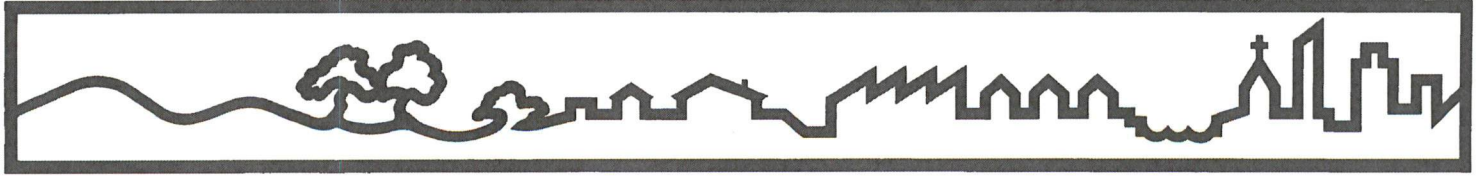


PETER WEBB AND ASSOCIATES



CONSULTANTS IN TOWN PLANNING AND URBAN DESIGN

1 February 2019

Our Ref: C2303-06

Chief Executive Officer
City of Kalamunda
PO Box 42
KALAMUNDA WA 6926

Attention: Mr Andrew Fowler-Tutt – Manager Approval Services

Dear Sir/Madam

**DR163/2018 BURSWOOD CARE P/L V PRESIDING MEMBER OF MEJDAP
PROPOSED AGED CARE FACILITY EXTENSION - LOT 7 (#24) VALENCIA RD, CARMEL**

I refer to the above matter and Orders of the State Administrative Tribunal (SAT) which requires the submission of revised plans and additional information by today, 1 February 2019.

Please find enclosed a USB stick which has all of the amended plans and additional information for the proposed development for the purpose of Reconsideration by the Development Assessment Panel.

If you have any queries, please do not hesitate to contact me on 9388 7111.

Yours faithfully

NIK HIDDING
Managing Director

Encl USB Stick



1 February 2019

Our Ref: C2303-04

Chief Executive Officer
City of Kalamunda
PO Box 42
KALAMUNDA WA 6926

Attention: Mr Andrew Fowler-Tutt – Manager Approval Services

Dear Sir/Madam

**DR163/2018 BURSWOOD CARE P/L V PRESIDING MEMBER OF MEJDAP
PROPOSED AGED CARE FACILITY EXTENSION - LOT 7 (#24) VALENCIA RD, CARMEL**

Peter Webb & Associates (**PWA**) acts for Burswood Care Pty Ltd (**Burswood Care**) in the matter of an Application for Planning Approval (**the Application**) for a Proposal Extension to the Existing Aged Residential Care Facility (Nursing Home) at Lot 7 (#24) Valencia Road, Carmel (known as **Valencia Nursing Home**). The DAP Application reference is DAP/17/01328.

A range of other consultants also act for Burswood Care, including Peritas Group, Local Geotechnics and APEX Engineers.

THE AMENDED PROPOSAL:

The proposed development involves the demolition of an existing administration building and the construction of a two-storey "Aged Residential Care" Facility which includes the following key components:

- A total of **120 aged care beds** consistent with the Commonwealth Licence granted for the site. The development proposes 80 new beds and the existing facility currently offers 66 beds. However, once the new facility is built and operational (80 beds), the existing facility will be modified such that it will only have 40 beds, fulfilling the obligations to only operate 120 beds under the approved Licence.
- A two-storey building with the following on each level:
 - Ground Floor consisting of main entry, waiting room, reception area, office, dining room, kitchen, atrium, resident's cinema, treatment rooms, hair salon, staff room, commercial laundry, commercial kitchen, outdoor area, indoor lounge room, and 40 beds.
 - First Floor consisting of a further 40 beds, a gym/physio room, kitchenette, lounge and dining area, staff station, manager's office, quiet room, laundry chute area and games room;
- A total of 50 car parking bays on-site, plus a proposal for 12 on-street car parking bays in the verge of Valencia Road;
- Comprehensively landscaped gardens and surrounds; and
- A proposed new effluent disposal system located at the rear of the property.

The subject land is zoned "Private Clubs and Institutions" in the City of Kalamunda Local Planning Scheme No. 3 (LPS 3) and the proposed "Aged Residential Care" use is "P" (Permitted) in the zone.

