

REPORTS AND RECOMMENDATIONS

FOR THE

DEVELOPMENT ADVISORY UNIT

MEETING

HELD ON

TUESDAY, 20 AUGUST 2019

1. This Meeting makes Recommendations to the Manager Statutory Planning.
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 Statutory Planning. 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 shall be made in accordance with the requirements set out by Clause 3.5.4 of Local Planning Policy LPP 1.1 'Planning Process and Decision Making'.
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 should be referred to an Elected Member of Council for the Ward within which the development application is located. An Elected Member may request that the application be determined by Council. Any call up request from an Elected Member shall be made in accordance with the requirements set out by Clause 3.5.4 of Local Planning Policy LPP 1.1 'Planning Process and Decision Making'.
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 Statutory Planning, after midday on the second Monday after the Friday publication of the minutes to the City's website. In the event that the DAU minutes are not published to the City's website until the Monday after the DAU meeting, a decision on the application can still take place the following Monday.

DISTRIBUTED: FRIDAY, 23 AUGUST 2019



**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, 20 AUGUST 2019**

PRESENT

P Prendergast
M Scarfone
L Crake
B Ashwood
P Venter
R Boswell

Manager Statutory Planning
Planning Services Coordinator
Senior Building Surveyor
Senior Planning Officer
A/Senior Planning Officer
Planning Officer

DISCLOSURES OF INTEREST

**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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U19/0523 – THREE MULTIPLE DWELLINGS AT LOT 1 (4A) VIEW ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

Ward : Applecross – Mount Pleasant
 Category : Operational
 Application Number : DA-2019-585
 Property : 4A View Road, MOUNT PLEASANT WA 6153
 Proposal : Three Multiple Dwellings
 Applicant : Harden Jones Architects
 Owner : G J Ware and S Ware
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : N/A
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning

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 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 checked="" 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 to note.</i>

U19/0523 – THREE MULTIPLE DWELLINGS AT LOT 1 (4A) VIEW ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Development approval is sought for a four storey multiple dwelling development comprising three apartments.
- The application site is located within the H4 zone of the Canning Bridge Activity Centre Plan (CBACP).
- Public consultation was not undertaken given the proposed development is deemed to satisfy the relevant development provisions of the CBACP, Local Planning Scheme No. 6 (LPS6), and Local Planning Policy. .
- A submission was however received which raised relevant planning concerns. In accordance with Council Delegation DA-20: *Planning and Related Matters*, the application is referred to the Development Advisory Unit (DAU) for determination.
- The application was considered by the City's Design Review Panel (DRP) on 3 April 2019 and 3 July 2019. The DRP offered a number of suggestions to improve the scheme. The applicant has responded positively to the recommendations of the DRP incorporating many of the suggestions into the current drawings.
- It is recommended that the proposed four storey development be approved subject to conditions.



Figure 1- Aerial Photography

U19/0523 – THREE MULTIPLE DWELLINGS AT LOT 1 (4A) VIEW ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

BACKGROUND

Scheme Provisions

MRS Zoning	:	Urban
LPS Zoning	:	Residential
R-Code	:	R -AC0
Use Type	:	Residential
Use Class	:	Preferred

Site Details

Lot Area	:	503m ²
Retention of Existing Vegetation	:	No retention of onsite vegetation
Street Tree(s)	:	Yes
Street Furniture (drainage pits etc)	:	No
Site Details	:	Refer to Figure 1 above

A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday, 23 August 2019.

DETAIL

The Canning Bridge Activity Centre Plan (CBACP) was gazetted in April 2016 and amended in June 2018 and August 2019.

The adjoining property at No6 View Road is zoned Residential R20 under the provisions of LPS6. At the March 2019 Ordinary Council Meeting, the Council endorsed changes to the development controls in the H4 areas of the CBACP. The WAPC recently made a decision to support the majority of the proposed changes with the exception of visual privacy. The approved changes were introduced to improve the relationship between buildings within the H4 area of the CBACP, and those that fall outside the Activity Centre Plan area. One of these changes (Clause 5.8) requires an 8m setback to be provided to the 3rd and 4th storeys of any development proposed. The proposed development has incorporated this 8m setback requirement as required.

No. 4A View Road (the subject site) is located in the H4 precinct of the CBACP which permits residential development of up to four stories.

