



Metro East Joint Development Assessment Panel Agenda

Meeting Date and Time: 23 March 2015; 9am
Meeting Number: MEJDAP/52
Meeting Venue: Shire of Serpentine-Jarrahdale
6 Paterson Street
Mundijong

Attendance

DAP Members

Mr Eugene Koltasz (Presiding Member)
Ms Megan Bartle (Deputy Presiding Member) – via teleconference
Mr Kent McDowall (Specialist Member)
Cr Bruce Moore (Local Government Member, Shire of Serpentine-Jarrahdale)
Cr Gary Wilson (Local Government Member, Shire of Serpentine-Jarrahdale)

Officers in attendance

Ms Louise Hughes (Shire of Serpentine-Jarrahdale)
Ms Belinda Ohle (Shire of Serpentine-Jarrahdale)

Local Government Minute Secretary

Ms Mary-Ann Toner (Shire of Serpentine-Jarrahdale)

Applicant and Submitters

Mr Peter Webb (Peter D Webb & Associates)
Mr Jason Potalivo (Westbridge)
Mr Brian Jende (i2C Architects)

Members of the Public

Nil

1. Declaration of Opening

The Presiding Member declares the meeting open and acknowledges the past and present traditional owners and custodians of the land on which the meeting is being held.

2. Apologies

Nil

3. Members on Leave of Absence

Nil



4. Noting of Minutes

The Minutes of the Metro East JDAP Meeting No.51 held on 16 March 2015 were not available at time of Agenda preparation.

5. Declarations of Due Consideration

Any member who is not familiar with the substance of any report or other information provided for consideration at the DAP meeting must declare that fact before the meeting considers the matter.

6. Disclosure of Interests

Nil

7. Deputations and Presentations

7.1 Mr Jason Potalivo (Westbridge) presenting for the application at Item 8.1. The presentation will provide a summary of the project.

7.2 Mr Peter Webb (Peter D Webb and Associates) presenting for the application at Item 8.1. The presentation will address the planning objectives.

7.3 Mr Brian Jende (i2C Architects) presenting for the application at Item 8.1. The presentation will outline how the design of the project will contribute to the built form outcomes of the town centre.

8. Form 1 - Responsible Authority Reports – DAP Application

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| 8.1 | Property Location: | Lot 5 (No. 34) Abernethy Road, Byford |
| | Application Details: | Proposed Town Centre Development |
| | Applicant: | Peter Webb and Associates (Nik Hidding) |
| | Owner: | Baywillow Holdings Pty Ltd |
| | Responsible authority: | Shire of Serpentine Jarrahdale |
| | DoP File No: | DAP/15/00711 |

9. Form 2 – Responsible Authority Reports - Amending or cancelling DAP development approval

Nil

10. Appeals to the State Administrative Tribunal

Nil

11. General Business / Meeting Closure



Form 1 - Responsible Authority Report

(Regulation 12)

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| Property Location: | Lot 5 (No. 34) Abernethy Road, Byford |
| Application Details: | Proposed Town Centre Development |
| DAP Name: | Metro East JDAP |
| Applicant: | Peter Webb and Associates (Nik Hidding) |
| Owner: | Baywillow Holdings Pty Ltd |
| LG Reference: | P01686/04 |
| Responsible Authority: | Shire of Serpentine Jarrahdale |
| Authorising Officer: | Brad Gleeson – Director Planning |
| Department of Planning File No: | DAP/15/00711 |
| Report Date: | 17 February 2015 |
| Application Receipt Date: | 23 December 2015 |
| Application Process Days: | 77 Days |
| Attachment(s): | 1. Location Plan 2. Development Plans 3. Schedule of Submissions |

Officer Recommendation:

That the Metro East JDAP resolves to:

Refuse DAP Application reference DAP/15/00711 and accompanying plans in accordance with Clause 6.4.3 of the Shire of Serpentine Jarrahdale Planning Scheme No. 2.

Conditions / Reasons

1. The proposed development is not consistent with the Shire's LPP 31 – Byford Town Centre Built Form Design Guidelines, specifically the Abernethy Road North precinct requirements.
2. The proposed development is not consistent with the Byford Town Centre Local Structure Plan.
3. The proposed development is not consistent with surveillance objectives of the Shire's LPP 24 (draft) – Designing Out Crime.
4. The proposed development is not consistent with the building orientation and land mark site objectives of the Shire's LPP 73 – Byford Town Centre Public Realm Guidelines.
5. The proposed development is not consistent with the approved Local Water Management Strategy requirements of the Shire's LPP 62 - (draft) - Urban Water Management.
6. The proposed development is not consistent with the Shire's LPP 58 - Bicycle Facilities in Urban Developments as none are provided.
7. The proposed development is not consistent with the principles of orderly and proper planning in the context of Town Centre developments.

8. The proposed development is not consistent with the minimum car parking requirements of Clause 1.19 of the Byford Town Centre Local Structure Plan.

Background:

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| Insert Property Address: | Lot 5 (No. 34) Abernethy Road, Byford |
| Insert Zoning | MRS: Urban |
| | TPS: Urban Development |
| Insert Use Class: | Shopping Centre |
| Insert Strategy Policy: | Byford Town Centre Local Structure Plan |
| Insert Development Scheme: | Town Planning Scheme No.2 |
| Insert Lot Size: | 1.8 hectares |
| Insert Existing Land Use: | Single Dwelling - Residential |
| Value of Development: | \$7 million |

Site Context

The subject site is located within the Byford Town Centre. The site is separated from existing low density residential development to the east by a rail reserve and South Western Highway. Land adjoining the proposed Town Centre site is undeveloped, however adjoining Lot 2 Abernethy Road proposing a mixed use shopping centre development was approved by the Metropolitan East Joint Development Assessment Panel granted Approval, subject to conditions. Beenyup Brook traverses the site, linking a Multiple Use Corridor to the west and east.

Previous Decisions

Nil

Details:

Background

Council officers have been working closely with the applicant to design a commercial development on this land to meet the communities expectation for a greater range of retail businesses in Byford. Whilst supporting the commercial objectives of the landowner, discussion was also focused on the Council’s Town Planning Scheme, adopted Byford Town Centre Local Structure Plan (zoning issues) and Council’s adopted policies.

Proposal

This development application represents the first stage of development within the Abernethy North precinct of the Byford Town Centre. The proposed development includes 5,445m² of Gross Lettable Area (GLA) of floor space, including:-

- Large retail tenancy (3,800m² in size);
- Small retail tenancies (1,145m²); and
- A restaurant/café (500m²).

A total of 229 car parking spaces are proposed to service the development, including 5 disability bays (9 on-street bays may be accommodated when adjoining future roads are created). The application does not provide bicycle parking facilities.

In summary, the applicant proposes the following:

- A large retail tenancy internally sleeved by small retail tenancies;
- Expansive car parking area between the main proposed building and Abernethy Road;
- Additional retail building on the eastern boundary on the subject site designed to complement the north-south main street located within Lot 2 Abernethy Road which is yet to be constructed;
- Multiple Use Corridor on the northern boundary of the site encompassing Beenyup Brook;
- One access point off Abernethy Road (left in, left out) and one access point in the north west corner of the site which continues through to the north east corner of the site. The latter access points will also be used for service vehicles accessing the loading bay of the large retail tenancy.

It is important to note that the proposed development does not include Lot 4 (No.30) Abernethy Road, a 1661m² site with an existing single dwelling. Lot 4 also has potential to be developed in the future as part of the Byford Town Centre and has the potential to become a landmark corner site.

Legislation

- Metropolitan Region Scheme
- Environmental Protection (Noise) Regulations 1997
- Serpentine Jarrahdale Shire Town Planning Scheme No. 2 (TPS 2)
- Byford Structure Plan (BSP)
- Byford Town Centre Local Structure Plan (BTCLSP)

State Government Policies

State Planning Policy 4.2 Activity Centres

Zoning

The BTCLSP indicates a split zoning on the property with the northern 60% indicated as mixed use and the southern 40% for highway commercial.

The result of this zoning is that the largest component of the retail centre is situated on the northern portion of the site and therefore does not front Abernethy Road as was the intention indicated in Section 3.2, diagram 14-17 of LPP 31.

It does however accord with the general zoning on the BTCLSP.

Local Policies

The following Local Planning Policies (LPPs) are applicable to this application:

- LPP 24 - (revised draft) - Designing Out Crime
- LPP 31 - Byford Town Centre Built Form Design Guidelines
- LPP 58 - Bicycle Facilities in Urban Developments
- LPP 59 - Public Art Policy for Major Developments
- LPP 62 - (draft) - Urban Water Management
- LPP 63 - (draft) - Integrated Land Use and Transport Planning
- LPP 67 - (draft) - Landscape and Vegetation

- LPP 68 - Sustainability Assessment
- LPP 70 - (draft) – Activity Centres
- LPP 73 – Byford Town Centre Public Realm Guidelines

The Shire has assessed the proposal against each of the LPPs detailed above. Whilst a number of policies are still in draft form, they have been advertised for public comment but have not yet been finally adopted as required by clause 9.3(b) of TPS2. However, they are considered to be seriously entertained planning proposals that can be used in the assessment of the current application. The proposal is not consistent with a number of the abovementioned policies and Structure Plans as discussed below:-

LPP 24 (draft) – Designing Out Crime

The Shire’s draft LPP8 Designing Out Crime focuses on the delivery of five key principles of crime prevention through environmental design. These are:-

- Surveillance;
- Access control;
- Territorial reinforcement;
- Target hardening (securing measures); and
- Management and maintenance.

Clause 7.2 of LPP24 states at development application stage the built form, materials and fencing should be considered in order to achieve the abovementioned principles.

Surveillance measures which have not been addressed via built form are:-

- Ensure clear sightlines to public realm areas from adjacent buildings;
- Avoid ‘seas’ of car parks;
- Lighting primary pedestrian routes;

The Shire notes that the proposed development proposes two large areas of impermeable walls - one on the western elevation of the large retail building and one on the eastern elevation of the small retail building. In order to address designing out crime principles the development would have to be modified to include transparent openings such as windows or doors in these elevations. It is also noted that the location of the loading bay results in a blank ‘rear’ wall of the development facing north, towards the Multiple Use Corridor.

The Shire notes that the expansive area of car parking proposed is not consistent with designing out crime principles. In order to address designing out crime principles the development would have to be modified to delineate the car parking area into two or more areas – as opposed to one continuous space.

Lighting detail has not been provided, however the Applicant has stated in their submission that a full signage and lighting report will be submitted once the mix of tenants is known. This Shire considers both of these elements can be appropriately addressed through conditions of Planning Approval.

Access Control measures are generally provided in accordance with designing out crime principles. Some methods such as bollard placement have not been discussed in the Applicants submission, however can be added as a condition of Planning Approval.

Territorial reinforcement measures are not relevant to the proposed development as it is privately owned. Being separated from other sites by road reserves means it is easy to delineate land ownership from other sites, as well as responsibility.

Target Hardening measures are likely to be implemented by individual tenancies (CCTV, window treatments etc.) and thus have not been addressed in the application.

Management and Maintenance measures have partially been addressed in the Applicants submission. Waste Management Plan and Landscaping Management Plan are typical conditions of Planning Approval and contribute to maintaining a high standard of visual appearance, thus being attractive to community visitors and being less attractive of undesirable behaviour. Graffiti management is not addressed in the Applicants submission, however graffiti removal within a period of time acceptable to the Shire can be added as a condition of Planning Approval.

LPP 31 – Byford Town Centre Built Form Design Guidelines

The Shire’s Byford Town Centre Built Form Design Guidelines envisages development which achieves the following objectives:-

- A vibrant and integrated district centre;
- Identifiable character and distinct sense of place;
- A safe pedestrian and transit oriented place;
- A place that capitalises on its environmental assets; and
- A water integrated place

The following table summarises the general policy requirements and Officer comments in relation to the proposed development:-

| Design Element | Policy Requirements | Officer Comment on Proposed Development |
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| <p>Building Height Building heights have a major impact on the physical and visual amenity of an area. It also relates to an areas' desired character.</p> | <p>R1.1 Building heights comply with the parameters detailed in the Precinct Specific Policy Requirements.</p> | <p>The building heights for the Abernethy North Precinct are 1 to 2 storeys. The Shire notes that the minor retail building is 2 storeys high in the eastern part of the site. The main retail building features a mezzanine near the proposed loading dock and 1 storey areas present an elevated façade similar to what a 2 storey development would present. This element of the proposed design is consistent with LPP31.</p> |
| | <p>R1.2 Promote flexible structural systems on the ground floor which support a degree of future change in building use or configuration. A floor to ceiling height of 4.5 metres or greater is encouraged for retail, commercial and civic premises to allow active public uses and provide for flexibility such as mezzanines.</p> | <p>The development proposed ceiling heights of 4.5 metres, future proofing tenancies for land use changes. This element of design is consistent with LPP31.</p> |

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| | R1.3 Residential use at ground level may be required to provide a floor to ceiling height up to 3.75 meters promoting, adaptive re-use and intensification over time. | Not applicable as no residential use is proposed. Retail tenancies feature 4.5 metre ceiling heights. |
| | R1.4 Roof plants and equipment, lift over-runs, roof terraces and architectural features may be contained above the maximum height to a maximum of 4.0 metres and subject to no visual intrusion to the streetscape. | No projections are proposed in excess of 4.0 metres. |
| Setbacks Setbacks contribute to both the public and private domain by establishing the amenity between adjoining properties and by enhancing streetscape character and the continuity of street facades. Front setbacks can be used to enhance the setting for the building. | R2.1 Setbacks shall be in accordance with the relevant Precinct Specific Policy Requirements. | A high level of street activation is required, with setbacks from nil to a maximum of 3 metres. The proposed developed proposes a significant variation to the required street setback of 38.5 metres from Abernethy Road. This is a significant variation to the policy. |
| | R2.2 Occupiable spaces such as balconies are not permitted to protrude beyond the property boundary. | Not applicable |
| | R2.3 Insets up to 3.0 metres deep and up to 10.0 metres long for façade walls may be permitted above Ground Floor. Any insets shall be framed on at least one side by a solid wall. | No insets are proposed. |
| Architectural Character The architectural design and character are key contributors in achieving the envisaged identity of a contemporary rural town centre in Byford. | R3.1 The architectural style of new buildings should reinforce the contemporary rural town feel. Styling shall be simple and contemporary, referencing on the simple forms and styling of traditional rural architecture. Developers shall demonstrate an understanding and interpretation of this context. | The proposed development incorporates elements of design evolving from the rural context of the development, predominantly in material and colour choice. |
| | R3.2 The contemporary rural architectural character should: Emphasise the local identity through the appropriate use of built form, building materials, articulation and colour; Respond to the local climatic conditions providing protection against the strong easterly winds whilst taking advantage of the views toward foothills. | The proposed development has two significant areas which are not articulated well. The colour palette is similar to that adopted by nearby developments (yet to be constructed). |

