

Request for Deputation (WRITTEN)

3 June 2022

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Date of Meeting: SMC Tuesday 7 June, 2022. Childcare Centre DAP-2021-19

Item related to Deputation: P22/3987 Childcare Centre, Bull Creek.

Names of Members of Deputation: Max FitzGibbon

Outline Points of Deputation: Against DA:

1. Noise generated by children attending the Centre will subject nearby residents to the injustice of noise levels not previously experienced by them in their neighbourhood.
2. DA not compliant with City of Melville Policies LPP 1.12, LPS 6, and CoM Local Planning Strategy.
3. Important "Conditions of Approval" have been omitted from RAR.

PowerPoint: No.

Hard Copies for distribution: No.

Max FitzGibbon

3 June 2022

Written Deputation: Item P/22/3987 Childcare Centre, 2 Bass Road, Bull Creek.

The reasons for my opposition to approval of this DA as recommended by the City in its RAR are as follows:

1. Excessive Noise:

The Acoustic Assessment prepared by ND Engineering, at noise contour diagrams Fig D6. 1a. and Fig D6. 1b, makes it clear that nearby residents, including a double storey home sharing its southern boundary with the CCC, will experience noise levels of children at play and slamming car doors the like of which they have not been subjected to in the past.

Many residents are upset with the proposal.

The dark green colour on the noise contour diagrams represents a current prevailing noise level of less than 35 dBA. We know that children at play generate around 80 dBA. The assigned, or allowable, noise level at receiver homes is 69 dBA, per the report. A 1972mm high glass wall is fitted to the upper level to try to attenuate the noise transmitted to surrounding receiver premises. The double storey house to the north will be most affected by the newly introduced noise.

The modelling has been done "assuming" children noise sources at 1000mm high. It should be noted from the landscape plan that play equipment on the upper floor includes a play fort structure, a mound with log, and a raised sand pit with stairs. These features invariably mean that noise levels will emanate from a height close to the top of the wall, with consequent increased noise, in excess of the modelled level, into the surrounding area.

For the double storey home to the north, the modelling gives a noise level of 45-50 dBA. It is likely to be around 10 dBA higher than this. The other surrounding homes are also 'noise affected' as shown on the noise contour diagrams.

With the current prevailing noise level modelled at less than 35 dBA, and noise levels increasing to around 60 dBA at receiver premises, attributable to the CCC, the immediate neighbourhood will no longer enjoy the quietness that they have now. This is evidenced on the noise contour diagrams.

2. Non-Compliance with City Policies LPP 1.12, LPS 6, and CoM Local Planning Strategy.

It should be noted that, for a similar CCC on Matheson Road, Applecross, the CoM RAR resolved to REFUSE the DA.

Reasons for refusal were:

- a. "The development does not meet the requirements of Clause 3.1 and 8.0 of LPP 1.12, being within an unsuitable location". And
- b. "The proposed development is not consistent with the objectives of LPS 6 and the CoM Local Planning Strategy, which generally promote increased intensity in and around existing centres and aim to limit the introduction of non-residential land uses in suburban residential settings". Please, let the residents see consistency with administration of Policy, and explain to them, what the different is this time,

3. Conditions of Approval missing from RAR.

Page 13 of the RAR makes a statement "It is considered that the CCC use can, subject to specific design requirements and to the imposition of conditions of planning approval, co-exist with existing adjoining residential uses without compromise to the levels of residential amenity currently enjoyed by occupiers of such properties." This is clearly a FALSE statement. Just ask the residents if they are OK with this proposal. They moved into a "residential" area to be protected from noisy commercial enterprise.

To provide residents with a sliver of hope that things may be OK, the following common Conditions of Approval should be added to the RAR after condition 13.

- a. New Condition 14. "The recommendations set out in the Noise Assessment prepared by ND Engineering are to be implemented and adhered to for the duration of the occupancy or use of the development, unless otherwise approved by the City."
- b. New Condition 15. "A noise report (including ground truthing of noise emissions) is to be submitted by an accredited consultant, within 3 months of the development commencing that confirms noise from

the development complies with the Environmental Protection (Noise) Regulations 1997, to the satisfaction of the City.
This report shall be at the applicant's cost."

Max FitzGibbon.