

SUMMARY OF SUBMISSIONS

PA23/588 – Lot 218, 575 Abernethy Road, Oakford - DAP - Educational Establishment

Submitter	No	Submitter Comments	Applicant Response	Officer Comment
Main Roads	A.	<p>Thank you for your email dated 22 January 2024 regarding the revised located at Lot (218) 575 Abernethy Road, Oakford.</p> <p>Main Roads plans for the Tonkin Highway extension do not include a principal shared path or footpath on the western side of Abernethy Road. Current plans indicate an underpass at Abernethy Road and Tonkin Highway, with a principal shared path along the eastern side of the Tonkin Highway corridor. This path will extend from Thomas Road to South Western Highway.</p> <p>Main Roads will need approve the design and possible additional land requirements associated with the provision of new footpath linking the proposal to Tonkin Highway (extension).</p> <p>The current wording for Condition R of the attached Responsible Authority Recommendation (Option 2), prepared by Element is not supported as it does not capture the road authority requirements or role. The proposed wording is recommended below:</p> <p>Prior to the issue of the building permit, preliminary plans (15% design) shall be approved for a new foot path extending from the school to the Tonkin Highway extension principal shared path. These plans shall be to Main Roads specification. The footpath will be constructed by the applicant to Main Roads requirements, and any additional land requirements shall be transferred free of cost to the Commissioner of Main Roads prior to the occupation of the development.</p> <p>For more information regarding the Tonkin Highway extension project, please visit our website at Tonkin Highway Extension Main Roads Western Australia.</p> <p>If you require any further information, please do not hesitate to contact planninginfo@mainroads.wa.gov.au.</p>	<p>The applicant's recommended condition (R) appropriately considers the design of a footpath along Abernethy Road, connecting to the path constructed by MRWA as part of the Tonkin extension.</p> <p>The applicant requests the recommended condition remain unchanged.</p> <p>The Tonkin Highway extension is to deliver a footpath under Tonkin Highway west along Abernethy Road (refer to project update, June 2023) which the proposed development is anticipated to connect to providing pedestrian connectivity.</p>	<p>Noted. The Shire's recommended condition provides certainty on the delivery of this future connection and thus any specified requirements to confirm the design as part of the future PSP is captured.</p>

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A402004	1.	I am a resident in Stadamy Street, Oakford. When we received a letter telling us that there will be a new school that some a hole wishes to place there. May we remind you we were never asked to consider it and never asked for it our opinion since when were we in a communision country whoever they are they don't realise it's a bad corner the traffic is crap and noisy now I believe they have funding for the roundabout and a footpath what everybody doesn't get we will be impacted with more cars our bore water table will be reduced and we don't need another bloody school take a good look around here we have enough schools private and public can't you all please just do No and let us have peace and quiet which is why we all moved out here signed by Resident	The roundabout at the intersection of Abernethy Road- Kargotich Road was funded within stage two of the Hypergrowth Road Program due to background traffic growth within the locality and the anticipated change in traffic distribution following the construction of Tonkin Highway. Refer to OCM Dec 11 th 2023 – Item 10.2.2.	Noted. Refer to the Traffic section of the report.
A200930	2.	I really can't see how a roundabout at the intersection of Kargotich Road and Abernethy Road will help with the large increase in traffic volume remember where this school is to be built most students will be driven to school and it is far from the urban areas the same goes for the footpath proposed down Abernethy Road just look at the schools in Byford now very few students walk or ride to school If you want to see the congestion that this new school will cause with traffic, go down Abernethy Road where the schools are now any morning or afternoon at school times and then image it around the site of this proposed school		Noted. Refer to the Traffic section of the report.
A401992	3.	Oakford is a Special Rural Zone and the proposed development at Lot 218,575 Abernethy Rd, Oakford is not appropriate for such a location and is contrary to the aims of Local Planning Scheme 3. Such a development will certainly affect my amenity at 4 Elwood Loop, Oakford. Kargotich and Abernethy Roads cannot support the current volume of traffic. These roads are not in good condition at present.	The Shire if Serpentine Jarrahdale's Local Planning Scheme No.3 was gazetted on the 22 nd of September 2023. An Educational Establishment is	Noted. Refer to the Traffic section of the report.

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		<p>The proposed development will cause a massive increase in vehicle movements, with concurrent noise, safety and pollution problems.</p> <p>I am very concerned about water availability and quality, due to the significant water requirements for the proposed development.</p> <p>The amenity of Oakford will be drastically changed by the 7 day demands on the local environment of such a proposed development.</p> <p>There will be bottleneck problems, morning and afternoon.as there is limited access from one major intersection (and no clear information on a possible roundabout has been provided).</p> <p>There will be a definite safety issue on a major busy road,such as Kargotich Rd, due to unsustainable traffic levels.</p> <p>Who will pay for road upkeep on Kargotich Rd and Abernethy Rd in the future?</p>	<p>considered a discretionary (D) land use within the Rural Zone of LPS3.</p> <p>Further detailed discussion regarding the development proposal meeting the objectives of the Rural Zone are outlined with DA report at Appendix B – Planning Framework.</p> <p>Refer to traffic comments above.</p>	
A398397	4.	<p>There are several compelling arguments against supporting the appeal of the proposal for a school:</p> <p>Safety concerns: Placing a school in close proximity to a major congested cross-road significantly increases the risk of accidents and fatalities involving students, staff, and pedestrians. The safety and well-being of individuals must be prioritised, and locating a school in such a hazardous environment is inherently risky.</p> <p>Traffic congestion: A school on a major congested road would exacerbate existing traffic congestion issues, particularly during peak hours. This could lead to further delays, frustration, and potential road safety hazards for the surrounding community. The additional traffic generated by the school would only compound the already congested conditions, creating an undesirable environment for both commuters and residents. Kargotich Road is becoming an extremely heavily used road and detour road for all of the current roadworks in the area, adding a round-about would only increase congestion to a free-flowing intersection/street.</p>	<p>Refer to traffic comments above.</p> <p>An amended Acoustic Assessment was prepared by Herring Storer which include ambient noise levels of the locality and the proposed noise generation of the development. The amended acoustic report concluded the proposed development noise emissions are equal to or less than the current modelled ambient noise</p>	Noted. Refer to the Traffic and Noise section of the report.

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		<p>Noise and air pollution: The increased traffic flow resulting from the presence of a school on a major road would contribute to higher levels of noise and air pollution in the vicinity. This could have detrimental effects on the learning environment and overall well-being of students and staff. Exposure to high levels of noise and pollution can impact concentration, academic performance, and physical health, posing long-term risks to the school community.</p> <p>Alternative locations: It is essential to explore alternative locations for the school that offer a safer and more suitable environment for learning. While the need for educational infrastructure is acknowledged, compromising on safety standards is not acceptable. Alternative sites should be evaluated based on factors such as proximity to residential areas, accessibility, and availability of necessary amenities, prioritizing the safety and well-being of all stakeholders.</p> <p>Community concerns: Placing a school on a major congested road may raise concerns among residents and community members who are understandably worried about the potential risks and disruptions associated with such a location. It is important to consider and address the concerns of the community in the decision-making process, ensuring transparency and accountability throughout the planning and implementation stages.</p> <p>It is imperative to prioritize the safety and well-being of students, staff, and pedestrians by exploring alternative solutions that offer a safer learning environment.</p>	levels associated with passing traffic. Refer to Acoustic Report- Rev 2 04/10/2023.	
Resident	5.	<p>I am against the revised proposal for the Education Establishment at Lot 218, 575 Abernethy Road just as I was against the original proposal.</p> <p>This new proposal is a significant modification to the original and we are being asked to consider and provide an opinion on something that has no plans or clear outline on how it will be achieved, what impact it will have or how they propose to acquire the land required for it. For this reason alone,</p>	<p>Refer to traffic discussion above.</p> <p>The applicant acknowledges that the roundabout is planned to be constructed by the Shire on the basis of</p>	Noted. Refer to the Traffic, Environment and Noise section of the report.

