
Shire of Kalamunda

Planning Services Committee

Agenda for 4 October 2010





NOTICE OF MEETING PLANNING SERVICES COMMITTEE

Councillors,

Notice is hereby given that the next meeting of the Planning Services Committee will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on:

Monday 4 October 2010 commencing at 6.30pm.

For the benefit of Committee Members, staff and members of the public, attention is drawn to the following requirements as adopted by Council.

Open Council Meetings – Procedures

1. Standing Committees are open to the public, except for Confidential Items listed on the Agenda.
2. Standing Committees have a membership of all 12 Councillors.
3. Unless otherwise advised a Committee makes recommendations only to Full Council (Held on the third Monday of each month at 6.30 pm).
4. Members of the public are able to ask questions at a Committee Meeting, however, the questions should be related to the functions of the Committee.
5. Members of the public wishing to make a comment on any Agenda item may request to do so by advising staff prior to commencement of the Committee Meeting.
6. Comment from members of the public on any item of the Agenda is usually limited to 3 minutes and should address the recommendations (at the conclusion of the report).
7. It would be appreciated if silence is observed in the gallery at all times except for Question Time.
8. All other arrangements are in general accordance with Council's Standing Orders, the Policies and decision of person Chairing the Committee or Council Meeting.
9. Members of the public who are unfamiliar with meeting proceedings are invited to seek advice at the meeting by signalling to a staff member.

A handwritten signature in black ink, appearing to read "J. Trail".

James Trail
Chief Executive Officer
29 September 2010

**** Dinner will be served at 5.30pm ****

AGENDA

1.0 OFFICIAL OPENING

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

3.0 PUBLIC QUESTION TIME

A period of not less than 15 minutes is provided to allow questions from the gallery on matters relating to the functions of this Committee. For the purposes of Minuting, these questions and answers are summarised.

4.0 PETITIONS/DEPUTATIONS

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Meeting of 6 September 2010.

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

9.0 DISCLOSURE OF INTERESTS

Disclosure of Financial and Proximity Interests

- (a) Members must disclose the nature of their interest in matters to be discussed at the meeting. (Sections 5.60B and 5.65 of the Local Government Act 1995).
- (b) Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Sections 5.70 and 5.71 of the Local Government Act 1995)

Disclosure of Interest Affecting Impartiality

- (a) Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

10.0 REPORT TO COUNCIL

Please Note:

Declaration of financial/conflict of interests to be recorded prior to dealing with each item.

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REPORTS

Declaration of financial/conflict of interests to be recorded prior to dealing with each item.

58. Policies for the Planning and Development Directorate - Proposed Revocation and Amendment of Outbuilding Policies

Previous Items: Nil
Responsible Officer: Acting Director Planning and Development Services
Service Area: Planning Development Services
File Reference: OR-CMA-016
Applicant: N/A
Owner: N/A

Attachment 1: Existing Local Planning Policy DEV20 – Outbuildings (P.3)
Attachment 2: Local Planning Policy DEV21 – Outbuildings in Subdivisions (P.5)
Attachment 3: Amended Local Planning Policy DEV20 – Outbuildings (P.6)

PURPOSE

1. For Council to consider the revocation and amendment of the Outbuilding Planning Policies as contained in the Shire's Policy Register. Refer to (***Attachments 1 and 2***) for the existing Outbuilding Local Planning Policies (LPP).

BACKGROUND

2. Local Planning Scheme No. 3 (the Scheme) foreshadows the development of policies to guide decision-making.
3. The Policy Register is currently being reviewed and, where considered necessary, amendments and revocations for Council consideration are being recommended.
4. Revocations are being considered for a number of reasons including potential ambiguity, requirements outlined in certain policies being the same as other documents (such as the *2008 Residential Design Codes*) or interpretation issues, and therefore, are not adding value to the existing legislative position.

DETAILS

5. In order to be consistent across all relevant zones and policies, it is proposed that LPP DEV20 – Outbuildings be amended so that the maximum floor area of outbuildings is based on the percentage of the total lot size they are able to occupy. Refer to (***Attachment 1***) for the existing LPP DEV20.
6. The requirements stipulated in LPP DEV21 – Outbuildings in Subdivisions are also proposed to be included in LPP DEV20 – Outbuildings, therefore it is proposed that LPP DEV21 be revoked by Council. Refer to (***Attachment 2***) for LPP DEV21 and (***Attachment 3***) for the amended LPP DEV20.

Reasons for Proposed Amendments

7. Outbuilding Requirements under Residential Design Codes

The Residential Design Codes (R-Codes) stipulates that the setbacks for outbuildings are to be considered to be the same as that for dwellings, therefore outbuildings are considered to be a form of residential development, the setback provisions for which are outlined in Tables 1, 2a and 2b of the R-Codes.
 8. Clause 5.3.1 of the R-Codes states that local planning policies may contain provisions that augment the codes by providing additional criteria and provisions for any aspect of residential development that is not provided for in the codes (e.g. setback and outbuilding dimension requirements for rural properties).
 9. Clause 6.10.1 of the R-Codes stipulates that the acceptable criteria for outbuildings are as follows:
 - i) are not attached to a dwelling;*
 - ii) are non-habitable;*
 - iii) collectively do not exceed 60sqm in area or 10 per cent in aggregate of the site area, whichever is the lesser;*
 - iv) do not exceed a wall height of 2.4m;*
 - v) do not exceed a ridge height of 4.2m;*
 - vi) are not within the primary street setback area;*
 - vii) do not reduce the amount of open space required in table 1; and*
 - viii) comply with the siting and design requirements for the dwelling, but do not need to meet rear setback requirements of table 1."*
 10. The above provisions can be varied under the performance criteria of the Codes, subject to the outbuilding not detracting from the streetscape or the visual amenity of residents or neighbouring properties.
 11. Taking into consideration the above, the requirements outlined in the current LPP DEV20 – Outbuildings for Residential properties (setbacks and size of outbuildings) are redundant.
 12. Aesthetics

Clause 10.2 of the Scheme stipulates what matters the Shire is to take into consideration when determining planning applications, these include:

 - (i) the compatibility of a use or development with its setting;*
 - (n) the preservation of the amenity of the locality; and*
 - (o) the relationship of the proposal 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 proposal."*
 13. Considering that these matters are already included in Clause 10.2 of the Scheme, the Aesthetics section in the current LPP DEV20 – Outbuildings is redundant.
 14. Size Variations
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The R-Codes stipulate that it is acceptable to have outbuildings on Residential zoned properties which collectively do not exceed 60sqm in area or 10 per cent in aggregate of the site area, whichever is the lesser.

