

Attachment 3:

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	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: The proposal is a “A” land use under the LPS3 and is consistent with the aims and objectives of the Urban Development 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	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment: There are currently no other seriously entertained scheme amendments applicable to this site.			

c) any approved State planning policy	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: The subject site falls under the consideration of SPP3.7 and SPP3.5			
State Planning Policy 3.5 - Historic Heritage Conservation provides relevant considerations for considering heritage elements in development assessments. These include ensuring the proposal is sympathetic to the heritage values of the area, considering the siting, scale, style, form, materials and finishes. The Shire’s Local Planning Policy 3.3 - Wellard and Richardson Street Serpentine Design Guidelines (LPP3.3) also lists several design criteria requiring heritage design to be implemented for new buildings.			
State Planning Policy 3.7 – Planning in Bushfire Prone Areas provides consideration for development within a bushfire prone areas. The subject lot is considered bushfire prone and thus requires a BAL assessment. A BMP and BAL assessment has been provided and assessed in accordance with the Guidelines and is considered to meet all 4 elements contained within. The site presents a complete APZ area and also will be constructed to the relevant BAL-12.5 standard contained within the BAL.			

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: NA			

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

As discussed the proposal falls under SPP3.7 and 3.5 and have been addressed.

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

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:

The proposal is considered through LPP3.3 and LPP4.20 and is addressed in the report. The proposal is considered to comply.

Local Planning Policy 3.3 - Wellard and Richardson Street Serpentine Design Guidelines (LPP3.3):

LP3.3 Requirement	Comment
<p>Maximum Height</p> <p>The maximum height of building walls of buildings to Wellard and Richardson Street shall be two storeys or 7.0 metres The Second Storey must be setback from the street. A third storey is not permitted.</p>	<p>The proposal is of a single storey nature with a façade. The building is no more than 5.9m high.</p>
<p>Massing at Corners</p> <p>Building elevations at nominated landmark sites, as shown on Figure 4 of the Design Guidelines, should be differentiated by either the addition building mass or construction of a land mark feature.</p>	<p>The proposal is not considered a landmark area and the Serpentine Falls Tavern is considered the landmark development for the site.</p>
<p>Setbacks: Front (Street)</p> <p>Buildings should be set back to the greater dimension specified for their respective lots on Figure 5 of these Guidelines. Setbacks may be relaxed to the lesser dimension shown on Figure 5 where those circumstances described under the 'Variation Criteria' apply.</p>	<p>The proposal meets the setback requirements of the lot. The proposal requires a setback of 2m to Nil. The awning is proposed to be setback 0m to the primary street.</p>
<p>Setbacks: side</p> <p>A building shall have a minimum setback of one and a half metres (1.5) metres to a common side boundary at the ground floor. This may be relaxed to nil in those circumstances described in the "Variation Criteria" criteria for this Guideline Statement.</p> <p>Variation Criteria</p>	<p>The subject development proposes a nil setback to the side boundary adjacent to the laneway. The applicant details that as the site would take access from this laneway and as it will operate as a 'shop' it is consistent with the variation criteria.</p> <p>The relevant objectives of the LPP are to maintain the heritage character and encourage</p>

<p>A side setback may be relaxed to nil where:</p> <ul style="list-style-type: none"> i) the subject development is proposed on those lots nominated to have a nil or two metre front setback (on Figure 5). ii) the proposed development is a shop, restaurant, café or office. 	<p>development forms that will enhance the character of the town and strengthen its identity as a desirable place to live and visit. In this case, the setback variation to the boundary with the laneway is not considered to compromise the objectives of the LPP and the development, by way of its siting, would maintain the desired form and streetscape outcomes.</p>
<p>Setbacks: Rear</p> <p>A building shall have a minimum setback of 9.0 metres to a rear boundary.</p>	<p>The proposal is setback more than 9m to the rear boundary and provides a large landscaping strip to this area (Lawned Area)</p>
<p>Landscaping- Provision</p> <p>Ten (10%) percent of the gross area of a Commercial site shall be provided as Landscaping, and landscaped to the satisfaction of the Shire. Where the site has a nil setback to the street and 10% landscaping is not possible, as determined by the Shire, the landowner will be required to make a cash in lieu contribution for road upgrading/maintenance and street works including paving and landscaping</p>	<p>The proposal provides overall more than the 10% given the existing development on site. The existing tavern provides an existing total of 311.72m².</p>
<p>Landscaping – Design</p> <p>Where a commercial, civic or multiple residential building may be setback more than 2.0 metres from Wellard and Richardson Street, the front setback area shall be landscaped in accordance with an approved landscape plan</p>	<p>A new garden bed and proposed associated landscaping will provide soft edging within the 2m setback area and the verge.</p>
<p>Landscaping- Preservation</p> <p>Where vegetation is nominated in Figure 4 as being ‘significant vegetation’, this must not be removed.</p>	<p>No significant vegetation is proposed to be removed as part of this application.</p>
<p>Parking</p> <p>Parking is to be provided on site at a rate prescribed in the Shire of Serpentine Jarrahdale Local Planning Scheme No.3. On street carparking bays in road reserves directly abutting and contiguous to the site may be included in calculating carparking provision. In considering applications seeking dispensation to carparking standards, the Shire shall have regard to the ‘variation criteria’ under this guideline statement.</p>	<p>Compliant</p>
<p>Fencing To Street</p>	

