

SUMMARY OF SUBMISSIONS

PA23/960 – Lot 104, 3 Larsen Road, Byford - MODAP - Service Station / Fast Food Outlet / Motor Vehicle Repair / Motor Vehicle Wash

Submitter	No	Submitter Comments	Applicant Response	Officer Comment
Water Corporation	1	<p>There is reticulated water and sewerage currently available to the subject land in the surrounding network.</p> <p>This proposal will require approval by our Building Services section prior to commencement of works. Infrastructure contributions and fees may be required to be paid prior to approval being issued.</p> <p>For further information about building applications, the developer should follow this link : <u>Lodging a building application (watercorporation.com.au)</u></p> <p>The developer is expected to provide all water and sewerage reticulation if required. A contribution for Water, Sewerage and Drainage headworks may also be required. In addition, the developer may be required to fund new works or the upgrading of existing works and protection of all works. Water Corporation may also require land being provided for works.</p> <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.</p> <p>Please provide the above comments to the landowner, developer and/or their representative.</p> <p>Should you have any queries or require further clarification on any of the above issues, please do not hesitate to contact me at <u>matt.calabro@watercorporation.com.au</u></p>	Water and sewerage services are proposed to be connected to the proposed development.	Noted. If approval is granted then the applicant will be required to liaise with Water Corporation for the appropriate connections
DMIRS - Geological Survey & Resource Division	2	<p>The Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) has determined that this proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials.</p> <p>However, as this development includes petroleum infrastructure for a service station where dangerous goods will be handled, we have referred this application to the DEMIRS - Resources Safety Division, who may provide a separate response to the Shire of Serpentine-Jarrahdale.</p>	Noted. A Dangerous Goods licence will be applied for by the service station operator, however that is a process that occurs after development approval has been granted.	Noted. A Dangerous Goods licence will be required if the proposal is approved by the MODAP.

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DMIRS – Dangerous Goods Division	3	<p>A request for comment was received from the Shire of Serpentine-Jarrahdale in relation to the above planning application.</p> <p>Based on the provided information there is no issue identified at this stage with the proposal. Before the site is used to store Dangerous Goods above manifest quantity, it will require a Dangerous Goods Site licence.</p> <p>The storage of bulk fuel is governed by AS1940; and Dangerous Goods Site Licence applications will be assessed against this and any other relevant Australian Standards during the application process.</p>	Noted – as above a Dangerous Goods Licence will be applied for post-approval.	As above.
DPLH – Projects and Precincts	4	The Precincts and Projects team has reviewed this application and does not have any objections at this time.	Noted	Noted.
Main Roads	5	<p>In response to correspondence received on 8 January 2023, Main Roads has reviewed the information and cannot support the proposed development in its current form and requests revised plans demonstrating removal of access to South Western Highway (SWH) and associated improvements. The following comments are provided:</p> <p><u>1. Vehicular Access on SWH</u></p> <p>Main Roads cannot support access to SWH due to the following:</p> <ul style="list-style-type: none"> • Under WAPC Development Control Policy 5.1 Regional Roads (Vehicular Access) (WAPC DC 5.1), Main Roads seeks to minimise the driveways on Primary Regional Roads. Alternative accesses are available via George Street and Larsen Road which were previously approved by the JDAP application (Ref DAP/18/01419). • South Western Highway is a strategic freight route. Crossover access to the Regional Road will negatively impact the road safety and efficiency. • Any access at this location would compromise the safety and efficiency of the future left turn slip lane. 	The proposed development will utilise the existing driveway crossover for this section of the property on South Western Highway. The use of this driveway for access to this development is entirely consistent with the existing road environment on this section of South Western Hwy as there are numerous other properties with existing driveway access along this section of South Western Highway through the Byford	Refer to Traffic, Access and Crossovers section of the report.

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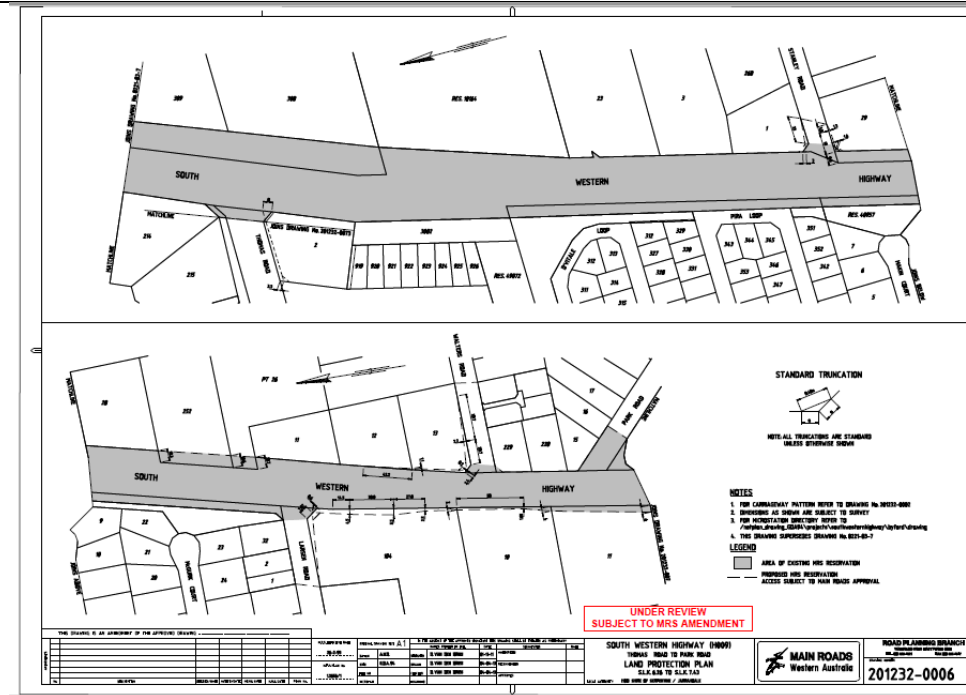
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Submitter	No	Submitter Comments	Applicant Response	Officer Comment
		<ul style="list-style-type: none"> • Proximity to Larsen Road intersection and the adjoining property driveway to the proposal. <p><u>2. Future Road Planning</u></p> <ul style="list-style-type: none"> • Please be advised Land Protection Plan 201232-006 (enclosed) shows additional land requirement for the Primary Regional Road reservation under the Metropolitan Region Scheme (MRS). • The proposal conflicts with enclosed Carriageway Pattern Profile Plan 201232-002 and Vehicle Access Strategy (see attached). Larsen Road will require a median at the SWH intersection. • The upgrade of SWH is not in Main Roads' 4 year forward estimated construction program and all projects not listed are considered long term. Please note project timing <p>is subject to change and Main Roads assumes no liability for any change to the timing information provided.</p> <p>Please provide an amended proposal including a revised Transport Impact Assessment (TIA) and SIDRA modelling addressing the following matters raised above accordingly.</p> <p>Please provide the above information at your earliest convenience, noting that Main Roads will require 30 days to review this information once received.</p> <p>As stated above, Main Roads is not in a position to support the subject proposal until the above information has been received and reviewed.</p>	<p>townsite. This is considered satisfactory and not a safety hazard given the existing 60km/h speed limit and that this driveway is consistent with the existing road environment.</p> <p>As outlined in the TIA, retention of this driveway in its current format is critical to reduce traffic demand on and result in satisfactory operations of South Western Hwy/Larsen Rd intersection.</p> <p>As a result of the recently announced Tonkin Hwy extension project, which is already fully funded, existing traffic volumes on South Western Highway will reduce significantly and will take many years to grow back up to existing levels. Accordingly,</p> <p>any future upgrade of South Western Highway</p>	

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will be a long-term project.

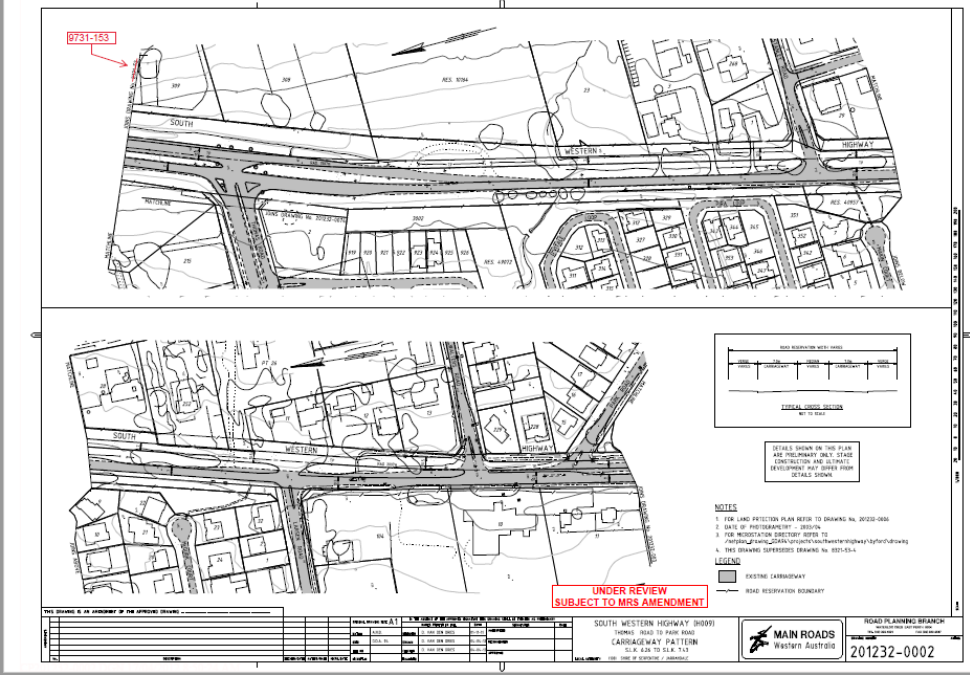
The proposed development and retention of the site's northern South Western Highway crossover will not undermine future upgrades of South Western Highway. There are many examples where Main Roads has upgraded one of its roads but maintained a crossover within a left turn lane as part of an upgraded intersection (eg. Albany Hwy, Great Eastern Hwy, etc).

The applicant acknowledges that future upgrading of this section of South Western Highway in accordance with MRWA plans may ultimately restrict this existing driveway to left in / left out only.

The applicant has put forward an alternate proposal to restrict the crossover to LEFT IN

