

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

19 APRIL 2011

- NOTES:**
1. This Meeting makes Recommendations to the Manager Planning & Development. Services
 2. Should any Elected Member wish to discuss the content of any item included as part of the attached agenda, please contact Peter Prendergast, Manager Planning & Development Services. Contact should be established as soon as possible after the publication of the agenda to the City of Melville website. Contact details are as follows: peter.prendergast@melville.wa.gov.au or Tel 9364 0626.
 3. Should an Elected Member propose that an item on this agenda be referred to Council for determination, a request to that effect must be made to the Chief Executive Officer (CEO). This request must be received by the CEO by midday on the Friday following the publication of the Development Advisory Unit (DAU) agenda to the City's web site.
 4. Should any applicant or adjoining property owner object to any proposal included as part of this DAU agenda, then an opportunity exists to request that the application be determined by Council. All such requests are subject to the discretion of the CEO, and must be received by him no later than midday on the Friday following the publication of the DAU agenda to the City's web site.
 5. In the absence of any referral request, a decision on any application included as part of this DAU agenda can take place under delegated authority to the Manager Planning & Development Services, after midday on the Friday after the publication of the agenda to the City's website.



**REPORTS AND RECOMMENDATIONS FROM THE DEVELOPMENT ADVISORY UNIT
MEETING HELD IN, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD,
BOORAGOON, COMMENCING AT 9:00 AM ON TUESDAY 19 APRIL 2011**

PRESENT

P Prendergast (Presiding Member)

A Templeton

H Shigeyoshi

T Capobianco

R Bailey

M Turner

Manager Planning & Development Services

Planning Services Coordinator

Senior Planning Officer

Principal Building Surveyor

Special Projects Officer (Engineering
Design)

Environmental Health Officer

APOLOGIES

IN ATTENDANCE

OBSERVERS

DISCLOSURES OF INTEREST

ELECTED MEMBERS' ATTENTION

Nil

DELEGATED AUTHORITY – PLANNING AND RELATED MATTERS DA-020

**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 has 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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U11/0347 – PROPOSED HOME OCCUPATION (PHYSIOTHERAPIST) AT LOT 500 (NO. 639) CANNING HIGHWAY, ALFRED COVE WA 6154 (REC) (ATTACHMENT)

Ward : Bicton/Attadale
Category : Operational
Application Number : HO-319
Property : 639 Canning Highway, ALFRED COVE WA 6154
Proposal : Home Occupation (Physiotherapy)
Applicant : Aubrey Paul Monie
Owner : Aubrey Paul Monie
Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer : Peter Prendergast
Manager Planning and Development Services
Previous Items : DAU 29 March 2011 Item U11/0341: Proposed change of use to consulting rooms

AUTHORITY / DISCRETION

Definition

Advocacy	<i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
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>
Legislative	<i>includes adopting local laws, town planning schemes & policies.</i>
Review	<i>when Council review decisions made by Officers.</i>
✓ 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, application 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>

U11/0347 – PROPOSED HOME OCCUPATION (PHYSIOTHERAPIST) AT LOT 500 (NO. 639) CANNING HIGHWAY, ALFRED COVE WA 6154 (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Approval is sought to undertake a Home Occupation at 639 Canning Highway for a physiotherapy service..
- The City of Melville Development Advisory Unit (DAU) previously considered on 29 March 2011 an application for a change of use from Residential to Consulting Rooms at this property. This application was refused on carparking and traffic safety grounds.
- The proposed Home Occupation represents a substantially reduced version of the previously refused change of use proposal.
- The application has not been advertised as the submissions previously received relating to the change of use application have been taken into account..
- The application is considered to satisfy all of the requirements of Community Planning Scheme No. 5 relating to home occupations.
- The application is recommended for approval subject to conditions.



U11/0347 – PROPOSED HOME OCCUPATION (PHYSIOTHERAPIST) AT LOT 500 (NO. 639) CANNING HIGHWAY, ALFRED COVE WA 6154 (REC) (ATTACHMENT)

BACKGROUND

The subject property is located on the intersection of Norma road and Canning Highway. The intersection has been identified as a traffic black spot and accordingly recommended for traffic signals.

In 2006, Council at their March Ordinary Meeting resolved to provide funding to main Roads WA for the installation of traffic signals at this subject intersection. However prioritisation from Main Roads was allocated elsewhere along Canning Highway resulting in Council's resolution being abandoned until further notice. It is understood Main Roads are currently reviewing their budgeted resources for this intersection.

