

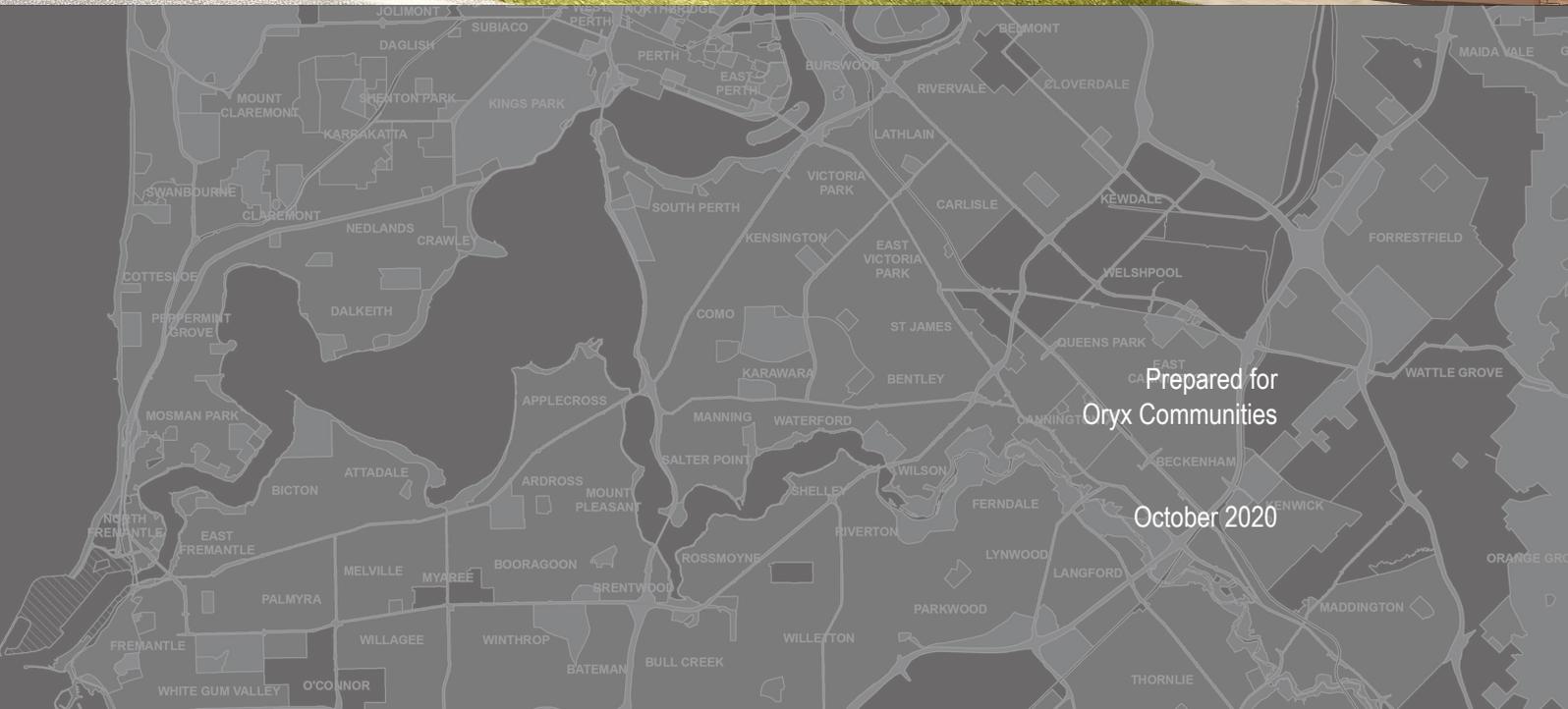
Development Application Report

Application under Section 271 of the Planning and Development Act 2005

Residential Aged Care Facility
 Lots 10 & 11 (16 & 18) Betty Street and
 Lots 19 & 18 (73 & 75) Doonan Road
 Nedlands, WA



ORYX
COMMUNITIES



Prepared for
Oryx Communities

October 2020

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Direct all inquiries to:

Planning Solutions
Level 1, 251 St Georges Terrace
Perth WA 6000

All correspondence to:
GPO Box 2709
Cloisters Square PO 6850

Phone: 08 9227 7970
Fax: 08 9227 7971
Email: admin@planningsolutions.com.au
Web: www.planningsolutions.com.au

Project Details

Job number	6424	
Client	Oryx Communities AP Pty Ltd	
Prepared by	Planning Solutions	
Consultant Team	Town Planning	Planning Solutions
	Architecture and Landscaping	Hassell
	Community Engagement	Creating Communities
	Design Review	Chris Maher (Hames Sharley)
	Economic assessment	Economic Consulting Services
	Traffic Engineering	KCTT
	Waste Management Report	Talis
	Acoustic	Gabriels Hearne Farrell
	ESD Sustainability	Full Circle
	Surveyor	Brook & Marsh

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1 Preliminary

1.1 Introduction

Planning Solutions acts on behalf of Oryx Communities AP Pty Ltd (**Oryx, the proponent**). Oryx proposes a Residential Aged Care Facility (**RACF, care facility**) on Lots 10 & 11 (16 & 18) Betty Street and Lots 19 & 18 (73 & 75) Doonan Road, Nedlands (**subject site**). Planning Solutions has prepared the following report in support of the Application for Development Approval. This report will discuss various matters pertinent to the proposal, including:

- Site details.
- Proposed development.
- Town planning considerations.
- Supporting documentation.

The application seeks approval for the use and development of a residential aged care facility on the subject site. This includes the demolition of the existing buildings and construction of new buildings.

The site has been selected by the City of Nedlands (through its Town Planning Scheme) to accommodate the growing demand for residential aged care facilities within the City of Nedlands, south of Stirling Highway.

The proposed development will deliver a high-quality site-specific design. The development has been subject to a rigorous design review process that will produce a built form outcome that is complimentary to the amenity of the locality. This is achieved through sensitive and responsive architectural treatments, the extensive use of articulation, and implementation of landscaping to ensure the development sits comfortably within its suburban setting.



Figure 1: Perspective of the proposed development fronting Betty Street

1.2 Oryx Communities

Oryx Communities is local, family owned aged care provider and is an Approved Provider of Aged Care Services under the *Commonwealth Aged Care Act 1997*. Oryx creates unique aged care communities in well-established suburbs of Perth that provide the highest standard of care. The Oryx Communities care model is founded on developing genuine relationships with people in a warm and welcoming environment. Oryx believes the built environment plays a major part in wellbeing, so they focus on creating spaces that are inviting, non-clinical and provide options for community engagement or privacy, depending on a resident's preferences and financial means.

Ultimately, Oryx's highest priority is to ensure it can cater for residents' care needs and provide options for older people to live with assistance in locations with great amenity and encourage connectivity with the local community where they lived, worked and raised a family. Oryx actively selects central locations within established suburbs for its homes, believing that the aged in our society deserve to be imbedded in our local communities, rather than to be relegated to "hospital" precincts. Oryx's site identification strategy is consistent with State Government strategies and policies.

Oryx developed and operates "The Richardson Aged Care" (92 beds) in West Perth and is currently completing the construction of an "Intergenerational Precinct" at Development WA's "Claremont on the Park". The construction partner for the \$60+ million build of the Claremont project is Multiplex and Oryx anticipates transitioning to an operational 120 bed residential aged care facility (together with 30+ Serviced Apartments for seniors, and a co-located Intergenerational Early Learning Centre) in early 2021. At this stage of construction there are over 200 workers a day inducted to the site and a large off-site workforce in fabricator facilities and detailing offices, ultimately employing over 1,000 people.

Oryx currently employs approximately 100 people in its operational business, and this is expected to more than double across 2021 with the completion of the Claremont project.

Oryx's 'The Melvista' project (the subject of this application), is proposed for a 2,980m² site in central Nedlands. Oryx has been working with the City of Nedlands towards the goal of re-establishing aged care in this part of the City since 2015.

Oryx's leadership team has over 50 years' collective experience in the operation, design and development of aged care accommodation. This unique combination of experience and capabilities allows the team to manage the development, completion, commissioning, and operation of the proposed residential aged care facility.

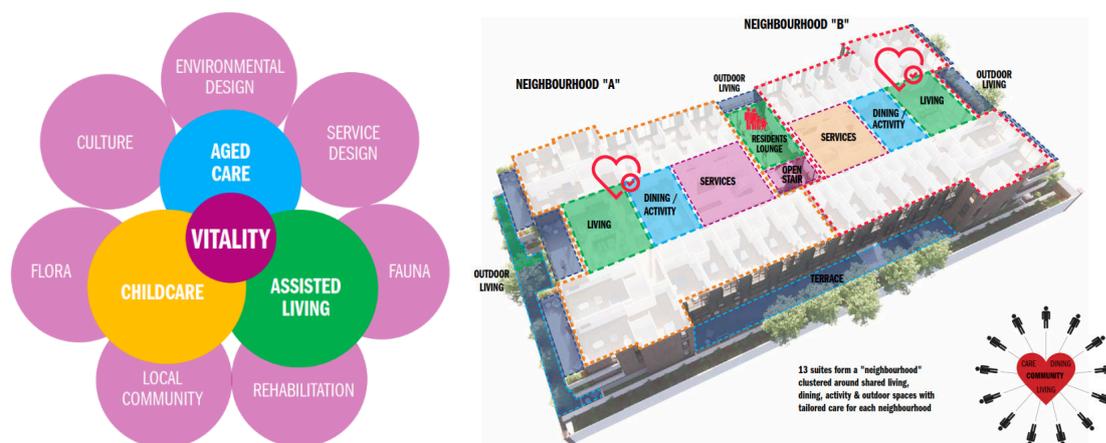


Figure 2: Oryx care model

2 Background

2.1 Project Background

Oryx Communities and the City of Nedlands have been working towards the development of a residential aged care facility on the subject site for more than four years. The impetus for the project was the closure of the Melvista Nursing Home (on the adjoining site to the south) operated by Lisle Villages. This facility no longer met regulatory requirements or community expectations, however following the closure, “high care” accommodation has not been available to Nedlands residents living south of Stirling Highway.

The Australian Federal Government has allocated residential care licences to Oryx Communities AP to provide residential “High Care” services in Nedlands. These “bed licences” are issued to address need in specific regions around Australia and highlights the current deficiency of care within this area.

In mid-2015 Oryx first approached the City of Nedlands (**City**) regarding their interest in purchasing the City-owned property of 75 Doonan Road. Oryx shared their vision of creating a replacement aged care facility for the old Melvista Nursing Home. At the request of the City, Oryx engaged with Lisle Villages, and consulted, in an open and inclusive way, with the community and adjoining Lisle residents regarding the provision of a residential aged care facility on the land next to Lisle Villages (Melvista Lodge and Melvista Nursing Home)

The outcome of the consultation was highly positive, and in March 2018, the City sold 75 Doonan Road to Oryx Communities to form a land parcel with three other Oryx-owned properties that would support the proposed vision of the aged care facility.

The City of Nedlands were highly supportive of the land being developed and used for residential aged care. This support was documented in Councils resolution to sell the land to Oryx (Council meeting date 28 November 2017). The Council accepted the sale of the land for the reason(s) it would (amongst other things):

- [be] *above market value for the land;*
- *allow development of a vacant piece of land for community benefit;*
- *and will facilitate the proposed establishment of a new high care facility within the City of Nedlands;*

2.2 DAP application

On 9 June 2020, an application for Development Approval was lodged for determination by the Development Assessment Panel. The proposed development was fully compliant with the City’s planning framework, including the town planning scheme and the City’s Residential Aged Care Facilities Local Planning Policy (**Aged Care LPP**) in place at the time. The plans were peer reviewed and carefully integrated with the local streetscape. This included the thoughtful arrangement of building height, bulk and scale; the provision of open space and extensive landscaping; increased side setbacks; appropriate access and parking; and, consideration of visual privacy and solar access.

During the City’s consultation period, a well-coordinated campaign to resist the development was implemented by adjoining residents. This included public meetings, unauthorised local street signage, television news media attention and, amongst other things a double page newspaper advertisement describing the development as a COVID tower (**Figure 3**). Additional information relating to the campaign against the development is contained in the community consultation report (**Appendix 5**).

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WARNING

NEDLANDS and DALKEITH WAKE-UP






5 HILLWAY NEDLANDS
This land based cruise ship could be built right next door to **YOUR** Nedlands home.
Help stop inappropriate developments by supporting Scheme Amendment No 7 **NOW** via p4rd.org/sa7

BETTY STREET / DOONAN ROAD NEDLANDS
A commercial high needs aged care facility operating 90 wards 24/7 with only 23 car bays and 17mts high! Institutionalised aged care, no gardens, no courtyards, 23sqm wards, dementia locked ward subterranean.
Lodge your objection **NOW** via p4rd.org or text your email address to **0416 161 556**

LODGE BY 5PM SATURDAY 25TH JULY - it takes 3 minutes

HAVE YOUR SAY. MAKE YOUR VOICE HEARD

STOP OVER DEVELOPMENT IN DALKEITH AND NEDLANDS

AUTHORISED BY NEIGHBOURS OF NEDLANDS AND PEOPLE 4 RESPONSIBLE DEVELOPMENT

Figure 3: Post Newspaper, 25 July 2020

This campaign also produced a number of pro-forma written objections. The objectors put considerable pressure on the Elected Members of the City. This resulted in a series of reactionary moves by the City to attempt to thwart the development, including:

- Revoking its Aged Care LPP adopted in April 2020 (**April 2020 Aged Care LPP**).
- Initiating amendment 10 to the scheme, specific to the subject site, which effectively makes a residential aged care facility development on the site unviable.
- Adopting at its meeting on 28 September 2020 a new Residential Aged Care Facilities Local Planning Policy (**September 2020 Aged Care LPP**) that would have the same impact as the amendment 10, effectively making a residential aged care facility development on the site unviable.

