



Minutes of the Metro Central Joint Development Assessment Panel

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 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
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

Approximately 30 members of the public and one member of the press was in attendance.



1. Declaration of Opening

The Presiding Member, Ms Megan Adair, declared the meeting open at 9.00am on 27 November 2018 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the *Development Assessment Panel Standing Orders 2017* 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

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

All members declared that they had duly considered the documents.

6. Disclosure of Interests

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Member, Cr Kathryn Hamilton and Cr Jai Wilson, 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 Hamilton and Cr Wilson 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.

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 have disclosed an impartiality interest, are permitted to participate in discussion and voting on the items.



7. Deputations and Presentations

A written deputation from Miss Scarlett Warnock was considered by the panel.

- 7.1 Mr Dave Kelly (State Member for Bassendean) was not in attendance and submitted his apologies.
- 7.2 Mr Jeremy Warnock (Eden Hill Primary P&C) addressed the DAP against the application at Item 8.1.
- 7.3 Ms Karina Hateley addressed the DAP against the application at Item 8.1.
- 7.4 Mr Jeremy Feichtinger addressed the DAP against the application at Item 8.1.
- 7.5 Dr Alexander Larcombe addressed the DAP against the application at Item 8.1.
- 7.6 Ms Christina Carey addressed the DAP against the application at Item 8.1.
- 7.7 Mr Behnam Bordbar (Transcore) addressed the DAP in support of the application at Item 8.1.
- 7.8 Mr Damon Roddis (ERM) addressed the DAP in support of the application at Item 8.1.
- 7.9 Mr Josh Watson (Planning Solutions) addressed the DAP in support of the application at Item 8.1.
- 7.10 Mr John Hurley (Talis Consultants on behalf of the Town of Bassendean) addressed the DAP against the application at Item 8.1.
- 7.11 Mr Rodney Ding (GTA Consultants on behalf of the Town of Bassendean) addressed the DAP against the application at Item 8.1.

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

ADDENDUM RECOMMENDATION

Moved by: Cr Jai Wilson

Seconded by: Cr Kathryn Hamilton

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 suitability 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.

REASON: In accordance with details contained in the Responsible Authority Report and addendum.

The Addendum Recommendation was put and CARRIED UNANIMOUSLY.

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

Nil

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 10.55am.

A handwritten signature in black ink, appearing to read 'Megan Adair'.