

| Technical Report                                                                                                                          |                                   |                                    |                           |
|-------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|------------------------------------|---------------------------|
| TRIM Number:                                                                                                                              | PA19/586                          | Synergy Number:                    | PA19/586                  |
| Lodgement Date:                                                                                                                           | 10/06/2019                        | DAU Date:                          |                           |
| Address:                                                                                                                                  | Lot 401, 49 McKenna Drive, Cardup |                                    |                           |
| Proposal:                                                                                                                                 | Retrospective Fill                |                                    |                           |
| Land Use:                                                                                                                                 | Use not listed                    | Permissibility:                    | Refer to land use section |
| Owner:                                                                                                                                    | Branden Marshall                  |                                    |                           |
| Applicant:                                                                                                                                | As above                          |                                    |                           |
| Zoning:                                                                                                                                   | Rural Living A                    | Density Code:                      | R2                        |
| Delegation Type:                                                                                                                          | 11.1.1                            | Officer:                           | Ryan Fleming              |
| Site Inspection:                                                                                                                          |                                   | Yes – 23/07/2019                   |                           |
| Advertising:                                                                                                                              |                                   | Yes – From 11/07/2019 – 01/08/2019 |                           |
| Outstanding Internal Referrals:                                                                                                           |                                   | No                                 |                           |
|                                                                                                                                           |                                   |                                    |                           |
| External Referrals:                                                                                                                       |                                   | Yes                                |                           |
|                                                                                                                                           |                                   |                                    |                           |
| Within a Bushfire Prone Area:                                                                                                             |                                   | Yes                                |                           |
| Part 10A, Cl. 78B of the Planning and Development (Local Planning Schemes) Regulations 2015 exempts the requirement for a BAL assessment. |                                   |                                    |                           |

### **Introduction:**

A planning application has been received on 10 June 2019 for retrospective fill at Lot 401, 49 McKenna Drive, Cardup.

The subject lot is zoned 'Rural Living A' in accordance with the Shire's Town Planning Scheme No. 2 (TPS2). The fill is considered a 'Use Not Listed' land use as there is no established land use. A 'Use Not Listed' can be considered in the 'Rural Living A' zone in accordance with the Shire's TPS2, subject to consistency with the objectives of the zone.

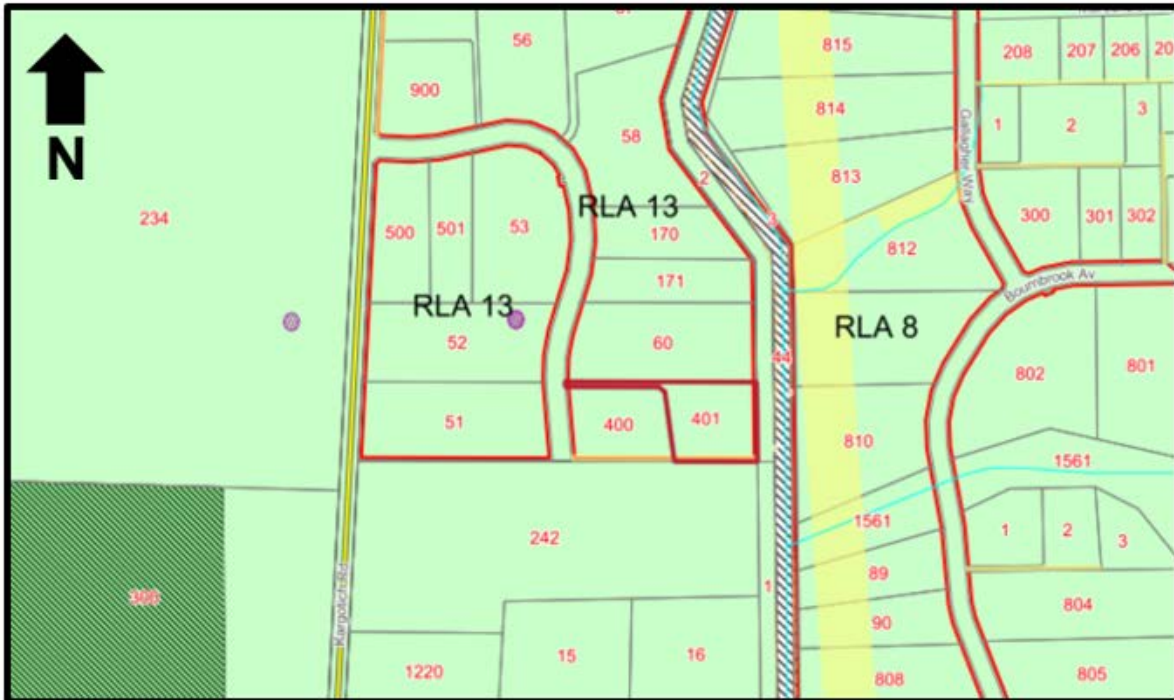
The proposal is reported to DAU for determination as Officers have delegation to determine a 'Use Not Listed' land use under delegation 11.1.1.

This report recommends that the retrospective fill be approved subject to appropriate conditions.

