

Form 1: Responsible Authority Report (Regulation 12)

Notes for Author

This template is provided to assist in the formulation of a Responsible Authority Report (RAR) for a Development Assessment Panel (DAP) application under Regulation 12 of the *Planning and Development (Development Assessment Panel) Regulations 2011*. This template should be used for all RARs under r.12 except for applications for a review of the original decision or a reconsideration of the original decision, please use the State Administrative Tribunal (SAT) Reconsideration template for those reports.

This template contains guidance to assist the author prepare a report that is comprehensive, succinct and addresses the key issues required for a decision to be made under the relevant Local Planning Scheme and Region Scheme (where applicable). The guidance notes should be deleted once the RAR is prepared and do not form part of the report.

The RAR template also provides for some sections to be deleted if they are not required. Where other sections are not relevant to a particular report and there are no specific notes, please insert either “not relevant” or “not applicable” under those headings.

Where the RAR template is submitted to a Council meeting, please note:

- The officer’s recommendation may be placed either first or last in accordance with the usual requirements of the Council meeting.
- For the submission of the RAR to the DAP Secretariat, the heading “Responsible Authority Recommendation” must contain the Council’s recommendation.
- If the officer recommendation is different from the Council recommendation, this should be shown under the heading “Officer Recommendation”.
- The “Reasons for Responsible Authority Recommendation” section should be completed after the Council meeting and should reflect why the recommendation differs from the reasons as shown in the minutes of the Council meeting.
- Where local government officers have delegation to provide the RAR to the DAP secretariat, only the “Responsible Authority Recommendation” should be completed and the “Officer Recommendation” section can be deleted.

SOUTH WESTERN HIGHWAY (LOT 806) BYFORD – Proposed Showroom and Fast Food/Takeaway Development (21 Showroom and 5 Fast Food/Takeaway Tenancies)

Form 1 – Responsible Authority Report (Regulation 12)

DAP Name:	Metro Outer Development Assessment	
Local Government Area:	Shire of Serpentine Jarrahdale	
Applicant:	Proposed Showroom and Fast Food/Takeaway Development (21 Showroom and 5 Fast Food/Takeaway Tenancies)	
Owner:	Wallmar Pty Ltd and Cecil & Esther Developments Pty Ltd	
Value of Development:	\$55 million <input checked="" type="checkbox"/> Mandatory (Regulation 5) <input type="checkbox"/> Opt In (Regulation 6)	
Responsible Authority:	Local Government and Western Australian Planning Commission	
Authorising Officer:	Andrew Trosic	
LG Reference:	PA22/918	
DAP File No:	DAP/22/02358	
Application Received Date:	31 October 2022	
Report Due Date:	24 March 2023	
Application Statutory Process Timeframe:	90 Days with an additional 54 days agreed	
Attachment(s):	1. Development Plans 2. Summary of Submissions 3. Clause 67 Assessment 4. Council Minutes	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	<input checked="" type="checkbox"/> Yes	Complete Responsible Authority Recommendation section
	<input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections

Responsible Authority Recommendation

That the Metro Outer Joint Development Assessment Panel resolves to:

- Approve** DAP Application reference DAP/22/02358 and accompanying plans (dated November 2022) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, subject to the following conditions:

Conditions

1. That the Metro Outer Development Assessment Panel APPROVES the development application for 21 Showroom Tenancies and 5 Fast Food/Takeaway Tenancies at Lot 806 South Western Highway, Byford as contained within attachment 1, subject to the following conditions:
 - a. The development is to be carried out in compliance with plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of its consent.

Plans and Specification	Development Plans submitted dated November 2022; Revised Traffic Impact Assessment dated January 2023; Landscaping Plan dated January 2023; Environment Assessment dated March 2018; Stormwater Management Plan dated September 2022; Waste Management Plan dated September 2022; Environmental Noise Impact Assessment dated September 2022; and Bushfire Management Plan dated September 2022.
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- b. Prior to issue of a Building Permit, amended Development Plans must be submitted to and approved by the Shire of Serpentine Jarrahdale. This must include the following:
 - i. Amended elevations of the western facades of the 'Fast Food 01' and 'Fast Food 02' buildings to the west of site. This amended elevation should include amended design elements, materials and colours, that reflect the rural tones of the locality;
 - ii. Amended elevations of the western face of 'Development 02' building. This amended elevation should include amended design elements, materials and colours, that reflect the rural tones of the locality;
 - iii. Amended development plans shall be provided including staggering and rendering treatments to the retaining wall on the west boundary of the site, to the satisfaction of the Shire of Serpentine Jarrahdale;
 - iv. A screening fence on top of the retaining wall to the south of site. This screening fence shall provide a visual screen to the rear of the 'Development 04' and 'Development 05' buildings. The screening fence should include a mixture of wooden cladding, metal cladding and creeper vegetation, or other design to the satisfaction of the Shire of Serpentine Jarrahdale;
 - v. Amended elevations of the southern facades of the 'Development 04' and 'Development 05' buildings. This shall include elements of wooden

panelling, face brick and metal cladding to the top of the building, or other design to the satisfaction of the Shire of Serpentine Jarrahdale;

- vi. Amended elevation plans of the showroom buildings shall be provided to include more windows on all showroom tenancies, in order to achieve passive visual surveillance within the site;
 - vii. Amended site plan showing the incorporation of a roundabout at the internal four-way intersection north of the existing proposed roundabout, to the satisfaction of the Shire of Serpentine Jarrahdale;
 - viii. Amended site plan should be provided to realign the existing footpath on the western lot boundary. The realigned footpath shall be located outside of the site, in the South Western Highway road reserve, to the satisfaction of Main Roads Western Australia and the Shire of Serpentine Jarrahdale.
- c. Prior to lodgement of a Building Permit, an amended Stormwater Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Stormwater Management Plan must be developed in accordance with Local Planning Policy 2.4: Water Sensitive Urban Design Guidelines. This must include the following:
- i. Details of suitable treatment and filtration of captured stormwater onsite prior to its release into the South Western Highway drainage system.
- d. The vehicle parking areas, accessways, internal roads and crossover must:
- i. Be designed in accordance with the relevant Australian/New Zealand Standard;
 - ii. Include a suitable number of car parking spaces dedicated to people with disability designed in accordance with the relevant Australian/New Zealand Standard;
 - iii. Be constructed, sealed, kerbed, drained, marked and thereafter maintained.

Plans depicting these works are to be submitted to and approved by the Shire prior to the issue of a Building Permit. The works are to be completed prior to operation of the development, and thereafter maintained.

- e. Prior to lodgement of a Building Permit, a Lighting Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Lighting Plan shall demonstrate the provision of lighting to all access ways, car parking areas, the exterior entrances to all buildings and the extent to which light from all external light sources is cast. The Lighting Plan must demonstrate lighting not causing an adverse amenity impact on the surrounding area. Once approved, lighting is to be installed and maintained in accordance with the Plan.
- f. Prior to occupancy, an updated Environmental Noise Assessment be submitted to include modelling of noise associated with specific details of

mechanical plant, once these have been finalised. The acoustic assessment must include recommendations to further reduce noise from mechanical plant. Recommendations must be included within a Noise Management Plan and where associated with construction requirements, integrated into plans submitted for a building permit and implemented prior to occupancy.

- g. Prior to lodgement of Building Permit, an updated Waste Management Plan must be submitted demonstrating the design of the bin store area to the satisfaction of the Shire of Serpentine Jarrahdale. The design and specifications of the waste area must be designed in accordance with the Shire of Serpentine Jarrahdale Health Local Law and be appropriately screened from view.
- h. Prior to lodgement of a Building Permit, plans of public art shall be provided to and approved by the Shire of Serpentine Jarrahdale, in accordance with Local Planning Policy 1.6 - Public Art. Such art is to be established prior to occupation of the development.
- i. Prior to lodgement of a Building Permit, an amended Landscaping Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. This must include the following:
 - i. A planting regime and an increased density of vegetation shall be provided the Wilaring Street and South Western Highway boundaries to the satisfaction of the Shire of Serpentine Jarrahdale;
 - ii. A maintenance schedule of the proposed landscaping areas; and
 - iii. Landscaping within verge areas of Wilaring Street.
- j. Prior to the issue of a Building Permit, a Bushfire Emergency Evacuation Plan shall be prepared and submitted to the Shire of Serpentine Jarrahdale for approval. This shall be prepared by a suitably qualified bushfire consultant.
- k. Prior to the issue of a Building Permit, a Parking Management Plan shall be provided detailing the proposed installation and location of directional signage, disabled bays and EV charging bays (minimum of four) to the satisfaction of the Shire of Serpentine Jarrahdale.
- l. Prior to the issue of a Building Permit, an amended Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. This must include the following:
 - i. Details of how water will be treated for contaminants when within the proposed stormwater management system, including the addition of drainage swales internal to the site;
 - ii. A maintenance schedule to detail any recommended upgrades or maintenance necessary to the South Western Highway drainage system, to ensure the stormwater can be discharged effectively from site as proposed within the Stormwater Management Plan; and

- iii. Details of how the capacity of the proposed stormwater management system will be suitable to account for repeated storm events and how it will be cleaned and drained.
- m. Prior to occupancy of individual tenancies, a Signage Strategy shall be prepared and submitted to the Shire of Serpentine Jarrahdale. The Signage Strategy shall comply with the requirements of Local Planning Policy 4.11 - Advertising to the satisfaction of the Shire of Serpentine Jarrahdale.
- n. Prior to lodgement of a Building Permit, a Construction Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Construction Management Plan shall demonstrate how traffic management measures will be employed during the construction of the roundabout at Wilaring Street, ensuring there are no impacts to the accessibility of the residential area to the south.
- o. Prior to issue of a Building Permit, the applicant shall prepare a Section 195 Easement in Gross covering:
 - i. the through-road being available and accessible to the public at large without restriction and at all times; and
 - ii. the road at the front of the subject land connecting to the northern property, being available and accessible to the public at large for connectivity without restriction and at all times, to facilitate future development of that land consistent with the adopted structure plan.

This Easement in Gross is to be prepared by the Shire's Solicitors at the cost of the applicant, and provide for public access at all times along the driveway.

- p. Prior to lodgement of a Building Permit, detailed plans being submitted to and approved by the Shire of Serpentine Jarrahdale and Main Road Western Australia, depicting the following:
 - i. The full realignment and construction of Wilaring Street and associated roundabout; and
 - ii. A central island treatment and acceleration lane north bound at the of South Western Highway and Wilaring Street intersection.

Once approved, the works shall be undertaken prior to occupancy.

- q. Prior to issue of a Building Permit, the applicant undertaking a subdivision application of the subject site in order to construct and excise the road reserve requirements for the realigned Wilaring Street and associated infrastructure, to be available as a public road in perpetuity, to the satisfaction of the Shire. The road reserve shall then be ceded to the Shire of Serpentine Jarrahdale.
- r. Prior to the issue of a Building Permit, a Landscape Plan depicting the upgrade of the enlarged public open space on the southern side of realigned Wilaring

Street and South Western Highway, is to be submitted to and approved by the Shire. Once approved, the applicant shall undertake all upgrade works to the satisfaction of the Shire prior to occupancy of the development.

