

**From the office of the  
Chief Executive Officer**

14 September 2012

Hon Brian Ellis MLC  
Environment and Public Affairs Committee  
Parliament House  
PERTH WA 6000



**shire of  
kalamunda**

Dear Sir

**Petition No 158 – Shire of Kalamunda’s Local Planning Scheme 3**

I refer to your correspondence dated 22 August 2012 regarding the above matter. In response to the issues raised the following comments are provided.

- Public advertising of Scheme amendment 18 was carried out in accordance with the procedures set out in the *Town Planning Regulations 1967, (as amended)*. Advertising commenced on 28 October 2009 for a period of 42 days. Advertising of the Scheme amendment included nearby landowners being contacted in writing, a sign being placed on site and a notice being placed in the local newspaper.
- Public advertising of Scheme amendment 18 attracted a substantial number of public submissions to the proposal both from the Wattle Grove Community and the Kalamunda locality more broadly. As such, the location of each submitter could not be shown spatially in the report to Council. It is acknowledged that the majority of submitters objecting to Amendment 18 were from the Wattle Grove area. That said, 82% of submitters were in support of the proposal. All the comments received were given due consideration having regard to the various planning issues affecting the proposal. Ultimately however the decision by Council to support the proposal was predicated on broader strategic considerations which will enable the Shire of Kalamunda to plan for the whole of the community in respect to the delivery of aged accommodation.
- The Water Corporation advised that it did not support the temporary sewerage solution advanced by the proponent which proposed a private pump station pumping to a sub catchment to the North West. Furthermore the Water Corporation was not prepared to accept additional flows from the neighboring sub-catchment. Effectively, the proponent would need to examine other options for an alternative waste water management system.

A copy of the Water Corporation submission is attached. Please note that Council endorsement of Scheme amendment 18 was conditional on the future development of the site be connected to a reticulated sewer service or an alternative system to the satisfaction of the Department of Health.

- The Environmental Protection Authority (EPA) was provided with a copy of the Council report and resolution and a copy of the Scheme amendment document prepared by the applicant's consultant. The report to Council and the Scheme amendment document Report both make reference to the provision of sewer to the site. A copy of the Council report and an extract from the Scheme amendment document are attached.
- The Department of Health was sent a standard proforma letter in respect to the advertising of Scheme amendment 18. As is standard practice the letter does not makes reference to technical matters such as connection to sewer. It is the role of the various government departments and in particular the Department of Health and the Water Corporation to advise the Shire on such matters. A copy of the response form the Department of Health is attached for your information.

I trust the above information addresses your preliminary inquiries.

Yours sincerely



James Trail  
**Chief Executive Officer**

*Enc.*

*Water Corporation Letter dated 18.11.09*

*Planning Services Committee Agenda Report 11.05.09*

*Council Resolution 18.05.09*

*Extract of Scheme Amendment Document*

*Proforma letter to Government Agencies dated 27.10.09*

*Response from Department of Health dated 23.11.09*

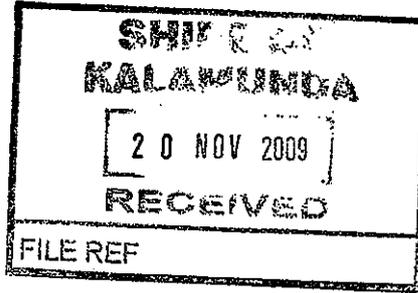
**PUBLIC**

Your Ref: PG-LPS-003/018  
Our Ref: JT1 2009 12555 V01  
Enquiries: Brett Coombes  
Telephone: 9420-3165



18 November 2009

Chief Executive Officer  
Shire of Kalamunda  
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Attention: David Tomlinson

**Amendment No.18 to Local Planning Scheme No.3 – Rezoning Lot 500 (32) Welshpool & Gavour Roads, Wattle Grove from “Special Rural” zone to “Special Use (Residential Aged Care)” zone.**

I refer to your letter of 27 October 2009 seeking comments from the Water Corporation on the proposed rezoning of Lot 500 Gavour Road.

The comments that follow concern the water and wastewater servicing information contained in the amendment report and the Site Servicing Strategy (Appendix 4), which will require further detailed investigation and resolution prior to the land being rezoned and developed.

Sewerage

The subject land is situated within the Forrestfield Sewer District, which is partially developed for urban purposes. The site and the surrounding mostly rural zoned land in Wattle Grove and Lesmurdie to the east are currently not serviced with sewerage. The Corporation has undertaken wastewater scheme planning which provides guidance on the preferred, ultimate wastewater collection system for this area. This planning relies on the construction of the 600mm Lesmurdie Branch Sewer along Welshpool Road, which will discharge into the future extension of the Maida Vale Main Sewer to the west of Roe Highway.

The wastewater planning for the area of Wattle Grove in the immediate vicinity of the subject land also includes a future 300mm gravity sewer that will traverse the area generally from east to west and will discharge into the future Lesmurdie Branch Sewer. The ultimate wastewater system for the area is therefore dependent on the timing of the construction of the Lesmurdie Branch Sewer, which will not eventuate until Lesmurdie is provided with infill sewerage, and the extension of the Maida Vale Main Sewer northwards from its current terminus in Welshpool.

