



31st March 2019

Chief Executive Officer
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Attention: Planning Department

Dear Sir / Madam,

Subject: **PROPOSED SCHEME AMENDMENT FOR ADDITIONAL USE OF SHOP (PHARMACY) TO EXISTING MEDICAL CENTRE AT LOT 4 (51) CANNING ROAD, KALAMUNDA**

On behalf of the owner of the subject property, please accept the enclosed proposed Scheme Amendment to the City of Kalamunda's Local Planning Scheme No.3. This proposal seeks the inclusion of an additional use of 'Shop', specifically for a pharmacy, to be added to the subject property. The subject property has a current land use of Medical Centre with an incidental use for 'Pharmacy'.

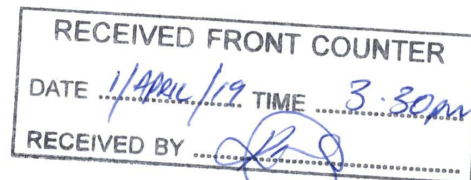
We trust the information provided is acceptable. If further information or clarification is required at any time, please do not hesitate to contact Ben McCarthy on mobile 040 234 9224 or email info@planninghorizonswa.com.au

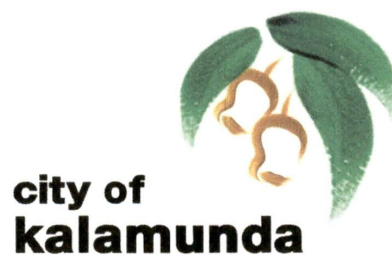
We look forward to a favourable determination at the City's earliest opportunity.

Regards,

A handwritten signature in blue ink, appearing to read 'B. McCarthy', is written over a horizontal line.

Benedict McCarthy
Director - Planning Services





City of Kalamunda
Local Planning Scheme No.3
Amendment No.102

***Additional use of 'Shop' (Pharmacy) at
Lot 4 (No.51) Canning Road, Kalamunda***

Prepared by



March 2019

Scheme Amendment No.102 – 51 Canning Road, Kalamunda

Disclaimer

This report has been prepared by Planning Horizons solely for the benefit and use of the client and owners of the subject property.

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Document Version Control

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1	21/03/19	Initial	BM	RJM
2	25/03/19	Review	BM	RJM
3	27/03/19	Client Review	BM	Dr KP
4	29/03/19	Final Draft	BM	Dr KP
5	31/03/19	Submitted to Kalamunda	BM	Dr KP

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FORM 2A

**Planning and Development Act 2005
RESOLUTION TO PREPARE AMENDMENT
TO LOCAL PLANNING SCHEME**

*City of Kalamunda
Local Planning Scheme No.3
Amendment No.102*

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

ADDITIONAL USE OF 'SHOP' (PHARMACY) TO THE EXISTING MEDICAL CENTRE AT LOT 4 (51) CANNING ROAD, KALAMUNDA

The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

- 1. The amendment is consistent with local planning strategy for the scheme that has been endorsed by the Commission;**
- 2. The amendment will have minimal impact on land in the scheme area that is not the subject of the amendment;**
- 3. The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;**
- 4. The amendment is not a complex or basic amendment.**

Dated this _____ day of _____ 20__

(Chief Executive Officer)

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1. Introduction

1.1. Site Details

The subject property is located at Lot 4 (no.51) Canning Road, Kalamunda. It is located within the Mixed-Use precinct of the City of Kalamunda's Local Planning Scheme No.3 with a lot area of 1,457sqm.

The current land use of the subject property is medical centre. The Kalamunda GP Medical Centre has recently been constructed on the subject property and is now operational. The medical centre was granted planning approval by the City of Kalamunda on 14th December 2017. As part of the Development Application, a pharmacy was proposed within the medical centre development. The pharmacy was approved as an incidental use with restrictions. There are 27 car bays on site servicing the medical centre and incidental pharmacy.

1.2. Proponent

The owners of the subject property have engaged Planning Horizons Development Solutions to act on their behalf and submit this proposed Scheme Amendment for the additional use of 'Shop' to the City of Kalamunda.

