



Metro Central Joint Development Assessment Panel Agenda

Meeting Date and Time: 27 November 2018, 9.00am
Meeting Number: MCJDAP/321
Meeting Venue: Town of Bassendean
48 Old Perth Road
Bassendean

Attendance

DAP Members

Ms Megan Adair (Presiding Member)
Ms Rachel Chapman (Deputy Presiding Member)
Mr Peter Lee (A/Specialist Member)
Cr Kathryn Hamilton (Local Government Member, Town of Bassendean)
Cr Jai Wilson (Local Government Member, Town of Bassendean)

Officers in attendance

Mr Christian Buttle (Town of Bassendean)
Mr Brian Reed (Town of Bassendean)
Mr John Hurley (Talis Consultants on behalf of the Town of Bassendean)
Mr Rodney Ding (GTA Consultants on behalf of the Town of Bassendean)

Minute Secretary

Ms Amy Holmes (Town of Bassendean)

Applicants and Submitters

Mr Dave Kelly (State Member for Bassendean)
Mr Jeremy Warnock (Eden Hill Primary P&C)
Ms Karina Hateley
Mr Jeremy Feichtinger
Dr Alexander Larcombe
Mr Digby Adams
Ms Christina Carey
Mr Behnam Bordbar (Transcore)
Mr Damon Roddis (ERM)
Mr Josh Watson (Planning Solutions)
Mr Rakesh Penmetsa (Vibe)

Members of the Public / Media

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

Mr Michael Hardy (Specialist Member)
Mayor Renée McLennan (Local Government Member, Town of Bassendean)

3. Members on Leave of Absence

Nil

4. Noting of Minutes

Signed minutes of previous meetings are available on the [DAP website](#).

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

Member	Item	Nature of Interest
Cr Kathryn Hamilton	8.1	Impartiality Interest – Cr Hamilton participated in a decision of the Town of Bassendean Council to support the Officer's recommendation contained within the Responsible Authority Report.

7. Deputations and Presentations

- 7.1 Mr Dave Kelly (State Member for Bassendean) resenting against the application at Item 8.1. The presentation will address the health risks the proposed infrastructure poses to students of the Eden Hill Primary School.
- 7.2 Mr Jeremy Warnock (Eden Hill Primary P&C) presenting against the application at Item 8.1. The presentation will address the health and safety implications to the current and future students of Eden Hill primary school should this application be approved.
- 7.3 Ms Karina Hateley presenting against the application at Item 8.1. The presentation will address the impact the petrol station will have on the amenity of the area.
- 7.4 Mr Jeremy Feichtinger presenting against the application at Item 8.1. The presentation will address the concerns of the residents directly affected by the additional noise and light pollution of the proposed development.
- 7.5 Dr Alexander Larcombe presenting against the application at Item 8.1. The presentation will address the impact on the health of the children at Eden Hill primary school and the nearby residents.
- 7.6 Mr Digby Adams and Ms Christina Carey presenting against the application at Item 8.1. The presentation will address traffic concerns.



- 7.7** Mr Behnam Bordbar (Transcore) presenting in support of the application at Item 8.1. The presentation will discuss traffic and access matters applicable to the proposed development.
- 7.8** Mr Damon Roddis (ERM) presenting in support of the application at Item 8.1. The presentation will address the vapour impacts associated with the proposed development.
- 7.9** Mr Josh Watson (Planning Solutions) presenting in support of the application at Item 8.1. The presentation will discuss the planning framework, EPA separation requirements and development standards.
- 7.10** Mr John Hurley (Talis Consultants on behalf of the Town of Bassendean) presenting against the application at Item 8.1. The presentation will provide the peer review findings of the ERM assessment report and the reviewer’s conclusions with respect to the potential for amenity impacts associated with the application.
- 7.11** Mr Rodney Ding (GTA Consultants on behalf of the Town of Bassendean) presenting against the application at Item 8.1. The presentation will comment on the engineering issues identified in the Responsible Authority Report.

The Town of Bassendean may be provided with the opportunity to respond to questions of the panel, as invited by the Presiding Member.

8. Form 1 – Responsible Authority Reports – DAP Applications

- 8.1** Property Location: Lot 75 (No. 72) Walter Road East (cnr Marion Street), Eden Hill
- Development Description: Convenience Store Providing for the Sale of Fuel and Convenience Goods (Vibe)
- Applicant: Planning Solutions
- Owner: K. & W. Sales & Distribution Pty Ltd
- Responsible Authority: Town of Bassendean
- DAP File No: DAP/18/01473

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

Nil

10. Appeals to the State Administrative Tribunal

Current Applications		
LG Name	Property Location	Application Description
City of South Perth	Lots 2-20 (72-74) Mill Point Road, South Perth	36 Level (118.2m) Mixed Use Development
City of South Perth	Lot 4 (No. 3) Lyall Street and Lot 11 (No. 56) Melville Parade, South Perth	43-Storey Mixed Development
City of Melville	Lots 1060 (20) and 1061 (22) Kintail Road, Applecross	16 Storey mixed use residential development with 91 apartments and 5 non-residential tenancies



Current Applications		
LG Name	Property Location	Application Description
City of South Perth	Lots 29-31 (50-52) Melville Parade, South Perth	31 Level (103.1m) Mixed Use Development

11. General Business / Meeting Closure

In accordance with Section 7.3 of the DAP Standing Orders 2017 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.



Form 1 – Responsible Authority Report (Regulation 12)

Property Location:	Lot 75 (No. 72) Walter Road East (cnr Marion Street), Eden Hill
Development Description:	Convenience Store Providing for the Sale of Fuel and Convenience Goods (Vibe)
DAP Name:	Metro Central JDAP
Applicant:	Planning Solutions
Owner:	K. & W. Sales & Distribution Pty Ltd
Value of Development:	\$2 million
LG Reference:	2018-088
Responsible Authority:	Town of Bassendean
Authorising Officer:	Christian Buttle – Senior Planning Officer
DAP File No:	DAP/18/01473
Report Due Date:	19 October 2018
Application Received Date:	3 August 2018
Application Process Days:	7 5 days
Attachment(s):	<ol style="list-style-type: none">1. Applicant's Development Application Report incorporating:<ul style="list-style-type: none">• Aerial photo showing development site in context of surrounding locality (Page 9);• Zoning Map (Page 15);• Development Plans (Appendix 5); and• Traffic Impact Statement (Appendix 6).2. Schedule of Submissions resulting from public advertising.3. External Government Agency Comment comprising:<ul style="list-style-type: none">• Department of Planning, Lands and Heritage (Letter dated 13 August 2018);• Environmental Protection Authority (Email dated 21 August 2018);• Contaminated Sites Branch of DWER (Letter dated 28 August 2018);• Department of Education (Incorporating comment from the Department of Health) (Letter dated 4 September 2018).4. Town of Bassendean Local Planning Policies:<ul style="list-style-type: none">• No. 7 – Local Shopping Zone Design Guidelines;

	<ul style="list-style-type: none"> • No. 15 – Percent for Art Policy; • No. 16 – Control of Advertisements under Local Planning Scheme 10; and • No. 18 – Landscaping with Local Plants. <p>5. Town of Bassendean Specification for the construction of Crossovers.</p>
--	--

Officer Recommendation:

That the Metro Central JDAP resolves to:

1. **Refuse** DAP Application reference DAP/18/01473 and accompanying plans:
 - Dwg A01 Sheet 1 (Site Plan) Rev C dated 28.06.18;
 - Dwg A02 Sheet 1 (Building Plans) Rev C dated 28.06.18;
 - Dwg A02 Sheet 2 (Building Plans) Rev C dated 28.06.18;
 - Dwg A02 Sheet 3 (Building Plans) Rev C dated 28.06.18;
 - Dwg A03 Sheet 1 (Petrol Canopy Plans) Rev C dated 28.06.18;
 - Dwg A03 Sheet 2 (Petrol Canopy Plans) Rev C dated 28.06.18; and
 - Dwg A01 Sheet 2 (Site Plan – Landscaping) Rev C dated 28.06.18;

in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Town of Bassendean Local Planning Scheme No. 10, for the following reasons:

Reasons

1. The development site directly adjoins a sensitive land use to the north (Eden Hill Primary School) and is also positioned directly opposite sensitive land uses to the west and south (residential development). The applicant has failed to demonstrate how the absence of an Environmental Protection Authority recommended separation distance between the proposed development and adjoining / adjacent sensitive land uses is appropriate, having regard to the results of a site specific scientific study which considers the proposed development in the context of adjoining / adjacent development. On this basis, the suitability of the land for the proposed development taking into account the possible risk to human health or safety has not been demonstrated, contrary to clause 67(r) of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
2. The applicant has failed to demonstrate how potential adverse noise impacts associated with the development will be satisfactorily ameliorated;
3. The applicant has failed to demonstrate how non-standard 15m long petrol tankers will be retained for use in conjunction with the proposed development, both with respect to the intended current operator of the facility along with any future operator of the facility;
4. The proposed development has not been designed to accommodate standard heavy rigid vehicles (HRV) for waste management and articulated vehicles (AV) for petrol deliveries contrary to the provisions of AS 2890.2 – *Off-street commercial vehicle facilities* which states that facilities shall be designed to accommodate the standard vehicle type or types appropriate to the use required by the operator of the facility;

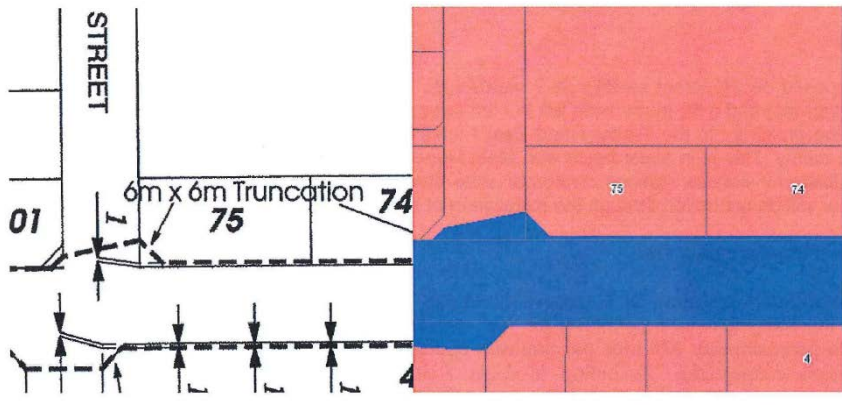
5. The inability of service vehicles (petrol tankers) to remain lane correct within public streets when approaching the development site;
6. The ability for vehicles to traverse the site in opposing directions being unsafe in use;
7. The width of car parking bays immediately forward of the proposed convenience store being non-compliant with the 2.6m minimum specified within Australian Standard AS 2890.1 (Off-street car parking) for the kind of development that has been proposed;
8. The width of bowser bays for pumps 2-6 being non-compliant with the 2.9m minimum (comprising 2.6m minimum plus 300mm clearance) specified within Australian Standard AS 2890.1 (Off-street car parking) for the kind of development that has been proposed;
9. The width of the service bay / loading bay associated with the proposed convenience store being non-compliant with the 3.5m minimum specified within Australian Standard AS 2890.2 (Off-street commercial vehicle facilities) for the kind of development that has been proposed;
10. The clearance height beneath the proposed petrol canopy being less than the 4.5m minimum specified by AS 2890.2 (Off-street commercial vehicle facilities);
11. The 5.5m separation distance between the corner truncation reserved under the Metropolitan Region Scheme and the crossover on the Marion Street frontage of the development site being less than the 6m minimum specified by both the Town of Bassendean Specification for the Construction of Crossovers and Australian Standard AS 2890.1 – Off-street car parking;
12. The design of the proposed crossovers for the development not demonstrating compliance with the Town’s Specification for the Construction of Crossovers;
13. The width of landscaping along the Walter Road East frontage of the proposed development being less than that specified by Town of Bassendean Local Planning Policy No. 7 – Local Shopping Design Guidelines;
14. The proposed building setbacks to the Walter Road East frontage of the development site are considered to be unacceptable, having regard to the unsatisfactory urban design outcome that results from the blank building façade facing this street. As proposed, the compatibility of the development with its setting in terms of its orientation and appearance is not acceptable, contrary to clause 67(m) of the Planning and Development (Local Planning Schemes) Regulations 2015;
15. The application provides insufficient information with respect to the positioning of external fixtures (such as air-conditioning and refrigeration plant, vent pipes etc.) and the suitability of such placement having regard to potential off site impacts that such fixtures may have; and
16. The application provides insufficient detail with respect to proposed waste management arrangements associated with the proposed development.

Advice Notes

Nil.

Details: outline of development application

Insert Zoning	MRS:	<ul style="list-style-type: none"> • Urban (Predominantly); and • Other Regional Roads (1m wide strip of land along the Walter Road East frontage of the site along with an associated 6m x 6m corner truncation area).
---------------	------	---

	(Note: A copy of the land requirement plan provided by the Department of Planning Lands and Heritage is included below).
 <p>Land Requirement Plan No. 1.5286</p>	
Local Planning Scheme No. 10:	<ul style="list-style-type: none"> Local Shopping (Predominantly); and Other Regional Roads to accord with the MRS.
Insert Use Class:	<p>'P' (‘P’ means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme).</p>
Insert Strategy Policy:	Not applicable.
Insert Development Scheme:	Town of Bassendean Local Planning Scheme No. 10 (District Zoning Scheme).
Insert Lot Size:	1056 sq.metres.
Insert Existing Land Use:	Site is vacant.

The application proposes the development of a ‘Vibe’ branded convenience store which provides for the sale of convenience goods and fuel. Site planning for the proposed development incorporates:

- A retail building of 148 sq.metres (gross) positioned to the eastern end of the development site;
- 6 car parking bays (1 of which is an accessible bay) and 1 loading bay located immediately in front of the convenience store;
- A bin compound located in the north-eastern corner of the development site;
- A fuelling canopy of 151 sq.metres providing shelter for 3 bowsers with a total of 6 pumps;

- A full movement crossover located on the Marion Street (western) frontage of the development site and a proposed left in left out crossover on the Walter Road East (southern) frontage of the development site
(Note: this arrangement is dependent upon the extension of a central median within the Walter Rd East road reserve);
- Signage; and
- Landscaping around a portion of the perimeter of the development site.

The site has a 'Local Shopping' zoning under the operative Local Planning Scheme No. 10 (LPS10), and within this zone a 'Convenience Store' is a 'P' use.

LPS10 defines a Convenience Store as meaning premises:

- “(a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;*
- (b) operated during hours which include, but may extend beyond, normal trading hours;*
- (c) which provide associated parking; and*
- (d) the floor area of which does not exceed 300 square metres net lettable area.”*

LPS 10 explains that a land use assigned a 'P' classification is:

“...permitted by the Scheme provided the use complies with the relevant development standards and the requirements of the Scheme.”

Background:

The site was originally developed for the purpose of a service station in 1958. This approval included a single bowser and a building used primarily for vehicle servicing, but which also included a sales area of 14 sq.metres. The service station was demolished in approximately 2004.

A memorial pursuant to the Contaminated Sites Act 2003 was placed on the certificate of title for the property in 2007.

In 2014 the site was developed for the purpose of a billboard. This billboard was subsequently demolished in 2018 and the site is now vacant.

Although some remediation works have been undertaken, the site remains classified as “Contaminated – remediation required” under the Contaminated Sites Act 2003. Impacted soil remains adjacent to the southern boundary of the site to depths of 3m below ground level and groundwater impact is present as a plume that extends in a southerly direction beneath Walter Road East.

The development site is located on the corner of Walter Road East and Marion Street. Walter Road East is reserved as an 'Other Regional Road' under the provisions of the Metropolitan Region Scheme while Marion Street is a local road. Under the Main Roads Functional Road Hierarchy Walter Road East is classified as a 'Distributor A' road while Marion Street is classified as an 'Access Road'.

To its east, the development site is adjoined by a matching sized lot which is also zoned 'Local Shopping' and which is developed with the Walter Road Handy Mart (Deli / Corner Store). The Town's earliest records for a shop on this site date back to 1926.

To its north, the development site is adjoined by the oval of the Eden Hill Primary School. The closest classrooms are approximately 95m from the shared boundary between the two sites. A primary school has been on this site since 1915 with the original school buildings being replaced in the early 1950's with the current school buildings (there have also been subsequent building works since this time).

To the west on the opposite side of Marion Street is a single house, while to the south on the opposite side of Walter Road East the development site faces three single houses at Nos. 63, 65 and 67 Walter Road East.

Diagonally opposite the development site (to the south-west) is further commercial development.

Legislation and Policy:

Legislation

- (a) Planning and Development Act 2005;
- (b) Planning and Development (Local Planning Schemes) Regulations 2015;
- (c) Metropolitan Region Scheme; and
- (d) Town of Bassendean Local Planning Scheme No. 10.

State Government Policies

- (a) Western Australian Planning Commission State Planning Policy 4.1 – State Industrial Buffer Policy;
- (b) Western Australian Planning Commission Development Control Policy 5.1 – Regional Roads (Vehicular Access);
- (c) Western Australian Planning Commission Development Control Policy 5.4 – Advertising for Reserved Land; and
- (d) Department of Water and Environmental Regulation – Environmental Protection Authority – Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses No. 3 – June 2005.

Local Policies

The following Town of Bassendean Local Planning Policies are of relevance when considering the application:

- (a) Planning Policy No. 7 – Local Shopping Zone Design Guidelines;
- (b) Planning Policy No. 15 – Percent for Art Policy;
- (c) Planning Policy No. 16 – Control of Advertisements under Local Planning Scheme 10; and
- (d) Planning Policy No. 18 – Landscaping with Local Plants.

The following Town of Bassendean Specification is of relevance when considering the application:

- (a) Town of Bassendean Specification for the Construction of Crossovers.

Consultation:

Public Consultation

The application was advertised for public comment in the following ways:

- By way of 16 direct mail notices to owners and occupiers of properties within closest proximity to the development site;
- On the Town's Facebook Page; and
- On the Town's Your Say Bassendean web page.

Advertising of the application generated significant community interest and resulted in the following responses being received:

- 17 separate submissions made directly to the Town by mail or email. These submissions included:
 - (a) A submission from Dave Kelly, the local Member of Parliament;
 - (b) A submission from the Department of Education;
 - (c) A submission from the Board of the Eden Hill Primary School;
 - (d) A submission from the P & C Association of the Eden Hill Primary School;
 - (e) A submission from a year 4/5 class teacher from the Eden Hill Primary School which incorporated 21 individual letters from the students of this teacher;
 - (f) A submission from a year 6 class teacher from the Eden Hill Primary School which incorporated 10 separate letters on behalf of 19 students of this teacher; and
 - (g) A submission which was made on behalf of 77 community members.
- 114 separate submissions were also made directly to the Towns Have Your Say Bassendean community consultation platform.

Of the 131 submissions received:

- 122 (93%) objected to the proposed development;
- 6 (5%) supported the proposed development; and
- 3 (2%) provided general comment on the proposed development.

A detailed summary of submissions which details issues raised in individual submissions along with an officer response, is provided as an attachment to this report.

Consultation with other Agencies or Consultants

In addition to the general public consultation that was undertaken, the Town also consulted with state government agencies as follows:

(a) Department of Planning, Lands and Heritage

By way of correspondence dated 13 August 2018, the Department of Planning, Lands and Heritage (DPLH) provided comment on land requirements under the MRS, the proposed access arrangements (which include direct access to Walter Road East) along with comment on the Transport Impact Statement provided by the applicant. In summary, DPLH indicated that they had no objection to the proposed development on regional transport grounds subject to the following:

1. A recommendation that the submitted swept path analysis plans be verified / checked to the satisfaction of the Town's engineering staff, having regard to the small size of the development site and the sharp turning movements which must be made to accommodate the 15m long petrol tankers referenced within the report;
2. The provision of a median treatment within the Walter Road East reservation to limit turning movements to left in left out only on Walter Road East; and
3. Signage associated with the development not interfering with sight lines, not distracting drivers and not having the potential to become confused with traffic signals or road signs.

(b) Environmental Protection Authority (EPA)

Although the EPA advised that they would not generally provide specific advice on development applications, they did advise that if an applicant is proposing a separation distance which is less than that recommended by Guidance Statement No. 3 – Separation Distances between Industrial and Sensitive Land Uses, that a site specific scientific study should be undertaken to ensure that sensitive land uses are not adversely affected by the proposed development.

They recommended that the following extracts from Guidance Statement No. 3 be given particular consideration as a part of the decision making process:

“In line with the requirements of the EP Act, it is necessary for individual industrial developers to take all reasonable and practicable measures to prevent or minimise emissions from their premises. It is generally expected that, through appropriate site layout, design of facilities, and the implementation of engineering and process controls, emissions from an individual industrial land use can be prevented from causing an adverse environmental impact beyond the boundaries of the particular site or beyond the boundaries of an industrial estate.”

“The separation distances outlined are not intended to replace the need for proponents and relevant authorities to take all reasonable and practicable measures to minimise emissions and off-site impacts.”

“Where a separation under consideration is less than in the table, it is recommended that a new project does not proceed in the absence of site-specific investigations and a report demonstrating that the separation distance will meet acceptability criteria and that enforceable management techniques will be applied to ensure an appropriate environmental outcome.”

(c) Contaminated Sites Branch, Department of Water and Environment Regulation

The Contaminated Sites Branch of DWER provided the following comments on the proposed development:

- Formal advice on the suitability of the proposed development is required, noting the contaminated status of the land;
- The proposed land use is not considered to be a more sensitive land use beyond that which previously existed on site, and on this basis DWER has no objection to the proposed development and does not consider that a contamination condition is necessary as part of the development approval;
- It is likely that contamination issues at the site may be addressed during the construction of the proposed retail fuel outlet; and
- DWER will manage the review and possible reclassification of the site under the Contaminated Sites Act.

(d) Department of Education (incorporating comment from Department of Health)

Consultation with the Department of Education occurred having regard to their status as owner of the adjoining school site. The Department of Education sought input from the Department of Health who have provided the following comments:

- The minimum separation distance advocated within the EPA’s Guidance Statement No. 3 has not been provided;

- In assessing an application for a Dangerous Goods Storage and Handling Licence, the Department of Mines, Industry Regulation and Safety will give consideration only to control of fire and explosion risk for flammable liquid storage and transfer. Environmental emissions and possible health effects that may result from the proposed development will not be considered as part of this process;
- Notwithstanding the installation of a Vapour Recovery System, there are some evidence based studies conducted overseas to suggest that volatile organic compounds, particularly airborne benzene concentrations, are elevated up to 150m from a petrol station and there is a possible link in increased risk in increased childhood leukaemia with either proximity to petrol stations or petrol station density per square kilometre; and
- In the absence of a scientific study or a health assessment to demonstrate a lesser separation distance, and that the justification provided by the proponent does not address the potential public health implications of vapour emissions, the 50m separation distance requirement should apply.

The Department of Education note that the determining planning authority should have due regard to the deemed provisions set out in clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, particularly relating to the suitability of the proposed development taking into account the possible risk to human health or safety.

Noting that the school is classified as a sensitive land use; that the minimum separation distance specified by the EPA has not been provided; and that there has been no scientific study to demonstrate that the lesser distance should be supported, the Department of Education have indicated that they do not consider the proposed development to be a compatible land use and on this basis they do not support the proposed development.

Planning Assessment:

Local Shopping Zone Objectives from Local Planning Scheme No. 10

The objectives of the Local Shopping Zone are:

- “(a) To provide for the local retail and service needs of the locality;*
- (b) To ensure that the local needs of residents are met, whilst maintaining a retail hierarchy to ensure that the catchment of the Town Centre zone is not adversely affected;*
- (c) To ensure a respect for the residential amenity of the surrounding neighbourhood, particularly in terms of design and location of vehicle parking, pedestrian movement, pedestrian and vehicular safety, and control of signage;*
- (d) To ensure that development conforms with the Local Planning Strategy and the principles of any Local Planning Policy adopted by the Council.”*

Matters to be Considered by Local Government

As identified in the submission made by the Department of Education, in determining this application, the JDAP must have regard to Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 which form part of the Town’s Local Planning Scheme No. 10. Of particular relevance are the following matters which must be considered:

- “(b) the requirements of orderly and proper planning....*

- ...
- (d) *any environmental protection policy approved under the Environmental Protection Act 1986 section 31 (d);*
- (e) *any policy of the State;*
- (f) *any local planning policy for the Scheme area;*
- ...
- (m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *the amenity of the locality including the following –*
 - (i) *environmental impacts of the development;*
 - (ii) *the character of the locality;*
 - (iii) *social impacts of the development;*
- ...
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) *the adequacy of –*
 - (i) *the proposed means of access to and egress from the site; and*
 - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probably effect on traffic flow and safety;*
-
- (y) *any submissions received on the application;*
- (za) *the comments or submissions received from any authority consulted under clause 66; and*
- (zb) *any other planning consideration the local government considers appropriate.”*

Development Standards

Clause 4.11.2 of LPS10 states that *“in considering applications for development approval within the Local Shopping Zone, the local government shall have regard to the objective for the Zone and all development shall have regard to the following Policy Statements:*

- (a) *Local Shopping Zone Design Guidelines; and*
- (b) *Any other relevant Policy Statement prepared by the local government.”*

Item	Requirement	Proposal	Compliance
Building Setbacks	LPP7 specifies that building setbacks are to be determined at Council's discretion having regard to existing setbacks in the locality, the impacts of the development on the streetscape, and the provision of adequate car parking and landscaping areas.	<p>The building is set back 1.345m beyond the alignment of the land required for Walter Rd East widening.</p> <p>Signage associated with the proposed development is set back 145mm beyond the alignment of the land required for Walter Rd East widening.</p>	<p>No</p> <p>The blank building frontage to Walter Rd East is inconsistent with urban design principles and on this basis the setback which is proposed is not supported.</p> <p>See further comment after table.</p>
Building Materials / Appearance	<p>No detailed controls specified.</p> <p>CI 67(m) of the LPS Regs allow for compatibility of development with its setting to be considered.</p>	<p>Steel petrol canopy with surrounding fibre cement fascia.</p> <p>Convenience store building pre-cast concrete panel with glazing only on western side of building which faces internally toward forecourt.</p> <p>Externally, other Vibe petrol stations are brightly coloured orange / red / yellow blue.</p>	<p>No</p> <p>Although there are no specific design controls for such development within the Local Shopping Zone, the blank building frontage which presents to Walter Rd East is seen to conflict with CI 67(m) of the LPS Regs as it is incompatible with its setting.</p> <p>See further comment after table.</p>
Building Height	No controls specified.	Single level development proposed.	Yes
Car Parking – Number of Bays	12 Bays.	<p>12 Bays.</p> <p>(6 refuelling bays and 6 bays in front of store)</p>	<p>Yes</p> <p>Complies if refuelling bays are accepted as car bays.</p> <p>See further comment after table.</p>

Car Parking – Dimension of Bays - Customers	2.6m minimum bay width prescribed by AS2890.1 for convenience store customer bays.	2.5m bay width proposed.	No Customer car bays for convenience store are under width. See further comment after table.
Bowser Bay – Dimensions	2.9m minimum bay width prescribed by AS2890.1 (i.e. 2.9 x 2 = 5.8m width required between obstructions associated with bowzers).	5.3m width provided between obstructions associated with bowzers.	No See further comment after table.
Commercial Vehicle – Dimensions of Service Bay	3.5m minimum bay width prescribed by AS2890.2.	3.0m service bay width proposed.	No See further comment after table.
Service Vehicle Access – Petrol Tankers (Within the development site)	AS 2890.2 states that design should be prepared to accommodate standard 19m long petrol tankers. (Vehicle Class – Articulated Vehicle)	Design based upon a non-standard 15m tanker length with no justification provided for such design basis. (Unknown Vehicle Class which is not referenced in relevant Australian Standard)	No Site cannot be serviced by a standard petrol tanker. See further comment after table.
Vehicle Movement Through Site	Safe and coordinated vehicle movement through site.	The design allows vehicles to enter the site from either Marion St or Walter Rd East and to traverse the site in opposing directions.	No Having regard to site constraints, traffic movement through the site should be limited to one way only. See further comment after table.

Service Vehicle Access – Petrol Tankers (Approaching the development site on road)	Design to lawfully utilise road network.	Service vehicles cannot access the site 'lane correct'.	No See further comment after table.
Crossovers	AS 2890.1 and Town of Bassendean Crossover Specifications – Crossovers to be positioned 6.0m minimum from point of corner truncation	Crossover to Marion Street positioned 5.5 metres from point of truncation	No The proposed Marion St crossover is positioned too close to the street corner and neither crossover has been designed to the Town's design specifications. See further comment after table.
Landscaping	<ul style="list-style-type: none"> • 2m minimum width adjacent to primary street frontage. • 1.5m minimum width adjacent to secondary street frontage. Shade tree provision.	Post required road widening, the following landscaping will be provided: <ul style="list-style-type: none"> • 1m minimum width adjacent to Walter Rd East frontage; and • 1.5m minimum width adjacent to Marion Street frontage. 	No No justification has been presented for the variation to landscaping requirements and no tree planting has been proposed in conjunction with landscaping of the site. See further comment after table.
Plot Ratio	No controls specified	Not applicable	Not applicable
Signs	Signs affixed to building generally exempted by Schedule 5 of Local Planning Scheme No. 10. Pylon sign (price board sign): <ul style="list-style-type: none"> • 6m max 	Pylon sign meets height and area requirements but has a setback of only 145mm from property boundary once required land for road widening has been taken.	No See further comment after table.

	<p>height;</p> <ul style="list-style-type: none"> • 4sq.m max area; and • 1m min street setback. 		
Stormwater Management	Retain on site pursuant to provisions of Local Planning Policy No. 14 – On-Site Stormwater Policy.	Planning report states that details of stormwater management will be provided at a later date but will incorporate a purceptor system (to separate fuels, oils and other contaminants).	<p>Unknown</p> <p>Although the application lacks detail, this matter could be dealt with by way of a condition of approval in the event that the application were to be approved.</p>
Lighting	<p>CI 4.7.9 of LPS10 requires that lighting not be installed unless:</p> <p><i>“The emission of light from such devices is oriented or controlled so as not to interfere with the amenity of any adjacent residential zone nor cause traffic hazard in the nearby street system.”</i></p>	<p>Potential sources of nuisance are identified as headlight glare, lighting beneath the fuel canopy and lighting of the retail building.</p> <p>Applicant advises that this matter will be subject to future detailed design.</p>	<p>Unknown</p> <p>Although the application lacks detail, this matter could be dealt with by way of a condition of approval in the event that the application were to be approved.</p>
External Fixtures / Plant and Equipment	Screen from view of the street.	Detail of plant and equipment such as air-conditioning and refrigeration plant, vent pipes associated with fuel storage etc. not provided.	<p>Unknown</p> <p>Application lacks required detail to facilitate assessment.</p> <p>See further comment after table.</p>
Waste Disposal	Adequate capacity to house receptacles of a size that will accommodate rubbish generated by the proposed development.	Bin storage area of around 2.6m x 2.8m internal area has been provided which is situated at the north-eastern corner of the development site.	<p>Unknown</p> <p>See further comment after table.</p>

Officer Comments

Separation Distance to Sensitive Uses

Environmental Protection Authority Guidance Statement No. 3 – ‘Separation Distances between Industrial and Sensitive Land Uses’ specifies minimum separation distances between developments of this kind and ‘sensitive’ land uses which include the adjoining school and adjacent residential properties.

For developments of the kind proposed in this instance it recommends that a buffer distance of 50 metres be provided for premises which operate during normal hours (i.e. Monday-Saturday 7am to 7pm) with an increased buffer distance of 200 metres for premises which operate 24 hours a day

Potential impacts from development of this kind are said to include:

- Gaseous;
- Noise;
- Odour; and
- Risk.

As identified in advice provided by the EPA:

- Any application which involves a lesser separation distance should be supported by a well researched, robust and clear justification arguing the need for, and appropriateness of, that variation;
- Such justification should be scientific in nature and detail site specific circumstances along with applicable industry specific information; and
- The justification would need to demonstrate that unacceptable impacts would not result in the event that the lesser distance were to be approved.

In their planning justification report at page 18, the applicant acknowledges the need for such a scientific study, yet no such study has been provided in support of the application. Having regard to the specific characteristics of this application (directly adjoining a primary school on one boundary and directly opposite residential development on two other properties) the siting of the proposed development should not be accepted in the absence of such study

Building Setbacks and Building Materials / Appearance

Local Planning Policy No. 7 – Local Shopping Zone Design Guidelines states:

“All building setbacks within the ‘Local Shopping’ zone shall be determined at Council’s discretion, having regard to existing setbacks in the locality, the impacts of the development on the streetscape, and the provision of adequate parking and landscaping areas.”

Clause 67(m) of the Planning and Development Act (Local Planning Schemes) Regulations 2015 identifies that building appearance is a matter to be considered in the decision making process as follows:

“(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;”

Although there are no specific design guidelines specified for the local shopping zone, it is undesirable from an urban design perspective for such development to be designed so as to ‘turn away’ from a street frontage as the proposed development has done. This is evidenced by the Town’s Local Planning Policy No. 1 (LPP1) – Town Centre Strategy and Guidelines which include the following requirements:

“No façade shall appear as a “back” and blank walls should be avoided.”

“Blank walls longer than 2.0 metres at street level are not permitted.”

While LPP1 is not applicable to the development site, the design principles that it encompasses are of relevance when considering the application.

It would only be appropriate to approve the building setbacks that have been proposed if an improved urban design outcome were achieved by way of an improved façade on the Walter Road East frontage of the convenience store building.

Car Parking – Number of Bays

Clause 4.7.2.1 of LPS10 states that *“a person shall not develop or use land or erect, use of adapt any building for use for the purpose indicated in Table 1 of the Scheme, unless car parking spaces of the numbers specified in Table 2 are provided and such spaces are constructed, marked and maintained in accordance with the provisions of the Scheme.*

Where an application is made for development approval and the purpose for which the land or building is to be used is not specified in Table 2, the local government shall determine the number of car parking spaces to be provided on the land having regard to the nature of the proposed development, the number of employees likely to be on the site, the prevention of the obstruction of roads and streets, and the orderly and proper development of the locality and the preservation of its amenities.”

Noting that Table 2 does not make reference to a convenience store land use, the parking requirement for this component of the development has been assessed on the same basis as that required for a shop, being 1 car bay per 12.5 sq.metres of gross floor area. Based upon the gross floor area of 148 sq.metres, this would require 12 car parking bays.

The development provides 6 dedicated car parking bays immediately forward of the convenience store building while it is also considered reasonable to accept the 6 refuelling bays as car parking bays also, noting that people who are parked in these bays will be convenience store customers.

Car Parking – Convenience Store Bay Design

Australian Standard AS 2890.1 – “Parking Facilities – Off-street car parking” specifies a minimum bay width of 2.6 metres for the car parking bays forward of the convenience store whereas bay widths of only 2.5m have been provided.

Car Parking – Space Between Bowsers

Australian Standard AS 2890.1 specifies a minimum individual bay width of 2.9 metres (2.6m bay plus 300mm additional width noting that there are side obstructions) for cars to park alongside bowsers. With the exception of the filling bay alongside pump 1, the bay width provided alongside all other bays is deficient of that specified as shown below:

- Between Pump 2 and Pump 3 (two car bays):
Minimum combined bay width clear of obstructions prescribed – 5.8 metres; and
Minimum combined bay width clear of obstructions provided – 5.3 metres.
- Between Pump 4 and Pump 5 (two car bays):
Minimum combined bay width clear of obstructions prescribed – 5.8 metres; and
Minimum combined bay width clear of obstructions provided – 5.3 metres.
- Alongside Pump 6 (one car bay):
Minimum bay width clear of obstructions prescribed – 2.9 metres; and
Minimum bay width clear of obstructions provided – 2.6 metres.

Car Parking – Service Bay

AS 2890.2 prescribes a minimum service bay width of 3.5 metres whereas the proposed development incorporates a service bay with a width of only 3.0 metres.

Service Vehicle Access (Petrol Tankers) Within Development Site

A standard petrol tanker is 19m in length whereas the applicant advises that the design has been prepared on the basis of the site being serviced by 15m long tankers.

The applicant has been asked to provide information / justification regarding the 15m length tanker referred to in application documentation, however no such information / justification has been provided and in the absence of this the facility should be designed to accommodate the industry standard service vehicle (i.e. 19m long tanker) as specified by Australian Standard AS2890.2 – Parking Facilities – Part 2: Off-street commercial vehicle facilities.

AS 2890.2 also specifies a requirement for a 5.2m wide service aisle for the petrol tanker alongside pump 1 for petrol tanker manoeuvring (and filling in this instance) whereas an aisle width of only 4.4 metres has been provided in conjunction with the proposed development.

Vehicle Movement through Development Site

Documentation provided in support of the application suggests that service type vehicles will enter the site from Marion Street and then exit the site onto Walter Rd East, however nothing is said in relation to controlling traffic movements within the site generally. As such, a range of conflicting movements could result as shown below:

- Customers could enter from Marion St and exit to Walter Rd East;
- Customers could enter from Marion St and exit back out onto Marion St;
- Customers could enter from Walter Rd East and exit to Marion St; or
- Customers could enter from Walter Rd East and exit back onto Walter Rd East.

Such arrangements are considered to be unsafe in use having regard to the constrained nature of the site, and if the development were to be approved, it is recommended that traffic movements be limited to entry from Marion St and exit to Walter Rd East only in order to eliminate conflicting traffic movements.

Preventing vehicles from exiting the site onto Marion St also has the potential to improve amenity outcomes for residents on the opposite side of this street by eliminating potential for adverse impacts from headlight glare associated with vehicles leaving the site.

Service Vehicle Access (Petrol Tankers) Approaching Development Site

When approaching the development along Walter Road East (from the west), petrol tankers are unable to remain lane correct (i.e. they must use the entirety of the road), when turning into Marion Street. They must then use the entirety of the Marion Street road pavement up to the point where they enter the development site (and when entering the development site they must also utilise the entire width of the crossover on the Marion St frontage of the development site).

The Transport Impact Statement is silent on the potential traffic conflict at the Marion St / Walter Rd East intersection and in relation to the potential conflict at the entry point to the development site simply states *“Fuel tankers are expected to access the site 2 to 3 times per week during the off peak periods. Therefore, no traffic conflict between fuel tankers and light vehicles accessing the site is expected.”*

If a petrol tanker is arriving at the Marion St / Walter Rd East intersection at the same time that vehicles are attempting to exit Marion St onto Walter Rd East in a westerly direction, the petrol tanker must wait on Walter Rd East and allow vehicles on Marion Street to clear completely in order that it can make its (non-lane correct) approach to the entrance of the petrol station. However, while paused on Walter Rd East, a petrol tanker would be blocking the line of sight for vehicles wanting to exit onto Walter Rd East. The line of sight for such vehicles would be restricted beneath Approach Site Distance (ASD) requirements and below Safe Intersection Sight Distance Requirements (SISD) as specified within the Austroads Guide to Road Design.

A standard 19m long petrol tanker cannot satisfactorily access the site based upon the current design configuration.

The inability of a petrol tanker to remain lane correct when approaching the site along Marion St; the restriction on sight lines that would result if a petrol tanker needed to pause on Walter Rd East to allow traffic to clear Marion St and the inability of a standard 19m long petrol tanker to service the development are each unsatisfactory from a traffic safety perspective.

Crossovers

Both the Town's Specification for the Construction of Crossovers and Australian Standard AS2890.1 state that crossovers are to be positioned a minimum of 6m from the point of a standard corner truncation. The proposed development incorporates a separation distance between the point of the corner truncation and crossover of 5.5 metres, being less than that specified by both the Town's specifications and the relevant Australian Standard.

Additionally, neither of the crossovers that are proposed for the development have been designed to the Town's specifications in relation to shape and size and footpath configuration.

Landscaping

Local Planning Policy No. 7 – Local Shopping Zone Design Guidelines states:

“All development within these zones shall be landscaped in accordance with the following requirements:

- (a) the minimum width of front boundary landscaping shall be 2 metres, except in the case of a corner lot, in which case the minimum shall be 1.5 metres as nominated by Council;*
- (b) the minimum width of side boundary landscaping (excluding side street boundaries) shall be 1 metre, to be provided from the front boundary to the setback line; and*
- (c) landscaping is to be provided in accordance with Council's landscaping policy as amended from time to time, and shall be maintained by the owner of the lot thereafter.”*

The development provides (post road widening) a 1m wide landscape strip to the Water Rd East frontage and a 1.5m wide landscape strip to the Marion St frontage (although the vast majority of this frontage is actually consumed by crossover). No shade trees have been provided within the proposed site landscaping.

The applicant has not provided any justification for the proposed landscaping arrangements and there is no apparent reason why the proposed arrangement would warrant support.

Signs

Schedule 5 of the Town's Local Planning Scheme No. 10 exempts the following signs from the need for approval:

“All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to compliance with the requirements of the Signs Hoarding and Bill Posting By laws.”

The pylon sign is generally compliant with the controls specified within the Local Planning Policy with the exception of its setback from the front property boundary.

External Fixtures / Plant and Equipment

It is important that detail on these matters be provided in conjunction with the application as there is no apparent location as to where air-conditioning and refrigeration plant could be positioned, other than on the roof of the proposed convenience store. If such plant and equipment were to be positioned on the roof it would be necessary to ensure that appropriate design measures were implemented to appropriately screen this equipment from view of the street.

Waste Disposal

The application doesn't detail anticipated volume of rubbish and recycling likely to be generated; types of rubbish receptacles to be provided, nor capacity of the bin store to house these receptacles etc.

Having regard to the possible need to adjust the design of the bin store to house bulk bins, it is preferable that this information be provided in advance of a decision on the application being made.

Air and Water Bay

Car parking bay No. 6 (immediately forward of the convenience store) is also said to double up as an air and water bay. The lack of space around this bay means that it is not fit for purpose.

Noise

Noise impacts associated with developments of this kind relate to matters such as:

- Vehicle movements;
- Vehicle door closing;
- Vehicle start-ups;
- Fuel deliveries and rubbish collection;
- Operation of fuel pumping equipment;
- Mechanical plant;
- Tannoy systems (of particular relevance for establishments that operate beyond standard trading hours as is proposed in this instance); and
- Patrons.

While the applicant provides some comment on this matter within their planning report at page 19, it lacks detail on considerations that have been made with respect to this matter, particularly noting that the premises are intended to be operative from 5am – 11pm daily.

In the absence of an acoustic report prepared by a qualified acoustic consultant, the application lacks detail to demonstrate that residents opposite the development site (on both Marion Street and Walter Rd East) will not be adversely impacted by noise associated with the proposed development.

Public Art

If the application were to be approved, the proposed development would be subject to the provisions of Local Planning Policy No. 15 – Percent for Art Policy.

Walter Road East

At its Ordinary meeting held 28 August 2018, the Council of the Town of Bassendean adopted the following notice of motion with respect to its future intentions for the redevelopment of Walter Road East (and Lord Street):

“11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion - Cr Quinton: Road Network Priorities: Walter Road East & Lord Street

COUNCIL RESOLUTION – ITEM 11.1

OCM – 27/08/18 *MOVED Cr Quinton, Seconded Cr McLennan, that Council:*

1. *Endorses, as its official position, its intentions to:*

- a) *Convert Walter Road East from the existing four travel lanes down to two with tree lined boulevard style median division & bike lanes; and*
 - b) *Convert Lord Street south of Morley Drive to a boulevard with tree lined median division, remaining single carriage with turning lanes where identified necessary; and*
2. *Considers an allocation of funds in the 2019/20 Budget for the development of plans to deliver these road network priority outcomes on both Walter Road East & Lord Street.*

CARRIED UNANIMOUSLY 6/0"

A change in road design to reduce Walter Road East from 4 lanes in total (2 in each direction) to 2 lanes in total (1 in each direction) and introduce a tree lined central median would affect turning manoeuvres for service vehicles (petrol tankers, rubbish trucks and other delivery vehicles), particularly with respect to egress. Indeed, if a central median of the type referred to in the Council's resolution were to be introduced, this would prevent petrol tankers from being able to leave the site, based upon the current design.

Although this change has been endorsed by Council as its 'official' position, drawings have not yet been prepared for the road changes that would result and accordingly this matter is seen as being too early in the process to be used as a factor in decision making for the current application.

Options/Alternatives:

Nil.

Council Recommendation:

The Council of the Town of Bassendean considered this application at a Special Meeting held 16 October 2018, at which time the recommendation contained within this RAR was endorsed without modification.

Conclusion:

The development site housed a service station from 1958 until 2004 and a Convenience Store (as proposed) is a 'P' (permitted) land use. Noting this, the acceptability of the proposed land use itself cannot be questioned.

However, as identified within the RAR, there are a number of concerns held with the actual development itself. These concerns arise from:

- The relationship of the proposed development to sensitive land uses which adjoin and are adjacent to the proposed development;
- Non-compliance with prescribed development standards, resulting primarily from the small size of the development site and the proposed intensification of development compared to that which previously existed on the site; and
- Absence of information to support the application for development approval.

Having regard to the matters identified above, it is considered that the development in its current format is not suitable for approval, and on this basis it is recommended that the application be refused.

Development Application

Lot 75 (72) Walter Road East,
Bassendean, WA

PLANNING SOLUTIONS
URBAN & REGIONAL PLANNING

PS



Prepared for
Vibe Petroleum

July 2018

Copyright Statement 2018

© Planning Solutions (Aust) Pty Ltd

All rights reserved. Other than for the purposes of and subject to the conditions prescribed under the *Copyright Act 1968* (Cth), no part of this report may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic or otherwise, without the prior written permission of Planning Solutions (Aust) Pty Ltd.

No express or implied warranties are made by Planning Solutions (Aust) Pty Ltd regarding the information and analysis contained in this report. In particular, but without limiting the preceding exclusion, Planning Solutions (Aust) Pty Ltd will not verify, and will not assume responsibility for, the accuracy and completeness of information provided to us.

This report has been prepared with particular attention to our Client's instructions and the relevant features of the subject site. Planning Solutions (Aust) Pty Ltd accepts no liability whatsoever for:

1. a third party's use of, or reliance upon, this report;
2. use of, or reliance upon, this report in relation to any land other than the subject site; or
3. the Client's implementation, or application, of the strategies recommended in this report.

Direct all inquiries to:

Planning Solutions
Level 1, 251 St Georges Terrace
Perth, WA 6000

All correspondence to:
GPO Box 2709
Cloisters Square PO 6850

Phone: 08 9227 7970
Fax: 08 9227 7971
Email: admin@planningsolutions.com.au
Web: www.planningsolutions.com.au

Project details

Job number	5503	
Client	Vibe Petroleum	
Prepared by	Planning Solutions	
Consultant Team	Town Planning	Planning Solutions
	Designer	Vibe Petroleum
	Traffic	Transcore
	Contamination	Environmental Resources Management Australia Pty Ltd

Document control

Revision number	File name	Document date
Rev 0	180717 5503 DA Report	17 June 2018

Contents

1	Preliminary	1
1.1	Introduction	1
2	Background	2
2.1	Meeting with the Town of Bassendean.....	2
2.2	Consultation with Department of Planning, Lands and Heritage	2
3	Site details	4
3.1	Land description	4
3.1.1	Notifications and Encumbrances	4
3.1.2	Contamination Status	4
3.2	Location.....	5
3.2.1	Regional context	5
3.2.2	Local context	5
3.3	Land use and topography.....	5
4	Proposed development	10
4.1	Site layout and built form.....	10
4.2	Parking, access and traffic management	11
4.3	Operation	12
4.4	Landscaping.....	12
4.5	Signage.....	12
4.6	Stormwater Management.....	13
5	Statutory planning framework	14
5.1	Metropolitan Region Scheme	14
5.2	Town of Bassendean Local Planning Scheme No. 10.....	14
5.2.1	Zoning, Land Use and Permissibility	14
5.2.2	Local Shopping Zone Development Requirements	14
5.2.3	Car Parking Requirements	15
5.3	Town of Bassendean Local Planning Policies.....	15
5.3.1	Local Planning Policy No. 7 – Local Shopping Zone Design Guidelines	15
5.3.2	Local Planning Policy No. 14 – On-Site Stormwater Policy.....	16
5.3.3	Local Planning Policy No. 16 – Control of Advertisement Under the LPS10	17
5.3.4	Local Planning Policy No. 18 – Landscaping with Local Plants.....	18
5.3.5	Local Planning Policy No. 15 – Percentage for Art Policy	18
5.4	Environmental Protection Agency Guidance Statement No. 3 – Separation Distances between Industrial and Sensitive Land Uses	18
5.4.1	Noise.....	19
5.4.2	Risk	19
5.4.3	Odour / Gaseous.....	20
5.4.4	Lighting.....	20
6	Conclusion	22

Figures

- Figure 1: Aerial Photo
Figure 2: Zoning Map
-

Appendices

Appendix 1:	Meeting Minutes – Town of Bassendean
Appendix 2:	Certificate of Title and Plan
Appendix 3:	Interests, Encumbrances and Notifications
Appendix 4:	ERM Letter
Appendix 5:	Development Plans
Appendix 6:	Traffic Impact Statement
Appendix 7:	Clause 42 Certificate

1 Preliminary

1.1 Introduction

Planning Solutions acts on behalf of Vibe Petroleum, the proponent of the proposed development at Lot 75 (72) Walter Road East, Eden Hill (**subject site**). Planning Solutions has prepared the following report in support of an Application for Development Approval for the development of the Convenience Store including the small-scale retail sale of fuel and convenience goods on the subject site.

This report will discuss various matters pertinent to the proposal, including:

- Background.
- Site details.
- Proposed development.
- Statutory planning framework.

The Convenience Store will offer the retail sale of fuel and convenience goods from the subject site. The retail sale of fuel is small scale, with only three standard fuel bowsers provided within the development. The development does not provide for high-flow diesel, and on this basis the facility will only cater to light vehicles.

The subject site was historically used as a service station, and in recent years has been used solely for advertising billboard display. The proposed development therefore re-introduces a commercial activity to a largely vacant and underutilised site. The convenience store design and function capitalises on the proximity to key transport infrastructure (namely Walter Road East), but remains sympathetic to the residential development and school in the vicinity.

Accordingly, Planning Solutions requests the Metro Central Joint Development Assessment Panel (**JDAP**) grant approval for the Application for Planning Approval.

2 Background

2.1 Meeting with the Town of Bassendean

A meeting with Brian Reed and Christian Buttle of the Town of Bassendean (**Town**) was undertaken on the 18 May 2018 to discuss the key planning considerations applicable to the proposed development. At this meeting, 'in-principle' support was provided for the proposal, with the Town noting that the proposed Convenience Store use is consistent with the zoning of the site, and at face value, the siting of the building is appropriate.

The Town requested the following matters be considered as part of the development application report, which have been incorporated within the design:

- Assessment against the Town's local planning policy framework.
- Tanker and service vehicle access to be considered in detail within the Traffic Impact Statement.
- Landscaping, including the provision of a landscaping plan.
- Interface to the school and surrounding residential properties, including lighting and operational components of the proposed development.
- Crossovers to Marion Street and Walter Road East.
- Car parking provision needs to be considered in detail.
- EPA separation guidance from sensitive land uses policy statement needs to be considered, where relevant.
- Brief statement regarding the intended stormwater treatment on site. A detailed stormwater management plan is not required to inform the planning application.

Refer **Appendix 1** – Meeting Minutes – Town of Bassendean

2.2 Consultation with Department of Planning, Lands and Heritage

Preliminary engagement with Simon Luscombe of the Department of Planning, Land and Heritage (**DPLH**) was undertaken to discuss the proposed development concept, provide guidance on the road upgrade status and gauge the DPLH key areas of focus. Following these discussions, the following matters were addressed within the development plans and associated information:

- **Walter Road East Road Upgrades.** The DPLH confirmed that current traffic volumes on Walter Road East do not warrant upgrade in the short/medium term. In light of this, the development design including crossovers was formulated around the current road and intersection alignment. In addition, no major structures are proposed within the reservation area, ensuring that the development can accommodate the road upgrades if/when required.
- **Restricted Access Vehicles** – It is acknowledged that the scale of this development is not suitable for access by Restricted Access Vehicles (**RAV**). To ensure that RAV network vehicles do not access this site, the operator will not be providing high-flow diesel bowsers. Filling of large vehicles within the proposed development is therefore not practical.
- **Technical Design** – A Traffic Impact Statement has been prepared for the proposed development, which has considered traffic movements and the technical design requirements in detail. As a result of this assessment, the proposed crossover to Walter Road East has been limited to left-in / left-out only.

- **Proximity to School** – This development application report has included detailed reporting on the amenity control measures implemented on this site, including an assessment against the Environmental Protection Agency Guidance Statement No. 3 – Separation Distances between Industrial and Sensitive Land Uses.

3 Site details

3.1 Land description

Refer to **Table 1** below for a description of the subject site.

Table 1 – Lot details

Lot	Plan / Diagram	Volume	Folio	Area (m ²)
75	Plan 3469	1837	500	1,055

Refer **Appendix 2** for a copy of the Certificate of Title and Plan.

3.1.1 Notifications and Encumbrances

The Certificate of Title for the subject site lists a total of three interests, encumbrances and notifications applicable to the subject site. A summary of these documents is provided in the following table.

Table 2 – Interests, encumbrances and notifications

Document No.	Details
E082157	Easement benefit to the subject site over a 1m by 8m portion of Lot 74 located to the east. The easement prohibits the construction of any fence, wall or fixture of any type within the easement area.
E082156	Easement burden of 1m by 8m of the subject site, to the benefit of Lot 74. The easement prohibits the construction of any fence, wall or fixture of any type within the easement area. The proposed development does not contain any major structures within the easement area.
K398975	Memorial: Contaminated Site – Remediation Required. Further details of the contamination status is provided in section 3.1.2 of this report.

Refer **Appendix 3** for a copy of the Interests, Encumbrances and Notifications.

3.1.2 Contamination Status

The Department of Water and Environmental Regulation (**DWER**) Basic Summary of Records details the current contamination status of the subject site as ‘Contaminated Site – Remediation Required’, noting the historical use of the subject site for a service station, and the resultant presence of hydrocarbons in the soils.

The subject site has been the focus of substantial remediation works coordinated by Environmental Resources Management Australia (**ERM**) since 2003. This has resulted in a recommendation for the subject site to undergo reclassification to a ‘Remediated for Restricted Use’ status, making the site suitable for non-sensitive commercial development. The proposed development is therefore capable of being accommodated on the subject site.

The reclassification of the subject site forms a separate process assessed by the DWER.

Refer **Appendix 4** – ERM Letter.

3.2 Location

3.2.1 Regional context

The subject site is located within the suburb of Eden Hill, located approximately 11km north east of the Perth Central Business District. The Tonkin Highway Industrial Estate is located approximately 2km south of the subject site, and the Morley City Centre including Morley Galleria Shopping Centre is located approximately 4km west of the subject site.

The subject site has direct frontage to Walter Road East to the south. Walter Road East is a four lane (two lanes in each direction) arterial road which provides an east/west connection between Tonkin Highway and Lord Street.

The subject site is within the municipality of the Town of Bassendean (**Town**).

3.2.2 Local context

The immediate area surrounding the subject site generally comprises local retail facilities and residential development fronting Walter Road East. This is more widely surrounded by low to medium residential development.

The subject site abuts Eden Hill Primary School to the north, the Walter Road Handy Mart to the east (Lot 74), Walter Road East to the south and Marion Street to the west. Residential development is located opposite the subject site fronting Marion Street. A local shopping precinct is located immediately south west of the subject site, which provides small scale retail, shopping and personal services.

3.3 Land use and topography

The subject site currently contains a private advertising billboard fronting Walter Road East. This billboard is located centrally on the subject site. The subject site is generally flat.

The subject site was historically used for a service station until operations ceased in 2002, and has been largely underutilised since the demolition. Remnants of the previous service station development remain present on the subject site, including the crossover to Walter Road East which has been preserved.

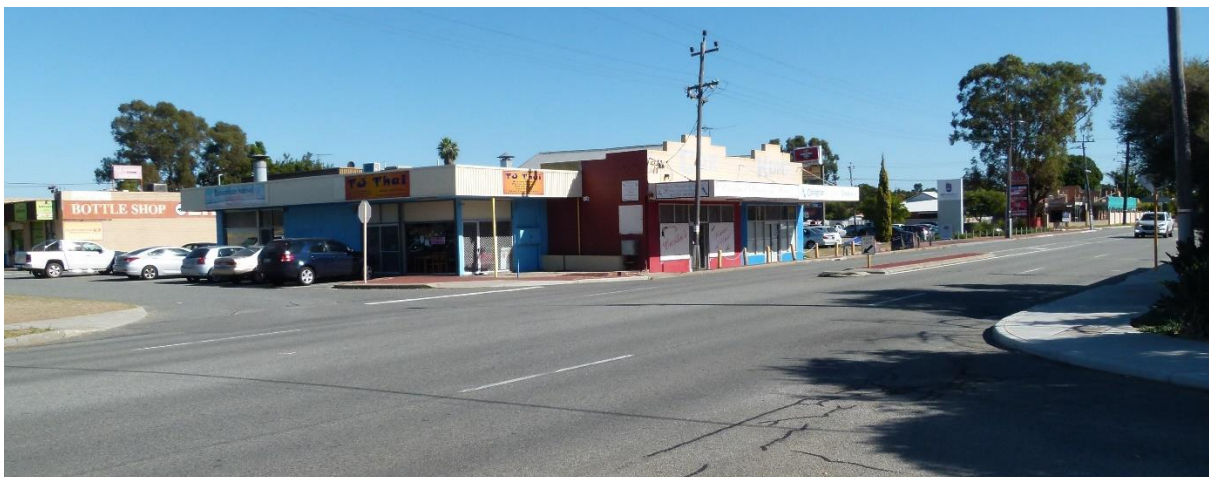
Refer to **Figure 1**, aerial photograph and **Photographs 1 – 9** below.



Photograph 1 – Subject site as viewed from Walter Road East.



Photograph 2 – Subject site as viewed from Marion Street.



Photograph 3 – Existing commercial development fronting Walter Road East, south west of the subject site.



Photograph 4 – Walter Road East, as viewed from the subject site looking west.



Photograph 5 – Existing pedestrian path and crossover to Walter Road East.



Photograph 6 – Subject site and adjoining commercial development.



Photograph 7 – Marion Street / Walter Road East intersection.



Photograph 8 – Marion Street, as viewed from the subject site looking north.



Photograph 9 – Residential dwelling on Marion Street, opposite the subject site.



LEGEND
 Subject Site

PLANNING SOLUTIONS PS
 URBAN & REGIONAL PLANNING

SCALE 1:2,000 @ A4
 DATE 12 June 2018
 FILE 01 180612 5503 Aerial Photograph.dwg
 REVISION 1/DR/First Draft/12.06.2018



Scale Bar (m)
 0 50

AERIAL PHOTOGRAPH

LOT 75 (72) WALTER ROAD EAST
 BASSEDEAN, WA

FIGURE
01

DISCLAIMER: THIS DOCUMENT IS AND REMAINS THE PROPERTY OF PLANNING SOLUTIONS AND MAY NOT BE COPIED IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF PLANNING SOLUTIONS. ALL AREAS, DISTANCES AND ANGLES ARE APPROXIMATE ONLY AND ARE SUBJECT TO SURVEY. BASEPLAN SOURCE: NEARMAPS

4 Proposed development

The proposal seeks approval for a Vibe Convenience Store on the subject site. This development will provide for the retail sale of fuel and convenience items.

4.1 Site layout and built form

The proposed Convenience Store will provide for the retail sale of fuel to light vehicles, and the retail sale of convenience goods.

Specifically, the proposed development comprises:

- A retail building within the eastern section of the subject site, comprising a maximum height of 4.8m and gross floor area of 148m². The retail building also contains signage which protrudes from the building up to 6m above ground level.
- A fuel canopy within the western section of the subject site, comprising a maximum height of 5.6m and area of 151m².
- Three light vehicle fuel bowsers with six refuelling bays, located beneath the fuel canopy.
- A 8.4m² bin store area and 37m² service and loading bay area located north of the retail building.
- One 9m concrete crossover to Marion Street.
- One 10m concrete crossover to Walter Road East.
- A total of 12 vehicle car parking spaces for customers and staff, comprising 5 standard parking bays, 1 universal access bay, 6 parking spaces adjacent to the fuel bowsers.
- 1 air and water station.
- Approximately 144m² (13.6% of site area) of landscaping along the street frontages and lot boundaries.
- Various signage associated with Vibe Petroleum.

The proposed development provides a small scale retail fuel facility which will only cater to light vehicles. The subject site will not provide high-flow diesel bowsers, and does not contain facilities for larger vehicles. The retail sale of fuel utilises modern fuel dispenser technology and stormwater management practices to control the release of fuel vapours and treatment of stormwater containing fuel remnants.

The proposed retail building shop front employs a range of architectural design features resulting in a high quality built form outcome. This includes the following:

- Active frontage to the retail building shop front, including substantial glazing and pedestrian footpath.
- Loading areas and bin storage is located within the north-east corner of the subject site, and shielded from view by the retail building. In addition, the bin store areas is enclosed with a 1.8m masonry fence.
- Integrated signage which is sympathetic to the layout and design of the overall building.

Refer **Appendix 5** – Development Plans.

4.2 Parking, access and traffic management

The proposed development seeks approval for two crossovers to the subject site. Specifically, the proposed access, egress and manoeuvring patterns comprise:

- One full movement crossover to Marion Street.
- One left-in / left-out crossover to Walter Road East.
- Tanker ingress from Marion Street and egress onto Walter Road East.
- Remote fuel fill point located north of the bowser canopy.
- A loading bay for service vehicles accessing the adjacent bin store area.

The fuel bowzers are located in a north/south vertical alignment to accommodate the logical and efficient east/west flow of vehicles through the subject site.

The proposed layout has been designed to facilitate the safe and efficient movement of service vehicles, ensuring minimal conflict between the petrol bowzers and tanker movement areas. The tanker will enter via the Marion Street crossover, then exit the subject site onto Walter Road East. A tanker swept path plan depicting the swept path movements of a 15m semitrailer vehicle is contained within the appended Traffic Impact Statement. Whilst this is a smaller tanker than the conventional fuel tanker, the 15m tanker provides an acceptable service for this small scale retail fuel site.

The proposed development is also supported by a Transport Impact Statement (TIS) prepared by Transcore. The TIS has assessed the access / egress network, and traffic generation of the development. A summary of the key findings of the TIS are as follows:

- The TIS recommends the crossover to Walter Road East be limited to left-in / left – out only, due to the proximity to the traffic signals at the Walter Road East / Ivanhoe Street intersection.
- The provision of two crossovers is essential to achieve satisfactory vehicle access, egress and circulation. Further, the provision of two crossover points for a retail fuel development on a corner lot is also consistent with the Main Roads WA Driveway Policy, which provides guidance on best practice crossover design.
- Swept path analysis demonstrates the proposed development is suitable to allow access for a 15m semi-trailer fuel tanker. The tanker will access via Marion Street, manoeuvre to the fill point for the underground tank before exiting onto Walter Road East in forward gear.
- The layout of the subject site provides for an 8.8m service (delivery and waste) vehicles to access via Marion Street, manoeuvre to the loading bay before exiting onto Water Road East in forward gear.
- The majority of traffic accessing the subject site is expected to be passing trade already on the road network, and not specifically generated by the proposed development. A passing trade component of 70% was assumed for patrons, due to the subject site's location fronting Walter Road East.
- The net additional daily traffic is estimated at 294 vehicles per day, being an additional 20 / 24 vehicles during the AM / PM peak period respectively. The proposed development will not increase traffic flows on surrounding road networks by more than 100 vehicles per hour, and on this basis the traffic impact of the proposed redevelopment is assessed to be insignificant.

The Walter Road East crossover limitation may be controlled through the installation of a median island within the road reservation. The detailed design of this median island will be informed with input from the DPLH.

Refer **Appendix 6** – Traffic Impact Statement

4.3 Operation

The retail sale of fuel will be provided between the hours of 5am to 11pm, seven days a week.

Deliveries and waste collection will occur within the designated loading area within the north east section of the subject site. Deliveries and waste vehicles will enter the subject site via Marion Street to the loading bay, reverse from the loading bay and return to the road network in forward gear via the Walter Road East crossover.

Service vehicles, waste collection and the fuel tankers will access the site outside the peak operating times of the business, resulting in minimal traffic conflicts between customers, employees and service vehicles.

4.4 Landscaping

The proposed development provides a total of approximately 136m² landscaping, which is approximately 13% of the total subject site area. Landscaping is concentrated along street frontage and shared lot boundaries, and the existing trees are retained where possible. Overall, the proposal provides a substantial quantity of landscaping, and concentrates landscaping in the areas of greatest benefit.

A copy of the landscaping plan is provided within the development plan package at **Appendix 5**.

4.5 Signage

The proposal incorporates advertising signage on the premises consistent with the Vibe corporate branding. Specifically, the proposed signage comprises

- One 3m x 1.2m Vibe price board sign located adjacent to the retail building. The price board sign is elevated 2.7m above ground level, with the highest point of the sign being 6m above ground level.
- One 1.8m x 2.4m Vibe fascia sign located on the western façade of the retail building, immediately above the building entrance point.
- One approximately 3.5m x 3.5m Vibe wall sign located on the southern façade of the retail building, fronting Walter Road East.
- Two 2m x 2.4m Vibe fascia signs on the fuel canopy, affixed to the south and west facades respectively.

All signage is designed to reflect the architectural elements of the building and structures. The signage content and location are provided within the development plans provide at **Appendix 5** of this report.

4.6 Stormwater Management

A Purceptor system will also be used for the treatment of runoff captured from the bowser forecourt areas of this development. A Purceptor is an underground collection system which treats stormwater by separating fuels, oils and other potential contaminants from stormwater runoff. The treated stormwater will then be discarded into the site's stormwater management system, while the captured contaminants are retained within a separate chamber for collection and removal off site.

Use of a Purceptor is standard industry practice, and is generally implemented on all new fuel retailing sites across Australia. A detailed stormwater management plan can be provided at the detailed design phase and form a condition of planning approval.

5 Statutory planning framework

5.1 Metropolitan Region Scheme

The subject site zoned Urban under the provisions of the Metropolitan Region Scheme (**MRS**). The proposed development is consistent with the provisions and may be approved accordingly.

Walter Road East is reserved as 'Other Regional Roads' under the MRS. A 1m portion of the subject site fronting Walter Road East and 6m by 6m truncation adjacent to the Walter Road East and Marion Street intersection is impacted by this reservation. No permanent structures are proposed to be located within this reservation area.

Refer **Appendix 7** – Clause 42 Certificate.

5.2 Town of Bassendean Local Planning Scheme No. 10

5.2.1 Zoning, Land Use and Permissibility

The subject site is zoned 'Local Shopping' under the provisions of the Town's Local Planning Scheme No, 10 (**LPS10**). Refer **Figure 2** – zoning map.