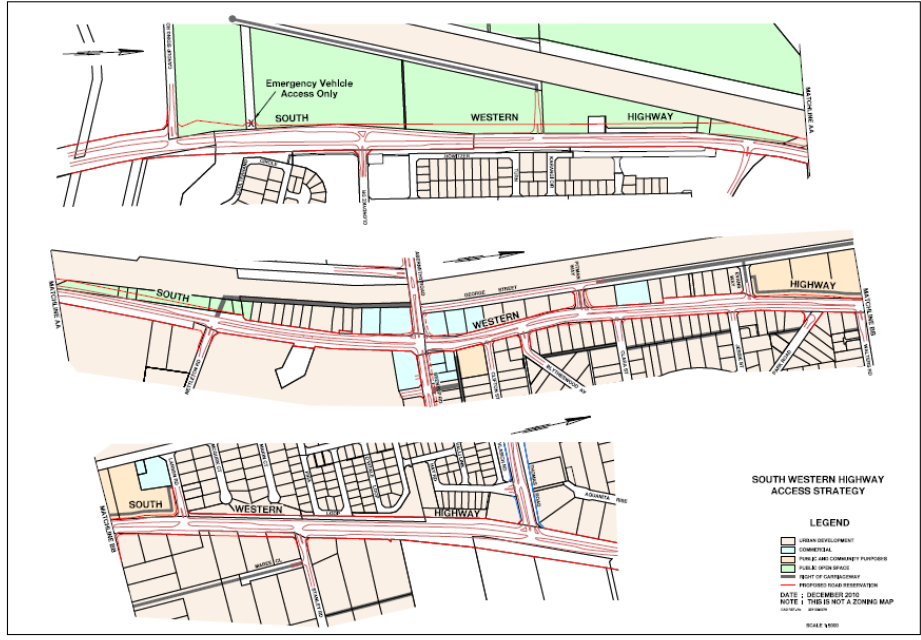
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		 <p>The image shows two technical drawings of a road layout. The top drawing is a plan view showing the intersection of South Western Highway and other roads, with a red stamp '0731-153' pointing to a specific area. The bottom drawing is a more detailed plan view of the same area, showing property boundaries and road markings. A red stamp 'UNDER REVIEW SUBJECT TO MRS AMENDMENT' is placed over the bottom drawing. To the right of the drawings are 'NOTES' and a 'LEGEND'. The notes include: 1. FOR LAND ACQUISITION PLAN REFER TO DRAWING NO. 20220-0002; 2. DATE OF PRELIMINARY DESIGN; 3. FOR MODIFICATION CHECKLIST REFER TO: 'PROVIDING_PARKING_CAPACITY_FOR_MAIN_ROAD_INTERSECTION'; 4. THIS DRAWING SUPERSEDES DRAWING NO. 0021-05-4. The legend indicates 'EXISTING CARRIAGEWAY' and 'ROAD RESERVATION BOUNDARY'. At the bottom right, there is a logo for 'MAIN ROADS Western Australia' and the number '201232-0002'.</p>	<p><i>ONLY movements. Accordingly, this will avoid impact on the safety and efficiency of the road, as there will be no vehicles turning out of the development site on to South Western Highway. The applicant is of the view that a LEFT IN ONLY proposal is an acceptable and reasonable compromise solution.</i></p>	

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Main Roads dated 12 April 2024	6	<p>In response to your correspondence received on 5 March and 20 March 2024 pertaining to an amended site plan, a technical note prepared by Transcore dated 18 February 2024 and accompanying SIDRA files, please be advised Main Roads has reviewed the application and objects to the proposal as presented due to the following reasons:</p> <p><u>1. Vehicular Access to / from South Western Highway</u></p> <ul style="list-style-type: none"> • Main Roads seeks to minimise driveways on Primary Regional Roads in accordance with WAPC Development Control Policy 5.1 – Regional Roads (Vehicular Access) (DC Policy 5.1). Main Roads object to the access point onto South Western Highway. Alternative access points are available via George Street and Larsen Road. 	DC5.1 policy, as all other policies, is not intended for a black-and-white and cast-in-concrete application of its contents without consideration of the project requirements and site context. In this	Noted. As per the comments above the proposal and revised submission has been considered within the report. The applicant has provided further response to the submission received from MRWA and can be reviewed under attachment 13

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		<p>Section 3.3.2 of DC Policy 5.1 states: ‘On regional roads not constructed or planned to freeway standards, there is a general presumption on traffic and safety grounds against the creation of new driveways or increased use of existing accesses to these roads. Where alternative access is or could be made available from side or rear streets or from rights-of-way or laneways, no access shall be permitted to the regional road unless special circumstances apply.’</p> <p>The previous DAP application determined on the subject site aligned with DC Policy 5.1 with reference to the subject access point (PA18/372 / DAP/18/01419 refers).</p>	<p>instance, the proposed development must have two crossovers for effective circulation, particularly, to accommodate service vehicles and fuel tankers. Because of the proposed design of the northern section of George Street, a crossover on George Street is not possible. Therefore, the development entails a new crossover on Larsen Road and maintaining the existing crossover on South Western Highway (SWH). However, the existing SWH crossover is rationalised and downgraded from its existing ‘full-movement’ crossover to a ‘left-in’ only crossover. The left-in nature of the crossover is proposed to be reinforced by appropriate signs and pavement markings within the property boundary and therefore, no works are proposed within the SWH reserve</p>	

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			<p>and as a result, no approval is or will be required from Main Roads WA. The latest version of DC5.1 is in draft and is yet to be adopted. However, Section 3.3 Development Requirements of the policy is the same as the old policy. This Section states that 'WAPC will seek to minimise the creation of new driveways on regional roads and rationalise existing access arrangements.'</p> <p>In Transcore's opinion, the intent of DC5.1 is satisfied because the existing SWH crossover is rationalised by the proposed removal of left-out, right-out, and right-in movements. DC 5.1 further states that, 'the types of development that would be allowed access to regional roads include large traffic generators'. Arguably, the proposed development can be</p>	

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		<ul style="list-style-type: none"> The above position is reiterated by draft Operational Policy 1.12 – Planning Proposals adjoining Regional Roads WA Section 5.1: ‘On Regional Roads not constructed or planned to freeway standards, there is a general presumption on traffic and safety grounds against the creation of new driveways <u>or increased use of existing accesses to these roads</u>, particularly where alternative access is available from a side or rear street, right of way or laneway.’ South Western Highway is a strategic freight route. Crossover access to the regional Road will negatively impact the road safety and efficiency. 	<p>considered as a large traffic generator.</p> <p>Draft OP 1.12 is not applicable in this case because there is no proposal for a new crossover on SWH. The proposal is for retention, rationalisation, and downgrading of the existing crossover. Further, the paragraph of the policy referred to by Main Roads is for ‘regional roads not constructed or planned to freeway standards’. This is not the case for SWH.</p> <p>This section of SWH is within Byford Town Centre and entails a speed limit of 60km/h. Therefore, its function as a strategic freight route needs to be balanced with accessibility within the town centre environment. Further, with the current announcement of the Tonkin Hwy extension project, which is funded,</p>	