The Applicant sought a Ministerial exemption for compliance against the Government Sewerage Policy which was granted to Roshana Group of Companies in March 2017. This allows on-site effluent disposal to be used instead of a connection to reticulated sewer. In addition to this, Roshana Group has now received approval from the Department of Health for the proposed on-site effluent disposal system, designed by Peritas Group.

BACKGROUND:

The original Application was refused by the Metro East Joint Development Assessment Panel (**MEJDAP**) at its meeting held on 15 June 2018. An Application for Review in the State Administrative Tribunal (**SAT**) was submitted on 3 July 2018. Following a number of Mediation sessions, the Respondent agreed to reconsider its decision pursuant to s31 of the *State Administrative Tribunal Act 2004*.

We refer to the most recent Orders made by the SAT on 17 December 2018.

Order 1 requires the applicant to provide revised plans and additional information to the Respondent by 1 February 2019. This submission provides the additional information and references revised plans and supporting documentation for the purposes of a reconsideration by the Respondent.

Order 2 outlines the Tribunal's invitation to the Respondent to reconsider its decision, pursuant to s31 of the *State Administrative Tribunal Act 2004*, which it must do on or before 3 May 2019.

REVISED PLANS:

A range of amendments have been undertaken to the plans for the proposed development. The revised plans for the purpose of the Respondent's Reconsideration are **attached** for reference at **Annexure 1**.

The site was resurveyed and adjacent sites were also captured, to provide plans that show the proposed development in the context of surrounding properties and buildings. The boundaries have been marked and re-pegged as part of the additional survey works.

The revised set of plans that are attached at Annexure 1 include:

- Title Page A000
- Existing Site Plan & Surrounds A01.001
- Proposed Building Demo & Tree Removal Plan A01.002
- Existing Main Building A01.003
- Proposed Site Aerial plan A01.004
- Proposed Site Plan A01.005
- Proposed East Corner Rear Car Parking Plan A01.006
- Proposed Street Side Parking Plan A01.007
- Proposed Fencing Plan A01.008
- Vegetation and Fire Rating Plan A01.009
- Proposed Exterior Lighting Plan A01.010
- Proposed Landscape Plan A01.011
- Proposed Ground Floor Layout A02.001
- Proposed Upper Floor Layout A02.002
- Proposed Roof Layout A02.003
- Typical Elevations A02.004
- Site Views Layout A03.001
- Typical Rendered Elevations A03.002
- Perspectives Sheet 1 A03.003
- Perspectives Sheet 2 A03.004
- Perspectives Sheet 3 A03.005
- Perspectives Sheet 4 A03.006
- Perspectives Sheet 5 A03.007
- Perspectives Sheet 6 A03.008
- MAARCH Perspective A03.009
- MAARCH Perspective A03.010
- MAARCH Perspective A03.011
- MAARCH Perspective A03.012

Table 1 below outlines the main changes that have been undertaken to the project since the time of the Respondent's Refusal:

Table 1 Project Amendment Comparison:

Planning Issue	JDAP Refused Plan	Amended Plan
No. of Beds in Total	146	120
Building Height	11.30m overall height above RL.	9.513m overall height above RL
Storeys	3 storeys (including plant room)	2 storeys (plant relocated)
Ground Floor Level	RL 268.10	RL 267.27 (0.83m reduction)
Car Parking	45 Car Parking Bays	50 Car Parking Bays
		Main Car Park – 60-degree angle parking with one-way access
On-street Car Parking	Not Provided	12 on-street car parking bays are proposed in the verge of Valencia Road.
Pedestrian Access		New footpaths from Valencia Road provide good accessibility to the main entry, with crossing across the car park.
Side setback	NW Ground Floor: 4.4m	NW Ground Floor: 4.155m
	NW Upper Floor: 4.4m	NW Upper Floor: 7.22m
	NE Ground Floor: 8.6m	NE Ground Floor: 8.647m
	NE Upper Floor: 8.6m	NE Upper Floor: 8.647m
NW terrace windows	Clear glass	Vertical louvre panels with vine vegetation
Rear façade windows	Standard windows	Windows have been 'boxed in' to reduce view corridors and light spill.
Terrace Balustrade	Clear Glass / grey metal balustrade	Obscure Glass to 1.8m height.
Ambulance Bay	Located adjacent to Lot 13	Relocated to NE side of building.
Upper level balcony	Upper level balcony on eastern side of building adjacent to Lot 11	Upper balcony removed.
Landscaping		Revised Landscaping Plan removes structures from the effluent disposal area.
Schedule of Materials & Colours	Not Provided	A Schedule of Materials and Colours has been provided, which demonstrate a departure from previously bold colours to soft neutral colours. Refer Plan A02.004.
Boundary Fence detail	Not Provided	A Fencing Plan for various neighbouring property interfaces has been provided and responds to neighbour preferences where this is known. Refer Plan A01.008.
Geotechnical Report	Prepared for single storey building with 3 test sample holes	Re-tested for two storey building and 6 test sample holes
On-site Wastewater Management Plans	Only a Ministerial Exemption was granted.	Approval has now been granted by Department of Health for the on-site wastewater management system.
Existing internal layout of facility.	Not detailed	Existing internal layout of facility is now detailed. Refer Plan A01.003.