1.3. Land Ownership

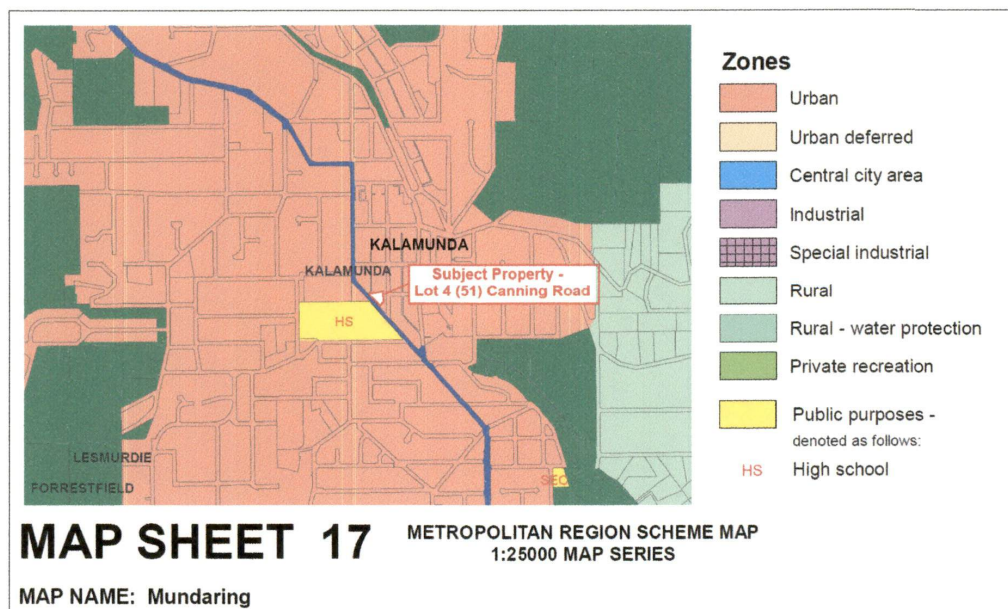
The subject property is owned by K & J Puttappa Kalamunda Bare Pty Ltd.

2. Strategic and Statutory Framework

2.1. State Planning Context

2.1.1. Metropolitan Region Scheme

The subject property is zoned 'Urban' pursuant to the Metropolitan Region Scheme (MRS).



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2.1.2. State Planning Policies & Strategies

No state planning policies or strategies are relevant to this proposed Scheme Amendment other than the following:

1. SPP 3.7 Planning for Bushfire Prone Areas

As the proposed land use is already in operation as an incidental use, the proposed additional use, allowing the pharmacy to operate independently from the medical centre, and given that the building is less than 12 months old, complying with all bushfire requirements of the development approval, it is assessed that no further BAL assessment is required at this time and given that no material changes are happening physically on site as part of this scheme amendment, no further bushfire mitigation measures are required at this time.

2.2. Local Planning Context

2.2.1. Local Planning Scheme

The City of Kalamunda Local Planning Scheme No.3

The subject site is zoned Mixed Use with an R Coding of R20/40.

	P: Means that the use is permitted by the Scheme. D: Means that the use is not permitted unless the council has granted planning approval. A: Means that the use is not permitted unless the Council has granted planning approval after giving notice in accordance with Clause 9.4 (Advertise). X: Prohibited Use	District Centre	Commercial	Mixed Use
USE CLASSES				
	Multiple Dwelling	D	D	D
	Night Club	A	A	X
	Office	P	P	D
ALSO REFER TO TABLE 2 SITE REQUIREMENTS AND TABLE 3 PARKING REQUIREMENTS	Park Home Park	X	X	X
	Place of Worship	D	D	A
	Public Utility	P	P	P
	Recreation - Private	D	D	D
	Reception Centre	P	P	A
	Research and Technology Premises <i>AMD 48 GG 10/5/13</i>	X	X	X
	Resource Recovery Centre <i>AMD 68 GG 29/01/16</i>	X	X	X
	Restaurant <i>AMD 66 GG 3/7/15</i>	P	P	A
	Restricted Premises	X	X	X
	Rural Pursuit	X	X	X
	Salvage Yard	X	X	X
	Service Station	P	P	X
	Shop	P	P	X
	Showroom	P	P	X
	Single Bedroom Dwelling	D	D	D
	Single House	D	D	P
	Stable	X	X	X

The existing pharmacy is currently approved as an incidental use, being auxillary to the predominant use which is a medical centre. This application seeks to apply for an additional use for this site.

