

**SUMMARY OF SUBMISSIONS****PA22/918 - Lot 806, South Western Highway, Byford - MODAP - Proposed Mixed Commercial Development - 21 Showroom Tenancies and 5 Fast Food Takeaway Tenancies – Section 31 Reconsideration**

Submitter	Submitter Comments	Applicant Response	Officer Comment
Main Roads Western Australia	<p>In response to correspondence received on 3 April 2024 pertaining to amended development plans, a revised Transport Impact Assessment and Technical Note, Stormwater Technical Note, and swept path plans please be advised 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 lodgement of a Building Permit, detailed plans being submitted to and approved by the Shire of Serpentine Jarrahdale and Main Roads Western Australia, depicting the following: <ol style="list-style-type: none"> <li>i. The full realignment and construction of Wilaring Street and associated roundabout; and</li> <li>ii. The internal roundabout at the development entrance and Wilaring Street is to be designed to accommodate a 19 metre semi-trailer for all movements.</li> </ol> </li> </ol> <p>Once approved, the works shall be undertaken prior to occupancy.</p> <p><u>Justification for Condition</u></p> <p>To ensure the road network can accommodate a 19m design vehicle.</p> <ol style="list-style-type: none"> <li>2. No works are permitted within the South Western Highway Road Reservation without obtaining a Working on Roads permit from Main Roads.</li> </ol> <p><u>Justification for Condition</u></p> <p>To ensure the works maintain public safety and do not conflict with other scheduled works such as services, and routine maintenance; or cause unacceptable disruption to the movement of people and freight. 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>	Noted.	Noted.

## SUMMARY OF SUBMISSIONS

**PA22/918 - Lot 806, South Western Highway, Byford - MODAP - Proposed Mixed Commercial Development - 21 Showroom Tenancies and 5 Fast Food Takeaway Tenancies – Section 31 Reconsideration**

Submitter	Submitter Comments	Applicant Response	Officer Comment
	<p>Should the Shire disagree with the above conditions or require further information please do not hesitate to contact Maryanne Thornely.</p> <p>Please ensure a copy of the final determination is sent to <a href="mailto:planninginfo@mainroads.wa.gov.au">planninginfo@mainroads.wa.gov.au</a>.</p>		
Water Corporation	<p>Thank you for your letter dated 8th April 2024. Water Corporation offers the following comments regarding this proposal.</p> <p><u>Water</u></p> <p>Reticulated water is available to the subject lot.</p> <p><u>Wastewater</u></p> <p>To connect the subject land to the reticulated wastewater network, an extension of the scheme will be required from access chamber number AC0171. This will need to be delivered in accordance with the Water Corporation Developers Manual at the proponents cost.</p> <p><u>Drainage</u></p> <p>Our drainage system can only take predevelopment flows. The developer will need to compensate any additional flows on their own land.</p> <p><u>Approval for works</u></p> <p>Any works carried out in proximity to our Assets must receive prior approval by applying for an <a href="https://www.watercorporation.com.au/Developing-and-building/Working-near-assets/Approval-for-works/Apply-for-approval-to-work-near-our-assets">https://www.watercorporation.com.au/Developing-and-building/Working-near-assets/Approval-for-works/Apply-for-approval-to-work-near-our-assets</a> <a href="https://www.watercorporation.com.au/Developing-and-building/Working-near-assets/Approval-for-works/Apply-for-approval-to-work-near-our-assets">https://www.watercorporation.com.au/Developing-and-building/Working-near-assets/Approval-for-works/Apply-for-approval-to-work-near-our-assets</a> (APRA) To assess whether the proposed development will require and APRA details of the Prescribed Proximities and relevant legislation are available in our <a href="https://pw-">https://pw-</a></p>	Noted.	Noted.