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		<ul style="list-style-type: none"> Any access at this location would compromise the safety and efficiency of the future left turn slip lane (refer Point 2 below). 	<p>and its construction is expected to be completed by 2027, most of the regional and freight traffic is expected to be rerouted from this section of SWH to the future Tonkin Hwy.</p> <p>The intersection of SWH and Larsen Road already entails a left-turn lane on SWH which is about 45m long. Considering the 60km/h speed limit (70km/h design speed), the length of this left-turn lane should ideally be 70m (including taper) in accordance with the guidelines. As a result, this left-turn lane needs to be extended by 25m as part of Main Roads WA's future plans. Once this extension occurs, there will be about 20m between the existing crossover and the start of the taper of the future left-turn lane. Therefore, the safety and efficiency of the future left-turn lane extension is not</p>	

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		<ul style="list-style-type: none"> • Proximity of the access point to the adjoining property’s crossover. <p><u>2. Future Road Planning requirements</u></p> <ul style="list-style-type: none"> • Land Protection Plan 201232-006 (enclosed) illustrates the additional land requirement for the Primary Regional Road reservation under the Metropolitan Region Scheme (MRS). 	<p>compromised particularly considering the low-speed environment.</p> <p>As part of the proposed development of the adjacent land to the south of the subject site, both of the existing crossovers on SWH are proposed to be removed. As this development is only a self-storage facility, it only requires one crossover and the crossover is proposed on George Street.</p> <p>It is understood that Main Roads' future plans for this section of SWH are not yet endorsed and are not reflected in the MRS. Further, these plans are not funded, and it is likely that following the announcement and funding of the Tonkin Highway extension, any future upgrades of this section of SWH would be a long-term project with its design and detail likely to change.</p>	

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		<p>• The development proposal conflicts with enclosed Carriageway Pattern Profile Plan 201232-002 and Vehicle Access Strategy (enclosed). Future upgrades include a left turn slip lane on South Western Highway approaching Larsen Road and a median adjacent the subject access point.</p> <p>3. <u>Matters to be Considered – Planning and Development (Local Planning Schemes) Regulations 2015</u></p> <p>Further to the above, the Shire is to have due regard to the provisions of Clause 67 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015. The matters relevant to the consideration of this application for development approval include:</p> <p>(c) any approved State planning policy;</p> <p>(e) any policy of the Commission;</p> <p>(f) any policy of the State; and</p> <p>(za) the comments or submissions received from any authority consulted under Clause 66.</p> <p>Should the Joint Development Assessment Panel disagree with the above, Main Roads requests an opportunity to meet and discuss the development application further, prior to a final determination being made.</p>	<p>Please refer to the responses provided to the fourth dot point under Item 1 and the first dot point under Item 2.</p> <p>These matters are simply not relevant to Main Roads and are considered to be outside of their jurisdiction.</p>	
DWER	7	Thank you for providing the application dated 8 January 2024 on the proposed service station, convenience store, repair shop and car wash at	Noted – advice only.	Noted. The EPA separation distances

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Submitter	No	Submitter Comments	Applicant Response	Officer Comment
		<p>Lot 104 Larsen Road, Byford for the Department of Water and Environmental Regulation (the Department) to consider. The Department provides the following advice.</p> <p>Issue</p> <p>Native Vegetation</p> <p>Advice</p> <p>Under section 51C of the Environmental Protection Act 1986 (EP Act), clearing of native vegetation is an offence unless:</p> <ul style="list-style-type: none"> • it is undertaken under the authority of a clearing permit • it is done after the person has received notice under Section 51DA(5) that a clearing permit is not required • the clearing is subject to an exemption <p>Exemptions for clearing that are a requirement of written law, or authorised under certain statutory processes, are contained in Schedule 6 of the EP Act. Exemptions for low impact routine land management practices outside of environmentally sensitive areas (ESAs) are contained in the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (the Clearing Regulations).</p> <p>Based on the information provided, should development approval be issued, any buildings or structures required to be constructed for the proposal are likely to be exempt from the requirement for a clearing permit under Regulation 5, Item 1 of the Clearing Regulations.</p> <p>This exemption is described in the Departments https://www.der.wa.gov.au/images/documents/your-environment/native-vegetation/Guidelines/A%20guide%20to%20the%20exemptions%20and%20regulations%20for%20clearing%20native%20vegetation.pdf It is the applicant's responsibility to determine compliance with these exemptions and therefore whether a clearing permit is required. If there is uncertainty,</p>		<p>has been addressed within the report under the Amenity section, noise and odour sections. All post approval processes will be provided as recommendations if the application is approved by the MODAP.</p>

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		<p>then the precautionary principle should be applied, and it is recommended applicants apply for a clearing permit.</p> <p>Note that this exemption does not apply prior to development approval being issued.</p> <p>Please also note that clearing for a building/structure, combined with other exempt clearing activities on the property, must not exceed five hectares in a financial year.</p> <p>Clearing required for purposes other than buildings or structures, including for landscaping, is not likely to be exempt and a clearing permit is required.</p> <p>The Department has not received a clearing permit application for this proposal. Application forms are available from https://www.wa.gov.au/service/environment/environment-information-services/clearing-permit-forms</p> <p>Additional information on how to apply for a clearing permit is available from Clearing permit forms Western Australian Government (www.wa.gov.au).</p> <p>Information regarding clearing permit fees can be found here: Clearing fees – frequently asked questions Western Australian Government (www.wa.gov.au)</p> <p>If further clarification is required, please contact the Department’s Native Vegetation Regulation section by email (admin.nvp@dwer.wa.gov.au) or by telephone (6364 7098).</p> <p>The Department provides the following advice regarding the proposed service station,</p> <p>Issue</p> <p>Industry Buffers</p>		

