

## SUMMARY OF SUBMISSIONS

## PA23/172 – Lot 57 Briggs Road, Byford – JDAP – Proposed Child Care Centre

| Submitter         | No | Submitter Comments   | Applicant Comment  | Officer Recommendation  |
|-------------------|----|--|--|---|
| Water Corporation |    | <p>Thank you for your letter dated 9th March 2023 requesting comment on the proposed development at Lot 57 Briggs Road, Byford.</p> <p>The proposed development does not appear to affect Water Corporation assets. If our assets are affected, the developer may be required to fund new works, or the upgrading of existing works and protection of all works associated with the Water Corporation. Water Servicing is available to the site, Wastewater servicing is not however. The proponent has stated in their planning report that will utilize onsite effluent disposal which is suitable for a lot of this size under the State Sewerage Policy. Water Corporation has no objections.</p> <p>This proposal will require approval by our Building Services section prior to the commencement of works. Infrastructure Contributions and fees may be required to be paid prior to approval being issued.</p> <p>For further information about building applications, please follow this link: <a href="https://www.watercorporation.com.au/Developing-and-building/Building/Lodging-a-building-application">https://www.watercorporation.com.au/Developing-and-building/Building/Lodging-a-building-application</a></p> <p>The information provided above is subject to review and may change. If the proposal has not proceeded within six months, it is recommended that the developer contacts us to confirm whether or not the above information is still valid.</p> | Noted, in particular comments confirming water servicing is available and that onsite effluent disposal is suitable for a lot this size. | Conditions have been included to ensure that issues raised will be addressed. |
| MRWA              |    | <p>MRWA Reference: D23#255030 - File: 23/2039</p> <p>Please be advised that Main Roads has no objections in relation to the above proposal.</p>  | Noted.   | Noted   |
| DWER              |    | The Department has identified that the proposed childcare centre will impact on environment and/or water resource values. The Department therefore has concerns with the proposal in its current form. Key issues and  | <u>Government Sewerage Policy</u>  | As discussed in the main report a condition has been                          |

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|           |    | <p>recommendations are provided below, and these matters must be addressed to the satisfaction of the Department.</p> <p><b>Issue</b></p> <p>Government Sewerage Policy</p> <p><b>Advice</b></p> <p>Lot 57 Briggs Road is within a sewage sensitive area, as it is located with the Peel-Harvey coastal plain catchment. The requirements of the Government Sewerage Policy (GSP) (DPLH, 2019) apply including site requirements for on-site sewerage disposal.</p> <p>It is acknowledged that a Site and Soil Evaluation (SSE) was included within the application and comments pertaining to the SSE are detailed in Attachment 1. The SSE lacks detail to demonstrate Lot 57 can manage on-site wastewater treatment and disposal prior to the availability of reticulated sewerage associated with urbanisation of the surrounding area. Further guidance on what is required in a SSE is found within the Department of Health's <a href="https://www.health.wa.gov.au/~media/Files/Corporate/general%20documents/water/Wastewater/Site-Soil-Evaluation.pdf">https://www.health.wa.gov.au/~media/Files/Corporate/general%20documents/water/Wastewater/Site-Soil-Evaluation.pdf</a> (DoH, 2021).</p> <p>It is recommended that the SSE is provided to the Department of Health for assessment.</p> <p><b>Issue</b></p> <p>Stormwater Management</p> <p><b>Advice</b></p> <p>The development proposal should give due regard to <a href="https://www.sjshire.wa.gov.au/documents/30/lpp-24-water-sensitive-design">https://www.sjshire.wa.gov.au/documents/30/lpp-24-water-sensitive-design</a> (Shire of Serpentine Jarrahdale, 2018).</p> <p>Stormwater management within the site should be in accordance with Lots 57, 58 and 70 Briggs Road and Lots 53, 81, 83, 100 and 105 Larsen Road,</p> | <p>In reviewing the comments provided by DWER in Attachment 1 of its letter, it is evident that the matters raised can be addressed as part of a revised SSE which can be provided as part of a suitably worded condition of planning approval.</p> <p>With regard to item 3, we confirm the onsite effluent disposal system is proposed entirely within Lot 57.</p> <p><b>Stormwater Management</b></p> <p>A stormwater management plan can be provided at detailed design stage, in accordance with a suitably worded condition of planning approval (as per standard practice).</p> <p><b>Water Supply</b></p> <p>Water Corp has responded confirming that a water supply is available to the</p> | <p>recommended requiring an updated Site Soil Evaluation (SSE) to be submitted to reflect Department of Health (DoH). The SSE to be submitted to the Shire for approval on advice by the DoH.</p> <p>The main report recommends that a Stormwater and Drainage Management Plan (SMP) be submitted demonstrating how stormwater is managed and shall be provided prior to issue of a Building Permit.</p> |