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The Pharmacy use is defined in LPS3 as a "Shop" which is described as:

"shop" means premises other than a bulky goods showroom, a liquor store – large or a liquor store – small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;

AMD 85 GG 25/08/17

Objectives of the Mixed-Use Zone:

The subject site is located within approximately 1km from the Kalamunda Town Centre in an area which contains an eclectic mix of residential single and grouped dwellings, medical centres, fire stations, scout halls, Motor Vehicle Hire and Sales as well as professional offices and consulting rooms.

The objectives as listed in Clause 4.2.5 Other Zones of LPS3

- *'To provide for business and other commercial uses, but excluding shopping.*
- *'To provide for and encourage residential uses, but on the basis of recognition that the zone allows for considerably more non-residential activities than does a Residential zone.*
- *'To provide for professional, civic uses, medical and health related uses.*
- *'To provide for leisure and entertainment uses on a small scale so as not to unduly impinge on the amenity of the residential component of the zone.*
- *'To ensure that the development in the zone is of such design, size, scale and appearance to be compatible with nearby uses or zones, particularly the Residential zones.'*

A Pharmacy which is attached to a medical / health related service as part of the existing approved medical GP centre is a land use which is usually attached with co-existing doctors who issue prescriptions which can be filled by a pharmacist. It is presented that this land use is appropriate in the Mixed-Use zone and will not detract from the commercial centre of Kalamunda Town Centre.

It is therefore stated that given that the medical centre and pharmacy are in existence, there are no amenity issues associated with the anticipated support from Council for a Pharmacy "Shop" operating as an additional use in this location.

2.2.2. Local Planning Policies

Local Planning Policy P-Dev 64 – Requirements for Local Planning Scheme Amendments

As the subject site will not require any further development works it is requested that the City of Kalamunda does not require preliminary consultation with the community regarding this proposed additional use for a Pharmacy "shop" land use.

In comparison to other additional use proposals currently a development stage with the City, this proposal is relatively innocuous. There are no built form, noise, amenity, traffic or land use conflict or interface issues with surrounding properties, and therefore it is our assessment that preliminary consultation prior to Council considering the Consent to Advertise request will not serve any real or functional purpose and we therefore request that this additional step in the Scheme Amendment process be avoided in this instance. This will save in time and money for my client in reduced processing times for this Standard amendment process.

2.2.3. Local Planning Strategies

The main thrust of the Shire of Kalamunda Local Planning Strategy 2010 is as follows:

1. *The promotion and enhancement of the Kalamunda Town Centre and Forrestfield Forum as the main centres in the Hills and Foothills respectively.*

The current proposal does not detract from the Kalamunda Town Centre nor the Forrestfield Forum Activity Centres and is a stand-alone combined GP Clinic and Pharmacy on Canning Road.

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2. *The protection of the natural environment and biodiversity.*

The building is existing and no trees or natural environment will be affected.

3. *The provision of a range of housing types to suit the demographic profile.*

This proposal does not affect the provision of housing but is within a precinct with a higher degree of housing typology diversity in comparison to many other parts of Kalamunda.

4. *The promotion of local employment growth based on airport development, industrial expansion in the freight sector and home-based businesses.*

Not applicable to this application.

5. *The encouragement of well-designed commercial activity centres in the community.*

This application does not affect commercial activity centres in that operations and building are existing.

6. *The encouragement and promotion of tourism activities where appropriate.*

This application does not affect tourism activity in Kalamunda in that operations and building are existing.

7. *The provision of excellent recreational and community facilities throughout the Shire.*

Not applicable to a Pharmacy "shop" land use.