### **Background:**

#### Existing Development:

The subject property of 10,259m<sup>2</sup> is currently vacant. The subject site is a rear battle-axe lot located within a rural residential area of the Shire in Cardup. A Water Corporation drain directly abuts the site to the east. The site is undeveloped with vegetation located within the eastern half of the lot. Currently the land slopes from east to west with the highest point being 17.8 AHD at the eastern lot boundary (rear) and 17 AHD at the western lot boundary (front). An 8m wide easement exists on the side (south) lot boundary for the purpose of an emergency access way.



**Figure 1: Aerial imagery**

The subject site was created as part of a subdivision approved by the Western Australian Planning Commission (WAPC) on 9 June 2016. A condition of this subdivision approval stated as follows:

*“The land being filled, stabilised, drained and/or graded as required to ensure that*

- (a) lots can accommodate their intended development, and*
- (b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting, and*
- (c) stormwater is contained on-site, or appropriately treated and connected to the local drainage system”*

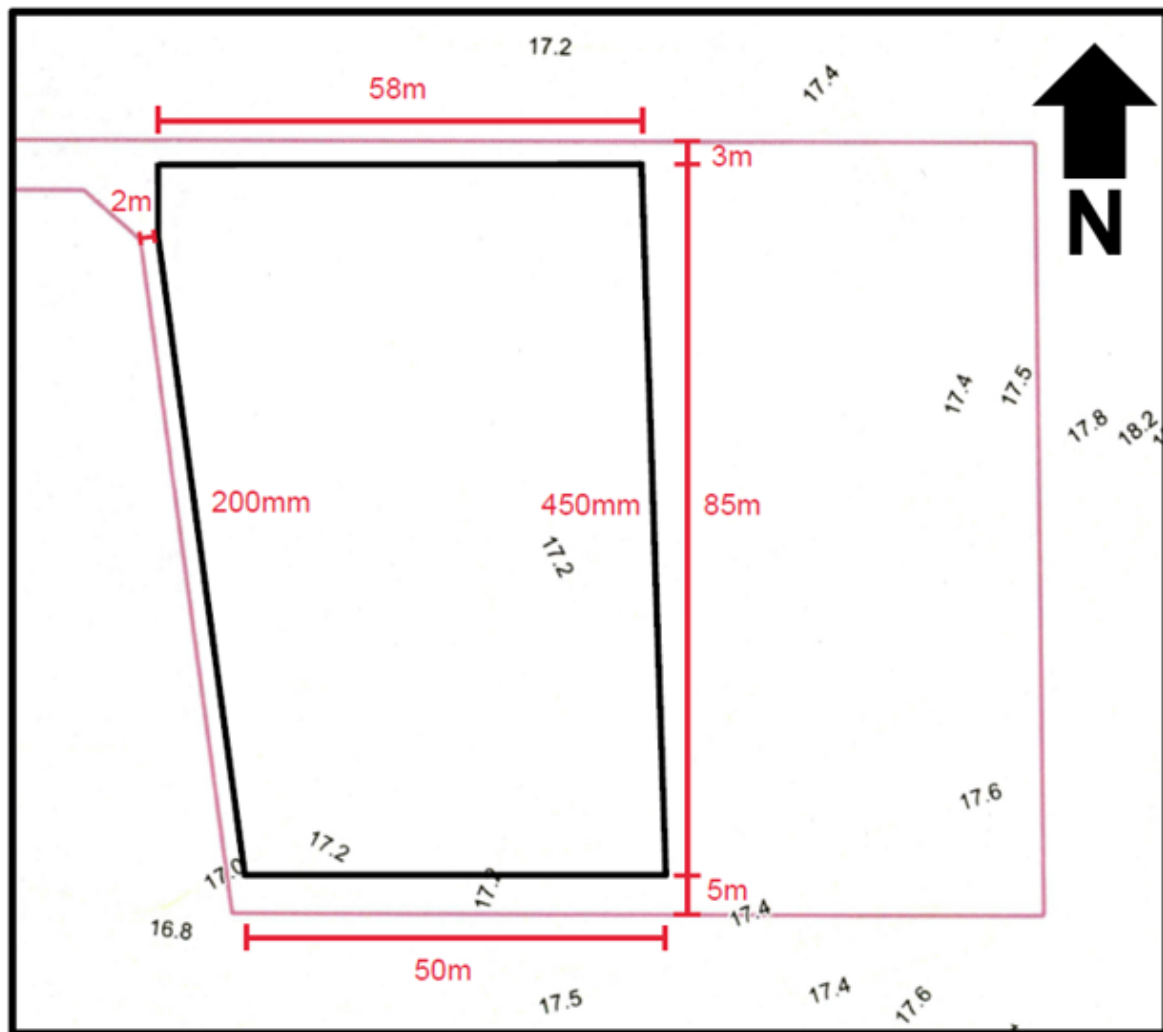
This condition was imposed to ensure that drainage is managed appropriately. Ensuring that finished levels at boundaries are coordinated with abutting land, enables current water flow paths to be maintained.

#### Retrospective Development:

The application seeks retrospective approval for the placement of fill and vegetation removal, the works of which have been undertaken.

The purpose of the fill is to improve the functionality of the land to support the future development of a house and an outbuilding. The fill has been sourced from a company that conducts pool excavations, so Officers are satisfied that it does not contain any harmful substances.

