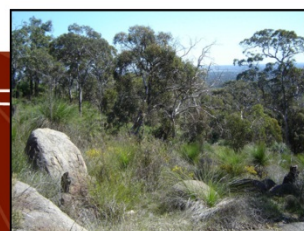


# Development & Infrastructure Services Committee Meeting

Minutes for 11 August 2014

**CONFIRMED**



**shire of  
kalamunda**

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## MINUTES

### 1.0 OFFICIAL OPENING

The Presiding Member opened the meeting at 6.35pm, and welcomed Councillors, Staff and Members of the Public Gallery.

### 2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

#### 2.1 Attendance

##### Councillors

Sue Bilich	(Shire President) North Ward
Margaret Thomas JP	North Ward
Simon Di Rosso	(Presiding Member) North Ward
Noreen Townsend	South West Ward
Justin Whitten	South West Ward
Geoff Stallard	South East Ward
John Giardina	South East Ward
Frank Lindsey	South East Ward
Andrew Waddell JP	North West Ward
Dylan O'Connor	North West Ward

##### Members of Staff

Rhonda Hardy	Chief Executive Officer
Warwick Carter	Director Development Services
Charles Sullivan	Director Infrastructure Services
Gary Ticehurst	Director Corporate Services
Andrew Fowler-Tutt	Manager Development Services
Nicole O'Neill	Coordinator Public Relations
Kristy McGuire	Executive Research Officer Director Corporate Services

**Members of the Public** 7

**Members of the Press** 0

#### 2.2 Apologies

##### Councillors

Allan Morton	South West Ward
Bob Emery	North West Ward

#### 2.3 Leave of Absence Previously Approved

Nil.

### **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.

#### **3.1 Mr Tony Ioppolo, Walkers Mitre 10 Hardware, Kalamunda. Item 45. Car bays Three Storey Mixed Use Development.**

Q1. I have concerns relating to the car bays provided for users of this facility. In the original proposal it was stated that 55 car bays would be supplied, however with the current proposal, there seems to be five bays being provided. This is not going to be sufficient for the users of the new building and what would happen if the buildings were to be sold?

A1. The Director Development Services advised the recommendation to Council includes a condition that a legal agreement to be prepared to tie the surplus bays in the adjoining lot to the subject property. This agreement would bind future land owners, meaning those bays could not be taken into consideration as being surplus if there was an application for the redevelopment those adjoining lots.

### **4.0 PETITIONS/DEPUTATIONS**

4.1 Nil.

### **5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

5.1 That the Minutes of the Development & Infrastructure Services Committee Meeting held on 14 July 2014 are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Frank Lindsey**

Vote: **CARRIED UNANIMOUSLY (10/0)**

### **6.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

6.1 The Presiding Member informed Councillors of the passing of Cr Emery's wife and offered condolences on behalf of Council.

### **7.0 MATTERS FOR WHICH MEETING MAY BE CLOSED**

7.1 Nil.

### **8.0 DISCLOSURE OF INTERESTS**

8.1 **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*.)

8.1.1 Nil.

## 8.2 **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.

8.2.1 Cr John Giardina disclosed an Interest Affecting Impartiality relating to Items 43, Amendment No. 61 to Local Planning Scheme No. 3 – Additional Use (Place of Worship) – Lot 36 (831) Welshpool Road East, Wattle Grove; and Item 45 Three Storey Mixed Use Development (Two Multiple Dwellings, Shops and Offices) – Lot 7 (20) Haynes Street, Kalamunda, as he has “relatives that reside in the vicinity.”

## 9.0 **REPORTS TO COUNCIL**

Please Note: declaration of financial/conflict of interests to be recorded prior to dealing with each item.

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

**42. Amendment No. 64 to Local Planning Scheme No. 3 – Lot 213 (28) Lewis Road, Wattle Grove – Additional Uses (Place of Worship, Chalets – Short Term Accommodation and Community Purpose)**

Previous Items	OCM 212/2013
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	PG-LPS-003/064
Applicant	Fount of Life Outreach Ministries Inc.
Owner	K and L Gorman

Attachment 1	Local Planning Strategy Key Elements Plan
Attachment 2	Submission Table

**PURPOSE**

- To consider final adoption of Amendment No. 64 to Local Planning Scheme No. 3 (Scheme) to include the uses 'Place of Worship', 'Chalets – Short Term Accommodation', and 'Community Purpose' under Schedule 2 (Additional Uses) of the Scheme.

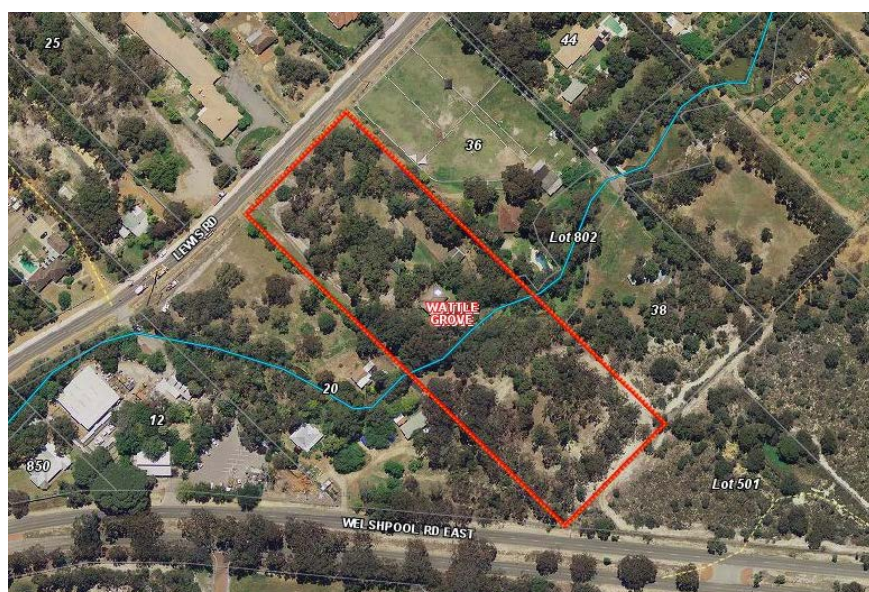
**BACKGROUND**

**2. Land Details:**

Land Area:	2ha
Local Planning Scheme Zone:	Special Rural
Metropolitan Regional Scheme Zone:	Rural

**Locality Plan**

**3.**



4. The subject property, and those surrounding, contain single dwellings and associated outbuildings.
5. The property contains mature vegetation throughout and is traversed by Yule Brook.
6. The property, and those surrounding, have been identified in the Shire's Local Planning Strategy (the Strategy) as being a Foothills Investigation Area with the intention of potentially being rezoned to Residential Bushland. Refer to the Local Planning Strategy Key Elements Plan (Attachment 1).
7. The proposed Residential Bushland zoning would allow for minimum lots size ranging from approximately 2,000sqm to 4,000sqm in area.
8. In December 2013, Council resolved (Resolution OCM 212/2013) to initiate Amendment No. 64 to the Scheme.

## **DETAILS**

9. It is proposed to include the uses 'Place of Worship', 'Chalets – Short Term Accommodation', and 'Community Purpose' under Schedule 2 (Additional Uses) of the Scheme.
10. The applicant advises that they wish to establish the following activities:

### **Bethel Conference, learning and Worship Centre**

The conference centre would be used for the purpose of community development based on social issues. The uses would include conference and counselling facilities for community organisations such as Drug Arm, Life Line, Beyond Blue, Diabetes WA, YMCA etc. The Centre would also be used as a Place of Worship.

### **Grace Lodge**

Short term stay (limited to 3 months) for people in crisis who may require emotional, physical and mental support. The chalets would only be used by people associated with the Conference and Learning Centre and assessed for support, if needed, by external agencies. The chalets would not be used for tourist uses or be available to the public at large.

### **Eden Nursery**

This would supply food to the community café which in turn would supply food to the on-site café and people at the Grace Lodge and Bethel Conference Centre.

This will also include a "petting farm" with domestic animals (chickens, goats, pigs etc.) to be used by visitors to the site associated with the Bethel Conference Centre.

## **Manna Café**

This would involve the development of a commercial kitchen and dining room to be used by persons using the services of Grace Lodge and Bethel Conference Centre. It would also be used for community education purposes to teach people food and nutrition skills.

11. Essentially the uses would be limited to those persons associated with the Ministries and not available to the broader public.
12. If the amendment is approved by the Minister for Planning a planning application will be required to be submitted to, and approved by, the Shire prior to commencing any development of the site.

## **STATUTORY AND LEGAL CONSIDERATIONS**

13. The *Town Planning Regulations 1967* establish procedures relating to amendments to local planning schemes. The ultimate determination on the proposed amendment will rest with the Minister for Planning.
14. Under clause 4.2.2 (Objectives of the Zones – Rural) an objective of the Special Rural zone is to retain amenity and the rural landscape in a manner consistent with orderly and proper planning.
15. Under Schedule 1 (Land Use Definitions) of the Scheme, the proposed uses are defined as follows:

*"Chalet" means an individual self-contained unit usually comprising cooking facilities, ensuite, living area and one or more bedrooms designed to accommodate short-stay guests, forming part of a tourism facility and where occupation by any person is limited to a maximum of three months in any 12-month period."*

*"Community Purpose" means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit."*

*"Place of Worship" means premises used for religious activities such as a church, chapel, mosque, synagogue and temple."*

## **POLICY CONSIDERATIONS**

### **Draft State Planning Policy 3.7 – Planning for Bushfire Risk Management**

16. The objective of Draft State Planning Policy 3.7 – Planning for Bushfire Risk Management (Draft SPP 3.7) is to ensure development and land use proposals take into account bushfire protection requirements and include specified fire protection measures, especially over land that has, or will have, a moderate or extreme bushfire hazard level.



17. As part of a planning application for the proposed uses, a bushfire hazard assessment will be required to be undertaken by the applicant. If it is found the proposals falls within a moderate or extreme bushfire risk area then the requirements of Draft SPP 3.7 and the Western Australian Planning Commission's Bushfire Protection Guidelines compliance will be required.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

18. The proposal was advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*, which involved local public notice in a paper circulating the District, the proposal be advertised to nearby landowners and has been referred to relevant government agencies.
19. During the advertising period one objection, two non-objections and one submission which provided comment on the proposal were received. Refer to the Submission Table (Attachment 2).
20. The Department of Water (DOW) objected to the proposal as it requires a Biophysical Assessment be undertaken to determine the appropriate buffer to Yule Brook. This is required to ensure protection of stream bank stability and the retention of native vegetation.
21. If the amendment is approved the Biophysical Assessment will be provided as part of the planning application.

### **FINANCIAL CONSIDERATIONS**

22. Nil.

### **STRATEGIC COMMUNITY PLAN**

#### **Strategic Planning Alignment**

23. *Kalamunda Advancing: Strategic Community Plan to 2023*

OBJECTIVE 4.1 - To ensure the Shire's development is in accord with the Shire's statutory and legislative obligations and accepted urban design planning standards.

Strategy 4.3.1 Provide efficient building and development approval services to the community.

### **SUSTAINABILITY**

#### **Social Implications**

24. The applicant currently provides charitable and not for profit activities in Forrestfield and High Wycombe which would be replicated at the subject site should the amendment proceed.

#### **Economic Implications**

25. Nil.

## Environmental Implications

26. Nil. If the amendment is approved it will be a requirement that a Biophysical Assessment be provided as part of the planning application.

## RISK MANAGEMENT CONSIDERATIONS

27.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve to adopt the amendment	Possible	Insignificant	Low	Make sure Council is aware that the proposal is compliant with the Scheme and environmental concerns raised by the DOW will be addressed at the planning application stage.

## OFFICER COMMENT

28. With the exception of the short stay accommodation use, the proposed uses are fundamentally currently undertaken by the applicant in the Shire. The intent is to consolidate these uses on one site.
29. If the amendment is approved a Biophysical Assessment will be required to be submitted at the planning application stage to address concerns raised by the DOW. Currently the final location of any proposed buildings is unknown.
30. The uses are considered to be compatible within the rural environs in which the property is located. If development occurs, as anticipated by the amendment, it is unlikely to have a detrimental impact of future strategic planning of the locality.

**Voting Requirements: Simple Majority**

**OFFICER RECOMMENDATION (D&I 42/2014)**

That Council:

1. Adopts the amendment to Local Planning Scheme No. 3 without modification, 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. 64

Resolved that Council, in pursuance of Part 5 of the *Planning and Development Act 2005*, amends the above Local Planning Scheme as follows:

- (a) Modify Schedule 2 (Additional Uses) of the Scheme by including the following provision:

NO.	DESCRIPTION OF LAND	ADDITIONAL USE	CONDITIONS
A 50	Lot 213 (28) Lewis Road, Wattle Grove	Community Purpose Place of Worship Chalets	The uses are not permitted unless approval is granted by the Local Government ("D").

2. Amends the Scheme text and Zoning Map accordingly.
3. Duly executes the Amendment documents and forwards them to the Minister for Planning requesting final approval be granted.

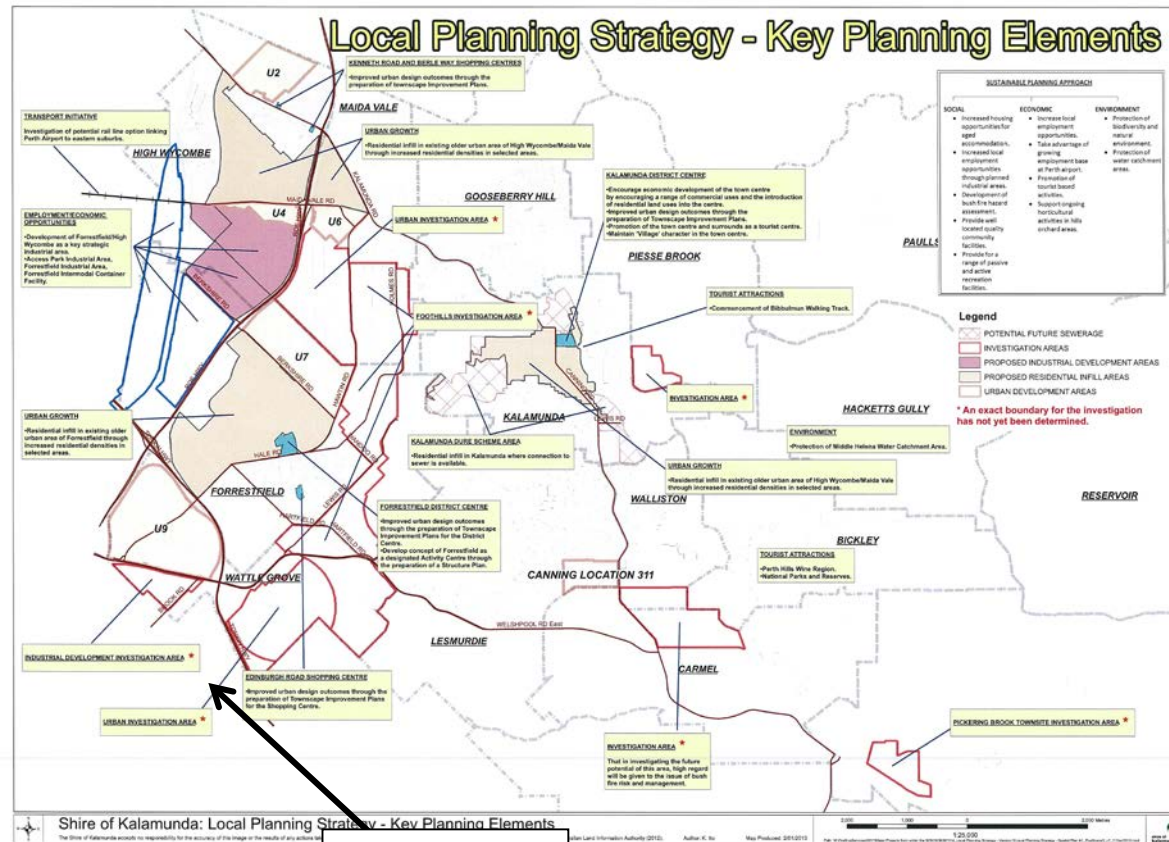
Moved: **Cr Noreen Townsend**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (10/0)**