On 29 March 2011, the DAU resolved to refuse an application by the same Applicant for a change of use from Residential to Consulting Rooms at the subject property. The reasons for refusal related to car parking and traffic safety.

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Living Area
R-Code	: R20
Use Type	: Residential (with incidental Home occupation)
Use Class	: P' use – use is permitted

Site Details

Lot Area	: 621sqm
Retention of Existing Vegetation	: Not on site.
Street Tree(s)	: No change
Street Furniture (drainage pits etc)	: No change
Site Details	: See aerial photo above

U11_0347_April_2011.pdf A copy of the plans forms part of the attachments to the Agenda which were distributed to members of council on Thursday 21 April 2011.

DETAIL

Development Requirements

The proposal satisfies all of the Home Occupation requirements outlined within Clause 5.6 of CPS5.

PUBLIC CONSULTATION/COMMUNICATION

The previous change of use application for the subject site was subjected to neighbour consultation. Five submissions were received objecting to the proposed use of the premises as a Consulting Room.

It was not considered necessary to re-advertise the proposed Home Occupation application as the Home Occupation is considered a similar use although of lesser intensity. Notwithstanding this, the objections outlined within the submissions previously lodged are addressed below:

U11/0347 – PROPOSED HOME OCCUPATION (PHYSIOTHERAPIST) AT LOT 500 (NO. 639) CANNING HIGHWAY, ALFRED COVE WA 6154 (REC) (ATTACHMENT)

Affected Property	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Uphold / Not Uphold)
15A Norma Road; 1A Norma Rd; 2B Norma Rd;	The intersection is hazardous under existing conditions. Allowing commercial development on the corner will exacerbate the problem.	Object	No more than 20 clients are proposed to visit the site each week. This is not anticipated to result in any significant additional traffic or significantly impact upon traffic safety at the intersection.	Not Uphold
641 Canning Hwy	Additional traffic has the potential to lower property values.	Object	Property devaluation cannot be substantiated nor considered as part of the development application process.	Not Uphold
637 Canning Hwy	It will attract antisocial behaviour, reducing security within the vicinity of the subject property.	Object	The City's policy relating to Crime Prevention Through Environmental Design (CPTED) provides criteria which help to avoid antisocial behaviour. The CPTED criteria are satisfied in this instance.	Not Uphold
	Change the neighbourhood dynamics	Object	The building will retain its residential character and function. The proposed limitation on the number of clients visiting the site each week is also considered to retain the residential amenity of the street.	Not Uphold

U11/0347 – PROPOSED HOME OCCUPATION (PHYSIOTHERAPIST) AT LOT 500 (NO. 639) CANNING HIGHWAY, ALFRED COVE WA 6154 (REC) (ATTACHMENT)

	Observations of the proposed floor plan indicate more users than a single consultant may use the site at any one time.	Object	An amended floor plan has been submitted as part of the Home Occupation application.	Not Uphold
	There is no provision for disabled parking	Object	There is no requirement for the provision of a disabled parking bay	Not uphold

REFERRALS TO GOVERNMENT AGENCIES

The previous application was referred to Main Roads WA who provided the following comments:

Agency	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Support/Dismiss)
Main Roads WA	Conditional support subject to no new crossovers being constructed on either verge and a one metre landscaping strip being provided along the portion of land reserved for road widening along the Canning Highway frontage.	Conditional Support	Noted	Uphold

STATUTORY AND LEGAL IMPLICATIONS

Should the Council refuse the application for planning approval the applicant will have the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act 2005*.

FINANCIAL IMPLICATIONS

There are no anticipated financial implications resulting from this application.

U11/0347 – PROPOSED HOME OCCUPATION (PHYSIOTHERAPIST) AT LOT 500 (NO. 639) CANNING HIGHWAY, ALFRED COVE WA 6154 (REC) (ATTACHMENT)

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

There are no anticipated strategic or risk management implications.

POLICY IMPLICATIONS

There are no policies affected by this application.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

This application is recommended for approval under delegation through the DAU process. Should Elected Members, or interested third parties have an alternative view, the DAU 'call-up' procedures provide opportunity to call the matter up for formal Council consideration.

