

Special Council Meeting

Minutes for Monday 26 August 2013

UNCONFIRMED



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MINUTES

1.0 OFFICIAL OPENING

The Chairman opened the meeting at 7.35pm, welcoming Councillors, Staff, Members of the Public Gallery and the Press.

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Councillors

Sue Bilich	(Shire President) (Chairman)	North Ward
Margaret Thomas		North Ward
Simon Di Rosso		North Ward
Justin Whitten		South West Ward
Allan Morton		South West Ward
Noreen Townsend		South West Ward
Geoff Stallard		South East Ward
Frank Lindsey		South East Ward
Martyn Cresswell		North West Ward
Dylan O'Connor		North West Ward
Bob Emery		North West Ward

Members of Staff

Rhonda Hardy	Chief Executive Officer
Warwick Carter	A/Director Development & Infrastructure Services
Peter Hayes	A/Manager Governance
Andrew Fowler-Tutt	Manager Development Service
Sam Assaad	Manager Infrastructure Operations
Nicole O'Neil	Coordinator Public Relations
Michelle Clark	Executive Assistant to the CEO
Meri Comber	Governance Officer

Members of the Public 64

Members of the Press 1

2.2 Apologies

Councillors

John Giardina	South East Ward
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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 meeting. For the purposes of Minuting, these questions and answers are summarised.

3.1 Maureen Robinson, 4 Honey Road, Forrestfield

- Q. What substantive change warrants this matter coming before Council and does it make WAPC/Ministerial approval likely?
- A. A/Director Development & Infrastructure Services noted that the application is made by the applicant and they are entitled to make an application as often and they choose to do so. The application has different supporting data and information that was not presented in Amendment 18. Council staff cannot make any comment regarding the likelihood of approval.
- Q. Are all applications referred to Council and to a Special Meeting – what warrants this being referred here?
- A. The Chairperson responded it was her prerogative to choose to bring this to a Special Meeting; she had done this because she believed it would attract a lot of attention, given the previous experience, and so wanted this to have plenty of time for deputations and not get mixed up with other items on an Agenda.
- Q. How many guaranteed high care beds are included in the application or concept plans for the development? Has there been any amendment to the original concept plan?
- A. The Chairperson responded, this meeting tonight is to purely discuss the scheme amendment. A/Director Development & Infrastructure Services stated the applicant has indicated 100 – 120 aged care, but the issue before Council tonight is whether they want to amend the planning scheme to permit this development on that site.
- Q. What investigation has the Shire done, independent of the applicant, to identify the impact of this change on local residents of Wattle Grove?
- A. A/Director Development & Infrastructure Services, the scheme amendment process allows us to have those investigations as a vehicle whereby we can test the arguments put forward by the applicant with the community and state government departments. We have reviewed the documentation provided to us and believe there is sufficient information put forward to warrant exploring the idea which would then include detailed investigations.
- Q. What consultation has the Shire undertaken with the local residents regarding the application? Does it intend to adopt a more active consultation or adopt a passive “advertise for submissions” minimum planning requirements?
- A. A/Director Development & Infrastructure Services stated the consultation process is identified under the *Town Planning Development Regulations 1967*, the proposal before Council tonight is to extend that consultation period from 42 days to 60 days and the process is to follow the regulations.

3.2 Rick Tesch, 48 Gavour Road, Wattle Grove

- Q. Given that the supporting documentation with the proposal conflicts with the Department of Health with regard to on-site disposal of waste water in that the proposal exceeds the maximum number of people allowed. A lower volume of water per person per day has been used in the calculations and the available area for effluent irrigation disposal includes the boat and caravan parking, Bowling Green, tennis court, the vegetable garden, the orchard and the vineyard. What investigation has the Shire undertaken to ensure that the on-site treatment area is sufficient for the volume of waste?
- A. The Chairperson stated that this will be referred to all the relevant departments for their assessment and advice. A/Director Development & Infrastructure Services added that the recommendation before Council notes that advice will be sought from the Health Department and other Agencies about the on-site effluent issue so that we can get their expert feedback in order that Council can make an informed decision on the matter. A/Director Development & Infrastructure Services restated that this is a proposal to change the permitted use of the land not a detailed development application.
- Q. Would I be correct in saying that no investigations have been made to date?
- A. The Chairperson responded that this is not the appropriate time to undertake these investigations.

