

Submitter Number	Assess No.	Comment	City Comment	Applicant Response
1.	A207173	<p>1. Do not support.</p> <p>2. I support the view of a previous Council who voted to support the proposal for an integrated aged care facility on this site, recognising that that there was a real risk of the proponents not fulfilling the requirement to build the nursing home component, and therefore addressed this risk by setting a condition that said; 'The risk has been mitigated by recommending conditions that require the development to remain on one lot without strata titling'.</p>	<p>1. Noted.</p> <p>The City is satisfied the deletion of condition d), as currently phrased, will not have an implication upon the site being developed as an integrated aged care facility. The land use permissibility on the subject site remains unchanged through Amendment 107. Any subsequent development proposal would be considered and determined in accordance with the land use permissibility and conditions of SU20 and the adopted Local Development Plan (LPD). The City is satisfied the remaining conditions, namely proposed e) and f) ensure the Aged Care Residential Care facility (the nursing home component) is delivered on site.</p> <p>It is important to note that should Amendment 107 not be gazetted as proposed and condition d) be retained, there is the risk that the site is unable to be developed for an integrated aged care facility due to the financial implications of not being able to strata title the site.</p>	<p>The proposed amendment does not in any way alter the timeframe in which the Aged or Dependent Persons' Dwellings or Aged Residential Care Facility is constructed.</p> <p>The existing SU20 Condition only allowing 70% of the maximum number of Aged or Dependent Persons' Dwellings to be constructed until practical completion of an Aged Residential Care Facility is not proposed for any modification by the amendment.</p> <p>This submission should be dismissed.</p>

2.	A168121	<ol style="list-style-type: none"> 1. Do not support. 2. As residents of Wattle Grove who are concerned about the provision of aged care within the City of Kalamunda we wish to register our strong objections to the Local Planning Scheme No 3 with respect to proposed Amendment 107 pertaining to Lot 500 Gavour Road Wattle Grove. In our view, the proposed Amendment is entirely misconceived and arguably unlawful in terms of the Planning and Development Act 2005 and its associated Regulations. 	<ol style="list-style-type: none"> 1. Noted. 2. These claims have not been substantiated with relevant references to the statutory framework. The City is satisfied that due process has been followed with respect to Amendment 107 and has been appropriately considered by the City in accordance with the relevant planning framework. The City has commissioned both a Peer Review (Attachment 3) and Legal Review which have informed the City's recommended position. 	<p>The submission is unclear as to why the submitter is concerned regarding the provision of aged care within the City. The City has both an <i>Aged Accommodation Strategy</i> and an <i>Age Friendly Strategy and Action Plan</i>. Both of these documents highlight the overwhelming need for more aged care facilities within the City.</p> <p>It is unclear how the proposed amendment is unlawful, as the amendment is being considered through the formal planning process as required by the governing planning legislation and regulation.</p>
3.	A27080	<ol style="list-style-type: none"> 1. Support. 2. No objection to amendment. 	<ol style="list-style-type: none"> 1. Noted 	<p>Acknowledged.</p>
4.	A22585	<ol style="list-style-type: none"> 1. Do not support. 2. Strata Title Retirement Villages are regulated under both the Strata Titles Act AND the Retirement Villages Act in WA. Allowing amendment 107 would have the effect of adding a whole extra level of legal complexity and confusion especially when the rules of each can differ or conflict with one another and have different dispute resolution mechanisms. These can and will 	<ol style="list-style-type: none"> 1. Noted. 2. Amendment 107 can only be considered against the relevant planning framework. Any subsequent development on the subject site will still have obligations under relevant statutory frameworks, including the <i>Strata Titles Act</i> (Strata Titles Act) and <i>Retirement Villagers Act. 1986</i> (RV Act) 	<p>Legal advice has been obtained from the proponent and supplied to the City confirming that there is no statutory impediment to strata titling Aged and/or Dependent Persons Dwellings under the provisions of the Retirement Villages Act 1997.</p>

		<p>be misunderstood and a concern most folk would not have had to deal with previously. I am not in favour of Amendment 107 and support the previous Council decision that sought to protect our Elderly from this unnecessary administrative concern at this time in their lives when most will not be able to deal with the complexity. Our Elderly should NOT have to be subjected to the extra stress of unnecessary and frustrating decisions when they are NOT in the best position to do so. The current Retirement Villages Act has a heavy consumer protection focus which is what the elderly and often more vulnerable members of society require in terms of financial certainty and transparency. In these circumstances it is generally comforting for the elderly resident and their families to know that site management decisions will be made in their best interests by a registered management organisation monitored by governmental oversight with sanctioning power. Residents will be more vulnerable to exploitation if their residences are strata titled, unless they actively involve themselves in decision-making forums which many older residents would find onerous. Additionally, as this property is not connected to reticulated sewerage, a common sewerage treatment plant will need to be constructed and maintained</p>	<p>It is important to note that irrespective of the proposal to delete condition d), the provisions of the RV Act still require the owner of the retirement village to lodge a memorial before entering into residence contracts. The memorial will amongst other things notify the public at large that the land is proposed to be used for a retirement village and the provisions of the RV Act are still relevant.</p> <p>The City has received its own legal advice that there is no impediment under the provisions of the RV Act to strata titling the proposed integrated aged care facility. Moreover, the legal advice notes that the RV Act as a whole and in particular relevant provisions expressly contemplate the existence of an aged care facility which is strata titled under the Strata Titles Act.</p>	<p>The Western Australian Planning Commission's (WAPC) Position Statement 'Residential Accommodation for Ageing Persons (December 2020)' makes it very clear that the policy intent "...seeks to remove planning process barriers and encourage the provision of an appropriate supply and diversity of options for residential accommodation..." Amendment No. 107 seeks to remove a tenure barrier which will enable the delivery of the already approved Integrated Aged Care Facility uses more efficiently. This is embraces the abovementioned WAPC policy intent.</p> <p>The submission should be dismissed.</p>
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		and managed which is an onerous and unusual management complexity for elderly persons to have to manage themselves under Strata Title arrangements. Permission for this development should NOT have been granted in the first place. It is totally unsuitable. Please do NOT permit this Amendment		
5.	A82866	<ol style="list-style-type: none"> 1. DO not support. 2. As this property is not connected to reticulated sewerage, a common sewerage treatment will need to be constructed and maintained and managed, which is an onerous and unusual management complexity for elderly persons to have to manage themselves under Strata Title arrangements. I oppose Amendment 107. As an elector of the City of Kalamunda I believe I have the right to express my view on this matter irrespective of my property address. 	<ol style="list-style-type: none"> 1. Noted. 2. The treatment of wastewater is not a consideration of Amendment 107. The issue of waste water disposal will be dealt with at the development application stage of the planning process in accordance with conditions b) and c) and proposed changes to the phrasing of revised condition d) of the SU20 zone. The management of any subsequent on-site system would be administered through the Strata Titles Act. It is not uncommon for on-site systems to be managed by Strata Bodies. The Government Sewerage Policy 2019 provides further guidance on this. 	<p>On-site effluent disposal is not a matter for consideration by Amendment 107.</p> <p>The submission should be dismissed.</p>
6.	A8155	<ol style="list-style-type: none"> 1. Do not support. 	<ol style="list-style-type: none"> 1. Noted. 	

		<p>2. Councillors, when are you going to represent residents and the rate payers of Wattle Grove South, instead of the wished of one property developer? You have been told over many years that the owners of Lot 500 (32 Gavour Road, Wattle Grove) would never develop a retirement village with High Care provisions. But you blindly support anything that the owners of Lot 500 submit to the council. It certainly has a stink about it. After many years on presenting council and its officers with the many reasons for not supporting amendment 57, including amongst other:</p> <ol style="list-style-type: none"> 1. No reticulated sewerage 2. No public transport within easy access 3. No medical facilities within easy access 4. No retail facilities within easy access 5. Substantially increased traffic to Gavour Road <p>3. The owners claim that they cannot finance the proposed development, what if any finance of applications have been made to financial institutions- I will bet none.</p> <p>4. If the proponent cannot proceed with the development Lot 500 should revert back to a rural of special rural zoning.</p> <p>5. As residents of Wattle Grove who are concerned about the provision of aged care within the City of Kalamunda we wish to register our strong objections to the Local</p>	<p>2. All noted matters were considered and addressed through SU20 and its associated conditions introduced through Amendment 57 which was gazetted in September 2017.</p> <p>3. Noted.</p> <p>4. The rezoning of the subject site is not currently the matter before the City for consideration. This has already been determined through Amendment 57.</p> <p>5. Noted.</p> <p>6. Amendment 107 was advertised to affected landowners in accordance with the <i>Planning & Development (Local Planning Schemes) Regulations 2015</i> (the Regulations) & City of Kalamunda Local Planning Policy 11 (Notification of Planning Proposals). This included:</p> <ol style="list-style-type: none"> a. Letters to surrounding landowners; b. A notice on the City's website; c. A notice in the local paper; and d. On-site signage. <p>7. Noted.</p>	<p>Many of the matters raised by this submission are outside the scope of Amendment 107. Generally, the items raised are matters that have been addressed through the existing SU20 provisions.</p> <p>The submission is unclear as to what why the submitted is concerned regarding the provision of aged care within the City. The City has both an <i>Aged Accommodation Strategy</i> and an <i>Age Friendly Strategy and Action Plan</i>. Both of these documents highlight the overwhelming need for more aged care facilities within the City.</p> <p>The reference to the Proponent's inability to finance the development has not been stated by the Proponent team. The submitted amendment document makes it clear that enabling strata titling enables lending institutions to offer finance to prospective purchasers requiring such a facility and that is integral to meeting the economic market considerations.</p>
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		<p>Planning Scheme No 3 with respect to proposed Amendment 107 pertaining to Lot 500 Gavour Road Wattle Grove.</p> <p>6. As every resident in Wattle Grove South would be affected, council must circulate the proposed amendment to all residents of Wattle Grove South not just those that adjoin Lot 500.</p> <p>7. Stop being puppets to this development or resign. There are rules that councillors have to abide by (standing orders etc.) we object to amendment 107 in the strongest possible terms.</p>		<p>This submission should be dismissed.</p>
7.	A8141	<p>1. Do not support.</p> <p>2. Amendment 107 does not act to safeguard the original intention of a previous Council to construct an integrated retirement village which includes a nursing home on this site for the benefit of the elderly in our community. It does not clarify whether residents themselves would have to manage any part of this nursing home facility under Strata Title conditions. Nor does Amendment 107 clarify whether strata titling of units would allow the units to be sold, rented or sublet to persons not of retirement age. I therefore oppose the Amendment.</p>	<p>1. Noted.</p> <p>2. The deletion of condition d), as currently phrased, will not have an implication upon the site being developed as an integrated aged care facility. The land use permissibility on the subject site remains unchanged through Amendment 107, and SU 20 will continue to restrict the land use permissibility on the subject site to the land uses of 'Aged Residential Care', 'Aged or Dependent Persons Dwellings', 'Caretaker's Dwelling' 'Consulting Rooms' and 'Incidental uses'. Any subsequent development proposal would be considered and determined in accordance with the land use permissibility and</p>	<p>The proposed amendment does not in any way alter the timeframe in which the Aged or Dependent Persons' Dwellings or Aged Residential Care Facility is constructed.</p> <p>The existing SU20 Condition only allowing 70% of the maximum number of Aged or Dependent Persons' Dwellings to be constructed until practical completion of an Aged Residential Care Facility is not proposed for any modification by the amendment.</p>