The proposed development is best classified as a 'Convenience Store' land use, defined under LPS10 as:

Convenience Store means premises -

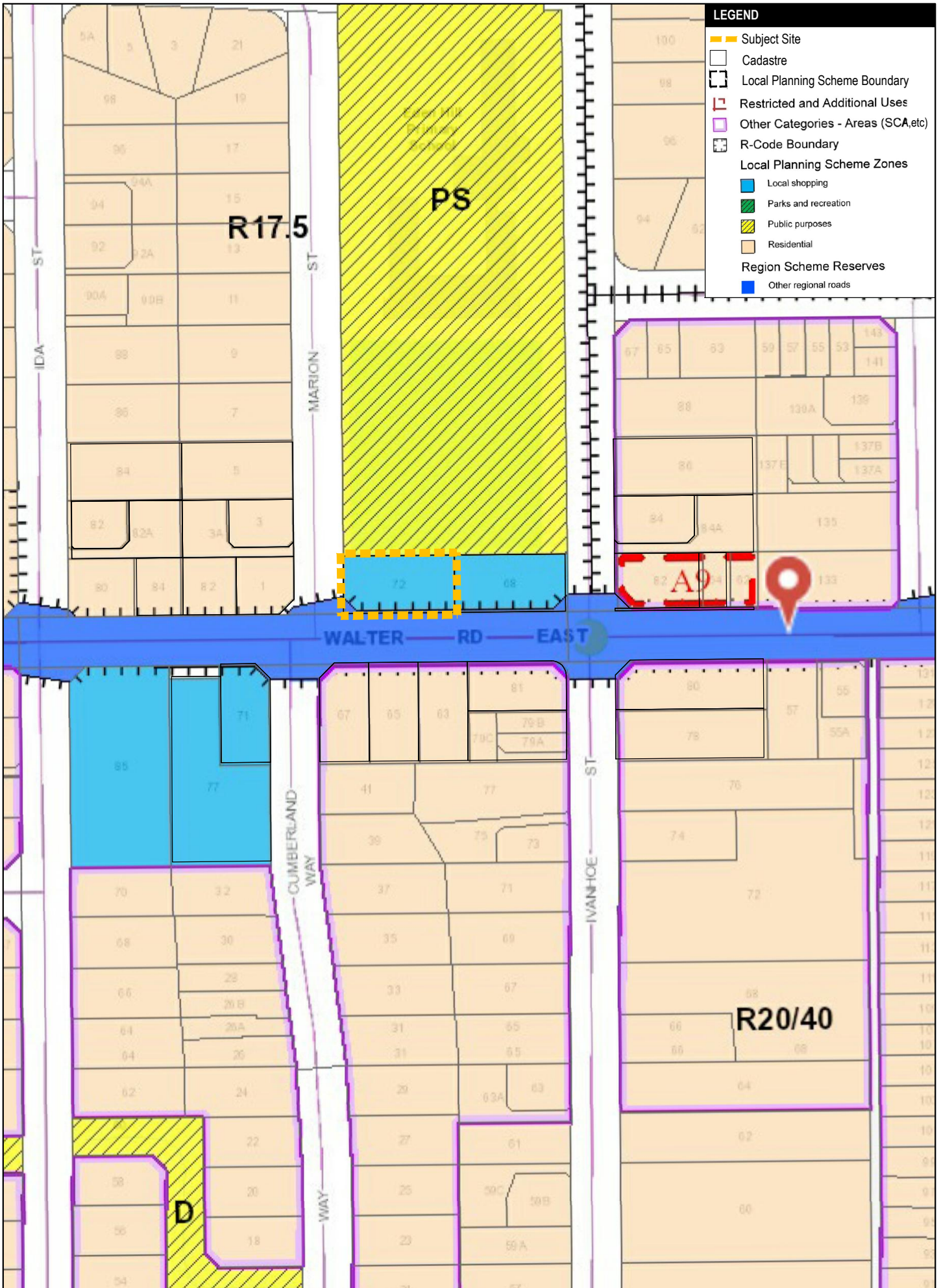
- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the **retail sale of petrol** and those convenience goods;
 - (b) operated during hours which include, but may extend beyond, normal trading hours;
 - (c) which provide associated parking; and
 - (d) the floor area of which does not exceed 300 square metres net lettable area;
- (emphasis added)

The proposed development provides for the retail sale of fuel and convenience goods from the subject site, operating between 5am to 11pm. The design of the development provides car parking and a gross floor area of 148m². The proposed development is therefore entirely consistent with the definition of a Convenience Store under LPS10.

A Convenience Store is a 'P' use within the Local Shopping zone, meaning *the use is permitted providing the use complies with the relevant development standard and requirements of the Scheme*. The following sections assess the proposed development against the applicable legislation and policy framework.

5.2.2 Local Shopping Zone Development Requirements

Section 4.11 of LPS10 provides the general development standards applicable to the Local Shopping Zone. These requirements are addressed in **Table 3** below.



DISCLAIMER: THIS DOCUMENT IS AND REMAINS THE PROPERTY OF PLANNING SOLUTIONS AND MAY NOT BE COPIED IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF PLANNING SOLUTIONS. ALL AREAS, DISTANCES AND ANGLES ARE APPROXIMATE ONLY AND ARE SUBJECT TO SURVEY. BASEPLAN SOURCE: WAPC

Table 3: General development requirements

Provision	Requirement	Proposed	Compliance
4.11.3 Use of Setback Area			
	<p><i>The land between the street alignment and the building setback shall not be used for any purpose except one or more of the following:</i></p> <p>a) <i>a means of access and egress;</i> b) <i>the parking of vehicles used by customers and employees;</i> c) <i>the loading and unloading of vehicles;</i> d) <i>open air display of goods, provided such area does not cover more than 20% of the setback area, is not within 3 metres of the street alignment and does not reduce the area set aside for landscaping;</i> e) <i>landscaping; and</i> f) <i>the display and sale of motor vehicles where the local government's approval has been granted.</i></p>	<p>The street setback areas to Walter Road East and Marion Street are used exclusively for landscaping and vehicle access.</p>	✓

Clause 4.11.2(a) also requires development to be assessed against the requirements of the Town's Local Shopping Zone Design Guidelines, which are addressed within section 5.3 of this report.

5.2.3 Car Parking Requirements

Table 2 of LPS10 details the car parking rates for various uses. As a 'Convenience Store' land use is not detailed within Table 2, the car parking requirements are provided as per the 'Corner Store' land use. An assessment of the car parking requirements for the subject site is provided in **Table 4** below.

Table 4: Car Parking

Land Use	Parking Standard	Variable	Required Car Bays
Corner Store	1 space per 20m ² GFA	Approx. 132m ² GFA	6.6 bays
Total Bays Required			7 bays
Total Bays Provided			12 bays (6 shop front bays and 6 bays adjacent to bowlers)
Net Surplus			5 bays

As demonstrated in the above table, the proposed development exceeds the minimum car parking requirements of LPS10.

5.3 Town of Bassendean Local Planning Policies

5.3.1 Local Planning Policy No. 7 – Local Shopping Zone Design Guidelines

The Town's Local Planning Policy No. 7 – Local Shopping Zone Design Guidelines (**LPP7**) details the development design requirements applicable to development within the Local Shopping zone, including the subject site. The following table details the requirements applicable to the proposed development.

Table 5: LPP7 requirements

Requirement	Provided	Compliant
Building Setbacks		
<i>All building setbacks within the Local Shopping zone shall be determined at Council's discretion, having regard to existing setbacks in the locality, the impacts of the development on the streetscape, and the provision of adequate parking and landscaping areas.</i>	<p>The existing Walter Road Handy Mart located at the adjoining Lot 74 has a nil setback to the current alignment of the Walter Road East road reservation, and nil setback to the secondary street of Inanhoe Street.</p> <p>The proposed development exceeds this established setback, providing:</p> <ul style="list-style-type: none"> • approximately 1m setback from the Walter Road East road reservation for the retail building and fuel canopy; and • A minimum of 4m setback to the Marion Street road reservation (including the Marion Street / Walter Road East truncation reservation area). 	✓
Landscaping		
Front Boundary Setback – 2m	2m wide landscaping strip is provided to Walter Road East.	✓
Secondary Street Setback – 1.5m	1.5m wide landscaping strip is provided to Marion Street.	✓
Side Boundary – 1m	1.5m wide landscaping strip is provided to the northern lot boundary. 1m landscaping is provided to the eastern lot boundary.	✓
Landscaping to be provided in accordance with Council's landscaping policy.	A landscaping plan is provided with the development plan package at Appendix 5 of this submission. The Town's landscaping policy is addressed in detail within section 5.3.4 of this report.	✓
Storage and Refuse Areas		
<i>Screened from view from any public street, and enclosed by a wall of masonry or other approved building material, and being of not less than 1.8 metres in height.</i>	<p>The bin store area is fully enclosed from view and placed to the rear of the retail building.</p> <p>Bin store area comprises a 1.8m masonry wall at the Town's request.</p>	✓
<i>Accessible to service vehicles.</i>	The TIS prepared by Transcore traffic engineers includes a swept path analysis of the fuel tanker and service vehicles. This analysis confirms that the subject site is capable of accommodating a 15m semi-trailer fuel tanker and 8.8m service / delivery vehicle.	

As demonstrated in the above table, the subject site meets all the design requirements of LPP7.

5.3.2 Local Planning Policy No. 14 – On-Site Stormwater Policy

The Town's Local Planning Policy No. 14 – On-Site Stormwater Policy (**LPP14**) states the standards, requirements and conditions to permitting connection into the Town's drainage system.

A Purceptor system will be used for the treatment of runoff captured from the bowser forecourt areas of this development. The treated stormwater will then be discarded, while the captured contaminants are retained within a separate chamber for collection and removal off site. The detailed design of the stormwater collection, and its compliance with the LPP14 requirements, is able to be provided as a condition of planning approval.

5.3.3 Local Planning Policy No. 16 – Control of Advertisement Under the LPS10

The Town’s Local Planning Policy No. 16 – Control of Advertisements Under the Local Planning Scheme (LPP16) details the development standards for advertising devices.

The proposed signage will comprise the following sign types:

- Pylon Sign, pertaining to the Vibe price sign. A pylon is defined under LPP16 as follows:

Pylon sign - an advertisement supported by one or more piers and which is not attached to a building, and includes a detached sign framework supported on one or more piers to which sign infills may be added.

The Vibe price sign best meets this definition as it is provided with dedicated pier support structures, and does not solely rely on fixing’s to the retail building for structural support.

- Horizontal sign, pertaining to the Vibe retail building and fuel canopy signage. A horizontal sign is defined under LPP16 as follows:

Horizontal sign - an advertisement attached to a building with its largest dimension horizontal.

These requirements are addressed in the following table.

Table 6: LPP16 requirements

Requirement	Provided	Compliant
Pylon Sign		
Max Height – 6m	3m high price sign is proposed.	✓
Max Width – 2m	1.2m wide price sign proposed.	✓
Max Area – 4m ²	3.6m ² price sign proposed.	✓
Min Headroom – 2.4m	2.7m clearance under the price sign is provided.	✓
Max Height Above Ground Level – 6m	Price sign is located 6m above the ground level.	✓
Projection – 0.9m	Sign depth is less than 0.9m.	✓
Front Setback – 1m	0.5m setback of price sign from Walter Road East proposed.	Variation
<p>Justification: The proposed variation to the pylon sign setback is a direct result of integrating the pylon sign with the retail building. This design is considered appropriate for the following reasons:</p> <ul style="list-style-type: none"> • The visibility of the display of fuel is an essential element of a retail fuel development. The proposed sign has been integrated with the building to ensure maximum exposure to vehicles travelling on Walter Road East, allowing adequate time to slow and safely manoeuvre into the subject site. Any additional setback will result in the sign being blocked from view by the retail building. • The pylon sign is elevated, and provides clearance up to 2.7m. The variation in the setback area will therefore not result in any impacts to pedestrian or driver visibility. 		
Side Setback – 2m	Price sign setback from nearest side boundary exceeds 10m.	✓
Horizontal Sign		
Max Height – 0.6m	Building Entrance Sign – 1.8m height	Variation
	Wall Sign – 3.5m height	Variation
	Canopy Sign – 1.8m height	Variation
<p>Justification: The proposed variation to the horizontal sign heights is direct result of the architectural design of the structures which they are affixed to. Specifically, the signs are acceptable for the following reasons:</p>		

- The additional height of the building entrance signs provides articulation to this section of the building, emphasising the building entrance point. This additional sign enables patrons to clearly identify the building entrance, and functions as a wayfinding tool.
- The additional height of the wall sign simply reflects the size of the wall. In this instance, the wall sign functions as a design feature adding interest to the side façade of the building.
- The canopy signs height is designed to match the façade height, to ensure the sign forms an integrated component of the façade.

Min Headroom – 2.4m	Building Entrance Sign – approx 3.3m above ground level.	✓
	Wall Sign – not above thoroughfare.	N/A
	Canopy Signs – approx 4.5m clearance.	✓
Max Projection – 0.6m	Projection of all signs is less than 0.6m.	✓
Side Setback – 1m	Setback of all signs is greater than 1m from nearest lot boundary.	✓
Not to be fixed within 0.6m of end of wall	Building Entrance Sign – approx 7m from edge of wall.	✓
	Wall sign – approx 1m from edge of wall.	✓
	Canopy Signs – located at corner of canopy.	Variation

Justification: The canopy logos are located at the corner of the canopy as a design statement. The size of the signs is small relative to the canopy width, so locating the signs away from the corner appears imbalanced and asymmetrical. Signage corner statements are common practice for fuel bowser signage for this reason.

5.3.4 Local Planning Policy No. 18 – Landscaping with Local Plants

The City’s Local Planning Policy No. 18 – Landscaping with Local Plants (**LPP18**) provides guidance on appropriate species planting within designated landscaping areas. Section 1.5 of LPP18 details the requirements for landscaping plan, all of which have been incorporated within the proposed landscaping plan provided within the development plan package at **Appendix 5**.

5.3.5 Local Planning Policy No. 15 – Percentage for Art Policy

The City’s Public Art Local Planning Policy (**Public Art LPP**) requires a 1% contribution of the estimated total project cost for commercial developments valued over \$1 million to development of a public artwork. This requirement will be addressed following development approval.

5.4 Environmental Protection Agency Guidance Statement No. 3 – Separation Distances between Industrial and Sensitive Land Uses

The Environmental Protection Agency (**EPA**) Guidance Statement No. 3 – Separation Distances between Industrial and Sensitive Land Uses (**EPA Guidance Statement No. 3**) provides generic buffer distances intended to mitigate impacts of industrial developments on sensitive land uses.

With regard to retail fuel developments (service stations etc.) operating during normal hours, the EPA Guidance Statement No. 3 identifies potential externalities as gaseous, noise, odour and risk, and recommends a generic buffer distance of 50m. The buffers recommended by EPA Guidance Statement No. 3 are not absolute separation distances, but instead are default distances providing general guidance in the absence of site specific technical studies.

Part 4.4.2 of the EPA Guidance Statement provides guidance for situations where the actual separation distance is less than the generic/default distance, permitting a scientific study or industry specific information to be presented to demonstrate that a lesser distance will not result in unacceptable impacts.

Based on Part 4.4.2, the generic buffer distances may be reduced where appropriate studies/investigations conclude that a lesser distance is acceptable.

The following section details further information on the potential externalities from the operation of the Convenience Store, and provides justification to demonstrate the proposed location of the development is appropriate.

5.4.1 Noise

The noise sensitive land uses in proximity to the proposed development comprise the residential dwellings immediately opposite the subject site on Marion Street to the west and Walter Road East to the south. Importantly, as the subject site does not share a common boundary with a noise sensitive land use, the impact of noise emanating from the subject site is buffered by the Marion Street and Walter Road East road reservations.

In addition, the following factors are relevant in considering the noise impact

- The subject site fronts Walter Road East, which is identified as a 'Other Regional Road'. The immediately locality is therefore characterised by a high level of background traffic noise.
- Due to its location fronting Walter Road East, the proposed development is expected to primarily capture passing trade already travelling on the road network. On this basis, the additional traffic noise impact of the proposed development is minimal.
- The Convenience Store is only proposed to operate from 5am to 11pm. These operating hours will primarily limit noise generation to normal hours, and minimises noise generation during night time periods.
- A Convenience Store is a permitted use within the Local Shopping zone. A Convenience Store by definition allows for *operation during hours which include, but may extend beyond, normal trading hours*. The Convenience Store's activity, and any associated noise emission associated with standard trade, have therefore been considered and determined to be acceptable in designating the underlying zoning and associated land use permissibility applicable to the subject site.

5.4.2 Risk

As the proposed Convenience Store provides for the retail sale of fuel, the proponent must obtain a Dangerous Goods Storage and Handling Licence in order to store and sell petrol on the subject site. The following matters are assessed and considered as part of the Dangerous Goods Storage and Handling Licence:

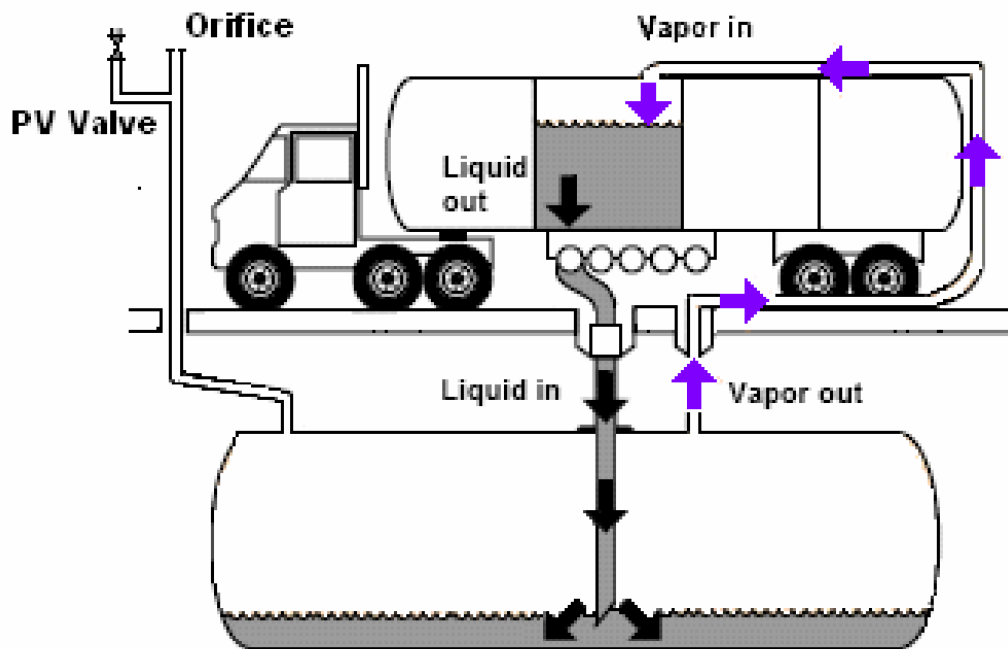
- Separation distances to boundaries, public places, protected places and impact on adjoining properties.
- Site accessibility for fuel delivery tankers and vehicles.
- Spill containment.
- Emergency preparedness and management.
- Operator training.
- Maintenance provisions.
- Lighting.
- Equipment to be installed.

The site has been designed to ensure it is capable of obtaining a dangerous goods licence following development approval.

5.4.3 Odour / Gaseous

The underground fuel storage tanks will be provided with a Stage 1 Vapour Recovery System. A Stage 1 Vapour Recovery System ensures all petrol vapours from the underground tanks are drawn back into the fuel tanker being emptied and returned to the supply terminal where the vapours are recondensed into liquid. Refer **Figure 3** - Operation of a Stage 1 Vapour Recovery System.

The dangerous goods licensing process assesses the likely impact from vapours. Accordingly, the assessment of petrol vapours and odours is appropriately assessed and managed through the dangerous goods licensing process, and will require implementation of appropriate design measures to mitigate potential risk impact.



Source: Department of Environment, Climate and Water NSW – Standards and best practice guidelines for vapour recovery at petrol service stations.

Figure 3 Operation of a Stage 1 Vapour Recovery System.

5.4.4 Lighting

Potential sources of light spill from the proposed development are primarily headlights of vehicles accessing/exiting the subject site, lighting of the retail building frontage and lighting beneath the petrol canopy.

The potential impact of these light sources on dwellings surrounding the subject site has been considered in the design of the proposed development. Specifically, the following elements have been incorporated within the development design:

- The proposed development locates the crossover to Marion Street within the norther section of the street frontage. This location ensures the crossover overlaps the driveways of the adjacent dwellings on Marion Street, and minimises the penetration of headlight light spill into the habitable

rooms of the dwelling. It is also noted that the adjacent dwellings contain substantial vegetation within the setback area, further shielding any headlight light spill (refer Photograph 9).

- The retail building has been located adjacent to the eastern lot boundary. This provides the greatest separation from Marion Street, and reduces the impact of light overflow from the retail building on the residential dwellings.
- Lighting beneath the petrol canopy is directed downwards to the fuel bowser forecourt. This lighting mimics the function of a street light, and therefore will not create an overflow of light beyond that of the adjacent road networks.

The final design of lighting will be subject to, and regulated by Australian Standard 4282 – Control of Obtrusive Effects of Outdoor Lighting. Accordingly, light spill will be appropriately assessed and regulated under the Australian Standards. Lighting will thereby be required to meet the requirements of the applicable Australian Standards, whilst the location and direction of the lighting will further control potential light spill.

6 Conclusion

As detailed within this report, the proponent seeks to develop a Convenience Store to provide for the retail sale of fuel and convenience goods from the subject site. This involves the construction of a retail building, three petrol bowsers, petrol canopy and associated signage.

The proposed Convenience Store use is entirely consistent with the objectives and intended use of the Local Shopping zone. The design and layout of the development enables the safe and efficient movement of vehicles throughout the subject site, whilst minimising any potential amenity impacts to the adjoining area. The development is considered to provide no adverse impact to the local road network or adjoining sites.

In summary, the proposal appropriately response to all the relevant aspects of the planning framework and warrants approval for the following reasons:

- The proposal will provide an essential fuel service to light vehicles passing on Walter Road East, and created a development opportunity for a site which is largely vacant and substantially underutilised.
- The proposed Convenience Store use is a permitted use within the subject site.
- The proposed development's access and circulation patters have been informed by technical design and assessment, which has resulted in the Walter Road East crossover being limited to a left-in/left-out crossover.
- Traffic assessment on the proposed development has demonstrated that the proposed layout provides adequate space to accommodate the vehicle swept path of a 15m semi-trailer and 8m delivery vehicle, confirming that the development will be adequately serviced.
- Amenity control has formed a central consideration in the development proposal, with technical studies and site specific design controls ensuring appropriate management of any potential amenity impacts. Assessment against the EPA Guidance Statement No. 3 confirms the proposal is appropriately located on the subject site.
- The subject site has undergone substantial contamination studies and remediation measures which have reinstated the site as appropriate for non-sensitive commercial development.

Having regard for the above, the proposal demonstrates a functional design and operation. Accordingly, we respectfully request the Metro Central JDAP approve the Application for Planning Approval.

Appendix 1

Meeting Minutes – Town of Bassendean

Josh Watson

From: Christian Buttle <CButtle@bassendean.wa.gov.au>
Sent: Monday, 21 May 2018 9:59 AM
To: Josh Watson; breed@bassendean.wa.gov.au
Cc: Michael Utting; Rebecca Travaglione
Subject: RE: Vibe Eaton Hill | Meeting Minutes | Lot 75 (72) Walter Road East, Eden Hill | PS 5503

Good Morning Josh,




My comments below:

- Notes generally reflect items discussed;
- Replace references to Eaton Hill with Eden Hill;
- Car parking provision needs to be considered in detail. Provision shown on prelim plans (6 bays + space for 6 cars refuelling) appears appropriate provision based upon preliminary review;
- Air/water bay location/arrangements to be shown on plan when submitted;
- Contaminated site status to be considered during assessment, including referral to DWER;
- EPA separation guidance from sensitive land uses policy statement needs to be considered (if relevant).

I've also added some comments in red within the body of your text in order that they stand out more clearly.

Regards,

Christian Buttle
Senior Planning Officer

 9377 8022
 mail@bassendean.wa.gov.au
 www.bassendean.wa.gov.au



The contents of this email and any attachments are intended solely for the named recipient(s), and may be of a confidential nature. If you are not the intended recipient, any use, disclosure, retransmission, publication or copying of any part of this email or its attachments is unauthorised. The views expressed in this email are those of the author, and do not represent those of the Town of Bassendean unless this is clearly indicated. If you are not the intended recipient, please inform the sender and delete the email and its attachments. While the Town of Bassendean endeavours to ensure that it operates a virus free environment, this cannot be guaranteed and accepts no liability for any interference or damage from a virus that may be attached to an email.

From: Josh Watson [mailto:josh@planningsolutions.com.au]
Sent: Monday, 21 May 2018 9:21 AM
To: cbuttle@bassendean.wa.gov.au; breed@bassendean.wa.gov.au
Cc: Michael Utting <michael@vibepetroleum.com>; Rebecca Travaglione <rebecca.travaglione@planningsolutions.com.au>
Subject: Vibe Eaton Hill | Meeting Minutes | Lot 75 (72) Walter Road East, Eden Hill | PS 5503

Hi Christian and Brian,

Thanks for meeting with us on Friday to discuss the proposed Vibe in Eaton Hill. I have prepared the following minutes/outcomes from our meeting:

1. The Town has no principle objection to the proposed Vibe service station on the subject site.
2. It was confirmed the proposal is considered to be as a Convenience Store, which is a 'P' use within the Local Shopping zone. It was acknowledged that the proposed use and development is entirely consistent with what was intended for this site. This includes the location of the retail building on the subject site and setbacks to Walter Road East. **Town advised that proposed use is consistent with zoning of site and at face value siting of building is appropriate / acceptable.**
3. The design and layout of the facility was generally supported. It was acknowledged that the following considerations need to be considered as part of the design:
 - a. Tanker and service vehicle access.
 - b. Landscaping – including the provision of landscape plan. **Noted that width of landscape strips to street boundaries is less than specified under Town policy.**
 - c. Interface to the school and surrounding residential properties. This relates to lighting and operation perspectives of the proposed development.
 - d. Crossovers to Marion Street and Walter Road East.
 - e. Provide a masonry fence around bin storage area.
4. It was recommend that Planning Solutions should engage with the Department of Planning, Lands and Heritage (**DPLH**) to discuss the proposed crossover to Walter Road East. Due to the roads Other Regional Roads Reservation, the DPLH control the location and amount of crossovers to this road. If this crossover was not going to be supported, a fundamental redesign would be required to the proposed development.
5. It will be necessary to address the Town's Local Planning Policies as part of the development application reporting. These policies include:
 - a. LPP7 Local Shopping Zone Design Guidelines
 - b. LPP14 On-site Stormwater Policy
 - c. LPP16 Control of Advertisement Under the LPS10 – **Signage arrangements to be assessed (Note: Review of signage details shown on prelim plans not undertaken in advance of our meeting)**
 - d. LPP18 Landscaping with Local Plants
 - e. LPP15 Percentage for Art Policy
6. In terms of lodgement, the following information is required to be submitted to support the application:
 - a. Traffic Impact Statement/Assessment prepared by a traffic engineer. This will need to include swept paths to demonstrate the tanker, waste/delivery vehicles and cars can enter and exit the site in a safe and coordinated manner. **TIS to include details for for tankers approaching site in either direction along WRE along with arrangements for tankers leaving site. TIS needs to provide clear detail regarding tanker dimensions if swept paths provided in support of the application relate to lesser than standard size tanker dimensions noting that during discussion it was noted that (a) a standard tanker size is 19m in length; (b) advice given was that Vibe uses a 15m long tanker; and (c) drawings displayed at the meeting referenced a 13m long tanker.**
 - b. Landscape plan
 - c. Brief statement regarding the intended stormwater treatment on site. A detailed stormwater management plan is not required to inform the planning application.
7. The development application will require advertising. The determination of the application will likely be with Council and will be dependent on the amount of submissions and interest from the public. If we elect to lodge a DAP application, the RAR will be presented to Council before being lodged with the DAP secretariat. **Referral to Council likely irrespective of whether or not submissions received.**

Please provide your confirmation to the above comments and provide and further clarification if necessary. We look forward to working with you over the next couple of months to commence this development.

Regards,

Josh Watson
Senior Planner



0416 027 486 | (08) 9227 7970 | josh@planningsolutions.com.au

Office: Level 1, 251 St Georges Terrace, Perth, WA 6000

Postal: GPO Box 2709 Cloisters Square PO 6850

www.planningsolutions.com.au

[Click here for City of Perth parking locations](#)

[Click here for Wilson parking locations](#)

[Click here for Planning Solutions' email disclaimer](#)

Appendix 2 Certificate of Title and Plan



REGISTER NUMBER 75/P3469	
DUPLICATE EDITION 1	DATE DUPLICATE ISSUED 22/4/2010

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME **1837** FOLIO **500**

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.



REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 75 ON PLAN 3469

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

K. & W. SALES & DISTRIBUTION PTY LTD OF POST OFFICE BOX 6918, EAST PERTH
(A E082158) REGISTERED 20/4/1989

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. E082157 EASEMENT BENEFIT SEE SKETCH ON VOL 1837 FOL 500. REGISTERED 20/4/1989.
2. E082156 EASEMENT BURDEN SEE SKETCH ON VOL 1837 FOL 500. REGISTERED 20/4/1989.
3. *K398975 MEMORIAL. CONTAMINATED SITES ACT 2003 (CONTAMINATED SITE - REMEDIATION REQUIRED) REGISTERED 2/11/2007.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 1837-500 (75/P3469)
 PREVIOUS TITLE: 1167-115
 PROPERTY STREET ADDRESS: 72 WALTER RD EAST, EDEN HILL.
 LOCAL GOVERNMENT AUTHORITY: TOWN OF BASSENDEAN



Application E82158
Volume 1167 Folio 115

WESTERN



AUSTRALIA

REGISTER BOOK
VOL. 1837 FOL. 500

CT 1837 0500 F

CERTIFICATE OF TITLE

UNDER THE "TRANSFER OF LAND ACT, 1893" AS AMENDED



I certify that the person described in the First Schedule hereto is the registered proprietor of the undermentioned estate in the undermentioned land subject to the easements and encumbrances shown in the Second Schedule hereto.

Dated 20th April, 1989

REGISTRAR OF TITLES



ESTATE AND LAND REFERRED TO

Estate in fee simple in portion of Swan Location P and being Lot 75 on Plan 3469 (Sheet 1), delineated on the map in the Third Schedule hereto, together with a right of carriageway over the portion of Lot 74 on the said Plan marked 'A' on the said map hereon as set out in Transfer E082157.

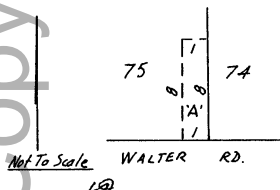
FIRST SCHEDULE (continued overleaf)

K. & W. Sales & Distribution Pty. Ltd, of Suite 7, 10 Canning Highway, South Perth.

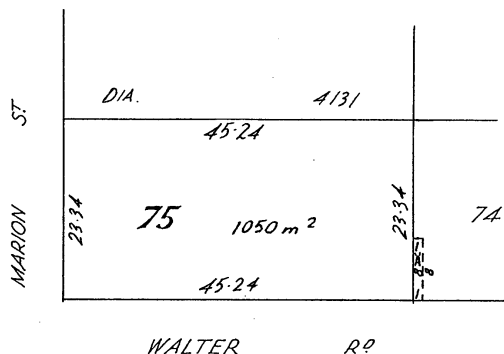
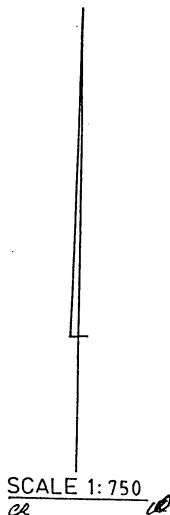
SECOND SCHEDULE (continued overleaf)

1. MORTGAGE D466290 to Commonwealth Bank of Australia. Registered 1.5.87 at 10.02 o'clock.

2. TRANSFER E082156. A right of carriageway over the portion of the within land marked 'A' on the map in the margin as set out in the said Transfer is granted to the proprietor or proprietors for the time being of Lot 74. Registered 20.4.89 at 15.45 hrs.



THIRD SCHEDULE



PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

NOTE: ENTRIES MAY BE AFFECTED BY SUBSEQUENT ENDORSEMENTS.

E67590/3/89-20M-L/4664

Superseded - Copy for Sketch Only

Page 1 (of 2 pages)

1837

500

VOL.

FOL.

PT OF SWAN LOC.P.

L.T.O. Cor. 618/96

F.B. 5641.

PLANS 1522, 1523, 1916

INDEX PLAN

DIA. 654.

C.Ts 91-123

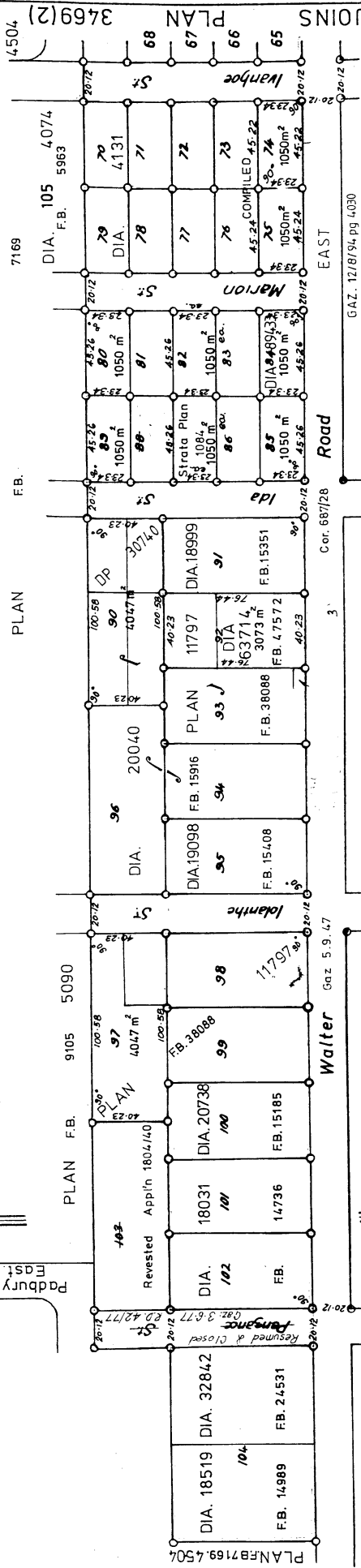
NOW 601-200

PERTH 2000 18.31

APPROVED
4. 9. 13.



Padbury Ave.
East



Loc. Q1.

SCALE



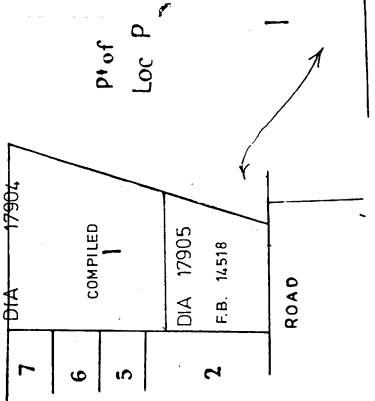
ALL DISTANCES ARE IN METRES



Act 66 1912 Sec. 30 Cor. 543/13



P 003469 F 02



PT OF SWAN LOC. P.

L.T.O. Cor. 618 / 96

F.B. 5641.

PLANS 1522, 1523 & 1916

INDEX PLANS PERTH 2000 18-31

19-31

DIA 654

NOW C/T 601-200

APPROVED.

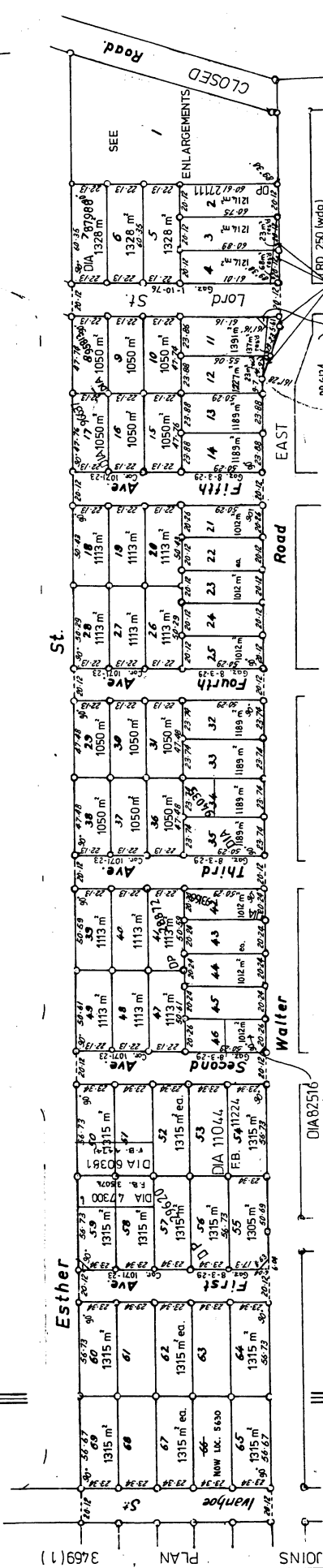
4. 9. 13.

PLAN

F.B.

7169

4504



PLAN

Loc. Q1

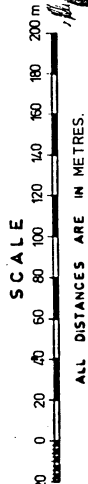
GAZ 1278/194pg4030

RD. 250 (vdq)

Cor. 30 Cor. 543-13

ACT 66 of 1912

ACT 66 of 1912 Sec. 30 Cor. 543-13
ALL ROADS WITHIN THE GREEN BORDER ARE NOW DEDICATED



Appendix 3

Interests, Encumbrances and Notifications

No.

6899789

EASEMENT

FORM 10 U301987.5010.1.8,

FEE (office use)	\$	c
① DUP C.T. PRODUCED	35	-
88 OCT 10 10:43		

Rechecked

Parties K. & W. SALES & DISTRIBUTION

PTY LTD and

MAGRO NOMINEES PTY LTD

Lodged by **ROBINSON COX** (09) 426 8444

Address R. & I. TOWER, 808 ST. GEORGE'S TERRACE, PERTH, WESTERN AUSTRALIA 6000.
Phone No. TELEPHONE (09) 426 8444

GJS-PJY 435933

Use this space for instructions if any documents are to issue to other than lodging party.

① DUP C.T. PRODUCED
CT TO CBA
Box 53
201489 148

Titles, Crown Leases, Declarations, etc., lodged with this document. (To be filled in by person lodging.)

1. *dup Easement*
2.
3.
4.
5.
6.

Received items No's 1

Rec. Clerk *AD*

BELOW THIS LINE FOR OFFICE USE ONLY

Encumbrances not notified on face.

Registered at _____ o'clock and _____ particulars entered in the Register Book.

New Titles to issue or Endorsing instruction.

DE 35

Initials of Signing Officer

W

Keep all on the day and date shown in and particulars entered in the Register Book.

REGISTRAR OF TITLES

EXAMINED

W

MARION STREET

23.34m

LOT 75

45.25m

45.25m

Walter

WALTER ROAD

8m
1m

8m 15.34m

X Alice
et. al.
et. al.

45.23m

45.23m

LOT 74

23.34m

IVANHOE STREET



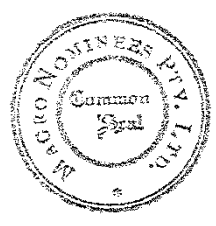
Encumbrances

Mortgage D466290
JD

M. H. H. H. H.
17/11/88

See & Her

THE COMMON SEAL of MAGRO)
NOMINEES PTY. LTD. was)
hereunto affixed by authority)
of its Directors in the)
presence of:)



[Signature]
.....
Director

.....
Director/Secretary

THE COMMON SEAL of K. & W.)
SALES & DISTRIBUTION)
PTY. LTD. was hereunto)
affixed by authority of its)
Directors in the presence of:)



[Signature]
.....
Director

[Signature]
.....
Director/Secretary

WP1082/PJY

DATED

15th September

1988

B E T W E E N :

K & W SALES & DISTRIBUTION PTY LTD

the Grantor

and

MAGRO NOMINEES PTY LTD

the Grantee

DEED OF EASEMENT

ROBINSON COX
SOLICITORS
140 ST GEORGE'S TERRACE
PERTH WA 6000

TEL: 426 8444
REF: GJS:PJY

THIS DEED OF EASEMENT is made the 15th day of September 1988

BETWEEN:

K. & W. SALES & DISTRIBUTION PTY. LTD. of Suite 7, 10
Canning Highway, South Perth, Western Australia ("the
Grantor")

AND

MAGRO NOMINEES PTY. LTD. of care of D.J. Levy, 69 Outram
Street, West Perth, Western Australia ("the Grantee")

WHEREAS:

- A. The Grantor is registered as the proprietor of an estate in fee simple in all that piece of land being Lot 75 on Plan 3469 and being the whole of the land in Certificate of Title Volume 1167 Folio 115 ("the Grantor's Land").
- B. The Grantee is the registered proprietor of an estate in fee simple in all that piece of land being Lot 74 on Plan 3469 and being the whole of the land in Certificate of Title Volume 1165 Folio 949 ("the Grantee's Land").
- C. The Grantor has agreed to grant to the Grantee an easement with respect to part of the Grantor's land upon the terms and conditions and for the consideration set out in this deed.

NOW THIS DEED WITNESSES AND THE PARTIES COVENANT AND AGREE
AS FOLLOWS:-

1. GRANT OF EASEMENT

1.1 In consideration of an easement in similar terms to those set out in this Deed granted or to be granted by the Grantee with respect to the Grantee's Land in favour of the Grantor, the Grantor hereby grants to the Grantee, its employees, agents, contractors, invitees and licensees full and free right and liberty to go, pass and repass at all times either with or without vehicles of any description, laden or unladen, across the boundary dividing the Grantor's Land and the Grantee's Land as delineated in red on the plan annexed hereto and such other portions of the boundary as the Grantor and the Grantee mutually agree from time to time, for the purpose of facilitating access to the Grantee's Land and the businesses carried upon the Grantee's Land.

1.2 If at any time the boundary dividing the Grantor's Land and the Grantee's Land is altered or reduced as a consequence of the widening or realignment of Walter Road or for any other reason, the Grantor and the Grantee will use their respective best endeavours to preserve the rights conferred under this Deed by altering or extending the position of the easement or by such other suitable means as are reasonably acceptable to both the Grantor and the Grantee having regard to the intention of the parties in entering into this Deed.

2. GRANTOR'S COVENANTS

2.1 The Grantor shall not without the prior written consent of the Grantee, erect, instal or construct upon the whole or any part of the boundary dividing the Grantor's Land and the Grantee's Land, any fence, wall or fixture of any kind which may in any way

3.

detract from the rights of access described in Clause 1 of this Deed.

2.2 Nothing in this Deed shall prohibit or restrict the Grantor in the redevelopment of the Grantor's Land or the construction of improvements thereon so long as the Grantor at all times complies with its covenant in Clause 2.1.

2.3 The Grantor shall maintain and repair to a reasonable standard those portions of the Grantor's Land which are adjacent to the section of the boundary crossing which is, by this Deed, available to the Grantee, its employees, agents, contractors, invitees and licensees pursuant to Clause 1.

3. MISCELLANEOUS

3.1 Each party shall bear its own costs in relation to the negotiations for, preparation and stamping of this Deed provided that the Grantee shall pay all stamp duties and registration fees in connection with this Deed.

3.2 The terms, covenants and conditions of this Deed shall be binding upon the Grantor, its successors in title or assigns, the proprietor or proprietors for the time being of the Grantor's Land.

3.3 The terms, covenants and conditions of this Deed shall benefit and bind the Grantee, its successors in title or assigns, the proprietor or proprietors for the time being of the Grantee's Land.

EXECUTED by the parties as a Deed.

Blank Instrument Form (see footnote)

a. EASEMENT

a. Insert type of document here.

TRANSFER E082156
coloured red
or proprietors for the time being of LOT 75 on Plan 3462 (Sheet 1)
said Transfer. Registered 20.4.89 13.45
ON 1165-343 (FRONT ORIG ONLY)

TRANSFER E082156
coloured red
or proprietors for the time being of LOT 74 on Plan 3462 (Sheet 1)
said Transfer. Registered 20.4.89 15.45
ON 1167-115 (BACK ORIG ONLY)

No.

EASEMENT

FEES (office use)	S	c
	35	-
*88 OCT 19 10:43		

Parties **MAGRO NOMINEES PTY LTD** and
K. & W. SALES & DISTRIBUTION
PTY LTD

Lodged by **ROBINSON COX** (09) 4268444
Address **R 100 TOWER, 100 ST GEORGE'S TERRACE,**
PERTH WESTERN AUSTRALIA 6000
Phone No. **TELEPHONE (09) 426 8444**
GJS-PJY:435983

Use this space for instructions if any documents are to issue to other than lodging party.

Titles, Crown Leases, Declarations, etc., lodged with this document. (To be filled in by person lodging.)

- | | |
|------------------------|----------------------------|
| 1. <i>dup Easement</i> | } Received items
No's 1 |
| 2. | |
| 3. | |
| 4. | |
| 5. | |
| 6. | |
| | Rec. Clerk. <i>OK</i> |

BELOW THIS LINE FOR OFFICE USE ONLY

Encumbrances not notified on face.

Registered at _____ o'clock and _____ particulars entered in the Register Book.

New Titles to issue or Endorsing instruction.

NE 38

Initials of Signing Officer

[Handwritten Signature]

REGISTRAR OF TITLES

EXAMINED

[Handwritten Signature]

DATED

1988

B E T W E E N :

MAGRO NOMINEES PTY LTD

the Grantor

and

K. & W. SALES & DISTRIBUTION PTY LTD

the Grantee

DEED OF EASEMENT

ROBINSON COX
SOLICITORS
140 ST GEORGE'S TERRACE
PERTH WA 6000

TEL: 426 8444
REF: GJS:PJY

THIS DEED OF EASEMENT is made the 15th day of September 1988

BETWEEN:

MAGRO NOMINEES PTY. LTD. of care of D.J. Levy, 69 Outram Street, West Perth, Western Australia ("the Grantor")

AND

K. & W. SALES & DISTRIBUTION PTY. LTD. of Suite 7, 10 Canning Highway, South Perth, Western Australia ("the Grantee")

WHEREAS:

- A. The Grantor is registered as the proprietor of an estate in fee simple in all that piece of land being Lot 74 on Plan 3469 and being the whole of the land in Certificate of Title Volume 1165 Folio 949 ("the Grantor's Land").
- B. The Grantee is the registered proprietor of an estate in fee simple in all that piece of land being Lot 75 on Plan 3469 and being the whole of the land in Certificate of Title Volume 1167 Folio 115 ("the Grantee's Land").
- C. The Grantor has agreed to grant to the Grantee an easement with respect to part of the Grantor's land upon the terms and conditions and for the consideration set out in this deed.

NOW THIS DEED WITNESSES AND THE PARTIES COVENANT AND AGREE AS FOLLOWS:-

1. GRANT OF EASEMENT

1.1 In consideration of an easement in similar terms to those set out in this Deed granted or to be granted by the Grantee with respect to the Grantee's Land in favour of the Grantor, the Grantor hereby grants to the Grantee, its employees, agents, contractors, invitees and licensees full and free right and liberty to go, pass and repass at all times either with or without vehicles of any description, laden or unladen, across the boundary dividing the Grantor's Land and the Grantee's Land as delineated in red on the plan annexed hereto and such other portions of the boundary as the Grantor and the Grantee mutually agree from time to time, for the purpose of facilitating access to the Grantee's Land and the businesses carried upon the Grantee's Land.

1.2 If at any time the boundary dividing the Grantor's Land and the Grantee's Land is altered or reduced as a consequence of the widening or realignment of Walter Road or for any other reason, the Grantor and the Grantee will use their respective best endeavours to preserve the rights conferred under this Deed by altering or extending the position of the easement or by such other suitable means as are reasonably acceptable to both the Grantor and the Grantee having regard to the intention of the parties in entering into this Deed.

2. GRANTOR'S COVENANTS

2.1 The Grantor shall not without the prior written consent of the Grantee, erect, instal or construct upon the whole or any part of the boundary dividing the Grantor's Land and the Grantee's Land, any fence, wall or fixture of any kind which may in any way

detract from the rights of access described in Clause 1 of this Deed.

- 2.2 Nothing in this Deed shall prohibit or restrict the Grantor in the redevelopment of the Grantor's Land or the construction of improvements thereon so long as the Grantor at all times complies with its covenant in Clause 2.1.
- 2.3 The Grantor shall maintain and repair to a reasonable standard those portions of the Grantor's Land which are adjacent to the Section of the boundary crossing which is, by this Deed, available to the Grantee, its employees, agents, contractors, invitees and licensees pursuant to Clause 1.
- 2.4 (a) If the Grantor at any time wishes to sell the Grantor's Land, the Grantor will notify the Grantee in writing of the price and terms upon which the Grantor is prepared to sell the Grantor's Land. The Grantee shall then have seven (7) days in which to accept the Grantor's offer. If the Grantee does not accept the Grantor's offer within the time period specified then the Grantor may sell the Grantor's Land to any third party but will not sell the Grantor's Land at a lesser price or upon terms and conditions more favourable to a third party without first offering the Grantor's Land to the Grantee at that lesser price or upon those more favourable terms and conditions.
- (b) This Clause shall not apply to any transfer to any member of the immediate family of the Grantor provided that it shall be a condition to the transfer of the Grantor's Land to any member of the Grantor's immediate family that the transferee shall enter into a covenant with

the Grantee upon the same terms as are set out in this Clause 2.4.

3. MISCELLANEOUS

3.1 Each party shall bear its own costs in relation to the negotiations for, preparation and stamping of this Deed provided that the Grantee shall pay all stamp duties and registration fees in connection with this Deed.

3.2 The terms, covenants and conditions of this Deed shall be binding upon the Grantor, its successors in title or assigns, the proprietor or proprietors for the time being of the Grantor's Land.

3.3 The terms, covenants and conditions of this Deed shall benefit and bind the Grantee, its successors in title or assigns, the proprietor or proprietors for the time being of the Grantee's Land.

EXECUTED by the parties as a Deed.

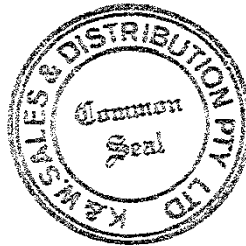
THE COMMON SEAL of MAGRO
NOMINEES PTY. LTD. was
hereunto affixed by authority
of its Directors in the
presence of:



.....
Director

.....
Director/Secretary

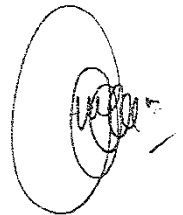
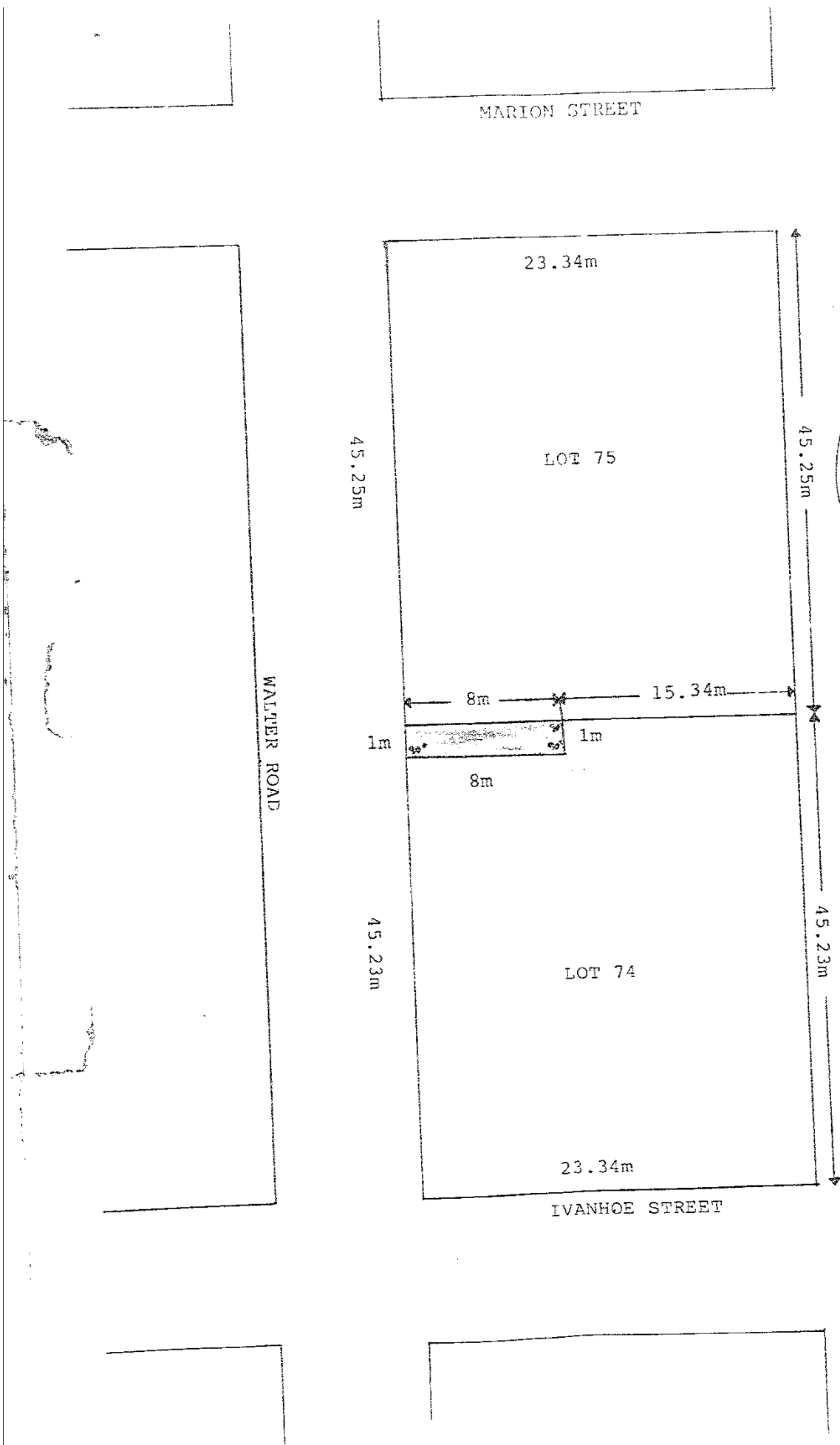
THE COMMON SEAL of K. & W.
SALES & DISTRIBUTION
PTY. LTD. was hereunto
affixed by authority of its
Directors in the presence of:



.....
Director

.....
Director/Secretary

WP1081/PJY



W. Rae
Ch. M.
S. H.

U

109798

WESTERN AUSTRALIA
Transfer of Land Act 1893 as amended

No.

109798

Blank Instrument Form (see footnote)

a. Insert type of document here

EASEMENT

TRANSFER 204 2157 A right of carriageway over the portion of ^{Plan 204 2157} ~~land~~ ^{coloured} on the map in transfer 204 2157 is granted to the proprietor or proprietors for the time being of ^{Lot 75} ~~land~~ as set out in the said Transfer. Registered 20 4 89 ^{see Plan 240108 111}

TRANSFER 204 2157 A right of carriageway over the portion of ^{Lot 74} ~~land~~ ^{coloured} on the map in transfer 204 2157 is granted to the proprietor or proprietors for the time being of ^{Lot 75} ~~land~~ as set out in the said Transfer. Registered 20 4 89 ^{see Plan 240108 111}

CRM APPROVAL
No. 046
REGISTRAR OF TITLES

NOTE This Form may be used only when the "Box Type" Form is not suitable. It may be completed in narrative style.



INSTRUCTIONS

1. If insufficient space in any section, Additional Sheet Form B1, should be used with appropriate headings. The boxed sections should only contain the words "see page....."
2. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by the parties.
3. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialled by the persons signing this document and their witnesses.

NOTES

1. **DESCRIPTION OF LAND**
Lot and Diagram/Plan/Strata/Survey-Strata Plan number or Location name and number to be stated.
Extent - Whole, part or balance of the land comprised in the Certificate of Title to be stated. If this document relates to only part of the land comprised in the Certificate of Title further narrative or graphic description may be necessary. The volume and folio number to be stated.
2. **REGISTERED PROPRIETOR**
State full name and address of the Registered Proprietors as shown on the Certificate of Title and the address / addresses to which future notices can be sent.
3. **INFORMATION CONCERNING SITE CLASSIFICATION**
Include information concerning the site classified as "contaminated - remediation required".
4. **CHIEF EXECUTIVE OFFICER'S ATTESTATION**
This document must be signed by or on behalf of the Chief Executive Officer, Department of Environment and Conservation under Section 91 of Contaminated Sites Act 2003. An Adult Person should witness this signature. The address and occupation of the witness must be stated.

EXAMINED

K398975 ML

02 Nov 2007 10:47:34 Perth



REG \$ 85.00

**MEMORIAL
CONTAMINATED SITES ACT 2003**

LODGED BY
Department of Environment and Conservation

ADDRESS
Level 4, 168 St Georges Terrace
Perth, WA 6842

PHONE No. 1300 762 982

FAX No. (08) 6467 5532

REFERENCE No. 9333

ISSUING BOX No. 888V

PREPARED BY
Contaminated Sites Section
Department of Environment and Conservation

ADDRESS
Level 4, 168 St Georges Terrace
Perth, WA 6842

PHONE No. 1300 762 982 FAX No. (08) 6467 5532

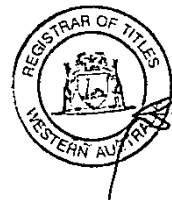
INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER THAN LODGING PARTY



TITLES, LEASES, DECLARATIONS ETC LODGED HEREWITH

1. _____	Received Items
2. _____	Nos.
3. _____	
4. _____	
5. _____	
6. _____	
	Receiving Clerk

Lodged pursuant to the provisions of the TRANSFER OF LAND ACT 1893 as amended on the day and time shown above and particulars entered in the Register.



APPROVAL NUMBER

DEPARTMENT OF ENVIRONMENT AND
CONSERVATION

Client ID 1052

WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1893 AS AMENDED**MEMORIAL (Contaminated site – remediation required)****CONTAMINATED SITES ACT 2003****SECTION 58 (1) (a) (i) (l)**

DESCRIPTION OF LAND (Note 1)

LOT 75 ON PLAN 3469

EXTENT

Whole

VOLUME

1837

FOLIO

500

REGISTERED PROPRIETOR (Note 2)

K & W SALES & DISTRIBUTION PTY LTD OF SUITE 7, 10 CANNING HIGHWAY, SOUTH PERTH

INFORMATION CONCERNING THE CONTAMINATED SITE AND THE REMEDIATION REQUIRED (Note 3)

Under the Contaminated Sites Act 2003, this site has been classified as "Contaminated - remediation required". An instrument affecting land which comprises all, or part of, this site will not be registered or accepted for registration, unless the CEO of the Department of Environment & Conservation consents to the registration in writing. For further information on the contamination status of this site, or this restriction, please contact the Contaminated Sites section of the Department of Environment & Conservation.

This memorial prevents registration of any subsequent instrument unless such instrument is accompanied by the written consent of the CEO of the Department of Environment and Conservation to its registration.

Dated this First day of November

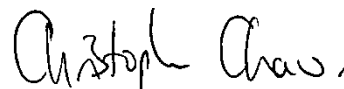
Year 2007

CHIEF EXECUTIVE OFFICER'S ATTESTATION (Note 4)



Andrew Miller, A/SECTION MANAGER

DELEGATE OF THE CHIEF EXECUTIVE OFFICER
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
UNDER SECTION 91 OF THE
CONTAMINATED SITES ACT 2003



SIGNATURE OF WITNESS

FULL NAME: Christopher Chau
ADDRESS: 168 St Georges Tce PERTH WA 6000
OCCUPATION: Data Management Officer

Appendix 4
ERM Letter

Ian Green
Boran Pty Ltd
PO Box 6918
East Perth, WA 6892

13 June 2018

Reference: 0422489

To Whom It May Concern:

Subject: Former Service Station Site, 72 Walter Road, Eden Hill, Western Australia

The site (72 Walter Road, Eden Hill, WA) is identified as a *source site* under the *Contaminated Sites Act 2003* (CS Act) and has been classified as *Contaminated – remediation required (C-RR)*.

A number of site characterisation and remedial works have been completed on- and off-site between 1990 and 2017. The most recent detailed site investigation (DSI), in the form of a groundwater monitoring event (GME) and plume stability assessment (PSA), was completed in 2017 and provided in a report, *2017 Detailed Site Investigation, Groundwater Monitoring Event and Plume Stability Assessment, Boran Eden hill, 72 Walter Road, Eden Hill, Western Australia*, dated June 2018 (2017 DSI). The key findings of the 2017 DSI and the collective assessment of existing datasets are summarised as follows:

- There is no non-aqueous phase liquid (NAPL) present;
- The dissolved phase hydrocarbon (DPH) plume extent is reducing in size and concentration of identified chemicals of potential concern (COPCs) are decreasing;
- Natural attenuation is working and is the preferred remedial option;
- It has been demonstrated that the quality of groundwater will not deteriorate in the future;
- The subject site is suitable for use within the context of its nominated land and groundwater environmental values and land use scenarios;
- There is no unacceptable risk to human health associated with the DPH plume in groundwater;
- Potential residual human health risks can be managed through the implementation of institutional controls; namely, restrictions on use under reclassification; and
- The site is suitable for reclassification to *Remediated for restricted use (RRU)*, with implementation of recommended restrictions (refer to **Table 1.1**) for a commercial land use scenario and implementation of a site management plan (SMP).

Based on the findings of the 2017 DSI report to close out the ongoing environmental management of groundwater at the site, ERM made the following recommendations:

- With the imposition of appropriate operational health and safety measures designed to manage construction activities on the *source site* and assuming a

commercial/industrial land use restriction going forward, the site is suitable for reclassification to RRU; and

- Reclassification of the *source site to RRU* is supported by an SMP with the application of the restrictions set out in **Table 1.1**.

Table 1.1 – Current and Proposed Restrictions on Use

Site Identification	Current Restrictions on Use	Proposed Restrictions on Use
<p>Source Site: 72 Walter Road (Lot 75)</p>	<ul style="list-style-type: none"> • Groundwater abstraction, other than for analytical testing or remediation, is not permitted at this site due to the nature and extent of groundwater contamination; and • Access to soils below 3m is restricted along the northern boundary of the Walter Road road reserve. 	<ul style="list-style-type: none"> • Land use restricted to commercial/industrial; • Groundwater abstraction, other than for analytical testing or remediation, is not permitted at this site due to the nature and extent of groundwater contamination; • Basements and permanent utility pits (such as deep sewers or manholes) are not permitted to be constructed below 2m depth due to the presence of hydrocarbons in smear zone soils and groundwater; and • Occupational health and safety (OHS) measures are to be put in place to address the risks to the health of workers undertaking intrusive works below 2m depth.

The 2017 DSI report is currently pending assessment by the nominated Contaminated Sites Auditor and it is expected that following review, concurrence with the report will ensue and submitted for assessment by the Department of Water and Environment Regulation (DWER) for reclassification.

Yours sincerely,

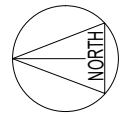


Ed Dennis
Partner

Appendix 5 Development Plans

LOT No: 75

AREA :1050 m²



LOCATION REF.(UBD)

SEWER JUNCTION
IN 2.5 UP 1.5
RL 19.81 (TOP OF RISER)
INVERT LEVEL 18.31

12672
SCHOOL BUILDINGS
WELL CLEAR

WALTER ROAD EAST

MARION STREET

traffic island

POSITION OF FENCES & WALLS IN RELATION
TO BOUNDARIES NOT GUARANTEED UNLESS
REPEP CARRIED OUT AT TIME OF SURVEY.

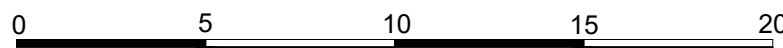
POSITION OF FEATURES IN RESPECT
TO BOUNDARIES NOT GUARANTEED.
PEGS MISSING AT TIME OF SURVEY.

ONLY OBVIOUS VISIBLE SERVICES HAVE BEEN LOCATED.
PRIOR TO ANY EXCAVATION, CONSTRUCTION OR DEMOLITION
THE RELEVANT SERVICE AUTHORITIES MUST BE CONTACTED
TO CONFIRM THE LOCATION OF ALL UNDERGROUND SERVICES.



AUSTRALIAN HEIGHT DATUM (AHD)
DERIVED FROM SSM GUILDFORD 45

INTEREST & NOTIFICATIONS OVER LOT.
CHECK DEPOSITED PLAN FOR DETAILS.



SITE PLAN 1:200 at A3

IMPORTANT NOTE:
LOCATION OF BOUNDARY PEGS & IMPROVEMENTS NOT GUARANTEED
UNLESS BOUNDARIES ARE REPEGGED AT TIME OF SURVEY.
CHECK TITLE FOR EASEMENTS, CAVEATS & COVENANTS
PLUMBING CONTRACTORS TO CONFIRM SEWER DEPTHS BEFORE PIPE LAYING.
REF NO: 68534 FILE NO: 325 DATE: 26.06.18 DRAWN: SCB / AC

All sewer details plotted from information supplied
by Water Corporation Spatial Information Management.
Refer to the disclaimer note on Water Corp E-PLAN.
Block located more than 1 kilometre from the ocean.

R. G. LESTER & ASSOCIATES
LICENSED LAND & ENGINEERING SURVEYORS
SHOP 7, NORTH BEACH PLAZA
1 NORTH BEACH ROAD
NORTH BEACH, WA 6020
PH: 9448 5009 - FX: 9203 6722
admin@lestersurveys.com.au

BUILDER:

CLIENT / S:

VIBE PETROLEUM

SITE ADDRESS:

LOT 75 (#72) WALTER ROAD EAST
EDEN HILL

Local Authority :

TOWN OF BASSENDEAN

VARIATIONS
(all sheets)

DWN. DATE CHK.