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|           |    | <p>Byford Local Water Management Strategy (360 environmental, October 2020).</p> <p>Stormwater within the carpark area should be managed in accordance with the <a href="https://www.wa.gov.au/government/publications/decision-process-stormwater-management-western-australia">https://www.wa.gov.au/government/publications/decision-process-stormwater-management-western-australia</a> (DWER, 2017) and the <a href="https://www.wa.gov.au/government/publications/stormwater-management-manual-western-australia">https://www.wa.gov.au/government/publications/stormwater-management-manual-western-australia</a> (DWER, 2022). Consistent with these documents, the Department recommends that the first 15mm of stormwater runoff passes through a water quality treatment process, such as rain gardens or tree pits, before infiltration. Flush kerbing between the carpark and surrounding garden beds will assist in capturing stormwater. It is not evident from the Application for Planning Approval (Landscape Plan) or Servicing Report (Stormwater Drainage) if these features are proposed.</p> <p><b>Issue</b></p> <p>Water Supply</p> <p><b>Advice</b></p> <p>Lot 57 is not currently connected to a reticulated potable water supply. An alternative water supply may be required for development on this lot if the proposed water main extension on Briggs Road/future Indigo Parkway (Byford Meadows Estate) has not been completed.</p> <p>The proposed development area is located within the Serpentine Groundwater Area (Byford 3 sub area) which is proclaimed under the Rights in Water and Irrigation Act 1914. Any groundwater abstraction would be subject to licencing by the Department.</p> <p>Please note that groundwater in the Superficial, Leederville and Cattamarra Coal Measures aquifers in this subarea are currently fully (or near to fully) allocated resulting in no resource being available for new applications. Alternative sources of water will likely need to be sought to satisfy any non-</p> | <p>development. This matter will be addressed at detailed design stage.</p> <p><b>Noise</b></p> <p>The comments of DWER in relation to the noise assessment are generally supportive. The recommendations contained within the acoustic assessment can be enforced through appropriately worded conditions of planning approval.</p> |                        |

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|           |    | <p>potable water requirements or the applicant can seek a water trade agreement from another groundwater user in the area.</p> <p>Please contact the water licensing section on 9550 4222 for further advice on water availability.</p> <p><b>Issue</b></p> <p>Noise Assessment Report</p> <p><b>Advice</b></p> <p>Please refer to Attachment 2 for the Department's technical review of the Environmental Noise Assessment – Childcare Centre dated 20 February 2023 prepared by Lloyd George Acoustics Pty Ltd.</p> <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><br/>Environmental<br/>Noise Branch Techni</p> |  |  |
| DFES      |    | <p>This advice relates only to State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP 3.7) and the Guidelines for Planning in Bushfire Prone Areas (Guidelines). It is the responsibility of the proponent to ensure the proposal complies with relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining approvals that apply to the proposal including planning, building, health or any other approvals required by a relevant authority under written laws.</p>   | <p>The BMP has been revised in response to the DFES comments. The proposal will comply with <i>State Planning Policy 3.7: Planning in Bushfire Prone Areas</i>.</p> <p><br/>submission v2<br/>Briggs Rd CCC.pdf</p> | <p>The applicant provided an updated Bushfire management Plan response to DFES concerns.</p> |

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|                           |   | <p>Assessment</p> <ul style="list-style-type: none"> <li>• Further clarification is required within the BMP of the requirements of SPP 3.7, and the supporting Guidelines as outlined in our assessment below.</li> </ul> <p><b>1. Policy Measure 6.5 a) Preparation of a BAL assessment</b></p> <table border="1" data-bbox="521 496 1496 1425"> <thead> <tr> <th data-bbox="521 496 779 564">Issue</th> <th data-bbox="779 496 1240 564">Assessment</th> <th data-bbox="1240 496 1496 564">Action</th> </tr> </thead> <tbody> <tr> <td data-bbox="521 564 779 1425">Vegetation Classification</td> <td data-bbox="779 564 1240 1425"> <p>Figure 3 (Vegetation Classification) is difficult to interpret. In particular:</p> <ul style="list-style-type: none"> <li>• The southern P1/Ex label appears to be out of position as it is located on an area classified as Grassland. Others may also be, which contributes to poor legibility;</li> <li>• Plot 2 and Plot 3 are difficult to distinguish with no clear outlines/boundaries; and</li> <li>• There are areas of vegetation within the area coloured as Grassland that are outlined separately and do not appear to be Grassland. Specifically the drainage reserve, trees to the east and west of Briggs Road, trees around the existing property and trees to the south of the proposed development site (discussed further below).</li> </ul> </td> <td data-bbox="1240 564 1496 1425">Modification to the BMP is required</td> </tr> </tbody> </table> | Issue | Assessment | Action | Vegetation Classification | <p>Figure 3 (Vegetation Classification) is difficult to interpret. In particular:</p> <ul style="list-style-type: none"> <li>• The southern P1/Ex label appears to be out of position as it is located on an area classified as Grassland. Others may also be, which contributes to poor legibility;</li> <li>• Plot 2 and Plot 3 are difficult to distinguish with no clear outlines/boundaries; and</li> <li>• There are areas of vegetation within the area coloured as Grassland that are outlined separately and do not appear to be Grassland. Specifically the drainage reserve, trees to the east and west of Briggs Road, trees around the existing property and trees to the south of the proposed development site (discussed further below).</li> </ul> | Modification to the BMP is required |  |  |
|---------------------------|---|---|-------|------------|--------|---------------------------|---|-------------------------------------|--|--|
| Issue                     | Assessment  | Action  |       |            |        |                           |   |                                     |  |  |
| Vegetation Classification | <p>Figure 3 (Vegetation Classification) is difficult to interpret. In particular:</p> <ul style="list-style-type: none"> <li>• The southern P1/Ex label appears to be out of position as it is located on an area classified as Grassland. Others may also be, which contributes to poor legibility;</li> <li>• Plot 2 and Plot 3 are difficult to distinguish with no clear outlines/boundaries; and</li> <li>• There are areas of vegetation within the area coloured as Grassland that are outlined separately and do not appear to be Grassland. Specifically the drainage reserve, trees to the east and west of Briggs Road, trees around the existing property and trees to the south of the proposed development site (discussed further below).</li> </ul> | Modification to the BMP is required   |       |            |        |                           |   |                                     |  |  |