The information contained in the May 2004 Servicing Strategy is not correct. The Corporation does not support the temporary sewerage solution outlined in the report, which proposes a private sewer pump station pumping through a pressure main and discharging into the adjacent wastewater sub-catchment to the north-west. The proposed discharge point is lower than the pump station, which is not acceptable from an engineering perspective as this would entail pumping water downhill under pressure into a gravity sewer.

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Furthermore, in recent years there has been steady growth in the Forrestfield wastewater sub-catchment and the Corporation is closely monitoring flows to the Forrestfield Main Sewer Pump Station on St John Road, Wattle Grove. The Corporation is therefore not prepared to accept additional flows from neighbouring wastewater sub-catchments.

The proponent will therefore need to examine other options for wastewater management and disposal.

#### Water

The subject land is currently serviced from a 100m water pipe in Gavour Road. The water pipe to the north-west of the site in Welshpool Road is 100mm in diameter, not 300mm as indicated in the report. The 100m supply is unlikely to be adequate to fully service the proposed development. The proponent will need to undertake upgrades to the water reticulation in order to provide services to the development. The proponent's engineers should liaise with the Water Corporation in this regard.

#### Drainage

The site is situated within the catchment of the Yule Brook. The Water Corporation currently operates the main drainage portion of the Yule Brook catchment downstream of Bruce Road, Wattle Grove while the Shire operates the rest of the upstream catchment to the east.

Large-scale flooding has been reported after high rainfall events in some parts of the Yule Brook Main Drain and branch drain catchments. The Water Corporation undertook a comprehensive review of the Yule Brook Main Drain catchment in 2008. The land use assumptions on which the drainage model is based were derived from various town planning documents including the Shire of Kalamunda Local Planning Scheme. The modelling has assumed a "Rural" zoning for this area of Wattle Grove. The Water Corporation recommends that the Shire should require the proponent to make adequate provision for on-site drainage detention to ensure that post-development runoff into the Yule Brook system does not exceed current runoff rates.

In conclusion, the servicing matters identified above, in particular the unresolved wastewater issues will need to be further examined by the proponent in consultation with the Water Corporation.

Should you require any further clarification on this matter please contact the officer indicated above.



**Frank Kroll**  
A/Coordinator Land Planning  
Development Services

**43. Request for Scheme Amendment to Rezone Location 500 (32) Gavour Road, Wattle Grove from Special Rural to Special Use (Aged Residential Care)**

Previous Items: 106/04, 42/07.  
 Service Area: Planning & Development Services  
 Author: Rory O'Brien  
 File Reference: GV-01/032  
 Applicant: Peter Webb and Associates  
 Owner: Mr R Leighton

**PURPOSE**

1. To reconsider a request to amend Local Planning Scheme No. 3 (the Scheme), to rezone the above property from Special Rural to Special Use (Aged Residential Care). See ***(Appendices 1a. and 1b. – see separate documentation)*** Locality Plan.

**BACKGROUND**

2. A previous but slightly different proposal for an Aged Persons' Facility on this site was requested by the same applicant and was considered by Council in October 2004. At that time, Council did not initiate the amendment:

***"1. That the Council not initiate the amendment to District Town Planning Scheme No. 2 in relation to the rezoning of Location 707 (32) Gavour Road, Wattle Grove from Rural to Special Use (Aged Persons Facility).***

***2. In recognition of strategic planning for the Shire of Kalamunda and community need for this type of facility that further investigation be undertaken to identify areas that may be suited for this type of facility."***

***(Appendix 2.)***

3. In 2005, the applicant undertook his own independent research into "Retirement Living in the Shire of Kalamunda". Strategic Social Research (a Bayswater consultancy) undertook a random survey of Kalamunda residents i.e. 384 overall Shire, 368 South Ward and 368 South West Ward. The size of this sample may be generalised as being representative of the total population of interest. The interviewees were asked whether or not they supported an "independent living retirement village with a high care component between Welshpool and Gavour Roads in Wattle Grove". The results of the research were as follows:

- Shire of Kalamunda: 84.7% support.
- South Ward: 75.8% support and
- South West Ward: 91.1% support.

Another notable fact revealed in the Social Survey is that 95% of the Shire residents surveyed wished to remain in the Shire as they aged. Further details are contained in ***(Appendix 3.)***

4. The landowner again requested Council to initiate a similar amendment in 2007, but this time based on an updated planning proposal. The updated proposal was to create

two Special Rural lots on Gavour Road and to ensure that all traffic to the development would be via Welshpool Road. At its Ordinary Meeting in July 2007, Council again refused to initiate the proposed amendment. The reason for the refusal was as follows,

***"The Shire needs to review the overall Strategic Plan for the area of Wattle Grove rather than proceed prematurely with a rezoning for one large property holding."***

