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## Metro Central Joint Development Assessment Panel Minutes

**Meeting Date and Time:** 31 October 2018; 4.05pm  
**Meeting Number:** MCJDAP/318  
**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 Michael Hardy (Specialist Member)  
Cr Renee McLennan (Local Government Member, Town of Bassendean)  
Cr Kathryn Hamilton (Local Government Member, Town of Bassendean)

#### Officers in Attendance

Mr Christian Buttle (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)  
Mr Behnam Bordbar (Transcore)  
Mr Damon Roddis (ERM)  
Mr Josh Watson (Planning Solutions)  
Mr Rakesh Penmetsa (Vibe)

#### Members of the Public / Media

Approximately 12 members of the public and one member of the press were in attendance.

### 1. Declaration of Opening

The Presiding Member, Ms Megan Adair, declared the meeting open at 4.05pm on 31 October 2018 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

Ms Megan Adair  
Presiding Member, Metro Central JDAP



The Presiding Member announced the meeting would be run in accordance with the Development Assessment Panel Standing Orders 2012 under the Planning and Development (Development Assessment Panels) Regulations 2011.

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2017 which states '*A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.*', the meeting would not be recorded.

## **2. Apologies**

Nil

## **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**

Members declared that due to the number of late documents received they were not all familiar with the substance of late reports and materials as submitted by the applicant's consultants as part of deputations for Item 8.1 and in response to R13 requests.

## **6. Disclosure of Interests**

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Member, Cr Renee McLennan and Cr Kathryn Hamilton, declared that they participated in a prior Council meeting in relation to the application at item 8.1. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr McLennan and Cr Hamilton acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

Cr Renee McLennan declared an impartiality interest in Item 8.1. Cr McLennan's daughter attends Eden Hill Primary School.

In accordance with section 4.6.1 and 4.6.2 of the DAP Standing Orders 2017, the Presiding Member determined that the members listed above, who had disclosed an impartiality interest, are permitted to participate in discussion and voting on the items.



## PROCEDURAL MOTION

**Moved by:** Mr Michael Hardy

**Seconded by:** Ms Rachel Chapman

That the meeting to consider item 8.1 Lot 75 (No. 72) Walter Road East (cnr Marion Street), Bassendean 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.

**REASON:** To allow panel members to be fully informed on all information provided.

**The Procedural Motion was put and CARRIED UNANIMOUSLY.**

### 7. Deputations and Presentations

Nil

### 8. Form 1 – Responsible Authority Reports – DAP Applications

***Due to the procedural motion to defer the meeting, the application at Item 8.1 was not considered by the Panel and will be considered at a future meeting.***

8.1	Property Location:	Lot 75 (No. 72) Walter Road East (cnr Marion Street), Bassendean
	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

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;

Ms Megan Adair  
Presiding Member, Metro Central JDAP



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;

**Ms Megan Adair**  
Presiding Member, Metro Central JDAP



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.

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

Nil

**Ms Megan Adair**  
Presiding Member, Metro Central JDAP



## 10. Appeals to the State Administrative Tribunal

The Presiding Member noted the following State Administrative Tribunal Applications -

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
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 the Presiding Member reminded the meeting that 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.

There being no further business, the Presiding Member declared the meeting closed at 4.13pm.

Ms Megan Adair  
Presiding Member, Metro Central JDAP