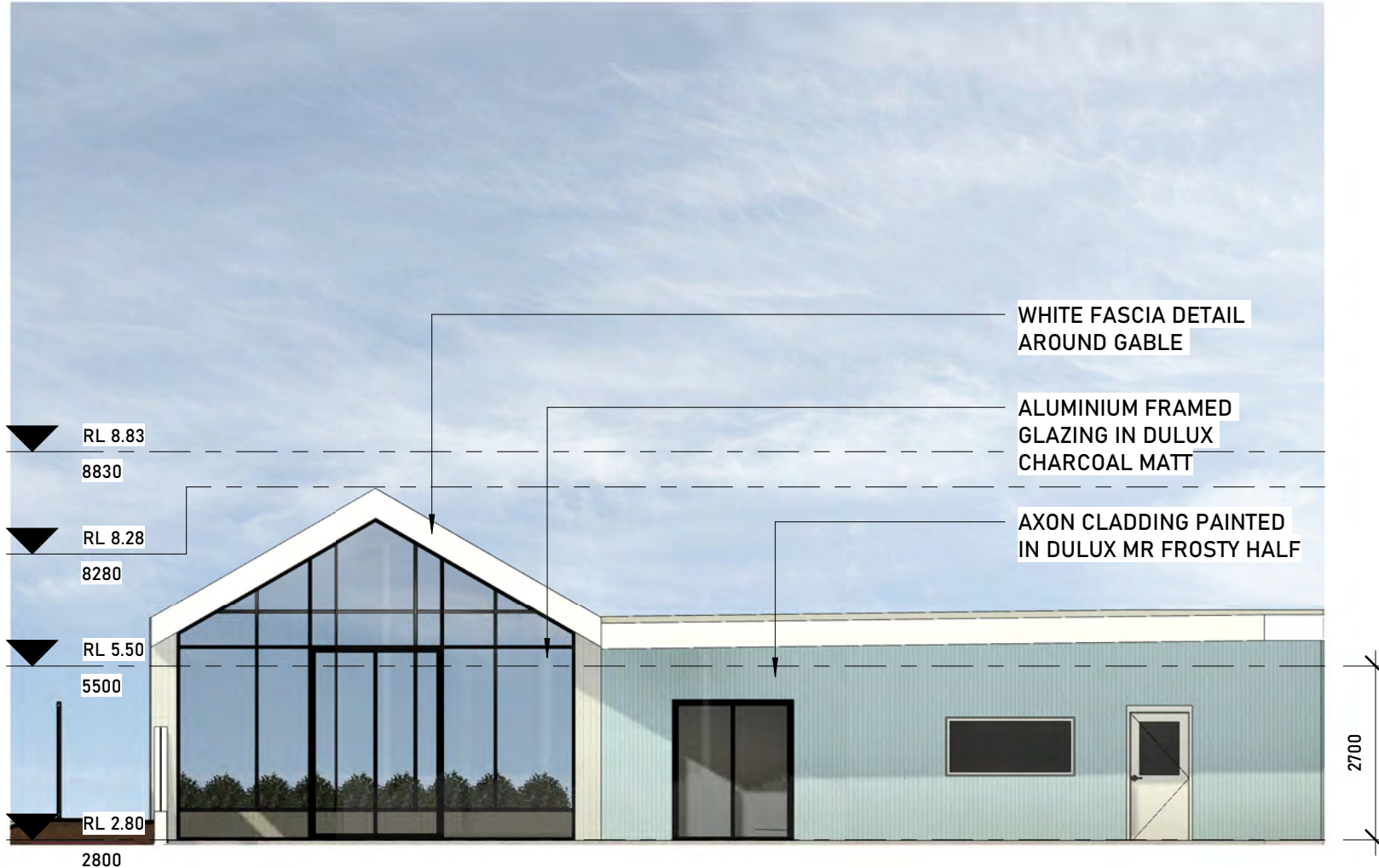
5 Child Care Elevation 1
1:100



6 Child Care Elevation 2
1:100



7 Child Care Elevation 3
1:100



10 Child Care Elevation 4
1:100



9 Child Care Elevation 5
1:100

SHIRE OF MURRAY
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APPENDIX B | Certificate of Title

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WESTERN



AUSTRALIA

REGISTER NUMBER	
6/SP18378	
DUPLICATE EDITION	DATE DUPLICATE ISSUED
N/A	N/A

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893 AND THE
STRATA TITLES ACT OF 1985

VOLUME
1860FOLIO
827

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

BGRoberts
REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 6 ON STRATA PLAN 18378
TOGETHER WITH A SHARE IN COMMON PROPERTY (IF ANY) AS SET OUT ON THE STRATA PLAN

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

AUSPACIFIC PTY LTD OF LEVEL 2 140 COLIN STREET WEST PERTH WA 6005
(T N960878) REGISTERED 9/8/2018

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

1. INTERESTS NOTIFIED ON THE STRATA PLAN AND ANY AMENDMENTS TO LOTS OR COMMON PROPERTY NOTIFIED THEREON BY VIRTUE OF THE PROVISIONS OF THE STRATA TITLES ACT OF 1985 AS AMENDED.

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

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

STATEMENTS:

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

SKETCH OF LAND: SP18378
PREVIOUS TITLE: SP18378
PROPERTY STREET ADDRESS: UNIT 6 126 SOUTH YUNDERUP RD, SOUTH YUNDERUP.
LOCAL GOVERNMENT AUTHORITY: SHIRE OF MURRAY

NOTE 1: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING J302479

SHIRE OF MURRAY
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STRATA PLAN 18378



PT. OF LOT 131 of MURRAY LOCATION 17 on PLAN 16952

CERTIFICATE OF TITLE 1860-821

LOCAL AUTHORITY SHIRE OF MURRAY

LOCALITY YUNDERUP INDEX PLAN Murray 2000

NAME OF BUILDING MURRAY LAKES SHOPPING CENTRE

NAME OF BODY CORPORATE

(IF STRATA PLAN OF SUBDIVISION OR CONSOLIDATION)

ADDRESS FOR SERVING OF LOT 131 YUNDERUP ROAD SOUTH

NOTICES ON COMPANY YUNDERUP 6208

PURPOSE

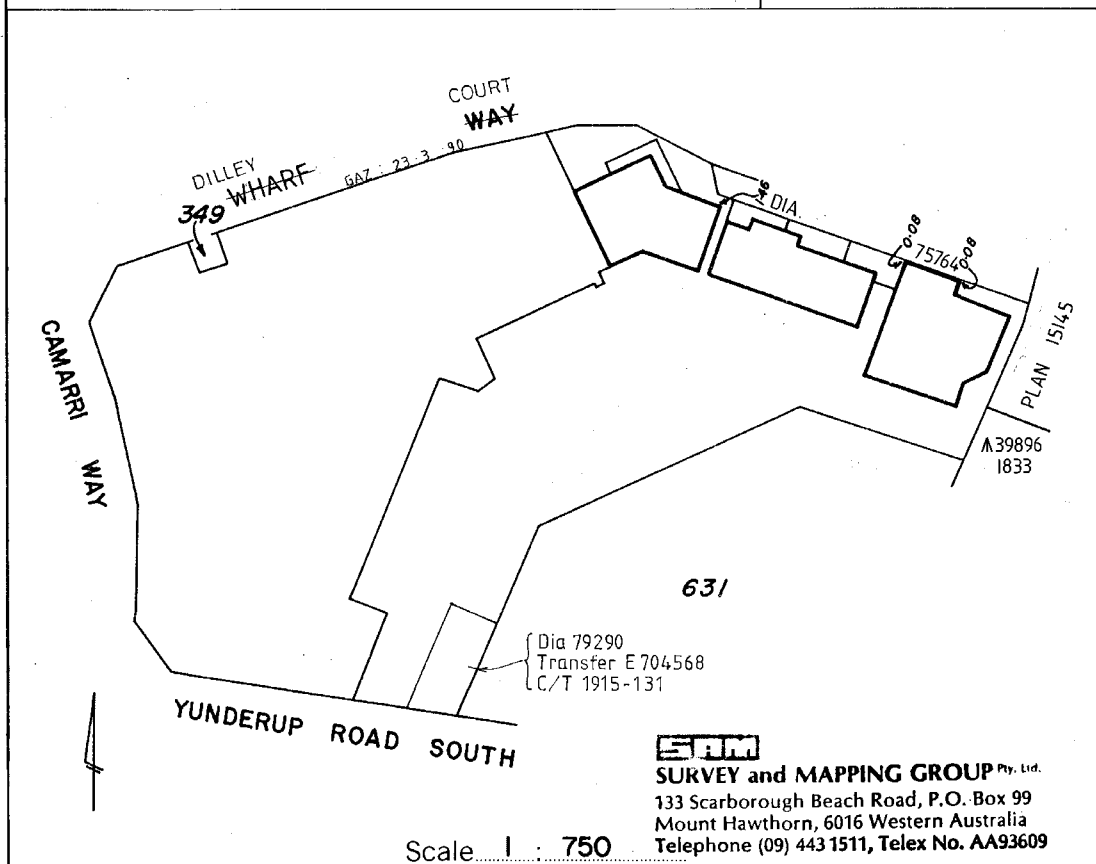
LODGED 23.10.89 4460

EXAMINED 14.12.89 MM

REGISTERED 14.12.89 App. E 256718



REGISTRAR OF TITLES



SCHEDULE OF UNIT ENTITLEMENT		OFFICE USE ONLY	
		CURRENT Cs. of TITLE	
LOT No.	UNIT ENTITLEMENT	VOL.	FOL.
1	16	1860-822	
2	5	1860-823	
3	10	1860-824	
4	9	1860-825	
5	20	1860-826	
6	40	1860-827	
AGGREGATE	100		

CERTIFICATE OF LICENSED VALUER

I, **BRADLEY D. COOPER** being a Licensed Valuer licensed under the Land Valuers Licensing Act 1978 do hereby certify that the unit entitlement of each Lot, as stated in the schedule bears in relation to the aggregate unit entitlement of all Lots delineated on the strata plan a proportion not greater than 5 per cent more or 5 per cent less than the proportion that the capital value of that Lot bears to the aggregate capital value of all the Lots delineated on the plan.

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October 4th, 1989
Date

Signed

STRATA PLAN No.

18378

DESCRIPTION OF PARCEL AND BUILDING

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A SINGLE STOREY METAL CLAD WALL AND METAL ROOF
COMMERCIAL DEVELOPMENT COMPRISING 6 LOTS SITUATED
ON PORTION OF MURRAY LOCATION 17 AND BEING LOT 131
ON PLAN 16952

THE NAME OF THE BUILDING IS MURRAY LAKES SHOPPING
CENTRE

THE ADDRESS OF THE BUILDING IS LOT 131 YUNDERUP ROAD
SOUTH, YUNDERUP 6208

CERTIFICATE OF SURVEYOR

I, ROBERT GEOFFREY BEARDMAN, being a licensed surveyor registered
under the Licensed Surveyors Act 1909, as amended, hereby certify that:—

- (a) each lot that is not wholly within a building shown on the plan is within the external surface boundaries of the parcel; and either
- (b) each building referred to above is within the external surface boundaries of the parcel; or
- (c) in a case where a part of a wall or building, or material attached thereto, encroaches beyond the external surface boundaries of the parcel—
 - (i) all lots shown on the plan are within the external surface boundaries of the parcel;
 - (ii) the plan clearly indicates the existence of the encroachment and its nature and extent; and
 - (iii) where the encroachment is not on to a public road, street or way, that an appropriate easement has been granted and registered as an appurtenance of the parcel.

28.9.89
Date

Robert Beardman
Licensed Surveyor

CERTIFICATE OF LOCAL AUTHORITY

SHIRE OF MURRAY, the local authority hereby
certifies that—

- (1) (a) the building and the parcel referred to above has been inspected and that it is consistent with the building plans and specifications in respect of the building thereof that have been approved by the local authority; or
- (b) the building has been inspected and the modification is consistent with the approved building plans and specifications relating to the modification;
- (2) the building, in the opinion of the local authority, is of sufficient standard and suitable to be divided into lots pursuant to the Strata Titles Act 1985;
- (3) where a part of a wall or building or material attached thereto encroaches beyond the external surface boundaries of the parcel on to a public road, street or way the Local authority is of the opinion that retention of the encroachment in its existing state will not endanger public safety or unreasonably interfere with the amenity of the neighbourhood and the local authority does not object to the encroachment;
- (4) *(a) any conditions imposed by the State Planning Commission have been complied with;
- *(b) the within strata scheme is exempt from the requirement of approval by the State Planning Commission.

19th October 1989
Date

[Signature]
Town/Shire Clerk

*Delete whichever is inapplicable

STRATA PLAN No. 18378

Strata
1.1899

STRATA TITLES ACT 1985

CERTIFICATE OF APPROVAL BY STATE PLANNING COMMISSION
TO A STRATA PLAN

It is hereby certified that the approval of the State Planning Commission has been granted pursuant to the provisions of abovementioned Act to:

(i) the Strata Plan submitted on
..... and relating to the property described
below,

(ii) to the sketch submitted on 25 September 1989
of the proposed subdivision of the property described below into lots on a Strata
Plan subject to the following conditions:

Property Description: Whole/~~Part~~ Lot(s) 131
Location(s) MURRAY 17
Town YUNDERUP
Local Authority District SHIRE OF MURRAY
Property Owner SUNLAND PTY LTD

This Certificate of approval is valid for two years only.
If the Strata Plan to which this approval relates is not completed within
this period, a fresh approval must be obtained before continuing with a Strata
Scheme.



For Chairman,
STATE PLANNING COMMISSION

Date 10 OCT 1989

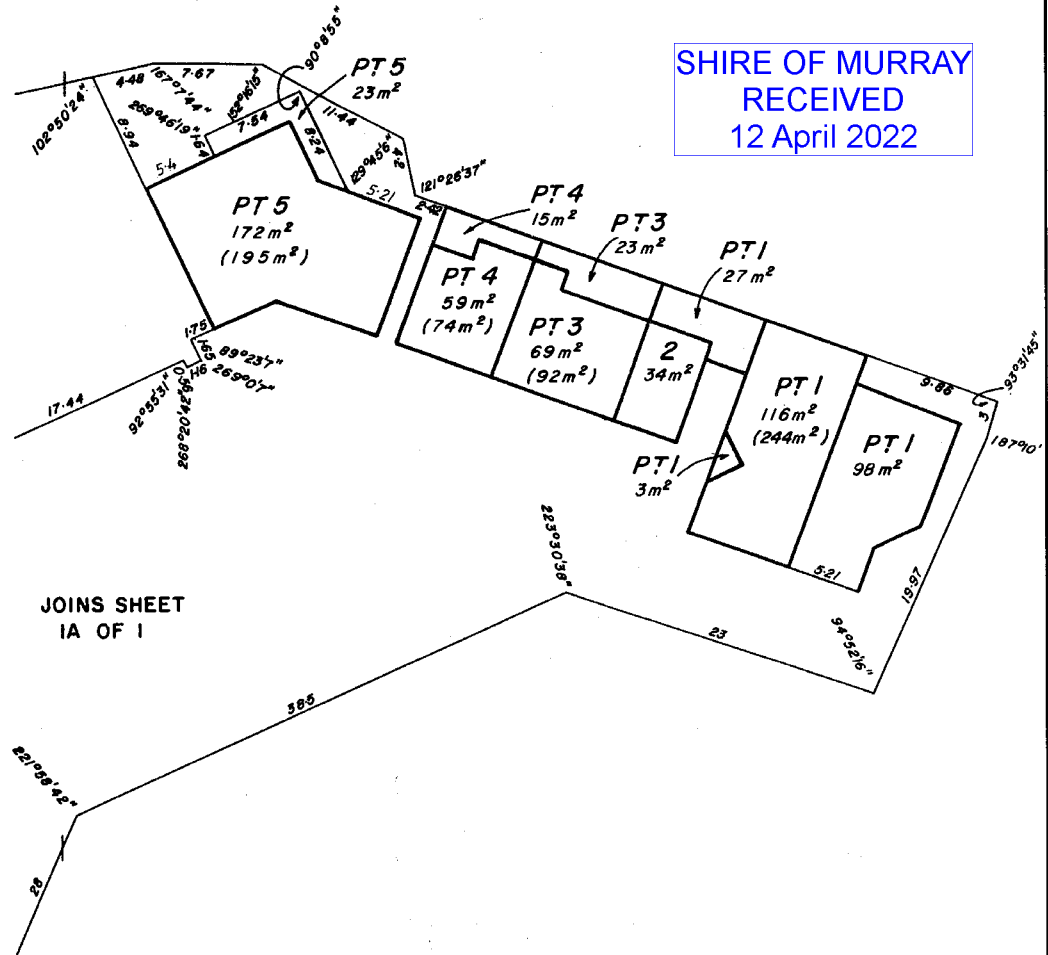
(*To be deleted as appropriate)

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GROUND FLOOR

The stratum of Lot 6 extends between 2 metres below and 11 metres above the upper surface of the Ground Floor of the building on Lot 5.

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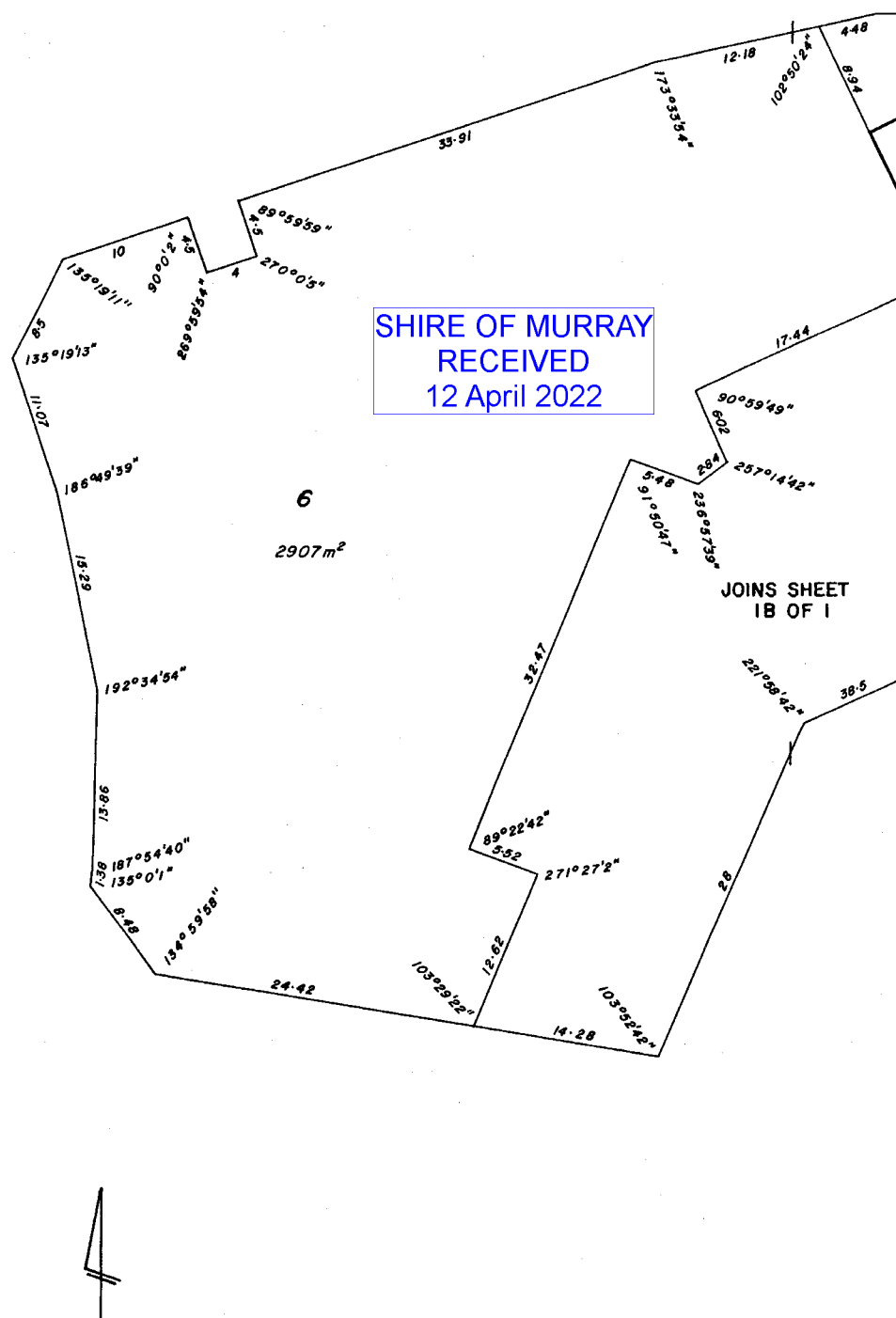
Scale 1 : 400

STRATA PLAN No. 18378

GROUND FLOOR

The stratum of Part Lots 1 to 5 external to the building extends between 2 metres below and 11 metres above the upper surface of the Ground Floor of the respective adjoining lots except where covered.

The stratum of Lot 6 extends between 2 metres below and 11 metres above the upper surface of the Ground Floor of the building on Lot 5.



APPENDIX C | Landscaping Plan

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Symbol	Species	Common Name	Quantity	Size
Trees:				
EUQor	Eucalyptus torquata	Coral Gum	8	100L
EUQvic	Eucalyptus victrix	Little Ghost Gum	8	100L
QLSha	Gleditsia triacanthos 'Shademaster'	Honey Locust	7	100L
Shrubs and Groundcovers:				
DIAbia	Dianella tasmanica 'Blaze'	Blaze	212	140mm
GRGRoy	Grevillea 'Royal Rambler'	Royal Rambler	212	140mm
LEJbu	Leucophyta brownii	Silver Cushion Bush	212	140mm
LIRjus	Liriope muscari 'Just Right'	Just Right Lily Turf	189	140mm
LOMan	Lomandra 'Tanika'	Tanika	239	140mm
MYQpar	Myoporum parvifolium 'Yareena'	Yareena	201	140mm
SCAum	Scaevola humilis 'Purple Fusion'	Fan Flower	201	140mm
WESAus	Westringia 'Aussie Box'	Aussie Box	269	200mm
Feature Plants:				
ANIGol	Anigozanthos 'Gold Velvet'	Kangaroo Paw	42	12L

LANDSCAPE AREAS
Total Landscape Areas (Deep Soil Areas) = 916.5m² (31% of site)

CANOPY COVER
Existing Trees x 5 = 200m²
Proposed Small Trees (5m canopy) x 16 = 314m²
Proposed Medium Trees (7m canopy) x 7 = 270m²
Total Canopy Cover = 783m²



1. GENERAL

1.1 THIS DRAWING MUST BE READ IN CONJUNCTION WITH ALL RELEVANT SCHEDULES, REPORTS AND DRAWINGS AND PROJECT SPECIFICATIONS.

1.2 FOR ALL FINISHED LEVELS, DRAINAGE DESIGN AND WATER CONNECTION POINTS. REFER TO ASSOCIATED PROJECT DOCUMENTATION (BY OTHERS).

1.3 ANY PLANTING AREAS SHALL BE DESIGNATED BY OPERATOR. FINAL NUMBER OF TREES AND SPECIES SELECTION TO FUTURE DETAIL.

1.4 PLANTING SETOUT SHOULD BE CHECKED BY SUPERINTENDENT BEFORE INSTALLATION BEGINS.

1.5 FOOTPATH SHOULDN'T CONCEPTUALLY ONLY. REFER TO CIVIL DOCUMENTATION FOR FURTHER DETAIL.

2. SOIL PREPARATION

2.1 ALL AREAS ARE TO BE FINE GRADED EVENLY TO CONFORM TO KERB LEVELS AND SURROUNDING FINISHES.

2.2 SURFACES SHALL BE FREE FROM DEPRESSIONS, IRREGULARITIES AND NOTICEABLE CHANGES IN GRADE. GENERALLY, GRADES SHALL DEViate IN LEVEL NO GREATER THAN 20mm IN ONE LINEAR METRE.

2.3 PLANTED AREAS SHALL BE SPREAD WITH MIN. 50mm OF APPROVED STANDARD SOIL CONDITIONER THAT SHALL BE RIPPED INTO EXISTING SOIL TO A MIN. DEPTH OF 200mm.

2.4 PLANTING AREAS SOIL PROFILES TO BE PREPARED AS SPECIFIED AND REVIEWED BY SUPERINTENDENT BEFORE PLANTING AND CONCRETE IRRIGATION.

2.5 ALL SITE AND IMPORTED SOILS, POTTING MIX, SOIL CONDITIONERS AND MULCHES TO BE IN ACCORDANCE TO RELEVANT AUSTRALIAN STANDARDS.

3. PLANTING

3.1 PLANTED AREAS SHALL BE MULCHED WITH AN ORGANIC WOOD CHIP MULCH UNLESS OTHERWISE STATED TO A MINIMUM DEPTH OF 75mm.

3.2 REFER TO PLANTING SCHEDULE FOR SPECIES AND SIZES.

3.3 PLANTS TO BE SET OUT IN EVEN SPACING TO FILL THE DESIGNATED AREAS.

3.4 IN AREAS OF MIXED PLANTING, SPECIES TO BE SPREAD OUT AT RANDOM, IN GROUPINGS OF 2 OR 3. PLANTS ARE TO BE SUPPLIED FROM AN INDUSTRY ACCREDITED WHOLESALE NURSERY. PLANTS SHALL BE IN APPROPRIATE SIZE FOR THE LISTED POT SIZE AND IN GOOD HEALTH.

3.6 IF SPECIES ARE UNAVAILABLE (OR IN SIZES SPECIFIED), SUBSTITUTES MUST BE APPROVED BY SUPERINTENDENT BEFORE DELIVERY AND INSTALLATION.

3.7 SUPERINTENDENT TO REVIEW SAMPLES OF ALL TREE SPECIES AND PLANTS AT SOURCE OR BY PHOTOGRAPH PRIOR TO DELIVERY AND INSTALLATION.

4. IRRIGATION

4.1 PLANTING TO CAR PARK AND VERGE AREAS TO BE IRRIGATED VIA A FULLY AUTOMATIC SYSTEM FROM MAINS.

4.2 WATER PRESSURE TO HAVE A MINIMUM FLOW RATE OF 30L/PM @ 300KPa FROM THE WATER CONNECTION POINT (OR AS STIPULATED).

4.3 IRRIGATION TO BE LOCATED IN SERVICE ROOM (OR AS SHOWN ON IRRIGATION DETAILS).

4.4 SLEEVES TO BE LAID PAVED SURFACE AND TO RAISED PLANTING AREAS TO BE PROVIDED BY OTHERS.

4.5 IRRIGATION TO GARDEN BEDS TO BE NETAFIM TECHLINE, SUB SURFACE IRRIGATION, INSTALLED TO MANUFACTURERS SPECIFICATION. IRRIGATION TO TURN TO BE POP UP SPRINKLERS, MP ROTATORS OR SIMILAR. IRRIGATION TO TREES TO BE BE BUBBLERS, TROLO FLOOD BUBBLERS OR SIMILAR.



APPENDIX D | Waste Management Plans

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WASTE MANAGEMENT PLAN
PROPOSED CHILD CARE CENTRE
Unit 6, 126 South Yunderup Road, South Yunderup

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12 April 2022

DOCUMENT CONTROL

CONTROL VERSION	DATE	STATUS	DISTRIBUTION	COMMENT
A	01 September 2021	Final	Local Government	For submission

Prepared for: JDH & JAM Investments No8 Pty Ltd
Prepared by: NG
Reviewed by: NG

Date: 01 September 2021
Job No:
Ref: Yunderup Childcare & Retail

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12 April 2022

DISCLAIMER

This document has been prepared on behalf of the Client. All contents of the document remain the property of the Consultant and the Client except where otherwise noted and is subject to Copyright. The document may only be used for the purpose for which it was commissioned and in accordance with the terms of engagement for the commission.

This document has been exclusively drafted. No express or implied warranties are made by the Consultant regarding the research findings and data contained in this report. All of the information details included in this report are based upon the existent land area conditions and research provided and obtained at the time the Consultant conducted its analysis.

Please note that the information in this report may not be directly applicable towards another client. The Consultant warns against adapting this report's strategies/contents to another land area which has not been researched and analysed by the Consultant. Otherwise, the Consultant accepts no liability whatsoever for a third party's use of, or reliance upon, this specific document.

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APPENDICES INDEX

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APPENDIX A	DEVELOPMENT PLANS
APPENDIX B	WALGA COMMERCIAL AND INDUSTRIAL WASTE MANAGEMENT PLAN GUIDELINES
APPENDIX C	WASTE GENERATION CALCULATIONS

1 INTRODUCTION

The scope of this Waste Management Plan (WMP) is limited to the estimation of waste and recycling volumes generated by the Development and includes recommendations for the appropriate collection, storage, handling and transport of waste and **recycling, based on the requirements outlined in the WALGA's Commercial and Industrial Plan Guideline (Appendix B)**. Estimations of generated volumes of liquid and bulk rubbish are not provided.

1.1 SITE DESCRIPTION

Plans for the development outline a single storey building with allocated indoor and outdoor activity spaces, and various landscaped outdoor play spaces over the ground floor. The bin enclosure is easily accessible via the verandah and through the carpark of the proposed building, allowing staff to take the bins out for verge collection.

The anticipated usages that the development will consist of are summarised in Table 1. A copy of the Development Plans are included at Appendix A. These plans demonstrate an ultimate access configuration, with access being derived from Camarri Way.

USAGE	AREA
INDOOR ACTIVITY AREAS	327m ²
OUTDOOR ACTIVITY AREAS	785m ²
AMENITIES	92m ²
STAFF OFFICE	32m ²
ROOMS/COT	13m ²
TOTAL	1249m ²
LESS OUTDOOR/COT ROOMS (EXCLUDED)	451m ²
TOTAL:	
Retail 1	66 m ²
Retail 2	66 m ²
Retail 3	81 m ²

TABLE 1 - DEVELOPMENT BREAKDOWN BY USE

1.2 WASTE AND COLLECTION SERVICES

The proposed development will use the waste collection services provided by the Shire of Murray (the City). The City provides a weekly waste collection regime of general waste, and a fortnightly regime of recyclable waste. The point of collection will be kerbside of Camarri Way where the City's collections vehicles will have access.

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2 WASTE GENERATION AND MANAGEMENT

In order to ensure that the waste from the proposed development is properly managed, it is necessary to **estimate the volume of waste that is likely to be generated on the premises**. WALGA's Guidelines for Commercial and Industrial Waste Management was developed to provide guidance to local governments regarding waste management for commercial and industrial developments, and to reduce the volume of waste diverted to landfill.

2.1 WASTE AND RECYCLING STREAMS

Waste and recyclables will be sorted on-site and as close to source as possible. Sorting will rely on the appropriate education for the childcare centre staff in addition to adequate signage for bins located in the bin storage area. Waste and recycling will be based on the following streams:

- General waste; and
- Co-mingled recycling - including all paper, milk and juice cartons, cardboard, rigid plastic (no metal), plastic bottles and containers, steel and aluminum cans, and glass bottles and jars.
- Aerosol cans to be disposed of in dedicated bins throughout the City.
- Pots and pans can be taken to a metal recycler or given to charity.

2.2 OTHER STREAMS

Storage, handling, and collection of liquid wastes is not included within this WMP. While it is not anticipated would occur, any future tenant would be required to source and enter into an agreement with an appropriately qualified and accredited waste collection contractor for these wastes.

Storage, handling, and collection of bulk wastes, such as mattresses and other hard rubbish, are not included within this WMP. The City does not provide services to remove bulk waste from commercial developments. Each tenant will be required to source and enter into an agreement with an appropriately qualified and accredited waste collection contractor for these wastes.

2.3 WASTE GENERATION ESTIMATES

Appendix 1 of these Guidelines sets out the general waste generation rates for Childcare Centres they do **refer to the NSW EPA's Better Practice Guidelines for Waste Management** and Recycling in Commercial and Industrial Facilities, which sets out an estimated rate for **'Primary Education'** facilities.

Using these generation rates, an estimation of weekly waste generation for the Development has been developed and is presented in Table 2. Waste estimates were obtained by way of the calculations outlined in Appendix C.

LAND USE	GENERAL WASTE GENERATION	RECYCLABLES GENERATION
Child Care Centre	70L/100m ² floor area/day	70L/100m ² floor area/day
Shops with <100m ² floor area	50L/100m ² floor area/day	25L/100m ² floor area/day

TABLE 2 - WASTE GENERATION RATES

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LAND USE	AREA	GENERAL WASTE	RECYCLABLE WASTE
Child Care Centre (open 5 days a week)	451m ²	1579 L	1579 L
Retail (open 7 days a week) <i>Gift shop</i>	66m ²	231 L	231 L
Retail (open 7 days a week) <i>Barber</i>	66m ²	277 L	277 L
Retail (open 7 days a week) <i>Retail</i>	81m ²	284 L	284 L
TOTAL WEEKLY WASTE GENERATION		2371 L (9.8 bins)	2371 L (9.8 bins)

TABLE 3 - ANTICIPATED WEEKLY WASTE GENERATION

2.4 BIN REQUIREMENTS

The bins provided by the City are 240L mobile garbage bins (MGBs) for general waste and 240L for co-mingled recycling waste. A breakdown of the anticipated NGB requirements and associated storage area is presented in Table 3. It is proposed that this development.

The bins provided by the City are 240L mobile garbage bins (MGBs) for general and 240L for co-mingled recycling waste. A breakdown of the anticipated MGB requirements and associated storage area is presented in Table 4 it is proposed that this development have a weekly waste collection for general waste collection and a fortnightly waste collection for recycling, and as such, only 16 bins are required to be stored on site.

	LENGTH	WIDTH	QUANTITY	AREA REQUIRED
240 L MGBs (General Waste) (Childcare)	730mm	585mm	10	4.3m ²
240 L MRBs (Recycling)	730mm	585mm	10	4.3m ²

TABLE 4 - BIN REQUIREMENTS

2.5 BIN ENCLOSURE LAYOUT

MGB's will be stored in an allocated enclosure on the South side of the property, which is easily and safely accessible from the car park. The waste bins will be stored directly abutting the walls of the enclosure.

2.6 BIN ENCLOSURE AMENITY

2.6.1 Odour

The enclosure is located away from public areas which will prevent odour nuisance.

2.6.2 Noise

The bin enclosure is located away from public areas to limit the noise that may otherwise disturb the public when materials are placed in the bins.

2.6.3 Vermin

The use of MGB's with lids will eliminate access by vermin. The use of bait stations will also be considered by the development operator if required.

2.6.4 Washing of Bins and Enclosure

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The development operator will be responsible for the organisation of regular washing of bins and for maintenance of the storage area.

2.6.5 *Aesthetics*

The bin enclosure has been designed with the Development, and as such, will be consistent with the overall aesthetics, treated with colorbond fencing, avoiding the placement of bins along the external faces of the building.

2.6.6 *Protection from Vandalism*

The bin enclosure will be closed off from public access and will use gates to deter vandalism and anti-social behaviour. No bins will remain stored outside of the enclosure

2.7 TRANSFER OF WASTE AND RECYCLING

Waste and co-mingled recycling bins will have appropriately coloured lids and labelling to indicate the type of stream stored.

Each activity area, amenities and staff room in the childcare centre will have the appropriately and prominently placed waste and recycling bins in order to enable patrons and staff to dispose of waste conveniently. It is anticipated that these internal bins will be no larger than 60L with appropriate labelling to distinguish between waste streams. Staff will transfer the contents of these bins to the appropriate 240L bins daily.

2.8 COLLECTION OF WASTE AND RECYCLING

Current collection of waste within the area is by kerbside collection weekly on Wednesdays for general and fortnightly on Wednesdays for recycling waste. On collection days, nominated staff will be responsible for taking the 240L **MGB's** from the bin enclosure to the bin pads.

Staff will present the bins for collection as follows:

- Bins shall be placed with the wheels and handles facing away from the street.
- Bins shall be placed in a manner that does not obstruct footpaths for pedestrians or the mobility impaired.
- Bins shall not be placed beneath power poles, trees, or signs.
- Bins will not be overfull, contain contaminated material or loose items.
- Bins will not remain on the kerbside outside of the nominated collection times, instead being returned to the bin enclosure once they have been emptied; and
- Bins will be presented on the collection day by 6.00am for collection.

The maximum distance staff will be required to travel from the bin enclosure to the bin pads is approximately 60m in the interim configuration, and 30m in the ultimate arrangement. Appendix A provides the details of the anticipated access and pathways for the transport of bins by staff to and from the kerbside for collection.

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3 WASTE REDUCTION MANAGEMENT STRATEGY

This Waste Management Plan has been developed with the strategic approach of reducing waste through best practices and education of tenants and commercial staff. Best practices for waste minimisation will optimise **this development's use of the waste minimisation hierarchy, which seeks to encourage sustainable** options for waste. The waste hierarchy is illustrated in Figure 4.

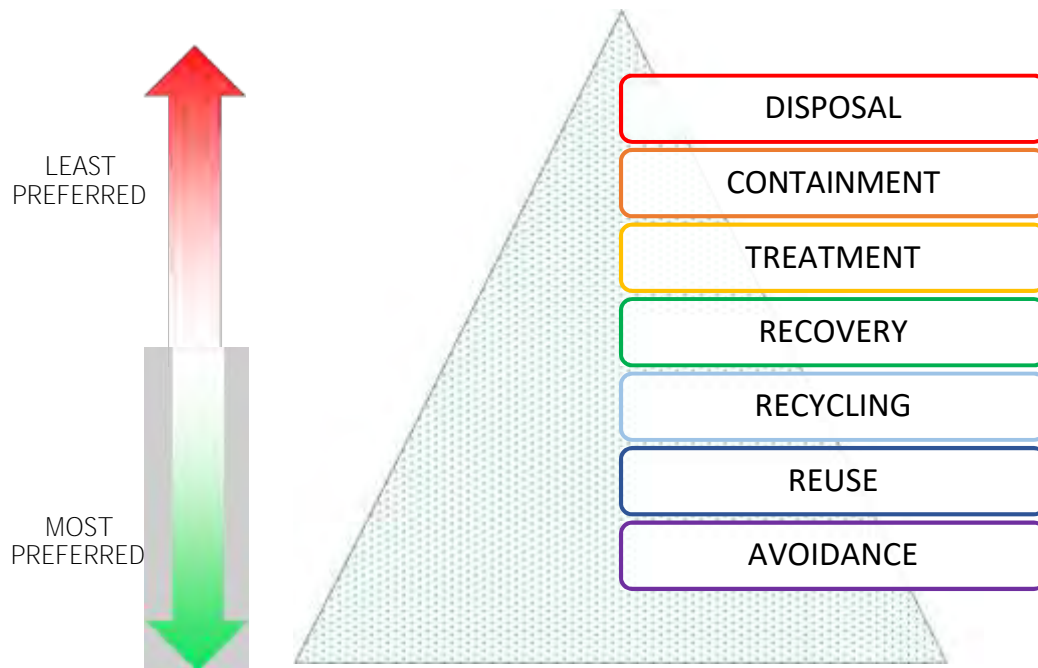


FIGURE 4 - WASTE HIERARCHY

Education of staff will involve the following:

- Demonstration of waste management systems pertinent to an **individual's** role.
- Distribution of waste management strategy documents in relevant locations.
- Training on all pertinent equipment related to waste management.
- An explanation of the benefits of waste separation and recycling; and
- Sufficient labelling of bins, signage of storage areas and equipment to reinforce waste separation.

In the event that the waste generation rates for the development change, a waste audit may be required by the City or other relevant regulatory bodies. Similarly, should a change to the waste regulations be implemented by the City or other regulatory bodies, a waste audit may be required in addition to further waste stream separation.

SHIRE OF MURRAY
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4 REFERENCES

City of Melbourne (2015). *Waste Generation Rates*. Prepared by the City of Melbourne.

Department of Health (2016). *Clinical and Related Waste Management Policy*. Government of Western Australia.

NSW EPA (2012). *Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities*. Prepared by the NSW Government.

NSW Government (2017). *Clinical and Related Waste Management for Health*. Prepared by the NSW Government.

WALGA (2016), Commercial and Industrial Waste Management Plan Guidelines, Perth.

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APPENDIX A | DEVELOPMENT PLANS

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**LOT 6, 126 SOUTH YUNDERUP ROAD
SOUTH YUNDERUP**







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- EXISTING TREES TO BE REMOVED
- EXISTING TREES TO BE REMAIN

BLOOM
ARCHITECTURE

Lot 6 South Yunderup Road

Site Plan

Project number	YU03082021	A100
Date	2/07/2021	
Drawn by	VD	
Revision	A	
Scale		1 : 200

SOUTH YUNDERUP ROAD



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BLOOM
ARCHITECTURE

Lot 6 South Yunderup Road

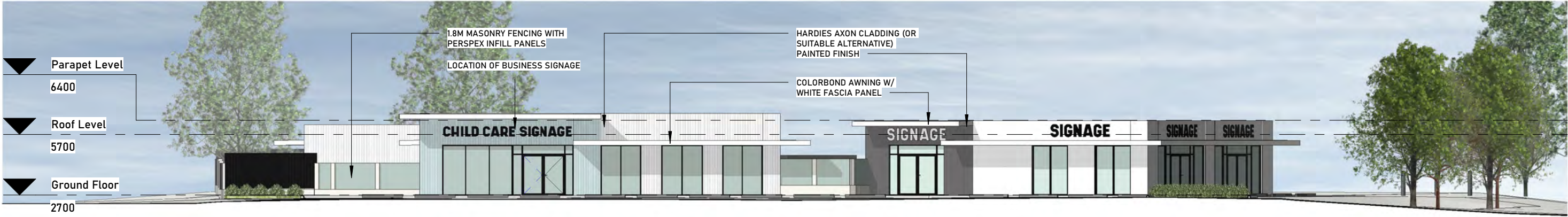
Roof Plan

Project number	YU03082021	A102
Date	2/07/2021	
Drawn by	Author	
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1 Camarri Way Site Elevation
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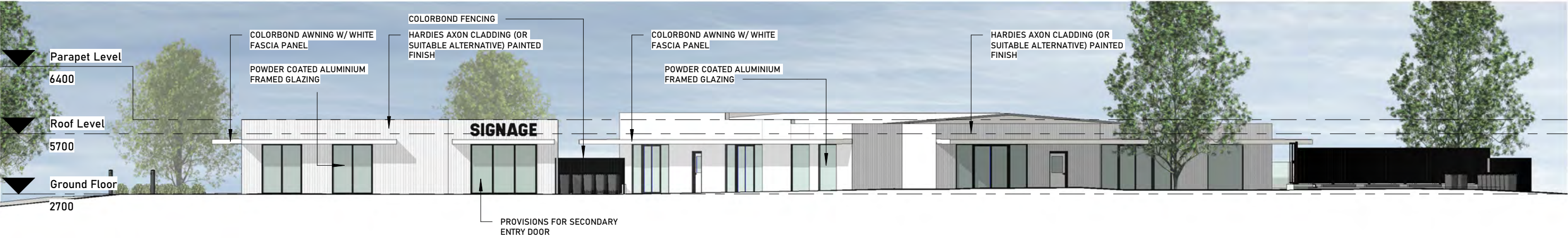
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4 North-East Site Elevation
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5 Eastern Site Elevation
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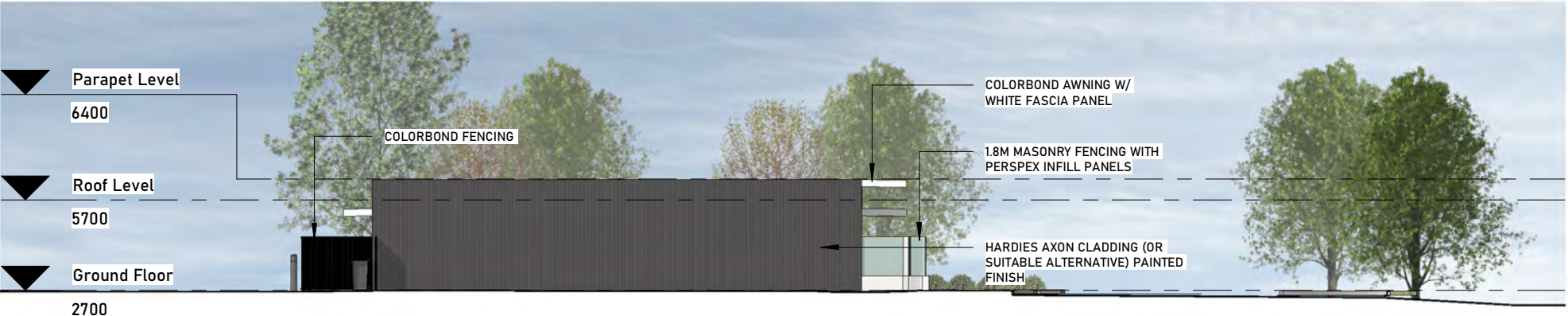
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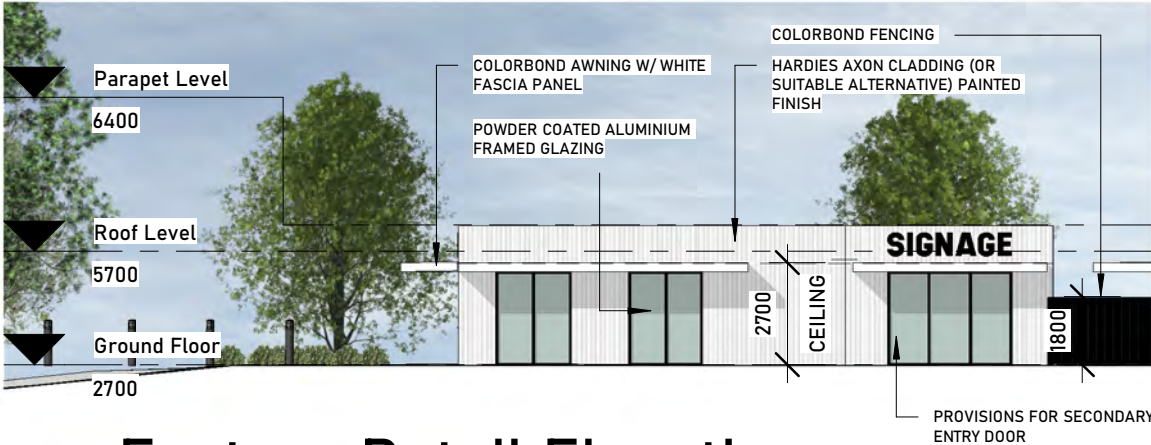
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Site Elevations

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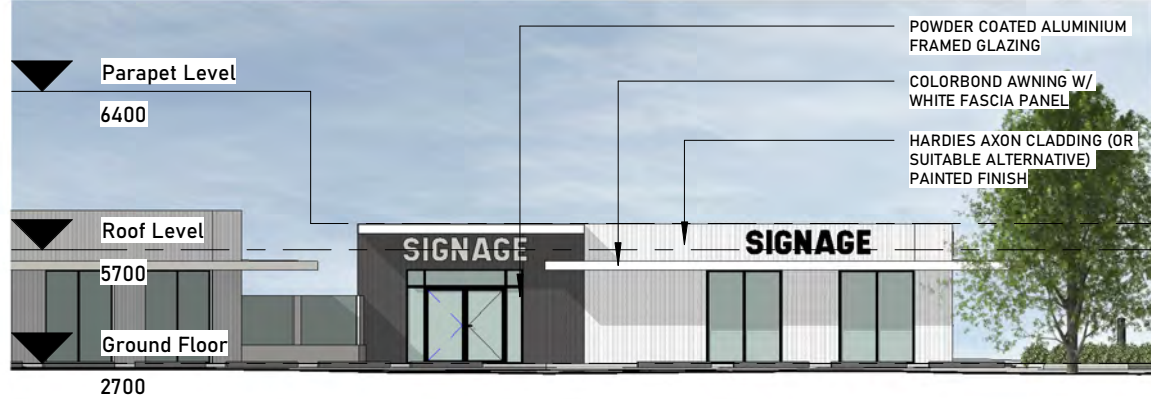
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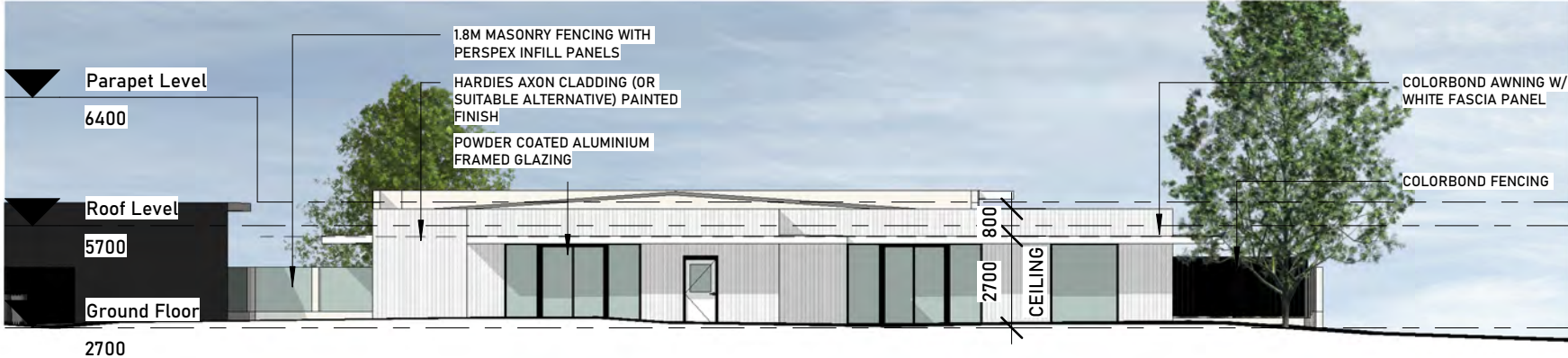


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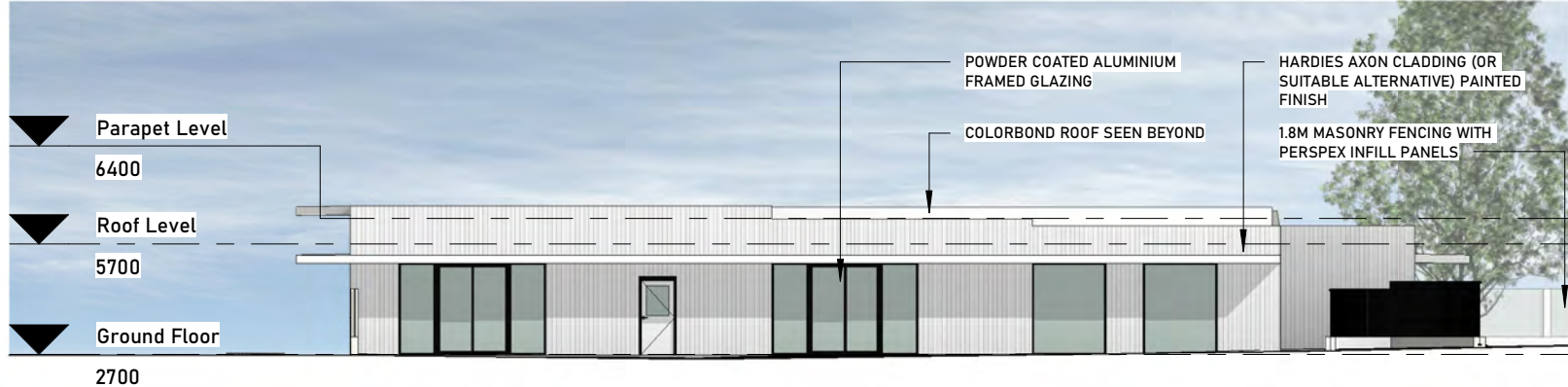


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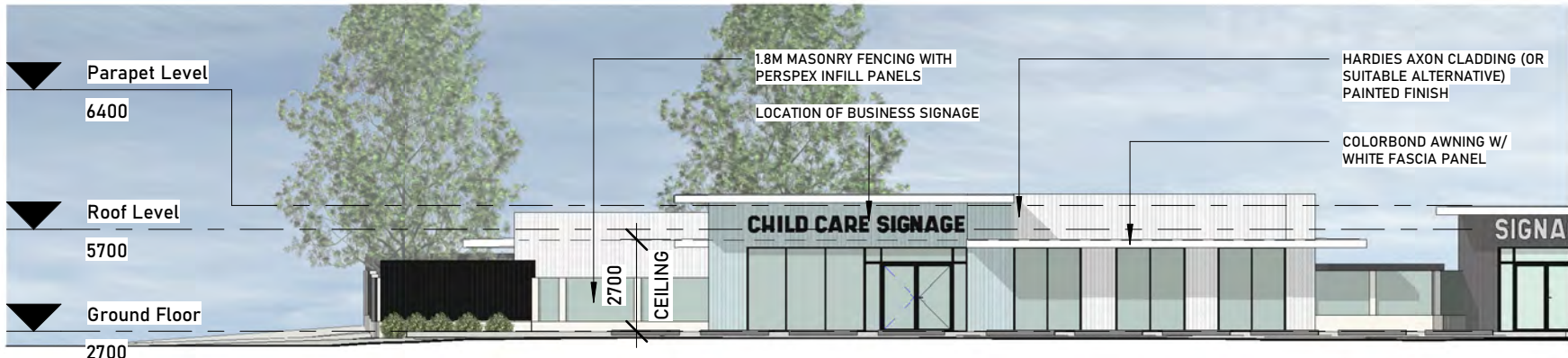
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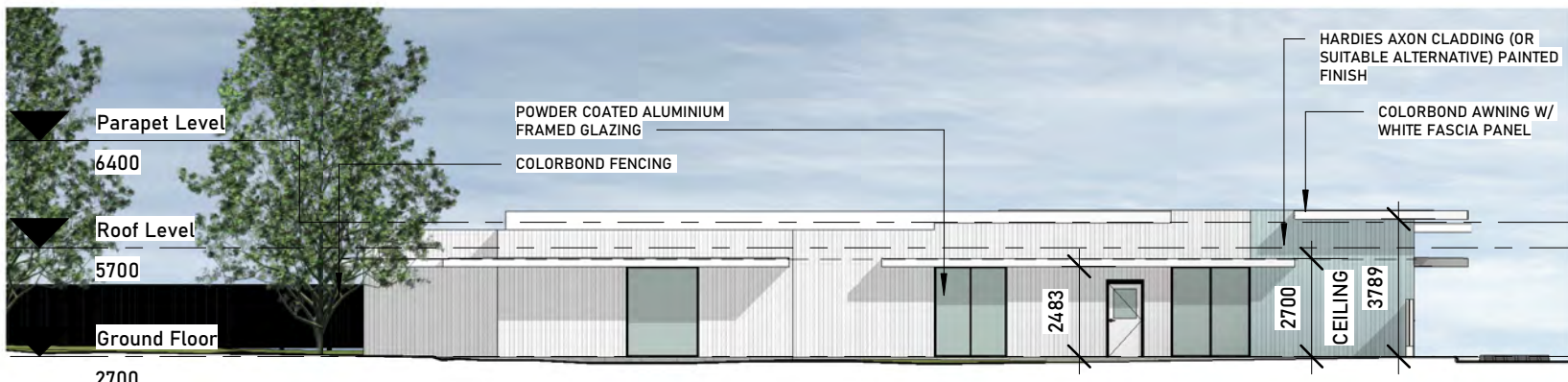
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7 Camarri Way Child Care Elevation
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BLOOM
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Lot 6 South Yunderup Road

Elevations

Project number	YU03082021
Date	2/07/2021
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Revision	A

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APPENDIX B | WALGA COMMERCIAL AND INDUSTRIAL WASTE MANAGEMENT PLAN GUIDELINES

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WALGA

WORKING FOR LOCAL GOVERNMENT

Commercial and Industrial Waste Management **Plan Guidelines**

A RESOURCE FOR WESTERN AUSTRALIAN LOCAL GOVERNMENT,
DEVELOPERS, BUILDING MANAGERS AND BUSINESS OWNERS



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WALGA

WORKING FOR LOCAL GOVERNMENT

Acknowledgement

The Western Australian Local Government Association (WALGA) would like to acknowledge the contribution of a range of stakeholders from Local Government and the recycling and development industries in the development of these Guidelines.

The Project was funded by the Waste Authority through the Waste Avoidance and Resource Recovery Account.



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1. Introduction

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WHY WAS THIS GUIDELINE DEVELOPED?

This Guideline has been developed for two primary reasons, to provide consistent guidance on waste management in relation to Commercial and Industrial (C&I) developments and to encourage increased diversion of waste from landfill.

In Western Australia there is limited consistent guidance on and consideration of waste management issues in the design, development, operation and ongoing management of C&I developments. The absence of consistent guidance in relation to these types of developments had led to a range of issues that affect the ongoing operations of the developments, such as inadequate bin storage areas, difficulty in accessing collection points and illegal dumping.

The WA State Government, has developed a State Waste Strategy 'Creating the Right Environment' which sets ambitious targets for diversion of C&I waste from landfill; 55% diversion of material presented for collection by 30 June 2015 and 70% diversion from landfill by 30 June 2020. Given the 2009/10 diversion rate for C&I was 46% a concerted and coordinated effort will be needed to achieve these targets.

This Guideline is part of a project funded by the Waste Authority and developed through WALGA. This Guideline will be supported by Local Government requirements, as part of the planning approval process. This Guideline is intended as a consistent reference for property owners, builders, developers and Local Government officers to assist in ensuring that the basic requirements for collection and access are covered and to encourage the increased diversion of waste from landfill.

WHAT TYPE OF DEVELOPMENT DOES THE GUIDELINE COVER?

This document outlines the main issues to be considered when designing a waste management system for C&I developments which require planning approval from Local Governments. These developments include:

- Office buildings
- Non-food retail outlets i.e. hardware stores, home wares stores, department stores, variety stores
- Food retail outfits i.e. cafes, restaurants, take-away outlets
- Group retail centres i.e. shopping centres, plazas
- Hospitality and accommodation i.e. hotels, motel and boarding houses or hostels.

The information provided may also be applicable to other building types, including light industrial developments and serviced commercial buildings.

MIXED-USE DEVELOPMENTS

For mixed use developments the usual practice is that commercial and residential waste streams and domestic waste streams are stored and managed separately. This is to ensure that there is no conflict between employees and residents and that each service is used and managed correctly. Waste streams and management approaches can vary substantially between commercial and industrial and domestic situations. Also, as outline in Section 3, Local Government only has legislative responsibility for the domestic waste stream.

WHAT IS COVERED IN THIS GUIDELINE?

This guideline covers a range of information in relation to C&I developments. It covers both the design considerations and the ongoing operation of a development. The guideline includes:

- **Better practice waste management systems:** an outline of what a better practice approach is in relation to waste management
- **The importance of Local Government liaison:** to ensure that the systems put in place will be usable
- **Waste streams and generation rates:** an outline of the type of waste that may be generated through the developments operations
- **General design considerations:** such as noise, odour, hygiene, vermin and health, safety and the environment and security
- **Waste storage considerations:** in particular, the design of bin storage areas
- **Waste collection:** an outline of where waste presentation points should be located and access issues
- **Education:** the importance of signage and ongoing education
- **Ongoing management:** some of the issues associated with the ongoing management of a development.

HOW SHOULD THIS GUIDELINE BE USED?

This Guideline should be used as a resource for developers when designing developments and considering how the development will operate, including ongoing management of waste.

Appendix 5a includes a Level 1 Waste Management Plan of issues to incorporate in the development process.

This Guideline should be used by building managers and owners to identify the range of issues which should be included in management approaches for ongoing operations. **Appendix 5b** includes a Level 1 Waste Management Plan template of issues to consider in the development process.

The Level 1 Waste Management Plan template will be appropriate for most developments however more complex developments (such as mixed use) may require a more in-depth, Level 2, Waste Management Plan. A template for a Level 2 Waste Management Plan is provided in **Appendix 6**.

The Guideline should be used by Local Governments officers in the assessment of development applications. **Appendix 7** includes a checklist of issues to consider during the assessment of a development.

2. Better Practice Waste Management Systems

The adoption of a better practice waste management system has a range of benefits including increasing amenity, ease of use, improving environmental performance and promoting appropriate waste management behaviours from tenants and building management. Implementation of better practice waste management also offers organisations the opportunity to demonstrate corporate social responsibility.

2.1 WHAT IS BETTER PRACTICE?

The term ‘better practice’ indicates that the techniques, methods and advice provided are better than that might have been proposed or implemented previously. The term ‘best practice’ has been avoided as it implies that no further improvement or innovation is possible. In addition to usual waste management collection practices, better practice waste management services in C&I developments may include:

- Services to manage recyclable materials, these materials will vary from building to building, but generally cover materials such as office paper, cardboard, plastics film, packaging and recyclable containers
- Services to manage organics materials, such as green waste and food organics, which may comprise bin-based collection systems or on-site manual or automated composting
- Services to manage bulky waste, such as used furniture and fit-out materials
- Specialised waste services for items such as toner cartridges, batteries, fluorescent lights, e-waste, mobile phones and chemicals.

Better practice means embracing innovation and looking for ways to improve infrastructure, systems and services as knowledge and experience increases. A better practice system encourages tenants and cleaners to actively participate in the management of waste. This, in turn, encourages waste minimisation, increased resource recovery and reduced contamination of recyclables and organics. Figure 1 provides an outline of the different stages of planning a best practice waste management system.

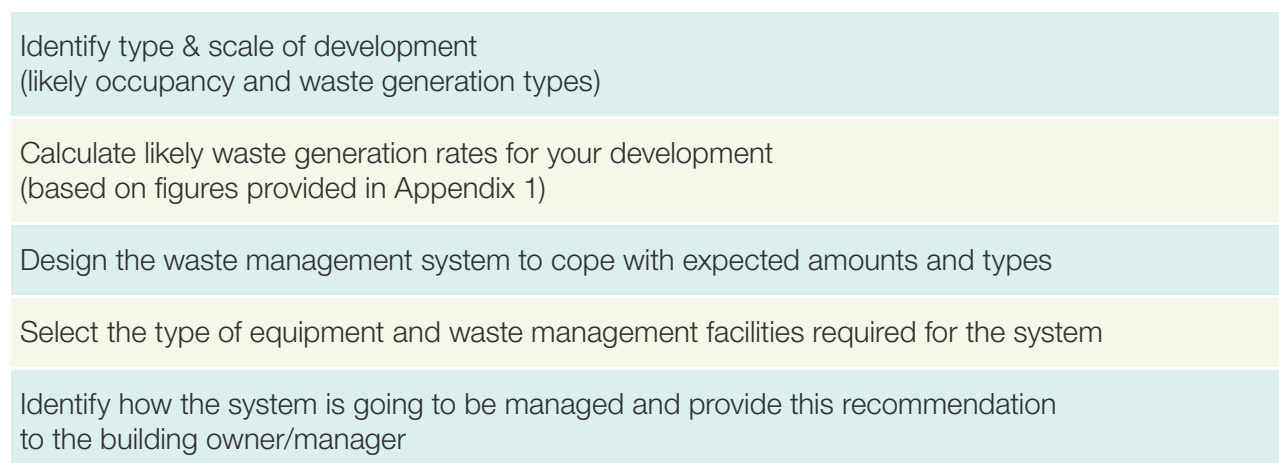


Figure 1: Waste Management System Planning flowchart

2.2 BETTER PRACTICE WASTE MANAGEMENT STRATEGIES

The Waste Hierarchy is the broadly accepted approach that is used to develop waste management strategies; the Hierarchy is commonly characterised as 'reduce, reuse, recycle, dispose'.

The Hierarchy rates waste management options from the most favourable – reduce, to the least favourable – disposal and is a tool to assess options in relation to a waste management strategy.

An effective waste management strategy includes all of the elements of the Hierarchy, from identifying what waste generation can be avoided, through to ensuring that any waste generated is appropriately disposed of. The following have been included, to provide some simple examples of approaches that can be taken:

- **Reduce/avoid:** double-sided printing, electronic filing, provision of reusable cups, provision of electronic hand-driers
- **Reuse:** reuse one-sided prints for internal print-outs, reuse manila folders and ring-binders, donate unwanted items to local schools or charities, return packaging to suppliers for reuse
- **Recycling:** providing locked bins for shredding and recycling of sensitive documents, having specific bins for materials that require separate recycling
- **Recovery:** composting of organic material and waste to energy options
- **Disposal:** for some materials, disposal at a suitably licensed landfill is the only option (e.g. asbestos).

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3. The Importance of Local Government Liaison

Liaising with Local Government officers forms a crucial stage in the development of a better practice waste management system for C&I developments. Early consultation with Local Government officers enables developers to obtain a better understanding of local waste planning requirements for new developments. Whilst Local Government is not obliged to provide a waste collection service for commercial or industrial developments under the Waste Avoidance and Resource Recovery Act 2007 (WARR Act), some Local Governments may offer a collections service to smaller businesses.

Even where the Local Government will not be engaged to provide the waste collection service, discussions with officers will assist proponents in ascertaining what type of service will be required and how the design of the development should accommodate better practice waste management. This will avoid potentially costly design modifications. Discussions should include Local Government engineers, planners and waste managers.

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4. Waste Stream Composition and Generation Rates

The composition and amount of waste generated by commercial and industrial developments vary in line with individual operations and management. Examples of typical waste streams generated by commercial and industrial operations, and how these individual waste streams are managed are outlined in this Guideline. Appendix 1 includes generation rates for a range of businesses and Appendix 2 includes of strategies for managing the various waste streams. Table 1 shows the types of waste likely to be generated.

Waste Stream	Comment
General Waste	The quantity and composition of general waste generated by a commercial or industrial operation can vary significantly. General waste includes non-recyclable plastics, food waste, recyclable packaging which is contaminated with food waste and other non-recyclable materials, as well as recyclables which have not been placed in the correct bin.
Recyclables	Workers frequently consume beverages packaged in recyclable containers, such as aluminium cans and polyethylene terephthalate (PET) bottles and milk is often provided by organisations in liquid paperboard or high density polyethylene (HDPE) containers. These materials can form a significant proportion of the waste stream in commercial and industrial buildings. Occasional company events can also generate irregular but significant quantities of glass and other containers.
Glass	Glass bottles are a primary component of the waste streams generated within licensed venues such as pubs and clubs, as well as food retailers such as cafes and some take-away shops. Glass is very dense which makes it difficult to store and move efficiently.
Office Paper	Waste audits have shown that by quantity, paper is by far the largest waste stream generated from offices. Office paper is generally white, A4-size and 80 grams per square metre (gsm, g/m ²), although many other combinations of colour, size and grade are also generated. Office paper is a higher grade paper and as it is usually generated in large quantities it is generally collected separately and recycled.
Cardboard and Bulk Packaging	Most waste generated from non-food retail facilities is bulk packaging material that protects goods delivered to the facility for sale or distribution.
Plastic Film	Plastic film, such as shrink pallet wrap, is another major component of non-food retail building waste. This material is very bulky, but very light weight and compacts well.
Food Waste	Most commercial and industrial developments generate some quantities of food waste. The volumes of food waste generated within a development can vary significantly depending on the type and scale of the business; ranging from uneaten employee/staff meals within office buildings through to food outlets, which can produce large quantities of food waste on a daily basis.

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Cooking Oil & Grease	Used cooking oil is produced in large volumes by food retailers such as fish and chips shops and fried chicken stores. Waste oil can cause significant issues if improperly disposed of to the sewage system.
Controlled Waste	<p>The Environmental Protection (Controlled Waste) Regulations 2004 apply to a controlled waste that is produced by, or as a result of:</p> <ul style="list-style-type: none">• An industrial or commercial activity• A medical, nursing, dental, veterinary, pharmaceutical or other related activity• Activities carried out on or at a laboratory• An apparatus for the treatment of sewage. An apparatus for the treatment of sewage. <p>Controlled Waste is defined as all liquid waste, and any waste that cannot be disposed at a Class I, II or III landfill site.</p>
Other wastes	These can include printers, copies, and toner cartridges, IT equipment, batteries, mobile phones, furniture, florescent lights, paint, pallets and mattresses, timber, ferrous and non-ferrous metal.

Table 1: Types of waste generated by commercial and industrial operations.

SUMMARY OF BETTER PRACTICE CONSIDERATIONS FOR WASTE COMPOSITION AND GENERATION RATES

- Identify the types of waste likely to be generated by the development.
- Determine what the likely generation of waste will be for the development, using the standard generation rates provided (Appendix 1).

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5. Design Considerations

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A number of problems can arise from inadequate consideration of waste management in developments. Some of these problems include noise, odour, hygiene issues, vermin, negative impacts on the health, safety and environment and illegal activities. To avoid these issues it is vital to consider waste management systems in the design and planning of commercial and industrial developments.

5.1 NOISE

When designing waste management infrastructure for developments, proponents must ensure that compliance with the Western Australian *Environmental Protection (Noise) Regulations, 1997* can be achieved during the operation of the development.

Noise issues associated with waste management typically occur when bins are emptied into collection vehicles. For example one particularly problematic material is glass. Additional noise impacts can be associated with the lifting mechanism and reversing alarms of collection vehicles.

Better practice noise management strategies include:

- Locating bin storage areas and collection points away from neighbours, tenants and public areas to reduce the impact of noise during bin use and collection
- Eliminating the need for collection vehicles to reverse
- Using road, driveway and pathway surfacing materials that minimise noise
- Considering how materials will be transferred into bins or static compactors at storage points
- Proposing collection times which ensure the least amount of disturbance to neighbours, tenants and those using public areas, particularly in mixed-use developments.

5.2 ODOUR

Greenwaste or food waste (organic waste) are the most likely part of the waste stream to cause odour. Where large amounts of organic waste are generated, having separate and more frequent collections will help to reduce the problem. Alternatively, dedicated freezers can be used to store wrapped food waste until collection.

In enclosed storage and service areas, the air flowing from interim storage areas and central waste storage areas should not exit near public areas. Ventilation openings should be located as close to the ceiling and floor as possible and designed to protect against flies and vermin.

If a forced ventilation or air conditioning system is used for an enclosed storage area, it must meet the requirements of the Building Code of Australia and Australian Standard AS1668.2 - *The use of Ventilation and Air Conditioning in Buildings*. These systems should not be connected to the same ventilation system supplying air to public or tenanted areas of the building.

Ensuring that bins are regularly emptied and cleaned will help to minimise potential odour problems. It is also important that waste storage areas are regularly cleaned, have a drain to the sewer and are well-ventilated.

5.3 HYGIENE AND VERMIN

Waste which is not sealed in containers is unhygienic and can attract vermin. In designing bin storage areas the following are essential considerations, bin storage areas should be easy to clean, be equipped with hot and cold running water (including a hose) and a connection to the sewer (as water from this source cannot be disposed of into stormwater drains).

To maintain hygiene:

- Assign responsibility for keeping bin storage areas and collection points clean;
- Do not allow bins to sit open for prolonged periods;
- Keep waste collection and storage areas free of clutter and dumped rubbish; and
- Regularly wash the bins, floors and walls of bin storage areas.

5.4 HEALTH, SAFETY AND THE ENVIRONMENT

Potential health, safety and environment risks associated with waste management and recycling systems will vary between developments, but may include:

- Manual handling injury from moving bins
- Cuts and lacerations, or contact with unknown hazardous substances
- Exposure to malodourous materials
- Potential conflict between building design and collection vehicles
- Injury arising from motor vehicle use
- Injury from using stored bins and equipment
- Damage to buildings, structures, landscaping and equipment
- Damage to the local environment from accidental spills/releases.

Waste management systems and services should be designed and operated in a manner that prevents the potential risk of injury or illness associated with the collection, disposal or recycling of material. This includes risk to:

- Tenants and their staff using the service, bins and equipment
- Building management and cleaning staff that maintain the service
- Collection staff providing the service
- Others engaged in or affected by the waste management system
- The surrounding environment.

Once the development is operational, the developer may not be responsible for the ongoing management and the provision of waste collection services. However, the designer, developer and operator need to consider how building design will impact on the ability of others to collect waste and provide services in a safe manner. Collection methods and systems used for waste management in commercial and industrial developments must comply with the applicable health, safety and environment legislation. A preliminary risk and hazard analysis should be undertaken during the design phase to identify potential risks to health and safety. Identifying risks early will enable the proposed design to be modified to eliminate or minimise the likelihood of human injury or damage to property and equipment.

5.5 SECURITY

Another issue to be considered in the design of the development is the opportunity to reduce the potential for illegal activities. Crime Prevention Through Environmental Design (CPTED) principles can be applied to the design of bin stores for example. The four CPTED principles are:

- **Surveillance** – Allow people to see what others are doing by ensuring clear sightlines, selecting appropriate landscaping and providing adequate lighting.
- **Access control** – Establish physical and symbolic barriers to attract, channel or restrict the movement of people.
- **Territorial reinforcement** – Create a sense of community ownership to promote use and discourage antisocial behaviours.
- **Space management** – Manage and maintain spaces to ensure that space is appropriately utilised and well cared for i.e. repair or removal of vandalism and graffiti, replacement of burnt-out lighting and removal of litter.

As far as practicable, the design of waste storage areas should:

- Maximise every day surveillance by other tenants
- Allow and encourage easy access for tenants and building management whilst barring access by the general public.

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SUMMARY OF BETTER PRACTICE CONSIDERATIONS IN DESIGN

- By designing the waste management system in line with better practice considerations, significant issues with noise, odour, hygiene, vermin, illegal activities, health, safety and the environment can be minimised.
- Noise considerations include the type of waste being generated and the collection times and locations.
- Odour issues arise predominantly from green and organic waste, minimising these wastes and managing them appropriately will significantly reduce their impact.
- Vermin and hygiene issues are often associated with waste storage areas not being kept clean, to avoid this ensure the areas are designed to be easy to clean and that responsibility to keep them clean is assigned.
- The Health, Safety and Environmental impacts of waste management result from how the waste is stored, handled and dispose of.
- Illegal activities such as dumping of waste can be minimised through careful design and placement of waste storage facilities.

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6. Waste Storage - Bins, Containers and Waste Handling Equipment

In developing sufficient waste storage, there are a number of factors that need to be considered, this includes how the waste will be stored and what type of bin storage area will be used. Appendix 3 contains more information on the range of waste management equipment which is currently available.

6.1 BINS AND CONTAINERS

All waste and recycling generated by a commercial building needs to be stored in appropriate bins or containers with permanent, well-fitting lids. Waste bins and containers should conform to AS 4123 Mobile Waste Containers if the standard is applicable for the selected bin or container type. Waste bins and containers greater than the capacity covered in the Standard (>1,700 L) should be designed to address safety risk.

Coloured and labelled bin lids are an important means of correctly identifying what material should go into each bin, therefore replacing or repairing damaged and missing lids should be a priority for those managing the area. Whether they are situated indoors or outdoors, bins should always be in a clean and presentable condition and free of any dirt, accumulated waste or dried liquids. Maintaining bins in a clean and presentable condition will help to encourage appropriate waste and recycling behaviour, with users more likely to take care when disposing of waste and avoid or clean up any accidental spills.

Waste handling equipment, including balers and compactors, should conform to the relevant design and safety standards. Volume reductions achieved by such compacting and/or baling recyclables and waste offers potentially cost savings through reduced collection requirements.

6.2 BIN STORAGE AREA– GENERAL CONSIDERATIONS

Bin storage areas are where the bins receiving waste and recyclables from across the development are stored. Well-designed bin storage areas eliminate potential issues with conflicting uses of areas as well as minimise the impacts of inappropriately stored bins on local amenity and employee health and safety (Figure 2 and Figure 3). This is particularly important for commercial operations situated within mixed-use developments.

Building and development designs need to incorporate sufficient space to store, in separate bins or containers, the volume of waste and recycling (and potentially organics) likely to be generated during the period between waste collections. Space should also be included for appropriate signage to clearly identify how to use the bins/equipment.

When calculating the likely storage space requirements, consider:

- Waste and recycling generation rates
- Frequency of likely collection
- Suitable waste and recycling storage equipment
- Ability of those depositing waste to access the area
- The likely collection service type, including the access requirements for collection vehicles (such as width and height of gates).

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In relation to the design of the storage area, it should have smooth, cleanable and durable floor and wall surfaces that extend up the wall to a height equivalent to any containers held within the area. A further feature could be a bin wash option. It is also suggested that bin storage areas are fitted with doors, gates or roller doors that are durable, self-closing, lockable and are able to be opened from both inside and outside the storage area.

How the bin storage will be serviced is an essential consideration. Bins may be taken and emptied directly from the bin store area, or transported to a separate presentation point where they will be emptied by the service provider. If the storage is located away from the collection point, a responsible individual will be needed to transport separated waste from individual tenancies or areas.



Figure 2: Haphazard storage of commercial bins within a rear laneway.

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Figure 3: Inappropriate and unsafe storage MGBs.

6.3 BIN STORAGE AREA – SIZE

The most difficult part of calculating the size of a bin storage area is predicting the collection service that will be needed as businesses expand or as tenancies change. Service requirements should be discussed with waste contractors or consultants and some flexibility needs to be built into the design to provide for future needs. The design of the building can incorporate flexibility by:

- Identifying suitable waste storage and collection point locations that would enable onsite collection in the future
- Keeping waste storage areas clear of potential obstacles that would limit bin size. For example, fixed structures to separate individual bins or bays should be avoided as bin sizes and/or configurations may change
- Designing access paths and doorways greater than the minimum width requirements to allow for potential changes in bin size. For example, installing double doors on a waste storage area would allow easy movement of either MGBs or bulk bins should either system be installed
- Sizing bin storage areas to allow for a potential increase in waste generation from the development, for example, if the building is expanded or its use is changed.

6.4 BIN STORAGE AREA – DESIGN

When designing the bin storage area, there are some general consideration, the areas need to:

- Be constructed in accordance with the requirements of the Building Code of Australia
- If enclosed, have a separate ventilation system to comply with AS 1668 – The use of mechanical ventilation and air-conditioning in buildings.

Bin storage areas should not affect the aesthetics of a development and should blend in with the surrounding buildings and landscape (Figure 4). Aside from aesthetics, locating storage areas out of sight of the public can reduce the chance of vandalism (as bins are less accessible) and reduce the impact of noise and odour.

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Figure 4: These bins are easily accessible, but highly visible from the roadway. A bin store would help to minimise their impact on local amenity.

It is essential to provide an adequate area to enable waste and recycling (and organics collected) bins to be kept separate within the storage area (Figure 5). However, bin storage areas that are too large may encourage bulky items to be dumped. The storage area should be designed for easy access and manoeuvring of bins to allow trouble-free cleaning. It is also important to consider the access requirements for maintenance and servicing. Other services and appliances, such as electrical meter boards, gas meters or conduits, should not be located in bin storage areas as they may be damaged during collection or cleaning.



Figure 5: Appropriate storage of bins.

6.5 BIN STORAGE AREA – USE

Locating bins near other facilities and services, like loading docks, encourages good housekeeping and keeps bins visible. It also makes it easier and more convenient for tenants and cleaners, as waste and recyclable disposal can be done as part of a daily routine. Bins located out of the way or in inconvenient or hard to get to places will be used less, tend to attract dumped rubbish and encourage poor behaviour.

SUMMARY OF BETTER PRACTICE CONSIDERATIONS BIN STORAGE AREAS

In general, better practice bin storage areas should:

- Have adequate storage space for required bins (based on the building size and the applicable waste and recycled material generation rates outlined in Appendix 1)
- Be designed with some flexibility in relation to size to ensure future uses for the development are not limited
- Permit easy, direct and convenient access for tenants, cleaners and other users of the facility, whilst restricting access to unauthorised persons
- Permit easy transfer of bins to the presentation point if required, with doors and access wide and high enough to allow easy manoeuvring of any stored bin
- Permit easy, direct and convenient access for collection service providers
- Are integrated into the design of the overall development and do not affect visual amenity.

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7. Waste Collection

7.1 WASTE PRESENTATION POINT

Presentation points are the locations in which the bins containing accumulated waste and recyclables from across the development are presented for collection by service providers. If a presentation point is difficult for the service provider to access, collection charges may be higher. Ideally, the presentation point and storage area should be in the same place, avoiding the need to move bins to the presentation point in time for servicing. If this is not possible, the presentation point should be as close to the storage area as possible.

Some better practice design and location considerations for presentation points include that these points should:

- Not be situated near intersections, ramps, round-a-bouts, pedestrian crossings, or on busy roads or in narrow lane ways
- Not be located near building awnings, overhead wires, tree canopies or other overhead structures
- Be clear of air-conditioning and other service ducts and pipes, sprinklers, CCTV cameras, movement sensor, smoke detectors and other ceiling fixtures if located inside a building
- Be on a level surface
- Have an access-way rated for use by heavy vehicles
- Have enough room for bins to be manoeuvred by the driver for servicing (if necessary)
- Be away from public areas, be well-clear of vehicle, pedestrian, public, staff and visitor traffic areas
- Not be restricted by parked cars or vehicle loading or unloading bays (Figure 6)
- Not be restricted by bollards, signs, plants, bins, seats or other street furniture
- Not require vehicles to reverse
- Not impede the normal operations of the building
- Be accessible during collection times and not located behind locked gates.

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Figure 6: 240L MGBs for general waste presented for collection.

All collections should take place in accordance with all relevant legislation. If the storage area and presentation point are in separate locations, bins will have to be moved by staff or cleaners/ caretakers from the storage area to the collection point. In order to protect the occupational health and safety of employees:

- The distance between the storage area and the presentation point over which the bins are to be transported must not exceed 75m
- The grades between they storage area and the presentation point should not exceed 1:14 (Figure 7)
- There should be no steps or kerbs along the route.

Bins larger than 660L and smaller than 1.5m² in volume should not be moved more than five metres from the storage area to the collection point. Manual movement of bins greater than 1.5m³ in capacity should be avoided. If manual movement cannot be avoided, the bins should not be moved more than three metres from the storage area to the collection point. No grade along the route should exceed 1:30, to ensure ease of bin transport and reduce the risk of manual handling injuries.

Waste service companies may charge a greater collection fee if drivers are required to enter a bin store to service bins.

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Figure 7: Inappropriate and unsafe storage of plastics recycling bins along a steeply inclined loading bay.

7.2 ACCESS

Building managers in large commercial developments will need to arrange for a commercial waste collection service. In some areas Local Government's may operate commercial waste services. Local Governments typically require the separate storage and collection of commercial and domestic waste and recycling within mixed-use developments.

In each commercial development, waste, recyclables and organics disposal should be equally convenient for tenants and cleaners. Recycling and organics facilities should never stand-alone; they should be located near general waste facilities but suitably demarcated and signed. Waste systems should be convenient, simple to use and as intuitive as possible to maximise resource diversion and minimise contamination. Some options for developing this type of system include:

- Where tenants are expected/required to take their own waste to storage facilities, provide suitable containers for tenants to allow them to store separated waste and recycling within tenancies or retail units and transport it to the storage area
- Signs should be displayed at back-of-house areas and storage areas which clearly identify waste and recycling bins provide signs. The signs should provide instruction on how to use the waste and recycling facilities, including identifying what is and what is not recyclable
- Supply bins and signage using colour coding according to AS4123.7-2006 Mobile Waste Containers – Part 7: colours, markings and designation requirements
- Provide directional signage and other techniques, such as lines on the ground, to show the location of, and routes to, waste storage facilities.

SUMMARY OF BETTER PRACTICE CONSIDERATIONS WASTE COLLECTION

To ensure that waste management systems are easy to use and practical:

- Waste presentation points should be located as close as possible to the storage point
- The route from storage to presentation point should be, as short, flat and easy to navigate as possible
- Access to the waste presentation points for collection vehicles should not be in high traffic areas and should focus on a 'drive in, drive out' design
- For those using the waste management systems, the location of storage points should be convenient and well signed to ensure the system is used correctly.

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8. Education

8.1 SIGNAGE AND EDUCATION

Regardless of the type of building or development, signage and education are critical to ensuring that the waste and recycling system is used appropriately and works effectively. Clear signage is vital, as it provides those using the waste management system with instructions on how to use the system.

Education and communication must be regular and ongoing in order to overcome the transient nature of cleaning contractors and the commercial rental market. The main aspects of signage to be considered are:

- Waste recycling and organics bins must be clearly and correct labelled at all times
- Waste storage areas must have clear signage instructing cleaners and tenants how to correctly separate waste, recycling and organic materials. Pictorial guides and community languages should be used if appropriate
- The location of, and directions to, waste storage areas must be well signposted, with directional signs, arrows or lines on the floor indicating the most direct routes for cleaners and tenants
- All hazards or potential dangers associated with the waste facilities should be clearly identified, especially those linked to compaction or other waste handling equipment
- Emergency contact information should be displayed in case there are any issues with the waste and recycling systems/services in the building.

All signage should conform to the relevant Australian Standard and relevant standard signage requirements.

SUMMARY OF BETTER PRACTICE FOR EDUCATION AND SIGNAGE

To ensure that waste management systems are easy to use and practical:

- Signage should be clear and provide instructions on how to use the waste management system.
- Education should be ongoing to ensure that even if tenants change, the waste management system still functions.

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9. Ongoing Management

There are a number of considerations to be taken into account in relation to the ongoing management of a commercial or industrial development. Table 2 provides an outline of some of these considerations – Appendix 4 provides a detailed breakdown of each of these issues and options available.

Ongoing service requirement	Comment
Waste type and quantity	In order to manage the waste from the development, understand the type and quantity of waste to be generated.
Service Contract	There are several different types of service contract that can be entered into.
Legal obligations	Be aware of the legal obligations in relation to due diligence.
Cleaners	Cleaners are a very important part of the overall waste management system as they will frequently have full responsibility for waste collection.
Waste management contractors	There are a range of different service providers, with different specialities. Talk to several providers to understand the best option for your development.
Access	Ensure sufficient access for contractors to be able to service the waste infrastructure.
Equipment	The type of equipment provided will often affect the price of service.
Regulatory of service	Services can be on call or scheduled. For developments with limited space, more regular collections are an option.
Pricing	There is no fixed price for waste collection, therefore it is important to receive multiple quotes for service delivery.
Building management	Good ongoing management of the waste facilities requires monitoring of the overall system performance.
Service monitoring and reporting	To ensure the systems function as anticipated it is important to have ongoing monitoring/ reporting mechanisms in place.

Table 2: Considerations for ongoing management of waste

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SUMMARY OF BETTER PRACTICE CONSIDERATIONS ONGOING MANAGEMENT

For ongoing management, the aim is to ensure that the maximum amount of material is recovered and waste to landfill is minimised. Some of the key better practice activities associated with this are:

- Put a contract in place which takes into account waste generation and type.
- Manage tenants and provide information on the waste management system in place.
- Monitor the implementation of the contract to ensure services are meeting needs and the waste management system is being used correctly.
- Put in place systems which give incentives to reduce costs of recycling.

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11. Appendices

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APPENDIX 1

WASTE GENERATION RATES

Table 3 details the average and maximum recorded volumes of waste and recyclables generated per 100m² per day for a suite of different commercial and industrial developments. These waste generation rates are from the *NSW Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities*. The rates were estimated based on a survey of a range of different businesses in August 2012. A summary of the survey methods and data presented here. For all results, including statistical analysis of the data, the full survey report, Commercial Waste Generation Survey NSW EPA September 2012, can be obtained from the NSW EPA.

Type of Premises	General Waste Generation	Recyclables Generation
Food premises		
Butcher	80L/100m ² floor area/day	Information not available
Delicatessen	80L/100m ² floor area/day	Information not available
Fish monger	80L/100m ² floor area/day	Information not available
Greengrocer	240L/100m ² floor area/day	120L/100m ² floor area/day
Restaurants	660L/100m ² floor area/day	130L/100m ² floor area/day
Supermarkets	660L/100m ² floor area/day	240L/100m ² floor area/day
Takeaway stores	80L/100m ² floor area/day	Information not available
Retail (non-food sales)		
Shops with less than 100m ² floor area	50L/100m ² floor area/day	25L/100m ² floor area/day
Shops with over 100m ² floor area	50L/100m ² floor area/day	50L/100m ² floor area/day
showrooms	40L/100m ² floor area/day	10/100m ² floor area/day
Hairdresser	60L/100m ² floor area/day	Information not available
Other		
Backpacker accommodation	40L/occupant/week	20L/occupant/week
Boarding house/guesthouse	60L/occupant/week	20L/occupant/week
Offices	10L/100m ² /day	10L/100m ² /day

Continued over

Continued

Hotel	5L/bed day	
50L/100m ² floor area/day		
660L/100m ² dining area/day	50L/100m ² of bar and dining areas/day	
Licensed club	50L/100m ² floor area/day	50L/100m ² of bar and dining areas/day
Motel (without public restaurant)	5L/bed/day	
660L/100m ² dining area/day	1L/bed/day	

Table 3- Waste generation rates for various commercial premises.

Additional resources that can also be used, include:

WASTE MINIMISATION FOR BUSINESS

Developed by the Department of Environment and Heritage Protection (Queensland), these resources are designed to assist businesses with identifying the type and quantity of materials they are likely to generate. Practical ways that the principles of the Waste Hierarchy can be applied in business operations are also provided. Of particular interest, is the series of 'waste profiles' for various types of businesses which provide industry specific examples.

These resources are available online from the Departments Website
http://www.ehp.qld.gov.au/waste/how_businesses_can_rethink_waste.html

GENERATOR SITE AUDIT AND DISPOSAL BASED AUDIT

In 2014, the Environmental Protection Authority (New South Wales) commissioned comprehensive audits of the C&I waste stream. Primarily, this involved assessing 2,000 loads of C&I waste destined for landfills and transfer stations, as well as undertaking garbage bag audits and waste generator based site audits of 197 small, medium and large businesses.

The audit results are available from the Departments website
<http://www.epa.nsw.gov.au/wastetools/surveys.htm>

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APPENDIX 2

WASTE MANAGEMENT EQUIPMENT

There are a number of examples of typical waste management equipment employed as part of waste management systems for commercial and industrial developments. This is by no means a comprehensive list, but is intended to provide developers and operators with an indication of what equipment is available for use in better practice waste management systems.

BINS

The most common bins used in commercial and industrial waste management are mobile garbage bins (MGB). MGBs are moulded plastic containers incorporating 2 or 4 wheels, a close-fitting lid and handles for manual transport and manoeuvring. They are manufactured in a variety of standard sizes and are designed to be lifted and emptied by purpose-built trucks.

MOBILE GARBAGE BINS (MGB)

MGB are available in a variety of sizes, from 80L up to 360L capacity. The dimensions of some commonly available wheelie bins are outlined in the Table 4. Table 5 shows the capacity of a range of larger bin sizes.

Bin capacity	80L	120L	140L	240L	360L
Height (mm)	870	940	1065	1080	1100
Depth (mm)	530	560	540	735	885
Width (mm)	450	485	500	580	600
Approximate footprint (m ²)	0.24	0.27	0.27	0.43	0.53

Table 4: Dimensions for standard Mobile Garbage Bins.

The most frequently utilised bin type in Western Australia is the standard 240L MGB. These bins are widely used for residential waste collections, but may also be appropriate for a range of commercial and industrial developments which do not generate large volumes of waste and recycling. MGB's with 240L capacity are a very versatile and flexible container. Most are produced to a standard design which allows for small quantities of waste to be moved easily by hand. They can be used for storing and moving waste within premises as well as for direct collection for waste disposal. Multiple bins are generally used to accommodate the higher volumes of waste generated by commercial and industrial operations. However, space limitations and manual handling requirements may mean that a bin or bins with a larger volume may be more practical. The most common capacities of larger mobile bins in commercial and retail applications in Australia are 660L and 1100L. Regardless of their size, mobile bins are typically serviced by vehicles that lift them on a hydraulic 'comb' at the rear of the vehicle and empty the contents into a deep receptacle. A large gripper sweeps the waste into the body of the truck. They are often referred to as 'rear-lift' bins for this reason.

660 LITRE BINS

At 660L, these bins have the equivalent capacity of almost three 240L MGB's. They feature four wheels, one on each corner, and a hinged lid. Their footprint is only slightly larger than two, 240L MGBs and they can be easily pushed and manoeuvred by staff on foot or towed by tow motors or tractors.

1100 LITRE BINS

Larger developments or operations which generate greater volumes of waste than can be accommodated in this size of bin should opt for 1100L skip-type bins. These bins have a volume 4 times greater than conventional MGB's and These have the advantage of being emptied by a rear-lift vehicle which can enter and easily manoeuvre in areas such as basements and loading docks, where clearance is less than six metres. They also can be easily pushed and manoeuvred by staff on foot or towed by tow motors or tractors.

Bin capacity	660L	770L	1100L	1300L	1700L
Height (mm)	1250	1425	1470	1408	1470
Depth (mm)	850	1100	1245	1250	1250
With (mm)	1370	1370	1370	1770	1770
Approximate Footprint (m ²)	1.16	1.5	1.7	1.21	1.27

Table 5: Larger mobile garbage bin dimensions.

FRONT-LIFT BINS

These bins range from 1– 4.5 m³ in size and are typically serviced by vehicles that lift them on a hydraulic 'forks' at the front of the vehicle, over the cab and empties them into the body of the vehicle. A hydraulic ram then compacts the collected waste. For this reason, they are termed 'front-lift vehicles'. Front-lift vehicles require at least 6.2m height clearance to empty bins which means that they cannot be used in many applications. They are nevertheless very common and are most often located outdoors where overhead clearance is not an issue.

REAR-LIFT BINS

Some specially designed three cubic metre bulk bins can be serviced by rear-lift vehicles, often by pulling them up using a cable on the rear of the vehicle. These are becoming less common. Common bulk bin sizes are provided in Table 6. Please note that the dimensions given are a guide only and differ according to each manufacturer.

Bin type	2m ³	3m ³	4.5m ³
Height(mm)	865	1225	3750
Depth(mm)	1400	1505	1605
Width(mm)	1830	1805	1805
Approximate footprint (m2)	2.6	2.7	2.9

Table 6: Bulk bin dimensions

SKIPS

A variety of bin types come under the general heading of 'skips'. Mostly these are 'marrell' bins but some are also roll-on-roll-off or 'RORO' bins and have subtypes including hook and dyno bins. Generally they are all open, that is they have no lid and are not enclosed or sealed. They range in size from 1–36 m³ and are most often used where large amounts of dry waste, such as building material, is generated. They usually require a significant amount of space on site for vehicle access unless they are located on property boundaries so that vehicles depositing and collecting them can manoeuvre in the street.

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TIPPER BINS

Tipper bins are bins designed to be lifted and tipped by either a forklift or a mechanical (hydraulic) bin tipper. The tipper bins are usually designed to allow the bin to roll forward when loaded and unlatched, and then return to an upright locked position. The bins may or may not have castors attached under the sub-frame for manoeuvrability.

AUSTRALIAN STANDARD

All mobile garbage bins with capacities up to 1700 L should comply with Australian Standard AS 4123 *Mobile Waste Containers*. There are seven parts to the Standard:

- **Part 1** – Containers with two wheels and a capacity up to 400L for lifting devices – dimensions and design. This standard specifies dimensions and design requirements for mobile waste containers with two wheels with a nominated capacity up to 400L.
- **Part 2** – Containers with four wheels with a capacity from 500L to 1200L with flat lid(s), for trunnion and/or lifting devices – dimensions and design. This standard specifies dimensions and design requirements for mobile waste containers with four wheels, flat lids and a capacity from 500L to 1200L to be used by trunnion and/or comb lifting devices

- **Part 3** – Containers with four wheels with a capacity from 770L to 1300L with dome lid(s), for trunnion and/or lifting devices – dimensions and design. This standard specifies dimensions and design requirements for mobile waste containers with four wheels, dome lids and a capacity from 770L to 1300L to be used by trunnion and/ or comb lifting devices
- **Part 4** – Containers with four wheels with a capacity from 750L to 1700L with flat lid(s), for wide trunnion or BG and/or wide comb lifting devices – dimensions and design. This standard specifies dimensions and design requirements for mobile waste containers with four wheels, flat lids and a capacity from 750L to 1700L to be used by wide trunnion or BG lifting and/or wide comb lifting devices;
- **Part 5** – Performance requirements and test methods. This standard specifies the performance requirements and test methods for mobile waste containers up to 1700L as covered by parts 1–4 of AS 4123;
- **Part 6** – Health, safety and environment. This standard provides the most essential safety and health requirements for mobile waste containers;
- **Part 7** – Colours, marking and designation requirements. This standard specifies the colours, markings and designation requirements for mobile waste containers up to 1700L as covered by parts 1–4 of AS 4123.

COMPACTORS

A compactor is a device for compacting material and holding compacted material. There are two types of compactors; fixed and integrated. Fixed (or stationary) compactors have two parts, namely:

- The compactor itself, an hydraulic ram that compresses waste material and is often fixed to the ground
- The bin, the receptacle into which waste is forced.

Integrated (or transportable) compactors have both the compactor mechanism and the bin in one unit. Bins can be 5–30 m³ in size. Compactors are commonly used in situations like shopping centres where large amounts of easily compacted materials are generated, such as putrescible waste and cardboard. Space is also often at a premium. Compactors compress materials down to about a third of their uncompacted volume so that a 30 m³ compactor can hold the equivalent of up to 90 m³ of uncompacted waste. Provide adequate clearance to services to avoid potential damage to property.

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BALERS

Balers compress materials such as cardboard and plastic film and tie them into bales so that they remain compacted. They are used in situations where large amounts of bulky materials such as cardboard and plastic film are produced but not enough is produced to warrant a compactor and/or where space is limited. The advantages of balers are that bulky materials can be compressed and not occupy valuable bin capacity. The balers themselves come in a wide variety of sizes and capacities and have a small footprint. Balers can be customised by size and use requirements. Although some balers operate automatically, someone is normally required to load and operate the baler which is a disadvantage. The bales can also be large, heavy and difficult to move by hand. Sometimes equipment such as a forklift is required to move them.

BALE FRAMES

Bale frames are stands which are used in conjunction with a bale bag to collect recyclable material such as plastic, cardboard or mixed recyclables. These stands hold the bale bag open at the top allowing for easy placement of material into the bale. Bale frames are most suitable for small to medium-sized applications and businesses with space restrictions.

BIN LIFTERS

These are lightweight bin lifting devices that attach to larger bins, such as front-lift bins or open bins, and use hydraulic or air strut supports to assist users to empty wheelie bins into the larger bins. They help make emptying smaller bins into larger bins easier and safer for operators. Bin lifters may be powered (hydraulic) or unpowered. There are a variety of different types, sizes and lifting capacities

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APPENDIX 3

WASTE MANAGEMENT SYSTEMS

Waste management systems refer to the facilities, services and actions undertaken as part of the collection, processing transport and disposal of waste within a development or business. Systems will vary significantly between different businesses and must be tailored to suit individual developments or buildings. There are a range of waste streams that require different approaches to management, some options are outlined as follows.

GENERAL WASTE

A compactor may be used for waste if the business is large enough and produces enough waste. General waste can be collected in bulk bins in smaller businesses. Audits show that most waste generated from non-food retail buildings is recyclable. These materials can only be recycled if they are separated and this is where problems can occur. Waste materials are often mixed so well, or physically glued or fixed to each other, that separation is either impossible, or not cost-effective. This mixed waste is the main component of the waste stream in non-food retail buildings.

Depending on the volumes of waste generated, the Local Government or their waste contractor may be able to collect commercial general waste for an agreed service fee. Where this option is not available, such as where service vehicles would be required to enter private property or where waste volumes are incompatible with the service offered by Local Government, then a private waste collection contractor should be engaged. These service providers will be able to assist operators in designing a bin and collection system which best suits their requirements.

RECYCLING

Most commercial and industrial operations generate sufficient quantities of these materials to warrant the adoption of a comingled recycling system as part of their waste management strategy (Figure 8).

Recyclable items should be placed loose into bins to ensure that it can be properly sorted at material recovery facilities. Some Local Governments may be able to provide this service for an agreed fee. Alternatively, private waste contractors may be engaged to provide the required bins and collection service. Operators should ascertain what recyclable materials are likely to be generated within their development, and identify a suitable waste contractor who can collect this material.

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Figure 8: Comingled recycling collection bin outside office kitchenette.

GLASS BOTTLES

There is often limited space available back-of-house to store glass containers. In the past, bottles had to be kept whole so they could be separated into different colours for recycling, which increased the storage space required. However, the introduction of optical sorting equipment at recovery facilities means that systems that crush glass on site are now increasingly popular. However, if there is sufficient space; it may still be more viable to store whole bottles in bins (Figure 9). The emptying of dedicated glass bins can result in significant noise issues, so consideration must be given swapping rather than emptying bins and to the timing of collections to ensure compliance with the requirements of the *Western Australian Environmental Protection (Noise) Regulations, 1997*.



Figure 9: Large quantities of glass bottles are generated by pubs and clubs.



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Figure 10: Commercial comingled recycling bins employed by a cafe.

OFFICE PAPER

Paper is dense and its weight makes it difficult to handle in large quantities. Most offices use MGBs for collecting paper on each floor, transporting it to the collection point and collection by a contractor. Typically workers have a small bin or cardboard box for the collection of paper beside their desks. In some offices, workers empty their own desk-side paper bins into centrally located bins, while in other offices the desk-side paper bins are emptied by the cleaners.

Offices also generate other, lower grade types of paper waste, for example newspapers or magazines. Office paper is a higher grade paper to others and is generally collected separately because of its sheer quantity. There may also be a financial advantage to separate collection due to the market and price for this type of paper.

CARDBOARD AND BULK PACKAGING

Typically, bins for general waste and separate bins for paper/cardboard and co-mingled recyclables are used for the disposal of bulk packaging. Where large volumes of packaging materials are generated balers and compactors can be installed to reduce the volume. Front-lift bins with wire panels that allow contamination checks are used widely for cardboard. Tenants and cleaners should flatten cardboard boxes as much as possible to save space in bins. Cardboard is generally very bulky but comparatively light weight and compacts well. Compactors and balers are ideal for cardboard for transport. One problem with cardboard from food retail buildings is that it can be contaminated with food and liquids. This makes it unsuitable for recycling. However, this contaminated cardboard is suitable for composting alongside food waste. Figure 11 and 12 show different types of cardboard/paper collection.



Figure 11: Dedicated 660L MGB for cardboard recycling presented for collection.

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Figure 12: Commercial service providing a skip bin for the collection of large volumes of cardboard packaging.

PLASTIC

Plastic wrap and shrink films have traditionally been difficult to recycle, due to limitations with sorting, cleaning and collecting systems. But new technology enables these materials to be recycled, preventing this resource from being sent to landfill. Plastic film wrap is most suitable for recycling if it is kept clean and separate from other types of plastic. This material is not generally as common as cardboard, and so is best compacted in baler rather than collected in bins.

Styrofoam or expanded polystyrene vegetable boxes can often be returned to the markets for reuse. Businesses such as electronics outlets (which generate significant quantities of expanded polystyrene boxes and packaging material) can stockpile this material in a cage onsite for separate collection. If expanded polystyrene is a major component of the waste stream, the purchase of a Styrofoam compactor may be justified. These machines are capable of compacting expanded polystyrene to just 10% of its original size, reducing the required frequency of skip bin collections. This material compacted can then be recycled into materials such as artificial timber for outdoor construction.

FOOD WASTE

The recovery of food waste can be problematic commercial and industrial developments, but there are a range of management options:

- Disposed of into the general waste stream
- Separated and collected for processing at an external facility
- Separated and processed on site in small-scale in-vessel composting units.

The separation of food waste from the general waste stream is gaining in popularity, with a number of organics waste diversion programs in place across Australia. The quality and quantity of the food waste generated will determine whether recovery is viable and which methods may be suitable. High quality food waste, which is free from contamination by plastics and glass, is most suitable for recovery. On site, small-scale processing systems are available for high quality food and waste and they can handle most quantities. On-site systems present a number of potential challenges, which can be resolved through good management, including:

- Limiting contamination of food waste
- General odour and leachate run-off management
- Space availability
- Vermin
- Psychological barriers – aversion of putrescible food waste
- Operation and maintenance of the organics processing system
- Regular monitoring and maintenance requirements.

Food retailers can generate significant quantities of food waste, which dominates the waste stream. The type and scale of food retailers can vary significantly, as does the type and quantity of waste generated. Examples of food retailers and associated waste streams are detailed in Table 6.

