

SUMMARY OF SUBMISSIONS

PA22/297 – Contaminated Site - Thomas Road, Oakford (L801) 400473 - JDAP - Roadhouse / Rural Supplies Store / Veterinary Clinic

Submitter	No	Submitter Comments	Applicant Comment	Officer Recommendation
Water Corporation		The Corporation advises the Shire that the property is currently remote from water and wastewater related services.		Noted
Main Roads		<p>In response to the Shire's correspondence received on 11 April 2022, Main Roads has reviewed the development application material. Main Roads does not support the proposal as presented, as it does not align with future road planning for Thomas Road to function as a primary distributor road.</p> <p>Main Roads is in the early stages of consultation with the landowner of Lot 801 regarding the ultimate intersection configuration. Hence, the landowner is aware of the potential impacts associated with future upgrades at the intersection of Thomas Road/ Kargotich Road as shown on the enclosed Main Roads plan.</p> <p>Main Roads does not support the development application due to the following reasons:</p> <ol style="list-style-type: none"> 1. The proposed development poses an unacceptable impact to future upgrades for the intersection of Thomas Road / Kargotich Road, as: <ol style="list-style-type: none"> a. Thomas Road is the subject of an 'Under Construction' project. As part of these improvements for Thomas Road, planning and detailed design are underway for a dual lane roundabout at its intersection with Kargotich Road. Details of the Thomas Road Safety Improvements can be viewed on Main Roads website at mainroads.wa.gov.au>project initiatives>all projects>metropolitan>thomas-roadsafety-improvements b. The northernmost driveway is proposed inside the functional area of the future intersection treatment of Thomas Road / Kargotich Road. The proposed location does not align with Main Roads Driveways Guideline, Section 2.4.4 which states, that if there is a reasonable likelihood of traffic signals or a roundabout being required at an intersection that is not signalised or planned to be 	<p>Noted. The proposed upgrades to the intersection of Kargotich Road and Thomas Road have been understood since project conception, and discussed in previous meetings between the applicant, Shire and Main Roads. The proposed development has been specifically designed to accommodate the upgrades to the intersection and does not</p>	<p>This submission and the Applicant's response is addressed in the Report.</p>

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		<p>signalised within 10 years of the development of the site, then driveways shall not be permitted within the functional area of the future intersection.</p> <p>The siting of the northernmost driveway in proximity to the future intersection increases both the potential conflict points and decisions motorists must make, thereby decreasing safety in the vicinity of the intersection.</p> <p>c. The subject land abuts Planning Control Area 161 (PCA 161) - Thomas - Kargotich Roads. The purpose of PCA 161 is to protect this section of Thomas Road for future upgrade to achieve its freight and regional road functions. If approved in its current format, the proposed development is likely to impede the planned regional road functions for Thomas Road as outlined at Item b.</p> <p>d. PCA 161 came into effect in November 2020 and enables the construction of the dual lane roundabout at the intersection of Thomas Road / Kargotich Road. For Thomas Road to function as a primary distributor road pursuant to Perth and Peel @ 3.5 million - The Transport Network (March 2018), the planning concept stage is underway for the ultimate intersection configuration with Kargotich Road.</p> <p>The planning concept stage has identified that a grade separated interchange is the most likely intersection configuration. As shown on the enclosed Main Roads plan, this design will require reconsideration of the land requirements identified for PCA 161. The ultimate intersection configuration will impact on the future development of Lot 801, particularly the developable area and vehicular access to the adjoining road network (i.e. both Thomas and Kargotich Roads).</p> <p>e. As identified at Item b. Main Roads Driveways Guidelines does not support driveways within the functional area of a roundabout (or future roundabout). Section 2.4.4 also outlines provisions relating to the siting of driveways associated with acceleration and deceleration lanes for the proposed land uses. Based on the current development proposal and Main Roads future road planning for the intersection of Thomas Road/ Kargotich Road as discussed at Item b., the vehicular access arrangements cannot be supported.</p>	<p>prejudice the road reserve or Planning Control Area 161 (PCA161).</p> <p>Refer to Transcore's comments provided at Appendix 2.</p> <p>The proposed development has been specifically designed to accommodate the planned upgrades to the Thomas Road/ Kargotich Road intersection, which was the purpose for the establishment of PCA 161. As demonstrated in the Traffic Impact Assessment (TIA) lodged with the development application, the proposed</p>	