15. The current LPP DEV20 states the permitted maximum floor areas for various lot sizes, however to be consistent across all relevant zones and policies, and due to the large lot sizes often involved, all proposed outbuildings in Rural areas will be assessed on their merits, and advertised to affected landowners and occupants if the structure and/or its proposed use will potentially have an impact on the amenity of an area.
16. Setbacks, site coverage, the topography of land, building height and proximity to development on surrounding properties, amongst other matters, will be taken into consideration when being assessed.
17. Delegation to Staff

The current LPP DEV20 makes mention that staff have delegation to determine outbuilding applications, which is already listed in the Delegation Authority Register (PDA 1) current as at 21 June 2010. This advice is therefore in effect, a duplication of the delegated authority.

Reason for Proposed Revocation

18. The requirements stipulated in LPP DEV21 – Outbuildings in Subdivisions are proposed to be included in the amended LPP, and having two separate policies on the same type of development does not add value to the Shire's existing legislative position. LPP DEV21 is therefore a redundant policy.

STATUTORY AND LEGAL IMPLICATIONS

19. The Scheme allows the Shire to prepare policies in respect to any matter related to the planning and development of the Shire. Policies may apply to a particular class or matter and throughout the Scheme relate to one or more parts of the Scheme area. The Scheme allows Council to amend or rescind its planning policies.
20. A Local Planning Policy is not part of the Scheme and does not bind the Council in its decision making. However, Council is to have due regard to the Policy when making a decision.

POLICY IMPLICATIONS

21. If Council adopts the amended LPP DEV20 - Outbuildings, it will be included in the Shire's Policy Register.
22. If Council revokes DEV21 – Outbuildings in Subdivisions, it will be removed from the Shire's Policy Register.

PUBLIC CONSULTATION/COMMUNICATION

23. The Scheme prescribes the procedure for advertising a Local Planning Policy. It will be necessary to advertise the amended policy once a week for two consecutive weeks in a newspaper circulating in the Scheme area with a submission period of 21 days. The policies will also be on display at the Administration office and libraries.

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24. Following the advertising period, the amended policy will be presented to Council for consideration of adoption, with or without modification.
 25. There is no Scheme requirement for the policies to be advertised prior to being revoked. Should Council revoke LPP DEV21, a notice of revocation will be published once a week for 2 consecutive weeks in a newspaper circulating in the Shire area, in accordance with clause 2.5(b) of Local Planning Scheme No.3.

FINANCIAL IMPLICATIONS

26. There will be a cost involved in publishing a notice of revocation and advertising the amended policy; this is, however, covered in the adopted budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

27. Strategic Planning Implications

- The amended policy will assist in the procedural and governance aspects of the Shire's development control responsibilities.
- The removal of LPP DEV21 will assist with determining applications.

28. Sustainability Implications

Social implications

- The amended policy stipulates Shire requirements which will be applied so that the amenity of an area is not significantly impacted by a proposed land use.

Economic Implications

- Nil.

Environmental Implications

- Nil.

OFFICER COMMENT

29. It is proposed to amend LPP DEV 20 so as to be consistent across all zones. Matters to be considered in the assessment of outbuildings are included in other legislation, such as the Scheme and Residential Design Codes. It is therefore recommended that the modifications to LPP DEV 20 - Outbuildings - Local Planning Policy be advertised for public comment.
30. LPP DEV21 will be a redundant policy due to the requirements proposing to be included in LPP DEV20. It is therefore recommended that the subject policy be revoked by Council.

OFFICER RECOMMENDATION

PS-58/2010

1. That Council agrees to advertise amended Local Planning Policy DEV20 - Outbuildings for public comment, in accordance with provision 2.4 of Local Planning Scheme No. 3.
2. That Council revokes Local Planning Policy DEV21 – Outbuildings in Subdivisions and a notice of revocation be published once a week for 2 consecutive weeks in a newspaper circulating in the Shire area.

Moved:

Seconded:

Declaration of financial/conflict of interests to be recorded prior to dealing with each item.

59. Policies for the Planning and Development Directorate - Proposed Revocations

Previous Items: Nil
Responsible Officer: Acting Director Planning and Development Services
Service Area: Planning and Development Services
File Reference: OR-CMA-016
Applicant: N/A
Owner: N/A

Attachment 1: DEV 2 - Amusement Parlours (P.9)
Attachment 2: DEV 6 - Cash in Lieu of Car Parking (P.10)
Attachment 3: DEV 7 - Child Care Centres (P.11)
Attachment 4: DEV 16 - Fuel Storage Applications (P.13)
Attachment 5: DEV 25 - Public Open Space Contributions - Subdivision Applications (P14)
Attachment 6: DEV 27 - Reduced Setbacks to Verandahs, Patios and Carports (P.15)

PURPOSE

1. For Council to consider the revocation of various Planning Policies as contained in the Shire's Policy Register.

BACKGROUND

2. The Policy Register is currently being reviewed and, where considered necessary, amendments and revocations for Council consideration are being recommended.
3. Revocations are being considered for a number of reasons including ambiguity, requirements outlined in certain policies being the same as other documents (e.g. *2008 Residential Design Codes*) or interpretation issues, and therefore are not adding value to the existing legislative position.

DETAILS

4. Council is requested to consider revoking the following policies:
 - DEV 2 - Amusement Parlours (**Attachment 1**)
 - DEV 6 - Cash in Lieu of Car Parking (**Attachment 2**)
 - DEV 7 - Child Care Centres (**Attachment 3**)
 - DEV 16 - Fuel Storage Applications (**Attachment 4**)
 - DEV 25 - Public Open Space Contributions – Subdivision Applications (**Attachment 5**)
 - DEV27 – Reduced Setbacks to Verandahs, Patios and Carports (**Attachment 6**)

5. Amusement Parlours

Table 1 (the Zoning Table) of Local Planning Scheme No. 3 (the Scheme) stipulates the zones within which the use Amusement Parlours would be considered within by the Shire.

6. Table 3 (Parking Requirements) of the Scheme stipulates that the car parking requirements for the use Amusement Parlours are seven bays per 100sqm of net lettable area.

7. Clause 10.2 of the Scheme stipulates what matters the Shire is to take into consideration when determining planning applications, these include:

the compatibility of a use or development with its setting;

the preservation of the amenity of the locality; and

the relationship of the proposal 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 proposal."

8. The current Policy DEV 2 – Amusement Parlours simply repeats these requirements and does not add any further value to requirements for the assessment of such applications. The Policy is therefore considered redundant and not required.

9. Cash in Lieu of Car Parking

Clause 5.8.4 of the Scheme stipulates the requirements with regards to cash in lieu of car parking, on how it is calculated, that the funds are to be placed in a Trust Account and how it is to be used.