The proposal seeks retrospective approval for the fill that has been placed on the western half of the lot as depicted on the plan below (figure 2). The fill covers an area of approximately 4,750m<sup>2</sup> ranging from 200mm at the front of the lot to 450mm towards the centre.



**Figure 2: Extent of retrospective fill**

**Community / Stakeholder Consultation:**

Advertising was carried out for a period of 21 days, from 11 July 2019 – 1 August 2019, whereby two submission was received, in objection to the retrospective development. The submissions are summarised and addressed in the table below:

| Nature of Concern                                                                                                                                         | Officer Comment                                                                                                                                                                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>The placement of fill on the driveway has caused increased drainage issues along the property boundary.</li> </ul> | The applicant has advised that no fill has been placed on the driveway.                                                                                                                                             |
| <ul style="list-style-type: none"> <li>Fill with an on the property has resulted in flooding of adjacent properties pastureland.</li> </ul>               | Following the submission, the applicant has set the fill back from the property boundary to ensure that drainage flows are maintained and the fill will not direct water to neighbouring properties. A condition is |

|                                                                                                                                        |                                                                                                                                                                                                                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                        | proposed to ensure this occurs and fill is set back 3m from property boundaries.                                                                                                                                                                         |
| <ul style="list-style-type: none"> <li>Removal of vegetation has caused an increase in surface water.</li> </ul>                       | It is acknowledged that trees have been removed without development approval. The applicant has advised that these have been replaced. A condition requiring a landscaping plan is recommended to be imposed to ensure trees are replaced appropriately. |
| <ul style="list-style-type: none"> <li>No new drainage measures have been put in place.</li> </ul>                                     | The setting back of the fill from property boundaries will ensure there are no drainage impacts to adjoining landowners.                                                                                                                                 |
| <ul style="list-style-type: none"> <li>Dust/noise impacts of fill delivery.</li> </ul>                                                 | No further fill is proposed to be brought to the site.                                                                                                                                                                                                   |
| <ul style="list-style-type: none"> <li>The above accumulated cause an adverse impact on animals of neighbouring properties.</li> </ul> | The above concerns are considered to have been addressed through setting the fill back and by the imposition of conditions.                                                                                                                              |

#### Referral to Department of Water and Environmental Regulation (DWER):

The application was referred to the Department of Water and Environmental Regulation (DWER) in order to determine whether the retrospective filling of the property has an impact on regional flooding. This is due to the filling being partially within a flood plain. DWER advised that the subject fill has the potential to effect local overland flow, storage and local stormwater drainage. However, it was also advised that on its own the proposal would not affect the general flooding regime. Therefore, Officers are satisfied that the drawing back of the fill 3m from the northern boundary by the owner will allow for pre-development flows to remain, thereby not impacting the flood plain or cause flooding issues on a regional scale. This will be discussed further in the form of development and amenity section of the report.

#### **Statutory Environment:**

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2)
- State Planning Policy 2.5 – Rural Planning (SPP 2.5)
- Rural Strategy Review 2013
- Local Planning Policy 4.7: Placement of Fill in Non-Urban Areas (LPP 4.7)

#### **Planning Assessment:**

A comprehensive assessment has been undertaken in accordance with section 67 of the Planning and Development Regulations 2015, the assessment can be viewed as part of the attachment.

Land Use:

The subject site is currently vacant and there is no established land use. Although the applicant has advised that fill is for the purposes of the future dwelling and outbuilding ('Residential – Single House') this land use has not yet been established.

Clause 3.2.5 of TPS2 states *"If the use of land for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:*

- a) Determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted; or*
- b) Determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 64 of the deemed Provisions in considering an application for planning consent".*

The proposal is considered consistent with the objectives of the zone for the reason outlined below and as such has been advertised in accordance with the Deemed Provisions.

**Orderly and Proper Planning:**

Clause 67 of the regulations, specifically A – J, considers state and local planning policy frameworks including draft schemes, strategies, state planning policies, local planning policies and the like. These frameworks provide guidance in order to establish if a development is consistent with orderly and proper planning.

TPS2:

Clause 5.12.1 of TPS2 states that the purpose of this zone is set out in the Rural Strategy. The proposal has been assessed against the Rural Strategy below.

Rural Strategy Review 2013:

The subject site is designated as 'Rural Living A' under the Shire's Rural Strategy. *"The Rural Living Policy Area provides an opportunity for residential uses in a rural setting."* The relevant objectives under the Strategy for this designation are as follows:

- *"Provide for additional choice in style and location of residential land not available within the Shire's urban nodes.*

The fill is to allow for future residential development, a use consistent with this objective.

- *Protect Local Natural Areas and encourage revegetation."*

It is acknowledged that vegetation has been removed from the site without development approval. The applicant has agreed to revegetate the site with native species to ensure consistency with this objective. A condition is recommended to ensure a landscaping plan is provided. This is discussed further in the tree removal section of this assessment.

The subject site is affected by seasonal inundation. The placement of the fill was carried out to make the land more functional for residential development. The proposal is considered consistent with the designation under the Strategy and in turn TPS2. The land use is therefore capable of approval.

Form of Development and Amenity:

Clause 67 of the Deemed Provisions, specifically K, L, M, N, P, all relate to the form and amenity of the development that is required to be assessed.