			<p>conditions of SU20. The City is satisfied the remaining conditions, namely proposed e) and f) ensure an integrated aged care facility is delivered on site. Amendment 107 does not propose a change to SU20 Condition a) which states: "At least one occupant of any Aged or Dependent Persons' Dwelling within this facility must have reached the age of 55 years". The independent Peer Review notes that Amendment 107 will not change the intended form, function and layout of the integrated aged care facility as identified under in the remaining SU20 conditions and adopted LDP.</p>	<p>The matter of management of the development is not a matter that is of consideration to the Amendment 107.</p> <p>This submission should be dismissed.</p>
8.	A189852	<ol style="list-style-type: none"> 1. Do not support. 2. Why does the council continue to not support the majority and support one property developer and greedy grab for money. It makes absolutely no practical or logical sense to replace the long held desire of the City for an integrated aged care facility under single ownership with a fragmented ownership model. I strongly oppose Amendment 107. 	<ol style="list-style-type: none"> 1. Noted. 2. The deletion of condition d), as currently phrased, will not have an implication upon the site being developed as an integrated aged care facility. Remaining conditions, namely e) and f) will act to ensure a coordinated integrated aged care facility is delivered to the site, irrespective of ownership or tenure. 	<p>The ability for the strata titling of Aged or Dependent Persons' Dwellings does not result in fragmentation of an Integrated Aged Care Facility, it empowers it by creating a framework that meets the economic market requirements and promoting an environment that will enable more efficient delivery of the development as a whole.</p>

				This submission should be dismissed.
9.	A166834	<ol style="list-style-type: none"> 1. Do not support. 2. Reference Amendment 107 Affected due to: Loss of rural landscape. Loss of native flora and fauna Increased traffic Lack of adequate sewerage system to accommodate large scale property development. Distinct change of character to the original approval. 	<ol style="list-style-type: none"> 1. Noted. 2. All noted matters were considered and addressed through SU20 and its associated conditions introduced through Amendment 57 which was gazetted in September 2017. 	<p>The matters raised by this submission are not related to Amendment 107.</p> <p>This submission should be dismissed.</p>
10.	A222410	<ol style="list-style-type: none"> 1. Do not support. 2. We strongly oppose Amendment 107 as any access or egress from this site onto Welshpool Road East, at a particularly dangerous point in this major road, will potentially cause more accidents at an already very dangerous stretch of road. Particularly if the access is near the Lewis Road intersection. There are weekly accidents at this intersection, some have been very serious and/or fatal. As an aside, we also strongly object on the grounds that we perceive that strata titling of the approved integrated aged care facility on this site is not in the best interests of older residents due to the complexities of this site, including the absence of reticulated sewerage. 	<ol style="list-style-type: none"> 1. Noted. 2. All noted matters were considered and addressed through SU20 and its associated conditions introduced through Amendment 57 which was gazetted in September 2017. The adopted Local Development Plan addresses inter alia, vehicle access to the site through a requirement for a slip lane being provided off Welshpool Road East. Traffic related matters will be considered in more detail at the development application stage of the planning process. <p>It is not uncommon for on-site systems wastewater disposal systems to be managed by Strata Bodies. The Government Sewerage Policy 2019 provides further guidance on this</p>	<p>The traffic safety and effluent issues raised by this submission are not a consideration associated with Amendment 107.</p> <p>There is no nexus between strata titling and alleged complexities. With or without strata titling, there would need to be a set of rules/management protocol to govern the operations of the Integrated Aged Care Facility.</p> <p>This submission should be dismissed.</p>

<p>11.</p>	<p>A82884</p>	<ol style="list-style-type: none"> 1. Do not support. 2. This development will not only destroy habitat for our local wildlife it will bring additional traffic and people to an area that is special because it is quite, and everyone knows one another. The sad thing is that if this development is approved it will be the death of our perfect little area which will end up just like the already developed side of Wattle Grove. What a shame for the community, the environment, the wildlife and the people. We moved to this area for the community, the environment, the wildlife and the people, not to see it all destroyed. 	<ol style="list-style-type: none"> 1. Noted. 2. All noted matters were considered and addressed through SU20 and its associated conditions introduced through Amendment 57 which was gazetted in September 2017. 	<p>The matters raised by this submission are not a consideration associated with Amendment 107.</p> <p>This submission should be dismissed.</p>
<p>12.</p>	<p>A8187</p>	<ol style="list-style-type: none"> 1. Do not support. 2. As long term residents of the beautiful Wattle Grove, I beseech you all to count the numbers, hear the message and block this amendment absolutely. Your community, our community, does not want what you have proposed, and there are many reasons why not. 3. Your Amendment 107 does not specify the type of Strata Title to be used and as you know there are several types. 4. This lack of attention to detail leaves the intention open to interpretation and I think it best it remains as is; that is, as it was written by a previous Council who sought 	<ol style="list-style-type: none"> 1. Noted. 2. Amendment 107 proposes the removal of one condition associated with SU20 which was introduced through Amendment 57, gazetted in September 2017. 3. Noted, the applicant has not confirmed whether the independent living units will be either vacant survey strata or built strata. 4. Noted. 5. Noted. 	<p>The type of strata title is not an issue as, for example, if it were strata title or survey strata title, there is relevant legislation in addition to the SU20 provisions that will control the development outcome in a cohesive manner.</p> <p>As Landgate's <i>Guide to strata titles (May 2020)</i> document, strata title schemes provide an attractive framework for persons who decide to live in a group housing community atmosphere. As stated in this</p>

		<p>to protect the end use of land in favour of our elderly.</p> <p>5. I therefore, strongly object to the Local Planning Scheme No 3 with respect to proposed Amendment 107 pertaining to Lot 500 Gavour Rd.</p>		<p>document "<i>The advantage of strata living is that mechanisms such as by-laws and the State Administrative Tribunal (SAT) exist to assist in the resolution of disputes.</i>"</p> <p>The concerning fact is that without Amendment 107 being approved, the ability to establish a cohesive and functional set of laws to guide the rules of a future estate are less secure. Amendment 107 will enable a more secure statutory structure to be established for future residents.</p>
13.	A147422	<p>1. Do not support.</p> <p>2. We understand that that proposed Amendment 107 is designed to speed up and make it easier for the landowner/developers to advance his/their intentions.</p> <p>3. We have been involved since circ. 2007 in objecting to the proposed land use concept.</p> <p>4. Attached is an earlier submission relating to health issues in embarking on such a development. (see from comment 10)</p> <p>5. We believed then and still consider the whole concept of a retirement village in the</p>	<p>1. Noted.</p> <p>2. Noted.</p> <p>3. Noted.</p> <p>4. Environmental Health considerations have been addressed through SU20 conditions b) and C) introduced through Amendment 57 which was gazetted in September 2017. Condition d) has been reworded to ensure subdivision and/or development proposals on the subject site shall be supported by a Wastewater Management Plan that accords</p>	<p>The majority of this submission raises matters which are not relevant to Amendment 107 (i.e. the removal of the strata titling prohibition).</p> <p>Where strata titling matters have been raised, please refer Applicant response #12.</p> <p>This submission should be dismissed.</p>

		<p>lower echelons of Welshpool Rd to be absolutely in the wrong place at the wrong time.</p> <p>6. As near neighbours to the proposed retirement village we are constantly impacted by the traffic noise from motorcycles through to heavy diesel road trains on Welshpool Road at all hours of the day and night.</p> <p>7. The land in questions is also traversed by high voltage power lines which will additionally have a deleterious effect on health on residents.</p> <p>8. Amendment 107 does not act to safeguard the original intention of a previous Council to construct an integrated retirement village which includes a nursing home on this site for the benefit of the elderly in our community . It does not clarify whether residents themselves would have to manage any part of this nursing home facility under Strata Title conditions.</p> <p>9. As such we strongly oppose Amendment 107 and would humbly ask that this is not given credence.</p> <p>10. See Appendix 1</p>	<p>with the Government Sewage Policy 2019 (as amended).</p> <p>5. Noted.</p> <p>6. Traffic Impacts were considered and addressed through SU20 and its associated conditions, specifically condition e), introduced through Amendment 57 which was gazetted in September 2017.</p> <p>7. Environmental Health considerations have been addressed through SU20 and its associated conditions introduced through Amendment 57 which was gazetted in September 2017.</p> <p>8. The deletion of condition d), as currently phrased,will not have an implication upon the site being developed as an integrated aged care facility. The land use permissibility on the subject site remains unchanged through Amendment 107, and SU20 will continue to restrict the land use permissibility on the subject site to the land uses of 'Aged Residential Care', 'Aged or Dependent Persons Dwellings', 'Caretaker's Dwelling' 'Consulting</p>	
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			<p>Rooms’ and ‘Incidental uses’. The City is satisfied the remaining conditions, namely proposed e) and f) ensure an integrated aged care facility is delivered on site.</p> <p>9. Noted. 10. Noted.</p>	
14.	A82866	<p>1. Do not support.</p> <p>2. Our property is in close proximity to 500 Gavour Road but any elector in the City of Kalamunda has a right to express a view on this matter irrespective of their property location. Especially as it is concerning an aged care facility which would be of interest to most residents.</p> <p>3. I support the view of a previous Council who voted to support the proposal for an integrated aged care facility on this site in 2015 when they recognised that there was a real risk of the proponents not fulfilling the requirement to build the nursing home component and addressed this risk by setting a condition (condition d) that said</p> <p>4. “The risk has been mitigated by recommending conditions that require the development to remain on one lot without strata titling”.</p>	<p>1. Noted. 2. Noted. 3. The deletion of Condition d), as currently phrased, will not change the intended form, function and layout of the integrated aged care facility as provided for in the remaining SU20 conditions and the LDP. The land use permissibility on the subject site remains unchanged through Amendment 107, and SU20 will continue to restrict the land use permissibility on the subject site to the land uses of ‘Aged Residential Care’, ‘Aged or Dependent Persons Dwellings’, ‘Caretaker’s Dwelling’ ‘Consulting Rooms’ and ‘Incidental uses’. The City is satisfied the remaining conditions, will ensure an integrated aged care facility is delivered on site.</p>	<p>The majority of this submission raises matters which are not relevant to Amendment 107 (i.e. the removal of the strata titling prohibition).</p> <p>Where strata titling matters have been raised, please refer Applicant response #12.</p> <p>This submission should be dismissed.</p>