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		<p>f. In reference to Item b., reasonable likelihood for upgrading of the intersection of Thomas Road / Kargotich Road is established through committed funding for the dual lane roundabout (discussed at Item a.) and the commencement of community and stakeholder engagement on the early concept design for the Thomas-Anketell Road freight corridor as part of Westport.</p> <p>Details of the early concept for the road corridor between Clementi Road and Tonkin Highway, including a new interchange at Thomas and Kargotich Roads can be viewed on the Westport website at westport.wa.gov.au >news>updates>planning-progresses-for-the-thomas-anketell-road-freightcorridor The enclosed Main Roads plan is consistent with the early concept design which includes upgrading Thomas Road to four lanes and a new interchange at Thomas Road/ Kargotich Road.</p> <p>2. Accordingly, the proposed development is not acceptable having regard to the Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 Clause 67 (r), (s), (t) and (za).</p> <p>Should the Council disagree with the above advice, Main Roads requests an opportunity to meet and discuss the application further, prior to a recommendation being finalised.</p> <p>Main Roads requests a copy of the Council's recommendation on this proposal to be sent to planninginfo@mainroads.wa.gov.au quoting the file reference above.</p>	<p>access arrangements to the site are deemed satisfactory, and work to complement the future intentions for the intersection.</p> <p>The flyover intersection concept developed by MRWA is not a 'seriously entertained planning proposal' and has no basis in the planning framework applicable to the subject site.</p> <p>What constitutes a 'seriously entertained planning proposal' has been defined in Western Australian case law-specifically in Nicholls and Western Australian Planning Commission [2005] WASAT 40 where at [47] the then senior member Parry accepted the principles in Victorian jurisdiction stating:</p> <p>it was open to the Administrative Appeals Tribunal to take the view that a structure plan was</p>	

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		 <p data-bbox="728 1241 1198 1268">Lot 801 – Land Impacts Sketch (Preliminary)</p> <p data-bbox="913 1281 1019 1297">(Not To Scale)</p> <p data-bbox="571 1284 728 1300">SUBJECT LOT 801</p> <p data-bbox="571 1316 974 1332">PRELIMINARY PLAN ONLY - SUBJECT TO ALTERATION</p> <p data-bbox="571 1348 974 1364">EXTRACT OF DRAWING NUMBER:</p> <p data-bbox="571 1369 873 1385">DATE OF EXTRACTION: 16 May 2022</p> 	<p>a seriously-entertained planning proposal where it was "a serious and important planning document which defines, for the present, what the responsible authority sees as the orderly and proper planning for the area".</p> <p>In this case, the planning for Thomas Road/ Anketell Road being undertaken by Westport and Main Roads Western Australia is in its early phase. High-level concept plans have been prepared for initial consultation purposes, and the design has not been fixed. There is no timeframe for completion of the works.</p> <p>Orderly and proper planning requires that where major public infrastructure is proposed, it should be reflected in the planning framework. There are</p>	

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			<p>several ways this can be achieved, including an amendment to the Metropolitan Region Scheme to reserve the land required, and the declaration of a planning control area to preserve future planning options. At this point in time, no steps have been taken to protect the land required under the high-level concept plans for the Thomas Road/ Anketell Road upgrade. For this reason, we consider consistent with orderly and proper planning, no regard should be given to Main Roads Western Australia's request to have regard to the concept plans.</p> <p>The proposed development has already been designed to accommodate the proposed upgrades to the intersection as identified by PCA 161. It is understood these</p>	

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			<p>upgrades are imminent, commencing construction in late 2022. The proposal is therefore clearly consistent with the existing intentions for PCA161 and will not compromise the imminent upgrades to the Thomas Road and Kargotich Road intersection.</p> <p>It is therefore respectfully requested the Shire consider this proposal based on the applicable planning framework and make a favourable recommendation to Council.</p> <p>Refer to Transcore's comments provided at Appendix 2.</p> <p>Whilst acknowledged there's a high-level concept design that has been prepared by MRWA for the flyover intersection, this is not a seriously entertained planning proposal, and</p>	

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			<p>therefore does not hold any consideration in the determination of this application. It would go against the principles of orderly and proper planning should the Shire recommend refusal based on the comments received from MRWA.</p> <p>The proposed development has been carefully designed to ensure vehicle circulation and pedestrian movements occur in a safe and efficient manner. The proposed access arrangements and vehicle circulation routes have been assessed by Transcore and are deemed to be satisfactory.</p> <p>The proposed means of access and egress to and from the site are confirmed to be satisfactory. The design has considered the future upgrades to the Thomas</p>	

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			<p>Road/ Kargotich Road intersection, which includes the installation of a dual carriageway roundabout. The proposed access fits in well with the future upgrades, as confirmed by Transcore in their TIA.</p> <p>As confirmed in Transcore's TIA, the proposed development will not have a significant impact on the operations of the surrounding roads or Thomas Road/ Kargotich Road intersection.</p> <p>Whilst the comments from Main Roads are acknowledged, the high-level concept plan of the future flyover intersection is not a seriously entertained planning proposal, and therefore should not influence the determination of this application. With regards to the location of the northern crossover,</p>	

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			<p>Transcore have confirmed the proposed access and egress arrangements to be safe and satisfactory, whilst also complimenting the imminent upgrades to the Thomas Road/ Kargotich Road intersection.</p> <p>As demonstrated in Table 2 above, the proposed development appropriately responds and addresses the key matters raised in the letter from MRWA, as well as the Shire's assessment comments. We therefore respectfully request the Shire to make a favourable recommendation to Council and the Development Assessment Panel.</p>	
DPLH		In its current form, DPLH does not support the proposed application from a regional road planning perspective, as it does not make provision for the land required for the proposed freight corridor. The proposed access arrangements are also likely to need to be modified to the satisfaction of MRWA, reflecting the significance of the future freight corridor.		Noted