Significant Development Pathway

Royal Assent to the *Planning and Development (Amendment) Bill 2020* on 7 July 2020 presented a new development approval pathway for developments exceeding \$20 million (**Significant Development**). As the project exceeded the development cost threshold; is 'shovel ready'; will deliver a community benefit; and, would make a contribution to the state's economic recovery from the COVID-19 pandemic, the proponent elected to withdraw the DAP application and lodge it with the WAPC.

2.3 A brief history of the City's planning framework; pre-DAP application

Throughout the evolution of the City's now gazetted Local Planning Scheme No. 3 (LPS3) the subject site has consistently been identified in the City's statutory planning framework as the preferred location for a residential aged care facility south of Stirling Highway. A summary of this chronology and related events is outlined below:

- 13 December 2016:** The Council of the City at its special meeting held on 13 December 2016 resolved to adopt draft LPS3 for the purposes of advertising. The City identified the subject site as a 'Special Use' site permitting Residential Aged Care.
- 28 November 2017:** The Council of the City at its meeting held on 28 November 2017 resolved to sell 75 Doonan Road to Oryx to "...facilitate the proposed establishment of a new high care facility within the City of Nedlands..."
- December 2017:** The WAPC's approved version of draft LPS3 was released for advertising and retained the 'Special Use' permitting Residential Aged Care but removed a requirement for a Local Development Plan.
- 16 April 2019:** LPS3 is gazetted. The subject site and adjoining Lisle Village (Melvista Lodge and Nursing Home) is designated with an 'Additional Use' of a 'Residential Aged Care Facility' as a 'P' – permitted use. The underlying zone remained Residential with no R-code density. The subject site and Lisle Village are identified as the **only sites south of Stirling Highway where a 'Residential Aged Care Facility' is a permitted use.**
- 28 April 2020:** Following the adoption of a draft Residential Aged Care Facility Local Planning Policy in December 2019, which was advertised City wide by the Council, the Council of the City adopted its **April 2020 Aged Care LPP**. Amongst other things, the policy adopted built form controls for the subject site equivalent to an R80 apartment density, including a permitted height of 4 storeys, minimum street setbacks of 2.0m, and a plot ratio of 1.0 (plot ratio defined by reference to the R-codes).
- 9 June 2020:** **Fully compliant** Development Application lodged with the Development Assessment Panel.

2.4 City's reactive changes to the planning framework post DAP application

- 28 July 2020:** The Council of the City at its meeting held on 28 July 2020 resolved to revoke the April 2020 Aged Care LPP. The revocation was published in a local newspaper circulating within the district on 1 August 2020. This is when the revocation came into effect.
- 28 July 2020:** The Council of the City at its meeting held on 28 July 2020 resolved to initiate amendment 10 to LPS3 to amend the conditions that apply to the Additional Use for the subject site. The amendment seeks to severely restrict built form to the extent that a residential aged care facility would be unviable on the subject site.
- 4 August 2020:** The Council of the City, at its Special Council meeting held on 4 August 2020 resolved to adopt for advertising a new draft Aged Care LPP that severely restricts built form on the subject site. The restrictive and site-specific provisions make the development of a residential aged care facility on the site unviable.
- 28 September 2020:** The Council of the City adopts its new Residential Aged Care Facility Local Planning Policy (**September 2020 Aged Care LPP**).

3 Site details

3.1 Land description

Refer to **Table 1** below for a description of the properties subject to this development application.

Table 1: Lot details

Street Address	Lot	Deposited Plan	Volume	Folio	Area (m ²)
16 Betty Street	10	569	1926	989	721
18 Betty Street	11	569	1124	960	721
75 Doonan Road	18	569	1253	848	769
73 Doonan Road	19	569	1776	319	769
Total					2,980

A review of the certificates of title has not identified any easements or encumbrances relevant to this application for development approval.

Refer **Appendix 1** for a copy of the Certificate of Title and Deposited Plan.

3.2 Location and context

3.2.1 Regional context

The subject site is located within the municipal boundaries of the City of Nedlands (**City**) in the suburb of Nedlands. The site is approximately 7km south-west of the Perth CBD, 2km south-west of the University of Western Australia, 1.6km south-east of the Claremont Quarter and Claremont Rail Station, and less than 1km away from the Swan River (Freshwater Bay).

The site has dual frontage to both Doonan Road and Betty Street, with Doonan Road connecting the site to Stirling Highway and the wider metropolitan road network.

3.2.2 Local context

The subject comprises four freehold lots, three of which contain detached dwellings with one vacant lot.

The subject site is located within a residential area characterised by single and two storey detached dwellings, with numerous substantial two storey homes being developed near the site within the past 15 years. However, the immediate context is not homogeneous; it also includes a mixture of other uses and activities that loosely form a precinct of land use that naturally caters to and supports the very young and ageing within the local community.

Two detached residential dwellings adjoin the subject site's northern boundary — a single storey house fronting Betty Street and a two-storey house with basement parking fronting Doonan Road. Detached residential dwellings are located opposite the subject site to the western side of Betty Street and eastern side of Doonan Road.

Abutting the subject site to the south is Lisle Village's Melvista Lodge retirement village, which is bound by Betty Street, Doonan Road and Melvista Avenue. The site accommodates 26 independent living units for the elderly (under the Retirement Villages Act). The Lisle Village site also accommodates the decommissioned Melvista Nursing Home (on the corner of Melvista Avenue and Betty Street). There are 8 line marked on street parking bays in the Betty Street road reserve adjacent to and in the vicinity of the (former) Melvista Nursing Home.

Diagonally opposite Melvista Nursing Home to the south west is a childcare centre occupying 2,024m² of land. This childcare facility does not have any onsite car parking and relies of 14 car parking bays opposite, located within Masons Gardens local public open space.

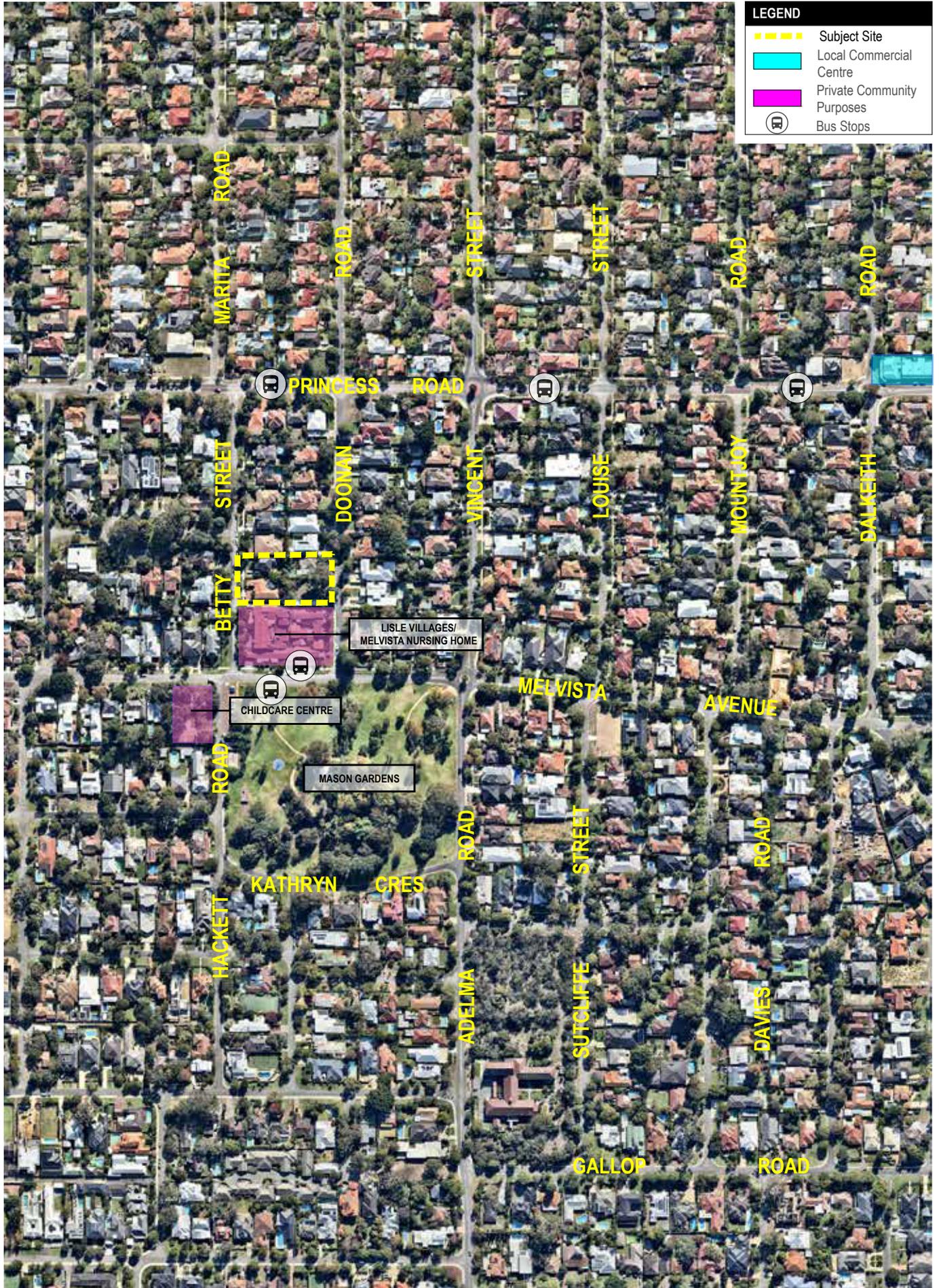
Masons Gardens local public open space is approximately 80m south of the subject site and provides local recreational opportunities to the community.

The closest commercial centre is at the intersection of Princess Road and Dalkeith Road, approximately 500m north east of the subject site.

Site levels vary by approximately 4.5m across the site — from a high point of approximately 15m AHD in the north western corner to a low point of approximately 10.5m AHD in the southern western corner. The site slopes downwards approximately one metre from the Betty Street frontage to the Doonan Road frontage, and approximately 3.5m downwards from north to south along the western and eastern street boundaries.

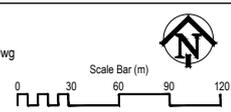
The closest bus stops are located on Melvista Avenue adjacent to and opposite Melvista Lodge serviced by a deviation of Bus Route 25. Bus 25 provides access between the Claremont Quarter and Elizabeth Quay at hourly intervals.

Refer **figure 4** for the site context and **figure 5** for an aerial photograph. **Photographs 1-11** document the subject site and surrounds.



LEGEND

- Subject Site
- Local Commercial Centre
- Private Community Purposes
- Bus Stops



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LEGEND
 - - - - - Subject Site

LOT 10

LOT 19

LOT 11

LOT 18

BETTY STREET

DOONAN ROAD

MELVISTA AVENUE





Photo 1: View south along Betty Street with subject site to the left



Photo 2: View north along Betty Street with subject site to the right



Photo 3: View east towards Betty Street frontage



Photo 4: View from Betty Street east along southern boundary with the Lisle Villages aged care facility



Photo 5: View north along Doonan Road with subject site to the left

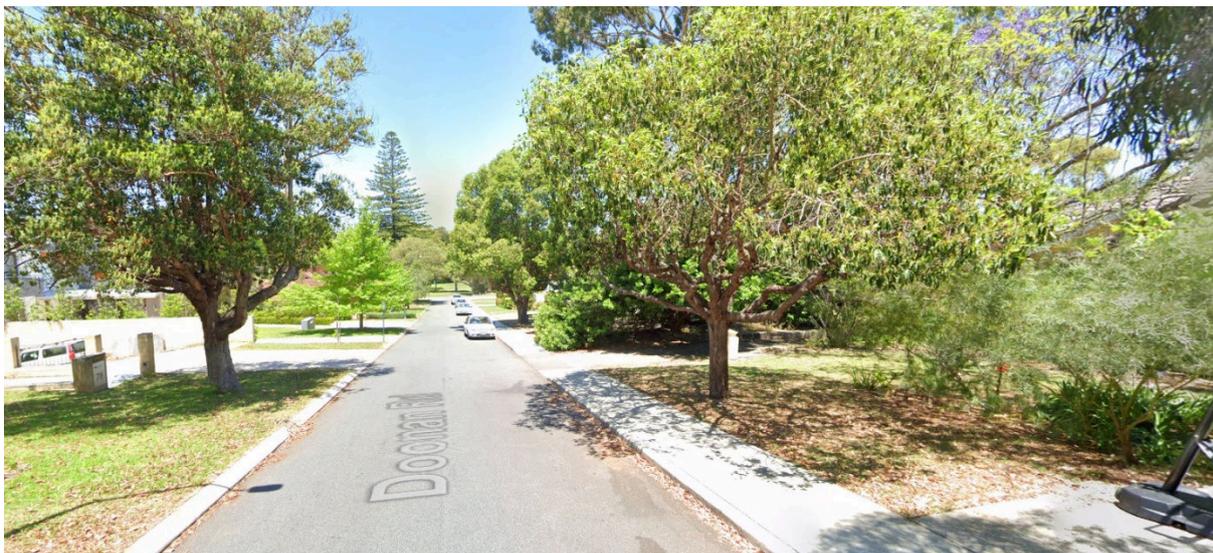


Photo 6: View south along Doonan Road with subject site to the right



Photo 7: Looking west towards Doonan Road frontage



Photo 8: View east from Doonan Road towards residential property adjoining northern boundary of subject site



Photo 9: View east from Doonan Road towards along southern boundary of subject site



Photo 10: View of residential dwelling Betty Street facing east towards subject site



Photo 11: View of residential dwellings on Doonan Road facing west towards subject site

4 Proposed development

'The Melvista' residential aged care facility will reinstate much needed residential aged care in the local area which has been lost due to the decommissioning of the Melvista Nursing Home on the adjoining Lisle Village site. The new facility will be the only aged care facility in Nedlands south of Stirling Highway.

