

NEW SUMMARY OF SUBMISSIONS

**Lot 2 (No. 640) South Western Highway. Byford / Amendment to Byford District Structure Plan
Urban Development to Commercial / PA19/971**

Submitter	No	Submitter Comments	Applicant Comment	Officer Comment/ Recommendation
<p align="center">ATCO IN19/28119</p>	<p align="center">1.</p>	<p>Thank you for your recent correspondence via email to ATCO Gas Australia Pty Ltd (ATCO) dated 12 December, 2019 inviting ATCO's comment on the proposal by the Shire of Serpentine-Jarrahdale (the Shire) to facilitate the rezoning of Lot 2 (No. 640) South Western Highway, Byford.</p> <p>ATCO does not currently operate any gas mains or infrastructure within Lot 2. ATCO do operate a medium pressure gas main (DN63PE MP 70kPa) within the adjacent road reserve of Hay Road.</p> <p>ATCO has no objection to the Amendment to the Structure Plan to register with the Shire for the rezoning of Lot 2 from 'Residential R20' to 'Commercial'.</p>	<p>The applicant notes ATCO has no objection to the proposed Structure Plan amendment and proposed 'Commercial' classification of the subject site.</p>	<p>Noted – The applicant should seek further information from ATCO at the subdivision and development application stage.</p>
<p align="center">Department of Fire and Emergency Services DFES</p>	<p align="center">2.</p>	<p>I refer to your email dated 12 December 2019 regarding the submission of a Bushfire Management Plan (BMP) (Version 1.2), prepared by Natural Area dated 31 October 2019, for the above structure plan amendment.</p> <p>It should be noted that 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 that the proposal complies with all other relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining necessary approvals that may apply to the proposal including planning, building, health or any other approvals required by a relevant authority under other written laws.</p>	<p>The applicant notes DFES's support and recommendation that the proposed Structure Plan amendment proceed.</p> <p>We also note DFES's advice that further consideration be given to SPP3.7 compliance and bushfire protection in subsequent planning and development stages. This is required irrespective of the site's classification under the Structure Plan, and is not of consequence to this particular Structure Plan amendment.</p>	<p>Noted – The applicant should seek further information from DFES at the subdivision and development application stage.</p>

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Assessment

1. Policy Measure 6.3 a) (ii) Preparation of a BAL contour map

Issue	Assessment	Action
BAL Contour Map	The BAL calculation table and aerial imagery has not categorised the areas of vegetation into plots. The information contained under Table 1 of the BMP requires plot numbers that correlate to aerial imagery and photographic evidence to support the vegetation classifications.	Modifications required. Demonstrate compliance with the methodology in Appendix Three of the Guidelines.
Vegetation Exclusion	Area 5 – not demonstrated Area 5 has been excluded from classification under exclusion clause 2.2.3.2 (f) in the BMP. However there is no enforcement mechanism to accept this exclusion and ensure that the area in question will be maintained as low threat as per AS3959 in perpetuity. Provide substantiated evidence or alternatively, modify the Vegetation Classification Map and BAL contour map to the worst-case scenario. Please note that classification of Area 5 may impact the exclusion of Area 1.	Further information required. Provide substantiated evidence and verification to support classification as per AS 3959.

2. Policy Measure 6.3 c) Compliance with the Bushfire Protection Criteria

Element	Assessment	Action
Location	A1.1 – not demonstrated The BAL Contour map cannot be validated for the reason(s) highlighted in the above table. Therefore, compliance to this Element has not been demonstrated.	Modification required. Resolve issues in the table above to ensure compliance to Element 1.

Recommendation – supported subject to modifications

At the structure planning stage, consideration should be given to the intensification of land use and how this relates to identified bushfire hazards at this location. DFES is not satisfied that the BMP has adequately considered how compliance with the bushfire protection criteria can be achieved at subsequent planning stages. As the modifications will not affect the structure plan amendment,