10. The current Policy DEV 6 – Cash in Lieu of Car Parking simply repeats these requirements and does not add any further value to requirements for the assessment of such applications. The Policy is therefore considered redundant and not required.

11. Child Care Centres

Child care centres are required to comply with the *Community Services (Child Care) Regulations 1988*, as amended, which includes:

Minimum indoor playing space of 3.25sqm per child together with an additional 1sqm for each child up to 2 years of ages; and

A minimum outdoor playing space of 9.3sqm per child.

12. Table 1 (the Zoning Table) of the Scheme stipulates the zones within which the use would be considered by the Shire.

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13. Clause 10.2 of the Scheme stipulates what matters the Shire is to take into consideration when determining planning applications as stated previously in this report, Table 3 of the Scheme stipulates the car parking requirements for the use Child Care Centre/Day Care.
 14. Such land uses will also be required to comply with the *Environmental Protection (Noise) Regulations 1997* and Building Code of Australia.
 15. Considering the above, the subject Policy is redundant due to being the same as other legislation.
 16. Fuel Storage Applications
Local Planning Policy DEV16 – Fuel Storage Applications does not apply to specific land uses (e.g. Service Stations), and there is no Scheme requirement for a planning application to be submitted for fuel storage used by a landowner for their own vehicle(s).
 17. Should a planning application be received for an industrial use or commercial vehicle parking where the storage of fuel on site is required, the fuel storage aspect will be assessed as an incidental use. Clause 10.2 of the Scheme stipulates what matters the Shire is to take into consideration when determining planning applications as stated previously in this report.
 18. Proposals which the Shire considers will have a likely impact on the natural environment are required to be referred to the Environmental Protection Authority (EPA) for comment, as stipulated in the *Environmental Protection Act (1986)*.
 19. The EPA has prepared the *Environmental Impact Assessment (Part IV Division 1) Administrative Procedures 2002* to outline the process of environmental impact assessments undertaken in Western Australia. These also indicate the requirements of applicants and decision making authorities in relation to referrals, once the EPA has determined that the proposal will be subject to assessment under the Act.
 20. The current Policy DEV16 – Fuel Storage Applications simply repeats these requirements and does not add any further value to requirements for the assessment of planning applications. The Policy is therefore considered redundant and not required.
 21. Public Open Space (POS) Contributions – Subdivision Applications
The WA Planning Commission's Development Control Policies 1.1 – Subdivision of Land (General Principles) and 2.3 – Public Open Space in Residential Areas stipulate the developer contribution requirements for POS being, where practicable, 10 percent of the gross subdivisible area be given up free of cost by the subdivider and vested in the Crown.
 22. This contribution is not required by the policies when either of the following applies:
 - the land area is such that a 10 percent contribution would be too small to be of practical use;
 - there may be sufficient public open space already in the locality;
 - public open space is planned in another location by way of a town planning scheme or local structure plan.
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23. The current policy DEV25 - Public Open Space Contributions – Subdivision Applications simply repeats these requirements and does not add any further value to requirements for the assessment of subdivision applications. The policy is therefore considered redundant and not required.
 24. Reduced Setbacks to Verandahs, Patios and Carports
The setback requirements for guttering are stipulated in the Building Codes of Australia (figure 3.7.1.9).
 25. Clause 10.2 of LPS 3 stipulates what matters the Shire is to take into consideration when determining planning applications as stated previously in this report.
 26. Clauses 6.2.1, 6.2.3 and 6.3.1 of the Residential Design Codes (R-Codes) stipulate the acceptable setback requirements of carports and verandahs, and how they can be varied subject to being advertised to the affected landowners and occupants.
 27. Planning approval is only required for setback variations should the proposal not comply with Table 2 (Site Requirements) of the Scheme. Should the proposal not comply with R-Code provisions then building approval is only required in accordance with Clause 3.2 and Subclause 3.3.1 of the R-Codes.
 28. The current Policy DEV27 – Reduced Setbacks to Verandahs, Patios and Carports simply repeats these requirements and does not add any further value to requirements for the assessment of planning applications. The Policy is therefore considered redundant and not required.

STATUTORY AND LEGAL IMPLICATIONS

29. The Scheme allows the Shire to prepare policies in respect to any matter related to the planning and development of the Shire. Policies may apply to a particular class or matter and throughout the Scheme relate to one or more parts of the Scheme area. The Scheme allows Council to amend or rescind its planning policies.
30. A Local Planning Policy is not part of the Scheme and does not bind the Council in its decision making, however, Council is to have due regard to the Policy when making a decision.

POLICY IMPLICATIONS

31. If Council revokes the Policies, they will be removed from the Shire's Policy Register.

PUBLIC CONSULTATION/COMMUNICATION

32. There is no Scheme requirement for the policies to be advertised prior to being revoked. Should Council revoke the policies, a notice of revocation will be published once a week for 2 consecutive weeks in a newspaper circulating in the Shire area, in accordance with clause 2.5(b) of Local Planning Scheme No.3.

FINANCIAL IMPLICATIONS

33. There will be a cost involved in publishing a notice of revocation. This is covered in the budget adopted by Council.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**34. Strategic Planning Implications**

The removal of the policies will assist with determining applications.

35. Sustainability Implications**Social Implications**

Nil.

Economic Implications

Nil.

Environmental Implications

Nil.

OFFICER COMMENT

36. The subject local planning policies are redundant due to the requirements being already stipulated in the Scheme, the R-Codes and Regulations as mentioned in the Details section of this Report. It is therefore recommended that the policies be revoked by Council.

OFFICER RECOMMENDATION**PS- 59/2010**

1. That Council revokes the following planning policies in accordance with clause 2.5 of Local Planning Scheme No 3:
- DEV 2 - Amusement Parlours
 - DEV 6 - Cash in Lieu of Car Parking
 - DEV 7 - Child Care Centres
 - DEV16 - Fuel Storage Applications
 - DEV25 - Public Open Space Contributions – Subdivision Applications
 - DEV27 - Reduced Setbacks to Verandahs, Patios and Carports

Moved:

Seconded:

Declaration of financial/conflict of interests to be recorded prior to dealing with each item.

60. Local Planning Scheme No. 3 Amendment – Initiation of Rezoning from Special Rural to Industrial Development – Forrestfield Industrial Area Stage 1 - Land Bounded by Berkshire Road, Roe Highway, Sultana Road West and Milner Road, Forrestfield

Previous Items: PS 91/08, PS 52/09
Responsible Officer Acting Director Planning & Development Services
Service Area: Planning & Development Services
File Reference: PG-DEV-033
Applicant: N/A
Owner: Various

Attachment 1: Locality Plan (P.16)

Attachment 2: Locality Plan (P.17)

PURPOSE

1. To consider initiating an amendment to Local Planning Scheme No. 3 (the Scheme) to rezone the subject land from "Special Rural" to "Industrial Development". Refer **(Attachment 1)** - Locality Plan. It is also proposed to insert provisions into the Scheme relating to the creation of the new industrial development zone.