3.3 Claire Richards on behalf of Rowe Group

- Q. The Council Report paragraph 21 states "The WA Planning Commission ("WAPC") has for some time been preparing a Sub-Regional Structure Plan for the north-east region that will provide further analysis to the suitability of the urban investigation area for future development. What are the Sub-Regional planning strategy proposes for the amendment site?
- A. A/Director Development & Infrastructure Services responded that the Shire have been waiting a number of years for the WAPC to complete the plan and to tell us what they propose on that site.
- Q. If you don't know what is proposed for the amendment site, what is the point of referring to it in the Agenda?
- A. A/Director Development & Infrastructure Services, to give context that the work is still ongoing by the WAPC.
- Q. Would you not consider that approval or initiation of the amendment is therefore premature?
- A. A/Director Development & Infrastructure Services. the Sub-Regional Structure Plan has been proposed by the WAPC for some time and development has been hampered by it being incomplete, we have an applicant who wishes to proceed without it and therefore this application is before Council tonight.
- Q. What investigations has the Shire undertaken with regard to the Wattle Grove East urban investigation area?
- A. A/Director Development & Infrastructure Services, the Shire has not commenced any investigations.

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- Q. If the Shire has not undertaken any investigations would you not agree that the initiation of an amendment would be premature?
- A. A/Director Development & Infrastructure Services, it is a planning consideration, but it is not the only planning consideration to be taken into account, there is substantial demand, Council has made provision of aged care in the area a high priority and that has to be taken into account along with the other planning considerations in making a recommendation for the site.
- Q. I note that the Aged Accommodation Strategy identified a requirement to prepare a local planning strategy; if Council is so keen, why has it not prepared such a policy.
- A. The Shire has prepared a Local Planning Strategy and this has been adopted by WAPC.
- Q. The question referred to the Local Planning Policy that is referred to in the Aged Accommodation Strategy.
- A. The Council developed the Aged Housing Strategy which addressed that.
- Q. It was a recommendation of the Strategy that a Local Planning Policy be prepared to better guide the location of aged care, that's the policy I am asking about.
- A. A/Director Development & Infrastructure Services, I am informed that we had discussions with WAPC and we were told to progress this through the local housing strategy.
- Q. What commitment has the Shire received from the WAPC and from service agencies that urbanisation of Wattle Grove East will occur in the short to medium term?
- A. A/Director Development & Infrastructure Services, we have not sought their comment, this will be done as part of the advertising process.

3.4 Clive Garnham, 41 Judith Road, Wattle Grove

- Q. The WAPC report of the 27 February 2012 was highly critical of the Council stating "The Council's engagement with the community appears to be dismissive of the objections raised to the proposal without proper justification", "...the officer's report to the Ordinary Council Meeting on 15 November 2010 does not examine the grounds in any detail or provide reasoning as to why they should be dismissed or how issues raised, can be addressed." In light of such an unequivocal criticism of the Council's engagement with the community (and note there is no criticism of lack of duration) please advise us of just how the Council intends to better engage with the Wattle Grove Community this time?
- A. A/Director Development & Infrastructure Services, Amendment 18 is not the Amendment before Council, those comments were made in respect of Amendment 18, there is a new application before Council and we will do our best to liaise with the community. If you have suggestions on better ways to consult please discuss this with us.
- The Chairperson noted to the gallery that Mr Garnham had supplied a written copy of these and other questions; she thanked him and asked if he was happy for these to be taken on notice which he agreed to.

The remaining questions are detailed below.