COMMENTS

As outlined above, it is proposed to operate a home occupation from an existing residential dwelling at 639 Canning Highway, Alfred Cove for the purposes of physiotherapy.

It is proposed to operate the Home Occupation so that no more than 20 clients visit the property per week. This is equivalent of approximately four patrons per day or 1 patron every 4 business hours.

The proposed hours of operation are Monday to Friday from 7.00 am to 7.00 pm and Saturday from 8.00 am to 2.00 pm.

The area of the dwelling utilised for the Home Occupation is to be confined to two rooms, with a cumulative size of 38sqm.

In this regard, the application is considered compliant with the provisions contained within Clause 5.6 of CPS5. Notwithstanding, the following elements are considered to require further assessment.

Traffic flow and Car parking

Three car parking bays are identified on the proposed site plan to be constructed to the north of the existing dwelling. It is however considered that the construction of parking in this location will result in the removal of the existing landscaping which adds to the residential amenity of the streetscape as well as for occupants of the dwelling. In order that this area is safeguarded from encroachment for parking purposes, a condition of approval is recommended to require the submission of an amended car parking layout prior to commencement of the Home Occupation. This will utilise and only marginally extend the existing car parking layout of the property, and will ensure the residential characteristics of the site are retained.

U11/0347 – PROPOSED HOME OCCUPATION (PHYSIOTHERAPIST) AT LOT 500 (NO. 639) CANNING HIGHWAY, ALFRED COVE WA 6154 (REC) (ATTACHMENT)

As outlined above, the applicant proposes to manage the on-site car parking demand and traffic generation occurring as a result of the proposed Home Occupation through limiting the number of clients who visit the site per week to 20. Notwithstanding this, an additional condition of approval is recommended to limit the number of customers visiting the site at any time to one client to ensure all of the car parking demands relating to the Home Occupation can be contained on site.

The relatively low intensity of the home occupation therefore is not anticipated to create any significant additional traffic generation to and from the site which would be detrimental to the locality.

Signage

Two signs of 1.5sqm each facing Canning Highway are proposed as part of the application however Clause 5.6 of CPS5 only permits signage of up to 0.2sqm associated with Home Occupations.

In light of the Home Occupation being incidental to the predominant residential use and character, it is considered the size of the proposed signage would have an adverse impact upon the residential character of the area. Notwithstanding this, it is acknowledged that the site is located on a major traffic distributor (Canning Highway), therefore a sign of 0.5sqm is considered to be consistent with the residential character of the streetscape taking into account the location adjacent to Canning Highway. Accordingly, a condition of approval is recommended allowing the installation of one sign of no greater than 0.5sqm in area.

Clause 7.8 of CPS5 Considerations

Clause 7.8 of CPS5 allows the Council to assess the impact the proposal will have upon the amenity of the adjoining properties and the surrounding area.

As detailed above, the proposal is not anticipated to result in a significant adverse amenity impact, particularly upon additional traffic implications. This is primarily as a result of the commercial intensity being no greater than a standard residential property.

Accordingly, the application is considered to satisfy Clause 7.8 of CPS5 and is recommended for approval.

CONCLUSION

The application is considered to satisfy the applicable requirements contained within CPS5 and is therefore recommended for approval.

U11/0347 – PROPOSED HOME OCCUPATION (PHYSIOTHERAPIST) AT LOT 500 (NO. 639) CANNING HIGHWAY, ALFRED COVE WA 6154 (REC) (ATTACHMENT)

OFFICER RECOMMENDATION

APPROVAL

- A) That the application for a Home Occupation (Physiotherapy Practice) on Lot 500 (639) Canning Highway be approved subject to the following Special Conditions and Standard Conditions:**

Special Conditions:

- 1. Prior to commencement of the Home Occupation an amended carparking layout is to be submitted in accordance with the mark-ups as shown in red on the approved plans and approved by the Manager Planning and Development Services. Once approved, the car parking layout is to be constructed prior to commencement of the Home Occupation.**
- 2. The hours of operation for the home occupation are limited to Monday to Friday from 7.00 am to 7.00 pm and Saturday from 8.00 am to 2.00 pm.**
- 3. Only one client vehicle may be parked on the premises at any one time.**
- 4. The signage is to be limited to a maximum size of 0.5sqm. Details of the signage is to be provided prior to installation of the signage to the satisfaction of the Manager Planning and Development Services.**
- 5. The applicant must reside on the premises.**
- 6 No employees other than family members of the Applicant are to be employed in the operation of the business.**