U19/0523 – THREE MULTIPLE DWELLINGS AT LOT 1 (4A) VIEW ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

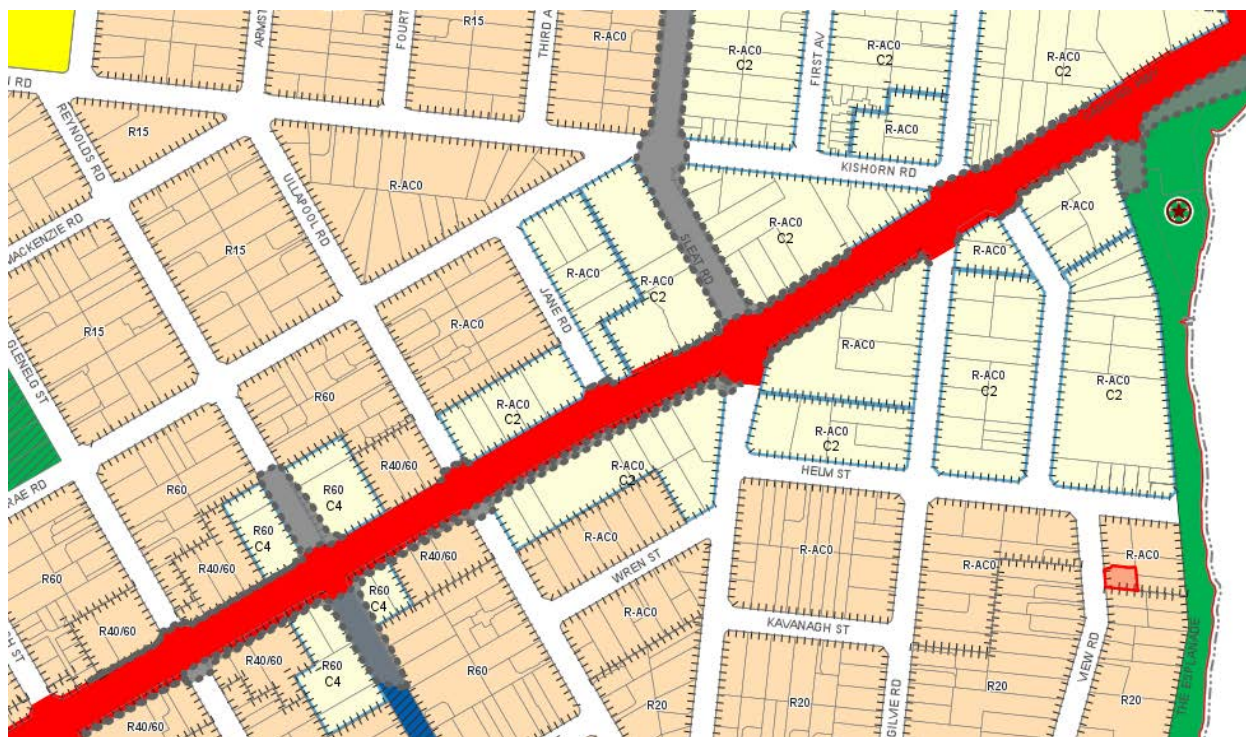


Figure 2- Subject site identified in red

The proposal has been assessed against all the relevant provisions of Local Planning Scheme No. 6 (LPS6), the CBACP and all relevant local planning and council policies. The proposal satisfies all of the requirements found therein with the exception of those matters listed in the Table below.

Canning Bridge Activity Centre Plan

Development Requirement	Requirements	Proposed	Comments	Delegation to approve variation
Rooftop - Height to lift overrun and fire stairs	3m	4m	Requires assessment against the Desired Outcomes of the CBACP	Development Advisory Unit (DAU)

U19/0523 – THREE MULTIPLE DWELLINGS AT LOT 1 (4A) VIEW ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

Development Requirement (Continued)	Requirements	Proposed	Comments	Delegation to approve variation
Overshadowing	The provision of solar access and overshadowing do not apply within the CBACP.	N/A	See report below.	Development Advisory Unit (DAU)
Northern setbacks at all levels	4m	Ground floor: 3.5m First floor: 3.5m Second floor: 3.2m – 3.5m Third floor: 3.2m – 3.5m	Requires assessment using Performance Criteria.	Manager Statutory Planning (MSP)
First Floor Setback (South)	4m	3.5m	Requires assessment using Performance Criteria.	Manager Statutory Planning (MSP)

Commentary in this report focuses on the matters raised in the submission received. All other matters listed above have been assessed against and are considered to meet the desired outcomes of the CBACP.

U19/0523 – THREE MULTIPLE DWELLINGS AT LOT 1 (4A) VIEW ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Advertising Required: No
Reason: Development generally meets the requirements in Clauses 1 to 20 in the CBACP and no adverse impact identified.

