Attachment 2
Applicant's Amendment Report

ALTUS
PLANNING & APPEALS

27 April 2017

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

Dear Sir/Madam,

PROPOSED AMENDMENT TO THE SHIRE OF KALAMUNDA LOCAL PLANNING SCHEME NO. 3 – LOT 601 (NO. 782) WELSHPOOL ROAD EAST, WATTLE GROVE

Please find enclosed planning justification and associated attachments detailing a request for a proposed amendment to the Shire of Kalamunda Local Planning Scheme No. 3. Specifically, the proposal seeks the inclusion of an additional use of 'Reception Centre' to the land located at Lot 601 (No. 782) Welshpool Road East, Wattle Grove that is currently zoned 'Rural Composite'.

Please feel free to contact this office if you have any questions or require any further information regarding this application.

Yours faithfully,

JOE ALGERI
Director

PROPOSED AMENDMENT TO SHIRE OF KALAMUNDA LOCAL PLANNING SCHEME NO. 3 – ADDITIONAL USE

Lot 601 (No. 782) Welshpool Road East, Wattle Grove



Prepared by

ALTUS PLANNING & APPEALS

April 2017

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1.0 Background

1.1 Purpose

The following report has been prepared by Altus Planning & Appeals on behalf of Rothwood Homestays ('the Applicant') as the relevant background and planning justification for an amendment to the Shire of Kalamunda ('the Shire') Local Planning Scheme No. 3 ('LPS3').

The purpose of this scheme amendment is to allow for the additional use of 'Reception Centre' ('the proposed amendment' or 'proposal') at Lot 601 (No. 782) Welshpool Road East, Wattle Grove ('the subject land' or 'the site').

Please also find enclosed the following documents:

- Certificate of Title;
- Letter of Landowner Consent;
- Site Plan, scaled to 1:1,000 at A3; and
- Bushfire Management Plan.

1.2 Site Description

The subject land measures approximately 2.0057 hectares and is situated on the north-western side of Welshpool Road East, in the section bound by Crystal Brook Road to the south and Lewis Road to the north-east. The land currently exists with a single residential dwelling that was originally constructed circa 1927 (and subsequently renovated and extended), an adjoining ancillary dwelling or 'granny flat', a swimming pool and a number of outbuildings, all of which are located in the north-western half of the property. It was formerly run as an equestrian centre.

The land is bound to the north/north-west by the Hartfield Country Club, and similar semi-rural properties to the north-east and south/south-west, both of which have been re-subdivided. On the south-eastern boundary is Welshpool Road East; the subject land has direct access onto Welshpool Road East and in fact, the existing crossover and driveway is directly opposite a break in the median strip, allowing for vehicular access and egress in both directions.

In terms of the immediate surrounding locality, there is a distinct change in the character of Welshpool Road East at its intersection with Tonkin Highway with land west of the intersection generally being more industrial or residential whilst east of the intersection is more rural in nature. Furthermore, a variety of uses are currently being conducted along this particular section of Welshpool Road East and include a concrete crushing centre, scrap yard, dog kennels, veterinary centre, tree removalists, and garden centres. There are also a number of undeveloped lots.

Aerial imagery with cadastral overlay of the subject land and immediate surrounding locality is provided at Figure 1 overleaf, with site photos provided at **Attachment 1**.



Figure 1: Aerial with cadastral overlay of subject land and surrounding locality (Source: Landgate Map Viewer 2017)

2.0 Proposal

On 20 August 2015, the Shire granted the Applicant with planning approval to operate a 'Bed and Breakfast' at the subject land for a maximum of six (6) guests, in addition to any persons currently residing at the property.

The proposed scheme amendment would allow for the Applicant to consolidate and diversify the use of the land, better utilising the well-established and manicured garden areas by way of an additional use over the subject land for the purposes of 'Reception Centre'.

More specifically, the proposed amendment would essentially add an incidental use to complement the existing operations with the more specific parameters as outlined below.

2.1 Frequency & Hours of Operation

It is proposed that the 'Reception Centre' would have the ability to operate seven (7) days per week, on an as needs basis, however it is intended that the use would be seasonal (i.e. during the warmer, dryer months of spring and autumn) and that there would be approximately 15 events per year. At all other times, the site would continue to operate as the approved 'Bed and Breakfast'.

Furthermore, it is proposed that all events will have a cut-off time of 11:00pm, except on Sundays when the cut-off time will be 9:00pm.

2.2 Patrons

It is proposed that the 'Reception Centre' would cater for small to medium-sized garden weddings. Furthermore, it is anticipated that the majority of events would attract approximately 50 guests with provision for the maximum number of guests to be capped at 100.

2.3 Staff

It is proposed that the 'Reception Centre' will be purely 'BYO' and will continue to be maintained and run by the caretakers of the existing 'Bed and Breakfast' who will be on hand to assist and tend to matters such as directing traffic to parking areas, enforcing cut-off times, etc.

3.0 Planning Considerations

3.1 Metropolitan Region Scheme

The subject land is zoned 'Rural' pursuant to the Metropolitan Region Scheme ('MRS').

3.2 Shire of Kalamunda Local Planning Scheme No. 3

The subject land is zoned 'Rural Composite' pursuant to the Scheme Map of LPS3 and is also partly contained within the Shire's designated 'Bushfire Prone Area'. An extract of the Scheme Map is provided at Figure 2 overleaf.

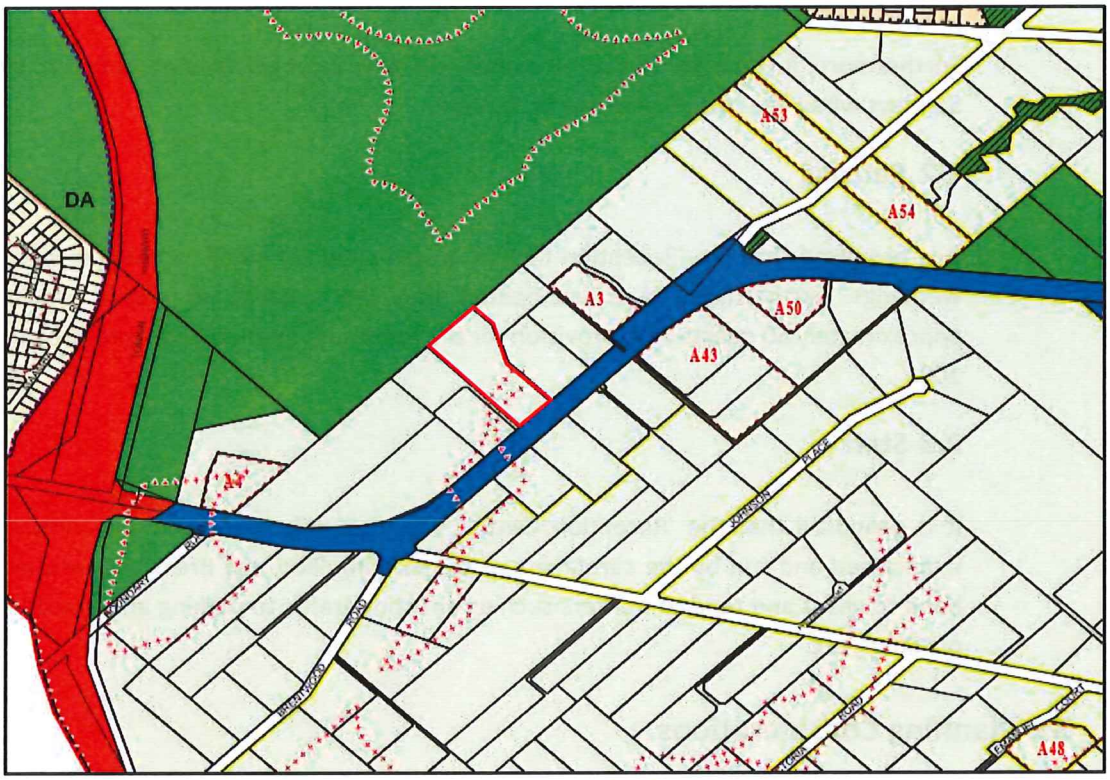


Figure 2: Extract of LPS3 Scheme Map (Source: Department of Planning 2017)

As mentioned, the current approved use for the subject land is 'Bed and Breakfast' which is defined within Scheme 1 of LPS3 as follows:

> ***"bed and breakfast"*** *means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a commercial basis and includes the provision of breakfast, but does not include a lodging house;*

Whilst the proposed use of 'Reception Centre' is provided with the following definition:

> ***"reception centre"*** *means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes;*

Pursuant to Table 1 – Zoning Table of LPS3, the current approved use of 'Bed and Breakfast' is a 'D' (discretionary) use within the 'Rural Composite' zone and the proposed use of 'Reception Centre' is an 'X' (not permitted) use.