### Attachment 1

## Amendment No. 64 to Local Planning Scheme No. 3 – Lot 213 (28) Lewis Road, Wattle Grove – Additional Uses (Place of Worship, Chalets – Short Term Accommodation and Community Purpose) Local Planning Strategy Key Elements Plan



## Attachment 2

Amendment No. 64 to Local Planning Scheme No. 3 – Lot 213 (28) Lewis Road, Wattle Grove –  
 Additional Uses (Place of Worship, Chalets – Short Term Accommodation and Community Purpose)

### Submission Table

	Submission	Details	Comments
1.	Department of Water 7 Ellam Street VICTORIA PARK WA 6100	<p>Objection.</p> <p>The Department of Water requires that a Biophysical Assessment is undertaken, in accordance with the Department's Operational Policy 4.3: Identifying and Establishing Waterway's Foreshore Areas, to determine the appropriate buffer to the waterway, to ensure protection of stream bank stability and the retention of native vegetation. This assessment will need to be undertaken prior to the approval of any development over the subject site. This is to ensure that the waterway buffer is appropriately incorporated into the subdivision design.</p>	<p>A Biophysical Assessment will be required to be submitted at the planning application stage if the amendment is approved as currently it is not known where the final location of any proposed buildings will be. This will be referred to the Department of Water as part of the planning application's assessment.</p>
2.	K Sinclair 5 Earlsferry Court BASSENDEAN WA 6054	<p>Non-objection.</p>	<p>Noted.</p>
3.	Department of Health PO Box 8172 PERTH BC WA 6849	<p>a) All developments are required to connect to scheme water and reticulated sewerage as required by the Government Sewerage Policy – Perth Metropolitan Region.</p> <p>b) The Shire should use this opportunity to minimise potential negative impacts of the mixed density development such as noise, odour, light and other lifestyle activities. To</p>	<p>a) Noted.</p> <p>b) Such measures will be taken into consideration at the planning and building application stages if the</p>

Submission		Details	Comments
		<p>minimise adverse impacts on the residential component the Shire could consider incorporation of additional sound proofing/insulation, double glazing on windows, or design aspects related to location of air conditioning units and other appropriate building/construction measures.</p> <p>c) All public related developments (Community Purpose and Place of Worship) to comply with the provisions of the Health Act 1911, related regulations and guidelines, and in particular Part VI – Public Buildings.</p>	<p>amendment is approved by the Minister.</p> <p>c) Noted.</p>
4.	Water Corporation PO Box 100 LEEDERVILLE WA 6902	The Water Corporation has reviewed the amendment and has no concerns.	Noted.

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

*Cr John Giardina declared an Interest Affecting Impartiality*

**43. Amendment No. 61 to Local Planning Scheme No. 3 – Additional Use (Place of Worship) – Lot 36 (831) Welshpool Road East, Wattle Grove**

Previous Items	OCM 136/2013, OCM 68/2014
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	PG-LPS-003/061
Applicant	Gray and Lewis Land Use Planners
Owner	S Jones
Attachment 1	Preliminary Site Plan
Attachment 2	Local Planning Strategy Key Elements Plan
Attachment 3	Submission Table
Attachment 4	Potential U-Turn Location Plan

**PURPOSE**

- To consider submissions received and the adoption of Amendment No. 61 to Local Planning Scheme No. 3 (the Scheme) to include the Additional Use of Place of Worship on Lot 36 (831) Welshpool Road East, Wattle Grove. Refer to (Attachment 1).

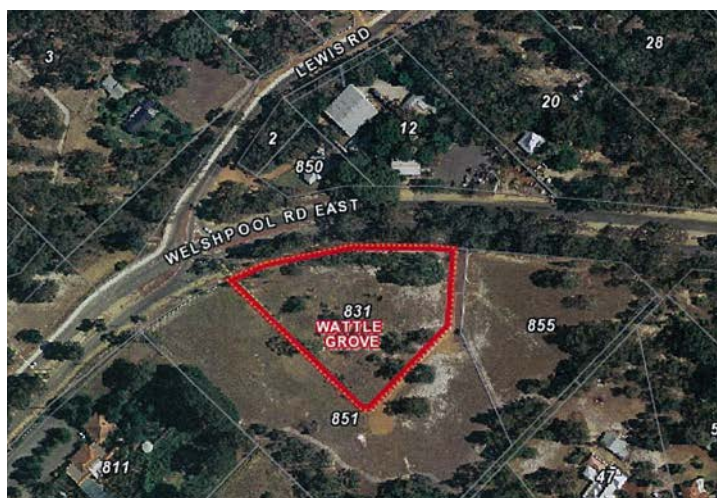
**BACKGROUND**

- Land Details:**

Land Area:	1.04ha
Local Planning Scheme Zone:	Rural Composite
Metropolitan Region Scheme Zone:	Rural

**Locality Plan**

- 



- The property is currently vacant and has access from Welshpool Road East via a shared driveway with Lots 34 (851) and 38 (855) Welshpool Road East.

5. The section of Welshpool Road to the east of Roe Highway is identified under the Metropolitan Region Scheme (MRS) as being an 'Other Regional Road Reserve' (blue road) Category 2 and is therefore under the control of Main Roads WA (MRWA) and the WA Planning Commission.
6. The surrounding properties have been identified in the Shire's Local Planning Strategy (the Strategy) as being in the Foothills Investigation Area. Refer to the Local Planning Strategy Key Elements Plan (Attachment 2).
7. In September 2013, Council resolved (OCM 136/2013) to initiate the Amendment.
8. In May 2014, Council resolved (OCM 68/2014) to defer the item to a later date to provide the applicant with the opportunity to address concerns raised by Main Roads WA (MRWA). MRWA has since provided further comment on the proposal.

## **DETAILS**

9. It is proposed the use "Place of Worship" be included under Schedule 2 (Additional Uses) of the Scheme.
10. In support of the proposed amendment, the applicant has advised the following:

*" The Rural Composite zoning allows for "low scale commercial land uses" and the proposed Place of Worship will not adversely affect the landscape or environmental qualities of the land.*

*A preliminary site plan of the proposed development has been prepared (Attachment 1) and shows the location of the church/hall towards the eastern boundary, with the associated car parking area along the northern boundary.*

*Existing trees on the site will be retained where possible.*

*It should be noted that the site plan is indicative only and will be refined at the development application stage."*

## **STATUTORY AND LEGAL IMPLICATIONS**

### **Local Planning Scheme No. 3**

11. The *Town Planning Regulations 1967* establish procedures relating to amendments to local planning schemes. If Council decides not to adopt the proposed amendment, then ultimately the amendment will be determined by the Minister for Planning.
12. If the amendment is approved by the Minister, an application for the use Place of Worship could be considered as a discretionary use, subject to planning approval being obtained from the Shire.
13. The use Place of Worship is defined under Schedule 1 (Land Use Definitions) of the Scheme as being:



*“Premises used for religious activities such as a church, chapel, mosque, synagogue and temple.”*

14. Under Table 1 (Zoning Table) of the Scheme the use Place of Worship is listed as an 'X' use in the Rural Composite zone, meaning the use is not permitted.
15. Clause 4.2.2 (Objectives of the Zones – Rural Composite) of the Scheme stipulates that the objective of the Rural Composite zone is to provide for small semi-rural lots that can accommodate a limited range of rural and low scale commercial land uses in a manner that will not adversely affect the landscape and environmental qualities of the land and are appropriate to the area.
16. Clause 4.5 (Additional Uses) of the Scheme stipulates that *“despite anything contained in the Zoning Table, the land specified in Schedule 2 may be used for the specific use or uses that are listed in addition to any uses permissible in the zone in which the land is situated subject to the conditions set out in Schedule 2 with respect to that land”*.

#### **POLICY IMPLICATIONS**

17. Nil.

#### **COMMUNITY ENGAGEMENT REQUIREMENTS**

18. The proposal was advertised beyond the standard 42 days required under the Town Planning Regulations. The extended advertising period was due to a request being received to extend the advertising period as it was over the Christmas break.
19. The proposal was advertised for 60 days in accordance with the provisions of the *Town Planning Regulations 1967*, which involved a public notice in a paper circulating the district, a sign being erected at the front of the property, and the proposal being referred to affected landowners for comment.
20. During the advertising period five objections and two non-objections on the proposed amendment were received. Refer to the Submission Table (Attachment 3).
21. The objections received were principally concerned with traffic safety issues created as a result of the future redevelopment of the property. In response, the applicant has advised the following:

*“The intersection of Lewis Rd/Welshpool Road East had 17 recorded crashes in the 5 year period to December 2012 (the latest available period of data). This equates to an average of 3.2 crashes per year. Of the 17 crashes 1 has been a fatal crash in 2012. There was one other recorded fatal crash approximately 75m west of the intersection in 2009. This annual crash rate is not considered high and the intersection has a ranking of 1230 with regards to the number of crashes which is very low for this intersection and represents a relatively good safety record.*

*The movements are expected to be only occur on a Sunday morning up until about noon. There is an expectation of approximately 72 vehicles arriving in the half an hour prior to a mass service (from 9am to 9.30am) and then departing over a longer period (say 12pm to 1pm). Of the vehicles arriving, assuming 90% arrive from the west and 10% from the east, Sidra Intersection modelling of the median U-turn, indicates that there would be about no more than a single car on average queuing in the median break.*

*Observation on site has indicated that two vehicles can undertake a U-turn manoeuvre in the 11m wide median and safely queue out of the through lanes and thus reduce the likelihood of rear end and side swipe crashes. There is a sight distance of approximately 400m for vehicles approaching from the west on Welshpool Road to observe any vehicle that might be queued in the median and be close to the right lane. This is ample distance and exceeds the minimum 175m and desirable 305m for an 80km/h speed zone. Regarding the exit from the church onto Welshpool Road East, this has a sight distance of approximately 500m, far exceeding the above requirements."*

22. Since Council's decision to defer the item to a later date, MRWA has advised the following:

*"Due to the slope downgrade on the westbound section of Welshpool Road East, a deceleration lane should be constructed on Welshpool Road East (left turn onto the approved combined/reciprocal right of access road) to current Austroads and Main Roads standards.*

*The existing U-turn facility on the east side is upgraded to include deceleration, storage and a turning pocket. To be constructed to current Austroads and Main Roads standards.  
A no U-turn sign is to be installed (by Main Roads WA at the applicant's cost) at Welshpool Road East and Lewis Road.*

*All construction including signs and line marking for deceleration lanes and the pocket at the U-turn facility is to be at the applicant's cost and expense."*

## **FINANCIAL CONSIDERATION**

23. Nil.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

24. *Kalamunda Advancing: Strategic Community Plan to 2023*

OBJECTIVE 4.3 - To ensure the Shires development is in accord with the Shires statutory and legislative obligations and accepted urban design planning standards.

Strategy 4.3.1 Provide efficient building and development approval services to the community.

## SUSTAINABILITY

### Social Implications

25. Development of a Place of Worship will cater to specific demographic requiring such a facility. Given the infrequent nature of the activities likely to occur, it is considered that there would be limited impact on occupants of nearby properties.

### Economic Implications

26. Nil.

### Environmental Implications

27. Nil.

## RISK MANAGEMENT CONSIDERATIONS

28.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Increased risk of traffic conflict along Welshpool Road East	Likely	Extreme	Extreme	Ensure Council is aware that the landowner is prepared to put all the measures required by MRWA in place, details of which will be required to be submitted at the planning application stage if the amendment is approved.

## OFFICER COMMENT

29. Whilst places of worship are typically located in residential areas, the quasi commercial nature of the Rural Composite zone suggests that the proposed use would also be appropriate on the site.
30. If the amendment is approved, it would be necessary for the applicant to seek planning consent prior to the use being undertaken.
31. The concerns of MRWA in respect to potential U-Turn locations for traffic heading west and east along Welshpool Road East are acknowledged. Refer Attachment 4. In this regard, the increased traffic movements to, and from, the site have the potential to increase the risk of traffic conflict at these locations.
32. Matters regarding car parking, landscaping and the hours of operation, amongst others, will be taken into consideration at the development application stage if the amendment is approved. The application will also be required to demonstrate that measures required by MRWA are to be implemented.

33. The landowner has advised the Shire they are prepared to initiate all the measures required by MRWA.

*Councillor John Giardina disclosed an Interest Affecting Impartiality as he "has a relative that lives within the vicinity"; he left the room at 6.42pm and returned at 6.47pm, he was not present for the vote.*

*A Councillor queried if there are slip lanes proposed for the main road and if there is a proposal to cut across the median strip. The Director Development Services advised Main Roads WA have indicated it includes a deceleration lane for both directions this would need to be made as conditions for planning approval.*

*A Councillor questioned if this particular site been deemed by Main Roads to have sufficient lines of sight as it is on a bend. The Director Development Services advised Main Roads are supportive of the development with some upgrades to the site. There would need to be more detailed design during the development application process when a detailed traffic management plan would be required to address these items.*

<b>Voting Requirements: Simple Majority</b>
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**OFFICER RECOMMENDATION (D&I 43/2014)**

That Council:

1. Notes the submissions received in response to Amendment No. 61 to Local Planning Scheme No. 3.
2. Adopts the amendment to Local Planning Scheme No. 3 without modification, 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.

Resolved that Council, in pursuance of Part 5 of the *Planning and Development Act 2005*, amends the above Local Planning Scheme as follows:

- (a) Amending Schedule 2 (Additional Uses) by including the following provision:

NO.	DESCRIPTION OF LAND	ADDITIONAL USE	CONDITIONS
50.	Lot 36 (831) Welshpool Road East, Wattle Grove	Place of Worship	The uses are not permitted unless approval is granted by the Local Government ("D")

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.

3. Amends the Scheme Zoning Map and text accordingly.
4. Duly executes the Amendment documents and forwards them and the submissions received to the Minister for Planning requesting final approval be granted.
5. Advises the applicant that its decision to adopt the amendment is based on the assurance that the measures required by Main Roads WA will be implemented. Details of which are to be provided at the planning application stage if the amendment is approved.