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|           |    |                    | Figure 3 appears to combine both current classification and future (post development) classification. For clarity   |                                     |  |
|           |    |                    | <p>Noting comment above, vegetation Plots 2 and 3 cannot be substantiated as Class G Grassland in their entirety with the information and photographic evidence available.</p> <p>In particular:</p> <ul style="list-style-type: none"> <li>• Photos 2.1 and 2.3 appear to show areas of mature trees around the development site, which do not appear to fit the classification of Class G Grassland;</li> <li>• Photo 3.1 does not clearly support Class G Grassland as the visibility is obscured by trees;</li> <li>• Photo 3.2 does not support the proposed classification as Class G Grassland. The drainage reserve appears to comprise Class A Forest vegetation. It is noted that the drainage reserve and the future Public Open Space to the north are described as Forest within the BMP (recognising the future state)</li> </ul> | Modification to the BMP is required |  |

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|           |    | <p>however this is not clearly depicted on the classification plan or the BAL Contours.</p> <ul style="list-style-type: none"> <li>• Phot 3.5 does not appear to support Class G Grassland and it is not clear what the trees shown have been classified as.</li> <li>• The orchards shown in Photo 3.6 would only be excludable (i.e. only the grassland would be classified) under AS3959 if they are maintained to a low threat condition. The images provided do not clearly support this and evidence of management would be required.</li> </ul> <p>The BMP should detail specifically how the Class G Grassland classification was derived.</p> <p>If unsubstantiated, the vegetation classification should be revised to consider the vegetation at maturity as per AS3959:2018, or the resultant BAL ratings may be inaccurate.</p> <p><b>2. Policy Measure 6.5 c) Compliance with the Bushfire Protection Criteria</b></p> |                   |                        |

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|  |  | Element           | Assessment  | Action                               |  |  |
|--|--|-------------------|---|--------------------------------------|--|--|
|  |  | Location          | <p>A1.1 – not demonstrated</p> <p>The BAL ratings cannot be validated for the reasons outlined in the above table.</p> <p>Figure 5a (BAL Contour) shows the play area impacted by BAL40/FZ. DFES recommends that the area considered as vulnerable uses includes the entire development site and therefore that the APZ should extend from the boundary of the development. While it is noted that an APZ specifically relates to habitable buildings, due to the size of the lot, it is considered that greater hazard separation would be achievable and beneficial at this site (noting future development to the north will comprise road reserve).</p> | Modification to the BMP required.    |  |  |
|  |  | Siting and Design | <p>A2.1 - not demonstrated</p> <p>It has not been demonstrated that the child care centre can achieve BAL-29 or below.</p> <p>The APZ distance is inconsistent throughout the BMP with Section</p>  | Modification to the BMP is required. |  |  |



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|---|---|---|-------------------|------------------------|--------|---|---|--------------|--|--|
|   |   | <p>2.2 referencing 8m, Figure 5a referencing 9m in the key and 12m on the map. It is unclear if the APZ can be achieved within the boundary on west side and future expected boundary on the south</p>  |                   |                        |        |   |   |              |  |  |
|   |   | <table border="1"> <thead> <tr> <th data-bbox="521 603 779 671">Issue</th> <th data-bbox="779 603 1240 671">Assessment</th> <th data-bbox="1240 603 1494 671">Action</th> </tr> </thead> <tbody> <tr> <td data-bbox="521 671 779 1177">Bushfire Emergency Evacuation Plan (BEEP)</td> <td data-bbox="779 671 1240 1177">The referral has included a 'Bushfire Emergency Evacuation Plan' for the purposes of addressing the policy requirements. Consideration should be given to the Guidelines Section 5.5.4 'Developing a Bushfire Emergency Evacuation Plan'. This contains detail regarding what should be included in a BEEP and will ensure the appropriate content is detailed when finalising the BEEP to the satisfaction of the Shire.</td> <td data-bbox="1240 671 1494 1177">Comment only</td> </tr> </tbody> </table> | Issue             | Assessment             | Action | Bushfire Emergency Evacuation Plan (BEEP) | The referral has included a 'Bushfire Emergency Evacuation Plan' for the purposes of addressing the policy requirements. Consideration should be given to the Guidelines Section 5.5.4 'Developing a Bushfire Emergency Evacuation Plan'. This contains detail regarding what should be included in a BEEP and will ensure the appropriate content is detailed when finalising the BEEP to the satisfaction of the Shire. | Comment only |  |  |
| Issue                                     | Assessment  | Action  |                   |                        |        |   |   |              |  |  |
| Bushfire Emergency Evacuation Plan (BEEP) | The referral has included a 'Bushfire Emergency Evacuation Plan' for the purposes of addressing the policy requirements. Consideration should be given to the Guidelines Section 5.5.4 'Developing a Bushfire Emergency Evacuation Plan'. This contains detail regarding what should be included in a BEEP and will ensure the appropriate content is detailed when finalising the BEEP to the satisfaction of the Shire. | Comment only  |                   |                        |        |   |   |              |  |  |
|   |   | <p><u>Recommendation – Compliance with Acceptable Solutions not demonstrated – modifications required</u></p> <p>It is critical the bushfire management measures within the BMP are refined to ensure they are accurate and can be implemented to reduce the vulnerability of the development to bushfire.</p>  |                   |                        |        |   |   |              |  |  |