***(Appendix 4.)***

5. Since 2007 there have been a few major changes that affect this current request, i.e. the holding of two Special Electors Meetings on the subject of Aged Accommodation, the Land Planning Vision Workshops that were held in every Ward in the Shire and an Aged Accommodation Strategy was prepared by a consultant for the Shire.
  - a. The first Special Electors' Meeting was held before the July 2007 Council Meeting on 4 July 2007 and the motion was carried that, "Council not initiate an amendment....". ***(Appendix 5.)*** The second Special Electors Meeting was held on 12 September 2007 and was generally supportive of Council facilitating aged care facilities within the Shire. ***(Appendix 6.)***
  - b. The South Ward Land Planning Vision Workshop was held on 27 February 2008 and was attended by 70 people. Some of the key visions recorded at the workshop were that the rural lifestyle should be retained, that public transport be improved and that the area remains green (protect trees). ***(Appendix 7.)***
  - c. The Aged Accommodation Strategy, prepared by 'Community Perspectives' in June 2008 presented a detailed account of the ageing population, ageing in place, need for greater investment in home support and community care, lack of choice in housing for older people, a struggling aged care industry, location of seniors units and residential care homes, improved planning, collaboration and innovation. ***(Appendix 8.)***

## **DETAILS**

6. The current (2009) request for an amendment is similar but not identical to the 2007 proposal and seeks to rezone the property to allow for an integrated Aged Residential Care. The development is intended to allow for Independent Living Units (approximately 182), a 100 bed Nursing Home, incidental uses and recreational facilities for use by residents. As the amendment is conceptual at this stage there is only basic design detail available. This would normally be dealt with either by specific Scheme provisions or at the development stage. ***(Appendices 9a, 9b, 9c. and 9d.)***
7. The applicant discussed and received "in principle" agreement from the Shire's Engineering Department and the Department for Planning and Infrastructure (DPI) (Integrated Transport Planning) to have direct access from the site onto Welshpool Road prior to the 2004 application. If the current application goes ahead the applicant will be required to obtain Council's approval and to undertake a Road Safety Audit of the new intersection to ensure that the design details are to the appropriate standards. Welshpool Road is a 'blue road' in the Metropolitan Region Scheme and as such, is administered by the Shire and the DPI.
8. The applicant has also questioned the Shire's previous use of the Town Planning Regulations (1967, as amended). His concern is that the Shire's usual method of

notifying 'nearby landowners' in terms of Council's Policy DEV19 (Notification of Affected Landowners – Community Consultation – Advertising) has prejudiced the landowner and may be 'ultra vires' to the correct use of the Regulations. It is his contention that for Council to make a decision on the basis of consultation resulting from Policy DEV19 may effectively have prevented the proposal being advertised to the broader community in accordance with the Regulations. Staff has obtained a legal opinion on that matter and the Shire's solicitors have upheld that contention. ***(Appendix 10.)***

9. The applicant has made the following points on the suitability of the site for the proposed use:
- a. It is located on relatively flat land which enables less mobile residents the opportunity to access all of the various aspects and services which might be available on the site.
  - b. The site is of sufficient size to enable buildings to be integrated with abundant landscaping to ensure the facility will become a pleasant and attractive as well as a functional place in which to reside, recreate, and be cared for.
  - c. The land is directly adjacent to a district distributor (Welshpool Road – a regionally important road) with direct access to the Perth CBD and all of the facilities and services which are available there (within 10 – 15 minutes of this site).
  - d. This site is relatively close to retail, recreational, medical, and social services which would enable residents easy access to these facilities.
  - e. This proposed facility will enable an 'ageing in place' complex where individuals or couples can live while they are relatively independent, but where they may also remain as they become less independent and require additional help so that they can stay close to their partners, friends and the general community in which they have become part.
  - f. Buildings on this (relatively flat) site will be able to be retained at single level which will have the dual benefits of:
    - i) being more convenient for the community it serves; and
    - ii) being unobtrusive from immediately surrounding and adjoining land.
  - g. The site is able to be serviced by all of the usual conventional urban services, including sewerage; and
  - h. The development is able to be undertaken in a demonstrably environmentally responsible and sustainable manner as evidenced by the earlier report from Bowman Bishaw Gorham. (Environmental consultancy).
  - i. The applicant has supplied copies of support from medical practices in the Kalamunda area and from the Kalamunda Senior Citizen's Club. ***(Appendix 11.)***
10. The applicant states that aged accommodation in the Shire of Kalamunda is in short supply. There are a number of aged accommodation facilities, mainly of smaller capacity. Owing to the size of the subject property, the opportunity to develop an integrated 'Aged Residential Care' facility on this land is unique in the Shire of Kalamunda and can go a long way to satisfying the needs identified in the Shire's Aged Accommodation Strategy.

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**STATUTORY AND LEGAL IMPLICATIONS**

11. Consideration of an amendment to a Local Planning Scheme No. 3 needs to be in accordance with the Planning and Development Act 2005. If Council resolves not to initiate the amendment, the process ceases and there is no right of review. If Council resolves to initiate the amendment, it will be subject to the provisions of the Town Planning Regulations (1967, as amended). This will include formal advertising for 42 days, signs on site and notices in a newspaper circulating in the district.
12. Following the formal 42 day advertising period Council would then determine whether or not to finally adopt the Amendment. Irrespective of the Council decision the matter will be forwarded to the Minister for Planning for determination.
13. Irrespective of Council's or the Minister's decision, the applicant has no Right of Review (i.e. no appeal right to the State Administrative Tribunal) in respect of a Scheme Amendment.

**POLICY IMPLICATIONS**

14. Council Policy DEV19 "Notification of Affected Landowners – Community Consultation – Advertising". Following legal opinion, this policy will need to be reviewed. In the interim Staff will not be notifying 'nearby landowners' but will undertake advertising and consultation in accordance with the Planning and Development Act (2005) and Town Planning Regulations (1967).

