

## NEW SUMMARY OF SUBMISSIONS

PA20/1266 - South Western Highway, Byford 895 (L201) 398307 / South Western Highway, Byford 899 (L8) 308100

Gym / Office / Consulting Rooms / Shop / Cafe / Child Minding

Submitter	No	Submitter Comments	Applicant Response	Officer Recommendations
Department of Planning, Lands and Heritage - Aboriginal Affairs	1	<p>Thank you for your letter dated 18 January 2021 regarding the Development Application received by the Shire of Serpentine Jarrahdale for 895 and 899 South Western Highway, Byford.</p> <p>I have reviewed the Aboriginal Heritage Register of Places and Objects as well as the DPLH Aboriginal Heritage database. The results indicate that the proposed works do not intersect with the boundary of any Aboriginal sites or heritage places. Therefore, the proponent should be advised that no approvals under the <i>Aboriginal Heritage Act 1972</i> are required.</p> <p>If you have any further queries regarding the above, please contact me on (08) 6551 7929 or lorna.cooper@dplh.wa.gov.au.</p>	Satisfied	Noted
DFES	2	<p>I refer to your email dated 21 December 2020 regarding the submission of a Bushfire Management Plan (BMP) (Revision 0), prepared by Entire Fire Management and dated 11 November 2020 for the above development application.</p> <p>This advice relates only to <i>State Planning Policy 3.7 Planning in Bushfire Prone Areas</i> (SPP 3.7) and the <i>Guidelines for Planning in Bushfire Prone Areas</i> (Guidelines). It is the responsibility of the proponent to ensure the proposal complies with relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining approvals that apply to the proposal including planning, building, health or any other approvals required by a relevant authority under written laws.</p> <p><b>1. Policy Measure 6.5 a) (ii) Preparation of a BAL contour map</b></p>	<p>We have addressed the issues raised and the BMP has been updated to reflect all of the listed concerns.</p> <p>Deemed to be satisfied</p>	Noted – the BMP has been amended to address these comments.

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		Issue	Assessment	Action		
		Location and siting design	<p>A1.1 &amp; A2.1 – not demonstrated</p> <p>The BAL ratings cannot be validated for the reason(s) outlined in the above table.</p> <p>There are areas of the site exposed to BAL-40/BAL-FZ which represents an extreme risk which does not comply with A1.1.</p> <p>In addition, as the commercial buildings are not covered by AS3959:2018, it is recommended that the buildings be constructed to utilise all of the aspects of AS3959 that apply to the appropriate Bushfire Attack Level (BAL). This is consistent with Clause 78E(i) of the LPS Regulations that requires the decision-maker to have regard</p>	Modification to the BMP is required.		

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		<p>to the bushfire construction requirements of the Building Code. This recommendation is further supported by Clause 5.8.3 of the Guidelines which reads as follows:</p> <p>The bushfire construction provisions of the Building Code of Australia do not apply to Class 4 to Class 9 buildings. In these instances, the applicant has the discretion to utilise any or all of the elements of AS3959 in the construction of the building that they deem appropriate.</p> <p>While the vegetation is outside the lot boundary, there are measures that can be taken to increase the resilience of the existing buildings and contingencies should</p>	<p>Comment noted. With all due respect we believe comments re parking are not within DFES brief.</p> <p>Comment noted</p>	

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			be in place for occupants of these buildings during a bushfire emergency.		
		<b>Vehicular Access</b>	<p>The design of the off-street parking is primarily in a blind aisle configuration that inhibits circulation.</p> <p>The Traffic Impact Statement should have regard to the potential of all parking bays within Lot 8 being occupied. the resultant consequence for motorists travelling along South Western Highway in the event of a vehicle reversing out of the blind aisle temporarily obstruct the vehicular crossover needs to be assessed.</p>	Comment only.	
		<b>Extreme bushfire hazard and/or BAL-40/ BAL-FZ applies</b>	Subdivision and development applications for vulnerable or high-risk land uses in areas of BAL-40/BAL-FZ will	Comment Only	<p>Comment noted.</p> <p>It is our understanding that with the prescribed land use no Bushfire Emergency Evacuation Plan is needed.</p> <p>Bushfire Management measures have been refined and the updated BFMP has been forwarded to shire officers.</p>

