

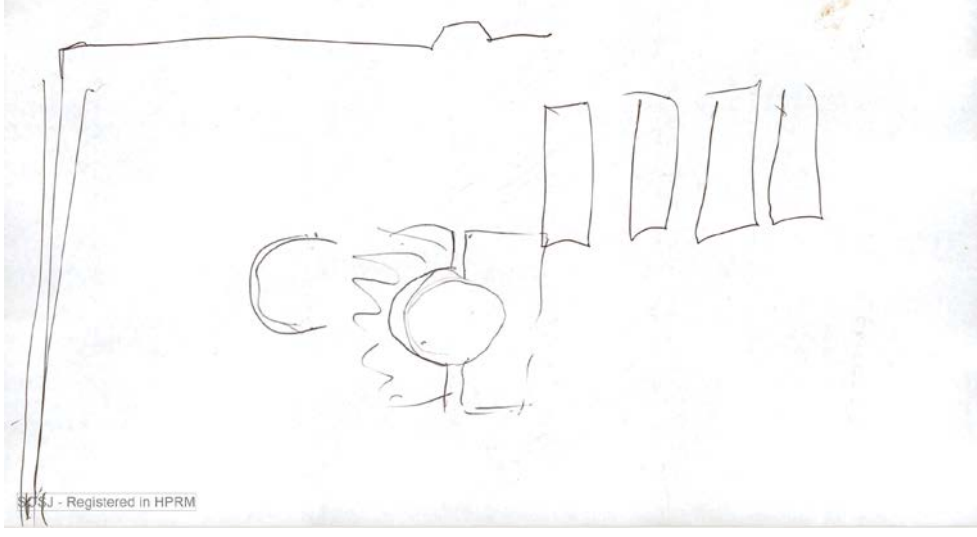
## SUMMARY OF SUBMISSIONS

**PA20/242 - South Western Highway, Byford 813 (L22) 302800 / South Western Highway, Byford 815 (L18) 311600**  
**Proposed Commercial Buildings**

Submitter		Submitter Comments	Applicant Comment	Officer Comment
Department of Water and Environment Regulation	1	<p>The Department has identified that the development proposal has the potential to impact on water resource values and/or management. While the Department does not object to the proposal key issues and recommendations are provided below, and these matters should be addressed:</p> <p><b>Issue: Stormwater Management</b></p> <p>Recommendation:</p> <p>The Department recommends the car park stormwater drainage system be designed, constructed and managed in accordance with the Stormwater Management Manual for Western Australia (DWER, 2004). Stormwater runoff should be fully contained onsite for small and minor storm events (1 and 0.2 Exceedance per Year runoff) and the first 15 mm of stormwater runoff (1 Exceedance per Year runoff) should undergo water quality treatment via bio-retention.</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>Acknowledged.</p> <p>This will be addressed in an Urban Water Management Plan as per a condition of any approval.</p>	
A309100	2	<p>I support this DA.</p> <p>All I ask is council is consistent with all DA.</p>	Noted.	