SHEET No :

1 of 1

JOB No:

68534

SURVEYOR SITE INSPECTION REPORT

ELECTRICITY: OVERHEAD	GAS: NOT SIGHTED
PHONE: YES	WATER: YES
SEWERAGE: YES, ABOUT 1.5m DEEP (TOP OF RISER)	

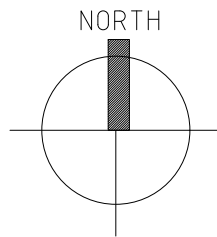
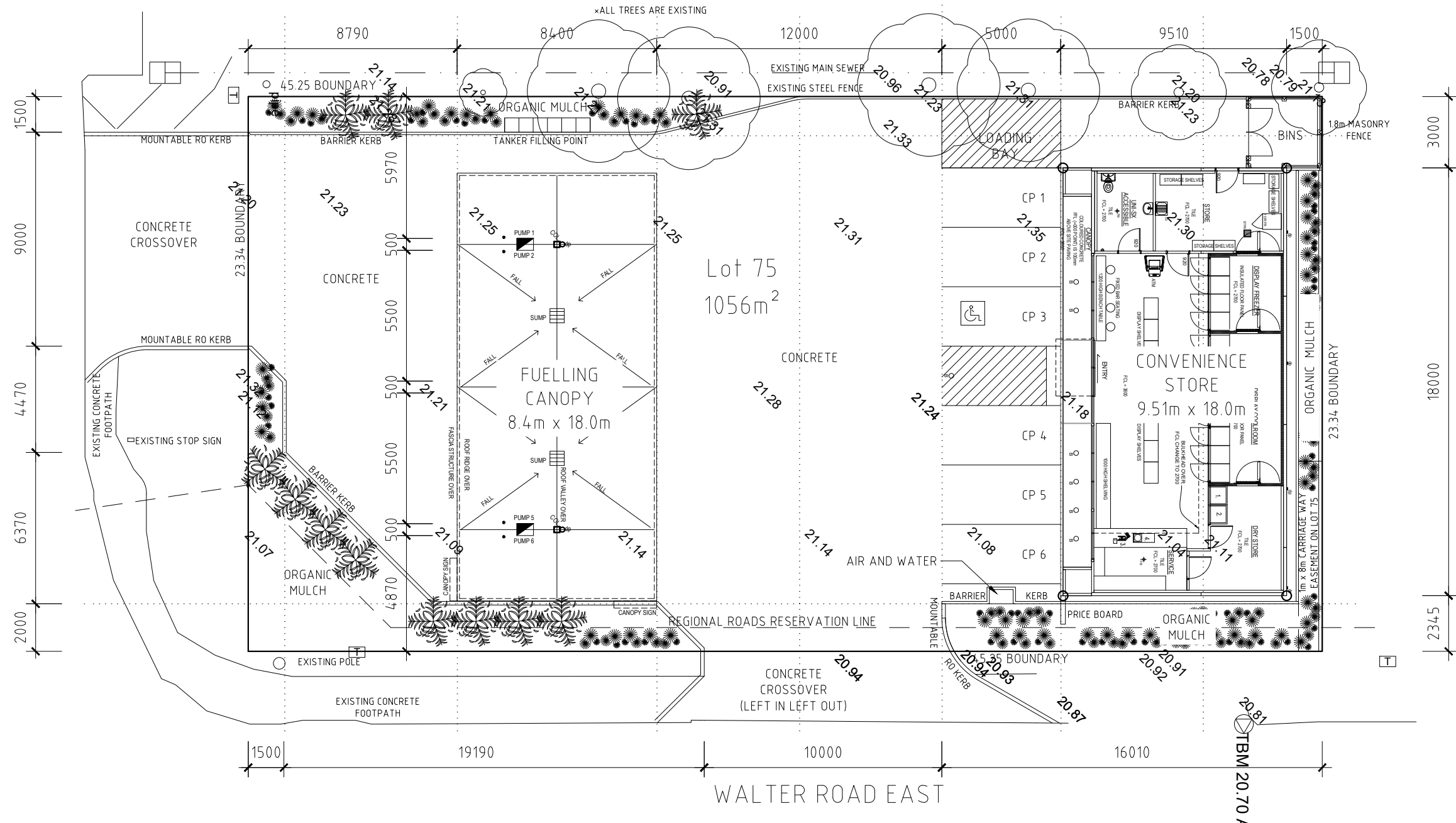
ROAD: BITUMEN
KERB: BARRIER, FLAT (cracked)
FOOTPATH: CONCRETE (good condition)
VEGETATION: TREES, GRASS & WEEDS
SOIL: SAND & POSSIBLE ROCK AT DEPTH
VIEWS: SCHOOL OVAL
REPEP: REQUIRED
REPEP TYPE: OLD SURVEY AREA

TITLE DETAILS	
LOT NOS: 75	C/T VOL:
Plan: 3469(1)	FOL:

LEGEND	
T.B.M.	HYDRANT
POWER DOME	STOP VALVE
NBN	TAP
TELECOM PIT	PRE-LAID WATER PIPE
COMMUNICATION PIT	WATER METER
FENCE END	SEWERAGE MANHOLE
PILLAR	SEWERAGE MANHOLE
TREE STUMP	SEWERAGE INSPECTION LID
TREE	
PALM TREE	
POWER POLE	
STREET LAMP	
GRATED DRAIN	
SIDE ENTRY PIT	
DRAINAGE MANHOLE	

SIGNED CLIENT / S
WITNESS
SIGNED BUILDER
WITNESS
DATE

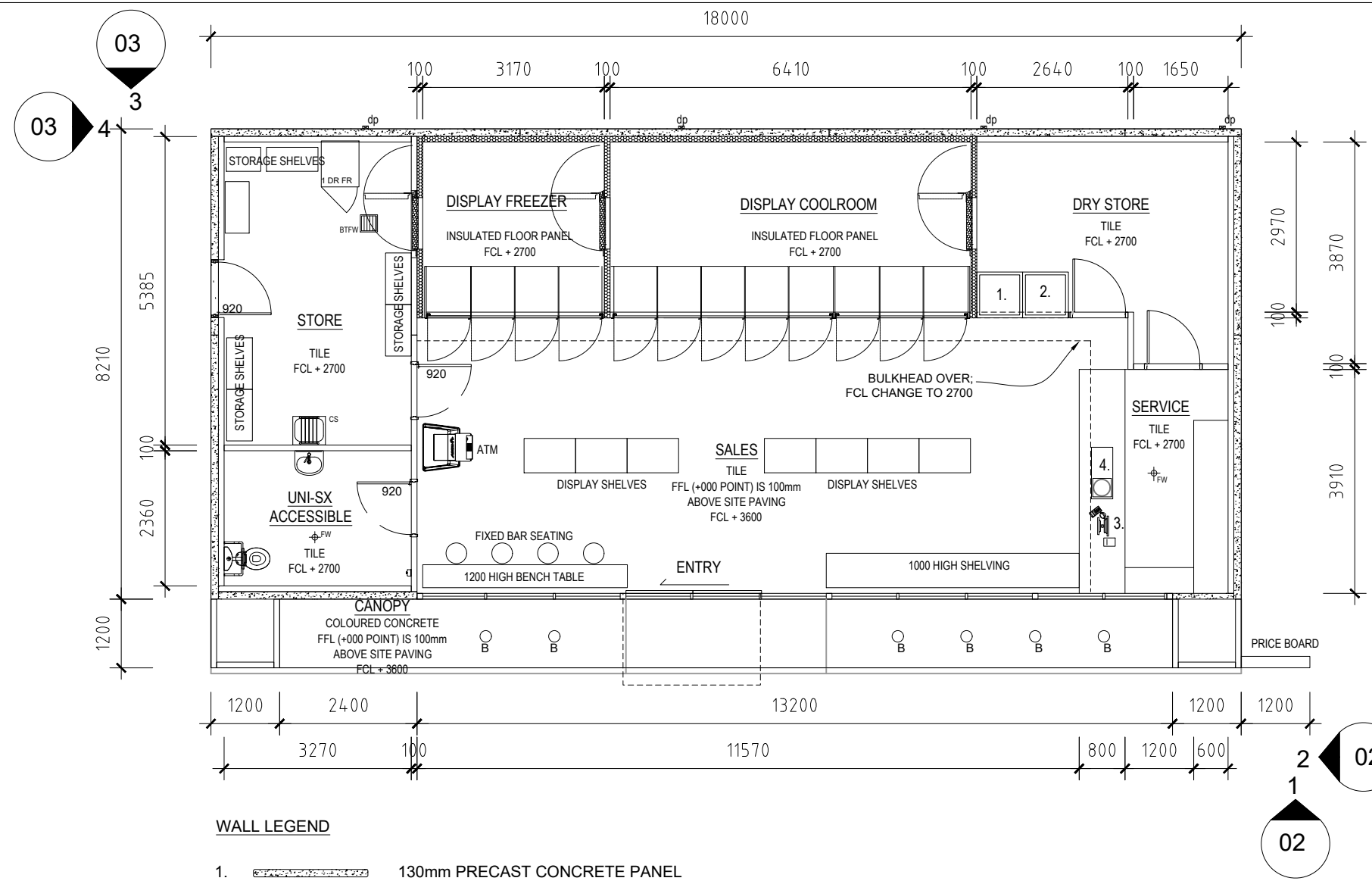
MARION STREET



DIMENSIONS IN MILLIMETERS

REV	DATE	DESCRIPTION	AUTHOR
C	28.06.18	ISSUED TO CONSULTANT FOR DA APPLICATION	MU
B	08.05.18	ISSUED FOR PLANNING CONSULTANT	MU
A	31.03.18	ISSUED FOR CLIENT REVIEW	MU

PRINCIPAL AUTHOR:	MICHAEL UTTING
PRINCIPAL CLIENT:	VIBE PETROLEUM
PROJECT TITLE:	LOT 75 EDEN HILL PROPOSED CONVENIENCE STORE AND PETROL FILLING AREA
SCALE:	1:200
CODE:	DA
DRAWING TITLE.:	SITE PLAN
DRAWING NO.:	A01
SHEET	01



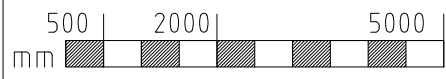
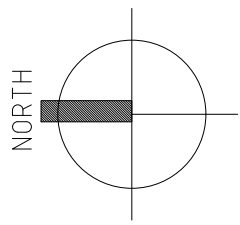
PLAN LEGEND

- 1. COLD FOOD DISPLAY UNIT 0.6m LONG X 0.8m WIDE FREE STANDING.
- 2. PIE WARMER UNIT 0.8m LONG x 0.8m WIDE ATOP CABINET.
- 3. CASH REGISTER UNIT.
- 4. COFFEE MACHINE ATOP CABINET.

- ATM AUTO CASH MACHINE.
- BTFW BUCKET TRAP FLOOR WASTE.
- B 150Ø x 900h STEEL ENCASED CONCRETE BOLLARD.
- CS CLEANER'S SINK.
- CPS PETROL SEPARATOR.
- DP. STORM WATER DOWN-PIPE.
- FCL FINISHED CEILING LEVEL.
- FFL FINISHED FLOOR LEVEL.
- GT GREASE TRAP.
- MH MAXIMUM HEIGHT.
- FRG UP-STAND FRIDGE.
- FRZ UP-STAND FREEZER.
- FW FLOOR WASTE.
- HWB HAND-WASH BASIN.
- S SINK.

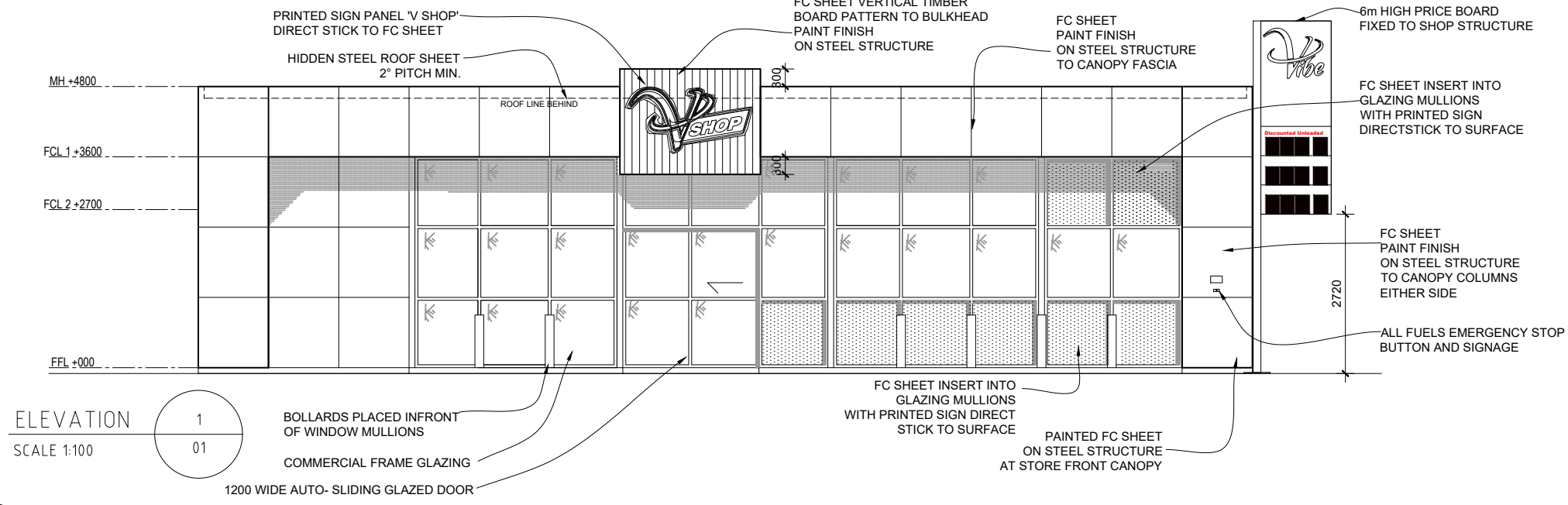
WALL LEGEND

- 1. 130mm PRECAST CONCRETE PANEL
- 2. 90mm STEEL STUD, R2.5 INSULATION INFILL IF EXPOSED TO WEATHER OR NEXT TO PRECAST CONCRETE WALL, FC SHEET CLADDING, FLUSHED PLASTERBOARD INTERNAL LINING.
- 3. 100mm COOLROOM PANEL (RIGID INSULATION AND STEEL SANDWICH PANEL)

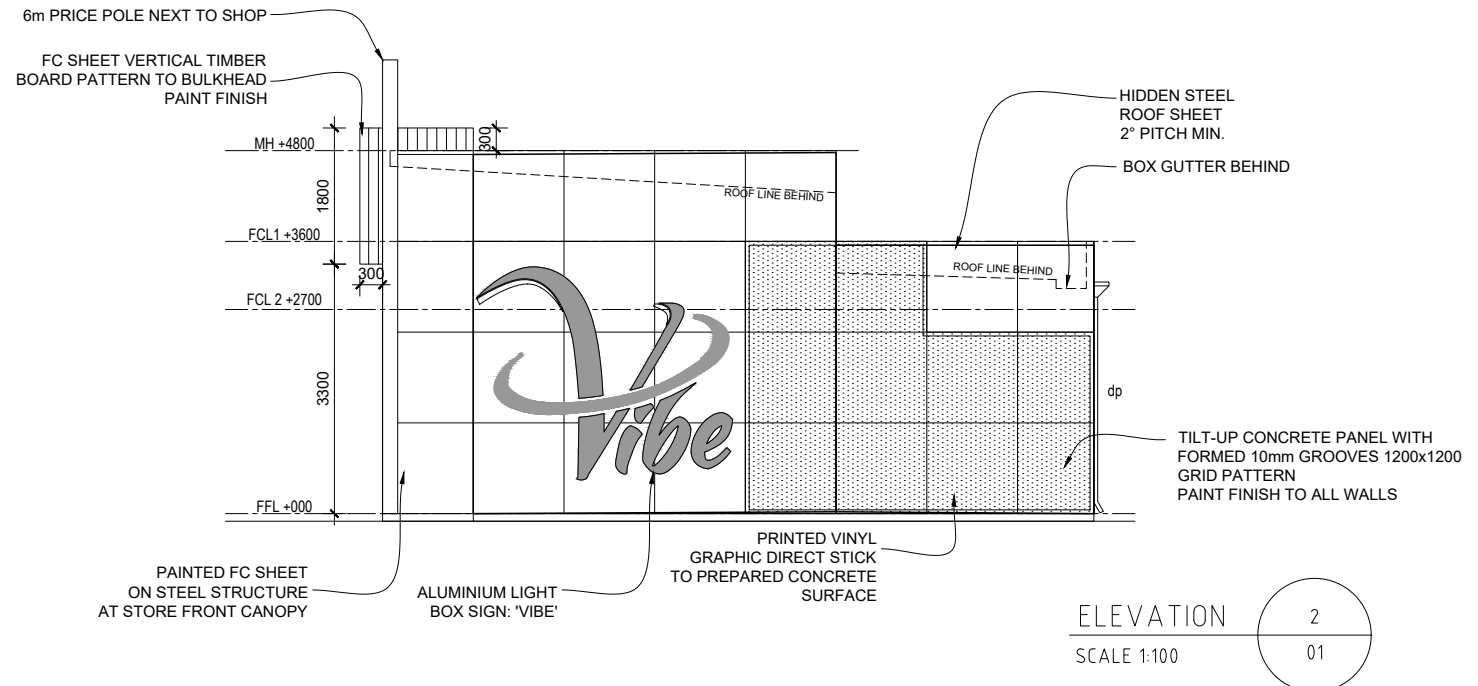


DIMENSIONS IN MILLIMETERS

REV	DATE	DESCRIPTION	AUTHOR	PRINCIPAL AUTHOR: MICHAEL UTTING		
				PRINCIPAL CLIENT: VIBE PETROLEUM		
				PROJECT TITLE: LOT 75 EDEN HILL PROPOSED CONVENIENCE STORE AND PETROL FILLING AREA		
C	28.06.18	ISSUED TO CONSULTANT FOR DA APPLICATION	MU	SCALE: 1:100	DRAWING TITLE.: BUILDING PLANS	SHEET 01
B	08.05.18	ISSUED FOR PLANNING CONSULTANT	MU	CODE: DA	DRAWING NO.: A02	
A	31.03.18	ISSUED FOR CLIENT REVIEW	MU			



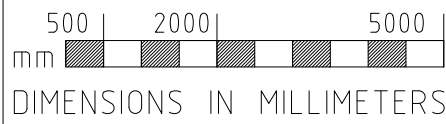
ELEVATION 1
SCALE 1:100



ELEVATION 2
SCALE 1:100

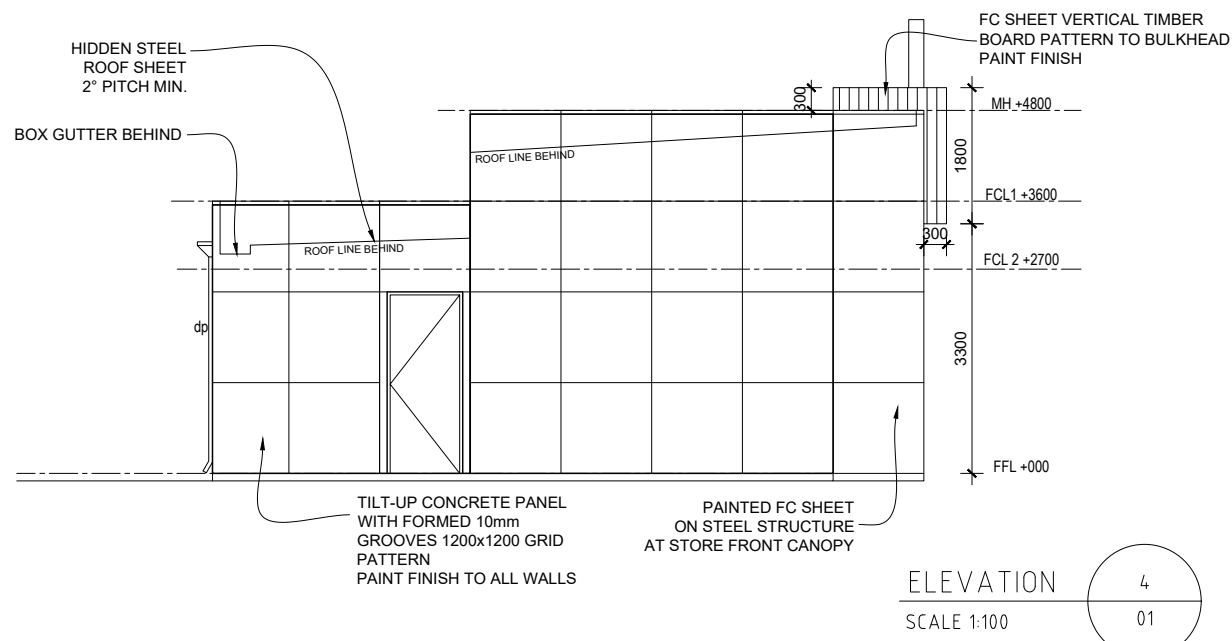
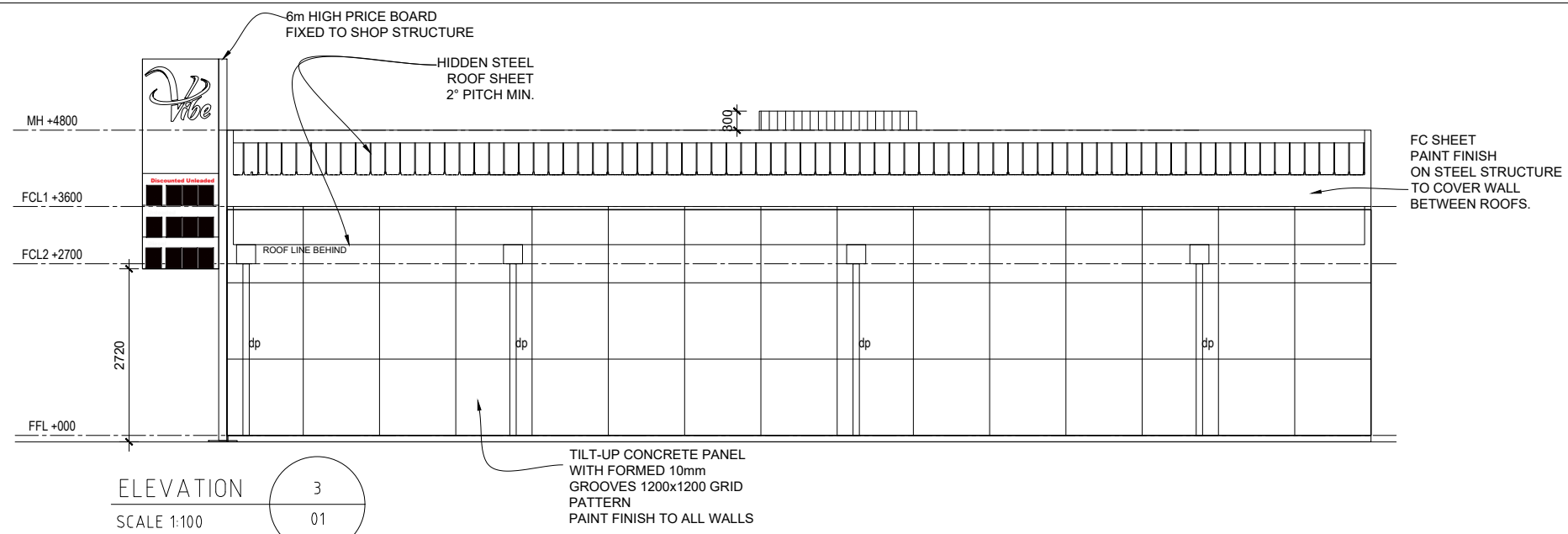
LEGEND

- DP STORM WATER DOWN-PIPE.
- FCL FINISHED CEILING LEVEL.
- FC FIBRE CEMENT.
- FFL FINISHED FLOOR LEVEL.
- MH MAXIMUM HEIGHT.



REV	DATE	DESCRIPTION	AUTHOR
C	28.06.18	ISSUED TO CONSULTANT FOR DA APPLICATION	MU
B	08.05.18	ISSUED FOR PLANNING CONSULTANT	MU
A	31.03.18	ISSUED FOR CLIENT REVIEW	MU

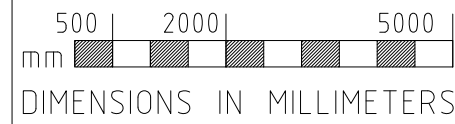
PRINCIPAL AUTHOR:	MICHAEL UTTING
PRINCIPAL CLIENT:	VIBE PETROLEUM
PROJECT TITLE:	LOT 75 EDEN HILL PROPOSED CONVENIENCE STORE AND PETROL FILLING AREA
SCALE:	1:100
CODE:	DA
DRAWING TITLE.:	BUILDING PLANS
DRAWING NO.:	A02
SHEET	02



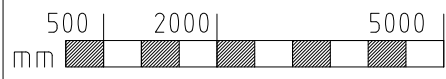
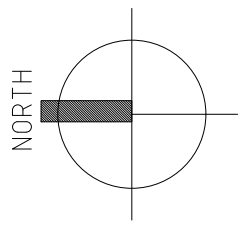
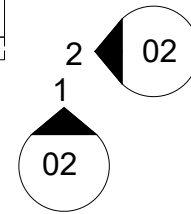
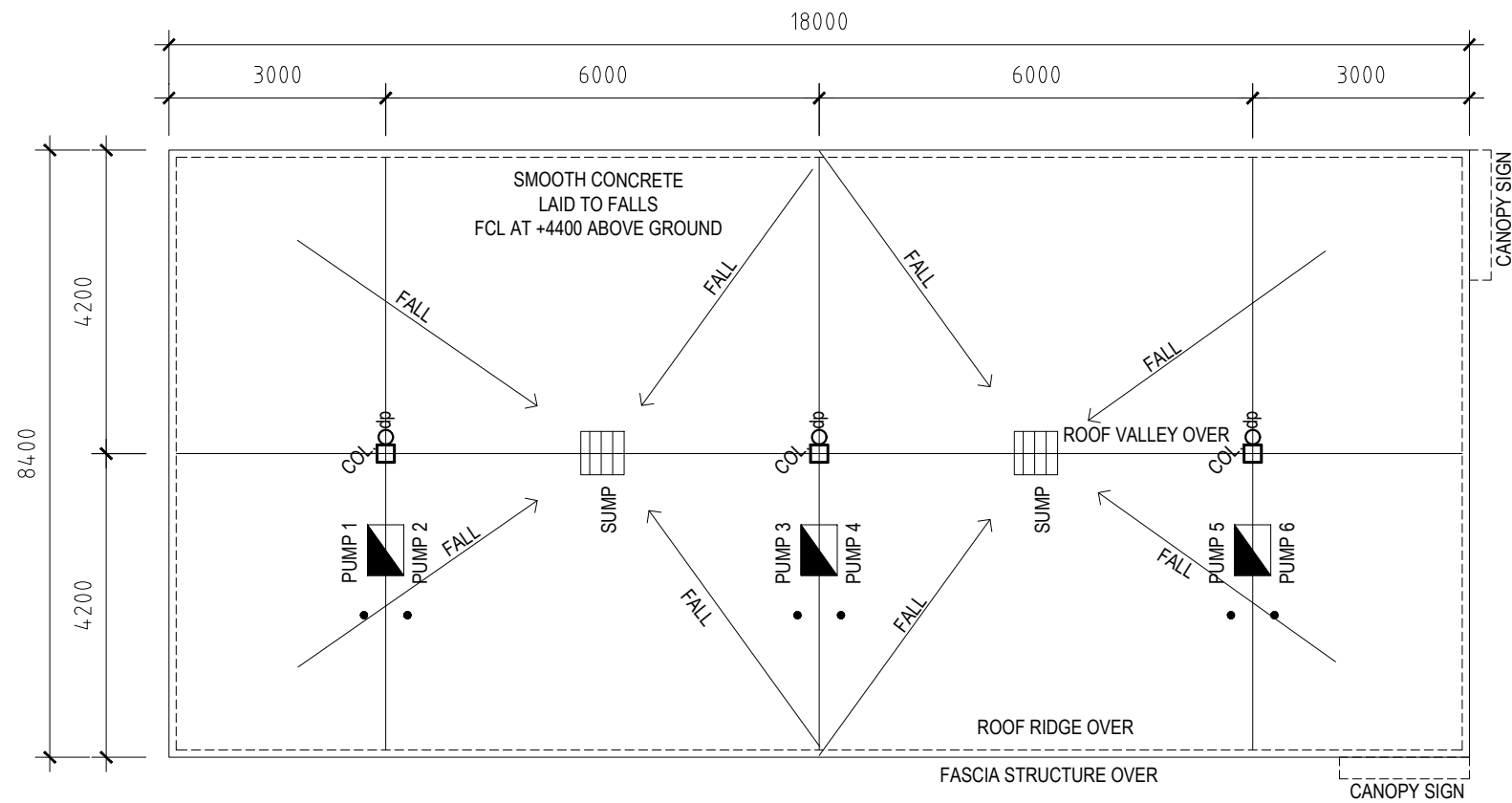
LEGEND

- DP STORM WATER DOWN-PIPE.
- FCL FINISHED CEILING LEVEL.
- FC FIBRE CEMENT.
- FFL FINISHED FLOOR LEVEL.
- MH MAXIMUM HEIGHT.

REV	DATE	DESCRIPTION	AUTHOR	PRINCIPAL AUTHOR:	MICHAEL UTTING
				PRINCIPAL CLIENT:	VIBE PETROLEUM
				PROJECT TITLE:	LOT 75 EDEN HILL PROPOSED CONVENIENCE STORE AND PETROL FILLING AREA
C	28.06.18	ISSUED TO CONSULTANT FOR DA APPLICATION	MU	SCALE:	1:100
B	08.05.18	ISSUED FOR PLANNING CONSULTANT	MU	DRAWING TITLE.:	BUILDING PLANS
A	31.03.18	ISSUED FOR CLIENT REVIEW	MU	CODE:	DA
				DRAWING NO.:	A02



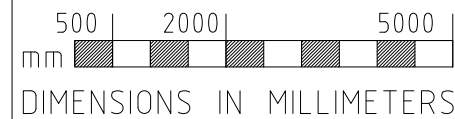
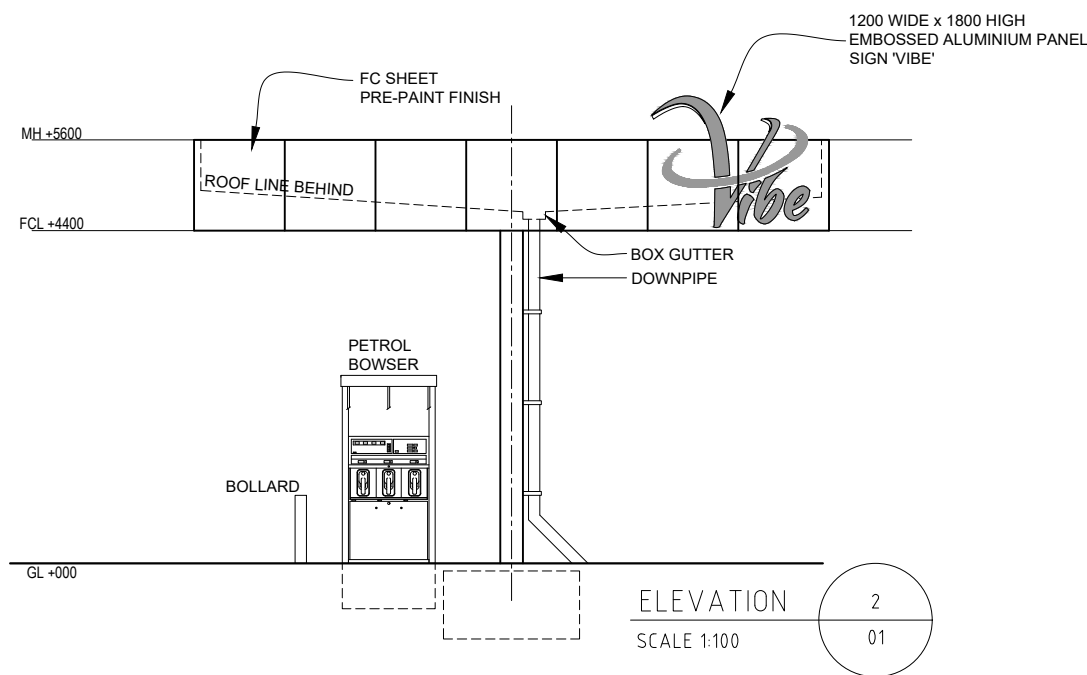
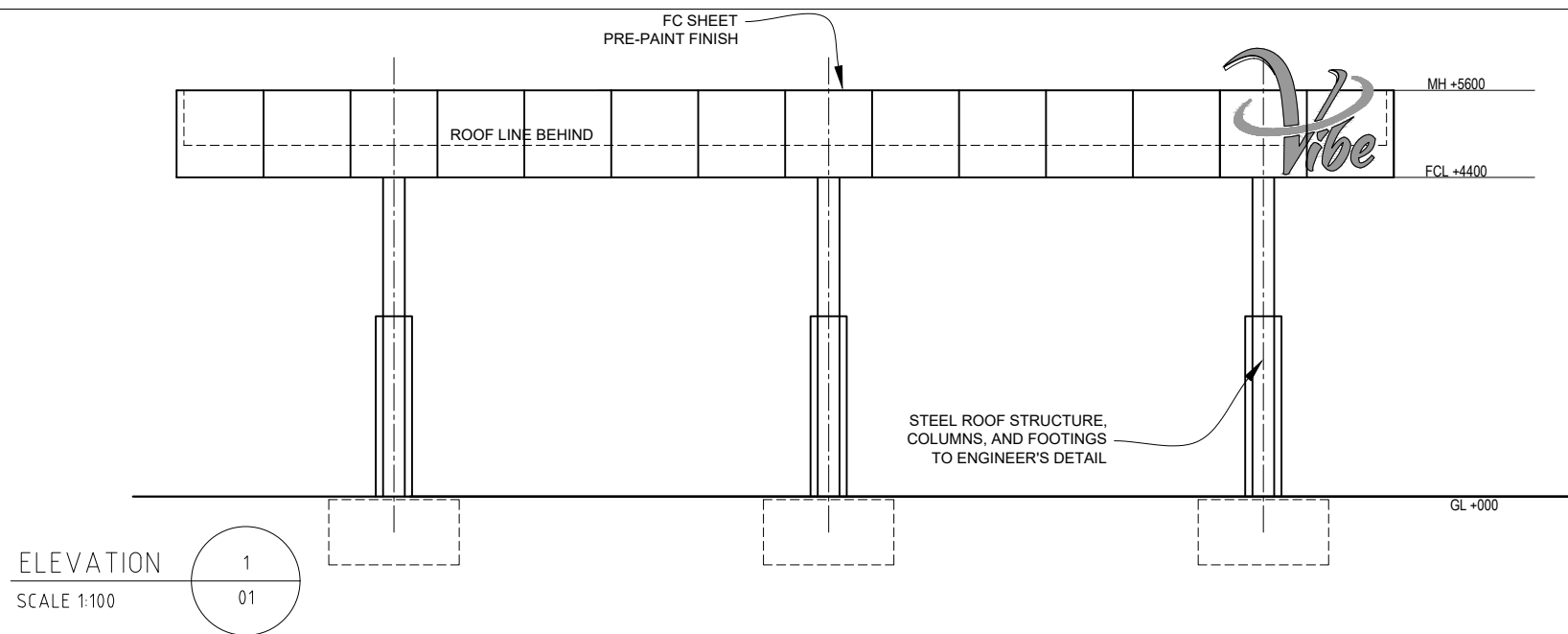
SHEET
03



DIMENSIONS IN MILLIMETERS

REV	DATE	DESCRIPTION	AUTHOR
C	28.06.18	ISSUED TO CONSULTANT FOR DA APPLICATION	MU
B	08.05.18	ISSUED FOR PLANNING CONSULTANT	MU
A	31.03.18	ISSUED FOR CLIENT REVIEW	MU

PRINCIPAL AUTHOR:	MICHAEL UTTING
PRINCIPAL CLIENT:	VIBE PETROLEUM
PROJECT TITLE:	LOT 75 EDEN HILL PROPOSED CONVENIENCE STORE AND PETROL FILLING AREA
SCALE:	1:100
DRAWING TITLE.:	PETROL CANOPY PLANS
CODE:	DA
DRAWING NO.:	A03
SHEET	
01	



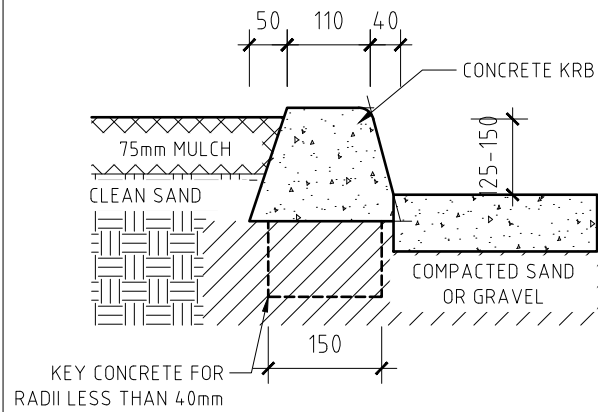
DIMENSIONS IN MILLIMETERS

REV	DATE	DESCRIPTION	AUTHOR
C	28.06.18	ISSUED TO CONSULTANT FOR DA APPLICATION	MU
B	08.05.18	ISSUED FOR PLANNING CONSULTANT	MU
A	31.03.18	ISSUED FOR CLIENT REVIEW	MU

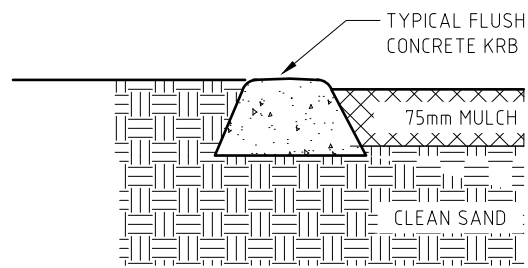
PRINCIPAL AUTHOR:	MICHAEL UTTING
PRINCIPAL CLIENT:	VIBE PETROLEUM
PROJECT TITLE:	LOT 75 EDEN HILL PROPOSED CONVENIENCE STORE AND PETROL FILLING AREA
SCALE:	1:100
DRAWING TITLE.:	PETROL CANOPY PLANS
CODE:	DA
DRAWING NO.:	A03
SHEET	
02	

LANDSCAPING NOTES

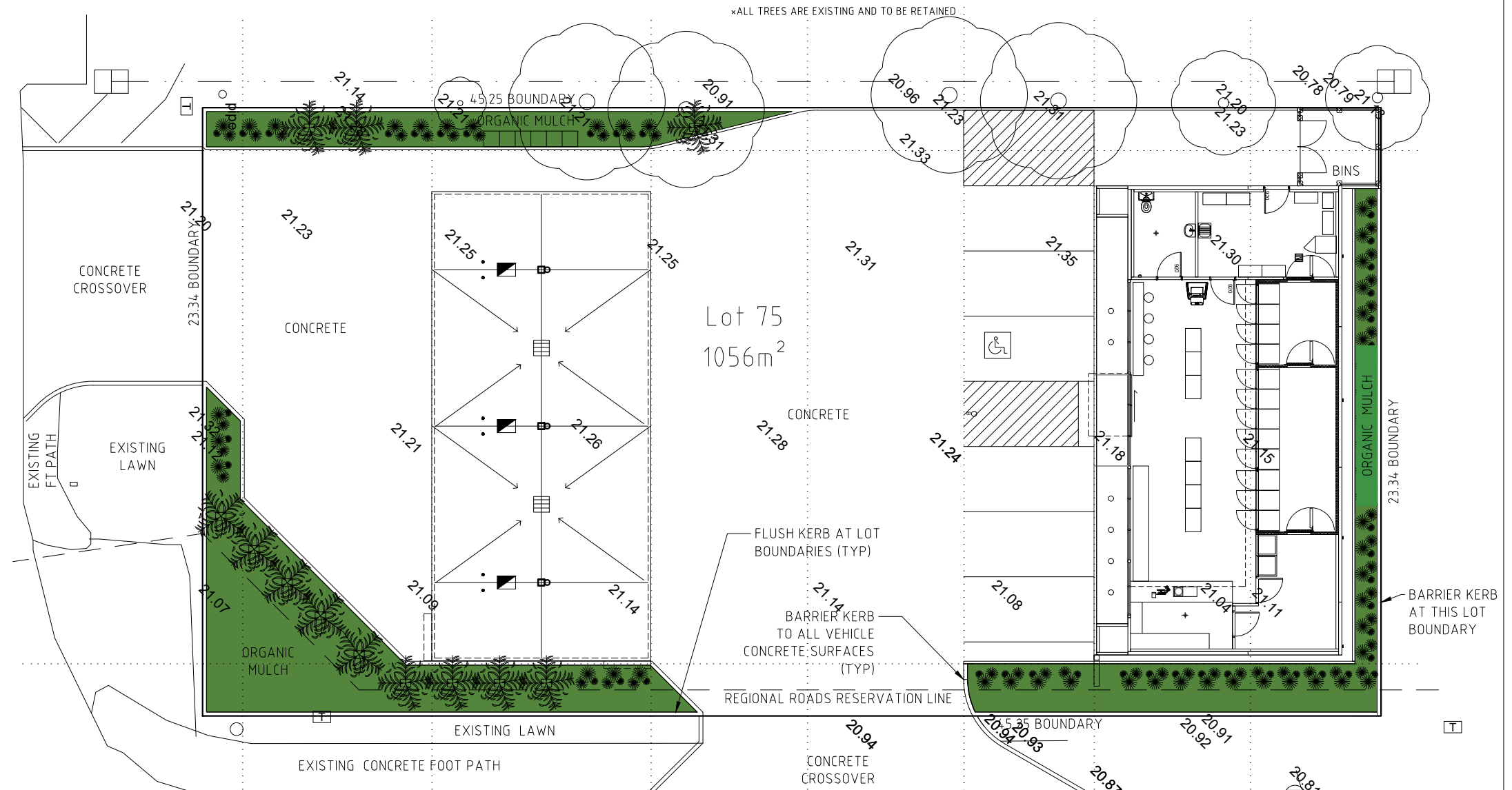
1. PROVIDE 75mm ORGANIC MULCH (WOOD CHIP OR SIMILAR) TO PLANTING BEDS (TOTAL AREA 136m²)
2. PROVIDE DRIP-FEED IRRIGATION WITH HDPE 20mm PIPE BURIED PRIOR TO CONCRETE POUR. PROVIDE MAINS SUPPLY TAP FROM EXTERIOR OF BUILDING WITH HARD-WIRED IRRIGATION TIMER.
3. ESTABLISH PLANTS AS NOTED IN PLANT LEGEND; HAKEA TO BE APPROXIMATELY 4m FROM CROSSOVERS.



BARRIER KERB DETAIL 1:10



FLUSH KERB DETAIL 1:10



SITE PLAN 1:200

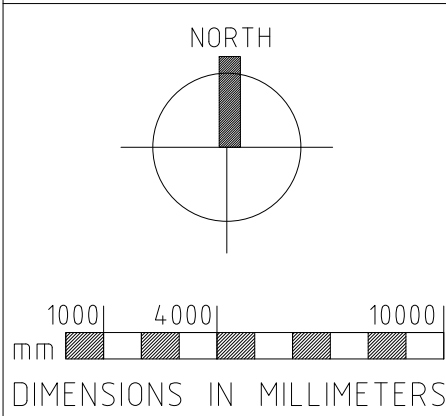
PLAN LEGEND

75mm ORGANIC MULCH RETICULATED WITH BURIED 20mm HDPE DRIP IRRIGATION LINES
TOTAL AREA: 136m²

Hypocalymma robustum
SWAN RIVER MYRTLE
>200mm POT SIZE AT PLANTING
ESTABLISH APRX 1m APART
QTY: 49 MAX.



Hakea Varia
VARIED LEAVED HAKEA
>200mm POT SIZE AT PLANTING
ESTABLISH APRX 1.8m APART AND 4m FROM EDGE OF CROSSOVERS
QTY: 12 MAX.



REV	DATE	DESCRIPTION	AUTHOR
C	28.06.18	ISSUED TO CONSULTANT FOR DA APPLICATION	MU
B	08.05.18	ISSUED FOR PLANNING CONSULTANT	MU
A	31.03.18	ISSUED FOR CLIENT REVIEW	MU

PRINCIPAL AUTHOR:	MICHAEL UTTING
PRINCIPAL CLIENT:	VIBE PETROLEUM
PROJECT TITLE:	LOT 75 EDEN HILL PROPOSED CONVENIENCE STORE AND PETROL FILLING AREA
SCALE:	1:200
CODE:	DA
DRAWING TITLE:	SITE PLAN - LANDSCAPING
DRAWING NO.:	A01
SHEET	02

Appendix 6 Traffic Impact Statement



Proposed Convenience Store and Petrol Filling Area, Lot 75 (72) Walter Road East, Eden Hill

Transport Impact Statement

**PREPARED FOR:
Vibe Petroleum**

July 2018

Document history and status

Author	Revision	Approved by	Date approved	Revision type
Mao Zhu	r01	B Bordbar	02/07/2018	Draft
Mao Zhu	r01a	B Bordbar	16/07/2018	Final

File name: t17.301.mz.r01a

Author: Mao Zhu

Project manager: Behnam Bordbar

Client: Vibe Petroleum

Project: Lot 75, No.72 Walter Road East, Eden Hill

Document revision: r01a

Project number: t17.301

Copyright in all drawings, reports, specifications, calculations and other documents provided by the Consultant in connection with the Project shall remain the property of the Consultant.

The Client alone shall have a license to use the documents referred to above for the purpose of completing the Project, but the Client shall not use, or make copies of, such documents in connection with any work not included in the Project, unless written approval is obtained from the Consultant or otherwise agreed through a separate contract.

TABLE OF CONTENTS

1.0	INTRODUCTION	1
2.0	PROPOSED DEVELOPMENT	3
3.0	VEHICLE ACCESS AND PARKING	4
3.1	ACCESS.....	4
3.2	PARKING.....	6
4.0	PROVISION FOR SERVICE VEHICLES	7
4.1	FUEL TANKER ACCESS	7
4.2	DELIVERY AND WASTE COLLECTION TRUCKS	9
5.0	HOURS OF OPERATION	12
6.0	DAILY TRAFFIC VOLUMES AND VEHICLE TYPES	13
6.1	TRIP GENERATION.....	13
6.2	IMPACT ON THE SURROUNDING ROAD NETWORK	14
7.0	TRAFFIC MANAGEMENT ON THE FRONTAGE STREETS	15
8.0	PUBLIC TRANSPORT ACCESS	16
9.0	PEDESTRIAN ACCESS	17
10.0	CYCLE ACCESS	18
11.0	SITE SPECIFIC ISSUES	19
12.0	SAFETY ISSUES	20
13.0	CONCLUSIONS	21
APPENDIX A – TABLE 1 OF TRANSPORT IMPACT ASSESSMENT GUIDELINES – VOLUME 4		
APPENDIX B – PROPOSED DEVELOPMENT SITE PLAN		

REPORT FIGURES

Figure 1: Location of the subject site	2
Figure 2: Proposed development crossovers	4
Figure 3: Location of the development site in context of the Metropolitan Region Scheme	6
Figure 4: Fuel tanker turn path analysis	8
Figure 5: 8.8m service vehicle accessing the site from Marion Street	10
Figure 6: 8.8m service vehicle exiting the site into Walter Road East	11
Figure 7: Walter Road East in the vicinity of the subject site - Looking west.....	15
Figure 8: Public transport services (Transperth Maps).....	16
Figure 9: Extract from Perth Bicycle Network (Department of Transport)	18

REPORT TABLES

Table 1: Peak hour trips for the proposed development	13
---	----

1.0 Introduction

This Transport Impact Statement (TIS) has been prepared by Transcore on behalf of Vibe Petroleum with regard to the proposed convenience store and petrol filling area to be located on Lot 75, at 72 Walter Road East, Eden Hill, in the Town of Bassendean.

The subject site is approximately 1,056m² in area and is bound by Marion Street to the west, commercial properties to the east, Walter Road East to the south, and a public school to the north, as shown in Figure 1. The subject site is located in a predominantly commercial/residential area.

The Transport Impact Assessment Guidelines for Developments (WAPC, Vol 4 – Individual Developments, August 2016) states: “A *Transport Impact Statement* is required for those developments that would be likely to generate moderate volumes of traffic¹ and therefore would have a moderate overall impact on the surrounding land uses and transport networks”. Section 6.0 of Transcore’s report provides details of the estimated trip generation for the proposed development. Accordingly, as the total peak hour vehicular trips of the proposed development are estimated to be less than 100 trips, a Transport Impact Statement is deemed appropriate for this development.

Furthermore, Table 1² of the Transport Impact Assessment Guidelines (WAPC, Vol 4 – Individual Developments, August 2016) notes that service stations containing 1-7 refuelling positions would have moderate traffic impact on the surrounding road network and as such a Transport Impact Statement is sufficient for the Development Applications. A copy of Table 1 is attached in Appendix A of this report.

Key issues that will be addressed in this report include the traffic generation and proposed access and egress arrangement and fuel tanker and service vehicle movements.

¹ *Between 10 and 100 vehicular trips*

² Level of TIA required by land uses and size



Figure 1: Location of the subject site

2.0 Proposed Development

According to the proposed development plan attached in Appendix B of this report the proposal includes a service station and a convenience store comprising:

- ✚ 6 refuelling positions (3 bowsers) for light vehicles;
- ✚ A convenience store building;
- ✚ 6 car parking bays including 1 ACROD bay; and
- ✚ A loading bay.

As part of this development, it is proposed to provide a full-movement crossover on Marion Street, to the west of the subject site and a crossover on Walter Road East. Due to the proximity of the signalised intersection of Walter Road East / Ivanhoe Street, it is proposed that the development Walter Road East crossover should be left-in / left-out. This can be achieved by construction of a short solid median within the existing painted median of Walter Road East. The proposed Water Road East crossover is essential for this development to achieve satisfactory vehicle access, egress and circulation, particularly for fuel tankers and other service vehicles.

Based on the advice provided to Transcore 15.0m fuel tankers will be used for fuel delivery to this site. Tankers would enter the subject site from the proposed Marion Street crossover and exit from the proposed Walter Road East crossover.

Deliveries and waste collections will be accommodated within the development site. The proposed service bay will accommodate the delivery vehicles and waste collection trucks.

Turn path analysis has been undertaken to review the movements of the fuel tankers and service vehicles which are presented in Section 4 of this report.

Pedestrian will access the proposed service station via the existing footpaths provided along Marion Street and Walter Road East.

3.0 Vehicle Access and Parking

3.1 Access

The proposed development will provide a 9m wide full-movement crossover on Marion Street and a 10m wide left-in / left-out crossover on Walter Road East to facilitate the fuel tanker movements. The number, nature and width of these crossovers are an essential requirement of this development.

Figure 2 shows the location of the proposed development crossovers. Marion Street crossover is located at about 15m to the north of the existing T intersection of Walter Road East / Marion Street at the northern boundary of the subject site. Walter Road East crossover is located at about 55m to the west of the existing signalised intersection of Walter Road East/ Ivanhoe Street.

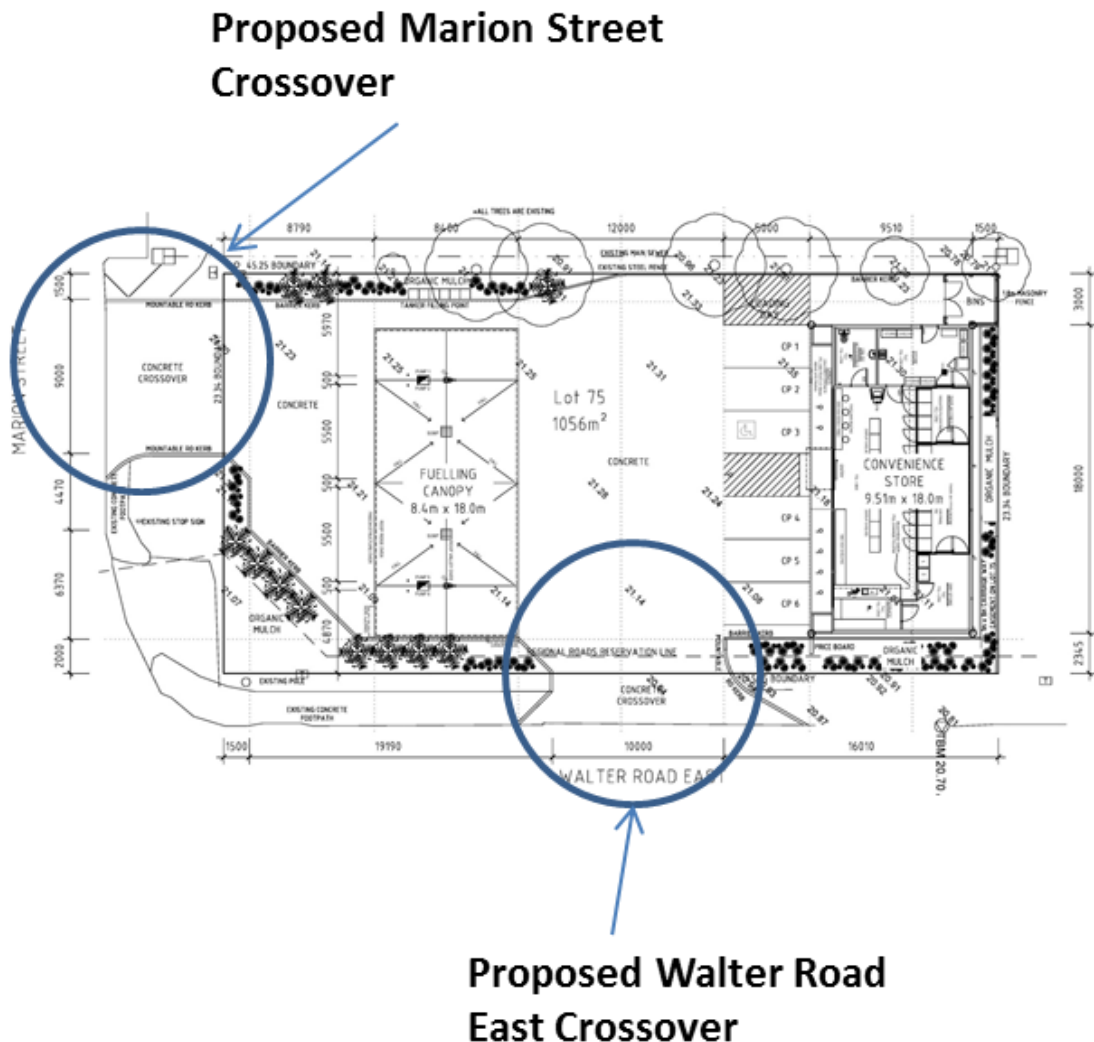


Figure 2: Proposed development crossovers

As Walter Road East is classified as Other Regional Roads (Blue Roads) in the Metropolitan Regional Scheme (Refer Figure 3), Western Australian Planning Commission Policy DC 5.1 Regional Roads (Vehicular Access) may be considered as applicable to this development. According to this policy where alternative access is or could be made available from side or near streets or from rights of way, no access shall be permitted to the regional road unless special circumstances apply. These special circumstances usually relate to types of developments.

Therefore, consideration of the 'special circumstances' needs to consider type of development proposed for this site.

The need for the development Water Road East crossover as it relates to the type of development is evident from Main Roads WA Driveway Policy and specifically section 3.3.5 of this policy under the heading of '*Service Station Specific Conditions*'. Section 3.3.5 states that: "*Service stations on a corner lot may have one driveway up to 11.0m wide to a State road and another to the minor road. As a general rule, median openings solely to service station driveways shall not be provided*". It is therefore clear that use of this site for a service station creates the special circumstance where a crossover on Water Road East is justified.

Accordingly, the proposed access/egress system of the proposed development is in-line with Main Roads WA's Driveway Policy for a service station on the following grounds:

- ✚ The proposed development is located at the corner of Water Road East (a Distributor major road) and Marion Street (minor road);
- ✚ Only one crossover (left in/ left out) is proposed for the development on Water Road East (major road);
- ✚ The proposed left in/ left out crossover on Water Road East is 10.0m wide; and,
- ✚ There is no proposal to maintain the median opening on Water Road East to provide access from westbound traffic to the proposed development.

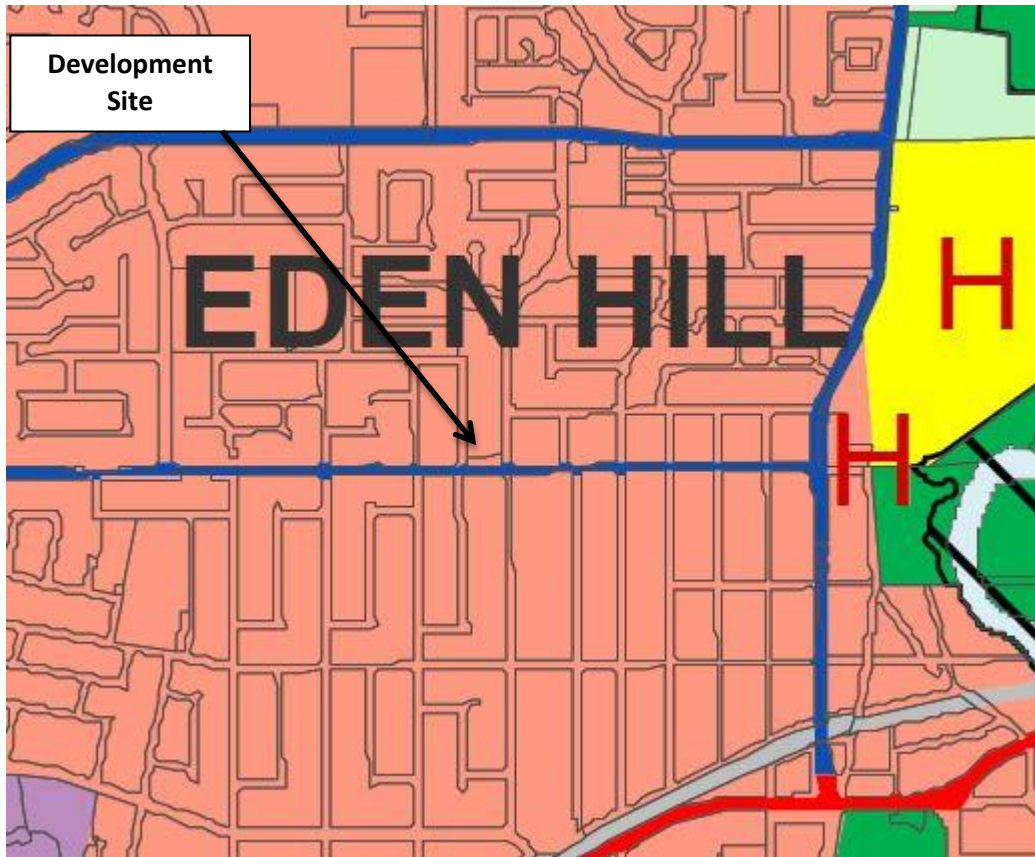


Figure 3: Location of the development site in context of the Metropolitan Region Scheme

3.2 *Parking*

The proposed development entails the provision of 6 on-site car parking bays including one ACROD bay, and a loading bay. 6 vehicles can also use the fuel bowsers simultaneously. Therefore, minimum of 13 vehicles can comfortably be accommodated on-site.

4.0 Provision for Service Vehicles

4.1 Fuel Tanker Access

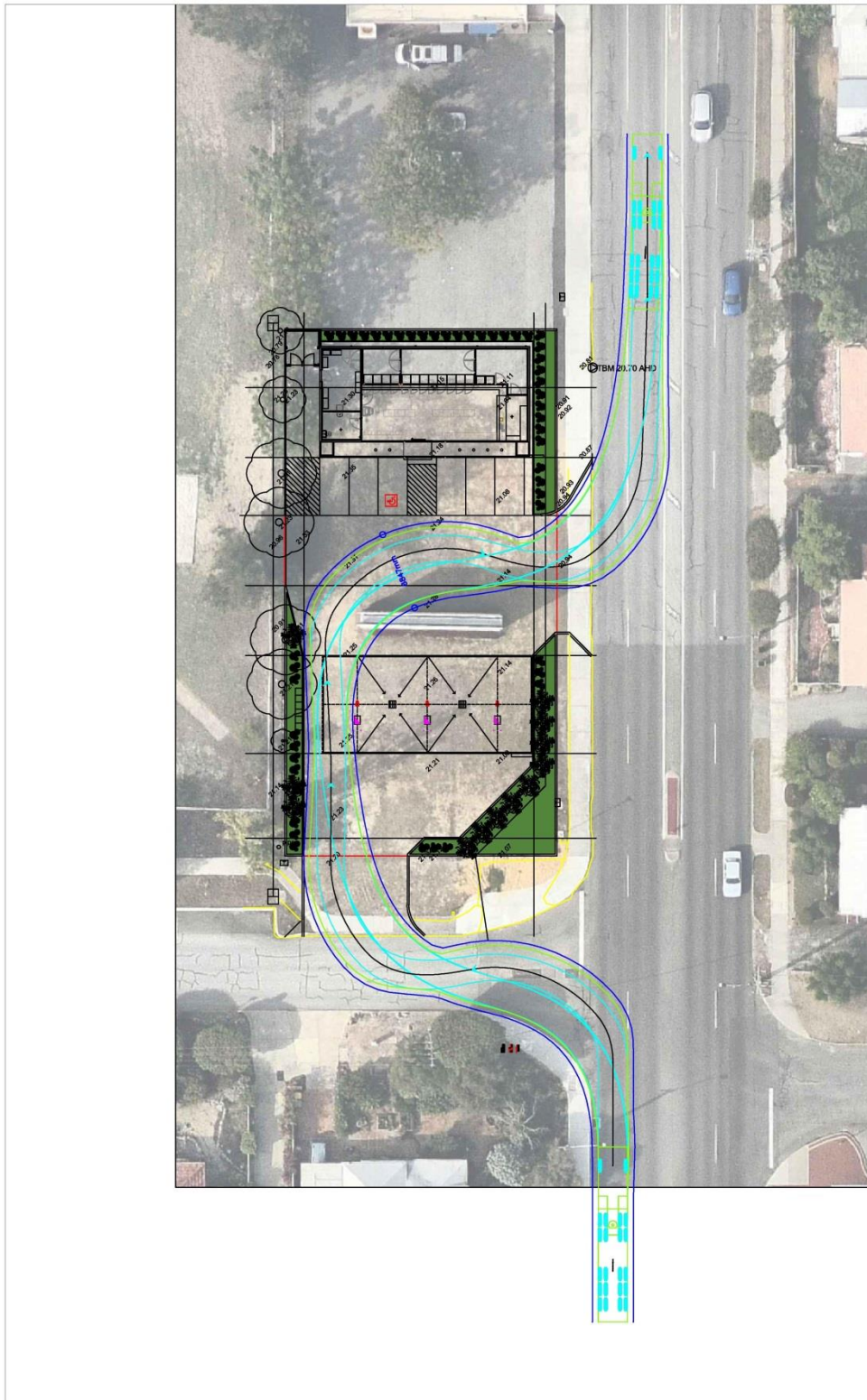
Based on the advice provided to Transcore, 15.0m fuel tankers will be used for the proposed service station.

It is proposed to provide a 9m wide full-movement crossover on Marion Street and a 10m wide left-in / left-out crossover on Walter Road East to facilitate the fuel tanker movement.

As shown in Figure 4, the fuel tankers are expected to turn left into the site from Marion Street and drive towards the fill point. After the filling operation the fuel tankers are expected to leave the site via a left turn and the proposed Walter Road East crossover.

Fuel tankers are expected to access the site 2 to 3 times per week during the off peak periods. Therefore, no traffic conflict between fuel tankers and light vehicles accessing the site is expected.

According to Figure 4, the fuel tanker movement is satisfactory.



Lot 75 (72) Walter Road East, Eden Hill
 15.0m Semitrailer
 Truck Circulation

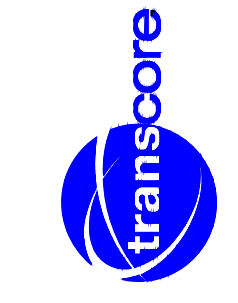
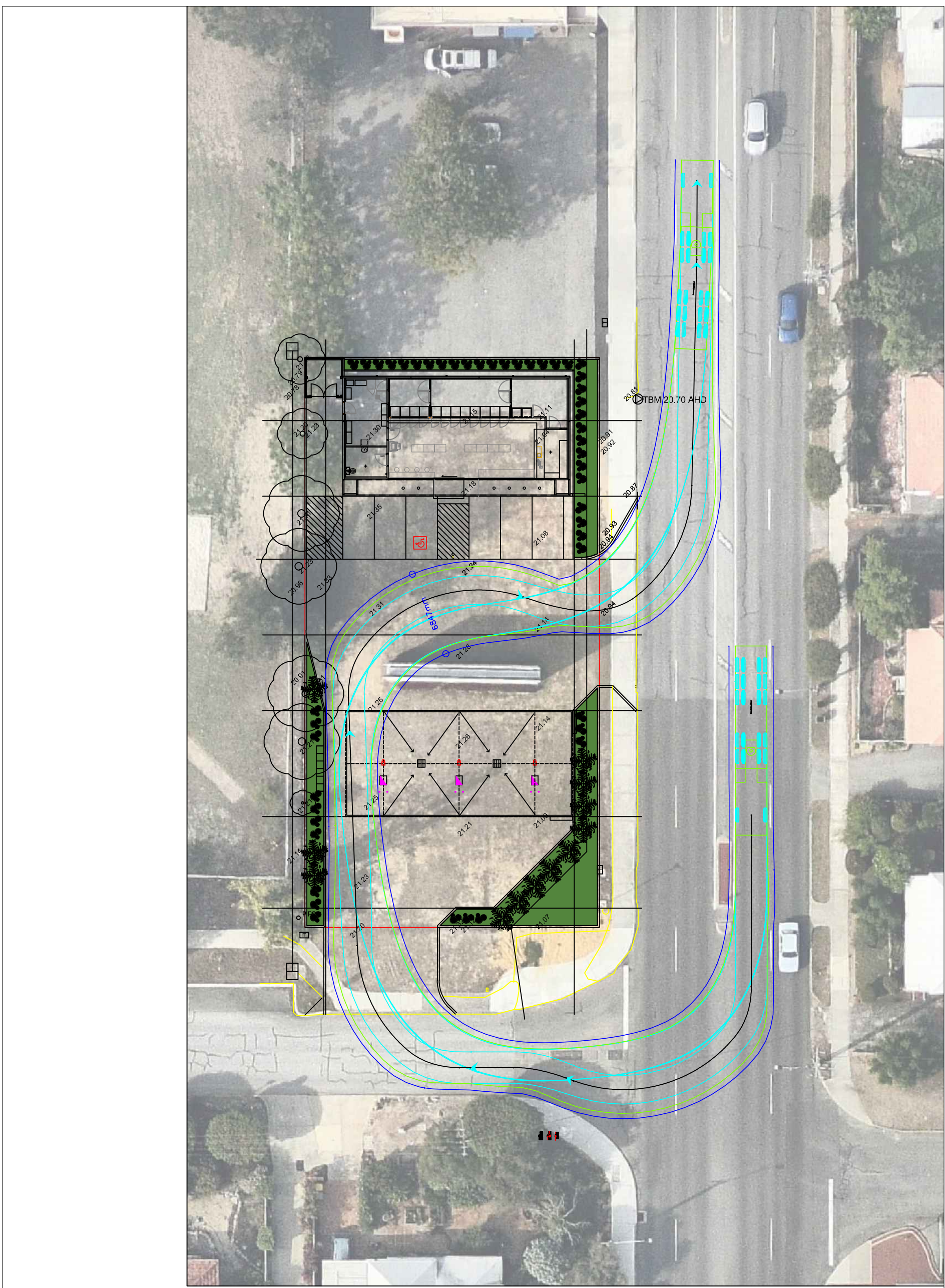
LEGEND

- █ Vehicle Body
- █ Wheel Path
- █ 500mm Clearance

t17.301.sk05c
 29/06/2018
 Scale: 1:300 @ A3

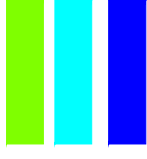


Figure 4: Fuel tanker turn path analysis



17.301.09
13072018
001300 A3

000000D
000000 B0d
000000 P0000
50000 000000e



00075 7200 0000er Road 000000de 0Hi00
15.00 0e00i0000er
Tr00000ir0000000000

4.2 Delivery and waste collection trucks

Deliveries and rubbish collection trucks are anticipated to access the development via the proposed crossover on Marion Street and reverse into the loading bay. The delivery and waste collection trucks may then leave the site into Walter Road East in forward gear via a left turn movement.