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			not be supported unless they comply with policy measure Clause 6.7.2 of SPP3.7. The proposed development is not considered to be 'unavoidable development'.	
		<b>Bushfire Emergency Evacuation Plan (EEP)</b>	The referral has not included a 'Bushfire Emergency Evacuation Plan' for the purposes of addressing the policy requirements. Consideration should be given to the Guidelines Section 5.5.2 'Developing a Bushfire Emergency Evacuation Plan'. This contains detail regarding what should be included in an EEP and will ensure the appropriate content is detailed when finalising the EEP to the satisfaction of the	Comment Only

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		<div>Shire of Serpentine-Jarrahdale.</div> <p><b><u>Recommendation – not supported modifications required</u></b></p> <p>It is critical that the bushfire management measures within the BMP are refined, to ensure they are accurate and can be implemented to reduce the vulnerability of the development to bushfire. The proposed development is not supported for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The development design has not demonstrated compliance to – <ul style="list-style-type: none"> <li>Element 1: Location, and</li> <li>Element 2: Siting and Design.</li> </ul> </li> </ol> <p>If you require further information, please contact Joel Gajic, Senior Land Use Planning Officer on telephone number 9395 9739.</p>		
Main Roads		<p>In response to correspondence received on 21 December 2020, Main Roads has no objections subject to the following conditions being imposed:</p> <p><u>Conditions</u></p> <ol style="list-style-type: none"> <li>1. Prior to the Building Permit, the applicant is to submit a preliminary design (15% concept) for a left auxiliary turn lane from South West Highway into the development to Main Roads requirements.</li> </ol> <p><u>Justification for Condition</u></p> <p>The left auxiliary turn is necessary to facilitate this development.</p> <ol style="list-style-type: none"> <li>2. Prior to the occupation of the building, the applicant must design and construct the approved left auxiliary turn lane as detailed in Condition 1, to Main Roads requirements.</li> </ol> <p>All costs associated with the design and construction of the left auxiliary turn lane are to be borne by the applicant.</p>	<p>We do not believe this condition to be fair, equitable or just to impose on the proponent.</p> <p>A left turn is not necessary to facilitate this development.</p> <p>The road at this location is a dual carriage way with a 60km limit and is</p>	Refer to Officer comment on Main Roads updated submission below

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		<p><u>Justification for Condition</u></p> <p>The left auxiliary turn lane is necessary to mitigate impacts on the performance and/or safety of the state road network.</p> <p>3. One (1) driveway is permitted onto South Western Highway. This driveway must be constructed in accordance with Main Roads Driveways Policy.</p> <p><u>Justification for Condition</u></p> <p>The crossover must accommodate a 12.5m service vehicle, which has not been demonstrated by the applicant within the current application package. The construction drawing will be checked at the time an application to undertake works within the road reserve is lodged with Main Roads.</p> <p>4. All vehicles must enter and exit the site in a forward gear.</p> <p>5. Prior to the issue of a Building Permit for the development, the applicant must submit a Landscape Plan to the satisfaction of the Shire of Serpentine-Jarrahdale and in consultation with Main Roads to ensure that permanent landscaping abutting the South Western Highway road reservation is limited and maintained to a mature height of 1 metre. Sight lines must be maintained at all times to ensure driver safety.</p> <p><u>Justification for Condition</u></p> <p>To ensure driver safety and efficiency on the state road network is maintained.</p> <p>6. Prior to the issue of a Building Permit for the development, an acoustic report by a qualified acoustic consultant consistent with the requirements of State Planning Policy No 5.4 - Road and Rail Noise (SPP 5.4) is to be prepared and submitted to the satisfaction of the Shire of Serpentine-Jarrahdale and in consultation with Main Roads.</p>	<p>sufficient to facilitate this development just like every other development in the vicinity.</p> <p>In all our correspondence with Main Roads regarding this development and in two pre-lodgement meetings where Main Roads made their demands clear the proponent has agreed to these demands and implemented them yet the concept of a left turn was never raised by Main Roads even when given the opportunity to share if they had any more ideas, concerns, requests, requirements.</p> <p>This left turn condition at the 11<sup>th</sup> hour is not fair or just.</p>	