The building will be four-storeys with basement parking and extensive landscaping. The development will contain 80 aged care suites and is designed to appropriately address both Betty Street and Doonan Road frontages and will be setback from the northern and southern boundaries having regard to the proposed built form.

The proposal will make a significant contribution towards meeting the future needs of residents and will respond to the increasing demand for 'ageing in place'. The high-quality design will also contribute positively to the amenity of the locality and enhance the quality of life for its future residents.

A set of development plans is contained in **appendix 2**. The development plans are supported by an Architectural Statement and landscaping plans contained in **appendix 3**.

4.1 Development particulars

4.1.1 Built form arrangement of land use

The proposed development will be four storeys with a full basement. The various building elements are outlined below.

Level	Building elements	
Basement	<ul style="list-style-type: none"> Vehicle entry from Betty Street, exit onto Doonan Road 30 car parking bays 1 Ambulance / van parking bay End of trip facilities Full lift access to all floors 	<ul style="list-style-type: none"> Laundry and kitchen area Waste collection zone Bin and waste storage areas Infrastructure areas (generator, fire pumps and tanks, communications)
Ground floor	<ul style="list-style-type: none"> 15 care suites in a mixture of typologies Reception and main entry off Betty Street Staff and operations administration area Wellness centre Resident and staff café and associated common areas Activity rooms (adjacent to café and common area) Lift core and stairs, amenities, and infrastructure 	<ul style="list-style-type: none"> House common area and connecting terrace fronting Doonan Road Landsaped north facing terrace area Planted pergola over waste pick up zone Secondary frontage access point to Doonan Road Landsaped areas of 855m² (28% site area) Deep soil area of 13% 4 existing trees to be retained
First floor	<ul style="list-style-type: none"> 26 care suites in a mixture of typologies Lift core and stairs, amenities, and infrastructure 	<ul style="list-style-type: none"> 2 large house common areas fronting Betty Street and Doonan Road 1 common area facing south
Second floor	<ul style="list-style-type: none"> 26 care suites in a mixture of typologies Lift core and stairs, amenities, and infrastructure 	<ul style="list-style-type: none"> 2 large house common areas fronting Betty Street and Doonan Road 1 common area facing south
Third floor	<ul style="list-style-type: none"> 13 care suites in a mixture of typologies Lift core and stairs, amenities, and infrastructure 	<ul style="list-style-type: none"> Large house common area and adjoining terrace Large communal area and adjoining terraces accessible to all residents
Roof	<ul style="list-style-type: none"> Plant and equipment (screened from view within and open roof void) 	<ul style="list-style-type: none"> Photovoltaic array

The development will be setback from Betty Street and Doonan Road between 4.9m to 7.5m at the ground level. The first and second floors will be setback between approximately 5.0m to 8.4m with the care suite balconies being set back 2.5m from the street boundaries. The third floor is setback 10.9m with a terrace being setback 8.4m.

Side setbacks to the north range from 3.5m to 6.4m at ground level and increase to between 6.9m to 8.9m to the third floor. Side setbacks to the south (adjoining Melvista Lodge ILU's and the vacant Melvista Nursing Home) range from 5.7m to the ground level through to 7.5m to 8.5m on the third floor.

Refer to the development plans in **appendix 2** for precise measurements.

The building presents as three storeys to Betty Street and Doonan Road due to the increased setback of the upper floor of the building.

Access to the site will be via two single crossovers (one on Betty Street and one to Doonan Road). The two single crossovers reduce the impact of double crossovers on the streetscape. Vehicular access will operate as a one-way system, entering off Betty Street, ramping down to the basement carpark entry (to a flat section) before ramping back up and out to Doonan Road. The maximum ramp grade will be 1:8.55. In accordance with the NCC, a grade no steeper than 1:8 can connect to the discharge point of the two fire isolated exits to provide access to the public road(s). The flat section at the base of the ramps provides a suitable area for the collection of rubbish.

Refer **figures 6 - 11** for perspective renders of the proposed development.

4.1.2 Operations

The proposed RACF will operate 24 hours a day, 7 days a week, providing 'round the clock care' to its residents. The proposed facility will have peak employee numbers of 25. Employees will work in shifts and will not sleep on site. Importantly, the RACF is the primary place of residence for its inhabitants and is, in effect, their home.

4.1.3 Wellness Centre

The residential aged care facility contains a 160m² wellness centre on the ground floor comprising of the following:

- Reception area
- Resident only hair salon
- A physio/gym area
- 2 treatment rooms
- 1 allied health room

The wellness centre will predominately provide health and personal services to the residents of the RACF. It will also accept medical / allied health bookings from aged persons in the community, including the residents of the adjoining Melvista Lodge retirement village (an 'aged person' is defined by the R-codes Volume 1 as a person 55 years and over).

The services provided by the wellness centre are identical to the normal services provided within a RACF. It is anticipated that external customers will constitute no greater than 30% of total patronage, totalling a maximum of 10 external client sessions per day.

4.1.4 Landscaping

The development provides a total of 855m² of landscaping which represents approximately 28% of the subject site. A total of 13% of the site area is set aside as deep soil zones, with 4 existing trees retained on-site within these areas. The landscape plan is contained within **appendix 3**.

Landscaping is proposed within the Betty Street and Doonan Road setbacks with additional planting proposed on the building. The street verges will also be enhanced with additional planting in accordance with council specifications.

The northern boundary will be landscaped with terraced gardens to provide a natural outlook for residents at ground level, with boundary trees providing a similar outlook to upper floors.

A planted roof pergola structure along the southern boundary will provide a horizontal screen to the basement loading zone.



Figure 6: 3D render of the main building elevation looking north-west from Doonan Road



Figure 7: 3D render of main building from Betty Street



Figure 8: 3D render looking south-east along Betty Street towards the proposed development



Wellness Centre Reception



Ground Floor Northern Signature Suite



Wellness Centre Courtyard



Ground Floor Northern Courtyard

Figure 9: Ground floor amenity



Level 3 Eastern House Common Area



Level 2 Southern Communal Area



Level 2 Eastern House Common Area



Level 3 Communal Area

Figure 10: House common area amenity (Level 2 and 3)



Figure 11: 3D render of a communal family terrace areas (Level 3)

Refer to **appendix 2** for a copy of the development plans, and **appendix 3** for a copy of the Architectural Design Statement which includes the landscape plans.

4.2 Technical and supporting appendices

The proposed development is supported by a number of technical appendices which address matters relating to the following:

- Economic benefits (**Appendix 4**)
- Community engagement (**Appendix 5**)
- Independent design review (**Appendix 6**)
- City of Nedlands design assessment (**Appendix 7**)
- State Design Review Panel – Design Review 3 report (**Appendix 8**)
- Transport Impact Statement (**Appendix 9**)
- Waste Management Plan (**Appendix 10**)
- Acoustic Assessment (**Appendix 11**)
- Environmentally Sustainable Design Sustainability Report (**Appendix 12**)

The key findings of these technical appendices are summarised below and referenced where applicable throughout this Development Application report. The full reports are found in the appendices.

4.2.1 Economic benefits

A report has been prepared which documents the positive economic impacts the proposed development will have in assisting the state's recovery from the COVID-19 pandemic (**Appendix 4**).

4.2.2 Community engagement

Engagement with the City and community has occurred from 2016. Initial community engagement conducted on behalf of Oryx in 2016 was focussed on gauging community support for the development of a new aged care facility on the subject site and included a proposal to refurbish the decommissioned Melvista Nursing Home on the adjoining Lisle Villages site. This concept received strong community support.

In the period between December 2016 through to April 2020 the City of Nedlands was responsible for community engagement relating to the proposed zoning change to support a residential aged care facility on the subject site and subsequent Local Planning Policy to support a 4 storey residential aged care facility development.

Following the lodgement of a DAP application, further community engagement was conducted in June and July 2020 on behalf of Oryx. This focussed on the adjoining and immediately surrounding residents to the facility, the City of Nedlands elected members and other relevant stakeholders.

The Engagement Report is contained in **Appendix 5**.

4.2.3 Design Review

At the time of lodging the application with the WAPC the City did not have a Design Review Panel. To supplement the application, Oryx commissioned an independent review of the design (**Appendix 6**). The City commissioned their own independent architectural and landscape assessment of the plans (DAP application) (**Appendix 7**).

Upon lodging the application with the WAPC, the proposal was subject to three design reviews by the State Design Review Panel (SDRP). Refer **appendix 8** for a copy of the Independent Design Review

4.2.4 Traffic

The proposed development is supported by a Traffic Impact Statement prepared by KCTT. The statement concludes that the proposed residential aged care facility will not have a negative impact on the surrounding road network. Refer **appendix 9** for a copy of Traffic Impact Statement.

4.2.5 Waste Management

A Waste Management Plan has been prepared by Talis which confirms the site can be adequately accessed by rubbish trucks and serviced, with an appropriate area set aside for bin storage. Refer **appendix 10** for a copy of the Waste Management Plan.

4.2.6 Noise Management

An acoustic assessment has been undertaken by Gabriels Hearne Farrell for the proposed development. The assessment has modelled and assessed potential noise sources associated with the development and provides several recommendations to ensure the development meets relevant standards and guidelines. Refer **appendix 11** for a copy of the report.

4.2.7 Environmental Sustainability

Oryx has engaged Full Circle Design Services to provide an outline of Environmentally Sustainable Design options for inclusion in the proposed development. The report concludes that the development targets excellence in design, minimisation of operational costs and has a high level of amenity for staff, occupants and visitors. Refer **appendix 12** for a copy of the ESD Sustainability Report.

5 WAPC ‘Significant Development’ pathway

The *Planning and Development Amendment Act 2020* enables the WAPC to accept and determine applications for significant development proposals for a period of 18-months. The pathway is a temporary measure for job-creating projects that can support the State's economic recovery from the COVID-19 pandemic. The proposed development, with an estimated development cost in excess of \$20 million, meets the definition of significant development.

One of the features of this assessment pathway is that the WAPC can undertake a more strategic assessment to consider non-planning related matters in the public interest including the broader economic, social and environmental benefits that can be delivered for the State. The new assessment pathway will enable the State Government to prioritise projects that have investment certainty, are well designed and are ready for construction to commence.

Key development particulars

KEY METRICS		OTHER CONSIDERATIONS
Project value	\$30 million	<ol style="list-style-type: none"> ❶ 80 bed licences have already been allocated by Australian Department of Health based on strong local demand. ❷ Development funding is secure (subject to DA). ❸ Will be the only residential aged care facility in Nedlands, south of Stirling Highway. ❹ The demand for aged care in Nedlands exceeds the State average due to a higher percentage of elderly in Nedlands. ❺ Over a 50+ year building life, the care facility is estimated to care for over 2000 members of the local community.
Construction jobs	600+	
Operational jobs	100+	
Project commencement	Within 24 months of development approval	
Concessional places (financial hardship)	Up to 20 (assuming 80 beds)	

5.1 Economic benefits; a contribution to economic recovery

An Economic Impacts assessment has been undertaken for The Melvista residential aged care facility (**Appendix 4**). The key points are as follows:

- Situated in an area with a quickly ageing population.
- Replaces the Melvista Nursing Home that closed in 2012.
- Consistent with the City of Nedlands Strategic Community Plan which recognises the need for an additional 4,400 dwellings by 2031 and a diverse community where people can live through the different ages and stages of their lives.
- Located in an attractive residential setting close to shopping and recreation areas and in a region with sophisticated health services.
- Construction provides 140 person years of work over a 16-month development and build time and then 103 jobs while operating. The flow-on effect creates a total of 11 jobs in the local area and 144 in the region.
- Details on the total investment, including percentage of the total investment spent in the local and regional area are outlined in the report along with details on what the multiplier effect is within the region.
- An annual operating cost, including the proportion of these costs spent in the local area and in the region are also detailed.
- The proposed development will make a considerable and measurable economic impact to the local and regional economy and will assist in the state recovery from the COVID-19 pandemic.

5.2 Shovel ready development

The proposed care facility is not a speculative development and is 'shovel ready' for the following reasons:

- Oryx have full ownership of the 4 lots upon which the proposed development is to be undertaken.
- Oryx, an Approved Provider of Aged Care Services under the *Commonwealth Aged Care Act 1997* has been allocated bed licences (in recognition of local demand and project certainty).
- Project funding is in place.
- Oryx have a proven track record of delivering Residential Aged Care services with 'The Richardson' in West Perth and the soon to be commissioned 'The Queenslea' in Claremont Quarter.

5.3 Community and social benefit

The care facility will deliver real and tangible long-term benefits to local elderly residents (and their families). The care facility will allow its residents to stay within their community who would otherwise be forced to move elsewhere due to a lack of local care places. This includes providing a care pathway for the adjoining residents of Melvista Lodge who have not had access to residential aged care in Nedlands since the Melvista Nursing Home closed in 2012.

Throughout the 50+ life span of the RACF it is estimated that 2,000 or more residents will be cared for at The Melvista; many of whom will come from the Nedlands and Dalkeith peninsula (south of Stirling Highway).

6 Community consultation

The development of the subject site for a residential aged care facility has been the subject of community consultation since 2016. This consultation has been undertaken by the proponent and by the City at various stages throughout the process as outlined below.

6.1 Community consultation 2016

In 2016 Oryx commissioned an independent consultancy (Creating Communities) to ensure a broad level of engagement with all local stakeholders. This consultation focussed on gauging community support for the development of a RACF on the subject site and a possible refurbishment of the Melvista Nursing Home on the Lisle Village site. As the City was progressing its Local Planning Strategy and Local Planning Scheme at the time and no development standards were available to guide the built form outcome.