BACKGROUND

2. In November 2008, Council resolved to support a request from the Western Australian Planning Committee (WAPC) to initiate an amendment to the Metropolitan Regional Scheme (MRS) to rezone the subject land from 'Rural' to 'Urban'.
3. In June 2009 and March 2010, Council resolved to support a request from the WAPC for a concurrent MRS and Scheme amendment such that, on completion of the MRS amendment process, the subject land would automatically be rezoned from 'Special Rural' to 'Light Industry'.
4. In August 2010, the WAPC endorsed the MRS amendment for the subject land for the purpose of public advertising. The WAPC also resolved not to support Council's request for the concurrent amendment process to rezone the subject land to light industry and that the Shire would need to initiate a separate amendment to the Scheme to rezone to land for light industrial use. The WAPC advised that it will only agree to a concurrent amendment process where the Scheme includes an urban development zone that requires the preparation of a structure plan. In this instance, the proposed light industrial zone did not satisfy these criteria.

DETAILS

5. It is proposed that the land be rezoned from Special Rural to Industrial Development through the creation of a new industrial development zone. The key objective of the new zone is to provide for industrial development through the preparation of a Structure Pan.

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6. It is also proposed that specific provisions relating to the new zone will be identified in the Scheme. These new provisions will identify the key objectives of the industrial development zone. Thus linking the new zone to the Scheme requirements for the preparation of a Structure Plan.

STATUTORY AND LEGAL IMPLICATIONS

7. The *Town Planning Regulations 1967* establish the procedures relating to amendments to local planning schemes. If Council decides to initiate the amendment, then ultimately it will be determined by the Minister for Planning. If the matter proceeds to the Minister's determination, there is no Right of Review, irrespective of the Minister's decision.
8. The proposed Scheme amendment will need to include provisions for the subject land under Clause 4.2 – Objectives of the Zones of the Scheme which will provide the necessary statutory basis for the preparation of a Structure Plan for the subject land.

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

10. Affected landowners have previously been consulted on the future development plans for the subject land through public workshops and advertising of the MRS amendment. It was evident from the submissions received that landowners were supportive of an industrial development zone for the subject land.
11. If the Amendment is initiated by Council, following consent from the Environmental Protection Authority, it will be formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*. Land owners and occupiers within the subject land and nearby affected owners will be contacted in writing, as well as notices being placed on site and in a newspaper circulating in the District.

FINANCIAL IMPLICATIONS

12. Nil at this stage. If the Amendment proceeds, preparation of the documents and statutory advertising will be undertaken by Planning & Development Services at minimal cost.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

13. Strategic Planning Implications

- The subject land has been identified under the Kewdale Hazelmere Integrated Master Plan (2006) as a future development area given its key strategic location adjacent to Perth Airport, Forrestfield Marshalling Yards/Container Depot and key road freight routes of Roe Highway, Dundas Road, Abernethy Road and Tonkin Highway.
- The subject land represents Stage 1 of a broader planned industrial development for the Forrestfield/High Wycombe (**Attachment 2**), which has been referenced in the State Government's key strategic planning documents *Directions 2031 and Beyond* and in the soon to be released *Industrial Development Strategy (2010)*.

14. Sustainability Implications

Social Implications

- The planned development of the area for industrial land use activity through the preparation of a Structure Plan will enable some landowners to progress with the development of the land independently of others. It is acknowledged that this may have some amenity implications for those landowners who wish to remain on their properties in the short term.

Economic Implications

- The planned industrial area will have economic benefits for future developers given the proximity of the land to existing industrial and commercial areas and associated infrastructure and utilities.

Environmental Implications

- A large proportion of Lots 1 and 2 (126 and 128) Sultana Road West located adjacent to the existing MRS reserve are included in a Bush Forever area, yet remain urban zoned land. The WAPC is currently in the process of purchasing the land for regional reserve. These areas will be excluded from the proposed industrial development zone.

OFFICER COMMENT

15. The decision of the Commission not to support Council's request for a concurrent amendment process should not be construed as the Commission's objection to the planned industrial area. Rather, the decision was based on legal advice received that the concurrent amendment process can only be linked to a development zone which has the requirement for the preparation of a structure Plan. The creation of an industrial development zone now will enable Stage 3 of the planned industrial area to be dealt with as a concurrent amendment, thus expediting the planning process for this future area.
16. The Commission have advised that they will endeavour to expedite the local planning scheme amendment process to ensure delays are kept to a minimum. It is anticipated however that the amendment process will still take 8 months to complete. That said, the timing is not overly critical given there are a number of planning studies currently

being undertaken for the subject which are scheduled for completion by June 2011.

17. Council's support thus far for the planning of the Forrestfield Industrial area will require Clause 5.4 of the Scheme to be deleted. The Clause prohibiting subdivision in the KHIMP Area was introduced when the Scheme was gazetted prior to the planning of the industrial area having commenced.
18. From a planning perspective, the subject land has been identified by State Government as a key strategic location for freight and logistics related industries given its proximity to air, rail and road infrastructure. This has been reflected in the State Government's key strategic planning documents *Directions 2031 and Beyond* and soon to be released Industrial Land Use Strategy (2010). From the Shire's perspective the proposed industrial area represents a key component of its Strategic Plan 2009-2014 and Economic Development Strategy recognising the impact the development will have on the Shire's economic development particularly for freight and logistics industries, employment and housing.
19. Having regard to the above, it is recommended that the proposal to initiate an amendment to the Scheme to rezone the subject land from Special Rural to Urban Development be approved.

OFFICER RECOMMENDATION

PS- 60/2010

1. That Council initiates an amendment to Local Planning Scheme No. 3 in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

SHIRE OF KALAMUNDA

LOCAL PLANNING SCHEME NO. 3

AMENDMENT NO. 34

Resolved that the Council in pursuance of Part 5 of the *Planning & Development Act 2005* amends the Local Planning Scheme by:

Rezoning all lots bounded by Berkshire Road, Roe Highway, Sultana Road West And Milner Road, with the exception of Lots 497, 498, 499 Sultana Road West and a portion of Lots 1 and 2 Sultana Road West, Forrestfield from Special Rural to Industrial Development.

Insert an additional provision in the Local Planning Scheme No.3 as follows:

4.2.4 Industrial Zones

Industrial Development

-
- To provide for orderly and proper planning through the preparation and adoption of a Structure Plan establishing the overall design principles for the area.
 - To permit the development of the land for industrial purposes and for commercial and other uses normally associated with industrial development.
2. That the Local Planning Scheme No.3 map be modified to identify the subject site with the annotation 'DA'.
 3. That Clause 5.4 – Special applications for the subdivision of land be deleted from the Scheme.

Moved:

Seconded:

Declaration of financial/conflict of interests to be recorded prior to dealing with each item.

61. Local Planning Scheme No. 3 Amendment – Forrestfield / High Wycombe Industrial Area – Stage 2 - Initiation of Rezoning from Urban Development to Industrial Development - Lots 4, 9, 11, 12 Ibis Close, Lot 7 Raven Street, Lots 5 & 6 Sultana Road West and Lots 1 & 7 Milner Road, High Wycombe

Previous Items: PS 46/2010
Responsible Officer: Acting Director Planning & Development Services
Service Area: Planning & Development Services
File Reference: PG-LPS-003/023
Applicant: N/A
Owner: Various

Attachment 1: Locality Plan (P.18)

Attachment 2: Proposed Forrestfield/High Wycombe Industrial Area (P.19)

PURPOSE

1. To consider initiating an amendment to Local Planning Scheme No. 3 (the Scheme) to rezone Lots 4, 9, 11, 12 Ibis Close, Lot 7 Raven Street, Lots 5 & 6 Sultana Road West and Lots 1 & 7 Milner Road, High Wycombe from Urban Development to Industrial Development. Refer **(Attachment 1)** for the Locality Plan. It is also proposed to insert provisions into the Scheme relating to the creation of the new industrial development zone.

BACKGROUND

2. The subject lots fall within Stage 2 of the proposed Forrestfield/High Wycombe industrial area. Refer **(Attachment 2)** for a plan of the proposed Forrestfield/High Wycombe Industrial Area.
3. With the continued potential expansion for industrial uses, the subject lots are becoming increasingly isolated as an appropriate residential area and will effectively be completely surrounded by industrial land as development of the surrounding area proceeds. As such, it is considered that rather than retain the land for residential purposes, and thus potentially diminish its amenity through the encroachment of industrial development, that it would be best utilised for future industry itself.
4. In July 2010 Council resolved (Resolution PS 46/2010) to initiate an amendment to rezone the subject lots from Urban Development to Light Industry, and amend existing LPS 3 provisions relating to environmental considerations by deleting the reference to Urban Development and replacing it with Light Industry and including provisions relating to the preparation of a Structure Plan. Shire officers did not proceed with the amendment due to the light industry zoning being inconsistent with the industrial development zone proposed for stage 1 of the Forrestfield / High Wycombe industrial area **(Attachment 2)**.
5. Based upon advice received from the WA Planning Commission, it is now proposed to rezone the subject lots from Urban Development to Industrial Development.

6. The main reason for this is that the Urban Development zoning is primarily to permit land to be developed for residential and commercial purposes. The key objectives of the zone are to provide for industrial development through the preparation of a Structure Plan.

DETAILS

7. It is proposed that the land be rezoned from Urban Development to Industrial Development.
8. It is also proposed that existing specific provisions within the Scheme relating to environmental considerations be amended by deleting the reference to Urban Development and replacing it with Industrial Development and including provisions relating to the preparation of a Structure Plan.
9. An additional provision is also proposed under Clause 4.2. of the Scheme Objectives of Industrial Zones which will link the new zone to the requirements for the preparation of a Structure Plan.

“Industrial Development

- *To permit the development of land for industrial purposes.”*

STATUTORY AND LEGAL IMPLICATIONS

10. The *Town Planning Regulations 1967* establish the procedures relating to amendments to local planning schemes. If Council decides to initiate the amendment, then ultimately it will be determined by the Minister for Planning. If the matter proceeds to the Minister’s determination, there is no Right of Review, irrespective of the Minister’s decision.
11. As the land is already zoned Urban, there will not be a need to amend the Metropolitan Region Scheme.
12. The proposed Scheme amendment will need to include provisions for the subject land under Clause 4.2 Objectives of the Zone which will provide the necessary statutory basis for the preparation of a structure plan for the subject land.

POLICY IMPLICATIONS

13. Nil.

PUBLIC CONSULTATION/COMMUNICATION

14. If the Amendment is initiated by Council, following consent from the Environmental Protection Authority, it will be formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*. Land owners and occupiers within the subject land and nearby affected owners will be contacted in writing as well as notices being placed on site and in a newspaper circulating in the District.

FINANCIAL IMPLICATIONS

15. Nil at this stage. If the Amendment proceeds, preparation of the documents and statutory advertising will be undertaken by Planning & Development Services.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**16. Strategic Planning Implications**

If implemented, the proposal will form a rounding off of the substantive future industrial area proposed for the Forrestfield and High Wycombe localities, identified under the Kewdale Hazelmere Integrated Master Plan (2006).

17. Sustainability Implications**Social Implications**

- Nil at this stage. Future zoning of nearby land for industrial purposes would impact on the amenity of the subject land if it were developed for residential purposes. Rezoning of the land for industrial purposes will mitigate the need to consider the need for buffers or land use interfaces which are considered undesirable in this potential situation. As opposed to the land being developed for residential purposes, it is unlikely that existing dwellings will be retained once development occurs.

Economic Implications

- If developed for Industrial purposes, the land will form part of a strategic industrial area providing employment opportunities for the community.

Environmental Implications

- Nil at this stage. If the land is rezoned, it will be necessary for the preparation of a Structure Plan which, amongst other matters, will address the TEC (Threatened Ecological Community) based on advice from the Environmental Protection Authority. It is possible that a portion of the land would need to be set aside for conservation under a tenure yet to be determined. It should be noted that all environmental constraints are not known at this stage but will be borne out through the amendment and Structure Planning procedures if the proposal proceeds. Specific environmental studies, such as ground water monitoring would be undertaken as part of the Structure Planning process.

OFFICER COMMENT

18. Since the land was rezoned in 2007 for Urban Development, there has been significant strategic planning for nearby land holdings. Given the progression thus far in the proposed Forrestfield Industrial Area and its effective encroachment towards the Urban Cell it is considered that zoning the subject land for future industrial use provides the best planning outcome.
19. The proposed Industrial Development zone is consistent with the zoning proposed for Stage 1 of the Forrestfield Industrial area and therefore represents an appropriate rounding off of the zoning for the area.

OFFICER RECOMMENDATION**PS -61/2010**

1. That Council initiates an amendment to Local Planning Scheme No. 3 in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

SHIRE OF KALAMUNDA

LOCAL PLANNING SCHEME NO. 3

AMENDMENT NO. 23

Resolved that the Council in pursuance of Part 5 of the *Planning & Development Act 2005* amends the Local Planning Scheme by:

1. Rezoning Lots 4, 9, 11 & 12 Ibis Close, Lot 7 Raven Street, Lots 5 & 6 Sultana Road West and Lots 1 & 7 Milner Street, High Wycombe from Urban Development to Industrial Development.
2. Insert additional provisions in the Scheme as follows:

4.2.4 Industrial zones

Industrial Development

- To provide orderly and proper planning through the preparation and adoption of a Structure Plan setting the overall design principles for the area.
 - To permit the development of land for industrial purposes and for commercial and other uses normally associated with industrial development.
3. That the Scheme map be modified to identify the subject site with the annotation 'DA'.
 4. Delete clause 6.2.10 of the Local Planning Scheme and replace with the following clause

6.2.10 In respect of the Industrial Development Zone generally bounded by Milner Road, West Sultana Road, Dundas Road and Maida Vale Road, the Structure Plan for this area shall ensure the protection of the threatened ecological community in the area of Lot 12 (11) Ibis Place, High Wycombe, for conservation purposes. The boundary of the threatened ecological community shall be defined from a botanical survey by a suitably qualified botanist and may extend beyond the lot boundary. In addition, a vegetation management plan shall be prepared and implemented. The management plan and boundary determination shall be completed on advice of the Department of Environment and Conservation and to the requirements of the Environmental Protection Authority, prior to determination of the Structure Plan.

5. Delete Part 2: Milner Road, High Wycombe from Schedule 11 - Development Areas and replace with:

In respect of the Industrial Development zone generally bounded by Milner Road, West Sultana Road, Dundas Road and Maida Vale Road, the Structure Plan for this area shall ensure the protection of the threatened ecological community in the area of Lot 12 (11) Ibis Place, High Wycombe, for conservation purposes. The boundary of the threatened ecological community shall be defined from botanical survey by a suitably qualified botanist and may extend beyond the lot boundary. In addition, a vegetation management plan shall be prepared and implemented. The management plan and boundary determination shall be completed on advice of the Department of Environment and Conservation and to the requirements of the Environmental Protection Authority, prior to determination of the Structure Plan.

Moved: Cr

Seconded: Cr

Declaration of financial/conflict of interests to be recorded prior to dealing with each item.

62. Local Planning Scheme No. 3 Amendment – Density Increase Lot 31 (16) and 32 (20) Halleendale Road and Lot 33 (10) Dan Close, Walliston

Previous Items: OCM 193/94
Responsible Officer: Acting Director Planning and Development Services
Service Area: Planning and Development Services
File Reference: PG-LPS-003
Applicant: F Carameli, D Wallace and K Elmy
Owners: F Carameli, D Wallace and K Elmy

Attachment 1: Locality Plan (P.20)
Attachment 2: Scheme Zoning Map (P.21)
Attachment 3: Tax Map (P.22)

PURPOSE

1. To consider an amendment to Local Planning Scheme No. 3 (the Scheme) to allow for the residential density of Lot 31 (16) and 32 (20) Halleendale Road and Lot 33 (10) Dan Close Walliston, to be increased from R2.5 to R5. Refer **(Attachments 1 and 2)** for the locality plan and Scheme zoning map.

BACKGROUND

2. In December 1994, Council resolved to adopt District Planning Scheme No. 2 (DPS 2) Amendment No. 143 to rezone the subject properties from Rural Agriculture to Special Residential (Resolution OCM 193/94). The Amendment was subsequently approved by the Minister for Planning in February 1995.
3. When the Scheme was approved by the Minister for Planning in March 2007, the Special Residential zoning was replaced with the Residential Bushland zoning.
4. The subject properties are zoned Residential Bushland R2.5, contain single dwellings and associated outbuildings, and are on the corner of Halleendale Road and Dan Close.
5. Lot 31 is 4,000sqm and Lots 32 and 33 are 4,002sqm in size. Refer **(Attachment 3)** for a map showing the lot sizes of properties in the locality.
6. Land to the north of the site is zoned Residential. Land to the east is zoned Special Rural with Kalamunda Christian School located on the western boundary.

DETAILS

7. The applicants are seeking approval to have the residential density of the properties increased from R2.5 (minimum lots sizes of 4,000sqm) to R5 (minimum lot sizes of 2,000sqm).
8. Under Table 1 of the Residential Design Codes (R-Codes) properties with a residential density of R2.5 can be subdivided into lots with a minimum size of 4,000sqm, whereas properties with a residential density of R5 can be subdivided into lots which are a minimum of 2,000sqm.

STATUTORY AND LEGAL IMPLICATIONS

9. The *Town Planning Regulations 1967* establish procedures relating to amendments to local planning schemes. If Council decides to initiate the proposed amendment, then ultimately the amendment will be determined by the Minister for Planning.
10. If Council does not initiate the amendment, the process ceases and there is no Right of Review (appeal) to the State Administrative Tribunal. If the proposal progresses to the Minister's determination, irrespective of the Minister's decision, there is no Right of Review.

POLICY IMPLICATIONS

11. DPS 2 Amendment No. 143 was approved by the Minister on the basis that it complied with the requirements of Development Control Policy No. 2.5 – Special Residential Zones.
12. Clause 5.2.2 of the Government Sewerage Policy stipulates that large lot residential subdivision can be supported where it results in lots of at least 2,000sqm and connection to reticulated sewerage is available.

PUBLIC CONSULTATION/COMMUNICATION

13. If the amendment was initiated by Council, the Amendment would be formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*.
14. The amendment would be required to be advertised in the form of a notice being published in a district and State wide newspaper. The applicant would also be requested to arrange for a sign advertising the proposal, to be erected on the subject lots.

FINANCIAL IMPLICATIONS

15. If the amendment is adopted there will be a cost involved, however this would be recouped from the applicants.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**16. Strategic Planning Implications**

- The current density of the subject properties acts as a buffer between the Residential properties with higher densities (R10 with an average lot size of 1,000sqm) to the north of Halleendale Road, and Special Rural (1 hectare) zoned properties to the south.

17. Sustainability Implications**Social Implications**

- Nil.

Economic Implications

- The proposed change in residential density will enable the owners to subdivide their lots.

Environmental Implications

- Nil.

OFFICER COMMENT

18. The amendment request is supported for the following reasons:
- The properties were rezoned for Residential purposes on the basis that development would have a rural residential theme in accordance with State Planning Policy No. 2.5. Development on the properties at a density of R5 would still comply with the provisions of the policy:
 - The subject properties would still act as a buffer between the Residential zoned properties to the north, and the Special Rural zoned properties to the south due to the lot sizes permitted under the R-Codes (a minimum of 2,000sqm).
 - The proposal would comply with the Government Sewerage Policy which, irrespective of the density coding, would allow the subject lots only to be subdivided to a minimum area of 2,000sqm due to the lack of sewer in the area.
19. Given the above, it is therefore recommended that the request to increase the density of the subject lots be supported by Council.