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		<p>Any recommendations contained in the acoustic report must be thereafter implemented and maintained for the duration of the development.</p> <p><u>Justification for Condition</u></p> <p>The development incorporates a noise sensitive land use (i.e. creche/child minding facility).</p> <p>7. Prior to the issue of the Building Permit, Lot 201 (895) and Lot 8 (899) South Western Highway, Byford are to be amalgamated into one (1) lot.</p> <p><u>Justification for Condition</u></p> <p>To allow for orderly and proper planning to occur.</p> <p>8. Notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). The notification is to state as follows:</p> <p>'The lots are situated in the vicinity of a transport corridor and are currently affected, or may in future be affected by transport noise.'</p> <p><u>Justification for Condition</u></p> <p>To ensure the acoustic requirements of SPP 5.4 are implemented.</p> <p>9. Any proposed illumination of the sign must not exceed 300cd.m2 (candela per square metre) between sunset and sunrise.</p> <p>10. The proposed sign must not flash, pulsate or chase.</p> <p>11. The device must not contain fluorescent, reflective or retro reflective colours or materials.</p> <p>12. Vegetation within the state road reserve must not be removed or trimmed to improve the visibility of the proposed advertising sign.</p>	<p>The wording of creche and childminding where the only words available regarding land use, however they do not describe the intention of this use. It is merely a 'babysitting' arrangement for parents attending the gym to look after each other's children in turn. As such an acoustic report is not required, nor a section 70A.</p> <p>In addition, no new titles are proposed.</p>	



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		<p>13. Redundant vehicle crossover( s) to be removed and kerbing, verge, and footpath reinstated with grass or landscaping to the satisfaction of the Shire of Serpentine Jarrahdale and to the specifications of the local government.</p> <p>14. No earthworks must encroach onto the South Western Highway road reserve.</p> <p>15. Stormwater discharge (if any) must not exceed pre-development discharge to the South Western Highway road reserve or the widened road reservation.</p> <p>16. All waste collection is to be onsite.</p> <p>17. The landowner/applicant must make good any damage to the existing verge vegetation within the South Western Highway road reserve.</p> <p>18. The ground levels on the South Western Highway are to be maintained as existing.</p> <p><u>Advice</u></p> <p>a. The U-turn facility at Nettleton Road referred to is not supported at this point in time.</p> <p>b. Council should consider setting a condition requiring a 4 metre building setback from the boundary with Lot 200. This would facilitate a future road connection at the rear pursuant to current planning as detailed in the Byford Townsite Detailed Area Plan.</p> <p>c. In reference to Conditions 1 and 2, the applicant is referred to MRWA's Supplement to Austroads Guide to Road Design - Part 4. Supporting information can be found on the Main Roads website&gt; Technical &amp; Commercial&gt; Guide To Road Design.</p> <p>d. The use of service vehicles for the development will require the applicant to ensuring safe and efficient manoeuvring can be achieved</p>	<p>The Waste generated from the development will not greatly exceed the current waste demands. Having waste collected via council bins as proposed and collected from the roadside, will have minimal impact on the current waste collection service to this stretch of road.</p> <p>This advice is not accepted by the proponent and they have no intention to amalgamate the</p>	

