

## SUMMARY OF SUBMISSIONS

### PA23/493 - Lot 104, 3 Larsen Road, Byford - DAP - Amendment to Approved Service Station - Extension of Time

Submitter	No	Submitter Comments	Applicant Response	Officer Comment
Department of Education		<p>Thank you for your letter dated 24 July 2023 providing the Department of Education (the Department) with the opportunity to comment on the abovementioned proposal. The Department recognises that this referral is essentially for a request for an extension of time from a 2018 approval.</p> <p>The Western Australian Planning Commission's Operation Policy 2.4 - Planning for school sites (OP 2.4) outlines that careful consideration should be given to the compatibility of land uses nearby schools. Schools are deemed to be sensitive land uses and therefore planning consideration needs to be given to ensure school sites are located amongst or adjacent to compatible land uses to support education, health, and wellbeing outcomes.</p> <p>The Environmental Protection Authority's Guidance for the Assessment of Environmental Factors - Separation Distances Between Industrial and Sensitive Land Uses No. 3 recommends fuel facilities that are intended for 24-hour operation, to have a minimum buffer distance of 200 metres from, sensitive land uses. Given its proximity to Marri Grove Primary School, the proposal should address this requirement as part of the application to ensure there are no adverse impacts on the school site and its occupants. However, no information has been provided to demonstrate that the occupants of the subject school site will be adequately protected from the gaseous, noise, dust and odour impacts generated from the proposed Service Station component.</p> <p>In view of the above, the Department has no in principle objections to the proposal subject to compliance with the above buffer distance requirements.</p>	<p>The design of the proposal is such that the underground fuel tanks (being the closest component of the fuel facility) will achieve a separation distance of 200m to the school oval.</p>	<p>Noted.</p>
Main Roads		<p>Please be advised Main Roads has no objection to the extension of time, subject to the same conditions being applied as previously approved by the JDAP (attached).</p>	<p>Noted.</p>	<p>Noted.</p>

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		Main Roads requests a copy of the final determination on the amended proposal to be sent to <a href="mailto:planninginfo@mainroads.wa.gov.au">planninginfo@mainroads.wa.gov.au</a>		
	1.	<p>No objections to the development going ahead, but first the traffic management must be addressed as a priority.</p> <p>Traffic lights or roundabout must be installed at South Western Highway / Larsen Road intersection.</p>	<p>The findings of the Transport Impact Assessment did not warrant the inclusion of traffic lights or a roundabout at the intersection. Rather, in consultation with Main Roads, it was determined that the inclusion of left and right turn auxiliary lanes from South Western Highway onto Larsen Road and the inclusion of a median on Larsen Road was most appropriate. These inclusions have been forecast to perform better than the existing layout, despite the increase in traffic.</p> <p>It should however be noted that with the proposed closure of Larsen Road at the railway, this will remove school traffic from the Larsen Road / South Western Highway intersection.</p>	<p>The Traffic Impact Assessment provided as part of the initially approved development application details how traffic is proposed to be accommodated at the intersection. Specifically, the application resulted in the imposition of Conditions to upgrade the intersection, based on the position of MRWA. This Condition is as follows:</p> <p><i>“Prior to commencement of works, detailed engineering drawings shall be submitted and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia detailing the dual lane approach on Larsen Road with left and right channelisation at the South Western Highway intersection. The upgrade shall be carried out in accordance with the approved drawings prior to</i></p>