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		<p>the submission should be refused as it is unfair that due process and normal rules are trying to be bypassed in this situation.</p> <p>Major upgrades to our road network should require a broader conversation with the community and be consistent with the relevant transport plan for the area and not facilitated as a condition of incremental development.</p> <p>Asking local residents to agree to a hypothetical idea on nothing but the bribery of free land and a hastily made roundabout that won't address the traffic concerns or issues previously raised on the school development is outrageous and arrogant. There cannot be informed consent without proper consultation and proposed plans.</p> <p>The proposed roundabout does not solve the problem of the reliance on a single intersection for not only school traffic but an ever increasingly amount of public traffic. As evidenced by the roundabouts on Abernethy Road in front of Woolworths and Byford Secondary School, they do not improve congestion, or the flow of traffic and vehicles still bank up significantly during morning and afternoon school times. Add in new developments already being scoped along Thomas and Kargotich roads and a single roundabout will not function efficiently or effectively with the amount of traffic forecast.</p> <p>A round about is not a safe place to cross a busy road for pedestrians. Most drivers don't know how to use a roundabout properly, throw in a bunch of unpredictable school kids and this becomes a consciously designed black spot for accidents. While the footpath may follow around the corner and a designated crossing could be accommodated further along Kargotich Road, humans will take the path of least resistance and cross at the intersection.</p> <p>The proposed footpath and running the services required for the school will impact the Bush Forever site between Kargotich and Hopkinson Roads. What's the point of having these designated areas if the government then reneges on it and allows private development to impact these sites. If allowed to proceed, the school will already have significant environmental impact with clearing land and chopping down trees, allowing even more of</p>	<p>increased background traffic demand within the locality.</p> <p>The design and layout of the footpath are not yet determined, but will be constructed in consultation with the Shire to prioritised pedestrian safety.</p>	

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		<p>that to occur in a designated bush forever site that is marked for protection is unconscionable.</p> <p>Installing a footpath does not address the fact there is no lighting along Abernethy Road or streetlights in the vicinity of the proposed school. This creates an unsafe environment for using the footpath at night in addition to when entering and leaving the facility especially as their proposal identifies the use of a chapel and auditorium during non-school hours.</p> <p>Just like the original, the amended proposal for the Education Establishment still does not meet the Local Planning Scheme No.3 in that:</p> <ul style="list-style-type: none"> - It does not protect and enhance the landscape, natural environment, ecological value, environmental quality or improve the sustainable management of natural resources. - It does not preserve heritage values or amenity, nor is it in keeping with the existing local character with the scale of this development being significantly larger than anything else within the locality. The proposed 12.1m high building is nearly double the height of anything else in the area making this an eyesore for years to come. - The proposed developments further impacts amenity in that a very tiny section of the community will be able to use the proposed development so it creates an “us and them” mentality rather than fostering a supportive and inclusive community. - It does not protect rural land or support the Shire’s role as an important agricultural and horticultural economic contributor. - It creates land conflicts as the proposed education establishment will prevent neighbouring landowners from undertaking legitimate activities that would otherwise be permitted if a school wasn’t there. The development of the school would prevent future rural use of the majority of the lot meaning amenity and valuable agricultural land will be lost. 		

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		<p>- The influx of traffic and noise generated by the school, particularly during peak times, poses a safety risk to existing rural traffic patterns and undermines the tranquillity of the rural setting.</p> <p>Given the anticipated traffic volume, safety concerns, and infrastructure limitations, the proposal currently fails to meet necessary standards for orderly and proper planning. Just like we were invited to submit our opinions on the amended proposal, I invite the council, MODAP and SAT to stick with their original decisions and not approve this education establishment proposal being built on Lot 218, 575 Abernathy Road.</p> <p>Thank you for your consideration and I am happy to elaborate on any of the above points should it be required.</p>		
A401990	6.	<p>Please find attached my submission against the Proposed Educational Establishment at Lot 218, 575 Abernethy Road, Oakford. I understand that the applicant has appealed the decision to the SAT, however, I would like the shire to advocate against the appeal based on its original position. In my opinion, the construction of a roundabout will not alleviate the traffic congestion to a reasonable level. One only has to drive down Nicholson Road on school days, past Carey Baptist College and the Australian Islamic College to get a look into the future for Kargotich Road.</p> <p>I would also like to reiterate my position as an adjacent property owner who purchased and built in the area 9 years ago, and paid a sizeable amount of money to live in a semi-rural environment. I fail to see how an application for this usage can even be considered without giving home owners reasonable notice of a potential change to zoning as this would have changed my decision to buy here in the first place.</p> <p>My first submission was sent online and I do not have a copy. I would like that correspondence to also be a part of this submission, so would appreciate you attaching it. I also would like to raise the issue of the black cockatoos that frequent the tree line along the Kargotich Road proposed school boundary. I note that in the application there was no consideration</p>	The Campus design has been prepared with the retention of existing mature vegetation onsite.	Noted. Refer to the Environment section of the report.

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		<p>given to the cockatoos as no nests were found in trees on the property, when these birds are often sighted in the area and are endangered. Taking away potential nesting sites as well as a food source is not helpful for increasing their numbers.</p> <p>Thanks for the opportunity and I hope that the Shire supports its local property owners, whose amenity will be completely eroded by this proposal.</p>  <p>Submission PA23 588 RF wj.docx</p> <p>https://ftp.sjshire.wa.gov.au/main.html?download&weblink=9b04d76eef6712c491c4820d367c26eb&realfilename=PA23-588\$20E24-933\$20Submission\$20No.6.pdf</p>		
A401988	7.	<p>We oppose the proposed educational establishment at LOT 218, 575 Abernethy Road Oakford.</p> <p>The addition of a roundabout and a footpath doesn't change the fact that access to the school will primarily use that single intersection. The tripling of traffic at peak times will still happen.</p> <p>There is no clarity on if, how, and when the roundabout will be built. No planning has been made available to us.</p> <p>The proposal does not align with the Local Planning Scheme 3 as it does not protect amenity and it imposes a massive development on an existing community that very few will be able to use (approximately 1.5% of the Shire population). It will not integrate at all well with the existing local character.</p> <p>Their proposal to take 14 million litres of water annually will have a dramatic impact on the quantity and quality of the groundwater in the local area. The stress that water source is already under is being felt as the Department of Water is restricting the use of water amounts granted for existing water licence holders as well as new applicants who have been established well</p>	<p>Refer to discussion above on Roundabout and traffic considerations demonstrating a safe and functional level of service at full build out.</p> <p>Refer to discussion above regarding Local Planning Scheme.</p> <p>Existing native vegetation onsite is scattered and</p>	Noted. Refer to the Traffic and Environment section of the report.

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		<p>before the proposed development. The amount of water is that scarce it may detrimentally impact the availability of water to surrounding landowners and increase fire risk to these properties.</p> <p>The scale of this development is significantly larger than anything else within the locality. One of the proposed buildings will be 12.1m high. Activities will include evening and night-time events, and as they have documented in their Free Reformed School Plan that they will build a church (plan available online), then the evenings after school and weekends will be severely interrupted too (which was not factored into traffic management reports provided by the applicant). This will further retract from the amenity of the area.</p> <p>The proponent has offered very little in the way of managing impacts on the nearby residents (e.g. the need for a wall to reduce noise and privacy impacts on the residents of Stadamy St).</p> <p>Forest red-tailed black cockatoos regularly frequent the trees on the proposed site. The applicant has stated that these trees will be removed where needed for their development. No indication as to the number and location of the trees being removed has been declared. More trees will need to be removed for roundabout and footpath construction. This will reduce the number of feeding sites of an already endangered species.</p>	<p>completely degraded due to ongoing grazing of the land by livestock. Vegetation located along the Abernethy Road and Kargotich Road frontages which define the landscape amenity of the locality are to be retained and enhanced with infill planting as per the landscape masterplan. Clearing of existing vegetation onsite is to be minimised to retain the existing tree canopy.</p>	
A173801	8.	<p>The new revised roundabout and path are supported and are positive new infrastructure for the area.</p> <p>I support the revised proposal and that I consider the new footpath are beneficial to the area.</p>	Support for the new development is acknowledged.	Noted.
A402884	9.	<p>Our answer was no before and still remains No!</p> <p>We believe a footpath and roundabout will not reduce the amount of additional traffic that it would create.</p>		Noted. Refer to the Traffic section of the report.

