



— City of —
Melville

REPORTS AND RECOMMENDATIONS

FROM THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

7 APRIL 2009

- NOTES:**
1. This Meeting makes Recommendations to the Manager Planning & Development Services.
 2. Should any Elected Member want any matter referred and considered by the Council, please contact the Manager Planning & Development Services prior to the Tuesday (or Wednesday if Monday is a public holiday) following the date of this Meeting.
 3. Unless 'called in' by an Elected Member it is expected that the Manager Planning & Development Services will after the 'call in' date approve the recommendations, refer the matter to the Council or back to the Development Advisory Unit for further considerations.

DISTRIBUTED: 9 APRIL 2009



— City of —
Melville

10 Almondbury Road Booragoon WA 6154
Postal Address: Locked Bag 1, Booragoon WA 6954
Tel: 08 9364 0666
Fax: 08 9364 0285
Email: melinfo@melville.wa.gov.au
Web: www.melville.wa.gov.au

**REPORTS AND RECOMMENDATIONS FROM THE DEVELOPMENT ADVISORY UNIT
MEETING HELD IN, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD,
BOORAGOON, COMMENCING AT 1:30PM ON TUESDAY 7 APRIL 2009**

PRESENT

D Vinicombe (Presiding Member)
P. Prendergast
T Capobianco
D Monteiro
R Bailey

Manager Planning & Development Services
Planning Services Coordinator
Principal Building Surveyor
Environmental Health Officer
Technical Officer

APOLOGIES

R Jessup
J Gonzalez

Senior Horticultural Technical Officer
Planning Services Coordinator

IN ATTENDANCE

OBSERVERS

DISCLOSURES OF INTEREST

ELECTED MEMBERS' ATTENTION

Nil

DELEGATED AUTHORITY – PLANNING POLICY (1) 2

The following items are recommendations to the Manager Planning & Development Services for decision.

DISCLOSURE OF FINANCIAL INTERESTS LOCAL GOVERNMENT ACT 1995

Members' interests in matters to be discussed at meetings to be disclosed

S.5.65 (1) A member who as an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest -

- (a) in a written notice given to the Chief Executive Officer before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

Penalty: \$10,000 or imprisonment for 2 years.

Meeting to be informed of disclosures

S.5.66 If a member has disclosed an interest in a written notice given to the Chief Executive Officer before a meeting then before the meeting -

- (a) the Chief Executive Officer is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) the person who is to preside at the meeting is to bring the notice to the attention of the persons who attend the meeting.

Disclosing members not to participate in meetings

S.5.67 A member who makes a disclosure under Section 5.65 must not -

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under Section 5.68 or 5.69.

Penalty: \$10,000 or imprisonment for 2 years.

Please refer to your Handbook for definitions of interests and other detail.

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**U09/0062 - (PP) FIONA STANLEY HOSPITAL - ROADS AND INFRASTRUCTURE ON
110 MURDOCH DRIVE, MURDOCH (REC) (ATTACHMENT)**

Ward : University Ward
Category : Operational
Application Number : DA-2009-45A
Property : 110 Murdoch Drive, MURDOCH
Proposal : Fiona Stanley Hospital - Roads and Infrastructure
Applicant : GHD Pty Ltd
Owner : Minister for Health
Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer : Mr David Vinicombe
Manager Planning and Development Services
Previous Items : U09/0009 Fiona Stanley Hospital (Phase 1) (13 January 2009)
U09/0033 Fiona Stanley Hospital (Roads and Infrastructure) (24 February 2009).

AUTHORITY / DISCRETION

- | | <u>Definition</u> |
|---|---|
| <input checked="" type="checkbox"/> Advocacy | when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input type="checkbox"/> Executive | <i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i> |
| <input type="checkbox"/> Legislative | <i>includes adopting local laws, town planning schemes & policies.</i> |
| <input type="checkbox"/> Review | <i>when Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> Quasi-Judicial | <i>when Council determines an application/matter that directly affects 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 town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

**U09/0062 - (PP) FIONA STANLEY HOSPITAL - ROADS AND INFRASTRUCTURE ON
110 MURDOCH DRIVE, MURDOCH (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Application relates to the roads and infrastructure associated with the construction of the Fiona Stanley Hospital and Health Precinct (FSHHP) development located within the Murdoch Activity Area.
- Application site is Crown land reserved under the MRS.
- Determining Authority is WAPC with the City of Melville as consultee.
- A report on Phase One of the FSH development was provided through DAU on 13 January 2009.
- A second report related to the Roads and Infrastructure works was provided through DAU on 24 February 2009. This excluded from consideration the works related to the implementation of the "Main Street" route across the northern edge of the proposed hospital site.
- These works were excluded as some of the land required for the implementation of that route relied upon the availability of land parcels within the private ownership of St John of God Hospital (SJOGH) and the Murdoch Medical Clinic respectively.
- The current application is inclusive of these areas as the owners of the parcels of land in question are now signatories to the Planning Application.
- It is recommended that the WAPC be advised that the City of Melville supports the proposal subject to a number of conditions and informative advice notes.