PLANNING ISSUES ADDRESSED:**Building Height:**

The overall building height (to top of skillion roof) has been lowered from **11.30m** (calculated from the previously proposed ground level of 268.10 up to an RL of 279.40) to **9.513m** (calculated from proposed ground floor level of 267.27 to RL 276.783). This is attributed to the 'cutting-in' of the ground floor level as well as removing the upper floor plant room from the proposal. The ground floor level has been dropped by 0.83m. The top of wall height (with roof above) taken from the new proposed ground floor level is now 7.972m.

An undercroft maintenance / plant room is proposed at the rear of the development.

The reduction in height assists with reducing the effects of bulk and scale on neighbouring properties.

Side Setback:

The north-west side setback has been amended, particularly the upper level which has been increased to 7.22m. Six (6) rooms of the upper floor have been removed to accommodate the set back of 7.22m. The upper level wall along the north-western boundary is also articulated and treated with different materials and natural colours to provide visual relief and to blend with the rural environment.

In addition to the increased setback to the upper level, window treatments have been considered to ensure that visual privacy is retained for the adjacent landowner. Highlight and lowlight windows are proposed that face out directly towards the boundary, and these type of windows ensure that no one can look out over the adjacent property.

There are other windows in each of the articulated sections of the upper level which face toward each other and have views along the boundary rather than directly towards it. These windows are for natural light only, and are proposed to be obscure.

The increased upper level setback and the range of window treatments assists in reducing the effects of bulk and scale on the neighbouring property to the north-west of the site, and protecting that landowner's amenity.

Car Parking:

The application determined by JDAP proposed 45 car parking bays. The amended proposal now provides opportunity for 50 car parking bays, which is an increase of five (5) on the earlier proposal.

Car parking compliance against the requirements of LPS 3 is set out below in **Table 2**:

Table 2 Car Parking Requirements:

Car Parking Requirement	Car Parking Provided	Complies?
Table 3 of LPS3 requires: 1 car parking bay per employee plus 1 car parking bay for every 10 beds. For 120 beds, 12 car parking bays are required. Staffing need is a ratio of 1:5, which for 120 aged persons, there would be a need for 24 staff. For 24 staff members, 24 car parking bays are required. In total 36 car parking bays are required for the proposed development.	50 car parking bays Plus 12 on-street car parking bays in verge of Valencia Road.	Yes, surplus of 14 car parking bays on-site, plus opportunity for a further 12 visitor cars to park in verge of Valencia Road.

Evidently, the number of car parking bays proposed on site for the proposed extension to the Facility complies with LPS 3. In addition to on-site car parking, formalised on-street car parking (for 12 cars) in the verge of Valencia Road is also proposed and shown on the Plans. The City of Kalamunda advises that it generally supports the on-street car parking proposal.

As part of the car parking review, the proposed ambulance bay has been relocated from the north-western car park to the rear north-eastern part of the site, adjacent to the proposed building. This ensures that the ambulance bay is not located immediately next to the residence on the adjacent north-western property and does not compromise that owner's amenity.

Retention of Trees:

Along the north-east boundary of the site, amendments have been made to the driveway to enable the retention of more existing trees, by proposing 'slow points' where the driveway narrows to a single lane. Not only does this assist with slowing vehicle traffic, but it also enables existing tree foliage to soften the proposed built form as viewed from neighbouring properties.

This assists with reducing the effects of building bulk and scale and maintaining green zones in and around the proposed buildings. It should be noted that 48 existing trees are proposed to be retained as part of this development proposal (which are shown in green on the Proposed Site Plan).