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On behalf A401997	10.	<p>Proposed Educational Establishment - Lot 218, 575 Abernethy Road, Oakford</p> <p>1. We refer to the development application prepared by Element Advisory WA on behalf of the Free Reformed School Association (Applicant) for a proposed Educational Establishment at Lot 218, 575 Abernethy Road, Oakford (Site) (Development Application).</p> <p>2. We act for [REDACTED], the owner of [REDACTED]. [REDACTED] represents a number of other landowners in the area, all of whom oppose the Development Application.</p> <p>3. On behalf of our client, we make the following submissions in opposition to the Development Application.</p> <p>Summary</p> <p>4. The Development Application should be refused for the following reasons:</p> <p>(a) it will have a significant adverse impact on the existing amenity of the locality;</p> <p>(b) it is not capable of approval in circumstances where it is wholly dependent on the commencement and completion of traffic management infrastructure by parties other than the Applicant, for which funding has not yet been sought;</p> <p>(c) there is inadequate provision for pedestrian infrastructure, inconsistent with Operational Policy 2.4 – Planning for School Sites (Policy 2.4); and</p> <p>(d) it is not consistent with the objectives of the 'Rural' zone as the Development Application will be of limited benefit to the local community.</p> <p>Background</p> <p>5. The Site is 37.3 hectares and is zoned 'Rural' under the Shire of Serpentine-Jarrahdale's (Shire) Local Planning Scheme No. 3 (LPS 3), adjoining 'Rural Residential' zoned land to the east.</p>	<p>Please refer to planning framework discussion above.</p> <p>Please refer to traffic discussion above.</p> <p>The Applicant's proposed conditions for the construction of a footpath on Abernethy Road and associated Roundabout upgrade prior to the commencement of the Campus staged operations are considered appropriate</p>	<p>Noted.</p> <p>The shire is satisfied that the provided conditions address the reasons for refusal and that the application can be reconsidered.</p> <p>Refer to the Land Use and Operational Policy 2.4 sections of the report for further discussion.</p>

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		<p>6. The Development Application, received by the Metro Outer Development Assessment Panel (MODAP) on 16 August 2023, seeks approval for an 'Educational Establishment' on the Site.</p> <p>7. An 'Educational Establishment' use is a 'D' or discretionary use in the Rural zone, meaning that the use is not permitted unless the decision maker has exercised its discretion by granting development approval.</p> <p>8. The Shire of Serpentine-Jarrahdale recommended refusal of the Development Application in its Responsible Authority Report attached to the Metro Outer Joint Development Assessment Panel Agenda for its meeting on 5 December 2023 (MODAP Agenda).</p> <p>9. On 5 December 2023, the Development Application was refused by the MODAP for the following reasons:</p> <ul style="list-style-type: none"> (a) the development was considered to have an adverse impact on the existing road network, due to the volume of traffic generated by the development relying primarily on a single intersection to access the site; (b) the proposed development did not provide sufficient information to demonstrate what appropriate road infrastructure will be provided to address traffic generated; and (c) inadequate provision of pedestrian infrastructure has been provided, inconsistent with Policy 2.4.1 <p>10. The MODAP Minutes recorded that the Development Application's reliance on the intersection of Abernethy Road and Kargotich Road (Intersection) was not consistent with orderly and proper planning.</p> <p>11. It was also noted that construction timings for major roadworks to keep the intersection safe, including the construction of a roundabout, were uncertain. The Development Application was considered premature.</p> <p>12. Following the refusal by the MODAP, the Applicant sought review of the decision in the State Administrative Tribunal (SAT).</p>	<p>and valid to address the grounds for refusal.</p>	

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		<p>13. During the SAT proceedings, the parties agreed that the Applicant would lodge an amended Development Application. In particular, the amendments were to address the delivery of a roundabout at the Intersection, as well as provide for a footpath along Abernethy Road.</p> <p>14. The SAT has subsequently invited the MODAP to reconsider its decision to refuse the Development Application pursuant to section 31 of the State Administrative Tribunal Act 2004.</p> <p>15. The Shire has requested comments on the amended Development Application, prior to preparing a recommendation to the MODAP for reconsideration.</p> <p>16. We note that at this stage, no amended plans have been put forward by the Applicant. We understand that under the current proposal, the Applicant would not oppose conditions of the Development Application requiring the Applicant to contribute to the roundabout at the Intersection and construct suitable footpaths. The precise cost and timing for the construction of such infrastructure is uncertain.</p> <p>Impacts to the rural character and amenity of the locality</p> <p>17. The previous Responsible Authority Report noted that the 'Rural Residential' estate, located directly across Kargotich Road to the east of the Site, forms part of the specific local rural character.</p> <p>18. It should be noted that whilst not strictly a part of the 'Rural' zone, this area should be seen to form part of the locality given that it will be impacted by the development.² In particular, the additional traffic and pedestrian generation will primarily affect landowners and residents in this area and interfere with the quiet enjoyment of the area.</p> <p>19. The Shire of Serpentine-Jarrahdale Local Planning Strategy (LP Strategy) describes the land use category of 'Rural Residential' as providing the option to live in a high amenity rural area. The significant increase in traffic and pedestrians in the locality will detract from the envisioned "high amenity" of this area.</p>		

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		<p>20. Schedule 2 Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions) provides that due regard must be had to:</p> <p style="padding-left: 40px;">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>21. Further, Local Planning Policy 4.26 – Development in the Rural Zone (LPP 4.26) provides that when assessing an application for a non-rural use in the rural zone, traffic generation and the suitability of infrastructure to accommodate the development must be considered in respect of assessing the compatibility of the development with surrounding rural uses.</p> <p>22. Existing traffic during the AM peak approaching the Intersection is 1059 vehicles while PM peak traffic is 617 vehicles. It is anticipated that, as a result of the development there will be an additional 1000 trips in both the AM and PM peak times each day.³ This equates to an increase in traffic of 54% at peak times and results in significant increases in traffic for those in the estate who utilise Kargotich Road for commuting in these peak times.</p> <p>23. The significant increase in traffic volume, which will be particularly concentrated at the Intersection, is a fundamental problem with the Development Application. This is exacerbated by the fact that all three key entry and exit points to the school are located along Abernethy Road.</p> <p>24. Further, the “high amenity” nature of the locality would be undermined by significant noise, dust and other environmental impacts associated with the increase in traffic volume.</p> <p>25. A SIDRA analysis was undertaken to analyse the performance of the Intersection with the installation of a roundabout, which concluded that the roundabout would generally operate at satisfactory capacity.⁴ What may be deemed ‘satisfactory capacity’ by a technical note, however, does not resolve the amenity impacts of the increased traffic, nor does it take into</p>		

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		<p>consideration the impact of the increase in pedestrian population in the locality.</p> <p>26. The previous Responsible Authority Report noted that it was unclear whether bus and staff vehicle movements are included in the Transport Impact Assessment's (TIA) assumptions.</p> <p>Therefore, the TIA's projections as to the minimisation of waiting periods and que backs associated with the roundabout are unreliable.</p> <p>27. In any event, the significant increase in traffic volume, even when mitigated, still places a significant burden upon the road system in the locality. The issue lies not in the infrastructure, but the marked increase in traffic volume.</p> <p>28. We note the relevance of the Tribunal's decision in Evangel Christian Fellowship Inc and Shire of Serpentine-Jarrahdale [2017] WASAT 159. Compliance by an applicant with noise regulations is not necessarily sufficient to properly mitigate adverse impacts on the existing amenity of the locality.⁵ In this case, while the proposed roundabout might act as a mechanism to manage increased traffic, it is not necessarily sufficient to properly mitigate adverse impacts on the existing amenity of the locality.</p> <p>29. Any mitigatory traffic measure, such as the proposed roundabout, would not properly limit adverse amenity impacts to the surrounding locality. The amendments to the Development Application do not address pedestrians crossing Abernethy Road, which would further exacerbate traffic disruption during peak hours.</p> <p>30. It is plainly clear that the increase in traffic (both pedestrian and vehicle) to the extent envisioned in the Development Application is inappropriate for the locality and the related amenity impacts are incapable of sufficient mitigation. Therefore, as a matter of orderly and proper planning, the Development Application should be refused.</p> <p>Uncertainty of upgrades to the Kargotich Road/Abernethy Road intersection</p>		

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		<p>31. Despite the Applicant's proposed willingness to contribute to a roundabout to alleviate adverse impacts on the road network, uncertainty remains as to the viability of this approach. This is particularly concerning, given the significant emphasis placed on effective traffic management for the development.</p> <p>32. This was a key consideration for the MODAP in deciding to refuse the initial Development Application:</p> <p style="padding-left: 40px;">Given the uncertainty of the funding decisions and construction timing for the major roadworks to make the intersection safer, with the construction of a roundabout, the school proposal was premature, until there was some certainty that the roundabout or other safer traffic measures would be in place for the commencement of the school's operation.⁶</p> <p>33. We understand that the amendments made to the Development Application do not sufficiently address, nor resolve, the uncertainties associated with the proposed roundabout at the Intersection.</p> <p>34. Main Roads Western Australia has previously advised that upgrades to Kargotich Road are the responsibility of the Shire. Further, the upgrade to the Intersection requires extensive service relocations and land acquisition. It is also reliant upon State or Federal funding.⁷</p> <p>The requirements of the roundabout proposal are not matters over which the Applicant has control.</p> <p>35. The previous Responsible Authority Report noted that some road upgrades were being progressed by the Shire, but they did not include any upgrade to the Intersection.⁸ It appears that this remains the case.</p> <p>36. There have been no indications as to when the roundabout could be built or even when funding might be allocated. There is also no information about the capacity of the Applicant to further these proposals without local, state or federal government assistance.</p>		

