

SUMMARY OF SUBMISSIONS
PA23/958 - Lot 9000, 658 Robertson Road, Byford - Commercial Development

Submitter	Submitter Comments	Applicant Response	Officer Comment
Water Corporation	<p>Water Corporation offers the following comments for the proposed development:</p> <p><u>Water</u></p> <p>Reticulated water is not immediately available to serve the subject area. An extension of the existing water main is proposed and will be completed to service the lot in due course.</p> <p><u>Wastewater</u></p> <p>Reticulated wastewater is not immediately available to service the subject area. All sewer main extensions required for the development site should be laid within the existing and proposed road reserves, on the correct alignment and in accordance with the Utility Providers Code of Practice. Design Submissions can be made online – Land Development</p> <p><u>Approval for works</u></p> <p>Any works carried out in proximity to our Assets must receive prior approval by applying for an Asset Protection Risk Assessment (APRA) To assess whether the proposed development will require and APRA details of the Prescribed Proximities and relevant legislation are available in our guidelines.</p> <p><u>Building Approval</u></p> <p>Formal building approval will be required for the development. An application can be submitted via our online portal BuilderNet. Attachments required for approval may include:</p> <ul style="list-style-type: none"> • Final construction site & architectural floor plans • Hydraulics • Industrial Waste Application • Industrial Waste Supplement Form (Medical facility) 	<p>Water Corporation’s comments noted.</p> <p>Drainage strategy submitted with the application dealing with stormwater (prepared by Development Engineering Consultants).</p> <p>Wastewater treatment proposal submitted with the application dealing with effluent disposal (prepared by Aquarius Waste Water Systems).</p>	<p>Noted.</p>

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	<p>The information provided above is subject to review and may change, if the proposal has not proceeded within the next 6 months, please contact us to confirm that this information is still valid. Please provide the above comments to the landowner, developer and/or their representative. Should you have any queries or require further clarification please do not hesitate to contact the Enquiries Officer.</p>		
DFES	<p>I refer to your email dated 19 March 2024 regarding the submission of a Bushfire Management Plan (BMP) (Version B) dated May 2022 and prepared by Emerge for the abovementioned development application. The BMP is accompanied by an Application for Development Approval form and plans dated 13 December 2023 from the proponent, a Traffic Impact Assessment (Version U23.134.r01a) dated 20 November 2023, and a Landscaping Plan (Project No. 23273) dated 10 November 2023 and prepared by Urban Retreat Garden Design.</p> <p>This advice relates only to State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP 3.7) and the Guidelines for Planning in Bushfire Prone Areas (Guidelines). It is the responsibility of the proponent to ensure the proposal complies with relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining approvals that apply to the proposal including planning, building, health or any other approvals required by a relevant authority under written laws.</p> <p><u>Assessment</u></p> <ul style="list-style-type: none"> • The decision maker has confirmed this to be an intensification of development with a vulnerable land use for a medical centre and the application of SPP 3.7 is triggered. • The BMP has been prepared to support subdivision of the site and development on the northern portion of the site. It is noted that the current proposal relates to development of the southern area, not specifically addressed in the BMP. 	<p>DFES comments referred to Emerge to respond.</p> <p>Note: letter prepared by Emerge (dated 22.3.24) and presented to the Shire of SJ confirming medical centre not a vulnerable land use. Letter accepted by Shire of SJ (see email response dated 23.2.24).</p> <p>Will provide Emerge response/s to Shire of SJ when received.</p>	<p>Supported. – The Shire has requested an amended BMP to be submitted as part of the application.</p> <p>A BEEP will be required prior to the occupation of the development.</p>

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	<ul style="list-style-type: none"> • The BMP has not been prepared with regard to the development including for a vulnerable land use. Depending on the nature of the proposed uses, the decision maker may wish to require an Emergency Evacuation Plan however the presence of medical use does not necessarily mean the users are considered to be vulnerable. • If the decision maker does deem the use vulnerable, the referral should include a Bushfire Emergency Evacuation Plan as required in accordance with SPP3.7 clause 6.6.1. • The BMP contains an administrative error in relation to the inputs used in the BAL calculation table and their alignment with Table 2.5 in AS3959. Plots 9 and 10 describe a distance to vegetation of 27 - <50m for Scrub D for BAL12.5; AS3959 has a distance of 27 - <100m for BAL12.5. • Further clarification is required within the BMP of the requirements of SPP 3.7, and the supporting Guidelines as outlined in our assessment below. 		