This consultation included the following stakeholders:

Lisle Villages: two open information sessions were held at Lisle Villages, with all Lisle residents invited by letter drop. These sessions were attended by approximately 40 residents whose feedback was overwhelmingly positive.

City of Nedlands: A comprehensive proposal was presented to the Elected Members at a briefing session in the City's Boardroom 5 April 2016.

State and Federal Government: Meetings were conducted with then-premier Colin Barnett MLA, Hon Julie Bishop MP and Hon Bill Marmion MLA.

Nedlands Community: Letters and invitations were delivered to every mailbox in postcode 6009 inviting Nedlands residents to attend a Community Open Day, as well as advertising in the local newspaper. 160 people attended the sessions, with 95% of survey respondents indicating strong support for a care facility on the subject site.



Figure 12: Photos from the Community Open Day (30 April 2016).

The outcomes of the 2016 community consultation process is summarised as follows:

- 88% of respondents agree that more aged care services and accommodation are needed in Nedlands (67% Strongly Agree; 21% Agree).
- 93% of respondents agree that the proposed new residential care facility on privately owned land, adjacent to the Lisle Villages site, will help provide accommodation for the growing number of ageing residents (66% Strongly Agree; 27% Agree).
- 92% of respondents support the creation of a new residential care facility on adjoining privately owned land (63% Strongly Agree; 25% Agree).

6.2 A new Town Planning Scheme and the City's engagement 2016 – 2019

During the period between 2016 and 2019, culminating in the gazettal of the City's Local Planning Scheme in April 2019, the City progressed its Local Planning Strategy and Local Planning Scheme No. 3. During this time, the City was responsible for and conducted City wide community consultation. This included direct mail and a number of face to face community forums. The advertised scheme proposed a 'special use' zone for the site which permitted the use of a residential aged care facility. The new scheme was gazetted on 16 April 2019.

6.3 The City's Local Planning Policy (April 2020)

In December 2019, the Council of the City adopted for advertising a Local Planning Policy (LPP) to guide the development of Residential Aged Care Facilities. The policy applied throughout the City and was not specifically targeted at one site. The advertising of the LPP was conducted City wide and in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The City also offered face to face information session(s) for the community to register and attend.

Following the City-wide advertising the LPP was referred to Council for final adoption in April 2020. Council adopted the LPP at its meeting held on 28 April 2020.

6.4 Pre-lodgement engagement with the City of Nedlands

The project team met with the City's planning officers on 8 May 2020 to present design concepts and discuss key planning considerations as they related to the City's newly adopted LPP. The outcomes of this discussion are generally summarised as follows:

- The City encouraged the proponent to maintain a compliant plot ratio (1:1).
- That the proponent was to investigate moving the fire booster into the street reserve, to minimise the extent of hardstand required.
- That landscaping to include large, shady trees.
- No issues were identified with respect to proposed building height, overshadowing or street and boundary setbacks.

On 29 May 2020, the proponent again met with the City's planning officers to present updated plans for the RACF.

6.5 Direct community consultation

Following lodgement of a DAP application, further community engagement was conducted in June and July 2020 on behalf of Oryx. This focussed on the adjoining and immediately surrounding residents to the facility, the City of Nedlands elected members, and other relevant stakeholders.

Neighbours were invited to meet with Creating Communities and members of the design team to discuss any specific matters that related to their property and their interaction with the site. Engagement also commenced with the senior management and the board of Lisle Villages, as well as their residents of Melvista Lodge. In total, 17 meetings were conducted, attended by 41 individuals.

As a result of queries received during the meetings a detailed FAQ's document was produced and distributed to the meeting attendees and provided to the City of Nedlands for posting on their website. The FAQ's responded to 125 questions (it is noted that not all the questions related to town planning matters). A copy of these FAQ's form part of the engagement report.

The engagement report also documents the co-ordinated campaign against the proposed development including material provided to residents via mail drop, newspaper ads taken out 'warning' of the proposed development. There was also significant media attention. All of this is documented in the report community engagement report (**Appendix 5**).

7 Design review

The application has been subject to three different design review processes, comprising of six individual design reviews as follows:

- Two design reviews by an independent architect commissioned by Oryx (**Appendix 6**).
- One design review by two design professionals engaged by the City of Nedlands (**Appendix 7**).
- Three design reviews conducted by the State Design Review Panel (**SDRP**) (**Appendix 8**).

At the time of lodging the application with the WAPC the City of Nedlands did not have a formal design review panel. Given the City's position, the applicant engaged the services of an independent architect during the design formation phase. The architect was independent of the project and provided a review of the design on 2 occasions.

Upon lodging a DAP application (which was subsequently withdrawn), the City's administration engaged the services of an Architect and Landscape Architect (at the proponent's cost) to conduct a third design review. As noted, this application was ultimately withdrawn from the DAP and not determined.

This application, lodged with the WAPC, has been reviewed by the SDRP on three occasions.

An outline of the review process and outcomes is set out below.

7.1 Independent design review

Chris Maher, of Hames Sharley Architects, was engaged by Oryx to provide an independent design review of the proposed development. The independent review process involved preliminary meetings in May and June 2020, with a final review of the plans on 8 June 2020. The project Architect modified the plans throughout this process in response to these comments. The final review concluded the development produced a considered and appropriate design outcome which will work well within the social, economic and environmental context of its location.

A selection of some key comments are provided as follows:

- The design intent to break the bulk of the main two street elevations into two key building elements so as to better reflect the traditional scale and character of built form in this location is very relevant and positive.
- The large trees proposed are well positioned to ensure maximum benefit to the surrounding residents and future residents of the facility.
- The quality and overall character of the street verge and landscape of Doonan Road and Betty Street will be maintained by the landscape proposed.
- The built form is well aligned with the scheme and responds well to the scale and rhythm of the residential houses within the east and west flanking streets.
- The building appears to address setbacks in a way that provides good separation from adjacent uses and minimise inappropriate over-looking.
- Further work has been undertaken on the articulation of the upper roof and the lower level soffits of roof overhangs. This has resulted in a successful outcome. The roof maintains cohesion but is articulated appropriately.
- The overlooking of the two fronted streets both from entries, reception, common areas, the resident rooms and wellness centre will add to the passive safety of these existing streets during the day and also in the evening.

Refer **Appendix 6** for a copy of the Independent Design Review.

7.2 City of Nedlands design review

The City of Nedlands engaged the services of Architect Emma Williamson (The Fulcrum Agency) and Landscape Architect Daniel Firms (UDLA) to provide design advice (the third design review) (**Appendix 6**). The outcome to the City's review is documented in the table below.

Table 2: Summary of Nedlands design review feedback

Design review progress			
3	Supported	1	Further information required
2	Supported with conditions	0	Not supported
Design Principle		Architecture	Landscape
Principle 1 - Context and character		2	Not applicable
Principle 2 - Landscape quality		2	1
Principle 3 - Built form and scale		2	Not applicable
Principle 4 - Functionality and build quality		3	Not applicable
Principle 5 - Sustainability		3	Not applicable
Principle 6 - Amenity		3	Not applicable
Principle 7 - Legibility		3	Not applicable
Principle 8 - Safety		1	Not applicable
Principle 9 - Community		3	Not applicable
Principle 10 - Aesthetics		2	Not applicable

7.2.1 Overview of comments

Design Principle 1, 3 & 10: Street façade treatment

The key reason for design Principle 1, 2, 3 and 10 receiving a 'rating' of 2 related to the west and east façade's. Specifically, it was recommended that these street facing elevations could be enhanced through a greater reference to the post-war domestic architecture of the area that would make these 'less generic' and speak more closely to the scale and detail of the post-war architecture of the area.

Design Principle 2: Landscape

The Landscape assessment principally expressed concerns relating to the removal of all trees on site.

Design Principle 8: Safety

It was commented that the plans did not indicate fencing and gates to prevent free movement from the development to the street from the east and west courtyards.

7.2.2 Design response

A number of key design changes were made in response to the City's design comments. As the application was withdrawn from the DAP process these design changes were then considered by the SDRP in their Design Review 1.

7.3 State Design Review Panel

As part of the WAPC’s assessment of a significant development the proposed plans were subject to three design reviews by the SDRP. The plans have been modified throughout the state design review process with the plans appended to this report receiving a rating of ‘supported’ for all 10 Design Principles. The SDRP’s comments are contained in its Design Review 3 report (**Appendix 8**).

The SRRP provided the following summary of their review in its Design Review 3 report.

The Panel thanks the project team for engaging with the design review process, and their diligent and thorough response to the feedback from design review 2. The Panel appreciated the comprehensive package of material provided and welcomed its clear structure and level of detail.

The key design issues from last review related to built form and scale. The Panel also sought refinements regarding the street facing awning design, the fire booster location and basement functionality.

These outstanding design matters were generally of a minor nature, hence the Panel was happy to provide further advice on a revised drawing package, rather than require a full review.

Table 3: SDRP summary review table (extract from SDRP DR3 report)

Design review progress			
	Supported		Not yet supported
	Pending further attention		Yet to be assessed
Design Principle	DR 1	DR 2	DR 3
Principle 1 - Context and character			
Principle 2 - Landscape quality			
Principle 3 - Built form and scale			
Principle 4 - Functionality and build quality			
Principle 5 - Sustainability			
Principle 6 - Amenity			
Principle 7 - Legibility			
Principle 8 - Safety			
Principle 9 - Community			
Principle 10 - Aesthetics			

8 Strategic planning framework

8.1 State Planning Strategy 2050

The State Planning Strategy 2050 is an integral part of the Western Australian planning system designed to inform planning policies and decisions throughout the State. Its vision is that by 2050, Western Australia will have a diverse range of interconnected and vibrant local communities and regional centres, with living standards continuing to be amongst the highest in the world. It promotes a 'can do' attitude.

Relevantly to this proposal, the State Planning Strategy 2050's principle for infrastructure provides:

All levels of government have a role to play in the coordinated delivery of the 'hard' elements of community infrastructure, including schools, hospitals, civic centres, aged care facilities and public open spaces, as well as the 'soft' elements of community infrastructure, which include social services, community building, and culture and arts programs. [emphasis added]

In considering social infrastructure, the State Planning Strategy 2050 also states:

Ensuring people who are ageing can remain in their long-term communities through the provision of aged care retirement housing options and land tenure arrangements will ease the stress on the State's service delivery programs.

Considering the vision and principles of the State Planning Strategy 2050 in the context of this development application, the need to provide aged care facilities is apparent, as is the role of government in supporting planning proposals that increase availability to aged care facilities.

8.2 Perth and Peel @ 3.5 Million & Sub-Regional Frameworks

Perth and Peel at 3.5 Million is the overarching spatial planning framework applicable to the Perth and Peel regions. The document provides guidance on where development should occur to ensure sustainable urban growth, protect the environment and heritage and make the most effective use of existing infrastructure. The Perth and Peel @ 3.5 million documents sets the context for four sub-regional planning frameworks, including the Central Sub-Regional Planning Framework relevant to the subject site. The framework guides infill development, with the aim to deliver a compact and connected city.

The Perth and Peel @ 3.5 million Central Sub-Regional Planning Framework (**Sub-Regional Planning Framework**) is a key instrument for achieving a more consolidated urban form that will reduce dependence on new urban greenfield developments. The Sub-Regional Planning Framework provides the spatial framework which guide local governments in achieving optimal urban consolidation over the long term. The Sub-Regional Planning Framework supports the orderly and proper development of infill through the region by encouraging development adjacent to activity centres, station precincts and urban corridors.

The Framework states that planning to accommodate an ageing population is a major challenge for Australian capital cities, including Perth. The framework identifies the need to ensure more efficient use of existing services and social infrastructure and the need to provide well-designed higher-density housing that considers local context, siting, form, amenity and the natural environment, with diverse dwelling types to meet the needs of the changing demographics.

The proposed development involves a modest increase in the residential density of a site in an established neighbourhood consistent with the local planning framework. The development optimises existing civic and community infrastructure within the locality, consistent with the intent of the Perth and Peel @ 3.5 million documents.

8.3 WAPC Draft Position Statement: Residential aged care

On 28 October 2019, the WAPC released for public comment a *Draft Position Statement: Residential Aged Care*. The Draft Position Statement outlines the WAPC’s proposed interim requirements for residential aged care facilities and retirement villages in Western Australia.

Amongst other matters, the statement expressed the WAPC’s position that local development plans (LDP) be prepared for residential aged care facilities and retirement villages. However, LDP’s are not favoured or appropriate to guide the development of single sites such as the subject site. This is because a development application provides far more detail than a LDP and is a superior process by which the suitability of built form can be properly assessed.

The City of Nedlands adopted its April 2020 Aged Care LPP to guide the development of aged care facilities consistent with the intent of the WAPC’s position statement. The proposed residential aged care facility is fully compliant with the requirements of this April 2020 Aged Care LPP which applied at the time of lodging the application.

8.4 City of Nedlands Local Planning Strategy

The City’s Local Planning Strategy was endorsed by the WAPC on 26 September 2017.

One of the Key strategies relating to Population and Housing is to:

Facilitate greater diversity, specifically higher density multiple and grouped dwelling developments in targeted infill areas to provide a diverse range of dwelling types to accommodate changes in population trends. [emphasis added]

The strategy identified that (in 2011 – refer below) the population cohort in the 55 years and over category exceeded the Perth average. This increasing demographic reinforces the need for residential aged care facilities to be provided in the City and in particular highlights the need to optimise the development of sites where Residential Aged Care is a Permitted use, such as the subject site.