BACKGROUND

The issues surrounding the development of the Fiona Stanley Hospital (FSH) development proposal have been the subject of presentation to and consideration by full Council on a number of occasions. Officers of the Council have been involved in the pre-application consideration of the FSH Health Precinct development for a significant period, including the details associated with the roads and infrastructure elements of the proposal subject of this application and report. The Phase 1 FSH application was recommended for approval to WAPC in January of this year. That proposal focused on the built elements of the hospital facility itself including the main hospital buildings. The Phase 2 Roads and Infrastructure application was similarly recommended for approval to the WAPC in February 2009. The details of the current Roads and Infrastructure application are consistent with the previous recommendation for approval issued to WAPC in February, albeit now inclusive of the route of the proposed Main Street. The details are also consistent with the Master Plan Report for the FSH precinct and the wider Murdoch Activity Centre Structure Plan.

**U09/0062 - (PP) FIONA STANLEY HOSPITAL - ROADS AND INFRASTRUCTURE ON
110 MURDOCH DRIVE, MURDOCH (REC) (ATTACHMENT)****Scheme Provisions**

MRS Zoning	:	The majority of the site is reserved for Public Purposes (Hospital)
CPS 5 Zoning	:	Regional Reserve: Public Purposes (Hospital)
R-Code	:	NA
Use Type	:	Hospital
Use Class	:	Not determined under CPS No 5

Site Details

Lot Area	:	16.4743 ha
Retention of Existing Vegetation	:	Yes in relation to comprehensive Landscaping Strategy.
Street Tree(s)	:	NA
Street Furniture (drainage pits etc)	:	NA
Site Details	:	U09_0062_PROPERTY_MAP.pdf

[U09_0062_April_2009.pdf](#) A copy of the plans forms part of the Attachments to the Agenda, which were distributed to Members of the Council on Thursday 9 April 2009.

DETAIL

This is a major development proposal, the decision on which will be undertaken by the Western Australian Planning Commission (WAPC) subject to a recommendation from the City of Melville as responsible Local Government for the area. An application for the core hospital buildings (Phase One) associated with the FSH was referred through the Development Advisory Unit (DAU) process on 13 January 2009. In respect of the Phase One application, the Western Australian Planning Commission (WAPC) was advised that the City of Melville supported the proposal subject to conditions and informative advice notes. An application for the Roads and Infrastructure works was referred through DAU on 24 February 2009, again with a recommendation for approval subject to conditions and informative advice notes.

**U09/0062 - (PP) FIONA STANLEY HOSPITAL - ROADS AND INFRASTRUCTURE ON
110 MURDOCH DRIVE, MURDOCH (REC) (ATTACHMENT)**Location and Site Characteristics:

This application seeks consent for the roads and infrastructure works associated with the development of the FSH.

The proposed hospital is located within the Murdoch Activity Centre (MAC), approximately 12 km's south of the Perth CBD. It is sited within the northern area of the MAC close to the site of the existing St John of God Hospital which bounds the site of FSH to the north-west. The site is bounded by Murdoch Drive to the west, Kwinana Freeway to the east, and the Challenger TAFE campus to the south.

The FSH Health Precinct site comprises an area of 32 ha located across three Crown land parcels. Prior to recent clearing as part of the FSH site works, the land was predominantly vacant bushland. The terrain is mainly undulating with a sandy ridge line running from NE to SW. The site is located on the Swan Coastal Plane, and is situated on Bassendean sands.

Outline of Development Proposal

The roads and infrastructure application includes the following elements:

- All Public roads within Fiona Stanley Hospital Health Precinct (FSHHP) road reserves,
- Drainage infrastructure for the precinct including stormwater pipes within road reserves
- Water Corporation water reticulation mains, located within the road reserves for water supply to the main hospital site,
- Water Corporation sewers located within road reserves
- Pathways within public road reserves,
- Limestone retaining walls,
- Underground power cables and other Western Power installations
- Reticulated gas supply within road reserves,
- Telecommunications conduits within road reserves,
- Street lighting, and
- A new entrance road and lighting for the Challenger TAFE, and
- A new public car park entrance to Murdoch Police Station.

**U09/0062 - (PP) FIONA STANLEY HOSPITAL - ROADS AND INFRASTRUCTURE ON
110 MURDOCH DRIVE, MURDOCH (REC) (ATTACHMENT)****PUBLIC CONSULTATION/COMMUNICATION**

This application has not been the subject of specific consultation under the provisions of the City of Melville Community Planning Scheme (CPS) No 5 as the application site is wholly contained on land reserved under the Metropolitan Region Scheme, and as such the provisions of CPS No 5 in relation to advertising are not applicable. The details of the proposal have however been the subject of a fully considered programme of Public Consultation undertaken by consultants on behalf of the State Government and the Health Department of WA. This consultation programme sought to involve key stakeholders including State Government Agencies, health clinicians, site neighbours and residents of both the City of Melville and the Metropolitan Area as a whole.

REFERRALS TO GOVERNMENT AGENCIES

Required: Yes.
Reason: For the determination of WAPC

STATUTORY AND LEGAL IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

It is noted that this application is exempt from normal Planning Application fees and the majority of the resultant development which the roads and infrastructure will support will not attract rating revenue for the City of Melville or Planning Application fees. Notwithstanding, the development of the FSH will act as a catalyst for associated development within the wider FSHHP particularly the future Murdoch station Transport Orientated Design (TOD) development, much of which will be the subject of standard Planning Application fees and future rates revenue. Financial issues are also raised with regard to supervision fees for infrastructure works. These are detailed in the comments section below.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable

POLICY IMPLICATIONS

Not applicable

**U09/0062 - (PP) FIONA STANLEY HOSPITAL - ROADS AND INFRASTRUCTURE ON
110 MURDOCH DRIVE, MURDOCH (REC) (ATTACHMENT)****ALTERNATE OPTIONS & THEIR IMPLICATIONS**

Not applicable.