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| | R3.3 Australian vernacular styling used in a contemporary fashion which takes advantage of steel and modern glazing creatively will produce designs suitable for the local conditions. This styling is required for all development. | Steel and glazing are features of the design. These elements are predominantly internal to the development due to articulated building facades being separated from streets by an expansive car parking area. |
| | R3.4 Inconsistent architectural styles with the theming of the LSP area, such as Tudor, Mediterranean, Santa Fe and Tuscan are not supported. | The theme is consistent. |
| | R3.5 The architectural character of pavilions, shelters, kiosks and other structures within the public realm shall complement the architectural identity of surrounding developments. | No structures are proposed in the public realm. Additional furniture and landscaping features are typically required to the satisfaction of the Shire prior to the development being occupied. |
| Landmark location Emphasising key locations with high visibility such as corner sites, lots at the end of vistas, or adjacent to a public space, assists in promoting legibility of the urban structure. | R4.1 Opportunities for landmark elements have been identified on Diagram 2. | Due to the building being significantly setback from Abernethy Road it does not act as a landmark at the future intersection. |
| | R4.2 Landmark locations shall as a minimum incorporate an element of increased height (please refer to Precinct Specific Requirements for envisaged heights). In addition landmark locations are encouraged to include the following elements also: Distinctive roof forms; Public art; and/or A landscaped forecourt. | As above, due to the buildings significant setback from Abernethy Road it does not have the bulk of a landmark building, even though its height suggests that it could be, if it was relocated closer to Abernethy Road. |
| Building articulation and building materials Building articulation refers to the three dimensional modelling of a building. The composition and detailing of the building façade has an impact on the apparent scale as well its appearance from the public domain. Building | R5.1 Extensive expanses of blank and flat façades facing the public realm must be avoided. As a guide, façades at street level should articulate at intervals of 6.0 to 10.0 metres. | The development proposes a number of large blank walls which are not consistent with the policy. |
| | 5.2 Corner Developments shall through the incorporation of a design element reinforce both street frontages to enhance the streetscape and add visual interest. | The proposed development does not address the corner, as the large retail building is significantly set back from Abernethy Road. |

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| <p>facades can be articulated to create a strong street address and enrich the character of the street.</p> | <p>R5.3 Façades facing the public realm shall have balanced proportions and architectural integrity and shall be modulated to add variety and interest. This may include but is not limited to:</p> <ul style="list-style-type: none"> Projections and/or recessions; Balconies, roof gardens and verandahs; Tower elements on corner sites. Increased street wall heights at corners must take into consideration solar access requirements and shall not exceed an additional 4.0 metres in height (the equivalent of one storey); Shade devices (including awnings), noise barriers and privacy screens; Expression of building entries with awnings, porticos, recesses, blade walls and projecting bays; Deep window reveals; Interesting roof forms (refer to requirement 6.2); and varied colours and materials. | <p>Due to significant building setbacks, the development does not deliver a balanced building façade.</p> |
| | <p>R5.4 Building articulation should have regard to the preferred character for the precinct.</p> | <p>The entrance to the main retail building is well articulated in accordance with policy objectives, however, the building turns its back on the street resulting in poor articulation along nearby road frontages.</p> |
| | <p>R5.5 Building façades shall be articulated and detailed with an emphasis on vertical form to create a perception of complimentary bulk and height.</p> | <p>The building facades provide a consistent vertical form.</p> |
| | <p>R5.6 Exterior walls of buildings are required to feature a composite of construction materials. Face brickworks, stucco trim or rendered masonry shall be the dominant materials and are to be complimented by detail elements of alternative materials such as:</p> <ul style="list-style-type: none"> Face and rendered/painted brick work/block work of contrasting colour; Stone cladding; Clear glazing; Limestone block; Timberwork (including recycled) and/or; Corrugated sheet metal cladding in Colorbond finish. | |

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| | R5.7 Light coloured (including limestone) bricks shall not be used as dominant cladding material. Some light colours may be allowed where they are considered to complement the local landscape. | The materials are consistent with the policy, |
| | R5.8 Materials should be selected to: Achieve simplicity and strength of design; Avoid busy compositions and; Assist in providing comfortable thermal conditions; Avoid high levels of reflectivity. | The facades have a consistent materials theme. |
| | R5.9 All new developments within the Byford Town Centre LSP area must demonstrate best practice in ecologically sustainable design. This implies equivalence with a minimum 6-star energy rating for residential developments and 5-star for commercial developments, under the Green Building Council of Australia rating system. | The Applicant has not provided an energy rating. This information is not usually provided until the Building Permit stage of development. |
| | R5.10 The use of bulk and/or reflective insulation to walls, ceilings and roofs is required. | This detail has not been provided by the Applicant. |
| | R5.11 The use of building materials which are low embodied energy materials, recycled or recyclable, come from renewable sources, or involve environmentally acceptable production methods, is recommended. | This detail has not been provided by the Applicant. |
| | R5.12 The use of rainforest timbers and timbers from old growth forests should be restricted. | This detail has not been provided by the Applicant. |
| | R5.13 The use of modern durable and low maintenance cladding materials (Sycon products like Matrix and Stria masonry cladding or Linea weatherboard) is encouraged. | These materials are not specifically mentioned in the Applicants submission. |
| | R6.1 Rooflines require to be of a suitable vernacular and innovative but non-intrusive; contribute to the rural identity of the area; and reflect the range of uses and development types in the precincts. | The roof of the proposed development is considered to be policy compliant. |

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| | <p>R6.2 A mix of skillion, pitched and flat deck behind parapet roofs are supported. Where pitched roofs are employed, the pitch shall be provided between 20-35 degrees where visible from the public domain, with a shallower pitch acceptable for verandahs, canopies and small areas of skillion. The use of gables fronting the public domain is encouraged to add further interest to the streetscape.</p> <p>R6.3 Architectural feature roofs, such as, clock towers, poles and spires, curved and floating roofs and any shapes accommodating roof gardens, are encouraged for the landmark sites identified in Diagram 2.</p> | <p>The development does not demonstrate a mix of roof types.</p> |
| | <p>R6.4 Roofs should generally be expressed in a way which compliments the architectural style of the building, which provides clear silhouettes and minimises visual clutter. Appropriately proportioned dormer windows and skylights can add interest to the external appearance of a roof and break up its volume.</p> | <p>The roof style is typical of box shopping centre developments.</p> |
| | <p>R6.5 Roof design should minimise bulk and overshadowing of neighbouring properties.</p> <p>R6.6 Where the roof form permits, the roof or loft spaces shall be designed to be used. Rooms located in the roof cavity should have a minimum head height of 2.4 metres over two thirds of the floor area. Flat roof spaces shall be used as outdoor recreational areas, taking advantage of access to sunlight and views towards the scarp.</p> | <p>The Applicant did not provide overshadowing details. Overshadowing is unlikely to be an issue due to the site having future roads on its eastern and western boundaries.</p> |
| | <p>R6.7 The permissible roof materials include metal roofing, clay tiles and light grey (timber) shingles. Roofing materials made from cement tiles or composite materials are not permitted. Zinalume finish may be permitted but shall be treated to reduce its reflective qualities and impact upon neighbouring lots.</p> | <p>The Applicant has not provided this detail.</p> |

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| | R6.8 Roof colours to be predominantly neutral and have a low visual impact. No dark colour roof materials and roofs with poor thermal properties shall be permitted. Only clay tiles in traditional terracotta colours will be permitted. | The colour of the roof is unknown. |
| | R6.9 Minimise the visual intrusiveness of service elements. | The location of all service elements is unknown. |
| | R7.1 Building entrances are to be designed as a clear and identifiable element of the building in the street. | The entrance of the main retail building is clearly identifiable' however it is well setback from Abernethy Road. |
| | R7.2 Provide direct a physical and visual connections between street and entry. Pedestrian entrances to buildings must be clearly visible and identifiable within a 180 degree line-of-site from each entry point. Minor obstructions to views are acceptable. | Due to an expansive car parking area fronting Abernethy Road visual connections between the proposed development and Abernethy Road are likely to be maintained. |
| | R7.3 All new developments are required to be accessible to people with mobility disabilities, including the aged and people with prams. Pedestrian entrances must be at finished pavement level to allow Universal Access, and any changes of level should take place within buildings. | The proposed development appears to have minimal fall across the site and it is envisages that universal access will be able to achieved. |
| | R7.4 Building should have multiple entries to activate the street edge or reinforce a rhythm of entries along the street. Separate entries should be provided for: Pedestrian and vehicles; Different uses; Ground floor premises. | The development does not provide multiple entires to activate the street, instead the entry to major and minor retail tenancies is via the internal car park. |
| | R7.5 Access to residential premises above commercial tenancies should not occupy more than 20% of the ground floor frontage. | Not applicable. |
| Roofscape The roof is an important architectural element for the overall composition and expression of a building. The design of the roof of a building has a significant impact on its appearance and its integration with its surroundings. The type, | R8.1 All residential and mixed use developments are to be in accordance to the relevant privacy provisions under the R-Codes. | Not applicable. |
| | R8.2 Buildings are constructed in accordance with AS 3671: Acoustics – Road Traffic Noise Intrusion, Building Siting and Construction and the State Planning Policy Road and Rail Transport Noise. | This information has not been provided by the Applicant. |

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| <p>shape, materials and details of a roof's design can significantly affect views of, and beyond, a building.</p> | <p>R8.3 The internal layout of rooms, courtyards, terraces and balconies , is to be designed to minimise the transmission of noise to adjacent residential premises through the choice of materials and the use of appropriate openings, screens and blade walls.</p> | <p>Not applicable.</p> |
| | <p>R8.4 All commercial developments shall be in accordance with any relevant local policy provisions and demonstrate that any noise emitted does not exceed the assigned decibel levels in accordance with the Environmental Protection Regulations 1997 (As amended).</p> | <p>Nor applicable</p> |
| | <p>R8.5 To reduce the risk of overlooking, commercial properties are to consider: Careful siting of windows and the use of obscure glass or highlight windows where necessary; Screen planting/vegetation; Screening devices such as fences, window screens, wing walls and courtyards screens; and Horizontal screening.</p> | <p>Overlooking is not a concern with the development due to be separated from adjoining developments by future road reserves.</p> |
| | <p>R8.6 Noise impact associated with goods delivery and garbage collection, particularly early morning, should be minimised through design.</p> | <p>The loading bay is in a position where it is not likely to directly impact on future sensitive premises.</p> |
| | <p>R8.7 The Shire may require a Noise Impact Assessment Report to accompany</p> | <p>Not requested for this development. This may still be required when individual tenancies are occupied.</p> |
| <p>Entrances and pedestrian access Building entrances contribute to the identity of a development. Safe, direct and simple building entries and circulation areas improve users' amenity and convenience.</p> | <p>R9.1 All building facades at ground floor level shall be oriented towards the street and public open spaces (including the town square, multiple use corridors and wetlands) to encourage surveillance. On corner sites, buildings must address both street frontages.</p> | <p>The proposed development proposes significant variations to policy requirements in this regard.</p> |
| | <p>R9.2 Ground level facades should be designed to have transparent elements (i.e. doors, windows or display panels) so that a visual and/or physical connection is created between the activity within the building and the public realm. The use of bi-fold doors or similar is encouraged.</p> | <p>Ground level facades facing car parking areas have high level of transparency, however they turn their back on the street.</p> |

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| | R9.3 Transparent elements for commercial premises within the LSP area should comprise of at least 60% of the ground level façade to make the inside easily discernible to the passer-by. The use of reflective and highly tinted glass is not permitted. | 60% transparency has not been satisfied where solid walls address future roads and the Multiple Use Corridor. |
| | R9.4 Upper floor facades should be transparent and maintain a minimum of 30-50% area of window. | As above |
| | R9.5 Small scale retail and civic activities shall sleeve large supermarkets and retail outlets and provide active frontages to surrounding streets and public places. | The development poses significant variations in this regard. |
| <p>Visual and acoustic privacy</p> <p>A lack of privacy restricts the usability of spaces and reduces the amenity of its users. The design of developments should be mindful of privacy issues. Both the railway corridor and the South Western Highway are significant sources of noise within the LSP area and require appropriate measures.</p> | R10.1 In order to enhance the village character in the LSP area, no fencing shall be erected to the street boundary of commercial and retail tenancies (unless otherwise determined by Council). | No fencing is proposed. |
| | R10.2 It is acknowledged that ground floor residential premises might require fencing to the street boundary and multiple use corridors. Where such fencing is required, it shall have a solid base not exceeding 0.5 metres in height and may have piers to a maximum height of 1.8 metres, with infill panels which are at least 50% visually permeable to allow facilitate casual surveillance | No fencing is proposed. |
| | R10.3 Fences facing multiple use corridors shall include gates so direct access can be obtained from the private development into the public space. | No fencing is proposed. |
| | R10.4 Fences shall be constructed of masonry or stone. Building materials and colours should be compatible with the building and landscape design. | No fencing is proposed. |
| | R10.5 Fibrous cement fencing and profiled sheet metal are not to be used within the front setback area or where it can be seen from public areas. R10.6 Any boundary fencing must be constructed with durable materials which can easily be cleaned and are vandalism resistant. | No fencing is proposed. |
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| <p>Outdoor eating</p> <p>Outdoor eating has the potential to enhance the village character of the</p> | R11.1 Outdoor dining activities on a pedestrian pavement, in a road reserve or right of way requires the Shire's planning approval. | No outdoor dining areas are proposed. |

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| <p>centre by contributing to the liveliness of the streets and other outdoor places.</p> <p>Building Orientation</p> <p>Street frontages create a transition between public and private space. The design of the street edge zone contributes to the liveliness, comfort and safety of the street and those who use it.</p> | <p>R11.2 Al Fresco dining areas will have to be located against shops open windows to allow for continuous easy movement of pedestrian along the footpath and allow for clear access to entrances and adjoining buildings. A minimum unobstructed pedestrian zone of 1.8 metres should be maintained. No items may extend into the walkway zone at any time.</p> | <p>This has not been included in the development application, however is likely to become clearer once the individual tenants are known. It can be managed through individual development applications for the prospective tenants.</p> |
| | <p>R11.3 Outdoor dining areas should be located so as not to interfere with car parking and vehicular movement. Dining furniture is not to be placed within 3.0 metres of any road corner bus stop or taxi stand.</p> | <p>As above.</p> |
| | <p>R11.4 North and West facing Al Fresco dining areas are encouraged in</p> | <p>As above.</p> |
| | <p>Weather Protection</p> <p>Weather protection devices increase the usability and amenity of public footpaths by protecting pedestrians from sun and rain and can contribute to identity of the town centre. They encourage pedestrian activity along streets and, in conjunction with active edges such as retail frontages, support and enhance the viability of the town centre</p> | <p>R12.1 Developments with retail, commercial or community uses at ground level shall provide weather protection along the street façade, which shall typically take the form of an awning or verandah.</p> |
| | <p>R12.2 All weather protection devices shall be located at first floor height at a minimum of 3.0 metres above finished pavement level (Diagram 3). They may be raised at entries or lobbies to emphasise an entry point.</p> | <p>Awnings are above 3 metres in height.</p> |
| | <p>R12.3 Weather protection devices shall not extend to within 600 millimetres of the road kerb.</p> | <p>Weather protection devices are not proposed on street frontages.</p> |
| | <p>R12.4 Weather protection shall be designed to take into account any street trees to allow for canopy spread and ongoing maintenance.</p> | <p>As above.</p> |
| | <p>R12.5 Where one protection device abuts another, the connection between them is to be treated so as to prevent the penetration of rain.</p> | <p>As above.</p> |
| | <p>R12.6 Awnings shall be cantilevered or suspended and provide no obstructions or hazard to pedestrians. Verandah posts may be positioned within the road reserve provided these posts are not an integral part of the structural integrity of the verandah (i.e. ornamental). The developer shall make all arrangements in relation to public liability.</p> <p>R12.6 Any awnings shall have a maximum fascia depth of 300mm.</p> | <p>No verandah posts are proposed.</p> |