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				<p><i>occupation at the applicant's cost."</i></p> <p>No amendments to this Condition are proposed or recommended as part of this application. This remains an acceptable upgrade to the intersection, based on the development activities remaining unchanged.</p> <p>The impact on the future road network is also discussed within the main body of the report.</p>
	2.	<p>The corner of Larsen Road and South West Highway is already a disaster with people turning right off Larsen on to South West Hwy.</p> <p>It is only a matter of time before there is a serious accident.</p> <p>If a service station is to be put here, careful consideration into this intersection would be required. A round about perhaps would solve a lot of issues here or widening the turning directions so it is a 2 lane going left and right off Larsen Rd on South West Hwy.</p> <p>I use this intersection daily and there are so many near misses it is very scary and on occasions I go the long way round to totally avoid the area.</p> <p>With the train coming through also, I am not 100% on the intersection over the railway line. The area is only getting bigger with more traffic.</p> <p>I am not against a service station but would like to see roads improved to take this intersection into consideration prior rather than later.</p>	<p>The findings of the Transport Impact Assessment did not warrant the inclusion of traffic lights or a roundabout at the intersection. Rather, in consultation with Main Roads, it was determined that the inclusion of left and right turn auxiliary lanes from South Western Highway onto Larsen Road and the inclusion of a median on Larsen Road was most appropriate. These inclusions have been forecast to perform better than the existing layout, despite the increase in traffic.</p>	<p>The Traffic Impact Assessment provided as part of the initially approved development application details how traffic is proposed to be accommodated at the intersection. Specifically, the application resulted in the imposition of Conditions to upgrade the intersection, based on the position of MRWA. This Condition is as follows:</p> <p><i>"Prior to commencement of works, detailed engineering drawings shall be submitted</i></p>

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			<p>It should however be noted that with the proposed closure of Larsen Road at the railway, this will remove school traffic from the Larsen Road / South Western Highway intersection.</p>	<p><i>and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia detailing the dual lane approach on Larsen Road with left and right channelisation at the South Western Highway intersection. The upgrade shall be carried out in accordance with the approved drawings prior to occupation at the applicant's cost."</i></p> <p>No amendments to this Condition are proposed or recommended as part of this application. This remains an acceptable upgrade to the intersection, based on the development activities remaining unchanged.</p> <p>The impact on the future road network is also discussed within the main body of the report.</p>
	3.	<p>We really support this development.</p> <p>All we ask is for a circle or traffic lights be erected at the intersection of South Western Highway and Walters Road as it is a nightmare at present to access South Western Highway.</p>	<p>The findings of the Transport Impact Assessment did not warrant the inclusion of traffic lights or a roundabout at the</p>	

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			<p>intersection. Rather, in consultation with Main Roads, it was determined that the inclusion of left and right turn auxiliary lanes from South Western Highway onto Larsen Road and the inclusion of a median on Larsen Road was most appropriate. These inclusions have been forecast to perform better than the existing layout, despite the increase in traffic.</p> <p>It should however be noted that with the proposed closure of Larsen Road at the railway, this will remove school traffic from the Larsen Road / South Western Highway intersection.</p>	
(Received twice)	4.	<p>I'm writing to you today to voice my concerns of the development of the Service station, Automotive Vehicle Wash and Showrooms on Lot 104, 3 Larsen Rd Byford.</p> <p>As I live directly across the road. The increase of cars, noise and the bright lights are a major concern as I worry that they will continuously light up my home.</p> <p>This is going to impact on my privacy. As I am a pensioner and cannot afford to move. I feel maybe roller shutters installed to the front windows of my home would greatly help and should be installed to my property at no cost to me as I am rate payer for over 20 years.</p> <p>Very concerned rate payer.</p>	<p>During the assessment of the original application, it was noted that there are sensitive land uses within 30m of the proposed development. As such, the Applicant was requested to submit a noise assessment. The noise assessment received demonstrated that the proposal would generally comply with the <i>Environmental Protection (Noise) Regulations 1997</i>.</p>	<p>An Acoustic Assessment was provided as part of the initial application that demonstrates compliance with the <i>Environmental Protection (Noise) Regulations 1997</i>. The development was approved on the basis that noise generated would not adversely impact upon the amenity of the locality. It is worth noting that a Condition</p>