COMMENT

When complete, the FSH will be the major tertiary hospital for the southern metropolitan area. At an estimated cost of \$1.8 billion, the 643 bed hospital will provide a range of acute medical and surgical services, and will be the home of the major centre for the treatment of trauma, burns, and heart and lung transplants in Western Australia.

The development of the FSH will be a central element of the planned health, research and education precinct within the MAC, with clear links to the existing hospital at St John of God Murdoch, and Murdoch University. The development will act as a catalyst for further health and education related activities, and it is expected that the area will witness significant commercial development pressure in the short and medium term. It is imperative therefore that the initial hospital development, including its associated roads and general infrastructure environment, are of a standard commensurate with its iconic status.

This roads and infrastructure application has been the subject of detailed consideration by the City's Engineering Services Team. Whilst officers raise no objections in principle to the proposal, as the City of Melville will ultimately be responsible for the upkeep and ongoing maintenance of the roads and infrastructure associated with the FSHHP, it is imperative that the opportunity is taken to ensure that the details associated with this proposal meet with the requirements of the City. To that end a number of issues have been raised by officers and these should be the subject of referral to the WAPC. In this case the issues relate to the following matters.

Drainage Proposals

In general there is a reasonable level of acceptance of the proposals in relation to drainage. Some concern is however expressed related to the complexity of the drainage design and the physical extent of the drainage works themselves. It is recommended that those matters should be the subject of further review by an independent third party in consultation with Engineers from the City of Melville. Conditions to that effect are recommended for inclusion in the referral letter to the WAPC, along with standard conditions related to the containment of stormwater and drainage runoff, and details of a Drainage Management Strategy. The latter is consistent with the recommendation forwarded to the WAPC in respect of the FSH Phase 1 proposal.

**U09/0062 - (PP) FIONA STANLEY HOSPITAL - ROADS AND INFRASTRUCTURE ON
110 MURDOCH DRIVE, MURDOCH (REC) (ATTACHMENT)**Road Infrastructure

In relation to the road infrastructure itself, concern is expressed that safe access is provided for all road use users of the hospital facility. To that end it is suggested that it be made a condition of approval that a road safety audit be undertaken at final detailed design stage, and prior to initial public use (pre-opening stage). Conditions to that effect are recommended for inclusion to the WAPC.

Street Lighting

Whilst there is no objection raised in principle to the design and layout of the street lighting proposed for inclusion within the FSHHP, there is an expressed concern with regard to the proposed use of non-standard Western Power columns. Whilst these may provide a visually more pleasing lighting environment within the FSHHP, upon adoption by the City of Melville, the inclusion of such non-standard lighting features will impose an additional financial and maintenance burden on the City. This matter has been raised by officers of the City on a number of occasions without agreement. Whilst it is acknowledged that a higher standard of street lighting will be more commensurate with the iconic nature of the proposed development and the MAC, it is not considered reasonable for the City to take on more onerous liabilities with regard to ongoing maintenance and replacement of this infrastructure in the longer term. It is recommended therefore that the issue is addressed in the referral to the WAPC, and a condition requiring that the developer reach agreement with the City of Melville with regard to the applicant's responsibility for ongoing maintenance and replacement of street lighting.

Landscaping

With reference to landscaping it is noted that the details supplied in respect of landscaping are conceptual at this stage. Detailed landscape designs are in process of preparation, and these details will be in accordance with the Murdoch Activity Centre Main Street and Mixed Use Precinct Detailed Area Plan and Design Guidelines currently being prepared by the Department of Planning and Infrastructure. Detailed landscaping master plan proposals will be submitted to the WAPC and the City of Melville for approval within one year of the determination of this application. A condition to that effect is recommended for inclusion on the response of the City to the WAPC in respect of the current application, as it is important for the City to be provided with an opportunity to influence the design and layout of the landscaped areas from both a structural viewpoint and in relation to the issue of ongoing maintenance which will be particularly relevant once the City assumes responsibility for these areas in the future.

**U09/0062 - (PP) FIONA STANLEY HOSPITAL - ROADS AND INFRASTRUCTURE ON
110 MURDOCH DRIVE, MURDOCH (REC) (ATTACHMENT)**General Matters

In general terms, when the responsibility for the maintenance and upkeep of land within road reserves is transferred to a responsible Local Authority such as the City of Melville, that transfer is conditional on the inclusion of a defect liability period. This is generally for a period of 12 months, within which time any expense incurred in the maintenance and upkeep of the roads remains the responsibility of the developer. That means that when the roads are finally transferred to the Local Authority they are in an acceptable state of repair and the Local Authority is not penalised in any financial sense when they assume the role for maintenance. There is concern that as the construction phase of the FSH development will be lengthy and as the development is a particularly major one, that the damage caused to roads throughout the construction phase may be more significant than would generally be expected, and issues associated with liabilities in respect of repairs and upgrades may not have been concluded within the standard 12 month defect liability period. As such in order to safeguard the City from onerous financial obligations, it is considered prudent that the defect liability period should be set at 24 months in this case. A condition to that effect is therefore recommended to the WAPC.

In addition, as these works are being constructed through the development approval process rather than the subdivision process, normal fees relative to 1.5% of the construction costs for roads and infrastructure as standard supervision fees (which would normally be associated with the subdivision process) may not be paid. These fees are applied through the subdivision process to recoup Council costs in inspecting subdivision works. In this regard, inspections are required to ensure that the City is satisfied that the infrastructure it receives through the subdivision process is constructed to our expected standards so as to minimise long term maintenance costs and liabilities. The recommended conditions of approval will address this matter.

It is noted that the City of Melville is currently in negotiations with the Department of Health and Department of Housing and Works on matters relevant to ongoing management and maintenance of infrastructure inclusive of roads, conservation areas etc and these negotiations are significantly advanced through the process of a Memorandum of Understanding.

It is further recommended that the assessment and detailed appraisal of this proposal undertaken by officers of the City be made available to the WAPC, as this will provide further justification for them in relation to this proposal and lend support for the conditions recommended by the City to the WAPC for final inclusion in the decision issued by them.

**U09/0062 - (PP) FIONA STANLEY HOSPITAL - ROADS AND INFRASTRUCTURE ON
110 MURDOCH DRIVE, MURDOCH (REC) (ATTACHMENT)****CONCLUSION**

The City of Melville offered its support for the development of Phase 1 of the FSH project, as the proposal was considered acceptable in principle in land use terms, it being located within the MAC in an area reserved for Hospital Development under the provisions of the MRS. Furthermore the specific details associated with the built development of Phase 1 were endorsed subject to a number of conditions which were recommended to the WAPC for inclusion in the final approval issued by them as responsible determining authority.

The initial Roads and Infrastructure application was also the subject of the Councils support to the WAPC. The current application differs only with respect of the inclusion of the "Main Street" along the northern boundary of the hospital site where it abuts SJOGH. The conditions and advice notes recommended to the WAPC after the previous determination in February are wholly applicable in respect of the current amended planning application. No additional conditions or advice notes are considered necessary.

It is noted that a site inspection of Council Planning staff on 7 April, 2009 with the project manager addressed concerns over the "Main Street" interface with SJOGH. Concern was initially expressed in regard to the steep embankment on the northern side of the Main Street and its longer term impacts on the capacity for SJOGH to redirect its main entrance onto Main Street and the interface between the two sites. It was confirmed by the project manager that the steep embankment was a temporary measure to the bottom of a future two storey basement parking area. When ground levels are normalise, the embankment slope will be reduced and provide for a single storey height difference between the frontage of SJOGH onto Main Street relative to the top of the bank.

To that end it is recommended that the City of Melville support the amended roads and infrastructure application subject to the conditions and advice notes previously agreed.

OFFICER RECOMMENDATION**SUPPORT**

THAT THE WESTERN AUSTRALIAN PLANNING COMMISSION BE ADVISED THAT THE CITY OF MELVILLE SUPPORTS THE APPLICATION FOR THE ROADS AND INFRASTRUCTURE PROPOSALS OF THE FIONA STANLEY HOSPITAL ON LOT 4378 (110) MURDOCH DRIVE, MURDOCH SUBJECT TO THE FOLLOWING CONDITIONS, AND THAT THIS REPORT BE REFERRED TO THE WESTERN AUSTRALIAN PLANNING COMMISSION AS SUPPORTING DOCUMENTATION :

- 1. THAT THE DRAINAGE DESIGN BE THE SUBJECT OF A COMPREHENSIVE DESIGN AUDIT BY A SUITABLY QUALIFIED INDEPENDENT PERSON(S). THIS AUDIT TO BE UNDERTAKEN IN CONSULTATION WITH THE WESTERN AUSTRALIAN PLANNING COMMISSION AND THE CITY OF MELVILLE. THE RECOMMENDATIONS OF THIS AUDIT SHALL BE FULLY IMPLEMENTED TO THE SATISFACTION OF THE WESTERN AUSTRALIAN PLANNING COMMISSION PRIOR TO THE HOSPITAL BEING OPEN TO THE PUBLIC.**

