



PROPOSED MIXED USE DEVELOPMENT

NO 448 (LOT 23) NICHOLSON ROAD, FORRESTDALE

This report has been prepared by Urbanista Town Planning on behalf of the landowners for the proposed development at 448 Nicholson Road, Forrestdale.

Rev	Author	Date	Reviewed	Date
A	M Palmer	25/09/2020	D Mrdja	25/09/2020
B	M Palmer	03/02/2021	D Mrdja	03/02/2021
C	M Palmer	18/02/2021	D Mrdja	18/02/2021

All rights are reserved by Mrdri Pty Ltd trading as Urbanista Town Planning. Other than for the purposes of and subject to the conditions prescribed under the *Copyright Act 1968*, no part of this report may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic or otherwise, without the prior written permission of Urbanista Town Planning.

©Urbanista Town Planning

CONTENTS

1	INTRODUCTION	1
1.1	SUPPORTING DOCUMENTATION	1
2	DEVELOPMENT CONTEXT	2
2.1	DEVELOPMENT SITE	2
2.2	PLANNING CONTEXT	5
3	THE PROPOSAL	7
3.1	PROPOSED WORKS AND USES	7
3.1.1	Proposed Use – Childcare Centre	7
3.1.2	Proposed works and use – Café (restaurant land use)	7
3.1.3	Propose works and use – Restaurant	8
3.1.4	Proposed works and use - Garden Centre (retail)	8
3.2	PROPOSED SITE FACILITIES	9
3.2.1	Animal Pens	9
3.2.2	Amphitheatre	9
3.2.3	Soccer Field/AFL Goals	11
3.2.4	Permaculture Education Programs	11
3.3	SITE CONSIDERATIONS	11
3.3.1	On-Site Parking	11
3.3.2	Landscaping	12
3.3.3	Site Clearing	12
4	PLANNING FRAMEWORK	13
4.1	STATUTORY PLANNING FRAMEWORK	13
5	PLANNING ASSESSMENT AND JUSTIFICATION	13
5.1	LOCAL PLANNING SCHEME	13
5.1.1	General Development Requirements	14
5.1.2	Specific Development Requirements	15
5.1.3	Development Requirements for an ‘A’ use in the Rural Living Zone	18
5.2	WETLAND PROTECTION AREA – GROUNDWATER SCA	19
5.3	LOCAL PLANNING POLICIES	20
5.3.1	Local Planning Policy – 2.6 Water Sensitive Design	20
5.3.2	Local Planning Policy – 3.2 Childcare Premises	21
5.4	DEVELOPMENT CONSIDERATIONS	22
5.4.1	Stormwater Management	22
5.4.2	Environmental Management	22
5.4.3	Bushfire Management	24
5.4.4	Traffic Management	24
5.5	PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015	26
6	CONCLUSION	28

1 INTRODUCTION

Urbanista Town Planning have been engaged by the landowners of 448 Nicholson Road, Forrestdale to prepare and submit an application for a Childcare Centre, a Restaurant, a Café and a Garden Centre with complementary site facilities.

This report provides a detailed assessment of the proposal in accordance with the relevant state and local planning frameworks to comprehensively demonstrate the merit of the proposal, and its supportability in development approval.

The proposal provides appropriate development density and scale for the subject site, in line with the future desired built form outlined in the local planning framework and will cater to the future employment and community of the area. The design has an emphasis on the environment and community activation of the locality, and has been rigorously assessed and improved throughout the lodgement/assessment process.



Figure 1 — Perspective aerial render

The proposal mentioned above connects with the local supply chain and character and strongly promotes permaculture principles/practices. The Café and Restaurant promote a 'paddock-to-plate' ethos, by aiming to produce the bulk of their food requirements on-site, any supplies that cannot be grown on-site will be sourced locally.

The existing structures (the shed and stables, mentioned in more detail further within this report) provide a rural and authentic feel. In response to this, the proposal will build a portal frame over these existing structures to provide a safe, secure building with a genuine rustic feel. The childcare centre has a 'farm-style' aesthetic, by retaining the existing farmhouse's character and further by integrating with permaculture functions on-site.

1.1 SUPPORTING DOCUMENTATION

To inform and support the design of the proposed development, additional supporting documents have been prepared and included in this submission, summarised below.

Document	Prepared by	Date
Attachment 1 – Architectural Plans	All Aspect Design	11/02/2021
Attachment 2 – Traffic Impact Assessment	KCTT	22/12/2021
Attachment 3 – Bushfire Management Plan	Emerge Pty Ltd	11/08/2020
Attachment 4 – Water Management Plan	Emerge Pty Ltd	11/08/2020
Attachment 5 – Permaculture Plan	Egde5	11/02/2021
Attachment 6 – Acoustic Report RevC	Hewshott Acoustics	17/02/2021

2 DEVELOPMENT CONTEXT

2.1 DEVELOPMENT SITE

The property at 448 Nicholson Road, visible in Figure 2, has an area of 45,565sqm and its property details can be seen in the table below.

Address	Lot on Plan	Volume/Folio	Area	Proprietor
448 Nicholson Road, Forrestdale	Lot 23 on DP44872	2603/303	45,565sqm	Stephen Erceg



Figure 2 — Aerial photograph of site and surrounding lots (MetroMap June 2020)

The property currently contains four existing structures visible in the image below. The shed (no. 4 in the below image) is currently used to store goods or items, and this will remain the case going forward. Stored items will be for the maintenance of the property, such as a lawnmower, general tools, and the like.



Figure 3 — East portion of the site. Aerial Basemap - Metromap September 2020.

The land surrounding the site to the north and east is used predominantly for rural-residential uses, and to the rear (west) of the site is a Bush Forever registration (No. 344) associated with Gibbs Road Nature Reserve.



Figure 4 — Bush Forever Areas. MNG Access – September 2020.

The site is predominantly flat, elevating 1m from the west (24m AHD) to the east (25m AHD). James Drain is a minor drainage channel, managed by the City of Armadale and located in the southern portion of the site, leading to minor drops in AHD elevation accordingly.

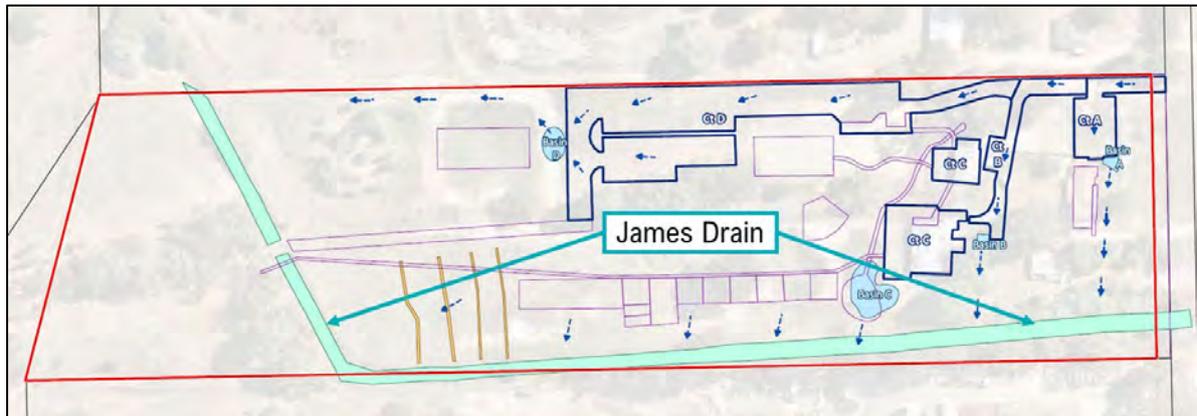
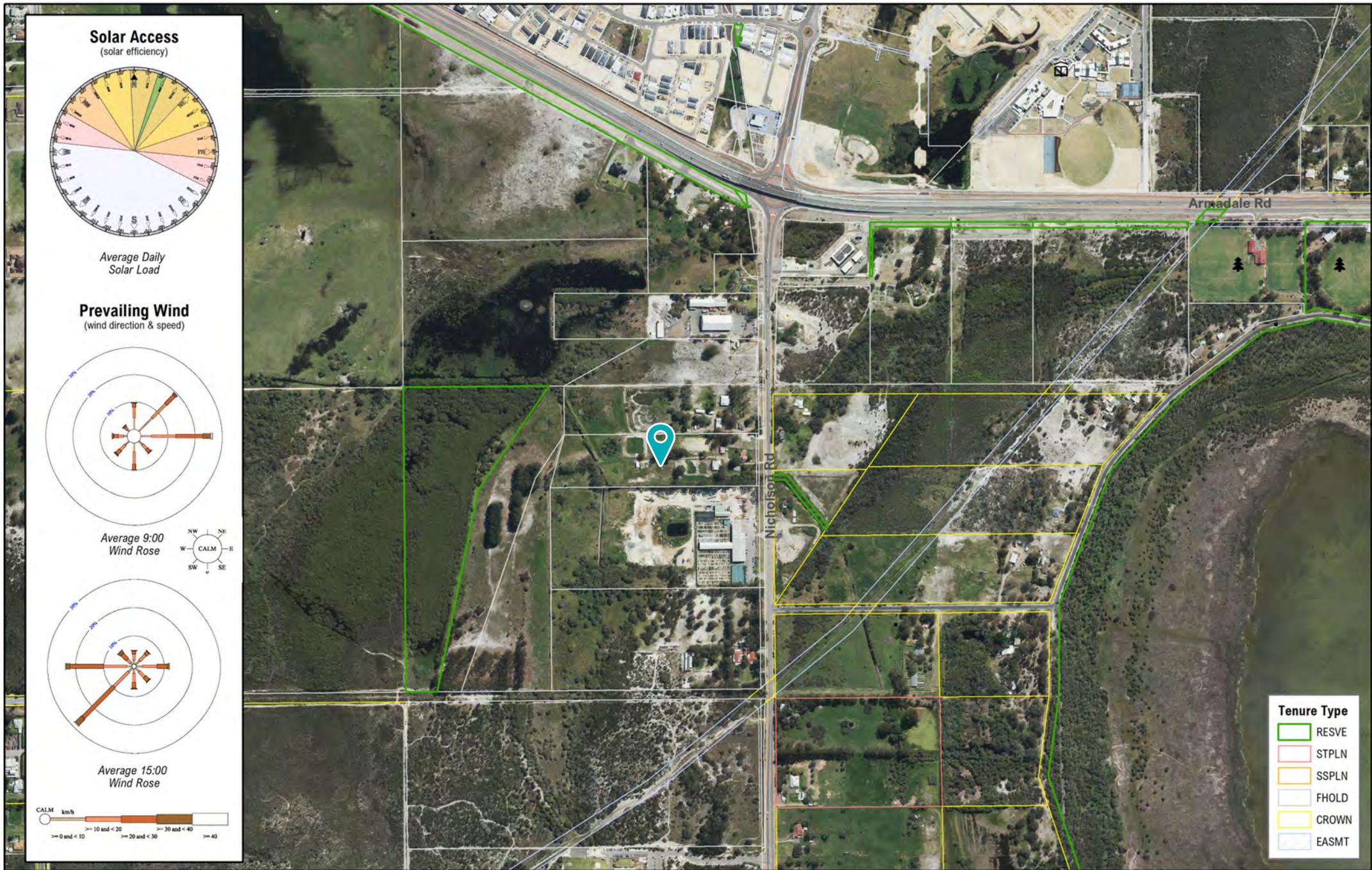
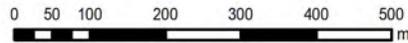


Figure 5 — Drainage Plan. Water Management Plan - Attachment 4.



WIDER CONTEXT PLAN AERIAL

448 NICHOLSON ROAD FORRESTDAL



SCALE 1:10,000 @ A4

URBANISTA
TOWN PLANNING

2.2 PLANNING CONTEXT

The subject site, and land immediately north and south of the property (refer below), is zoned 'rural' under the Metropolitan Region Scheme ('MRS'). Nicholson Road accesses the site to the east, which is reserved as an 'Other Regional Road' by the MRS. Land directly to the west, behind the site, is reserved as 'Parks and Recreation' and is registered as a 'Bush Forever' and contains suitably classified vegetation.



Figure 6 — MRS Zone and Road Reserve. DPLH - September 2020

The development site is located within the rural Living Zone X (RL-X) of the City of Armadale's Town Planning Scheme No. 4 ('TPS4'). The surrounding properties along either side of Nicholson road share this zone, with Special Control Areas applying to several of the properties as appropriate.

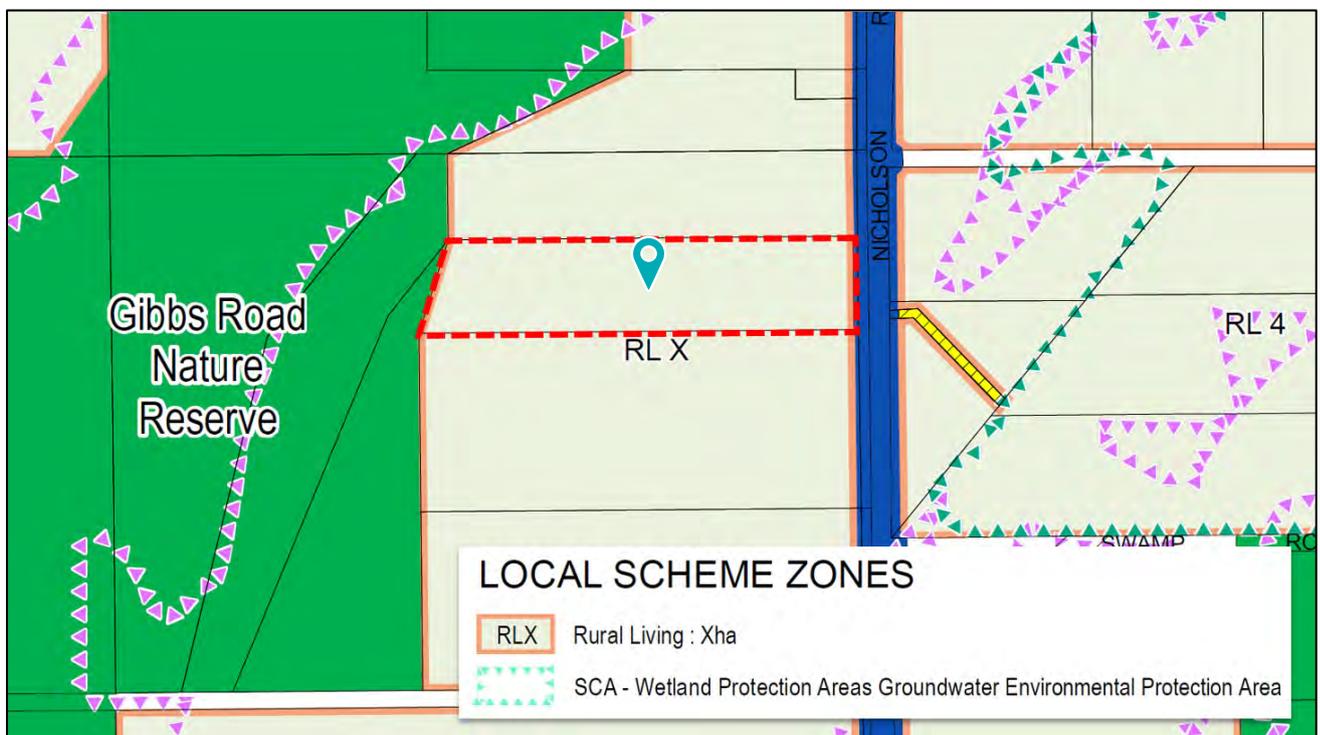


Figure 7 — Extract of the LPS Map

The site is within a Special Control Area (SCA) as a 'Wetland Protection Area', and therefore in the determination of this application by the local government, the officers should have regard to the provisions of clause 5.4.3

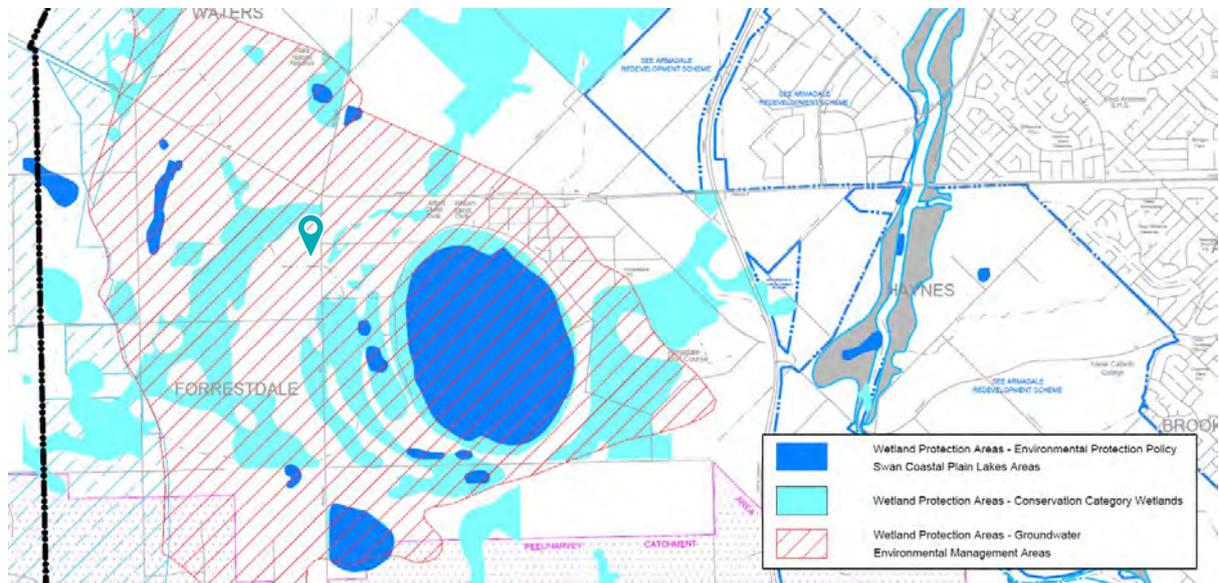


Figure 8 — Extract of the Special Control Area Map 2. Groundwater Control Areas.

3 THE PROPOSAL

The development application proposes construction of a Mixed-Use property. The approval of this application will facilitate four new uses on the subject site with complementary site facilities. It will involve the construction of a new café, restaurant, and garden centre, as well as retrofitting works for a childcare centre.

PROPOSAL SUMMARY				
Development	NLA	Relevant Capacity	Parking bays	Operating Times
Childcare	285.36m ²	44 children, 11 staff	40 bays	7am – 7pm Monday to Saturday.
Restaurant	676.6m ²	Max 176 patrons	24 bays	11am to 10pm Monday to Friday 7am to 10pm Weekends
Cafe	251.6m ²	Max 96 patrons	20 bays	7am to 2pm – 7 days
Garden Centre	445m ²	-	10 bays	7am to 5pm – 7 days
Total	1,658.56m²	-	90 bays +4 ACROD	-

3.1 PROPOSED WORKS AND USES

3.1.1 Proposed Use – Childcare Centre

The forward-most building on-site, the farmhouse, will receive internal retrofit works to convert the premise into a childcare centre. The childcare centre will hold a maximum of 44 children and require approximately 11 staff members. The proposal does not involve any internal restructuring or any external works. The childcare will operate 7am-7pm Monday-Saturday only, per the LPP.



Figure 9 — Childcare Centre Frontage. Architectural Plans Attachment 1.

3.1.2 Proposed works and use – Café (restaurant land use)

The proposed Café is 188sqm in area, occupying the existing hay shed which will be supported via skyhooks to a portal frame, capturing the rustic internal aesthetic provided by the timber beams of the shed internally and providing a modern appearance to the outside. The café will operate 7am to 2pm, 7 days a week and seat a maximum of 96 patrons, in an internal café area (32 seats) or via two alfresco dining areas to the north (16 seats) and west (48 seats) wing of the café core.

To the rear of the café, a children's playground is extensively landscaped, using natural materials. The playground also features a small food forest and an artificial stream travelling north to south.

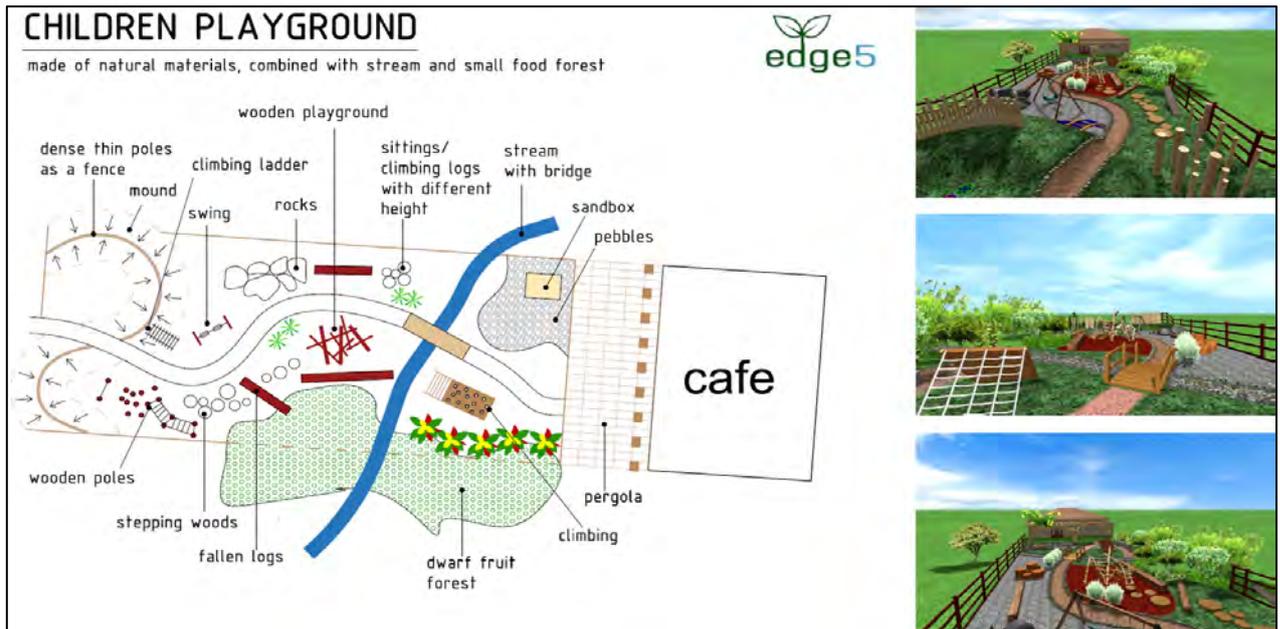


Figure 10 — Proposed Childrens playground. Permacultural Plans Attachment 5.

No children's parties are proposed in this application and therefore there is no further parking required for this use. Nonetheless, the capacity of the restaurant or café to accommodate diners, will not be able to be exceeded by any booking, therefore the parking calculation remains the same in any event.

3.1.3 Propose works and use – Restaurant

The proposed restaurant is 478sqm in area, occupying the existing stables, which will have its timber beams supported via skyhooks to a portal frame, capturing the rustic internal aesthetic, whilst providing a modern external aesthetic. The restaurant will operate 11am to 10pm weekdays and 7am to 10pm on weekend; it will seat a maximum of 176 patrons in an internal main floor (112 seats) and an alfresco area to the west (64 seats).



Figure 11 — Proposed Cafe (left) and Restaurant (right). Architectural Plans Attachment 1.

The proposed café and restaurant are economically cooperative, as the café is anticipated to attract visitors throughout the business week. At the same time, the restaurant will likely be the primary attractor of visitors on the weekend. The new buildings will retain the internal timber beams of existing sheds to include them as architectural features internally. The retained wooden beams are not structural or load-bearing to the proposed buildings. Beams will be held in place by 'Skyhooks' from the new building.

3.1.4 Proposed works and use - Garden Centre (retail)

Towards the centre of the site, a new garden centre is proposed, 445sqm in area. The retail shopfront will operate 7am to 5pm, 7 days a week and will play a customer service role to the sites broader

ecological connection and landscaping, showcased throughout the site. Making the species of the various produce/plants used through the property, available for sale to customers/consumers.

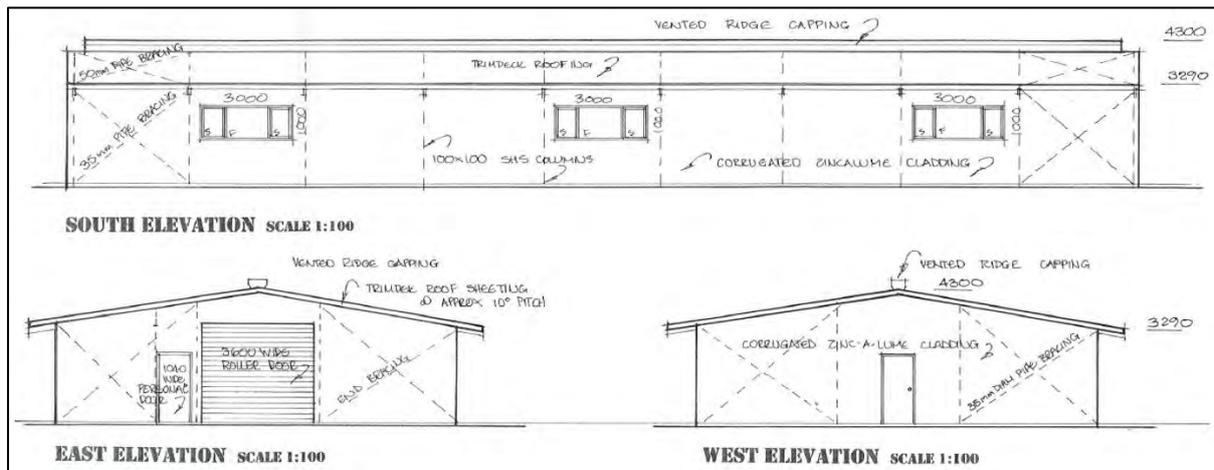


Figure 12 — Proposed garden Centre elevations.

3.2 PROPOSED SITE FACILITIES

As indicated on the site plan and landscaping plan, the site includes a number of facilities that complement the four proposed land uses to facilitate a unique experience for the customers and visitors to the site.

3.2.1 Animal Pens

The application proposes several animal pens that will house donkeys, goats, pigs and chickens. It is intended that the animal pens will provide a unique feature for the café and restaurant and will assist in the 'rural' theme of restaurant and café. In addition, the students of the childcare centre will be able to use this facility to feed the animals and engage in associated activities.

The animal pens will not be advertised as a specific 'attraction' to the site and therefore is not classified as a specific land use for the purposes of the Scheme. This is an opportunity for development that is not possible in more urbanised locations and is anticipated to be received positively.

In addition to their feature with the café and restaurant, the animal pens will (together with the proposed tree/plant/bush/herb landscaping) provide fresh produce to be used by the café and restaurants. This will again form part of the identity of the café and restaurant.

The breed of animals anticipated are for milking goats, two piglets, a pair of donkeys (or alpacas) and several heritage breed chickens. Their living arrangements are as follows:

- **Rear pasture:** The donkeys and goats will occupy the rear pastured area of the property and will be brought forward towards the pen enclosures during the day.
- **Enclosed Pens:** The piglets will remain within the pen enclosures and when they reach 6 months old, they will outgrow the pens and must be replaced with new piglets. The chickens will also remain within the pen enclosures permanently.

3.2.2 Amphitheatre

The proposed amphitheatre is another facility that the site provides and is intended to be used informally by the customers, visitors and students of the restaurant, café and childcare facility. Since the initial lodgement, the location of this amphitheatre has been moved further south, towards the commercial

property at No.462 Nicholson Road and further away from the residential property to the north at No.440 Nicholson Road.

The proposed amphitheatre will not be a traditional amphitheatre in that it will be all be one level. The amphitheatre will include a small 'stage' platform that will be approximately 6m x 4m and 500mm high. The amphitheatre space also includes 4 rows of curved informal bench seating.

Its intended function is not static, it provides casual seating or room for people to wander as they enjoy their habitation of the café and its services. In random intervals the amphitheatre may be used for performances to complement the café and restaurant for the enjoyment of the customers.

Clause 4.7 of the Acoustic Report discusses the potential for amplified music to be played in the amphitheatre. It is noted that in terms of noise emissions this is a 'extreme-case' scenario and is not likely to occur consistently throughout the operation of the businesses. However, in the event amplified music is to be played in this space, restrictions should be applied in terms of the times of day this can be used.

The neighbouring properties to the north and south are subject to separate standards for tolerable noise exposure, according to their commercial or residential use. No Noise Sensitive Receiver ('NSR') exists at the property to the south, it is a commercial property and meets all assigned noise levels.

The assigned noise levels for the neighbour to the north, being residential, has been measured via NSR, approximately 10m from the subject site, shown in the figure below.

Figure 4.4.1: Composite map showing zoning around proposed development – source: City of Armadale Intramaps

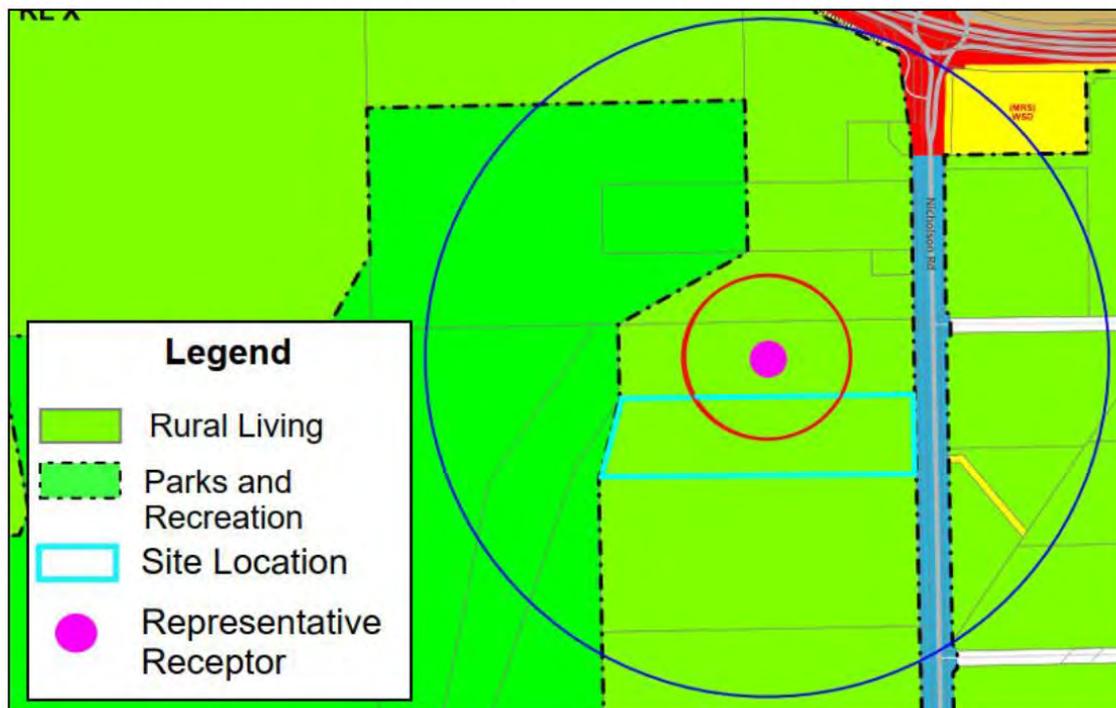


Figure 13 – Excerpt of RSZ location. Attachment 5 - Acoustic Report Rev C.

Table 4.7.2 of the Acoustic Report, updated according to the adjusted location of the amphitheatre, provides the estimated noise levels and whether compliance is predicted. The report notes that compliance is not predicted between 10pm and 7am Monday to Saturday and 10pm to 9am Sundays

and Public Holidays. In light of this it is proposed that amplified music is not played during this time and condition is applied accordingly.

Table 4.7.2: Estimated noise levels at NSR.

Noise source	Time of the day	EPNR 1997 Assigned Noise Level LA10 [dB]	Predicted Outdoor Noise Level* LA10 [dB]	Compliance predicted?
Amplified live background music	07.00 to 19.00 hrs Monday To Saturday	47	39	Yes
	09.00 to 19.00 hrs Sunday and Public holidays	42	39	Yes
	Day time 19.00 to 22.00 hours all days	42	39	Yes
	22:00 to 07:00 Monday to Saturday 22:00 to 09:00 Sunday and public holidays	37	39	No

Figure 14 — Excerpt from Acoustic Report RevC (Table 4.7.2)

3.2.3 Soccer Field/AFL Goals

The proposal also includes a grassed area between the café and the parking area with a miniature soccer/AFL field indicated on the plans. The childcare centre will make use of this area for their more active outdoor activities; the area may otherwise be used as a pleasant outdoor/break-out space for visitors of the café or restaurant and a pleasant outlook for patrons.

3.2.4 Permaculture Education Programs

In a previous RFI responses there has been reference to permaculture education workshops. The proposed development showcases a sustainable process across all stages of the productive and hospitality industry from the growth of organic produce on site, to the use of these same ingredients in the on-site café and restaurant. The potential for workshops will simply make this a more tangible concept and provide opportunity for people to learn more about the more intricate details which go into the entire process.

The applicant confirms that the workshops do not form part of this application, and the reference was simply included in order to provide some contextual background and understanding surrounding the sustainable ambitions of the proposal as a whole. The applicant hopes that this provides a broader context around the site's purpose and ambitions and welcomes helpful comments from the City regarding potential future aspects that may be considered at this early stage.

3.3 SITE CONSIDERATIONS

3.3.1 On-Site Parking

The plans have been amended to reduce the number of bays provided within the site. The number of bays now totals 94 bays including 4 ACROD bays. The number of surplus bays is significantly reduced in the revised plans from a surplus of 56 bays to a surplus of 15 bays. In addition to this, there has been extensive consideration to landscaping within the parking layout and also toward the north in the form of screening vegetation for the neighbour.

A shared delivery bay for service and commercial vehicles is located close to the café and restaurant with a turning bay to reverse into the delivery bay and ensure the service vehicles exit in a forward gear.

Site Facilities

Site facilities discussed in section 3.2 of this report are not attractors to the site in their own right and therefore, will not generate their own parking demand.

3.3.2 Landscaping

The landscaping treatment is generous and integral to the proposed drainage treatment for run-off to James Drain. The landscaping incorporates permaculture principles, giving due consideration to the healthy and sustainable management of the land in conjunction with the water management required for the site and James Drain.

Sustainable design and natural strategies (permaculture) will rebuild natural capital, interact with the water cycle and create healthy soils naturally, to ensure a functional natural system. The proposal showcases a sustainable and natural means of restoring the local water cycle and increasing biodiversity through a sustainable business enterprise, via three key objectives.

1. Planting local area native fruit trees to provide educational opportunities for site users; increase the biological diversity; support bee-life; and increase the usefulness of the site.
2. Plant species which will attract and support birdlife such as the different species of endangered black cockatoos. These species include banksias, hakeas, marri, jarrah and the like. Some, such as the banksias and hakeas also provide significant aesthetic benefits also.
3. Deliberately choose species that will add to the natural diversity in ways that offer increased benefits following the removal of end-of-life eucalypts in the car park area.

3.3.3 Site Clearing

Please refer to the landscaping plan which shows two trees to be removed, crossed in red (see excerpt below). The trees to be removed are juvenile basal spouts from the *Melaleuca Quinquenervia* trees that densely populate that plot of land within site.

4 PLANNING FRAMEWORK

4.1 STATUTORY PLANNING FRAMEWORK

The statutory planning framework applicable to the development is outlined in the table below.

Key statutory planning framework documents	
1.	City of Armadale Local Planning Scheme No.4 ('LPS4')
2.	Special control Area 2 – Groundwater Protection Area ('SCA')
3.	Local Planning Policy 2.6 Water Sensitive Design ('LPP2.6')
4.	Local Planning Policy 3.2 Childcare Premises ('LPP3.2')

An assessment of the development against each of these documents is provided within the Planning Assessment and Justification section of the report.