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		<p>DFES recommends the amendment proceed and the applicant be advised that these modifications be undertaken to support subsequent stages of the planning process (subdivision & development applications).</p>		
<p>Main Roads WA MRWA IN20/2391</p>	<p>3.</p>	<p>In response to your correspondence received on 19 December 2019, Main Roads does not support the proposal. The following comments are provided;</p> <ul style="list-style-type: none"> • Main Roads WA key issues relate to access, traffic lights, function and capacity of the Road Network and pedestrian/vehicular conflict. • Main Roads is unable to support the proposed Structure Plan amendment in its current form. The impact upon the operation and function of the State Road network is uncertain. • The Transport Impact Assessment (TIA) presented is incomplete. Based on the information presented it is uncertain if the road network can accommodate. A revised and robust TIA is required to be undertaken. This information is required to enable the road authority to understand the anticipated impact of possible commercial land uses and to ensure the TIA reflects the planning context of the structure plan. <p>The following matters should be addressed;</p> <p>1. Absence of SIDRA files</p> <p>The SIDRA files in version 8 have not been provided for review. This information forms part of TIA assessment. The TIA is incomplete without this data, which informs the traffic assessment.</p> <p>2. Trip Generation</p> <p>Further justification is required regarding the trip generation rates adopted. All trip generation rates must be appropriately referenced the source data (e.g. Institute of Transport Engineers Trip</p>	<p>We note that MRWA does not support the proposed Structure Plan amendment. However, the issues raised in its submission appear to go far beyond the scope of what is reasonably considered at a Structure Planning stage.</p> <p>An updated TIA has been provided in response to the matters raised by MRWA, noting that: SIDRA files have been provided in response to MRWA comments.</p> <p>Trip generation rates referenced in Section 5.2 of the updated TIA are now updated and appropriately referenced as requested. Trip rates have been sourced from both the <i>ITE Trip Generation Manual, 10th Edition</i> (Category 945) and the <i>RTA guide to Traffic Generating Developments</i> for 'Highway Commercial'</p>	<p>Noted. MRWA are not supportive of the proposed structure plan amendment.</p> <p>Development on the site is required to consider the impacts and constraints of the site, the existing character of the area and the desired future character.</p> <p>An assessment of the compatible land uses in relation to the existing residential characteristics need to factor in the potential impacts of commercial uses on the site and adjoining sensitive land uses.</p> <p>The strategic location of the site as an entry statement into Byford requires that additional design requirements are attributed to the site to ensure a high quality outcome is achieved.</p> <p>It is recommended that the Byford District Structure Plan amended to appropriately restrict non residential uses to a very specific set that:</p> <ul style="list-style-type: none"> • Addresses the unique context

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	<p>Generation Manual ITE (Land Use Code) or RMS Guide to Traffic Generating Developments (section reference and date)).The Trip Generation rate remains unverified as the sourced data has not been appropriately referenced and the actual commercial land use has not been identified. It is unclear if the TIA produced reflects the planning context of the Structure Plan.</p> <p><i>The TIA states "The traffic generated by the amended structure plan has been predicted by applying trip generation rates sourced from other the institute of Transportation Engineers' (/TE) Trip Generation Manual, 10th Edition and the RTA Guide to Traffic Generating Developments for commercial type uses'. This statement is unclear. What commercial land use trip generation rates were used (e.g. office, supermarket, service station, bulky goods etc.)? How was the rate determined for this assessment? The trip generation rates source and the commercial land use are unidentified. The proponent need to demonstrate why the methodology adopted is appropriate to use for this structure plan.</i></p> <p>3. Worst-case scenario for trip generation</p> <p>The TIA has not considered worst-case scenario for trip generation. The TIA indicates the worst-case scenario has been considered, but does not detail what the worst-case scenario is or the land. The applicant is to clarify what land use and trip generation rate is considered to be the worst-case scenario in terms of traffic generation. It is recommended the proponent reviews the town planning scheme to determine what land uses could be entertained with the commercial zone.</p> <p>4. Traffic Surveys</p> <p>On-lands Traffic Surveys undertaken in 2017 are referred to in TIA. The survey data should be included in the TIA as an appendix to enable such data to be reviewed and determined if this data it is fit for purpose. Clarification regarding the survey data is required.</p>	<p>type land uses. As stated in the updated TIA, the traffic generation rates are reflective of the worst-case scenario, as are assumptions regarding the passing trade component.</p> <p>We also provide the following additional responses in response to the other (non-technical) comments made by MRWA: There is no development proposal for the land at present, hence no specific access arrangements proposed in terms of crossovers. The existing Structure Plan does not contain site specific access limitations (for the subject site or any other). The scope of the proposed Structure Plan amendment, being to change the site's classification from Residential to Commercial, does not necessitate such detailed considerations at this stage. The <i>South Western</i></p>	<ul style="list-style-type: none"> • Reflects Council's Draft Byford District Structure Plan • Protects residential amenity • Does not comprise traffic safety • Enables a flexible framework to encourage future optimal development.
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- All access to this site shall be via Hay Street being the local road. This requirement is consistent with Policy No DC 5.1 Regional Roads (Vehicular Access). This advice has previously been provided to Council regarding this site.
- In terms of future development adjacent to South Western Highway, it is important to be aware of the South Western Highway Access Strategy when considering any form of structure plan. The access plan is attached for your convenience. This plan has been developed in consultation with Council.
- The proposal is inconsistent with Perth to Peel @ 3.5 million. This land is not nominated as a commercial centre. It is questionable if a commercial land use is the most appropriate use for this site. How will this impact upon existing commercial centres and this proposal may promote ribbon development upon this section of the road network. Have other zonings been considered such as public purpose or recreation?