Food handling and sale	Types	Typical waste composition	Main responsibility for waste
Cooked or prepare, served or sold and consumed on site.	Restaurants, cafes, function centres, hotels	'Back of house' food preparation waste (quantities will vary), some food scraps and waste from plates, packaging waste, plastics	Staff
	Food halls with public seating	Beverage containers, paper and plastic packaging waste.	Cleaners and customers
Cooked or prepare, served or sold and consumed off site.	Food halls, takeaway stores, some cafes	'Back of house' food preparation waste (quantities will vary), packaging waste, plastics	Staff
Freshly prepared and packaged on site but sold and taken away to be consumed elsewhere.	Supermarkets, some takeaway shops	'Back of house' food preparation waste (quantities will vary), packaging waste, plastics	Staff
Packaged and placed on shelves, sold and taken away to be consumed elsewhere.	Supermarkets, specialty food shops	Bulk packaging waste, cardboard and plastics	Staff

Table 6: Food retailer categories and associated waste streams.

People in offices and small businesses do not normally generate significant quantities of food waste (Figure 13). As quantities of food waste are generally low it can be recycled reasonably easily on site with some commitment. In contrast, food retailers and grouped retail centres can generate large volumes of food waste. A certain level of expertise is also required. Building management and cleaners are not normally involved and staff generally arrange and maintain any on-site food recovery system.

Composting – A composting system could be established with building management's permission where a building has gardens or grounds. Composting requires little effort other than regularly turning and aerating the compost. Information on composting techniques is widely available and some Local Governments provide brochures, training and sell compost bins. Electric fully automated composters are also available and are becoming increasingly popular. These units can reduce the volume of food waste by up to 90% within just 24 hours, converting it into usable compost over a very short period. This compost can then be sent to market gardens for use as a soil improver.

Worm farms – In some buildings without gardens or grounds, worm farms have been used to dispose of food waste. Although well-managed worm farms do not emit odour, the possibility of odours is enough to discourage some office management from using these systems. There are some types of food waste that worms will not eat, such as citrus peels, and some which should not be added because of potential odour issues, meat and excess dairy. In addition, the castings and liquid produced from worm farms also has to be managed appropriately. Worm farms in offices require significant staff expertise and commitment and are still quite uncommon.

Bokashi bins – Bokashi is a method that uses an air-tight container and a mix of microorganisms to ferment food and minimise odour. Most practitioners utilize commercial microorganism starters comprising of a carbon base (e.g. sawdust or bran) impregnated with bacteria as well as a sugar for food (e.g. molasses). The mixture is layered with waste in a sealed container, where it does not decompose but ferments and reduces in volume as the water content of the waste drains through the grate at the bottom of the bucket. After a few weeks, removed and buried beneath the soil as a soil improver or added to a conventional composting system or worm farm.



Figure 13: Clearly labelled dedicated food waste bin in office lunch room.

Food manufacturers, which can generate substantial quantities of food waste, may also opt for a food dehydrating system to minimise the volume and weight of waste, thereby reducing storage space requirements. Food dehydrators can reduce weight by up to ninety percent, substantially reducing collection and disposal costs. The dehydrated, compressed waste, which resembles dry soil, is inert, odourless and can be applied directly to soil as a conditioner and fertilizer or re-wet and composted. Dehydrators operate at high temperatures, eliminating bacteria.

COOKING OIL & GREASE

Cooking oil is commonly recycled through specialist oil recyclers. Typically these recyclers will provide a large container for storing the oil on site before collection. A grease arrestor or grease trap is an industrial wastewater pre-treatment device used in food preparation processes. It is designed so that fats, oil and grease rise to the top and solids sink to the bottom, reducing the amount of these substances flowing into the wastewater system where they may cause blockages.

The Water Corporation is responsible for approving applications from commercial and industrial operations for the discharge of waste water to sewer in Western Australia. All business involved in the cooking and preparation of foods will normally need to install and maintain a grease arrestor. The effectiveness of a grease arrestor is dependent on good housekeeping practices and frequent clean-out and maintenance. Business owners are responsible for the pump-out of grease arrestors, which must be undertaken in accordance with their conditions of approval. More detailed information of greasy waste is available from <http://www.watercorporation.com.au/home/business/industrial-waste/greasy-waste>.

CONTROLLED WASTE

Controlled Waste is defined as all liquid waste, and any waste that cannot be disposed at a Class I, II or III landfill site. Controlled Waste also includes asbestos, clinical or related waste, tyres and waste that has been immobilised or encapsulated. Schedule 1 of the Environmental Protection (Controlled Waste) Regulations provides a full list of the prescribed controlled wastes. For more information on controlled waste and licensing requirements, please visit <http://www.der.wa.gov.au/our-services/controlled-waste>.

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APPENDIX 4

ONGOING MANAGEMENT OF FACILITIES

WASTE TYPE AND QUANTITY

Waste type is likely to influence contractor's fees, with heavy materials often costing more, as it costs the contractor more for disposal. Other waste types, such as controlled waste, have specific legislative requirements associated with their transport and disposal therefore these will be more costly.

More waste generally means more services and/or bigger bins, which results in more charges by the waste contractor. The exact combination of bins and services that may suit your building will depend on some of the other factors discussed in this section.

SERVICE CONTRACTS

The structure of service contracts is important to make sure commercial buildings are efficiently serviced. There are generally two contracts needed in better practice management systems, one to cover a cleaning service and one for a waste collections service. These contracts are usually held in parallel with the building manager, but in some cases, the contracts are in a series i.e. a contract between the building manager and a cleaner and then another contract between the cleaner and a waste contractor. Parallel and series contracts each have their advantages and disadvantages, some of which have been outlined in Table 7.

Contract	Advantages	Disadvantages
Parallel	<p>Building managers have direct control over both service providers.</p> <p>Each contract can be independently developed, tendered and awarded and at different times.</p> <p>Individual reporting requirements can be specified</p>	<p>Additional management time and resources are required.</p>
Series	<p>Reduced management time and resources are required.</p> <p>Cleaning staff have a greater incentive to practice good waste management (e.g. reporting contamination, educating tenants and keeping recycling separate).</p>	<p>Building managers have little or no control over waste collection from the building or contractor engagement.</p> <p>All instructions for, and changes to, the waste collection service must go through the cleaners.</p> <p>Cleaners may not be very experienced or skilled at managing waste contractors.</p> <p>Difficult to enforce waste collection data recording requirements and difficult to verify waste collection data.</p>

Table 7: Advantages and disadvantages of parallel and series waste management contracts.

Providing a sense of certainty to waste contractors enables them to plan future income and resourcing, and so establishing a servicing contract with a waste collection contractor may be cheaper than utilising the same service without a contract. Where expensive equipment is required or where equipment needs to be installed, contractors may insist that a contract be signed in order to ensure that the cost of supplying and installing the equipment can be recouped. Contracts are generally not required for simple, small-scale services, such as the provision of MGB's.

Companies or organisations which have multiple outlets in differing locations across a city, State or the country, may be able to negotiate a lower price by arranging a contract which covers multiple locations. However, these contracts may not have the same degree of flexibility as locally arranged, individual contracts. They may also reduce the choice of contracts available as; in general, only larger contractors can provide the same service at multiple sites.

RESOURCE MANAGEMENT CONTRACTS

Under a traditional disposal contract, the client pays the contractor according to the amount of waste collected and subsequently disposed of at a landfill facility or waste transfer station. A resource management contract caps disposal costs, regardless of volume/weight. This encourages the contractor to work with the client to improve resource efficiency through source reduction, recycling and materials recovery. Resource management contracts provide financial incentives for the contractor to find cost-effective waste reduction and recycling opportunities. Incentives are linked to services that encourage avoidance, reuse and recycling before disposal. For example, the savings are shared if the contractor helps to identify a cost-effective recycling market for material that would otherwise have been sent to landfill.

The benefits of resource management contracts include:

- Streamlined services from a single contractor
- Reduced waste disposal costs
- Increased recovery and recycling
- Increased waste prevention opportunities
- Improved contractor data tracking and reporting.

Contracts of this type are uncommon. The amount of waste generated in buildings can vary greatly due to changing occupancy levels, seasons, business productivity and many other factors. This increases the risk for contractors under a resource management contract. Collection and disposal of some waste streams are more expensive and every additional truck that is required to collect a separate stream has an associated cost.

LEGAL OBLIGATIONS

When a waste management contract is administered in a building, it is the responsibility of the cleaner (series contract) or building manager or owner (parallel contract) to complete due diligence checks to make sure that waste and recyclables are being deposited at a lawful, licensed facility.

CLEANERS

Cleaners are the critical element in a successful waste management system. In the past, large businesses and buildings employed their own cleaners. Most cleaning is now performed under contract by professional cleaning contractor, who may have contracts to clean many different buildings and who recruit and employ their own staff. Cleaners have direct access to tenants and are often better placed to educate them and monitor their waste performance and behaviour. Therefore it is important to make sure that cleaners understand the waste management system used in the building. Cleaners often work after hours, as a result, building management does not have the opportunity to regularly meet cleaners in person. It is recommended that the cleaning services are closely monitored and action taken to ensure compliance with the contract.

When cleaning contractors are calculating the fee for cleaning a particular building, they consider the number of hours it will take to complete the required tasks. Systems which increase the time taken for cleaners to complete these tasks, or that increase the number of cleaners required, may be more expensive. Elements which increase cleaning time include:

- A greater number of bins
- A greater range of bins
- A larger area to cover
- A greater distance over which to transport waste and bins
- Bins which are more difficult of time consuming to empty.

Time management is a priority for cleaners, so implementing a system which increases, or appears to increase, the amount of time and effort required to complete their tasks is unlikely to result in their cooperation. Cleaning contractors will generally want to negotiate a variation to their contract fees if there are changes to the type or amount of work which their staff are required to undertake. Therefore, changing waste systems mid-contract may not be feasible. It may be better to wait until the start of a new contract so the new requirements can be clearly stated.

The cleaning contract, whether specified at the tender stage or proposed by the contractor should specify;

- Tasks the cleaners will perform
- Bins to be emptied
- Other cleaning that is to be undertaken
- How many hours they will work, including start and finishing times
- Which parts of the building they will have access to
- Where waste will be taken and how it will be stored
- What waste will be collected when it is not placed in bins
- What materials will be collected and separated.

WASTE CONTRACTORS

Waste collection contractors are another critical element in a successful waste management system. Success can depend on the range of services provided by the contractor and their ability to adapt to changing needs. Key questions to be asked of potential waste collection contractors are:

- What recyclable materials can be collected?
- What contamination levels in recyclable materials will you accept?
- Where will waste and recycling be taken?
- Is the contractor licensed to transport the particular material type(s) and is the material delivered to a suitable facility?
- Will a subcontractor be used?
- What types of equipment might be suitable?
- How do I make contact, especially after hours?
- How do you respond to missed services?
- What are your applicable fees and charges?
- What contingency plans do you have if one of the facilities receiving your waste or recyclables is unavailable?

ACCESS

Contractors will generally conduct a site inspection before quoting for service provision. This is generally conducted to establish:

- What bins and equipment might be required
- How access would be gained to the collection point
- The ease and safety of access
- Whether the driver needs to go inside the building to get any bins
- How far the driver might need to push bins
- Whether there are any low clearance issues such as ceilings, awnings or overhead wires.

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Quick and easy collections are favoured by contractors and they will charge more for collections that require more time on site. Contractors may need to spend more time on sites where presentation points (or access to them):

- Are narrow
- Are on a steep gradient
- Require gates or roller doors to be opened
- Require security staff to provide access
- May be restricted by parked cars or traffic
- Have limited turning circles
- Can only be accessed at certain times of day.

EQUIPMENT

In general, contractor's costs will be higher if sophisticated or specialised equipment is required. The simplest and cheapest services are those that only require common bins, like 240 litre MGB's or front-lift bins. Services that require expensive and complex equipment, like compactors, may cost more. This is because there are a range of equipment costs include manufacture, delivery, installation, operation and maintenance. However, equipment that appears more expensive might actually be cheaper per tonne to use when you consider the amount of waste or recycling to be collected.

REGULARITY OF SERVICE

Waste collection services can be 'on-call' or 'scheduled'. On-call services require the customer to contact the contractor when a service is required; this would generally be when bins are full (or preferably nearly full). A scheduled service is one that takes place on the same day(s) and at the same time(s) each week. In these cases the contractor does not need to be contacted in advance and they will arrive at the scheduled time to perform the service. Scheduled services are generally cheaper per service, as the contractor is more certain of their likely income. On-call services may be quite infrequent and the contractor offsets this uncertainty by charging more per service. Scheduled services work best in buildings where the same amount and types of waste are generated regularly. On-call services work best in buildings where only small amounts of certain types of waste are generated or where waste is generated infrequently (e.g. at peak times). There are several advantages and disadvantages of each service type, which are outlined in Table 8.

Work together with your contractor to decide whether it is better for you to have small amounts collected frequently or larger amounts collected less frequently.

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Contract type	Advantages	Disadvantages
On-call	<p>Bins only emptied when full.</p> <p>Overall cost may be lower.</p>	<p>Service may not be provided immediately.</p> <p>Requires management time and resources to monitor bins and contact the contractor.</p>
Scheduled	<p>Requires little management time or resources to monitor bins or contact contractor.</p> <p>Generally lower cost per service.</p>	<p>Bins may be emptied even if not full.</p> <p>Less flexibility in collection schedule.</p> <p>Could be serious problems if a service is missed or is late.</p> <p>Overall cost may be higher.</p>

Table 8: Advantages and disadvantages of scheduled and on-call waste collections.

PRICING

There is no set price for the provision of a waste collection service. Depending in where you are located, the waste collection industry can be very competitive and quotes are negotiable. It is worth talking to a number of different contractors to gauge the services they provide and what charges might apply. Waste contractors charges are based on a number of criteria. In general, contractors will quote lower prices where the service is easy and efficient for them over a long period.

Strategic or Competitive Influences - Waste contractors may discount collection costs if the contractor is trying to generate a critical mass of customers in a new area it may offer low prices. A contractor may also offer lower prices for strategic reasons, for example when taking on a competitor in a particular area.

BUILDING MANAGEMENT

Specialist building management firms look after a range of services, including waste management, in most commercial buildings, particularly those with multiple tenants or occupants. Good ongoing waste management is imperative to:

- Maintain amenity
- Maximise safety for cleaners, tenants, collectors and other users
- Maximise resource recovery
- Enable efficient servicing of the building.

Ongoing management is required to monitor tenant and cleaner behaviour and to identify requirements for further education and/or signage. Building managers must also quickly address any negative behaviour, such as waste dumping or misuse of bins and equipment. This will help to prevent these practices from escalating and maintain the amenity, access and convenience of the waste system for all users. It is important to establish and delegate responsibility for the tasks involved in ongoing waste management, including:

- Moving bins to the collection point (if required) in time for collection
- Washing bins and maintaining storage areas
- Arranging for the prompt removal of dumped rubbish
- Displaying and maintaining consistent signage on all bins and in all storage areas
- Managing on-site composting systems (if applicable)
- Ensuring all tenants and cleaners are informed of the waste, recycling, organics and bulky waste arrangements.

SERVICE MONITORING AND REPORTING

Successful waste management systems are not 'set and forget', they require ongoing management. To ensure the system continues to work well, ongoing monitoring is recommended. This monitoring, by the building manager/owner, could be based on the amount of waste and recycling generated over a given time period. This information could be collected from the waste contractor.

Waste audits generally involve collecting sample from all the waste streams over a set period of time, then the constituent of the waste stream are identified, separated and weighted. Waste audits can provide valuable information about the waste stream which can be the basis of changes to waste services provided. For example, if a large portion of the waste stream is organic, as specific organic collection could be implemented.

Commercial buildings and shopping centres are often owned by banks and investment firms. Many companies are now required to monitor and report their environmental performance for a variety of reasons, including measuring and reporting on carbon emissions and to comply with:

- Environmental management systems
- Quality management systems
- Shareholder and corporate expectations
- State of the environment reporting.

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APPENDIX 5A

LEVEL 1 WASTE MANAGEMENT PLAN — DESIGN PHASE

The following simple Waste Management Plan has been developed to confirm that the main issues essential for waste management implementation have been considered and provide a brief outline as to how they have been incorporated into the design of the development.

Key issues	Completed	N/A	Outline of consideration in relation to the development
Initial planning			
Have you consulted with Local Government to find out what waste management services are offered, or if there are any specific requirements, policies etc. that the development will need to incorporate?			
For mixed-use developments, will residential and commercial waste streams be managed separately?			
Waste composition and generation			
Have you identified what kinds of waste are likely to be generated in operations of the development?			
Have you identified the volume of waste that is likely to be generated in the operations of the development?			
Design considerations			
Noise – does the development design include better practice measures to minimise noise associated with use of the waste management system?			
Odour – does the development design include better practice measures to minimise odour associated with the use of waste management system?			
Vermin – has the development been designed to minimise the entry of vermin to the waste storage areas?			
Hygiene – has the development been designed to allow the waste storage areas to be kept in a good condition?			
Health, Safety and the Environment – does the development design include better practice measure to minimise the risk to Health, Safety and the Environment?			

Continued over

Continued

Waste Storage			
Is there sufficient space within the property boundary to store the volume of waste and recycling (and organics) likely to be generated at the development during the period between collections?			
Is future service flexibility incorporated in the design?			
Have storage areas been designed to accommodate easy access, internal manoeuvring of bins and cleaning?			
Are storage areas conveniently located for tenants, staff and cleaners?			
Are storage areas out of sight or well screened from public areas?			
Are storage areas located an appropriate distance from waste sources to reduce potential amenity and OH&S impacts?			
Are storage areas designed to fit into the overall look of the development?			
Waste collection			
Does the development design include better practice measures to ensure waste presentation points are easy to access by waste contractors?			
Has the route from the bin storage area to the presentation point been designed to minimise occupational health and safety risks to those transferring the bins?			
Education			
Has clear signage been included to provide instructions on how to use the waste management system?			
Ongoing management			
Have hand over notes been completed so that a building manager is aware of what waste management systems have been planned in the development?			

APPENDIX 5B

LEVEL 1 WASTE MANAGEMENT PLAN — OPERATIONAL PHASE

The following checklist has been developed to identify some of the ongoing management issues associated with the implementation of a waste management plan.

Key issues	Completed	N/A
Ongoing management		
Has responsibility been assigned (to a building manager, caretaker or cleaners) to:		
<ul style="list-style-type: none">• Manage and clean waste storage areas and presentation points?		
<ul style="list-style-type: none">• Transport bins to the presentation point?		
<ul style="list-style-type: none">• Use and manage bins, compactors, balers and other waste equipment?		
<ul style="list-style-type: none">• Undertake ongoing education of tenants in the correct use of the waste management system?		
<ul style="list-style-type: none">• Manage waste collection contract?		
<ul style="list-style-type: none">• Evaluate the operation of the waste collection contract?		

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APPENDIX 6

LEVEL 2 COMMERCIAL AND INDUSTRIAL DEVELOPMENT WASTE MANAGEMENT PLAN TEMPLATE

The Template outlined below should form the basis for the preparation of the waste management plans for multiple dwelling developments. The Template is based on the areas detailed in the Guideline, there may be further considerations that commercial and industrial developments need to include.

INTRODUCTION

- Background- address, development area, nature of development, ownership and management details.
- Address, development area, nature and scale of development (floor areas, vehicle movements etc.), ownership and management details, projected number of tenants and workers.
- Details of initial contact with Local Government in relation to waste management in the development.

WASTE COMPOSITION AND GENERATION

- Calculation of projected waste composition and generation rates based on floor areas and proposed uses.

WASTE MANAGEMENT SYSTEM – OUTLINE

Bin Storage Area

- Provide details on the size and location of proposed bin storage areas.
- Provide details on the proposed number and sizes of the required bins.
- Provide justification for the selection of the bin storage area location.
- Provide details on how better practice approaches to waste management have been included in relation to noise, odour, hygiene and vermin and Health, Safety and the Environment.

Access

- Provide details on the access routes between the bin storage area and presentation point.
 - This information is to include scaled waste management diagrams, showing the location, access pathways for residents and access pathways for moving bins from storage areas to presentation points and the bins configuration when moved to presentation point.

Collection

- Provide details of and justification for proposed bin collection frequencies based on bin numbers and waste volumes.
- Provide proposed collection points (onsite or off-site) with reference to scale-drawing.
- If relevant, details should be provided on the internal road and driveway layout and how collection vehicles will service the site.

Education

- Provide details of the signage within the development to advice tenants how to use the waste management system.

Potential Issues

- Provide details on potential issues which may arise, including how illegal dumping, theft of and/or damage to infrastructure will be monitored and dealt with within the development.

Implementation Schedule

- Provide details on how the system will be established, if by the developer, or how the information used to design the system will be passed onto the new owners/tenants.

Auditing/Monitoring

- Provide details on how the system can be monitored by cleaning/waste contractors.

References

- Provide a list of references for information presented within plan.

Appendices

- Provide any relevant reports or supporting documents, including agreements with Local Governments or waste contractors.

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APPENDIX 7

LOCAL GOVERNMENT COMMERCIAL AND INDUSTRIAL WASTE MANAGEMENT PLAN CHECKLIST

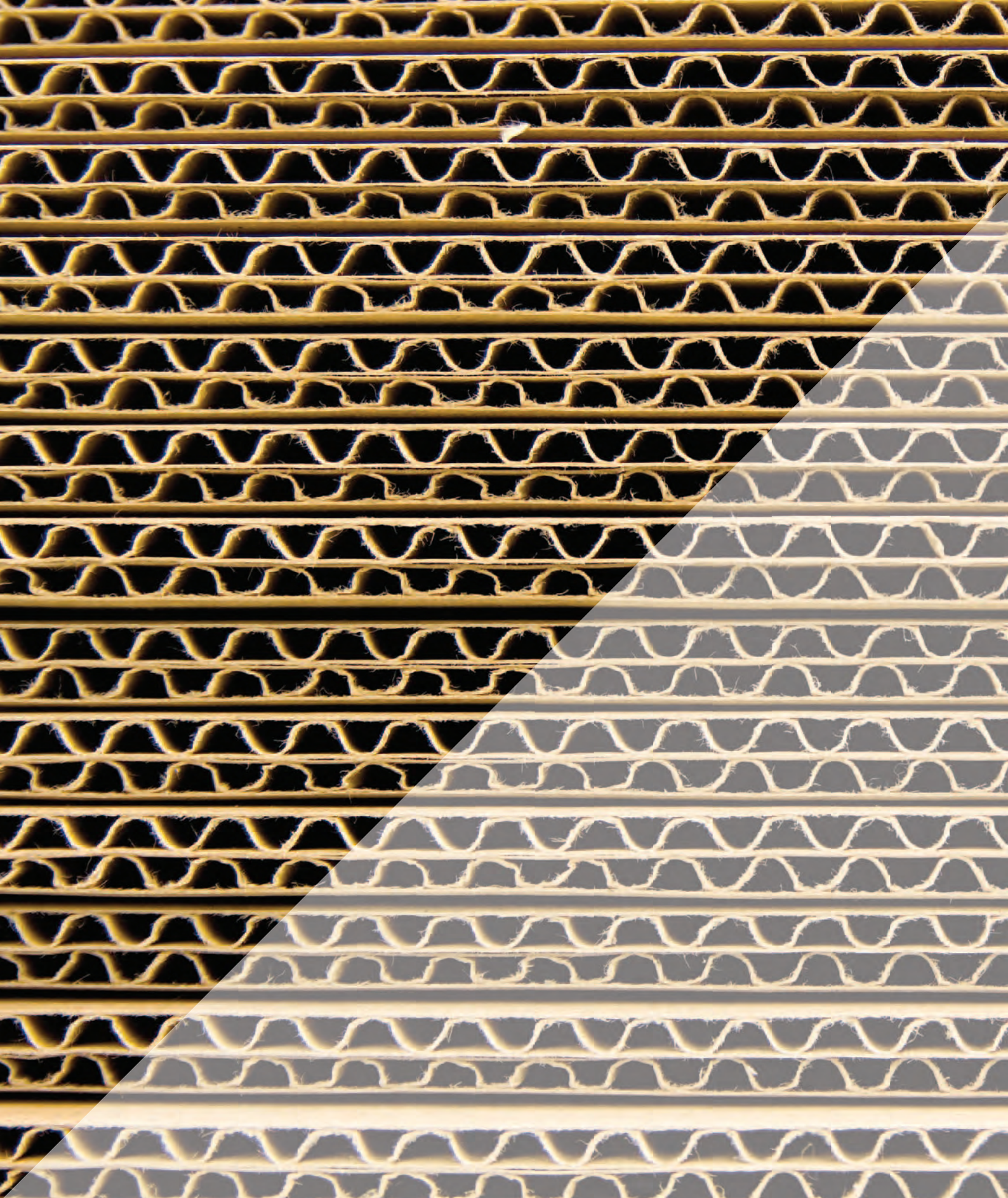
This checklist will be used by relevant officers in assessing submitted waste management plans. This checklist may also be used by proponents and their consultants to ensure that their management plans contain all the required information.

Section	Key element	Adequately addressed in WMP (Yes/No)	Comments/ feedback	Required modifications
Introduction	Is a brief background provided, including details of :			
	• Address			
	• Development area			
	• Nature and scale of the development (including number and type of dwelling)			
	• Ownership and management details			
	• Projected occupancy.			
	Are the details of initial contact with Local Government in relation to waste management in the development included?			
Waste Generation	Have the projected waste generation rates based on occupancy and uses been calculated using the provided figures?			
Waste Management System – Bin Storage Area	Have details been provided on the size and location of the proposed storage areas?			
	Have details been provided on the proposed number and size of bins and is this in line with the expected waste generation figures?			
	Is there clear justification for the location of the storage facility?			

Continued over

Continued

	Has a good description been included about how better practice waste management has been included in order to minimise noise, odour, vermin and to take into account hygiene, security, health safety and the environment?			
Access	Have clear details been included of the route for any movement from temporary storage areas to presentation areas? [including diagram]			
Collection	Have the proposed bin collection frequencies, based on bin numbers and waste volumes, been properly justified?			
	Have the proposed collection points (onsite or off-site) been identified and indicated in a scale-drawing?			
	If relevant, have details been provided on the internal road and driveway lay out and how collection vehicles will service the site?			
Education	Have details been provided on the signage which will be used to inform workers/ occupants about use of the waste management system?			
Potential Issues	Have details been provided on the range of potential issues which may arise during occupancy and how these issues will be addressed?			
Implementation Schedule	Have details on how the system will be established and how new workers/tenants will be introduced to and educated about the system and appropriate behaviours been included?			
Auditing / Monitoring	Are details on how the system will be monitored and who by provided?			
References	Are the relevant references provided?			
Appendices	Are any relevant documents attached?			



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APPENDIX C | WASTE GENERATION CALCULATIONS

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WASTE GENERATION CALCULATIONS

Weekly residential and commercial estimates are based on the waste and recycling generation rates provided in **WALGA's** *Commercial and Industrial Waste Management Plan Guidelines*, and the City of **Melbourne's** *Waste Generation Rates* which are outlined in the below table.

LAND USE	GENERAL WASTE GENERATION	RECYCLABLES GENERATION
Child Care Centre	70L/100m ² floor area/day	70L/100m ² floor area/day
Shops with <100m ² floor area	50L/100m ² floor area/day	25L/100m ² floor area/day

The following equation was used to calculate the anticipated weekly waste generation for the proposed Childcare Centre.

$$TOTAL\ AMOUNT\ OF\ WASTE\ TYPE = \left(\frac{FLOOR\ AREA}{100} \times WASTE\ RATE \right) \times NUMBER\ OF\ DAYS$$

Assuming weekly collection for waste, the total number of bins required for each stream was calculated using the following equation:

$$TOTAL\ NUMBER\ OF\ BINS\ REQUIRED = \frac{(TOTAL\ WEEKLY\ WASTE\ GENERATED / 240L)}{2}$$

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APPENDIX E

Bushfire
Management
Plans

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Bushfire management plan/Statement addressing the Bushfire Protection Criteria coversheet

Site address:

Site visit:

Yes

☐

No

☐

Date of site visit (if applicable):

Day

Month

Year

Report author or reviewer:

WA BPAD accreditation level (please circle):

Not accredited

☐

Level 1 BAL assessor

☐

Level 2 practitioner

☐

Level 3 practitioner

☐

If accredited please provide the following.

BPAD accreditation number:

Accreditation expiry: Month

Year

Bushfire management plan version number:

Bushfire management plan date: Day

Month

Year

Client/business name:

	Yes	No
Has the BAL been calculated by a method other than method 1 as outlined in AS3959 (tick no if AS3959 method 1 has been used to calculate the BAL)?		
Have any of the bushfire protection criteria elements been addressed through the use of a performance principle (tick no if only acceptable solutions have been used to address all of the bushfire protection criteria elements)?		

Is the proposal any of the following (see [SPP 3.7 for definitions](#))?

	Yes	No
Unavoidable development (in BAL-40 or BAL-FZ)		
Strategic planning proposal (including rezoning applications)		
High risk land-use		
Vulnerable land-use		

None of the above

☐

Note: Only if one (or more) of the above answers in the tables is yes should the decision maker (e.g. local government or the WAPC) refer the proposal to DFES for comment.

Why has it been given one of the above listed classifications (E.g. Considered vulnerable land-use as the development is for accommodation of the elderly, etc.)?

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The information provided within this bushfire management plan to the best of my knowledge is true and correct:

Signature of report author
or reviewer



Date



Bushfire Management Plan

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Proposed Childcare Centre

Lot 131 (126) South Yunderup Road, South Yunderup

Shire of Murray

Planning Stage: Development Application (Standard BMP)

Planning Development Type: Construction of a Class 4 - 9 Building

Bushfire Policy – Specific Development or Use Type: Vulnerable Land Use (Non-Tourism)

Job Number: 210698

Assessment Date: 5 August 2021

Report Date: 13 August 2021

BPP Group Pty Ltd t/a Bushfire Prone Planning
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DOCUMENT CONTROL

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VERSION HISTORY				
Version	Version Details	Date		
1.0	Original	13 August 2021		
1.1	Amended Site Layout	31 March 20220		
BMP (Standard DA-Non-Tourism) Template v8.5				
DISTRIBUTION				
Destination	Version	No. Copies	Hard Copy	Electronic Copy
Person/Business: Rashida MacLeod/Harley Dykstra Email: rashidam@harleydykstra.com.au	V1.1		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Person/Business: Email:			<input type="checkbox"/>	<input type="checkbox"/>
<p>Limitation of Liability: The measures contained in this Bushfire Management Plan, are considered to be minimum requirements and they do not guarantee that a building will not be damaged in a bushfire, persons injured, or fatalities occur either on the subject site or off the site while evacuating. This is substantially due to the unpredictable nature and behaviour of fire and fire weather conditions. Additionally, the correct implementation of the required bushfire protection measures will depend upon, among other things, the ongoing actions of the landowners and/or operators over which Bushfire Prone Planning has no control.</p> <p>All surveys, forecasts, projections and recommendations made in this report associated with the proposed development are made in good faith based on information available to Bushfire Prone Planning at the time. All maps included herein are indicative in nature and are not to be used for accurate calculations.</p> <p>Notwithstanding anything contained therein, Bushfire Prone Planning will not, except as the law may require, be liable for any loss or other consequences whether or not due to the negligence of their consultants, their servants or agents, arising out of the services provided by their consultants.</p> <p>Copyright ©2020 BPP Group Pty Ltd: All intellectual property rights, including copyright, in format and proprietary content contained in documents created by Bushfire Prone Planning, remain the property of BPP Group Pty Ltd. Any use made of such format or content without the prior written approval of Bushfire Prone Planning, will constitute an infringement on the rights of the Company which reserves all legal rights and remedies in respect of any such infringement.</p>				

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EXECUTIVE SUMMARY

The Bushfire Management Plan (BMP) is to accompany a development application for a childcare centre, parking space/driveways and three retail buildings, on Lot 131 (126) South Yunderup Road, Yunderup in the Shire of Murray.

The development is considered a vulnerable land use, being a facility designed to accommodate occupants with reduced physical or mental ability such as the elderly, children (under 18 years of age) or the sick or injured. A separate Bushfire Emergency Plan is to be developed for the site.

Currently, certain operational information required to complete the Bushfire Emergency Plan is not available. It is a requirement of this Bushfire Management Plan that the associated Bushfire Emergency Plan for this site be updated and completed prior to occupation of the childcare centre.

The proposal is able to meet the requirements of the four elements of the Bushfire Protection Criteria of Location, Siting and Design, Vehicular Access and Water Supply:

- For Element 1 'Location': the subject site able to achieve the acceptable solution (by being located in an area that will, on completion, be subject to BAL-29 or less);
- For Element 2 'Siting and Design': the proposed development is able to meet the acceptable solutions by the infrastructure being able to achieve an Asset Protection Zone (APZ) of sufficient size to ensure the radiant heat impact does not exceed BAL-29;
- For Element 3 'Vehicular Access': the location of the development is able to meet the current acceptable solutions; and
- For Element 4 'Water Supply': the subject site is able to achieve the acceptable solution (it is located in a reticulated area where existing hydrants are available for fire-fighting operations. The closest hydrant is located 41m from the subject site.

Buildings of Class 4 to Class 9 are not required by the Building Codes of Australia (BCA) to be constructed to comply with bushfire performance requirements. As the proposed buildings are located in a bushfire prone area and may be subject to a bushfire attack, Bushfire Prone Planning normally "recommends" that the buildings be constructed to their assessed BAL rating.

However, as the childcare centre will also be the onsite shelter in place building during a bushfire event, it is a requirement of this Bushfire Management Plan and the Bushfire Emergency Plan that this building be constructed to its assessed BAL rating (BAL-19).

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1 PROPOSAL DETAILS

1.1 Description and Associated Plans and Maps

Bushfire Prone Planning Commissioned to Produce the Bushfire Management Plan (BMP) By:	Harley Dykstra
For Submission To:	Shire of Murray
Purpose of the BMP:	To accompany a planning application
'Development' Site Total Area:	5623 square metres
No. of Existing/Proposed Lots:	N/A
Description of the Proposed Development/Use:	
Childcare centre and retail shop, barber shop, and gift shop with sealed car parking and driveways.	
Staged Development and Management of Potential Bushfire Hazard Issues	
N/A	

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Figure 1.1



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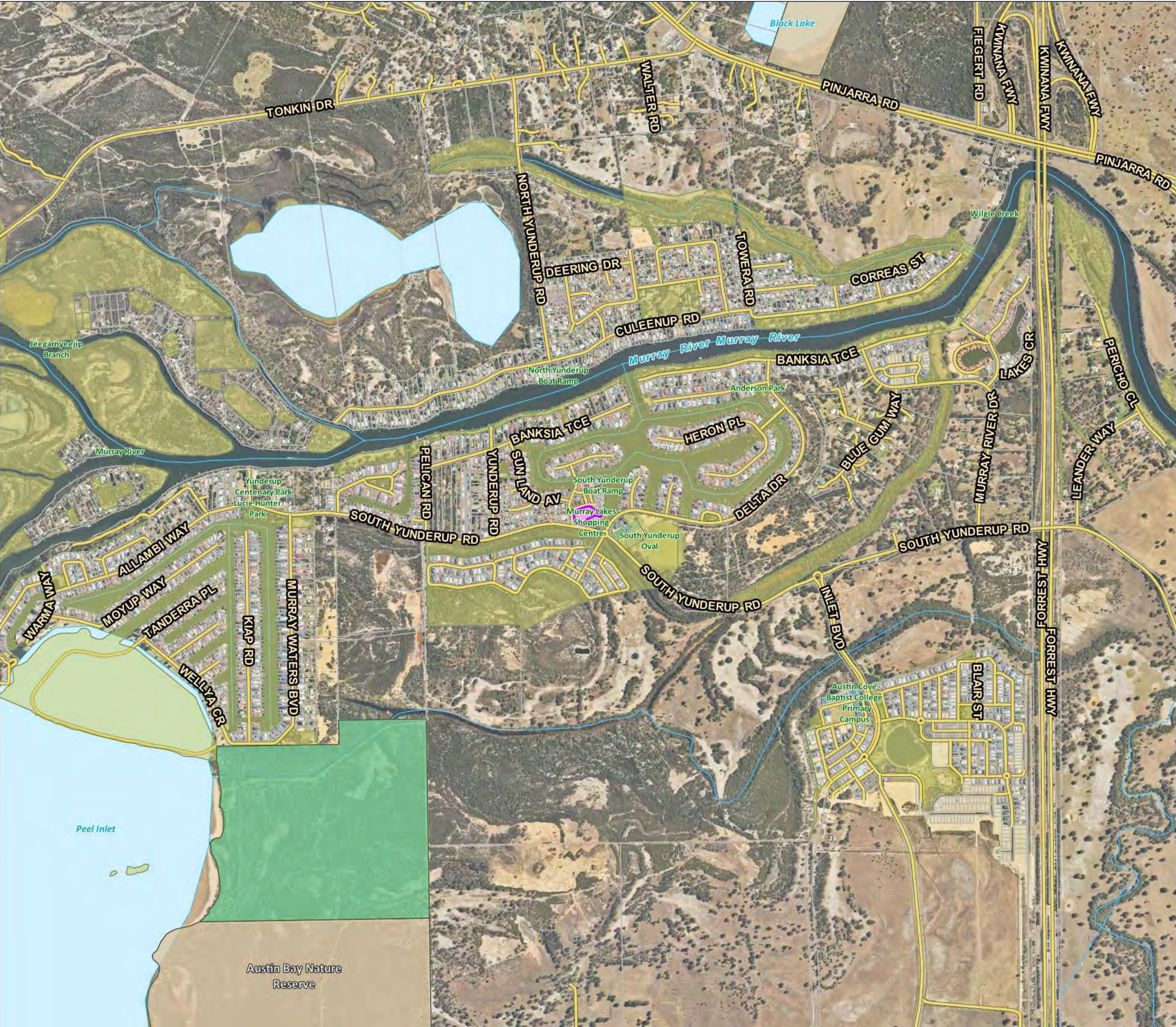


Figure 1.2

Location Map

Lot 131 on Plan 16952, Area: 5623 sq m
126 South Yunderup Road
SOUTH YUNDERUP 6208
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----- LEGEND -----

- Subject Site
- Other Lots
- Reserves

Legislated Lands and Waters

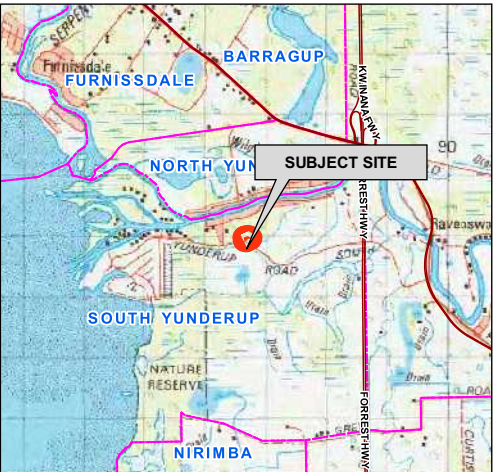
- Conservation Park
- Nature Reserve

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0 200 400 600 800

Metres

----- LOCALITY -----



AERIAL IMAGERY: Landgate/SLIP



Coordinate System: GDA 1994 MGA Zone 50
Projection: Universal Transverse Mercator Units: Metre
Map by: Madison Smith 10-08-2021
SCALE (A3): 1 : 15000

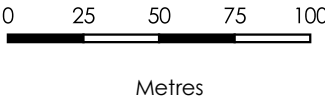
Figure 1.3
Bushfire Prone Areas

Lot 131 on Plan 16952, Area: 5623 sq m
126 South Yunderup Road
SOUTH YUNDERUP 6208
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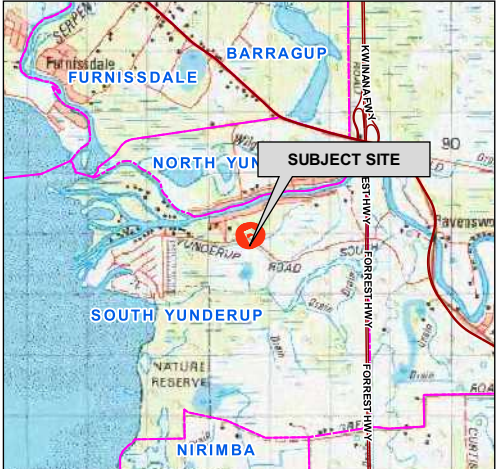
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- Subject Site
- Other Lots
- Bushfire Prone Areas (2019)
- Proposed Development**
 - Childcare Centre
 - Retail
 - Existing Building
 - Driveway
- DFES Stations**
 - Bush Fire Brigade

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----- LOCALITY -----



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Projection: Universal Transverse Mercator Units: Metre
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SCALE (A3): 1 : 2500



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1.2 The Specific 'Land Use' and the Bushfire Planning Requirements

SPP 3.7, the associated Guidelines and Position Statements, define certain land uses that require additional and/or alternative bushfire related assessment and additional information to be provided. This is necessary to facilitate planning application assessment and for subsequent operational use.

When such a proposal is unable to fully achieve the implementation of all required bushfire protection measures - as established by the 'acceptable solutions' contained in the Guidelines and Position Statements - further assessments and the development of additional protection measures are required.

The land use classification that applies to the proposal is identified in Table 1.2, along with the required additional assessments and information and the form and location in which this is provided.

Table 1.2: The determined land use and assessment/information requirements.

THE PROPOSED LAND USE CLASSIFICATION AND BUSHFIRE PLANNING REQUIREMENTS		
Assessment / Information / Documents Detail		
The proposed land use classification is determined to be:		Vulnerable (Non-Tourism)
Category, type and/or operations of the land use that have determined the classification:		Category 1: A facility designed to accommodate occupants with reduced physical or mental ability such as the elderly, children (under 18 years of age) and the sick or injured.
The Policies, Guidelines and Position Statements against which the proposed land use will be assessed, and which guide the information to be provided. ¹	SPP 3.7	<input checked="" type="checkbox"/>
	Guidelines including the BPC	<input checked="" type="checkbox"/>
	Guidelines excluding the BPC	
	Position Statement - BPC Element 1 and 2	<input checked="" type="checkbox"/>
	Position Statement - Tourism	n/a
The documents and the information developed and the format and location in which they are provided.	Bushfire Management Plan (BMP)	<input checked="" type="checkbox"/>
	Risk Management Plan (RMP)	n/a
	Risk Assessment and Treatment Plan	n/a
	Bushfire Emergency Plan (BEP)	<input checked="" type="checkbox"/> Separate Document
	BEP Supporting Information	n/a
	Additional bushfire protection measures	<input checked="" type="checkbox"/> In BMP s5.4

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1.3 Existing Documentation Relevant to the Construction of this Plan

This section acknowledges any known reports or plans that have been prepared for previous planning stages, that refer to the subject area and that may or will impact upon the assessment of bushfire risk and/or the implementation of bushfire protection measures and will be referenced in this Bushfire Management Plan.

Table 1.3: Existing relevant documentation.

RELEVANT EXISTING DOCUMENTS		
Existing Document	Copy Provided by Client	Title
Structure Plan	No	N/A
Environmental Report	No	N/A
Landscaping (Revegetation) Plan	Yes	South Yunderup Childcare Centre Landscape Planting Plan (Kelsie Davies Landscape Architecture Rev C – 24-03-22)
Bushfire Risk Assessments	No	N/A

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2 ENVIRONMENTAL CONSIDERATIONS

2.1 Native Vegetation – Restrictions to Modification and/or Clearing

Many bushfire prone areas also have high biodiversity values. SPP 3.7 policy objective 5.4 recognises the need to consider bushfire risk management measures alongside environmental, biodiversity and conservation values (Guidelines s2.3).

There is a requirement to identify any need for onsite modification and/or clearing of native vegetation and whether this may trigger potential environmental impact/referral requirements under State and Federal environmental legislation. Confirmation that any proposed native vegetation modification and/or clearing is acceptable, should be received from the relevant agencies by the proponent and provided to the bushfire consultant for inclusion in the Bushfire Management Plan if it will influence the required bushfire planning assessments and outcomes. The following table details any potential environmental restrictions of which the author of this report is aware.

Table 2.1: Native vegetation and potential environmental considerations and restrictions.

NATIVE VEGETATION MODIFICATION / CLEARING - POTENTIAL ENVIRONMENTAL RESTRICTIONS IDENTIFIED				
Environmental Considerations / Features	Potential Mapping Data Source (SLIP / Local Planning)	Relevant to Proposed Development	Data Applied	Action Required
Onsite clearing of native vegetation is required.		No		
Environmental impact/referral requirements under State and Federal environmental legislation may be triggered.		Unlikely		
National Park / Nature Reserve	DBCA-011	No-Confirmed by Bushfire Consultant	Relevant Database Reviewed by Bushfire Consultant	None
Conservation Covenant	DPIRD-023	No-Confirmed by Bushfire Consultant	Relevant Database Reviewed by Bushfire Consultant	None
Bush Forever Site	DPLH-019	No-Confirmed by Bushfire Consultant	Relevant Database Reviewed by Bushfire Consultant	None
RAMSAR Wetland	DBCA-010	No-Confirmed by Bushfire Consultant	Relevant Database Reviewed by Bushfire Consultant	None
Geomorphic and Other Wetland	DBCA-011-019, 040, 043, 044	Yes-Confirmed by Proponent	Relevant Database Reviewed by Bushfire Consultant	Proponent to Seek Advice
Threatened and Priority Ecological Communities (TECs or PECs)	DBCA-038	Not Known	Data Not Readily Available to Bushfire Consultant	Proponent to Seek Advice
Threatened and Priority Flora including Declared Rare Flora (DRFs)	DBCA-036	Not Known	Data Not Readily Available to Bushfire Consultant	Proponent to Seek Advice
Land Identified as significant through a Local Biodiversity Strategy	LG - Intramaps	Unlikely	Data Not Readily Available to Bushfire Consultant	Proponent to Seek Advice

Statement of how the identified environmental feature(s) is dealt with in this Bushfire Management Plan (and the location of relevant information):

The subject site is located in an area classified as Estuary-Peripheral under the Geomorphic Wetlands Swan Coastal Plain (DBCA-019). The assessments and bushfire protection measures detailed the BMP, assume that environmental approval will be achieved or clearing permit exemptions will apply.

It is advised that the proponent seek further advice from an Environmental Consultant or the WA Department of Biodiversity Conservation and Attractions for further information on the condition and species contained within the proposed development area and the requirement for referral of the proposal.

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Figure 2.1
Environmental Considerations

Lot 131 on Plan 16952, Area: 5623 sq m
126 South Yunderup Road
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Subject Site

Other Lots

Clearing Regulations

Reserves

Geomorphic Wetlands Swan Coastal Plain

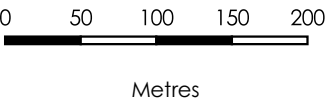
Estuary-Peripheral

Floodplain

River

Sumpland

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Coordinate System: GDA 1994 MGA Zone 50
Projection: Universal Transverse Mercator Units: Metre
Map by: Madison Smith 10-08-2021
SCALE (A3): 1 : 5000

210698_ENV_126_South_Yunderup_Road_South_Yunderup .aggz

Development Design Considerations

Establishing development in bushfire prone areas can adversely affect the retention of native vegetation through clearing associated with the creation of lots and/or asset protection zones. Where loss of vegetation is not acceptable or causes conflict with landscape or environmental objectives, it will be necessary to consider available design options to minimise the removal of native vegetation.

Table 2.2: Development design.

MINIMISE THE REMOVAL OF NATIVE VEGETATION	
Design Option	Assessment / Action
Reduction of lot yield	N/A
Cluster development	N/A
Construct building to a standard corresponding to a higher BAL as per BCA (AS 3959:2018 and/or NASH Standard)	N/A
Modify the development location	N/A
The proposed development is located on a vacant portion of Lot 131 (#126) South Yunderup Road that contains managed grass and a few trees, of which some will be removed during development. The lot also contains existing buildings (pub and restaurants) with maintained vegetation.	
IMPACT ON ADJOINING LAND	
Is this planning proposal able to implement the required bushfire protection measures within the boundaries of the land being developed so as not to impact on the bushfire and environmental management of neighbouring reserves, properties or conservation covenants?	Yes
The subject lot is currently managed to a low bushfire threat state and is expected to be maintained in this way in perpetuity. No bushfire protection measures are required to be implemented external to the lot.	

2.2 Retained Vegetation / Re-vegetation / Landscape Plans (including POS)

Riparian zones, wetland/foreshore buffers, road verges and public open space may have plans to re-vegetate or retain vegetation as part of the proposed development. Vegetation corridors may be created between offsite and onsite vegetation and provide a route for fire to enter a development area.

All retained/planned vegetation and its management will be considered in the development of this Bushfire Management Plan.

Is re-vegetation of riparian zones and/or wetland or foreshore buffers and/or public open space a part of this Proposal?	No
N/A	
Is the requirement for ongoing maintenance of existing vegetation in riparian zones and/or wetland or foreshore buffers and/or public open space a part of this Proposal?	No
N/A	
Has a landscape plan been developed for the proposed development?	No
N/A	

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3 POTENTIAL BUSHFIRE IMPACT ASSESSMENT

3.1 Assessment Input

3.1.1 Fire Danger Index (FDI) Applied

AS 3959:2018 Table 2.1 specifies the fire danger index values to apply for different regions. The values used in the model calculations are for the Forest Fire Danger Index (FFDI) and for which equivalent representative values of the Grassland Fire Danger Index (GFDI) are applied as per Appendix B. The values can be modified if appropriately justified.

Table 3.1: Applied FDI Value

FDI VALUE			
Vegetation Areas	As per AS 3959:2018 Table 2.1	As per DFES for the Location	Value Applied
1-7	80	N/A	80

3.1.2 Vegetation Classification and Effective Slope

Classification: Bushfire prone vegetation identification and classification has been conducted in accordance with AS 3959:2018 s2.2.3 and the Visual Guide for Bushfire Risk Assessment in WA (DoP February 2016).

When more than one vegetation type is present, each type is identified separately, and the applied classification considers the potential bushfire intensity and behaviour from the vegetation types present and ensures the worst case scenario is accounted for – this may not be from the predominant vegetation type.

The vegetation structure has been assessed as it will be in its mature state (rather than what might be observed on the day). Areas of modified vegetation are assessed as they will be in their natural unmodified state (unless maintained in a permanently low threat, minimal fuel condition, satisfying AS 3959:2018 s2.2.3.2(f) and asset protection zone standards). Vegetation destroyed or damaged by a bushfire or other natural disaster has been assessed on its revegetated mature state.

Effective Slope: Refers to the ground slope under each area of classified vegetation and is described in the direction relative to the view from the building or proposed development site. Effective slope is not the same as 'average slope', rather it is the slope which most significantly influences fire behaviour. This slope has a direct and significant influence on a bushfire's rate of spread and intensity.

Where there is a significant change in effective slope under an area of classified vegetation, that will cause a change in fire behaviour, separate vegetation areas will be identified to enable the correct assessment.


When the effective slope, under a given area of bushfire prone vegetation, will be different relative to multiple proposed development sites, then the effective slopes corresponding to the different locations, are separately identified.

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Table 3.2: Vegetation classification and effective slope.

ALL VEGETATION WITHIN 150 METRES OF THE PROPOSED DEVELOPMENT				
Vegetation Area	Identified Vegetation Types ¹ or Description if 'Excluded'	Applied Vegetation Classification ¹	Effective Slope (degrees) ² (AS 3959:2018 Method 1)	
			Assessed	Applied Range
1	Tussock grassland G-22	Class G Grassland	Flat 0	upslope or flat
2	Open forest A-03	Class A Forest	Downslope 3	downslope >0-5
3	Open forest A-03	Class A Forest	Flat 0	upslope or flat
4	Open forest A-03	Class A Forest	Flat 0	upslope or flat
5	Open tussock G-23, Sown pasture G-26	Class G Grassland	Flat 0	upslope or flat
6	Non-Vegetated Areas, Low Threat Vegetation	Excluded as per Section 2.2.3.2 (e)(f)	Flat 0	upslope or flat
7	Low Threat Vegetation	Excluded as per Section 2.2.3.2 (f)	N/A	N/A
Representative photos of each vegetation area, descriptions and classification justification, are presented on the following pages. The areas of classified vegetation are defined, and the photo locations identified on Figure 3.1, the vegetation and topography map.				
Note ¹ : Described and classified as per AS 3959:2018 Table 2.3 and Figures 2.3 and 2.4 (A)-(H)				
Note ² : Effective slope measured as per AS 3959:2018 Section 2.2.5 and Appendix B Part B4				



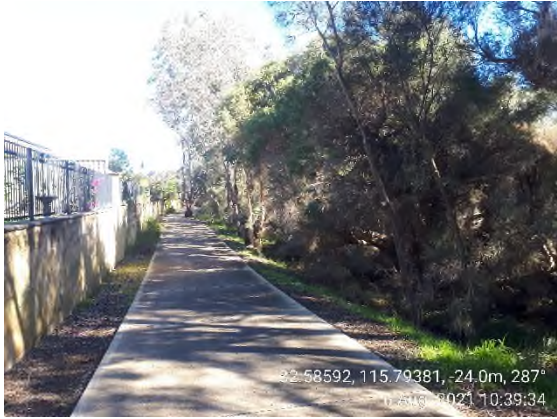
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VEGETATION AREA 1	
AS 3959:2018 Vegetation Classification Applied:	Class G Grassland
Vegetation Types Present:	Tussock grassland G-22
Description/Justification:	Thin strip of tall unmanaged grassland separating managed verge side vegetation and riparian forest.
Post Dev. Assumptions:	Vegetation is offsite and cannot be managed or removed by the subject site landowner. Vegetation is classified as worst-case scenario.
	
Photo ID: 1	

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VEGETATION AREA 2	
AS 3959:2018 Vegetation Classification Applied:	Class A Forest
Vegetation Types Present:	Open forest A-03
Description/Justification:	Mixed species riparian forest dominated by paperbark (<i>Melaleuca raphiophylla</i>), swamp gum (<i>Eucalyptus rudis</i>) present. Understory of mixed species small shrubs and tall unmanaged grass.
Post Dev. Assumptions:	Vegetation is offsite and cannot be managed or removed by the subject site landowner. Vegetation is classified as worst-case scenario.
 	
Photo ID: 2	Photo ID: 3
	
Photo ID: 4	

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VEGETATION AREA 3	
AS 3959:2018 Vegetation Classification Applied:	Class A Forest
Vegetation Types Present:	Open forest A-03
Description/Justification:	Mixed species riparian forest dominated by paperbark (<i>Melaleuca rhiphiophylla</i>). Banksia, swamp gum (<i>Eucalyptus rudis</i>), tuart (<i>Eucalyptus gomnocephala</i>) present. Understory of mixed species small shrubs including tea trees, including grasstrees <1 m in height, and tall unmanaged grass including sedge and rush.
Post Dev. Assumptions:	Vegetation is offsite and cannot be managed or removed by the subject site landowner. Vegetation is classified as worst-case scenario.
	
Photo ID: 5	Photo ID: 6
	
Photo ID: 7	Photo ID: 8
	
Photo ID: 9	Photo ID: 10

VEGETATION AREA 3



Photo ID: 11



Photo ID: 12

VEGETATION AREA 4

AS 3959:2018 Vegetation Classification Applied:	Class A Forest
Vegetation Types Present:	Open forest A-03
Description/Justification:	Mixed species eucalyptus tree composition with trees up to 20 m in height, 50% foliage cover. Understory comprised of dense grass.
Post Dev. Assumptions:	Vegetation is offsite and cannot be managed or removed by the subject site landowner. Vegetation is classified as worst-case scenario.

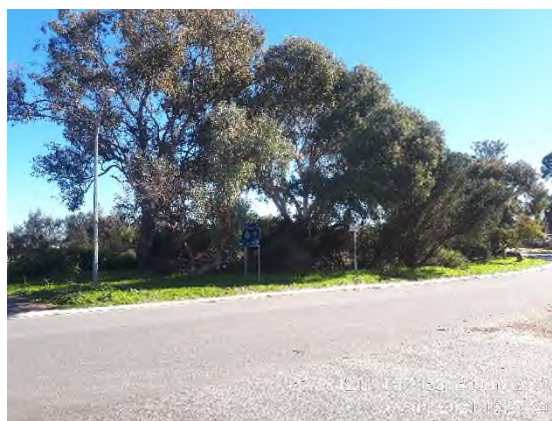


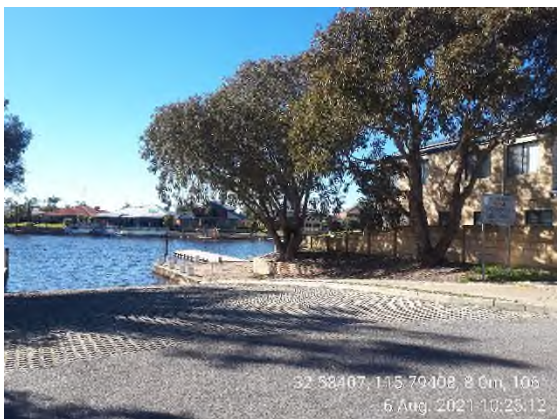



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VEGETATION AREA 5	
AS 3959:2018 Vegetation Classification Applied:	Class G Grassland
Vegetation Types Present:	Open tussock G-23 Sown pasture G-26
Description/Justification:	Mixed species unmanaged grassland on riverbank.
Post Dev. Assumptions:	Vegetation is offsite and cannot be managed or removed by the subject site landowner. Vegetation classified as worst-case scenario.
 	
Photo ID: 14	Photo ID: 15

VEGETATION AREA 6	
AS 3959:2018 Vegetation Classification Applied:	Excluded as per Section 2.2.3.2 (e)(f)
Vegetation Types Present:	Non-Vegetated Area Low Threat Vegetation
Description/Justification:	Residential areas with maintained reticulated private gardens. Public recreational facilities and managed public open space. Non-vegetated areas including sealed and paved public roads, driveways, parking areas, and rivers.
Post Dev. Assumptions:	Offsite areas of low threat can be reasonably expected to remain in a low threat state in perpetuity.
 	
Photo ID: 16	Photo ID: 17

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VEGETATION AREA 6



Photo ID: 18



Photo ID: 19



Photo ID: 20



Photo ID: 21



Photo ID: 22



Photo ID: 23

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VEGETATION AREA 6



Photo ID: 24



Photo ID: 25

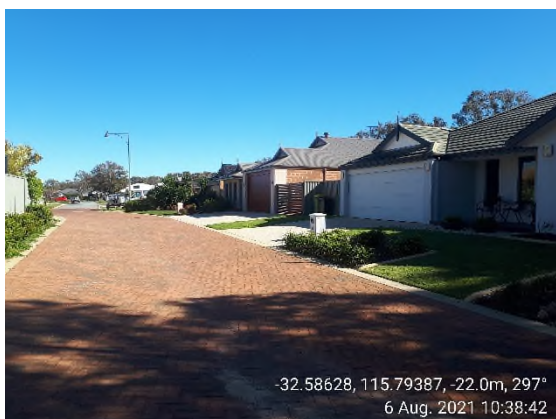




Photo ID: 26



Photo ID: 27

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VEGETATION AREA 7	
AS 3959:2018 Vegetation Classification Applied:	Excluded as per Section 2.2.3.2 (f)
Vegetation Types Present:	Low Threat Vegetation
Description/Justification:	Managed lawn with sparse trees on the boundary of the lot.
Post Dev. Assumptions:	Low threat vegetation is onsite and will be removed during development. The area will continue to be managed in a low threat state by the subject site landowner after development.
<div>   </div>	
Photo ID: 28	Photo ID: 29

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Figure 3.1

Existing Topography & Classified Vegetation

Lot 131 on Plan 16952, Area: 5623 sq m
126 South Yunderup Road
SOUTH YUNDERUP 6208
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----- LEGEND -----

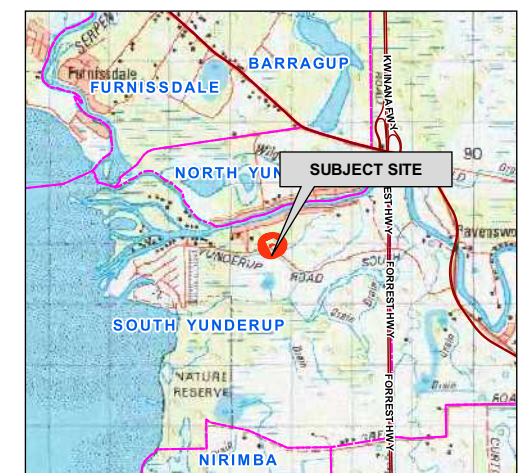
- Subject Site
- Other Lots
- 150m Assessment Area
- ← Photo & Direction
- H Hydrant
- Proposed Development**
 - Childcare Centre
 - Retail
 - Existing Building
 - Driveway
- Classified Vegetation**
 - Class A - Forest
 - Class G - Grassland
 - Exclusion 2.2.3.2

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0 20 40 60 80

Metres

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AERIAL IMAGERY: Landgate/SLIP



Coordinate System: GDA 1994 MGA Zone 50
Projection: Universal Transverse Mercator Units: Metre
Map by: Madison Smith 29-03-2022
SCALE (A3): 1 : 1350

210698_VEG_126_South_Yunderup_Road_South_Yunderup.qgz

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3.1.3 Vegetation Separation Distance

The vegetation separation distance is the horizontal distance measured from the relevant parts of an existing building or a future building's planned location (within a lot), to the determined edge of an area of classified vegetation.

This separation distance applied to determining a Bushfire Attack Level (BAL) can be either:

- The measured distance – for which the location of the building relative to the edge of classified vegetation must be known. This will result in single determined BAL that will apply to a building. (The measured distance is a required calculation input); or
- A calculated minimum and maximum distance (range) that will correspond to each individual BAL. The calculated distances provide an indicative (or achievable) BAL for which the determined BAL will be dependent on the known location of the building relative to the edge of classified vegetation.

The calculated range of distances corresponding to each BAL can be presented in different formats (tables or a BAL contour map), dependent on the form of information that is most appropriate for the proposed development/use. These distance ranges corresponding to BAL(s) will be presented in Section 3.2: 'Assessment Output'.

For the proposed development/use, the applicable vegetation separation distances will be presented within the Bushfire Management Plan in this location:

In Section 3.2 'Assessment Output' as a table containing the calculated ranges of distance corresponding to each BAL and illustrated as a BAL Contour Map.

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3.2 Assessment Output

UNDERSTANDING THE RESULTS OF THE BUSHFIRE IMPACT ASSESSMENT

Bushfire Attack Levels (BALs) – Their Application in the Building Environment is Different to the Planning Environment

In the building environment, a **determined BAL** is required for the proposed construction at the building application stage. This is to inform approval considerations and establish the bushfire construction standards that are to apply. An indicative BAL is not acceptable for a building application.

In the planning environment, through the application of SPP 3.7 and associated Guidelines, the deemed to satisfy requirement for a proposed ‘development site’ or sites (defined by the LPS Amendment Regulations 2015 as “that part of a lot on which a building that is the subject of development stands or is to be constructed”), is that a BAL-29 or lower rating can be achieved once all works associated with the proposal are completed. For planning approval purposes, an **indicative BAL** can provide the required information.

Determined Bushfire Attack Level

A determined BAL is to apply to an existing building or the ‘development site’ on which the building is to be constructed and not to a lot or building envelope. Its purpose is to state the potential radiant heat flux to which the building will be exposed, thereby determining the construction standard to be applied.

A determined BAL cannot be given for a future building whose design and position on the lot are unknown or the vegetation separation distance has not been established. It is not until these variables have been fixed that a determined BAL can be stated, and a BAL Certificate can be issued.

The one exception is when a building **of any dimension** can be **positioned anywhere** on a proposed lot (within R-Code building setbacks) or within a defined building envelope, and always remain subject to the same BAL, regardless of the retention of any existing classified vegetation either onsite or offsite.

Indicative Bushfire Attack Level

If a BAL is not able to achieve ‘determined’ status it will be an indicative BAL. It indicates the BAL that can be achieved by the proposed development/use. However, it is conditional upon an assessment variable(s) being confirmed at a later stage (e.g. the building location is established/changed, or vegetation is modified/removed to establish the vegetation separation distance).

A BAL certificate cannot be issued for an indicative BAL – unless that BAL cannot vary (refer to ‘Determined BAL’ above).

In table form, a single or a range of indicative BAL(s) may be presented. If a single indicative BAL is stated for a defined area (i.e. the lot or building envelope), this will be the highest indicative BAL impacting the defined area.

In BAL contour map form (refer to Section 3.2), the illustrated BAL contours visually identify areas of land for which if any part of an existing or proposed building is located on that land and within the BAL contours, then the highest BAL affecting that building (or part of the land on which the building will be constructed), will be the indicative BAL that is to apply.

The BAL can only become a determined BAL once the actual location of that building on the land is known and/or the required minimum vegetation separation distance corresponding to the relevant BAL contour is established.

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3.2.1 Bushfire Attack Level Results - BAL Contour Map Format

INTERPRETATION OF THE BUSHFIRE ATTACK LEVEL (BAL) CONTOUR MAP

The contour map will present different coloured contour intervals extending from the areas of classified bushfire prone vegetation. These represent the different bushfire attack levels that will exist at varying distances away from the classified vegetation in the event of a bushfire in that vegetation.

The areas of classified vegetation to be considered in developing the BAL contours, are those that will remain as the intended end state of the subject development once earthworks, clearing and/or landscaping and re-vegetation have been completed (or each stage completed).

Each bushfire attack level corresponds to a set range of radiant heat flux that is generated by a bushfire. That range is defined by the AS 3959:2018 BAL determination methodology.

The width of each shaded BAL contour is a diagrammatic representation of the separation distances from the classified vegetation that correspond to each BAL for each separately identified area of classified vegetation. They have been calculated by the application of the unique site variables including vegetation types and structure, ground slope and applied fire weather.

(Refer to Section 3.2 'Understanding the Results of the Bushfire Impact Assessment' for the explanation of how BAL(s) for buildings will be assessed from the BAL Contour Map).

Construction of the BAL Contours

VEGETATION AREAS APPLIED TO THE DEVELOPMENT OF THE BAL CONTOUR MAP

All identified areas of classified vegetation have been applied.

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VEGETATION SEPARATION DISTANCES APPLIED

The distances that have been applied to illustrating the width of each BAL contour shown in Figures 3.2 are stated in Table 3.3. These correspond to each Bushfire Attack Level and are specific to the proposed development site.

Table 3.3: Vegetation separation distances applied to construct the BAL contours.

BAL CONTOUR MAP – APPLIED VEGETATION SEPARATION DISTANCES								
Derived from the Application of Method 1 BAL Determination Methodology (AS 3959:2018 Section 2, Table 2.5) ¹								
Vegetation Area	Vegetation Classification	Effective Slope (degree range)	BAL and Corresponding Separation Distance (m)					
			BAL-FZ	BAL-40	BAL-29	BAL-19	BAL12.5	BAL-LOW
1	Class G Grassland	upslope or flat	<6	6-<8	8-<12	12-<17	17-<50	>50
2	Class A Forest	downslope >0-5	<20	20-<27	27-<37	37-<50	50-<100	>100
3	Class A Forest	upslope or flat	<16	16-<21	21-<31	31-<42	42-<100	>100
4	Class A Forest	upslope or flat	<16	16-<21	21-<31	31-<42	42-<100	>100
5	Class G Grassland	upslope or flat	<6	6-<8	8-<12	12-<17	17-<50	>50
6	Excluded AS3959:2018 2.2.3.2 (e)(f)	N/A	-	-	-	-	-	-
7	Excluded AS3959:2018 2.2.3.2 (f)	N/A	-	-	-	-	-	-

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Figure 3.2

BAL Contour Map

Lot 131 on Plan 16952, Area: 5623 sq m
126 South Yunderup Road
SOUTH YUNDERUP 6208
SHIRE OF MURRAY







----- LEGEND -----

Buildings

-  Childcare Centre
-  Retail
-  Driveway
-  Development Site
-  APZ
-  Subject Lot
-  100m BAL Buffer
-  Other Lots
-  Hydrants

Vegetation Outline

Bushfire Attack Levels

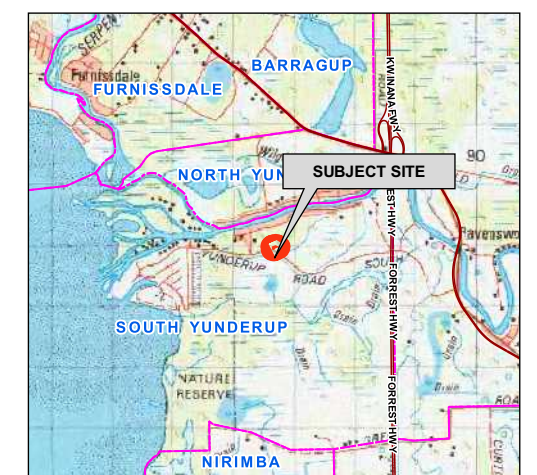
-  BAL-FZ
-  BAL-40
-  BAL-29
-  BAL-19
-  BAL-12.5
-  BAL-LOW

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Metres

----- LOCALITY -----



AERIAL IMAGERY: Landgate/SLIP



Coordinate System: GDA 1994 MGA Zone 50
Projection: Universal Transverse Mercator Units: Metre
Map by: Madison Smith 29-03-2022
SCALE (A3): 1 : 1200

210698_BAL_126_South_Yunderup_Road_South_Yunderup.qgz

Disclaimer and Limitation: This map has been prepared for bushfire management planning purposes only. All depicted areas, contours and any dimensions shown are subject to survey. Bushfire Prone Planning does not guarantee that this map is without flaw of any kind and disclaims all liability for any errors, loss or other consequence which may arise from relying on any information depicted.

3.2.2 Bushfire Attack Level Results - Derived from The BAL Contour Map

Table 3.4. Determined BALs for the proposed building works.

BUSHFIRE ATTACK LEVEL FOR EXISTING/PLANNED BUILDINGS/STRUCTURE	
BAL Determination Methodology Applied ¹	Method 1 as per AS 3959:2018 s2.2.6 and Table 2.5.
Building/Structure Description (planned)	Determined BAL (refer to start of s3.2)
Planned Childcare Centre	BAL-19
Planned Retail Building 1	BAL-29
Planned Retail Block Building 2	BAL-29
Planned Retail Building 3	BAL-29
<i>Note¹ Assessment inputs applied are presented in Section 3.1.</i>	

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4 IDENTIFICATION OF BUSHFIRE HAZARD ISSUES

In response to the Bushfire Management Plan requirements established by Appendix 5 of the Guidelines for Planning in Bushfire Prone Areas (WAPC 2021 v1.4), the following statements are made to assist in the understanding of whether the proposal is likely to be able to comply with the bushfire protection criteria now or in subsequent planning stages.

Spatial Context - Broader Landscape Considerations	
Wider road network and access constraints	The surrounding area has an extensive public road network at the larger scale with access/egress available in all directions. At a more local level, numerous access options to and from the subject site exist. There is no access constraint for the subject site with regard to what is considered acceptable from a planning perspective.
Proximity of settlements and emergency services	The subject site is part of a large area of urban settlement. Mandurah central is 14 km and 17 minutes travel time from the subject site. The closest emergency services are located in Yunderup (South Yunderup Volunteer Bush Fire Brigade), Furnissdale (West Murray Bush Fire Brigade), and Mandurah (Fire and Rescue Services) (700 m 1 minute travel, 9.6 km 10 minutes travel, and 17.3 km 19 minutes travel respectively).
Bushfire prone vegetation types and extent (including conserved vegetation)	Bushfire prone vegetation exist across the broader landscape as retained native vegetation but interspersed with improved pastures (grassland), the Murray River, and asset protection zones around existing dwellings. Most of the vegetation is on private land and subject to various levels of fuel load management. The Austin Bay Nature Reserve (~1400 ha) is located 1 km southwest of the subject site. North Yunderup Conservation Area (~90 ha), a conservation wetlands area, across the river, is 750 m from the subject site. Additional vegetation exists along the riverbanks of the Murray River.
Topography and fire behaviour interactions.	The topography of the area is relatively flat. There are slopes of zero to five degrees in the area, mainly where the riverbanks exist. Bushfire rates of spread can double for every ten degrees of upslope while downslopes will slow the rate of spread.
Potential for extreme fire behaviour and pyro convective events.	Unlikely due to the fragmentation of areas of bushfire prone vegetation due to cleared areas, pastured areas, separation of bushfire prone vegetation by waterways (Murray River), fuel load management by landowners and the availability of emergency services.
Environmental Considerations	
Constraints to implementing required and/or additional bushfire protection measures	The environmental considerations have not identified any issues to implementing required and/or additional bushfire protection measures.
Provision of Access Within the Subject Site	
Potential constraints	No constraints to establishing the required access will exist.
Potential Bushfire Impacts	
Flame and radiant heat and ability to establish an APZ	A BAL-29 dimensioned APZ is able to be established within and outside the lot (including sealed roads and managed verges). This will prevent flame contact from the classified vegetation. An APZ will be constructed over the entire subject site lot to ensure the proposed buildings are subject to BAL-29 or less.
Embers/firebrands, smoke and fire-driven wind	These will be the major impacts to the subject site. The appropriate protection measures of building construction and strict management of the APZ will mitigate the risk to what is considered an acceptable level.
Issues to be Considered at Subsequent Planning Stages (additional assessments/documents)	

Specific land uses to be addressed	N/A
Additional assessments	N/A
Additional documents	Bushfire Emergency Evacuation Plan (BEEP) & Bushfire Evacuation Poster
Discretionary Decision Making and the Precautionary Principle (SPP 3.7 and Guidelines)	
Does the bushfire consultant consider there are issues that need to be addressed in this space?	No.

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5 ASSESSMENT AGAINST THE BUSHFIRE PROTECTION CRITERIA ESTABLISHED BY THE GUIDELINES

For a development application that is not a 'Tourism Land Use' to be considered compliant with SPP 3.7, it must satisfy (achieve) the intent of each of the four elements of the bushfire protection criteria. These criteria are established by the *Guidelines for Planning in Bushfire Prone Areas WAPC 2021 v1.4*). Compliance can be achieved by either:

- Meeting all applicable acceptable solutions corresponding to each element (i.e. the minimum bushfire protection measures that are deemed to satisfy planning requirements); or
- Where an acceptable solution cannot be met, by developing a performance solution that satisfies the established requirements.

5.1 Local Government Variations to Apply

Local governments may add to or modify the acceptable solutions of the Bushfire Protection Criteria (BPC) and/or apply technical requirements that vary from those specified in the *Guidelines for Planning in Bushfire Prone Areas (WAPC)*. In such instances, this Proposal will be assessed against these variations and/or any specific local government technical requirements for emergency access and water. Refer to Appendices 2 and 3 for relevant technical requirements.

Will local or regional variations (endorsed by WAPC / DFES) to the applicable acceptable solutions established by the <i>Guidelines</i> or the <i>Position Statement: Tourism land uses in bushfire prone areas WAPC October 2019</i> , apply to this Proposal?	N/A
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5.2 Summary of Assessment Against the Bushfire Protection Criteria

SUMMARISED OUTCOME OF THE ASSESSMENT AGAINST THE BUSHFIRE PROTECTION CRITERIA					
Element of the Bushfire Protection Criteria	Basis for the Proposal Achieving Full Compliance with SPP 3.7			The Proposal Cannot Achieve Full Compliance with SPP 3.7	
	Acceptable Solutions Met		Achieves the Intent of the Element		
	All applicable solutions are fully met	All applicable solutions are not fully met. A merit based assessment and/or a bushfire performance comparison of the proposals residual risk with that of the residual risk of the acceptable solution is conducted (refer Note 4)	A performance principle-based solution is applied	Bushfire planning development type that may not require full compliance is applied	An improvement in bushfire performance compared to the existing development is detailed (refer Note 4)
1. Location	✓			N/A	
2. Siting and Design of Development	✓				
3. Vehicular Access	✓				
4. Water	✓				
<p>Note: The development proposal has been assessed:</p> <ol style="list-style-type: none">Against the requirements established in Appendix 4 of the <i>Guidelines for Planning in Bushfire Prone Areas</i>, WAPC 2021 v1.4 (<i>Guidelines</i>). The Guidelines are found at https://www.planning.wa.gov.au/8194.aspx; andApplying the interpretation guidance provided in <i>Position Statement: Planning in bushfire prone areas – Demonstrating Element 1: Location and Element 2: Siting and design</i> (WAPC Nov 2019).Applying any endorsed variations to the Guideline’s acceptable solutions and associated technical requirements that have been established by the local government. If known and applicable these have been stated in Section 5.1 with the detail included as an appendix if required by the local government.When non-compliant with SPP 3.7 and when appropriate, by utilising additional compliance pathways that include the application of merit based assessment and comparative bushfire performance. The validity of this approach is derived from relevant decisions made by the responsible authorities (refer Appendix 2).					

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5.3 Assessment Detail

Element 1: Location	
Intent: To ensure that strategic planning proposals, subdivision and development applications are located in areas with the least possible risk of bushfire to facilitate the protection of people, property and infrastructure.	
Compliance: How the proposed development achieves the intent of Element 1:	By fully meeting all applicable acceptable solutions established by the bushfire protection criteria (Guidelines v1.4 WAPC 2021)
ASSESSMENT (COMPLIANCE) STATEMENTS For each applicable acceptable solution, the following statements present the results of the assessment of the proposed development/use against the requirements established by the <i>Guidelines</i> (WAPC 2021 v1.4) and apply the interpretation guidance established by the <i>Position Statement: Planning in bushfire prone areas – Demonstrating Element 1: Location and Element 2: Siting and design</i> (WAPC Nov 2019).	
Acceptable Solution: A1.1: Development Location	
ASSESSMENT AGAINST THE REQUIREMENTS ESTABLISHED BY THE GUIDELINES The proposed development will provide an area of land within the lot that can be considered suitable for development as BAL-40 or BAL-FZ construction standards will not be required to be applied. This meets the requirements established by Acceptable Solution A1.1 and its associated explanatory note.	
ASSESSMENT AGAINST THE REQUIREMENTS ESTABLISHED BY THE POSITION STATEMENT	
The position statement establishes that: <ul style="list-style-type: none"> The source of risk (the hazard) to be considered in Element 1 is the “level of bushfire exposure” from the type and extent of bushfire prone vegetation and the topography of the land on which it exists; and “Consideration should be given to the site context” which includes the land both “within and adjoining the subject site”. The “hazards remaining within the site should not be considered in isolation of the hazards adjoining the site, as the potential impact of a bushfire will be dependent on the wider risk context.” The position statement also recognises: <ul style="list-style-type: none"> That the proposed development site and its surrounding land may be part of an area “identified for development or intensification of land use prior to the release of SPP 3.7”; consequently Consideration by decision-makers “should also be given to improving bushfire management of the site and surrounding area, thereby reducing the vulnerability of people property and infrastructure to bushfire”; and The application of mitigation measures to lessen the risk to the broader area would include improvements to the local road network (including emergency access ways), improvements/additions to firefighting water supply and increasing separation distance from the hazard. 	
The Hazard Within the Subject Site The existing lot is flat and contains managed low threat vegetation, including maintained grass, sparse trees, and managed gardens surrounding existing buildings (shops and restaurants) as well as a large area of sealed road for public parking. The primary bushfire threat to the lot will be embers produced from offsite bushfire prone vegetation. This threat will be mitigated by the application of appropriate building design, bushfire construction standards and the ongoing maintenance of the APZ to ensure the buildings will not be impacted by consequential fire within combustible materials used, stored or accumulated within the APZ.	

Element 1: Location

The Hazard Adjoining the Subject Site

Bushfire prone vegetation within the residential locality exists as native vegetation classified as Class A Forest and Class G Grassland.

The surrounding area has largely been cleared and developed into a residential area, with public open space and managed low threat vegetation. Colins Pool is situated to the west of the subject site and the Murray River and additional water ways surround the subject site.

The impact of the slope under the vegetation will be dependent on a bushfire's direction of travel, but slopes in the range of zero to five degrees downslope from the subject site lot do exist. Bushfire travelling upslope will have increased intensity and rate of spread.

Bushfire prone vegetation impacting the existing lot exists as native vegetation occurs in the following situations:

- To the south of the subject site, a narrow strip of riparian forest adjoining the Murray River presents the single most significant extent of bushfire prone vegetation. The threat of the vegetation varies seasonally as the river dries up over the warmer months. A bushfire in the forest vegetation will produce high radiant heat levels affecting the southern portion of the development site and embers that will threaten future buildings on the subject site. This radiant heat and ember threat will be mitigated by the application of appropriate building design, bushfire construction standards and the ongoing maintenance of the BAL-29 dimensioned APZ, to ensure the buildings will not be impacted by consequential fire within combustible materials used, stored or accumulated within the APZ.

Further south, additional wetlands areas exist, as well as the Austin Bay Nature Reserve containing significant extents of Class A Forest.

- To the north a small patch of remnant forest exists. This vegetation will produce embers but will not have a significant impact on the subject site lot as it is surrounded by water and residential dwellings.
- Small areas of unmanaged grassland are present in the broader landscape but do not present a significant bushfire threat to the subject site.

Consequently, there are limited scenarios in which the subject development site is likely to be subject to a significant bushfire event. The development site, within the context of its location in the broader landscape, cannot be considered as being at high risk from the impacts of bushfire.

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Element 2: Siting and Design of Development

Intent: To ensure that the siting and design of development (note: not building/construction design) minimises the level of bushfire impact.

Compliance: How the proposed development achieves the intent of Element 2:

By fully meeting all applicable acceptable solutions established by the bushfire protection criteria (Guidelines v1.4 WAPC 2021)

ASSESSMENT (COMPLIANCE) STATEMENTS

For each applicable acceptable solution, the following statements present the results of the assessment of the proposed development/use against the requirements established by the *Guidelines* (WAPC 2021 v1.4) and apply the interpretation guidance established by the *Position Statement: Planning in bushfire prone areas – Demonstrating Element 1: Location and Element 2: Siting and design* (WAPC Nov 2019).

Acceptable Solution: A2.1: Asset Protection Zone

THE APZ - DEVELOPMENT SITING AND DESIGN PLANNING REQUIREMENTS

The necessary outcome of bushfire planning for development siting and design, is to ensure that a building can be located within the developable portion of any lot (i.e. outside those parts of the lot that form the required R-Code building setbacks, or any other excluded area), and be subject to potential radiant heat from a bushfire not exceeding 29 kW/m² (i.e. a maximum BAL of BAL-29).

This will be achieved when the size of the “low fuel area immediately surrounding a building”, the asset protection zone (APZ), is large enough. This requires a certain separation distance to exist between the building and areas of classified vegetation. These are the BAL-29 APZ dimensions and they will vary dependent on site specific parameters.

The APZ should be contained solely within the boundaries of each lot, except in instances where the neighbouring lot(s) or adjacent public land will be managed in a low-fuel state on an ongoing basis, in perpetuity.

Where possible, planning for siting and design should incorporate elements that include non-vegetated areas (e.g. roads/parking/drainage) and/or formally managed areas of vegetation (public open space/recreation areas/services installed in a common section of land), as either part of the required APZ dimensions or to additionally increase separation distances to provide greater protection. These elements create robust and easier managed asset protection zones.

THE ASSESSMENT

The proposed buildings on the lot can be surrounded by an APZ that will ensure the potential radiant heat impact of a bushfire does not exceed 29 kW/m² (BAL-29). The required APZ specifications of width, location and management can be achieved.

APZ Width: The required APZ dimensions to ensure buildings are subject to a maximum BAL of BAL-29 (measured from any external wall or supporting post or column to the edge of the classified vegetation), has been determined in Section 3.2 of this BMP and are:

BAL-29 APZ Dimensions		
Applicable to Following Buildings: Childcare Centre Retail Stores	Building to Vegetation Area 1 – Grassland	Minimum 8 metres
	Building to Vegetation Area 2 – Forest	Minimum 27 metres
	Building to Vegetation Area 3 – Forest	Minimum 21 metres
	Building to Vegetation Area 4 – Forest	Minimum 21 metres
	Building to Vegetation Area 5 – Grassland	Minimum 8 metres

The proposed childcare centre is in an area subject to a maximum BAL of BAL-19. The proposed retail block is in an area subject to BAL-29.

Element 2: Siting and Design of Development

APZ Location: The APZ will exist both within and outside the subject lot. The portions of the required size APZ that exist outside the lot consist of:

- Roads
- Footpaths
- Parking bays
- Landscaped public open space
- Adjacent lots with no existing vegetation, managed gardens and buildings
- Road verges.

APZ Management: The whole of the subject lot is to comply with the APZ requirements (as directed in the Shire of Murray Firebreak Notice). Additionally, where adjoining road verges are to be revegetated as part of a landscape planting plan, these verges must comply with APZ requirements. Management of the verges must be agreed upon between the landowner and the Shire of Murray.

Retained vegetation will be managed in accordance with the technical requirements established by the Schedule 1: 'Standards for Asset Protection Zones (Guidelines)'. The APZ specifications are also detailed in Appendix 1 and the Shire of Murray may have additional requirements established by their Firebreak Notice.

THE APZ – REQUIRED DIMENSIONS TO SATISFY FUTURE BUILDING (AND ONGOING MANAGEMENT)

It is important for the landowner to be aware that the APZ dimensions that will be required to be physically established and maintained on each lot surrounding relevant future buildings, may be different to those stated above for the BAL-29 APZ - which is the minimum dimension a planning proposal needs to show can be established to comply with SPP 3.7.

The actual APZ dimensions to be physically established and maintained, will be based on which of the following establishes the larger APZ dimension:

- The dimensions corresponding to the determined BAL of a building (refer to Section 3.2 for explanation of the 'planning' versus 'building' requirements and 'indicative' versus 'determined' BAL); or
- The APZ dimensions established by the local government's Firebreak Notice.

If the dimensions of the APZ that are to be established are known at this time, they will be stated below.

For this proposed development, the whole of the subject lot will continue to be maintained to a low bushfire threat state.

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Element 3: Vehicular Access

Intent: To ensure that the vehicular access serving a subdivision/development is available and safe during a bushfire event.

Compliance: How the proposed development achieves the intent of Element 3:

By fully meeting all applicable acceptable solutions established by the bushfire protection criteria (Guidelines v1.4 WAPC 2021)

ASSESSMENT (COMPLIANCE) STATEMENTS

For each applicable acceptable solution, the following statements present the results of the assessment of the proposed development/use against the requirements established by the *Guidelines* (WAPC 2021 v1.4).

Acceptable Solution: A3.1: Public Roads

No new roads are planned for this development. Existing public roads comply with the construction technical requirements established by the Guidelines and/or the local government. These requirements are set out in Appendix 2.

Acceptable Solution: A3.2a: Multiple Access Routes

South Yunderup Road provides access/egress in two different directions to two different destinations. The road is available to the public at all times under all weather conditions.

Acceptable Solution: A3.2b: Emergency Access Way

N/A

Acceptable Solution: A3.3: Through Roads

N/A

Acceptable Solution: A3.4a: Perimeter Roads

N/A

Acceptable Solution: A3.4b: Fire Service Access Route

N/A

Acceptable Solution: A3.5: Battle-Axe Legs

N/A

Acceptable Solution: A3.6: Private Driveways

The subject lot is serviced by reticulated water, all parts of the proposed buildings are within 70 metres of a public road with a speed limit of 60km/hr. The driveways are not required to comply with the technical requirements. However, the site will be serviced by a 6 metre wide looped driveway system which will comply with the technical requirements.

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Element 4: Water

Intent: To ensure water is available to the subdivision, development or land use to enable people, property and infrastructure to be defended from bushfire.

Compliance: How the proposed development achieves the intent of Element 4:

By fully meeting all applicable acceptable solutions established by the bushfire protection criteria (Guidelines v1.4 WAPC 2021)

ASSESSMENT (COMPLIANCE) STATEMENTS

For each applicable acceptable solution, the following statements present the results of the assessment of the proposed development/use against the requirements established by the *Guidelines* (WAPC 2021 v1.4).

Acceptable Solution: A4.1: Identification of Future Water Supply

N/A

Acceptable Solution: A4.2: Provision of Water for Firefighting Purposes

A reticulated water supply is available to the subject site. A hydrant is located on South Yunderup Road 41 metres east of the development site and additional hydrants are along the road at 200 m intervals. Additional hydrants are located along Dilley Court (12 m from the subject site) and Camarri Way (91 m from the subject site).

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5.4 Additional Bushfire Protection Measures

The following bushfire protection measures are to be implemented and maintained. They are additional to those established by the relevant acceptable solutions applied to the proposed subdivision, development or use.

The relevant acceptable solutions are those against which this planning proposal has been assessed in Section 5.3 of this Bushfire Management Plan.

5.4.1 Additional Measures to Improve Bushfire Performance

Buildings of Class 4 to Class 9 are not required by the Building Codes of Australia (BCA) to be constructed to comply with bushfire performance requirements. As the proposed buildings are located in a bushfire prone area and may be subject to a bushfire attack, Bushfire Prone Planning normally “recommends” that the buildings be constructed to their assessed BAL rating.

However, as the childcare centre will also be the onsite shelter in place building during a bushfire event, it is a requirement of this Bushfire Management Plan and the Bushfire Emergency Plan that this building be constructed to its assessed BAL rating (BAL-19).

SUMMARY OF ADDITIONAL BUSHFIRE PROTECTION MEASURES (TREATMENTS) TO BE APPLIED (Detail Contained in Section 5.4)		
Treatment Category	Brief Description	The Relevant Element and its Intent the Treatment Has Been Developed to Help Achieve
Siting and Design of Development	Construct the proposed childcare centre to BAL-19 construction standards (assessed BAL rating). It is recommended to construct the proposed retail buildings to its assessed BAL rating (BAL-29) or as a minimum to BAL-12.5.	Element 2 - Construction to assessed BAL rating (or minimum 12.5) to protect against ember attack.

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5.4.2 Additional Measures Established by the Bushfire Emergency Plan

SPP 3.7 establishes the requirement for a Bushfire Emergency Plan to be developed and used as a bushfire protection measure for 'vulnerable' land uses. The emergency plan is produced as a separate operational document.

It establishes the required actions corresponding to a set of relevant procedures that are to be followed in preparation for a bushfire emergency event and in response to and recovery from, a bushfire emergency event.

The responsibility for the facility owner/manager to ensure the requirements of Bushfire Emergency Plan are actioned every year, is established in Section 6 of this Bushfire Management Plan.

Additional Bushfire Protection Measures - To Implement at Design Stage or Prior to Operation		
Bushfire Protection Measure	Relevant Site Specific Details	Application
Ensure the Bushfire Emergency Plan is developed.		To be applied
Complete all actions of the Pre-Season Prepare Procedure established in the Bushfire Emergency Plan, prior to initial operation.		To be applied
Continued compliance with the construction standards that apply to the facility corresponding to its Bushfire Attack Level (as established in the Bushfire Management Plan);	Construct the proposed childcare centre (shelter in place building) to BAL-19 construction standards (assessed BAL rating).	To be applied
To reduce the risks from gas flaring or explosion, the installation of LP Gas cylinders must be in accordance with AS 1596:2014. This includes 6m separation from any combustible materials, the use of metal piping and fittings, safety valves directed away from the building and persons access/egress routes and tethers securing cylinders upright to be non-combustible.	Compliance with these requirements will increase the robustness of the new building design by ensuring additional heat/flame load is not placed on the structure. It is a suitable and effective treatment.	To be applied

Additional Bushfire Protection Measures - Ongoing Operational		
Bushfire Protection Measure	Relevant Site Specific Details	Application
Each year complete the actions of the Pre-Season Prepare Procedure established in the Bushfire Emergency Plan.		To be applied
A responsible person, with appropriate bushfire emergency training, must always be present on-site (staff / caretaker / landowner) to oversee emergency management procedures.	To achieve the greatest effectiveness from a Bushfire Emergency Plan this an important protection measure.	To be applied

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6 RESPONSIBILITIES FOR IMPLEMENTATION AND MANAGEMENT OF THE BUSHFIRE PROTECTION MEASURES

Table 6.1: BMP Implementation responsibilities prior to occupancy or building.

Landowner (Developer) - Prior to Occupancy	
No.	Implementation Actions
1	<p>The local government may condition a development application approval with a requirement for the landowner/proponent to register a notification onto the certificate of title and deposited plan.</p> <p>This will be done pursuant to Section 70A <i>Transfer of Land</i> Act 1893 as amended ('Factors affecting use and enjoyment of land, notification on title'). This is to give notice of the bushfire hazard and any restrictions and/or protective measures required to be maintained at the owner's cost.</p> <p>This condition ensures that:</p> <ol style="list-style-type: none"> 1. Landowners/proponents are aware their lot is in a designated bushfire prone area and of their obligations to apply the stated bushfire risk management measures; and 2. Potential purchasers are alerted to the Bushfire Management Plan so that future landowners/proponents can continue to apply the bushfire risk management measures that have been established in the Plan.
2	<p>Prior to sale and post planning approval, the entity responsible for having the BMP prepared should ensure that anyone listed as having responsibility under the Plan has endorsed it and is provided with a copy for their information and informed that it contains their responsibilities. This includes the landowners/proponents (including future landowners where the Plan was prepared as part of a subdivision approval), local government and any other authorities or referral agencies ('Guidelines' s4.6.3).</p>
3	<p>Establish the Asset Protection Zone (APZ) over the whole of the subject lot as per the requirements of the Shire of Murray Firebreak Notice, and this Bushfire Management Plan.</p> <p>Establish the APZ to the above dimensions and to the standards established by the Guidelines (refer to Appendix 1) or as varied by the local government through their Firebreak Notice.</p> <p>This is the responsibility of the developer.</p>
4	<p>The lot is to be compliant with the Shire of Murray Firebreak Notice issued under s33 of the Bushfires Act 1954.</p> <p>This may include specifications for asset protection zones that differ from the Guideline's APZ Standards, with the intent to better satisfy local conditions. When these are more stringent than those created by the Guidelines, or less stringent and endorsed by the WAPC and DFES, they must be complied with. Refer to Appendix 1.</p>
5	<p>There is an outstanding obligation, created by this Bushfire Management Plan, for a Bushfire Emergency Plan for proposed occupants to be developed and approved for the 'vulnerable' land use.</p>
6	<p>Prior to occupancy, a copy of the Bushfire Emergency Plan must be provided to the landowner/occupier and they are to be informed that it contains responsibilities that must be actioned due to the subject Proposal's land use being defined as 'Vulnerable'.</p> <p>This Plan must be read, and the instructions contained in the Plan that require certain information to be displayed and available to all occupants, must be complied with.</p>
7	<p>Prior to occupancy, install the private driveways to the standards stated in the BMP.</p>
8	<p>Prior to occupancy, all actions contained within the Pre-Season Procedure established by the Bushfire Emergency Plan, must be completed.</p>

9	<p>Prior to any building work, inform the builder of the existence of this Bushfire Management Plan and the responsibilities it contains, regarding the required construction standards. This will be:</p> <ul style="list-style-type: none"> • The standard corresponding to the determined BAL, as per the bushfire provisions of the Building Code of Australia (BCA); and/or • A higher standard because the BMP establishes that the construction standard is to correspond to a higher BAL as an additional bushfire protection measure.
10	<p>To implement and maintain the additional bushfire protection measures contained in Section 5.4 of this Bushfire Management Plan, in addition to the measures that are established by the acceptable solutions.</p>

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Table 6.2: Ongoing management responsibilities for the Landowner/Occupier.

Landowner/Occupier - Ongoing	
No.	Ongoing Management Actions
1	<p>Maintain the Asset Protection Zone (APZ) over the whole of the subject lot as per the requirements of the Shire of Murray Firebreak Notice, and this Bushfire Management Plan.</p> <p>Maintain the APZ to the above dimensions and to the standards established by the Guidelines (refer to Appendix 1) or as varied by the local government through their Firebreak Notice.</p> <p>This is the responsibility of the landowner.</p>
2	<p>Comply with the Shire of Murray Firebreak Notice issued under s33 of the Bush Fires Act 1954.</p> <p>This may include specifications for asset protection zones that differ from the Guideline's APZ Standards, with the intent to better satisfy local conditions. When these are more stringent than those created by the Guidelines, or less stringent and endorsed by the WAPC and DFES, they must be complied with. Refer to Appendix 1.</p>
3	<p>Maintain vehicular access routes within the lot to the required surface condition and clearances as stated in the BMP.</p>
4	<p>Ensure that any builders (of future structures on the lot) are aware of the existence of this Bushfire Management Plan and the responsibilities it contains regarding the application of construction standards corresponding to a determined BAL.</p>
5	<p>Ensure all future buildings the landowner has responsibility for, are designed and constructed in full compliance with:</p> <ol style="list-style-type: none"> 1. the requirements of the WA Building Act 2011 and the bushfire provisions of the Building Code of Australia (BCA); and 2. with any identified additional requirements established by this BMP or the local government.
6	<p>To maintain, the additional bushfire protection measures contained in Section 5.4 of this Bushfire Management Plan, in addition to the measures that are established by the acceptable solutions.</p>
7	<p>Annually review the Bushfire Emergency Plan and conduct the pre-season preparation procedure.</p>

Table 6.3: Ongoing management responsibilities for the Local Government.

Local Government - Ongoing	
No.	Ongoing Management Actions
1	<p>Monitor landowner compliance with the Bushfire Management Plan and the annual Firebreak Notice.</p>

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APPENDIX 1: TECHNICAL REQUIREMENTS FOR ONSITE VEGETATION MANAGEMENT

A1.1 Requirements Established by the Guidelines – Standards for Asset Protection Zones

(Source: *Guidelines for Planning in Bushfire Prone Areas - WAPC 2021 v1.4 Appendix 4, Element 2, Schedule 1 and Explanatory Note E2*)

DEFINING THE ASSET PROTECTION ZONE (APZ)

Description: An APZ is an area surrounding a building that is managed to reduce the bushfire hazard to an acceptable level (by reducing fuel loads). The width of the required APZ varies with slope and vegetation and varies corresponding to the BAL rating determined for a building (lower BAL = greater dimensioned APZ).

For planning applications, the minimum sized acceptable APZ is that which is of sufficient size to ensure the potential radiant heat impact of a fire does not exceed 29kW/m² (BAL-29). It will be site specific.

For subdivision planning, design elements and excluded/low threat vegetation adjacent to the lot(s) can be utilised to achieve the required vegetation separation distances and therefore reduce the required dimensions of the APZ within the lot(s).

Defendable Space: The APZ includes a defendable space which is an area adjoining the asset within which firefighting operations can be undertaken to defend the structure. Vegetation within the defendable space should be kept at an absolute minimum and the area should be free from combustible items and obstructions. The width of the defendable space is dependent on the space, which is available on the property, but as a minimum should be 3 metres.

Establishment: The APZ should be contained solely within the boundaries of the lot on which the building is situated, except in instances where the neighbouring lot or lots will be managed in a low-fuel state on an ongoing basis, in perpetuity.

The APZ may include public roads, waterways, footpaths, buildings, rocky outcrops, golf courses, maintained parkland as well as cultivated gardens in an urban context, but does not include grassland or vegetation on a neighbouring rural lot, farmland, wetland reserves and unmanaged public reserves.

[Note: Regardless of whether an Asset Protection Zone exists in accordance with the acceptable solutions and is appropriately maintained, fire fighters are not obliged to protect an asset if they think the separation distance between the dwelling and vegetation that can be involved in a bushfire, is unsafe.]

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E2 Managing an Asset Protection Zone (APZ) to a low threat state

An APZ is a low fuel area maintained around a habitable building to increase the likelihood that it will survive a bushfire, by providing a defensible space and reducing the potential for direct flame contact, radiant heat exposure and ember attack.

Vegetation management within an APZ should provide defensible space and be maintained to a low threat state, in perpetuity, in accordance with the requirements outlined in Schedule 1.

The width of an APZ varies with slope and vegetation type, however it should only be as wide as needed to ensure the potential radiant heat impact of a bushfire does not exceed 29kW/m^2 (BAL-29), or 10kW/m^2 where a building is identified for use as an on-site shelter. An APZ is generally not required where a building or development site achieves 29kW/m^2 (BAL-29) or lower in its pre-development state (prior to any vegetation clearing or modification).

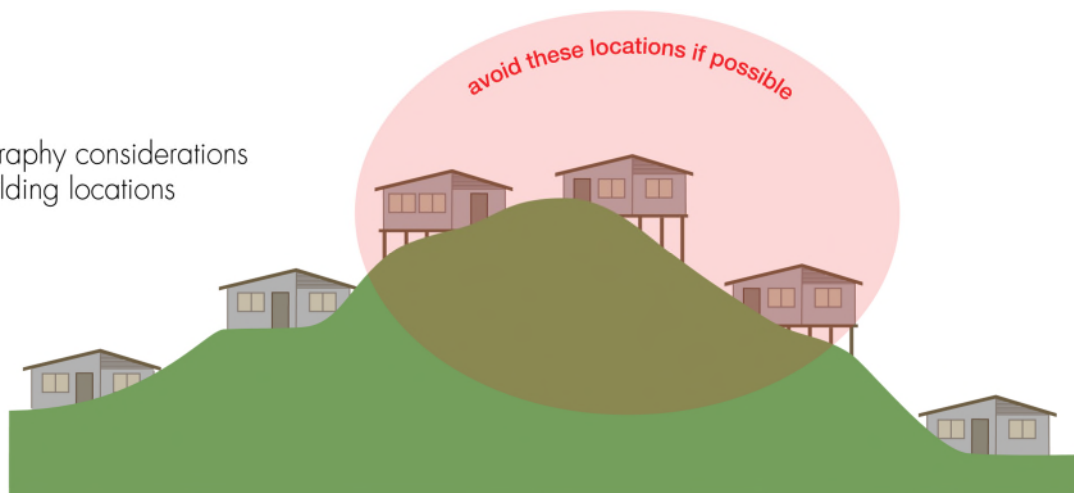
An APZ should include an area of defensible space immediately adjoining a building, that is kept free from combustible items and obstructions, within which firefighting operations can be undertaken to defend the structure. Where a lot contains a building envelope, it may not be necessary for the entire building envelope to achieve 29kW/m^2 (BAL-29) as this may result in significant unnecessary clearing. It is recommended that the BMP identifies that a sufficient APZ can be accommodated within the building envelope, with the development site and associated APZ to be determined at the development approval stage.

An APZ should be contained within the boundaries of the lot on which the building is situated, except in instances where it is demonstrated that the vegetation on the adjoining land is managed in a low threat state, as per cl. 2.2.3.2 of AS 3959, such as a road, managed park, rocky outcrop or a water body.

The siting of a habitable building and associated APZ should aim to minimise the clearing of vegetation. The BMP should demonstrate that the proposed APZ has minimised the unnecessary loss of vegetation or potential for conflict with landscape or environmental objectives; and complies with environmental approvals/exemptions (where necessary). A re-design or reduction in lot yield may be necessary to minimise the removal and modification of remnant vegetation.

It is recommended that development be located on flat areas or slopes less than 20 degrees (especially where classified vegetation is located downslope to a building) and away from ridge tops, crests or narrow gullies, as bushfire can spread rapidly in these areas. Circumstances where these locations may be suitable for development to occur include where the land is already cleared, and 29kW/m^2 (BAL-29) or lower can be achieved for the whole development site without the use of an APZ. To ensure soil stability within an APZ, vegetation removal on slopes exceeding 18 degrees is discouraged.

Figure 17: Topography considerations for building locations



(Source: Guidelines for Planning in Bushfire Prone Areas 2021, Appendix 4)

Fine fuel load should be maintained to less than two tonnes per hectare; however this is often a subjective assessment. Reducing fuel load levels does not necessarily require the removal of existing vegetation. A combination of methods can be utilised to reduce fuel load such as raking, weed removal, pruning, mulching and/or the removal of plant material.

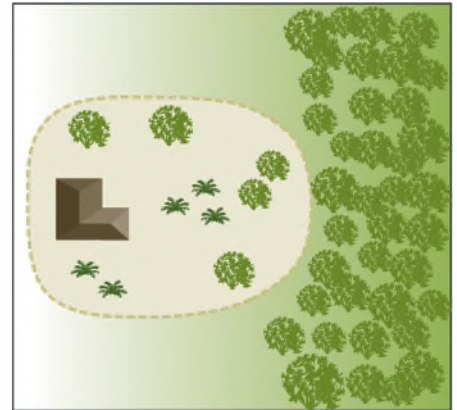
A simple method to estimate fuel load is to roughly equate one tonne of fuel load per hectare as 100 grams per square metre. For example, two tonnes per hectare of leaf litter is roughly 200 grams of leaf litter per square metre and eight tonnes per hectare is roughly 800 grams. Eucalyptus leaf litter is approximately 100 grams per handful, so two handfuls of litter per square metre will roughly equate to two tonnes per hectare. Different types of fine fuel, like mulch or pine needles may be more or less than a handful, however the 100 grams per square metre rule of thumb can still be used.