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|                      |    | <p>The proposed development design has not demonstrated compliance to –</p> <p style="padding-left: 40px;">Element 1: Location, and</p> <p style="padding-left: 40px;">Element 2: Siting and Design.</p> <p>As this planning decision is to be made by a Joint Development Assessment Panel, please forward notification of the decision to DFES for record keeping purposes.</p>  |   |  |
| Department of Health |    | <p>The DoH provides the following comment:</p> <p><b>1. Water Supply and Wastewater Disposal</b></p> <p>In relation to the management of wastewater, the proposal is to install an onsite wastewater treatment system and disposal area. Unfortunately, the proposed location does not meet the Government Sewerage Policy 2019 objectives, that require a 100-metre setback from winter creeks or the seasonal brook. In addition, the site and soil evaluation (SSE) was not undertaken during the wettest time of the year, but rather the warmest time of the year, being mid-January. This could significantly influence the minimum design criteria of the effluent disposal area.</p> <p>The DoH appreciates the lot is currently of significant size and should be able to manage wastewater onsite. Therefore, the department supports the proposal subject to ensuring the following are provided during the planning approval process.</p> <ul style="list-style-type: none"> <li>• As deep sewerage is surrounding the proposal, the DoH recommends connection to deep sewerage as the preferred option and seek costings and schedules for this option vs onsite wastewater treatment options and schedules; If it is not financially viable to connect to deep sewerage.</li> <li>• Another specific site and soil evaluation (SSE) report is required for the above proposal that should be undertaken by a qualified consultant that is conducted during the wettest seasonal time of the year only (Mid-July/August) as per AS/NZS 1547:2012 requirements.</li> </ul> | <p>The Department of Health has supported the proposal, subject to the SSE being revised during the wettest months of the year.</p> <p>The author of the SSE has responded as follows:</p> <ul style="list-style-type: none"> <li>• AS1547 does not require an SSE to be prepared during the wettest months of the year.</li> <li>• There is no need to undertake an SSE during the wet months, as the constant head permeability test saturates the soil to capacity and then</li> </ul> | <p>The site is not proposed to be connected to deep sewerage at this time which surrounds the subject site but is approximately 300m away.</p> <p>The DoH have recommended connection to deep sewer as their preference, however, are satisfied that the site can manage wastewaters onsite. he SSE to be submitted to the Shire for approval on advice by the DoH. It should be noted that subject to a separate approvals process, the</p> |

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|           |    | <ul style="list-style-type: none"> <li>• As the proposed lot is within an environmentally sensitive area, the secondary treatment system (STS) should be engineer Certified detailing the requirements as specified on the DoH website: <a href="https://ww2.health.wa.gov.au/Articles/A_E/Certification-for-installation-of-wastewater-treatment-systems">https://ww2.health.wa.gov.au/Articles/A_E/Certification-for-installation-of-wastewater-treatment-systems</a></li> </ul> <p>To ensure the stormwater catchment and diversion/disposal does not influence or interfere with the efficacy of the effluent disposal area.</p> <ul style="list-style-type: none"> <li>• A plan detailing the proposed building envelopes, all trafficable areas, parking bays and land application area/s with setbacks, exclusion zones and measurements shown for the proposal.</li> <li>• Each onsite wastewater treatment system and disposal area requires a formal application to be submitted to the respective local government for assessment and that will be forward onto the DoH for approval.</li> </ul> <p><b>2. Public Health Impacts</b></p> <p>The site was a former farmhouse and out-buildings and portion of cleared bushland used for grazing. The submission provides no information on the age and construction of the existing buildings, the presence or absence of hazardous materials (including asbestos, fuel tanks, agricultural chemicals etc) or the measures to prevent the release of hazardous materials during any proposed demolition prior to development, causing land contamination.</p> <p>The site is not registered on the Department of Water and Environmental Regulation contaminated sites database. However, the proponent is advised to obtain a Basic Summary of Records to complete their enquiries: <a href="https://www.der.wa.gov.au/images/documents/your-environment/contaminated-sites/Forms/Form-2.pdf">https://www.der.wa.gov.au/images/documents/your-environment/contaminated-sites/Forms/Form-2.pdf</a></p> <p>Consideration should be given to the setback of the facility from the main road. There are currently no guidelines for setbacks of child-care premises from busy roads but there is consistent evidence of adverse short and long-term health outcomes in children exposed to traffic-related air pollution</p> | <p>measures the rate of infiltration. The test requires the wicking ability of the soil to get a result. In simple terms, the test simulates rainy conditions and completely saturates the soil as if it is a wet season.</p> <ul style="list-style-type: none"> <li>• The other items relating to the STS and details of building envelopes, trafficable areas, parking etc will be addressed at detailed design stage of the development.</li> </ul> | <p>wastewater system will have to be approved by the DoH in conjunction with the Shire.</p> |