- s. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
- t. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

Details: outline of development application

Region Scheme	Metropolitan Region Scheme
Region Scheme - Zone/Reserve	Urban
Local Planning Scheme	Shire of Serpentine Jarrahdale Town Planning Scheme No.2
Local Planning Scheme - Zone/Reserve	Urban Development
Structure Plan/Precinct Plan	Lot 806 South Western Highway, Byford Local Structure Plan
Structure Plan/Precinct Plan - Land Use Designation	Industry Light
Use Class and permissibility:	'Showroom' – 'Fast Food/Takeaway' –
Lot Size:	8.2466 ha
Existing Land Use:	Vacant land
State Heritage Register	No
Local Heritage	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Heritage List <input type="checkbox"/> Heritage Area
Design Review	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other
Bushfire Prone Area	Yes
Swan River Trust Area	No

Proposal:

The application seeks approval for a 'Showroom' and 'Fast Food/Takeaway' development including the following components:

- 21 Showroom and five Fast Food/Takeaway Tenancies;
- 699 car parking bays;
- Realignment and upgrading of Wilaring Street, and the installation of a roundabout to manage traffic;

- New access from the north via Dougall Street;
- Landscaping, the bulk of which would be along the southern boundary of the site; and
- Earthworks and retaining, accounting for the 12m fall from the east to the west of the site.

The site plan and perspectives of the proposal are shown following. The development plans in full are contained within **attachment 2**.

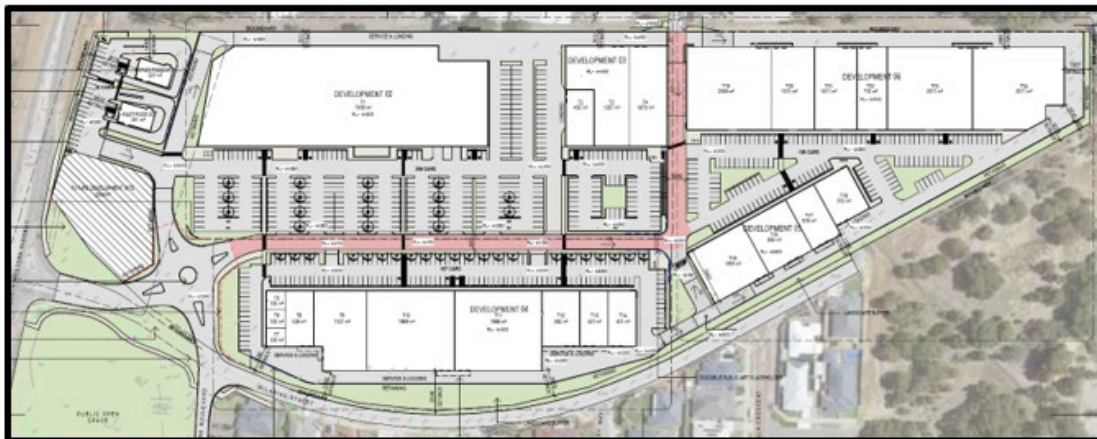


Figure 1: Site Plan



Figure 2: Perspective image with not existing mature vegetation added

Background:

Existing Development

The subject site is approximately 8.25ha and located within Byford, adjoining the mixed industrial area on the south side of Nettleton Road. The subject site is zoned 'Urban Development' under TPS2 and is designated 'Light Industrial' under the Byford District Structure Plan (DSP) and the Lot 806 South Western Highway, Byford - Local Structure Plan (LSP).

The site is bound by South Western Highway to the west, the Nettleton Road light industrial area to the north and the Byford by the Scarp residential development to the south. The site is undeveloped, though features a portion of vegetation primarily comprising of native Marri trees which have regrown since being cleared in the 1950s. Various trails appear across the land, which have also been reported as being used by off road vehicles. Such use has reduced following fencing of the land in recent times.

The site features a 12m fall from the high point at the east end of the site, down to the low point of the site adjacent to South Western Highway. The subject site can be viewed following:



Figure 3: Aerial Locality

Community / Stakeholder Consultation:

The application was advertised for a period of 28 days from 8 November 2022 to 6 December 2022 to surrounding landowners within a 500m radius of the subject site, in accordance with LPP1.4 - Consultation for Planning Matters. The application was also advertised on the Shire's website for the same period. In addition, a notice of the development proposal on a sign was placed on the site for the same period.

At the conclusion of the consultation, 85 submissions were received, consisting of 73 submissions either objecting or raising concerns with aspects of the proposal. 12 submissions were received either in support of the proposal or did not object to it.

The objections and concerns relate to the following issues which are discussed under the relevant headings of the report and form part of the Officer assessment:

- Traffic volume, safety and impacts to the existing road network;

- Built form and design;
- Appropriateness of land use;
- Increase to crime in the area;
- Removal of vegetation and impacts to environmental values; and
- Health and community impacts of fast food development.

A full list of the submissions received, including the applicant's response and Officer comments, is contained within **attachment 3**.

Main Roads Western Australia (MRWA)

Referral of the application was required to MRWA due to the site adjoining South Western Highway, which is categorised as a 'Primary Regional Road'. MRWA, in their letter dated 16 December 2022, indicated they were unable to provide a recommendation on the proposal due to requiring further information. MRWA raised objections in relation to the following aspects:

- Main Roads does not support the location of the roundabout, unless the applicant can demonstrate that issues of vehicle storage and queuing can be resolved so as to not impact movement of vehicles onto South Western Highway;
- A 'post full development' (+10 years) scenario should be assessed to determine the medium to long term impact from the proposed development;
- Ensuring intersections are designed to cater for vehicle turning movements; and
- Consideration should be provided of the weekend peak periods.

Updated Submission

After MRWA's initial comments, the applicant provided a revised Traffic Impact Assessment (TIA). MRWA reviewed this along with additional information and provided an updated submission (dated 22 February 2023) as contained within **attachment 3**. MRWA still raised traffic and stormwater management related concerns. These matters have been summarised as follows:

- Insufficient modelling
 - Future 10-year projection
 - Background growth rates
 - Cross trade discount data
- Suitability of internal traffic arrangements and existing intersections
 - Internal traffic arrangements
 - South Western Highway/Wilaring Street intersection
- SIDRA files not provided to MRWA
- RAV4 heavy vehicle access requirements
- Discharge into MRWA Reserve (South Western Highway)

Officer Comment

Officers note that the extension of Tonkin Highway will directly address a number of the concerns raised by MRWA, insofar that it will significantly reduce the amount of vehicles utilising South Western Highway. This expected significant reduction in vehicle use of South Western Highway, coupled with the proposed development

implementing enhanced road improvements and connectivity, provides merits that the proposal is appropriate for the subject land.

Officers note that whereas MRWA raise concerns in terms of traffic flows due to modelling concerns, the applicant's traffic assessment has included microsimulation of the critical peak hour traffic operations. This reveals traffic flows and levels of service to not be compromised by the development.

An intersection upgrade of realigned Wilaring Way and South Western Highway is also proposed, in the form of island treatments and the addition of acceleration lane treatments for vehicle exiting the site and heading northbound along South Western Highway. This is discussed in further detail later in the report. Officers also support the management of stormwater to reflect predevelopment flow rates, and do not support the position of MRWA that suggests all stormwater be managed on the site. This is not reflective of predevelopment contexts that should be maintained post development.

Department of Planning, Lands and Heritage (DPLH)

The development was referred to DPLH due to the site being registered as a possible location of Aboriginal Heritage. DPLH advised that the site does not intersect with a site for the purposes of the *Aboriginal Heritage Act 1972* and as such have no comments.

Department of Fire and Emergency Services (DFES)

DFES have no objections to the development, subject to minor modifications. These included the following matters:

- **Landscaping Plan** - DFES note the Landscaping Plan identified a landscape area to the south of the site along Wilaring Street. DFES raised concern that no certainty was provided whether this landscape area was to be 'managed', and so there is the potential that it could pose a bushfire threat to nearby residents. The applicant's additional information included the following amendment to the Landscaping Plan, which is considered to satisfy this comment: "*landscape buffer will be managed as low threat vegetation*".
- **Bushfire Attack Level (BAL) Table** - DFES raised concern that the BMP is unclear as to which BAL rating would be applied to 'Development 06'. The applicant confirmed that no building within the development would be higher than BAL-29.
- **Bushfire Emergency Evacuation Plan (BEEP)** - DFES provided comment that a BEEP should be provided by the applicant to the satisfaction of the Shire. This is to provide management for exiting the site in instances of emergency, in accordance with the Guidelines of State Planning Policy 3.7.

Officer Comment

The applicant has clarified that the BAL rating of the development would be no higher than BAL-29, which satisfies DFES concerns. The other matters raised concerning the management of landscape areas and the provision of a BEEP are recommended to be conditioned.

Department of Water and Environmental Regulation (DWER)

DWER do not object to the proposed development, though raised several matters for consideration as follows:

- **Local Water Management Strategy (LWMS)** - The proposal is not in accordance with the previously approved LWMS, which was prepared based on a mix of commercial and residential development.

- Contaminated Site - DWER noted that the site was historically purposed for an ammunition depot, therefore having the potential to be impacted with asbestos. DWER concludes that as the site was not an active part of the ammunitions depot the risk is minor and an appropriate management of asbestos should be undertaken in construction in accordance with the 'Code of practice how to safely remove asbestos' (Safe Work Australia, October 2018).
- Native Vegetation Clearing - A clearing permit is required from DWER prior to any clearing of native vegetation on the site.
- Groundwater License - DWER notes that the site is within a proclaimed area, so any extraction of groundwater would need to be applied for through the Department.

Officers Comment

Officers note the development is subject to a comprehensive SWMP, which reflects the previous LWMS prepared for the site. Specifically, the post-development flows meeting the pre-development flows. The matters relating to native vegetation clearing have informed advice notes within the recommendation section of this report.

Department of Biodiversity, Conservation and Attractions (DBCA)

DBCA note that there is a portion of native vegetation on site that appeared to be in very good condition. DBCA acknowledges though that this has been degraded due to an understorey of weeds and is not significant.

Officers Comment

Officers acknowledge there is a small portion of regrowth vegetation on site. The removal of this vegetation is not considered to compromise the wider landscape or environmental characteristics of the Byford locality. Through the approved LSP the removal of vegetation broadly across the development site is established.

Statutory Environment:

Legislation

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Environmental Protection (Noise) Regulations 1997

Metropolitan Regional Scheme

State Government Policies

South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million

State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7)

State Planning Policy 7.0 - Design of the Built Environment (SPP7.0)

Local Planning Framework

Shire of Serpentine Jarrahdale Local Planning Strategy (Strategy)

Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2)

Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3 (LPS3)

Byford District Structure Plan 2020 (DSP)

Lot 806 South Western Highway, Byford - Local Structure Plan (LSP)

Local Planning Policy 1.4 - Public Consultation for Planning Matters (LPP1.4)

Local Planning Policy 1.6 - Public Art for Major Developments (LPP1.6)

Local Planning Policy 2.4 - Water Sensitive Design (LPP2.4)

Local Planning Policy 4.15 - Bicycle Facilities Policy (LPP 4.15)

Local Planning Policy 4.16 - Landscape and Vegetation Policy (LPP4.16)

Local Planning Policy No 24 - Designing Out Crime (LPP24)

Planning Assessment

Clause 67 of the Deemed Provisions lists matters to be considered in the determination of development applications. A full assessment was carried out against the planning framework in accordance with Clause 67 of the Deemed Provisions which can be viewed within **attachment 4**.

Town Planning Scheme No. 2 (TPS2)

The subject site is zoned 'Urban Development' under the Shire's TPS2. Clause 5.18 of TPS2 sets out the objective of the 'Urban Development' zone as *"to provide for the orderly planning of large areas of land in a locally integrated manner and within a regional context, whilst retaining flexibility to review planning with changing circumstances"*. This objective is facilitated through the preparation of Structure Plans, which guide land use permissibility and development.

