

This structure plan is prepared under the provisions of the Shire of Kalamunda Local Planning Scheme No. 3.

IT IS CERTIFIED THAT THIS STRUCTURE PLAN WAS APPROVED BY RESOLUTION OF THE WESTERN AUSTRALIAN PLANNING COMMISSION ON:

25 JANUARY 2005

In accordance with Schedule 2, Part 4, Clause 28 (2) and refer to Part 1, 2. (b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Date of Expiry: 19 OCTOBER 2028

Enquiries: Luke Harris – 9257 9861
Our Ref: KN-03-015

12 April 2016



THE SECRETARY
WESTERN AUSTRALIAN PLANNING COMMISSION
LOCKED BAG 2506
PERTH WA 6001

BY: EMAIL (referrals@planning.wa.gov.au)

Dear Sir/Madam,

**Application to Modify the High Wycombe Cell U2 Outline Development Plan
– Lot 5000 (15) Kenneth Road, High Wycombe**

Please be advised that at the Ordinary Council Meeting held on 27 March 2017, the above was considered and the following recommendations were resolved by Council:

1. Pursuant to Clause (20) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council forwards the proposed amendment to the High Wycombe Cell U2 Outline Development Plan for Lot 5000, High Wycombe, to the Western Australian Planning Commission for determination.
2. Pursuant to Clause 20 (2) (e) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommends that the Western Australian Planning Commission approves the proposed amendment.

Please find attached a copy of the application, the Shire's report, and other supporting documentation.

Should you wish to discuss this matter further please contact me on 9257 9861 or via email at luke.harris@kalamunda.wa.gov.au.

Yours faithfully,

Luke Harris
Planning Officer

Encl. Application, Shire Report, Supporting Documentation

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

12. Lot 5000 (15) Kenneth Road, High Wycombe – Modification to High Wycombe Cell U2 Outline Development Plan

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	KN-03/015
Applicant	Statewest Planning
Owner	Murray and Elise Richards
Attachment 1	Application Plan
Attachment 2	Site Photographs
Attachment 3	Subdivision Concept Plan
Attachment 4	Submission Table

EXECUTIVE SUMMARY

1. To consider a request to modify the High Wycombe Cell U2 Outline Development Plan to re-code lot 5000 (15) Kenneth Road, High Wycombe, from R20 to R30.
2. Under the provisions of State Planning Policy 3.1 – Residential Design Codes the proposed recoding would allow for an average lot size of 300m². This would potentially allow the subject lot to be subdivided into eight lots.
3. The proposal was advertised to the surrounding area and a total of seven (7) responses were received, totalling one (1) non-objection, one (1) objection with no comments, and five (5) objections with comments.
4. It is considered that the comments raised by objectors can be mitigated through the application of appropriate conditions in the development and subdivision application process.
5. Officer recommendation is to support the proposed modification due to the proposals compliance with the State Governments' policy framework, in particular the proximity to transport routes, public recreation areas, and commercial precincts.

BACKGROUND

6. Land Details:

Land Area:	5868 m ²
Outline Development Plan Zone:	R20
Local Planning Scheme Zone	Urban Development
Metropolitan Regional Scheme Zone:	Urban

7. The proposed modification relates to Lot 5000 (15) Kenneth Road, High Wycombe. The subject lot has frontages on to Kenneth Road and Banks Place.
8. The subject lot is surrounded by R20 coded development with the exception of a retirement village at the north-west of the site and the residences located across the road to the south-east, which are coded R25.
9. The property is currently developed and contains a single residence and a number of outbuildings including a pool located within one of the outbuildings. Subdivision concept plans provided by the applicant have shown that the majority of the outbuildings would be removed to allow further development should the proposed modification be approved.
10. A number of drainage easements are located on and around the subject property.

Locality Plan

11.



DETAILS

12. The proposed modification seeks to change the residential density code of the subject property from a density of R20 to R30.