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		<p>Advice</p> <p>The Environmental Protection Authority's (EPA) <i>Guidance for the Assessment of Environmental Factors, Separation Distances between Industrial and Sensitive Land Uses</i> (EPA, June 2005) (GS3) provides advice on the use of generic separation distances (buffers) between industrial and sensitive land uses. The intent is to avoid conflicts between incompatible land uses and assist in the determination of suitable distances between industry and sensitive land uses where industry may have the potential to affect the amenity of a sensitive land use. Sensitive land uses include residential developments, hospitals, schools, nursing homes, childcare facilities, shopping centres and playgrounds within the document.</p> <p>The GS3 notes three different descriptions of the service station industry with varying operating hours for service station premises (being Monday-Saturday from 7am to 7pm, 24-hour operations and Freeway 24-hour operations) with varying recommended buffer distances. For service stations, the GS3 recommends a default buffer distance of 200 metres for a service station operating 24 hours. As detailed above, the Shire of Serpentine Jarrahdale should ensure that this recommended buffer distance is achieved.</p> <p>Issue</p> <p>Spill Containment</p> <p>Advice</p> <p>The Shire of Serpentine Jarrahdale should be satisfied that the proposed SPEL pureceptor is sized to contain more than the anticipated maximum potential spillage at the site.</p> <p>Issue</p> <p>Contingency plans</p>		

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		<p>Advice</p> <p>In accordance with the Department’s Water Quality Protection Note No.10 (WQPN 10) - ‘Contaminant spills – emergency response (February 2006)’, an Emergency Response Plan (ERP) should be prepared and approved by the Shire of Serpentine Jarrahdale as part of the development approval process. WQPN 10 provides guidance on developing and implementing an effective emergency response plan.</p> <p>Issue</p> <p>Underground Tanks</p> <p>Advice</p> <p>The development proposal indicates that underground fuel storage tanks are to be used. The department recommends the underground fuel storage tanks should be at least two metres above the local maximum groundwater level (MGL) in accordance with the Department’s WQPN 65: Toxic and Hazardous Substances (DWER, 2015). The Department’s Lower Serpentine Region Groundwater Study indicates that the MGL near the proposed underground fuel storage is approximately 51 metres AHD.</p> <p>The Department provides the following advice regarding the proposed repair shop and car wash facility,</p> <p>Issue</p> <p>Water Quality Protection</p> <p>Advice</p> <p>Any on-site repair or maintenance of machinery should be managed in accordance with the Department’s Water quality protection note (WQPN) 28: Mechanical servicing and workshops (September 2013) in particular,</p> <ul style="list-style-type: none"> • Mechanical servicing should be carried out on a durable, low-permeability floor or pad (such as reinforced concrete) finished and graded to contain any spilt material or washdown water. 		

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		<ul style="list-style-type: none"> • Parts cleaning operations should occur within the workshop. Where this is impractical, these operations should occur within a roofed paved area which prevents stormwater mixing with wastewater and process fluids and prevents their escape to the environment. • Used fluids such as lubricating or hydraulic oils, brake fluid and coolants should be drained into product-specific, secure containers for recycling or disposal at an approved local government facility. • Used batteries, chemical containers, machinery parts, tyres and contaminated waste products should be stored inside the workshop or in a contained weatherproof area until they can be moved off-site for recycling. • The car wash facility should occur on a contained impervious pad that drains to wastewater detention and treatment facilities. Chemical solvents and non-degradable detergents in the car wash facility wastewater should be suitably treated prior to wastewater being discharged from the car wash facility. <p>The Department provides the following advice regarding the proposed underground stormwater cells,</p> <p>Issue Water Quality Protection</p> <p>Advice Underground stormwater cells to be used at the site should have inverts located above the local MGL. The Department’s Lower Serpentine Region Groundwater Study indicates that the MGL around the proposed stormwater cells is approximately 50 metres AHD.</p> <p>Where the Department has a statutory role, planning applications should be considered prior to the Department issuing any relevant permits, licenses and/or approvals.</p>		

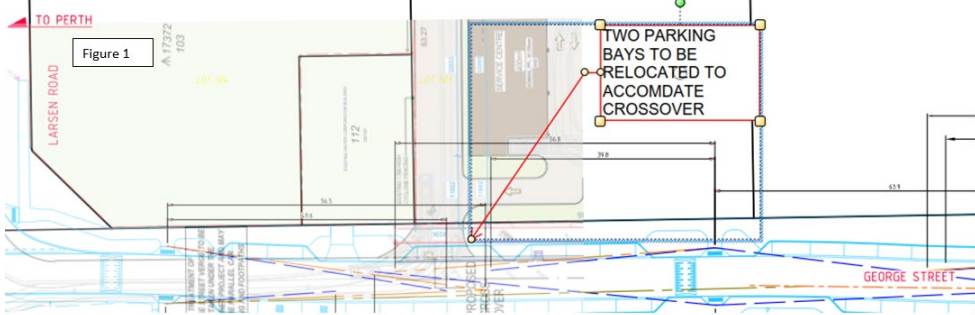
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		In the event there are modifications to the proposal that may have implications on aspects of environment and/or water management, the Department should be notified to enable the implications to be assessed.		
PTA	8	<p>With regards to your email, 8 January 2024, the Public Transport Authority (PTA) has reviewed the information and objects to the proposal in its current form. Since the previous development proposal (DA18/372) the BRE project has progressed with the project team developing and refining the BRE design.</p> <p>With this the project team has provided the following response to the proposal:</p> <ol style="list-style-type: none"> 1. The proposed driveway on George Street (refer to figure 3) will clash with 4 of BRE proposed parking spaces along the east side of George Street (i.e. 2 with the driveway itself and 2 to the north of the driveway due to sight distance. Refer to figure 2). 2. Traffic assessment for development doesn't appear to consider park and ride facility for Marri Grove school, to be confirmed by developer/LGA. 3. Development plans also do not consider proposed speed humps and parking bays, to be considered in proposal. 4. The assessment nominates George St operating under the default speed limit (50km/h) whereas under our design will be posted 40km/h. 5. Interfacing of construction works will be required so that the developer works around the BRE project and agreed construction staging. 6. Any associated works outside of the development site (such as utilities works) footprint will need to be coordinated and interfaced. 7. Impacts will be on the parking bays and the drainage proposed for George Street. 8. With regard to the pedestrian bridge, the landing points are also pretty close to the driveway entrance, so there will be a tendency for patrons 	Noted. Changes have been made to address the initial proposal	The applicant has submitted a revised plan which removes the George St crossover and has provided a pedestrian access, this resolves any PTA concerns for the future parking and pedestrian access bridge.