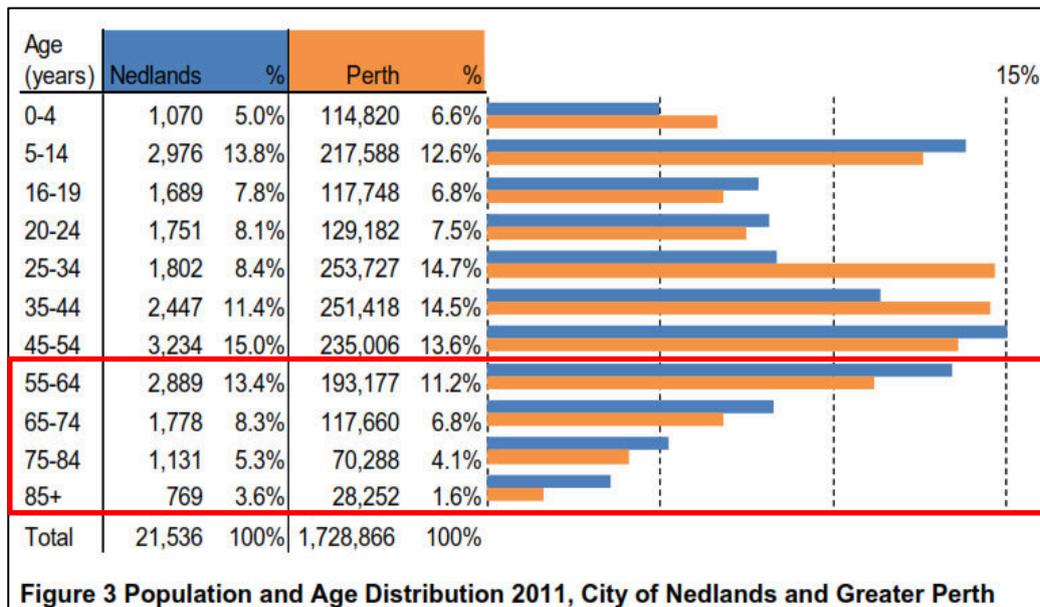


Figure 13: Extract from the City of Nedlands Local Planning Strategy

8.5 Nedlands 2028 Strategic Community Plan

The City adopted its Strategic Community Plan, *Nedlands 2028* on 22 May 2018.

The City's vision is of a diverse community where people can live through the different ages and stages of their lives. The City seeks to be an active, safe, inclusive community enjoying a high standard of local services and facilities. The key strategic issues facing the community relevant to the proposal are:

- There is a demographic shift: particularly with an ageing population.
- There are changing demands in the areas of transport, parking, aged care, health and housing.
- There is social isolation – disconnected generations, increased working hours and less community involvement, increasing mental ill-health and the recognition that 1 in 5 people across Australia have a disability.

The issue of an ageing population is highlighted by the fact that more than 18% of the population is over 65 years of age, which is greater than the Perth average of 13.9% and represents a 2% increase within the City's population since the 2011 Census.

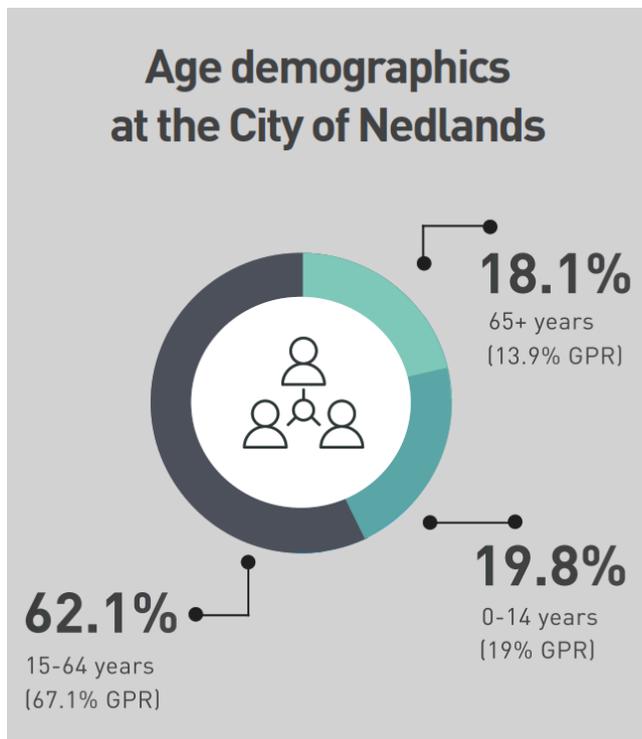


Figure 14: Extract from the Strategic Community Plan, *Nedlands 2028*

9 Statutory planning framework

9.1 Metropolitan Region Scheme

Under the provisions of the Metropolitan Region Scheme (MRS) the subject site is zoned Urban. The proposed development is consistent with the intent of the Urban zone and may be approved accordingly.

The subject site is not affected by land reserved by the MRS, nor is it subject to any resolution or declaration made under the MRS.

9.2 City of Nedlands Local Planning Scheme No. 3

9.2.1 Zoning and zone objectives

Pursuant to the City of Nedlands *Local Planning Scheme No. 3 (LPS3)*, the subject is zoned 'Residential', with no residential density coding applied to the site on the scheme map (**Figure 15**).

The objectives of the 'Residential' zone are as follows:

- *To provide for a range of housing and a choice of residential densities to meet the needs of the community.*
- *To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.*
- *To provide for a range of non-residential uses, which are compatible with and complementary to residential development.*
- *To ensure development maintains compatibility with the desired streetscape in terms of bulk, scale, height, street alignment and setbacks.*

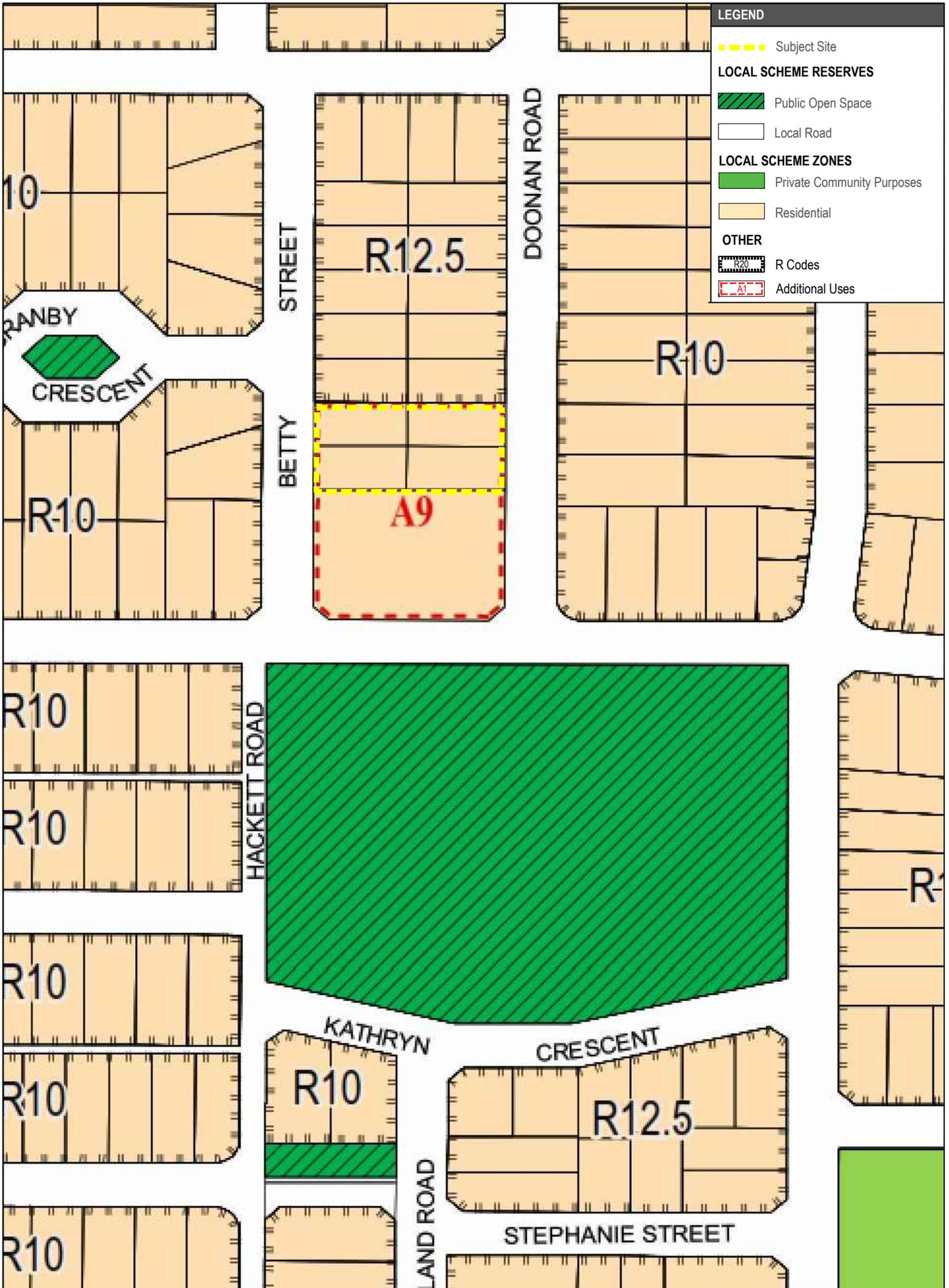
The proposed development is consistent with the objectives of the 'Residential' zone as follows:

Housing choice: The development will provide housing choice and diversity in the form of Residential Aged Care. This type of housing has not existed in the City, south of Stirling Highway, since 2012 when the Melvista Nursing Home was closed. Given the rapidly ageing population, an 80 bed care facility is critical to meet the needs of the community.

High quality design: The proposed development has been subject to three separate design review processes and six individual design reviews. The most recent design review process, conducted by the State Design Review Panel, gave a rating of supported to all 10 design principles. This confirms, amongst other things, that the proposed development is of a high quality design and is appropriate having regard to the existing streetscape.

Compatibility of non-residential use: The use of a Residential Aged Care Facility is entirely compatible with and complimentary to the surrounding residential development (noting it is a 'permitted' use on the site). The form of development and nature of operations, which is in essence a home for its 80 residents, will ensure the use is compatible to its surroundings.

Compatibility of built form: The proposed development has been subject to extensive design review, most recently by the SDRP. The SDRP considers elements relating to context and character, built form and scale. The SDRP gave a rating of support to these design elements. As outlined in the Architectural Statement (**Appendix 3**), the building has been carefully designed to be compatible with and complements the existing mixture of buildings and land uses in the immediate locality.



LEGEND

- Subject Site
- LOCAL SCHEME RESERVES**
- Public Open Space
- Local Road
- LOCAL SCHEME ZONES**
- Private Community Purposes
- Residential
- OTHER**
- R Codes
- Additional Uses

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9.2.2 Land use and the ‘Additional Use’

In addition to the ‘Residential’ zoning of the site, the land is also subject to a site-specific ‘Additional Use – A9’ designation. The Additional Use designation is documented in Table 4 of LPS3, which lists a ‘Residential Aged Care Facility’ as an additional **permitted** use.

The proposed development is classified as a ‘Residential Aged Care Facility’, as defined in Part 6 (Clause 38) of the scheme as follows:

“a residential facility providing personal and/or nursing care primarily to people who are frail and aged and which, as well as accommodation, includes appropriate staffing to meet the nursing and personal care needs of residents; meals and cleaning services; furnishings, furniture and equipment. May also include residential respite (short term) care but does not include a hospital or psychiatric facility.”

The proposed use is capable of approval ‘as of right’ on the site, subject to compliance with other planning requirements of the scheme. It is important to note that the subject site is the only location within the City south of Stirling Highway where this use is a ‘P’ – permitted land use (a RACF is a discretionary use in the Residential zone).

9.2.3 Incidental Use of Wellness Centre

The proposed development includes a ground floor wellness centre which is an incidental use. This characterisation is appropriate as it predominantly services the residents of the care facility. This includes medical consulting and treatment rooms, a gym for physical therapy and rehabilitation, and a hair salon.

It should be noted that the wellness centre will not operate as a ‘Medical Centre’ use. The external use will be restricted to aged persons (a person aged 55 years or over as per the R-codes Vol 1 definition) and to no more than 30% of total patronage, totalling a maximum of 10 external client appointments per day. The wellness centre will also have the capability to provide health and personal services to the elderly residents of the adjoining Melvista Lodge retirement village within the 30% cap.

As the external use of the wellness centre is incidental to its majority use by the care facility residents, it falls under the predominant use of ‘Residential aged care facility’ and is not a use in its own right.

Unlisted use

Should the external use component of the wellness centre be classified as a separate use, it is best characterised as an ‘unlisted use’ (because it is not a Medical Centre due to the age restrictions on clients) and is therefore capable of approval. A condition of development approval could be drafted to ensure the use operates at a scale that does not have an undue impact on the amenity of the locality (number of external appointments, age of clients, hours of operation).

Consulting rooms

Notwithstanding all of the above, if the external use component of the wellness centre by aged persons is considered to be a separate land use (but not an unlisted use) it can still be approved as a ‘Consulting Rooms’ which is an ‘A’ – advertising required/discretionary land use in the ‘Residential’ zone. Consulting rooms is defined by LPS3 as:

means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.

Scheme is 'due regard'

In any event, the WAPC is not bound by LPS3 and is only to have due regard to the scheme under s.275(6) of the *Planning and development Amendment Act 2020*.

9.2.4 Development Requirements

LPS3 does not contain any specific development standards or requirements that would apply to the development of the site for a RACF, including building height, setbacks, plot ratio or car parking.

Under these circumstances, assessment of the development is principally guided by clause 67 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, which would include any recommendations from the State Design Review Panel and any Local Planning Policy (to the extent that a particular LPP applies, including the weight to be given to an LPP).

9.3 Local Planning Policies

The City of Nedlands has several Local Planning Policies in place to guide decision making.

When assessing any development against the provisions of a Local Planning Policy it is important to note that LPP's are a tool to assist with decision-making. LPP's should not be applied slavishly or inflexibly regardless of other competing planning considerations.