The landowner or proponent is responsible for maintaining an APZ in accordance with Schedule 1 - Standards for Asset Protection Zones. Ongoing maintenance of an APZ is usually enforced through the local government firebreak notice issued under section 33 of the *Bushfires Act 1954*, and/or through a condition of a development approval, which requires the implementation of measures identified within a BMP.

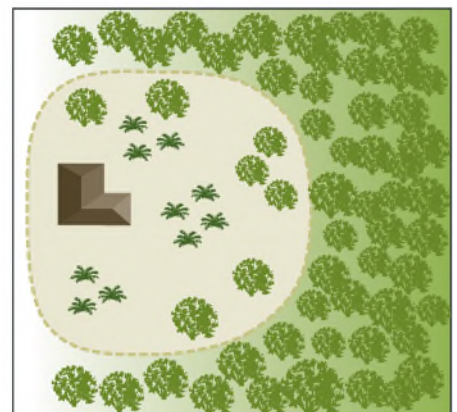
A copy of the firebreak notice and Schedule 1 should be included in a BMP specifically as a how-to guide for the landowner, and to demonstrate to decision-makers that the measures outlined in the BMP to achieve the appropriate BAL rating through provision and ongoing management of an APZ, can be implemented.

Regardless of whether an Asset Protection Zone exists in accordance with the acceptable solutions and is appropriately maintained, it should be noted that fire fighters are not obliged to protect an asset if they think the separation distance between the dwelling and vegetation is unsafe.

Hazard on one side



Hazard on three sides



Legend

-  APZ
-  trees
-  shrubs

(Source: Guidelines for Planning in Bushfire Prone Areas 2021, Appendix 4)

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E2 Landscaping and design of an asset protection zone

Landscaping, design, and maintenance of an APZ in a bushfire prone area can significantly improve the bushfire resilience of a building. An APZ should not be seen as an area entirely cleared of vegetation, but as a strategically designed space that gives holistic consideration to how existing or proposed vegetation or non-combustible features interact with or affect the building's bushfire resilience.

A well designed APZ provides a greater level of vegetation management within the first few metres of a building with, for example, less vegetation or inclusion of non-combustible materials. The vegetation within the remainder of an APZ can increase further away from the building with carefully considered plant selection and landscaping techniques.

Strategic landscaping measures can be applied, such as replacing weeds with low flammability vegetation (refer to E2 Plant Flammability) to create horizontal and vertical separations between the retained vegetation. The accumulation of fine fuel load from different plants is an important consideration for ongoing maintenance in accordance with Schedule 1. For example, when planting ground covers under deciduous trees within an APZ, the total fine fuel load prescribed in Schedule 1 will include any dead plant material from ground covers and leaf litter from the trees.

Plant density and final structure and form of mature vegetation should be considered in the initial landscaping stages. For example, clumps of sapling shrubs planted at a density without consideration of future growth, may increase the bushfire risk as a clump will quickly grow to exceed 5m². It should be noted that in some cases, a single shrub in a mature state may be so dense as to fill a 5m² clump alone.

The location of plants within an APZ is a key design technique. Separation of garden beds with areas of low fuel or non-combustible material, will break up fuel continuity and reduce the likelihood of a bushfire running through an APZ and subjecting a dwelling to radiant heat or direct flame contact. It is important to note, where mature trees are separated from a building by six metres, but the canopy has grown to extend or overhang a building, maintenance and pruning to remove the overhanging branches should be undertaken without the entirety of the tree being removed.

Mulches used within the APZ should be non-combustible. The use of stone, gravel, rock and crushed mineral earth is encouraged. Wood mulch >6mm in thickness may be used, however it is recommended that it is used in garden beds or areas where the moisture level is higher by regular irrigation. These materials could be sourced from non-toxic construction and demolition waste giving the added benefit of reducing the environmental impact of any 'hard landscaping' actions.

Combustible objects, plants, garden supplies such as mulches, fences made from combustible material, should be avoided within 10 metres of a building. Vines or climbing plants on pergolas, posts or beams, should be located away from vulnerable parts of the building, such as windows and doors. Non-flammable features can be used to provide hazard separation from classified vegetation, such as tennis courts, pools, lawns and driveways or paths that use inorganic mulches (gravel or crushed rock). Consider locating firewood stacks away from trees and habitable buildings.

Incorporation of landscaping features, such as masonry feature walls can provide habitable buildings with barriers to wind, radiant heat and embers. These features can include noise walls or wind breaks. Use of Appendix F of AS 3959 for bushfire resistant timber selection within areas of 29kW/m² (BAL-29) or below, or the use of non-combustible fencing materials such as iron, brick, limestone, metal post and wire is encouraged.

In addition to regular maintenance of an APZ, further bushfire protection can be provided at any time by:

- ensuring gutters are free from vegetation;
- installing gutter guards or plugs;
- regular cleaning of underfloor spaces, or enclosing them to prevent gaps;
- trimming and removing dead plants or leaf litter;
- pruning climbing vegetation (such as vines) on a trellis, to ensure it does not connect to a building, particularly near windows and doors;
- removing vegetation in close proximity to a water tank to ensure it is not touching the sides of a tank; and/or
- following the requirements of the relevant local government section 33 fire break notice, which may include additional provisions such as locating wood piles more than 10 metres from a building.

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Preparation of a property prior to the bushfire season and/or in anticipation of a bushfire is beneficial even if your plan is to evacuate. As embers can travel up to several kilometres from a bushfire and fall into small spaces and crevices or land against the external walls of a building, best practice recommends that objects within the APZ are moved away from the building prior to any bushfire event. Objects may include, but are not limited to:

- outdoor furniture;
- potted plants;
- shade sails or umbrellas;
- plastic garbage bins;
- firewood stacks;
- flammable sculptures; and/or
- playground equipment and children's toys.

E2 Plant flammability

There are certain plant characteristics that are known to influence flammability, such as moisture or oil content and the presence and type of bark. Plants with lower flammability properties may still burn during a bushfire event but may be more resistant to burning and some may regenerate faster post-bushfire.

There are many terms for plant flammability that should not be confused, including:

- Fire resistant – plant species that survive being burnt and will regrow after a bushfire and therefore may be highly flammable and inappropriate for a garden in areas of high bushfire risk.
- Fire retardant – plants that may not burn readily or may slow the passage of a bushfire.
- Fire wise – plants that have been identified and selected based on their flammability properties and linked to maintenance advice and planting location within a garden.

Although not a requirement of these Guidelines, local governments may develop their own list of fire wise or fire-retardant plant species that suit the environmental characteristics of an area. When developing a recommended plant species list, local governments should consult with ecologists, land care officers or environmental authorities to ensure the plants do not present a risk to endangered ecological communities, threatened, or endangered species or their habitat.

When selecting plants, private landholders and developers should aim for plants within the APZ that have the following characteristics:

- grow in a predicted structure, shape and height;
- are open and loose branching with leaves that are thinly spread;
- have a coarse texture and low surface-area-to-volume ratio;
- will not drop large amounts of leaves or limbs, that require regular maintenance;
- have wide, flat, and thick or succulent leaves;
- trees that have bark attached tightly to their trunk or have smooth bark;
- have low amounts of oils, waxes, and resins (which will often have a strong scent when crushed);
- do not produce or hold large amounts of fine dead material in their crowns; and/or will not become a weed in the area.

Refer to the WAPC Bushfire and Vegetation Fact Sheet for further information on clearing and vegetation management and APZ landscaping, design and plant selection reference material.

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Schedule 1: Standards for APZ

Fences: Should be constructed from non-combustible materials (for example, iron, brick, limestone, metal post and wire, or bushfire-resisting timber referenced in Appendix F of AS 3959).

Fine Fuel Load (Combustible, dead vegetation matter <6 millimetres in thickness):

- Should be managed and removed on a regular basis to maintain a low threat state.
- Should be maintained at <2 tonnes per hectare (on average).
- Mulches should be non-combustible such as stone, gravel or crushed mineral earth or wood mulch >6 millimetres in thickness.



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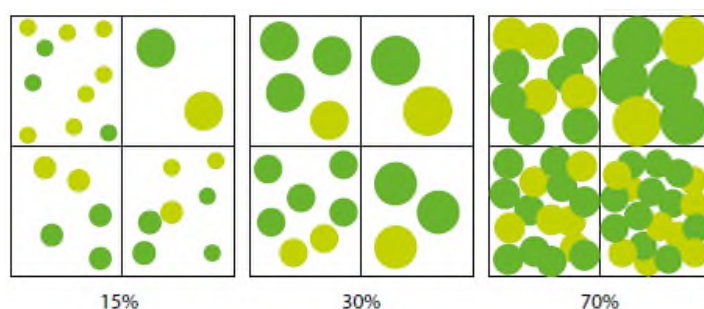
Example: Fine fuel load of 2 t/ha

(Image source: Shire of Augusta Margaret River's Firebreak and Fuel Reduction Hazard Notice)

Trees* (> 6 metres in height):

- Trunks at maturity should be a minimum distance of six metres from all elevations of the building.
- Branches at maturity should not touch or overhang a building or powerline.
- Lower branches and loose bark should be removed to a height of two metres above the ground and/or surface vegetation.
- Canopy cover within the APZ should be <15 per cent of the total APZ area.
- Tree canopies at maturity should be at least five metres apart to avoid forming a continuous canopy. Stands of existing mature trees with interlocking canopies may be treated as an individual canopy provided that the total canopy cover within the APZ will not exceed 15 per cent and are not connected to the tree canopy outside the APZ.

Tree canopy cover – ranging from 15 to 70 per cent at maturity



(Source: Guidelines for Planning in Bushfire Prone Areas 2021, Appendix 4)

Shrub* and Scrub* (0.5 metres to 6 metres in height Shrub and Scrub >6 metres in height are to be treated as trees):

- Should not be located under trees or within three metres of buildings.
- Should not be planted in clumps >5 square metres in area.
- Clumps should be separated from each other and any exposed window or door by at least 10 metres.

Ground covers* (<0.5 metres in height. Ground covers greater than >0.5 metres in height are to be treated as shrubs):

- Can be planted under trees but must be maintained to remove dead plant material, as prescribed in 'Fine fuel load' above.
- Can be located within two metres of a structure, but three metres from windows or doors if >100 millimetres in height.

Grass:

- Grass should be maintained at a height of 100 millimetres or less, at all times.
- Wherever possible, perennial grasses should be used and well-hydrated with regular application of wetting agents and efficient irrigation.

Defendable Space: Within three metres of each wall or supporting post of a habitable building, the area is kept free from vegetation, but can include ground covers, grass and non-combustible mulches as prescribed above.

LPG Gas Cylinders:

- Should be located on the side of a building furthest from the likely direction of a bushfire or on the side of a building where surrounding classified vegetation is upslope, at least one metre from vulnerable parts of a building.
- The pressure relief valve should point away from the house.
- No flammable material within six metres from the front of the valve.
- Must sit on a firm, level and non-combustible base and be secured to a solid structure.

** Plant flammability, landscaping design and maintenance should be considered – refer to explanatory notes*

REQUIREMENTS ESTABLISHED BY THE LOCAL GOVERNMENT – THE FIREBREAK NOTICE

The relevant local government's current Firebreak Notice is available on their website, at their offices and is distributed as ratepayer's information. It must be complied with.

These requirements are established by the relevant local government's Firebreak Notice created under s33 of the Bushfires Act 1954 and issued annually (potentially with revisions). The Firebreak Notice may include additional components directed at managing fuel loads, accessibility and general property management with respect to limiting potential bushfire impact.

If Asset Protection Zone (APZ) specifications are defined in the Firebreak Notice, these may differ from the Standards established by the Guideline's, with the intent to better satisfy local conditions. When these are more stringent than those created by the Guidelines, or less stringent and endorsed by the WAPC and DFES, they must be complied with.

The APZ dimensions to be physically established and maintained, will be based on which of the following establishes the larger APZ dimension:

- The dimensions corresponding to the determined BAL of a building; or
- The APZ dimensions established by the local government's Firebreak Notice.

REQUIREMENTS RECOMMENDED BY DFES – PROPERTY PROTECTION CHECKLISTS

Further guidance regarding ongoing/lasting property protection (from potential bushfire impact) is presented in the publication 'DFES – Fire Chat – Your Bushfire Protection Toolkit'. It is available from the Department of Fire and Emergency Services (DFES) website.

REQUIREMENTS ESTABLISHED BY AS 3959:2018 – 'MINIMAL FUEL CONDITION'

This information is provided for reference purposes. It identifies what is required for an area of land to be excluded from classification as a potential bushfire threat.

"Australian Standard - AS 3959:2018 Section 2.2.3.2: Exclusions - Low threat vegetation and non-vegetated areas:

The Bushfire Attack Level shall be classified BAL-LOW where the vegetation is one or a combination of the following:

- a) Vegetation of any type that is more than 100m from the site.*
- b) Single areas of vegetation less than 1ha in area and not within 100m of other areas of vegetation being classified vegetation.*
- c) Multiple area of vegetation less than 0.25ha in area and not within 20m of the site or each other or other areas of vegetation being classified vegetation.*

- d) Strips of vegetation less than 20m in width (measured perpendicular to the elevation exposed to the strip of vegetation) regardless of length and not within 20m of the site or each other, or other areas of vegetation being classified vegetation.
- e) Non-vegetated areas, that is, areas permanently cleared of vegetation, including waterways, exposed beaches, roads, footpaths, buildings and rocky outcrops.
- f) Vegetation regarded as low threat due to factors such as flammability, moisture content or fuel load. This includes grassland managed in a **minimal fuel condition**, (means insufficient fuel available to significantly increase the severity of a bushfire attack – for example, recognisable as short cropped grass to a nominal height of 100mm), mangroves and other saline wetlands, maintained lawns, golf courses (such as playing areas and fairways), maintained public reserves and parklands, sporting fields, vineyards, orchards, banana plantations, market gardens (and other non-curing crops), cultivated gardens, commercial nurseries, nature strips and windbreaks (single row of trees)."

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APPENDIX 2: TECHNICAL REQUIREMENTS FOR VEHICULAR ACCESS

Each local government may have their own standard technical requirements for emergency vehicular access, and they may vary from those stated in the Guidelines.

When required, these are stated in Section 5.1 of this bushfire management plan.

Requirements Established by the Guidelines – The Acceptable Solutions

(Source: Guidelines for Planning in Bushfire Prone Areas WAPC 2021 v1.4, Appendix 4)

VEHICULAR ACCESS TECHNICAL REQUIREMENTS

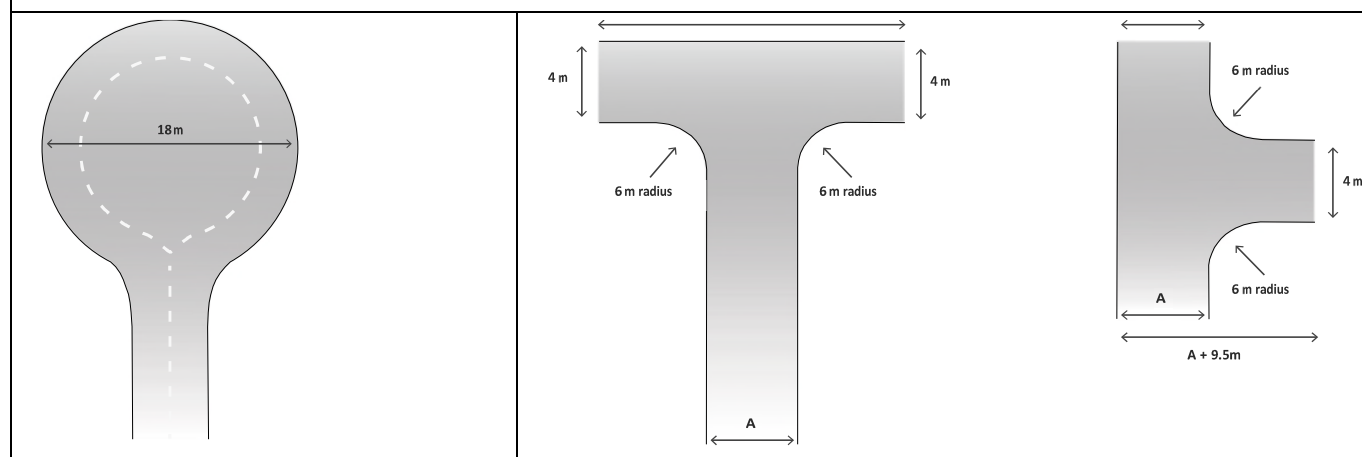
Acceptable Solution 3.6: Private Driveways

There are no private driveway technical requirements where the private driveway is:

- within a lot serviced by reticulated water;
- no greater than 70 metres in length between the most distant external part of the development site and the public road measured as a hose lay; and
- accessed by a public road where the road speed limit is not greater than 70 km/h.

In circumstances where all of the above conditions are not met, or the private driveway is in a non-reticulated water area, the private driveway is to meet all the following require:

- requirements in Table 6, Column 4;
- passing bays every 200 metres with a minimum length of 20 metres and a minimum additional trafficable width of two metres (i.e. the combined trafficable width of the passing bay and constructed private driveway to be a minimum six metres); and
- turn-around area as shown in Figure 28 and within 30 metres of the habitable building.



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VEHICULAR ACCESS TECHNICAL REQUIREMENTS				
Technical Component	Vehicular Access Types			
	Public Roads	Emergency Access Way ¹	Fire Service Access Routes ¹	Battle-axe and Private Driveways ²
Minimum trafficable surface (m)	In accordance with A3.1	6	6	4
Minimum Horizontal clearance (m)	N/A	6	6	6
Minimum Vertical clearance (m)	4.5			
Minimum weight capacity (t)	15			
Maximum Grade Unsealed Road ³	As outlined in the IPWEA Subdivision Guidelines	1:10 (10%)		
Maximum Grade Sealed Road ³		1:7 (14.3%)		
Maximum Average Grade Sealed Road		1:10 (10%)		
Minimum Inner Radius of Road Curves (m)		8.5		
Note ¹ : To have crossfalls between 3 and 6%.				
Note ² : Where driveways and battle-axe legs are not required to comply with the widths in A3.5 or A3.6, they are to comply with the Residential Design Codes and Development Control Policy 2.2 Residential Subdivision.				
Note ³ : Dips must have no more than a 1 in 8 (12.5% -7.1 degree) entry and exit angle				

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APPENDIX 3: TECHNICAL REQUIREMENTS FOR FIREFIGHTING WATER

Reticulated Areas

[Source: Guidelines for Planning in Bushfire Prone Areas WAPC 2021 v1.4, Appendix 4, Element 4]

The Water Corporation's 'No 63 Water Reticulation Standard' is deemed to be the baseline criteria for developments and should be applied unless local water supply authority's conditions apply.

The requirement is to supply a reticulated water supply and fire hydrants, in accordance with the technical requirements of the relevant water supply authority and DFES.

Key specifications in the most recent version/revision of the design standard include:

- **Residential Standard** – hydrants are to be located so that the maximum distance between the hydrants shall be no more than 200 metres.
- **Commercial Standard** – hydrants are to be located with a maximum of 100 metre spacing in Industrial and Commercial areas.
- **Rural Residential Standard** – where minimum site areas per dwelling is 10,000 m² (1ha), hydrants are to be located with a maximum 400m spacing. If the area is further subdivided to land parcels less than 1ha, then the residential standard (200m) is to be applied.

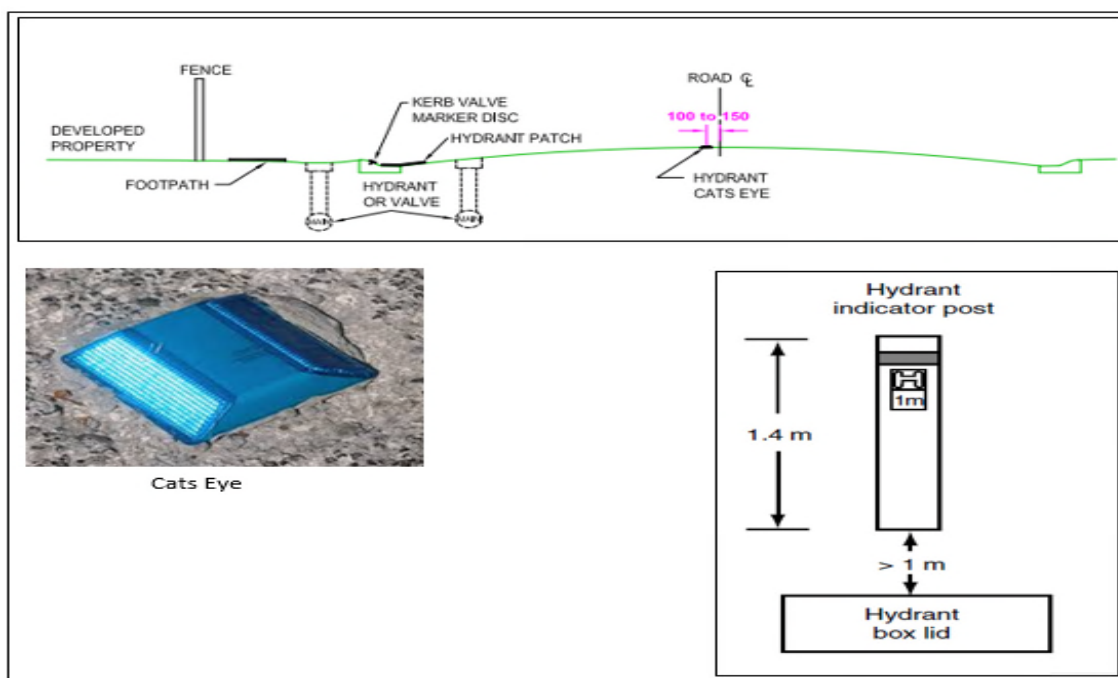


Figure A4.1: Hydrant Location and Identification Specifications

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APPENDIX F | Bushfire Emergency Plan

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Bushfire Emergency Plan

Operational Document

Prepare | Respond | Recover | Review

Lot 131 (#126) South Yunderup Road, South Yunderup

Shire of Murray

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Vulnerable Land Use Category:
(Guidelines WAPC v1.3)

Category 1: A facility designed to accommodate occupants with reduced physical or mental ability such as the elderly, children (under 18 years of age) and the sick or injured.

Facility/Premises Use Type:

Childcare centre

Date Created:

3 August 2021

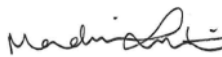


Associated Bushfire Management Plan Reference No:

210698

To Be Reviewed Annually

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DOCUMENT CONTROL

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1.1	Revised site layout plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	31 March 2022
		<input type="checkbox"/>	<input type="checkbox"/>	

BEP (Standard) Template v8.4

Limitation of Liability: The procedures and their associated actions contained in this Bushfire Emergency Plan do not guarantee that a building will not be damaged in a bushfire, persons injured, or fatalities occur either on the subject site or off the site while evacuating. This is substantially due to the unpredictable nature and behaviour of fire and fire weather conditions. Additionally, the correct implementation of the required bushfire protection measures will depend upon, among other things, the ongoing actions of the landowners and/or operators over which Bushfire Prone Planning has no control.

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EMERGENCY PLANNING TEAM

Name	Business/Organisation and Position	Contact Details
TBA	To be determined prior to facility/premises commencing	
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USING THE BUSHFIRE EMERGENCY PLAN

1. Know the designated PRIMARY PROCEDURE to apply in a bushfire emergency.
2. For any day, identify the relevant TRIGGER and its designated PROCEDURE that establishes the ACTIONS to be implemented.
3. Be familiar with the MAPS showing SITE INFORMATION and EVACUATION ROUTES AND DESTINATIONS.
4. Be familiar with the FIRE BEHAVIOUR INFORMATION and EMERGENCY CONTACTS / INFORMATION SOURCES.

THE DESIGNATED PRIMARY EMERGENCY PROCEDURE

In the event of a bushfire emergency, there is **ONE** designated Primary Procedure for the childcare centre at 126 South Yunderup Road, South Yunderup and it applies to all persons within the facility and on the Site.

THE DESIGNATED PRIMARY PROCEDURE IS

SAFE (EARLY) EVACUATION

(refer page 11)

Safe early evacuation is the preferred option. However, given the ages of the occupants and the location and availability of suitable offsite transport options, evacuation may require an extended period of time. Allowances should be made for this when deciding to evacuate or shelter in place.

Where possible, parents should be contacted to pick up their children from either the childcare centre or the chosen evacuation location.

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EMERGENCY CONTACTS

FACILITY/PREMISES CONTACTS			
POSITION	NAME	BUSHFIRE RESPONSIBILITY	MOBILE NUMBER
Property Manager	To be determined and entered here prior to operation.	Primary Contact.	
Property Owner	To be entered here prior to operation.	Secondary Contact.	
STATE EMERGENCY CONTACTS			
ORGANISATION	SERVICES	NUMBER	
Department of Fire and Emergency Services (DFES) / Police / Ambulance	Response to life threatening emergencies. Use to report a fire.	Call triple zero (000) or use the EMERGENCY+ Phone App.	
State Emergency Service (SES)	Assistance with structural damage, flooding, rescuing persons.	13 2500	
Western Power	Response to electricity supply outages and damage.	13 1351	
OTHER CONTACTS			
ORGANISATION	SERVICES	PHONE NUMBER	
Peel Health Campus	Medical services	08 9531 8000	
Sir Charles Gairdner Hospital	Medical services	08 6457 3333	
Perth Children’s Hospital	Medical services	08 6456 2222	
Department of Communities Child Protection and Family Support	Crisis care	1800 032 965	
Red Cross	Emergency humanitarian assistance	1800 733 276	
Salvation Army	Social services care line	13 72 58	

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INFORMATION TO MONITOR AND INFORM DECISION MAKING

ORGANISATION	SERVICES	NUMBER/WEBSITE
Your Surroundings	This can be your best information source. Stay alert to what is happening all around you for as far as you can see. Be aware of the current and forecast wind direction as this is the primary direction the fire will move.	
Emergency WA website	Warnings, incidents, fire danger ratings, total fire bans, preparation, and recovery information	www.emergency.wa.gov.au
Radio	Bushfire alerts, warnings, and information.	Local ABC stations (AM/digital).
Your Mobile Phone	Emergency alert (warnings).	An automated government telephone warning system for numbers in an affected area.
Department of Fire & Emergency Services (DFES)	Public emergency information. Note: Call triple zero (000) to report a fire.	13 3337 (13 DFES) www.dfes.wa.gov.au www.twitter.com/dfes_wa www.facebook.com/dfeswa
Parks and Wildlife Service	Bushfire alerts and warnings, prescribed burns in national parks.	www.dpaw.wa.gov.au
Bureau of Meteorology	Fire weather information and weather forecasts.	www.bom.gov.au/wa/forecasts
Main Roads WA	Road conditions/closures.	13 8138 www.mainroads.wa.gov.au

Understanding Certain Fire Behaviours: The information below will assist decision making by making persons aware of potential limitations to the time available to conduct the designated Primary Procedure. This is important information to be aware of - particularly in the absence of any Emergency Warnings. If evacuating, it must be conducted early to be safe. Leaving late is a high risk action as the likelihood of the facility/premises or the evacuation route being impacted by fire increases significantly. Being on roads when a bushfire is close is a high risk action.

DAILY FORECAST FIRE DANGER RATING	BUSHFIRE		GRASSFIRE
	Potential Forward Rate of Spread (km/hr)	Potential Spotting Ahead Distance (km)	Potential Forward Rate of Spread (km/hr)
Catastrophic	10+	8-20	15-25
Extreme	3-6	>6	10-15
Severe	2-3	>4	8-12
Very High	1-2	>2	5-10
High	0.5-1	>1	3-6
Low-Moderate	0.1-0.5	<1	0.1-0.5

Slope: Fire in vegetation will travel quicker up a slope. For every 10 degrees, the forward rate of spread will double.

Vegetation Spotting Potential: Bark fuels are the greatest contributor. Fine fibrous bark = massive ember quantity and short distance spotting; ribbon/candle bark = substantial quantities of spotting at distances greater than 2km and shorter distances; smooth/platy/papery/course fibre barks = limited quantities of short distance spotting.

THE TRIGGERS FOR ACTIVATION OF EACH BUSHFIRE EMERGENCY PROCEDURE

TRIGGER	EMERGENCY MANAGEMENT PROCEDURES ¹						
	PRIMARY		SECONDARY				
	Safe (early) Evacuation	Shelter-in-Place	Elevated Threat	Recovery	Pre-Emptive	In-Season Prepare	Pre-Season Prepare
	Page 11	Page 14	Page 16	Page 17	Page 18	Page 19	Page 20
A A BUSHFIRE IS IDENTIFIED. Emergency services personnel (authority) are on site and have issued specific instructions.	Inform the emergency service person of the existence of this Bushfire Emergency Plan and the designated Primary Procedure. Commence the relevant procedure as instructed by the authority.						
B A BUSHFIRE IS IDENTIFIED. A bushfire EMERGENCY or WATCH AND ACT warning is in place; or If no warning has been issued, consider the broader landscape (vegetation and ruggedness/slope of the ground) and incorporate the 'Understanding Certain Fire Behaviours' information into your decision making.	<input checked="" type="checkbox"/>	<input type="checkbox"/>					
D A BUSHFIRE IS IDENTIFIED. A bushfire 'ADVICE' warning is in place; or If no warning has been issued, consider the broader landscape (vegetation and ruggedness/slope of the ground) and incorporate the 'Understanding Certain Fire Behaviours' information into your decision making.			<input checked="" type="checkbox"/>				
E A BUSHFIRE IS IDENTIFIED. The bushfire is controlled, or the fire front has moved past the facility/premises. Prior evacuation or sheltering in place may have been implemented.				<input checked="" type="checkbox"/>			
F NO BUSHFIRE IS IDENTIFIED. A Total Fire Ban is declared or the forecast fire danger rating (FDR) is Catastrophic or Extreme.							
G NO BUSHFIRE IS IDENTIFIED. The forecast fire danger rating (FDR) is Severe, Very High, High, or Low-Moderate.						<input checked="" type="checkbox"/>	
H PRIOR TO THE START OF THE BUSHFIRE SEASON.							<input checked="" type="checkbox"/>

Note ¹: Each trigger will only activate a single initial emergency management procedure. If subsequently an additional or different procedure is to apply, this will be directed by the required actions established by the initial procedure.

Proposed Childcare Centre
Site Emergency Map

Lot 131 on Plan 16952, Area: 5623 sq m
126 South Yunderup Road
SOUTH YUNDERUP 6208
SHIRE OF MURRAY

----- LEGEND -----

Evacuation Locations

- AA Assembly Area
- AA Safer Building Location

- Evacuation Route
- Hydrants

Proposed Development

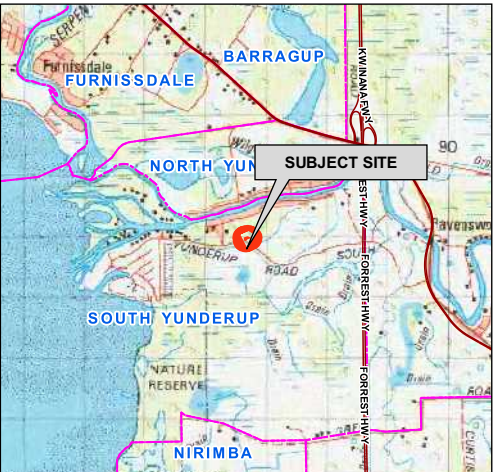
- Childcare Centre
- Retail
- Existing Building
- Driveway
- Subject Site
- Other Lots

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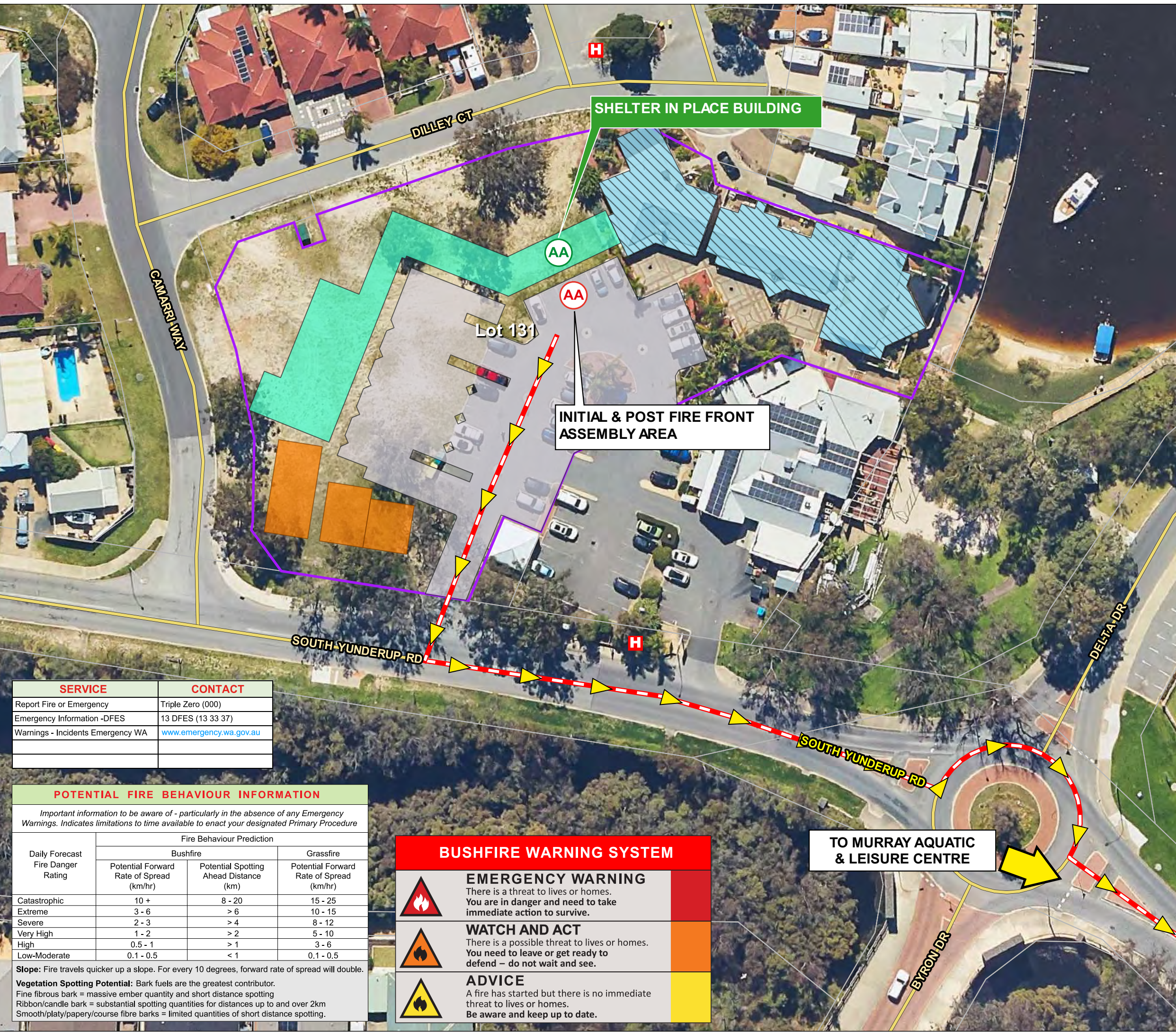
----- LOCALITY -----



AERIAL IMAGERY: Landgate/SLIP



Coordinate System: GDA 1994 MGA Zone 50
Projection: Universal Transverse Mercator Units: Metre
Map by: Madison Smith 29-03-2022
SCALE (A3): 1 : 600



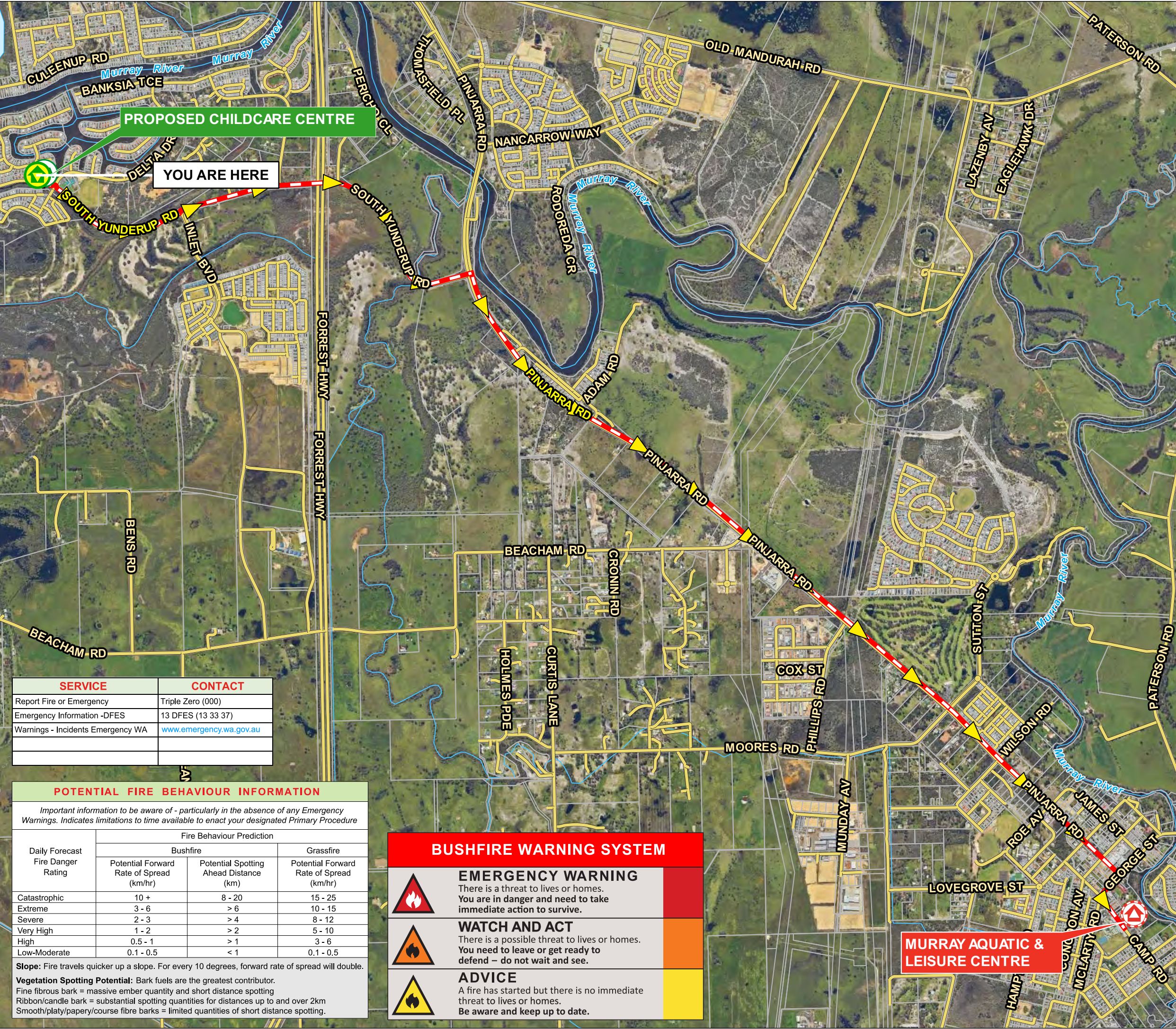
SERVICE	CONTACT
Report Fire or Emergency	Triple Zero (000)
Emergency Information -DFES	13 DFES (13 33 37)
Warnings - Incidents Emergency WA	www.emergency.wa.gov.au

POTENTIAL FIRE BEHAVIOUR INFORMATION			
Important information to be aware of - particularly in the absence of any Emergency Warnings. Indicates limitations to time available to enact your designated Primary Procedure			
Daily Forecast Fire Danger Rating	Fire Behaviour Prediction		
	Bushfire	Grassfire	
Potential Forward Rate of Spread (km/hr)	Potential Spotting Ahead Distance (km)	Potential Forward Rate of Spread (km/hr)	
Catastrophic	10 +	8 - 20	15 - 25
Extreme	3 - 6	> 6	10 - 15
Severe	2 - 3	> 4	8 - 12
Very High	1 - 2	> 2	5 - 10
High	0.5 - 1	> 1	3 - 6
Low-Moderate	0.1 - 0.5	< 1	0.1 - 0.5
Slope: Fire travels quicker up a slope. For every 10 degrees, forward rate of spread will double.			
Vegetation Spotting Potential: Bark fuels are the greatest contributor. Fine fibrous bark = massive ember quantity and short distance spotting Ribbon/candle bark = substantial spotting quantities for distances up to and over 2km Smooth/platy/papery/course fibre barks = limited quantities of short distance spotting.			

BUSHFIRE WARNING SYSTEM
EMERGENCY WARNING
There is a threat to lives or homes.
You are in danger and need to take immediate action to survive.

WATCH AND ACT
There is a possible threat to lives or homes.
You need to leave or get ready to defend – do not wait and see.

ADVICE
A fire has started but there is no immediate threat to lives or homes.
Be aware and keep up to date.



SERVICE	CONTACT
Report Fire or Emergency	Triple Zero (000)
Emergency Information -DFES	13 DFES (13 33 37)
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Proposed Childcare Centre Site Evacuation Map

Lot 131 on Plan 16952, Area: 5623 sq m
126 South Yunderup Road
SOUTH YUNDERUP 6208
SHIRE OF MURRAY

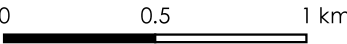
----- LEGEND -----

- Other Lots
- Evacuation Route
- Evacuation Locations**
- Evacuation Location
- Safer Building Location

Murray Aquatic & Leisure Centre (MALC)

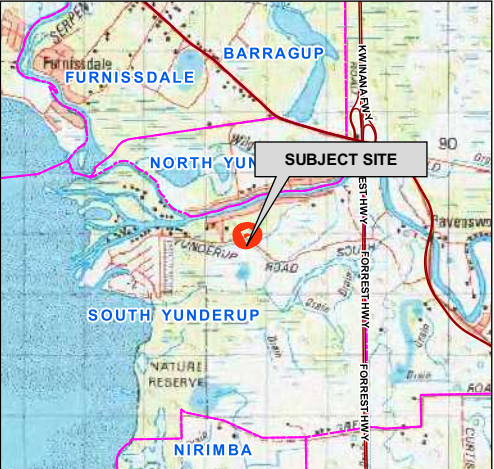
Left onto South Yunderup Road for 3.5 km,
Right onto Pinjarra Road for 6.3 km,
Right onto George Street for 200 m,
Left onto Camp Road for 240 m until Murray Aquatic & Leisure Centre is reached on the left

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----- LOCALITY -----



AERIAL IMAGERY: Landgate/SLIP



Coordinate System: GDA 1994 MGA Zone 50
Projection: Universal Transverse Mercator Units: Metre
Map by: Madson Smith 01-04-2022
SCALE (A3): 1 : 25000

DESIGNATED ON-SITE ASSEMBLY AREA

Name/Description	Carparking outside the proposed childcare centre. See Site Map on page 7.
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DESIGNATED EVACUATION DESTINATIONS

SAFE OFF-SITE LOCATION NO. 1	
DESTINATION:	Description/Name: Murray Aquatic & Leisure Centre (MALC) Address: 16 Camp Road, Pinjarra Nearest Cross Street: South Yunderup Road X Delta Drive/Byron Drive Contact Person: Contact 1 – Bushfire Risk Planning Coordinator – 0437 391 365 (During office hours)
EVACUATION ROUTE:	Left onto South Yunderup Road for 3.5 km, Right onto Pinjarra Road for 6.3 km, Right onto George Street for 200 m, Left onto Camp Road for 240 m until Murray Aquatic & Leisure Centre is reached on the left
FIRST SAFE LOCATION EN-ROUTE:	N/A
SAFE OFF-SITE LOCATION NO. 2	
DESTINATION:	N/A
EVACUATION ROUTE:	N/A
FIRST SAFE LOCATION EN-ROUTE:	N/A

The Shire of Murray will determine additional evacuation routes when required.

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EVACUATION VEHICLE ARRANGEMENTS				
EXPECTED MAXIMUM PERSON NUMBERS				
Person Type	Using Own Vehicles or Onsite Transport	Using Alternative Transport	Details (as necessary)	
Occupants		91	Transport options to be advised.	
Visitors / Customers			Any visitors will use own vehicles.	
Staff/Employees	17			
VEHICLE SOURCE				
Occupants	Own Vehicles <input type="checkbox"/> Onsite Facility Vehicles <input type="checkbox"/> Offsite Facility or Third Party Vehicles <input checked="" type="checkbox"/>			
Visitors / Customers	Own Vehicles <input checked="" type="checkbox"/> Onsite Facility Vehicles <input type="checkbox"/> Offsite Facility or Third Party Vehicles <input type="checkbox"/>			
Staff/Employees	Own Vehicles <input checked="" type="checkbox"/> Onsite Facility Vehicles <input type="checkbox"/> Offsite Facility or Third Party Vehicles <input type="checkbox"/>			
VEHICLE AND DRIVER ARRANGEMENTS				
Location / Organisation	Vehicle Type / Capacity	Number of Vehicles	Contact Details (name & phone)	Date Arranged
Facility/Premises Vehicles				
To be advised.				
Third Party (Commercial) Vehicles				
To be advised.				

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THE BUSHFIRE EMERGENCY PROCEDURES AND THEIR REQUIRED ACTIONS

THE SAFE (EARLY) EVACUATION PROCEDURE

IMPORTANT - DO NOT EVACUATE LATE: ANALYSIS OF PAST EVENTS IDENTIFY THAT MOST PEOPLE WHO DIE IN BUSHFIRES ARE CAUGHT IN THE OPEN, EITHER IN VEHICLES OR ON FOOT, BECAUSE THEY HAVE LEFT THEIR PROPERTY TOO LATE. FOR EVACUATION TO PROVIDE THE SAFEST RESPONSE FOR OCCUPANTS, IT MUST BE CONDUCTED EARLY. BEING ON ROADS WHEN A BUSHFIRE IS CLOSE IS A HIGH RISK ACTION. OTHERWISE, SHELTERING-IN-PLACE IS LIKELY TO PROVIDE GREATER PROTECTION TO PERSONS – PARTICULARLY WHEN A SUITABLE ONSITE SHELTER PLACE IS IDENTIFIED.

REQUIRED ACTIONS

The following actions are to be conducted by the nominated onsite responsible persons. The designated Fire Warden must be informed when they are completed.

1. SITUATION CHECK

- ☐ If a bushfire is sighted and a warning has not been issued, call triple zero (000) to enquire if the bushfire has been reported and their current advice.
- ☐ Try to locate the position of the bushfire on the Evacuation Route Map, or any other suitable map, and identify the direction of the fire movement. Be aware of the local wind direction as this will indicate the direction the flame front is likely to be moving. A bushfire moving directly away from the facility or the evacuation route is the lowest threat
- ☐ Identify if the fire is moving towards your nominated evacuation route. Be aware there may be several bushfires.
- ☐ Continue to monitor the bushfire and the sources of emergency Information.

2. CEASE FACILITY OPERATIONS

- ☐ Cease all indoor and outdoor activities.
- ☐ Check perimeter of buildings and store inside all combustible, easy to move outdoor mats and furniture or move well away from buildings - if time permits.

3. ALL PERSONS ON-SITE TO MOVE TO THE DESIGNATED ASSEMBLY AREA

- ☐ Locate and have available the 'Occupant/Visitor Register' (for operations where management is required to use person registers).
- ☐ Instruct all persons onsite to move to the Designated Assembly Area.
- ☐ Account for all persons that are known to be onsite.
- ☐ Inform responsible persons at the Assembly Area of the possible evacuation routes and that the decision regarding which route/s to use will be made shortly after assessing their availability.

4. ORGANISE TRANSPORT TO EVACUATION LOCATION

- ☐ All persons using onsite transport to position and make vehicles ready for evacuation. Keep all driveways clear for emergency vehicles
- ☐ Contact pre-arranged transport operators and instigate the delivery of evacuation vehicles.
- ☐ Contact parents and advise to pickup children from either childcare centre or evacuation location, as practicable.

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5. RE-EVALUATE THE SITUATION

Persons on-site must take some responsibility for making an informed assessment of the current situation. There may be no other information or persons available and they may be the most aware of the current situation through being the closest.

When the bushfire is closer, exercise greater situational awareness, judgement and caution as the margin of safety is less. You may not have enough time to initiate and fully complete the evacuation procedure (depending on the bushfire's direction and speed of movement and its location relative to the facility and the evacuation routes). Evacuating a proportion of occupants with the remainder sheltering in place may be a necessary outcome. The decision to evacuate must be continually evaluated based on an informed analysis. Ensure that you consider the following:

- ☐ Consider the context of the site and the availability of 'on the ground knowledge' of the current situation. A bushfire is a dynamic emergency with many variables. Your knowledge of the immediate situation is important information to use in the application of best practical judgement.
- ☐ Consider variations in the facility operational routines that can impact the length of time to initiate and complete the evacuation procedure – including informing and preparing occupants (see below)
- ☐ Consider the current general warnings from emergency services if they have been issued and you have access to them.
- ☐ Follow the specific direction/advice of emergency services personnel if they are present on the site.

IMPORTANT: BE AWARE OF THE TIME REQUIRED TO INITIATE AND COMPLETE THE EVACUATION PROCEDURE

ESTIMATED MINIMUM TIME REQUIRED FOR EVACUATION – INITIATION TO COMPLETION

(This information is a summary of the assessment contained in the BEP supporting information - refer to the addendum)

Summary Prepare and Travel Time	Estimated Time (hrs: min)			
	Less Dependent / Lower Care Persons		High Dependency / High Care Persons	
	Own Transport	Provided Transport	Own Transport	Provided Transport
Total Prepare Time	TBA	TBA	TBA	TBA
Travel Time – to furthest designated safe destination	TBA	TBA	TBA	TBA
Travel Time - to first safe location en-route ¹	TBA	TBA	TBA	TBA
Total Required Time	0:0	0:0	0:0	0:0

Note¹: Applied as the required travel time if relevant (i.e. considerable time to safe destination but safety en-route is reached much sooner).

- ☐ Conduct the evaluation on the following page.

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6. CONDUCT THE FOLLOWING EVALUATION BEFORE MAKING THE DECISION TO EVACUATE

EVALUATION		RESPONSE
Evaluation No. 1: Have attending emergency services specifically instructed you to evacuate?	YES	Continue the Safe (Early) Evacuation Procedure (or follow the evacuation directions given by the emergency services).
	NO	Conduct Evaluation No.2.
Evaluation No.2: The bushfire is still burning. Does a safe evacuation route remain available to use? The route must not be impacted or likely to be imminently impacted by the bushfire, including by smoke. This condition can be met if: <ul style="list-style-type: none"> Any effects of the bushfire will be a sufficient distance away from the evacuation route; The route will require driving directly away from the existing bushfire; or The bushfire is moving away from the evacuation route. 	YES	Continue the Safe (Early) Evacuation Procedure. Be aware the procedure may have to be stopped if the continued availability of a safe evacuation route is under imminent threat.
	NO	Commence the Shelter-in-Place Procedure

7. LEAVING THE FACILITY/FACILITY CHECKS

- ☐ Notify emergency services by calling triple zero (000) that the decision has been taken to evacuate the facility. State the intended destination, numbers of persons and the means of transport.
- ☐ Notify the off-site destination to inform them of impending arrival. State the numbers of persons and the means of transport.
- ☐ Shut down all mechanical ventilation and air conditioning.
- ☐ Shut off gas at the meter or bottles if gas is plumbed into the building.
- ☐ Ensure all doors and windows of all buildings are closed but left unlocked. Close fire shutters where installed.

8. AT THE EVACUATION DESTINATION (THE OFF-SITE SAFER PLACE)

- ☐ Account for all persons.
- ☐ Call triple zero (dial 000) to notify emergency services of arrival at the evacuation destination and the status of all persons.
- ☐ Call parents to advise of arrival and to collect their children.

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THE SHELTER-IN-PLACE PROCEDURE

DESIGNATED ONSITE SHELTER BUILDING	LOCATION
Childcare Centre building.	126 South Yunderup Road, South Yunderup.
REQUIRED ACTIONS	
<i>The following actions are to be conducted by the nominated onsite responsible persons. The designated Fire Warden must be informed when they are completed.</i>	

1. SITUATION CHECK

- ☐ If a bushfire is sighted and a warning has not been issued, call triple zero (000) to enquire if the bushfire has been reported and ask for their current advice.
- ☐ Try to locate the position of the bushfire on the Evacuation Routes Map, or any other suitable map, and identify the direction of the fire movement (consider local wind direction and any information from the emergency services).

2. CEASE FACILITY OPERATIONS

- ☐ Cease all indoor and outdoor activities.
- ☐ Check perimeter of buildings and store inside all combustible, easy to move outdoor mats and furniture or move well away from buildings - if time permits.

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3. ALL PERSONS ON-SITE TO MOVE TO THE DESIGNATED ASSEMBLY AREA

- ☐ Instruct all persons onsite to move to the Designated Assembly Area.
- ☐ Assemble on foot- do not bring vehicles or luggage. Only bring mobile phone, other communication devices, required medicines, health/mobility aids and water.
- ☐ Account for all persons that are known to be onsite.

4. SHELTER BUILDING MANAGEMENT

- ☐ While conditions outside are not subject to excessive radiant heat, embers or smoke (i.e. tenable), keep accessible doors and windows open as necessary to manage internal conditions.
- ☐ When conditions at the Assembly Area (i.e. outside the designated shelter-in-place building) are no longer tenable, order everyone inside and close all doors and windows.
- ☐ Shut off gas at the meter or bottles if gas is plumbed into the building.
- ☐ Move furniture/combustible materials as far away from windows as possible. Fill any available containers, (e.g. sinks, baths, bins) with water. Wet materials (e.g. towels, sheets, woollen blankets) and place alongside doors/windows to block any gaps.
- ☐ If possible, ensure there is access (e.g. ladder) through manhole to monitor the roof space for spot fires.
- ☐ While conditions outside are still tenable, two persons, if wearing appropriate protection from bushfire, are to make regular exterior inspection for embers and ignition of small local fires and extinguish where possible.
- ☐ Close all doors, windows, vents, blinds, curtains and bushfire shutters (if fitted) once all persons are required to be within the designated shelter-in-place building.
- ☐ If an evaporative cooler is installed, keep the water running and turn off the fan if possible

5. NOTIFY EMERGENCY SERVICES

- ☐ Notify emergency services by calling triple zero (000), that the decision has been taken to shelter in the designated Shelter-in-Place Building.
- ☐ Describe the designated Shelter-in-Place Building and state its location (street address and site position as relevant)

- ☐ State the number of persons sheltering and if any special needs persons.
- ☐ Describe current bushfire observations – distance / flames / embers / smoke / spot fires
- ☐ Notify parents of situation
- ☐ Notify emergency services by calling triple zero (000) if the situation changes regarding conditions being experienced, number of persons sheltering and when the bushfire is no longer presenting a threat.

6. MANAGEMENT OF PERSONS

- ☐ Shelter in areas furthest from the fire front but ensure some visibility to what is happening outside is available, that two ways of accessing the outside is available if conditions inside become untenable and if possible, a water supply is available (e.g. laundry).
- ☐ Drink plenty of water to avoid becoming dehydrated
- ☐ Shelter within the building for as long as possible.

7. MONITOR

- ☐ Continue to monitor the progress of the bushfire through windows. Be aware of what is happening to assist with decision making and informing emergency services.
- ☐ Regularly check the relevant Emergency Information Sources for updated information.
- ☐ Monitor the condition of any 'at risk' persons.

8. AFTER PASSAGE OF THE FIRE FRONT

- ☐ Be aware of any embers or fires starting in materials close to the building. Designated onsite responsible persons to use available water supplies to douse the embers/fires if necessary.
- ☐ If necessary, cautiously begin to open windows to maintain tenable conditions inside.
- ☐ If necessary, move to the designated 'Post Fire Front Assembly Area' if conditions inside become untenable. This area is shown on the Site Map.
- ☐ Notify parents

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THE ELEVATED THREAT PROCEDURE**REQUIRED ACTIONS**

The following actions are to be conducted by the nominated onsite responsible persons during the bushfire season. The designated Fire Warden must be informed when they are completed.

1. SITUATION CHECK

- ☐ If a bushfire is sighted and a warning has not been issued, call triple zero (000) to enquire if the bushfire has been reported and ask for their current advice.
- ☐ Try to locate the position of the bushfire on the Evacuation Routes Map, or any other suitable map, and identify the direction of the fire movement (consider local wind direction and any information from the emergency services).

2. PRECAUTIONARY EVACUATION

- ☐ If the precautionary approach of commencing a very early evacuation is considered a practical and desirable action for the specific facility, or it is ordered by an emergency services authority, then commence the Safe (Early) Evacuation Procedure.

3. SITE OPERATIONS

- ☐ Check if a Total Fire Ban has been declared. This will require not conducting activities that may cause ignition of a fire outside (refer to DFES website for banned activities).
- ☐ Ensure that non-essential staff, visitors and contractors are kept away from the site.

4. FACILITY PREPAREDNESS

- ☐ Ensure the In-Season Prepare Procedure is being complied with. Conduct relevant actions.

5. INFORM PERSONS ON-SITE

- ☐ Inform all responsible persons that a bushfire 'ADVICE' warning exists for the location and the requirement to initiate the Elevated Threat Procedure.
- ☐ Inform all persons of the designated Primary Procedure for the facility.
- ☐ Continue to keep all persons informed, including notifying when the bushfire threat no longer exists.

6. INFORM PERSONS OFF-SITE

- ☐ To assist with their early preparation, inform the persons who will be responsible for providing evacuation transport of the current situation and of the numbers of persons planned to be onsite for which transport may be required.

7. MONITOR

- ☐ Regularly check the relevant Emergency Information Sources for updated information. Remain aware of changes to the situation and emergency warnings that will Trigger a higher level Procedure.
- ☐ Try to identify if the fire is moving towards your nominated evacuation routes.
- ☐ Remain aware of changes to the situation and emergency warnings that will trigger a higher level Procedure.

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THE RECOVERY PROCEDURE**REQUIRED ACTIONS**

The following actions are to be conducted by the nominated onsite responsible persons during the bushfire season. The designated Fire Warden must be informed when they are completed.

1. WHEN NO PERSONS HAVE EVACUATED AND BUSHFIRE IS CONTROLLED OR THE FRONT HAS PASSED

- ☐ Always follow the directions of emergency services personnel.
- ☐ If you have been sheltering in a building and if necessary, cautiously begin to open windows to maintain tenable conditions inside.
- ☐ If persons are in discomfort, consider evacuation if a route is available. Seek medical assistance for those requiring it e.g. smoke inhalation.
- ☐ Monitor building/s and surrounds for any ignition of combustible material. Be prepared to initiate the evacuation procedure if necessary and an evacuation route is available.
- ☐ Be aware of any embers or fires starting in materials close to the building. Use available water supplies to douse the embers/fires if necessary.

2. MOVEMENT OF PERSONS AFTER EVACUATION

- ☐ Always follow the directions of emergency services personnel.
- ☐ Seek medical assistance for those requiring it.
- ☐ No person is to re-enter any evacuated building or site until advised by the relevant emergency service that it is safe.
- ☐ The facility management is to arrange inspection of the site to ensure a safe environment before return of any persons.
- ☐ The facility Fire Warden is to arrange the movement of occupants back to the facility.
- ☐ Inform emergency services (Dial 000) of the status of persons returning to the facility.

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THE PRE-EMPTIVE PROCEDURE

REQUIRED ACTIONS

The following actions are to be conducted by the nominated onsite responsible persons during the bushfire season. The designated Fire Warden must be informed when they are completed.

THIS PROCEDURE IS NOT REQUIRED FOR THIS FACILITY AS AN ADDITIONAL BUSHFIRE PROTECTION MEASURE.

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THE IN-SEASON PREPARE PROCEDURE

REQUIRED ACTIONS

The following actions are to be conducted by the nominated onsite responsible persons during the bushfire season. The designated Fire Warden must be informed when they are completed.

1. MONITOR

- ☐ Regularly check the relevant Emergency Information Sources for updated information. Check after 4.30pm for forecast fire danger rating for the following day.
- ☐ Check if a Total Fire Ban has been declared. This will ban any activities that may cause ignition of a fire (refer to the DFES website for the list of activities). This may trigger the Elevated Threat Procedure.
- ☐ If a bushfire is identified, refer to the Procedure Triggers to determine the Procedure and its associated Actions to initiate.

2. SITE MAINTENANCE

These actions address the required management of onsite combustible vegetative materials (fuel). Fuel management must be maintained during the bushfire season. By removing or reducing on-site fuels, the likelihood and intensity of consequential secondary (local) fire is significantly reduced.

- ☐ Maintain Asset Protection Zones (APZ) around all buildings in accordance with the associated Bushfire Management Plan (BMP) which establishes the size of the zones for this site.
- ☐ Clear all roofs, roof gutters and valleys of any combustible material.
- ☐ Remove any debris build up from any terrace, pathway, driveway (or other hardstand surfaces), any table drain, culvert or drainage pits. Ensure removal from site of stored/accumulated waste vegetation materials.
- ☐ Heavy (or coarse) fuels (i.e. greater than 6mm in diameter) including timber, branches, firewood, and including flammable plants, are to be excluded from areas under or adjacent to buildings and adjacent to any access that is part of the evacuation route - to a distance of at least 4m.

3. FACILITY BUILDINGS AND FIRE FIGHTING APPLIANCE PREPARATION

- ☐ Check perimeter of buildings including verandahs and decks, to remove or relocate combustible items that may be seldom used or able to be stored more appropriately. This includes furniture and mats.
- ☐ It is recommended that all gas bottles are securely tethered using non-combustible material (to prevent falling over) and that the safety release valve is directed away from both the building and any walking access/egress routes to and from the building.
- ☐ Ensure the designated Shelter-in-Place Building is stocked with adequate supplies of water.
- ☐ Ensure all mobile phones and any radio communication devices are fully charged.

4. MOVEMENT OF PERSONS

- ☐ Record the movement of all persons visiting the site – time in / time out.

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THE PRE-SEASON PREPARE PROCEDURE

REQUIRED ACTIONS

*The following actions are to be conducted by the nominated onsite responsible persons before the bushfire season. They must be completed prior to **30th November annually**. The designated Fire Warden must be informed when they are completed.*

1. SITE PREPARATION

These actions address the required management of onsite combustible vegetative materials (fuel). Fuel reduction must be completed prior to the start of the bushfire season and maintained during the season. By removing or reducing onsite fuel, the likelihood and intensity of consequential local fire is significantly reduced.

- ☐ Comply with the Homeowners Bushfire Survival Manual (DFES 2014) and any additional protection measures identified from the DFES Fire Chat – Bushfire Preparedness Toolkit.
- ☐ Maintain Asset Protection Zones (APZ) around all buildings in accordance with the associated Bushfire Management Plan (BMP) which also establishes the size of the zones for this site. The maintenance specifications and any additional requirements are also stated below.
- ☐ Maintain compliance with the local government's annual firebreak and fuel load notice issued under section 33 of the Bush Fires Act 1954. Where the requirements are additional to or provide a greater level of bushfire protection than those established in this emergency plan – they must be complied with.
- ☐ Tree branches at maturity should not touch or overhang the building, lower branches should be removed to a height of 2 metres above the ground or any surface vegetation. Ensure there is clear separation between mature tree crowns.
- ☐ Shrubs (0.5 metres to 5 metres in height): should not be located under trees or within 3 metres of buildings, should not be planted in clumps greater than 5m² in area, clumps of shrubs should be separated from each other and any exposed window or door by at least 10 metres (unless they can be classified as low flammability plants). Shrubs greater than 5 metres in height are to be treated as trees.
- ☐ Ground covers (<0.5 metres in height): can be planted under trees but must be properly maintained to remove dead plant material and any parts within 2 metres of a structure, but 3 metres from windows or doors if greater than 100 mm in height. Ground covers greater than 0.5 metres in height are to be treated as shrubs.
- ☐ Grass: should be managed to maintain a height of 50 mm or less across the entire site. Remove any piles of vegetation from site.
- ☐ Ensure property access is kept clear and easily trafficable. Trim trees and shrubs overhanging firebreaks or driveways to the minimum heights and widths established by the relevant local government firebreak notice.
- ☐ Clear all roofs, roof gutters and valleys of any combustible material.
- ☐ Remove any debris build up from any terrace, pathway, driveway (or other hardstand surfaces), any table drain, culvert or drainage pits.
- ☐ Ensure combustible dead vegetation matter less than 6 mm in thickness (fine fuel) is reduced to and maintained at an average of 2 t/ha (a litter depth of 5mm from the top of the layer to the mineral earth beneath is indicative of approximately 2.5 t/ha).
- ☐ Landscaping design: Non-vegetated or irrigated areas such as paths, driveways, parking areas and lawn to be located, where possible, between any vegetation that may burn and the buildings. Ensure non-combustible materials are used for fencing and landscaping construction.

- ☐ Heavy (or coarse) fuels (i.e. greater than 6mm in diameter) including timber, branches, firewood, and including flammable plants, are to be excluded from areas under or adjacent to buildings.

2. FACILITY PREPARATION

These actions address the required maintenance of the facility prior to and during the bushfire season (30th November to 31st May) to ensure:

- Continued compliance with the construction standards that apply to the facility corresponding to its Bushfire Attack Level (as established in the Bushfire Management Plan);
- Any emergency related components of the facilities infrastructure continue to meet the established requirements; and
- The risks from combustible items associated with the facility and its operation, are minimised.

- ☐ Comply with the Homeowners Bushfire Survival Manual (DFES 2014) and any additional protection measures identified from the DFES Fire Chat – Bushfire Preparedness Toolkit.
- ☐ If the building(s) are constructed to BAL-12.5 requirements or higher, ensure any external gaps continue to be blocked or screened with non-combustible material (e.g. rock wool, sealant, mesh – maximum aperture of 2mm) to prevent ember entry. This includes under eaves, external cladding, roofs, external vents, skylights etc. Otherwise it is recommended that this action is applied.
- ☐ If evaporative air coolers are installed ensure it is either constructed to a BAL rating or is fitted with an appropriate ember protection screen.
- ☐ Ensure all installed firefighting appliances including water storage tanks, pump, valves, fire hose reels & fire extinguishers are serviced and correctly located.
- ☐ It is recommended that all gas bottles are securely tethered using non-combustible material (to prevent falling over), are plumbed with metal piping and fittings and that the safety release valve is directed away from both the building and any person's access/egress routes away from the building.
- ☐ Check perimeter of buildings including verandahs and decks, to remove or relocate combustible items that may be seldom used or able to be stored more appropriately. This includes furniture and mats.
- ☐ Ensure all first aid equipment and supplies are stocked, current and accessible.
- ☐ Ensure on-site responsible persons have mobile phones.
- ☐ Ensure the designated Shelter-in-Place Building is stocked with adequate supplies of water.

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3. DISPLAY AND AVAILABILITY OF BUSHFIRE EMERGENCY INFORMATION

Bushfire Emergency Information is to be available and displayed in prominent position/s and readily accessible to all persons.

- ☐ Ensure all required onsite emergency signage is in place and legible (i.e. emergency water, bushfire emergency assembly area).
- ☐ Ensure the following bushfire emergency information is displayed (framed or laminated) within the childcare building.

- The Site Emergency Information Map
- The Evacuation Routes Map
- The Information to Monitor and Inform Decision Making
- The Emergency Contacts.

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- ☐ Have available copies of the current Bushfire Emergency Plan in locations accessible by the persons onsite responsible for the management of the bushfire emergency.
- ☐ Have available the updated contact details for parents and guardians.
- ☐ Ensure availability and supply of 'Occupant/Visitor Register' sheets (unless an alternative operating recording system is in place). Assign the person/s responsible for maintaining the record

4. CONDUCT THE ANNUAL REVIEW OF THE BUSHFIRE EMERGENCY PLAN

Update and amend the Bushfire Emergency Plan as required. Assistance from a bushfire consultant may be required (contact Bushfire Prone Planning). Encourage staff participation at each review and include any required modifications that may be noted during the past bushfire season.

- ☐ Make required changes to emergency contacts or emergency information sources within this Bushfire Emergency Plan. Ensure that any changes are also applied to the bushfire emergency information displayed within the facility/premises.
- ☐ Make required changes to onsite responsible persons details (names, phone number) and the emergency management team.
- ☐ Ensure the designated assembly area, shelter-in-place building and the off-site safer locations and nominated evacuation routes are still the best options or incorporate the changes into the Bushfire Emergency Plan and associated displayed information.
- ☐ Contact nominated offsite evacuation destinations (buildings in a safer location) to confirm continued availability for potential use during a bushfire emergency.
- ☐ Contact nominated off-site transport suppliers to confirm continued availability and capability for potential use during a bushfire emergency.
- ☐ Account for any change to buildings or equipment onsite that has implications for emergency management.
- ☐ Incorporate any changes in best practice bushfire emergency management that are developed over time.
- ☐ Incorporate any improvements or additions (to the emergency management procedures/actions) that may be recorded during the year as suggestions from the onsite responsible persons, other employees and occupants during the bushfire season and after a bushfire event.
- ☐ In the event any part of this BEP is amended as part of its annual review, replace old copies and destroy them.

5. TRAIN STAFF – UNDERSTANDING THE BUSHFIRE EMERGENCY PLAN AND ITS APPLICATION

Provide update and/or induction training to staff to assist with understanding the Bushfire Emergency Plan, learn how it is to be implemented and identify the persons responsible for ensuring its proper application.

Promote awareness of the obligation to operate and maintain an environment that reduces the risks from the threats of bushfire and consequential local fire.

- ☐ All new and existing staff/employees to complete mandatory training in bushfire awareness and the application of the bushfire procedures and actions contained within this Bushfire Emergency Plan.
- ☐ Conduct simulation drills for assembly, evacuation and sheltering procedures.
- ☐ Ensure enough daily rostered staff/employees are trained and hold current Senior First Aid Certification.
- ☐ Assign persons to the 'Onsite Responsible Persons' roles.

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ADDITIONAL INFORMATION 1: BUSHFIRE WARNING SYSTEM AND FIRE DANGER RATINGS



EMERGENCY WARNING

There is a threat to lives or homes.

You are in danger and need to take immediate action to survive.



WATCH AND ACT

There is a possible threat to lives or homes.

You need to leave or get ready to defend – do not wait and see.



ADVICE

A fire has started but there is no immediate threat to lives or homes.

Be aware and keep up to date.

If you see a warning near you, don't wait.

Visit emergency.wa.gov.au



FIRE DANGER RATINGS:

Use this tool daily during bushfire season to monitor conditions in your area.
Based on forecast weather conditions, the higher the rating, the higher the risk of bushfire.

BEFORE A BUSHFIRE



CATASTROPHIC

The worst conditions for a fire. Homes are not designed or built to withstand a fire in these conditions. The only safe place is away from bushfire risk areas.

EXTREME SEVERE VERY HIGH

Seek out information and be ready to leave or stay and actively defend your property if a fire starts. Only stay if you are 100% prepared.

HIGH LOW-MODERATE

Be vigilant. Check your fire plan and continue to monitor conditions as they can change quickly.

WHERE TO FIND THESE TOOLS AND OTHER IMPORTANT INFORMATION



emergency.wa.gov.au
dfes.wa.gov.au
DFES Twitter & Facebook



Local news
from the tv, radio
and websites



DFES emergency
information line:
13 3337



Your surroundings
could be your best
information source.

ADDITIONAL INFORMATION 2: GUIDELINES FOR PEOPLE IN CARS DURING BUSHFIRES

Information sourced from Australasian Fire and Emergency Services Authorities Council Guidelines for People in Cars During Bushfires (January 2008 update)

Sheltering inside a vehicle is a high-risk strategy and is to be avoided wherever possible. Relocating well in advance of a bushfire threat is the least risk strategy and staying within a well-prepared building will present less risk than being in a vehicle impacted by bushfire. However, if you find yourself in this situation following these guidelines will improve your chances of survival compared to leaving the vehicle and being caught in the open.

PREPARATION:

Carry woollen blankets or fire blankets and a supply of water in the vehicle when travelling in bushfire prone areas. Ideally, dress in protective non-synthetic clothing and shoes.

ENCOUNTERING SMOKE OR FLAMES:

- If you see a bushfire in the distance, carefully pull over to the side of the road to assess the situation. If it is safe to do so, turn around and drive to safety in a different direction if the option is available.
- If there is a lot of smoke turn headlights and hazard lights on, close windows and vents and slow down or pull over until the smoke clears. Continuing to drive through smoke and flames is a high risk.
- If you become trapped by a bushfire, park and shelter within the vehicle.

POSITIONING YOUR VEHICLE:

- Park off the roadway where there is the least vegetation – both around and under the vehicle.
- Face the vehicle towards the oncoming fire front. The windscreen is a thicker glass and if a fuel tank vents, flame will be blown away from the passenger compartment.
- If possible, park behind a natural barrier (e.g. rock, earth mound) to minimise radiant heat exposure
- Park off the road to avoid collisions with other vehicles and do not park too close to other vehicles in case a vehicle catches alight.

INSIDE YOUR VEHICLE:

- Stay in the vehicle (unless there is a well-protected building nearby). Call 000 to inform of situation.
- Close doors, windows and outside vents, keep headlights and hazard lights on and turn the engine off.
- It is important to get down as low as possible into the foot wells and shelter under the blankets. This offers the best level of protection from both radiant heat and the fumes that can be released from internal plastics.
- Cover mouth with moist cloth and continue to drink water to minimise dehydration.

AS THE FIRE FRONT PASSES:

- As the fire front approaches, the intensity of the heat will increase along with the amount of smoke and embers. Smoke will gradually get inside the vehicle and fumes will be released from interior plastics. It is important to stay as close to the floor as possible to minimise inhalation.
- Stay in the vehicle, with windows closed, until the fire front has passed, and the outside temperature has dropped sufficiently. Car parts may be extremely hot. Stay covered by blankets, continue to drink water.
- Once the fire front has passed cautiously exit the vehicle, move to a safe area such as an area of land already burnt or rocky outcrop.
- Fuel tanks are unlikely to explode. Tyres and external plastic body parts may catch alight and in more extreme cases the interior may catch on fire.

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Travelling During a Bushfire

Bushfire Fact Sheet

What will you do if you encounter a bushfire while travelling or staying near bushland?

In Western Australia, bushfires can start suddenly without warning throughout the year. People have been killed or seriously injured during bushfires. If you are travelling or staying near bushland, fire is a real risk to you.

Be aware of your surroundings and carry a printed map of the areas you are visiting. Pack an emergency kit to take with you including important items such as woollen blankets, drinking water and protective clothing.

If there is a lot of smoke

- Slow down as there could be people, vehicles and livestock on the road.
- Turn your car headlights and hazard lights on.
- Close the windows and outside vents.
- If you can't see clearly, pull over and wait until the smoke clears.



Check the weather forecast and current fire restrictions. Be aware of the Fire Danger Rating for the area you are travelling to and be prepared to reassess your plans. Download the Bushfire Traveller's Checklist at www.dfes.wa.gov.au



If you become trapped by a fire

- Park the vehicle off the roadway where there is little vegetation, with the vehicle facing towards the oncoming fire front.
- Turn the engine off.
- Close the car doors, windows and outside vents.
- Call **000**.
- Stay as close to the floor as possible and cover your mouth with a damp cloth to avoid inhalation of smoke. If smoke enters the vehicle, toxic fumes are released from the interior of the vehicle.
- Stay covered in woollen blankets, continue to drink water and wait for assistance.
- Stay in the car until the fire front has passed and do not open windows or doors.
- Once the front has passed and the temperature has dropped, cautiously exit the vehicle. Internal parts may still be extremely hot.

Important information

Find the local ABC radio frequency in the area you are travelling through. In a major emergency, when lives and property are at risk, ABC radio will issue broadcast warnings at a quarter to and a quarter past the hour. Main Roads provides updated information on road closures throughout Western Australia. Call 138 138 or www.mainroads.wa.gov.au



For more information visit dfes.wa.gov.au
or contact DFES Community Engagement – 9395 9816

The information contained in this material is provided voluntarily as a public service by the Department of Fire and Emergency Services (DFES). This material has been prepared in good faith and is derived from sources believed to be reliable and accurate at the time of publication. Nevertheless, the reliability and accuracy of the information cannot be guaranteed and DFES expressly disclaims liability for any act or omission done or not done in the reliance on the information and for any consequences whether direct or indirect, arising from such act or omission. This publication is intended to be a guide only and viewers should obtain their own independent advice and make their own necessary inquiries.



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ADDITIONAL INFORMATION 3: BUSHFIRE RISKS AND DANGERS

Bushfire Risks and Dangers

Bushfire Fact Sheet

Be careful with fire

Bushfires happen every summer; they can start suddenly and without warning. If you live in or near bushland you need to understand the risks and dangers that bushfires cause. Remember that flames are not the only risk you face in a bushfire.

Ember Attack

Ember attack occurs before, during and after a fire front passes. Embers are pieces of burning bark, leaves or twigs that are carried by the wind around the main fire creating spot fires. Spotting can be carried over half a kilometre from a fire. Embers can land in areas around your home such as your garden, under or in the gutters of your home and on wooden decks. If not extinguished, your house could catch fire.

Radiant Heat

The hotter, drier and windier the day, the more intense a bushfire will be and the more radiant heat it will generate. Radiant heat can cause injury and death from burns and cause the body's cooling system to fail, leading to heat exhaustion and possible heart failure. It is important that you include water and appropriate clothing in your emergency kit and consider where you will shelter during a bushfire to protect yourself from radiant heat.

Smoke

Lung injuries and suffocation can occur where the body is exposed to smoke and super-heated air. It is important to seek shelter when heat and smoke are most intense. Your nose and mouth should be covered with a dust mask, wet towel or scarf.

A special filter mask should be included in your survival kit for people in your family who suffer respiratory conditions such as asthma.



DID YOU KNOW?

Nearly all structural damage caused by a bushfire is due to ember attack.

First Aid

Accidents often happen during bushfires due to poor visibility, high stress and increased adrenalin levels. This leads to confusion, poor decision making, loss of concentration and tunnel vision. You should be aware of the likelihood of injury while carrying on fire protection/suppression activities (eg burns, cuts, and falls).

You should ensure that you have a well-stocked first aid kit as part of your survival kit, know what contents are in the kit and how to treat potential injuries such as burns, cuts and falls.



For more information visit dfes.wa.gov.au
or contact DFES Community Engagement – 9395 9816

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APPENDIX G | Environmental Acoustic Assessment

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Environmental Noise Assessment

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126 South Yunderup Road, South Yunderup
Proposed Childcare Centre

Reference: 21076553-01A

Prepared for:
JDH & JAM Investments No. 6

Report: 21076553-01A

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This report has been prepared in accordance with the scope of services described in the contract or agreement between Lloyd George Acoustics Pty Ltd and the Client. The report relies upon data, surveys, measurements and results taken at or under the particular times and conditions specified herein. Any findings, conclusions or recommendations only apply to the aforementioned circumstances and no greater reliance should be assumed or drawn by the Client. Furthermore, the report has been prepared solely for use by the Client, and Lloyd George Acoustics Pty Ltd accepts no responsibility for its use by other parties.

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Appendices

- A Development Plans
- B Terminology

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1 INTRODUCTION

It is proposed to develop 126 South Yunderup Road, South Yunderup (refer *Figure 1-1*) as a childcare centre (CCC) and a standalone block to the south with 3 commercial tenancies. The proposed development is single storey and will consist of the following:

- Internal play spaces capable of accommodating up to 91 children, grouped as follows:
 - 16 places for 0-18 months,
 - 30 places for 2-3 years,
 - 45 places for 3+ years,
- Three (3) Outdoor play areas located to the north and north west sides of the proposed building.
- Amenities and associated mechanical plant such as:
 - One kitchen with domestic range hood and exhaust fan assumed to be located on the roof above,
 - Various exhaust fans (3x toilets) assumed to be located on the roof above, and
 - AC plant assumed to be located on ground level.
- Open Car parking on the east area of the lot;
- Two stand alone buildings with 3 commercial tenancies (Barber, Gift Shop and Retail).

It is noted that existing commercial residential premises are in the vicinity of the subject site. As such an assessment of noise to these noise sensitive receptors is required. The four single storey buildings directly east of the subject lot are also on Lot 631 and are all zoned commercial.

This report presents the assessment of the noise emissions from child play, car doors closing in the car park and mechanical plant associated with the childcare centre against the prescribed standards of the *Environmental Protection (Noise) Regulations 1997* (the Regulations) based on the development drawings shown in *Appendix A*.

The proposed hours of operation are 6.30am to 6.30pm Monday to Friday. Therefore, staff and parents can arrive and park before 7.00am, which is during the night-time period of the Regulations. It is assumed outdoor child play would not occur until after 7.00am.

Appendix B contains a description of some of the terminology used throughout this report.

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Figure 1-1 Project Locality (Source : Shire of Murray)



Figure 1-2 Project Site Plan

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2 CRITERIA

Environmental noise in Western Australia is governed by the *Environmental Protection Act 1986*, through the *Environmental Protection (Noise) Regulations 1997* (the Regulations).

Regulation 7 defines the prescribed standard for noise emissions as follows:

“7. (1) Noise emitted from any premises or public place when received at other premises –

- (a) Must not cause or significantly contribute to, a level of noise which exceeds the assigned level in respect of noise received at premises of that kind; and
- (b) Must be free of –
 - i. tonality;
 - ii. impulsiveness; and
 - iii. modulation,
 when assessed under regulation 9”

A “...noise emission is taken to significantly contribute to a level of noise if the noise emission ... exceeds a value which is 5 dB below the assigned level...”

Tonality, impulsiveness and modulation are defined in Regulation 9. Noise is to be taken to be free of these characteristics if:

- (a) The characteristics cannot be reasonably and practicably removed by techniques other than attenuating the overall level of noise emission; and
- (b) The noise emission complies with the standard prescribed under regulation 7 after the adjustments of *Table 2-1* are made to the noise emission as measured at the point of reception.

Table 2-1 Adjustments Where Characteristics Cannot Be Removed

Where Noise Emission is Not Music			Where Noise Emission is Music	
Tonality	Modulation	Impulsiveness	No Impulsiveness	Impulsiveness
+ 5 dB	+ 5 dB	+ 10 dB	+ 10 dB	+ 15 dB

Note: The above are cumulative to a maximum of 15dB.

The baseline assigned levels (prescribed standards) are specified in Regulation 8 and are shown in *Table 2-2*.

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Table 2-2 Baseline Assigned Noise Levels

Premises Receiving Noise	Time Of Day	Assigned Level (dB)		
		L _{A10}	L _{A1}	L _{Amax}
Noise sensitive premises: highly sensitive area ¹	0700 to 1900 hours Monday to Saturday (Day)	45 + influencing factor	55 + influencing factor	65 + influencing factor
	0900 to 1900 hours Sunday and public holidays (Sunday)	40 + influencing factor	50 + influencing factor	65 + influencing factor
	1900 to 2200 hours all days (Evening)	40 + influencing factor	50 + influencing factor	55 + influencing factor
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays (Night)	35 + influencing factor	45 + influencing factor	55 + influencing factor
Noise sensitive premises: any area other than highly sensitive area	All hours	60	75	80
Commercial	All hours	60	75	80

1. **highly sensitive area** means that area (if any) of noise sensitive premises comprising —
- (a) a building, or a part of a building, on the premises that is used for a noise sensitive purpose; and
 - (b) any other part of the premises within 15 metres of that building or that part of the building.

The total influencing factor, applicable at surrounding noise sensitive premises has been calculated as 1 dB. This is due to Lot 131 being zoned commercial. There are no industrial premises, no major roads nor secondary roads within 450 metres of the receivers.

Table 2-3 shows the assigned noise levels factor at the receiving locations.

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Table 2-3 Assigned Noise Levels

Premises Receiving Noise	Time Of Day	Assigned Level (dB)		
		L _{A10}	L _{A1}	L _{Amax}
All nearest highly sensitive areas ¹	0700 to 1900 hours Monday to Saturday (Day)	46	56	66
	0900 to 1900 hours Sunday and public holidays (Sunday)	41	51	66
	1900 to 2200 hours all days (Evening)	41	51	56
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays (Night)	36	46	56
Noise sensitive premises: any area other than highly sensitive area	All hours	60	75	80
Commercial	All hours	60	75	80

1. **highly sensitive area** means that area (if any) of noise sensitive premises comprising —
- (a) a building, or a part of a building, on the premises that is used for a noise sensitive purpose; and
 - (b) any other part of the premises within 15 metres of that building or that part of the building.

It must be noted the assigned noise levels above apply outside the receiving premises and at a point at least 3 metres away from any substantial reflecting surfaces. Where this was not possible to be achieved due to the close proximity of existing buildings and/or fences, the noise emissions were assessed at a point within 1 metre from building facades and a -2 dB adjustment was made to the predicted noise levels to account for reflected noise.

It is noted the assigned noise levels are statistical levels and therefore the period over which they are determined is important. The Regulations define the Representative Assessment Period (RAP) as *a period of time of not less than 15 minutes, and not exceeding 4 hours*, which is determined by an *inspector or authorised person* to be appropriate for the assessment of a noise emission, having regard to the type and nature of the noise emission. An *inspector or authorised person* is a person appointed under Sections 87 & 88 of the *Environmental Protection Act 1986* and include Local Government Environmental Health Officers and Officers from the Department of Environment Regulation. Acoustic consultants or other environmental consultants are not appointed as an *inspector or authorised person*. Therefore, whilst this assessment is based on a 4 hour RAP, which is assumed to be appropriate given the nature of the operations, this is to be used for guidance only.

Regulation 14A provides requirements for the collection of waste stating that this activity can also be exempt from having to comply with regulation 7 prescribed standards provided it is undertaken between 7am and 7pm Mondays to Saturdays and undertaken in the quietest reasonable manner.

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3 METHODOLOGY

3.1 Noise Modelling

Computer modelling has been used to predict the noise emissions from the development at all nearby receivers. The software used was *SoundPLAN* 8.2 with the ISO 9613 algorithms (ISO 171534-3 improved method) selected, as they include the influence of wind and are considered appropriate given the relatively short source to receiver distances. Input data in the model are:

- Meteorological Information;
- Topographical data;
- Ground Absorption; and
- Source sound power levels.

3.2 Meteorological Information

Meteorological information utilised is provided in *Table 3-1* and is considered to represent worst-case conditions for noise propagation. At wind speeds greater than those shown, sound propagation may be further enhanced, however background noise from the wind itself and from local vegetation is likely to be elevated and dominate the ambient noise levels.

Table 3-1 Modelling Meteorological Conditions (ISO 9613)

Parameter	Night (1900-0700)	Day (0700-1900)
Temperature (°C)	15	20
Humidity (%)	50	50
Wind Speed (m/s)	Up to 5	Up to 5
Wind Direction*	All	All

* Note that the modelling package used allows for all wind directions to be modelled simultaneously.

It is generally considered that compliance with the assigned noise levels needs to be demonstrated for 98% of the time, during the day and night periods, for the month of the year in which the worst-case weather conditions prevail. In most cases, the above conditions occur for more than 2% of the time and therefore must be satisfied.

3.2.1 Topographical Data

Topographical information was based on data publicly available (e.g. *Google*) in the form of spot heights and combined with finished floor levels provided on the development drawings.

3.3 Buildings and Receivers

Adjacent houses are single or double storey and were modelled as 3.5m and 7m high respectively, receivers were placed at 1.4 metres above floor level. The childcare centre building incorporates a car park and play areas as shown in the design drawings of *Appendix A* and this was reproduced within the noise model. *Figure 3-1* shows a 2D overview of the noise model with the location of all relevant receivers identified.

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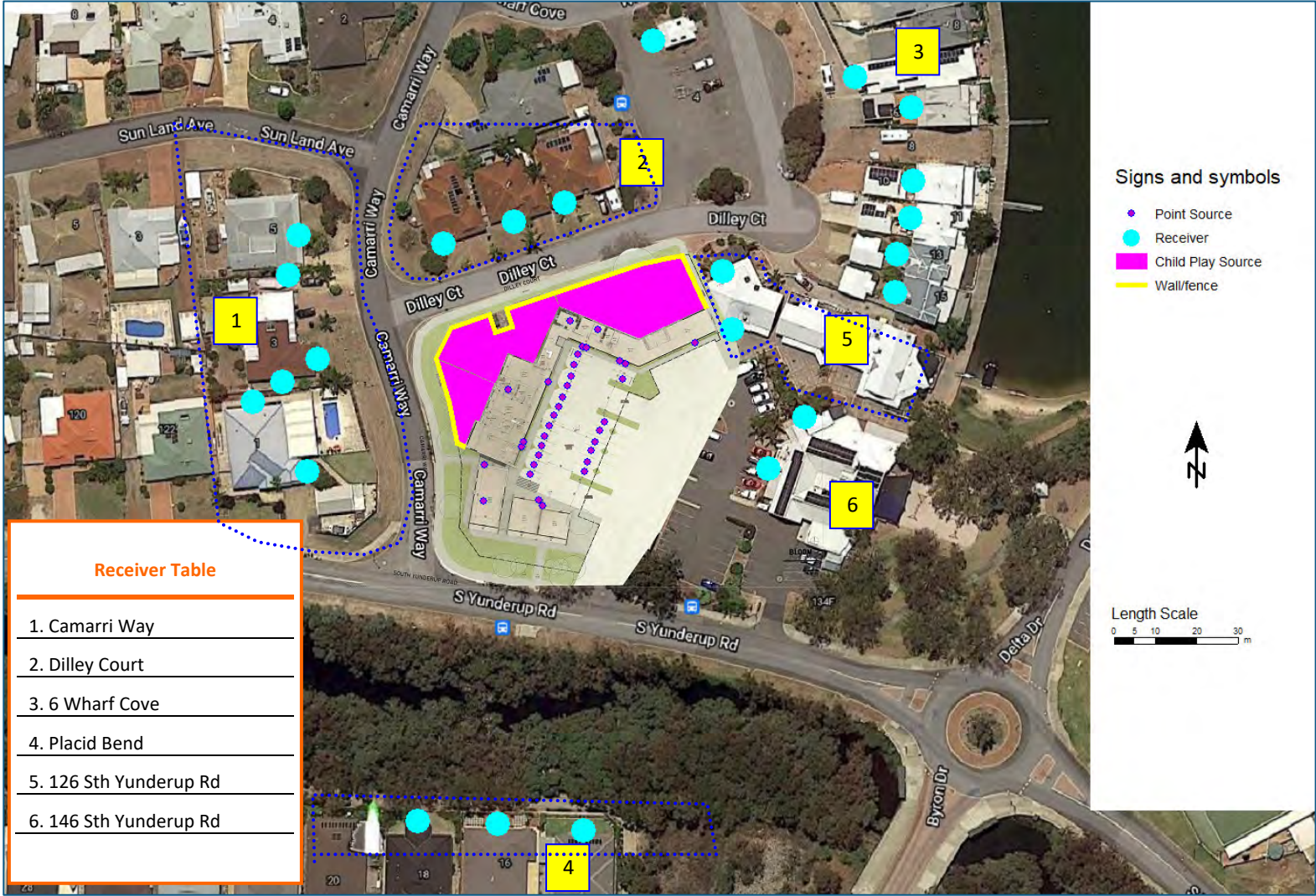


Figure 3-1 3D Overview of Noise Model

3.4 Source Sound Levels

The sound power levels used in the modelling are provided in *Table 3-2*.

Table 3-2 Source Sound Power Levels

Description	Octave Band Centre Frequency (Hz)								Overall dB(A)
	63	125	250	500	1k	2k	4k	8k	
Babies Play Aged 0-2 Years (10 kids), L ₁₀	78	54	60	66	72	74	71	67	78
Toddler Play Aged 2-3 Years (10 kids), L ₁₀	61	67	73	79	81	78	74	70	85
Kindy Play Aged 3+ Years (10 kids), L ₁₀	64	70	75	81	83	80	76	72	87
Typical Condenser Unit, each, L ₁₀	71	70	65	61	57	52	46	44	63
Retail Exhaust Fan; each, L ₁₀	68	73	67	65	59	55	59	47	67
Toilet/Laundry Exhausts, each, L ₁₀	60	65	62	63	60	61	56	53	67
Kitchen Exhaust, L ₁₀	50	64	61	70	69	66	62	50	73
Closing Car Door, L _{max}	71	74	77	81	80	78	72	61	84

The following is noted in relation to the source levels above:

- Child play source levels are based on Guideline 3.0 provided by the Association of Australasian Acoustical Consultants (AAAC) published September 2020. Where the number of children for individual play areas is specified in the plans, these have been adjusted from the reference source levels using appropriate acoustical calculations. Outdoor child play was modelled as area sources at 1-metre heights above floor level. The sound power levels used in the model were scaled as follows:
 - 16 Babies = 80 dB(A)
 - 25 Toddlers = 89 dB(A)
 - 45 Kindy = 92 dB(A)
- Based on input from the mechanical engineer on the project, multiple small AC condensing units were assumed for the childcare centre, and 3 for the retail tenancies. Each was modelled as a point source at 1 metres above ground level.
- Other mechanical plant includes three toilet exhaust fans, and one kitchen exhaust fan/rangehood fan. All were modelled as point sources approximately 0.5 metres above roof level and above the area serviced.
- Car doors closing were modelled as a point source 1.0 metre above ground level. Since noise from a car door closing is a short term event, only the L_{Amax} level is applicable.

3.5 Walls and Fences

The area is mostly residential with typical boundary fencing (*Hardie Fence* and *Colorbond* types) between residences. Acoustically solid fences (visually permeable), of minimum 1.8m high, will be installed encompassing the outdoor play areas, noted to incorporate clear sections using glass/Perspex material.

The material selected for all barriers must have a minimum 8 kg/m² surface mass to be effective acoustically. With regard to any entry gates within a barrier, these must also be solid and any air gaps appropriately sealed or overlapped.

Figure 3-2 shows a view of the 3D model based on the information above in relation to topography and building and fence heights. Also shown are the outdoor play areas (pink polygon) and point sources (e.g. mechanical plant, car doors) as pink dots.



Figure 3-2 Northwest Aerial View of 3D Noise Model

3.6 Ground Absorption

Ground absorption varies from a value of 0 to 1, with 0 being for an acoustically reflective ground (e.g. asphalt, concrete) and 1 for acoustically absorbent ground (e.g. grass/sand). In this instance, a value of 0.5 has been used for the outdoor play areas and the car park and road areas, and 0.6 for all other areas.

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4 RESULTS

4.1 Outdoor Child Play

The childcare development will host up to 91 children. It is expected that play time is generally staggered and therefore not all children would be playing outside at once for extended periods. However, noise levels were conservatively predicted for this, as a worst-case scenario, as follows:

- All groups, totalling 91 children (all ages) are playing outside simultaneously for extended periods of time.

Table 4-1 presents the predicted noise levels at each receiver, noting the predicted noise levels are from child play only i.e. mechanical plant noise is not included. Figure 4-1 also shows the predicted noise levels as noise contour maps at ground level (1.5 metres AGL).

Table 4-1 Predicted Noise Levels of Child Play, dB LA10

Receiver	Floor	91 Children Outside
1. Camarri St	Ground	39
2. Dilley court	Ground	45
3. 6 Wharf Cove	Ground	36
	First	37
4. Placid Bend	Ground	27
5. 126 Sth Yunderup Rd	Ground	47
6. 146 Sth Yunderup Rd	Ground	33

*shaded cells indicate commercial receivers

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Proposed Childcare Centre - 126 Sth Yunderup Rd, Sth Yunderup Outdoor Childplay (91 Children)

1.5m height Noise Level Contours
Ground Floor Level

SoundPlan v8.2
ISO 9643-2 Algorithms

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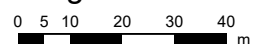


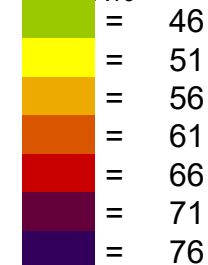
Figure 4-1

Signs and symbols

● Point receiver



dB L_{A10}



4.2 Mechanical Plant

Mechanical plant consists of AC plant and extraction fans for the kitchen, toilets and laundry. The exhaust fans were assumed to be located on the roof and above the room being serviced.

Since the childcare centre opens from 6.30am, it was considered that all plant could be operating simultaneously at night-time (i.e. before 7.00am). The predicted mechanical plant noise levels are presented in *Table 4 2*. The overall plant noise levels are also shown on *Figure 4-2*.

Table 4-2 Predicted Noise Levels of Mechanical Plant, dBL_{A10}

Receiver	Floor	All Plant Combined
1. Camarri St	Ground	28
2. Dilley court	Ground	32
3. 6 Wharf Cove	Ground	24
	First	27
4. Placid Bend	Ground	21
5. 126 Sth Yunderup Rd	Ground	33
6. 146 Sth Yunderup Rd	Ground	31

*shaded cells indicate commercial receivers

It can be seen that at all receivers, the predicted mechanical plant noise is lower than the child play noise levels (*Table 4-1*). Therefore, child play noise would dominate the noise levels during the day at most receivers, except prior to 7.00am, when child play noise is not present.

The above results should be recalculated once mechanical plant specifications are known closer to building permit application.

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Proposed Childcare Centre - 126 Sth Yunderup Rd, Sth Yunderup External Mechanical Plant Noise

1.5m height Noise Level Contours
Ground Floor Level

SoundPlan v8.2
ISO 9643-2 Algorithms

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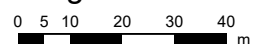


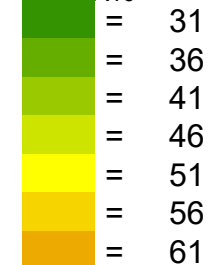
Figure 4-2

Signs and symbols

- Point receiver
- ✱ Mech source



dB L_{A10}



4.3 Car Park

The model includes noise from car doors closing in all parking bays and *Table 4-3* presents the highest predicted noise levels applicable to each receiver. *Figure 4-3* also presents the maximum noise levels at ground level (1.5 m AGL) for car doors as a contour map. Note that this contour is not a cumulative level, but a composite contour of each maximum noise event.

Table 4-3 Predicted Car Doors Closing Noise Levels, dB L_{Amax}

Receiver	Floor Level	Worst case Car Door
1. Camarri St	Ground	31
2. Dilley court	Ground	25
3. 6 Wharf Cove	Ground	22
	First	27
4. Placid Bend	Ground	28
5. 126 Sth Yunderup Rd	Ground	42
6. 146 Sth Yunderup Rd	Ground	41

*shaded cells indicate commercial receivers

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Proposed Childcare Centre - 126 Sth Yunderup Rd, Sth Yunderup Car Park Noise

1.5m height Noise Level Contours
Ground Floor Level

SoundPlan v8.2
ISO 9643-2 Algorithms

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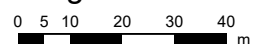
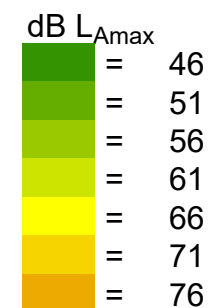


Figure 4-3

Signs and symbols

- Point receiver
- ✱ Car door source



5 ASSESSMENT

5.1 Outdoor Child Play

Although the childcare centre opens from 6.30am, outdoor child play will only occur after 7.00am, when the assigned noise levels increase by 10 dB compared to prior to 7.00am. Noise from child play is not considered to contain annoying characteristics within the definition of the Regulations and therefore, no adjustments are made to the predicted noise levels.

Table 5-1 presents the assessment of the highest predicted noise levels from all 91 children playing outside against the L_{A10} assigned noise level at each receiver.

Table 5-1 Assessment of Outdoor Child Play Noise Levels, dBL_{A10}

Receiver	Floor Level	Daytime Assigned Level	Predicted Level	Exceedence
1. Camarri St	Ground	46	39	Complies
2. Dilley court	Ground	46	45	Complies
3. 6 Wharf Cove	Ground	46	36	Complies
	First	46	37	Complies
4. Placid Bend	Ground	46	27	Complies
5. 126 Sth Yunderup Rd	Ground	60	47	Complies
6. 146 Sth Yunderup Rd	Ground	60	33	Complies

*shaded cells indicate commercial receivers

From Table 5-1 it can be seen that noise levels comply with the most critical receivers. The assessment demonstrates compliance based on a conservative scenario of all 91 children playing simultaneously. The proposed 1.8m high barriers are therefore considered to be effective in mitigation child play noise impact.

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5.2 Mechanical Plant

Given the proposed opening hours of the childcare centre, the night-time period (i.e. before 7.00am) is most critical. The overall noise levels are generally dominated by A/C condenser noise, which may be considered tonal, and a +5 dB adjustment (refer *Table 5-2*) applies to predictions. The results in *Table 5-2* include the AC condenser units proposed for the 3 retail units south of the proposed childcare building.

Table 5-2 Assessment of Outdoor Mechanical Plant Noise Levels, dBL_{A10}

Receiver	Floor Level	Night Time Assigned Level	Predicted Level	Adjusted Level	Exceedence
1. Camarri St	Ground	36	28	33	Complies
2. Dilley court	Ground	36	32	37	+ 1 dB
3. 6 Wharf Cove	Ground	36	24	29	Complies
	First	36	27	32	Complies
4. Placid Bend	Ground	36	21	26	Complies
5. 126 Sth Yunderup Rd	Ground	60	33	38	Complies
6. 146 Sth Yunderup Rd	Ground	60	31	36	Complies

*shaded cells indicate commercial receivers

Based on the predicted noise levels in *Table 5-2*, the most critical mechanical plant noise levels are at residences to the north. The primary contributors are the Kitchen Exhaust Fan and Staff WC exhaust fan. It will be necessary to consider fitting the exhaust fans with suitable attenuators between the fan and the discharge or consider in line type fans in place of roof mounted.

Note that this assessment is based on assumptions in relation to the number, size and type of AC plant and exhaust fans. Therefore, mechanical plant noise is to be reviewed by a qualified acoustical consultant during detailed design, when plant selections and locations become known.

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5.3 Car Doors

Car doors closing noise are short duration events and were therefore assessed against the L_{Amax} assigned noise level. Given the proposed hours of operation, staff and visitors may arrive before 7.00am when the night-time assigned noise level of 56 dB L_{Amax} is applicable. Car door noise was considered impulsive within the definition of the Regulations. Therefore, an adjustment of +10 dB (refer Table 5-3) is to be applied to the predicted noise levels.

Table 5-3 Assessment of Car Door Closings Noise Levels, dB L_{Amax}

Receiver	Level	Night time Assigned Level	Predicted Level	Adjusted level	Exceedence
1. Camarri St	Ground	56	31	41	Complies
2. Dilley court	Ground	56	25	35	Complies
3. 6 Wharf Cove	Ground	56	22	32	Complies
	First	56	27	37	Complies
4. Placid Bend	Ground	56	28	38	Complies
5. 126 Sth Yunderup Rd	Ground	80	42	52	Complies
6. 146 Sth Yunderup Rd	Ground	80	41	51	Complies

*shaded cells indicate commercial receivers

The noise from car doors is expected to comply at all receivers at all times.

5.4 Indoor Child Play

An assessment of noise levels from indoor child play was carried out and the resulting noise levels at all locations were predicted to be well below that of outdoor child play considered in Section 4.1. This assessment was carried out based on the following considerations:

- Internal noise levels within activity rooms would not exceed those from outdoor play for each age group, regardless of windows being opened or closed; and,
- Any music played within the internal activity areas would be 'light' music with no significant bass content and played at a relatively low level.

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6 RECOMMENDATIONS

6.1 Outdoor Play Area

Compliance for outdoor child play has been demonstrated with the proposed 1.8m high fence surrounding the play area. It is important that these extents are made solid and continuous, for example by providing either *perspex* or safety glass to maintain visual amenity. This sheet must be installed free of gaps and be of a material with minimum surface mass of 8 kg/m².

6.2 Mechanical Plant

To mitigate noise from exhaust fans, it is recommended that these be designed as inline type or ceiling mounted fans, which could be installed with attenuators or diverted ducting, rather than externally mounted plant.

The AC condensing units, while potentially compliant at all times, may be mitigated further with quiet mode (reduced capacity) programming prior to 7.00am. These options should be explored during detailed design and verified by the mechanical services engineer and a qualified acoustical consultant, when actual plant selections and final locations become known.