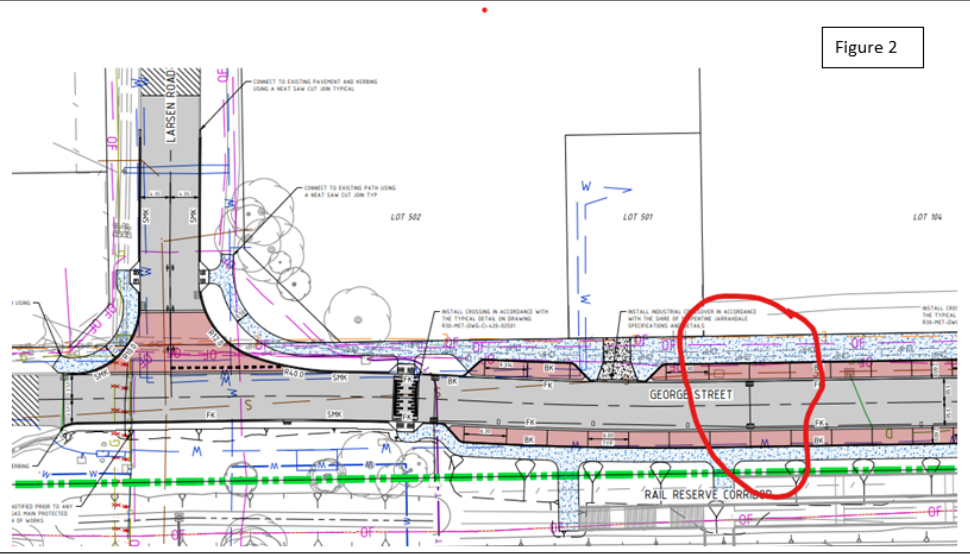
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		<p>coming off the train, to cross George Street, not at the ped crossing to the north, but directly into the development through the driveway access, creating conflict with vehicles.</p> <p>The applicant/Shire is requested to contact the project team to arrange a meeting to discuss and resolve the highlighted concerns.</p> 		

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		<p>V</p>  <p>Figure 2</p>		

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Submitter	No	Submitter Comments	Applicant Response	Officer Comment
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		<p>Figure 3</p> <p>NOTE: TREATMENT OF GEORGE STREET VERGE TO BE UNDERTAKEN UNDER THE METRONET PROJECT AND MAY INCLUDE PARALLEL CAR PARKING AND FOOTPATHS</p> <p>EXISTING WATER CORPORATION BUILDING 112 D67097</p> <p>EXISTING 1.8M HIGH CYCLONE FENCING</p> <p>PROPOSED CROSS-OVER</p> <p>SERVICE CENTRE 400m² NOMINAL PFL: 54.150mm</p> <p>VACUUM BAYS 3000 5661 6500</p> <p>CAR WASH AUTO AUTO AUTO</p> <p>PLANT NOMINAL PFL: 54.850mm</p> <p>BIN STORE</p> <p>Dimensions: 63.27, 11882, 32033, 11902, 32000, 60.35, 29.300, 1224, 17372</p>		
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SUMMARY OF SUBMISSIONS

PA23/960 – Lot 104, 3 Larsen Road, Byford - MODAP - Service Station / Fast Food Outlet / Motor Vehicle Repair / Motor Vehicle Wash

Submitter	No	Submitter Comments	Applicant Response	Officer Comment
Department of Health	9	<p>The DoH provides the following comment:</p> <p>1. Chemical Hazards</p> <p>The DoH endorses the EPA (2005) guidelines “Separation Distances between Industrial and Sensitive Land Uses” and therefore recommends a default separation/buffer distance of 200m be established around non-freeway service stations that will operate 24 hours per day, as they may create significant noise, dust and odour impacts from traffic and refuelling activities.</p> <p>The commitment for compliance with Dangerous Goods Regulations is noted. However, there is no strategy provided to address mitigation of emissions with potential to cause public health risks related to a nearby childcare facility.</p> <p>Therefore, it is recommended that potential off-site impacts (dust/fumes, noise, light) from the service station are considered, prior to determining the suitability of the site for the current development.</p> <p>Furthermore, the use of land as a commercial laydown area has the potential to give rise to land contamination, including from fuel oils and asbestos, and these should be safely removed prior to development to avoid the creation of new contaminated sites. Please consult and ensure Department of Water and Environmental Regulation (DWER) have cleared the site for any future sensitive land-uses prior to final approvals</p> <p>2. Drinking water supply</p> <p>The DoH recommends all drinking water is connected to the Water Corporation’s mains water supply. All drinking water provided onsite must meet criteria set out in the https://nhmrc.gov.au/about-us/publications/australian-drinking-water-guidelines</p> <p>Any non-drinking water (i.e., water that is not intended or suitable for drinking) must be managed to ensure it cannot be confused with or contaminate the drinking water supply. This requires satisfactory labelling of</p>	No response was provided.	<p>The Shire has referred the application to DWER and any spill and contamination requirements will be addressed if an approval is considered by the MODAP. The proposal will be subject to a Dangerous Goods Licence which will address any of the separation requirements for odour and gas emissions from the site. The proposal is also noted to have supplied an adequate ENA for any noise considerations.</p> <p>Drinking and Wastewater has been considered by Watercorp and adequate reticulated services are accessed to the site.</p>