Where a Local Government has changed a LPP in an apparent attempt to defeat a specific development application, little or no weight should be given to the LPP. This is relevant as the City has changed its Aged Care LPP from one that the development complied with, to one that, in effect, makes the development of any residential aged care facility on the subject site unviable, including the current proposal.

9.3.1 Residential Aged Care Facilities Local Planning Policy (April 2020)

The City first adopted its Residential Aged Care Facilities Local Planning Policy (**April 2020 Aged Care LPP**) on 28 April 2020. The purpose of the policy was to provide guidance and development requirements for residential aged care facilities within the City of Nedlands (**Appendix 13**).

The key aspects of the April 2020 Aged Care LPP that are relevant to the subject site include (but are not limited to):

- A maximum building height of 4 storeys.
- A plot ratio of 1:1 (assessed against the R-codes plot ratio definition).
- Street setbacks of 2.0m minimum.
- Side setbacks of 3.5m minimum average.

The April 2020 Aged Care LPP was **in place and applied at the time the application was lodged with the WAPC**. The proposed development complies with the April 2020 Aged Care LPP. In accordance with clause 67(w) of the deemed provisions *the history of the site* is a relevant consideration, including the April 2020 Aged Care LPP that applied at the time the application was lodged.

9.3.2 Revocation of the April 2020 Residential Aged Care Facilities Local Planning Policy

An Elected Member notice of motion at Council's meeting held on 28 July 2020 sought to revoke the April 2020 Aged Care LPP. The motion included the following commentary, which clearly references the proposed development and suggests it was imperative to accelerate the advertising process of a new Aged Care LPP before the impending DAP meeting:

*If the LPP adoption decision is rescinded, and the advertising of the Scheme Amendments is not complete, before **the current JDAP application** is put before the decision maker, there will be few controls in place to guide the decision maker. A modified LPP which has been advertised and that advertising has been completed **will be given 'due regard' by the decision maker**, if that process is finalised prior to the 28th August 2020 which is the current RAR due date for the current development application.*

The revocation took effect on 1 August 2020.

For the following reasons it is clear the revocation and subsequent adoption of a new RACF LPP was in direct response to the proposed development application.

- The effect of revoking the LPP meant there would be no policy in place for the JDAP to have 'due regard' to when determining the development application; noting the application complied with the April 2020 Aged Care LPP.
- Typically, if an LPP requires revision it is amended, not revoked, and then wholly replaced.
- Once revoked, the clear objective was to have a replacement Aged Care LPP advertised by the time the development application was scheduled to be determined by the JDAP. The deliberate timing was to allow the JDAP to have 'due regard' to the new, more restrictive Aged Care LPP ('due regard' to be given to an advertised planning instrument).
- The April 2020 Aged Care LPP was only in place for only 3 months before the Council revoked it. The proposed development was the only RACF development considered under the April 2020 Aged Care LPP.

9.3.3 Residential Aged Care Facilities Local Planning Policy (September 2020)

On 4 August 2020 the City adopted for advertising a new draft RACF LPP (**Appendix 14**). The new RACF LPP was adopted by council on 3 September 2020 (**September 2020 Aged Care LPP**). The September 2020 Aged Care LPP imposes development standards that are specific to the subject site which, in effect, make the development of Residential Aged Care on the site unviable. These provisions include:

- Street and side setbacks that are more restrictive than would be applied to a single dwelling or multiple dwelling.
- Capping building height to two storeys.
- A maximum plot ratio of 1.0 with plot ratio defined as per the LPS3 definition, not the R-codes definition which is read into the Scheme.
- 50% of the site area is provided as open space (ie not built on).

9.3.4 Local Planning Policy – Parking

The City's Parking Local Planning Policy (**Parking LPP**) defines the parking standards for residential and non-residential developments within the City. The parking policy includes parking ratios for a Residential Aged Care Facility and other associated incidental land uses. At the time of preparing this report the City was considering an amendment to the Parking LPP to increase the number of parking bays required for a RACF from 4 bays per bed to 3 bays per bed.

9.3.5 Local Planning Policy – Landscaping

The City's Landscaping Local Planning Policy (**Landscaping LPP**) encourages the provision and maintenance of landscaping for all non-residential development, grouped and multiple dwelling developments. This policy should be read in conjunction with State Planning Policy 7.0 and draw upon the landscaping provisions of the R-codes Volume 2 for guidance where applicable. Detailed landscape plans are contained in **appendix 3**.

9.3.6 Local Planning Policy – Waste Management

The City's Waste Management Local Planning Policy (**Waste LPP**) details the requirements relating to waste management and minimisation to be considered in the design of any proposed development as per the City's Waste Management Guidelines. A Waste Management Plan has been prepared in accordance with the Waste LPP Guidelines (**Appendix 9**).

10 Development Assessment

10.1 Plot ratio

LPS3 does not prescribe a plot ratio standard or requirement for a RACF development or land use. Therefore, there is no statutory obligation under the scheme to require an assessment of plot ratio for the proposed development.

The City's Aged Care LPP included provisions for assessing the plot ratio of a RACF. The April 2020 Aged Care LPP referenced the R-codes definition; the reactive September 2020 Aged Care LPP references the LPS3 cl.37 definition. These definitions are discussed below. As noted previously, LPP's are a tool to assist with decision-making. LPP's should not be applied slavishly or inflexibly regardless of other competing planning considerations.

10.1.1 Plot ratio definition

LPS3 contains two definitions for plot ratio. The first is contained in clause 37, Division 1 – General definitions used in the scheme. The second definition is from the R-codes. The R-codes are read into the scheme by clause 25(1), elevating the R-codes to have the same weight as the scheme itself.

LPS cl 37 definition

The LPS3 cl. 37 definition references the definition of 'floor area' (a defined term in LPS3), which in turn references the 'Building Code'. Cl. 37 defines plot ratio and floor area as follows:

Plot ratio means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located.

Floor area has the meaning given in the Building Code.

The National Construction Code defines floor area as follows:

Floor area means –

- (a) in relation to a building – the total area of all storeys; and
- (b) in relation to a storey – the area of all floors of that storey, measured over the enclosing walls, and includes –
 - (i) the area of a mezzanine within the storey, measured within the finished surfaces of any external walls; and
 - (ii) the area occupied by any internal walls or partitions, any cupboard, or other built-in furniture, fixture or fitting; and
 - (iii) if there is no enclosing wall, an area which has a use that
 - (A) contributes to the fire load; or
 - (B) impacts on the safety, health or amenity of the occupants in relation to the provisions of the BCA; and
- (c) in relation to a room – the area of the room measured within the finished surfaces of the walls, and includes the area occupied by any cupboard or other built-in furniture, fixture or fitting; and
- (d) in relation to a fire compartment – the total area of all floors within the fire compartment measured within the finished surfaces of the bounding construction, and if there is no bounding construction, includes an area which has a use which contributes to the fire load; and
- (e) in relation to an atrium – the total area of all floors within the atrium measured within the finished surfaces of the bounding construction and if no bounding construction, within the external walls.

In simple terms, the cl. 37 definition of plot ratio includes all the building floor area.

LPS3 cl. 25(1) definition (R-Codes)

The R-codes definition of plot ratio is as follows and includes 'plot ratio area' which is also a defined term in the R-codes):

- Plot ratio** - *the ratio of the gross **plot ratio area** of buildings on a development site to the area of land in the site boundaries.*
- Plot ratio area** - *the gross total area of all floors of buildings on a development site, including the area of any internal and external walls but not including:*
- *the areas of any lift shafts*
 - *stairs or stair landings common to two or more dwellings*
 - *machinery, air conditioning and equipment rooms*
 - *space that is wholly below natural ground level*
 - *areas used exclusively for the parking of wheeled vehicles at or below natural ground level;*
 - *storerooms*
 - *lobbies, bin storage areas, passageways to bin storage areas or amenities areas common to more than one dwelling*
 - *balconies, eaves, verandahs, courtyards and roof terraces.*

10.1.2 The preferable definition

The appropriateness of built form and scale is best determined having regard to the character and context of a site, and how finer grained building details can be arranged to integrate with the surrounds. This is the objective of State Planning Policy 7.0 which seeks to achieve design lead development outcomes as opposed to 'compliant / non-compliant' codified design outcomes.

If plot ratio is to be one of the metrics used to assess the development, the R-codes definition is preferable for the following reasons:

- The purpose of the R-codes is to: "...provide a comprehensive basis for the control of **residential development** throughout Western Australia." [emphasis added]
- Whilst a residential aged care facility is not a residential development for the purposes of the R-codes it is expressly defined by the scheme as a residential facility, as follows:

*means a **residential facility** providing personal and/or nursing care primarily to people who are frail and aged and which, as well as accommodation, includes appropriate staffing to meet the nursing and personal care needs of residents; meals and cleaning services; furnishings, furniture and equipment. May also include residential respite (short term) care but does not include a hospital or psychiatric facility.* [emphasis added]
- Given a residential aged care facility is a "residential facility", and the purpose of the R-codes is to control "residential development", and the development is on land zoned 'Residential', it follows that the R-codes definition of "plot ratio" best applies to the development.
- Conversely, the cl. 37 definition of plot ratio is a general definition, whereas the R-codes definition is more specific as it applies to residential land uses.
- The R-codes definition was applied in the City's April 2020 Aged Care LPP, which allowed an R-codes plot ratio of 1.0 for the subject site.
- The proposed development has a plot ratio of 1.0 (1.02, rounded to 1.0).

10.1.3 Examples of the City’s application of plot ratio and open space

The City’s current approach to plot ratio (LPS3 cl. 37 definition) through its September 2020 Aged Care LPP is inconsistent with how it has assessed plot ratio or site coverage for other non-residential developments.

The City’s DAP Responsible Authority Report (RAR) relating to the ‘Captain Stirling redevelopment’ included an assessment of plot ratio¹. The development is purely non-residential. The City’s RAR assessed the plot ratio at 7,754m² (0.61), however a review of the plans indicates this area appears to be the net lettable area, not plot ratio as defined by cl. 37 of LPS3. The definition of net lettable area in LPS3 excludes substantial areas of plot ratio.

The City’s LPP – Childcare Premises provides a series of standards and requirements to guide the development of childcare premises. The policy applies the open space development standards of the R-codes, notwithstanding a childcare premise is a non-residential development.

The above are two examples of how the City has inconsistently applied and assessed the coverage of a site and plot ratio. On one hand an R-codes definition is applied, and on the other net lettable area has been used to assess the plot ratio of a commercial development.

This further reinforces the proposition that the September 2020 Aged Care LPP has been implemented to deliberately thwart the development of a viable, and appropriately scaled residential aged care facility on the subject site.

10.2 Residential Aged Care Facilities LPP (April 2020)

The City’s RACF LPP (April 2020) was adopted by Council on 28 April 2020. The purpose of the policy was to provide guidance and development requirements for residential aged care facilities within the City of Nedlands.

The April 2020 policy was in force at the time the development application was lodged with the WAPC, with all design and development of the RACF being guided and informed by this Local Planning Policy.

An assessment against the applicable provisions of the policy are provided in **Table 4** below:

Table 4: Assessment against applicable Aged Care policy provisions

Clause/Provision	Assessment	Compliance
4.2 Design Requirements		
4.2.1 A Residential aged care facility shall comply with the front setback and open space requirements of the City’s LPS3 clause 26 (1) and (2).	Clause 26 of LPS3 establishes front setback and open space requirements for properties coded R10, R12.5, R15 and land coded R30 or less. LPS3 does not apply a residential density coding to the subject site, hence, it is not subject to the Clause 26 setback and open space requirements.	N/A
Although a commercial land use, a Residential aged care facility on Residential and Mixed Use zoned land must satisfy the relevant provisions of the applicable R-Code to the satisfaction of the City. [emphasis added]		Noted
4.2.4 For lots equal to or larger than 2,000m ² and/or adjacent to a Mixed Use area or public open space, a higher density code may be considered at the discretion of the City where applications meet the default Acceptable Requirements outlined in Table 2.1 Primary controls table applicable to Multiple Dwellings with an R80	The subject site has an area of 2,980m ² and is eligible for consideration under this clause, in accordance with the following primary controls.	✓

¹ Metro Inner-North Joint Development Assessment Panel 29.06.2020; meeting number MINJDAP/15; item number 8.1

Clause/Provision	Assessment	Compliance
Primary Controls (as per Local Planning Policy)		
Site R-Coding: R80		
Building height (storeys): 4	The proposed building does not exceed four storeys in height.	✓
Boundary wall height (storey): 1 <i>(one boundary, one storey in height from NGL and not exceeding 2/3 length of that boundary).</i>	The proposed building does not include any buildings on the boundary.	N/A
Minimum primary street setback: 2m	The building setback from both street frontages exceeds 2m as follows:	✓
Minimum secondary street setbacks: 2m	Doonan Road: 4.9 - 10.9m (2.5m balcony setback) Betty Street: 4.9 - 10.9m (2.5m balcony setback)	✓
Minimum side setbacks: 3m	Side setbacks exceed the 3m minimum. Northern boundary: minimum 3.5m Southern boundary: minimum 4.0m	✓
Minimum rear setbacks: 3m	No rear setbacks.	N/A
Average side setback where building length exceeds 16m: 3.5m.	Average side setbacks exceed 3.5m.	✓
Plot ratio: 1.0	1.02 : 1.0 (3,060m ²) – complies when rounded	✓

4.3 Streetscape Character

4.3.1 The design and siting of residential aged care facilities shall have regard to the existing neighbourhood character and amenity and be designed to reflect a residential appearance from the street(s), particularly regarding the following elements:

The proposed development has regard for the existing character of the neighbourhood through building height, mass, material treatment and landscaping.