8. *The expansion of new industrial areas to take advantage of the State industrial and transport policies and opportunities at Perth Airport.*

Not applicable to a Pharmacy "shop" land use.

9. *The expansion of new urban areas in a sustainable manner, providing increased housing and lifestyle opportunities; local employment opportunities and protection of biodiversity and the natural environment.*

Local employment opportunities are created through the successful operation of the pharmacy. The current operation limitations imposed by the City of Kalamunda of the initial development application are overly limited and do affect the economic viability of the pharmacy operation and its business model.

10. *The maintenance of quality and economic viability of the rural areas without adverse impacts on the environment.*

Not application to the Pharmacy "shop" land use in the Mixed-use zone.

11. *The promotion of excellent public transportation and the efficient development of physical infrastructure.*

The subject site is located on a high frequency bus route.

Clause 2.4.5. Retail and Commerce (outside Kalamunda Town Centre) of the Local Planning Strategy states the following vision Statements.

- *Activity centres will be attractive, economically successful places, accessible and well connected to residents.*
- *Develop centres in accordance with the hierarchy of centres.*
- *Ensure centres are capable of meeting a range of local community needs and are appropriately integrated with local community facilities.*

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- *Have regard to the interface between centres and adjoining communities in regard to design, traffic, parking, noise and lighting.*

The existing modern GP Medical Centre which was built in 2018 is located outside of the Kalamunda Town Centre but within close proximity (1km approximately) and is located on the main north south road into the Town Centre from Lesmurdie, Walliston, Carmel and Pickering Brook.

The land use is appropriately located in context to the activity centre and is not of a scale to which would cause distraction or detract from the retail functions of the Activity Centre, for the reasons that this pharmacy does primarily service the medical centre to which it is attached, however, given its current incidental land use classification, does not allow it to service passer-by trade, and therefore its economic viability is dampened as a result.

The design, traffic, parking, light and noise will remain as existing with no changes proposed other than the ability to have primary access to the Pharmacy from the primary car parking area rather than having to be directly serviced and entered from the medical centre operation.

3. Site Analysis

3.1. Topographical Features

The subject site is located on a terraced site with existing retaining walls and associated buildings, car park and landscaping. Considerable rock was removed in order to construct the existing building in recent construction.

3.2. Land Capability

The subject site is built with a new medical centre and Pharmacy which was completed in 2018.

3.3. Native Vegetation

The scheme amendment will result in no further building works.

3.4 Infrastructure Availability

The scheme amendment will result in no further requirements for infrastructure or utility additional provisions, given that the development on site is less than 12 months old, this is adequately provided and existing.

4. Amendment Proposal and Type

4.1. Amendment Specifications - Standard

This is considered to be a Standard Scheme Amendment due to:

1. The amendment is consistent with local planning strategy for the scheme that has been endorsed by the Commission;
2. The amendment will have minimal impact on land in the scheme area that is not the subject of the amendment;
3. The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
4. The amendment is not a complex or basic amendment.

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4.2 Proposed Scheme Amendment

The proposed Scheme Amendment is for the additional use of 'Shop' to be placed on the subject property. Specifically, the 'Shop' use will be for a pharmacy. A pharmacy is existing within the recently constructed GP Medical Centre development, but as an incidental use only. The planning approval issued on 14th December 2017 for medical centre restricts the use of the pharmacy to an incidental use to serve patients / patrons of the medical centre only, and not available to the general public outside of the medical centre.

The proposed scheme amendment is simply to permit the pharmacy to be used as a pharmacy as would be expected at any other pharmacy throughout the City of Kalamunda.

No structural or layout modifications are to be made to the existing incidental pharmacy, as part of the proposed additional use of 'shop' pharmacy.



Plan 1 – Location of the existing 'Incidental' pharmacy as constructed, is to be the same location as the proposed additional use of 'Shop' pharmacy.

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Plan 2 – Site plan of the constructed GP Medical Centre,
noting the close proximity of the carpark to the pharmacy tenancy.