**PUBLIC CONSULTATION/COMMUNICATION**

15. Legal advice has been obtained effectively advising that the use of Council Policy DEV 19 could be seen as inconsistent with the amendment process as it introduces additional processes above and beyond that provided for in the Town Planning Regulations.
16. This proposal has therefore not been sent out to adjoining land owners for comment. If Council resolves to initiate the amendment, formal advertising will take place in accordance with the Town Planning Regulations. Further, in accordance with section 83 of the Planning and Development Act, any person or public authority likely to be affected by the amendment will also be consulted. This will allow adjoining land owners and the broader public to make submissions to Council for consideration if Council proceeds with the amendment.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

17. **Strategic Planning Implications**  
The Shire's Strategic Plan 2000 – 2025 sets out the long term vision for the Shire of Kalamunda. The plan identifies "Critical Success Factors" and the following are strategic implications of the proposal:
  - a. *"Ensuring wise land use planning which achieves a safe, environmentally sound place to live, with as much as possible of the rural character and heritage remaining".*

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- b. In respect to Social Planning, the plan recognises that a key challenge is that there is an ageing population *"with diverse needs ranging from those of the active, healthy senior citizens to the frail aged"*.
- c. A social outcome has been identified as:  
*"Services and facilities which are planned and provided pro-actively to address increasing and changing demand."*
- d. A strategy in the plan is to anticipate an ageing population and align services and facilities, including:  
*"Working in partnership with other organisations, including voluntary groups, government and the private sector, to ensure required facilities and services are available within the Shire"*.
- e. In respect of the environment the plan recognises as a key challenge:  
*"Balancing the retention of the environment with the demands for denser development"*.

18. **Network City**

The State Government has endorsed "Network City" as a broad scale strategic plan for the Perth Metropolitan Region and is requiring Local Government to identify opportunities for increasing residential density to accommodate an additional population of 760,000 people by the year 2030. The Shire of Kalamunda will be expected to accommodate approximately 20,000 additional people by 2030. The Department is also identifying opportunities for increasing population densities in "Activity Centres" and "Activity Corridors" throughout the Perth Metropolitan Region. The current amendment may provide the Department with such an opportunity for increased density. The Department has recently announced a "review" of Network City. One of the difficulties is that the intended housing of a large number of people in the inner and middle local government areas may not be sustainable and that could result in additional pressure on outer metropolitan areas such as Kalamunda and the Foothills in particular.

19. **Local Planning Strategy**

Shire staff is presently preparing a Local Planning Strategy, with Council's approval, to form the basis for updating Local Planning Scheme No.3. It is intended that this strategy will guide growth and development in the Shire for the next 30 years and will accommodate an additional 20,000 people approximately. The first stage of the preparation of the strategy included community consultation and a series of Land Planning Vision Workshops were held in each ward during the end of 2007 and the first half of 2008. The workshops focussed on obtaining community views on Values, Concerns and Visions for the future. The residents of Wattle Grove who attended the workshop made it clear that they wanted to remain Rural. It is intended that Wattle Grove remain Rural for the foreseeable future.

20. **Strategic Location**

Wattle Grove is strategically located within the Perth Metropolitan Region. At a distance of 15 kilometres from the Perth CBD, it is comparable with Midland, is closer than Fremantle, half the distance to Joondalup and a quarter of the distance to Rockingham. It is inevitable that economic forces will lead to ongoing applications for urban development in the area.

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**21. Aged Accommodation Strategy**

In July 2008, the Shire adopted an Aged Accommodation Strategy, which was developed, in part, to provide a strategic framework for the provision and location of aged persons' accommodation. The main finding of the Strategy was that the Shire is lacking in aged accommodation and that this be exacerbated as time progressed due to an ageing population.

**22. Sustainability Implications****Social implications**

- It is evident from the aged accommodation strategy, census statistics, and personal concerns and hardships expressed by members of the community at the Special Electors Meetings that there is an urgent need for affordable aged accommodation and in particular integrated 'Aged Residential Care' facility that includes Independent Living Units and Nursing facilities in the Shire of Kalamunda.
- It is also evident that the people of Wattle Grove are concerned that such a facility in their locality will lead to the area becoming Urban rather than Rural.

**23. Economic Implications**

- The applicant has stated that developing aged accommodation in urban areas, has become economically unfeasible, owing mainly to increases in land value over the last decade, especially in the eastern sector of the Perth metropolitan area.
- The cost of 'delivering' one Nursing Facility bed is in the order of \$100,000. The supply of such a facility as proposed with 100 beds is therefore in the order of \$10m.

**24. Environmental Implications**

- The proposed site was used as a polo field in previous years and has been largely cleared of vegetation. It is probably the largest single cleared land area in Wattle Grove. The proposed development intends to retain as much vegetation as possible on the site and to undertake additional tree planting to form buffers along common boundaries with other properties.
- Crystal Brook crosses this site and it is the landowner's intention to manage the stream environmentally as a landscape and passive recreation feature.
- The site is also crossed by major Western Power transmission lines (330KV) that will require habitable buildings be set back appropriately.