6.3 General Recommendations

While separate from compliance requirements above and not required for compliance, the following should be implemented as “best practice” where practicable:

- Mechanical Plant to be mounted on vibration isolated mounts to achieve 97% vibration isolation;
- The behaviour and 'style of play' of children should be monitored to prevent particularly loud activity e.g. loud banging/crashing of objects, 'group' shouts/yelling,
- Favour soft finishes in the outdoor play area to minimise impact noise (e.g. soft grass, sand pit(s), rubber mats) over timber or plastic,
- No amplified music to be played outside,
- External doors and windows to be closed during indoor activity / play, and
- Any music played within the internal activity areas to be 'light' music with no significant bass content and played at a relatively low level.
- Car park drainage grates to be plastic or metal with rubber gasket and secured.

Regulation 14A provides requirements for the collection of waste stating that this activity can also be exempt from having to comply with regulation 7 prescribed standards provided it is undertaken between 7am and 7pm Mondays to Saturdays and undertaken in the quietest reasonable manner.

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7 CONCLUSIONS

The noise impacts from the proposed childcare centre and 3 commercial retail units to be located at 136 South Yunderup Road, South Yunderup have been assessed against the relevant criteria of the *Environmental Protection (Noise) Regulations 1997*.

Based on the modelling and assessments in relation to the noise emissions from child play, mechanical plant and car doors closing, it is concluded that compliance can be achieved for all noise sensitive premises provided that the recommendations in *Section 6* are implemented.

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Appendix A

Development Plans

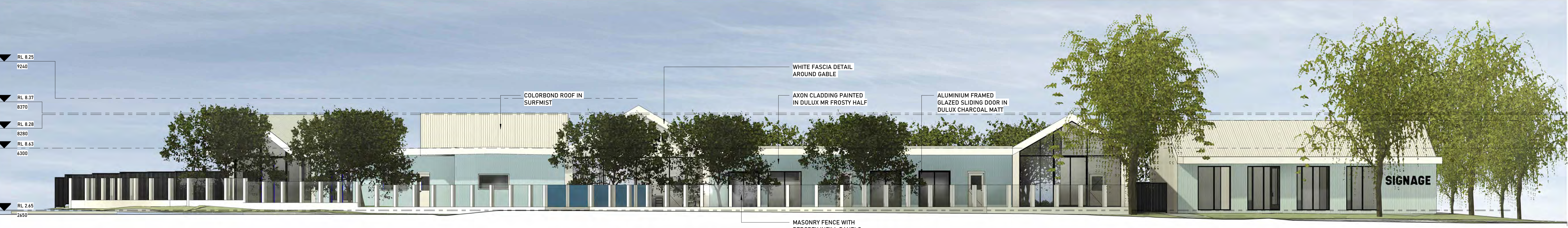
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1 South Yunderup Road Elevation
1 : 100



2 Corner of Dilly Court & Camarri Way Elevation
1 : 100



3 Dilly Court Elevation
1 : 100



4 North-East Site Elevation
1 : 100



5 South-East Elevation
1 : 100

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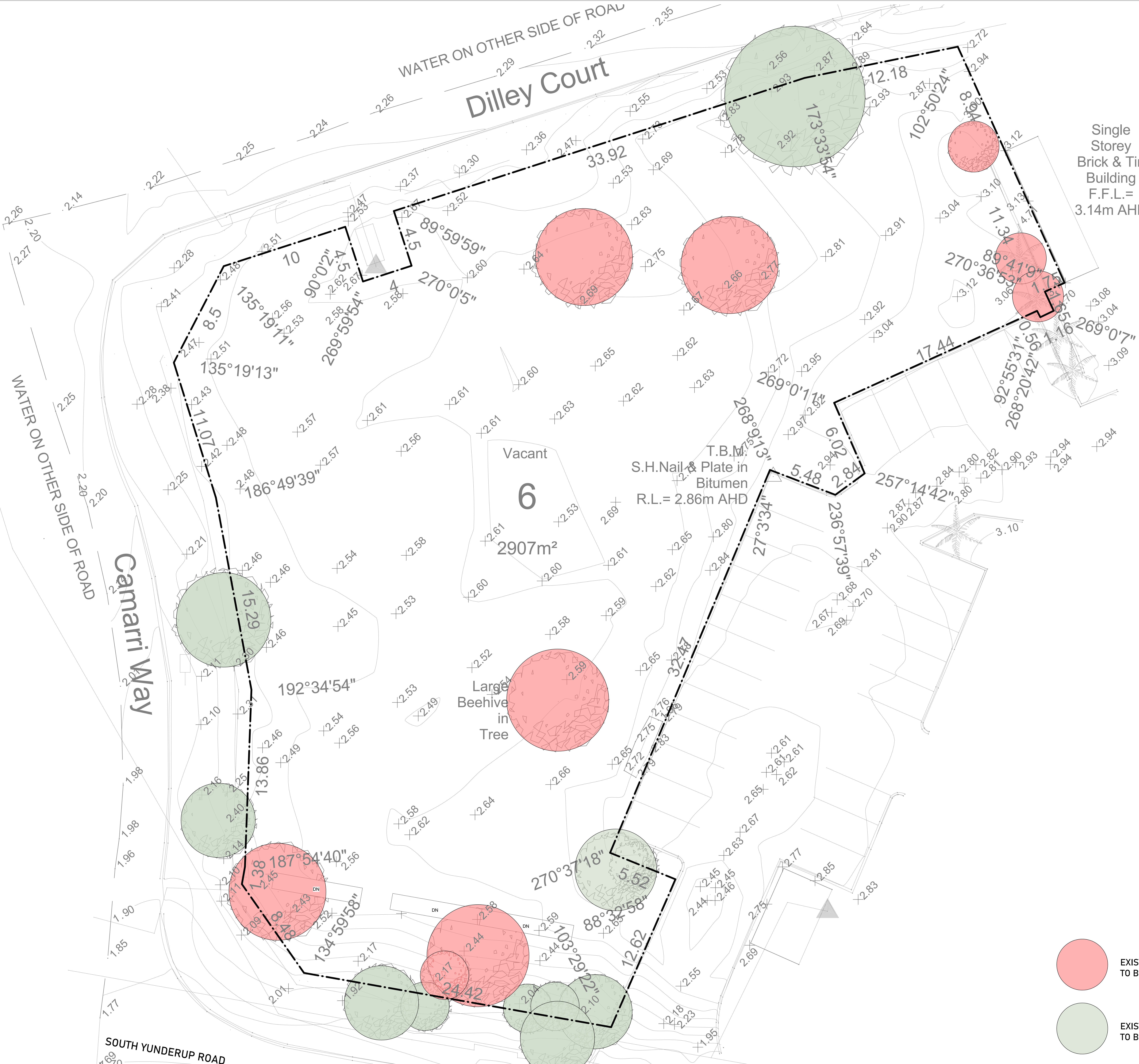
BLOOM
ARCHITECTURE

Lot 6 South Yunderup Road

Site Elevations

Project number	YU03082021	A100
Date		
Drawn by	VD	
Revision		

Scale 1 : 100



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EXISTING TREES
TO BE REMOVED

EXISTING TREES
TO BE REMAIN

BLOOM
ARCHITECTURE

Lot 6 South Yunderup Road

Site Plan

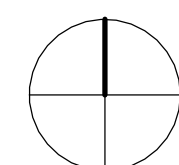
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YU03082021

Date
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Revision

A101

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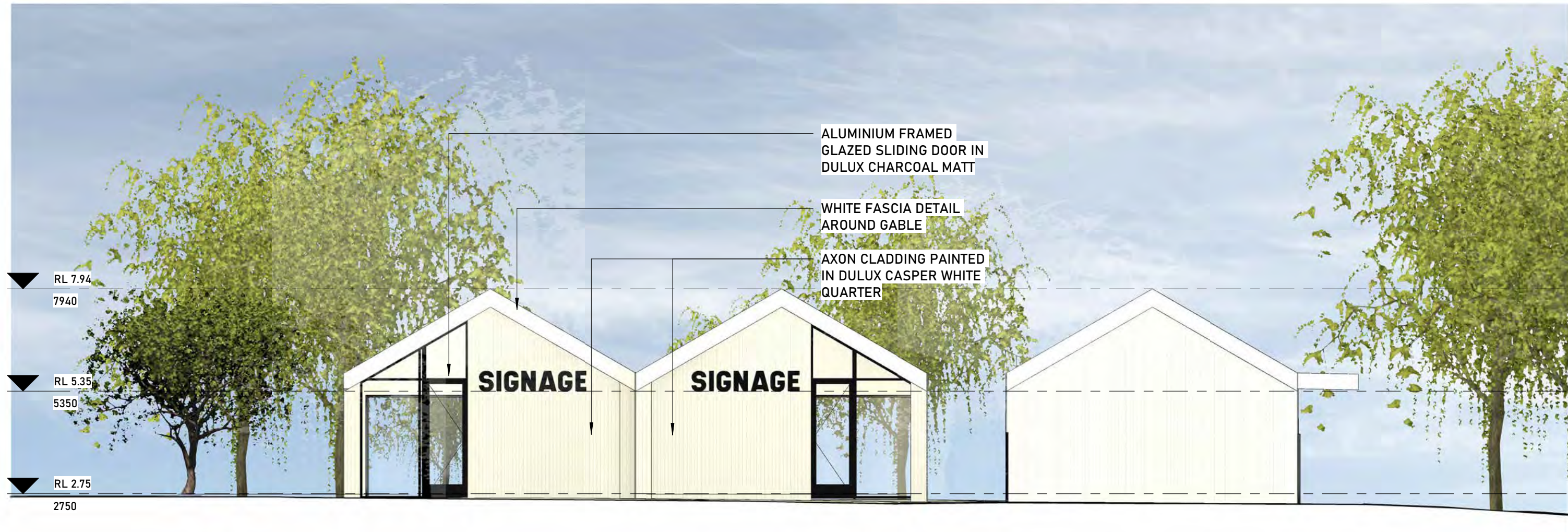


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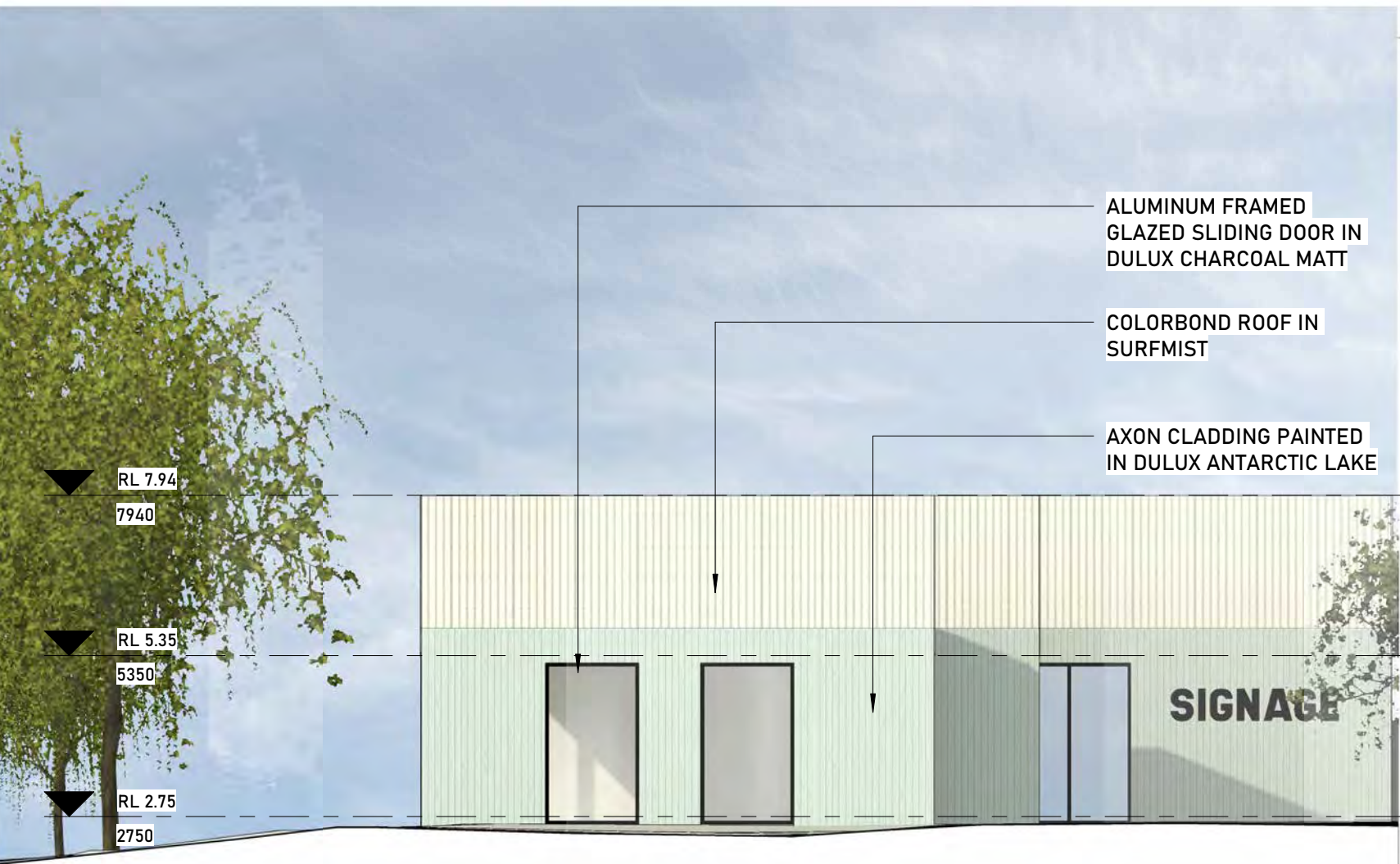
1 South Yunderup Road Retail Elevation
1: 100



2 Unit 1 & Unit 2 Northern Elevation
1: 100



3 Camarri Way Unit 2 Elevation
1: 100



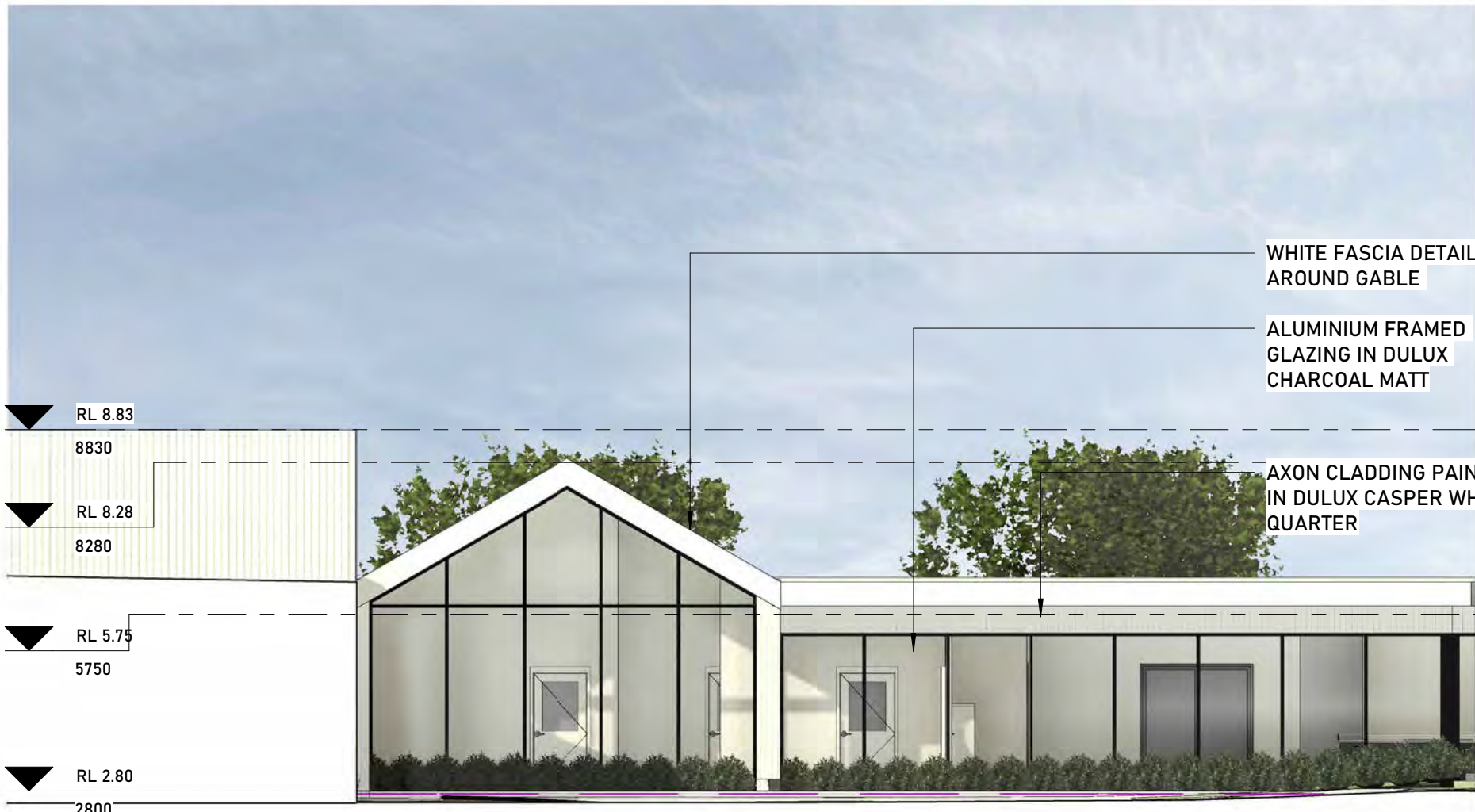
4 Unit 1 East Elevation
1: 100



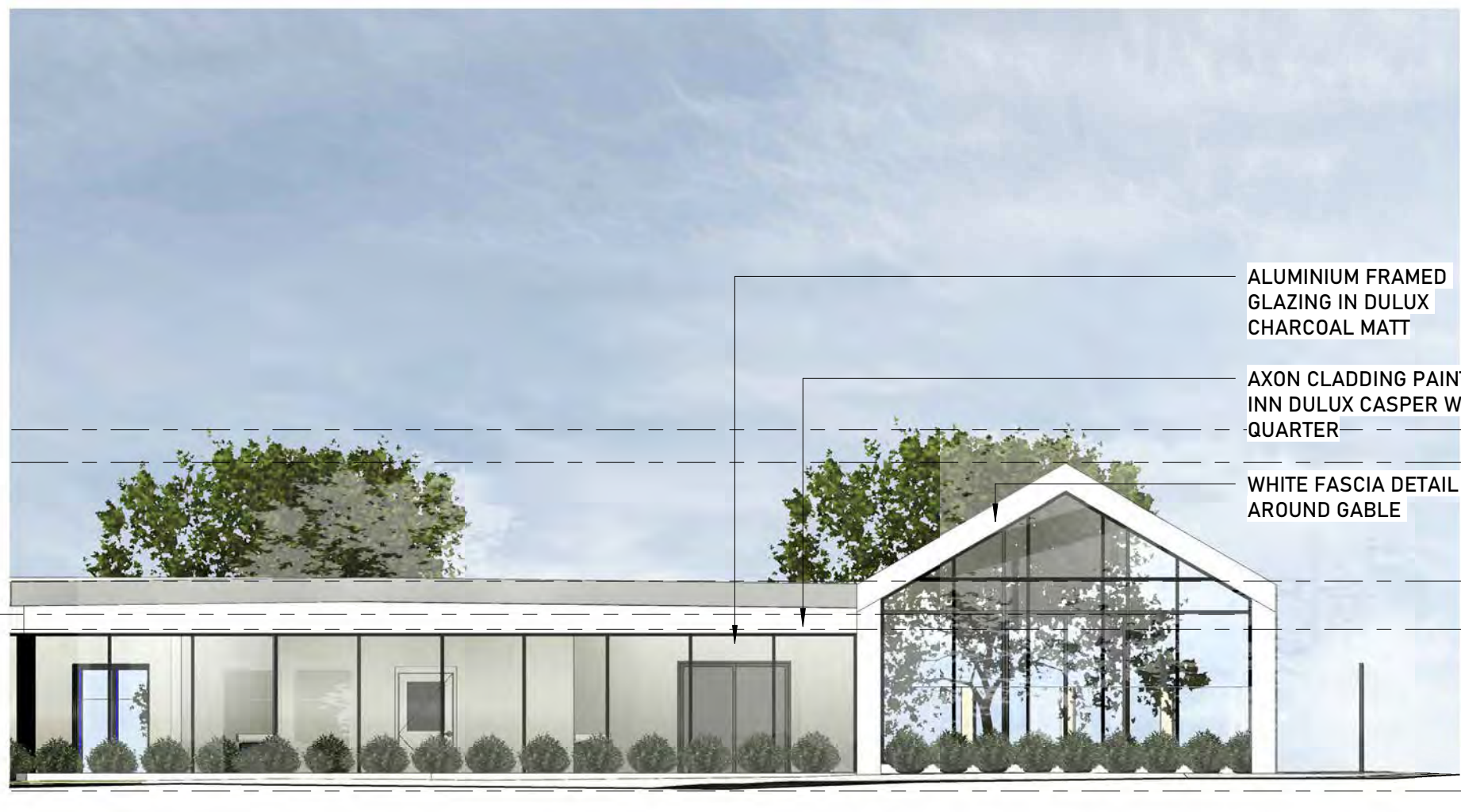
8 Corner of Dilly Court & Camarri Way Child Care Elevation
1: 100



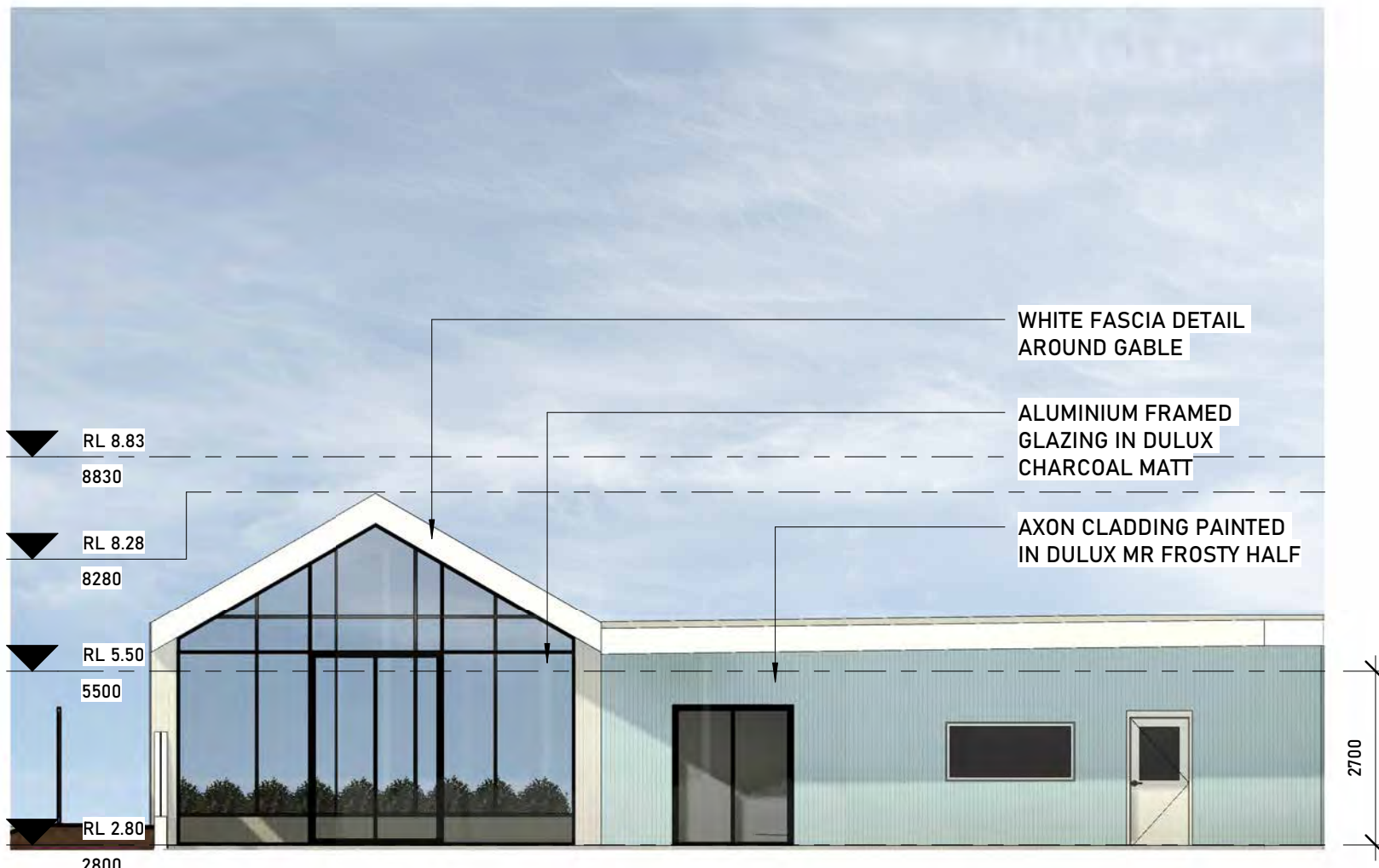
5 Child Care Elevation 1
1: 100



6 Child Care Elevation 2
1: 100



7 Child Care Elevation 3
1: 100



10 Child Care Elevation 4
1: 100



9 Child Care Elevation 5
1: 100

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Appendix B

Terminology

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The following is an explanation of the terminology used throughout this report.

Decibel (dB)

The decibel is the unit that describes the sound pressure and sound power levels of a noise source. It is a logarithmic scale referenced to the threshold of hearing.

A-Weighting

An A-weighted noise level has been filtered in such a way as to represent the way in which the human ear perceives sound. This weighting reflects the fact that the human ear is not as sensitive to lower frequencies as it is to higher frequencies. An A-weighted sound level is described as L_A dB.

Sound Power Level (L_w)

Under normal conditions, a given sound source will radiate the same amount of energy, irrespective of its surroundings, being the sound power level. This is similar to a 1kW electric heater always radiating 1kW of heat. The sound power level of a noise source cannot be directly measured using a sound level meter but is calculated based on measured sound pressure levels at known distances. Noise modelling incorporates source sound power levels as part of the input data.

Sound Pressure Level (L_p)

The sound pressure level of a noise source is dependent upon its surroundings, being influenced by distance, ground absorption, topography, meteorological conditions etc and is what the human ear actually hears. Using the electric heater analogy above, the heat will vary depending upon where the heater is located, just as the sound pressure level will vary depending on the surroundings. Noise modelling predicts the sound pressure level from the sound power levels taking into account ground absorption, barrier effects, distance etc.

L_{ASlow}

This is the noise level in decibels, obtained using the A frequency weighting and the S (Slow) time weighting as specified in IEC 61672-1:2002. Unless assessing modulation, all measurements use the slow time weighting characteristic.

L_{AFast}

This is the noise level in decibels, obtained using the A frequency weighting and the F (Fast) time weighting as specified in IEC 61672-1:2002. This is used when assessing the presence of modulation only.

L_{APeak}

This is the greatest absolute instantaneous sound pressure in decibels using the A frequency weighting as specified in IEC 61672-1:2002.

L_{Amax}

An L_{Amax} level is the maximum A-weighted noise level during a particular measurement.

L_{A1}

An L_{A1} level is the A-weighted noise level which is exceeded for one percent of the measurement period and is considered to represent the average of the maximum noise levels measured.

L_{A10}

An L_{A10} level is the A-weighted noise level which is exceeded for 10 percent of the measurement period and is considered to represent the "intrusive" noise level.

L_{Aeq}

The equivalent steady state A-weighted sound level (“equal energy”) in decibels which, in a specified time period, contains the same acoustic energy as the time-varying level during the same period. It is considered to represent the “average” noise level.

L_{A90}

An L_{A90} level is the A-weighted noise level which is exceeded for 90 percent of the measurement period and is considered to represent the “background” noise level.

One-Third-Octave Band

Means a band of frequencies spanning one-third of an octave and having a centre frequency between 25 Hz and 20 000 Hz inclusive.

L_{Amax} assigned level

Means an assigned level which, measured as a $L_{A\ Slow}$ value, is not to be exceeded at any time.

L_{A1} assigned level

Means an assigned level which, measured as a $L_{A\ Slow}$ value, is not to be exceeded for more than 1% of the representative assessment period.

L_{A10} assigned level

Means an assigned level which, measured as a $L_{A\ Slow}$ value, is not to be exceeded for more than 10% of the representative assessment period.

Tonal Noise

A tonal noise source can be described as a source that has a distinctive noise emission in one or more frequencies. An example would be whining or droning. The quantitative definition of tonality is:

the presence in the noise emission of tonal characteristics where the difference between -

- (a) the A-weighted sound pressure level in any one-third octave band; and
- (b) the arithmetic average of the A-weighted sound pressure levels in the 2 adjacent one-third octave bands,

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

This is relatively common in most noise sources.

Modulating Noise

A modulating source is regular, cyclic and audible and is present for at least 10% of the measurement period. The quantitative definition of modulation is:

a variation in the emission of noise that —

- (a) is more than 3 dB $L_{A\ Fast}$ or is more than 3 dB $L_{A\ Fast}$ in any one-third octave band;
- (b) is present for at least 10% of the representative.

Impulsive Noise

An impulsive noise source has a short-term banging, clunking or explosive sound. The quantitative definition of impulsiveness is:

a variation in the emission of a noise where the difference between $L_{A \text{ peak}}$ and $L_{A \text{ Max slow}}$ is more than 15 dB when determined for a single representative event;

Major Road

Is a road with an estimated average daily traffic count of more than 15,000 vehicles.

Secondary / Minor Road

Is a road with an estimated average daily traffic count of between 6,000 and 15,000 vehicles.

Influencing Factor (IF)

$$= \frac{1}{10} (\% \text{ Type A}_{100} + \% \text{ Type A}_{450}) + \frac{1}{20} (\% \text{ Type B}_{100} + \% \text{ Type B}_{450})$$

where :

% Type A₁₀₀ = the percentage of industrial land within
a 100m radius of the premises receiving the noise

% Type A₄₅₀ = the percentage of industrial land within
a 450m radius of the premises receiving the noise

% Type B₁₀₀ = the percentage of commercial land within
a 100m radius of the premises receiving the noise

% Type B₄₅₀ = the percentage of commercial land within
a 450m radius of the premises receiving the noise

+ Traffic Factor (maximum of 6 dB)

= 2 for each secondary road within 100m

= 2 for each major road within 450m

= 6 for each major road within 100m

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Representative Assessment Period

Means a period of time not less than 15 minutes, and not exceeding four hours, determined by an inspector or authorised person to be appropriate for the assessment of a noise emission, having regard to the type and nature of the noise emission.

Background Noise

Background noise or residual noise is the noise level from sources other than the source of concern. When measuring environmental noise, residual sound is often a problem. One reason is that regulations often require that the noise from different types of sources be dealt with separately. This separation, e.g. of traffic noise from industrial noise, is often difficult to accomplish in practice. Another reason is that the measurements are normally carried out outdoors. Wind-induced noise, directly on the microphone and indirectly on trees, buildings, etc., may also affect the result. The character of these noise sources can make it difficult or even impossible to carry out any corrections.

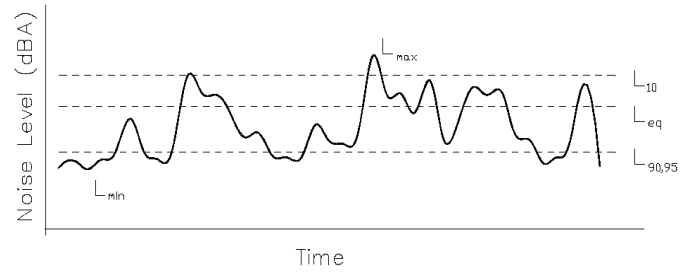
Ambient Noise

Means the level of noise from all sources, including background noise from near and far and the source of interest.

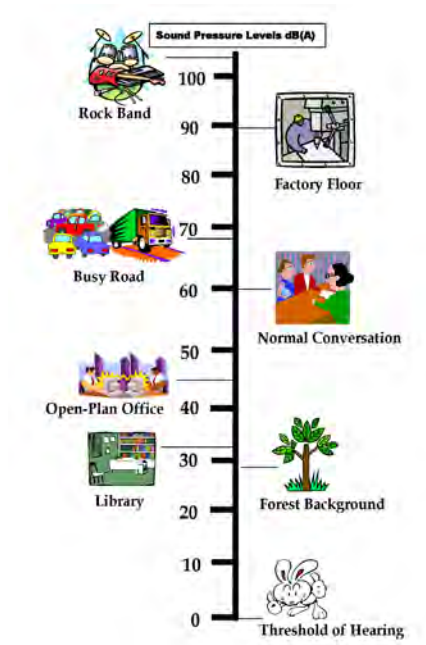
Specific Noise

Relates to the component of the ambient noise that is of interest. This can be referred to as the noise of concern or the noise of interest.

Chart of Noise Level Descriptors



Typical Noise Levels



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APPENDIX H

Transport
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Child Care Centre and Shop Development

126 South Yunderup Road, South Yunderup
Traffic Impact Statement



Prepared by: Stantec for JDH & JAM Investments No. 8 Pty Ltd

on 01/04/2022

Reference: 301401145

Revision #: 1

Child Care Centre and Shop Development

126 South Yunderup Road, South Yunderup
Traffic Impact Statement

Client: JDH & JAM Investments No. 8 Pty Ltd

on 01/04/2022

Reference: 301401145

Revision #: 1

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Quality Record

Revision	Date	Description	Prepared By	Checked By	Approved By	Signed
a	20/09/21	Draft	SH	RD		
0	30/09/21	Final	SH	RD	TM	TM
b	23/03/22	Updated final draft	RD	TM		
1	1/04/22	Revised Final	RD	TM	TM	



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Child Care Centre and Shop Development, 126 South Yunderup Road, South Yunderup

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Road, South Yunderup

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1. INTRODUCTION

1.1. Background

GTA Consultants, now Stantec (Stantec) was commissioned by Burgess Design Group on behalf of JDH & JAM Investments No. 8 Pty Ltd to prepare a Traffic Impact Statement for a proposed Child Care Centre and Shop Development at 126 South Yunderup Road, South Yunderup.

The Child Care Centre will cater for a maximum of 86 children and 14 staff, with all visitor/care giver parking accessed from Camarri Way and staff parking via Dilley Court.

Proposed also will be three (3) shop tenancies; a barber and gift shop at 66m² each and a general retail area of 81m². Parking associated with the shop will be contained within the Camarri Way car parking area.

1.2. Purpose of the Report

Western Australian Planning Commission Transport Assessment Guidelines (WAPC Guidelines) provide direction on the level of assessment which is necessary to be carried out with respect to the likely traffic impact of a development proposal. Typically, any development which is expected to have a 'high' traffic impact, that is, generating more than 100 trips in the peak hour is satisfied by a Traffic Impact Assessment (TIA). Any development which is expected to generate less than 100 trips in the peak hour requires a Transport Impact Statement (TIS) to be undertaken. Both types of assessment consider the operation and layout of the site, but they differ in their assessment of external traffic impact.

In the context of this proposal, it is estimated there will be less than 100 trips generated in a given peak hour if applying 'typical' traffic generation rates. In this case a TIS is appropriate. This TIS briefly outlines the transport aspects surrounding the proposed development. The intent of a TIS, as per the WAPC Guidelines, is to provide the approving authority with sufficient transport information to confirm that the Applicant has adequately considered the transport aspects of the proposed development and that it would not have an adverse transport impact on the surrounding area.

In accordance with the WAPC Guidelines, this TIS outlines:

- Existing transport conditions proximate to the site
- Suitability of the proposed parking provision within the site
- The adequacy of the proposed site layout
- The traffic generating characteristics of the proposed development
- The anticipated impact of the proposed development on the surrounding road network.

1.3. References

In preparing this report, reference has been made to the following:

- Shire of Murray Local Planning Scheme No. 4
- Shire of Murray Local Planning Policy General Development Provisions Building Setbacks, Car Parking Standard

INTRODUCTION

- Liveable Neighbourhoods Guidelines
- WAPC Transport Assessment Guidelines for Development
- Australian Standard/ New Zealand Standard, Parking Facilities, Part 1: Off-Street Car Parking AS/NZS 2890.1:2004
- Australian Standard, Parking Facilities, Part 2: Off-Street Commercial Vehicle Facilities AS 2890.2:2018
- Australian Standard / New Zealand Standard, Parking Facilities, Part 6: Off-Street Parking for People with Disabilities AS/NZS 2890.6:2009
- plans for the proposed development prepared by Bloom Architecture
- various technical data as referenced in this report.

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2. PROPOSED DEVELOPMENT

2.1. Subject Site and Surrounding Context

The subject site is located on the north-eastern corner of the intersection of South Yunderup Road and Camarri Way. The site has frontages to South Yunderup Road to the south, Camarri Way to the east and Dilley Court to the north. Murray River is located north of the subject site, with only residential areas accessible via Camarri Way north of the site (refer Figure 2.1 and Figure 2.2).

The subject site is located within a Commercial zone with a common boundary to Sandy Cove Tavern and other eateries to the east. The surrounding land use is predominantly Residential and Public Recreation/Conservation (refer Figure 2.3).

Figure 2.1: Subject Site and its Environs



(Aerial image courtesy of Near Maps Pty Ltd)

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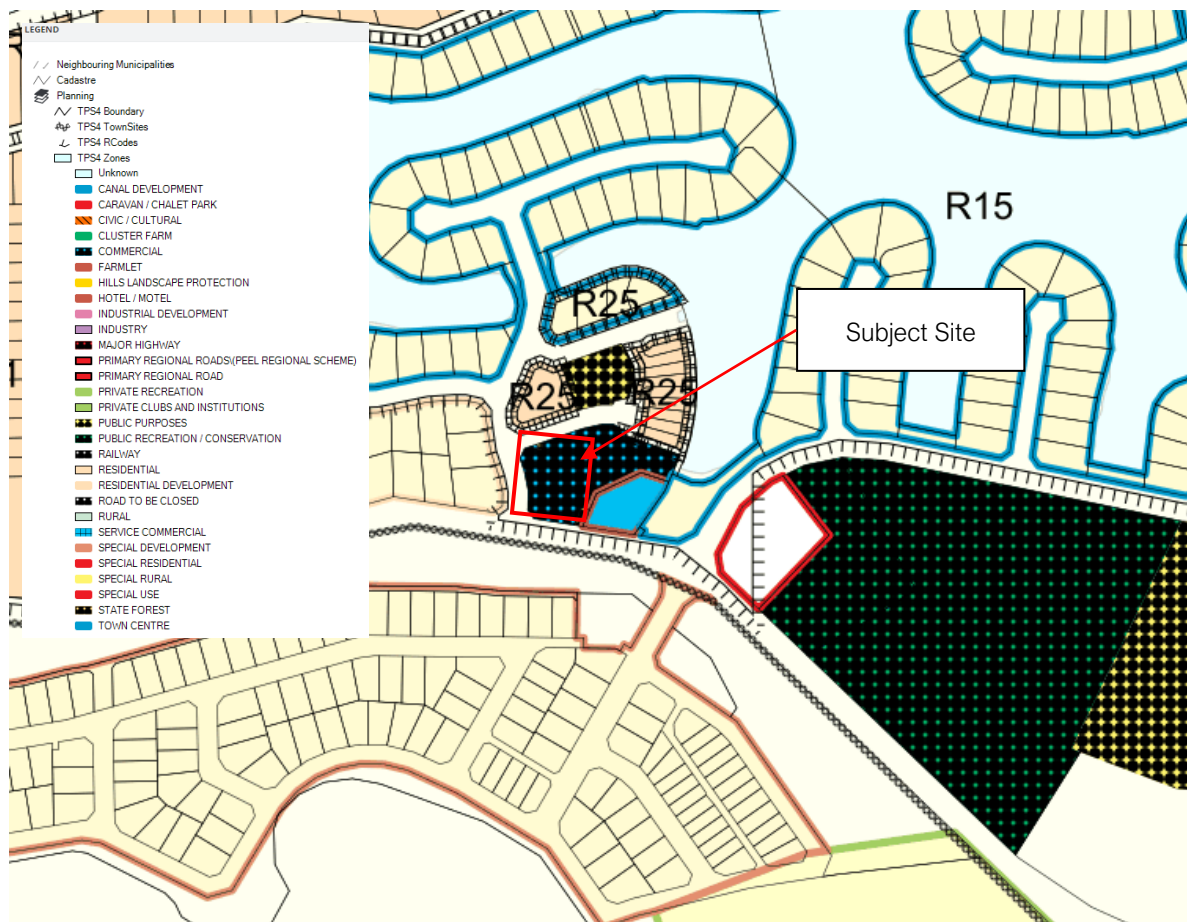
Figure 2.2: Subject Site and Surrounding Context



(Aerial image courtesy of Near Maps Pty Ltd)

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Figure 2.3: Subject Site and Surrounding Land Use



(Land zone map courtesy of Shire of Murray Online Mapping)

2.2. Road Network

South Yunderup Road is a Regional Distributor with a speed limit of 60km/h and a single lane in each direction marked with a solid white centreline to indicate no passing is permitted. The street has an approximate east to west orientation and although on parking signage is present, on-street parking would obstruct the lanes such that crossing of the solid centreline is required. A footpath is present on the northern side of the road.

Camarri Way is a local access street with a default speed limit of 50km/h and a single lane in each direction (unmarked). The street has an approximate north to south orientation with parking allowed on both sides of the street. There is no footpath present on Camarri Way.

Dilley Court is a local access street with a default speed limit of 50kmh and a single lane in each direction (unmarked). The street has an approximate north-east to south-west orientation with no footpath present and parking permitted on both sides. Dilley Court is a cul-de-sac and will provide access to the staff parking area.

2.3. Existing Land Use

The subject site is currently undeveloped.

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Child Care Centre and Shop Development, 126 South Yunderup Road, South Yunderup

2.4. Proposed Land Use

The proposal includes the development of a single storey Child Care Centre and a small commercial area. The Child Care Centre is located within the northern portion of the site with the shop area contained to the southern end.

The characteristics of the two land uses are as follows:

Child Care Centre

- Four (4) care rooms
- An outdoor play area
- Maximum of 86 enrolled children
- 14 staff
- Hours of operation are 6:30am to 6:30pm, Monday to Friday.

Shops

- Unit 1 44m² proposed shop
- Unit 2 56m² proposed shop
- Unit 3 100m² proposed shop
- Hours of operation are not yet confirmed.

There is a single parking area proposed, accessed via two separate crossovers to the existing development parking area immediately to the east currently servicing shops and a tavern. Access to the existing development parking is via two further crossovers on South Yunderup Road with the western access likely to be favoured as the main access to this proposed development. Visitor spaces associated with the Child Care and Shop area are located on the eastern side of the site with access gained through the adjacent parking area.

There is a total of 20 car parking spaces provided on site.

The proposed site layout is shown in Figure 2.4 with a plan of the nearby development shown in Figure 2.5.

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Figure 2.4: Proposed Site Plan



(Development Plan prepared by Bloom Architecture, dated March 2022)

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Figure 2.5: Overall Site and Adjoining Environs



Source: Nearmap

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3. ACCESS AND PARKING

3.1. Access and Parking Layout

Within the parking area, the proposed car parking spaces are 2.6m wide x 5.4m long with an aisle width of 6.1m, adhering to the requirements of *AS2890.1:2004 Part 1: Off-street car parking* for User Class 3 car parking spaces. The proposed ACROD space is 2.6m wide x 5.4m long with an adjacent shared zone, as required in *AS2890.6 Off-street car parking for people with disabilities*.

With the car parking aisle there are no blind aisle, with vehicles able to access either end of the parking area and to circulate through the parking area with ease.

The proposed crossovers area 6.0m wide into the parking area. *AS2890.1:2004 Part 1: Off Street Car Parking* requires a driveway width of between 3.5m and 5.5m (combined entry and exit) for a car parking area with less than 25 spaces, accessing a minor road. The proposed development exceeds this requirement.

A copy of the development plan is provided at Appendix A with an excerpt shown below in Figure 3.1.

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Figure 3.1: Development Plan



(Development Plan prepared by Bloom Architecture)

3.2. Pedestrian Facilities

A pedestrian path is provided between the parking spaces and the Child Care Centre / Shop of minimum width of 1.1m at the northern end of the car park area and 1.5m at the busier foot traffic western car park area. This path will provide direct and safe access to the building from the visitor spaces. It is suggested that wheel stops be provided along the western and northern parking bays near foot path areas.

The development plan also includes footpath connections to the on-street footpath network on Camarri Way and Dilley Court.

4. SERVICE VEHICLES

4.1. Waste Collection

There is proposed to be a single bin storage area provided as part of the development, located between the Child Care Centre and the Unit 3 Shop for use by both Child Care and the retail. The bins will be pulled out on bin days for kerb side collection.

It is proposed that waste collection will be via Council kerb side collection with the bins relocated to the verge side for collection. No waste collection vehicle will enter the subject site. Collection of the waste will be via Camarri Way.

4.2. Site Servicing

The proposed service vehicle requiring semi-frequent access to the site will be a delivery van or similar and is represented by the B99 vehicle detailed in *AS2890.1:2004*. Site servicing (deliveries) are recommended to occur outside of the development's peak drop off and pick up times of the site with the vehicle temporarily occupying an on-site parking space or parking aisle.

4.3. Emergency Vehicles

The proposed 6.1m wide parking aisle is adequate to accommodate an emergency vehicle if required.

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5. TRAFFIC VOLUMES AND PARKING

5.1. Daily or Peak Hour Traffic Conditions

5.1.1. Child Care Centre

The Child Care Centre is proposed to cater for up to 91 children with 17 staff. To determine traffic generation, reference has been made to Stantec's in-house database for both peak parking demand and traffic generation as well as the industry recognised *NSW RTA Guide to Traffic Engineering Developments*. The Stantec database is based on surveys undertaken at various Child Care sites located throughout Australia. From this data set for Child Care Centres, the expected peak traffic flows in the AM and PM peaks are (inclusive of parents and staff):

- AM Peak 0.83 trips per child
- PM Peak 0.82 trips per child.

These rates are comparable to those contained within the *NSW RTA Guide to Traffic Engineering Developments*, which notes:

- AM Peak 0.8 trips per child
- PM Peak 0.3 trips per child between 2:30pm and 4:00pm, and 0.7 trips per child between 4:00pm and 6:00pm.

Based on the 91 children maximum expected to be on the site, this development is expected to generate approximately (two-way):

- AM Peak 71 trips
- PM Peak 71 trips.

5.1.2. Retail Use

The *Western Australian Planning Commission Transport Impact Assessment Guidelines Volume 5 Technical Guidance* provides typical traffic generation rates for different land uses. For 'retail' land use, the applicable vehicle trip rates are:

- AM Peak 1.25 trips per 100m² gross floor area
- PM Peak 4.0 trips per 100m² gross floor area.

This equates to an approximately traffic generation of (two-way):

- AM Peak 3 trips
- PM Peak 8 vehicle trips.

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Combining the traffic generation of the Child Care Centre and the Shop, the expected two-way traffic generation should be:

- AM Peak 74 trips
- PM Peak 79 trips.

With Murray River north of the site, the approximate directional split is 90% to the south and 10% to the north, given the limited connection points to the surrounding network north of the site.

Table 2.4 from the Austroads publication, *Guide to Traffic Management Part 6 – Intersections, Interchanges and Crossings* provides advice as to intersection and crossover performance in peak flow conditions about possible further analysis. This is summarised in Table 5.1. If the calculated expected traffic flows for this development exceed those shown in Table 5.1 further traffic assessment is typically required.

Table 5.1: Austroads Guidelines

Major Road Type	Major Road Flow (two-way, vph)	Minor Road Flow (two-way, vph)
Two-lane	400	250
	500	200
	650	100
Four-lane	1,000	100
	1,500	50
	2,000	25

With the expected traffic flows for the proposed development being from South Yunderup Road and the surrounding higher-order roads such as Pinjarra Road and Forrest Highway, there is no requirement to undertake a detailed intersection assessment at any of the intersections within the proximity of the subject site. The development is expected to generate two-way traffic flows less than 100 vehicles per hour (the "Minor" road) whilst traffic flows on South Yunderup Road (the "Major" road) is assumed to be less than 650 vehicles in the PM peak. The minor road flows (this being the crossovers onto South Yunderup Road) are less than the required trigger of 100 vph (referring to row three in the above table).

With regards to the intersection of South Yunderup Road and Camarri Way, the current traffic flows on South Yunderup Road are recorded to be approximately 700 vehicles in the PM peak near the intersection of Pinjarra Road. Given the layout of the development, it is expected that this reduces to in the order of 400 vehicles per hour on South Yunderup Road near the development. Existing traffic flows on Camarri Way, considering the catchment of approximately 80 dwellings, would be in the order of 60 to 70 vehicle trips in the PM peak periods. Based on the figures provided in Table 5.1, the intersection of Camarri Way and South Yunderup Road is expected to operate well in the PM peak with the proposed development.

5.2. Types of vehicles

The type of vehicles expected to access the site are solely private motor vehicles. There is not expected to be a vehicle larger than that, apart from a small delivery van or similar, delivering to the site. A delivery vehicle of this size would be similar in size to the largest expected private motor vehicle, typically a B99 as defined in *Australian Standards* with any site access for the service vehicle expected to be outside of the peak drop off/pick up period of the Child Care Centre and peak patronage of the Shop.

5.3. Parking Impacts

5.3.1. Statutory Requirements

The *Shire of Murray Local Planning Policy – General Development Provisions – Building Setbacks, Car Parking Standards* details the required number of car parking spaces allocated to different land uses.

For a 'Day Care Centre' the requirement is to provide:

- 2 car parking spaces; plus
- 1 bay per staff member.

For the proposed development with a maximum of 86 children and 14 staff at any one time, the car parking space requirement is 14 staff bays, and 2 visitor spaces, a total of 16 spaces.

There is no applicable rate within the Local Planning Policy (LPP) to apply to the shop with none of the subcategories contained within 'Commercial' relevant to the subject site. However, there is a rate contained within the Local Planning Scheme (LPS) Text, Table 2.2 – Non-Residential Development Standards as noted below.

For 'Shops and Banks' the requirement is to provide:

- 1 car parking space per 20m² GFA

This equates to a total of 10 car parking spaces to be allocated to the retail area of the site. As such, the total car parking space requirement for the site is 26 spaces. With 20 car parking spaces proposed, there will be a shortfall of 6 spaces based on this statutory assessment and assuming no reciprocal parking.

The Stantec Database has also been referred to determine appropriate car parking rates for the retail use. The rate most applicable to that of the subject site is considered to be 'strip shops' with a car parking rate of:

- 2.3 spaces per 100m² leasable floor area.

This equates to a car parking space requirement for the Shops of 5 spaces (4.6 rounded up).

Considering the reciprocal use between the child care centre and the retail area and the adjacent retail development east of the site, a reduction in the car parking space provision is able to be applied to the maximum rates as detailed in the LPP and LPS. It is therefore reasonable to apply the lesser rate from the Stantec Database to the retail portion of the subject site.

Combining both uses the car parking space requirements for the site is 21 spaces (16 for the child care centre and 5 for the retail area). With 20 spaces provided across the parking area, the car parking space requirement for the site is almost met.

5.3.2. Car Parking Impacts

The proposal provides 20 on site car parking spaces, including an ACROD parking space, is therefore not quite meeting the requirements of the Shire of Murray LPP, and the determination of the requirement of the Shop use based on the Stantec database.

Based on the inhouse Stantec database, which contains more than 30-years of parking and traffic surveys, a Child Care Centre has a peak parking demand of 0.19 parked cars per child in both the AM and PM peak periods (this is the average rate across surveys from 16 different Child Care Centres). Based on the 86 children expected on this site, the peak parking demand is expected to be 16 (16.3 rounded down) cars

parked on site including staff and parents. These peaks are expected to occur at typically prior to 9am and between 4:30pm and 6:00pm when considering the *RTA Guide* peak traffic generation profiles.

Being long-day care, which is generally associated with pre-school children (outside of vacation care), all children are required to be walked into and collected from the building. During peak parking demand the on-site spaces will have high turnover of short-stay parking. Any long-stay parking will be associated with staff parking.

When considering the Stantec database rates for both the Child Care Centre and the Shop, a total of 21 car parking spaces are required.

Under this Stantec database peak parking demand referred, the provision of 20 on-site car parking spaces may require a small amount of overflow parking to occur at busy peak periods.

This small amount of parking overflow to the adjacent site is acceptable, as the peak use of the adjacent site would be based on the peak use of the Tavern, this observed (using Nearmap aerial imagery) to be weekends and late Friday evenings, where peak use of the child care centre would not overlap.

To assist with the management of the on-site parking, a Parking Management Plan has been prepared alongside this report.

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6. TRAFFIC CONDITIONS

Camarri Way and Dilley Court are both local access streets with default speed limits of 50km/h applied. South Yunderup Road is a regional distributor with a posted speed limit of 60km/h.

No traffic volume data is available for the road network in the vicinity of the site, however local access streets carry a theoretical maximum of 3,000 vehicles per day and a regional distributor a theoretical maximum of 6,000vpd.

The low-level traffic generation of the site, in the order of 74 to 79 vehicle trips (inbound and outbound) in the peak hours will not have a detrimental effect on the current operation of Camarri Way, South Yunderup Road or the surrounding road network.

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7. PUBLIC TRANSPORT

The development has access to public transport services with bus stops located on South Yunderup Road directly adjacent to the subject site. The stops provide access to bus service 604, which only services the area twice daily, once in the AM and once in the PM peaks.

Table 7.1: Public Transport Provision

Service	Route	Route Description	Distance to Nearest Stop (m)	Frequency On/Off Peak
Bus	604	Mandurah Station to South Yunderup, via North Yunderup	~20m	Twice daily, in the AM and PM peak

With the infrequency of the availability of the service, visitors to the Shop are unlikely to rely on the available public transport. Additionally, the nature of a Child Care Centre does not lean toward the use of public transport for parents or visitors. It is expected however that a small portion of staff of both uses may utilise public transport to access the site.

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8. ACTIVE TRANSPORT

8.1. Pedestrian Access/Facilities

8.1.1. Pedestrian Facilities within the Development

There are currently no pedestrian facilities within the subject site as it is currently an undeveloped lot.

8.1.2. Existing Pedestrian Facilities on Surrounding Roads

There are no footpaths along the site frontages on either Camarri Way or Dilley Court, however a footpath is provided on the southern side of South Yunderup Road along the site frontage.

8.1.3. Proposals to Improve Pedestrian Access

A pedestrian path is proposed along the front of the visitor car parking spaces, alongside the Child Care Centre and Shop building frontages. The proposed path will provide direct and safe access to the building entrances from each visitor car parking space.

Path connections are also proposed direct to Camarri Way and Dilley Court.

8.2. Cycle Access/Facilities

8.2.1. Cycle Facilities within the Development

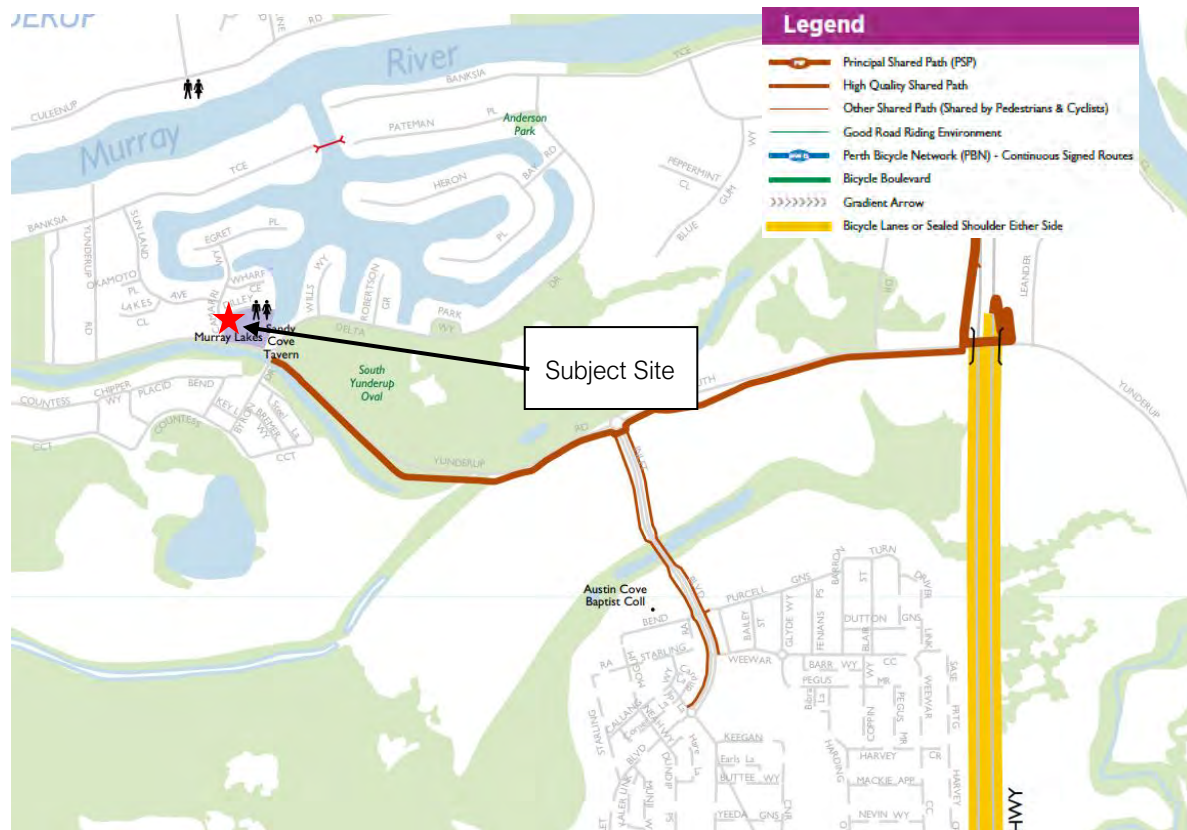
There are no existing cycle facilities at the subject site as the site is currently undeveloped.

8.2.2. Existing Cycle Facilities on Surrounding Roads

A high-quality shared path is present on the southern side of South Yunderup Road travelling between the roundabout intersection of South Yunderup Road and Byron Drive (east of the subject site) and Forrest Highway. A Principal Shared Path is then provided on the western side of Forrest Highway traveling toward the north. Refer Figure 8.1.

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Figure 8.1: Department of Transport Bike Map



(Department of Transport Rockingham South and Mandurah Comprehensive Bike Map)

8.2.3. Proposed Cycle Facilities on Surrounding Roads

No upgrades to the cycling facilities in the neighbourhood are required as part of this development. The *Bunbury to Wellington 2050 Cycling Strategy* includes the extension of the PSP along Forrest Highway from its existing point of termination at South Yunderup Road south to Bunbury and beyond.

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9. SITE SPECIFIC ISSUES

9.1. Site Distances

The sight distances required for the crossovers on Camarri Way and Dilley Court for the 50km/h speed limit is a desirable 69m (for 5s travel time of traffic on Pimlott Street) and an absolute minimum of 45m required under *Australian Standard AS/NZS 2890.1:2004*. The access point is approximately 25m from the intersection of South Yunderup Road, and as such the sight distances available are less than the minimum required. However, as Camarri Way terminates at South Yunderup Road it is reasonable to assume that the vehicle speeds passing the crossover location will be significantly less than that of the speed limit. The reduction in the available sight distance from the Camarri Way access point is considered acceptable given the expected lower traffic speeds past the subject site.

The available sight distance from the access point on Dilley Court extends as far as the intersection with Camarri Way, approximately 75m, exceeding the requirement of the *Australian Standards*.

Figure 9.1: Approximate Sight Distances Available



(Aerial image courtesy of Near Maps Pty Ltd)

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10. SAFETY ISSUES

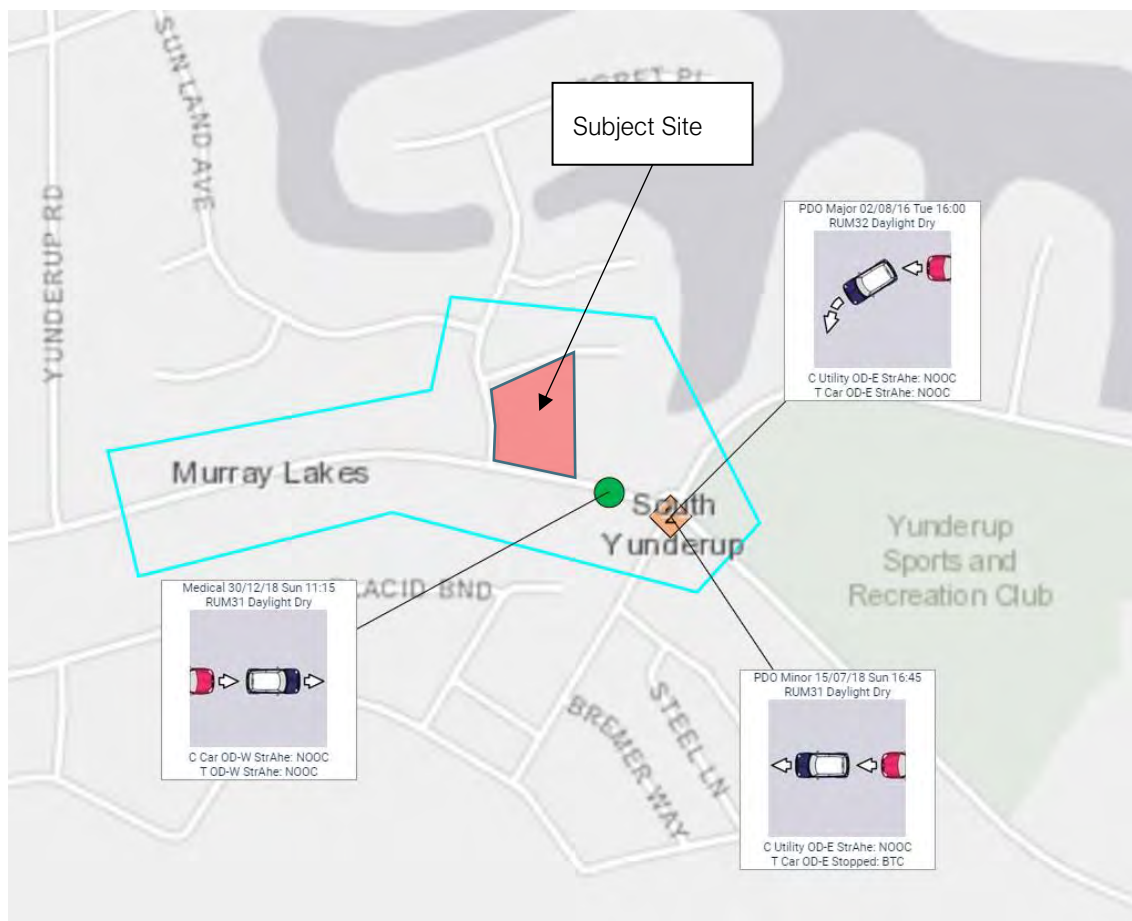
10.1. Identified Issues

Within the five-year period 2016 – 2020 there were a total of 3 reported crashes on South Yunderup Road within 150m of the subject site. Of these, one resulted in injury, two were rear end type crashes and two occurred at the intersection of South Yunderup Road and Byron Drive.

One of the rear end crashes, which resulted in minor injury occurred at the entrance into Sandy Cove Tavern with the vehicles travelling in the eastbound direction. A fourth vehicle impacted three already slowing for a turning vehicle.

Based on the assessed data, it is expected that the proposed development will not greatly exacerbate the crash risk on the road network surrounding of the subject site. There are no specific safety issues identified with this proposal.

Figure 10.1: Crash Map 2016 - 2020



(Crash Map courtesy of Main Roads WA Crash Analysis Reporting System)

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11. CONCLUSIONS

As a result of the traffic analysis undertaken for a proposed Child Care Centre development at 126 South Yunderup Road, South Yunderup, the following findings have been made:

- The proposed development is not expected to generate significant vehicular trips, being 74-79 vehicle trips per peak hour (two-way).
- The impacts of the traffic volumes associated with the development on the road network are considered acceptable.
- Peak parking demand of the site is able to be accommodated wholly in the on-site car parking spaces with allowance of one (1) bay on the adjacent site when that adjacent site parking is off-peak, and when considering the Shire's parking rates and Stantec's in house car parking database.
- The proposed car park layout adheres to the requirements of *AS2890.1:2004* and the Shire's Planning Policies.
- The proposed pedestrian path will provide safe and direct access from the car parking area to the building entrance, with the adoption of wheel stops at appropriate locations.

The required WAPC checklist for this transport impact statement is at **Appendix B**.

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A. DEVELOPMENT PLAN

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B. WAPC CHECKLIST

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B

Item	Provided	Comments/Proposals
Proposed Development		
Existing Land Uses	Y	
Proposed Land Use	Y	
Context with Surrounds	Y	
Vehicular Access and Parking		
Access Arrangements	Y	
Public, Private, Disabled Parking Set Down/Pick Up	Y	
Service Vehicle (Non-Residential)		
Access Arrangements	Y	
On/Off-Site Loading Facilities	N/A	
Service Vehicles (Residential)		
Rubbish Collection and Emergency Vehicle Access	N/A	
Hours of Operation (Non-Residential Only)	Y	
Traffic Volumes		
Daily or Peak Hour Traffic Volumes	Y	
Type of Vehicles (E.G. Cars, Trucks)	Y	
Traffic Management on Frontage Streets	Y	
Public Transport Access		
Nearest Bus/Train Routes	Y	
Nearest Bus Stops/Train Stations	Y	
Pedestrian/Cycle Links to Bus Stops/Train Station	Y	
Pedestrian Access/Facilities		
Existing Pedestrian Facilities Within the Development (If Any)	Y	
Proposed Pedestrian Facilities Within Development	Y	
Existing Pedestrian Facilities on Surrounding Roads	Y	
Proposals to Improve Pedestrian Access	Y	
Cycle Access/Facilities		
Existing Cycle Facilities Within the Development (If Any)	Y	
Proposed Cycle Facilities Within Development	Y	
Existing Cycle Facilities on Surrounding Roads	Y	
Proposals to Improve Cycle Access	Y	
Site Specific Issues	Y	
Safety Issues		
Identify Issues	Y	

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Remedial Measures	Y	
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APPENDIX I | Parking Management Plans

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Child Care Centre and Shop Development

126 South Yunderup Road, South Yunderup
Parking Management Plan



Prepared by: Stantec) for JDH & JAM Investments No. 8 Pty Ltd

on 01/04/2022

Reference: 301401145

Revision #: 1

Child Care Centre and Shop Development

126 South Yunderup Road, South Yunderup
Parking Management Plan

Client: JDH & JAM Investments No. 8 Pty Ltd

on 01/04/2022

Reference: 301401145

Revision #: 1

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Quality Record

Revision	Date	Description	Prepared By	Checked By	Approved By	Signed
a	20/09/21	Draft	SH	RD	TM	
0	30/09/21	Final	SH	RD	TM	TM
b	23/03/22	Updated final draft	RD	TM	TM	
1	1/04/22	Revised Final	RD	TM	TM	

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1. INTRODUCTION

01

1.1. Purpose of this Report

GTA, now Stantec (Stantec) has been commissioned by Burgess Design Group, to document a car parking management plan for the Shire of Murray for the proposed Child Care Centre and Shops at 126 South Yunderup Road, South Yunderup.

This Parking Management Plan should be read in conjunction with the Traffic Impact Statement prepared separately by Stantec for the proposed development.

1.2. Proposed Development

The application proposes a two-storey Child Care Centre, with four (4) care rooms and an outdoor playing area. The Child Care Centre will cater for a maximum of 91 children and 17 staff, with all visitor/care giver parking accessed from South Yunderup Road through the adjacent shops site carpark east of this proposed development.

There are also three (3) proposed shop spaces, totalling 100m². Parking associated with the shops will also be contained within the above car parking area.

Access to the development is proposed via South Yunderup Road for the visitor parking associated with both the child care centre and the shops through the parking area for the adjacent shops.

There is proposed to be a total of 20 parking bays provided on-site, nominally allocated as:

- 17 x long term staff car parking spaces
- 3 x visitor/care giver spaces
- 1 x universal access bay with shared area.

There is an internal pedestrian path proposed along the front of the visitor car parking spaces, providing direct access to the building entrance. Externally, there is a footpath on South Yunderup Road along the site frontage. There is no footpath of Camarri Way (beyond that of the intersection connection) or Dilley Court.

1.3. Site Context

The subject site is located on the north-eastern corner of the intersection of South Yunderup Road and Camarri Way, with frontages of South Yunderup Road to the south, Camarri Way to the east and Dilley Court to the north. Murray River is located north of the subject site, with only residential areas accessibly via Camarri Way north of the site.

The subject site is located within a Commercial zone and neighbours Sandy Cove Tavern and other eateries. to the east. The surrounding land use is predominantly Residential and Public Recreation/Conservation.

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Figure 1.1: Subject Site and its Environs

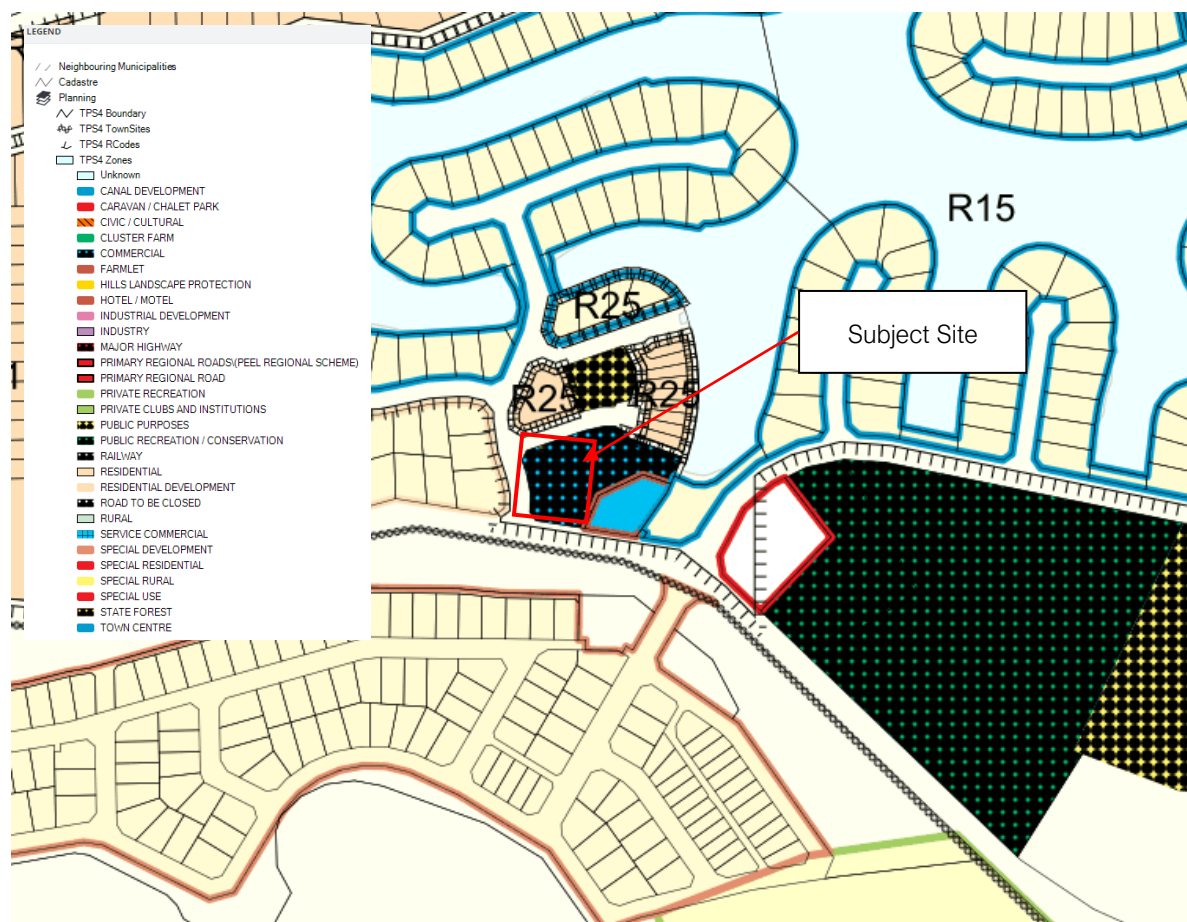


(Aerial image courtesy of Near Maps Pty Ltd)

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Figure 1.2: Subject Site and Surrounding Land Use



(Land zone map courtesy of Shire of Murray Online Mapping)

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2. PARKING ALLOCATION

02

2.1. Parking Provision

The *Shire of Murray Local Planning Policy – General Development Provisions – Building Setbacks, Car Parking Standards* details the required number of car parking spaces allocated to different land uses.

For a 'Day Care Centre' the requirement is to provide:

- 2 car parking spaces; plus
- 1 bay per staff member.

For the proposed development with a maximum of 86 children and 14 staff at any one time, the car parking space requirement is 14 staff bays, and 2 visitor spaces, a total of 16 spaces.

There is no applicable rate within the Local Planning Policy (LPP) to apply to the shop with none of the subcategories contained within 'Commercial' relevant to the subject site. However, there is a rate contained within the Local Planning Scheme (LPS) Text, Table 2.2 – Non-Residential Development Standards as noted below.

For 'Shops and Banks' the requirement is to provide:

- 1 car parking space per 20m² GFA

This equates to a total of 10 car parking spaces to be allocated to the retail area of the site. As such, the total car parking space requirement for the site is 26 spaces. With 20 car parking spaces proposed, there will be a shortfall of 6 spaces based on this statutory assessment and assuming no reciprocal parking.

The Stantec Database has also been referred to determine appropriate car parking rates for the retail use. The rate most applicable to that of the subject site is considered to be 'strip shops' with a car parking rate of:

- 2.3 spaces per 100m² leasable floor area.

This equates to a car parking space requirement for the Shops of 5 spaces (4.6 rounded up).

Considering the reciprocal use between the child care centre and the retail area and the adjacent retail development east of the site, a reduction in the car parking space provision is able to be applied to the maximum rates as detailed in the LPP and LPS. It is therefore reasonable to apply the lesser rate from the Stantec Database to the retail portion of the subject site.

Combining both uses the car **parking space requirements for the site is 21 spaces** (16 for the child care centre and 5 for the retail area). **With 20 spaces provided across the parking area**, the car parking space requirement for the site is almost met.

2.1.1. Car Parking Impacts

The proposal provides 20 on site car parking spaces, including an ACROD parking space, is therefore not quite meeting the requirements of the Shire of Murray LPP, and the determination of the requirement of the Shop use based on the Stantec database.

Based on the inhouse Stantec database, which contains more than 30-years of parking and traffic surveys, a Child Care Centre has a peak parking demand of 0.19 parked cars per child in both the AM and PM peak periods (this is the average rate across surveys from 16 different Child Care Centres). Based on the 86 children expected on this site, the peak parking demand is expected to be 16 (16.3 rounded down) cars parked on site including staff and parents. These peaks are expected to occur at typically prior to 9am and between 4:30pm and 6:00pm when considering the *RTA Guide* peak traffic generation profiles.

Being long-day care, which is generally associated with pre-school children (outside of vacation care), all children are required to be walked into and collected from the building. During peak parking demand the on-site spaces will have high turnover of short-stay parking. Any long-stay parking will be associated with staff parking.

When considering the Stantec database rates for both the Child Care Centre and the Shop, a total of 21 car parking spaces are required.

Under this Stantec database peak parking demand referred, the provision of 20 on-site car parking spaces may require a small amount of overflow parking to occur at busy peak periods.

This small amount of parking overflow of 1 space to the adjacent site is considered acceptable, due to temporal parking, as the peak use of the adjacent site would be based on the peak use of the Tavern, this observed (using Nearmap aerial imagery) to be weekends and late Friday evenings, where peak use of the child care centre would not overlap.

To assist with the management of the on-site parking, a Parking Management Plan has been prepared alongside this report.

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3. ALTERNATIVE MODES OF TRANSPORT

03

3.1. Public Transport

The development has access to public transport services with bus stops located on South Yunderup Road directly adjacent to the subject site, and within the car parking area north of the site. The stops provide access to bus service 604, which only services the area twice daily, once in the AM and once in the PM.

Table 3.1: Public Transport Provision

Service	Route	Route Description	Distance to Nearest Stop (m)	Frequency On/Off Peak
Bus	604	Mandurah Station to South Yunderup, via North Yunderup	~20m	Twice daily, in the AM and PM peak

With the infrequency of the availability of the service, visitors to the Shop are unlikely to rely on the available public transport. Additionally, the nature of a Child Care Centre does not lean toward the use of public transport for parents or visitors. It is expected however that a small portion of staff of both uses may utilise public transport to access the site.

3.2. Pedestrian Access/Facilities

3.2.1. Pedestrian Facilities within the Development

There are currently no pedestrian facilities within the subject site as it is currently an undeveloped Lot.

3.2.2. Existing Pedestrian Facilities on Surrounding Roads

There are no footpaths along the site frontages on either Camarri Way or Dilley Court, however a footpath is provided on South Yunderup Road along the site frontage.

3.2.3. Proposals to Improve Pedestrian Access

A pedestrian path is proposed along the front of the visitor car parking spaces, alongside the Child Care Centre and Shop building frontages. The proposed path will provide direct and safe access to the building entrances from each visitor car parking space and to maintain these effective widths, wheel stops should be installed in parking bays along footpaths.

Path connections are also proposed direct to Camarri Way and Dilley Court.

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Figure 3.1: 400m radius typical Walkable Catchment



(Aerial map courtesy of Nearmap)

3.2.4. Proposal to Improve Pedestrian Access

There are no plans or requirement to improve the pedestrian access network as part of this development.

3.3. Cycle Access/Facilities

3.3.1. Cycle Facilities within the Development

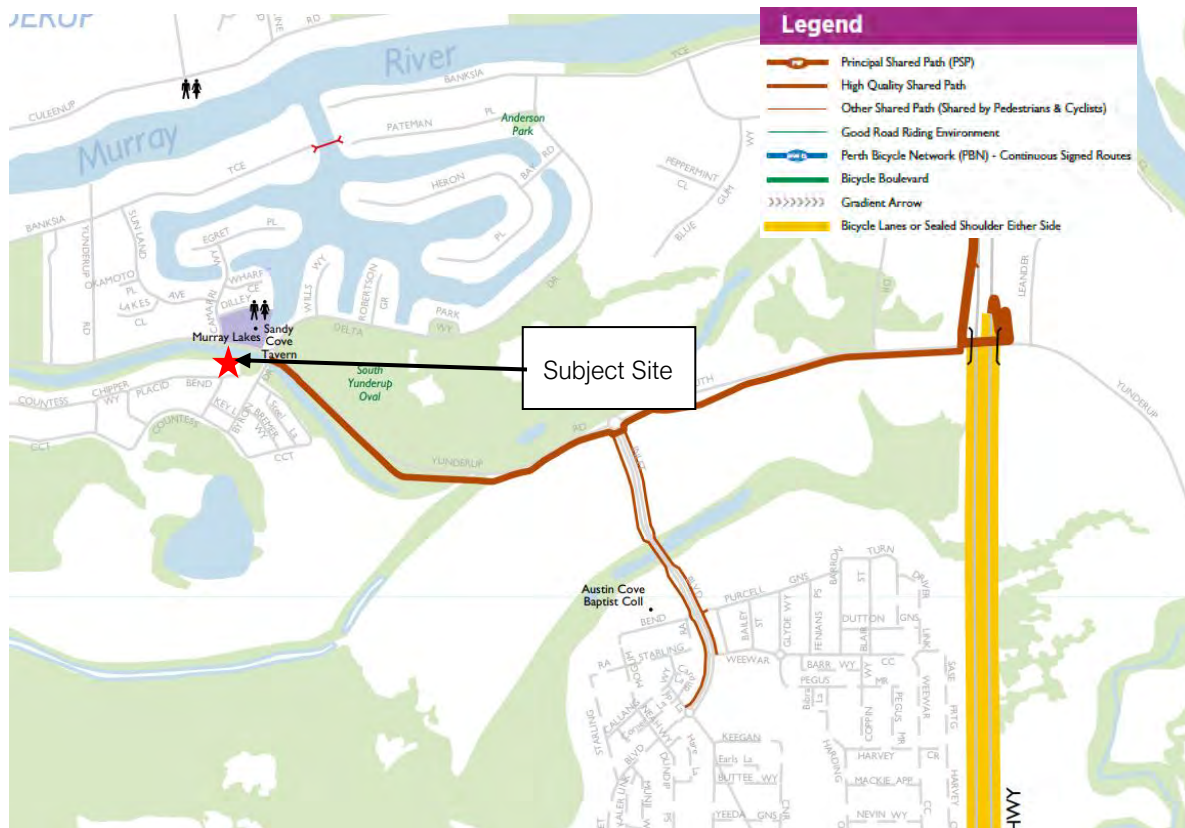
There are no existing cycle facilities at the subject site as the site is currently undeveloped.

3.3.2. Existing Cycle Facilities on Surrounding Roads

A high-quality shared path is present on the southern side of South Yunderup Road travelling between the roundabout intersection of South Yunderup Road and Byron Drive (east of the subject site) and Forrest Highway. A Principal Shared Path is then provided on the western side of Forrest Highway traveling toward the north. Refer Figure 3.2.

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Figure 3.2: Department of Transport Bike Map



3.3.3. Proposed Cycle Facilities on Surrounding Roads

No upgrades to the cycling facilities in the neighbourhood are required as part of this development. The *Bunbury to Wellington 2050 Cycling Strategy* includes the extension of the PSP along Forrest Highway from its existing point of termination at South Yunderup Road south to Bunbury and beyond.

3.3.4. Proposal to Improve Cycle Access

There are no plans to improve cycle access as part of this application.

3.4. End of Trip Facilities

No end of trip facilities are provided as part of the development. No bicycle stands are shown to be provided within the subject site, however it appears there is sufficient area to do so and is encouraged.

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4. PUBLIC PARKING

04

PUBLIC PARKING

A public parking area is provided north of the subject site, on the opposite side of Dilley Court provided for those accessing the wharf area. The parking area is likely to be occupied mostly on weekends, and although unmarked, could accommodate up to approximately 20 single passenger vehicles (excluding trailers).

Although parking is permitted on the roads surrounding the subject site, parking would result in the restriction of two-way movements and on South Yunderup Road, would require the solid centreline to be crossed. Parking observed via Google Street View on Camarri Way is within the verge area and not kerbside on the road.

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5. PARKING MANAGEMENT PLAN AND STRATEGY

05

PARKING MANAGEMENT PLAN AND STRATEGY

This section details information to allow the Shire of Murray to assess the development under their policy and is prepared in accordance with a typical parking management plan framework. Sections 1 to 4 of this report should also be referenced to provide further background to the information provided below.

5.1. Parking Management Plan

5.1.1. Applicant Details

Table 5.1 below details the applicant details for this proposed development.

Table 5.1: Owner/Applicant Details

Applicant Details	
Name	Nicole Gindein (Land Development Manager)
Address	
Phone	
Email	n.gindein@landdevelopment.com.au
Applicant Signature	

5.1.2. Property Details

Table 5.2 below details the property details for this proposed development.

Table 5.2: Property Details

Property Details	
Address	126 South Yunderup Road, South Yunderup

5.1.3. Parking Allocation

Table 5.3: Parking Allocation

Parking Allocation	
Total Number Car Parking Spaces	21 required, 20 provided (including 1 ACROD bay)
Total Number Short Term Bicycle Parking Spaces	0 required, 0 provided
Total Number Long Term Bicycle Parking Spaces	0 required, 0 provided
Total Number Other Bays	Nil

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Table 5.4: Detailed Parking Allocation

Development Type	Development Users	Parking Allocation			
		Type/Duration	No. Car Spaces	No. Bicycle Spaces	No. Other Spaces
Child Care Centre	Staff	Employee (>4 hrs)	Up to 14, 14 exclusive on-site	-	-
	Visitors/Care Givers	Visitors (~15-20 mins)	5		
Shop	Patrons	Visitors (~1 hr)	6 reciprocal across site	-	-
All	Other	ACROD (no limit)	1	-	-

5.1.4. Alternative Transport

The following table (Table 5.5) outlines the alternative transport options available to users of this development.

Table 5.5: Alternative Transport Modes

Transport Option	Type & Level of Service
Public Transport	
Bus	A bus route is accessible on South Yunderup Road directly adjacent to the subject site, or within the public parking area to the north of the site. The service only operates once within the AM and PM peak periods.
Pedestrian	
Paths	A footpath is located on the northern side of South Yunderup Road with a crossing connection on Camarri Way.
Facilities	No additional pedestrian facilities are provided.
Cycling	
Paths	No on-road cycle paths are provided in the vicinity of the subject site.
Facilities	A shared path is present on the southern side of South Yunderup Road, travelling east of the subject site. The path connects with Forrest Highway. A Principal Shared Path follows Forrest Highway to the north from the shared path connection.
Secure Bicycle Parking	None (0) for staff, None (0) for parents.
Lockers	None provided.
Shower/Change Room	None provided.

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Child Care Centre and Shop Development, 126 South Yunderup Road, South Yunderup

5.1.5. Public Parking

A review of the public parking available within approximately 200m of the proposed development has shown the following supply of parking.

Table 5.6: Available Public Parking within 200m

	No. Marked Spaces	Location	Parking Restrictions
On Street Parking	0	NA	None
Off Street Parking	Approximately 20	Within the public parking area north of Dilley Court	None

5.1.6. Adjacent Parking

Access to the proposed parking area will be provided through the adjacent tavern/shops development east of the proposed development. This parking area presently has parking provided for 64 cars including one ACROD space. The proposed development parking will modify this adjacent parking to provide two access ways to the proposed parking resulting in the loss of 4 bays.

Across both sites there will thus be a net 81 parking bays.

Observation of peak parking demands (through use of Neamap aerial imagery over a number of years) for the adjacent tavern/shop has indicated that there is not expected to be a coincidental peak with the proposed development.

5.2. Parking Management Strategies

The following strategies are proposed to ensure that the parking for the development is managed appropriately and leads to a satisfactory overall parking management for the site's operation.

5.2.1. Management & Operation

The staff parking should be managed by the manager of the centre within allocated bays.

5.2.2. Management of Parking Allocation

Of the 20 on-site parking bays, the four (4) spaces alongside the Child Care Centre near the main entry should be marked as for use of the Child Care Centre only. They should not be restricted to that of staff or visitor spaces, as demand for staff and visitor parking will vary across the day.

The remaining spaces, including the ACROD space, should remain formally dedicated to other uses and able to be used by care givers and/or visitors of the Shop child care centre employees. Refer to Figure 5.1 for a suggested layout of the proposed car park use.

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Figure 5.1: Parking Allocation



5.2.3. Waste Collection

Rubbish collection is to be undertaken from the verge with trucks stopping on Camarri Way. There will be no waste truck access onto the site.

5.2.4. Way Finding

Movement to and from cars parked within the car park will all operate wholly within the car park parking aisle between the two rows of parked cars, and the pedestrian path located along the building frontages. There is a gated entry from the staff car parking area into the outdoor area of the Centre.

Entry to the Centre and Shops can be gained from the car park the pedestrian path along the building frontages.

301401145 // 01/04/2022

Parking Management Plan // Revision: 1

Child Care Centre and Shop Development, 126 South Yunderup Road, South Yunderup

Signage should be provided at the western South Yunderup Road entrance to the current tavern/shops parking entry directing Child Care related parking to the northwest.

5.2.5. Promotion of Alternative Transport Modes/Workplace Travel Plan

The provision of an on-line parking guide should be provided to detail the available access to the site. This advice should also be provided by staff when prospective customers telephone the centre when looking for a place for their child. Further, a workplace travel plan for staff to encourage the use of active and public transport, identifying the nearby public transport and pedestrian and cycling connections.

To further promote active transport, providing bicycle parking spaces within the site is encouraged.

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6. SUMMARY

06

SUMMARY

Overall, the proposed Child Care Centre and Shop will provide adequate on-site parking. With appropriate strategies in place as highlighted in this report, this will manage the expected parking associated with staff and parents of children.

1. This Parking Management Plan indicates the development provides adequate parking to serve the needs of its users with all users expected to park within the proposed car park.
2. Alternative public car parking is available within the immediate vicinity, in the unlikely event that overflow occurs.
3. Alternative transport modes are available, however bus services only service the area twice daily.
4. Waste collection vehicles will not need to enter and exit the site as waste collection will occur from the verge with trucks stopping on Camarri Way and Dilley Court in times outside of the development's peak hours.
5. The proposed Parking Management Plan has been detailed and considered appropriate to provide adequate information to address the expected usage of the proposed development.

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A.DEVELOPMENT PLANS

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APPENDIX J

Mosquito
Management
Plans

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MOSQUITO MANAGEMENT PLAN

126 YUNDERUP ROAD,
SOUTH YUNDERUP

PREPARED FOR:

JDH & JAM No 8

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SEPTEMBER 2021

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126 SOUTH YUNDERUP ROAD, SOUTH YUNDERUP MOSQUITO MANAGEMENT PLAN

Distribution List:

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Document Control for Job Number: BDGMMPSY

Document Status	Prepared By	Authorised By	Date
Draft Report	Kat Partridge	Sue Brand	1 September 2021
Final Report	Kat Partridge	Sue Brand	3 September 2021

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EXECUTIVE SUMMARY

JDH & JAM No 8 are proposing to develop a childcare centre and three retail shops at 126 Yunderup Road South Yunderup (the Site).

The Site is located approximately 7 km from the Mandurah townsite and falls within the Shire of Murray. It is bounded by urban development on all sides and is in close proximity to the Peel-Harvey Estuary, Murray River and Yunderup canals.

The Shire of Murray has been identified as having certain areas with frequent high and occasional very high mosquito related disease risk according to environmental conditions (DoH, 2021). The Site has also been identified as being within the 2 km flight range, making it a high-risk area for mosquito activity (Shire of Murray, 2018).

Without the appropriate controls, precautions and treatment of mosquitoes, development may result in an increase of mosquitoes or place people in close proximity to mosquito breeding grounds. This MMP has been designed to provide a clear definition of the mosquito related risks, determine objectives, outline appropriate control measures, and establish a management strategy to minimise the risk of mosquito borne diseases during construction works and the post-construction occupation of the buildings.

To reduce the incidence of disease and nuisance, mosquito management should be considered at the earliest opportunity, namely the planning and design stages of a residential development.

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1. INTRODUCTION

Mosquitos pose a health risk to human health in urban areas due to their ability to carry diseases such as Ross River virus (RRV) or Barmah Forest virus (BFV) and create a nuisance having a significant impact on quality of life. If mosquito populations reach large numbers, the likelihood of mosquito-borne diseases increase.

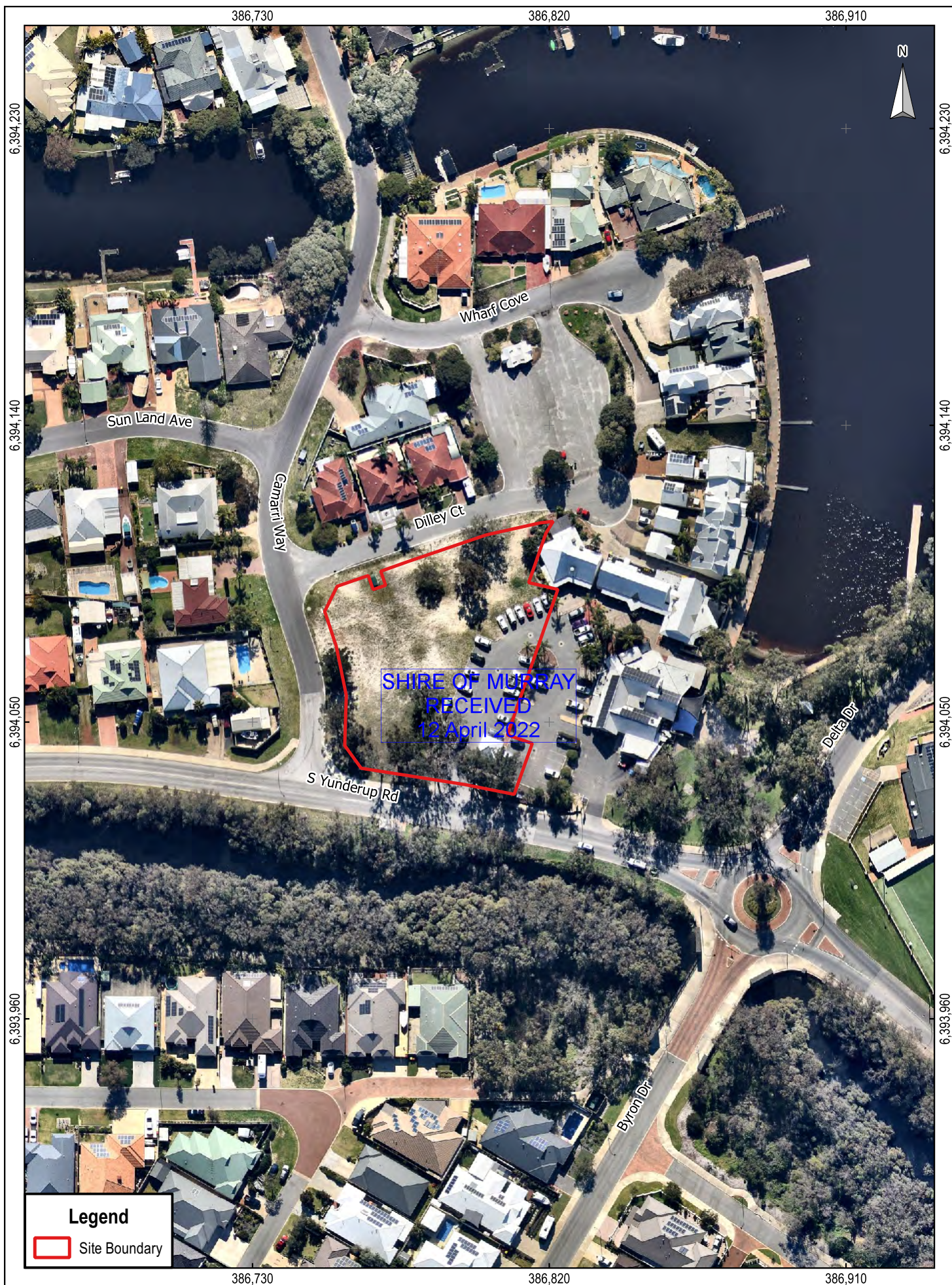
This Mosquito Management Plan (MMP) has been developed in response to JDH & JAM No 8's development application to construct a childcare centre and three retail units in South Yunderup. It will guide the control of mosquitos during construction works and the post-construction occupation of the buildings.

1.1 BACKGROUND

JDH & JAM No 8 are proposing to develop a childcare centre and three retail shops at 126 Yunderup Road South Yunderup (the Site). The Site is located approximately 7 km from the Mandurah townsite and falls within the Shire of Murray locality. It is bounded by urban development on all sides and is located within 100 m of the Peel-Harvey Estuary, Murray River and Yunderup canals (Figure 1); the proposed site layout is provided in Figure 2.

As required by the Shire of Murray 2018 *Local Planning Policy – Mosquitoes*, a Mosquito Management Plan (MMP) is required to support the development application for the Site due to its location being within the <2 km flight range of existing mosquito breeding areas in the Peel-Harvey estuary and the Yunderup canals. As locations within 5 km of mosquito breeding areas are known to have increased incidence of mosquito-borne diseases such as Ross River Virus, consideration of the implication of the mosquito presence needs to be reviewed and planned for during the early planning stages of the development.

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Scale: 1: 1,500
 Original Size: A4
 Aerial Photo Date: August 2021
 Grid: GDA94 / MGA zone 50
 0 25 50 m

JDH&JAM No 8
 Mosquito Management Plan

Figure 1

Site Location

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Figure 2: Site Layout

2. ENVIRONMENTAL SETTING

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2.1 CLIMATE

Mandurah is the closest representative Bureau of Meteorology (BoM) weather station (Station ID 009977), 11.9 km north-west of South Yunderup. The region experiences a Mediterranean climate with predominant rainfall in the summer months. According to the BoM (2021) (Chart 1):

- The mean total annual rainfall for the area is 647.4 mm with the majority falling between June and August (BoM 2021).
- The lowest recorded annual rainfall was 434.8 mm with the highest being 915.2 mm.
- The mean maximum temperatures range from 17.5 to 29.7 °C, with the highest recorded maximum being 41.6 °C.
- The mean minimum temperatures range from 10.7 to 19.3 °C, with the lowest recorded minimum being 4.4 °C.

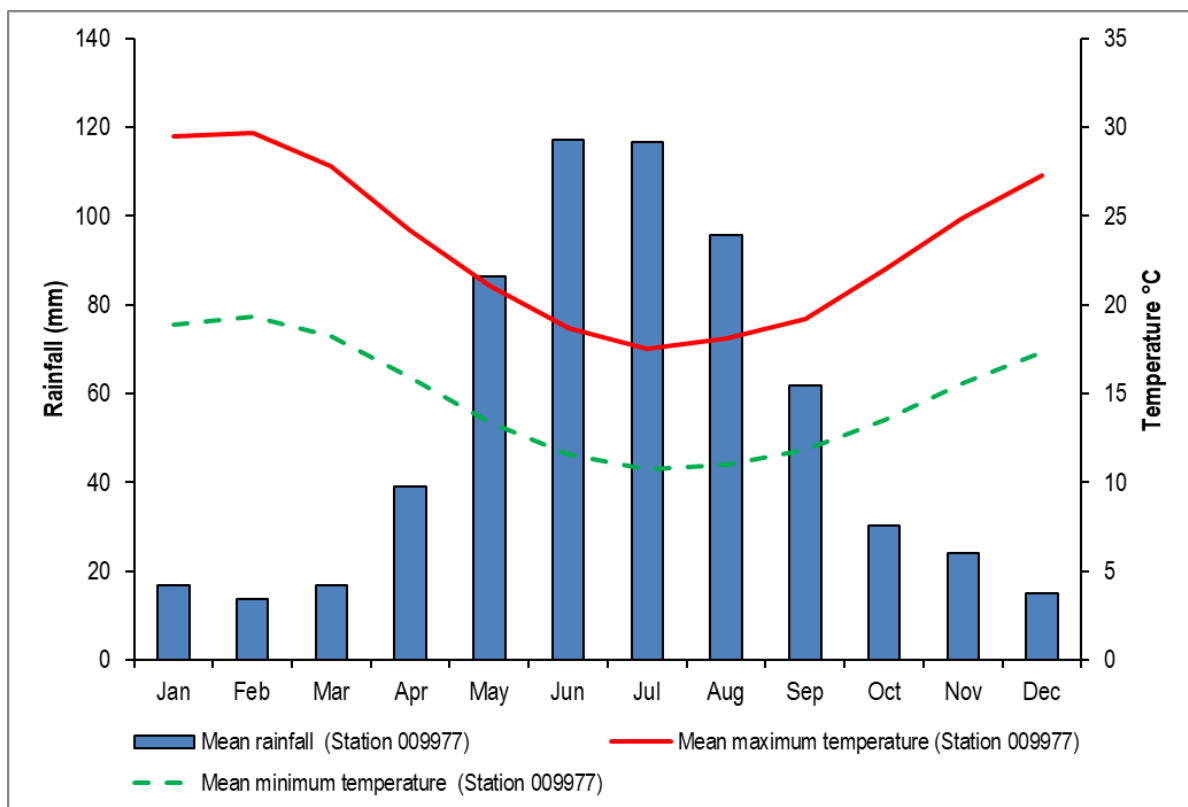


Chart 1: Climate Data for Mandurah (2000-2021) (BoM, 2021)

2.2 TOPOGRAPHY AND SOILS

The Site is predominately flat with a height of 3.4 m Australian Height Datum (AHD). It is located within the Swan Coastal Plain marine deposits landform, with two soil types present (DPIRD, 2019):

- The Vasse V6a Phase (211Va_V6a), which is characterised by gently undulating beach ridges similar to V6 but formed from reworked Pleistocene Bassendean sands. Deep bleached grey acidic siliceous sands with iron-organic hardpan; and

- The Vasse wet swamp phase (211VaW_SWAMP) due to its proximity to several water bodies including the Peel-Harvey Estuary and the Yunderup Canals.

2.3 HYDROLOGY

The Site is located within the Shire of Murray on the Swan Coastal Plain and is approximately 2.4 km east of the Peel-Harvey Estuary and 400 m south of the Murray River, with the Yunderup Canals located 100 m to the north and 70 m east of the site (Figure 1). The nearest 1 in 100 year flood fringe is located immediately north, south and west of the Site (Figure 3) and overlaps with the southern corner of the site. Flooding in surrounding areas can lead to ponding of water that provide additional breeding locations for mosquitoes.

2.4 VEGETATION

The proposed development site is largely cleared of native vegetation, while that within nearby areas is limited to riparian fringes of the various waterways and some areas of public open space (POS), with species being typical of the Vasse Vegetation Complex of closed shrub fringing woodland and open forest.

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Scale: 1: 1,500
 Original Size: A4
 Aerial Photo Date: August 2021
 Grid: GDA94 / MGA zone 50
 0 25 50 m

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3. RISKS AND CONTROLS

3.1 NUISANCE, DISEASE AND RISKS

As urban residential areas experience population growth there is pressure for the availability of land for development resulting in some development occurring within close proximity to known mosquito breeding areas. When this occurs, the risk of mosquito-borne diseases and nuisance increases.

The Shire of Murray has been identified as having certain areas with frequent high and occasional very high mosquito related disease risk according to environmental conditions (Department of Health (DoH), 2021). The site has also been identified as being within the 2 km flight range of breeding areas, making it a high-risk area for mosquito activity (Shire of Murray, 2018).

Many species of mosquitoes in the Shire of Murray have the potential to transmit Ross River and/or Barmah-Forest virus', the incidence of which presents a serious risk to public health. Whilst not all mosquito species are vectors of disease, many are aggressive biters and can have a significant impact on quality of life.

The Site is within 2.4 km of the Peel-Harvey Estuary and 400 m of the Murray River, with the Yunderup canals located 100 m to the north and 70 m east. These areas are known to be mosquito breeding sites as they breed on salt marsh habitat when the land becomes inundated with water following a tidal event. According to the Department of Health (2021), those located within 5 km of saltmarshes, estuaries, tidal rivers and wetlands are at greater risk from mosquitoes. It is therefore almost certain that existing mosquito breeding sites will affect the proposed development.

To reduce the incidence of disease and nuisance, mosquito management should be considered at the earliest opportunity, namely the planning and design stages of a development. As the development is proposed on already cleared land, it is not expected that the removal of vegetation will increase the impact of mosquitoes and the majority of risk is related to the increase in standing water during the construction phase.

3.2 MONITORING AND DETERMINING MOSQUITO PRESENCE

As the site has been identified as being within the 2 km flight range of breeding areas and located within close proximity to the Peel-Harvey Estuary (2.4 km away), the Murray River (400 m) and the Yunderup canals (100 m to the north and 70 m east), it can be assumed that existing mosquito activity will affect the proposed development. Therefore, direct monitoring for mosquito abundance is not considered to be beneficial to the proposed development and management strategies. Instead, the annual reports available by the Department of health on mosquito trapping outcomes and the presence of mosquito-borne diseases in the Peel Region provide substantial data for assessing mosquito activity and risk (Table 1).

Table 1: Adult Mosquitoes Trapping Data in the Peel-Region

Year	Total Adult Mosquitos Collected	Maximum abundance of mosquitoes per trap	Minimum abundance of mosquitoes per trap
2018-2019	28,727	1000-1200	<50
2019-2020	39,534	900-1000	<50

All management strategies outlined below (Section 3.3) have considered the sites location as high risk for mosquito activity.

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3.3 MOSQUITO MANAGEMENT STRATEGIES

The Shire of Murray's objectives for new development is to prioritise mosquito prevention measures over treatment measures (Shire of Murray, 2018). Therefore, mosquito management at the site is primarily based on reducing the likelihood for mosquitoes to occur onsite and controlling the potential for breeding. Management measures are applied according to the nominated distance from mapped mosquito breeding areas specified in the Shire of Murray 2018 *Local Planning Policy – Mosquitoes*. The management measures outlined in this MMP have considered the sites location within the 2 km flight range of known breeding areas and within 70 m of the nearest body of water.

Imposing appropriate buffers between wetlands, water bodies and residential land use is important in reducing the risk of mosquito-borne disease transmission (Jardine, *et.al*, 2015). The site is bounded by residential development, with public open space containing vegetation located 60 m to the southeast and an unnamed creek 30 m to the south fringed with remnant vegetation that will assist as a buffer. Retained offsite vegetation will act as a barrier to mosquito movement to a degree but will not prevent all mosquitoes at 126 South Yunderup Road. Landscaping and garden design will consider plant selection that minimises the harbourage of mosquitoes.