Neighbour's Comment Supplied: Yes
Support/Object: Object

While formal advertising was not undertaken by the City a submission has been received. In accordance with Council Delegation DA-20: *Planning and Related Matters* where an objection is received in regard to a departure to the requirements of relevant policy, the application is required to be referred to the Development Advisory Unit (DAU) for determination.

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
1	Overshadowing	Object	See assessment below	Not Uphold
	Height	Object	See assessment below	Not Uphold

II. OTHER AGENCIES / CONSULTANTS

City of Melville Design Review Panel

The application was considered by the City's Design Review Panel (DRP) on 3 April 2019 and 3 July 2019. The DRP offered a number of suggestions to improve the design quality. The applicant has responded positively to the comments and suggested improvements of the DRP, and this response has resulted in a higher quality development outcome than was initially proposed.

Some of those improvements include;

- 1) Relocating car parking to the rear of the site and providing a more active frontage to the street.
- 2) Further articulation provided along the northern elevation.
- 3) Provision of a more direct interface with the street and an identifiable entry area.
- 4) Provision of a concept landscape plan with increased areas for landscaping.

U19/0523 – THREE MULTIPLE DWELLINGS AT LOT 1 (4A) VIEW ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

FINANCIAL IMPLICATIONS

There are no financial implications for the City relating to this proposal.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The proposal satisfies all of the relevant provisions of the applicable Local Planning Policies.

COMMENT

Overshadowing

Clause 5.7 of the CBACP states that 'provisions of privacy and solar access and overshadowing do not apply within the CBACP'. There is no specific provision relating to overshadowing of lots outside of the CBACP. In view of this the proposed development has been assessed against the desired outcomes provided by the CBACP, taking into account the setback requirements applicable in the H4 zone.

The desired outcomes of the CBACP seek to ensure that development outcomes throughout the precinct are optimised. The proposed development achieves the permitted height in storeys while maintaining an 8 metre setback to the southern boundary for the upper two floors and exceeding the minimum setback requirements to the rear. The Design Review Panel concluded that the development represents a creative response to what is a constrained site. It is considered that the overall design outcome is a good one.

In addition to optimising development outcomes, the CBACP encourages developers to consider the amenity of the adjoining dwellings, in terms of visual privacy and overshadowing through an appropriate design response supported by the setback provisions (refer to Desired Outcome DO 5 of CBACP). In response to this, the applicant has incorporated measures to minimise overlooking such as the provision of highlight windows, rear setbacks which comply with the visual privacy provisions of Design WA and landscaping. As a result it is considered that the development is satisfactory in terms of visual privacy, and is supported on that basis.

U19/0523 – THREE MULTIPLE DWELLINGS AT LOT 1 (4A) VIEW ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

In terms of overshadowing the upper floor side setback of 8 metres, which is provided in accordance with the amended design guidelines for the H4 area of the Activity Centre Plan (ACP) area, is recognised as the key measure designed to safeguard amenity where development is proposed at the interface of the H4 area with land outside the CBACP boundary, as in this case. The introduction of an 8m side setback requirement to manage this important interface relationship is a defining feature of the H4 review. The introduction of this setback requirement applies, in the case of a four storey development proposal, to the upper two storeys, as it is this element of a four storey development that is likely to have the greatest impact on existing development that lies outside of the ACP area.

As the required 8m setback to the upper two storeys of this development is provided, and given the fact that the CBACP states at Clause 5.7 that “*provisions of privacy and solar access and overshadowing do not apply within the CBACP area*”, it is concluded that in terms of overshadowing, the development as proposed meets the ACP expectations for development within the H4 area, irrespective of its specific impacts..

With regard to these impacts, the shadow that is cast from the development at midday on 21st June amounts to 52% of the site area of that lot. This shadow covers the whole of the outdoor living area of No.6 View Road (refer to Figure 5 below). That is not to suggest that there remain amenity impacts towards the property to the south at No 6 View Road, not least from overshadowing of that property’s outdoor living area. These impacts, as depicted on the diagrams and illustrations below are however anticipated by the ACP.

The impact of this overshadowing is exacerbated in this case as the dwelling at No.6 has been designed around a central courtyard which is located on its northern side boundary (refer Figure 3 below). An outdoor living area in this location is more susceptible to shadow encroachment from development to the north than it would be if it was located towards the rear of the dwelling. For example, a traditional single dwelling house development to two/three storeys in height would itself cause a shadow impact towards the outdoor courtyard area, and in that scenario, the overall overshadowing impact would likely be fully compliant.,

It is for these reasons, coupled with the design guidelines of the CBACP, that the development as proposed should not be resisted in planning terms, despite the concerns raised in the submission received, due to its specific shadow impacts towards the property at No.6 View Road. In terms of overshadowing impacts therefore, the development as proposed is recommended for approval.