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|           |    | <p>(TRAP). The DoH recommends a setback of at least 50m for the main buildings and play areas. The DoH also recommends vegetation barriers between the road and the site.</p> <p>3. Food Act Requirements</p> <p>All food related areas (kitchen, preparation areas, etc.) to comply with the provisions of the Food Act 2008 and related code, regulations and guidelines. Details available for download from: <a href="https://ww2.health.wa.gov.au/Articles/S_T/Starting-a-food-business-in-WA">https://ww2.health.wa.gov.au/Articles/S_T/Starting-a-food-business-in-WA</a></p>  |  |   |
| A398230   | 1  | <p>I look to object to this plan for childcare centre on Lot 57 Briggs Road Byford. Reason for my objection is that I bought into this area due to its special zoning, to keep it like the way it is. There are so many places to open child care centre. We already have almost 5 to 6 child care centre in Byford district. To keep Byford suburb, we have got mix of everything. This acre property lots are part of Byford, so they should be kept it is. It is pocket in Byford, that I wouldn't change so please reject this proposal.</p>  | <p>The land is zoned Urban Development under the Shire's LPS2 and is subject to the Byford Area D Briggs Larsen Precinct Local Structure Plan, which contemplates the urbanisation of the site and its surroundings.</p> | <p>The Child-Minding Centre' is a discretionary land use in the 'Residential' zone consistent with the residential designations of the structure plans. This means that the land use can be considered as discussed in the main report.</p> |
| A398408   | 2  | <p>To Whom it may concern</p> <p>I am writing this submission in response to the info pack dating 20 March 2023. It is to do with a school zone and also a childcare centre. I live at 152 Larsen Road and already find this road very busy. Especially at school times. With another school and childcare centre there, it will increase traffic again. Larsen road at school times is already a race track. There is also the problem of traffic trying to get onto the South West Highway. There is one day going to be a serious accident there with people trying to cross the road. The road needs to be widened and also lights or a roundabout. The council</p> | <p>The land is zoned Urban Development under the Shire's LPS2 and is subject to the Byford Area D Briggs Larsen Precinct Local Structure Plan, which contemplates the urbanisation of the site and its surroundings.</p> | <p>A Child Minding Centre can be considered in the location as discussed in the main report</p>   |

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|           |    | <p>needs to continue George Street through to relieve traffic from the h/way. We also bought our property because of the fact it was rural and that blocks needed to be 1 acre. Now right behind our property you have drawn in small blocks. This is NOT in rural plans. It also increases the risk of break-ins as people will be jumping the fences. My wife and I certainly DO NOT support the blocks behind the 1 acre properties on Larsen Road. This submission is all about the council trying to get more blocks in and rates, when they should be trying to enhance the country lifestyle we and lots of other people bought our properties in Byford for. Surely from the previous submission we received last year you as council would have found that the people on Larsen Road do NOT support the subdivision behind their properties.</p> | <p>The application is supported by a traffic assessment prepared by a suitably qualified / experienced traffic engineer, demonstrating minimal impact to the surrounding road network. It is also understood the Shire is intending to address local traffic conditions as part of future detailed planning.</p> |   |
| A202312   | 3  | <p>I am all for progress and have nothing against the proposal. My problem is Briggs Road not having footpaths and adequate lighting to host these changes for the kids and cars expected to use it.</p>  | <p>Footpaths and urban infrastructure will be delivered as part of subdivision / development occurring in accordance with local structure plans.</p>   | <p>This matter has been discussed in the traffic section of the report. To address the concerns raised a condition of approval has been recommended to require footpaths to be constructed. The footpaths should be extended to link to the footpath network (existing) on Larsen Road.</p> |

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| A404541   | 4  | <p>We do not object to this proposal in principle, however, we think there needs to be an upgrade to the Briggs Road and Thomas Road intersection, and Briggs Road itself to Abernethy Road for the below reasons;</p> <ul style="list-style-type: none"> <li>• The childcare centre proposed for the site along Briggs Road is bound to place more traffic volume through the already dangerous intersection of Briggs Road and Thomas Roads, Briggs Road is also very narrow and in poor condition</li> <li>• The upgrade to the above mentioned roads would hopefully also encourage traffic which currently use Eurythmic Road, Marlarkey Road, Ballawara Avenue and Kardan Avenue as a 'rat run' from Thomas Road through to the Abernethy Road schools and shops area to use a newly created more streamlines option</li> <li>• A reduction or at least no increase in traffic along 4 suburban streets and intersections is surely a safety positive</li> </ul> | <p>The application is supported by a traffic assessment prepared by a suitably qualified / experienced traffic engineer, demonstrating minimal impact to the surrounding road network. It is also understood the Shire is intending to address local traffic conditions as part of future detailed planning.</p> | <p>This has been discussed in the traffic section of the report.</p>  |
| A398341   | 5  | <p>1<sup>st</sup> - Why do we need another child care centre within meters of the proposed site lot 9511. Two centres literally across the road from each other will only cause major traffic congestion for Briggs Road.</p> <p>2<sup>nd</sup> – will Briggs Road be widened as it is only a single lane carriage way with table drains on either side, making it dangerous to overtake a turning vehicle, our concern lies with the congestion of traffic</p>  | <p>The application is supported by a traffic assessment prepared by a suitably qualified / experienced traffic engineer, demonstrating minimal impact to the surrounding road network. It is also understood the Shire is intending to address local traffic conditions as part of future detailed planning.</p> | <p>This has been discussed in the traffic section of the report. A condition of approval is recommended to require a financial contribution to resurfacing of the road, to ensure that the very bad section of Briggs Road would be upgraded.</p> |