Moved: **Cr Noreen Townsend**

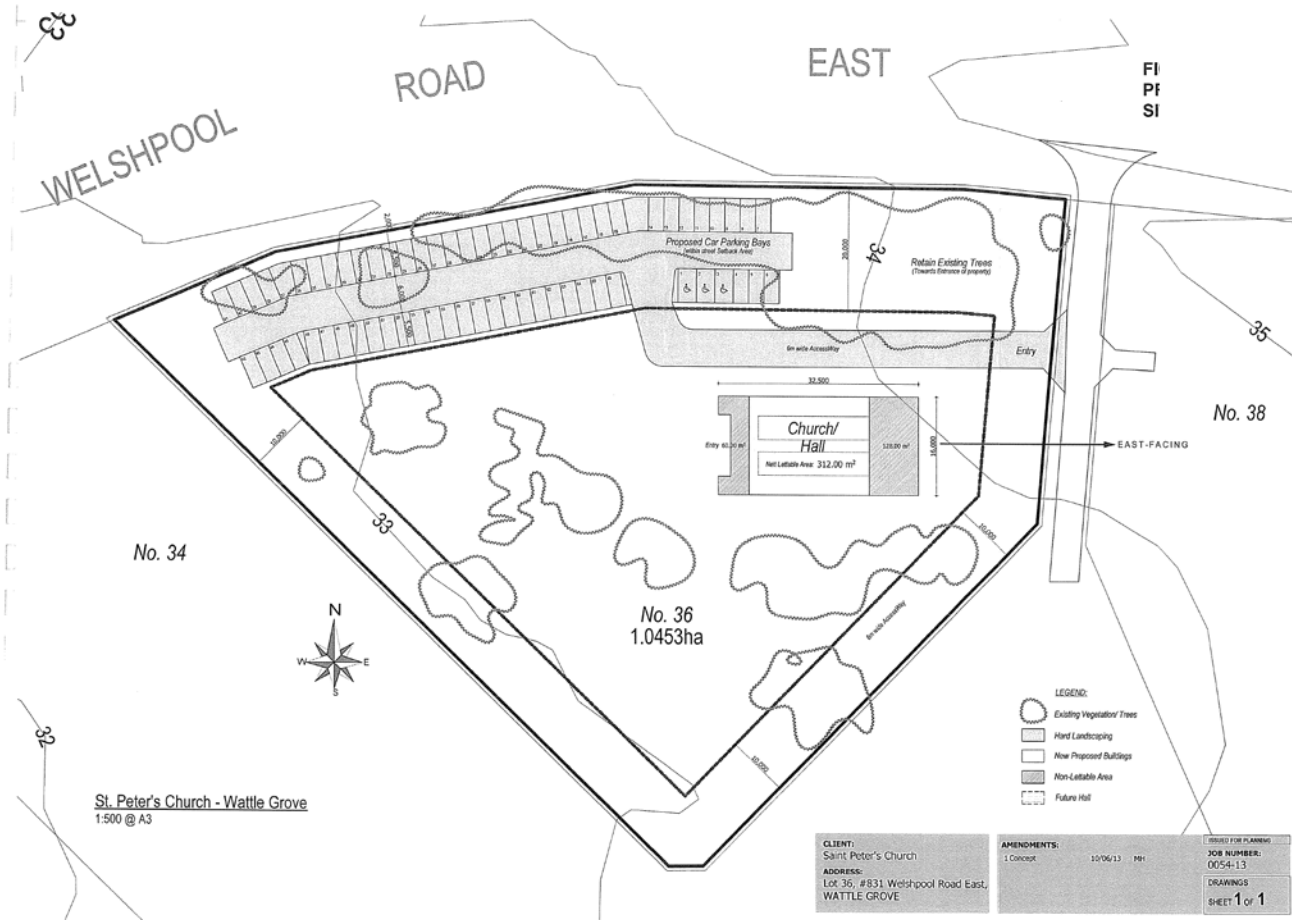
Seconded: **Cr Frank Lindsey**

Vote: **CARRIED UNANIMOUSLY (9/0)**

### Attachment 1

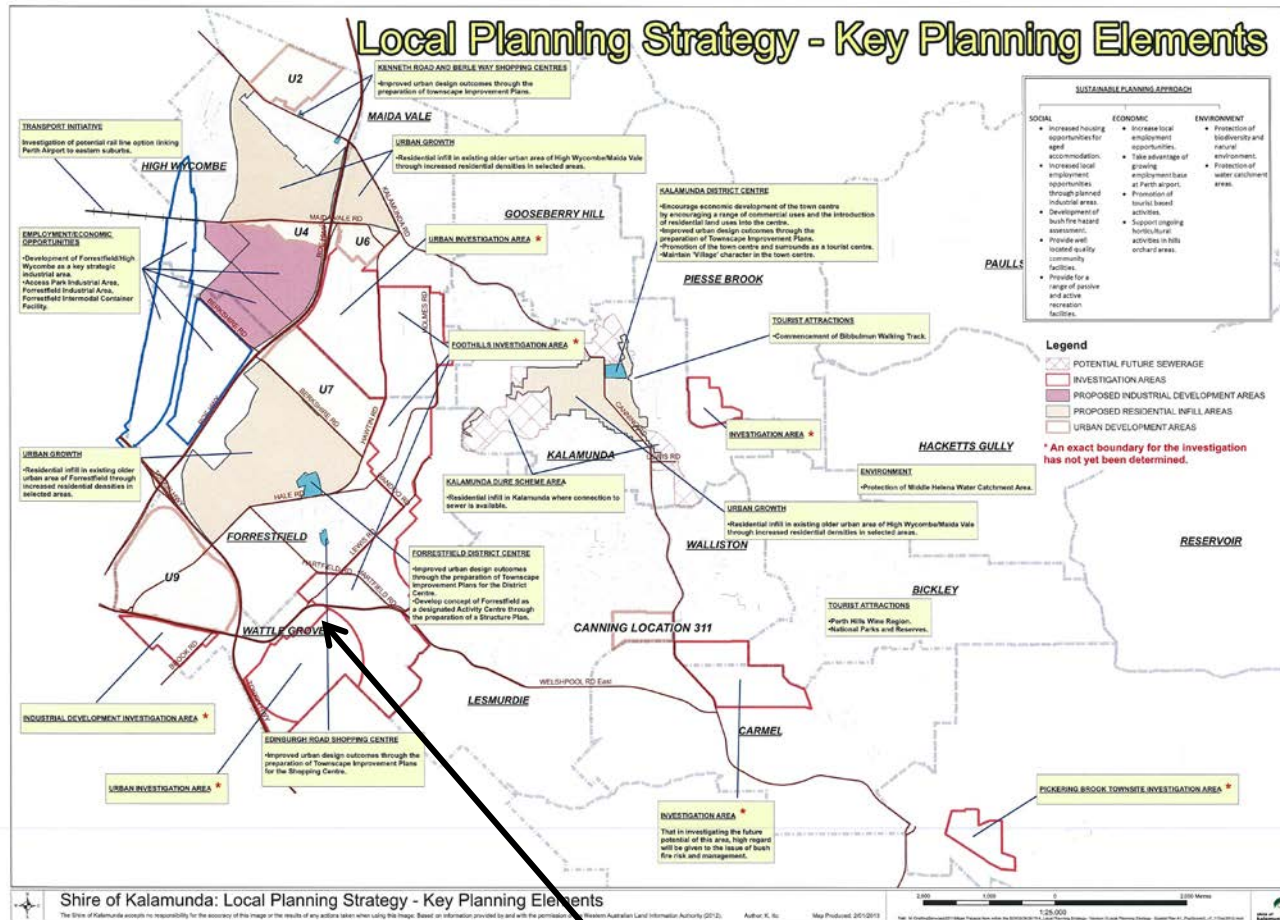
Amendment to Local Planning Scheme No. 3 – Additional Use (Place of Worship) –  
Lot 36 (831) Welshpool Road East, Wattle Grove

### Preliminary Site Plan



## Attachment 2

### Amendment to Local Planning Scheme No. 3 – Additional Use (Place of Worship) – Lot 36 (831) Welshpool Road East, Wattle Grove Local Planning Strategy Key Elements Plan



**SUBJECT  
 LOT**

**Attachment 3**

Amendment No. 61 to Local Planning Scheme No. 3 – Additional Use (Place of Worship) - Lot 36 (831) Welshpool Road East, Wattle Grove

**Submission Table**

Details		Comment	Staff Comment
1.	Peter D Webb and Associates PO Box 920 SUBIACO WA 6904	<p>Objection.</p> <p>a) We have no fundamental concerns with the issues of a place of worship being located on this site.</p> <p>b) Located on this corner of Welshpool Road places this site in a very dangerous position. The intersection of Welshpool Road with Lewis Road is of particular concern as this is the location of very serious accidents, including fatalities.</p>	<p>a) Noted.</p> <p>b) Noted. Motorists turning in and out of the property would be confronted with heavy vehicle movements travelling at 80km/h, which given the alignment of Welshpool Road East and resulting poor sight lines is considered a major traffic safety issue. Between 2007 and 2012 crashes at the Lewis Road and Welshpool Road East intersection resulted in one fatality, one hospitalisation and five minor injury crashes. The intersection of Lewis Road has poor geometry and the Shire is frequently contacted regarding the number of crashes and near misses that occur along this section of Welshpool Road East.</p> <p>Main Roads WA ("MRWA") has recommended what road upgrades need to be made to address traffic safety concerns, and the landowner has agreed to</p>



Details		Comment	Staff Comment
		<p>c) Patrons of the church travelling from the east (from the hills) will gain easy access to the site but upon leaving the site will be required to travel to the break in the median and then execute a 'u' turn to return to the hills. These 'u' turn movements, mixed with vehicles turning into and out of Lewis Road will contribute significantly to the danger level of an intersection which is already dangerous.</p> <p>d) Similarly, with turning movements restricted to left-in left-out only, it is apparent that patrons of this church who are travelling from the west and wish to enter the site will be required to travel east to the break in the median and then execute a 'u' turn and return to the church site.</p> <p>e) As traffic management is such a fundamental issue, it is imperative</p>	<p>implementing these if the amendment is approved (refer to the Community Engagement Requirements section of the report). Details of these road upgrades will be required to be provided as part of the development application stage.</p> <p>c) It is acknowledged that the proposal would force vehicles to use the Lewis Road intersection as a U-Turn area, which given the poor alignment of the road would create the potential for traffic accidents.</p> <p>d) MRWA have noted that the turn break in this location is only suitable for one vehicle at a time, increasing the risk of traffic accidents at this location. Refer to Potential U-Turn Location Plan (Attachment 4).</p> <p>e) It is acknowledged that given the "Category 2" status of the road, vehicle access and</p>

Details		Comment	Staff Comment
		<p>that this not simply be treated as something able to be addressed at the development application stage. The local community has a right to expect that traffic management as a consequence of the development on this corner site, is capable of being addressed before the amendment is progressed further.</p> <p>f) The amendment document indicates what the current level of the church congregation might be, but does not specify a maximum number. It is imperative that the local community be assured that the size of this church group will be maintained as currently indicated in the amendment and that it will not be permitted to grow beyond that as the car parking facility is only sufficient to accommodate those numbers.</p>	<p>safety is a key planning issue, which should be addressed at the amendment stage in the planning process.</p> <p>f) If the amendment is approved and subsequently a development application is submitted, the proposal will be required to comply with the car parking requirements of Local Planning Scheme No. 3. Part of this assessment will involve having due regard to the provisions of the <i>Health (Public Buildings) Regulations 1992</i>, which stipulates how many people can be allowed in the building as any one time.</p>
2.	G and J Dax 3 Lewis Road WATTLE GROVE WA 6107	<p>Objection.</p> <p>Will create extra traffic along Welshpool Road.</p>	Noted.
3.	M Singh 47 Johnson Place WATTLE GROVE WA 6107	Objection.	

Details		Comment	Staff Comment
		I believe this amendment should be put on hold until the applicant is able to provide sufficient information on the frequency of use, the hours of prayers/functions, the scale and nature of the building, and traffic issues.	Whilst the applicant has advised that Holy mass will be held on Sundays between 8.00am and midday, Sunday school activities between midday and 2.00pm, and evening prayers on Saturdays between 5.00pm and 8.00pm, it is currently only the use (Place of Worship) currently being applied for.
4.	H Tysoe 68 Waterloo Crescent LESMURDIE WA 6076	Objection  Will create extra traffic along Welshpool Road.	Noted.
5.	Main Roads WA	Objection.  a) Access to the property would be left in/left out only on the southern side of Welshpool Road. The area has regular fatal and serious crashes from vehicles travelling down the hill, particularly near Lewis Road.  b) A place of worship at this location would increase the number of turning movements in, out and around this property to regular movements on a high speed road increasing risk of rear	a) Noted. Since receiving this submission MRWA has recommended what road upgrades need to be made to address traffic safety concerns, and the landowner has agreed to implementing these if the amendment is approved (refer to the Community Engagement Requirements section of the report). Details of these road upgrades will be required to be provided as part of the development application stage.  b) Refer to response to previous comment.

Details		Comment	Staff Comment
		<p>end and turning vehicle crashes and side swipes.</p> <p>c) Road users travelling towards Kalamunda would be likely to use the Lewis Road intersection as a u-turn which would be unacceptable due to number of serious and fatal crashes at this intersection.</p> <p>d) Road users travelling to the place of worship from Welshpool Road eastbound would turnaround at the turn break east of the driveway access. This turn break is only suitable for use by one car at a time. Increasing the vehicle turn movements for a larger volume of vehicles will increase the risk of rear end crashes with travelling in the right overtaking lane and vehicles travelling downhill with –turning vehicles pulling in front of their vehicles.</p>	<p>c) Noted. It is agreed that the use of the Lewis Road intersection for U-Turns is not appropriate given the traffic safety implications. Refer to Potential U-Turn Location Plan (Attachment 4). Refer to response to comment 5a.</p> <p>d) Refer to response to comment 5a.</p>
6.	Water Corporation PO Box 100 LEEDERVILLE WA 6902	<p>No objection.</p> <p>The property is served by a water service but is remote from a wastewater scheme.</p>	Noted.
7.	C Civil 41 Johnson Place WATTLE GROVE WA 6107	No objection.	Noted.

### Attachment 4

Amendment No. 61 to Local Planning Scheme No. 3 – Additional Use (Place of Worship) - Lot 36 (831) Welshpool Road East, Wattle Grove  
**Potential U-Turn Location Plan**





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

**44. Local Planning Scheme No. 3 Amendment – Additional Use (Consulting Rooms) – Lot 108 (18) Collins Road, Kalamunda**

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	PG-LPS-003/
Applicant	N/A
Owner	N/A

**PURPOSE**

1. To consider the initiation of an amendment to Local Planning Scheme No. 3 (Scheme) to include the additional use of 'Consulting Rooms' on Lot 108 (18) Collins Road, Kalamunda.

**BACKGROUND**

**2. Land Details**

Land Area:	1,014m <sup>2</sup>
Local Planning Scheme Zone:	Residential R10
Metropolitan Region Scheme Zone:	Urban

**Locality Plan**

3.



4. The property, and those surrounding, contain single dwellings and associated outbuildings. A Regional Reserve (Parks and Recreation) adjoins the rear boundary.

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## DETAILS

5. It is proposed the use 'Consulting Rooms be included under Schedule 2 (Additional Uses) of the Scheme.
6. In support of the proposed amendment, the applicant has advised the following:
  - A portion of the existing dwelling is proposed to be used as a chiropractic office.
  - There will be one practitioner on site, there are no plans to employ support staff.
  - A maximum of 3 clients per hour would be scheduled.
  - The proposed hours of operation will be the following:

Mondays	8.00am-12.00pm and 2.00pm-6.00pm.
Tuesdays:	8.00am-1.00pm
Wednesdays:	Closed
Thursdays:	8.00am-12.00pm and 2.00pm-6.00pm
Fridays:	8.00am-1.00pm
7. If the amendment is initiated by Council, and ultimately approved by the Minister for Planning, a planning application will be required to be submitted to, and approved by, the Shire prior to the use commencing.