Highway Access Strategy (SWHAS) extracts provided by MRWA appear to be dated December 2010, in any event, do not align with the planning framework as established by the existing Structure Plan. For example, properties identified by the Structure Plan for commercial activities (i.e. Town Centre, Neighbourhood Nodes) on the eastern side of South Western Highway are not identified as commercial on the SWHAS. Similarly, properties between Larsen Road and Evans Way are classified as 'Highway Commercial' under the Structure Plan, but shown as 'Public and Community Purposes' on the SWHAS plan. In this respect, the relevance and usefulness of the SWHAS in considering the proposed Structure Plan amendment is questionable. The SWHAS extracts provide no meaningful

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guidance or additional information relevant to proposed Structure Plan amendment for this site. The subject site is simply identified as 'Urban Development' and confirms the alignment of adjacent road reserves. Contrary to the assertions of MRWA, the proposal is not inconsistent with Perth and Peel@3.5million. The subject site is simply identified as 'Urban' in the Sub-Regional Planning Framework, which can include a variety of residential, commercial and other urban activities. Furthermore, only Strategic Metropolitan, Secondary, District and Specialised activity centres are mapped at this regional/sub-regional level, with the location of lower order neighbourhood and local activity centres to be identified in local planning frameworks (including structure plans). It is not clear why MRWA

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			<p>(a roads authority) are questioning the proposal's impact on other existing centres. Regardless, the proposal has been supported by a Retail Needs Analysis report, confirming an undersupply of retail and commercial floorspace in the Byford locality, and no negative impacts on other nearby centres. Ribbon development is not proposed, given the subject site is nearly 0.7km away from the next closest planned commercial site (on the southern side of Larsen Road).</p> <p>The Structure Plan amendment proposal has comprehensively considered the range of relevant factors in determining the most appropriate zoning for the site, being 'Commercial'. We also note that 'Public Purposes' and 'Recreation' (as suggested for consideration by MRWA) are not zones but reserves, and typically</p>	
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			<p>apply to publicly owned / managed land. Such classifications are wholly inappropriate for the subject site, for various reasons including:</p> <p>The site's private (not public) ownership.</p> <p>The site's contamination status and restrictions under the <i>Contaminated Sites Act 2003</i>.</p> <p>The unsuitability of the site for such purposes given its relatively small size and peripheral location.</p>	
<p>Department of Water and Environmental Regulation IN20/1564</p>	<p>4.</p>	<p>Thank you for providing the Byford District Structure Plan Amendment - Lot 2 South Western Highway for the Department of Water and Environmental Regulation (Department) to consider.</p> <p>The Department does not object to the Byford District Structure Plan Amendment and has no comments.</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>The applicant notes that the DWER does not object to the proposed Structure Plan amendment and proposed 'Commercial' classification of the subject site.</p> <p>We also note that the DWER is the agency responsible for administering the <i>Contaminated Sites Act 2003</i>. The DWER's non-objection to the proposal is notable given the site is a registered contaminated site under the Act, and not capable</p>	<p>Noted – It is identified that the site is contaminated and that further information will be required to be provided at development application stage.</p> <p>To ensure a compatible land use is proposed and that appropriate remediation works are undertaken to utilise the site.</p>