STANDARD CONDITIONS

- 7. All parking associated with the Home Occupation to be accommodated within the subject property only. On-street parking is not permitted.**
 - 8. This approval may not be transferred to any other person or property.**
 - 9. This approval is valid for a period of twelve (12) months from the date of approval only and the applicant is to seek renewals thereafter to enable continuance of the home occupation.**
- B) The adjoining property owner/s who objected to the proposed change of use application for the subject site be advised in writing of A) above.**

U11/0348– (GD) ADDITIONS AND ALTERATIONS TO AN EXISTING AGE CARE FACILITY ON LOT 2 (1) FRENCH ROAD, MELVILLE (REC) (ATTACHMENT)

Ward	:	Palmyra/Melville/Willagee
Category	:	Operational
Application Number	:	DA-2011-28
Property	:	Craigville Retirement Village, 1 French Road, MELVILLE WA 6156
Proposal	:	ADDITIONS AND ALTERATIONS TO AN EXISTING AGED CARE FACILITY
Applicant	:	Montague Grant Architects Pty Ltd
Owner	:	Balmoral Aged Care Group Pty Ltd ATF Balmoral Aged
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer	:	Peter Prendergast
Previous Items	:	Manager Planning and Development Services N/A

AUTHORITY / DISCRETION

Advocacy	<i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
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Review	<i>when Council review decisions made by Officers.</i>
✓ 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, application 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>

U07/ – (GD) ADDITIONS AND ALTERATIONS TO AN EXISTING AGE CARE FACILITY ON LOT 2 (1) FRENCH ROAD, MELVILLE (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning approval is sought for alterations and additions to an existing aged care facility.
- As an ‘aged care facility’, is a “use not listed” within the City of Melville Community Planning Scheme No. 5 (CPS5), the application has been advertised in accordance with Clause 7.5(e). One submission was received raising concerns with regard to traffic on Stock Road.
- The proposed development generally complies with the development requirements of CPS5 and the Residential Design Codes with the exception of setbacks, privacy and landscaping.
- The proposed alterations and additions to the existing aged care facility are not anticipated to result in any significant adverse impacts upon the amenity of the surrounding residential properties. As such, the application is recommended for approval subject to conditions.



BACKGROUND

Planning approval is sought to undertake additions and alterations to an existing age care facility located on the corner of Stock Road and French Road, Melville.

U11/0348 – (GD) ADDITIONS AND ALTERATIONS TO AN EXISTING AGE CARE FACILITY ON LOT 2 (1) FRENCH ROAD, MELVILLE (REC) (ATTACHMENT)

Scheme Provisions

MRS Zoning : Urban
 CPS 5 Zoning : Living Area - ML1 - MELVILLE
 R-Code : R20
 Use Type : Aged Care Facility
 Use Class : Use not listed

Site Details

Lot Area : 6384m²
 Retention of Existing Vegetation : Yes
 Street Tree(s) : Yes
 Street Furniture (drainage pits etc) : Yes
 Site Details : See aerial photo above

U11_0348_April_2011.pdf A copy of the plans forms part of the attachments to the Agenda which were distributed to members of council on Thursday 21 April 2011

DETAIL

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Landscaping	33% 2125sqm	24.4% 1555sqm	Does not comply	MPDS	
Privacy	Minimum setback of 4.5m from Bedroom windows, 6.0m from other habitable rooms windows and 7.5m from balconies.	3.0m – 3.5m setback from the northern boundary for the bedroom, lounge and dining windows and balconies	Does not comply	MPDS	

U11/0348 – (GD) ADDITIONS AND ALTERATIONS TO AN EXISTING AGE CARE FACILITY ON LOT 2 (1) FRENCH ROAD, MELVILLE (REC) (ATTACHMENT)

Setbacks

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Secondary Street	3.0m	1.5m to Balconies. 2.8m to Ensuites 3.0m to bedrooms/verandah/ patios	Does not comply	MPDS	
Side	Ground Floor (North) 1.5m - 7.0m	3.0 – 3.5m	Does not comply	MPDS	

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: 1
 Reason: Use not listed
 Support/Object: Support

Affected Property	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Support/Dismiss)
187 Stock Road, Palmyra	No objection to the proposed additions however does have concerns about increased traffic on Stock Road.	Support	The intensity of the existing use will not change as a result of this proposal, and as such the alterations and additions will not result in a significant increase in traffic movements along Stock Road.	Dismiss

