

Deemed Provisions – CI 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	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Comment: The proposed development is considered to be generally inconsistent with the aims and provisions of the Scheme.			

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	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Comment: The proposed development is considered to be generally inconsistent with the Draft Local Planning Scheme No.3, and draft Local Planning Strategy.			

c) any approved State planning policy	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Planning Bulletin 72/2009 – Child Care Centres: The applicant provided a demand analysis study which concluded that there is a need for an early learning centre in this locality. Notwithstanding the outcome of the study, Officers consider that the development by way of scale, noise and increased vehicle trips to the site and broader area will negatively impact upon the existing amenity of the area. Therefore, the proposal is not considered consistent with the Bulletin.			

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"/>
Comment:			

e) any policy of the Commission	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

f) any policy of the State	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

g) any local planning policy for the Scheme area	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment:

Local Planning Policy 4.11 – Advertising Policy
 Local Planning Policy 4.16 - Landscape and Vegetation Policy (LPP4.16);
 Local Planning Policy 2.4 - Water Sensitive Design (LPP2.4);
 Local Planning Policy 4.11 – Advertising Policy
 Local Planning Policy 4.16 - Landscape and Vegetation Policy (LPP4.16);
 Local Planning Policy 2.4 - Water Sensitive Design (LPP2.4);
 Policy 1.4 – Public Consultation on Planning Matters;
 Local Planning Policy 1.6 – (LPP 1.6) – Public Art for Major Developments;
 Local Planning Policy 24 (LPP24) – Designing Out Crime

The proposal has been assessed against the policies as discussed in the main report.

h) any structure plan, activity centre plan or local development plan that relates to the development

YES

NO

N/A

Comment:

Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3;
 Draft Local Planning Strategy;
 Byford Townsite Detailed Area Plan
 Areas of non-compliance with the Byford Townsite Detailed Area Plan have been discussed in the report. As discussed in the main report the proposal presents a commercial design that is not sympathetic with the surrounding residential context.

i) any report of the review of the local planning scheme that has been published under the *Planning and Development (Local Planning Schemes) Regulations 2015*

YES

NO

N/A

Comment:

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

NO

N/A

Comment:

Development:

k) the built heritage conservation of any place that is of cultural significance

YES

NO

N/A

Comment:

l) the effect of the proposal on the cultural heritage significance of the area in which the development is located

YES

NO

N/A

Comment:

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 checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Comment: As discussed in the main report Officers are concerned that the proposal is not in keeping with the existing built form. Officers consider that that the proposal, in its current scale and intensity, is likely to impact upon the existing amenity of the area and is incompatible with the expected form of			
n) the amenity of the locality including the following – I. Environmental impacts of the development II. The character of the locality III. Social impacts of the development	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Comment: The proposed development is considered to impact on the environment or character of the area. Officers consider that the proposed development in respect to the frequency, concentration and duration of the noise emissions generated from the development to pose an unreasonable impost on the amenity of the area afforded to the occupiers of the nearby sensitive receptors. The development in this regard should not be supported. This has been discussed in the amenity section of the main report			
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 type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
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 checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: The proposal includes areas of landscaping, which are generally considered to be adequate.			
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"/>
Comment:			
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 checked="" type="checkbox"/>
Comment:			
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 checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>

Comment: The proposed access arrangements are generally in accordance with the approved planning framework.

t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
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Comment: A Traffic Impact Statement has been provided, which demonstrated traffic generation and predicted volumes can be adequately accommodated on the existing road network. Officers consider however, the lack of parking will displace vehicles onto the road reserve especially during am/pm peak periods causing congestion and local amenity impacts that have not been adequately assessed.

u) the availability and adequacy for the development of the following – 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	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
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Comment: The proposed development is not conveniently located nearby

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"/>
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Comment:

w) the history of the site where the development is to be located	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment: The history of the site has been detailed in the report.

x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment: The proposed development is intended to provide for child minding centre needs of the direct community. However, will also generate a significant amount of traffic and noise impacting the existing amenity within the locality.

y) any submissions received on the application	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment: Submissions received have been discussed within the report.

Za) the comments or submissions received from any authority consulted under clause 66	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment: Department of Education (DoE) have no in principle objections to the proposal and raised concerns which have been discussed on the report

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