Local Planning Policy 4.7: Placement of Fill in Non-Urban Areas (LPP 4.7):

LPP 4.7 sets out requirements for the placing of fill in non-urban areas. The objectives of the policy are to ensure that the filling of land does not adversely impact on the amenity or the environment and to ensure visual impact is minimised on neighbouring properties.

The policy includes an Impact Significant Matrix, which is a guide in determining the significance of the impacts associated with the fill. The proposal has been assessed against the characteristics of the policy as follows:

| <b>Fill Characteristics</b>               | <b>Impact</b>                                                                                                                                                                                                                                                                                          |
|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Nature of fill</b>                     | The fill placed on site is mostly clean sand and clays. Part of the fill has been sealed with bitumen and the driveway is a mixture of rubble with the potential of some other unspecified materials.                                                                                                  |
| <b>Fill size</b>                          | A maximum height of 450mm of fill has been applied to the property.                                                                                                                                                                                                                                    |
| <b>Fill location</b>                      | <b>Moderate Impact</b> – Fill has been applied to a floor area of 4,750m <sup>2</sup> , which takes up a large portion of the site. Fill is located up to the side lot boundaries to the north, west and south.                                                                                        |
| <b>Duration of filling works</b>          | N/A – Retrospective application.                                                                                                                                                                                                                                                                       |
| <b>Traffic movements</b>                  | <b>Low Impact</b> – The fill is retrospective and so has already been applied to the property. The property is located within a rural residential subdivision so the traffic in the area is low.                                                                                                       |
| <b>Vegetation clearing</b>                | <b>Low Impact</b> – There is a pile of cleared vegetation on site. Officers enquired upon the site visit whether this was removed on the property. The owner said it was from a friends property to be burnt off. An aerial image search proves that vegetation has not been cleared recently on site. |
| <b>Water resources</b>                    | <b>High Impact</b> – The property is approximately 30m from a drain at the rear of the property. There is a high water table in the area as it only has a depth of 4m according to the DWER Perth Groundwater Map. Flooding occurs during rain events for the property and the surrounding area.       |
| <b>Amenity impacts</b>                    | <b>Moderate Impact</b> – Officers consider that due to the 200mm to 450mm height and the total area being 50.76% of the site there will be a visual amenity impact.                                                                                                                                    |
| <b>Sensory impacts</b>                    | <b>Low Impact</b> – Fill application is retrospective and so there is no potential risk of noise, dust and vibrations due to works.                                                                                                                                                                    |
| <b>Environmental impacts</b>              | <b>Moderate Impact</b> – A number of trees were removed on the property prior to the fill being placed. Refer to the below image of before and after the tree removal.                                                                                                                                 |
| <b>Risks to health and safety</b>         | <b>Low Impact</b> – Fill application is retrospective and so there is no potential risk of dust due to works.                                                                                                                                                                                          |
| <b>Cumulative impacts</b>                 | <b>Low Impact</b> – There is no fill to this scale occurring on nearby properties.                                                                                                                                                                                                                     |
| <b>Residential/Rural Residential fill</b> | <b>High Impact</b> – Fill is between 200mm to 450mm, for the purpose of driveway access, building pads and a large raised area.                                                                                                                                                                        |

As seen above in the table, the proposal falls within the 'high impact' characteristics in relation to 'Residential/Rural Residential Fill' and 'Water Resources', which are addressed further in the following sections of this report. All the other elements of the proposal are considered 'low impact' or 'moderate impact'.

#### Residential/Rural Residential Fill:

The proposal falls into the 'high impact' category of LPP4.7 due to the amount of fill and its location. 'High Impact' in this regard under the policy relates to fill where its use is proposed for other than building pads and vehicle access. This is a trigger for rigorous assessment and detailed information to be provided to the satisfaction of the Shire, before a proposal can be considered for approval. The main impacts resultant from filling a large area is the potential visual impact and drainage.

The relevant objective of LPP4.7 in this regard is to "ensure visual impact is minimised on neighbouring properties". As previously stated, the subject area is low lying and it is expected that fill will be utilised to facilitate development and make outdoor space that is subject to inundation more useable. Although the proposal involves filling a significant portion of the lot, it is considered that the overall height would not adversely impact on the visual amenity of neighbouring properties. The photograph below shows the site with a portion of the fill already having been placed.



**Figure 3: Viewing the extent of the fill from the south-western corner of the property.**

With regard to drainage, the relevant objective of LPP4.7 states "Ensure that the filling of land does not adversely impact on the amenity, environment or cultural features of the locality in which it is being undertaken."

Following the submissions raising concerns in relation to drainage, Officers have been in discussion with the applicant to ensure that the fill does not impact on the current flow paths and would not result in flooding of adjacent properties. During the assessment period, the applicant has set the fill back from the property boundaries to ensure that drainage flows are



maintained and the fill will not direct water to neighbouring properties. A condition is proposed to ensure this occurs and fill is set back 2m from property boundaries.