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Mackay Urban Design on behalf of A405712	3	<p>1. I am making this submission on behalf of my client, Broadstone Investments, the owners of the Lakeside shopping centre in the Glades Estate in Byford.</p> <p>2. Broadstone Investments does not support the proposal for a Health Studio (Gym), Swim School and Children's Play Centre at Lots 22 &amp; 18 (813 &amp; 875), Byford.</p> <p>3. Broadstone Investments is in the process of completing construction of a Children's Play Centre in the Lakeside shopping centre, which was seen as an ideal location for a Children's Play Centre because it provided an appealing and attractive location for a family-orientated function with a range of complementary uses adjacent to the facility. Importantly, the Lakeside location is in the heart of the surrounding residential community, thus enabling the Children's Play Centre to become a focal point for the community.</p> <p>4. Broadstone Investments acknowledges that competition is not generally accepted as a planning consideration, however, Clause 67 v. of the Deemed Provisions of the Planning and Development (Local Planning</p>	<p>It is considered this is largely a commercially driven submission.</p> <p>The operation of a children's play centre is</p>	

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	<p>Schemes) Regulations 2015 does enable consideration of:</p> <p>v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;</p> <p>5. In this respect, the concern of Broadstone Investments is not the economic impact of a competing Children's Play Centre but the impact on the community of two competing facilities in a limited and relatively isolated catchment. In the context of two competing facilities, there is the very real risk that one or both centres will not survive.</p> <p>6. In the event that neither facility is viable as a result of splitting the catchment, the Byford community will lose the benefit of having a Children's Play Centre in the locality.</p> <p>7. In the event that the Lakeside Children's Play Centre (being the smaller of the two) is not viable, the Glades community will lose the service and benefit that has already been committed to by the SJ Shire. In this respect, the proposed development on South West Highway does not satisfy Clause 67 v. and the application should be refused.</p> <p>8. Additionally, it is noted that the current Gym and Aquatic facilities in the area, including the SJ Shire's own facilities, provided specifically for the benefit of the community, are currently under-utilised and their viability would be further compromised by the establishment of new competing Gym and Aquatic facilities as proposed. In this respect, Clause 67 v. would not be satisfied in regard to all of the uses in the proposed development.</p> <p>9. Notwithstanding the above reason for refusal, the proposed development is fundamentally flawed and fails to satisfy a number of other Clause 67 considerations; the flaws are outlined below.</p> <p>10. The majority of the site and the proposed building is located in a Bushfire prone area, which, given the number of visitors, and particularly young children, anticipated at the development, creates a significant societal risk.</p> <p>11. The proposed development does little to activate the core of the town</p>	<p>considered to be a commercial consideration and will not generate any loss of community service from multiple outlets operating. The Lakeside Shopping Centre is located approximately 3.2kms from the subject site.</p> <p>The proposed tenants for the site have undertaken due diligence to identify demand within the Byford location for their operations. This is reflective of the current demographics and the anticipated growth patterns within Byford and surrounds. It is not considered that these will have any impacts on the existing operations of a similar nature within the locality. Further it is reiterated that this is a commercial consideration rather than a planning consideration. The site is zoned highway commercial and the uses are</p>	
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		<p>centre given its remoteness on the fringe of the centre. As such, it should be located within the town centre precinct of the structure plan rather than the Highway Commercial precinct.</p> <p>12. The proposed development is a poor and unacceptable design outcome for the following reasons:</p> <ul style="list-style-type: none"> <li>o The Child Play Centre's entrance is not visible from the street, which is unacceptable from the point of view of activation of the public realm.</li> <li>o The Gym's entrance is not visible from the street which is unacceptable from the point of view of activation of the public realm.</li> <li>o There is no passive surveillance of the bike racks adjacent to the street.</li> <li>o The extent of bike provision for staff and visitors is inadequate, particularly in the context of a parking shortfall.</li> <li>o There is no continuity of canopy shade over the footpath to George Street, which is a poor amenity outcome for pedestrians.</li> <li>o The design response to SW Highway is very poor, with limited activation or passive surveillance of the street. The development effectively turns its back on Byford's spine.</li> <li>o The extent and means of pedestrian access from SW Highway is very poor, being down steps and through a car park.</li> <li>o There is no universal access to the development from SW Highway.</li> <li>o There is very limited passive surveillance of SW Highway and, in particular, no passive surveillance of SW Highway from the Child Play Centre on the southern half of the site.