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			<p>of being used for residential or other sensitive uses. Further email advice from the DWER dated 12 February 2020 confirms that:</p> <p><i>“Lot 2 is registered in the Department’s GIS database as a former Shell Service Station. The lot is classified as ‘Remediated for restricted use’. This means that the land should not be used for what is considered a sensitive land use. Examples of sensitive land uses are hospitals, schools, nursing homes, child care facilities and other uses which require high levels of amenity.</i></p> <p><i>The amendment seeks to rezone the land as commercial and this is not considered a sensitive land use unless amenity issues, such as incorporation of park areas and playgrounds, were to be included within the commercial area. The Department</i></p>	
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			<i>would assess any commercial development for the lot on this basis should the Shire of Serpentine Jarrahdale refer a development application to it."</i>	
Water Corp IN19/28331	5.	<p><u>Water and Wastewater</u> Reticulated water and sewerage services are currently available to the subject Lot to serve the proposal. (See attached Plan)</p> <p>The proposed changes to the Structure Plan do not appear to impact on the Water Corporation's infrastructure or operations.</p> <p>Development on the Subject Lot will also require approval by our Building Services section prior to 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: https://www.watercorporation.com.au/home/builders-and-developers/building/lodging-a-building-application/single-residential-application</p> <p>Please provide the above comments to the land owner, developer and/or their representative.</p>	<p>The applicant notes that reticulated water and sewerage services are available to the subject site, to facilitate future commercial development of the site. The proposed Structure Plan amendment does not impact on the WaterCorp's infrastructure or operations.</p> <p>We also note that the WaterCorp has not registered any objection to the proposed Structure Plan amendment and proposed 'Commercial' classification of the subject site.</p>	Noted – The applicant should seek further information from Water Corp at the subdivision and development application stage.
Telstra IN20/54	6.	<p>Thank you for your communication dated 12/12/2019 in relation to the location specified above.</p> <p>The purpose of this letter is to notify you that Telstra's plant records indicate that there are Telstra assets located within the area of the</p>	<p>The applicant notes Telstra's advice with respect to the presence of Telstra assets in the area, and Dial Before</p>	Noted – The applicant should seek further information from Telstra at the development application stage.

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	<p>proposal. We note that our plant records merely indicate the approximate location of the Telstra assets and may not be up to date. These records should not be relied upon by you as they may not depict a true and accurate reflection of the exact location of the assets.</p> <p>We suggest that you contact Dial Before You Dig for a detailed site plan and engage a Telstra Accredited Plant Locator (APL) to determine the exact location of the asset. To obtain a list of Telstra Accredited Plant Locators (APL) please phone 1100 or visit www.1100.com.au.</p> <p>Once the precise location of the Telstra assets has been established, you can either arrange for the Telstra assets to be relocated or re-align your proposal to ensure they are no longer impacted.</p> <p>Telstra's Asset Relocation team can be engaged to obtain a quote to relocate the assets from the location in question. The relocation of the assets are carried at the cost of the disturber. Please phone 1800 810 443 or email F1102490@team.telstra.com to arrange for an asset relocation.</p> <p>Alternatively, once your proposal has been re-aligned to eliminate any impact to Telstra's assets, please contact F0501488@team.telstra.com for a re-evaluation of your proposal so that Telstra can be assured that its assets will not be affected by your development.</p> <p>As these assets comprise an essential component of the Telstra network, we take this opportunity to highlight Telstra's rights and requirements to ensure that they are understood. The following is stated for your information: (1) As you may be aware, Telstra's existing facilities are grandfathered under the <i>Telecommunications Act 1997</i> (Cth). Schedule 3 of the Telecommunications Act enables such facilities to legally occupy land in perpetuity for the duration of that facilities'</p>	<p>You Dig recommendations prior to undertaking more detailed site planning/development activities.</p> <p>We also note that Telstra has not registered any objection to the proposed Structure Plan amendment and proposed 'Commercial' classification of the subject site.</p>	
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		<p>use.</p> <p>(2) Part 1 of Schedule 3 of the <i>Telecommunications Act 1997</i> (Cth) authorises a carrier to enter land and exercise any of the following powers</p> <ul style="list-style-type: none"> - inspect the land - install a facility - maintain a facility <p>In the case of installation and planned maintenance a notification will be afforded and such work will generally proceed during business hours. However, from time to time, certain activities need to be carried out without delay in order to protect the integrity of the network. Such activities may require access without notice and at any time of the day or night.</p> <p>(3) If you subdivide the land at any time in the future it may become necessary, in the opinion of Telstra to remove, or alter the position of a facility. In these circumstances the carrier may enter the land and do anything necessary or desirable for that purpose. Under clause 53 of Schedule 3 to the Telecommunications Act, the person who proposes to subdivide the land is liable to pay the carrier the reasonable cost of anything reasonably done by the carrier in this regard.</p> <p>(4) There is a requirement that all access to Telstra's network is facilitated by Telstra, via the normal channels available to all customers Australia wide. Tampering with, or interfering with telecommunications infrastructure or a facility owned or operated by a carrier (being Telstra) is an offence under the <i>Criminal Code Act 1995</i> (Cth). Heavy penalties may apply for breach of this prohibition, and any damages suffered, or costs incurred, by Telstra as a result of any such interference may be claimed against you. This means that you are not permitted to interfere with, repair or relocate Telstra's infrastructure, either personally or through a contractor without approval and authorisation from Telstra.</p>		
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		<p>(5) Individuals owe Telstra a duty of care that must be observed when working in the vicinity of Telstra's communication plant or assets. If Telstra's facilities are damaged as a result of any property development or any interference with such facilities, the person will be liable in tort (negligence) for any loss or damage (including consequential loss) suffered by Telstra and/or any member of the public. Telstra will not hesitate to take action to recover such loss or damage caused by such interference to Telstra's Network.</p> <p>Telstra would also appreciate due confirmation in the event that the applicant contemplates divesting its interest or control of this land, that the information contained here is passed on to the prospective owners</p>		
<p>Department of Biodiversity, Conservation and Attractions IN20/824</p>	7.	<p>The Department of Biodiversity Conservation and Attractions - Swan Region Office has no comments on the proposal.</p>	<p>We note that the DBCA has no comments, and has not registered any objection to the proposed Structure Plan amendment and proposed 'Commercial' classification of the subject site.</p>	<p>Noted.</p>
<p>Kade & Katherine WILSON IN19/28785</p>	8.	<p>We live at 44 Vlasich Road, Byford and have received the letter about the proposed Byford DSP Plan Amendment for Lot 2 (No.640) South Western Highway Byford.</p> <p>As we are very close to this block, we write to seek more information on what proposed business is seeking the zoning change? Some time ago, we petitioned against a fast food retailer going on that corner and would still be against that.</p> <p>While we are not necessarily against the zoning change, it would all depend on what business or type of business is planning on going there.</p>	<p>The proposed amendment seeks to reclassify the subject site from 'Residential R20' to 'Commercial'. Such a 'Commercial' classification under the Structure Plan provides for a range of potential land use outcomes as detailed in the advertised documentation.</p>	<p>Noted. Development on the site is required to consider the impacts and constraints of the site, the existing character of the area and the desired future character.</p> <p>An assessment of the compatible land uses in relation to the existing residential characteristics need to factor in the potential impacts of commercial uses on the site and adjoining sensitive land uses.</p>