Boundary Walls & Fencing:

Consideration has been given to boundary fencing, and it is proposed to include a range of fencing types at different locations to address impacts and to suit neighbour preferences where this is known.

North-Western Boundary (Side):

On the north-western boundary, it is proposed to install a 2.4m high masonry wall for the main part of the boundary, reducing in height to 1.80m at a location 14.50 back from Valencia Road, and reducing height again to 1.00m at a location 10.00m back from Valencia Road. Colorbond fencing is proposed on the north-western boundary for a length of 27.20m extending from the rear boundary and will meet the proposed masonry wall at a location that generally lines up with the rear building line.

North-Eastern Boundary (Rear):

The rear boundary is proposed to have two sections of Colorbond fencing, each measuring 22m in length, extending out from the corners of the rear of the property. Between these two sections of Colorbond fencing, rural post and wire fencing will be provided. The northern-most Colorbond fencing section addresses the full length of common boundary between the subject site and the poultry farm (Lot 20) to assist with mitigating issues associated with the poultry farm (windblown material, dust, visual amenity).

South-Eastern Boundary (Side):

The south-eastern boundary is proposed to have a 1.80m high Colorbond fence for the full length, reducing in height to 1.00m as it approaches Valencia Road, consistent with that of the north-western boundary.

The applicant is open to consider any other fencing types/combinations to suit neighbour requirements.

3D Perspectives:

The applicant engaged Mark Aronson Architecture (MAARCH) to prepare high quality 3D Perspectives to correctly depict the proposed (amended) development from important viewpoints in order to assess impacts of building bulk and scale. The 3D Perspectives also demonstrate the boundary fencing options proposed.

The 3D Perspectives are provided at Annexure 1 as part of the amended plan set and are referenced as A03.009, A03.010, A03.011 and A03.012.

Bushfire Management:

The Applicant previously provided a Bushfire Management Plan (**BMP**) and a Bushfire Evacuation Plan (**BEP**) prepared by RUIC Fire which were previously provided to the Department of Fire and Emergency Services (**DFES**) for assessment and comment. The City advised in its earlier Responsible Authority Report (RAR) that given DFES' support for the submitted BMP and BEP, the applicant has satisfied its requirements relating to bushfire management and risk.

Bushfire issues have not been revisited under the amended application, as there has been no material change to the proposal development that would require an amended BMP or BEP, or referral to DFES again.

ADDITIONAL TECHNICAL INFORMATION:**Wastewater Disposal:**

Peritas Group prepared a report relating to the proposed on-site wastewater disposal system, which was submitted to the Department of Health (DoH) on 5 October 2018. The Peritas Group complete report is **attached** at **Annexure 2**.

An updated "Wastewater Disposal System" drawing was prepared by Peritas Group detailing the proposed flatbed installation which was done to respond to DoH queries. The drawing is included at Appendix J of the Report, and is referenced as Peritas Drawing PC16117-CI-600-RevE.

The updated drawing of the flatbed installation responds to the updated geotechnical report and permeability testing.

Department of Health Approval:

Peritas Group has been engaging closely with the Department of Health (DoH) in relation to site and soil evaluation for on-site wastewater management for the proposed development.

We are pleased to confirm that the DoH has provided its approval for the installation of the on-site wastewater system proposed for the site. Please find attached DoH Approval at **Annexure 3**.

The Landscaping Plan was included as part of the package provided to DoH, and similarly, the DoH supports the Landscaping Plan.

Stormwater Management Plan:

A Stormwater Management Plan (SMP) has been prepared by Peritas Group and has been submitted to the City of Kalamunda for review (submitted 29 November 2018). The SMP is attached at **Annexure 4**. The City of Kalamunda has provided its "approval in principle" for the updated SMP. Refer to the City's email indicating its "approval in principle" also included at Annexure 4.

Wastewater Disposal Staging Plan:

Peritas Group has prepared a Wastewater Disposal Staging Plan and methodology statement for the transition of wastewater infrastructure through construction the proposed development. The Wastewater Disposal Staging Plan and Methodology Statement is attached at **Annexure 5**.

Traffic Impact Assessment:

APEX Engineers was engaged to prepare a Traffic Impact Assessment (TIA) and to provide input into the design of the proposed car parking areas to ensure compliance with AS.2890.1. The TIA is attached at **Annexure 6**.