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			<p>The previous approval required an updated Noise Assessment from a suitably qualified person, demonstrating that the development will not result in unacceptable noise impacts. The Applicant anticipates this Condition would carry over onto any approval for the extension of time.</p> <p>Similarly, the original application was approved with a Condition requiring a Lighting Plan. This same Condition is anticipated to carry over.</p>	<p>was also imposed on the approval as follows:  <i>“Prior to occupation, the applicant is required to submit an updated Noise Assessment from a suitably qualified person demonstrating that the development, particularly the mechanical services associated with the tyre and auto services, will not result in unacceptable impacts in relation to noise.”</i></p> <p>No changes to this Condition are proposed or recommended as part of this application.</p>
	5.	<p>Don't agree.</p> <p>As it stands now, trying to turn right onto South Western Highway can take you half an hour.</p> <p>The traffic will increase.</p> <p>This is not an industrial area! Do we really need another service station.</p> <p>Not happy.</p>	<p>In consultation with Main Roads, the development proposes the inclusion of left and right turn auxiliary lanes from South Western Highway onto Larsen Road and the inclusion of a median on Larsen Road. These inclusions have been forecast to perform better than the existing layout, despite the increase in traffic.</p> <p>It should however be noted that with the proposed closure of</p>	<p>The Traffic Impact Assessment provided as part of the initially approved development application details how traffic can be adequately accommodated on the local road network and also includes a 10-year forward projection. Traffic generated from the proposal has been assessed as not adversely impacting upon the road network.</p>

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			Larsen Road at the railway, this will remove school traffic from the Larsen Road / South Western Highway intersection.	
	6.	<p>We said <u>NO</u> last time!</p> <p>Living on Walters Road we said no to the childcare centre – there is a new one now!</p> <p>The traffic is bad enough now on South Western Highway trying to get across with a servo in the vicinity it will be impossible to get across.</p> <p>Are you planning for traffic lights or a roundabout?</p> <p>WE SAY NO!!!</p>	<p>The findings of the Transport Impact Assessment did not warrant the inclusion of traffic lights or a roundabout at the intersection. Rather, in consultation with Main Roads, it was determined that the inclusion of left and right turn auxiliary lanes from South Western Highway onto Larsen Road and the inclusion of a median on Larsen Road was most appropriate. These inclusions have been forecast to perform better than the existing layout, despite the increase in traffic.</p> <p>It should however be noted that with the proposed closure of Larsen Road at the railway, this will remove school traffic from the Larsen Road / South Western Highway intersection.</p>	<p>The Traffic Impact Assessment provided as part of the initially approved development application details how traffic can be adequately accommodated on the local road network and also includes a 10-year forward projection. Traffic generated from the proposal has been assessed as not adversely impacting upon the road network.</p> <p>The Traffic Impact Assessment provided as part of the initially approved development application details how traffic is proposed to be accommodated at the intersection. Specifically, the application resulted in the imposition of Conditions to upgrade the intersection, based on the position of MRWA. This Condition is as follows:</p>

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				<p><i>“Prior to commencement of works, detailed engineering drawings shall be submitted and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia detailing the dual lane approach on Larsen Road with left and right channelisation at the South Western Highway intersection. The upgrade shall be carried out in accordance with the approved drawings prior to occupation at the applicant’s cost.”</i></p> <p>No amendments to this Condition are proposed or recommended as part of this application. This remains an acceptable upgrade to the intersection, based on the development activities remaining unchanged.</p> <p>The impact on the future road network is also discussed within the main body of the report.</p>



