

## Deemed Provisions – CI 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	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
<p><b>Comment:</b> The subject site is zoned 'Urban Development' under Town Planning Scheme No.2 (TPS2). Clause 5.18 of TPS2 sets out the objectives of the 'Urban Development' zone, as "to provide for the orderly planning of large areas of land in a locally integrated manner and within a regional context, whilst retaining flexibility to review planning with changing circumstances". This objective is facilitated through the preparation of Structure Plans, which guide land use permissibility and development.</p> <p>The subject site lies within the Byford District Structure Plan 2020 (BDSP) and the Byford Townsite Detailed Area Plan (DAP) which provide the relevant land use permissibility and indicative zoning applicable to the site. The subject site is identified as 'Highway Commercial' under the DAP and 'Mixed Use' under the BDSP.</p>			
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> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
<p><b>Comment:</b> The subject site is located within the 'Mixed Use' zone under LPS3. The proposed development would fall within the land use definitions of 'Recreation Private', 'Office', 'Consulting Rooms', 'Shop' and 'Restaurant/Café'</p> <p>Under the Zoning Table of LPS3 a 'Consulting Room' and 'Office' land use are 'P' uses, a 'Recreation-Private' and 'Restaurant/Café' land use are 'D' uses and a 'Shop' land use is an 'A' use within the 'Mixed Use' zone. Each use is capable of approval with varying levels of discretion required to be exercised and mandatory community consultation before determination of the 'Shop' land use.</p> <p>The objectives of the 'Mixed Use' zone under LPS3 is to promote a variety of compatible land uses which do not create any adverse impacts to the amenity of the district or to the health, welfare and safety of residents. Officers consider the development generally meets the objectives of the 'Mixed Use' zone as it provides a range of commercial facilities that are considered compatible with the surrounding locality, as discussed within the amenity section of the report.</p>			
c) any approved State planning policy	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
<b>Comment: SPP3.7</b>			
d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d)	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>

<b>Comment:</b>			
e) any policy of the Commission	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
<b>Comment:</b>			
f) any policy of the State	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
<b>Comment:</b>			
g) any local planning policy for the Scheme area	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<b>Comment: - refer to Council Report</b> <ul style="list-style-type: none"> <li>• Local Planning Policy 1.4 - Public Consultation for Planning Matters (LPP1.4);</li> <li>• Local Planning Policy 1.6 – Public Art for Major Developments (LPP1.4);</li> <li>• Local Planning Policy 2.4 - Water Sensitive Design (LPP2.4);</li> <li>• Local Planning Policy 4.11 – Advertising Policy (LPP4.11);</li> <li>• Local Planning Policy 4.15 - Bicycle Facilities (LPP4.15);</li> <li>• Local Planning Policy 4.16 - Landscape and Vegetation Policy (LPP4.16);</li> <li>• Local Planning Policy 24 – Designing out Crime (LPP24).</li> </ul>			
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"/>
<b>Comment:</b> <b><u>Byford District Structure Plan 2020</u></b> <p>The purpose of this Structure Plan is to provide a “<i>broad-district level planning framework for development</i>” which provides the basis for the subsequent preparation of Local Structure Plans.</p> <p>The subject site is designated as ‘Mixed Use’ under the BDSP. As discussed above, the purpose of the ‘Mixed Use’ zone is to “<i>to provide for a variety of commercial and residential and uses in a complimentary and co-located manner, often in a mixed-use format. Development in the zone may provide a transition between intense activity centre development and surrounding residential areas, or for the purposes of minor local commercial development sites in residential areas. Residential development should allow for the future conversion into mixed use development.</i>”</p> <p>As previously stated, the subject precinct is considered appropriate for a higher degree of commercial development to provide a transition between the Byford Town Centre and surrounding residential development.</p>			
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"/>
<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	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

<b>Comment:</b>			
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"/>
<b>Comment:</b>			
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"/>
<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	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<b>Comment:</b> <p>The proposed development comprises a single 'L' shaped building located to the rear of the lot. The building covers a length of 63.72m and a 13.85m depth at the short side and 32.68m depth at the long side. The building has been designed to present as a two-storey development and features a functional second storey element providing proposed Office and additional Shop floor area above the proposed Shop and Consulting Room tenancies.</p> <p>The design features use of glazing, vertical and horizontal elements, awnings and other projecting features above the ground floor to break up the building bulk of the structure as viewed from the street. The incorporation of brick feature elements at ground level and timber-look slats on the first-floor level introduces a sense of rural character to the design, in contrast to the otherwise fairly traditional commercial design of the development. The remainder of the street facing design comprises of concrete tilt panels, which makes up a significant portion of the façade.</p> <p>The proposed design has considered and incorporates the elements of good design. To ensure the materials and palette choice reflect the design aspirations of the area, a condition is recommended requiring a schedule of colours and materials on submission of a building permit.</p>			
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 checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<b>Comment: See Council report</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	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<b>Comment: See Council report</b>			
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"/>
<b>Comment: A landscape plan is required by way of a condition</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	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>

<b>Comment:</b>			
SPP3.7 provides the requirements and guidelines for development within areas identified as bushfire prone. The subject site is located within a designated bushfire prone area in accordance with the Department of Fire and Emergency Services (DFES) Map of Bushfire Prone Areas. SPP3.7 seeks to ensure the risk of bushfire to developments is considered and mitigated through the development assessment process. This primarily entails determining the Bushfire Attack Level applicable to the development, which should achieve a risk rating below BAL-40, and consideration of the four elements of the bushfire protection criteria: location, siting and design, vehicular access and water.			
Pursuant to the provisions of SPP3.7, the application included a Bushfire Management Plan (BMP) for the subject site. The BMP identified a risk rating of BAL-19 for the development and outlined compliance with the four elements of the bushfire protection criteria. Given the size of the lot and location within a developing Urban area the proposed development readily complies with all four elements.			
The BMP also indicated the proposed development included a vulnerable use due to the inclusion of a creche, which triggers mandatory referral to DFES for assessment. Comments were received from DFES noting some amendments to be made, which were subsequently addressed by the applicant through submission of a revised BMP. The revised BMP is considered to be acceptable.			
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"/>
<b>Comment:</b>			
s) the adequacy of –	YES	NO	N/A
I. The proposed means of access to and egress from the site; and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
II. Arrangements for the loading, unloading, manoeuvring and parking of vehicles			
<b>Comment: See Council report</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	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<b>Comment: A TIA was submitted demonstrating the road network is capable of accommodating the vehicles – refer to traffic section of report.</b>			
u) the availability and adequacy for the development of the following –	YES	NO	N/A
I. Public transport services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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			
<b>Comment: See Council Report</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	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
<b>Comment:</b>			
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"/>

<b>Comment:</b>			
x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			
y) any submissions received on the application	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
<b>Comment: Refer to Consultation section of report</b>			
Za) the comments or submissions received from any authority consulted under clause 66	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
<b>Comment: Refer to Consultation section of report</b>			
Zb) any other planning consideration the local government considers appropriate	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>N/A</b> <input checked="" type="checkbox"/>
<b>Comment:</b>			