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			<p>There is no particular business or development proposal at this stage. Pending the outcome of the Structure Plan amendment, any development application for a particular land use would be subject to detailed assessment and consideration by the Shire of Serpentine Jarrahdale against relevant planning framework requirements. This includes consideration of any local amenity impacts etc.</p>	<p>It is recommended that the Byford District Structure Plan be amended to appropriately restrict non residential uses to a very specific set that:</p> <ul style="list-style-type: none"> • Addresses the unique context • Reflects Council's Draft Byford District Structure Plan • Protects residential amenity • Does not comprise traffic safety • Enables a flexible framework to encourage future optimal development.
<p>Carolyn STEWARD (Beauchamp) IN20/14</p>	9.	No	<p>It is difficult to interpret the intent of this submission based on a single word "No". It could signal 'no objection' or alternatively 'no support' for the proposed Structure Plan amendment.</p> <p>Regardless, the lack of any explanatory commentary or justification for this</p>	Noted.

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			position makes it impossible to give the submission any meaningful consideration.	
Stacey EDWARDS IN20/62	10.	I Stacey Edwards, support the change of the proposed amendment from residential to commercial, as more businesses are a positive outcome for the Community.	We note the submitter supports the proposed Structure Plan amendment and proposed 'Commercial' classification of the subject site. The applicant agrees that the delivery of business / non-residential activities on this site can provide a positive outcome for the Community.	<p>The contaminated soils on the site restrict sensitive land uses such as residential from being developed.</p> <p>However, permitting the designation of the site to commercial is in conflict with the strategic direction of the Shire and the recently advertised Local Planning Strategy, Local Planning Scheme No.3 and Draft Byford District Structure Plan.</p> <p>The proposal to amend the designation of the site also promotes an 'out of centre' development. This is not recognised and orderly and proper planning.</p> <p>Development on the site is required to consider the impacts and constraints of the site, the existing character of the area and the desired future character as defined within the Shire's strategic and statutory documentation.</p>