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| | R12.7 A variety of materials for weather protection shall be provided to promote a diverse experience across the town centre Typical materials shall be sheet metal, wood, polycarbonate or similar. | No weather protection devices are proposed on street frontages. |
| <p>Signage The treatment of signage applied to buildings is a critical element in the overall streetscape of the Byford Town Centre. Signs play an important role in the commercial function of the centre, however it has the potential to detract from the visual amenity of the town centre. Signage should be carefully considered and appropriate to the building design and form.</p> | R13.1 All signage in the LSP area requires the planning approval from the Shire. A Signage Strategy will be required for every development application, where signage is proposed. | This is likely to be picked up with individual tenancy applications. |
| | R13.2 Signage shall be of high design standards and shall be integrated into the building design and shall not adversely impact visual amenity or conflict with architectural features. Signage should be kept simple and only display information that relates to the activities carried out on the premises. | The Applicant has proposed to submit a signage and lighting strategy at a later date. |
| | R13.3 Appropriate locations for signage include: Hanging from the awning; Ground floor shop front windows and; Ground floor façades. | No signage is proposed at this stage. |
| | R13.4 Signage mounted below an awning shall: Provide a minimum clearance of 2.7 metres above finished pavement level (Diagram 4); Be limited to one such sign per street frontage of the subject tenancy and; Be limited to a maximum size of 2.0m ² . | No signage is proposed at this stage. |
| | R13.5 Window signs shall cover no more than 33% of the window as required within the Byford DAP. | No signage is proposed at this stage. Maximum window cover can be included as a condition of Planning Approval. |
| | R13.6 Signs attached to the building façades should be aligned with and relate to the design lines of the façade. Wall sign are permitted with an aggregate area of 0.4m ² per 1.0 metre of street frontage of the subject tenancy (up to a maximum aggregate area of 10m ²). | No signage is proposed at this stage. |
| | R13.7 Building identification is the only signage permitted above the ground floor. The use of affixed individual letters and/or numbers is encouraged. | Signage placement has been allocated above the ground floor at the internal entrance to the main retail building. |

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| | R13.8 Repetition of the same sign is discouraged. | No signage is proposed at this stage. |
| | R13.9 A coordinated presentation for all signs is required where there are multiple occupancies or uses with a single building development. | No signage is proposed at this stage. |
| | R13.10 The following signage is not permitted: Roof mounted signs; Signage on the front face or on top of an awning fascia; Free standing pylon structures; Advertising signs on the public footpath; Flashing signs; Sequined or glittering signs; Box-like or three dimensional signs; Flags or bunting. | No signage is proposed at this stage. |
| | R13.11 Illuminated signs may be permitted and where suitable the use of LED lighting is strongly encouraged. However their use shall be limited between 8am and 9pm only. | No signage is proposed at this stage. |
| Parking The provision of adequate car parking is crucial for the viability of the Town Centre. At the same time parking areas have a significant effect on the amenity and stormwater management of the area and require appropriate design treatment. | R14.1 On-site car parking spaces shall be provided for all new developments at the rates set out in the Byford Town Centre LSP. | The development proposed a shortfall of 34 car parking bays (including future on-street bays) |
| | R14.2 Off street parking must be provided in accordance with AS 2890.1. | The applicant has not provided individual measurements of car parking bays. |
| | R14.3 All on-site car parking, carports and garages are encouraged to be set at the rear or side of the building alignment and should not be located so as to face the street boundary. | The development proposes a significant variation in this regard. |
| | R14.4 Where possible, the on-site parking for multiple land holdings should be coordinated and combined. | The applicant has not demonstrated arrangements across multiple landholdings, for example Lot 4 Abernethy Road. |
| | R14.5 Locate service entries on secondary streets or lanes, where possible, to minimise the impact on the primary streetscape. | Service entry to the loading dock has been provided from a secondary entrance to the development site. |
| | R14.6 Access to parking areas (both for vehicle and pedestrian) are clearly identified through the use of signage. | The Applicant has not provided this detail. |

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| | R14.7 Dedicated pedestrian paths are provided within parking areas to avoid conflict with vehicle movements. | The development has paths in front of retail tenancies, however no path network is shown through the car park. |
| | R14.8 Car parking areas shall provide appropriate services for disabled users such as designated handicapped parking bays and ramps in accordance with the Building Codes of Australia (BCA). | Disability bays have been provided on the development site. These have been located at the entrance to the main retail building. |
| | R14.9 Parking should be designed to minimise the impact of development-related nuisance on nearby residents such as light spill, noise and vehicle movements. R14.10 No on street parking will be permitted on South Western Highway | The Applicant has not provided this detail. |
| Site facilities Site facilities include loading areas, refuse collection areas, mail boxes, stores, and clothes drying areas. Development should provide appropriate site facilities for retail, commercial and residential uses, and minimise impact on the streetscape. | R15.1 Loading facilities must be provided at the rear or side of developments. Such loading areas shall be designed to prevent crime and vandalism and shall be in accordance with the WAPC's Designing Out Crime Planning Guidelines. | The development complies with policy in this regard. |
| | R15.2 Adequate garbage and recycling areas must be provided. These areas are to be visually integrated with the development to minimise their impact on the streetscape. Such facilities must be located that problems associated with smell are avoided. | A bin storage area has been provided near the loading dock, however it is not clear where waste from the small tenancies will be stored. |
| | R15.3 Solar panels and solar water systems may be visible only where they are located in the same plane as the roof and there is no alternative location that can offer a similar level of solar efficiency. | None proposed. |
| | R15.4 Antennas, satellite dishes and the like are to be positioned in a location where they concealed from public view. | None proposed. |
| | R15.5 Lockable mail boxes should be provided close to the street, integrated with front fences or building entries. | None proposed. |
| | R15.6 Vents to commercial kitchens should be designed and located to minimise the negative impact of smells on occupants on upper levels. | This detail is not known as tenants have not been provided. |
| | R15.7 Buildings are to be designed so as to avoid overshadowing of photovoltaic electrical systems and other solar-based renewable energy systems on adjacent buildings | The proposed development is compliant with policy in this regard. |

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| | R16.1 Orientate habitable rooms with views over public streets or public open spaces to allow for casual surveillance. | Not applicable. |
| | R16.2 The use of bay windows and balconies which protrude beyond the main façade and enable a wider angle of vision to the street are encouraged. | Not applicable. |
| | R16.3 Where rear lanes are used for vehicular access, provide surveillance of these lanes which could consist of habitable spaces above garages (including studio housing) and balconies. | Not applicable. |
| | 16.4 Ensure building entrances are oriented to face open or active spaces. | Building entrance is oriented towards the internal carpark. Design guidelines indicate that it should be oriented towards the street. |
| | R16.5 Building entrances shall be easily distinguishable, well lit and under passive surveillance from surrounding buildings where possible to enhance personal safety of occupants and visitors. | The development is compliant with policy in this regard. |
| | R16.6 Provide direct entry to ground floor residential premises from the street. | Not applicable. |
| | R16.7 Avoid creating entrapment spots or places where intruders may loiter or be concealed. | The loading bay creates an area where intruders may be conceal themselves. |
| | R16.8 Buildings shall be constructed from materials that are resistant to vandalism. The use of anti-graffiti coatings is encouraged. | The Applicant has not advised whether anti-graffiti coatings will be used, however it could be added as a condition of Planning Approval. |
| | R16.9 Ensure landscape design does not conceal the views of paths and open spaces from streets and surrounding developments. | The Landscape Plan does not appear to conceal views of paths, however some of the tree species are likely to grow very large. |
| | R16.10 Public parking areas must be well lit, have clearly defined access points and have clear views within the parking area.. | No lighting information has been provided by the Applicant. |
| | R16.11 On-site vehicle parking for residents and workers shall be secured and access restricted to residents only. | Parking for employees has not been delineated on the plans. |

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| | R16.12 Through block connections must provide a clear sightline from one end to the other, for surveillance and accessibility. Through block connections must have a minimum width of 3.0 metres, clear of any obstruction | The development is compliant with policy in this regard. |
| <p>Stormwater management</p> <p>Stormwater is the run off from buildings, roads and other hard surfaces. The Byford Town Centre LSP area is located on a seasonally waterlogged plain. Appropriate stormwater management will be critical to unlock the development potential of the precinct.</p> | R17.1 The design and implementation of stormwater management practices shall be as per the requirements of the Byford Townsite Drainage and Water Management Plan (Parsons Brinckerhoff, 2005) and the Byford Town Centre Local Water Management Strategy (GHD, 2009). | The development proposes a number of variations to the Byford Town Centre Local Water Management Strategy. |
| | R17.2 Generally all water draining from roofs and other impermeable surfaces shall be directed to soakwells, bio-retention basins or rainwater tanks where climatic and soil conditions allow for the effective retention of stormwater on-site. | This information has not been provided by the Applicant. |
| | R17.3 Stormwater management measures must be detailed in an Urban Water Management Plan submitted with Development and Subdivision Applications. | An Urban Water Management Plan would be a condition of Planning Approval. |
| <p>Landscaping</p> <p>Landscape has an important function - not only as an aesthetic backdrop, but also as a structuring element that creates a sense of place and identity. Creating a location that facilitates and encourages social interaction and community spirit.</p> | R18.1 A landscape plan shall be submitted with every application for planning approval to demonstrate the manner in which the external areas of the site will be finished in terms of hard and soft landscaping. | A condition would be added to a Planning Approval. |
| | R18.2 All developments are to be appropriately landscaped to contribute to the amenity of the area, the aesthetic quality of the associated buildings and reflect the streetscape character. | The development does not reflect the desired streetscape character because parts of the building turns away from the street. |
| | R18.3 Landscaping is of an appropriate scale relative to the road reserve and building bulk. | A condition would be added to a Planning Approval. |
| | R18.4 Retain and incorporate existing vegetation where possible to reduce solar glare. | The Applicant has not indicated where existing vegetation will be retained. |
| | R18.5 Landscaping shall be designed using water sensitive design principles. | A condition would be added to a Planning Approval. |

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| | R18.6 Take into account the provision of shade. Vegetation can be incorporated into a development's sustainable design features by reducing heat load through the shading of walls. | The large areas of impermeable wall have vegetation incorporated. |
| | R18.7 Car parks shall be appropriately landscaped, overlaid with a regular grid of trees between parking rows to provide visual break-up, shade and infiltration of stormwater. Trees shall be planted every 5th parking bay within vegetation swales and bio-retention tree pits (refer to image of carpark on Page 16). | Trees are shown approximately for every 6 bays. In order to remain consistent with the character of the adjoining Multiple Use Corridor it is suggested that the planting rate be increased to 1 tree for every 4 car parking bays. |
| | R18.8 Landscaping themes and species must be consistent with the Byford | Species are generally consistent with the policy. |
| | R19.1 The provision of private outdoor areas shall be provided in accordance to relevant provisions under the R-Codes. | Not applicable. |
| | R19.2 Where direct access to ground level private open space is not available, provide at least one balcony, terrace, verandah, roof terrace or deck for each dwelling with a minimum dimension of 2.0 metres and minimum area of 10m ² in south facing areas and a minimum area of 12m ² in north facing areas. This element shall be located addressing the primary street/public open space and should be accessible from a principal living space. | Not applicable. |
| Private outdoor space Private open space includes soft landscaping or permeable garden areas, and above ground open space such as roof gardens, roof terraces, balconies, and verandahs. The accessibility of comfortable private and communal outdoor living areas is important for occupant amenity. In addition, open space plays a role in stormwater management. | R19.3 It is preferred that courtyards or balconies for residential components be located in positions where they may enjoy exposure to direct sunlight for at least two hours between 09:30 and 14:30 on June 21st. | Not applicable. |
| | R19.4 Lightweight pergolas, sun screens, privacy screens and planters are permitted on the roof, provided they do not increase the bulk of the building. | Not applicable |
| | R19.5 Developers shall demonstrate how climatic elements such as the easterly winds and the prevailing breezes area are considered in the design of private outdoor areas. | Not applicable. |

The subject site is located within the Abernethy North Precinct, as noted in section 3.2 of LPP 31 – Byford Town Centre Built Form Design Guidelines. The following table summarises the Abernethy North Precinct requirements and Officer comments in relation to the proposed development:-

| Design Element | Policy Requirements | Officer Comment on Proposed Development |
|------------------------------|---|--|
| 3.2.1 – Land Use | <p>a) The following land-uses are envisaged for the Abernethy North Precinct:</p> <ul style="list-style-type: none"> -Commercial Offices; -Consulting rooms and medical suites; -Small scale retail (complementary to the Town Centre); and -Residential. <p>Fast food outlets, drive through's and large footprint developments are considered inappropriate land uses.</p> <p>(b) Residential developments within this precinct may be permitted as part of a mixed use development. Any proposed mixed use development adjacent to the main street shall include a mandatory residential entrance.</p> <p>(c) Any car based retail uses are to be located on the western side of the precinct.</p> | <p>The proposed development seeks approval for retail across all tenancies, however there is scope for other uses to occupy the tenancies subject to a separate Planning Approval.</p> <p>No residential development is proposed.</p> <p>No car specific retail uses have been identified.</p> |
| 3.2.2 - Building Height | (a) The envisaged building height for this precinct is 1-2 storeys. | The proposed development is consistent with the policy in this regard. |
| 3.2.3 - Setbacks | (a) Building setbacks must be within the parameters detailed in diagram 14 (see below table) | The development proposes a significant variation to policy requirements and would require major modifications in order to become policy compliant. |
| 3.2.4 - Building Orientation | (a) All developments shall present an activate frontage towards Abernethy Road, San Simeon Boulevard and the Beenyup Brook multiple use corridor in order to maximise passive surveillance and increase the sense of connection with the surrounding environment (refer Diagram 15). | The development proposes a significant variation to policy. The large retail building is 38.5 metres setback from Abernethy Road. The proposed development does not present active frontages to San Simeon Boulevard and the Multiple Use Corridor, instead providing high impermeable walls. |
| 3.2.5 – Parking and Access | <p>(a) Parking areas must be situated in between the building blocks to minimise their visual impact on Abernethy Road and the Beenyup Brook corridor (Diagram 16).</p> <p>(b) No parking area shall be permitted within the Abernethy Road front setback area in order to achieve an enclosed streetscape which announced the</p> | <p>The car parking layout does not minimise its visual impact on Abernethy Road.</p> <p>The car parking layout proposes a significant variation.</p> |

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| | <p>arrival into the Town Centre. Parallel on-street parking is however to be provided to Abernethy Road.</p> <p>(c) Undercroft parking will be permissible, provided it being out of view from the primary streets and the multiple use corridor.</p> <p>(d) Site access should generally be in accordance with Diagram 16.</p> | No undercroft parking is proposed. |
| 3.2.6 - Landscaping | (a) Where available existing vegetation adjacent Abernethy Road and Beenyup Brook is to be retained protected and enhanced as part of any future development of the area. | The Applicant has not specifically identified that existing vegetation adjacent to Abernethy Road and within the Multiple Use Corridor will be retained, protected and enhanced. |