- Q. Can the Shire of Kalamunda show that there exists a demonstrated commitment to urbanisation, including approved funding by service agencies and detailed structure planning in place for the Wattle Grove East area as the Shire has previously acknowledged is a requirement prior to an urban rezoning?
- Q. Would all land uses in the area be integrated if this rezoning proposal went ahead?
- Q. Previously the proposed scheme provisions intended to control the proposed development were described as “significantly lacking” by the WAPC in its report of 27 February 2012, with the statement “The inclusion of provisions such as these which facilitate discretionary and subjective decision making is irresponsible....” yet they remain unchanged within this proposal, why?
- Q. How does the WAPC approval of the Local Planning Strategy alter the context of the Minister’s decision to reject Amendment 18 when the Sub-Regional Planning Strategy states that it should not be assumed that urban expansion areas and investigation areas indicated will be rezoned for urban development at any time?
- Q. With the 200 ha of undeveloped urban zoned land in the Shire of Kalamunda along with a further 200 ha of previously identified urban investigation areas, is it thus highly questionable (as suggested by the WAPC report of the 27 February 2012) to seek the rezoning of a small rural landholding isolated from essential services and infrastructure to facilitate an urban use, when there is this extensive amount of developable and appropriately zoned land in the Shire?
- Q. The Shires own Aged Accommodation Strategy recommends that aged persons accommodation be located around the town centres of Kalamunda and other shopping and commercial hubs (co-incidentally where most of the previous respondents designated as “non-objectors” to Amendment 18 were located). The proposed amendment site is not located in proximity to any town centres or suitable shopping areas and according to the WAPC report of the 27 February 2012 does not and cannot ever satisfy this recommendation. Does the establishment of such uses some distance from urban nodes generate the need for specific facilities and services which in turn create developments with limited opportunity for integration with the surrounds in the long term and is likely to contribute to inaccessible and unaffordable accommodation for the elderly as identified in the WAPC report of the 27 February 2012?
- Q. The WAPC report of the 27 February 2012 states that “it is apparent that the manner in which the Council has assessed the results of the consultation from advertising the Amendment is inappropriate. The Council’s assessment demonstrates a lack of proper consideration of the advertising process and the conclusions generated are inaccurate and misconstrued”. What actions have been taken to ensure that future assessment will demonstrate a better consideration of the advertising process and that the conclusions generated will be accurate?

- Q. As the WAPC has been preparing for some time a Sub-Regional Structure Plan for the North East Region, that will provide further analysis of the suitability of the area for future development, would it not be judicious to wait until that Structure Plan is in place rather than trying to pre-empt it with an ad-hoc rezoning application now?

4.0 PETITIONS / DEPUTATIONS

The Shire President noted that four requests for Deputations regarding this request for a Scheme Amendment had been received and she approved them all. Each deputation is allotted 15 Minutes as per the Council's Standing Orders.

Councillors asked questions at the conclusion of each presentation.

4.1 Claire Richards, Town Planner with the Rowe Group, Northbridge, Perth

Claire Richards spoke on behalf of the Wattle Grove Action Group against the Recommendation.

- Q. Ms Richards are you acting in a voluntary capacity?
- A. No, I am working for the Rowe Group
- Q. Who pays the bills?
- A. I do not consider that to be a relevant question in a planning context.

4.2 Candy Gordon, Mundaring Weir Road Kalamunda and Iris Jones, Orangedale 'Road, Lesmurdie

Candy Gordon and Iris Jones spoke in favour of the Recommendation.

- Q. Why is more in-home assistance not forthcoming?
- A. Candy Gordon responded that as Home and Community Care ("HACC") Services have been out sourced from our Shire applications, via referral, are made to a regional assessment service which may result in up to five hours personal assistance per week, this is clearly not sufficient. There are not enough services available, not enough funding and they are constantly being eroded.
- Q. What evidence is there to substantiate the claim that other facilities are filling up?
- A. Iris Jones cited evidence that there were waiting lists outside as well as within this Shire.
- Q. Could you elaborate on the requirement for integrated facilities providing a progression to different levels of care?
- A. Iris Jones confirmed that a facility where someone can start in a residential unit, progress through a low care facility to a high care facility and dementia facility is far less traumatic and provides the best outcomes.

