

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	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
---	---	---------------------------------------	--

Comment:Town Planning Scheme No. 2 (TPS2)

The subject site is zoned 'Urban Development' under the Shire's TPS2. Clause 5.18 of TPS2 sets out the objective 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.

The subject site lies within the Byford District Structure Plan 2020 (DSP), and designates the site 'Light Industrial' zone. The Lot 806 South Western Highway, Byford Local Structure Plan (LSP) designates the site 'Industry Light'. The extract of the DSP seen following.

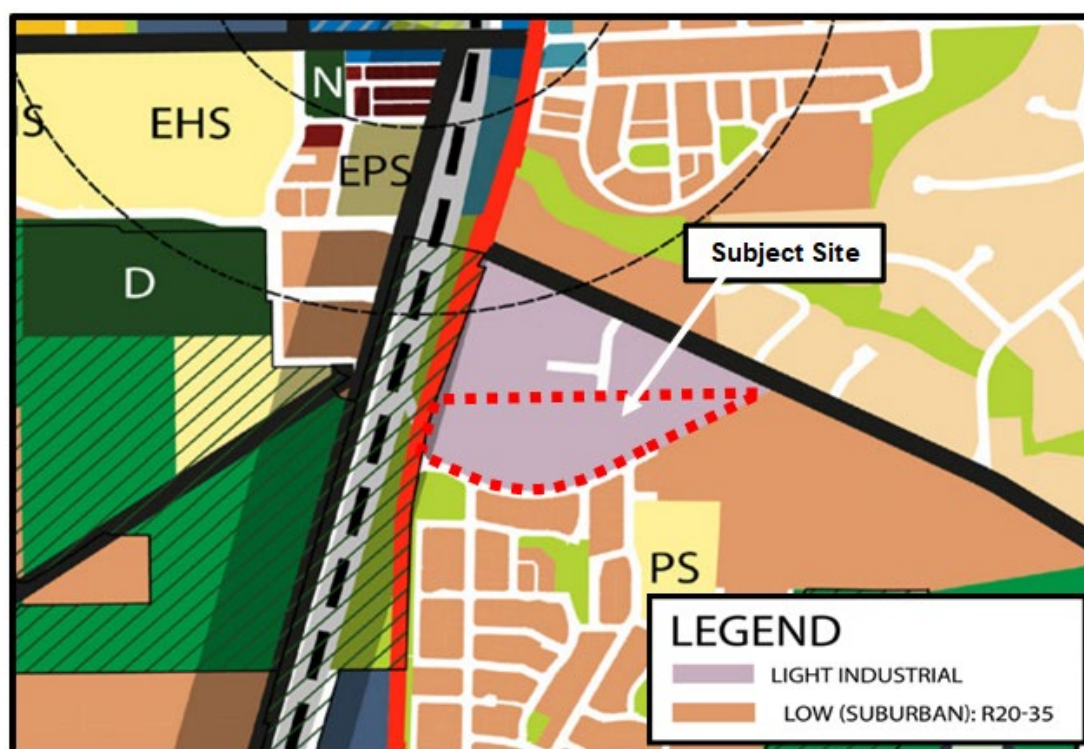


Figure 4: Byford District Structure Plan

The 'Light Industry' designation informs the permissibility of land uses, which is discussed in the following section of this report. Specific requirements and provisions of the LSP have been further considered later in the report.

Land Use

The proposed development falls within two separate land use definitions under TPS2. These are the 'Showroom' and 'Fast Food/Takeaway' land uses, which are defined as follows:

Showroom - “means land and buildings wherein goods are displayed and may be offered for sale by wholesale and/or by retail excluding the sale by retail of: foodstuffs, liquor or beverages, items of clothing or apparel, magazines, newspapers, books or paper products, medical or pharmaceutical products, china, glassware or domestic hardware, and items of personal adornment.”

Fast Food/Take Away Shop - “means a shop wherein food is prepared and offered for sale for consumption principally off the premises.”

These land uses are both ‘AA’ uses within the ‘Light Industry’ zone, as designated under the Structure Plan, in accordance with Table 1 - Zoning Table of TPS2. TPS2 states that the ‘AA’ symbol “means that the Council may, at its discretion, permit the use”. Therefore, the proposed land uses are considered capable of support, subject to a merits-based assessment.

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 *Planning and Development (Local Planning Schemes) Regulations 2015* or any other proposed planning instrument that the local government is seriously considering adopting of approving

YES



NO



N/A



Comment:

Draft Local Planning Scheme No. 3 (LPS3)

The zoning of the subject site under draft Local Planning Scheme No.3 (LPS3) will remain ‘Urban Development’ and be subject to the designation within the approved LSP. The proposal would fall under the land uses of ‘Bulky Goods Showroom’ and ‘Fast Food Outlet’, which are defined as:

Bulky Goods Showroom - “means premises -

(a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes -

(i) automotive parts and accessories;

(ii) camping, outdoor and recreation goods;

(iii) electric light fittings;

(iv) animal supplies including equestrian and pet goods;

(v) floor and window coverings;

(vi) furniture, bedding, furnishings, fabrics, manchester and homewares;

(vii) household appliances, electrical goods and home entertainment goods;

(viii) party supplies;

(ix) office equipment and supplies;

(x) babies’ and children’s goods, including play equipment and accessories;

(xi) sporting, cycling, leisure, fitness goods and accessories;

(xii) swimming pools.

or

(b) used to sell goods and accessories by retail if -

- (i) a large area is required for the handling, display or storage of the goods; or
- (ii) vehicular access is required to the premises for the purpose of collection of purchased goods.”

Fast Food Outlet - “means premises, including premises with a facility for drive through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten -

- (a) without further preparation; and
- (b) primarily off the premises.”

Within the ‘Light Industry’ zone, the ‘Bulky Goods Showroom’ land use is a discretionary (‘D’) land use, therefore capable of approval subject to the local government exercising its discretion after giving notice in accordance with clause 64 of the *Deemed Provisions*. The ‘Fast Food Outlet’ land use would be a discretionary (‘D’) land use, meaning the Shire has discretion to support the proposal subject to a merits-based assessment.

c) any approved State planning policy	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Refer to the consideration of State Planning Policy 3.7 in Clause (q) and State Planning Policy 7.0 in Clause (m) of this assessment.			

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 checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Refer to the consideration of State Planning Policy 3.7 – Planning in Bushfire Prone Areas in Clause (q) and State Planning Policy 7.0 – Design of the Built Environment in Clause (m) of this assessment.			

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

Public consultation for this application was undertaken in accordance with Local Planning Policy 1.4 – Public Consultation for Planning Matters.

Local Planning Policy No 24 - Designing Out Crime (LPP24)

Clause 67 of the *Deemed Provisions*, namely (n) requires consideration of impacts of the development to the amenity of the locality including any social impacts of the development. Officers consider that this coincides with a number of submissions raised by community members, in that there are concerns the proposal could lead to an increase in crime or antisocial behaviour. LPP24 provides provisions and principles relating to Crime Prevention Through Environmental Design (CPTED). This is the notion that people's behaviour is influenced by the design of the environment, including the built form.