Notwithstanding the above, clause 4.5 of LPS3 provides that:

> *"Despite anything contained in the Zoning Table, the land specified in Schedule 2 may be used for the specific use or uses that are listed in addition to any uses permissible in the zone in which the land is situated subject to the conditions set out in Schedule 2 with respect to that land.*

Note: An additional use is a land use that is permitted on a specific portion of land in addition to the uses already permissible in that zone that applies to the land."

Accordingly, the purpose of the amendment is to include 'Reception Centre' as an additional use on the subject land.

In accordance with clause 4.2.2 of LPS3, the objectives for the 'Rural Composite' zone are stated as follows:

> *"To provide for small semi-rural lots that can accommodate a limited range of rural and low scale commercial land uses in a manner that will not adversely affect the landscape and environmental qualities of the land and are appropriate to the area."*

Having regard to the above, we submit that the proposed amendment is of a scale that will not adversely affect the landscape and environmental qualities of the area, particularly given the variety of uses being conducted in the surrounding area. If anything, the proposed amendment would serve as an incentive for the existing well maintained and aesthetically pleasing garden areas onsite to be maintained.

Clause 5.13 outlines the general development requirements for the 'Rural Composite' zone and states that:

> *"In this zone it is recognised that there is a mix of semi-rural and commercial land uses which the local government seeks to maintain as a balance in a rural setting. Commercial land uses within the zone will only be considered for approval when it has been demonstrated that the use is appropriate to the area and that the commercial activity will not have a detrimental impact on the surrounding area."*

Clause 5.13.1 outlines provisions relating to the subdivision of land which are not relevant in this instance. Clause 5.13.2 outlines provisions relating to land use and development which are addressed below.

(i) The minimum setback for structures or buildings from lot boundaries in this zone shall be as per Table 2, unless otherwise approved by the local government.

Not applicable; no new structures or buildings are proposed as part of the proposed amendment.

(ii) With the exception of boundary or other fencing that complies with Local Laws or Policy adopted by the local government, no boundary or other fence shall be erected in a Rural Composite zone without the approval of the local government having first been obtained. In making its decision on applications for approval to erect a fence, the local government shall take into consideration the aesthetic impact of the fence on the environment of the Rural Composite zone.

Not applicable; no new fencing is proposed as part of the proposed amendment.

(iii) The use of fibre cement sheeting, wooden pickets and metal sheeting as fencing material is not permitted, unless specifically approved by the local government.

Not applicable; again, no new fencing is proposed as part of the proposed amendment.

(iv) In order to conserve the environment, trees shall be retained unless their removal is approved by the local government.

No further development is proposed as part of this amendment and therefore no trees are proposed to be removed.

(v) In order to enhance the rural amenity of the land, in areas deficient of tree cover, it may be required as a condition of any planning approval or building permit issued in these areas, the owner to plant and maintain such trees and/or groups of trees as specified by the local government.

It is considered that the existing development and tree cover already makes a positive contribution to the rural amenity of the locality, perhaps even more so than the immediate surrounding properties.

(vi) The clearing of natural vegetation will be permitted only in accordance with clause 5.18 'Tree and Vegetation Preservation' of the Scheme.

Again, no clearing of vegetation is proposed as part of this amendment.

(vii) The keeping of animals in the Zone is subject to the specific written approval of the local government and will be assessed on an investigation of each property. Approval will be given where the land is capable of supporting the number of animals applied for having regard to the specific land management practices proposed to be implemented by the applicant. The keeping of animals will be in accordance with the provisions of clause 5.17 'Rural Pursuit' of the Scheme.

Not applicable; whilst some horses are currently being kept on-site, there is no association to the proposed amendment.