Waste and service vehicles are expected to access the site during off peak periods.

The results of the turn path analysis for an 8.8m service truck shown in Figure 5 and Figure 6 confirm satisfactory movements of the service vehicles to and from the proposed development.



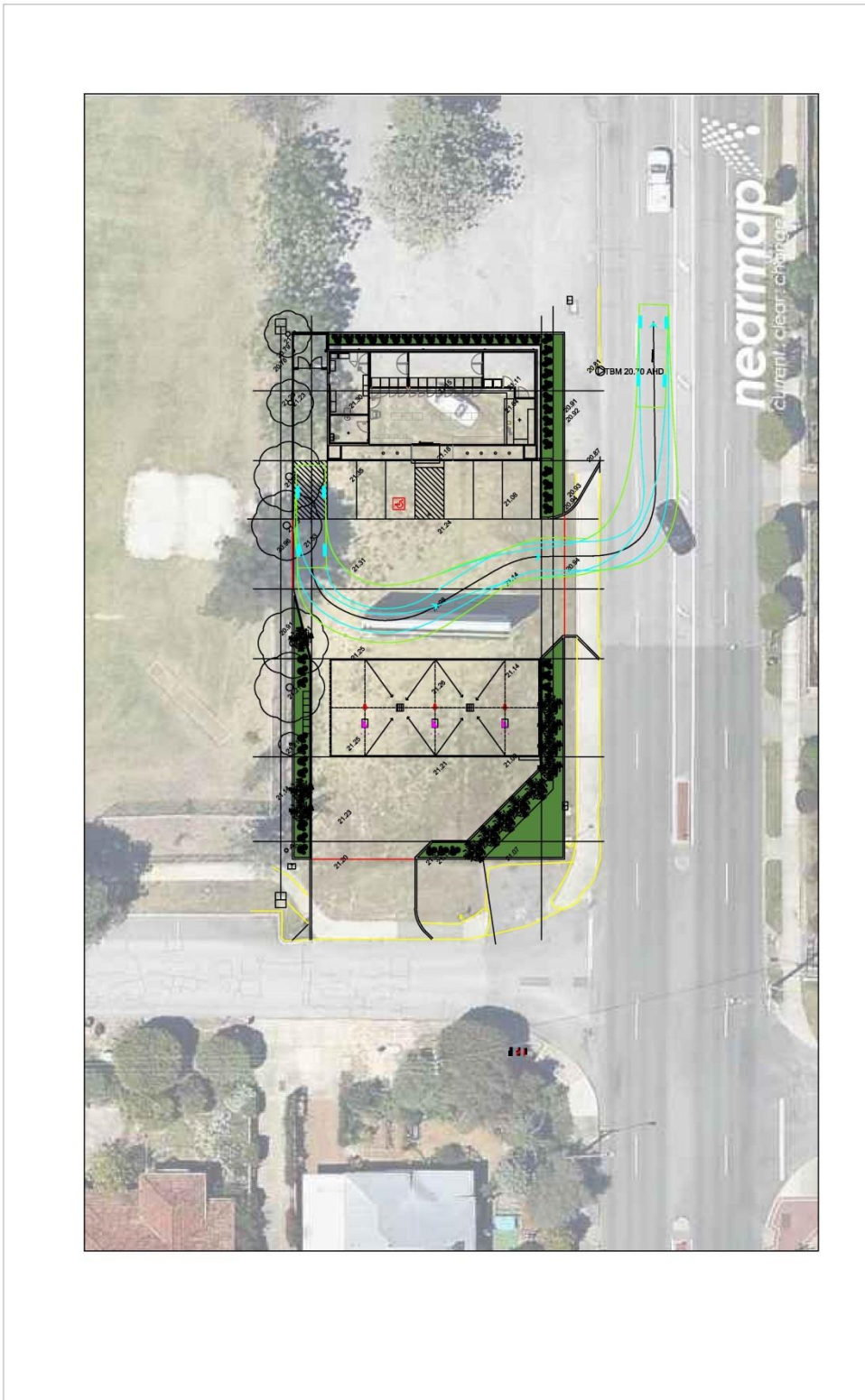
Lot 75 (72) Walter Road East, Eden Hill
 Austroads 2013: 8.8m Service Truck
 Truck Circulation

LEGEND

- Vehicle Body
- Wheel Path

t17.301.sk07a
 28/06/2018
 Scale: 1:300 @ A3





Lot 75 (72) Walter Road East, Eden Hill
 Austroads 2013: 8.8m Service Truck
 Truck Circulation

LEGEND
 Vehicle Body
 Wheel Path



t17.301.sk08
 28/06/2018
 Scale: 1:300 @ A3



5.0 Hours of Operation

The proposed development is expected to operate during 5AM-11PM, seven days a week.

6.0 Daily Traffic Volumes and Vehicle Types

6.1 Trip Generation

The traffic volumes that would be generated by the proposed development has been estimated using trip generation rates provided in the *ITE Trip Generation Manual 9th Edition*.

The trip rates which were used to estimate the proposed development traffic generation are:

Gasoline/Service Station with Convenience Market (945)

- ✚ AM Peak Hour: 10.56 trips per fuelling point
- ✚ PM Peak hour: 13.51 trips per fuelling point.
- ✚ Weekday: 163 trips per fuelling point.

Accordingly, it is estimated that the proposed development would generate approximately 978 trips per day (both inbound and outbound) with approximately 64 and 82 trips (both inbound and outbound) during the AM and PM peak hour.

For this development 70% passing trade is assumed.

Therefore, the net addition of traffic when accounting for passing trade is **+294vpd (daily), +20vph (AM peak hour) and +24vph (PM peak hour)** on the surrounding road network.

The directional split of inbound and outbound trips for the proposed development is assumed to be about **50/50**. Table 1 shows peak hour trips (both in and out) for the proposed development.

Table 1: Peak hour trips for the proposed development

Time period	Direction	Total Peak Hour Trips	
		Split	Total
AM Peak	Inbound	10	20
	Outbound	10	
PM Peak	Inbound	12	24
	Outbound	12	

6.2 Impact on the Surrounding Road Network

The WAPC *Transport Impact Assessment Guidelines for Developments* (2016) provides guidance on the assessment of traffic impacts:

“As a general guide, an increase in traffic of less than 10 percent of capacity would not normally be likely to have a material impact on any particular section of road, but increases over 10 percent may. All sections of road with an increase greater than 10 percent of capacity should therefore be included in the analysis. For ease of assessment, an increase of 100 vehicles per hour for any lane can be considered as equating to around 10 percent of capacity. Therefore any section of road where the structure plan traffic would increase flows by more than 100 vehicles per hour for any lane should be included in the analysis.”

The proposed development will not increase traffic flows on any roads adjacent to the site anywhere near the quoted WAPC threshold to warrant further detailed analysis. Accordingly, the impact on the surrounding road network will be insignificant.

7.0 Traffic Management on the Frontage Streets

Walter Road East, is a dual divided carriageway with a painted median and pedestrian paths on both sides of the road in the immediate vicinity of the subject site. It is classified as a *Distributor A* in the Main Roads WA *Metropolitan Functional Road Hierarchy* and operates under posted speed limit of 60km/h.



Figure 7: Walter Road East in the vicinity of the subject site - Looking west

Traffic count data obtained from Main Roads WA indicates that Walter Road East carried 11,309 vehicles per day (vpd) west of Iolanthe Street in 2015/2016. The morning and afternoon peaks were recorded between 7:30-8:30AM and 4:15-5:15PM with a total of 1,014vph and 995vph respectively.

Marion Street, is a single-undivided carriageway road with pedestrian path on the east side of the road in the immediate vicinity of the subject site. It is classified as an *Access Road* in the Main Roads WA *Metropolitan Functional Road Hierarchy* and operates under the default, built-up area speed limit of 50km/h in the vicinity of the subject site.

Water Road East forms a T intersection with Marion Street.

8.0 Public Transport Access

The subject site enjoys relatively good accessibility to public transport services via bus routes and nearby bus stations in this vicinity. Bus route 341, 342, 955 and 956 along Walter Road East and Ivanhoe Street run 50m west to the subject site and provide connectivity to surrounding suburbs and Morley Bus Station. Nearby public transport services are shown in Figure 8.

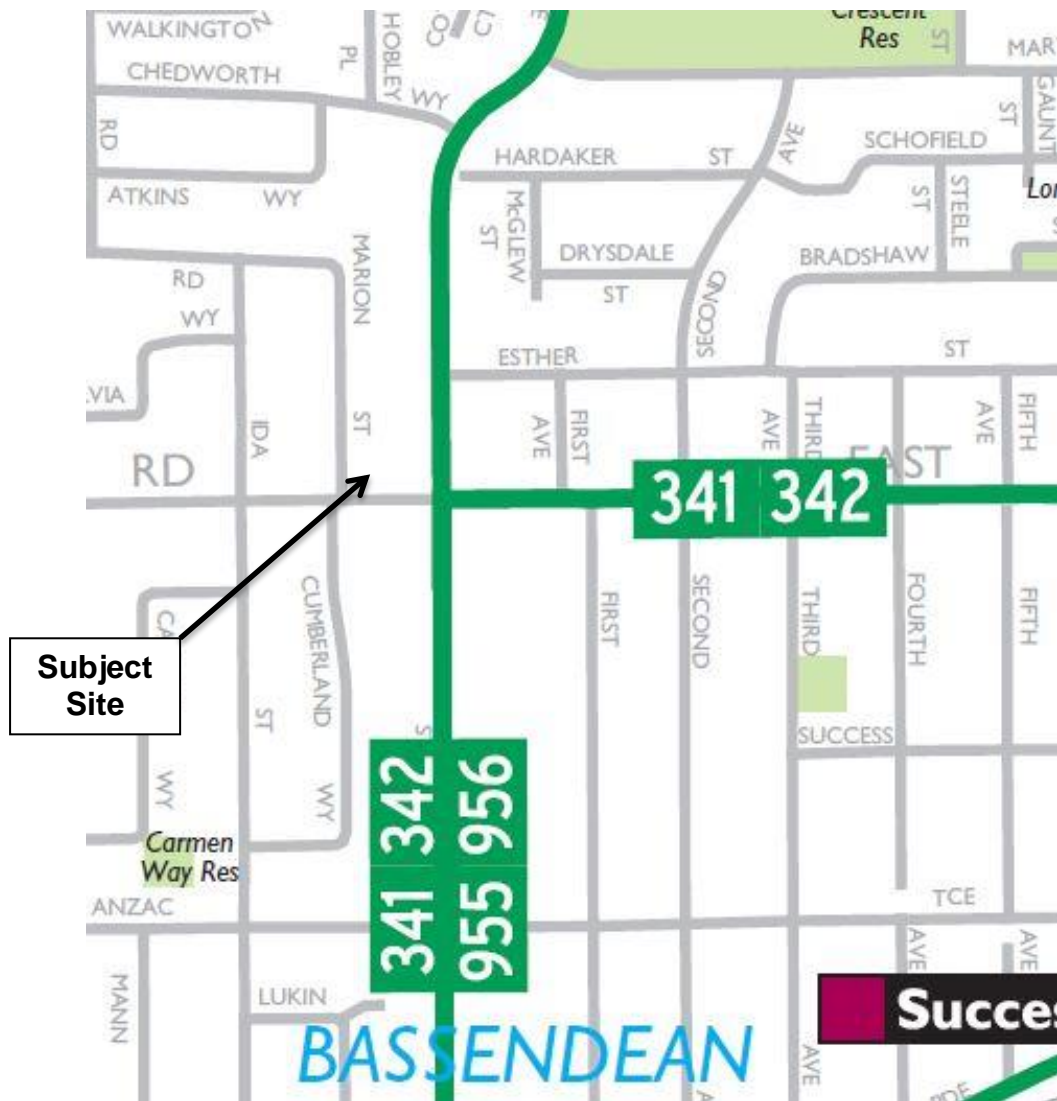


Figure 8: Public transport services (Transperth Maps)

9.0 Pedestrian Access

Pedestrians access to the proposed development will be via the existing external footpath network running along both sides of Walter Road East and eastern side of Marion Street.

10.0 Cycle Access

The Perth Bicycle Network Map Figure 9 indicates the existing cyclist connectivity to the subject site. Cyclists shared path is provided along Walter Road East to the south of the subject site, and bicycle lanes is provided along Ivanhoe Street 50m east to the subject site.

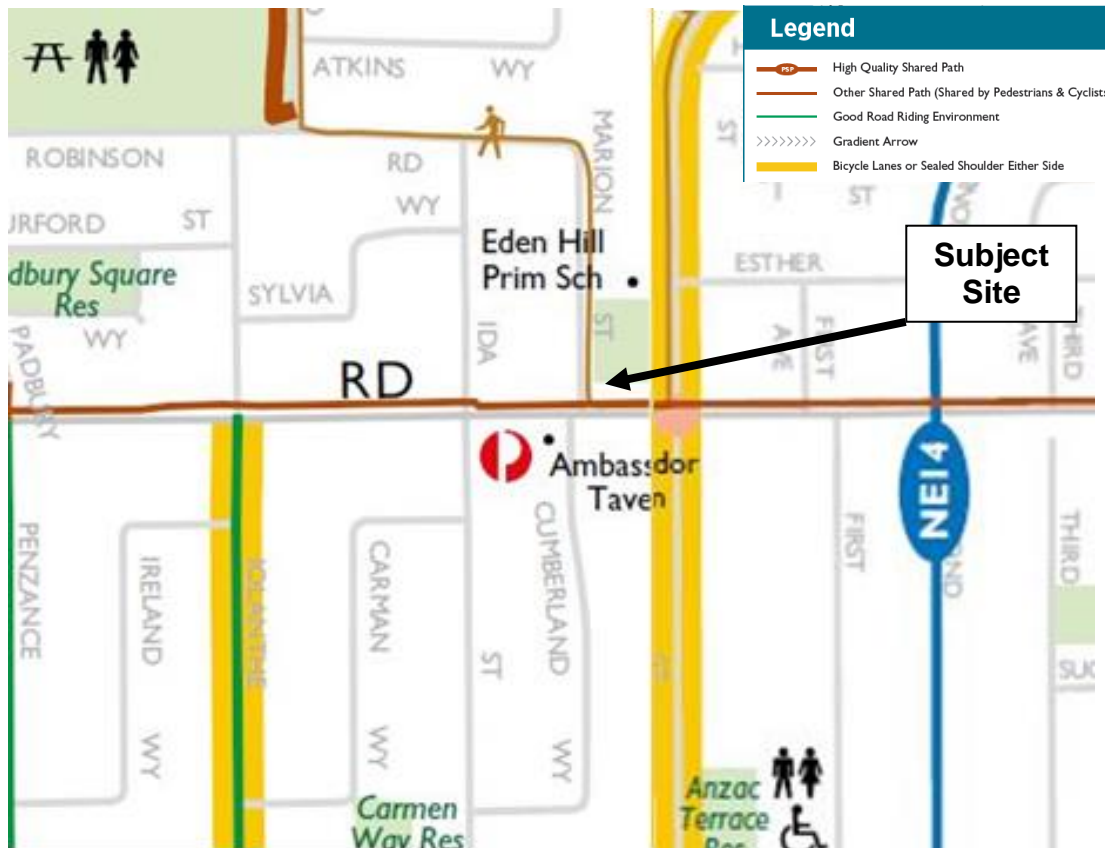


Figure 9: Extract from Perth Bicycle Network (Department of Transport)

11.0 Site Specific Issues

No specific issues were identified for the site within the scope of this assessment.

12.0 Safety Issues

Due to the proximity of the subject site and the proposed development crossover on Walter Road East, it is proposed that this crossover should function as left in/left out to improve traffic safety and operations.

No other safety issues were identified within the scope of this assessment.

13.0 Conclusions

This Transport Impact Statement (TIS) has been prepared by Transcore on behalf of Vibe Petroleum with regard to the proposed convenience store and petrol filling area development to be located on Lot 75, at 72 Walter Road East, Eden Hill, in the Town of Bassendean.

The site features good connectivity to the surrounding areas through existing bus and cycle routes. Pedestrians can also access the site via external footpaths along Walter Road East and Marion Street.

It is proposed to provide two crossovers for the development, a full-movement crossover on Marion Street and one left-in / left-out crossover on Walter Road East. The Walter Road East crossover is essential for this development to achieve satisfactory and practical access, egress and circulation, particularly for fuel tankers and other service vehicles.

The proposed crossover system for the subject development is supported by Main Roads WA Driveway Policy for service stations and does not undermine WAPC Policy DC 5.1.

The traffic analysis undertaken in this report shows that the traffic generated as a result of the proposed development is relatively minimal and as such would have insignificant impact on the surrounding road network.

Turn path analysis undertaken indicates that 15m fuel tankers can access and egress the site satisfactorily. Also, turn path analysis for an 8.8m service vehicle shows satisfactory movement, to, from and within the site.

In conclusions the findings of this Transport Impact Statement are supportive of the proposed convenience store and petrol filling area development.

Appendix A

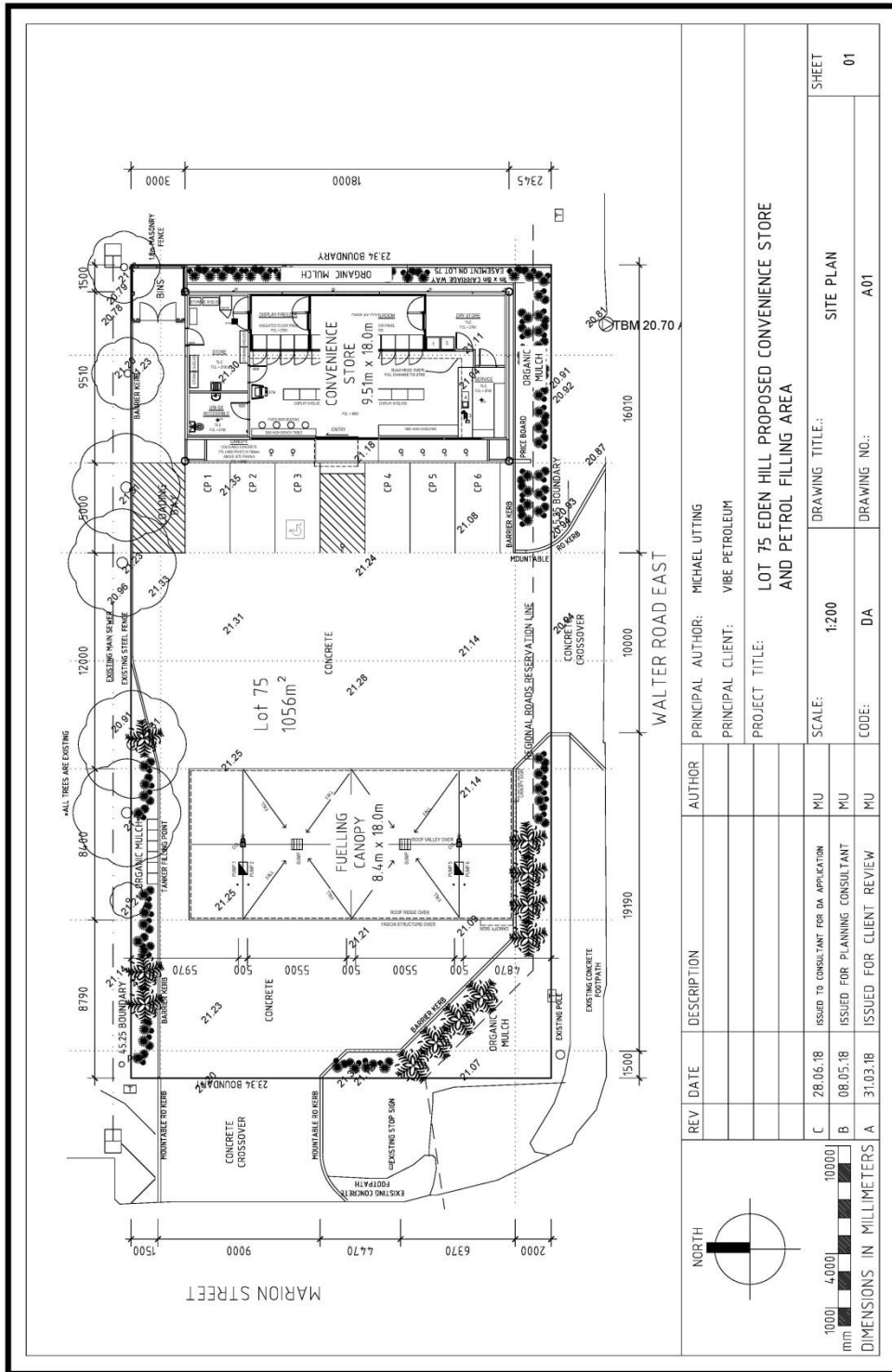
TABLE 1 OF TRANSPORT IMPACT ASSESSMENT GUIDELINES – VOLUME 4

Table 1: Level of TIA required by land use and size

LAND USE	MODERATE IMPACT	HIGH IMPACT
	Transport Impact Statement required	Transport Impact Assessment required
	10 – 100 vehicle trips in the peak hour	> 100 vehicle trips in the peak hour
Residential	10–100 dwellings	> 100 dwellings
Schools	10–100 students	> 100 students
Entertainment venues, restaurants, etc.	100–1000 persons (seats) OR 200–2000 m ² gross floor area	> 1000 persons (seats) OR > 2000 m ² gross floor area
Fast food restaurants	50–500 m ² gross floor area	> 500 m ² gross floor area
Food retail / Shopping centres with a significant food retail content	100–1000 m ² gross floor area	> 1000 m ² gross floor area
Non-food retail	250–2500 m ² gross floor area	> 2500 m ² gross floor area
Offices	500–5000 m ² gross floor area	> 5000 m ² gross floor area
Service Station	1–7 refuelling positions	> 7 refuelling positions
Industrial/Warehouse	1000–10,000 m ² gross floor area	> 10,000 m ² gross floor area
Other Uses	Discuss with approving authority	Discuss with approving authority

Appendix B

PROPOSED DEVELOPMENT SITE PLAN



REV	DATE	DESCRIPTION	AUTHOR	PRINCIPAL AUTHOR:
				MICHAEL UTTING
				PRINCIPAL CLIENT: VIBE PETROLEUM
				PROJECT TITLE: LOT 75 EDEN HILL PROPOSED CONVENIENCE STORE AND PETROL FILLING AREA
C	28.06.18	ISSUED TO CONSULTANT FOR DA APPLICATION	MU	SCALE: 1:200
B	08.05.18	ISSUED FOR PLANNING CONSULTANT	MU	DRAWING TITLE: SITE PLAN
A	31.03.18	ISSUED FOR CLIENT REVIEW	MU	CODE: DA
DIMENSIONS IN MILLIMETERS				DRAWING NO.: A01
10000 40000 100000				SHEET 01

Appendix 7
Clause 42 Certificate



Enquiries: Trevor Servaas (08) 6551 9110
Our Ref: 42 / 55066594
Your Ref: 5503

PLANNING SOLUTIONS (AUST) PTY LTD
LVL 1, 251 ST GEORGES TCE
PERTH
6000 WA

Dear Sir/Madam

**CERTIFICATE UNDER CLAUSE 42 OF THE METROPOLITAN REGION SCHEME
ISSUED BY THE WESTERN AUSTRALIAN PLANNING COMMISSION**

In reply to your request, please find enclosed
Certificate Number: 55066594

It is advised that the enclosed Certificate has been prepared to conform with the current Statutory requirements (as at the date of signature) of the Metropolitan Region Scheme

Yours faithfully,

A handwritten signature in black ink that reads "Kerrine Blenkinsop". The signature is written in a cursive, flowing style.

Kerrine Blenkinsop
Secretary
Western Australian Planning Commission

11 October 2017



wa.gov.au

Postal address: Locked Bag 2506 Perth WA Street address: 140 William Street Perth WA 6000
Tel: (08) 6551 8002 Fax: (08) 6551 9001 TTY: 6551 9007 Infoline: 1800 626 477
info@dph.wa.gov.au www.dph.wa.gov.au
ABN 35 482 341 493

Scheme Certificate

In accordance with clause 42 of the

Metropolitan Region Scheme the following information relates to:

Certificate:
55066594

Receipt:
None

Date:
12/10/2017

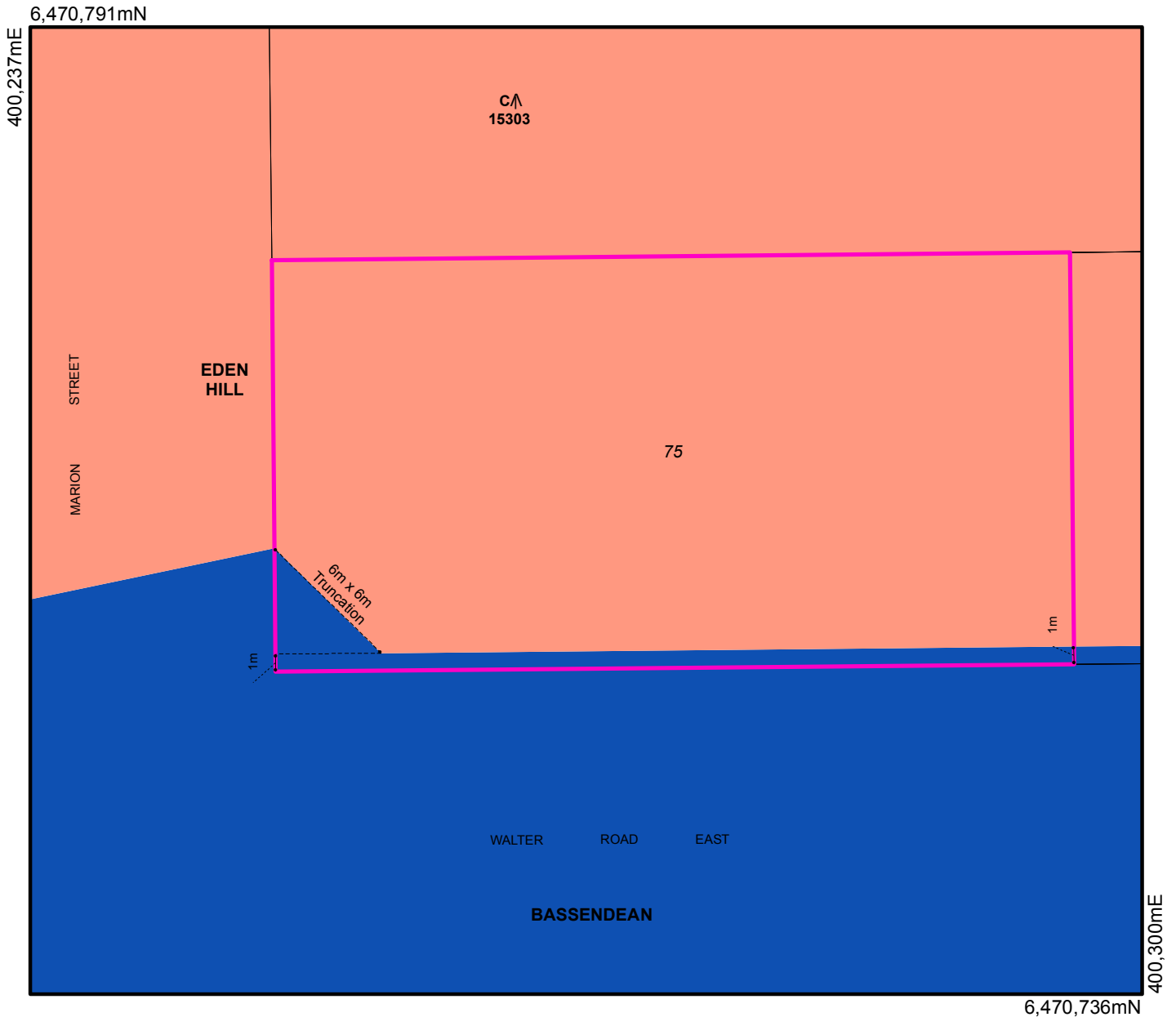
Location: Walter Rd, Eden Hill

Certificate of Title: Vol: 1837 Folio:500

Plan: 3469

Legend for reserved land and zones

- Other regional roads
- Urban

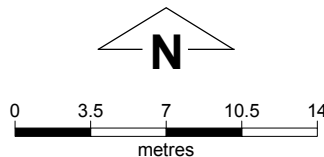


This certificate relates only to the provisions of the:
Metropolitan Region Scheme

and does not claim to indicate the land use allocation under any local government provision.

Produced by Geospatial Research and Modelling,
Department of Planning, Lands and Heritage, Perth WA.

Base information supplied by:
Western Australian Land Information Authority LI 862-2016-1



Coordinates based on MGA Zone 50 (GDA 94)
All dimensions are in metres
Subject to survey

Kerrine Blenkinsop

Kerrine Blenkinsop
Secretary
Western Australian Planning Commission

Schedule of Submissions

Proposed Convenience Store – Lot 75 (No. 72) Walter Road East, Bassendean

Notes:

- EHPS = Eden Hill Primary School;
- EPA = Environmental Protection Authority;
- LPS10 = Town of Bassendean Local Planning Scheme No. 10;
- OCM= Ordinary Council Meeting; and
- RAR = Responsible Authority Report.

No.	Affected Property	Summary of Submission	Officer Response
1.	Parent of Child Attending EHPS.	<p>Objection</p> <p>(a) Exposure of children at EHPS and nearby residents to toxins associated with petrol stations, including known carcinogens such as benzene, toluene and other volatile organic compounds;</p> <p>(b) Lack of separation between Convenience Store and School (i.e. common boundary shared), contrary to 200m separation buffer distance recommended by the Environmental Protection Agency; and</p> <p>(c) Significant health risks for residents living close to the proposed development along with employees and school children.</p>	<p>Supported</p> <p>Advice provided by both the EPA and Dept. of Health recommends that the development not proceed in the absence of a site specific study which demonstrates that the lesser separation distance is appropriate having regard to environmental / public health outcomes that would result from approval of the proposed development.</p>

2.	Proprietor of 68 Walter Road East, Bassendean (Walter Rd Handy Mart)	Objection (a) Proximity of new convenience store to existing convenience store (commercial competition).	Not Supported While the proposed development may have adverse financial impact on the adjoining business, it is not a proper consideration in the determination of the application.
3.	6 Mary Crescent, Eden Hill (Property Owner)	Objection (a) Please do your best to oppose this bad, unnecessary and environmentally dangerous plan.	Supported While this submission is generalised in nature, it is supported for the same reasons identified in response to Submission No. 1, above
4.	10 Northmoor Rd, Eden Hill (Property Owner)	Objection (a) Proximity to other Convenience Stores / Service Stations; (b) Turning path for fuel tankers appears inadequate; (c) Application is silent on Town of Bassendean staff query regarding use of non-standard 15m long fuel tanker (noting that standard tanker is 19m long); (d) Fuel tanker approach from west (Figure 4 from Transport Impact Statement) shows fuel tanker non-lane correct and occupying the entirety of the oncoming traffic lane in Marion St; (e) Right turn (west) exit from Marion St to Walter Rd East is already difficult and will become more difficult; (f) Additional traffic generation on Marion St is not welcomed; (g) Additional traffic fumes impacting adjoining school premises; (h) Hazardous emissions including benzene.	Supported (in part) While the proximity to other convenience stores / service stations is not supported, the submission goes on to identify a range of traffic related concerns that have been discussed within the RAR including: <ul style="list-style-type: none"> • Inadequate turning path for fuel tankers; and • Lack of information relating to the use of non-standard fuel tankers and how this arrangement would be appropriately managed now and into the future. See response to Submission No. 1 in relation to comment on lack of EPA recommended separation distance.

5.	5 Robinson Rd, Eden Hill (Property Owner)	<p>Objection</p> <p>(a) Traffic risks at the intersection of Ivanhoe St and Walter Rd East, including conflict between vehicles and school children on foot; and</p> <p>(b) Exposure of school children to hazardous fumes while paying on the oval or while in class.</p>	<p>Supported (in part)</p> <p>If the application were to be approved, this would be contingent upon a central median being installed within Walter Road East to prevent turns into the site from westbound traffic. Such a treatment should negate any adverse impact of the development on the Ivanhoe St / Walter Rd East intersection (via traffic being banked up in this direction). Additionally, the traffic lights at the Walter Rd East / Ivanhoe St intersection incorporate a pedestrian crossing phase, meaning that there should also be no adverse impact on children crossing at this location.</p> <p>See response to Submission No. 1 in relation to potential impacts from fumes / emissions and absence of EPA recommended buffer distance.</p>
6.	16 Jubilee Avenue, Eden Hill (Property Owner)	<p>Objection</p> <p>(a) Relationship of development site to school site (i.e. directly adjoining with no buffer);</p> <p>(b) Potential health concerns such as leukemia associated with Benzene;</p> <p>(c) Development being inconsistent with plans to modify Walter Rd East from a four lane divided carriageway to a 'tree lined boulevard style' street with single lanes in each direction and planted central median;</p> <p>(d) Traffic associated with the development causing a danger to cyclists and pedestrians;</p> <p>(e) Petrol tankers and service vehicles utilization of Marion St will add further congestion to an already crowded area;</p> <p>(f) Noise disturbance and eye sore;</p> <p>(g) Antisocial behaviour; and</p>	<p>Supported (in part)</p> <p>See response to Submission No. 1 in relation to absence of EPA recommended buffer distance.</p> <p>Although Council did adopt a notice of motion at its August OCM which seeks to reduce Walter Rd East from 4 traffic lanes to 2 traffic lanes, this matter is not yet seen to be advanced enough (e.g. concept drawings have not yet been prepared) to be classified as 'seriously entertained' for planning purposes.</p> <p>Various traffic and parking related concerns have been identified within the RAR.</p>

		(h) Potential ground water contamination.	<p>Insufficient information is provided to properly assess potential noise impacts associated with the proposed development. This is discussed within the RAR.</p> <p>Although social impacts associated with a proposed development are able to be considered in conjunction with the assessment of the application (Clause 67(n)(iii) of the Planning and Development (Local Planning Schemes) Regulations 2015 refers), the Town is unable to definitively say that anti-social behaviour would result if the development were to be approved, and as such, parts of submissions which make reference to this matter are noted only.</p> <p>The Contaminated Sites Branch of the Department of Water and Environmental Regulation have advised that the proposed development is suitable from a contamination perspective.</p>
7.	<p>Department of Education</p> <p>(Owner of School site and state govt agency responsible for school)</p>	<p>Objection</p> <p>(a) Schools are deemed to be sensitive land uses and vehicle refueling stations may generate a range of emissions of pollutants and inherent safety risks, which if not carefully managed, may adversely impact the health, amenity and wellbeing of occupants of nearby schools;</p> <p>(b) In support of the submission from the Department of Education, the Department of Health have provided the following advice:</p> <p>(i) the EPA Guidance Statement No. 3 June 2005 Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses, stipulates a minimum separation distance of 50m from the petrol station to the</p>	<p>Supported</p> <p>See response to Submission No. 1 in relation to potential impacts from fumes / emissions and absence of EPA recommended buffer / separation distance.</p>

		<p>adjacent school site. In this instance a lesser separation distance is proposed;</p> <ul style="list-style-type: none">(ii) the Dangerous Goods and Handling licence for which a separate application will need to be made to the Department of Mines, Industry Regulation and Safety relates only to the assessment and control of fire and explosion risk for flammable liquid storage and transfer and does not take into account the environmental emissions nor determine health effects that may be generated from the site;(iii) notwithstanding the installation of a Vapour Recovery System, there is evidence based on studies conducted overseas to suggest that volatile organic compounds, particularly airborne benzene concentrations, are elevated up to 150m from a petrol station and that there is a possible link in increased risk in childhood leukaemia with either proximity to petrol stations or petrol station density (per square kilometre);(iv) In the absence of a scientific study or a health risk assessment to support a lesser separation distance (which addresses public health implications associated with vapour emissions), the 50m separation distance requirement should apply;(v) Whilst it is noted that a 'Convenience Store' is a 'P' (permitted) land use in the Local Shopping Zone, in considering the application the determining authority shall have due regard to the deemed provisions set out in clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, particularly relating to the suitability of the proposed development taking into account the possible risk to human health or safety; and(vi) Having regard to the matters identified above, the petrol station is not considered to be a compatible	
--	--	---	--

		land use for the site and therefore, the Department does not support the proposed development.	
8.	Property Address and ownership status unknown	<p>Support</p> <p>I think that a petrol station would be a fantastic idea on Walter Road East. It would generate employment and allow motorists who are driving past to refuel.</p>	<p>Noted</p> <p>It is accepted that the proposed development is a permitted land use and would provide a level of convenience to passing motorists.</p>
9.	Eden Hill Primary School Board	<p>Objection</p> <p>(a) Hazardous Materials</p> <p><u>Benzene</u> Emissions from evaporated petrol or fuel, generally when petrol is being transferred or has been split, contaminates the surrounding area with volatile materials, including the carcinogen benzene. It is recommended that exclusion zones around current and future petrol stations be introduced for the health and safety of residents and the community.</p> <p><u>Environmental Protection Authority (EPA)</u> The EPA recommends a buffer zone of at least 50 metres between a development of this kind and a sensitive land use.</p> <p><u>World Health Organisation (WHO)</u> The WHO have published a paper which identifies exposure to benzene as a major public health concern with exposure associated with a range of acute and long-term adverse health effects and diseases, including cancer and aplastic anaemia.</p>	<p>Supported</p> <p>See response to Submission No. 1 in relation to potential impacts from fumes / emissions and absence of EPA recommended buffer distance</p> <p>As identified in the response to the previous submission, various traffic and parking concerns have been identified within the RAR, although traffic volumes within Marion Street (even if the development had access to this street) would not exceed those which are expected for an access road of this kind.</p>

		<p>(b) Road Safety and Access Between the hours of 7.45-8.45am and 2.30-3.30pm Mon-Fri, the intersection at Marion St and Walter Rd East is crossed by a number of students who walk or ride to school. Cars entering and existing from Marion Street and Cumberland Way coupled with traffic on Walter Road East already make the intersection a dangerous route for students.</p> <p>A vehicle crossover on Marion Street will place those students wishing to cross Walter Road East from Marion Street in further danger from vehicles slowing to enter and exit the Convenience Store.</p>	
10.	Eden Hill Primary School Year 4/5 Class	<p>Objection</p> <p>Under the cover of a letter from the year 4/5 teacher, 21 individual letters from year 4/5 students were lodged with the Town.</p> <p>Each of the 21 letters objected to the proposed development for reasons such as:</p> <ul style="list-style-type: none"> • Litter; • Traffic; • Fumes / adverse effect on health; • Inadequate separation distance; • Noise disturbance; and • Stranger danger. 	<p>Supported (in part)</p> <p>See response to Submission No. 1 in relation to potential impacts from fumes / emissions and absence of recommended buffer distance.</p> <p>Various traffic and parking related concerns have been identified within the RAR.</p> <p>See response to Submission No. 6 for comments on potential noise disturbance from the development.</p> <p>See response to Submission No. 6 for comments on social issues.</p> <p>If the development were to be approved, a condition could be considered in relation to the collection of litter that may be generated from the site.</p>

11.	Property Address and ownership status unknown	<p>Objection</p> <p>(a) Development could be hazardous being too close for health and safety reasons;</p> <p>(b) Potential fire risks; and</p> <p>(c) Increased potential for vehicle accidents.</p>	<p>Supported (in part)</p> <p>See response to Submission No. 1 in relation to potential impacts from fumes / emissions and absence of EPA recommended buffer distance.</p> <p>Potential fire risks will be assessed as a part of the Dangerous Goods Storage and Handling Licence that Vibe must obtain from the Department of Mines, Industry Regulation and Safety in the event that the proposed development were to be approved.</p> <p>Various traffic and parking related concerns have been identified within the RAR.</p>
12.	Eden Hill Primary School P & C Association	<p>Objection</p> <p><u>Objectives of Local Planning Scheme No. 10</u></p> <p>(a) Non-compliance with Objective 3.2.2(c) set down within the Town of Bassendean Local Planning Scheme No. 10 relating to the Shopping Zone, being: “to ensure a respect for the residential amenity of the surrounding neighbourhood, particularly in terms of design and location of vehicle parking, pedestrian movement, pedestrian and vehicular safety, and control of signage;</p> <p><u>Access and Egress to and from the site</u></p> <p>(a) Transport impact statement does not indicate any queuing data for Marion St, being the exclusive entry for tankers and service vehicles and most customers;</p> <p>(b) Cars exiting into Marion St from the petrol station will have to move before the tanker can actually safely turn</p>	<p>Supported (in part)</p> <p>Having regard to the range of concerns that have been identified with the proposed development, it is agreed that the objectives of LPS10 have not been satisfactorily addressed.</p> <p>Various traffic and parking related concerns have been identified within the RAR. It should be noted, however, that anticipated traffic volumes (in both Marion Street and Walter Rd East) will not exceed those that are considered to be acceptable for the respective road types.</p> <p>See response to Submission No. 6 in relation to the Council’s future intentions for Walter Rd East.</p>

		<p>into the site, and this could cause a back log of traffic onto Walter Rd East;</p> <p>(c) There is an access point for 5 different facilities used by Telstra, Water Corp, NBN, Western Power and Gas Suppliers on the corner of Marion St and Walter Rd East. Parked service vehicles associated with these agencies will cause traffic conflict and a safety hazard;</p> <p>(d) As shown by the fuel tanker turn path analysis, page 8 of the Transport Impact Statement, when cars are waiting to exit onto Walter Rd from Marion St, the fuel tanker will need to queue on Walter Rd East until Marion St has been cleared of all vehicles as the tanker needs to utilize the entirety of the carriageway. Passenger vehicles waiting to exit Marion St and turn right into Walter Rd East will have their vision of oncoming traffic obscured, resulting in a safety hazard; and</p> <p>(e) Increased pedestrian (school children) and vehicular (including service vehicles and petrol tankers) within the Marion St road reserve.</p> <p><u>Traffic Generation / Road Capacity / Safety Concerns</u></p> <p>(a) Transport Impact Statement does not adequately address safety considerations associated with Marion St, which is classified by Main Roads as an Access Road. The proposed development will have a direct and dangerous impact on activities associated with the school;</p> <p>(b) The development application report details 11,309 cars per day using Walter Rd East and estimates that 70% of customer trade will be from passing traffic and that customer numbers will be 978 per day. Based upon the figures, there is a likelihood of more customers than has been predicted. 90% of traffic will use Marion St which will have a significant impact on this street;</p>	<p>See response to Submission No. 1 in relation to potential impacts from fumes / emissions and absence of EPA recommended buffer distance.</p> <p>Although it is acknowledged that service authorities will need to access the road reserve on occasion, this should only be required on an infrequent basis.</p> <p>Comments relating to the design of the building have been made within the RAR and concerns have been identified with respect to this matter.</p>
--	--	---	--

		<p>(c) The Transport Impact Statement fails to identify the times and direction that the traffic will be at its busiest. Peak times are likely to be 7.30-9.00am and 3.00-6.00pm weekdays which coincide with school peak hours – the worst and most dangerous times for children walking to or from school; and</p> <p>(d) At a recent Council meeting the Town of Bassendean approved a motion to reduce Walter Rd East to a single lane in each direction. The proposed development is inconsistent with this proposal.</p> <p><u>Local Amenity including Environmental Impacts</u></p> <p>(a) Students and staff will suffer from reduced air quality. The Stage 1 vapour recovery system referred to in the application relates only to petrol tankers during the filling of underground tanks and does not cover emissions associated with people refuelling their vehicles which will occur for 18 hours per day;</p> <p>(b) The application report is silent on the potential impacts on the school during the excavation and development of the site. The site is registered as contaminated and it can be expected that during the development residents and school children will be subjected to Benzene and other related hydrocarbons such as Hexane, Toluene, Xylenes, Naphthalene and Fluorene being released into the air as site works are undertaken; and</p> <p>(c) Noise pollution.</p> <p><u>Hazardous Materials</u></p> <p>(a) The EPA classifies schools as sensitive land uses and sets down buffer zones between petrol stations and sensitive land uses such as a school. The minimum buffer distance is 50m, ranging to a 200m buffer distance for a petrol station operating 24 hours a day. The proposed petrol</p>	
--	--	--	--

station will be operating 18 hours a day and should therefore be provided with a buffer of approximately 150 metres. The development site directly adjoins the school with only cyclone style mesh fencing providing separation.

- (b) Benzene – is a volatile organic compound, is present in all crude oil and will be inhaled by the children daily. Benzene has been linked to many respiratory illnesses and various forms of cancer, leukaemia particularly. Children with their still developing immune system are more susceptible to the effects of Benzene related illnesses. There is no safe level of exposure to Benzene.

School Oval

- (a) If the development were to be approved, the school oval (which is used for a range of activities) may need to be relocated in order to provide a safe play environment for children.
- (b) Proposed perimeter landscaping will adversely affect teachers' ability to see through the boundary fence and therefore reduce capacity to see if children are interacting with unknown people on the other side, increasing the risk to children's safety.

Building Design

- (a) The rear of the Convenience Store building will be facing existing buildings with little to no passive surveillance, providing the opportunity for anti-social behavior; and
- (b) The building itself will be made from tilt up panels which are not consistent with current neighbourhood architectural typology.

13.	<p>92A Ida Street, Eden Hill</p> <p>(Property Owner)</p>	<p>Objection</p> <p><u>EPA Separation Distance from Sensitive Land Use and Hazardous Materials</u></p> <p>(a) Based upon the proposed hours of operation, a separation distance of approximately 150 metres should be provided between the proposed development and sensitive land uses (school and residential development);</p> <p>(b) Toxic chemicals expelled from a petrol station including benzene, toluene, carbon monoxide and other hydrocarbons and associated health risks, particularly for children; and</p> <p>(c) Chemical exposure to workers and children if the development were to proceed.</p> <p><u>Crossover to Marion St</u></p> <p>Given site constraints, a reduced size (15 metre long) tanker is proposed to be used to service the site. Even with this reduced size vehicle, there is a need for it to enter the site at a time when no other vehicles are attempting to leave the site due to the turning circle / size of the vehicle, resulting in the following issues:</p> <p>(a) The waiting tanker will cause a backlog of traffic onto Walter Road East. This situation will be exacerbated when the Council initiated reduction from 4 lanes to 2 lanes for Walter Road East is implemented;</p> <p>(b) Cars attempting to exit Marion St and travel westbound onto Walter Rd East will have their line of sight obscured;</p> <p>(c) At No. 1 Marion St there are 5 infrastructure access points (Water Corporation, Telstra, Western Power and NBN / Telstra) along with a fire hydrant. These services can be accessed frequently and parked utility vehicles will exacerbate traffic conflicts at this location;</p>	<p>Supported (in part)</p> <p>See response to Submission No. 1 in relation to potential impacts from fumes / emissions and absence of EPA recommended buffer distance.</p> <p>Various traffic and parking related concerns have been identified within the RAR. It should be noted, however, that anticipated traffic volumes (in both Marion Street and Walter Rd East) will not exceed those that are considered to be acceptable for the respective road types.</p> <p>Insufficient information is provided to properly assess potential noise impacts associated with the proposed development. This is discussed within the RAR.</p> <p>Comments on lighting and light spill are provided within the RAR.</p>
-----	--	--	---

		<p>(d) A crossover on the Marion St frontage of the development site causes an inconvenience for local residents in relation to access and egress to and from their properties; and</p> <p>(e) A crossover on the Marion St frontage of the development site is dangerous for young children who are walking / riding to and from school.</p> <p><u>Noise and Disturbance (including Lighting)</u></p> <p>(a) Disturbance from increased traffic;</p> <p>(b) Disturbance from light spill;</p> <p>(c) Disturbance from additional pedestrian movement late at night (such as from Tavern patrons)</p> <p>(d) Potential for antisocial behavior late at night; and</p> <p>(e) Design and colour scheme which does not fit in with its surrounds.</p> <p>If the development were to proceed, the Education Department may need to modify the operations of the school in order to achieve separation distances recommended by the EPA, as they have had to do in other similar situations.</p>	
14.	Eden Hill Primary School Year 6 Class	<p>Objection</p> <p>Under the cover of a letter from the year 6 teacher, 10 separate letters from 19 year 6 students were lodged with the Town.</p> <p>Each of the 10 letters objected to the proposed development for reasons such as:</p> <ul style="list-style-type: none"> • Litter; • Traffic; • Fumes / adverse effect on health; • Inadequate separation distance; 	<p>Supported (in part)</p> <p>See response to Submission No. 6 in relation to social impacts / anti-social behaviour (litter, stranger danger).</p> <p>Traffic volumes (in both Marion Street and Walter Rd East) will not exceed those that are considered to be acceptable for the respective road types.</p> <p>See response to Submission No. 1 in relation to fumes / emissions / associated possible adverse health</p>

		<ul style="list-style-type: none"> Noise disturbance; and Stranger danger. 	<p>impacts and absence of EPA recommended separation distance.</p> <p>Insufficient information is provided to properly assess potential noise impacts associated with the proposed development. This is discussed within the RAR.</p>
15.	<p>7 Marion Street, Eden Hill</p> <p>(Property Owner)</p>	<p>Objection</p> <p>(a) Adverse impact on capacity of local residents to safely access local shops, school, park, public telephones, bus stops, and their own homes as either pedestrians or motorists;</p> <p>(b) Proposed development will be encouraging patrons to arrive by car and leave as soon as possible, only to make way for more vehicles, encouraging high traffic volume in a minor street;</p> <p>(c) Although there was previously a fuel station on this site, that facility had shorter opening hours and was closed on a Sunday. Even with shorter opening hours traffic queues were an issue, with vehicles queued to enter and leave Marion St; and</p> <p>(d) Since the former fuel station closed, houses at the Walter Rd East end of Marion St have been subdivided and more driveways have been added within vicinity of the corner on both Marion St and Walter Rd East.</p>	<p>Supported (in part)</p> <p>Various traffic and parking related concerns have been identified within the RAR. It should be noted, however, that anticipated traffic volumes (in both Marion Street and Walter Rd East) will not exceed those that are considered to be acceptable for the respective road types.</p>
16.	<p>Dave Kelly State Labor MP for Bassendean</p>	<p>Objection</p> <p>Proposed development presents a range of health and safety concerns to students of Eden Hill Primary School as follows:</p> <p>(a) The Town of Bassendean has passed a redevelopment plan that would turn Walter Rd East into a single carriageway with central median and bike lanes. A petrol station will</p>	<p>Supported (in part)</p> <p>See response to Submission No. 6 for comment on proposed changes to Walter Rd East (reduction from 4 traffic lanes to 2 traffic lanes with landscaped median).</p>

		<p>negate any positive safety effect that the single carriageways would bring;</p> <p>(b) The roads around the school experience high levels of traffic associated with drop off and pick up. Adding petrol station customer traffic will increase congestion and create a dangerous environment for students when crossing roads or riding bikes;</p> <p>(c) No. 1 Marion St is the location of utility access points for various utility companies and when they are accessing their infrastructure this will further increase traffic and congestion on what is an already busy street;</p> <p>(d) The proposed development is located directly next to the school oval which is in constant use, positioning students in close proximity to fumes from the station;</p> <p>(e) If the proposed development were to be approved, there may be a need to rethink student use of the oval at a time when physical activity should be encouraged; and</p> <p>(f) EPA guidelines require a 200m buffer zone between the proposed development and ‘sensitive’ land uses such as the school and residential dwellings. The proposed development directly adjoins the school and is located just 20m from the nearest residential properties.</p>	<p>Various traffic and parking related concerns have been identified within the RAR. It should be noted, however, that anticipated traffic volumes (in both Marion Street and Walter Rd East) will not exceed those that are considered to be acceptable for the respective road types.</p> <p>Although it is acknowledged that service authorities will need to access the road reserve on occasion, this should only be required on an infrequent basis.</p> <p>See response to Submission No. 1 in relation to fumes / emissions and absence of EPA recommended buffer distance.</p>
17.	<p>Joint Submission made on behalf of 77 “concerned community members”</p>	<p>Objection</p> <p><u>Inconsistent with Town of Bassendean Local Planning Scheme No. 10</u></p> <p>(a) An Aim of the Town’s Local Planning Scheme (LPS) is “to promote vibrant local shopping opportunities and provide for home businesses”. The proposal doesn’t add vibrancy given its incompatibility with local character and negative impacts in terms of air quality, pedestrian and vehicle safety;</p>	<p>Supported (in part)</p> <p>Having regard to the range of concerns that have been identified with the proposed development, it is agreed that the aims / objectives of LPS10 have not been satisfactorily addressed.</p> <p>See response to Submission No. 1 with respect to comment on fumes / emissions and absence of EPA recommended buffer distance.</p>

	<p>(b) An Objective of the LPS (for the Local Shopping Zone) is “to ensure a respect for the residential amenity of the surrounding neighbourhood, particularly in terms of design and location of vehicle parking, pedestrian movement, pedestrian and vehicular safety, and control of signage”. We believe that the proposal will negatively impact residential amenity for the following reasons:</p> <ul style="list-style-type: none"> • Pedestrian movement along Marion St and Walter Rd East will be hindered and safety compromised by the frequent movement of vehicles through the crossovers on these streets; • Pedestrian and vehicular safety will be compromised with increased traffic in an out of Marion St and Walter Rd East; and • The proposed illuminated signage associated with the development will result in light pollution for nearby residents, exacerbated by the extended trading hours. <p><u>Inconsistent with Environmental Protection Authority (EPA) Guidance Statement No. 3 – Separation Distances between Industrial and Sensitive Land Uses</u></p> <p>The adjoining school is classified as a sensitive land use and the EPA Guidance Statement recommends a separation distance of between 50m and 200m between the proposed development and the school whereas in this instance the two share a common boundary of 45m in length.</p> <p><u>Incompatibility of the Development with its setting including relationship to adjoining development on other land or on other land in the locality</u></p> <p>(a) The proposed development is inappropriate for this location given the relationship between the development site and the adjoining school and directly opposite residential development;</p>	<p>See response to Submission No. 6 for comments on potential noise disturbance from the development.</p> <p>Comments relating to lighting and light spill have been provided within the RAR.</p> <p>Comments relating to the design of the building / compatibility with setting have been made within the RAR and concerns have been identified with respect to this matter.</p> <p>The Contaminated Sites Branch of the Department of Water, Environment and Regulation have indicated that the site is acceptable for its proposed use.</p> <p>Various traffic and parking related concerns have been identified within the RAR. It should be noted, however, that anticipated traffic volumes (in both Marion Street and Walter Rd East) will not exceed those that are considered to be acceptable for the respective road types.</p>
--	--	---

(b) In addition to health and safety impacts, nearby residents will be impacted by the noise of vehicles coming and going, light pollution from the site itself and headlight glare.

Negative impact on the amenity of the locality including environmental, character of locality and social

- (a) Local air quality will be negatively impacted by way of an increase in car exhaust emissions due to the number of vehicles coming, going and idling at the site;
- (b) Local air quality will be negatively impacted by petrol emissions from vehicles refuelling; and
- (c) The orientation of the Convenience Store facing west toward Marion St is incompatible with the character of the locality. The orientation creates a disconnect with the adjacent store on the corner of Walter Rd East and Ivanhoe St with the rear of the Convenience Store facing the front of the corner shop. The majority of other commercial premises within this Local Shopping Zone face directly toward Walter Rd East.

Effect of the development on the natural environment and water resources

Possibility of groundwater contamination from leakage of fuels along with spillage of coolant or other chemicals. Concern is evidenced by fact that previous petrol station on site resulted in ground contamination.

Inadequacy of access and egress and inadequacy of arrangements for loading, unloading and manoeuvring

The requirement for all customer vehicles travelling westbound and all fuel tankers to enter and exit the property via Marion St along with all service vehicles needing to enter the site from Marion St is inadequate and will lead to

		<p>significant safety issues both within the property and on Marion St, specifically:</p> <ul style="list-style-type: none"> (a) Insufficient room for fuel tankers to utilise the Marion St crossover simultaneously with other vehicles. This will lead to vehicles queuing within the property or on Marion St; (b) Marion St is insufficient in width to accommodate the swept path of fuel tankers without them crossing onto the wrong side of the street. If there are already vehicles on Marion St, fuel tankers will need to queue on Walter Rd East before turning into the street; (c) Vehicles on Marion St waiting to turn into Walter Rd East have limited visibility looking west; and (d) The corner of Marion St and Walter Rd East is a known access point for numerous utilities, requiring utility vehicles to park at or near this intersection on a regular basis further impacting vehicle and pedestrian safety. <p><u>Amount of traffic likely to be generated, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety</u></p> <ul style="list-style-type: none"> (a) The proximity of the development to the intersection of Walter Rd East and Ivanhoe St is an issue as evidenced by the proposal referencing the need to add a central median island within Walter Rd East; (b) All customer vehicles travelling west bound and all fuel tankers will be required to utilise Marion St to enter and exit the property along with all service vehicles entering the property. This will significantly increase traffic volumes on Marion St; (c) The heavy reliance on Marion St for access and egress is a further issue noting the road geometry with the Cumberland Way / Walter Rd East junction which is only slightly diagonally offset from the Marion St / Walter Rd 	
--	--	--	--

		<p>East junction. A busy and uncontrolled full movement intersection results;</p> <ul style="list-style-type: none">(d) Marion St is already busier than nearby residential streets as it adjoins the school and accommodates street parking for the school.(e) Traffic entering and exiting the site from each of the two proposed crossovers poses a significant safety risk to pedestrians in general and unaccompanied school children in particular which will be exacerbated by the fact that the peak hours of the convenience store and school coincide. <p><u>Suitability of the land for the development taking into account the possible risk to human health or safety</u></p> <ul style="list-style-type: none">(a) The site is unsuitable for the development of petrol station given its proximity to the school and residential dwellings;(b) The development poses a significant risk to human health as a result of emissions from vehicles and refuelling activities; and(c) The development poses a significant risk vehicle and pedestrian safety resulting from inadequate access and egress and high traffic volumes.	
--	--	---	--

Submissions made through Your Say Bassendean

A total of 114 submissions were made via the Town's Your Say Bassendean web page. Of those 114 submissions, 107 objected to the proposal; 5 supported the proposal; and 2 provided general comment. Those submissions are summarised in the table below:

	Nature of Comment	Summary of Submission	Officer Response
1.	Objection	<ol style="list-style-type: none"> 1. Sufficient number of facilities of this kind within locality already; 2. Fumes / emissions; and 3. Increased traffic / traffic congestion. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. The number of similar facilities within the locality is not relevant in the determination of this application; 2. Advice provided by both the EPA and Dept. of Health recommends that the development not proceed adjoining / adjacent to sensitive premises in the absence of a site specific study which demonstrates that the lesser separation distance is appropriate having regard to environmental / public health outcomes that would result from approval of the proposed development; and 3. Traffic volumes within both Marion Street and Walter Road East are not expected to exceed those for which each of the respective streets is designed to accommodate.
2.	Objection	<ol style="list-style-type: none"> 1. Sufficient number of facilities of this kind within locality already. 	<p>Not Supported</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter.
3.	Objection	<ol style="list-style-type: none"> 1. Increased traffic. 	<p>Not Supported</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter.

4.	Objection	<ol style="list-style-type: none"> 1. Sufficient number of facilities of this kind within locality already; 2. Security implications for school; 3. Increased traffic; and 4. Other shops may be adversely impacted by proposed development. 	<p>Not Supported</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. Whilst matters such as crime, littering and anti-social behaviour have been raised in a number of submissions, it is not possible to say definitively that adverse impacts in relation to these matters would result, should the proposed development be approved; 3. See response to Submission No. 1 for comment on this matter; and 4. See response to Submission No. 1 for comment on this matter.
5.	Objection	<ol style="list-style-type: none"> 1. Increased traffic. 	<p>Not Supported</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter.
6.	Objection	<ol style="list-style-type: none"> 1. Sufficient number of facilities of this kind within locality already; 2. Small lot size; and 3. Siting alongside primary school is inappropriate. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. The small lot size (around half of what would typically be expected for a convenience store development) is seen to have a direct link to a number of the specific design concerns that have been identified with this application; and 3. See response to Submission No. 1 for comment on this matter.
7.	Objection	<ol style="list-style-type: none"> 1. Sufficient number of facilities of this kind within locality already; 2. Health risks associated with proposal; and 3. Road safety hazards. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter; and

			3. A number of road safety concerns linked to the proposed development have been identified and have been discussed within the RAR.
8.	Objection	<ol style="list-style-type: none"> 1. Sufficient number of facilities of this kind within locality already; 2. Siting alongside primary school is inappropriate. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; and 2. See response to Submission No. 1 for comment on this matter.
9.	Objection	<ol style="list-style-type: none"> 1. Siting alongside primary school is inappropriate; 2. Sufficient number of facilities of this kind within locality already; 3. Doesn't add to community development / place making or centralizing a community hub. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter; and 3. The proposed use is permitted by the Town's Local Planning Scheme.
10.	Objection	<ol style="list-style-type: none"> 1. Siting alongside primary school is inappropriate. 	<p>Supported</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter.
11.	Objection	<ol style="list-style-type: none"> 1. Site would be better used as overflow parking for school; and 2. Road safety concerns. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. How the site may alternatively be used is not a factor that can be taken into consideration when making a decision on the current application; and 2. See response to Submission No. 7 for comment on this matter.
12.	Objection	<ol style="list-style-type: none"> 1. Sufficient number of facilities of this kind within locality already. 	<p>Not Supported</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter.

13.	Objection	<ol style="list-style-type: none"> 1. Adequacy of parking / loading / turning; 2. Road safety and access for the local school; 3. Increased traffic; 4. Noise and disturbance resulting from use; and 5. Hazardous materials and pollution. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. Various concerns are raised in the RAR in relation to this matter; 2. See response to Submission No. 7 for comment on this matter; 3. See response to Submission No. 1 for comment on this matter; 4. The absence of a noise report has been identified as a concern within the RAR; and 5. See response to Submission No. 1 for comment on this matter.
14.	Objection	<ol style="list-style-type: none"> 1. Sufficient number of facilities of this kind within locality already; 2. Siting alongside primary school is inappropriate; and 3. There are better options for how the site could be developed. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter; and 3. See response to Submission No. 11 for comment on this matter.
15.	Objection	<ol style="list-style-type: none"> 1. Siting alongside primary school is inappropriate; 2. Fumes / emissions; 3. Increased traffic; 4. Road safety; 5. Sufficient number of facilities of this kind within locality already. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter 3. See response to Submission No. 1 for comment on this matter; 4. See response to Submission No. 7 for comment on this matter; and 5. See response to Submission No. 1 for comment on this matter.

16.	Objection	<ol style="list-style-type: none"> 1. Siting alongside primary school is inappropriate; and 2. Sufficient number of facilities of this kind within locality already 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; and 2. See response to Submission No. 1 for comment on this matter
17.	Support	<ol style="list-style-type: none"> 1. Competition is welcome; and 2. Central location makes sense. 	<p>Noted</p>
18.	Objection	<ol style="list-style-type: none"> 1. Siting alongside primary school is inappropriate; and 2. Increased traffic. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; and 2. See response to Submission No. 1 for comment on this matter.
19.	Objection	<ol style="list-style-type: none"> 1. Increased traffic; 2. Flammable product alongside a school; and 3. Potential for spills. 	<p>Not supported</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. This matter will be the subject of assessment by the Department of Mines, Industry Regulation and Safety; and 3. The Contaminated Sites Branch of the Department of Water, Environment and Regulation have indicated that the site is acceptable for its proposed use.
20.	Objection	<ol style="list-style-type: none"> 1. Siting alongside primary school is inappropriate. 	<p>Supported</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter.
21.	Objection	<ol style="list-style-type: none"> 1. Fumes / emissions and siting immediately alongside school; 2. Traffic congestion that will result on cheap fuel days; and 3. Road safety concerns. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter;

			<ol style="list-style-type: none"> 2. See response to Submission No. 1 for comment on this matter; and 3. See response to Submission No. 7 for comment on this matter.
22.	Objection	<ol style="list-style-type: none"> 1. Siting alongside primary school is inappropriate; 2. Fumes / emissions; 3. Sufficient number of facilities of this kind within locality already; and 4. Increased traffic. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter; 3. See response to Submission No. 1 for comment on this matter; and 4. See response to Submission No. 1 for comment on this matter.
23.	Objection	<ol style="list-style-type: none"> 1. Sufficient number of facilities of this kind within locality already; 2. Siting alongside primary school is inappropriate; and 3. Siting is too close to surrounding residential development. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter; and 3. See response to Submission No. 1 for comment on this matter.
24.	Objection	<ol style="list-style-type: none"> 1. Increased traffic; 2. Siting alongside primary school is inappropriate; and 3. Sufficient number of facilities of this kind within locality already. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter; and 3. See response to Submission No. 1 for comment on this matter.