The subject site lies within the Byford District Structure Plan 2020 (DSP), and designates the site 'Light Industrial' zone. The Lot 806 South Western Highway, Byford Local Structure Plan (LSP) designates the site 'Industry Light'. The extract of the DSP seen following.

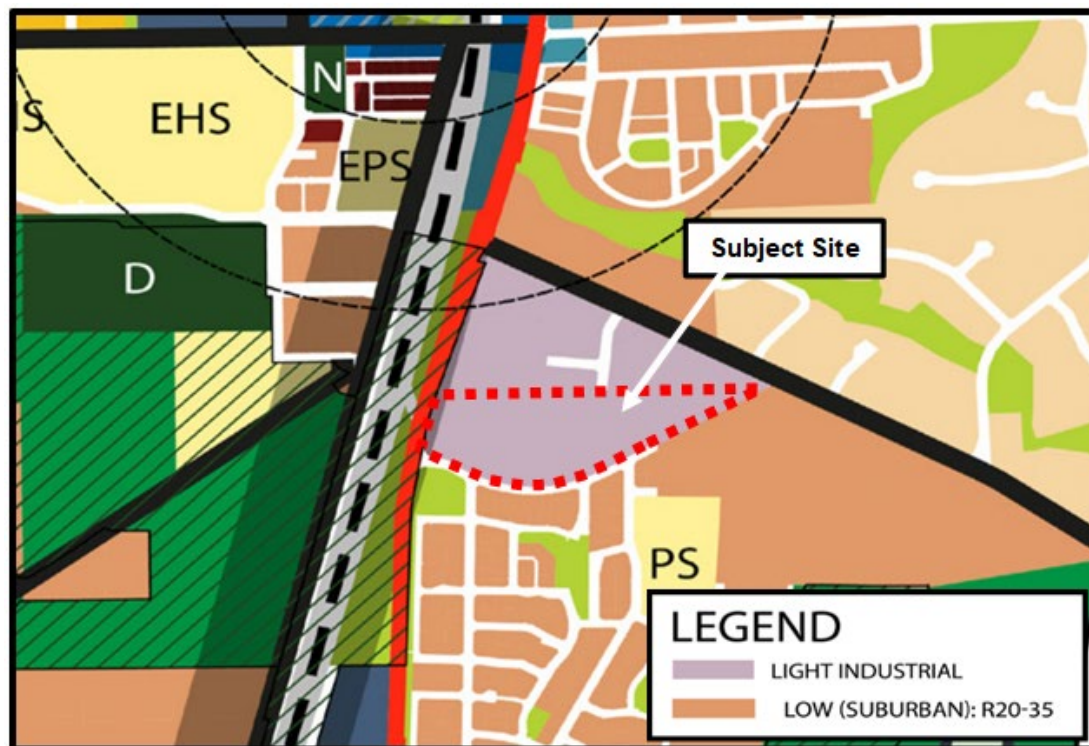


Figure 4: Byford District Structure Plan

The 'Light Industry' designation informs the permissibility of land uses, which is discussed in the following section of this report. Specific requirements and provisions of the LSP have been further considered later in the report.

Land Use

The proposed development falls within two separate land use definitions under TPS2. These are the 'Showroom' and 'Fast Food/Takeaway' land uses, which are defined as follows:

Showroom - *"means land and buildings wherein goods are displayed and may be offered for sale by wholesale and/or by retail excluding the sale by retail of: foodstuffs, liquor or beverages, items of clothing or apparel, magazines, newspapers, books or paper products, medical or pharmaceutical products, china, glassware or domestic hardware, and items of personal adornment."*

Fast Food/Take Away Shop - *"means a shop wherein food is prepared and offered for sale for consumption principally off the premises."*

These land uses are both 'AA' uses within the 'Light Industry' zone, as designated under the Structure Plan, in accordance with Table 1 - Zoning Table of TPS2. TPS2 states that the 'AA' symbol *"means that the Council may, at its discretion, permit the use"*. Therefore, the proposed land uses are considered capable of support, subject to a merits-based assessment.

Draft Local Planning Scheme No. 3 (LPS3)

The zoning of the subject site under draft Local Planning Scheme No.3 (LPS3) will remain 'Urban Development' and be subject to the designation within the approved LSP. The proposal would fall under the land uses of 'Bulky Goods Showroom' and 'Fast Food Outlet', which are defined as:

Bulky Goods Showroom - *"means premises -*

(a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes -

- (i) automotive parts and accessories;*
- (ii) camping, outdoor and recreation goods;*
- (iii) electric light fittings;*
- (iv) animal supplies including equestrian and pet goods;*
- (v) floor and window coverings;*
- (vi) furniture, bedding, furnishings, fabrics, manchester and homewares;*
- (vii) household appliances, electrical goods and home entertainment goods;*
- (viii) party supplies;*
- (ix) office equipment and supplies;*
- (x) babies' and children's goods, including play equipment and accessories;*
- (xi) sporting, cycling, leisure, fitness goods and accessories;*
- (xii) swimming pools.*

or

(b) used to sell goods and accessories by retail if -

- (i) a large area is required for the handling, display or storage of the goods; or*

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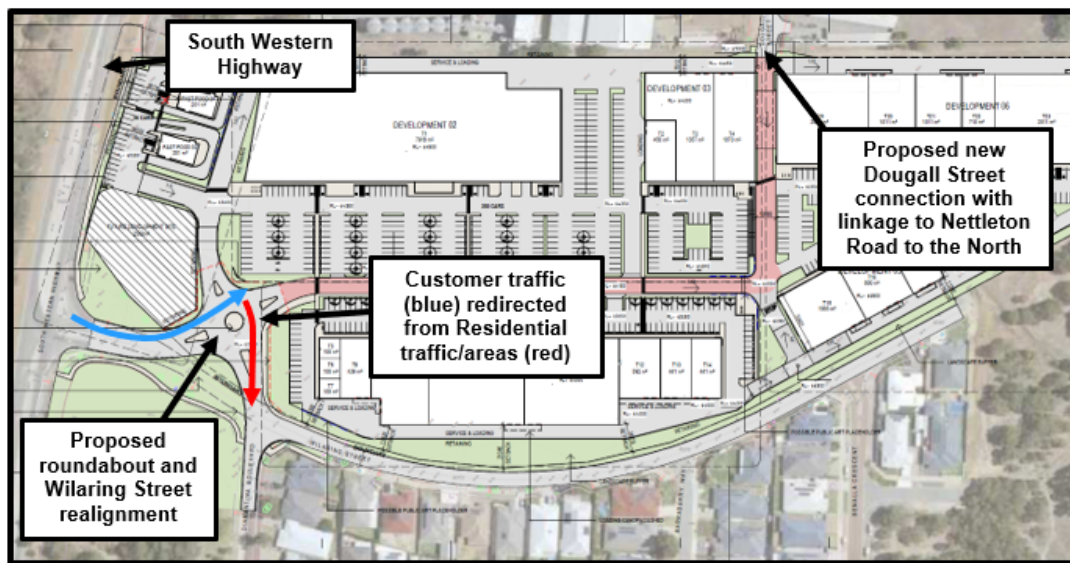


Figure 6: Existing and proposed road network

In terms of landscaping, the reduced landscaping area within the 'Public Open Space/Drainage' designated area in the LSP has been addressed by the submission of a Landscape Management Plan which seeks to provide dense screening of the development and also improve the visual appearance of the buildings when viewed from the public realm. Officers will also be seeking an amendment to the Landscape Plan to include additional planting along the South Western Highway boundary and also to include the verges along Wilaring Street. This increasing the overall area to be landscaped. Officers as a result are satisfied that the overall intent of the LSP in this regard has been met.

Form of Development

Clause 67 of the *Deemed Provisions*, specifically (m) relates to the form of the development that is required to be assessed.

The proposed built form features large showrooms buildings, of a tilt up panel design. These range from 10m to 7.5m in height. The proposed material palette comprises of a variety of face brick, colourbond cladding, painted concrete and large glazed doors. The two fast food tenancies close to South Western Highway feature an articulated design, while also providing a mixed colour palette of earthy tones.

Officers have assessed the design of the proposed development in line with the relevant provisions of the Byford Townsite Detailed Area Plan (DAP) and the design principles of State Planning Policy 7.0 - Design of the Built Environment (SPP7.0). Regarding the DAP, the subject site is located within the 'Light Industry' character area, which the development is consistent with by way of land use as discussed earlier in the land use section of this report. The assessment of the development against the DAP and SPP7.0 is as follows:

Byford Townsite Detailed Area Plan (DAP):

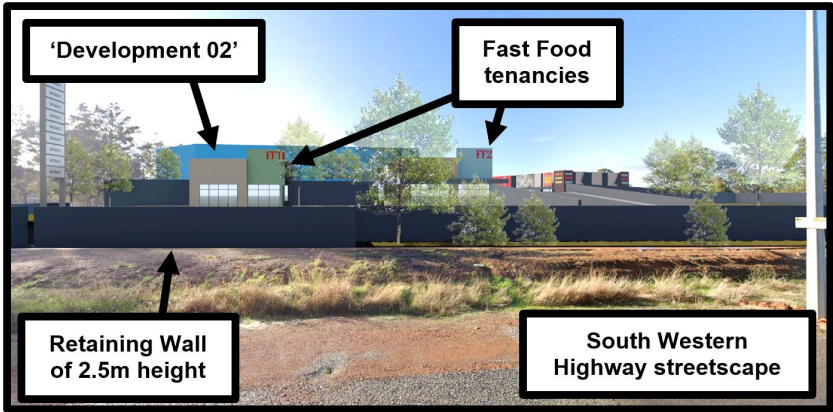
DAP Assessment	
Requirement	Proposed Development
<p>(iii) Building Setbacks</p> <p>As required under Councils Town Planning Scheme other than for the South Western Highway, which shall be 20m minimum. (G1, G6, I4)</p>	<p>Complies. Table IV of TPS2 requires Showroom and all other land uses within the 'Light Industry' zone to have a 9m setback to the primary street, no other setback requirements are provided. The development complies with this and the 20m DAP requirement. The fast food outlets being the closest the South Western Highway boundary are set back 24m.</p>
<p>(iv) Building Materials and Colours</p> <p>Building facades should be constructed predominantly of masonry, concrete, stone, timber or glass, or any combination of these products. Zincalume will not be permitted in the façade. Colourbond metal will be permitted as a feature only or as a visible roof material. This requirement extends to all street frontages. (G1, G2, G6, I 2).</p>	<p>The facades of the proposed buildings are predominantly of concrete tilt-up panel construction. There are feature elements of masonry, stone, timber and glass which are supported.</p> <p>Variation. The 'Development 02' building comprises of colourbond. This is mainly screened from the public realm due to the existence of other buildings screening the development. Officers recommend the western elevation of this building be amended to include materials which improve the appearance of the building in line with the rural character of the locality. Further details of recommended material treatments have been included in the SPP7.0 assessment section following.</p>
<p>(v) Fences</p> <p>Closed screen fencing shall only be permitted behind the front building line. Fencing forward of the building line is not supported, but Council can permit open, security fencing forward of the building line under special circumstances. (G1, G6, I 2)</p>	<p>Complies. No fencing is proposed forward of the building line towards the primary streetscape of South Western Highway.</p>
<p>(vi) Servicing (outdoor storage, air-conditioning units, plant and equipment, etc).</p>	<p>Locations of plant and air-conditioning equipment have not been provided. The applicant has advised this is to be undertaken when tenants have been confirmed. Officers consider a condition should be imposed requiring an updated</p>