Diagram 14: Setbacks

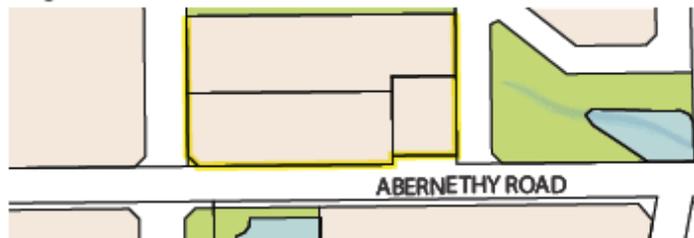


Diagram 15: Activated Frontages

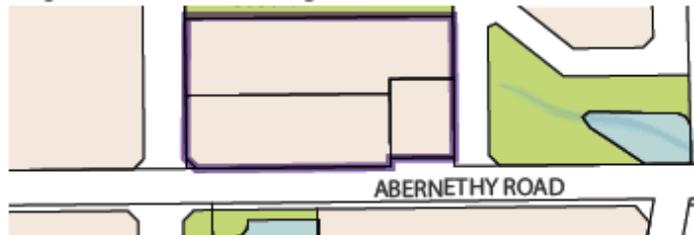
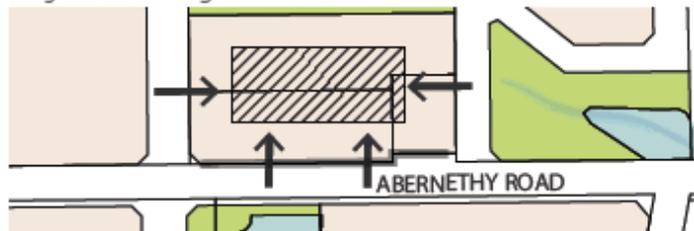


Diagram 16: Parking and Site Access



LEGEND:

-  Setback 0-3m
-  Mandatory Activated Frontages
-  Parallel on Street Parking
-  Preferred Site Access
-  Parking Areas

Section 3.2 diagram 14-16

Diagram 17 - Abernethy South Precinct Concept Plan



Section 3.2 diagram 17

LPP 58 - Bicycle Facilities in Urban Developments

The objectives of the Shire's Bicycle Facilities in Urban Developments policy are:-

- Encourage cycling and improve conditions for bike riders in proposed urban developments;
- Ensure the provision of appropriate bicycle facilities;
- Provide an alternative to private vehicle transport through provision of secure and effective end of trip cycling facilities; and
- Provide guidance to developers on the design and requirements of bicycle end of trip facilities for both commuters and visitors.

To ensure cyclists are adequately provided for, the Bicycle Facilities in Urban Development requires the following as a minimum for Shopping Centre developments:-

| Long Term Parking (Employee) | Required Long Terms Parking for proposed development | Short Term Parking (Visitor/Shopper Spaces) | Required Short Term Parking for proposed development |
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| 1 space per 300m ² sales floor | 19 spaces | 1 space per 500m ² sales floor | 11 spaces |

Bicycle Parking Table

It is noted that the above calculations are based on Gross Leaseable Area because the Applicant did not provide Net Leasable Area measurements. The table above demonstrates that the proposed development generates the need for bicycle parking facilities, although it is not mentioned in the Applicants submission and no bays are shown on the development plans. The requirement for these facilities can be added as a condition of Planning Approval, however due to the large number of facilities required it is expected that major modifications will be necessary.

LPP 59 - Public Art Policy for Major Developments

The objectives of the Shire's Public Art Policy for Major Developments are to:-

- Create artworks in public spaces that are site specific, meaningful and integrated into built and natural forms and places within Serpentine Jarrahdale Shire;

- Enhance public enjoyment, engagement and understanding of places through the integration of public art, thereby enhancing sense of place;
- Enhance the appearance, character and value of buildings and places through the inclusion of high quality public art; and
- Establish a clear and equitable system for the provision of public art in the development process.

This policy applies to the development because the estimated construction cost is in excess of \$1 million.

Section 9.1 states that to comply with the policy Public art with a minimum cost of 2% of construction cost; or 2% of construction cost contributed to the public art fund must be provided by the developer.

Whilst the Shire policy requires 2%, the Department of Planning and other Local Governments require only a 1% contribution and a 1% contribution has also been applied for the JDAP development approval for Lot 2 Abernethy Road.

LPP 62 - (draft) - Urban Water Management

The objectives of the Shire's draft Urban Water Management policy are to:-

- Ensure planning and development within the Serpentine Jarrahdale Shire optimises the use, reuse and management of urban water resources including rainwater, stormwater, groundwater, drinking water and wastewater;
- Improve the health of the Peel-Harvey catchment including associated waterways, wetlands and groundwater. consistent with the Water Quality Improvement Plan for the Rivers and Estuary of the Peel-Harvey System Phosphorus Management and the Environmental Protection (Peel Inlet - Harvey Estuary) Policy; and
- Provide guidance for landowners, developers and Council in satisfying the requirements of Better Urban Water Management and State Planning Policy 2.9: Water Resources.

The Byford Town Centre Local Water Management Strategy (GHD 2014) applies over the proposed development site, which has been approved by the Shire and the Department of Water. The proposed development is not consistent with the approved Local Water Management Strategy in the following areas:-

- The Beenyup Brook floodway is shown to have a width of 12.6 meters and 25 meters width. This is inconsistent with the Byford Town Centre Local Water Management Strategy which requires a minimum width of 30 meters.
- The entry and exit road and loading dock is proposed to be located within the Beenyup Brook floodway. This infrastructure must be located outside of the floodway. The Multiple Use Corridor in this location is only 12.6-meters wide. This is inconsistent with the Byford Town Centre Local Water Management Strategy which requires a minimum width of 30-meters.
- The variation to the Local Water Management Strategy's minimum 30 metre width will have an impact on Urban Water Management Plans created for adjoining sites to the west. Confirmation from the adjoining land owner is required.
- Beenyup Brook must be kept as open drainage (apart from short span culvert crossings beneath roads). This allows for culverts to be kept open (without gratings) and to minimize the risk to public safety. This also minimizes impact

on creekline ecology and connectivity. The current proposal cannot achieve a stable stream form for the Beenyup Brook due to the narrowing of the Multiple Use Corridor and the proposal to construct an access road through the Multiple Use Corridor floodway.

In order to address LPP 62 (draft) – Urban Water Management the Applicant would need to redesign the proposed development to take into account the drainage and flood conveyance requirements for the Byford Town Centre in accordance with the approved Byford Town Centre Local Water Management Strategy.

LPP 63 - (draft) - Integrated Land Use and Transport Planning

The objectives of the Shire's draft Integrated Land Use and Transport Planning policy are to:-

- Ensure that transport assessments are effectively integrated into land use planning processes;
- That there is clear guidance about the level of information required to be provided in support of planning proposals, including structure plans, subdivisions and developments;
- Ensure a consistent, open and transparent approach is taken to the consideration of transport impacts; and
- Recognise that there are a significant number of stakeholders involved in the effective design and implementation of integrated land use and transport planning outcomes.

The Applicant has provided a Transport Assessment to support the proposed development. In addition the Shire has consulted with Main Roads Western Australia and the Department of Transport. The Shire requires minor modifications to the Transport Assessment which could be addressed through a condition of Planning Approval.

LPP 67 - (draft) - Landscape and Vegetation

The objectives of the Shire's draft Landscape and Vegetation policy are to:-

- Provide guidance to stakeholders regarding the consideration of landscape and the standard of landscaping expected by the Shire;
- Ensure the effective integration of landscape and vegetation into land use planning processes, so that the right level of information and detail is provided and assessed, at each stage in the planning process;
- Facilitate the effective integration of both state government and Shire planning and environmental documents, in a way that facilitates efficient and effective decision-making; and
- Contribute towards achievement of vegetation and landscape outcomes that meet the expectations of stakeholders and contribute towards the achievement of biodiversity and water use targets and the creation of vibrant places for our communities.

The Applicant has provided a Landscaping Plan and Plant selection. In order to achieve consistency with the Landscape and Vegetation Policy the Applicant would also need to provide a Landscape Management Plan. The provision of a Landscape Management Plan is commonly added as a condition of Planning Approval.

LPP 68 - Sustainability Assessment

The objectives of the Shire's Sustainability Assessment policy are to:-

- Encourage the achievement of more sustainable development outcomes as part of planning and development within the Shire; and

- Provide guidance to developers regarding the requirements for addressing sustainability as part of planning and development within the Shire.

The proposed development is generally consistent with the objectives of this policy.

LPP 70 - (draft) – Activity Centres

The objectives of the Shire’s Activity Centres policy are to:-

- To implement the objectives of State Planning Policy 4.2, Activity centres for Perth and Peel
- To facilitate the orderly development of District and Neighbourhood level activity centres in the shire
- To promote a strong and positive identity and image for the Activity Centre and a strong sense of pride and belonging.
- To promote increased residential opportunities within the Activity Centre.
- To establish a built form character that respects the existing character of the Activity Centre.
- To promote and provide access to public transport, walking and cycling facilities.
- To manage traffic issues where activity centres interface with residential areas.
- To improve pedestrian access throughout Activity centres
- To provide opportunities for a greater diversity of dwelling types in and around activity centres

The proposed development is generally consistent with the objectives listed above. However, the development does not integrate well with adjoining sites with poor articulation on the majority of external facades. The proposed development has internally focused building layout and does not contribute to a built form network.

LPP 73 – Byford Town Centre Public Realm Guidelines

The objectives of the Shire’s Byford Town Centre Public Realm Guidelines policy are to create:-

- A vibrant and integrated District Centre;
- Identifiable character and distinct sense of place
- a safe

The proposed development is within Section 2 of the Byford Town Centre Public Realm Guidelines policy and the Abernethy North Commercial Character zone. This precinct requires the following:-

- marker points;
- buildings to face onto greenway and bio-retention swales and ensure connection between landscape and the building; and
- create a civic space that embraces the adjacent greenway.

The proposed development does not provide marker points for entrance to the town centre because it is significantly set back from Abernethy Road.

The large retail building does not actively address the Multiple Use Corridor, instead locating service and loading bays with solid walls. Due to the service area and car park near the Multiple Use Corridor there is no opportunity for the creation of a civic space.

The proposed development would require significant changes if it was to comply with the Byford Town Centre Public Realm Guidelines.

Public Consultation

The application was advertised in accordance with Clause 6.3 of TPS 2. Notice was given to adjoining and nearby landowners potentially affected by the development for 21 days and full information regarding the proposed development was available to view on the Shires website. A sign was also erected on site for the duration of the public advertising period.

At the close of advertising on the 7 February 2015 four (4) submissions were received on behalf of adjoining/nearby landowners, two objecting to the proposal and two supportive or seeking additional information. The Shire notes both submissions objecting to the proposal, and considers the concerns raised to be generally consistent with the Shires concerns with the proposal discussed throughout this report. A detailed response to the submissions is provided in the attached Schedule of submissions.

Ten submissions were received from State Government Agencies. The Department of Water provided objections to the proposal due to inconsistencies with the approved Local Water Management Strategy and the Applicant proposal to reduce the width of the Multiple Use Corridor and incorporating piping. The Shire agrees with the concerns raised by the Department of Water.

Planning assessment:

The proposed development is considered to be inconsistent with policy, structure plan and contemporary planning principles which are expected to be applied to all developments within the Byford Town Centre.

The development does not propose a mix of land uses and as such, presents a generic building layout. The Applicant alludes to restaurants and offices being likely uses on the site, however the plans do not depict a mix of land uses. The Shire notes that internal elevations are attractive, however they should be oriented toward future San Simeon Boulevard (west of site) and Abernethy Road (south).

As noted in the Policy discussion in this report, the building layout of the development proposes significant variations to policy expectations and therefore results in poor built form outcomes. Significant setbacks to major roads and buildings turning their back on the street are not supported design outcomes in a town centre context. The site has many strengths and opportunities to create exiting active interfaces with street frontages and a Multiple Use Corridor, yet these have not been capitalised on by the Applicant.

The development does not integrate with adjoining sites, instead turning its back with large areas of solid wall. The Applicant appears to have provided a form of development which is essentially an island in the context of a connected and vibrant Town Centre. The Applicant is proposing a 'big box' retail site which is a building format not consistent with the objectives of the Byford Town Centre.

The development is not consistent with the Abernethy North Precinct, as noted in section 3.2 of LPP 31 – Byford Town Centre Built Form Design Guidelines which indicates a contemporary building layout which reflects fine grain development and reaches urban design targets such as activated building facades and minimal street setbacks, car parking areas behind buildings, integration with Public Open Space

areas and providing a continuous sheltered pedestrian environment for circulation to other areas of the Town Centre.

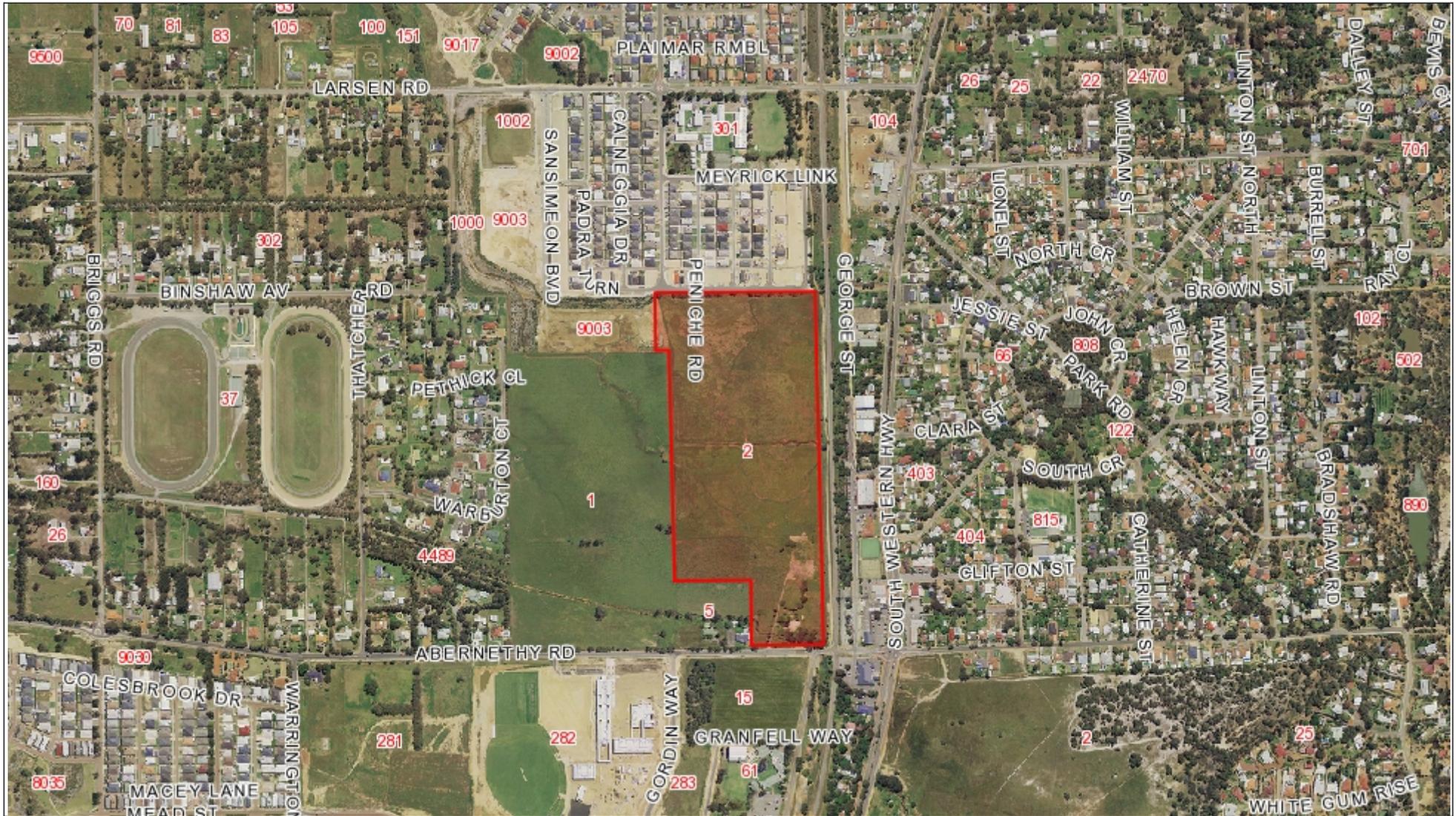
The development proposes a significant deviation from the approved Local Water Management Strategy treatments of the Multiple Use Corridor, proposing a reduction from 30 metres width down to 25 metres and as low as 12.6 metres at one point. The Applicant has provided justification that the alternative treatment measures will be effective, however, the Shire is not supportive of the revised design involving piping under future San Simeon Boulevard (west of site) because it is not consistent with the approach to development around Beenyup Brook across the Shire and is a potential safety issue. The original treatment in accordance with the approved Local Water Management Strategy is recommended.

