

**P19/3918 DEVELOPMENT ASSESSMENT PANEL APPLICATION – 15 STOREY AGED CARE DEVELOPMENT AT LOTS 1060 & 1061 (20 & 22) KINTAIL ROAD, APPLECROSS
(REC) (ATTACHMENT)**

Ward : Applecross/Mt Pleasant
 Category : Operational
 Application Number : DAP-2019-2
 Property : Lots 1060 & 1061 (20 & 22) Kintail Road, Applecross
 Proposal : 15 Storey Aged Care Development Comprising 10 High Care Units and 84 Independent Living Units and Cafe
 Applicant : Norup and Wilson Projects Pty Ltd
 Owner : 22 Kintail Road Pty Ltd
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Nil.
 Responsible Officer : Peter Prendergast
 Manager Planning Services

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" 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 the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the 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>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

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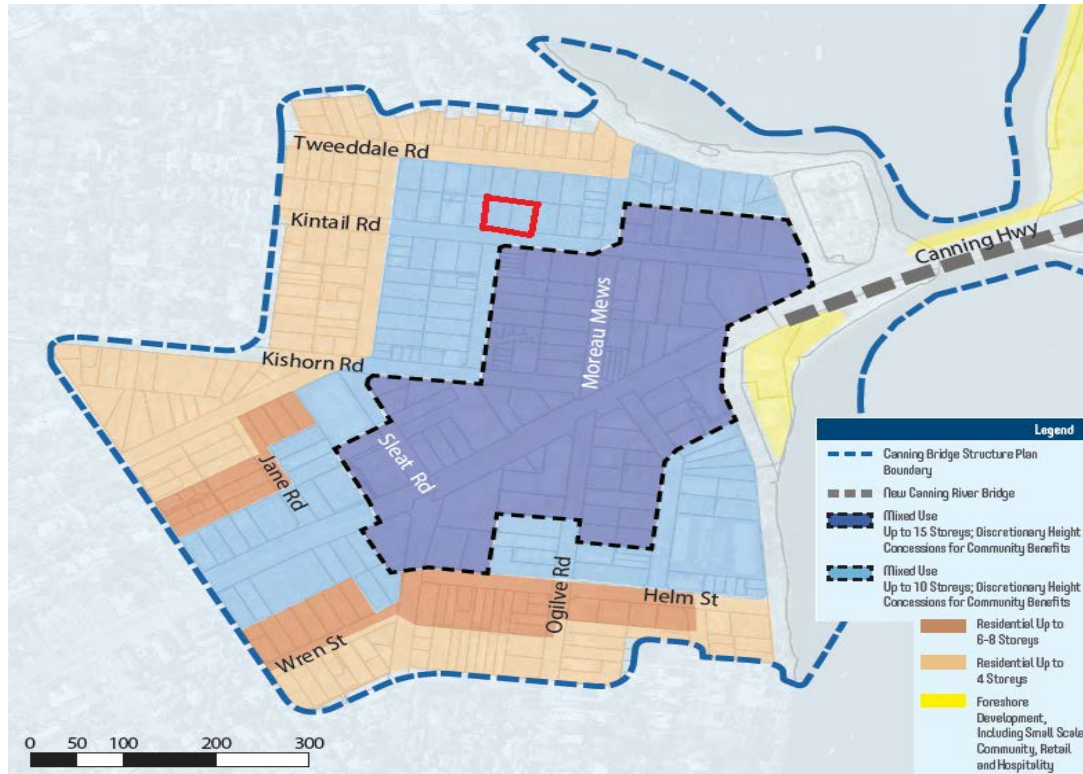


Figure 2: Subject site located within the Canning Bridge Activity Centre Plan

BACKGROUND

Scheme Provisions

MRS Zoning	: Urban
LPS Zoning	: District Centre – Canning Bridge Activity Centre
CBACP Zoning	: M10
Use Type	: Restaurant and Aged Care Dwellings
Use Class	: Preferred

Site Details

Lot Area	: 2021m ²
Street Tree(s)	: Yes - 3
Street Furniture (drainage pits etc)	: Footpaths (to remain/upgraded) Crossovers (to removed)
Site Details	: See aerial photo above

DETAIL

Development approval is sought from the Metro Central JDAP for a 15 storey aged care development comprising 10 high care units and 84 independent living units and café.

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Refer to the attached RAR for details of the development proposed by this application.

[3918 RAR DAP 20 22 Kintail Road Applecross](#)

[3918 20 22 Kintail Road Applecross Development Plans](#)

Elected Members will recall that the subject site was previously proposed to be developed as a 16 storey mixed use development comprising apartments and commercial facilities. The RAR for that development was the subject of call up to a Special Meeting of the Council held 26 June 2018 at which time Council resolved not to support the development. The Council resolved as follows:

1. That the Metro Central Joint Development Assessment Panel be advised that the Council of the City of Melville rejects the recommendation of the Responsible Authority Report....to approve the application for the proposed 16 Storey Mixed Use Residential Development with 91 apartments and five non-residential tenancies at Lots 1060 (20) and 1061 (22) Kintail Road, Applecross, subject to conditions.
2. That the Council may be prepared to support a development proposal which similarly satisfied the requirements of the Canning Bridge Activity Centre Plan, including similar design and community benefits up to 14 storeys and appoints Cr Pazolli and Cr Kepert to make deputation to the Metro Central Joint Development Assessment Panel on behalf of the Council.
3. That the Council directs the Chief executive Officer to advise the Metro Central Joint Development Assessment Panel of this resolution.

It is noted that the application in question was refused consent by the JDAP, after which the matter was referred by the applicant to the State Administrative Tribunal. After a mediation process, the details of the DA were updated and Section 31 reconsideration was made. The reconsideration DA was also refused consent by the JDAP.

A subsequent SAT mediation resulted in the appeal being held in abeyance pending the lodgement and determination of a new DA for an aged care facility. This is now the DA the subject of this report. It is noted that it remains the applicant's prerogative to revert to the SAT appeal process in respect of the previous Mixed Use 16 storey development proposal in the event that the current DA is not supported.

STAKEHOLDER ENGAGEMENT

Refer to the RAR attached to this report.

STATUTORY AND LEGAL IMPLICATIONS

The City is not the determining authority for the application. The Planning and Development (Development Assessment Panel) Regulations require the City, as the responsible authority to which a DAP application is made, to provide a report to the Development Assessment Panel.

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(REC) (ATTACHMENT)****FINANCIAL IMPLICATIONS**

None applicable.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic, risk or environmental management implications with this application.

POLICY IMPLICATIONS

These are outlined in full within the RAR as attached to this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The recommendation of this report is for Council to endorse the recommendation in the RAR for the JDAP to approve the application.

Council may resolve not to endorse the recommendation within the RAR, however reasons should be provided in the usual manner to inform the members of the JDAP.

The minutes of the Ordinary Meeting of Council will be attached as a late item to the RAR and forwarded to the JDAP for its consideration.

Where Council wishes to provide a deputation to the JDAP in support of a resolution, a nominated person on behalf of Council may request to make a deputation at the JDAP meeting. The authorisation to grant a request to make a deputation rests with the Presiding Member of the JDAP.

OFFICER RECOMMENDATION (3918)**RECOMMEND APPROVAL**

- 1. That the Metro Central Joint Development Assessment Panel be advised that the Council of the City of Melville endorses the recommendation of the Responsible Authority Report to approve the application for the proposed 15 storey aged care development comprising 10 high care units and 84 independent living units and café at Lots 1060 & 1061 (20 & 22) Kintail Road, Applecross, subject to conditions.**