LPP24 provides principles that inform CPTED considerations and guide Officers in considering the potential for antisocial activities at the site. The relevant provisions have been considered in the below table:

LPP24 Assessment Table	
Surveillance	
Ensure clear sightlines to public realm areas from adjacent buildings.	<p>The development site is to have a generally open layout. There are limited enclosed or hidden spaces. This would enable lighting of the site to ensure clear sightlines can be maintained.</p> <p>The current building facades have limited windows, which does not promote passive surveillance or clear sightlines of the car park from tenancies. It is recommended that the applicant provide amended elevation plans as a condition of determination including more substantial windows on individual tenancies to address this.</p>
Light primary pedestrian routes.	Officers have recommended a condition of this determination to provide a lighting management plan to this effect.
Ensure level changes do not obscure public places.	There are several significant level changes at the site due to the topography of the land. Though they do not obscure between public and private places due to the access ramps, stairs and internal vehicle access to the different levels of the site.
Front boundary fencing should be visually permeable.	There is no fencing proposed to the South Western Highway boundary.
Access Control	
Secure access against offenders with gates and defining structures.	Development on the site will be defined between tenancies and carparks. Roller doors are proposed at the rear of tenancies.
Ramps and steps can create effective local access controls.	The site features slopes and contours. There are ramps and steps near to service areas, 'back of house' areas and separating land uses, creating access controls.

Changes of ground level delineate ownership or use changes.	Changes in levels are used to delineate the showroom from the fast food tenancies.
Territorial Reinforcement	
Clearly define private ownership by structures and surface materials.	The development by way of form and design is clearly commercial development, meaning it is easily understood that the buildings are privately owned.
Avoid ambiguity of ownership and responsibility.	The site will have clearly defined ownership areas, compared to the nearby residential area to the south.
Management and Maintenance	
Establish effective maintenance plans for public spaces.	Landscaping Plan to be maintained in an ongoing manner.

Officers consider the general open lot layout promotes good internal passive surveillance, opportunities for lighting and CCTV cameras to ensure anti-social behaviour is not encouraged. The natural features of the land, landscaping and the inclusion of retaining walls ensures private and public areas are clearly defined, further discouraging anti-social behaviour through passive design.

As discussed in the table above, Officers note the lack of windows across the development site would not contribute to passive surveillance across the site. Indeed, when discussing surveillance LPP24 states that, *"Barriers such as blank walls or building facades without windows that reduce visual permeability can make it difficult to observe non-desirable activities."* It is considered that this element of the development is crucial to promoting a positive design outcome and discouraging negative behaviours across the site.

In that instance the minimal windows on building facades and expansive car park led to a low level of natural passive surveillance. Officers consider that by amending the proposed development to include more windows on internal building facades, the provisions and objectives of LPP24 can be met. This forms a recommended condition of determination.

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: <u>Lot 806 South Western Highway, Byford Local Structure Plan (LSP)</u> <p>The approved LSP seeks to facilitate development of the whole site for light industrial purposes. This includes the provision of an internal road layout connecting the site to the development to the north via Dougall Street, a vegetation buffer to the south and west of the site. This is captured following:</p>			

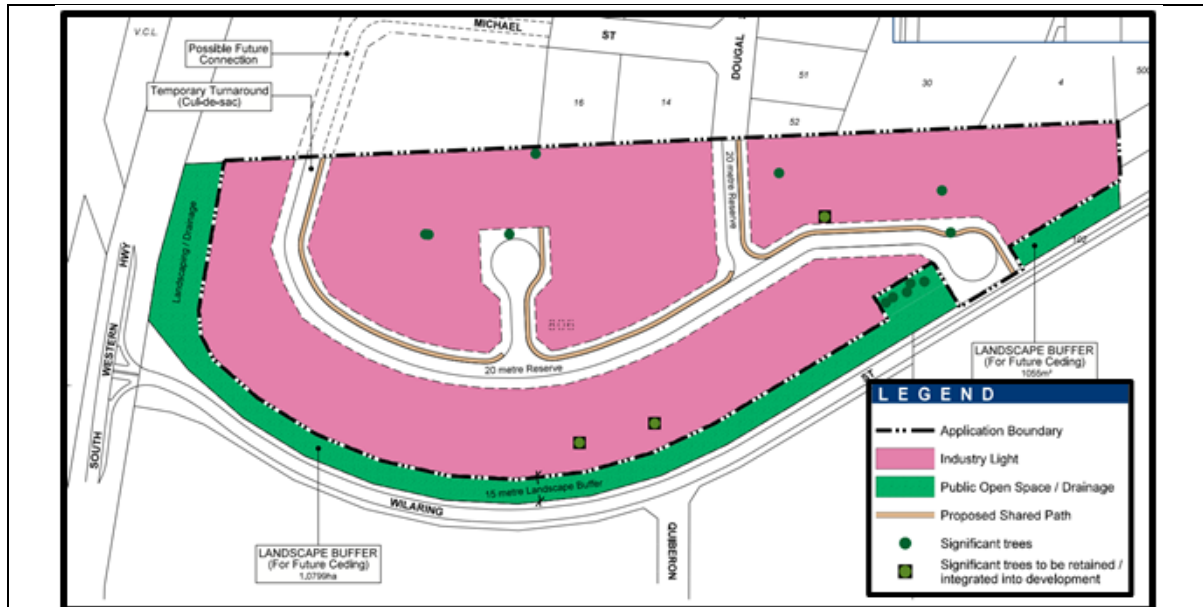


Figure 5: Lot 806 South Western Highway, Byford Local Structure Plan

As a due regard document, the proposal differs from the LSP through the realignment of Wilaring Street and also the modified landscaping provision.

In terms of realigning Wilaring Street, access to the site via Wilaring Street had not been contemplated by the LSP, with the focus in isolating vehicle movements to the north via Dougall Street. Officers consider however, the realignment to still achieve the intent of the LSP as it has been realigned to deviate traffic away from the residential development to the south, while also maintaining the access to the site via Dougall street. The alignment will ultimately separate the traffic associated with the commercial development from the residences, removing the risk of increased traffic on a residential road. This is shown in the figure following:

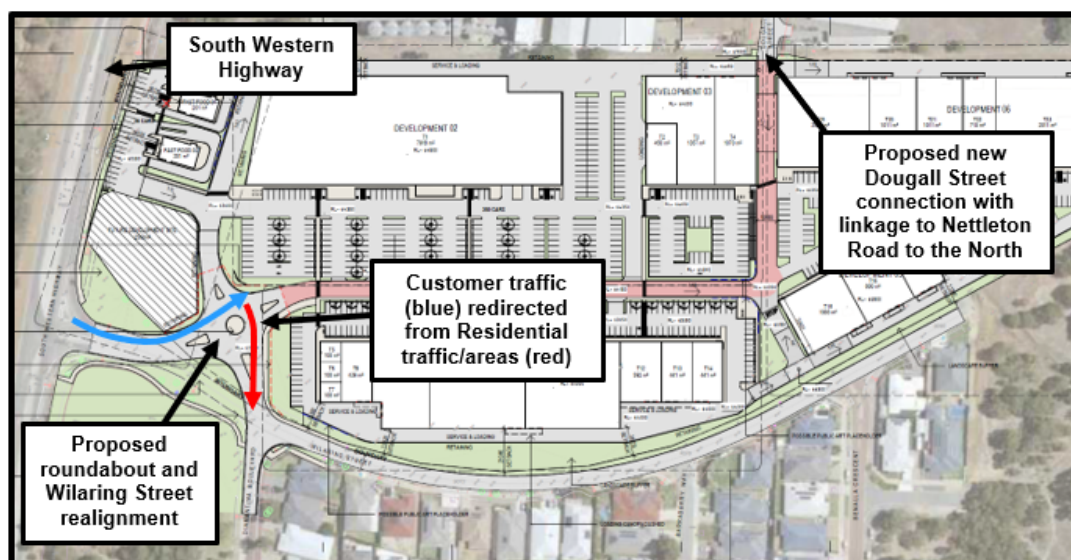


Figure 6: Existing and proposed road network

In terms of landscaping, the reduced landscaping area within the 'Public Open Space/Drainage' designated area in the LSP has been addressed by the submission of a Landscape Management Plan which seeks to provide dense screening of the development and also improve the visual appearance of the buildings when viewed from the public realm. Officers will also be seeking an amendment to

the Landscape Plan to include additional planting along the South Western Highway boundary and also to include the verges along Wilaring Street. This increasing the overall area to be landscaped. Officers as a result are satisfied that the overall intent of the LSP in this regard has been met.

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

☒

NO

☐

N/A

☐

Comment:

Form of Development

Clause 67 of the *Deemed Provisions*, specifically (m) relates to the form of the development that is required to be assessed.

The proposed built form features large showrooms buildings, of a tilt up panel design. These range from 10m to 7.5m in height. The proposed material palette comprises of a variety of face brick, colourbond cladding, painted concrete and large glazed doors. The two fast food tenancies close to South Western Highway feature an articulated design, while also providing a mixed colour palette of earthy tones.

Officers have assessed the design of the proposed development in line with the relevant provisions of the Byford Townsite Detailed Area Plan (DAP) and the design principles of State Planning Policy

7.0 - Design of the Built Environment (SPP7.0). Regarding the DAP, the subject site is located within the 'Light Industry' character area, which the development is consistent with by way of land use as discussed earlier in the land use section of this report. The assessment of the development against the DAP and SPP7.0 is as follows:

Byford Townsite Detailed Area Plan (DAP):

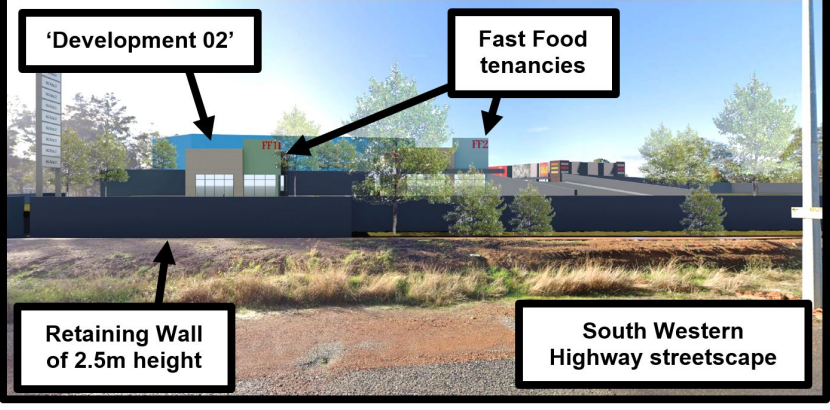
DAP Assessment	
Requirement	Proposed Development
<p>(iii) Building Setbacks</p> <p>As required under Councils Town Planning Scheme other than for the South Western Highway, which shall be 20m minimum. (G1, G6, I4)</p>	<p>Complies. Table IV of TPS2 requires Showroom and all other land uses within the 'Light Industry' zone to have a 9m setback to the primary street, no other setback requirements are provided. The development complies with this and the 20m DAP requirement. The fast food outlets being the closest the South Western Highway boundary are set back 24m.</p>
<p>(iv) Building Materials and Colours</p> <p>Building facades should be constructed predominantly of masonry, concrete, stone, timber or glass, or any combination of these products. Zincalume will not be permitted in the façade. Colourbond metal will be permitted as a feature only or as a visible roof material. This requirement extends to all street frontages. (G1, G2, G6, I 2).</p>	<p>The facades of the proposed buildings are predominantly of concrete tilt-up panel construction. There are feature elements of masonry, stone, timber and glass which are supported.</p> <p>Variation. The 'Development 02' building comprises of colourbond. This is mainly screened from the public realm due to the existence of other buildings screening the development. Officers recommend the western elevation of this building be amended to include materials which improve the appearance of the building in line with the rural character of the locality. Further details of recommended material treatments have been included in the SPP7.0 assessment section following.</p>
<p>(v) Fences</p> <p>Closed screen fencing shall only be permitted behind the front building line. Fencing forward of the building line is not supported, but Council can permit open, security fencing forward of the building line under special circumstances. (G1, G6, I 2)</p>	<p>Complies. No fencing is proposed forward of the building line towards the primary streetscape of South Western Highway.</p>
<p>(vi) Servicing (outdoor storage, air-conditioning units, plant and equipment, etc).</p> <p>All outdoor storage and plant and equipment shall be located out of sight from any public road. (G1, G6, I 2)</p>	<p>Locations of plant and air-conditioning equipment have not been provided. The applicant has advised this is to be undertaken when tenants have been confirmed. Officers consider a condition should be imposed</p>