4.3 Jane Genovese, 32 Judith Road, Wattle Grove

Jane Genovese spoke against the Recommendation.

Q. You spoke of all the other land which is suitable for Aged Care and Aging in Place, how come there are no people lining up at our door to put a proposal up to build one? Why are we are struggling to find any of that land and get it through?

A. I don't see this is relevant as this is a rezoning application.

Q. I asked the question as you referred to this in your presentation.

A. This is a rezoning application, I don't work in the aged care industry and don't know about that, but I do know that in the past the Wattle Grove Action Group brought an aged care provider to the Shire to discuss the possibility of providing aged care facilities. That was not followed up by the Shire at the time. I am aware you work in the aged care industry and probably know more about this, but let's just focus; this is a rezoning application tonight.

Q. In what way is our decision or consideration of this proposal in breach of any ethical code of conduct?

A. My understanding of the ethics of being a Councillor is that you make informed decisions, given all the evidence and all the information. I don't feel that in the past all the information has been considered by Councillors to make an informed decision. That's why I stated that.

Q. Can you please clarify what Council would be doing that is unethical in making a decision based on the information received this evening?

A. This is based on the past ok? It is based on what I have seen over the past eight years in terms of how this Council has dealt with this rezoning Amendment. And also a lot of the comments in here again they state it was highly questionable why this Council would focus on this parcel of land.

Q. You mentioned that you have nothing against old people and you highlighted that we have lots of land that could possibly be developed are you aware that we are looking at a site in Wilkins Road and would you have anything against that site?

A. I don't know what you are proposing for Wilkins Road, if you were to show me what you were proposing then I could consider that information and I could answer. I would need to see the plans, the thing about Wilkins Road that I am aware of is that it is closer to essential services.

4.4 Ross Leighton, Gavour Road, Wattle Grove and Peter Webb, Peter Webb & Associates, York Street, Subiaco

Ross Leighton and Peter Webb spoke in favour of the Recommendation.

Q. Is there any opportunity of expanding this development with adjoining land owners?

A. When I first proposed this I was approached by one of my neighbours to be included because of the sewerage, I explained that the WAPC

views two titles on one sewerage line as sub-division by stealth but I was happy to talk about it. At that time I was also working overseas and two days later I had a call to say that unless I was prepared to involve him in that he would work hard to stop the proposal. St Ives phoned me some time later to say that it appears that my neighbour has a problem with my development as it will affect the value of his land. He had been speaking to us for the past year trying to put a retirement village up on his home. I have this in writing.

5.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

4.1 Nil.

6.0 DISCLOSURE OF INTERESTS

6.1 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*.)

6.1.1 Nil.

6.2 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.

6.2.1 Nil.

7.0 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.

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

Previous Items	OCM 106/04, OCM 42/07, OCM 43/09, OCM 65/10
Responsible Officer	A/Director Development & Infrastructure Services
Service Area	Development Services
File Reference	GV-01/032
Applicant	Peter D Webb and Associates
Owner	R & P Leighton
Attachment 1	Development Concept Plan
Attachment 2	Scheme Amendment No. 57

PURPOSE

1. To consider a request to initiate an amendment to Local Planning Scheme No. 3 ("the Scheme") to rezone the above property from Special Rural to Special Use (Aged Residential Care).

BACKGROUND

2. **Land Details:**

Land Area:	15.1808 hectares
Local Planning Scheme Zone:	Special Rural
Metropolitan Regional Scheme Zone:	Rural