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E24/9956	<p>1. Policy Measure 6.5 a) (i) Preparation of a BAL contour map</p> <table border="1"> <thead> <tr> <th data-bbox="336 355 481 379">Issue</th> <th data-bbox="488 355 999 379">Assessment</th> <th data-bbox="1005 355 1162 379">Action</th> </tr> </thead> <tbody> <tr> <td data-bbox="336 379 481 817">Vegetation Exclusion</td> <td data-bbox="488 379 999 817"> <p>Evidence to support the exclusion of Plot 12 (Robertson Road reserve), Plot 17 (Future Orton Road Reserve/EAW) and Plot 18 (South Western Highway road reserve widening) as managed to low threat in accordance with AS3959 is required.</p> <p>A Landscaping Plan has been submitted showing the Future Orton Road Reserve/EAW (Plot 17) to be revegetated to the standard of what could be considered Class A Forest. This is expected (as per the Transport Impact Assessment) 'with a medium to longer term design/time frame...'. The supporting information provided with the BMP does not support its classification as low threat vegetation.</p> <p>Alternatively, the vegetation should be classified as per AS3959, or the resultant BAL ratings may be inaccurate.</p> </td> <td data-bbox="1005 379 1162 817">Modification to the BMP is required.</td> </tr> </tbody> </table>	Issue	Assessment	Action	Vegetation Exclusion	<p>Evidence to support the exclusion of Plot 12 (Robertson Road reserve), Plot 17 (Future Orton Road Reserve/EAW) and Plot 18 (South Western Highway road reserve widening) as managed to low threat in accordance with AS3959 is required.</p> <p>A Landscaping Plan has been submitted showing the Future Orton Road Reserve/EAW (Plot 17) to be revegetated to the standard of what could be considered Class A Forest. This is expected (as per the Transport Impact Assessment) 'with a medium to longer term design/time frame...'. The supporting information provided with the BMP does not support its classification as low threat vegetation.</p> <p>Alternatively, the vegetation should be classified as per AS3959, or the resultant BAL ratings may be inaccurate.</p>	Modification to the BMP is required.		
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<p>2. Policy Measure 6.5 c) Compliance with the Bushfire Protection Criteria</p> <table border="1"> <thead> <tr> <th data-bbox="336 887 465 911">Element</th> <th data-bbox="472 887 1032 911">Assessment</th> <th data-bbox="1039 887 1184 911">Action</th> </tr> </thead> <tbody> <tr> <td data-bbox="336 911 465 1530">Location, and Siting & Design</td> <td data-bbox="472 911 1032 1530"> <p>A1.1 & A2.1 – not demonstrated</p> <p>The BAL ratings cannot be validated, as the vegetation classification inputs require modification as per the above table.</p> <p>In addition, as the Medical Centre is a class of building not covered by AS3959:2018, it is suggested that the building be constructed to utilise all of the aspects of AS3959 that apply to the appropriate Bushfire Attack Level (BAL). This is consistent with Clause 78E(1) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> which requires the local government to have regard to the bushfire construction requirements of the Building Code of Australia. In addition, Clause 5.8.3 of <i>Applying SPP 3.7</i> in the Guidelines reads as follows:</p> <p><i>The bushfire construction provisions of the Building Code of Australia do not apply to Class 4 to Class 9 buildings. In these instances the applicant has the discretion to utilise any or all of the elements of AS3959 in the construction of the building that they deem appropriate.</i></p> <p>Although BAL construction standards do not guarantee the survival of the occupants or building, DFES does support the improved bushfire resilience provided by AS3959 construction.</p> </td> <td data-bbox="1039 911 1184 1530">Modification to the BMP is required.</td> </tr> </tbody> </table>	Element	Assessment	Action	Location, and Siting & Design	<p>A1.1 & A2.1 – not demonstrated</p> <p>The BAL ratings cannot be validated, as the vegetation classification inputs require modification as per the above table.</p> <p>In addition, as the Medical Centre is a class of building not covered by AS3959:2018, it is suggested that the building be constructed to utilise all of the aspects of AS3959 that apply to the appropriate Bushfire Attack Level (BAL). This is consistent with Clause 78E(1) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> which requires the local government to have regard to the bushfire construction requirements of the Building Code of Australia. In addition, Clause 5.8.3 of <i>Applying SPP 3.7</i> in the Guidelines reads as follows:</p> <p><i>The bushfire construction provisions of the Building Code of Australia do not apply to Class 4 to Class 9 buildings. In these instances the applicant has the discretion to utilise any or all of the elements of AS3959 in the construction of the building that they deem appropriate.</i></p> <p>Although BAL construction standards do not guarantee the survival of the occupants or building, DFES does support the improved bushfire resilience provided by AS3959 construction.</p>	Modification to the BMP is required.			
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Vehicular Access	<p>A3.1 – not demonstrated</p> <p>The decision maker to be satisfied that Robertson Road meets the technical standards for a public road and is developed in a timely manner with commencement of development on site.</p> <p>A3.2a & b, A3.3 – not demonstrated</p> <p>Access in two different directions to two different destinations, in accordance with the acceptable solution, is not available until approximately 250 metres from the development site to the intersection of the South Western Highway. This exceeds the acceptable maximum length of 200 metres for a no-through road.</p> <p>The balance of the no-through road, that is greater than 200m from the subject site, has not been demonstrated to be wholly within BAL LOW in order to demonstrate compliance with A3.2a.</p> <p>The BMP states that compliance can be achieved through development of the 'Future Orton Road Extension/EAW'. However, evidence has not been provided to demonstrate MRWA support to the access/egress onto the South Western Highway. If this connection is to be relied upon to demonstrate compliance with the Acceptable Solutions, then sufficient evidence must be provided that Robertson Road will be constructed to an appropriate standard and that it will connect to the South Western Highway.</p>					