OFFICER RECOMMENDATION

PS- 62/2010

1. That Council initiates an amendment to Local Planning Scheme No. 3 in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005
 RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME
 SHIRE OF KALAMUNDA
 LOCAL PLANNING SCHEME NO. 3
 AMENDMENT NO.

That Council in pursuance of Part 5 of the *Planning and Development Act 2005*, amends Local Planning Scheme No. 3 by:

1. Changing the density Lot 31 (16) and 32 (20) Halleendale Road and Lot 33 (10) Dan Close Walliston, from Residential Bushland R2.5 to Residential Bushland R5.

In accordance with the Scheme Amendment Map.

Subject to amendment documents and the required administration fee being submitted, the documents being adopted by Council and the Amendment being formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*, without reference to the Western Australian Planning Commission.

Moved:

Seconded:

Declaration of financial/conflict of interests to be recorded prior to dealing with each item.

63. Local Planning Scheme No. 3 Amendment – Additional Uses (Consulting Room and Offices) Lot 83 (178) and 109 (182) Canning Road, Kalamunda

Previous Items: OCM 170/2008
Responsible Officer Acting Director Planning and Development Services
Service Area: Planning and Development Services
File Reference: CN-01/178
Applicant: A Christoforou
Owner: A Christoforou

Attachment 1: Locality Plan (P.23)
Attachment 2: Scheme Zoning Map (P.24)

PURPOSE

1. To consider an amendment to Local Planning Scheme No. 3 (the Scheme) to allow for additional uses (Consulting Rooms and Offices) at Lot 83 (178) and 109 (182) Canning Road, Kalamunda. Refer **(Attachment 1)** for the locality plan.

BACKGROUND

2. In December 2008 Planning Services recommended to initiate a request to allow for additional uses (consulting rooms and offices) on the subject lots. However Council resolved (Resolution OCM 170/2008) not to initiate for the following reasons:
 - a. *State Planning Policy 4.2 sets guidelines for location of 'Office Development' encouraging these to be compatible with the scale and character of 'Centres'.*
 - b. *Canning Road to be designated as an activity corridor would entail an amendment to cover the CBD to Walliston Industrial area and go out for public comment as per the Strategic Plan.*
 - c. *It is premature in light of the above."*
3. The subject lots are zoned Residential R10 and have direct access onto Canning Road via two separate crossovers. Lot 83 contains two single storey dwellings and associated outbuildings, and one single storey dwelling exists on Lot 109.
4. The applicant resides in the dwelling at the rear of Lot 83. The front dwelling on the same lot and the dwelling on Lot 109 have been rented in the past.

DETAILS

5. The applicant has requested that Council reconsiders its decision so that additional uses (consulting rooms and offices) are allowed to operate on the subject lots, as renting is apparently becoming increasingly difficult due to the noise from traffic along Canning Road.

STATUTORY AND LEGAL IMPLICATIONS

6. The *Town Planning Regulations 1967* establish procedures relating to amendments to local planning schemes. If Council decides to initiate the proposed amendment, then ultimately the amendment will be determined by the Minister for Planning.
7. If Council does not initiate the amendment, the process ceases and there is no Right of Review (appeal) to the State Administrative Tribunal. If the proposal progresses to the Minister's determination, irrespective of the Minister's decision, there is no Right of Review.
8. Under the Zoning Table of the Scheme the uses Consulting Rooms and Offices are listed as 'X' uses in the Residential zone, meaning the uses are not permitted. Refer **(Attachment 2)** for current Scheme Zoning Map.
9. Clause 4.2 of the Scheme states that the objectives of the Residential zoned areas are the following:
 - To provide primarily for single residential development whilst allowing for a range of residential densities in order to encourage a wide choice of housing types within the Shire.
 - To facilitate a range of accommodation styles and densities to cater for all community groups inclusive of the elderly, young people in transition and the handicapped.

POLICY IMPLICATIONS

10. State Planning Policy 4.2 – Activities Centre for Perth and Peel Region
State Planning Policy 4.2 – for Perth and Peel Regions sets guidelines for the location of commercial activities at a district level.
11. Office and community facilities are encouraged to be centrally located to meet the services needs of the community.
12. Being more centrally located this means that such uses are more easily accessible by a larger number of residents.
13. Liveable Neighbourhoods (January 2009)
Liveable Neighbourhoods (January 2009) is an integrated planning and assessment policy to assist with the design and assessment of structure and subdivision plans to guide urban development within metropolitan and regional Western Australia.
14. The Policy requires commercial and business uses to be integrated into mixed-use centres to provide improved environmental, economic and social outcomes.

15. Directions 2031 and beyond

Directions 2031 and beyond is a high level strategic plan that establishes a vision for future growth of the Perth metropolitan area.

The objectives of which include the following:

- . Reducing greenhouse gas emissions.
- . Developing and revitalising activity centres as attractive places in which to invest, live and work.
- . Ensuring that economic development and accessibility to employment inform urban expansion.
- . Encourage reduced vehicle use.

PUBLIC CONSULTATION/COMMUNICATION

16. If the amendment is initiated by Council, the Amendment would be formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*.
17. The amendment would be required to be advertised in the form of a notice being published in a district and State wide newspaper. The applicant would also be requested to arrange for a sign advertising the proposal, to be erected on the subject lot.

FINANCIAL IMPLICATIONS

18. If the amendment is adopted there will be a cost involved, however this would be recouped from the applicants.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

19. **Strategic Planning Implications**

- The subject lots are remote from the Kalamunda Town Centre which operates as an 'Activity Centre' in *Directions 2031 and beyond*, accommodating a range of commercial uses including the proposed office and consulting room activities.

20. Sustainability Implications**Social implications**

- Offices and consulting rooms would be more easily accessible by a larger number of residents if located in the town centre where similar uses exist.

Economic Implications

- Nil.

Environmental Implications

- Nil.

OFFICER COMMENT

21. It is considered that the proposal is ad hoc and not in keeping with proper and orderly planning of commercial developments, and would be best located in the town centre where similar uses exist. For this reason it is recommended that the request for the additional uses Consulting Rooms and Offices at the subject lots, not be supported by Council.

OFFICER RECOMMENDATION**PS-63/2010**

1. That Council does not initiate the amendment to allow for the additional uses (Consulting Rooms and Offices) at Lot 83 (178) and 109 (182) Canning Road, Kalamunda, as the proposal is contrary to orderly and proper planning principles.