During the development phase, the control of breeding onsite will need to be maintained. This will involve ensuring no standing water is located onsite through regular inspections of the site and following rainfall events to ensure any standing water is removed. Site inspections will also include the drainage system grates for any blockages and removing any present spoil material. The design of outdoor play equipment at the childcare centre will ensure no standing water is possible.

Property design has taken into consideration Lot size (<4000 m²) and distance to potential breeding areas. Lighting installed within the carpark will consist of a low impact lighting colour designed to minimise the attraction of mosquitoes. Insect screens will be fitted on windows and doors, as well as any outdoor water tanks to prevent mosquito access. Fans and/or air conditioning systems will also be installed in buildings to assist in air movement.

The design of the stormwater system has considered current conditions, including the Shire of Murray requirement to have no standing water in drainage within 96 hours following rainfall events. Stormwater drainage will be designed with appropriate inspection access, outflow and edge designed to minimise mosquito breeding and during the development phase stormwater management will include levelling or filling of low-lying areas.

Public signage will be erected onsite advertising the presence of mosquitoes and site personnel during construction will need to implement the use of personal protective measures, such as long sleeve workwear and repellent.

3.4 POST-CONSTRUCTION

Once construction of the buildings and carpark are complete, the potential for water-ponding on the Site will decrease. Site employees and visitors will be informed of the risk of mosquito borne disease in the area and provided practical advice on protection measures, with repellent being available and signage provided to inform visitors and others of the mosquito risks in the area. Inspections of the site will still need to occur on a regular basis to ensure any ponded water is removed to reduce the potential for mosquito breeding. In the broader area, the Shire of Murray will have the major responsibility for controlling mosquito breeding areas within the waterways to the north, east, and south.

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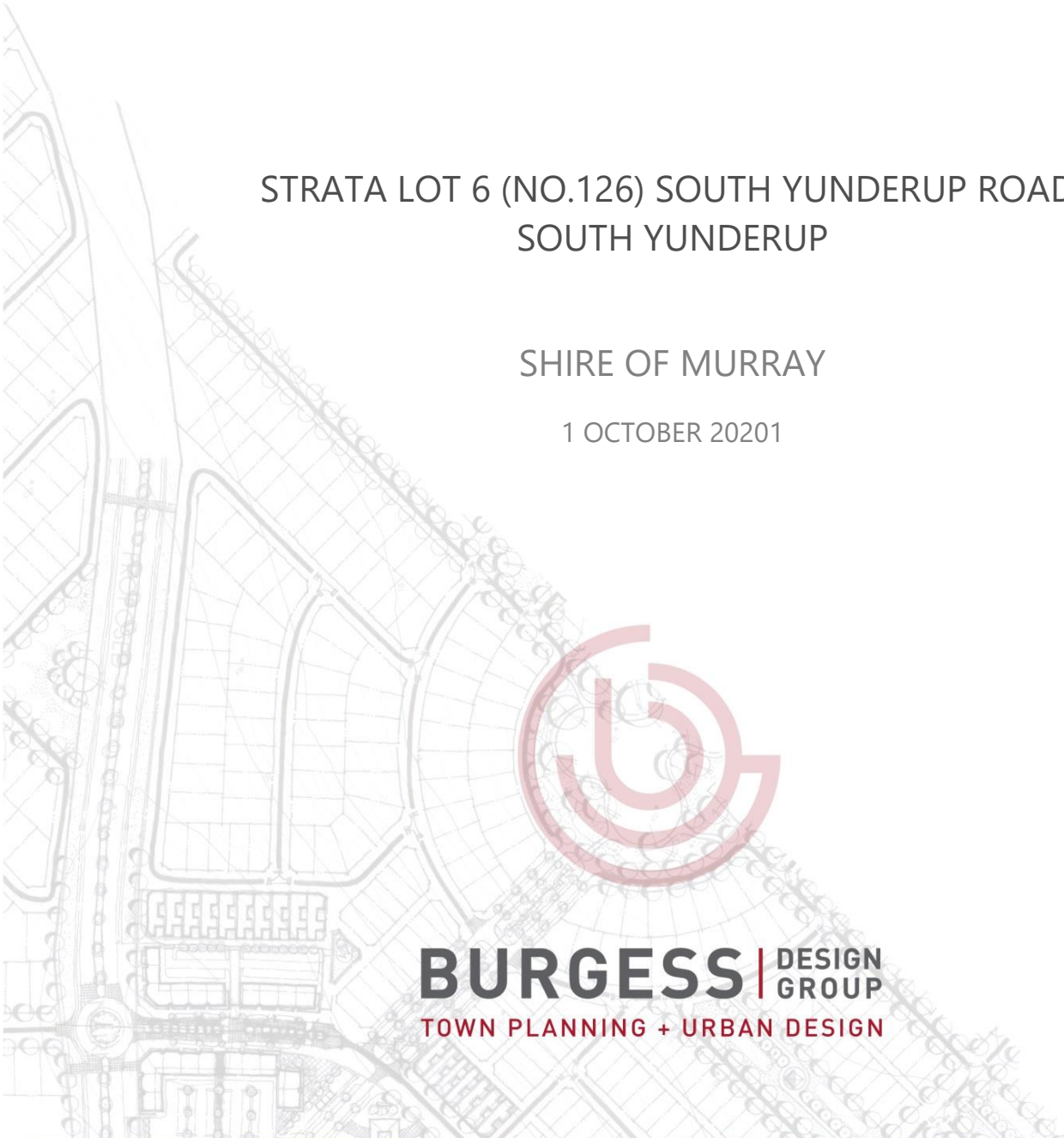
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PROPOSED CHILD DAY CARE CENTRE AND SHOPS



STRATA LOT 6 (NO.126) SOUTH YUNDERUP ROAD,
SOUTH YUNDERUP

SHIRE OF MURRAY

1 OCTOBER 2020



BURGESS | DESIGN
GROUP
TOWN PLANNING + URBAN DESIGN



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File reference:	211001RLGA_Development Application v2

Revision:	Date:	Description:	Author:	Reviewer:
0	28/09/21	Draft for review	Z. MacDonald	M. Szabo
1	01/10/21	Final report	Z. MacDonald	M. Szabo

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1. INTRODUCTION

Burgess Design Group has been appointed by JDH & JAM No.8, with the consent of the registered owners of Strata Lot 6 (No.126) South Yunderup Road, South Yunderup (the subject “site” or “land”) for the provision of town planning and urban design consultancy services for the preparation of a Development Application and the coordination of planning approvals for a child day care centre and three (3) retail tenancies (shops).

The following report provides an overview of the site characteristics, and explains the rationale for the Development Application design and the statutory and strategic framework that will guide its implementation.

The Development Application has been formulated in collaboration with a team of specialist consultants, that has provided technical input in relation to matters as follows:

Bushfire Prone Planning	Bushfire Management Plan and Bushfire Emergency Evacuation Plan
Kelsie Davies Landscape Architecture	Landscape Plan
Lloyd George Acoustics	Environmental Noise Assessment
MBS Environmental	Mosquito Management Plan
Stantec	Transport Impact Statement and Car Parking Management Plan

1.1 ABBREVIATIONS

Abbreviations used in this report are summarised below for ease of reference:

BAL	Bushfire Attack Level
BEP	Bushfire Emergency Plan
BMP	Bushfire Management Plan
GFA	Gross Floor Area
LPP	Local Planning Policy
LPS4	Shire of Murray Local Planning Scheme No.4
MMP	Mosquito Management Plan
NLA	Net Lettable Area
PRS	Peel Region Scheme
RSA	Retail Sustainability Assessment
WAPC	Western Australian Planning Commission

2. SITE DESCRIPTION/DETAILS

2.1 LEGAL DESCRIPTION, RESTRICTIONS AND ENCUMBRANCES

Lot 6 on Strata Plan 18378 is registered in the ownership of Auspacific Pty Ltd.

The site is formally described as:

- Lot 6 on Strata Plan 18378, Certificate of Title Volume 1860 Folio 827.

Refer to **Appendix 1 – Certificates of Title and Strata Plan**.

The site comprises a total legal land area of 5,622.84m².

2.2 LOCATION

The site is located within the suburb of South Yunderup and is situated approximately 7.14 kilometres south east of the Mandurah Strategic Metropolitan Centre, and 8.8 kilometres north west of the Pinjarra Secondary Centre. The site gains direct access from Camarri Way and Dilley Court, both classified as access roads under the Main Roads WA Functional Road Hierarchy. **Figure 1 – Location Plan** shows the site's location. Relatable

2.3 EXISTING AND HISTORICAL USE AND DEVELOPMENT

The site is currently vacant with the exception of a few mature trees. Refer to **Figure 2 – Aerial Photograph**.

2.4 SURROUNDING LAND USE AND DEVELOPMENT

Surrounding land uses include:

- Residential development to the north and west of the subject site;
- Commercial land uses, including, a restaurant, chemist and tavern, east of the subject site; and,
- Yunderup Sport and Recreation Centre located 150m east of the subject site.

LEGEND



Subject Land



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FIGURE 2



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Date: 13.09.21 Planner: MS/ZM



NORTH

0 10 20 30 40 50m

SCALE 1:750 (A4)

AERIAL PHOTOGRAPH
LOT 6 (NO.126) SOUTH YUNDERUP RD
SOUTH YUNDERUP
SHIRE OF MURRAY

3. PLANNING FRAMEWORK

Outlined below is a summary of the relevant strategic and statutory documents that guide the use and development of a child day care centre and three (3) retail tenancies (shops).

3.1 STATUTORY FRAMEWORK

3.1.1 PEEL REGION SCHEME

The subject site is zoned 'Urban' under the Peel Region Scheme (PRS) (refer **Figure 3 – PRS Map**).

The proposed development is consistent with the PRS and may be approved accordingly.

3.1.2 SHIRE OF MURRAY LOCAL PLANNING SCHEME NO.4

The site is zoned 'Commercial' under the Shire of Murray Local Planning Scheme No.4 (LPS4) (refer **Figure 4 – LPS4 Map**).

Pursuant to *Local Planning Policy - Zone Objectives* the objectives of the 'Commercial' zone are 'to provide for retail shopping, but also other associated non-bulky retail and local office uses that cater for the current and future residents of the Shire consistent with the Commercial Strategy.'

The proposed development is consistent with the objectives of the commercial zone, given the proposal will facilitate the provision of non-bulky retail and a necessary child care service for the Yunderup community.

LEGEND

Subject Land

Legend**Reserved lands**

- Regional open
- Waterways

Zones

- Private recreation
- Urban

Murray



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FIGURE 3



NORTH

0 50 75 100 150
SCALE 1:5,000 (A4)

PEEL REGION SCHEME MAP
LOT 6 (NO.126) SOUTH YUNDERUP RD
SOUTH YUNDERUP

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SHIRE OF MURRAY

LEGEND



Subject Land



FIGURE 4



NORTH

0 25 50 75 100m
SCALE 1:4,000 (A4)

TOWN PLANNING SCHEME NO.4 MAP LOT 6 (NO.126) SOUTH YUNDERUP RD SOUTH YUNDERUP

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SHIRE OF MURRAY

3.2 WAPC POLICIES AND PLANNING BULLETINS

The following WAPC Policies and Planning Bulletins are relevant to the proposed development and are discussed in further detail in proceeding sections:

- State Planning Policy 3.7: Planning in Bushfire Prone Areas
- State Planning Policy 4.2: Activity Centres for Perth and Peel
- WAPC Planning Bulletin 72/2009 Child Care Centres

3.3 LOCAL PLANNING POLICIES

The following Local Planning Policies are relevant to the proposed development and are discussed in further detail in proceeding sections:

- Local Planning Policy General Development Provisions – Building Setbacks, Car Parking Standards
- Local Planning Policy Mosquitoes
- Local Planning Policy Zone Objectives

4. PROPOSED DEVELOPMENT

The proposal includes the development of a single storey child day care centre, that will provide for the care and early education of up to 91 children, and employment for 17 staff, and a small commercial development, comprising of three (3) retail shop tenancies.

4.1 CHILD DAY CARE CENTRE

The proposed child day care centre comprises the following elements:

Activity Spaces

- Four (4) activity rooms

Services/ Utilitarian Areas

- Office
- Meeting room
- Kitchen
- Junior toilets
- Staff toilet
- Cot room
- Bottle preparation room

Outdoor Area

- Outdoor Play Area of 785m²

The proposal also includes three (3) retail shop tenancies, comprising:

- One (1) retail tenancy
- One (1) barber shop
- One (1) gift shop

Refer to **Ground Floor Plan (A101)**.

4.2 SHOP

The proposal comprises three (3) shops, including:

- One (1) retail tenancy
- One (1) barber shop
- One (1) gift shop.

4.3 LAND USE PERMISSIBILITY

4.3.1 CHILD DAY CARE CENTRE USE

The proposed child day care centre can reasonably be classified as a 'Child Day Care Centre' under LPS4.

A 'Child Day Care Centre' means 'any land or buildings used for the daily or occasional care of children in accordance with the *Child Care Regulations 1968* (as amended) but does not include a Child Family Care Centre.'

A 'Child Day Care Centre' is an 'AA' use within the 'Commercial' zone, meaning a use that Council may, at its discretion, permit the use provided it is satisfied that such use would not be contrary to the orderly and proper planning of the area.

4.3.2 SHOP USES

The proposed retail, gift shop and barber shop can all reasonably be classified as 'Shop' land uses under LPS4.

A 'Shop' 'means any building wherein goods are kept, exposed or offered for sale by retail and includes a cafe, a restaurant and receiving depot, but does not include a bank, fuel depot, a market, service station, petrol filling station, milk depot, marine store, timber yard, or land and buildings used for the sale of motor and other vehicles, or for any purpose falling within the definition of industry.'

A 'Shop' is a 'P' use within the 'Commercial' zone meaning that the use is permitted provided that the relevant standards and requirements laid down in the Scheme and

all conditions (if any) imposed by Council in granting planning approval are complied with.

In this regard, the proposed uses can be considered and supported by the Shire.

4.4 PLANNING BULLETIN 72/2009 – CHILD CARE CENTRES

WAPC Planning Bulletin 72/2009 specifies planning guidelines to assist local governments in developing statutory guidelines for the assessment of child care centre proposals. The Shire does not have a specific child care centre policy. As such, the relevant provisions in WAPC Planning Bulletin 72/2009 are outlined below to assist the Shire in its assessment of the proposal.

Table 1: WAPC Planning Bulletin 72/2009 provisions

Location of Child Care Centres Criteria	Provided	Compliance (✓/✗)
a) <i>distributed strategically to provide the maximum benefit to the community it serves;</i>	– The site is located approximately 160m west of Yunderup Pre-Kindy. Yunderup Pre-Kindy is open between 9.00am and 2.30pm daily through school terms. The proposed child day care centre is considered to provide a different form of childcare in South Yunderup, operating between the hours of 6.30 am to 6.30 pm and during school holidays. As such, the site's close proximity is not	✓

	<p>considered to impact the existing business.</p> <ul style="list-style-type: none"> – The closest child day care centre that offers a similar service is Ravenswood Learning Centre (at 7 Lloyd Avenues, Ravenswood), located approximately 6.9 kilometres east of the subject site. In this regard, the proposed child day care centre is considered to be ideally located to provide the maximum benefit to the community. 	
<p><i>b) within easy walking distance or part of appropriate commercial, recreation or community nodes and education facilities;</i></p>	<ul style="list-style-type: none"> – The site is located 150m west of the Yunderup Sports and Recreation Club. Additionally, the site is located within a local commercial centre. As such, the proposal is considered to comply with this criterion. 	✓
<p><i>c) located in areas where adjoining uses are compatible with a child care centre (includes considering all permissible uses under the zoning</i></p>	<ul style="list-style-type: none"> – The surrounding land uses are considered to be compatible with the child day care centre. A child day care centre is a commercial land use. As such, the siting of a child care centre within a commercial zone is 	✓

<i>of adjoining properties);</i>	consider to be ideal and warrants approval accordingly.
d) <i>serviced by public transport (where available);</i>	<p>– There are two bus stops within walking distance of the proposed development, being:</p> <ul style="list-style-type: none"> ○ Bus Stop ID: 26453, South Yunderup Rd After Byron Drive. ○ Bus Stop ID: (Stop ID: 26454, South Yunderup Boat Ramp. <p>These bus stops are serviced by Bus Route 604 to/from Mandurah Station. The services operate twice daily, once in the AM and once in the PM peaks. With the infrequency of the availability of the service, visitors to the child day care centre and shops are unlikely to rely on the available public transport.</p>
e) <i>considered suitable from a traffic engineering/safety point of view; and</i>	<p>– The TIS prepared by Stantec demonstrates that the proposed development will not have a material impact on the surrounding road network or residential amenity. In this regard, the proposal is</p>

		considered to be suitable from a traffic engineering and safety perspective.
f)	<i>of sufficient size and dimension to accommodate the development without affecting the amenity of the area.</i>	– The proposed site is considered to be an adequate size to accommodate the proposed child day care centre with minimal impact on the amenity of the area.

Overall, the site is considered to be an ideal location for a child day care centre given the established surrounding commercial development and we respectfully seek support from the Shire.

4.5 SITE COVERAGE

LPS4, Table II - Non-Residential Development Standard does not specify any site coverage requirements for 'Child Day Care Centre' or 'Shop' land uses. The Table states that the standards are to be determined by Council.

4.5.1 SHOP USES

The proposal includes a shop-retail floorspace of 213m² NLA, well below the threshold defined by *State Planning Policy 4.2 Activity Centres for Perth and Peel* (SPP4.2) as being considered 'major development', i.e. development that would result in a total shop-retail floorspace of a neighbourhood centre exceeding 6,000m² NLA, or expanding by more than 3,000m² shop-retail NLA that would require a Retail Sustainability Assessment (RSA).

4.6 BUILDING SETBACKS

LPS4, Table II - Non-Residential Development Standards states that setback requirements for a 'Child Day Care Centre' are to be determined by Council. Table II specifies a nil setback for 'Shop' land uses.

Building setbacks are also specified under *LPP General Development Provisions – Building Setbacks, Car Parking Standards*. Contrary to a statement in LPP, the provisions in the policy cannot supersede those contained in LPS4, Table II - Non-Residential Development Standards. Nevertheless, an assessment against the policy provisions is provided in **Table 2** to assist the Shire in its assessment of the proposal.

Table 2: Minimum setbacks from boundaries

Building Setbacks	Required	Provided	Compliance (✓/✗)
Shop			
Street	6 metres	<ul style="list-style-type: none"> – 13.6 metres from South Yunderup Road – 14.8 metres from Camarri Way 	✓
Side	1.5 metres	<ul style="list-style-type: none"> – 4.2 metres from the proposed child day care centre. – 27 metres from Dilley Court. 	✓
Rear	6 metres	<ul style="list-style-type: none"> – 19 meters from the adjoining lot boundary (Lot 631) to the east. 	✓

As such, the proposal is compliant with the building setbacks prescribed in *LPP General Development Provisions – Building Setbacks, Car Parking Standards*.

4.7 BUILDING HEIGHT

There is no maximum building height specified in LPS4 or *LPP General Development Provisions – Building Setbacks, Car Parking Standards*. The proposed buildings have a maximum building height of 4.4m, that is considered to be generally consistent with adjacent commercial and surrounding development.

Camarri Way Elevation

- The child day care centre is 4.2m in height
- The retail tenancies are 3.9m in height

South Yunderup Elevation

- The retail tenancies are 4.4m in height

Dilley Elevation

- The child day care centre is 4.3m in height

North-East Elevation

- The retail tenancies are 4.1m in height

4.8 BUILDING FORM, COLOURS AND MATERIALS

The proposed buildings are commercial in appearance, and incorporate the following colours and materials:

- Hardies axon cladding (or suitable alternative) painted finish;
- Colorbond awnings with white fascia panels; and
- Powder coated aluminium framed glazing/windows.

4.9 LANDSCAPING

LPS4, Table II - Non-Residential Development Standards does not specify any landscaping requirements for child day care centre or shop land uses. Table II states that the standards are to be determined by Council.

The total landscaped area within the lot is 97.3m². A total landscape area of 697.5m² (inclusive of the verge area) is provided on site, equating to 24% of the total site area (refer **Plan 7 – Landscape Plan**). As such, the proposed landscaping is considered to be adequate to soften the bulk and scale of the development.

4.10 TRAFFIC REPORT

A Traffic Impact Statement for the proposed development has been prepared by Stantec (refer to **Appendix 2 – Transport Impact Statement**). This Transport Impact Statement outlines the transport aspects of the proposed development focusing on traffic operations, access and provision of car parking.

The TIS provides the following key conclusions:

- The proposed development is not expected to generate significant vehicular trips, being 78-83 vehicle trips per peak hour (two-way).
- The impacts of the traffic volumes associated with the development on the road network are considered acceptable.
- Peak parking demand of the site is able to be accommodated wholly in the on-site car parking spaces when considering the Shire's parking rates and GTA's in house car parking database.
- The proposed car park layout adheres to the requirements of AS2890.1:2004 and the Shire's Planning Policies.
- The proposed pedestrian path will provide safe and direct access from the car parking area to the building entrance.

4.10.1 VEHICLE ACCESS

The proposed driveway and crossover is 6.0m in width to/from the staff parking area and 6.0m in width to/from the visitor car parking area. These driveways are compliant with *AS2890.1:2004 Part 1: Off Street Car Parking* requirements for driveway widths between 3.5m and 5.5m (combined entry and exit) for a car parking area with less than 25 spaces, accessing a minor road.

4.10.2 CAR PARKING

LPS4, Table II - Non-residential Development Standards and LPP General Development Provisions – Building Setbacks, Car Parking Standard specifies the following parking requirements for Child Day Care Centre and Shops land uses. An assessment of the proposed development against LPS4 and LPP General Development Provisions are outlined in **Table 3** below.

Table 3: Car parking requirements

Land Use	Scheme/Local Planning Policy	Car Parking Requirements	Number of Bays Required	Provided	Compliance (✓/✗)
Child Day Care Centre	LPS4, Table II - Non-residential Development Standards	1 per staff member	17 car bays	25 bays	✗
	LPP General Development Provisions – Building Setbacks, Car Parking Standards, Table 3 - Car Parking Requirements	2 plus 1 per staff member	19 car bays (assumes 91 children and 17 staff)		
Shops	Shire of Murray LPS4, Table II - Non-residential Development Standards	1 per 20m ² GFA	11 car bays		✗

Total	28-30 car bays
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The proposal provides 25 car parking spaces on site, consisting of:

- 6 bays for staff members accessed from Dilley Court;
- 8 bays for exclusive use of the Child Car Centre access from Camarri Way;
- 10 bays for care givers of children and visitors of the shop; and,
- 1 universal access bay with shared zone.

Based on the inhouse GTA database, which contains more than 30-years of parking and traffic surveys, a Child Care Centre has a peak parking demand of 0.19 parked cars per child in both the AM and PM peak periods (this is the average rate across surveys from 16 different Child Care Centres). Based on the 91 children expected on this site, the peak parking demand is expected to be 17 (17.3 rounded down) cars parked on site including staff and parents. These peaks are expected to occur at typically prior to 9am and between 4:30pm and 6:00pm when considering the RTA Guide peak traffic generation.

Being long-day care, which is generally associated with pre-school children (outside of vacation care), all children are required to be walked in and collected from the building. During peak parking demand the onsite spaces will have high turnover of short-stay parking. Any long-stay parking will be associated with staff parking.

When considering the GTA database rates for both the Child Care Centre and the Shop, a total of 22 car parking spaces are required.

The TIS report demonstrates the provision of 25 on-site car parking spaces fully accommodates the parking demand of the site, with no-overflow of parking likely to occur. To assist with the management of the on-site parking, a Parking Management Plan has been prepared alongside this report (refer **Appendix 3 – Parking Management Plan**).

4.11 ACOUSTIC REPORT

Lloyd George Acoustics assessed noise emissions from child play, mechanical plant (AC plant and extraction fans) and car doors closing at the site, against the *Environmental Protection (Noise) Regulations 1997*.

The report concluded that compliance can be achieved for all noise sensitive premises provided that the following is implemented:

- A 1.8m high fence to the north of the outdoor play area is erected. The fence should be solid and continuous, for example by providing either perspex or safety glass to maintain visual amenity e.g. tubular fence between brick piers and backed with plexiglass sheet. This sheet must be installed free of gaps and be of a material with minimum surface mass of 8 kg/m².
- To mitigate noise from exhaust fans, it is recommended that these be designed as inline type or ceiling mounted fans, which could be installed with attenuators or diverted ducting, rather than externally mounted plant.
- The AC condensing units, while potentially compliant at all times, may be mitigated further with quiet mode (reduced capacity) programming prior to 7.00am. These options should be explored during detailed design and verified by the mechanical services engineer and a qualified acoustical consultant, when actual plant selections and final locations become known.

The following requirements should be implemented as “best practice” where practicable:

- Mechanical Plant to be mounted on vibration isolated mounts to achieve 97% vibration isolation;
- The behaviour and 'style of play' of children should be monitored to prevent particularly loud activity e.g. loud banging/crashing of objects, 'group' shouts/yelling;
- Favour soft finishes in the outdoor play area to minimise impact noise (e.g. soft grass, sand pit(s), rubber mats) over timber or plastic;
- No amplified music to be played outside;
- External doors and windows to be closed during indoor activity/play;

- Any music played within the internal activity areas to be 'light' music with no significant bass content and played at a relatively low level; and,
- Car park drainage grates to be plastic or metal with rubber gasket and secured.

The Acoustic Report prepared by Lloyd George Acoustics detailing the outcomes of the assessment is attached at **Appendix 4 – Environmental Noise Assessment**.

4.12 BUSHFIRE MANAGEMENT PLAN

The Site falls within a designated bushfire prone area, triggering the application of *State Planning Policy 3.7: Planning in Bushfire Prone Areas* and appurtenant Guidelines for Planning in Bushfire Prone Areas.

A Bushfire Management Plan (BMP) has been prepared by Bushfire Prone Planning. The BMP assesses the proposal for compliance with the policy measures described in State Planning Policy 3.7 and identifies the appropriate mitigation measures.

The proposed child day care centre has a determined Bushfire Attack Level (BAL) of BAL-12.5. The retail block (retail shop, barber shop, gift shop) has a determined BAL of BAL-29 (refer **Appendix 5 - Bushfire Management Plan**).

The BMP sets out the following response to the bushfire protection criteria:

ELEMENT 1: LOCATION

The proposed development will provide an area of land within the lot that can be considered suitable for development as BAL-40 or BAL-FZ construction standards will not be required to be applied. This meets the requirements established by Acceptable Solution A1.1 and its associated explanatory note.

ELEMENT 2: SITING AND DESIGN OF DEVELOPMENT

The proposed childcare centre is in an area subject to a maximum BAL of BAL-12.5. The proposed retail block is in an area subject to BAL-29. The proposed buildings on the lot can be surrounded by an APZ that will ensure the potential radiant heat

impact of a bushfire does not exceed 29 kW/m₂ (BAL-29). The required APZ specifications of width, location and management can be achieved.

ELEMENT 3: VEHICULAR ACCESS

Acceptable Solution: A3.1: Two Access Routes

- South Yunderup Road provides access/egress in two different directions to two different destinations. The road is available to the public at all times under all weather conditions.

Acceptable Solution: A3.2: Public Road

- No new roads are planned for this development.
- Existing public roads comply with the construction technical requirements established by the Guidelines and/or the local government.

Acceptable Solution: A3.3: Cul-de-sacs (including a dead-end road)

- The existing cul-de-sac located at the end of Dilley Court (an access road for the proposed childcare centre) is built to the construction technical requirements established by the Guidelines and/or the local government.

Acceptable Solution: A3.5: Private Driveways

- The driveway will be a minimum 6m in horizontal clearance. The proposed driveway is required to comply to the construction technical requirements established by the Guidelines and/or the local government.

Acceptable Solution: A3.8: Firebreak Width

- The subject site will comply with the requirements of the local government annual firebreak notice issued under s33 of the Bush Fires Act 1954.

ELEMENT 4: WATER

- A reticulated water supply is available to the subject site. A hydrant is located on South Yunderup Road in front of the existing lot and additional hydrants are along the road at 200 m intervals. Additional hydrants are located along Dilley Court (12 m from the subject site) and Camarri Way (91 m from the subject site).

- Required hydrant separation distances – 100 m commercial, 200 m residential, 400 m rural residential > 1ha.
- The construction technical requirements established by the Guidelines and/or the local government can and will be complied with.

4.13 BUSHFIRE EMERGENCY PLAN

The proposed child day care centre is considered a vulnerable land use, being a facility designed to accommodate occupants with reduced physical or mental ability such as the elderly, children (under 18 years of age) or the sick or injured. As such, a separate Bushfire Emergency Plan has been developed for the site.

Currently, certain operational information required to complete the Bushfire Emergency Plan (BEP) is not available. It is a requirement of the Bushfire Management Plan that the associated Bushfire Emergency Plan for this site be updated and completed prior to occupation of the childcare centre (refer **Appendix 6 – Bushfire Emergency Plan**).

4.14 WASTE MANAGEMENT PLAN

The proposed development will use the waste collection services provided by the Shire of Murray. The Shire provides a weekly waste collection regime of general waste, and a fortnightly regime of recyclable waste. The point of collection will be kerbside of Camarri Way where the Shire's collections vehicles will have access (refer **Appendix 7 – Waste Management Plan**).

4.15 MOSQUITO MANAGEMENT PLAN

The site has been identified as an area that may be sensitive to the impact of mosquitoes within 5 kilometres of existing mosquito breeding areas adjoining the Peel-Harvey Estuary and nearby lakes. To reduce the incidence of disease and nuisance, a Mosquito Management Plan (MMP) has been prepared by MBS Environmental.

The MMP provides a clear definition of the mosquito related risks, outlines appropriate control measures, and establishes a management strategy to minimise the risk of mosquito borne diseases during construction works and the post-construction occupation of the buildings (refer **Appendix 8 – Mosquito Management Plan**).

5. OPERATIONAL OVERVIEW

5.1 CHILD DAY CARE CENTRE

5.1.1 OPERATIONAL HOURS AND DAYS OF OPERATION

The proposed operational hours for the child day care centre are 6.30 am to 6.30 pm Monday to Friday.

5.1.2 NUMBER OF EMPLOYEES

Table 4: Number of children per age group

Age group	Number of children	Educator to child ratios	Staff required
0-24 months	36	1 educator to 4 children	9
24-36 month	25	1 educator to 5 children	5
36+ months	30	1 educator to 10 children	3
Total	91 children		17 staff

6. CONCLUSION

Burgess Design Group, on behalf of JDH & JAM No.8 Pty Ltd, the contracted purchaser of Strata Lot 6 (No.126) South Yunderup Road, South Yunderup has prepared the preceding Development Application report to guide the development of a child day care centre and three (3) retail tenancies (shops).

The proposed development has merit and warrants approval for the following reasons:

- A Child Day Care Centre is an 'AA' use, and 'Shop' is a 'P' use within the 'Commercial' zone. Both uses can be considered by the Shire and JDAP;
- The proposed development is compliant from an access and traffic perspective as demonstrated in the Transport Impact Statement (TIS);
- The car parking demand of the site can be accommodated at all times as demonstrated in the TIS and Parking Management Plan;
- The proposed development is supported by an Environmental Noise Assessment which demonstrates it can meet the *Environmental Protection (Noise) Regulations 1997*;
- The proposed development is compliant with *State Planning Policy 3.7: Planning in Bushfire Prone Areas* as demonstrated in the Bushfire Management Plan and Bushfire Emergency Plan; and,
- The development is well designed and meets the intent and objectives of the Shire's LPS4 and Local Planning Policies.

In this regard, Burgess Design Group respectfully requests the Shire's support and recommendation of approval subject to appropriate conditions in preparing a responsible authority report to the Joint Development Assessment Panel (JDAP).



**Proposed Child Care Centre
Lot 6 (126) South Yunderup Road, South Yunderup**

Summary of Submissions

No.	Summary of Submission	Applicant's Comment
	State Gov Agencies	
1	<p><u>Department of Fire and Emergency Services</u></p> <p>The development application and the BMP have adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved. However, modifications to the BMP are necessary to ensure it accurately identifies the bushfire risk and necessary mitigation measures. As these modifications will not affect the development design, these modifications can be undertaken without further referral to DFES. The required modifications are listed in the table above. (DFES comments attached)</p>	<p>A revised BMP has been provided to the Shire in an email sent on Thursday 19th May 2022. Email requested confirmation that the Shire have accepted the BMP.</p>
	Public Submissions	
1.	<p>This day care centre proposed site is next to a tavern, across the road from the boat ramp. Austin Lakes have the facilities to handle the grief that it's going to cause and the traffic that will be a gridlock at the roundabout there is already a congestion of traffic as it is. You created a one road in and one road out and now you want to make it impossible. Keep it all at Austin Lakes that is the school zones. There is no need to upload a picture ... just sit there and watch the traffic then sit at the end of Yunderup road watch the cars speed up around the corner that has a blind spot coming from the canal shop. Because some idiot approved a driveway on south Yunderup road. There is a 50 k sign going towards the canal shop and a 60 k Sign coming from the canal shop ... do the math.</p>	<p>Whilst it is unclear, precisely what the nature of the issues raised here are, it is noteworthy that vehicular access to the childcare centre is via South Yunderup Road while the boat ramps are accessed via Dilley Court and Wharf Cove.</p> <p>Furthermore, the issue of vehicles speeding on local roads is not a planning matter.</p>
2	<p>I am against the approval of an Early Learning Centre being built at this location due to its close proximity to the Sandy Cove Tavern. I do not agree with my child of ELC age attending and being subjected to people leaving the pub intoxicated and I feel that this is not a good environment for them during their prime age of growth and development.</p>	<p>There are numerous examples of child care centres being located adjacent to Taverns within the metropolitan region. This can be considered acceptable because the two uses have different peak operational periods given child care</p>



		<p>centres, including this one, aren't typically open on weekends.</p> <p>In this instance, we also note that childcare centres are not unfamiliar to the locality given Yunderup Pre-kindy (which represents a similar use) is located adjacent to the site along Delta Drive. The proposed childcare centre is approximately 40m from tavern while the existing pre-kindy is approximately 60m from the tavern. The pre-kindy site is separated from the tavern by Delta Drive and a reserve. The proposed childcare centre is separated from the tavern by the car park. Landscaping within the car park (both existing and proposed) further screens the childcare centre from the existing commercial development. Furthermore, the layout of the childcare centre ensure the indoor play rooms and the outdoor play area are away from the car park.</p>
3	<p>Childcare location is not supported on this location, so close to a tavern and other residential property with noise from children, excess traffic on an area all ready dangerous pulling into the carpark. Austin Lakes was the original plans for childcare, schools, shopping areas.</p> <p>Childcare in the proposed location is not wanted by many rate payers.</p>	<p>The childcare centre is proposed to operate between 6:30am and 6:30pm Monday to Friday. Therefore, the centre will not produce noise on weekends when people are more likely to be home throughout the day. In any event, an acoustic assessment has confirmed that the noise from the facility will not exceed the relevant regulation. Furthermore, an acoustic treatment to the fence along Dilley Court and Camarri Way will reduce noise from the childcare centre.</p> <p>In relation to the appropriateness of the use in this location, LPS No. 4 allows for the proposed use to occur within the Commercial zone. Ultimately, the proposal offers a greater mix of uses to the centre, providing a service to the community.</p> <p>Finally, in response to this submission, we note that the traffic generated by the child care centre will be approximately 71</p>



		<p>vehicle trips (35 inbound and 35 outbound, counted as individual trips) in the peak hour. The impact of this traffic generation on the road network will not be significant, noting that some of the traffic will be existing motorists already accessing the site (shop) or travelling past (commuters).</p> <p>The peak hour traffic generated by the child-care will be outside of the peak hours of the tavern.</p> <p>The impact on the road network caused by any additional traffic will be insignificant.</p>
4	<p>Hi, I'm a business owner in the Murray lakes shopping centre in South Yunderup</p> <p>If you are going to build a child care centre, I really hope you are going to have your own car park. Customers struggle to find car parks everyday, along side staff. So at the moment parking is a big issue. I think a child care centre would be great, as said above as long as you are going to have your own parking.</p>	<p>The childcare centre includes 20 parking bays. Parking has been addressed in the updated TIS.</p>
5	<p>To whom it may concern, I am writing to you about the proposal of a child care facility on the corner of South Yunderup road and Camarri Way. This is not an appropriate place for a child care to be placed right next to the tavern and on what is already a busy and dangerous intersection with the school bus stop over the road right on the roundabout and cars coming in and out of the small group of shops there and the tavern itself, the majority of the children that would benefit from a centre like this are in Austin lakes where there is more space , please reconsider this area to place a child care .</p>	<p>As previously stated above, childcare centres are not unfamiliar to the location.</p> <p>In response to traffic issue, please refer to comments in response to Submitter 3.</p>
6	<p>I would like to lodge my disapproval for the development, the traffic issues and general location for such a development is not suitable.</p> <p>I feel this a dangerous proposition is going to create many issues/accidents.</p>	<p>In response to traffic issues, please refer to comments in response to Submitter 3.</p>
7	<p>I'm a resident of South Yunderup and live on south Yunderup Rd not far from the pub, would just like to give my opinion on the idea of putting a childcare in the proposed location, it's an extremely busy road already and to increase the traffic to the location with only one road in and out and at peak times with school hour and work hour drop offs would be chaos, and to have a childcare next to a pub and a</p>	<p>Please refer to the comments in response to Submitter 3.</p>



	<p>mostly local pub is a terrible idea, drunken idiots leaving broken bottles, surly a better location is Austin lakes with the majority of the new homes and families rather than the older residents</p>	
8	<p>I feel that the proposed child care centre is located in a dangerous position. There are numerous cars travelling along Yunderup road, with cars entering/leaving the car park to the tavern/restaurants/Chemist/hair dressers. The proposed centre shows entry is via the current driveway, putting more pressure to this area. During summer periods, the boat ramp area is generally full, & cars/trailers already have problems finding parking as well as towing heavy boats. Parking for the child care centre has taken car bays from the general parking area. The entry area rises from Yunderup road, which makes viability a problem, especially if small children are near.</p>	<p>In response to traffic issues, please refer to comments in response to Submitter 3.</p> <p>Furthermore, we note that the development uses an existing access to the commercial site. Sight lines from the commercial centre access would have been considered at the time of construction.</p> <p>It is not anticipated that children would be unaccompanied by an adult given the age groups of the children that would be attending the centre.</p>
9	<p>I am very concerned about the suggested proposal as this is directly opposite my home.</p> <p>I have lived here for 26 years and have seen the increase of traffic on this corner and fear that a childcare centre here could only bring disaster.</p> <p>I'm disappointed that the close residents have not had prior information from the shire or the proposers regarding this development, as I have previously had this courtesy when IGA was a concern and before work commenced in Austin Cove.</p> <p>I am totally against this proposal.</p>	<p>In response to traffic issues, please refer to comments in response to Submitter 3.</p>
10	<p>Having reviewed the proposal and supporting information, we are of the view that this application does not satisfy the applicable planning framework and should not be approved. In particular:</p> <ul style="list-style-type: none"> The application is contrary to the orderly and proper planning of the area as the childcare centre is proposed to be located adjacent to a tavern and liquor store, which are incompatible uses due to the associated typical activities and behaviour, as well as the alignment of the opening hours with the proposed childcare centre for likely 7-8 hours per weekday. 	<p>Responses to each of the issues raised in the summary of this submission are responded to below, adjacent to each section of this submission.</p>



- Contrary to the provisions of Planning Bulletin 72/2009, the application will have a demonstrable impact on the level of service to be enjoyed by the Austin Lakes community if the development is to proceed as proposed.
- The proposed parking arrangements are inadequate, do not comply with the Scheme, and are not sufficiently justified in the accompanying traffic impact assessment.
- The setbacks of the childcare centre building from the street vary the Shire's Local Planning Policy General Development Provisions – Building Setbacks, Car Parking Standards, and will result in the development being incompatible with its setting.
- The location of the childcare centre does not meet a significant number of the criteria included in Planning Bulletin 72/2009 – Child Care Centres, and some of the criteria that it does not meet are for reasons that are fatal flaws of the proposal.

We do not object to the three shops in isolation, however as they comprise a minor component of the proposal in terms of land area and scale, any approval with a condition removing the childcare centre from the approval would likely be invalid. Accordingly, we submit that the development application should be refused.

Land Use

The Shire's Local Planning Scheme No. 4 (LPS4) includes the subject site in the 'Commercial' zone. Child Day Care Centres are listed as 'AA' uses in the Commercial zone, for "which the Council may at its discretion permit provided it is satisfied that such use would not be contrary to the orderly and proper planning of the area." This is also a matter to which a decision maker must have due regard pursuant to clause 67(2)(b) and (m) of the Deemed Provisions.



In this regard, we submit that a childcare centre in this location is contrary to the orderly and proper planning of the locality as the land use is incompatible with the existing setting and will have an inappropriate relationship with development on adjoining land.

The childcare centre is to be located adjacent to a tavern and liquor store, which can generate behaviour and activities that are wholly incompatible with a childcare centre. The tavern/liquor store currently comprises approximately one half of the existing floor space in the Commercial zone. The floor space of the proposed centre is only 60% of the existing tavern/liquor store, and the tavern/liquor store operates for longer hours (10am-late 7 days a week) than the centre. For these reasons, the tavern/liquor store would remain the primary existing use in the Commercial zone if the proposal were to be approved and constructed.

Although the tavern/liquor store and childcare centre are proposed to be located on different lots, they are both part of the same parcel of land zoned Commercial. As the boundary between the lots bisects the car park located between the two uses, the proposal will result in a built form outcome with no visual separation between the two uses. This will enable sight lines and interaction between users of the childcare centre and the tavern/liquor store, some of whom may be under the influence of alcohol and / or behaving in an inappropriate manner.

It is the role of orderly and proper planning principles to mitigate the possibility of interactions such as these occurring, and in this context a development that does not mitigate that possibility would be inconsistent with the principles of orderly and proper planning. Accordingly, this proposal should not be approved.

Need for childcare centre

The Shire of Murray has recently approved a development application for a childcare centre on land owned by our client at Lot 395 Pegus Meander, South Yunderup. Planning Bulletin 72/2009 – Child Care Centres ("PB 72") identifies that the impact of a childcare centre on the level of service enjoyed by a community is a relevant planning consideration. Although we acknowledge that the Pegus Meander application was approved after the revised development application

Land Use

In respect of the land use issues raised we note that there are numerous examples of child care centres being located adjacent to Taverns within the metropolitan region. This can be considered acceptable because the two uses have different peak operational periods given child care centres, including this one, aren't typically open on weekends.

In this instance, we also note that childcare centres are not unfamiliar to the locality given Yunderup Pre-kindy (which represents a similar use) is located adjacent to the site along Delta Drive. The proposed childcare centre is approximately 40m from tavern while the existing pre-kindy is approximately 60m from the tavern. The pre-kindy site is separated from the tavern by Delta Drive and a reserve. The proposed childcare centre is separated from the tavern by the car park. Landscaping within the car park (both existing and proposed) further screens the childcare centre from the existing commercial development. Furthermore, the layout of the childcare centre ensure the indoor play rooms and the outdoor play area are away from the car park

Furthermore, the development has been designed to limit interaction the adjacent tavern. In particular, fencing is provided around outdoor play area of the childcare centre limiting views into it, whilst the reception, staff areas and walkway look out towards the car park and, by extension, the tavern. Indoor play rooms face out to the outdoor play area which is itself screened from the carpark by the building.



submission was provided for this application, as the Pegus Meander approval has now been issued the need for this childcare centre is a relevant planning consideration. We note that this application does not acknowledge or address the Pegus Meander centre in any way, and nor does it address the requirement of PB 72 to consider the need for further childcare centres in this location or the impacts of this proposal on existing and approved centres in the locality.

The proposed childcare centre is located in the fully developed precinct of 'old' South Yunderup, whereas the Pegus Meander centre is located centrally within Austin Lakes, which is the only part of South Yunderup with development (expansion) potential and population growth. One of the primary demographics who build on land in new estates are young couples and / or young families, whereas the significant proportion of 'old' South Yunderup comprises canal frontage lots, which are outside the price range of many young families and are better suited to retirees and older demographics. We submit that given the local demographic in old South Yunderup, the proposed centre will likely be relying on attracting families from Austin Lakes to make up its client base.

BMP intends to make a substantial investment in a conveniently located childcare centre for the benefit and convenience of young families in Austin Lakes. Approval of this development application would undermine this investment, and would be detrimental to the level of service to be enjoyed by the Austin Lakes community. For example, parents living in Austin Lakes would need to drive 2 kilometres out of the estate in the opposite direction from the South Yunderup Road exit to drop off and pick up their children from the proposed child care centre, which is much less convenient compared to the opportunity provided by the Pegus Meander child care centre for parents to walk their children to the childcare centre or pick them up and drop them off on the way to and from work or other commitments.

Accordingly, we submit that the MOJDAP should not approve the proposed childcare centre as it will have a demonstrable impact on the level of service to be enjoyed by the Austin Lakes community, and is not located optimally within the likely population catchment for a childcare centre in South Yunderup.

Need for Childcare Centre

The childcare centre offers a service to the growing community as well as the broader area. It is noted that Part 3.8 – Need for childcare centre of Planning Bulletin 72/2009 sets out that "*Legal decisions have discounted the requirement for an application to prove the need for commercial facility, for example through market surveys, as part of the planning approval process.*" Whilst the planning bulletin then sets out considerations in relation to the need for the childcare centre, in this instance we note that the developer is of the view that there is sufficient demand for the proposed facility and the facility contemplated within this submission. Therefore, the level of service to the community is not reduced as a result of the proposal.



Parking

Parking standards for childcare centres are set out in LPS4 and the Shire's Local Planning Policy General Development Provisions – Building Setbacks, Car Parking Standards. PB 72 also recommends a parking ratio for childcare centres. Clause 2.4.1 of LPS4 is as follows:

“If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.”

Although the LPP appears to be intended to supersede the car parking provisions contained within LPS4, Part 7, Table II – Non-Residential Development Standards, there is no specific provision in LPS4 that enables the LPP to supersede LPS4. Furthermore, the standard in PB 72 is recommended for local governments to adopt in local planning policies and does not carry the same weight as the Shire's LPP. As such, the LPS4 parking requirements are applicable to this proposal as follows:

Land Use - Child Care Centre –

LPS4 Parking Ratio - 1 bay per staff member, pick up/set down bays may be required

Proposed Staff - 14

Bays required = 14 + 3 pick up/set down bays

Bays Required Shop - 1 bay per 20m² GFA @ 200m² = 10bays

PB 72 recommends a rate of one bay per five children including staff parking. Applying this rate to the 86-child capacity of the centre and subtracting the 14 staff bays required by LPS4 results in three additional pick up and set down bays. We submit that the Shire should also require these three bays to be provided as the childcare centre is likely to operate during similar hours to the proposed Shops, and therefore should not rely on reciprocal use of the Shop parking for parents picking up and dropping off children.

Parking

The Shire of Murray's LPP – General Development Provisions – Building Setbacks, Car Parking Standards



Based on the above, the total parking requirement for the proposal is 27 bays. A total of 20 new bays are proposed to be provided, however the two accessways between the new and existing car parks will necessitate the removal of 6 existing bays. Accordingly, a net total of 14 bays are proposed, resulting in a shortfall of 13 bays at the subject site.

Some parts of the TIS have not been updated from the initial application submission, however the parking impacts section has been updated. This section incorrectly applies the LPP parking requirements to the proposal in its parking calculations, and does not account for the six bays that will be removed to provide access to the proposed new 20 bays, thereby incorrectly claiming a 6 bay shortfall instead of 13.

The TIS seeks to apply reduced rates in lieu of the LPS4 rate for the childcare centre and shops, resulting in a 21 bay requirement. If this were to be accepted by the Shire there would instead be a 7 bay shortfall.

The TIS seeks to justify the remainder of the shortfall through the use of reciprocal parking between the childcare centre and shop uses. We dispute the use of reciprocal parking to justify the remaining parking shortfall by the TIS as the typical opening hours of shops are the same as childcare centres, meaning that parking demand is likely to occur at similar times of the day. In the likely scenario that 14 childcare centre staff and three shop staff (one per shop) all use the car park to park their vehicles while they work for the day, only three bays would remain available for use (one an ACROD bay). This would clearly not adequately cater for demand by parents, shop customers and other car park users.

Accordingly, the application does not sufficiently justify the approximate 50% parking shortfall. For this reason, we submit that the parking arrangements are inadequate for the proposal and should not be approved in this form.

Setbacks

provides contemporary parking standards. It is noted that the policy states that these parking standards supersede those contained within LPS 4. Accordingly, we encourage the Shire to utilise this policy in determining the parking requirement for this facility, despite the objections of submitters.

Therefore, on this basis, we have conducted a review of the entire parking requirement for the proposed and existing development at the subject site. As such, we note the following:

- The LPP requires a total of 16 bays, given it requires bay per staff member, plus 2 pick up and drop off bays for childcare centres
- For shops LPS 4 requires 1 bay per 20m² of GFA (noting that the relevant LPP doesn't provide an updated parking calculation for shops). Therefore, given the proposal seeks to introduce 200m² GFA in addition to the existing 598m² GFA a total of 40 bays (798 / 20) are required.

On the basis of the above, the total parking requirement for development on the subject site comes to 56 bays.

Once fully developed there will be a total of 48 bays on the subject site (arguably 49 if you include the bay that is bisected by the lot boundary between the subject site & Lot 631). Therefore, there is a total shortfall of 7 or 8 parking bays.

To address this parking shortfall the applicant is prepared to construct 6 parallel parking bays adjacent to the site, within the Dilley Court road reserve, which will ensure that there is only a very minor shortfall of 1 or 2 bays. This shortfall is acceptable because the childcare centre peak drop-off and



Although not a direct impact on the Pegus Meander centre, we note that the proposal includes some significant setback variations which will adversely impact the streetscape and amenity of the area.

LPS4 and Local Planning Policy General Development Provisions – Building Setbacks, Car Parking Standards include setback requirements that apply to the childcare centre and shop. The childcare centre setback requirements are listed in LPS4 as “standard to be determined by Council”, which enables the LPP parking requirements to apply for the child care centre. Therefore, the child care centre setback requirements are established by the LPP. Multiple portions of the child care centre building do not comply with the setback requirements of the LPP as detailed below.

Non-compliant building portions

0-2 Years facing Camarri Way

Setback requirement - 7.5 metres

Proposed Setback - Between 0 and 7.5 metres

2-3 Years facing Dilley Court transformer

Setback requirement - 7.5 metres

Proposed Setback - Between 6 and 7.5 metres

Kitchen facing Dilley Court

Setback requirement - 7.5 metres

Proposed Setback - Between 1 and 7.5 metres

3+ years facing side boundary

Setback requirement - Side: 3 metres

Proposed 1.5 metres

The application does not include any justification for these setback variations, which have all arisen through the site redesign. These reduced setbacks are inconsistent with the established prevalent built form and typical street setbacks of nearby commercial and residential development, including the setbacks of the existing buildings in the Commercial zone from South Yunderup Road. This issue

pick-up times would not overlap with the peak hours of the shops, which allows a degree of reciprocal parking between the proposed development and the existing shops.

Furthermore, we have received advice from Stantec that indicates that the average operating capacity of a typical child care is approximately 85% of maximum capacity due to the following:

- Children attending childcare part-time (certain days of the week);
- Children being absent from childcare due to sickness and family commitments.

Accordingly, sufficient parking is provided by the development.

Setbacks

The relevant LPP includes provisions for variations of the standards contained in Table 2 of the policy because there are circumstances where it is appropriate to vary these standards. For example, if these standards were rigidly applied developments within commercial areas would not be able to propose boundary to boundary developments.



aligns with the requirement of clause 67(2)(m) of the Deemed Provisions for development to be compatible with its setting. We submit that the reduced setbacks result in an overall built form outcome that is not compatible with the low-density setting of this part of South Yunderup, as the reduced setbacks increase the bulk and scale of the development compared to the predominant existing built form visible from Camarri Way and Dilley Court.

Although the restaurant in the Commercial zone has a nil setback to Dilley Court, the location of the building facing the head of the Dilley Court cul-de-sac reinforces the end of the road and is therefore located in a different context to the parts of the building that are proposed with reduced setbacks to Camarri Way and the through section of Dilley Court.

Overall we are of the view that the street setback variations are inconsistent with the established built form in the locality and should not be approved in this form.

Location

Planning Bulletin 72 provides criteria to assist in the Shire's determination of whether the childcare centre is proposed in an appropriate location. The list is structured such that childcare centres should meet as many of the criteria as possible in the first section of the list, and as little of the criteria as possible in the second section. As detailed in the table below, the location of the proposed childcare centre does not meet a significant number of criteria.

Planning Bulletin Criteria Assessment

The appropriate location of a childcare centre is crucial in meeting the needs of children and their families. It also is crucial in limiting the impact a childcare centre may have on surrounding activities and vice versa. This may be achieved by locating childcare centres on sites that are:

a) distributed strategically to provide the maximum benefit to the community it serves;

As detailed in the 'Need for childcare centre' section above, the childcare centre is proposed in a location that will not efficiently serve the majority of the population that are likely to utilise the centre (i.e. young families in Austin Lakes).

In this instance, it is noted that the site and development are separated from the surrounding residential development by two local roads. Furthermore, the development does not propose large expanses of the buildings within the policy setbacks, given only portions of it seek a variation to the policy.

Furthermore, the development proposes significant areas of outdoor play space which will further soften the appearance of the small sections of the development proposed within the variable setback standards of the LPP.

Furthermore, some of the setback standards questioned in this submission refer to setbacks to internal strata lot boundaries. For example side setback relating to 3+ years room denotes the side boundary of Unit 6 within the strata survey which is actually part of the larger Lot 131. This represents acceptable practice, as evidenced by development on other strata lots within Lot 131, and also ensures the development setback are commensurate with other surrounding commercial development.



c) located in areas where adjoining uses are compatible with a childcare centre (includes considering all permissible uses under the zoning of adjoining properties);

As detailed in the 'Land use' section above, the childcare centre is proposed adjacent to a tavern and liquor store, which is the primary use of the Commercial zone in which the child care centre is proposed and is permissible under LPS4. This use may generate behaviour, activities and noise of a kind which is wholly incompatible with a childcare centre.

e) considered suitable from a traffic engineering/safety point of view; and

As detailed in the 'Parking' section above, a significant (and insufficiently justified) car parking shortfall is proposed, which is likely to result in overflow parking outside the subject site and associated traffic issues.

Childcare centres generally would not be suitable where:

i) the service provided by the centre will have a demonstrable, adverse impact on the existing or planned level of childcare centre services enjoyed by the local community;

As demonstrated in the 'Need for childcare centre' section above, the service provided by the centre will have an adverse impact on the planned level of child care services to be enjoyed by the local community.

l) the current use or any permissible use under the zoning of the adjoining premises produces unacceptable levels of noise, fumes or emissions or poses a potential hazard by reason of activities or materials stored on-site;

Refer to (c) above.

It is clear that both from a technical compliance and strategic locational perspective, the subject site does not meet a significant number of criteria for a childcare centre, and is entirely inappropriate for the development of a child care centre in the context of the existing adjacent land uses and the approved child care centre in the vicinity.

Conclusion

Location

See detailed responses below.

Planning Bulletin Criteria Assessment

In addition to previous responses we note the following in response to the specific claims made in this submission by demonstrating compliance with all location criteria from PB72/2009:

a) the development will serve it's community well given a shortage of this service within the community.



As demonstrated by this submission, there are a number of significant planning issues that have not been adequately addressed as part of this application. Whilst some issues such as car parking and setbacks could potentially be addressed through reconsideration of the design, this will not resolve the fundamental issues of land use and orderly and proper planning, and the oversupply of childcare centres in South Yunderup that would result from approval of this application. In conclusion, we submit that the application is fatally flawed in that location of a tavern/liquor store and childcare centre on neighbouring sites within the same Commercial zone is inappropriate, and the childcare centre will impact the level of service to be provided to the Austin Lakes community by the approved centre at Lot 395 Pegus Meander, South Yunderup.

For these reasons, we are of the view that the application is not appropriate for this site and should be refused by the MOJDAP. We look forward to reviewing the Shire's RAR in the coming weeks and presenting the issues that we have raised in this submission to the MOJDAP when the time comes.

b) The site is within easy walking distance or part of appropriate commercial, recreation or community nodes and education facilities.

c) The centre is located in a commercial precinct where adjacent uses have little impact on the proposed facility. As previously noted above, the separation between the use and the existing tavern is also considered appropriate.

d) the site is appropriately serviced by public transport given a bus access the site twice a day. Although limited this does offer a mode of transport to staff and perhaps some parents.

e) The TIS demonstrates sufficient traffic safety outcomes, whilst sufficient parking justification is provided above.

f) The site is of sufficient size to accommodate the childcare centre as well as three small shops.

Therefore, on the basis of the above, the claims made by this submitter in relation to the appropriateness of the location of this facility are unfounded.



11	<p>I wish to lodge my support for this proposal. This land has remained vacant for the 10 years that I have lived in South Yunderup, and obviously well before that. It is an unkempt block of land and serving no benefit to the community.</p> <p>The proposal is for a passive development in the area, providing a community service that, I can only assume, will be of benefit to many in the broad area. If it meets building regulations it will be a safe environment and access and egress can be safely managed.</p> <p>One issue that it will overcome is the unsightly charity bins that are currently on the site. This is not the fault of the charities but rather inconsiderate citizens who treat it as nothing more than a dump.</p> <p>I'm supportive of anyone prepared to invest in a project that will benefit our community with no adverse effects.</p>	Noted with thanks.
12	<p>Our main concerns are non compliance with parking bays and bins being collected in Dilley Court.</p> <p>The main building application refers to 91 children and 17 staff with 26 parking bays.</p> <p>After page 296 it was revealed that there was in actual fact 86 children and 14 staff with a reduction to 20 parking bays, We believe neither of these applications comply.</p> <p>These 20 bays have to service all child care staff parking, visitors, parents drop off and pick up and includes parking required for the 3 intended shops.</p> <p>It was said that the parking should be wholly contained but if it was a problem the car park between Dilley and Wharf way has 20 more bays.</p> <p>In the summer, especially public and school holidays, this car park is over capacity with vehicles and boat trailers who also need to use the area where the child care is being built as an overflow.</p>	<p>Bin storage is to the rear of Unit 3 and collection will be from Camarri Way.</p> <p>It is considered that the other matters raised in the submission have been dealt with above (particularly in relation to traffic and parking concerns).</p>



The tavern and shopping are to lose 4 parking bays for access and exit to the child care.

Peak times for drop off are prior to 9.00 am which should be manageable, pick up will be between 4.30pm and 6.00pm. This is also peak time for the tavern and is far from manageable and likely to cause a huge problem.

In the plans there was also a parking area of 6 bays for staff accessed from Dilley court, is this area still on the drawing board?

It appears that bin collection is shared by Camarri and Dilley.

Dilley court already services 10 resident's bins and also about 20 bins from the shopping centre. This is a cul-de-sac, the bins already obstruct the movement of resident's caravans and boats.

Bin collection is on Wednesdays, it is now the following Monday and there are still 10 bins lying around on the street which is the norm.

We have contacted parks and gardens to sort this out, so far nothing has happened.

We visited the shire on Thursday 9th May and met with Cherryll Oldham who was happy to listen to our concerns. Cheryl was unable to answer some of our questions but said she would get back to us, unfortunately this hasn't happened in time for this submission.

We also contacted Nicole Gindein from land development asking the same questions but also have not received a reply.

We would also like to mention that of the two main residences affected, one has been away in their van for about 6 weeks and could possibly be unaware of this situation and the other is a rental and unless their real estate company is on the ball, also may not be aware.

Dilley Court is the most affected by this child care proposal mainly through parking and bin collection and we trust our concerns can be solved in an amicable way.



13	<p>No general objection, but concerned about adding noise and very very large increase in traffic flow, my house is overwhelmed by excess traffic from full boat ramp parking that used to overflow on to Lot 6 (126) South Yunderup Road so now where do they go?</p> <p>Concerned that parents will be coming and going dropping off children, roads Dilley Court Carmarri Way, South Yunderup Road causing me to be unable to access my home and driveway as at present access only to South Yunderup Road.</p> <p>It appears new driveways will be put in Dilley Court which with boat trailer over load parking, and have increase in parents cars using Dilley Court to access child care centre to drop off children will cause me as a long term resident and pensioners to be unable to drive my car into my garage as it is difficult now, with the huge amount of boaters using the existing boat ramp and parking boat trailers.</p> <p>Are there any additional access driveway planned as now only access to child care centre is South Yunderup Road, if this is only going to be the only access then it will be OK and no objection made but if new access into centre is proposed is from Dilley Court then I am opposed.</p>	<p>The lot is privately owned and is not provided as overflow parking to the public boat ramp.</p> <p>New driveways are not proposed to Dilley Court.</p>
14	<p>I think child care centre would be better suited at Austin Lakes where young families live and the schools are situated. Rather than next to the Sandy Cove Tavern which is a busy area with bus stops as well.</p> <p>I would like to mention also at this site are recycle bins which is always a disgrace with peoples unwanted clothing toys, boxes, broken glass, bikes etc scattered around the area.</p>	<p>We note the comments above in relation to the issues raised here.</p>
15	<p>I object to this proposal on the grounds that of proximity to my residence. Firstly the noise factor. The proximity to the Sandy Cove Tavern. Access in case of emergency, one road in and one road out, and extra traffic volumes.</p>	<p>Please refer to responses above in relation to the issues raised in this submission.</p>
16	<p>Please Note I was only told of this by my neighbours today, it would seem we didn't receive a copy. We live directly across the road from the Vacant block.</p>	<p>Please refer to responses above in relation to the issues raised in this submission.</p>



	<p>We DO NOT APPROVE of a future childcare Centre. The panel needs to come out and see where the location is from the Pub, the poorly built one way in and out road to South Yunderup, the bus stops for school children and way kids nearly get hit by buses or drunk idiots doing burnouts either DAY or NIGHT from the pub car park and roads leading either directions. Of all things a child care centre would be a massive hazard and be very neglectful. Because I was only made aware of this today 18/05/2022 and it's nearly due in, plus I've contacted all the neighbours as some have been away. I will be sending further information to the shire so the panel can see the car crash from the car park about twice a month because of careless driving. The bus stops are a joke and as my house sits a bit higher up my privacy in my yard will also be invalidated. I'm not opposed to anything going in the vacate land but the appropriate business must be considered. If the childcare was to go up our property and our neighbours will be less due to 80 plus kids and the massive parking issues it will cause and not to mention the privacy and god for bid the one way in and out of South Yunderup. Please note my other neighbours agree after talking today and I'm glad I was informed. It's funny. The shire can send a new tip pass but I don't receive this application and had to call the shire about what was going on.</p> <p>I'll be in further contact and I'd be more than happy to show you video of the day and night idiots that's drive recklessly and the issues mentioned about.</p>	
17	<p>Submission "against" the development of Lot 6 (126) South Yunderup Road for a child centre:</p> <ul style="list-style-type: none"> (1) Parking will be under greater pressure (2) Next to a hotel is a grave concern (3) Increase traffic in an area where parents of school children had already raised concerns; (4) In peak periods (summer) boats/cars/trailers have been parking on this lot, where will they park now? 	Please refer to responses above in relation to the issues raised in this submission.
18	<p>Whilst I don't think that having it next to a pub is a major concern (given most people take their kids to a pub these days), my concern and objection is that there is absolutely no parking at this location as it stands right now. Most weekends and evenings in good weather, people use that lot to park as there is no parking now.</p>	Please refer to responses above in relation to the issues raised in this submission.



	<p>Imagine when a busy child care centre with large numbers of drop offs/pick ups occurring at the same time.</p> <p>I have enclosed a few photos of just the other day...(see attachments)</p>	
19	<p>Having just returned home (6/2 Dilley Court, South Yunderup) from being away up north for the past month.</p> <p>We have just seen you letter re the above Application for Childcare Centre on vacant land opposite our residence (Dilley Court, South Yunderup).</p> <p>Obviously it is too late for us to make our comments to the Shire regarding this Application.</p> <p>We do ask if this Application is approved could the Shire keep us informed especially in regards to positioning of the Centre- what street is it facing, entry to - from what street, parking- if street parking allowed.</p> <p>Basically we are asking what impact this proposed Childcare Centre will have on our residence in Dilley Court, South Yunderup.</p> <p>With 86 children and 14 staff proposed that could mean an extra 100 vehicle movements twice a day in and out of Dilley Court. This is on top of regular bus movements and boat trailer traffic we experience in this tiny street.</p> <p>This extra traffic we believe will make Dilley Court unsafe and dangerous for pedestrians and residents alike.</p>	<p>Please refer to responses above in relation to the issues raised in this submission.</p>

LOT 504 AND LOT 506 THOMAS ROAD, OAKFORD – PROPOSED EXTENSION OF COMMENCEMENT TIMEFRAME FOR APPROVED SERVICE STATION

Form 2 – Responsible Authority Report (Regulation 17)

DAP Name:	Metro Outer Joint Development Assessment Panel	
Local Government Area:	Shire of Serpentine Jarrahdale	
Proposed Amendments:	Extension of commencement Timeframe	
Applicant:	Element	
Owner:	J and S Piipponen and Skukuza Ventures Pty Ltd	
Value of Amendment:	\$ N/A	
Responsible Authority:	Shire of Serpentine Jarrahdale	
Authorising Officer:	Director Development Services	
LG Reference:	PA22/263	
DAP File No:	DAP/18/01394	
Date of Original DAP decision:	29 October 2018	
Application Received Date:	21 March 2022	
Application Statutory Process Timeframe:	90 Days	
Attachment(s):	Application Details Current Approval Summary of submissions Council Resolution	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	Yes	Complete Responsible Authority Recommendation section
	No	Complete Responsible Authority and Officer Recommendation sections

Responsible Authority Recommendation

That the Metro Outer Joint Development Assessment Panel resolves to:

- Accept** that the DAP Application reference DAP/18/01394 as detailed on the DAP Form 2 dated 23 March 2022 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
- Refuse** DAP Application reference DAP/18/01394 and accompanying plans (P1 - P22) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, for the proposed minor amendment to the approved Service Station at Lot 504 and Lot 506 Thomas Road, Oakford, for the following reasons:

Reasons

- The land use of 'Service Station' is a prohibited use in the 'Rural' zone under draft Local Planning Scheme No. 3. It is not consistent with orderly and proper planning to grant approval for a use which is imminently designated to become a prohibited use in the zone under the new Scheme.

- b. The land use of 'Service Station' is inconsistent with the objectives of the 'Rural' zone in draft Local Planning Scheme No.3;
- c. The land use of 'Service Station' does not reflect the approved strategic intent of the Local Planning Strategy, which designates the subject land within the Rural Resident 2 precinct under the approved Local Planning Strategy.
- d. The land use would make implementation of the strategic intent of the approved Local Planning Strategy more difficult, through allowing a use which is inconsistent with the objectives of the Rural Residential zone.

Details: outline of development application

Region Scheme	Metropolitan Region Scheme
Region Scheme Zone/Reserve	Rural
Local Planning Scheme	Town Planning Scheme No.2
Local Planning Scheme Zone/Reserve	Rural
Structure Plan/Precinct Plan	N/A
Structure Plan/Precinct Plan Land Use Designation	N/A
Use Class (proposed) and permissibility:	'Service Station'
Lot Size:	Lot 504 – 1.04 Lot 506 – 1.31ha
Net Lettable Area (NLA):	220m ²
Number of Dwellings:	N/A
Existing Land Use:	'Residential'
State Heritage Register	No
Local Heritage	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Heritage List <input type="checkbox"/> Heritage Area
Design Review	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other
Bushfire Prone Area	Yes
Swan River Trust Area	No

Proposal:

The application seeks to amend the approval so as to extend the period within which the approved development must be substantially commenced. Specifically, it seeks to extend this from 29 October 2022 to 31 December 2024. The application details are contained within **attachment 1** and the approval within **attachment 2**.

The approved development comprises of the following:

- Retail building 220m²;
- Four light vehicle fuel bowzers with eight refuelling bays;
- Three heavy vehicle fuel bowzers with two refuelling bays;

- An enclosed plant yard;
- One left-in/left-out crossover to Thomas Road;
- One left-in/left-out crossover to Nicholson Road;
- Eleven standard car parking bays;
- Three caravan parking bays;
- Three truck parking bays;
- Landscaping; and
- Signage.

The 'Service Station' is approved to operate 24 hours a day, 7 days a week. The service station has been designed to cater for vehicles up to 36.5m in length. The current approval included specific conditions to provide both interim and ultimate access arrangements, and a specific advice note explaining this aspect. The advice note states that:

The applicant is reminded that upon the roundabout being constructed to its ultimate configuration, the existing access on Nicholson Road will be removed and all access into the petrol station development will be achieved via a dedicated service road accessed from the north of Lot 50.

The associated conditions securing interim access were conditions 11 and 12, as follows:

Nicholson Road Access

- 11. Prior to occupation, one 11m wide crossover, located within Lot 50 and positioned where possible near the northernmost cadastral boundary of Lot 50, shall be designed and constructed to the satisfaction of the Shire of Serpentine Jarrahdale on the advice of the Department of Planning Lands and Heritage and Main Roads Western Australia. This requirement is to protect the functional area of this intersection in accordance with Austroads 2017 Guide to Road Design Part 4 Intersections and Crossings General, section 7.2 Property Access.*

This access shall operate as left in/left out turning movements for light vehicles and left out only turning movements for heavy vehicles and shall have suitable signage advising motorists of these restricted movements. No right in or right out turning movements shall be made from or to Nicholson Road.

The developer shall be responsible for all costs involved in the land acquisition, design and construction of the left turning pocket and solid median to prevent right in and right out turning movements onto Nicholson Road. This includes signage, road markings, relocation of services and street lighting on the advice of Main Roads Western Australia to the satisfaction of the Shire of Serpentine Jarrahdale.

Thomas Road Access

- 12. Prior to occupation, one 11m wide crossover, located within Lot 12 and positioned where possible near the easternmost cadastral boundary of Lot 12, shall be designed and constructed to the satisfaction of the Shire of Serpentine Jarrahdale on the advice of Main Roads Western Australia. This requirement is to protect the functional area of this intersection in accordance with Austroads 2017 Guide to Road Design Part 4 Intersections and Crossings General, section 7.2 Property Access.*

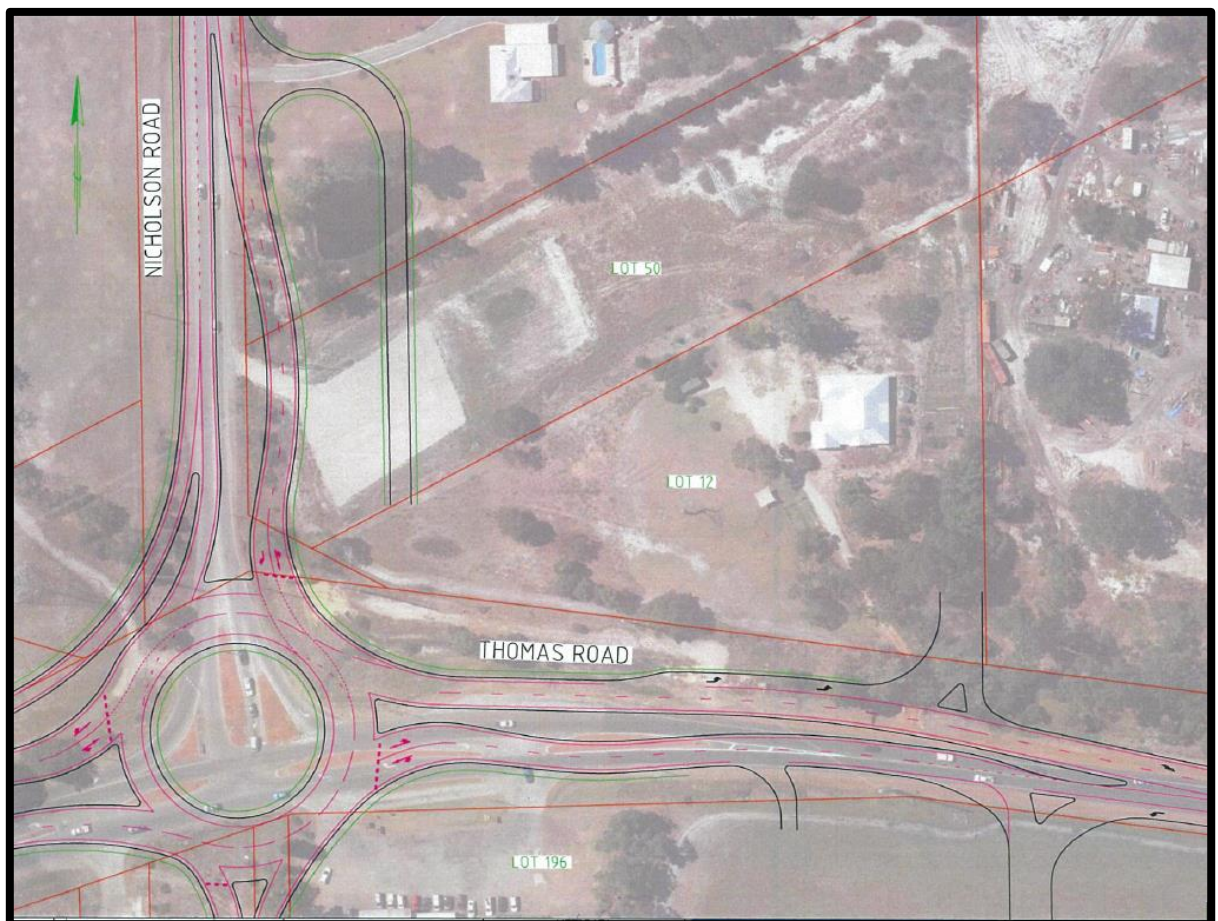
This access shall operate as left in/left out turning movements for light vehicles and left in only turning movements for heavy vehicles and shall have suitable signage

advising motorists of these restricted movements. No right in or right out turning movements shall be made from or to Thomas Road.

The developer shall be responsible for all costs involved in the land acquisition, design and construction of the left turning pocket and solid median to prevent right in and right out movements onto Thomas Road. This includes signage, road markings, relocation of services and street lighting on the advice of Main Roads Western Australia to the satisfaction of the Shire of Serpentine Jarrahdale.

Accordingly, the approval facilitates development to occur without the need to await the ultimate works being delivered by MRWA.

Since the approval, MRWA have advanced design of the roundabout, which is depicted below:



The plan shows a service road accessing the subject site from Nicholson Road to ensure the crossover is located a sufficient distance from the roundabout. The service road would be accessed through former Lot 11 Nicholson Road, the portion of which has now been acquired by MRWA for this purpose.

Background:

Conditional approval was granted by the DAP on 29 October 2018 for a 'Service Station'. The proposal included interim and ultimate access arrangements given the proposed roundabout construction by Main Roads Western Australia (MRWA) at the corner of Thomas Road and Nicolson Road.

A further development application was submitted on 17 December 2019 requesting an extension of time for which development must commence. The justification provided in that application was due to MRWA timeframes to undertake road works.

This application however did not proceed, due to the Minister issuing the Clause 78H Notice of Exemption from Planning Requirements During State of Emergency. This Notice of Exemption automatically granted a two year extension to commencement timeframes for current development approvals, resulting in works being required to be substantially commenced by 29 October 2022. This application now seeks to further extend that timeframe to 31 December 2024.

Existing Development

The subject site is zoned 'Rural' under the Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2) and is located within Oakford over two parcels of land. The lots were formally known as Lot 12 Thomas Road and Lot 50 Nicolson Road however since the initial approval, portions of these lots have been acquired by MRWA for the roundabout construction. These areas are Lot 505 and Lot 507, and the lots subject to this application are now Lots 504 and Lot 506 Thomas Road, as depicted below:



Lots 506 Thomas Road is currently developed with a dwelling and Lot 504 comprises of an easement and contains power lines. Thomas Road runs along the southern boundary of the site and Nicholson Road to the west. The surrounding area consists of rural and rural residential lots, with Oakford Traders Liquor Store located opposite, on the southern side of Thomas Road. An approved service station on the south side of Thomas Road has commenced development, with both a sand pad and concrete foundation poured.

Legislation and Policy:

Legislation

- *Planning and Development Act 2005;*
- Planning and Development (Development Assessment Panels) Regulations 2011

- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *Environmental Protection (Noise) Regulations 1997;*

State Government Policies

- *State Planning Policy 2.5 Rural Planning (SPP2.5)*
- *State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7)*
- *Environmental Protection Authority Guidance for the Assessment of Environmental Factors Separation Distances between Industrial and Sensitive Land Uses (2005)*

Structure Plans/Activity Centre Plans

N/A

Local Policies

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2; (TPS2)
- Local Planning Strategy
- Draft Local Planning Scheme No.3 (LPS3)
- Local Planning Policy 4.11 - Advertising (LPP4.11)
- Local Planning Policy 1.6 - Public Art (LPP1.6)

Consultation:

Public Consultation

The application was advertised to surrounding landowners within a radius of 500m for a period of 21 days from 28 March 2022 to 18 April 2022, in accordance with Local Planning Policy 1.4 – Consultation for Planning Matters. During this period one submission was received.

Issue Raised	Officer's comments
<p>The use is prohibited under proposed LPS3;</p> <p>An extension of time does not allow for careful consideration to be made in relation to the road upgrades in the area and the impacts of the freight route (West Port). A new application should be submitted for assessment; and</p>	<p>It is a fact that the land use of 'service station' is recommended to be a prohibited use under draft LPS3.</p> <p>LPS3 has reached a stage that it constitutes a seriously entertained planning proposal and is therefore a relevant matter for consideration as to orderly and proper planning. In considering this, the application should be refused as it would not be consistent with orderly and proper planning to grant an extension of time that would see a development take place that is expressly prohibited within the Rural zone under the imminent and certain draft LPS3.</p>

Issue Raised	Officer's comments
<p>The need for a service station in the area is already satisfied by there being one located directly to the south.</p>	<p>Officers acknowledge that there is a service station to the south of the site however Clause 67 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> does not list commercial competition as a matter to be considered as part of a development assessment. This matter does not reflect those very narrow circumstances where commercial competition may be considered a relevant planning issue.</p>

Referrals/consultation with Government/Service Agencies

Department of Planning Lands and Heritage (DPLH)

DPLH has no objections to the proposal

Main Roads Western Australia (MRWA)

MRWA has no objections to the proposal

Water Corporation (Water Corp)

Water Corp advised that the site is not included in its adopted long-term water or wastewater planning and therefore are unable to speculate on servicing requirements. It is also advised that the applicant will be required to protect all existing drainage as the Birrega Drain is located on the southern boundary of the site. Rural drains are not designed to give flood protection at all times and some inundation of land can be expected.

Developments within this catchment are required to contain flows from a 1:100 year storm event on site. Discharge to Water Corp drains must be compensated to pre-development flows. This should be demonstrated to the Water Corp at the time of development.

The proposal will require approval by Water Corp's Building Services section prior to commencement of works.

Design Review Panel Advice

N/A

Other Advice

N/A

Planning Assessment:

The subject application is made in accordance with r17(1)(a) of the *Planning and Development (Development Assessment Panels) Regulations 2011*. This provides for an application to be made “to amend the approval so as to extend the period within which any development approved must be substantially commenced”.

In assessing such an application, consideration should be given to the following:

- Whether the planning framework has changed substantially since the development approval was granted;
- Whether the development would likely receive approval now; and
- Whether the holder of the development approval has actively and relatively conscientiously pursued the implementation of the development approval.

For the purposes of this Report, discussion is confined to these matters.

Whether the planning framework has changed substantially since the development approval was granted, and if so how does this affect consideration of the application

Schedule 2, Part 9, Clause 67(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires a Local Government to consider the principles of orderly and proper planning including any proposed Local Planning Scheme. Draft LPS3 has been advertised, had submissions considered, endorsed by Council and is currently with the Western Australian Planning Commission (WAPC) for final approval. It is anticipated that approval will be forthcoming from the WAPC mid 2022. Furthermore, the Shire’s Local Planning Strategy received final approval from the WAPC on 18 March 2022. Both these documents are therefore material in the consideration of the current application.

Draft Local Planning Scheme No.3 and Local Planning Strategy (LPS):

The site would remain zoned ‘Rural’ under LPS3. The ‘Service Station’ land use is a prohibited land use in the ‘Rural’ zone under draft LPS3.

The objectives of the ‘Rural’ zone under LPS3 are:

- “To provide for the maintenance or enhancement of specific local rural character.
- To protect and accommodate broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.
- To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies including groundwater, to protect sensitive areas especially the natural valley and watercourse systems from damage.
- To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.
- To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.”

The objectives of rural land under the LPS are to provide for a full range of rural uses, tourism, rural enterprise and the preservation of the rural character. The LPS emphasises the importance of protecting large rural lot sizes for agriculture.

It is considered that the proposal is generally inconsistent with the objectives of the 'Rural' zone under the LPS and LPS3 except *"to provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses."* As the LPS and LPS3 have been formed upon 'Service Station' as a prohibited use in the Rural zone, it is not considered an appropriate non-rural use.

LPS3 has however introduced the use class of a 'Road House', which is defined as:

"premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services -

- (a) a full range of automotive repair services;*
- (b) wrecking, panel beating and spray painting services;*
- (c) transport depot facilities;*
- (d) short-term accommodation for guests;*
- (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies."*

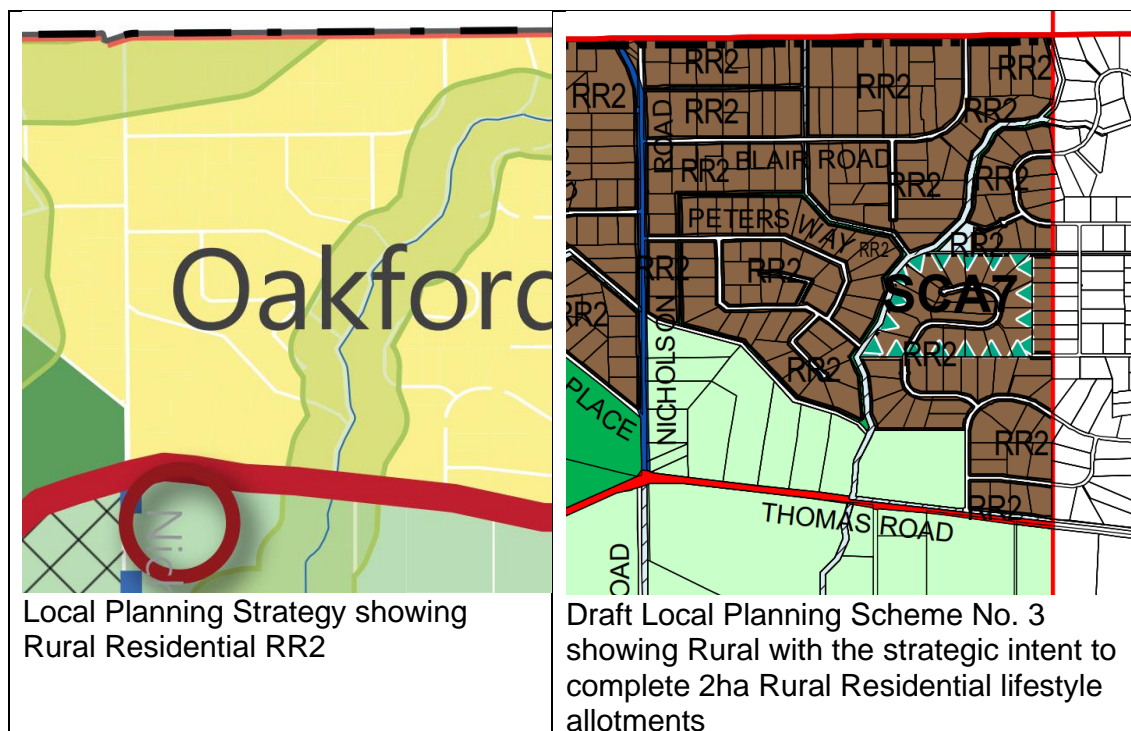
The freeway service centre is defined as:

"premises that has direct access to a freeway and which provides all the following services or facilities and may provide other associated facilities or services but does not provide bulk fuel services -

- (a) service station facilities;*
- (b) emergency breakdown repair for vehicles;*
- (c) charging points for electric vehicles;*
- (d) facilities for cyclists;*
- (e) restaurant, cafe or fast food services;*
- (f) take-away food retailing;*
- (g) public ablution facilities, including provision for disabled access and infant changing rooms;*
- (h) parking for passenger and freight vehicles;*
- (i) outdoor rest stop facilities such as picnic tables and shade areas."*

The 'Road House' land use is an 'A' use in the 'Rural' zone under LPS3 and therefore is capable of approval subject to advertising. Based on its definition, for a development to be considered a 'Road House' it must provide the services or facilities provided by a Freeway Service Centre, as listed above. The subject development does not include (b), (c), (d) or (g) above and therefore could not be considered a 'Road House'.

In terms of the LPS, the subject site is designated as 'Rural Residential' (RR-2). A 'Service Station' is furthermore a prohibited use in the 'Rural Residential' zone under draft LPS3. The purpose of the Rural Residential area is to provide for a range of lifestyle whilst preserving and enhancing the rural character. According to the LPS, the intent is for this land to ultimately be rezoned and structure planned to provide 2ha Rural Residential lifestyle allotments. The extract showing of both the approved LPS and the Draft LPS3 are shown following:



The proposal to extend the timeframe of an expressly prohibited use, is contrary with the principles of orderly and proper planning. It is also further contrary to the strategic intent set out under the LPS. Given the imminence of LPS3 and the approval of the LPS, both documents have to be given significant weight when exercising discretion in relation to a proposed extension of time request pertaining to what will be a prohibited use.

This approach has been applied through the *Coty principle* as cited in Nicholls and Western Australian Planning Commission (2005) (WASAT40) which states “*it is important, in the public interest, that whilst the respondent Council’s local scheme is under consideration this Court should, in the exercise of its appellate jurisdiction..... avoid, as far as possible, giving judgement or establishing any principle which would render more difficult the ultimate decision as to the form the scheme should take. It is also important in the public interest, that during that period this Court should, in the exercise of the jurisdiction referred to, arrive at its judgement, so far as possible, in consonance with the town planning decisions which have been embodied in the local scheme in the course of its preparation*”. Therefore, Officers consider to extend the approval would be contrary to the established *Coty Principle*.

The applicant considers, as part of the response to the submission, that LPS3 cannot be considered ‘imminent’. The applicant makes reference to a submission that was made to the WAPC as part of the LPS and LPS3 for retaining the use of ‘service station’ within the ‘rural’ zone. The applicant also refers to the Statutory Planning Committee (SPC) meeting of the WAPC where the agenda report states as follows:

Element on behalf of Claradon Property - Lot 12 Thomas Road & Lot 50 Nicholson Road, Oakford	29	DRAFT LOCAL PLANNING STRATEGY & DRAFT LOCAL PLANNING SCHEME NO. 3 SUBMISSION - LOT 12 THOMAS ROAD & LOT 50 NICHOLSON ROAD, OAKFORD element on behalf of Claradon Property (Claradon) has	The Shire’s objective in the Rural zone is to prevent the proliferation of service stations, rather supporting the development of a more strategic road house uses.	Disagree with the Shire’s response. However as the submission does not require any modifications to the Strategy and relates to the draft Local
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		<p>prepared this submission in response to the Shire of Serpentine-Jarrahdale (the Shire) draft Local Planning Strategy (draft Strategy) and draft Local Planning Scheme No.3 (draft LPS 3) that are being advertised for public comment. The submission has been prepared with regard to Lot 12 Thomas Road and Lot 50 Nicholson Road, Oakford (subject site).</p>	<p>While the objectives of the Rural zone allow for some non-rural land uses to be considered where they have demonstrated benefit and are compatible with surrounding rural uses, officers do not consider that the land use of service station provides such benefit or is compatible with rural uses.</p> <p>A Road House is a discretionary use within the 'Rural' zone and can therefore be accommodated subject to planning approval. Existing approvals can continue under non-conforming land uses rights.</p>	<p>Planning Scheme No. 3 it will be considered at a later date when the draft Local Planning Scheme No. 3 is assessed.</p>
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The applicant states *“Moreover, the Agenda Report from the Statutory Planning Committee (SPC) meeting of the Western Australian Planning Commission (WAPC) of 29 June 2021 disagrees with the Shire’s response on the proposed uses on the subject site.”* It is however noted that the WAPC have not confirmed they disagree with the proposed use on the site however state that it will be considered as part of the assessment of LPS3 and that it does not relate directly to the LPS. This report relates to the LPS and does not provide any indication as to the finality of the use under LPS3.

Officers consider that the applicant has not acknowledged that the decision of the SPC was to support the LPS which designated the subject land within the Rural Resident RR-2 area. This is now secured as part of the approved LPS. In terms of advancing further development on the subject land, the LPS indicates that those lots remaining zoned Rural under LPS3 would have a strategic intent for rezoning to Rural Residential RR2, and a structure plan prepared, to complete the 2ha rural residential development that exists in the precinct.

Noteworthy, in addition to the LPS allowing for *“a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses”*, section 3.5.1 Road and Freight of the Strategy recognises the importance of the Thomas Road upgrade in creating strong regional linkages to support the economy. This will also be increased as further planning for Westport along the Thomas Road and Anketell Road linkage progresses. The applicant considers that this supports the proposal for the ‘Service Station’ use as it *“builds on the future infrastructure to be*

provided and given the potential amenity impacts of the intersection (visual amenity, noise etc) the proposed use is commensurate with the future amenity of the locality". Whilst it is acknowledged that the road network may have an impact on the future amenity of the area, it is also the case that the future amenity of the locality is intended to be rural and later rural residential. The future amenity therefore is not considered to be so substantially different to warrant support of a prohibited land use and set aside the strategic intent of the planning framework. The impact of the road upgrades on the amenity of the locality will be relevant to the assessment of a use at that time at which point LPS3 is likely to be in force and a service station prohibited.

In respect of the vision for the Thomas Road and Anketell Road Westport freight corridor, a fly-through video has been released which depicts a vision for how the intersection of Nicholson Road and Thomas Road may look.



DPLH have raised no objections to the location. Officers of the Shire do however note that the concept for the road upgrades are still subject to community consultation, and in the absence of a firm and committed design, it is not clear how the long term access arrangements would function.

Should the DAP approve an extension of time, and should the use of 'Service Station' proceed as a prohibited use in the 'Rural' zone under the proposed LPS3, Council should note that Clause 22(1)(b) of proposed LPS3 would protect a non-conforming use right to carry out the development in the stated circumstances below:

22. Non-conforming uses

- (1) Unless specifically provided, this Scheme does not prevent -
 - (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
 - (b) the carrying out of development on land if -
 - (i) before the commencement of this Scheme, the development was lawfully approved; and
 - (ii) the approval has not expired or been cancelled.

Whether the development would likely receive approval now

As mentioned, since the approval of the development, the LPS has been approved by the WAPC and LPS3 is awaiting final approval, expected mid year. Based on these changes to the planning framework, Officers do not consider that approval of the application would be received now as proposed. If the planning framework was in place as currently proposed, such application would be immediately refused due to it being a prohibited use.

Whether the holder of the development approval has actively and relatively conscientiously pursued the implementation of the development approval

The landowner has received a Building Permit for works to commence construction however MRWA have advised that the road upgrades are anticipated to be completed by mid 2023 and therefore no trade from the property can commence until these works are complete. As such the Applicant has provided information that factors outside of the Applicant's control have resulted in the delay in the construction. The Applicant considers that they should not be *“penalised by not granting an extension of time to the Development Approval. Moreover, the Applicant is not seeking a gratuitous extension rather one to ensure that the road works are completed”*. The Applicant refers to a matter heard in the State Administrative Tribunal (SAT) as follows:

In respect to the above it is important to consider *AMI Enterprises Pty Ltd and Presiding Member of the MWWJDAP* [2018] WASAT 130. At paragraph 79 of this matter the Tribunal commented that:

*There is nothing in the statutory framework which expressly, or by implication, prohibits a DAP (or the Tribunal on review) from **considering whether the circumstances in which the period for substantial commencement originally imposed was adequate changed significantly, through no fault of the applicant, with the consequence that the period originally imposed was inadequate for substantial commencement to take place. It is, therefore, not an irrelevant consideration in the exercise of discretion as to whether to amend a development approval so as to extend the period within which the development must be substantially commenced and falls within the 'wide range of permissible considerations which the decision-maker may weigh or disregard without committing an error of law'.***

Bold above is the Author's emphasis.

Further the Tribunal's comments at paragraph 179 are further relevant:

However, we accept the applicants' submission that although the period for substantial commencement originally imposed was adequate in the circumstances existing at the time when the development approval was granted, the circumstances changed significantly, through no fault of the applicants, with the consequence that the period originally imposed was inadequate for substantial commencement to take place.

Whilst Officers acknowledge the road upgrades are outside of the Applicant's control, there have been lawful conditions imposed on the current approval to provide both interim and ultimate access arrangements. The approval thus enables development to proceed without any contingent basis of the road works being completed.

Conclusion:

The application seeks approval to extend the timeframe for when the 'Service Station' development must be substantially commenced from 29 October 2022 to 31 December 2024. Since the approval of the development by the DAP, the Shire has

adopted a new Local Planning Strategy (now approved) and the draft Local Planning Schemes (approval imminent). The proposal is inconsistent with both these. Officers do not hold the opinion that approval of the application would be received now. This is primarily on the basis that the 'Service Station' land use is a prohibited use in the 'Rural' zone. For the reasons discussed in the Report, the proposal is not supported.

Officer Recommendation

It is recommended that the Metro Outer JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/18/01394 as detailed on the DAP Form 2 dated 24 March 2022 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Refuse** DAP Application reference DAP/18/01394 and accompanying plans (PA22/263) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, for the proposed minor amendment to the approved Service Station at Lot 504 and 506 Thomas Road, Oakford, for the following reasons:

Reasons

1. The land use of 'Service Station' is a prohibited use in the 'Rural' zone under draft Local Planning Scheme No. 3. It is not consistent with orderly and proper planning to grant approval for a use which is imminently designated to become a prohibited use in the zone under the new Scheme.
2. The land use of 'Service Station' is inconsistent with the objectives of the 'Rural' zone in draft Local Planning Scheme No.3;
3. The land use of 'Service Station' does not reflect the approved strategic intent of the Local Planning Strategy, which designates the subject land within the Rural Resident 2 precinct under the approved Local Planning Strategy.
4. The land use would make implementation of the strategic intent of the approved Local Planning Strategy more difficult, through allowing a use which is inconsistent with the objectives of the Rural Residential zone.

Reasons for Officer Recommendation

The Shire has adopted a new Local Planning Strategy (now approved) and the draft Local Planning Schemes (approval imminent). The proposal is inconsistent with both these. Officers do not hold the opinion that approval of the application would be received now. This is primarily on the basis that the 'Service Station' land use is a prohibited use in the 'Rural' zone. For the reasons discussed in the Report, the proposal is not supported.



DAP FORM 2

Application for amendment or cancellation of a Development Assessment Panel determination

Planning and Development Act 2005


Planning and Development (Development Assessment Panels) Regulation 2011 – regulations 17 and 20

Part A: Development Application Previously Determined

DAP File No (DPLH Reference)	DAP/18/10394	
Planning Scheme(s)	Name of planning scheme(s) that applies to the prescribed land SHIRE OF SERPENTINE-JARRAHDALE TOWN PLANNING SCHEME NO. 2	
Land	Lot number, street name, town/suburb LOT 506, NO. 1537 THOMAS ROAD, OAKFORD	
Certificate of Title (provide copy)	Volume Number 4008	Folio 926
	Location Number	Plan / Diagram Number 418548
Description of development	SERVICE STATION	
Existing Use	Residential / Commercial / Industrial / Rural / Mixed Use / Other N/A	
Proposed Amendments	EXTENSION OF TIME	
Original DAP Determination Date	29-OCTOBER- 2018	



Part B: Applicant Details

(to be completed and signed by the applicant)

<ul style="list-style-type: none">By completing this notice, I declare that all the information provided in this application is true and correct.I understand that the information provided in this notice, and attached forming part of the development application will be made available to the public on the Development Assessment Panel and local government websites.		
Name	AARON LOHMAN, PRINCIPAL	
Company	ELEMENT	
Address	Street Number/PO Box number, street name, suburb, state, postcode PO BOX 7375 CLOISTERS SQUARE WA 6850	
Contact Details	Email aaron.lohman@elementwa.com.au	Phone (08) 9289 8300
Signature		Date 21/03/22

Part C: Landowner Details

(to be completed and signed if landowner is different from applicant)

<ul style="list-style-type: none"> By completing this notice, consent is provided to submitting this application. If there are more than two landowners, please provide all relevant information on a separate page. Signatures must be provided by all registered proprietors or by an authorised agent as shown on the Certificate of Title. Alternatively, a letter of consent, which is signed by all registered proprietors or by the authorised agent, can be provided. Companies, apart from sole directors, are required to provide signatories for two directors, a director and the company seal or a director and a company secretary. 		
Company (if applicable)	SKUKUZA VENTURES PTY LTD	
Contact Details	Email ELTON.SWARTS@LAKADOWN.COM	Phone 0418 949 565
Address	Street Number/PO Box number, street name, suburb, state, postcode PO BOX 527 Armadale WA 6112	
Name/s	ELTON ARONT SWARTS	CHAVANNE NICOLE SWARTS
Title/s	Landowner/Sole Director/Director (2 signatures required) DIRECTOR	Additional Landowner/ Director/Secretary (if applicable)
Signature/s		
Date	2 MAR 2022	2 MAR 2022

Part D: Amendment Requested

Please specify the amendments/modifications required to the original determination. [please tick one more of the following]:	
<input checked="" type="checkbox"/>	to amend the approval so as to extend the period within which any development approved must be substantially commenced;
<input type="checkbox"/>	to amend or delete any condition to which the approval is subject;
<input type="checkbox"/>	to amend an aspect of the development approved which, if amended, would not substantially change the development approved;
<input type="checkbox"/>	to cancel the approval.

Part E: Local government acceptance for assessment

(to be completed and signed by a local government planning officer)

Responsible Authority	<input type="checkbox"/> Local Government <input type="checkbox"/> Western Australian Planning Commission <input type="checkbox"/> Dual – Local Government and Western Australian Planning Commission <input type="checkbox"/> Building Management and Works (Department of Finance) - Public Primary School Applications	
DAP Fee	<input type="checkbox"/> \$245.00 has been paid by the applicant (DAP Regulations - Schedule 1)	
Statutory Timeframe (regulation 12)	<input type="checkbox"/> 60 days (advertising not required) <input type="checkbox"/> 90 days* (advertising required or other scheme provision) *If 90 days is selected, please provide details of advertising requirement or other scheme provision	
LG Reference Number		
Name of Planning Officer (Report Writer)		
Position/Title		
Contact Details	Email	Phone
Planning Officer's Signature		Date accepted for assessment

Please refer to the Development Assessment Panel's [Guidance Note: Lodging a DAP Application](#) for further information.



DAP FORM 2

Application for amendment or cancellation of a Development Assessment Panel determination

Planning and Development Act 2005


Planning and Development (Development Assessment Panels) Regulation 2011 – regulations 17 and 20

Part A: Development Application Previously Determined

DAP File No (DPLH Reference)		
Planning Scheme(s)	<i>Name of planning scheme(s) that applies to the prescribed land</i>	
Land	<i>Lot number, street name, town/suburb</i>	
Certificate of Title (provide copy)	<i>Volume Number</i>	<i>Folio</i>
	<i>Location Number</i>	<i>Plan / Diagram Number</i>
Description of development		
Existing Use	<i>Residential / Commercial / Industrial / Rural / Mixed Use / Other</i>	
Proposed Amendments		
Original DAP Determination Date		



Part B: Applicant Details

(to be completed and signed by the applicant)

<ul style="list-style-type: none">• By completing this notice, I declare that all the information provided in this application is true and correct.• I understand that the information provided in this notice, and attached forming part of the development application will be made available to the public on the Development Assessment Panel and local government websites.		
Name		
Company		
Address	<i>Street Number/PO Box number, street name, suburb, state, postcode</i>	
Contact Details	<i>Email</i>	<i>Phone</i>
Signature		<i>Date</i> 21/03/22

Part C: Landowner Details

(to be completed and signed if landowner is different from applicant)

<ul style="list-style-type: none"> By completing this notice, consent is provided to submitting this application. If there are more than two landowners, please provide all relevant information on a separate page. Signatures must be provided by all registered proprietors or by an authorised agent as shown on the Certificate of Title. Alternatively, a letter of consent, which is signed by all registered proprietors or by the authorised agent, can be provided. Companies, apart from sole directors, are required to provide signatories for two directors, a director and the company seal or a director and a company secretary. 		
Company (if applicable)		
Contact Details	Email	Phone
Address	Street Number/PO Box number, street name, suburb, state, postcode	
Name/s		
Title/s	Landowner/Sole Director/Director (2 signatures required)	Additional Landowner/ Director/Secretary (if applicable)
Signature/s		
Date	02.03.2022	02.03.2022

Part D: Amendment Requested

Please specify the amendments/modifications required to the original determination. [please tick one more of the following]:	
<input type="checkbox"/>	to amend the approval so as to extend the period within which any development approved must be substantially commenced;
<input type="checkbox"/>	to amend or delete any condition to which the approval is subject;
<input type="checkbox"/>	to amend an aspect of the development approved which, if amended, would not substantially change the development approved;
<input type="checkbox"/>	to cancel the approval.

Part E: Local government acceptance for assessment

(to be completed and signed by a local government planning officer)

Responsible Authority	<input type="checkbox"/> Local Government <input type="checkbox"/> Western Australian Planning Commission <input type="checkbox"/> Dual – Local Government and Western Australian Planning Commission <input type="checkbox"/> Building Management and Works (Department of Finance) - <i>Public Primary School Applications</i>	
DAP Fee	<input type="checkbox"/> \$245.00 has been paid by the applicant (<i>DAP Regulations - Schedule 1</i>)	
Statutory Timeframe (regulation 12)	<input type="checkbox"/> 60 days (advertising not required) <input type="checkbox"/> 90 days* (advertising required or other scheme provision) <i>*If 90 days is selected, please provide details of advertising requirement or other scheme provision</i>	
LG Reference Number		
Name of Planning Officer (Report Writer)		
Position/Title		
Contact Details	Email	Phone
Planning Officer's Signature		Date accepted for assessment

Please refer to the Development Assessment Panel's [Guidance Note: Lodging a DAP Application](#) for further information.



Application for Development Approval

PROPERTY DETAILS OF PROPOSED DEVELOPMENT

Lot No: 506	House/Street No: 1537	Location No:
Diagram or Plan No: 418548	Certificate of Title Vol. No: 4008	Folio: 926
Title encumbrances (e.g easements, restrictive covenants): REFER ENCLOSED CERTIFICATE OF		
Street Name: THOMAS ROAD		Suburb: OAKFORD
Nearest Street Intersection: NICHOLSON ROAD		

PROPOSED DEVELOPMENT

Nature of Development: <input type="checkbox"/> Works <input type="checkbox"/> Use <input checked="" type="checkbox"/> Works and Use	
Is an exemption from development claimed for part of the development? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If yes, is the exemption for: <input type="checkbox"/> Works <input type="checkbox"/> Use	
Description of proposed works and/or land use: SERVICE STATION - EXTENSION OF TIME (DAP/18/01394)	
Description of exemption claimed (if relevant):	
Nature of any existing buildings and/or land use: Single dwelling	
Approximate cost of proposed development (Excluding GST): \$N/A	
Estimated time of completion: TBA	

Office Use Only

Fees Paid:	Date Received:
Receipt No:	Payment Method:
Application Number:	Acceptance Officers Initials:

Contact Us

Enquiries

Call: (08) 9526 1111
Fax: (08) 9525 5441
Email: info@sjshire.wa.gov.au

In Person



Shire of Serpentine Jarrahdale
6 Paterson Street, Mundijong WA 6123
Open Monday to Friday 8.30am-5pm (closed public holidays)




www.sjshire.wa.gov.au



22/03/22

OWNER DETAILS	
Name: SKUKUZA VENTURES PTY LTD	
ABN (if applicable):	
Address: PO BOX 527 Armadale WA	
Post Code: 6112	
Phone:	Email:
Mobile: 0418 949 505	ELTON.SWARTS@CLEARPANEL.COM
Contact Person for Correspondence: ELTON SWARTS	
Signature: 	Date: 2.3.2022
Signature: 	Date: 2.3.2022
<i>The signature of ALL owner(s) is required on all applications. This planning application will not proceed without that signature. For the purposes of signing this application an owner includes the persons referred to in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 clause 62(2).</i>	

APPLICANT DETAILS (if different from owner)	
Name: ELEMENT	
Address: PO BOX 7375 CLOISTERS SQUARE	
Post Code: 6850	
Phone: (08) 9289 8300	Email:
Mobile:	aaron.lohman@elementwa.com.au
Contact Person for Correspondence: AARON LOHMAN, PRINCIPAL	
The information and plans provided with this application may be made available by the local government for public viewing in connection with the application. YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
Signature: 	Date: 21/03/22

Note: Decision letter will be sent to applicant.