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	<p style="text-align: center;">3. Policy Measure 6.6.1 Vulnerable land uses</p> <table border="1" data-bbox="331 352 1261 619"> <thead> <tr> <th>Issue</th> <th>Assessment</th> <th>Action</th> </tr> </thead> <tbody> <tr> <td>Bushfire Emergency Evacuation Plan (BEEP)</td> <td>The referral has not included a 'Bushfire Emergency Evacuation Plan' for the purposes of addressing the policy requirements. Consideration should be given to the Guidelines Section 5.5.4 'Developing a Bushfire Emergency Evacuation Plan'. This contains detail regarding what should be included in a BEEP and will ensure the appropriate content is detailed when finalising the BEEP to the satisfaction of the Shire.</td> <td>Comment only.</td> </tr> </tbody> </table> <p><u>Recommendation – compliance with acceptable solutions not demonstrated – modifications required</u></p> <p>It is critical the bushfire management measures within the BMP are refined to ensure they are accurate and can be implemented to reduce the vulnerability of the development to bushfire. The BMP has not demonstrated compliance to the following:</p> <ol style="list-style-type: none"> 1. Element 1: Location, Element 2: Siting and Design, and Element 3: Vehicular Access <p>It is noted that the Guidelines allow for a decision maker to consider approval of proposals on “legacy lots” where compliance with SPP3.7 cannot be achieved where the BMP addresses the requirements set out in section 2.7. DFES’ comments above would remain the same if the decision maker believes this is an appropriate pathway to pursue.</p>	Issue	Assessment	Action	Bushfire Emergency Evacuation Plan (BEEP)	The referral has not included a 'Bushfire Emergency Evacuation Plan' for the purposes of addressing the policy requirements. Consideration should be given to the Guidelines Section 5.5.4 'Developing a Bushfire Emergency Evacuation Plan'. This contains detail regarding what should be included in a BEEP and will ensure the appropriate content is detailed when finalising the BEEP to the satisfaction of the Shire.	Comment only.		
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Main Roads Western Australia	In response to correspondence received on 19 March 2024 and additional information received on 16 April 2024, pertaining to SIDRA files, please be advised Main Roads has no objections to the development proposal subject to the following conditions being imposed:	No response provided.	Noted. This advice was provided to the applicant.						

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	<p><u>Conditions</u></p> <ol style="list-style-type: none"> 1. Prior to occupation of the building Robertson Road must be constructed. <p><u>Justification for Condition</u></p> <p>Robertson Road must be upgraded to accommodate vehicle traffic to the location prior.</p> <ol style="list-style-type: none"> 2. All signs must be placed on private property and must not overhang or encroach the Primary Regional Road Reservation. 3. Any proposed illumination of the signs must not exceed 300 cd/m² (candela per square metre) between sunset and sunrise. 4. The signs must not flash, pulsate or chase. 5. Signage shall not be electronic / digital format. 6. The signs must not contain fluorescent, reflective or retro-reflective colours or materials. 7. Vegetation within the road reserve shall not be removed or trimmed to improve the visibility of proposed signs. 8. No works are permitted within the road reserve unless a Working on Roads Permit has been issued by Main Roads. 9. Stormwater shall not be discharged to the South Western Highway Road Reserve or the widened road reservation. <p><u>Justification for Condition</u></p> <p>Public safety and protection of the Primary Regional Road Reservation.</p> <ol style="list-style-type: none"> 10. The future Orton Road as nominated on the development plans does not form part of this approval. <p>Justification for Condition</p>		