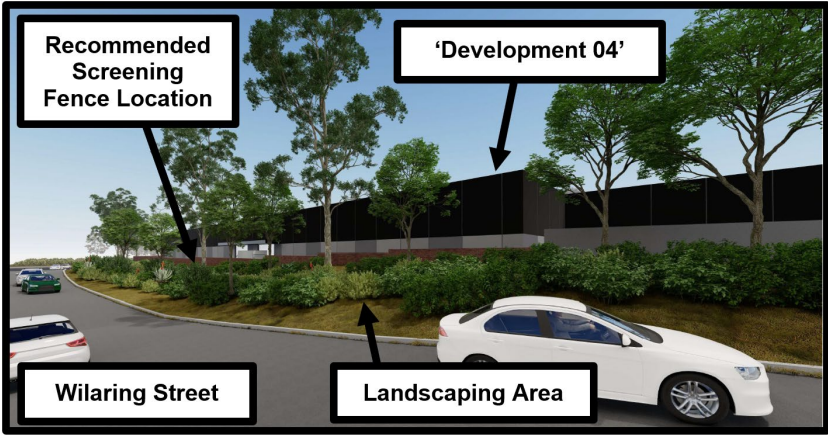
DAP Assessment	
Requirement	Proposed Development
All outdoor storage and plant and equipment shall be located out of sight from any public road. (G1, G6, I 2)	Plan detailing plant and equipment demonstrating it to be suitably screened from public roads.
<p>(vii) Signage</p> <p>Signage shall comply with Council's Local Planning Policy LPP5 - Control of Advertisements. No signage shall be permitted on the South Western Highway frontage. The only signage permitted on Nettleton Road shall be on the buildings. (G1, I 2, I 4)</p>	No signage is proposed as part of the application. A condition will be imposed to require a signage strategy is submitted to be in accordance with Local Planning Policy 4.11 - Advertising.
<p>(viii) Landscaping</p> <ul style="list-style-type: none"> A landscape plan must be provided and approved by the Council for every development site. The plan must incorporate the planting of substantial trees, aimed at maintaining the area's semi-rural character. A minimum of 10% of the total site shall be landscaped in a form approved by the Council. This area shall include any area on a secondary street frontage, and may include an open car park where shade tree planting is proposed at a rate of at least one tree per 6 car bays. All trees planted on the site must be from a selected palette of indigenous trees as specified by the council (refer section 8 of this DAP). No planted strip shall be less than 2.0 in width. <p>(G1, G4, G6, C2, C5, C6)</p>	<p>Complies. The development application includes a robust Landscaping Plan, which incorporates a mixture of vegetation. This includes the planting of large native trees. Amendments through a condition of approval are being sought to improve the visual appearance and the buffer of the development.</p> <p>Complies. The development site maintains overall 10% of the site as landscaping.</p> <p>Complies. Trees proposed are native species.</p> <p>Complies. Some of the planting areas along the south boundary (Wilaring Street) are 1.8m in width, internal to the property boundary. This is considered a minor departure and the intent is met due to the area being greater than 2m when considering the street reserve as well, which Officers recommend forms part of an updated Landscaping Plan requested through a condition of approval.</p>
<p>(ix) Off-site Impacts</p> <p>The interface between different land uses is always difficult to deal with due to the potential for conflict, particularly where commercial or industrial land has an interface with residential land. The following requirements should be applied in this instance.</p> <ul style="list-style-type: none"> Nettleton Road: This frontage is essentially developed. Any proposals 	<p>Nettleton Road - N/A</p> <p>South Western Highway (Variation) - This frontage does not provide the required 10m wide landscape buffer, nor any screening vegetation within the property boundary. Officers have recommended a condition to require updated landscaping treatments to the South Western Highway frontage, which will improve the visual appearance.</p>

DAP Assessment	
Requirement	Proposed Development
<p>for re-development should impose a landscaping requirement as per (viii) above. This should be complimented by a street tree planting programme along Nettleton Road. (Refer Section 9 for developer contributions).</p> <ul style="list-style-type: none"> • South-Western Highway: There is potential for some further subdivision along this frontage. A 10m wide landscape buffer should be provided and landscaped with screening vegetation to no less than 1.8m high, with tree planting to establish a canopy. Landscaping should be of indigenous species with a mix of groundcovers, shrubs and trees. • Southern Perimeter: The land to the south has been identified as future urban land. In the event of further subdivision of Lot 523 at the end of Dougall Street, a 15m wide landscape buffer should be provided, earth bunded and planted with screening vegetation to deflect noise from the industrial area over future residences, to provide visual screening and to incorporate stormwater drainage requirements for the precinct. <p>(G1, G6, I 2, I4)</p>	<p>Further details of the recommended treatments to the west interface of the development are within the '1. Context and Character' section of the SPP7.0 assessment below.</p> <p>Wilaring Street/Southern Perimeter (Variation) - This frontage towards the residential land to the south does not provide the full landscape buffer required under the DAP for the purpose of screening. However, Officers have recommended an updated Landscaping Plan to increase the density of vegetation on the southern perimeter of the development site, which includes the road reserve to be vegetated, which would provide a larger landscaping area along Wilaring Street (5m to 15m). The Landscaping Plan will be required to ensure that adequate vegetation would be provided and screening effect maintained. Further details of the recommended treatments to the south interface of the development are within the '6. Amenity' section of the SPP7.0 assessment below.</p>

State Planning Policy 7.0 - Design of the Built Environment (SPP7.0)

SPP7.0 Design Principle Assessment	
Principle and Objective	Comment
<p>1. Context and character</p> <p>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</p>	<ul style="list-style-type: none"> • The proposal does incorporate a mixture of earthy tones and materials to respond to the natural features of the Darling Scarp, which is suitable. • The proposal also is indicative of public art, which can be incorporated into the development. • Officers have recommended updated design treatments to address the South Western Highway interface of the development. This includes the retaining wall on the west lot boundary, the western façade of the fast food tenancies and

SPP7.0 Design Principle Assessment	
Principle and Objective	Comment
	<p>the 'Development 02' building to include design elements that are consistent with the rural character of the locality.</p> 
<p>2. Landscape quality</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</p>	<ul style="list-style-type: none"> The applicant proposes 10.5% of the site as landscaping area. This includes a mixture of treatments, including soft and hardscaping. The landscaping proposed focuses on improving the visual appearance of the site. Officers have recommended a condition to require an amended Landscaping Plan to ensure adequate landscaping is provided to the South Western Highway and Wilaring Street frontage.
<p>3. Built form and scale</p> <p>Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.</p>	<ul style="list-style-type: none"> The proposal aligns with the expected form of development through the approved LSP, which is of a light industrial nature. Vegetation and landscaping has been proposed to screen the development from the residential interface of Wilaring Street. Officers have recommended amended development plans be provided to ensure that the design and materials used for buildings is reflective of the rural character of the locality.

SPP7.0 Design Principle Assessment	
Principle and Objective	Comment
<p>5. Sustainability</p> <p>Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.</p>	<ul style="list-style-type: none"> The development proposes the following sustainable attributes: Substantial landscaping throughout the subject site, including a diverse range of endemic vegetation; Strong pedestrian connectivity and provisions of cycling infrastructure, surplus to TPS2 requirements, to encourage active transportation; Employment opportunities for the surrounding community; Introduction to a more diverse range of uses within the Byford locality.
<p>6. Amenity</p> <p>Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.</p>	<ul style="list-style-type: none"> The development seeks to incorporate landscaping, material and design elements to create a high degree of amenity within the development. A condition has also been recommended to elevate rural themes and tones of the locality within the development. Regarding the southern interface of the development, Officers recommend improved treatments to the landscaping area and the development to ensure the amenity of residents to the south can be maintained. This includes more dense screening vegetation within the landscaping area, a screening fence to be placed on top of the retaining wall behind the landscaping area and improved design treatments to the top of the 'Development 04' and 'Development 05' buildings. These measures would create a layered treatment effect, ensuring the amenity of the residents to the south can be maintained. 
<p>7. Legibility</p> <p>Good design results in buildings and</p>	<ul style="list-style-type: none"> Tenancies are to be separated by cladding feature walls and supported by signage to be implemented in another application process. This would assist with legibility.

SPP7.0 Design Principle Assessment	
Principle and Objective	Comment
places that are legible, with clear connections and easily identifiable elements to help people find their way around.	<ul style="list-style-type: none"> The development features a central internal road, by which all tenancies are accessible. This would assist again with legibility. Officers will require a directional signage strategy be implemented as a condition of the determination.
8. Safety Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.	<ul style="list-style-type: none"> The development does not provide details of lighting, which will be required as a condition of determination. The development would contribute to passive surveillance on the site. This is also discussed later in this report, within the Local Planning Policy No 24 - Designing Out Crime section.
9. Aesthetics Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.	<ul style="list-style-type: none"> Development incorporates various sized buildings, articulation and mixture of materials to reflect the rural tones of the Shire. A condition has been recommended to further improve the aesthetic design of buildings, by incorporating further contrasting materials and building designs.

Officers generally consider the development aligns with the aforementioned provisions, subject to conditions which will further improve the visual appearance of the development.

Car Parking

Clause 67(s) of the Deemed Provisions requires consideration be given to the adequacy of provision for parking of vehicles. The following car parking assessment has been undertaken against the requirements from TPS2 and draft LPS3:

Car Parking Assessment					
	Fast Food	Showroom	Combined Required Bays	Proposed	Complies?
TPS2	2 bays per 10sqm gross leasable area (146 bays)	1 bay per 60sqm <u>gross</u> leasable area (499 bays)	645 bays	699 bays	Yes
LPS3	1 bay per 4sqm of counter and/or dining areas, 1 bay per 4sqm of public assembly areas; and 1 bay per employee. Where a drive through facility is provided, 4 stacking bays and 1 waiting bay shall be provided (91 bays) - applicant's estimate	1 bay per 40sqm of <u>net</u> leasable area (561 bays)	652 bays	699 bays	Yes

Officers note that the parking allocation under TPS2 pertaining to Showroom is one bay per 60sqm of gross leasable area, whereas LPS3 introduces a one bay per 40sqm measure based on net leasable area. Showrooms can vary substantially in comparison between gross and net leasable area, with the latter excluding aspects such as service areas, common areas and areas set aside for provision of common facilities. Officers have calculated a net leasable area of 75% of gross leasable area, resulting in a car parking requirement of 652 bays, including the fast food outlets.

Based on the differing peaks of activity associated with the different uses, Officers further consider that car parking is sufficient for the proposed development.

Traffic and Access Management

Clause 67 of the *Deemed Provisions*, specifically (s) and (t) relate to the ability of the development to manage access and egress arrangements, and whether the traffic generated by the proposal would be safely managed on the existing local road network.

To demonstrate this, the applicant submitted a Traffic Impact Assessment (TIA) which identifies that the immediate road network of the site includes South Western Highway to the west, Wilaring Street to the south, Dougall Street and Nettleton Road to the north. South Western Highway is a 'Primary Distributor Road' under the jurisdiction of Main Roads Western Australia (MRWA), with a speed limit of 60km/hr. The other three streets mentioned have an 'Access Street' classification under the road hierarchy. All

these roads, except for Wilaring Street, form part of the Restricted Access Vehicle (RAV) Network.