(viii) Commercial development proposals will only be considered in accordance with clause 5.14 'Commercial Zones' of the Scheme. In addition, the following development requirements will apply:

(a) the maximum amount of net lettable area (NLA) is 300m2;

(b) A separate landscaping plan will be required for any commercial proposal. Extensive landscaping will be required to screen:

- *parking areas from the road and from adjoining properties.*
- *non-residential buildings from adjoining properties;*

(c) the use of land outside any building for the display, sale or storage of materials, goods or equipment, will require the prior approval of the local government; and

(d) planning approval will be required for all signs located on land.

The proposed amendment is to simply formalise an incidental use which complements the current approved use of 'Bed and Breakfast' and no further commercial development by way of built form is proposed. It is proposed that the parking area will be located on the north-eastern side of the existing driveway and the Applicant has indicated a willingness to provide landscaping screening through the development stage to ensure there are no adverse impacts on the adjoining property.

Additionally, it is noted that the existing dwelling is listed within the Shire's Municipal Heritage Inventory 2015 as Place No: 183 – Formerly Taylor's Home and is contained within Management Category No. D as being of 'Little' significance (refer to **Attachment 2**). Whilst the Applicant has some reservation about the nature of this heritage listing, one of the advantages of the proposed amendment is that the dwelling would potentially be exposed to a broader section of the public.

In terms of parking requirements, Table 3 outlines the following in relation to a 'Reception Centre':

> *"1 bay for every 4 persons to be accommodated, or 1 bay for every 5 square metres of dining area, whichever is the greater."*

Accordingly, based on a maximum attendance of 100 persons, the 'Reception Centre' (which would be subject to a development application) would require 25 parking bays. The enclosed concept plan illustrates that such a requirement is achievable on the subject land and can be further refined, if necessary, as part of the development stage.

As mentioned, the subject land is also contained within the Shire's 'Bushfire Prone Areas' Special Control Area ('SCA') and clause 6.7 of LPS3 outlines provisions for the SCA. Notwithstanding that these provisions relate to applications for planning approval (not scheme amendments) and make reference to the former versions of the application State Planning Policy and associated Planning for Bush Fire Protection Guidelines, a Bushfire Management Plan ('BMP') has been prepared to accompany this submission and is addressed further in the following section.

3.3 State Planning Policy 3.7: Planning in Bushfire Prone Areas

In accordance with the Map of Bush Fire Prone Areas on the Department of Fire and Emergency Services ('DFES') website, the subject land is partly located within a State designated bushfire prone area (refer to Figure 3).



Figure 3: Extract of Map of Bush Fire Prone Areas (Source: DFES 2016)

Accordingly and as previously mentioned, a BMP has been prepared by Smith Consulting to support the proposed amendment in accordance with the requirements of State Planning Policy 3.7: Planning in Bushfire Prone Areas ('SPP3.7') and the associated Guidelines for Planning in Bushfire Prone Areas (Version 1.1). A copy of the BMP is appended to this submission.

The BMP outlines that whilst the land is situated within a designated bushfire prone area, the assessed bushfire risk is considered manageable subject to the bushfire risk management measures contained within.

Specifically, the proposed use has been deemed to have addressed all applicable legislation, policy, standards and guidelines including the four elements of the Bushfire Protection Criteria of location, siting and design, vehicular access and firefighting water supply.

4.0 Conclusion

The proposed scheme amendment is to allow the additional use of 'Reception Centre' to be granted for the 'Rural Composite' zoned land located at Lot 601 (No. 782) Welshpool Road East, Wattle Grove. The subject land currently has approval for a 'Bed and Breakfast' which was granted in 2015.

It is submitted that the subject land would be an ideal location for and could suitably accommodate a Reception Centre given the size and layout of the land as well as its direct (and full) access to Welshpool Road East. Furthermore, the nature, scale and frequency of the events are such that it will not have any adverse impacts on the surrounding area and in fact, the amendment would provide an incentive for the landowner to maintain his well-manicured and established garden setting, as well as the heritage listed dwelling, all of which is considered to have a positive impact on the amenity of the locality.

For the reasons outlined within this report, it is our view that such an amendment on the subject land is consistent with the objectives and requirements of the Shire's LPS3, and that it will not prejudice any future planning pursuits of the land or the general locality, nor will it have a detrimental impact on the surrounding area.

It is noted that should this amendment be initiated and approved the land will still be subject to a development application that addresses the specific parameters of a particular proposal for the Shire's consideration.

It is submitted that the proposal is minor in nature and complements the existing use of the land without any detrimental impact on the amenity of the locality.

I trust this information is to your satisfaction, we otherwise look forward to your favourable determination.

Altus Planning & Appeals



Photo 1: Entrance to subject land from Welshpool Road East



Photo 2: Caretaker's dwelling



Photo 3: 'Bed and Breakfast' (B&B) dwelling and swimming pool



Photo 4: Garden area and shed immediately to the north-west of the B&B



Photo 5: View towards the rear garden area where wedding ceremonies are likely to be conducted



Photo 6: South-eastern view from the property boundary (adjacent to Hartfield Country Club) back towards the B&B and associated garden areas



Photo 7: Existing guest parking area



Photo 8: View toward Welshpool Road East of the existing driveway and proposed parking area (LHS)

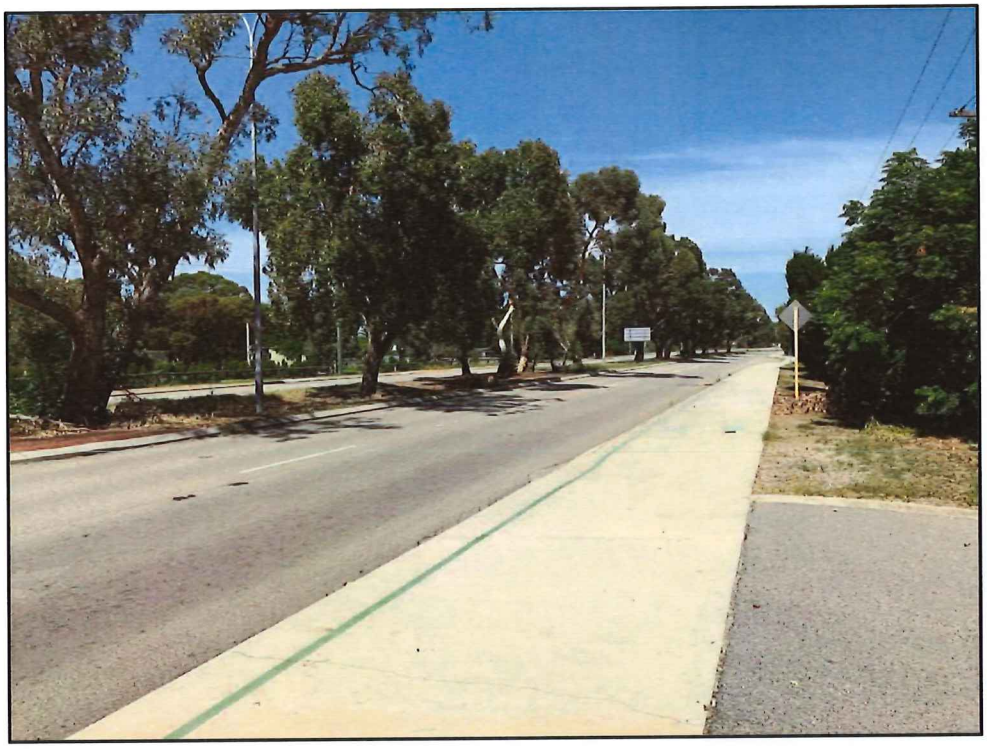


Photo 9: South-western view along Welshpool Road East from the site's existing crossover