**U09/0062 - (PP) FIONA STANLEY HOSPITAL - ROADS AND INFRASTRUCTURE ON
110 MURDOCH DRIVE, MURDOCH (REC) (ATTACHMENT)**

2. THAT FULL DETAILS OF A DRAINAGE MANAGEMENT STRATEGY AND ENVIRONMENTAL MANAGEMENT AND MAINTENANCE STRATEGY FOR HIGH CONSERVATION AREAS TO BE SUBMITTED TO AND APPROVED IN WRITING BY THE WESTERN AUSTRALIAN PLANNING COMMISSION IN CONSULTATION WITH THE CITY OF MELVILLE. THIS STRATEGY SHOULD IDENTIFY HOW THE IMPACT OF NEW DRAINAGE NETWORKS WILL BE MANAGED IN RELATION TO THE HYDROLOGY OF HIGH VALUE CONSERVATION AREAS. THE MANAGEMENT AND MAINTENANCE MEASURES RECOMMENDED BY THE STRATEGY SHOULD BE IMPLEMENTED PRIOR TO THE COMMENCEMENT OF HOSPITAL OPERATION.
3. THAT ALL STORMWATER AND DRAINAGE RUN OFF TO BE CONTAINED ON SITE. AN ONSITE STORMWATER DRAINAGE SYSTEM WITH A CAPACITY TO CONTAIN A 1:100 YEAR STORM OF A TWENTY-FOUR (24) HOUR DURATION IS TO BE PROVIDED PRIOR TO THE DEVELOPMENT FIRST BEING OCCUPIED AND THEREAFTER MAINTAINED. ALL DOWNPIPES TO BE CONNECTED TO SOAKWELLS. THE PROPOSED STORMWATER DRAINAGE SYSTEM IS REQUIRED TO BE APPROVED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
4. THAT AN ACCESS DESIGN AUDIT FOR ROAD VEHICLE, BUS, CYCLIST AND PEDESTRIAN ACCESS USERS BE UNDERTAKEN BY A SUITABLY QUALIFIED INDEPENDENT PERSON(S) TO THE SATISFACTION OF THE WESTERN AUSTRALIAN PLANNING COMMISSION IN CONSULTATION WITH THE CITY OF MELVILLE. THE MEASURES IDENTIFIED IN THAT AUDIT TO BE IMPLEMENTED PRIOR TO THE COMMENCEMENT OF HOSPITAL OPERATION.
5. THAT PRIOR TO THE FINAL DETAILED DESIGN STAGE, A ROAD SAFETY AUDIT, FOR ROAD VEHICLE, BUS, CYCLIST AND PEDESTRIAN ROAD USERS BE UNDERTAKEN BY A SUITABLY QUALIFIED INDEPENDENT PERSON(S) TO THE SATISFACTION OF THE WESTERN AUSTRALIAN PLANNING COMMISSION IN CONSULTATION WITH THE CITY OF MELVILLE. THE RECOMMENDATIONS OF THIS AUDIT ARE TO BE IMPLEMENTED PRIOR TO THE COMMENCEMENT OF HOSPITAL OPERATION.
6. PRIOR TO INITIAL PUBLIC USE A PRE-OPENING ROAD SAFETY AUDIT FOR ROAD VEHICLE, BUS, CYCLIST AND PEDESTRIAN USERS SHALL BE UNDERTAKEN BY A SUITABLY QUALIFIED INDEPENDENT PERSON(S) TO THE SATISFACTION OF THE WESTERN AUSTRALIAN PLANNING COMMISSION IN CONSULTATION WITH THE CITY OF MELVILLE. THE RECOMMENDATIONS OF THIS AUDIT ARE TO BE IMPLEMENTED PRIOR TO THE COMMENCEMENT OF HOSPITAL OPERATION.

**U09/0062 - (PP) FIONA STANLEY HOSPITAL - ROADS AND INFRASTRUCTURE ON
110 MURDOCH DRIVE, MURDOCH (REC) (ATTACHMENT)**

7. FULL DETAILS OF A UNIVERSAL ACCESS PLAN AND AUDIT TO ENSURE ACCESS TO THE SITE IS AVAILABLE TO ALL POTENTIAL USERS TO BE SUBMITTED TO AND APPROVED IN WRITING BY THE WESTERN AUSTRALIAN PLANNING COMMISSION IN CONSULTATION WITH THE CITY OF MELVILLE WITHIN ONE (1) YEAR OF THIS APPROVAL.
8. FULL DETAILS OF A LANDSCAPE STRATEGY INCLUDING LANDSCAPE PLANS, TO BE SUBMITTED TO AND APPROVED IN WRITING BY THE WESTERN AUSTRALIAN PLANNING COMMISSION IN CONSULTATION WITH THE CITY OF MELVILLE. THIS STRATEGY TO INCLUDE REFERENCE TO PLANTING PROGRAMMES (TREE AND SHRUB SPECIES, PLANTING PROGRAMMES), HARD LANDSCAPED AREAS (DESIGN, MATERIALS), PUBLIC ART, WAY FINDING, SAFETY BALLUSTRADING, CLEAR DEMARCATION BETWEEN PUBLIC AND PRIVATE SPACE INCLUSIVE OF PEDESTRIAN NETWORKS AND PATHS, RETICULATION AND DRAINAGE, AND A MAINTENANCE AND MANAGEMENT REGIME.
9. THAT THE ADDITIONAL MAINTENANCE AND LIABILITY COSTS ASSOCIATED WITH THE PROVISION OF NON STANDARD WESTERN POWER STREET LIGHTING INFRASTRUCTURE BE BORNE BY THE APPLICANT BY FORMAL AGREEMENT WITH THE CITY OF MELVILLE.
10. THAT ALL ROADS AND INFRASTRUCTURE WITHIN THE ROAD RESERVES OF THIS DEVELOPMENT BE THE SUBJECT OF A 24 MONTH DEFECTS LIABILITY PERIOD. SUCH PERIOD TO COMMENCE FROM THE DATE OF THE OFFICIAL OPENING OF THE HOSPITAL.
11. SUITABLE ARRANGEMENTS BEING MADE FOR THE STORAGE OF BINS AND COLLECTION OF WASTE FROM THE SITE TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES, CITY OF MELVILLE.
12. ON COMPLETION OF CONSTRUCTION, ALL EXCESS ARTICLES, EQUIPMENT, RUBBISH OR MATERIALS AND TEMPORARY FACILITIES ARE TO BE REMOVED AND THE SITE AND SURROUNDING AREA USED DURING THE DEVELOPMENT IS TO BE MADE GOOD AND LEFT IN AN ORDERLY AND TIDY CONDITION TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES, CITY OF MELVILLE.
13. THE DEVELOPMENT TO COMPLY WITH THE PRINCIPLES OF CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED) RELATIVE TO NATURAL SURVEILLANCE,CAMERA SURVEILLANCE AND LIGHTING BEING PROVIDED.