The TIA identifies that the traffic generated by the development would generally be standard passenger vehicles with AM peak periods of the development on the weekdays between 8:00am to 9:00am and the PM period to be 3:00pm to 4:00pm. The TIA also accounts for Saturday (weekend) peak hours at 12:00pm to 1:00pm. It estimates that, *“the proposed development would generate a total of about 5,500 daily trips (both inbound and outbound) with about 119vph, 733vph and 1,072vph during the weekday AM, PM and Saturday midday peak hours respectively.”* Of the vehicles generated, 70% of the traffic would attend the site from the north and 30% from the south along South Western Highway.

The TIA has assessed the capacity of the immediate local road network including Wilaring Street, Dougall Street, Nettleton Road and South Western Highway in dealing with the volume of traffic generated demonstrating that there is capacity on these roads to cater for the additional vehicles.

A SIDRA analysis was also undertaken to analyse the performance of intersections of the immediate road network used to access the development. The results of the SIDRA analysis identified that generally the intersections are performing at a sufficient level to manage the volume of traffic generated. However, it is noted that queuing on Wilaring Street has been identified prior to vehicles manoeuvring onto South Western Highway during peak periods.

The intersection can only manage one north bound vehicle at a time in the median strip waiting to access South Western Highway resulting in the queuing. The TIA states that queuing would extend approximately 60-70% beyond Wilaring Street, east of South Western Highway towards the proposed roundabout. Officers consider that the queuing is also likely to be higher as the SIDRA analysis does contemplate the residential vehicles of the Scarp using the same South Western Highway/Wilaring Street entry points. Officers consider that to address queuing and to alleviate congestion along Wilaring Street that may also impact upon internal movements of the site, an island treatment and an acceleration lane treatment is required, based on the specifications of MRWA. This has also been recommended by MRWA These can be viewed following:

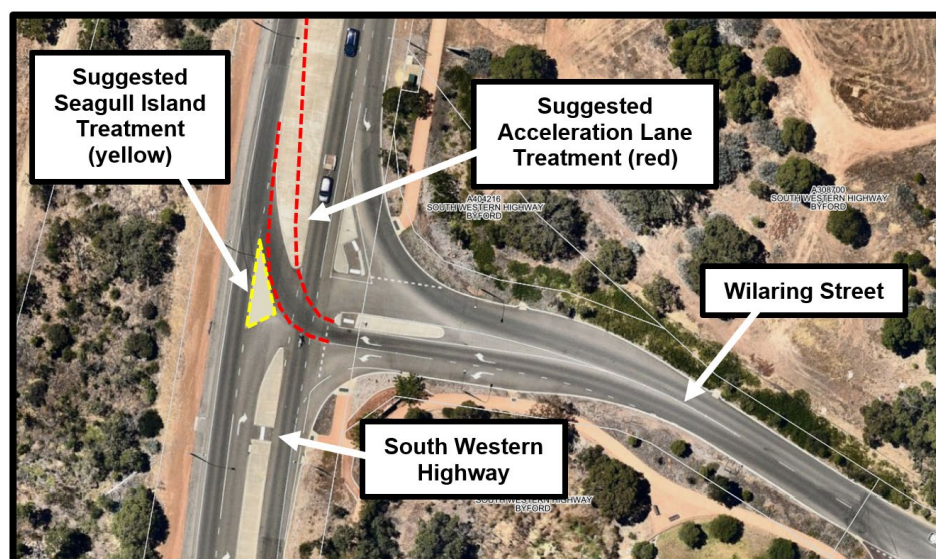


Figure 7: MRWA suggested treatments to ensure safety of South Western Highway/ Wilaring Street intersection

The island and acceleration lane treatments would enable a clear and continuous movement path across South Western Highway for vehicles, reducing queuing along Wilaring Street. The treatments would ultimately reduce the extent of queuing and congestion along Wilaring Street and improve the safety of the intersection. As such, a condition has been recommended to this effect. A further condition will be recommended to require service vehicles to utilise the Dougall Street entry and exit to the site to further reduce queuing along Wilaring Road. The costs of these treatments would be the responsibility of the applicant.

MRWA as part of their submission provided comments (as detailed previously) recommending that the TIA be amended to model for future projected increases to background traffic. Traffic along South Western Highway is likely to be significantly reduced as part of the Tonkin Highway extension. This will create a new key north-south linkage which is displayed in the following figure. Thereby, the growth projections would likely indicate that there would be less north-south bound traffic on South Western Highway. This would ensure the adequacy of the nearby road network to cater for the proposed traffic associated with this development, as well as future increases.

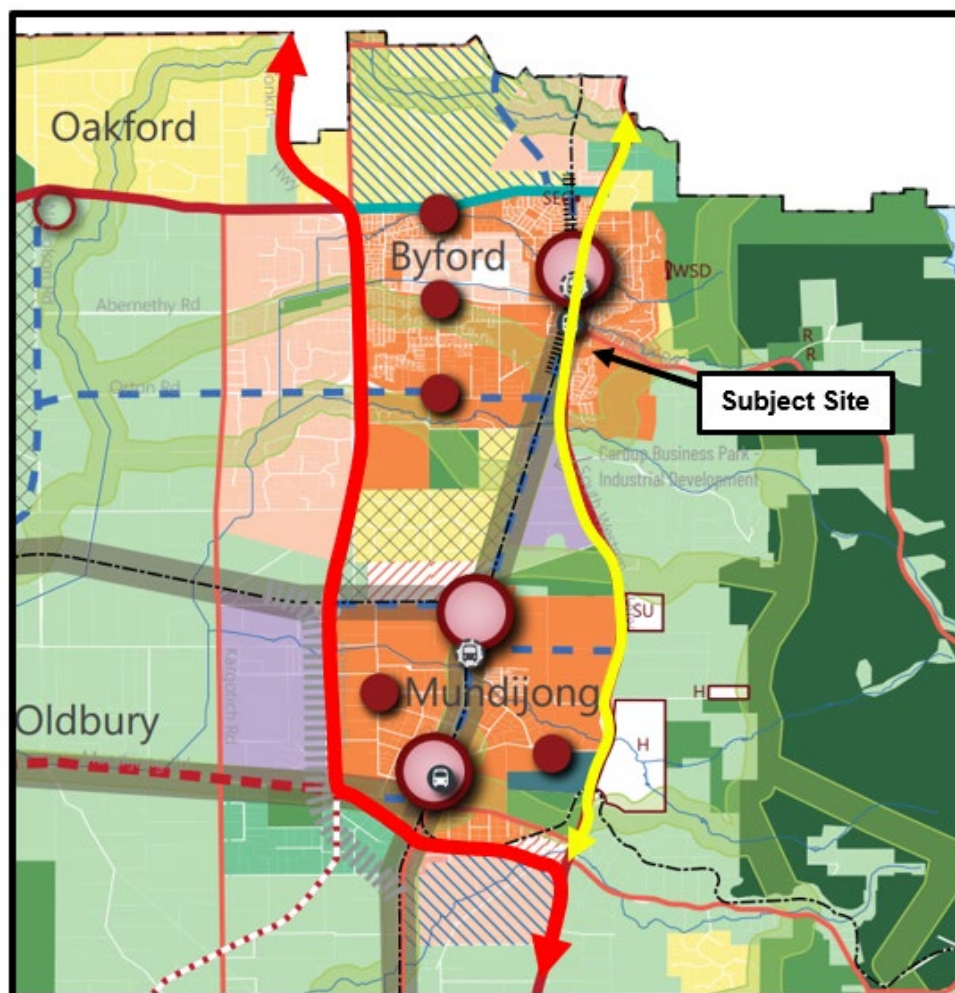


Figure 8: Tonkin Highway extension (red), South Western Highway (yellow)

Another matter raised in the MRWA referral was relating to the efficiency and safety of the internal four-way intersection to the north of the roundabout, potentially leading to queuing onto South Western Highway. The four-way intersection is viewed following:

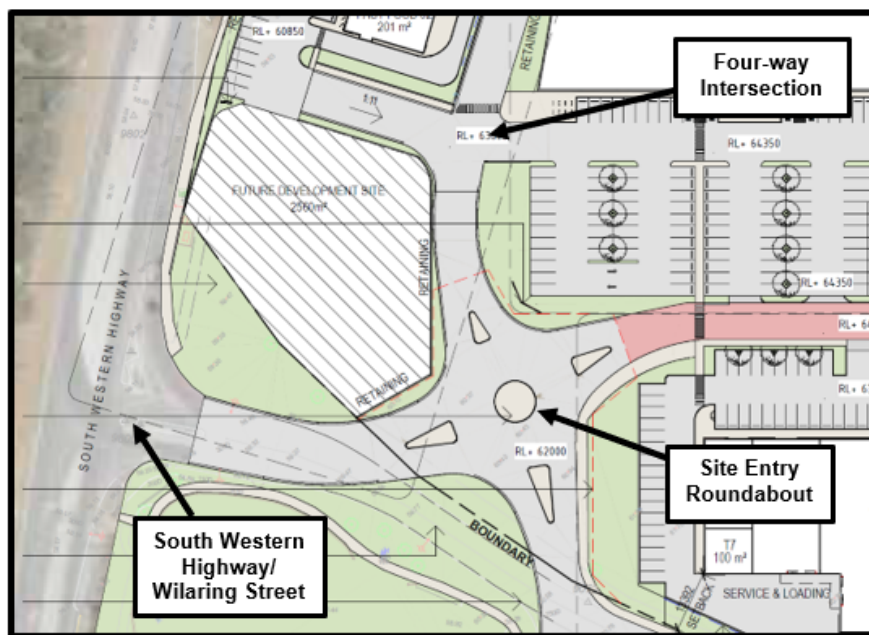


Figure 9: Proposed additions to local road network, including four-way intersection

MRWA have indicated that due to the irregular shape of this four-way intersection and that the crossovers are different in size, that it may cause confusion for customers resulting in queuing. MRWA recommends the installation of a smaller roundabout at this location, which Officers consider would ensure efficient and safe flow of traffic internally to the site. This measure has been recommended as a condition of determination.

Council should note that as MRWA maintains its objection to the proposal, the Western Australian Planning Commission (WAPC) are called in under Clause 29(1)(c) of the Metropolitan Regional Scheme (MRS) as responsible authority for that Scheme. The WAPC will recommend a position to the Metro Outer Development Assessment Panel (MODAP) under the MRS (approval or refuse).

Officers recommend a Condition pursuant to Section 195 of the *Land Administration Act 1997* be included in the determination of this application. The purpose of this is to establish an easement in gross to ensure the through-roads are available and accessible to the public at large without restriction and at all times. This would also be required to be maintained by the applicant. Another condition is recommended to require the applicant to undertake a subdivision application of the site. This shall exercise the realigned Wilaring Street and the associated infrastructure from the subject site, establishing a new public road reserve to accommodate realigned Wilaring Way.

The Shire is aware that the construction works to Wilaring Street would result in impacts to existing traffic in the locality for a period while construction is being undertaken. Officers are aware of the impact that these road works may temporarily have upon the community. Therefore, a Construction Management Plan is recommended through a condition, to ensure existing traffic can still use Wilaring Street and minimal impacts to nearby residents occurs during construction.