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Sam KILSBY IN20/87	11.	<p>We support local business development as long as night time noise, excess traffic, do not increase, our property value is not negatively affected and it is within the spirit of the Byford community.</p>	<p>We note the submitter supports local business development, consistent with the proposed 'Commercial' classification of the subject site.</p> <p>While there is no specific business or development proposal at this stage, any future development application for the land would be subject to detailed assessment and consideration by the Shire of Serpentine Jarrahdale against relevant planning framework requirements. This includes consideration of local amenity, noise and traffic impacts.</p>	<p>Any proposed land use on the site must comply with the hours of operation set out within the <i>Retail Trading Hours Act 1987</i>.</p> <p>Any development lodged at the development application stage will be assessed to ensure that the proposed land use will not have any adverse impacts on the surrounding area.</p> <p>In addition, any proposed development on the site will be required to demonstrate that it will not have any adverse impacts on the surrounding road network.</p> <p>Furthermore, at the development application stage, the impact of the proposed use will be assessed and if appropriate; conditions may be enforced to ensure compliance with noise nuisance and hours of operation.</p>
Department of Primary Industries and Regional Development IN20/537	12.	<p>Thank you for the opportunity to comment on the proposed Byford District Structure Plan Amendment - Lot 2 (No. 640) South Western Highway, Byford.</p> <p>The Department of Primary Industries and Regional Development (DPIRD) does not object to the proposed rezoning of the abovementioned lot from 'Residential (R20)' to 'Commercial'.</p>	<p>We note the DPIRD has no objection to the proposed Structure Plan amendment and proposed 'Commercial' classification of the subject site.</p>	<p>Noted.</p>
Liam Matthews IN20/1260	13.	<p>I believe Lot 2 640 Southwest Hwy should remain residential zoned as was originally planned when the Byford central estate was built. My reasons are as follows:</p>	<p>We note the submitter's objection to the proposed Structure Plan</p>	<p>Access to the site is restricted to access only from Hay street. In addition, any proposed</p>

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		<p>Byford already has enough fuel and retail options without needing another last I counted 5 service stations for a suburb is more than sufficient. Concerns about noise/environmental pollution if the site were to be developed or operated in a 24hr manner. Safety concerning proximity to a fuel station in the event of a fire or explosion. loss of value to homes immediately in the vicinity. Increased traffic flow on a small through road (hay rd). Anti social behaviour if the site is open 24/7. In summary what is best for the surrounding area would be for lot 2, 640 Southwest Hwy to remain residential zoned.</p>	<p>amendment, preferring that the site remain 'Residential'. This objection is principally due to concerns with the potential for 24/7 business activities and associated impacts on nearby residential properties.</p> <p>In response to the submitter's comments, we respectfully note that: A 'Residential' zoning is incompatible with the land's status <i>Contaminated Sites Act 2003</i>, which prevents that land from being used for any residential or other sensitive uses. The proposed 'Commercial' classification under the Structure Plan provides for a range of potential land use outcomes, as detailed in the advertised documentation. This includes commercial activities that do not operate on a 24 hr basis, and are compatible with residential land uses. While there is no specific business or development</p>	<p>development on the site will be required to demonstrate that it will not have any adverse impacts on the surrounding road network.</p> <p>Development on the site is required to consider the impacts and constraints of the site, the existing character of the area and the desired future character.</p> <p>It is recommended that the Byford District Structure Plan be amended to appropriately restrict non residential uses to a very specific set that:</p> <ul style="list-style-type: none"> • Addresses the unique context • Reflects Council's Draft Byford District Structure Plan • Protects residential amenity • Does not comprise traffic safety • Enables a flexible framework to encourage future optimal development. <p>Furthermore, at the development application stage, the impact of the proposed use will be assessed and if appropriate; conditions may be enforced to ensure compliance with noise</p>
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			<p>proposal at this stage, any future development application for the land would be subject to detailed assessment and consideration by the Shire of Serpentine Jarrahdale against relevant planning framework requirements. This includes consideration of local amenity, noise and traffic impacts.</p>	<p>nuisance and hours of operation.</p>
<p>Van Dijk IN20/1332</p>	<p>14.</p>	<p>Regarding the proposal to change the zoning for Lot 2 (NO. 640) South Western Highway, Byford from residential (R20) to Commercial.</p> <p>I have some big concerns about the proposed change.</p> <ol style="list-style-type: none"> 1. It is directly next to a property with an existing house and close to other houses as well. 2. I understand that the intention is to build a truck stop/ petrol station on this property. 3. In any case a commercial property will mean there will be increased traffic to the area and the amount of heavy vehicles is already very high at the intersection Thomas road and South Western Highway. <p>I would love to see the plan not going ahead as I really do not see it as an improvement to living in the area, but on the contrary a large step backwards. More noise and more traffic for this area! It would be a great improvement if traffic, especially heavy traffic was encouraged away from this area instead.</p> <p>There are already 5 petrol stations in Byford, do we really need another one and so close to houses? Why not build it further away</p>	<p>We note the submitter's objection to the proposed Structure Plan amendment.</p> <p>As a point of clarification, there is currently no development proposal for the subject site. The submitter's reference to a truck stop/petrol station relates to a previous development application for the land which was refused in 2018 (and ultimately did not include a truck stop when considered by the Metro East Joint Development Assessment Panel).</p> <p>In response to the submitter's other</p>	<p>Noted. Access to the site is restricted to access only from Hay street.</p> <p>Development on the site is required to consider the impacts and constraints of the site, the existing character of the area and the desired future character.</p> <p>It is recommended that the Byford District Structure Plan be amended to appropriately restrict non residential uses to a very specific set that:</p> <ul style="list-style-type: none"> • Addresses the unique context • Reflects Council's Draft Byford District Structure Plan • Protects residential amenity

