

Planning and Development (Local Planning Schemes) Regulations 2015

In accordance with [Clause 67\(2\)](#) of the Planning Regulations, and in determining a development application, Council is to have due regard to a range of matters to the extent that these are relevant to the development application.

Administration's response to each matter requiring consideration is listed in the table below.

Clause 67 – Matters to be Considered	
Matter	Administration Comment
(a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area.	This matter is addressed in the Land Use section of the Officer Report.
(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.	<p>The suitability of the development has been assessed having regard to the relevant scheme requirements, the City's local planning framework, and the impact of the development on the area, consistent with the principles of orderly and proper planning.</p> <p>There are no draft planning instruments relevant to this application.</p>
(g) Any local planning policy for the Scheme area.	An assessment against the City's Built Form Policy and Non-Residential Parking Policy is discussed within the comments section of the Officer Report.
(m) The compatibility of the development with its setting including – <ul style="list-style-type: none"> (i) The compatibility of the development with the desired future character of its setting. (ii) The relationship of the 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. 	<p>The development would be compatible with its setting, located within a commercial zone and town centre area. This is because the subject site has been approved for redevelopment and the proposed development would assist in the sale of apartments to facilitate this development occurring.</p> <p>The temporary nature of the development would ensure that the development would not have long-term impacts to the locality.</p>
(n) The amenity of the locality including the following – <ul style="list-style-type: none"> (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development. 	<p>The proposed development would not unduly impact on the amenity or character of the area. This is because the application is for a temporary viewing tower which is proposed to assist with apartment sales for the approved mixed use development on the site and is not a temporary structure.</p> <p>The location of the structure ensures sufficient separation from residential properties to reduce overlooking and shadow impacts. The use can be appropriately managed so as not to have an adverse social impact on the amenity of the area by way of light spill, noise and parking/traffic impacts.</p>
(r) The suitability of the land for the development taking into account the possible risk to human health or safety.	The site has been appropriately secured through the provision of perimeter fencing and a lockable gate, restricting public access outside of appointments with authorised staff members.

Clause 67 – Matters to be Considered

Matter	Administration Comment
	<p>Conditions of approval have been recommended for sufficient lighting and safety signage to be provided to ensure the site is safe.</p>
<p>(s) The adequacy of —</p> <ul style="list-style-type: none"> (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles 	<p>The proposal seeks to utilise existing vehicle access arrangements to the site, located at No. 369 Fitzgerald Street.</p> <p>Three car parking bays provided are sufficient to meet needs of the proposed development.</p>
<p>(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.</p>	<p>The development includes suitable management measures to manage the anticipated parking demands generated by the development. This achieved through a restriction on the operating hours and the viewing tower being available for customers by appointment only. This will reduce the frequency of visits by customers and staff and reduce the car parking demand and traffic generated by the proposed development.</p> <p>The additional traffic generated by the proposed development is not anticipated to impact on the surrounding road network in terms of traffic flow and safety for the reasons listed above.</p>
<p>(u) The availability and adequacy for the development of the following —</p> <ul style="list-style-type: none"> (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. 	<p>The site is optimally located in proximity to easy and convenient public transport services with high level of walkability provided.</p> <p>The development would not generate any waste.</p> <p>The development does not offer access for people with limited accessibility or disabilities. As the development is proposed to facilitate sale of apartments, the developer would be in a position to provide information to these potential customers, should they wish to access sales information, including images of potential views from the apartments.</p>
<p>(w) The history of the site where the development is to be located.</p>	<p>A mixed-use development has been approved by the JDAP on the subject site and the northern adjoining properties.</p> <p>The development is proposed to aid in the sales and marketing strategy for the approved development. The viewing tower would allow prospective buyers to understand potential views from different levels of the development.</p>
<p>(x) The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals.</p>	<p>The development would not have an adverse impact on the community as a whole.</p> <p>The development is proposed to assist with sale of apartments, to facilitate the mixed-use development that is approved on the site which would contribute to broader community benefit in the future.</p>
<p>(y) Any submissions received on the application.</p>	<p>The City has undertaken consultation on the proposal in accordance with the City's Community and Stakeholder Engagement Policy.</p>

Clause 67 – Matters to be Considered

Matter	Administration Comment
	<p>The outcomes of community consultation are addressed within the Consultation section of the Officer Report.</p> <p>A summary of the submissions received including Administrations response to each comment is included as Attachment 6.</p> <p>The issues raised in the submissions have been considered as part of Administration's assessment of this application.</p>