**OFFICER COMMENT**

25. The Australian Bureau of Statistics (ABS) published the 2006 Census of Population Statistics in June 2007. The data for the Shire of Kalamunda revealed the following facts:
- a. The population of the Shire of Kalamunda continues to age. The 2006 Census statistics indicate that the population of the Shire was 47,177 on Census night 2006 (excluding visitors). Of these 11,564 were over 55 years, i.e. 24.5% (ABS 2007).
  - b. In comparison, the population of Wattle Grove on Census night 2006 (excluding visitors) was 2,221 (4.7% of the Shire). Of these, 310 were in the 55 and over age category, i.e. 13.96% of the Wattle Grove residents.
  - c. It may be concluded, therefore that there is a high need for aged accommodation in the Shire of Kalamunda.
26. The current development concept includes approximately 182 independent living units

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over an area of 14 hectares. This concept therefore equates to a density of approximately R12.5 (13 dwelling units per hectare). In terms of the WAPC Residential Design Codes, a density of R12.5 is defined as a Low Density Code. (Medium Density is from R30 to R60 and High Density is from R60 to R160).

27. Shire Planning staff examined the current proposal in terms of the 2004 Council resolution, "that further investigation be undertaken to identify areas that may be suited for this type of facility". The current site is the largest (14ha) single privately owned landholding in the foothills from Wattle Grove to High Wycombe. There is no other single landholding that is better suited to this type of facility. There is equally no land area in the Lesmurdie to Gooseberry Hill localities that is suited to this type of facility. There are larger single lots in the Walliston, Carmel, Bickley and Pickering Brook localities; however, these areas have disadvantages in terms of lack of sewerage, distances from amenities and transportation. It was therefore concluded that no other single site has the same potential for the proposed use.
28. The planning assessment is to determine the merits of the proposal based on a number of factors. These factors include immediate and measurable impacts of a proposal to the broad long term strategic approach to community development.
29. A number of issues for the rezoning and subsequent development have been raised, both for and against. The following matters need to be considered:
30. For
  - a. An investigation of suitable areas for this type of facility in the Shire concluded that the site of the current proposal is the largest landholding in the foothills and that no other single site has the same potential for the proposed use.
  - b. The independent Social Survey (2005) of the people from the whole of Kalamunda indicated a statistically significant support for an "independent living retirement village with a high care component" in the Wattle Grove area.
  - c. Aged accommodation in the Shire of Kalamunda is in short supply.
  - d. The current development concept is for a low density development, i.e. R12.5 approximately.
  - e. The applicant has obtained "in Principle" support from the Shire Engineering Department and the Department for Planning and Infrastructure for access onto Welshpool Road.
  - f. The site has a number of attributes that make it suitable for the proposed development, i.e. flat land, sufficient size, strategic location to Perth CBD, relative proximity to retail, recreational, medical and social services and close proximity to friends and family.
  - g. The proposed development is intended to be single storey, hence not being visually intrusive in the locality.
  - h. Development is able to be undertaken in an environmentally responsible manner.
  - i. The proposal is generally in accordance with the findings of the independent Aged Accommodation Strategy prepared by a consultant for the Shire.
31. Against
  - a. The proposed land use "Aged Accommodation" is not strictly in keeping with the "Rural Residential" character of the surrounding locality.
  - b. The density of the proposed development, approximately R12.5, is higher than the prevailing density in Wattle Grove, approximately R2.5 (4,000sqm to 1ha)..
  - c. The proposed use 'Aged Residential Care' facility is not a permitted use in the

- Special Rural Zone in terms of Local Planning Scheme No. 3.
- d. The proposed use is inconsistent with the Metropolitan Region Scheme and will require an MRS Amendment as well.
  - e. The proposal could be seen as being contrary to the wishes of the community representatives at the 2008 Land Planning Vision Workshop for the South Ward, because their key Vision was to Retain Rural Lifestyle.
32. The final consideration will be whether Council can safeguard the interests of the Wattle Grove community for ongoing Rural uses and provide much needed aged accommodation for the greater Kalamunda community within the locality. It is staff opinion that, because the proposed development is innocuous and has been designed to have very little impact on Wattle Grove, that we can achieve a 'win-win' situation. For the above reasons, it is recommended that Council initiates the amendment.

**MEETING COMMENT**

**OFFICER RECOMMENDATION**

**PS 43/2009**

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

**PLANNING AND DEVELOPMENT ACT 2005  
RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME**

Shire of Kalamunda  
Local Planning Scheme No. 3

**AMENDMENT NO.**

Resolved that Council in pursuance of Section 75 of the Planning and Development Act 2005 amend the above Town Planning Scheme by:

1. Rezoning portion of Lot 500 (32) Welshpool and Gavour Roads, Wattle Grove from 'Special Rural' to 'Special Use (Aged Residential Care)' zone, and
2. Including the 'Special Use' site in Schedule 4, 'Special Use Zones' as follows:

No.	Description of land	Special Use	Conditions
	Lot 500 (32) Welshpool and Gavour Roads, Wattle Grove	Aged Residential Care  (a) Within this zone, the following uses are permitted (P): <ul style="list-style-type: none"> <li>• Aged Residential Care;</li> <li>• Caretaker's Dwelling;</li> <li>• Consulting Rooms;</li> <li>• Grouped Dwelling;</li> <li>and</li> <li>• Single House.</li> </ul>	At least one occupant of any dwelling within this facility must generally have reached the age of 55 years