Application for Development Approval

PROPERTY DETAILS OF PROPOSED DEVELOPMENT		
Lot No:	House/Street No:	Location No:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio:
Title encumbrances (e.g easements, restrictive covenants):		
Street Name:		Suburb:
Nearest Street Intersection:		

PROPOSED DEVELOPMENT
Nature of Development: <input type="checkbox"/> Works <input type="checkbox"/> Use <input type="checkbox"/> Works and Use
Is an exemption from development claimed for part of the development? <input type="checkbox"/> YES <input type="checkbox"/> NO
If yes, is the exemption for: <input type="checkbox"/> Works <input type="checkbox"/> Use
Description of proposed works and/or land use:
Description of exemption claimed (if relevant):
Nature of any existing buildings and/or land use:
Approximate cost of proposed development (Excluding GST): \$
Estimated time of completion:

Office Use Only	
Fees Paid:	Date Received:
Receipt No:	Payment Method:
Application Number:	Acceptance Officers Initials:

Contact Us

Enquiries

Call: (08) 9526 1111
 Fax: (08) 9525 5441
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In Person


Shire of Serpentine Jarrahdale
 6 Paterson Street, Mundijong WA 6123
 Open Monday to Friday 8.30am-5pm (closed public holidays)



www.sjshire.wa.gov.au



OWNER DETAILS	
Name:	
ABN (if applicable):	
Address: 10 Bowden Place Armadale	
Post Code: 6112	
Phone:	Email:
Mobile:	
Contact Person for Correspondence:	
Signature: 	Date: 02.03.2022
Signature: 	Date: 02.03.2022
<i>The signature of ALL owner(s) is required on all applications. This planning application will not proceed without that signature. For the purposes of signing this application an owner includes the persons referred to in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 clause 62(2).</i>	

APPLICANT DETAILS (if different from owner)	
Name:	
Address: PO BOX 7375 CLOISTERS SQAURE	
Post Code: 6850	
Phone:	Email:
Mobile:	
Contact Person for Correspondence:	
The information and plans provided with this application may be made available by the local government for public viewing in connection with the application. YES <input type="checkbox"/> NO <input type="checkbox"/>	
Signature: 	Date: 21/03/22

Note: Decision letter will be sent to applicant.

**MRS****Form 1**
Application for Planning Approval**Owner/s details**

Registered proprietor/s (landowner/s) or the authorised agent's details **must** be provided in this section. If there are more than two landowners please provide all relevant information on a separate page. Signature/s must be provided by all registered proprietors or by an authorised agent.

Alternatively, a letter of consent, which is signed by all registered proprietors or by the authorised agent, can be provided.

Full name**Company/agency** (if applicable) SKUKUZA VENTURES PTY LTD**ACN/ABN** (if applicable)**Postal address** PO BOX 527 Armadale WA**Town/suburb****Postcode** 6112**Signature**

The landowner/s or authorised agent consents to the applicant submitting this application

Date 2 MARCH 2022**Print name and position**

(if signing on behalf of a company or agency)

Applicant details**Name/company**

ELEMENT

Contact person

AARON LOHMAN, PRINCIPAL

Postal address

PO BOX 7375

Town/suburb

CLOISTERS SQUARE

Postcode 6850**Phone**

(08) 9289 8300

Email aaron.lohman@elementwa.com.au**Applicant signature****Print name and position**

(if signing on behalf of a company or agency)

AARON LOHMAN, PRINCIPAL

Date 21/03/22**Property details****Certificate of title description of land:****Plan or diagram** 418548**Location No****Folio** 926**Certificate of title description of land:****Plan or diagram****Location No****Folio****Title encumbrances (e.g. easements, restrictive covenants)**

REFER ENCLOSED CERTIFICATE OF TITLE

Locality of development (house no., street name, suburb, etc)

1537 THOMAS ROAD, OAKFORD

Nearest street intersection

NICHOLSON ROAD

Existing building/land use

N/A.

Description of proposed development and/or useSERVICE STATION - EXTENSION OF TIME
(DAP/18/01394)**Nature of any existing buildings and/or use**

N/A

Approximate cost of proposed development (excl. gst) \$

N/A

Estimated time of completion

TBA

Office use only

Acceptance officer's initials

Date received

Local government reference No.

Commission reference No.

The information and plans provided with this application may be made available by the WAPC for public viewing in connection with the application.


Owner/s details

Registered proprietor/s (landowner/s) or the authorised agent's details **must** be provided in this section. If there are more than two landowners please provide all relevant information on a separate page. Signature/s must be provided by all registered proprietors or by an authorised agent.

Alternatively, a letter of consent, which is signed by all registered proprietors or by the authorised agent, can be provided.

Full name	<input type="text"/>		
Company/agency (if applicable)	<input type="text"/>		
ACN/ABN (if applicable)	<input type="text"/>		
Postal address	<input type="text"/>		
Town/suburb	<input type="text"/>	Postcode	<input type="text"/>
Signature	The landowner/s or authorised agent consents to the applicant submitting this application  		Date <input type="text"/>
Print name and position (if signing on behalf of a company or agency)	<input type="text"/>		

Applicant details

Name/company	<input type="text"/>		
Contact person	<input type="text"/>		
Postal address	<input type="text"/>		
Town/suburb	<input type="text"/>	Postcode	<input type="text"/>
Phone	<input type="text"/>	Email	<input type="text"/>
Applicant signature			
Print name and position (if signing on behalf of a company or agency)	<input type="text"/>		Date <input type="text" value="21/03/22"/>

Property details

Certificate of title description of land:	Lot No	<input type="text"/>	Location No	<input type="text"/>
Plan or diagram <input type="text"/>	Vol	<input type="text"/>	Folio	<input type="text"/>
Certificate of title description of land:	Lot No	<input type="text"/>	Location No	<input type="text"/>
Plan or diagram <input type="text"/>	Vol	<input type="text"/>	Folio	<input type="text"/>
Title encumbrances (e.g. easements, restrictive covenants)	<input type="text"/>			
Locality of development (house no., street name, suburb, etc)	<input type="text"/>			
Nearest street intersection	<input type="text"/>			
Existing building/land use	<input type="text"/>			
Description of proposed development and/or use	<input type="text"/>			
Nature of any existing buildings and/or use	<input type="text"/>			
Approximate cost of proposed development (excl. gst) \$	<input type="text"/>			
Estimated time of completion	<input type="text"/>			

Office use only

Acceptance officer's initials	<input type="text"/>	Date received	<input type="text"/>
Local government reference No.	<input type="text"/>	Commission reference No.	<input type="text"/>

Our Ref: 22-108
Your Ref: PA18-193
DAP Ref: DAP/18/01394

21 March 2022

Chief Executive Officer
Shire of Serpentine-Jarrahdale
6 Paterson Street
MUNDIJONG WA 6123

Dear Sir / Madam

APPLICATION FOR AMENDMENT OF A DEVELOPMENT ASSESSMENT PANEL DETERMINATION (DAP FORM 2) – EXTENSION OF TIME – SERVICE STATION AT LOT 504 & 506 THOMAS ROAD, OAKFORD

This application has been prepared by **element** on behalf of Claradon Property (Claradon), in support of an application to amend a Development Assessment Panel (DAP) determination (DAP Form 2) (DAP/18/01394) for a Service Station at Lot 504 and 506 Thomas Road, Oakford (the subject site).

To assist in processing this Application, please find enclosed the following:

- Completed and signed Application Forms;
- A copy of current Certificates of Title;
- A copy of the DAP/18/01394 determination and stamped plans;
- A copy of the JDAP Report and associated documentation;
- A copy of the Supreme Court decision;
- A copy of the Notification of Exemption Letter.

Upon lodgement, please contact the Claradon for payment of the applicable **\$539.00** fee, being the JDAP fee (\$245.00) and Local Government fee (\$295.00).

Site Details and Context

The subject site is identified as Lot 504 and 506 Thomas Road, Oakford. The particulars of the Certificates of Title are summarised in the following table below.

Table 1: Site Particulars

Lot	Street Address	Deposited Plan	Volume	Folio	Area	Landowner
504	N/A	418547	4008	927	10,501m ²	Jasmine R. & Samual P. Piipponen
506	1537 Thomas Road, OAKFORD	418548	4008	926	13,111m ²	Skukuza Ventures Pty Ltd

Refer to *Appendix A – Certificates of Title*

Please note the subject site was formally known as Lot 12 Thomas Road and Lot 50 Nicholson Road, Oakford. Post the initial approval the western extent of these lots has been ‘taken’ for road widening to accommodate a new roundabout at the intersection of Nicholson and Thomas Roads to be constructed

by Main Roads WA (MRWA). The area required for road widening is represented as Lot 505 and Lot 507 in the image below. These lots are now owned by the State of Western Australia.



It is understood that the design of the roundabout is complete, and construction is currently expected to be completed by mid 2023. This roundabout will accommodate access and egress to the Service Station.

Zoning

The subject site is zoned 'Rural' under the Metropolitan Region Scheme (MRS) and under the Shire of Serpentine Jarrahdale's (Shire's) Town Planning Scheme No. 2 (TPS2).

Background

Original Development Application

Conditional approval was granted by the (former) Metro East Joint Development Assessment Panel (JDAP) at its meeting held 29 October 2018 for a Service Station at the subject site. The proposal comprised of the following:

- A retail building, measuring 220m²;
- Four light vehicle bowzers, with eight refuelling bays;
- Three heavy vehicle bowzers, with two refuelling bays;
- An enclosed plant yard;
- One left in/left out crossover to Thomas Road;
- One left in/left out crossover to Nicholson Road;
- Eleven standard car parking bays;
- Three caravan parking bays;
- Landscaping; and
- Signage.

Refer to *Appendix B – DAP/18/10394 Determination Letter* and *Appendix C – JDAP Report and Associated Documentation*

It should be noted in respect to the above-mentioned Development Approval that on 14 June 2019 a Supreme Court decision (HUMICH NOMINEES PTY LTD -v- METRO EAST JOINT DEVELOPMENT ASSESSMENT PANEL [2019] WASC 200) was delivered to quash part of the requirement imposed by the JDAP in Condition 11, being the requirement for the construction of a median strip, at the cost of the developer, as part of the access arrangements from that land to Thomas Road.

Refer to *Appendix D – Supreme Court Decision*

Critically, the original Development Application featured interim and ultimate access arrangements to account for proposed upgrades to the intersection of Thomas Road and Nicholson Road by MRWA. The resumption of land referred to previously in this advice will facilitate the required road upgrades, including access and egress to the Service Station. At the time of the original Development Approval the intersection design (roundabout) had not been completed.

Original Form 2 Application

Previously, a Form 2 Application was lodged on 17 December 2019 which requested an extension of time to the Development Approval granted on 29 October 2018. The request for the extension of time was on the basis of the following:

Due to the future upgrading of Thomas Road and the provision of a roundabout at the intersection by MRWA, the approval features interim and ultimate access arrangements. The ultimate access arrangement takes into account the future works to the roads and intersection.

As upgrades to Thomas Road are now anticipated to occur in to be completed by first quarter 2022 construction of the development with an interim access arrangement would be impractical.

It is considered that a better approach is to await the for the construction of the road works to be completed. It is also understood that Main Roads WA preference is to aggregate all works proposed rather than individual landowners undertake separate works.

Commencement of construction of the development is now awaiting completion of the road upgrades.

The application seeks to amend the approval to extend the period in which the development is to be substantially commenced, by three years (being to 29 October 2023). This will allow for a suitable buffer to any potential delays in the proposed construction of the necessary road upgrades.

It is further important to note that Claradon agreed to not commence works on the subject site due to the potential for conflict between MRWA works, that of its own and an adjoining landowner.

The Form 2 Application did not progress to determination as on 8 April 2020 the Minister for Transport; Planning; Ports issued a Clause 78H Notice of Exemption from Planning Requirements During State of Emergency (Notice of Exemption). This notice was further amended on 30 April 2020.

The Notice of Exemption included a two-year extension for all current Development Approvals.

On 28 April 2020, a letter from the Shire acknowledged that the development is exempt from requiring Development Approval for a further two-year period. The new timeframe for when the development must be substantially commenced is now 29 October 2022 (refer to *Appendix E – Notice of Exemption Letter*). On this basis the Application was subsequently withdrawn.

More recently the landowner has received a Building Permit for forward works to commence construction of the development. However, MRWA recently advised that upgrades to Thomas Road are now anticipated to be completed by the mid 2023. No trade from the property can commence till the MRWA road works are completed. As such the landowner is in the burdensome position again being forced without an extension to commence forward works prior being able to orchestrate all the works to coincide with the MRWA road works being completed enabling the commencement of trade. It should be noted that the road works accommodate access and egress from the subject site, albeit in a slightly different manner to that proposed by the original application.

In respect to access and egress to the surrounding road network conditions 10 and 11 of the Development Approval provide as follows:

Nicholson Road Access

10. *Prior to occupation, the proposed Nicholson Road access is to be designed and constructed to*

the satisfaction of the Shire, on the advice of Main Roads WA and Department of Planning, Lands and Heritage.

The Nicolson Road access shall operate as left-in/left-out for light vehicles and left out only turning movements for heavy vehicles and shall have suitable signage advising motorists of these restricted movements...

Thomas Road

11. *Prior to occupation, the proposed Thomas Road access is to be designed and constructed to the satisfaction of the Shire, on the advice of Main Roads WA.*

The Thomas Road access shall operate as left-in/left-out for light vehicles and left in only turning movements for heavy vehicles and shall have suitable signage advising motorists of these restricted movements...

It is considered that as the conditions are, 'to the satisfaction of the Shire on the advice of Main Roads WA', there is no further need to amend the conditions to reflect MRWA design of Nicholson and Thomas Roads.

Proposal

Under Clause 17 (1) (a) of the *Planning and Development (Development Assessment Panels) Regulations 2011* an owner of land may apply to amend an approval to extend the period within which Development Approval must be substantially commenced.

This application requests an amendment to the approval to extend the period within which development must commence to allow for a suitable 'buffer' to any further delays in the construction of the necessary road upgrades by MRWA.

The application seeks to amend the approval to extend the period in which the development is to be substantially commenced to 31 December 2024. This timeframe is requested to accommodate any further potential delays with the construction of the roundabout at the intersection of Nicholson and Thomas Roads. Whilst this upgrade is proposed to occur, construction has been delayed previously and the extension simply seeks to accommodate potential further delays.

Planning Assessment

Pursuant to the Western Australian Planning Commission's (WAPC's) *Development Assessment Panels Practice Notes*, when determining an application to extend the period in which the development is to be substantially commenced, a decision maker must consider:

- *whether the planning framework has changed substantially since the development approval was granted;*
- *whether the development would likely receive approval now; and*
- *whether the holder of the development approval has actively and relatively consciously pursued the implementation of the development approval.*

The above-mentioned considerations are discussed below.

It is important to note that in the consideration of the criteria listed for an extension of time that the State Administrative Tribunal has consistently held the view that it is not necessary to satisfy each of the criteria in order for an extension time to be granted. Rather, all of the criteria are considered together.

In this regard, we refer to the matter of ALH Group Property Holdings Pty Ltd and Presiding Member of the Metro Central Joint Development Assessment Panel [2018] WASAT 63. In particular, paragraph 35 as follows:

*As indicated in the final paragraph of the passage set out immediately above, **it is not***

necessary for each relevant matter for consideration to be answered in favour of an applicant for the decision-maker to be satisfied that an extension application should be approved. The considerations are not conditions precedent to the availability or the exercise of a discretion. Rather, the findings in relation to each relevant matter for consideration must be considered and balanced in the exercise of discretion conferred by reg 17(4) of the DAP Regs as to whether to approve the extension application, with or without conditions, or refuse the extension application.

Bold above is the Author's emphasis.

Whether the planning framework has changed substantially since the development approval was granted and whether the development would likely receive approval now

Clause 67 of the Deemed Provisions sets out matters to be given due regard in considering an application for Development Approval. Clause 67 (b) includes consideration of the requirements for orderly and proper planning including any proposed local planning scheme or amendment that has been advertised in accordance with the Regulations.

The Shire's draft Local Planning Strategy (draft Strategy) and Local Planning Scheme No. 3 (draft LPS3) were supported by Council at its Ordinary Council Meeting held in June 2020. The draft LPS was approved by the WAPC, however draft LPS3 is awaiting consideration of the WAPC and Minister for Transport; Planning; Ports.

Under draft LPS3, the subject site is proposed to remain within the 'Rural' zone. The land use permissibility under the Zoning Table however, differs to that of the current TPS2 by listing the 'Service Station' land use as a use not permitted ('X') in the 'Rural' zone. However, it is important to note that a Roadhouse use is proposed as an 'A' use in the Rural zone under the draft LPS3. This is important to acknowledge as a Roadhouse is a similar, if not more intense use of the land, when compared with a Service Station.

The definition of a Service Station and Roadhouse from the draft LPS3 are provided below, and as will be noted, a Roadhouse use is inclusive of 'service station facilities'.

Service Station: means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for -

- (a) ***the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or***
- (b) *the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.*

Roadhouse: means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services -

- (a) *a full range of automotive repair services;*
- (b) *wrecking, panel beating and spray painting services;*
- (c) *transport depot facilities;*
- (d) *short-term accommodation for guests;*
- (e) *facilities for being a muster point in response to accidents, natural disasters and other emergencies.*

Bold underline above is the Author's emphasis.

In reference to the definition of a Roadhouse and Freeway Service Centre is defined as follows:

Freeway Service Centre: means premises that has direct access to a freeway and which provides all

the following services or facilities and may provide other associated facilities or services but does not provide bulk fuel services -

(a) service station facilities:

- (b) emergency breakdown repair for vehicles;*
- (c) charging points for electric vehicles;*
- (d) facilities for cyclists;*
- (e) restaurant, cafe or fast food services;*
- (f) take-away food retailing;*
- (g) public ablution facilities, including provision for disabled access and infant changing rooms;*
- (h) parking for passenger and freight vehicles;*
- (i) outdoor rest stop*

Bold underline above is the Author's emphasis.

Further to the above, the landowner has made various submissions to the Shire and Department of Planning, Lands and Heritage (DPLH) in respect to the future use of the land as contained within the draft LPS3, including retaining the Service Station use. In this regard, the draft LPS3 is yet to be considered by the WAPC, or finally by the Minister for Transport; Planning; Ports.

Notwithstanding the land use permissibility of the 'Rural' zone, the subject site is uniquely located to accommodate a service station development, being at the junction of Thomas Road (a 'Primary Regional Road' reserve) and Nicholson Road (an 'Other Regional Road' reserve). Thomas Road is further defined as a 'Primary Freight Route' under the Sub-Regional Planning Framework. Ultimately, the subject site is located on a key link to the future Westport for heavy vehicles.

The new intersection at Thomas and Nicholson Roads further reinforces the Service Station use as it builds on the future infrastructure to be provided and given the potential amenity impacts of the intersection (visual amenity, noise etc) the proposed use is commensurate with the future amenity of the locality.

A Service Station use at this particular site is consistent with the objectives of the 'Rural' zone under draft LPS3, specifically with regard to demonstrated benefit to the community and compatibility with surrounding rural uses.

It is anticipated that determination of this Application will occur before draft LPS3 is determined by the Minister for Transport; Planning; Ports. Whilst due regard is required to be given to draft LPS3 in considering this Application, it is not determinative. Given the recent approval of the development, and merits of the Application, the extension of time request is considered to be unobjectionable.

Whether the holder of the development approval has actively and relatively consciously pursued the implementation of the development approval.

As previously outlined, the commencement of the construction of the development has been withheld to accommodate necessary upgrades to the Thomas Road and Nicholson Road intersection by MRWA. The planned intersection upgrades are anticipated to be completed in mid 2023, with development approval expiring on 29 October 2022.

Claradon has not sought to 'warehouse' the approval rather factors outside of the Applicant's control relevant to the upgrade of the intersection of Nicholson and Thomas Road has prevented the implementation of the previous Development Approval for the reasons stated within this advice. Claradon has engaged with MRWA in respect to the intersection upgrade that necessitate the requirement for an extension of time for substantial commencement. This engagement can be

confirmed by MRWA.

Having regard to the above, it is considered that the site and Development Approval is subject to unique and extenuating circumstances relating to an intersection upgrade by a State Government authority that is not within the remit of the Applicant to control. The Applicant should not be penalised by not granting an extension of time to the Development Approval. Moreover, the applicant is not seeking a gratuitous extension rather one to ensure that the road works are completed.

In respect to the above it is important to consider *AMI Enterprises Pty Ltd and Presiding Member of the MWWJDAP [2018] WASAT 130*. At paragraph 79 of this matter the Tribunal commented that:

*There is nothing in the statutory framework which expressly, or by implication, prohibits a DAP (or the Tribunal on review) from **considering whether the circumstances in which the period for substantial commencement originally imposed was adequate changed significantly, through no fault of the applicant, with the consequence that the period originally imposed was inadequate for substantial commencement to take place. It is, therefore, not an irrelevant consideration in the exercise of discretion as to whether to amend a development approval so as to extend the period within which the development must be substantially commenced and falls within the 'wide range of permissible considerations which the decision-maker may weigh or disregard without committing an error of law'.***

Bold above is the Author's emphasis.

Further the Tribunal's comments at paragraph 179 are further relevant:

However, we accept the applicants' submission that although the period for substantial commencement originally imposed was adequate in the circumstances existing at the time when the development approval was granted, the circumstances changed significantly, through no fault of the applicants, with the consequence that the period originally imposed was inadequate for substantial commencement to take place.

It is considered that in light of the comment of the Tribunal in the above-mentioned matter it is appropriate to consider whether the period to substantially commence was adequate. It is evident by the delays associated with the upgrades of the Thomas and Nicholson Road intersection that the approval period was inadequate as construction is yet to commence, and earliest completion date is not expected until mid 2023, with potential for late 2023. The construction of the Thomas and Nicholson Road is clearly a matter outside of the control of the Applicant.

Summary and Conclusion

This application seeks approval for an extension of time to DAP/18/01394 for a Service Station at Lot 504 and 506 Thomas Road, Oakford to 31 December 2024.

Considering the information contained in this application, the Metro Outer JDAP is respectfully requested to grant approval for an extension of time.

Should you have any queries or require clarification on the above matter, please do not hesitate to contact the undersigned on 9289 8300.

Yours sincerely
element



Aaron Lohman
Principal - Planning

Appendix A – Certificates of Title

WESTERN



AUSTRALIA

REGISTER NUMBER

504/DP418547DUPLICATE
EDITION**N/A**

DATE DUPLICATE ISSUED

N/AVOLUME
4008FOLIO
927

RECORD OF CERTIFICATE OF TITLE

UNDER THE TRANSFER OF LAND ACT 1893

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

BGRoberts
REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 504 ON DEPOSITED PLAN 418547

REGISTERED PROPRIETOR: (FIRST SCHEDULE)

SAMUEL PETER PAUL PIIPPONEN
JASMINE ROSE PIIPPONEN
BOTH OF 10 BOWDEN PLACE ARMADALE WA
AS JOINT TENANTS

(TO O871962) REGISTERED 14/9/2021

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

1. *D161235 EASEMENT TO THE STATE ENERGY COMMISSION OF WESTERN AUSTRALIA FOR ELECTRICAL TRANSMISSION PURPOSES. SEE DEPOSITED PLAN 418547. REGISTERED 6/12/1985.

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

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

STATEMENTS:

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

SKETCH OF LAND: DP418547
PREVIOUS TITLE: 1535-907
PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AUTHORITY: SHIRE OF SERPENTINE-JARRAHDALE

NOTE 1: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING N997484

WESTERN



AUSTRALIA

REGISTER NUMBER

506/DP418548DUPLICATE
EDITION**N/A**

DATE DUPLICATE ISSUED

N/AVOLUME
4008FOLIO
926

RECORD OF CERTIFICATE OF TITLE

UNDER THE TRANSFER OF LAND ACT 1893

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

BGRoberts
REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 506 ON DEPOSITED PLAN 418548

REGISTERED PROPRIETOR: (FIRST SCHEDULE)

SKUKUZA VENTURES PTY LTD OF PO BOX 527 ARMADALE WA 6112

(T O896148) REGISTERED 5/10/2021

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

1. *J885235 NOTIFICATION CONTAINS FACTORS AFFECTING THE WITHIN LAND. LODGED 23/8/2006.

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

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

STATEMENTS:

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

SKETCH OF LAND: DP418548
PREVIOUS TITLE: 1607-670
PROPERTY STREET ADDRESS: 1537 THOMAS RD, OAKFORD.
LOCAL GOVERNMENT AUTHORITY: SHIRE OF SERPENTINE-JARRAHDALE

NOTE 1: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING
O896148

Appendix B – DAP/18/01394 Determination Letter



LG Ref: PA18/193
DAP Ref: DAP/18/01394
Enquiries: (08) 6551 9919

Mr Alessandro Stagno
Planning Solutions
GPO Box 2709, Cloisters Square PO, 6850 WA

Dear Mr Stagno

METRO EAST JDAP - SHIRE OF SERPENTINE JARRAHDAL - DAP APPLICATION - PA18/193 - DETERMINATION

Property Location:	Lot 12, 1537 Thomas Road and Lot 50 Nicholson Road, Oakford
Application Details:	'Service Station'

Thank you for your Form 1 Development Assessment Panel (DAP) application and plans submitted to the Shire of Serpentine Jarrahdale on 4 April 2018 for the above-mentioned development.

This application was considered by the Metro East JDAP at its meeting held on 29 October 2018, where in accordance with the provisions of the Shire of Serpentine Jarrahdale Town Planning Scheme No.2, it was resolved to **approve** the application as per the attached notice of determination.

Should the applicant not be satisfied by this decision, an application may be made to amend or cancel this planning approval in accordance with regulation 17 and 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Please also be advised that there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. Such an application must be made within 28 days of the determination, in accordance with the *State Administrative Tribunal Act 2004*.

Should you have any queries with respect to the conditions of approval, please contact Ms Heather Coles-Bayes on behalf of the Shire of Serpentine Jarrahdale on 9526 1130.

Yours sincerely,

DAP Secretariat

6 November 2018

Encl. DAP Determination Notice
Approved Plans

Cc: Ms Heather Coles-Bayes
Shire of Serpentine Jarrahdale



Planning and Development Act 2005

Shire of Serpentine Jarrahdale Town Planning Scheme No.2

Metro East Joint Development Assessment Panel

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

Property Location: Lot 12, 1537 Thomas Road and Lot 50 Nicholson Road,
Oakford

Application Details: 'Service Station'

In accordance with regulation 8 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the above application for planning approval was **granted** on 29 October 2018, subject to the following:

Approve DAP Application reference DAP/18/01394 and accompanying plans (Attachment 1) in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 subject to the following conditions:-

1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

Plans and Specifications	P1 – P22 received at the Shire Offices on 28 March 2018 and 24 July 2018 and Bushfire Management Plan and Risk Management Plans dated 19 March 2018
--------------------------	---

2. Prior to commencement of works, a landscaping/revegetation plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Within 60 days of occupation, the approved landscaping/revegetation plan shall be implemented and maintained thereafter.
3. Prior to commencement of works, a detailed Stormwater Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The approved Stormwater Plan shall be implemented and maintained thereafter.
4. Prior to the commencement of works, a Construction Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia. The Construction Management Plan shall include but not be limited to the following information:-
 - Dust management
 - Traffic management

These approved plans shall be implemented and maintained throughout the construction of the development.



5. Prior to occupation, a lighting plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia. The approved lighting plan shall be implemented and maintained thereafter.
6. Prior to occupation, a monetary contribution equating to 1% of the estimated cost of development (or lesser amount as agreed between the Shire of Serpentine-Jarrahdale and the developer) shall be paid to the Shire of Serpentine Jarrahdale for the establishment of public art in accordance with Council's Local Planning Policy 1.6 – Public Art to the satisfaction of the Shire of Serpentine Jarrahdale.
7. The pylon sign shall be no higher than 7m unless otherwise approved by the Shire of Serpentine Jarrahdale.
8. Prior to Commencement of works, a Noise Assessment and Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the plans shall be implemented and maintained thereafter.
9. Prior to occupation, Lot 12 Thomas Road and Lot 50 Nicholson Road, Oakford shall be amalgamated into a single lot. Alternatively, a right of carriageway easement shall be registered on the Certificate of Title over the land subject of this approval to secure reciprocal access across the lots as illustrated on the approved plans at the expense of the applicant and to the satisfaction of the Shire of Serpentine Jarrahdale.

Main Roads

Nicholson Road Access

10. Prior to occupation, the proposed Nicholson Road access is to be designed and constructed to the satisfaction of the Shire, on the advice of Main Roads WA and Department of Planning, Lands and Heritage.

The Nicholson Road access shall operate as left-in/left-out for light vehicles and **left out only turning movements for heavy vehicles** and shall have suitable signage advising motorists of these restricted movements.

The developer shall be responsible for all costs involved in the land acquisition, design and construction of the left turning pocket and solid median to prevent right out turning movements onto Nicholson Road. This includes signage, road markings, relocation of services, and street lighting associated with the turning pocket.



Thomas Road Access

11. Prior to occupation, the proposed Thomas Road access is to be designed and constructed to the satisfaction of the Shire, on the advice of Main Roads WA.

The Thomas Road access shall operate as left-in/left-out for light vehicles and **left in only turning movements for heavy vehicles** and shall have suitable signage advising motorists of these restricted movements.

The developer shall be responsible for all costs involved in the land acquisition, design and construction of the left turning pocket and solid median to prevent right out turning movements onto Thomas Road. This includes signage, road markings, relocation of services, and street lighting associated with the turning pocket.

12. No earthworks shall encroach onto the Nicholson and Thomas Road road reserve.
13. No stormwater drainage shall be discharged onto the Nicholson and Thomas Road road reserve.
14. The applicant shall make good any damage to the existing verge vegetation within the Nicholson and Thomas Road road reserve.

Advertising Signage

15. Signage illumination shall not exceed 300cd/m², and shall not flash, pulsate or chase.
16. Signage shall not contain fluorescent, reflective or retro reflective colours or materials.
17. No unauthorised signage is to be displayed without prior approval from the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia.

Advice Notes

1. As you are aware, this intersection is recognised as a dangerous black spot and has received funding from the Road Trauma Fund account to undertake preliminary planning design concepts. At this point in time, the traffic modelling depicts that the preferred intersection treatment at this location is a roundabout treatment, for both interim and ultimate stage.

The applicant is reminded that upon the roundabout being constructed to its ultimate configuration, the existing access on Nicholson Road will be removed and all access into the petrol station development will be achieved via a dedicated service road accessed from the north of Lot 50.

Please be aware that the timing of the construction of the roundabout {both interim and ultimate stages} including the preferred type of intersection treatment for this intersection is subject to change and that Main Roads assumes no liability whatsoever for the information provided.



2. An internal 15% design review has been undertaken for the submitted drawings for this development proposal. The attached design review comments are not to be considered a comprehensive design verification and may not pick-up all the issues. Therefore it is **not** an approval of the presented design.
3. Lot 50 is affected by land reserved in the Metropolitan Region Scheme for "Other Regional Road" and no development will be permitted within this land required for road purposes at some time in the future.

The applicant is advised to contact the Department Planning, Lands & Heritage - Infrastructure Land Use Co-Ordinating Branch (ILUC) for further details in this regard.

4. The applicant must obtain approval from Main Roads before all works are undertaken within the Thomas Road reserve. The applicant seeking access to the Main Roads network will be required to submit an Application as outlined in the "Application Kit and Guidelines" for State Roads.

Application Kits can be found on the Main Roads website >"Our Roads" >"Conducting Works on Roads" >"Applications to Undertake Works on State Roads" >Application Kit and Guidelines for Complex Works OR Application Form for Low Complexity Works.

5. Main Roads agreement is to be obtained prior to any future modifications to signage.
6. Vegetation within the state road reserve shall not be removed or trimmed to improve the visibility of the proposed advertising sign.

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

DEVELOPMENT
ASSESSMENT PANEL

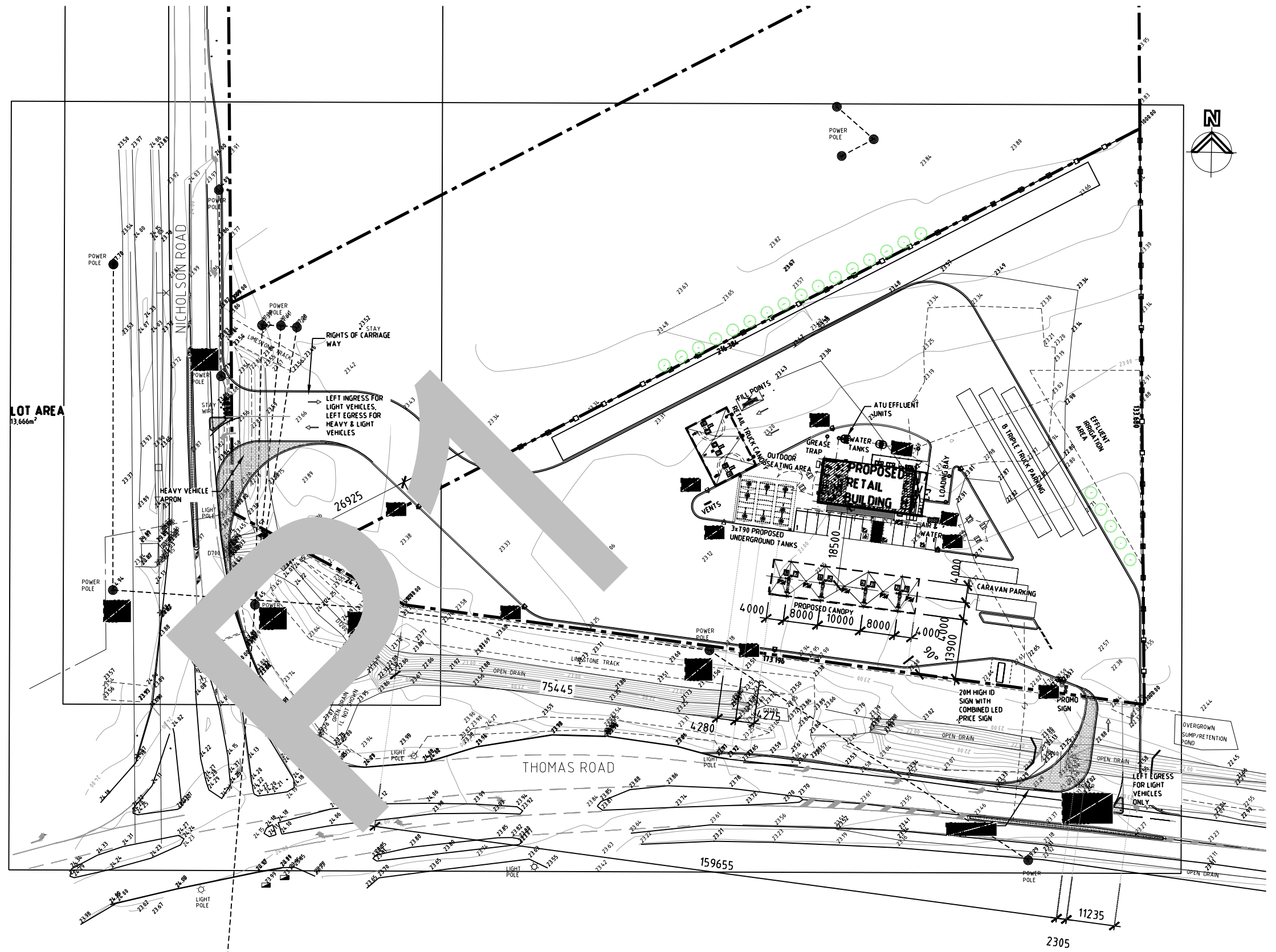
APPROVED
29-Oct-2018

APPENDIX 2

Proposed development plans – Phase 1

DRAWINGS LIST

DRAWING	DESCRIPTION	REV	DRAWING	DESCRIPTION	REV	DRAWING	DESCRIPTION	REV	DRAWING	DESCRIPTION	REV
GENERAL			SHOP			RETAIL CAR CANOPY					
<div><div></div><div>A000</div></div>	DRAWING LIST	F	A210	PROPOSED FLOOR PLAN	A	A300	PLAN	A			
A001	SCHEDULE EXTERIOR FINISHES	D	A216	ELEVATIONS-SHEET 1 OF 2	F	A303	ELEVATIONS	A			
A002	SCHEDULE INTERIOR FINISHES 1 OF 2	C	A217	ELEVATIONS-SHEET 2 OF 2	F	A304	ELEVATIONS	A			
A003	SCHEDULE INTERIOR FINISHES 2 OF 2	C									
A004	SCHEDULE EXTERNAL EQUIPMENT	A									
A005	SCHEDULE SANITARY EQUIPMENT	A									
A006	SCHEDULE JOINERY & MERCHANDISE	A									
A010	SCHEDULE CALTEX EQUIPMENT 1 OF 3	C				A320	PLAN	A			
A011	SCHEDULE CALTEX EQUIPMENT 2 OF 3	C				A321	ELEVATIONS	A			
A012	SCHEDULE CALTEX EQUIPMENT 3 OF 3	C									
SITE WORKS			SIGNAGE								
<div><div></div><div>A100</div></div>	PROPOSED SITE PLAN	K	<div><div></div><div>S100</div></div>	SITE SIGNAGE PLAN	C						
A107	DELETED	J	S110	SIGNAGE DETAILS SHEET 1	D						
H301	ATU EFFLUENT DISPOSAL	B	S111	SIGNAGE DETAILS SHEET 2	A						
			S112	SIGNAGE DETAILS SHEET 3	A						
<div><div></div><div>L100</div></div>	LANDSCAPING PLAN	C	S113	SIGNAGE DETAILS SHEET 4	B						
			S334	SIGNAGE DETAILS CANOPY	A						
LANDSCAPING											
TRAFFIC MANGEMENT											
<div><div></div><div>A110</div></div>	PHASE 1 SITE PLAN	A									
A111	PHASE 1 SITE PLAN; THOMAS ROAD	A									
A112	PHASE 1 SITE PLAN; NICHOLSON ROAD	A									
A120	PHASE 2 SITE PLAN	A									



PROJECT

OAKFORD - WA

LOT 12 No 1537 THOMAS ROAD

DEVELOPMENT

REFER DRAWING A112

NEW MEDIAN APPROACH
DIAGONAL PAVEMENT
MARKING

NEW 1.5m WIDE MEDIAN STRIP TO
PREVENT RIGHT TURNS FROM
THOMAS ROAD WEST BOUND
TRAFFIC



NEW R2-2A(L)
ONEWAY SIGNAGE

HEAVY VEHICLE
APRON

NEW MEDIAN TO MEDIAN
CONNECTING DIAGONAL PAVEMENT
MARKING

NEW SIGNAGE 'HEAVY & SERVICE
VEHICLES USE THOMAS RD ACCESS'

NEW NICHOLSON ROAD SOUTH
BOUND LEFT TURN POCKET

EXISTING POWER
POLE RELOCATED

EXISTING POWER POLE AND
UNDERGROUND CONNECTIONS RELOCATED

EXISTING
POWER
POLES

RIGHTS OF CARRIAGE
WAY

LEFT INGRESS FOR
LIGHT VEHICLES, LEFT
EGRESS FOR HEAVY &
LIGHT VEHICLES

NEW R1-2A
GIVEWAY SIGNAGE



EXISTING LIGHT POLE
RELOCATED

EXISTING RADIUS REV.
ACCOMMODATE NEW RAV
DESIGN

REFER DRAWING A112

NEW THOMAS ROAD EAST BOUND
LEFT TURN POCKET

NEW MEDIAN TO MEDIAN
CONNECTING DIAGONAL PAVEMENT
MARKING



EXISTING POWER
POLE

NEW R2-2A(L)
ONEWAY SIGNAGE

NEW 1.5m WIDE MEDIAN STRIP TO
PREVENT RIGHT TURNS FROM THOMAS
ROAD WEST BOUND TRAFFIC

EXISTING POWER DOME

HEAVY VEHICLE APRON

LEFT EGRESS FOR
LIGHT VEHICLES ONLY
LEFT INGRESS FOR LIGHT
& HEAVY VEHICLES

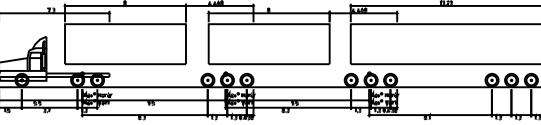
EXISTING CULVERT TO BE UPGRADED
TO ACCOMMODATE HEAVY VEHICLES

NEW R1-2A
GIVEWAY SIGNAGE

NEW MEDIAN APPROACH
DIAGONAL PAVEMENT
MARKING



LOT AREA
13,666m²



MINI A B Triple 36.5m
Overall Length
Overall Width
Overall Body Height
Min Body Ground Clearance
Track Width
Lock-to-lock time
Curb to Curb Turning Radius

36.500m
2.500m
4.175m
0.17m
2.500m
6.00s
15.000m



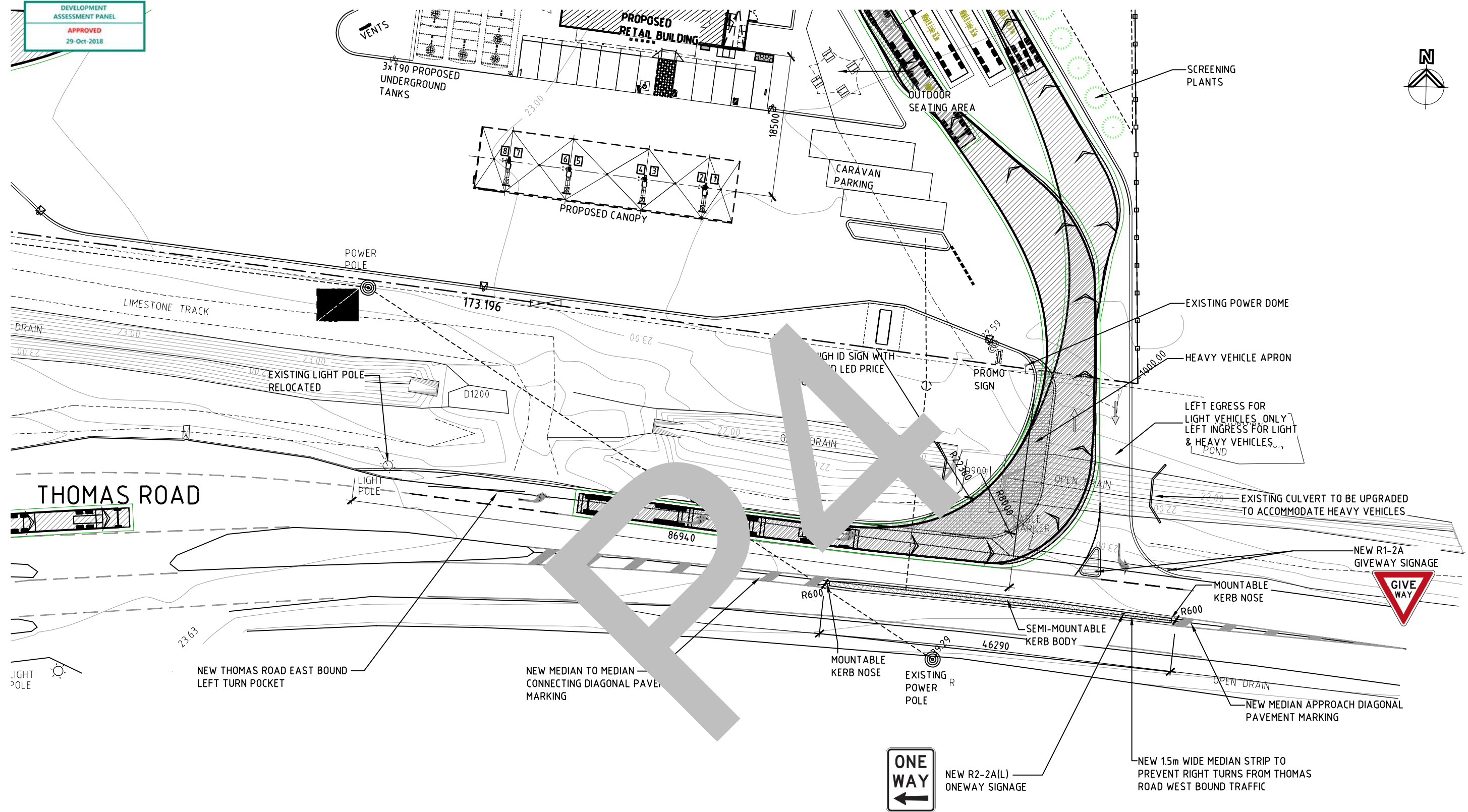
DESIGN VEHICLE RAV 6 DESIGN VEHICLE USED TO ALLOW
1500 FOR FUTURE THOMAS ROAD RAV UPGRADE

PROJECT
OAKFORD - WA
LOT 12 No 1537 THOMAS ROAD

DEVELOPMENT



DEVELOPMENT



P





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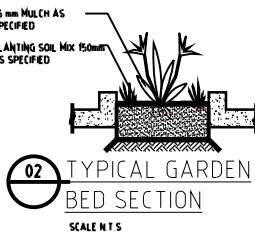
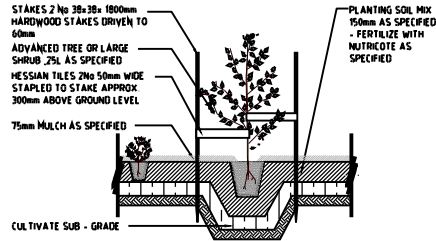
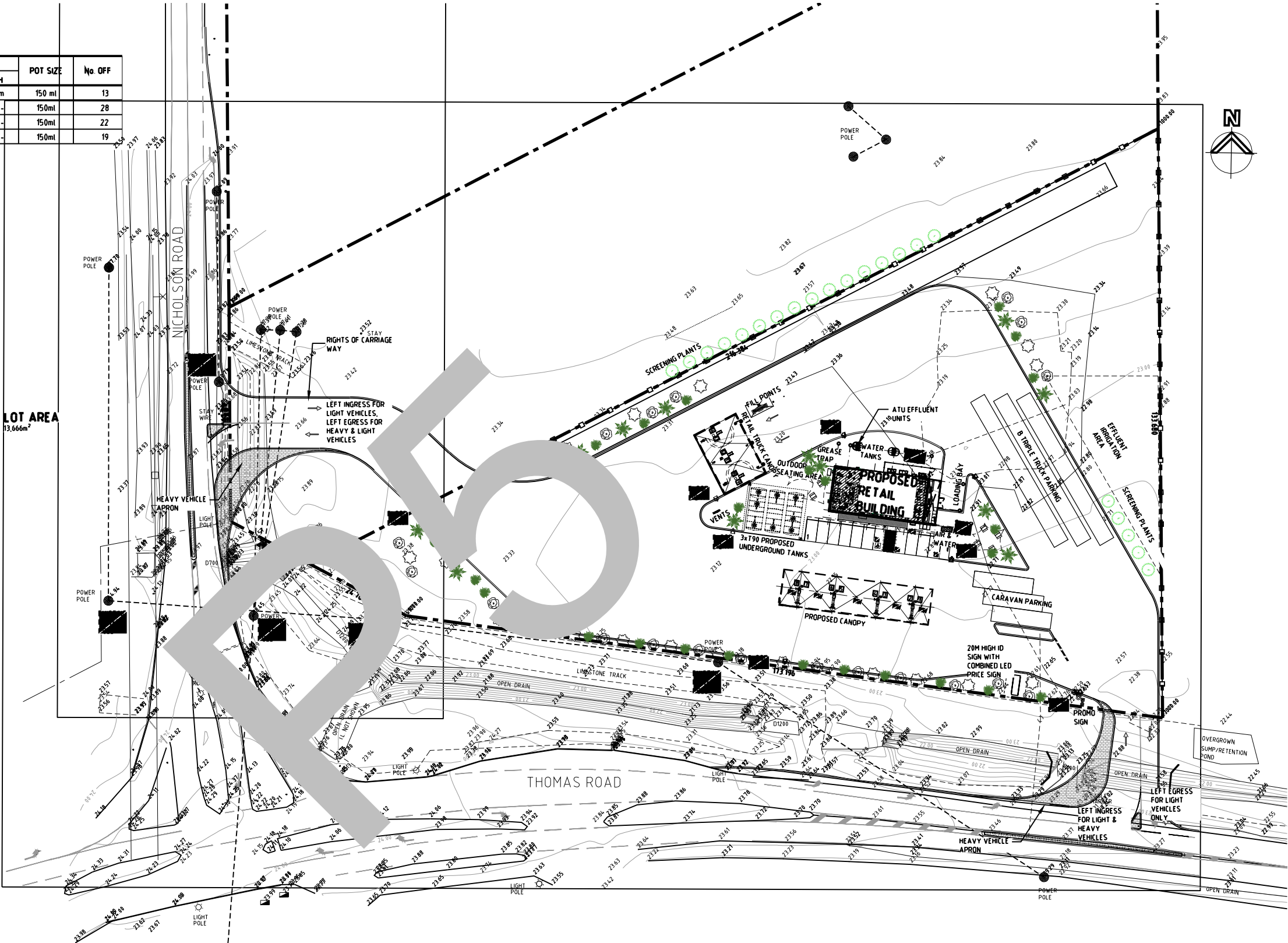
PROJECT

OAKFORD - WA
LOT 12 No 1537 THOMAS ROAD

DEVELOPMENT

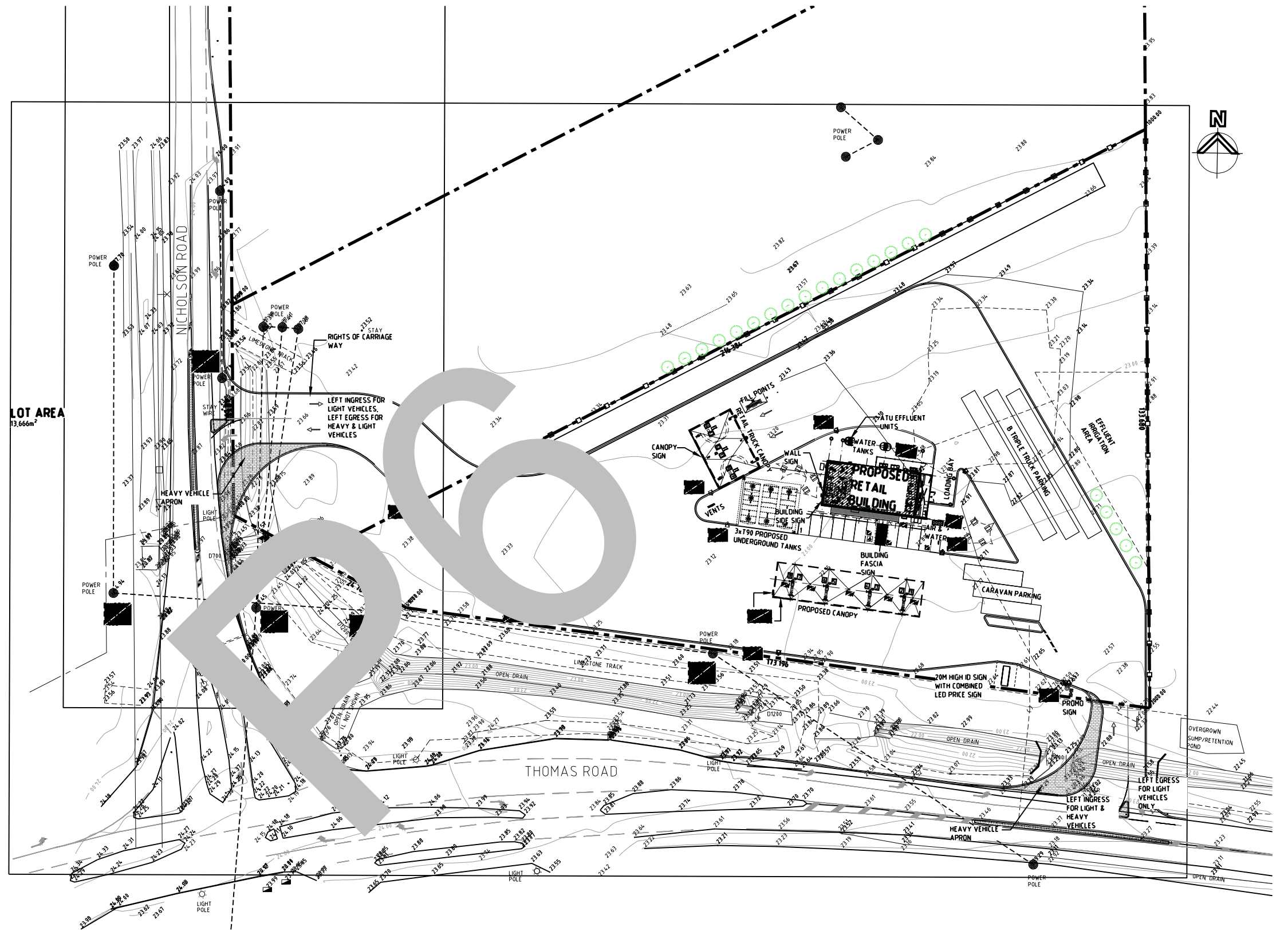
SCHEDULE OF PLANT SPECIES

ICON	PLANT NAME	COMMON NAME	MATURE SIZE		POT SIZE	No. OFF
			HEIGHT	WIDTH		
	MELALEUCA INCANA	GREY HONEY MYRTLE	2 m	2m	150 ml	13
	CONOSTYLIS ACULEATA	BRISTLY COTTON HEADS	HERBS	-	150ml	28
	ANIGOZANTUS VIRIDIS	GREEN KANGAROO PAW	STRAP-LEAF	-	150ml	22
	DIANELLA REVOLUTA	BLUE BERRY LILY	STRAP-LEAF	-	150ml	19



PROJECT
OAKFORD - WA
LOT 12 No 1537 THOMAS ROAD

DEVELOPMENT



PROJECT

OAKFORD - WA

LOT 12 No 1537 THOMAS ROAD

DEVELOPMENT

DEVELOPMENT ASSESSMENT PANEL
APPROVED 29-Oct-2018

APPENDIX 3

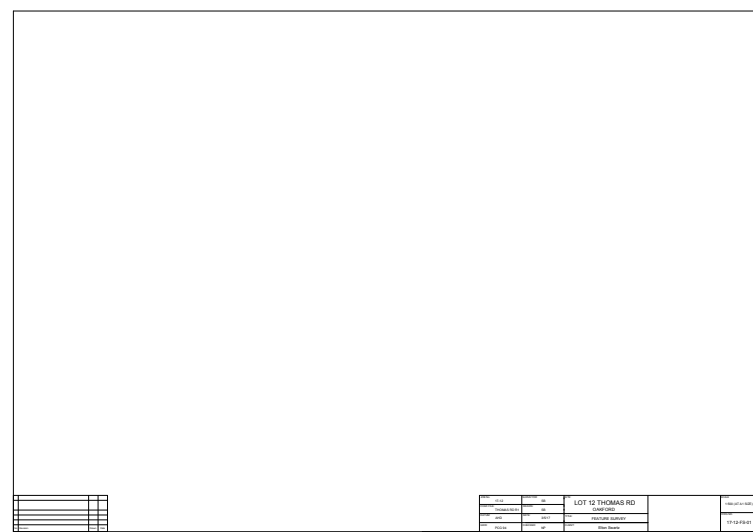
Proposed development plans – Phase 2



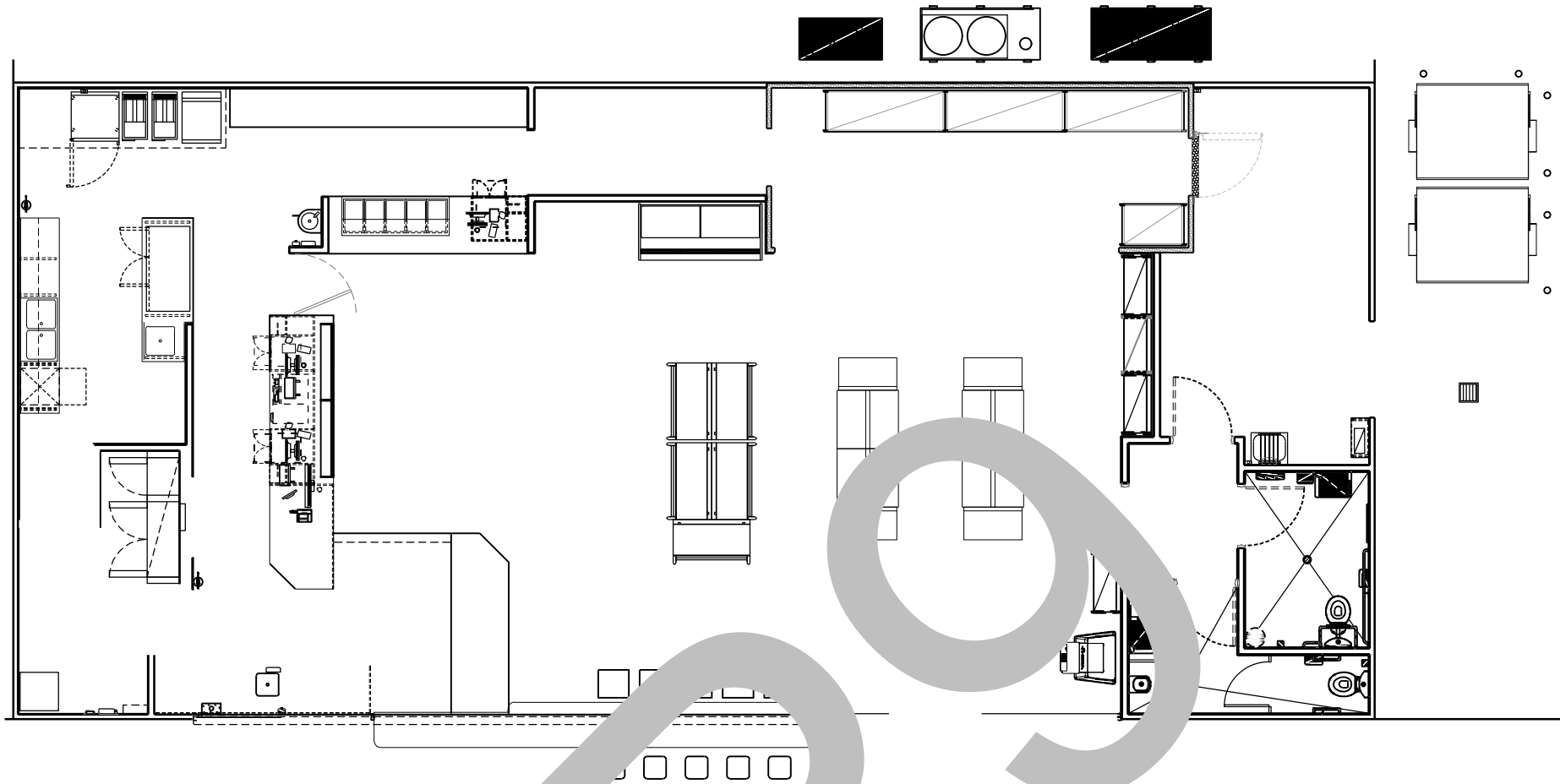
PROJECT

OAKFORD - WA

LOT 12 No 1537 THOMAS ROAD



1. BOUNDARIES ARE INDICATIVE ONLY & ARE SUBJECT TO SURVEY.
2. LOCATIONS OF SEWER MAINS ARE FOR ILLUSTRATION PURPOSES ONLY, AND SHOULD ONLY BE USED FOR AN APPROXIMATE LOCATION.
3. REFER TO CERTIFICATE OF TITLE FOR EASEMENTS AND OTHER INTERESTS / ENCUMBRANCES.
4. AHD HEIGHTS DERIVED FROM STATE SURVEY MARK.
5. LOCATIONS OF POWER LINES ARE FOR ILLUSTRATION PURPOSES ONLY, AND SHOULD BE CONFIRMED

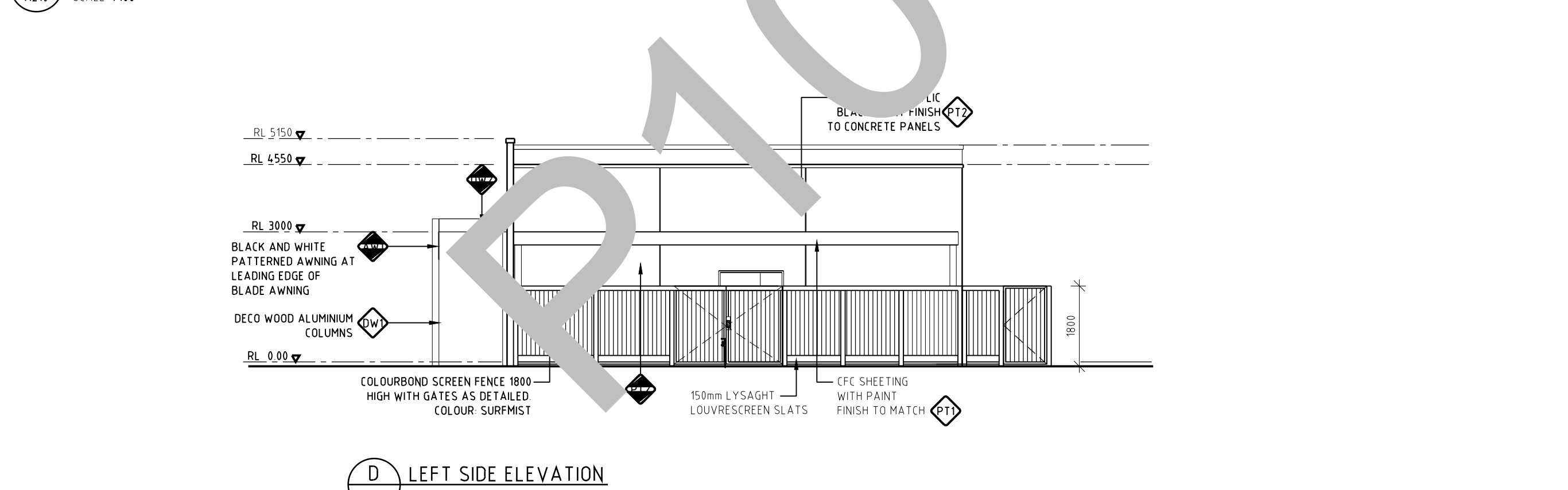


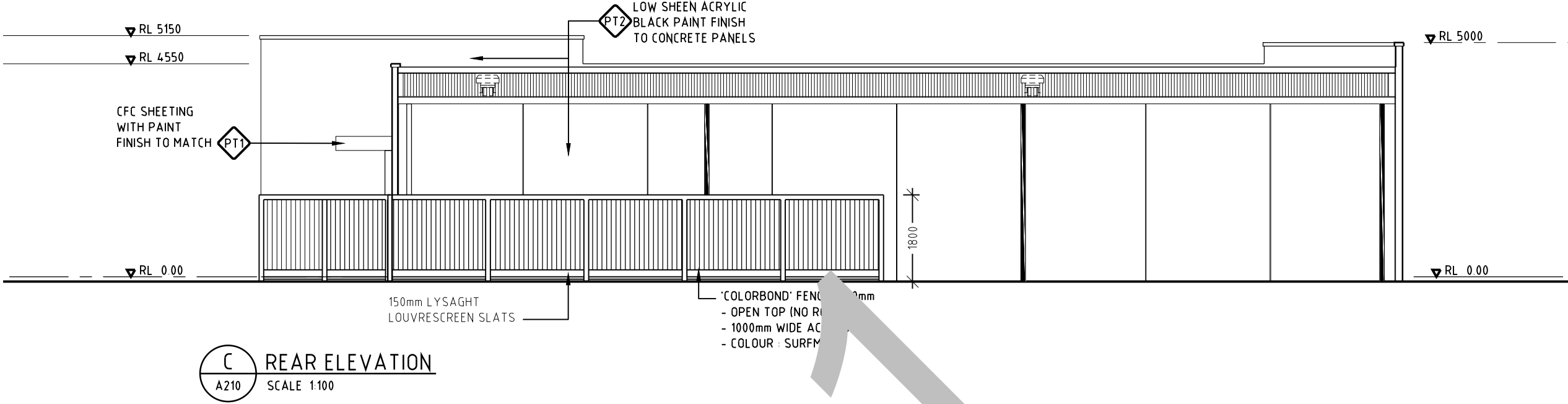
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PROJECT
OAKFORD - WA
LOT 12 No 1537 THOMAS ROAD


DEVELOPMENT

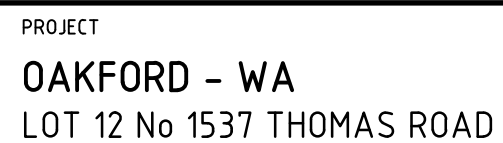
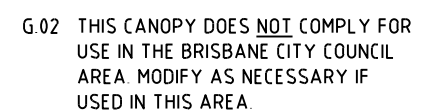




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	D	JS	05.12.17	BUILDING LENGTH REDUCED			APPROVED	DATE			
	E	JS	07.12.17	ISSUED FOR SIGN OFF			SIZE			REV.	
	F	JS	15.02.18	DEVELOPMENT APPLICATION			DRAWING No				
	REVISION										




Caltex Australia Petroleum Pty Ltd




REFER DWG	A311
-----------	------

LEGEND

6 HOSE DISPENSER



3 HOSE DISPENSER



<u>TYPE</u>	<u>FLOW RATE</u>
HF - HIGH FLOW	Nom. 80 l/m
UHF - ULTRA HIGH FLOW	Nom. 120 l/m
DEF - DIESEL EXHAUST FLUID	Nom. 30 l/m

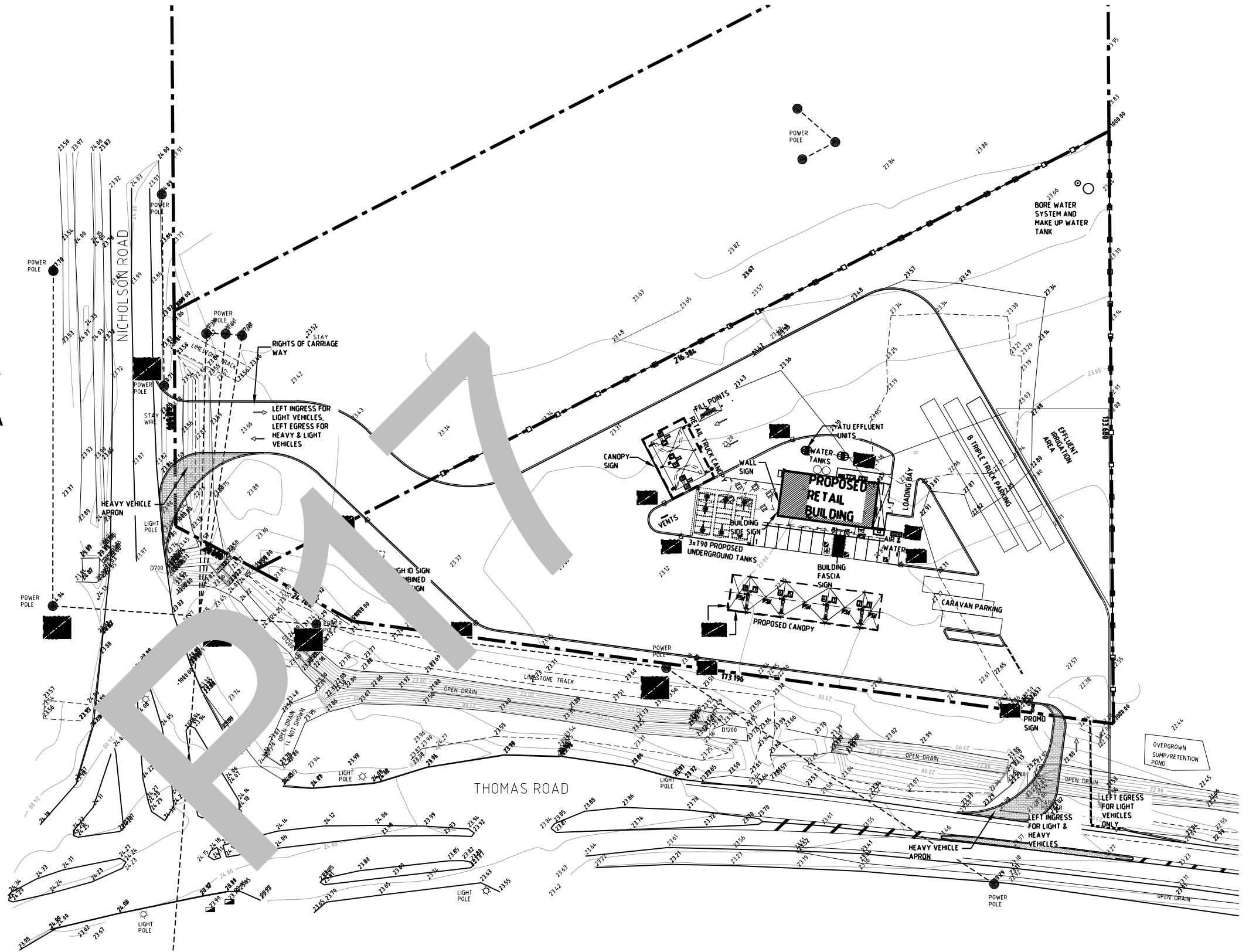
PROJECT

OAKFORD - WA

LOT 12 No 1537 THOMAS ROAD

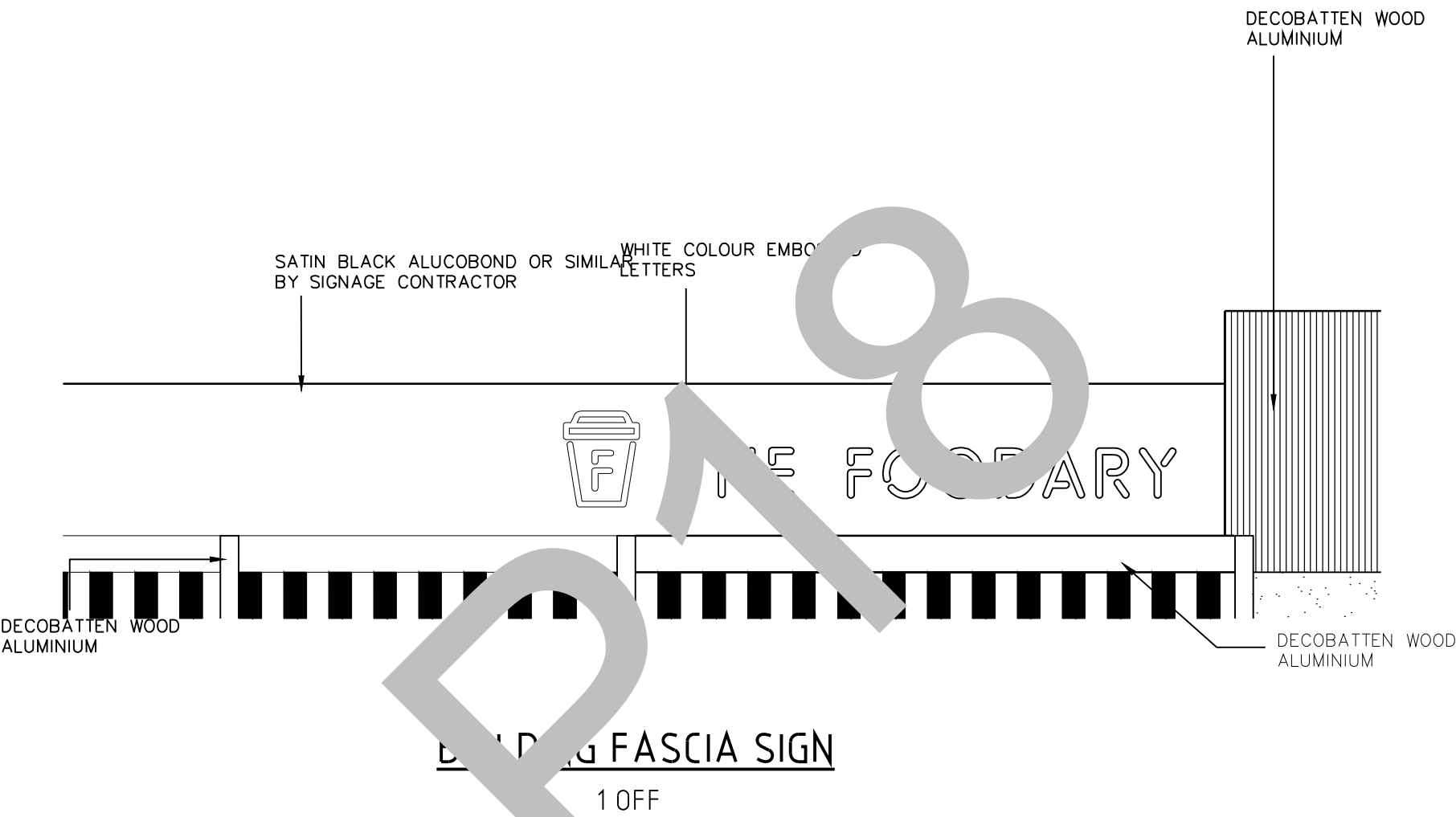


LOT AREA
13,666m²




PROJECT
OAKFORD - WA
LOT 12 No 1537 THOMAS ROAD

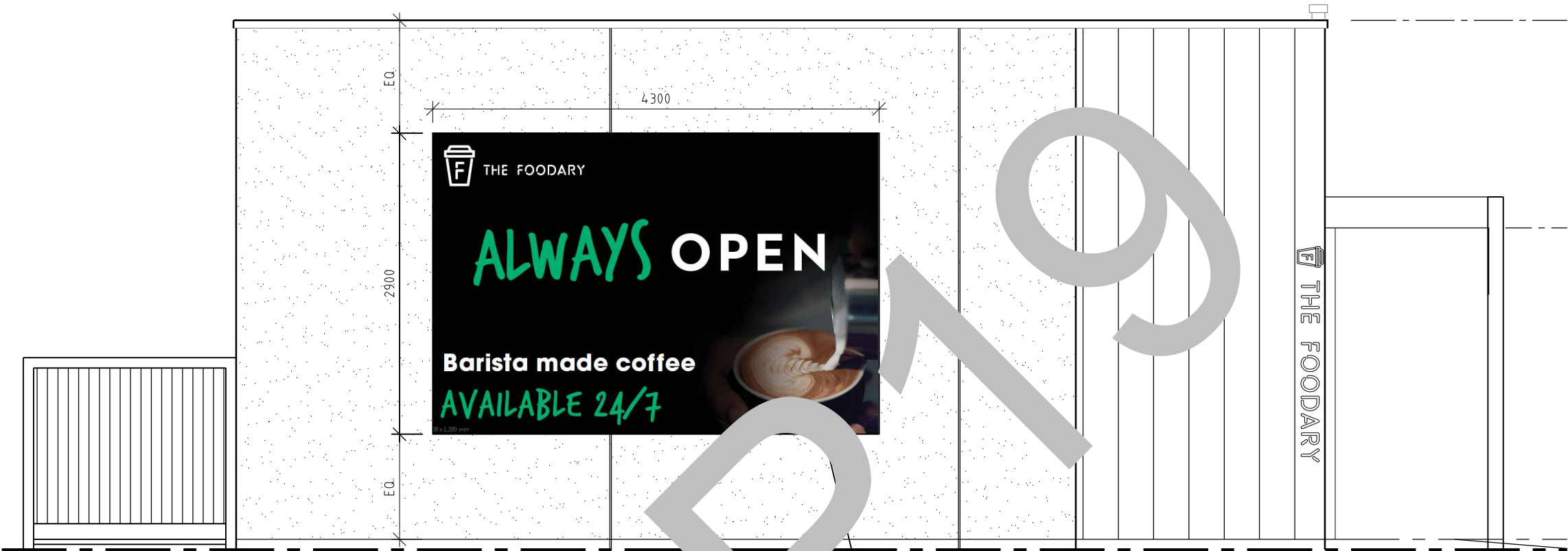
DEVELOPMENT



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								APPROVED	DATE
								DRAWING No.	REV.
							SIZE		
REVISION									



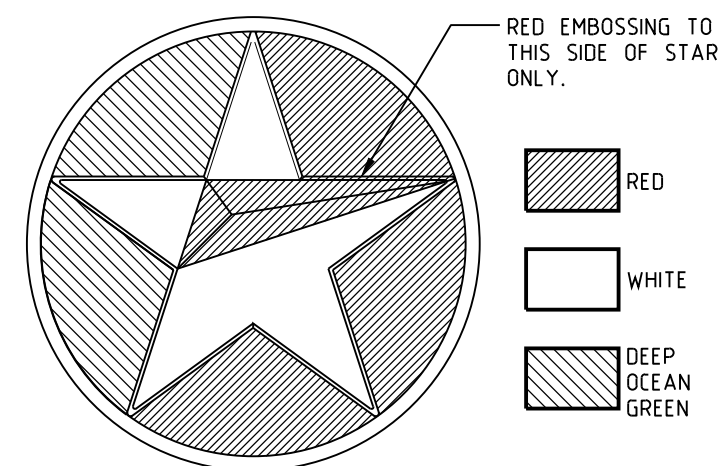
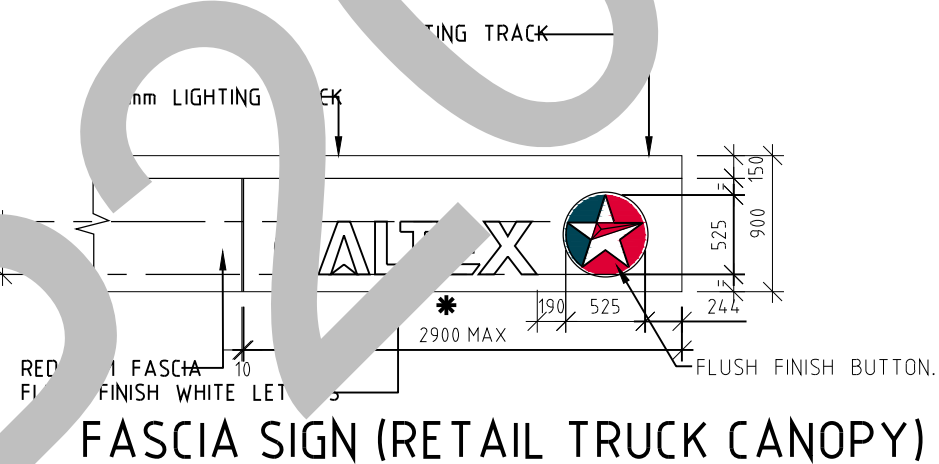
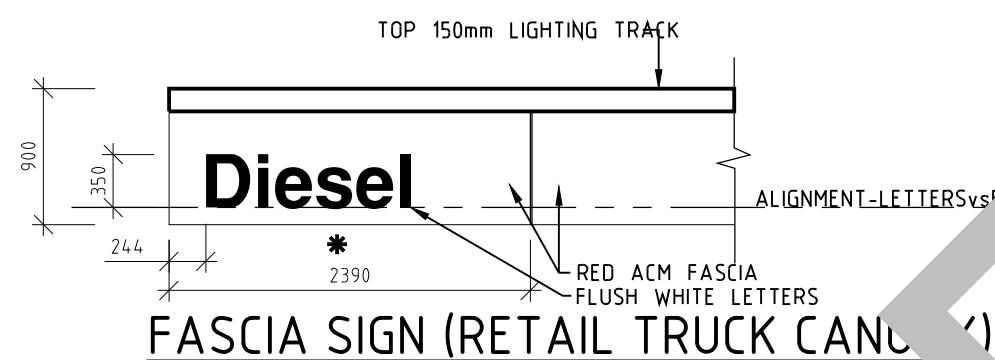
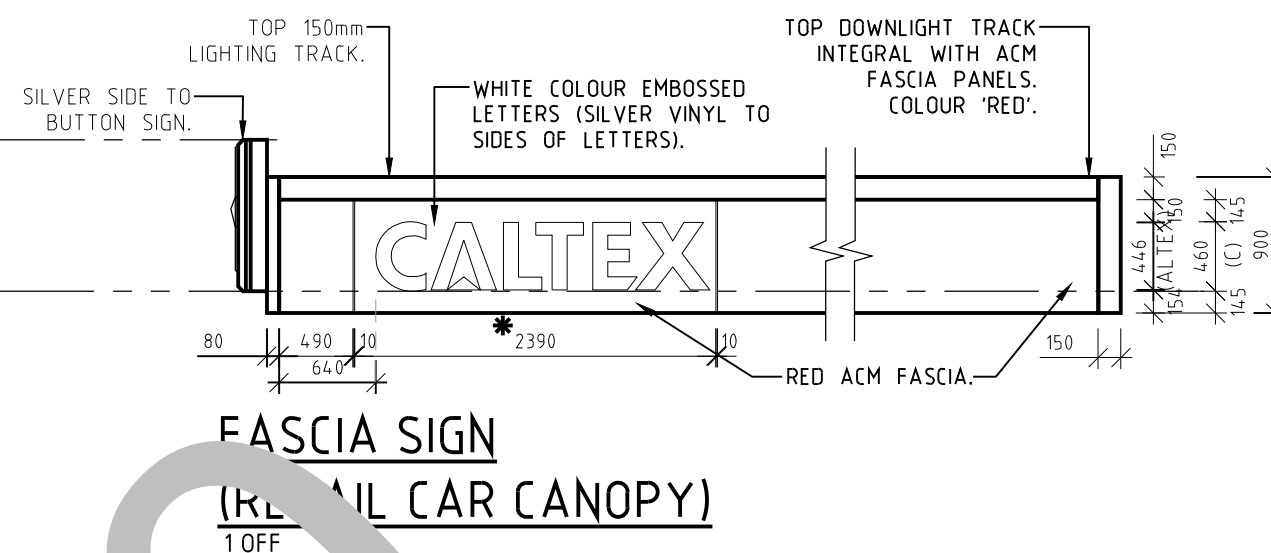
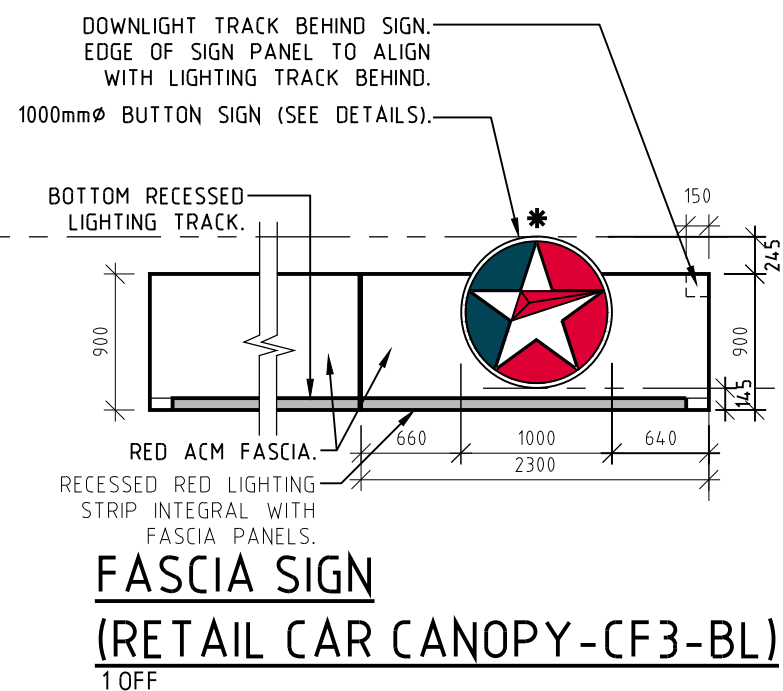
BUILDING SIDE SIGN

1 OFF

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A	JS	15.02.18	DEVELOPMENT APPLICATION					APPROVED	DATE
							SIZE	DRAWING No.	REV.
REVISION									



NOTE:

SIGN MANUFACTURER NOTE :
SIGNAGE PANEL SIZES & GRAPHICS INDICATIVE
ONLY.
FOR FINAL DETAILS REFER TO APPROVED
SIGNAGE SUPPLIER ARTWORK SHOWING PANEL
DETAILS & GRAPHICS.

BUTTON COLOUR DETAILS

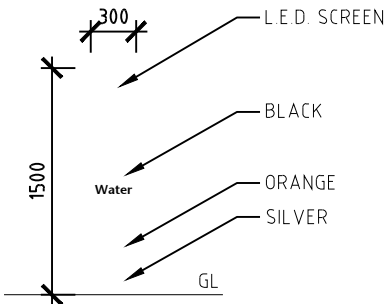
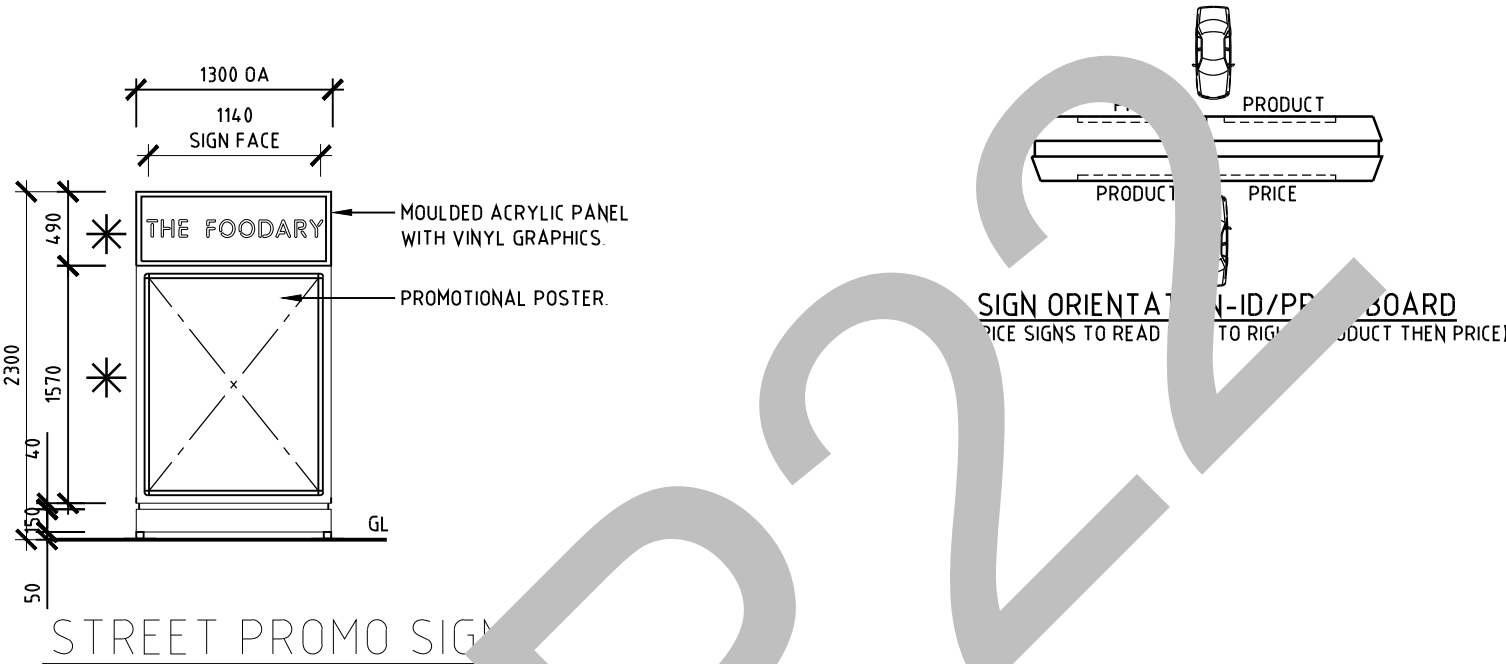
* INTERNALLY ILLUMINATED ACRYLIC SIGN BOX

* INTERNALLY ILLUMINATED SIGN BOX

SIGN MANUFACTURER

NOTE:

SIGNAGE PANEL SIZES & GRAPHICS ARE INDICATIVE ONLY. FOR FINAL DETAILS REFER TO APPROVED SIGNAGE ARTWORK SHOWING PANEL DETAILS & GRAPHICS ISSUED WITH SUPPLY CONTRACT.



AIR & WATER SIGN

1 OFF

FITTED WITH A NON-BEEPING ALARM AND PROGRAMMED TO BE AT LEAST 6dB LESS THAN LEVEL REFERENCED IN TABLE 3.2 OF LLOYD GEORGE ACOUSTIC REPORT

0 0.5m 1 1.5 2 2.5

DEVELOPMENT

- B JS 07.12.17 ISSUED FOR SIGNOFF
- C JS 14.02.18 DEVELOPMENT APPLICATION
- D JS 16.03.18 AIR & WATER UNIT REVISED

PROJECT
OAKFORD - WA
LOT 12 No 1537 THOMAS ROAD

Appendix C – JDAP Report and Associated Documentation

Appendix D – Supreme Court Decision

JURISDICTION : SUPREME COURT OF WESTERN AUSTRALIA
IN CIVIL

CITATION : HUMICH NOMINEES PTY LTD -v- METRO EAST
JOINT DEVELOPMENT ASSESSMENT PANEL
[2019] WASC 200

CORAM : SMITH J

HEARD : 7 MAY 2019

DELIVERED : 14 JUNE 2019

FILE NO/S : CIV 3090 of 2018

BETWEEN : HUMICH NOMINEES PTY LTD
First Applicant

FAR SUPER PTY LTD
Second Applicant

AND

METRO EAST JOINT DEVELOPMENT
ASSESSMENT PANEL
First Respondent

CALTEX AUSTRALIA PETROLEUM PTY LTD
Second Respondent

SARAH LOUISE MCMULLEN
Third Respondent

DAVID ANTHONY RILEY
Fourth Respondent

SAMUEL PETER PAUL PIIPPONEN
Fifth Respondent

JASMINE ROSE PIIPPONEN

Sixth Respondent

SKUKUZA VENTURES PTY LTD as trustee for THE
OAKFORD TRUST
Seventh Respondent

Catchwords:

Application for judicial review - Writ of certiorari - Application to quash a condition imposed on a development approval requiring construction of solid median on main road - Conflicting development approvals - Whether development assessment panel decision to impose particular condition vitiated by jurisdictional error

Certiorari - Whether condition vitiated by jurisdictional error on grounds power held exclusively by Commissioner of Main Roads - s 28A *Main Roads Act 1930* (WA) - Anthony Hordern principle considered - Whether condition ambulatory - Whether condition requires exercise of power by third party - Interpretation of 'control of access'

Certiorari - Unreasonableness - Whether decision of development assessment panel legally unreasonable - Whether decision of assessment panels must be consistent or reconcilable - Unreasonableness a question of statutory construction

Certiorari - Discretionary considerations in respect of whether to grant a writ of certiorari - Whether refusal to grant on grounds the issue of certiorari would be an exercise in futility

Legislation:

Main Roads Act 1930 (WA), s 6, s 13, s 15, s 28A

Main Roads Amendment Act 1952 (WA), s 5

Main Roads Development Act 1952 (WA), s 5

Planning and Development (Development Assessment Panels) Regulations 2011 (WA), reg 8(1)

Planning and Development (Local Planning Schemes) Regulations 2014 (WA), s 68(2)

Planning and Development Act 2005 (WA), s 162, s 171A, s 171C

Result:

Writ of certiorari granted

Condition imposed by development assessment panel quashed in part

Category: B

Representation:

Counsel:

First Applicant	: Mr P G McGowan & Ms L Rowley
Second Applicant	: Mr P G McGowan & Ms L Rowley
First Respondent	: No appearance
Second Respondent	: No appearance
Third Respondent	: No appearance
Fourth Respondent	: No appearance
Fifth Respondent	: No appearance
Sixth Respondent	: No appearance
Seventh Respondent	: Ms R Young & Ms B Moharich

Solicitors:

First Applicant	: Rowley Legal
Second Applicant	: Rowley Legal
First Respondent	: No appearance
Second Respondent	: No appearance
Third Respondent	: No appearance
Fourth Respondent	: No appearance
Fifth Respondent	: No appearance
Sixth Respondent	: No appearance
Seventh Respondent	: Moharich & More

Case(s) referred to in decision(s):

Ainsworth v Criminal Justice Commission [1992] HCA 10; (1992) 175
CLR 564

Alcan (NT) Alumina Pty Ltd v Commissioner of Territory Revenue [2009] HCA 41; (2009) 239 CLR 27

Anthony Hordern & Sons Ltd v Amalgamated Clothing and Allied Trades Union of Australia [1932] HCA 9; (1932) 47 CLR 1

Cardwell Shire Council v King Ranch Australia Pty Ltd [1984] HCA 39; (1984) 53 ALR 632

Craig v South Australia [1995] HCA 58; (1995) 184 CLR 163

Deputy Commissioner of Taxation v Dick [2007] NSWCA 190

Duro Felguera Australia Pty Ltd v Samsung CBT Corporation [2018] WASCA 28

Enman v Enman [1942] SASR 131

Ferdinands v Commissioner for Public Employment [2006] HCA 5; (2006) 225 CLR 130

Hossain v Minister for Immigration and Border Protection [2018] HCA 34; (2018) 92 ALJR 780

Jacob v Save Beeliar Wetlands Inc [2016] WASCA 126

Klein v Domus Pty Ltd [1963] HCA 54; (1963) 109 CLR 467

Kruger v The Commonwealth (1997) 190 CLR 1

Lloyd v Robinson [1962] HCA 36; (1962) 107 CLR 142

Minister for Immigration and Border Protection v SZVFW [2018] HCA 30; (2018) 357 ALR 408

Minister for Immigration and Citizenship v Li [2013] HCA 18; (2013) 249 CLR 332

Minister for Immigration and Multicultural Affairs v Esheto (1999) 197 CLR 611

Mohammadi v Bethune [2018] WASCA 98

Mulholland v Winslow [2016] WASC 19

New Brunswick (Board of Management) v Dunsmuir [2008] 13CR 190

Project Blue Sky Inc v Australian Broadcasting Authority [1998] HCA 28; (1998) 194 CLR 355

Re McBain; Ex parte Australian Catholic Bishops Conference [2002] HCA 16; (2002) 209 CLR 372

Re Refugee Review Tribunal; Ex parte Aala [2000] HCA 57; (2000) 204 CLR 82

Reid v Western Australian Planning Commission [2016] WASCA 181

Sarawati v The Queen [1991] HCA 21; (1991) 172 CLR 1

Sin-Aus-Bel Pty Ltd v Western Australian Planning Commission [2006] WASAT 266; (2006) 45 SR (WA) 67

SZTAL v Minister for Immigration and Border Protection [2017] HCA 34; (2017) 262 CLR 362

Taylor v Owners of Strata Plan 11564 [2014] HCA 9; (2014) 253 CLR 531

The Pilbara Infrastructure Pty Ltd v Economic Regulation Authority [2014]
WASC 346

Thiess v Collector of Customs [2014] HCA 12; (2014) 250 CLR 664

Tilbrook v Western Australia Planning Commission [2011] WASAT 130

Varney v Parole Board of Western Australia [2000] WASCA 393; (2000) 23
WAR 187

Western Australian Planning Commission v Temwood Holdings Pty Ltd [2004]
HCA 63; (2004) 221 CLR 30

SMITH J:

1 The court has before it an application for judicial review and a writ of certiorari to quash a condition imposed by a decision made by the Metro-East Joint Development Assessment Panel (Metro-East Panel) to approve an application to develop land on Lot 50 Nicholson Road and Lot 12 Thomas Road, Oakford, being permission to construct a service station and provide for ancillary uses.

2 In particular, the applicant seeks a writ of certiorari to quash the Metro-East Panel's decision to require the construction of a median strip, at the cost of the developer, as part of the access arrangements from that land to Thomas Road (condition 11).

3 For the reasons that follow, I would grant certiorari to quash part of the requirement imposed by the Metro-East Panel in condition 11, on grounds that, in part, condition 11 is vitiated by jurisdictional error on grounds of legal unreasonableness.

Relevant background**(a) The parties**

4 The applicants, Humich Nominees Pty Ltd and Far Super Pty Ltd (Humich parties) are not the owner, or developer, of Lot 50 Nicholson Road or Lot 12 Thomas Road, Oakford.

5 At the time the Metro-East Panel made its decision, on 29 October 2018, Lot 50 Nicholson Road was owned by the fifth and sixth respondents, Samuel Peter Piipponen and Jasmine Rose Piipponen. On 19 January 2019, the seventh respondent, Skukuza Ventures Pty Ltd as trustee for the Oakford Trust (Skukuza) entered into a contract with the fifth and sixth respondents to purchase Lot 50.

6 Lot 12 Thomas Road is owned by the third and fourth respondents, Sarah Louise McMullen and David Anthony Riley. In or about September 2018, Skukuza was granted an option to purchase Lot 12 by the third and fourth respondents.

7 By reason of Skukuza's acquired interest in the land, it was joined as a party in these proceedings on 18 March 2019.¹

¹ Order, 18 March 2019.

8 The second respondent, Caltex Australia Petroleum Pty Ltd (Caltex) is the proposed lessee of the proposed service station on Lot 50 and Lot 12.

9 In these reasons (even though the land was not owned by Skukuza at the time, for the ease of distinction between this land and land owned by the Humich parties):

(a) the decision made by the Metro-East Panel, on 29 October 2018, to approve the development on Lot 12 and Lot 50 will be referred to as the Skukuza approval; and

(b) Lot 50 and Lot 12 will be referred to as the Skukuza Land.

10 The Humich parties are the registered proprietors of Lot 196 Thomas Road. Lot 196 is located on the south-east corner of the intersection of Thomas Road and Nicholson Road, Oakford (Humich land). A small parcel of land, which is not owned by the applicant, prevents access to Nicholson Road from Lot 196.² Immediately opposite the Humich land on the other side of Thomas Road, is the Skukuza land.³

11 The first, second, third, fourth, fifth and sixth respondents have each filed notices to abide the decision of the court.

(b) Relevant development approvals made by the Metro-East Panel

12 The Oakford Traders Liquor Store and a former service station have operated on the Humich land since, at least, 1970.⁴ A development application for the redevelopment of the Humich land for the purposes of a service station, convenience store, and liquor store was approved by the Metro-East Panel on 4 November 2013 (2013 Humich approval).

13 One of the conditions of the 2013 Humich approval, was approval for a 'left in/left out' western access and full eastern access to Thomas Road (full movement access).⁵ The full movement access should enable entrance from and exit to Thomas Road with right hand turns from the eastern entrance to and exit from the Humich land.

² Affidavit of Randal Ivan Humich, filed 22 February 2019 [4].

³ Annexed to these reasons as Annexure A is a copy of a map which shows the location of the Humich land and the Skukuza land.

⁴ Affidavit of Randal Ivan Humich, filed 22 February 2019 [3].

⁵ Affidavit of Randal Ivan Humich, filed 22 February 2019 [4], annexures RH2 and RH3.

14 The Humich approval was extended by the Metro-East Panel in 2015 (2015 Humich approval) and again on 9 January 2018, to expire on 9 January 2020 (January 2018 Humich approval).⁶

15 On 27 March 2018, an application to develop the Skukuza land was submitted to the Shire of Serpentine Jarrahdale together with a development assessment panel form for assessment of the development application by a development assessment panel.

16 On 11 September 2018, the Metro-East Panel considered the application to develop the land. At that meeting, the Metro-East Panel resolved to defer consideration of the application:⁷

... to allow:

1. *The applicant and relevant parties including Main Roads and the owners of Lot 196 Thomas Road, Oakford to discuss access arrangements to their respective developments.*
2. *A revised draft to be prepared by the Local Government of the proposed conditions and advice notes.*
3. *The presiding member to consider whether legal advice is necessary.*

Reason: the application before the panel raised potentially complex jurisdictional matters involving third parties and access arrangements, issues that might require legal advice and the parties should in the meantime discuss these matters further.

17 On 29 October 2018, prior to the application to develop the Skukuza land being approved, the Metro-East Panel heard a presentation from a number of persons, including representatives of the Humich parties.

18 At the meeting of the Metro-East Panel, on 11 September 2018, representatives of the Humich parties objected to the imposition of condition 11 on the basis that it would impact the full movement access granted to it in the 2013 Humich approval.⁸ Main Roads Western Australia supported the Metro-East Panel's decision to impose condition 11.⁹

⁶ Annexed to these reasons as Annexure B is a copy of the plan of the January 2018 Humich approval.

⁷ Affidavit of Fiona Sze, affirmed 15 March 2019 [10].

⁸ Affidavit of Fiona Sze, affirmed 15 March 2019, annexure FZ5, pages 98-99 and annexure FZ6, page 137.

⁹ Affidavit of Fiona Sze, affirmed 15 March 2019, annexure FZ7, page 156.

19 The Metro-East Panel approved the application to develop the Skukuza land subject to a number of conditions, including Condition 11. The Metro-East Panel determined to impose upon the developer of the Skukuza land the obligation to construct a solid median to prevent 'right in/right out' access to and from that part of the Skukuza land onto Thomas Road.

20 Condition 11 provides:¹⁰

Prior to occupation, the proposed Thomas Road access is to be designed and constructed to the satisfaction of the Shire, on the advice of Main Roads WA.

The Thomas Road access shall operate as left-in/left-out for light vehicles and left in only turning movements for heavy vehicles and shall have suitable signage advising motorists of these restricted movements.

The developer shall be responsible for all costs involved in the land acquisition, design and construction of the left turning pocket and solid median to prevent right out turning movements onto Thomas Road. This includes signage, road markings, relocation of services, and street lighting associated with the turning pocket. (my emphasis)

21 The construction of a solid median in the manner required by condition 11 would prevent vehicles from turning right onto Thomas Road from the Humich land or right into the Humich land from Thomas Road. The median would in turn prevent the Humich parties from enjoying the full movement access granted in the 2013 Humich approval, and extended in the subsequent 2015 Humich approval and 2018 Humich approval.

22 On 9 November 2018, the January 2018 Humich approval was amended by the Metro-East Panel following an application for amendment made by the Humich parties. At the meeting, the Metro-East Panel had before it an officer's report that proposed an amendment to the Humich approval to prohibit a right turn out from the Humich land onto Thomas Road. The minutes of the meeting of the Metro-East Panel, held on 6 November 2018, record that a motion was moved that it be resolved that the amendments proposed by the Humich parties in the application be approved, subject to a number of conditions including a condition that:¹¹

¹⁰ Affidavit of Fiona Sze, affirmed 15 March 2019, annexure FZ1, page 10.

¹¹ Affidavit of Fiona Sze, affirmed 15 March 2019, annexure FZ11, page 655.

- b. Prior to the commencement of works, amended plans to depict that the two accesses onto Thomas Road shall operate as left in/left out turning movements only shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The location of the westernmost access shall be positioned at a minimum distance of 120 m east of the hold line from the Nicholson Road intersection.

23 It appears that this amendment was proposed because Main Roads Western Australia had given conditional support for the proposed amendment to the Humich amendments on condition that the Humich parties submit revised plans which demonstrate both accesses into Thomas Road operating as left in/left out movement vehicles only.¹² If this amendment to the 2013 Humich approval had been made, there would have been no inconsistency between the approvals to develop the Humich land and the Skukuza land.

24 In the letter from Main Roads Western Australia before the Metro-East Panel, on 6 November 2018, under the heading 'Advice to applicants' it was stated:¹³

Thomas Road is classified as a Primary Regional Road under the classification scheme used in the Metropolitan Regional Scheme. Main Roads defines Thomas Road as a Primary Distributor road and provides for regional and inter-regional traffic movement and carries large volumes of fast moving traffic. A road with a posted speed limit equal to or greater than 60km/h is defined as a fast road. This portion of Thomas Road is posted at 90km/h and has design speeds of 100km/h reducing to 80km/h on the approach to the Nicholson Road intersection.