It is noted that the setback variation to the lower two floors on the southern side, 3.5m in lieu of 4.0m, is supported as:

1. The application site is convoluted in terms of its shape, it being narrower towards the View Road frontage, and widening out as it moves away from the street. This means that the side setback requirements of the ACP cannot be applied as a single measurable figure, the actual requirement being 3.5m where the site width is between 14m and 16m, and 4.0m where the site width is more than 16m.

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2. The objective of the setback requirements are to ensure space between buildings, enable view corridors between buildings, and to safeguard amenity towards adjoining sites from the adverse impacts of overshadowing and visual privacy issues.
3. The side setback variation to the southern side for the ground and first floor elements of the proposed development does not contribute to any overshadowing impacts as the shadow cast by the compliant upper storeys of the proposed development effectively masks that from the lower building storeys. In addition there are no privacy implications from the southern side setback variation (see Figure 4 below).
4. The fact that the site is at its narrowest closest to its interface with the street frontage means that the required setback of 3.5m at that point dictates the resultant view corridor. As such the provision of a 3.5m setback in lieu of 4.0m for the remainder of the site depth has no further impact on the view corridor at this point.



Figure 3- Outdoor living area of southern property outlined in green

U19/0523 – THREE MULTIPLE DWELLINGS AT LOT 1 (4A) VIEW ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

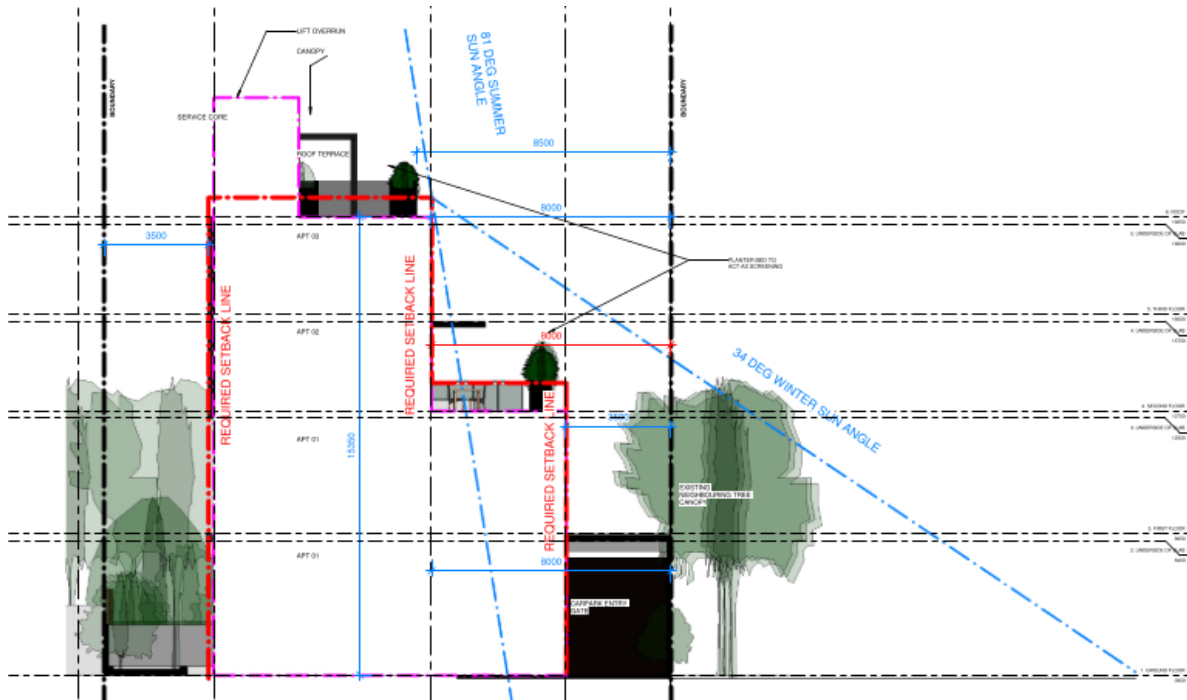


Figure 4- Section plan showing line of shadow from proposed development



Figure 5- Shadow plan for 12pm on 21 June

U19/0523 – THREE MULTIPLE DWELLINGS AT LOT 1 (4A) VIEW ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

Height

The CBACP nominates a four storey and 16m height limit for the H4 Zone. The proposed development is four storeys with a height of 15.7 metres to the finished floor level of the roof terrace.