		<p>(b) Council may approve other ancillary or incidental uses on this site, provided that they form part of the operational business of the facility and which uses might complement or enhance the usual living standards and requirements of residents living in and staff serving a facility of this nature.</p> <p>(c) All other uses not mentioned under Sub Clauses (b) and (c) of this Clause are not permitted (X).</p>	
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Moved: Cr

Seconded: Cr

**PUBLIC**

**FOR**

Cr Everett  
 Cr Giardina  
 Cr Tonkin  
 Cr Robinson  
 Cr Sadler  
 Cr Lindsey  
 Cr Taylor  
 Cr Thomas  
 Cr McKechnie

**AGAINST**

Cr Morton  
 Cr Cresswell  
 Cr Heggie

**CARRIED/ABSOLUTE MAJORITY**

**9.2.2 Request for Scheme Amendment to Rezone Location 500 (32) Gavour Road, Wattle Grove from Special Rural to Special Use (Aged Residential Care) (Item 43)**

*This Item appears as a separate Item, in accordance with Clause 5.1 of the Standing Orders Local Law 1999, as there was a Financial Interest declared at the Planning Services Committee Meeting, 11 May 2009.*

Cr Taylor declared an Interest Affecting Impartiality as follows:

*'With regard to Item 43 Planning Services, Wattle Grove Report, I disclose that two Freedom of Information claims have been made against me as Presiding Person on previous applications namely F2007 293, 2007 368, and as a consequence there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.'*

Cr Tonkin declared an Interest Affecting Impartiality as follows:

*'The applicant has made Freedom of Information applications against me based on misleading information. The Freedom of Information Commissioner found there was no basis for the claims, however, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter and make my decision only after I have listened to the full debate.'*

Cr Sadler declared an Interest Affecting Impartiality as follows:

*'I am a member of the Finance and Administration Committee of Retirees WA Inc., a not for profit organisation that builds, provides, sells retirement villages, units and also runs an aged care facility. I will vote on this item with impartiality.'*

Cr Sadler declared a second Interest Affecting Impartiality as follows:

*'Both my wife and I have been the subject of Freedom of Information applications requested by the applicant and later dismissed by the Freedom of Information Commissioner, and more recently a threat of Supreme Court action from the applicants legal advisor. Despite this, I will vote on this item with impartiality.'*

Cr Everett declared an Interest Affecting Impartiality as follows:

*'I work in the Aged Care industry.'*

Cr Giardina declared a Financial Interest in this item as follows:  
*'Have family living in close proximity that own land in Wattle Grove.'* and left the Council Chambers at 7:20pm, taking no part in the voting.

**RESOLVED OCM 56/09**

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

**PLANNING AND DEVELOPMENT ACT 2005**  
**RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME**  
 Shire of Kalamunda  
 Local Planning Scheme No. 3

**AMENDMENT NO.**

Resolved that Council in pursuance of Section 75 of the Planning and Development Act 2005 amend the above Town Planning Scheme by:

1. Rezoning portion of Lot 500 (32) Welshpool and Gavour Roads, Wattle Grove from 'Special Rural' to 'Special Use (Aged Residential Care)' zone, and
2. Including the 'Special Use' site in Schedule 4, 'Special Use Zones' as follows:

No.	Description of land	Special Use	Conditions
	Lot 500 (32) Welshpool and Gavour Roads, Wattle Grove	Aged Residential Care  (a) Within this zone, the following uses are permitted (P): <ul style="list-style-type: none"> <li>• Aged Residential Care;</li> <li>• Caretaker's Dwelling;</li> <li>• Consulting Rooms;</li> <li>• Grouped Dwelling; and</li> <li>• Single House.</li> </ul> (b) Council may approve other ancillary or incidental uses on this site, provided that they form part of the operational business of the facility and which uses might	At least one occupant of any dwelling within this facility must generally have reached the age of 55 years

		<p>complement or enhance the usual living standards and requirements of residents living in and staff serving a facility of this nature.</p> <p>(c) All other uses not mentioned under Sub Clauses (b) and (c) of this Clause are not permitted (X).</p>	
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Moved: Cr Thomas

Seconded: Cr Lindsey

**FOR**

Cr Morton  
 Cr Heggie  
 Cr Cresswell  
 Cr Lindsey  
 Cr Thomas  
 Cr McKechnie

**AGAINST**

Cr Everett  
 Cr Tonkin  
 Cr Robinson  
 Cr Sadler  
 Cr Taylor

**CARRIED**

*Cr Giardina returned to the Council Chambers at 7.38 pm.*

**PUBLIC**

*bonds of a molecule or atom; hence, incapable of altering the DNA genetic materials of cells.*

*Nevertheless, the potential health effects from exposure to power frequency fields can be very different from those caused by RF fields.*

*Western Power takes all concerns about the potential health effects from exposure to power frequency EMFs extremely seriously. It will continue to support independent, high quality research into the issue, and is committed to following the NH&MRC recommended safe limits of exposure for both workers and the public while any shred of doubt concerning the health effects exists.*

*In the meantime, Western Power will continue to closely monitor overseas research and support such research here in Australia through its membership of the Electricity Supply Association of Australia. It will also continue to take advice from Australian health authorities on the issue.'*

#### **4.2.5 Water Supply**

Reticulated water is presently supplied to the site by a 100mm pipeline located on the western verge of Gavour Road. It is intended that the new development of this land is to be serviced from the 300mm pipe within the Welshpool Road reserve.

