

**SUMMARY OF SUBMISSIONS**  
**Proposed Vehicle Repair, Warehouse, Light Industry and Showroom**  
**Lot 128 South Western Highway, Byford**

Submitter	No	Submitter Comments	Applicant Response
DWER		<p>Lot 128 South Western Highway, Byford – proposed vehicle repair, warehouse, showroom, light industry.</p> <p>Thank you for providing the development application for the proposed mixed light industry/commercial development at Lot 128 South Western Highway, Byford for the Department of Water and Environmental Regulation (the Department) to consider.</p> <p>The Department has identified that the development proposal has the potential to impact on water resource values and/or management. While the Department does not object to the proposal key issues and recommendations are provided below, and these matters should be addressed.</p> <p><b>Issue: Native Vegetation</b></p> <p><b>Advice</b></p> <p>Under section 51C of the Environmental Protection Act 1986 (EP Act), clearing of native vegetation is an offence unless undertaken under the authority of a clearing permit, or the clearing is subject to an exemption. Exemptions for clearing that are a requirement of written law, or authorised under certain statutory processes, are contained in Schedule 6 of the EP Act. Exemptions for low impact routine land management practices outside of environmentally sensitive areas (ESAs) are contained in the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (the Clearing Regulations).</p> <p>Under section 51C of the Environmental Protection Act 1986 (EP Act), clearing of native vegetation is an offence unless undertaken under the authority of a clearing permit, or the clearing is subject to an exemption. Exemptions for clearing that are a requirement of written law, or authorised under certain statutory processes, are contained in Schedule</p>	

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		<p>6 of the EP Act. Exemptions for low impact routine land management practices outside of environmentally sensitive areas (ESAs) are contained in the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (the Clearing Regulations).</p> <p>Based on the information provided it is likely that this proposal is exempt from the requirement for a clearing permit under Regulation 5, Item 1 – Clearing to construct a building of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (the Clearing Regulations), as described in the Departments <u>'A Guide to the Exemptions and Regulations for Clearing Native Vegetation'</u>. It is the applicant's responsibility to determine compliance with these exemptions and therefore whether a clearing permit is required. The exemption will only apply once the planning/development approval has been issued (as the exemption does not apply without the relevant planning approval)</p> <p>If further clarification is required, please contact DWER's Native Vegetation Regulation section by email (admin.nvp@dwer.wa.gov.au) or by telephone (6364 7098).</p> <p><b>Issue: Stormwater Management</b></p> <p><b>Advice</b></p> <p>The Department recommends the proponent prepare a detailed Stormwater Management Plan (SMP) as part of the development approval process. The SMP should ensure that:</p> <ul style="list-style-type: none"> <li>• Stormwater runoff be fully contained onsite for small and minor storm events (1 and 0.2 Exceedance per Year runoff) and that required storage for each rainfall event, basin sizing and design should be detailed.</li> </ul>	

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		<ul style="list-style-type: none"> <li>• The first 15 mm of stormwater runoff (1 Exceedance per Year runoff) to undergo water quality treatment via bio-infiltration.</li> <li>• Pre-development and post-development outflow of stormwater from the site be detailed.</li> </ul> <p><b>Issue: Contaminated Sites</b></p> <p><b>Advice</b></p> <p>The Department considers this site to be standard priority for action to be taken to adequately delineate and characterise the potential contamination arising from the importation of fill material.</p> <p>Further investigations are required to confirm the historical use of the site, to identify potential sources of contamination and to adequately delineate and characterise potential contamination associated with fill material. The department expects actions to be taken in accordance with the timeframes specified in section 8.3.3 of 'Identification, reporting and classification of contaminated sites in Western Australia' (Department of Environment Regulation, June 2017).</p> <p>Investigations are to be carried out in accordance with the department's contaminated sites guidelines and the 'National Environment Protection (Assessment of Site Contamination) Measure 1999'.</p> <p>Acid sulfate soils (ASS) risk mapping indicates that a portion of the site is located within an area identified as representing a low to moderate risk of ASS occurring within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation's acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works.  <a href="https://www.der.wa.gov.au/your-environment/acid-sulfate-soils/69-acidsulfatesoils-guidelines">https://www.der.wa.gov.au/your-environment/acid-sulfate-soils/69-acidsulfatesoils-guidelines</a></p>	

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		<p>In the event there are modifications to the proposal that may have implications on aspects of environment and/or water management, the Department should be notified to enable the implications to be assessed.</p> <p>If you have any queries relating to the above matter, please contact Mark Hingston at the Department's Mandurah office on 9550 4222.</p>	
Min Roads WA		<p>In response to your correspondence dated 22 February 2021, 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 occupation of the building Robertson Road must be constructed.  <b>Justification for condition</b> – Robertson Road must be upgraded to accommodate vehicle traffic to the location prior.</li> <li>2. All vehicle access shall be via Robertson Road.  <b>Justification for condition</b> – condition confirms vehicular access requirements. Condition required as all lots have frontage to both South Western Highway and Robertson Road. Access to South Western Highway is not permitted. This includes Interim Emergency Access Way referenced in the Bushfire report table 4.</li> <li>3. Prior to occupation of the buildings, the intersection of Robertson Road and South Western Highway must be designed and constructed to Main Roads Requirements. See attached including the required turn treatments, at the applicant's cost.  <b>Justification for Condition</b> – Robertson Road intersection with South Western Highway must be upgraded to accommodate</li> </ol>	