		5. I therefore oppose Amendment 107.	4. Noted. 5. Noted.	
15.	A126755	<p>1. Do not support.</p> <p>2. I support the view of a previous Council who voted to support the proposal for an integrated aged care facility on this site in 2015 when they recognised that there was a real risk of the proponents not fulfilling the requirement to build the nursing home component and addressed this risk by setting a condition (condition d) that said</p> <p>"The risk has been mitigated by recommending conditions that require the development to remain on one lot without strata titling".</p> <p>3. I therefore oppose Amendment 107.</p>	<p>1. Noted.</p> <p>2. The deletion of condition d), as currently phrased, does not change the intended form, function and layout of the integrated aged care facility as provided for in the remaining SU20 conditions and the LDP. The land use permissibility on the subject site remains unchanged through Amendment 107, and SU20 will continue to restrict the land use permissibility on the subject site to the land uses of 'Aged Residential Care', 'Aged or Dependent Persons Dwellings', 'Caretaker's Dwelling' 'Consulting Rooms' and 'Incidental uses'. The City is satisfied the remaining conditions will ensure an integrated aged care facility is delivered on site.</p> <p>3. Noted.</p>	<p>The majority of this submission raises matters which are not relevant to Amendment 107 (i.e. the removal of the strata titling prohibition).</p> <p>Where strata titling matters have been raised, please refer Applicant response #12.</p> <p>This submission should be dismissed.</p>
16.	A244931	<p>1. Do not support.</p> <p>2. I am a resident of Wattle Grove.</p> <p>3. I wish to register a firm and unequivocal OBJECTION to the proposed Amendment</p>	<p>1. Noted.</p> <p>2. Noted.</p> <p>3. Noted.</p> <p>4. Noted.</p>	<p>This submission does not address the aspects of Amendment 107.</p>

		<p>107, related to Lot 500 Gavour Road, Wattle Grove.</p> <p>4. I believe this contravenes previous agreements and approvals and, regardless, will further damage amenities in the area.</p>		<p>It is unclear from the submission how the proposal causes any contravention and how amenities are damaged given the proposal does not propose any alteration to land uses or densities.</p> <p>This submission should be dismissed.</p>
17.	A50154	<p>1. Do not support.</p> <p>2. We oppose Amendment 107 on the following grounds:</p> <ul style="list-style-type: none"> a. This property is not connected to reticulated sewerage b. Strata titling of units would allow the units to be sold, rented or sublet to persons not of retirement age c. Residents may be more vulnerable to exploitation if their residences are strata titled, unless they actively involve themselves in decision-making forums which many older residents would find onerous. 	<p>1. Noted.</p> <p>2. Noted</p> <ul style="list-style-type: none"> a. Environmental Health considerations have been addressed through SU20 and its associated conditions introduced through Amendment 57 which was gazetted in September 2017. More specifically conditions b) and c) will ensure any subsequent development is adequately serviced from a wastewater perspective. The rewording of condition d) will also ensure all the health requirements for on site effluent disposal will be addressed pursuant to the requirements of the Government Sewerage Policy 2019. 	<p>The matter of effluent disposal is not a matter that is being considered by Amendment 107.</p> <p>The existing SU20 provisions have specific planning controls addressing the age requirements of occupants of the future development.</p> <p>Matters pertaining to Strata Title concerns are addressed in the Applicant's response to submission #12.</p> <p>This submission should be dismissed.</p>

			<p>b. 'Aged and Dependent Persons Dwellings' by definition require at least one person residing in the dwelling to be a disabled or physically dependent person or over the age of 55. Furthermore, in accordance with SU20 condition a) any subsequent approval would, by way of a condition of approval, require a 70A notification on the Certificate of Title binding the owner, their heirs and successors in title requiring that this occupancy restriction be maintained.</p> <p>c. The City can only consider Amendment 107 against the relevant planning framework. Nonetheless, Amendment 107 will not remove any obligations developer and/or future administration bodies would have under relevant statutory frameworks, including the Strata Titles Act 1985 and RV Act.</p>	
18.	A50037	<p>1. Do not support.</p> <p>2. It makes absolutely no practical or logical sense to replace the long-held desire for the City of Kalamunda to support an integrated aged care facility under single</p>	<p>1. Noted.</p> <p>2. The deletion of Condition d), as currently phrased, will not change the intended form, function and layout of the integrated aged care</p>	<p>This submission is unclear as to how Amendment 107 is impractical or illogical.</p>

		ownership and/or a fragmented ownership model. We strongly oppose Amendment 107.	facility as provided for in the remaining SU20 conditions and the LDP. The land use permissibility on the subject site remains unchanged through Amendment 107, and SU 20 will continue to restrict the land use permissibility on the subject site to the land uses of 'Aged Residential Care', 'Aged or Dependent Persons Dwellings', 'Caretaker's Dwelling' 'Consulting Rooms' and 'Incidental uses'. The City is satisfied the remaining conditions, namely g) ensure an integrated aged care facility is delivered on site.	Matters pertaining to strata tile considerations are addressed in the Applicant's response to submission #12 – please refer. This submission should be dismissed.
19.	A242220	<ol style="list-style-type: none"> 1. Do not support. 2. I object to this amendment as it is another attempt to bypass the conditions that were placed on the proponent to develop the property as he proposed it to the community. Those who supported the proposal were desperate to have the integrated aged care facility built as a matter of urgency. I recall the proponents law firm making a deposition at a Council meeting stating that these conditions were a guarantee that the integrated aged care facility would be built. The 75% build condition on independent living units does not guarantee it, a large profit can still be 	<ol style="list-style-type: none"> 1. Noted. 2. The deletion of condition d), as currently phrased, will not change the intended form, function and layout of the integrated aged care facility as provided for in the remaining SU20 conditions and the LDP. The land use permissibility on the subject site remains unchanged through Amendment 107, and SU 20 will continue to restrict the land use permissibility on the subject site to the land uses of 'Aged Residential Care', 'Aged or Dependent Persons Dwellings', 	<p>Amendment 107 does not alter any development design provisions or land uses, nor does it alter any existing SU20 provisions which relate to the threshold of independent living units being constructed.</p> <p>This submission should be dismissed.</p>

		made from 70% build. Let's not forget the majority of the surrounding properties objected to the proposal, because it was seen as a means of urban use in a rural zone.	Caretaker's Dwelling' 'Consulting Rooms' and 'Incidental uses'. The City is satisfied the remaining conditions, namely g) ensure an integrated aged care facility is delivered on site. Furthermore, the site is now identified as an Urban Expansion/Investigation zone and it is therefore reasonable to expect the site may, in the future, be rezoned to 'Urban' under the MRS, subject to further investigations.	
20.	A82947	<ol style="list-style-type: none"> 1. Do not support. 2. As residents of Wattle Grove who are concerned about the provision of aged care within the City of Kalamunda we wish to register our strong objections to the Local Planning Scheme No 3 with respect to proposed Amendment 107 pertaining to Lot 500 Gavour Road Wattle Grove. 3. In our view, the proposed Amendment is entirely misconceived and arguably unlawful in terms of the Planning and Development Act 2005 and its associated Regulations. 4. The current Retirement Villages Act has a heavy consumer protection focus which is what the elderly and often more vulnerable members of society require in terms of financial certainty and transparency. In 	<ol style="list-style-type: none"> 1. Noted. 2. Noted. 3. Amendment 107 has been prepared and is being considered in accordance with the relevant Planning Framework. 4. Noted. 5. Environmental Health considerations have been addressed through SU20 and its associated conditions introduced through Amendment 57 which was gazetted in September 2017. More specifically conditions b) and c) and proposed amendments to condition d) will ensure any subsequent development is adequately serviced from a wastewater perspective. The subsequent management of 	<p>Refer Applicant response to submissions #2 and #4.</p> <p>This submission should be dismissed.</p>

		<p>these circumstances it is generally comforting for the elderly resident and their families to know that site management decisions will be made in their best interests by a registered management organization monitored by government oversight with sanctioning power. Residents may be more vulnerable to exploitation if their residences are strata titled, unless they actively involve themselves in decision-making forums which many older residents would find onerous.</p> <p>5. This property is also not connected to sewerage and elderly people having to manage an onsite sewerage system themselves at their late stage of life is completely unfair. Plus Covid is not going away any time soon and adds another extra element of risk to any onsite sewerage system.</p> <p>6. I do not support Amendment 107.</p>	<p>effluent disposal will remain, among other things, an obligation if the Strata or Administering Body.</p> <p>6. Noted.</p>	
21.	A147387	<p>1. Do not support.</p> <p>2. Well then here we go again after all the promises all the work all the fighting that has gone on for years over this development, it seems that it's going to finally turn into a lifestyle village. This was always the concern of people living in the area people that enjoy the special rural lifestyle, development by stealth, like a</p>	<p>1. Noted.</p> <p>2. The deletion of Condition d), as currently phrased, will not change the intended form, function and layout of the integrated aged care facility as provided for in the remaining SU20 conditions and the LDP. The land use permissibility on the subject site remains unchanged</p>	<p>It is unclear from this submission as to how Amendment 107 is an attempt to achieve development by stealth, as the amendment does not modify any components of the existing SU20 provisions other than to allow strata titling.</p>

		<p>Trojan horse using the promise of an integrated aged care facility with a high care nursing home for the residents of Kalamunda. Now it seems all our seniors who had pinned so much hope into this development to assure themselves of somewhere to live in the area will be wondering what next.</p>	<p>through Amendment 107, and SU 20 will continue to restrict the land use permissibility on the subject site to the land uses of 'Aged Residential Care', 'Aged or Dependent Persons Dwellings', 'Caretaker's Dwelling' 'Consulting Rooms' and 'Incidental uses'. The City is satisfied the remaining conditions, namely g) ensure an integrated aged care facility is delivered on site. Furthermore, the site is now identified as an Urban Expansion/Investigation zone and it is therefore reasonable to expect the site may, in the future, be rezoned to 'Urban' under the MRS, subject to further investigations.</p>	<p>This would only accelerate the ability for development to occur 'on the ground' as it would align with the financial and economic environments that are relevant to development.</p> <p>This submission should be dismissed.</p>
22.	A27107	<ol style="list-style-type: none"> 1. Thank you for the letter sent to my address regarding the above mentioned Amendment. 2. I wish to register my objection to the change deletion of condition D. 3. Amendment 107 does not clarify what type Strata Title is to be obtained and such an open ended amendment could prevent any aged care being provided. 4. Amendment 107 does not clarify whether the titling would allow the units to be sold, rented or sublet to persons not of retirement age – changing the whole reason for the special purpose zoning 	<ol style="list-style-type: none"> 1. Noted. 2. Noted. 3. Strata Titling can either be vacant or built. The applicant has not confirmed which option they intend to proceed with. It is unclear to the City how the strata titling of the site would prohibit the delivery of aged care. The City has received its own legal advice that there is no impediment under the provisions of the RV Act to strata titling the proposed integrated aged care facility. Moreover, the legal advice 	<p>With regard to strata title matters, refer Applicant's response to submission #12.</p> <p>Financial costings of the project are not a relevant planning consideration to Amendment 107.</p> <p>This submission should be dismissed.</p>