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		<p>from the populated area like close to the proposed and hopefully soon coming, Tonkin Highway extension?</p> <p>To sum up, I am strongly opposed to the proposed rezoning of this lot.</p>	<p>concerns, we respectfully note that: The subject site is uniquely and best suited to commercial as opposed to residential activities, given its contamination status, traffic noise from Thomas Road and South Western Highway, exposure to passing trade and lack of convenience retail / commercial activities in the locality. As noted by the submitter, Thomas Road and South Western Highway are already busy traffic routes (with traffic noise already a major constraint for the development of any noise-sensitive land uses the subject site). Future development of the site for commercial purposes is unlikely to have any significant/noticeable impact traffic levels. The proposed 'Commercial' classification under the Structure Plan provides for a range of potential commercial land uses as</p>	<ul style="list-style-type: none"> • Does not comprise traffic safety • Enables a flexible framework to encourage future optimal development.
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NEW SUMMARY OF SUBMISSIONS

**Lot 2 (No. 640) South Western Highway. Byford / Amendment to Byford District Structure Plan
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			<p>detailed in the advertised documentation.</p> <p>While there is no specific business or development proposal at this stage, any future development application for the land would be subject to detailed assessment and consideration by the Shire of Serpentine Jarrahdale against relevant planning framework requirements. This includes consideration of local amenity, noise and traffic impacts.</p>	
<p>Stavretis IN20/1372</p>	<p>15.</p>	<p>The re-zoning of this lot to commercial-use will allow for development on a site, which has been inactive for a number of years. This can only add to amenity while engaging the corner to define entry to Byford Town Centre. Further development of such a major corner should be encouraged / facilitated by the rezoning.</p>	<p>We note the submission in support of the proposed Structure Plan amendment and proposed 'Commercial' classification of the subject site, which has been inactive for some time.</p> <p>The corner site is uniquely and best suited to commercial activities, given its exposure to passing trade and the lack of other convenience retail / commercial activities in the locality.</p>	<p>The location and constraints of the site are not deemed to be appropriate for 'commercial' uses that are found within defined town centre and activity centres. The current designation of the site as 'residential' should guide the type of development available to be undertaken on the site.</p> <p>The Draft Byford District Structure Plan recognises the importance of the site and existing character of the surrounding residential and specifically identifies a diversity of land uses that can be developed on the site</p>

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Christou IN20/1373	16..	This lot has remained dormant for a number of years. I remember filling up petrol back in the day. Re-zoning to commercial makes sense with any subsequent development on this lot a good thing.	We note the submission in support of the proposed Structure Plan amendment and proposed 'Commercial' classification of the subject site, which has been inactive for some time.	<p>It is recognised that historically the site was utilised as a service station and that the use has since ceased. Since the operation of the service station, there has been a significant shift in the planning zeitgeist.</p> <p>The location and constraints of the site are not deemed to be appropriate for 'commercial' uses that are found within defined town centre and activity centres. The current designation of the site as 'residential' should guide the type of development available to be undertaken on the site.</p> <p>It is recommended that the Byford District Structure Plan be amended to appropriately restrict non residential uses.</p>
Tamburri IN20/1376	17.	The re-zoning of this block will make way for further development / investment in Byford, which can only be a good thing. If this block is not re-zoned, it will only sit vacant for years to come. Makes sense with development of the block so it gets used, will only engage the corner of a busy intersection.	<p>We note the submission in support of the proposed Structure Plan amendment and proposed 'Commercial' classification of the subject site, which has been inactive for some time.</p> <p>We agree that this corner site is uniquely and best suited to commercial activities, given its</p>	<p>Noted. The location and constraints of the site are not deemed to be appropriate for 'commercial' uses that are found within defined town centre and activity centres. The current designation of the site as 'residential' should guide the type of development available to be undertaken on the site.</p> <p>The Draft Byford District Structure Plan recognises the importance of the site and existing character of</p>