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		<p>non-drinking water taps and depending on system configuration and suitable backflow prevention arrangements.</p> <p>3. Wastewater management</p> <p>The subject site must be connected to reticulated sewerage in accordance with the Government Sewerage Policy 2019.</p> <p>4. Food Act requirement</p> <p>All food related areas (fast food outlet, preparation areas, etc.) to comply with the provisions of the Food Act 2008 and related code, regulations and guidelines. Details available for download from: https://ww2.health.wa.gov.au/Articles/S_T/Starting-a-food-business-in-WA</p>		
A12605	10	Do not spend any money on the roads. Get the business / users to pay for access. Not the ratepayers.	This submission is not a relevant planning consideration. Ratepayers are not being asked to spend any money.	If approved any conditions requiring upgrades would be at cost of the developer.
Cancer Council of WA	11	<p>To whom it may concern Cancer Council Western Australia (Cancer Council WA) welcomes the opportunity to comment on the above proposal and urges the Shire of Serpentine Jarrahdale to refuse the fast-food outlet land-use component of this development application.</p> <p>As the peak non-government cancer control organisation in Western Australia, Cancer Council WA advises government and other bodies on practices and policies to help prevent, detect and treat cancer.</p> <p>We develop, promote and contribute to policy and initiatives to reduce the impact of cancer on the Australian community. In the spirit of deepening relationships, Cancer Council WA acknowledge all the traditional custodians and owners of country throughout Western Australia and recognise their continuing connection to land, waters and community. We also pay our</p>	<p>The matters raised in the submission by the Cancer Council WA are not relevant planning considerations.</p> <p>Although the land use term "Fast Food Outlet" has been applied for, such a land use is also applicable for drive thru coffee outlets and other drive thru food venues that may not necessarily</p>	While Officers acknowledges potential harms and issues that can be associated with fast food tenancies, there is no planning instrument under Clause 67 of the <i>Deemed Provisions</i> to restrict land uses based on the potential service they may offer.

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		<p>respect to their Elders and extend that respect to all Aboriginal peoples living and working in this area.</p> <p>Our interest in the application</p> <p>Cancer Council WA objects to the land use for drive-through fast-food outlets in circumstances where they pose significant risk to community and public health. This is in areas where there would be significant impact to the quality of the existing food environment such as further proliferation of high density fast-food outlets in neighbourhoods, and where proposed developments are in close proximity to homes, schools and children's community infrastructure. The proposal for two drive-through fast-food outlets in Byford poses significant risk to public health and community, particularly children due to its proximity to homes and schools and already operating fast-food outlets.</p> <p>Evidence to support our submission</p> <p>Poor diets and living with overweight and obesity are priority public health issues in Western Australia ,requiring collective efforts across community organisations and Government at all levels. Western Australian Local Governments are increasingly advancing actions in their areas to assist their community to live in the best possible health by implementing strategies to assist community to eat well and be physically active. This is part of creating healthy, connected communities and responding to the principles and objectives of the Public Health Act 2016 under the administration of WA Local Governments. Currently, living with overweight and obesity and poor diets are second and third only to tobacco use contributing the most burden of preventable total death and disease in Australia and there is a clear link to poor diets and having higher body weight with increased risk of heart disease, stroke, type 2 diabetes and 13 types of cancers .</p> <p>Recent research commissioned by Cancer Council Australia and published in the International Journal of Cancer modelled that over the 25 years (2017-2037), 190,500 cancer cases could be avoided if all Australian adults achieved and maintained a healthy weight.</p>	<p>be junk food outlets. The tenants for the "Fast Food Outlet" land uses have not been confirmed, and ultimately, the operators may not be the typical fast food operators that the Cancer Council has in its mind.</p> <p>In any event, matters such as poor diets and obesity is not a relevant planning consideration – these are personal matters that people have their choices over.</p> <p>The fact is, the land is zoned appropriately for a "Fast Food Outlet" use.</p> <p>The statement that fast food outlets in Byford is against community expectations does not appear correct, given there are no public submissions in objection to the proposed development, notwithstanding that there may have been objections on other proposals elsewhere.</p>	<p>No tenants have been confirmed for the fast food tenancies.</p>

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		<p>The location and density of fast-food outlets is contributing to poor diets and having overweight and obesity as a result of their pervasive availability, accessibility and marketing.</p> <p>The Western Australian Department of Health has reviewed the evidence regarding food, built environments and obesity and consequently recommended that planning laws and frameworks are utilised and amended to limit unhealthy food outlets and support access to healthy food outlets, including near schools.</p> <p>Perth neighbourhoods are experiencing 'food swamps'; a term describing an area where the density and number of unhealthy food outlets outnumber access to outlets providing healthier options. The Telethon Kids Institute is at the forefront of research regarding communities' geographical access to food and its influence on diet. Their research verified that geographical access to food within a community influences individuals' diet.</p> <p>The Telethon Kids Institute has mapped all fast-food outlets within the Perth metropolitan area in relation to area level disadvantage and proximity to schools. They found that there are twice as many fast-food outlets in the most disadvantaged suburbs of Perth compared to the more advantaged. They also found Perth schools were surrounded by fast-food outlets. Perth primary schools on average have two fast-food outlets within 400m and seven within 1km . Secondary schools are higher, with three fast-food outlets within 400m and 13 fast-food outlets within 1km.</p> <p>WA research has found that almost 50 per cent of secondary school students' frequent fast-food outlets near their schools to purchase unhealthy food on a weekly basis, and it's more likely when the fast-food outlets are the most common chain outlets (i.e. McDonald's, KFC, Hungry Jacks, Subway). Fast-food outlets are the most common food outlet frequented by Australians for food prepared outside the home with over half (55 per cent) of WA adults consuming fast-food once a week or more .</p> <p>We know that lower socio-economic households are more likely to frequently purchase fast-foods and consume takeaway more frequently,</p>	<p>Accordingly, little weight should be given to such statements.</p>	