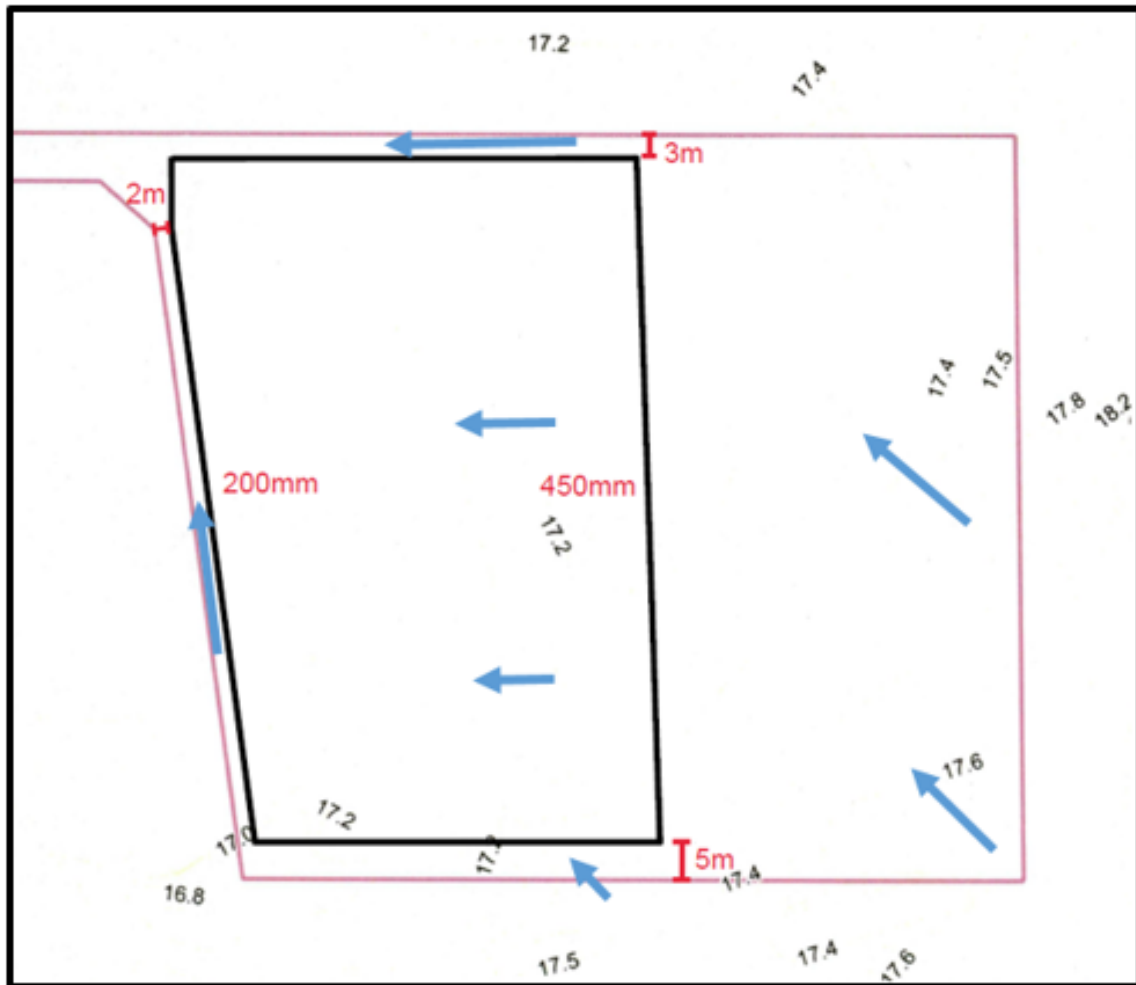
The amount of fill, ranging from 200mm at the front of the lot, graduating to 450mm towards the centre of the site, is considered by Officers to be an appropriate amount of fill to allow for future development of the site whilst not adversely impacting on adjacent residents. The pre-development and post-development flow paths for water are shown in the diagrams below:



**Figure 4: Pre-development flow plan**

Figure 4 shows that prior to fill being placed on the site, water moves from south-east to north-west.





**Figure 5: Post-development flow plan**

Figure 5 shows that after filling the land, water continues to flow from south-east to north-west. Setting back of the fill would ensure that water is channelised around the fill and pre-development flow paths are maintained with a negligible impact on neighbouring properties. Furthermore, the imported fill is sand fill. As such, this would not result in additional run off from the land as it is more permeable than the existing soil on the subject site.

It is considered that although the amount of fill results in the proposal falling within the category of 'high impact' under the policy, the proposal is consistent with the policy objectives and drainage can be managed effectively.

#### Water Resources:

A 'watercourse' is defined under LPP4.7 as "any channel that acts as a conduit for water". A 'high impact' proposal in this regard is considered as fill within 40m of a watercourse. The subject site is located adjacent to a surface drain on the Water Corporation's land to the east of the subject site. As this is a 'conduit' for water, for the purpose of the policy it is considered a watercourse.

As previously stated, water runoff from the site traverses from south-east to north-west. It is considered that the fill will therefore not adversely impact on the watercourse by way of run off, consistent with LPP4.7.