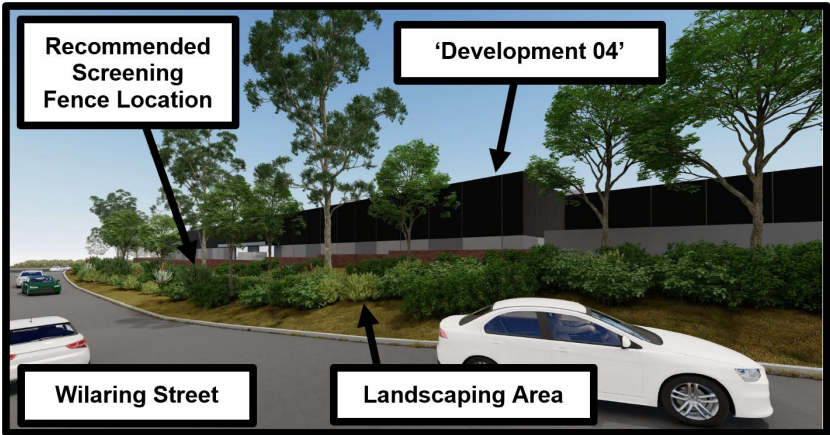
	requiring an updated Plan detailing plant and equipment demonstrating it to be suitably screened from public roads.
<p>(vii) Signage</p> <p>Signage shall comply with Council's Local Planning Policy LPP5 - Control of Advertisements. No signage shall be permitted on the South Western Highway frontage. The only signage permitted on Nettleton Road shall be on the buildings. (G1, I 2, I 4)</p>	<p>No signage is proposed as part of the application. A condition will be imposed to require a signage strategy is submitted to be in accordance with Local Planning Policy 4.11 - Advertising.</p>
<p>(viii) Landscaping</p> <ul style="list-style-type: none"> • A landscape plan must be provided and approved by the Council for every development site. The plan must incorporate the planting of substantial trees, aimed at maintaining the area's semi-rural character. • A minimum of 10% of the total site shall be landscaped in a form approved by the Council. This area shall include any area on a secondary street frontage, and may include an open car park where shade tree planting is proposed at a rate of at least one tree per 6 car bays. • All trees planted on the site must be from a selected palette of indigenous trees as specified by the council (refer section 8 of this DAP). • No planted strip shall be less than 2.0 in width. <p>(G1, G4, G6, C2, C5, C6)</p>	<p>Complies. The development application includes a robust Landscaping Plan, which incorporates a mixture of vegetation. This includes the planting of large native trees. Amendments through a condition of approval are being sought to improve the visual appearance and the buffer of the development.</p> <p>Complies. The development site maintains overall 10% of the site as landscaping.</p> <p>Complies. Trees proposed are native species.</p> <p>Complies. Some of the planting areas along the south boundary (Wilaring Street) are 1.8m in width, internal to the property boundary. This is considered a minor departure and the intent is met due to the area being greater than 2m when considering the street reserve as well, which Officers recommend forms part of an updated Landscaping Plan requested through a condition of approval.</p>
<p>(ix) Off-site Impacts</p> <p>The interface between different land uses is always difficult to deal with due to the potential for conflict, particularly where commercial or industrial land has an interface with residential land. The following requirements should be applied in this instance.</p> <ul style="list-style-type: none"> • Nettleton Road: This frontage is essentially developed. Any proposals for re-development should impose a landscaping requirement as per (viii) above. This should be complimented by a street tree planting programme along Nettleton Road. (Refer Section 9 for developer contributions). 	<p>Nettleton Road - N/A</p> <p>South Western Highway (Variation) - This frontage does not provide the required 10m wide landscape buffer, nor any screening vegetation within the property boundary. Officers have recommended a condition to require updated landscaping treatments to the South Western Highway frontage, which will improve the visual appearance. Further details of the recommended treatments to the west interface of the development are within the '1. Context and Character' section of the SPP7.0 assessment below.</p> <p>Wilaring Street/Southern Perimeter (Variation) - This frontage towards the residential land to</p>

<ul style="list-style-type: none"> • South-Western Highway: There is potential for some further subdivision along this frontage. A 10m wide landscape buffer should be provided and landscaped with screening vegetation to no less than 1.8m high, with tree planting to establish a canopy. Landscaping should be of indigenous species with a mix of groundcovers, shrubs and trees. • Southern Perimeter: The land to the south has been identified as future urban land. In the event of further subdivision of Lot 523 at the end of Dougall Street, a 15m wide landscape buffer should be provided, earth banded and planted with screening vegetation to deflect noise from the industrial area over future residences, to provide visual screening and to incorporate stormwater drainage requirements for the precinct. <p>(G1, G6, I 2, I4)</p>	<p>the south does not provide the full landscape buffer required under the DAP for the purpose of screening. However, Officers have recommended an updated Landscaping Plan to increase the density of vegetation on the southern perimeter of the development site, which includes the road reserve to be vegetated, which would provide a larger landscaping area along Wilaring Street (5m to 15m). The Landscaping Plan will be required to ensure that adequate vegetation would be provided and screening effect maintained. Further details of the recommended treatments to the south interface of the development are within the '6. Amenity' section of the SPP7.0 assessment below.</p>
--	--

State Planning Policy 7.0 - Design of the Built Environment (SPP7.0)

SPP7.0 Design Principle Assessment	
Principle and Objective	Comment
<p>1. Context and character</p> <p>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</p>	<ul style="list-style-type: none"> • The proposal does incorporate a mixture of earthy tones and materials to respond to the natural features of the Darling Scarp, which is suitable. • The proposal also is indicative of public art, which can be incorporated into the development. • Officers have recommended updated design treatments to address the South Western Highway interface of the development. This includes the retaining wall on the west lot boundary, the western façade of the fast food tenancies and the 'Development 02' building to include design elements that are consistent with the rural character of the locality.

		
<p>2. Landscape quality</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</p>	<ul style="list-style-type: none"> • The applicant proposes 10.5% of the site as landscaping area. This includes a mixture of treatments, including soft and hardscaping. The landscaping proposed focuses on improving the visual appearance of the site. • Officers have recommended a condition to require an amended Landscaping Plan to ensure adequate landscaping is provided to the South Western Highway and Wilaring Street frontage. 	
<p>3. Built form and scale</p> <p>Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.</p>	<ul style="list-style-type: none"> • The proposal aligns with the expected form of development through the approved LSP, which is of a light industrial nature. Vegetation and landscaping has been proposed to screen the development from the residential interface of Wilaring Street. • Officers have recommended amended development plans be provided to ensure that the design and materials used for buildings is reflective of the rural character of the locality. 	
<p>5. Sustainability</p> <p>Good design optimises the sustainability of the built environment, delivering positive</p>	<ul style="list-style-type: none"> • The development proposes the following sustainable attributes: • Substantial landscaping throughout the subject site, including a diverse range of endemic vegetation; • Strong pedestrian connectivity and provisions of cycling infrastructure, surplus to TPS2 requirements, to encourage active transportation; 	

environmental, social and economic outcomes.	<ul style="list-style-type: none"> • Employment opportunities for the surrounding community; • Introduction to a more diverse range of uses within the Byford locality. 	
<p>6. Amenity</p> <p>Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.</p>	<ul style="list-style-type: none"> • The development seeks to incorporate landscaping, material and design elements to create a high degree of amenity within the development. • A condition has also been recommended to elevate rural themes and tones of the locality within the development. • Regarding the southern interface of the development, Officers recommend improved treatments to the landscaping area and the development to ensure the amenity of residents to the south can be maintained. This includes more dense screening vegetation within the landscaping area, a screening fence to be placed on top of the retaining wall behind the landscaping area and improved design treatments to the top of the 'Development 04' and 'Development 05' buildings. These measures would create a layered treatment effect, ensuring the amenity of the residents to the south can be maintained. 	
<p>7. Legibility</p> <p>Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.</p>	<ul style="list-style-type: none"> • Tenancies are to be separated by cladding feature walls and supported by signage to be implemented in another application process. This would assist with legibility. • The development features a central internal road, by which all tenancies are accessible. This would assist again with legibility. • Officers will require a directional signage strategy be implemented as a condition of the determination. 	
<p>8. Safety</p> <p>Good design optimises safety and security,</p>	<ul style="list-style-type: none"> • The development does not provide details of lighting, which will be required as a condition of determination. • The development would contribute to passive surveillance on the site. This is also discussed later in this report, within the Local Planning Policy No 24 - Designing Out Crime section. 	