**SUMMARY OF SUBMISSIONS**  
**PA23/172 – Lot 57 Briggs Road, Byford – JDAP – Proposed Child Care Centre**

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|-----------|----|--|--|---|
| A400670   | 6  | <p>No complaints here.</p> <p>Perhaps when centre and proposed school is finished it may well reduce the speed limit for a safer community.</p>  | Noted.   |   |
| A398231   | 7  | <p>This letter is written in comment to the Proposed Child Minding Centre-Lot 57 Briggs Road, Byford.</p> <p>As the owner of property on Larsen Road Byford I wish to comment that I am not in favour of the proposal.</p> <p>The proposal is too much for the area considering there are in excess of four Child Minding Centres already withing 1km of the proposed. There are already two on Larsen Rd, one directly across the South Western Highway and multiple more on the west side of the site also.</p> <p>The proposal hence creates an overall planning layout of proposed new blocks directly behind our larger Rural Living A lots and is not a good design as these properties are quite large and have sheds, animals, etc already established on them and so having small properties directly behind and next to these will create trouble and privacy issues for these properties. It should be proposed that another row of larger blocks as proposed in the plan can back onto the existing Rural Living A blocks and then have the access road in front of them. This will create good privacy for both existing and new proposed lots.</p> <p>This needs to be addressed as this proposal and overall structure plan will create a lot of problems for these larger blocks, that are already existing, and to maintain the existing privacy of these larger blocks with the higher density living, the proposed Child Minding Facility in this location is not supported. This proposal will adversely affect these existing properties, which should not be allowed considering that these properties have been established in place for many years already and the new proposed plan</p> | <p>The perceived oversupply of a land use is not a relevant planning consideration. Child Care Premises is a use contemplated on the site by virtue of its Residential zoning allocation under the Byford Area D Local Structure Plan. The proposed development is consistent with the applicable planning framework and warrants approval.</p> <p>The subdivision layout shown on the proposed plans is not proposed by this application. The layout was taken from the subdivision guide plan contained in the Byford Area D Local Structure Plan.</p> | <p>The planning framework does not specifically limit the number of business types to an area, recognising competitive neutrality as an important component of a market led economy.</p> <p>As discussed in the main report the current situation pertaining to a lack of available childcare places has been considered.</p> |

**SUMMARY OF SUBMISSIONS**

**PA23/172 – Lot 57 Briggs Road, Byford – JDAP – Proposed Child Care Centre**

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|-----------|----|---|-----------------------|--|
|           |    | <p>needs to provide minimal disruption and changes to these existing properties.</p> <p>If you require any further information or comment relating to this comment please feel free to contact me.</p> <p>I trust that these comments will be taken into consideration and not dismissed as it should be the right of us to make comment and changes made accordingly if required.</p>  |                       |  |
| A398407   | 8  | <p>This letter is written in comment to the Proposed Child Minding Centre-Lot 57 Briggs Road, Byford.</p> <p>As owners of property on Larsen Road Byford I wish to comment that I am not in favour of the proposal.</p> <p>The proposal is too much for the area considering there are in excess of four Child Minding Centres already withing 1km of the proposed. There are already two on Larsen Rd, one directly across the South Western Highway and multiple more on the west side of the site also.</p> <p>The proposal hence creates an overall planning layout of proposed new blocks directly behind our larger Rural Living A lots and is not a good design as these properties are quite large and have sheds, animals, etc already established on them and so having small properties directly behind and next to these will create trouble and privacy issues for these properties. It should be proposed that another row of larger blocks as proposed in the plan can back onto the existing Rural Living A blocks and then have the access road in front of them. This will create good privacy for both existing and new proposed lots.</p> <p>This needs to be addressed as this proposal and overall structure plan will create a lot of problems for these larger blocks, that are already existing, and to maintain the existing privacy of these larger blocks with the higher density living, the proposed Child Minding Facility in this location is not supported. This proposal will adversely affect these existing properties,</p> | Refer comments above. | <p>The planning framework does not specifically limit the number of business types to an area, recognising competitive neutrality as an important component of a market led economy.</p> <p>As discussed in the main report the current situation pertaining to a lack of available childcare places has been considered.</p> <p>Potential amenity impact to future residential lots have been discussed in the main report.</p> |