		<p>5. No financial costings on the project – no data to provide clear proof that the amendment will ensure age care component will be achieved – given that the property owner has an additional mortgage to a third party on the property there is a risk that aged care will never be obtained regardless of the zoning or conditions.</p> <p>6. There is no financial modelling that shows the likely profitability of strata units vis a vis the costs of construction of a high care facility or any guarantees that the profits earned from possible sale of the 133 over 55s units will be allocated towards the cost of construction of the Nursing home. Only been given a vague assurance that jettisoning the single ownership accommodation model may somehow move this stagnant project along</p> <p>7. Change to the conditions of the special zoning puts at risk that local community's safety and amenity</p> <p>8. The property is not connected to reticulated sewage – there is no documentation or legal framework included to prove that this will not endanger</p>	<p>notes that the RV Act expressly contemplates the existence of an aged care facility which is strata titled under the Strata Titles Act.</p> <p>4. Amendment 107 does not propose a change to SU20 Condition a) which states: "At least one occupant of any Aged or Dependent Persons' Dwelling within this facility must have reached the age of 55 years".</p> <p>5. The Applicants finances are not a planning consideration. Nonetheless, the intent of Amendment 107 is to help ease the constraints on financing the development of the independent living units. The City has no factual evidence to refute this claim by the applicant.</p> <p>6. See point 5 above.</p> <p>7. Amendment 107 only proposes to rephrase condition d), all other conditions remain unchanged (with the exception of minor administrative changes).</p> <p>8. Environmental Health considerations have been addressed through SU20 and its associated conditions introduced through Amendment 57 which was gazetted in September 2017. More</p>	
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		<p>residents or contaminate groundwater which residents rely on</p> <p>9. Removing the special condition goes against the Planning and Development Act by having more fragmented land ownership and places extra burden on elderly people who may purchase.</p> <p>10. It is not the City or ratepayers' responsibility to have special allowances made to development because the owner needs to obtain finance – if the owner is not financially able to under take the development they should not risk the retirement funds of the elderly or investors to do so.</p> <p>11. The City should seek legal advice to place a time limit within the development plan for the owners to commence substantial and if the proponents prove unable to comply with the time limit, then, the City should give notice that it intends to take all necessary steps to remove the Special Purpose zoning of the land. The option is then available to the proponents is to sell the property to a new owner who has the capacity and funds to fulfil the City's requirement for this property or alternatively develop it in accordance with the Special Rural Zoning</p> <p>12. There has been no modelling on what changes would be made to the development if that condition is removed – lots sizes, pricing, development stages,</p>	<p>specifically conditions b) and c) and proposed changes to the wording of condition d) will ensure any subsequent development is adequately serviced from a wastewater perspective.</p> <p>9. The City is unaware of a provision in the <i>Planning and Development Act 2005</i> which restricts fragmented land ownership.</p> <p>10. The rephrasing of Condition d) diversifies the financing opportunities for both current and future residents of the integrated aged care facility.</p> <p>11. Clause 57 of the <i>Planning and Development (Local Planning Schemes) Schedule 2 (Deemed Provisions)</i> provides that the duration of an LDP approval is valid for a period of 10 years commencing on the day on which the responsible authority approves the plan, or in this instance 4 June 2029. There is no clause which provides detail on the shortening of this period and furthermore, no guidance in the planning framework more broadly which suggests that previous zones should be reinstated where development does not proceed.</p>	
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		<p>water access, sewage, road network, disturbance to neighbours, environment. This is not a small change to the plan it is a large change which should include of this information.</p> <p>13. What happens to people that have been promised a home in this development, or have paid money already and now may face this becoming a financial burden or not having the aged care development?</p> <p>14. Environment – given that removing this condition may lead to one of many different strata titles there is a risk to the surrounding environment – what environmental protection will be left in place, if any, for this property and surrounding wildlife corridors and adjoining properties</p> <p>15. If the proponent is serious about building the aged care facility then a surety should be taken from the council otherwise they will be a risk of another Hales Slattery situation again</p> <p>16. Will development cost be passed on to the nearby residents with the condition being removed?</p> <p>17. WHAT STRATA TITLE IS THE OWNER WANTING PLACED ON THE PROPERTY</p> <p>18. NO ONE CAN MAKE AN INFORMED DECISION – ESPECIALLY COUNCILLORS – WITHOUT KNOW WHAT STRATA TITLE IS REQUESTED AND TO NOT MAKE IT PUBLIC</p>	<p>12. The rephrasing of condition d) does not have an implication on the matters raised. The approved LDP remains unchanged, with all noted matters the subject of a detailed assessment at the development and or subdivision application phases of development.</p> <p>13. This is not a planning consideration.</p> <p>14. There is no change proposed to the density of the future integrated aged care facility. Amendment 107 proposes the deletion of condition d) only, with no other changes (with the exception of minor administrative modifications), to the remaining seven (7) conditions. Environmental considerations were made through Amendment 57 & will be assessed (as required) at the development and subdivision phase of development.</p> <p>15. The statutory planning framework provides no guidance on how a proponent can be asked for surety that a development must proceed.</p> <p>16. It is unclear how costs will be passed on to surrounding landowners.</p> <p>17. This detail would be subject to the subdivision phase of development and determined in accordance with the relevant statutes.</p>	
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		IS TO MISLEAD THE RATEPAYERS AND THE COUNCIL STAFF AND COUNCILLORS	18. Refer point 17 above.	
23.	A26399	<ol style="list-style-type: none"> 1. Do not support. 2. The Scheme amendment was to provide for an Integrated Aged Care Facility within a Special Rural Zoning with difficult access to existing roads, public transport and no reticulated sewerage. The fact it has been on the books for many years without development reflects a poor decision at the time. To now allow the property to be Strata Titled without a published legal opinion of its effect on the risk of achieving the aims of the original amendment should be unconscionable to members of Council. Strata Titles represent a totally different set of risk for the stated aim of the amendment which was to provide an integrated aged care facility. The residents would be required to take on a whole new complexity of responsibility, the Strata could be terminated without the building of a high care facility and degrade into to a subdivision of small unsewered lots within the Special Rural Zone. 	<ol style="list-style-type: none"> 1. Noted. 2. The City has obtained legal advice which confirms that there is nothing contained within the relevant RV Act which operate to prohibit or impede the strata titling of an integrated aged care facility. 	<p>With regard to strata title matters, refer Applicant's response to submission #12.</p> <p>Matters concerning effluent disposal are not a consideration of Amendment 107.</p> <p>This submission should be dismissed.</p>
24.	A234146	<ol style="list-style-type: none"> 1. Comment only. 2. The church has no comments on the proposed Scheme amendment no. 107 	<ol style="list-style-type: none"> 1. Noted. 2. Amendment 107 proposes deletion of condition d) as currently 	Noted.

		<p>Although not directly related to the proposed amendment, the church would like to take this opportunity to raise some related concerns about the proposed access to/from the proposed retirement village. We have no objections to the proposed retirement village. Since the approval of the original Amendment 57 in 2017, St Peter’s Church located at 831 Welshpool Rd East, in Aug 2018, constructed the eastbound and westbound slip lanes and modified the median break to facilitate a safe U-turn traffic to the church facility. The proposed facility is understood to be constructing a new crossover at the same U-turn median break to provide the main access to the facility. It is unclear if the existing traffic to the church has been considered in the traffic assessments. We believe there would be some traffic impact which should be considered and approved. It should be noted that all the costs related to the construction of the slip lanes were borne by the church and therefore we expect the city would facilitate sharing of some of these costs by the developer of the proposed facility. Also we would like to know how many trees are going to be cut as part of the development. Thank You.</p>	<p>phased only, with no changes to the remaining seven (7) conditions. Traffic Impacts have already been considered through Amendment 57 and the subsequent LDP and are not the subject of Amendment 107. Traffic matters will be further considered as part of the future development application process.</p> <p>Compensation for road upgrades is a civil matter administered by Section 159 of the <i>Planning and Development Act</i>. The City cannot provide advice regarding whether Section 159 would apply in this instance and recommends independent legal advice is sought on this matter.</p>	<p>The matters raised by this submission are not a consideration of Amendment 107 but more so as part of a development and/or subdivision applications, which have shall due regard for the existing approved Local Development Plan.</p>
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<p>25.</p>	<p>A8204</p>	<p>I object to Amendment 107 for the following reasons:</p> <ol style="list-style-type: none"> 1. Strata title retirement villages are regulated under both the Strata Titles Act AND the Retirement Villages Act in WA. Allowing amendment 107 would have the effect of adding a whole extra level of legal complexity and confusion especially when the rules of each can differ or conflict with one another and have different dispute resolution mechanisms. I am not in favour of Amendment 107 and support the previous Council decision that sought to protect our elderly from unnecessary administrative concern at this time in their lives. 2. The current Retirement Villages Act has a heavy consumer protection focus which is what the elderly and often more vulnerable members of society require in terms of financial certainty and transparency. In these circumstances it is generally comforting for the elderly resident and their families to know that site management decisions will be made in their best interests by a registered management organisation monitored by government oversight with sanctioning power. Residents may be more vulnerable to exploitation if their residences are strata titled, unless they actively involve themselves in decision-making forums 	<ol style="list-style-type: none"> 1. Amendment 107 will not remove any obligations developer and/or future administration bodies would have under relevant statutory frameworks, including the Community Title Act 2018, Strata Titles Act 1985 and Retirement Villages Act 1992. The City has received its own legal advice that there is no impediment under the provisions of the RV Act to strata titling the proposed integrated aged care facility. Moreover, the legal advice notes that the RV Act expressly contemplates the existence of an aged care facility which is strata titled under the Strata Titles Act. 2. Refer to comments in point 1 above. 3. The City is satisfied the deletion of condition d), as currently phrased, will not have an implication upon the site being developed as an integrated aged care facility. The land use permissibility on the subject site remains unchanged through Amendment 107, and the remaining SU 20 will ensure the delivery of an Aged Residential Care facility (the nursing home component) on the subject site. Any 	<p>With regard to strata title matters, refer Applicant's response to submission #12.</p> <p>Matters concerning effluent disposal are not a consideration of Amendment 107.</p> <p>This submission should be dismissed.</p>
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		<p>which many older residents would find onerous.</p> <p>3. I support the view of a previous Council who voted to support the proposal for an integrated aged care facility on this site in 2015 when they recognised that there was a real risk of the proponents not fulfilling the requirement to build the nursing home component and addressed this risk by setting a condition (condition d) that said</p> <p><i>The risk has been mitigated by recommending conditions that require the development to remain on one lot without strata titling.</i></p> <p>4. As this property is not connected to reticulated sewerage, a common sewerage treatment plant will need to be constructed and maintained and managed which is an onerous and unusual management complexity for elderly persons to have to manage themselves under Strata Title arrangements.</p> <p>5. Amendment 107 as does not specify the type of Stata Title to be used... and there are several types. Such an open ended amendment could potentially prevent the retirement village coming under the Retirement Villages Act. This would be detrimental to residents in the retirement village and would</p>	<p>subsequent development proposal would be considered and determined in accordance with the land use permissibility and conditions of SU20. The City is satisfied the remaining conditions, namely proposed e) and f) ensure the Aged Care Residential Care facility (the nursing home component) is delivered on site.</p> <p>4. Amendment 107 proposes to delete condition d) of SU20 only. The wastewater servicing of any subsequent development will be assessed and determined at the development and/or subdivision phase of development in accordance with conditions b & c and reworded condition d).</p> <p>The management of any subsequent on-site system would be administered through the Strata Titles Act. It is not uncommon for on-site systems to be managed by Strata Bodies. The Government Sewerage Policy provides further guidance to this regard.</p> <p>5. Amendment 107 will not remove any obligations developer and/or future administration bodies would have under relevant statutory</p>	
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		<p>reduce the legal protections available to residents.</p> <p>6. Amendment 107 does not act to safeguard the original intention of a previous Council to construct an integrated retirement village which includes a nursing home on this site for the benefit of the elderly in our community . It does not clarify whether residents themselves would have to manage any part of this nursing home facility under Strata Title conditions.</p> <p>7. Amendment 107 does not clarify whether strata titling of units would allow the units to be sold, rented or sublet to persons not of retirement age.</p>	<p>frameworks, including the Community Title Act 2018, Strata Titles Act 1985 and Retirement Villages Act 1992.</p> <p>6. Refer to comments in point 3 above.</p> <p>7. Aged and Dependent Persons Dwellings' by definition require at least one person residing in the dwelling to be a disabled or physically dependent person or over the age of 55. Furthermore, no change is proposed to SU20 condition a) which states "At least one occupant of any Aged or Dependent Persons' Dwelling within this facility must have reached the age of 55 years". Facilitating the titling of these units will ensure any subsequent approval would, through the relevant planning framework, require by way of a condition of approval, a 70A notification on the Certificate of Title binding the owner, their heirs and successors in title requiring that this occupancy restriction be maintained.</p>	
26.	A8204	<p>1. The Very Brief History. The only reason Amendment 57 to the Kalamunda's town planning scheme was approved in 2017 was to facilitate the construction of an</p>	<p>1. The rezoning of the subject site has already been determined through the gazettal of</p>	<p>With regard to strata title matters, refer Applicant's response to submission #12.</p>