#### **4.2.6 Telephone and Communications**

Telephone services via the Telstra network exist in Welshpool Road. It will be possible to upgrade services to meet the development requirements.

#### **4.2.7 Waste Water**

It is proposed to fully reticulate the proposed development with internal sewers and pipe effluent to a private pumping station located at the western corner of the site, adjacent to the drainage facility. This station will pump site wastewater to the Minister's sewer system. (Refer Annexure 4: Site Servicing Strategy)

Officers of the Water Corporation have advised DEC that a connection point exists at the corner of Hartfield Road and Lincoln Road, Forrestfield. For hydraulic reasons a 225mm gravity sewer will need to be extended east from this point to the intersection of Hartfield Road and Lewis Road, where the pressure main will discharge.

The route for the pressure main should traverse part of Welshpool Road to Lewis Road, and thence along Lewis Road to Hartfield Road.

**R W LEIGHTON  
PART LOT 707 GAVOUR ROAD, FORRESTFIELD  
REPORT ON SERVICING**

**Prepared by:  
DEVELOPMENT ENGINEERING CONSULTANTS  
Suite 3, 123A Colin Street  
West Perth WA 6005**



**DEVELOPMENT  
ENGINEERING  
CONSULTANTS**

**PUBLIC**

Reticulated water is supplied to the site by a 100mm pipeline located on the western verge of Gavour Road. This pipe is connected to a 150mm pipe in Crystal Brook Road and a 300mm pie extending south from Welshpool Road.

It is possible that some upgrading to the 100mm pipeline will be required to service this development.

#### 5. TELEPHONE & COMMUNICATIONS

Telephone services via the Telstra network exist in Gavour Road. It will be possible to upgrade services to meet the development requirements.

- WASTE WATER

It is proposed to fully reticulate the proposed development with internal sewers and pipe effluent to a private pumping station located at the western corner of the site, adjacent to the drainage facility. This station will pump site wastewater to the Ministers sewer system.

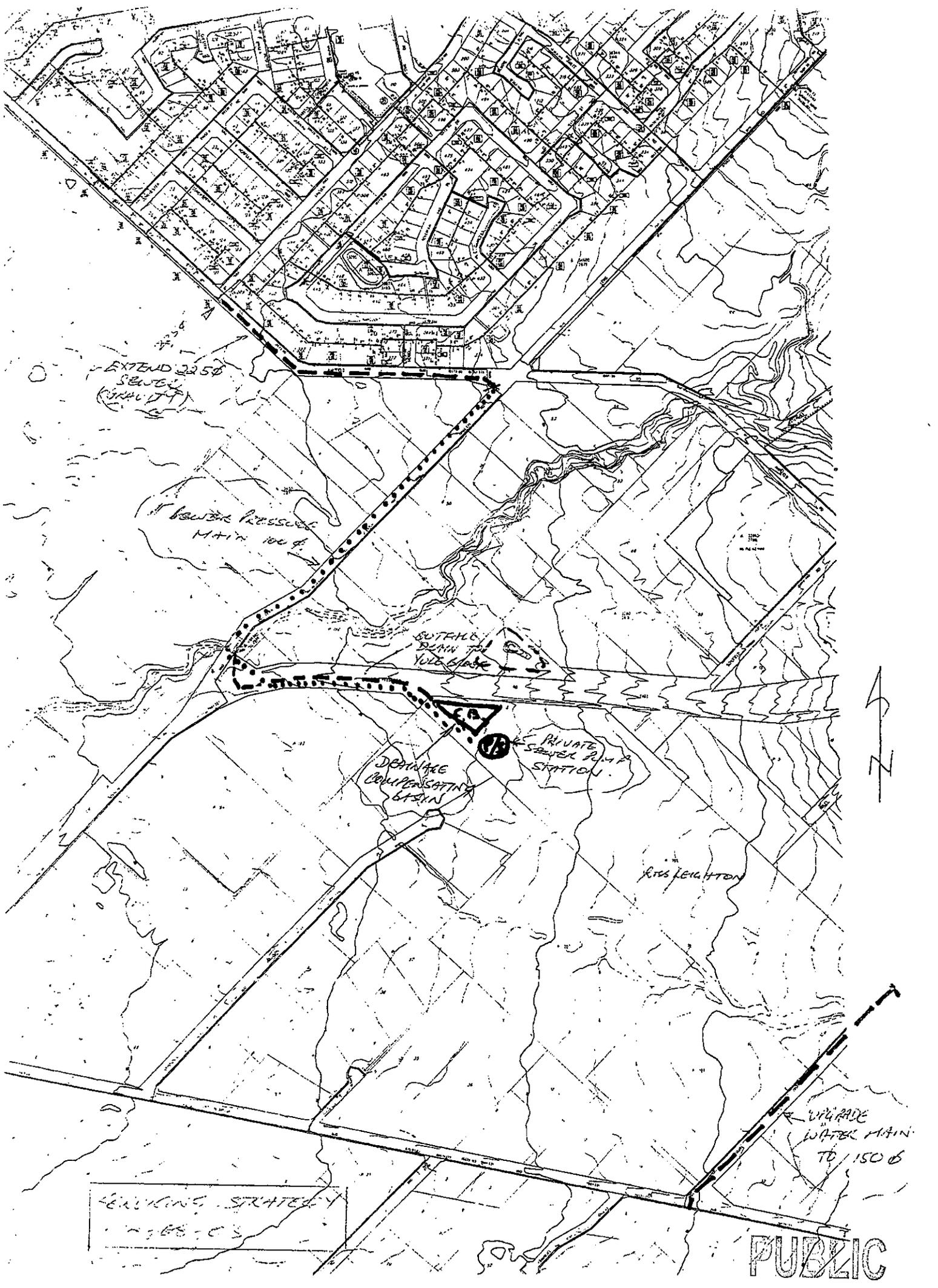
Officers of the Water Corporation have advised that a connection point exists at the corner of Hartfield Road and Lincoln Road, Forrestfield. For hydraulic reasons a 225mm gravity sewer will need to be extended east from this point to the intersection of Hartfield Road and Lewis Road, where the pressure main will discharge.