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		<p>within the subject property. It is recommended the Shire of Serpentine-Jarrahdale require the applicant to submit a swept path diagram demonstrating that the desired vehicle access can be achieved internally within the site.</p> <p>e. The upgrading/widening of South Western Highway is not in Main Roads current 4- year forward estimated construction program and all projects not listed are considered long term. Please be aware that timing information is subject to change and that Main Roads assumes no liability for the information provided.</p> <p>f. The applicant is required to submit an Application form to undertake works within the road reserve prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website &gt; Technical &amp; Commercial &gt; Working on Roads.</p> <p>This letter has been reissued after discussions and gives greater clarity regarding access requirements. This letter replaces the previous correspondence dated 20 May 2021.</p> <p>Should the Shire disagree with or resolve not to include as part of its conditional approval any of the above conditions or advice, Main Roads requests an opportunity to meet and discuss the application further, prior to a final determination being made.</p> <p>Main Roads requests a copy of the City's final determination on this application to be sent to <a href="mailto:planninginfo@mainroads.wa.gov.au">planninginfo@mainroads.wa.gov.au</a> quoting the file reference above.</p>	<p>properties, nor do they need to.</p> <p>Sweep paths have already been provided in the Traffic Management Statement.</p>	
Main Roads (2) Dated 2 July 2021		Further to discussions with the Shire of Serpentine Jarrahdale via Teams on 28 June 2021, and subsequent email of 28 June 2021, Main Roads is not in a position to support the inclusion of 28 June 2021		Noted – Officers have included these conditions as part of the recommendation.

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		<p>draft conditions as presented by Council.</p> <p>Should Council consider road upgrades are warranted, the appropriate 15% concept design for such works must be provided, prior to further consideration as part of this development application. This would afford Council and Main Roads the opportunity to consider such proposals.</p> <p>Main Roads shall collaboratively work with the Shire to resolve wider access matters in the locality. Further investigations regarding other planning mechanisms to fast track and resolve the Vehicle Access Strategy (VAS) should be undertaken as a priority. The VAS should not be considered in isolation and should be incorporated in the Shire's Planning Scheme to ensure the access requirement are translated into the planning requirements.</p> <p>Considering the above, please be advised in relation to this development application, Main Road has no objection to this proposal subject to the following conditions being imposed:</p> <p>Conditions</p> <ol style="list-style-type: none"> <li>1. One (1) driveway is permitted onto South Western Highway. This driveway must be constructed in accordance with Main Roads Driveways Policy.</li> </ol> <p><u>Justification for Condition</u></p> <p>The crossover must accommodate a 12.5m service vehicle, which has not been demonstrated by the applicant within the current application package. The construction drawing will be checked at the time an application to undertake works within the road reserve is lodged with Main Roads. The driveway is to be up to 11m in width.</p> <ol style="list-style-type: none"> <li>2. All vehicles must enter and exit the site in a forward gear.</li> </ol>		<p>An additional condition regarding an access strategy that will provide for south bound access into and out of the Mixed Use precinct located on the western side of South Western Highway, north of Nettleton Road and south of Abernethy Road has also been recommended. Refer to report for full details.</p>

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		<p>3. Prior to the issue of the Building Permit, Lot 201 (895) and Lot 8 (899) South Western Highway, Byford must be amalgamated into one (1) lot.</p> <p><u>Justification for Condition</u></p> <p>To allow for orderly and proper planning to occur.</p> <p>4. Prior to the issue of a Building Permit for the development, the applicant must submit a Landscape Plan to the satisfaction of the Shire of Serpentine -Jarrahdale and in consultation with Main Roads to ensure that permanent landscaping abutting the South Western Highway road reservation is limited and maintained to a mature height of 1 metre. Sight lines must be maintained at all times to ensure driver safety.</p> <p><u>Justification for Condition</u></p> <p>To ensure driver safety and efficiency on the state road network is maintained.</p> <p>5. Prior to the issue of a Building Permit for the development, an acoustic report by a qualified acoustic consultant consistent with the requirements of <i>State Planning Policy No 5.4 - Road and Rail Noise (SPP 5.4)</i> is to be prepared and submitted to the satisfaction of the Shire of Serpentine-Jarrahdale and in consultation with Main Roads. Any recommendations contained in the acoustic report must be thereafter implemented and maintained for the duration of the development.</p> <p><u>Justification for Condition</u></p> <p>The development incorporates a noise sensitive land use (i.e. creche/child minding facility).</p> <p>6. Notification, pursuant to Section 70A of the <i>Transfer of Land</i></p>		