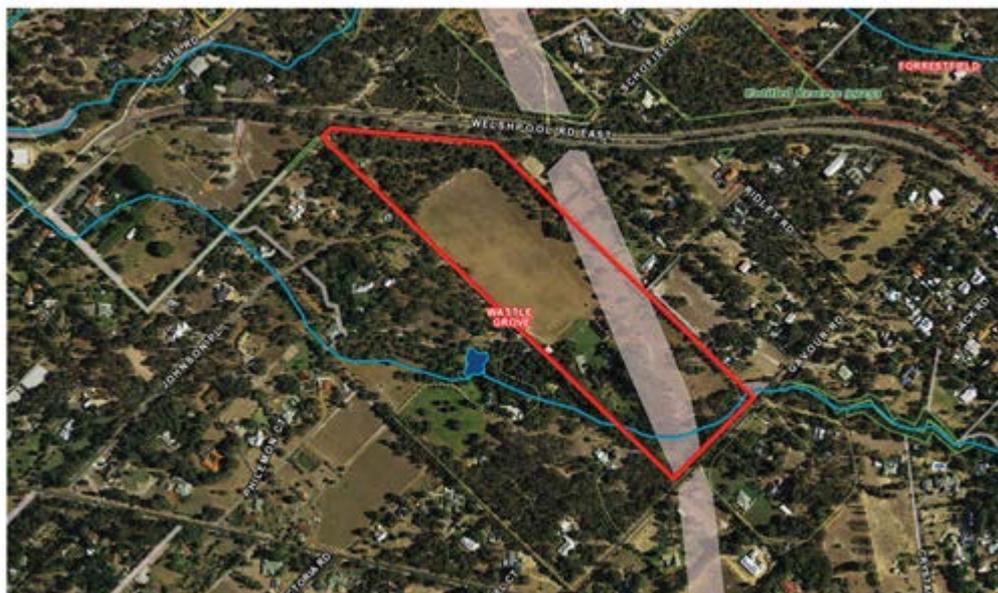
3. In November 2010 Council resolved to finally adopt Amendment No. 18 to the Scheme and it was forwarded to the Minister for Planning for determination. The Minister subsequently refused the amendment for the following reasons:
 1. *The land subject to the proposed amendment cannot be connected to the existing sewerage system in the locality.*
 2. *The proposed amendment is premature to the strategic planning that is still required to be undertaken for the locality, including the potential and timing for service provision and detailed structure panning. There has been no adequate demonstration that the area can be urbanised in the short to medium term.*
 3. *The proposed land use and development facilitated by the proposed amendment would constitute an urban use in the "Rural" zone under the Metropolitan Region Scheme and would set an undesirable precedent for development in the locality, especially having regard to the current lack of urban services and utilities including readily available reticulated sewerage.*

4. The applicant's response to the reasons for refusal outlined are as follows:
1. *In response to the Minister's first reason, and subsequent to the Minister's decision, we have now been provided with written confirmation from the Department of Health ("DoH") that if the local government supports on-site effluent disposal (as proposed) then the DoH would also support it.*
 2. *In response to the Minister's second reason for not allowing the Amendment to proceed to Final Approval, it is apparent that the Shire has undertaken 'comprehensive planning for the wider locality' through the investigation for and preparation of a comprehensive Local Planning Strategy ("LPS"), which effectively addressed the Minister's requirement. The LPS was finally considered by the Commission's Statutory Planning Committee on November 27, 2012 and was subsequently fully endorsed by the Commission. This endorsement occurred after the Minister had declined Amendment 18, therefore the Minister may not have been aware of the impending approval of the LPS.*
 3. *In response to the Minister's third reason, it has subsequently become evident that at least five municipalities within the Perth Metropolitan area (including the directly adjacent local government – Shire of Mundaring) have various provisions enabling housing for "Aged and Dependent Persons" (or similar) as discretionary uses on Rural or Special Rural (or similar) zoned land*

It is therefore apparent that the three reasons provided by the Minister to not finally approve Amendment No. 18 have now all been comprehensively addressed and therefore appear to be no longer relevant.

5. The intent of the amendment before Council is similar to Amendment 18, however it has additional justification not included in the original amendment.
6. Whilst the Minister has previously made a determination on an application on this land, the owner has the right to make new applications. These applications must be brought to Council for determination.

7.



