

Deemed Provisions – Cl 67 Matters to be considered by local Government

a) The aims and provisions of this Scheme and any other local planning scheme operating within the area	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	N/A <input checked="" type="checkbox"/>
The subject site is zoned 'Service Commercial' under Local Planning Scheme No.3 (LPS3). The following table provides the land use permissibility within the zone:			
<u>Proposed Land Use</u>	<u>Zoning Permissibility</u>		
Medical Centre	"D" –not permitted unless the local government has exercised its discretion by granting development approval;		
Bulky Goods Showroom	"P" – permitted it complies with any relevant development standards and requirements of the Scheme;		
Motor Vehicle Repair	"A" – not permitted unless the local government has exercised its discretion by granting development approval after advertising the application in accordance with clause 64 of the deemed provisions		
The report has been prepared to assess the application in accordance with LPS3. Setbacks are currently non-compliant.			

b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting of approving	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
No current scheme amendments are currently pending on site.			

c) any approved State planning policy	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
The application has been assessed in accordance with: - State Planning Policy 3.7 – Planning in Bushfire Prone Areas See State Planning Policy Sections under the report			

d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d)	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
No areas of environmental significance are noted on site.			

e) any policy of the Commission	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
See state planning policy sections.			

f) any policy of the State	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
See state planning policy sections.			

g) any local planning policy for the Scheme area	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
The application has been assessed against - Local Planning Policy 1.6 – Public Art - Local Planning Policy 4.11 – Advertising Policy			

h) any structure plan, activity centre plan or local development plan that relates to the development	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Lots 1, 3 and 128 South Western Highway Local Structure Plan (LSP) The Structure Plan designates the site as 'Mixed Business' and provides requirements for the development of the area. Robertson Road has been constructed to service the existing developments. Upgrades to the South Western Highway/Robertson Road intersection have already been undertaken as anticipated by the LSP. Officers consider the development is generally compliant with the LSP.			

i) any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
No Scheme Amendments currently exist on site.			

j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Land is not reserved under the scheme.			

Development:

k) the built heritage conservation of any place that is of cultural significance	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
No heritage is noted on the site.			

l) the effect of the proposal on the cultural heritage significance of the area in which the development is located	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
No cultural heritage values exist over the site.			

m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<p>The development proposes a reduced setback to the front boundary (Robertson Road). Due to the angle of the lot, a portion of the building would have a nil setback, however, most of the development would be set back further. The northern building would be set back between nil and 5.2m and the southern building would be set back between 0.5m to 9.2m. The development also proposes a nil setback to the northern and southern boundaries and it would be 2.1m from the eastern (South Western Highway) boundary at its closest point.</p> <p>Prescribed setbacks set the character of a streetscape and contribute towards uniformity. Setbacks also allow spaces for soft landscaping to contribute to the visual amenity of the locality and to soften the appearance of building bulk. In this case, the proposed setbacks are consistent with the established development to the north and would not impede the ability to provide soft landscaping.</p> <p>These measures combined would ensure the development façade to the south provides an appropriate interface between the development and the future road.</p> <p>A condition is recommended requiring a detailed Landscaping Plan to be provided prior to the commencement of the development. Landscaping, in particular within the Orton Road reserve will be required to be adequately maintained to manage the risk of bushfire</p>			

<p>n) the amenity of the locality including the following –</p> <ul style="list-style-type: none"> I. Environmental impacts of the development II. The character of the locality III. Social impacts of the development 	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
The development is considered consistent with the intent of the zone’s objectives to deliver a mixed business zone comprising of service land uses. The proposed development is a mixture of land uses which will ultimately assist in the needs of the growing locality.			

o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
The application does abut a drainage reserve which has been previously considered through the LSP. The development of the drain is dependent on future development of Orton Road. This proposal will provide no impact on the existing drain.			
p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
No landscaping is proposed as part of the development.			
q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation or any other risk	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
The application has provided a storm water management plan. A condition will require further amending of the plan to the satisfaction of the Shire. A BMP has been provided and a BEEP will be provided as a further requirement.			
r) the suitability of the land for the development taking into account the possible risk to human health or safety	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
A TIA has been provided to demonstrate safe egress and access to the site. No other human health matters are noted.			
s) the adequacy of – I. The proposed means of access to and egress from the site; and II. Arrangements for the loading, unloading, manoeuvring and parking of vehicles	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
The application is considered to meet the access requirements for the site. A swept path movement has been provided which demonstrates compliance with the relevant AS requirements.			

<p>t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity off the road system in the locality and the probable effect on traffic flow and safety</p>	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>	<p>N/A <input type="checkbox"/></p>
<p>Robertson Road, adjacent to the site, currently experiences low volumes of traffic as the LSP area is yet to be fully developed. The design of this new portion of Robertson Road was informed by a TIA provided as part of the LSP. This estimated that development within the LSP area would generate 832 vehicle trips during the peak hour and 4160 vehicles per day (vpd).</p> <p>The TIA estimates the proposed development would result in an additional 1,293 vehicular trips per day (inbound and outbound trips). It estimates the generation of 117 trips during the AM peak hour period and 166 trips during the PM peak hour period. The TIA considers that the projected traffic volumes are conservative given it includes traffic generated for each tenancy individually and does not account for customers visiting multiple tenancies which would see a reduction in trip generation. Based on this, the road network is considered to have an appropriate capacity to accommodate the vehicle trips generated by the development.</p> <p>It is also worth noting that the other approved land uses within the LSP area i.e. the 'Storage Facility' and 'Place of Worship' would generate lesser peak period traffic, or otherwise have their peak hours at different times to the subject development. The particular unique nature of these developments, is such that adaptation over time is unlikely due to the very unique functions and forms that such self storage and places of worship take.</p> <p>The TIA includes a SIDRA analysis of the intersection of Robertson Road and South Western Highway. SIDRA is an intersection modelling tool commonly used by traffic engineers for all types of intersections. SIDRA outputs are presented in the form of Degree of Saturation, Level of Service, Average Delay and Queuing. The analysis demonstrates that the intersection would generally operate at a service level of 'A'. However, during the AM peak period there would be slight delays for vehicles exiting the site on Robertson Road to turn right onto South Western Highway. Worst case scenario, there could be a wait time of 25.4 seconds, although the queue would only be one car length (6.6m). The short queuing distance taken with the frequency of this movement within the peak hour is considered to not result in an adverse traffic safety outcome.</p>			

<p>u) the availability and adequacy for the development of the following –</p> <ul style="list-style-type: none"> I. Public transport services II. Public utility services III. Storage, management and collection of waste IV. Access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities) V. Access by older people and people with disability 	<p>YES <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>	<p>N/A <input checked="" type="checkbox"/></p>
<p>Adequate services have been provided for each tenancy in the form of showers, disability access and other means. The proposal will be required to comply with any building requirements and other public health acts.</p>			

v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
No noted loss of community benefits.			

w) the history of the site where the development is to be located	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
No relevant history of the site.			

x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
No negative impacts on the wider community.			