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		<p>37. Simply revising the Development Application to include a proposed roundabout does not alleviate the concerns associated with the construction and viability of the roundabout itself.</p> <p>38. As a matter of orderly and proper planning, the Proposal should be recommended for refusal once again.</p> <p>Provision of Pedestrian Access</p> <p>39. Policy 2.4 provides the following policy objective:</p> <p style="padding-left: 40px;">To ensure that the design and layout of the movement network around school sites provides for the safety of pedestrians, cyclists, and road users, and encourages active transport.</p> <p>40. It is understood that the initial Development Application did not contain appropriate provision for pedestrian and cyclist movement.</p> <p>41. However, the amended Development Application also fails to adequately address the safety of pedestrians and cyclists.</p> <p>42. We understand that the amended Development Application includes provision for a footpath on Abernethy Road.</p> <p>43. The Applicant has made no proposal regarding pedestrians crossing Abernethy Road, whereby all access points to the development are located. The Applicant has also assumed that the construction of the footpath will allow for safe pedestrian connectivity, however there is no information about the safety of the proposed footpath, nor have any plans been submitted for consideration.</p> <p>44. With significant volumes of traffic passing along this area in peak times there is an inherent risk associated with pedestrian safety, which needs to be adequately addressed by the amended Development Application to warrant approval.</p> <p>Lack of Alignment with Rural Zone Objectives</p> <p>45. A key objective of the 'Rural' zone in the LPS 3 is to:</p>		

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		<p>provide for a limited range of non-rural land uses, only where they have demonstrated a direct benefit to the local community and are compatible with surrounding rural uses.</p> <p>46. The enrolment structure associated with the 'educational establishment' use limits the ability for the school to provide a direct benefit to the local community.</p> <p>47. Most notably, schools operated by the Free Reformed Schools Association require that all parents who wish to enrol their children must subscribe to the Reformed Confessions and be active members of the church.</p> <p>48. The limited enrolment base associated with the establishment reduces its ability to provide a direct benefit to the local community. Notably, only those within the local community who maintain membership to the church (less than 1.5%) can obtain the benefit of enrolling their children within the school.</p> <p>49. Being a non-rural land use, it is a requirement under the LPS 3 that it provides a 'direct benefit to the local community'. The enrolment requirements associated with the proposed school are such that any direct benefit to the local community is significantly limited, or non-existent.</p> <p>50. Further, only members of the Free Reformed Churches of Australia may be employed as staff at the school. For the reasons mentioned above, the direct benefit of employment opportunities within the local community are further limited by this requirement.</p> <p>51. The Development Application ought to be refused due to its incompatibility with the objectives of the 'Rural' zone.</p> <p>If you have any questions or wish to discuss the above, please let us know.</p>		
A401997	11.	<p>Thank you for the opportunity to provide comment on the 'revised' proposal for an Educational Establishment at Lot 218, 575 Abernethy Road, Oakford.</p>	Refer to above planning framework discussion.	<p>Noted.</p> <p>The shire is satisfied that the provided</p>

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		<p>I hold a substantial interest in the proceedings and outcomes of this development application. It is from this standpoint as an adjacent property owner that I wish to articulate my concerns, which are centred around traffic, safety, and incompatibility with rural land use. Specifically:</p> <ul style="list-style-type: none"> • The development is still inconsistent with the Rural Zone. • The use is still inconsistent with the Rural Zone. • The proposal will still detrimentally impact significant trees and wildlife. • The proposal still poses an unacceptable risk to traffic and transport. • The proposal is still inconsistent with Operational Policy 2.4 - Planning for School Sites. • The proposal is still inconsistent with State Policy 2.5 - Rural Planning. • The proposal is inconsistent with Local Planning Policy 4.26 - Development in the Rural Zone. <p>I acknowledge the necessity of weighing all factors carefully. It is obvious that a school, in the correct location, can offer public benefit, however, I trust that this letter will clearly demonstrate how the marginal benefits of establishing a large, exclusive, private school in a rural area are significantly overshadowed by the detrimental impacts such a development would entail.</p> <p>My opposition to this development still remains, and the concerns I mentioned in my initial submission, my deputation to Council, and my presentation to MODAP are still current.</p> <p>In addition, the planning environment has changed since the proposal was first put out for comment. A new Local Planning Scheme (No.3) was gazetted, a new policy – Development in the Rural Zone – was published, and the Shire has asked the WAPC to include this subject site in a wider area of structure planning investigation. Since these weren't available to comment on previously, I would like to take the opportunity to refer to them in this submission.</p>	<p>Refer to above traffic discussion.</p> <p>Please refer to environmental discussion above.</p>	<p>conditions address the reasons for refusal and that the application can be reconsidered.</p> <p>Refer to the Land Use and Operational Policy 2.4 sections of the report for further discussion.</p>

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		<p>A school is not a permitted land use in the rural zone. It has to meet stringent requirements before Council is able to use its discretion and must be consistent with relevant planning instruments if it is to be approved, even conditionally. There must be clear and cogent reasons to depart from standards in the planning framework, and any variation from these standards has to be clearly justified.</p> <p>It is also worth mentioning that an education establishment is not permitted (X) in a rural residential zone at all, with their being no scope for discretion. This proposed development imposes a land use on an established rural residential community where a single lane road is the difference between it being outright prohibited, and open to discretion. The proximity to an area where this kind of land use is prohibited, must carry weight on how much, if any, discretion is used.</p> <p>With the Council voting at the December 11, 2023, OCM to ask the WAPC to include the proposed site in a wider area of structure planning investigation, it would not be orderly or proper to approve this development ahead of the higher order planning framework at least being substantially commenced. It is worth noting that this decision was made in the time between this proposal being refused by MODAP, and the applicant requesting review with SAT.</p> <p>In the suite of documents that has been produced to accompany the 'Action Plan for Planning Reform' by the State Government, one of the guidelines provides clear instruction in these situations:</p> <p><i>In these circumstances the decision maker should only exercise discretion to approve a development when it is readily apparent that approval will not prejudice or pre-determine the future character of the area.</i></p> <p><i>It is rarely appropriate for a development application that proposes a significant change to the existing character of the area (usually by way of height, bulk, scale) to be approved ahead of a more comprehensive plan for the area being progressed.</i></p>		

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		<p><i>Where the need for a structure plan / precinct structure plan (activity centre plan) or similar is foreshadowed by virtue of the zoning of the land, or through the strategic planning framework and such a plan has not yet been prepared, the default position for any major development application ought to be one of refusal.</i></p> <p><i>It is not good planning practice to use the development approval process to pre-empt the strategic vision for a precinct or activity centre.</i></p> <p>Even if this proposed development met all the other conditions, then the advice from the State Government is that discretion should still not be exercised in this circumstance. There are well founded concerns that this proposal may 'prejudice or pre-determine the future character of the area' as indicated in the original Responsible Authority Report, and in community submissions. This proposed school will cause a 'significant change to the existing character of the area' due to its height, bulk, scale and traffic generation. There is a legitimate fear both from within the local community, and the Council, that if this proposal is approved it will 'pre-empt the strategic vision' for this area, set a dangerous precedent, and allow for the uncontrolled, and disorderly shift away from the area's rural nature over time. It is fully expected that this locality will be developed in the future, but that development must maintain the rural character and be in keeping with the principles of orderly and proper planning.</p> <p>For what it is worth, a K-12 school is part of the planning for the Proposed Oakford Urban Precinct, directly adjacent to, and southeast of the Thomas Rd, Nicholson Rd intersection. That would be a much better option for this development as it wouldn't have the same restrictions on it, and it could be made fully consistent with the Operational Policy 2.4. Planning for school sites. It would be closer to key infrastructure such as power, water and sewerage, and a road network that is designed and constructed to handle the traffic that this school would generate is already in place.</p> <p><u>Reasons for Refusal</u></p>		

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		<p>The applicant has proposed to include the construction of a roundabout at Kargotich and Abernethy Roads, and a footpath along Abernethy Rd to address the reasons for refusal. At this stage, and up until the closing date for submissions, no plans or clear directions from the applicant have been forthcoming, aside from a vague intention to build this roundabout if the application is approved. My main concerns regarding this are as follows:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The addition of a roundabout and a footpath doesn't change the fact that access to the school will primarily use that single intersection. The tripling of traffic at peak times will still happen. <input type="checkbox"/> We haven't seen any plans for their roundabout or footpath, so we aren't able to make an informed comment, or provide the Shire with proper input. <input type="checkbox"/> There is still no clarity on if, how, and when the roundabout will be built. <input type="checkbox"/> There is no surety that there is enough room to build the roundabout and the footpath, and make it safe for pedestrians, cyclists, horse riders and vehicles (including trucks, horse floats and other large rural type vehicles)? Considering that this area was never intended to have significant pedestrian and cyclist traffic, the design and capability of the entire transport network adjacent to the proposed site needs to be assessed. <input type="checkbox"/> How does the applicant propose to build a footpath, construct suitable kerbing and other offroad pedestrian infrastructure to provide appropriate separation distances between fast moving traffic and a vulnerable pedestrian population? And how will they do this along with installing water and sewerage lines, running underground power lines and potentially fibre optic cable (services) along Abernethy Road without damaging the Bush Forever site? Those details need to be provided before informed comment and proper and orderly planning decisions can be made. 		