		<p>integrated aged care facility with the primary purpose of fulfilling the perceived need for high care accommodation in the City. To facilitate the construction of a nursing home on Special Rural zoned land the council ignored the overwhelming 85% public opinion against the proposal all justified by the dire need for a 100 bed nursing home. There are many reasons why the rezoning of lot 500 should never have been approved which have been detailed over the past 9 years prior to approval, apart from the proponent apparently not being able to fund the development 5 years after approval without another amendment. Importantly the usual requirement that the development be serviced by reticulated sewerage was ignored due to the dire need for a 100 bed nursing home, in fact the council planning department alluded at numerous meetings that the proposed development could be serviced by reticulated sewerage whenever questioned on the matter. The council soon approved amendment 57 seemingly because of the dire need for the potential 100 bed nursing home, as local residents always knew they would, with the sewerage being disposed of onsite ignoring the numerous documented failures of ATU's locally and worldwide.</p> <p>2. The council has spent \$10s and \$10s of thousands of dollars in money (which it</p>	<p>Amendment 57 and is not the subject of Amendment 107.</p> <ol style="list-style-type: none"> 2. Applicants of Scheme Amendments are invoiced by the City in accordance with the City's Fees and Charges. To date all invoices have been paid. 3. The referenced site is not the subject of this Amendment. 4. The referenced site is not the subject of this Amendment. 5. Noted. 6. The subject site was rezoned from 'Special Rural' to SU20 through Amendment 57. 7. The City is satisfied the removal of Condition d) will not have an implication upon the site being developed as an integrated aged care facility and that the remaining conditions, namely proposed e) and f) ensure the Aged Care Residential Care facility (the nursing home component) is delivered on site. 8. Refer to point 7 above. 9. Refer to point 7 above. 10. Refer to point 7 above. 11. Aged and Dependent Persons Dwellings' by definition require at least one person residing in the dwelling to be a disabled or physically dependent person or 	<p>Amendment 107 does not propose any modifications to land uses, occupant age restrictions, or development thresholds that currently apply through the existing SU20 provisions. As such, it is unclear from this submission how Amendment 107 would stifle development or result in a detrimental development outcome.</p> <p>This submission should be dismissed.</p>
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		<p>asserted the proponent would repay some of upon approval which I don't believe he has) and time fighting local residents to approve the inappropriate development in a rural paddock because of the trojan horse of a proposed 100 bed nursing home. The council approved amendment 57 which allowed the developer to build 133 villa units for over 55s (the officers/consultant's recommendation and the Amendment documents indicated that the developer could only build 60 units prior to commencement of the 100 bed nursing home however that was amended to 133 at the request of the proponent the night the amendment was approved). The developer claimed in the original Amendment documents that <i>"The land will not be subdivided as the residential units will be developed on a "lease for life basis"</i> which along with the provision that units could not be strata titled provided some security that the 133 units would not merely be built, strata titled and sold. Approval of Amendment 57 was always deemed as urgent because the proponent was eager to get going on the development as they had the will, capacity and the aged care experience to get the development going. There was a claim in the media that the Minister for planning at the time was unfairly holding the development up by taking the advice of his department that the</p>	<p>over the age of 55. Furthermore, no change is proposed to SU20 condition a) which states "At least one occupant of any Aged or Dependent Persons' Dwelling within this facility must have reached the age of 55 years". Facilitating the titling of these units will ensure any subsequent approval would, through the relevant planning framework, require by way of a condition of approval, a 70A notification on the Certificate of Title binding the owner, their heirs and successors in title requiring that this occupancy restriction be maintained.</p> <p>12. Future hypotheticals regarding land ownership are not a planning consideration.</p> <p>13. All necessary management and control over the integrated aged care facility can still be facilitated through the provisions of the Strata Titles Act.</p> <p>14. The future management of the site will be administered through statutory frameworks outside of the planning framework, including, but not limited to, the <i>Strata Titles Act & Retirement Villages Act</i>. Amendment 107, through deleting</p>	
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		<p>development was inappropriate and by not permitting the development. As things turned out he could have waited another 6 years as there is still nothing on site little owe a 100 bed nursing home.</p> <p>3. Just an aside, In 2009 the residents of Wattle Grove introduced the MD of St Ives to the Shire President and the CEO of Kalamunda to explore the possibility of a joint venture with the State providing the land on a lease to ST Ives and St Ives constructing and building the aged care facility on a site in Wilkins Road or any of the other land which had been identified by the residents of Wattle Grove and pointed out to the council.. The council did not even follow up after the meeting on invitation from St Ives to discuss the matter further. Now, the City and state representatives are all smiling and grabbing front page headlines espousing what a great idea a joint venture or subsidising the land for developers is as if they thought of it, some 13 years after the residents of Wattle Grove proposed the exact same concept.</p> <p>4. The rest is history as there was a change in State Government and a potential joint venture on Wilkins Road was halted and the rezoning of the site withdrawn on environmental grounds justified or not. Now the council and local members are advocating developments on Cambridge Reserve Forrestfield and land used as a</p>	<p>condition d), as curenly phrased, does not remove obligations to comply with other statutes.</p> <p>15. It is unclear how the replacement of condition d) to SU20 will create extra red tape for future landowners. Refer to point 14 above.</p> <p>16. Refer to point 14 above.</p> <p>17. Amendment 107 proposes to replace condition d) of SU20 only. The wastewater servicing of any subsequent development will be assessed and determined at the development and/or subdivision phase of development in accordance with conditions b & c of SU20.</p> <p>18. The City is satisfied the removal of Condition d), as currently phrased, will not have an implication upon the site being developed as an integrated aged care facility. The land use permissibility on the subject site remains unchanged through Amendment 107, and the remaining SU 20 will ensure the delivery of an Aged Residential Care facility (the nursing home component) on the subject site. Any subsequent development proposal would be considered and determined in accordance with the</p>	
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		<p>park on the Corner of Canning and Pomeroy Road.</p> <p>5. The council and its planners should hang their heads in shame. 18 years since Amendment 18, 57, 107 and although the council has given out accolades to Aged Care advocates and made numerous announcements concerning aged care it has produced very little high care aged accommodation.</p> <p>6. Amendment 107 Amendment 107 should be rejected for the following reasons:</p> <p>7. Amendment 107 is only guaranteed to produce 180 over 55 villa's on an unsewered paddock in a Special Rural zoned locality.</p> <p>8. There is no incentive for the developer to build the unprofitable and expensive 100 high care component after the 133 Strata units are sold. The reason for the addition of Condition d) of Special use 20 was the explicit aim of preventing the building of 133 strata units selling them on and walking away.</p> <p>9. Council voted to support Amendment 57 for an integrated aged care facility on this site in 2015 when they recognised that that there was a real risk of the proponents not fulfilling the requirement to build the nursing home component and addressed this risk by setting a condition (condition d) that said</p>	<p>land use permissibility and conditions of SU20. The City is satisfied the remaining conditions, namely proposed e) and f) ensure the Aged Care Residential Care facility (the nursing home component) is delivered on site.</p> <p>There is no basis as to why, under a strata title arrangement, residents of the Aged and Dependent Persons' Dwellings (independent living units) would need to manage the Aged Residential Care facility (nursing home component).</p> <p>19. Noted.</p> <p>20. The deletion of condition d), as currently phrased,unrestricts the titling of the proposed development, thereby diversifying the financing options for landowners in perpetuity and subsequently the delivery of the Aged Residential Care (the nursing home component).</p> <p>21. Refer point 18 above.</p> <p>22. Noted.</p>	
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		<p>10. The risk has been mitigated by recommending conditions that require the development to remain on one lot without strata titling.</p> <p>11. There is nothing in Amendment 107 to prevent the units once strata titled being sold to investors who will merely rent the units to over 55's (whether the occupants are over 55 is not verified anyway)</p> <p>12. There are no constraints in Amendment 107 documents which would prevent Investors buying a multitude of units thereby enabling the strata company to be loaded.</p> <p>13. Strata Titling and therefore fragmented ownership will take away central control and responsibility for the whole development.</p> <p>14. Amendment 107 does not include the Strata conditions under the Strata Titles Act that will be in place. Such an open ended amendment could potentially prevent the retirement village coming under the Retirement Villages Act. This would be detrimental to residents in the retirement village and would reduce the legal protections available to residents.</p> <p>15. Strata title retirement villages are regulated under both the Strata Titles Act AND the Retirement Villages Act in WA. Allowing amendment 107 would have the effect of adding a whole extra level of legal complexity and confusion especially when</p>		
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		<p>the rules of each can differ or conflict with one another and have different dispute resolution mechanisms.</p> <p>16. The current Retirement Villages Act has a heavy consumer protection focus which is what the elderly and often more vulnerable members of society require in terms of financial certainty and transparency. In these circumstances it is generally comforting for the elderly resident and their families to know that site management decisions will be made in their best interests by a registered management organisation monitored by government oversight with sanctioning power. Residents may be more vulnerable to exploitation if their residences are strata titled, unless they actively involve themselves in decision-making forums which many older residents would find onerous.</p> <p>17. As this property is not connected to reticulated sewerage, a common sewerage treatment plant will need to be constructed and maintained and managed which is an onerous and unusual management complexity for elderly persons to have to manage themselves under Strata Title arrangements .</p> <p>18. Amendment 107 does not act to safeguard the original intention of a previous Council to construct an integrated retirement village which includes a nursing home on</p>		
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		<p>this site for the benefit of the elderly in our community . It does not clarify whether residents themselves would have to manage any part of this nursing home facility under Strata Title conditions</p> <p>19. It makes absolutely no practical or logical sense to replace the long held desire of the City for an integrated aged care facility under single ownership with a fragmented ownership model. I strongly oppose Amendment 107 .</p> <p>20. Planning decisions and approvals should not be altered simply based on a developer's ability to obtain financial support for a proposition endorsed by the City which the developer's instigated.</p> <p>21. That Amendment 107 has been allowed for advertising by the City of Kalamunda and recommended by the City planner without any constraints and guarantee of the 100 bed facility being built is an embarrassment. There is absolutely no reason to support Amendment 107 which as it stands would be basically permit urban development in a Special Rural zoned location without any guarantee or incentive that the 100 bed high care facility would be built.</p> <p>22. Amendment 107 shows once again the propensity of Councillors and city staff to favour the interests of a developer against the known interests of the public</p>		
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		they are supposed to serve.....corroding public trust once again		
27.	NRPG	<ol style="list-style-type: none"> 1. This submission is on behalf of Nature Reserves Preservation Group (NRPG) Inc. and is the latest of several made by NRPG on Lot 500 proposals since 2014 LPS Amendment 57). 2. Amendment 107 is one of several amendments since 2014, each relaxing the original 'Special Use 20' conditions stipulated by Kalamunda Shire/City. NRPG submissions opposing the relaxations had no effect, all variations being accepted by Council. 3. NRPG submissions have expressed concerns over numerous aspects of these proposals. Whilst the present variation to the 'Conditions' have been supported by Council, this submission seeks to highlight the questionable nature of the proponent's case and urges Council to reconsider its stand. 4. Amendment 107 is intended to make it easier for the proponent to sell individual lots. Stating that such lots, under individual titles would more easily attract finance, that "without the ability for strata titling, finance often is not achievable..." the inference being that, without the strata titling, the provision of a 'Nursing Home Component' will be delayed. 	<ol style="list-style-type: none"> 1. Noted. 2. Noted. 3. Noted. 4. Noted. 5. Noted. 6. Noted. 7. The City can only accept on face value the Applicant's claim that removal of condition d) to SU20 will help ease the constraints of financing on the development of the independent living sites. 8. Noted. 9. Irrespective of future tenure, Amendment 107 proposes the rephrasing of condition d) with all other conditions of SU20 remaining unchanged. The land use permissibility on the subject site remains unchanged through Amendment 107, and Special Use 20 (SU 20) will continue to restrict the land use permissibility on the subject site to the land uses of 'Aged Residential Care', 'Aged or Dependent Persons Dwellings', 'Caretaker's Dwelling' 'Consulting Rooms' and 'Incidental uses'. Any subsequent development proposal 	<p>The Applicant's reference to Shire of Northam 'El Caballo Lifestyle Village' (ECLV) amendment is worthy of reference from a planning perspective, as it was a similar planning proposal assessed and determined under the same Western Australian planning framework. To draw comparisons to the two site's locational differences was not the intention of the Applicant's reference as it is more so to do with the planning framework.</p> <p>The sale of the ECLV was a matter that was a decision made by the then registered proprietor and has no relevance to the appropriateness of Amendment 107 being approved or not. What matters is that the planning authorities that determined the ECLV amendment saw it fit that allowance of strata titling was an appropriate planning outcome</p>