5 PLANNING ASSESSMENT AND JUSTIFICATION

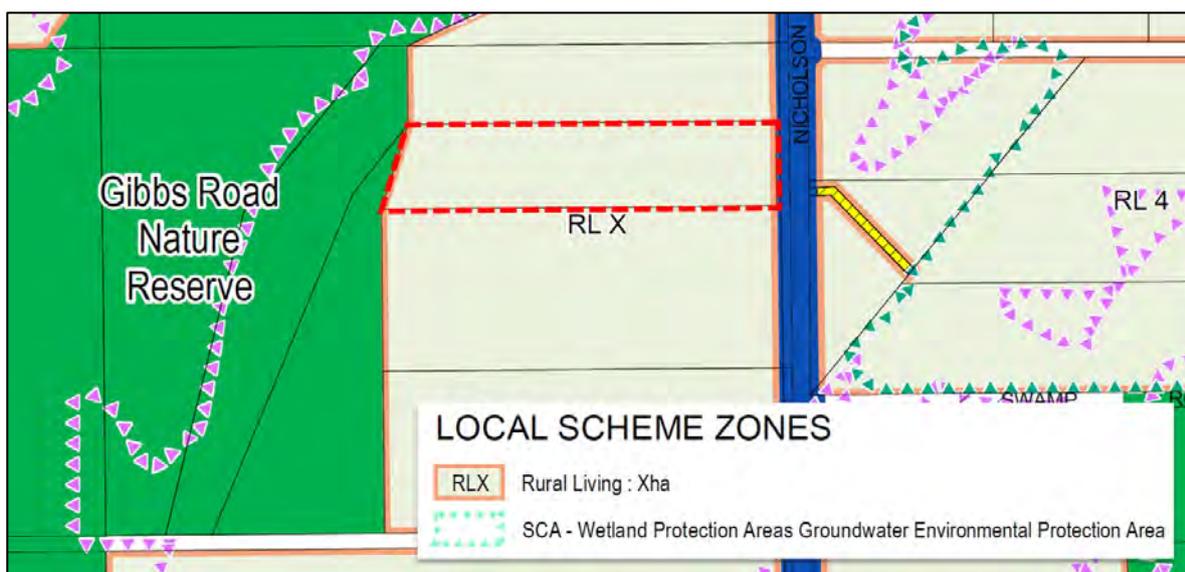
An assessment of the proposed development's performance against the various relevant provisions of the planning framework is detailed in this section of the report. This report provides evidence to support development approval by demonstrating how the proposal satisfies these relevant development standards, design guidance, and objectives, and why it is capable of planning approval.

5.1 LOCAL PLANNING SCHEME

According to the City of Armadale's Town Planning Scheme No. 4 ('TPS4'), the subject site is zoned as Rural Living Zone X (RL-X). The objectives of the RL-X zone are outlined in clause 3.2.3 of TPS4 as follows.

- a) *To provide for a variety of rural living environments based on defined lot sizes, landform and natural environmental characteristics.*
- b) *To provide for a range of associated compatible development, consistent with the environmental opportunities and constraints applicable to individual sites.*
- c) *To ensure development is sited, designed and managed in harmony with the natural environment and so as to protect the rural landscape and amenity.*

TPS4 zones the land and provides the land use permissibility's for the Rural Living Zone. Outlining which uses are contemplated and capable of approval per the zone's objectives and the Scheme's defined land uses.



The proposed uses for Childcare Premises and Restaurant uses (note: a café is considered a restaurant for the purpose of land use in TPS4) are defined in TPS4 as below.

Childcare premise means;

premises used for the daily or occasional care of children in accordance with the regulations for child care under the Child Care Services Act 2007, but does not include a Family Day Care;

Restaurant means;

“premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the Liquor Licensing Act 1988;

Garden centre - retail means;

land or buildings used for the purposes of propagating and/or growing and/or selling by retail plants and may incidentally include selling by retail domestic garden products and utilities and/or motorised garden implements and/or prefabricated garden buildings and/or bulk garden products;

All of the above land uses are identified as “A” uses within the Rural Living Zone which means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the Deemed Provisions. The proposed uses are therefore required to be advertised and capable of approval.

5.1.1 General Development Requirements

Part 4 sets out general development requirements across the City of Armadale. The table below provides an assessment of these requirements as applicable to the proposal.

DEVELOPMENT REQUIREMENT	COMMENT	ASSESSMENT
4.6. ENVIRONMENTAL CONDITIONS		
4.6.1. <i>Environmental conditions to which the Scheme is, or amendments to the Scheme are, subject are incorporated into the Scheme by Schedule 6 of the Scheme.</i>	No conditions apply to the subject site.	✓

DEVELOPMENT REQUIREMENT	COMMENT	ASSESSMENT
4.9 DRAINAGE AND WATER SENSITIVE DESIGN		
<p><u>4.9.1</u> Any development which increases the area of impermeable surfaces or which otherwise reduces stormwater recharge of groundwater systems, is to utilise best management practices so as to minimise as far as practicable:</p> <p>a) changes to both the rate and quantity of direct stormwater discharge from the site, and the export of water borne pollutants (including nutrients).</p>	Changes that result from the increase of proposed development have been minimised effectively, by the proposed detention basins and the water treatment proposed in the Water Management Plan.	✓
<p><u>4.9.2</u> Drainage system design and management is to be undertaken in accordance with best management practices and in order to mitigate any degradation of land or water resources, and measures are to be put in place to prevent litter from entering drainage systems.</p>	No changes are proposed to James Drain or the pasture areas to the west.	✓
4.10 EFFLUENT DISPOSAL		
<p><u>4.10.1</u> Where access to a reticulated sewerage system is not available, on-site effluent disposal facilities are to be provided to treat and dispose of any domestic effluent.</p>	Reticulated sewerage is available on the site.	NA
<p><u>4.10.2</u> No effluent disposal facility (including any leach drain or soak well) is to be located:</p> <p>a) within 6m of any open drainage channel or subsoil drain; or within 30 metres of the outer edge of an intermittent water course; or</p>	NA	NA

5.1.2 Specific Development Requirements

Part 4B of TPS4 sets out the development requirements according to development in the Rural Living Zone, these requirements are considered with the proposal, in the table below.

DEVELOPMENT REQUIREMENT	COMMENT	ASSESSMENT
4B.1 SETBACKS		
<p><u>4B.1.1</u> Where no development envelope has been identified for the particular site, the minimum setbacks from all lot boundaries shall be 15 metres, unless otherwise approved by the local government in accordance with the provisions of clause 4.5.</p>	The nearest development to the street, is setback 25m from the street boundary and is compliant.	✓
<p><u>4B.1.2</u> No building (including an outbuilding) may be erected:</p> <p>a) within 30 metres of the outer edge of an intermittent water course, or b) within 50 metres of the outer edge of a permanent water course, or c) within 50 metres of a protected wetland, or within such greater distance as may be required to achieve a 1 metre vertical</p>	No building is proposed to be erected within 50m of a protected wetland.	✓

DEVELOPMENT REQUIREMENT	COMMENT	ASSESSMENT
<p><i>separation between the natural ground level at that distance and the natural ground level of the adjacent wetland vegetation, unless otherwise approved by the local government in accordance with the provisions of clause 4.5.</i></p>		
4B.2 BUILDING HEIGHT		
<p>4B.2.1 <i>Unless otherwise approved by the local government in accordance with the provisions of clause 4.5, no building is to be constructed so that:</i> a) <i>the height of walls exceeds 6 metres; or the overall height of roof exceeds 9.0 metres.</i></p>	<p>The proposed building wall-heights are as follows:</p> <ul style="list-style-type: none"> • Café – 2.75m • Restaurant – 3.65m • Childcare – 5.17m • Garden Centre – 3.29m <p>No building has a roof height above 9m, therefore all buildings comply.</p>	✓
<p>4B.2.2 <i>No sand pad for the purpose of constructing a dwelling house or outbuilding may have a height exceeding 1.5m, unless otherwise approved by the local government in accordance with the provisions of clause 4.5.</i></p> <p><i>Note: Where a sand pad exceeds 1m in vertical height it is required to be retained in accordance with the local government's building requirements.</i></p>	<p>In accordance with this clause, no refurbishment of the existing structures has included a sand pad that exceed 1.5m in height.</p> <p>The Garden Centre does not include a sand pad in excess of 1.5m in height.</p>	✓
4B.3 BUILDING COVERAGE		
<p>5B.3.1 <i>Building coverage is not to exceed 500 square metres (including outbuildings), unless otherwise approved by the local government in accordance with the provisions of clause 4.5.</i></p>	<p>The proposed uses occupy 1,658sqm. The site area is 45,565sqm, and the sum of the proposed uses do not detract from the amenity or character of the property.</p>	Discretion
4B.4 CAR PARKING AND VEHICULAR ACCESS (INCLUDING PARKING OF COMMERCIAL VEHICLES)		
<p>4B.4.1 <i>Car parking is to be provided in accordance with the standards for respective uses detailed in Schedule 7A. Unless otherwise approved or required by the local government, required car parking is to be provided on the site of the proposed development.</i> <i>Restaurant and Cafe: 1 space for every 5 seats</i> <i>Childcare Premises: 1 space for every 8 children, 1 space for every employee</i> <i>Garden Centre: 2 bays per 100m² sales area</i></p>	<p>94 parking bays supplied on site will meet the demands of parking requirements, as below.</p> <ul style="list-style-type: none"> • Restaurant: 35.2 parking bays • Café: 19.2 parking bays • The Childcare Premises: 17 parking bays <p>Garden Centre: 8.9 parking bays</p>	✓
<p>4B.4.2 <i>Parking spaces and manoeuvring areas shall be designed in accordance with Australian Standard AS 2890.1 Off-street parking, and paved, kerbed, drained and marked to the satisfaction of the local government.</i></p>	<p>All parking spaces and manoeuvring areas are designed according to AS2890.1 – refer to attached Traffic Impact Assessment.</p>	✓