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4.3 Rationale for Amendment

There are several reasons for the proposal of this Scheme Amendment:

1. The main clientele the subject 'shop' pharmacy will appeal to are primarily those visiting the GP Medical Centre, and those secondary 'opportunistic' customers passing by;
2. There will be no detrimental impact on the pharmacies within the local area. The closest pharmacy is approximately 1.2km from the subject GP Medical Centre. To provide a point of reference, in the Kalamunda City Centre, there are 4 independent pharmacies within 250m of each other. Some are less than 100m from each other;
3. The subject tenancy is less than 40sqm, and is therefore physically limited to the size and scale of goods and services it can provide. There is future potential for the pharmacy to consume the adjoining pathology room, but this will add less than a 14sqm to the total 'shop' area;
4. The existing infrastructure and built services of the GP Medical Centre and 'Incidental' pharmacy means no physical change to the existing built environment is required or proposed as part of this Scheme Amendment. To the unawares, it would appear as if there is no change to the existing built form and site operation;
5. There will be no change to the existing approved car parking requirement;
6. The proposed additional use of 'Shop' pharmacy is not expected to generate any additional traffic on Canning Road. As per item 1 above, the main clientele will be those visiting the GP Medical Centre or those passing by. The 'Shop' pharmacy use is not expected to generate a notable increase of single trips from nearby residences to the subject pharmacy;
7. The 'Shop' pharmacy will be able to provide and stock a broader provision of pharmacy supplies and services with the increased available patronage. This will not only benefit the existing and future GP medical patients, but also the general local community, particularly those with accessibility issues and disabilities;
8. Provides excellent accessibility for persons with disabilities who find accessing pharmacy services and goods at other pharmacies problematic due to increased distance from car park or poor / aged disability parking and accessibility provision. The subject site has excellent high-quality brand-new parking and accessibility for disabled persons;
9. The City of Kalamunda have a significant elderly population who often require emergency medical attention. When they attend the medical centre with an emergency, the current pharmacy is not able to dispense the required medication with a Medicare subsidy. Conversion of the pharmacy from the current 'Incidental' use to 'Shop' will permit the full pharmacy licence to be issued to the premises, which will then permit the dispensing of emergency medications to elderly patients in timely way and under Medicare subsidy;
10. Furthermore, to item 9 above, without a full pharmacy licence, the existing 'Incidental' pharmacy will not be able to dispense a significant level of emergency medication. Even when it is to the GP Medical Centre's patients. This will require the elderly or very sick patients requiring the emergency medication to travel to another pharmacy to collect. This is an unacceptable service provision for the City's residents and community;
11. It will enable a better service to be provided to medical patients;
12. It will enable a better utilisation of land and existing built services;
13. Limiting the patronage of the pharmacy to an 'Incidental' use is not of strong logic. Such limitation will be of no benefit to the community, and is arguably to the detriment of the local community;
14. The purpose of this amendment is to improve the existing approved uses on the subject site by removing an inconsistency in the existing Local Planning Scheme applicable to the GP Medical Centre;

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15. It is considered to be good and proper planning to provide a community use pharmacy with an accessible car park on a main arterial road within proximity to the Kalamunda City Centre; and
16. The amendment will have no detrimental impact on the existing amenity of the locality.

5. Conclusion

Pursuant to Section 75 of the Planning and Development Act 2005, we request the Council consider and adopt an amendment to Local Planning Scheme No.3 by:

- Approving an additional use of 'Shop' (pharmacy) to the existing GP Medical Centre at Lot 4 (No.51) Canning Road, Kalamunda.

The amendment to Local Planning Scheme No.3 will allow proper active use of the existing onsite pharmacy to the full capabilities of the land use, and the existing built environment.

The amendment to Local Planning Scheme No.3 will have no detrimental impact upon the amenity of the locality, nor the local Kalamunda community.

We trust the information provided is acceptable. If further information or clarification is required at any time, please do not hesitate to contact Ben McCarthy on mobile 040 234 9224 or email info@planninghorizonswa.com.au

We look forward to a favourable determination at the City's earliest opportunity.

Regards,



Benedict McCarthy
Director - Planning Services

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