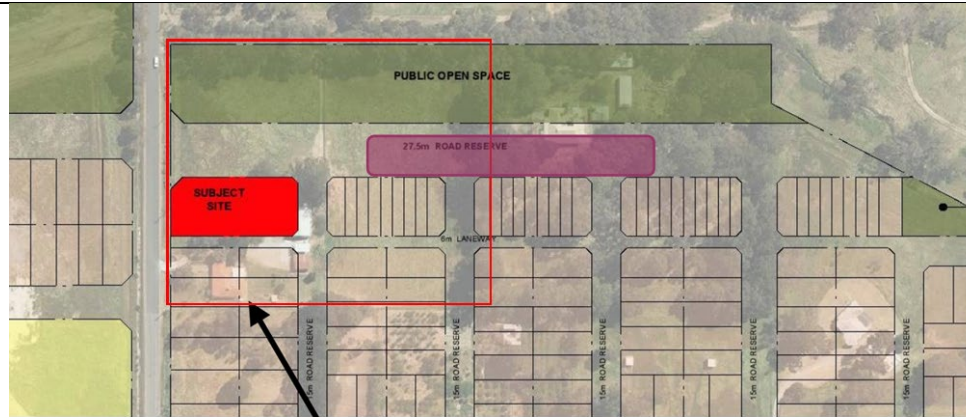


**SUMMARY OF SUBMISSIONS**  
**PA23/172 – Lot 57 Briggs Road, Byford – JDAP – Proposed Child Care Centre**

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|-----------|----|--|---|--|
|           |    | <p>which should not be allowed considering that these properties have been established in place for many years already and the new proposed plan needs to provide minimal disruption and changes to these existing properties.</p> <p>If you require any further information or comment relating to this comment please feel free to contact me.</p> <p>I trust that these comments will be taken into consideration and not dismissed as it should be the right of us to make comment and changes made accordingly if required.</p>   |   |  |
| A6119     | 9  | <p>I am a longstanding landowner and ratepayer within the Shire.</p> <p>I <u>strongly object</u> to the proposed Child Minding Centre.</p> <p>On the whole, the development is premature as the appropriate infrastructure is not or will not be in place to support the facility. The development is not in line with proper and orderly planning.</p> <p><b>Issues with the lack of sewer and the Site Soil Evaluation (SSE)</b></p> <p>The Byford Area D Briggs Larsen Precinct LSP (the LSP) contemplates that the site will be serviced by reticulated sewer however the application is not proposing to connect to sewer. I consider the development should not be permitted without the connection to sewer.</p> <p>The application proposes the use of a Land Application Area (LAA) which is not in compliance with the Government Sewerage Policy (2019) and this is a critical flaw.</p> <p>Only a portion of Lot 57 is planned for this development (i.e., childcare centre) – with all other areas of the site being earmarked for either residential lots, road reserves and public open space (refer image below) – the subject site is shaded red, with the red square indicating the approximate Lot 57 boundary. The purple shading is the currently proposed LAA.</p> | <p>The proposed development has been designed in a manner which allows it to be established under current site conditions and ultimate site conditions.</p> <p>The SSE was produced by a suitably qualified and experienced scientist, and has been reviewed by external authorities. Some minor comments were received which are entirely capable of being addressed during detailed design stage as necessary.</p> <p>The approach of adopting a temporary onsite</p> | <p>As discussed in the main report a condition has been recommended requiring an updated Site Soil Evaluation (SSE) to be submitted to reflect Department of Health (DoH). The SSE to be submitted to the Shire for approval on advice by the DoH. It should be noted that subject to a separate approvals process, the wastewater system will have to be approved by the DoH in conjunction with the Shire. This provides a second assessment process to ensure the</p> |

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Given the future land use planned for the site, the proposed LAA has been positioned underneath a future road reserve and is also extending into the neighbouring Lot 58. Given the area requirements, the LAA would also be unable to be accommodated within the subject site (i.e. the childcare centre site). Table 4 of Schedule 2 of the Government Sewerage Policy (2019) details the minimum site requirements, which are considered not to be met:

- The land application area includes the area restricted to the distribution of treated sewage only and should be kept free of any temporary or permanent structures.
- Activities within the land application area should not interfere with the function of the current and future land application system and people should avoid potential contact with effluent residues.
- Unless specifically allowed for in the design, the land application area should:
  - o Not be built on or paved in a manner that precludes reasonable access

effluent disposal system is entirely appropriate.

It is important to recognise that the use of onsite effluent disposal is a temporary measure. When subdivision and urbanisation of Lot 57 occurs, the onsite effluent system will be decommissioned and a sewer connection created. This would occur at the time the adjoining roads are constructed, as future services are understood to be planned as part of the future road network.

The application is supported by a traffic assessment prepared by a suitably qualified / experienced traffic engineer, demonstrating minimal impact to the surrounding road network. It is also understood the Shire is intending to address local

system is compatible with the land and broader area.

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|           |    | <ul style="list-style-type: none"> <li>o Not be subject to vehicular traffic (other than a pedestrian controlled lawnmower)</li> <li>o Not be subject to regular foot traffic such as pathways and clothes line areas; and</li> <li>o Should be kept in a manner which enables servicing and maintenance of the disposal system.</li> </ul> <p>In consideration of the above and the current development plan provided in the SSE, the critical flaw in this proposal is that the LAA cannot be accommodated in the subject site, nor can it reasonably be accommodated in the remaining area within Lot 57 due to the planned future land uses.</p> <p>There are a number of other issues with the SSE.</p> <p>The site is located within a sewerage sensitive area “Estuary Catchment of the Swan Coastal Plain” and as such requires a groundwater separation distance of 1.5 m from the highest known / demonstrated groundwater level encountered at the site to the LAA.</p> <ul style="list-style-type: none"> <li>• The SSE incorrectly explained the site is not within a sewerage sensitive area and only requires 0.6 – 1 m groundwater clearance beneath the LAA.</li> <li>• As such, the report also fails to detail the requirement that wastewater needs to be treated via a secondary treatment system with additional nutrient removal.</li> </ul> <p>All fieldwork was undertaken in January 2023. The Government Sewerage Policy (2019) requires field investigations to be conducted at the end of winter to be able to demonstrate the likely maximum groundwater level at the site when there is insufficient groundwater data – given the time of year the investigations were undertaken and the lack of any other groundwater data – this has not been adequately demonstrated.</p> <p>Given the excavator encountered refusal at depths of 1.3 and 1.4 meters below ground level – it could be reasonably assumed that this geology may</p> | <p>traffic conditions as part of future detailed planning.</p> |                        |

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|           |    | <p>result in perching of infiltrated water. This has not been considered with respect to clearance to groundwater in the LAA design.</p> <p>The site investigation test pits were not conducted in the location of the proposed LAA – this presents some uncertainty in the overall findings.</p> <p><b>Traffic and Road Issues</b></p> <p>The centre is proposed to be developed before the adjacent road network is completed.</p> <p>The application is proposing temporary access to Briggs Road until Indigo Parkway is constructed on the east side of Briggs Road.</p> <p>This interim access is located broadly opposite the new Briggs / Indigo intersection. Australian Standards AS2890 provides advice on the appropriate location of access driveways and advises against locating driveways within the area of an intersection.</p> <p>I do not believe sufficient consideration or justification has been provided for the interim access.</p> <p>The Transport Impact Statement for the application states “[t]his report will mainly focus on the Stage 1 of this development, where only Childcare Centre and an interim driveway access to Briggs Road are completed ...”. The application does not adequately address how the development will fit within the ultimate road network.</p> <p>The LSP states in Part Two, Section 5.5.2 that “direct lot access to Indigo Parkway is not provided”. The proposal seems to be inconsistent with the LSP as it references that under the ultimate road network, an exit only crossover to Indigo Parkway is proposed. No explanation has been given for the inconsistency.</p> |                   | <p>As discussed in the main report the e predicted AM/PM trip generation peak periods fall under the ‘moderate impact’ category according to WAPC Transport Impact Assessment Guidelines.</p> |