## SUMMARY OF SUBMISSIONS

**PA22/918 - Lot 806, South Western Highway, Byford - MODAP - Proposed Mixed Commercial Development - 21 Showroom Tenancies and 5 Fast Food Takeaway Tenancies – Section 31 Reconsideration**

Submitter	Submitter Comments	Applicant Response	Officer Comment
	<p><a href="https://cdn.watercorporation.com.au/-/media/WaterCorp/Documents/Developing-and-Building/Working-near-assets/Technical-guidelines-working-near-our-assets.pdf?rev=a77aa6c2dc5b4d33892a7dfd7a02c791&amp;hash=341538027439C6ACA42E74A8920B6859">cdn.watercorporation.com.au/-/media/WaterCorp/Documents/Developing-and-Building/Working-near-assets/Technical-guidelines-working-near-our-assets.pdf?rev=a77aa6c2dc5b4d33892a7dfd7a02c791&amp;hash=341538027439C6ACA42E74A8920B6859</a> .</p> <p><u>Building Approval Application</u></p> <p>The applicant is required to submit a Commercial Application by using our online portal BuilderNet. Attachments required for approval will include:</p> <ul style="list-style-type: none"> <li>• Final construction site &amp; architectural floor plans</li> <li>• Hydraulic plans – water &amp; wastewater</li> </ul> <p>The information provided above is subject to review and may change, If the proposal has not proceeded within the next 6 months, please contact us. Please provide the above comments to the landowner, developer and/or their representative. For further clarification please do not hesitate to contact our Enquiries Officer.</p>		
1	<p>I live in this estate, I'm all for this will be good for the young generation for work wise.</p> <p>Only concern will be the heavy traffic on Wilaring Street then locals will not get peace and quiet, the car park will turn into a car meeting place for more people doing burnouts that they do already in the estate as is already.</p> <p>Got to remember there are heaps of young kids in this estate and i can see one of them getting hit by a car because no one cares. Hopefully there will be something in place to actually make sure this doesn't happen last thing i want to be seeing is crosses on the side of the road for a young kid.</p>	<p>Comment in support of the development is noted.</p> <p>In respect to traffic concerns, it is noted that a Transport Impact Assessment (TIA) was prepared in support of the original application, and was amended as part of the assessment process. The TIA confirms the suitability of the development from a transport perspective, including its impact to the surrounding road network.</p> <p>The development has been approved. The purpose of this reconsideration application is to amend several conditions of approval. These</p>	<p>Thank you for your submission. The concerns raised regarding safety impacts have been addressed within the relevant sections of the report.</p>

### SUMMARY OF SUBMISSIONS

## PA22/918 - Lot 806, South Western Highway, Byford - MODAP - Proposed Mixed Commercial Development - 21 Showroom Tenancies and 5 Fast Food Takeaway Tenancies – Section 31 Reconsideration

Submitter	Submitter Comments	Applicant Response	Officer Comment
	Also seeing this development is happening what is actually going to happen to the proposed school that we have all been promised for well over 9yrs now why hasn't anything been mentioned about that?	<p>amendments partly relate to modifications to South Western Highway, but do not go to the broader transport matters considered as part of the original approval.</p> <p>The development was also supported by an Environmental Noise Assessment, demonstrating its suitability from an acoustic perspective.</p>	
2	Happy to go ahead with the proposal. No issues	Noted.	Thank you for your submission.
3	<p>Our concerns and comments regarding the large-scale development of the above site and its impacts on 'Byford on the Scarp' estate residents who appear will become collateral damage in the name of development are as follows:</p> <ul style="list-style-type: none"> <li>• The estate will become encircled by industry, diminishing the enjoyment, rural feel (often the main reasoning behind moving into this estate,) and possibly house values in the long run <ul style="list-style-type: none"> <li>○ Storage and other proposed business premises on South Western Hwy opposite the estate – scarp business precinct.</li> <li>○ Austral bricks to the back and side of the estate</li> <li>○ Cardup Business Park</li> <li>○ Proposed new development</li> </ul> </li> <li>• No school within the estate means caregivers often drive children, or students use public transport, to attend surrounding care and school facilities. Children who ride or walk to school will be also be exposed to greater risks, obstacles, earth moving machinery, site worker vehicles, trucks etc. Long term roadwork disruptions and</li> </ul>	<p>The development has been approved, including its uses, broader design, transport, noise, and related matters.</p> <p>The purpose of this reconsideration application is to amend several conditions of approval. As part of this process, the development plans were further refined, including amendments to the façade and retaining walls.</p>	Thank you for your submission. The concerns raised regarding safety impacts have been addressed within the relevant sections of the report.