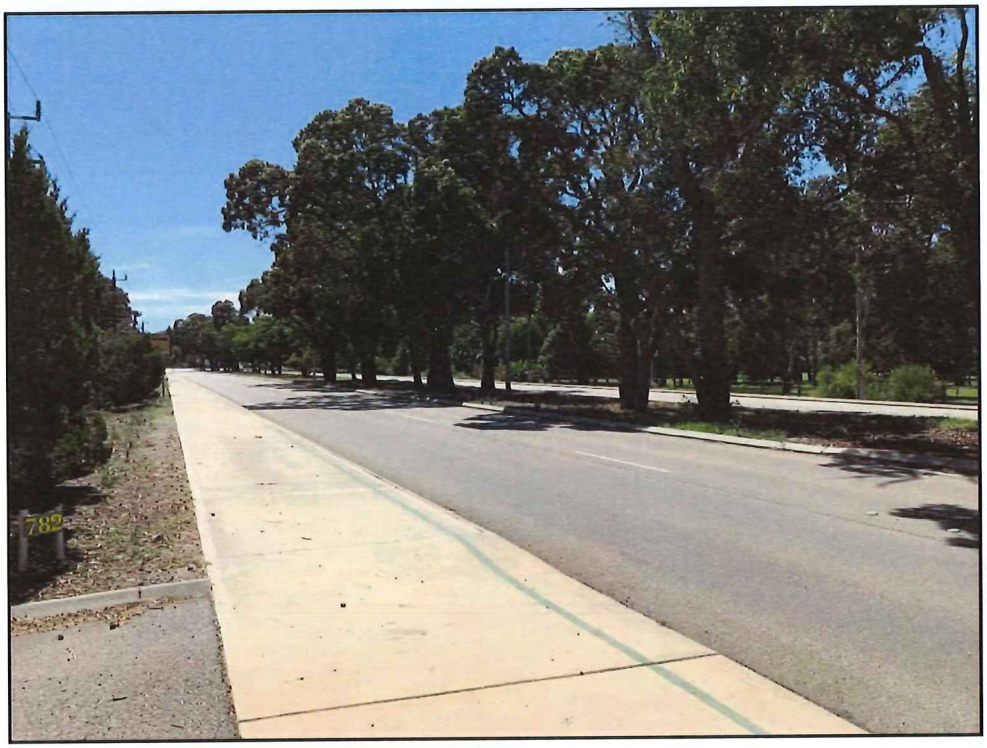


Photo 10: North-eastern view along Welshpool Road East from the site's existing crossover