**U09/0062 - (PP) FIONA STANLEY HOSPITAL - ROADS AND INFRASTRUCTURE ON
110 MURDOCH DRIVE, MURDOCH (REC) (ATTACHMENT)**

14. **PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION THE COUNCIL REQUIRES THE PROVISION OF A SUITABLE RECEPTACLE FOR THE CONTAINMENT OF WINDBLOWN RUBBISH. THE RECEPTACLE (GENERALLY A WIRE MESH CAGE) SHOULD HAVE MAXIMUM OPENINGS OF 100MM; HAVE A BASE OF 4SQM AND A HEIGHT OF 1M AND A HINGED LID. THE RECEPTACLE SHOULD NOT BE ALLOWED TO OVERFILL.**
15. **THAT THE APPLICANT PAY TO THE CITY OF MELVILLE THE STANDARD 1.5% OF INFRASTRUCTURE CONSTRUCTION COST FEE FOR THE SUPERVISION OF CONSTRUCTION WORKS AS WOULD BE NORMALLY PAYABLE UNDER A SUBDIVISION PROCESS, OR REACH AN ALTERNATIVE AGREEMENT WITH THE CITY OF MELVILLE IN THIS REGARD.**

ADVICE NOTES:

- I. **YOUR ATTENTION IS DRAWN TO THE ATTACHED INTERNAL MEMORANDUM FROM THE CITY OF MELVILLE WHICH OUTLINES SPECIFIC AND DETAILED CONSIDERATION OF MATTERS ASSOCIATED WITH THIS ROADS AND INFRASTRUCTURE APPLICATION PERTINANT TO THIS DETERMINATION.**
- II. **THE USE AND/OR DEVELOPMENT HEREBY PERMITTED SHALL AT ALL TIMES COMPLY WITH THE REQUIREMENTS OF THE ENVIRONMENTAL PROTECTION (NOISE) REGULATIONS 1997.**
- III. **THE USE AND/OR DEVELOPMENT HEREBY PERMITTED SHALL AT ALL TIMES COMPLY WITH THE REQUIREMENTS OF THE HEALTH (PUBLIC BUILDINGS) REGULATIONS 1992.**
- IV. **THE CITY OF MELVILLE IS NOT RESPONSIBLE FOR THE MAINTENANCE OR MANAGEMENT OF ANY OF NON-ROAD RESERVE AREAS CONTAINED WITHIN THE APPLICATION SITE BOUNDARY UNLESS TRANSFERRED TO THE CITY OF MELVILLE AND FOLLOWING THE MAINTENANCE PERIOD.**
- V. **THE CITY OF MELVILLE IS CURRENTLY IN NEGOTIATIONS WITH THE DEPARTMENT OF HEALTH AND DEPARTMENT OF HOUSING AND WORKS ON MATTERS RELEVANT TO ONGOING MANAGEMENT AND MAINTENANCE OF INFRASTRUCTURE INCLUSIVE OF ROADS, CONSERVATION AREAS ETC AND THESE NEGOTIATIONS ARE SIGNIFICANTLY ADVANCED THROUGH THE PROCESS OF A MEMORANDUM OF UNDERSTANDING.**

**U09/0062 - (PP) FIONA STANLEY HOSPITAL - ROADS AND INFRASTRUCTURE ON
110 MURDOCH DRIVE, MURDOCH (REC) (ATTACHMENT)**

- VI. THE CITY OF MELVILLE RECOMMENDS THAT YOU CHECK YOUR PROPERTY ON THE DEPARTMENT OF INDIGENOUS AFFAIRS (DIA) ABORIGINAL SITES REGISTER AS IT MAY CONTAIN A REGISTERED ABORIGINAL SITE WITHIN THE PROPOSED AREA OF DEVELOPMENT. IN ADDITION YOU NEED TO BE AWARE THAT THIS REGISTER DOES NOT COMPRISE A COMPLETE LIST OF ALL RECORDED ABORIGINAL SITES WITHIN WESTERN AUSTRALIA.**

YOUR PROPOSAL MAY HAVE A DIRECT EFFECT ON AN ABORIGINAL SITE FROM ACTIONS SUCH AS EXCAVATION, THE INSTALLATION OF ACCESS ROADS, WATER AND POWER SUPPLY, FENCING OR FLOOD PROTECTION EARTHWORKS, THAT MAY BREACH SECTION 17 OF THE ABORIGINAL HERITAGE ACT 1972 (AHA), WHICH WAS INTRODUCED IN WESTERN AUSTRALIA IN 1972 TO PROTECT ABORIGINAL HERITAGE. THIS PROVISION DESCRIBES A BREACH AS BEING ANY ACTION THAT EXCAVATES, DESTROYS, DAMAGES, CONCEALS OR IN ANY WAY ALTERS AN ABORIGINAL SITE.