A complete re-design of the development would be required in order to meet the Shire's Policy expectations for development of what is an important landmark site for the Byford Town Centre.

Officer Recommendation:

The Shire recommends that the East Metropolitan Joint Development Assessment Panel refuse the application seeking approval for a Town Centre (Shopping Centre) development on Lot 5 (No.34) Abernethy Road, Byford, for the following reasons:-

1. The proposed development is not consistent with the Shire's LPP 31 – Byford Town Centre Built Form Design Guidelines, specifically the Abernethy Road North precinct requirements.
2. The proposed development is not consistent with the Byford Town Centre Local Structure Plan.
3. The proposed development is not consistent with surveillance objectives of the Shire's LPP 24 (draft) – Designing Out Crime.
4. The proposed development is not consistent with the building orientation and land mark site objectives of the Shire's LPP 73 – Byford Town Centre Public Realm Guidelines.
5. The proposed development is not consistent with the approved Local Water Management Strategy requirements of the Shire's LPP 62 - (draft) - Urban Water Management.
6. The proposed development is not consistent with the Shire's LPP 58 - Bicycle Facilities in Urban Developments as none are provided.
7. The proposed development is not consistent with the principles of orderly and proper planning in the context of Town Centre developments.
8. The proposed development is not consistent with the minimum car parking requirements of Clause 1.19 of the Byford Town Centre Local Structure Plan.



Serpentine Jarrahdale Shire does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Serpentine Jarrahdale Shire shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information.

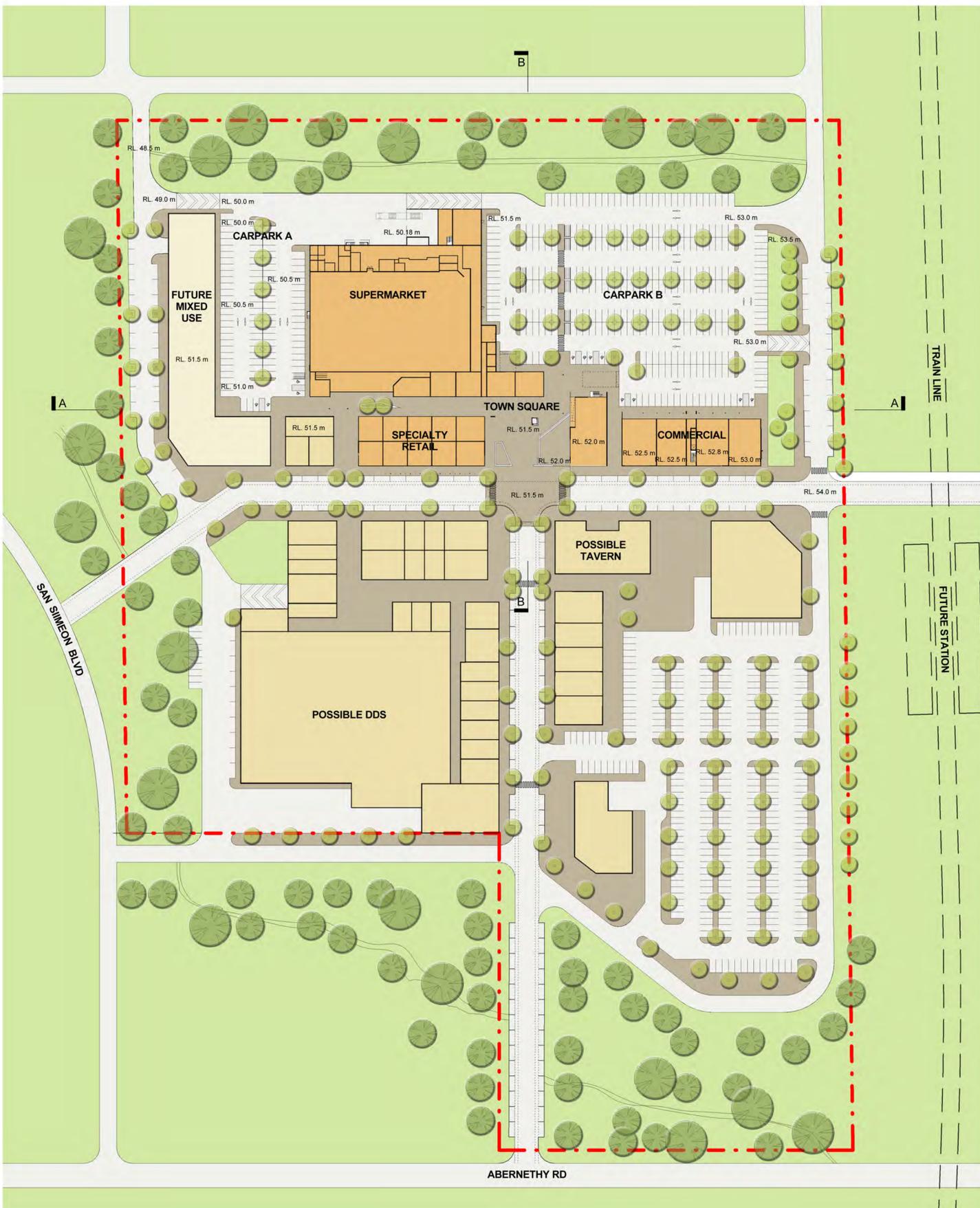
Location Plan

Wednesday, 7 May 2014

1:11279



- STAGE 1
- STAGE 2
- FUTURE MIXED USE



**SHIRE OF
SERPENTINE
JARRAHDALE
RECEIVED 5 JULY 2012**





SITE PLAN - STAGE 1
1 : 1000

- AMENITIES
- SHOP (SUPERMARKET)
- SHOP B.O.H. (SUPERMARKET)
- SHOP T01, T02, T03, T04, T05, T06, T07, T08, T09, T10, T11, T12, T13, T14, T15, T16 (SPECIALTY RETAIL)
- SHOP T17 (RESTAURANT/CAFE)
- SHOP T18, T19, T20, T21 (COMMERCIAL)
- SHOP T22, T23, T24, T25 LEVEL 1 (COMMERCIAL)

**SHIRE OF
SERPENTINE
JARRAHDAL
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DETAILED PLAN - TOWN SQUARE
1 : 200

SITE PLAN - STAGE 1 & DETAILED PLAN - TOWN SQUARE
BYFORD TOWN CENTRE



Scale: As indicated @ A1
Date: 03/07/12

42567 rev
DA 102

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**SHIRE OF
SERPENTINE
JARRAHDALE
RECEIVED 5 JULY 2012**



- AMENITIES
- SHOP (SUPERMARKET)
- SHOP B.O.H. (SUPERMARKET)
- SHOP T01, T02, T03, T04, T05, T06, T07, T08, T09, T10, T11, T12, T13, T14, T15, T16 (SPECIALTY RETAIL)
- SHOP T17 (RESTAURANT/CAFE)
- SHOP T18, T19, T20, T21 (COMMERCIAL)
- SHOP T22, T23, T24, T25 LEVEL 1 (COMMERCIAL)

| AREA SCHEDULE (G.L.A.) | |
|--|---------------|
| TYPE | AREA (G.L.A.) |
| SHOP (SUPERMARKET) | 3250 |
| SHOP B.O.H. (SUPERMARKET) | 791 |
| SHOP T01, T02, T03, T04, T05, T06, T07, T08, T09, T10, T11, T12, T13, T14, T15, T16 (SPECIALTY RETAIL) | 1653 |
| SHOP T17 (RESTAURANT/CAFE) | 393 |
| SHOP T18, T19, T20, T21 (COMMERCIAL) | 1001 |
| SHOP T22, T23, T24, T25 LEVEL 1 (COMMERCIAL) | 1018 |
| Grand total | 8106 |

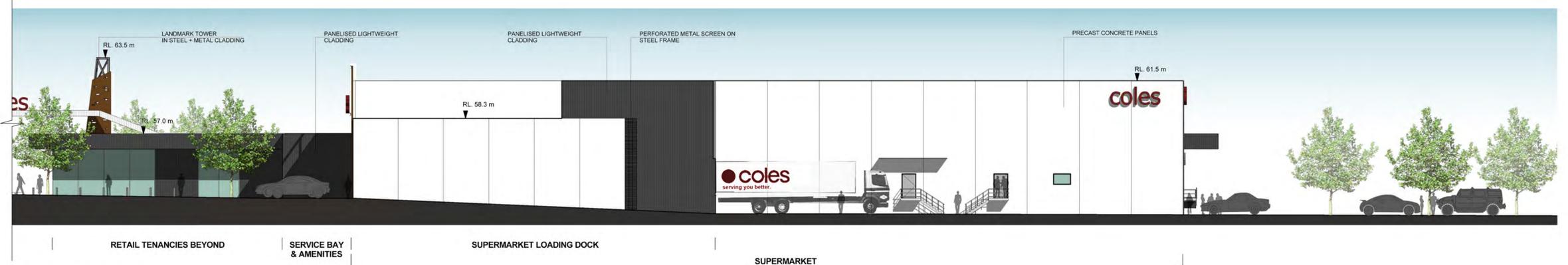
| AREA SCHEDULE (N.L.A.) | |
|--|---------------|
| TYPE | AREA (G.L.A.) |
| SHOP (SUPERMARKET) | 3250 |
| SHOP T01, T02, T03, T04, T05, T06, T07, T08, T09, T10, T11, T12, T13, T14, T15, T16 (SPECIALTY RETAIL) | 1653 |
| SHOP T17 (RESTAURANT/CAFE) | 393 |
| SHOP T18, T19, T20, T21 (COMMERCIAL) | 1001 |
| SHOP T22, T23, T24, T25 LEVEL 1 (COMMERCIAL) | 1018 |
| Grand total | 7315 |

| STAGE 1 PARKING SCHEDULE | |
|----------------------------|------------|
| TYPE | COUNT |
| DISABLED BAY - 5.4m x 2.4m | 10 |
| PARALLEL BAY | 42 |
| STANDARD BAY - 5.4m x 2.6m | 370 |
| Grand total | 422 |





NORTH ELEVATION - PART 1
1 : 200



NORTH ELEVATION - PART 2
1 : 200



SOUTH ELEVATION - PART 1
1 : 200

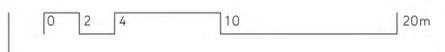


SOUTH ELEVATION - PART 2
1 : 200

NORTH & SOUTH ELEVATIONS

BYFORD TOWN CENTRE

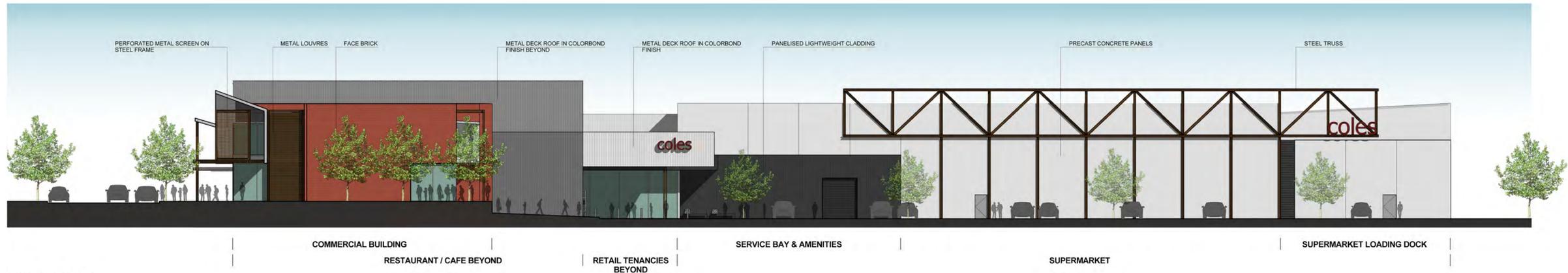
**SHIRE OF
SERPENTINE
JARRAHDALE
RECEIVED 5 JULY 2012**



Scale: 1 : 200 @ A1
Date: 03/07/12

42567 rev
DA 401

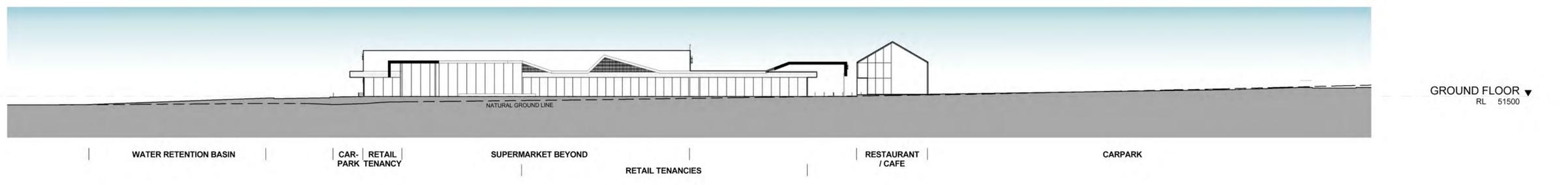
Hames Sharley
www.hamesharley.com.au +61 8 93819877



EAST ELEVATION
1 : 200



WEST ELEVATION
1 : 200



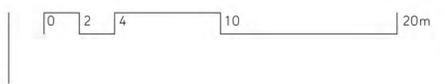
SITE SECTION A
1 : 500



SITE SECTION B
1 : 500

**SHIRE OF
SERPENTINE
JARRAHDALE
RECEIVED 5 JULY 2012**

EAST & WEST ELEVATIONS & SITE SECTIONS
BYFORD TOWN CENTRE



Scale: As indicated @
A1
Date: 03/07/12

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DA 402 -

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PERSPECTIVES
BYFORD TOWN CENTRE