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	<p>The placement of this public road is inconsistent with the Structure Plan applicable to the subject site. This connection to South Western Highway is not currently supported by Main Roads due to the close proximity exiting connection. Such a proposal may undermine the ultimate design, safety and operation of South Western Highway. Grade separation is likely to be required and it is uncertain as to how this will be achieved.</p> <p>11. No vehicle access shall be permitted onto the South Western Highway primary regional road reserve. All vehicle access shall be via Robertson Road.</p> <p><u>Justification for Condition</u></p> <p>Emergency Access Way (Bushfire Emergency) and future Orton Road (as shown on development plans) are not supported by Main Roads. No vehicular access or interconnecting access ways and/or roads are permitted to South Western Highway.</p> <p>12. No development and/or improvements shall be permitted on the land as shown required for future road purposes on the enclosed Main Roads Land Protections Plans 201232-0008 and 201232-0009.</p> <p><u>Justification for Condition</u></p> <p>Protection of the State Road network and public safety.</p> <p>13. The landowner/applicant shall make good any damage to the existing verge within the South Western Highway road reserve.</p> <p>14. No earthworks shall encroach into the South Western Highway road reserve.</p> <p><u>Justification for Condition</u></p> <p>Protection of the State Road network and public safety.</p>		

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	<p><u>Advice</u></p> <p>a) Regarding the Bushfire Management Plan (BMP) as prepared by Emerge Associates, reference Project No: EP19-002(02), Version B dated May 2022, the following advice is provided:</p> <ul style="list-style-type: none"> i. Section 4 – the future Orton Road is not supported. ii. Table 4: <i>Summary of Bushfire Protection and Compliance Statement – Vehicular Access</i> – Main Roads does not support Robertson Road connecting to South Western Highway via Orton Road (as depicted on the plans). Reference to future Orton Road should be removed from the BMP. iii. Table 5: <i>Responsibilities for the implementation of this BMP</i> – main Roads does not support Robertson Road connecting to South Western Highway for the purpose of an emergency access way. <p>b) The project for the upgrading/widening of South Western Highway is not in Main Roads current 4-year forward estimated construction program and all projects not listed are considered long term. Please be aware that timing information is subject to change and that Main Roads assumes no liability for the information provided.</p> <p>c) The applicant is required to submit an Application form to undertake works within the road reserve prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website > Technical & Commercial > Working on Roads.</p>		
1.	<p>Can I please suggest that in these applications that there is a link and an aerial pic to show the exact location. Also, this application if I google the address it shows corner South Western Highway and Thomas Road. Is this correct? If it is and even if it isn't, I find the mix of businesses very odd and perhaps to be reviewed. Why would a medical verge and motor vehicle</p>	<p>Development application submitted to the Shire of SJ included Broad and Immediate Context Plans (cover sheet). The proposed development is not on the corner of SW Highway and Thomas Road.</p>	<p>Noted. The proposed land uses can be considered within the Service Commercial zone.</p>

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	shop with bulky goods be a good mix. Sick people dealing with noisy mechanical shop.	<p>The mix of land uses proposed can successfully co-exist together. The approach is not dissimilar to many examples of similar development in locations like Myaree in the City of Melville, O'Connor in the City of Fremantle, and Cockburn Central in the City of Cockburn.</p> <p>Additionally, the layout of the proposed development and the positioning of land uses within has been informed by the nature and immediate relationship of specific activities. The motor vehicle land use is proposed on the south-eastern corner of the subject land, the medical centre on the north-western corner.</p> <p>The distance between the uses is approximately 85 metres.</p> <p>Logic informs the manner in which the proposed development will take place.</p>	
2.	This is supposed to be a rural area beginning to look like an industrial estate already with the Wormal industrial site and the storage facilities both eye sores and creating unnecessary traffic	<p>The subject land is zoned Service Commercial.</p> <p>The zone objectives for Service Commercial in the Shire's LPS3 read</p> <ul style="list-style-type: none"> <i>To accommodate commercial activities which, because of the nature of the business, require</i> 	Noted. The area is currently zoned Service Commercial with the adjoining areas. These are aimed to provide the growing areas of the Shire essential services.

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		<p><i>good vehicular access and/or large sites.</i></p> <ul style="list-style-type: none"> <i>To provide for a range of wholesale sales, showrooms, trade and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in, the central area, shops and offices or industrial zones.</i> 	
3.	<p>Is another medical centre necessary? Has the ratio of 'medical centre: Byford population' been considered? There seem to be a large number of existing medical centres residing within Byford. The bulky goods stores will be a great addition to the services we have available in Byford and this is a great investment in our suburb. I appreciate the landscaping included in the proposal. SJ Shire should continue to uphold green spaces in Byford.</p>	<p>The inclusion of a medical centre follows positives dialogue in relation to the use across the pre-lodgement process with the Shire of SJ. The medical centre can be used for a host of medical and allied health services, including radiology.</p> <p>Positive comment regarding bulky goods showroom noted.</p> <p>Positive comment regarding landscaping noted.</p>	<p>Noted. The Shire considers the Medical Centre land use able to be supported within the Service Commercial zone.</p>
4.	<p>Will clutter Abernethy Road even more, and affect other businesses around.</p>	<p>The proposed development is not in the vicinity of Abernethy Road.</p>	<p>Noted.</p>