13. The applicant has justified the proposal as follows:

- *Lot 5000 is currently a 5,868m² single residential lot. It has been developed with a dwelling and various outbuildings including a swimming pool (contained within an outbuilding) and sheds.*
- *The site adjoins a partially developed lifestyle village to its north-west.*
- *The property is within approximately 200m of two shopping centres, a medical centre and a tavern, and approximately 250m from a large recreation reserve at Elmore Way.*
- *The site is easily accessible to public transport, being within 200m of bus routes 294, 295, and 299 along Kalamunda Road. The nearest bus stops are 260m from the site.*
- *The property is located outside of the recently modified 20 ANEF Perth airport noise contour so density will not be restricted by aircraft noise.*
- *The existing house and separate enclosed and covered swimming pool are able to be retained such that the streetscape and access to Kenneth Road is not modified.*
- *Access to the area behind the existing residence where subdivision and subsequent development would take place would be off Banks Place.*
- *If development were to take place in accordance with the attached concept plan it would enable the creation of two separate green title lots with the existing house on one and eight (8) proposed strata lots and an access driveway on the other.*
- *The proposed strata lots would range from 293m² to 411m² with an average of 353m², which complies with the R30 code requirements of a minimum 260m², average 300m².*
- *The proposal is consistent with Direction 2031 which essentially seeks to maximise efficient use of space and get the most amount of dwellings to meet the demand for housing as a consequence of rising population needs. It sets a target of 15 dwellings per gross hectare. Based on the current subdivision pattern (R20 density) this figure is not achievable.*
- *Directions 2031 makes a number of assumptions, namely:*
 - *A more compact city is desirable*
 - *We must work with the city we have*
 - *We must make more effective use of the land and infrastructure*
 - *We must prioritise land that is already zoned for development**This proposal meets those objectives.*
- *Over the coming years there is expected to be a large increase in the population of Perth and WA in general. Effective maximisation of space to accommodate the growing population is key and this ideology is consistent with Directions 2031 and the proposal the subject of this request.*
- *Liveable Neighbourhoods seeks to create opportunities for efficiency in walking, cycling, and public transport. This property is well located to achieve these outcomes.*
- *The proposal is consistent with the principles behind the Councils Local Housing Strategy (LHS). Proximity to public transport, shops, POS, housing choice, etc., is discussed above. We note that the Cell U2 ODP is not included in the LHS, which sets out a framework and justification for Scheme Amendments (currently nearing completion) but the nature of the Urban Development zoning enables residential densities to be modified without a Scheme amendment being required.*

- *The combination of green title and survey strata lots will enable the existing house to be retained whilst providing for smaller, more affordable and efficient lots than would otherwise be possible by standard green title subdivision over the property.*

14. As stated above, the concept plan provided shows potential to create eight (8) lots and one common property access on the subject site, in addition to the existing residence already constructed on site.

STATUTORY AND LEGAL CONSIDERATIONS

15. Part 4 – Clause 20 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (The Regulations) outlines that Council must forward their recommendation to the Western Australian Planning Commission (WAPC) for their determination. In the event that the WAPC refuses the modification a right of review (appeal) to the State Administrative Tribunal exists. The WAPC would be the respondent for any such appeal.
16. In the event that the structure plan amendment is approved the Shire is required to have 'due regard' to, but is not bound by, the structure plan when making a decision in regard to development applications or recommendations for a subdivision application.

POLICY CONSIDERATIONS

17. The Shire's Local Housing Strategy was adopted by Council on 24 March 2014. Although the subject land is not specially addressed in the Local Housing Strategy the proposed modification is consistent with the following objectives:
- *To provide for a greater variety of lot sizes and housing types that will cater for the diverse housing needs of the community at a density that can ultimately support the provision of local services, while at the same time meeting the social and economic needs of the Shire's changing demographics.*
 - *To identify suitable areas for greater housing choice which are strategically located, i.e., close to, or well connected to, existing and future services (for example, employment centres, main transport routes/hubs, community facilities, shopping centres, and most importantly, the two District Centres within the Shire – Kalamunda and Forrestfield.*
18. The proposal, given its proximity to amenities and public transport is considered to accord with the objectives of the Local Housing Strategy.

Directions 2031 and Beyond

19. The proposal is consistent with the following objectives of State planning framework *Directions 2031 and Beyond*;
- *We have a responsibility to manage urban growth and make the most efficient use of available land and infrastructure.*

Directions 2031 and Beyond also seeks to achieve a 50 percent improvement on current infill residential development trends.

20. The proposal, given its desire to increase the number of lots and diversify the future housing stock of the area is considered to accord with the objectives of *Directions 2031 and Beyond*.

Draft Perth and Peel at 3.5 Million

21. The proposal is considered to be consistent with the following objectives of the draft *Perth and Peel at 3.5 Million* framework;
- *Increase residential infill development.*
 - *Ensure as many homes as possible are located within existing activity centres and linked with efficient public transport.*
 - *Increase housing diversity and affordability.*
22. The proposal, given its desire to increase housing stock in proximity to amenities and public transport is considered to accord with the objectives of the Draft Perth and Peel framework.