**SHIRE OF
SERPENTINE
JARRAHDALE
RECEIVED 5 JULY 2012**

Scale:
Date: 03/07/12

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SUMMARY OF SUBMISSIONS
P01686/04 - Abernethy Road, Byford #34 (L5) 203102 - Town Centre
Advertising Period – 9 January 2015 to 7 February 2015

| Submitter | No | Submitter Comments | Applicant Response and Officer Comment |
|-------------------|----|---|---|
| Water Corporation | | <p>Thank you for your letter of 9 January 2015 inviting comments from the Water Corporation regarding the above development. The Corporation has no objections to the proposal.</p> <p>The site is currently not serviced with sewerage and is relatively remote from the existing networks in Byford. The report accompanying the proposal does not provide any information on a preferred wastewater solution for the development, nor an estimate of wastewater flows from the development site to allow the Corporation to undertake a preliminary assessment of the proposal.</p> <p>A subdivision proposal over the abutting Lot 1 Abernethy Road (WAPC Ref. 145778) and Lot 2 Abernethy Road (WAPC Ref. 150317) when fully constructed will provide a sewerage reticulation system that will discharge northwards into existing sewers along Larsen Road. The provision of wastewater services to the proposed shopping centre is conditional on the establishment of the downstream sewerage network by other subdividers and must therefore be coordinated with other landowners.</p> <p>Depending on the total water demands from the shopping centre site, a water service could be provided to the site from the existing water mains along Abernethy Road.</p> <p>If you have any further queries in relation to servicing of this land, please contact me.</p> <p>Please quote our reference number on any return correspondence.</p> | <p>The Shire acknowledges Water Corporation's submission.</p> <p>The Applicant indicates that the development will seek a connection to existing services from the east of the subject site.</p> <p>The Shire acknowledges that the Applicant has not provided confirmation of coordination with adjoining land owners.</p> |
| Main Roads | | <p>Thank you for your letter dated 9 January 2015 requesting Main Roads comments on the above proposal.</p> <p>The proposed development is acceptable to Main Roads as the development is situated on local roads.</p> | <p>The comments are noted.</p> |

SUMMARY OF SUBMISSIONS
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|------------------------|----|---|--|
| | | <p>It should be noted that the developer must seek prior approval from Main Roads Traffic Services Branch for any roundabout or signalised treatments earmarked for Abernethy Road.</p> <p>Please forward a copy of Council's final determination on this proposed development quoting file reference 04/11839 (D15#60471).</p> <p>If you require any further information please contact Ms Assunta Dinardo on (08) 9323 4163.</p> | |
| Telstra Operations | | <p>Thank you for the above advice. At present, Telstra Corporation Limited has no objection. I have recorded it and look forward to further documentation as the development progresses.</p> <p>A network extension will be required for any development within the area concerned. The owner/developer will have to submit an application before construction is due to start to NBN Co. (for greater than 100 lots or living units in a 3 year period) or Telstra (less than 100 lots or living units). Developers are now responsible for telecommunications infrastructure, i.e. conduits and pits. NBN and/or Telstra will provide the cable.</p> <p>Applications to Telstra can be made on the Telstra Smart Community website: http://www.telstra.com.au/smart-community/developers/</p> <p>More information regarding NBN Co. can be found on their website http://www.nbnco.com.au/develop-or-plan-with-the-nbn.html</p> | The comments are noted. |
| Department of Planning | | <p>Thank you for providing the above proposal to Policy Development & Review for comment.</p> <p>This referral does not incorporate, and is not adjacent to any Bush Forever area. As such, the proposal is not expected to have any adverse impact on regionally significant bushland within a Bush Forever area. The Policy Development & Review</p> | The comments are noted. |

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|-----------------------------------|----|---|--|
| | | <p>team will not be providing any formal comment on this referral.</p> <p>Please note that this is Policy Development and Review's response in regards to Bush Forever, and does not reflect comments of other branches of the Department of Planning (DoP) or a formal position of the Western Australian Planning Commission (WAPC), which may need to be consulted on this proposal.</p> | |
| Department of Mines and Petroleum | | <p>Thank you for your letter dated 9 January 2015 inviting comment on the above development application.</p> <p>The Geological Survey of Western Australia (GSWA) after assessing this proposal on behalf of the Department of Mines and Petroleum (DMP) with respect to access to mineral and petroleum resources, geothermal energy and basic raw materials has no comment to make.</p> | The comments are noted |
| Department of Aboriginal Affairs | of | <p>I refer to the letter sent by the Shire of Serpentine Jarrahdale to the Department of Aboriginal Affairs (DAA) dated 9 January 2015. Thank you for providing the opportunity to comment on the above development application.</p> <p>DAA has reviewed the relevant information and can confirm that there are currently no Registered Aboriginal sites within the area of proposed development. There is therefore no known information to suggest approval under the Aboriginal Heritage Act (1972) (the AHA) is required.</p> <p>Please note that a portion of 'Other' heritage place DAA 24991 (Beenyup Brook) extends across Lot 5 Abernethy Road, Byford. This place has previously been determined to not meet the criteria of section 5 of the AHA and is therefore not considered to be an Aboriginal Site under the AHA.</p> <p>DAA has released Cultural Heritage Due Diligence Guidelines (the Guidelines) to assist developers with planning and considering Aboriginal heritage during proposed works. It is recommended that the developer be made aware of the Guidelines. A copy of the Guidelines can be found on the DAA website at:</p> | The comments are noted. |

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| | | <p>http://www.daa.wa.gov.au/Documents/HeritageCulture/Heritage%20management/AHA DueDiligence Guidelines.pdf</p> <p>It is suggested that the developer contact DAA on the above number should they have any further heritage concerns.</p> | |
| State Heritage Office | | The proposed development is substantially removed from any registered place and the works do not have the capacity to impact on any heritage values. We do not therefore propose to make further comment on the application. | The comments are noted. |
| Western Power | | <p>Thank you for your letter of 09 January 2015, asking for our comments in relation to this development. Western Power recommends the following condition/s be imposed:</p> <p>1) Arrangements being made to the specification of Western Power for the provision of underground electricity supply to the lot(s) shown on the approved plan of subdivision. (Western Power)</p> <p>2) The transfer of land as a Crown reserve free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)</p> <p>We would like to draw attention to the following important information which we will be passing on to the applicant.</p> <p style="padding-left: 40px;">* With regard to Condition 1, Western Power provides only one point of electricity supply per freehold (green title) lot.</p> <p>If you have any query relating to the subdivision process or conditions, please contact our Customer Service Centre on 13 10 87 or e-mail wapcc@westernpower.com.au</p> | The comments are noted. In the event of a Planning Approval being issued these conditions would be added. |
| Department of Education | | The Department of Education has reviewed the application and wishes to advise that should any of the commercial development be a liquor outlet the Department would object on the basis that it is an incompatible business for a nearby school. | The Shire acknowledges the Department of Education's comments. At this stage no liquor store has been identified but |

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|---------------------|----|--|---|
| | | Other than the above comment the Department has no objection to the proposed development. | could be accommodated in one of the tenancies in the future. The Applicant is advised that the Department of Education is not supportive of a liquor store at Lot 5 Abernethy Road, Byford. |
| Department of Water | | <p>Urban Water Management</p> <p>The subject lot is covered by the Byford Town Centre, Local Water Management Strategy (LWMS), (GHD, February 2013). The DoW reviewed this LWMS and it was deemed satisfactory to the DoW, as noted in correspondence to the Shire of Serpentine Jarrahdale dated 12 March 2013.</p> <p>The abovementioned development referral provides information on the proposed structure of the mixed use Town Centre and its associated public open space (POS) and multiple use corridor (MUC).</p> <p>The development application's supporting Annexure 5: Hydraulic Assessment (GHD) outlines the proposed width of the MUC and the size and structure of the realigned Beenyup Brook. The approved Byford Town Centre LWMS has a 30 metre MUC (to contain the 1:100 year ARI event) and a brook width of 3 metres through Lot 5. The development application received by the DoW indicates a MUC width of 25 metres in the eastern portion of the site reducing to 12.5 metres through the western portion of the site. The width of the brook has also been reduced to that approved in the LWMS. The proposed reduction in the width of the MUC may also have implications on the siting of the required stormwater retention basins as outlined in the LWMS.</p> <p>Given the discrepancies in stormwater management for the site between the approved LWMS and the development application, the DoW considers that the proposed Town Centre development, as regards stormwater management, should be revised to reflect the structure of the approved LWMS for the site. Departure from the original water management strategy will be required to be justified through relevant engineering</p> | <p>The Shire acknowledges the Department of Water's support of the Local Water Management Strategy.</p> <p>The Shire agrees that the multiple use corridor and all water management should be in accordance with the Local Water Management Strategy.</p> |

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|-------------------------|----|--|--|
| | | <p>design to the satisfaction of the Shire and the Department.</p> <p>If you have any queries regarding this advice please do not hesitate to contact Mark Hingston at the Mandurah office on (08) 9550 4222.</p> | |
| Department of Transport | of | <p>On behalf of the Transport Portfolio (DoT, MRWA and PTA) I advise that we have no formal comments on the proposal.</p> <p>The Department appreciates your referral of the application.</p> <p>As discussed today I am available to elaborate on any of my informal verbal comments and trust they were of assistance.</p> <p>I would be interested to see what the end product of this application is.</p> | The comments are noted. |
| Department of Health | | <p>Thank you for your letter dated 9 January 2015. The Department of Health (DOH) provides the following comment:</p> <p>1. Water Supply and Wastewater Disposal</p> <p>The development is required to connect to scheme water and reticulated sewerage as required by the Government Sewerage Policy - Perth Metropolitan Region.</p> <p>2. Food Act Requirements</p> <p>All food related aspects (Restaurant, food preparation/retail) to comply with the provisions of the Food Act 2008 and related code, regulations and guidelines.</p> <p>3. Health Act Requirements</p> <p>Any public entertainment areas within the development are to comply with the provisions of the Health Act 1911, related regulations and guidelines and in particular Part VI - Public Buildings.</p> <p>Should you have queries or require further information please contact Vic Andrich on 9388 4978 or vic.andrich@health.wa.gov.au</p> | The comments are noted. |

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|--|----|---|---|
| Department of Environment Regulation (DER) | | <p>The Department of Environment Regulation (DER) has reviewed the information submitted in regard to the proposed development of a shopping centre within the above-mentioned lot. DER apologizes for the late response.</p> <p>Lot 5 Abernethy Road, Byford (the site) is zoned "urban development" under Shire Serpentine-Jarrahdale's Town Planning Scheme No. 2 (TPS 2) and it is understood the proposed development includes major and minor retail, a restaurant and 229 car parking spaces.</p> <p>The site has not been reported to DER as a known or suspected contaminated site under the Contaminated Sites Act 2003 (CS Act) and DER does not have any information to suggest the site is contaminated. However, given that the site is located within a Class 2 Acid Sulphate Soil (ASS) Risk Area which indicates a moderate to low risk of ASS occurring beyond three metres of natural soil surface and given that extensive earthworks may be required, DER recommends that ASS condition EN8 and advice ENa1 should be applied to the approval, as published in 'Model Subdivision Conditions Schedule' (Department of Planning and WAPC, October 2012).</p> <p>Please note that this advice relates to potential contamination and ASS issues only. If additional advice is required in relation to other factors within the jurisdiction of DER, please contact the Senior Land Use Planning Officer on LUP.Advice@der.wa.gov.au.</p> <p>If you have any further queries, please contact Contaminated Sites Officer, Chek Cher, on 9333 7598.</p> | |
| Wakefield Planning on Behalf of Lenz Corporation | | <p>Introduction</p> <p>This submission by way of objection is being lodged to the Byford Town Centre (mixed use) development application for a supermarket anchored retail development. The submission is made on behalf of Lenz Corp. Lenz Corp are the owners of the IGA anchored shopping centre on the corner of Abernethy Road and the South West Highway. Lenz Corp have made a number of submissions to Council addressing various planning issues surrounding the town centre and policy, as well as regarding</p> | <p>The Shire acknowledges the submission objecting to the proposal.</p> |

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|-----------|----|---|--|
| | | <p>specific applications. It should be stressed that Lenz Corp fully support the development (and re-development) of the Town Centre in accordance with planning policy. The concerns expressed are not against an additional supermarket in the town centre, per se, but about the specifics of the proposal as it relates to planning policy and the practical merits of the proposal. It is noted that the matter would be considered by the Joint Development Assessment Panel and that this submission would be informing the Responsible Authority report to the Panel. The submission has been prepared by Angus Witherby of Wakefield Planning.</p> <p>In many respects the proposal is similar conceptually to a previous supermarket anchored proposal for a Woolworths development opposite the proposed site in Abernethy Road. That development was not supported because of its inconsistency with fundamental town centre planning principles as enshrined, in particular, in the Byford Town Centre Local Structure Plan. Similar concerns are expressed here, in particular:</p> <ul style="list-style-type: none"> • The proposal is not within the Town Centre zoning under the Town Centre Local Structure Plan. From a planning policy point of view, a supermarket anchored development should be within this area. Although this is not explicitly stated in the application, it is clear from the floor space and specialty arrangements that this would be a supermarket anchored development. • The proposal would impinge on the public open space and drainage corridor so as to restrict its effective width and function. In particular it would render it too narrow adjoining the loading dock facilities to provide a useful open-space function. In addition, presentation and engagement with this open space would be poor. • The area proposed in the Town Centre Local Structure Plan for Highway Commercial is proposed to be occupied by car parking rather than commercial premises which would directly present to Abernethy Road. Although some specialty premises are proposed behind the car park, these would not be the type of highway-dependent uses as envisaged in the structure plan. • The development presents “back of house” to a key internal access road to the | <p>The Shire agrees that the proposal impinges on the drainage corridor and Beenyup Brook.</p> <p>The Shire agrees that the layout of the proposed development is not supported setback 38.5 metres from Abernethy Road.</p> |

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|-----------|----|---|--|
| | | <p>town centre. Further, the development proposed addressing “Main Road” would appear to be “dual frontage”. Dual frontage retail is inherently undesirable and causes operation difficulties.</p> <p>The submission is presented by way of a commentary on the town planning documentation submitted in support of the application. This commentary includes a range of other concerns.</p> <p>Planning Report</p> <p><i>The subject land</i></p> <p>The subject land is identified as being traversed by an existing channelised watercourse. It is noted that as part of the proposal this would be re-located to the north as part of the Beenyup Brook Multi Use Corridor. The proposal would have direct frontage to Abernethy Road. A four-way intersection is proposed as part of an access road on the west of the site, while the east of the site would front a proposed access road serving the town centre. It is noted that an existing residential development occupies a corner of the proposed development. As is outlined later in this submission there are several aspects surrounding the site which require careful consideration. These include:</p> <ul style="list-style-type: none"> • Functional issues surrounding the multiuse corridor • Traffic arrangements at the proposed four way intersection • Interface with adjoining lands • Interim servicing arrangements pending construction of “Main Road” • Potential longer term integration of the retained residential property into the overall site • Integration with the future town centre <p>The Proposal</p> <p>This section of the submission focuses on the key points under this section.</p> | <p>The Shire agrees that the development does not appropriately address road frontages.</p> <p>The comments are noted.</p> |