DETAILS

8. The proposal will delete the current Special Rural zone on the site and replace it with a Special Use (Residential Aged Care) allowing for the following uses:
 - Aged Residential Care
 - Caretaker's Dwelling
 - Consulting Rooms
 - Grouped Dwelling
 - Single House
9. Specific provisions have been included allowing for the Shire to approve incidental or ancillary uses that would complement or enhance the living standards and requirements of the residents.
10. A specific provision has been included requiring at least one occupant of any dwelling to have reached the age of 55 years.
11. In respect to the development proposal the amendment seeks to facilitate, the applicant has provided the following comments:

" This facility is designed to allow "ageing in place", where residents can move to independent living units (and enjoy a range of facilities and amenities on site) in the first instance, but have the opportunity as one or both partners become less dependent, to be able to move into a low care facility on the same site. This would still enable both partners to remain relatively close to each other. No other such integrated 'ageing in place' facility currently exists in the Shire.

The proposal is consistent with the principles of orderly and proper planning in that it respects the semi-rural environment within which it is proposed to be located, by ensuring a comprehensive, landscaped buffer is developed around the periphery of the site, thereby minimising any potential loss of visual amenity from adjoining properties.
12. The draft amendment document includes a notional development plan indicating Independent Living Units, Residential Care Facility, access, landscaping and incidental development. The applicant has indicated that there is likely to be about 180-190 single residential units across the western section of the site. The aged residential care complex is proposed to accommodate approximately 100-120 beds.
13. The applicant advises the nursing home component (residential care facility) will commence approximately one-third of the way into the development schedule.
14. The development plan indicates that the site would be serviced via Welshpool Road.
15. It should be noted that the development plan is notional only and any development would be subject to a detailed assessment under a development application if the land were to be rezoned.

STATUTORY AND LEGAL CONSIDERATIONS

16. Consideration of an amendment to the Scheme is to be in accordance with the *Planning and Development Act 2005*. If Council resolves to not initiate an amendment, the process ceases and there is no right of review (appeal). If Council resolves to initiate an amendment, it will be subject to the provisions of the Town Planning Regulations. If consent to advertise is granted, it will include a formal advertising period of at least 42 days including notices in newspapers circulating in the district, signs on site and correspondence to nearby land owners in accordance with statutory requirements.
17. Following the formal 42 day advertising period, Council then needs to determine whether or not to finally adopt the amendment. Irrespective of the Council decision the proposal is forwarded to the Minister for Planning for determination. There is no Right of Review (appeal) to the State Administrative Tribunal.

Local Planning Strategy

18. The Local Planning Strategy (“the Strategy”) was endorsed by the WA Planning Commission in February 2013. The site is located in an area identified as “Urban Investigation Area” under the Strategy.
19. Provision of housing for the aged population has been identified under the “Housing” Vision Statement of the Strategy. Under the heading Proposed Scheme Amendments and Policy Initiatives the Strategy states:

Requirement for comprehensive planning and analysis of the issues relating to each of the proposed new urban areas to be undertaken to support the Metropolitan Region Scheme amendment, Local Planning Scheme amendment and structure plan process. This analysis is required prior to the rezoning and subdivision process proceeding.
20. Specifically in relation to Aged Accommodation, the Strategy states:

There is a need to plan for accessible and affordable facilities with are integrated and not separated from existing and planned future surrounding development, and infrastructure.

Prior to the rezoning of land for this purpose, there should be a demonstrated commitment to urbanisation of the surrounding area and a structure planning process to create a quality urban environment.
21. The WA Planning Commission has for some time been preparing a Sub-Regional Structure Plan for the north-east region that will provide further analysis to the suitability of the urban investigation area for future development.
22. Although the land is located close to the urban front of Wattle Grove, the requirements above presupposes additional planning analysis of the area prior to rezoning. However the Strategy also specifically identified the subject site, amongst others, as presenting the “best opportunity” for the delivery of aged accommodation across the Shire.

POLICY CONSIDERATIONS

23. The Shire of Kalamunda Aged Accommodation Strategy notes the significant shortfall of residential care in the community.

COMMUNITY ENGAGEMENT REQUIREMENTS

24. Nil at this stage, however if the amendment is initiated and consent to advertise is granted by the Environmental Protection Authority it will be formally advertised in accordance and the *Planning and Development Act* and the *Town Planning Regulations*.
25. It is noted that when Council initiated a similar amendment in 2009, it prompted substantial community interest and representations to the Shire, including over 2,000 written submissions during the consultation process. Notwithstanding the history of the previous proposals, the proposal is treated as a new matter which, if it proceeds to that point, will include another period of consultation.

FINANCIAL CONSIDERATION

26. Costs associated with the carriage of the proposal, such as officer time and advertising, will be recouped from the applicant in accordance with the adopted budget (Fees and Charges).

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

27. *Kalamunda Advancing: Strategic Community Plan to 2023*
- | | |
|----------------|---|
| Strategy 1.2.1 | Collaborate with residential care providers to increase the number of residential care places within the Shire |
| Strategy 1.2.2 | Advocate and facilitate large parcels of land within the Shire to be established for aged care facilities. |
| 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 4.2.1 | Facilitate the delivery through strategies and policy development of a diverse range of housing within the Shire to ensure inclusiveness in population accommodation. |
| Strategy 4.2.2 | Facilitate the delivery of suitable housing options for the aged population and people with special needs through a range of smaller and affordable homes and unit dwellings. |

SUSTAINABILITY

Social Implications

28. In 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 persons' accommodation and that this has exacerbated as time progressed due to an ageing population. Since the Strategy was released, there has not been any development of aged person' accommodation.
29. During the advertising of Amendment 18, representations were made on the perceived social impacts upon adjoining neighbours.

Economic Implications

30. The development would provide local employment opportunities for those in the aged care sector.

Environmental Implications

31. A large portion of the subject site is a degraded former polo field. The field, along with other improvements have cleared the majority of the land of remnant vegetation. The notional development plan shows development contemplated in some vegetated areas on the north-west and south east edges of the site.
32. The proposal is predicated upon effluent being disposed of on-site and the proponent has provided documentation in this respect. If the matter proceeds, detailed advice will be sought from the Department of Health, Department of Water and Environmental Protection Authority in respect to on-site effluent disposal.

RISK MANAGEMENT CONSIDERATONS

33.

Risk	Likelihood	Consequence	Action/Strategy
The proposed amendment may not be supported by the WAPC or the Minister.	High	High	Provide appropriate justification for the proposal.
The lost opportunity of a developer willing to build aged care.	Medium	High	Make Council and WAPC aware of the risk.
Public concerns not addressed.	High	Medium	If initiated, allow longer consultation period.
On-Site effluent disposal being found to be unsafe for the environment	Low	High	Seek confirmation from State Government Departments about suitability of the system at this site.

OFFICER COMMENT

34. The reasons for the Minister's refusal of Amendment 18 are outlined in the report. The applicant has addressed the three reasons and their arguments as to why they believe the requirements have been satisfied.
35. If adopted, the Shire would seek minor changes to the Scheme Amendment Documentation to clarify some statements made by the applicant.
36. Should Council initiate the amendment for the purposes of public advertising, it is possible to ask specific questions of the government agencies in relation to whether they are satisfied with the responses presented in the documentation. This would give Council a more thorough understanding of the positions of these government departments when deciding whether or not to support the amendment for final adoption.
37. Council must reconcile the issues between the local planning strategy's preference for detailed planning of the areas prior to initiation and the Shire's Strategic Plan, seeking opportunities to develop aged care sites in the region.
38. The difficulty presented is that should the Council wait for further analysis of the site, the Sub-Regional Structure Plan, MRS amendments and additional local Structure Planning, it may risk losing the opportunity to develop the land for aged care, as it would then likely be more valuable as Residential Development land than as an integrated aged care site.
39. The Shire has considered numerous sites for aged care in the local authority and there are very few opportunities that would allow for integrated aged care. An ideal site in an urban area, adjacent to a town centre on a large cleared block is not a reality in the district. Council will therefore have to consider options such as this, if it is to address the shortage of Residential Care within the Shire.
40. The subject property is located ahead of the development front. There is no guarantee that the land will ever be rezoned urban or serviced by reticulated sewer, however the land is on major transport routes and offers a site for development of much needed aged care. Whether the site can be developed without impacting unsatisfactorily on the environment and neighbouring properties can be examined through the amendment process.
41. Whilst the lack of structure planning is not ideal, such a development would be unlikely to impact significantly upon the future development of the area, should the long term planning identify the region for residential development.
42. Essentially the amendment process offers Council a vehicle by which the environmental and social issues can be tested. Initiation of the amendment does not bind Council to support the amendment at time of final adoption.
43. It is evident that the context in which the original decision by the Minister was made has changed by virtue of the approval of the Local Planning Strategy as well as the additional information presented by the applicant. Whether this has changed to the extent that the Minister would approve the amendment cannot be answered by the Shire.