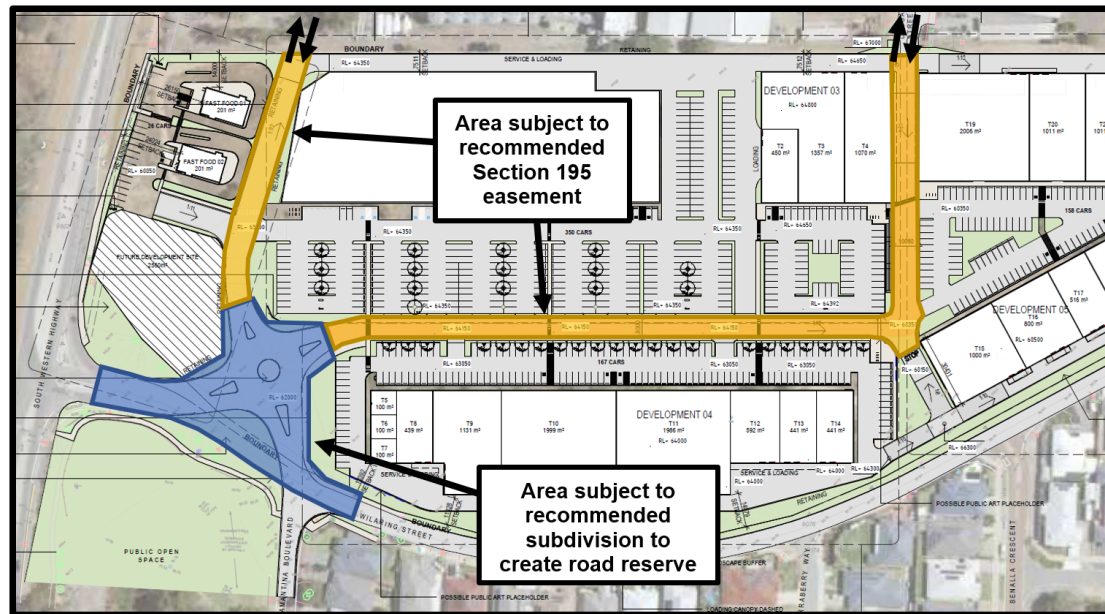


Figure 10: Further requirements to be undertaken to road network

Stormwater Management

Clause 67 (q) of the *Deemed Provisions*, relates to the suitability of the land for the proposed development, considering issues of stormwater. In this instance, the topography of the site features a considerable fall of 12m from the high point in the east to the low point at the west. Furthermore, the site has low capacity for natural infiltration due to it generally having a clay-based nature.

The applicant has supplied a Stormwater Management Plan (SWMP) to support this aspect of their application (**attachment 2**). The SWMP indicates pre-development flows feature a natural east to west movement of water with water discharging to an open pit drain which runs along South Western Highway (as seen in **figure 11** below). This pit manages surface water flows in the South Western Highway road reserve, moving water northwards through subsurface drainage infrastructure under South Western Highway to the west. The drainage system in South Western Highway is controlled by MRWA.



Figure 11: Natural surface/ground water movement (blue) towards the South Western Highway stormwater infrastructure (yellow)

The submitted SWMP has been prepared to include a series of catchment areas located within the carpark on site to manage the increased volume of stormwater generated by the hard surfaces of the development. The proposed catchment areas are seen following:

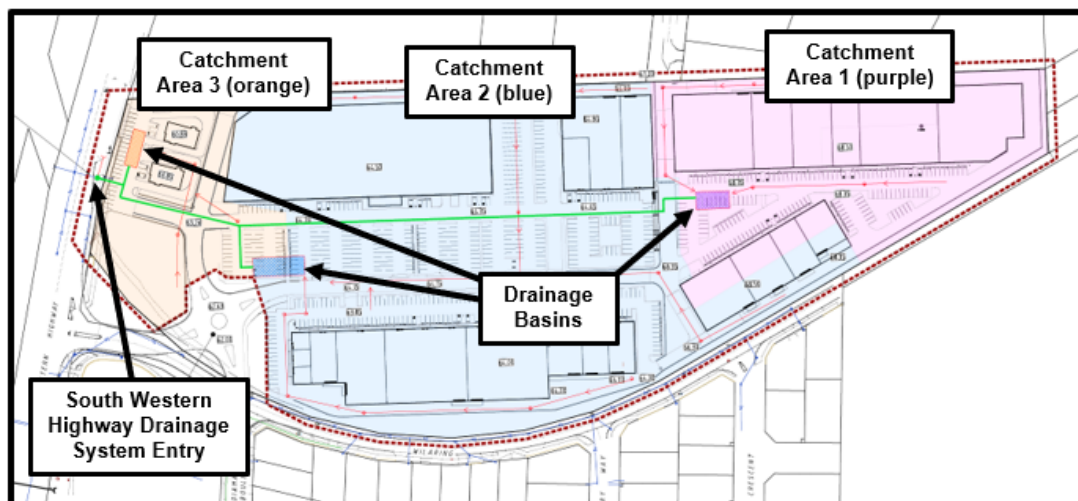


Figure 12: Proposed stormwater management system

Water in these separate catchments would be directed to drainage pits and underground pipes to three drainage basins. These basins would filter and channel water in its natural direction to the west, where it would eventually be released from the site into the South Western Highway drainage system once going through an appropriate treatment train at pre-development rates.

MRWA however, has objected to this aspect of the proposal as indicated in the consultation section of the report. MRWA is not supportive of any discharge of stormwater from the development site into the South Western Highway road reserve drain. In this regard, Officers note that there is an existing Local Water Management Strategy (LWMS) prepared for the site. While it is acknowledged that this LWMS was prepared for a previously intended residential subdivision of the site, it still provides

relevant advice relating to stormwater management. The LWMS established that stormwater from the site would need to be released into the South Western Highway drainage system at a predevelopment rate which was endorsed by MRWA.

In this regard, the submitted SWMP for the proposal indicates that the development, during stormwater events would be released at a rate of no more than 60L/s. This is significantly below the current 413L/s pre-development discharge rate onto South Western Highway. This is also within the 120L/s capacity that the South Western Highway drainage system can manage.

Officers as a result are satisfied that the measures recommended within the SWMP will maintain and support the pre-development discharge rates onto South Western Highway. Although the SWMP is considered satisfactory, Officers recommend a condition for an updated SWMP to be submitted which includes details of how the stormwater will be stripped of contaminants (hydrocarbons) prior to being discharged into South Western Highway. This may include vegetated drainage swales within the carpark area on site (example pictured below), similar to those found within the carparks of development of Byford's Town Centre. In addition, to ensure released water can effectively travel into the South Western Highway drainage system, a maintenance schedule shall be included within the amended SWMP. This should include an assessment of the existing entry culvert to the South Western Highway drain system and recommend any upgrades or maintenance required to the system, prior to the use occurring and to be maintained in perpetuity.



Figure 13: Example of vegetated swale treatment in car parking areas

Amenity

In the *Deemed Provisions*, Clause 67 (n) requires the Local Government to consider the consistency of the development with the amenity of the locality. A number of submissions from the consultation period raised concern that undue levels of noise would be received by surrounding residents. To support this aspect of the application, an Environmental Noise Impact (ENI) assessment has been submitted (**attachment 2**). This was undertaken in accordance with the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations).

Development has the potential to impact surrounding residents, which are considered sensitive receptors. It is noted that the 'Light Industry' designation for the site contemplates no external noise impacts resulting from development. Officers consider that the protection of residential amenity for neighbours is a key consideration during planning assessment. The following figure identifies key sensitive receptors adjacent to the site, mainly along Wilaring Street to the south and on Nettleton Road to the north-east of site.

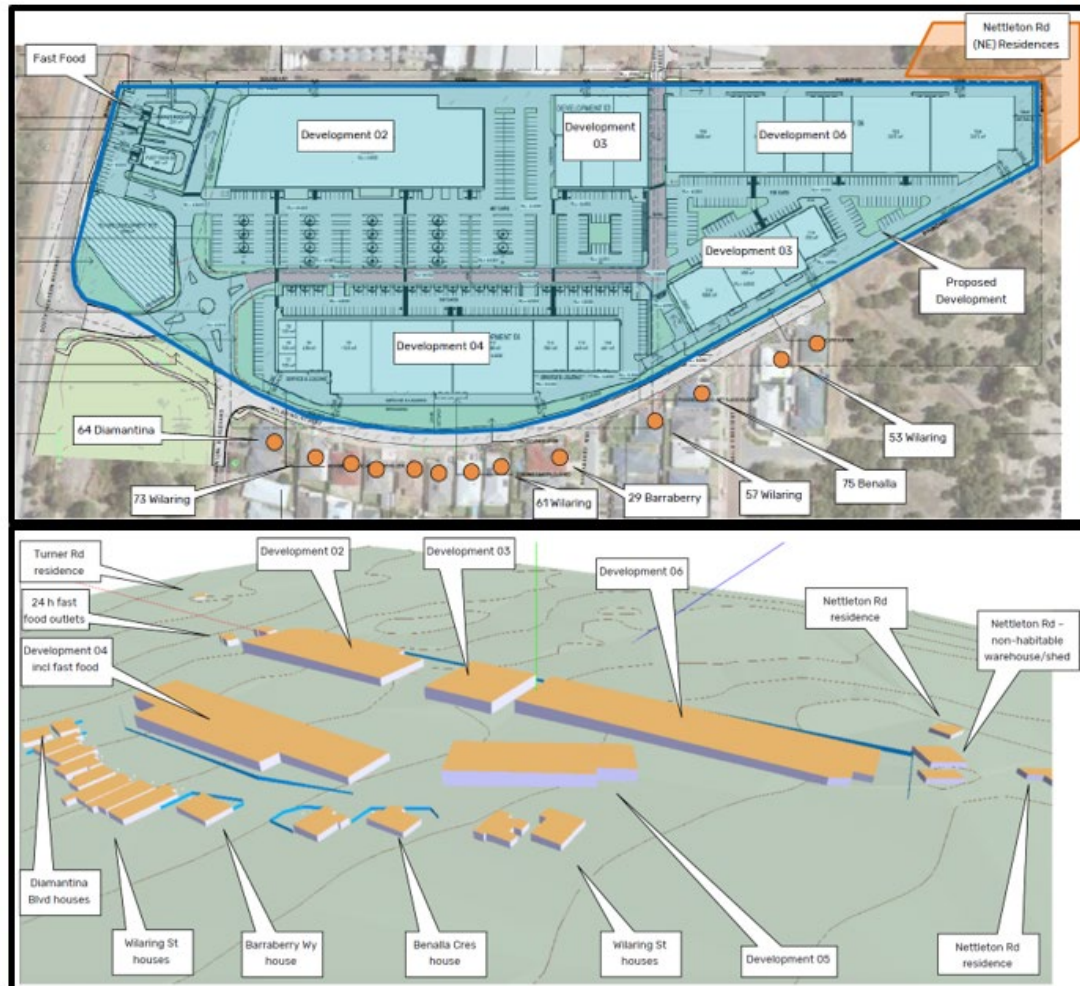


Figure Series 14: Key sensitive receptors identified in orange

The ENI assessment identifies key noise generating activities as follows:

- Car park and customer vehicle activity;
- Delivery, service and supply vehicle activities; and
- Mechanical plant and equipment at the site.

The ENI uses computer modelling which projects the noise to be generated by these activities. Factors that are input into the modelling include, meteorological information, topography, existing and proposed buildings or structures, ground absorption and the volume of the noise source. It has also been modelled based on the following:

- A noise wall of 2.7m being constructed in the north-east corner of the lot (inclusive of retaining works);
- Installation of plant equipment to standard with noise shielding provided;
- Delivery vehicles and forklifts are to standard in terms of noise generation.