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| | | <p>Site Layout</p> <p>As previously mentioned, there are several potential issues with the proposed site layout. In particular, Main Road is indicated as proposed to be constructed by others. As developed, however, the current layout plans rely on Main Road for egress from the site for heavy vehicles. In our submission heavy vehicle access must be able to occur irrespective of the timing of the construction of Main Road. This would require significant revisions to car parking and access and would result in the loss of a significant number of parking spaces.</p> <p>This section of the report also indicates that the “larger retail facility” would be sleeved with specialty retail stores. This is a key element in terms of the urban design elements sought by Council for “big box” developments and is not fully achieved, with such sleeving only occurring on two sides. Noting the need to provide for a loading dock, sleeving should be provided on three sides.</p> <p>Traffic and Pedestrian Access</p> <p>It is unclear why direct access from Abernethy Road would be required other than as an interim solution pending the construction of Main Road. With the potential for the site to ultimately gain access from two side streets with full access signalised control these side streets should be preference in terms of site access.</p> <p>The overall transport assessment is discussed later in this submission.</p> <p>With respect to pedestrian access the proposal asserts that a network of pedestrian paths is provided into and around the site. In practice, apart from peripheral footpaths against the specialty shopping and a proposed link through the multiuse corridor no internal pathways are provided that would facilitate key likely pedestrian paths in particular throughout the car parking areas.</p> <p>Although a boardwalk style feature is proposed along the multiuse corridor, this abuts the loading dock and car parking areas. With the exception of the proposed restaurant the development only minimally addresses this space.</p> | <p>The Shire agrees that the Applicant has not demonstrated how the site would operate, should there be a delay in constructing roads on the east and west of the site which are required for service vehicle access.</p> <p>The Shire agrees that the sleeve of smaller retail tenancies does not achieve the built form objectives of an activated street façade.</p> <p>The Shire has no objection to a ‘left in, left out’ access arrangement from Abernethy Road.</p> <p>The Shire agrees that the loading dock is a negative impact on pedestrian levels of perceived safety and believes an activated frontage should be provided to front the Multiple Use Corridor.</p> |

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| | | <p>Public Transport See transport assessment comments later in this submission.</p> <p>Car Parking See transport assessment comments later in this submission.</p> <p>Landscaping Relatively minimal landscaping is proposed within the “site proper” with landscaping being predominantly incorporated within the mixed use corridor. The landscaping proposed does not, however, provide any significant public usable open space. In large part this is because significant areas identified in the Town Centre Structure Plan for the multiuse corridor are in fact occupied by buildings, road access and loading docks. This, in our submission, significantly compromises the multiuse corridor and should not be supported. In effect, the multiuse corridor is reduced to a constructed drainage channel with minimal additional purpose.</p> <p>Landscaping to meet scheme requirements should be provided fully within the mixed use zone and highway commercial zone areas.</p> <p>Built Form and Design The palette of materials is considered to be generally consistent with a rural vernacular particularly through the use of timber and stone. Note previous comments regarding back of house presentation to the western side street and also overall presentation to the multiuse corridor. The lack of sleeving against the western access road is a significant issue in terms of overall visual presentation.</p> <p>As previously mentioned, concern is expressed over the usability of the “dual frontage” retail shops against Main Road.</p> <p>We note that westerly sun is a significant environmental issue, in particular for glass shop frontages. This aspect is of concern for the proposed restaurant and three</p> | <p>A full landscaping management plan would need to be provided, as a condition of Planning Approval should the application be approved.</p> <p>The Shire agrees that the proposed colour and material palette gives regard to the rural history of the area.</p> <p>The Shire agrees that western sun is likely to impact the minor</p> |

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| | | <p>tenancies immediately to the south. Insufficient information is available from the elevations to fully assess this aspect, however 3-D models suggest that minimal shade would be provided to these shopfronts.</p> <p>Trading Hours</p> <p>These should be stated, noting that there are no specific issues with respect to residential adjacency other than a single dwelling.</p> <p>Servicing Areas</p> <p>It is unclear to what degree practical landscape screening would screen the servicing areas. We continue to be of the view that, as proposed, this service area presents a poor interface to the multiuse corridor.</p> <p><i>Planning framework</i></p> <p>General planning context</p> <p>We note that the site is urban development under the MRS. We further note the urban zoning under TPS2. With respect to the Byford District structure plan, we note and support the current version of this structure plan which seeks to locate the focus of the town centre further north of Abernethy Road. In our view this correctly provides for a long-term interface between the town centre and the proposed relocated railway station. In addition, it avoids the town centre “straddling” an important collector road within the overall network. We note that the District structure plan makes provision for more detailed structure planning associated with the town centre. In an overall planning context we submit that a retail development of the scale and scope proposed should be located within the Town Centre area of the Local Structure Plan.</p> <p>Byford Town Centre Local Structure Plan</p> <p>Adopted in February 2014, this provides the most recent expression of the overall development of the town centre. This detailed document, of over 300 pages, provides an extensive range of materials to support the operative part of the plan. We submit</p> | <p>retail building. This could result in undesirable window coverings and impact the level of pedestrian activity.</p> <p>The comment is noted</p> <p>The Shire agrees that the loading dock creates difficulty in achieving town centre style activation of the Multiple Use Corridor.</p> <p>The comments are noted.</p> |

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| | | <p>that the Town Centre Local Structure Plan has been insufficiently addressed in the proposal.</p> <p>With respect to the objectives, we note that while these are stated in the report, they are not addressed or discussed in any detailed fashion. In particular, we submit that the proposal, as presented, fails on several key elements. In this respect, we respond to each of the objectives as follows:</p> <ul style="list-style-type: none"> • The proposal appears to be for retail and commercial uses only and would not appear to incorporate any residential or mixed use components, noting that it is largely within the identified mixed use area under the local structure plan. • No residential development is proposed. • Although some land would appear to be being provided for public purposes, this is much smaller than the area of multiuse corridor identified in the structure plan. • No active open space is provided, although a very limited quantum of passive open space is provided. The drainage use would overwhelmingly dominate the open space corridor. • Connectivity is provided off-site. • The provision of street blocks is not relevant to the proposal. • Although a hydrological assessment is provided with respect to channel dimensions no substantive information (apart from detention volumetrics) is provided with respect to urban water management including how detention and water quality functions would be provided in practice. • There are issues with coordination in particular relating to uncertainty over the timing of Main Road. • The proposal is inconsistent with the land use and development outcomes sought in the identified precincts applying to the site, being mixed use and highway commercial. • Common infrastructure and timing is not addressed. This includes road access but also how reconfiguration of the drainage channel outside the site would occur | <p>The Shire agrees that mixed use objectives have not been achieved.</p> <p>The Shire acknowledges that the Multiple Use Corridor is substantially less that depicted on the Local Structure Plan.</p> <p>The Shire agrees that concerns still remain regarding water management.</p> <p>The comments are noted.</p> <p>The Shire agrees that timing of common infrastructure has not</p> |

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| | | <p>to provide hydrological continuity to and from the proposed relocation of the existing channel.</p> <ul style="list-style-type: none"> • It is noted that contributions would apply under the DCP. • The proposal does not provide mixed use, and does not include residential although it would provide retail and commercial facilities that would serve the district. • No range of dwelling types is proposed. • Elements of the development against Main Road would contribute to a “main street” feel, provided that this was the primary frontage. It appears that the intended primary frontage is, in fact, to the carpark. • There is no evidence that the proposal provides for any transition of land use over time in terms of changes in future use, density and form. That being said, it is noted that the residential land in the corner could be incorporated into the site at a future time. • In terms of cultural heritage and rural character elements these are provided to an extent in the proposal. <p>In summary, we have significant concerns regarding the development as proposed in terms of achieving the long-term vision for the town centre under the local structure plan. In particular, a retail development of this scale and scope should be firmly located within the core town centre area. This site should be targeted at mixed uses including residential uses which support the town centre. The site should be developed in a way that preserves and protects the multiuse corridor and which has a strong interface with it. In our submission the proposal is strongly inconsistent with the objectives.</p> <p>Byford town centre design guidelines</p> <p>With respect to the development vision we again reiterate concerns relating to the ability of the development to facilitate an appropriate “mix” of uses. The constraints on the multiuse corridor also limits the degree to which the proposed development would contribute to a “rural and bushland feel”.</p> | <p>been addressed by the Applicant.</p> <p>Then comments are noted.</p> <p>The Shire agrees that while the building is appropriately set back from the future road reserve, the building itself is not oriented towards the street.</p> |

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| | | <p>which is now looking increasingly unlikely.</p> <p>From an overall retail demand perspective, we therefore submit that this proposal is premature.</p> <p>Transport Assessment</p> <p>We make the following general observations regarding the transport assessment.</p> <ul style="list-style-type: none"> • It is unclear precisely what floor area has been utilised in the determination of overall demand. In this respect the description of the development proposal does not include an overall figure. • We note the designation of Abernethy Road as a regional distributor adjacent to the site and suggest that additional driveways should not be supported given that excellent access would be available from side streets via signalised intersections. We note in particular the recommendation for signalisation at both the four way intersection immediately to the west of the site as well as the “T” intersection to the east. • We note that public transport access is, at the present time, effectively minimal and further that the local route 254 does not go past the site. This reinforces our view that full parking provision under the Town Centre Structure Plan should be provided at this stage however future intensification of development may be possible once appropriate public transport is in place. The 200m walking distance to the nearest bus route is considered excessive in supporting public transit usage for supermarket uses. • In our view traffic flows should have been developed for the existing situation and current road network as well as for the forecast 2031 period. This would assess the ability of the existing network to absorb traffic and would provide guidance as to whether trigger levels for traffic lights would be reached by this development. | <p>The Shire agrees that side streets provide sufficient access, however there are no flaws in providing an entrance to the site off Abernethy Road.</p> <p>The comments are noted.</p> <p>The comments are noted.</p> |

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| | | <p>We note the manual assignment for 2031 and challenge this, as it draws heavily on demand from the east rather than the north and west as might be expected at full development.</p> <ul style="list-style-type: none"> • Noting these above concerns we submit that additional work is required by way of SIDRA analysis before conclusions can properly be drawn regarding both the current circumstance and impacts at full development. • We note that the report does not provide any reasoning or justification for a waiver of parking requirements as set out in the Local Structure Plan noting that these are significantly lower than required under the Planning Scheme. In addition, given that Main Road is not under the control of the proponents, we would suggest that possible on-street parking spaces not be counted at the present time. <p>As an additional comment we would note that the report identifies two way traffic movements along the northern link between the two side streets. In our view the proposed loading dock access is highly inconsistent with two-way functions on this stretch of internal road. For traffic and safety reasons there should be a full separation between customer vehicles and heavy vehicle movements, particularly when these involve reversing across vehicle paths, and occupying both travelling lanes. In our submission the northward entry and exit to the western side street should be inbound only and restricted to service vehicles.</p> <p>Other Local Policies</p> <p>We would have expected that other relevant local planning policies would have been specifically addressed. These include:</p> <ul style="list-style-type: none"> • LPP 58 - Bicycle facilities in urban developments • LPP 31 – Draft - Byford Town Centre Design Guidelines (see earlier comments) • LPP 63 – Draft - Integrated Land Use and Transport Planning | <p>The comments are noted.</p> <p>The comments are noted.</p> |

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| | | <ul style="list-style-type: none"> • LPP 22 - Water sensitive urban design • LPP 59 - Public art policy in major developments • LPP 70 - Activity Centres • LPP 24 - Draft - Designing out crime • LPP 73 – Draft - Byford town centre public realm guidelines • LPP 60 - Public open space <p>While we note that there is potential overlap between these local policies and other controls nevertheless consideration should have been given to their applicability and, in the event of conflict between policies, which approach was to be preferred.</p> <p>Orderly and proper planning</p> <p>In our submission the development does not constitute orderly and proper planning for the reasons outlined in this submission.</p> | |

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| | | | |
| D Verma A403549 104 Mallard Way Cannington WA 6107 | | It would be a pleasure for Byford residents to have a shopping centre in their suburb as the majority of them have to either go to Armadale or Rockingham Shopping Centre to buy stuff. | The comments are noted. |
| C Van Dijk A203101 51 Vermilion Boulevard Hilbert WA 6112 | | If Lot 4 becomes e.g. a service station and becomes integrated with the proposal on Lot 5 it may look better having the access from Abernethy Road further east to make it more central. | The Applicant has not explained how the proposed development will integrate with the future development of Lot 4 Abernethy Road. The Shire recommends that the Applicant demonstrate integration with Lot 4 Abernethy Road. |
| TPG Town Planning On Behalf of Coles | | On behalf of Coles Group Property Developments (Coles). owner of the Lot 2 (20) Abernethy Road. Byford. TPG Town Planning. Urban Design and Heritage (TPG) is pleased to provide the following submission in relation to the Proposed Town Centre (Mixed Use) Development (the proposed development). Byford. located directly adjacent to the recently approved Coles town centre development site on Lot 2 Abernethy Road (subject site). | |
| | | | |

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| | | <p>Coles are currently in the process of preparing development application clearances to commence the site works for the approved town centre development located directly adjacent to the subject site. Whilst Coles are generally supportive of the development of external residential and limited local commercial where it aligns with the adopted strategic planning for the area. this submission strongly objects to the proposed development as it will be extremely detrimental to the hierarchy. functionality and viability of the town centre as a whole. and is not considered to be appropriate or orderly and proper planning of the precinct.</p> <p>The proposed development as detailed in the development application advertised by the Shire of Serpentine - Jarrahdale (the Shire) to be determined by the Metropolitan East Joint Development Assessment Panel (JDAP) incorporates the following elements:</p> <ul style="list-style-type: none"> • Major Retail- 3800sqm GFA • 'Small Scale' Retail / medical centre / consulting rooms / offices- 1145 GFA • Restaurant / Cafe- 550 GFA • 238 car parking bays adjacent to the Abernethy Road frontage. <p>The proposed development therefore proposes a potential total retail floorspace of approximately 5,000m2 in what is effectively a stand alone shopping centre format.</p> <p>Byford Town Centre Local Structure Plan</p> <p>The Byford Town Centre Local Structure Plan (Local Structure Plan) is the key planning document relating to the development of the precinct. The relevant objectives of the Local Structure Plan are as follows:</p> <ul style="list-style-type: none"> • <i>Create a mixed use, well defined Town Centre comprising medium to high density residential and offering facilities of local and district value.</i> • <i>Provide for a permeable, efficient and effective movement network throughout the LSP area. provide a "Main Street" that creates the environment for mixed-use, day and night activity.</i> <p>The proposed development does not meet the intent of the above objectives for the</p> | |