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		<ul style="list-style-type: none"> <input type="checkbox"/> Opportunities to safely accommodate active transportation do not exist with the existing road network. Kargotich Road and Abernethy Road are narrow roads without formal curb and channelling. There are also no opportunities to connect into a broader existing pedestrian and bicycle path network. <input type="checkbox"/> It is likely that further land acquisitions will be required, and a redesign of the intersection would be needed. This will take more time and add more uncertainty regarding the delivery of this infrastructure. <input type="checkbox"/> Offsets required for additional tree removal due to the roundabout and footpath construction need to be factored in and not left for the Shire and ratepayers to pay for <input type="checkbox"/> The timing of the Tonkin Hwy extension and other major road works and upgrades, with associated road closures in the area, will make the delivery of this roundabout and any footpaths problematic and will add to the uncertainty regarding the delivery of this infrastructure. <input type="checkbox"/> Given the anticipated traffic volume, safety concerns, and infrastructure limitations, the proposal currently fails to meet necessary standards for orderly and proper planning. Upgrades to the intersection and comprehensive planning for traffic management are essential to accommodate the development safely. Without these measures, the proposal poses significant risks to traffic flow and safety, and it is vital that these are in place before any development of this significance is entertained, let alone approved. <input type="checkbox"/> I'd argue that this 'revision' constitutes a significant modification and necessitates a new proposal which includes the roundabout and footpath, rather than just an indication of intent which won't be able to be mandated or enforced. <input type="checkbox"/> I'd argue that this revision is too complex to be approved on condition, it must be designed to a level of detail that will give confidence to decision makers and the community, prior to any decision-making process. 		

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		<p>None of the three reasons for refusal have been suitably addressed or resolved.</p> <table><tr><th>Reason for Refusal</th><th>Response</th></tr><tr><td>1. <i>The development is considered to have an adverse impact on the existing road network, due to the volume of traffic generated by the development relying primarily on a single intersection to access the site.</i></td><td>The proposed revision to include a roundabout and footpath doesn't address the central theme of this reason for refusal. It will still rely primarily on a single intersection.</td></tr><tr><td>2. <i>The proposed development has not provided sufficient information to demonstrate appropriate road infrastructure will be provided to address traffic generated.</i></td><td>Aside from an 'intent', the applicant has not provided any plans for the community or decision makers for them to provide informed comment on, or make important planning decisions about</td></tr><tr><td>3. <i>Inadequate provision of pedestrian infrastructure has been provided, inconsistent with Operational Policy 2.4 - Planning for School Sites.</i></td><td>The intent to provide a single footpath does not meet these requirements, and without significant additional upgrading to the adjacent road network, will place vulnerable populations at risk on unsuitable rural roads.</td></tr></table> <p>So, at best, the revised proposal may go some way to address the second and third reasons for refusal, but there are still too many questions, and not enough surety that a roundabout or a footpath can in fact be installed.</p> <p><u>MainRoads Advice on Roundabouts</u></p> <p>In the MainRoads' document "Roundabouts and Traffic Signals: Guidelines for the Selection of Intersection Control" it states that roundabouts are "Unlikely to be an appropriate form of control" for pedestrian and cyclist crossing unless pedestrian signals are provided and offroad paths outside the roundabout are installed. With such an unbalanced traffic flow during peak times, it may even need to be metered and signalised to allow for traffic from the less busy approach to enter the intersection, whilst allowing safe and timely pedestrian crossings.</p>	Reason for Refusal	Response	1. <i>The development is considered to have an adverse impact on the existing road network, due to the volume of traffic generated by the development relying primarily on a single intersection to access the site.</i>	The proposed revision to include a roundabout and footpath doesn't address the central theme of this reason for refusal. It will still rely primarily on a single intersection.	2. <i>The proposed development has not provided sufficient information to demonstrate appropriate road infrastructure will be provided to address traffic generated.</i>	Aside from an 'intent', the applicant has not provided any plans for the community or decision makers for them to provide informed comment on, or make important planning decisions about	3. <i>Inadequate provision of pedestrian infrastructure has been provided, inconsistent with Operational Policy 2.4 - Planning for School Sites.</i>	The intent to provide a single footpath does not meet these requirements, and without significant additional upgrading to the adjacent road network, will place vulnerable populations at risk on unsuitable rural roads.		
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		<p>In WALGA's "Road Safety Around Schools Guidelines" it is suggested that <i>"particular care should be taken when considering roundabouts at intersections where there are high numbers of pedestrians or cyclists crossing one or more of the roads. Children should be encouraged to crossroads away from roundabouts that have high traffic flows. Children should preferably cross where median refuge islands are installed."</i></p> <p>The strong preference is to have marked pedestrian crossings mid-block (away from roundabouts) and remove pedestrian and cyclist crossings at roundabouts. My own real-world experience with crosswalks and roundabouts in Fremantle suggests that these circumstances are ripe for incident and injury, with confusion over who has right of way, and buses being stopped by pedestrians blocking other legs of the roundabout from functioning properly.;</p> <p>Therefore, having this roundabout as the focal point for traffic and pedestrian access to the site a recipe for disaster, and would not be considered proper and orderly planning.</p> <p><u>Compliance With Local Planning Scheme No.3</u></p> <p>Directly to the east of the proposed site, the landscape comprises low-density housing, while the regions immediately to the north, west, and south are characterised by open pasture. This suggests that the proposed development would starkly contrast with the surrounding rural character.</p> <p>The features of this school, by their scale, indicate a significant departure from what one might consider a modest development, underscoring concerns about the preservation of the area's rural essence.</p>		