Liveable Neighbourhoods

23. Design Principle 6 of Element 4 of State planning framework *Liveable Neighbourhoods* outlines the need for housing density and diversity to meet changing future community needs. The framework states that a variety of lot sizes and housing types should be distributed through a neighbourhood, and preferably within the same street. Doing this facilitates housing diversity, choice and style within the neighbourhood.
24. The proposal, given its desire to increase the R Coding of this site and in doing so diversify the lot sizes and potential for varied housing stock in the area is considered to accord with the objectives of Liveable Neighbourhoods.

COMMUNITY ENGAGEMENT REQUIREMENTS

P-DEV. 45 – Public Notification of Planning Proposals

Advertising of Planning Applications under part 64 of the Regulations.

25. In addition to where notice is prescribed under part 64 of the Regulations public notice was also given in line with the Shire's P-DEV 45.
26. In accordance with the requirements of the Shire's *P-DEV 45 (Public Notification of Planning Proposals)* the proposal was considered to be a standard application and was advertised to property owners within a 100m radius of the site for a period totalling 28 days. This included an additional 14 days in order to account for the Christmas period.

Advertising commenced on the 2nd of December and concluded on the 30th of December. During this time seven (7) responses were received, totalling one (1) non-objection, one (1) objection with no comments, and five (5) objections with comments.

Within the objections the following concerns were raised:

- The increase in properties within the area will increase the amount of traffic in a quiet residential area, potentially causing accidents;
- The higher density will result in the creation of apartments, which is completely out of sync with the area;
- The roads around the site should not be altered to enable access to the site;
- The corner at Denver Rise and Banks Place is already dangerous, adding more vehicles may result in an accident;
- Construction on any future lots will create undue noise and air pollution; and
- Any increase in the number of two storey dwellings will cause a reduction in privacy for surrounding properties.

Internal Referrals

27. The application was referred to the Shire's Asset Services, who raised no objections to the proposal.

FINANCIAL CONSIDERATIONS

28. In the event that the application is refused, the associated costs relating to defending an appeal in the State Administrative Appeals Tribunal will need to be taken into consideration.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 4.2: To effectively plan for the diverse range of housing stock that will be required to meet the social and economic needs of the Shire's changing demographic.

Strategy 4.2.1 Facilitate the delivery through strategies and policy development of a diverse range of housing within the Shire to ensure inclusiveness in population accommodation.

SUSTAINABILITY

Social Implications

30. Allowing R30 lot sizes will ultimately lead to a greater housing stock within the area, potentially allowing for a broader housing demographic in the area by providing more affordable housing options via smaller lots.

Economic Implications

31. The proposed development seeks to provide additional housing through an increase in density. The ultimate financial implication is the allowance for more housing on this site which will increase the rate base.

Environmental Implications

32. Nil.

RISK MANAGEMENT CONSIDERATIONS

33.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Construction will cause noise and air pollution	Unlikely	Insignificant	Low	Ensure that all construction companies adhere to the requirements of the appropriate legislation.
Increased density will reduce privacy	Unlikely	Moderate	Low	Ensure that all application for development within the area comply with the visual privacy provisions of the Residential Design Codes.
More properties may disrupt the quiet residential nature of the area	Rare	Insignificant	Low	Residents will be required to adhere to the appropriate Noise Regulations.
Reputation damage with the WAPC if Council does not approve the proposed modification to the local structure plan	Moderate	Possible	Medium	Demonstrate the proposed modification to the Local Structure Plan is consistent with State Government Policy.

OFFICER COMMENT

34. The subject lot is located in an area with good access to various nearby amenities. These include shopping and service centres, as well as a number of established transport routes and a recreational reserve. Therefore, an increase in density to a medium density coding of R30 is considered appropriate in this instance.
35. Under the current local structure plan, the site, could potentially accommodate 6 lots. The concept plan submitted in support of the proposal has demonstrated that the subject lot could potentially accommodate an additional 2 lots bringing the total to 8 lots. In this regard, the minor increase in the potential lot/dwelling yield is considered consistent with State Government policy framework.
36. In response to the objections received to the proposal, the following comments are provided:

Increase in Traffic and Potential for Accidents:

It is noted that an increase in the number of residences within the area would cause an increase in the number of motor vehicles within the area. However, it is considered that once the new houses have been constructed the traffic flow to and from the residences would be in line with current traffic trends of the area using an established road network.