		<p>5. The SOLE support for this statement comes from citing, at length, the Shire of Northam Local Planning Scheme 6 amendment 5, in which El Caballo Lifestyle Village (ECLV) requested the development be strata titled, enabling <i>“individual certificates of title to be obtained for each dwelling”</i>. The Northam proponent stating <i>“... the financial lending institution does not provide lending facilities for such types of assets.”</i> Note the singular <i>“financial lending institution”</i>. The Northam Amendment 5 was approved by Minister for Planning 23 August 2017, in the September 2017 Government Gazette.</p> <p>6. Dynamic Planning and Developments use of the El Caballo Lifestyle Village (ECLV) amendment. The following elements of the Justification (Section 5.0) are open to challenge:</p> <p>7. Justification 1. The proponent states that <i>“without the ability for strata titling, finance often is not achievable...”</i>. This broad statement is not supported by the information found on the current ‘Simplyretirement’ website, <i>“About 10-12% of retirement village units are owned on a strata title basis.”</i> Given that more than 80% of ownership is NOT on strata title, the suggested degree of financing difficulties may warrant further examination.</p> <p>8. Justification 3. The Gavour Road amendment <i>“is not dissimilar to”</i> the Northam amendment. This ‘justification’ is</p>	<p>would be considered and determined in accordance with the land use permissibility and conditions of SU20.</p> <p>10. Noted. 11. Noted. 12. Noted. 13. Noted. 14. Noted. 15. Environmental considerations were made through Amendment 57 & will be assessed (as required) at the development and subdivision phase of development. 16. Noted.</p>	<p>for an Aged and/or Dependent Persons dwellings.</p> <p>With respect to the comments around financing – the modelled being offered at the subject site is unique to a range of other products in that owners will be able to purchase and then sell the dwelling that is constructed on the created title. This differs to other retirement villages where residents are essentially ‘renting’ the premises from the operator. Consequently, the ability to finance the purchase and sale of dwellings is of high importance and requires the ability to create a title for each individual lot.</p>
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		<p>dubious. An examination of the two sites reveals the opposite – making the amendments themselves vastly dissimilar. The characteristics of the Gavour Road site and surroundings are well known to the City and need not be listed. Having accepted the proposition however, the City may like to be reminded of details of the Shire of Northam site, the El Caballo Lifestyle Village (ECLV). That site is: On the Great Eastern Highway, subject to heavy traffic noise. A drive of 70 kms from Perth CBD and approximately 20 kms from Northam. Close enough to the Linley Valley abattoir for this fact to be noted in the amendment conditions. <i>“This Park Home is situated in the vicinity of an abattoir and as such may be affected by potential nuisances relating to odour, noise, dust and the like.”</i> Encumbered by the partly-neglected remnants of the El Caballo Blanco Hotel and function venue. The above points confirm that justification 3 cannot be sustained.</p> <p>9. Note that, <i>“In April 2020, El Caballo Blanco Resort and Lifestyle Village was sold to Aboriginal Housing Foundation (AHF) and will be repurposed to become a social housing facility for indigenous Australians.”</i> (Business News website).</p> <p>10. Following this sale, residents of the original gated-community of ECLV were “left in limbo.” At that point, ECLV had 34 houses</p>		
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		<p>with 58 residents. Given that the ECLV contained <i>“181 park homes and associated facilities...”</i>, approving strata titled lots has done little to <i>“ensure the vitality and longevity of the ECLV for the existing community.”</i> (Northam amendment 5, Section 4.0 Conclusion).</p> <p>11. LPS amendment No. 107 Lot 500 Gavour Road. This is the latest in a string of amendments, each one relaxing the original conditions stipulated by Kalamunda Shire and City, as shown below: At the Special Council Meeting 20 April 2015, the following conditions were deleted or modified: No more than 60 Aged or Dependent Persons dwellings be developed until Nursing Home Component is substantially commenced. No more than 120 Aged or Dependent Persons dwellings... until the development of an Aged Residential Care Facility ... has been completed and is operational on Lot 500.”</p> <p>12. These were watered down to: <i>“Not more than 133 of the 190 Aged or Dependent Persons dwellings ... shall be developed until the development of an Aged Residential Care Facility (Nursing Home Component) has been constructed to practical completion.”</i> This resulted in an increase in the ‘trigger’ number of Aged or Dependent Persons dwellings related to the Aged Residential Care Facility (Nursing Home Component), together with a vague description of the</p>		
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		<p>Nursing Home Component stage required. No longer must it be “completed and operational”, merely “constructed to practical completion.” This phrase is open to interpretation by the proponent.</p> <p>13. The potential end result could be a Nursing Home Component almost completed, yet far from fully operational and ready to receive residents. In the meantime, individual strata title lots would continue to be sold off, well beyond the 133 figure, with the Aged Residential Care Facility still not operating.</p> <p>14. As with previous Gavour Road proponent submissions, we see traces of the ‘snow-job’ technique. In this example, the whole thirteen pages of the Government Gazette, containing the Northam amendment, are included in this submission. Of these, only one full page has any relevance to the proponent’s request. The NRPG 2014 submission on the LPS 3 amendment 57, criticised this technique, designed presumably, to numb City councillors and staff into acquiescence. Whereas the ECLV proponents made considerable efforts to promote sales of lots before requesting the strata titles amendment, little effort appears to have been expended on promoting sales of the Gavour Road sites.</p> <p>15. We welcome the opportunity to have input to this proposal and, having highlighted the weakness in the proponent’s case, request</p>		
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		<p>support for amendment 107 be withdrawn. We are concerned over the eventual fate of the remaining native vegetation and riparian area, (as stated in prior NRPG submissions) following its development, yet recognise the need for genuine aged care to be provided within the City. We are also concerned that while this aged care development continues to be delayed there remains increased pressure for the City to clear other environmental areas for further aged care facilities. We find it highly questionable, however, to accept the proponent's argument that: <i>"Without the proposed amendment, the implementation of the Integrated Aged Care Facility will be compromised due to financing constraints."</i></p> <p>16. We therefore request the City of Kalamunda re-examine the amendment and withdraw its support from the proposal.</p>		
28.	DWER	<ol style="list-style-type: none"> 1. No Objections. 2. The Department of Water and Environmental Regulation has no objections to the proposal but advises that the proposed development has the potential to impact on Crystal Brook from on-site wastewater management and disposal. As previously advised (copy attached) the Local Water Management Strategy (LWMS) that supported this development is now considered outdated, 	<p>The DWER have submitted a letter dated 10 July 2018 which was submitted regarding the since approved LDP. Amendment 107 proposes the rephrasing of condition d), as currently phrased only, which is not considered to have any impact upon the concerns raised by DWER which can be addressed through subsequent phases of development.</p>	<p>Noted.</p> <p>The DWER's comments shall be taken into consideration at more detailed planning phases such as development and/or subdivision stages.</p> <p>The matters raised by DWER do not have any direct impact to</p>