PRIOR TO ANY WORK, IF A SITE CANNOT BE AVOIDED, THEN A NOTICE UNDER SECTION 18 OF THE AHA WOULD NEED TO BE SUBMITTED TO OBTAIN THE MINISTER OF INDIGENOUS AFFAIR'S CONSENT TO USE THE LAND ON WHICH THE SITE IS LOCATED.

IT IS RECOMMENDED THAT AN ABORIGINAL HERITAGE SURVEY BE UNDERTAKEN, TO INCLUDE EXAMINATIONS OF THE ETHNOGRAPHIC AND ARCHAEOLOGICAL HERITAGE VALUES OF THE AREA PRIOR TO THE IMPLEMENTATION OF ANY PROPOSED WORKS, IF BOTH NOTIFICATION AND A SURVEY HAVE NOT ALREADY BEEN UNDERTAKEN. THIS WILL ENSURE THAT ABORIGINAL SITES NOT PREVIOUSLY RECORDED ARE AVOIDED, AND THOSE SITES THAT HAVE BEEN RECORDED CAN BE RECORDED MORE ACCURATELY SO THAT ANY DEVELOPMENT CAN AVOID THEM. IDEALLY THE BEST WAY TO PROCEED IS TO AVOID ANY IMPACT TO HERITAGE VALUES.

FINALLY ALL PERSONS EMPLOYED OR ENGAGED IN A PROJECT SHOULD BE MADE AWARE OF THEIR OBLIGATIONS UNDER THE AHA. SHOULD CULTURAL MATERIAL BE DISCOVERED DURING THE PROJECT, WORK SHOULD CEASE IMMEDIATELY AND THE SITE SHOULD BE RECORDED AND THE DIA NOTIFIED. IF AN UNRECORDED/RECORDED SITE CANNOT BE AVOIDED, THEN A NOTICE UNDER SECTION 18 OF THE AHA WOULD NEED TO BE SUBMITTED TO OBTAIN THE MINISTER OF INDIGENOUS AFFAIR'S CONSENT TO USE THE LAND ON WHICH THE SITE IS LOCATED.

FOR FURTHER INFORMATION ON ABORIGINAL HERITAGE LISTED SITES PLEASE CONTACT THE DEPARTMENT OF INDIGENOUS AFFAIRS ON 9235 8000 OR VISIT THE WEB SITE WWW.DIA.WA.GOV.AU/HERITAGE FOR INFORMATION ON HOW TO PROCEED WITH YOUR PROPOSED DEVELOPMENT.

U09/0063 - (MB) CHANGE OF USE - CHILDCARE ON LOT 105 (497) MARMION STREET, BOORAGOON (REC) (ATTACHMENT)

Ward : City Ward
Category : Policy
Application Number : DA-2008-1631
Property : 497 Marmion Street, BOORAGOON
Proposal : Change Of Use - Childcare
Applicant : Mt Pleasant Baptist Church
Owner : Mt Pleasant Baptist Church
Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer : Mr David Vinicombe
Manager Planning and Development Services
Previous Items : N/A

AUTHORITY / DISCRETION

- | | <u>Definition</u> |
|---|--|
| <input type="checkbox"/> Advocacy | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> Executive | <i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i> |
| <input type="checkbox"/> Legislative | <i>includes adopting local laws, town planning schemes & policies.</i> |
| <input type="checkbox"/> Review | <i>when Council reviews decisions made by Officers.</i> |
| <input checked="" type="checkbox"/> Quasi-Judicial | <i>when Council determines an application/matter that directly affects 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 town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

KEY ISSUES / SUMMARY

- | |
|--|
| <ul style="list-style-type: none">• A change of use for a portion of the Mount Pleasant Baptist Community College to accommodate a child minding centre is proposed.• The child minding centre is classified as a "D" use within the Community Planning Scheme No.5.• The proposal is conditionally supported. |
|--|

U09/0063 - (MB) CHANGE OF USE - CHILDCARE ON LOT 105 (497) MARMION STREET, BOORAGOON (REC) (ATTACHMENT)**BACKGROUND**

A proposal for renewal of planning approval relating to Public Worship (church) and Religious Education Facility (college) at the subject lot was approved at the Development Advisory Unit (DAU) held on 10 August 2005. The proposal allowed a maximum of 860 people at any one time with the provision of 225 car bays with a grassed portion at the rear of the lot (for a further 78 bays providing for any spill over parking needs).

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	Mixed Business
R-Code	:	R20/25
Use Type	:	Child Minding Centre
Use Class	:	"D"

Site Details

Lot Area	:	10,717 sqm
Retention of Existing Vegetation	:	N/A
Street Tree(s)	:	N/A
Street Furniture (drainage pits etc)	:	N/A
Site Details	:	U09_0063_PROPERTY_MAP.pdf

[U09_0063_April_2009.pdf](#) A copy of the plans forms part of the Attachments to the Agenda, which were distributed to Members of the Council on Thursday 9 April 2009.