<p>Fencing controlling access between public spaces and private or semi-private areas should be transparent to allow visibility and cross-surveillance. Blank, non-transparent fences above one (1.0) metre in height to public spaces are not supported. The only exception to this may be if the fence is required to screen plan equipment and loading/ storage areas No front fence, inclusive of transparent components, but excluding pillars or columns, shall be more than 1.8 metres in height. Front fencing shall comprise painted open picket.</p>	<p>No fencing is proposed.</p>
<p>Architectural Character</p> <p>The architectural style of new buildings should (in the case of additions and extensions) match that of their principal building, and in the case of new development, should be closely sympathetic to the architectural style of the key 19th and 20th Century buildings in the Precinct.</p>	<p>The proposal is considered to require further design considerations specially to the front elevation – this is discussed further within the report</p>
<p>Roof Forms</p> <p>Roof pitch should be between 25°-30°. Gables facing the street are encouraged. Flat deck roofs are not permitted, unless they are concealed behind a parapet façade to the street. Skillion roof forms are acceptable. Satellite dishes or air conditioning units shall not be visible from an abutting street. If a roof attachment requires location at the front, at its discretion the Shire may approve this providing it is not visually obtrusive. Hot water systems maybe visible from the street, providing they are required to be located in this position for solar orientation.</p>	<p>it is considered that the roof projection would appear somewhat at odds with the design of the exiting tavern. The ‘brick window’ designs are not considered to replicate the design of the tavern windows and the roof form is inconsistent with the prominent gables typically found during this era of architecture. Furthermore, the security gates are considered to set the tone of an unwelcoming, guarded centre. Notwithstanding these matters, the remainder of the building is of a modest form and scale that would not detract from the heritage building. The external appearance, in particular the front elevation, is considered to require some minor amendments to its design, to make it more sympathetic and to match the Local Planning Policy. The redesign should give the building the appearance of being subservient to the heritage building whilst acknowledging the history by incorporating subtle elements of red brick and timber.</p>
<p>Roof Materials</p> <p>The permissible roof materials are profiled colourbond sheet metal and terracotta roof</p>	

<p>tiles. Where zincalume is used, it shall be treated to reduce its reflectivity. No dark colour roof materials may be used, i.e. black, dark blue etc.</p>	<p>Roof is proposed to be zincalume behind a parapet thus not expected to have any adverse impact.</p>
<p>Wall Materials</p> <p>Walls facing a public street should be constructed of either brick, rendered brick, local stone or weatherboard. Brick shall be laid in a running bond or English garden bond pattern. Bricks shall be similar to the Cardup type brick. Stone walls shall be laid in a random coursed pattern. Limestone is not preferred. Weatherboard shall be of a bevelled board, simple drop or shiplap profile. Fibro-cement or fibreglass weatherboard reproductions are not favoured. Steel, glass or tilt-up slab wall are not favoured and will only be accepted in locations where they are not visible from a public street</p>	<p>Wall materials are proposed to be Red Midland Brick which is considered complimentary to the requested materials listed within the policy. LPP3.3 proposed brick materials as the main materials to be considered.</p>
<p>Colours-Walls</p> <p>Rendered or weatherboard walls require painting. Preferred colours include earth colours in accordance with federation style colours, which are red, green and white. There may also be the inclusion of darker toned browns, olives, ochres and tan/pinks. No general extreme primary colours are to be used</p>	<p>Federation colours are considered to form the basis of the design. No extreme primary colours are proposed.</p>
<p>Colours-Accents</p> <p>Accent colours are to either complement base tonings or provide relief. By definition, complementary accent colours should be those of opposite (or “complementary”) chroma and hue. Coloured accents should remain dark toned. Relief colours may be white or cream.</p>	<p>The tone and style match the existing Falls tavern and overall contributes to the intent to provide a complementary design.</p>
<p>Windows: At Street Level</p> <p>No less than sixty (60%) percent of the vertical area of a building façade facing a street (or formal public space such as a square) at street level shall comprise windows, or glazed doors.</p> <p>Windows: Design</p> <p>Windows shall generally have a vertical emphasis. Window frames visible from the street should be of a timber-famed casement or awning type. Window detailing should</p>	<p>The elevation facing the street does not include glazing consistent with the requirements of the LPP. It is considered that the frontage should be redesigned as discussed previously and as part of this the glazing elements should be addressed.</p>

include a header or soldier lintel course, and a header sill course.	
<p>Entrances To Street</p> <p>Buildings should provide primary door openings to street footpaths for each tenancy abutting a street.</p>	Primary opening faces the primary street.
<p>Entrances: Other</p> <p>Where buildings provide door openings other than to street sidewalks, then such entrances should be clearly identifiable, easily accessible and highly visible from car parks, public spaces or building windows.</p>	The secondary entrance and loading access faces the existing carpark.
<p>Ground Floor Levels</p> <p>Floor levels of ground floors should match the level of footpaths abutting thereto, subject to drainage.</p>	Ground floors propose to match
<p>Floor To Ceiling Heights:</p> <p>Ground Floor The minimum ground floor height (floor to ceiling), in buildings adjacent to the street, shall be a minimum of 3.5 metres.</p>	3.6m proposed to the ceiling height.
<p>Weather Cover</p> <p>Buildings shall provide a continuous awning over the footpath.</p>	The awning does not cover the foot path but it is considered to be acceptable to provide cover to the area right in front of the building.
<p>Signage</p> <p>Signage on building fronts should be limited to panels no greater than 3.0metres² in area and situated on the façade above 4.0 metres.</p> <p>Panel signs shall be limited to one per tenancy. Awning signs facing the street, and affixed to the street edge of the awning are permitted, but should not exceed 0.5 metres in vertical dimension. Under-awning signs are permitted. Painting out of more than 50% of the area of windows with signage is not permitted.</p>	<p>The application details that two 3.4m x 1.8m 'signage zones' are proposed on the building front and are located above 4m from ground level. An additional 5.2m x 1.9m panel sign is proposed for the eastern facade adjacent to the existing car parking area. These areas exceed the areas prescribed under the LPP.</p> <p>To preserve the character of the site and surrounding area, a Condition is recommended to require a signage strategy prior to the display of any signage, and redesign of the street facade as previously mentioned. The signage strategy should demonstrate compliance with LPP3.3.</p>
<p>Lighting Of Building Edges</p> <p>Building facades should be illuminated wherever possible. Applicants must demonstrate that upper storey residential units will not be affected by direct light intrusion through windows. Pedestrian paths</p>	A lighting plan is conditioned as part of the approval, this will provide lighting to areas surrounding the building to provide safe areas.

and spaces accessible at night should be adequately lit. Particularly along key walking paths, lighting should be contiguous, without gaps.	
<p>Public Art</p> <p>Proposals for civic, cultural, commercial, residential (except single residential), and/or mixed residential/commercial developments over the value of \$500,000 are to set aside a minimum of one half of one per cent (i.e. 0.5%) of the estimated total project cost for the development of public art works which reflect the place, locality and/or community. The contribution to public art may be credited to the development's obligations to provide landscaping.</p>	The proposal is less than the 500,000 threshold for public art to be considered.
Local Planning Policy 4.20 - Licenced Premises (LPP4.20)	
Policy requirement	Comment
Location	
<p>Proposals should be located at least 200m from existing or proposed sensitive premises. However, where proposed to be located within 200m, consideration of the following is required:</p> <ul style="list-style-type: none"> i. Orientation of design and frontage of development; ii. Whether signage and advertising is visible; iii. Whether the development forms part of a broader mixed-use development. 	<p>The subject site is located adjacent to a medical centre (5 Wellard Street). This tenancy also contains a liquor store.</p> <ul style="list-style-type: none"> i. The proposed development faces Wellard Street and does not front onto the sensitive premise. ii. As discussed previously, a Condition is recommended for the submission of a signage strategy. The strategy will be assessed in accordance with this LPP. iii. The development is supplementary to the existing tavern on site.
Licensed premises should be located in proximity to public transport facilities, and be integrated in respect of such facilities (linked with safe, well-lit footpaths, good signage).	The proposal is located opposite the Serpentine Train station. No bus service currently exists for the Serpentine Town area. The development forms part of the neighbourhood centre, the objective of which is to provide goods and services to local residents. It is considered that the footpath network is of a good standard in this area.
Design	
The form and external appearance of buildings should be responsive to local character.	Refer to Form of Development section of report
Discourage large expanse of blank walls on important frontages, and instead encourage these buildings to have a	Refer to Form of Development section of report

public face that is organised for the benefit of the street.	
Encourage large expanses of glazing at street level and upper levels to promote surveillance of the street, as well as upper level balconies.	There as no proposed glazing expanses proposed as part of the development. Refer to Form of Development section of report.
Access to the building should be from the active frontage and access from back lanes must be avoided. Building edges should provide at least one full active edge to the street, two aesthetic edges and no more than one service (loading/unloading/drive-through/waste management) edge.	Pedestrian access is proposed from the primary street. Whilst vehicular access is via the laneway. It is considered that the design of the building should be reconsidered to include aesthetic edges.
Signage should be integrated into the design of the building and be externally illuminated.	A signage strategy is recommended as a Condition to ensure the design is appropriate.

h) any structure plan, activity centre plan or local development plan that relates to the development	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: The proposal is zoned Neighbourhood Centre through the Serpentine Town Site LSP, the Land use designation is set as "D" discretionary which requires the Local Government to consider discretion before granting approval. The proposal has been advertised in accordance with Clause 61 and is being considered in accordance with Clause 67.			

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"/>
Comment: No Local Planning Scheme review is currently considered.			

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"/>
Comment: The land is currently not reserved under the Scheme.			

Development:

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

The existing heritage structure (Serpentine Falls Tavern) is not impacted by this proposal. The development is consistent and supplementary to the existing heritage fabric on the lot. The proposal has been considered against SPP3.5 and LPP3.3 in consideration of the built form.

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

As above.

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"/>
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Comment:

The proposal is of a commercial nature on a main street precinct and is considered to be compatible with the other land uses of the area.

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"/>
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Comment:

**The vegetation in and around the site is currently reviewed to be maintained.
The character of the locality is reflected through the design of the structure.
The social impacts have been addressed through the 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 checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment:

As above. I

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"/>
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Comment:

Landscaping requirements have been recommended for the development approval.

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"/>
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Comment:

Bushfire

The subject site is within a bushfire prone area and so subject to the requirements of State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7). The applicant has provided a Bushfire Management Plan (BMP) to demonstrate compliance. The BMP meets all four elements of SPP3.7's guidelines and therefore is considered compliant. A condition is recommended for all actions recommended within the BMP to be implemented and maintained for the duration of the development.

r) the suitability of the land for the development taking into account the possible risk to human health or safety

YES**NO****N/A****Comment:**

The proposal provides adequate measures taken from a Crime Prevention through Environmental Design (CPTED) perspective, the location and nature of the proposal fronting the Mainstreet provides adequate passive surveillance and reduces the risk of any safety elements. The proposed use of the land associated with liquor sales is regulated by the Department of Racing, Gaming and Liquor.

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**NO****N/A****Comment:**

A TIS has been provided demonstrating compliance with traffic, egress and unloading/manoeuvring. Further discussion has been provided within the report.

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**NO****N/A****Comment:**

As per the above.

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**NO****N/A****Comment:**

Adequate facilities have been provided for the development.

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 checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comment:

No loss of community service or benefit as a result of development. The proposal is developed on vacant land and is not impacting any other development.

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:

As previously discussed, the site presents no prior history and the design is considered to be accepted in accordance with SPP3.5 and LPP3.3

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:

Addressed through the report.

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 addressed through the report.

Za) the comments or submissions received from any authority consulted under clause 66	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
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Comment:

No external comment sought.

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

No other relevant considerations applicable to the site.