**SUMMARY OF SUBMISSIONS**

**PA22/918 - Lot 806, South Western Highway, Byford - MODAP - Proposed Mixed Commercial Development - 21 Showroom Tenancies and 5 Fast Food Takeaway Tenancies – Section 31 Reconsideration**

Submitter	Submitter Comments	Applicant Response	Officer Comment
	<p>increased traffic during and after site development will lead to increased road use risks and travel times, especially during drop off and pick up times. South Western Hwy is also a busy exit and entry route for travellers, particularly during peak holiday times.</p> <p>General increased airborne pollutants from greater local commercial activities, light and heavy vehicles, and from idling vehicles in the proposed drive-through takeaway(s).</p> <ul style="list-style-type: none"> <li>• Increased light pollution from proposed businesses illumination, security and street lighting.</li> <li>• High risk of local youth using the new development area as a "hang out" and</li> <li>• "burnout" zone given the site is further out from the main town centre.</li> <li>• Further degradation of local bushland and habitat for native animals - Quendas</li> <li>• {Southern Brown Bandicoots) are regularly sighted in this area.</li> <li>• The vague use of the terminology "Bulk Goods showroom" and "takeaways" is insufficient for residents to know what businesses specifically will be bordering our estate. As most businesses fail within the first couple of years and there are already built and unleased premises within the local vicinity, it is difficult to understand the necessity and viability of this development and the questionable employment outcomes for locals broadly. It's more likely a lot of long-term disruption for little gain. Additionally, given the wide selection of takeaway outlets and eateries already present in Byford, what community health and wellbeing benefits can be justifiably derived from more?</li> <li>• Failing re-zoning the land for re-vegetation and public open space &amp;/or residential, maybe a department style store along the lines of</li> </ul>		

### SUMMARY OF SUBMISSIONS

## PA22/918 - Lot 806, South Western Highway, Byford - MODAP - Proposed Mixed Commercial Development - 21 Showroom Tenancies and 5 Fast Food Takeaway Tenancies – Section 31 Reconsideration

Submitter	Submitter Comments	Applicant Response	Officer Comment
	a Kmart, may from a variety and affordability perspective, more broadly benefit Byford residents?		
4	<p>I object to removal of walls with mesh!!</p> <p>We will be looking out onto mesh, not hiding the back of the warehouse. Really!</p> <p>Also lighting will be direct into our master bedroom.</p> <p>(Also please note letter submitted to environment office informing them of the waste asbestos on the site that needs to be removed before any action taken)</p>	<p>It is noted that the southern boundary of the development will be heavily landscaped, mitigating any concerns relating to outlook. The proposed fencing will allow climbing plants, creating a greener outlook.</p> <p>Lighting is to be in accordance with the relevant Australian Standards, which regulate light spill.</p>	<p>Thank you for your submission. The concerns raised regarding the modification to the fence condition and visual amenity impacts have been addressed within the relevant sections of the report.</p>
5	I see this as rather a positive development for Byford. And only positive impacts are to be expected!	Noted.	Thank you for your submission.
6	I like the idea of there being both take away plus other shopping opportunities.	Noted.	Thank you for your submission.
7	<p>My house is located on the corner of Wilaring and Barraberry Way. We are directly impacted by the shopping precinct and the above proposal. I object to the development 100%. I believe better management of traffic flow for local residents entering the estate and shoppers/clients/customers entering the shopping premises is required as the current proposal is and always has been sub standard. Furthermore I believe a better buffer arrangement to stop noise pollution is required especially along Wilaring street. I would imagine a 50 metre buffer of native vegetation between the road and the concrete barrier wall would be the very least necessary! To accommodate the native flora and fauna that inhabit the proposed landscape currently, especially the bandicoots, and native bird life and the kangaroos that visit the area! I am concerned about the dangerous</p>	<p>The development has been approved, including the reconfiguration of the local road network. The development was also supported by an Environmental Noise Assessment, demonstrating its suitability from an acoustic perspective.</p> <p>The purpose of this reconsideration application is to amend several conditions of approval. These amendments partly relate to modifications to South Western Highway, but do not go to the broader transport matters considered as part of the original approval.</p>	<p>Thank you for your submission. The concerns raised regarding the modification to the conditions, noise, environmental and traffic impacts have been addressed within the relevant sections of the report.</p>