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			<p>exposure to passing trade and the lack of other convenience retail / commercial activities in the locality.</p>	<p>the surrounding residential and specifically identifies a diversity of land uses that can be developed on the site.</p> <p>It is recommended that the Byford District Structure Plan be amended to appropriately restrict non residential uses to a very specific set that:</p> <ul style="list-style-type: none"> • Addresses the unique context • Reflects Council's Draft Byford District Structure Plan • Protects residential amenity • Does not comprise traffic safety • Enables a flexible framework to encourage future optimal development.
Wormall IN20/1387	18..	<p>I am very supportive of a commercial offering at this location being the entrance to the town. It performed well when it was like this for decades previously and provided a local convenience function.</p>	<p>We note the submission in support of the proposed Structure Plan amendment and proposed 'Commercial' classification of the subject site, which has been inactive for some time.</p> <p>We agree that this corner</p>	<p>Noted. It is recognised that historically the site was utilised as a service station and that the use has since ceased.</p> <p>The location and constraints of the site are not deemed to be appropriate for 'commercial' uses that are found within defined town centre and activity centres.</p>

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			site is uniquely and best suited to commercial activities, capable of providing a local convenience function.	
Easybridge Pty Ltd IN20/1399	19.	We are fully supportive of this site for commercial uses and note that it is well placed to provide a local convenience function much like and on a smaller scale to the Town Centre. We also note that we very appreciated the location of our site in walkable catchments to local shops and all the health and sustainability benefit this brings, this site and its catchment should have the same level of amenity and local commercial function.	<p>We note the submission in support of the proposed Structure Plan amendment and proposed 'Commercial' classification of the subject site.</p> <p>We agree that this corner site is uniquely and best suited to commercial activities, and capable of providing a local convenience function for a walkable catchment area that has no such offering at present.</p>	<p>Noted. The location and constraints of the site are not deemed to be appropriate for 'commercial' uses that are found within defined town centre and activity centres.</p> <p>The permeability of the site for walkable catchments is significantly restricted due to the site abutting Thomas Road and South Western highway.</p> <p>A number of strategies and have been undertaken by the Shire to develop the location and provision of activity centres within the Shire, in alignment with State Planning Policy 4.2 – Activity Centres for Perth and Peel.</p> <p>The relevant documents do not identify the site as a identified activity centre.</p>
Megara IN20/1400	20.	We note the site was historically used for commercial purposes and it is an excellent commercial location with limited is any scope for residential purposes due to it location adjoining major roads. We also note the opportunity to provide a local shop function in a walkable catchment to the residential area, where currently they have to get in their cars to go get day to day good, which is not a	We note the submission in support of the proposed Structure Plan amendment and proposed 'Commercial' classification of the	<p>Noted. It is recognised that historically the site was utilised as a service station and that the use has since ceased.</p> <p>Development on the site is</p>

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		<p>sustainable development outcome.</p>	<p>subject site, which was historically used for commercial purposes.</p> <p>We agree that this corner site is uniquely and best suited to commercial activities. It is unsuitable for residential activities, and capable of providing a local convenience function, serving a walkable catchment area that has no such offering at present.</p>	<p>required to consider the impacts and constraints of the site, the existing character of the area and the desired future character.</p> <p>The permeability of the site for walkable catchments is significantly restricted due to the site abutting Thomas Road and South Western highway.</p> <p>The Draft Byford District Structure Plan recognises the importance of the site and existing character of the surrounding residential and specifically identifies a diversity of land uses that can be developed on the site</p> <p>It is recommended that the Byford District Structure Plan be amended to appropriately restrict non residential uses to a very specific set that:</p> <ul style="list-style-type: none"> • Addresses the unique context • Reflects Council's Draft Byford District Structure Plan • Protects residential amenity • Does not comprise traffic safety • Enables a flexible framework to encourage future optimal
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				development.
Department of Mines, Industry Regulation and Safety IN20/1474	21.	<p>Thank you for your letter dated 16 December 2019 inviting comment on the above proposal for the proposed amendment to Lot 2 - No 64 - South Western Highway Byford.</p> <p>The Department of Mines, Industry Regulation and Safety has determined that this proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials.</p>	We note the DMIRS has no objection to the proposal, and determined that it raises no significant issues.	Noted.