

TOWN OF BASSENDEAN

MINUTES

SPECIAL COUNCIL MEETING

HELD IN THE COUNCIL CHAMBER, 48 OLD PERTH ROAD, BASSENDEAN

ON TUESDAY 20 NOVEMBER 2018 AT 6.00PM

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open, welcomed all those in attendance and acknowledged the past and present traditional owners and custodians of the land on which the meeting was held.

2.0 PUBLIC QUESTION TIME AND ADDRESS BY MEMBERS OF THE PUBLIC

Nil

3.0 ATTENDANCES, APOLOGIES & APPLICATIONS FOR LEAVE OF ABSENCE

Present

Councillors

Cr Bob Brown, Presiding Member
Cr Kathryn Hamilton
Cr Melissa Mykytiuk
Cr Sarah Quinton
Cr Jai Wilson

Officers

Ms Peta Mabbs, Chief Executive Officer
Mr Mike Costarella, Director Corporate Services
Mr Graeme Haggart, Director Community Development
Mr Simon Stewert-Dawkins, Director Operational Services
Mr Brian Reed, Manager Development Services
Mr Christian Buttle, Senior Planning Officer

Mrs Amy Holmes, Minute Secretary

Public

Nil

Press

Nil

Apologies

Cr Renee McLennan, Mayor – Leave of Absence
Cr John Gangell

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.

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.

Cr Quinton moved the officer recommendation with a minor amendment as shown in bold.

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION –
ITEM 4.1**

SCM – 1/11/18 MOVED Cr Quinton, Seconded Cr Hamilton, **that Council recommends refusal based on the 16 reasons as outlined in 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.**
CARRIED UNANIMOUSLY 5/0

**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</i>”

	<p><i>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;</p> <ol style="list-style-type: none">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.
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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.

5.0 CLOSURE

There being no further business, the Presiding Member declared the meeting closed, the time being 6.15pm.