

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>The subject site is designated as 'Industry General' under the Byford District Structure Plan 2020 (BDSP) and 'Industry General' under the Cardup Business Park LSP. The development application is seeking amendments to operational Conditions for an approved 'Plastic Production Warehouse and Workshop' at Lot 41, 17 Cardup Siding Road, Cardup.</p> <p>The proposed development is considered to fall under the use class of a 'General Industry' in accordance with Table I of Shire's Town Planning Scheme No.2 (TPS2).</p> <p>In the report Officers recommend strengthening a number of Conditions, while also permitting certain Conditions to be amended.</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>Consistent with the principles of orderly and proper planning, the size and scale of the proposal is considered to be consistent with the General Industry zone. However, amenity impacts should be managed to ensure that the locality is not adversely impacted.</p> <p>As part of the merits-based assessment of the application, Officers engaged independent consultants to peer review the air quality, noise and odour reports in accordance with the Planning and Development Regulations 2009. Officers recommend strengthening a number of Conditions, while also permitting certain Conditions to be amended, as described in the report</p>			
c) any approved State planning policy	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
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"/>
<p>Local Planning Policy 1.4 – Public Consultation for Planning Matters (LPP1.4)</p> <p>Local Planning Policy 4.16 - Landscape and Vegetation Policy (LPP4.16)</p> <p>Local Planning Policy 2.4 - Water Sensitive Design (LPP2.4)</p>			

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: The site is located within the Byford District Structure Plan and the Cardup Business Park Local Structure Plan.			
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 type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
The proposal is seeking approval to change and modify Conditions of the existing approval.			
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"/>
The application seeks approval to amend Conditions of the existing approval. The merits-based assessment undertaken by Officers, including the peer review of technical reports concluded in relation to air emissions and odour that there is inconclusive evidence within the technical reports to demonstrate that amending the approval would not result in adverse amenity impacts. In that regard Officers recommend strengthening a number of Conditions, while also permitting certain Conditions to be amended as discussed in the main report.			
o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
The application seeks approval to delete Condition of approval relating to annual reporting of groundwater. Officers consider that the Condition needs to be retained so as to require annual reporting. As discussed in the report this Condition to continuously monitor the water should not be removed as it provides a mechanism for the Shire to review the processes of the operation and ensure impacts to the groundwater are monitored at all times. The Condition has been modified.			
p) whether adequate provision has been made for the landscaping of the land to which the application relates and	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

whether any trees or other vegetation on the land should be preserved			
Comment:			
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 type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
As discussed in the report there is insufficient evidence to be able to determine that the proposal will safeguard the expected amenity levels of the locality. As such Officers recommend strengthening a number of Conditions, while also permitting certain Conditions to be amended as discussed in the report.			
r) the suitability of the land for the development taking into account the possible risk to human health or safety	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input 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"/>
Traffic access to the site will be accessed via the existing crossover on Cardup Siding Road.			
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"/>
Officers consider that the additional truck movements do not result in a significant increase in current movements on the local network. Officers support deletion of the Condition restricting the number of commercial vehicles to two.			
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 checked="" 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 site has been discussed in the report. The subject site has been developed since 2014 and comprises a workshop and office, light industry, transport depot, storage shed, canopy, apprentice training centre, concrete moulding and a plastic production warehouse.			
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"/>

As part of the merits-based assessment of the application, Officers engaged independent consultants to peer review the air quality, noise and odour reports in accordance with the *Planning and Development Regulations 2009*. Overall, the peer reviews concluded in relation to air emissions and odour that there is inconclusive evidence within the technical reports to demonstrate that amending the approval would not result in adverse amenity impacts.

As such the report fully addresses the Officer concerns in relation to amenity impacts associated with the proposed amendment to the existing approval. Officers recommend strengthening a number of Conditions, while also permitting certain Conditions to be amended, as described in the report.

y) any submissions received on the application

YES



NO



N/A



Comment: A total of 77 objections were received during the consultation period. Concerns raised have been addressed in the main report. As discussed in the report Officers recommend strengthening a number of Conditions, while also permitting certain Conditions to be amended.

Za) the comments or submissions received from any authority consulted under clause 66

YES



NO



N/A



Comment:

Zb) any other planning consideration the local government considers appropriate

YES



NO



N/A



Comment: