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

41. Proposed Initiation of Scheme Amendment 81 to Local Planning Scheme No. 3 – Consulting Rooms in Residential Areas

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	PG-LPS-003/081
Applicant	Nil
Owner	N/A
Attachment 1	Existing and Proposed Excerpt of Zoning Table

PURPOSE

1. To consider initiation an amendment to Local Planning Scheme No. 3 (the Scheme) to modify Table 1 (Zoning Table) of the Scheme to amend the use Consulting Rooms, from an 'X' prohibited use to an 'A' advertise use (Attachment 1).

BACKGROUND

2. Consulting Rooms are currently an 'X' use (not permitted) in the Residential zone under Table 1 (Zoning Table) of the Scheme.

3. The Shire often receives enquiries regarding the possibility of considering the use of Consulting Rooms on Residential zoned land. Whilst in some circumstances a proposal could be considered appropriate, the use is prohibited and there is no discretion to consider a proposal.

4. Where an applicant wishes to proceed in having the use considered a Scheme amendment (rezoning) is required, and the request can take approximately 12 months to process approval before a planning application can be lodged with the Shire for consideration.

5. Given Consulting Rooms is a relatively low intensity use which does not incorporate more than two (2) consultants, it is considered that it is not always inconsistent with a residential use. In this respect, it is considered that Consulting Rooms can be appropriately considered within a development application process, rather than requiring a Scheme amendment in all cases.

6. Under the current Scheme, Council has previously considered the initiation of three (3) Scheme amendments proposing Consulting Rooms as an additional use in the Residential zone, which are detailed as follows:

   - Amendment 39 – 484 Kalamunda Road, High Wycombe. Council initiated the amendment on 15 November 2010, however the amendment did not proceed to advertising or final adoption.

   - Amendment 70 – 18 Collins Road, Kalamunda. Council initiated the amendment on 25 August 2014 with final adoption at its Ordinary Meeting on 24 August 2015.

- Amendment 77 – 182 Canning Road, Kalamunda. Council initiated the amendment on 28 April 2015 and advertising is due to commence in September 2015.

DETAILS

7. Consulting Rooms is defined under Schedule 1 of the Scheme as follows:

   "Consulting rooms means premises used by no more than two health consultants for the investigation or treatment of human injuries or aliments and for general care".

8. This Scheme amendment proposes to enable the Shire to consider the use Consulting Rooms as an 'A' use in the Residential zone, which would mean that the use is not permitted unless the Shire has granted planning approval after advertising the proposal pursuant to the Scheme.

STATUTORY AND LEGAL CONSIDERATIONS

9. Should Council resolve to initiate the amendment, it will be determined in accordance with the *Planning and Development Act 2005*. The proposal will ultimately be determined by the Minister for Planning.

10. Table 1 (Zoning Table) of the Scheme indicates the uses that can be considered in the Shire in various zones.

POLICY CONSIDERATIONS

11. It is considered necessary that a policy be prepared to outline the Shire's expectations in regard to the location, siting and design of the development of Consulting Rooms and other non-residential uses in residential areas. This will ensure that the development/use of Consulting Rooms is sympathetic to residential amenity. If Council resolves to initiate the Scheme amendment, a local planning policy will be prepared for Council's consideration.

12. The Scheme sets out the process for development and adoption of local planning policies. A policy may be made in respect to any matter relating to the planning and development of the Scheme so as to apply:

    (a) Generally or for a particular class or classes of matters; and
    (b) Throughout the Scheme or in one or more parts of the Scheme area.

COMMUNITY ENGAGEMENT REQUIREMENTS

13. The *Town Planning Regulations 1967* establish the procedures relating to amendments to Local Planning Schemes. Should Council initiate the amendment it will be formally advertised with a consultation period of 42 days.

FINANCIAL CONSIDERATIONS

14. Any costs associated with the preparation of the amendment document and undertaking public advertising will be met through the Planning and Development Services budget.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

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

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

SUSTAINABILITY

Social Implications

16. By providing the ability to consider Consulting Rooms in the Residential zone, the amendment could facilitate additional health related and medical consulting services in appropriate locations throughout the Shire. This may ultimately expand on consulting services available to the community, particularly given these services will be in high demand with an ageing population.