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		<table><tr><th>Relevant Aims of the Scheme</th><th>Response</th></tr><tr><td>a) <i>Protect and enhance the landscape, natural environment, ecological values and environmental quality and improve the sustainable management of natural resources;</i></td><td>Rural areas are often characterised by open spaces and agricultural lands. The presence of undeveloped land and natural features are a significant aspect of rural character along with low densities of population. Shire residents have repeatedly told the Shire that rural landscapes are of significant value</td></tr><tr><td></td><td>regardless of where they live. This proposal would not maintain the rural character of the area.</td></tr><tr><td>b) <i>Preserve heritage values, amenity and areas of cultural significance and integrate new built environments with the existing local character</i></td><td>This proposal will not protect amenity and imposing a massive development on an existing community that very few will be able to use will not integrate at all well with the existing local character.</td></tr><tr><td>f) <i>Protect rural land to support the Shire's role as an important agricultural and horticultural economic contributor to the Shire and broader region, and minimise land use conflicts</i></td><td>This proposal will not protect rural land, and the imposition of a sensitive land use (a school) will create land use conflicts, not just with the neighbouring rural areas, but, the rural residential areas directly adjacent.</td></tr></table> <p><u>Compliance with the Rural Zone:</u></p> <p>Notwithstanding, rural character is not just about compatibility of the built form with the surrounding environment. Preservation of rural character also means that the proposed use must not significantly increase traffic, noise, pollution, or otherwise detract from the rural atmosphere and land uses. Compatibility also means the use should not lead to an incremental shift away from the area's rural nature over time.</p> <p>This proposal takes away the ability for any future rural land uses to be sited on and surrounding the proposed development area.</p> <p>When evaluating development within the 'Rural' zone, a careful balance must be struck due to the challenges posed by competing demands for land</p>	Relevant Aims of the Scheme	Response	a) <i>Protect and enhance the landscape, natural environment, ecological values and environmental quality and improve the sustainable management of natural resources;</i>	Rural areas are often characterised by open spaces and agricultural lands. The presence of undeveloped land and natural features are a significant aspect of rural character along with low densities of population. Shire residents have repeatedly told the Shire that rural landscapes are of significant value		regardless of where they live. This proposal would not maintain the rural character of the area.	b) <i>Preserve heritage values, amenity and areas of cultural significance and integrate new built environments with the existing local character</i>	This proposal will not protect amenity and imposing a massive development on an existing community that very few will be able to use will not integrate at all well with the existing local character.	f) <i>Protect rural land to support the Shire's role as an important agricultural and horticultural economic contributor to the Shire and broader region, and minimise land use conflicts</i>	This proposal will not protect rural land, and the imposition of a sensitive land use (a school) will create land use conflicts, not just with the neighbouring rural areas, but, the rural residential areas directly adjacent.		
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		<p>between productive rural uses and non-productive non-rural uses, such as residential, landscape, and environmental purposes. The site has a moderate to high capability for grazing activities and taking that away merely erodes the ability for future grazing uses including on neighbouring rural land.</p> <p>There are also legitimate concerns that the applicant, through it's parent organisation the Free Reformed Church of Australia (FRCA), plans to collocate a Church on the site, or, at least use the 'Future Community Purpose/ Auditorium Site' to hold Church services.</p> <p>Despite adamant claims that they have no intention of locating a Church there, the word 'Chapel' is mentioned 10 times in the planning documents. Seven of those 10 can only be seen in the PDF if you search for the word, as it is hidden behind the term 'Future Community Purpose/ Auditorium Site' on the plans. The Byford, Kelmscott, Rockingham and Albany schools all have Churches on their land, and the Armadale school has a Church directly opposite it, so, it is a fair assumption that a Church will shortly follow, regardless of what they are saying now. Every school, except one, has a school either on the same land, or on land immediately adjacent.</p> <p>The applicant's "2040 Vision" document leaves the reader in no doubt as to their intentions on this matter:</p> <p><i>"Planning for future and existing school campuses has always provided opportunity for the FRSA to collaborate with other organisations within the Free Reformed Churches, to multipurpose or co-locate planned infrastructure that serves the broader needs of the Free Reformed Church Members. Such collaborative activity could be further facilitated at all FRSA Campuses, including any newly planned campus" p11.</i></p> <p>And then they really ram it home:</p> <p><i>"Developing a new campus allows the FRSA to work in collaboration with other FRCA organisations to leverage planned infrastructure to serve the</i></p>		

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		<p><i>boarder needs of the FRCA. It could be possible that specific facilities to support other FRCA organisations could be collocated on the new site.</i></p> <p><i>“It would be possible to develop a masterplan that includes a multipurpose venue that could operate as a Church building on Sundays, a performance venue during the week (music, drama etc) and as a community hall/graduation venue/lecture theatre during weeknights” p63.</i></p> <p>If the current school proposal is approved, it would be highly likely that a Church would follow. Intensive use in the evenings and weekends is inconsistent with the usage envisaged under the rural zone. The level of noise, traffic and light pollution that this would generate would further corrode the rural character and have tremendous negative amenity impacts.</p> <p>There would be no respite for the local residents and would interfere with the quiet enjoyment of the area, even outside school hours.</p> <p>It is also not uncommon for educational facilities to be refused in the Western Australian planning system due to a development being located in an inappropriate context.</p> <p>For example, in SHARON PROPERTY PTY LTD and PRESIDING MEMBER OF THE METRO INNER-NORTH JOINT DEVELOPMENT ASSESSMENT PANEL [2021] WASAT 63, a development for a childcare centre in Swan was refused. The State Administrative Tribunal determined that <i>‘the cumulative impacts arising from the physical design, car parking, traffic and noise together are such that the Proposed Development is ill-suited to its context and should be refused. That is, the scale of the Proposed Development is beyond what might reasonably be able to be accommodated and is therefore incompatible with its context.’</i></p>		

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PA23/588 – Lot 218, 575 Abernethy Road, Oakford - DAP - Educational Establishment

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PA23/588 – Lot 218, 575 Abernethy Road, Oakford - DAP - Educational Establishment

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		<p><i>Whether the proposal would adversely impact existing rural uses on the site or surrounding locality</i></p> <p>The introduction of a sensitive land use may impact current use, and prevent neighbouring land owners to undertake legitimate activities that would otherwise be permitted if a school wasn't there. The influx of traffic and noise generated by the school, particularly during peak times, poses a safety risk to existing rural traffic patterns and undermines the tranquillity of the rural setting.</p> <p><i>Whether the proposal would impact the ability of the land to be used for rural uses in the future;</i></p> <p>The development of this school would likely prevent future rural use of the majority of the lot, and valuable agricultural land will be lost. Establishing a large-scale educational facility irreversibly alters the land use and paves the way for further non-rural developments that could detract from the area's agricultural potential.</p> <p><i>The capability of the land to undertake productive rural uses;</i></p> <p>Only a minority of the lot will be able to undertake limited rural uses, and may not be productive or economical viable at such a small scale. The establishment of the school would significantly impair the land's ability to support productive agricultural activities, compromising its rural utility.</p> <p><i>The scale of development/activities;</i></p> <p>The scale of this development is significantly larger than anything else within the locality. One of the proposed buildings will be 12.1m high, compared to a height of 7m for the nearby indoor riding arena. The new gym at St John Bosco College in Piara Waters is 10m high. That looks out of place, even in a built up residential area. This proposal is for an even higher building. Activities will most likely include evening and nighttime events, and if a church is collocated (like they plan to), then the weekends will be severely interrupted too. This will further detract from the amenity of the area. While a school can have landscaping and be set back from roads, the sheer size of the development means that it will not compliment a rural landscape.</p> <p><i>Built-form character</i></p> <p>Despite a lower density of built form, the extensive infrastructure required for 1,200 students including parking and bus access,</p>		
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PA23/588 – Lot 218, 575 Abernethy Road, Oakford - DAP - Educational Establishment

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PA23/588 – Lot 218, 575 Abernethy Road, Oakford - DAP - Educational Establishment

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		<p>currently in the midst of a rabbit and mouse population explosion, and animals like these help to keep the environment in balance and prey on those pests.</p> <p>The proposal is inconsistent with the objectives of Tree Retention and Planting policy, as native vegetation would be removed, reducing the tree canopy in the area and abolishing habitat areas that could support habitat for critically threatened fauna. The mature Casuarina Obesas on the site are basically written off and deemed useless in the report, when in actual fact they are vitally important as a food and habitat resource for many animals, including some that are endangered, like all three of our black cockatoos.</p> <p>I believe the Obesa is considered a significant ecological community, and is listed as a Priority 1 between Thomas Rd and the Serpentine River. exists on the land and is proposed to be removed.</p> <p>They are also important for the soil as they bind nitrogen, they have a high tolerance to salinity and may even reduce it, grow well in waterlogged soils like these, and are dieback resistant. They are incredibly important pioneer species and help to prepare the soil for species like marri, wandoo and jarrah.</p> <p>Another environmental issue which hasn't yet been addressed is the areas propensity to being regularly inundated after rains. In order to minimise the damage these flooding events can have, the rural residential properties adjacent to the proposed site were required to have a sand pad of at least 1.2m installed under all buildings. I can't see any detail relating to this in the plans that have been provided so far. Back in June 2021, our property was so inundated with storm water after a downpour, that I wouldn't have been able to get from the road to my house without a four-wheel drive. The 1.2m sand pad stopped my house from flooding, and I would expect to see something similar in the plans.</p> <p>Another unresolved concern I have is regarding the length of time that this proposal will be under construction. My understanding is that the proposed site will be a construction site for about 10 continuous years. There is no</p>		