REFERRALS TO GOVERNMENT AGENCIES

Required: Yes
 Reason: The lot abuts a 'Primary Distributor' road
 Support/Object: Support

U11/0348 – (GD) ADDITIONS AND ALTERATIONS TO AN EXISTING AGE CARE FACILITY ON LOT 2 (1) FRENCH ROAD, MELVILLE (REC) (ATTACHMENT)

Agency	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Support/ Dismiss)
Department of Planning	No objection to the proposed development however the Council should ensure the development is in accordance with WAPC Transport Assessment Guidelines for Development.	No objection	The proposed upgrade has been referred Technical Services for comment. The proposed plans have been modified to reflect their recommendations.	Noted

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

There are none applicable in this case.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

There are none applicable in this case.

POLICY IMPLICATIONS

Policy 06-PL-008 – Residential Development

This Policy states all structures are to be set back a minimum 3.0m from the secondary street.

Policy No. 06-PL-024: Car Parking (Non-Residential)

This policy exists to control the provision of non-residential car parking, and provides detailed guidance relative to the number of off-street car parking bays required for a particular land use.

The proposed 'Aged Care Facility' use is a Use Not Listed within the Policy. Accordingly, the policy states that the on-site parking requirement is to be *"at the discretion of the Council, having regard to similar uses, the precinct, the site, surrounding uses, off-site parking availability and having regard to recognised car parking standards for similar uses"*.

U11/0348 – (GD) ADDITIONS AND ALTERATIONS TO AN EXISTING AGE CARE FACILITY ON LOT 2 (1) FRENCH ROAD, MELVILLE (REC) (ATTACHMENT)

Parking requirements for similar developments within the City of Melville in the past have been assessed utilising the ‘hospital’ car parking requirement which is 1 bay per 2 two bedrooms. However, the parking demands for age care facilities are considered to be less intensive than that required for a hospital as aged care facilities are for long term occupation and care of the elderly, as opposed to hospitals which are intended for short term acute care. As such it is considered that a reduced car parking standard should be applied.

In that vein, a review of other Council’s requirements for car parking associated with aged care facilities has been undertaken. A common car parking requirement amongst other Council’s is 1 bay per 4 beds and 1 bay per staff member. This car parking requirement is considered to be more applicable to the actual car parking demand relative to aged care facilities.

The proposal is considered to satisfy the car parking requirements mentioned above as 49 bays are required and 58 are provided.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

This application is recommended for approval under delegation through the DAU process. Should Elected Members, or interested third parties have an alternative view, the DAU ‘call-up’ procedures provide opportunity to call the matter up for formal Council consideration.

COMMENTS

The proposed development includes alterations and additions to an existing age care facility at 1 French Road, Melville.

The proposed alterations to the existing building include an upgrade to the existing roof and external walls, internal modifications, new design features including canopies, balconies, sun screens and landscaping. The development proposal will result in the removal of eight existing rooms in order that the facility is compliant with new licensing requirements.

The proposed additions include the construction of additional car parking, new delivery bays and secure car parking for night staff and a driveway off Stock Road to access secure parking.

The proposal is considered to satisfy all of the relevant requirements outlined within CPS5, the R-Codes and Council policy with the exception of the matters addressed below:

Landscaping

Clause 5.9 of CPS5 requires 33% of the lot to be landscaped however only 24.4% is proposed. In order to address the above landscaping variation, it is recommended that the existing landscaped verges be upgraded. Doing so will soften the visual appearance of the built form and enhance the streetscape. A condition of approval is recommended to require the submission and implementation of the landscaping plan to this effect.

U11/0348 – (GD) ADDITIONS AND ALTERATIONS TO AN EXISTING AGE CARE FACILITY ON LOT 2 (1) FRENCH ROAD, MELVILLE (REC) (ATTACHMENT)

Visual Privacy

As outlined above, windows and balconies along the ground floor level of the northern elevation do not satisfy the Acceptable Development criteria of the R-Codes relating to visual privacy as their floor level is raised greater than 0.5m above natural ground level.

It is noted that the adjoining property to the north is also an aged care facility under the control of the applicant. This development also contains major openings and balconies along its southern elevation which do not satisfy the current Acceptable Development criteria of the R-Codes.