DEVELOPMENT REQUIREMENT	COMMENT	ASSESSMENT
<p>4B.4.3 <i>Safe and convenient vehicular access is to be provided to all development sites, and where required by the Local government, vehicular access is to be provided to service any required car parking or service areas provided on the development site.</i></p>	<p>A 120m deceleration lane is required approaching the access crossover. A review will be necessary at later stages of the project to determine if the local conditions can accommodate this lane.</p>	<p>Condition on approval</p>
<p>4B.4.5 <i>No person shall park a commercial vehicle except for immediate delivery or loading purposes normally associated with a domestic or rural use, unless approved by the local government except in accordance with the following requirements:</i></p> <p>a) <i>on-site provision for garaging or parking of the vehicle behind the front building setback line, is to be made in a manner satisfactory to the local government; and</i></p> <p><i>the amenity of the neighbourhood is not to be prejudicially affected by the emission of light, noise, vibration, smell, fumes, smoke or dust.</i></p>	<p>No on-site parking is proposed for commercial vehicles.</p>	<p>✓</p>
<p>4B.4.6 <i>Nothing in sub-clause 4B.4.5 restricts the parking of a commercial vehicle used for the purpose of an approved rural use or rural industry.</i></p>	<p>NA</p>	<p>NA</p>
<p>4B.4.7 <i>An application for parking a commercial vehicle shall be subject to an application for annual approval and if in the opinion of the local government, a nuisance or annoyance to the owners or occupiers of land in the locality occurs as a consequence of the parking of a commercial vehicle, the Local government may revoke or refuse to renew its approval.</i></p>	<p>NA</p>	<p>NA</p>
<p>4B.7 REMNANT VEGETATION PROTECTION</p>		
<p>4B.7.1 <i>The clearing of remnant native vegetation or the destruction or damage of native trees within the Rural Living and Special Rural Zones, shall not be permitted except:</i></p> <p>a) <i>as required to accommodate any approved development on the site, including the curtilages of any approved building;</i></p> <p>b) <i>as necessary for the establishment of an approved vehicular access from the adjacent street to an approved building or development;</i></p> <p>c) <i>as required to satisfy necessary bush fire protection measures as determined by the Local government or other relevant authority; or</i></p> <p>d) <i>as otherwise approved by the local government in accordance with the provisions of clause 4.5.</i></p>	<p>No native vegetation exists on the site.</p> <p>Non-native vegetation is removed solely for the provision of an internal car park (minimal clearing) and for measures towards bush fire safety.</p>	<p>✓</p>

5.1.3 Development Requirements for an 'A' use in the Rural Living Zone

As the proposed uses are all 'A' uses, they are subject to further development controls in Clause 4B.10. The table below outlines and considers these items according to the proposal.

DEVELOPMENT REQUIREMENT	COMMENT	ASSESSMENT
a) <i>accessibility by public transport, cycling and walking;</i>	<p>The site is within 800m of the nearest bus stop for Transperth Route 519, providing access via public transport.</p> <p>An 'Intermediate' level cycle path follows Nicholson Road, providing cycling access.</p> <p>There is adequate road reserve to allow a pedestrian to access the site via Nicholson Road, however, no dedicated pedestrian infrastructure connects to the property.</p> <p>Considering the rural nature of the property and surrounds, it is not crucial for the proposal to be accessible via pedestrian infrastructure.</p>	✓
b) <i>potential to meet outdoor noise criteria as specified in noise regulations that operate under the Environmental Protection Act 1986 (may include the requirement for an Acoustic Assessment);</i>	<p>The proposed buildings are significantly setback from neighbouring properties and even further from neighbouring buildings/dwellings. It is not anticipated that noise will be an issue.</p> <p>The applicant request that this be conditioned in approval, to be resolved at the Building License Stage.</p>	Condition on approval
c) <i>potential for the form, layout, appearance, colours and textures of any building and landscaping to mitigate against any potential visual impact (may include the requirements for a Visual Impact Assessment);</i>	The property is highly vegetated and landscaped, the visual bulk and scale is broken by building articulation, verandah treatments and landscaping accordingly.	✓
d) <i>potential for setbacks and separation distances from adjacent sensitive land uses to mitigate against rural amenity impacts and land use conflicts;</i>	Site planning and positioning of proposed buildings, mitigates against adverse impacts to the rural amenity and adjacent land uses.	✓
e) <i>adequacy of the road capacity in the locality to accommodate traffic generated by the development, and access capable of safely accommodating vehicle movements generated by the development (may include the requirement for a Traffic Impact Assessment); and</i>	With reference to the Traffic Impact Assessment, the local road network is capable of accommodating the traffic generated by the proposal.	✓
f) <i>potential impact of any uses incidental or ancillary to the predominant use.</i>	No impact is anticipated.	✓

5.2 WETLAND PROTECTION AREA – GROUNDWATER SCA

The site is within a Special Control Area (SCA) as a ‘Wetland Protection Area’, and therefore in the determination of this application by the local government, the officers should have regard to the provisions of clause 5.4.3, outlined and assessed in the table below.

DEVELOPMENT REQUIREMENT	COMMENT	ASSESSMENT
a) <i>the environmental quality objectives contained within any relevant Environmental Protection Policy under the Environmental Protection Act 1986, relating to wetlands and any beneficial uses or water quality standards relevant to the particular wetland;</i>	The site is within a ‘wetland protection area – groundwater environmental management area’, and environmental constraints are relevantly addressed within the City’s Town Planning Scheme, importing drainage and wetland protection requirements. The Water Management Plan in attachment 4 provides detail on the proposals consistency with these requirements.	✓
b) <i>the potential impact of the proposal on the environmental values of the resource, including wetland function, wetland vegetation communities and habitat types, wetland hydrology and water quality;</i>	Through discussions with the City and reference to the relevant provisions of the City’s Town Planning Scheme, Local Planning Policies and Stormwater management handbook, the proposal has mitigated potential adverse impacts to the environmental values of the site. Particularly, the site has avoided modifications to James Drain, managed run-off in a major rainfall event (1% AEP), and effectively managed the water quality of run-off from developed areas before it encounters James Drain. For further detail, please refer to the Water Management Plan in attachment 4 .	✓
c) <i>the quantities and characteristics of any chemicals such as pesticides, hydrocarbons or fertilizers associated with the proposed land use or development;</i>	The western portion of the site is left as pasture and therefore will not require any fertilizer application. Run-off from the animal pens will be treated via overland flow, as it crossed pasture and vegetation before encountering James Drain.	✓
d) <i>the practicability and cost of any ameliorative measures proposed for the protection of the resource;</i>	No protection measures are required to James Drain for the proposed boardwalk. Basins 300mm in depth will capture and detain any run-off from impervious areas, prior to discharging into James Drain. These are a practicable, effective and cost-efficient method of protecting James Drain. Trenches dug to a depth of 500mm and filled with biomass and woodchips, will be practical and cost-effective to act as a carbon source to treat run-off.	✓
e) <i>the existing level of protection of the resource provided, with reference to fencing and/or management of land and location of development;</i>	Development has been sited to be consistent with existing impervious areas, as far as possible.	✓
f) <i>the nature, location and performance of any existing or proposed effluent disposal system; and</i>	The disposal of effluent waste via a combination of measures will properly protect the water quality of James Drain. This includes peak-flow basins and floodwater detention, overland flow across pasture and vegetation, as well as treatment trenches.	✓

<p>g) <i>the drainage characteristics of the land, including surface and groundwater flow.</i></p>	<p>Surface water drains to James Drain from the upper north west section of the site. James drain runs along the southern boundary and discharges beneath Nicholson Road and further to Forrestdale Lake. James Drain reaches capacity during flood events.</p> <p>Groundwater levels (monitored over the past 10 years) vary between 24m and 25m AHD, approximately 1m below natural ground level. Outdated bore monitoring data is unlikely to represent the current condition accurately. In any case, the proposed development is built-up 200mm from the surface, consistent with the existing structures.</p>	<p style="text-align: center;">✓</p>
--	---	--------------------------------------

5.3 LOCAL PLANNING POLICIES

The City of Armadale has local planning policies applicable to the proposed development, the relevance of these policies and assessment is outlined below.

5.3.1 Local Planning Policy – 2.6 Water Sensitive Design

The objectives of PLN2.6 are to *integrate quality urban development with the natural environment* and to *enhance the qualities and benefits of the natural environment*. The proposal is consistent with these objectives; the table below provides an assessment of the relevant provisions contained in this policy. The water management and drainage treatment are consistent with the principles for ‘Design and Assessment of Best Management Practice’ identified within this policy. In particular, the proposal is consistent with the standard assessment criteria in principles (f), (g) and (h), as below:

Clause 4.1. Principles for Design and Assessment of Best Management Practice

(a) *Water resource management is addressed at the sub-catchment level;*

Satisfied – The proposal is designed with due regard to the Town Planning Scheme, Local Planning Strategy and the generated volumes of stormwater/subsoil drainage water .

(b) *Multiple use corridors located within Public Open Space are used when appropriate;*

Not Applicable

(c) *Storage, stormwater use and stormwater treatment occur as high as possible in the catchment, a treatment train approach is used and components of stormwater management are located so they follow natural contours;*

Satisfied – Stormwater is detained and treated prior to entering James Drain, to the satisfaction of clause 5.4 of TPS4.

