

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	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<p>Comment: Land Use Permissibility- pursuant to 'Shire of Serpentine Jarrahdale Local Planning Scheme NO. 2', the subject site is located within the 'Urban Development Zone' and designated 'Mixed Business' under a Local Structure Plan. Within the 'Mixed Business' zone under TPS2, a 'Health Studio' is a 'P' (permitted) use and therefore consistent with the intended use of land within the LSP area.</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	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<p>Comment: Under the draft Local Planning Scheme No. 3 (LPS3), the subject site is located within the 'Service Commercial' zone. The proposal falls within the land use of 'Recreation - Private' under LPS3 which is defined as:</p> <p style="padding-left: 40px;">'Recreation Private - means premises that are -</p> <p style="padding-left: 80px;">(a) used for indoor or outdoor leisure, recreation or sport; and</p> <p style="padding-left: 80px;">(b) not usually open to the public without charge'.</p> <p>Pursuant to LPS3, 'Recreation Private' is a 'D' use which means that the use is not permitted unless the local government has exercised its discretion by granting development approval. The objectives of the 'Service Commercial' zone seeks:</p> <ul style="list-style-type: none"> ▪ To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites. ▪ To provide for a range of wholesale sales, showrooms, trade and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate <i>in, or cannot conveniently or economically be accommodated in, the central area, shops and offices or industrial zones.</i> <p>The proposal is consistent with the above objectives, being located in an area designed to provide good vehicle access and opportunity for large building forms to accommodate (in this case) the organised class structures. Such uses, on the edge of town centres, also helps to preserve the finer grain relationship between buildings intended for town centres, with larger unrelated buildings kept for peripheral areas.</p>			
c) any approved State planning policy	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<p>Comment:</p> <ul style="list-style-type: none"> • State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7) • Environmental Protection Authority Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses 			
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"/>
Comment:			
<ul style="list-style-type: none"> Local Planning Policy 1.4 - Public Consultation for Planning Matters (LPP1.4) Local Planning Policy 1.6 - Public Art for Major Developments (LPP1.6) Local Planning Policy 2.4 - Water Sensitive Design (LPP2.4) Local Planning Policy 4.15 - Bicycle Facilities Policy (LPP4.15) Local Planning Policy 4.16 - Tree Retention and Planting (LPP4.16) 			
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"/>
Comment:			
<p><u>Lots 1, 3 and 128 South Western Highway Local Structure Plan</u></p> <p>The LSP designates the site as 'Mixed Business' and provides requirements for the development of the area covered. As previously stated, a 'Health Studio' a 'P' (permitted) use in the 'Mixed Business' zone and therefore consistent with purpose of the zone.</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"/>
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 <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
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"/>
Comment:			
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"/>
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 checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: no change to the built form of the development.			

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"/>
Comment: refer to assessment.			
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"/>
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: refer to assessment.			
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: refer to assessment.			
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"/>
Comment: refer to assessment.			
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 checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			
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"/>
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"/>

Comment: the proposal seeks to amend development approval PA21/162 for Vehicle repair, Light Industry, Warehouse and Showroom issued on 19 July 2021.			
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"/>
Comment:			
y) any submissions received on the application	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<p>Comment: The application was advertised to surrounding landowners within 400m radius of the site for a period of 28 days, in accordance with Local planning Policy 1.4 - Public Consultation for Planning Matters (LPP1.4). The application details were displayed on the Shire's website for the same period.</p> <p>During this period, four submissions were received objecting to the proposal. The concerns raised relate to the following issues:</p> <ul style="list-style-type: none"> • Noise impacts from early morning group classes; • Removal of bushland and impact on fauna; • Additional vehicular traffic, noise and pollution. <p><i>Main Roads Western Australia:</i></p> <p>The application was also referred to Main Roads Western Australia (MRWA) due to the location of the development adjacent to a Primary Regional Road Reserve (South Western Highway).</p> <p>A submission was received from Main Roads in support of the proposed development, subject to conditions in relation to restricting direct access from South Western Highway, signage and remediation works for any damage incurred to the road reserve during construction. The conditions recommended by MRWA are reflected in the Officer recommendation.</p>			
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"/>
Comment:			
Zb) any other planning consideration the local government considers appropriate	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			