



LAND USE SCOPING STATEMENT

SCHEME AMENDMENT NO. 94
FORRESTFIELD

OUR REF: 8654 26/02/2019

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ATTACHMENTS

1. CONCEPT MASTER PLAN



1. INTRODUCTION

Rowe Group acts on behalf the landowners of Lot 112 (No. 280) Holmes Road and Lot 14 (No. 323) Hawtin Road, Forrestfield ('the subject site') in relation to Scheme Amendment No. 94 to the City of Kalamunda Local Planning Scheme No. 3 ('LPS 3').

This Land Use Scoping Statement and Concept Master Plan has been prepared at the request of the City of Kalamunda. The purpose of this document is to provide a high level vision of the intended future use of the subject site.

2. SUBJECT SITE AND PROPOSAL

2.1 DESCRIPTION OF SUBJECT SITE

The subject site is located in the City of Kalamunda, approximately 16km east of the Perth Central Business District.

The subject site is situated in Forrestfield and is bound by Holmes Road to the east and rural properties to the north, south and west. Holmes Road is a sealed, gazetted road.

The subject site comprises two (2) land parcels, being:

- ▲ Lot 112 on Diagram 44806 Certificate of Title Volume 1378 Folio 385; and
- ▲ Lot 14 on Diagram 25434 Certificate of Title Volume 1526 Folio 935.

The subject site has a land area of approximately 6.56ha with a frontage to Holmes Road of approximately 210.84m and Hawtin Road of approximately 11.00m.

There are two (2) water/drainage/sewer easements registered on Title over Lot 112; one (1) registered to the City of Kalamunda (Document Ref: A644839) and one (1) registered to the Water Authority of Western Australia (Document Ref: E754093). These easements relate to a sewerage pipe which runs parallel with the north-western lot boundary and a drainage easement over the southern portion of the site.

2.2 AMENDMENT NO. 94

Scheme Amendment No. 94 was to be considered by Council at its Development and Asset Services Committee Meeting of 4 September 2017 and Ordinary Council Meeting of 26 September 2017. However, at our request, the matter was withdrawn to allow a subdivision application to be lodged with the Western Australian Planning Commission ('WAPC') seeking approval for the amalgamation of Lot 112 and Lot 14. The WAPC issued the subdivision approval in December 2018.

The Scheme Amendment proposes to rezone the site to the 'Special Use' zone under LPS 3 and insert additional site specific development conditions into Schedule 4.

The proposal seeks to include the following development conditions within Schedule 4 of LPS 3:

- (a) *Land use permissibility shall be in accordance with the provisions of the "Special Rural" zone.*



(b) *Within this zone the following uses are not permitted unless approval is granted by the Council ('A'):*

- *'Ancillary Dwelling';*
- *'Caretakers Dwelling';*
- *'Community Purpose';*
- *'Residential Building'; and*
- *'Place of Worship'.*

The proposal will essentially retain a base zoning consistent with the existing 'Special Rural' zoning of the subject site by way of Condition (a) of Schedule 4 of the 'Special Use (SU 20)' zone. It should be noted that there are substantial olive grove and fruit orchards at the subject site which will help retain the rural character of the area.

The existing Greek Orthodox Church was approved at the subject site prior to LPS 3 being gazetted. As a result, the existing Greek Orthodox Church is a 'non-conforming use' under Clause 4.8 of LPS 3. This proposal will make the existing Greek Orthodox Church lawful (a use that is capable of approval) under the provisions of LPS 3 and will mean that any further development will not require assessment as a 'non-conforming use' under Clause 4.8 of LPS 3.

Whilst inserting 'Place of Worship' as a discretionary use within the 'Special Use' zone will address the 'non-conforming use' issue detailed above, a number of other land uses are also proposed to be included within the 'Special Use' zone. These land uses are associated with the activities regularly undertaken by the Church and form part of the long term vision for the future use of the site.

The existing Greek Orthodox Church may, in the future, be expanded to include additional accommodation for monks, a new chapel and a monastery shop / bookshop or shop which will sell items such as bibles, religious books and scripture material, incense and other ancillary items relevant to the Greek Orthodox faith. This shop will only be open during weekly Divine Liturgies (Sundays) or by appointment only during the week (Monday to Saturday). We are of the view that the monastery shop / bookshop will be an incidental use to the predominant 'Place of Worship' use and therefore does not require a land use to be specified as part of Amendment 94.

Separate development applications will need to be submitted and considered by the City for any expansion of existing activities or for the establishment of new activities.

To facilitate these land uses under the provisions of LPS 3, it is proposed that 'Ancillary Dwelling', 'Caretakers Dwelling', 'Community Purpose' and 'Residential Building' be included as discretionary ('A') uses within the 'Special Use' zone.