The building mass of levels one and two have been vertically divided by a centrally located recession in the façade that frames a large feature tree and creates two building volumes that approximate the size and scale of the residential housing of the surrounding streetscape.

The residential character of the development is further enhanced by extensive landscaping which is assessed separately in this report.

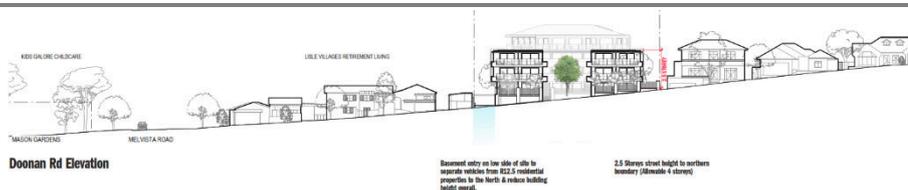


Figure 16: Doonan Road elevation illustrating façade presentation as two Nedlands “houses”.

Clause/Provision	Assessment	Compliance
4.4 Building and roof form		
4.4.1 Building height and setback, with height situated on the site to minimise amenity impacts to neighbouring properties and the streetscape	The building takes advantage of the topography of the site to provide a four-storey building that does not overwhelm the surrounding residential houses. The third level is also setback from the street and allows the building to present as a three storey building as illustrated in Figure 17 below:	✓



Figure 17: 3D render of Doonan Road perspective demonstrating that the building presents as a three storey building from the ground level.

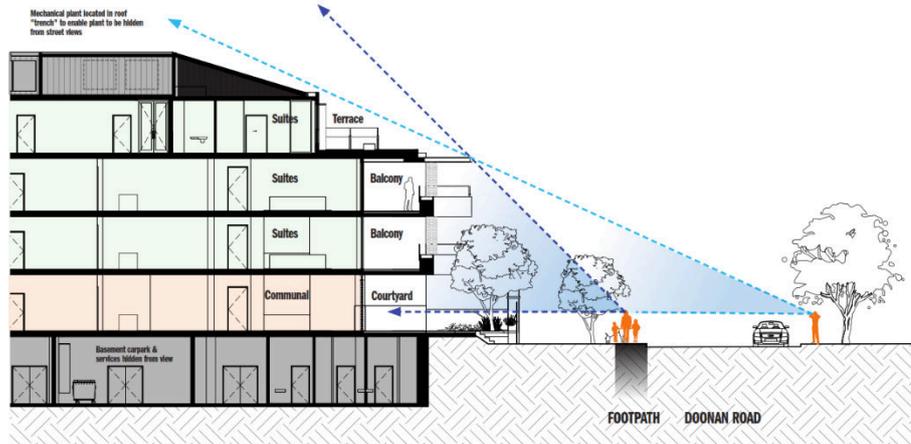


Figure 18: Illustration demonstrating that the building presents as three storeys from a pedestrian perspective on both sides of Doonan Road

4.4.2 Design detail, including façade articulation, verandas, window and door style and placement; and	Both the eastern and western elevations have been articulated by outdoor living areas, planter boxes, window glazing, awnings and balustrades	✓
4.4.3 Building materials, colours and finishes and their effect upon the developments interface with the public domain.	The façade treatment predominantly incorporates feature brick cladding that grounds the building in the residential character of the neighbourhood, complemented by rendered balcony planters and glass balustrades. The material and colour palette is warm, robust and tactile enhancing the character of the street.	✓

Clause/Provision	Assessment	Compliance
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Figure 19: Portion of western elevation fronting Betty Street

4.5 Visual Privacy		
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4.5.1 Where located adjacent to residential properties, residential aged care facilities are to be designed so that major openings to residential or care rooms, operational rooms or amenities (including common areas, dining rooms and recreation areas) frequented by staff and residents of the development that have a finished floor level raised 0.5 metres or more above natural ground level which overlook any part of an adjoining residential property behind its street setback line are to:

4.5.1.1	Be setback, in direct line of sight, a minimum of 6.0 metres from the boundary of the adjoining residential property (as measured from a 45-degree cone of vision from the external face of the opening); or	All major openings facing the southern and northern boundaries comply with the minimum 6m setback.	✓
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4.5.1.2	Be provided with permanent vertical screening or glazing to a minimum height of 1.6 metres above the finished floor level;		N/A
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4.5.2 All unenclosed outdoor spaces (balconies, decks, verandas and the like) where the finished floor level is raised 0.5 metres or more above natural ground level which overlook any part of an adjoining residential property behind its street setback line, are to:

4.5.2.1	Be setback, in direct line of sight, a minimum of 7.5 metres from the boundary of the adjoining residential property (as measured from a 45-degree cone of vision from the external perimeter of the unenclosed outdoor space); or	All unenclosed outdoor spaces are setback at least 7.5m from the northern and southern boundaries.	✓
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4.5.2.2	Are provided with permanent screening. Screening devices such as obscure glazing, timber screens, external blinds, window hoods and shutters are to be at least 1.6m in height, at least 75% obscure, permanently fixed, made of durable material and restrict view.		N/A
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4.6 Landscaping		
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4.6.1	A high quality of landscaping shall be provided to soften the appearance of the development, screen car parking areas and provide an attractive aspect that is compatible with the streetscape and amenity of surrounding residential properties.	The development will retain four trees on-site along the northern boundary. Two large feature trees at the centre of each street frontage with additional smaller tree plantings along the street boundaries are also proposed. Landscaping planter boxes provide further street definition and support low gardens that maintain surveillance of the street whilst providing a sense of enclosure to the semi-private courtyards. On upper levels, planters along	✓
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Clause/Provision	Assessment	Compliance	
	outdoor living areas and balconies soften the building façade and provide screening towards the northern and southern adjoining properties.		
4.6.2	A minimum of twenty-five per cent (25%) of the site area is to be landscaped, and a minimum of fifty per cent (50%) of the front setback area is to be soft landscaping.	855m ² (28%) of landscaping has been provided in excess of the 745m ² (25%) required. Well in excess of the minimum 50% of the front 2m setback is soft landscaping. 392m ² (13%) of the site area has been provided as deep soil zone.	✓
4.6.3	The development is to be designed to maximise the retention of existing mature trees on the site as well as existing Council verge trees.	A total of 4 existing trees along the northern boundary are proposed to be retained as part of the development. All verge trees along street frontages will be preserved.	✓
4.6.4	Where a vehicle access way or car parking area is located adjacent to any residential property and is unable to be located elsewhere, it shall be setback behind a planted perimeter strip of at least 1.0 metre in width between the car park/vehicular access way and any adjoining residential property.	The proposed vehicle ingress and egress to the basement level is setback 0.6m from the lot boundary, separated by a boundary wall and planters. The proposed driveway abuts an existing driveway and carparking area servicing the adjoining Melvista Lodge. The minor variation will not impact the amenity of the adjoining development.	✓ Variation acceptable
4.6.5	Where a car parking facility or area is provided at ground level, (open air) a landscaping plan shall be provided demonstrating appropriate planting of 1 mature tree per every 6 car parking bays with that car parking area to provide adequate shading and landscaping is encouraged to provide buffering between the facility and any adjacent residential properties		N/A
4.7 Boundary Fencing			
4.7.1	New or upgraded boundary fencing should be a minimum of 1.8 metres height and be in a colour and material that are compatible to any neighbouring residential properties.	Boundary fencing along the southern and northern boundaries does not exceed 1.8m in height. Along a portion of the southern boundary there will be a section of 2.4m high acoustic screen. The screen will be setback 6.0m from Betty Street and abuts a communal driveway on the adjoining Melvista Lodge / Nursing Home site.	✓ Section of 2.4m acoustic wall acceptable
4.7.2	Boundary fencing proposed to be over 1.8 metres in height, or in a material not specified as acceptable in the City's Local Planning Policy – Fill and Fencing, shall require development approval	The boundary wall is constructed of masonry, which is an acceptable material under the policy.	✓
4.8 Location of Building Services and Bin Storage Area			
4.8.1	Delivery, loading and building service areas are to be located so that they are not visible from the street or adjoining residential properties.	These areas are located in the basement parking structure accessible via the access ramps. They are not visible from adjoining residential properties. Bin collection will take place in the basement driveway which is ramped below street level and screened by a planted overhead pergola structure.	✓
4.8.2	Bin storage areas are to be appropriately screened and located so that they do not negatively impact the amenity of surrounding residential properties by way of visual nuisance, odours or other impacts.	A fully enclosed bin storage area is located on the basement level, completely isolated from surrounding residential properties.	✓

Clause/Provision	Assessment	Compliance
4.8.3	A waste management plan, detailing the management and removal of waste from the site, is required to be submitted as part of a development application in accordance with the City's Local Planning Policy Waste Management and Guidelines.	A Waste Management Plan has been prepared by Talis (Appendix 10). ✓
4.9 Traffic Impact		
4.9.1	A Transport Impact Statement (TIS) or Transport Impact Assessment (TIA) prepared by a suitably qualified independent traffic consultant is required to be submitted as part of a development application, which assesses the likely traffic impact associated with the proposed residential aged care facility development in accordance with WAPC Guidelines.	A TIA has been prepared by KCTT (Appendix 9). ✓
4.10 Pedestrian Access		
4.10.1	Pedestrian entrances into buildings shall be clearly identified to provide a well designed and welcoming public domain interface for all users.	The main pedestrian entrance to the building is from Betty Street with the access path designed for at grade entry. The entry courtyard is generous and welcoming with substantial landscaped areas. ✓
4.10.2	Levels shall allow dignified and equitable accessibility and unobstructed activity to flow between the development and the public domain at ground floor.	The main entry has been designed to provide at grade access to the subject site. ✓
4.10.3	Pedestrian pathways on the site shall be clearly identifiable, linked with public pedestrian pathways and clearly separated from vehicle access roads, to provide a functional and safe passage to the development.	<p>Pedestrian pathways on the Betty Street frontage link directly with the street footpath in two locations, on at grade and another by several steps providing a clearly identifiable and legible link to the local pedestrian network. A secondary access is provided to the Doonan Road frontage. ✓</p> <p>Vehicle access is located on the southern boundary and is entirely separate from the pedestrian entries</p> <p>Vehicular access is also restricted to a one-way system with an entry off Betty Street and an exit onto Doonan Road. This reduces access to the site to single width crossovers to each street, improving the on street pedestrian environment.</p>
4.11 Location of Vehicular Access and Car Parking		
4.11.1	Vehicle parking shall be contained on-site to avoid street and verge parking associated with the use.	All parking is retained on site. ✓
4.11.2	Vehicle parking areas shall be located to the rear of the site and screened from view of the neighbouring residential properties. Visitor parking in the front setback of the lot may be considered by the City.	Vehicle parking areas are located in the basement and are not visible from neighbouring residential properties. ✓

Clause/Provision	Assessment	Compliance
4.11.4 Parking ratios shall be in accordance with the City's Local Planning Policy Parking.	Parking is provided in compliance with the City's Parking Local Planning policy.	✓

As demonstrated in the table above, the proposed development is fully compliant with the relevant requirements of the City's April 2020 Aged Care LPP, the applicable policy at the time the application was lodged with the WAPC.

10.3 Residential Aged Care Facilities Local Planning Policy (September 2020)

The proposed development does not comply with the September 2020 Aged Care LPP. For the reasons discussed throughout this report, limited to no weight should be given to this Local Planning Policy.

10.4 Local Planning Policy – Parking

Local Planning Policy – Parking (Parking policy) defines the parking standards for residential and non-residential developments within the City. An assessment against the parking requirements is provided in **Table 3** below:

Table 3: Assessment against the parking policy

Land Use	Minimum no. of Car Parking Bays Required	Parking Calculation	Parking Provision
Residential aged care facility	12, or 1 per every 3 beds (whichever is greater).	27 car bays required	The development provides 30 car bays and 1
Incidental use – Wellness Centre	No minimum requirements	80 beds	Ambulance parking / van loading bay
Surplus (+) or deficit (-) of parking			+3 car bays

* As per the City's Draft amendments to the Parking LPP. Current rate is 12, or 1 per every 4 beds (whichever is greater).

As demonstrated in the table above, the proposed development provides three bays more than the minimum requirements. The additional three bays provide for the small number of external visitors associated with the wellness centre. The proposed parking provision is consistent with the requirements of the Parking LPP and warrants approval accordingly.

10.5 Traffic

The proposed development is supported by a Transport Impact Statement prepared by KCTT. The statement concludes that the proposed residential aged care facility will not have a negative impact on the surrounding road network. The findings of the statement are summarised as follows:

- The additional traffic attracted to the subject site is expected to increase by a maximum of 151 vehicular trips per day and 14 vehicular trips in the AM peak and 15 vehicular trips in the PM peak hour.
- Betty Street and Doonan Road are both classified as Access Streets as per MRWA classification with the maximum desirable volume of 3,000 vehicles per day. Currently both these streets carry less than 300 vehicles per day. Therefore, with the added traffic from the subject site the streets would remain well under the maximum desirable traffic volume for Access Streets.
- Other surrounding roads would absorb significantly less traffic, moreover, the traffic would be dispersed so that the impact can be considered negligible.
- The grade and geometry of ramping and associated overhead clearance allows rubbish trucks to enter and exit the subject site.

In summary the proposed residential aged care facility will not have a negative impact on the surrounding road network. Refer **appendix 9** for a copy of Transport Impact Statement.

10.6 Local Planning Policy – Landscaping

The City's *Local Planning Policy – Landscaping (Landscaping LPP)* encourages the provision and maintenance of landscaping for all non-residential development, grouped and multiple dwelling developments. An assessment of the proposed landscaping against the policy is provided in **Table 4** below.