## STATUTORY AND LEGAL CONSIDERATIONS

8. The *Town Planning Regulations 1967* and *Planning and Development Act 2005* establish procedures relating to amendments to local planning schemes. If Council resolves to adopt the proposed amendment, then ultimately the amendment will be determined by the Minister for Planning.
9. Clause 4.2.1 (Objectives of the Zones – Residential) of the Scheme stipulates that an objective of the Residential zone is 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.
10. Clause 4.5 (Additional Uses) of the Scheme stipulates that *"despite anything contained in the Zoning Table, the land specified in Schedule 2 may be used for the specific use or uses that are listed in addition to any uses permissible in the zone in which the land is situated subject to the conditions set out in Schedule 2 with respect to that land"*.
11. 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 for the Minister's determination, irrespective of the Minister's decision, there is no Right of Review.

## **POLICY CONSIDERATIONS**

### **State Planning Policy 4.2 – Activities Centre for Perth and Peel Region**

12. State Planning Policy 4.2 – for Perth and Peel Regions (“SPP 4.2”) sets guidelines for the location of commercial activities at a district level.
13. Office and community facilities are encouraged to be centrally located to meet the services needs of the community.
14. Centrally located facilities enable them to be more easily accessible by a larger number of residents.

### **Liveable Neighbourhoods**

15. Liveable Neighbourhoods 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.
16. The Policy requires commercial and business uses to be integrated into mixed-use centres to provide improved environmental, economic and social outcomes.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

17. 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* and *Planning and Development Act 2005*.
18. The Amendment would be required to be advertised in the form of a notice being published in a district newspaper and comments being sought from nearby landowners.

## **FINANCIAL CONSIDERATIONS**

19. Nil.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

20. *Kalamunda Advancing: Strategic Community Plan to 2023*

OBJECTIVE 4.1 - To ensure the Shire’s development is in accord with the Shire’s statutory and legislative obligations and accepted urban design planning standards.

Strategy 4.3.1 Provide efficient building and development approval services to the community.



## SUSTAINABILITY

### Social Implications

21. The consulting rooms would be easily accessible by a larger number of residents due to being within a residential area and being approximately 330m from Canning which is a public transport route.

### Economic Implications

22. Nil.

### Environmental Implications

23. Nil.

## RISK MANAGEMENT CONSIDERATIONS

24.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve not to initiate the amendment	Possible	Insignificant	Low	Ensure Council is aware of that such a use would have little impact on the area's amenity if appropriate conditions were imposed.

## OFFICER COMMENT

25. The Use would be easily accessible by residents due to falling within a residential area and being within close proximity to a public transport route.
26. Approval of the proposal would not set an undesirable precedence as future requests for such uses will be assessed on a case by case basis.
27. To ensure the use would not have an unacceptable impact on the amenity of nearby residents, conditions would be imposed as part of the amendment with regard to number of staff and the hours of operation permitted.

**Voting Requirements: Simple Majority**

**OFFICER RECOMMENDATION (D&I 44/2014)**

That Council:

1. Initiates the 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.

Resolved that Council, in pursuance of Part 5 of the *Planning and Development Act 2005*, amends the above Local Planning Scheme as follows:

(a) Amending Schedule 2 (Additional Uses) by including the following provision:

NO.	DESCRIPTION OF LAND	ADDITIONAL USE	CONDITIONS
51.	Lot 108 (18) Collins Road, Kalamunda	Consulting Rooms	The uses are not permitted unless approval is granted by the Local Government ("A").

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: **Cr Margaret Thomas**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (10/0)**

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

*Cr John Giardina declared an Interest Affecting Impartiality*

**45. Three Storey Mixed Use Development (Two Multiple Dwellings, Shops and Offices) – Lot 7 (20) Haynes Street, Kalamunda**

Previous Items	Nil
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development Services
File Reference	HY-02/020
Applicant	Olk and Associates
Owner	Condinup Nominees Pty Ltd
Attachment 1	Site Plan
Attachment 2	Enlarged Site Plan
Attachment 3	South Elevation
Attachment 4	North Elevation
Attachment 5	East Elevation
Attachment 6	West Elevation
Attachment 7	Ground Floor Plan
Attachment 8	First Floor Plan
Attachment 9	Second Floor Plan
Attachment 10	Kalamunda Townsite Improvement Plan
Attachment 11	Submission Table

**PURPOSE**

1. To consider an application to build a three storey mixed use development (two multiple dwellings, shops and offices) at Lot 7 (20) Haynes Street, Kalamunda. Refer to (Attachments 1 to 9).

**BACKGROUND**

2. **Land Details:**

Land Area:	1,191sqm
Local Planning Scheme Zone:	District Centre
Metropolitan Region Scheme Zone:	Urban

## Locality Plan

3.



4. The building on the property is currently occupied by the Best Drop Tavern and a vacant showroom (previously RetraVision).
5. The property has vehicular access from Railway Road and Stirk Street via the adjoining properties to the north and east (Lot 500 (4), 9 (12) and 8 (16) Haynes Street, and Lot 10 (1) and 11 (3) Stirk Street, Kalamunda), all of which are under the same ownership as the subject property.
6. The landowners have advised the Shire that they may redevelop the adjoining lots in the future. No final development plans are currently available.
7. In due course a Detailed Area Plan (DAP) will be prepared over the balance of the landholdings which will provide design and development standards which will enhance, elaborate and/or expand on the provisions already required under Local Planning Scheme No. 3 (Scheme), the Kalamunda Town Centre Design Guidelines (the Guidelines) and/or the Residential Design Codes.
8. The DAP will also show the proposed car parking and access arrangements if the adjoining lots are redeveloped in future, and how cash in lieu payment(s) for any shortfall in the required amount of car parking bays will be arranged.
9. Once the DAP has been prepared a report will be prepared for Council's consideration prior to advertising.
10. No car parking bays currently exist on Lot 7 as it shares 116 car bays available on the adjoining properties to the north and east.
11. A Shire owned car park exists within close proximity to the property, at 53 Railway Road, containing 14 parking bays.

12. The property falls within the area controlled through the Guidelines, and is included on the Kalamunda Townsite Improvement Plan which identifies the locality as being an area of poor amenity currently. Refer to the Kalamunda Townsite Improvement Plan (Attachment 10).
13. In May 2014, Council adopted Amendment No. 63 to the Scheme to modify the car parking requirement for the use Shop from 7 bays per 100sqm of net lettable area, to 5 bays per 100sqm of net lettable area. For the purpose of this report the adopted modified car parking calculation will be used.

## DETAILS

14. Details of the application are as follows:
  - The existing showroom is to be demolished and the existing building occupied by the Best Drop Tavern will be retained.
  - The premises will contain three ground floor shops, four offices on the first floor and two multiple dwellings on the second floor.
  - The tenants, and therefore hours of operation for which, are yet to be confirmed.
  - Five car parking bays are proposed to be available at the rear of the proposed building for the multiple dwellings, and those car bays currently available on Lot 500 (4), 9 (12) and 8 (16) Haynes Street, and Lot 10 (1) and 11 (3) Stirk Street, are to continue to be shared with Lot 7 (20) Haynes Street.
  - Vehicular access to the property (Lot 7) is proposed to remain unchanged, being via the adjoining properties to the north and east.
  - Pedestrian access to the premises is proposed direct from Haynes Street.
  - The building facades will be constructed of face brickwork, rendered and a painted finish, with a metal roof and wall cladding used on the upper level facades.
  - Awnings are to be provided to those windows facing north and south.
  - Balconies are proposed on the first and second floor along the Haynes Street façade. The residential apartments also have balconies facing towards the rear of the site.
  - No signage details are currently available. If the application is approved a separate planning application will be required to be submitted prior to any signage being installed.

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## STATUTORY AND LEGAL IMPLICATIONS

15. Under Table 1 (Zoning Table) of the Scheme the uses Office and Shop are listed as 'P' uses in the District Centre zone, meaning the uses are permitted providing the uses comply with the relevant development standard and requirements of the Scheme.
16. Under the Zoning Table of the Scheme the use "Multiple Dwellings" is a use not listed.
17. Clause 4.2.3 of the Scheme (Objectives of the Zone – District Centre) includes the following:
  - To promote, facilitate and strengthen the District Centres as the major foci of activity, particularly for shopping, business, professional, civic, cultural, entertainment facilities and related employment opportunities.
  - Allow for the establishment of uses which would co-exist with the District Centre's activities whilst recognising a limited level of residential activities in the District Centre.
  - Achieve safety and efficiency in traffic and pedestrian circulation.
  - Ensure that the scale, size, design and location of buildings are compatible with the existing development in the District Centre.
18. Clause 4.4.2 of the Scheme stipulates that where a use not listed is proposed, and cannot be reasonably determined as falling within the type, class or genus of activity of any other use category, the local government may:
  - a. Determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
  - b. Determine that the use may be consistent with the objectives of the particular zone and therefore follow the advertising procedures of clause 9.4 in considering an application for planning approval; or
  - c. Determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.
19. In considering an application for planning approval, the Scheme requires the Shire to have due regard to the following:
  - the compatibility of the development within its settings;
  - the preservation of the amenity of the locality;
  - the likely effect of the height, bulk, scale, orientation and appearance of the proposal;

- whether the proposed means of access and egress from the property are adequate; and
- any other planning consideration the local government considers relevant.

### Proposed Car Parking Bays on Subject Property

20. Under the Scheme, the following car parking standards apply for the uses Office, Shop and Tavern (existing and proposed), and under the Residential Design Codes (R Codes) the following car parking standards apply for the use Multiple Dwellings:

<b>Scheme and Residential Design Codes Parking Requirements</b>	<b>Aggregate Net Lettable Area (NLA)</b>	<b>Car Bays Required</b>	<b>Car Bays Provided</b>
Shop 5 bays per 100sqm of NLA	468.5sqm	23.4 bays minimum	Nil.
Office - 4 bays per 100sqm of NLA	419.3sqm	16.77 bays minimum	
Tavern – 1 bay for every 5sqm of bar and public area	138sqm	27.6 bays minimum	
Multiple Dwellings 1.25 bays per dwelling plus 0.25 visitor bays per dwelling	N/A	3 bays minimum	5
<b>Total Car Bays:</b>		<b>71 bays minimum</b>	<b>5 bays</b>

21. If the application was approved by Council there will be a shortfall of 66 car bays on the property.
22. Clause 5.8.2 of the Scheme stipulates that Council may, at its discretion, apply a greater or lesser requirement for parking than that stipulated in the Scheme, if the proposed use is likely to demand a greater or lesser need for car parking bays, having regard to the scale and nature of the intended use.
23. Clause 5.8.3 (Reciprocal Parking) of the Scheme stipulates that the Shire may vary the parking requirements when it is considered reasonable to do so by the recognition of reciprocal arrangements for parking or access or circulation. In making its decision on application for such recognition, the Shire is to take into consideration the following matters:

- (i) *“the nature of the proposed development in relation to the existing or future development of any land within the immediate vicinity of the subject land;*
- (ii) *the hours of normal operation of the intended use and abutting land uses;*
- (iii) *any such matters as the local government considers relevant, including any legal agreements between affected landowners.”*

**Car Parking Bay Availability on Adjoining Properties**

24. Those car bays currently available on Lot 500 (4), 9 (12) and 8 (16) Haynes Street, and Lot 10 (1) and 11 (3) Stirk Street, Kalamunda, are to continue to be shared with Lot 7 (20) Haynes Street, as they are under the same ownership. Therefore the car parking requirements for those uses on the adjoining properties are also being taken into consideration. In order to formalise the parking and access requirements, if the development is approved it is recommended that a legal agreement be prepared ensuring that parking and access over the adjoining properties is maintained.
25. Under the Scheme, the following car parking standards apply for the existing uses on the adjoining properties under the same ownership:

<b>Scheme Parking Requirements</b>	<b>Aggregate Net Lettable Area (NLA)</b>	<b>Car Bays Required</b>	<b>Car Bays Provided</b>
Shop 5 bays per 100sqm of NLA	555sqm	27.75 bays minimum	116 bays
Office - 4 bays per 100sqm of NLA	425sqm	17 bays minimum	
Lunch Bar – 6 bays per 100sqm of NLA	121.5sqm	7.29 bays minimum	
<b>Total Car Bays:</b>		<b>52 bays minimum</b>	<b>116 bays</b>

26. There is currently a total surplus of 64 car parking bays on the adjoining properties under the same ownership.



## Site Requirements

27. Under the Scheme, the following requirements apply for development on properties zoned District Centre:

Site Requirements	Required/Permitted	Proposed
Primary Street Setback	0m	2.2m
Side setbacks	0m	0m
Rear Setback	0m	0m
Site Coverage	100%	96%

28. Section 6.3 (Kalamunda Town Centre Design Control Area) specifies that development within the Kalamunda Town Centre shall be subject to the design guidelines contained in the adopted Kalamunda Town Centre Study which are for the purpose of ensuring that such development will not adversely affect the amenity and will enhance the character and visual appearance of the area.
29. If Council refuses the application, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.

## POLICY IMPLICATIONS

### Kalamunda Centre Design Guidelines

30. The purpose of the Guidelines are to provide guidance on the design of new private and public buildings and spaces within the Kalamunda Town Centre, to achieve an enhanced urban environment, to improve the experience of the town for pedestrians, and to reinforce and build upon Kalamunda's established character.
31. The Guidelines also provide design principles relating to land use in the context of place-making and urban design, particularly mixed use and commercial development.
32. Each street within the Guidelines Area has been defined as a "Primary", "General Commercial" or "Green Street", with specific requirements attached to each frontage type. Haynes Street defined as being a "Primary Street".
33. The attributes of new development on a General Commercial Street are as follows:
- Highly activated frontage.
  - Predominantly shop uses at ground floor level.

- Other subsidiary commercial uses at ground floor level may be considered.
- Non-shop uses permitted above ground floor.
- At the ground floor level, buildings shall address the street with a primary business entrance and a shop front façade.
- Nil front setback with a continuous façade will be required.
- Pedestrian shelter, through provision of a wide awning or verandah, must be provided over the public footpath for the full width of the lot frontage.
- No vehicular access is to be provided to sites from Haynes Street.

34. Under the Guidelines, the following requirements apply for all types of development within the Kalamunda town centre:

Site Requirements	Required	Proposed
Maximum number building storeys	3 maximum	3
Maximum floor to floor heights	Ground floor – 4.5m maximum	3.5m
	First floor – 3.5m maximum	3m
	Second floor – 3m maximum	2.7m
Primary street setback	Ground and first floor - 0m	2.2m
	Second floor – 4m minimum	4.7m

35. The proposal is generally compliant with the Guidelines. The proposed front setback of 2.2m in lieu of 0m is considered acceptable as it ties into adjoining development and allows for better pedestrian access due to the levels on Haynes Street.

**Local Planning Policy DEV41 – Framework for assessing requests for variations to the number of car parking bays.**

36. Local Planning Policy DEV41 – Framework for Assessing Requests for Variation of the Number of Car Parking Bays stipulates that a reduction in parking will only be considered by Council and not under delegation.