Tree Removal:

Officers note that a number of trees have been removed without approval to do so being obtained. This is seen below in Figures 6 and 7. It appears that approximately 10 trees have been removed. Clause 7.12.6 outlines the criteria for assessing application for tree removal or damage and has been assessed against the removal on the subject property as follows:

| <b>TPS2 Clause 7.12.6 – Assessment of Tree Removal</b>                                                                                                                               |                   |                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|--------------------------------------------------------------------------------------------------------------------|
| <b>Provision</b>                                                                                                                                                                     | <b>Compliant?</b> | <b>Officer Comment</b>                                                                                             |
| That there should be a minimum disturbance to the landscape characteristics of the locality;                                                                                         | N                 | It is considered that the removal of approximately 10 trees has caused increased flooding issued for the locality. |
| Generally that a realistic need should be demonstrated for the removal of any tree or trees for the purpose of facilitating appropriate development or agricultural use of the land. | N                 | The removal of the trees to place fill is not considered an appropriate reason for the tree removal.               |
| The intrinsic value of the tree or trees in terms of physical state, rarity and variety, and particularly whether or not the tree is naturally growing;                              | N/A               | Unable to determine type/species of trees.                                                                         |
| Reflecting upon the adequacy of the information supplied as to the general description of the tree or trees and the character of the locality;                                       | N/A               | Unable to determine type/species of trees.                                                                         |
| Giving effect to any proposals made for replacement of trees removed, for planting or replanting generally, and any comprehensive proposal for landscaping;                          | N                 | Condition of determination shall require a revegetation plan to be implemented.                                    |
| Preservation of the existing and future amenity of the adjoining land and the natural environment of the locality;                                                                   | N                 | It is considered that the removal of approximately 10 trees has caused increased flooding issued for the locality. |
| Minimising the effect of removing trees and naturally growing vegetation on the environment and in particular erosion and salination effects.”                                       | N                 | It is considered that the removal of approximately 10 trees has caused increased flooding issued for the locality. |

Despite the removal not complying with the provisions of TPS2, the applicant has agreed to revegetate the site with native species to ensure consistency with the objective of the Rural Strategy. It has been advised that almost 60 saplings have been replanted, which are of the Eucalyptus species. These trees have already been replanted within the eastern area of the lot and along the western boundary of the battle-axe property (seen below in figures 6, 7 and

8). A condition is recommended to ensure a landscaping plan is provided to demonstrate that the lost vegetation has been appropriately replaced and a commitment to maintaining it.



Figure 6: Aerial imagery prior to tree removal and fill placement. Dated 7 July 2017.



Figure 7: Aerial imagery after tree removal and fill placement. Dated 16 July 2019.



**Figure 8: Saplings viewed from the north-east corner of the property, looking internally**

**Options and Implications:**

Option 1: Council may resolve to approve the application subject to conditions.

Option 2: Council may resolve to refuse the application subject to reasons.

Option 1 is recommended

**Conclusion:**

The application seeks retrospective development approval for the placement of fill. The applicant has demonstrated that the impacts of the proposal can be appropriately managed on-site and that the proposal is generally consistent with development expectations in this localised Rural Living area. The applicant has sufficiently demonstrated to Officers that the proposal is appropriate and as a result, Officers have no concerns with the proposal and recommend that it be approved.

**Attachments:**

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

**Land Use:**

|                                                                                                         |                                                   |                                       |                                        |
|---------------------------------------------------------------------------------------------------------|---------------------------------------------------|---------------------------------------|----------------------------------------|
| a) The aims and provisions of this Scheme and any other local planning scheme operating within the area | <b>YES</b><br><input checked="" type="checkbox"/> | <b>NO</b><br><input type="checkbox"/> | <b>N/A</b><br><input type="checkbox"/> |
|---------------------------------------------------------------------------------------------------------|---------------------------------------------------|---------------------------------------|----------------------------------------|

**Comment:** Proposal is consistent with TPS2 requirements and would not prejudice the implementation of LPS3. The zoning of the property will change from 'Rural Living A' to 'Rural Residential' under LPS3, in which there is to be no change in the intent of the zone.

|                                                                                                                                                                                                                                                                                                                                                             |                                        |                                       |                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|---------------------------------------|---------------------------------------------------|
| 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 or approving | <b>YES</b><br><input type="checkbox"/> | <b>NO</b><br><input type="checkbox"/> | <b>N/A</b><br><input checked="" type="checkbox"/> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|---------------------------------------|---------------------------------------------------|

**Comment:**

|                                       |                                        |                                       |                                                   |
|---------------------------------------|----------------------------------------|---------------------------------------|---------------------------------------------------|
| c) any approved State planning policy | <b>YES</b><br><input type="checkbox"/> | <b>NO</b><br><input type="checkbox"/> | <b>N/A</b><br><input checked="" type="checkbox"/> |
|---------------------------------------|----------------------------------------|---------------------------------------|---------------------------------------------------|

**Comment:**

|                                                                                                                                                                                            |                                        |                                       |                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|---------------------------------------|---------------------------------------------------|
| d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d) – <b>None</b><br><b>Applicable to this area from what I can determine</b> | <b>YES</b><br><input type="checkbox"/> | <b>NO</b><br><input type="checkbox"/> | <b>N/A</b><br><input checked="" type="checkbox"/> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|---------------------------------------|---------------------------------------------------|

**Comment:**

|                                 |                                        |                                       |                                                   |
|---------------------------------|----------------------------------------|---------------------------------------|---------------------------------------------------|
| e) any policy of the Commission | <b>YES</b><br><input type="checkbox"/> | <b>NO</b><br><input type="checkbox"/> | <b>N/A</b><br><input checked="" type="checkbox"/> |
|---------------------------------|----------------------------------------|---------------------------------------|---------------------------------------------------|