The modelling is then assessed against the maximum allowable noise levels which can be received by sensitive receptor in accordance with the Noise Regulations. The Noise Regulations also identify that the most sensitive periods, when noise received should be scrutinised is during the weekend and weekday evening periods. The ENI's acoustic modelling has been refined to noises generated during weekday evening and weekend periods. These sensitive times are 7pm to 7am during weekdays (night periods) and also weekends (Saturday and Sunday). Modelling is confined to these periods as they provide an analysis of the 'worst case' scenario. The results of this can be viewed in full within **attachment 2**, though are also shown below.

Noise generated from separate activities has been split into three categories of noise types. The first figure in the series below is based on L_{A10} noise types, which are low impulsive noises, which have a high frequency. These include ongoing noise generated from plant equipment such as rooftop air-conditioning units or refrigerators.

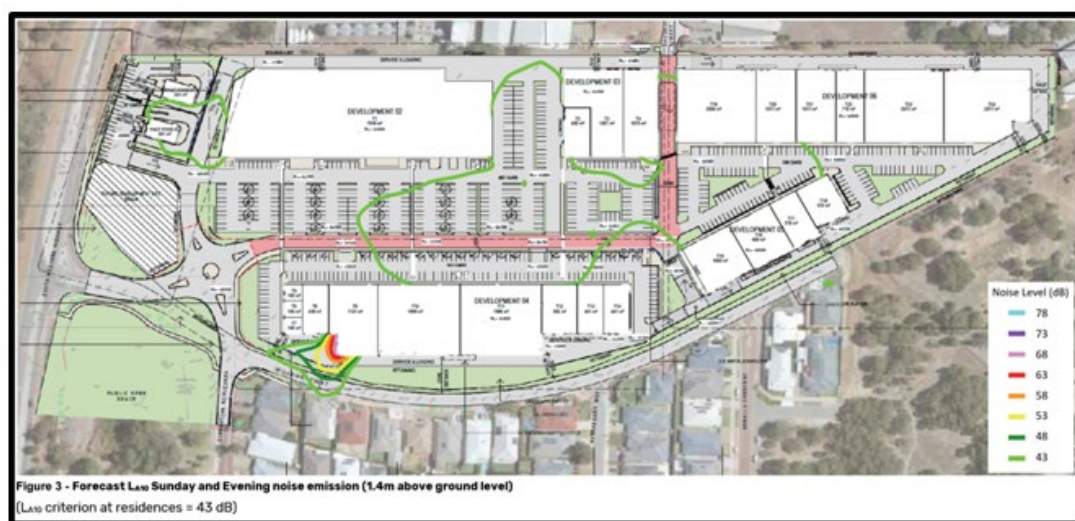


Figure Series 15: L_{A10} noise modelling

The second figure in the series is based on noise projected from L_{A1} noise types, which are more impulsive though less frequent. This includes noise from forklifts moving and their reversing beepers.

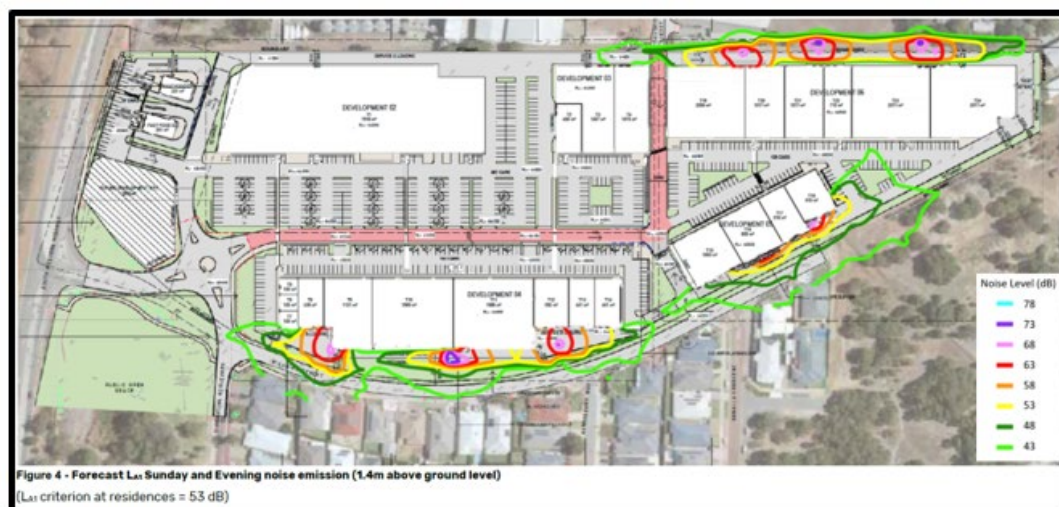


Figure Series 15: L_{A1} noise modelling

The last figure in the series is based on noise generated from L_{Amax} noise types, which have a high degree of impulsivity though are not frequent noises. Commonly this

includes delivery truck movements or passenger cars idling or their doors opening and closing.

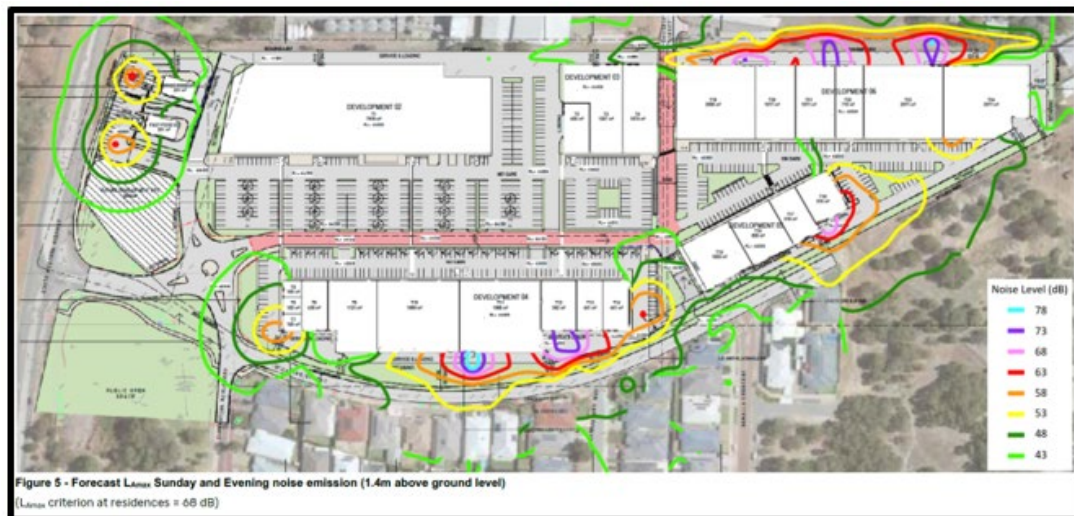


Figure Series 15: L_{Amax} noise modelling

The modelling above shows that compliant levels of noise in accordance with the Noise Regulations would be received at nearby sensitive receptors during the following periods and as seen within Figure 15:

- Weekday and Saturday 7am to 7pm; and
- Sunday and public holidays 9am to 7pm.

Therefore, Officers recommend that operation of the showroom tenancies should not occur outside of these hours. This specifically relates to the showroom tenancies as they are closest in proximity to the sensitive receptors. The ENI also identifies that the proposed 24-hour operation of the fast food tenancies would not generate noise exceeding these levels and so can occur without restricted opening hours.

Receiving Premises	Time of Day	Assigned Level (dB)		
		L _{A10}	L _{A1}	L _{Amax}
Noise Sensitive Premises - Highly Sensitive	0700 to 1900 hours Monday to Saturday	48	58	68
	0900 to 1900 hours Sunday and public holidays	43	53	68
	1900 to 2200 hours all days	43	53	58
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays	38	48	58

Figure 16: Assigned Levels of noise for Wilaring Street residences

No day period modelling was provided within the ENI assessment. However, this is not considered necessary as the evening and weekend periods are the more sensitive periods, in which there are more strict requirements. The rationale here is that should the development comply during these sensitive periods, then it would comply during the day periods.

Officers therefore recommend that a Noise Management Plan (NMP) should be provided for the site detailing how the recommendations of the ENI assessment will be incorporated into operation which includes the 2.7m noise wall and noise shielding

treatments. This should also demonstrate the limiting of operation hours to those periods in which noise generated by the development would be received in line with the assigned levels. This will inform a condition of approval and ensure the development is able to meet the requirements of the Noise Regulations.

Environment

Clause 67 of the *Deemed Provisions*, specifically (o) requires consideration of the effect of the development on the natural environment and any measures proposed to protect or mitigate impacts.

Geomorphic Wetland

The western portion of this site is a 'Multiple Use' category wetland. The 'Multiple Use' category is a classification of wetland applied to wetlands that have the least amount of environmental values. As seen in the figure below, the area of the wetland covers a significant extent of Byford beyond the site. The wetland, through the Byford District Structure Plan and accompanying Byford District Water Management Strategy always intended for the wetland to be developed upon. As such, the wetland as a result of existing development undertaken over the past 15 years has impacted upon its environmental attributes.

Officers further note that there is a 'Conservation' category wetland located 50m to the west of site. This is a wetland of high importance. Development of this site is not considered to impact that wetland due to the presence of South Western Highway separating the site from the wetland.



Figure 17: 'Multiple Use' category wetland on site (yellow overlay) and the nearby 'Conservation' category wetland (purple overlay)

Officers consider that as the wetland has been progressively built upon and degraded over time, the small portion of the wetland located on the property does not serve an environmental function as a result consider the development acceptable in the location.

Removal of Vegetation

The site is proposed to be cleared of vegetation. Officers note that several submissions have been received relating to the impacts of the development on the natural landscape features of the site. These mainly raise concern relating to the removal of vegetation and possible impacts on local fauna (including Bandicoots and Carnaby's Black Cockatoos). The applicant has provided an Environmental Assessment Report (EAR) to support this aspect of their development. The EAR provided is dated March 2018 and was developed to support the preparation of LSP that sits over this site.

For the purpose of this report an assessment has been undertaken against Clause 7.12.6 of TPS2. Consideration of the provisions of Local Planning Policy 4.16 - Tree Retention and Planting has been undertaken within the technical assessment which can be viewed as **attachment 4**.

TPS2 Clause 7.12.6 Criteria for Assessing an Application for Tree Removal	
Criteria	Officer Comment
a) that there should be a minimum disturbance to the landscape characteristics of the locality	The site was clear of vegetation in 1953, but since then regrowth has taken place. The small area of vegetation proposed for removal forms part of a larger vegetation complex within the Byford locality, which still maintains key landscape characteristics of the Scarp. It is important to note that the approved Local Structure Plan (LSP) informs development expectations for the site. In this regard, vegetation is generally intended to be cleared for development, which informs the expected impacts to the landscape characteristics. Notwithstanding this the LSP designates revegetation areas on the south and west boundaries of the site which intend to provide a large strip of vegetation to screen development on site and act as a natural buffer. Furthermore, a Landscaping Plan has been proposed to landscape the site, which a specific focus on the revegetation area and internal landscaping, which would provide a high degree of vegetation when viewed from the public realm and to a degree will replace the existing vegetation removed. Officers consider the removal of vegetation aligns with the planning framework for the site.
b) generally that a realistic need should be demonstrated for the removal of any tree or trees for the purpose of facilitating appropriate development or agricultural use of the land	The removal of vegetation reflects the intent of the existing LSP approved for the subject site, intending it to be developed for light industrial purposes. Officers consider that the proposed Landscaping Plan once implemented will still provide a high degree of amenity, with a particular focus on the revegetation areas to the west and south of site.
c) the intrinsic value of the tree or trees in terms of physical state, rarity and variety, and particularly whether or not the tree is naturally growing	The trees are regrowth. The vegetation onsite is considered to form part of a larger complex of vegetation within the Byford locality. As a result, the removal is not considered to adversely impact upon the broader values of the Byford locality. Notwithstanding this, the LSP intends for the site to be developed and to generally be cleared.