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### **Kalamunda Town Centre Car Parking Study**

37. A consultant was commissioned to undertake the Kalamunda Town Centre Car Parking Study (the Study) with a view to develop a strategy to manage parking provision in the Kalamunda Town Centre. The Study was received by the Shire in October 2011.
38. Amongst other recommendations and findings, the study concludes:
- Current parking demand is less than the number of parking bays provided in the study area. Average parking occupancy (based on observations made on Thursdays and Saturdays) indicate between 30-35% occupancy. The subject sites had an average occupancy of 32% and maximum occupancy of 72%.
  - For commercial/ office development, up to 20% of parking bays can be provided as reciprocal arrangement provided that supporting comparative information is provided.
39. Allowing for reciprocity of uses, discounting 20% of the required parking, would reduce the required car parking bay amount from 71 bays to 57 bays, and thus there would be an overall shortfall of 52 bays.
40. Taking this consideration, and the surplus amount of car parking on the adjoining properties to the north and east under the same ownership, if the application is approved there would be a surplus of 12 bays across the properties.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

41. The proposal was advertised for 14 days to nearby property owners for comment in accordance with Clause 9.4.3 of the Scheme. Two objections and one which provided comment on the proposal were received during the advertising period.
42. The following concerns were raised during advertising:
- The use of car parking bays on nearby properties due to only 5 car parking bays being proposed.
  - Complaints potentially being made by future residents of the proposed development with regard to noise being emitted from air conditioning units and glare from solar panels on nearby commercial buildings.
  - Damage possibly being caused to nearby building during the construction phase of the proposed development.
  - The development blocking natural light onto adjoining properties.

43. In response to the concerns raised the following comments are provided:
- Taking into consideration the existing uses on the adjoining lots which are under the same ownership there would be a surplus in the required amount of car parking bays available.
  - It will be a condition if the application is approved by Council, that a nuisance, odour and noise assessment be submitted to and approved by the Shire prior to the issue of a building licence.
  - Construction methods of the proposed development, and what risks if any this poses to existing development, will be considered at the building application stage.
  - The orientation of the property and thus the proposed development means that the majority of any overshadowing will be into Haynes Street. No provisions exist regarding overshadowing onto commercial properties.

## **FINANCIAL CONSIDERATION**

44. Nil.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

45. *Kalamunda Advancing: Strategic Community Plan to 2023*

OBJECTIVE 4.1 - To ensure land use plans provide long term sustainable population growth.

Strategy 4.1.1 Develop, implement and review strategic land-use plans and policies which guide the location and sustainability of industrial, commercial and residential areas within the Shire.

Strategy 4.1.2 Continue to pursue opportunities for new development and streetscape outcomes through the implementation of Town Centre Improvement Plans.

Strategy 4.3.1 Provide efficient building and development approval services to the community.

## **SUSTAINABILITY**

### **Social Implications**

46. Development of this site in accordance with the Guidelines is of significant strategic importance, and will set the pattern for future developments and the long term sustainability of business in the future.

### **Economic Implications**

47. Development for commercial purposes will allow for employment opportunities.

### **Environmental Implications**

48. The nature of the proposed uses means that there is the potential for noise and odour to have an impact on those residing on the second level of the development.

### **RISK MANAGEMENT CONSIDERATIONS**

49.

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>	<b>Action/Strategy</b>
Council may resolve to not support the proposal.	Possible	Insignificant	Low	Ensure Council is aware that the proposal is compliant with the adopted Town Centre Improvement Plan for the Kalamunda Town Centre.

### **OFFICER COMMENT**

50. The proposal complies with the adopted design criteria and Scheme requirements with the exception of the car parking standards.
51. During advertising concerns were raised regarding occupants and visitors to the proposed development using car parking bays on nearby properties due to only 5 car parking bays being proposed.
52. If the proposal was approved there will be a shortfall of 66 car bays on the property. This is considered acceptable for the following reasons:
- The Kalamunda Town Centre Car Parking Study states that for commercial/ office and retail developments up to 20% of parking can be considered as a reciprocal arrangement. Allowing for reciprocity of uses, discounting 20% of the required parking, would reduce the required car parking bay amount from 71 bays to 57 bays, and thus an overall shortfall of 52 bays.
  - There is currently a surplus of 64 bays on the adjoining properties to the north and east which are under the same ownership.
  - Taking into consideration the amount of car parking bays proposed to be available across all of the properties under the same ownership, and the 20% discount permitted under the Study, if the application is approved there would be a surplus of 12 bays.

- The peak hours of operation for the Tavern are Friday and Saturday nights, whilst those for the offices are between Monday and Friday 9.00am to 5.00pm.
- It should be noted that the existing land uses (tavern and showroom) were developed and operated without any on-site parking. As such it is considered that the provision of parking under current standards, particularly in relation to the ongoing operation of the tavern, should be reasonably flexible.

53. From a planning perspective, the application is worthy of support as it meets the objectives of the Kalamunda Townsite Improvement Plan and could serve as a catalyst for similar proposals.

*Councillor John Giardina disclosed an Interest Affecting Impartiality as he "has a relative that lives within the vicinity"; he left the room at 6.48pm and returned at 6.52pm, he was not present for the vote.*

*A Councillor requested clarification that if one of the neighbouring buildings under the same ownership is sold, is the use for that building constricted because of the agreement that is in the recommendation; and can a legal agreement be easily removed once the detailed parking plan had been completed. The Director Development Services explained that the legal agreement is essentially a caveat on title and it would be at Council's discretion so the property could not be sold without Council being a party to the sale and referred Councillors to point h) in the recommendation.*

*A Councillor queried if the owner sells the whole lot, will the caveat apply to all the properties. The Director Development Services confirmed that the caveat would apply to lots 10 & 11 Stirk Street, which would cover the parking shortfall.*

<b>Voting Requirements: Simple Majority</b>
---

#### **OFFICER RECOMMENDATION (D&I 45/2014)**

That Council:

1. Determines that the use 'Multiple Dwellings' is consistent with the objectives of the particular zone and is therefore permitted.
2.
  - a. Approves the planning application dated 7 May 2013 for a mixed use development (two multiple dwellings, shops, tavern and offices) at Lot 7 (20) Haynes Street, Kalamunda, subject to the following conditions:
  - b. The provision and maintenance of a total of 5 car parking bays including a minimum of one (1) disabled bay.
  - c. All car parking bays and vehicle access ways being line marked, sealed and drained prior to the occupation of the building and maintained thereafter to the Shire's satisfaction.

- 
- d. A colours and textures schedule in accordance with the palette adopted in the Kalamunda Town Centre Improvement Plan, being submitted to and approved by the Shire prior to the building licence being issued.
  - e. The development shall be connected to reticulated sewer.
  - f. A nuisance, odour and noise assessment being submitted to and approved by the Shire prior to the issue of a certified building licence.
  - g. All septic sewer systems including all tanks, pipes and associated drainage systems (soakwells or leach drains) are to be decommissioned, removed, filled with clean sand and compacted.
  - h. A legal agreement being prepared by the Shire's Solicitors to the satisfaction of the Shire ensuring vehicular and pedestrian access in favour of Lot 7 Haynes Street over Lots 10 and 11 Stirk Street. The applicant shall be responsible to pay all costs including the preparation of (including all drafts), stamping and registration at Landgate.
  - i. A Construction Management Plan being prepared by the applicant addressing the following, but not limited to:
    - Construction workers' parking
    - Materials delivery and storage
    - Workers' toilets
  - j. To the satisfaction of the Shire prior to the issue of a Building Permit.
3. Advises the applicant that a Detailed Area Plan is to be adopted prior to the redevelopment of Lot 500 (4), 9 (12) and 8 (16) Haynes Street, and Lot 10 (1) and 11 (3) Stirk Street, Kalamunda, which will address, amongst other matters, the shared car parking and access arrangements, and how cash in lieu payments will be made for the shortfall in car parking bays.

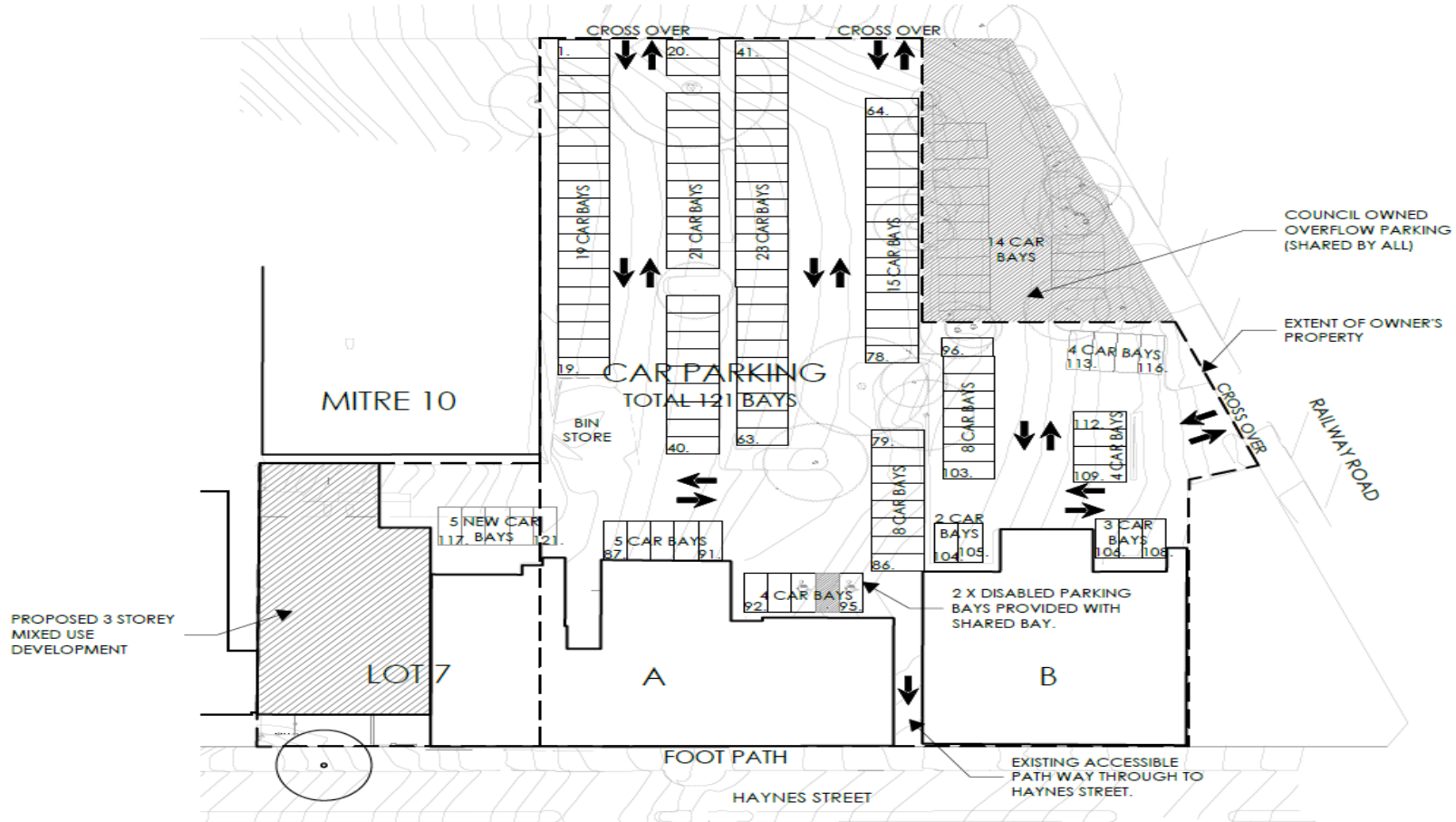
Moved: **Cr Margaret Thomas**

Seconded: **Cr Andrew Waddell**

Vote: **CARRIED UNANIMOUSLY (9/0)**

### Attachment 1

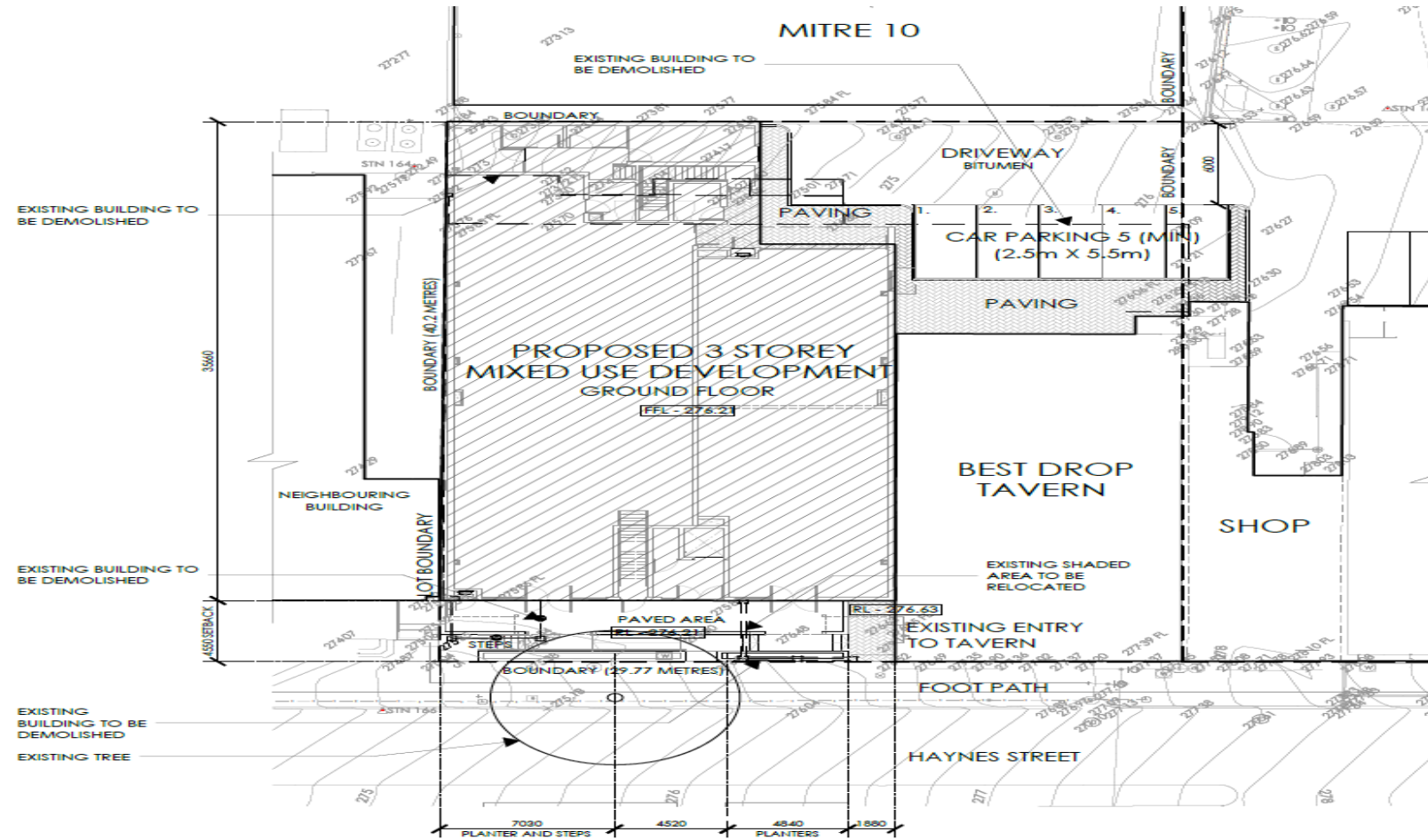
## Three Storey Mixed Use Development (Two Multiple Dwellings, Shops, Tavern and Offices) – Lot 7 (20) Haynes Street, Kalamunda Site Plan