As there is an internalized relationship between the opposing balconies/openings, amenity for occupiers is not considered to be of concern, and the variation sought is supported on that basis.

Setbacks

Secondary Street

Stock Road is considered to be the Secondary Street for the proposed development as the main entrance to the building and car parking area is provided off French Road.

The proposal is not anticipated to result in a significant impact upon the Stock Road streetscape as the western elevation is considered to be well articulated in terms of varied setbacks which adequately break up the length of the walls and the verge adjoining the subject lot has a width of 10 metres which is landscaped with mature vegetation including trees and bushes. This area is proposed to be upgraded as part of the current application.

As such, the proposed variation is considered to satisfy the intent of the Residential Development policy with regard to setbacks.

Side Setback – North

The subject site drops approximately 3m in its northwest corner. Accordingly, the proposed additions have incorporated a sub-basement level for storage and staff purposes. This has allowed the additions to the ground floor level to be extended at the same floor level so to preclude the requirement for stairs within the design.

The proposed additions and alterations are considered to satisfy the Performance Criteria of the R-Codes relating to boundary setbacks for the following reasons:

- The proposed development will not significantly affect access to direct sun and ventilation to the adjoining property.
- The proposal is not anticipated to adversely affect the amenity of occupiers of the adjoining properties in terms of building bulk as the units are considered well articulated in terms of varied setbacks and the location of openings which adequately break up the length of the walls.

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U11/0348 – (GD) ADDITIONS AND ALTERATIONS TO AN EXISTING AGE CARE FACILITY ON LOT 2 (1) FRENCH ROAD, MELVILLE (REC) (ATTACHMENT)
▪

- As outlined above, the proposed setback distances are considered to be appropriate as the adjoining site operates as an aged persons facility, under the operation and control of the applicant.

Amenity

The proposed development has been assessed in accordance with the amenity provisions outlined by Clause 7.8 of CPS5. It is considered that the proposal where considered in the context of existing development in the locality is considered to be entirely consistent with the established residential character and orderly and proper planning for the locality. The function and nature of the use is also deemed to complement the established use.

CONCLUSION

It is considered that the development, subject to the imposition of appropriate conditions, satisfies the provisions and requirements of CPS5, the R-Codes and Council policies. As such, it is recommended that the conditional approval be granted.

OFFICER RECOMMENDATION

(APPROVAL)

- A That the application for alterations and additions to an existing Aged Care Facility at 1 French Road, Melville be approved subject to the following Special and Standard Conditions:**

SPECIAL CONDITIONS:

1. **Prior to the commencement of the development, a landscaping plan must be submitted to and approved in writing by the Manager Planning and Development Services. The plan should demonstrate the provision of landscaping within the Council owned verge to the front of the property, and must include details of:**
 - **The location and type of proposed tree and shrub species including their size and planting density,**
 - **grassed areas,**
 - **how the area will be reticulated, and**
 - **maintenance schedules.**

The approved landscaping must be implemented during the first available planting season after the completion of the construction phase, and thereafter maintained to the satisfaction of the Manager Planning and Development Services. Any planted species that fail to establish within one year of the planting phase must be replaced.

2. **Prior to the initial occupation of the development, lighting must be provided to all car parking areas and the exterior entrances to all buildings in accordance with Australian Standard AS1158.3.1 (cat. P) to the satisfaction of the Manager Planning and Development Services. All external lighting must be hooded and oriented so that the light source is not directly visible to the travelling public or abutting residences.**

U11/0348 – (GD) ADDITIONS AND ALTERATIONS TO AN EXISTING AGE CARE FACILITY ON LOT 2 (1) FRENCH ROAD, MELVILLE (REC) (ATTACHMENT)

STANDARD CONDITIONS:

- 3. Roofing materials shall not be highly reflective (e.g. Zinc, white or Surfmist colour metal roofing may only be permitted through special planning consent).**
 - 4. Prior to occupation, all unused crossover(s) are to be removed and the kerbing and verge reinstated at the applicant/owner's full expense to the satisfaction of the Manager Planning and Development Services.**
 - 5. The materials and finishes of the development are to compliment the existing building to the satisfaction of the Manager Planning and Development Services**
 - 6. All parking bay/s, driveway/s and points of ingress and egress areas are to be constructed, drained, marked prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Planning and Development Services.**
- B That the respondent be advised of A above.**