</li> <li>o There is limited security in the ground floor car park with minimal passive surveillance of the car park area.</li> <li>o The lack of after-hours security in an enclosed car park is a high risk to personal and property security.</li> </ul>	<p>contemplated within the zone, as such the establishment of these uses is considered appropriate and are capable of approval from a planning point of view.</p> <p>A bushfire management plan has been prepared for the subject site and confirms the site can be developed for the proposed uses in accordance with the bushfire regulations.</p> <p>The updates to the built form include a higher quality response to South Western Highway. It is acknowledged that South Western Highway is an important component of Byford, however it is highlighted that George Street is the primary frontage and as a commercial operation it is difficult to have dual frontage for operational</p>	
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		<ul style="list-style-type: none"> <li>o No detail has been provided on the extent of toilet provision for either the Child Play Centre or Gym and, thus, there is no capacity to determine whether it is adequate for the capacity of those uses.</li> <li>o No detail has been provided at all on any services within the Swim Studio to determine whether it is fit for purpose.</li> <li>o There is no disabled access to the Swim Studio from the upper deck parking without passing through the lobbies of the other two uses, or evidence of a management plan to ensure the lobbies are accessible at all times during operational hours.</li> <li>o There are no details on public art provision, noting that public art was a requirement for the Child Play Centre at the Lakeside centre.</li> <li>o Multiple crossovers are a poor outcome from the perspective of pedestrian amenity.</li> <li>o The landscape provision is limited and non-functional insofar as there is no direct access to it from the internal areas of the building.</li> <li>o No landscaping plans have been provided. In that context, landscaping to SW Highway has the potential to provide ambush spaces to the street reserve and the path to the car park, which would be an unacceptable CPTED outcome.</li> <li>o There is inadequate fire escape from the lower-ground car park area with the escape distance in one direction only being excessive.</li> <li>o There is inadequate fire escape from the upper car park area with the escape distance in one direction only being excessive.</li> <li>o No assurances have been provided that the glazing to the streets will be clear and not obscured in order to provide visual interaction and passive surveillance of the streets.</li> <li>o The escape stair from the upper car park discharges to the vehicle entry point, which is a high-risk design outcome.</li> <li>o The capacity for safe reversing out of bay 37 is not acceptable.</li> </ul>	<p>and safety reasons. The building includes visual surveillance and high amenity articulation to South Western Highway.</p> <p>The provision of security and utilities are not planning considerations, nor is whether the buildings are fit for purpose. It is confirmed that the buildings have been designed as per the operational requirements provided by the operators. The details of these will be provided at the building licence stage for Shire consideration.</p> <p>Further detail pertaining to landscaping will be provided via a detailed landscaping plan to be required as a condition of any approval.</p> <p>The fire escapes have been provided as per the required Australian Standards and per the advice from the bushfire consultant. As such</p>	
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	<p>o No weather-protection is provided for the bike racks at the upper level.</p> <p>o There is no evidence of stormwater management on site.</p> <p>13. In regard to design quality, it is noted that the SJ Shire does not have a Design Review Panel (DRP) to identify design issues such as those above. As a member of 11 Design Review Panels around the Perth metropolitan area, I am happy to offer the Shire the above observations in lieu of a DRP in the hope that they are given due regard in the assessment and decision-making process.</p> <p>14. In summary, the proposed development is a poor design outcome that does not accord with the local planning framework, poses significant risks in regard to security, is dysfunctional, and diminishes the amenity of the adjacent public realm.</p> <p>15. In regard to car parking, the following observations are offered:</p> <ul style="list-style-type: none"> <li>• The proposal does not accord with the requirements of the Byford Town Centre Local Structure Plan, and the applicant's report acknowledges that there is a 26-bay shortfall.</li> <li>• The parking utilisation survey and justification for the reduced parking provision is flawed given that it takes into consideration car-parking areas that are too far removed from the proposal to be practically relevant.</li> <li>• The surveys of the existing parking utilisation were not undertaken at the known peak usage of these facilities, particularly the Children's Play Centre, being Saturday afternoon. Furthermore, the Saturday morning survey was undertaken during the school summer holidays, which is not representative of normal usage.</li> </ul> <p>15. Given the issues identified above, the proposed development is not consistent with the following objectives of the SJ Shire Local Town Planning Scheme:</p> <p>(a) to secure the amenity, health, safety and convenience of the inhabitants of the District:</p>	<p>these are compliant.</p> <p>The site is located within the Town Centre, an area where lower levels of parking are promoted in order to achieve a higher quality pedestrian environment. The parking areas identified are within 400m walking distance to the subject site which is identified by WPC guidelines as comfortable walking distance. Further the identified parking areas allow for the fact that parents and patrons may park in these areas, visit the shops and then walk to the development or visit the development and then go to the shops.</p> <p>The parking shortfall is considered to be appropriate given the uses on the site, the varied peak operating hours and the actual parking requirements of</p>	
