

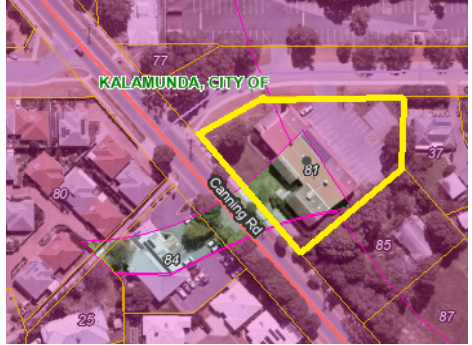
PG – LSP – 003/114 Lot 4 (81) Canning Road, Kalamunda – Responses to Submissions

	Submission	Applicant's Response	City's Response
1	<p>Our concerns are additional noise -both human traffic noise and vehicle traffic noise.</p> <ul style="list-style-type: none"> • How much noise will there be from clients who visit these facilities? • Will there be music from the café/restaurant? • Will any of these additional facilities have outdoors access? Such as playground & café. • As it's an indoor playground the children will not be on the front grounds? • Will there be additional large signage with florescent lighting? • The alarm system - how many more alarm systems will there be installed? • What stops additional growth of this site in the future? • Café opening at 7.00am 7 Days a week - will the café open into the front lawn area facing Canning Road? Hence causing additional noise directly across from our residence. • Can Tonic Gym and the shire guarantee these additions will not affect our living experience from this development? What would our direction be if we need to make a compliant about noise or any other matter that may arise from this development? <p>Noise: We have had several issues with noise previously:</p> <ul style="list-style-type: none"> • Alarms going off at night. • Music and class noise from classes on the lawn <p>Traffic:</p> <ul style="list-style-type: none"> • Concerns re increased traffic noise • Traffic safety at junction Collins Road and Kalamunda Rd • Overflow parking arrangements collocating at water park may not be satisfactory in the busy summer period. <p>The proposal mentions about building a community and offering facilities to the general public now and into the future. The main centre of town has all these facilities already available to the public - as you see from the list below.</p>	<p>The proposal is for a scheme amendment to allow for the facilitation of the proposed use. At this stage, there is no specific development application or operational detail.</p> <p>Following the approval of the Scheme Amendment, a development application can then be prepared and considered for the additional uses on the site. This will include matters such as built form, concern of noise, light, traffic and other amenity impact. These are considerations that can be reasonably managed and mitigated at the time when a development application is submitted.</p> <p>Conceptually, the proposed uses are deemed to be complementary and will not introduce a significant increase to the existing level of activities to the site. The intention is to create a singular trip facility, supplementary to the primary gym use.</p>	<p>Should the Scheme Amendment be supported any proposed development will be subject to assessment as part of a development application.</p> <p>Supporting documentation would include:</p> <ul style="list-style-type: none"> • Development plans identifying: <ul style="list-style-type: none"> o Access/egress and parking layout design o Signage location o Noise generation locations • Noise management report to address and manage: <ul style="list-style-type: none"> o Class noise o Play noise o Plant and machinery noise o Parking noise • Signage plans and illumination details • Transport impact assessment <p>Development application that has the potential to impact amenity for adjoining properties are subject to assessment against Local Planning Policy 11 - Public Notification of Planning Proposals. Advertising would provide the community an opportunity to review the plans and supporting information such as noise reports.</p> <p>Noise Management would be assessed and conditioned to be in accordance with the Environmental Protection (Noise) Regulations 1997.</p> <p>Signage will be required to comply with Local Planning Policy 2 – Advertising signage provisions along with the Dark Sky and Astro tourism Position Statement January 2022.</p> <p>Traffic access and egress point to the lot will continue to be taken from Colline Rd as stipulated under Department of Planning Lands and Heritage guidance for access in accordance with the Commission's Regional Roads (Vehicular Access) Development Control Policy (D.C. 5.1), which seeks to minimise the number of crossovers onto regional roads. Any proposal will be assessed against proposed development areas (square metres) and acceptable trip rate methodology to ensure adequate parking, access and all technical traffic requirements are considered.</p>