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		<p>question that this alone constitutes a significant negative impact on the rural amenity.</p> <p>There is also no detail on how the applicant proposes to mitigate the noise from the site. Mere compliance with the regulations doesn't mean that the impacts on amenity are no longer adverse. In EVANGEL CHRISTIAN FELLOWSHIP INC and SHIRE OF SERPENTINEJARRAHDALE [2017] WASAT 159, the Tribunal <i>"was not satisfied that mere compliance with the Environmental Protection (Noise) Regulations 1997 (WA) was sufficient, in this instance, to mitigate the adverse impacts of noise emissions from the proposed development on the existing amenity of the locality."</i></p> <p>Of particular relevance to this proposal, is that the sources of noise and their management would be similar, and the concern of the Tribunal would carry across:</p> <p><i>"Given the nature of the potential noise sources and the complexity of effectively managing such activities (children playing, door opening during functions, limiting numbers in the breakout area), the Tribunal is not confident that these measures can be put in place and effectively maintained at all times."</i></p> <p><u>Principles Concerning Conditions:</u></p> <p>I'm not a lawyer, but, but while reading through planning documents over the last six months I have come to an understanding, albeit simple, of how conditions can be used appropriately in planning decisions.</p> <p>These are some of those understandings that I think are relevant in this situation:</p> <p><input type="checkbox"/> Conditions should only be used to regulate incidental aspects of the development so that the development does not have an adverse effect upon the amenity of the locality of the development, either in the course of construction or when the development is completed.</p>		

SUMMARY OF SUBMISSIONS

PA23/588 – Lot 218, 575 Abernethy Road, Oakford - DAP - Educational Establishment

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		<p><input type="checkbox"/> Conditions should not be used to <i>alter the nature of the proposal</i> with requirements which are unworkable, unenforceable, and seek to prevent the development from being used in the ordinary way.</p> <p><input type="checkbox"/> Resort to the use of such restrictive conditions would be an acknowledgement that the proposed development is inappropriate for the subject land.</p> <p><input type="checkbox"/> Conditions should not be used to make suitable a use that is fundamentally unsuitable for its setting.</p> <p>I contend that the roundabout is not simply an incidental aspect of the development, it is central to it. Therefore, allowing a condition to be used for a central element of the proposal doesn't represent proper and orderly planning. It isn't just the roundabout, but also the proposed footpath and how the two would integrate into the rest of the local transport network. Agreeing to a condition on key infrastructure that the applicant has very little, to no, control over is not a good planning decision.</p> <p>As can be seen at the Islamic College on Nicholson Rd, the development was approved with a condition that the intersection of Nicholson and Oxley be upgraded. However, complications with service realignments and bridge works, which are outside of the applicant's control, have meant that the required upgrades have not occurred. My understanding is that the school has been able to accept enrolments despite the intersection not being upgraded as required, but I'm not sure if they have been able to occupy the site. From what I can ascertain, the cost and timeframe is unknown, and the project is now in limbo. This is just one example of the risks involved if conditions are used inappropriately for a key piece of infrastructure that is central to the development, and that the applicant has little, if any, control over. In hindsight, this development should not have been approved without that key intersection upgrade being in place first.</p>		

SUMMARY OF SUBMISSIONS

PA23/588 – Lot 218, 575 Abernethy Road, Oakford - DAP - Educational Establishment

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		<p><u>Conclusion:</u></p> <p>In summary, while I recognise the importance of education, it must not come at the expense of the erosion of rural character and diminishing amenity. The proposed development, in its current form, is unsuitable in its spatial context and should not be supported.</p> <p>I trust that the Council, MODAP, and State Administrative Tribunal will take this objection into account and make a balanced decision with the immediate residents and the local community interests in mind.</p>		
A401987	12.	<p>We live on the corner of Kargotich and Abernethy Rd. We have not seen a plan from the school indicating where the new roundabout will go. As a residence in close proximity, our concerns are:</p> <p>a). who are they obtaining land from to build a roundabout? We have not been approached. The other 2 corners of land are privately owned, have they been informed of or seen any plans for a so called roundabout?</p> <p>b). what is the time frame for the roundabout to be built in regard to the start of the school build? Are they going to be approved, build their school and then not worry about putting a roundabout in?</p> <p>c). a roundabout will not decrease the amount of traffic along these already busy roads, instead create more of a build up which in turn will block our only entry and exit out of our estate via Stadamy St to Abernethy or Elwood Loop onto Kargotich. Surely this alone is a major risk in the event of a fire etc.</p> <p>In regard to a footpath along Abernethy Rd, these are our concerns:</p> <p>a). Again, where is the land coming from to allow a footpath to go all the way along Abernethy?</p> <p>b).Again, we have seen no plans of these footpaths. Our block runs along Abernethy, which side of the road will it be on? How will it affect our landscaping and close proximity to our boundary line? You are asking us to</p>	Refer to discussion above.	Noted. Refer to the Traffic section of the report.

SUMMARY OF SUBMISSIONS

PA23/588 – Lot 218, 575 Abernethy Road, Oakford - DAP - Educational Establishment

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		<p>respond to a so called roundabout and footpath, yet no-one has seen any plans to properly and formally make a comment.</p> <p>c).How will the roundabout and footpath be made safe for pedestrians, cyclists, horse riders and vehicles?</p> <p>d) Are they proposing to put in a school cross walk which will then further slow down the already congested traffic in this area?</p> <p>Hopefully you take into consideration that you are asking us to comment on a simple statement of the applicant will deliver a roundabout and footpath. Where are the plans? How do we know exactly what we are commenting on?</p>		
A402002	13.	<p>Thank you for your letter advising that there had been a change in the application for the Proposed Education Establishment at Lot 218, 575 Abernethy Road, Oakford. Without any detail or access to new documents or plans in relation to the revised proposal, all we know is that the applicant has chosen to include the delivery of a roundabout at the intersection of Abernethy and Kargotich Roads as well as a footpath along Abernethy Road.</p> <p>This makes commenting on the items being proposed to be delivered, extremely difficult.</p> <p>I would like to take this opportunity however, to bring to your attention that the submitted application for Proposed Educational Establishment at Lot 218, 575 Abernethy Road, Oakford is opposed for so many more reasons, and the roundabout was the biggest and most immediate concern and therefore became the highlight of the opposition.</p> <p>A petition was presented from local residents opposing the application, where one resident was deputised to speak on behalf of the Residents.</p> <p>The application was refused by SJ Shire Date: November 2023</p> <p>The application was refused by MODAP date: 5 December 2023</p>	Refer to discussion above.	<p>Noted.</p> <p>The Shire is satisfied that the provided conditions address the reasons for refusal and that the application can be reconsidered.</p> <p>Refer to the Land Use and Operational Policy 2.4 sections of the report for further discussion.</p>

SUMMARY OF SUBMISSIONS**PA23/588 – Lot 218, 575 Abernethy Road, Oakford - DAP - Educational Establishment**

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		<p>The application was refused by the State Administrative Tribunal (SAT) date: unknown</p> <p>And yet we still continue?</p> <p>The application appears to be very detailed with all bases covered on initial review, however when looked at in great detail there are many inconsistencies and it becomes very clear that the applicant has been planning this establishment for many years in the view to find the perfect location at the right cost for their organisation and their organisation only. There has been very little consideration or regard for the SJ Shire as a whole, and especially the impact it will have on the immediate residents.</p> <p>This application will benefit approx. 1.5% of the SJ Shire population and yet will have adverse impacts on possibly 80% of the population.</p> <p>Yes, the Shire needs additional schools, however, they should be designed and built in new areas that have not yet been opened to housing and residential blocks. Everyone in our estate chose this location because we didn't want to live near a school and high density living. This needs to be understood and respected. We have spent our life savings to live here and have built our forever homes and developed our own little estate communities and love our current lives.</p> <p>We need to continue to embrace Inclusion and Diversity as a shire, not support exclusive groups who want our prime locations so they can lock themselves away on it and disclude us in all respects.</p> <p>This is a very clear case of the FRCA not getting the response they want so they continue to appeal and progress to the next department in the hierarchy.</p> <p>Is the FRCA going be permitted to continue with this approach until they reach a department where they have members in higher places in order to get the answer they want, as it appears they have done when selecting the businesses and experts that they have used to conduct investigations and prepare their designs and reports.</p>		


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		<p>Are they going to be permitted to continue this process without regard as to whether it is actually the right facility in the right location without being asked to provide any forms of current and independent evaluation of anything they have presented to date?</p> <p>I am in no means a professional in preparing official presentations, reports or applications and nor can I afford to pay others or belong to an exclusive community of people that would do this for me at no cost. Nor do I have an open ended timeframe in which to complete months of research in order to respond to their professional application.</p> <p>Therefore I ask that you please review the following document that I have prepared in a short time, with some understanding and knowledge that I am just a very concerned immediately local (to the site) resident (10 years) who is extremely passionate about our neighbourhood, locality and the SJ Community as a whole.</p> <p>My son and I are both neurodiverse and are trying to live in a world designed for neurotypicals, where we are moving at such a rapid pace in teaching the new generations and converting the older generations to accept others as individuals with their own beliefs and to make good choices in doing what is right and be respectful of everyone and everything. To treat nature like it won't be here tomorrow and learn from yesterdays mistakes. This is the reason we selected the SJ Shire to call home 12 years ago and have built our forever home here because of the lifestyle and community support that the SJ Shire is so well known for.</p> <p>Let's use our previous mistakes and use them to make sure that we make better choices on the location of future schools and facilities.</p> <p>I have not had the opportunity to finish this document, and for that I am sincerely apologetic. I have very limited spare time in which I have been able to pull this together in a matter of 3 weeks. I have spent about 9 hours on it already and it clearly needs another 30 hours, but I hope that you can see from this how passionate we are about our Shire and how it is used moving forward.</p>		