Noise and Air Pollution:

Should the subject property be developed then newly created dwellings will at some point be developed by the individuals that purchase them. It is expected that some form of noise or air pollution will be present during the construction period. However, any works that take place on the new lots will be required to adhere to Noise Regulations and development standards, which will minimise the impact upon the surrounding area. Furthermore, any development that takes place will only occur up to the point where the development is complete. Following this point, it is considered that the potential for air and noise pollution will be significantly decreased.

Alterations to the Existing Road Layout:

The model subdivision plan provided by the applicant suggests that access to any newly created lots will be via a common access way that may originate from Banks Place. It is considered that there would be no reason to alter any of the existing roadways to accommodate any proposed lots.

Potential for Apartment Development and Decreases in Privacy Through Two Storey Development:

In line with the provisions of the Residential Design Codes a coding of R30 will allow for the creation of multiple dwellings on lots. However, in regards to the issue of development and issues of privacy, such topics can be dealt with through any development application received by the Shire. Proper assessment by the Shire's Approval Services can ensure that appropriate development occurs on the new lots.

Simon O'Hara from Statewest Planning spoke in favour of the recommendation.

A query from Cr Andrew Waddell was clarified regarding Amendment 82, the Manager Approval Services confirmed the site is zoned Urban Development and therefore does not form part of Amendment 82.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&A 12/2017)

That Council:

1. Pursuant to Clause 20 (1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, forwards the proposed amendment to the High Wycombe Cell U2 Outline Development Plan for Lot 5000, High Wycombe (Attachment 1) to the Western Australian Planning Commission for determination.
2. Pursuant to Clause 20 (2) (e) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommends that the Western Australian Planning Commission approves the proposed amendment.