The route for the pressure main should traverse part of Welshpool Road to Lewis Road, and thence along Lewis Road to Hartfield Road.

#### DATE

This report is dated May 11th, 2004.

PUBLIC



David Tomlinson

PG-LPS-003/018

27 October 2009



shire of  
kalamunda

Dear Sir/Madam

**Amendment No. 018 to Local Planning Scheme No. 3 – Rezoning Lot 500 (32) Welshpool & Gavour Roads, Wattle Grove from Special Rural to Special Use (Residential Aged Care) Zone.**

Council at its Ordinary Meeting held on 18 May 2009 resolved to initiate an Amendment to Local Planning Scheme No. 3 for the rezoning of Lot 500 (32) Welshpool and Gavour Roads, Wattle Grove from 'Special Rural' to 'Special Use (Residential Aged Care) zone.

The applicant has prepared the necessary Amendment documents and the Western Australian Planning Commission has now granted formal consent to advertise the amendment proposal. Accordingly, the formal advertising (public consultation) process is now being undertaken.

The subject lot contains an 80 metre wide Western Power easement accommodating a 330kv power line and a section of Crystal Brook Creek which flows through the front portion of the site. A plan detailing the location of the subject lot is attached for your information.

The proposed rezoning would facilitate development of a Residential Aged Care facility on the subject land.

If you have any comments regarding this proposal, please complete the enclosed pro forma letter and return to this office. Further information concerning the proposed amendment can be obtained by viewing copies of the detailed Scheme amendment report which are available at Shire offices, libraries and recreational centres. Advertising commences on 28 October 2009, concluding on 8 December 2009. Your comments regarding the proposal therefore are requested by **8 December 2009**.

Should you have any queries please contact David Tomlinson of Council's Planning Services on 9257 9928.

Yours faithfully

James Trail  
**Chief Executive Officer**

*Encl. Locality Plan  
Proforma*

Your Ref: PG-LPS-003/018  
Our Ref: EHB-01118  
Enquiries: Allen Tan (9388 4938)

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

Dear Sir/Madam

**AMENDMENT No. 018 TO LOCAL PLANNING SCHEME No. 3  
REZONING LOT 500 (32) WELSHPOOL & GAVOUR ROADS, WATTLE  
GROVE FROM 'RURAL' TO 'SPECIAL USE (RESIDENTIAL AGED CARE  
ZONE'**

Thank you for your letter of 27 October 2009 regarding the above.

The proposed development is a large development and will need to be serviced by reticulated sewerage in order to comply with the provisions of the Government Sewerage Policy – Perth Metropolitan Region.

The Department of Health has no objection to the rezoning proposal subject to the proposed development being connected to deep sewer and scheme water.

Yours faithfully



Richard Theobald  
MANAGER WATER UNIT  
ENVIRONMENTAL HEALTH DIRECTORATE  
PUBLIC HEALTH DIVISION

23 November 2009

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PUBLIC

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Please file.  
A2

**\*\* Any Officers Reports and/or deliberation Minutes, etc. That is to say any and all relevant documents, reports, etc"**

One of the documents that falls within the scope of this application is the attached letter from the Manager Water Unit, Environmental Health Directorate, Public Health Division to the CEO Shire of Kalamunda regarding matters pertaining to Amendment No. 018 to Local Planning Scheme No. 3.....

Under the provisions of the FOI Act 1992 (WA) we are required to obtain the views of third parties about making information relating to those third parties available to the public.

To enable full consideration of the application, your comments are sought on any objection you or your organization may have to disclosure of the enclosed document. If you have any objections they must be supported by specific reasons that satisfy grounds for exemption.

I would appreciate hearing back from you as soon as possible in regard to this

Best regards

**Nareen Burnell**

Project Officer  
Corporate Governance Directorate  
WA Department of Health  
3rd Floor, B Block  
189 Royal Street  
EAST PERTH WA 6004  
Ph: (08) 9222 6411 Fax: (08) 9222 2398

**Ethical Advisory Line: 1800 000 224**

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