**Comment:**

|                            |                                        |                                       |                                                   |
|----------------------------|----------------------------------------|---------------------------------------|---------------------------------------------------|
| f) any policy of the State | <b>YES</b><br><input type="checkbox"/> | <b>NO</b><br><input type="checkbox"/> | <b>N/A</b><br><input checked="" type="checkbox"/> |
|----------------------------|----------------------------------------|---------------------------------------|---------------------------------------------------|

**Comment:**

|                                                  |                                                   |                                       |                                        |
|--------------------------------------------------|---------------------------------------------------|---------------------------------------|----------------------------------------|
| g) any local planning policy for the Scheme area | <b>YES</b><br><input checked="" type="checkbox"/> | <b>NO</b><br><input type="checkbox"/> | <b>N/A</b><br><input type="checkbox"/> |
|--------------------------------------------------|---------------------------------------------------|---------------------------------------|----------------------------------------|

**Comment:** Refer to comments on LPP 1.4 and LPP 4.7.

|                                                                                                       |                                        |                                       |                                                   |
|-------------------------------------------------------------------------------------------------------|----------------------------------------|---------------------------------------|---------------------------------------------------|
| h) any structure plan, activity centre plan or local development plan that relates to the development | <b>YES</b><br><input type="checkbox"/> | <b>NO</b><br><input type="checkbox"/> | <b>N/A</b><br><input checked="" type="checkbox"/> |
|-------------------------------------------------------------------------------------------------------|----------------------------------------|---------------------------------------|---------------------------------------------------|

**Comment:**



|                                                                                                                                                                      |                                        |                                       |                                                   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|---------------------------------------|---------------------------------------------------|
| 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> | <b>YES</b><br><input type="checkbox"/> | <b>NO</b><br><input type="checkbox"/> | <b>N/A</b><br><input checked="" type="checkbox"/> |
| <b>Comment:</b>                                                                                                                                                      |                                        |                                       |                                                   |

|                                                                                                                                                                   |                                        |                                       |                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|---------------------------------------|---------------------------------------------------|
| 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 | <b>YES</b><br><input type="checkbox"/> | <b>NO</b><br><input type="checkbox"/> | <b>N/A</b><br><input checked="" type="checkbox"/> |
| <b>Comment:</b>                                                                                                                                                   |                                        |                                       |                                                   |

## Development:

|                                                                                  |                                        |                                       |                                                   |
|----------------------------------------------------------------------------------|----------------------------------------|---------------------------------------|---------------------------------------------------|
| k) the built heritage conservation of any place that is of cultural significance | <b>YES</b><br><input type="checkbox"/> | <b>NO</b><br><input type="checkbox"/> | <b>N/A</b><br><input checked="" type="checkbox"/> |
| <b>Comment:</b>                                                                  |                                        |                                       |                                                   |

|                                                                                                                     |                                        |                                       |                                                   |
|---------------------------------------------------------------------------------------------------------------------|----------------------------------------|---------------------------------------|---------------------------------------------------|
| l) the effect of the proposal on the cultural heritage significance of the area in which the development is located | <b>YES</b><br><input type="checkbox"/> | <b>NO</b><br><input type="checkbox"/> | <b>N/A</b><br><input checked="" type="checkbox"/> |
| <b>Comment:</b>                                                                                                     |                                        |                                       |                                                   |

|                                                                                                                                                                                                                                                                                                     |                                                   |                                       |                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|---------------------------------------|----------------------------------------|
| 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 | <b>YES</b><br><input checked="" type="checkbox"/> | <b>NO</b><br><input type="checkbox"/> | <b>N/A</b><br><input type="checkbox"/> |
| <b>Comment: Officers consider the fill is minor so that it does not adversely impose on neighbouring properties.</b>                                                                                                                                                                                |                                                   |                                       |                                        |

|                                                                                                                                                                                        |                                                   |                                       |                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|---------------------------------------|----------------------------------------|
| n) the amenity of the locality including the following –<br>I. Environmental impacts of the development<br>II. The character of the locality<br>III. Social impacts of the development | <b>YES</b><br><input checked="" type="checkbox"/> | <b>NO</b><br><input type="checkbox"/> | <b>N/A</b><br><input type="checkbox"/> |
| <b>Comment:</b>                                                                                                                                                                        |                                                   |                                       |                                        |

|                                                                                                                                                                                                          |                                                   |                                       |                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|---------------------------------------|----------------------------------------|
| 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 | <b>YES</b><br><input checked="" type="checkbox"/> | <b>NO</b><br><input type="checkbox"/> | <b>N/A</b><br><input type="checkbox"/> |
| <b>Comment:</b>                                                                                                                                                                                          |                                                   |                                       |                                        |

|                                                                                                                  |                                                   |                                       |                                        |
|------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|---------------------------------------|----------------------------------------|
| p) whether adequate provision has been made for the landscaping of the land to which the application relates and | <b>YES</b><br><input checked="" type="checkbox"/> | <b>NO</b><br><input type="checkbox"/> | <b>N/A</b><br><input type="checkbox"/> |
|------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|---------------------------------------|----------------------------------------|