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| | | <p>following reasons:</p> <ul style="list-style-type: none"> • The proposed development design detracts from the centre being a 'well defined' town centre by proposing a disjointed retail core. Where all of the retail focus should be on promoting the main street and town square such as the approved Coles development. the proposed development seeks to shift large scale retail south toward Abernethy road in a configuration which was not envisaged and did not form part for the strategic planning for the site. • The ability of the main street and town square to function as a 'day and night' centre of activity will be compromised by the proposed design in that the large scale retail and associated specialty stores that would provide this activation will be isolated from each other and not create a condensed centre of retail and activity 'gravity'. In addition the delivery of a car park where the Local Structure Plan envisages the creation of 'Highway Commercial' activity such as drive through fast food will further limit the ability for the precinct to deliver vehicle activity after hours. <p>Further comments relating to the non-compliance with the structure plan are explored below.</p> <p>Design Elements</p> <p>The Local Structure Plan has been carefully designed to provide an integrated centre that will provide for the needs of Byford in the medium to long term. The Local Structure Plan notes the following in relation to the Town Square as a key design feature:</p> <p><i>A Town Square is proposed within the Byford Town Centre, as indicated on the Concept Plan. Through the development process, the Shire will require, as a condition of approval, the development of the Town Square. The landowner will also be required to enter into a legally binding agreement to ensure that the site remains publicly accessible.</i></p> <p><i>Siting and design of the Town Square shall have regard to the following principles:</i></p> <ul style="list-style-type: none"> - <i>The Town Square is situated at an important Town Centre corner of the north-south</i> | <p>The Shire agrees that the proposed development is not consistent with the objectives of the Byford Town Centre Local Structure Plan.</p> <p>The Shire also has concerns about the functionality of the site as an active pedestrian area in evenings.</p> |

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| | | <p><i>Main Street and the east-west linkage to the future Train Station. This location is easily accessible from both the transit hub and the existing Town Centre area.</i></p> <ul style="list-style-type: none"> - <i>The Town Square is oriented towards the north to benefit from climatic conditions (solar access). This encourages the usability of the square, in particular for a/ fresco dining. It is located on the east side, so developments around it can offer protection from easterly winds.</i> - <i>The location is central to major pedestrian linkages, ie. recreation centre and high school to the south, residential to the east and the pedestrian/cycle link to the northern residential and primary school.</i> - <i>The Town Square is a central space with a high level of finishes and facilities, high levels of lighting and good street surveillance.</i> <p>And in addition the following principles apply to the development of the town centre:</p> <p><i>The design of the Town Centre precinct will be in accordance with the following principles:</i></p> <ul style="list-style-type: none"> - <i>Logical and efficient street network and priority is given to maximising pedestrian access and circulation throughout the area;</i> - <i>The preferred location for retail premises (including large scale retail) is along the north south Main Street and fronting the Town Square;</i> <p>The approved Coles development will create a Town Square' in accordance with the above requirements of the Local Structure Plan. The proposed development threatens the evolution of this town square as a community hub and focus of activity- with the shifting of the retail focus to an area where it does not concentrate activity to the Town Square will result in a missed opportunity to activate and add vibrancy to the community hub. It will result in destination shoppers entering the site from the south. turning off the main street and not accessing the town square area to the detriment of the future retail core that will be centered around this intersection.</p> <p>The proposed development is located a significant distance away from the town centre. which will be a major disincentive for pedestrians to access the town square and is in direct contradiction of the requirement that large scale retail front the main</p> | <p>The Shire agrees that the style of the development is not consistent with the objectives of the Byford Town Centre Local Structure Plan.</p> |

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| | | <p>street and the town square. The lack of direct connectivity from the large scale retail proposed in itself creates an isolated retail zone- contrary to the intent of the creation of a 'Town Centre' or cohesive neighbourhood form .</p> <p>Land Use Permissibility Land use permissibility under the Local Structure Plan refers to preferred uses for each precinct and 'zone' depicted within the Local Structure Plan mapping. As can be seen below, the proposed development lot comprises of three distinct 'zones' under the Local Structure Plan - 'Highway Commercial'. 'Mixed Use' and 'Public Open Space and Drainage'.</p> <p>According to the provisions of the Local Structure Plan, the intent associated with the zones are as follows:</p> <p><i>6.3.4 HIGHWAY COMMERCIAL</i> <i>It is likely that there will be a demand for low intensity and car based commercial uses requiring high road exposure to locate within the Town Centre. Highway Commercial areas are identified on the periphery of the Town Centre along South Western Highway. These uses require significant floor plates and or parking requirements, which are not conducive to achieving a fine grained mixed use, and active street front environment. On this basis the following land uses are anticipated:</i></p> <ul style="list-style-type: none"> - Home based business; - Medical suites; - Showrooms and; - Drive through food premises. <p><i>Developments shall address the Highway frontage to maximise image and exposure. Retail (including showrooms) and office components should be located facing the South Western Highway. To demarcate the approach to the Town Centre, at the key comers of Evans Way and South Western Highway, development must provide an active frontage to the comer.</i></p> | <p>The Shire agrees that a Shopping Centre is not entirely</p> |

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| | | <p>The proposed development proposes to construct a large car parking area within the part of the lot designated as being 'Highway Commercial'. The proposed use of the area for this purpose is in conflict with the intent and the specific nature of the type of landuse that has been envisage to locate in this part of the town centre. The proposed use as a car park will de-activate the area and will not address the adjoining arterial Abernethy Road. The wording of the structure plan is clear that development 'shall' address the highway frontage and the proposed development does not deliver any of the objectives or land uses of the zone as detailed under the Local Planning Scheme.</p> <p><i>1.12 2 TOWN CENTRE (MIXED USE)</i> <i>The Mixed-Use portion of the Town Centre is located at the periphery of the Retail Core, where development will be focused on the provision of a mix of residential and commercial development in an integrated manner. This area will have less of a focus on pure retail development to avoid detracting from the consolidated Town Centre core. Residential development may be considered where a future mixeduse capacity can be demonstrated.</i></p> <p>The proposed development proposes to construct a large format shopping centre with associated smaller specialty stores within the part of the lot designated as being Town Centre - Mixed Use'. The proposed use of the area for this purpose is not in accordance with the structure plan which specifically notes that 'pure retail development' will detract from the 'consolidated Town Centre Core'. The zone clearly envisages a 'mix of residential and commercial', which the proposed development will not deliver.</p> <p>A key component of contemporary town centre design (as reflected in State and Local planning policy) is the provision of mixed-use development including residential uses in areas such as that delineated within the Local Structure Plan. The failure to provide a residential component to the mixed use activity proposed in this location represents a major failing in the proposed design, and represents a poor outcome for the structure plan area in terms of activation and vitality of the centre.</p> | <p>consistent with the land use objectives of a highway commercial zone.</p> <p>The Shire agrees that a residential component would more closely align with a mixed use zoning.</p> |

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| | | <p>Retail Sustainability Comments and Floorspace Analysis</p> <p>As part of the development application approved by the Shire (via the JDAP) for the Byford Town Centre. expert economic consultants Pracsys were engaged to conduct a Retail Sustainability Analysis (RSA) for the proposed town centre. Pracsys identified the following conclusions from their analysis. in relation to the development of new retail within the locality, stating that any new retail development should</p> <ul style="list-style-type: none"> • <i>Focus on the development of a core of commercial activity within the Town Centre.</i> • <i>Ensure the provision of new convenience retail is concentrated within this core given the high frequency of transactions that such uses generate.</i> • <i>Maintain the intensity of the Town Centre, with expansion to adjacent locations occurring incrementally. Congestion of activity within a confined location is far more desirable in activating the Activity Centre than the development of disparate, poorly connected nodes.</i> <p>As the proposed stage 1 of the Byford town centre is proposed to have a Coles supermarket and various specialty retail shops totalling approximately 5,000sqm of retail floor space, it is considered that this centre will already fulfil the existing demand for a retail centre that will provide for daily and weekly household shopping needs - any new large format retail or supermarket development in the short to medium term especially of the scale proposed will be detrimental to the long term development of the centre and must be carefully managed to ensure that the town centre remains viable to secure ongoing investment and development.</p> <p>As noted in the Pracsys comments above. it is clear that the intensity of the town centre retail is paramount to the viability of the retail core. hence the proposed development will not only impact upon the Coles development but it will impact the future development of the entire town centre and compromise the delivery of the town centre precinct</p> <p>Conclusion Based on the orderly and proper planning principal of maintaining an activity centre</p> | |

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| | | <p>hierarchy, and respecting the objectives of the various strategic plans in place within Byford. it is considered that if the Shire of Serpentine Jarrahdale support the development application it will seriously compromise the outcomes of the strategic planning for the Town Centre and the wider Byford area.</p> <p>The proposed development:</p> <ul style="list-style-type: none"> • Is not in accordance with the strategic planning controls over the locality; • Does not meet the land use or design outcomes for the 'Highway Commercial' or 'Mixed Use' zones under the Local Structure Plan; • Does not represent a good planning or urban design outcome; • Will fracture and isolate the major retail components of the new town centre. with flow on effects to the viability and ultimately the delivery of key elements of the entire Local Structure Plan; • Proposes to locate a large area of car parking directly onto the major road connection and prominent corner of the site where the structure planning clearly envisages activated highway commercial uses that will promote the centre; • Will negatively impact the viability of specialties who will not be able to benefit fromn the concentration of activity around a town square. with the activity restricted to between car park areas and anchor retailers rather than surrounding a community hub and consolidated retail core. • Intends to deliver what is effectively a stand alone large scale retail shopping centre that turns its back on two of the three road frontages adjacent to the lot, and has no connectivity with the town square. the main street or other key elements of the Local Structure Plan. <p>Accordingly, it is requested that the above comments are given due consideration by the Shire in the creation of their Responsible Authority Report. and that the proposed development be refused by the JDAP at the subsequent meeting as not being in accordance with the principles of orderly and proper planning.</p> | <p>The comments are noted.</p> |

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| | | Should you require any clarification on the above submission, or wish to discuss any of the matters herein please do not hesitate to contact Michael Kevill or the undersigned. | |

OCM026/03/15 COUNCIL DECISION / New Motion:

Moved Cr Erren, seconded Cr Urban

That Council:

- A. Note that the application for the proposed Shopping Centre at Lot 2 (20) Abernethy Road, Byford will be determined by the Metropolitan East Joint Development Assessment Panel.**
- B. Recommend Council to adopt the Responsible Authority Report, which recommends that the Metropolitan East Joint Development Assessment Panel refuse the application seeking Planning Approval for the proposed Shopping Centre at Lot 2 (20) Abernethy Road, Byford for the following reasons:**
 - 1. The proposed development is not consistent with the Shire's LPP 31 – Byford Town Centre Built Form Design Guidelines, specifically the Abernethy Road North precinct requirements as per the General Policy Requirement table on pages 5-20 and the Abernethy North Precinct Design elements on pages 21 and 22 of the Responsible authority report.**
 - The requested setback of 38.5m does not compare favourably with the required setback of 3.0m and does not allow for activation of Abernethy road or the corner with San Simeon and furthermore the requirement to be a landmark.**
 - Built Form: There are a number of large blank walls facing the public realm and the building is typical of a “big box” shopping centre development which turns its back on the street and is not a “fine-grain” development with multiple smaller shops as required.**
 - Entry and Access: The development does not provide multiple entries to activate the street as required as access is through the car park.**
 - Parking: a shortfall of 43 parking bays is proposed and these are not set at the rear or side of the building as required. The building entrance is not orientated towards the street and the loading bay creates a safety risk at the back of the building near the MUC.**
 - Stormwater management does not comply with the Local Water Management Strategy – most notably the Multi Use Corridor is significantly narrower than required.**
 - 2. The proposed development is not consistent with the Byford Town Centre Local Structure Plan (BTCLSP) adopted by Council on 24 February 2014 through Council resolution OCM123/02/14 in terms of Clauses 5.18.3 of the Serpentine Jarrahdale Town Planning Scheme No. 2.**
 - Due to the setback variation the building and extensive car park in front of the building it is not the landmark anticipated by the BTCLSP.**
 - The MUC is up to 17.4 metres narrower than the 30 metres required and determined by the State Administrative Tribunal process.**
 - The anticipated public road to the north of the property has been converted to an access way for the loading bays and serves no public purpose.**
 - The development does not propose a mix of uses as required through the “Mixed-use” and split “Mixed use” and “Highway commercial” zoning on the property.**

- The “big box” retail centre is not consistent with the fine-grain multi-shop objectives of the BTCLSP.
 - A significant redesign will be required to rectify the above aspects as various discussions with the developer have failed to find a solution that does not compromise them.
3. The proposed development is not consistent with surveillance objectives of the Shire’s LPP 24 (draft) – Designing Out Crime as per page 4 of the Responsible Authority Report.
- The design does not present clear sightlines to public realm areas from adjacent buildings, and presents as an “island” of retail within a “sea” of parking.
 - The plan shows two impenetrable walls one on the western side of the large retail building and one on the eastern side of the smaller building in addition to the large rear blank wall on the northern side at the loading bay facing the MUC.
4. The proposed development is not consistent with the building orientation and land mark site objectives of the Shire’s LPP 73 – Byford Town Centre Public Realm Guidelines as per page 26 of the Responsible Authority Report.
- Due to the large setback the development does not provide marker points for the entrance to the town centre.
 - The large retail “box” does not actively address the MUC instead locating service and loading bays with solid walls facing it.
5. The proposed development is not consistent with the approved Local Water Management Strategy requirements of the Shire’s LPP 62 - (draft) - Urban Water Management as per page 24 of the Responsible Authority Report, a view shared by the Department of Water.
- The Beenyup Brook floodway is shown to have a width of 12.6 metres and 25 metres instead of the required 30 metres.
 - The entry and exit road and loading dock is not located outside the floodway constricting the MUC.
The alteration of the floodway will have a significant impact on the adjacent owner to the north of the property and the works required for the splitting of the flow west and northwards.
 - The Beenyup Brook is not kept as an open floodway to allow only short ungrated open culverts under the roads to minimize risk to public safety and impact on creekline ecology and connectivity.
 - The current proposal cannot achieve a stable stream due to the narrowing of the corridor and the access road through the MUC floodway.
 - A significant redesign of the proposed retail centre would be required to take the flood and drainage requirements into account.
6. The proposed development is not consistent with the Shire’s LPP 58 - Bicycle Facilities in Urban Developments as per page 23 of the Responsible Authority Report.
- The proposal does not provide the 19 spaces for long term parking of bicycles or the 11 spaces for the short term parking of bicycles and it is anticipated that significant modifications will be required to accommodate these facilities.

7. The proposed development is not consistent with the principles of orderly and proper planning in the context of Town Centre developments.
 - A thorough consultation process was conducted with the community and the BTCLSP was formally advertised three times to ensure that the outcome was aligned to community expectations – the proposal does not adhere to these community expectations.
 - The State Administrative Tribunal (SAT) made a determination regarding the BTCLSP through a protracted process spanning more than three years and many mediation sessions and Directions hearings – the proposal does not adhere to these principles agreed to by the SAT, Department of Planning and the Shire.
 - The Shire (OCM123/02/2014) and Department of Planning adopted and approved the BTCLSP formally through their statutory processes as per Clauses 5.18.3 of the Serpentine Jarrahdale Town Planning Scheme No.2 .– the proposal does not adhere to the outcomes of these decisions.
 - The development does not propose a mix of uses (as required through the mixed-use” and split Mixed use/Highway commercial zoning) negotiated by the Department of Planning with the proponents/land owners of the land in the town centre.
8. The proposed development is not consistent with the minimum car parking requirements of Clause 1.19 of the Byford Town Centre Local Structure Plan.
 - The development has a shortfall of 43 parking bays as only 229 of the 272 bays are provided on the site.

CARRIED 9/0

Council Note: This new motion is to give more detail on this particular development and make it clear as to why Council does not support the development.