

TOWN OF BASSENDEAN

NOTICE OF A SPECIAL COUNCIL MEETING

Dear Council Member

A Special Meeting of the Council will be held on Tuesday 20 November 2018 in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 6.00pm. The purpose of the meeting is for Council to consider the addendum responsible authority report to be presented to the Metro Central Joint Development Assessment Panel meeting to be held on 27 November 2018, for a Convenience Store Providing for the Sale of Fuel and Convenience Goods (Vibe) at Lot 75 (No 72) Walter Road East, Eden Hill.

Ms Peta Mabbs
CHIEF EXECUTIVE OFFICER

19 November 2018

A G E N D A

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Town of Bassendean acknowledges the past and present traditional owners of the land on which we gather to conduct this meeting, and pays its respects to their Elders, both past and present.

2.0 PUBLIC QUESTION TIME AND ADDRESS BY MEMBERS OF THE PUBLIC

3.0 ATTENDANCES, APOLOGIES & APPLICATIONS FOR LEAVE OF ABSENCE

Apologies

Cr Renee McLennan – Leave of Absence

4.0 REPORTS

4.1 Addendum Report for Joint Metro Central Development Assessment Panel Application – Form 1 – Development Assessment Panel Application for Convenience Store Providing for the Sale of Fuel and Convenience Goods (Vibe) – Lot 75 (No. 72) Walter Road East (cnr Marion Street), Eden Hill. Owner: K. & W. Sales & Distribution Pty Ltd. Applicant: Planning Solutions (Ref: DABC/BDVAPPS/2018 – 093 – Christian Buttle, Senior Planning Officer)

APPLICATION

At its Ordinary Council meeting held in May 2011, Council resolved to require that all Joint Development Assessment Panel (JDAP) applications be the subject of a report to Council in order that Council can make an alternative recommendation to the Metropolitan Central JDAP, should it see fit.

ATTACHMENTS

1. Report Titled '*Proposed Perth Petrol Station – Air Quality Assessment*' prepared by ERM on behalf of Applicant dated 26 October 2018;
2. Report Titled '*Lot 75 (72) Walter Road East, Eden Hill (DAP/18/04173) Proposed Convenience Store – Air Quality Advice for Town of Bassendean*' prepared by Air Quality Services Branch of Department of Water and Environmental Regulation dated 19 November 2018;
3. Report Titled '*ERM Air Quality Assessment – Peer Review*' prepared by Talis Consultants on behalf of the Town dated Nov 2018;
4. Transcore Letter dated 25 October 2018 (on behalf of applicant); and
5. Planning Solutions Presentation Summary (on behalf of applicant) dated 26 October 2018.

BACKGROUND

This matter was previously considered at a Special Council Meeting on 16 October 2018. At that meeting, Council resolved as follows:

COUNCIL RESOLUTION/OFFICER RECOMMENDATION – ITEM 7.1

SCM – 2/10/18

MOVED Cr Gangell, Seconded Cr Hamilton, that Council endorses the Senior Planning Officer's Form 1 – Responsible Authority Report for the Application for a Convenience Store Providing for the Sale of Fuel and Convenience Goods (Vibe) at Lot 75 (No. 72) Walter Road East, Bassendean.

CARRIED UNANIMOUSLY 7/0

Following Council's consideration of this matter, the application was then referred to a meeting of the Metro Central JDAP on 31 October 2018, at which time it resolved as follows:

"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."

Additional material that was provided shortly in advance of the JDAP meeting on 31 October 2018 on behalf of the applicant included:

- ERM Air Quality Assessment Report;
- Traffic Engineering Consultant Submission from Transcore; and
- Presentation Submission from Planning Solutions.

Each of these submissions form the core component of material discussed within the Addendum RAR along with a report prepared by the Air Quality Branch of the Department of Water and Environmental Regulation and a Peer Review of the ERM Air Quality Report (prepared by Talis Consultants on behalf of the Town).

COMMUNICATION AND ENGAGEMENT

Details of consultation undertaken and responses received were discussed in the original Form 1 Responsible Authority Report (RAR). No new consultation has been undertaken in conjunction with the preparation of the addendum report, although all persons who made a submission in relation to the original application have been updated with respect to Council's and JDAP's further consideration of the application.