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<p>If Tonic Gym want to build the community, why not support the many places that are available in Kalamunda and work out deals with them that would benefit both parties.</p> <p>1: Recreation – Private</p> <ul style="list-style-type: none"> . Stirk Park (which as recently undergone a major make over) . Kostera Oval . Jorgensen Park . Scouts and Girl Guides . Performing Arts Centre . Library . Tennis Courts . Learning Centre . Kalamunda and District, Football, Basketball, Cricket Club and Netball . Ray Owens Sports Centre . Rollerrama Kalamunda <p>2. Consulting Rooms.</p> <p>Mentioned the proposal- Physiotherapy, Chiropractor, Massage</p> <p>Physiotherapy</p> <ul style="list-style-type: none"> . Kalamunda Physiotherapy . Hills Physiotherapy . Mead Physio Group . Complete Wellness . Nervana Physiotherapy <p>Chiropractor:</p> <ul style="list-style-type: none"> . Nervana . Kalamunda Well ness Centre . Law-Davis Chiropractic Clinic . The Chiropractic Studio <p>Message:</p> <ul style="list-style-type: none"> . Hills Massage . Pain Away Remedial Massage . Holista Remedial Massage & Naturopathy . New Life Wellness Centre . Kneading Knot Massage . Nervana . Relax Chinese Massage <p>3 Restaurant/Café</p> <ul style="list-style-type: none"> . Dome Café . Mason & Bi rd . Jack & Jill Kitchen . Old Mates Café . Elevate Grounds Coffeehouse . Kalamunda Podiatry . Podiatry on Central . Perth Hills Podiatry Doctors: . GP Super Clinic . Stirk Medical Group . Mead Medical . RSL . The Vault . Kandel Pan & Grill . Kalamunda Tap House 		
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	<ul style="list-style-type: none"> · The Coffee Club · The Best Drop Tavern · Kalamunda Hotel · Kalamunda Club 	<ul style="list-style-type: none"> · Noodle, Bar, Pho One, · Zambrero, Red Roster, Matteo's · Pizza, Kalamunda Kebab & Pizza, · Kalamunda Fish & Chips, · Kalamunda Jolly Fryer, Domiano · Pizza, Subway. 	
2.	<p>The DoH has no objection to the proposed amendment providing future included uses comply with applicable health requirements.</p>	<p>Noted</p>	<p>Noted</p>
3.	<p>Comments 29 August 2024</p> <ul style="list-style-type: none"> • DFES acknowledges that the site currently operates as a 'Gymnasium' and the proposal is to facilitate additional land uses, for 'Recreational-Private', 'Consulting Rooms' and 'Restaurant/Café'. • Further clarification is required within the BMP of the requirements of SPP3.7, and the supporting Guidelines as outlined in our assessment below. <p>1. Policy Measure 6.3 a) (ii) Preparation of a BAL Contour Map</p> <p>Evidence to support the exclusion of Plot 1 as managed to low threat in accordance AS3959 is required. An enforceable mechanism is required to provide certainty that the proposed management measures can be achieved in perpetuity, and they are enforceable.</p> <p>Specifically, the decision maker should be satisfied that the vegetation in the garden east of the site (photos 1.1-1.2) can be managed to a low threat standard in perpetuity. Additionally Figure 5 within the BMP shows that the isolated trees are being proposed as excluded under 2.2.3.2 c. This clause requires the vegetation to be a minimum of 20m from the lot boundary however the BMP has measured the distance as 32m from the building. The BMP should be modified to show the distance from the lot boundary. If the distance is less than 20m the area of trees should be classified.</p> <p>If unsubstantiated, the vegetation should be classified as per AS3959, or the resultant BAL rating may be inaccurate.</p>	<p>Photos 1.1 and 1.2 illustrate that the adjacent lot is a residential lot (house) with a garden that is not endemic vegetation.</p> <p>AS3959:2018 at 2.2.3.2.(f) cultivated gardens, expected of a developed residential lot, regardless of vigour and management standard, are excluded.</p> <p>Please be aware of the wording from AS3959:</p> <p><i>"2.2.3.2 Exclusions-Low threat vegetation and non-vegetated areas</i></p>	<p>The lot is partially mapped on the Department of Fire and Emergency Services (DFES) OBRM mapping as being located within a Bushfire Prone Area under the Fire and Emergency Services Act 1998 (as amended).