### SUMMARY OF SUBMISSIONS

## PA22/918 - Lot 806, South Western Highway, Byford - MODAP - Proposed Mixed Commercial Development - 21 Showroom Tenancies and 5 Fast Food Takeaway Tenancies – Section 31 Reconsideration

Submitter	Submitter Comments	Applicant Response	Officer Comment
	traffic conditions and furthermore the noise pollution the above proposal is going to create. The entrance needs to be relocated to Middleton road !		
8	I don't believe I will be impacted negatively. I think this will be a great addition to our community.	Noted.	Thank you for your submission.
9	I live on Diamantina Blvd which is a nice quite street, having the entrance to the proposed development come off Wilaring St is ridiculous, for the developers and council to think that all of those vehicles coming in and out of that entrance without backing up is crazy. So when it backs up everyone will simply come straight down Diamantina Blvd to exit of Clondyke Dr basically making my street a drag strip. I am all for Byford progressing but with all of the land we have out here and that's the place you allow something like this to go in? What about the other side of the highway next to the national storage? Makes a lot more sense to me. I am totally against the development and if it proceeds as planned with the entry exit coming off Wilaring I will be forced to move.	The development has been approved, including the reconfiguration of the local road network. The purpose of this reconsideration application was to amend several conditions of approval. These amendments partly relate to modifications to South Western Highway, but do not go to the broader transport matters considered as part of the original approval.	Thank you for your submission. The concerns raised regarding traffic impacts have been addressed within the relevant sections of the report.
10	The proposed changes 1b (iv) suggests that there will be only an ugly mesh screen on the top of the retaining wall. As well as the visual impact on us, the residents having to look out onto an industrial site, this will also mean that there is no noise reduction. A wall, fence and mature tree planting would help reduce the level of noise nuisance and over all ugliness of the development.	It is noted that the southern boundary of the development will be heavily landscaped, mitigating any concerns relating to outlook. The proposed fencing will allow climbing plants, creating a greener outlook.  Lighting is to be in accordance with the relevant Australian Standards, which regulate light spill.	Thank you for your submission. The concerns raised regarding the modification to the fence condition and visual amenity impacts have been addressed within the relevant sections of the report.
11	The original proposal was developed after rigorous research and consultation. This new proposal seeks to remove practically all of the	The reconsideration application went through the process of mediation at the State	Thank you for your submission. The

**SUMMARY OF SUBMISSIONS****PA22/918 - Lot 806, South Western Highway, Byford - MODAP - Proposed Mixed Commercial Development - 21 Showroom Tenancies and 5 Fast Food Takeaway Tenancies – Section 31 Reconsideration**

Submitter	Submitter Comments	Applicant Response	Officer Comment
	safeguards that were put in place on the original. This is just a joke. The developers obviously had no intention of adhering to the approved proposal and are now attempting to make the development far less palatable to the local residents. This just makes a mockery of the whole system of consultation. All that money wasted on experts only to overturn all the recommendations. If this amendment is approved it shows a total lack of regard for the opinions and lifestyle of the ratepayers in the Byford on the Scarp estate.	<p>Administrative Tribunal, where the conditions contented were discussed and responses agreed to by parties including the Shire and Main Roads.</p> <p>Through this period of advertising, residents have the opportunity to make comment on the proposed amendments.</p> <p>The application will then go to Council for recommendation before being determined by the Joint Development Assessment Panel.</p>	concerns raised regarding the modifications to the conditions have been addressed within the relevant sections of the report.
12	We don't need any more petrol stations and certainly don't need a car wash.	These uses do not form part of the approved development.	Thank you for your submission.
13	I support the proposal, as long as the SJ Shire supports the establishment of adequate landscaping to ensure that Byford remains aesthetically pleasing with greenery and gardens. Some of the conditions for proposed removal attend to the landscaping conditions, so I feel these need to be reconsidered very carefully to ensure the developer is not trying to minimise the landscaping included in the project. Considerations should be made to try and keep mature trees on the existing site wherever possible.	<p>Comment in support of the development is noted.</p> <p>Significant landscaping was approved as part of the development approval.</p>	Thank you for your submission. The concerns raised regarding landscaping and amenity impacts have been addressed within the relevant sections of the report.