(d) *Stormwater system design incorporates as much as possible features of waterways that improve water quality;*

Satisfied – The detention trenches and biomass will improve the water quality and provided in the most suitable areas.

(e) *Fringing vegetation along watercourses and around protected wetlands and associated significant upland vegetation is considered for retention and rehabilitation where practical;*

Satisfied – Vegetation will be retained and enhanced as part of the landscaping treatment and the water management plan.

(f) *Property is protected from flooding or damage by surface water or groundwater;*

Satisfied – The proposed water management plan adequately treats the run-off to James Drain, in the event of flooding or heavy rainfall.

Clause 4.1. Principles for Design and Assessment of Best Management Practice

- (g) *Post urban development conditions in watercourses approximate pre urban conditions (i.e. water level and flow regimes are maintained) (unless it can be demonstrated that the downstream channel and floodplain has the capacity to accept higher flows to the satisfaction of the Department of Water);*

Satisfied – The watercourse post-development conditions of James Drain, are approximate the pre-development conditions. Where post-development conditions would exceed the pre-development conditions, detention basins will detain excess water.

- (h) *The area of open drain habitat is maintained or increased over time.*

Satisfied – No changes to James Drain are proposed, and the drain habitat will be maintained.

5.3.2 Local Planning Policy – 3.2 Childcare Premises

PLN 3.2 outlines the relevant matters to consider for the suitable location and operation of a Childcare Centre within the City of Armadale. The table below provides an assessment of these provisions.

4. Policy Statements

Policy Statements 4.1 to 4.5 provide criteria which inform the assessment of applications for Child Care Premises

4.1 Location Criteria

- 4.1.1 *Sites in close proximity to community facilities, local centres, schools and public transport networks are a preferred location for new Child Care Premises.*
- 4.1.2 *Child Care Premises should not be located so to adversely affect the level of service provided by a road or create road safety concerns, to the City's satisfaction.*

Satisfied – The site is within driving proximity of Piara Waters residential estate to the north, various commercial areas such as Cockburn central to the west and Forrestdale Business Park to the east. The location presents no concerns for road safety.

4.2 Site Requirements

- 4.2.1 *Sites with access to reticulated sewer are preferred unless the land's capability and suitability for on-site effluent disposal is demonstrated to the City's satisfaction and/or the Health Department.*
- 4.2.2 *Sites shall be of sufficient size to accommodate parking and access requirements, servicing infrastructure, landscaping, outdoor play areas and setbacks to adjoining properties to the satisfaction of the City.*

Satisfied – Preliminary advice from WaterCorp advised that the site is connected to reticulated sewer. The proposal includes generous car parking provision, landscaping, outdoor play area and setbacks to adjoining properties.

4.3 Car Parking and Traffic Management

- 4.3.1 *The City may require the submission of a traffic impact assessment certified by an appropriately qualified traffic engineer in order to determine the level and impact of traffic generated, impact on off-site and on-site car parking and appropriate means of addressing such impacts.*
- 4.3.2 *Car parking and vehicular access requirements shall be consistent with the Town Planning Scheme.*
- 4.3.3 *Pick up and set down facilities shall be provided.*

Satisfied – The application includes a Traffic Impact Assessment to demonstrate that parking, access and safety concerns are dealt with appropriately.

4.4 Building Design and Site Layout

- 4.4.1 *The scale and design of new buildings shall be consistent with the character of the existing or desired streetscape in the locality.*
- 4.4.2 *Fencing of a suitable height and materials shall provide a safe, screened and secure site which also achieves a high standard of streetscape amenity. Boundary fencing separating play areas*

4. Policy Statements

Policy Statements 4.1 to 4.5 provide criteria which inform the assessment of applications for Child Care Premises

from adjoining residential properties shall be constructed of materials that will reduce noise impacts where appropriate.

- 4.4.3 *Designs shall be able to demonstrate the use of passive solar design principles and provide shaded outdoor play areas to protect children from the dangers of prolonged sun exposure.*

Satisfied - The childcare premise utilises the existing building envelope of the farmhouse on site, includes suitable boundary fencing, and provides appropriate play areas for both sun access and protection

4.5 Conditions on Hours of Operation and Noise Emissions

- 4.5.1 *Operating hours shall consider the need to protect residential amenity where applicable. This may require the City to impose additional conditions on Child Care Premises where non-standard operating hours are proposed (Standard Hours: 7am and 7pm excluding Sundays and Public Holidays).*

- 4.5.2 *Where the potential exists for a Child Care Premises to have an impact on the amenity of adjoining property with respect to noise, the City may require the submission of a report by an appropriately qualified acoustic consultant in order to determine the level of noise emissions and ways to address such emissions.*

Satisfied - The standard operating hours of business are proposed per this policy (7 am – 7 pm). There are no likely impacts to amenity due to the significant setbacks from the lot boundaries and to the nearest neighbouring buildings.

5.4 DEVELOPMENT CONSIDERATIONS

The proposed development holds various aspects which are not expressly provided for in the planning framework identified previously through this report. Therefore the following sections have been provided to describe the proposed works and their suitability/response to site and context conditions.

The following sections relate to:

- Stormwater management,
- Environmental Management
- Bushfire Management and
- Traffic Management

5.4.1 Stormwater Management

The Water Management Plan ('WMP') in **Attachment 4** demonstrates the post-development volumes of water run-off, over the pre-development volumes, are sufficiently detained in four on-site basins, shown in Figure 5 within Attachment 4. Furthermore, a comprehensive permaculture plan has applied advanced management principles, to both treat and store all water run-off before the water reaches James Drain.

5.4.2 Environmental Management

Liaison with the City revealed three primary outcomes to achieve for the environmental objectives of applicable to the site, these have been mentioned previously, but include:

1. Maintain the capacity of James Drain by avoiding modifications to the drain.
2. Manage the run-off to the drain that would result from a major rainfall event to the proposed developments.
3. Manage the quality of water from the run-off of developed areas, before reaching James Drain.

James Drain and Water Quality

There are no changes proposed to James Drain, so its capacity remains unaffected. The strategic location of four 300mm deep basins will sufficiently hold the peak-flow of water in a flood event. Treatment trenches and vegetation will sufficiently treat the run-off water and protect the water quality of James Drain. The attached WMP confirms that the proposed measure for the development, ensure that water run-off entering James Drain meets the requirements of Clause 5.4 in TPS4.

Drainage and Groundwater

The treatment trenches, will be filled with carbon-based material such as wood chips and logs. Filled trenches will be soaked with water and provide a healthy microenvironment; this environment will consist of fungi, bacteria, nematodes and protozoa that act to treat, filter and clean the run-off. These trenches contribute towards healthier hydrology of the water that enters James Drain and ensures the water is not contaminated. Water run-off will travel through biologically connected soak pits and carbon filled trenches.

Soil Quality

The trenches and microenvironment create a 'Soil Food Web' ('SFW') which harvests water and stores moisture, in turn reducing the need for early spring irrigation and reduces water demand in the summer. An SFW uses waste material and creates a community of beneficial organisms in the soil and compost. The function of these organisms is to break down organic matter to allow nutrients to release into the soil. When released from the SFW, the nutrients in the soil are used by plants/vegetation more efficiently, improving the quality of the soil. Water efficiency and improved soil quality are complementary to each other and will ensure that the vegetation on the property is healthy.

Functions of a Soil Food Web

The SFW improves soil quality by making soil microbes form a symbiotic relationship with the surrounding vegetation. The root systems of plants will expend energy to break down nutrients and create microbes. Therefore, the energy expended by plants in this process can be reduced by 30% solely by a functioning SFW. The symbiotic relationship further benefits vegetation by making it more resistant to stress and provides additional food to the plant through the storage and conversion of nutrients. The additional beneficial influences that an SFW has towards soil is listed below.

- Transform dirt into soil, and build soil structure. Makes soil aerobic.
- Create oxygen-rich soils, to allow beneficial microorganisms to thrive.
- Ensures fast decomposition of organic matter
- Improves the rate of humification – to mature the organic matter within soil.
- Maintains a healthy ph level within the soil.
- *Reduce water use and improve the soils' water-holding capability.
- *Reduce water and nutrient run-off.
- *Improves the long-term storage of carbon in the soil.
- *Retain and cycle nutrients through the soil habitat.
- *Available nutrients to plants at the right time and rate - reduces the need to apply fertiliser and other chemicals.
- Improve nutrition and enhance the taste of the produce from plants within the SFW area of influence.
- Creates antibiotics within the soil, which remove pathogens from the soil. The presence of diseases significantly lowered through the removal of pathogens, in turn reducing the presence of pests.
- Finally, SFW's help control the growth of weeds.

*especially beneficial to the relevant outcomes of the planning framework

The attached permaculture plan demonstrate the arrangement of 'food forests' strategically located and grouped to benefit the soil quality, water cycle and local soil system.

5.4.3 Bushfire Management

The site is within a 'bushfire prone area' accordingly the preparation of a Bushfire Management Plan ('BMP') demonstrates the effective mitigation of the site, from the risk of bushfires. The proposed uses are 'vulnerable' uses as defined in the *Guidelines for Planning in Bushfire Prone Areas Version 1.3* and the policy measures of State Planning Policy 3.7 (*Planning in Bushfire Prone Areas*) have been applied accordingly.