minimising the risk of personal harm and supporting safe behaviour and use.		
<p>9. Aesthetics</p> <p>Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.</p>	<ul style="list-style-type: none"> Development incorporates various sized buildings, articulation and mixture of materials to reflect the rural tones of the Shire. A condition has been recommended to further improve the aesthetic design of buildings, by incorporating further contrasting materials and building designs. 	
<p>Officers generally consider the development aligns with the aforementioned provisions, subject to conditions which will further improve the visual appearance of the development.</p>		

n) the amenity of the locality including the following –	YES	NO	N/A
I. Environmental impacts of the development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
II. The character of the locality			
III. Social impacts of the development			
<p>Comment: Refer to considerations in Clause (m) and (o) of this assessment.</p>			

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	NO	N/A
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>Comment: <u>Environment</u></p> <p>Clause 67 of the <i>Deemed Provisions</i>, specifically (o) requires consideration of the effect of the development on the natural environment and any measures proposed to protect or mitigate impacts.</p> <p><i>Geomorphic Wetland</i></p> <p>The western portion of this site is a 'Multiple Use' category wetland. The 'Multiple Use' category is a classification of wetland applied to wetlands that have the least amount of environmental values. As seen in the figure below, the area of the wetland covers a significant extent of Byford beyond the site. The wetland, through the Byford District Structure Plan and accompanying Byford District Water Management Strategy always intended for the wetland to be developed upon. As such, the</p>			

wetland as a result of existing development undertaken over the past 15 years has impacted upon its environmental attributes.

Officers further note that there is a 'Conservation' category wetland located 50m to the west of site. This is a wetland of high importance. Development of this site is not considered to impact that wetland due to the presence of South Western Highway separating the site from the wetland.



Figure 17: 'Multiple Use' category wetland on site (yellow overlay) and the nearby 'Conservation' category wetland (purple overlay)

Officers consider that as the wetland has been progressively built upon and degraded over time, the small portion of the wetland located on the property does not serve an environmental function as a result consider the development acceptable in the location.

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



NO



N/A



Comment: Removal of Vegetation

The site is proposed to be cleared of vegetation. Officers note that several submissions have been received relating to the impacts of the development on the natural landscape features of the site. These mainly raise concern relating to the removal of vegetation and possible impacts on local fauna (including Bandicoots and Carnaby's Black Cockatoos). The applicant has provided an Environmental Assessment Report (EAR) to support this aspect of their development. The EAR provided is dated March 2018 and was developed to support the preparation of LSP that sits over this site.

For the purpose of this report an assessment has been undertaken against Clause 7.12.6 of TPS2. Consideration of the provisions of Local Planning Policy 4.16 - Tree Retention and Planting has been undertaken within the technical assessment which can be viewed as **attachment 4**.

TPS2 Clause 7.12.6 Criteria for Assessing an Application for Tree Removal	
Criteria	Officer Comment
a) that there should be a minimum disturbance to the landscape characteristics of the locality	The site was clear of vegetation in 1953, but since then regrowth has taken place. The small area of vegetation proposed for removal forms part of a larger vegetation complex within the Byford locality, which still maintains key landscape characteristics of the Scarp. It is important to note that the approved Local Structure Plan (LSP) informs development expectations for the site. In this regard, vegetation is generally intended to be cleared for development, which informs the expected impacts to the landscape characteristics. Notwithstanding this the LSP designates revegetation areas on the south and west boundaries of the site which intend to provide a large strip of vegetation to screen development on site and act as a natural buffer. Furthermore, a Landscaping Plan has been proposed to landscape the site, which a specific focus on the revegetation area and internal landscaping, which would provide a high degree of vegetation when viewed from the public realm and to a degree will replace the existing vegetation removed. Officers consider the removal of vegetation aligns with the planning framework for the site.
b) 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	The removal of vegetation reflects the intent of the existing LSP approved for the subject site, intending it to be developed for light industrial purposes. Officers consider that the proposed Landscaping Plan once implemented will still provide a high degree of amenity, with a particular focus on the revegetation areas to the west and south of site.
c) 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	The trees are regrowth. The vegetation onsite is considered to form part of a larger complex of vegetation within the Byford locality. As a result, the removal is not considered to adversely impact upon the broader values of the Byford locality. Notwithstanding this, the LSP intends for the site to be developed and to generally be cleared.
d) reflecting upon the adequacy of the information supplied as to the general description of the tree or trees and the character of the locality	The vegetation on site forms part of a larger complex within the Byford locality. The small portion to be removed is not considered to impact upon the overall complex and landscape character. A landscaping plan has also been proposed and intends to vegetate key areas of the site as reflected in the LSP. Amendments have been sought to this Landscaping Plan through a condition of approval, to ensure appropriate landscaping within these key areas occurs to maintain the landscape characteristics of the Scarp.
e) giving effect to any proposals made for replacement of trees removed, for planting or replanting generally, and any comprehensive	The proposed Landscaping Plan seeks to vegetate the south, west and internal areas of the site meeting the intent of the LSP, seeking to improve the overall visual appearance of the development. The plan also seeks to manage visual appearance of the development as viewed from the surrounding streetscapes.

proposal for landscaping	Officers however have recommended an amended Landscaping Plan. This focuses on increasing the density of species along the revegetation areas.
f) preservation of the existing and future amenity of the adjoining land and the natural environment of the locality	Through the LSP the vegetation is intended to be removed broadly across the subject site. The vegetation forms part of a larger complex in the locality, specifically the residential area of the Scarp. As a result, the removal is not considered to impact upon the amenity and the broader environmental features of the locality.
g) minimising the effect of removing trees and naturally growing vegetation on the environment and in particular erosion and salination effects	

In summary, Officers consider that the proposed removal of vegetation will not adversely impact upon amenity and/or the environment. This proposed Landscaping Plan provided as part of the application, meets the intent of the LSP. Also, the removal of the existing vegetation is considered as a small portion of the existing vegetation within the Byford area as seen below:

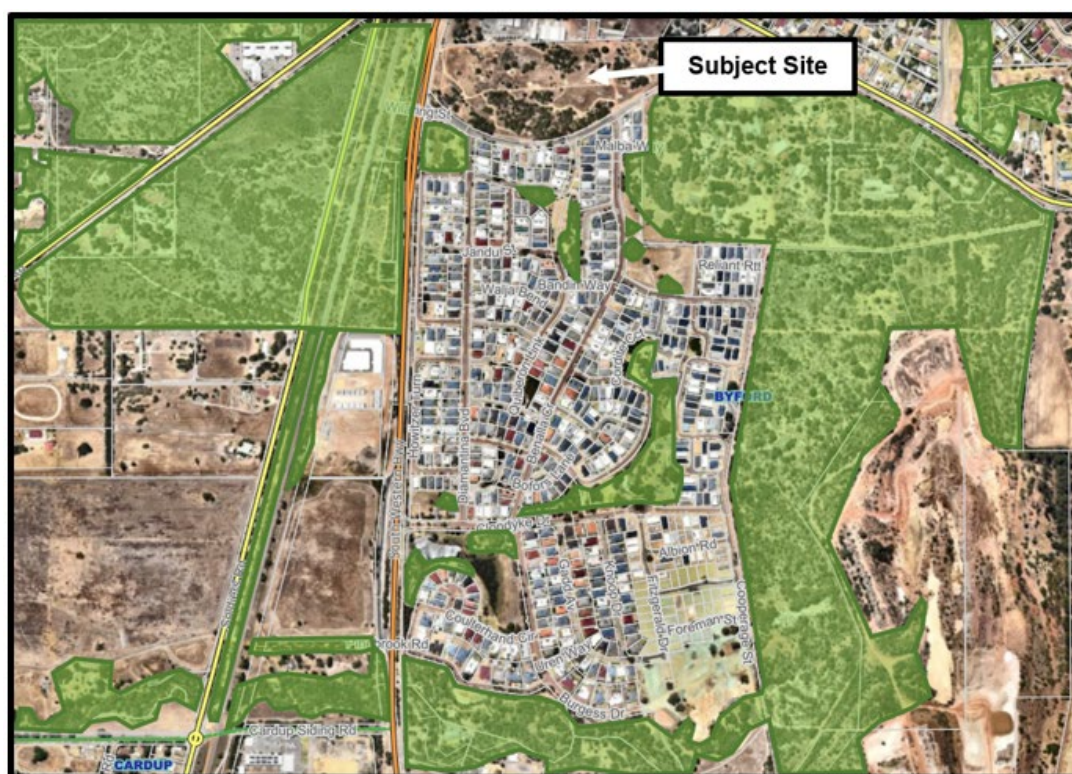


Figure 18: Aerial imagery depicting the existing vegetation in the broader Byford context

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:Bushfire Management Plan

The subject site lies within a bushfire prone area and as such is required to have a Bushfire Management Plan (BMP) prepared achieving compliance with State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7) and the associated Guidelines for Planning in Bushfire Prone Areas (Guidelines). A BMP has been submitted demonstrating that a BAL rating of BAL-29 is able to be achieved for the development. The BMP demonstrates consistency with the provisions and elements of the Guidelines relating to Siting, Location, Access and Water.

DFES also commented that no Bushfire Emergency Evacuation Plan (BEEP) has been provided by the application. Officers consider that due to the built-up nature of the site and close access to South Western Highway, effective evacuation of the site is capable. However, this should be formalised in a BEEP, which makes each tenant aware of their responsibilities and evacuation points, considering customers may be at the site where they are not familiar with their surroundings. The BEEP is therefore recommended by way of a condition.

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:**

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:**Car Parking

Clause 67(s) of the Deemed Provisions requires consideration be given to the adequacy of provision for parking of vehicles. The following car parking assessment has been undertaken against the requirements from TPS2 and draft LPS3:

Car Parking Assessment					
	Fast Food	Showroom	Combined Required Bays	Proposed	Complies?
TPS2	2 bays per 10sqm gross leasable area (146 bays)	1 bay per 60sqm <u>gross</u> leasable area (499 bays)	645 bays	699 bays	Yes
LPS3	1 bay per 4sqm of counter and/or dining areas, 1 bay per 4sqm of public assembly areas; and	1 bay per 40sqm of <u>net</u> leasable area (561 bays)	652 bays	699 bays	Yes

	<p>1 bay per employee.</p> <p>Where a drive through facility is provided, 4 stacking bays and 1 waiting bay shall be provided</p> <p>(91 bays) - applicant's estimate</p>				
--	---	--	--	--	--

Officers note that the parking allocation under TPS2 pertaining to Showroom is one bay per 60sqm of gross leasable area, whereas LPS3 introduces a one bay per 40sqm measure based on net leasable area. Showrooms can vary substantially in comparison between gross and net leasable area, with the latter excluding aspects such as service areas, common areas and areas set aside for provision of common facilities. Officers have calculated a net leasable area of 75% of gross leasable area, resulting in a car parking requirement of 652 bays, including the fast food outlets.

Based on the differing peaks of activity associated with the different uses, Officers further consider that car parking is sufficient for the proposed development.

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:
Traffic and Access Management

Clause 67 of the *Deemed Provisions*, specifically (s) and (t) relate to the ability of the development to manage access and egress arrangements, and whether the traffic generated by the proposal would be safely managed on the existing local road network.

To demonstrate this, the applicant submitted a Traffic Impact Assessment (TIA) which identifies that the immediate road network of the site includes South Western Highway to the west, Wilaring Street to the south, Dougall Street and Nettleton Road to the north. South Western Highway is a 'Primary Distributor Road' under the jurisdiction of Main Roads Western Australia (MRWA), with a speed limit of 60km/hr. The other three streets mentioned have an 'Access Street' classification under the road hierarchy. All these roads, except for Wilaring Street, form part of the Restricted Access Vehicle (RAV) Network.

The TIA identifies that the traffic generated by the development would generally be standard passenger vehicles with AM peak periods of the development on the weekdays between 8:00am to 9:00am and the PM period to be 3:00pm to 4:00pm. The TIA also accounts for Saturday (weekend) peak hours at 12:00pm to 1:00pm. It estimates that, "*the proposed development would generate a total of about 5,500 daily trips (both inbound and outbound) with about 119vph, 733vph and 1,072vph during the weekday AM, PM and Saturday midday peak hours respectively.*" Of the vehicles generated, 70% of the traffic would attend the site from the north and 30% from the south along South Western Highway.

The TIA has assessed the capacity of the immediate local road network including Wilaring Street, Dougall Street, Nettleton Road and South Western Highway in dealing with the volume of traffic generated demonstrating that there is capacity on these roads to cater for the additional vehicles.

A SIDRA analysis was also undertaken to analyse the performance of intersections of the immediate road network used to access the development. The results of the SIDRA analysis identified that generally the intersections are performing at a sufficient level to manage the volume of traffic generated. However, it is noted that queuing on Wilaring Street has been identified prior to vehicles manoeuvring onto South Western Highway during peak periods.