</p>  <ul style="list-style-type: none"> • State Planning Policy 3.7 Planning in Bushfire Prone areas guidelines identify that the Local Planning Scheme is a mechanism to prevent development in inappropriate areas. • New Local Planning Schemes and Scheme reviews are to be accompanied by a Bushfire Hazard Level assessment and to be referred to the Department of Fire and Emergency services for advice. • The City's current Local Planning Scheme is overdue for review. • Where a rezoning of an area is proposed the decision maker is required to consider if the rezoning will increase the Bushfire risk by increasing the fuel load, changing the land use intensity or vulnerability. • The supporting documentation for the scheme amendment should identify any issues arising from the bushfire risk assessment/s and consider how compliance with the bushfire

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	<p>2. Policy Measure 6.3 c) Compliance with the Bushfire Protection Criteria A 1.1 & A2.1 - not demonstrated The BAL ratings cannot be validated for the reason(s) outlined in the above table. Recommendation - compliance with acceptable solutions not demonstrated - modifications required</p> <p>Comments 7.10.24 DFES reiterate their comments that Recommendation - compliance with acceptable solutions not demonstrated - modifications required</p> <p>Decision is at the discretion of the Determining Authority.</p>	<p><i>(c) Multiple areas of vegetation less than 0.25 ha in area and not within 20 m of the site, or each other.</i></p> <p>The word 'site' is defined in section 1.5 AS3959) to be: "Site The part of the allotment of land on which a building stands or is to be erected."</p> <p>The measure of the site, as the portion that is to be developed, is not the lot boundary, this was clarified at WASAT1.</p> <p>No correction is needed because the correct measure is the building as used and not the lot boundary.</p> <p>¹ HARMANIS HOLDINGS NO.2 PTY LTD and WESTERN AUSTRALIAN PLANNING COMMISSION [2019] WASAT 43</p>	<p>protection criteria can be achieved in subsequent planning stages. This is to be in the form of a Bushfire Management Plan.</p> <ul style="list-style-type: none"> • Where a local planning scheme amendment has been endorsed by the Western Australian Planning Commission prior to the publication of SPP 3.7 and does not contain bushfire risk management measures, discretion may be required for subsequent determinations based on the precautionary principle in such instances, as the SPP is not intended to be retrospectively applied. • The current Special use on the subject site was established in the 1970's and modified in 2004. As such the Special use is long established and in providing the BMP to support the proposed zoning modification the Landowner and applicant have applied the precautionary principle in providing Bushfire documentation to support the application. • The consideration of a Scheme Amendment requires satisfaction that the future development of the land is • capable of compliance with the bushfire protection criteria in the Guidelines. • The City can support the proposed rezoning in the certainty that any built form development which may result from the Scheme Amendment will be required to in addition to the current building to be assessed under the latest bushfire requirements. A development application on the lot will provide for a more stringent assessment of the entire lot to the benefit of current and future users in addition to surrounding property owners. • The latest version of the Bushfire Maps was designated under section 18P of the Fire and Emergency Services Act 1998 came into effect on 24 September 2024. • The Map introduces two bush fire prone contexts for the purposes of applying the Policy and the Guidelines, being Area 1 (Urban) and Area 2: <ul style="list-style-type: none"> ◦ Area 1 (Urban) comprises the built-up urbanised areas of Perth, Peel and Bunbury, where the risk posed by landscape-scale bush fire to people, property and infrastructure is lower; ◦ Area 2 covers the rest of Western Australia that is designated as bush fire prone. <p>The subject site is located in an Area 1 zone.</p>
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