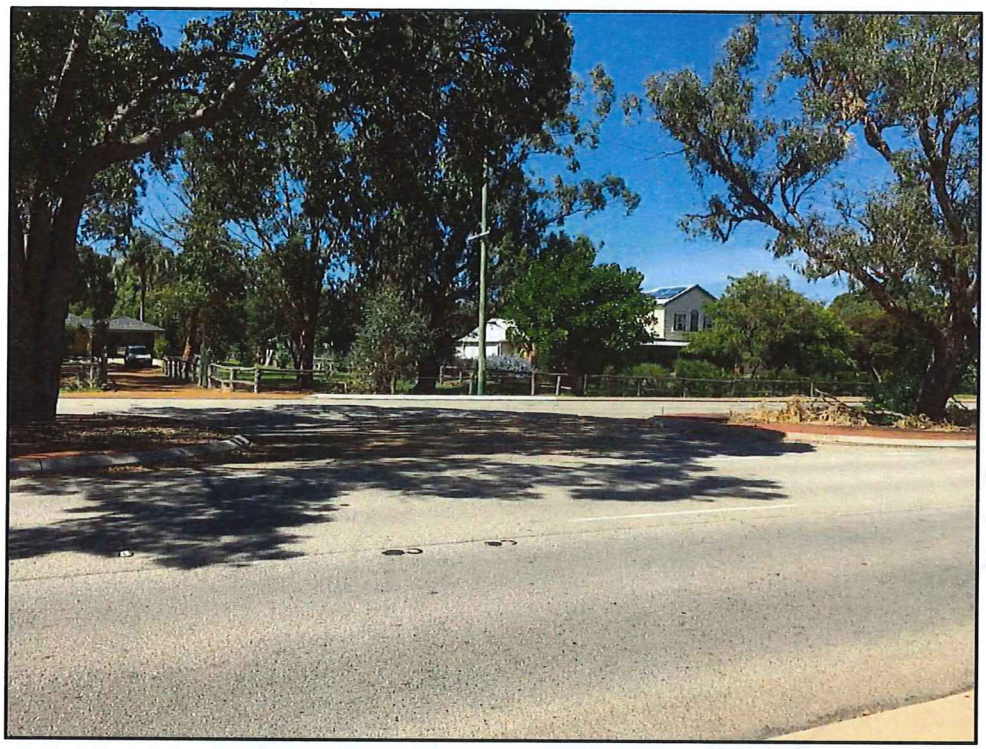
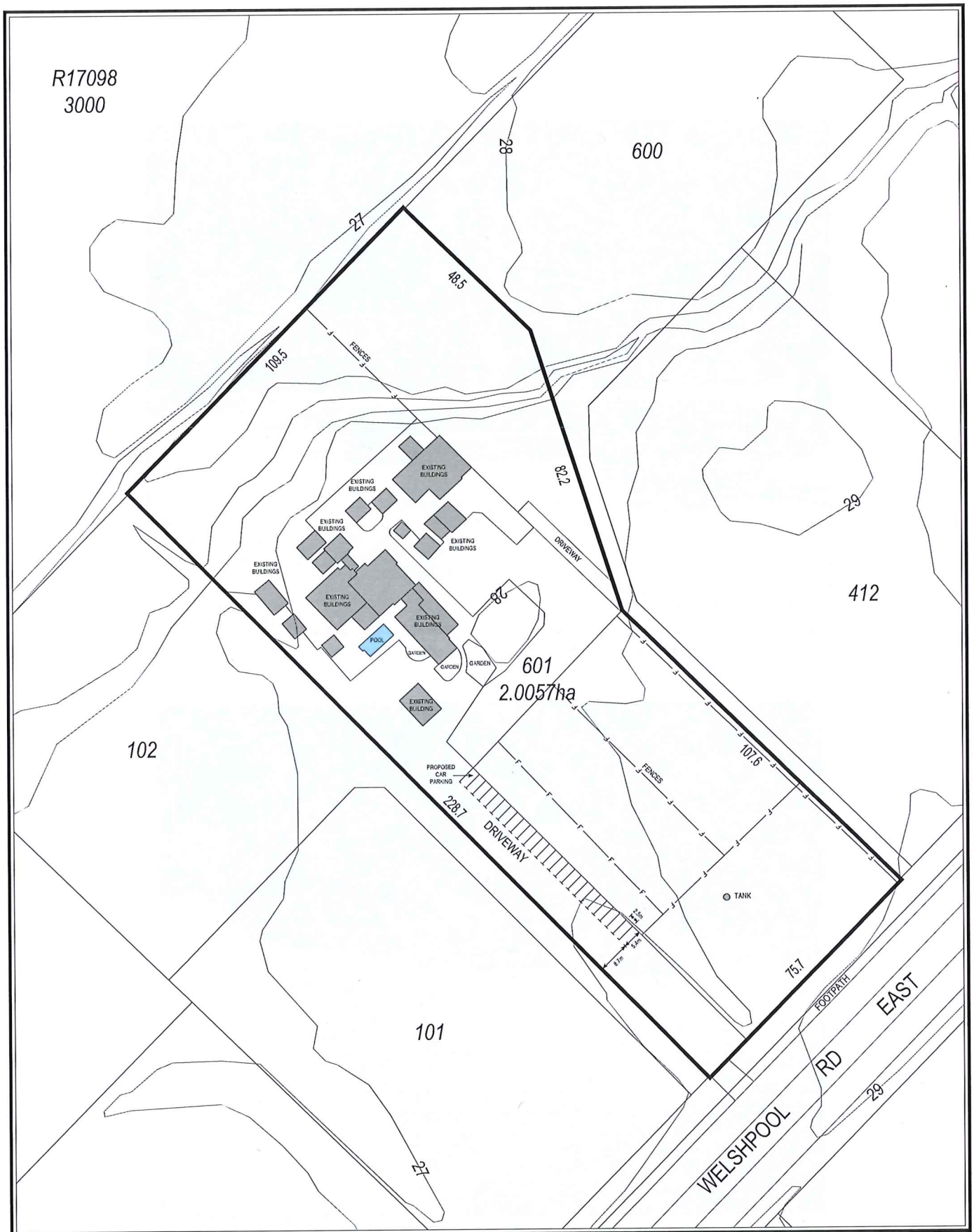


Photo 11: Break in the Welshpool Road East median strip, directly opposite the site's existing crossover



Photo 12: View of the existing crossover servicing the subject land and adjoining property



0 10 20 30 40m

SCALE 1:1000
ORIGINAL PLAN SIZE: A3

Base Mapping Prepared By Landgate	DATE: 13.03.2017	REV 1

NORTH

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LEGEND:

Subject Land.....

NOTE: Areas and dimensions are subject to survey.

DISCLAIMER: This plan has been prepared under instruction of the client, Altus Planning & Appeals bears no responsibility for any inaccuracies or errors.

SITE PLAN

LOT 601 (No. 782) WELSHPOOL ROAD EAST
WATTLE GROVE
Shire of Kalamunda