



Metro Outer Joint Development Assessment Panel Agenda

Meeting Date and Time: Friday, 7 May 2021; 9:30am
Meeting Number: MOJDAP/84
Meeting Venue: City of Rockingham
Civic Boulevard, Rockingham

1 Table of Contents

1. Opening of Meeting, Welcome and Acknowledgement	2
2. Apologies.....	2
3. Members on Leave of Absence	2
4. Noting of Minutes	2
5. Declarations of Due Consideration	3
6. Disclosure of Interests.....	3
7. Deputations and Presentations.....	3
8. Form 1 – Responsible Authority Reports – DAP Applications	4
8.1 Lot 265 (40) Talisker Bend, Golden Bay	4
9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval	4
Nil	4
10. State Administrative Tribunal Applications and Supreme Court Appeals ..	4
11. General Business	5
12. Meeting Closure	5



Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Ms Sheryl Chaffer (Deputy Presiding Member)
Mr John Taylor (A/Third Specialist Member)
Cr Mark Jones (Local Government Member, City of Rockingham)
Cr Lorna Buchan (Local Government Member, City of Rockingham)

Officers in attendance

Mr David Banovic (City of Rockingham)
Mr Michael Ross (City of Rockingham)
Mr James Henson (City of Rockingham)

Minute Secretary

Ms Nicole D'Alessandro (City of Rockingham)

Applicants and Submitters

Mr Peter Franklin (Department of Health)
Mr Oliver Basson (Planning Solutions)
Mr Josh Watson (Planning Solutions)
Mr Lukas Weeks (Leyton Property)
Mr Benham Bordbar (Transcore)
Mr Tom Carmody (Toma Hawk Property)
Mr Regan Harray (7 Eleven)
Mr Nic Preston (HCP Architect)
Mr Liam Richer (Cadre Engineering)
Ms Nikki Bombak

Members of the Public / Media

Nil.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declares the meeting open and acknowledges the traditional owners and pay respects to Elders past and present of the land on which the meeting is being held.

2. Apologies

Mr Jason Hick (Third Specialist Member)
Cr Deb Hamblin (Local Government Member, City of Rockingham)

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

The Presiding Member notes an addendum to the agenda was published to include details of a DAP request for further information and responsible authority response in relation to Item 8.1, received on 5 May 2021.

Any member who is not familiar with the substance of any report or other information provided for consideration at the DAP meeting must declare that fact before the meeting considers the matter.

6. Disclosure of Interests

Member	Item	Nature of Interest
Cr Lorna Buchan	8.1	Impartiality Interest – Under clause 2.4.9 of the DAP Code of Conduct, I participated in the prior Council decision in accordance with my functions as a member of a local government. However, under section 2.1.2 of the DAP Code of Conduct, I acknowledged that I am not bound by any previous decision or resolution of the local government. I undertake to exercise independent judgment in relation to any DAP application before me, which I will consider on its planning merits.
Cr Mark Jones	8.1	Impartiality Interest – Under clause 2.4.9 of the DAP Code of Conduct, I participated in the prior Council decision in accordance with my functions as a member of a local government. However, under section 2.1.2 of the DAP Code of Conduct, I acknowledged that I am not bound by any previous decision or resolution of the local government. I undertake to exercise independent judgment in relation to any DAP application before me, which I will consider on its planning merits.

7. Deputations and Presentations

- 7.1** Ms Nikki Bombak presenting in support of the recommendation for the application at Item 8.1. The presentation will address the chronic health effects that the development poses to the residents and people who attend the sensitive land use areas within the buffer zone of the location. Specifically, the adverse effects of benzene.
- 7.2** Mr Lukas Weeks (Leyton Property) presenting against the recommendation for the application at Item 8.1. The presentation will address outline the merits of the proposal, give a background into Leyton Property and the commercial/operational aspects of the development.



- 7.3** Mr Benham Bordbar (Transcore) presenting against the recommendation for the application at Item 8.1. The presentation will address the merits of the proposal from a traffic engineering and traffic safety perspective, specifically addressing reason for refusal No.4.
- 7.4** Mr Liam Richer (Cadre Engineering) presenting against the recommendation for the application at Item 8.1. The presentation will address the EPA separation distances and the merits of the proposal from a dangerous goods licensing perspective.
- 7.5** Mr Josh Watson (Planning Solutions) presenting against the recommendation for the application at Item 8.1. The presentation will address speaking in support of the proposed development from a planning perspective and addressing the four reasons for refusal.

The City of Rockingham may be provided with the opportunity to respond to questions of the panel, as invited by the Presiding Member.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 265 (40) Talisker Bend, Golden Bay

Development Description: Mixed commercial development
Applicant: Planning Solutions
Owner: Peet Golden Bay
Housing Authority
Responsible Authority: City of Rockingham
DAP File No: DAP/21/01952

9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval

Nil

10. State Administrative Tribunal Applications and Supreme Court Appeals

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/19/01708 DR 138/2020	City of Kwinana	Lot 108 Kwinana Beach Road, Kwinana	Proposed Bulk Liquid Storage for GrainCorp Liquid Terminals	01/07/2020
DAP/01729 DR 176/2020	City of Kalamunda	Lot 130 (74) Warlingham Drive, Lesmurdie	Aged Residential Care Facility	28/8/2020
DAP/20/01764 DR 204/2020	City of Swan	Lot 780 (46) Gaston Road, Bullsbrook	Proposed Stock Feed Grain Mill	8/09/2020



Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/20/01829 DR 001/2021	City of Swan	Lot 1 (42) Dale Road & Lot 4 (43) Yukich Close, Middle Swan	Aged care and community purpose	08/01/2021

11. General Business

In accordance with Section 7.3 of the DAP Standing Orders 2020 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.

12. Meeting Closure

LOT 265 (NO.40) TALISKER BEND, GOLDEN BAY - MIXED COMMERCIAL DEVELOPMENT

Form 1 – Responsible Authority Report (Regulation 12)

DAP Name:	Metro Outer Joint Development Assessment Panel	
Local Government Area:	City of Rockingham	
Applicant:	Planning Solutions	
Owner:	Peet Golden Bay Housing Authority	
Value of Development:	\$3 million <input type="checkbox"/> Mandatory (Regulation 5) <input checked="" type="checkbox"/> Opt In (Regulation 6)	
Responsible Authority:	City of Rockingham	
Authorising Officer:	Mr Bob Jeans, Director Planning & Development Services	
LG Reference:	DD020.2021.00000031.001	
DAP File No:	DAP/21/01952	
Application Received Date:	2 February 2021	
Report Due Date:	28 April 2021	
Application Statutory Process Timeframe:	90 Days	
Attachment(s):	<p>Attachment 1 Additional Information Submitted (a) Response to Submissions (b) Technical Note (c) Updated Development Plans (d) Traffic Letter</p> <p>Attachment 2 Schedule of Submissions</p> <p>Attachment 3 Council Meeting Minutes dated 27 April 2021</p> <p>Attachment 4 Golden Bay Structure Plan Map</p> <p>Attachment 5 Subdivision Plan</p>	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	<input type="checkbox"/> Yes <input type="checkbox"/> N/A	Complete Responsible Authority Recommendation section
	<input checked="" type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections

Responsible Authority Recommendation

That the Metro Outer Joint Development Assessment Panel resolves to:

REFUSE Development Assessment Panel reference DAP/21/01952 and accompanying plans (attachment 1 (c)):

- Site Plan, Revision L dated 25.03.2021;
- Floor Plans, Revision L dated 25.03.2021;
- Elevations, Revision L dated 25.03.2021;
- Perspectives, Revision K dated 29.01.2021;
- Signage Plan, Revision K dated 29.01.2021;
- Site Plan Stage 2 Sketch, Revision K dated 29.01.2021; and
- Landscape Plan, Revision L dated 25.03.2021

in accordance with the Metropolitan Region Scheme and Clause 68 of the amended Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of clause 68(2)(c) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, for the reasons detailed below.

Reasons for Responsible Authority Recommendation

1. Sensitive Land Uses, including two approved Child Care Centres are located within the 200m generic separation distance recommended by Environmental Protection Authority Guidance Statement No.3 (Separation Distances between Industrial and Sensitive Land Uses 2005). The applicant has not submitted a scientific study based on site and industry-specific information which demonstrates that a lesser distance will not result in unacceptable health impacts.
2. The potential traffic volume and movements resultant from the proposed development, based on the Left-in/Left out access via Aurea Boulevard and Left-in/Left-out access via Thundelara Drive, is likely to have an adverse impact on traffic flow associated with vehicles queuing during peak hours of operation within the development site and is likely to overflow into the adjacent road network including the traffic light intersection of Warnbro Sound Avenue and Aurea Boulevard and Thundelarra Drive and Aurea Boulevard intersection.
3. The proposed development is situated at the prominent intersection of Warnbro Sound Avenue and Aurea Boulevard, which is a major entry into the Golden Bay Estate. The removal of existing on-street parking bays and perimeter vegetation does not satisfy the requirements of the approved Local Development Plan and has an adverse impact on the amenity of the estate entry.
4. The proposed Pylon Sign adjacent to Warnbro Sound Avenue will result in signage that is not considered appropriate for its location as required by Planning Policy 3.3.1 – Control of Advertisements.

Details: outline of development application

Region Scheme	Metropolitan Region Scheme
Region Scheme - Zone/Reserve	Urban
Local Planning Scheme	Town Planning Scheme No.2
Local Planning Scheme - Zone/Reserve	Commercial, Residential R60
Structure Plan/Precinct Plan	Golden Bay Local Structure Plan
Structure Plan/Precinct Plan - Land Use Designation	Commercial, Residential R60
Use Class and permissibility:	<u>'P' Permitted</u> Shop <u>'D' Discretionary</u> Service Station, Recreation-Private and Restaurant/Café
Lot Size:	7,501m ²
Existing Land Use:	Vacant Land
State Heritage Register	No
Local Heritage	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Heritage List <input type="checkbox"/> Heritage Area
Design Review	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other
Bushfire Prone Area	No
Swan River Trust Area	No

Proposal:Context

Located within the Golden Bay Neighbourhood Activity Centre, the subject site is situated in the northern portion of Golden Bay and adjoins Aurea Boulevard to the north, Thundelarra Drive to the west, Warnbro Sound Avenue to the east, and Talisker Bend to the south.

The surrounding land to the west and north is zoned Commercial and comprises generally vacant land with the exception of Lot 622 Thundelarra Drive, which is the site of a future supermarket based "main street" shopping centre. Construction of the shopping centre has stopped following the erection of some structural steelwork.

Within this area, Development Approval has also been granted for:

- A proposed Mixed Use (Independent Living) development on Lot 636 Thundelarra Drive - approved on 19 February 2020;
- A proposed Child Care Premises on Lot 716 Thundelarra Drive, where construction has substantially commenced and is anticipated to be operational by September 2021 - approved on 27 June 2019; and

- A proposed Child Care Premises on Lot 263 Aurea Boulevard - approved on 16 February 2021.

The surrounding land generally south and south-west of the site is zoned for medium density (R40-R60) residential development, and predominantly comprises of single storey dwellings which have been developed.

The Golden Bay Primary School is situated approximately 110m south-west of the site.

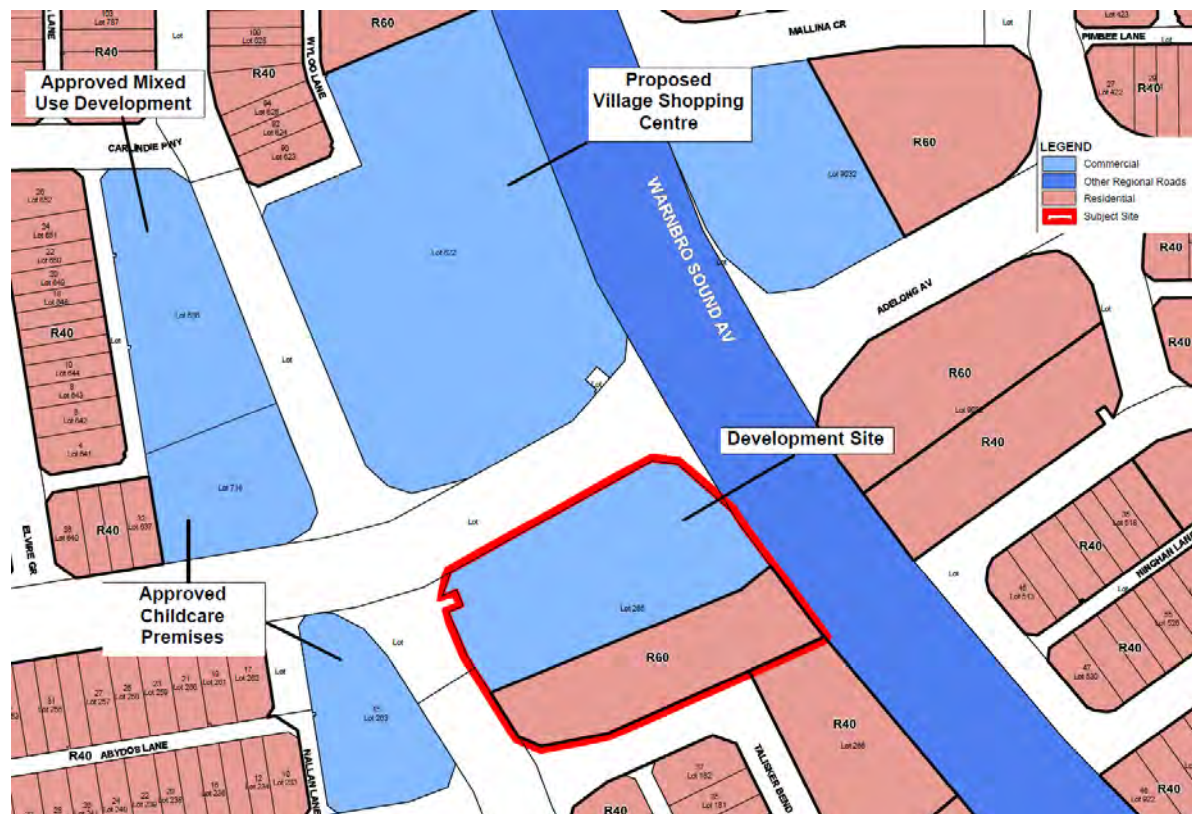


Figure 1. Town Planning Scheme No.2 Zoning Map

Development Application

A Joint Development Assessment Panel (JDAP) application was lodged with the City on 2 February 2021, to construct a Mixed Commercial Development on the site.

Details of the proposal are as follows:

- A fuel retailing building of 243m² gross floor area (GFA) in the north-eastern aspect of the development site, including a service yard and bin enclosure area, two underground fuel storage tanks and an associated filling point to accommodate fuel tankers and a fuel canopy located to the west of the fuel retailing building with a clearance of 4.8m and total height of 5.8m;
- A gymnasium building of 400m² GFA in the north-western aspect of the development site, which includes an outdoor training area east of the gymnasium building and retention of the existing Western Power transformer;
- A commercial tenancy building of 247m² in the south-eastern aspect of the development site, including an outdoor/alfresco dining area;

- Minor relocation of the existing Golden Bay entry statement to accommodate the footprint of the fuel retailing building;
- One 9.2m wide vehicle crossover from Aurea Boulevard;
- One 7.8m wide vehicle crossover from Thundelarra Drive;
- Internal driveway and 49 car parking spaces, inclusive of three accessible bays and one air and water bay;
- Various signage including two prominent Pylon Signs, including one 10m high Pylon Sign adjacent to Warnbro Sound Avenue and a 6m high Pylon Sign adjacent to Thundelarra Drive; and
- Associated landscape treatments throughout the site including the removal of 16 trees along the northern and eastern edges of the development site.

The proposed development also includes the following works within the road reserve:

- Relocation of two street lights to allow for vehicular ingress/egress via Aurea Boulevard and Thundelarra Drive;
- Removal of the four on-street car parking spaces to make way for a 30m long left-in slip lane via Aurea Boulevard; and
- Removal/relocation of two verge trees.

The proposed Service Station will operate 24 hours per day, seven days per week and accommodate up to two staff on-site at any one time. The proposed gymnasium tenant is yet to be confirmed, however, it is proposed to operate 24 hours per day, seven days per week. It is anticipated that the commercial tenancy will accommodate a Café, Restaurant or Shop.

Fuel tankers are proposed to access the site in the following manner:

- Left-in ingress via the Thundelarra Drive crossover;
- Access the refuelling point located west of the underground fuel tanks; and
- Left-out egress via the Area Boulevard crossover.

Other service vehicles are proposed to access the site in the following manner:

- Left-in ingress via the Aurea Boulevard crossover;
- Reverse into the service bay located at the southern aspect of the retail building; and
- Left-out egress via the Aurea Boulevard crossover.

Background:

On 1 September 2015, Council adopted the Golden Bay Structure Plan (GBSP) which designated the subject site as Commercial within the Development zone under the City's Town Planning Scheme No. 2 (TSP2). GBSP commenced operation on 15 September 2015. (Attachment 4)

On 11 February 2020, Amendment 174 was gazetted, where several TPS2 maps (inclusive of the subject site) were brought into conformity with the zones and reserves on approved Structure Plans. As a result of Amendment 174, the northern portion of the subject site is zoned Commercial under TPS2 with the southern portion zoned Residential R60.

On 25 November 2020, a Subdivision Application was lodged over the subject site with the Western Australian Planning Commission (WAPC). The subdivision reconfiguration provides for the creation of two new lots seeking to develop future Lot 1 for the purpose of a mixed commercial development (subject development application) and future Lot 2 for the purposes of residential development. (Attachment 5)

On 10 February 2021, the WAPC resolved to conditionally approve the Subdivision Application.

For clarity, future Lot 1 is referred to throughout this report as the 'development site'.

Legislation and Policy:

Legislation

- Planning and Development Act 2005
- Metropolitan Region Scheme (MRS)
- Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)
- TPS2

State Government Policies

- Environmental Protection Authority (EPA) – Separation Distance between Industrial and Sensitive Land Uses No.3 (Guidance Statement)
- State Planning Policy 7.0 – Design of the Built Environment

Structure Plans/Activity Centre Plans

- GBSP
- Golden Bay Neighbourhood Centre Local Development Plan (LDP)

Local Policies

- Planning Policy 3.3.1 Control of Advertisements (PP3.3.1)
- Planning Policy 3.3.14 Bicycle Parking and End of Trip Facilities (PP3.3.14)

Other

- Austroads' Guide to Road Design Part 4: Intersections and Crossings

Consultation:

Public Consultation

The application was advertised for public comment over a period of 18 days, commencing on 18 February 2021 and concluding on 8 March 2021 in accordance with Clause 64 of the deemed provisions of the City's TPS2. Advertising was carried out in the following manner:

- The landowners and occupiers identified on the Consultation Plan in Figure 2 below were notified in writing of the proposed development;
- Two signs were erected on the development site fronting Aurea Boulevard and Thundelarra Drive outlining the proposal; and
- The application documents and plans of the proposal were made available for public inspection at the City's Administration Offices and placed on the City's website.

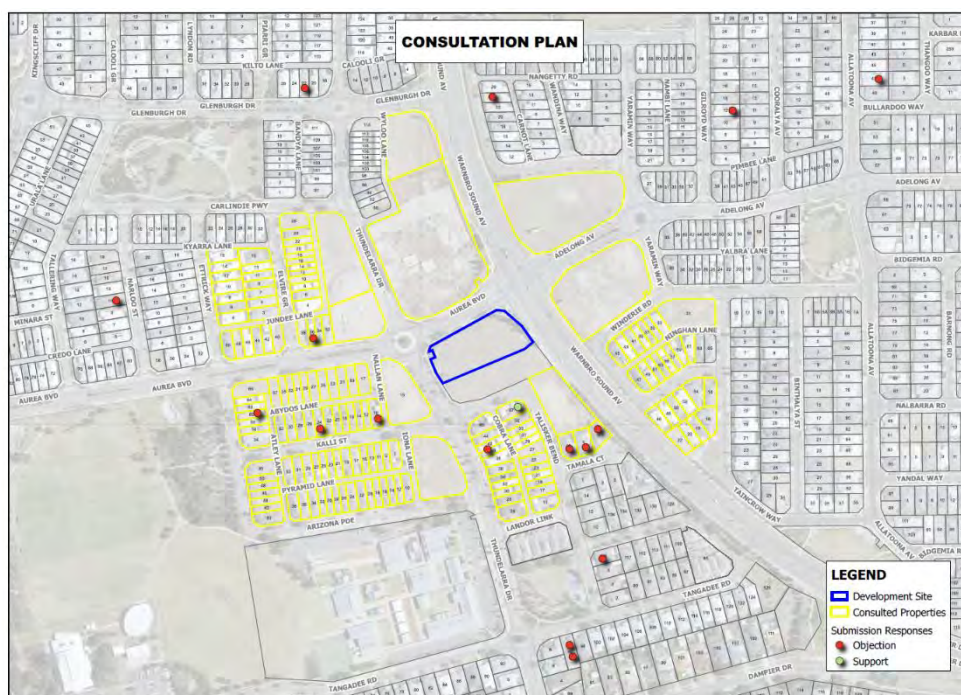


Figure 2. Consultation Plan

At the close of the public consultation period, a total of 42 submissions were received, comprised of:

- Four (9.7%) submissions supporting the proposal; and
- 38 (90.3%) submissions objecting the proposal.

Note: out of the 38 submissions received objecting the proposal, 32 (84%) specifically related to the Service Station component of the proposal.

The locations from where the nearby submissions originated are shown on the Consultation Plan above. All submissions are contained in the Schedule of Submissions (Attachment 2).

