

13 June 2022

His Worship, Mayor George Gear and Councillors  
City of Melville  
Locked Bag 1  
Booragoon WA 6954

*By email only*

Dear Mayor Gear and Councillors,

**Agenda Item P22/3984 – Amendment No. 14 to Local Planning Scheme No. 6 – Rezoning No. 45-47 Canning Beach Road, Applecross**

We write regarding our abovementioned Scheme Amendment, which is due to be considered at Council's Agenda Briefing Forum on Tuesday 14 June 2022 and the Ordinary Council Meeting on 21 June 2022.

Council at its meeting on 15 February 2022 adopted the Amendment for the purposes of advertising it for public comment. 28 submissions were received during the public comment period, with approximately two-thirds of all respondents supporting or not objecting to the Amendment.

Notwithstanding this community support and ongoing recognition of the proposal's planning merits, Administration is recommending refusal of the Amendment so that it can instead be considered through the future Scheme review process. This is akin to imposing a moratorium on Scheme Amendments pending conclusion of the Scheme review. We are concerned with this notion, as the Scheme review process has only recently been initiated and is still in its infancy; it will take many years to complete; and is neither 'certain' nor 'imminent' at this stage – being the vital pre-conditions for implementing such an approach.

In its report to Council on 16 March 2021, Administration stated the Scheme review could be a "*relatively short*" 12-month process. Despite this advice, the Western Australian Planning Commission (WAPC) only recently approved the City's Report of Review (representing the first step in the Scheme review process) on 27 May 2022 – more than 14 months after Council's March 2021 meeting, and 15 days after the advertising period closed for our proposed Amendment No. 14.

The issues raised in the eight objections to our Amendment generally relate to higher density and high-rise development and its associated traffic congestion, parking, and other amenity impacts. One submission also claims the proposed R30 code will adversely impact the significant High Care Aged Care Facility (HCACF) immediately abutting our client's land.

To assist in your consideration of this matter, we provide the following summary responses to the key issues raised in the objections received.

## 1. Opposition to high/higher density and high-rise development

The Amendment does not propose nor facilitate any high-density or high-rise development. The Amendment will facilitate development of a new and innovative type of *medium density* dwelling known as an Apartment House. It will look and feel much like the other homes in the neighbourhood but will comprise one dwelling on each floor rather than a single large multi-storey house. This form of housing is ideally suited to residential infill development in this location, being close to a variety of transport modes, activity centres and local amenities, while harmoniously integrating with the existing built form in the neighbourhood.

## 2. Concerns about traffic, parking, and amenity

These concerns appear to stem from traffic, parking, noise, and visual impacts generated from the construction and occupancy of high-rise, higher-density developments within the nearby Canning Bridge Activity Centre Plan area, which dwarf the scale of development resulting from our Amendment. It is therefore unfair to suggest these same issues would arise from our Scheme Amendment which will produce a unique, low-impact form of housing, with traffic, parking, and amenity issues no different to those ordinarily expected of a large single home occupied by a family comprising parents and children of driving age. Regardless, issues of this nature are more appropriately addressed at the development application stage, in response to a specific planning proposal, rather than assuming any change to the current zoning would produce these impacts.

## 3. Impact on the High Care Aged Care Facility (Applecross Shore Care)

The aged care facility to the rear (west) of our client's land has a significant, overbearing bulk and scale impact on their land, as demonstrated in the images contained in our Scheme Amendment report and experienced by Elected Members who have visited our client's property.

As constructed, the aged care facility is equivalent to development intensity of at least R80, which is substantially higher than the R12.5 density of that land. The R30 density coding proposed by our Scheme Amendment is the same coding that applies to the homes on the opposite side of Riverway from our client's property. This represents an appropriate and reasonable transition between the aged care facility and Riverway, Canning Beach Road and the boundary of the Canning Bridge Activity Centre.

Given the broad community support and planning merits of our Amendment, we respectfully request Council's continued support for this proposal by adopting the alternative motion included on the following page.

If you have any queries concerning this matter, please do not hesitate to contact me at [len@lkadvisory.com.au](mailto:len@lkadvisory.com.au) or 0439 044 967.

Yours sincerely,



LEN KOSOVA  
**Director**

## Requested Alternative Motion

Agenda Item P22/3984 – Amendment No. 14 to Local Planning Scheme No. 6 – Rezoning No. 45-47 Canning Beach Road, Applecross

That Council:

1. Pursuant to Regulation 50(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, CONSIDERS the submissions on Amendment No. 14 to Local Planning Scheme No. 6, as provided in Attachment 2;
2. Pursuant to Regulation 50(3)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, SUPPORTS Amendment No. 14 to Local Planning Scheme No. 6 without modifications, as provided in Attachment 1;
3. AUTHORISES the Mayor and Chief Executive Officer to SIGN and SEAL Amendment No. 14 to Local Planning Scheme No. 6;
4. Pursuant to Regulation 53 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROVIDES Amendment No. 14 to Local Planning Scheme No. 6 to the Western Australian Planning Commission.