The TIA also addresses traffic movements during various times of the day and restricted time periods for parking in the rear car park of the site (refer Section 4.10 Night Time Amenity of the TIA).

Geotechnical Report:

Local Geotechnics (geotechnical engineers) re-visited the site and retested on 10 September 2018 to carry out further soil sampling and geotechnical investigations for additional locations on the site.

Following that, Local Geotechnics prepared a consolidated Geotechnical Report which encompasses all the testing done at the site, and more importantly, provides results of permeability testing and advising that the site is capable of on-site disposal of stormwater and effluent.

The Permeability Report presents results of infiltration testing carried out at the proposed flatbed locations. The additional permeability tests have been undertaken specifically within the soakage and irrigation field area and at a depth consistent with the natural soil location (and it should be noted that a 1.2m layer of fill is proposed over the test locations). This means that the irrigation and soakage field will be well above a highly permeable layer as well as being well above groundwater and in adequate permeability soils.

Please find attached the updated consolidated Geotechnical Report at **Annexure 7**.

Lighting Plan:

Exterior lighting was highlighted as being an area that required some further attention. An Exterior Lighting Plan has now been prepared and is included as part of the Amended Plans at Annexure 1 (Plan Ref A01.010). The outdoor lighting proposed for the site will consist of 650mm high bollard lighting that has downward-facing low glare light. The bollard light can also be blocked out on one side to limit the extent of light spill (i.e. limiting the light spill inwards when proposed near property boundaries).

Poultry Farm:

We have received advice from the City of Kalamunda that there is no issue with the use and operation of the adjacent Poultry Farm on the operation of the proposed Nursing Home other than a potential issue of odour and flies, which can be appropriately managed. Please find City of Kalamunda advice at **Annexure 8**. The suggestion is for an Amenity Management Plan to be provided as a Condition of Planning Approval.

A comprehensive Amenity Management Plan will be prepared along with the Construction Management Plan once approval is granted for the proposed development.

It should be noted that the Applicant had previously dealt with the City in relation to the issue of flies and during the course of late 2017, the City attended the site with an entomologist (scientist who studies insects) to ascertain whether there was any evidence of breeding of flies at the poultry farm. There was no evidence of breeding at the time of that inspection. Therefore, it was concluded that the issue of flies was not necessarily brought about by the operation of the poultry farm and that it was more of a general (rural) issue.

Notwithstanding this, the Applicant prepared a letter (from Ferhan Designs Pty Ltd) during the course of previous submissions, setting out a number of response strategies to fly nuisances. This letter is also attached at **Annexure 8**.

To paraphrase the strategy:

In order to reduce the impact of flies affecting residents of the proposed Valencia Nursing Care building, we would employ the following measures:

- *provide insect screens to all openable windows to prevent flies from entering the building;*
- *provide insect screen doors on all entrances to the nursing home (except the main entry door which will be an automatic sliding door for convenience);*
- *install low toxicity automated insecticide spray systems in common areas where necessary to eliminate any flies that do enter the building;*
- *include hose down/cleaning schedules of outdoor rubbish collection areas as part of the regular facility maintenance;*
- *plant fragrant plant species in the gardens that repel flies such as citronella grass, lavender and bay laurel.*

Commonwealth Aged Care Bed Licence

The Applicant has a Commonwealth Department of Health Aged Care Bed Licence to provide a maximum of **120 beds** for Valencia Nursing Home. Refer to the Commonwealth Bed Licence included at **Annexure 9**.

The development proposes 80 new beds and the existing facility currently offers 66 beds.

However, once the new facility is built and operational (80 beds), the existing facility will be modified such that it will only have 40 beds, fulfilling the obligations to only operate 120 beds under the approved Licence.

This information is to clarify that although the proposed development offers 80 new beds, this should not be simply added to the existing 66 beds to arrive at a figure of 146 beds (which was the basis of the earlier assessment by the Responsible Authority).

The Facility will only provide the maximum beds it is allowed under its Licence (120 beds). Therefore, in terms of a calculation, the number beds under full operation compared to current operation, will be an increase of 54 beds (120 minus 66).

We now look forward to the City of Kalamunda undertaking assessment and preparing a Report to the Development Assessment Panel recommending approval.

The approval of the proposed development will enable crucial aged care services to continue to be provided and expanded in this locality.

If there are any queries with this correspondence, please do not hesitate to contact us on 9388 7111.

Yours faithfully



NIK HIDDING
Managing Director