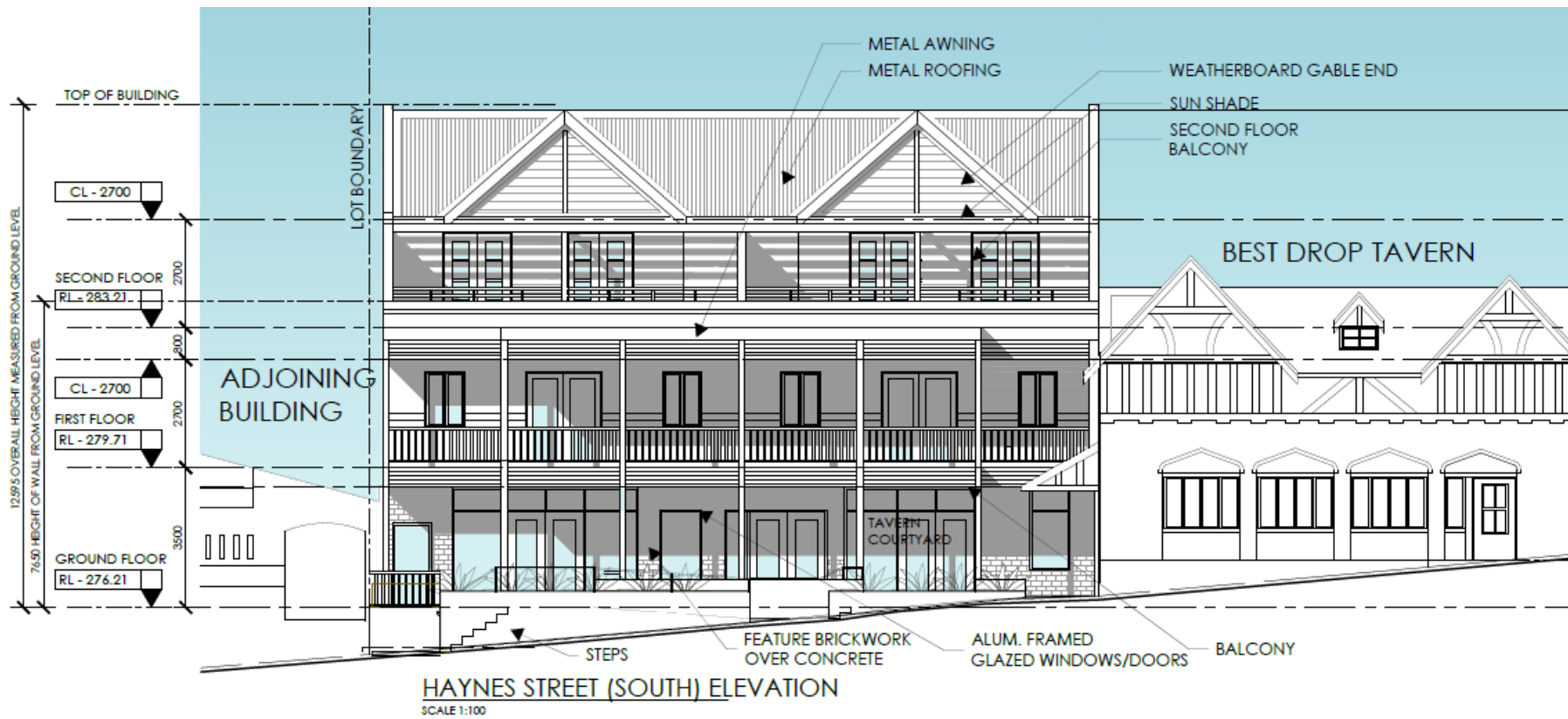
## Attachment 2

### Three Storey Mixed Use Development (Two Multiple Dwellings, Shops, Tavern and Offices) – Lot 7 (20) Haynes Street, Kalamunda Enlarged Site Plan



### Attachment 3

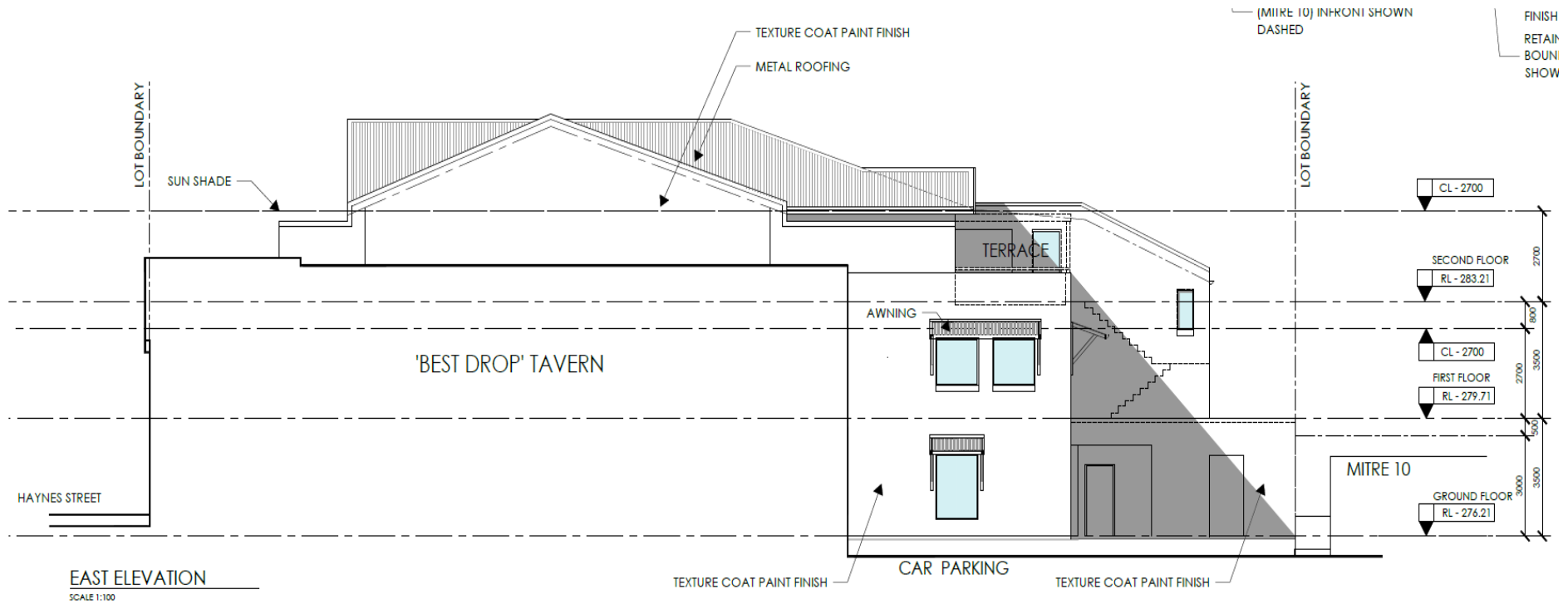
### Three Storey Mixed Use Development (Two Multiple Dwellings, Shops, Tavern and Offices) – Lot 7 (20) Haynes Street, Kalamunda South Elevation





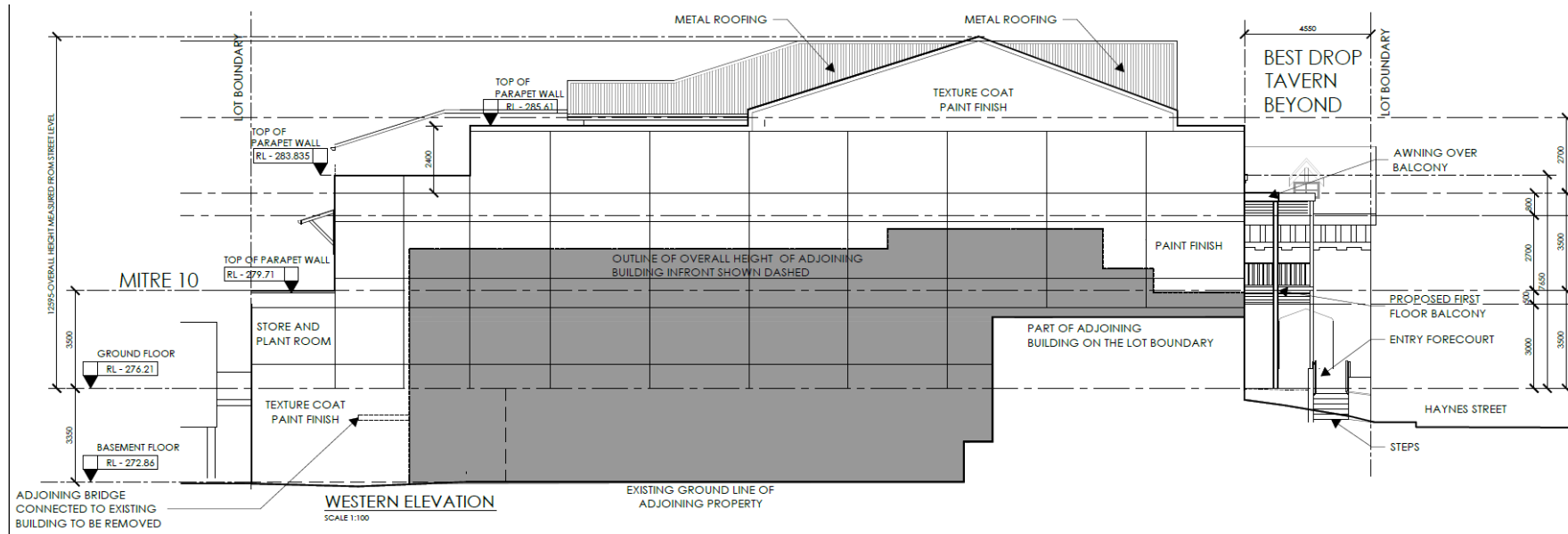
### Attachment 5

### Three Storey Mixed Use Development (Two Multiple Dwellings, Shops, Tavern and Offices) – Lot 7 (20) Haynes Street, Kalamunda East Elevation



### Attachment 6

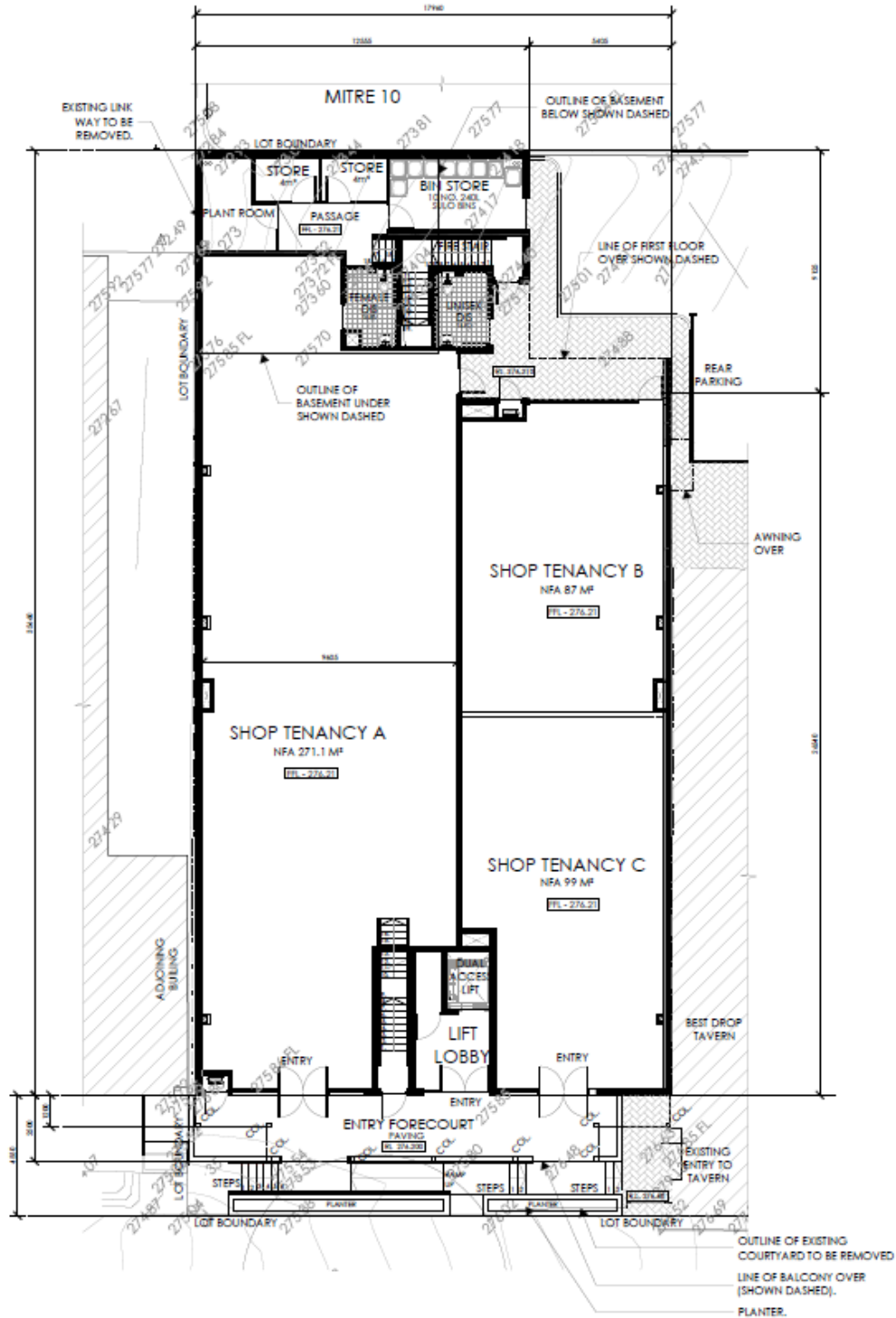
### Three Storey Mixed Use Development (Two Multiple Dwellings, Shops, Tavern and Offices) – Lot 7 (20) Haynes Street, Kalamunda West Elevation



### Attachment 7

Three Storey Mixed Use Development (Two Multiple Dwellings, Shops, Tavern and Offices) –  
Lot 7 (20) Haynes Street, Kalamunda