		<p>having been developed and endorsed in 2014. The proposed development has also substantially increased from that previously proposed in the LWMS and the now in place Government Sewerage Policy (DPLH 2019) may significantly restrict the development of this site. The Department therefore again recommends that the LWMS is revised to accurately reflect the current proposal for the site and how it can meet the requirements of the Government Sewerage Policy.</p> <p>3. DWER Advice The DWER has previously provided comments and approved a Local Water Management Strategy (LWMS) for the proposed development of the site.</p> <p>4. However, it is noted from the plans provided that the proposed Local Development Plan shows more extensive development of the site than previously accounted for. Due to the further development of the site, including development of the previously proposed effluent disposal area, the DWER requires the LWMS is updated to reflect the changes to the development of the site.</p> <p>5. The updated LWMS should be referred to the DWER for comment, prior to approval of the plan.</p> <p>6. Water Resource Advice Only. The Department of Water has recently merged with the Department of Environment Regulation and Office of the Environmental</p>		<p>the consideration of Amendment 107.</p>
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		<p>Protection Authority to create the new agency Department of Water and Environmental Regulation.</p> <p>7. The former agencies are in the process of amalgamating their functions. Until this fully occurs, please note that the advice in this correspondence pertains only to water resource matters previously dealt with by the Department of Water.</p>		
29.	Water Corporation	<p>1. No Objections.</p> <p>2. The text amendment is minor in nature and the Water Corporation therefore has no objections or concerns.</p> <p>3. It should be noted that introduction of strata titling over the subject land may change the manner in which the site is serviced with water and the required size of the water meter. This will need to be addressed by the proponent's hydraulic consultant at the building stage and if necessary an application made to the Water Corporation's Building Services for a larger water service.</p>	Noted.	Acknowledged.
30.	DFES	<p>1. It is unclear from the documentation provided if the City of Kalamunda (City) has applied <i>State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)</i> to this proposal.</p> <p>2. Given the proposal seeks to remove a condition relating to the prevention of</p>	<p>Bushfire considerations have already been considered through Amendment 57 and are not the subject of Amendment 107. Amendment 107 proposes the deletion of condition d) as currently phrased only, which is not considered to have any impact upon</p>	<p>Acknowledged.</p> <p>The matters raised by DFES and its reference to SPP3.7 is a consideration that must be taken into consideration at more detailed planning phases such</p>

		<p>strata titling of the development as per your correspondence, which may not be considered an intensification of land use, the application of <i>State Planning Policy 3.7 Planning in Bushfire Prone Areas</i> (SPP 3.7) may not be required, in this instance.</p> <p>3. Please note that the application of SPP 3.7 is ultimately at the discretion of the decision maker.</p> <p>4. Thank you for providing us with the opportunity to make a submission, DFES has no further comments.</p>	<p>the application of State Planning Policy 3.7 (Planning in Bushfire Prone Areas).</p>	<p>as development and/or subdivision stages.</p> <p>The matters raised by DFES do not have any direct impact to the consideration of Amendment 107 as it is not proposed to intensify the development with the maximum yield remaining consistent with the existing SU20 provisions.</p>
31.	DoH	<p>1. The DOH provides the following comment: 1. Water Supply and Wastewater Disposal. Potable water must be of the quality as specified under the <i>Australian Drinking Water Quality Guidelines 2011</i>. In relation to the management of wastewater, the DOH has concerns as to the area required for effluent disposal. The DOH does not support this proposal unless the following can be demonstrated or clarified:</p> <p>a. The land is observed to have a water course running through the South Eastern part of the lot and will require the wastewater system to be designed accordingly, with a 100-metre setback from environmentally sensitive areas;</p> <p>b. A specific site and soil evaluation (SSE) report is required for the above proposal, to be undertaken by a qualified consultant that is conducted</p>	<p>1. Noted.</p> <p>A. Due to the subject sites size and configuration, the City does not see a 100m setback to be prohibitive particularly given the staging suggests the Welshpool Rd end of the development will be developed first, which is furthest from the water course.</p> <p>B. The wastewater servicing of the subject site has already been considered (including comprehensive technical studies) and determined through Amendment 57 and its resultant SU20 and associated conditions b & c. Site and Soil Evaluation (SSE) reports will be require to support subsequent phases of development in</p>	<p>Noted.</p> <p>The DoH's comments are noted and the matters raised are items for consideration as part of the detailed planning phase. It is submitted that the existing SU20 provisions adequately secure the DoH's comments.</p>

		<p>during the wettest seasonal time of the year only (July/August), as per AS/NZS 1547:2012 requirements and the disposal area is required to be adequately sized based on the permeability of the SSE report findings;</p> <p>c. although the wastewater treatment system was shown on a plan, there were no detailed plans relating to the location of the disposal area/s. A plan detailing the proposed building envelopes, land application area/s and exclusion zones are required for the proposal;</p> <p>d. The wastewater treatment plant is located too close (approximately 20m) to sensitive land users (dwellings) or residents. The DOH recommends a minimum 100m setback from the treatment plant to prevent nuisances such as odours, noise and vibration. In addition, a noise, vibration and odour assessment will be required by qualified consultants;</p> <p>e. The volume proposed for the onsite wastewater treatment plant needs to accommodate the number of patrons and personnel based on the current health sewage legislative requirements. This is to include all residents, staff, visitors and other persons that will be on site.</p>	<p>accordance with the requirements of the Government Sewerage Policy.</p> <p>C. The City is satisfied this information can be submitted and considered in the subsequent phases of development: To ensure this matter is appropriately considered and assessed at subsequent phases of development, the City is recommending A.107 be adopted subject to modification;</p> <p>The incorporation of a new condition to replace condition d) which states: "Subdivision and/or development proposals on the subject site shall be supported by a Wastewater Management Plan prepared in accordance with the requirements of the Government Sewerage Policy 2019 (as amended) (i.e. site and soil evaluation prepared in accordance with the relevant Australian Standards, a noise, vibration and odour assessment) to the satisfaction of the City of Kalamunda and Department of Health.."</p>	
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		<p>2. The land is located within the estuary catchment of the Swan Coastal Plan, an engineer Certified secondary treatment system will be required. Public Health Impacts Proximity to powerlines – so that the City is better informed, please refer to the following information regarding this development. https://www.arpansa.gov.au/understanding-radiation/radiation-sources/moreradiation-sources/electricity</p>	<p>D. The City understands the 100m setback requirement to be imposed by the Department of Water & Environmental Regulation (DWER) for sewerage treatment plants; which this development won't be considered until over 20KL/day is processed. Nonetheless all relevant technical reports will be requested by the City at later phases of development where this finer detail is known. To ensure this matter is appropriately considered and assessed at subsequent phases of development, the City is recommending A.107 be adopted subject to modification. Refer to comments in Part C above for further discussion in this regard.</p> <p>E. Noted.</p> <p>F. Noted – The subject site is located within a sewerage sensitive area and therefore the City acknowledges a high quality nutrient retentive system will likely required to comply with the Government Sewerage Policy.</p>	
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32.	Main Roads	1. In response to your correspondence dated 16 February 2022, Main Roads has no objections to the proposed amendment.	Noted.	Acknowledged.
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Appendix 1

ENVIRONMENTAL POLLUTION**WELSHPOOL ROAD**

The Traffic, Neighbourhood Noise and Toxic Fumes Case

Why an Aged Care Facility should not be located at

Pt Location 707 (SN32), Wattle Grove

Disclaimer

The following research report does not refute the need for an additional aged care facility in the Shire of Kalamunda; far from it.

Such homes provide a significant service for the elderly. The report welcomes an additional aged-care facility in the Shire, but pleads for the selection of a location other than Pt Loc. 707 Welshpool Road, for the environmental reasons outlined below.

The author is a member of the Wattle Grove Action Group but is submitting this report independently as a concerned senior citizen, living in close proximity to the proposed aged-care facility.

The writer has prepared this material in good faith from Australian and international sources, exercising due care and attention. There is no representation that the writer is an expert on traffic, noise and noise reduction, toxic or aged-care matters, nor of the completeness or fitness for purpose of this report.

Should the paper engender further research on any matter contained herein, this would be welcomed.

Executive Summary

The thrust of this documented research is to convince you as a Councilor in the Shire of Kalamunda that it would be a misguided approval process, if you signified the go-ahead for an intensive aged-care complex at Wattle Grove Pt. Location 707.

Such an approval would be committing the elderly occupants to a significantly reduced quality of life, with possibly harmful effects to their health, due to the high volume of traffic on Welshpool Road, resulting in environmental pollution in the form of noise and toxic fumes. Add to this, community noise, which will be discussed also in this paper, which would further impinge on elderly residents of a proposed aged-care complex adjoining Welshpool Road.

Transport and freight considerations Perth Metropolitan Area and related likely health effect on the elderly

The Perth Metropolitan area contains major freight handling and distribution facilities, including Kewdale, Forrestfield and Perth Airport, all of which create significant freight movements, with a substantial number of heavy trucks traveling through built-up areas (including Welshpool Road), causing environmental (noise, toxic fumes), social, transport efficiency and safety problems. Council of Australian Governments, 5 Year Infrastructure Report, Western Australia April 2004

Noise is defined by Cantrell as '--an unwanted sound; sound which is disagreeable and discordant--' Cantrell R W 1975, AGARD Conference Proceedings No. 171 NATO

The environmental problems identified in the Infrastructure Report, particularly in relation to noise, toxicity and certainly safety, would immediately and increasingly with time, adversely impact on the elderly residents, as will be shown in this paper.

The same April 2007 Infrastructure Report cited above, stipulates that transport planning, amongst other objectives will incorporate;

"the provision for appropriate legislation, stipulating that where residential areas encroach, for example, on a freight route or port, the residents will have no recourse to legal action--".

This somewhat frightening, rather draconian legislative recommendation, would if enacted, leave residents of the proposed aged care facility to confront an increasing volume of traffic, with associated noise and toxic pollution. No opportunity would be given for redress or compensation for encroaching on peoples' lives. This is a somewhat chilling outcome for the elderly residents.

- **Heavy traffic Movement via Welshpool Road**

The Freight Network Review Second Congress June 2002, under the aegis of the Minister for Planning and Infrastructure, the Hon Alannah MacTiernan, states that the Metropolitan Grain Centre (MGC) located in Forrestfield is the focus for trucks delivering grain from regional areas. Minister for Planning and Infrastructure, Freight Network Review Second Congress Saturday 15 June 2002 Esplanade Hotel

Of the grain transported by road (up to 0.5 million tones per annum) to the MGC, 75% is direct from the farm. Farmers use the opportunity to pick up fertilizer and supplies on the return journey. Both directions of Welshpool Road thence Canning Road are used extensively for this grain and farm supplies movement, with resultant noise and toxic pollution emanating from these vehicles.

Historic 1998 figures from the MRWA, cited during the Freight Network Review Congress, indicated that some 800 vehicles (of all types) per day used Brookton Highway. "Canning Road currently provides the most direct route (to Perth) from Brookton Highway" Freight Network Review Congress 2002 op cit

Where Canning Road is used, then necessarily Welshpool Road provides the follow-on route to Perth. The traffic flow is not going to go away, nor is the noise, rather - the opposite.

A conservative projection to 2007 would indicate at least a 100% increase to 1600 and possibly a lot more per day, with 20%, or approximately 300 plus, being heavy vehicles including semi-trailers, long vehicles and road trains, using the Brookton Highway/ Canning Road/ Welshpool Road route.

All these heavy vehicles pass the proposed aged-care complex. Life will be practically unbearable for the elderly occupants. Coming down Crystal Brook Hill, it is engine and air-brakes, with the worrying possibility of out-of-control road-trains. Going up the Hill, it is the use of 10 or more gear shifts and varying engine noises, within close auditory range of the proposed aged-care complex. Not a welcoming sound!

As Welshpool Road is a busy arterial thoroughfare in the vicinity of the above complex, it would be impractical to impose a 24 hours per day, 40KMH speed restriction.

- Heavy Vehicle Impact on Welshpool Road

Freight movement is an essential part of the way we live and information included in the Master Plan indicates that the freight task is expected to grow significantly in the future. "Heavy haul trucks and road-trains operate 24 hours per day over 6 or 7 days (per week) to achieve more than 200,000 kilometres per annum." Freight Network Review Second Congress 2002
op cit

Such freight movement at all hours is a fact of life. Produce has to be moved.