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		<p>compared to their higher socio-economic counterparts . Moreover, the combination of low socio-economic status, and high fast-food outlet exposure has been shown to increase the odds of developing obesity . Thus, the increased proliferation of fast-food outlets in areas of disadvantage could further aggravate health inequalities.</p> <p>Fast-food outlets sell oversized, overly processed food, packed full of cheap ingredients including salt, added sugar and saturated fat which can lead to a variety of health problems.</p> <p>They regularly advertise directly to children, such as cheap \$1 slushies in lolly flavours on the sides of bus-stops and school buses and partnering with brands which appeal to children, such as UNO® and Starburst®.</p> <p>The application</p> <p>The two proposed drive through fast-food outlets will operate 24/7 on Larson Road with several schools, kindergartens and childcare centres nearby. Marri Grove Primary School and Byford Community Kindergarten are approximately 500m from the proposed site, and Mirabilia Early Learning Centre sits directly opposite the proposed site. There are other childcare centres within a 700m radius, including Busy Bees Central, Busy Bees North and Great Beginnings.</p> <p>The proposed fast-food outlets will be accessible and highly visible from both Larsen Road and South West Highway resulting in families having prominent, repeated exposure and easy accessibility as parents take children to and from school and participate in their daily activities.</p> <p>The co-location of the site and a nearby high school is especially a concern due to the convenience of the Bus route 254, which is a walking distance from Byford Secondary College and travels along the proposed site.</p> <p>The WA Food Atlas team led by Dr Gina Trapp from Edith Cowan University is mapping food retail and food service outlets in all Perth metropolitan Local Governments. The results for the Shire of Serpentine Jarrahdale demonstrate that over 50 per cent of food retail are fast-food outlets which</p>		

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		<p>is above average for the rest of Perth . Several fast-food outlets are already operating within vicinity of the proposed site, including Hungry Jacks, KFC, Subway and Pizza Hut. The addition of two new drive-through fast-food outlets will further exacerbate the growing density and volume of fast-food outlets in the Shire of Serpentine Jarrahdale.</p> <p>A vision for the Shire of Serpentine Jarrahdale described in the Health and Wellbeing Strategy 2020-2024 (the Strategy) is “to protect, promote and enhance the health and wellbeing of the community.” Built environments are a significant feature of a supportive environment and the enhancement of overall community health. The Strategy also states that one-third of people aged 16 and over eat fast-food at least weekly and community ranked overweight and obesity as a key health concern. Providing local communities access to a range of affordable and healthy foods is an essential component to enable the Shire to achieve its commendable health goals and objectives.</p> <p>The proliferation of fast-food outlets in Byford is against community expectations. A recent proposed mixed commercial development (including five fast-food outlets) lot located at Lot 806 South Western Highway received 85 community submissions with 73 objecting to the proposal. The objections were largely regarding the drive-through fast-food outlets component of the proposal on the grounds of health, proliferation of fast-food outlets and amenity.</p> <p>Despite residents in Byford and the broader community expressing their disappointment in the growth of fast-food outlets across the suburb, the development proposal was approved. It is paramount that community voices are listened to with respect to this proposal as the local community is seeking built environments that will facilitate opportunities to improve their overall health.</p> <p>Grounds to object</p> <p>Cancer Council WA is aware of the inherent failure of Western Australia’s planning laws to address community health concerns. While there is no legal</p>		

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		<p>obligation to consider community health and local interests, Cancer Council WA is determined to ensure decision makers within the Shire of Serpentine Jarrahdale adopt a holistic approach to the design of communities. The process of decision-making inherently involves balancing a combination of interests, to arrive at a decision that gives appropriate weight to these interests.</p> <p>Cancer Council WA has surveyed representative samples of the Western Australian population and 79 per cent are in favour of a policy requiring local governments to consider the health of their communities when deciding whether a new unhealthy food outlet should be approved, for example if the proposed outlet is close to a school. As such, the planning process should consider the aspirations of the community to promote spaces and environments that support healthy living. Conclusion and recommendation Cancer Council WA supports measures that promote vibrant, liveable neighbourhoods. The health and wellbeing of community must be supported by health promoting environments to prevent behaviours associated with chronic diseases, including cancer.</p> <p>We commend the work Western Australian Local Governments are already doing to support the health of their residents. Cancer Council WA continues to work with Local Governments to achieve our vision of a cancer free future for our community. Our guide Local Governments, public health, and cancer prevention. Taking action to improve the health and wellbeing of our local communities' provides an introduction to our capacity to work with WA Local Governments. Cancer Council WA urges the Shire of Serpentine Jarrahdale to reconsider the land use for two drive-through fast-food outlets. Approving the application for drive-through fast-food outlets will undermine the efforts of parents and public health agencies who are trying to support communities to live a healthier life. If you have any questions about this submission, we welcome further discussion on this issue. Kind regards, Ainslie Sartori Food and Movement Programs Manager, Cancer Council WA</p>		