### Ground Floor Plan



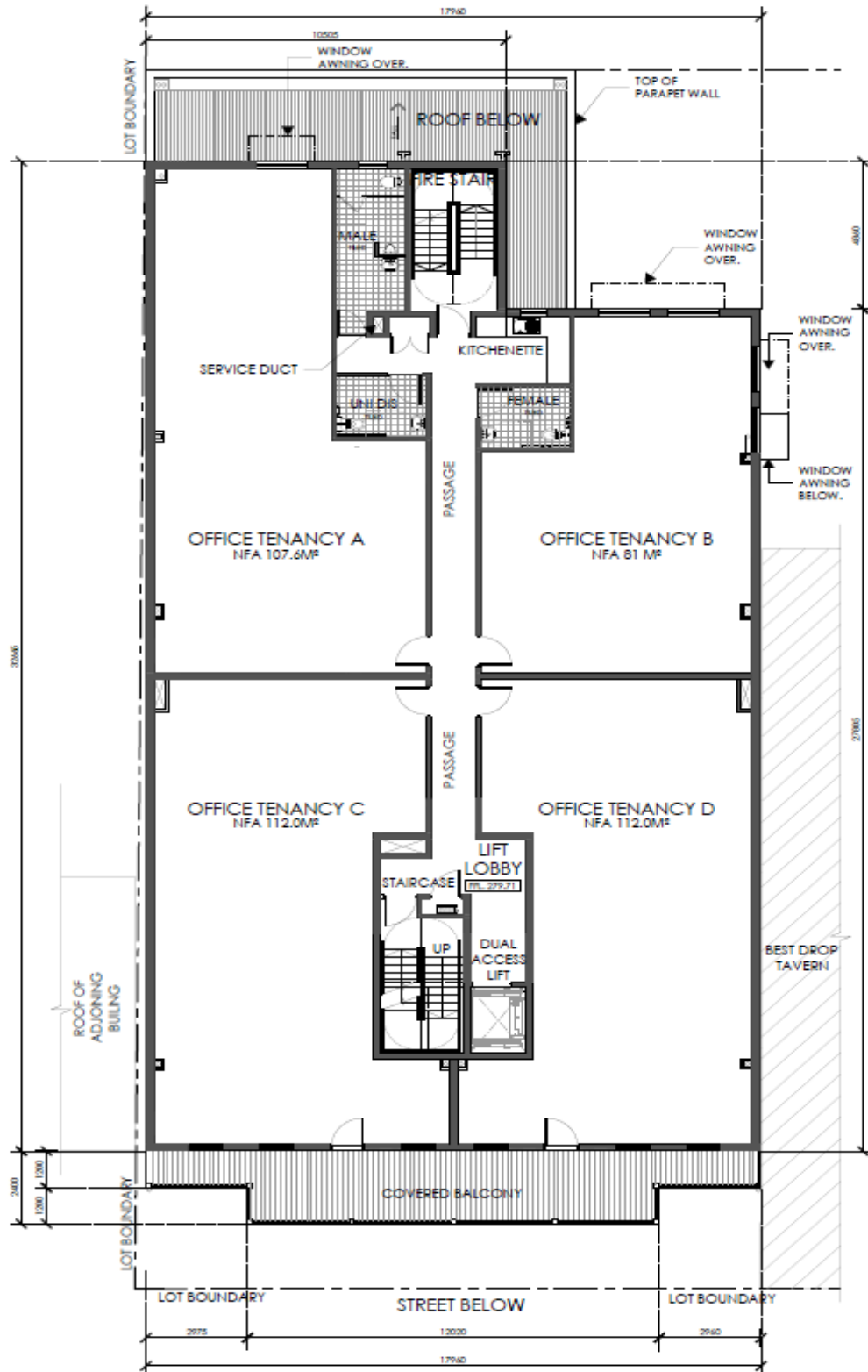
GROUND FLOOR PLAN - HAYNES ST ENTRY LEVEL

SCALE: 1:100

### Attachment 8

Three Storey Mixed Use Development (Two Multiple Dwellings, Shops, Tavern and Offices) –  
Lot 7 (20) Haynes Street, Kalamunda

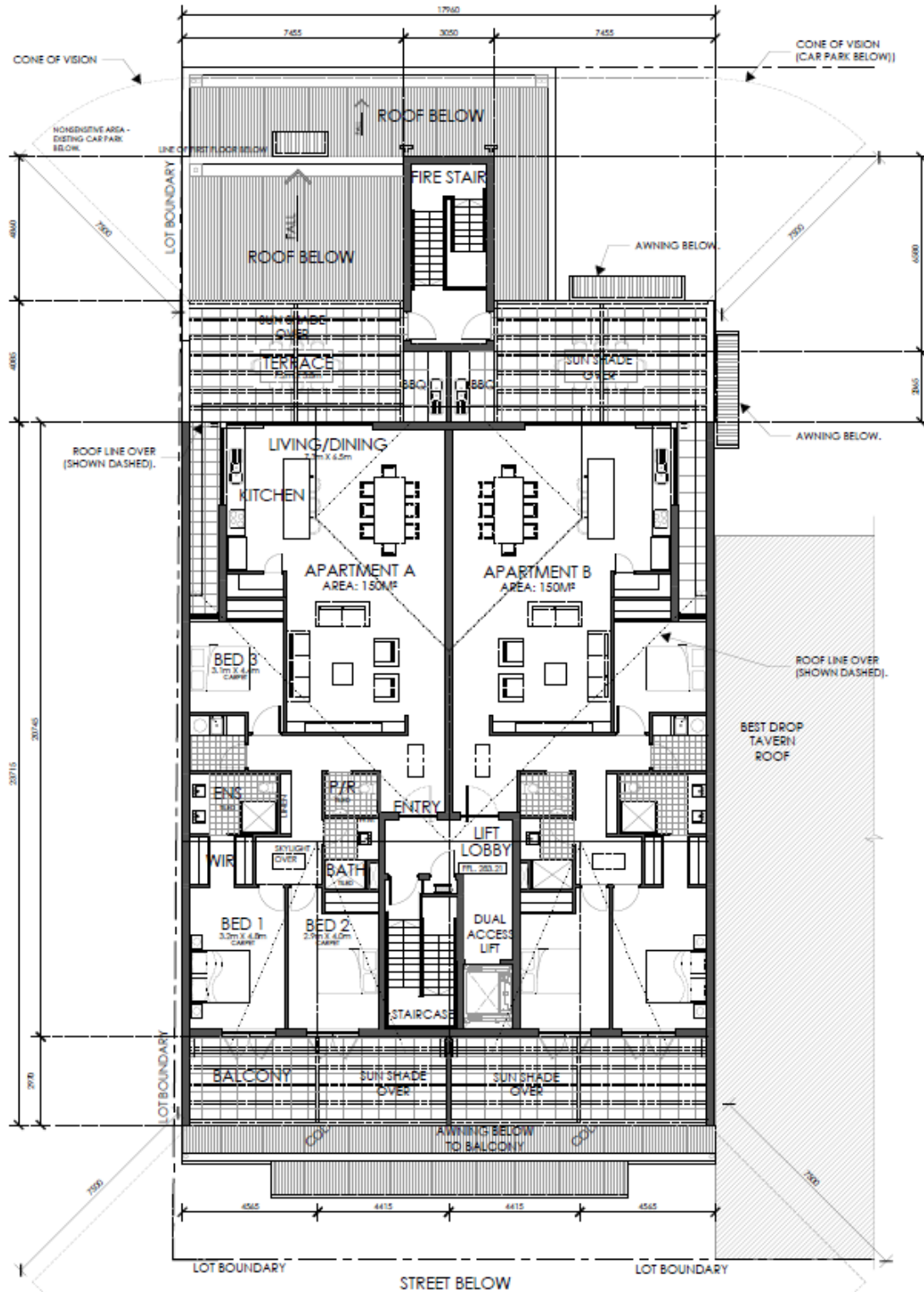
### First Floor Plan



### Attachment 9

Three Storey Mixed Use Development (Two Multiple Dwellings, Shops, Tavern and Offices) –  
Lot 7 (20) Haynes Street, Kalamunda

### Second Floor Plan





## Attachment 10

### Three Storey Mixed Use Development (Two Multiple Dwellings, Shops, Tavern and Offices) – Lot 7 (20) Haynes Street, Kalamunda Townsite Improvement Plan

#### Issues and Opportunities Summary

The key issues facing Kalamunda can be grouped into three headings:

#### Land Use, Built Form & Development

##### Issues

- Little recent retail or other commercial development has taken place within the town centre. Much of the older building stock is looking run down and nearing the end of its usefulness;
- Several buildings were designed and developed during the period when an unduly high priority was given to the comfort and convenience of arriving motorists, rather than to the shopper or customer walking about the centre;
- Many buildings have been designed without any consideration for the town's sloping topography;
- There are a number of privately-owned sites located at key points within the town centre that are vacant and/or derelict;
- Advertising signs are numerous throughout the town: they are often oversized, poorly located and excessive in number. The combined visual clutter detracts from the town's desired character;
- There are a number of chic buildings, heritage buildings and tourist facilities located within, and adjacent to, the town centre which currently lack recognition and a significant public profile.

##### Opportunities

- To encourage new developments which will be designed in such a manner that will add to the functional vitality, pedestrian amenity and visual appeal of the town;
- To encourage land owners and developers to take account of, and advantage of, the sloping nature of the town centre terrain when designing new developments;
- To curb the spread of excessive, unsightly and unnecessary advertising signage;
- To highlight the heritage qualities of the town centre, and to improve the physical relationships between nearby tourists and community facilities and the town centre.



#### Legend

- Area of poor amenity
- Opportunity site
- Pedestrian link/alley from carpark
- Poor pedestrian amenity
- Poorly activated built edge

#### Landscape

##### Issues

- Kalamunda prides itself on its forest location, and certainly trees are a major contributor to the "village in the forest/hills" character that the community wishes to retain and nurture. However, the soil conditions are such that tree roots often lift surrounding paving, and in some instances unsuitable trees have been planted;
- Faving, seating, lighting and other street furniture is diverse and seemingly ad hoc in its design and provision.

#### Opportunities

- To methodically work through the town, replacing failed trees, improving the health and condition of shade trees and developing distinct landscape character areas;
- To develop a suite of co-ordinated street furniture and paving forms to unify and strengthen the character of the town centre;
- To take advantage of the proposal to place powerlines in Haynes Street underground by planting additional, appropriate tree species, thus creating a continuous shade canopy to frame the street and improve pedestrian comfort during summer.



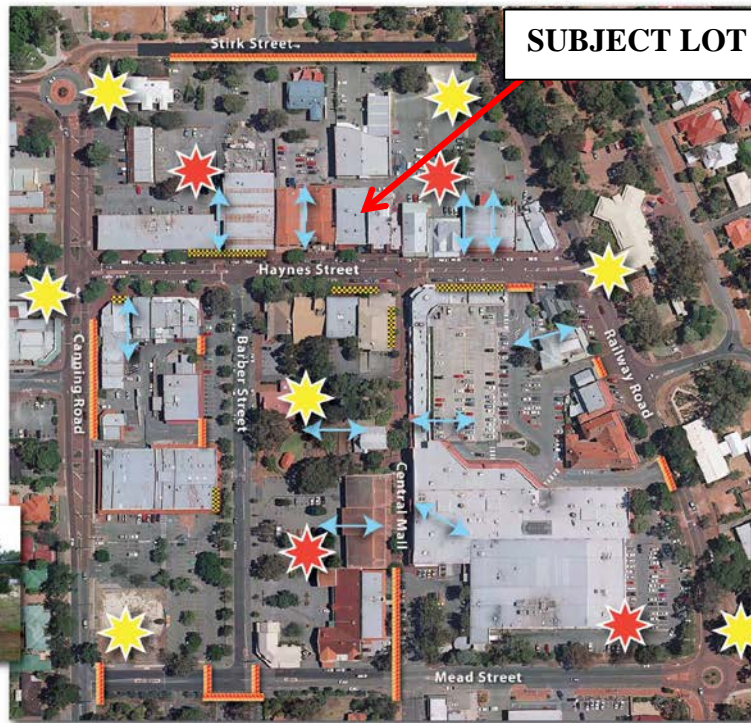
#### Village Life

##### Issues

- Residents consistently rate Kalamunda's "sense of connection", its village atmosphere and friendly community as its unique strengths. We know that making it easier for people to walk within town centres can increase retail activity, especially in smaller speciality and locally-run businesses. It can also encourage more window shopping and conversations between visitors, and can improve informal surveillance (and therefore safety) of the streets and other walkways.
- An uninviting town is characterized by a series of commercial "boxes" surrounded by barren car parks and where all the activity is internalised within the boxes and hidden from the streets.
- A lively, successful and inviting town centre is one that is full of people talking, walking, browsing, congregating, eating and drinking and resting in places on, or adjacent to, the street and under cover. People like to explore interesting, thriving shops and inviting public spaces.
- Public amenities such as good, clean, accessible toilets and functional direction signs are small but vital ingredients of a successful town centre.

##### Opportunities

- To place a higher priority on pedestrian comfort, amenity and interest within both the public and private domains;
- To improve the streets, public spaces and access ways to make them pleasant, attractive and safe places to be in;
- To promote the activation of the main streets after hours to strengthen the existing sense of community pride within the town.



**Attachment 11**

Three Storey Mixed Use Development (Two Multiple Dwellings, Shops, Tavern and Offices) – Lot 7 (20) Haynes Street, Kalamunda  
**Submission Table**

Details		Comments	Staff Comment
1.	S Beer Federation Centres Unit 3, 8 Alvan Street SUBIACO WA 6008	Objection.  Federation Centres manage Kalamunda Shopping Centre. Whilst we welcome investment in Kalamunda we are extremely concerned about the departure from the required car parking standards. It is highly likely that staff and visitors to the proposed development will utilise the shopping centre car park.	Noted, however taking into consideration the existing uses on the adjoining lots which are under the same ownership there would be a surplus in the required amount of car parking bays available.
2.	A Iopolo 5 Stirk Street KALAMUNDA WA 6076	Objection.  a) A significant amount of natural light will be blocked by the proposed development.  b) Concerned about the apartments looking over the roofs of adjoining commercial properties with their air conditioning units and solar panels.	a) The orientation of the property and thus the proposed development means that the majority of any overshadowing will be into Haynes Street. No provisions exist regarding overshadowing onto commercial properties.  b) Noted. If Council approves the application a nuisance, odour and noise assessment will be required to be submitted to and approved by the Shire prior to the issue of a building licence.

Details		Comments	Staff Comment
		<p>c) Possible damage caused during the construction stage to adjoining buildings.</p> <p>d) The shortfall in the required amount of car parking bays.</p>	<p>c) Construction methods of the proposed development, and what risks if any this poses to existing development, will be considered at the building application stage.</p> <p>d) Noted, however taking into consideration the existing uses on the adjoining lots which are under the same ownership there would be a surplus in the required amount of car parking bays available.</p>
3.	G Masella 13 Ozone Terrace KALAMUNDA WA 6076	<p>Comment on the proposal.</p> <p>a) Concerned about the apartments looking over the roofs of adjoining commercial properties with their air conditioning units and solar panels.</p> <p>b) If the apartment owners seek action over the air conditioning units and solar panels in the future this should not be at the cost of the adjoining tenants or landowners.</p>	<p>a) Noted. If Council approves the application a nuisance, odour and noise assessment will be required to be submitted to and approved by the Shire prior to the issue of a building licence.</p> <p>b) Noted.</p>

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

**46. Metropolitan Region Scheme Amendment – Rezone from Rural to Urban – Lot 801 (332) Kalamunda Road, Maida Vale**

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	KL-02/332
Applicant	TPG Town Planning, Urban Design and Heritage
Owner	Activ Foundation Inc.
Attachment 1	Concept Site Plan
Attachment 2	Surrounding Commercial Context Plan (A3)

**PURPOSE**

- To consider whether to support a Metropolitan Region Scheme (MRS) Amendment to rezone Lot 801 (332) Kalamunda Road, Maida Vale, from Rural to Urban.

**BACKGROUND**

- Land Details:**

Land Area:	1.8ha
Local Planning Scheme Zone:	Special Use
Metropolitan Regional Scheme Zone:	Rural

**Locality Plan**

- 



- The property is currently vacant and is located at the Kalamunda Road and Midland Road, and Midland Road and Ridge Hill Road intersections.
- Nearby properties contain residential uses and the Hillside Golf Course.

6. The Hillside Golf Course site has been identified in the Local Planning Strategy as being ideal for an aged car facility in future.
7. The necessary public utilities are already available for the property.