The definition of height excludes any lift plant, water tower or similar utility service to a maximum height of 3metres. The proposed height of the lift and fire stair is 4 metres measured from the finished floor level of the roof deck and as such requires assessment against the Desired Outcomes of Element 3.

The proposed lift shaft and stair is setback 12.5m from the southern boundary and is setback 7.6m from the street, 3.5m from the northern boundary and 10m from the rear boundary. These setbacks, combined with the articulated form, reduce the impacts to the street and surrounding properties.

The adjoining property to the north is zoned H4 under the CBACP. The bulk impact from the subject area is reduced as this elevation has been designed with an articulated form with a variety of materials and finishes. Overlooking provisions to do not apply and due to the orientation of the lot, there are no off-site shadow impacts.

As such the proposed height is considered to meet the relevant Desired Outcomes of the CBACP. The proposal is consistent with the desired scale and built form of the centre, the increased height does not result in unreasonable amenity impacts to adjoining properties and the interface between the zones is appropriately managed. The height is supported on that basis.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

This application is proposed to be approved under delegation through the Development Advisory Unit (DAU) process.

Should Elected Members have an alternative view; the DAU 'call-up' procedures provide opportunity to call this matter up for formal Council consideration.

CONCLUSION

The proposed development is considered to be consistent with the intent and provisions of the CBACP, the Local Planning Scheme and R-Codes. The application is recommended for conditional planning approval on that basis.

OFFICER RECOMMENDATION

APPROVAL

- 1. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.**

U19/0523 – THREE MULTIPLE DWELLINGS AT LOT 1 (4A) VIEW ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

2. All stormwater generated on site is to be retained on site.
3. Prior to the initial occupation of the development, all unused crossover(s) shall be removed and the kerbing and road verge reinstated at the owners cost to the satisfaction of the City.
4. The development shall be serviced by a concrete or brick paved vehicle crossover with a minimum width of 4m and located a minimum of 2m away from the outside of the trunk of any street tree. The crossover is to be constructed prior to the initial occupation of the development in accordance with the City's specifications to the satisfaction of the City.
5. Fencing and all structures within the front setback area are to comply with Clause 10.7 of Element 10 of the Canning Bridge Activity Structure Plan with a maximum height of 1.2m to the satisfaction of the City.
6. Prior to the commencement of works, a detailed landscaping and reticulation plan for the subject site and the road verge adjacent to the site shall be submitted to and approved in writing by the City. The landscaping plan is to include details of (but not limited to):
 - a. The location, number and type of proposed trees and shrubs including planter size and planting density;
 - b. Any lawns to be established;
 - c. Any existing vegetation and/or landscaped areas to be retained;
 - d. Any verge treatments; and
 - e. The landscaping treatment to be applied to the drive way access leg boundary.

The approved landscaping and reticulation plan shall be fully implemented within the first available planting season after the initial occupation of the development and maintained thereafter to the satisfaction of the City. Any species which fail to establish within the first two planting seasons following implementation shall be replaced in accordance with the City's requirements.

7. Prior to the initial occupation of the development, an updated Waste Management Plan shall be prepared in accordance with Council Policy – Waste and Recyclables Collection for Multiple Dwellings, Mixed Use Developments and Non-Residential Developments and submitted in writing for the approval of the City. Once approved, the development is to be constructed and operated in accordance with the Waste Management Plan to the satisfaction of the City.
8. Prior to the commencement of works, an updated Environmentally Sustainable Design Report shall be submitted to and approved in writing by the City in response to the amended building design and shall accord with Clause 5 of the Canning Bridge Activity Structure Plan.

U19/0523 – THREE MULTIPLE DWELLINGS AT LOT 1 (4A) VIEW ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