25.	Objection	<ol style="list-style-type: none"> 1. Fumes / emissions (higher than normal levels of n-hexane, cyclohexane and benzene up to 75m from petrol stations); 2. Adverse health risks and increased impacts on children; and 3. Siting alongside primary school is inappropriate. 	<p>Supported</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter; and 3. See response to Submission No. 1 for comment on this matter.
26.	Objection	<ol style="list-style-type: none"> 1. Hazardous and flammable materials; 2. Increased crime; 3. Additional parking; and 4. Road safety concerns resulting from increased traffic. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission Nos 1 and 19 for comment on this matter; 2. See response to Submission No. 4 for comment on this matter; 3. As indicated within the RAR, an appropriate number of car parking bays are seen to have been provided for the proposed development; and 4. See response to Submission No. 7 for comment on this matter.
27.	Objection	<ol style="list-style-type: none"> 1. Siting alongside primary school is inappropriate. 	<p>Supported</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter.
28.	Support	<ol style="list-style-type: none"> 1. A petrol station near the school and pink deli would be perfect. 	<p>Not Supported</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter.
29.	Objection	<ol style="list-style-type: none"> 1. Multiple crossovers which will be potentially confusing and a safety concern for children; 2. Road safety concerns resulting from increased traffic; 3. Hazardous chemicals / fumes / emissions and potential for adverse impact on child health; and 4. Potential flammable risk. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 7 for comment on this matter; 2. See response to Submission No. 7 for comment on this matter; 3. See response to Submission No. 1 for comment on this matter; and

			4. See response to Submission No. 19 for comment on this matter.
30.	Objection	<ol style="list-style-type: none"> 1. Sufficient number of facilities of this kind within locality already; 2. Location is dangerous for children; and 3. Road safety concerns resulting from increased traffic. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter; and 3. See response to Submission No. 7 for comment on this matter.
31.	Support	<ol style="list-style-type: none"> 1. Convenient and Kiara fuel station always overloaded. 	Noted
32.	Objection	<ol style="list-style-type: none"> 1. Fumes / emissions and adverse health impact; 2. Further contamination of an already contaminated site; 3. Siting alongside primary school is inappropriate; and 4. Further concentration of convenience goods is pointless for the community. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 19 for comment on this matter; 3. See response to Submission No. 1 for comment on this matter; and 4. The use is permissible and commercial competition is not a valid planning consideration.
33.	Objection	<ol style="list-style-type: none"> 1. Siting alongside primary school is inappropriate; 2. Hazardous fuel storage; 3. Fumes / emissions; 4. Traffic congestion; 5. Disturbance of existing contaminated soil; 6. Yet another place to buy junk food; 7. Sufficient number of facilities of this kind within locality already; and 8. Small size of development site. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter 2. See response to Submission Nos. 1 and 19 for comment on this matter; 3. See response to Submission No. 1 for comment on this matter 4. See response to Submission No. 1 for comment on this matter;

			<ol style="list-style-type: none"> 5. See response to Submission No. 19 for comment on this matter; 6. See response to Submission Nos. 1 and 32 for comment on this matter; 7. See response to Submission No. 1 for comment on this matter ; and 8. See response to Submission No. 6 for comment on this matter.
34.	Objection	<ol style="list-style-type: none"> 1. Fumes / emissions; 2. Siting alongside primary school is inappropriate; and 3. Road safety concerns resulting from increased traffic. Large petrol tankers and small children rarely make a good combination. 	<p>Supported</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter; and 3. See response to Submission No. 7 for comment on this matter.
35.	Objection	<ol style="list-style-type: none"> 1. Sufficient number of facilities of this kind within locality already; and 2. Road safety concerns. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; and 2. See response to Submission No. 7 for comment on this matter.
36.	Objection	<ol style="list-style-type: none"> 1. Siting alongside primary school is inappropriate; 2. Potential adverse health impacts; 3. Adverse impact on adjoining business; and 4. Road safety concerns. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter; 3. See response to Submission No. 1 for comment on this matter; and 4. See response to Submission No. 7 for comment on this matter.

37.	Objection	<ol style="list-style-type: none"> 1. Road safety and access concerns; 2. Increased traffic – particularly on cheap fuel days; and 3. Proximity of hazardous materials to primary school. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 7 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter; and 3. See response to Submission Nos. 1 and 19 for comment on this matter.
38.	Objection	<ol style="list-style-type: none"> 1. Siting alongside primary school is inappropriate; 2. Sufficient number of facilities of this kind within locality already; 3. Road safety concerns linked to increased traffic; and 4. Increase in anti-social behaviour. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter; 3. See response to Submission No. 7 for comment on this matter; and 4. See response to Submission No. 4 for comment on this matter.
39.	Objection	<ol style="list-style-type: none"> 1. Potential adverse impacts on safety of school children; 2. Fumes / emissions – potential for adverse impact on health of children; 3. Road safety concerns linked to increased traffic; and 4. Traffic congestion. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter; 3. See response to Submission No. 7 for comment on this matter; and 4. See response to Submission No. 1 for comment on this matter.
40.	Objection	<ol style="list-style-type: none"> 1. Road safety concerns linked to increased traffic; 2. Noise and associated disturbance; 3. Adverse environmental impact; and 4. Adverse impact on health of school children. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 7 for comment on this matter; 2. See response to Submission No. 13 for comment on this matter;

			<ul style="list-style-type: none"> 3. See response to Submission No. 19 for comment on this matter; 4. See response to Submission No. 1 for comment on this matter.
41.	Objection	<ul style="list-style-type: none"> 1. Siting alongside primary school is inappropriate; and 2. Potential adverse impacts on health and safety of students. 	<p>Supported</p> <ul style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; and 2. See response to Submission No. 1 for comment on this matter.
42.	Objection	<ul style="list-style-type: none"> 1. Fuel tankers will add to traffic congestion; 2. Road safety; 3. Absence of EPA recommended 200m buffer distance; 4. Potential adverse health impacts for school children; 5. Potential for anti-social behavior; 6. Fumes / emissions; and 7. A development of this size and type is not suited to location. 	<p>Supported (in part)</p> <ul style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 7 for comment on this matter; 3. See response to Submission No. 1 for comment on this matter; 4. See response to Submission No. 1 for comment on this matter; 5. See response to Submission No. 4 for comment on this matter; 6. See response to Submission No. 1 for comment on this matter; and 7. Although the proposed land use is permitted, there are a range of development related matters which render the proposed development unsuitable as proposed.
43.	Objection	<ul style="list-style-type: none"> 1. Siting alongside primary school is inappropriate; 2. Potential adverse health impacts; 3. Fumes / emissions (such as benzene which has been linked to leukaemia); 4. Traffic congestion; 	<p>Supported (in part)</p> <ul style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter;

		<ol style="list-style-type: none"> 5. Inconsistent with Town's plans for redevelopment of Walter Rd East (tree lined boulevard with single lanes in each direction); 6. Road safety concerns; 7. Absence of EPA recommended 200m buffer distance; 8. Noise disturbance; and 9. Potential for anti-social behaviour. 	<ol style="list-style-type: none"> 3. See response to Submission No. 1 for comment on this matter; 4. See response to Submission No. 1 for comment on this matter; 5. The RAR explains that this matter is not yet seen to be advanced enough to be identified as being a reason for refusal; 6. See response to Submission No. 7 for comment on this matter; 7. See response to Submission No. 1 for comment on this matter; and 8. See response to Submission No. 13 for comment on this matter; 9. See response to Submission No. 4 for comment on this matter.
44.	Objection	<ol style="list-style-type: none"> 1. Fumes / emissions; and 2. Road safety concerns. 	<p>Supported</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; and 2. See response to Submission No. 7 for comment on this matter.
45.	Objection	<ol style="list-style-type: none"> 1. Inconsistent with Town's plans for redevelopment of Walter Rd East (tree lined boulevard with single lanes in each direction); 2. Road safety concerns; 3. Traffic congestion; 4. Absence of EPA recommended 200m buffer distance; 5. Noise disturbance; 6. Potential for anti-social behaviour; 7. Fumes / emissions(such as benzene); and 8. Adverse environmental impacts (emissions, spills, potential ground water impacts). 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 43 for comment on this matter; 2. See response to Submission No. 7 for comment on this matter; 3. See response to Submission No. 1 for comment on this matter; 4. See response to Submission No. 1 for comment on this matter; 5. See response to Submission No. 13 for comment on this matter;

			<ul style="list-style-type: none"> 6. See response to Submission No. 4 for comment on this matter; 7. See response to Submission No. 1 for comment on this matter; and 8. See response to Submission No. 19 for comment on this matter.
46.	Objection	<ul style="list-style-type: none"> 1. Road safety concerns; 2. Health risks associated with fumes / emissions; and 3. Sufficient number of facilities of this kind within locality already. 	<p>Supported (in part)</p> <ul style="list-style-type: none"> 1. See response to Submission No. 7 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter; and 3. See response to Submission No. 1 for comment on this matter.
47.	Objection	<ul style="list-style-type: none"> 1. For safety reasons, siting of the development is too close to houses and the school; and 2. Odour will negatively impact the health of school children. 	<p>Supported</p> <ul style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; and 2. See response to Submission No. 1 for comment on this matter.
48.	Objection	<ul style="list-style-type: none"> 1. Siting alongside primary school is inappropriate; 2. Fire risk; 3. Fumes / emissions; 4. Lack of parking; and 5. Traffic congestion, particularly on cheap fuel days. 	<p>Supported (in part)</p> <ul style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 19 for comment on this matter; 3. See response to Submission No. 1 for comment on this matter; 4. The proposed development is seen to provide a sufficient number of car parking bays to accommodate demand; and 5. See response to Submission No. 1 for comment on this matter.

49.	Objection	<ol style="list-style-type: none"> 1. Fumes / emissions and associated adverse health impacts; 2. Siting alongside primary school is inappropriate; 3. Lack of separation distance being immediately adjoining the school oval; 4. Potential environmental contamination; 5. Potential anti-social behaviour; and 6. Road safety concerns. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter; 3. See response to Submission No. 1 for comment on this matter; 4. See response to Submission No. 19 for comment on this matter; 5. See response to Submission No. 4 for comment on this matter; and 6. See response to Submission No. 7 for comment on this matter.
50.	Objection	<ol style="list-style-type: none"> 1. Fumes / emissions and potential adverse health impacts (e.g. benzene); 2. Siting alongside primary school and opposite residential dwellings is inappropriate. 	<p>Supported</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; and 2. See response to Submission No. 1 for comment on this matter.
51.	Objection	<ol style="list-style-type: none"> 1. Adverse health impacts (such as cancer) that may result. 	<p>Supported</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter.
52.	Objection	<ol style="list-style-type: none"> 1. Inconsistent with Town's plans for redevelopment of Walter Rd East (tree lined boulevard with single lanes in each direction); 2. Road safety concerns; 3. Traffic congestion; 4. Absence of EPA recommended 200m buffer distance; 5. Noise impact; 6. Proposed development will be an eyesore; 7. Potential for anti-social behaviour; and 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 43 for comment on this matter; 2. See response to Submission No. 7 for comment on this matter; 3. See response to Submission No. 1 for comment on this matter; 4. See response to Submission No. 1 for comment on this matter;

		8. Fumes / emissions (e.g. benzene) and adverse effect on human health.	<p>5. See response to Submission No. 13 for comment on this matter;</p> <p>6. The RAR raises concerns regarding the appearance of the proposed development;</p> <p>7. See response to Submission No. 4 for comment on this matter; and</p> <p>8. See response to Submission No. 1 for comment on this matter.</p>
53.	Objection	1. Traffic congestion.	<p>Not supported</p> <p>1. See response to Submission No. 1 for comment on this matter.</p>
54.	Objection	<p>1. Proximity to school in the event of a catastrophic emergency such a fuel explosion; and</p> <p>2. Sufficient number of facilities of this kind within locality already.</p>	<p>Not Supported</p> <p>1. See response to Submission No. 19 for comment on this matter; and</p> <p>2. See Submission No. 1 for comment on this matter.</p>
55.	Objection	<p>1. Sufficient number of facilities of this kind within locality already;</p> <p>2. Inconsistent with Town's plans for redevelopment of Walter Rd East (tree lined boulevard with single lanes in each direction);</p> <p>3. Road safety concerns;</p> <p>4. Traffic congestion; and</p> <p>5. Absence of EPA recommended 200m separation distance.</p>	<p>Supported (in part)</p> <p>1. See response to Submission No. 1 for comment on this matter;</p> <p>2. See response to Submission No. 43 for comment on this matter;</p> <p>3. See response to Submission No. 7 for comment on this matter;</p> <p>4. See response to Submission No. 1 for comment on this matter; and</p> <p>5. See response to Submission No. 1 for comment on this matter.</p>
56.	Objection	<p>1. Fumes / emissions; and</p> <p>2. Road safety concerns.</p>	<p>Supported</p> <p>1. See response to Submission No. 1 for comment on this matter; and</p>

			2. See response to Submission No. 7 for comment on this matter.
57.	Objection	<ol style="list-style-type: none"> 1. Increased traffic; 2. Noise; 3. Light spill; and 4. Sufficient number of facilities of this kind within locality already. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 13 for comment on this matter; 3. Comments relating to lighting are provided in the RAR; 4. See response to Submission No. 1 for comment on this matter.
58.	Objection	<ol style="list-style-type: none"> 1. Increased traffic; 2. Road safety concerns; 3. Absence of EPA recommended 200m separation distance; 4. Fumes / emissions and associated adverse health impacts. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 7 for comment on this matter; 3. See response to Submission No. 1 for comment on this matter; and 4. See response to Submission No. 1 for comment on this matter.
59.	Objection	<ol style="list-style-type: none"> 1. Fumes / emissions and associated adverse health impacts. 	<p>Supported</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter.
60.	Objection	<ol style="list-style-type: none"> 1. The creation of a new driveway on Marion St. Such siting is inconsistent with Main Roads policy provisions; there is heavy pedestrian traffic within this location; a school child has already been hit by a car when walking home from school; and children will have to negotiate a new 9m wide driveway, added only to accommodate fuel tankers. If the 'convenience store' cannot operate without the addition 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 7 for comment on this matter; 2. See response to Submission No. 19 for comment on this matter; and 3. See response to Submission No. 1 for comment on this matter.

		<p>of this hazard then it must drop 'retail fuel' from its product offerings, or consider a more suitable location;</p> <ol style="list-style-type: none"> 2. Flammable materials and schools don't mix for reasons such as the fuel tanker fire at the Maddington Woolworths petrol in 2009; 3. Hazardous chemicals and schools don't mix. Fuel vapours have catastrophic health effects, particularly in young children 	
61.	Objection	<ol style="list-style-type: none"> 1. Potential health and safety impacts. 	<p>Supported</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter.
62.	Objection	<ol style="list-style-type: none"> 1. Fumes / emissions and associated health impacts. 	<p>Supported</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter.
63.	Support	<ol style="list-style-type: none"> 1. It's a yes from me for a petrol station. 	<p>Noted</p>
64.	Objection	<ol style="list-style-type: none"> 1. Fumes / emissions and associated health impacts; 2. Traffic congestion; 3. Road safety concerns; and 4. Fire risk from flammable chemicals. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter; 3. See response to Submission No. 7 for comment on this matter; and 4. See response to Submission No. 19 for comment on this matter.
65.	Objection	<ol style="list-style-type: none"> 1. Sufficient number of facilities of this kind within locality already; 2. Road safety concerns; and 3. Siting alongside primary school is inappropriate. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter;

			<ol style="list-style-type: none"> 2. See response to Submission No. 7 for comment on this matter; 3. See response to Submission No. 1 for comment on this matter.
66.	Objection	<ol style="list-style-type: none"> 1. Fumes / emissions and associated health impacts; 2. Absence of buffer zone between proposed development and school; 3. Increased traffic; and 4. Road safety concerns. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter; 3. See response to Submission No. 1 for comment on this matter; and 4. See response to Submission No. 7 for comment on this matter.
67.	Objection	<ol style="list-style-type: none"> 1. Inconsistent with Town's plans for redevelopment of Walter Rd East (tree lined boulevard with single lanes in each direction); 2. Increased traffic; 3. Road safety concerns; 4. Fumes / emissions and associated health impacts; 5. Noise impacts; 6. Potential for anti-social behaviour; and 7. Potential adverse environmental impacts. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 43 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter; 3. See response to Submission No. 7 for comment on this matter; 4. See response to Submission No. 1 for comment on this matter; 5. See response to Submission No. 13 for comment on this matter; 6. See response to Submission No. 4 for comment on this matter; and 7. See response to Submission No. 19 for comment on this matter.
68.	Objection	<ol style="list-style-type: none"> 1. Fumes / emissions and associated adverse health impacts. 	<p>Supported</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter.

69.	Objection	<ol style="list-style-type: none"> 1. Fumes / emissions and associated adverse health impacts; 2. Increase traffic; 3. Traffic congestion; 4. Possible gas leaks / accidental spills; 5. Lack of prescribed buffer zone; and 6. Noise disturbance. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter; 3. See response to Submission No. 1 for comment on this matter; 4. See response to Submission No. 19 for comment on this matter; 5. See response to Submission No. 1 for comment on this matter; and 6. See response to Submission No. 13 for comment on this matter.
70.	Objection	<ol style="list-style-type: none"> 1. Lack of prescribed buffer zone; 2. Fumes / emissions and associated adverse health impacts; 3. Noise impacts; 4. Eyesore; 5. Increased traffic / traffic congestion; 6. Potential for anti-social behaviour; 7. Road safety concerns; and 8. Inconsistent with Town's plans for redevelopment of Walter Rd East (tree lined boulevard with single lanes in each direction). 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter: 2. See response to Submission No. 1 for comment on this matter; 3. See response to Submission No. 13 for comment on this matter; 4. See response to Submission No. 52 for comment on this matter; 5. See response to Submission No. 1 for comment on this matter; 6. See response to Submission No. 4 for comment on this matter; and 7. See response to Submission No. 7 for comment on this matter; and 8. See response to Submission No. 43 for comment on this matter.

71.	Objection	<ol style="list-style-type: none"> 1. Hazardous Materials / Environmental Impacts; 2. Fumes / emissions and associated adverse health impacts (e.g. from benzene); 3. Absence of EPA recommended separation distance; and 4. Potential soil and groundwater contamination. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission Nos. 1 and 19 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter; 3. See response to Submission No. 1 for comment on this matter; and 4. See response to Submission No. 19 for comment on this matter.
72.	Objection	<ol style="list-style-type: none"> 1. Insufficient car parking provision. 	<p>Not supported</p> <p>Although the proposed acceptance of car parking provision relies upon cars parked as bowsers being classified as being positioned at a car parking bay, this is considered to be acceptable as motorists with cars parked at bowsers will also be customers of the convenience store.</p>
73.	Objection	<ol style="list-style-type: none"> 1. Amount of traffic likely to be generated by the proposed development and the capacity of the road system in the locality to accommodate this additional traffic; 2. Traffic congestion; 3. Road safety concerns; 4. Infrastructure of government agencies within the verge adjoining No. 1 Marion St and potential traffic conflicts when servicing of this infrastructure is occurring; and 5. Inconsistent with Town's plans for redevelopment of Walter Rd East (tree lined boulevard with single lanes in each direction). 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter; 3. See response to Submission No. 7 for comment on this matter; 4. Infrastructure within the road reserve should only need to be accessed on an ad-hoc / infrequent basis; and 5. See response to Submission No. 43 for comment on this matter.
74.	Objection	<ol style="list-style-type: none"> 1. Increased traffic; 2. Road safety concerns; and 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter;

		<ol style="list-style-type: none"> 3. Storage and sale of hazardous materials alongside school without buffer distance prescribed by EPA being provided. 	<ol style="list-style-type: none"> 2. See response to Submission No. 7 for comment on this matter; and 3. See response to Submission Nos. 1 and 19 for comment on this matter.
75.	Objection	<ol style="list-style-type: none"> 1. Fumes / emissions and associated adverse health impacts; 2. Increased traffic; 3. Road safety concerns; and 4. Sufficient number of facilities of this kind within locality already. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter; 3. See response to Submission No. 7 for comment on this matter; and 4. See response to Submission No. 1 for comment on this matter.
76.	Objection	<ol style="list-style-type: none"> 1. Siting alongside primary school is inappropriate; and 2. Sufficient number of facilities of this kind within locality already. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; and 2. See response to Submission No. 1 for comment on this matter.
77.	Objection	<ol style="list-style-type: none"> 1. Increased traffic; 2. Road safety concerns; and 3. Sufficient number of facilities of this kind within locality already. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 7 for comment on this matter; and 3. See response to Submission No. 1 for comment on this matter.
78.	Objection	<ol style="list-style-type: none"> 1. Absence of EPA recommended separation distance. 	<p>Supported</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter.

79.	Objection	<ol style="list-style-type: none"> 1. Absence of EPA recommended 200m buffer distance; and 2. Fumes / emissions and potential for adverse health impacts (i.e. benzene). 	<p>Supported</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; and 2. See response to Submission No. 1 for comment on this matter.
80.	Objection	<ol style="list-style-type: none"> 1. Siting alongside primary school is inappropriate; 2. Safety and health implications for school children; 3. Road safety concerns; 4. Health and environmental implications; and 5. Sufficient number of facilities of this kind within locality already. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter; 3. See response to Submission No. 7 for comment on this matter; 4. See response to Submission Nos. 1 and 19 for comment on this matter; and 5. See response to Submission No. 1 for comment on this matter.
81.	General Comment	<ol style="list-style-type: none"> 1. Transport Impact Statement devotes most focus to Walter Rd East despite the development site having dual street frontages. Document is lacking with respect to comments / considerations for Marion St. 	<p>Supported</p> <p>There are various matters that the Town believes require further consideration, including matters which relate to Marion St.</p>
82.	Objection	<ol style="list-style-type: none"> 1. Increased traffic; and 2. Road safety concerns. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; and 2. See response to Submission No. 7 for comment on this matter.
83.	Objection	<ol style="list-style-type: none"> 1. Sufficient number of facilities of this kind within locality already; and 2. Siting alongside primary school is inappropriate. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; and 2. See response to Submission No. 1 for comment on this matter

84.	Objection	1. Inappropriate to allow hazardous chemical storage next to a primary school.	Supported 1. See response to Submission Nos. 1 and 19 for comment on this matter.
85.	General Comment	1. Vehicular access should also be considered with regard to the roundabout at the Walter Rd East / Iolanthe St intersection with respect to the capacity for this intersection to accommodate petrol tanker movements.	Not supported This roundabout has been designed to accommodate vehicle movements of this kind.
86.	Objection	1. Siting alongside primary school is inappropriate.	Supported 1. See response to Submission No. 1 for comment on this matter.
87.	Objection	<ol style="list-style-type: none"> 1. Sufficient number of facilities of this kind within locality already; 2. Siting alongside primary school is inappropriate; 3. Fumes / emissions and associated health implications; 4. Increased traffic; 5. Road safety concerns; 6. Potential for anti-social behaviour; 7. Walter Rd East road geometry (i.e. radius of corners) is too tight to accommodate heavy vehicles / petrol tankers; and 8. Plan will not meet the current landscaping requirements due to size restrictions. 	Supported (in part) <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter; 3. See response to Submission No. 1 for comment on this matter; 4. See response to Submission No. 1 for comment on this matter; 5. See response to Submission No. 7 for comment on this matter; 6. See response to Submission No. 4 for comment on this matter; 7. See response to Submission No. 7 for comment on this matter; and 8. Concerns relating to landscaping are addressed within the RAR.

88.	Objection	<ol style="list-style-type: none"> 1. Absence of EPA recommended 200m buffer distance; 2. Fumes / emissions and associated health risks (e.g. benzene); 3. If development were approved, the school may have to rethink its use of the school oval; 4. Traffic congestion; 5. Inconsistent with Town's plans for redevelopment of Walter Rd East (tree lined boulevard with single lanes in each direction); 6. Proposed development will be an eyesore; 7. Potential for anti-social behaviour; and 8. Noise disturbance. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter 3. See response to Submission No. 1 for comment on this matter 4. See response to Submission No. 1 for comment on this matter; 5. See response to Submission No. 43 for comment on this matter 6. See response to Submission No. 52 for comment on this matter 7. See response to Submission No. 4 for comment on this matter; and 8. See response to Submission No. 13 for comment on this matter.
89.	Objection	<ol style="list-style-type: none"> 1. Eden Hill does not have the population to support the number of convenience stores that are both existing and proposed. 	<p>Not Supported</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter.
90.	Objection	<ol style="list-style-type: none"> 1. Siting alongside primary school is inappropriate. 	<p>Supported</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter.
91.	Objection	<ol style="list-style-type: none"> 1. Siting alongside primary school is inappropriate; 2. Fumes / emissions and associated health implications; 3. Possible hazardous material spills; and 4. Traffic congestion. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter; 3. See response to Submission No. 19 for comment on this matter;

			4. See response to Submission No. 1 for comment on this matter.
92.	Objection	<ol style="list-style-type: none"> 1. Increased traffic; 2. Road Safety concerns; 3. Fumes / emissions and associated health implications; 4. Sufficient number of facilities of this kind within locality already; and 5. Siting alongside primary school is inappropriate. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 7 for comment on this matter; 3. See response to Submission No. 1 for comment on this matter; 4. See response to Submission No. 1 for comment on this matter; and 5. See response to Submission No. 1 for comment on this matter.
93.	General Comment	<ol style="list-style-type: none"> 1. Convenience store land use should not include the sale of petrol if there is a service station land use classification; and 2. The site is more suitable along with the neighbouring site to be developed with 2-3 storey mixed use development. 	<p>Noted</p> <ol style="list-style-type: none"> 1. The convenience and service station land use definitions along with associated permissibility of fuel sales can be investigated further in conjunction with the future review of the Town's LPS10; and 2. Alternative development options are not able to be considered in the determination of the application which is the subject of consideration.
94.	Objection	<ol style="list-style-type: none"> 1. Increased traffic and the capacity of the road system in the locality and the probable effect on traffic flow and safety; 2. Inconsistent with Town's plans for redevelopment of Walter Rd East (tree lined boulevard with single lanes in each direction); 3. Suitability of the land for the development taking into account the possible risk to human health or safety; 4. Buffer distance between proposed development and sensitive land uses not provided; 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 43 for comment on this matter 3. See response to Submission No. 1 for comment on this matter;

		<ol style="list-style-type: none"> 5. Noise disturbance; 6. Proposed development is inconsistent with the Town's Local Planning Scheme No. 10; 7. Direct incompatibility of the proposed development with its setting; and 8. Negative impact on the amenity of the locality including: <ul style="list-style-type: none"> • Adverse environmental impacts; • Adverse impact on character of locality; • Adverse social impacts; • Adverse impact on the natural environment and water resources; • Inadequacy of access / egress and loading / unloading; and • Light spill. 	<ol style="list-style-type: none"> 4. See response to Submission No. 1 for comment on this matter; 5. See response to Submission No. 13 for comment on this matter; and 6-8 Having regard to the areas of concern that have been identified within the RAR, concerns that have been raised with respect to consistency with LPS 10 and adverse amenity impact are supported.
95.	Objection	<ol style="list-style-type: none"> 1. Siting alongside primary school is inappropriate; 2. Increased traffic; and 3. Road safety concerns. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter; and 3. See response to Submission No. 7 for comment on this matter.
96.	Objection	<ol style="list-style-type: none"> 1. Insufficient separation from residential dwellings. 	<p>Supported</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter.
97.	Objection	<ol style="list-style-type: none"> 1. Sufficient number of facilities of this kind within locality already; 2. Potential for anti-social behaviour. 	<p>Not Supported</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; and 2. See response to Submission No. 4 for comment on this matter.

98.	Objection	<ol style="list-style-type: none"> 1. Sufficient number of facilities of this kind within locality already; 2. Siting alongside primary school is inappropriate; 3. Fumes / emissions and associated health impacts. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter; and 3. See response to Submission No. 1 for comment on this matter.
99.	Objection	<ol style="list-style-type: none"> 1. Fumes / emissions and associated health impacts. 	<p>Supported</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter.
100.	Objection	<ol style="list-style-type: none"> 1. Fumes / emissions and associated health impacts; 2. Road safety concerns; and 3. Potential for fire. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 7 for comment on this matter; and 3. See response to Submission No. 19 for comment on this matter.
101.	Objection	<ol style="list-style-type: none"> 1. Traffic congestion; 2. Road safety concerns; 3. Social impacts (i.e. possible anti-social behaviour); 4. Littering; and 5. Noise disturbance. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 7 for comment on this matter; 3. See response to Submission No. 4 for comment on this matter 4. See response to Submission No. 4 for comment on this matter; and 5. See response to Submission No. 13 for comment on this matter.

102.	Objection	<ol style="list-style-type: none"> 1. Possible anti-social behaviour; 2. Siting alongside primary school is inappropriate; and 3. Sufficient number of facilities of this kind within locality already. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 4 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter; and 3. See response to Submission No. 1 for comment on this matter.
103.	Objection	<ol style="list-style-type: none"> 1. Traffic congestion; and 2. Fumes / emissions associated health impacts. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; and 2. See response to Submission No. 1 for comment on this matter.
104.	Objection	<ol style="list-style-type: none"> 1. Turning path for fuel tankers appears inadequate; 2. Application appears silent regarding Town's query on the use of 15m long tankers in lieu of standard 19m long petrol tanker; 3. When approaching site from the west, Petrol tanker will be completely non-lane correct on Marion St which also happens to be the main school drop off / pick up lane for at least a third of the school children; 4. Right turn access out of Marion St (onto Walter Rd East) is already an issue with inadequate offset to Cumberland Way in the existing road layout; 5. Increased traffic on Marion St; 6. Hazardous materials emitted from the proposed development including benzene are of particular concern given the siting of the development alongside the school; 7. Over saturation of convenience stores within the locality; 8. The proposed developments access impinges on safe traffic movements and should be limited to left in / left out of Walter Rd East only with no access off Marion St; 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 7 for comment on this matter; 2. See response to Submission No. 7 for comment on this matter; 3. See response to Submission No. 7 for comment on this matter; 4. See response to Submission No. 7 for comment on this matter; 5. See response to Submission No. 1 for comment on this matter; 6. See response to Submission No. 1 for comment on this matter; 7. See response to Submission No. 1 for comment on this matter; 8. See response to Submission No. 7 for comment on this matter 9. See response to Submission No. 7 for comment on this matter

		<p>9. Traffic movements associated with the proposed development appear operationally unsafe and it is unclear how a 15m non-standard tanker will be consistently retained for this site beyond the current application;</p> <p>10. How current restrictions and institutional controls linked to the contaminated status of the land will be addressed is unclear and needs to be resolved; and</p> <p>11. Potential residual human health risks of the current contamination from a previous petrol station on the site posed to children on the adjacent property does not appear to be considered.</p>	<p>10. See response to Submission No. 19 for comment on this matter; and</p> <p>11. See response to Submission No. 19 for comment on this matter.</p>
105.	Objection	<p>1. Inconsistent with Town's plans for redevelopment of Walter Rd East (tree lined boulevard with single lanes in each direction);</p> <p>2. Road safety concerns;</p> <p>3. Traffic congestion;</p> <p>4. Increased traffic;</p> <p>5. Absence of EPA recommended 200m buffer distance;</p> <p>6. Noise disturbance;</p> <p>7. Development will be an eyesore;</p> <p>8. Potential for anti-social behaviour;</p> <p>9. Fumes / emissions and associated health impacts (e.g. benzene).</p>	<p>Supported (in part)</p> <p>1. See response to Submission No. 43 for comment on this matter;</p> <p>2. See response to Submission No. 7 for comment on this matter;</p> <p>3. See response to Submission No. 1 for comment on this matter;</p> <p>4. See response to Submission No. 1 for comment on this matter;</p> <p>5. See response to Submission No. 1 for comment on this matter;</p> <p>6. See response to Submission No. 13 for comment on this matter;</p> <p>7. See response to Submission No. 52 for comment on this matter;</p> <p>8. See response to Submission No. 4 for comment on this matter; and</p> <p>9. See response to Submission No. 1 for comment on this matter.</p>

106.	Support	1. We need a petrol station on Walter Rd East. It will provide employment and help the community.	Noted
107.	Objection	1. Adverse health and safety impacts; 2. Increased traffic; 3. Road safety concerns; 4. Fumes / emissions and associated adverse health impacts; 5. Possible fuel spills and associated contamination; and 6. Inconsistent with Town's plans for redevelopment of Walter Rd East (tree lined boulevard with single lanes in each direction).	Supported (in part) 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter; 3. See response to Submission No. 7 for comment on this matter; 4. See response to Submission No. 1 for comment on this matter; 5. See response to Submission No. 19 for comment on this matter; and 6. See response to Submission No. 43 for comment on this matter.
108.	Objection	1. Fumes / emissions and associated adverse health impacts; 2. Road safety concerns.	Supported 1. See response to Submission No. 1 for comment on this matter; and 2. See response to Submission No. 7 for comment on this matter
109.	Objection	1. Siting alongside primary school is inappropriate; and 2. Potential adverse health impacts.	Supported 1. See response to Submission No. 1 for comment on this matter; and 2. See response to Submission No. 1 for comment on this matter.
110.	Objection	1. Inadequacy of access / egress arrangements; 2. Increased traffic congestion; 3. Road safety concerns; 4. Backlog of cars attempting to exit Marion St onto Walter Rd East;	Supported (in part) 1. See response to Submission No. 7 for comment on this matter 2. See response to Submission No. 1 for comment on this matter;

		<ol style="list-style-type: none"> 5. Potential buildup of traffic on Walter Rd East; 6. Fumes / emissions and associated adverse health impacts; 7. Lack of buffer between proposed development and adjoining sensitive land use, contrary to EPA guidelines; and 8. Inconsistent with Town's plans for redevelopment of Walter Rd East (tree lined boulevard with single lanes in each direction). 	<ol style="list-style-type: none"> 3. See response to Submission No. 7 for comment on this matter 4. See response to Submission No. 7 for comment on this matter 5. See response to Submission No. 7 for comment on this matter 6. See response to Submission No. 1 for comment on this matter; 7. See response to Submission No. 1 for comment on this matter; and 8. See response to Submission No. 43 for comment on this matter.
111.	Objection	<ol style="list-style-type: none"> 1. Query adequacy of parking / loading / manoeuvring; 2. Lack of buffer zone between proposed development and adjoining school; 3. Site is too small for its intended purpose; 4. Increased traffic; 5. Traffic congestion; 6. Noise disturbance resulting from 5am – 11pm operating hours; 7. The appearance of the proposed development does not enhance the aesthetics of the Town; 8. Inconsistent with Town's plans for redevelopment of Walter Rd East (tree lined boulevard with single lanes in each direction); 9. Light spill; 10. Possible antisocial behaviour; 11. Hazardous materials – e.g. benzene; 12. Ground and groundwater contamination. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 7 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter; 3. See response to Submission No. 6 for comment on this matter; 4. See response to Submission No. 1 for comment on this matter; 5. See response to Submission No. 1 for comment on this matter; 6. See response to Submission No. 13 for comment on this matter; 7. See response to Submission No. 52 for comment on this matter; 8. See response to Submission No. 43 for comment on this matter; 9. See response to Submission No. 57 for comment on this matter; 10. See response to Submission No. 4 for comment on this matter;

			<p>11. See response to Submission No. 1 for comment on this matter; and</p> <p>12. See response to Submission No. 19 for comment on this matter.</p>
112.	Objection	<ol style="list-style-type: none"> 1. Fumes / emissions and associated adverse health impacts – particularly for children who are four times more sensitive to toxins than adults. Organs such as the heart, lungs, skin, kidneys, brain and liver have been reported to be affected by the toxic effects of gasoline fume exposure 2. Lack of separation between proposed development and adjoining school; 3. Road safety concerns(i.e. petrol tankers crossing footpaths used often by children); 4. Site is contaminated and with the proposed development there is the potential for further site contamination; 5. Traffic congestion – the extra 294 vehicles per day that are referred to in the Transport Impact Statement are not distributed evenly (i.e. more on ‘cheap’ Mondays); 6. Potential for cars to be backed out onto streets; 7. Conflicting traffic movements within the development site itself; 8. Site is too small for proposed development. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter; 3. See response to Submission No. 7 for comment on this matter; 4. See response to Submission No. 19 for comment on this matter; 5. See response to Submission No. 1 for comment on this matter; 6. See response to Submission No. 7 for comment on this matter; 7. See response to Submission No. 7 for comment on this matter; and 8. See response to Submission No. 6 for comment on this matter.
113.	Objection	<ol style="list-style-type: none"> 1. Absence of EPA recommended 200m buffer distance; 2. Fumes / emissions and associated adverse health impacts (e.g. benzene); and 3. Road safety concerns. 	<p>Supported</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 1 for comment on this matter; and 3. See response to Submission No. 7 for comment on this matter.

114.	Objection	<ol style="list-style-type: none"> 1. Health risks. Research has clearly demonstrated the damaging effects of the volatile organic compounds contained in fuels on the health of young children. It has been shown that there is a higher prevalence of leukaemia in children residing in close proximity to petrol stations. Children at the adjoining school will constantly be exposed; 2. Potential for fuel spills; 3. Fumes / emissions and associated adverse health impacts; 4. Inconsistent with Town's plans for redevelopment of Walter Rd East (tree lined boulevard with single lanes in each direction); 5. Road safety concerns (i.e. conflict between motorists entering / exiting the development and cyclists / pedestrians); 6. Traffic congestion; 7. Lack of buffer between proposed development and the adjoining school, contrary to separation distances prescribed by the EPA; 8. Noise disturbance; 9. Development will be an eyesore; and 10. Potential for anti-social development. 	<p>Supported (in part)</p> <ol style="list-style-type: none"> 1. See response to Submission No. 1 for comment on this matter; 2. See response to Submission No. 19 for comment on this matter; 3. See response to Submission No. 1 for comment on this matter; and 4. See response to Submission No. 43 for comment on this matter; 5. See response to Submission No. 7 for comment on this matter; 6. See response to Submission No. 1 for comment on this matter; 7. See response to Submission No. 1 for comment on this matter; 8. See response to Submission No. 13 for comment on this matter; 9. See response to Submission No. 52 for comment on this matter; and 10. See response to Submission No. 4 for comment on this matter.
------	-----------	---	---



Department of Planning,
Lands and Heritage

Planning Services
Town of Bassendean
PO Box 87
Bassendean WA 6934

Our ref: 808-2-13-4

Enquiries: Simon Luscombe (Ph: 6551 9307)

13 August 2018

Attention: Christian Buttle

Dear Christian,

Re: Lot 75 (72) Walter Road East Bassendean

Further to your email dated 10 August 2018 with respect to the above proposal, the following comments are provided. This proposal seeks approval for a convenience store / service station on the site which includes provision for three fuel bowsers (6 refuelling positions) which will cater to light vehicles only.

Land Requirements

Lot 75 abuts Walter Road East which is reserved as an Other Regional Road (ORR) in the Metropolitan Region Scheme (MRS), also reserved as Category 2 per Plan Number SP 694/4. The subject land is affected by the ORR reservation for Walter Road East, per the attached Western Australian Planning Commission (WAPC) Land Requirement Plan number 1.5286. This requirement has been acknowledged by the proponent and includes an MRS Clause 42 Certificate showing 1 metre road widening along Walter Road East, plus a corner truncation for future intersection upgrading.

Access

The proposed development seeks one 9 metre wide full movement access point to Marion Street (tanker ingress) and a 10 metre wide left in / left out crossover (tanker egress) to Walter Road East due to the proximity to the Walter Road East / Ivanhoe Street signalised intersection, in order to improve safety. This is in accordance with Main Roads WA Driveway Policy which outlines access permissibility for service stations on corner sites abutting regional roads. The Walter Road East crossover will be controlled through the installation of a median island within the road reservation.

Transport Impact Statement

The above report, prepared by Transcore dated July 2018, states that 15 metre long fuel tankers will be the maximum size permitted for fuel delivery on site. The proposed development will generate approximately 978 trips per day with approximately 64 and 82 trips during AM and PM peak hours respectively. According to Main Roads WA traffic counts, Walter Road East accommodates 11,309 vehicles per day.

Recommendation

The Department of Planning, Lands and Heritage has no objection to the proposal on regional transport grounds subject to the following recommendations:

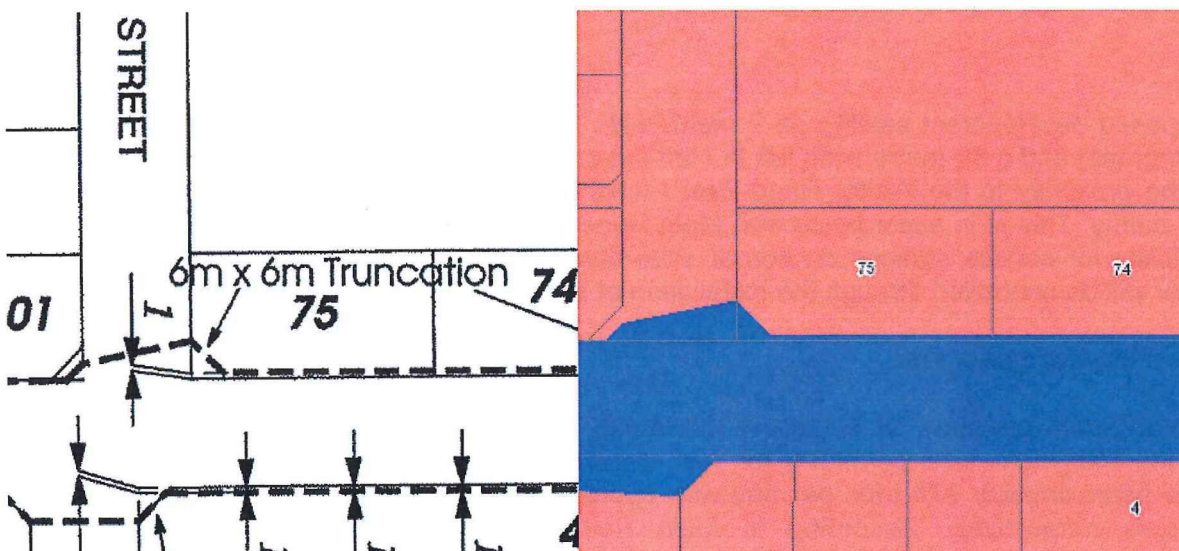
- It is recommended that the submitted swept path analysis plans be verified / checked to the satisfaction of the Town's Technical Services Directorate, particularly as the site is limited to 1056m² in area. 15.0 metre long semi-trailers / fuel tankers are required to make sharp internal turning movements within the site which may not be practically possible due to the location of the proposed crossover to Walter Road East;
- The Department supports the provision of a median treatment within the Walter Road East reservation in order to limit turning movements from the site to left in / left out only;
- The Department has no objection to the proposed signage on condition that the advertisements do not interfere with sight lines, distract drivers, or have the potential to become confused with traffic signals or road signs. This position reflects the Commission's advertising on Reserved Land Policy D.C 5.4, paragraph 5.3.1.

In view of the above, the Department raises no objections on regional transport grounds to the proposed advertising signage and advises only that the type of sign, size, content and location must comply with all relevant by-laws and planning schemes made by Council.

Regards



Simon Luscombe
Principal Planning Officer
Strategy and Engagement



Land Requirement Plan No. 1.5286

Christian Buttle

Subject: Development Application Referral - Development Assessment Panel Application for Proposed Convenience Store (Petrol Station) at Lot 75 (No. 72) Walter Rd East, cnr Marion St, Bassendean

Attachments: DA Forms 3 August 2018.pdf; DA Report - Lodged.compressed.pdf; 72 WRE - Basic_Summary_Of_Records9333.pdf

From: Liesl Rohl <liesl.rohl@dwer.wa.gov.au>
Sent: Tuesday, 21 August, 2018 12:03 PM
To: CButtle@bassendean.wa.gov.au
Cc: Info, EPA <info.epa@dwer.wa.gov.au>
Subject: IEM-14405518 - FW: Development Application Referral - Development Assessment Panel Application for Proposed Convenience Store (Petrol Station) at Lot 75 (No. 72) Walter Rd East, cnr Marion St, Bassendean

Hi Christian

The EPA does not generally provide specific advise on development applications.

I can however advise the following:

Guidance Statement 3 is for guidance only and recommends that if a reduced distance is being sought that case by case studies be undertaken to ensure that impacts from these developments do not impact sensitive landuses.

Below are a couple of statements from the Guideline which I recommend you consider when making your decision on development applications.

“In line with the requirements of the EP Act, it is necessary for individual industrial developers to take all reasonable and practicable measures to prevent or minimise emissions from their premises. It is generally expected that, through appropriate site layout, design of facilities, and the implementation of engineering and process controls, emissions from an individual industrial land use can be prevented from causing an adverse environmental impact beyond the boundaries of the particular site or beyond the boundaries of an industrial estate. “

“The separation distances outlined are not intended to replace the need for proponents and relevant authorities to take all reasonable and practicable measures to minimise emissions and off-site impacts”.

“Where a separation under consideration is less than in the table, it is recommended that a new project does not proceed in the absence of site-specific investigations and a report demonstrating that the separation distance will meet acceptability criteria and that enforceable management techniques will be applied to ensure an appropriate environmental outcome”.

If you have any queries please contact me, my contact details are below.

Regards
Liesl

Liesl Rohl
Manager
EIA Environmental Planning Branch, EPA Services

Department of Water and Environmental Regulation Level 4, The Atrium, 168 St Georges Terrace, PERTH WA 6000
Locked Bag 33, Cloisters Square, PERTH WA 6850
T: (08) 6145 0858

E: liesl.rohl@dwer.wa.gov.au | www.dwer.wa.gov.au | www.epa.wa.gov.au
Twitter: @DWER_WA | @EPA_WA



Christian Buttle
Senior Planning Officer
Town of Bassendean
PO Box 87,
Bassendean, WA 6934

By email CButtle@bassendean.wa.gov.au

Dear Mr Buttle

PLANNING APPROVAL FOR LOT 75 WALTER ROAD EAST, BASSENDEAN

I refer to your email dated 10 August 2018 to the Department of Water and Environmental Regulation (DWER) regarding an application to the Town of Bassendean (the Town) for the proposed construction of a retail fuel outlet on the above-mentioned lot.

Land at Lot 75 on Plan 3469 (the site), as shown on certificate of title 1837/500, was classified under section 13 of the *Contaminated Sites Act 2003* (CS Act) as *contaminated remediation required* on 4 March 2010 and a memorial (reference number K398975 ML) was placed on the certificate of title. Therefore, as per the requirements under section 58(6)(b) of the CS Act, advice is required as to the suitability of the land for the proposed construction of a retail fuel outlet. Lot 75 is currently zoned "local shopping" under the Town of Bassendean's Town Planning Scheme No. 800.

DWER considers the previous land use as a fuel retail outlet is a commercial/industrial land use and is in accordance with the commercial/industrial land use zoning of "local shopping". As such the proposed fuel retail outlet is not considered a more sensitive land use. Based on this, DWER has no objection to the proposed construction of a retail fuel outlet on the site and does not consider a contamination condition is necessary as part of the development approval.

It is likely that contamination issues at the site may be addressed during the construction of the proposed retail fuel outlet. The site owner has already been informed that in accordance with regulation 31(1)(b) of the *Contaminated Sites Regulations 2006*, any reports on investigation, assessment, monitoring or remediation of the site which are submitted to DWER will need to be accompanied by a Mandatory Auditor's Report, prepared by an accredited contaminated sites auditor. Therefore, DWER will manage the review and possible reclassification of the site under the CS Act. This review and potential reclassification of the site is considered a separate issue to advice on the suitability of the site for construction of the retail fuel outlet.

If you have any further queries, please contact Environmental Officer, Justin Ritchie, on 6364 7183.

Yours sincerely



Andrew Miller
SENIOR MANAGER
CONTAMINATED SITES
Delegated Officer under section 91
of the *Contaminated Sites Act 2003*

28 August 2018

C.C. K & W Sales and Distribution Pty Ltd – PO Box 6918, East Perth



Chief Executive Officer
Town of Bassendean
PO Box 87
BASSENDEAN WA 6934

Attention: Mr Christian Buttle
Senior Planning Officer

Dear Sir

**PROPOSED CONVENIENCE STORE (PETROL STATION) –
(LOT 75) NO. 72 WALTER ROAD EAST CORNER MARION STREET, BASSENDEAN
(SITE OF FORMER BILLBOARD)**

Thank you for your letter dated 14 August 2018 providing the Department of Education (Department) the opportunity to comment on the abovementioned proposal.

It is noted on the plans that the 'Convenience Store' which is proposed on the subject site is located directly adjacent to an existing primary school site known as the Eden Hill Primary School. Whilst such developments do not generally pose a significant health risk on surrounding land with a non-sensitive land use, the presence of the petrol station component warrants careful planning consideration particularly given it is located within close proximity to a sensitive land use.

Schools are deemed to be sensitive land uses and vehicle refuelling stations by their operational nature may generate a range of emissions of pollutants and inherent safety risks, which if not carefully managed, may adversely impact the health, amenity and wellbeing of the occupants of nearby schools. In support of this, the Department requested advice from the Department of Health (DoH) to ascertain any potential health risks from the proposed petrol station.

The DoH provided the following advice:

- the *Environment Protection Authority Guidance Statement No.3 June 2005 Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses* (EPA Guidance Statement No. 3) stipulates a minimum separation distance of 50m from the petrol station to the adjacent school site. In this instance, the proposed fuel bowsers and storage tanks are located less than the required separation distance to the adjacent school site;
- the Dangerous Goods Storage and Handling Licence in which the petrol station operator has to apply for separately to the Department of Mines, Industry Regulation and Safety prior to the operation of the petrol station relates only to the assessment and control of fire and explosion risk for flammable liquid storage and transfer and does not take into account the environmental emissions nor determine health effects that may be generated from the site;
- notwithstanding the installation of a Vapour Recovery System, there are some evidence based on studies conducted overseas to suggest that volatile organic compounds, particularly airborne benzene concentrations, are elevated up to 150m from a petrol station and that there is possible link in increased risk in childhood leukaemia with either proximity to petrol stations or petrol station density (per square kilometre); and

- in the absence of scientific study or a health risk assessment to demonstrate a lesser separation distance, and that the justification provided by the proponent does not address the potential public health implications of vapour emissions, the 50m separation distance requirement should apply.

It is worth noting that the Department has recently experienced an instance where a vehicle refuelling station was approved by a local government (without any prior consultation with the Department) directly adjacent to a school site. Based on the Department of Health's (DoH) previous advice which recommended against a school facility being next to a petrol station owing to potential adverse impact on health and safety of the children, the Department was required to relocate one of the educational facilities at its own cost.

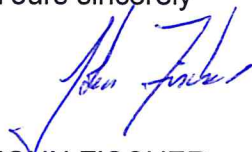
Whilst it is noted that a 'Convenience Store' is a 'P' (permitted) use in the Local Shopping Zone, in considering the application, the determining authority shall have due regard to the deemed provisions set out in clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2* (Regulations), particularly relating to the suitability of the proposed development taking into account the possible risk to human health or safety.

In view of the above, the proposed petrol station is not considered to be a compatible land use for the site and therefore, the Department does not support the proposed development.

If the Council decides to recommend support for the proposal, it is highly recommended that the proponent be required to undertake significant fencing and additional landscaping works on the northern boundary of the subject site to ameliorate some of the environmental and visual impacts from the development. However, the Department of Education does not support this option based on the advice from DoH.

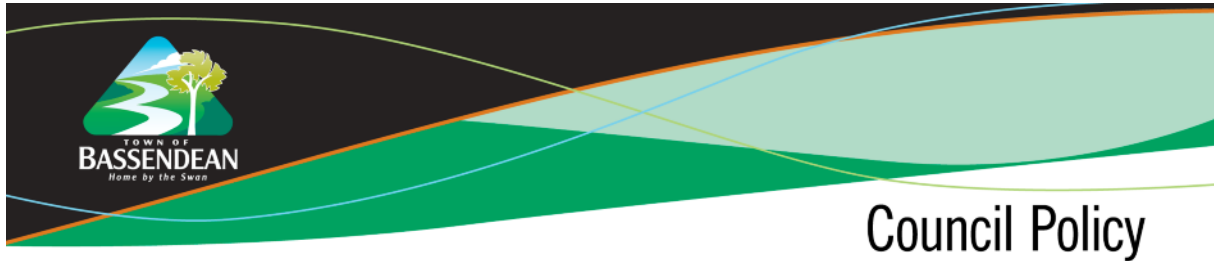
Should there be any questions on the above, please do not hesitate to contact Mr Matt Turnbull, Manager Land and Property at matt.turnbull@education.wa.edu.au or on 9264 5178.

Yours sincerely



JOHN FISCHER
EXECUTIVE DIRECTOR, INFRASTRUCTURE

4 September 2018



LOCAL PLANNING SCHEME NO. 10

LOCAL PLANNING POLICY NO 7. LOCAL SHOPPING ZONE DESIGN GUIDELINES

OBJECTIVE

To promote and maintain a high standard of commercial development and strong retail hierarchy within the Town.

APPLICATION

This policy applies to all land zoned 'Local Shopping' under Local Planning Scheme No. 10.

POLICY

All development within the 'local Shopping' zone shall comply with the following development standards:

Building setbacks

All building setbacks within the 'Local Shopping' zone shall be determined at Council's discretion, having regard to existing setbacks in the locality, the impacts of the development on the streetscape, and the provision of adequate parking and landscaping areas.

Vehicle parking

Car parking spaces shall be provided, constructed and maintained in accordance with the provisions of Part 5 of the Scheme, Town Planning Scheme Policy No. * (Parking Specifications) and the approved plan relating thereto.

Landscaping

All development within these zones shall be landscaped in accordance with the following requirements:

- a) the minimum width of front boundary landscaping shall be 2 metres, except in the case of a corner lot, in which case the minimum shall be 1.5 metres on the secondary street as nominated by Council;

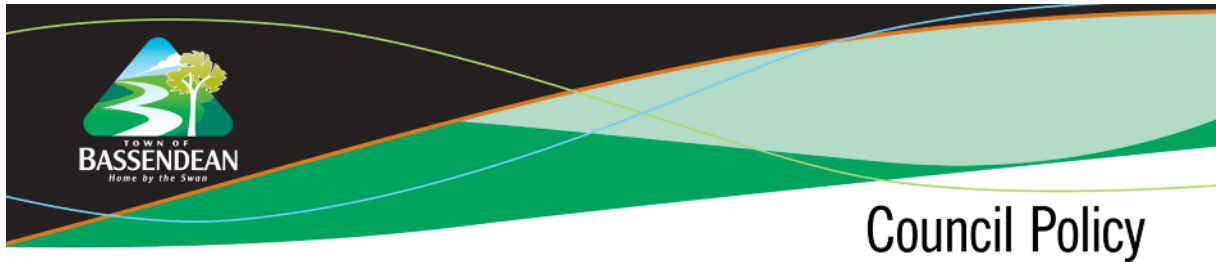
- b) the minimum width of side boundary landscaping (excluding side street boundaries) shall be 1 metre, to be provided from the front boundary to the setback line; and
- c) landscaping is to be provided in accordance with Councils landscaping policy as amended from time to time, and shall be maintained by the owner of the lot thereafter.

Storage and Refuse areas

The Council may require the provision of one or more areas for the storage of refuse in a development. This area shall be:

- a) screened from view from any public street, and enclosed by a wall of masonry or other approved building material, and being of not less than 1.8 metres in height; and
- b) accessible to service vehicles.

Irrespective of whether a storage area is required for a development, no land shall be used for open storage purposes unless it is screened from view of any public street by a fence or wall built to the specifications and satisfaction of the Council.



Local Planning Policy No 15

Percent for Art Policy

1.0 Preliminary

1.1 Citation

This Policy is adopted by the Town of Bassendean as a Planning Policy pursuant to Section 2.4 of Local Planning Scheme No .10.

1.2 Purpose

The Town of Bassendean considers there is a need to protect and enhance the utility, amenity and identity of the public domain of places such as centres, main streets, squares and parks within its municipality.

The purpose of this Policy is to assist in achieving the following objectives:

- a) improving legibility by introducing public art which assists in making streets, open spaces and buildings more identifiable,
- b) enhancing a sense of place by encouraging public art forms which provide an interpretation and expression of the local area's natural physical characteristics and social values,
- c) improving interpretation of cultural, environmental and built heritage,
- d) improving visual amenity by use of public art to screen unattractive views and improve the appearance of places, and
- e) improving the functionality of the public domain through the use of public art to provide appropriate street furniture functions

1.3 Guidelines

Interpretation and implementation of this Policy shall be in accordance with the guidelines for Percent for Art Policy which is provided in Appendix A to this document)

2.0 Application

2.1 Public Art to be Required

The Town of Bassendean shall require eligible proposals to provide public art in accordance with the described method for determining Public Art contributions described hereunder.

2.2 Proposals Eligible for Public Art Contributions

2.2.1 Projects Eligible

All development proposals for multiple dwellings, mixed use, commercial, civic, institutional, educational projects or public works with a value greater than \$1,000,000* shall be regarded as eligible proposals under this Policy.

* Value as used for determining Building Licence fees

2.2.2 Area of Application

This Policy applies throughout the Town.

The Policy should be read in conjunction with Planning Policy No 1 – Bassendean Town Centre Area Strategy and Guidelines which requires a public realm contribution of 2% of building construction costs for all development in the Town Centre which includes provision for Public Art.

2.2.3 Proponents

This Policy shall apply to all proponents, with the exception of those exempt from obtaining Local Authority planning approval under other legislation. Those proponents/projects so exempted should utilise this Policy and associated Guidelines as a guide for the implementation of their respective Percent for Art Policy obligations where applicable.

3.0 Method of Determining Public Art Contribution

3.1.1 Method of determining Public Art Contribution

The cost of any Public Art provided under this Policy shall be no less than one percent of the value of the eligible proposal.

3.1.2 Form of Public Art Contribution

Public Art required pursuant to this policy shall be provided in kind. Where requested by the proponent, the Council may alternatively accept a cash-in-lieu payment in accordance with the Town of Bassendean guidelines for Percent for Art Policy.

3.1.3 Location of Public Art Contribution

Public Art provided in-kind pursuant to this Policy shall be provided on site, or on crown land immediately adjacent to the site.

3.1.4 Separate Approval Generally Not Required for Public Art

Public Art provided under this Policy, in fulfillment of a condition of Planning Approval, shall not require a further Development Application.

TOWN OF BASSENDEAN GUIDELINES FOR PERCENT FOR ART POLICY

1.0 Operation and Intent

These Guidelines are adopted by the Town of Bassendean for the purpose of direction for the interpretation and implementation of the Town's Percent for Art Policy.

2.0 Implementation of Universal Percent for Art

2.1 Prescribed Areas

The Town of Bassendean has prepared a Public Art Master Plan which divides the Town into precincts, and shows the location of proposed public art works.

2.2 Cash In Lieu

Where the proponent elects, the public art contribution may alternatively by cash-in-lieu based on the rate described in the Town of Bassendean's Universal Percent for Art Policy. Such cash-in-lieu are to be:

- a) paid to the Town of Bassendean's Public Arts Fund (Percent for Public Art); and
- b) expended on a public art project within the prescribed area in the Public Art Master Plan within which proposal is situated.

Individual funds contributed within a prescribed area may be accrued for more comprehensive or detailed art projects and/or areas as outlined in the Town of Bassendean's Public Art Master Plan.

2.3 Eligible Costs

For the purpose of cash in lieu contributions, costs associated with the production of an art project may include:

- i) professional artist's budget, including artist fees, Request for Proposal, material, assistants' labour costs, insurance, permits, taxes, business and legal expenses, operating costs, and art consultant's fees if these are necessary and reasonable.
- ii) Fabrication and installation of artwork,
- iii) Site preparation,
- iv) Structures enabling the artist to display the artwork,
- v) Documentation of the artwork, and
- vi) Acknowledgment plaque identifying the artist, artwork and development.

2.4 Equity, Safety and Universal Access

Public art should be made accessible to all members of the community, irrespective of their age and abilities. While art in public spaces might be considered primarily a visual experience, it can provide a range of sensory experiences for people with disabilities - artwork can be tactile, aural and give off pleasant smells as well as being visual. Artwork need not be monumental, but can be at heights suitable for people in wheelchairs to touch, move through and explore. Artwork can be interactive play objects for family groups and children. Interpretive signage in an easy to read format, including Braille, will ensure that artworks are inclusive of all members of the community. Where feasible and appropriate to the site and community, the Authority will commission artworks that can be enjoyed as an interactive experience, irrespective of age, mobility or ability.

2.5 Exclusions to Public Art

Art projects ineligible for consideration include:

- i) Business logo.
- ii) Directional elements such as supergraphics, signage or colour coding.
- iii) 'Art objects' which are mass produced such as fountains, statuary or playground equipment.
- iv) most art reproductions.
- v) landscaping or generic hardscaping elements which would normally be associated with the project.
- vi) services or utilities necessary to operate or maintain artworks.

2.6 Design Documentation

The artist will be required to prepare detailed documentation of the artwork at various stages of the commission, design, fabrication and implementation processes. Depending upon the project, the documentation may include concept drawings, maquettes, structural and other engineering drawings, photographic images of works in progress, photographic images of completed and installed work and a maintenance schedule.

2.7 Approval of Artwork

The approval of the Council shall be required prior to the creation and installation of the Public Art. It is preferable that the Council delegate authority to grant approval to the Public Art to an appropriate Officer, or duly appointed panel.

2.8 Clearance Process

The public artwork must be completed and installed prior to the first occupation of the new development, and maintained thereafter by the owner(s)/occupier(s).

Alternatively, Council may accept a suitable agreement prepared at the applicant's expense binding the proponent to complete the works within a specified timeframe.

3.0 Maintenance

3.1 Maintenance and Resistance to Vandalism

Artworks that are low maintenance, robust, durable and resistant to Vandalism will be encouraged. Artists will be required to present the Town with a maintenance schedule at the completion of the commission.

3.2 Recording

The public artwork will be registered in the Town's Public Art Inventory once the artwork is completed.

3.3 Decommissioning

The proponent (or Town where the public art is situated on Crown Land) may decide to remove an artwork because it is in an advanced state of disrepair or damage, because the artwork is no longer considered suitable for the location or for other reasons. In such cases, the Town will prepare a documented archival record of the artwork prior to its removal.

The proponent (or Town where the public art is situated on Crown Land) must make a reasonable attempt to contact the artist at least 28 days ahead of any relocation, sale, alteration or removal of an artwork.

4.0 Creative Development Process

4.1 Creative Design Process

The proponent will commission artists and coordinate and manage the process by which they work alongside architects, landscape architects, planners and engineers. There will be a variety of approaches resulting in some easily identifiable artworks, and others that will be merged as an integral part of construction. While there is certainly a place for sculpture and civic landmark, there is also room for colour, movement, whimsy and theatre. This policy gives equal value to the purely aesthetic and to the functional.

4.2 Consultation with Stakeholders

Where appropriate, an invitation should be extended to community members to participate in the artwork process.

Some groups in the community are not comfortable with the expression of interest and tender processes, and will not enter into them without assistance. While artists from these groups will be encouraged to apply for all publicly advertised commissions, there may be opportunities for designating specific commissions for them. In such cases, the selection processes outlined above may be modified and more assistance given to the artists submitting Expressions of Interest or Requests for Proposals.

4.3 Collaboration

There is an expectation that commissioned artists will work in collaboration with other consultants engaged by the Proponent (most commonly, but not exclusively, landscape architects, urban planners and engineers) and that the conceptual and technical requirements of these professionals will be duly regarded by the artist when designing and installing the artwork.

There is an equal expectation that the artists' aesthetic judgement will be respected by other consultants engaged by the proponent. Changes to an artwork, even at concept stage, can only be made with the full knowledge and approval of the artist.

5.0 Artists Rights

5.1 Definition of Artist

Only professional artists will be eligible to carry out public art commissions. As the term 'artist' is self-referencing, for the purposes of this policy a professional visual artist can be defined as a person who fits into at least two of the following categories:

- A person who has a university degree or minimum 3 year full time TAFE Diploma in visual arts, or when the brief calls for it, other art forms such as multi media;
- A person who has a track record of exhibiting their artwork at reputable art galleries that sell the work of professional artists;
- A person who has had work purchased by major public collections, including (but not limited to) the Art Gallery of Western Australia, any of the university collections or Artbank;
- A person who earns more than 50% of their income from arts related activities, such as teaching, selling artwork or undertaking public art commissions.

Sometimes it will be appropriate to be more flexible and seek people other than professional artists to carry out artwork commissions. This may apply in instances when young, emerging and indigenous artists or students may be considered appropriate.

5.2 Artist Contract

The proponent will be required to forward copies of the artist's contract, maintenance schedule and artist contact details to the Town at the commencement of the project. In the case where the proponent is the Town, it shall satisfy itself that these requisites have been satisfied.

5.3 Moral Rights

Since 2000 moral rights legislation has protected artists. In brief, an artist's moral rights are infringed if:

- Their work is not attributed or credited;
- Their work is falsely attributed to someone else; or
- Their work is treated in a derogatory way by distorting, modifying or removing it without their knowledge or consent.

In practical terms this means that all artworks should have the artist's name on or attached it, that the Town cannot change an artwork in any way without seeking the artist's permission; likewise, cannot remove or re-locate the artwork without seeking the artist's permission. It may be that an artist has moved and the Town cannot find them, but evidence that a reasonable attempt to find the artist must be provided.

The Town will take special care to ensure that acts of restoration or preservation (of artworks) will be conducted in a sensitive manner with prior consultation with the artists. Wherever possible, preservation or restorative works should be carried out by professional conservators.

Special care will also be taken with the moral rights associated with works created by more than one artist, in that it is acknowledged that collaborators on artistic creations can take different views on issues such as relocation and restoration.

5.4 Acknowledgement of Artwork

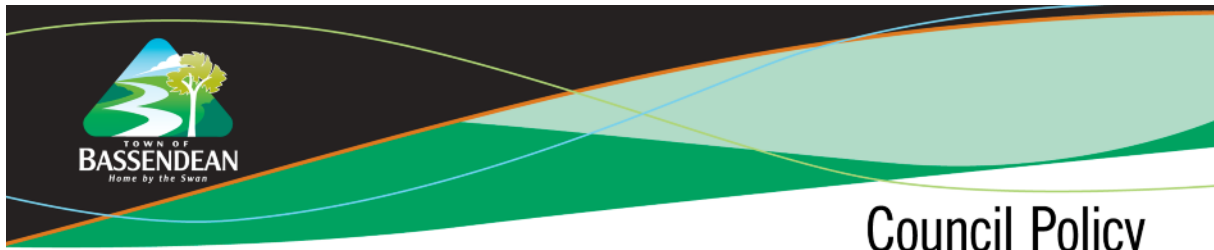
In line with moral rights legislation, the proponent will install a plaque or plate near each artwork, acknowledging the name of the artist, and the name of the person, agency or company who funded the artwork.

5.5 Copyright of Artwork

Once an artwork has been completed and accepted by the Town, copyright will be held jointly by the Town and the artist. In practical terms this means that the Town has the right to reproduce extracts from the design documentation and photographic images of the artwork for non-commercial purposes, such as annual reports, information brochures about the Authority and information brochures about the artwork. The artist will have the right to reproduce extracts from the design documentation or photographic images of the artwork in books or other publications associated with the artist or artwork.

5.6 Fees to Artists

A fee may be paid to artists invited to submit a Request for Proposal (RFP) and this may be credited to the value of the Public Art required under the Policy. The amount will be at the discretion of the proponent and in proportion to the overall artwork budget. The fee will be paid after the proposal had been submitted, deemed to comply with the requirements and the artist has attended their interview.



LOCAL PLANNING POLICY NO. 16 CONTROL OF ADVERTISEMENTS UNDER THE LOCAL PLANNING SCHEME NO. 10

1. PURPOSE OF POLICY

The principal purpose of this Policy is to provide assistance to the local government when determining an application for planning approval to erect, place or display an advertisement under the Town of Bassendean Local Planning Scheme no 10 (the "Scheme"). The Policy provides this assistance by setting out the standards which apply to different types of advertisement, the considerations which the local government should have regard to in determining an application for planning approval for an advertisement and the conditions which may be appropriately imposed on the approval of an application for planning approval for an advertisement.

This policy has been made in accordance with clause 2.2 of the Scheme. The Policy does not bind the local government in respect of any application for development approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

2. CONSIDERATIONS IN DETERMINING APPLICATION FOR PLANNING APPROVAL

Considerations relevant to the determination of an application for development approval for an advertisement include:

- the category of advertisement;
- the standard specifications for the category of advertisement;
- the acceptable deviation from the standard specifications;
- the matters which the local government is directed to have regard to under the Scheme; and
- the manner of and the position in which the advertisement is to be displayed.