## DETAILS

8. It is proposed to rezone the property from 'Rural' to 'Urban' under the MRS, with the intention of constructing a shopping centre on the property in the long term.
9. If the MRS Amendment is approved by the Minister for Planning, Schedule 4 (Special Use Zones) of Local Planning Scheme No. 3 (Scheme) will need to be modified to include provisions which would allow for a shopping centre to be considered on the property.
10. A concept plan showing the proposed site layout (Attachment 1) and a surrounding commercial context plan (Attachment 2) have been provided by the applicant as part of the MRS Amendment.
11. By way of justification in support of the proposal, the applicant has advised the following:
  - *"The size and location of the subject site represents a unique opportunity to develop a neighbourhood centre to provide for the convenience shopping needs of the growing community east of Roe Highway, in northern Maida Vale.*
  - *There are no sites east of Roe Highway that can cater for a neighbourhood centre and there is currently a lack of convenience shopping facilities in the Maida Vale area.*
  - *The land is currently vacant and represents an underutilised space that has little value to the community or the amenity of the locality in its current state. The proposal would allow for a land use that is more appropriate to the needs of the community.*
  - *A Retail Needs Assessment has identified a lack of adequate convenience facilities in the immediate locality and considers that there is sufficient demand to support a neighbourhood centre at the site.*
  - *The subject site is considered to be small in area and is contained entirely within one lot that is not subject to any significant environmental or heritage value. As such, the proposal is not considered to be complex in nature.*
  - *The proposed rezoning is to facilitate the development of a neighbourhood shopping centre only. No residential uses are proposed and it is not considered that the proposed amendment would detract from the identified growth areas in Directions 2031 and the Outer Metropolitan Perth and Peel Sub-Regional Strategy.*

- *There are no identified environmental or servicing constraints that would inhibit the progression of the scheme amendment or the development of a neighbourhood centre on the site.*

12. In support of the proposal a number of strategic studies have been undertaken including:

- A Preliminary Site Investigations Report.
- A Retail Needs Assessment.
- A Traffic and Parking Assessment.

### **Preliminary Site Investigation Report**

13. The Preliminary Site Investigation Report concludes that given the lack of historical development at the site, and observations of the site's current condition, there have been no potential areas of environmental concern identified at the site. As such, based on the results of this investigation, it is concluded that there are unlikely to be significant potential sources of contamination present at the site. It is considered that the site is suitable for future rezoning and development as a proposed shopping centre development.

### **Retail Needs Assessment**

14. The Retail Needs Assessment concludes the following:

- *"The proposed site is highly visible and will be easily accessible for the local population.*
- *The trade area likely to be served by the Maida Vale Shopping Centre currently contains an estimated 26,100 people, including close to 7,100 residents within the primary sector. The future population base is projected to reach some 30,000 residents by 2026, including around 8,600 people in the primary sector.*
- *The Maida Vale Shopping Centre would be well able to serve the surrounding Maida Vale residents, reflecting its convenient accessibility on Kalamunda Road and the absence of retail facilities currently in the defined primary trade area.*
- *The Maida Vale Shopping Centre will be an easily accessible food and convenience shopping destination for local residents, with moderate competition from surrounding centres. The major non-food shopping requirements of Maida Vale residents will be served by the higher-order shopping facility at Midland Gate."*

## Traffic and Parking Assessment

15. The Traffic and Parking Assessment concludes the following:
- *“The proposed centre is well located to provide a convenient retail outlet for the local community. Based on recognised trip generation rates, the local centre is expected to generate about 4,900 vehicle movements per day. However, it can be expected that a high proportion of the traffic associated with the new shopping centre will already be using local roads and will divert to the new facility.*
  - *Assessment of the surrounding road network indicates that, whilst traffic increases can be numerically high, there will be no impact to current Levels of Service.*
  - *During the peak periods, analysis of the existing intersection of Kalamunda Road /Midland Road indicates that the shopping centre will have some impact.*
  - *Assessment of the proposed access to the shopping centre suggests that all access points will operate with acceptable Levels of Service. Visibility in accordance with AS2890.1 is achieved.*
  - *Car parking in accordance with the Shire of Kalamunda's Local Planning Scheme No. 3 is achieved.”*
16. If the amendments to the MRS and the Scheme are approved by the Minister matters such as traffic safety and car parking will be reassessed when final plans are submitted at the development application stage.

## STATUTORY AND LEGAL CONSIDERATIONS

17. The *Planning and Development Act 2005* (Act) establishes procedures relating to amendments to the MRS and the Scheme. If the Commission initiates the proposed amendment, then ultimately the amendment will be determined by the Minister for Planning.
18. The Act allows for amendments to the MRS to be processed as either "minor" or "major" amendments depending on whether they are considered to constitute a substantial alteration to the MRS or not.
19. This amendment is recommended to be processed as a minor amendment for the following reasons:
- The scale and size of the proposed amendment is not considered regionally significant. It does not reflect a change to the planning strategy or philosophy for the Metropolitan Region and is unlikely to have an adverse impact on the surrounding localities;
  - The MRS amendment accords with the general intent of a number of strategic State and Local Government documents such as *Directions 2031 and Beyond*; and



- The amendment is to be initiated subject to the resolution of various issues at later stages of the planning process.

20. Schedule 4 (Special Use Zones) of the Scheme stipulates that the Special Use for the property is 'Nursery/Special Garden Centre'.

## **POLICY CONSIDERATIONS**

### **Development Control Policy 1.9 – Amendment to Region Scheme**

21. Development Control Policy 1.9 - Amendment to Region Schemes sets out the criteria for deciding whether the major or minor process should be followed.

### **Directions 2031 and Beyond**

22. *Directions 2031 and Beyond* is the Department of Planning's spatial framework and strategic plan to guide the future growth of the Perth and Peel Metropolitan Regions, and provides a framework to guide the detailed planning and delivery of housing, infrastructure and services necessary to accommodate future growth. It provides direction on:

- How we provide for a growing population whilst ensuring that we will live within available land, water and energy resources;
- Where development should be focused and what patterns of land use and transport will best support this development pattern
- What areas we need to protect so that we retain high quality natural environments and resources; and
- What infrastructure we need to support our growth.

23. *Directions 2031 and Beyond* estimates a population increase of 69,000 people within the northeast sub-region, which covers the local government areas of Swan, Kalamunda and Mundaring.

### **State Planning Policy 3 – Urban Growth and Settlement**

24. State Planning Policy 3 – Urban Growth and Settlement (SPP 3) sets out the principles and factors that apply to planning for new and expanding urban areas throughout the state. The objectives of SPP3 are as follows:

- To promote a sustainable and well planned pattern of settlement across the State, with sufficient and suitable land to provide for a wide variety of housing, employment, recreation facilities and open space.
- To build on existing communities with established local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance the quality of life in those communities.



- To manage the growth and development of urban areas in response to the social and economic needs of the community and in recognition of relevant climatic, environmental, heritage and community values and constraints.
- To promote the development of a sustainable and liveable neighbourhood form which reduces energy, water and travel demand whilst ensuring safe and convenient access to employment and services by all modes, provides choice and affordability of housing and creates an identifiable sense of place for each community.
- To coordinate new development with the efficient, economic and timely provision of infrastructure and services.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

25. If the Commission initiates the amendment it will advertise the amendment for 60 days in accordance with the Act, prior to the Minister determining.

## **FINANCIAL CONSIDERATIONS**

26. Nil.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

27. *Kalamunda Advancing: Strategic Community Plan to 2023*

OBJECTIVE 4.3 - To ensure the Shire's development is in accord with the Shire's statutory and legislative obligations and accepted urban design planning standards.

Strategy 4.3.1 Provide efficient building and development approval services to the community.

## **SUSTAINABILITY**

### **Social Implications**

28. Matters relating to visual impact of the future development, traffic and noise will be taken into consideration at the development application stage if the amendments to the MRS and the Scheme are approved.

### **Economic Implications**

29. The Retail Needs Assessment and surrounding commercial context plan (Attachment 2) conclude that there is a need for a neighbourhood shopping centre in the locality due to the anticipated increase in local population and the proximity of the property to similar commercial uses.

**Environmental Implications**

30. The amendment will be subject to review by the Environmental Protection Authority for assessment under the requirements of the *Environment Protection and Biodiversity Conservation Act 1999*.

**RISK MANAGEMENT CONSIDERATIONS**

31.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve not to support the amendment	Possible	Insignificant	Low	Make sure Council is aware that the proposal is considered appropriate in the location and that matters relating to built form, site layout, traffic safety and car parking will be addressed at the development application stage if the amendments to the MRS and Scheme are approved.

**OFFICER COMMENT**

32. The proposal is compliant with SPP 3, and *Directions 2031 and Beyond*.
33. The proposal will facilitate the development of a neighbourhood shopping centre that will cater for the shopping needs of the existing community and support future growth in the locality.
34. The intended use of the property is considered appropriate.
35. There are no environmental and/or heritage issues associated with the property, for which the necessary public utilities are already available.
36. Considering the above, it is recommended that Council requests that the Western Australian Planning Commission initiates the amendment to the MRS.

*Peter Simpson, representing the Activ Foundation and DevWest, spoke in support of the amendment after investigations into the lack of convenient shopping needs of the residents of Maida Vale. DevWest, in association with Woolworth's, have been searching for a site for a period of time and has been able to enter into a joint venture with the Activ Foundation. The development once completed would provide a positive return for the Activ Foundation and enable the Foundation to sustainably continue to provide a service to people with disabilities.*

*A Councillor asked if there was an opportunity for Activ Members to be employed by the shopping centre. Mr Simpson advised that DevWest have had discussions with the Activ Foundation however it will need further action.*

*A Councillor asked if consideration has been given to other uses of the land, for example medium density housing. Mr Simpson advised not at this stage.*

*A Councillor enquired if any discussion had taken place with any potential clients who may utilise the shopping centre. Mr Simpson indicated the agreement has been entered into between DevWest and Woolworths and there have been smaller specialty and medical options however nothing has progressed.*

*A Councillor queried if the recommendation was supported does this bind the Shire in any way to the use that has been discussed. The Director Development Services confirmed the Shire is not bound by the decision made tonight.*

<b>Voting Requirements: Simple Majority</b>
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**OFFICER RECOMMENDATION (D&I 46/2014)**

That Council:

1. Requests the Western Australian Planning Commission to initiate an amendment to the Metropolitan Region Scheme, rezoning Lot 801 (332) Kalamunda Road, Maida Vale, from Rural to Urban.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (10/0)**

### Attachment 1

Metropolitan Region Scheme Amendment – Rezone from Rural to Urban

Lot 801 (332) Kalamunda Road, Maida Vale

### Concept Site Plan

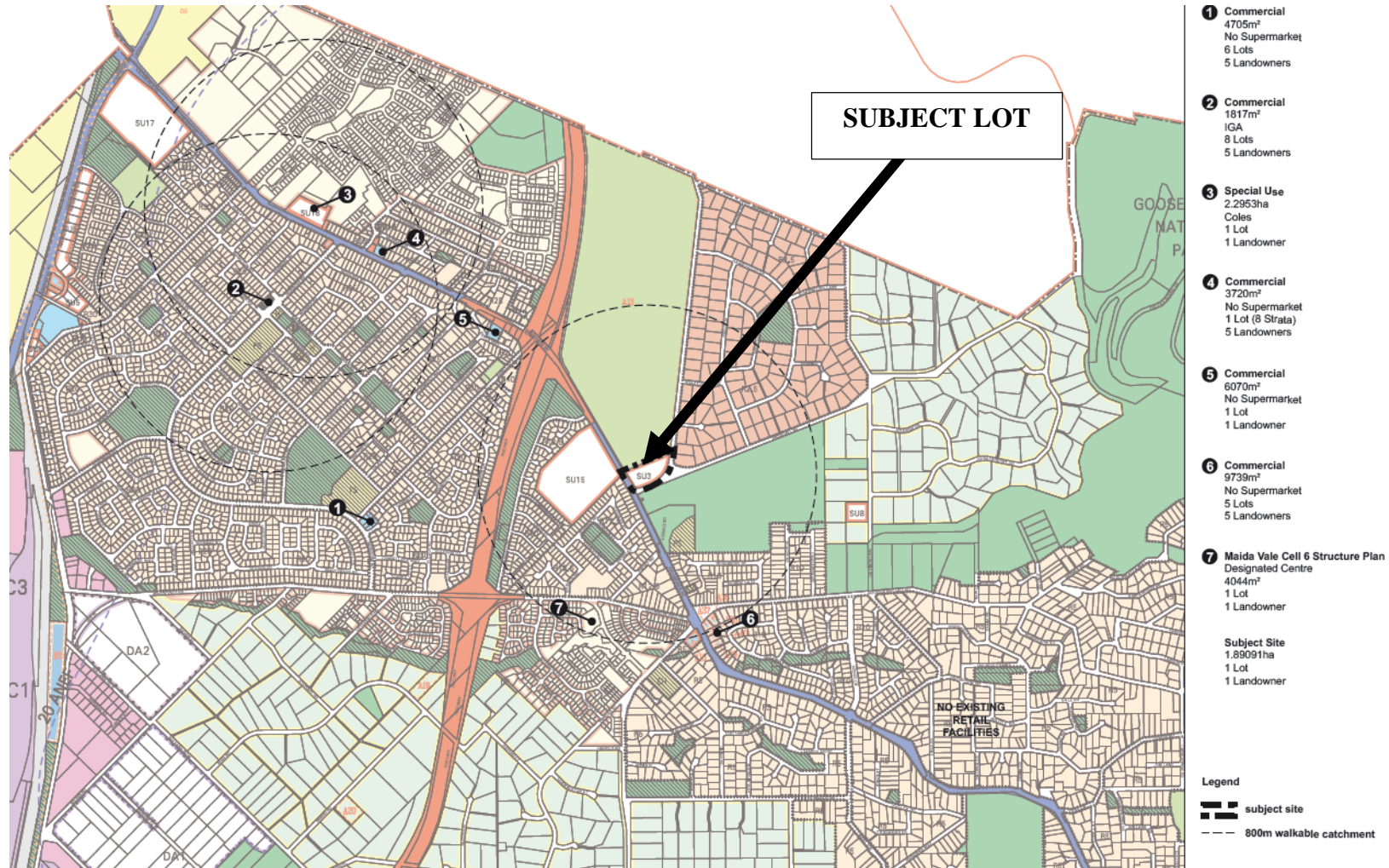


## Attachment 2

Metropolitan Region Scheme Amendment – Rezone from Rural to Urban

Lot 801 (332) Kalamunda Road, Maida Vale

### Surrounding Commercial Context Plan



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**10.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

10.1 Nil.

**11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

11.1 Cr Justin Whitten – Agenda Papers

Q1. Can the file size of the agendas be reduced to enable quicker downloading of the documents?

A1. The Director Development Services noted this.

11.2 Cr Dylan O'Connor – Hand rail at High Wycombe Shopping Centre

Would like to congratulate the Director Infrastructure Services for the quick action in reinstating the hand rails at High Wycombe Shopping Centre.

**12.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

12.1 Nil.

**13.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION**

13.1 Nil.

**14.0 MEETING CLOSED TO THE PUBLIC**

14.1 Nil.

**15.0 CLOSURE**

15.1 There being no further business the Presiding Member declared the meeting closed at 7.01pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed: \_\_\_\_\_  
Presiding Member

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2014