The vegetation on site is currently a mix of Class A 'forest', Class G 'grassland' and Class D 'scrub'. The BMP resolves the risk of a bushfire per the post-development conditions of the site (i.e. considering the footprint of structure). Notably, the BMP also includes policy measures from the WAPC's position statement relating to tourism land uses and prepares a Bushfire Emergency Evacuation Plan ('BEEP').

Outcomes of the Bushfire Management Plan

The attached BMP (**Attachment 3**) illustrates that the site will increasingly become more suitable for the proposed land uses, as development progresses and the BMP is adopted. The BMP confirms a solution to provide acceptable management/mitigation measures and outlines the necessary actions by the applicant, to implement the BMP as follows:

- Construct development in accordance with the proposed plans.
- Install the identified turning requirements to the site access.
- Install and maintain the landscaped areas according to a low-threat level per AS3959.
- Ensure the vegetation clearing is performed surrounding the childcare facility and vegetation is maintained at a low threat level per AS3959.
- Implement and maintain the Bushfire Emergency Evacuation Plan contained within Appendix B of Attachment 3.
- Install reticulated water supply and hydrants as necessary to the standards required by Water Corporation.
- Ensure any installed fire hydrants are unobstructed and visible at all times.
- Install firebreaks according to the City's Fire Break Notice.
- Install and maintain firefighting equipment within the childcare centre.

Bushfire Emergency Evacuation Plan

The emergency evacuation plan meets all relevant policy measures to ensure that the development provides adequate considerations in the event of a bushfire, with the preferred response being an early evacuation.

5.4.4 Traffic Management

Traffic Volume

The proposed development will generate up to 622 vehicular trips per day, 71 trips in the AM peak and 63 trips in the PM peak. Two major desire lines for access/egress are expected:

- From/to the north via Nicholson Road
- From/to the south via Nicholson Road

Including the additional vehicle trips, the latest traffic counts provide an estimated 8,500 vehicles per day will travel along Nicholson Road, which is acceptable as Nicholson Road is a 'Distributor A' road, per MRWA classification, and is capable of supporting over 8,000 vehicle's per day. The surrounding streets will absorb significantly less traffic than Nicholson Road and will not be adversely impacted.

Parking

The proposed vehicle parking bays comply with AS 2890.1:2004 (off-street parking) and AS2890.6 (street parking for disabilities), and provides 94 bays in total to the site, exceeding the 80 parking bays

required as a minimum by TPS4. The proposal offers 4 ACROD bays, meeting the requirements of the Building Code of Australia (for three bays).

Calculation of Parking			
Land Use	Requirements	Yield	Total Parking
Restaurant	1 space for every 5 seats	176 seats	35.2 bays
Cafe	1 space for every 5 seats	96 seats	19.2 bays
Childcare Centre	1 space per every 8 children allowed under maximum occupancy, plus 1 space per employee or staff member	44 children; 11 staff members	17 bays
Garden Centre	2 spaces for every 100 square metres display or sales area. Minimum 4 spaces	App.430m ²	8.6 bays
Total Car Parking Requirement			80
<hr/>			
Total Volume of Parking Provided by Proponent 94			
<i>Inclusive of:</i>			
90 standard car bays			
2 ACROD bays			
1 Dual Use bay (ACROD + DELIVERY)			
1 Dual Use bay (ACROD + REVERSING bay)			

Figure 15 – Extract of TIA attachment 2, page 11

There is a slight deviation from the parking bay width standards for the childcare centre (required 2.6m, proposed 2.5m). There is no impact to the performance of the parking area, as the bays are increased in length, and the aisle is made wider.

Parking Bay Type	Parking Bay Length		Parking Bay Width		Aisle Width	
	Required	Proposed	Required	Proposed	Required	Proposed
All bays at 90° (User Class 1A) STAFF	5.4m	5.5m	2.4m	2.5m	5.8m	6m - 6.5m
All bays at 90° (User Class 3) CUSTOMERS/PARENTS	5.4m	5.5m	2.6m	2.5m	5.8m	6m
ACROD Parking	5.4m	5.5m	2.4m-ACROD 2.4m-shared space	2.5m-ACROD 2.5m-shared space	5.8m	6m

Figure 16, Extract of TIA attachment 2, page 12

Access and internal movement

The proposed development will require a full-length auxiliary right turn lane and a short auxiliary left turn lane before commencement. This is due to the high traffic volume environment on Nicholson Road. The TIA provides that only three vehicles would turn right at this intersection during the PM peak traffic, which does not trigger the installation of a deceleration lane. Turning right into the subject site would be classed as the requirement for the PM peak.

Commercial Vehicle Access

The commercial loading area is adjacent to the proposed restaurant. The area will accommodate the accessible movement path of a 12.5m rigid truck as a dedicated delivery vehicle used for both the café and restaurant. The volume of deliveries will most likely be low (once or twice per week) and each delivery will consume around 5 to 30 minutes depending on the delivery load.

5.5 PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015

In considering an application for development approval the decision maker is to have due regard to the matters outlined in clause 67 of the deemed provisions to the extent that, in the opinion of the decision maker, those matters are relevant to the development the subject of the application. These matters are outlined below alongside comment on whether the matter is relevant, and if so how it has been addressed by the development.

DEEMED PROVISIONS CLAUSE 67 – MATTERS TO BE CONSIDERED BY THE DECISION MAKER

(a) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*

Satisfied – The objectives and requirements of the scheme have been addressed.

(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 or approving;*

Satisfied – Satisfies the requirements of orderly and proper planning.

(c) *any approved State planning policy;*

Satisfied – All relevant State planning policies have been addressed.

(d) *any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*

Satisfied – All relevant environmental protection policies have been addressed.

(e) *any policy of the Commission;*

Satisfied – All relevant Commission policies have been addressed.

(f) *any policy of the State;*

Satisfied – All relevant State policies have been addressed.

(g) *any local planning policy for the Scheme area;*

Satisfied – All relevant local planning policies have been addressed.

(h) *any structure plan, activity centre plan or local development plan that relates to the development;*

Satisfied – Not applicable to this site.

(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;*

Satisfied – Not applicable to this site.

(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;*

Satisfied – Not applicable to this site.

(k) *the built heritage conservation of any place that is of cultural significance;*

Satisfied – The development site does not contain any registered places of Indigenous, State, or local heritage significance.

(l) *the effect of the proposal on the cultural heritage significance of the area in which the development is located;*

Satisfied – The development site does not adjoin any registered places of Indigenous, State, or local heritage significance

DEEMED PROVISIONS CLAUSE 67 – MATTERS TO BE CONSIDERED BY THE DECISION MAKER

- (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;*

Satisfied – The proposed development is compatible with its setting. Further the development has itself responded to the locality and spatial planning controls by imploring best practice environmental responses within the proposal.

- (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;

Satisfied – The design considers the established character of the locality and associated environmental and social impacts. No significant adverse impact has been identified.

- (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;*

Satisfied – Adverse environmental effects have been avoided, and in turn the proposal includes measures to improve the natural environment and water resources on the site.

- (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;*

Satisfied – Landscaping is provided throughout as shown on the submitted plans, and the preservation of trees is guaranteed unless absolutely necessary

- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*

Satisfied – The site is within a bushfire prone area, a flooding area and the proposal includes ‘vulnerable’ uses. The applicant has engaged with the necessary advisors and responded to the corresponding environmental reports, to ensure the suitability of the proposal on the subject site.

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

Satisfied – The development site is not contaminated, nor have any health or safety risks been identified.

- (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;

Satisfied – The proposed vehicular and pedestrian access is adequate, clearly legible and suitable for the proposed development.

- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*

Satisfied – Expected traffic volumes are capable of being handled by the public road network. Car parking provision suitable for the local area.

- (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;

Satisfied – The development proposes a suitable amount of amenity for visitors. Site servicing requirements are to standard. The design provides suitable access options for older people and people with movement disability.

DEEMED PROVISIONS CLAUSE 67 – MATTERS TO BE CONSIDERED BY THE DECISION MAKER

(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;*

Satisfied – No adverse impact to community service or community benefit identified.

(w) *the history of the site where the development is to be located;*

Satisfied – Development of the site has historically been of a low-intensity, and its current condition is worn-down. No historical issues of note have been identified for the subject site.

(x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*

Satisfied – The design is considered to provide a positive impact to the visitors and surrounds, by demonstrating exemplary environment responses to development, environment management methods, and to introduce natural influences to a child's early learning.

The design of the development has responded throughout the post-lodgement process, to be sensitive of the northern neighbour's amenity. The responses have included larger setback to the north to accommodate screening vegetation as well as relocating the amphitheatre further away from the northern neighbour.

(y) *any submissions received on the application;*

Pending consultation.

(za) *the comments or submissions received from any authority consulted under clause 66;*

Satisfied – all external authority referrals have been performed

(zb) *any other planning consideration the local government considers appropriate.*

Satisfied – No other planning considerations have been identified.

6 CONCLUSION

The proposed development at 448 Nicholson Road, Forrestdale has been duly considered in accordance with the relevant local planning framework including LPS4, State Planning Policies and relevant Local Planning Policies.

The application prepared and submitted for development approval showcases a proposal which has considered the site, development on adjoining properties and the immediate locality, to produce a development outcome and which is responsive to and respectful of the established streetscape and local development character.

It is recommended that the City welcome this addition to the local area and approve the application subject to appropriate conditions.