44. Given that Council's strategic direction is positioned towards the development of aged care as a priority, it is recommended that Council initiate the amendment.

Because of the nature of this item the Chairperson asked the mover to make a few comments.

The Councillor noted it was suggested earlier this evening that there was insufficient space for onsite for sewerage, in due course if this was found to be the case the application would not progress and the applicant is well aware of that. However, it has been demonstrated elsewhere that it is possible to develop these effluent treatment plants on site to a very high standard and the Health Department have indicated their support for an on-site treatment plant should the Shire approve this application.

In the Shire of Kalamunda's Aged Accommodation Strategy (2008) the total expected demand was estimated to be of the order of 600 beds, staff in one of the reports tonight have stated, the shire needs approximately 750 by 2031. The Shire do not have hoards of developers knocking on our door and therefore, we need to support this, it may be ahead of the urban front, but this is where large enough blocks are going to be found.

Voting Requirements: Simple Majority

RESOLVED SCM 122/2013

That Council:

1. Initiates the amendment to Local Planning Scheme No. 3, in accordance with the following:

<p style="text-align:center">PLANNING AND DEVELOPMENT ACT 2005</p> <p style="text-align:center">RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME</p> <p style="text-align:center">SHIRE OF KALAMUNDA</p> <p style="text-align:center">LOCAL PLANNING SCHEME NO. 3</p> <p style="text-align:center">AMENDMENT NO.</p> <p>Resolved that the Council in pursuance of Part 5 of the <i>Planning and Development Act 2005</i> amend the above Local Planning Scheme by:</p> <ol style="list-style-type: none">1. Rezoning Location 500 (32) Gavour Road, Wattle Grove, from Special Rural to Special Use.2. Inserting the following into Schedule 4 (Special Uses) of the Scheme:

No.	Description of Land	Additional Use	Conditions
	Location 500 (32) Gavour Road, Wattle Grove	Residential Aged Care a) Within this zone, the following uses are permitted (P): <ul style="list-style-type: none"> • Aged Residential Care; • Caretaker's Dwelling • Consulting Rooms; • Grouped Dwelling; and • Single House 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. c) All other uses not mentioned under Sub Clauses (a) and (b) of this Clause are not permitted (X).	At least one occupant of any dwelling within this facility must have reached the age of 55 years. Development on the site shall be connected to a reticulated sewerage system or alternative system to the satisfaction of the Health Department of Western Australia and the local government.

The amendment documents being modified and adopted by Council and the amendment being formally advertised for 60 days in accordance with the provisions of the *Town Planning Regulations 1967*, without reference to the Western Australian Planning Commission.

2. In addition to the advertising required by the provisions of the Town Planning Regulations 1967, the Chief Executive Officer write to:
- a. The Environmental Protection Agency, the Department of Environment Regulation, Department of Water, Department of Health and Water Corporation, seeking their views on the on-site effluent disposal as set out in the amendment documents.
 - b. The Department of Planning regarding zoning for Aged Care Facilities in the Rural Zone under the MRS.

Moved: **Cr Frank Lindsey**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (11/0)**

Attachment 2

[Scheme Amendment No 57](#)

8.0 MEETING CLOSED TO THE PUBLIC

8.1 Nil.

9.0 CLOSURE

9.1 There being no further business, the Chairman declared the meeting closed at 9.00pm.

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

Signed: _____
Chairman

Dated this _____ day of _____ 2013