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		<p>(e) to create a pedestrian and vehicular circulation system together with landscape environment which complements the wide range of activities carried on and proposed to be carried in the District.</p> <p>(f) to encourage coordinated development of the District in accordance with the guidelines set out in the planning studies adopted by the Council for particular areas or the District as a whole.</p> <p>16. Given all of the above, it is clearly evident that the proposed development is inconsistent with the following clauses of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015:</p> <p>a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;</p> <p>b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;</p> <p>h) any structure plan, activity centre plan or local development plan that relates to the development;</p> <p>m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</p> <p>n) the amenity of the locality including the following:</p> <p>(i) environmental impacts of the development;</p> <p>(ii) the character of the locality;</p> <p>(iii) social impacts of the development;</p> <p>o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to</p>	<p>the tenants in their existing locations.</p> <p>he parking surveys were undertaken during the anticipated peak visitation to the area. Arguably the visitation to the shops may be higher during school holidays.</p> <p>It is reiterated that the site is zoned highway commercial and is on the periphery of the Byford Town Centre. The planning framework for the site contemplates the proposed uses and in turn the form of development which provides for these. The development has taken into account the key constraints and has provided design outcomes which address these whilst maintaining a high-quality design outcome. We have worked with the Shire to amend the built form components to greater</p>	
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		<p>mitigate impacts on the natural environment or the water resource;</p> <p>p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;</p> <p>q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;</p> <p>r) the suitability of the land for the development taking into account the possible risk to human health or safety;</p> <p>u) the availability and adequacy for the development of the following:</p> <p>(iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);</p> <p>(v) access by older people and people with disability;</p> <p>v) "the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;"</p> <p>y) any submissions received on the application.</p> <p>17. As such, the proposed development should be refused.</p> <p>18. Whilst Broadstone Investments does not support the proposed development in its current form, Broadstone Investments acknowledges the value of investment in Byford by others.</p> <p>19. However, the uses that such investment attracts should be uses that add to the diversity of services for the Byford community rather than replicating uses that are already available in the area.</p>	<p>reflect the unique character of the Byford locality. The development is capable of approval and is in line with the form of development anticipated in this locality and as such should be approved.</p> <p>As the framework permits the uses and development it is considered to be consistent with proper and orderly planning and we seek conditional approval of the development.</p>	
Lakeside Plaza	4	<p>I would like to submit feedback on the planning application situated on South Western Highway in Byford.</p> <p>As the Owner of the Lakeside Fresh IGA store in Byford, I would like to express my concerns in the possibility of having another kids play centre in</p>	<p>This is considered to be a commercial objection and is not considered to be a valid planning</p>	



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		<p>the area. I believe having 2 within the area would be detrimental to both the existing and new centres which may result in one if not both of operators closing. Many other suburbs and areas around the State can only accommodate 1 play centre and I believe Byford would be similar given business viability reasons.</p> <p>Upon reviewing the application, I would also express my concerns with the car park. The application has noted it has a shortfall in 26 parking bays based on their findings which will create congestion and overflow issues to surrounding car parks.</p> <p>I hope this feedback will be considered in the application process.</p>	<p>consideration.</p> <p>The site is located within the Town Centre, an area where lower levels of parking are promoted in order to achieve a higher quality pedestrian environment.</p> <p>The parking shortfall is considered to be appropriate given the uses on the site, the varied peak operating hours and the actual parking requirements of the tenants in their existing locations.</p>	
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