Moved:

Seconded:

Declaration of financial/conflict of interests to be recorded prior to dealing with each item.

64. Local Planning Scheme No. 3 Amendment – Additional Uses – Veterinary Centre and Consulting Rooms Lot 301 (384) Holmes Road, Forrestfield –

Previous Items: TO-1/5-55
 Responsible Officer: Acting Director Planning and Development Services
 Service Area: Planning and Development Services
 File Reference: PG-LPS-003
 Applicant: R Spiccia
 Owners: R Spiccia

Attachment 1: Locality Plan (P.25)
 Attachment 2: Scheme Zoning Map (P.26)
 Attachment 3: Site Plan (P.27)

PURPOSE

1. For Council to consider an amendment to Local Planning Scheme No. 3 (the Scheme) to allow for the use of a Veterinary Centre and Consulting Room to be considered on Lot 301 (384) Holmes Road, Forrestfield. In addition to those already able to be considered (Office and Shop) as contained in Schedule 4 of the Scheme. Refer ***(Attachment 1 and 2)*** for the locality plan and Scheme zoning map.

BACKGROUND

2. In July 1988 Council resolved (Resolution TO-1/5-55) to adopt District Planning Scheme No. 2 (DPS 2) Amendment No. 55 to rezone the subject property from Residential R30 to Special Purpose (Office/Shop), and to impose the following conditions:
 - (a) *“The development of the site shall be limited to a total of 580sqm gross leasable area, comprising an Office 340sqm and a Delicatessen Shop 240sqm.*
 - (b) *Provision and maintenance of a total of 34 car spaces measuring 5.5m x 2.5m and clearly marked on the ground, 6m wide access ways, landscaping and garden treatment areas.*
 - (c) *Building setbacks –*
 - (i) *0m from Holmes Road (verandah on road frontage).*
 - (ii) *5 and 6 metres from Hale Road respectively.”*

3. The amendment was subsequently approved by the Minister for Planning in August 1988.
4. The zoning Special Purpose changed to Special Use when the Minister for Planning approved the Scheme in March 2007.
5. The subject property contains a 240sqm delicatessen shop, 340sqm office and thirty four (34) car bays, and has direct access onto Holmes Road and Hale Road via two separate crossovers. Refer **(Attachment 3)** for a site plan of the property.
6. Surrounding properties contain single storey dwellings and nearby is a warehouse due to the lot being zoned Special Use (Service Industry).

DETAILS

7. The applicants are seeking approval to allow for the uses Veterinary Centre and Consulting Room to be considered on the subject property, in addition to those already able to be considered (Office and Shop).
8. The proposed additional uses will both have three staff. This includes one practitioner for the consulting room.
9. So that there is adequate car parking on site and that the amenity of the locality is not detrimentally impacted, condition (a) for the property is proposed to be deleted and replaced with the following:
 1. *“The development of the site shall be limited to a total of 580sqm gross leasable area.”*
10. The applicant’s justification in support of a consulting room and veterinary centre being considered as a additional uses on the property, is as follows:
 1. *“At the present time, there are various professionals who are looking at the property. In particular, a vet and doctor are interested as they feel there is a lack of these services in the Forrestfield area.*
 2. *The property is well located, easily accessible, modern, tidy and with good facilities.”*

STATUTORY AND LEGAL IMPLICATIONS

11. The *Town Planning Regulations 1967* establish procedures relating to amendments to local planning schemes. If Council decides to initiate the proposed amendment, then ultimately the amendment will be determined by the Minister for Planning.

12. If Council does not initiate the amendment, the process ceases and there is no Right of Review (appeal) to the State Administrative Tribunal. If the proposal progresses to the Minister's determination, irrespective of the Minister's decision, there is no Right of Review.
13. Should the amendment and subsequent development applications be approved, a maximum of thirty six bays (36) will be required. Currently thirty four (34) bays are available, which would result in a shortfall of two car bays, however space is available along the north-east boundary to provide three additional (tandem) car bays if necessary.

POLICY IMPLICATIONS

14. *Liveable Neighbourhoods Policy (January 2009)* is an integrated planning and assessment policy to assist with the design and assessment of structure and subdivision plans to guide urban development within metropolitan and regional Western Australia.

PUBLIC CONSULTATION/COMMUNICATION

15. If the amendment is initiated by Council, the Amendment would be formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*.
16. The amendment would be required to be advertised in the form of a notice being published in a district and State wide newspaper. The applicant would also be requested to arrange for a sign advertising the proposal, to be erected on the subject lot.

FINANCIAL IMPLICATIONS

17. If the amendment is adopted there will be a cost involved, however this would be recouped from the applicants.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

18. Strategic Planning Implications

- The subject property abuts Residential zoned properties and is within close proximity to other commercial premises.

19. Sustainability Implications

Social Implications

- The proposed uses are services required frequently by residents.

Economic Implications

- Allowing for additional uses on the property would potentially create more local jobs thereby providing a stimulus for the local economy.

Environmental Implications

- Due to its proximity to residential properties and bus routes, there will be less need for residents to use private vehicles when visiting the property.

OFFICER COMMENT

20. The proposed amendment is consistent with the intent of *Liveable Neighbourhoods Policy 3* and *Directions 2031* which were prepared by the Western Australian Planning Commission, in providing for commercial and community activities in close proximity to a range of housing types, and has little impact on the surrounding area.
21. In addition to this, it is considered that the proposed additional uses will not have a detrimental impact on the amenity of the local area due to:
 - No additional buildings being permitted.
 - The proposed uses being small scale in nature.
 - There being space for an adequate amount of car parking on site.
22. Matters relating to issues such as noise will be addressed when development applications are received for the uses.
23. Taking into consideration the above, it is recommended that the proposed amendment be supported.

OFFICER RECOMMENDATION**PS- 64/2010**

1. That Council initiates an amendment to Local Planning Scheme No. 3 in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

SHIRE OF KALAMUNDA

LOCAL PLANNING SCHEME NO. 3

AMENDMENT NO.

That Council in pursuance of Part 5 of the *Planning and Development Act 2005*, amends Local Planning Scheme No. 3 by:

1. Including Consulting Rooms and Veterinary Centre under item 4 of Schedule 4 (Special Uses).

-
2. Delete condition (a) under item 4 of the Scheme's Schedule 4 and replace with the following:

(a) "The development of the site shall be limited to a total of 580sqm gross leasable area"

Subject to amendment documents and the required administration fee being submitted, the documents being adopted by Council and the Amendment being formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*, without reference to the Western Australian Planning Commission.

Moved:

Seconded:

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

**14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY
DECISION**

15.0 MEETING CLOSED TO THE PUBLIC

16.0 CLOSURE