9. Prior to the commencement of works, details of the exterior colours, materials and finishes are to be submitted to and approved in writing by the City. Once approved, the development is to be constructed in accordance with those details.
10. Lighting is to be provided to all car parking areas and the exterior entrances to all buildings in accordance with Australian Standard AS 1158.3.1 (Cat. P). All external lighting to be hooded and oriented so that the light source is not directly visible to the travelling public or abutting development.
11. A Construction Management Plan is to be prepared by the Applicant and submitted to the City for approval at least 30 days prior to the commencement of works. The Construction Management Plan shall detail how the construction of the development will be managed including the following:
 - public safety and site security;
 - hours of operation,
 - noise and vibration controls;
 - air and dust management;
 - stormwater, groundwater and sediment control;
 - waste and material disposal;
 - Traffic Management Plans prepared by an accredited personnel for the various phases of the construction, including any proposed road closures;
 - Parking Management Plan prepared by an accredited personnel;
 - the parking arrangements for contractors and sub-contractors;
 - on-site delivery times and access arrangements;
 - the storage of materials and equipment on site (no storage of materials on the verge will be permitted) ; and
 - any other matters likely to impact upon the surrounding properties or road reserve.Once approved, the development is to be constructed in accordance with the Construction Management Plan to the satisfaction of the City.
12. Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, administration and construction activities are permitted to be installed within the property boundaries of the subject site(s) for the duration of the construction period. These structures must not obstruct vehicle sight lines Temporary structures are to be removed prior to initial occupation of the development.
13. Prior to the commencement of works, a scheme for the provision of Public Art shall be submitted to and approved in writing by the City in consultation with the City's Public Art Panel. Once approved, the Public Art shall be provided in accordance with Council Policy – 085: Provision of Art in Development Proposals and the Canning Bridge Structure Plan prior to the initial occupation of the development to the satisfaction of the City. Alternatively, the public art contribution may be satisfied by a cash-in-lieu payment at the same rate, made prior to the commencement of works.

U19/0523 – THREE MULTIPLE DWELLINGS AT LOT 1 (4A) VIEW ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

14. Prior to the commencement of works, the street tree/s to be retained within the verge are to be protected through the installation of a Tree Protection Zone (TPZ). Each TPZ is to be installed as per Australian Standard AS4970-2009 and in accordance with the following criteria to the satisfaction of the City:
- A free-standing mesh fence erected around each street tree with a minimum height of 1.8m and a 2m minimum radius measured from the outside of the trunk of each tree.
 - If an approved crossover, front fence, footpath, road or similar is located within the 2m radius, the TPZ fencing shall be amended to be the minimum distance necessary to allow the works to be completed.
 - Fixed signs are to be provided on all visible sides of the TPZ fencing clearly stating 'Tree Protection Zone – No Entry'.
 - The following actions shall not be undertaken within any TPZ:
 - Storage of materials, equipment fuel, oil dumps or chemicals
 - Servicing and refuelling of equipment and vehicles
 - Attachment of any device to any tree (including signage, temporary service wires, nails, screws, winches or any other fixing device)
 - Open-cut trenching or excavation works (whether or not for laying of services)
 - Changes to the natural ground level of the verge
 - Location of any temporary buildings including portable toilets
 - The unauthorised entry by any person, vehicle or machinery
 - No unauthorised pruning of the canopy or roots of any Street Tree is permissible under the City of Melville's Street Tree Policy CP-029. Pruning may only be undertaken by the City's approved contractors following a written submission to and approval by the City.

Once erected to the required standard, the TPZ shall be maintained in good condition to the satisfaction of the City and may only be removed upon occupation of the development.

16. Prior to the commencement of works, an Acoustic Report shall be submitted to demonstrate that all mechanical services and car parking associated with the development are capable of complying with the 'Assigned Noise Levels' contained in the Environmental Protection (Noise) Regulations 1997 when the noise is received at any neighbouring residential premises to the satisfaction of the City. Once approved, the development shall operate in accordance with the recommendations set out in the report to the satisfaction of the City.

**U19/0524 – PROPOSED ADDITION TO EXISTING AGED CARE FACILITY LOT 34 (8)
AMUR PLACE & LOT 52 (7) ELECTRA STREET BATEMAN (REC) (ATTACHMENT)**

Ward : Bateman - Kardinya - Murdoch Ward
 Category : Operational
 Application Number : DA-2019-576
 Property : Lot 34 (8) Amur Place & Lot 52 (7) Electra Street, Bateman
 Proposal : Addition to Existing Aged Care Facility
 Applicant : Frank Del Borrello
 Owner : Regents Garden Group P/L
 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 Statutory Planning
 Previous Items : N/A

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 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 checked="" 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 to note.</i>

**U19/0524 – PROPOSED ADDITION TO EXISTING AGED CARE FACILITY LOT 34 (8)
AMUR PLACE & LOT 52 (7) ELECTRA STREET BATEMAN (REC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- Approval is sought for the change of use of land to enable an addition to an existing aged care facility at Lot 34 (8) Amur Place and Lot 52 (7) Electra Street, Bateman.
- The application proposes 24 new aged care single bedrooms.
- 20 of the new single bedrooms are proposed to accommodate existing residents from the northern twin bedroom wing.
- This results in a net increase in occupancy by 4 additional new single bedrooms.
- 4 additional car bays will be provided on site, in addition to 33 existing car bays. This is in accordance with the City's Car Parking and Access Policy LPP1.6.
- There are a maximum of 18 staff at peak times, less at other times of the day.
- The application was advertised in accordance with the provisions of the R-Codes and Local Planning Policy 1.1 Planning Process and Decision Making. 2 submissions were received during the consultation period each outlining concerns relating to traffic congestion and parking, streetscape/vegetation and construction work. Notwithstanding the objections received, it is considered that the development is acceptable having regard to the relevant provisions of Local Planning Scheme No.6 (LPS6).
- It is recommended that approval be granted subject to conditions.