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		<p>Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). The notification is to state as follows:</p> <p><i>'The lots are situated in the vicinity of a transport corridor and are currently affected, or may in future be affected by transport noise.'</i></p> <p><u>Justification for Condition</u></p> <p>To ensure the acoustic requirements of SPP 5.4 are implemented.</p> <ol style="list-style-type: none"> <li>7. Any proposed illumination of the sign must not exceed 300cd.m2 (candela per square metre) between sunset and sunrise.</li> <li>8. The proposed sign must not flash, pulsate or chase.</li> <li>9. The device must not contain fluorescent, reflective or retro reflective colours or materials.</li> <li>10. Vegetation within the state road reserve must not be removed or trimmed to improve the visibility of the proposed advertising sign.</li> <li>11. Redundant vehicle crossover(s) to be removed and kerbing, verge, and footpath reinstated with grass or landscaping to the satisfaction of the Shire of Serpentine Jarrahdale and to the specifications of the local government. No earthworks must encroach onto the South Western Highway road reserve.</li> <li>12. No stormwater discharge to the South Western Highway road reserve is permitted.</li> <li>13. All waste collection is to be onsite.</li> <li>14. The landowner/applicant must make good any damage to the existing verge vegetation within the South Western Highway road</li> </ol>		

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		<p>reserve.</p> <p>15. The ground levels on the South Western Highway are to be maintained as existing.</p> <p><u>Advice to the Shire</u></p> <p>a) The U-turn facility at Nettleton Road and breaking of the existing median as suggested by the Shire is not supported at this point in time.</p> <p>b) Should Council consider road upgrades are warranted the appropriate 15% concept design for such works must be provided, prior to further consideration of this development application. This would afford Council the opportunity to consider how road infrastructure can be achieved and costs to be distributed across the precinct area.</p> <p>c) The proposed mitigation measures as discussed and outlined by Council are not considered to provide certainty for the current development application and it is questionable, if relevant to the scale of development proposed.</p> <p>d) Main Roads is not in a position to support the inclusion of 28 June 2021 draft conditions proposed by Council. It is recommended the Council further investigates mechanisms to resolve access to the wider precinct. The conditions as presented are unclear and uncertain.</p> <p>e) Council should set a condition requiring a 4 metre building setback from the boundary with Lot 200. This would facilitate a future road connection at the rear pursuant to current planning as detailed in the Byford Townsite Detailed Area Plan. It is essential that the opportunity to facilitate rear access in the future is not</p>		

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		<p>lost.</p> <p>f) The use of service vehicles for the development will require the applicant to ensuring safe and efficient manoeuvring can be achieved within the subject property. It is recommended the Shire of Serpentine Jarrahdale require the applicant to submit a swept path diagram demonstrating that the desired vehicle access can be achieved internally within the site.</p> <p>g) The upgrading/widening of South Western Highway is not in Main Roads current 4-year forward estimated construction program and all projects not listed are considered long term. Please be aware that timing information is subject to change and that Main Roads assumes no liability for the information provided.</p> <p>h) The applicant is required to submit an Application form to undertake works within the road reserve prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website &gt; Technical &amp; Commercial &gt; Working on Roads.</p> <p>i) The previous conditions 1 and 2 have been removed so delivery of access to the wider precinct is not constrained.</p> <p>This letter has been reissued after discussions with Council and to provide greater clarity in relation to the recommendations made by Main Roads.</p> <p>Main Roads requests a copy of the Shire's final determination on this proposal to be sent to <a href="mailto:planninginfo@mainroads.wa.gov.au">planninginfo@mainroads.wa.gov.au</a> quoting the file reference above.</p>		
A309800	3	Do the present conditions stay the same or are the premises being redeveloped?	Noted	