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	7.	<p>I don't think Byford needs or wants another service station on the main road. There's already 3 within 1 km of each other.</p> <p>There is also not enough room for traffic to come and go safely from this site.</p> <p>I don't think Byford needs another service station on the main highway seeing there's already 3 within 1 kilometre of each other and another on Abernethy Road and one on Thomas Road.</p> <p>Once the Tonkin Highway Extension is done there will be less traffic going through Byford, so in my opinion there is no need for another one to be built.</p> <p>The access on Larsen Road and George Streets are also going to cause a lot of traffic problems and congestion around the intersections of those roads and South West Highway. There is already a lot of traffic in this area and it is difficult to get onto South West Highway from Walters Road.</p> <p>Seeing how the company that has applied for this development has had 4 years to start building and have not done anything, I don't think it is fair or viable that they get an extension of the approval. They have had more than enough time to start.</p>	<p>Concerns with demand and commercial viability are not valid planning considerations.</p> <p>In addition, Clause 77 of the Deemed Provisions provides the opportunity for an application for extension of time. Furthermore, the Shire's Local Planning Policy 1.3 provides matters which the Shire is to have due regard to when considering such an application. These matters have been addressed as part of the application and in communications with the Shire.</p> <p>In short, the Applicant has actively and conscientiously attempted to pursue a viable development outcome for the site which, to date, has not been realised based on a number of factors, not least the impacts of COVID and associated constraints.</p> <p>As for traffic impacts, the application is supported by a Transport Impact Assessment which forecasts the post-development scenario, including proposed traffic measures, that the South</p>	<p>Officers are required to undertake a merits based assessment of the application, taking account of relevant planning matters. Whether there is a need for a further type of development, is not a relevant planning matter able to be considered.</p> <p>The Traffic Impact Assessment provided as part of the initially approved development application details how traffic can be adequately accommodated on the local road network and also includes a 10-year forward projection. Traffic generated from the proposal has been assessed as not adversely impacting upon the road network.</p>

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			<p>Western Highway intersection will perform better than the existing layout. It is also noted that there are intentions to close Larsen Road at the railway crossing which will remove traffic associated with the school from this intersection.</p>	
	8.	<p>REF: PA23/493:DQ:wj</p> <p>Metro Outer Joint Development Assessment Panel Application - Consultation and Referral - Proposed Amendment to Approved 'Service Station', 'Automotive Vehicle Wash' and 'Showroom' Land uses at Lot 104, 3 Larsen Road, Byford</p> <p>TO WHOM IT MAY CONCERN</p> <p>Please be advised that as per our first objection to this proposal we still wish to oppose any development of this type now or in the future.</p> <p>Let it be known that we, residents of 770 South Western Highway, Byford (Lot 12) are totally against this Proposal.</p> <p>It is a development that is in a totally inappropriate location, considering the land zoning around it. (ie: Urban Development)</p> <p>The proposal indicates that large trucks will be catered for, which is a concern, considering they will be exiting onto Larsen Road, which has no plans in the proposal to change the road which will impact on the homes directly opposite.</p> <p>Also, there is a primary school further down Larsen Road and if anyone has researched the times of drop off &amp; pick up, they will surely have seen the congestion at the corner of Larsen and South Western</p>	<p>The proposal was assessed under both Town Planning Scheme No. 2 and draft Local Planning Scheme No. 3, with all proposed land uses capable of approval under the current and proposed zoning.</p> <p>As part of the Byford Rail Expansion Project, Larsen Road is proposed to be closed at the railway crossing which will remove the school traffic for the portion of Larsen Road adjacent to the development, and furthermore, remove such traffic from the intersection of Larsen Road and South Western Highway.</p> <p>In consultation with Main Roads, the development proposes the inclusion of left and right turn auxiliary lanes from South Western Highway</p>	<p>The use of land and associated works are capable of approval in the zone subject to a merits-based assessment including any impacts on the locality. New Scheme 3 demarcates this land as zoned 'Service Commercial', with the objectives of that zone specifically stating:</p> <ul style="list-style-type: none"> <li>- To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites;</li> <li>- To provide for a range of wholesale sales, showrooms, trade and services which, by reason of their scale, character, operational or land</li> </ul>