2.1 Categories of Advertisements

An advertisement is to be classified according to the following categories:

Animated sign - an advertisement which moves or is capable of moving, or contains moving parts or which changes its message, flashes on and off, chases, scintillates or has a moving, flashing or scintillating border or emblem, and includes a light display for the advertisement.

Development sign - an advertisement displayed on a lot which has been approved by the Western Australian Planning Commission for subdivision, advertising the lots for sale but upon which no work has taken place at the time of the application for planning approval of the device.

Fence sign - means an advertisement affixed to a fence on land, which advertisement will be visible from outside that land.

Hoarding - a detached or detachable structure, other than a pylon sign, that is erected for the sole purpose of displaying an advertisement and includes a wall panel or an illuminated panel but does not include a hoarding within the meaning of section 377 of the *Local Government (Miscellaneous Provisions) Act 1960*.

Horizontal sign - an advertisement attached to a building with its largest dimension horizontal.

Illuminated panel - a posted or painted advertisement externally illuminated by an artificial source of light.

Illuminated sign - an advertisement that is so arranged as to be capable of being lighted either from within or without the advertisement by artificial light provided, or mainly provided, for that purpose.

Institutional sign - an advertisement displayed on any land or building used as a surgery, clinic, hospital, rest home, home for the aged, or other place of a similar nature.

Other advertisement - an advertisement which is not described by any other category of advertisement referred to in clause 2.1 of this Policy.

Portable sign - means a portable free standing sign that only advertises a product or service available on the land on which it is erected, and includes a sandwich board sign consisting of two sign boards attached to each other at the top by hinges or other means, with a sign face not exceeding 1m² on each side.

Projection sign - an advertisement that is made by the projection of artificial light on a structure.

Property transaction sign - an advertisement indicating that the premises on which it is displayed are for sale or for lease or are to be auctioned.

Pylon sign - an advertisement supported by one or more piers and which is not attached to a building, and includes a detached sign framework supported on one or more piers to which sign infills may be added.

Roof sign - an advertisement displayed on the roof of a building.

Rural producer's sign - an advertisement displayed on land used for horticultural purposes and which advertises products produced or manufactured upon the land and includes the property owner's or occupier's name.

Semaphore sign - an advertisement supported at one of its ends only.

Sign infill - a panel which can be fitted into a pylon sign framework.

Tower sign - an advertisement displayed on a mast, tower, chimney stack or similar structure.

Verandah sign - an advertisement above, on or under a verandah, cantilever awning, cantilever verandah and balcony whether over a public thoroughfare or private land.

Vertical sign - an advertisement attached to a building with its largest dimension vertical.

Wall panel - a panel used for displaying a posted or painted advertisement.

Wall sign - an advertisement which is a sign painted on or directly affixed to the fabric of a wall.

2.2 Standard specifications

In addition to the specifications contained in Table 1, the specifications and requirements for each category of advertisement referred to in clause 2.1 follow.

2.2.1 Development signs

A development sign is to be removed from the site within 2 years of the grant of planning approval for the sign or when all of the lots, by number, in the subdivision being advertised have been sold, whichever is the sooner.

2.2.2 Hoardings

Hoardings should not –

- (a) be displayed in a Residential Zone be displayed any closer than its own height to a thoroughfare or a public place; and
- (b) have any part of it closer than 15 metres to any other advertisement displayed on the same lot.

2.2.3 Projection sign

An application for approval for a projection sign should not be approved if, upon the sign being projected onto a structure, it exceeds the specifications stated in columns 2, 3 and 4 of Table 1.

2.2.4 Property transaction sign

- (1) A property transaction sign advertising an auction shall, if approved -
 - (a) not be erected more than 28 days before the proposed date of the auction;
 - (b) be removed no later than 14 days after the auction, subject property has been sold, or at the direction of the local government whichever is the sooner; and

- (c) where such a sign is erected on land having a frontage to a road that is a main road within the meaning of the *Main Roads Act 1982*, consist of letters not less than 150 mm in height.
- (2) A property transaction sign advertising that flats and dwelling units in a building erected, or to be erected, are, or will be available for letting or for purchase shall, if approved -
 - (a) not be erected before the issue of a building licence for any such building; and
 - (b) not be erected or maintained for a period exceeding three months following completion of any such building, without the prior approval of the local government.
- (3) Any property transaction sign of any description shall be erected on the land to which it relates and not elsewhere.

2.2.5 Roof sign

A roof sign should not extend laterally beyond the external wall of the structure or building on which it is erected or displayed.

2.2.6 Semaphore sign

- (1) A semaphore sign should be fixed -
 - (a) at right angles to the wall or structure to which it is to be attached; and
 - (b) over or adjacent to the entrance to a building.
- (2) No more than one semaphore sign should be fixed over or adjacent to any one entrance to a building.

2.2.7 Verandah sign - verandah facia

A verandah sign fixed to the outer or facia of a verandah shall not project beyond the outer frame or surround of the facia.

2.2.8 Verandah sign - under verandah

A verandah sign under a verandah should be fixed at right-angles to the front wall of the building to which it is to be affixed except on a corner of a building at a thoroughfare intersection where the sign may be placed at an angle with the wall so as to be visible from both thoroughfares.

2.2.9 Vertical sign

A vertical sign where placed on a corner of a building at a thoroughfare intersection, may be placed at an angle with the wall so as to be visible from both thoroughfares.

2.2.10 Wall panel

A wall panel should comprise a framework surround with a lockable transparent cover behind which separate notices may be pinned affixed or painted.

2.3 Acceptable deviation

The local government may exercise its discretion to approve a deviation from the specific standards subject to the applicant demonstrating that the likely affect of the location, height, bulk, scale, orientation and appearance of the advertisement will not:

- (a) conflict with or detrimentally affect the amenity of the locality;
- (b) interfere with traffic safety; and
- (c) create visual pollution.

2.4 Proposed placement of advertisement

An advertisement should not be displayed where -

- (a) it would detract from the aesthetic environment of a park or other land used by the public for recreation;
- (b) in the case of an internally illuminated advertisement, its display would cause glare or dazzle or would otherwise distract the driver of any vehicle;

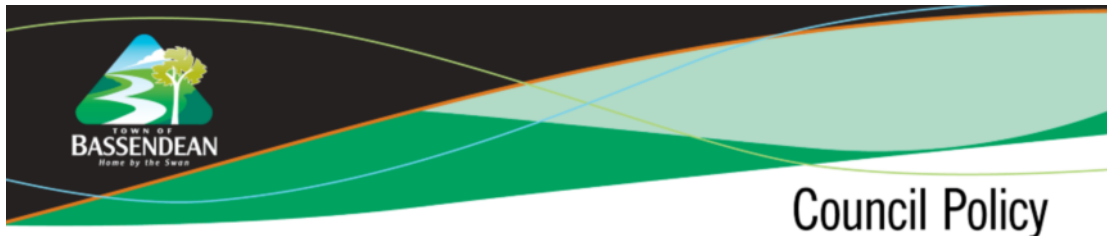
- (c) in the case of an externally illuminated advertisement, the light would not be directed solely onto the device and its structural surround and the light source be so shielded that glare would not occur or extend beyond the advertisement and cause the driver of any vehicle to be distracted;
- (d) it would be likely to interfere with, or cause risk or danger to traffic on a thoroughfare by virtue of the fact that it
 - (i) may be mistaken or confused with, or obstruct or reduce the effectiveness of any traffic control device;
 - (ii) would invite traffic to turn and would be sited so close to the turning point that there would not be reasonable time for a driver of a vehicle to signal and turn safely;
 - (iii) would invite traffic to move contrary to any traffic control device;
 - (iv) would invite traffic to turn where there is fast moving traffic and no turning lane;
 - (v) may obscure the vision of a person driving a vehicle.
- (e) in the case of an illuminated advertisement, it may be confused with or mistaken for the stop or tail light of a vehicle or vehicles;
- (f) it significantly obstructs or obscures the view of a river, the sea or any other natural feature of beauty; or
- (g) it would detrimentally affect the amenity of the area.
- (h) It would detrimentally affect the significance and aesthetics of a Heritage Area or a place on the Heritage List.

TABLE 1 - STANDARD SPECIFICATIONS

Advertisement	Max height of device M	Max length/width of device m	Max area.m ²	Min Headroom m	Max height above ground m	Projection max mm	Setbacks front m	Setbacks side M	Other Setbacks M	Minimum distance between ads	Location
Animated signs	1.5	1	3	2.4	6.0		2	1	6		
Development sign	4	5	20	1.0	5.0		15	10	15-		Development sites
Fence sign	1	20					2 x height	1			On fence
Hoarding			36	1.0			15				Non residential sites
Horizontal sign Height above thoroughfare				2.4		0.6		1			Fixed on wall Not to be fixed within 0.6m of end of wall
Less than 7.6	0.6										
7.6 to 9.0	0.7										
9.1 to 12	0.9										
More than 12(if there is no roof sign on the building)	4.5										
Illuminated sign	5	3	5	2.4	6.0	900	2	1	36		-
Institutional sign			3								
Other advertisement	6	8	30	-	6.0		6	3	6		As approved
Portable sign	1										A business may erect not more than one portable sign that does not project into the thoroughfare and is displayed during normal hours of business.
Projection sign	12	12	90	-	12.0						
Property transaction sign								-	-		-Transaction site
(a) Dwellings	3	4	5								
(b) multiple dwellings, shops, etc	4	5	20		5.0						
(c) large properties	6	8	30		6.0						
Pylon sign	6	2	4	2.4	6	900	1	2	6		Min 6m clearance of another sign

Advertisement	Max height of device M	Max length/width of device m	Max area.m ²	Min Headroom m	Max height above ground m	Projection max mm	Setbacks front m	Setbacks side M	Other Setbacks M	Minimum distance between ads	Location
Roof sign Height of main building above ground level 3.7 to 4.5 4.5 to 6.0 6.0 to 12 12 to 18 18m+	0.9 1.2 2.0 3.0 4.0			-					-		Not to extend beyond walls of buildings Roof signs will be subject to a structural engineers certificate Maximum height of roof sign 30m
Semaphore sign	0.6	0.9		2.4	3.6	900	-	1	-		-
Tower sign	20% of mast, tower or chimney	width of mast, tower, chimney, or structure where sign affixed		2.4							
Verandah sign -above facia -on facia -below facia	0.8 - 0.3	4 6 2.4	3 4	- - 2.7	5 - -	Nil Nil Nil	-	-	-		-
Vertical sign				0.3		600				3.6	Not to be fixed within 1.8m of end of wall, or project more than 1.0m above the wall to which it is affixed
Wall panel	1.5	1.5	3	-	3.0	100	-	-	-		-
Wall sign	3	8	12	1.0	5.0	100		-	-		-

Website: www.bassendean.gov.au Email: mail@bassendean.wa.gov.au Tel: (08) 9377 8000



LOCAL PLANNING POLICY NO. 18 LANDSCAPING WITH LOCAL PLANTS

Background

Landscaping is the term used to describe any vegetation and associated structures such as rockeries, ponds, sleepers and walls. It includes turf and grasses. Landscaping can enhance privacy, act as a natural cooling system for homes, soften the built form, create visual relief and generally improve the aesthetic appeal of new and existing developments. In addition to this, landscaping with local native vegetation can help to protect biodiversity and natural heritage values and contribute to a 'sense of place' for the area.

Landscaping can be a major component of urban renewal programs providing a boost for the local economy by stimulating business. Local plant themes can be incorporated into the landscaping of major roads, shopping centres, public transport routes, civic buildings and new developments.

The replacement of local native vegetation with exotic landscaping, coupled with the associated increase in water and fertiliser use, has an impact on water quality and the health of the Swan-Canning catchment.

1.1 Citation

This policy is adopted by the Town of Bassendean as a Planning Policy pursuant to Section 2.4 of Local Planning Scheme No. 10.

1.2 Purpose

The purpose of this policy is to assist the Town of Bassendean to promote the protection and enhancement of natural resources within the region by prescribing minimum standards for landscaping with local native plants.

1.3 Application of this policy

This policy applies to all applications that require planning consent under the Local Planning Scheme and require landscaping to be provided.

This policy has limited effect to applications based on Council's Energy Efficient Design Policy which encourages deciduous trees and plants to be provided in certain circumstances to aid summer shading.

1.4 Objectives

The objectives of the Town of Bassendean's 'Landscaping with Local Plants Policy' are to:

- provide development applicants with guidance as to the standard of landscaping expected by Council;
- build pride in the Town of Bassendean's natural environment and foster a 'sense of place' in the community through appropriate landscaping;
- Reduce threats to biodiversity by avoiding plant selection that may lead to future environmental weed problems;
- create visual stimulus and contrast between natural and built features;
- soften the impact of the built form;
- maintain and further promote the amenity and resultant quality of life provided for residents of the Town of Bassendean;
- promote better utilisation of water resources and the development of practices which conserve water; and
- minimise the extent of fertilisers leaching into drains and waterways, and in turn maintaining water quality within the Town.

1.5 Requirements

Landscape plans illustrating all landscaped areas must be prepared ideally by a professional landscape designer or qualified horticulturalist or landscape architect and submitted for Council's approval. Plans must focus on the use of local species and are to be prepared to a scale of not less than 1:200 and should show:

- street frontages, neighbouring buildings and fence lines;
- contours – both within the site and for the adjoining verge;
- reticulation details (type and method of operation);
- details of ground treatment for all common areas (for example; grass, paving, ground covers, mulch);
- plant legend, including the number of plants and species name including pot-size of plants at the time of planting; and
- accurate details of existing tree positions, with further detail for trees over 2m in height (species, trunk diameter, drip line and crown height).

Vegetation should be of sufficient size and spacing to meet the objectives of the policy within two years and landscaped areas must be developed in accordance with the approved plan and maintained thereafter for a period of twenty-four months

The following web site is one useful resource that shows local plants that are endemic to the area <http://www.apacewa.org.au/nursery>.

1.6 Relationship to LPS

This policy complements the Local Planning Scheme No. 10, the Residential Design Codes of Western Australia. This policy should be read in connection with:

1. Council's Street Tree Removal and Replacement Policy, Amenity Tree Evaluation Policy which controls trees within the verge area adjoining development sites;
2. Council's Verge treatment policy; and
3. Council's policy on the Retention of Trees on Development Sites.

Under the Local Planning Scheme No. 10, each application for planning approval is to be accompanied by:

1. The existing and proposed ground levels over the whole of the land the subject of the application and the location, height and type of all existing structures, and both the structures and vegetation proposed to be removed; and
2. The nature and extent of any open space and landscaping proposed for the site.

Under the Residential Design Codes each application for planning approval is required to be accompanied by an existing site analysis plan showing:

1. The position, type and size of any tree exceeding 3m in height; and
2. The street verge, including footpaths, street trees, crossovers, power poles and any service such as telephone, gas, water and sewerage in the verge.



TOWN OF BASSENDEAN

ASSET SERVICES

SPECIFICATION FOR THE CONSTRUCTION OF CROSSOVERS

1. OBJECTIVE

The purpose of this document is to define the Town of Bassendean's specifications for the construction of vehicle crossovers.

In accordance with the Local Government Act 1995, Schedule 9.1 Clause 7 and Clause 8 and the Town of Bassendean's 'Activities on Thoroughfares and Trading in Thoroughfares and Public Place Local Law'; all vehicle crossings constructed within a thoroughfare require approval from the Town of Bassendean.

The Town shall approve the private construction of a crossover between the edge of the carriageway and the property boundary in accordance with the Town's requirements relating to the location and standards of construction.

2. PROCEDURE

2.1 Specifications

These are obtained from the Town of Bassendean. If required the Town may provide a quotation to install a concrete crossover. Residents may use a private contractor to construct the crossover according to this specification.

2.2 Application

Where the work is being done by the property owner or the applicant's contractor the Town's Officers are required to make periodic checks on the work to ensure compliance with specifications.

The property owner or the applicant's contractor are required to:

1. Pay a supervision/inspection fee to the Town of Bassendean Customer Service Centre prior to commencement of works.
2. Notify the Town of Bassendean two working days prior to the pouring of concrete to organise site inspection.

2.3 Inspection and Council Contribution

Where applicable, payment of the Council contribution will be made following written advice from the applicant that construction is complete. The crossover will be inspected, by an Officer of the Town, and if constructed to this specification shall be approved for payment of the contribution.

Council will make a contribution equal to one half of the cost per m² for the construction of one standard crossover per residential lot to a maximum of that set in council's Schedule of Fees and Charges. The contribution will only be made following the actual construction of the crossover and providing that it is constructed in accordance with this specification.

Where the crossover has not been constructed to the Town of Bassendean specifications, the Town shall instruct the property owner or the applicant's contractor to modify the crossover at their cost, to ensure compliance with the specifications.

The cost of a standard crossover constructed by the Town or by a private contractor will be determined by the Town.

Where lots are strata-titled, more than one contribution may be made, at the discretion of the Town, if more than one crossover is constructed. The number of crossovers attracting the contribution shall not exceed the number of separately titled unit on the lot.

2.4 Street Tree Protection

Refer to the Council's Street Tree Protection policy at: www.bassendean.wa.gov.au located in Council –Documents & Publications – Policies – Section 1 – Town Planning and Built Environment – Page 37 -Street Tree Protection Policy which requires the property owner or applicant's contractor to protect the street tree prior to and during the development phase.

To protect the street tree the Town may request an approved independent suitably qualified arborist report to guide the management practices during the development.

A temporary barricade may be required to be erected at the outer canopy of the street tree to protect the root zone and tree during development. Vehicles are not permitted to park and building materials or debris are not permitted to be placed or stored under the tree canopy.

All building contractors utilised on the development are to be aware of the importance of protecting the Council's street tree, and that any damages occurring to the tree, wilful or otherwise will be subject to prosecution under the Local Government (Uniform Local Provisions Regulations 1996), Schedule 9.1 Clause 2.

2.5 Reinstatements

All damaged roads, paths, vehicle crossings, piped or open drains, verges, landscaping and any other structure or facility under the Town's care, control and management shall be reinstated in accordance with Town's specifications.

3. GENERAL

3.1 No matter the size of the project, it is essential that the property owner or applicant contact "Dial Before You Dig" (www.1100.com.au or alternatively contact the call centre on 1100 during business hours) for information on locating underground utilities. Underground utility owners will respond directly with the cable and pipe location

information. This information is to be used to prevent any damage to the underground services.

- 3.2 Any damages which may occur to any of the Town's facility, private property or underground services during the course of works or which subsequently becomes evident, shall be the sole responsibility of the property owner and or contractor who shall be held responsible for the repair, replacement, legal claims or any other thing which may arise from the carrying out of any such work.
- 3.3 Storm water from the driveway of a private property shall be managed in a detention system (eg soak wells) on the private property. No Storm water from the private property shall flow onto the crossover into the Town of Bassendean's drainage network.
- 3.4 The construction of vehicle crossings shall be executed under the supervision of and to the direction of the Manager Asset Services or his authorised representative.
- 3.5 All levels for grading, surfacing finishing, jointing or other construction requirements shall be as outlined in this document or as directed by the Manager Asset Services.

The crossover should be at least 0.5 metres from the side boundary at the front property line. Drainage entry pits require a minimum clearance of 1.0 metres (refer to drawing no TOB-STD-12-1) and Western Power poles require a clearance of 0.6 metres. In accordance with specification 5.2 below, the minimum clearance for street trees shall be determined by an approved independent suitably qualified arborist report to guide the management practices during the development

- 3.6 Crossovers to be constructed within close proximity of a signalized intersection shall be individually assessed by the Manager Asset Services, in accordance with the requirements of Main Roads Western Australia (MRWA).
- 3.7 Where a crossover connects the property boundary with a Primary Distributor Road (e.g. Guildford Road), approval from Main Roads Western Australia is required. Where a crossover connects a property with a Regional Road (Collier Road, Morley Drive, Lord Street, or Walter Road East) approval from the Department of Planning is required.
- 3.8 All materials and workmanship used in the construction of vehicle crossings shall be in accordance with this specification and materials or workmanship which are inferior to those specified shall be rejected and the works make good to Town's satisfaction.
- 3.9 The work shall be carried out with minimum disruption to pedestrians and vehicular traffic. Every precaution shall be taken to ensure the safety of persons and property. All excavations, materials, plant and equipment must be made safe, barricaded and provided with warning lights, during the hours of darkness to the satisfaction of the Manager Asset Services. All work is to be carried out in accordance with the Occupational Health, Safety and Welfare Act 1984 and Regulations as amended.
- 3.10 Alterations to the verge, path, or crossover that encroach on to a neighbouring property shall be carried out at the expense of the applicant. The property owner of the neighbouring property is to be notified of the details of the alterations prior to the application being made. A written response from the neighbouring property owner is to be provided with the application.
- 3.11 Vehicle crossovers that are no longer required or no longer connect with an internal driveway are deemed redundant and are not permitted and must be removed at the cost of the property owner and the verge and kerbing restored.

4. CONTRACTOR'S RESPONSIBILITY

- 4.1 Cutting existing kerbing with a concrete saw or removing existing precast kerbing without damage to the remaining pavement and kerbing.
- 4.2 Removal and disposal of all surplus materials from the site of the works and leaving the site in a clean and tidy condition.
- 4.3 Reinstatement of kerbing, concrete or bituminous road surfaces damaged during the course of the work.
- 4.4 Reinstatement of any verge or private property.
- 4.5 Removal of any redundant crossovers.
- 4.6 Liaison with the ratepayer to provide for ingress and egress and notification of intention to commence works.
- 4.7 Liaison with the Manager Asset Services, or his delegated representative on construction levels, setting out, inspection and measuring up of works.
- 4.8 Maintaining good public relations with Council and Ratepayers generally.
- 4.9 Apply to the relevant public utility authorities for approval to alter any utility service that is in conflict with the proposed crossover. Any costs incurred in the alteration of any service and subsequent reinstatement of the verge shall be borne by the contractor or applicant.

5. LEVELS, FOOTPATHS AND OTHER FEATURES

- 5.1 Crossovers are to be constructed perpendicular to the road edge or kerb line with a minimum clearance of 0.5 metres from a side boundary and shall align with the internal access into the property.
- 5.2 The presence of street trees on the verge may impact on the location and/or alignment of a crossover. This specification is to be implemented in conjunction with the Town's Street Tree Protection Policy whereby, unless there are valid reasons for its removal, the street tree shall take precedence over the crossover.

Where an existing tree is within 1.5 metres of a proposed crossover, advice is to be sought from an approved independent suitably qualified arborist to provide a report on the characteristics of the tree, projected future growth/size and to guide the management practices during the development. Based on the approved arborist report provided the Town will determine vehicle sight clearance requirements.

Any costs incurred in regards to the obtaining the approved independent suitably qualified arborist report and actions required to protect the street tree will be the responsibility of the property owner or applicant.

Only with the approval of the Manager Asset Services can the street tree have remedial arboricultural work undertaken by the approved arborist.

The property owner / applicant is to ensure that Street Trees are protected during the construction of a crossover or any other work on the verge, in accordance to the Street

Tree Protection policy. Any damages occurring to the tree, wilful or otherwise will be subject to prosecution under the Local Government (Uniform Local Provisions Regulations 1996), Schedule 9.1 Clause 2.

- 5.3 Where a vehicle crossing is required to cross a footpath or dual use path, the contractor shall construct the vehicle crossing to either side of the path and match up with it (refer to Drawing no. TOB-STD-4-3).

Where a crossover is to be constructed or upgraded, a footpath crossing shall be provided which is physically and visually predominant and shall have precedence over the crossover, and this reinstatement shall match the original path materials. The pedestrian footpath for the entire street shall be a continuous accessible means of travel allowing universal access for all users.

Crossover shall be constructed to match the predominant footpath colour. For example, a grey coloured crossover is to match a grey coloured concrete footpath while a red bricked footpath (e.g. for Old Perth Road) will have a crossover to match the brick colour.

For the Town's paving specification for Old Perth Road footpath, refer to "Specification for the Construction of Old Perth Road Paved Crossovers".

- 5.4 Crossing levels shall match up with:

5.4.1 The existing verge level if it is of uniform height with the adjacent verges.

5.4.2 The average level of the two adjacent crossovers or verge levels where there are no crossovers.

5.4.3 An apron (1m wide) shall be provided in accordance with drawing No. TOB-STD-4 – (Sheet 1 to 6).

- 5.5 Where the crossing covers an existing Council manhole, the lid is to be adjusted so as to be flush with the finished surface. The lid is to be replaced with 'Heavy Duty' type. Where the manhole belongs to a Public Utility, the applicant is to show evidence to the Manager Asset Services that they have fulfilled the requirements of the Public Utility in relation to the manhole.

- 5.6 All crossovers shall be constructed so that the crossover lies flush with the road carriageway and there is no lip.

- 5.7 For a corner site, no new crossovers shall be constructed within 12.0 metres from the side boundary. i.e. For a corner site, with a 6x6m truncation, no new crossovers shall be constructed within 6.0 metres of the truncation peg. For a corner site, with a 3x3m truncation, no new crossovers shall be constructed within 9.0 metres of the truncation peg. Refer to drawing no. TOB-STD-11-1.

- 5.8 Where a doubt exists on the above, refer all queries to the Manager Asset Services for determination prior to construction.

6. CONSTRUCTION

- 6.1 Construction Materials:

6.1.1 Crossover may be constructed in one of the following materials:

- a) Residential crossover:
 - i. In-situ concrete
 - ii. Pavers;
 - iii. Other material approved by the Town.

Where a crossover is required to cross a footpath, the colour for that part of the crossover is to be in accordance with Clause 5.3.

- b) Industrial and commercial crossover:
 - i. In-situ concrete;
 - ii. Asphalt/bitumen.

6.1.2 All concrete used in kerbing shall develop a minimum compressive strength of 20 MPa at 28 days and shall compose of a mixture of screenings, sand and cement to give the strength specified with a zero slump.

6.1.3 All concrete shall have an approved high early strength additive to give rapid hardening where directed by the Manager Asset Services.

6.1.4 Pavers shall be clay brick or concrete block pavers from an approved manufacturer, to be a minimum thickness of 60mm. and laid in accordance with manufacturer's specifications and any material used which are inferior to those specified or directed the Manager Asset Services shall be liable to rejection and replacement at the Contractor's cost.

6.2 Excavation:

6.2.1 Excavation for the crossing shall be taken out to the levels, lines and grades as set out on the site by the contractor in accordance with this specification and all excavation shall be executed cleanly and efficiently to provide for a compacted sound sub-grade, free of depressions or soft spots or any deleterious materials to the required depths.

6.2.2 Compaction of the sub-grade is achieved by watering and vibratory compaction of 95% of maximum density as determined by modified compaction test under AS 1289 (Methods of Testing Soil for Engineering Purposes – Part E, Soil Compaction and Density Tests).

In sand, this may be deemed to be satisfied if a Standard Penetrometer Test result of 7 blows per 300mm is achieved within the first 450mm.

6.2.3 Surplus materials resulting from site preparation and construction of crossovers shall become the property of the contractor and shall be removed at the contractor's expense.

7. CONCRETE CROSSOVERS

7.1 Form Work:

Applicant /contractor to liaise with Manager Asset Services to confirm/determine the location for the footpath though the crossover so as to ensure a continuous accessible means of universal access pedestrian travel for all users.

Where a crossover is to be constructed or upgraded, the formwork shall separate the footpath from the crossover. This is to ensure that the footpath physically and visually predominant and shall have precedence over the crossover.

7.2 Base Preparation & Laying Concrete:

The base shall be thoroughly and evenly moistened but not saturated prior to placing concrete. All deleterious material shall be removed from the base before placing concrete. Concrete shall match the predominant footpath colour and shall be evenly placed to the depth specified and shoveled into position continuously and spaded, especially at all edges to give maximum density. No break in operation shall be permitted from time of placing to finish.

7.3 Finishing:

The finish shall be obtained by rendering to correct levels and wood float or broom finished to provide a non-slip surface free of any depressions, marks, irregularities, honey comb sections or accumulations of fine density secretions liable to cause excessive surface wear. The final surface shall be to the entire satisfaction of the Manager Asset Services who shall reserve the right to require the removal of or the correction of any surface deficiencies or finish.

Where required, and/or where directed, a portion of the surface may be required to be treated with a multi-grooved grooving tool with grooving of 200mm centres worked parallel to kerb line to minimize the slipping effect. A steel trowel finish is NOT PERMITTED on a vehicle crossing.

7.4 Jointing:

Plain contraction and/or construction joints finished with an approved jointing tool shall be located as shown in the drawing. Expansion joints are required at the junction with Council's kerb and at the property line. Joint filler shall consist of 14mm polystyrene strip 100mm deep or other approved material.

7.5 Return of Kerbing:

Concrete kerbing returns of following specified radius shall be provided from kerb line at the junction with the existing road:

- a) Residential: 1m minimum or alternatively 1m x 1m splay minimum.
- b) Industrial and commercial: 5.5m minimum or alternatively 5.5m x 5.5m splay minimum.

Kerbing returns shall be constructed so as to be monolithic with the crossover proper. Kerbing shall be vertical on the outside face and gently humoured into the crossing over the length of the curve. At junctions with existing kerbing, expansion joint shall be provided. The top of the kerb return is to form a straight gradient between the tangent point at the road kerbing and the tangent point at the crossover.

7.6 Curing:

The concrete crossing shall be cured either with a chlorinated rubber curing membrane sprayed on the exposed concrete surface or shall be covered with plastic film for a minimum of 5 days.

8. PAVED CROSSOVERS

It shall be constructed according to the manufacturer's specifications. Information below is for reference only.

8.1 Sub-grade Preparation - Formation:

8.1.1 Boxing-out shall be done carefully to avoid undue disturbance of the newly prepared sub-grade surface. The surface shall be levelled and compacted using a mechanical plate compactor or similar approved method, until a compaction of 95% modified compaction as provided under AS1289.5 (Methods of Testing Soil for Engineering Purposes - Soil Compaction & Density Tests). In sand, this may be deemed to be satisfied if an S.P.T result of 7 blows per 300mm is achieved within the first 450mm.

8.1.2 Where fill is required to be imported, material of approved quality (preferably with CBR - 30%) shall be used with each layer not exceeding 75mm in loose depth. Compaction shall be to at least 95% modified compaction as in (7.1.1) above.

8.1.3 The whole of the sub-grade shall be prepared in a manner as to ensure adequate drainage and protection against storm water and sub-soil flows.

Sub-grade preparation shall extend to the rear face of all edge restraints.

8.2 Base Preparation:

8.2.1 The base material (limestone) shall be placed at optimum moisture content and spread such that the final compacted thickness is a maximum of 100mm. The materials shall be worked to the correct lines and levels and thoroughly compacted. Alternative base materials such as rockbase, natural gravel and cement stabilised sand may be permitted, subject to approval by the Manager Asset Services.

8.2.2 The base course shall extend in 'width' to at least the rear face of all edge constraints. The upper layer of base course shall be sufficiently dense to prevent downward infiltration of bedding sand. Base course tolerance shall be ± 5 mm of nominated design levels. The surface of the base course shall not deviate by more than 10mm from the base of a 2 metre long straight edge placed in any direction on an area of specified uniform gradient or crossfall. No ponding shall be permitted on base course surface. Sand bedding material shall not be used as a levelling material to compensate for base course not complying with the approved tolerance.

8.3 Concrete Apron and Edge Restraint:

8.3.1 In accordance to the attached drawings a concrete apron matching the colour of the concrete kerbing shall be provided.

8.3.2 The perimeter of the crossover shall be provided with restraining barriers. Restraints shall be robust enough to withstand vehicle impact and prevent lateral movement of bricks as such movement could cause pavement failure.

8.3.3 Where the crossover has required the removal of a precast barrier kerb, the contractor MUST construct a concrete apron prior to laying the brick paving. The apron shall be 1.0m wide x 100mm deep (minimum) parallel and flush to the roadway and blend into the existing kerbing at each end. Paving bricks shall be laid commencing from the rear face of the apron.

8.3.4 Edge restraints shall be taken vertically down to base course and shall be supported on the compacted base course which shall not be less than 100mm thickness below

the restraint. All concrete edge restraints shall have a minimum compressor strength of 30MPa.

8.3.5 Edge restraints along kerb returns shall be supported on concrete or block barriers to ensure full rigidity. A 200mm x 100mm deep concrete strip on each return should be satisfactory.

8.4 Sand Bedding:-

8.4.1 Only even graded siliceous sand shall be used. Sand shall be non-plastic and free from deleterious materials such as stones, roots, clay lumps and excessive organic material. The sand shall all pass a 4.75mm screen aperture and have a maximum 5% passing a 0.075mm screen. Sand shall be protected from excessive change in moisture content and shall have a uniform moisture content when laid. .

8.4.2 Bedding sand shall be screeded slightly ahead of laying operations and maintained in a loose condition and protected from pre-compaction (including rain and pedestrian traffic). Any surface irregularities exceeding 5mm shall be loosened, raked and re-screeded before laying pavers.

8.4.3 For manual placing of paving units, the bedding sand shall be maintained at a uniform density but as loose as screeding operations will permit. For mechanical placing, bedding sand shall be uniformly and firmly, but not fully, compacted.

8.5 Laying Paving Units:

8.5.1 Paving units shall be placed by hand or mechanically in clusters on the screeded sand bedding to nominated patterns as per schedule. Care shall be taken to ensure that a gap of 2-4mm (nominal 3mm) is maintained between paving bricks and that no units are in direct contact with each other.

8.5.2 The first row shall be laid against an edge restraint or previously completed paving or an established straight line. It shall be laid at a suitable angle to achieve the required orientation and pattern.

8.5.3 Full units shall be used first followed by edge or closer units. Closer units shall consist of not less than 25% of full units and shall be cut to size to suit the joint widths. Spaces of less than 20% paving brick size shall be in-filled with concrete of 1 part cement and 2 parts fine aggregate and sand by weight.

8.6 Compaction of Brick Pavement:

8.6.1 After laying the paving units, sheets of plywood of minimum thickness 12mm shall be laid on the pavement which shall then be compacted with 2 passes of a high frequency low amplitude plate compactor having an area sufficient to cover a minimum of 12 pavers. Compaction shall continue, where necessary, until lipping between adjoining units has been eliminated.

8.6.2 Any units damaged during compaction shall be removed and replaced. Compaction shall be complete and the crossover shall be brought to design profile before spreading or placing of sand filling in the joints.

8.7 Filling Joint:

8.7.1 As soon as practicable after compaction and prior to acceptance of traffic, dry sand for joint-filling shall be spread over the pavement and swept into the joints. Sand used for bedding is NOT suitable for joint filling. Sand shall be free of soluble salts or contaminants that could cause efflorescence. Cement in joint-filling is not permitted.

8.7.2 To ensure complete filling of joints, both sand and paving units shall be as dry as practicable when spreading and brooming take place. A further two passes of the plate compactor shall be applied and the joints re-filled with sand as necessary until all joints are completely filled. Excess joint filling sand shall be removed from the crossover on completing the works.

ITEM		TYPE OF VEHICLE CROSSOVER			
		Light Duty	Medium Duty	Heavy Duty	
		Residential	Multi Residential with <10 car parking bays	Light Industrial & Commercial with >30 car parking bays	Heavy Duty Industrial & Commercial
1.	<u>GENERAL CONDITIONS</u>				
1.1	Minimum width of crossover at property line	3m	6m	4.5m	4.5m
1.2	Maximum width of crossover at property line	6m	6m	10.7m	10.7m
1.3	Minimum width of crossover at kerb line	5m	8m	15.5m	15.5m
1.4	Maximum width of crossover at kerb line	8m	8m	21.7m	21.7m
1.5	Alignment of Vehicle crossing	90 degrees to road or kerb line unless otherwise approved by Manager Asset Services			
1.6	Radius of kerb return to kerb line	1m minimum	1m minimum	5.5m minimum	
1.7	Step-up at road channel	NIL	NIL	NIL	NIL
1.8	In-situ concrete finish to match footpath colour	Non slip wood float or broom			
1.9	Minimum setback from side boundary	0.5m	0.5m	0.5m	0.5m
1.10	Minimum distance of crossover corner truncation.	Refer to Specification 5.7	Refer to Specification 5.7	Refer to Specification 5.7	Refer to Specification 5.7
1.11	Council's supervision fee for crossovers constructed privately	\$106.00 (2013/2014)			
2.	<u>CONCRETE</u>				
2.1	Concrete thickness	100mm	125mm	150mm	200mm
2.2	Steel reinforcement mesh	No	ARC F62 mesh	ARC F62 mesh	ARC F82 mesh
2.3	Minimum high strength at 28 days	20 MPa	20 MPa	20 MPa	25 MPa
3.	<u>BITUMEN – (INDUSTRIAL ONLY)</u>				
3.1	Minimum depth of excavation	N/A	200mm	275mm	300mm
3.2	Minimum compacted thickness of:				
3.2.1	Sub-base	N/A	NIL	150mm	150mm
3.2.2	Base	N/A	175mm	100mm gravel/roadbase	100mm gravel/roadbase
3.2.3	Hotmix	N/A	25mm	25mm	50mm
4.	<u>PAVED</u>				
4.1	Pavers	In accordance with manufacturer's specifications.			
4.2	Concrete Apron & Edge restraints	Concrete apron matching the colour of the concrete kerbing and edge restraints shall be provided as per manufacturer's recommendations			

Name: _____

Address: _____

Phone No: _____

Chief Executive Officer
Town of Bassendean
PO Box 87
BASSENDEAN WA 6934

Dear Sir

**CLAIM FOR COUNCIL CONTRIBUTION TOWARD THE COST OF A
RESIDENTIAL CROSSOVER.**

The crossover at _____ has recently
been completed to Council's specifications and I wish to claim the Council contribution
(as per the fees and charges) toward the cost of construction of the crossover.

Please indicate whether refund required by EFT by cheque

Please pay the contribution to my nominated bank account:

BSB: _____

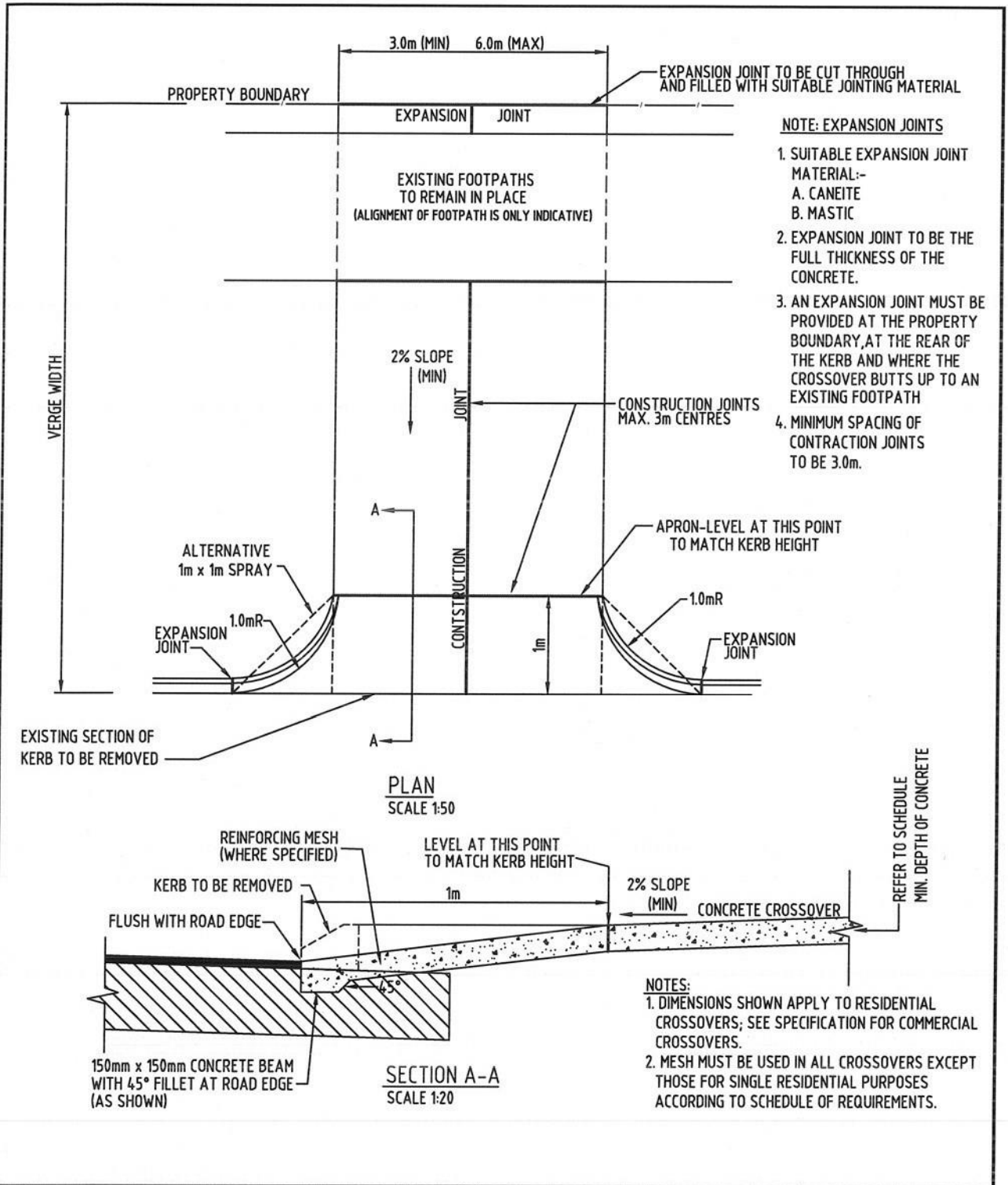
Account: _____

Account Name: _____

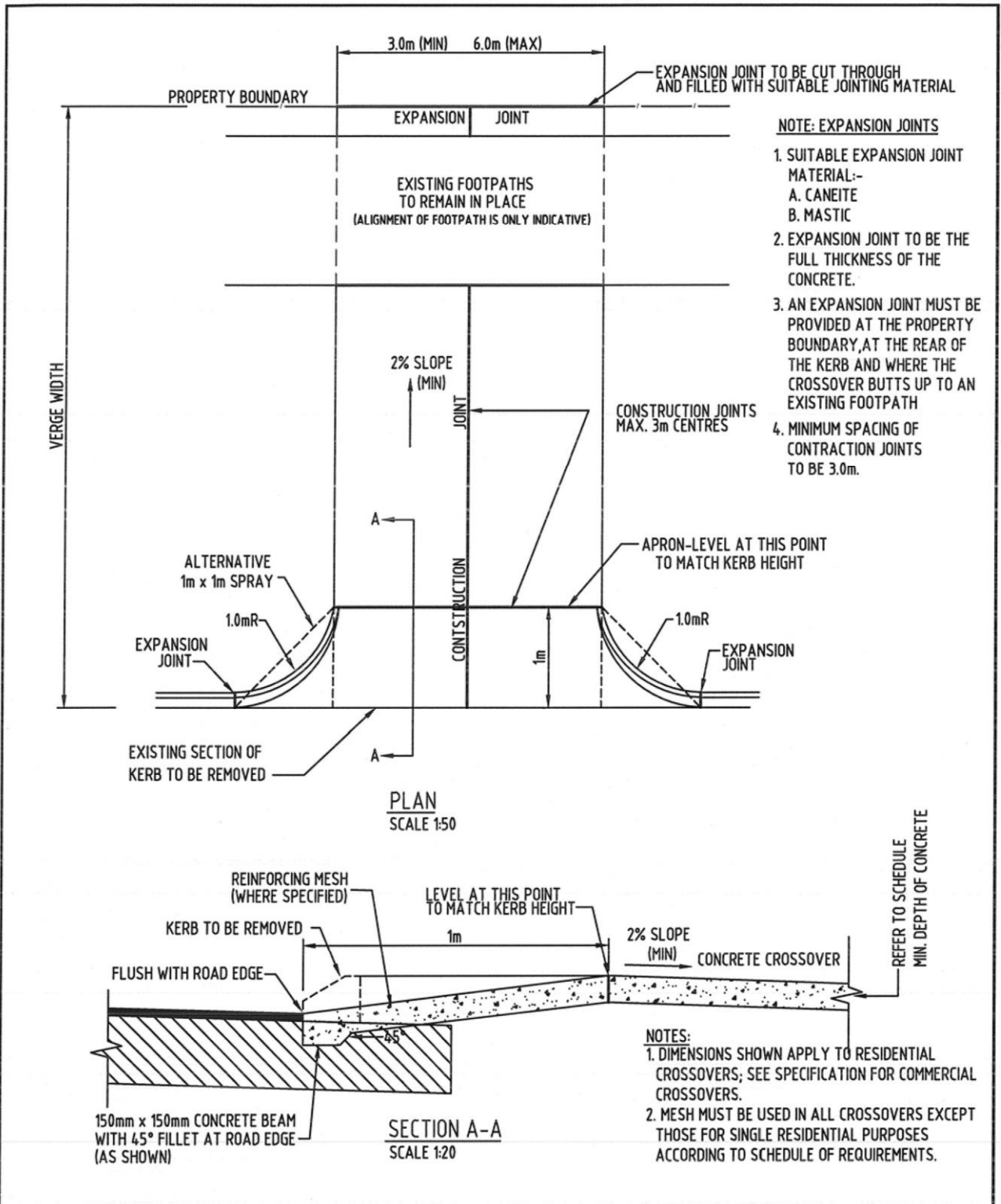
Email address for remittance advice: _____

Yours faithfully

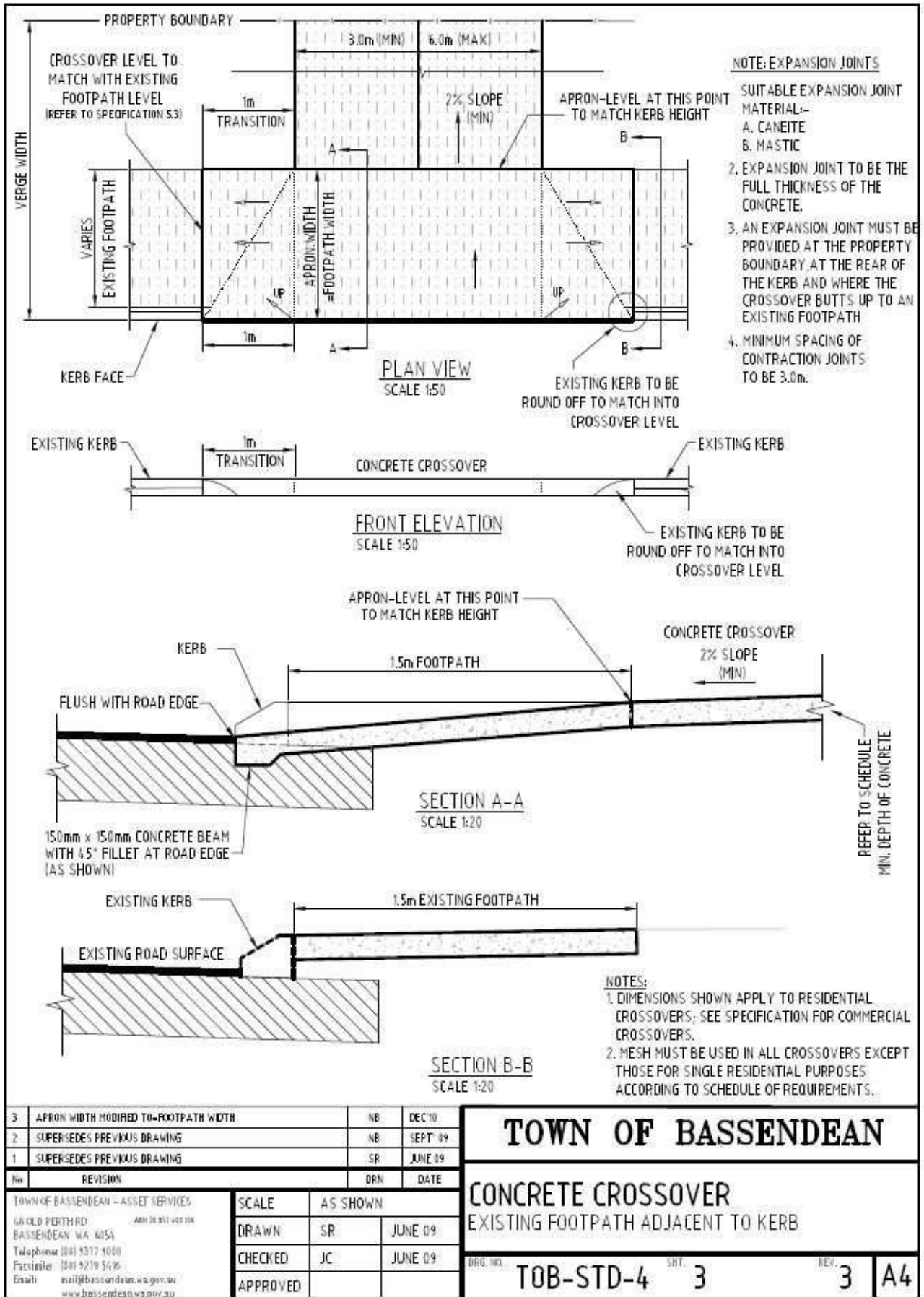
Date _____



2	SUPERSEDES PREVIOUS DRAWING	NB	SEPT' 09	TOWN OF BASSENDEAN
1	SUPERSEDES PREVIOUS DRAWING	SR	JUNE 09	
No	REVISION	DRN	DATE	CONCRETE CROSSOVER VERGE AT PROPERTY LINE ABOVE ROAD CHANNEL
TOWN OF BASSENDEAN - ASSET SERVICES 48 OLD PERTH RD BASSENDEAN WA 6054 Telephone: (08) 9377 9000 Facsimile: (08) 9279 5416 Email: mail@bassendean.wa.gov.au www.bassendean.wa.gov.au		SCALE	AS SHOWN	
		DRAWN	SR JUNE 09	DRG. NO. TOB-STD-4 SHT. 1
		CHECKED	JC JUNE 09	REV. 2 A4
		APPROVED		



2	SUPERSEDES PREVIOUS DRAWING	NB	SEPT' 09	TOWN OF BASSENDEAN
1	SUPERSEDES PREVIOUS DRAWING	SR	JUNE 09	
No	REVISION	DRN	DATE	CONCRETE CROSSOVER VERGE AT PROPERTY LINE LOWER THAN ROAD CHANNEL
TOWN OF BASSENDEAN - ASSET SERVICES 48 OLD PERTH RD BASSENDEAN WA 6054 Telephone: (08) 9377 9000 Facsimile: (08) 9279 5416 Email: mail@bassendean.wa.gov.au www.bassendean.wa.gov.au				
				DRG. NO. TOB-STD-4 SH. 2 REV. 2 A4



3	APRON WIDTH MODIFIED TO-FOOTPATH WIDTH	NB	DEC'10
2	SUPERSEDES PREVIOUS DRAWING	NB	SEPT 09
1	SUPERSEDES PREVIOUS DRAWING	SR	JUNE 09

NO	REVISION	DRN	DATE
----	----------	-----	------

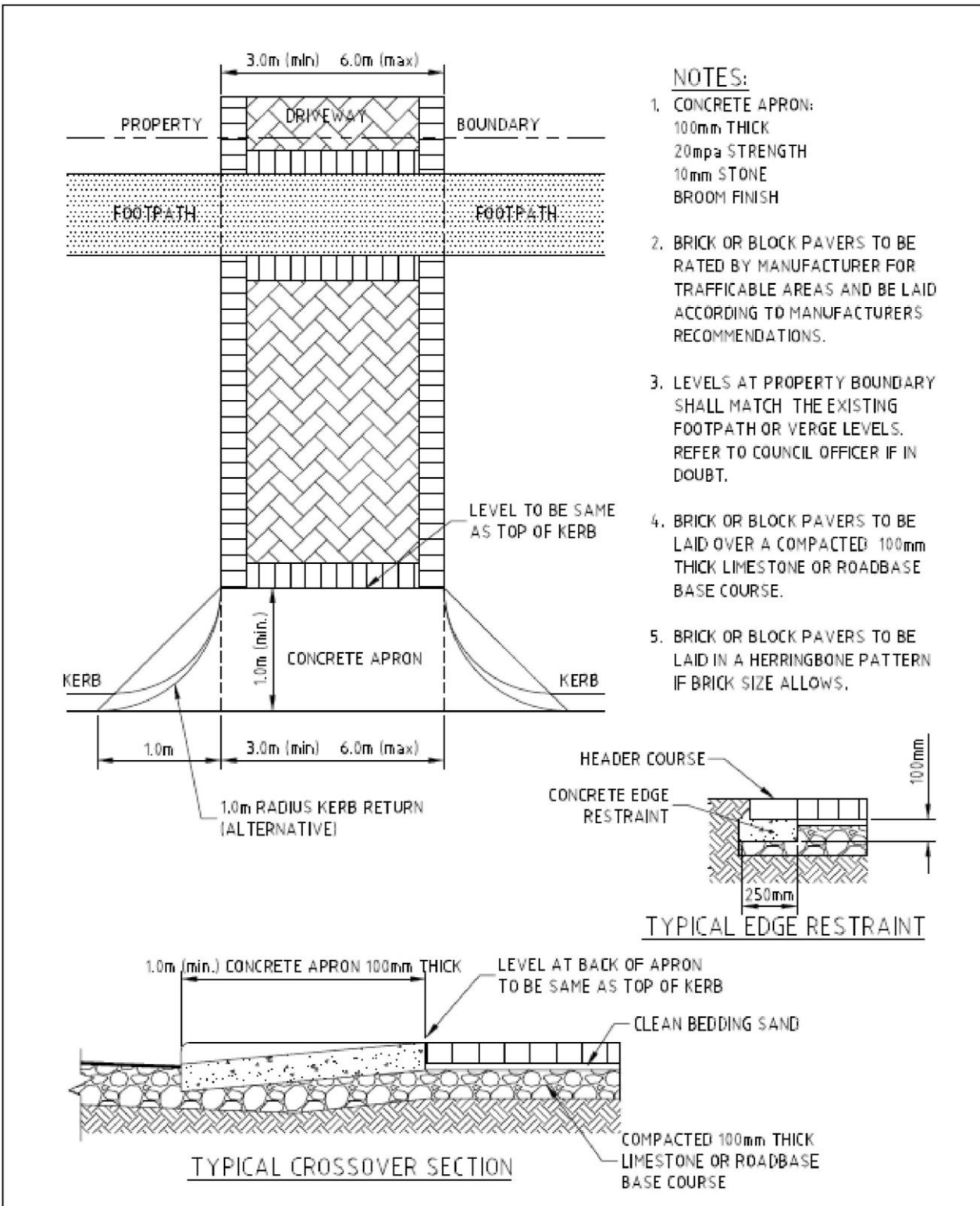
TOWN OF BASSENDEAN – ASSET SERVICES
 68 OLD PERTH RD BASSSENDEAN WA 6054
 Telephone (08) 9377 1000
 Facsimile (08) 9219 5446
 Email mail@bassendean.wa.gov.au
 www.bassendean.wa.gov.au


SCALE	AS SHOWN		
DRAWN	SR	JUNE 09	
CHECKED	JC	JUNE 09	
APPROVED			

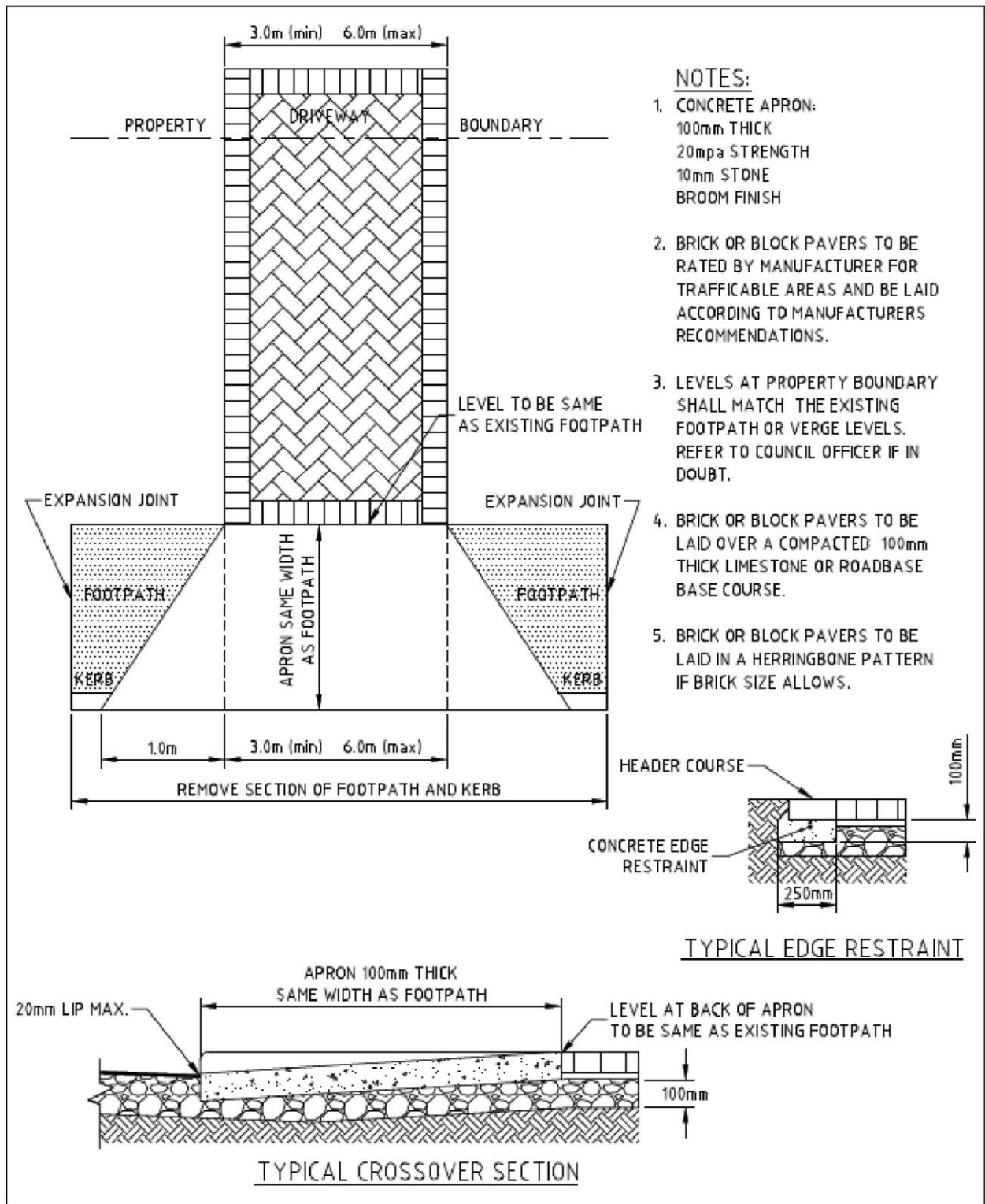
TOWN OF BASSENDEAN


CONCRETE CROSSOVER
EXISTING FOOTPATH ADJACENT TO KERB

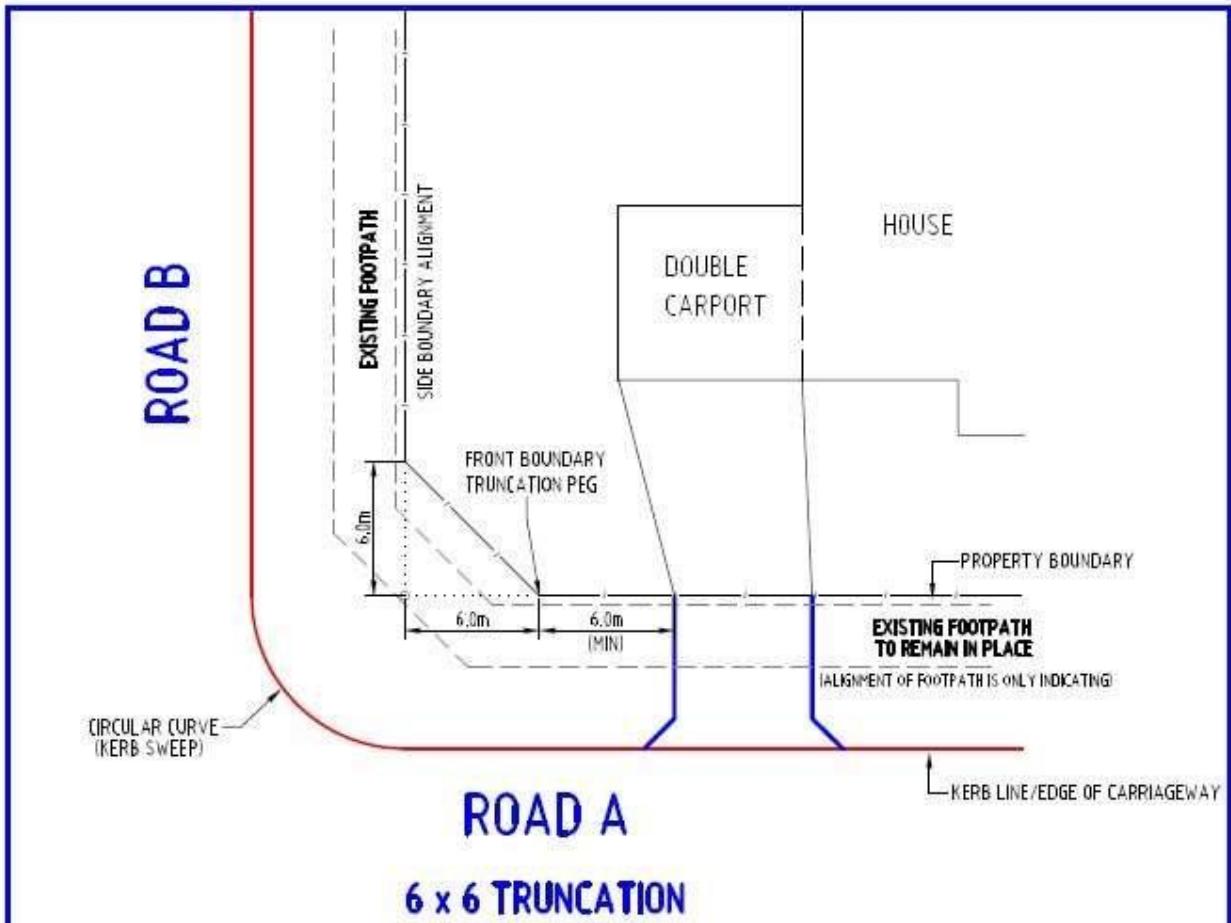
DRG. NO.	TOB-STD-4	SRT.	3	REV.	3	A4
----------	-----------	------	---	------	---	----



		DATE	 TOWN of BASSENDEAN ASSET SERVICES
DRAWN	R. HEWITT	5-7-05	
CHECKED	R. HEWITT	5-7-05	
DESIGNED	R. HEWITT	5-7-05	
APPROVED	R. HEWITT	5-7-05	
ABN 84 387 702 890 Email: mail@bassendean.wa.gov.au Telephone: (08) 9377 9000 www.bassendean.wa.gov.au Facsimile: (08) 9279 5416			TITLE RESIDENTIAL PAVED CROSSOVER WITH CONCRETE APRON AND FOOTPATH AT PROPERTY LINE SCALE: N.T.S. DRG. NO. TOB - STD-4 SHEET 4 REV. A4

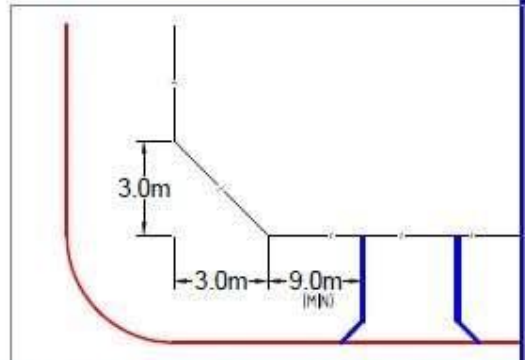


		DATE	 TOWN of BASSENDEAN ASSET SERVICES	TITLE RESIDENTIAL PAVED CROSSOVER WITH CONCRETE APRON AND FOOTPATH ON KERB			
DRAWN	R. HEWITT	5-7-05					
CHECKED	R. HEWITT	5-7-05					
DESIGNED	R. HEWITT	5-7-05					
APPROVED	R. HEWITT	5-7-05					
ABN 34 387 702 890 Email: mail@bassendean.wa.gov.au Telephone: (08) 9377 9000 www.bassendean.wa.gov.au Facsimile: (08) 9279 5416			SCALE: N.T.S.	DRG. NO. TOB-STD-4	SHEET 5	REV. .	A4



6 x 6 TRUNCATION

3 x 3 TRUNCATION



NOTES:

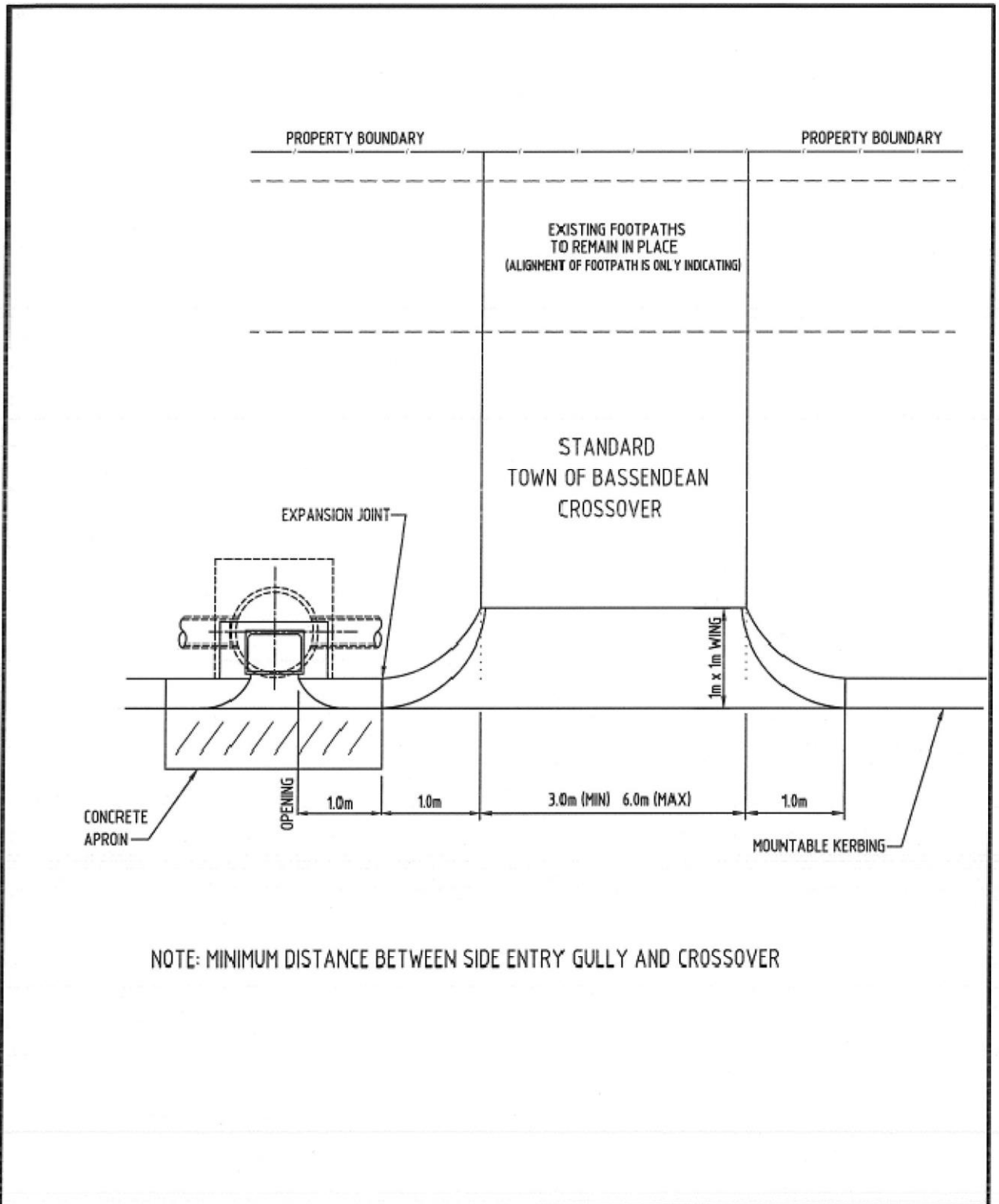
1. EDGE OF PROPOSED CROSSOVER NOT TO BE LOCATED WITHIN CIRCULAR CURVES (KERB SWEEPS) ON CORNER LOTS.
2. NO NEW CROSSOVER SHALL BE CONSTRUCTED WITHIN 6.0m FOR 6x6m TRUNCATION (or 9m for a 3x3m truncation) OF THE FRONT BOUNDARY TRUNCATION PEG.
3. THIS DETAIL IS APPLICABLE TO LOCAL STREETS ONLY.
4. CROSSOVER MAY NEED TO BE SET BACK FURTHER FROM THE CORNER DEPENDING ON THE SITE CONDITIONS. (REFER TO ASSET SERVICES FOR DETAILS)

2	SUPERSEDES PREVIOUS DRAWING	NB	MAY'13
1	SUPERSEDES PREVIOUS DRAWING	NB	SEPT'09
No	REVISION	DRN	DATE
TOWN OF BASSENDEAN - ASSET SERVICES 48 OLD PERTH RD. BASSENDEAN WA 6054 Telephone: (08) 9377 9000 Facsimile: (08) 9379 5435 Email: mail@bassendean.wa.gov.au www.bassendean.wa.gov.au			
SCALE	1: 200		
DRAWN	SR	JUNE 09	
CHECKED	JC	JUNE 09	
APPROVED			

TOWN OF BASSENDEAN

STANDARD CROSSOVER
LOCATION AT INTERSECTING STREETS
LOCAL ROADS ONLY

TOB-STD-11 SH1 1 REV. 2 **A4**



NOTE: MINIMUM DISTANCE BETWEEN SIDE ENTRY GULLY AND CROSSOVER

				TOWN OF BASSENDEAN		
1	SUPERSEDES PREVIOUS DRAWING	NB	SEPT'09	STANDARD CROSSOVER LOCATION ADJACENT TO SIDE ENTRY GULLY PLAN		
No	REVISION	DRN	DATE			
TOWN OF BASSENDEAN – ASSET SERVICES 48 OLD PERTH RD BASSENDEAN WA 6054 Telephone: (08) 9377 9000 Facsimile: (08) 9279 5416 Email: mail@bassendean.wa.gov.au www.bassendean.wa.gov.au		SCALE	1:50		DRG. NO. TOB-STD-12 SH. 1 REV. 1 A4	
		DRAWN	SR	JUNE '09		
		CHECKED	JC	JUNE '09		
		APPROVED				



Form 1 – Responsible Authority Addendum Report (Regulation 12)

Property Location:	Lot 75 (No. 72) Walter Road East (cnr Marion Street), Eden Hill
Development Description:	Convenience Store Providing for the Sale of Fuel and Convenience Goods (Vibe)
DAP Name:	Metro Central JDAP
Applicant:	Planning Solutions
Owner:	K. & W. Sales & Distribution
Value of Development:	\$2 million
LG Reference:	2018-088
Responsible Authority:	Town of Bassendean
Authorising Officer:	Christian Buttle – Senior Planning Officer
DAP File No:	DAP/18/01473
Report Due Date:	19 November 2018
Application Received Date:	3 August 2018
Application Process Days:	108 days
Attachment(s):	<ol style="list-style-type: none">1. Report Titled “<i>Proposed Perth Petrol Station - Air Quality Assessment</i>” - prepared by ERM dated 26 October 2018;2. Report Titled “<i>Lot 75 (72) Walter Road East, Eden Hill (DAP/18/04173) Proposed Convenience Store – Air Quality Advice for Town of Bassendean</i>” prepared by Air Quality Services Branch of the Department of Water and Environmental Regulation dated 19 November 2018;3. Report Titled “<i>ERM Air Quality Assessment – Peer Review</i>” prepared by Talis Consultants dated November 2018;4. Transcore Response Letter to original RAR Engineering related recommended reasons for refusal dated 25 October 2018; and5. Planning Solutions Presentation Summary dated 26 October 2018.