LPS 3 defines 'Community Purpose' as follows:

community purpose means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.

There are classes undertaken from the existing church and these will also be undertaken from the approved chapel once constructed. These classes pertain to the education of religion, in



particular the Greek Orthodox faith. These functions will fall under the 'Community Purpose' land use.

It should be noted that the Greek Orthodox Church does not intend to conduct weddings or other similar ceremonies from the subject site now or in the future.

LPS 3 refers to the R-Codes for a definition of 'Ancillary Dwelling'. It is noted that the definition of 'Ancillary Dwelling', as contained under the R-Codes, reads:

Self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house.

Based on the above definition, an 'Ancillary Dwelling' cannot be constructed at the site as long as a 'Single House' does not also exist at the site. To allow accommodation for monks at the site without the need to develop a 'Single House', it is proposed to insert 'Caretakers Dwelling' and 'Residential Building' as discretionary land uses within the 'Special Use' zone.

The Applicant and the landowner are willing to further discuss the proposed land uses and the correct designation of the land uses under LPS 3 further with the City, if required.



2.3 CONCEPT MASTER PLAN

A concept master plan has been prepared as per the City's request. Refer Attachment One – Concept Master Plan.

2.3.1 EXISTING DWELLING AND ASSOCIATED STRUCTURES

There is an existing dwelling and associated structures on the northern portion of Lot 14. These structures will be retained as existing.

As the City is aware, Lot 14 is proposed to be amalgamated with Lot 112. A subdivision approval for this amalgamation was issued by the Western Australian Planning Commission ("WAPC") in 2018.

Lot 14 is being donated by the current landowner to the landowner of Lot 112, being the Greek Orthodox Church.

The Greek Orthodox Church has no intentions at this time to expand or remove the existing dwelling and the associated structures or expand the existing church functions into Lot 14 now or in the future.

2.3.2 EXISTING SHEDS

There are existing storage sheds located at the north western portion of Lot 112. These sheds house vehicles, maintenance vehicles associated with the olive vineyards and other vegetation at the subject site, and other items associated with the existing church operations.

The Greek Orthodox Church has no intentions at this time to expand or remove the sheds now or in the future.

2.3.3 EXISTING CARETAKERS AND MONKS DWELLINGS

There are existing caretakers and monks dwellings located on the western and eastern portions of Lot 112. A development approval has been issued by the City to expand the existing caretakers dwelling on the eastern side of Lot 14 and this is reflected on the Concept Master Plan.

Currently, Greek Orthodox Church has no intentions at this time to expand or remove the caretakers and monks dwellings now or in the future, other than the approved expansion to the eastern caretakers dwelling.

2.3.4 EXISTING DINING HALL

An existing dining hall is located to the north of the existing church building. This dining hall is used as a kitchen and eating area for the monks residing at Lot 112. Currently, the dining hall is also used to set up a monastery shop / bookshop which sells items such as bibles, religious books and scripture material, incense and other ancillary items relevant to the Greek Orthodox faith. This shop is only be open during weekly Divine Liturgies (Sundays) or by appointment only during the week (Monday to Saturday). Currently, this is small table set up as required by the monks. We are of the view that the monastery shop / bookshop is incidental use to the predominant 'Place of Worship'.



The Greek Orthodox Church has no intentions at this time to expand or remove the dining hall now or in the future.

2.3.5 EXISTING CHURCH

An existing church building is located in the eastern portion of Lot 112. This church is currently used for weekly Divine Liturgies on Sundays and Feast Days (religious events) four (4) to five (5) times per year. Additionally, religious classes are held on infrequent occasions for patrons of the Greek Orthodox Church.

The Greek Orthodox Church has no intentions at this time to expand or remove the church now or in the future.

2.3.6 EXISTING TOILETS

An existing toilet block is located to the north of the existing church. This toilet block is used by visitors to the Greek Orthodox Church on Lot 112. Monks and caretakers which reside at the subject site have their own amenities within the caretakers and monks dwellings.

The Greek Orthodox Church has no intentions at this time to expand or remove the toilets now or in the future.

2.3.7 APPROVED CHAPEL

As the City is aware, a development approval was issued for a new chapel in the centre of Lot 112. In the long term this chapel will be used for similar functions that are currently undertaken in the existing church building. As previously advised, the approved chapel, once constructed, will be used by the monks residing at the subject site only. The approved chapel would be open to the general public once additional car parking bays are constructed in accordance with the development approval.

The number of religious ceremonies undertaken at the subject site will not increase as a result of this development.

2.3.8 FUTURE ANCILLARY MONASTERY SHOP / BOOKSHOP

Development approval for a small monastery shop / bookshop may be sought in the future. This is located to the north of the existing church building. The monastery shop / bookshop which would be approximately 8m by 12m. As previously advised, this shop would sell items such as bibles, religious books and scripture material, incense and other ancillary items relevant to the Greek Orthodox faith. We are of the view that the monastery shop / bookshop will be an incidental use to the predominant 'Place of Worship' use and therefore does not require a land use to be specified as part of Amendment 94.

2.3.9 CAR PARKING

There are existing car parking facilities located at the eastern portion of Lot 112. These facilities will be retained in the future.

The City has issued development approval for the construction of additional car parking facilities in the centre of Lot 112.



The Greek Orthodox Church has no intentions at this time to construct car parking (additional to what is currently approved) now or in the future.

2.3.10 ACCESS

Access to the Lot 112 is currently available via Holmes Road. This access point will be retained now and in the future. No additional access points to Lot 112 are contemplated at this time.

In relation to Lot 14, vehicle access is available via Hawtin Road. Given access to Lot 14 is available via a small access leg, access from Hawtin Road will not likely change now or in the future.

2.3.11 EXISTING EASEMENT

There is an existing easement over a creek along the southern portion of Lot 112. This easement is registered on the Certificate of Title for Lot 112 and will be retained in the future.

2.3.12 NEW EASEMENT

As a requirement of the subdivision approval for the amalgamation of the subject site, a Condition of the approval requires the creation of a new easement over a creek at the northern portion of Lot 112.

The subdivision approval is currently being acted upon and the landowner intends to create this easement in due course.



3. LOCAL PLANNING POLICY P-DEV 64 – REQUIREMENTS FOR LOCAL PLANNING SCHEME AMENDMENTS

This Land Use Scoping Statement and Concept Master Plan has been prepared at the request of the City to address the requirements of the City's Local Planning Policy P-DEV 64 – Requirements for Local Planning Scheme Amendments.

3.1 SCALE AND INTENSITY OF USE

The scale and intensity of the use of the subject site for the Greek Orthodox Church is unlikely to increase significantly. Currently, the Greek Orthodox Church offers the following functions and events from the existing chapel:

- ▲ Divine Liturgies on a weekly basis; and
- ▲ Feast Days (religious events) four (4) or five (5) days per year.

The weekly events are held between 8am to 10:30am on Sunday and generally attract approximately 50 people.

The Feast Day events are held throughout the year (i.e. Easter and Christmas, etc.) between 8am and 11am and generally attract approximately 80 people.

The Greek Orthodox Church does not intend to increase the number or size of these events now or in the future.

As the City is aware, there is approval for a new chapel located in the centre of Lot 112. This is currently under construction, however, for the time being, this structure will be used only by the monks currently residing from the subject site. As per agreement with the City, if the approved chapel is to be used by members of the public, then additional car parking will need to be constructed in accordance with that development approval.

In addition, there is an intention to construct a future monastery shop / bookshop which would be approximately 8m by 12m. As previously advised, this shop would sell items such as bibles, religious books and scripture material, incense and other ancillary items relevant to the Greek Orthodox faith. We are of the view that the monastery shop / bookshop will be an incidental use to the predominant 'Place of Worship' use and therefore does not require a land use to be specified as part of Amendment 94.

3.2 STREETSCAPE

Given the likely future development at the subject site is limited, the existing streetscape will not be adversely altered.

3.3 TREE PRESERVATION AND OPEN SPACE

There are currently no plans to clear any existing vegetation from the subject site. In addition, as shown on the Concept Master Plan, there will be very limited clearing (if not no clearing) of



vegetation to facilitate the development of the approved chapel and future monastery shop / bookshop buildings.

The landowner intends to retain the existing olive trees at the northern portion of Lot 112.

3.4 SITE LIMITATION OR CONSTRAINTS

As documented above, there is an existing easement at the southern portion of the subject site. This limits development between the existing buildings and Holmes Road. As a result, we do not anticipate any development in this area.

In addition, there is a proposed easement through the northern portion of Lot 112. This easement will likely restrict development in this portion of Lot 112.

3.5 PREVAILING AMENITY

The prevailing amenity of the subject site is generally characterised as follows.

3.5.1 LOT 14

Lot 14 is characterised as a large rural property occupied by a dwelling and associated structures. The existing buildings on Lot 14 are not visible from Hawtin Road. Being a residential property, there is no anticipated noise, traffic and scale issues now or in the future.

As previously advised, the Greek Orthodox Church has no intentions at this time to expand or remove the existing dwelling and the associated structures or expand the existing church functions into Lot 14 now or in the future. Therefore, the existing and future likely amenity of Lot 14 is not likely to change now or in the future.