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#### PA23/172 – Lot 57 Briggs Road, Byford – JDAP – Proposed Child Care Centre

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|           |    | <p><b>Developer Contribution Arrangements</b></p> <p>In the event the development is permitted (despite my view that it should not be permitted in its current form), it is expected that the appropriate developer contribution arrangements would be levied on the developer.</p> <p>I look forward to my comments being considered and appropriately addressed by the Shire.</p>   |  |                        |
| A400875   | 10 | Support the proposal - May be there will be an increase in morning traffic.   | Noted.   | Noted                  |
| A406347   | 11 | <p>Object to the proposal.</p> <p>I strongly object to the proposed Child Care Centre on the portion of Lot 57 Briggs Road, Byford for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The proposal is inappropriately located on the eastern side of Briggs Road where parents and children have to cross over a busy Briggs Road to get to and from a future primary school (bounded by Caspian Chase, Briggs Road, Eurythmic Road, and Delianuova Street). This will create traffic congestion, traffic conflicts, and traffic chaos in the immediate local area causing confusion and an unsafe traffic and pedestrian environment. The intersection of Briggs Road and Indigo Parkway will become an uncontrolled intersection for cars and pedestrians trying to cross Briggs Road. It is unsafe, dangerous, and a recipe for accidents.</li> <li>2. Byford is in need of a childcare centre. However, the location of this proposal is contrary to the orderly and proper planning for a childcare centre. It is on the wrong side of a future primary school. It is impractical for any parents to either drop their primary school-aged children at the future primary school and then hop in their cars to drop the younger children for child care, or vice versa. Doing it any other way would require crossing over a busy Briggs Road.</li> <li>3. It is unacceptable for the proposal to be connected to an alternative effluent disposal system when the sewer is available in the area and can</li> </ol> | <p>The application is supported by a traffic assessment prepared by a suitably qualified / experienced traffic engineer, demonstrating minimal impact to the surrounding road network. It is also understood the Shire is intending to address local traffic conditions as part of future detailed planning.</p> <p>Briggs Road is currently constructed to a rural standard. It will be upgraded to an urban standard as urbanisation occurs in the locality, which will enhance connectivity between the</p> |                        |

### SUMMARY OF SUBMISSIONS

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|-----------|----|--|---|------------------------|
|           |    | <p>be readily connected. It is totally unacceptable for our children to be exposed to treated wastewater through irrigation be it surface spray or dripline. A Child Care Centre is a highly sensitive land use and must be treated with the highest level of scrutiny. A childcare centre must be connected to a deep sewer. For the protection of the children's health, the proposal cannot be serviced by other alternative effluent disposal system.</p> <p>4. The proposal is located in a non-established part of Byford. With the approval of the Local Structure Plan, there will be many disruptions and construction activities, and lots of infrastructure construction activities causing traffic, noise, dust and negative impacts on the health, safety and well-being of young children.</p> <p>5. The proposal is contrary to the Department of Planning, Lands, and Heritage (DPLH) Draft Position Statement: Child Care Premises as it is NOT co-locating with schools, is not part of the development of childcare premises during the preparation of a Local Structure Plan. The proponent has not adequately demonstrated that the proposed development will not create unsafe conditions for the children and families, or pedestrians, cyclists and vehicles using the roads near childcare premises. The proponent has not prioritised children's health and safety by reference to the Act and Regulations that apply guidance and standards for existing and future childcare premises.</p> <p>6. The proposal will take away the Residential R60 density earmarked for future residential dwellings thereby reducing the dwelling yield forecast in Byford. The site is unsuitable and not well-planned for a child care centre as it was not envisaged and planned during the preparation of the local structure plan. It is an afterthought and probably tied up in a contract to purchase from the current landowner. The Shire is the custodian of making sure the approved Local Structure Plans are implemented as per the approval. That means the proposed child care centre east of Briggs Rd should not be approved without the Indigo</p> | <p>child care facility and the surrounding areas.</p> <p>The approach of adopting a temporary onsite effluent disposal system is entirely appropriate, given a sewer connection is not currently feasible or possible.</p> <p>It is important to recognise that the use of onsite effluent disposal is a temporary measure. When subdivision and urbanisation of Lot 57 occurs, the onsite effluent system will be decommissioned and a sewer connection created. This would occur at the time the adjoining roads are constructed, as future services are understood to be planned as part of the future road network.</p> <p>The Byford Area D LSP guides the detailed planning for the locality, and is to be given due regard in the assessment</p> |                        |

**SUMMARY OF SUBMISSIONS****PA23/172 – Lot 57 Briggs Road, Byford – JDAP – Proposed Child Care Centre**

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|           |    | <p>Parkway alignment issue being resolved together with its construction, the roundabout at Briggs Rd / Indigo Parkway must also be built (because this proposal triggers the need and nexus), the construction and contribution of Public Open Space. It is emphasised that all the requirements of the approved Local Structure Plan will have to be imposed on the proposed development if approval were contemplated to ensure the Public Open Space contribution, construction of a roundabout at Indigo Parkway and Briggs Road together with all the Development Contribution Plan requirements for the east side of Briggs Road to be fulfilled and satisfied.</p> | <p>of this application. The proposed child care premises is a use capable of consideration in the Residential zone which is allocated to the site and is consistent with the applicable planning framework.</p> |                        |
| A407904   | 12 | <p>My comments to your planning site in Byford as long as your intention is good for the community and have more benefit to the natural beauty of our area. I think no problem. Hope it's nice to live here.</p>   | Noted and agreed.   | Noted                  |