Officer Recommendation:

That the Metro Central JDAP resolves to:

1. **Refuse** DAP Application reference DAP/18/01473 and accompanying plans:

- Dwg A01 Sheet 1 (Site Plan) Rev C dated 28.06.18;
- Dwg A02 Sheet 1 (Building Plans) Rev C dated 28.06.18;
- Dwg A02 Sheet 2 (Building Plans) Rev C dated 28.06.18;
- Dwg A02 Sheet 3 (Building Plans) Rev C dated 28.06.18;
- Dwg A03 Sheet 1 (Petrol Canopy Plans) Rev C dated 28.06.18;
- Dwg A03 Sheet 2 (Petrol Canopy Plans) Rev C dated 28.06.18;
- Dwg A01 Sheet 2 (Site Plan – Landscaping) Rev C dated 28.06.18;

In accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of the Town of Bassendean Local Planning Scheme No. 10, for the following reasons:

Reasons

1. The proposed development does not satisfy Clause 67(r) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the proposed development constitutes a possible risk to human health or safety as it directly adjoins/is adjacent to 'sensitive' land uses (residential dwellings and school oval). Separation distances specified for development of this kind within Guidance Statement No. 3 of the Environmental Protection Authority (Separation Distances between Industrial and Sensitive Land Uses 2005) have not been provided, and the applicant has not produced a satisfactory site specific scientific study which demonstrates that the lesser separation distance that has been proposed should be approved.
2. The proposed development does not satisfy Clause 67(n) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the proposed development has not demonstrated how potential adverse noise impacts associated with the proposed development will be satisfactorily ameliorated.
3. The proposed development does not satisfy Clause 67(s) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the development does not cater for the Articulated vehicle (AV) design specified in Section 2 of Australian Standard AS 2890.2 – Off-street commercial vehicle facilities for the delivery of fuel to the site, and the applicant has not satisfactorily demonstrated how an alternative design standard should be approved.
4. The proposed development does not satisfy Clause 67(s) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the development does not cater for the Heavy rigid vehicle (HRV) design specified in Section 2 of Australian Standard AS 2890.2 – Off-street commercial vehicle facilities for waste disposal and other delivery vehicles.
5. The proposed development does not satisfy Clause 67(s) of the Planning and Development (Local Planning Schemes) Regulations 2015 as service vehicles (fuel tankers) are unable to remain lane correct within public streets when approaching the development site.

6. The proposed development does not satisfy Clause 67(s) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the ability for vehicles to traverse the site in opposing directions is unsafe in use.
7. The proposed development does not satisfy Clause 67(s) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the car parking bays immediately forward of the proposed convenience store are non-compliant with the 2.6m minimum specified within Australian Standard AS 2890.1 – Off-street car parking, for the kind of development that has been proposed.
8. The proposed development does not satisfy Clause 67(s) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the width of bowser bays for pumps 2-6 is non-compliant with the 2.9m minimum (comprising 2.6m minimum plus 300mm clearance) specified within Australian Standard AS 2890.1 - Off-street car parking, for the kind of development that has been proposed.
9. The proposed development does not satisfy Clause 67(s) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the width of the service bay / loading bay associated with the proposed convenience store is non-compliant with the 3.5m minimum specified within Australian Standard AS 2890.2 - Off-street commercial vehicle facilities, for the kind of development that has been proposed.
10. The proposed development does not satisfy Clause 67(s) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the clearance height beneath the proposed petrol canopy is less than the 4.5m minimum specified by AS 2890.2 - Off-street commercial vehicle facilities.
11. The proposed development does not satisfy Clause 67(s) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the 5.5m separation distance between the corner truncation reserved under the Metropolitan Region Scheme and the crossover on the Marion Street frontage of the development site is less than the 6m minimum specified by both the Town of Bassendean Specification for the Construction of Crossovers and Australian Standard AS 2890.1 – Off-street car parking.
12. The proposed development does not satisfy Clause 67(s) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the design of the proposed crossovers for the development does not demonstrate compliance with the Town of Bassendean's Specifications for the Construction of Crossovers.
13. The proposed development does not satisfy Clause 67(p) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the width of landscaping along the Walter Road East frontage of the development is less than that specified by the Town of Bassendean Local Planning Policy No. 7 – Local Shopping Design Guidelines.
14. The proposed development does not satisfy Clause 67(m) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the proposed building setbacks to the Walter Road East frontage of the development site are considered to be unacceptable, having regard to the provisions of the Town of

Bassendean Local Planning Policy No. 7 – Local Shopping Design Guidelines and the unsatisfactory urban design outcome that results from the blank building façade facing this street.

15. The proposed development does not satisfy Clause 67(m) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the application does not demonstrate how roof mounted external fixtures (such as air-conditioning and refrigeration plant) and other similar infrastructure such as vent pipes will be suitably screened from view of the street.
16. The proposed development does not satisfy Clause 67(u) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the application has not demonstrated how satisfactory waste management arrangements will be incorporated into the proposed development.

Advice Notes

Nil.

Details: outline of development application

Details of the application with respect to the planning framework and application particulars are the same as those described in the original Responsible Authority Report (RAR) considered by the Metro Central JDAP at its meeting held 31 October 2018.

Background:

As identified, this application was considered at Metro Central JDAP Meeting No. 318 held 31 October 2018, at which time the following procedural motion was carried unanimously:

“That the meeting to consider item 8.1 Lot 75 (No. 72) Walter Road East (cnr Marion Street), Eden Hill be deferred for 21-28 days to allow the Town of Bassendean to review and provide comment to the JDAP, by means of an addendum to the RAR, on the reports and materials that were submitted by the applicant as part of requests for deputation and in response to R13 requests; and for the JDAP to have sufficient time to consider this material so as to make an informed decision.”

JDAP resolved to defer consideration of the matter to allow panel members to be fully informed on all information provided.

Background information relating to the development site remains the same as that detailed within the original RAR.

Legislation and Policy:

Legislation and Policy remains the same as that detailed in the original RAR.

Consultation:

No further public consultation has been undertaken for the proposed development beyond that detailed in the original RAR.

Consultation with other Agencies or Consultants

Air Quality Branch – Department of Water and Environmental Regulation (DWER)

The Town has liaised with the Air Quality Branch of DWER and requested that they provide assistance to the Town in reviewing the Air Quality Assessment report prepared by ERM. In seeking assistance from DWER, the Town raised specific queries with the report that had been prepared by ERM.

By way of a report dated 19 November 2018, DWER have provided comments on the ERM report. This report raises a number of queries with the ERM report as summarised below:

- Assessment criteria used in the ERM report have not been adopted in WA;
- The proponent should consider using the impact assessment criteria established in NSW EPA (2016);
- The planning report provided in support of the application and the ERM report are inconsistent with respect to vapour recovery systems to be incorporated into the development;
- The petrol / diesel split in the ERM report does not reflect Perth's light vehicle fleet which (by underestimating the proportion of petrol sales and overestimating the proportion of diesel sales). An assumed higher proportion of petrol sales (to reflect Perth's actual light vehicle fleet) would mean that higher emissions of volatile organic compounds would result;
- The fuel sales profile modelled within the ERM report does not reflect actual hourly traffic patterns (which are assumed to reflect fuel consumption patterns). Noting this, the potential maximum hourly emission rate may not be represented in the ERM model configuration which in turn may influence the modelled estimate of pollutant concentrations;
- ERM did not consider the fuel sale variation between weekdays. As the potential maximum hourly emission rate for a Monday (peak sales day) will not be represented in the model configuration, this may influence the modelled estimate of pollutant concentrations for daily averaging periods;
- Total emissions from nominated sources was not addressed within the report;
- Relevant components of meteorological data (wind speed, wind direction, temperature, relative humidity and pressure), which are critical model inputs for the air quality assessment, have not been discussed within the report;
- Queries were raised in relation to the dispersion modelling used in the ERM report (point source height for vent poles and building downwash);
- Modelled GLCs at sensitive receptors are not presented or discussed; and
- Background concentrations are not discussed in the ERM report.

In summary, DWER states that there are a number of uncertainties in the model results provided by ERM which means that the reported results may not accurately reflect potential impacts that the development may have on nearby sensitive receptors, for the reasons discussed above.

Department of Education / Department of Health

The Town has liaised with the Department of Education who via the Department of Health have provided the following comments:

"I have received the following preliminary comments from the Department on Health (DoH) pertaining to the proponent's Air Quality Assessment Report.

1. *As DWER has more expertise in assessing air quality modelling, DoH would like to seek DWER's confirmation on the robustness of the modelling and whether the modelled concentrations are reasonable prior to DOH providing further comment on the health implications.*

2. *An initial assessment of the Report identifies the following anomalies:*
- *there is no requirement for VR2 systems in WA and it is doubtful that the system will be installed although it is indicated by the consultant that it would be.*
 - *background VOCs have not been included in the model.*
 - *it is envisaged that there will be a high degree of uncertainty in modelled concentrations. However, there is no indication of levels of uncertainty in the Report.*

In view of the above, is it possible for the Town to provide DWER's comments on the above to the Department of Education to enable DoH to undertake final assessment of the Report?"

Having regard to time constraints associated with the writing of this report, it was not possible to refer comments from DWER back to the Department of Health / Department of Education as requested, prior to the finalisation of this report.

Talis Consultants

The Town has engaged Talis Consultants to undertake a peer review of the Air Quality Assessment prepared on behalf of the applicant by ERM. A copy of reports from both ERM and Talis are provided as attachments to this report.

Planning Assessment:

The Planning Assessment remains the same as that detailed in the original RAR.

Officer Comments

The following section of the RAR focusses on additional information that was submitted in support of the application immediately prior to the JDAP meeting on 31 October 2018, under the headings of:

- Air Quality - ERM Air Quality Assessment Report dated 26 October 2018; Talis Peer Review Report prepared on behalf of Town dated Nov 2018 and DWER report dated 19 November 2018);
- Traffic Engineering (Transcore Submission dated 25 October 2018); and
- Planning (Planning Solutions Presentation Summary dated 26 October 2018).

1. Air Quality

By way of a report dated 26 October 2018, the applicant provided a report titled "Proposed Perth Petrol Station – Air Quality Assessment." This report was provided under the cover of a Presentation Request Form from Damon Roddis of ERM, the author of the report.

This report has been provided as Attachment No. 1 to this addendum report.

Given the specialist nature of this matter, the Town engaged Talis to undertake a peer review of the ERM report. The Talis report, which is titled "ERM Air Quality Assessment – Peer Review" and dated November 2018 has been provided as Attachment No. 2 to this addendum report.

The Talis report raises a number of concerns with the ERM report which are summarised below and detailed in full within their report. Talis identify that:

- The use of modelling employed by ERM is not supported for the type of assessment being undertaken;

- The modelling presented by ERM does not simulate peak and tough emissions that would occur both throughout individual days and also between different days of the week;
- The report presented by ERM does not provide the opportunity to scrutinise modelling associated with meteorological data;
- Odour impacts were not considered in the ERM report;
- The use of dispersion modelling that has been incorporated into the ERM report appears inadequate;
- Report findings and recommendations relating to dispersion modelling can neither be refuted nor validated as the ERM report does not present the technical methodology for the modelling or meteorological setup;
- A local meteorological analysis should have been incorporated into the ERM report; and
- The business hours of the activity equate to those of a roadhouse which require a 200m separation distance from the nearest sensitive receptor which cannot be met.

Having regard to the concerns that have been identified within both the Talis and DWER peer review reports, the concerns that were identified within the original RAR in relation to the proximity of the proposed development to adjoining (primary school) and adjacent (residential) sensitive land uses remain.

2. Traffic Engineering

By way of a letter dated 25 October 2018 Transcore Traffic Engineers provided a letter commenting on the traffic engineering related reasons for refusal identified in the Town's original RAR. The recommended reason from the RAR along with the Transcore response and a Town of Bassendean response to each respective Transcore comment is provided below:

Recommended Reason for Refusal No. 3

The applicant has failed to demonstrate how non-standard 15m long petrol tankers will be retained for use in conjunction with the proposed development, both with respect to the intended current operator of the facility along with any future operator of the facility.

Transcore Response:

"There is no standard sized fuel tanker for servicing service stations. The size of the fuel tanker can range from 12.5m to 27.5m. The choice of fuel tanker size depends upon whether the service station is located in a metro or regional area and site constraints. In this instance, due to the size of the site, a 15m fuel tanker will be used for this site. The size of the fuel tanker servicing the site can be a condition of approval."

Town of Bassendean Response to Transcore Comments

Australian Standard AS2890.2 – Parking Facilities – Part 2: Off-street commercial vehicle parking facilities is the relevant standard for consideration of this matter.

Within Section 3.2 – Design Principles, AS 2890.2 states that:

"Facilities shall be designed using one or more of the design vehicles specified in Section 2 which most nearly conform to the vehicles actually using the site and shall include provision for specialist vehicles where required."

Vehicles specified in Section 2 are:

- (a) Small rigid vehicle (SRV);
- (b) Medium rigid vehicle (MRV);
- (c) Heavy rigid vehicle (HRV); and
- (d) Articulated vehicle (AV).

Design specifications for these vehicles are identified in Table 2.1 of AS 2890.2 which is shown below:

TABLE 2.1
DESIGN VEHICLE DIMENSIONS

metres						
Vehicle class	Overall length	Design width	Wheel base	Design turning radius	Swept circle	Clearance height
SRV	6.40	2.30	3.80	7.1	15.3	3.5
MRV*	8.80	2.50	5.00	10.0	21.6	4.5†
HRV*	12.50	2.50	6.60	12.5	27.8	4.5†
AV*	19.00	2.50	14.50	12.5	26.6	4.5†

* Dimensions for these vehicles conform to HB 72.

† 4.8 m for animal transport vehicles.

As fuel tankers are generally 19m in length (AV vehicle class), the starting expectation for this development is that it be designed to accommodate a 19m long tanker vehicle (*“Facilities shall be designed using one or more of the design vehicles specified in Section 2 which most nearly conform to the vehicles actually using the site....”*).

The Town has queried the ‘non-standard’ 15m tanker referred to in the proponent’s application documentation. Transcore have responded by stating that *“There is no standard sized fuel tanker for servicing service stations.”*

This is erroneous on two counts as:

1. AS 2890.2 sets four standard vehicle categories and states that facilities shall be designed using:
 - i. One or more of the four design vehicles specified; and which
 - ii. Most nearly conform to the actual vehicles using the site.

To demonstrate that a 19m long fuel tanker is the most commonly referenced vehicle referred to for applications of this kind, the Town has reviewed the documentation associated with the 6 most recent convenience store / service station developments considered by the Metro Central JDAP. Dimensions of fuel tankers referenced in those applications is shown in the table, below:

	Address / Meeting Date / Meeting No.	Fuel Tanker Length Referenced in Application
1.	136 Morley Drive 25 October 2018 Metro Central JDAP Meeting No. 316	19 metres (Transcore was Traffic Consultant)
2.	235 Welshpool Rd	19 metres

	18 April 2018 Metro Central JDAP Meeting No. 293	
3.	232 Orrong Rd 18 April 2018 Metro Central JDAP Meeting No. 293	17.2 metres (Transcore was Traffic Consultant)
4.	443 Great Eastern Hwy 14 March 2018 Metro Central JDAP Meeting No. 289	19 metres
5.	162 Russell St 8 Sept 2017 Metro Central JDAP Meeting No. 254	19 metres (Transcore was Traffic Consultant)
6.	335 Collier Rd 21 August 2017 Metro Central JDAP Meeting No. 253	19 metres (Transcore was Traffic Consultant)

If a 'non-standard' tanker length (i.e. 15m) were to be approved in conjunction with the proposed development, it would be necessary to demonstrate:

- That the fuel distribution company who will be servicing the proposed development actually has such a vehicle within their fleet;
- That assurances could be provided / put in place to ensure that such a vehicle would be retained for use in conjunction with the proposed development; and
- If a new operator and fuel distributor were to take over the operation, that similar assurances could be given in relation to the servicing of the site by a tanker that did not exceed 15m in length.

Although the need for such information to be provided to the satisfaction of the Town has been raised with the applicant, information has not been provided to address the Town's concerns with respect to this matter.

In the absence of such information, the application does not suitably address requirements specified within AS 2890.2 (which states that the facility should be designed to accommodate movements associated with AV class vehicles), and as such is not suitable for approval.

Recommended Reason for Refusal No. 4:

The proposed development has not been designed to accommodate standard heavy rigid vehicles (HRV) for waste management and articulated vehicles (AV) for petrol deliveries contrary to the provisions of AS 2890.2 – Off-street commercial vehicle facilities which states that facilities shall be designed to accommodate the standard vehicle type or types appropriate to the use required by the operator of the facility.

Transcore Response:

"Similar to the fuel tanker, there is no standard size for waste collection and delivery vehicles. The sizes of these vehicles are chosen based on nature of the activity and site constraints. In this instance, due to the size of the site, maximum 8.8m service vehicle (both for waste collection and deliveries) will be used for this site. The

maximum size of the service vehicle servicing the site can be a condition of approval.”

Town of Bassendean Response to Transcore Comments

Clause 3.2 of AS 2890.1 states that:

“Facilities shall be designed using one or more of the design vehicles specified in Section 2 which most nearly conform to the vehicles actually using the site and shall include provision for specialist vehicles where required.”

Table 2.1 (Design Vehicle Dimensions) from Section 2 of AS 2890.1 is shown below:

**TABLE 2.1
DESIGN VEHICLE DIMENSIONS**

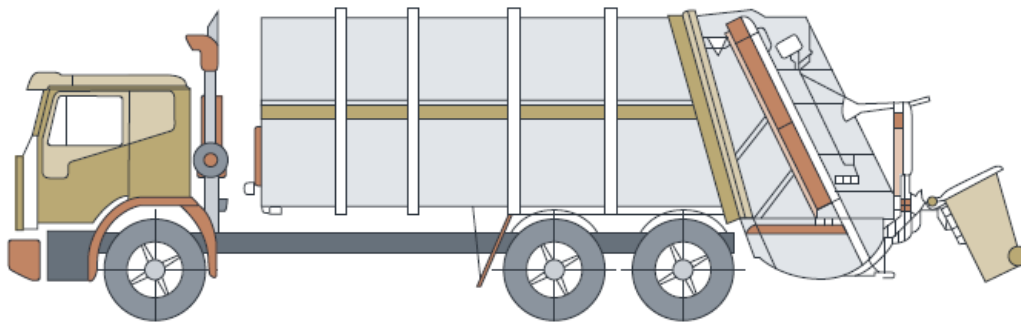
metres						
Vehicle class	Overall length	Design width	Wheel base	Design turning radius	Swept circle	Clearance height
SRV	6.40	2.30	3.80	7.1	15.3	3.5
MRV*	8.80	2.50	5.00	10.0	21.6	4.5†
HRV*	12.50	2.50	6.60	12.5	27.8	4.5†
AV*	19.00	2.50	14.50	12.5	26.6	4.5†

* Dimensions for these vehicles conform to HB 72.

† 4.8 m for animal transport vehicles.

The design vehicles which most nearly conform to the vehicles actually using the site are Heavy Rigid Vehicle (HRV) for waste management and Articulated Vehicle (AV) for fuel tanker deliveries.

The standard size for a rear lift waste collection vehicle is identified below:



Rear loading collection vehicle

Rear loading collection vehicle	
Length overall	10.24m
Width overall	2.5m

This is commonly used for domestic garbage and recycling collections from MUDs. It can be used to collect waste stored in MGBs or bulk bins, particularly where bins are not presented on the kerbside.

Source: Better Practice Guide for Waste Management in Multi-unit Dwellings - Department of Environment and Change NSW.

Five of the six Transport Impact Statements reviewed as part of the preparation of this report referenced the development applications being designed to accommodate a 12.5m HRV vehicle length, as specified in AS 2890.2.

Recommended Reason for Refusal No. 5

The inability of service vehicles (petrol tankers) to remain lane correct within public streets when approaching the development site.

Transcore Response:

"The service vehicles are lane correct on Walter Road East as the wheel path and vehicle body is contained within the lane. It is therefore assumed that this comment relates to the turn path of the fuel tanker turning right from Walter Road East into Marion Street. The turn path analysis undertaken indicates that the vehicle body runs over the corner of the stop line at the intersection of Marion Street and Walter Road East. If this is deemed to be an issue, minor adjustments to the west side kerb on Marion Street will allow the tanker to enter Marion Street lane correctly. This kerb line adjustment can be a condition of approval.

It should be further noted that service vehicles, and particularly, fuel tankers will service the site outside the peak hours."

Town of Bassendean Response to Transcore Comments

While the applicant has referred to a tanker approaching from the east and turning right from Walter Road East into Marion Street (and acknowledges that this movement "runs over the corner of the stop line"), it is actually a tanker approaching from the west and turning left from Walter Road East into Marion Street which is the more problematic of the two approach paths as shown in the extract from the Transcore Transport Impact Statement, below. As can be seen, the turning path for the 15m long delivery vehicle referenced in the application documents consumes the entirety of both traffic lanes within Marion Street on approach to the site and requires use of the entire width of the crossover.

The turning path associated with a standard 'AV' vehicle movement would be even more problematic.



Figure 4: Fuel Tanker Turn Path Analysis (Page 8 of Transcore report)

Recommended Reason for Refusal No. 6

The ability for vehicles to traverse the site in opposing directions being unsafe in use.

Transcore Response

“It is normal for vehicles to traverse a service station site in opposing directions when the service station has dual crossovers and in particular is located on a corner lot. This is a normal and regular occurrence at all service stations that are located on a corner site and have crossovers on each road frontage.”

Town of Bassendean Response to Transcore Comments

While it is acknowledged that many service stations are set up without a specified path of travel, Transcore’s statement that opposing path of travel is “*normal and regular occurrence at **all** (emphasis added) service stations that are located on a corner site and have crossovers on each road frontage*” is erroneous.

The photograph below shows the Puma service station that is located at No. 502 Guildford Rd, cnr Katanning Street, Bayswater, just beyond the local authority boundary of the Town of Bassendean.

This development is arranged with vehicle access off the minor side street (as is the proposal that is the subject of current consideration) with a second crossover to the main street (as is the subject of current consideration). The path of vehicle travel is limited to entry from the crossover on the side street (as is advocated by the Town for the current application) with exit only onto the main street (as is advocated by the Town for the current application).



Puma 502 Guildford Rd, cnr Katanning St, Bayswater. In only from the Katanning Street vehicular access.



Puma 502 Guildford Rd, cnr Katanning St, Bayswater. 'No entry' signs to bowzers as viewed from the Guildford Rd crossover side of the development. Marked arrows directing customer vehicles to exit the site onto Guildford Rd.

The Town is concerned that queuing associated with the development may become problematic, given the significant constraints associated with the proposed development. The likelihood of queuing occurring if an unrestricted path of travel were allowed in the development increases because such an arrangement would decrease the operational efficiency of the development, while a single designated path of travel would conversely optimise the operational efficiency of the development.

If vehicles were permitted to traverse the site in different directions and queuing were to become an issue, such queues could occur on Walter Road East. If a single path of travel of in from Marion Street and out to Walter Road East were to occur, then any queuing that did result would occur within the Marion Street road reserve which is a preferred outcome to cars queuing on Walter Road East.

Recommended Reason for Refusal No. 7

The width of car parking bays immediately forward of the proposed convenience store being non-compliant with the 2.6m minimum specified within Australian Standard AS 2890.1 (Off-street car parking) for the kind of development that has been proposed.

Transcore Response

“General Practice is to adopt User Class 2 classification in accordance with Table 1.1 of AS 2890.1 (refer Attachment 1) for the parking bays within a service station. This classification requires a parking bay width of 2.5m which is provided. If User Class 3 classification is adopted, then a parking bay width of 2.6m is required.

If parking bay widths of 2.6m is deemed appropriate for this site, this can be achieved by relocating the air and water points to the south-west corner of the site and then to utilise this space. This space is about 0.85m and therefore, 0.1m can be added to each parking bay, achieving the required 2.6m width for parking bays. This requirement can be dealt with as a condition of approval.”

Town of Bassendean Response to Transcore Comments

Transcore acknowledge that a 2.6m bay width is prescribed for this development.

As identified in the extract from Table 1.1 – Classification of Off-Street Car Parking Facilities from AS2890.1 (below), User Class 2 relates to parking that is identified as “long-term city and town centre parking....(generally medium-term parking)”, whereas User Class 3 relates to short term, high turnover parking, which aligns with the proposed development.

2	Full opening, all doors	Minimum for single manoeuvre entry and exit	Long-term city and town centre parking, sports facilities, entertainment centres, hotels, motels, airport visitors (generally medium-term parking)
3	Full opening, all doors	Minimum for single manoeuvre entry and exit	Short-term city and town centre parking, parking stations, hospital and medical centres
3A	Full opening, all doors	Additional allowance above minimum single manoeuvre width to facilitate entry and exit	Short term, high turnover parking at shopping centres

Extract from Table 1.1 – Classification of Off-Street Car Parking Facilities - AS 2890.1.

The approach advocated by Transcore to address this matter (re-locate the air and water points to the south-west corner of the site) introduces further complications with the development because, at a minimum such change would:

- Obstruct vehicle access to pump 6;
- May also obstruct (in part) vehicle access to pump 5; and
- Further decrease the operational efficiency of the development and increase the potential for off-site queuing to result.

Having regard to the comments identified above, and the uncertainty that such a change would cause, the course of action (condition of approval to increase bay widths) is not an appropriate way by which this matter should be addressed.

Indeed, most service station developments include a dedicated air and water bay which is separate from bowser and car parking bays associated with the shop component of the development whereas the constrained nature of this site has resulted in one of the convenience store parking bays ‘doubling up’ as the air and water bay.

Reason for Refusal No. 8

The width of bowser bays for pumps 2-6 being non-compliant with the 2.9m minimum (comprising 2.6m minimum plus 300mm clearance) specified within Australian Standard AS 2890.1 (Off-street car parking) for the kind of development that has been proposed.

Transcore Response

“It is inappropriate to apply the requirement of parking bay design as stipulated in AS2890.1 to the space between bowser at a service station. The bowser spacing is standard and is provided at most if not all service stations as 5.5m. In any case, this width comfortably exceeds the widths of two side by side 2.6m wide parking bays which is 5.2m.”

Town of Bassendean Response to Transcore Comments

Transcore state that it is inappropriate to apply the requirement of parking bay with to the space between bowser, but fail to say why this is inappropriate, or what other alternative should be applied. They go on to state that a 5.5m bowser spacing is *“standard and is provided at most if not all service stations...”*.

It is entirely appropriate to apply a parking bay design as a minimum standard for the parking of cars between bowser: when a customer is parked at a bowser to refuel, that is exactly the function that these spaces are performing.

Planning Solutions, in their planning report (extract from page 15 of their report) describes such spaces as parking bays in support of the application.

Table 4: Car Parking

Land Use	Parking Standard	Variable	Required Car Bays
Corner Store	1 space per 20m ² GFA	Approx. 132m ² GFA	6.6 bays
		Total Bays Required	7 bays
		Total Bays Provided	12 bays (6 shop front bays and 6 bays adjacent to bowser)
		Net Surplus	5 bays

As demonstrated in the above table, the proposed development exceeds the minimum car parking requirements of LPS10.

Transcore go on to state that:

“In any case, this width comfortably exceeds the widths of two side by side 2.6m wide parking bays which is 5.2m”

In making this statement, Transcore are failing to acknowledge the Australian Standard requirement for bay widths to be increased by 300mm on each side where an obstruction exists.

When refuelling, it is necessary to open car doors and fuel bowser and associated structures that are shown on the development plans such as bollards, affect door opening and result in the need for bay widths to be increased. Noting this, the absolute minimum width to allow to cars to use the space between bowser and be fit for purpose (between the closest point of obstructions) is 0.3m + 2.6m + 2.6m + 0.3m or 5.8 metres. The proposed development incorporates a spacing of 5.3 metres between bollards associated with the bowser which is deficient of that required to make the design fit for purpose.

In the case of single sided pump 6, a minimum width of 2.9 metres (0.3m + 2.6m) is required.

To demonstrate that the Transcore claim of 5.5m spacing being *“standard and is provided at most if not all service stations...”* is not correct, the Town has reviewed

the plans of the 6 most recently approved convenience store / service station developments considered by the Metro Central JDAP. Dimensions between bowers for these developments (along with application and meeting details) are identified below:

	Address / Meeting Date / Meeting No.	Width Between Bowers (Centre Line to Centre Line)
1.	136 Morley Drive 25 October 2018 Metro Central JDAP Meeting No. 316	7 metres
2.	235 Welshpool Rd 18 April 2018 Metro Central JDAP Meeting No. 293	7 metres
3.	232 Orrong Rd 18 April 2018 Metro Central JDAP Meeting No. 293	7 metres and 9 metres
4.	443 Great Eastern Hwy 14 March 2018 Metro Central JDAP Meeting No. 289	7.5 metres
5.	162 Russell St 8 Sept 2017 Metro Central JDAP Meeting No. 254	7 metres
6.	335 Collier Rd 21 August 2017 Metro Central JDAP Meeting No. 253	6.8 metres

The development which is the subject of current consideration incorporates a width of 6.0m centreline to centreline between bowers (clear width of 5.3 metres between physical obstructions) which is inconsistent with standard design practice as demonstrated above.

Reason for Refusal No. 9

The width of the service bay / loading bay associated with the proposed convenience store being non-compliant with the 3.5m minimum specified within Australian Standard AS 2890.2 (Off-street commercial vehicle facilities) for the kind of development that has been proposed.

Transcore Response

"It is acknowledged that the width of the service bay proposed is non-compliant with the requirements of AS2890.2 of 3.5m. However, it is not unusual for non-compliant parking bays and service bays to be provided on constrained sites so long as it is demonstrated that practically, the service bay can work and does not create any safety issues. The turn path analysis undertaken for an 8.8m service truck demonstrates that such a service vehicle can reverse into the 3m wide service bay.

It should be noted that the effective width of this sized service vehicle is 2.5m and the width of the proposed service bay is 3m. Further, if parking bay adjustments are

carried out as per the requirements of reason for refusal 7, the width of the service bay can be increased to 3.2m.”

Town of Bassendean Response to Transcore Comments

The service bay / loading bay is situated between a side property boundary and an adjoining car bay / building. As such, it is physically constrained on each side. The service bay performs two functions, the first relating to waste disposal (rubbish trucks) and the second being for product deliveries to the convenience store. As Transcore have identified, a 3m service bay has been provided, and the design width of a vehicle utilising this space is 2.5 metres.

If a waste collection vehicle were to park centrally within this 3m wide bay (reverse parked for bin collection), this would provide for 250mm clearance to a side fence on one side (less if a masonry wall were to be erected as the applicant has committed to) and 250mm clearance to the convenience store building on the other side. This is clearly insufficient space for the driver of the waste collection vehicle to walk around the vehicle (as they must do) to facilitate bin collection.

If a delivery vehicle were to similarly park centrally within this 3m wide bay (similarly reverse parked as per the applicant’s supporting documentation), the delivery driver similarly has 250mm width on either side of their vehicle for their own movement, along with a 250mm width to manoeuvre goods in and out of the service vehicle (including potentially from a side of the service vehicle). Clearly this is insufficient and not fit for purpose.

A review of the other comparative applications reviewed to assess bowser widths showed that:

- No other proposal incorporated a service bay width of 3m; and
- Service bays / loading bays were generally positioned so as to be in an open area to allow free movement around the bay and not be positioned between structures on either side as the design which is the subject of current consideration incorporates.

A 3.5m wide service bay width is a standard design requirement for all commercial vehicles ranging from the smallest small rigid (SRV) class to the larger heavy rigid (HRV) and articulated vehicles (AV) as identified in Table 2.1 from AS 2890.2 and which is shown below:

**TABLE 4.1
SERVICE BAY DIMENSIONS**

Vehicle class	Bay width (min.) m	Bay length (min.) m	Platform height m	Vertical clearance (min.) m
SRV	3.5	6.4	0.75 to 0.90	3.5
MRV	3.5	8.8	0.95 to 1.10	4.5*
HRV	3.5	12.5	1.10 to 1.40	4.5*
AV	3.5	19.0	1.10 to 1.40	4.5*

* 5.0 m where access to the top of a tall vehicle, e.g. pantechnicon, or load is required.

Reason for Refusal No. 10

The clearance height beneath the proposed petrol canopy being less than the 4.5m minimum specified by AS 2890.2 (Off-street commercial vehicle facilities).

Transcore Response

“The canopy height clearance provided is the standard clearance adopted by this service station operator based on type of vehicles anticipated to use the site however, if deemed necessary, the height clearance can be increased by 0.1m to achieve the required 4.5m clearance in accordance with AS 2890.2. This requirement can be dealt with as a condition of approval.”

Town of Bassendean Response to Transcore Comments

A 4.5m clearance height is a standard design requirement for all vehicle classes ranging from medium rigid (MRV) and above as identified in Table 4.1 from AS 2890.2 and which is shown above.

Reason for Refusal No. 11

The 5.5m separation distance between the corner truncation reserved under the Metropolitan Region Scheme and the crossover on the Marion Street frontage of the development site being less than the 6m minimum specified by both the Town of Bassendean Specification for the Construction of Crossovers and Australian Standard AS2890.1 – Off-street car parking.

Transcore Response

“The proposed crossover on Marion Street Can be shifted by 0.5m further north to achieve the 6m separation requirement of AS2890.1. This requirement can be dealt with as a condition of approval.”

Town of Bassendean Response to Transcore Comments

Transcore acknowledge that the design is non-compliant with AS 2890.1. The design is also non-compliant with the Town’s specifications for the construction of crossovers.

If the crossover were to shift northwards (which it could), this would reduce the capacity for a landscape strip to be provided between refuelling area and the adjoining primary school.

Concern is already held with respect to the inadequacy of landscaping along the northern boundary of the site, in the event that the proposed development were to be approved. Indeed, as part of the Town’s liaison with the Department of Education as part of its preparation of without prejudice conditions (as required by JDAP in advance of the previous 31 October 2018 consideration of this application) the Department of Education had sought the Town’s assistance in calling for a heavily vegetated landscaping strip of 6-10 metres in width running along the entire length of the common boundary between the proposed convenience store and the school.

Reason for Refusal No. 12

The design of the proposed crossovers for the development not demonstrating compliance with the Town’s Specification for the Construction of Crossovers.

Transcore Response

“It is standard practice that such a requirement is dealt with through a condition of approval however, such a condition will need to recognise the proposed use, type and size of vehicles which will be using this development.”

Town of Bassendean Response to Transcore Comments

In the event that the Town were recommending that the application be approved, this would be addressed by way of a recommended condition of approval.

Alternatively, in the event that the proposed development is to be refused, this matter is appropriately identified as a reason for refusal.

3. Planning Presentation

By way of documentation dated 26 October 2018, Planning Solutions provided a presentation summary responding to the Town of Bassendean RAR which had recommended that the application be refused. The following comments are made in relation to this presentation summary:

Land Use

As identified within the Town's RAR, the permissibility of the land use has not been questioned.

EPA Separation Distances

This matter has been discussed in detail, above.

Noise

The applicant acknowledges that the need for an acoustic assessment to be prepared and suggests that this can be dealt with by way of a condition of approval. While this is true, the matter of noise is interrelated to other matters under consideration in the assessment of the application. For example, the Transport Impact Statement includes the following comments:

"Waste and Service Vehicles are expected to access the site during off peak periods."

and

"Fuel tankers are expected to access the site 2 to 3 times per week during the off peak periods. Therefore, no traffic conflict between fuel tankers and light vehicles accessing the site is expected."

An acoustic assessment would consider matters such as the timing of fuel deliveries and waste collection, and it is quite possible that there would be conflict between expectations identified in the Transport Impact Statement and those contained within the acoustic assessment. However, in the absence of this information, such a matter cannot be considered thoroughly, which results in the Town as an assessing authority and the JDAP as the determining body, having to act in somewhat of a void when considering the application.

Traffic and Access

Matters relating to traffic and access are discussed in detail in response to the Transcore letter of 25 October 2018.

Landscaping

The applicant has presented its position in relation to the portion of the site that is reserved for future road widening.

The Town contends that it is more appropriate to undertake an assessment of the land exclusive of that portion of the site which is required for road widening purposes as this land that is reserved for road (and not landscaping) purposes.

Walter Road East Building Setback

For the reasons identified in the original RAR, building setbacks to Walter Road East are not accepted due to the unsatisfactory urban design outcome that would result, should the development be approved.

The applicant has referenced the following old commercial developments adjoining/within close proximity of the development site, indicating that these buildings contain “large expansive walls”.



Above: Walter Road Handy Mart – 68 Walter Road East



Above: Hair Dresser and Real Estate Agent

The built form outcome that is seen with the Walter Road Handy Mart is exactly the outcome that the Town is seeking to avoid, and seemingly in acknowledgement of this, the applicant states that:

“Vibe would be open to further changes to this elevation and working with the Town to further improve the elevation to Walter Road East as a condition of development approval.”

Although the acknowledgement of the need to improve this elevation is encouraging, no detail is indicated as to what form of improvement to this elevation would be proposed, so a level of uncertainty remains in relation to this matter.

Options/Alternatives:

Nil.

Council Recommendation:

As the Council of the Town of Bassendean are due to consider this matter following submission of the Addendum RAR to the DAP Secretariat, the Council's recommendation as to how it believes that the application should be determined will be circulated separately in advance of the meeting.

Conclusion:

As explained within this report, the following additional supporting information was provided by the applicant immediately prior to the originally scheduled JDAP meeting on 31 October 2018:

- (a) Transcore letter dated 25 October 2018;
- (b) ERM Air Quality Assessment Report dated 26 October 2018; and
- (c) Planning Solutions Presentation Summary dated 26 October 2018.

The Town also obtained a report from DWER which commented on the Air Quality Assessment Report prepared by ERM.

The additional information that has been provided by the applicant does not suitably address the concerns that were identified within the Town's original RAR. Accordingly, it is recommended that the Metro Central JDAP **refuse** to grant approval for the proposed development for the reasons identified within this Addendum RAR.



SV Lakshmi Pty Ltd
C/- Planning Solutions

Proposed Perth Petrol Station

Air Quality Assessment

26 October 2018

Project No.: 0480271

Document details	
Document title	Proposed Perth Petrol Station
Document subtitle	Air Quality Assessment
Project No.	0480271
Date	26 October 2018
Version	1.0
Author	Madeleine Lewis
Client Name	SV Lakshmi Pty Ltd C/- Planning Solutions

Document history

Version	Revision	Author	Reviewed by	ERM approval to issue		Comments
				Name	Date	
01	00	M. Lewis	B. Warren	D. Roddis	26.10.2018	

Signature Page

26 October 2018

Proposed Perth Petrol Station

Air Quality Assessment

Bethany Warren
Partner – Air Quality

ERM

Level 4, 201 Leichardt Street

Spring Hill

Brisbane QLD 4000

Australia

© Copyright 2018 by ERM Worldwide Group Ltd and / or its affiliates ("ERM").
All rights reserved. No part of this work may be reproduced or transmitted in any form,
or by any means, without the prior written permission of ERM

DISCLAIMER

ERM acts in all professional matters as a faithful advisor to the Client and exercises all reasonable skill and care in the provision of its professional services.

Reports are commissioned by and prepared for the exclusive use of the Client. They are subject to and issued in accordance with the agreement between the Client and ERM. ERM is not responsible for any liability and accepts no responsibility whatsoever arising from the misapplication or misinterpretation by third parties of the contents of its reports.

Except where expressly stated, ERM does not attempt to verify the accuracy, validity or comprehensiveness of any information supplied to ERM for its reports.

Reports cannot be copied or reproduced in whole or part for any purpose without the prior written agreement of ERM.

Where site inspections, testing or fieldwork have taken place, the report is based on the information made available by the client or their nominees during the visit, visual observations and any subsequent discussions with regulatory authorities. The validity and comprehensiveness of supplied information has not been independently verified and, for the purposes of this report, it is assumed that the information provided to ERM is both complete and accurate. It is further assumed that normal activities were being undertaken at the site on the day of the site visit(s), unless explicitly stated otherwise.

CONTENTS

1.	INTRODUCTION	1
2.	ASSESSMENT SUBSTANCES AND CRITERIA	2
3.	EMISSION ESTIMATION	3
4.	MODELLING	6
4.1	Meteorological Modelling	6
4.2	Dispersion Modelling	7
5.	RESULTS AND CONCLUSIONS.....	9
6.	REFERENCES	16

List of Tables

Table 2.1:	Assessment criteria.....	2
Table 3.1:	Vapour recovery systems	3
Table 3.2:	Example delivery schedule	3
Table 3.3:	Assumed hourly fuel sale profile	4
Table 3.4:	Fuel emission factors	5
Table 3.5:	Fuel liquid and vapour composition	5
Table 4.1:	AERMET input data summary	7
Table 4.2:	Source parameter data	8

List of Figures

Figure 1.1:	Location of proposed development.....	1
Figure 4.1:	Modelling methodology.....	6
Figure 4.2:	Modelled source locations	8
Figure 5.1:	Benzene annual average contour (criteria – 10 µg/m ³)	9
Figure 5.2:	Benzene 3-minute average contour (criteria – 53 µg/m ³)	10
Figure 5.3:	Ethyl benzene 3-minute average contour (criteria – 14,500 µg/m ³)	11
Figure 5.4:	Toluene annual average contour (criteria – 410 µg/m ³)	12
Figure 5.5:	Toluene 24-hour average contour (criteria – 4,100 µg/m ³).....	13
Figure 5.6:	Xylenes annual average contour (criteria – 1,200 µg/m ³)	14
Figure 5.7:	Xylenes 24-hour average contour (criteria – 950 µg/m ³).....	15

1. INTRODUCTION

SV Lakshmi Pty Ltd C/- Planning Solutions are currently requesting a development approval for the development of a convenience store including the small-scale retail sale of fuel and convenience goods. The development site is located on the corner of Walter Road East and Marion Street as shown in Figure 1.1.

Planning Solutions engaged ERM to provide an air quality assessment of the proposed development. This assessment aims to determine the potential air quality impacts from the proposed development and consists of the estimation of potential air quality emissions, meteorological and dispersion modelling and the analysis of modelling results against relevant air quality criteria.

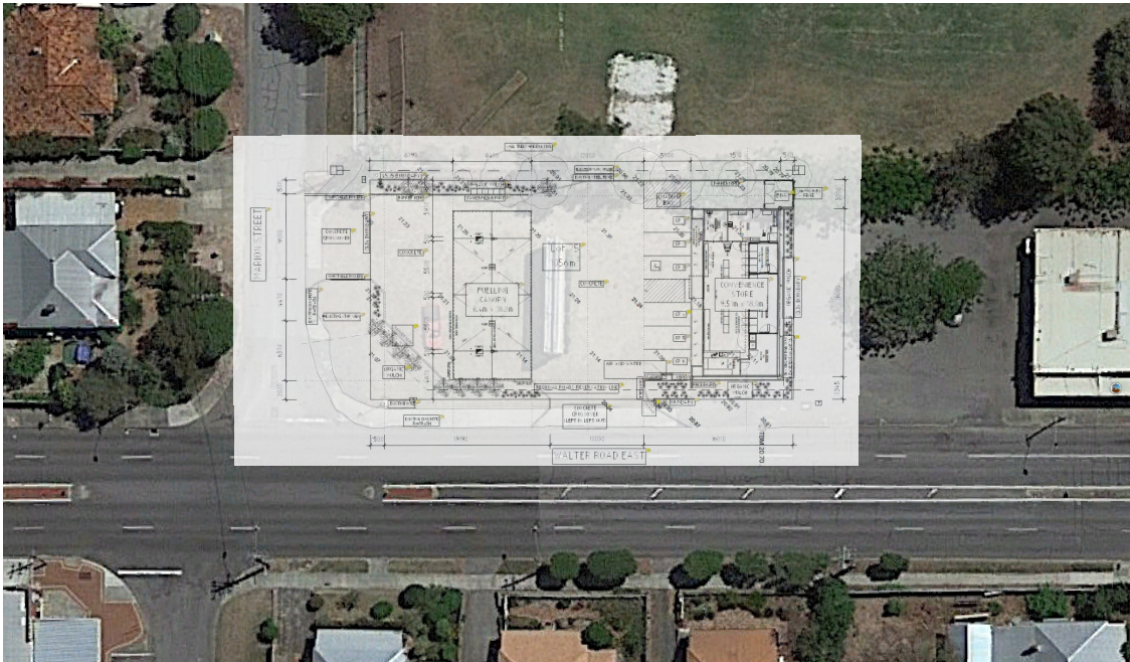


Figure 1.1: Location of proposed development

2. ASSESSMENT SUBSTANCES AND CRITERIA

Petrol stations are known for their emission of volatile organic carbons (VOCs). The VOCs considered in this assessment include:

- Benzene
- Ethyl Benzene
- Toluene
- Xylenes

In the absence of specific assessment criteria in Western Australian, assessment criteria from the National Environment Protection (Air Toxics) Measure (NEPM) are used to evaluate development. IN addition, we have included the Victorian Environmental Protection Agency (VIC EPA) air quality criteria relating to human health and wellbeing. A summary of the assessment criteria included in this assessment is provided in Table 2.1 .

Table 2.1: Assessment criteria

Substance	NEPM ¹		VIC EPA ²	
	Averaging period	Criteria (µg/m ³)	Averaging period	Criteria (µg/m ³)
Benzene	Annual	10	3-minute	53
Ethyl Benzene	-	-	3-minute	14,500
Toluene	Annual	410	-	-
	24 hours	4,100	-	-
Xylenes	Annual	1,200	-	-
	24 hours	950	-	-

1. (National Environment Protection Council Service Corporation, 2011)

2. (EPA Victoria, 2001)

3. EMISSION ESTIMATION

The activities that produce emissions considered in this assessment are related to losses of the fuels through vaporisation or spillage of fuels and their subsequent evaporation. The specific activities include:

- Submerged filling of underground storage tanks.
- Underground tank breathing.
- Fuelling of vehicles.
- Removal of the vehicle fuel tank cap 'whoosh'.
- Fuel spills to the ground.

The emissions from the service stations have been estimated following the Brisbane City Council (BCC) methodology for service stations (BCC, 2017).

Vapour recovery (VR) systems are assumed to be installed at the proposed petrol station. VR1 control has been assumed for the tank filling processes and VR2 has been assumed for vehicle refuelling. Descriptions of the VR systems and their control efficiencies are provided in Table 3.1.

Table 3.1: Vapour recovery systems

System	Description	Capture Efficiency (%)
VR1	Only applies to bulk-filling emissions	95
VR2	Only applies to vehicle filling emissions	90

Source: (Environment Australia, 1999)

The number of bowsers proposed at the station is six. The fuels considered in this assessment was unleaded petrol (ULP) and diesel. Tank deliveries were assumed to be 700 litres of fuel per min (42,000 litres/hour) and were conservatively modelled for one hour every day of the year (as per (BCC, 2017)). The delivery hour was staggered each day so that deliveries during peak hours were not ignored. An example of the delivery schedule adopted is provided in Table 3.2.

Table 3.2: Example delivery schedule

	Week 1						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
1:00	✓						
2:00		✓					
3:00			✓				
4:00				✓			
5:00					✓		
6:00						✓	
7:00							✓
	Week 2						
8:00	✓						
9:00		✓					
10:00			✓				

11:00				✓			
12:00					✓		
13:00						✓	
14:00							✓
Week 3							
15:00	✓						
16:00		✓					
17:00			✓				
18:00				✓			
19:00					✓		
20:00						✓	
21:00							✓
Week 4							
22:00	✓						
23:00		✓					
24:00			✓				

Fuel dispensing was assumed to be 5,000 litres per day of UPL and 4,000 litres per day of diesel distributed based on the daily sales profile provided in the BCC methodology, modified for service station operation between 5am and 11pm. The modified hourly fuel profile that was assumed for this assessment is provided in Table 3.3.

The volumes of hourly fuel dispensed were used to determine the hourly fuelling of vehicles, ‘whoosh’ and spillage emissions of VOCs based on the emission factors provided in the BCC methodology and provided in Table 3.4. As there is no site-specific data available at this stage, the VOC emissions were speciated using the liquid fuel composition and the fuel vapour composition provided in Table 3.5 (BCC, 2017).

Table 3.3: Assumed hourly fuel sale profile

Hour	% of daily sales	Hour	% of daily sales	Hour	% of daily sales	Hour	% of daily sales
0-1	-	6-7	5.9	12-13	6.1	18-19	5.5
1-2	-	7-8	6.1	13-14	6.0	19-20	4.3
2-3	-	8-9	5.9	14-15	6.4	20-21	3.8
3-4	-	9-10	6.1	15-16	6.6	21-22	3.7
4-5	-	10-11	6.5	16-17	6.5	22-23	2.8
5-6	5.0	11-12	6.5	17-18	6.3	23-24	-

Table 3.4: Fuel emission factors

Emission Source	ULP	Diesel
	Emission Factor (mg / L)	Emission Factor (mg / L)
Underground Tank Filling – Submerged	880	176
Underground Tank Breathing	120	
Vehicle Refuelling – Filling	1320	
Vehicle Refuelling – Whoosh	80	
Spillages	80	

Table 3.5: Fuel liquid and vapour composition

Component	Liquid ¹ (% wt)	Vapour ² (% wt)
Benzene	1.0 ³	0.39
Cyclohexane	0.2	0.0648
Ethylbenzene	2.0	0.0805
n-Hexane	3.6	1.76
Styrene	0.1	0.00287
Toluene	10.6	1.10
Xylenes	12.4	0.441

1. The composition of the liquid has been taken from the EET Manual for Aggregated Emissions from Service Stations (Environment Australia, 1999); however, it has been modified in accordance with the Fuel Standard (Petrol) Determination 2001 which limits the benzene to 1 % by volume.
2. The vapour composition has been calculated using the method found in the EET Manual for Aggregated Emissions from Service Stations (Environment Australia, 1999).
3. The density of unleaded petroleum and benzene were assumed to be 740 and 876 kg/m³, respectively.

4. MODELLING

The AERMOD dispersion model was used for this assessment. The AERMET pre-processor provides the input meteorological data for AERMOD. An overview of the assessment methodology is shown in Figure 4.1 and described in the sections below.

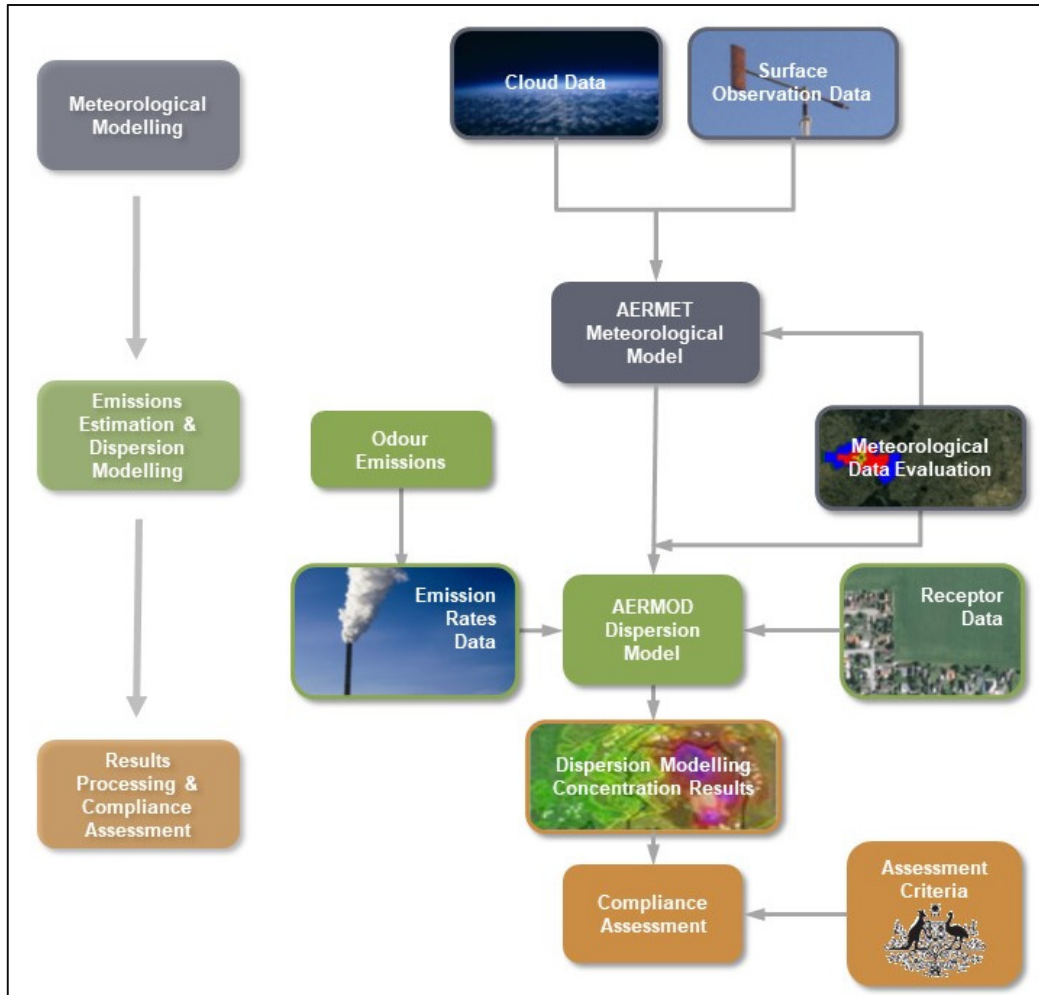


Figure 4.1: Modelling methodology

4.1 Meteorological Modelling

Processing of meteorological data for AERMOD for the dispersion modelling was completed using the AERMET meteorological pre-processor. Meteorological modelling was completed with consideration of the VIC EPA guidance publication (1550) (EPA Victoria, 2013A).

Wind data were taken from the Perth Metro station, approximately 7km south west of the site. The last five years of data were analysed with 2016 chosen as it was the most recent year with complete data. Cloud data was taken from the Perth Airport station approximately 5 km south east of the site.

A summary of the meteorological data used in AERMET is presented in Table 4.1.

Table 4.1: AERMET input data summary

Station information	
Station Name	Perth Metro AWS (station ID. 009225)
Station Lat:	393.424 km Easting
Station Lon:	6467.947 km Northing
Station Height (above MSL):	26.0 m
Parameters measured:	Wind Speed, Wind Direction, Temperature, Relative Humidity and Pressure
Minimum logging period:	1 minute
Ceilmeter for cloud data	No
Anemometer height (above ground)	10 m
Approximate distance to site	~7000 m
Modelled year information	
Modelled Year	2016
Parameters used:	Wind Speed, Wind Direction, Temperature, Relative Humidity and Pressure
Data availability (from anemometer)	92%
Supplementary Data	Ceilmeter data for Cloud Amount and Cloud Height from Perth Airport (station ID. 009021).
Land use parameters used	High density Residential and Shrub land (Arid Region) as outlined in VIC EPA publication 1550.

4.2 Dispersion Modelling

The AERMOD dispersion modelling system was used for this assessment. To assist with the application of AERMOD, VIC EPA has developed draft guidelines on the use of AERMOD, which are as follows:

- Construction of input meteorological data files for VIC EPA regulatory air pollution model (AERMOD) (publication 1550) (EPA Victoria, 2013A)
- Guidance notes for using the regulatory air model AERMOD in Victoria (publication 1551) (EPA Victoria, 2013B).

AERMOD stands for the AERMIC Dispersion Model. AERMOD was designed by the AERMIC committee (the American Meteorological Society/ Environmental Protection Agency Regulatory Model Improvement Committee) to treat elevated and surface sources in terrain that is either simple or complex (Cimorelli et al, 1996), (Perry et al, 2005).

AERMOD is described in more detail by (AERMIC, 1995), (Cimorelli et al, 1996), (AERMIC, 1995), (US EPA, 2002). The AERMOD modelling system consists of two pre-processors and the dispersion model. The meteorological pre-processor (AERMET) provides AERMOD with the meteorological information it needs to characterise the boundary layer (e.g. mixing height, friction velocity). The terrain pre-processor (AERMAP) both characterises the terrain and generates receptor grids and elevations for the dispersion model (AERMOD).

AERMOD has been built on the framework of the older Industrial Source Complex Model version 3 (ISC3) and retains the steady-state, straight line trajectory formulation of ISC3 and related models such as AUSPLUME. However, its treatment of dispersion in the presence of complex terrain improves on that used in ISC3 without the complexity of the current complex terrain models. It

contains advanced algorithms to describe turbulent mixing processes in the planetary boundary layer for both convective and stably stratified layers.

Emissions from the submerged filling of underground storage tanks as well as breathing from these underground tanks were assumed to be emitted from the tank vent pole and have been modelled as a point source in AERMOD (P1). The fuelling of vehicles, 'whoosh' and fuel spills on the ground were modelled as a volume source in AERMOD (V1) with release parameters to account for emissions from under the stations proposed canopy area. The location of each source is shown in Figure 4.2. The emission release parameters are described in Table 4.2.

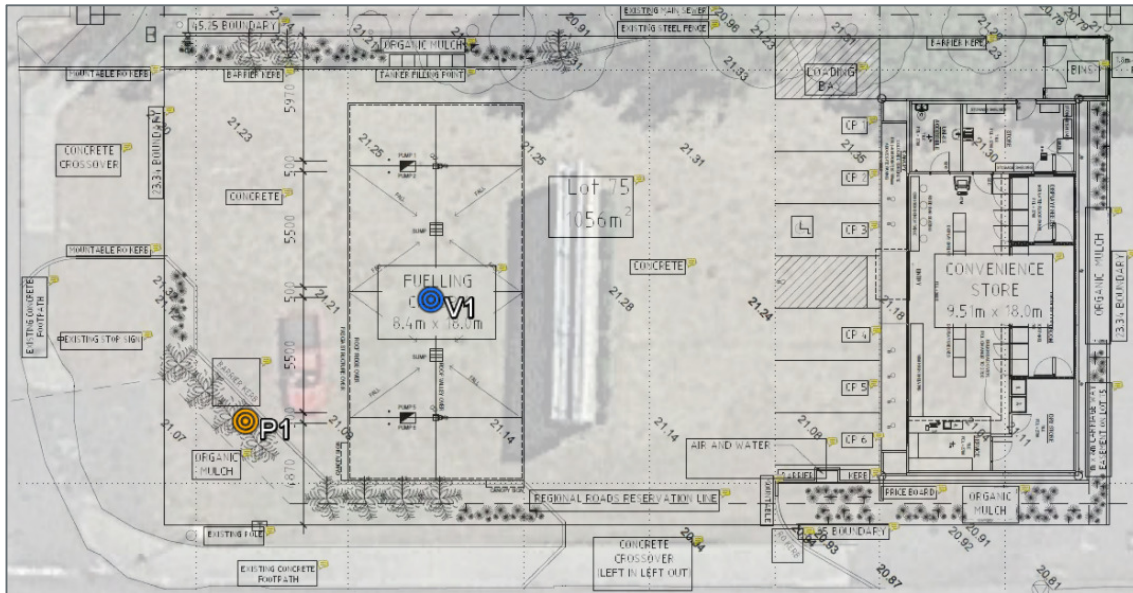


Figure 4.2: Modelled source locations

Table 4.2: Source parameter data

Source Parameter	P1	V1	Units
Hours of operation	24	24	hours
Release Location UTM Zone 56S	400,256	400,265	Easting m
	6,470,759	6,470,765	Northing m
Stack height	7	-	m
Stack diameter	0.1	-	m
Sigma y	-	4.2	m
Sigma z	-	1.1	m
Temperature	25	-	°C
Velocity	0.1	-	m/s

5. RESULTS AND CONCLUSIONS

The modelling contour results are shown in the following figures:

- Figure 5.1: Benzene annual average contour (criteria – $10 \mu\text{g}/\text{m}^3$)
- Figure 5.2: Benzene 3-minute average contour (criteria – $53 \mu\text{g}/\text{m}^3$)
- Figure 5.3: Ethyl benzene 3-minute average contour (criteria – $14,500 \mu\text{g}/\text{m}^3$)
- Figure 5.4: Toluene annual average contour (criteria – $410 \mu\text{g}/\text{m}^3$)
- Figure 5.5: Toluene 24-hour average contour (criteria – $4,100 \mu\text{g}/\text{m}^3$)
- Figure 5.6: Xylenes annual average contour (criteria – $1,200 \mu\text{g}/\text{m}^3$)
- Figure 5.7: Xylenes 24-hour average contour (criteria – $950 \mu\text{g}/\text{m}^3$)

As shown in the figures, all predicted concentrations are well below the air quality criteria. This indicates that the proposed operations (including VR1 and VR2 emissions controls) meets all air quality requirements.