|                                                                                                                                                                                                                          |  |  |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
| whether any trees or other vegetation on the land should be preserved                                                                                                                                                    |  |  |  |
| <b>Comment: Despite vegetation being removed, Officers are satisfied that the replanting of 50-60 saplings will offset the loss. A condition requiring a formal landscape plan being submitted has been recommended.</b> |  |  |  |

|                                                                                                                                                                                                          |                                                   |                                       |                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|---------------------------------------|----------------------------------------|
| 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 | <b>YES</b><br><input checked="" type="checkbox"/> | <b>NO</b><br><input type="checkbox"/> | <b>N/A</b><br><input type="checkbox"/> |
| <b>Comment: Refer to comments from DWER and assessment against LPP 4.7.</b>                                                                                                                              |                                                   |                                       |                                        |

|                                                                                                                                              |                                                   |                                       |                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|---------------------------------------|----------------------------------------|
| r) the suitability of the land for the development taking into account the possible risk to human health or safety                           | <b>YES</b><br><input checked="" type="checkbox"/> | <b>NO</b><br><input type="checkbox"/> | <b>N/A</b><br><input type="checkbox"/> |
| <b>Comment: Fill is considered to not have any trace of asbestos or any other harmful substance. Fill was sourced from pool excavations.</b> |                                                   |                                       |                                        |

|                                                                                                                                                                              |                                        |                                       |                                                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|---------------------------------------|---------------------------------------------------|
| s) the adequacy of –<br>I. The proposed means of access to and egress from the site; and<br>II. Arrangements for the loading, unloading, manoeuvring and parking of vehicles | <b>YES</b><br><input type="checkbox"/> | <b>NO</b><br><input type="checkbox"/> | <b>N/A</b><br><input checked="" type="checkbox"/> |
| <b>Comment:</b>                                                                                                                                                              |                                        |                                       |                                                   |

|                                                                                                                                                                                                     |                                        |                                       |                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|---------------------------------------|---------------------------------------------------|
| 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 | <b>YES</b><br><input type="checkbox"/> | <b>NO</b><br><input type="checkbox"/> | <b>N/A</b><br><input checked="" type="checkbox"/> |
| <b>Comment:</b>                                                                                                                                                                                     |                                        |                                       |                                                   |

|                                                                                                                                                                                                                                                                                                                                                             |                                        |                                       |                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|---------------------------------------|---------------------------------------------------|
| u) the availability and adequacy for the development of the following –<br>I. Public transport services<br>II. Public utility services<br>III. Storage, management and collection of waste<br>IV. Access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities)<br>V. Access by older people and people with disability | <b>YES</b><br><input type="checkbox"/> | <b>NO</b><br><input type="checkbox"/> | <b>N/A</b><br><input checked="" type="checkbox"/> |
| <b>Comment:</b>                                                                                                                                                                                                                                                                                                                                             |                                        |                                       |                                                   |

|                                                                                                                                                                                                  |                                        |                                       |                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|---------------------------------------|---------------------------------------------------|
| 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 | <b>YES</b><br><input type="checkbox"/> | <b>NO</b><br><input type="checkbox"/> | <b>N/A</b><br><input checked="" type="checkbox"/> |
| <b>Comment:</b>                                                                                                                                                                                  |                                        |                                       |                                                   |

|                                                                   |                                 |                                |                                            |
|-------------------------------------------------------------------|---------------------------------|--------------------------------|--------------------------------------------|
| w) the history of the site where the development is to be located | YES<br><input type="checkbox"/> | NO<br><input type="checkbox"/> | N/A<br><input checked="" type="checkbox"/> |
| <b>Comment:</b>                                                   |                                 |                                |                                            |

|                                                                                                                                      |                                 |                                |                                            |
|--------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|--------------------------------|--------------------------------------------|
| x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals | YES<br><input type="checkbox"/> | NO<br><input type="checkbox"/> | N/A<br><input checked="" type="checkbox"/> |
| <b>Comment:</b>                                                                                                                      |                                 |                                |                                            |

|                                                                                                                                                                                             |                                            |                                |                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|--------------------------------|---------------------------------|
| y) any submissions received on the application                                                                                                                                              | YES<br><input checked="" type="checkbox"/> | NO<br><input type="checkbox"/> | N/A<br><input type="checkbox"/> |
| <b>Comment: 2 objections received primarily in relation to flooding issues. Officers consider the amendments made satisfy the objections. Detailed further in the consultation section.</b> |                                            |                                |                                 |

|                                                                                       |                                            |                                |                                 |
|---------------------------------------------------------------------------------------|--------------------------------------------|--------------------------------|---------------------------------|
| Za) the comments or submissions received from any authority consulted under clause 66 | YES<br><input checked="" type="checkbox"/> | NO<br><input type="checkbox"/> | N/A<br><input type="checkbox"/> |
| <b>Comment: Refer to referral to DWER section.</b>                                    |                                            |                                |                                 |

|                                                                                 |                                 |                                |                                            |
|---------------------------------------------------------------------------------|---------------------------------|--------------------------------|--------------------------------------------|
| Zb) any other planning consideration the local government considers appropriate | YES<br><input type="checkbox"/> | NO<br><input type="checkbox"/> | N/A<br><input checked="" type="checkbox"/> |
| <b>Comment:</b>                                                                 |                                 |                                |                                            |