STRATEGIC IMPLICATIONS

The following components of the Town's adopted Strategic Community Plan 2017-2027 are of relevance when considering the application for development approval:

Strategic Priority 1: Social

Objective 1.3: Plan for a healthy and safe community	Strategy 1.3.2 Promote and advocate community health and well-being.
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Strategic Priority 4: Economic

Objective 4.1: Build Economic Capacity	Strategy 4.1.1 Encourage and attract new investment and increase capacity for local employment.
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COMMENT

Comments in relation to the proposed development were provided in the original Form 1 RAR.

As identified above, the updated Addendum RAR which is attached to this cover report focuses on material that was submitted on behalf of the applicant shortly in advance of the original JDAP Meeting on 31 October 2018 along with further reports prepared at the request of / on behalf of the Town in relation to air quality and emissions associated with the proposal.

STATUTORY REQUIREMENTS

Detailed comments in relation to relevant statutory requirements were discussed in detail in the original Form 1 RAR.

FINANCIAL CONSIDERATIONS

The Town has engaged an air quality specialist to provide input into this application along with an engineering consultant to provide engineering review and attendance at the JDAP meeting. Expenditure for this external assistance is likely to be around \$6,000 in total.

CONCLUSION

The remainder of this report includes the Senior Planning Officer's Addendum report and recommendation to the JDAP. The report is presented in the format required by the Development Assessment Panel Regulations (Form 1 – Responsible Authority Report).

Council's options are to either endorse the recommendation contained in the report below, or to make an alternative recommendation.

Council's nominated members for the JDAP are Mayor McLennan and Councillor Hamilton. As Mayor McLennan will be on a leave of absence when the JDAP meeting is held, Cr Wilson will be attending the meeting in his capacity as an alternate local member.

The Development Assessment Panel Training notes make the following comments in terms of Local Government representatives as DAP members:

“The role of a local government representative is made difficult by their dual roles of local government Councillor and DAP member.

The Code of Conduct acknowledges this difficulty in clause 2.1.2. A local government may make a decision in relation to a DAP application as a basis for providing a DAP with a recommendation, as it is required to do in accordance with regulation 12.

Clause 2.1.2 provides that a local government DAP member is not precluded from voting in relation to a DAP application where it has also been involved with the decision or recommendation made by the local government.

Clause 2.1.2 requires only that local government DAP member exercise independent judgment, and consider the application on its planning merits.”

OFFICER RECOMMENDATION – ITEM 4.1

That Council endorses the Senior Planning Officer’s Form 1 – Responsible Authority Addendum Report for the Application for a Convenience Store Providing for the Sale of Fuel and Convenience Goods (Vibe) at Lot 75 (No. 72) Walter Road East, Eden Hill.

Voting requirements: Simple Majority

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; and 5. Planning Solutions Presentation Summary dated 26 October 2018.
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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), 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.”

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 18 April 2018 Metro Central JDAP Meeting No. 293	19 metres
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

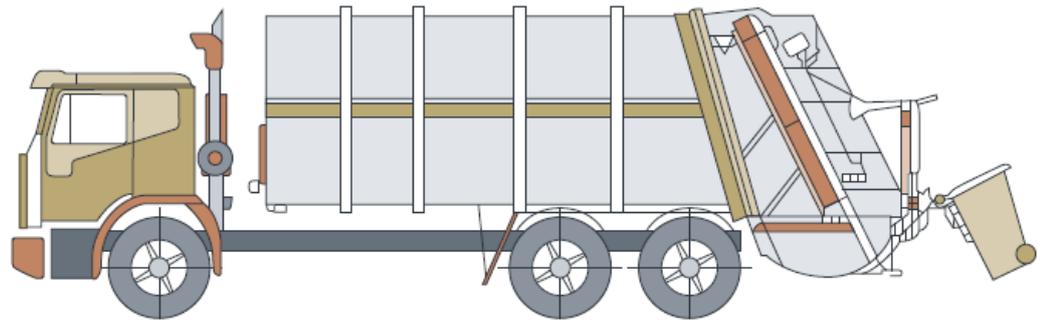
						metres
Vehicle class	Overall length	Design width	Wheel base	Design turning radius	Swept circle	Clearance height
SRV	6.40	2.30	3.80	7.1	15.3	3.5
MRV*	8.80	2.50	5.00	10.0	21.6	4.5†
HRV*	12.50	2.50	6.60	12.5	27.8	4.5†
AV*	19.00	2.50	14.50	12.5	26.6	4.5†

* 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 bowzers 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 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.”

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 bowsers for these developments (along with application and meeting details) are identified below:

	Address / Meeting Date / Meeting No.	Width Between Bowsers (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 bowsers (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. pantechicon, 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.

5.0 CLOSURE