Main Roads has a role to ensure that the functionality of Thomas Road continues to operate as a strategic freight route in a safe and efficient manner for road trains and all road users as currently permitted.

1. In respect to Condition 12, Application Kits can be found on the Main Roads website>'Our Roads'>'Conducting Works on Roads'>'Applications to Undertake Works on State Roads'>Application Kit and Guidelines for Complex Works OR Application Form for Low Complexity Works.
2. As the applicant may or may not be aware, this intersection is recognised as a dangerous black spot and has received funding from the Road Trauma Fund account to undertake preliminary planning design concepts. Currently the traffic modelling

¹² Affidavit of Randal Ivan Humich, sworn 22 February 2019, Annexure RH6 page 140; letter from Main Roads Western Australia dated 4 September 2018 from Statutory Road Planning Manager.

¹³ Affidavit of Randal Ivan Humich, sworn 22 February 2019, annexure RH6 page 142; letter from Main Roads, Western Australia dated 4 September 2018 from Statutory Road Planning Manager.

depicts the preferred intersection at this location is a roundabout treatment, for both interim and ultimate stages.

3. The project for the upgrading/widening of Thomas Road and Nicholson Road is not in Main Roads current 4-year forward estimated construction program and all projects not listed are considered long term.
4. Please be aware the timing information for the construction of the preferred treatment (both interim and ultimate stages) is subject to change and Main Roads assumes no liability for the information provided.

25 The minutes of the meeting of the Metro-East Panel on 6 November 2018 record that proposed amendment b. to the 2013 approval 2 was deleted. The reason why this deletion was made was:¹⁴

The majority of panel members considered that refusal of the existing approved land use 'shop' (liquor store) and alterations to the existing approved vehicle access was beyond power in that neither of these elements of the current approved development form part of this Form 2 application to amend that approval.

26 Consequently, the condition proposed by Main Roads Western Australia was rejected.

The application for judicial review

27 The Humich parties argue that jurisdictional error is established on four (alternative) grounds, namely, that it is beyond the power of the Metro-East Panel to impose condition 11 on the grounds that:

- (a) s 28A of the *Main Roads Act 1930* (WA) operates to preclude the Metro-East Panel from imposing 'control of access' conditions on Thomas Road;¹⁵
- (b) condition 11 is ambulatory and requires an exercise of discretion by a third party, namely the Commissioner of Main Roads;¹⁶
- (c) it is beyond power of the Metro-East Panel to impose conditions requiring acquisition and construction of a solid median on Main Roads Western Australia's property;¹⁷ and

¹⁴ Supplementary affidavit of Belinda Ann Moharich, sworn 7 May 2019, annexure BM6, page 9.

¹⁵ Applicant's outline of submissions, filed 3 April 2019 [19].

¹⁶ Applicant's outline of submissions, filed 3 April 2019 [21].

¹⁷ Applicant's outline of submissions, filed 3 April 2019 [26].

(d) condition 11 is legally unreasonable.¹⁸

28 Ultimately, the issue to be determined is whether it was within the power of the Metro-East Panel to impose condition 11, and, if it was not within power, whether certiorari should be refused on discretionary grounds.

Jurisdictional error and statutory construction

29 Certiorari is available in circumstances where jurisdictional error is established.¹⁹

30 In contemporary Australian law the concepts of jurisdiction and jurisdictional error are understood to refer to the scope of a decision-maker's authority and whether a decision-maker makes a decision within the bounds of their authority.

31 In *Hossain v Minister for Immigration and Border Protection*, a plurality of the High Court described jurisdiction in the following way:²⁰

Jurisdiction, in the most generic sense in which it has come to be used in this field of discourse, refers to the scope of the authority that is conferred on a repository. In its application to judicial review of administrative action the taking of which is authorised by statute, it refers to the scope of the authority which a statute confers on a decision-maker to make a decision of a kind to which the statute then attaches legal consequences. It encompasses in that application all of the preconditions which the statute requires to exist in order for the decision-maker to embark on the decision-making process. It also encompasses all of the conditions which the statute expressly or impliedly requires to be observed in or in relation to the decision-making process in order for the decision-maker to make a decision of that kind. A decision made within jurisdiction is a decision which sufficiently complies with those statutory preconditions and conditions to have 'such force and effect as is given to it by the law pursuant to which it was made'.

32 Their Honours went on to describe jurisdictional error as:²¹

¹⁸ Applicant's outline of submissions, filed 3 April 2019 [33] - [34].

¹⁹ *Craig v South Australia* [1995] HCA 58; (1995) 184 CLR 163, 176 (Brennan, Deane, Toohey, Gaudron & McHugh JJ).

²⁰ *Hossain v Minister for Immigration and Border Protection* [2018] HCA 34; (2018) 92 ALJR 780 [23] (Kiefel CJ, Gageler & Keane JJ).

²¹ *Hossain v Minister for Immigration and Border Protection* [2018] HCA 34; (2018) 92 ALJR 780 [24] (Kiefel CJ, Gageler & Keane JJ).

[A]n error in a statutory decision-making process, correspondingly refers to a failure to comply with one or more statutory pre conditions or conditions to an extent which results in a decision which has been made in fact lacking characteristics necessary for it to be given force and effect by the statute pursuant to which the decision-maker purported to make it. To describe a decision as 'involving jurisdictional error' is to describe that decision as having been made outside of jurisdiction.

33 For the court to be satisfied that a decision has been made outside of jurisdiction it must be satisfied that the decision-maker made a decision outside the limits of the functions and powers conferred upon the decision-maker, or does something which the decision-maker lacks the power to do.²²

34 In this matter, insofar as the Humich Parties argue that s 28A of the *Main Roads Act* precludes the Metro-East Panel from imposing a requirement on the developer of the Skukuza land to construct a solid median on Thomas Road, the limits of the power conferred upon the Metro-East Panel must be determined by applying the principles of statutory construction.

35 The principles to be applied in determining the proper construction of a statute are well known and were recently summarised by the Court of Appeal in *Mohammadi v Bethune*:²³

The principles of statutory construction are well known and do not require detailed exposition. Statutory construction requires attention to the text, context and purpose of the Act. While the task of construction begins and ends with the statutory text, throughout the process the text is construed in its context. Statutory construction, like any process of construction of an instrument, has regard to context. As Kiefel CJ, Nettle and Gordon JJ recently explained in *SZTAL*:

'The starting point for the ascertainment of the meaning of a statutory provision is the text of the statute whilst, at the same time, regard is had to its context and purpose. Context should be regarded at this first stage and not at some later stage and it should be regarded in its widest sense. This is not to deny the importance of the natural and ordinary meaning of a word, namely how it is ordinarily understood in discourse, to the

²² *Re Refugee Review Tribunal; Ex parte Aala* [2000] HCA 57; (2000) 204 CLR 82, 141 (Keane J).

²³ *Mohammadi v Bethune* [2018] WASC 98 [31]-[36] (Martin CJ, Mazza & Beech JJA) applying, among others, *Thiess v Collector of Customs* [2014] HCA 12; (2014) 250 CLR 664 [22] - [23]; *Project Blue Sky Inc v Australian Broadcasting Authority* [1998] HCA 28; (1998) 194 CLR 355 [69]; *Alcan (NT) Alumina Pty Ltd v Commissioner of Territory Revenue* [2009] HCA 41; (2009) 239 CLR 27 [4], [47]; *Taylor v Owners of Strata Plan 11564* [2014] HCA 9; (2014) 253 CLR 531 [66]; *SZTAL v Minister for Immigration and Border Protection* [2017] HCA 34; (2017) 262 CLR 362 [38].

process of construction. Considerations of context and purpose simply recognise that, understood in its statutory, historical or other context, some other meaning of a word may be suggested, and so too, if its ordinary meaning is not consistent with the statutory purpose, that meaning must be rejected.'

The primary object of statutory construction is to construe the relevant provision so that it is consistent with the language and purpose of all the provisions of the statute.

The objective discernment of the statutory purpose is integral to contextual construction. The statutory purpose may be discerned from an express statement of purpose in the statute, inference from its text and structure and, where appropriate, reference to extrinsic materials. The purpose must be discerned from what the legislation says, as distinct from any assumptions about the desired or desirable reach or operation of relevant provisions.

Discernment of statutory purpose is particularly significant in cases, commonly encountered, where the constructional choice presented is from 'a range of potential meanings, some of which may be less immediately obvious or more awkward than others, but none of which is wholly ungrammatical or unnatural'. In such a case, the choice 'turns less on linguistic fit than on evaluation of the relevant coherence of the alternatives with identified statutory objects or policies'. As we will explain later in these reasons, we think this is such a case.

Thus, the material provisions of the Act must be understood, if possible, as parts of a coherent whole.

Statutory texts enacted by the same legislature are to be construed, so far as possible, to operate in harmony and not in conflict. Where two or more statutory enactments comprise the overlapping legislative scheme, the enactments should be construed accordingly, and the court should endeavour to produce a rational, sensible, efficient and just operation in preference to an inefficient, conflicting or unjust operation.

Planning and development approval statutory scheme

36 Section 162(1)(a) of the *Planning and Development Act 2005* (WA) provides that development on land may not be commenced or carried out without having obtained approval upon the making of a development application under a planning scheme or interim development order. Section 162(1)(b) requires that the development be carried out in accordance with the conditions subject to which the approval is granted.

37 Part 11A of the *Planning and Development Act* makes provision for development assessment panels (referred therein as 'DAP') to

approve particular development applications. Section 171A(2) provides:

171A. Prescribed development applications, DAP to determine and regulations for

...

- (2) The Governor may make regulations -
- (a) providing that, despite any other provision of this Act or a planning instrument, a development application of a class or kind prescribed for the purposes of this paragraph -
 - (i) must be determined by a DAP as if the DAP were the responsible authority under the relevant planning instrument in relation to the development; and
 - (ii) cannot be determined by a local government or the Commission;

38 Division 2 of part 11A provides for the establishment of Local Development Assessment Panels for a local government district and Joint Development Assessment Panels for two or more districts.²⁴

39 Regulation 8(1) of the *Planning and Development (Development Assessment Panels) Regulations 2011* (WA) provides:

8. Applications to be determined by DAPs

- (1) Despite any other provision of the Act or a planning instrument, any DAP application for approval of development within a district for which a DAP is established -
- (a) must be determined by the DAP as if the DAP were the responsible authority under the relevant planning instrument in relation to the development; and
 - (b) cannot be determined by the local government for the district or the Commission.

40 Clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (WA) provides:

²⁴ *Planning and Development Act 2004* (WA), s 171C.

68. Determination of applications

...

- (2) The local government may determine an application for development approval by -
 - (a) granting development approval without conditions; or
 - (b) granting development approval with conditions; or
 - (c) refusing to grant development approval.

'Control of access' and s 28A of the *Main Roads Act*

41 Jurisdictional error is capable of being established in circumstances where a decision-maker misapprehends or disregards the nature or limits of their functions or powers.

42 The Humich parties contend that s 28A of the *Main Roads Act 1930* (WA) operates to preclude the Metro-East Panel from imposing a condition that the developer of the Skukuza land construct a solid median on Thomas Road.²⁵

43 It is said that by imposing a requirement that the developer construct a median strip on Thomas Road, condition 11 is a condition imposing 'control of access' on a section of Thomas Road by preventing traffic from entering and exiting by a right turn in or out of the Humich parties' land and Lot 12 (of the Skukuza land).²⁶

44 Thomas Road is a road proclaimed to be a highway, or main road, pursuant to s 13 of the *Main Roads Act*.²⁷ 'Control of access' is defined under s 6 of the *Main Roads Act* to mean, subject to the context:²⁸

in relation to any road means that a section or part of that road is intended for use by prescribed traffic without avoidable hindrance, whether from traffic from an intersecting road or otherwise, and that such section or part of the road has been declared by proclamation to be subject to control of access and may be entered or departed from at specific places only

²⁵ ts 34 - 35, 7 May 2019; Applicant's outline of submissions, filed 3 April 2019 [19].

²⁶ ts 36, 7 May 2019; Applicant's outline of submissions, filed 3 April 2019 [16].

²⁷ ts 34, 7 May 2019; Applicant's outline of submissions, filed 3 April 2019 [11].

²⁸ *Main Roads Act 1930* (WA) s 6: 'control of access'.

Section 28A of the *Main Roads Act*, relevantly, provides:

28A. Restricting access to roads from adjoining land

(1A) Where the Commissioner is of the opinion -

- (a) that any section or part of a road should have control of access and should be entered and departed from at specified places only; or
- (b) that any land acquired should be reserved for a future road section with control of access,

the Commissioner shall make a recommendation to the Governor accordingly but may in so doing exclude a part of the road reserve from that recommendation.

(1B) On the recommendation of the Commissioner the Governor may, by proclamation, declare -

- (a) that such a section or part of a road is subject to control of access, and the places only at which it may be entered or departed from; or
- (b) that the land acquired is to be reserved for a future road section subject to control of access.

(1C) Where the Commissioner is of opinion that a proclamation so made should be varied or cancelled, he shall make a recommendation to the Governor accordingly.

(1D) If of opinion that the recommendation should be given effect, the Governor may, by subsequent proclamation, vary or cancel a former proclamation.

(1E) Proclamations made pursuant to the provisions of subsection (1B) or (1D), as well as being published in the *Gazette* shall also, if the Governor thinks fit, be published or made known in such other manner as will, in the opinion of the Governor, afford reasonable opportunity to all persons concerned, to know of the substance of the proclamations.

(1F) The powers conferred by this subsection may be exercised from time to time, and notwithstanding the provisions of section 92 of the *Public Works Act 1902*.

(2A) There is no right of access into or from a section or part of a road subject to control of access except at the places provided pursuant to the provisions of this Act for the purpose.

The parties' arguments in respect of s 28A of the *Main Roads Act*

46 Counsel for the Humich parties points out that the power under s 28A of the *Main Roads Act* is only exercisable by the Governor, upon a recommendation from the Commissioner of Main Roads (the Commissioner).

47 Condition 11, it is said, imposes 'control of access' on a section of Thomas Road (as that term is understood in the *Main Roads Act*)²⁹ and the express power conferred by s 28A of the *Main Roads Act* to control access to a section or part of a road involves an exclusive and specific power that derogates from the general power conferred upon the Metro-East Panel to impose planning conditions when approving a development application.³⁰

48 The Humich parties also argue that condition 11 is ambulatory on grounds that condition 11 cannot be met without the further exercise of discretion by Main Roads, Western Australia.³¹

49 In response, Skukuza argues that no contradiction necessarily arises between s 28A of the *Main Roads Act* and the general power conferred upon a development panel to impose planning conditions.

50 It is said that the power under s 28A of the *Main Roads Act* requires the satisfaction of a number of conditions before an area is deemed to be a 'control of access' section or part of a road (as that phrase is understood in the *Main Roads Act*).

51 In support of this argument, counsel for the respondent drew attention to the three part definition of control of access under the Act.³² Counsel for Skukuza also referred to the second reading speeches made in both Houses of the Western Australian Parliament when s 28A of the *Main Roads Act* was first enacted in 1952 in an attempt to illuminate the point that each part of the definition of control of access is required to be satisfied for a road, or a section or part of a road, to be subject to control of access.³³

52 I have not, however, had regard to this extrinsic material in construing s 28A of the *Mains Road Act*. This is because when s 28A

²⁹ ts 34, 7 May 2019.

³⁰ ts 35-36, 7 May 2019.

³¹ Applicant's outline of submissions, filed 3 April 2019 [21]

³² ts 41, 7 May 2019.

³³ ts 54 - 56, 7 May 2019; Skukuza Ventures Pty Ltd's submissions, filed 24 April 2019 [21] - [22].

was first enacted by s 5 of the *Main Roads Amendment Act 1952* (WA) a control of access proclamation could only be made in respect of a (whole) road and not part of, or a section of, a road. The two provisions are, in this way, materially different from one another.

- 53 For the reasons that follow, I am of the opinion that the general power conferred upon the Metro-East Panel to approve a development application subject to condition 11, pursuant to s 162 of the *Planning and Development Act*, is not to be read as subject to s 28A of the *Main Roads Act*, as no conflict necessarily arises between the exercise of the general power conferred by s 162 and s 28A. I am also of the opinion that condition 11 cannot be characterised as an ambulatory condition.

The principles to be applied where two legislative provisions are apparently inconsistent or overlapping

- 54 Where two legislative provisions are apparently inconsistent or overlapping the starting point is that they are to be read together. In the absence of express words, an earlier statutory provision is not repealed, altered or derogated from by a later provision unless an intention to that effect is necessarily to be implied.³⁴ This is understood as the presumption of mutual accommodation.

- 55 In *Anthony Hordern & Sons Ltd v Amalgamated Clothing and Allied Trades Union of Australia*,³⁵ it was said that when the legislature explicitly gives a power in a statute that confers general powers, those powers are to be read subject to more particular limitations and qualifications expressed in powers which prescribe the mode in which they should be exercised and the conditions and restrictions which must be observed.³⁶

- 56 The same approach was applied by Santow JA in *Deputy Commissioner of Taxation v Dick*, where the legislative provisions were to be found in different instruments; in order to ascertain the extent to which the provisions were capable of mutual accommodation.³⁷

³⁴ *Sarawati v The Queen* [1991] HCA 21; (1991) 172 CLR 1, 17 (Gaudron J).

³⁵ *Anthony Hordern & Sons Ltd v Amalgamated Clothing and Allied Trades Union of Australia* [1932] HCA 9; (1932) 47 CLR 1, 7 (Gavan Duffy CJ & Dixon J); see also *Deputy Commissioner for Taxation v Dick* [2007] NSWCA 190 [121] (Santow JA).

³⁶ *Anthony Hordern & Sons Ltd v Amalgamated Clothing and Allied Trades Union of Australia* [1932] HCA 9; (1932) 47 CLR 1, 7 (Gavan Duffy CJ & Dixon J).

³⁷ *Deputy Commissioner of Taxation v Dick* [2007] NSWCA 190 [121] (Santow JA).

57 The presumption of mutual accommodation is based on the premise that the legislature intended both provisions to operate and that, to the extent that they would otherwise overlap, one is to be read as subject to the other.³⁸ The presumption will be rebutted in circumstances where the proper construction of the two provisions reveals an express or implied contradiction between the two.³⁹

58 In *Ferdinands v Commissioner for Public Employment*, Gleeson CJ determined that the question to be asked was whether the later legislative provision in an Act excluded the former provision of another Act on the basis that there was such contrariety between them.⁴⁰ This approach can be displaced by the context in which the legislative provisions operate.⁴¹

59 However, the presumption of mutual accommodation will not be rebutted simply because the two legislative provisions overlap, as an intention on the part of the Legislature for the specific power to operate exclusively is necessary.⁴² There must be very strong grounds to support the implication that the earlier provision is derogative from, repealed or altered by the later provision.⁴³

60 The questions to be determined in this matter are:

- (a) whether s 28A of the *Main Roads Act* prevents the Metro-East Panel from imposing a condition requiring construction of a solid median on Thomas Road;
- (b) does the requirement to install a solid median on Thomas Road constitute 'control of access' within the meaning of s 28A of the *Main Roads Act*; and
 - (i) if so, does the control access to and from Thomas Road depend upon the extent to which s 28A of the *Main Roads Act* and s 162 of the *Planning and Development Act* are inconsistent or incompatible with one another; and

³⁸ *Sarawati v The Queen* [1991] HCA 21; (1991) 172 CLR 1, 17 (Gaudron J).

³⁹ *Deputy Commissioner of Taxation v Dick* [2007] NSWCA 190 [116] (Santow JA).

⁴⁰ *Ferdinands v Commissioner for Public Employment* [2006] HCA 5; (2006) 225 CLR 130 [4]; see also the comments of Gummow & Hayne JJ at [18].

⁴¹ See generally *Enman v Enman* [1942] SASR 131, 138 - 139 (Mayo J).

⁴² *Enman v Enman* [1942] SASR 131, 138 (Mayo J)

⁴³ *Sarawati v The Queen* [1991] HCA 21; (1991) 172 CLR 1, 17 (Gaudron J); *Ferdinands v Commissioner for Public Employment* [2006] HCA 5; (2006) 225 CLR 130, 133 - 134 [4] (Gleeson J).

- (ii) whether the power conferred in s 28A excludes the power of the Metro-East Panel to impose conditions that control access to and from a road.

Does s 28A of the *Main Roads Act* prevent the Metro-East Panel from imposing condition 11?

61 Firstly, there is no express contradiction between s 28A of the *Main Roads Act* and the power conferred by s 162 of the *Planning and Development Act*. If any contradiction arises it must necessarily be implied. In order to displace the presumption of mutual accommodation an implicit contradiction between the two provisions must necessarily arise.

62 The power conferred on a development assessment panel to approve planning applications pursuant to s 162 of the *Planning and Development Act* is a general power to approve or reject development applications subject to the imposition of conditions; whereas, the power conferred upon the Governor under s 28A of the *Main Roads Act* is a specific power.

63 Section 162 of the *Planning and Development Act* was enacted at a later point in time to s 28A of the *Main Roads Act*. If s 28A of the *Main Roads Act* confers an exclusive power to control access to a section or part of a road then, to that extent, the general power in s 162 (if s 28A applies) will be inconsistent with s 28A.

64 For the reasons that follow, however, I do not consider that the powers conferred by s 162 of the *Planning and Development Act* and s 28A of the *Main Roads Act* are inconsistent to the extent that it is beyond the power of the Metro-East Panel to impose condition 11.

65 Section 28A of the *Main Roads Act* requires the Commissioner, in the event that he or she forms an opinion that any section or part of a road should have control of access and should be entered, and departed from, at specified places only; or that any land acquired should be reserved for a future road section with control of access, to make a recommendation to the Governor that the road be subject to control of access. The Governor then may, by proclamation, declare the section or part of the road the subject of the recommendation subject to control of access (as that phrase is defined under the *Main Roads Act*).

66 The ambit of s 28A of the *Main Roads Act* is to be ascertained from the text, in light of the definition of control of access and the

object and purpose of the *Main Roads Act*. The definition of control of access in s 6 of the *Main Roads Act* requires the satisfaction of two conditions, namely, that:

- (1) the section or part of the road is intended for use by prescribed traffic without avoidable hindrance, whether from traffic from an intersecting road or otherwise; and
- (2) such section or part of the road has been declared by proclamation to be subject to control of access and may be entered or departed from at specified places only.

67 The decision by the Metro-East Panel to impose condition 11 on Lot 12 of the Skukuza land is to prevent a right turn in and right turn out Thomas Road access by requiring the construction of a solid median in the middle of a section of Thomas Road. Such a solid median would, if constructed, also prevent a right turn in and right turn out onto Thomas Road from the Humich land.

68 However, the section of Thomas Road to which condition 11 relates cannot be characterised as a section or part of a road that is for use by prescribed traffic without avoidable hindrance, nor has it been declared by proclamation to be subject to control of access.

69 The power under s 28A of the *Main Roads Act* need not be exercised for there to be a solid median preventing traffic on a road from entering and exiting at a particular location.

70 A proclamation of control of access on a road pursuant to s 28A is reserved for specific traffic conditions in which the Commissioner considers right of access should be restricted in order to facilitate the movement of traffic on a road and such a section is proclaimed to be subject to control of access by the Governor. It is a provision, as counsel for the Skukuza points out, that provides extra protection for busy roads and highways where the Governor deems it necessary.⁴⁴ In such a circumstance, a person who enters or leaves a road subject to a control of access proclamation, otherwise than in the place provided for, commits an offence.⁴⁵

71 The power to proclaim control of access on roads, from time to time, is a power exercisable at the discretion of the Governor on recommendation from the Commissioner in prescribed circumstances.

⁴⁴ ts 57, 7 May 2019.

⁴⁵ *Main Roads Act 1930* (WA), s 28A(7).

This is emphasised, in the definition of control of access under the *Main Roads Act*, by the use of the conjunctive 'and' in the definition of control of access, particularly when read with the object and purpose of the *Main Roads Act*, part of which is to provide for the construction, maintenance and supervision of highways and for the control of access to roads.

72 Further, the power conferred by s 28A provides for more extensive control of access than simply the ability to enter and exit a road at particular points. Section 28A expressly contemplates the prohibition of the movement of live-stock (unless in a vehicle in accordance with the provisions of the *Main Roads Act* and the regulations made therein).⁴⁶ Section 28A, as noted above, also makes it an offence to enter or leave a section or part of a road subject to control of access otherwise than at a place provided for pursuant to the provisions of the *Main Roads Act* or regulations.⁴⁷

73 Section 28A provides for a discretionary power to proclaim a road or section of a road as being subject to control of access where there is deemed to be a greater need for supervision, protection and certainty in controlling rights of access to a road. In light of the more extensive controls and the discretion involved in proclaiming a road, or part thereof, subject to control of access it is unnecessary for the procedure under s 28A of the *Main Roads Act* be followed for every road in Western Australia where it is desirable to restrict entry and exit points to one direction from two points at either side of a road so as to invoke the criminal sanctions that necessarily follow by the making of a proclamation under s 28A of the *Main Roads Act*.

74 This construction is consistent with the effect of the compensation provisions in s 28A. The construction of such a solid median as required by condition 11 could not, invoke the compensation provisions, in s 28A(2A) to (2K) of the *Main Roads Act*, as s 28A(2A) and (2B) contemplate that compensation is only payable where access to a section or part of a road not subject to control of access is extinguished as the result of a section or part of a (another) road is declared to be subject to control of access.

75 On the facts before the court, s 28A does not apply.

⁴⁶ *Main Roads Act 1930* (WA), s 28A(5A).

⁴⁷ *Main Roads Act 1930* (WA), s (7).

76 For these reasons, I do not consider that condition 11 falls outside of the power conferred upon the Metro-East Panel by s 162 of the *Planning and Development Act* to approve a development subject to conditions by reason of the specific power that arises in s 28A of the *Main Roads Act*.

77 Nor do I agree that condition 11 imposes a condition that requires a further exercise of discretion by a third party or parties.

78 The first paragraph of condition 11 simply imposes a requirement that the proposed access (from and to the Skukuza land) is to be designed and constructed to the satisfaction of the Shire (Serpentine Jarrahdale) on the advice of Main Roads Western Australia. The Humich Parties do not specifically challenge this part of condition 11 but say that the power to construct a solid median and any part of the crossover that is on Crown land is statutorily conferred only on the Commissioner for Main Roads and the Governor pursuant to s 28A of the *Main Roads Act* and the Commissioner of Main Roads pursuant to s 15 of the *Main Roads Act* who is vested with the care, maintenance, and management of highways and main roads.

79 It does not follow that because of the effect of s 15 of the *Main Roads Act* that condition 11 must be characterised as an ambulatory condition, or that s 15 of the *Main Roads Act* otherwise renders condition 11 invalid. Condition 11 does not require the exercise of discretion by the Shire of Serpentine Jarrahdale or Main Roads Western Australia.

80 As Skukuza points out:

- (a) The Metro-East Panel is empowered to impose conditions relating to construction of things beyond the Skukuza land if it has a planning purpose, is not unreasonable and is reasonably and fairly related to the development permitted.⁴⁸ The last requirement requires proof that there is a connection or relationship between the planning purpose for which the condition has been imposed and the likely or possible consequences of the proposed development.⁴⁹

⁴⁸ *Western Australian Planning Commission v Temwood Holdings Pty Ltd* [2004] HCA 63; (2004) 221 CLR 30 [57] (McHugh J).

⁴⁹ *Reid v Western Australian Planning Commission* [2016] WASCA 181 [37] (Martin CJ; Newnes & Murphy JJA agreed).

- (b) For a development condition to have this connection to the development, it does not mean the condition can only refer to matters on the development land itself. A connection to the development may exist beyond things happening on the land itself.⁵⁰ In the context where a court upheld a condition of a subdivision requiring the contribution to the cost of replacing a bridge and resurfacing a road which provided access to the subdivision, Gibbs CJ observed that:⁵¹

... the local authority, in deciding whether a condition is reasonably required by the subdivision, is entitled to take into account the fact of the subdivision and the changes that the subdivision is likely to produce - for example, in a case such as the present, the increased use of the road and of the bridge - and to impose such conditions as appear to be reasonably required in those circumstances.

- 81 In any event to the extent that it is relevant, it is conceded on behalf of the Humich Parties that it is open at any time for Main Roads Western Australia, pursuant to the power conferred on the Commissioner by s 15 of the *Main Roads Act*, to re-design any part of Thomas Road (which could include constructing and the installation by it of a solid median on Thomas Road on the part of the road between the Humich land and the Skukuza land).

The power of the panel to impose conditions requiring acquisition and construction on Main Roads' property

- 82 The Humich parties contend that the Metro-East Panel is only empowered to impose conditions relating to construction on Skukuza land and had no authority to impose conditions requiring construction on a highway as property in highways is vested in the Crown and is controlled by the Commissioner.⁵²

⁵⁰ See, for example, the connection recognised between a subdivision or development and a condition requiring a contribution to parks and recreation: *Lloyd v Robinson* [1962] HCA 36; (1962) 107 CLR 142; a contribution to school site in the area: *Tilbrook v Western Australia Planning Commission* [2011] WASAT 130; a condition requiring the ceding of a lot for foreshore: *Sin-Aus-Bel Pty Ltd v Western Australian Planning Commission* [2006] WASAT 266; (2006) 45 SR (WA) 67; *Western Australian Planning Commission v Temwood Holdings Pty Ltd* [2004] HCA 63; (2004) 221 CLR 30.

⁵¹ *Cardwell Shire Council v King Ranch Australia Pty Ltd* [1984] HCA 39; (1984) 53 ALR 632, 635 (Mason, Wilson, Brennan & Dawson JJ agreed); referred to in *Western Australian Planning Commission v Temwood Holdings Pty Ltd* [2004] HCA 63; (2004) 221 CLR 30 [152] (Callinan J); *Sin-Aus-Bel Pty Ltd v Western Australian Planning Commission* [2006] WASAT 266; (2006) 45 SR (WA) 67 [43] (Chaney J); *Reid v Western Australian Planning Commission* [2016] WASCA 181 [23] - [26] (Martin CJ; Newnes & Murphy JJA agreed).

⁵² Applicant's outline of submissions, filed 3 April 2019 [22] - [26].

83 The Humich parties argue that [3] of condition 11 constitutes a requirement for 'land acquisition' as it imposes an obligation on the owners of the Skukuza land to acquire land on Thomas Road on which a solid median is to be constructed, contrary to s 15 of the *Main Roads Act*.

84 Condition 11 imposes an obligation upon the developer to bear the cost of the 'land acquisition, design and construction of the left turning pocket and solid median'. Yet, the reference to 'land acquisition' in the third paragraph of condition 11 should not be construed to mean that the developer is required to acquire the land comprised of the section of Thomas Road upon which a solid median is required to be constructed.

85 At the time condition 11 was imposed, Skukuza was yet to acquire the land. The reference to land acquisition, properly understood, is a reference to the costs involved in the acquisition of the Skukuza Land, Lots 12 and 50, that are the subject of the Skukuza approval. Condition 11 also imposes a separate and distinct obligation on the developer to bear the cost of the construction of the left turning pocket and solid median.

Legal unreasonableness

86 Jurisdictional error is capable of being established on the ground that a decision is legally unreasonable. The High Court has made it clear that the legislature is taken to have intended that a discretionary power, statutorily conferred, must be exercised reasonably.⁵³

87 Counsel for the applicant submitted that the determination of the panel to impose condition 11 should be quashed for unreasonableness.

88 Unreasonableness, as a ground of judicial review, has often been the subject of criticism as it straddles the line between judicial review and merits review. The distinction between judicial review and merits review has been strictly maintained in Australia. In *The Pilbara Infrastructure Pty Ltd v Economic Regulation Authority*, Edelman J observed that it is not for the judge on a judicial review application which focuses upon whether a discretionary decision is unreasonable to substitute his or her preferred decision for that of the decision-maker.⁵⁴

⁵³ *Minister for Immigration and Citizenship v Li* [2013] HCA 18; (2013) 249 CLR 332 [63] (Hayne, Kiefel & Bell JJ), [88] - [89] (Gageler J); *Kruger v The Commonwealth* (1997) 190 CLR 1, 36 (Brennan J); *Minister for Immigration and Multicultural Affairs v Esheto* (1999) 197 CLR 611 [126] (Gummow J).

⁵⁴ *The Pilbara Infrastructure Pty Ltd v Economic Regulation Authority* [2014] WASC 346 [142] - [143].

89 Similarly, in *Minister for Immigration and Citizenship v Li*, a plurality of the High Court explained that in undertaking to judicially review a decision for jurisdictional error on the ground of unreasonableness it is not for the court to simply substitute its preferred decision:⁵⁵

[C]ourts are conscious of not exceeding their supervisory role by undertaking a review of the merits of an exercise of discretionary power. Properly applied, a standard of legal reasonableness does not involve substituting a court's view as to how a discretion should be exercised for that of a decision-maker.

90 Legal unreasonableness is invariably fact dependent and requires a careful evaluation of the evidence, because whether a decision is legally unreasonable depends upon the application of the relevant principles to particular factual circumstances of the case.⁵⁶

91 The legal standard of reasonableness is the standard indicated by the proper construction of the statute. It is necessary to construe the statute because the question to which the standard of reasonableness is addressed is whether the statutory power has been abused.⁵⁷

92 Every statutory discretion is confined by the subject matter, scope and purpose of the act under which the discretion is conferred.⁵⁸ In circumstances where the discretion conferred upon the decision-maker is ill-defined, as it is here, it is necessary to ascertain its limits by looking to the scope and purpose of the act conferring the discretionary power.⁵⁹

93 The legal standard of reasonableness should not be understood to be limited to whether the decision is so unreasonable that no reasonable person would have made it, rather, the standard to be addressed is whether the power, on its true construction, has been abused.⁶⁰ Unreasonableness is a conclusion which may be applied to a decision

⁵⁵ *Minister for Immigration and Citizenship v Li* [2013] HCA 13; (2013) 249 CLR 332 [66] (Hayne, Kiefel & Bell JJ).

⁵⁶ *Minister for Immigration and Border Protection v SZVFW* [2018] HCA 30; (2018) 357 ALR 408 [84] (Nettle & Gordon JJ).

⁵⁷ *Minister for Immigration and Citizenship v Li* [2013] HCA 13; (2013) 249 CLR 332 [67] (Hayne, Kiefel & Bell JJ).

⁵⁸ *Minister for Immigration and Citizenship v Li* [2013] HCA 13; (2013) 249 CLR 332 [23] (French CJ).

⁵⁹ *Minister for Immigration and Citizenship v Li* [2013] HCA 13; (2013) 249 CLR 332 [67] (Hayne, Kiefel & Bell JJ); *Klein v Domus Pty Ltd* [1963] HCA 54; (1963) 109 CLR 467, 473 (Dixon J); *Jacob v Save Beeliar Wetlands Inc* [2016] WASCA 126 [67] - [68] (McLure P; Buss JA agreed).

⁶⁰ *Minister for Immigration and Border Protection v SZVFW* [2018] HCA 30; (2018) 357 ALR 408 [80] (Nettle & Gordon JJ).

which lacks an evident and intelligible justification.⁶¹ This point was expressed clearly by Gageler J in *Minister for Immigration and Citizenship v Li*, when his Honour said:⁶²

Review by a court of the reasonableness of a decision made by another repository of power 'is concerned mostly with the existence of justification, transparency and intelligibility within the decision-making process' but also with 'whether the decision falls within a range of possible, acceptable outcomes which are defensible in respect of the facts and law'.

Is the decision to impose condition 11 legally unreasonable?

94 The decision of the Metro-East Panel to approve the Caltex development application subject to the requirement in the third paragraph of condition 11 requiring the developer to construct a solid median was legally unreasonable.

95 The power conferred upon a development assessment panel to determine planning applications pursuant to s 162 of the *Planning and Development Act* and reg 8 of the *Planning and Development (Development Assessment Panels) Regulations 2011* (WA) is a broad general discretion to approve or refuse development applications and, if necessary, to impose conditions upon applicants as conditions of their planning approval in accordance with the relevant planning scheme.

96 *In Western Australian Planning Commission v Temwood Holdings Pty Ltd*, McHugh J observed that a condition attached to a grant of planning permission will not be valid unless:⁶³

1. The condition is for a planning purpose and not for any ulterior purpose. A planning purpose is one that implements a planning policy whose scope is ascertained by reference to the legislation that confers planning functions on the authority, not by reference to some preconceived general notion of what constitutes planning.

⁶¹ *Minister for Immigration and Citizenship v Li* [2013] HCA 13; (2013) 249 CLR 332 [76] (Hayne, Kiefel & Bell JJ), [98] (Gageler J); *Minister for Immigration and Border Protection v SZVFW* [2018] HCA 30; (2018) 357 ALR 408 [82] (Nettle & Gordon JJ).

⁶² *Minister for Immigration and Citizenship v Li* [2013] HCA 13; (2013) 249 CLR 332 [105] applying *New Brunswick (Board of Management) v Dunsmuir* [2008] 13CR 190 [47]; applied in *Minister for Immigration and Border Protection v SZVFW* [2018] HCA 30; (2018) 357 ALR 408 [82] (Nettle & Gordon JJ).

⁶³ *Western Australian Planning Commission v Temwood Holdings Pty Ltd* [2004] HCA 63; (2004) 221 CLR 30 [57]; applied in *Reid v Western Australian Planning Commission* [2016] WASCA 181 [28], [35] (Martin CJ; Newnes & Murphy JJA agreeing).

2. The condition reasonably and fairly relates to the development permitted.
3. The condition is not so unreasonable that no reasonable planning authority could have imposed it.

97 Whilst the discretion granted to a local or joint development assessment panel is substantially undefined, it must also be subject to confinement by the object, scope, and purpose of the *Planning and Development Act*.

98 The object and purpose of the *Planning and Development Act*, under which the *Planning and Development (Development Assessment Panels) Regulations* are enacted, is to consolidate the previous schemes for planning and development in Western Australia, and to provide for an efficient and effective land use planning system and promote the sustainable use and development of land in the State.⁶⁴

99 This purpose, or object, could not be achieved if the Metro-East Panel, and other development assessment panels established under the statutory scheme, are able to make decisions that are inconsistent with one another in such a way as to be irreconcilable. If this were the case, there would be capacity for the same development assessment panel to impose conditions upon developers of neighbouring land, that were impossible to be performed, which would not promote an efficient and effective land use system in Western Australia.

100 That is not to say that during an assessment of a development application a panel should be required to canvas endlessly its previous decisions to ensure consistency of decision making. However, in the context of the power conferred by the *Planning and Development Act*, grants of planning permission are impliedly required not to be practicably irreconcilable when they are made within a relatively short period of time, and are made largely by the same decision-makers, and in relation to adjacent land that had a current development approval in place.

101 The Metro-East Panel granted planning permission to both the Skukuza and Humich parties under conditions that are incapable of reconciliation. The Skukuza approval and the imposition of a requirement to construct a solid median on Thomas Road (condition 11), is directly inconsistent with the conditions of the earlier

⁶⁴ *Planning and Development Act 2011* (WA) s 3(1)(a)-(c).

planning approval granted to the Humich parties allowing full movement access from the Humich land to Thomas Road.

102 The Humich approval and the Skukuza approval are for land opposite one another on Thomas Road, were made by the same joint development assessment panel and (largely) consist of the same decision-makers.⁶⁵

103 It cannot be said that the Metro-East Panel was not aware of the earlier approval as the Humich Parties were represented and made submissions to the Metro-East Panel immediately prior to the Skukuza decision being made.⁶⁶

104 In this matter the Metro-East Panel imposed a condition on the Skukuza land that is inconsistent and incapable of reconciliation with the Humich approval, lacking both justification and intelligibility in light of the object and purpose of the *Planning and Development Act* which, as I have outlined above, is to provide for an efficient and effective land use planning system and promote the sustainable use and development of land in the State.

105 The decision of the Metro-East Panel to impose condition 11 on the development of the Skukuza land, insofar as condition 11 imposes a requirement on the developer to construct a solid median on Thomas Road, is not reconcilable with the approval granted to the Humich parties and cannot achieve the object and purpose of the *Planning and Development Act*.

106 Accordingly, Condition 11 is legally unreasonable and vitiated by jurisdictional error.

Discretionary relief in the nature of certiorari

107 Jurisdictional error in respect of condition 11, on the part of the Metro-East Panel, has been identified. However, as counsel for Skukuza points out, certiorari is a discretionary remedy.⁶⁷

⁶⁵ ts 39 - 40, 7 May 2019; the November 2018 decision to extend the Humich parties' approval consisted of three out of five of the same members as the 29 October 2018 meeting (Skukuza approval), in particular, the same presiding member, deputy presiding member, and one local government member.

⁶⁶ For the presentation request forms see: affidavit of Fiona Sze, affirmed 15 March 2019, annexure FZ8, page 485 - 492. Ms Linda Rowhey presented on behalf of the Humich parties at the meeting on 29 October 2018 see: affidavit of Randal Ivan Humich, sworn 22 February 2019, annexure RH16, page 320.

⁶⁷ See generally, *Re Refugee Review Tribunal; Ex parte Aala* (2000) 204 CLR 82; *Re McBain; Ex parte Australian Catholic Bishops Conference* [2002] HCA 16; (2002) 209 CLR 372.

108 An argument is put on behalf of Skukuza that the discretion to refuse to grant a writ of certiorari should be exercised as Skukuza recently submitted a new development application over the Skukuza land, and that a grant of certiorari would, ultimately, be of no legal effect if the Metro-East Panel were to subsequently approve the new development application and cancel the existing Skukuza development approval.⁶⁸

109 In support of this submission, Skukuza applied to read into evidence an additional affidavit sworn by Belinda Ann Moharich on 24 April 2019. The application was opposed by the Humich parties.

110 I am of the opinion, however, that this affidavit should be admitted into evidence as the affidavit properly puts relevant documents before the court in support of this argument, being a copy of the development application made by Skukuza, dated 14 March 2019, and other supporting materials.

111 Counsel for Skukuza submits that it is open to the court to refuse relief on the grounds that even if jurisdictional error in respect of condition 11 can be identified, quashing the condition will be futile (that is, it will be of no legal effect) if a development assessment panel were to later approve the new application.⁶⁹

112 Counsel for Skukuza also argued that the decision to quash condition 11 for jurisdictional error will be of no legal effect in light of a media announcement, made on 28 March 2019, by the Prime Minister and various cabinet ministers in respect of the Federal Government's commitment to invest an additional \$1.6 billion in road and rail infrastructure in Western Australia⁷⁰ and the Premier and Minister for Transport for the State of Western Australia's pledge to specifically redevelop Nicholson Road and Thomas Road in 2020.⁷¹

113 As to the plans to upgrade Thomas Road, although the intentions of our politicians may be genuine, as counsel for Humich points out, the statements made in the media releases have been made during the course of a federal election campaign.⁷²

⁶⁸ ts 45, 7 May 2019.

⁶⁹ Skukuza Ventures Pty Ltd's submissions, filed 24 April 2019 [39] - [40].

⁷⁰ See affidavit of Belinda Ann Moharich, sworn 24 April 2019, annexure BM4, page 223.

⁷¹ Skukuza Ventures Pty Ltd's submissions, filed 24 April 2019 [40]; See affidavit of Belinda Ann Moharich, sworn 24 April 2019, annexure BM5, page 226, 227.

⁷² ts 46, 7 May 2019.

114 There is no certainty associated with either announcement and consequently, I have not had regard to the statements made in the media releases.

115 There is no certainty that the Thomas Road and Nicholson Road intersection will be redeveloped in the near future. Nor is there any certainty whether as part of any future redevelopment of Thomas Road Main Roads Western Australia will or will not construct a solid median that will preclude right hand turns onto Thomas Road from the Humich land and the Skukuza land, or whether it will redevelop Thomas Road in some other manner.

116 The function of certiorari is to quash the legal effect or legal consequences of the decision under judicial review.⁷³ Relief in the nature of certiorari would not ordinarily be granted in circumstances where the issuing of the writ is an exercise in futility.⁷⁴ However, there is no convincing evidence before the court upon which it could be determined that the issuing of certiorari would be an exercise in futility.

117 The fact that Skukuza has submitted a new development application only raises the hypothetical prospect of a new development application being granted on different conditions. The assertions or pledges made by our politicians also do not raise any ground upon which the discretion not to grant certiorari should be exercised. There is no certainty that the proposed amendments to Thomas Road will go ahead in the manner described, or at all.

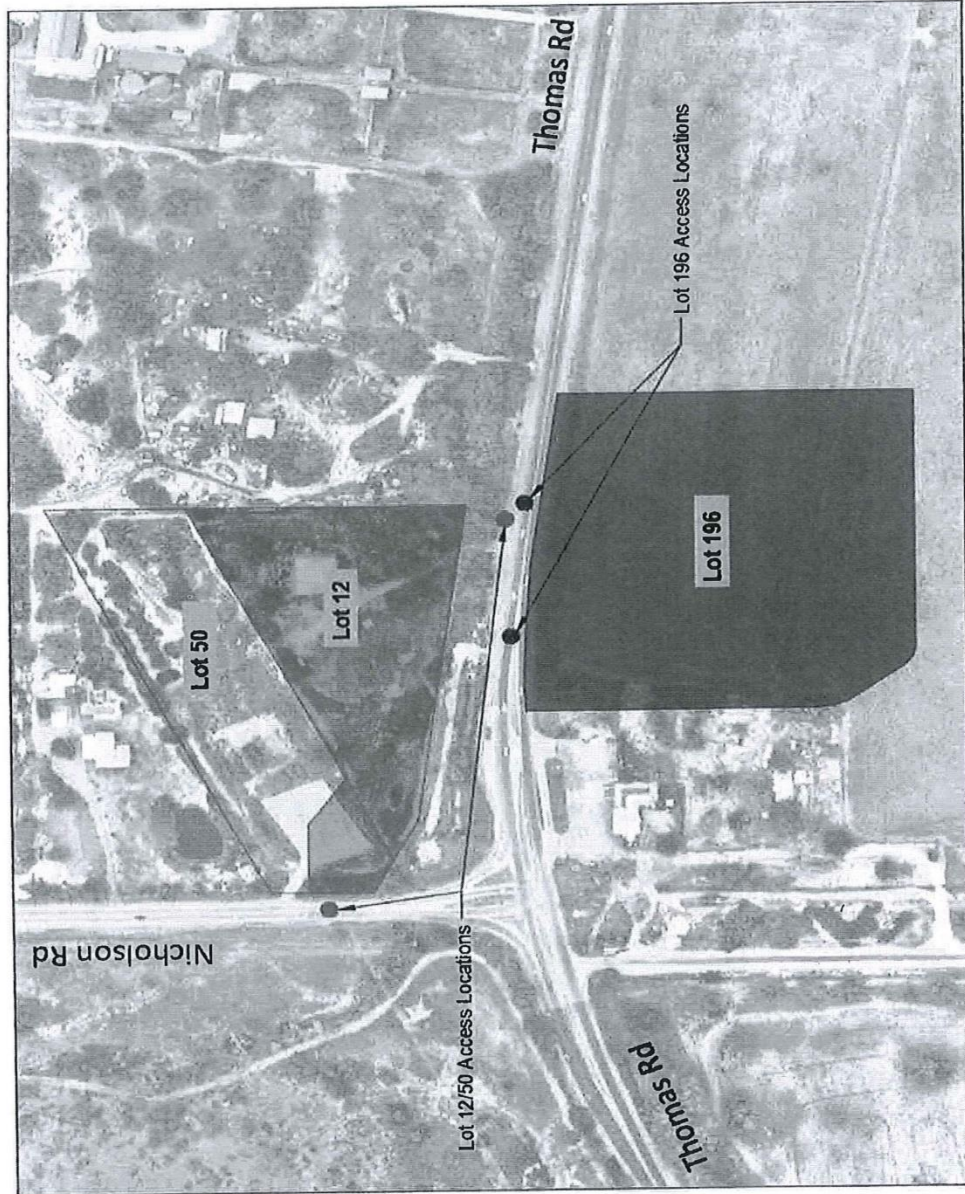
118 For these reasons, it cannot be said that there is any evidence before the court that would make the grant of certiorari an exercise in futility. On that basis, I will not exercise my discretion to refuse to grant the writ.

⁷³ *Ainsworth v Criminal Justice Commission* [1992] HCA 10; (1992) 175 CLR 564, 580, (Mason CJ, Dawson, Toohey & Gaudron JJ) 595 (Brennan J).

⁷⁴ *Varney v Parole Board of Western Australia* [2000] WASCA 393; (2000) 23 WAR 187 [87] (Ipp J); *Mulholland v Winslow* [2016] WASC 19 [79] (Martino J); *Duro Felguera Australia Pty Ltd v Samsung CBT Corporation* [2018] WASCA 28 [63] (Martin CJ).

ANNEXURE A

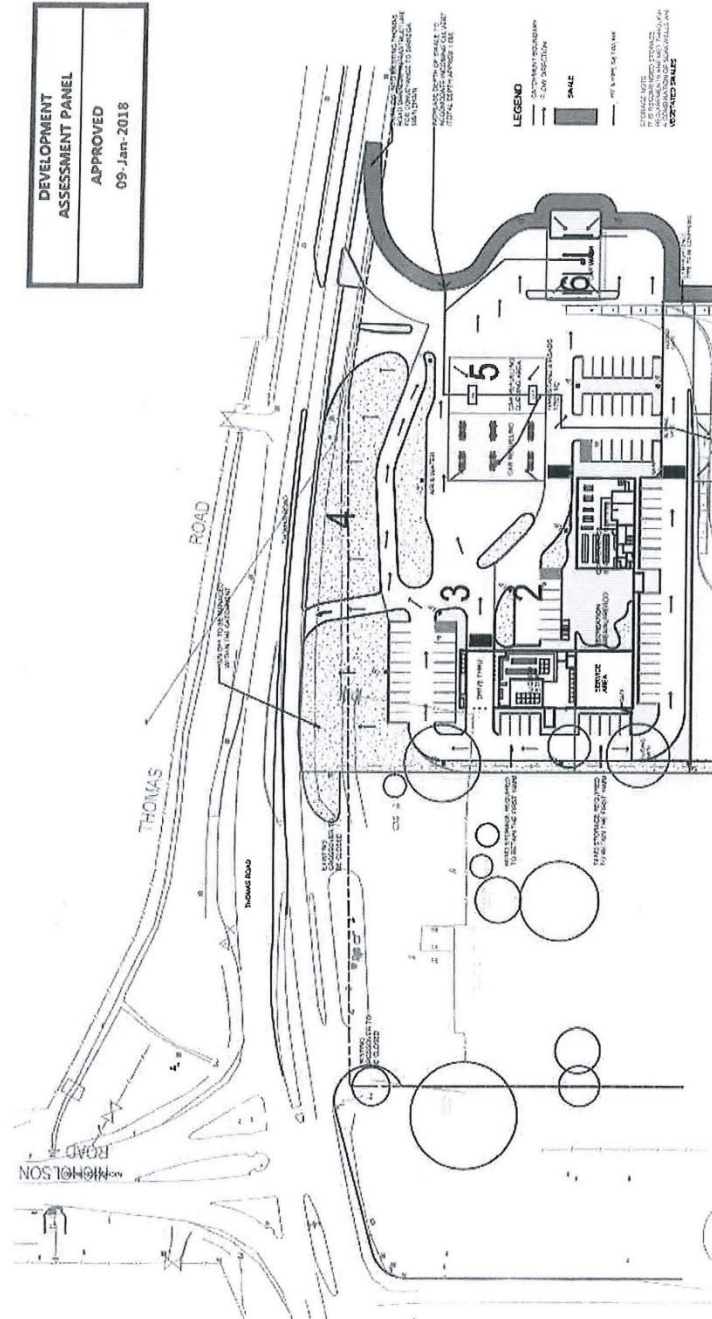
Site Context



1 LOT 12, 1537 THOMAS ROAD AND LOT 50 NICHOLSON ROAD, OAKFORD

ANNEXURE B

Approved Lot 196 Site Plan



SMITH J

I certify that the preceding paragraph(s) comprise the reasons for decision of the Supreme Court of Western Australia.

EH

Research Associate/Orderly to the Honourable Justice Smith

13 JUNE 2019

Appendix E – Notice of Exemption Letter

All enquiries to Development Services on 9526 1111
Our ref: PA19/1320:HOB



28 April 2020

Element
Level 18, 191 St Georges Terrace
PERTH
Western Australia 6000

Dear Sir,

**Proposed Extension of Commencement Timeframe for Approved Service Station
Lot 12, 1537 Thomas Road and Lot 50 Nicholson Road, Oakford (DAP/18/01394)**

Thank you for your Notification of Exempt Development for the extension of the commencement timeframe on the abovementioned development application, received by the Shire on 20 April 2020.

Under Schedule 2, clause 78H of the *Planning and Development (Local Planning Schemes) Amendment Regulations 2020* and in accordance with the Ministers Exemption Notice dated 8 April 2020, the Shire acknowledges that your proposal is exempt from requiring development approval for a further two year period. The new timeframe for when the development must be substantially commenced is 29 October 2022.

If you have any queries or would like any further information please do not hesitate to contact Planning Services on 9526 1111 or by email on info@sjshire.wa.gov.au

Yours faithfully

Heather O'Brien
Coordinator Statutory Planning



LG Ref: PA18/193
DAP Ref: DAP/18/01394
Enquiries: (08) 6551 9919

Ms Rebecca Travaglione
Planning Solutions
GPO Box 2709, Cloisters Square PO, 6850 WA

Dear Ms Travaglione

METRO EAST JDAP - SHIRE OF SERPENTINE JARRAHDAL - DAP APPLICATION - PA18/193 - DETERMINATION

Property Location:	Lot 12, 1537 Thomas Road and Lot 50 Nicholson Road, Oakford
Application Details:	'Service Station'

Thank you for your Form 1 Development Assessment Panel (DAP) application and plans submitted to the Shire of Serpentine Jarrahdale on 4 April 2018 for the above-mentioned development.

This application was considered by the Metro East JDAP at its meeting held on 29 October 2018, where in accordance with the provisions of the Shire of Serpentine Jarrahdale Town Planning Scheme No.2, it was resolved to **approve** the application as per the attached notice of determination.

Should the applicant not be satisfied by this decision, an application may be made to amend or cancel this planning approval in accordance with regulation 17 and 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Please also be advised that there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. Such an application must be made within 28 days of the determination, in accordance with the *State Administrative Tribunal Act 2004*.

Should you have any queries with respect to the conditions of approval, please contact Ms Heather Coles-Bayes on behalf of the Shire of Serpentine Jarrahdale on 9526 1130.

Yours sincerely,

DAP Secretariat

6 November 2018

Encl. DAP Determination Notice
Approved Plans

Cc: Ms Heather Coles-Bayes
Shire of Serpentine Jarrahdale



Planning and Development Act 2005

Shire of Serpentine Jarrahdale Town Planning Scheme No.2

Metro East Joint Development Assessment Panel

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

Property Location: Lot 12, 1537 Thomas Road and Lot 50 Nicholson Road,
Oakford

Application Details: 'Service Station'

In accordance with regulation 8 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the above application for planning approval was **granted** on 29 October 2018, subject to the following:

Approve DAP Application reference DAP/18/01394 and accompanying plans (Attachment 1) in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 subject to the following conditions:-

1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

Plans and Specifications	P1 – P22 received at the Shire Offices on 28 March 2018 and 24 July 2018 and Bushfire Management Plan and Risk Management Plans dated 19 March 2018
--------------------------	---

2. Prior to commencement of works, a landscaping/revegetation plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Within 60 days of occupation, the approved landscaping/revegetation plan shall be implemented and maintained thereafter.
3. Prior to commencement of works, a detailed Stormwater Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The approved Stormwater Plan shall be implemented and maintained thereafter.
4. Prior to the commencement of works, a Construction Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia. The Construction Management Plan shall include but not be limited to the following information:-
 - Dust management
 - Traffic management

These approved plans shall be implemented and maintained throughout the construction of the development.



5. Prior to occupation, a lighting plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia. The approved lighting plan shall be implemented and maintained thereafter.
6. Prior to occupation, a monetary contribution equating to 1% of the estimated cost of development (or lesser amount as agreed between the Shire of Serpentine-Jarrahdale and the developer) shall be paid to the Shire of Serpentine Jarrahdale for the establishment of public art in accordance with Council's Local Planning Policy 1.6 – Public Art to the satisfaction of the Shire of Serpentine Jarrahdale.
7. The pylon sign shall be no higher than 7m unless otherwise approved by the Shire of Serpentine Jarrahdale.
8. Prior to Commencement of works, a Noise Assessment and Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the plans shall be implemented and maintained thereafter.
9. Prior to occupation, Lot 12 Thomas Road and Lot 50 Nicholson Road, Oakford shall be amalgamated into a single lot. Alternatively, a right of carriageway easement shall be registered on the Certificate of Title over the land subject of this approval to secure reciprocal access across the lots as illustrated on the approved plans at the expense of the applicant and to the satisfaction of the Shire of Serpentine Jarrahdale.

Main Roads

Nicholson Road Access

10. Prior to occupation, the proposed Nicholson Road access is to be designed and constructed to the satisfaction of the Shire, on the advice of Main Roads WA and Department of Planning, Lands and Heritage.

The Nicholson Road access shall operate as left-in/left-out for light vehicles and **left out only turning movements for heavy vehicles** and shall have suitable signage advising motorists of these restricted movements.

The developer shall be responsible for all costs involved in the land acquisition, design and construction of the left turning pocket and solid median to prevent right out turning movements onto Nicholson Road. This includes signage, road markings, relocation of services, and street lighting associated with the turning pocket.



Thomas Road Access

11. Prior to occupation, the proposed Thomas Road access is to be designed and constructed to the satisfaction of the Shire, on the advice of Main Roads WA.

The Thomas Road access shall operate as left-in/left-out for light vehicles and **left in only turning movements for heavy vehicles** and shall have suitable signage advising motorists of these restricted movements.

The developer shall be responsible for all costs involved in the land acquisition, design and construction of the left turning pocket and solid median to prevent right out turning movements onto Thomas Road. This includes signage, road markings, relocation of services, and street lighting associated with the turning pocket.

12. No earthworks shall encroach onto the Nicholson and Thomas Road road reserve.
13. No stormwater drainage shall be discharged onto the Nicholson and Thomas Road road reserve.
14. The applicant shall make good any damage to the existing verge vegetation within the Nicholson and Thomas Road road reserve.

Advertising Signage

15. Signage illumination shall not exceed 300cd/m², and shall not flash, pulsate or chase.
16. Signage shall not contain fluorescent, reflective or retro reflective colours or materials.
17. No unauthorised signage is to be displayed without prior approval from the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia.

Advice Notes

1. As you are aware, this intersection is recognised as a dangerous black spot and has received funding from the Road Trauma Fund account to undertake preliminary planning design concepts. At this point in time, the traffic modelling depicts that the preferred intersection treatment at this location is a roundabout treatment, for both interim and ultimate stage.

The applicant is reminded that upon the roundabout being constructed to its ultimate configuration, the existing access on Nicholson Road will be removed and all access into the petrol station development will be achieved via a dedicated service road accessed from the north of Lot 50.

Please be aware that the timing of the construction of the roundabout {both interim and ultimate stages} including the preferred type of intersection treatment for this intersection is subject to change and that Main Roads assumes no liability whatsoever for the information provided.



2. An internal 15% design review has been undertaken for the submitted drawings for this development proposal. The attached design review comments are not to be considered a comprehensive design verification and may not pick-up all the issues. Therefore it is **not** an approval of the presented design.
3. Lot 50 is affected by land reserved in the Metropolitan Region Scheme for "Other Regional Road" and no development will be permitted within this land required for road purposes at some time in the future.

The applicant is advised to contact the Department Planning, Lands & Heritage - Infrastructure Land Use Co-Ordinating Branch (ILUC) for further details in this regard.

4. The applicant must obtain approval from Main Roads before all works are undertaken within the Thomas Road reserve. The applicant seeking access to the Main Roads network will be required to submit an Application as outlined in the "Application Kit and Guidelines" for State Roads.

Application Kits can be found on the Main Roads website >"Our Roads" >"Conducting Works on Roads" >"Applications to Undertake Works on State Roads" >Application Kit and Guidelines for Complex Works OR Application Form for Low Complexity Works.

5. Main Roads agreement is to be obtained prior to any future modifications to signage.
6. Vegetation within the state road reserve shall not be removed or trimmed to improve the visibility of the proposed advertising sign.

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

DEVELOPMENT
ASSESSMENT PANEL

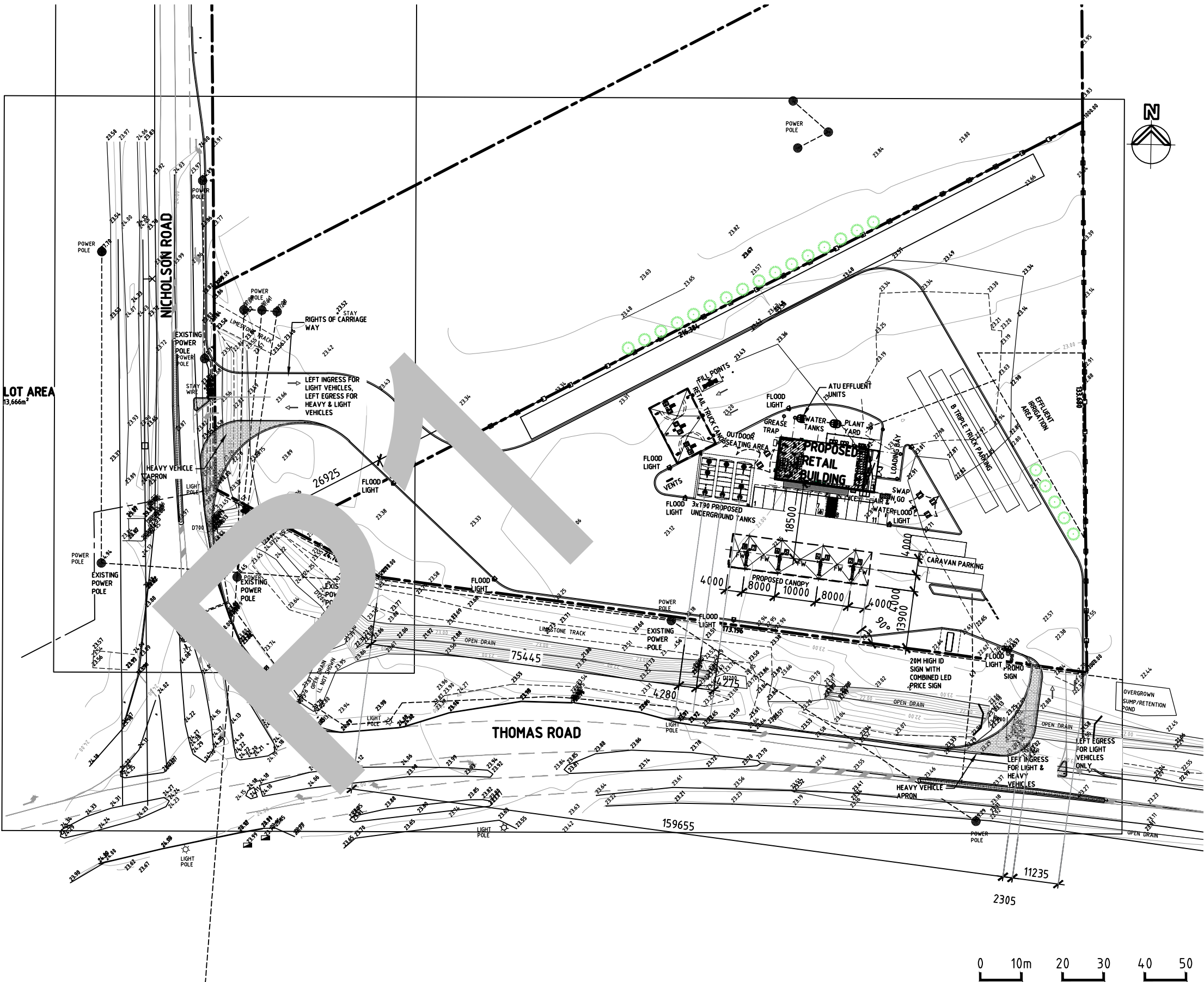
APPROVED
29-Oct-2018

APPENDIX 2

Proposed development plans – Phase 1

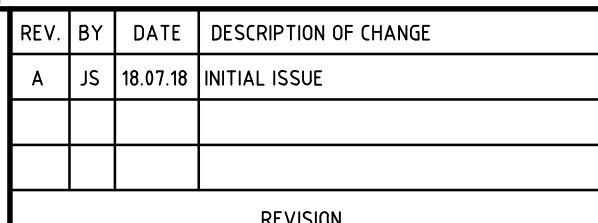
DRAWINGS LIST

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GENERAL			SHOP			RETAIL CAR CANOPY					
<div><div></div><div>A000</div></div>	DRAWING LIST	F	A210	PROPOSED FLOOR PLAN	A	A300	PLAN	A			
A001	SCHEDULE EXTERIOR FINISHES	D	A216	ELEVATIONS-SHEET 1 OF 2	F	A303	ELEVATIONS	A			
A002	SCHEDULE INTERIOR FINISHES 1 OF 2	C	A217	ELEVATIONS-SHEET 2 OF 2	F	A304	ELEVATIONS	A			
A003	SCHEDULE INTERIOR FINISHES 2 OF 2	C									
A004	SCHEDULE EXTERNAL EQUIPMENT	A									
A005	SCHEDULE SANITARY EQUIPMENT	A									
A006	SCHEDULE JOINERY & MERCHANDISE	A									
A010	SCHEDULE CALTEX EQUIPMENT 1 OF 3	C				A320	PLAN	A			
A011	SCHEDULE CALTEX EQUIPMENT 2 OF 3	C				A321	ELEVATIONS	A			
A012	SCHEDULE CALTEX EQUIPMENT 3 OF 3	C									
SITE WORKS			SIGNAGE								
<div><div></div><div>A100</div></div>	PROPOSED SITE PLAN	K	<div><div></div><div>S100</div></div>	SITE SIGNAGE PLAN	C						
A107	DELETED	J	S110	SIGNAGE DETAILS SHEET 1	D						
H301	ATU EFFLUENT DISPOSAL	B	S111	SIGNAGE DETAILS SHEET 2	A						
			S112	SIGNAGE DETAILS SHEET 3	A						
<div><div></div><div>L100</div></div>	LANDSCAPING PLAN	C	S113	SIGNAGE DETAILS SHEET 4	B						
TRAFFIC MANGEMENT			S334	SIGNAGE DETAILS CANOPY	A						
<div><div></div><div>A110</div></div>	PHASE 1 SITE PLAN	A									
A111	PHASE 1 SITE PLAN; THOMAS ROAD	A									
A112	PHASE 1 SITE PLAN; NICHOLSON ROAD	A									
A120	PHASE 2 SITE PLAN	A									



PROJECT
CONSULTANTS WA
P T Y L T D
ACN 602 924 336 ABN 40 415 457 574
CONTACT No 0430 466 223

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	H	JS	15.02.18	DEVELOPMENT APPLICATION			APPROVED	DATE	
	J	JS	16.03.18	ATU EFFLUENT UNITS ADDED			DRAWING No.	REV.	
	K	JS	20.07.18	TURN POCKETS ADDED, ID SIGN MOVED			P1525-A100	K	
	REVISION								

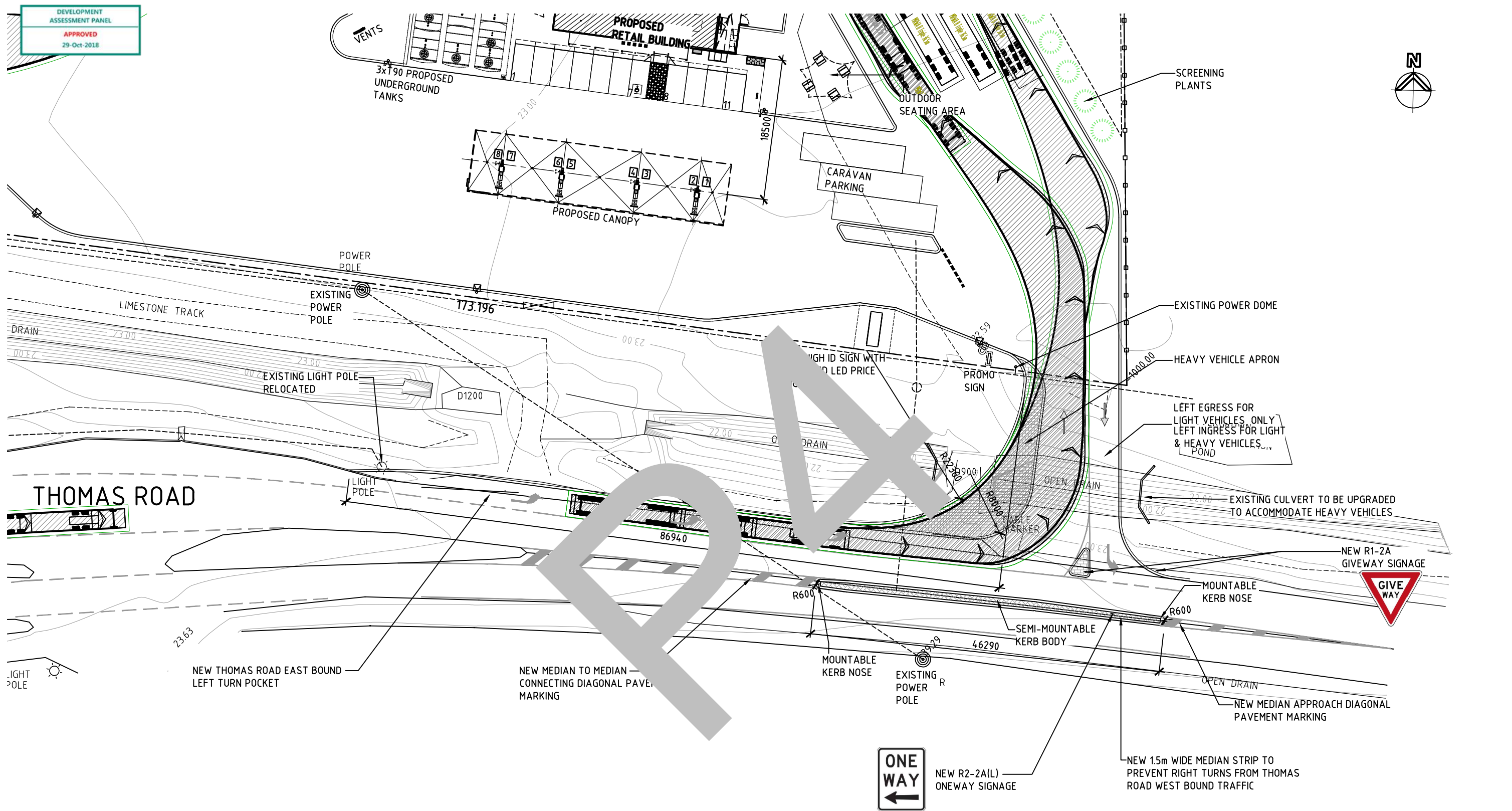


TITLE
SITE; PLAN PROPOSED
PHASE 1; INTERIM ACCESS
TRAFFIC MANAGEMENT


SCALE	DEVELOPMENT	
1:1000	APPROVED	DATE
SIZE	DRAWING No.	REV.
A3	P1525-A110	A



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	REVISION						SIZE	DRAWING No.	REV.
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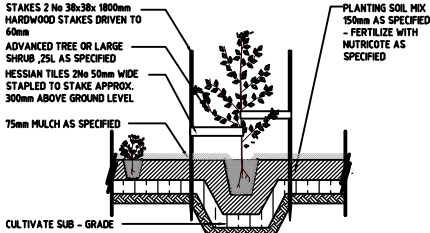
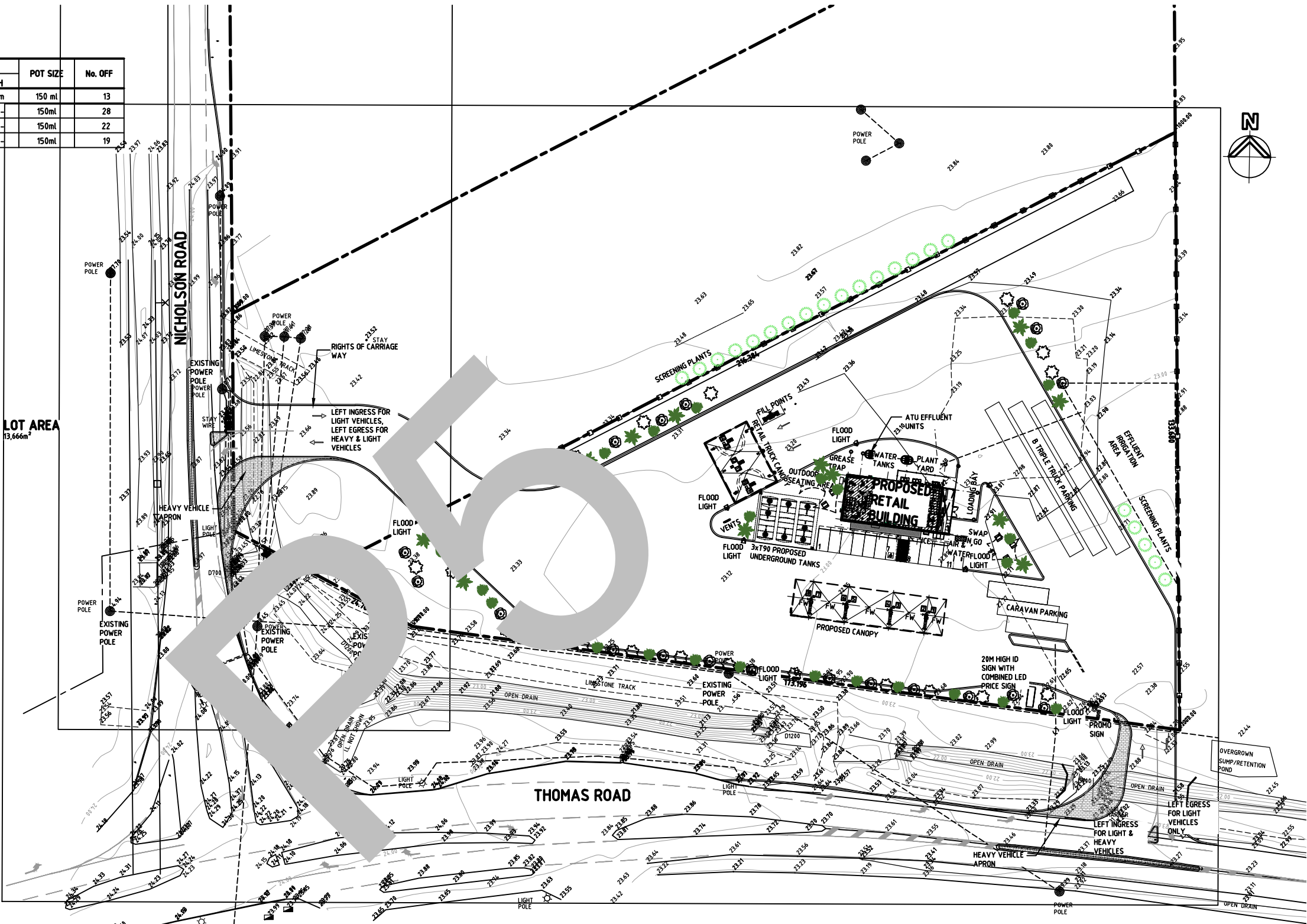


PROJECT
CONSULTANTS WA
P T Y L T D
ACN 602 924 336 ABN 40 415 457 574
CONTACT No 0430 466 223

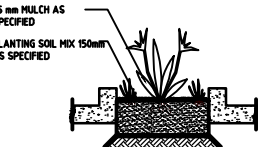
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	A	JS	20.07.18	INITIAL ISSUE			1:500	APPROVED	DATE
							SIZE	DRAWING No.	REV.
				REVISION			A3	P1525-A111	A

SCHEDULE OF PLANT SPECIES

ICON	PLANT NAME	COMMON NAME	MATURE SIZE		POT SIZE	No. OFF
			HEIGHT	WIDTH		
	MELALEUCA INCANA	GREY HONEY MYRTLE	2 m	2m	150 ml	13
	CONOSTYLIS ACULEATA	BRISTLY COTTON HEADS	HERBS	-	150ml	28
	ANIGOZANTUS VIRIDIS	GREEN KANGAROO PAW	STRAP-LEAF	-	150ml	22
	DIANELLA REVOLUTA	BLUE BERRY LILY	STRAP-LEAF	-	150ml	19



01 PLANTING DETAIL
SCALE 1:20



02 TYPICAL GARDEN BED SECTION
SCALE N.T.S

- PROVIDE FULLY AUTOMATIC IRRIGATION SYSTEM TO ALL BEDS AS DETAILED.
- PROVIDE BACKFLOW PREVENTION DEVICE BETWEEN IRRIGATION SYSTEM AND SITE RETICULATION.
- PROVIDE 200MM DRIP LINE WHERE SHOWN.
- EXTEND ELECTRICAL SERVICES AS REQUIRED TO CONTROL BOX.

PROJECT
CONSULTANTS WA
P T Y L T D
ACN 602 924 336 ABN 40 415 457 574
CONTACT No 0430 466 223



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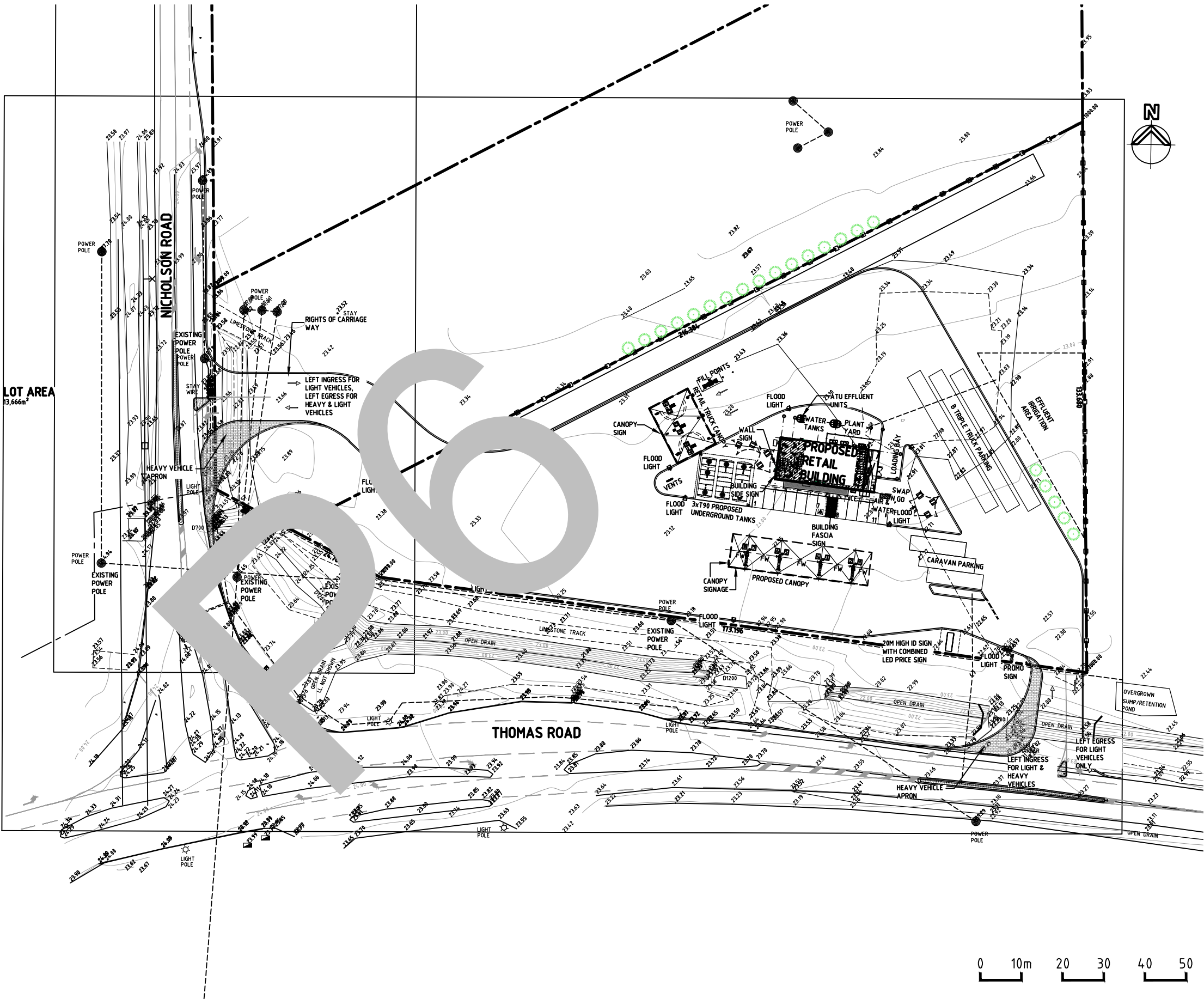
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REV.	BY	DATE	DESCRIPTION OF CHANGE
A	JS	15.02.18	DEVELOPMENT APPLICATION
B	JS	16.03.18	ATU EFFLUENT UNIT ADDED
C	JS	20.07.18	TURN POCKETS ADDED, ID SIGN MOVED
REVISION			

PROJECT
OAKFORD - WA
LOT 12 No 1537 THOMAS ROAD

TITLE
LANDSCAPING SITE PLAN

SCALE	DEVELOPMENT	
	APPROVED	DATE
SIZE	DRAWING No.	REV.
A3	P1525-L100	C



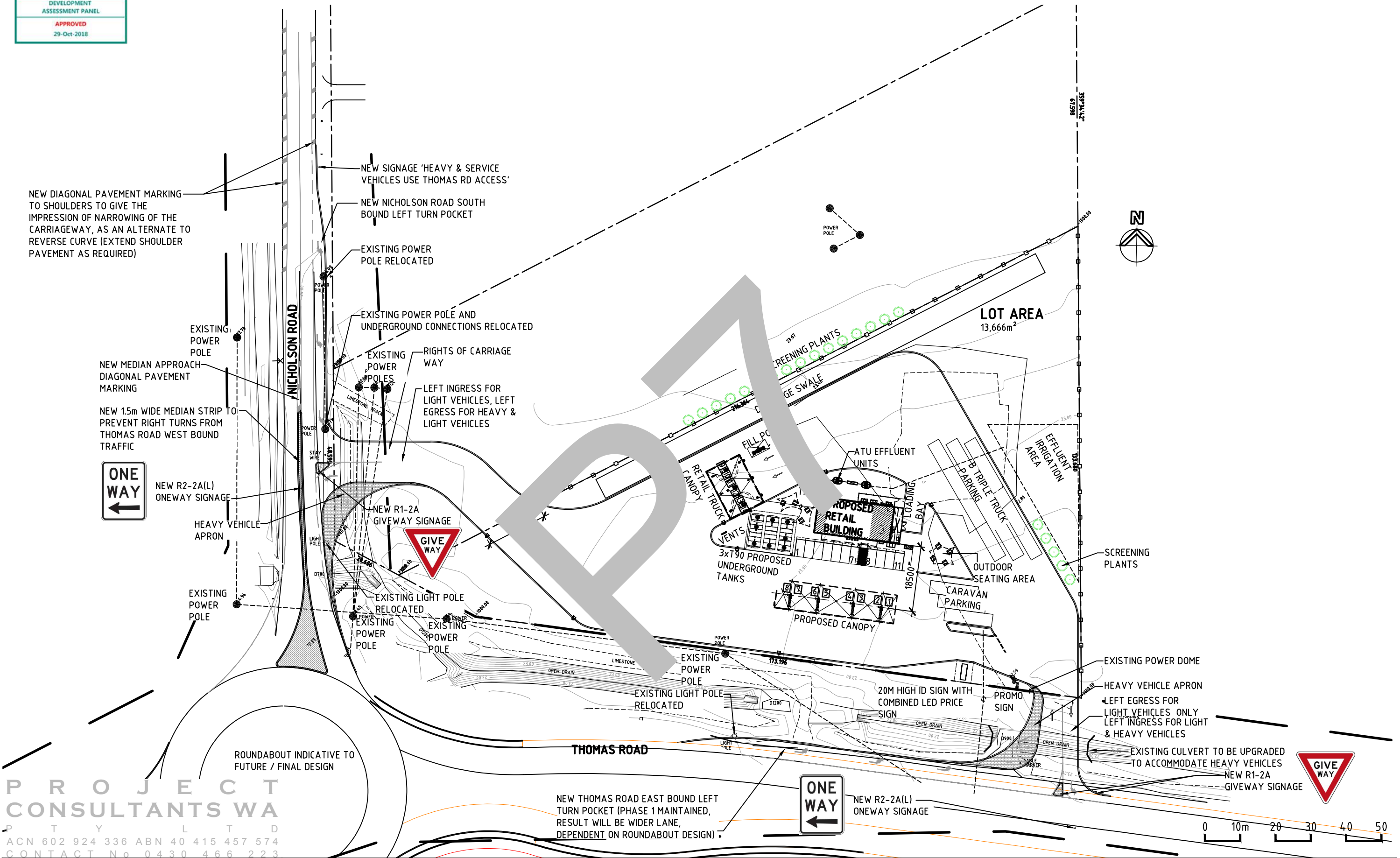
PROJECT
CONSULTANTS WA
P T Y L T D
ACN 602 924 336 ABN 40 415 457 574
CONTACT No 0430 466 223

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	B	JS	16.03.18	ATU EFFLUENT UNITS ADDED				DRAWING No. P1525-S100	REV. C
	C	JS	20.07.18	TURN POCKETS ADDED, ID SIGN MOVED					
	REVISION								

DEVELOPMENT ASSESSMENT PANEL
APPROVED 29-Oct-2018

APPENDIX 3

Proposed development plans – Phase 2



PROJECT
CONSULTANTS WA
P T Y L T D
ACN 602 924 336 ABN 40 415 457 574
CONTACT No 0430 466 223



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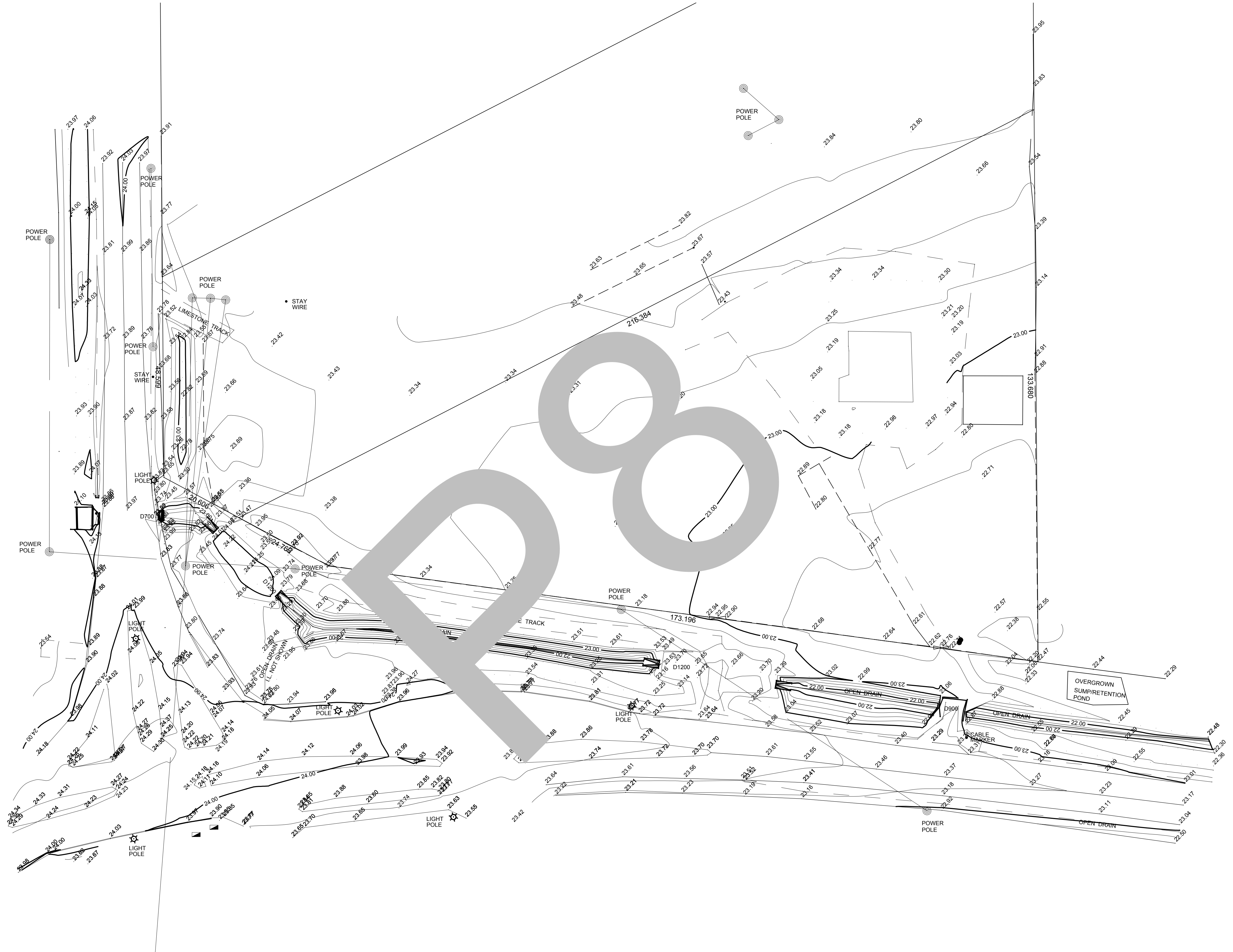
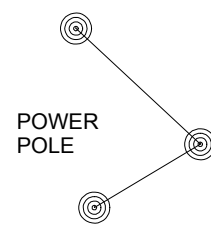
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REV.	BY	DATE	DESCRIPTION OF CHANGE
A	JS	20.07.18	INITIAL ISSUE
REVISION			

PROJECT
OAKFORD - WA
LOT 12 No 1537 THOMAS ROAD

TITLE
SITE; PLAN PROPOSED
PHASE 2; ULTIMATE ACCESS
TRAFFIC MANAGEMENT

SCALE	DEVELOPMENT	
1:1000	APPROVED	DATE
SIZE	DRAWING No.	REV.
A3	P1525-A120	A

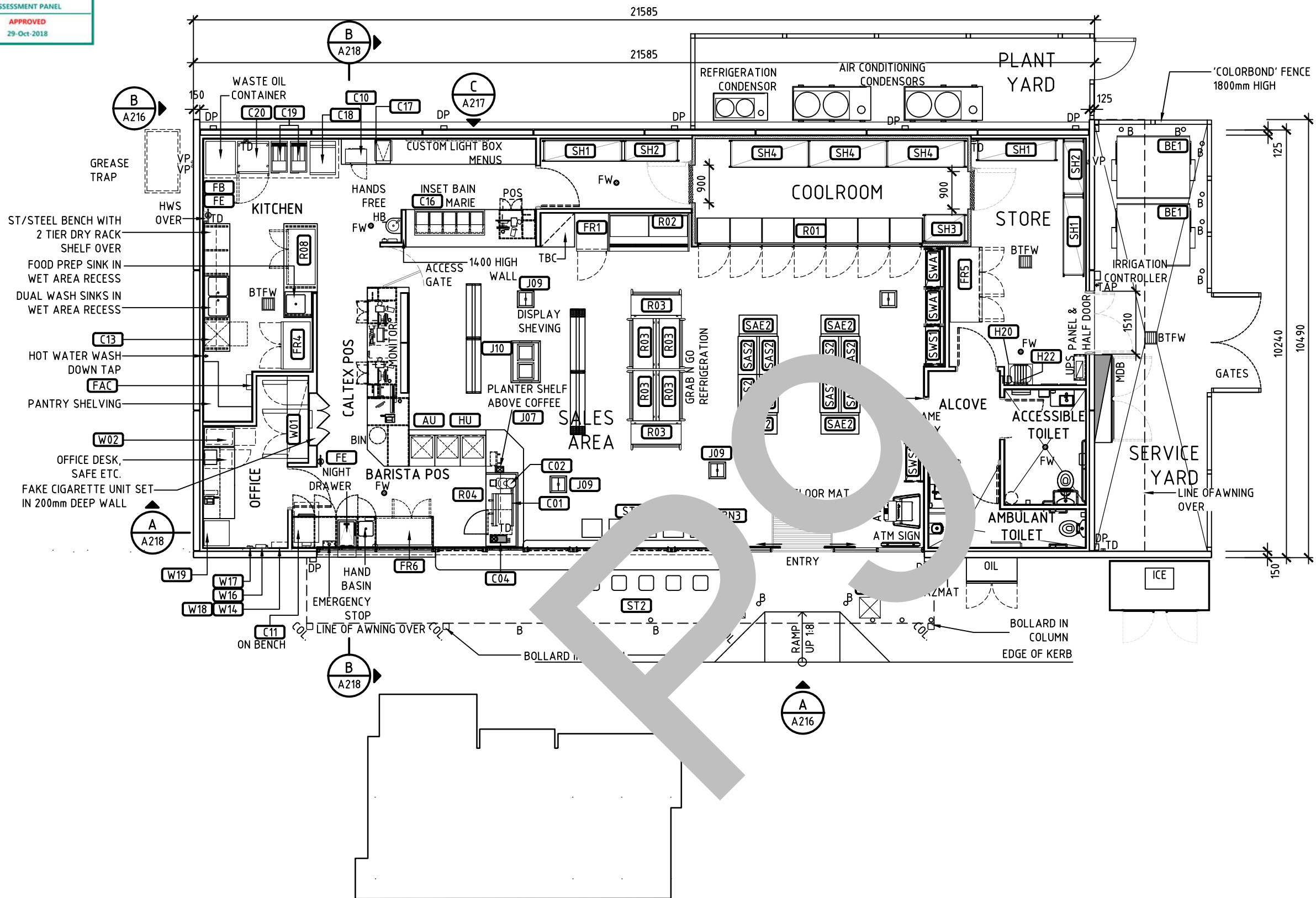


NOTES:

1. BOUNDARIES ARE INDICATIVE ONLY & ARE SUBJECT TO SURVEY.
2. LOCATIONS OF SEWER MAINS ARE FOR ILLUSTRATION PURPOSES ONLY, AND SHOULD ONLY BE USED FOR AN APPROXIMATE LOCATION.
3. REFER TO CERTIFICATE OF TITLE FOR EASEMENTS AND OTHER INTERESTS / ENCUMBRANCES.
4. AHD HEIGHTS DERIVED FROM STATE SURVEY MARK.
5. LOCATIONS OF POWER LINES ARE FOR ILLUSTRATION PURPOSES ONLY, AND SHOULD BE CONFIRMED

JOB No.	17-12	SURVEYOR:	SB	SITE:	LOT 12 THOMAS RD OAKFORD	SCALE
CCAD FILE:	THOMAS RD R1	DRAWN:	SB			1:500 (AT A1 SIZE)
DATUM:	AHD	DATE:	3/5/17	TITLE:		DWG NO.
GRID:	PCG 94	CHECKED:	NP	CLIENT:		17-12-FS-01 R 2
				FEATURE SURVEY		
				Elton Swartz		

2	ADDED PIPE DIA. ADDED POWER POLE ADDED TEXT. ADDED APPROX BLD OUTLINE. NOTE AMENDED	SB	7/5/17		
No	Revision	Drawn	Date		



TOTAL SALES ROOM AREA : 126M²
BUILDING G.F.A. : 220M²

PROJECT
CONSULTANTS WA

P T Y L T D
ACN 602 924 336 ABN 40 415 457 574
CONTACT No 0430 466 223



CALTEX

Caltex Australia Petroleum Pty Ltd

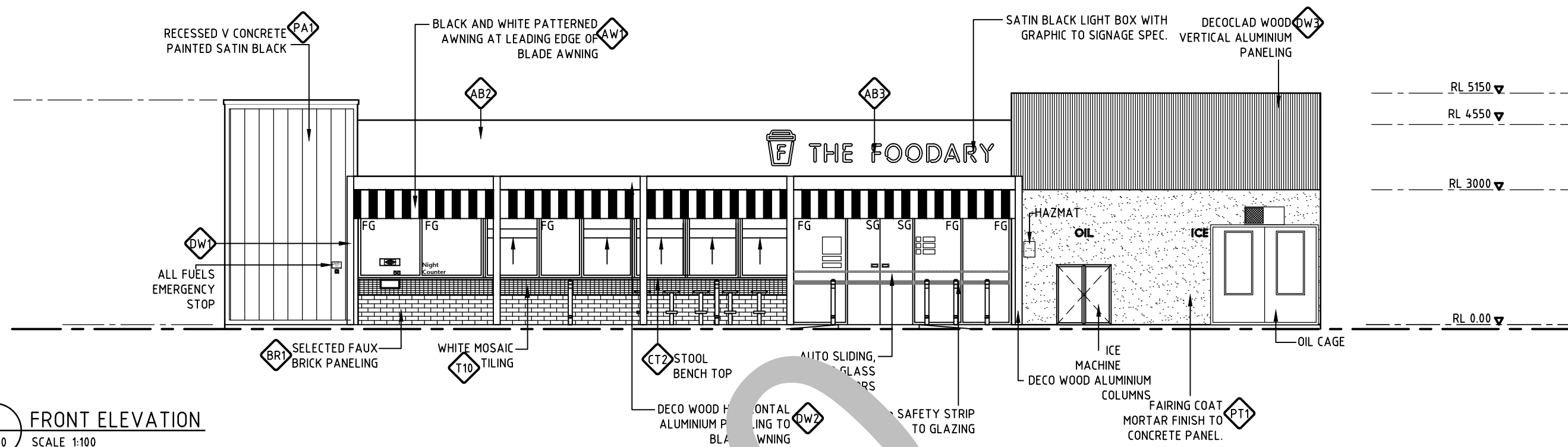
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REV.	BY	DATE	DESCRIPTION OF CHANGE
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REVISION			

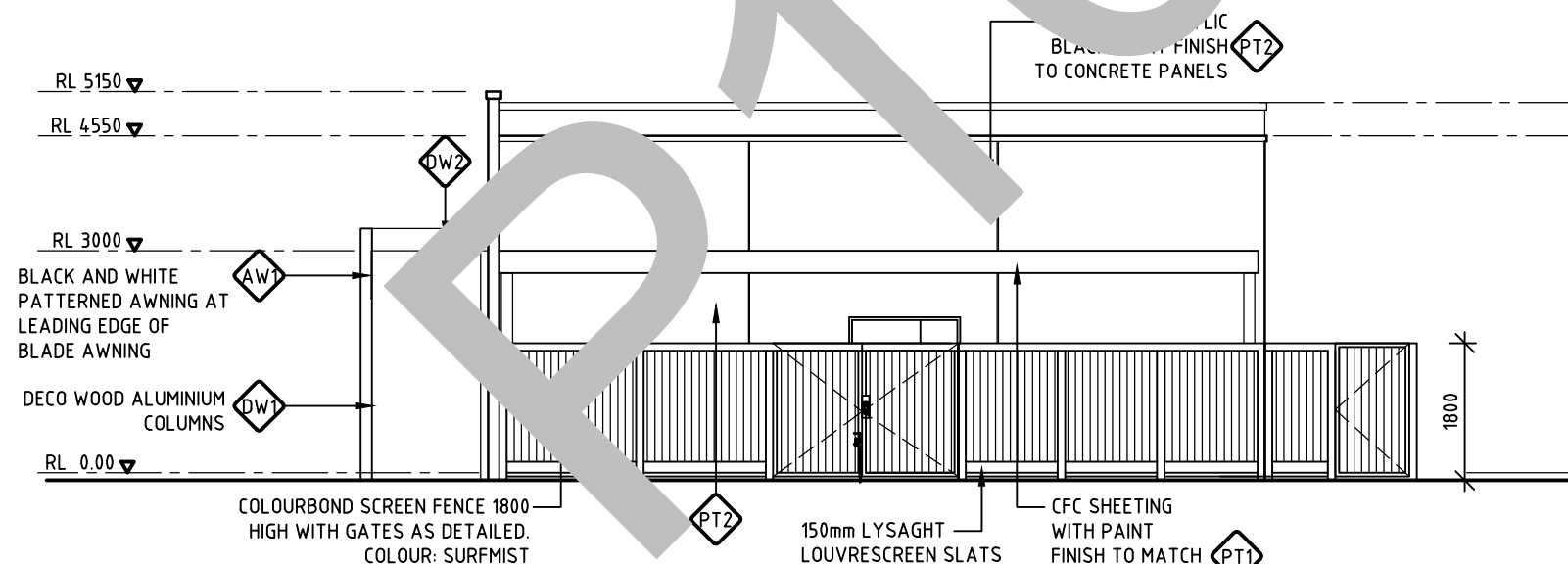
PROJECT
OAKFORD - WA
LOT 12 No 1537 THOMAS ROAD

TITLE
SHOP: FLOOR PLAN
PROPOSED

SCALE	DEVELOPMENT	
1:100	APPROVED	DATE
SIZE	DRAWING No.	REV.
A3	P1525-A210	A



A FRONT ELEVATION
A210 SCALE 1:100



D LEFT SIDE ELEVATION
A210 SCALE 1:100

P R O J E C T
CONSULTANTS WA

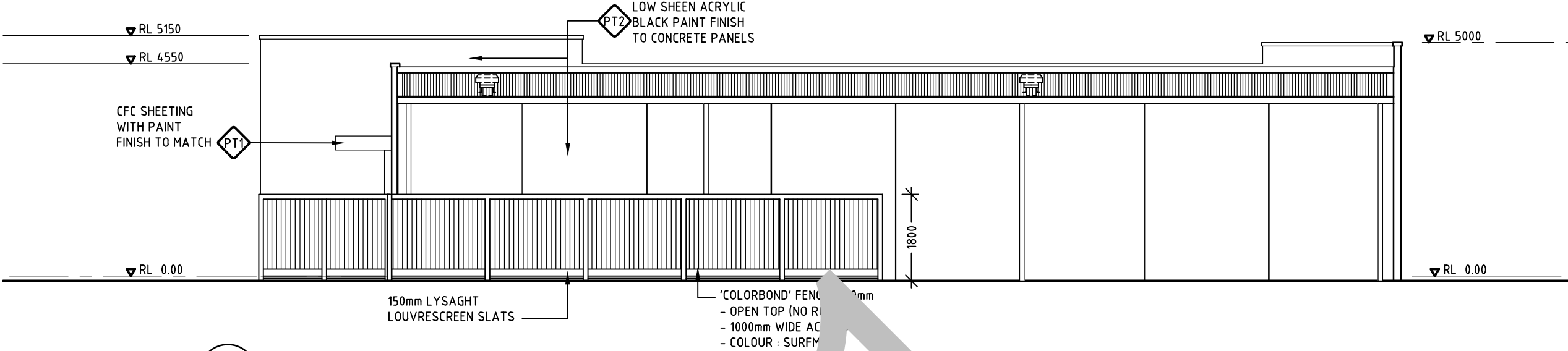
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ACN	602	924	336	ABN	40	415	457	574
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3								3

**CALTEX**

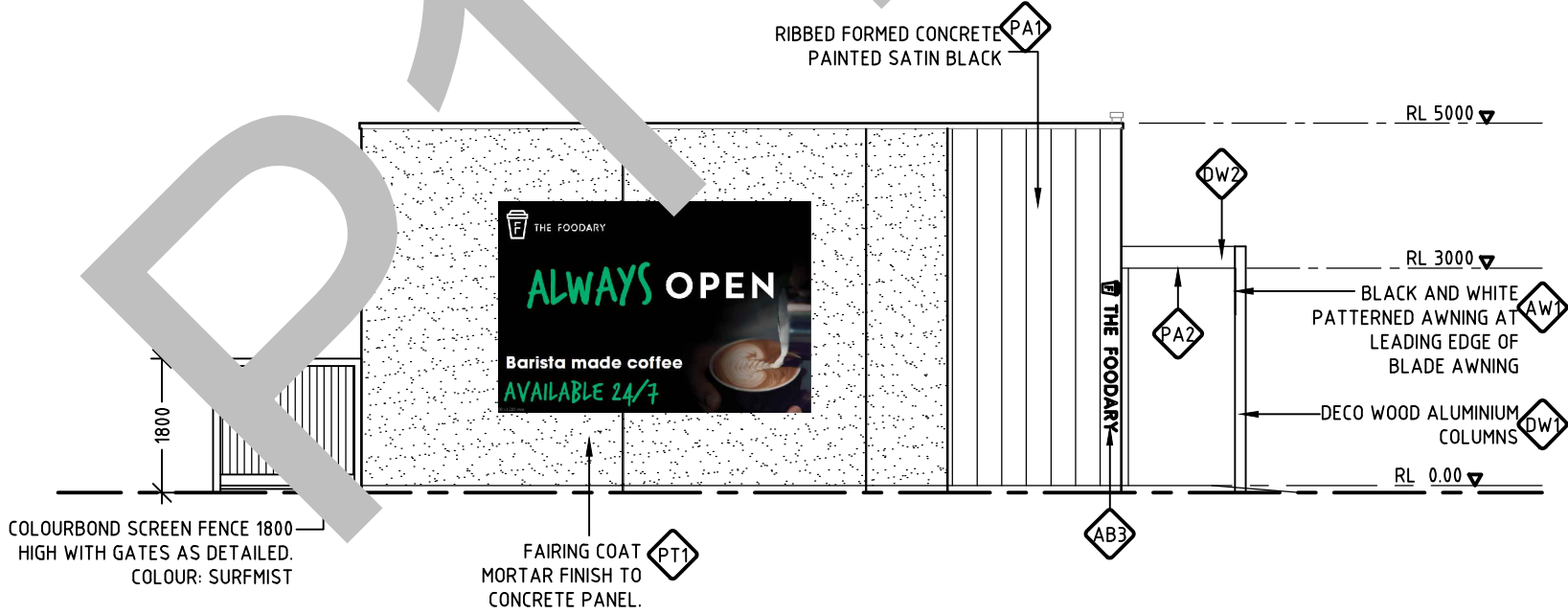
Caltex Australia Petroleum Pty Ltd

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REV.	BY	DATE	DESCRIPTION OF CHANGE	PROJECT OAKFORD - WA LOT 12 No 1537 THOMAS ROAD	TITLE SHOP : ELEVATIONS	SCALE	DEVELOPMENT	
D	JS	05.12.17	BUILDING LENGTH REDUCED			1:100	APPROVED	DATE
E	JS	07.12.17	ISSUED FOR SIGN OFF			SIZE	DRAWING No.	REV.
F	JS	15.02.18	DEVELOPMENT APPLICATION					
REVISION								

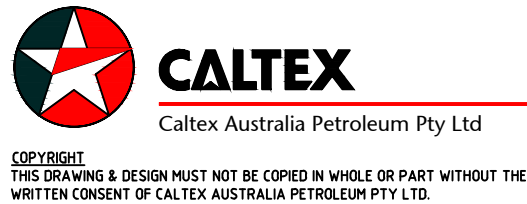


C REAR ELEVATION
A210 SCALE 1:100



B RIGHT SIDE ELEVATION
A210 SCALE 1:100

P R O J E C T
CONSULTANTS WA
P T Y L T D
ACN 602 924 336 ABN 40 415 457 574
CONTACT No 0430 466 223



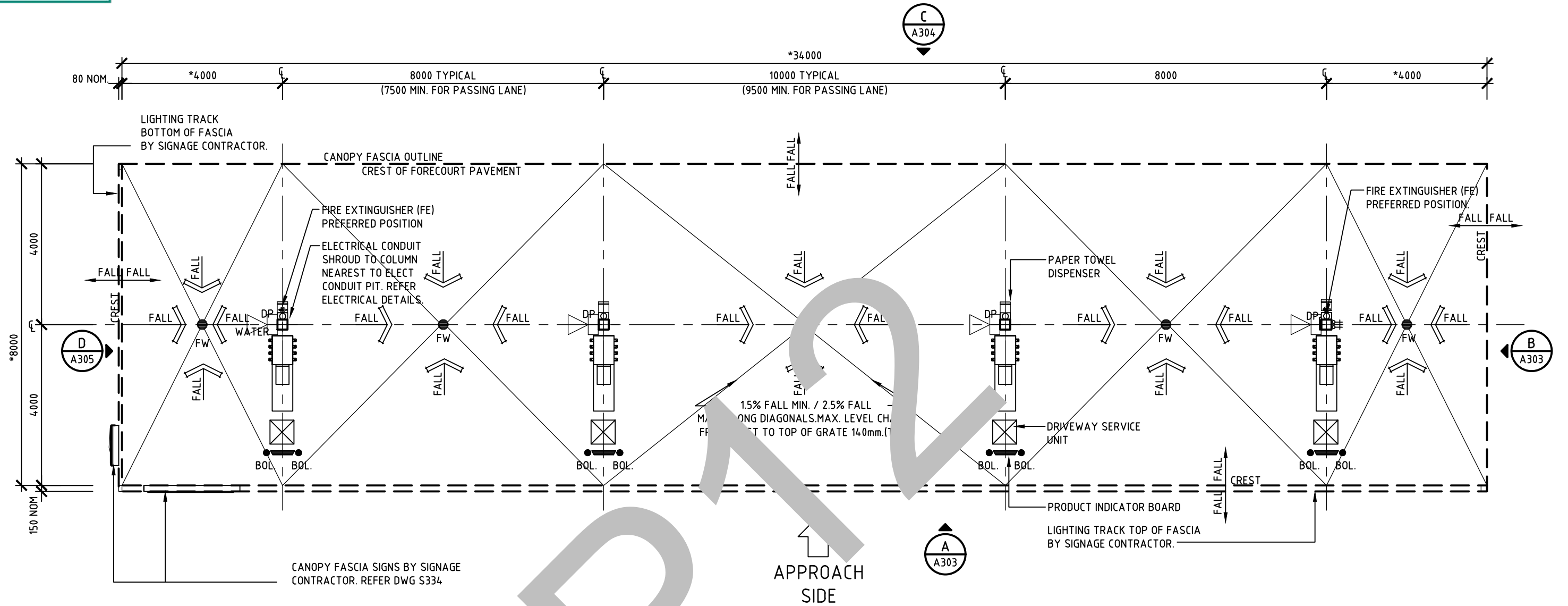
REV.	BY	DATE	DESCRIPTION OF CHANGE
D	JS	05.12.17	BUILDING LENGTH REDUCED
E	JS	07.12.17	ISSUED FOR SIGN OFF
F	JS	15.02.18	DEVELOPMENT APPLICATION
REVISION			

PROJECT
OAKFORD - WA
LOT 12 No 1537 THOMAS ROAD

TITLE
SHOP : ELEVATIONS

SCALE 1:100	DEVELOPMENT	
	APPROVED	DATE
SIZE A3	DRAWING No. P1525-A217	REV. F





KEY

- DP DOWNPIPE.
FW FLOOR WASTE
BOL METAL BOLLARD 165Ø x 1200mm HIGH (TYPICAL)
SPEAKER
FALL IN FORECOURT PAVING
DISPENSER
WATER POINT

NOTES FOR CONSTRUCTION

- C.01 2 FIRE EXTINGUISHERS REQUIRED BY AS1940-PLACE ON COLUMNS EACH SIDE OF CANOPY FACING SALESROOM.
C.02 2 PORTABLE FIRE EXTINGUISHERS MAY BE REQUIRED TO SUIT SITE SPECIFIC CONDITIONS.
C.03 PUMP POSITION AND SPREADER SIZE TO BE CONFIRMED ON SITE TO SUIT CANOPY COLUMN SIZE.
C.04 FOR FLOOR WASTE / FORECOURT DRAINAGE, DOWNPIPE AND CANOPY BOX GUTTER DETAILS, REFER TO THE HYDRAULIC ENGINEERS DOCUMENTATION.