Economic Implications

17. The proposed Scheme amendment would ultimately allow the Shire to consider Consulting Rooms in the Residential zone. If Consulting Rooms are approved in appropriate locations, this will facilitate employment opportunities and services to the locality.

Environmental Implications

18. Detailed considerations of proposals for Consulting rooms would be considered at the development application stage if the amendment is approved. In regard to noise, activities conducted in residential areas would be required to comply with the *Environmental Protection (Noise) Regulations 1997.*

RISK MANAGEMENT CONSIDERATIONS

18.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council may resolve to not initiate the amendment.	Possible	Insignificant	Low	Make sure Council is aware of that Consulting Rooms are appropriately classified as an 'A' use in the Residential zone under the Scheme.

OFFICER COMMENT

19. Although Consulting Rooms is a non-residential land use, often the intensity and design of this land use is compatible with a residential area. Accordingly, it is considered appropriate to enable the Shire the ability to consider the use and development of Consulting Rooms based on the merits of a planning application.

20. Amending the Scheme to classify Consulting Rooms as an 'A' use will remove lengthy statutory processes involved with Scheme amendments and enable consideration of the use under a development application only. Typically a consulting room as a low intensity use would result in minor internal modifications to an existing dwelling, rather than construction of a purpose built structure. As such, Consulting Rooms can reasonably retain the residential character of the area.

21. A review of Local Planning Schemes of other Local Governments indicated that Consulting Rooms is predominantly considered an 'A' (advertising) or a 'D' (discretionary) use in the Residential zone. While it is appropriate for Council to consider the permissibility of uses in the Shire based on local characteristics, it is also important that there is a consistent approach to statutory planning under Local Government Schemes.

22. If the amendment is initiated and approved by the Minister, it will still be the Shire's prerogative as the decision maker in considering an application following advertising, to refuse or impose conditions on applications for Consulting Rooms in inappropriate locations, or where the development/use will result in an undue impact on the amenity of a residential area.

23. Should Council resolve to initiate this amendment, a Local Planning Policy will be prepared to give guidance on non-residential uses in the residential zone. The Policy will give guidance over such matters as, car parking, site requirements, building design, landscaping and hours of operation.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 41/2015)

That Council:

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

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME
SHIRE OF KALAMUNDA
LOCAL PLANNING SCHEME NO. 3
AMENDMENT NO. 81

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

1. Modifying Table 1 (Zoning Table) of Local Planning Scheme No. 3 to modify the use 'Consulting Rooms' in the Residential zone, as follows:

Use Classes	District Centre	Commercial	Mixed Use	Residential	Residential Bushland	Light Industry	General Industry	Service Station	Private Clubs & Inst.	Special Rural	Rural Composite	Rural Agriculture	Rural Landscape Interest	Rural Conservation	Industrial Development
Consulting Rooms	P	P	P	**A**	X	D	D	X	P	X	X	X	X	X	X

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

Moved: **Cr Margaret Thomas**

Seconded: **Cr Noreen Townsend**

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

Attachment 1
Proposed Initiation of Scheme Amendment 81 to Local Planning Scheme No. 3 – Consulting Rooms in Residential Areas
Existing and Proposed Excerpt of Zoning Table

Existing Zoning Table Excerpt

Use Classes	District Centre	Commercial	Mixed Use	Residential	Residential Bushland	Light Industry	General Industry	Service Station	Private Clubs & Inst.	Special Rural	Rural Composite	Rural Agriculture	Rural Landscape Interest	Rural Conservation	Industrial Development
Consulting Rooms	P	P	P	**X**	X	D	D	X	P	X	X	X	X	X	X

Proposed Zoning Table Excerpt

Use Classes	District Centre	Commercial	Mixed Use	Residential	Residential Bushland	Light Industry	General Industry	Service Station	Private Clubs & Inst.	Special Rural	Rural Composite	Rural Agriculture	Rural Landscape Interest	Rural Conservation	Industrial Development
Consulting Rooms	P	P	P	**A**	X	D	D	X	P	X	X	X	X	X	X