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		<p>Highway at these times. As residents, we have seen a number of accidents at this site and if nothing is done then we will see many more.</p> <p>There is also concern regarding our property which is located directly opposite the entrance and exit of this development on South Western Highway. Firstly, if the highway is to be widened, and a median strip put in, we no longer have right hand turn access onto the highway. Meaning we either do a U turn at Walters Road which is dangerous or go kilometres around the block to get out. Also, the 9 metre high pylon sign will be right opposite our residence lit up 24/7 which we also oppose.</p> <p>(Please note - there have already been protests regarding other large signage on the highway)</p> <p>We've noted that infill has already been delivered to the proposed site - does this mean that this development will go ahead no matter what?</p> <p>And if it does, we suggest that the proposed highway widening be completed before any development of this site commences.</p>	<p>onto Larsen Road and the inclusion of a median on Larsen Road. These inclusions have been forecast to perform better than the existing layout, despite the increase in traffic.</p> <p>Assuming the same Condition wording is adopted from the original approval, these upgrades will be required prior to the development being occupied.</p>	<p><i>requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in, the central area, shops and offices or industrial zones.</i></p> <p>The development is aligned with the zone based objectives.</p> <p>Refer to Traffic comments above.</p>
	9.	<p>As an owner on South Western Highway I don't approve of the extension of the Development Application for Lot 104 3 Larsen Road.</p> <p>I believe that they have had more than enough time to move forward and believe that they have no intention of developing and only holding on due to the increased value that the DA provides.</p>	<p>Clause 77 of the Deemed Provisions provides the opportunity for an application for extension of time. Furthermore, the Shire's Local Planning Policy 1.3 provides matters which the Shire is to have due regard to when considering such an application. These matters have been addressed as part of the application and in communications with the Shire.</p> <p>In short, the Applicant has actively and conscientiously</p>	

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			attempted to pursue a viable development outcome for the site which, to date, has not been realised based on a number of factors, not least the impacts of COVID and associated constraints.	
	10.	<p>The corner of Larsen Rd and South Western Highway is already a disaster with people turning right off Larsen on to South Western Highway It is only a matter of time before there is a serious accident.</p> <p>If a service station is to be put here careful consideration into this intersection would be required.</p> <p>A round about perhaps would solve a lot of issues here or widening the turning directions so it is a 2 lane going left and right off Larsen Rd on South Western Hwy. I use this intersection daily and there are so many near misses it is very scary and on occasions I go the long way round to totally avoid the area.</p> <p>With the train coming through also, I am not 100% on the intersection over the railway line. The area is only getting bigger with more traffic. I am not against a service station but would like to see roads improved to take this intersection into consideration prior rather than later.</p> <p>Thanks for reading my comments.</p>	<p>The findings of the Transport Impact Assessment did not warrant the inclusion of traffic lights or a roundabout at the intersection. Rather, in consultation with Main Roads, it was determined that the inclusion of left and right turn auxiliary lanes from South Western Highway onto Larsen Road and the inclusion of a median on Larsen Road was most appropriate. These inclusions have been forecast to perform better than the existing layout, despite the increase in traffic.</p> <p>It should however be noted that with the proposed closure of Larsen Road at the railway, this will remove school traffic from the Larsen Road / South Western Highway intersection.</p>	<p>The Traffic Impact Assessment provided as part of the initially approved development application details how traffic is proposed to be accommodated at the intersection. Specifically, the application resulted in the imposition of Conditions to upgrade the intersection, based on the position of MRWA. This Condition is as follows:</p> <p><i>“Prior to commencement of works, detailed engineering drawings shall be submitted and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia detailing the dual lane approach on Larsen Road with left and right channelisation at the South</i></p>

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				<p><i>Western Highway intersection. The upgrade shall be carried out in accordance with the approved drawings prior to occupation at the applicant's cost."</i></p> <p>No amendments to this Condition are proposed or recommended as part of this application. This remains an acceptable upgrade to the intersection, based on the development activities remaining unchanged.</p> <p>The impact on the future road network is also discussed within the main body of the report.</p>
	11.	<p>801-803 South Western Highway Byford is the existing site of a United Service Station and fast food outlet and as such I object to an extension for commercial reasons and are of the opinion that the population of the area has not grown sufficiently to render additional similar businesses necessary at this point in time.</p> <p>Should the developers wish to carry on with the site then we are of the opinion that they should reapply for development approval as there will be considerable disruption to George Street and the surrounding area with the advent of Metro Net proceeding.</p>	<p>Concerns with demand and commercial viability are not valid planning considerations.</p> <p>In addition, Clause 77 of the Deemed Provisions provides the opportunity for an application for extension of time. Furthermore, the Shire's Local Planning Policy 1.3 provides matters which the Shire is to have due regard to when considering such an</p>	<p>Officers are required to undertake a merits based assessment of the application, taking account of relevant planning matters. Whether there is a need for a further type of development, is not a relevant planning matter able to be considered.</p>

