



Planning and Development Act 2005

CITY OF SWAN

Notice of Determination on Application for Planning Approval

Ref. No: DA-324/2024
Determination Date: 19-Aug-2024
Est. Value: \$

Location:	LOT 10 (NO.40) JOHN STREET MIDLAND WA 6056	
Title (Vol/Folio):	CT-1355/819	Plan /Diagram: 934
Application Date:	9 MAY 2024	
Description of proposed development:	PROPOSED 'CHANGE OF USE' FROM SIX (6) EXISTING 'GROUPED DWELLINGS' TO 'USE NOT LISTED 'PRIVATE PSYCHIATRIC HOSTEL'	

The following decision was made by Council, at its meeting held on 14 August 2024

That Council resolve to:

1. Grant **Temporary** approval for the proposed 'Change of Use' in accordance with **Clause 72 of the *Planning and Development (Local Planning Schemes) Regulations 2015***, subject to the following conditions:
 1. This approval is restricted to Roshana Pty Ltd **and is valid for a period of 12 months only from the date of issue, whereupon the approval expires and the use must cease unless further approval has been obtained.** The operation of the proposed development by any other person or on any other land is not permitted. This approval cannot be transferred to any other person without the prior approval of the City of Swan.
 2. The use of the land by Roshana Pty Ltd for a 'Private Psychiatric Hostel' is limited as follows:
 - a) maximum occupancy of the premises shall be limited to 30 residents; and

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- b) access and egress from the property by residents, visitors and staff is by arrangement of Roshana Pty Ltd.
3. Prior to occupancy of the development the Applicant/Owner is to submit, to the satisfaction of the City of Swan, an Operational Management Plan for approval. The Operational Management Plan is to contain details of the following:
- a. staffing arrangements;
 - b. list of day-to-day activities conducted onsite;
 - c. length of stay of residents;
 - d. security measures to be implemented;
 - e. management of access and egress by residents, staff and visitors;
 - f. noise management and mitigation measures;
 - g. smoke drift management and mitigation measures;
 - h. procedure for managing and dealing with complaints inclusive of a quarterly meeting between Roshana Pty Ltd, and City of Swan representatives in conjunction with community representatives selected by the City, to review the operational performance of the facility; and
 - i. waste management.

Whereafter, the approved Operational Management Plan is to be implemented and maintained **for the life of the approval**, to the satisfaction of the City of Swan.

4. Refuse bin areas adequate to service the development must be provided to the satisfaction of the City of Swan prior to occupation or use of the development.
5. External lighting shall comply with the requirements of AS 4282 – Control of Obtrusive Effects of Outdoor Lighting.
6. The parking of vehicles in association with the 'Private Psychiatric Hostel' must be contained within the subject lot.
7. The 'Private Psychiatric Hostel' activity must not cause nuisance or degrade the amenity of the neighbourhood in any way, including by reason of the emission of noise, light, vibration, electrical interference, odour, fumes, smoke or other pollutant, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or impact on public safety or otherwise.

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8. Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the City of Swan.

- Note 1:** If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
- Note 2:** Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
- Note 3:** If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.



for Stephen Cain
CHIEF EXECUTIVE OFFICER