TPS2 Clause 7.12.6 Criteria for Assessing an Application for Tree Removal	
Criteria	Officer Comment
d) reflecting upon the adequacy of the information supplied as to the general description of the tree or trees and the character of the locality	The vegetation on site forms part of a larger complex within the Byford locality. The small portion to be removed is not considered to impact upon the overall complex and landscape character. A landscaping plan has also been proposed and intends to vegetate key areas of the site as reflected in the LSP. Amendments have been sought to this Landscaping Plan through a condition of approval, to ensure appropriate landscaping within these key areas occurs to maintain the landscape characteristics of the Scarp.
e) giving effect to any proposals made for replacement of trees removed, for planting or replanting generally, and any comprehensive proposal for landscaping	<p>The proposed Landscaping Plan seeks to vegetate the south, west and internal areas of the site meeting the intent of the LSP, seeking to improve the overall visual appearance of the development. The plan also seeks to manage visual appearance of the development as viewed from the surrounding streetscapes.</p> <p>Officers however have recommended an amended Landscaping Plan. This focuses on increasing the density of species along the revegetation areas.</p>
f) preservation of the existing and future amenity of the adjoining land and the natural environment of the locality	Through the LSP the vegetation is intended to be removed broadly across the subject site. The vegetation forms part of a larger complex in the locality, specifically the residential area of the Scarp. As a result, the removal is not considered to impact upon the amenity and the broader environmental features of the locality.
g) minimising the effect of removing trees and naturally growing vegetation on the environment and in particular erosion and salination effects	

In summary, Officers consider that the proposed removal of vegetation will not adversely impact upon amenity and/or the environment. This proposed Landscaping Plan provided as part of the application, meets the intent of the LSP. Also, the removal of the existing vegetation is considered as a small portion of the existing vegetation within the Byford area as seen below:

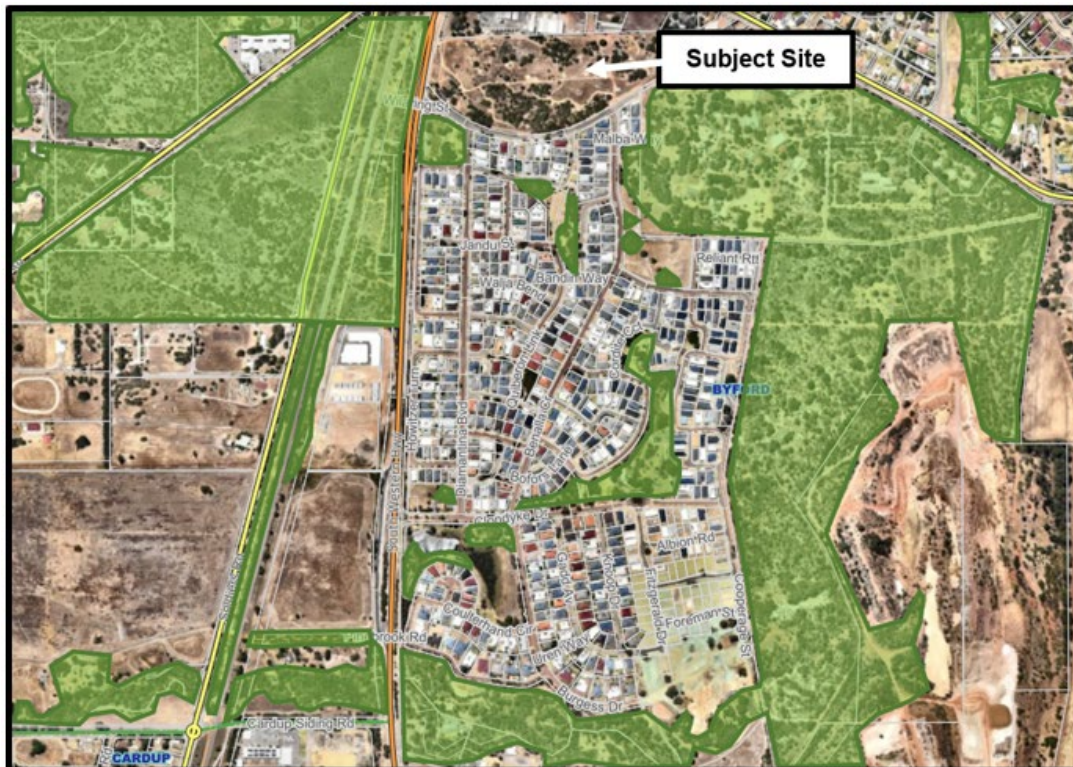


Figure 18: Aerial imagery depicting the existing vegetation in the broader Byford context

Waste Management

The site features a total of 26 separate tenancies, each of which will require their own bin storage areas. Officers consider that if this is not correctly managed there is the potential for waste collection to result in an adverse impact to nearby residents by way of visual amenity and odour.

The applicant has advised that each tenant will have their own bin storage areas internally to the buildings. The bins would then be wheeled out on collection days at the rear of the tenancies, on the service road. These would be collected by waste collection vehicles and wheeled back into the building. As there are no tenants for the site presently, full details of waste collection, including the service provider have not been provided. Officers are satisfied that bin store areas within the buildings will prevent odour and visual impacts of waste to the locality. As mentioned previously, Officers recommend a screening fence be installed atop the retaining wall to the south of the site. This will also ensure that bins waiting to be emptied on waste collection days will not cause an adverse visual amenity impact to the residents on Wilaring Street.

Officers recommend a condition requiring a waste management plan be provided ensuring that the bin store areas are constructed in accordance with the Shire's Local Health Law. Also, this plan would need to be demonstrated suitable screening of the bin collection areas from public view on collection day.

Bushfire Management Plan

The subject site lies within a bushfire prone area and as such is required to have a Bushfire Management Plan (BMP) prepared achieving compliance with State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7) and the associated Guidelines for Planning in Bushfire Prone Areas (Guidelines). A BMP has been submitted demonstrating that a BAL rating of BAL-29 is able to be achieved for the development.

The BMP demonstrates consistency with the provisions and elements of the Guidelines relating to Siting, Location, Access and Water.

DFES also commented that no Bushfire Emergency Evacuation Plan (BEEP) has been provided by the application. Officers consider that due to the built-up nature of the site and close access to South Western Highway, effective evacuation of the site is capable. However, this should be formalised in a BEEP, which makes each tenant aware of their responsibilities and evacuation points, considering customers may be at the site where they are not familiar with their surroundings. The BEEP is therefore recommended by way of a condition.

Local Planning Policy No 24 - Designing Out Crime (LPP24)

Clause 67 of the *Deemed Provisions*, namely (n) requires consideration of impacts of the development to the amenity of the locality including any social impacts of the development. Officers consider that this coincides with a number of submissions raised by community members, in that there are concerns the proposal could lead to an increase in crime or antisocial behaviour. LPP24 provides provisions and principles relating to Crime Prevention Through Environmental Design (CPTED). This is the notion that people's behaviour is influenced by the design of the environment, including the built form.

LPP24 provides principles that inform CPTED considerations and guide Officers in considering the potential for antisocial activities at the site. The relevant provisions have been considered in the below table:

LPP24 Assessment Table	
Surveillance	
Ensure clear sightlines to public realm areas from adjacent buildings.	<p>The development site is to have a generally open layout. There are limited enclosed or hidden spaces. This would enable lighting of the site to ensure clear sightlines can be maintained.</p> <p>The current building facades have limited windows, which does not promote passive surveillance or clear sightlines of the car park from tenancies. It is recommended that the applicant provide amended elevation plans as a condition of determination including more substantial windows on individual tenancies to address this.</p>
Light primary pedestrian routes.	Officers have recommended a condition of this determination to provide a lighting management plan to this effect.
Ensure level changes do not obscure public places.	There are several significant level changes at the site due to the topography of the land. Though they do not obscure between public and private places due to the access ramps, stairs and internal vehicle access to the different levels of the site.
Front boundary fencing should be visually permeable.	There is no fencing proposed to the South Western Highway boundary.
Access Control	

LPP24 Assessment Table	
Surveillance	
Secure access against offenders with gates and defining structures.	Development on the site will be defined between tenancies and carparks. Roller doors are proposed at the rear of tenancies.
Ramps and steps can create effective local access controls.	The site features slopes and contours. There are ramps and steps near to service areas, 'back of house' areas and separating land uses, creating access controls.
Changes of ground level delineate ownership or use changes.	Changes in levels are used to delineate the showroom from the fast food tenancies.
Territorial Reinforcement	
Clearly define private ownership by structures and surface materials.	The development by way of form and design is clearly commercial development, meaning it is easily understood that the buildings are privately owned.
Avoid ambiguity of ownership and responsibility.	The site will have clearly defined ownership areas, compared to the nearby residential area to the south.
Management and Maintenance	
Establish effective maintenance plans for public spaces.	Landscaping Plan to be maintained in an ongoing manner.

Officers consider the general open lot layout promotes good internal passive surveillance, opportunities for lighting and CCTV cameras to ensure anti-social behaviour is not encouraged. The natural features of the land, landscaping and the inclusion of retaining walls ensures private and public areas are clearly defined, further discouraging anti-social behaviour through passive design.

As discussed in the table above, Officers note the lack of windows across the development site would not contribute to passive surveillance across the site. Indeed, when discussing surveillance LPP24 states that, "*Barriers such as blank walls or building facades without windows that reduce visual permeability can make it difficult to observe non-desirable activities.*" It is considered that this element of the development is crucial to promoting a positive design outcome and discouraging negative behaviours across the site.

In that instance the minimal windows on building facades and expansive car park led to a low level of natural passive surveillance. Officers consider that by amending the proposed development to include more windows on internal building facades, the provisions and objectives of LPP24 can be met. This forms a recommended condition of determination.

Public Art

The objectives of LPP 1.6 - Public Art is to facilitate public art to enhance public enjoyment, engagement and understanding of places through the integration of public art. The policy sets out the requirements for physical and financial contributions for

public art for any development valued at \$1 million or greater. A condition should be imposed requiring the applicant to contribute towards public art in accordance with the policy in the event of an approval.

Other Infrastructure

It is necessary as part of this application to realign the footpath on the western side of this development site which currently traverses the property boundary. This will be required to occur as a condition of approval in conjunction with MRWA.

Conclusion:

The proposed development provides significant investment, commercial interest and employment opportunities within the Byford area. Officers are satisfied that key issues of traffic, noise and stormwater management are able to be managed appropriately. The form of the development itself is capable of support through amendments to landscaping, colours and materials and the inclusion of windows, which form conditions of determination. Officers recommend Council endorses the RAR supporting the development.

Alternatives

In accordance with clause 17(4) of the Regulations, the JDAP may determine an application by either approving the application (with or without conditions) or refusing the application.

Should the JDAP resolve to refuse the application, this determination needs to be made based on valid planning considerations as outlined under clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 and as set out in the Development Assessment Panel Practice Notes: Making Good Planning Decisions.

However, as outlined in the report sections above, the Shire consider that the proposal is suitable in its current form subject to those matters recommended as conditions of approval.