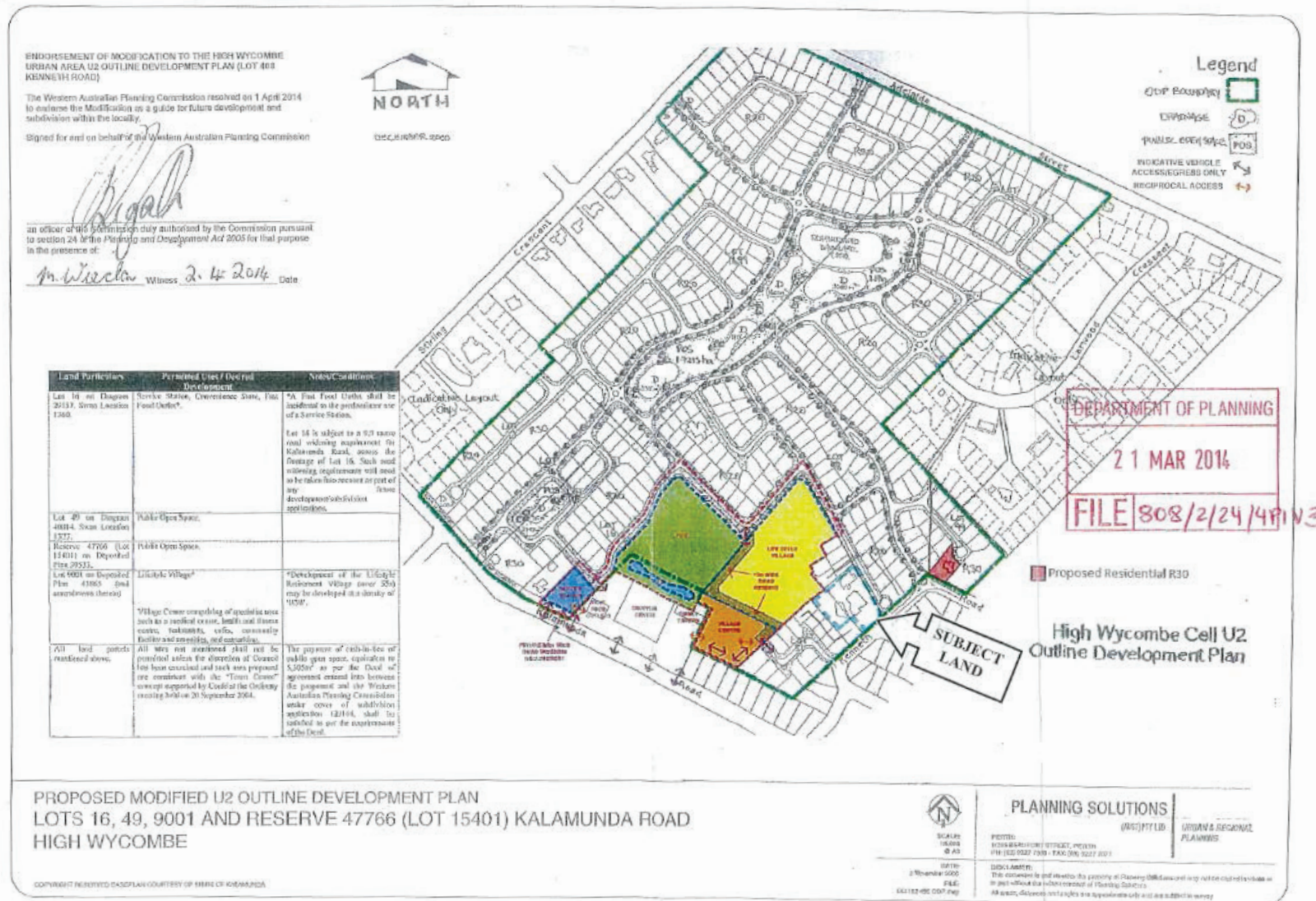
Moved: **Cr Dylan O'Connor**

Seconded: **Cr Andrew Waddell**

Vote: **CARRIED UNANIMOUSLY (12/0)**

Attachment 1

Lot 5000 (15) Kenneth Road, High Wycombe – Modification to High Wycombe Cell U2 Outline Development Plan Application Plan



Attachment 2

Lot 5000 (15) Kenneth Road, High Wycombe – Modification to High Wycombe Cell U2
Outline Development Plan

Site Photographs





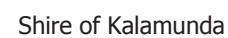


Attachment 3

Lot 5000 (15) Kenneth Road, High Wycombe – Modification to High Wycombe Cell U2 Outline Development Plan

Subdivision Concept Plan





Attachment 4

Lot 5000 (15) Kenneth Road, High Wycombe – Modification to High Wycombe Cell U2 Outline Development Plan

Submission Table

Nature of Submission	Submitter Number	Officer Comment
No objection	2	Noted.
Objection	1	Noted.
Streets will become busier because of increased traffic	3, 4, 5, 7	It is considered that once the new houses have been established the traffic flow to and from the residences would be in line with current traffic trends of the area.
Construction will create noise and air pollution	3	Any works that take place on the new lots will be required to adhere to Noise Regulations and development standards, which will minimise the impact upon the surrounding area. Furthermore, any development that takes place will only occur up to the point where the development is complete. Following this point, it is considered that the potential for air and noise pollution will be significantly decreased.
Increased traffic may cause accidents	3, 4, 5, 7	While driver behaviour is something the Shire cannot police, the Shire's Assets Services have assessed the proposal and have not indicated any safety concerns associated with the ODP design.

Rezoning could create apartments, which is out of sync with the aesthetic of the area	5	In line with the provisions of the Residential Design Codes, a coding of R30 will allow for the creation of multiple dwellings on the lot.
Modifications to Banks Place should not be permitted	5	The model subdivision plan provided by the applicant suggests that access to any newly created lots will be via a common access way that may originate from Banks Place. It is considered that there would be no reason to alter any of the existing roadways to accommodate any proposed lots.
Increase in the chance of two storey development could impact upon neighbour privacy	5, 6	Assessment by the Shire's Development Services at planning applications stage can ensure that the potential for encroachment on privacy is and mitigated as per the requirements of the R Codes.
The density of the area is high enough already	7	The site is adjacent to an area that has been selected to be rezoned as dual density coding R20/R40 under the Shire's Amendment 82. In addition to this the proposal is in line with the various active and proposed State Planning Policies.
Application appears to be driven by greed rather than necessity	7	It is considered that this is not a valid planning concern.



**10.1.5 D&A 12 Lot 5000 (15) Kenneth Road, High Wycombe –
Modification to High Wycombe Cell U2 Outline Development Plan**

RESOLVED EN BLOC OCM 30/2017

That Council:

1. Pursuant to Clause 20 (1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, forwards the proposed amendment to the High Wycombe Cell U2 Outline Development Plan for Lot 5000, High Wycombe (Attachment 1) to the Western Australian Planning Commission for determination.
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