Issue Raised	Officer comments
<p><u>Land Use and Amenity</u> Several concerns that there are enough Service Stations within 2km from the development site including the Caltex in Secret Harbour and BP in Golden Bay.</p> <p>The community's expectation for this site were that it would be a grouped housing development.</p>	<p>The application must be considered on its planning merit, under the relevant criteria of TSP2.</p> <p>The supply of Service Stations within the area is a commercial decision, where it is not a relevant consideration for this application.</p> <p>The development site is in a Commercial zone under TPS2 resultant from Amendment 174, where a commercial development may be approved pursuant to TPS2. The approved LDP established a framework to guide built form outcomes in the Golden Bay neighbourhood centre, which conceptually identifies the development site for residential development and provides an Indicative Development Plan (IDP) which illustrates one means by which the development site could be developed (i.e. grouped housing). Another development option for the land includes a commercial development.</p> <p>It is noted that under Clause 56 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Planning Regulations), a decision-maker for an application for Development Approval in an area that is covered by a LDP must have due regard to, but is not bound by the LDP, when deciding the application. As detailed in the Planning Assessment section of this report, the Mixed Commercial Development in its current form has not adequately addressed the fundamental LDP requirements pertaining to amenity, preferred vehicle access point and parallel parking.</p>
<p><u>Location</u> Concerns that siting of the Service Station does not suit the area as it is too close to residential development and the public school.</p>	<p>The development site is located at a main entry road into the Golden Bay estate and is zoned Commercial under the City's TPS2. Land use considerations are discussed in the Planning Assessment section of this report, where it is recommended a precautionary approach be applied and that the Service Station land use should not be considered in the absence of a site-specific investigation pursuant to the requirements of Environmental Protection Authority (EPA) – Separation Distance between Industrial and Sensitive Land uses No.3.</p> <p>There are also unresolved traffic and safety matters which are discussed in the Planning Assessment section of this report.</p>

<p><u>Traffic and Safety</u> Concerns including safety, congestion, access points and existing traffic issues in the area.</p>	<p>The City's Land and Development Infrastructure Services has undertaken a detailed analysis of the Transport Impact Assessment (TIA) provided by the applicant. In light of the City's findings on the report, it is considered that the potential traffic generated from this development will have a substantial impact on the development site and surrounding road network due to the proposed location of the Aurea Boulevard vehicular access point and associated queueing. Traffic and Safety is discussed in detail in the Planning Assessment section of this report.</p>
<p><u>Noise</u> Concern that noise levels generated by the development will not comply with noise standards for a residential area.</p>	<p>The City's Health Services has reviewed the applicant's submitted Environmental Noise Assessment and is satisfied that development is unlikely to have an adverse noise impact on surrounding sensitive land uses, subject to the implementation of the recommended measures contained within the Environmental Noise Assessment.</p> <p>The recommended measures include:</p> <ul style="list-style-type: none"> - The requirement for a 3m high masonry wall for the length of the common southern residential boundary; - 1.2m high mechanical equipment rooftop noise barriers; and - Setback and height restrictions for future southern residential development on Lot 2 - to be governed separately at the Development Application stage for Lot 2. <p>Condition/s requiring compliance with the recommended measures can be applied in the event that the development is approved by MOJDAP.</p>
<p><u>Signage</u> The proposed neon signage is inappropriate at this site and is likely to shine light into backyards and homes.</p>	<p>Lighting can be designed and regulated by Australian Standard AS/NZS 4282:2010 - Control of the obtrusive effects of outdoor lighting and Australian Standard AS/NZS 1158.3.1:2005 - Lighting for Roads and Public Spaces so as to ensure there is no glare or light spill that will adversely impact the nearby sensitive residential land uses.</p>
<p><u>Health and Environment</u> Health concerns of a Service Station in close proximity to a Primary School, Child Care Centres and residential area.</p>	<p>Insufficient information has been provided with the application, therefore the City is unable to properly assess the potential health impacts associated with the development. Advice provided by the Department of Health recommends that the development not proceed in the absence of a site specific study which demonstrates that a lesser separation distance is appropriate having regard to public health outcomes that would result from approval of the proposed development. The City concurs with the advice from the Department of Health, which is discussed in detail within the Planning Assessment section of this report.</p>
<p>The environmental impact on the area on fuel and oil</p>	<p>Commercial sites are required to treat the first 15mm of rainfall runoff from trafficable surfaces pursuant to</p>

spillages has not been considered.	Department of Water and Environmental Regulation's decision process for stormwater management and the City's Local Planning Policy 3.4.3 - Urban Water Management. Although a SPEL Purceptor is intended to be applied, no treatment devices have been mentioned for the remaining trafficable areas within the development.
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Referrals/consultation with Government/Service Agencies

Given the proximity to the Golden Bay Primary School, the Department of Education was consulted by the City on the application. The Department of Planning, Lands and Heritage was also consulted, as the application is adjacent to Warnbro Sound Avenue road reservation, with the road affected by the Other Regional Road (ORR) reservation under the Metropolitan Region Scheme (MRS). The proposal was also referred to the following Government Agencies for comment:

- Department of Health;
- Department of Mines, Industry Regulation and Safety; and
- Department of Water and Environmental Regulations.

The comments received are summarised as follows:

1. Department of Planning, Lands and Heritage (DPLH)
<p>No access is proposed from Warnbro Sound Avenue. This is in accordance with the WAPC Policy D.C 5.1, which seeks to minimise the number of new crossovers onto regional roads.</p> <p>The traffic report states that the development will generate approximately 1376 vehicular trips per day (both inbound and outbound) with approximately 115 and 124 trips during the weekday AM and PM peak hours respectively.</p> <p>This is below the WAPC Transport Impact Assessment Guidelines for Developments (2016) threshold for further analysis. SIDRA analysis indicates a satisfactory level of service for both intersections to 2031.</p> <p>DPLH has no objection to the proposal on Other Regional Road planning grounds.</p>
<p><u>City's Comment:</u></p> <p>DPLH comments are noted, however, the City's Land and Development Infrastructure Services has a number of concerns regarding how the traffic analysis was completed in the TIA and therefore its validity, which is discussed in detail in the Planning Assessment section of this report.</p>
2. Department of Education (DoE)
<p><u>Land Use</u></p> <p>The proposed service station element of the proposal is located approximately 150m from Golden Bay Primary School. Whilst the distance presents some level of concern for the Department, it is acknowledged that if the service station were to operate from Monday-Saturday from 0700 – 1900 hours, the suggested buffer under</p>

the Environmental Protection Authority – Separation Distance document would be reduced by 100m to 50m.

The Department considers that the proposed separation distance between the service station and the Golden Bay Primary School to be acceptable in principle as the school generally operates within the hours of 0700 – 1900 hours, Monday to Friday.

Construction and Waste Management

The Department notes that no information has been submitted in relation to construction management. To ensure that Golden Bay Primary School is not burdened by the impacts of construction works, the Department requests that a Construction Management Plan be requested as a condition of approval.

No formal Waste Management Plan had been submitted as part of the application. The Department requests that a condition of approval is imposed which would require a Waste Management Plan to be submitted to the City and approved prior to the initial occupation of any tenancies. The plan should demonstrate that there would be no conflict with vehicles accessing the school site.

Recommendation

Subject to the above matters being considered, the Department offers no in principle objection to the proposal.

City's Comment:

Land Use

Noted. Notwithstanding DoE comments, the Service Station land use aspect of this proposal is discussed in the Planning Assessment section of this report, where it is concluded that the proposal has not adequately addressed the relevant health exposure risks from gaseous emissions.

Construction and Waste Management

DoE recommendations in respect to construction and waste management are noted. The City's standard conditions would be appropriate in the event development is approved and are considered to sufficiently address matters raised by DoE.

3. Department of Health (DoH)

The DoH has concerns about the distance between the proposed service station and approved nearby sensitive land uses, specifically two child-care centres and the nearest residential development. The DoH concern relates to potential negative health impacts on the community in general and young children in particular, from emissions related to fuel operations.

The Environmental Protection Authority – Separation Distance document recommends a distance of minimum 200m, from boundary to boundary, between a 24-hour service station and sensitive land uses such as child care centres and residential development.

All sensitive land uses are well within 100m of both the emission sources. The fuel storage tanks are equipped with a Stage 1 Vapour Recovery System (VR1) but there are no vapour recovery systems (VR2) on the bowsers.

The DoH concern is with gaseous emissions, particularly benzene, a human carcinogen. Benzene can be elevated above background levels for some distance

from service stations. The public health concern is not mitigated with a Dangerous Goods Licence, which is for the risk control of acute hazards (explosive vapours).

As outlined in the Environmental Protection Authority - Separation Distance between Industrial and Sensitive Land uses No.3, where a separation under consideration is less than in the table, it is recommended that a new project does not proceed in the absence of a site-specific investigation and a report demonstrating that the separation distance will meet acceptability criteria. There has been no assessment of gaseous emissions for this proposal.

City's Comment:

Noted. Having regard to the specific characteristics of this application (24 hours, seven day a week fuel retailing operation in close proximity to multiple sensitive land uses), the siting of the proposed development should not be accepted in the absence of a scientific study undertaken by a suitably qualified consultant.

The City understands fuel vapour emissions generally relate to:

- fuel tankers filling underground fuel storage tanks;
- vehicles refuelling at bowsers;
- fuel spills when refuelling vehicles; and
- opening a vehicle fuel cap.

The proposal only includes a Stage 1 Vapour Recovery System (VR1) for the tank filling process. There will be as a consequence fuel vapours that are not captured by the measures proposed by the applicant.

The applicant's Technical Note is insufficient in this regard (Attachment 1).

4. Department of Mines, Industry Regulations and Safety (DMIRS)

Based on the provided information there is no issue identified at this stage with the proposal. Before the site is used to store Dangerous Goods above manifest quantity, it will require a Dangerous Goods Site licence.

City's Comment:

Noted. DMIRS considered the risk under the Dangerous Goods Safety Act 2004 and Regulations, in terms of explosive gas atmospheres and hazardous zones only (i.e not health risks associated with gaseous emissions).

5. Department of Water and Environmental Regulations (DWER)

The Department does not object to the proposal, however, recommends a stormwater management plan be prepared for the site in accordance with the Stormwater Management Manual for Western Australia that demonstrates the appropriate management of small, minor and major rainfall events.

City's Comment:

Should development be approved, a condition requiring a Stormwater Management Plan is recommended.

A copy of the external comments provided by the consulted Government Agencies is included as part of Attachment 2.

Design Review Panel Advice

Not Applicable

Swan Valley Planning

Not Applicable

Planning Assessment:

The proposal has been assessed against all the relevant legislative requirements of the Scheme, State and Local Planning Policies, LSP and the LDP as well as the Austroads Guidelines, as outlined in the Legislation and Policy section of this report. The following matters have been identified as key considerations for the determination of this application:

- EPA Separation Guidelines;
- Land Use;
- Traffic and Safety;
- Design;
- Height;
- Special Vegetation Screens;
- Bicycle Parking and Car Parking; and
- Signage.

These matters are discussed below.

EPA Separation Guidelines

The EPA Guidance Statement provides advice to proponents, responsible authorities, stakeholders and the public, on the minimum requirements for environmental management which the EPA would expect to be met when the Authority considers a development proposal. For the purpose of the Guidance Statement, “industrial land use” is used in a general way to encompass a range of industrial, commercial and rural activities, associated with off-site emissions that may affect adversely the amenity of sensitive land uses. A table of land uses is provided in the Guidance Statement, however, it is recognised that the list is not definitive. Service Station land use is identified in the table.

The generic separation distances are based on the consideration of typical emissions that may affect the amenity of nearby sensitive land uses. These include gaseous and particulate emissions, noise, dust and odour. For developments of this kind, the EPA recommends a 200m separation distance to all 24 hour Service Station operations from sensitive land uses because of gaseous, noise, odour and risk associated implications. It should be noted that the separation distance recommended by the Guidance Statement is not absolute but instead are default distances providing general guidance in the absence of a site-specific technical study.

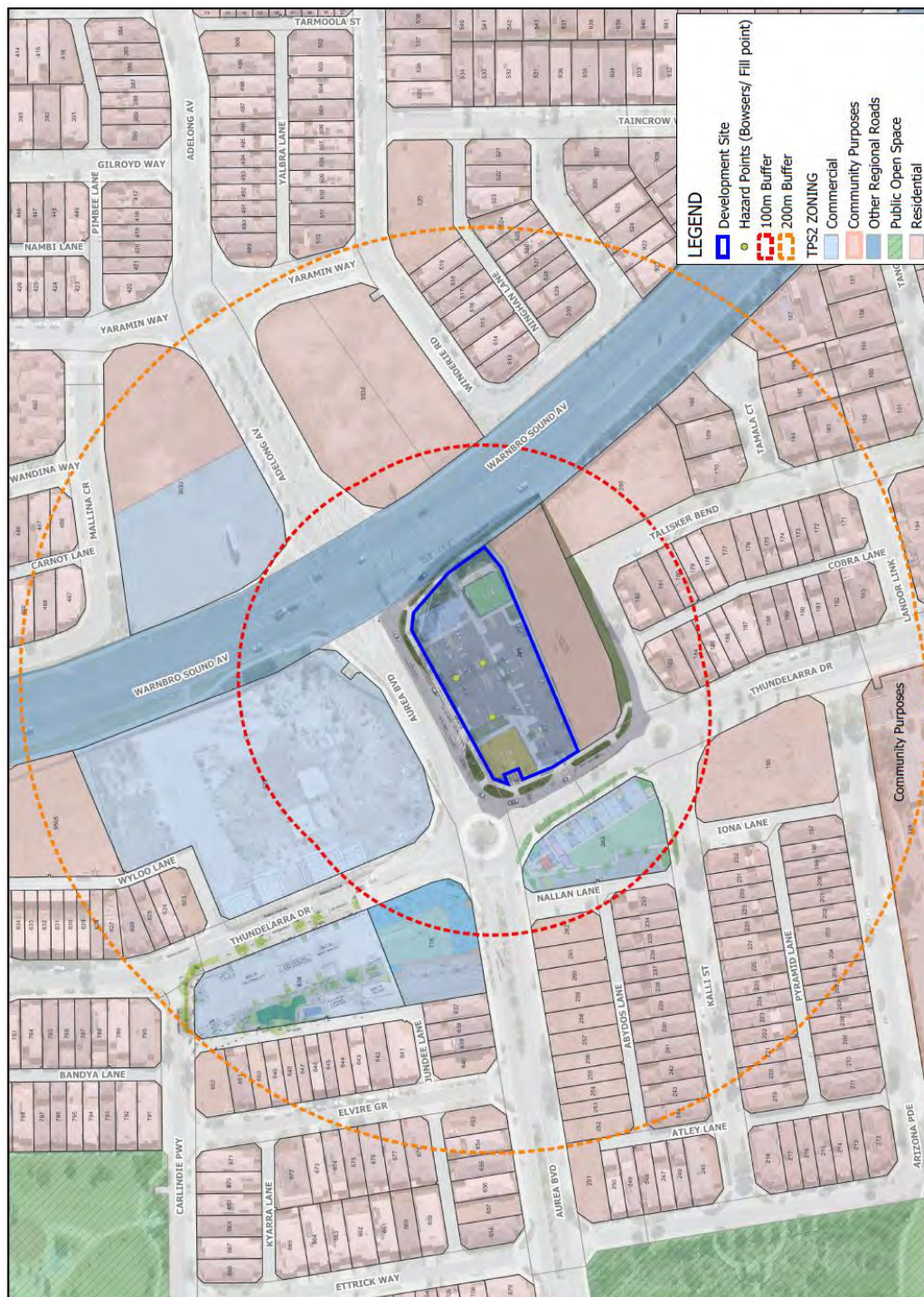


Figure 3. Generic 200m separation buffer

Figure 3 above depicts the extent of existing and planned development within 200m generic separation distance from the two main sources of gaseous vapour. Within the 200m separation distance, a total of five (5) sensitive land uses are identified, comprising of:

- 130 established residential dwellings;
- a minor portion of the Golden Bay Primary School site;

- seven (7) vacant Grouped Dwelling sites (approximate lot yield of 75 units); and
- three (3) vacant Commercial sites which have current Development Approvals for independent living purposes (89 apartments) and two Child Care Premises, approved for 92 places at Lot 716 Thundelarra Drive and 100 places at Lot 263 Aurea Boulevard. The Child Care Premises at Lot 716 Thundelarra Drive has commenced development and is expected to open by September 2021.

The suitability of land for development taking into account the possible risk to human health and safety is a matter that the Local Government is required to give regard to in its assessment of an application for Development Approval. As such, the impact on human health resultant from this development is a valid planning consideration.

The two main sources of gaseous vapour identified as part of this service station development are:

1. The refilling of the underground fuel storage tanks to the west of the canopy along the northern side of the development site. This also includes the vent pipes connected to the underground tanks which are proposed to be located adjacent to Aurea Boulevard.
2. The refuelling of vehicles beneath the fuel canopy, isolated to the petrol bowers and nozzles.

The underground fuel storage tanks are proposed to be equipped with a VR1.

There are no vapour recovery systems VR2 on the fuel bowers.

The DoH concern is with gaseous emissions which are likely to be resultant due to the nature and intensity of the proposed fuel operations. The 24 hour Service Station will also increase the volume of fuel stored and sold which could increase concerns. As stated previously above, in the case of a new Industry type land use being proposed near existing sensitive land uses, where the separation distance is less than the generic distance, a scientific study based on site and industry-specific information must be presented to demonstrate that a lesser distance will not result in unacceptable impacts. With respect to the Technical Note provided by the applicant, both the DoH and the City consider it does not address exposure to gaseous emissions, as it does not discuss the relevant health implications of long-term exposures to benzene and other compounds at the development site. The risk is not related to explosive gas atmospheres.

The potential unknown health impacts on the community (particularly children), from emissions related to fuel operations at this site has not been adequately addressed and therefore the proposal, as it stands in the absence of a site specific report, is contrary to orderly and proper planning.

Otherwise, impacts pertaining to noise, lighting, odour and risk from an explosive gas perspective have been adequately addressed by the proponent.

Land Use

Provision	Requirement	Proposal
Land Use LDP – Plan	Residential	Commercial

Although the LDP identifies the development site for residential development, it is zoned as Commercial under TPS2. Therefore, the appropriateness of the land use can be ascertained by how the built form and amenity responds to the neighbourhood centre context.

The design of the proposal has been discussed further below where it is concluded that the development can be acceptable, with appropriate conditions of approval that respond to its neighbourhood centre location. The amenity aspects of the proposal has also been discussed in this report where it is concluded that the proposal has not adequately addressed the relevant health exposure risk from gaseous emissions from the proposed Service Station. Therefore, the development has not adequately considered amenity impacts from the Service Station land use.

Traffic and Safety

As mentioned in the Consultation section above, the City's Land and Development Infrastructure Services has a number of concerns regarding how the traffic analysis was completed in the TIA and therefore its validity. The main concerns are listed as follows:

- The analysis for vehicle stacking capacity for the Service Station has not incorporated random vehicle arrivals, therefore it could not be entirely relied upon. Further, there is insufficient queueing space provided for the proposed Service Station. It is therefore highly likely to impact upon internal traffic flow and consequently has the potential to overflow onto Aurea Boulevard impacting on surrounding road networks, completely blocking access, heading west past the development site.
- Traffic safety risks associated with the provided swept path (i.e. movement paths) analysis due to:
 - Vehicle encroaching significantly into the opposing traffic lane;
 - Clash with kerbing;
 - Reversing movements within the parking aisle; and
 - Blocking pedestrian crossing.

Further, the City does not support the proposed Left-In/Left-Out access off Aurea Boulevard due to the following reasons:

- There is insufficient separation distance between the road intersections to accommodate the proposed access. Austroads' Guide to Road Design Part 4 - Intersections and Crossings - General recommends a minimum access spacing of 55m (based on "Stopping Sight Distance"). This suggests that the existing distance between the stop lines of the existing intersection should be at least 110m therefore access arrangements as proposed are unlikely able to be located between the Aurea Boulevard and Thundelarra Drive roundabout and traffic signal at the intersection of Aurea Boulevard and Warnbro Sound Avenue. The proposed intersection spacing is 40m, hence, why the approved LDP requires that no access be provided off Aurea Boulevard.

- The Aurea Boulevard access would significantly impact the performance of the two adjacent intersections as well as increase traffic safety risks.
- Vehicle queues at the adjacent roundabout would impact on the proposed access.
- Loss of all four existing on-street parallel bays on Aurea Boulevard. Due to the traffic related matters, the removal of all four existing parallel parking bays is not considered to be justified in the City's view.

In light of the findings of the TIA report, it is concluded that the potential traffic generated from this development based on intended access arrangements could have an adverse impact on the site and its surrounding road network.

Design

The development site falls within the GBSP which was adopted by Council in May 2012. The GBSP applies a Commercial zoning on the land and identifies it as located within a Neighbourhood Centre Precinct. The following annotation on the GBSP is applicable to the subject site:

"The Neighbourhood Centre Precinct is a main street based centre and is subject to the preparation of a Local Development Plan."

With regard to this annotation, it is noted that the proposed gymnasium built form has generally been designed to address Thundelarra Drive, being the centre 'main street' for the Golden Bay neighbourhood centre, except that no direct access into the building is provided from the street.

In relation to Aurea Boulevard, the buildings do not provide for a continuous built form to the street, due to the break between the gymnasium and fuel retailing buildings which fragments built form and streetscape along the street. Aurea Boulevard is a lower order street however, therefore the break in built form can be sustained. The City, however, considers that a greater emphasis should be placed on retention of existing established trees along Aurea Boulevard to provide visual relief from the public realm and "screen the gap" in the frontage at this point. The vent pipes connected to the underground tanks adjacent to Aurea Boulevard are also not appropriately screened.

Height

Provision	Requirement	Proposal
Minimum Building Height	Sites developed exclusively for commercial purposes are permitted as single storey but with a minimal parapet height of 5.5m of a minimum eaves height of 4.5m where a pitched roof is utilised.	Service Station parapet wall 4.35m in lieu of minimum 5.5m.

The Service Station building is designed in response to the site’s prominent location fronting Warnbro Sound Avenue and Aurea Boulevard. The building design creates a recognisable entrance into the neighbourhood centre.

Special Vegetation Screens

Provision	Requirement	Proposal
Special vegetation screens	Special vegetation screens provided to Aurea Boulevard and Warnbro Sound Avenue	Removal of special vegetation screens inclusive of shrubs and 16 trees to Aurea Boulevard and Warnbro Sound Avenue

The intention of the vegetation screen was to provide a visual green buffer from residential development to Aurea Boulevard and commercial development to the north. Given that the development site is zoned Commercial and proposed purely for commercial purposes, there is a valid argument that screening is not required, although, it is noted that the vegetation also serves as an entry statement into the Golden Bay estate.

A balanced approach has not been considered by the applicant, as the majority of the vegetation screen are sought to be unnecessarily removed in order to allow for unimpeded views of the fuel retailing building and its associated signage.

The trees proposed to be removed are not remnant vegetation. Nevertheless, the City seeks to retain several established trees and minimise clearing wherever possible. Further, the existing vegetation is considered likely to provide visual relief from the public realm. It is recommended that eight (8) out of the 16 trees identified for removal as illustrated in Figure 4 below be retained, in the event development is approved.

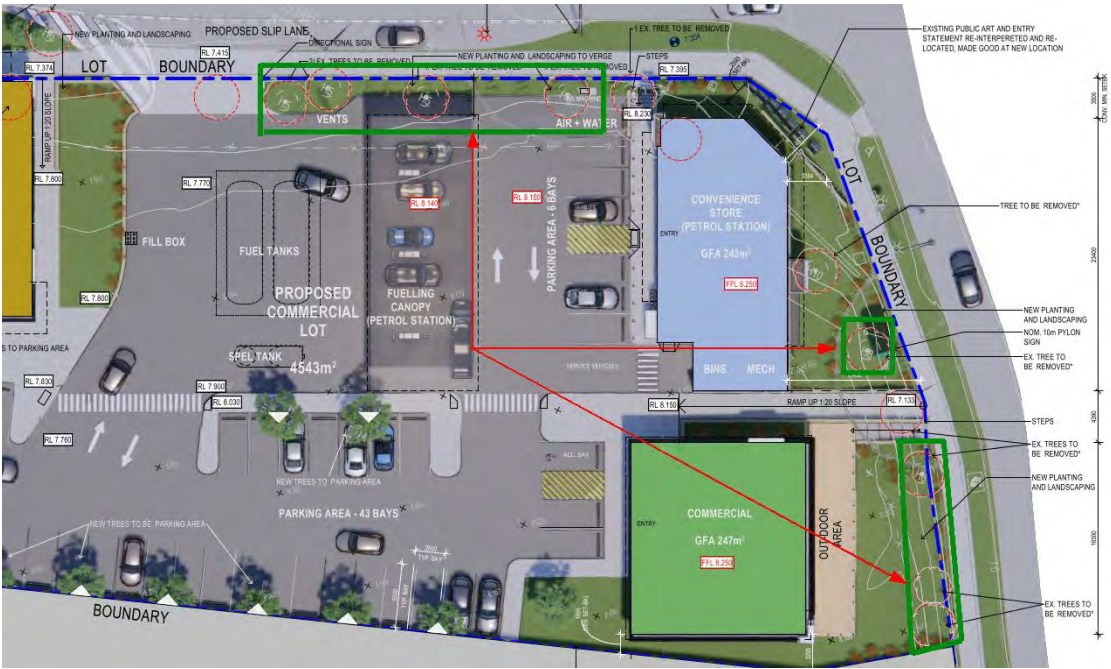


Figure 4. Trees identified for retention

Bicycle Parking and Car Parking

Land Use	Required			
	Short Term		Long Term	
	Rate	Number	Rate	Number
<u>Retail</u> (Service Station – Convenience Store component)	0.15 spaces per 100m ² NLA	1	0.07 spaces per 100m ² NLA	1
<u>Shop – Neighbourhood Centre</u> (Commercial Tenancy)	0.30 per 100m ² NLA	1	0.12 spaces per 100m ² NLA	unknown 1
<u>All other uses</u> (Recreation – Private)	0.05 spaces per visitor	unknown 3	0.1 spaces per staff	unknown 1
Total	5		3	

Given there is no confirmed tenant for the gymnasium or the commercial tenancy, the number of staff and visitors could not be confirmed at the time of preparing this report. A practical baseline calculation is considered appropriate in this circumstance (e.g. up to eight staff for commercial tenancy at any one time and up to 50 visitors and 10 staff at the gymnasium at any one time).

No bicycle spaces have been provided.

Use	Rate	Required	Provided
Service Station	1 bay for every service bay, plus 1 bay per employee and 6 bays per 100m ² NLA of retail floorspace	0 service bay plus 2 employee bays and 9 retail bays	45 regular bays plus 3 accessible bays and 1 air + water bay
Recreation - Private	1 bay per every 4 persons the building is designed to accommodate	18 bays (up to 68 visitors and 4 staff)	
Shop	6 bays per 100m ² NLA	11 bays (183m ²)	
OR			
Restaurant/Cafe	1 bay for every 4 persons the building is designed to accommodate	20 bays (up to 80 persons)	
Total		40/49	49 bays

A total of 40 car parking bays are required for the proposed development if the south eastern commercial tenancy is used as a Shop, or 49 bays if it is used as a Restaurant/Café with an estimated capacity of 80 people. In either scenario development satisfies Clause 4.15 of TPS2.

Signage

Pylon Sign must:	Officer Comment	Compliance - 10m high Pylon Sign	Compliance - 6m high Pylon Sign
(a) shall not be located within 1.8m of a lot boundary.	The 10m high pylon sign associated with the multiple tenancies is setback approximately 800m from Warnbro Sound Avenue road reserve and results in removal of an established tree. The 6m high pylon sign associated with the fuel retailing building has a Nil setback from the Thundelarra Drive road reserve.	No	No
(d) have a height exceeding 6.0m, unless it can be demonstrated to the Council that a greater height is warranted and it complies with the objectives of this Planning Policy. In any event, a Pylon Sign shall not exceed 9.0m in height.	A 10m height above natural ground level is proposed for the multiple tenancies pylon sign, whilst a 6m height above natural ground level is proposed for the fuel retailing building pylon sign.	No	Yes
(f) have a face area exceeding more than 3.5m width or height	The face area of both proposed pylon signs exceed 3.5m in height.	No	No
(g) have a face area of more than 4m ² on each side (single tenancy) or 13m ² on each side (multiple tenancy).	The pylon signs have face areas of approximately 19.7m ² and 12m ² respectively.	No	No

The 6m high pylon sign associated with the fuel retailing building adjacent to Thundelarra Drive is designed in a way which ensures vehicles are able to read the content of sign panels without any visual impact to the surrounding amenity, traffic circulation or pedestrian safety.

With regard to the proposed 10m high multiple tenancies pylon sign, it is noted that its location results in the unnecessary removal of an established tree. The sign presents as a prominent structure, clearly visible from the public realm and measures, at a height of 4m greater than the ceiling of the building the sign is adjacent to. It's base also sits approximately 800mm higher than the adjoining pedestrian footpath level along Warnbro Sound Avenue.

In Golden Bay, no signage has been approved with a height in excess of 6m. It is considered that the overall height of the multiple tenancies pylon sign does not fit the context of the Golden Bay Neighbourhood Centre Precinct.

The applicant has indicated that the scale and location of the 10m high pylon sign ensures vehicles travelling to Rockingham (north) and Mandurah (south) along Warnbro Sound Avenue have sufficient opportunity to identify the facility and access the site safely. The City considers that a 9m high pylon sign slightly repositioned away from the tree would maintain its panel visibility and permit safe access to the site. The City would accept pruning of the subject tree if it can be demonstrated to be warranted.

In light of the above, two pylon signs can be supported on this development site subject to a height and relocation modification of the 10m high multiple tenancies pylon sign.

Conclusion:

The proposed Mixed Commercial Development raises potential land use conflicts and traffic concerns which are inadequately addressed. Where these matters have not been covered already in this report, they are further discussed below.

Access for the development is constrained due to amenity and interface matters associated with the future residential development on Lot 2, which eliminates any opportunity to investigate alternative means of access via Warnbro Sound Avenue or Talisker Bend in lieu of Aurea Boulevard. Traffic access is unresolved, however, the City considers traffic and safety issues associated with development could be reconciled by virtue of a Left-Out only crossover movement from Aurea Boulevard. Such an access arrangement would likely result in improved circulation and performance of the two existing intersections with any stacking being limited internally. It is likely that some of the existing on-street car parking bays could also be retained.

Officer Recommendation:

That the Metro Outer Joint Development Assessment Panel resolve to **DEFER** Development Assessment Panel reference DAP/21/01952 and accompanying plans:

- Site Plan, Revision L dated 25.03.2021;
- Floor Plans, Revision L dated 25.03.2021;
- Elevations, Revision L dated 25.03.2021;
- Perspectives, Revision K dated 29.01.2021;
- Signage Plan, Revision K dated 29.01.2021;
- Site Plan Stage 2 Sketch, Revision K dated 29.01.2021; and
- Landscape Plan, Revision L dated 25.03.2021

in accordance with the Metropolitan Region Scheme and Clause 68 of the amended Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of clause 68(2)(c) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, as detailed below:

Reasons for Deferral:

1. It has not been sufficiently demonstrated that the development will not result in an unacceptable risk to human health as the proposed Service Station is near several existing and planned sensitive land uses. The separation distance specified for development of this kind within Environmental Protection Authority Guidance Statement No.3 (Separation Distances between Industrial and Sensitive Land Uses 2005), require that a site specific study be provided which demonstrates the lesser separation distance than has been proposed should be approved.
2. The potential traffic generated from this development, based on the proposed Left-in/Left-Out access arrangement, will have an adverse impact on the site and its surrounding network. As a result, modifications are required to ensure improved safety and performance of the two adjacent intersections along Aurea Boulevard and to limit traffic queuing to within the site.

Reasons for Officer Recommendation:

The Officer Recommendation, as adopted by the Planning & Engineering Services Committee ('the Committee') on the 19th April 2021, recommended deferral of the proposed Mixed Commercial Development given that the application is generally compliant with TPS2 requirements and other elements of the prevailing local planning framework.

It was concluded that deferral was the most appropriate pathway, providing the information listed in the 'Reasons for Deferral' (as eluded to within proposed Refusal Reasons 1 and 2 of the Reasons for Responsible Authority Recommendation section of this report), is submitted and found to be acceptable following assessment, the application is capable of approval. With regard to the proposed Refusal Reasons 3 and 4, these matters were identified in the Officer Report, however, the outcomes could be achieved through conditions imposed on any subsequent Development Approval.

PS ref: 6840
City ref: 20.2021.31.1
DAP Ref: DAP/21/01952

26 March 2021

City of Rockingham
PO Box 2142
Rockingham DC WA 6967

Attention: David Banovic, Senior Planning Officer

Dear Sir,

**LOT 265 TALISKER BEND, GOLDEN BAY
DEVELOPMENT APPLICATION – PROPOSED MIXED COMMERCIAL DEVELOPMENT
RESPONSE TO REQUESTS FOR FURTHER INFORMATION**

Planning Solutions acts on behalf of Leyton Property, the proponent of the proposed mixed commercial development at Lot 265 Talisker Bend, Golden Bay (**subject site**).

We refer to various correspondence received from the City of Rockingham (**City**) during assessment of the development application. Specifically, the following:

- City's Request for Further Information (**RFI**), received via email on 19 March 2021.
- Summary of submissions received during advertising of the proposed development via email on 16 March 2021.

This letter, accompanying development plans and technical reports respond to each of the above-mentioned requests for further information or comments on the proposed development. The following documentation is attached to this submission in response to the above matters:

- **Attachment 1** – Site specific assessment against the EPA separation guidelines.
- **Attachment 2** – Updated development plans prepared by Hodge Collard Preston architects.
- **Attachment 3** – Traffic technical note prepared by Transcore responding to the traffic matters.

The abovementioned documents are considered to appropriately address the City's comments and responses to submissions, in addition to the further information contained within this submission.

1 Response to City's Request for Further Information

Refer to **Table 1** below for our detailed response to the City's request for further information. This should be read in conjunction with the remaining information that is included within this correspondence.

Table 1 – Response to City’s RFI (via email on 19 March 2021)

City’s comment	Applicant response
<i>Planning</i>	
<p>1. The Service Station is proposed in close proximity to an outdoor exercise and gym area (24 hour). Given the physical activity nature of the gym and outdoor exercise area, users of this facility may be particularly sensitive to odour / vapour emissions from the service station. There</p> <p>are also external sensitive land uses which fall within the 200m buffer that may be impacted. As per Environmental Protection Authority (EPA) – Separation Distance between Industrial and Sensitive Land uses No.3 (Guidance Statement), the City recommends that a site specific study be undertaken to ensure than sensitive land uses are not adversely impacted by means of gas and odour.</p> <p>The deemed provisions lists the ‘Matters to be Considered by the Local Government’ in its assessment of an application for development approval. The following matter is listed:</p> <p>(r) the suitability of the land for the development taking into account the possible risk to human health or safety.</p> <p>Further, the EPA Guidelines state as follows:</p> <p>“Proponents and responsible authorities are encouraged to consider their proposals and schemes in the light of the guidance given. A proponent or responsible authority wishing to deviate from the advice in this Guidance Statement would be expected to put a well researched, robust and clear justification arguing the need for that deviation.”</p> <p>This document provides the generic buffer (separation) distances referred to in the State Industrial Buffer Policy (Government of Western Australia 1997).</p> <p>The City consequently seeks a well-researched, robust and clear justification (i.e. site specific assessment), arguing the need for the deviation of EPA Guidelines.</p>	<p>Please refer to Attachment 1 for a site specific assessment against the EPA guidelines (Separation Distances between Industrial and Sensitive Land Uses).</p> <p>The proposed mixed commercial development, specifically the service station component, is appropriately separated from sensitive land uses as demonstrated within this technical note.</p>
<p>2. Current calculations suggest 10% landscaping space has been provided, however please note that verge areas and the proposed outdoor exercise area are not to be included within this allocation.</p>	<p>Approximately 521m² of soft landscaping area is provided, which equates to 11.4% of the site area. Please refer to the revised development plans in Attachment 2.</p>
<p>3. The visual implications associated with the 3m high wall required along the length of the southern boundary is of concern. Has the proponent considered finish of this wall so it does not present as a blank wall?</p>	<p>The wall will be appropriately finished to ensure it does not present as a blank wall. The proposed trees within the car park will assist in the breaking up and screening of the wall.</p>

City's comment	Applicant response
<p>4. Measurements suggest a 3m floor to ceiling height in lieu of 3.2m (under LDP) for the commercial occupancy. The variation is not supported. Further, clarify the floor to ceiling height of the service station and gymnasium on the plans, noting a 3.2m min height is required.</p>	<p>Please refer to the revised development plans in Attachment 2. Ceiling heights have been increased to 3.2m in height.</p>
Health	
<p>1. The acoustic report does not consider all noise emissions from the proposed development (for example music and activity noise (weights dropping, noise from trainers and patrons) from the 24 hour gym or the outside exercise area). A revised Acoustic Report is required to be provided to address the above.</p>	<p>The internal design of the Gymnasium has not been finalised and so a detailed assessment of environmental noise emissions from internal spaces / activities is not possible. However, we consider that noises from internal spaces, having to penetrate through the building façade are generally negligible with regard to environmental noise emission, especially when compared to the dominant noise sources already assessed in the acoustic report.</p> <p>The gymnasium facility, when operational, will need to comply with the provisions of the <i>Environmental Protection (Noise) Regulations 1997</i>, as well as the Environmental Protection Act 1986, and its definition of unreasonable noise. On that basis we are confident that any internal activities can be moderated where necessary to enable ongoing compliance with the legislated requirements regarding noise emission.</p> <p>Regarding the operation of the gymnasium, quieter internal noises would be permitted where external doors or windows were open, and higher noise levels would be permitted with doors and windows closed.</p> <p>Regarding the outdoor exercise area, this has been removed from the proposal. Therefore, no noise emissions would occur from any outdoor exercise.</p>
<p>2. Noise forecasting for the proposed R60 zoned residential Lot (Lot 2) to the South indicates exceedances for two storey residences that are around 13 m off the common boundary wall (exact figures have not been provided). Treatment options – including the requirements for a 3m wall for the length of the southern boundary and 1.2m high mechanical equipment rooftop noise barriers, and 'restrictions to southern residential areas' have been proposed in the Appendix A noise management plan. Have these restrictions been considered by the applicant?</p>	<p>These considerations have been considered by the applicant. A suitable design solution taking into consideration acoustic treatments to the future residential dwellings will be contemplated in the future.</p>

City's comment	Applicant response
<p>3. Only one bin store has been identified on the site for the Service Station. Information is sought on bin location and design for the other two buildings.</p>	<p>Given the internal layouts of the gym tenancy and commercial tenancy are yet to be finalised, it is premature to provide detail of bin store locations. Once tenants have been secured and an internal layout is development, bin store locations can be confirmed to the City's satisfaction. It is expected these details will be required as part of a Waste Management Plan, as an appropriately worded condition of development approval.</p>
Landscape	
<p>1. Provide further details of the proposed entrance statement 're-interpretation and relocation requirements'.</p> <p><i>It is understood that this infrastructure is to remain under the ownership and management of Peet Limited. Please provide details of the maintenance agreement in place for this asset, ie please confirm if this will remain a Peet asset or if the applicant will take ownership and maintenance of this asset, acknowledging that the asset will be required to remain in a presentable and safe condition in perpetuity, while being located on the applicants land.</i></p> <p><i>Grass or turf is not supported to the area surrounding the entrance statement, as suggested within the 'Landscape Sketch Plan SK34'. Amend this surface treatment to pavement and/or planting for ease of ongoing maintenance. It will not be maintained by the City.</i></p>	<p>Negotiations between the proponent and Peet in relation to the entrance statement are taking place separate to this development application. Any details of a maintenance agreement can be provided to the City at detailed design stage.</p> <p>It is expected that the entrance statement will be maintained in a presentable and safe condition in perpetuity, while being located on the subject site.</p> <p>Please refer to the concept landscape sketch contained in Attachment 2. Planting around the entrance statement will comprise of low growing native vegetation, which is low maintenance and of a waterwise nature. The proponent does not expect the City to maintain anything on the subject site.</p>
<p>2. It is unclear if the two existing <i>Casuarina equisetifolia</i> as seen below in orange are within Stage 1 (northern portion), or Stage 2 works, regardless preference is that these existing trees – as with all remaining on the site are retained and protected during the works.</p>	<p>The two existing <i>Casuarina equisetifolia</i> trees are proposed to be removed / relocated as part of stage 1 works. The removal of the trees from their current location is required to ensure the necessary sightlines are achieved. As currently located, the trees would impede on the sightlines of motorists seeking to view the price of fuel on the pylon sign.</p>
<p>3. With regard to the proposed 10m high multiple tenancies pylon sign, it is noted that its location results in the unnecessary removal of an established tree. The sign should be shifted closer to the intersection and ramp relocated to retain unnecessary removal of trees.</p>	<p>If the trees requiring removal cannot be relocated, they will be replaced (in a new location) by an advanced tree of the same or similar species.</p> <p>The pylon sign fronting Warnbro Sound Avenue cannot be shifted. Its location has been specifically selected to ensure the required visibility to motorists who are viewing the sign for the price of fuel. It is inevitable that the trees will need to be removed / relocated to ensure the sign can be seen by passing motorists.</p>

City's comment	Applicant response
4. Consider relocating the Air/Water bay by removing one adjacent standard car parking bay adjoining the air/water bay, utilising the wider pavement nib provided in this location for additional circulation space. This change is requested to ensure that three (3) existing advanced Casuarina equisetifolia trees to Aurea Blvd can be retained.	<p>This has been considered in the design of the facility, however, it cannot be accommodated. The air & water bay is logically located to the north of the service station car parking bays and is aligned to ensure no impediment on the vehicle accessway or any vehicle flows from the fuel canopy area.</p> <p>If the trees requiring removal cannot be relocated, they will be replaced (in a new location) by an advanced tree of the same or similar species.</p>
5. Reduce the garden area wrapping the Western corner of the proposed gymnasium to remove all small slender garden beds, as they will likely be subject to vandalism and the overhead canopy will provide no natural rain to planting, ultimately gardens will be high maintenance.	Please refer to Attachment 2 for the revised development plans. The narrow landscaping strips adjacent to the gymnasium (and covered by the awnings) have been removed and replaced with paving for ease of maintenance purposes.
6. Infill pavement surrounding the existing transformer infrastructure to reduce ongoing maintenance.	Please refer to Attachment 2 for the revised development plans. The existing transformer is proposed to be surrounded by pavement.
7. Remove the extension of the pathway connection along the front of the proposed commercial tenancies, as no external access is proposed to the Southern corner of the building.	Please refer to Attachment 2 for the revised development plans. The portion of pathway adjacent to the commercial tenancy extending south has been removed and replaced with soft landscaping / planting.
8. Provide triangular tree planting nibs to all proposed tree planting areas within carparks.	Please refer to Attachment 1 for the revised development plans. The site plan and landscape sketch now show the tree wells between car parking bays. Each tree well is proposed to contain a Casuarina equisetifolia tree.
Engineering and Traffic	
1. The City is concerned with the proposed vehicular access off Aurea Boulevard.	Please refer to Attachment 3 for the Technical Note prepared by Transcore which responds to the City's traffic concerns, including the City's Traffic and Engineering Appendix.
2. The City is concerned with the queues from the service station may overflow onto Aurea Boulevard. The stacking capacity analysis provide has not considered random arrivals.	
3. The areas used for vehicle movements and parking have not been designed in accordance with AS2890.	
4. The City has concerns regarding how the traffic analysis was completed in the TIA.	
5. The City has concerns regarding the swept path analysis which would increase traffic safety risk.	
Urban Water	
1. The stormwater management plan should be completed and provided to the City prior to determination of the development application. This is due to the current layout indicating no bio-retention treatment will be provided for trafficable areas outside of the service station forecourt, which is a requirement	A Stormwater Management Plan can be provided as an appropriately worded condition of development approval. Biofiltration systems can be incorporated into landscaping area along the lot boundaries at detailed design.

City's comment	Applicant response
<i>of City's Planning Policy - 3.4.3 and DWER's decision process. Provision of bio-retention will likely alter the proposed development configuration, so it is essential that a stormwater management plan be provided upfront.</i>	A condition of development approval would satisfy the City's concerns by requiring these matters to be resolved as part of stormwater management plan prior to works.
<i>2. The approved Golden Bay Stage 3 Urban Water Management Plan specifies that all lot types including commercial must manage the 1% AEP (100yr) onsite with no overflow to the adjacent road reserve. This has not been demonstrated.</i>	This can be demonstrated within a Stormwater Management Plan prepared at detailed design to the satisfaction of the City.

In consideration of **Table 1** above, the City requests for additional information have been appropriately responded to, with the development plans amended as required.

2 Response to submissions

A summary of public consultation submissions was received from the City on 16 March 2021. A total of 42 submissions were received. A response to the key themes raised in the submissions is provided in **Table 2** below.

Table 2 – Response to submissions (via email on 16 March 2021)

Submission	Applicant response
<i>Land Use and Amenity</i>	
<i>1. There are already multiple service stations within 2km including Caltex in Secret Harbour and BP in Golden Bay. There is no need for a three service stations in close proximity of each other.</i>	This is a commercial consideration and not a planning consideration. The nearest service station (Caltex Secret Harbour) is located 2.1km north of the subject site.
<i>2. Service Stations are an eyesore.</i>	This is a subjective design opinion without any meaningful explanation.
<i>3. There is no demand or desire for a service station from the local community.</i>	There is a clear demand for the proposed service station within the Golden Bay locality. If there wasn't, the proponent would not be proposing to develop a service station.
<i>4. The proposed neon-signage is not appropriate at this location. At the proposed height, signage would shine light into backyards and homes.</i>	No neon signage is proposed. Any illuminated signage as part of this proposal will be internally illuminated and will comply with the Australian Standards for outdoor lighting. All signage will be required to comply with the relevant luminance levels.
<i>5. The community's expectation for this site were that it would be a grouped housing estate and numerous landowner's bought properties based on this understanding. There was no mention of a future petrol station.</i>	The subject site is zoned Commercial under the City's Local Planning Scheme No.2, which provides for a variety of land uses.
<i>6. The developer plans to have a cafe and gym there as well. As someone who likes to keep fit and healthy the gym interests me, but if it's right next to a Petrol Station no chance I will be going to that gym. Laughable you claim it will have an outdoor gym area which no one will want to use breathing in fumes from the petrol station.</i>	Please refer to the revised development plans in Attachment 2 . The outdoor exercise area has been removed from the proposal.

Submission	Applicant response
<i>Location</i>	
1. <i>This service station development does not suit the area- it is too close to residential lots and the public school. Service stations should not be in the middle of a residential development.</i>	A service station is a 'D' (discretionary) use within the Commercial zone under the City's Local Planning Scheme No.2. Furthermore, service stations are an important facility to be located appropriately in proximity to residential development. Not only do they offer accessible refuelling, but a range of convenience goods.
<i>Traffic</i>	
1. <i>The roundabout located at Aurea Blvd and Thundelarra Drive is a major crossing point for families and children at end of school peak hour.</i>	A Transport Impact Assessment (TIA) has been prepared by Transcore which considers traffic safety at nearby intersections. The proposal is deemed suitable from a traffic safety perspective.
2. <i>How Thundelarra Avenue could support the added volume of traffic at peak times, with residents going to work, vehicles going to 2 day care centres, the primary school and a service station access. Have the road studies factored in the extra expected traffic from the daycare centres?</i>	The TIA prepared by Transcore considered the existing traffic on Thundelarra Drive and also considers growth scenarios and traffic increases on the adjoining roads. The road network is suitable to cater for the additional vehicles generated by the proposed mixed commercial development.
<i>Noise</i>	
1. <i>Properties in proximity to the development would hear the delivery trucks coming and going at all hours of the day and night and the noise of the extra traffic at night and day, would have a negative impact, particularly on sleep.</i>	Delivery vehicles can be appropriately managed to ensure delivery during the day. Furthermore, the times at which vehicles are permitted to make deliveries is guided by the <i>Environmental Noise Regulations 1997</i> . Compliance with the Noise Regulations is required at all time of the day.
2. <i>The noise levels of the trucks and cars at night and early hours of the morning wouldn't meet noise standards in a residential area.</i>	The Environmental Noise Assessment prepared by Reverberate Consulting considered noise associated with delivery vehicles, which was deemed to be acceptable in the context of sensitive premises.
<i>Health and Environment</i>	
1. <i>Health concerns of a service station and storage or fuel in the area close to a primary school, childcare centre and residential areas.</i>	The development application has been referred to the Department of Health for comment. A site specific assessment against the EPA separation guidelines is provided in Attachment 1 .
2. <i>Against the petrol station due to the smell and fumes which both exacerbate asthma symptoms and with an Australian average of approximately 50% of the population suffering from asthma in some form it is not fair to some of our younger members (the Primary school) having to deal with this daily through no choice of their own.</i>	The assumption that a service station produces odour and fumes is unsubstantiated. The stage 1 vapour recovery system is implemented to ensure the capture of any fumes when refuelling is occurring.
3. <i>Benzene in petrol is a known carcinogen and people who live in close proximity to service stations are at a greater risk of having a cancer diagnosis.</i>	The assumption that there is a greater risk of cancer linked to service stations is unsubstantiated. Modern vapour recovery systems effectively capture emissions.

Submission	Applicant response
<p>4. <i>This application does not sufficiently address the Environmental Protection Authority (EPA)Separation Distances as identified in Part 5 of the Development Application Report by Planning Solutions, specifically in relation to the planned Service Station use. The applicant has noted that 'EPA Guidance Statement No. 3' recommends a generic buffer zone of 200m between a Service Station operating 24 hours and any sensitive land uses. The definition of 'sensitive land uses' as identified in the EPA Guidance Statement No. 3 includes the use of premises for childcare. Whilst I acknowledge that the 'EPA Guidance Statement No. 3' is a guide only, we believe that the two childcare centres must be identified and addressed by a suitably qualified professional in the applicants submission, with evidence of any impacts or mitigation strategies provided. If the applicant is unable to demonstrate that the proposed development would not impact on the amenity of these two childcare facilities, we submit that this application should be refused.</i></p>	<p>Noted. A more detailed site specific assessment has been prepared and is included within Attachment 1 of this submission.</p>
<p>5. <i>The environmental impact on the area on fuel and oil spillages has not been considered.</i></p>	<p>Stormwater runoff associated with the service station will be treated through the use of a SPEL Puraceptor system, which captures runoff and any spillage within the forecourt area and tanker refuelling area.</p> <p>The Puraceptor is an underground collection system which treats stormwater by separating fuels, oils and other potential contaminants from stormwater runoff. The treated stormwater is then discharged into the site's main stormwater management system, while the captured contaminants are retained within a separate chamber for collection and removal off site.</p> <p>Use of the SPEL Puraceptor is a standard industry practice, and is generally implemented on all new fuel sites across Australia.</p>
Safety	
<p>1. <i>Traffic associated with the service station will present safety issues to schools and child care centres in proximity.</i></p>	<p>The TIA prepared by Transcore considers traffic safety and identified no safety concerns arising from the proposed development.</p>
<p>2. <i>The service station will result in antisocial behaviour.</i></p>	<p>Contrary to the submitter's concerns, the service station will provide a level of passive surveillance at all hours of the day, due to its 27/7 operation. This is more likely to deter antisocial behaviour than a vacant site.</p>
<p>3. <i>The increased volume of vehicle traffic when kids/pedestrians are walking to and from school land daycare and needing to cross roads in the area would increase the likelihood of serious crash or injury.</i></p>	<p>The TIA prepared by Transcore considers traffic safety and identified no safety concerns arising from the proposed development.</p>

3 Conclusion

The amended development plans, site specific assessment against the EPA separation guidelines, traffic technical note and responses contained within this letter address the City's comments received on 19 March 2021 and public submissions received during the consultation period. We respectfully request the City proceed to finalise its assessment and favourable recommendation of the application to the Development Assessment Panel.

Should you have any queries or require further clarification in regard to the above matter please do not hesitate to contact the undersigned.

Yours faithfully,



OLIVER BASSON
SENIOR PLANNER

210326 6840 Letter to City of Rockingham - response to requests for information

ATTACHMENT 1

EPA SEPARATION ASSESSMENT

Technical Note

To:	City of Rockingham	Attention:	David Banovic, Senior Planning Officer
Copy to:		Date:	26 March 2021
Subject:	Lot 265 Warnbro Sound Avenue, Golden Bay Proposed Mixed Commercial Development Response to Requests for Additional Information		

This technical note has been prepared in support of an Application for Development Approval for the proposed mixed commercial development, including a service station at Lot 265 Warnbro Sound Avenue, Golden Bay (**subject site**). We refer to the City of Rockingham (**City**) request for further information received via email on 19 March 2021. More specifically, the information contained herein responds to the following:

The Service Station is proposed in close proximity to an outdoor exercise and gym area (24 hour). Given the physical activity nature of the gym and outdoor exercise area, users of this facility may be particularly sensitive to odour / vapour emissions from the service station. There are also external sensitive land uses which fall within the 200m buffer that may be impacted. As per Environmental Protection Authority (EPA) - Separation Distance between Industrial and Sensitive Land uses No.3 (Guidance Statement), the City recommends that a site specific study be undertaken to ensure that sensitive land uses are not adversely impacted by means of gas and odour.

State Planning Policy 4.1 – State Industrial Buffer Policy (**SPP4.1**) identifies the need for land uses commonly associated with off-site amenity impacts (noise, dust, odour, risk and particulate emissions) to be separated from sensitive land uses to ensure acceptable environmental criteria can be achieved at nearby sensitive receivers. The Environmental Protection Authority's (EPA) Guidance Statement No. 3 – Separation Distances between Industrial and Sensitive Land Uses (**EPA Guidance Statement No. 3**) provides further guidance on the implementation of SPP4.1, recommending generic buffer distances intended to mitigate impacts of industrial developments on sensitive land uses.

With regard to retail fuel developments (service stations etc.) proposing 24-hour operation, the EPA Guidance Statement No. 3 identifies potential impacts as gaseous, noise, odour and risk, and recommends a generic buffer distance of 200m, reduced to 50m if the site is only operational between 7am and 7pm. The buffers recommended by EPA Guidance Statement No. 3 are not absolute separation distances. An assessment against the relevant amenity impacts identified with the EPA Guidance Statement No.3 is provided further below within this Technical Note.

PROPOSED SERVICE STATION

The proposed service station is designed to orientate internally within the site. The proposed retail building is located within the north eastern portion of the subject site with the fuel canopy on the western side of the retail building. The service station is located as far as possible away from sensitive land uses, which are located to the south and west of the subject site. This ensures vehicular traffic and the primary operations are located and orientated away from the site's residential interface.

The southern portion of the subject site is zoned Residential and will likely accommodate residential development. It is proposed to develop a 3m high fence along the boundary between the proposed development and this residential portion of the site. This residential portion of the site is separated by approximately 20m from the edge of the fuel canopy.

The refuelling forecourt area is located west of the retail building, approximately 33m from the eastern property boundary, 3.1m from the northern boundary and 50m from the western boundary. Located centrally beneath the fuel canopy are 3 fuel bowzers (6 refuelling bays). The vertical array of fuel bowzers is located approximately 24.80m from the southern boundary (adjoining the future residential portion of the site).

The layout of the development is guided by the service station operational requirements while ensuring an appropriate interface to residential properties (future and current). The development application is supported by technical reporting/inputs demonstrating the proposed development addresses traffic and acoustic matters. The positioning of the proposed retail building and canopy integrates with the access arrangements, ensuring traffic and environmental (noise, perceived risk, and gaseous) impacts are mitigated and sheltered from residential development to the south and east and other sensitive premises (i.e. the child care centre) to the west.

The location of the proposed fill point is approximately 30m north of the southern boundary (future residential portion). The refuelling process of the underground tanks will be captured by the Stage 1 vapour recovery system and will be shielded from residential development by the refuelling tanker, the gymnasium, refuelling forecourt area, the retail building, the commercial building and the 3m wall on the southern boundary. The service station is configured to ensure the site's operations cause no undue amenity impact on established residential premises to the south of the subject site, future residential development on the residential portion of the site, or the future child care centre to the west of the site. Refer to **Figure 1** below for an extract of the proposed site plan, demonstrating the configuration of the development proposed.



Figure 1 – Insert of proposed site plan



Figure 2 – Aerial Photograph of subject site and surrounds

EPA SEPERATION DISTANCES

Table 1 below provides an assessment of the proposed development against the potential amenity or environmental impacts outlined for a service station in accordance with the EPA Guidance Statement No. 3. The information provided in Table 1 demonstrates the appropriateness of the development on the subject site to allow for a reduction to the 200m buffer distance.

Table 1 – assessment against EPA separation guidelines

	Mitigation methods
Noise	<p>An Environmental Noise Assessment has been prepared for the proposal, incorporating a comprehensive assessment of noise sources as required by the <i>Environmental Protection (Noise) Regulations 1997</i>.</p> <p>The Environmental Noise Assessment lodged with the City with the development application confirms that noise generated by the proposed development will comply with the necessary noise requirements during all time periods (24-hour period) under the <i>Environmental Protection (Noise) Regulations 1997</i>.</p>
Risk	<p>As the proposed service station provides for the retail sale of fuel, the proponent must obtain a Dangerous Goods Storage and Handling Licence to store and sell petrol on the development site (post development approval). The following matters are assessed and considered as part of obtaining the licence:</p> <ul style="list-style-type: none"> • Separation distances to boundaries, public places, protected places and impact on adjoining properties. • Site accessibility for fuel delivery tankers and vehicles. • Spill containment. • Emergency preparedness and management. • Operator training. • Maintenance provisions. • Lighting. • Equipment to be installed.

	<p>Accordingly, risk is appropriately assessed through the dangerous goods licensing process, which will follow the development approval process. The proposed development has been designed to ensure it meets all the design standards, including the location of underground tanks, bowzers and separation distances so a Dangerous Goods and Handling Licence can be obtained for this development.</p>
Odour / Gaseous	<p>One of the key aspects in determining the impact of odour/gaseous is hazardous zones. <i>Puma Energy Australia and City of Cockburn [2016] WASAT 36 included evidence from a Department of Mines and Petroleum Accredited Compliance consultant, which states:</i></p> <p><i>Australian Standard AS/NZS60079 provides guidance on Explosive Gas Atmospheres and Hazardous Zones and it provides the tools to delineate the extent of a hazardous zone. From a practical perspective if there is a petrol odour then there are petrol vapours and one could expect there to be a hazardous zone.</i></p> <p><i>Petrol vapours are heavier than air and the hazardous zone around a petrol bowser extends in a 500mm thick layer 4m in distance in all directions from the base of the bowser. The 500mm directly adjacent the petrol bowser to 1.2m above ground level is also a hazardous zone. At the underground tank vent stack there is a 1.5m diameter zone around the vent outlet.</i></p> <p><i>The hazardous zone delineation coincides with required minimum separation distances where:</i></p> <ul style="list-style-type: none"> <i>the petrol bowser must be no closer than 4m to the property boundary</i> <i>the petrol tank vents must not be closer than 4m to any opening on a building</i> <i>the underground tank fill points must not be closer than 2m from any building opening or 3m from any ignition source</i> <i>the underground tanks must not be closer than 2m from the property boundary</i> <p><i>During normal operation it is unlikely that the petrol odours/vapours will extend much past the defined hazardous zone or separation distance. This is somewhat due to the speed at which the vehicles can refuel. The filling nozzle spout is generally a close fit into the vehicle fuel tank and that close fit restricts both flow rate in and limits the vapour/odours that are generated trying to escape from the tank. Attempts to increase the filling speed will cause increased fuel turbulence into the vehicles fuel tank resulting in an increase of fuel vapours or pressure trying to escape from the vehicles fuel tank. This increase in pressure in the vehicles fuel tank receiving pipe causes the filling nozzle to shut off thereby reducing escaping vapours.</i></p> <p>The proposed development, as outlined in the risk section of Table 1, is designed to ensure it will obtain a Dangerous Goods Licence. Therefore, the hazardous zones detailed above have been factored into the overall design to ensure the vapour/gaseous impact does not extend beyond the subject site.</p> <p>In addition to the analysis above, the two main sources of gaseous vapour are identified as part of this development, are as follows:</p> <ol style="list-style-type: none"> 1. The refilling of the underground fuel storage tanks to the west of the canopy along the norther side of the site. This also includes the vent pipes connected to the underground tanks which will be located adjacent to Aurea Boulevard. 2. The refuelling of vehicles beneath the fuel canopy, isolated to the petrol bowzers and nozzles. <p><u>Tanker refuelling</u></p> <p>The underground fuel storage tanks will be equipped with a Stage 1 Vapour Recovery System. A Stage 1 Vapour Recovery System ensures all petrol vapours from the underground tanks are drawn back into the fuel tanker being emptied and returned to the supply terminal where the vapours are recondensed into liquid. Additionally, vapour recovery lines are connected to the fuel bowzers for further mitigation. These systems are very common, and are included within all new and redeveloped service stations in Australia. The Stage 1 Vapour Recovery System</p>

captures 95% of all vapour during the refilling process. The following figure provides a visual representation of the Stage 1 vapour recovery process.

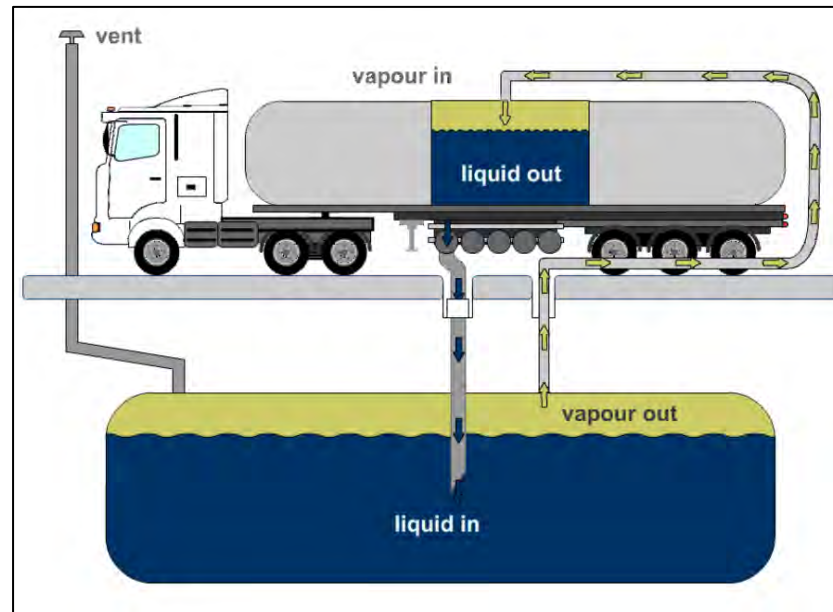


Figure 2 – Stage 1 Vapour Recovery Process (Source: NSW EPA Standards and Best Practice Guidelines for Vapour Recovery at Petrol Service Stations).

Refuelling bowzers

The fuelling of vehicles within the forecourt area is located approximately 62m from residential properties to the south (excluding the residential zoned vacant land on the subject site). As a vehicle is refuelled, the remaining vapour within the vehicle's fuel tank is displaced and localised around the bowser with the identified hazardous zone. Vapour/gaseous emissions from the fuel bowser lines are isolated to the fuel nozzles and bowzers, during the action of refuelling a vehicle. The child care centre to the west is shielded from the fuel bowzers by the gymnasium. The future residential properties to the south as part of stage 2 are separated by 20m and are shielded by the commercial building and a 3m high fence.

Taking into consideration the above, the vapour/gaseous expected during the tanker refuelling and refuelling at the bowzers is minimal and will not result in offsite impacts.

As demonstrated in **Table 1** above, the proposed development is designed and configured in a manner which mitigates any potential amenity impacts on nearby properties. The development features modern day and best practice service station refuelling infrastructure which ensures the appropriate operations of the development from an environmental perspective, within the generic 200m buffer distance advised by the EPA Guidance Note No.3. Accordingly, a lesser separation distance has been demonstrated to be acceptable for the proposed development.

APPROVED CONVENIENCE STORE / SERVICE STATION DEVELOPMENTS

It is very common for service station developments to be located within the buffer distance(s) established by the EPA Guidance Statement No.3. This includes comparable convenience store / service station developments where a variation to the prescribed separation distance was provided without site specific assessment.

It should be noted a site-specific analysis is not often provided at the development application stage as service stations within Australia are highly regulated and are required to meet a number of standards, including dangerous goods licensing.

In the case of *Puma Energy Australia and City of Cockburn [2016] WASAT 36*, the same matters were considered in the determination and approval for a service station development by the Tribunal. In context of the Puma site, there is a three-storey multiple dwelling to the south, a single storey residential dwelling adjoining the site to the west, and a double storey grouped dwelling development to the north-west.

Following an application for review with the Tribunal, it was identified the retail sale of petroleum products within the 200m EPA separation buffer zone would not result in unacceptable impacts. Specifically, paragraph 160 and 178 of this case in part states the following:

160. *[Expert witness] also gave evidence, which was not questioned or contradicted, and which we accept, that he is aware of 'several other retail fuel sites which have been approved (after adoption of the EPA Guidance Statement), along with a number of established sites, with lesser separation distance to sensitive land uses that the generic buffer, and where site specific odour and risk assessments have not be presented'.*
178. *In contrast, in this case, the Tribunal is satisfied, notwithstanding the absence of a sound site-specific technical analysis / scientific study based on site-specific and industry-specific information, that the proposed development would not result in unacceptable impacts from the retail sale of petrol component of the development in relation to risk (or gas or odour) and, indeed, that the proposed development is acceptable in relation to risk (and gas and odour) impacts.*

In the case of *Puma Energy Australia and City of Cockburn [2016] WASAT 36*, it has been identified comparable service station developments comprising modern day and state of the art refuelling systems, are acceptable in relation to the amenity (including environmental) impacts on nearby residential properties.

Along with the following examples, this demonstrates fuel retailing convenience store and service station developments are capable of construction adjacent or in proximity to sensitive land uses (including but not limited to residential, childcare, schools and educational establishments):

1. Puma Hamilton Hill [Lot 55 (224) Clontarf Road, Hamilton Hill] – approved by the State Administrative Tribunal on 13 April 2016.
2. BP Jindalee [Lot 9002 (2471) Marmion Avenue, Jindalee] – approved by the Metro North-West Joint Development Assessment Panel on 19 May 2018.
3. BP Clarkson [Lot 801 (28K) Caloundra Road, Clarkson] – approved by the Metro North-West Joint Development Assessment Panel on 11 June 2018.
4. 7-Eleven Caversham [Lot 801 (2131) West Swan Road] – approved by the Metro-East Joint Development Assessment Panel on 18 March 2016.
5. 7-Eleven Gosnells [Lot 1 (303) Corfield Street, Gosnells] – approved by the Metro-East Joint Development Assessment Panel on 6 November 2017.
6. Liberty Oil Gosnells [Lots 74, 84 and 85 (2341-2345) Albany Highway, Gosnells] – approved by the City of Gosnell's on 12 February 2019.
7. BP Embleton [Lot 74 (484) Walter Road East, Embleton] – approved by the City of Bayswater's on 23 January 2018.
8. BP Ellenbrook [Lot 7386, The Promenade, Ellenbrook] – approved by the Metro East JDAP on 9 October 2019.
9. BP Rockingham [Lot 36 (137) Dixon Road, East Rockingham] – approved by the Metro South-West JDAP on 8 July 2019.
10. 7 Eleven Northlands [Lot 101 (377) Wanneroo Road, Balcatta] – approved by the Metro Inner-North JDAP on 18 December 2020.

As outlined above, it is quite common for service station developments to be constructed within the generic EPA separation distance. These examples feature comparable sites adjacent to sensitive land uses with refuelling infrastructure and modern-day service station technology that is consistent with this development. In determining these development applications, the determining authorities are clearly satisfied the approved developments are acceptable in relation to amenity on nearby residential properties from a noise, risk, odour and gaseous emissions perspective.

CONCLUSION

The proposed service station has been configured and designed to respond to the subject site to mitigate perceived amenity impacts on adjoining properties. The modern-day service station features best practice service station refuelling infrastructure. This includes a Stage 1 vapour recovery system, capturing 95% of vapour emissions precipitated from the southern portion of the site. Remaining vapour sources are substantially secluded and shielded to the residential properties to the south and west with vapour not anticipated to extend beyond hazardous zones around bowsers, vents pipes and tanker fill point.

The proposed site layout demonstrates the appropriateness of fuel retailing within a distance less than the EPA's generic 200m buffer distance, without the requirement for a site-specific study. The information outlined within **Table 1** above provides an assessment of the development against the noise, risk and/or odour/gaseous perceived considerations. This is

further supported by the State Administrative Tribunal, JDAP and local government decisions for comparable convenience store / service station developments within recent years.

The proposed service station is considered to appropriately address the City's request for information from an environmental separation perspective and warrants the City's support accordingly.

ATTACHMENT 2

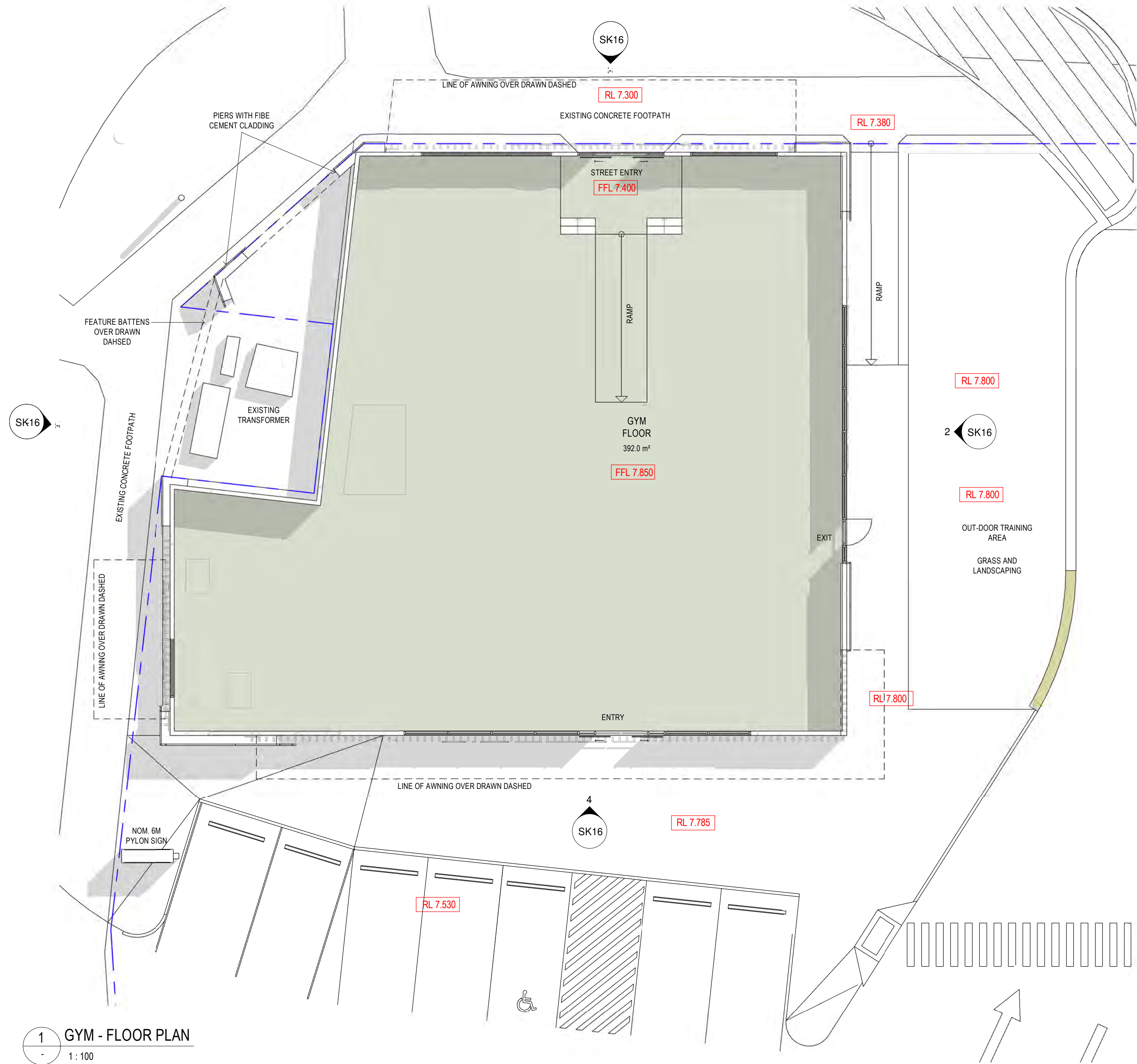
AMENDED DEVELOPMENT PLANS



SCHEDULE OF KEY INFORMATION

TOTAL SITE AREA:	4,543m²
TOTAL NO. OF CAR BAYS:	48 BAYS
TOTAL LANDSCAPE AREA:	521m²
BUILDING FOOTPRINT AREAS:	
• GYMNASIUM	404m²
• PETROL STATION	243m²
• COMMERCIAL	247m²
NOMINAL PARKING BAYS:	
• 711	5 STANDARD 1 ACCESSIBLE 1 AIR/WATER 6 BOWSER BAYS
• COMMERCIAL	5 STANDARD 1 ACCESSIBLE
• GYMNASIUM	14 STANDARD 1 ACCESSIBLE
• SHARED	21 STANDARD
TOTAL	48 CAR BAYS 1 AIR/WATER BAY 6 BOWSER BAYS

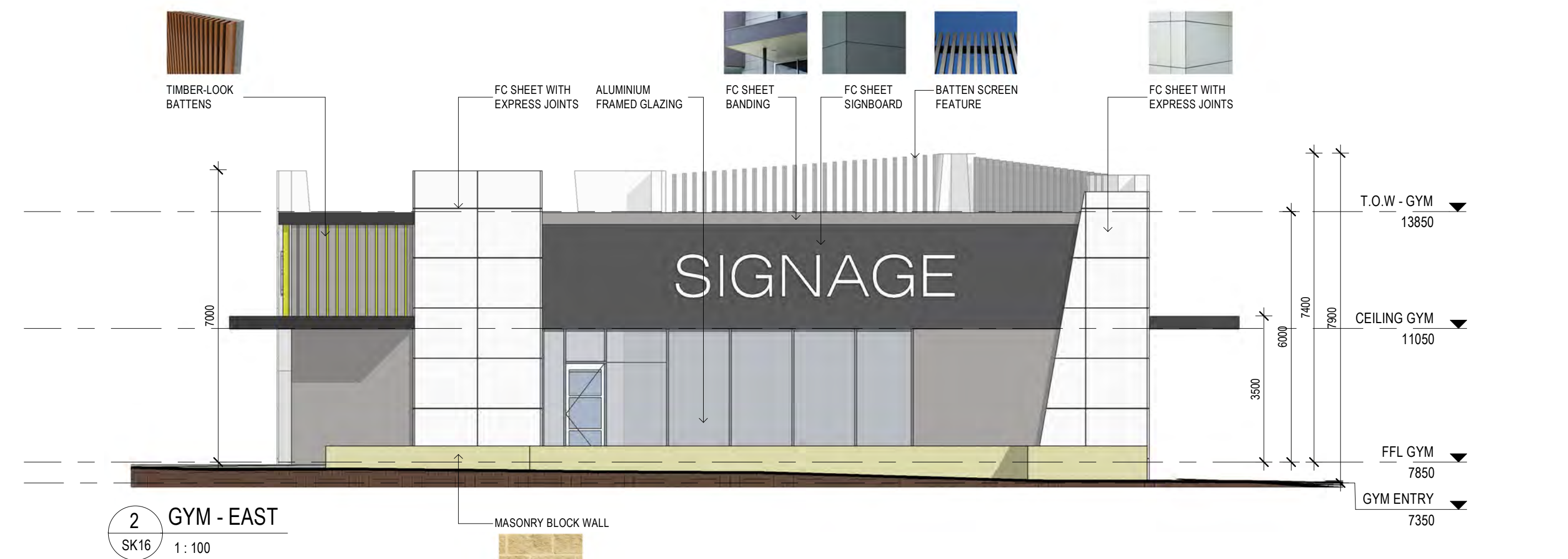
* TREE TO BE REMOVED (OR RELOCATED WHERE POSSIBLE).
IF RELOCATION IS NOT POSSIBLE, AN ADVANCED TREE OF THE SAME SPECIES CAN BE PROVIDED TO COMPENSATE FOR THE REMOVAL.



1 GYM - FLOOR PLAN
1:100



4 GYM - SOUTH
1:100



2 GYM - EAST
1:100



3 GYM - NORTH
1:100

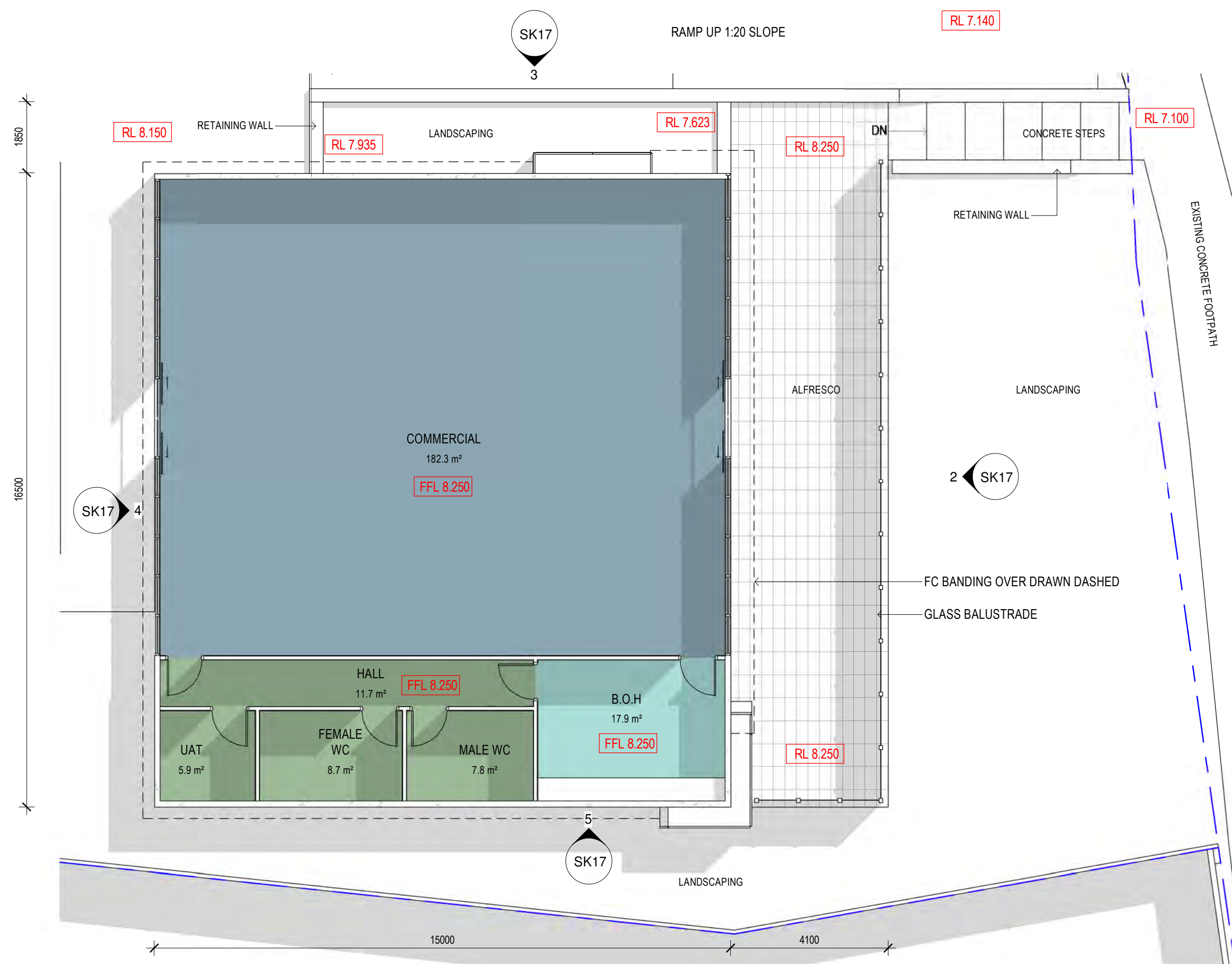


5 GYM - WEST
1:100

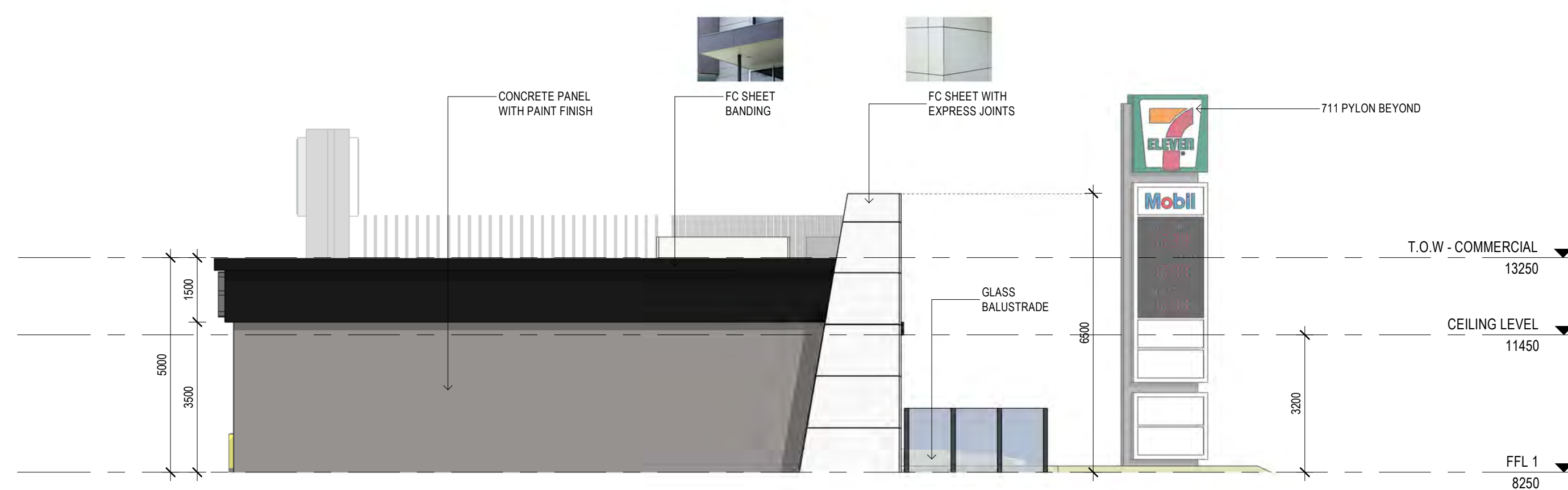
SK16

PROPOSED MIXED COMMERCIAL
Lot 265 (40) Talisker Bend, Golden Bay
REVISION L PROJECT NO. 161.20 DATE 25.03.2021

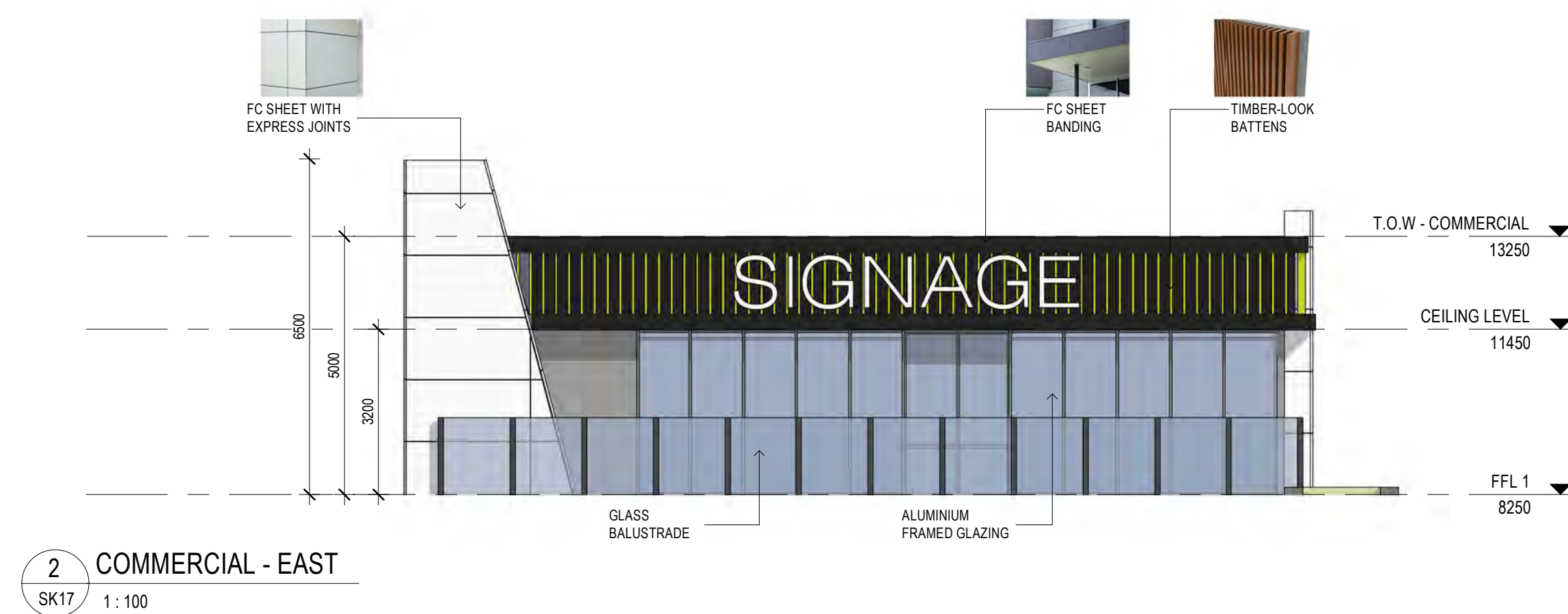
Hodge Collard Preston
ARCHITECTS



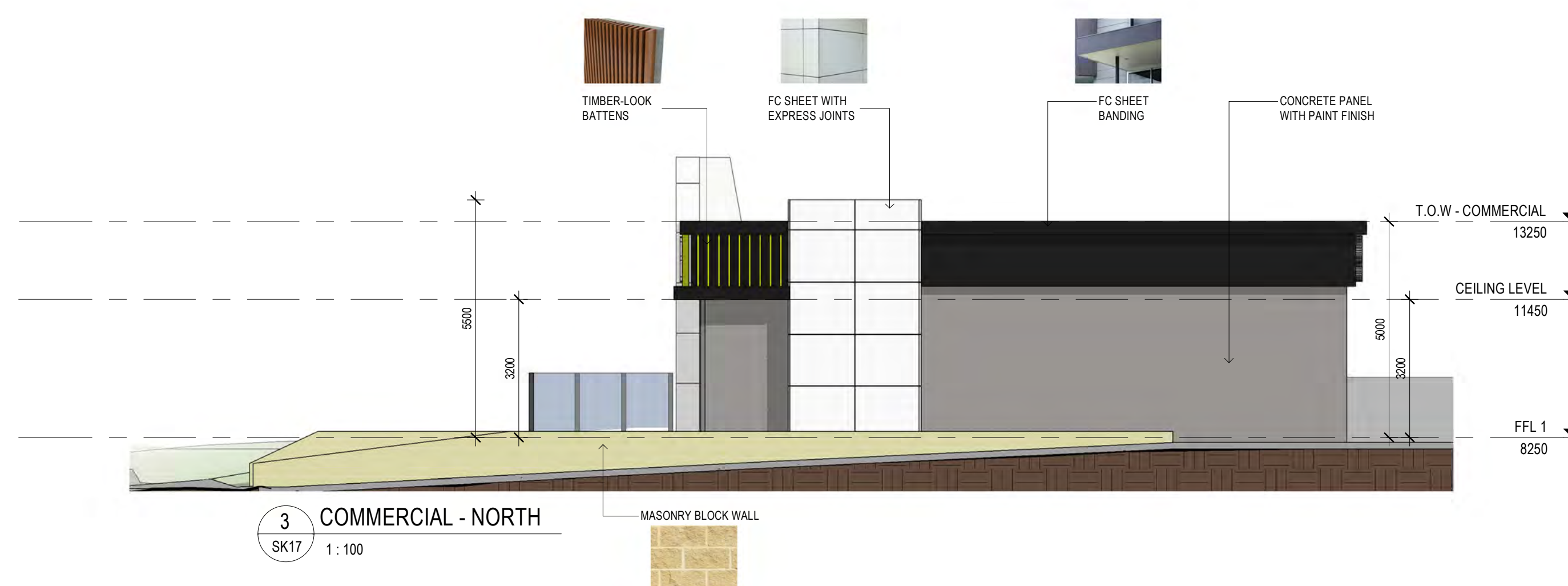
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1:100



5 COMMERCIAL - SOUTH
1:100



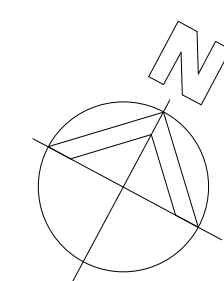
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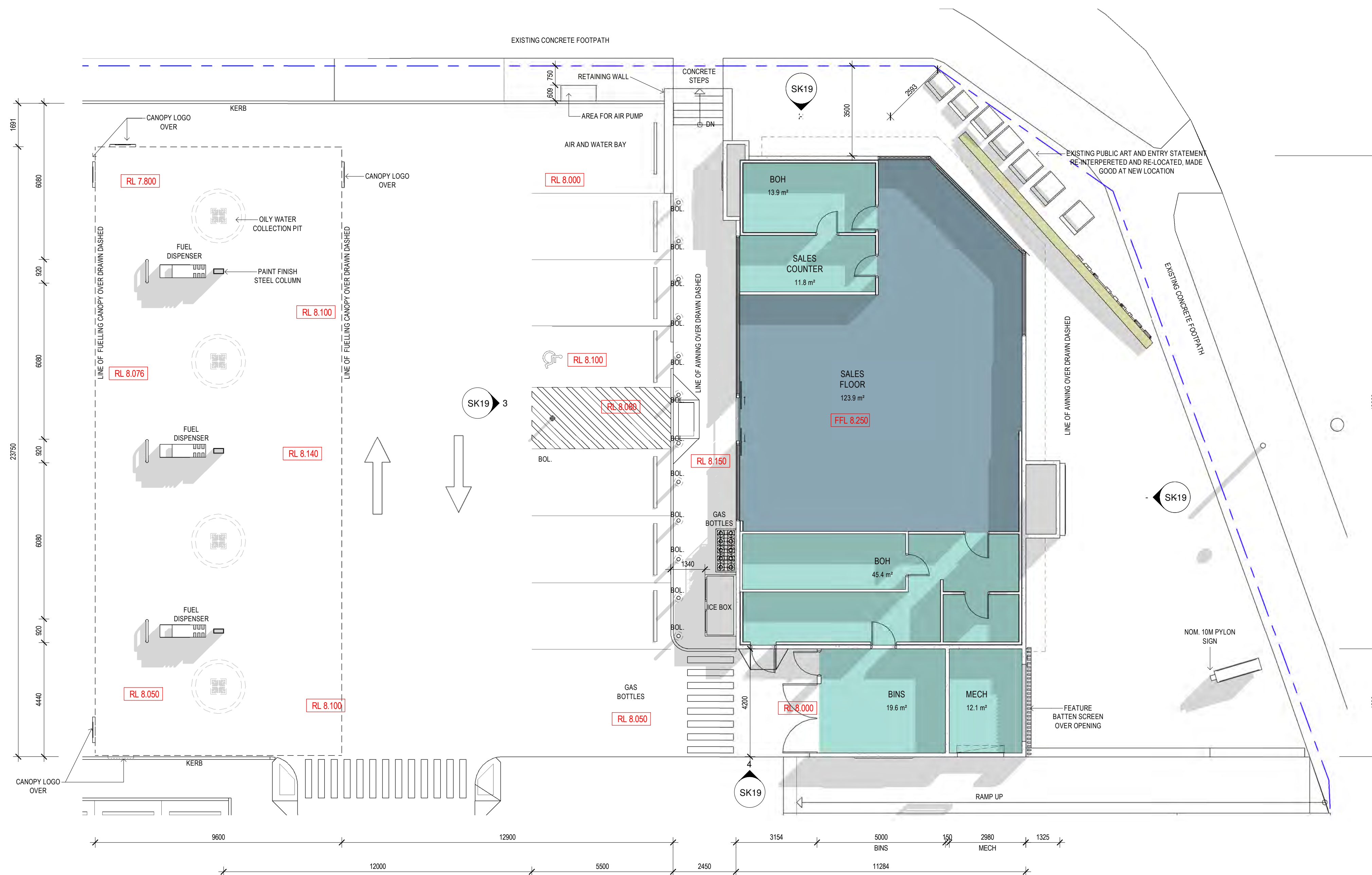


3 COMMERCIAL - NORTH
1:100

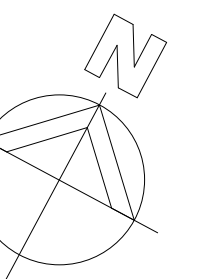


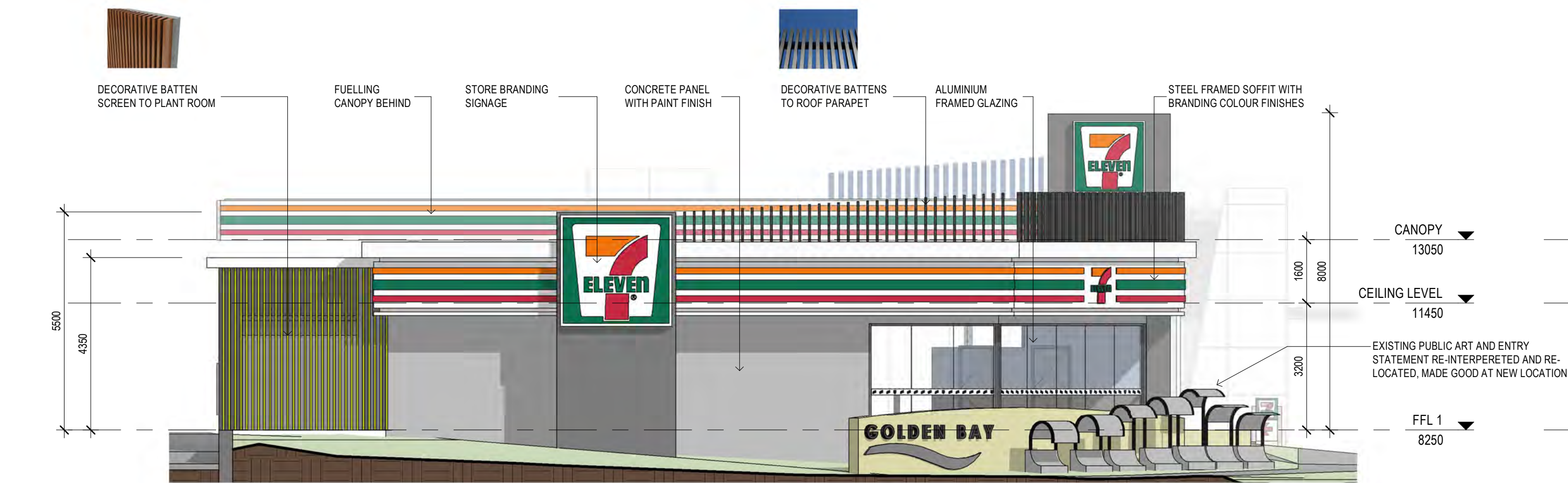
4 COMMERCIAL - WEST
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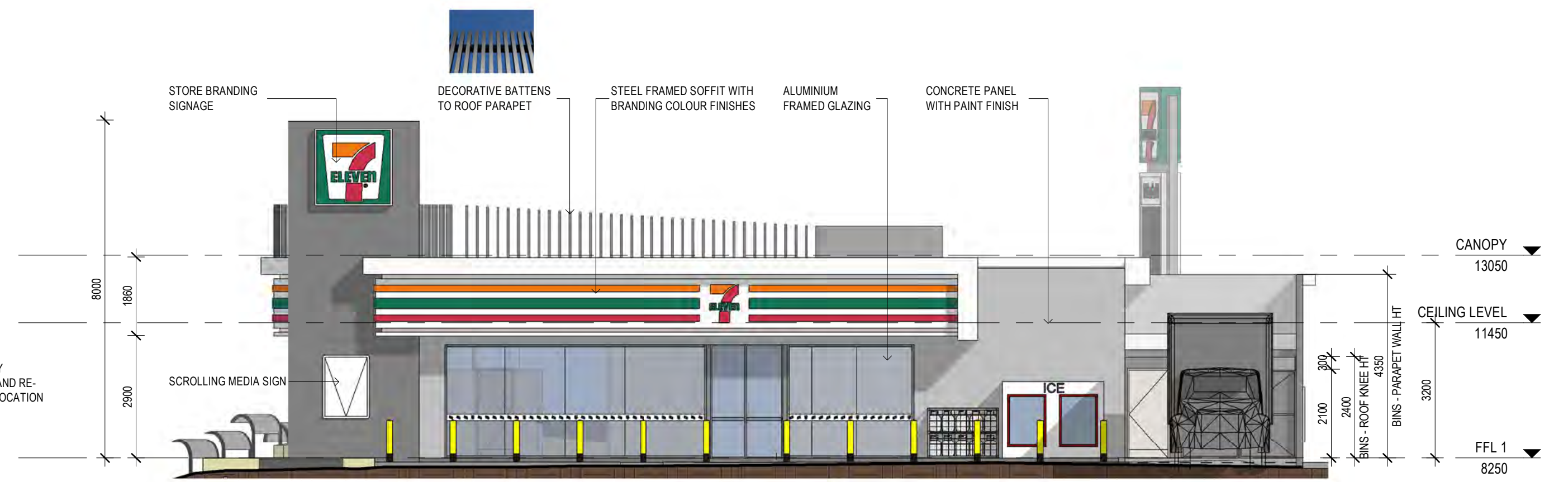


1 7-11 - FLOOR PLAN
1:100

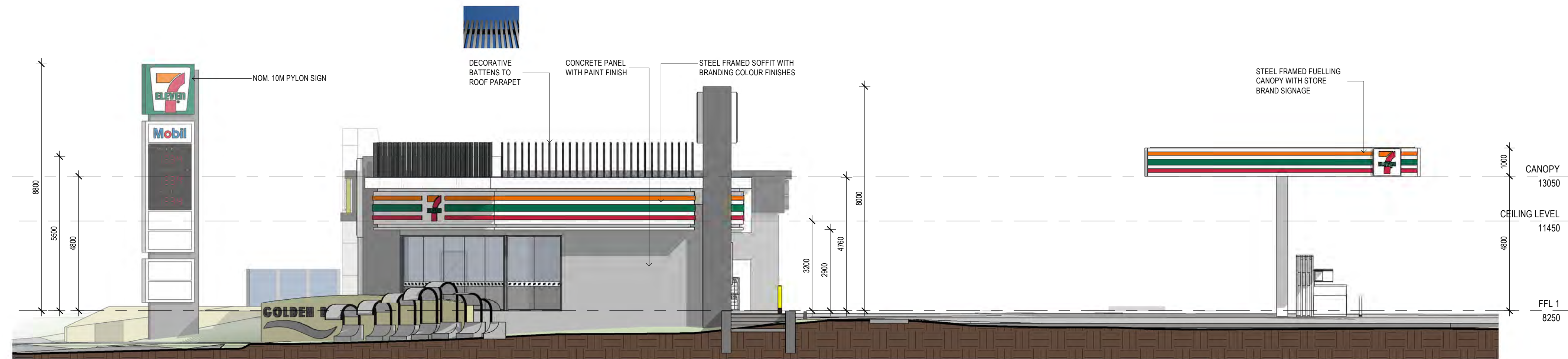




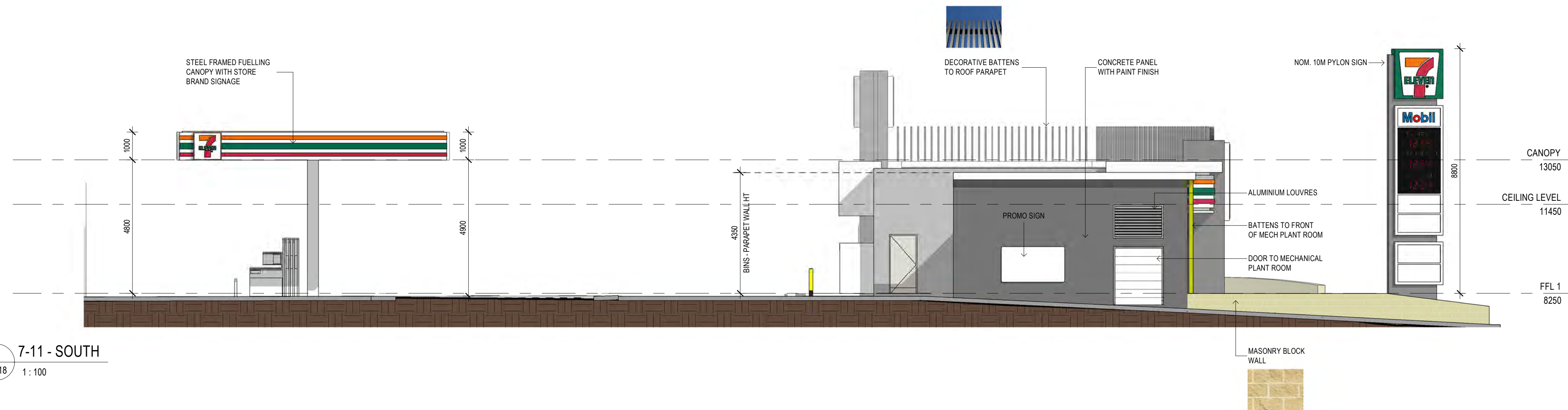
1 7-11 - EAST
SK18 1:100



3 7-11 - WEST
SK18 1:100



2 7-11 - NORTH
SK18 1:100



4 7-11 - SOUTH
SK18 1:100

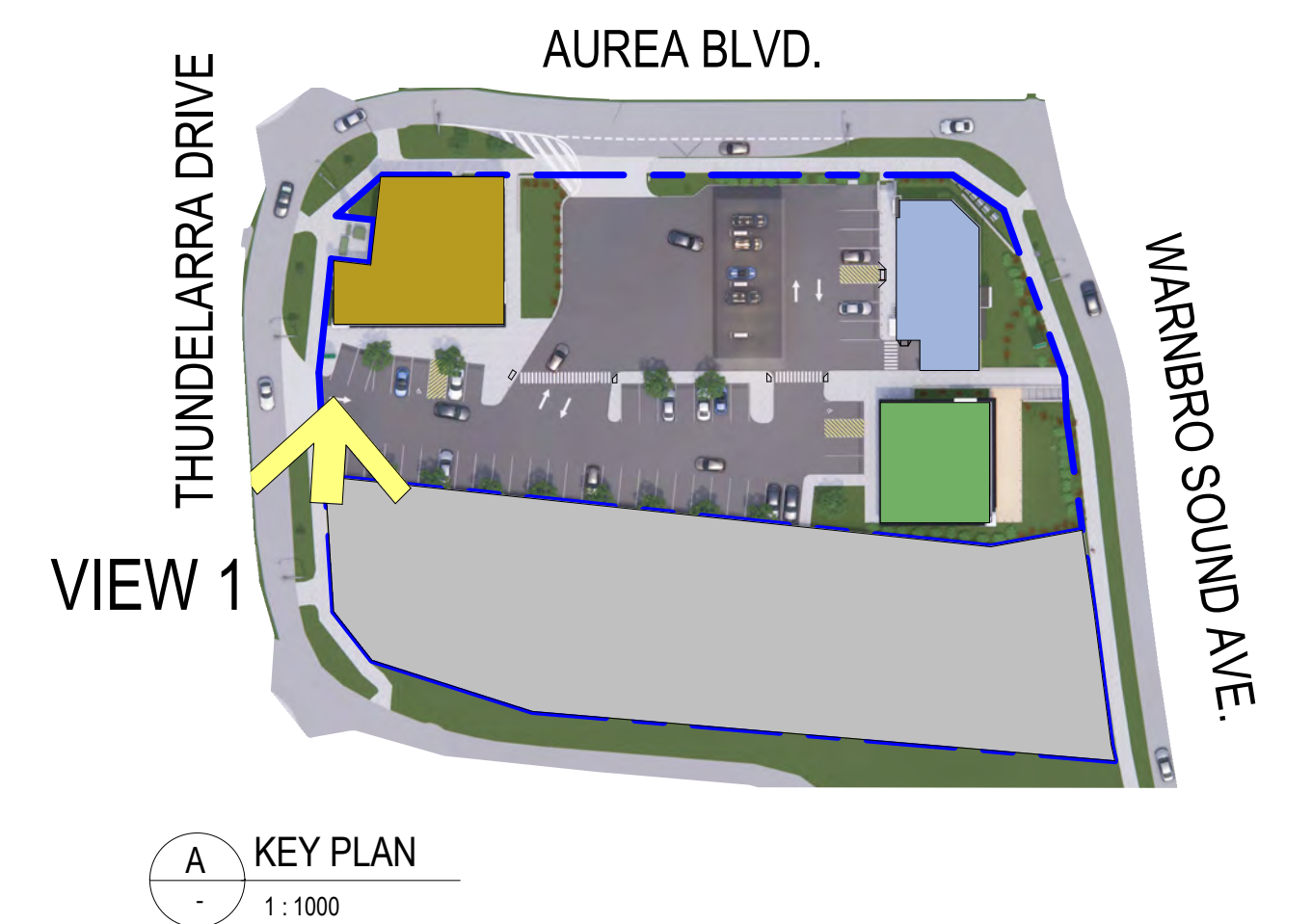
SK19

PROPOSED MIXED COMMERCIAL
Lot 265 (40) Talisker Bend, Golden Bay
REVISION L PROJECT NO. 161.20 DATE 25.03.2021

Hodge Collard Preston
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1 3D VIEW
1:1





2 3D VIEW
1:1



A KEY PLAN
1:1000



3 3D VIEW
1:1



1 KEY PLAN
1:1000

SK22

PROPOSED MIXED COMMERCIAL
Lot 265 (40) Talisker Bend, Golden Bay
REVISION K PROJECT NO. 161.20 DATE 29.01.2021

Hodge Collard Preston
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4 3D VIEW
1:1

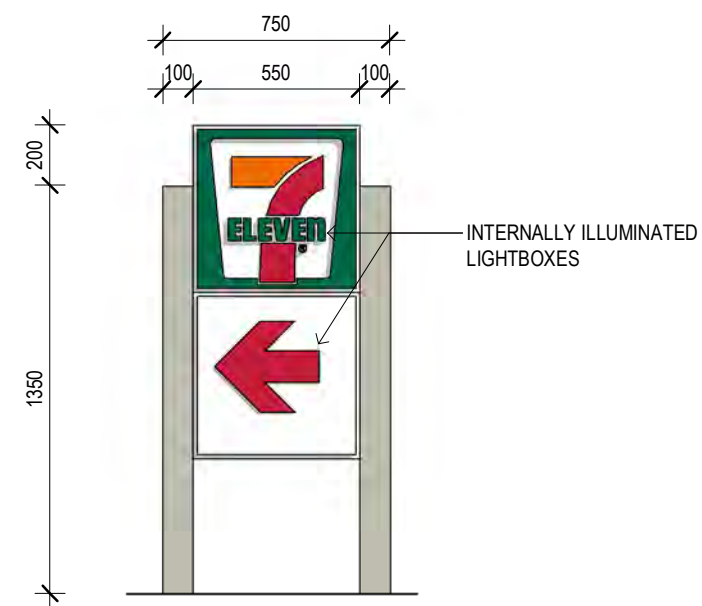


1 KEY PLAN
1:1000

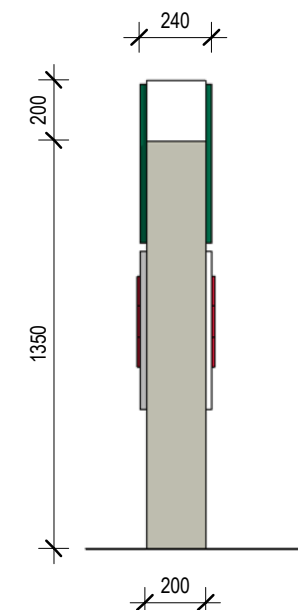
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PROPOSED MIXED COMMERCIAL
Lot 265 (40) Talisker Bend, Golden Bay
REVISION K PROJECT NO. 161.20 DATE 29.01.2021

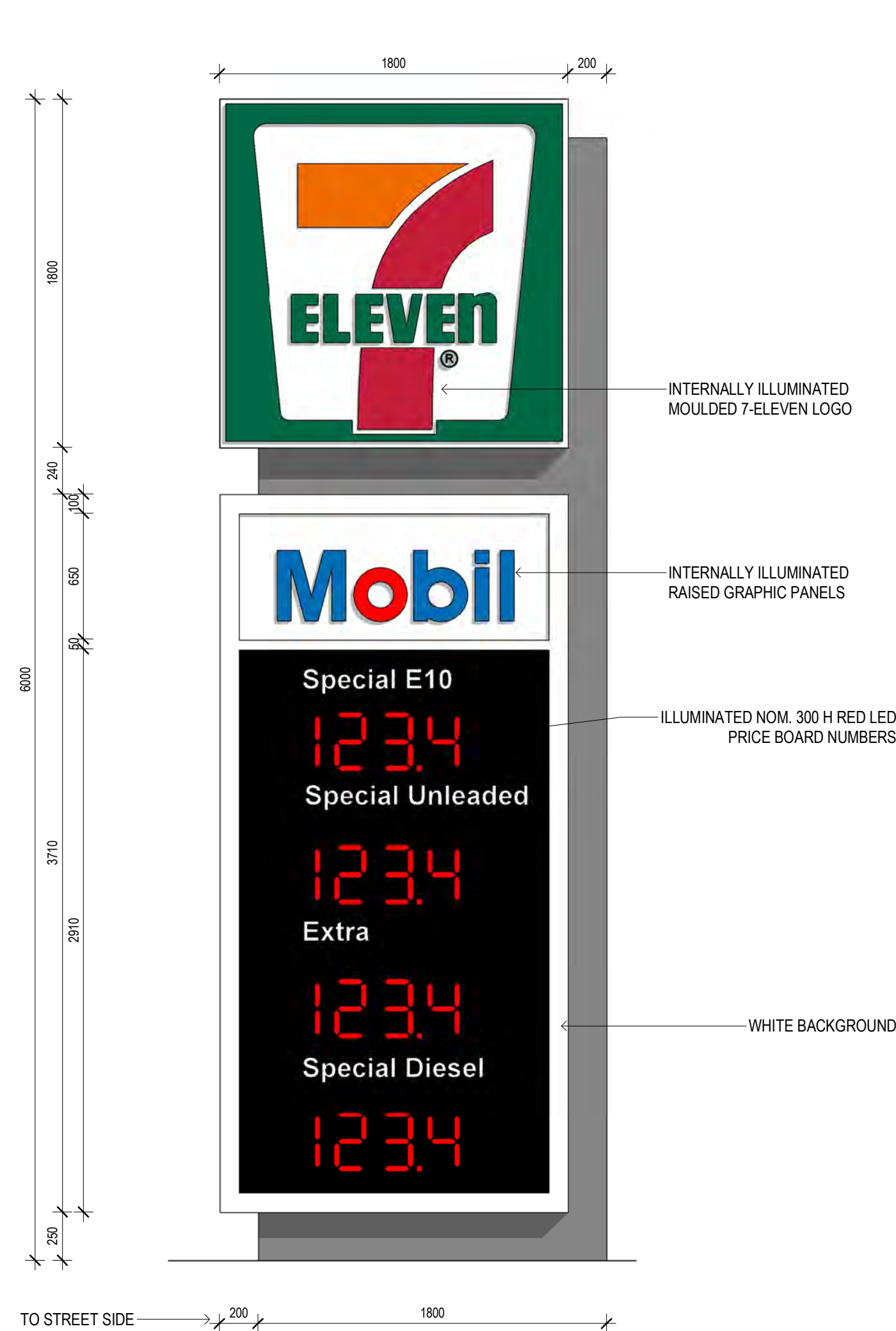
Hodge Collard Preston
ARCHITECTS



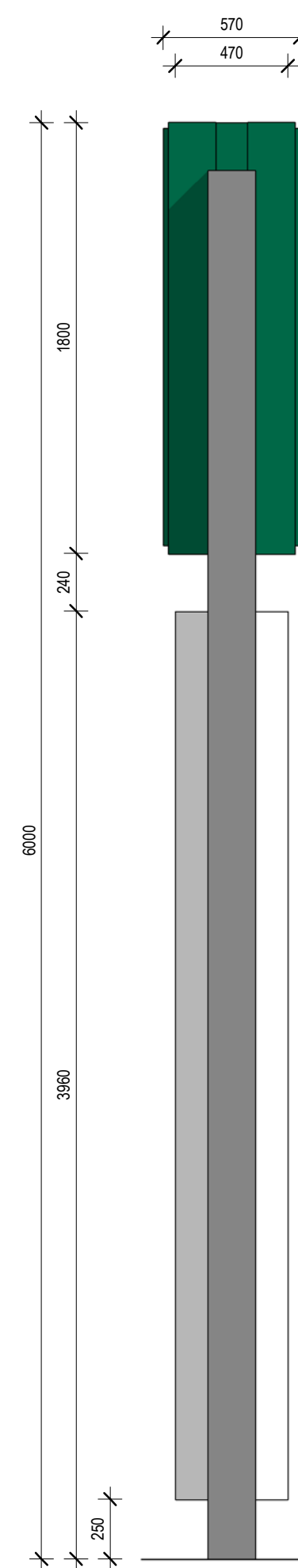
1 711 - DIRECTIONAL SIGN FRONT ELEVATION
1 : 25



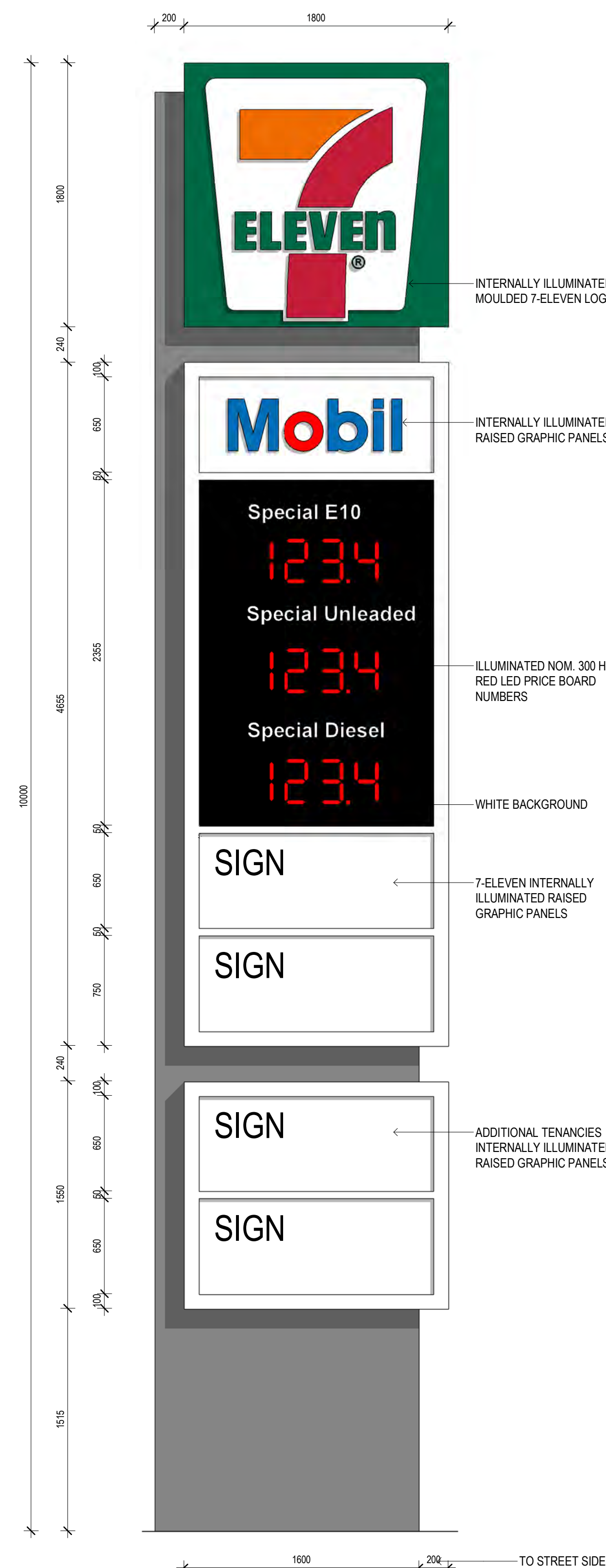
2 711 - DIRECTIONAL SIGN SIDE ELEVATION
1 : 25



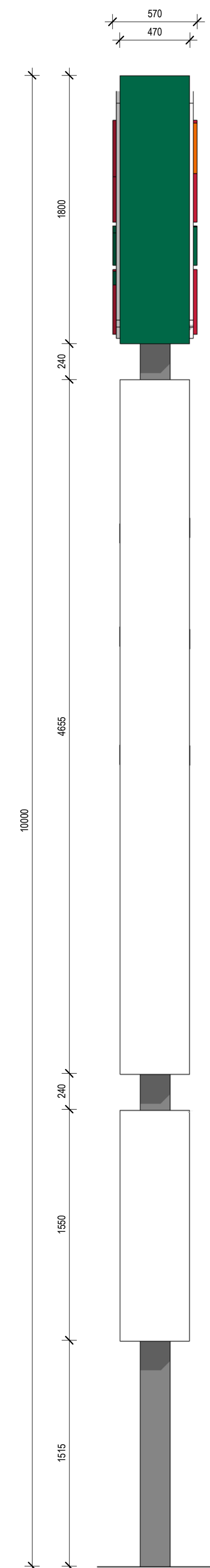
3 711 - 6m PYLON - FRONT ELEVATION
1 : 25



4 711 - 6m PYLON - SIDE ELEVATION
1 : 25



5 711 - 10m PYLON - FRONT ELEVATION
1 : 25



6 711 - 10m PYLON - SIDE ELEVATION
1 : 25

SK32

PROPOSED MIXED COMMERCIAL
Lot 265 (40) Talisker Bend, Golden Bay
REVISION K PROJECT NO. 161.20 DATE 29.01.2021

Hodge Collard Preston
ARCHITECTS



1 SITE PLAN STAGE 2 - SKETCH
1:200

NOTE: CONCEPT ONLY FOR DEMONSTRATION PURPOSES -
PLANNER AND TRAFFIC ENGINEER INPUT REQUIRED.

SK33 PROPOSED MIXED COMMERCIAL
Lot 265 (40) Talisker Bend, Golden Bay
REVISION K PROJECT NO. 161.20 DATE 29.01.2021

Hodge Collard Preston
ARCHITECTS



LANDSCAPING LEGEND

NOTE - CONCEPT ONLY, ALL INFORMATION TO BE CONFIRMED WITH DETAILED LANDSCAPING PLAN

LOW SHRUB COMBINATION ON MULCH GROUND COVER. (LANDSCAPED AREA)

COMBINATIONS:
- 'CORAL CARPET' SHRUBS
- 'LITTLE SMOKIE PBR' COMPACT SHRUBS
- 'PRICKLY CONOSTYLIS' COMPACT SHRUBS

POT SIZES TO COUNCIL REQUIREMENTS.

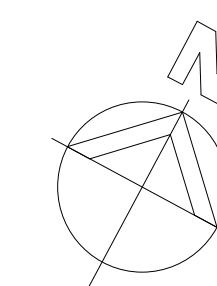
TOTAL AREA: 521m²

PROPOSED TREES - CASUARINA OBESA SWAMP SHEOAK (TO MATCH EXISTING STREET TREES IN THE AREA)

POT SIZES TO COUNCIL REQUIREMENTS.

TOTAL NUMBER: 13

1 SITE PLAN - LANDSCAPING SKETCH
1:200



SK34 PROPOSED MIXED COMMERCIAL
Lot 265 (40) Talisker Bend, Golden Bay
REVISION L PROJECT NO. 161.20 DATE 25.03.2021

Hodge Collard Preston
ARCHITECTS

ATTACHMENT 3

TRAFFIC LETTER

Technical Note: No 1

Date: 26/03/2021

Project No: t20.270

Project: Lot 265 (40) Talisker Bend, Golden Bay – Proposed Mixed Commercial Development

Subject: Addressing City of Rockingham Comments

INTRODUCTION

Transcore prepared a Transport Impact Assessment (TIA) on behalf of Leyton Property for the Development Application for a proposed mixed-use commercial development at Lot 265 Aurea Boulevard in Golden Bay in December 2020. The City of Rockingham reviewed the Development Application documents including the TIA and provided a number of comments in a letter dated 19 March 2021 (ref: 20.2021.31.1)

This technical note is prepared to address the City comments with respect to the traffic and transport matters. City's comments and Transcore's responses are provided in table in page 2 of this technical note.

The relevant supporting documents including the updated development plan, the updated turn path analysis and the relevant page of ITE Guidelines are also provided in the Appendices of this technical note. The high-resolution turn path plans in pdf format have are provided separately to the City.

Proposed Mixed Commercial Development, Golden Bay| responses to City's Comments

March 2021

	CITY OF ROCKINGHAM COMMENTS	STATUS/COMMENT
	General comments	
1	<p>The proposed vehicular access off Aurea Boulevard is not feasible for the following reasons:</p> <ol style="list-style-type: none"> 1. Insufficient separation distance between intersections to accommodate an access; 2. minimum access spacing of 55m (based on "Stopping Sight Distance"). 3. Conformance to AS2890.1; 4. Queue from the roundabout impacting on the access; and; 5. queues from the service station may overflow onto Aurea Boulevard 	<ol style="list-style-type: none"> 1. According to the Golden Bay Comprehensive Development Plan Update (prepared by Transcore, dated 1st April 2011) Aurea Boulevard (between Warnbro Sound Avenue and Thundelarra Drive) is classified as "Integrator B". The intersection spacing on an "Integrator B" is recommended as 40m in accordance with LN Guidelines. Therefore, there is sufficient separation distance between the intersections. The LN or any other guidelines do not prohibit crossovers within this separation. 2. The SSD in AS2890.1 is relevant to a straight section of the road and not distance from an intersection and should not be interoperated as access spacing. The SSD is more than satisfied along the straight section of Adelong Avenue and Aurea Boulevard on the approach to the proposed crossover. Further the proposed crossover on Aurea Boulevard is a left in/ left out crossover with 30m left turn slip lane. Therefore, the left turn movement to the site is separated from the through traffic which reduces the risk of rear end crashes significantly. 3. The proposed crossover is in accordance with AS2890.1 as it is located more than 6.0m from the TP of the

		<p>roundabout. Please note that the cars will turn left from the crossover (not the mountable kerb), which is located about 30m from the roundabout.</p> <p>4. Site observations has indicated no queue back from the roundabout to the proposed crossover.</p> <p>5. The capacity assessment undertaken at the bowsters and documented in the TIA demonstrates no risk of queue back to Aurea Boulevard. Appendix B also shows a queuing plan demonstrating spaces for at least two cars queuing behind the car at the bowser without any impediment on the vehicle accessway near the Aurea Boulevard crossover.</p>
2	Parking Audit in accordance with in accordance with AS2890.	This item can be a condition of approval.
	Comments on TIA	
1	Traffic projection and Classification of Aurea Blvd and Thundelarra Drive	The traffic projections for the Golden Bay Comprehensive Development Plan Update (prepared by Transcore, dated 1st April 2011) reflects the full development of the Golden Bay by year 2031. It is our understanding that it is unlikely that the Golden Bay Development Plan and the surrounding areas would be fully developed by year 2031 and the projected traffic volumes on Aurea Blvd and Thundelarra Drive would reach to the level that was reported for the full development of the Golden Bay Structure Plan. As a result, Transcore adopted the methodology of 2% annual growth on the existing traffic volumes. It should be noted that the 3% traffic growth suggested by the City would not change the outcome of the modelling and analysis.
2	Reporting existing daily traffic counts	The available existing daily traffic counts has been reported in the

		TIA. At the time of preparation of the TIA, City of Rockingham did not have any traffic counts for Thundelarra Drive and as a result Transcore interpolated the existing traffic counts on this road by reviewing the Golden Bay Development Plan traffic projections.
3	The City has concerns with the of EDD because it should only be used in constrained locations	This section of Aurea Blvd is constrained by the existing signalised intersection to the east and the roundabout intersection. It should be further noted that the proposed left turn slip lane for the crossover is not warranted based on the turn lane warrants of the Austroads Guidelines or MRWA Supplement to Austroads Guide to Road Design - Part 4 (refer Appendix B of the TIA). However, the slip lane is proposed to improve traffic operations and safety.
4	The analysis for stacking capacity for the service station has not considered random vehicle arrivals	The capacity assessment undertaken at the bowsters and documented in the TIA demonstrates no risk of queue back to Aurea Boulevard.
5	The trip generation rates adopted for the "Commercial" component appears to be very low.	The trip rates for the "commercial" component were sourced from TRMS NSW – Guide to Traffic Generating Developments Updated Traffic Surveys 04a (2013) for Major hardware and building supplies stores in the Guideline which is considered to be conservative and higher than bulky goods retail stores trip rates.
6	The City normally suggests a minimum 3% annual traffic growth rate in absence of any information. Note however that the Golden Bay Comprehensive Development Plan provides information regarding future traffic volumes therefore these should be used instead.	The traffic projections for Golden Bay Comprehensive Development Plan Update (prepared by Transcore, dated 1st April 2011) reflects the full development of the Golden Bay by year 2031. Although it is acknowledged that City normally suggests 3% annual growth, in this case, the review of the historical traffic counts on surrounding roads suggest that a 2% traffic growth is appropriate for the projection of the future traffic volumes on surrounding roads.
7	The City does not have access to the mentioned document	Please see attached in Appendix C the relevant page from ITE 10.

	therefore please provide the relevant extract such that its validity could be assessed	
8	<p>The City has concerns regarding the swept path analysis including:</p> <ul style="list-style-type: none"> • Design vehicle encroaching significantly into the opposing traffic lane • Design vehicle encroaching into car parking bays • Clash with kerbing • Reversing movements within the parking aisle <p>Poor resolution for the swept path analysis</p>	<ul style="list-style-type: none"> • The relevant standards and guidelines permit service vehicles to use all available widths of the internal roads of a development when making turns. It should be noted that service vehicles will visit the site infrequently and generally outside the peak operating times. • Please see attached the high-resolution pdf format of the turn paths. As evident the design vehicle does not encroach onto the parking bays. • Please see attached the high-resolution pdf format of the turn paths. As evident the design vehicle does not clash with kerbs. • The design vehicle is permitted to undertake reversing movement over a short distance to access the loading bay. This is normal practice in developments of this nature. It should be noted that service vehicles will visit the site infrequently and generally outside the peak operating times. • The updated turn paths are provided in Appendix B and high resolution plans are provided to City separately.

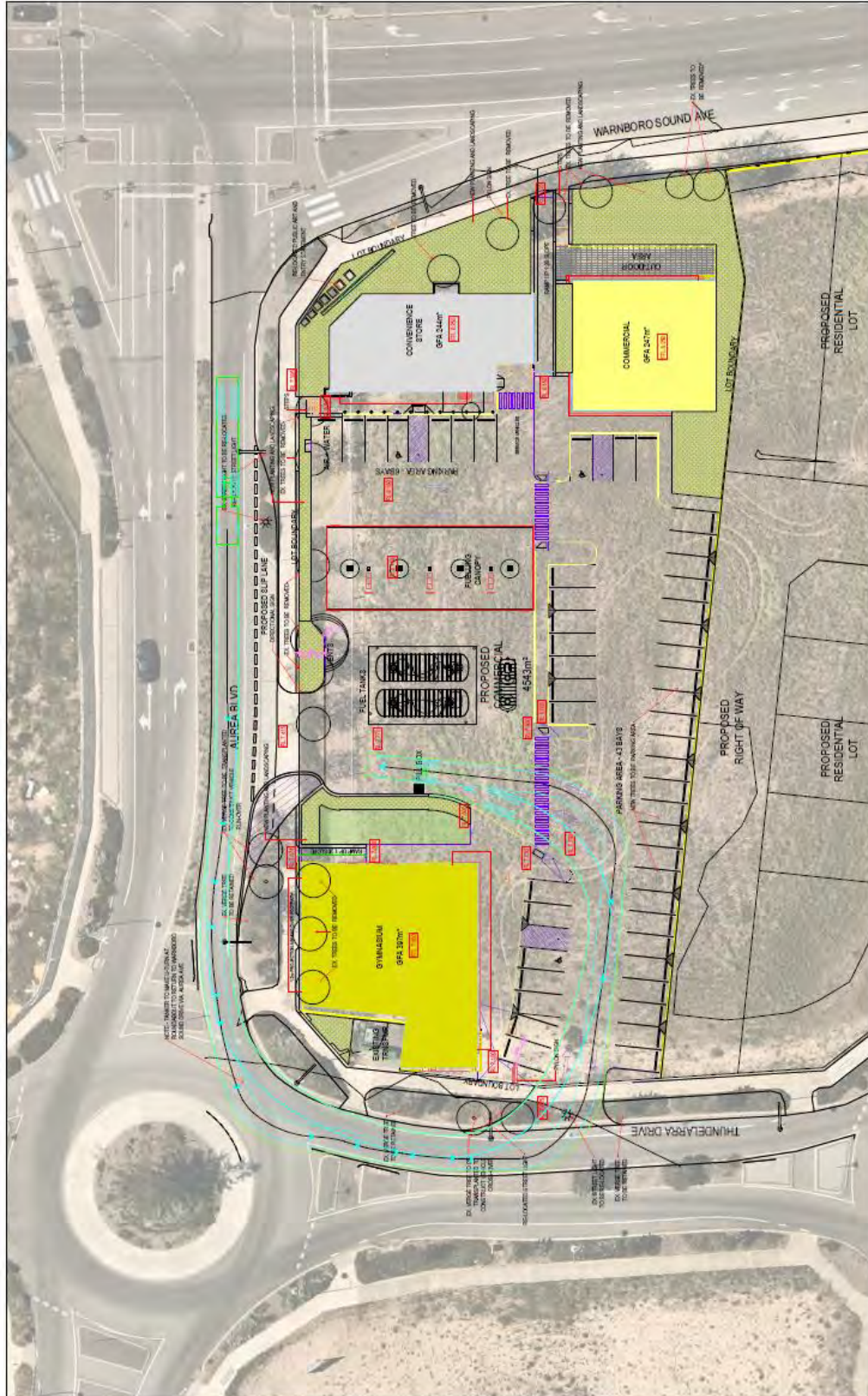
Appendix A

UPDATED DEVELOPMENT PLAN

Appendix B

***Plan Showing Queuing at Service Station Bowsers and
Updated Turn Paths***





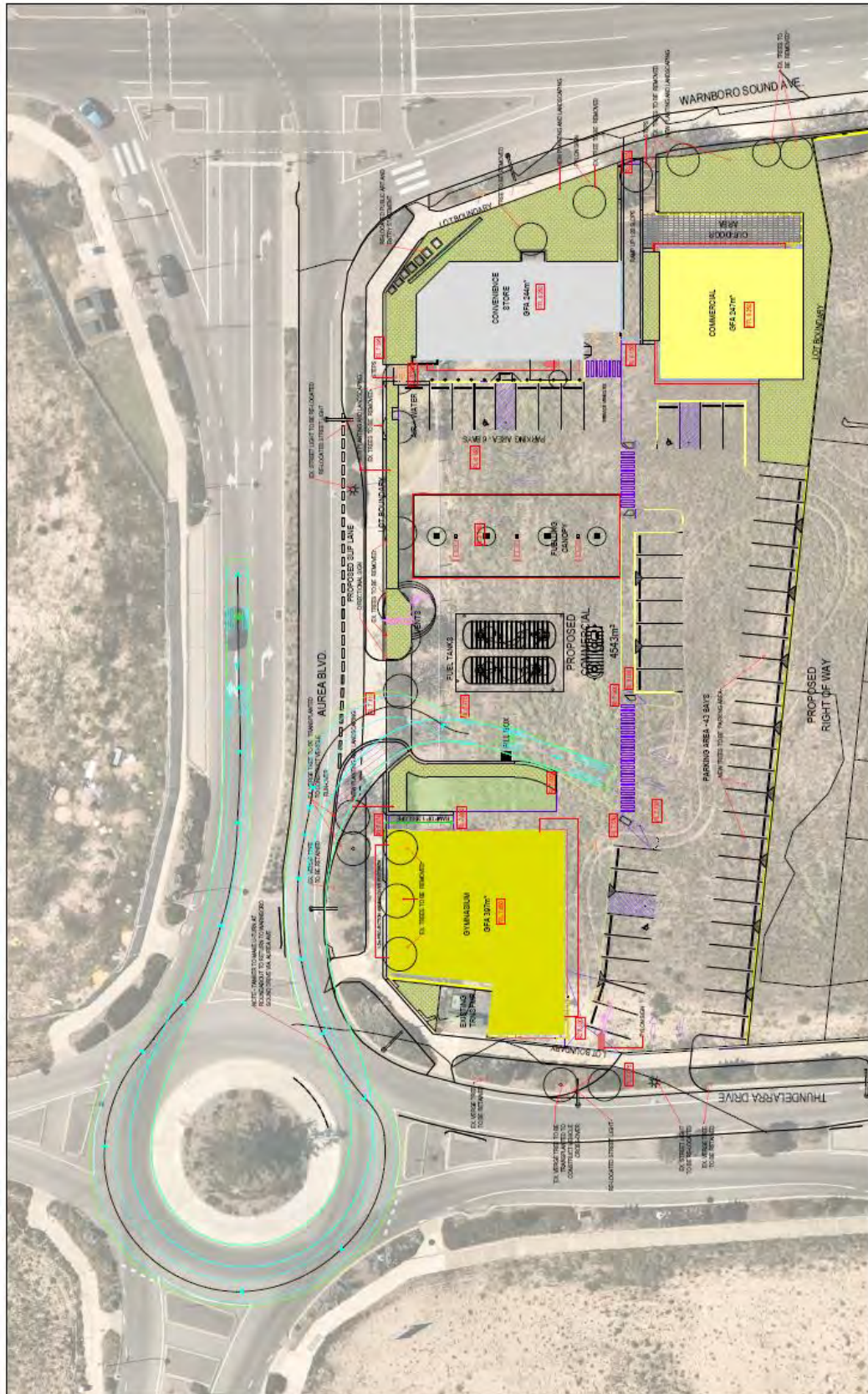
Proposed 7-Eleven, Golden Bay
 Austroroads 2013: 19.0m Semi-Trailer
 Fuel Tanker Entry