Table 4: Assessment against 4.1 Non-Residential landscaping requirements

Clause/Provision	Assessment	Compliance
The following criteria will apply when preparing the landscaping plan:		
a) At least 50% of street setback area(s) using soft landscaping treatments, unless otherwise approved by the City.	At least 50% of the street setback area has been provided with soft landscaping.	✓
b) One shade tree being provided for every 4 continuous open car parking bays.	No open car parking bays are proposed.	N/A
c) In cases where car parking bays are not located within the street setback area, at least one tree for every 10m across a lot's street frontage is to be provided, unless otherwise approved by the City.	The site has 80.48m of street frontage requiring a minimum of 9 trees (rounded up). 12 trees have been provided as follows: <ul style="list-style-type: none"> • 2 x large and 4 x medium size trees to be provided along Betty Street frontage. • 1 x large trees and 5 x medium size trees to be provided along Doonan Road frontage. 	✓
d) Plants being setback an adequate distance from driveways, crossovers, footpaths and truncations so as not to obstruct driver and/or pedestrian sightlines when they reach full maturity.	Trees have been appropriately selected and located to ensure drive and pedestrian sightlines are maintained.	✓
e) The retention of mature trees where practicable, unless otherwise approved by the City. If sufficient justification for removal of significant trees, the City will expect equivalent trees to be planted elsewhere on the site.	Four mature trees along the northern boundary are proposed to be retained.	✓
f) The avoidance of landscaping which will fully obstruct surveillance from the property to the street, and vice versa.	Low planting along the site boundaries permits surveillance from the administration rooms on the ground floor, whilst providing partial screening of views to ground floor suites, however additional street surveillance is provided from balconies on the upper levels across the both site frontages.	✓
g) Landscape design which will not provide concealment or entrapment areas.	The site will operate 24/7 and provide a high degree of activity that will discourage anti-social activity.	✓
h) The use of a variety of landscaping to create interesting built environments.	The proposed landscaping creates layered and experiential landscapes that provide sensory richness and a quality setting for residents of the proposed facility.	✓

10.7 Local Planning Policy – Waste Management

The City *Local Planning Policy – Waste Management (Waste LPP)* details the requirements relating to waste management and minimisation to be considered in the design of any proposed development as per the City's Waste Management Guidelines. A Waste Management Plan has been prepared by Talis in accordance with the Waste LPP Guidelines.

We note that in accordance with the Waste Management Plan provided, the proposed development seeks to utilise the City's waste services for waste collection arrangements.

Refer **appendix 10** for a copy of the Waste Management Plan.

10.8 Acoustic Assessment

An Acoustic Report has been prepared by Gabriels Hearne Farrell for the proposed development. The assessment has modelled and assessed potential noise sources associated with the proposed development and provides the following recommendations for the implementation of various noise control requirements:

- A minimum 2400 mm high solid acoustic screen will be required along a portion of the southern boundary, set back 6.0m from the Betty Street frontage.
- Delivery/service vehicles shall only enter the site between 7 am and 7 pm, Monday to Saturday;
- The fire pumps shall be packaged attenuated units with an engine radiated noise level of no greater than 88 dB(A) at 1 metre (eg Allied Pumps Enviropac Class 1 Attenuation). High grade mufflers/attenuators shall be provided for the diesel exhaust, and the exhaust cowls to be located in the roof-top plant area. The fire pumps shall only be tested between 7 am and 7 pm, Monday to Saturday;
- If the fire pump room has ventilation through the façade that exceeds 2 m² in area, 300 mm acoustic louvres will be required;
- The emergency generator shall be a packaged attenuated genset and shall only be tested between 7 am and 7 pm, Monday to Saturday;
- The top of the skillion roof shall be no less than 2100 mm above the 'floor' of the roof-top plant compound; and,
- The air-conditioning condensers shall incorporate a night setback mode which achieves a minimum 5 dB noise reduction.

Refer **appendix 11** for a copy of the Acoustic Report.

10.9 Environmental Sustainability

Oryx has engaged Full Circle Design Services to provide a brief summary of the Environmental Sustainable Design options for inclusion in the proposed development. The report concludes that the development targets excellence in design, minimisation of operational costs and a high level of amenity for staff, occupants, and visitors. The report provides details of various sustainable design initiatives, including the following key features:

- Building tuning and optimisation to be undertaken following practical completion to ensure building systems are operating to their design potential.
- A building metering and monitoring system to trend building systems. The mechanical BMS is to be used to read metres.
- A PV array of ~0.5kW per residential room will be included within the design.
- The design team are aiming to achieve a 10% improvement of the Building Code of Australia in Section J.
- The design includes a weather protected and conditioned lounge permitting oversight of the area for residents just sitting and viewing the neighbourhood.

Refer **appendix 12** for a copy of the ESD Sustainability Report.

10.10 Deemed provisions: Clause 67 Matters to be considered

Clause 67 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* set out a series of matters to be considered when assessing the development of a site, including the land use and resultant built form. Table 5 below identifies and addresses the relevant matters to be considered.

Table 5: Assessment against Clause 67 of the Deemed Provisions

Relevant matter to be considered and response

- (a) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*

Response:

The proposed development addresses the following aims of the scheme covered in clause 9 of LPS3, namely aims (a), (c), (h) and (j), by:-

- Aim (a):** Local character and amenity has been protected through the arrangement of built form, scale and materials proposed that ensure the development is appropriate to its setting and context. A supportive review of the plans by the SDRP independently confirms this.
- Aim (c):** The care facility will directly cater to the growing cohort of elderly requiring care within the Nedlands and Dalkeith community. The facility will be the only care facility in Nedlands south of Stirling Highway able to meet a considerable and growing local demand.
- Aim (h):** The care facility will provide local residents with an opportunity to age in place. Maintaining connections with local friends and family leads to good health outcomes.
- Aim (j):** The proposed land use will provide for local employment opportunities for a range of skilled and non-skilled employees.

The Scheme identifies the subject site as being the only location south of Stirling Highway where a residential aged care facility is a 'P' – permitted land use. The proposed development is at an appropriate scale to achieve the development of a permitted land use in a way that is sensitive to the surrounding context.

- (b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*

Response:

The City of Nedlands has initiated Amendment 10 (A10) to LPS3 which applies specifically to the subject site. The City did not consult with the owner of the land prior to initiating the amendment, nor did the owner request the amendment be progressed. The owner of the subject site will object to A10 in the strongest possible terms. The Amendment 10 will be advertised until 10 November 2020.

A10 introduces site specific development controls that are designed to thwart the proposed development in the same way the City's September 2020 Aged Care LPP attempts to do. Whilst A10 will be a seriously entertained planning proposal very little if any weight should be given to the Amendment.

(c) any approved State planning policy;

Response:

State Planning Policy 7.0 – Design of the Built Environment (SPP7) is a relevant consideration. SPP7 applies to a development application. The objectives of SPP7 include a coordinated strategy of design quality mechanisms to achieve high quality design outcomes and includes the design review process. The application has been subject to review by the SDRP. Whilst an advisory process, the WAPC is required to have due regard to the advice and recommendations of the review panel. In this instance, the SDRP has provided a rating of supported for all 10 design principles of SPP7.

(g) any local planning policy for the Scheme area;

Response:

The proposed development complies with the City's April 2020 Aged Care LPP. This LPP was revoked by the City as a reaction against the compliant and permitted development. The April 2020 Aged Care LPP was in place at the time the application was lodged with the WAPC.

The City's September 2020 Aged Care LPP includes provisions specific to the subject site designed to thwart the proposed development. This reactive policy should and must be given little to no weight.

The proposed development complies with the City's Parking and Waste Management LPP's.

(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;

Response:

The proposed development is compatible to its setting and surrounds for the following reasons:

- The immediate area is a mixture of land uses including single residential (large family homes), a retirement village, a vacant nursing home, public open space and a childcare centre. The proposed residential aged care facility use is compatible with this mixture of uses and is permitted on-site by the scheme.
- The development is appropriately set down and setback from the adjoining dwellings to the north and complies with the visual privacy requirements of the R-codes. The retention of and additional planting of trees on the northern boundary will enhance privacy and assist to screen the development.
- To the southern boundary (adjoining the retirement village) the building is appropriately set back to minimise overshadowing and protect privacy.
- The arrangement of built form on the site, combined with a pallet of materials that reflect the domestic context, ensures the proposed development is acceptable in terms of its appearance from the street.
- An extensive design review process has led to a series of building refinements that result in a development that is compatible with its surrounding.

- (n) ***the amenity of the locality including the following —***
 (i) ***environmental impacts of the development;***
 (ii) ***the character of the locality;***
 (iii) ***social impacts of the development;***

Response:

Locality character: The character of the locality is not homogeneous; in addition to large detached single dwellings, the site adjoins and is in close proximity to the decommissioned Melvista Nursing Home, Melvista Lodge retirement village, a childcare centre and public open space is on the opposite side of Melvista Avenue.

The addition of a permitted residential aged care facility is entirely in keeping with the character of the locality. The arrangement of built form and land uses on the subject site has been carefully considered to ensure the domestic character of the locality is maintained (recognising the area has a mixture of residential and non-residential uses).

Social impacts: The proposed development will have a positive social impact on the locality by providing housing choice to local residents that are required to live in a care facility. A local care facility ensures residents of Nedlands and Dalkeith maintain an enduring connection with local family and friends. This limits a sense of isolation and results in better health outcomes for the facility residents.

- (p) ***whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;***

Response:

The subject site will be comprehensively landscaped, with the SDRP giving the landscaping a rating of 'support'. A total of 19 new onsite trees are proposed with 3 additional verge trees and verge planting. A total of 4 existing trees will be retained on-site. Other key aspects are:

- Softscape to Setback area of 65%.
- Overall ground floor landscaped area: 855m² (28%).
- Deep Soil Zone: 392m².
- 323m² planting on structure.

- (s) ***the adequacy of —***
 (i) ***the proposed means of access to and egress from the site; and***
 (ii) ***arrangements for the loading, unloading, manoeuvring and parking of vehicles;***

Response:

Access and egress to the site is via two single crossovers. The access points service a one-way driveway that ramps down to a basement carpark off Betty Street and ramps back up to Doonan Road. This arrangement will provide appropriate and adequate access for staff and visitors. A Transport Impact Statement has been prepared and confirms there is adequate manoeuvring space to provide for the delivery of goods and collection of waste.

- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;**

Response:

A Transport Impact Statement has been prepared in support of the proposed development to confirm the existing road network is capable of safely accommodating the proposed development.

- (u) the availability and adequacy for the development of the following —**
- (i) public transport services;**
 - (ii) public utility services;**
 - (iii) storage, management and collection of waste;**
 - (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);**
 - (v) access by older people and people with disability;**

Response:

Public transport: Bus services are located on Melvista Avenue and run past the site (along Betty Street, Melvista Avenue and Doonan Road). Stirling Highway is a high frequency bus route and is 840m (approximately 10 minutes' walk) from the subject site. The site is adequately serviced by public transport.

Public utilities: The development can be serviced by existing public utilities.

Waste: The subject site has the capacity to store all waste on-site in a dedicated basement waste storage area. A Waste Management Plan and Transport Impact Statement confirms storage and access arrangements are acceptable.

Pedestrian and cyclist facilities: End of trip facilities are provided.

Access: As a dedicated residential aged care facility, the development will provide full access to the elderly and disabled.

- (w) the history of the site where the development is to be located;**

Response:

The City rescinded its April 2020 Aged Care LPP. The proposed development was designed in accordance with the LPP and was fully compliant with the LPP which was in place at the time the application was lodged with the WAPC. Notwithstanding the City's rescission of the LPP it remains a relevant consideration and should be given primacy above the replacement September 2020 Aged Care LPP which was designed to thwart the proposed development.

- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;**

Response:

The proposed development will have a lasting and enduring positive impact on the whole community on the basis the facility will care for over 2,000 residents during the 50+ year lifespan.

(y) any submissions received on the application;

Response: Submissions on the WAPC application are to be considered.

(za) the comments or submissions received from any authority consulted under clause 66;

Response: Submissions on the WAPC application are to be considered.

(zb) any other planning consideration the local government considers appropriate.

Response: Submissions on the WAPC application from the local government are to be considered.

11 Conclusion

The proposal seeks approval for the demolition of existing residential dwellings and the redevelopment of the subject site as a residential aged care facility owned and operated by Oryx Communities. The proposal will provide much needed housing diversity and choice for or older persons in the community and allow long-standing residents to “age in place”.

In summary, the proposed development is justified and appropriate for the following reasons:

- (i) The proposed development will make a positive contribution to the community and will assist with the state economic recovery from the COVID-19 pandemic.
- (ii) The proposed development has been subject to extensive design review. The State Design Review Panel has provided a rating of ‘support’ against all 10 design principles of State Planning Policy 7.0.
- (iii) The proposal is consistent with the relevant provisions and requirements of the City of Nedlands Local Planning Scheme No. 3 as it applies to the subject site, noting the use is a permitted use.
- (iv) The proposed development complies with the City’s Residential Aged Care Facilities Local Planning Policy that was in place at the time the application was lodged with the WAPC. This policy also informed the development of plans prior to lodging the application.
- (v) The City’s September 2020 Residential Aged Care Facilities Local Planning Policy contains provisions specific to the site which are designed to thwart the proposed development, making any viable RACF incapable of approval on the subject site. Such a policy should be given little or no weight.
- (vi) The proposed development complies with the City’s other Local Planning Policies.
- (vii) The operator has engaged in community consultation.
- (viii) The proposal is supported by a transport impact statement which concludes that the proposed development will not have a negative impact on the surrounding road network.
- (ix) The proposed development will provide for increased housing diversity and choice for older people looking to age in place.
- (x) The proposed development will not have any impact on the amenity of adjoining owners or occupiers and satisfactorily mitigates any overlooking of adjoining properties.

We therefore respectfully request that this Application for Development Approval be considered on its merits and favourably determined by the Western Australian Planning Commission.