Figure 1 – Aerial Photography

**U19/0524 – PROPOSED ADDITION TO EXISTING AGED CARE FACILITY LOT 34 (8)
AMUR PLACE & LOT 52 (7) ELECTRA STREET BATEMAN (REC) (ATTACHMENT)**

BACKGROUND

Scheme Provisions

MRS Zoning	: Urban
LPS Zoning	: Residential
R-Code	: R20
Use Type	: Aged caretakers dwelling
Use Class	: D 'discretionary use

Site Details

Lot Area	: 1572sqm (7305sqm accumulated land total)
Retention of Existing Vegetation	: Not applicable
Street Tree(s)	: No
Street Furniture (drainage pits etc.)	: N/A
Site Details	: Refer Figure 1 above

A copy of the plans forms part of the attachments to the Agenda which were distributed to Elected Members on Friday, 23 August 2019.

DETAIL

Development approval is sought for an addition to an existing aged care facility at Lot 34 (8) Amur Place & Lot 52 (7) Electra Street, Bateman. The proposed addition includes 24 aged care single bedrooms, central communal lounge with adjoining courtyard, office amenities, care centre and landscaped garden fronting Amur Place. It is proposed to renovate and re-purpose the twin bedrooms within the existing northern wing to provide single bed facilities. The existing residents of the northern wing will be relocated to 20 of the new single bedrooms as part of the proposed addition, with the remaining proposed single rooms (4 in total) being provided for new residents. Resident and staff parking can be accommodated on site as 37 car parking bays will be provided (4 new car bays form part of this application). Therefore the number of bays on site meets the deemed provision of the City's Car Parking and Access Policy LPP1.6.

The proposed development has been considered against the definitions in LPS6 and against the definition of "Aged or Dependant Person Dwellings" in the R-Codes. It is the position of the City that the intention behind Aged or Dependant Person Dwellings in the R Codes is for detached or semi-detached (and self-contained) units offering opportunities for ageing in place (i.e. more like a lifestyle village than a medium/high care facility).

By comparison the proposed use is defined by residents that are inherently more dependant, and can range from elderly people with a standard degree of mobility to patients with dementia or complete dependence on a carer (i.e. wheelchair-bound etc.).

The use is inherently residential and does not specifically deal with treatment of injuries (i.e. does not constitute a hospital) therefore it is considered to be a "Use Not Listed" Nursing Home.

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Being residential in nature it is considered to be consistent with the residential precinct in which it is situated and therefore is considered to be an acceptable discretionary use as per Part 18.4(a) of LPS6.

STAKEHOLDER ENGAGEMENT

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: Required pursuant to LPP 1.1 Planning Process and Decision Making Clause 1.7.6
 Support/Object: 2 objections received

A summary of the content of the objections received and an officer's response is provided in the table below.

Summary of Issues Raised	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
Traffic congestion and parking	The proposed 4 off street car bays in addition to 33 off street car parking bays will ensure that the use operates with limited impact on Amur Place and Electra Street. Electra Street is classed as an Access Road within the road hierarchy, and is designed to accommodate traffic flow of up to 3000 vehicles per day. Amur Place is a no-through road and services 11 residential properties. Therefore traffic flow on Amur Place and Electra Street is limited and the proposed development will unlikely result in any adverse traffic impacts.	Not Uphold
Streetscape/vegetation	A detailed landscaping and reticulation plan for the subject site and the road verge will be conditioned as part of this application.	Not Uphold
Construction work	A construction management plan will be required in order to minimise the adverse impacts that can accrue during the construction phase.	Not Uphold

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II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies/consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

Should the City of Melville refuse the application for planning approval, the Applicant has the right to have the decision reviewed by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*.

FINANCIAL IMPLICATIONS

There are no financial implications for the City relating to the proposal.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The proposal satisfies all of the relevant provisions of the applicable Local Planning Policies with the exception of open space referenced in *LPP3.1 – Residential Development*, which requires consideration against the Design Principles of the R-Codes (see comment section below).