3.5.2 LOT 112

Lot 112 is characterised as a place of worship in a rural setting. Given the setback of buildings from the Holmes Road, Lot 112 displays a rural character similar in nature to the surrounding rural properties.

The existing operation of Lot 112 as a place of worship does generate some traffic associated with the weekly Divine Liturgies and Feast Days which are held four (4) to five (5) times per year. Currently, all car parking associated with these ceremonies are contained on-site.

The future development shown on the Concept Master Plan will not adversely alter the existing amenity of Lot 112 and the surrounding area.



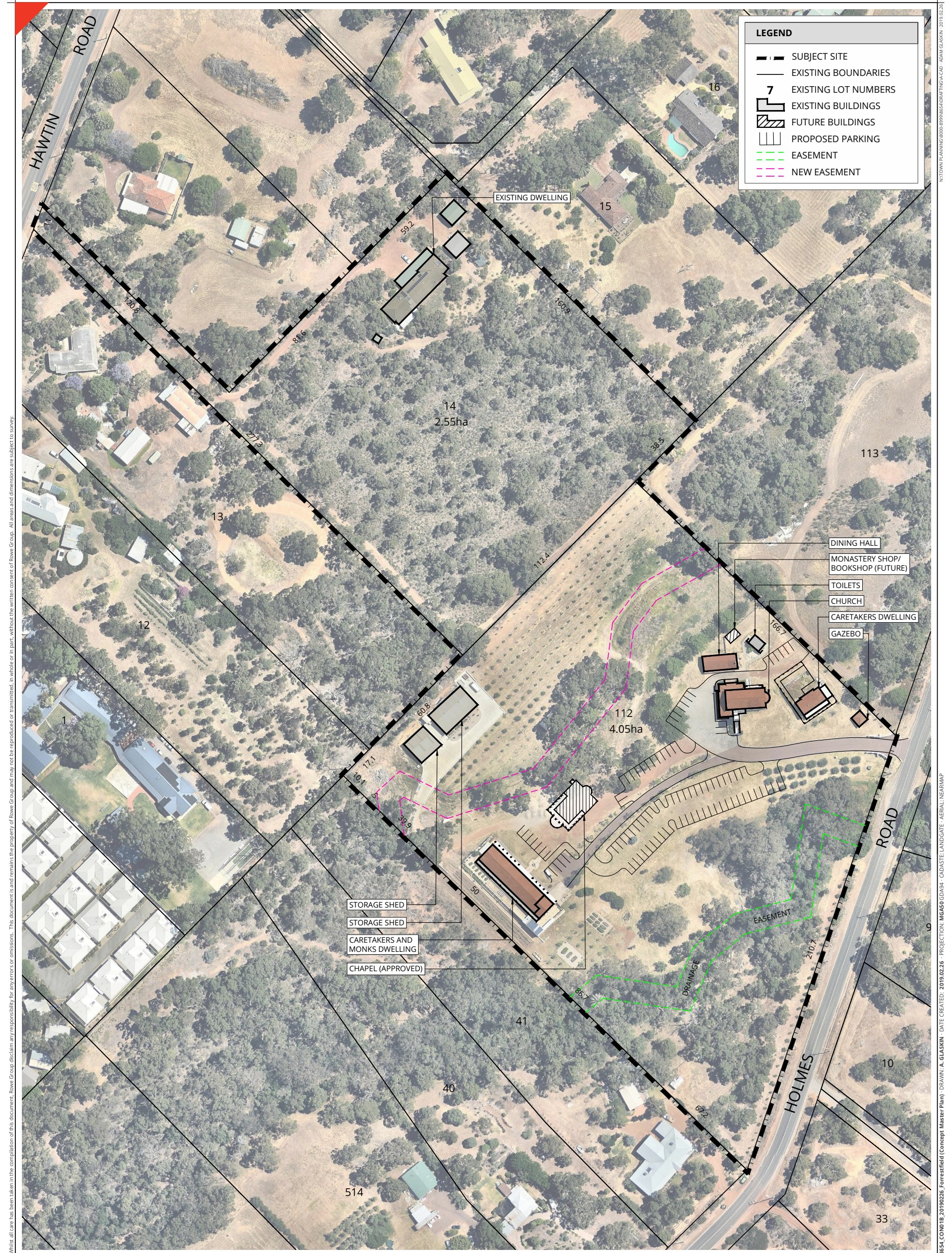


ATTACHMENT 1

CONCEPT MASTER PLAN



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CONCEPT MASTER PLAN
LOT 112 HOLMES ROAD AND LOT 14 HAWTIN ROAD
FORRESTFIELD



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