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		<p>vehicle traffic to the location prior to the building being occupied.</p> <p>4. No development and/or improvements shall be permitted on the land shown required for future road purposes on the enclosed Main Roads Land Protection Plan 20132-008 and 201232-009.</p> <p><b>Justification for Condition</b> – Protection of State Road network and public safety.</p> <p>5. The future Orton Road as nominated on plan does not form part of this approval.</p> <p><b>Justification for Condition</b> – This placement of public road is inconsistent with the structure plan applicable to the subject site. The connection to South Western Highway is not currently supported by Main Roads due to the close proximity exiting connection such a proposal may undermines the ultimate design, safety and operation of South Western Highway. Grade separation is likely to be required, it is uncertain how this will be achieved.</p> <p>6. Any vehicle crossover(s) or gates to South Western Highway are to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or to the specifications of the Local Government.</p> <p><b>Justification for Condition</b> – Protection of the State Road network and public safety.</p> <p>7. The future Orton Road as nominated on plan does not form part of this approval.</p> <p><b>Justification for Condition</b> – This placement of public road is inconsistent with the structure plan applicable to the subject site. The connection to South Western Highway is not currently supported by Main Roads due to the close proximity exiting</p>	

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		<p>connection such a proposal may undermines the ultimate design, safety and operation of South Western Highway. Grade separation is likely to be required, it is uncertain how this will be achieved.</p> <p>8. Bushfire Management Plan section 5.1.2.2 must be amended refer to “local roads’, rather than “public roads”.</p> <p><b>Justification for Condition</b> – This section does not apply to Main Roads’ roads, achieving new “low threat vegetation”, allowing maintenance activities by the proponent and handover to the Shire are neither applicable nor commitments Main Roads will make in relation to South Western Highway.</p> <p>9. The landowner/applicant shall make good any damage to the existing verge within South Western Highway road reserve.</p> <p>10. No earthworks shall encroach onto the South Western highway road reserve.</p> <p>11. Stormwater discharge (if any) shall not exceed pre-development discharge to the South Western Highway road reserve.</p> <p>12. Any proposed illumination of signage must not exceed 300cd.m2 (candela per square metre) between sunset and sunrise.</p> <p>13. Signage must not flash, pulsate, or chase.</p> <p>14. Signage shall not be electronic / digital format.</p> <p>15. Signage must not contain fluorescent, reflective, or retro reflective colours or materials.</p> <p><u>Advice</u></p> <p>1. Main Roads notes the following with regards to the Bushfire Management Plan.</p>	

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		<p>a) With regards to Main Roads Management Action, Main Roads' routine maintenance includes regular inspections, weed control, mowing and slashing of grasses, removal of overhanging growth and excess dead material as required. However, Main Roads cannot commit to specific scopes and timeframes as these vary according to resourcing and priorities across the whole Main Roads' Metropolitan road network.</p> <p>b) With regards to table 4, Main Roads are not supportive of an interim EAW.</p> <p>2. The applicant is required to submit an Application form to undertake works within the road reserve prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website &gt; Technical &amp; Commercial &gt; Working on Roads.</p> <p>3. The upgrade / widening of South Western Highway is not in Main Roads current construction program and all projects not listed are considered long term. Please be aware that timing information is subject to change and that Main Roads assumes no liability whatsoever for the information provided.</p> <p>4. In terms of Orton Road connection Main Roads is willing to discuss the matter further with the Shire.</p> <p>Should the Shire disagree with or resolve not to include as part of its conditional approval any of the above conditions or advice, Main Roads requests an opportunity to meet and discuss the application further, prior to a final determination being made.</p>	

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		<p>Main Roads requests a copy of the Shire's final determination on this proposal to be sent to <a href="mailto:planninginfo@mainroads.wa.gov.au">planninginfo@mainroads.wa.gov.au</a> quoting the file reference above.</p> <p>Yours Sincerely,</p>	
Bogoni, A & J	1	<p>We objected to the building of storage units + light industrial – it was never earmarked for this area. It will create traffic issues, noise and the aesthetic is terrible. SJ Shire has let us down by removal of nature buffer between Howitzer + SW Highway.</p> <p>All buildings in this shire are supposed to be of earthy colours.</p>	
Bullman, T	2	I fully support progress in Byford.	
Davey, K	3	<p>Agree with the construction of warehouses and Showrooms but object to Light Industrial. Built in this area for quiet country style living environment and there is already enough light industrial in this area creating considerable noise and pollution. Definitely object to Panel beating as this creates noise and Chemical fumes.</p>	