NOTE : GENERAL

- G.01 DRAWINGS NOTING 'BCC' RELATE TO DOCUMENTATION SUITABLE FOR USE IN THE BRISBANE CITY COUNCIL (BCC) OR ASSOCIATED AREAS.
G.02 THIS CANOPY DOES NOT COMPLY FOR USE IN THE BRISBANE CITY COUNCIL AREA. MODIFY AS NECESSARY IF USED IN THIS AREA.

PRINCIPAL CONSULTANT : GUIDANCE NOTES

*THE EAVES OVERHANG DIMENSIONS SHOWN ARE INDICATIVE ONLY AND ARE BASED ON AN APPROXIMATE 10° LINE OFF VERTICAL FROM CANOPY EDGE TO CREST OF FORECOURT. SITE SPECIFIC REQUIREMENTS FOR DRAINAGE/OVERHANGS SHALL BE DETERMINED BY THE CIVIL ENGINEER AND DIMENSIONS ADJUSTED ACCORDINGLY

PROJECT
CONSULTANTS WA
P T Y L T D
ACN 602 924 336 ABN 40 415 457 574
CONTACT No 0430 466 223



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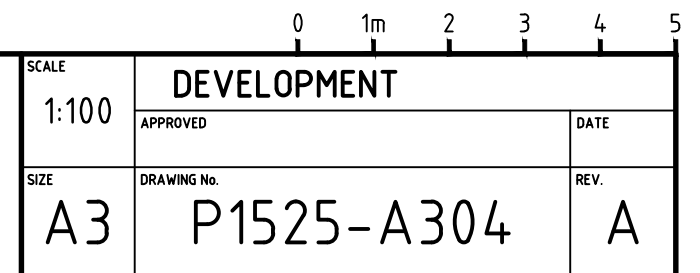
REV.	BY	DATE	DESCRIPTION OF CHANGE
A	JS	15.02.18	DEVELOPMENT APPLICATION
REVISION			

PROJECT
OAKFORD - WA
LOT 12 No 1537 THOMAS ROAD

TITLE
CANOPY : PLAN

SCALE		DEVELOPMENT	
1:100		APPROVED	DATE
SIZE		DRAWING No.	REV.
A3		P1525-A300	A

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	A	JS	15.02.18	DEVELOPMENT APPLICATION			1:100	APPROVED		DATE
	REVISION							SIZE	DRAWING No.	REV.
							A3	P1525-A303	A	



REV.	BY	DATE	DESCRIPTION OF CHANGE
A	JS	15.02.18	DEVELOPMENT APPLICATION
REVISION			

PROJECT

OAKFORD - WA

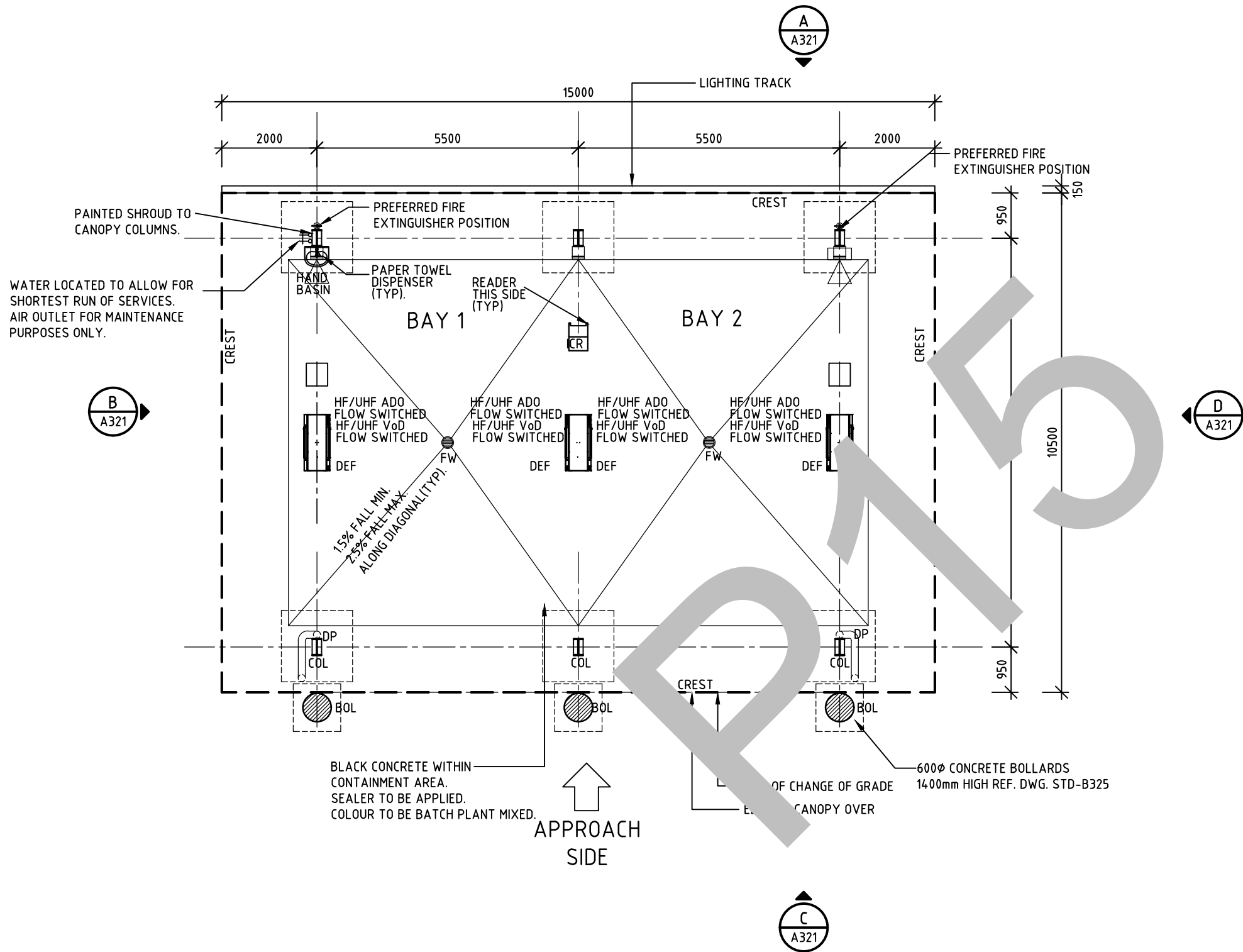
LOT 12 No 1537 THOMAS ROAD

TITLE
CANOPY : ELEVATIONS

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NOTE:
FIRE EXTINGUISHERS REQD.-AS PER AS1940-PLACED ON COLUMNS EACH SIDE OF CANOPY FACING THE SALESROOM. ADDITIONAL FIRE EXTINGUISHERS MAY BE REQUIRED TO SUIT SITE SPECIFIC CONDITIONS.

THIS DRAWING TO BE READ IN CONJUNCTION WITH:
FOR SPILL CONTAINMENT DETAILS:
REFER DWG A326
FOR FINISHES
REFER DWG A200
FOR FE & PAPER TOWEL FIXING DETAILS
REFER DWG A311

LEGEND	
6 HOSE DISPENSER	
3 HOSE DISPENSER	
TYPE	FLOW RATE
HF - HIGH FLOW	Nom. 80 l/m
UHF - ULTRA HIGH FLOW	Nom. 120 l/m
DEF - DIESEL EXHAUST FLUID	Nom. 30 l/m

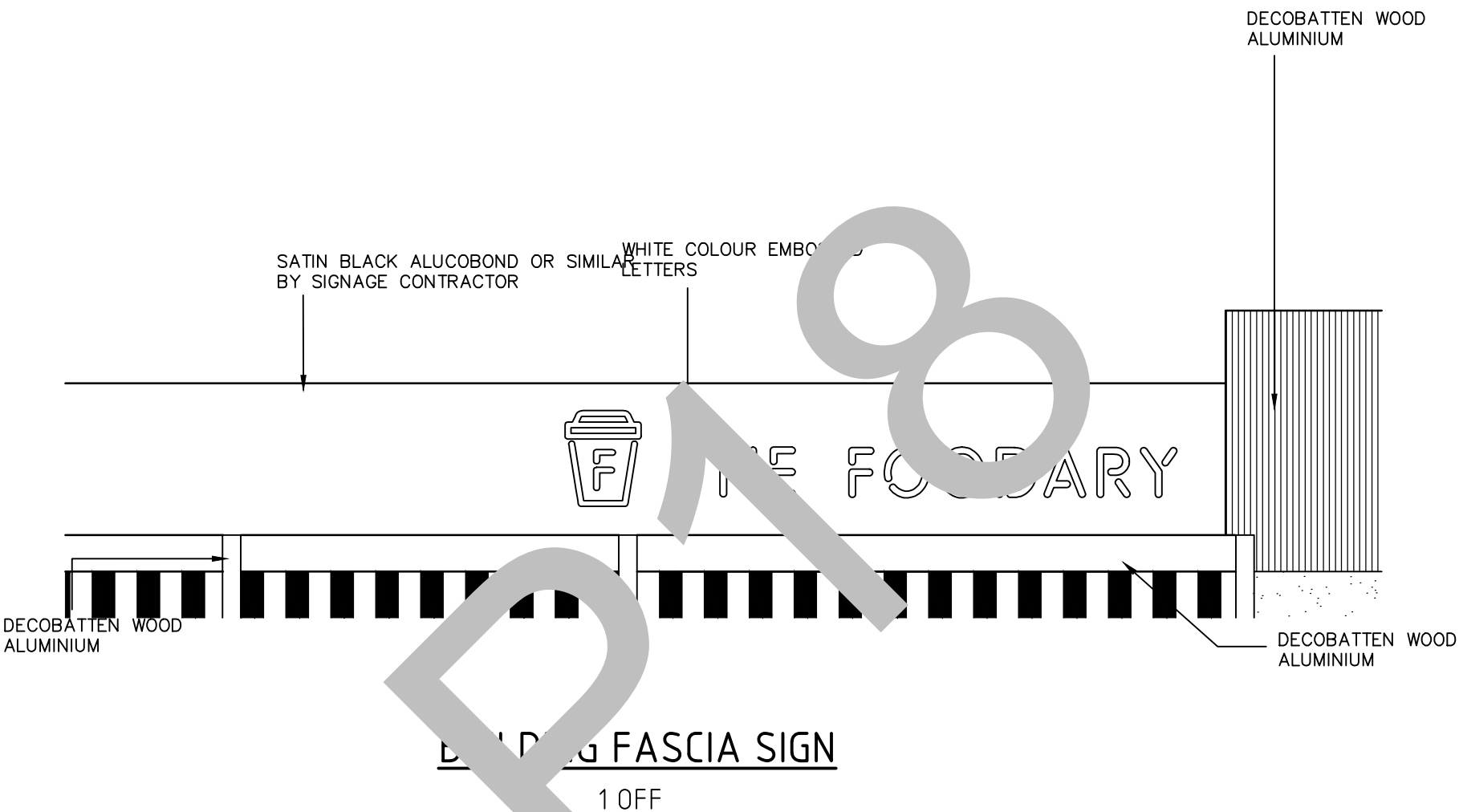
PROJECT
CONSULTANTS WA
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ACN 602 924 336 ABN 40 415 457 574
CONTACT No 0430 466 223

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	A	JS	15.02.18	DEVELOPMENT APPLICATION				APPROVED	DATE
								DRAWING No.	REV.
								P1525-A320	A
				REVISION					



SCALE	DEVELOPMENT	
1:100	APPROVED	DATE
SIZE	DRAWING No.	REV.
A3	P1525-A321	A

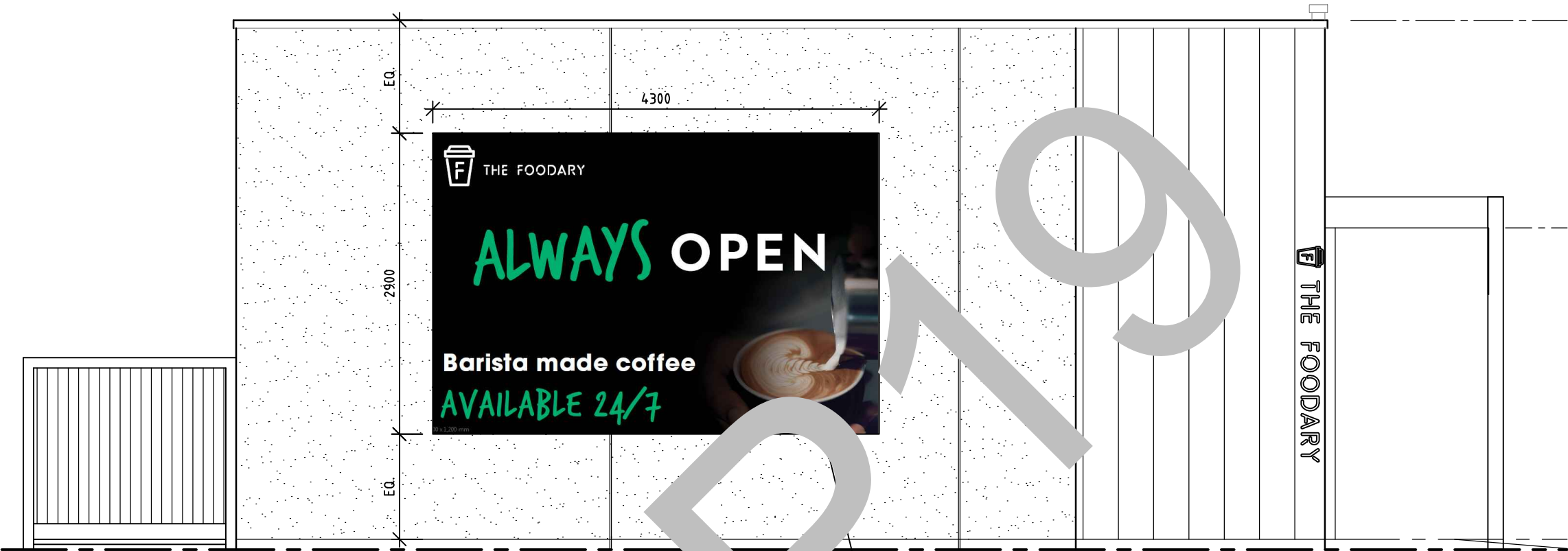




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	A	JS	15.02.18	DEVELOPMENT APPLICATION			APPROVED		DATE	
							SIZE A3	DRAWING No.		REV.
								P1525-S111		A
	REVISION									



BUILDING SIDE SIGN

1 OFF

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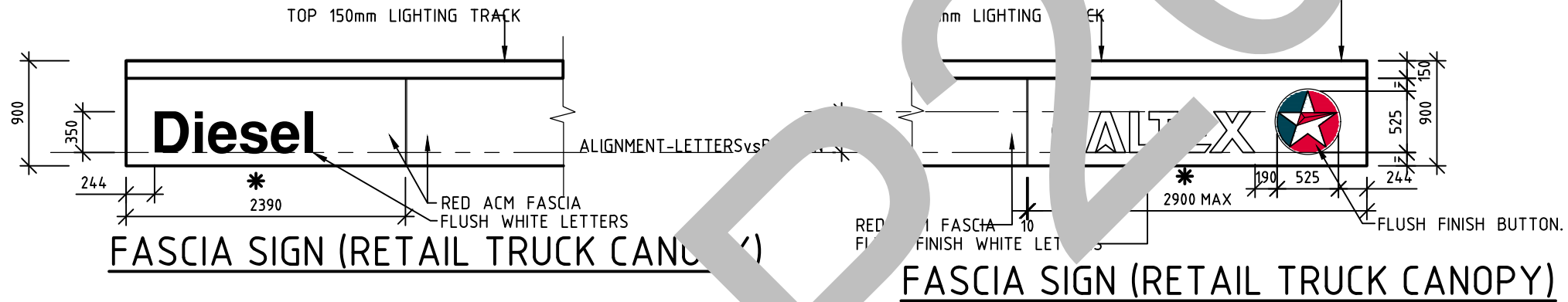
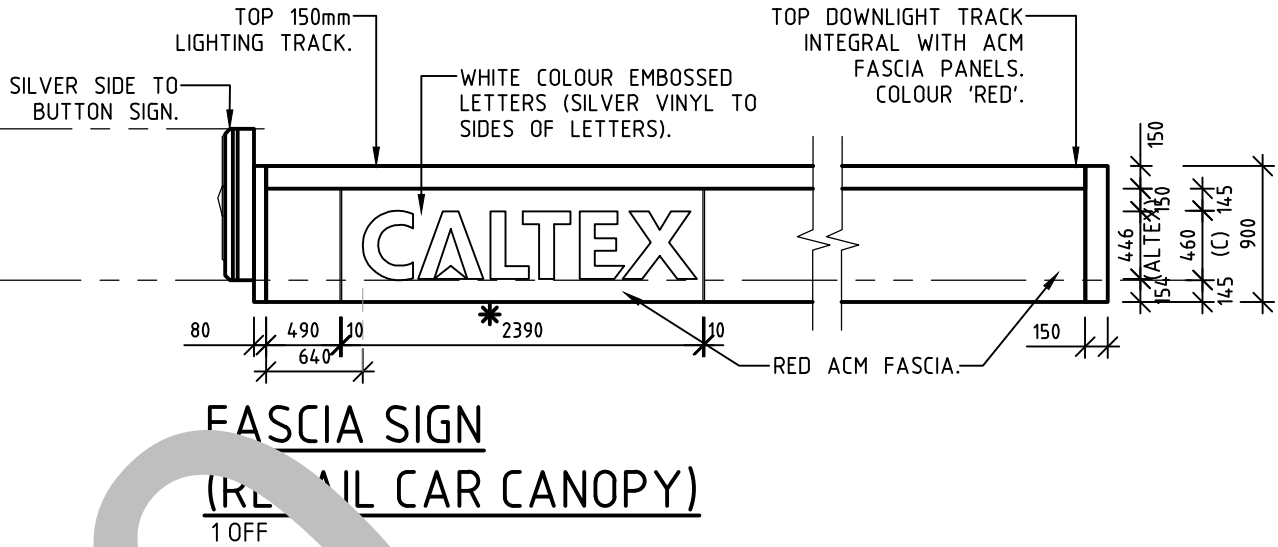
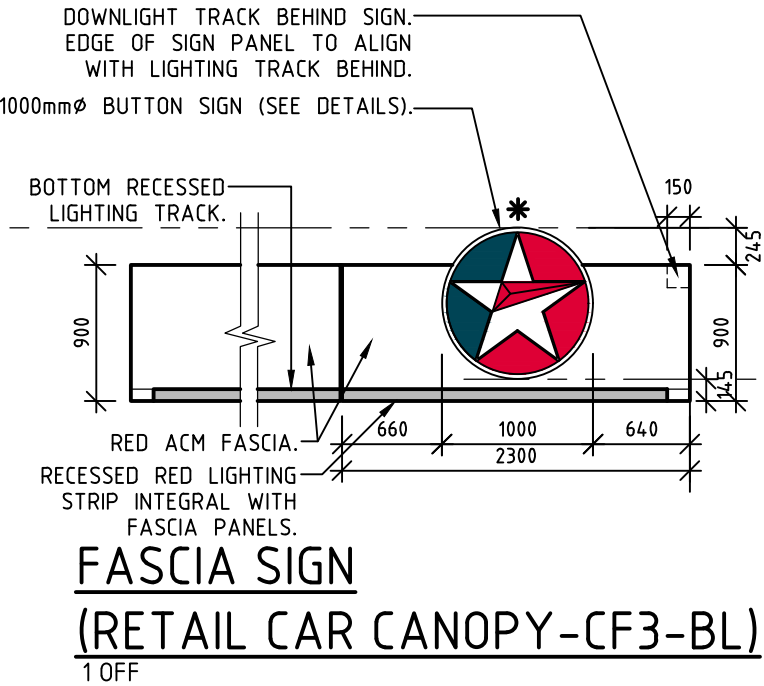
REV.	BY	DATE	DESCRIPTION OF CHANGE
A	JS	15.02.18	DEVELOPMENT APPLICATION
REVISION			

PROJECT
OAKFORD - WA
LOT 12 No 1537 THOMAS ROAD

TITLE
SITE SIGNAGE DETAILS
SHEET 3

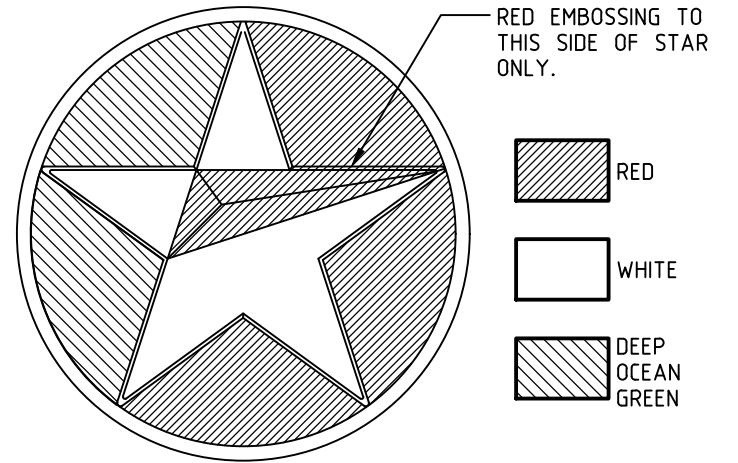
SCALE 1:50	DEVELOPMENT	
	APPROVED	DATE
SIZE A3	DRAWING No. P1525-S112	REV. A





NOTE:

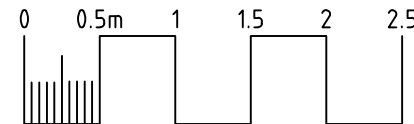
SIGN MANUFACTURER NOTE :
SIGNAGE PANEL SIZES & GRAPHICS INDICATIVE
ONLY.
FOR FINAL DETAILS REFER TO APPROVED
SIGNAGE SUPPLIER ARTWORK SHOWING PANEL
DETAILS & GRAPHICS.



BUTTON COLOUR DETAILS



INTERNALLY ILLUMINATED ACRYLIC SIGN BOX



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REV.	BY	DATE	DESCRIPTION OF CHANGE
A	JS	15.02.18	DEVELOPMENT APPLICATION
REVISION			

PROJECT
OAKFORD - WA
LOT 12 No 1537 THOMAS ROAD

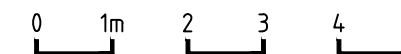
TITLE
SIGNAGE DETAILS
SHEET 3


SCALE	DEVELOPMENT	
1:50	APPROVED	DATE
SIZE	DRAWING No.	REV.
A3	P1525-S334	A



SIGNAGE PANEL SIZES & GRAPHICS ARE INDICATIVE ONLY. FOR FINAL DETAILS REFER TO APPROVED SIGNAGE ARTWORK SHOWING PANEL DETAILS & GRAPHICS ISSUED WITH SUPPLY CONTRACT.

I.D. SIGN THOMAS ROAD
1 OFF



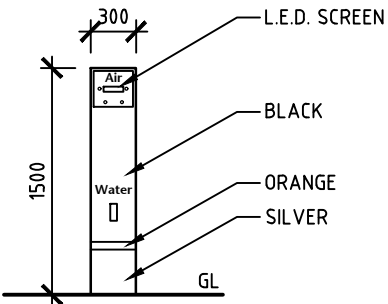
<div><div><div>CALTEX</div><div>Caltex Australia Petroleum Pty Ltd</div></div></div> <div><div>COPYRIGHT</div><div>THIS DRAWING & DESIGN MUST NOT BE COPIED IN WHOLE OR PART WITHOUT THE WRITTEN CONSENT OF CALTEX AUSTRALIA PETROLEUM PTY LTD.</div></div>	REV.	BY	DATE	DESCRIPTION OF CHANGE	PROJECT OAKFORD - WA LOT 12 No 1537 THOMAS ROAD	TITLE SIGNAGE DETAILS SHEET 4	SCALE 1:100	DEVELOPMENT	
	B	JS	07.12.17	ISSUED FOR SIGNOFF			APPROVED	DATE	
	C	JS	14.02.18	DEVELOPMENT APPLICATION					
	D	JS	16.03.18	PANELS REVISED					
	REVISION								
							SIZE A3	DRAWING No. P1525-S113	REV. D

* INTERNALLY ILLUMINATED SIGN BOX

SIGN MANUFACTURER

NOTE:

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AIR & WATER SIGN

1 OFF

FITTED WITH A NON-BEEPING ALARM AND PROGRAMMED TO BE AT LEAST 6dB LESS THAN LEVEL REFERENCED IN TABLE 3.2 OF LLOYD GEORGE ACOUSTIC REPORT

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CONSULTANTS WA
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REV.	BY	DATE	DESCRIPTION OF CHANGE
B	JS	07.12.17	ISSUED FOR SIGNOFF
C	JS	14.02.18	DEVELOPMENT APPLICATION
D	JS	16.03.18	AIR & WATER UNIT REVISED
REVISION			

PROJECT
OAKFORD - WA
LOT 12 No 1537 THOMAS ROAD

TITLE
SIGNAGE DETAILS
SHEET 1

SCALE	DEVELOPMENT	
	APPROVED	DATE
SIZE	DRAWING No.	REV.
1:50 A3	P1525-S110	D

0 0.5m 1 1.5 2 2.5

SUMMARY OF SUBMISSIONS

**Thomas Road, Oakford 1537 (L12) 402008 / Nicholson Road, Oakford (L50) 317200 -
JDAP Amendment - Extension of Time for Commencement of Approved Service Station - PA22/263**

Submitter	No	Submitter Comments	Applicant Response	Officer Comment
Main Roads WA	1.	<p>Main Roads has no objection to the extension of time being granted.</p> <p>It is Main Roads understanding that no other changes are proposed as part of this application</p>		Noted
Water Corporation	2.	<p>Thank you for your letter dated 28 March 2022. We apologies for the late comments. After having a telephone conversation with one of your team members today we hope that the following comments can be considered.</p> <p><u>Water and Wastewater</u></p> <p>Water Corporation had not included the subject area in its adopted long-term water or wastewater planning. If or when rezoning of this land for urban purposes is undertaken, we will then include this area in a future review of infrastructure planning for the area. At this stage we are unable to speculate on servicing requirements for the subject site. Major works and funding of works would be required if reticulated servicing of the subject site was required.</p> <p><u>Drainage</u></p> <p>The subject area falls within the Birrega Drainage Catchment in the Mundijong Drainage District, a rural drainage system. The Birrega Sub L Drain is located on the southern boundary of the subject site.</p>		Noted

SUMMARY OF SUBMISSIONS

Thomas Road, Oakford 1537 (L12) 402008 / Nicholson Road, Oakford (L50) 317200 -
JDAP Amendment - Extension of Time for Commencement of Approved Service Station - PA22/263

Submitter	No	Submitter Comments	Applicant Response	Officer Comment
		<p>The developer will be required to protect all existing drainage works may be required to fund new drainage works.</p> <p>Rural drains are not designed to give flood protection at all times and some inundation of land can be expected. Water Corporation maintains its existing drains to ensure they are capable of clearing water from adjacent rural properties within three days of a storm event, where contours and internal drainage make this physically possible.</p> <p>Developments within this catchment are required to contain the flows from a one in one-hundred-year storm event on site. Discharge to Water Corporation drains must be compensated to pre-development levels. The developer of this land should be advised to liaise with Water Corporation to determine detailed planning requirements as this area could be prone to future flooding. At the time of development the developer should provide calculations from a consulting engineer to demonstrate, to the satisfaction of Water Corporation, that the runoff from the development has been restricted to pre development levels. To determine the flood level the developer should contact the Department of Water and Environmental Regulations regarding the Drainage and Water Management Plan which includes the subject area.</p> <p><u>General Comments</u></p> <p>This proposal will require approval by our Building Services section prior to commencement of works. Fees</p>		

SUMMARY OF SUBMISSIONS

**Thomas Road, Oakford 1537 (L12) 402008 / Nicholson Road, Oakford (L50) 317200 -
JDAP Amendment - Extension of Time for Commencement of Approved Service Station - PA22/263**

Submitter	No	Submitter Comments	Applicant Response	Officer Comment
		<p>may be required to be paid prior to approval being issued.</p> <p>For further information about building applications, the developer should follow this link:</p> <p>https://www.watercorporation.com.au/home/builders-and-developers/building/lodging-a-building-application</p> <p>The information provided above is subject to review and may change. If the proposal has not proceeded within the next 6 months, please contact us to confirm that this information is still valid.</p> <p>Please provide the above comments to the landowner, developer and/or their representative.</p>		
Department of Planning Lands and Heritage	3.	The Department of Planning Lands and Heritage has no objection to the proposal ORR planning grounds		Noted
402404 Harley Dykstra on behalf of owner	4.	<p>Further to your letter addressed to Humich Nominees dated 28th of March 2022 regarding the above, I confirm that Harley Dykstra has been appointed by Humich Nominees to prepare and lodge a submission on their behalf in relation to this proposal.</p> <p>Humich Nominees, owners and developers of the commercial site on the South side of Thomas Road and corner of Nicholson Road, hereby object to the proposal for an extension of time to be given to the above development approval. The grounds for this objection are outlined in more detail below.</p>	The rationale for the proposal is outlined in the Development Application documentation. It is important to acknowledge at this juncture that the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations) provide that commercial considerations are not relevant grounds to be considered in determining an Application for Development Approval. In that regard, Schedule 2 Clause 67 (2) (v) of the Regulations is as follows:	It is a fact that the land use of 'service station' is recommended to be a prohibited use under draft LPS3. LPS3 has reached a stage that it constitutes a seriously entertained planning proposal and is therefore a relevant matter for consideration as to orderly and proper planning. In considering

SUMMARY OF SUBMISSIONS

Thomas Road, Oakford 1537 (L12) 402008 / Nicholson Road, Oakford (L50) 317200 -
JDAP Amendment - Extension of Time for Commencement of Approved Service Station - PA22/263

Submitter	No	Submitter Comments	Applicant Response	Officer Comment
		<p>In determining the appropriateness in granting an extension of time for planning approval, the key question is whether or not there has been a change to the planning considerations affecting the proposal. In this particular instance there have indeed been significant changes to the planning considerations that impact upon, and that are impacted by, this development, namely:</p> <ol style="list-style-type: none"> 1. The Shire of Serpentine-Jarrahdale Town Planning Scheme No.3, as adopted and endorsed for final approval by the Shire, was very clear and deliberate in no longer providing discretion for approval of a service station within a Rural zone within the Shire. The Shire determined that proposals for service stations ought to be directed to more appropriate commercial and industrial type zoning, and would not be appropriate in the Rural zones across the Shire. The Shire of Serpentine-Jarrahdale Town Planning Scheme No. 3 is now considered to be a seriously entertained proposal that is nearing gazettal. Final adoption of the Town Planning Scheme by the WAPC is imminent, and accordingly it is timely for local and state planning authorities to give due regard to the provisions and zoning controls promoted by the new Town Planning Scheme No. 3. 2. Some 12 months ago, the Shire of Serpentine-Jarrahdale declined to renew its support for a similar proposal within the Rural zone, also along Thomas Road, (near Kargotich Road). One of the key reasons for the Shire's withdrawing its support for the service 	<p>(v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;</p> <p>Bold above is for emphasis.</p> <p>Having regard to the above, any objection on the basis of commercial interest must be dismissed as such objections would be contrary to the Regulations. This is a well-established planning precedence.</p> <p>We address the submissions provided via the Shire in its email of 19 April 2022 as below.</p> <p>Objection 1</p> <p><i>The Shire of Serpentine-Jarrahdale Town Planning Scheme No.3, as adopted and endorsed for final approval by the Shire, was very clear and deliberate in no longer providing discretion for approval of a service station within a Rural zone within the Shire. The Shire determined that proposals for service stations ought to be directed to more appropriate commercial and industrial type</i></p>	<p>this, the application should be refused as it would not be consistent with orderly and proper planning to grant an extension of time that would see a development take place that is expressly prohibited within the Rural zone under the imminent and certain draft LPS3. Officers acknowledge that there is a service station to the south of the site however Clause 67 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> does not list commercial competition as a matter to be considered as part of a development assessment. This matter does not reflect those very narrow circumstances where commercial competition may be considered a relevant planning issue.</p>

SUMMARY OF SUBMISSIONS

Thomas Road, Oakford 1537 (L12) 402008 / Nicholson Road, Oakford (L50) 317200 - JDAP Amendment - Extension of Time for Commencement of Approved Service Station - PA22/263

Submitter	No	Submitter Comments	Applicant Response	Officer Comment
		<p>station development that had previously approved on this site, was the progression of Town Planning Scheme No. 3. Council sought already then to have due regard to the direction of Town Planning Scheme No. 3 in prohibiting the development of service stations in Rural zone in the Shire. It is important and also equitable for the Shire to remain consistent in its decision making, and all the more so given the more advanced nature of Town Planning Scheme No.3 that is now nearing gazettal.</p> <p>3. The Thomas Road freight route project by West Port has been announced in March 2022. It is clear from this announcement and the preliminary plans that the Thomas Road freight route will have a major impact on the intersection treatment, land requirements, and accessibility to adjoining lands at the intersection of Thomas and Nicholson Road in particular. A Planning Control Area has been planned over the Thomas Road and surrounds corridor, to be imposed around mid 2022 by the WAPC. The impacts of this freight route and the Planning Control provide substantial rationale for a careful review of this particular development proposal. Accordingly, a new planning application (either rezoning/Scheme Amendment or Development Application) would provide the most orderly process by which the application can be comprehensively assessed.</p> <p>An application for extension of time to an existing approval does not provide a thorough process to re-</p>	<p><i>zoning, and would not be appropriate in the Rural zones across the Shire. The Shire of Serpentine-Jarrahdale Town Planning Scheme No. 3 is now considered to be a seriously entertained proposal that is nearing gazettal. Final adoption of the Town Planning Scheme by the WAPC is imminent, and accordingly it is timely for local and state planning authorities to give due regard to the provisions and zoning controls promoted by the new Town Planning Scheme No. 3.</i></p> <p>Response</p> <p>The adoption of draft Local Planning Scheme No.3 (LPS3) cannot be considered 'imminent'. It is the Applicant's understanding that LPS3 is unlikely to be considered until mid-year.</p> <p>As the Shire would be aware the Applicant made submissions on retaining the Service Station use for the subject site as part of the preparation of the draft Local Planning Strategy and draft Local Planning Scheme. The suitability of the exclusion of the Service Station use in the Rural zone is yet to be tested via consideration of the draft LPS3 by the Western Australian</p>	

SUMMARY OF SUBMISSIONS

Thomas Road, Oakford 1537 (L12) 402008 / Nicholson Road, Oakford (L50) 317200 - JDAP Amendment - Extension of Time for Commencement of Approved Service Station - PA22/263

Submitter	No	Submitter Comments	Applicant Response	Officer Comment
		<p>assess the application and potentially apply updated modifications, requirements, or conditions.</p> <p>4. Our clients existing commercial development on the South side of Thomas Road, which also includes a recently re approved service station development, has been operating at this location for many years, and the re approved service station has substantially commenced development. Accordingly, the needs for a service station and convenience outlet at this particular location, also servicing the surrounding rural precinct, have already been satisfied for this area.</p> <p>In conclusion, our client, Humich Nominees, considers that the above changes to the planning considerations that relate to the proposal are of a substantial nature that really warrants a new application to be assessed under the updated planning considerations and conditions. Therefore, our client hereby requests that no extension of time be granted in this instance.</p>	<p>Planning Commission (WAPC) or the Minister for Transport; Planning; Ports.</p> <p>Further to the above, draft LPS3 allows for a Road House to be approved within the Rural zone which, by definition, includes activities undertaken by a Service Station. This is because the Road House use includes facilities provided by a Freeway Service Centre. Services provided by a Freeway Service Centre include 'service station' facilities by definition.</p> <p>Thus, an argument that a Service Station is not an appropriate use is significant eroded by the Shire consciously allowing for the Road House use within the Rural zone under the draft LPS3. A Road House use is a more intensive use as compared to a Service Station.</p> <p>Moreover, the Agenda Report from the Statutory Planning Committee (SPC) meeting of the Western Australian Planning Commission (WAPC) of 29 June 2021 disagrees with the Shire's response on the proposed uses on the subject site. Refer to the excerpt below from the Agenda Report. This further</p>	

SUMMARY OF SUBMISSIONS
Thomas Road, Oakford 1537 (L12) 402008 / Nicholson Road, Oakford (L50) 317200 -
JDAP Amendment - Extension of Time for Commencement of Approved Service Station - PA22/263

Submitter	No	Submitter Comments	Applicant Response	Officer Comment					
			<div>erodes the position put forward by the objector.</div> <div><table><tr><td>Element on behalf of Claradon Property – Lot 12 Thomas Road & Lot 50 Nicholson Road, Oakford</td><td>29.</td><td><p>DRAFT LOCAL PLANNING STRATEGY & DRAFT LOCAL PLANNING SCHEME NO. 3 SUBMISSION – LOT 12 THOMAS ROAD & LOT 50 NICHOLSON ROAD, OAKFORD</p><p>element on behalf of Claradon Property (Claradon) has prepared this submission in response to the S Serpentine-Jarrahdale (the Shire) draft Local Planning Strategy (draft Strategy) and draft Local Planning Scheme No.3 (draft LPS 3) that are being advertised for public comment.</p><p>The submission has been prepared with regard to Lot 12 Thomas Road and Lot 50 Nicholson Road, O (subject site).</p><p><u>Executive Summary</u></p></td></tr></table><div><div>SUMMARY OF SUBMISSIONS</div><div>Formal Advertising: 19 September 2019 – 10 January 2020</div><table><tr><td></td><td><p>An objection is made to the land use permissibility applicable to the subject site which prevents the 'Service Station' use within the Rural zone.</p><p>It is respectfully requested that the City make modification to draft LPS 3 to provide for an 'Additional Use' a 'Service Station' (and other complementary commercial / retail uses) for the subject site. These modifications will provide for consistency between the planning framework and recent Development Approval granted for a 'Service Station' at the subject site by Metro East Joint Development Assessment Panel (JDAP), with</p></td></tr></table></div></div> <div>Objection 2</div> <div><p>Some 12 months ago, the Shire of Serpentine-Jarrahdale declined to renew its support for a similar proposal within the Rural zone, also along Thomas Road, (near Kargotich Road). One of the key reasons for the Shire’s withdrawing its support for the service station development that had previously approved on this site, was the progression of Town Planning Scheme No. 3. Council sought already then to have due regard to the direction of Town Planning Scheme No. 3 in prohibiting the development of service stations in Rural zone in the Shire. It is important and also equitable for the Shire to remain consistent in its decision making, and all the more so given the more</p></div>	Element on behalf of Claradon Property – Lot 12 Thomas Road & Lot 50 Nicholson Road, Oakford	29.	<p>DRAFT LOCAL PLANNING STRATEGY & DRAFT LOCAL PLANNING SCHEME NO. 3 SUBMISSION – LOT 12 THOMAS ROAD & LOT 50 NICHOLSON ROAD, OAKFORD</p> <p>element on behalf of Claradon Property (Claradon) has prepared this submission in response to the S Serpentine-Jarrahdale (the Shire) draft Local Planning Strategy (draft Strategy) and draft Local Planning Scheme No.3 (draft LPS 3) that are being advertised for public comment.</p> <p>The submission has been prepared with regard to Lot 12 Thomas Road and Lot 50 Nicholson Road, O (subject site).</p> <p><u>Executive Summary</u></p>		<p>An objection is made to the land use permissibility applicable to the subject site which prevents the 'Service Station' use within the Rural zone.</p> <p>It is respectfully requested that the City make modification to draft LPS 3 to provide for an 'Additional Use' a 'Service Station' (and other complementary commercial / retail uses) for the subject site. These modifications will provide for consistency between the planning framework and recent Development Approval granted for a 'Service Station' at the subject site by Metro East Joint Development Assessment Panel (JDAP), with</p>	
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SUMMARY OF SUBMISSIONS

Thomas Road, Oakford 1537 (L12) 402008 / Nicholson Road, Oakford (L50) 317200 -
JDAP Amendment - Extension of Time for Commencement of Approved Service Station - PA22/263

Submitter	No	Submitter Comments	Applicant Response	Officer Comment
			<p><i>advanced nature of Town Planning Scheme No.3 that is now nearing gazettal.</i></p> <p>Response</p> <p>It is inappropriate to draw a direct comparison between other sites and the subject site as each Application for Development Approval requires consideration on its merits and in context.</p> <p>It is presumed that the reference being made is to Proposed Travel Stop at Lot 801 Kargotich Road lodged by Harley Dykstra on behalf of V and T Borrello considered at the 20 June 2020 Council Meeting)?</p> <p>Comparison cannot be made between this Application and that for the Kargotich Road site as there are a unique set of circumstances relevant to this proposal that has not permitted development to proceed. This is set out within the Development Application documentation.</p> <p>The objector further pays no regard to consideration of each Application on its merits. Rather appears to draw a conclusion from a single element of a Council decision without regard to the</p>	

SUMMARY OF SUBMISSIONS

**Thomas Road, Oakford 1537 (L12) 402008 / Nicholson Road, Oakford (L50) 317200 -
JDAP Amendment - Extension of Time for Commencement of Approved Service Station - PA22/263**

Submitter	No	Submitter Comments	Applicant Response	Officer Comment
			<p>context of the Application. It is important for instance, to note that the subject site has access to a State Road which facilitates a Road House use whereas the Kargotich Road proposal, if that is the site that is being compared, is acknowledged in the Minutes of the Meeting of 21 June 2020 as not having such access.</p> <p>Objection 3</p> <p><i>The Thomas Road freight route project by West Port has been announced in March 2022. It is clear from this announcement and the preliminary plans that the Thomas Road freight route will have a major impact on the intersection treatment, land requirements, and accessibility to adjoining lands at the intersection of Thomas and Nicholson Road in particular. A Planning Control Area has been planned over the Thomas Road and surrounds corridor, to be imposed around mid 2022 by the WAPC. The impacts of this freight route and the Planning Control provide substantial rationale for a careful review of this particular development proposal. Accordingly, a new planning application (either rezoning/Scheme Amendment or</i></p>	

SUMMARY OF SUBMISSIONS

**Thomas Road, Oakford 1537 (L12) 402008 / Nicholson Road, Oakford (L50) 317200 -
JDAP Amendment - Extension of Time for Commencement of Approved Service Station - PA22/263**

Submitter	No	Submitter Comments	Applicant Response	Officer Comment
			<p><i>Development Application) would provide the most orderly process by which the application can be comprehensively assessed.</i></p> <p><i>An application for extension of time to an existing approval does not provide a thorough process to reassess the application and potentially apply updated modifications, requirements or conditions.</i></p> <p>Response</p> <p>Access to the subject site will be facilitated with the upgraded to Nicholson and Thomas Roads intersection via an at grade roundabout.</p> <p>The Applicant is aware of the future grade separation of Nicholson and Thomas Road and has been liaising with the Department of Planning, Lands and Heritage (DPLH) and Main Roads WA (MRWA) in that regard. Importantly, MRWA has no objections to the proposal as set out in its email of 4 April 2022 to Wendy Joy of the Shire.</p> <p>In respect to the objector's submission, we further refer to the requirements of the Planning and Development (Local Development Assessment Panel) Regulations 2011 (LDAP Regulations).</p>	

SUMMARY OF SUBMISSIONS

Thomas Road, Oakford 1537 (L12) 402008 / Nicholson Road, Oakford (L50) 317200 -
JDAP Amendment - Extension of Time for Commencement of Approved Service Station - PA22/263

Submitter	No	Submitter Comments	Applicant Response	Officer Comment
			<p>Clause 17 (4) of the LDAP Regulations provides as follows:</p> <p style="padding-left: 40px;">(4) The DAP may determine an application under sub regulation (1) by —</p> <p style="padding-left: 40px;">(a) approving the application with or without conditions; or</p> <p style="padding-left: 40px;">(b) refusing the application.</p> <p>Bold above is for emphasis.</p> <p>Having regard to the above, it is open for the DAP to apply conditions to an Application made under Regulation 17 (1) such as this Application. The Applicant further notes the relevant 'tests' for an extension of time as set out within the Development Application documentation.</p> <p>Objection 4</p> <p>4. Our clients existing commercial development on the South side of Thomas Road, which also includes a recently re approved service station development, has been operating at this location for many years, and the re approved service station has substantially commenced development. Accordingly, the needs for a service station and convenience outlet at this</p>	

SUMMARY OF SUBMISSIONS

**Thomas Road, Oakford 1537 (L12) 402008 / Nicholson Road, Oakford (L50) 317200 -
JDAP Amendment - Extension of Time for Commencement of Approved Service Station - PA22/263**

Submitter	No	Submitter Comments	Applicant Response	Officer Comment
			<p>particular location, also servicing the surrounding rural precinct, have already been satisfied for this area.</p> <p>Bold is the Author's emphasis.</p> <p>Response</p> <p>As per previous comments the operation of a competitor is not relevant grounds for objection and thus must be dismissed.</p> <p>Whilst commercial competition is not a relevant planning consideration the submission fails to consider the following:</p> <ul style="list-style-type: none"> • The development already has approval and thus the 'need' for the proposed development has been determined. Therefore, agitation of a 'needs' argument is redundant. • The objection has no regard to the increase in trade resulting from Westport along the alignment of Thomas and Nicholson Roads which would further erode a 'needs' argument. <p>Conclusion</p> <p>element act on behalf of Claradon Property Pty Ltd in respect to the above-</p>	

SUMMARY OF SUBMISSIONS

Thomas Road, Oakford 1537 (L12) 402008 / Nicholson Road, Oakford (L50) 317200 -
JDAP Amendment - Extension of Time for Commencement of Approved Service Station - PA22/263

Submitter	No	Submitter Comments	Applicant Response	Officer Comment
			<p>mentioned Application. In respect to the objection, it should be dismissed on the following grounds:</p> <ul style="list-style-type: none">• Any argument contained with the submission on commercial competition or 'needs' must be dismissed in accordance with the Regulations.• MRWA have no objection to the proposal.• The adoption of draft LPS3 is not considered to be imminent.• The Shire consciously decided that a Road House (which includes Service Station uses) is an approvable use in the Rural zone as part of the adoption of LPS 3. Thus, the agitation of an argument that a Service Station use is inappropriate in the Rural zone is of limited merit having regard to the greater intensity of use accompanying a Road House.• Draft LPS3 is to be given 'due regard', it is not determinative of itself. This is noting that the Agenda Report to the SPC of 21 June 2021 disagreed with the Shire response to the submission for additional uses on the site put forward by the Applicant.	

SUMMARY OF SUBMISSIONS

Thomas Road, Oakford 1537 (L12) 402008 / Nicholson Road, Oakford (L50) 317200 -
JDAP Amendment - Extension of Time for Commencement of Approved Service Station - PA22/263

Submitter	No	Submitter Comments	Applicant Response	Officer Comment
			<ul style="list-style-type: none">The Shire's decision relating to Proposed Travel Stop Lot 801 Kargotich Road cannot be neatly transposed to this proposal, if this is what is being referred to by the objector. Each application for Development Approval is required to be determine on its merits having regard to the ineluctable circumstances of each site. <p>We trust this advice will be given due regard in the provision of the Shire's Responsible Authority Report (RAR) to the Metro Outer Joint Development Assessment Panel.</p>	

Councillor Atwell declared a Financial Interest in item 10.1.6.

Councillor Atwell disconnected himself from the Electronic Meeting at 8:21pm prior to this item being discussed.

The Manager Governance and Strategy, Dr Kenneth Parker advised the Presiding Member, Councillor Rich that Councillor Atwell was no longer participating in the Meeting.

10.1.6 - Proposed Amendment of Development Approval Granted by the Development Assessment Panel to Extend the Period Within Which Development Must be Substantially Commenced - Lot 504 and Lot 506 Thomas Road, Oakford (PA22/263)

Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officer's Interest:	No Officer involved in the preparation of this Report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent:	Element
Owner:	J and S Pipponen - Lot 504 Skukuza Ventures Pty Ltd - Lot 506
Date of Receipt:	23 March 2022
Lot Area:	Lot 504 - 1.04ha Lot 506 - 1.31ha
Town Planning Scheme No 2 Zoning:	'Rural'
Metropolitan Region Scheme Zoning:	'Rural'

Report Purpose

The purpose of the report is for Council to consider a Responsible Authority Report (RAR), as contained within **attachment 1**, prepared for a development application for an approved 'Service Station' at Lot 504 and Lot 506 Thomas Road, Oakford. The application seeks to amend the approval so as to extend the period within which the approved development must be substantially commenced. Specifically, it seeks to extend this from 29 October 2022 to 31 December 2024.

The Metro Outer Development Assessment Panel (MODAP) will replace Council as the decision-making authority for the application in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*. The proposal is presented to Council to consider the Responsible Authority Report.

The land use of 'Service Station' constitutes a prohibited use under draft Local Planning Scheme No.3 (LPS3). LPS3 is considered a serious document likely to be adopted, with such adoption

considered to be in the short term. LPS3 has reached a stage that it constitutes a seriously entertained planning proposal, and is therefore a relevant matter for consideration as to orderly and proper planning. It is considered to be consistent with orderly and proper planning to recommend refusal of the extension period.

Relevant Previous Decisions of Council

Ordinary Council Meeting - 27 August 2018 - OCM082/08/18 - COUNCIL RESOLUTION

1. That Council endorses the Responsible Authority Report contained within attachment OCM082.1/08/18 which recommends that the Metropolitan East Joint Development Assessment Panel approve the 'Service Station' Lot 12, 1537 Thomas Road and Lot 50 Nicholson Road, Oakford as contained within attachment OCM082.8/08/18 subject to the following conditions:-

- a. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent.

Plans and Specifications	P1 - P22 received at the Shire Offices on 28 March 2018 and 24 July 2018 and Bushfire Management Plan and Risk Management Plans dated 19 March 2018
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- b. Prior to commencement of works, a landscaping/revegetation plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Within 60 days of commencement, the approved landscaping/revegetation plan shall be implemented and maintained thereafter.
- c. Prior to commencement of works, a detailed Stormwater Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The approved Stormwater Plan shall be implemented and maintained thereafter.
- d. Prior to the commencement of works, a Construction Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Construction Management Plan shall include but not be limited to the following information:-
- i) Dust management
 - ii) Traffic management
- These approved plans shall be implemented and maintained throughout the construction of the development.
- e. Prior to occupation, a lighting plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The approved lighting plan shall be implemented and maintained thereafter.
- f. Prior to occupation, an agreed monetary contribution shall be paid to the Shire of Serpentine Jarrahdale for the establishment of public art in accordance with Council's Local Planning Policy 1.6 - Public Art to the satisfaction of the Shire of Serpentine Jarrahdale.
- g. The pylon sign shall be no higher than 7m unless otherwise approved by the Shire of Serpentine Jarrahdale.
- h. Prior to Commencement of works, a Noise Assessment and Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the plans shall be implemented and maintained thereafter.
- i. One 11 metre wide crossover located within Lot 50, Nicholson Road, Oakford and positioned where possible near the northern most cadastral boundary of Lot 50. This requirement is to protect the functional area of this intersection in accordance with

Austroads 2017 Guide to Road Design Part 4 Intersections and Crossings General, section 7.2 Property Access.

This access shall operate as left in/left out turning movements for light vehicles and left out only turning movements for heavy vehicles and shall have suitable signage advising motorists of these restricted movements.

The developer shall be responsible for all costs involved in the land acquisition, design and construction of the left turning pocket and solid median to prevent right out turning movements onto Nicholson Road. This includes signing, road markings, relocation of services, street lighting and Main Roads costs involved in the checking of the design and construction drawings and any site inspections Thomas Road

- j. One 11 metre wide crossover located within Lot 12 Thomas Road, Oakford and positioned where possible near the easternmost cadastral boundary of Lot 12. This requirement is to protect the functional area of this intersection in accordance with Austroads 2017 Guide to Road Design Part 4 Intersections and Crossings General, section 7.2 Property Access.*

This access shall operate as left in/left out turning movements for light vehicles and left in only turning movements for heavy vehicles and shall have suitable signage advising motorists of these restricted movements.

The developer shall be responsible for all costs involved in the land acquisition, design and construction of the left turning pocket and solid median to prevent right out movements onto Thomas Road. This includes signing, road markings, relocation of services, street lighting and Main Roads costs involved in the checking of the design and construction drawings and any site inspections

- k. Any services, infrastructure or roadside furniture that requires relocation as a result of the applicant's works will be at the applicant's cost.*
- l. Lot 50 is affected by land reserved in the Metropolitan Region Scheme for "Other Regional Road" and no development will be permitted within this land required for road purposes at some time in the future.*

The applicant is advised to contact the Department Planning, Lands & Heritage - Infrastructure Land Use Co-Ordinating Branch (ILUC) for further details in this regard.

- m. No earthworks shall encroach onto the Nicholson and Thomas Road road reserve.*
- n. No stormwater drainage shall be discharged onto the Nicholson and Thomas Road road reserve.*
- o. The applicant shall make good any damage to the existing verge vegetation within the Nicholson and Thomas Road road reserve.*
- p. The applicant must obtain approval from Main Roads before all works are undertaken within the Thomas Road reserve. The applicant seeking access to the Main Roads network will be required to submit an Application as outlined in the "Application Kit and Guidelines" for State Roads.*

Application Kits can be found on the Main Roads website >"Our Roads" >"Conducting Works on Roads" >"Applications to Undertake Works on State Roads" >Application Kit and Guidelines for Complex Works OR Application Form for Low Complexity Works.

- q. The type of sign, size, content and location must comply with all relevant by-laws and planning schemes made by Council.*
- r. The sign and sign structure is to be placed on private property and shall not over hang or encroach upon the road reserve.*
- s. As the signage is illuminated, it must be of a low-level not exceeding 300cd/m², not*

flash, pulsate or chase

- t. The device shall not contain fluorescent, reflective or retro reflective colours or materials.*
- u. No other unauthorized signing is to be displayed*
- v. Main Roads agreement is to be obtained prior to any future modifications.*
- w. Vegetation within the state road reserve shall not be removed or trimmed to improve the visibility of the proposed advertising sign.*
- x. The service station is not to be operational before the Main Roads Roundabout is constructed.*

Advice Notes

- 1. As you are aware, this intersection is recognised as a dangerous black spot and has received funding from the Road Trauma Fund account to undertake preliminary planning design concepts. At this point in time, the traffic modelling depicts that the preferred intersection treatment at this location is a roundabout treatment, for both interim and ultimate stage.*

The applicant is reminded that upon the roundabout being constructed to its ultimate configuration, the existing access on Nicholson Road will be removed and all access into the petrol station development will be achieved via a dedicated service road accessed from the north of Lot 50.

Please be aware that the timing of the construction of the roundabout {both interim and ultimate stages} including the preferred type of intersection treatment for this intersection is subject to change and that Main Roads assumes no liability whatsoever for the information provided.

- 2. An internal 15% design review has been undertaken for the submitted drawings for this development proposal. The attached design review comments are not to be considered a comprehensive design verification and may not pick-up all the issues. Therefore it is not an approval of the presented design.*

The DAP meeting was held on 11 September 2018 and the application deferred for the following reasons:

- 1. The Applicant and relevant parties including Main Roads and the owners of Lot 196 Thomas Road, Oakford to discuss access arrangements to their respective developments.*
- 2. A revised draft to be prepared by the Local Government of the proposed conditions and advice notes.*
- 3. The presiding member to consider whether legal advice is necessary.*

This required the matter to return to Council for further consideration of the Responsible Authority Report.

Special Council Meeting - 8 October 2018 - SCM013/10/18 - COUNCIL RESOLUTION / Officer Recommendation:

That Council endorses the Responsible Authority Report contained within attachment SCM013.1/10/18 which recommends that the Metropolitan East Joint Development Assessment Panel approve the 'Service Station' Lot 12, 1537 Thomas Road and Lot 50 Nicholson Road, Oakford as contained within attachment SCM013.3/10/18 subject to the following amended conditions:-

- 1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where*

amended by other conditions of this consent.

Plans and Specifications

P1 - P22 received at the Shire Offices on 28 March 2018 and 24 July 2018 and Bushfire Management Plan and Risk Management Plans dated 19 March 2018

- 2. Prior to commencement of works, a landscaping/revegetation plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Within 60 days of occupation, the approved landscaping/revegetation plan shall be implemented and maintained thereafter by the proponent and their cost.*
- 3. Prior to commencement of works, a detailed Stormwater Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The approved Stormwater Plan shall be implemented and maintained thereafter by the proponent and their cost.*
- 4. Prior to the commencement of works, a Construction Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia. The Construction Management Plan shall include but not be limited to the following information:-*
 - Dust management*
 - Traffic management**These approved plans shall be implemented and maintained throughout the construction of the development by the proponent and their cost.*
- 5. Prior to occupation, a lighting plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia. The approved lighting plan shall be implemented and maintained thereafter by the proponent and their cost.*
- 6. Prior to occupation, an agreed monetary contribution shall be paid to the Shire of Serpentine Jarrahdale for the establishment of public art in accordance with Council's Local Planning Policy 1.6 - Public Art to the satisfaction of the Shire of Serpentine Jarrahdale.*
- 7. The pylon sign shall be no higher than 7m unless otherwise approved by the Shire of Serpentine Jarrahdale.*
- 8. Prior to commencement of works, a Noise Assessment and Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the plans shall be implemented and maintained thereafter.*
- 9. Prior to occupation, the applicant shall enter into satisfactory arrangements with Main Roads Western Australia and the Shire of Serpentine Jarrahdale in relation to a contribution towards the upgrading of the intersection of Thomas Road and Nicholson Road, Oakford.*
- 10. Prior to occupation, Lot 12 Thomas Road and Lot 50 Nicholson Road, Oakford shall be amalgamated into a single lot. Alternatively, a right of carriageway easement shall be registered on the Certificate of Title over the land subject of this approval to secure reciprocal access across the lots as illustrated on the approved plans at the expense of the applicant and to the satisfaction of the Shire of Serpentine Jarrahdale.*

Main Roads

Nicholson Road Access

- 11. Prior to occupation, one 11m wide crossover, located within Lot 50 and positioned where possible near the northernmost cadastral boundary of Lot 50, shall be designed and constructed to the satisfaction of the Shire of Serpentine Jarrahdale on the advice of the Department of Planning Lands and Heritage and Main Roads Western Australia. This*

requirement is to protect the functional area of this intersection in accordance with Austroads 2017 Guide to Road Design Part 4 Intersections and Crossings General, section 7.2 Property Access.

This access shall operate as left in/left out turning movements for light vehicles and left out only turning movements for heavy vehicles and shall have suitable signage advising motorists of these restricted movements. No right in or right out turning movements shall be made from or to Nicholson Road.

The developer shall be responsible for all costs involved in the land acquisition, design and construction of the left turning pocket and solid median to prevent right in and right out turning movements onto Nicholson Road. This includes signage, road markings, relocation of services and street lighting on the advice of Main Roads Western Australia to the satisfaction of the Shire of Serpentine Jarrahdale.

Thomas Road Access

- 12. Prior to occupation, one 11m wide crossover, located within Lot 12 and positioned where possible near the easternmost cadastral boundary of Lot 12, shall be designed and constructed to the satisfaction of the Shire of Serpentine Jarrahdale on the advice of Main Roads Western Australia. This requirement is to protect the functional area of this intersection in accordance with Austroads 2017 Guide to Road Design Part 4 Intersections and Crossings General, section 7.2 Property Access.*

This access shall operate as left in/left out turning movements for light vehicles and left in only turning movements for heavy vehicles and shall have suitable signage advising motorists of these restricted movements. No right in or right out turning movements shall be made from or to Thomas Road.

The developer shall be responsible for all costs involved in the land acquisition, design and construction of the left turning pocket and solid median to prevent right in and right out movements onto Thomas Road. This includes signage, road markings, relocation of services and street lighting on the advice of Main Roads Western Australia to the satisfaction of the Shire of Serpentine Jarrahdale.

- 13. No earthworks shall encroach onto the Nicholson and Thomas Road road reserve.*
- 14. No stormwater drainage shall be discharged onto the Nicholson and Thomas Road road reserve.*
- 15. The applicant shall make good any damage to the existing verge vegetation within the Nicholson and Thomas Road road reserve.*

Advertising Signage

- 16. Signage illumination shall not exceed 300cd/m², and shall not flash, pulsate or chase.*
- 17. Signage shall not contain fluorescent, reflective or retro reflective colours or materials.*
- 18. No unauthorised signage is to be displayed without prior approval from the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia.*

Advice Notes

- 1. As you are aware, this intersection is recognised as a dangerous black spot and has received funding from the Road Trauma Fund account to undertake preliminary planning design concepts. At this point in time, the traffic modelling depicts that the preferred intersection treatment at this location is a roundabout treatment, for both interim and ultimate stage.*

The applicant is reminded that upon the roundabout being constructed to its ultimate configuration, the existing access on Nicholson Road will be removed and all access into the petrol station development will be achieved via a dedicated service road accessed

from the north of Lot 50.

Please be aware that the timing of the construction of the roundabout {both interim and ultimate stages} including the preferred type of intersection treatment for this intersection is subject to change and that Main Roads assumes no liability whatsoever for the information provided.

- 2. An internal 15% design review has been undertaken for the submitted drawings for this development proposal. The attached design review comments are not to be considered a comprehensive design verification and may not pick-up all the issues. Therefore it is not an approval of the presented design.*
- 3. Lot 50 is affected by land reserved in the Metropolitan Region Scheme for "Other Regional Road" and no development will be permitted within this land required for road purposes at some time in the future.*

The applicant is advised to contact the Department Planning, Lands & Heritage - Infrastructure Land Use Co-Ordinating Branch (ILUC) for further details in this regard.

- 4. The applicant must obtain approval from Main Roads before all works are undertaken within the Thomas Road reserve. The applicant seeking access to the Main Roads network will be required to submit an Application as outlined in the "Application Kit and Guidelines" for State Roads.*

Application Kits can be found on the Main Roads website >"Our Roads" >"Conducting Works on Roads" >"Applications to Undertake Works on State Roads" >Application Kit and Guidelines for Complex Works OR Application Form for Low Complexity Works.

- 5. Main Roads agreement is to be obtained prior to any future modifications to signage.*
- 6. Vegetation within the State road reserve shall not be removed or trimmed to improve the visibility of the proposed advertising sign.*

The application was approved at the DAP meeting of 29 October 2018.

Background

Conditional approval was granted by the DAP on 29 October 2018 for a 'Service Station'. The proposal included interim and ultimate access arrangements given the proposed roundabout construction by Main Roads Western Australia (MRWA) at the corner of Thomas Road and Nicolson Road.

A further development application was submitted on 17 December 2019 requesting an extension of time for which development must commence. The justification provided in that application was due to MRWA timeframes to undertake road works. This application however did not proceed, due to the Minister issuing the Clause 78H Notice of Exemption from Planning Requirements During State of Emergency. This Notice of Exemption automatically granted a two year extension to commencement timeframes for current development approvals, resulting in works being required to be substantially commenced by 29 October 2022. This application now seeks to further extend that timeframe to 31 December 2024.

Existing Development

The subject site is zoned 'Rural' under the Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2) and is located within Oakford over two parcels of land. The lots were formally known as Lot 12 Thomas Road and Lot 50 Nicolson Road however since the initial approval, portions of these lots have been acquired by MRWA for the roundabout construction. These areas are Lot 505 and Lot 507, and the lots subject to this application are now Lots 504 and Lot 506 Thomas Road, as depicted below:



Lots 506 Thomas Road is currently developed with a dwelling and Lot 504 comprises of an easement and contains power lines. Thomas Road runs along the southern boundary of the site and Nicholson Road to the west. The surrounding area consists of rural and rural residential lots, with Oakford Traders Liquor Store located opposite, on the southern side of Thomas Road. An approved service station on the south side of Thomas Road has commenced development, with both a sand pad and concrete foundation poured.

Proposed Development

The application seeks approval to extend the timeframe for when the 'Service Station' development must be substantially commenced from 29 October 2022 to 31 December 2024. A full copy of the current approval together with accompanying plans is contained within **attachment 2**, and the subject application details within **attachment 3**.

The approved development comprises of the following:

- Retail building 220m²;
- Four light vehicle fuel bowers with eight refuelling bays;
- Three heavy vehicle fuel bowers with two refuelling bays;
- An enclosed plant yard;
- One left-in/left-out crossover to Thomas Road;
- One left-in/left-out crossover to Nicholson Road;
- Eleven standard car parking bays;
- Three caravan parking bays;
- Three truck parking bays;

- Landscaping; and
- Signage.

The 'Service Station' is approved to operate 24 hours a day, 7 days a week. The service station has been designed to cater for vehicles up to 36.5m in length. The current approval included specific conditions to provide both interim and ultimate access arrangements, and a specific advice note explaining this aspect. The advice note states that:

The applicant is reminded that upon the roundabout being constructed to its ultimate configuration, the existing access on Nicholson Road will be removed and all access into the petrol station development will be achieved via a dedicated service road accessed from the north of Lot 50.

The associated conditions securing interim access were conditions 11 and 12, as follows:

Nicholson Road Access

11. *Prior to occupation, one 11m wide crossover, located within Lot 50 and positioned where possible near the northernmost cadastral boundary of Lot 50, shall be designed and constructed to the satisfaction of the Shire of Serpentine Jarrahdale on the advice of the Department of Planning Lands and Heritage and Main Roads Western Australia. This requirement is to protect the functional area of this intersection in accordance with Austroads 2017 Guide to Road Design Part 4 Intersections and Crossings General, section 7.2 Property Access.*

This access shall operate as left in/left out turning movements for light vehicles and left out only turning movements for heavy vehicles and shall have suitable signage advising motorists of these restricted movements. No right in or right out turning movements shall be made from or to Nicholson Road.

The developer shall be responsible for all costs involved in the land acquisition, design and construction of the left turning pocket and solid median to prevent right in and right out turning movements onto Nicholson Road. This includes signage, road markings, relocation of services and street lighting on the advice of Main Roads Western Australia to the satisfaction of the Shire of Serpentine Jarrahdale.

Thomas Road Access

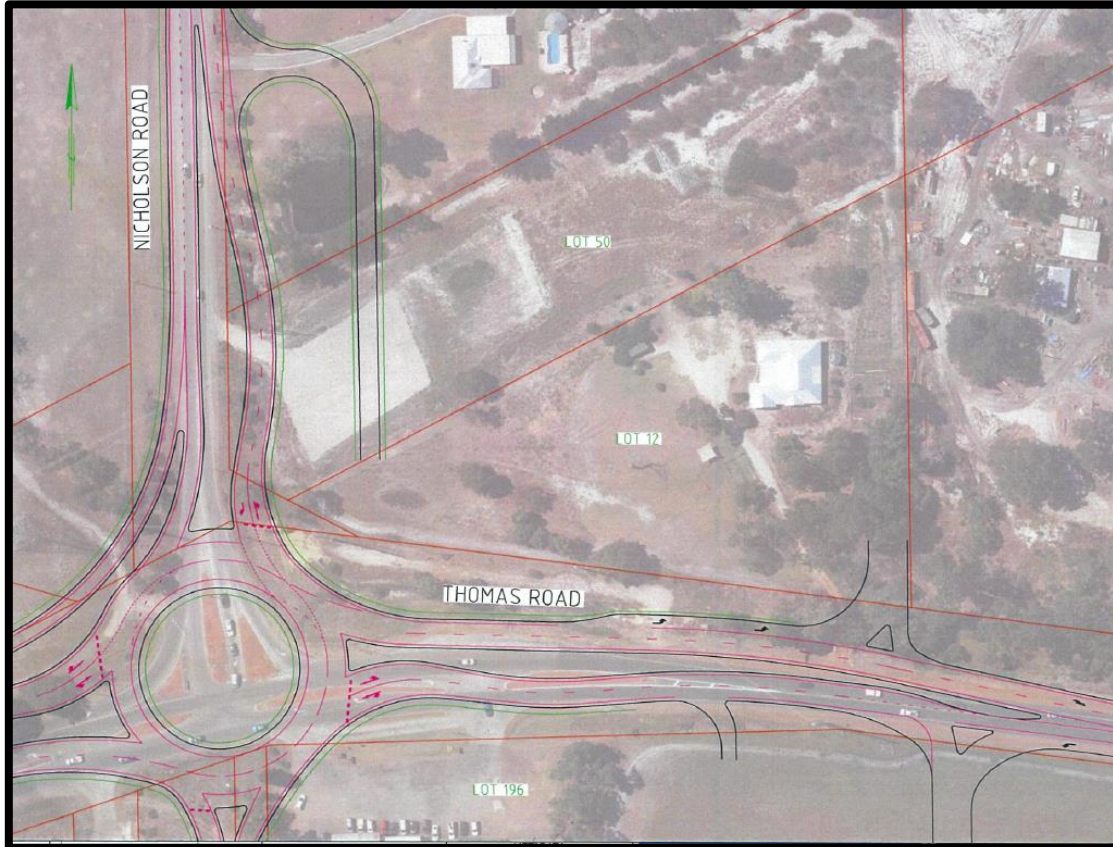
12. *Prior to occupation, one 11m wide crossover, located within Lot 12 and positioned where possible near the easternmost cadastral boundary of Lot 12, shall be designed and constructed to the satisfaction of the Shire of Serpentine Jarrahdale on the advice of Main Roads Western Australia. This requirement is to protect the functional area of this intersection in accordance with Austroads 2017 Guide to Road Design Part 4 Intersections and Crossings General, section 7.2 Property Access.*

This access shall operate as left in/left out turning movements for light vehicles and left in only turning movements for heavy vehicles and shall have suitable signage advising motorists of these restricted movements. No right in or right out turning movements shall be made from or to Thomas Road.

The developer shall be responsible for all costs involved in the land acquisition, design and construction of the left turning pocket and solid median to prevent right in and right out movements onto Thomas Road. This includes signage, road markings, relocation of services and street lighting on the advice of Main Roads Western Australia to the satisfaction of the Shire of Serpentine Jarrahdale.

Accordingly, the approval facilitates development to occur without the need to await the ultimate works being delivered by MRWA.

Since the approval, MRWA have advanced design of the roundabout, which is depicted below:



The plan shows a service road accessing the subject site from Nicholson Road to ensure the crossover is located a sufficient distance from the roundabout. The service road would be accessed through former Lot 11 Nicholson Road, the portion of which has now been acquired by MRWA for this purpose.

Community / Stakeholder Consultation

Government Agency Referrals

Department of Planning Lands and Heritage (DPLH)

DPLH has no objections to the proposal

Westport

Council and the Executive Management Group were briefed by Westport in respect of their current project pertaining to the Thomas Road and Anketell Road planning study specific to this becoming the freight corridor link between future Westport and Tonkin Highway.

This is currently open for public consultation, following which Westport will consider submissions and recommend a form of planning control area that will secure greater protection of the route.

Once a planning control area is declared, development control powers are transferred to the WAPC by virtue of s115 of the *Planning and Development Act 2005*:

115. Development in planning control area, applying for approval of

- (1) A person who wishes to commence and carry out development in a planning control area may apply to the local government in the district of which the planning control area is situated for approval of that development.
- (2) An applicant is to submit to the local government such plans and other information as the local government may reasonably require.
- (3) The local government, within 30 days of receiving the application, is to forward the application, together with its recommendation, to the Commission for determination.

Main Roads Western Australia (MRWA)

MRWA has no objections to the proposal.

Water Corporation (Water Corp)

Water Corp advised that the site is not included in its adopted long-term water or wastewater planning and therefore are unable to speculate on servicing requirements. It is also advised that the applicant will be required to protect all existing drainage as the Birrega Drain is located on the southern boundary of the site. Rural drains are not designed to give flood protection at all times and some inundation of land can be expected.

Developments within this catchment are required to contain flows from a 1:100 year storm event on site. Discharge to Water Corp drains must be compensated to pre-development flows. This should be demonstrated to the Water Corp at the time of development.

The proposal will require approval by Water Corp's Building Services section prior to commencement of works.

Community Consultation

The application was advertised to surrounding landowners within a radius of 500m for a period of 21 days from 28 March 2022 to 18 April 2022, in accordance with Local Planning Policy 1.4 - Consultation for Planning Matters.

During this period one submission was received objecting for the following reasons:

- The use is prohibited under proposed LPS3;
- An extension of time does not allow for careful consideration to be made in relation to the road upgrades in the area and the impacts of the freight route (West Port). A new application should be submitted for assessment; and
- The need for a service station in the area is already satisfied by there being one located directly to the south.

A full summary of the submission with the Applicant's response and Officer comments is contained within **attachment 4**.

Officer Comment:

It is a fact that the land use of 'service station' is recommended to be a prohibited use under draft LPS3. LPS3 has reached a stage that it constitutes a seriously entertained planning proposal and is therefore a relevant matter for consideration as to orderly and proper planning. In considering this, the application should be refused as it would not be consistent with orderly and proper

planning to grant an extension of time that would see a development take place that is expressly prohibited within the Rural zone under the imminent and certain draft LPS3.

Officers acknowledge that there is a service station to the south of the site however Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* does not list commercial competition as a matter to be considered as part of a development assessment. This matter does not reflect those very narrow circumstances where commercial competition may be considered a relevant planning issue.

Statutory Environment

Legislation

- *Planning and Development Act 2005*
- Planning and Development (Development Assessment Panels) Regulations 2011
- *Planning and Development (Local Planning Schemes) Regulations 2015*

State Government Policies

- State Planning Policy 2.5 - Rural Planning (SPP2.5)
- State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7)
- Environmental Protection Authority Guidance for the Assessment of Environmental Factors Separation Distances between Industrial and Sensitive Land Uses (2005)

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
- Local Planning Strategy
- Draft Local Planning Scheme No. 3
- Local Planning Policy 4.11 - Advertising (LPP4.11)
- Local Planning Policy 1.6 - Public Art (LPP1.6)

Planning Assessment

The subject application is made in accordance with r17(1)(a) of the *Planning and Development (Development Assessment Panels) Regulations 2011*. This provides for an application to be made *“to amend the approval so as to extend the period within which any development approved must be substantially commenced”*.

In assessing such an application, consideration should be given to the following:

- Whether the planning framework has changed substantially since the development approval was granted;
- Whether the development would likely receive approval now; and
- Whether the holder of the development approval has actively and relatively conscientiously pursued the implementation of the development approval.

For the purposes of this Report, discussion is confined to these matters.

Whether the planning framework has changed substantially since the development approval was granted, and if so how does this affect consideration of the application

Schedule 2, Part 9, Clause 67(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires a Local Government to consider the principles of orderly and proper planning including any proposed Local Planning Scheme. Draft LPS3 has been advertised, had submissions considered, endorsed by Council and is currently with the Western Australian Planning Commission (WAPC) for final approval. It is anticipated that approval will be forthcoming from the WAPC mid 2022. Furthermore, the Shire's Local Planning Strategy received final approval from the WAPC on 18 March 2022. Both these documents are therefore material in the consideration of the current application.

Draft Local Planning Scheme No.3 and Local Planning Strategy (LPS):

The site would remain zoned 'Rural' under LPS3. The 'Service Station' land use is a prohibited land use in the 'Rural' zone under draft LPS3.

The objectives of the 'Rural' zone under LPS3 are:

- *"To provide for the maintenance or enhancement of specific local rural character.*
- *To protect and accommodate broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.*
- *To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies including groundwater, to protect sensitive areas especially the natural valley and watercourse systems from damage.*
- *To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.*
- *To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses."*

The objectives of rural land under the LPS are to provide for a full range of rural uses, tourism, rural enterprise and the preservation of the rural character. The LPS emphasises the importance of protecting large rural lot sizes for agriculture.

It is considered that the proposal is generally inconsistent with the objectives of the 'Rural' zone under the LPS and LPS3 except *"to provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses."* As the LPS and LPS3 have been formed upon 'Service Station' as a prohibited use in the Rural zone, it is not considered an appropriate non-rural use.

LPS3 has however introduced the use class of a 'Road House', which is defined as:

"premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services -

- (a) a full range of automotive repair services;*
- (b) wrecking, panel beating and spray painting services;*
- (c) transport depot facilities;*
- (d) short-term accommodation for guests;*
- (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies."*

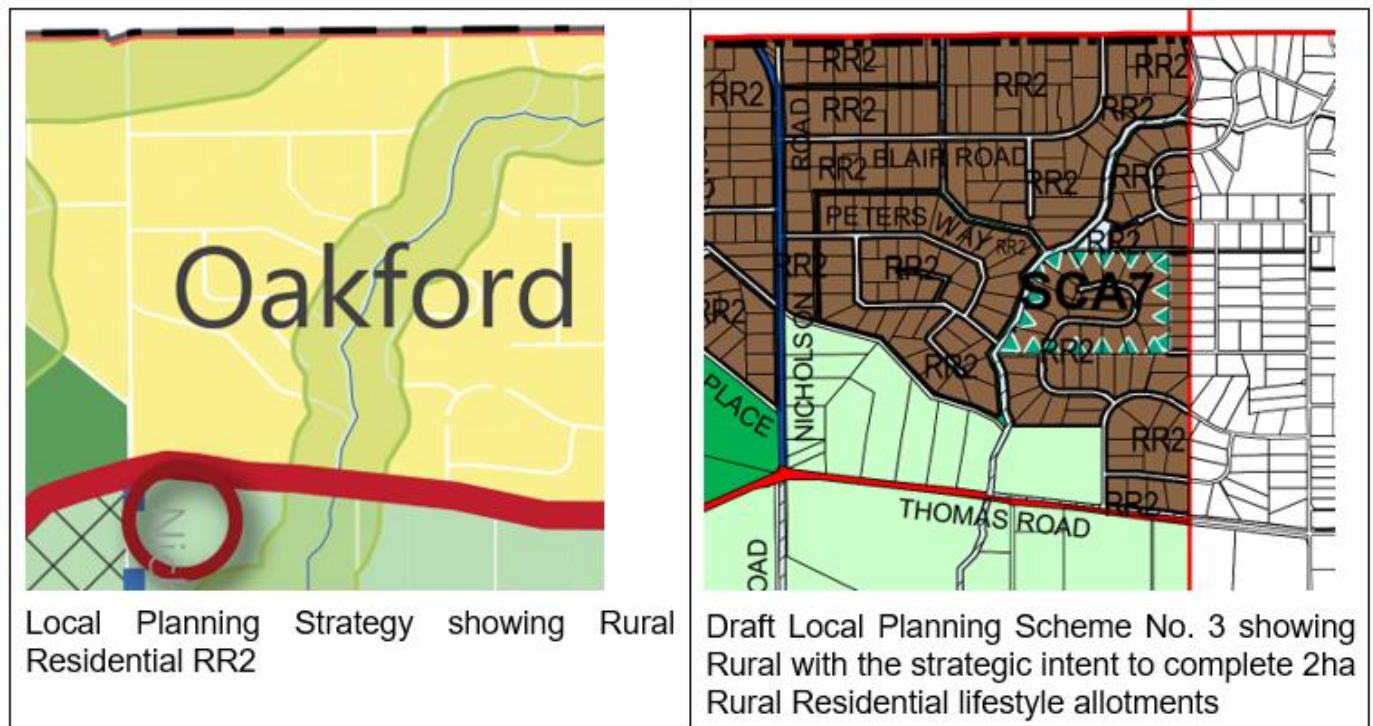
The freeway service centre is defined as:

“premises that has direct access to a freeway and which provides all the following services or facilities and may provide other associated facilities or services but does not provide bulk fuel services -

- (a) service station facilities;*
- (b) emergency breakdown repair for vehicles;*
- (c) charging points for electric vehicles;*
- (d) facilities for cyclists;*
- (e) restaurant, cafe or fast food services;*
- (f) take-away food retailing;*
- (g) public ablution facilities, including provision for disabled access and infant changing rooms;*
- (h) parking for passenger and freight vehicles;*
- (i) outdoor rest stop facilities such as picnic tables and shade areas.”*

The ‘Road House’ land use is an ‘A’ use in the ‘Rural’ zone under LPS3 and therefore is capable of approval subject to advertising. Based on its definition, for a development to be considered a ‘Road House’ it must provide the services or facilities provided by a Freeway Service Centre, as listed above. The subject development does not include (b), (c), (d) or (g) above and therefore could not be considered a ‘Road House’.

In terms of the LPS, the subject site is designated as ‘Rural Residential’ (RR-2). A ‘Service Station’ is furthermore a prohibited use in the ‘Rural Residential’ zone under draft LPS3. The purpose of the Rural Residential area is to provide for a range of lifestyle whilst preserving and enhancing the rural character. According to the LPS, the intent is for this land to ultimately be rezoned and structure planned to provide 2ha Rural Residential lifestyle allotments. The extract showing of both the approved LPS and the Draft LPS3 are shown following:



The proposal to extend the timeframe of an expressly prohibited use, is contrary with the principles of orderly and proper planning. It is also further contrary to the strategic intent set out under the LPS. Given the imminence of LPS3 and the approval of the LPS, both documents have to be given significant weight when exercising discretion in relation to a proposed extension of time request pertaining to what will be a prohibited use.

This approach has been applied through the *Coty principle* as cited in Nicholls and Western Australian Planning Commission (2005) (WASAT40) which states *"it is important, in the public interest, that whilst the respondent Council's local scheme is under consideration this Court should, in the exercise of its appellate jurisdiction..... avoid, as far as possible, giving judgement or establishing any principle which would render more difficult the ultimate decision as to the form the scheme should take. It is also important in the public interest, that during that period this Court should, in the exercise of the jurisdiction referred to, arrive at its judgement, so far as possible, in consonance with the town planning decisions which have been embodied in the local scheme in the course of its preparation"*. Therefore, Officers consider to extend the approval would be contrary to the established Coty Principle.

The applicant considers, as part of the response to the submission, that LPS3 cannot be considered 'imminent'. The applicant makes reference to a submission that was made to the WAPC as part of the LPS and LPS3 for retaining the use of 'service station' within the 'rural' zone.

The applicant also refers to the Statutory Planning Committee (SPC) meeting of the WAPC where the agenda report states as follows:

Element on behalf of Claradon Property - Lot 12 Thomas Road & Lot 50 Nicholson Road, Oakford	29	DRAFT LOCAL PLANNING STRATEGY & DRAFT LOCAL PLANNING SCHEME NO. 3 SUBMISSION - LOT 12 THOMAS ROAD & LOT 50 NICHOLSON ROAD, OAKFORD element on behalf of Claradon Property (Claradon) has prepared this submission in response to the Shire of Serpentine-Jarrahdale (the Shire) draft Local Planning Strategy (draft Strategy) and draft Local Planning Scheme No.3 (draft LPS 3) that are being advertised for public comment. The submission has been	The Shire's objective in the Rural zone is to prevent the proliferation of service stations, rather supporting the development of a more strategic road house uses. While the objectives of the Rural zone allow for some non-rural land uses to be considered where they have demonstrated benefit and are compatible with surrounding rural uses, Officers do not consider that the land use of service station provides such benefit or is compatible with rural uses. A Road House is a	Disagree with the Shire's response. However as the submission does not require any modifications to the Strategy and relates to the draft Local Planning Scheme No. 3 it will be considered at a later date when the draft Local Planning Scheme No. 3 is assessed.
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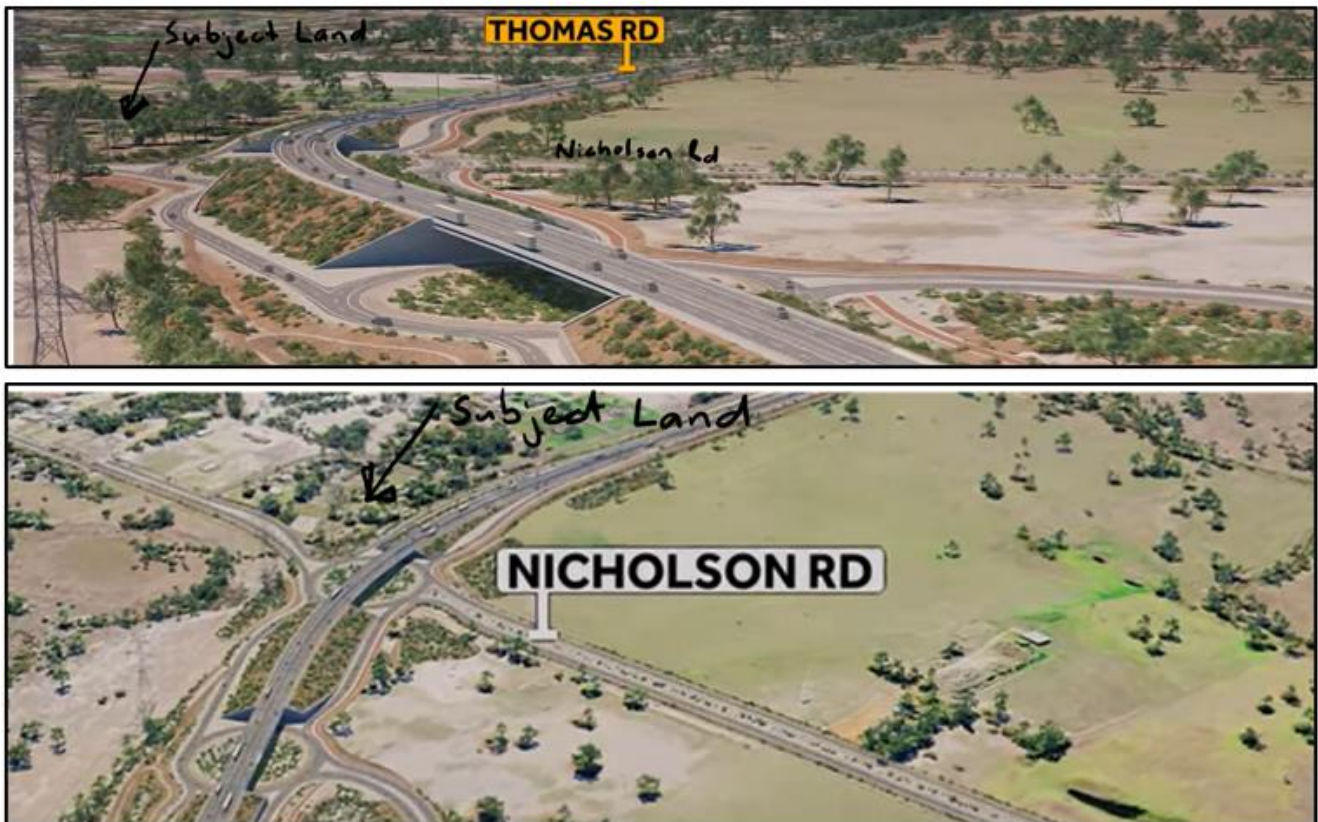
		prepared with regard to Lot 12 Thomas Road and Lot 50 Nicholson Road, Oakford (subject site).	discretionary use within the 'Rural' zone and can therefore be accommodated subject to planning approval. Existing approvals can continue under non-conforming land uses rights.	
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The applicant states *“Moreover, the Agenda Report from the Statutory Planning Committee (SPC) meeting of the Western Australian Planning Commission (WAPC) of 29 June 2021 disagrees with the Shire’s response on the proposed uses on the subject site.”* It is however noted that the WAPC have not confirmed they disagree with the proposed use on the site however state that it will be considered as part of the assessment of LPS3 and that it does not relate directly to the LPS. This report relates to the LPS and does not provide any indication as to the finality of the use under LPS3.

Officers consider that the applicant has not acknowledged that the decision of the SPC was to support the LPS which designated the subject land within the Rural Resident RR-2 area. This is now secured as part of the approved LPS. In terms of advancing further development on the subject land, the LPS indicates that those lots remaining zoned Rural under LPS3 would have a strategic intent for rezoning to Rural Residential RR2, and a structure plan prepared, to complete the 2ha rural residential development that exists in the precinct.

Noteworthy, in addition to the LPS allowing for *“a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses”*, section 3.5.1 Road and Freight of the Strategy recognises the importance of the Thomas Road upgrade in creating strong regional linkages to support the economy. This will also be increased as further planning for Westport along the Thomas Road and Anketell Road linkage progresses. The applicant considers that this supports the proposal for the ‘Service Station’ use as it *“builds on the future infrastructure to be provided and given the potential amenity impacts of the intersection (visual amenity, noise etc) the proposed use is commensurate with the future amenity of the locality”*. Whilst it is acknowledged that the road network may have an impact on the future amenity of the area, it is also the case that the future amenity of the locality is intended to be rural and later rural residential. The future amenity therefore is not considered to be so substantially different to warrant support of a prohibited land use and set aside the strategic intent of the planning framework. The impact of the road upgrades on the amenity of the locality will be relevant to the assessment of a use at that time at which point LPS3 is likely to be in force and a service station prohibited.

In respect of the vision for the Thomas Road and Anketell Road Westport freight corridor, a fly-through video has been released which depicts a vision for how the intersection of Nicholson Road and Thomas Road may look.



DPLH have raised no objections to the location. Officers of the Shire do however note that the concept for the road upgrades are still subject to community consultation, and in the absence of a firm and committed design, it is not clear how the long term access arrangements would function.

Should the DAP approve an extension of time, and should the use of 'Service Station' proceed as a prohibited use in the 'Rural' zone under the proposed LPS3, Council should note that Clause 22(1)(b) of proposed LPS3 would protect a non-conforming use right to carry out the development in the stated circumstances below:

22. Non-conforming uses

- (1) Unless specifically provided, this Scheme does not prevent -
- (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
 - (b) the carrying out of development on land if -
 - (i) before the commencement of this Scheme, the development was lawfully approved; and
 - (ii) the approval has not expired or been cancelled.

Whether the development would likely receive approval now

As mentioned, since the approval of the development, the LPS has been approved by the WAPC and LPS3 is awaiting final approval, expected mid year. Based on these changes to the planning framework, Officers do not consider that approval of the application would be received now as proposed. If the planning framework was in place as currently proposed, such application would be immediately refused due to it being a prohibited use.

Whether the holder of the development approval has actively and relatively conscientiously pursued the implementation of the development approval

The landowner has received a Building Permit for works to commence construction however MRWA have advised that the road upgrades are anticipated to be completed by mid 2023 and therefore no trade from the property can commence until these works are complete. As such the Applicant has provided information that factors outside of the Applicant's control have resulted in the delay in the construction. The Applicant considers that they should not be *“penalised by not granting an extension of time to the Development Approval. Moreover, the Applicant is not seeking a gratuitous extension rather one to ensure that the road works are completed”*. The Applicant refers to a matter heard in the State Administrative Tribunal (SAT) as follows:

In respect to the above it is important to consider *AMI Enterprises Pty Ltd and Presiding Member of the MWWJDAP* [2018] WASAT 130. At paragraph 79 of this matter the Tribunal commented that:

*There is nothing in the statutory framework which expressly, or by implication, prohibits a DAP (or the Tribunal on review) from **considering whether the circumstances in which the period for substantial commencement originally imposed was adequate changed significantly, through no fault of the applicant, with the consequence that the period originally imposed was inadequate for substantial commencement to take place. It is, therefore, not an irrelevant consideration in the exercise of discretion as to whether to amend a development approval so as to extend the period within which the development must be substantially commenced and falls within the 'wide range of permissible considerations which the decision-maker may weigh or disregard without committing an error of law'.***

Bold above is the Author's emphasis.

Further the Tribunal's comments at paragraph 179 are further relevant:

However, we accept the applicants' submission that although the period for substantial commencement originally imposed was adequate in the circumstances existing at the time when the development approval was granted, the circumstances changed significantly, through no fault of the applicants, with the consequence that the period originally imposed was inadequate for substantial commencement to take place.

Whilst Officers acknowledge the road upgrades are outside of the Applicant's control, there have been lawful conditions imposed on the current approval to provide both interim and ultimate access arrangements. The approval thus enables development to proceed without any contingent basis of the road works being completed.

Options and Implications

Option 1

That Council RESOLVES the following Responsible Authority Recommendation:

1. That the Metro Outer Development Assessment Panel REFUSES the application for the extension of time request for the following reasons:
 - a. The land use of 'Service Station' is a prohibited use in the 'Rural' zone under draft Local Planning Scheme No. 3. It is not consistent with orderly and proper planning to grant approval for a use which is imminently designated to become a prohibited use in the zone under the new Scheme.
 - b. The land use of 'Service Station' is inconsistent with the objectives of the 'Rural' zone in draft Local Planning Scheme No.3;
 - c. The land use of 'Service Station' does not reflect the approved strategic intent of the Local Planning Strategy, which designates the subject land within the Rural Resident 2 precinct under the approved Local Planning Strategy.
 - d. The land use would make implementation of the strategic intent of the approved Local Planning Strategy more difficult, through allowing a use which is inconsistent with the objectives of the Rural Residential zone.

Option 2

That Council RESOLVES the following Responsible Authority Recommendation:

1. That the Metro Outer Development Assessment Panel APPROVES the application for the extension of time request subject to the same conditions of the 29 October 2018 approval.

Option 1 is recommended.

Conclusion

The application seeks approval to extend the timeframe for when the 'Service Station' development must be substantially commenced from 29 October 2022 to 31 December 2024. Since the approval of the development by the DAP, the Shire has adopted a new Local Planning Strategy (now approved) and the draft Local Planning Schemes (approval imminent). The proposal is inconsistent with both these. Officers do not hold the opinion that approval of the application would be received now. This is primarily on the basis that the 'Service Station' land use is a prohibited use in the 'Rural' zone. For the reasons discussed in the Report, the proposal is not supported.

Attachments (available under separate cover)

- 10.1.6 - attachment 1 - Responsible Authority Report (E22/3690)
- 10.1.6 - attachment 2 - Initial Approval (E22/4442)
- 10.1.6 - attachment 3 - Current Application Details (E22/4529)
- 10.1.6 - attachment 4 - Summary of Submissions (E22/3752)

Alignment with our Strategic Community Plan

Outcome 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local businesses within the district.
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Option	Risk Description	Controls	Principal Consequence	Risk Assessment	Risk Mitigation Strategies (to
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			Category	Likelihood	Consequence	Risk Rating	further lower the risk rating if required)
1	Council endorsing the RAR recommending refusal of the application	This recommendation represents the lowest strategic risk to the Shire.					
2	Council endorsing the RAR recommending approval	Planning framework	Reputation	Possible	Major	SIGNIFICANT	A clear explanation for the decision to assist the DAP in considering the matter.

Voting Requirements: Simple Majority

Officer Recommendation

That Council RESOLVES the following Responsible Authority Recommendation:

1. That the Metro Outer Development Assessment Panel REFUSES the application for the extension of time request for the following reasons:
 - a. The land use of 'Service Station' is a prohibited use in the 'Rural' zone under draft Local Planning Scheme No. 3. It is not consistent with orderly and proper planning to grant approval for a use which is imminently designated to become a prohibited use in the zone under the new Scheme.
 - b. The land use of 'Service Station' is inconsistent with the objectives of the 'Rural' zone in draft Local Planning Scheme No.3;
 - c. The land use of 'Service Station' does not reflect the approved strategic intent of the Local Planning Strategy, which designates the subject land within the Rural Resident 2 precinct under the approved Local Planning Strategy.

- d. The land use would make implementation of the strategic intent of the approved Local Planning Strategy more difficult, through allowing a use which is inconsistent with the objectives of the Rural Residential zone.

MOTION

Moved Cr Coales

That Council RESOLVES the following Responsible Authority Recommendation:

- 1. That the Metro Outer Development Assessment Panel APPROVES the application for the extension of time request subject to the same conditions of the 29 October 2018 approval.**

MOTION LAPSED for want of a seconder

OCM094/05/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Byas, seconded Cr Strange

That Council RESOLVES the following Responsible Authority Recommendation:

- 1. That the Metro Outer Development Assessment Panel REFUSES the application for the extension of time request for the following reasons:**
 - a. The land use of 'Service Station' is a prohibited use in the 'Rural' zone under draft Local Planning Scheme No. 3. It is not consistent with orderly and proper planning to grant approval for a use which is imminently designated to become a prohibited use in the zone under the new Scheme.**
 - b. The land use of 'Service Station' is inconsistent with the objectives of the 'Rural' zone in draft Local Planning Scheme No.3;**
 - c. The land use of 'Service Station' does not reflect the approved strategic intent of the Local Planning Strategy, which designates the subject land within the Rural Resident 2 precinct under the approved Local Planning Strategy.**

- d. The land use would make implementation of the strategic intent of the approved Local Planning Strategy more difficult, through allowing a use which is inconsistent with the objectives of the Rural Residential zone.**

CARRIED 7/1

Councillor Byas, in accordance with Section 5.21(4)(b), Local Government Act 1995 requested the votes be recorded.

Councillors Rich, Byas, Dagostino, Duggin, Singh, Strange and Strautins voted FOR the motion.

Councillor Coales voted AGAINST the motion.

Following Council's consideration of the item, Councillor Rich asked the Manager Governance and Strategy, Dr Kenneth Parker to reconnect Councillor Atwell to the Meeting.

Councillor Atwell was reconnected to the Meeting at 8:31pm.

Manager Governance and Strategy, Dr Kenneth Parker confirmed that Councillor Atwell had re-joined the Meeting.

Presiding Member, Councillor Rich advised Councillor Atwell of the Council Resolution for item 10.1.6.