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A308200	4	<p>We own/live next door to the above proposed development, our property is Lot 9 &amp;10, 901 &amp;903 South Western Highway know as 901 South Western Highway.</p> <p>My Wife and I are not against the development plan but after reviewing the Plan on your website we have some concerns, questions and comments that we seek clarification on as listed below;</p> <p>Questions, Comments, Concerns;</p> <p>The Proposed application has the removal of trees, I can see that 14 plus % has been retained and the requirement is at least 10% - in previous developments on the other side of our property 100% of the trees were removed and we found our property inundated with the local bird life- I have concerns that the planned removal of the trees is going to exacerbate the already growing numbers of wildlife in our trees and may affect the wildlife.</p> <p>There is a quite an old Jarrah tree 12 meters from the western fence line and it is situated half on our land and half on the development land – smack in the middle of the fence -it is 1.5 meters in girth and is a very large tree. It is home to lots of local birds and many Native Black Cockatoos (See Photos below), from what I can see this tree is planned to be removed as it is located where the conference rooms are going. Other than our concern for the wildlife above, if the council agrees it needs to be removed I estimate that this tree would be very expensive and difficult to remove – it should not just be cut off and the stump left but the stump removed as well. To do this our property would need accessed which leads me to physical security during development.</p>	<p>Noted</p> <p>As many trees as possible will be retained and landscaping improvements implemented.</p> <p>Noted and all necessary approvals will be sort and fulfilled.</p>	<p>Noted – A Landscaping Plan has been recommended by way of a condition to ensure once developed the site is revegetated to maintain the amenity of the area and support biodiversity.</p>



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		<p>Jarrah Tree – Black Cockatoo's flying in and playing in tree, tree is on the fence line.</p>  <p>Black Cockatoo's in the tree (9/2/21)</p>		

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		 <p data-bbox="913 1050 1120 1077">On the fence line</p>		

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Submitter	No	Submitter Comments	Applicant Response	Officer Recommendations
		<p><b>Security / Fence</b> The development plan has 7m precast walls on the fence line and the existing fence retained where practical – to install wall and footings and reinstate the fence at such proximity would require the existing fence to be breached /removed and will need sections replaced – again what is the plan to maintain our physical security and is access required.</p> <p><b>Fallout from Construction</b> As seen with the development on the other side of our property the noise was substantial and ongoing for a long time – across the highway with new development we had sand and dirt cover our house and property on several occasions due to the high winds – is noise and dust/dirt going to be controlled.</p> <p>Will there be any compacting of ground as was conducted with the nearby bridge upgrade – not that we had any fall out from that project.</p> <p>Will water, power and phone services be cut, and will we be given warning.</p> <p><b>In summary our concerns are:</b></p> <ul style="list-style-type: none"> <li>• The large tree that is home to the black cockatoos being removed and if so, will it be done professionally and ground reinstated.</li> <li>• Security of our Property during construction /fence, if it is removed our property is open for anyone to enter what is the intention to maintain security for us.</li> <li>• Any access required on our property – what type.</li> <li>• Any disruption to services</li> </ul>		
A404446	5	Support the proposal.		

# NEW SUMMARY OF SUBMISSIONS

PA20/1266 - South Western Highway, Byford 895 (L201) 398307 / South Western Highway, Byford 899 (L8) 308100

Gym / Office / Consulting Rooms / Shop / Cafe / Child Minding

Submitter	No	Submitter Comments	Applicant Response	Officer Recommendations
A400816	6	Surely we already have enough of each of these services. Can we please stop building up so much in Byford that it becomes just another crowded suburb?	Noted	Noted
A401548	7	We already have enough gyms, in our suburb. I am a member of the original YMCA gym and will continue to support them. The proposed location would just cause a lot more congestion for the people that live in the new estates surrounding and not necessarily increase value to their properties.	Noted	Noted – the TIA demonstrates that there are not adverse impacts resultant by way of congestion and in addition MRWA have provided no concern in this regard.
A400836	8	We don't need another gym, shop, creche or café in Byford we have enough small businesses to support and it's just not necessary.	Noted	Noted