

# PLANNING REPORT

## PROPOSED SERVICE STATION

LOT 95 (#323) GT EASTERN HWY, MIDVALE

APPLICATION TO SHIRE OF MUNDARING / METRO OUTER JDAP

2 AUGUST 2023



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This Planning Report has been prepared by **Hidding Urban Planning** for an Application for Development Approval for a Proposed Service Station at Lot 95 (#323) Great Eastern Highway, Midvale

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  - Annexure 2:** Development Plans
  - Annexure 3:** Landscaping Plan
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  - Annexure 6:** Stormwater Management Plan
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# APPLICATION DETAILS

**Table 1: Application Details**

<b>Property Location</b>	Lot 95 (#323) Great Eastern Highway, Midvale
<b>Applicant</b>	Hidding Urban Planning
<b>Landowner</b>	OTR 375 Pty Ltd
<b>Local Government</b>	Shire of Mundaring
<b>Determining Authority</b>	Metro Outer Development Assessment Panel (JDAP) Optional (Opt-in) Application
<b>Shire of Mundaring LPS4 Zoning</b>	Service Commercial
<b>Proposed Use</b>	Service Station ("D" Discretionary Use)
<b>Existing Use</b>	Showrooms
<b>Total Site Area</b>	2338m <sup>2</sup>
<b>Estimated Construction Value</b>	\$2.5 million

# 1.0 INTRODUCTION

**Hidding Urban Planning** has prepared this Planning Report on behalf of PC Infrastructure Pty Ltd as part of an Application for Development Approval for the development and use of Lot 95 (#323) Great Eastern Highway, Midvale (**Subject Site**) for a proposed OTR Service Station Development.

This report provides a detailed Town Planning assessment of the proposed development against the relevant State and local Planning framework. The information contained in this report confirms that the proposed Service Station Development is appropriate for the site and reflects the applicable planning framework.

## 1.1 DEVELOPMENT ASSESSMENT PANEL (DAP) DETERMINATION

As the anticipated construction cost of the project is **\$2.5 million**, the Applicant has “opted in” to the Development Assessment Panel (**DAP**) process and therefore, this Development Application will be required to be determined by the Metro Outer Development Assessment Panel (**JDAP**).

Accordingly, please find **attached** our completed Shire of Mundaring Application for Development Approval Form, MRS Form 1 and DAP Form 1, all signed and authorised by the landowner (OTR 375 Pty Ltd).

## 1.2 PREVIOUS DEVELOPMENT APPROVAL

The Metro Outer JDAP granted Development Approval for a Service Station development for the site on 27 July 2021 (DAP/20/01927). That approval remains valid until 27 July 2025.

As the proposed development varies the built form arrangement, a completely new application is required.

## 2.0 SITE DETAILS

### 2.1 LEGAL DESCRIPTION OF LAND

This development application is made in respect of Lot 95 (#323) Great Eastern Highway, Midvale the details of which are provided in **Table 2** below.

**Table 2: Legal Description of Land**

Lot	Plan	Vol/Folio	Area	Address	Proprietors
95	DP424638	4027/86	2338m <sup>2</sup>	323 Great Eastern Highway, Midvale	OTR 375 Pty Ltd

The Certificate of Title for the subject land is attached at **Annexure 1**.

### 2.2 SITE DETAILS

The subject land has a total land area of 2338m<sup>2</sup> and currently comprises showrooms and car parking areas. The site forms part of a series of attached showrooms approved in 1988, linked with 319-322 Great Eastern Highway. The existing showrooms form part of an integrated ribbon commercial development with shared access and parking.

As detailed previously in this report, a Service Station development has already been approved on the subject land which entails the demolition of the existing improvements on the site.

The site has a frontage of approximately 39.55m to Great Eastern Highway with a truncation of 8.50m to Great Eastern Highway and a frontage of approximately 49.18m to Victoria Parade.

An Aerial Photograph of the subject site is included at **Figure 1** below.



**Figure 1: Aerial Photograph (source: Landgate)**

# 3.0 THE PROPOSAL

The proposal is to develop an OTR Service Station on the subject land.

Development Plans prepared by ADS Architects are included at **Annexure 2**.

## 3.1 SUPPORTING PLANS & REPORTS

Plans, consultant reports and other supporting information have been prepared to assist in the assessment of this application.

The plans, reports and documentation which are provided in support of this application are detailed in **Table 3** below and are attached as **Annexures** to this Report.

**Table 3: Supporting Plans & Reports**

Consultant	Plan/Document	Annexure
ADS Architects	Development Plans	2
Oxigen	Landscaping Plan	3
Transcore	Transport Impact Assessment	4
Herring Storer Acoustics	Environmental Acoustic Assessment	5
JCCE	Stormwater Management Plan	6

## 3.2 DEVELOPMENT DETAILS

### 3.2.1 Landscaping & Fencing

The proposed landscaping of the site is intended to ensure that the entire development provides an attractive and high-quality presentation to external streets and site boundaries.

A total of 235.4m<sup>2</sup> (or 10.05% of the site area) will be landscaped.

A Landscaping Plan is included at **Annexure 3**.

Boundary fencing is proposed in certain areas, as identified on the site plan, and includes:

- 2200mm high masonry fence on northern boundary; and
- 1500mm high masonry fence along Victoria Parade along the drive thru area.

### 3.2.2 Access & Movement

The site currently has two crossovers to Victoria Parade which will be removed, and in their place, one new consolidated crossover to Victoria Parade is proposed for movements associated with the proposed development.

A Transport Impact Assessment (**Annexure 4**) has been prepared by Transcore to address the traffic movements associated with the proposed development. The design has demonstrated that

access and traffic movements for both cars and heavy vehicles (including fuel tankers) can be accommodated on the site. The TIA provides swept paths for the key design vehicles and demonstrates acceptable movements across the site.

### **3.2.3 Car Parking & Drive Thru**

The site has been provided with the following car parking facilities:

- 13 marked car parking bays (including one (1) accessible parking bay);
- 8 fuel bowser parking bays located under the fuel canopy;
- Four (4) EV charging station bays;
- One (1) vacuum bay;
- A drive thru facility that can accommodate 10 cars in the drive thru queue lane.

The Drive Thru is primarily for ordering and collection of coffee and other pre-packaged goods from the convenience store building.

There are four (4) on-street car parking bays in the verge of Victoria Parade that will be slightly modified and re-instated as part of this proposal.

### **3.2.4 Signage**

The proposed development involves a 9.00m high x 2.359m wide pylon sign located at the south-western corner of the site adjacent to Great Eastern Highway for the purpose of displaying fuel pricing and relevant signage for the proposed development.

A range of other signage on buildings and the fuel canopy is proposed as shown on the Signage Elevations.

LED signage elements will be used to display text and images relating to goods and services provided on the site. There will be no third-party advertising displayed using the LED elements (or otherwise). LED elements will display static, but changeable, images, which will have a dwell time of no less than 30 seconds per image and will change over rapidly, i.e. no more than 0.1 second. Luminance of the LED panels will be controlled in accordance with prevailing ambient light to avoid illumination or glare which may distract drivers or other road users, ranging from a maximum of 6,000 Cd/m<sup>2</sup> (maximum average) on a sunny day, to no more than 300 Cd/m<sup>2</sup> (maximum average) at night. These standards are in accordance with Main Roads WA (MRWA) advertising policy and are appropriate guidelines to follow.

The LED signage elements will allow the full range of goods and services offered at the site (including fuel sales and promotions, convenience retail including the retail drive-through, coffee and food offers) to be brought to the attention of customers in a contemporary, engaging way, reducing the need to seek approval for a larger number of static signage elements which would present the same information in a manner that might be more likely to contribute to visual clutter and over-proliferation of signage.



In relation to the 9.00m high Pylon Sign, this will be a double-sided sign that will display the same information on both faces. The LED signage panels on the upper part of the sign will display content of the kind referred to above, with dwell time, changeover time and luminance as described above. The lower part of the sign will be back-illuminated signage panels providing signage for the range of facilities and offers available on the site.

### **3.2.5 Building & Design**

The design of the proposed Station development is typically commercial in appearance and will adopt the corporate branding normally associated with an OTR Service Station.

The proposed convenience store building will be set back 5.665m from the Victoria Parade boundary and approximately 5.453m from the side (northern) boundary. The fuel canopy will be set back approximately 7.807m from the Great Eastern Highway boundary.

The convenience store is appropriately located and will include a pedestrian access link to a proposed new footpath in Victoria Parade, linking with the existing footpath in Great Eastern Highway for those that wish to walk to the store.

The convenience store building is proposed at a height of 5.25m extending up to 6.60m, and extending up to 7.650m at the blade wall at the eastern end of the building adjacent to Victoria Parade, giving the building a larger presence to the street. Extensive glazing is proposed along the main building facade of the convenience store, and feature brickwork and cladding panelling is also proposed as shown in the Elevations. A range of signage (some of which are illuminated) is proposed on the building.

The convenience store building will incorporate an internal sales area of 250m<sup>2</sup> GLA, which will include a point-of-sale and offer for sale of goods generally expected of an OTR facility, for the convenience of customers. The Service Station use will also include a four-bowser fuel canopy with the capability to service 8 light vehicles simultaneously. A drive-thru facility is also proposed around the rear and sides of the convenience store building and involves separate order and pick-up locations. The drive thru facility can accommodate 10 vehicles in the drive thru queue lane.

The fuel canopy will feature OTR branding and livery. The fuel canopy will have a total height of 7.24m and will feature a butterfly design that is an OTR signature design feature. The fuel canopy will have a minimum 4.65m clearance.

The Service Station will also offer four (4) Electric Vehicle (EV) charging stations located under a covered tensile shade canopy.

### **3.2.6 Hours of Operation & Staff**

The proposed Service Station use is intended to be operated 24 hours a day, 7 days a week consistent with many service station and convenience store developments across Western Australia.

The proposed Service Station will normally have up to 3 staff on site at peak times; 1-2 at non-peak times; and 1 overnight. During the overnight hours, a single staff member will attend to all fuel and other internal sales.

### **3.2.7 Fuel Types, Dispensing & Fuel Delivery**

The proposed Service Station development will offer five (5) different fuel types (E10, ULP, ULP95, ULP98, Diesel) under the fuel canopy. The dispensing arrangements will be through standard bowsers drawing from 2 x 90,000L underground storage tanks.

All fuel storage and delivery activities will be undertaken in a manner which complies with Australian Standard 1940 – *The Storage and Handling of Combustible Liquids*.

The largest service vehicle which is expected to use the site is a 16.50m fuel tanker for fuel deliveries. Fuel delivery will occur at a rate of two to three deliveries per week, as required.

The fuel will be stored in underground horizontal cylindrical tanks positioned in proximity to the fill point.

Transcore has undertaken a fuel tanker turn path assessment using Main Roads WA guidelines and the TIA includes the turn paths for a 16.50m fuel tanker. The fuel tanker will enter and exit the site from Victoria Parade (refer to Appendix B of the Transcore Transport Impact Assessment at **Annexure 4**).

### **3.2.8 Environmental Considerations**

The risk of contamination and pollution of the local environment is considered minimal. Service Station uses are highly regulated, and designers use industry best practices to minimise any fuel or other contaminant access to stormwater drains. Design, operational and management measures will include:

- The use of double-contained fuel storage tank systems with a leak monitoring space;
- Fuel tanks will be established in stable compacted soils;
- On-site retention and treatment of stormwater using a SPEL Purceptor Stormwater Treatment and Hydrocarbon Capture system;
- Stage 1 Vapour Recovery Systems compliant with the *Protection of the Environment Operation (Clean Air) Regulation 2002* (NSW Guidance Document);
- Fuel spill kit compliant with the latest Australian Standards and Federal National Occupational Health and Safety Council (NOHSC Codes) or Practice that pertains to the handling, storage, clean-up and disposal of Dangerous Goods and Hazardous Substances: NOHSC: 2007(1994), 1005(1994), & 1015(2001) and AS/NZS 3816:1998, AS1940-2004, AS3780-1994, & AS2507-1998;
- Fuel distribution and leak detection infrastructure compliant with all the relevant Australian Standards, Regulations and Industry Best Practices;

- Site operators will be trained personnel to effectively handle incidents such as fuel and oil spills; and
- Equipment will be installed on site to use in the clean up of any fuel, oil or chemical spills.

### **3.2.9 Noise Management**

Herring Storer Acoustics was engaged to prepare an Environmental Noise Assessment for the proposed development (see **Annexure 5**).

To assist with acoustic compliance, a range of boundary walls have been recommended to be included in the new development to shield the service station and drive thru activities from nearby sensitive land uses.

From the analysis undertaken, noise emissions from the proposed development (with management measures) have been assessed to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* and no other major noise mitigation is required.

### **3.2.10 Stormwater Management**

JCCE was engaged to prepare a Stormwater Management Plan for the development site – refer **Annexure 6**.

# 4.0 PLANNING ASSESSMENT

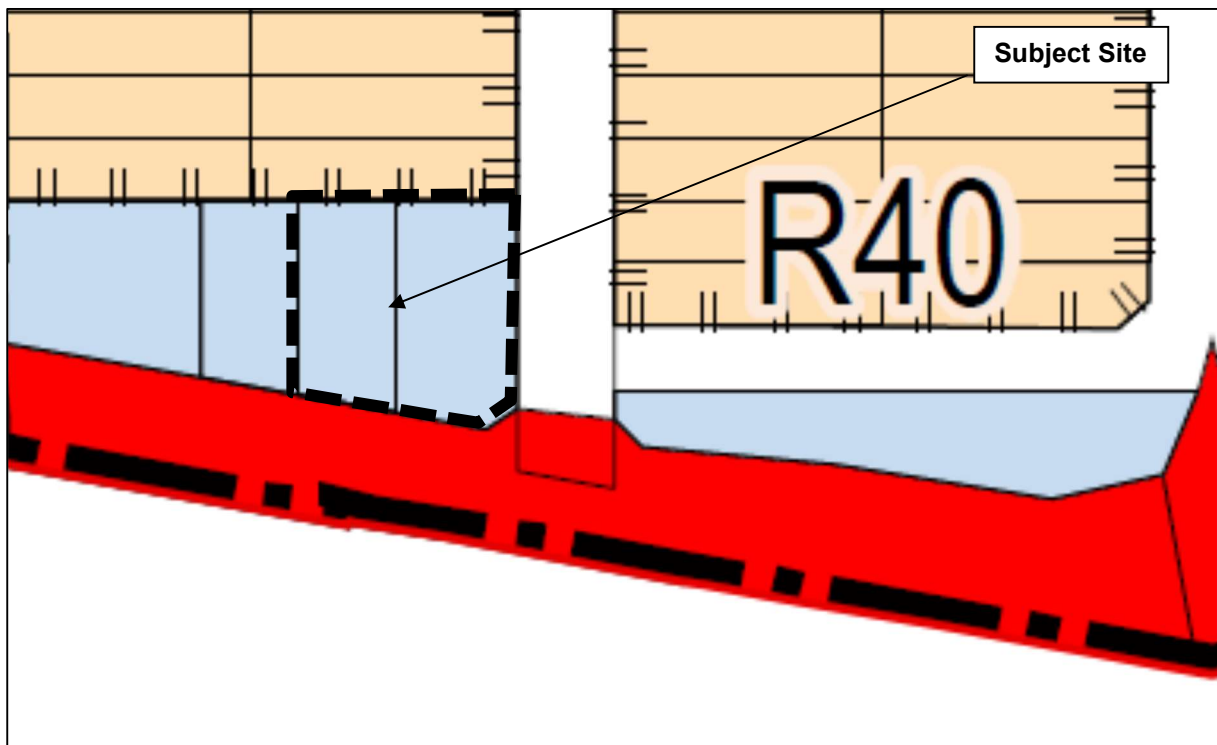
## 4.1 METROPOLITAN REGION SCHEME

The subject land is zoned “Urban” under the Metropolitan Region Scheme (**MRS**) and fronts Great Eastern Highway which is a “Primary Regional Roads” Reserve.

## 4.2 SHIRE OF MUNDARING LOCAL PLANNING SCHEME 4

### 4.2.1 Zoning & Land Use

The subject land is zoned “Service Commercial” in the Shire of Mundaring Local Planning Scheme No.4 (LPS4) as shown in **Figure 2** below. Land to the north and north-east is zoned “Residential R40”.



**Figure 2:** LPS4 Zoning Map

Clause 4.2.7 of LPS4 sets out the objectives for the “Service Commercial” zone, as follows:

- (a) *To provide for a range of commercial activities which, by reason of the scale or the nature of the business require good visibility and vehicular access and/or larger sites, and are not generally appropriate within the Town Centre or Local Centre zones.*
- (b) *To ensure a high standard of development and to maintain the visual amenity of the area as seen from public roads, particularly important local roads or highways.*

The proposed development accords with the objectives of the “Service Commercial” zone.

Under LPS4, a “Service Station” use is defined as:

*“service station” means premises used for the retail sale of petroleum products and motor vehicle accessories and may include:*

*(a) the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and/or*

*(b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles,*

*but does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking.*

A “Service Station” use is a “D” (Discretionary) use in the “Service Commercial” zone, as set out in Table 1 (Zoning Table) of LPS4. Accordingly, the proposed development is capable of approval.

#### 4.2.2 Development Requirements for All Zones

Clause 5.7 of LPS4 sets out a range of development requirements for various zones.

It should be noted that Clause 5.5 of LPS4 provides discretion to vary the site and development standards prescribed in LPS4.

**Table 4** below provides an assessment of the relevant development requirements under LPS4.

**Table 4: Development Requirements**

Development Requirements of LPS4	Response
<p><i>5.7.6 Stormwater Drainage</i></p> <p><i>5.7.6.1 Subdivision and development shall employ water sensitive urban design approaches to stormwater drainage. Any subdivision or development which increases the area of impermeable surfaces or which otherwise reduces stormwater recharge of groundwater systems, is to utilise best management practices to effect the retention of stormwater within the development area so as to:</i></p> <p><i>(a) minimise as far as practicable changes to both the rate and quantity of direct stormwater discharge from the site; and</i></p> <p><i>(b) prevent the export of water borne pollutants (including sediment load and nutrients).</i></p>	<p>A Stormwater Management Plan has been prepared by JCCE for the proposed development – refer <b>Annexure 6</b>.</p>
<p><i>5.7.6.2 Subdivision and development shall be consistent with the relevant recommendations of Better Urban Water Management, published by the Commission, as applicable, and with any subsequent guideline or policy of the Commission relating to urban water management. Subdivision and development shall also be consistent</i></p>	<p>A Stormwater Management Plan has been prepared by JCCE for the proposed development – refer <b>Annexure 6</b>.</p>

Development Requirements of LPS4	Response
<i>with any guidelines and/or policy regarding stormwater drainage adopted by the Shire.</i>	
<p><b>5.7.7 Effluent Disposal</b></p> <p><i>5.7.7.1 Where access to a reticulated sewerage system is not available, on-site effluent disposal facilities are to be provided to treat and dispose of any effluent generated on the site. Soil permeability, nutrient retention characteristics, soil microbial purification ability, slope and distance to groundwater and surface water must be demonstrated to be appropriate for the proposed system.</i></p>	The proposed development will be connected to a reticulated sewer service.
<p><b>5.7.8 Landscaping Requirements</b></p> <p><i>5.7.8.1 Unless otherwise approved by the Shire, landscaping shall be provided as a component of all commercial and industrial development.</i></p>	10% of the site area is provided as landscaping. A Landscaping Plan is provided – refer <b>Annexure 3</b> .
<p><i>5.7.8.2 The area, distribution and type of landscaping of individual sites required by this Scheme shall be determined in the context of each proposed development, but shall be generally in accordance with the following principles:</i></p> <p><i>(a) except where used for driveways or pedestrian pathways, or where a building has a lesser setback, a 3 m wide strip of land abutting all street frontages shall be landscaped;</i></p> <p><i>(b) landscaping shall consist primarily of local indigenous and low water-use species (with the exception of environmental weeds);</i></p> <p><i>(c) the required landscaping shall be visible from the adjacent street(s) or public places;</i></p> <p><i>(d) landscaping should complement the design of building facades;</i></p> <p><i>(e) consideration should be given to the desirability of integrating landscape planting with stormwater management in order to achieve best practice water sensitive design outcomes;</i></p> <p><i>(f) consideration should be given to the desirability of providing shade trees within or adjacent to the development so as to improve the microclimate for users of the site; and</i></p> <p><i>(g) safe and convenient pedestrian access to and within the development site shall be provided or maintained.</i></p>	<p>Landscaped areas are provided for on the site.</p> <ul style="list-style-type: none"> <li>• Landscaping areas will be visible from the adjacent streets.</li> <li>• Landscaping areas will include shade trees.</li> <li>• Pedestrian access has been provided.</li> </ul>
<p><b>5.7.11 Preservation of Amenity</b></p> <p><i>5.7.11.1 A development requiring planning approval under this Scheme shall not be approved if, in the opinion of the Shire, the proposed materials, design, colour(s), texture(s) or reflectivity of such development would unreasonably adversely impact on the visual amenity of the locality.</i></p>	The proposed materials, design, colour and texture of the proposed development are not anticipated to unreasonably adversely impact on the visual amenity of the locality.
<p><b>5.7.15 Land abutting Great Eastern Highway</b></p> <p><i>Notwithstanding other provisions in the Scheme relating to development setbacks, the minimum setback for all buildings to Great Eastern Highway shall be:</i></p>	The proposed fuel canopy associated with the Service Station is set back a minimum of 7.807m to Great Eastern

Development Requirements of LPS4	Response
<p>(a) 15 m; or  (b) as otherwise specified in this scheme, whichever is the greater. However, within the Town Centre and Local Centre zones, the Shire may vary the requirements of this provision, having regard to clauses 5.12.2 and 5.13.3.</p>	<p>Highway at its closest point, extending out to a setback of 11.759m. This is less than the 15m setback prescribed by Cl 5.7.15 of LPS4, however, the Shire/JDAP has discretion to approve a reduced setback (provided for in Clause 5.5 of LPS4). The existing approval for a Service Station (approved in July 2021) also involved a reduced setback to the fuel canopy (12.8m setback).</p>
<p><b>5.7.16 Building Height</b>  The maximum height of any building within the Scheme area shall be 10 m, unless otherwise specified in the Scheme, an adopted Structure Plan or adopted Precinct Plan.</p>	<p>The tallest component of the proposed development is the blade wall of the convenience store building which is 7.65m high, below the 10m height limit.</p>
<p><b>5.7.20 Vehicle Parking</b>  5.7.20.1 The car parking requirements for various land uses are set out in Table 2 below. Unless otherwise approved by the Shire, car parking spaces shall be provided for a use in accordance with the requirements of Table 2.</p>	<p>Table 2 of LPS4 does not set out a specific car parking requirement for a “Service Station” land use and accordingly, the requirement will be at the Shire’s discretion (see Cl 5.7.20.5).</p>
<p>5.7.20.5 Where a particular use of land is proposed that is not specified in Table 2, the car parking requirement for the use shall be at the Shire’s discretion.</p>	<p>The proposed development will provide 13 marked bays, 4 EV charging bays, plus opportunity for cars to remain parked at the bowser, plus drive thru queue space, which reduces pressure on ordinary marked car parking bays.</p> <p>In addition, there are four (4) on-street car parking bays that already exist the verge of Victoria Parade that will be slightly modified (given the proposed new consolidated crossover).</p> <p>Accordingly, it is considered that the proposed “Service Station” use is adequately provided with car parking opportunities.</p>
<p><b>5.7.22 Vehicular Access to Major Roads</b>  5.7.22.1 Vehicular access points to and from Great Eastern Highway from any development shall be limited as far as practicable. The Shire shall encourage shared access arrangements between properties, and access to and from secondary streets, as appropriate, to avoid or minimise vehicular access points to and from Great Eastern Highway.</p>	<p>No direct access to Great Eastern Highway is proposed to the development site.</p> <p>A consolidated crossover is proposed to Victoria Parade (secondary street), together with shared access arrangements to the neighbouring property to the west, which will be retained and likely imposed under a planning approval condition (as was enforced under the previous Service Station approval (Condition 12), and under the Amalgamation Approval granted by the WAPC in March 2021 (WAPC: 160244)).</p>

Development Requirements of LPS4	Response
<p><b>5.7.23 Loading areas</b></p> <p><i>5.7.23.1 Any commercial, industrial or other use which requires separate access for service vehicles shall be provided with an adequate area, separate from car parking areas, for loading and unloading of vehicles. Any such loading areas shall be located so as to allow vehicles to enter and leave the site from/to a public road in forward gear, with vehicular entrances and exits located so as to avoid or minimise traffic hazards.</i></p>	<p>The proposed development has a refuse store accessible from the rear of the site away from car parking areas. The TIA (<b>Annexure 4</b>) provides a swept path for a 12.50m service vehicle, demonstrating entry and exit movement in forward gear.</p>
<p><b>5.7.25 Drive-through businesses</b></p> <p><i>5.7.25.1 A drive-through business shall require provision of adequate queuing spaces for vehicles on the site of that use. A minimum of four queuing spaces shall be provided or as otherwise specified by the Shire.</i></p>	<p>The proposed drive-thru component of the Service Station is an ancillary use and not a separate, standalone use. The purpose of the drive-thru is for coffee and other pre-packaged goods available in the store. The drive-thru facility provides adequate queue spaces well in excess of the minimum of four queue spaces prescribed by this clause. There is the possibility to accommodate 10 cars in the drive thru queue lane.</p>
<p><b>5.7.26 Service Stations</b></p> <p><i>Any Service Station shall comply with the following requirements:</i></p> <p><i>(a) any vehicular crossover from a road reserve shall be:</i></p> <p><i>i) a maximum of 11 m wide; and</i></p> <p><i>ii) a minimum of 15 m from a road intersection;</i></p> <p><i>(b) inlets to bulk fuel storage tanks shall be situated so as to ensure that fuel tankers, while discharging fuel into those tanks, stand wholly within the Service Station site; and</i></p> <p><i>(c) fuel pumps shall be set back a minimum of 3 m from any lot boundary abutting a road reserve.</i></p>	<p>The proposed Service Station will involve a 8.637m wide crossover to Victoria Parade located 18.263m from the truncation of the site with Great Eastern Highway, in accordance with this clause.</p> <p>Fuel tankers, when delivering fuel to the service station, will be wholly situated within the site during filling activities, as shown in the swept path drawings (Appendix B of the TIA at <b>Annexure 4</b>).</p> <p>The fuel bowsers are set well back from road reserve boundaries (approx 9m from Great Eastern Highway boundary).</p>
<p><b>5.7.30 Light overspill</b></p> <p><i>Floodlights, spotlights and all other forms of lighting shall be constructed, oriented and controlled so as not to:</i></p> <p><i>(a) adversely impact on the amenity of any adjacent residents; or</i></p> <p><i>(b) cause a traffic hazard in the adjacent road network.</i></p>	<p>Potential sources of light spill from the proposed development are primarily from the lighting of the fuel canopy, the retail building, and any external lights in the forecourt or perimeter of the development site.</p> <p>Lighting proposed within the canopies will be inset and orientated internally to ensure light spill is contained within the site.</p> <p>It is not anticipated that light sources from the proposed development will affect residential dwellings, due to the orientation of the proposed development.</p> <p>A service station development has already been approved on the land with</p>



<b>Development Requirements of LPS4</b>	<b>Response</b>
	<p>a condition imposed requiring floodlights to be located and angled to minimise light spill onto adjoining land.</p> <p>Further, it is a requirement to comply generally with Australian Standard AS4282 – Control of Obtrusive Effects of Outdoor Lighting, and the final design of lighting (and ultimate operation) will be regulated by AS4282.</p>
<p><i>5.7.28 Primary and secondary streets</i>  <i>Where development is proposed on a corner lot, the Shire shall determine which street is the primary street and which is the secondary street.</i></p>	<p>The proposed development is proposed on a corner lot. The development has been designed with Great Eastern Highway being the primary street and Victoria Parade being the secondary street.</p>
<p><i>5.7.33 Advertising</i>  <i>Advertising, not otherwise exempt under Schedule 5, must:</i>  <i>(a) not detract from or erode the visual qualities and character of a particular locality and/or transport corridor; and</i>  <i>(b) be associated with the operation or business on the subject site; and</i>  <i>(c) not be misleading or dangerous; and</i>  <i>(d) be of a size and scale that is proportionate to the realistic needs of local commerce in the locality; and</i>  <i>(e) be designed to minimise visual clutter.</i></p>	<p>The proposed signage is consistent with many other service station developments, including the existing service station approval which included a condition limiting the size of the pylon sign to 9m in height.</p> <p>The proposed Service Station involves a 9m high pylon sign, together with normal wall signage on the building and the fuel canopy.</p>

#### **4.2.3 Development Requirements for the Service Commercial Zone**

Clause 5.14 of LPS4 sets out a range of development requirements specifically for development in the “Service Commercial” zone.

**Table 5** below provides an assessment of the relevant development requirements under LPS4.

**Table 5: Development Requirements for the Service Commercial Zone**

<b>Development Requirements of LPS4</b>	<b>Response</b>
<p><i>5.14.2 Site coverage and plot ratio</i>  <i>Development within the Service Commercial zone shall have a maximum site coverage of 50% and a maximum plot ratio of 0.5.</i></p>	<p>The proposed development has a site coverage less than 50% and a plot ratio less than 0.5, and therefore, complies.</p>
<p><i>5.14.3 Development setbacks</i>  <i>The following minimum setbacks apply to development within the Service Commercial zone:</i>  <i>Primary street: 3 m (5 m on corner lots)</i>  <i>Secondary street: 3 m</i>  <i>Side: Nil</i></p>	<p>The proposed development has a setback to Great Eastern Highway of 7.807m to the fuel canopy (open structure), with the convenience store building set well back from Great Eastern Highway.</p>

Development Requirements of LPS4	Response
<p>Rear: Nil Great Eastern Highway: 15 m</p>	<p>The reduced setback to Great Eastern Highway is considered acceptable given the fuel canopy is an open structure which can be parked under for the purpose of refuelling.</p> <p>The reduced setback is capable of approval under the discretion afforded by Clause 5.5 of LPS4.</p> <p>The convenience store building is set back 5.665m from Victoria Parade (secondary street) and is compliant.</p>
<p>5.14.4 Building Materials</p> <p>5.14.4.1 Each facade or wall of a building facing any street or public place shall be constructed of, or finished so as to appear to be constructed of, brick, stone, concrete or glass, or a combination of these materials, or similar material as approved by the Shire, to a minimum height of 3 m above finished ground level.</p>	<p>The proposed materials associated with the Service Station including brick, clad paneling, glass and concrete tilt-up panels, achieving a minimum height of 3m above finished ground level.</p>
<p>5.14.5 Use of setback areas from streets</p> <p>The building setback area from any street alignment shall only be used for one or more of the following:</p> <p>(a) vehicular and pedestrian access;</p> <p>(b) car parking for employees, customers or visitors;</p> <p>(c) landscaping; and</p> <p>(d) advertising signage approved by the Shire or exempted from requiring approval of the Shire by this Scheme or the Shire's Signs Local Law.</p> <p>The building setback area shall not be used for repair or dismantling of vehicles, nor for storage purposes.</p>	<p>Setback areas will be used for vehicular and pedestrian access, car parking, landscaping, signage.</p>
<p>5.14.6 Bin storage areas</p> <p>Bin storage areas shall be provided for all development. Such areas shall be:</p> <p>(a) located so as to be readily accessible by service vehicles;</p> <p>(b) of sufficient size to accommodate rubbish generated by the use(s) on each property in the interval between rubbish collections; and</p> <p>(c) effectively screened from view from any street, public place and any adjacent residence.</p>	<p>The proposed bin store area will be enclosed and gated is located at the rear of the site, accessible from the rear laneway. This area is readily accessible by service vehicles (as demonstrated in swept paths) and is away from streets, out of view.</p>

#### 4.2.4 Matters to be Considered

Clause 67 - Part 2 - Schedule 2 (**Deemed Provisions**) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) outlines matters to be given due regard by local government when assessing development applications.

**Table 6** below provides an assessment against matters relevant to this proposal.

**Table 6: Matters to be Considered**

Relevant Matters to be Considered	Response
(a) <i>The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;</i>	<p>The proposed use and development is consistent with the aims and provisions of the Shire's LPS4 for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposal seeks approval for a land use which is capable of approval in the "Service Commercial" zone as a "D" Discretionary use.</li> <li>• The proposed development is in general compliance with the provisions of LPS4.</li> <li>• The proposed development will improve the amenity of the site.</li> <li>• There is an existing approval for a "Service Station" development on the land.</li> </ul>
(b) <i>The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;</i>	<p>This report demonstrates the proposed development is in general compliance with the local planning framework applicable to the subject site.</p>
(c) <i>Any approved State Planning Policy</i>	<p>This report demonstrates the proposed development is in compliance with the relevant State Planning Policies.</p>
(d) <i>Any environmental protection policy approved under the Environmental Protection Act 1986 section 31 (d);</i>	<p>This report demonstrates compliance with relevant Environmental policies.</p>
(e) <i>Any policy of the Commission</i>	<p>This matter is not relevant to this proposal.</p>
(f) <i>Any policy of the State</i>	<p>This matter is not relevant to this proposal.</p>
(fa) <i>Any local planning strategy for this Scheme endorsed by the Commission</i>	<p>The Shire of Mundaring Local Planning Strategy (2013) formulated the preparation of LPS4 (gazetted in 2014).</p> <p>Accordingly, it is considered that the proposed development aligns with the objectives of the Shire's Local Planning Strategy.</p>
(g) <i>Any local planning policy for the Scheme area;</i>	<p>This report demonstrates the proposed development is in general compliance with the relevant local planning policies applicable.</p>
(h) <i>Any structure plan or local development plan that relates to the development.</i>	<p>This matter is not relevant to this proposal.</p>
(i) <i>Any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015.</i>	<p>This matter is not relevant to this proposal.</p>

Relevant Matters to be Considered	Response
(j) <i>In the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve.</i>	This matter is not relevant to this proposal as the subject land is not reserved under the Scheme.
(k) <i>The built heritage conservation of any place that is of cultural significance.</i>	This matter is not relevant to this proposal.
(l) <i>The effect of the proposal on the cultural heritage significance of the area in which the development is located.</i>	This matter is not relevant to this proposal.
(m) <i>The compatibility of the development with its setting, including -</i> (i) <i>the compatibility of the development with the desired future character of its setting; and</i> (ii) <i>the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</i>	The proposed development is entirely compatible with its setting for the following reasons: <ul style="list-style-type: none"> <li>• The proposed development is suitably located within a service commercial locality.</li> <li>• The scale of the development does not impact any adjacent properties.</li> <li>• There is an existing Service Station approval for the subject land indicating that such a use is appropriate for the site.</li> </ul> Having regard to the above, the nature of the proposed development is entirely compatible with its surroundings.
(n) <i>The amenity of the locality including the following –</i> (i) <i>Environmental impacts of the development;</i> (ii) <i>The character of the locality;</i> (iii) <i>Social impact of the development;</i>	<u>Environmental Impacts:</u> The proposed development is not anticipated to result in any adverse environmental impacts. <u>Character of the Locality:</u> The proposed development will not affect the character of the locality. <u>Social Impacts:</u> The proposed development will not have any adverse social impacts on the surrounding locality, but will provide a positive social impact through the creation of jobs through construction and operation of the facility.
(o) <i>The likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource.</i>	The proposal is supported with a Stormwater Management Plan (Annexure 6) to demonstrate how stormwater is collected and treated.
(p) <i>whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.</i>	Adequate areas of landscaping will be provided on the site, comprising 10% of the site area (refer Landscaping Plan at <b>Annexure 3</b> ). No vegetation or trees that are worthy of protection exist on the land currently.
(q) <i>the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence landslip, bush fire, soil erosion, land degradation or any other risk.</i>	A Stormwater Management Plan has been prepared for the development ( <b>Annexure 6</b> ).

Relevant Matters to be Considered	Response
(r) <i>The suitability of the land for the development taking into account the possible risk to human health or safety.</i>	This matter is not relevant to this proposal.
(s) <i>The adequacy of –</i> (i) <i>the proposed means of access to and egress from the site; and</i> (ii) <i>arrangements for the loading, unloading, manoeuvring and parking of vehicles;</i>	As outlined in this Report and the supporting Transport Impact Assessment (TIA) prepared by Transcore ( <b>Annexure 4</b> ), the proposed access arrangements to and from the site are satisfactory. The development has been appropriately designed, including appropriate arrangements for loading, unloading, manoeuvring and parking of vehicles, as well as fuel tanker movements.
(t) <i>The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;</i>	The Transport Impact Assessment ( <b>Annexure 4</b> ) addresses this matter.
(u) <i>the availability and adequacy for the development of the following –</i> (i) <i>public transport services;</i> (ii) <i>public utility services;</i> (iii) <i>storage, management and collection of waste;</i> (iv) <i>access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);</i> (v) <i>access by older people and people with disability;</i>	The Transport Impact Assessment ( <b>Annexure 4</b> ) addresses these matters.
(v) <i>The potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses.</i>	No loss of any community service or benefit is expected to occur as a result of the proposed development.
(w) <i>The history of the site where the development is to be located.</i>	The only relevant historical consideration of the site is that there is an existing Service Station approval granted (2021).
(x) <i>The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals.</i>	Given that a service station has been approved before, it is considered that there is no impact of the development on the community.
(y) <i>Any submissions received on the application.</i>	The Shire can advertise the application for public comment and assess any relevant submission made.
(za) <i>The comments or submissions received from any authority consulted under clause 66.</i>	The Shire can refer the application to any authority it considers appropriate, and to assess any relevant submissions/comments made.
(zb) <i>Any other planning consideration the local government considers appropriate.</i>	The Shire can determine whether there are any other planning considerations that are relevant. The existing Service Station approval for the subject land is a relevant planning consideration.

Having regard to **Table 6** above, the proposal appropriately addresses the relevant matters to be given due regard as set out in the Deemed Provisions.

## 4.3 LOCAL PLANNING POLICIES

### 4.3.1 Local Planning Policy 3.1 - Public Art

The Shire's LPP3.1 – Public Art applies to the proposed development, as it involves a cost of development of \$2.5 million.

Accordingly, it is anticipated that a standard condition of development approval will be imposed requiring the developer to provide public art or provide a cash contribution, to the value of 1% of the development cost.

## 4.4 STATE PLANNING POLICIES

### 4.4.1 WAPC SPP 7.0 – Design of the Built Environment

**Table 7** below provides a response to the Design Principles of State Planning Policy 7.0 Design of the Built Environment (**SPP7.0**).

**Table 7: Assessment of Design Principles of SPP7.0**

SPP 7.0 Design Principles	Response
<p><b>1. Context and character</b>  <i>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</i></p>	<p>The proposed development/use is consistent with the existing highway commercial context and is comparable with the existing approved development.</p> <p>The development of the site will improve the amenity of the locality, by incorporating well-designed built form (together with landscaped setting).</p>
<p><b>2. Landscape quality</b>  <i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</i></p>	<p>Service Station developments are often harsh environments for landscaping, however the development incorporates landscaping areas where possible, including the planting of shade trees.</p>
<p><b>3. Built form and scale</b>  <i>Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.</i></p>	<p>The form and scale of the proposed development is appropriate for the use and location.</p> <p>The built form includes a range of building materials which provide a high quality outcome.</p>
<p><b>4. Functionality and build quality</b>  <i>Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.</i></p>	<p>The development has been designed to be highly functional, with a range of car-based uses such as a convenience store, drive thru facility, fuel sales, EV charging, and vacuum facilities.</p> <p>The design of the development is aimed at providing user efficiency.</p>

SPP 7.0 Design Principles	Response
<p><b>5. Sustainability</b>  <i>Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.</i></p>	<p>The proposed buildings and canopies are designed to support PV (Solar) Panels, and the development also provides EV charging stations.</p> <p>The proponent is investigating opportunity for utilising recycled asphalt/concrete for the hardstand areas.</p>
<p><b>6. Amenity</b>  <i>Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.</i></p>	<p>The development will improve the amenity of the locality and provides an environment that is universally accessible.</p> <p>The convenience function of the development itself is considered to provide a new amenity to the locality.</p>
<p><b>7. Legibility</b>  <i>Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.</i></p>	<p>The proposed vehicle access arrangements from Victoria Parade as well as utilising existing cross access arrangements with the property to the west provide for easily legible entry and exit movements. Similarly, access to the drive thru is easily identifiable.</p> <p>A footpath is proposed along the frontage of the convenience store and will connect with a new proposed footpath in the verge of Victoria Parade which is intended to link with the existing footpath in Great Eastern Highway. This will provide a clear connection and identifiable link to assist people to find their way around.</p>
<p><b>8. Safety</b>  <i>Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.</i></p>	<p>The building design maximises opportunities for casual surveillance over the forecourt area through large windows and the main entrance to the convenience store building. The car park and forecourt is in full view of the adjacent road ways, which optimises the safety and security of the facility.</p> <p>The entire facility will be appropriately lit and will operate 24/7.</p>
<p><b>9. Community</b>  <i>Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.</i></p>	<p>The development is specifically designed for convenience of the local community, enabling a venue which provides goods and services 24/7 and responds to a growing need in the area.</p> <p>It is a well-placed addition which will add to the diversity and choice of convenience stores / service stations in the locality and puts less pressure on other facilities in the area.</p>
<p><b>10. Aesthetics</b>  <i>Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.</i></p>	<p>The proposed building and fuel canopy have been architecturally designed with a range of materials and colours.</p>

As a result, it is considered that the proposed development complies with the Design Principles of SPP7.0.

#### 4.5 ENVIRONMENTAL PROTECTION AUTHORITY GUIDANCE STATEMENT NO. 3 – SEPARATION DISTANCES BETWEEN INDUSTRIAL & SENSITIVE LAND USES

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

With respect to fuel facilities that are intended for 24-hour operation, the EPA Guidance Statement identifies potential impacts as gaseous, noise, odour and risk, and recommends a generic buffer distance of 200m to sensitive land uses. These recommended buffer distances are not absolute separation distances, but are instead default provisions in the absence of site specific technical assessment.

Residential areas exist to the north and north-east of the site, along Victoria Parade.

**Table 8** below provides an assessment of the potential impacts from the operation of the proposed Service Station and provides justification to demonstrate the appropriateness of the development on the subject site.

It should also be noted that a Service Station development has already been approved on the subject land, demonstrating that such a proposal meets the EPA Guidance Statement.

**Table 8: Mitigation of Potential Amenity or Environmental Impacts**

Issue	Response
<b>Noise</b>	<p>It is common for Service Stations to be located either opposite or directly adjoining residential properties.</p> <p>Transmission of noise in these circumstances is not an issue, and noise generated from a fuel facility is generally consistent with other similar commercial uses.</p> <p>A comprehensive Environmental Noise Assessment has been prepared to address noise issues, and it has been concluded that the site will comply with the Environmental Protection (Noise) Regulations (refer <b>Annexure 5</b>).</p>
<b>Risk</b>	<p>As the proposed Service Station provides for the retail sale of fuel, the operator must obtain a Dangerous Goods Storage and Handling Licence to store and sell fuel on the site. The Licence application is made post planning approval.</p> <p>Accordingly, Risk can be appropriately managed through the Dangerous Goods Storage and Handling licence requirements.</p>
<b>Odour / Gaseous</b>	<p>The underground fuel storage tanks will be equipped with a vapour recovery system which ensures that all petrol vapours from the underground tanks are drawn back into the fuel tanker at the time of fuel delivery. This enables the returned vapours to be recondensed into liquid.</p> <p>The Dangerous Goods Licencing process also assesses the likely impact of vapours/odours. Accordingly, the assessment of odour/gaseous issues is appropriately addressed and managed through the Dangerous Goods Licencing process.</p>
<b>Lighting</b>	<p>Potential sources of light spill from the proposed development will primarily be from the lighting of the fuel canopy, the retail building, and any external lights in the forecourt or perimeter of the development site.</p>



Issue	Response
	<p>Lighting proposed within the fuel canopy will be inset and orientated internally to ensure light spill is contained within the site.</p> <p>It is not anticipated that light sources from the proposed development will affect residential dwellings.</p> <p>A service station development has already been approved on the land with a condition imposed requiring lighting to be located and angled away to avoid light spill.</p> <p>Further, it is a requirement to comply generally with Australian Standard AS4282 – Control of Obtrusive Effects of Outdoor Lighting, and the final design of lighting (and ultimate operation) will be regulated by AS4282.</p>

As demonstrated in Table 8 above, the proposed Service Station has been appropriately designed and sited to mitigate any potential amenity and environmental impacts on nearby sensitive (residential) land uses. Accordingly, a lesser separation distance has been demonstrated to be acceptable.

Further, it should be recognised that a similar Service Station development has already been approved on the land, and these issues would have been considered previously.

## 5.0 CONCLUSION

Hidding Urban Planning seeks Development Approval for a proposed OTR Service Station Development at Lot 95 (#323) Great Eastern Highway, Midvale.

In summary, the proposed development warrants approval for the following reasons:

- The proposed development is generally compliant with the development standards and requirements of the Shire of Mundaring Local Planning Scheme No. 4;
- The proposed “Service Station” use capable of approval in the “Service Commercial” zone as a “D” Discretionary use and is appropriate for the site and location;
- The proposed development is an appropriate use and development form on Great Eastern Highway;
- The proposed development will provide increased services to the Midvale locality;
- The proposed development provides for the redevelopment of the existing site, which is currently an underutilised showroom site;
- The proposed development is supported by a range of expert technical reports, demonstrating that all relevant technical issues have been considered and addressed; and
- There is an existing Development Approval for the land for the purpose of a similar Service Station development, which recognises the site as being generally suitable for the proposed new development being sought.

Having regard to the above, the proposed OTR Service Station Development should be supported and approved.

For these reasons, and in light of the assessment contained within this report, we respectfully request that the Shire of Mundaring have regard to the merits and broader benefits of the proposal when undertaking its assessment of the application, and to recommend approval to the Metro Outer JDAP, subject to reasonable conditions.

# Hidding.

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# **ANNEXURES**

**ANNEXURE 1**  
CERTIFICATE OF TITLE

# **ANNEXURE 2**

## DEVELOPMENT PLANS

# **ANNEXURE 3**

## LANDSCAPING PLAN

# **ANNEXURE 4**

## TRANSPORT IMPACT ASSESSMENT



# **ANNEXURE 5**

## ENVIRONMENTAL NOISE ASSESSMENT

# **ANNEXURE 6**

## STORMWATER MANAGEMENT PLAN