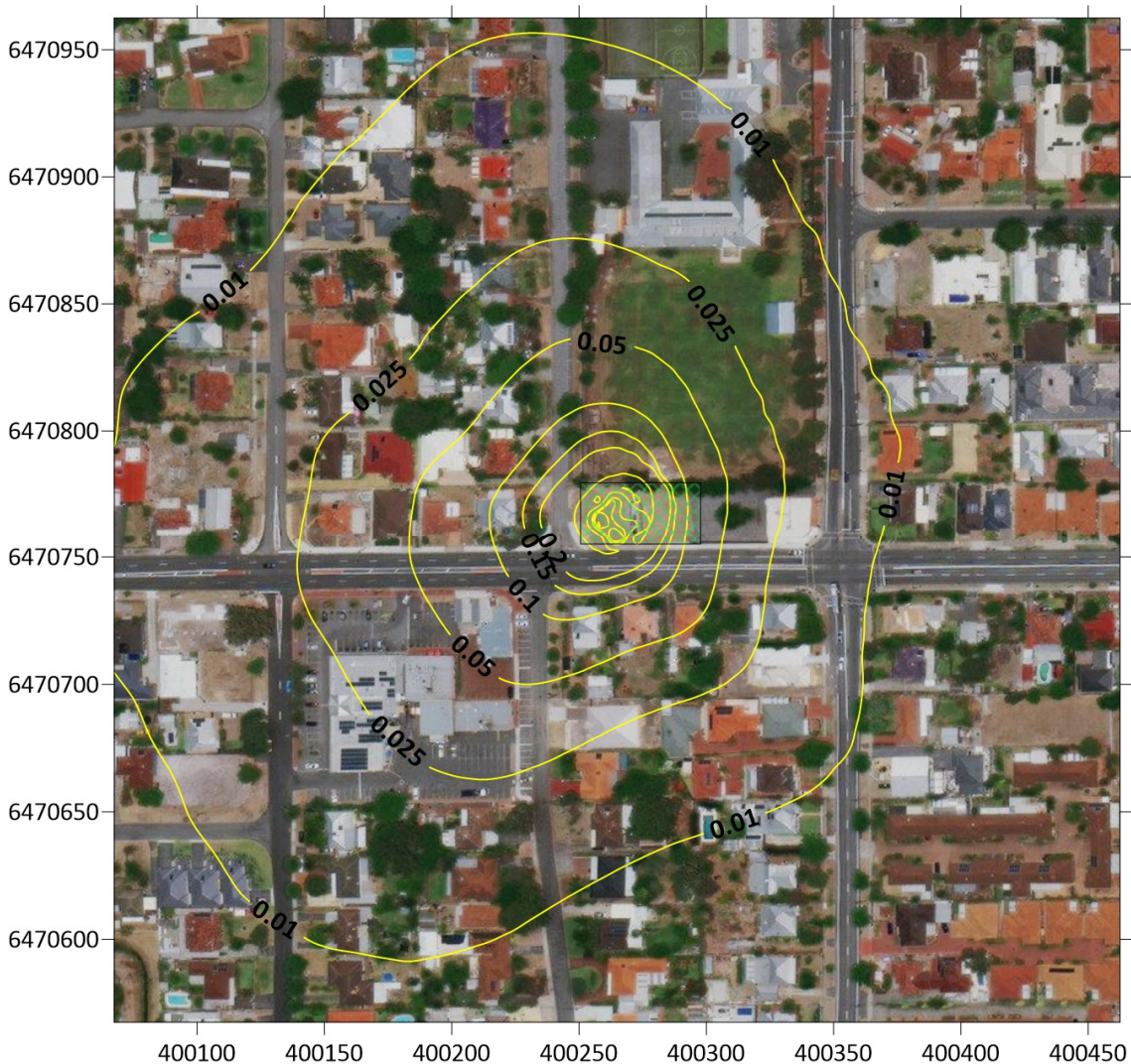


Figure 5.1: Benzene annual average contour (criteria – $10 \mu\text{g}/\text{m}^3$)

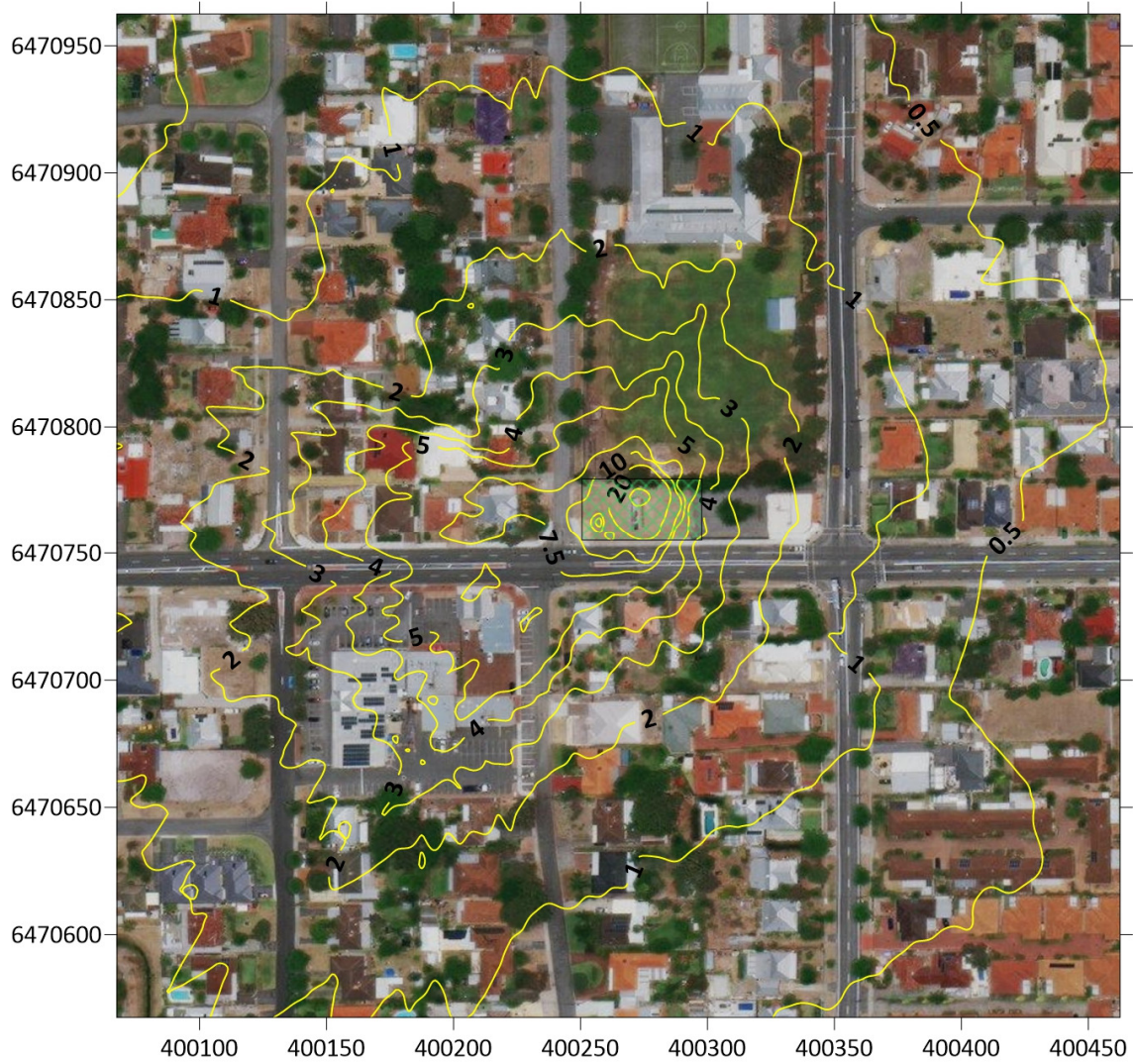


Figure 5.2: Benzene 3-minute average contour (criteria – $53 \mu\text{g}/\text{m}^3$)

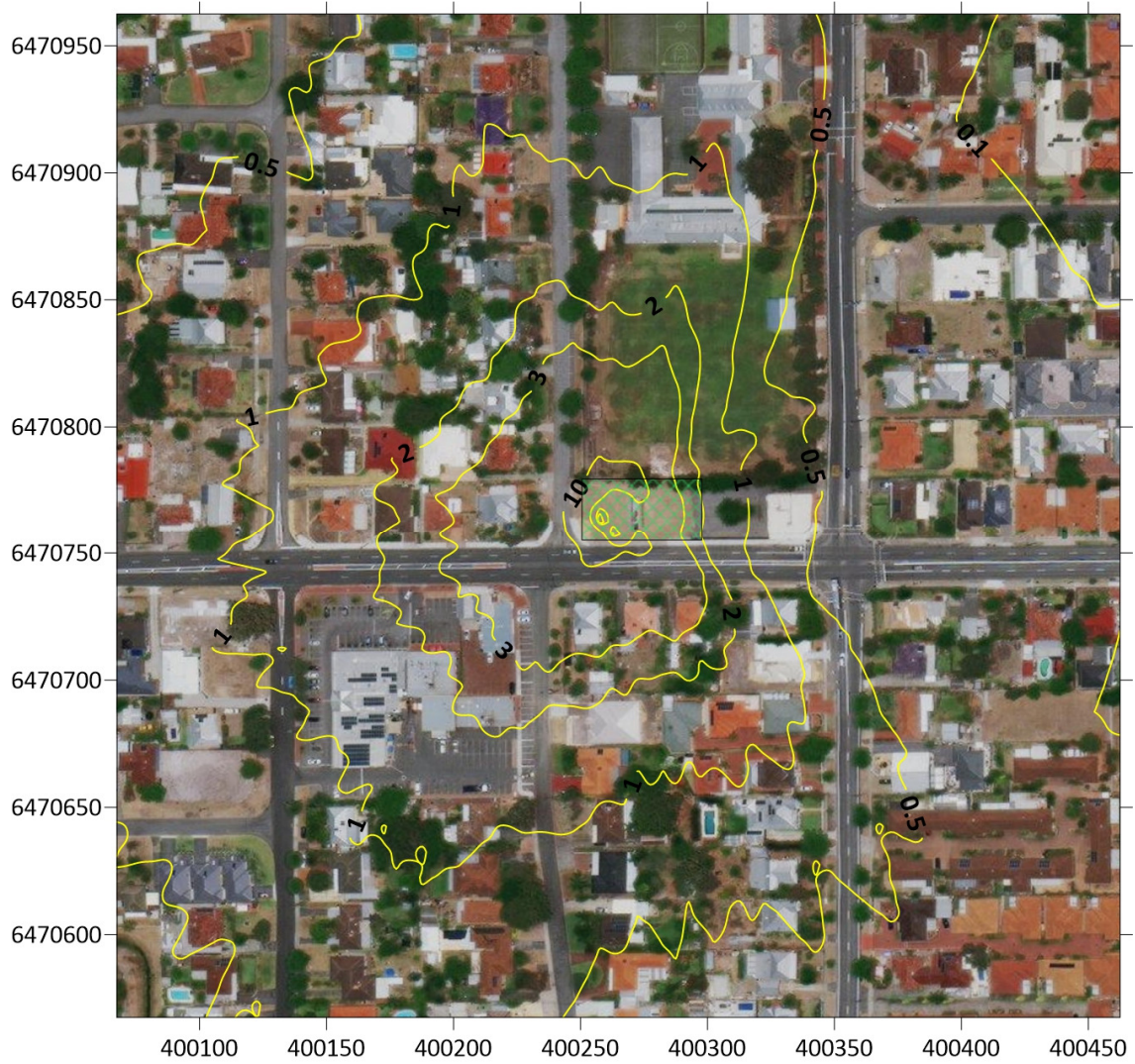


Figure 5.3: Ethyl benzene 3-minute average contour (criteria – 14,500 $\mu\text{g}/\text{m}^3$)



Figure 5.4: Toluene annual average contour (criteria – 410 $\mu\text{g}/\text{m}^3$)

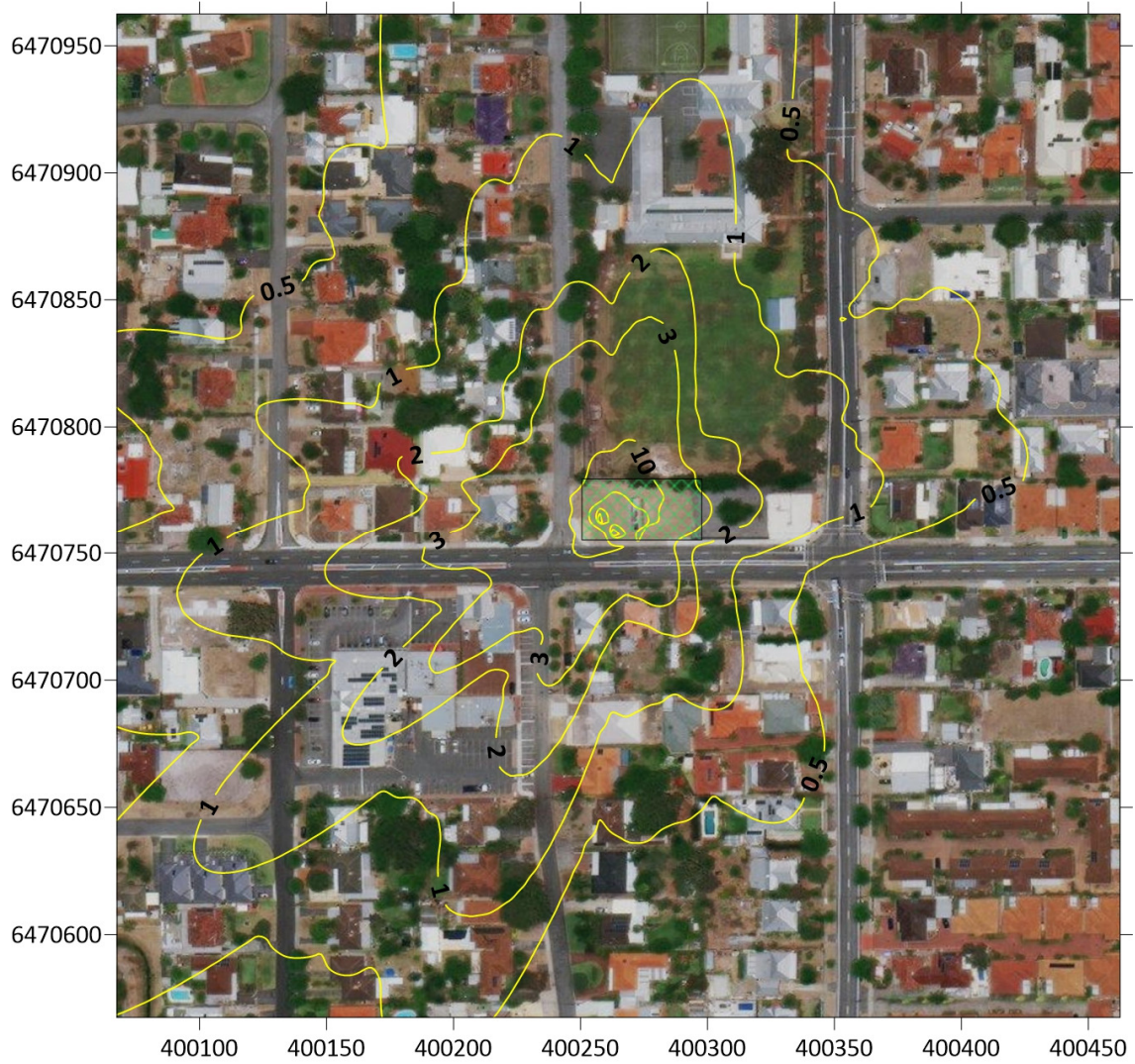


Figure 5.5: Toluene 24-hour average contour (criteria – 4,100 $\mu\text{g}/\text{m}^3$)



Figure 5.6: Xylenes annual average contour (criteria – 1,200 $\mu\text{g}/\text{m}^3$)

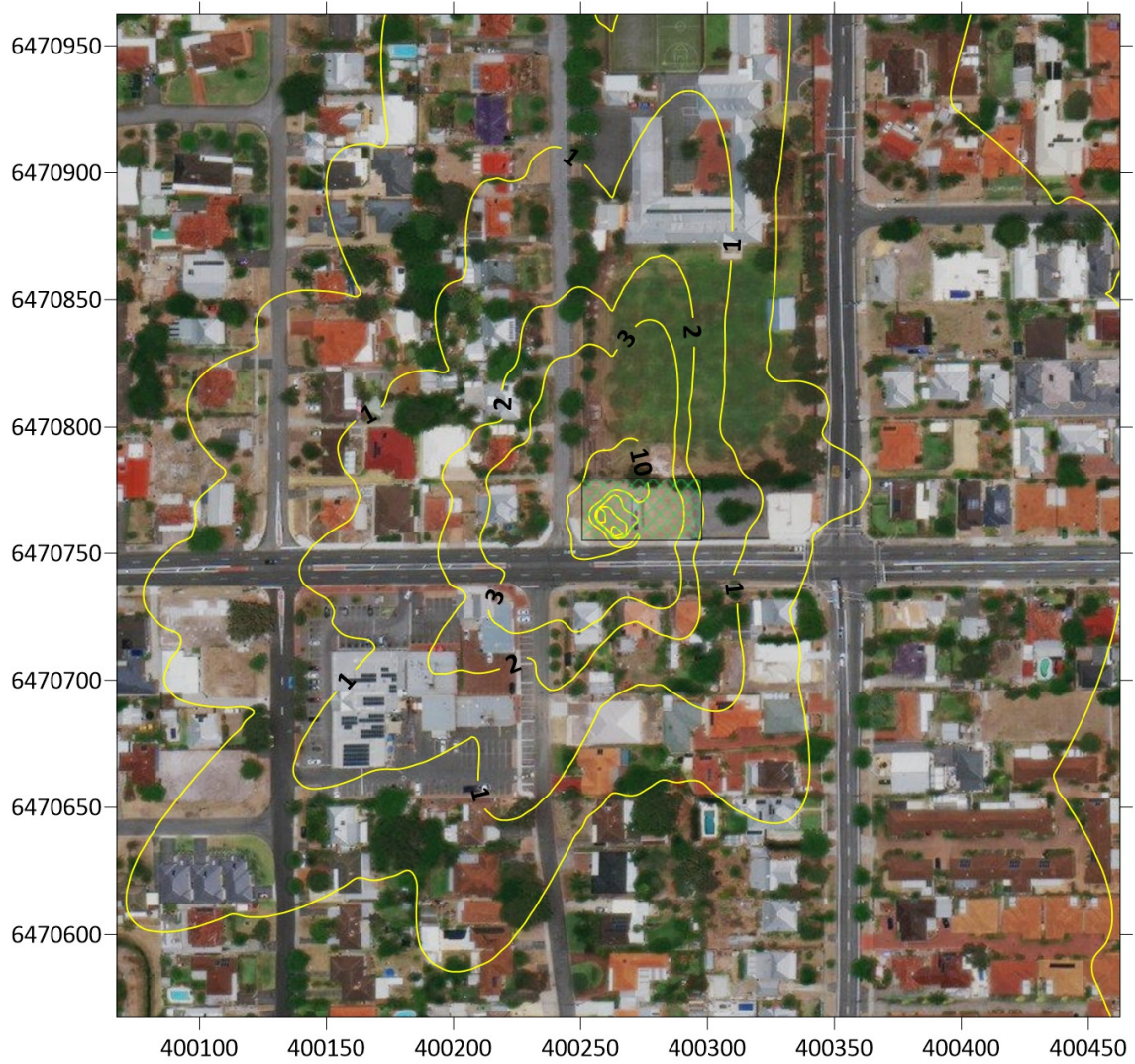


Figure 5.7: Xylenes 24-hour average contour (criteria – 950 $\mu\text{g}/\text{m}^3$)

6. REFERENCES

- AERMIC. (1995). *AERMIC (1995), Formulation of the AERMIC MODEL (AERMOD) (Draft), Regulatory Docket AQM-95-01, AMS/EPA Regulatory Model Improvement Committee (AERMIC)*.
- BCC. (2017). *Emission Estimation Methodology - Service Station*. Brisbane City Council. Delivered via mail 31 May 2017.
- Cimorelli et al. (1996). *Cimorelli, A.J., Perry, S.G., Lee, R.F., Paine, R.J., Venkatram, A. and Weil, J.C. (1996), Current Progress in the AERMIC Model Development Program. US EPA Publication No. 96-TP24B.04*.
- Environment Australia. (1999). *Emissions Estimation Technique Manual for Aggregated Emissions from Service Stations. National Pollutant Inventory*.
- EPA Victoria. (2001). *State Environmental Protection Policy (Air Quality Management). Victoria Government Gazette. Victoria: No. S 240 Friday 21 December 2001*.
- EPA Victoria. (2013A). *Publication 1550, Construction of input meteorological data files for EPA Victoria's regulatory air pollution model (AERMOD), October 2013*.
- EPA Victoria. (2013B). *Publication 1551, Guidance notes for using the regulatory air pollution model AERMOD in Victoria*.
- National Environment Protection Council Service Corporation. (2011). *National Environmental Protection (Air Toxics) Measures. Federal Register of Legislative Instruments F2011C00855*.
- Perry et al. (2005). *Perry, S. et al., (2005), AERMOD: A Dispersion Model for Industrial Source Applications. Part II: Model Performance against 17 Field Study Databases. Journal of Applied Meteorology, 44(5): 694.708*.
- US EPA. (2002). *US EPA (2002), User's Guide For The AMS/EPA Regulatory Model. AERMOD, U.S. Environmental Protection Agency, Draft - 08/10/02*.



Lot 75 (72) Walter Road East, Eden Hill (DAP/18/04173)

Proposed convenience store - air quality advice for Town of Bassendean

Document control


Document version history

Date	Name	Role
19/11/18	Sean Lam	Author
19/11/18	Anthony Stuart	Reviewer

Corporate file information

File number and/or name	File owner or custodian	File location
AQS1063-TA20181102	Air Quality Services	

Signatures

Author Name Sean Lam	Signature 
Position Senior Environmental officer	Date 19.11.18
Reviewer Name Anthony Stuart	Signature 
Position Manager Air Quality (Science)	Date 19.11.18

Produced and published by

Department of Water and Environmental Regulation
168 St Georges Terrace, Perth, Western Australia

April 2016

Copyright © State of Western Australia 2014

All material is the copyright of the State of Western Australia. Permission is not given for any commercial use or sale of this material. No part of the contents of the publication may be reproduced by any process, electronic or otherwise, distributed, adapted, broadcast, performed in public or communicated to the public without the written consent of Department of Water and Environmental Regulation, except as permitted under the Copyright Act 1968.

Disclaimer

The information contained in this document is provided by Department of Water and Environmental Regulation in good faith. However, there is no guarantee of the accuracy of the information contained in this document and it is the responsibility of users to make their own enquiries as to its accuracy, currency, relevance and correctness.

The State of Western Australia and Department of Water and Environmental Regulation and their servants and agents expressly disclaim liability, in negligence or otherwise, for any act or omission occurring in reliance on the information contained in this document, or for any incident or consequential loss or damage of such act or omission.

The State of Western Australia is committed to providing quality information and has made every attempt to ensure the accuracy, currency, reliability and correctness of the information contained in this document. However, changes in circumstances and legislation after the time of publication may impact on the correctness or quality of this information.

In addition the accuracy, currency, reliability and correctness of links or references to information sources referred to or provided by third parties is outside the control of State of Western Australia and it is therefore the responsibility of the user to make their own decisions on information found on those external sites. Confirmation of any of the information provided in this document may be sought from the relevant originating bodies or the department providing the information; however, users of this material should verify all relevant representations, statements and information with their own professional advisers.

The State of Western Australia and Department of Water and Environmental Regulation reserve the right to amend the content of this document at any time without notice.

The information contained in this document is general. It does not constitute, and should be not relied on as, legal advice. The State of Western Australia recommends that users of this information seek advice from a qualified lawyer on the legal issues affecting them before relying on this information or acting on any legal matter.

Questions regarding this report should be directed to:

Department of Water and Environmental Regulation
Locked Bag 33 Cloisters Square
PERTH WA 6850
Phone: +61 8 6467 5000
Fax: +61 8 6467 5562
Email: info@dwer.wa.gov.au
Web: www.dwer.wa.gov.au

Accessibility This document is available in alternative formats and languages upon request.

Contents

Lot 75 (72) Walter Road East, Eden Hill (DAP/18/04173)	1
Document control	i
Document version history.....	i
Corporate file information.....	i
Signatures	i
.....	i
Purpose	4
Documentation	4
Background	4
Summary of advice	5
Assessment criteria.....	5
Emission estimation.....	5
Meteorological data.....	7
Dispersion Modelling.....	8
Modelled results.....	8
Summary.....	8
Limitations	9
References	9

Purpose

This report documents advice prepared for the Town of Bassendean (the Town) in response to an email request dated 2 November 2018. The advice concerns a proposed convenience store providing for the sale of fuel and convenience goods at Lot 75 (No. 72) Walter Road East, Bassendean.

Documentation

Air Quality Services has reviewed the follow documents:

Table 1. Documentation

Document	Author	Date of document	Objective reference
Proposed Perth Petrol Station – Air Quality Assessment	ERM	26/10/2018	-
WRE Hourly Traffic Volumes.pdf	Main Roads	2/11/2018 (email date)	-
Metro Central Joint Development Assessment Panel Agenda	Metro Central JDAP	21/10/2018	-
Development Application, Lot 75 (72) Walter Road East, Bassendean, WA	Planning Solutions	July 2018	-
Gasoline Service Station Industrywide Risk Assessment Guidelines	Toxics Committee of the California Air Pollution Control Officers Association (CAPCOA) Air Toxics “Hot Spots” Program	11/1997	-
The National Pollutant Inventory (NPI) Emission Estimation Technique Manual for Aggregated Emissions from Service Stations	Environment Australia	11/1999	-
Construction of input meteorological data files for EPA Victoria’s regulatory air pollution model (AERMOD)	VIC EPA	10/2013	-
Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales	NSW EPA	1/2016	-

Background

The proposed development is for a convenience store including the retail sale of fuel.

The Town has advised that:

- The petrol station is intended to operate from 5am to 11pm daily (i.e. beyond the hours of operation which link to a 50m separation distance), but less than the 24 hour operation linked to a specified 200m separation distance;

- The planning report provided in support of the application indicated that the proposed development would include a stage 1 vapour recovery system only (as mandated), but the ERM report has been prepared on the assumption of both a stage 1 and a stage 2 vapour recovery system being implemented;
- High-flow diesel sales will not be provided, so there is an assumption that the proposed development will provide service, almost exclusively, for light vehicles; and
- The transport impact statement provided in support of the application assumes 978 vehicle trips per day (both inbound and outbound).

Specific queries raised by the Town are:

1. The estimated sales split between unleaded and diesel (seems proportionately low for unleaded and proportionately high for diesel) based on the applicant's assertion that the premises will be utilised by light vehicles only (see pg 4 of report);
2. The overall estimated volume of fuel to be sold per day seems too low (pg 4 of report);
3. The sales profile seems constant throughout the day (whereas it would be expected to be more varied to reflect the hourly traffic patterns of the adjoining roads) (Table 3.3 on pg 4 of report);
4. There is no consideration of changes in sales profiles throughout the week (i.e. noting that Mondays are busier than Tuesdays based upon the fuel discounting cycle); and
5. Are the land use parameters referred to correct (Table 4.1 of report)?

Summary of advice

AQS has reviewed the ERM air quality report and sections of other documents as shown in Table 1. Responses to the Town's comments and queries (these are shown in italics) are provided below.

Assessment criteria

- The 3-min assessment criteria used in the ERM report have not been adopted in WA.
- The proponent should consider using the impact assessment criteria established in NSW EPA (2016) for emissions not covered by National Environment Protection (Ambient Air Quality) Measure (1998).

Emission estimation

The planning report provided in support of the application indicated that the proposed development would include a stage 1 vapour recovery system only (as mandated), but the ERM report has been prepared on the assumption of both a stage 1 and a stage 2 vapour recovery system being implemented.

- Stage 2 vapour recovery is not mandatory in WA.
- Vehicle refuelling has the highest emission factor of the sources considered.

- Consequently, the modelling configuration, which has included stage 2 vapour recovery (i.e. 90% control of refuelling emissions), will significantly underestimate the potential impact of VOC emissions.

High-flow diesel sales will not be provided, so there is an assumption that the proposed development will provide service, almost exclusively, for light vehicles.

The estimated sales split between unleaded and diesel (seems proportionately low for unleaded and proportionately high for diesel) based on the applicant's assertion that the premises will be utilised by light vehicles only (see pg 4 of report).

- ERM states that a Brisbane City Council (BCC) methodology was adopted to estimate the fuel sales split between petrol and diesel. AQS has also estimated the proportion of petrol/LPG and diesel light vehicles in the Perth fleet as shown in Table 2. The data in Table 2 are based on 2016 vehicle population data sourced from the WA Department of Transport vehicle registration database (TRELIS) and vehicle activity sourced from the Australian Bureau of Statistics (ABS) 2016 Survey of Motor Vehicle Use.

Table 2. Perth vehicle fleet data

Light Vehicles, 2016 ¹	No. Vehicles (million)	No. Vehicles %	VKT ³ /year (million)	VKT/year (%)
Petrol/LPG ²	1.089	89	12,750	91
Diesel	0.136	11	1,235	9

1. Light vehicle classification comprises passenger vehicles only (including large SUVs) but no light commercial vehicles.
2. LPG is estimated to account for 2% of this vehicle category.
3. VKT= vehicle kilometres travelled.

- The petrol and diesel split assumed in the ERM report (i.e. 56% and 44% respectively) does not reflect the Perth-wide proportions for light vehicles as estimated in Table 2, which are closer to 90% and 10% respectively. We are not aware of local factors that may result in higher levels of diesel consumption compared to petrol consumption at this location.
- An assumed higher proportion of petrol will mean that there are increased emissions of volatile organic compounds, including the species modelled in the ERM report.

The overall estimated volume of fuel to be sold per day seems too low (pg 4 of report);

- AQS was not able to source a copy of the BCC methodology referenced in the ERM report and cannot comment on the fuel volume estimates.
- With respect to the number of bowsers proposed for the development, there appears to be conflicting information in the ERM report and Planning Solutions report. That is, the ERM report states that there will be six bowsers, whereas the Planning Solutions report states that there will be three bowsers.

The sales profile seems very even throughout the day (whereas it would be expected to be more varied to reflect the hourly traffic patterns of the adjoining roads) (Table 3.3 on pg 4 of report); and

There is no consideration of changes in sales profiles throughout the week (i.e. noting that Mondays are busier than Tuesdays based upon the fuel discounting cycle).

- ERM followed the BCC methodology to derive the hourly fuel sale profile. This profile does not reflect the actual hourly traffic patterns provided by the Town for Walter Road East (Main Roads, 2018), which presumably are closely related to fuel consumption patterns. Therefore, the potential maximum hourly emission rate may not be represented in the model configuration. This may influence the modelled estimate of pollutant concentrations over averaging periods of an hour or less.
- ERM did not consider the fuel sale variation between week days. Therefore, the potential maximum hourly emission rate for Monday (i.e. day of peak consumption due to pricing cycles in Perth) will not be represented in the model configuration. This may influence the modelled estimate of pollutant concentrations for daily averaging periods.

Other comments

- The identified pollutants are consistent with the typical substances emitted at service stations.
- The specified air emission activities and their adopted emission factors are consistent with the typical values recommended by NPI (1999) and CAPCOA (1999).
- The total emission from the nominated sources was not reported.

Meteorological data

Are the land use parameters referred to correct (Table 4.1 of report)?

- Based on the VIC EPA guideline (2013) referenced in the ERM report, the land use parameters are based on a 1km radius from the Mount Lawley Bureau of Meteorology (BOM) weather station. The angles selected for the land use sectors are unknown. However, the selection of land use categories seems to be reasonable based on our knowledge of the area.

Other comments

- ERM adopted 2016 as a representative year based on completeness of data. The wind speed, wind direction, temperature, relative humidity and pressure have not been discussed in the report. These components, especially wind speed and wind direction, are critical model inputs for the air quality assessment.
- The distance between the Perth Airport weather station and the proposed development is similar to the distance between the Mount Lawley site and the proposed development. The Perth Airport weather station is likely to have better quality meteorological data.

Dispersion Modelling

- The parametrisation of the emission sources is acceptable as per the recommended values from CAPCOA (1999). However, the point source (P1) is double the height (7m) of the common tank vent pole, i.e. 3.6m. Clarification of this source parameter by the proponent is required in the report.
- Sensitive receptors are defined as where people live or congregate. As the proposed development is situated in the urban area adjacent to a primary school and a residential area, assessment of the modelled ground level concentrations (GLCs) at the boundary of proposed development is appropriate.
- Building downwash was not considered by ERM. Our review of satellite imagery indicates that the distance from the proposed vent pipe to the nearest sensitive receptor is approximately 30m. Compared to modelled results without incorporating building downwash, CAPCOA advice that concentrations would increase by 5% at 20m from the vent pipe with building downwash. The concentrations with and without building wake effect are equal at approximately 50m.

Modelled results

- The ERM report shows that modelled GLC contours are well below the assessment criteria.
- Only contour plots are presented. The modelled GLCs at sensitive receptors are not presented or discussed.
- Background concentrations are not discussed in the ERM report. The adopted criteria are designed for cumulative impacts (i.e. emissions from the proposal plus background concentrations).

Summary

Although the ERM report shows modelled CLC contours are well below the assessment criteria, AQS notes that there is a number of uncertainties in the model results. The results may therefore not reflect the potential impacts to the nearby sensitive receptors based on the following:

- Meteorological data may not be representative.
- The methodology used to estimate fuel sales, fuel split, and hourly and weekly variations of refuelling may not represent the worst case emission scenario in the local area.
- Emissions are underestimated due to the application of stage 2 vapour control, which is not proposed.
- There is no assessment of background concentrations and potential cumulative impacts.

In relation to planning advice, please note the following:

- The separation distances recommended in EPA Guidance Statement No. 3 include amenity and health impacts which arise from emissions including odour, noise, air pollutants and other factors. The Department notes that liabilities associated with the resolution of land use incompatibilities generally default to the State. Consequently, unless there are remedial actions available in the

event the proposal is approved and environmental or population impacts become evident at a later date, a precautionary approach is recommended. This should include the proposed management of the residual risk, which the Department views as an important consideration for the Town of Bassendean in the planning decision.

Limitations

Please note the following important information relevant to this AQS advice:

- AQS was not provided with electronic copies of the dispersion modelling input files. Therefore the model configuration and model results could not be verified and have been accepted as supplied.
- Pollutants of concern considered by the consultant are benzene, ethyl benzene, toluene and xylenes. The potential for other air quality issues (e.g. odour) has not been assessed.
- The Department does not have primary responsibility for the assessment of public health issues, including Health Risk Assessment, in relation to air pollution. This is the role of the Department of Health.
- Especially for amenity issues, the Department has an established position that technical studies, such as modelling and monitoring of air pollutants used to inform planning decision-making, should be used with caution as there can be significant uncertainty in the accuracy of scientific assessments. In addition, the results of scientific assessments must be compared to some pre-defined criteria (including health, amenity and annoyance). For odour and dust, these pre-defined levels often do not exist or are subjective.

References

EPA NSW, 2016: Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales, NSW Environment Protection Authority.



Assets | Engineering | Environment | Noise | Spatial | Waste

ERM Air Quality Assessment - Peer Review

Proposed Perth Petrol Station

Prepared for Town of Bassendean

November 2018

Project Number: TE18094

DOCUMENT CONTROL

Version	Description	Date	Author	Reviewer
0a	Internal Review	08/11/18	JH	AJM
1a	Released to Client	08/11/18	JH	
1b	Released to Client	12/11/18	JH	

Approval for Release

Name	Position	File Reference
John Hurley	Senior Environmental Consultant	TE18094 - TownOfBassendean (Peer Review).1b

Signature



Copyright of this document or any part of this document remains with Talis Consultants Pty Ltd and cannot be used, transferred or reproduced in any manner or form without prior written consent from Talis Consultants Pty Ltd.



Table of Contents

1	Introduction	3
1.1	Capacity to offer expert opinion	3
2	Peer Review	4
2.1	The Proposed Undertaking	4
2.2	Summary of ERM Method	5
2.3	ERM Findings and Recommendations	6
2.4	Surrounding Land Uses and Conflicts	6
2.5	Reviewer’s Commentary of the Assessment’s Ability to adequately address the Risk	6
2.6	Reviewer’s Opinion of the Proposed Undertaking	7
3	Closing	8

Tables

Table 2-1: Peer Review Risk Assessment Hierarchy

1 Introduction

Talis Consultants Pty Ltd (Talis) was commissioned by the Town of Bassendean to perform an independent peer review of the air quality assessment report prepared by ERM for Planning Solutions, namely:

- ERM: Proposed Perth Petrol Station. *Air Quality Assessment*; for SV Lakshmi Pty Ltd C/- Planning Solutions. 26th October 2018 (Project NO.: 0480271).

This report presents a summary of the peer review.

1.1 Capacity to offer expert opinion

This peer review has been commissioned by the Town of Bassendean and has been undertaken by **John Hurley**.

John is a Senior Environmental Consultant and Air Quality Team Lead for Talis with 15 years' experience in air quality environmental consultancy in Australia.

John holds a BSc Chemistry and Biotechnology and an expert in odour science.

Specialising in Air Quality assessments, environmental and planning approvals, site-specific mitigation technologies and dispersion modelling applications for odour and industrial emissions, John also has a comprehensive research and consulting record in odour measurement using dynamic olfactometry, odour capture, control and consultation on alternative mitigation technologies, air emission consultation and chemical emission assessments and expert witness.

He has undertaken a considerable number of air quality and odour impact assessments as well as chemical emission assessments in process control and OH&S exposure for personnel as well as undertaking extensive air quality emission works in key areas such as:

- Waste Water;
- Solid Waste and Recycling;
- Poultry;
- Livestock and Animal Rendering;
- Refineries,
- Oil Recycling;
- Petrochemical;
- Biofuels;
- Asphalt;
- Grain Feed and Processing; and
- Marina Seagrass Wrack Accumulations.

John is extremely experienced in all facets of emissions collection techniques including point, area and volume source applications. He is extensively skilled in meteorological datasets and dispersion modelling of air emissions which are used not only for planning applications but also for abatement and mitigation assessments of air emissions.

John has worked integrally with treatment techniques for odour mitigation and has consulted on best-practice mitigation technologies for a wide range of industries including procurement, scheduling, supervision and installation services for purpose-built biofiltration technologies.

John has also provided expert opinion and witness for both State Administrative Tribunal mediation and hearings.

2 Peer Review

The peer review considers the following key points:

- The proposed undertaking itself (i.e. what the ERM report assessed);
- Technical methods undertaken in the ERM report and their applicability for the type of assessment;
 - the justifications (if any);
- The ERM findings and recommendations;
- The surrounding land uses and any conflicts;
- The reviewer’s commentary on the assessment’s ability to adequately address the potential for impacts on surrounding receptors; and
- The reviewer’s own opinion on the proposed undertaking.

Where applicable for each key point, the section of the assessment is risk assessed as follows:

Table 2-1: Peer Review Risk Assessment Hierarchy

High	The issue has significant implications based on the technical data results and the conclusions drawn from the assessment
Medium	The issue has implications that may alter the conclusions that are drawn from the assessment
Low	The issue may need to be addressed but is considered unlikely to alter the conclusions of the assessment
Observation Only	An issue has been raised purely as an observation

The risk assessment system does not represent a “pass” or “fail”, or imply an “error”, rather it mostly relates to a lack of adequate justification or evidence in the assessment undertaking.

2.1 The Proposed Undertaking

The ERM report assessed the potential for ground level impacts of pollutants from a proposed Perth metropolitan service station which is adjoined to (part of) a proposed convenience store.

The service station is considered to be the potential pollution source.

The service station was assumed to have Vapour Recovery (VR) 1 and VR2 installed which provides 95% and 90% capture efficiency respectively for vapour loss from sub-terrain tanks (VR1) and from the bowsers themselves during refuelling (VR2).

There are six (6) bowsers proposed, and both unleaded petrol (ULP) and diesel were the fuels considered for pollutant emissions.

The ERM report was requested by the Town of Bassendean’s Council due to the proposed location of the fuel station which is directly adjacent to a local school’s oval.

The local school’s oval is considered a sensitive receptor together with the surrounding residential homes.

2.2 Summary of ERM Method

- i. Utilised AERMOD dispersion modelling techniques to project ground level impacts of Volatile Organic Compound group BTEX:
 - a. Referred to the National Environmental Protection [Air Toxics] Measure (NEPM) as the reference criteria for ground level impacts of BTEX; and
 - b. Referred to the Victorian Environmental Protection Agency (VIC EPA) air quality criteria to compare the NEPM criteria findings.
- ii. Emissions were estimated following the Brisbane City Council (BCC) methodology for service stations (BCC, 2017);
- iii. Developed a site-representative meteorological file using AERMET and Perth Metro and Perth Airport Bureau Of Meteorology (BoM) Automatic Weather Station (AWS) data;
- iv. VR1 emissions modelled as 7m stack (point) source vent; and
- v. Refuelling of vehicles with VR2 technology modelled as a “spill” volume source where the fuel station canopy height was taken as the height of the volume source, and the canopy length taken as the length of the volume source.

Medium	<ul style="list-style-type: none"> • The use of modelling is not supported for this type of assessment given the complexities of representing the transient and “puff” nature of the emissions released (vapour loss due in part to headspace displacement) which is in the reviewer’s opinion far too complex to warrant near-field modelling of vapour losses; and • The modelling presented does not simulate the peak and trough emissions that would be expected from refuelling activities of everyday peak times (morning and afternoon) as well as the price cycle of fuel which is known to cause peak periods when fuels are cheaper on any given day.
Low	<ul style="list-style-type: none"> • The report does not present any technical detail to how the model and meteorological data was setup or developed, other than to present an AERMET model input table (Table 4.1, pg.7) and a Source Parameter Data table (Table 4.2, pg.8); and therefore there is no opportunity to scrutinise the modelling and meteorological methods.
Observation Only	<ul style="list-style-type: none"> • Odour impacts were <u>not</u> considered in the assessment • The use of AERMOD modelling for BTEX emissions is inherently difficult for a manually-handled petrol bowser with a theoretical vapour release of typically 10% (VR2); • ERM has therefore considered a volume source release in lieu of any approach to model vapour loss from a bowser; • However, the technical approach using modelling would appear largely unnecessary given its vapour loss at sufficiently low concentrations or volume loss (as vapour) during a vehicular refuel – in other words, it is inherently difficult to represent these types of emissions as vapour loss given the transient activity of refuelling and also the small nozzle size of the bowser handles.

2.3 ERM Findings and Recommendations

- i. The report presented a series of Figures that illustrated ground level isopleths (contours) representing the ground level concentrations of the BTEX compounds against the most stringent criteria of either NEPM or VIC EPA;
- ii. The report found that all ground level concentrations passed, or met the criteria; that is, there were no exceedances of the criteria in the near field; and
- iii. No other comments were made, nor any qualification of the findings with respect to the adjacent school or houses.

Medium

- The use of dispersion modelling appears inadequate due to the insufficient methods in which the vapour emission peaks and troughs have been presented;
- In terms of dispersion modelling, the report findings and recommendations cannot be refuted nor validated since the report does not present the technical methodology for the modelling or meteorological setup; and
- A local meteorological analysis would have addressed the percentage of time, and times of day, that winds affecting the school oval (i.e. pushing vapour onto the oval) would occur. This would further inform the risk.

2.4 Surrounding Land Uses and Conflicts

The land use in the general locale is urban (residential). The proposed petrol station/convenience store satisfies this land use. In terms of a conflict the location of the petrol station with respect to the school oval may be perceived as an aesthetic conflict of land use, although not technically a land use conflict.

However, the school grounds represent a sensitive receptor equally proportional to the surrounding houses which are also sensitive receptors.

Land uses considered to be potentially sensitive to emissions from industry and infrastructure include (emphasis added):

“...residential developments, hospitals, hotels, motels, hostels, caravan parks, schools, nursing homes, child care facilities, shopping centres, playgrounds, and some public buildings. Some commercial, institutional and industrial land uses which require high levels of amenity or are sensitive to particular emissions may also be considered “sensitive land uses”. Examples include some retail outlets, offices and training centres, and some types of storage and manufacturing facilities”.

Medium

- The largest conflict for the proposed development is the business hours of the activity which would represent a “roadhouse” activity. In this case a roadhouse activity requires a 200 metre separation distance which cannot be met in the proposed development location.

2.5 Reviewer’s Commentary of the Assessment’s Ability to adequately address the Risk

The report addresses the risk of ground level pollutant impacts using a desktop dispersion modelling approach. The report does not consider odour impacts which given the efficacy of the VR1 and VR2 technologies would be one of the main “pollutants” with respect to amenity, with noise, traffic and ambient lighting being other amenity considerations of significance.

The use of a dispersion modelling approach is not uncommon for addressing VOC release, however; the ability to adequately represent the vapour losses by way of a volume source “spill” scenario is questionable only in that it would be inherently difficult, if at all plausible, to adequately represent vapour losses from refuelling bowsers. This is also true of modelled vapour impacts in the extreme near-field i.e. impacts immediately adjacent to an emission source.

Whilst the modelling demonstrated that ground level impacts were negligible, the report fails to detail its modelling and meteorological methods other than by way of a limited summary. Additionally, the report does not attempt to address peak and trough emissions due to daily peak periods and other peak periods that would typically follow the fuel price cycle.

Nonetheless, the findings are not contrary to a common sense approach to vapour loss using high level, best-practice technologies such as VR1 and VR2 where petrol stations exist within high-density residential areas and often have adjoining boundaries to residential homes.

It should be noted that the undertaking does not satisfy the 200 metre separation distance which would apply to this proposed development.

Medium	<ul style="list-style-type: none">• The report addresses the risk of the undertaking by accounting for the VR1 and VR2 technologies as well as designing a “spill” scenario to mimic what may happen in the event of bowser spill; and• With this approach a risk scenario has been addressed with respect to vapour, but has not accounted for peaks and troughs, and, the methods to assess this (modelling) may be irrelevant given the extreme near-field scenario.
High	<ul style="list-style-type: none">• The minimum 200 metre separation distance from the nearest sensitive receptor cannot be met.

2.6 Reviewer’s Opinion of the Proposed Undertaking

The undertaking is, in the opinion of the reviewer, a conflict given the inability to satisfy the 200 metre separation distance from the nearest receptor, moreover, the report has not considered ambient light, noise and other amenity impacts.

The dispersion modelling assessment methods used, although likely to be the only way to assess vapour loss outside of ambient odour field surveys, ambient VOC monitors on surrogate sites and indeed a comparison of other existing sites where a service station and residential abodes can coexist without complaint, appears to be inadequate given the lack of representation of peak and trough times. A meteorological analysis of the locale would have also informed the risk.

Additionally, the aesthetics of locating a petrol station directly adjacent to a school oval could be considered, in principle, a perceived conflict in land use.

The percentage of time the school oval is populated would represent a smaller period compared to adjacent housing which is populated, in general, both within and outside of school hours. With this in mind, the school oval may be seen as less of a sensitive receptor than the immediately adjacent houses.

3 Closing

The undertaking and its operational hours suggests that the suitable separation distance should be 200 metres from the nearest receptor, this distance cannot be met. Furthermore, the lesser separation distance of 50 metres also cannot be met.

It has been assumed that VR1 and VR2 controls are to be in place within the proposed undertaking and that the level of vapour control will therefore be best practice. With this in mind the risk for vapour losses causing air quality impacts is expected to be low; however, the maintenance and care of the VR systems would need to be rigorously followed to support this.

The ERM report does not provide enough sufficient detail showing the peak and trough vapour release trends to inform the level of risk at those peak times when refuelling would occur, nor does the reviewer believe that the use of dispersion modelling for vapour release within an extreme near-field context addresses the underlying risk of impacts, in particular odour impacts. Furthermore, other amenity issues such as traffic, noise and ambient lighting need also to be considered in full.



25 October 2018

Metro Central JDAP
Locked Bag 2506
PERTH WA 6001

Attention: Presiding Member and Panel Members

Dear Madams and Sir,

**Re: LOT 75 (72) WALTER ROAD EAST (CNR MARMION STREET),
BASSENDEAN
DAP REF NO. DAP/18/04173**

Transcore has been engaged by Vibe Petroleum in the capacity of traffic engineers for the abovementioned project.

This submission is prepared in support of the proposed development and provides responses to the relevant reasons of refusal in the Responsible Authority Report.

3. The applicant has failed to demonstrate how non-standard 15m long petrol tankers will be retained for use in conjunction with the proposed development, both with respect to the intended current operator of the facility along with any future operator of the facility;

There is no standard sized fuel tanker for servicing service stations. The size of the fuel tanker can range from 12.5m to 27.5m. The choice of fuel tanker size depends on whether the service station is located in a metro or regional area and site constraints. In this instance, due to the size of the site, a 15m fuel tanker will be used for this site. The size of the fuel tanker servicing the site can be a condition of approval.

4. The proposed development has not been designed to accommodate standard heavy rigid vehicles (HRV) for waste management and articulated vehicles (AV) for petrol deliveries contrary to the provisions of AS 2890.2 – Off-street commercial vehicle facilities which states that facilities shall be designed to accommodate the standard vehicle type or types appropriate to the use required by the operator of the facility;

Similar to the fuel tanker, there is no standard size for waste collection and delivery vehicles. The sizes of these vehicles are chosen based on nature of the

activity and site constraints. In this instance, due to the size of the site, maximum 8.8m service vehicle size (both for waste collection and deliveries) will be used for this site. The maximum size of the service vehicle servicing the site can be a condition of approval.

5. The inability of service vehicles (petrol tankers) to remain lane correct within public streets when approaching the development site;

The service vehicles are lane correct on Walter Road East as the wheel path and vehicle body is contained within the lane. It is therefore assumed that this comment relates to the turn path of the fuel tanker turning right from Walter Road East into Marion Street. The turn path analysis undertaken indicates that the vehicle body runs over the corner of the stop line at the intersection of Marion Street and Walter Road East. If this is deemed to be an issue, minor adjustments to the west side kerb on Marion Street will allow the tanker to enter Marion Street lane correctly. This kerb line adjustment can be a condition of approval.

It should be further noted that service vehicles and particularly, fuel tankers will service this site outside the peak hours.

6. The ability for vehicles to traverse the site in opposing directions being unsafe in use;

It is normal for vehicles to traverse a service station site in opposing directions when the service station has dual crossovers and in particular is located on a corner lot. This is a normal and regular occurrence at all service stations that are located on a corner site and have crossovers on each road frontage.

7. The width of car parking bays immediately forward of the proposed convenience store being non-compliant with the 2.6m minimum specified within Australian Standard AS 2890.1 (Off-street car parking) for the kind of development that has been proposed;

General practice is to adopt User Class 2 classification in accordance with Table 1.1 of AS2890.1 (refer Attachment 1) for the parking bays within a service station. This classification requires a parking bay width of 2.5m which is provided. If User Class 3 classification is adopted, then a parking bay width of 2.6m is required.

If parking bay widths of 2.6m is deemed appropriate for this site, this can be achieved by relocating the air and water points to the south-west corner of the site and then to utilise this space. This space is about 0.85m and therefore, 0.1m can be added to each parking bay, achieving the required 2.6m width for parking bays. This requirement can be dealt with as a condition of approval.

8. The width of bowser bays for pumps 2-6 being non-compliant with the 2.9m minimum (comprising 2.6m minimum plus 300mm clearance) specified within

Australian Standard AS 2890.1 (Off-street car parking) for the kind of development that has been proposed;

It is inappropriate to apply the requirement of parking bay design as stipulated in AS2890.1 to the space between bowzers at a service station. The bowser spacing is standard and is provided at most if not all service stations as 5.5m. In any case, this width comfortably exceeds the widths of two side by side 2.6m wide parking bays which is 5.2m.

9. The width of the service bay / loading bay associated with the proposed convenience store being non-compliant with the 3.5m minimum specified within Australian Standard AS 2890.2 (Off-street commercial vehicle facilities) for the kind of development that has been proposed;

It is acknowledged that the width of the service bay proposed is non-compliant to the requirements of AS2890.2 of 3.5m. However, it is not unusual for non-compliant parking bays and service bays to be provided on constrained sites so long as it is demonstrated that practically, the service bay can work and does not create any safety issues. The turn path analysis undertaken for an 8.8m service truck demonstrates that such a service vehicle can reverse into the 3m wide service bay.

It should be noted that the effective width of this sized service vehicle is 2.5m and width of the proposed service bay is 3m. Further, if parking bay adjustments are carried out as per the requirement of reason for refusal 7, the width of the service bay can be increased to 3.2m.

10. The clearance height beneath the proposed petrol canopy being less than the 4.5m minimum specified by AS 2890.2 (Off-street commercial vehicle facilities);

The canopy height clearance provided is the standard clearance adopted by this service station operator based on type of vehicles anticipated to use the site however, if it is deemed necessary, the height clearance can be increased by 0.1m to achieve the required 4.5m clearance in accordance with AS2890.2. This requirement can be dealt with as a condition of approval.

11. The 5.5m separation distance between the corner truncation reserved under the Metropolitan Region Scheme and the crossover on the Marion Street frontage of the development site being less than the 6m minimum specified by both the Town of Bassendean Specification for the Construction of Crossovers and Australian Standard AS 2890.1 – Off-street car parking;

The proposed crossover on Marion Street can be shifted by 0.5m further north to achieve the 6m separation requirement of AS2890.1. This requirement can be dealt with as a condition of approval.

12. The design of the proposed crossovers for the development not demonstrating compliance with the Town's Specification for the Construction of Crossovers;

It is standard practice that such a requirement is dealt with through a condition of approval however, such a condition will need to recognise the proposed use, type and size of vehicles which will be using this development.

In conclusion, in my view, the traffic related reasons for refusal are not justified and with respect, it is requested that JDAP should approve the proposed development with appropriate condition.

Regards,

A handwritten signature in black ink, consisting of a long horizontal line with a small loop at the start and a vertical stroke at the end.

Behnam Bordbar
Managing Director

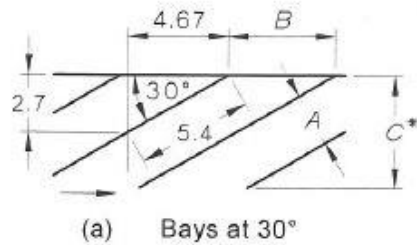
ATTACHMENT 1

TABLE 1.1
CLASSIFICATION OF OFF-STREET CAR PARKING FACILITIES

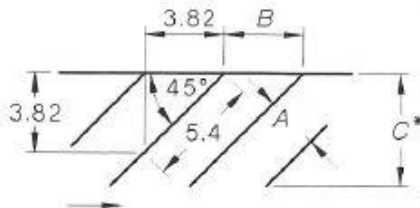
User class	Required door opening	Required aisle width	Examples of uses (Note 1)
1	Front door, first stop	Minimum for single manoeuvre entry and exit	Employee and commuter parking (generally, all-day parking)
1A	Front door, first stop	Three-point turn entry and exit into 90° parking spaces only, otherwise as for User Class 1	Residential, domestic and employee parking
2	Full opening, all doors	Minimum for single manoeuvre entry and exit	Long-term city and town centre parking, sports facilities, entertainment centres, hotels, motels, airport visitors (generally medium-term parking)
3	Full opening, all doors	Minimum for single manoeuvre entry and exit	Short-term city and town centre parking, parking stations, hospital and medical centres
3A	Full opening, all doors	Additional allowance above minimum single manoeuvre width to facilitate entry and exit	Short term, high turnover parking at shopping centres
4	Size requirements are specified in AS/NZS 2890.6 (Note 2)		Parking for people with disabilities

NOTES:

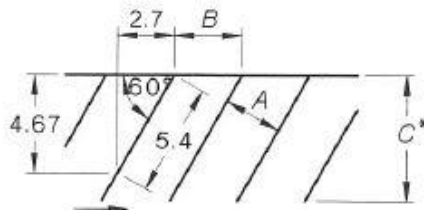
- 1 Except for the requirements specified in Clause 1.4 relating to User Classes 1A and 4, the examples of uses are intended to be flexible and allow for progressive improvement both in the ease of manoeuvring into and out of parking spaces, and in leaving and re-entering the vehicle as one progresses up the user class scale from 1 to 3A. The modelling of vehicle manoeuvring into Class 1A spaces shows however, that many drivers may have difficulty driving into and out of such spaces, especially those with vehicles larger than the B85 vehicle. Furthermore, they may have difficulty entering and leaving the vehicle in the narrower spaces. Safety issues associated with delays and congestion caused by manoeuvres into and out of Class 1A spaces in large parking areas should also be taken into account. See also Appendix B, Paragraph B4.8.
- 2 In preparation, see footnote to Clause 1.2.



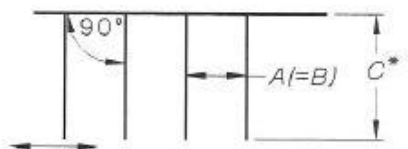
(a) Bays at 30°



(b) Bays at 45°



(c) Bays at 60°



(d) Bays at 90°

User class (Note 1)	A (Notes 2 & 3)	B	C ₁	C ₂	C ₃	Aisle width
1,1A	2.1	4.2	4.4	4.1	4.5	3.1
2	2.3	4.6	4.4	4.1	4.7	3.0
3	2.5	5.0	4.4	4.1	4.9	2.9
3A	2.5	5.0	4.4	4.1	4.9	3.45

User class (Note 1)	A (Note 3)	B	C ₁	C ₂	C ₃	Aisle width
1,1A	2.4	3.4	5.2	4.8	5.5	3.9
2	2.5	3.5	5.2	4.8	5.6	3.7
3	2.6	3.7	5.2	4.8	5.7	3.5
3A	2.6	3.7	5.2	4.8	5.7	4.2
4	(See Note 5)					

User class (Note 1)	A (Note 3)	B	C ₁	C ₂	C ₃	Aisle width
1,1A	2.4	2.75	5.7	5.1	5.9	4.9
2	2.5	2.90	5.7	5.1	6.0	4.6
3	2.6	3.00	5.7	5.1	6.0	4.3
3A	2.6	3.00	5.7	5.1	6.0	5.1
4	(See Note 5)					

User class (Note 1)	A (Note 3)	B	C ₁	C ₂	C ₃	Aisle width (Note 4)
1	2.4	2.4	5.4	4.8	5.4	6.2
1A	2.4	2.4	5.4	4.8	5.4	5.8
2	2.5	2.5	5.4	4.8	5.4	5.8
3	2.6	2.6	5.4	4.8	5.4	5.8
3A	2.6	2.6	5.4	4.8	5.4	6.6
3A	2.7	2.7	5.4	4.8	5.4	6.2
4	(See Note 5)					

*Dimension C is selected as follows (see Note 6):

C₁—where parking is to a wall or high kerb not allowing any overhang.

C₂—where parking is to a low kerb which allows 600 mm overhang in accordance with Clause 2.4.1(a)(i).

C₃—where parking is controlled by wheelstops installed at right angles to the direction of parking, or where the ends of parking spaces form a sawtooth pattern, e.g. as shown in the upper half of Figure 2.4(b).

For Notes—see over.

DIMENSIONS IN METRES

FIGURE 2.2 LAYOUTS FOR ANGLE PARKING SPACES

Presentation Summary

To:	Metro Central JDAP	From:	Josh Watson
Attention:	Presiding Member	Job No:	5503
Copy to:	DAP Secretariat	Date:	26 October 2018
Subject:	DAP Meeting Number: MCJDAP/318 – Item 8.1 Lot 75 (72) Walter Road East, Eden Hill – Proposed Vibe Convenience Store		

I act on behalf of Vibe Petroleum in support of the proposed Vibe convenience store at Lot 75 (72) Walter Road East, Eden Hill (**subject site**). Despite the recommendation for refusal, we consider there is strong justification for the proposal to be approved.

This presentation summary is primarily concerned with the planning framework, EPA separation distances, development standards and supporting reporting. Other presenters in support of this application will address separate concerns with the traffic, access and vapour analysis.

The majority of the reasons for refusal identified by the Town are matters that can be simply addressed by way of a condition of approval. These matters are addressed within this Presentation Summary.

CONVENIENCE STORE USE

The subject site is zoned Local Shopping in accordance with the Town's Local Planning Scheme No. 10 (**LPS10**). A Convenience Store (providing for the retail sale of petrol) is a '**P**' **Permitted Use** within the Local shopping zone. Clause 3.3.2 of LPS10 states the following in relation to Permitted uses:

means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;

The case of **DCSC Pty Ltd and Presiding Member of the Southern Joint Development Assessment Panel** [2017] WASAT 114 considered the same matters in making a determination for a Puma convenience store. Specifically, paragraph 60 of this case states:

The role of the Zoning Table in LPS 21 is to indicate the City's determination concerning a specified defined use classification's suitability to the specified zone and the zone objectives and policies referred to in cl 4.2. The scheme map and legend indicates which sites are determined by the City to be suited to the specified zone policies and objectives. There is no room for the decision-maker to reconsider those issues because that is the purpose of the scheme map, the legend and the Zoning Table. Zoning Table. If the City had been unsure whether all the sites in the Business Zone are suitable for use as a Convenience Store, then the Zoning Table should have reflected that by specifying 'D' or 'A'. If the City had been certain that none of the sites in the Business Zone are suitable for use as a Convenience Store, then the Zoning Table should have reflected that position by specifying 'X'. To that extent the Tribunal concludes that the assessment whether the use classification is suited to the zone, by reference to the objectives and policies specified for the Business Zone in cl 4.2.2 of LPS 21, is determined by the Zoning Table in the affirmative as indicated by the 'P' symbol.

Therefore, this site has been identified by the scheme map and zoning table as being appropriate to contain a convenience store. In making any determination for this use the application needs to be considered against the relevant development standards of LPS10 and local planning policy framework. The development application is consistent with these development standards as demonstrated with the development application report and within this Presentation Summary.

EPA SEPARATION DISTANCES

The development of a convenience store (service station) within proximity to sensitive land uses is not an anomaly and is a common occurrence within the Perth metropolitan region. The case of **Puma Energy Australia and City of Cockburn** [2016] WASAT 36 considered the same matters in making a determination for a service station within proximity to residential properties. Specifically, paragraph 160 of this case in part states:

He also gave evidence, which was not questioned or contradicted, and which we accept, that he is aware of 'several other retail fuel sites which have been approved (after adoption of the EPA Guidance Statement), along with a number of established sites, with lesser separation distance to sensitive land uses than the generic buffer, and where site specific odour and risk assessments have not been presented'.

It is very common for service stations to be constructed within the 50m buffer distance prescribed by the EPA Guidance Statement. In our experience, site specific analysis is not often provided at the development application stage as service stations within Australia are highly regulated and are required to meet a number of standards. This allows service stations to be constructed adjacent to sensitive land uses.

In relation to the EPA Guidance Statement, service stations should consider the **gaseous, odour, risk and noise**. These matters are addressed further in the section below.

Gaseous and Odour

In **Puma Energy Australia and City of Cockburn** 2016 WASAT 36, paragraph 161 states:

In relation to gaseous and odour impacts, although Puma has not presented a sound site-specific technical analysis / scientific study based on site-specific and industry-specific information, it has presented evidence which satisfies the Tribunal that the proposed development would have an acceptable impact in terms of gaseous and odour impacts.

Vibe will utilise a Stage 1 and 2 Vapour Recovery System as part of this development. These vapour recovery systems capture vapour from refuelling tankers and bowsers at an assumed capture efficiency of 95% and 90% respectfully. These systems are consistent with the systems proposed with the Puma case outlined above. In addition, ERM has been engaged to undertake a vapour assessment to determine the anticipated impact of vapour associated with the operations of the Vibe convenience store. This assessment confirms the proposed development will deliver a satisfactory and compliant vapour output to allow a reduction in the 50m EPA separation distance.

These systems will appropriately control vapour emissions, as detailed in the assessment prepared by ERM. In addition to the above, Vibe is also committed to providing a masonry wall along the northern boundary to reduce the visual impact of the Vibe to the school.

Risk

As the proposed Vibe convenience store provides for the retail sale of fuel, the proponent must obtain a Dangerous Goods Storage and Handling Licence in order to store and sell fuel on the subject site. This licence process must consider the risk component. In **Puma Energy Australia and City of Cockburn** 2016 WASAT 36, paragraph 172 states in part:

an application for a dangerous goods licence under the DGS Act and Regulations must include a risk assessment documenting 'how the proposed facility will operate with minimal risk to people, property and the environment.'

The proposed development has been designed to ensure it can obtain a licence. The following matters are assessed and considered as part of the Dangerous Goods Storage and Handling Licence:

- Separation distances to boundaries, public places, protected places and impact on adjoining properties.
- Site accessibility for fuel delivery tankers and vehicles.

- Spill containment.
- Emergency preparedness and management.
- Operator training.
- Maintenance provisions.
- Lighting.
- Equipment to be installed.

The risk component of the EPA separation distance requirements is therefore considered at the Dangerous Goods Storage and Handling Licence process.

Noise

Reason for refusal No. 2 relates to insufficient information to confirm how potential noise impacts will be satisfactorily ameliorated. It is considered the noise impacts associated with the proposed development would be minimal and can simply be addressed through an environmental acoustic assessment. This can be prepared as a condition of development approval in accordance with the *Environmental Protection (noise) Regulations 1997*.

DEVELOPMENT STANDARDS

Traffic & Access

Reasons for refusal No 3 to 12 relate to traffic matters. Transcore has appropriately addressed these matters within their Presentation Summary and confirmed that a number of these matters are already addressed, can be addressed through conditions of approval or considered at detailed design stage.

Landscaping

Reason for refusal No. 13 relates to the proposed landscaping along Walter Road East. The landscaping strip is considered appropriate for the following reasons:

- The landscaping strip along Walter Road East is 2.345m wide. This is compliant with the Towns Local Planning Policy No. 7 Local Shopping Zone Design Guidelines.
- The subject site has a 1m wide portion of land reserved Other Regional Roads under the Metropolitan Region Scheme. We have been advised by the Department of Planning Lands & Heritage that there are no short/medium term upgrades proposed to Walter Road East. Therefore, the 1m wide reservation is long term and would remain as landscaping as part of this development.
- In addition to the above, we understand the Town has resolved at the Ordinary Council Meeting on the 27 August 2018 to downgrade Walter Road East to single carriageway and consider allocating funds in the 2019/2020 budget for the preparation of plans. The Town's position is considered long term however, if these modifications were to be undertaken the addition ORR reservation would not be required and this would ensure the larger landscaping strip be retained along Walter Road East.
- The overall development incorporates 136m² of landscaping (approximately 12%).

For these reasons it is considered the landscaping along Walter Road East should be supported and approved accordingly.

Street Setback

Reason for refusal No. 14 relates to setback of the retail building from Walter Road East. The setback is considered appropriate for the following reasons:

- The proposed setback is largely consistent with other commercial buildings within proximity to the subject site, including Walter Road Handy Mart (68 Walter Road East) adjacent to the subject site and hair dresser and real estate agent to the south west of the subject site located at 71 Walter Road East. These sites contain nil setbacks to the street and large expansive walls.
- The current elevation incorporates a mixture of materials, textures and signage to provide visual interest to the street. The proposed elevation does not simply contain a blank wall.
- The provisions of Local Planning Policy No.1 Town Centre Strategy and Guidelines do not apply to the proposed development.

For these reasons, the proposed setback and articulation on the elevation fronting Walter Road East is considered appropriate. However, Vibe would be open to further changes to this elevation and working with the Town to further improve the elevation to Walter Road East as a condition of development approval.

SUPPORTING REPORTS AND POTENTIAL CONDITIONS

External Fixtures

Reason for refusal No 15 can simply be addressed as a condition of development approval. External air conditioning units and refrigeration plant will be located on the roof of the proposed retailing building. Detailed designs can appropriately outline this infrastructure and a condition can be worded as such to ensure these fixtures are obscured from view. The vent pipes are proposed to be located at the truncation point of Walter Road East and Marion Street.

Waste Management


The proposed development has been designed by Vibe and has taken into consideration operational components, like waste management to ensure the convenience store can operate accordingly.

To satisfy the Town's concerns, an appropriately worded condition of development approval to require a waste management plan.

SUMMARY

For the reasons outlined above, we consider the proposed development warrants approval as it is a Permitted use within the Local Shopping zone, consistent with the development standards and has been demonstrated to be appropriate within proximity to sensitive land uses.

Thank you for your time and consideration. I would be pleased to answer any questions from the DAP members at the meeting on 31 October 2018.



JOSH WATSON
SENIOR PLANNER

181026 5503 PS Presentation Summary - Josh Watson