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			application. These matters have been addressed as part of the application and in communications with the Shire.	
	12.	<p>My objection will only be proceeded with if the following points are not made a Condition to Occupancy Permit being granted:</p> <ul style="list-style-type: none"> <li>• George Street is opened up so that traffic can access without being forced to use South Western Highway for main access route.</li> <li>• South Western Highway widening is completed before occupancy. The junction of South Western Highway and Larsen Road is very busy with regular near misses.</li> </ul> <p>Since this initial DA application has been granted, there has been a lot of development and increase of traffic flow in the area. This junction needs to be upgraded prior to occupancy permit being granted for this project.</p> <p>If this cannot be added as DA Condition that infrastructure upgrades are required before Occupancy permit is granted, then please take this as a notice of my objection, and the JDAP should not be extended.</p>	<p>The previous approval included a Condition requiring an upgrade of the Larsen Road and George Street intersection. The Applicant anticipates that such a Condition will carry over on any extension of time approval.</p> <p>Assuming the same Condition wording is adopted from the original approval, the South Western Highway intersection upgrades will be required prior to the development being occupied.</p>	<p>The Traffic Impact Assessment provided as part of the initially approved development application details how traffic is proposed to be accommodated at the intersection. Specifically, the application resulted in the imposition of Conditions to upgrade the intersection, based on the position of MRWA. This Condition is as follows:</p> <p><i>"Prior to commencement of works, detailed engineering drawings shall be submitted and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia detailing the dual lane approach on Larsen Road with left and right channelisation at the South Western Highway intersection. The upgrade shall be carried out in</i></p>

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				<p><i>accordance with the approved drawings prior to occupation at the applicant's cost."</i></p> <p>No amendments to this Condition are proposed or recommended as part of this application. This remains an acceptable upgrade to the intersection, based on the development activities remaining unchanged.</p> <p>The impact on the future road network is also discussed within the main body of the report.</p>
	13.	<p>We object to the proposal due to high levels of noise and pollution 24/7 from car wash facilities proposed.</p> <p>We feel a fuel station proposal is ridiculous when we already have a Caltex on Thomas Road, Byford plus 4 other fuel stations in or around South Western Highway, Byford.</p> <p>We feel the proximity of a fuel station to houses, day care centres and schools is too close.</p> <p>There is a likelihood of increased traffic which endangers children's lives going to school, day care etc.</p> <p>There would be fuel smells, possible spillages and fire danger in a highly populated area.</p> <p>Please accept our objection as we feel very strongly against this proposal.</p>	<p>Concerns with demand and commercial viability are not valid planning considerations.</p> <p>The proposal was assessed under both Town Planning Scheme No. 2 and draft Local Planning Scheme No. 3, with all proposed land uses capable of approval under the current and proposed zoning. Notably, 'Automotive Vehicle Wash' and 'Service Station' are 'P' (permitted) uses under the current Town Planning Scheme No. 2 which demonstrates their</p>	<p>An Acoustic Assessment was provided as part of the initial application that demonstrates compliance with the <i>Environmental Protection (Noise) Regulations 1997</i>. The development was approved on the basis that noise generated would not adversely impact upon the amenity of the locality. It is worth noting that a Condition was also imposed on the approval as follows:</p>

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			<p>compatibility with the surrounding area.</p> <p>It should also be noted that service stations are highly regulated and will be subject to various design, operational and management measures to ensure the risk of contamination and pollution is minimal.</p> <p>In relation to noise, the previous approval required an updated Noise Assessment from a suitably qualified person, demonstrating that the development will not result in unacceptable noise impacts. The Applicant anticipates this Condition would carry over onto any approval for the extension of time.</p>	<p><i>“Prior to occupation, the applicant is required to submit an updated Noise Assessment from a suitably qualified person demonstrating that the development, particularly the mechanical services associated with the tyre and auto services, will not result in unacceptable impacts in relation to noise.”</i></p> <p>No changes to this Condition are proposed or recommended as part of this application.</p>