Diverting heavy traffic from Welshpool Road is not the answer, but rather that we must all be cognizant of the fact that it is not going to go away, but rather increase over time, with resultant environmental impacts.

- Commuter and other traffic impact on the elderly

A traffic study would also be necessary to quantify commuter traffic movement in both directions on Welshpool Road, from feeder suburbs in the Hills and elsewhere. Suffice to say that it is growing, and that noise levels will increase over time as a result. At peak periods in the morning and evening there is a constant stream of traffic, traveling up to the requisite 80KPH in each direction. This heavy concentration of vehicles at peak times creates very real noise particularly on the homeward journey in the evening to the Hills suburbs.

Defective or straight-through mufflers and any condition, such as a steep incline associated with Welshpool Road, causes heavy labouring of vehicle engines, further increasing traffic noise levels. "In addition there are more complicated factors such as lateral distance from the road, terrain, vegetation---". Perceptions and attitudes of individuals exposed to traffic noise in working places, Saad Abo-Quadais et al Jordan 2004

In the case of a proposed aged care facility adjoining Welshpool Road, lateral distance can be measured in terms of a few metres. The terrain is flat or gently rising along the length of the proposed facility. The verge vegetation is minimal, Even if more trees and shrubs are planted, they will not stop the noise nor would a two plus metre fence around the perimeter of such a facility.

Should a two plus metre fence along Welshpool Road be suggested to overcome the noise problem, we then have a prison like situation, hardly in keeping with the 'green' aspirations the Council planners were so keen to project in Wattle Grove.

The 'hoon' brigade in their high powered vehicles, seem to be intent on setting speed and noise records (both from the engine and the audio sound system) on the Welshpool Road incline, from the eastern end of Pt. Loc 707 to the top of Crystal Brook Hill. This sound reverberates throughout the neighbourhood and makes life uncomfortable, even for long-term residents, let alone elderly people in an aged-care centre.

Additionally, a 50 plus contingent motorcycle brigade uses Welshpool Road as an escape route to the country on a weekend basis; a somewhat frightening noise experience to say the least, even for those who have lived in Wattle Grove for a considerable period.

Recent research from Denmark has found a link between premature deaths caused by high blood pressure, heart problems and traffic noise. Noise exposure can also have detrimental effects on mental health. [WHO Guidelines for Community Noise \(2000\)](#): Berglund, B., et al. Guidelines for Community Noise, World Health Organisation, Geneva, 2000, p.XII.

Even in cases where health is not directly impacted, noise clearly has a negative impact on residents' 'quality of life', through the "annoyance" factor.

- **Vehicle exhaust emissions**

Health research from the UK indicates that 'vehicle exhaust fumes irritate the eyes and respiratory tract, and put people at respiratory risk by breathing in the fumes. Petrol or gas (LPG) fuelled engine fumes contain up to 10% carbon monoxide, a poisonous gas. Prolonged exposure to diesel fumes, especially blue or black smoke, can lead to coughing, chestiness and breathlessness. There is evidence also, that long term exposure may increase the risk of lung cancer.' www.hse.gov.uk/mvr/main-illhealth.htm

Australia has one of the highest asthma rates in the world, with approximately 2.2 million people affected by the problem. www.aboutseniors.com.au/Aged-Care-Housing-QA.html Many of the intended elderly in an aged- care facility adjoining Welshpool Road, could have aggravated levels of asthma as a result of this proximity

In sum, the potential harm that can be done to the elderly from exhaust omissions in such a complex has serious consequences. It all says 'no' to a facility in this location.

- **Effect on the Elderly**

Our collective sympathy would go out to any elderly residents who invested in the proposed aged care facility, hoping for a quiet and peaceful life. They would find themselves being enveloped in a mix of noise and toxic fumes swept through the facility by the regular easterly winds associated with the Crystal Brook/Wattle Grove area.

As previously mentioned, recommended legislation (April 2007) would, if implemented, prevent the elderly residents from doing anything about it, except perhaps to complain ad infinitum to the Kalamunda Shire. Unfortunately very little could be done to placate them.

This is not something that senior citizens would or should be obliged to relish, having earned the right to a reasonably quiet and peaceful existence in their twilight years

The Health Effects of Community (Neighbourhood) Noise

- Sound and noise in the community

In a study on the potential effects of community noise the World Health Organisation defines noise as unwanted or undesirable sound. Community noise is defined by the WHO as noise emitted from all sources except the industrial workplace. The main sources of community noise include road, rail and air traffic; industries; construction, public works and the neighbourhood. The Health Effects of Community Noise; WHO Guidelines for Community Noise www.who.org

My concentration here is on a component of community noise, namely, neighbourhood noise, having looked previously at road noise and its effects. Neighbourhood noise arises from living in a generally self-reliant and vigorous hands-on, rural community, which we have in Wattle Grove. Children, people with existing physical and mental illness and the elderly are most susceptible to neighbourhood noise. WHO op cit

Noise can have a negative impact on health and well-being, particularly when sleep is interrupted. The WHO study goes on to state that specific groups of people more likely to be affected include:

- people with particular diseases or medical problems (e.g. high blood pressure, dementia, aches and pains)
- people in hospitals
- the elderly

All of the above categories would inhabit an aged-care facility, "--with the most widespread subjective response to noise being annoyance, which may include fear and mild anger, relating to the belief that one is being avoidably harmed". Cohen S & Weinstein n 1981, Journal of Social Issues Vol. 37 pp 36-70

- Elderly residents and environmental noise

From general stress research it has been shown, that the ability to cope with noise is decreased in the elderly. Environmental noise acts as a stressor at night by disturbing sleep and via annoyance (or bothering) during the day. WHO Final Report Noise effects and morbidity Drs H Niemann & C Maschke, Berlin 2004

Elderly residents of the proposed aged care facility are likely to be a prime risk group from noise annoyance, with harmful effects on health.

The WHO Final Report infers that for elderly people (60 years and older) that strong annoyance from neighbourhood noise is a significant risk factor for arthritic symptoms and stroke. There is also an additional significant risk elevation of gastric ulcers and depression.

- Neighbourhood noise

In the Lewton-Bain Table below under Noise estimations, a number of decibel readings are introduced. Sound pressure levels used to measure the intensity of sound and are described in terms of decibels. Charles Lewton-Bain: Noise and its effects 1999

Not only do these readings embrace heavy vehicles as discussed, but also general neighbourhood noise, associated with living in a generally self-reliant and vigorous hands-on, rural Wattle Grove community.

Many of the equipment items mentioned in the Table below are very common in Wattle Grove and in the area immediately adjoining the proposed aged-care complex. The Wattle Grove community is in the main, made up of self-sufficient, DIY handy-people, using chain saws, woodworking machinery, circular saws, welding machines and the like.

The writer is categorized in this group of DIY's, one block removed from the proposed complex. I would feel severely constrained if there was a curfew or a caveat imposed on noise from machinery. Wattle Grove residents cannot suddenly stop using everyday items for fear of upsetting a near-by aged care community!

Noisy off-road motorbikes are common in the area, contributing to foreground and background noise, impinging on the elderly in a proposed aged-care centre.

The upshot of neighbourhood noise, is that resentment will result from all sides Noise complaints would be frequent, leading to an unhappy, resentful scenario for everybody in the neighborhood.

Wattle Grove residents don't want this to happen. Let the landowner/developer take his aged-care proposal and his backers to another more suitable site within the Shire. The applicant would have the full support of the local community.

- Noise estimations

Some estimation of noise amounts for different kinds of equipment. Remember that (on a logarithmic scale) 90 decibels is ten times louder than 80 decibels.

30 decibels = whisper

40 decibels = quiet conversation, quiet library

50 decibels = quiet street, ordinary home

60 decibels = normal conversation

70 decibels = busy street

75 decibels = vacuum cleaner

80 decibels = hearing damage begins

80-89 decibels = electric tools, wood finishing

90 decibels = barking dogs, heavy trucks

90-99 decibels = boring, hammer drill, hammers (drop forge), lathes, air-powered tools, sawing, acetylene welding equipment, dirt bike

100-109 decibels = circular saw, pedestal grinders, pneumatic hammers, large machines, planers, metal cutting saws, cut-off saws, chain saw

110-119 decibels = air-powered industrial tools, heavy-duty metal working and cutting machinery, power hammer on thin metal, woodworking machinery, sandblasting machine

120 decibels = amplified rock music, jack hammer

- **Noise Conclusions**

A Netherlands study suggests there is a general consensus about the noise levels which cause health impacts. Leq (see below) is a frequently used measurement for continuous noise.

Babish W et al (2001): Noise induced stress is a risk factor in cardiovascular disease. The 2001 International Congress of Noise Control Engineering. The Hague, The Netherlands

Environmental noise above 40-50dBA Leq is likely to lead to significant annoyance, associated with on-going stress leading to disease.

- **Noise levels between 65-70 dBA Leq may be risk factors for school performance and ischemic heart disease.**
- **Outdoor noise levels of 40-60 dBA Leq may disturb sleep.**
- **Noise levels of 70dBA Leq and above may cause hearing impairment.**

Unfortunately, if given permission, the Proposed Scheme Amendment- Pt Location 707 (SN32) is likely to lead to misery for many elderly residents, who would not be conversant with the health effects of noise. One might surmise that the noise or the toxic fumes issue would not be highlighted by a developer.

Naturally enough, it would be countered, 'that we all get used to noise in time' and the elderly residents likewise. This argument is a complete 'cop-out'. Elderly people don't deserve to have to go through this, nor should the Wattle Grove community be made to feel guilt every time they use a chain saw or have a party.

Previous Requested Action

The spot rezoning landowner/developer was requested previously to find an alternative aged care facility site following the 2004 Special Meeting at the Kalamunda Shire.

It appears that nothing has been done in the quest for an alternative site for an aged-care facility. The rather lazy re-submission incorporates some cosmetic road changes to Welshpool Road. Two blocks on Gavour Road, are scheduled for rezoning, at least temporarily, as Special Rural.

It is noted this time around that a private consortium St Ives Group, if it is still involved, is treading cautiously by not committing to large off-road signs proclaiming a fait accompli aged-care facility on the proposed site.

It is an affront and a waste of time to you as Councilors of the Shire of Kalamunda and the Wattle Grove community at large, that the landowner/developer rather impudently, is again trotting out a virtual rehash of a previously rejected proposal.

Recommended Current Kalamunda Shire Action

By all means let us have an additional aged care facility but please disallow it in the proposed dangerous location adjoining Welshpool Road.

At best, give approval through the appropriate Shire office to convert the whole of the land in question to Special Rural.

A Special Rural designation for the whole property, is no more and no less, assuming conformity with Council By-laws, than would be given to any other Wattle Grove resident seeking rezoning in this rural area of Wattle Grove.

My plea is that you as a responsible Councilor of the

Kalamunda Shire Council

DISALLOW ANY SPOT REZONING

On part Location 707 (SN32) Wattle Grove

**Such a site for an aged-care facility would be
extremely dangerous for the health and well-being
of the elderly**

**Please request the applicant to find an
alternative, more acceptable site**