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required:	Yes
Neighbour's Comment Supplied:	No
Reason:	Council Policy 06-PL-013 requires the proposal to be advertised in accordance Clause 7.5 (f) of Community Planning Scheme No. 5
Support/Object:	No submissions received

REFERRALS TO GOVERNMENT AGENCIES

Not applicable.

U09/0063 - (MB) CHANGE OF USE - CHILDCARE ON LOT 105 (497) MARMION STREET, BOORAGOON (REC) (ATTACHMENT)

STATUTORY AND LEGAL IMPLICATIONS

Should the City of Melville refuse the application, the applicant will have the right to appeal the decision in accordance with Part 14 of the Planning and Development Act 2005.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Council Policy ref 06-PL-013 “Child Minding Centres” exists to guide the approval and operation of child care centres throughout the City of Melville.

Council Policy ref 06-024 “Car parking (Non residential)” exists to control the provision of non residential car parking throughout the City of Melville.

COMMENTS

The application is assessed against a number of criteria, inclusive of locational characteristics, Policy and parking requirements as follows.

Locational Characteristics

The subject property falls within the Mixed Business Precinct zoning and does not directly abut residential properties. The zoning and location is considered appropriate for such a use.

U09/0063 - (MB) CHANGE OF USE - CHILDCARE ON LOT 105 (497) MARMION STREET, BOORAGOON (REC) (ATTACHMENT)

The current proposal involves a change of use by converting part of the existing building on the ground floor from college function to a child care centre. The proposal will also utilise a fenced off grassed area which is connected to the proposed child care centre as an outdoor play area. The outdoor play area is located at the front of the subject lot, taking advantage of the northern aspect. This outdoor area is not considered to negatively impact on the amenity of the adjoining properties due to its location being on the eastern side of the lot which gives adequate clearance from the adjoining aged care facility to the west and is also 35m away from the front boundary which ensures that the northern commercial neighbours will not be negatively impacted. Further, a densely vegetated pedestrian accessway provides an adequate buffer between the child care facility and the residential properties to the east.

Child Minding Centre Policy Requirements

The lot is required to be a minimum of 900sqm as stipulated in City's Policy 06-PL-013 relating to Child Minding Centres. The subject lot exceeds this minimum standard with a lot area of 10,717sqm.

Landscaping is not proposed to change as a result of this application and no additional building works will take place. Council Policy requires that outdoor areas be provided with adequate shade to protect children from the dangers of prolonged sun exposure. The applicant advises that after consultation with the Department for Communities, they have confirmed that there is already adequate shade available on site for this purpose. The applicant has further advised that additional shade structures for fixed equipment and lockable sandpits will be provided.

The applicant has provided a report addressing the City's Policy relating to Child Minding Centres. This report is attached.

Parking

The centre will accommodate a maximum of 30 children per day and will function with 5 staff and 6 trainees. The age range of children will be from 0-5 years. The parking requirement for a child minding centre is 1 bay per 5 children plus one bay per staff member. Based on the proposed numbers of children and staff the overall parking requirement is 17 bays per day.

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The applicant has provided information showing a breakdown of weekly activities consisting of a Chinese Play Group on Monday morning, Ladies' Study Group on Tuesday morning, College Study Group on Tuesday, Community Craft Group on Wednesday morning, College Course students and staff on Wednesday, Senior's Lunch Function on Thursday and Mothers' Group of Pre-schooler's meeting on Friday morning. The heaviest existing usage at the site occurs on Wednesday morning when college and craft courses are in session requiring a total of 49 bays. The proposal will not operate on weekends when church activities take place and therefore will not impact on the peak parking requirements during this period.

In consideration of the other activities carried out on site, the peak parking requirement during the week inclusive of this proposal will be 66 bays. As the development provides 225 bays, it is considered that no adverse impacts on parking will result from the proposed use.

CONCLUSION

It is considered that the proposal satisfies Council Policy requirements with regard to the Childminding centres and Parking. In addition, the site is well equipped to support the proposed child care facility and as such the application is recommended for conditional approval.

OFFICER RECOMMENDATION**APPROVAL**

THAT THE APPLICATION FOR PROPOSED CHILD MINDING CENTRE ON LOT 105 (497) MARMION STREET, BOORAGOON BE APPROVED WITH THE FOLLOWING CONDITIONS;

SPECIAL CONDITIONS:

- 1. THAT THE HOURS OF OPERATION SHALL BE BETWEEN THE HOURS OF 7AM TO 6.30PM ON WEEKDAYS.**
- 2. SIGNAGE TO BE PART OF SEPARATE APPROVAL.**
- 3. THE DISABLED BAYS SHALL NOT FORM PART OF THE DROP OFF AND PICK UP AREA.**

ADVICE NOTES:

- I) APPROVAL REQUIRED FROM THE CITY OF MELVILLE HEALTH SERVICES OF FOOD HANDLING FACILITIES.**

U09/0063 - (MB) CHANGE OF USE - CHILDCARE ON LOT 105 (497) MARMION STREET, BOORAGOON (REC) (ATTACHMENT)

- II) THE APPLICANT IS REFERRED TO SEPARATE REQUIREMENTS UNDER THE BUILDING CODE OF AUSTRALIA WITH REGARD TO THE PROVISION OF SUITABLE TOILET FACILITIES AND WESTERN AUSTRALIAN LEGISLATION – COMMUNITY SERVICES (CHILD CARE) REGULATIONS 1988.