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		 RESPONSE TO SHIRE.pdf https://ftp.sjshire.wa.gov.au/main.html?download&weblink=1c4084e83e233e9f4b7e066e41b038f0&realfilename=PA23-588\$20E24-933\$20Submission\$20No.13.pdf		
A202004	14.	<p>I understand that this matter is coming up for consideration by the Shire again soon, some of my neighbours received a letter advising them about this and seeking comment but I did not.</p> <p>I am supportive of the school progressing as I believe we need more social infrastructure, such as schooling in the area as the population rapidly increases and even though it's a private school, it will be beneficial to the overall area son please note my support.</p>		Noted
A401986	15.	<p>I am writing to inform you in no uncertain terms that I am <u>Against</u> the Proposed Educational Establishment at Lot 218, 575 Abernethy Road, Oakford.</p> <p>For a huge number of reasons I am sure you have had pushed through from other members of our community, this has an alternate and direct impact on my amenity. We share a long fence line along Abernethy, at Stadamy Street, Oakford. Alone, the Tonkin Highway underpass change (now including a roundabout) on Hopkinson, will have a high impact on the traffic thoroughfare. And now this school proposal, will see a huge impact on the volume of traffic along this stretch of road, which is not capable in the current condition, nor with the current intersection arrangements within vicinity of the Kargotich / Abernethy intersection. Additionally, minimising traffic to a 40km zone further bottle necking these intersections, cannot be feasible with the expected additional volume at these peak periods.</p> <p>There is no current transparency as to what the new proposed changes are from the original submission, where the proposed foot path will be situated,</p>		Noted – refer to Amenity and Traffic section of report as well as recommended conditions.


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PA23/588 – Lot 218, 575 Abernethy Road, Oakford - DAP - Educational Establishment

Submitter	No	Submitter Comments	Applicant Response	Officer Comment
		<p>so how can we comment on this without the actual detail? This is not a change that can be taken in good faith, nor delivered at the 12th hour post opportunity for rebuttal or discussion.</p> <p>The original and expected current proposals did not have the updated Tonkin Highway arrangement (pg1097 Proposed Educational Establishment at Lot 218, 575 Abernethy Road, Oakford – MODAP Agenda 5 December 2023) is outdated, incorrect information, at the Hopkinson and Abernethy Road intersection. This, as suggested above, has not addressed the future impact of traffic, given Thomas Road end of Hopkinson will be blocked, further pushing traffic out of Byford, Oakford/Cardup surrounds along Abernethy to Kargotich. This is the logical route to avoid other congestion and proven daily with the incidences and traffic volume at this intersection. The current outdated map in the proposal is misleading for the review, and I believe is a valid point for discussion.</p> <p>There is insufficient space on the Southern side of Abernethy for the foot path (my fence line), and to have the footpath on the Northern side will have a big impact on the local Sheoaks alone (regularly frequented by Black Cockatoos and many other species). Not to mention the additional need for the student cross walks back across.</p> <p>Without banging on with all the clauses and legal terminology, I believe that the school proposal in the current location does majorly impact my amenity, given the points above with concern on traffic alone. with 16 years living in Aubin Grove, having a similar arrangement for the Aubin Grove Primary School (single intersection) at only 50/40km/h zone, this caused major delays and impact to traffic locally. I can only imagine the state of the 90km/h zone limited to 40km/h, including trucks and industrial traffic with the current and further proposed heavy vehicle route.</p> <p>We spent a large sum of money to experience the Semi-Rural Lifestyle that Serpentine Jarrahdale offers. Sure, we have seen several changes/proposals along Kargotich, Thomas Road, Hopkinson Road intersections in our nearly 3 years already impacting the area. Yes, these</p>		

SUMMARY OF SUBMISSIONS

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		<p>are out of our control and to address the current demand, of which the school will only put further strain. I honestly feel that this school proposal is well out of place at Lot 218, 575 Abernethy Road, Oakford.</p> <p>I certainly appreciated the council having our backs with previous concerns and believe that the proposers offering to pay for a roundabout and footpath is a hope and a prayer, yet still does not meet the rural zoning, nor have a place in the proposed rural address.</p>  <p>Snips from _ Proposed Education</p> <p>https://ftp.sjshire.wa.gov.au/main.html?download&weblink=6a34e10f2a2e0bf91dcdd12cc72a2f39&realfilename=PA23-588\$20E24-933\$20Submission\$20No.15.pdf</p>		
A401989	16.	<ul style="list-style-type: none"> • There remains uncertainty regarding how and when the roundabout or footpath will be constructed. Since we haven't been presented with any plans, I am unable to make an informed comment or offer the Shire meaningful input regarding this matter. Also, by adding a roundabout and a footpath this will not alter the fact that the primary access to the school will still be through a single intersection, and the excess traffic during peak times will still persist. • What would the applicant's plan be, for constructing a footpath, installing water and sewerage lines, upgrading power lines, and potentially laying fibre optic cables along Abernethy Road without causing permanent damage to the bush reserve site? • Would there be sufficient space available to construct both the roundabout and footpath while ensuring safety for pedestrians, cyclists, horse riders and various other vehicles? • This proposal fails to preserve the local environment and introducing a large-scale development to an established community, which only a few 		<p>Noted – Refer to Traffic section of report.</p> <p>Detailed design of the infrastructure is recommended through conditions.</p>

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Submitter	No	Submitter Comments	Applicant Response	Officer Comment
		<p>will benefit from, will not blend harmoniously with the existing local character.</p> <ul style="list-style-type: none"> • This proposal suggests the introduction of a land use with sensitivity considerations, and its potential impacts on future rural activities in the area remain uncertain. It might impose restrictions on legitimate rural activities conducted on nearby properties. • The proposed facility offers limited benefits to a small portion of the local community, with the majority of the Shire's population unable to attend or work at this facility. Merely 1.5% of the Shire's residents belong to this Church, and only they will have access to this school, a proportion that has been steadily decreasing. The primary beneficiaries are likely to be members of the Church residing outside the SJ Shire. Additionally, being distant from any town centre, there will be minimal incidental spending benefitting local businesses. There would also be a large impact on the surrounding properties with noise, lights added traffic and school buses. Such a development is incompatible with the surrounding rural uses and the well-established rural residential communities nearby. 		Refer to Land Use section of report
A401989	17.	<ul style="list-style-type: none"> • It's made it hard to give a response regarding the roundabout and footpath as no plans have been made available to us. I have concerns regarding this facility in that location, here are some: • I believe that a roundabout will not alleviate the traffic congestion that will come with a complex of such size. The ten busses they are planning to have running during am/pm school times will only add to the congestion. The Stadamy St exit will no doubt be blocked from the Abernethy Rd traffic, and the Elwood Loop exist will no doubt have the same issues. This would make it very difficult and would become life threatening if emergency vehicles cannot navigate these areas. This is a very real concern for our neighbourhood. • We have made a large financial outlay and have added extra \$\$\$ on improvements to make this our forever home. We back onto Kargotich 		Noted – refer to Traffic section of report. The Traffic study demonstrates that a roundabout will ensure traffic is adequately accommodated.

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		<p>Rd so this facility will have an enormous impact on our lifestyle and rural setting.</p> <ul style="list-style-type: none"> ○ Extra Kargotich Road traffic/noise. ○ Lights from the complex. ○ 2.4 metre fencing (not rural looking). ○ Weekend and extracurricular noises. <p>The list goes on.</p> <ul style="list-style-type: none"> ● This facility will only cater for a very small percentage (1.5%) of SJ residents and will not benefit the SJ Shire. ● This facility will only bring employment opportunities for Free Reformed members and only students of Free Reformed members are able to attend. This would hardly benefit rate paters of SJ shire or be beneficial for education of non Free Reformed member students (not for general public use). ● It's very easy to say things will work “on paper” but in reality, it may not always go as planned or run smoothly. <p>I still strongly oppose this complex being built in this location. We truly hope that our voices are heard as this is on our back door step.</p>		Noted