COMMENT

The details of the development have been assessed against the provisions of LPS6 and Local Planning Policy. It is considered that the development can be supported for the following reasons:

- The addition is proposed to an existing authorised land use, in which case there are no issues in principle in land use terms for the existing use to be enlarged as proposed. The design and external appearance of the new development will be consistent with the existing buildings. These buildings are single storey by design, and residential in character.
- The improved, extended and enhanced aged care facilities provided by this development are supported given the ageing population of the City and the obvious increased demand for accommodation of this nature that derives from this.
- In traffic terms, the proposed development can be accommodated without rise to adverse traffic impacts. The development is proposed to provide an additional 4 car parking bays for the benefit of the development as a whole. The addition of these 4 bays satisfies the City's car parking requirements for a development of this nature where there is a net increase of just four residents proposed.

The proposed 24 single bedroom aged care addition is recommended for approval on that basis.

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ALTERNATE OPTIONS AND THEIR IMPLICATIONS

This application is proposed to be approved under delegation through the Development Advisory Unit (DAU) process.

Should Elected Members have an alternative view; the DAU 'call-up' procedures provide an opportunity to call this matter up for formal Council consideration.

CONCLUSION

The application is considered to satisfy the provisions of LPS6. The intensity and scale of the aged care addition is suitable for the locality and will provide a service to the community. On this basis, it is recommended that the proposal be approved subject to conditions.

OFFICER RECOMMENDATION

APPROVAL

1. All stormwater generated on site is to be retained on site.
2. The Ages Care facility subject of this approval shall be limited to a maximum of 85 beds at all times, unless otherwise approved in writing by the City.
3. Prior to the initial occupation of the development, the additional four on-site parking bays, manoeuvring area, driveway and points of ingress and egress shall be provided in accordance with the approved plans to the satisfaction of the City. The bays shall thereafter be retained for the life of the development.
4. Prior to the initial occupation of the development, all unused crossover(s) shall be removed and the kerbing and road verge reinstated at the owners cost to the satisfaction of the City.
5. The development shall be serviced by concrete or brick paved vehicle crossover with a maximum width of 6m and located a minimum of 1m away from any light pole. The crossovers are to be constructed prior to the initial occupation of the development in accordance with the City's specifications to the satisfaction of the City.
6. Prior to the initial occupation of the development, a Waste Management Plan shall be prepared in accordance with Council Policy and submitted in writing for the approval of the City. Once approved, the development is to be constructed and operated in accordance with the Waste Management Plan to the satisfaction of the City.
7. The street wall (including the height of any retaining walls) constructed within the Amur Place primary setback area shall meet the requirements contained under clause 4 of Local Planning Policy *LPP3.1 Residential Development* to the satisfaction of the City.

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8. No development (including fencing, letter boxes or any other structure) or landscaping over 0.75m in height is to be located within the 1.5m x 1.5m sightline truncation where the vehicle access point meets the road reserve to the satisfaction of the City.
9. Prior to commencement of works, a detailed landscaping and reticulation plan for the subject site and the road verge(s) adjacent to the site shall be submitted to and approved in writing by the City. The landscaping plan is to include details of (but not limited to):
 - a) The location, number and type of proposed trees and shrubs including planter size and planting density;
 - b) Any lawns to be established;
 - c) Permeable concrete parking pavers;
 - d) Any existing vegetation and/or landscaped areas to be retained; and
 - e) Any verge treatments, including bin collection areas and pedestrian footpaths.

The approved landscaping and reticulation plan shall be fully implemented within the first available planting season after the initial occupation of the development and maintained thereafter to the satisfaction of the Manager Statutory Planning. Any species which fail to establish within the first two planting seasons following implementation shall be replaced in accordance with the City's requirements.

10. Any site works within the primary street setbacks are to be no greater than 500mm above/below the existing natural ground level.
11. A Construction Management Plan is to be prepared by the Applicant and submitted to the City for approval at least 30 days prior to the commencement of works. The Construction Management Plan shall detail how the construction of the development will be managed including the following:
 - public safety and site security;
 - hours of operation,
 - noise and vibration controls;
 - air and dust management;
 - stormwater, groundwater and sediment control; waste and material disposal; and
 - management of construction related traffic including deliveries.

Once approved, the development is to be constructed in accordance with the Construction Management Plan to the satisfaction of the City.

12. An application shall be prepared and lodged to the Western Australian Planning Commission for the lots subject of this approval to be amalgamated with Lot 150 (6) Amur Place, to the satisfaction of the City.