The intersection can only manage one north bound vehicle at a time in the median strip waiting to access South Western Highway resulting in the queuing. The TIA states that queuing would extend approximately 60-70% beyond Wilaring Street, east of South Western Highway towards the proposed roundabout. Officers consider that the queuing is also likely to be higher as the SIDRA analysis does contemplate the residential vehicles of the Scarp using the same South Western Highway/Wilaring Street entry points. Officers consider that to address queuing and to alleviate congestion along Wilaring Street that may also impact upon internal movements of the site, an island treatment and an acceleration lane treatment is required, based on the specifications of MRWA. This has also been recommended by MRWA These can be viewed following:

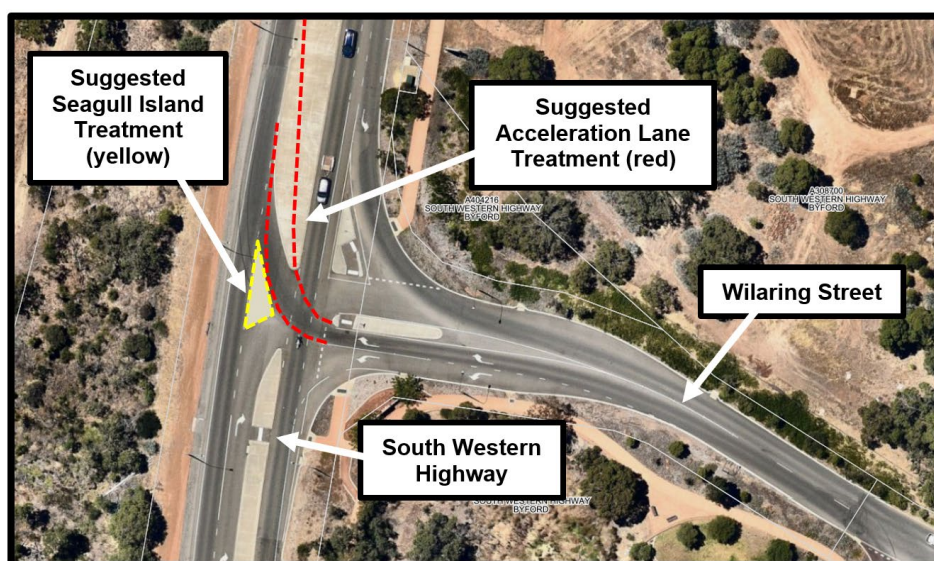


Figure 7: MRWA suggested treatments to ensure safety of South Western Highway/ Wilaring Street intersection

The island and acceleration lane treatments would enable a clear and continuous movement path across South Western Highway for vehicles, reducing queuing along Wilaring Street. The treatments would ultimately reduce the extent of queuing and congestion along Wilaring Street and improve the safety of the intersection. As such, a condition has been recommended to this effect. A further condition will be recommended to require service vehicles to utilise the Dougall Street entry and exit to the site to further reduce queuing along Wilaring Road. The costs of these treatments would be the responsibility of the applicant.

MRWA as part of their submission provided comments (as detailed previously) recommending that the TIA be amended to model for future projected increases to background traffic. Traffic along South Western Highway is likely to be significantly reduced as part of the Tonkin Highway extension. This will create a new key north-south linkage which is displayed in the following figure. Thereby, the growth projections would likely indicate that there would be less north-south bound traffic on South Western Highway. This would ensure the adequacy of the nearby road network to cater for the proposed traffic associated with this development, as well as future increases.

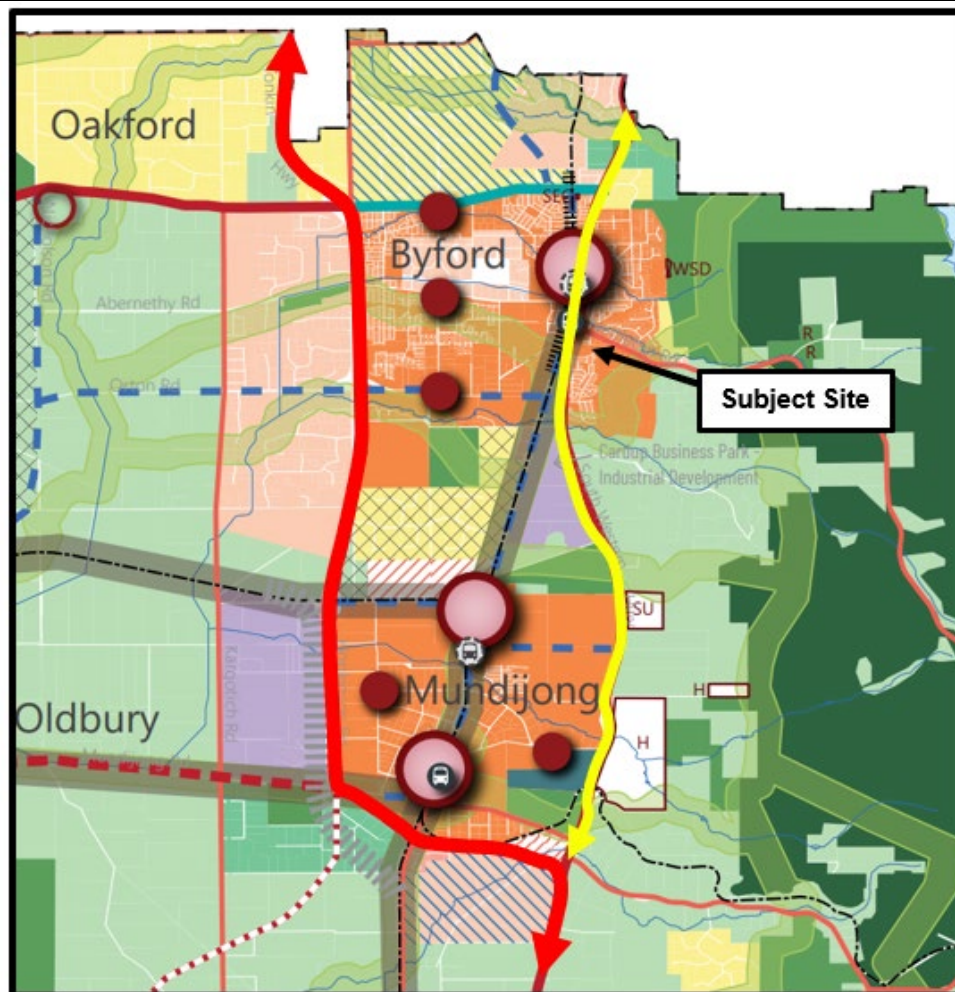


Figure 8: Tonkin Highway extension (red), South Western Highway (yellow)

Another matter raised in the MRWA referral was relating to the efficiency and safety of the internal four-way intersection to the north of the roundabout, potentially leading to queuing onto South Western Highway. The four-way intersection is viewed following:

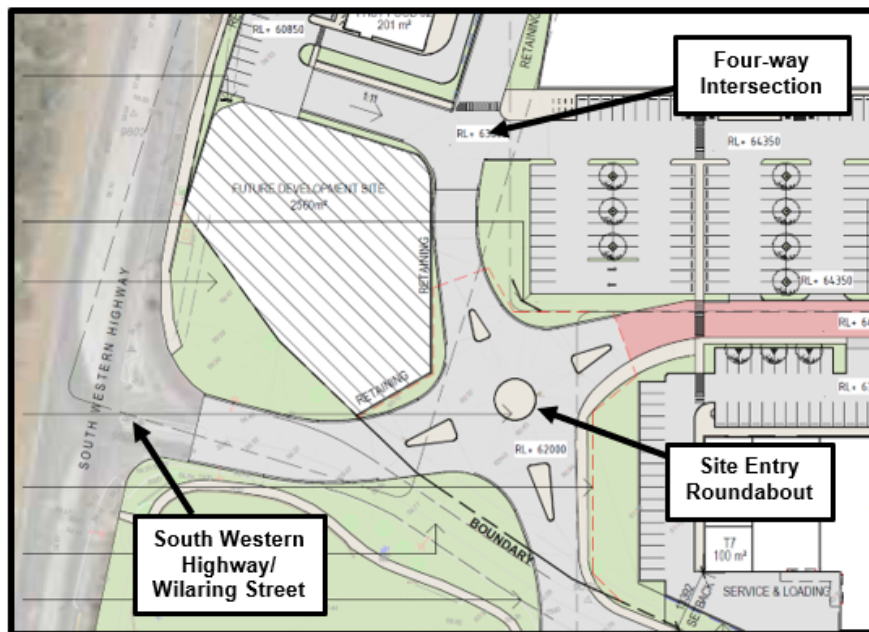


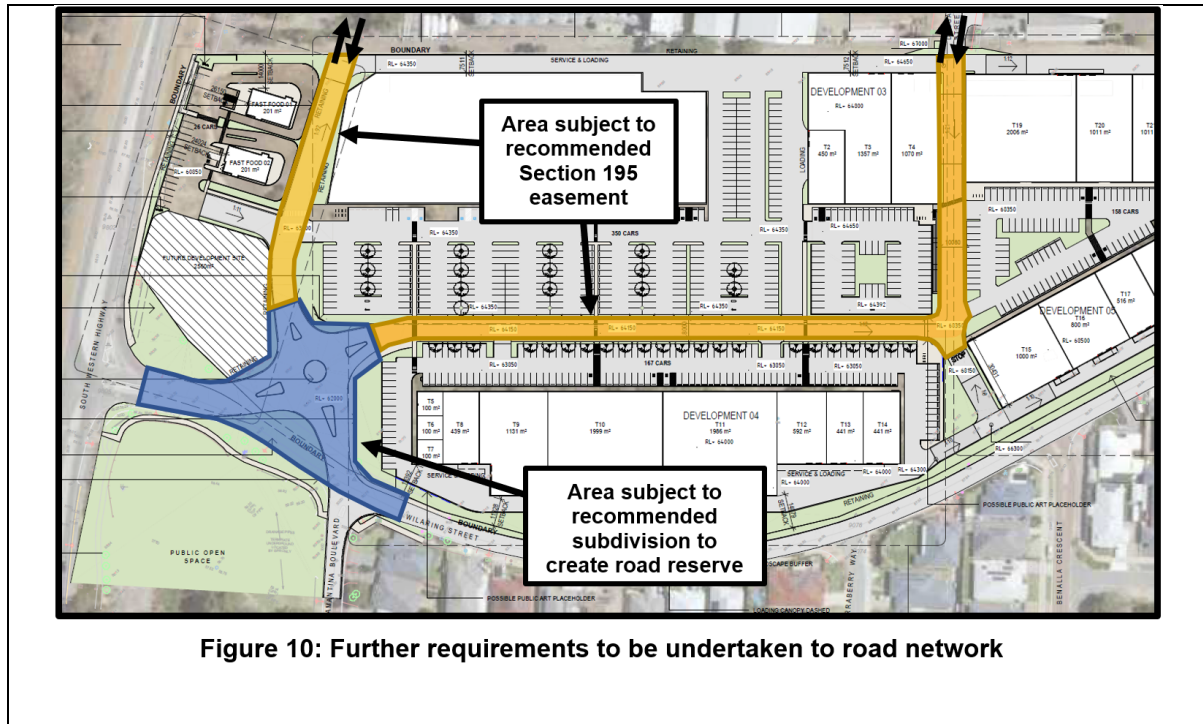
Figure 9: Proposed additions to local road network, including four-way intersection

MRWA have indicated that due to the irregular shape of this four-way intersection and that the crossovers are different in size, that it may cause confusion for customers resulting in queuing. MRWA recommends the installation of a smaller roundabout at this location, which Officers consider would ensure efficient and safe flow of traffic internally to the site. This measure has been recommended as a condition of determination.

Council should note that as MRWA maintains its objection to the proposal, the Western Australian Planning Commission (WAPC) are called in under Clause 29(1)(c) of the Metropolitan Regional Scheme (MRS) as responsible authority for that Scheme. The WAPC will recommend a position to the Metro Outer Development Assessment Panel (MODAP) under the MRS (approval or refuse).

Officers recommend a Condition pursuant to Section 195 of the *Land Administration Act 1997* be included in the determination of this application. The purpose of this is to establish an easement in gross to ensure the through-roads are available and accessible to the public at large without restriction and at all times. This would also be required to be maintained by the applicant. Another condition is recommended to require the applicant to undertake a subdivision application of the site. This shall exercise the realigned Wilaring Street and the associated infrastructure from the subject site, establishing a new public road reserve to accommodate realigned Wilaring Way.

The Shire is aware that the construction works to Wilaring Street would result in impacts to existing traffic in the locality for a period while construction is being undertaken. Officers are aware of the impact that these road works may temporarily have upon the community. Therefore, a Construction Management Plan is recommended through a condition, to ensure existing traffic can still use Wilaring Street and minimal impacts to nearby residents occurs during construction.



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:

Waste Management

The site features a total of 26 separate tenancies, each of which will require their own bin storage areas. Officers consider that if this is not correctly managed there is the potential for waste collection to result in an adverse impact to nearby residents by way of visual amenity and odour.

The applicant has advised that each tenant will have their own bin storage areas internally to the buildings. The bins would then be wheeled out on collection days at the rear of the tenancies, on the service road. These would be collected by waste collection vehicles and wheeled back into the building. As there are no tenants for the site presently, full details of waste collection, including the service provider have not been provided. Officers are satisfied that bin store areas within the buildings will prevent odour and visual impacts of waste to the locality. As mentioned previously, Officers recommend a screening fence be installed atop the retaining wall to the south of the site. This will also ensure that bins waiting to be emptied on waste collection days will not cause an adverse visual amenity impact to the residents on Wilaring Street.

Officers recommend a condition requiring a waste management plan be provided ensuring that the bin store areas are constructed in accordance with the Shire's Local Health Law. Also, this plan would need to be demonstrated suitable screening of the bin collection areas from public view on collection day.

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"/>
--	--	---------------------------------------	---

Comment:

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"/>
---	--	---------------------------------------	---

Comment:

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

Comment:

y) any submissions received on the application	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
--	---	---------------------------------------	--

Comment:

Refer to the Community/Stakeholder Consultation section of the council report and the Summary of Submissions attachment.

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:

Refer to the Community/Stakeholder Consultation section of the council report and the Summary of Submissions attachment.

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:

Public Art

The objectives of LPP 1.6 - Public Art is to facilitate public art to enhance public enjoyment, engagement and understanding of places through the integration of public art. The policy sets out the requirements for physical and financial contributions for public art for any development valued at \$1 million or greater. A condition should be imposed requiring the applicant to contribute towards public art in accordance with the policy in the event of an approval.

Other Infrastructure

It is necessary as part of this application to realign the footpath on the western side of this development site which currently traverses the property boundary. This will be required to occur as a condition of approval in conjunction with MRWA.