LEGEND:

- Vehicle Body
- Wheel Path

t20.270.sk01f
 26/03/2021
 Scale: 1:400 @ A3



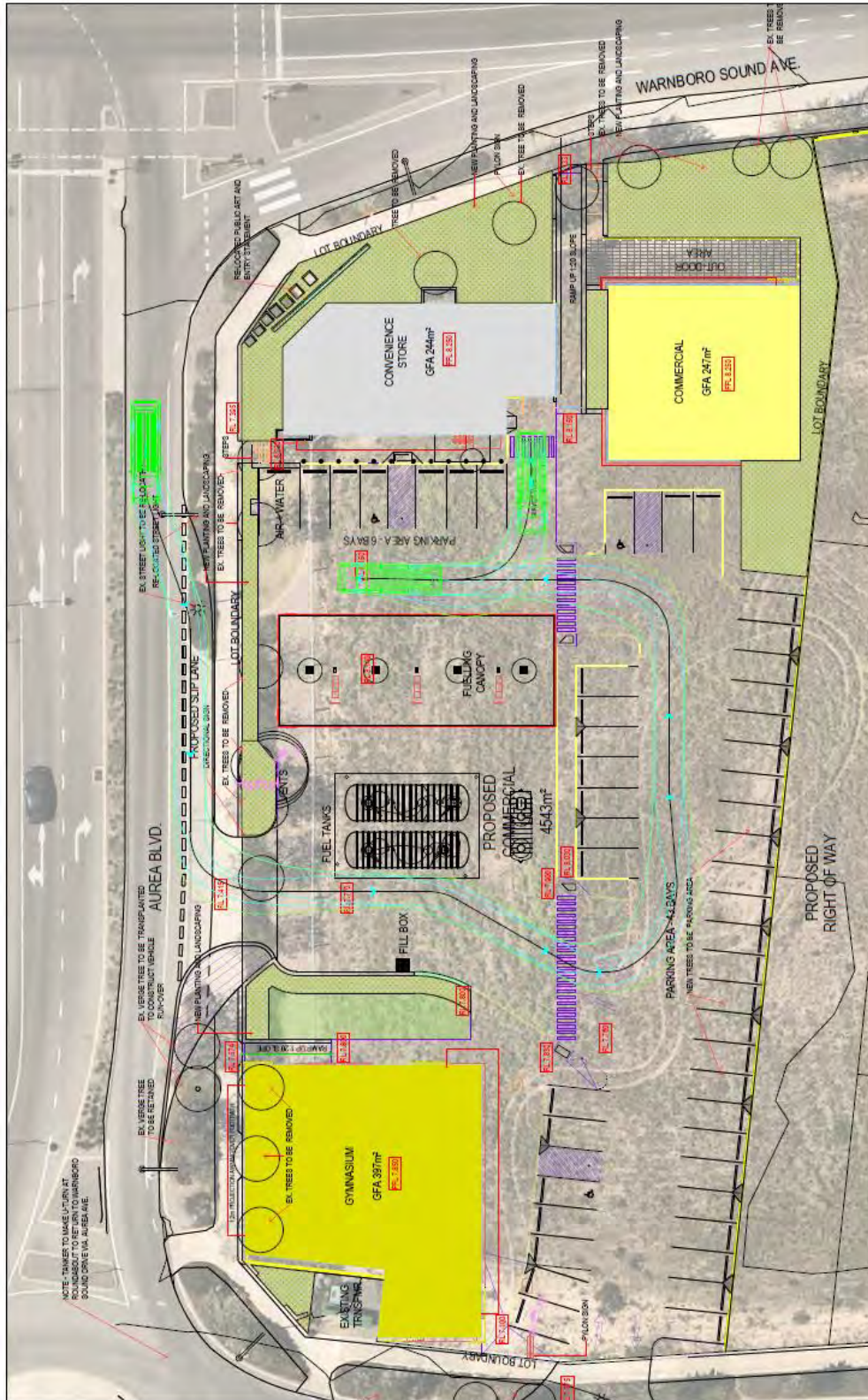


Proposed 7-Eleven, Golden Bay
 Austroads 2013: 19.0m Semi-Trailer
 Fuel Tanker Exit

LEGEND:
 Vehicle Body
 Wheel Path

t20.270.sk02f
 26/03/2021
 Scale: 1:400 @ A3





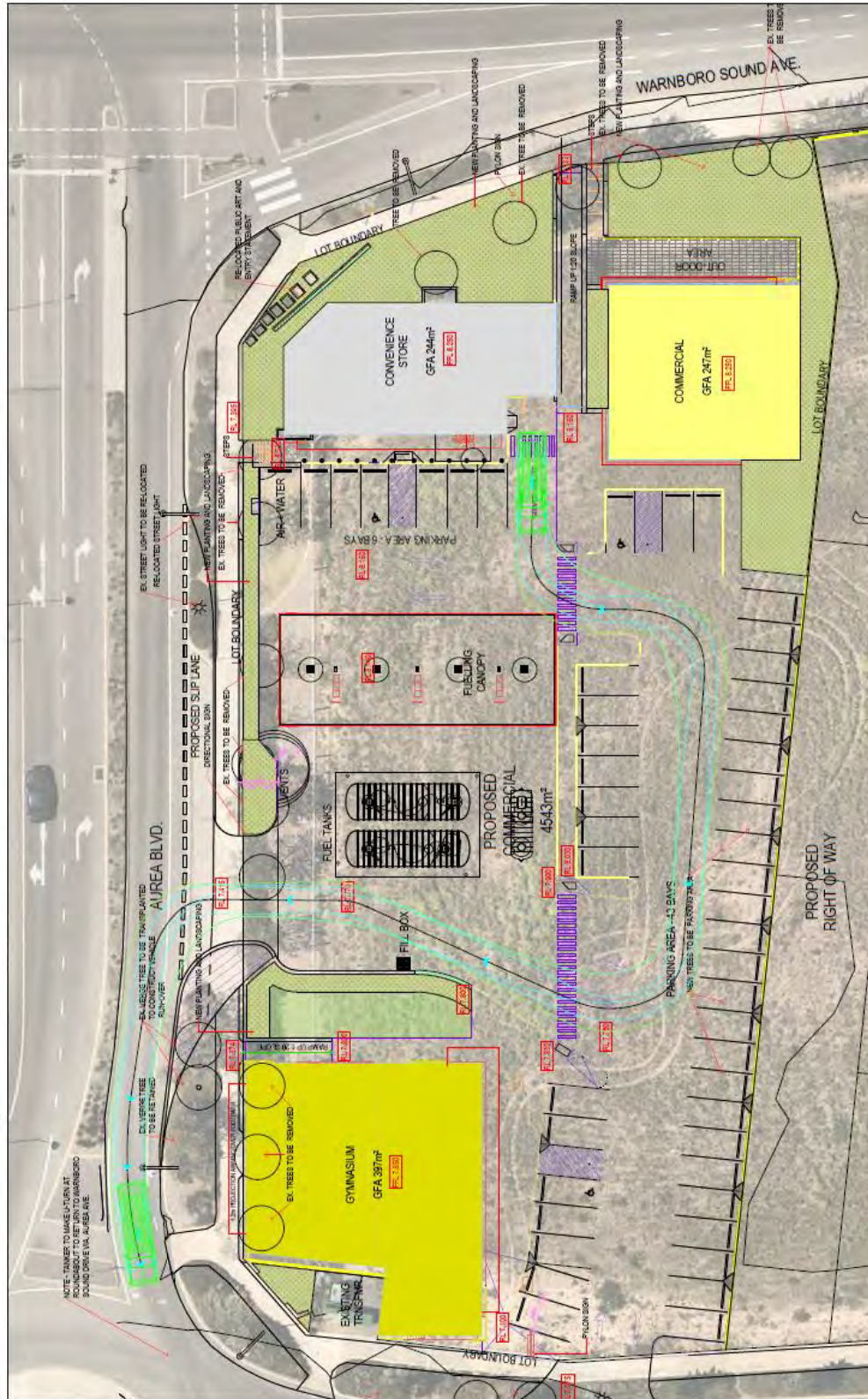
Proposed 7-Eleven, Golden Bay
Austroads 2013: 8.8m Service Vehicle
Service Vehicle Entry

LEGEND:

- Vehicle Body
- Wheel Path

t20.270.sk03c
26/03/2021
Scale: 1:300 @ A3





Proposed 7-Eleven, Golden Bay
Austroads 2013: 8.8m Service Vehicle
Service Vehicle Exit

LEGEND:

- Vehicle Body
- Wheel Path

t20.270.sk04c

26/03/2021

Scale: 1:300 @ A3



Appendix C

Relevant Page of ITE Guideline

Table E.1 Land Use Codes and Time Periods with Pass-By Data

Land Use Code and Title	Time Period	Table	Figure	Trip by Pass-By Data	2 many trips	Direct trips
565 Day Care Center	Weekday, PM Peak Period	F.2	—	0%	44%	56%
813 Free-Standing Discount Superstore	Weekday, PM Peak Period	F.3	F.1/F.2	29%	—	—
	Saturday, Mid-day Peak Period	F.4	F.3	21%	—	—
814 Variety Store	Weekday, PM Peak Period	F.5	—	34%	—	—
815 Free-Standing Discount Store	Weekday, PM Peak Period	F.6	F.4/F.5	17%	—	—
	Saturday, Mid-day Peak Period	F.7	F.6	23%	—	—
816 Hardware/Paint Store	Weekday, PM Peak Period	F.8	—	26%	45%	29%
820 Shopping Center	Weekday, PM Peak Period	F.9	F.7/F.8	34%	—	—
	Saturday, Mid-day Peak Period	F.10	F.9	26%	—	—
843 Automobile Parts Sales	Weekday, PM Peak Period	F.11	—	43%	44%	13%
848 Tire Store	Weekday, PM Peak Period	F.12	—	28%	—	—
850 Supermarket	Weekday, PM Peak Period	F.13	F.10	36%	—	—
851 Convenience Market (Open 24 Hours)	Weekday, PM Peak Period	F.14	—	51%	—	—
853 Convenience Market with Gasoline Pumps	Weekday, AM Peak Period	F.15	F.11	63%	—	—
	Weekday, PM Peak Period	F.16	F.12/F.13	66%	—	—
854 Discount Supermarket	Weekday, PM Peak Period	F.17	F.14	21%	—	—
857 Discount Club	Weekday, PM Peak Period	F.18	—	37%	—	—
	Saturday, Mid-day Peak Period	F.19	—	30%	—	—
862 Home Improvement Superstore	Weekday, PM Peak Period	F.20	—	42%	33%	25%
863 Electronics Superstore	Weekday, PM Peak Period	F.21	—	40%	27%	33%
880 Pharmacy/Drugstore without Drive-Through Window	Weekday, PM Peak Period	F.22	—	53%	—	—
881 Pharmacy/Drugstore with Drive-Through Window	Weekday, PM Peak Period	F.23	—	49%	—	—
890 Furniture Store	Weekday, PM Peak Period	F.24	—	53%	—	—
912 Drive-In Bank	Weekday, AM Peak Period	F.25	—	27%	—	—
	Weekday, Mid-day Peak Period	F.26	—	26%	—	—
	Weekday, PM Peak Period	F.27	F.15	35%	—	—
	Saturday, Mid-day Peak Period	F.28	—	38%	—	—
931 Quality Restaurant	Weekday, PM Peak Period	F.29	—	44%	—	—
932 High-Turnover (Sit-Down) Restaurant	Weekday, PM Peak Period	F.30	F.16	43%	—	—
934 Fast-Food Restaurant with Drive-Through Window	Weekday, AM Peak Period	F.31	—	49%	—	—
	Weekday, PM Peak Period	F.32	F.17	50%	—	—
938 Coffee/Donut Shop with Drive-Through Window and No Indoor Seating (Coffee/Esspresso Stand)	Weekday	F.33/F.34	—	89%	—	—
944 Gasoline/Service Station	Weekday, AM Peak Period	F.35	—	58%	—	—
	Weekday, PM Peak Period	F.36	—	42%	—	—
945 Gasoline/Service Station with Convenience Market	Weekday, AM Peak Period	F.37	F.18	62%	—	—
	Weekday, PM Peak Period	F.38	F.19	56%	—	—

"—" means no data were provided.
Blank means averages need to be calculated.



Schedule of Submissions

Proposed Mixed Commercial Development - Lot 265 Warnbro Sound Avenue, Golden Bay (20.2021.31.1)

PUBLIC SCHEDULE OF SUBMISSIONS		
Name	Address	Comment
1. Mrs Kirsten Leeder	47 Allatoona Avenue GOLDEN BAY WA 6174	I am happy to hear that a development has been proposed as there current empty blocks are a waste of space and make the area look a bit run down, however I do not think that it is a suitable place for a service station. There is already a service station in secret harbour, about 2kms away and another on Mandurah Road, roughly the same distance in the opposite direction. I do support the idea of a gym being built there as it would be good for the residents of Gbay to have one in easy walking distance. In my opinion a cafe, baker, deli type establishment would be great for the community and even attract people to the area. An IGA would be great as well. The eyesore of a building carcass across the street also needs to be dealt with. The abandoned structure just makes the place look forlorn and I know most if not all residents hate looking at every day.
2. Mr David Gull	11 Erlistoun Street GOLDEN BAY WA 6174	we don't want or need any more servos or gyms!
3. Ms Adelle Smith	104 Aurea Boulevard GOLDEN BAY WA 6174	My view on this is a firm NO we do not need nor want this development in Golden Bay. There are already multiple servos and gyms in the local area. I don't support this development at all. You still let the eye sore 1/4 finished failed IGA sit there for years, sort that disgrace out before you look at approving any others.
4. Mr Thomas Boltz	15 Patman Road SECRET HARBOUR WA 6173	I am for the proposal. Another service station and gym would increase competition in the area and takeaway the monopoly Caltex and anytime fitness have. More competition equals lower prices for all
5. Mr Gregg Bohan	98 Bancoura Parkway SECRET HARBOUR WA 6173	We do not need another petrol station within a few hundred metres of the Caltex service station in Secret Harbour. Furthermore, there is another BP station within a couple of kms. These impose significant impacts on the coastal environment, particularly installation of underground fuel storage tanks etc. This is not a service required within this are. I am not in support of this proposal.
6. Mr Steven During	96 Tangadee Road GOLDEN BAY WA 6174	I am against the above proposal because of the impact traffic will have coming through golden bay. I live on tangadee road near the school and I believe that there will be an increase in traffic coming the area. I believe that we do not need another service station in the area as there is one in golden bay and one in secret harbour. The council should not approve this development in my opinion.
7. Mrs Elaine Durning	96 Tangadee Road GOLDEN BAY WA 6174	This email is to highlight the thoughts and I have on the proposal for said development above. I live adjacent to Sam Sila reserve and across from the Golden bay Primary School. It is bad enough here with hoons driving through roundabouts and such at weekends never mind during school hours. Barely anyone allows there kids to play in park now due to people speeding on our roads. Now if you were to put in a service station we would have more traffic, more crime in area with volume of vagrants coming through. We definitely do not need another service station we have one at end Dampier on Mandurah Road and Secret Harbour shops.

Schedule of Submissions

Proposed Mixed Commercial Development - Lot 265 Warnbro Sound Avenue, Golden Bay (20.2021.31.1)

PUBLIC SCHEDULE OF SUBMISSIONS		
Name	Address	Comment
7 - cont...		I agree the place is an utter mess with half finished development on other corner, but to propose what you have is a no no from me and alot of folk in area. We like our beach side living we do not need a service station Gym or shop of unknown description.
8. Ms Jessica Boak	38 Emerald Boak SINGLETON WA 6175	I am a rate payer of RCC. I am opposed to building a service station near where children frequent such as a school or childcare centre.
9. Ms Janelle Mathieson (Murphy)	2 Tamala Court GOLDEN BAY WA 6174	As a current Golden bay resident I hearby disagree to a petrol station going in to the new development. I think it will be too close to homes. And they are an eye sore. We currently have enough petrol stations if anything you should make a northbound entrance for the bp on Mandurah road for people returning from the freeway or Mandurah. I would love to see a gym that would be lovely, a Chinese restaurant would be great as our closest is singleton or port Kennedy and we need a deli or IGA with the population of kids in the area it would be nice to be able to send them to the shop to grab a few things and an ice cream for themselves, like I did as a child. It's also a good location for coffee shops for the current new golden bay foreshore playground I think having a little lunch bar/coffee shop in that location would get alot of interest as it's just off Warnbro sound and people may be on their way to McDonalds and see the lunch bar and decide to go there for something healthier.
10. Ms Jackie Mellor	39 Impressions Way SINGLETON WA 6175	I just want to share an objection to the proposed service station being built in Golden Bay. I don't believe we need a service station that close to schools and child care centres.
11. Ms Gemma Hardiman	24 Mallina Crescent GOLDEN BAY WA 6174	I agree with the Gymnasium and a small commercial entity being built for Golden Bay residents who cannot utilise the Secret Harbour facilities. I do not agree with the petrol station as there is a newly refurbished BP station on Mandurah Road and another Caltex station at Secret Harbour. Both of these stations are less than 1 km away from the proposed site and service the needs of Golden Bay and Secret Harbour - there is no requirement for a 3rd petrol station. Ratepayer health is more important than corporate attempts to 'tap' into markets to attempt to grab a slice of the profits. I have read the Environmental report, petrochemicals are not substances that I would like anywhere near my property due to known health and environmental complications despite the advances in technology designed to 'safeguard' against petrochemicals. I bought my property for the location, amenities on offer and local services. Not for access to petrol stations across the street, but further away from my house!
12. Ms Kate Williams	36 Aurea Boulevard GOLDEN BAY WA 6174	<u>Submission 1</u> This development proposal does not make sense from the perspective of residents in the area - placing a petrol station in the heart of homes and schools and child care centres is not acceptable. Residents want appropriate development and amenity - shops and cafes are fine - not a service station. I oppose this development with specific reference to the 7-11 service station. We do not need a service station in this location - there are already 2 service stations close enough, with one at Secret Harbour shopping centre and another on Warnbro Sound Rd - near the Paganoni traffic lights.

Schedule of Submissions

Proposed Mixed Commercial Development - Lot 265 Warnbro Sound Avenue, Golden Bay (20.2021.31.1)

PUBLIC SCHEDULE OF SUBMISSIONS		
Name	Address	Comment
12 - cont...		<p>This service station development does not suit the area - it is too close to residential lots and the public school. Service stations should not be in the middle of a residential development. My concerns related to: a) noise (24 hour traffic) b) pollution (fumes especially) as well as the rubbish that people chuck out of their cars. We already have enough rubbish in our area so why create more opportunity with take away cups and packaging. c) additional traffic in a residential location. d) it is too close to the primary school (air borne pollution, increased traffic) e) it will be too close to TWO proposed child care centres. Seriously put amenity and common sense before profit.</p> <p><u>Submission 2</u></p> <p>Further to my last feedback I have now learned that the roundabout located at Aurea Blvd and Thundelarra Drive is a major crossing point for families and children at end of school peak hour. The construction of the mixed development at the proposed location therefore presents as a major hazard to the families leaving this school zone. I would be taking a very close look at the traffic studies presented by the proponent as I believe that they may not have given adequate attention to the detail of children using this area in the afternoon peak. I would urge Council to conduct their own traffic studies to ensure that all the relevant and current information regarding this very important issue is fully understood before making any recommendations/decision.</p>
13. Mrs Jessica Partington	11 Narloo Way, GOLDEN BAY 6174	I dispute the proposal for a service station at Lot 265 Warnbro Sound Ave, Golden Bay!
14. Mr Phil Reilly	37 Talisker Bend GOLDEN BAY WA 6174	<p>I have resided in Golden Bay for eight years and I am happy to see the new developments. I would be one of the closest properties to the development and understand that there may be some inconvenience during the build. I am also aware of the possibility that some damages may occur to the surround properties during the development. I am specifically concerned with property damages caused by compaction during the ground works. In anticipation of this I would ask the city to inspect the surrounding properties prior to the works to assess and note any existing property damages therefore avoiding the possibility of false claims at a later date. I have previously worked for an insurance repair building company where we were tasked to assess property damages caused by the Southern freeway extension, several years ago. Before and after house inspections were carried out and the property owners were compensated for any damages caused by the construction according. The damages mainly consisted of minor cracks to walls, ceilings and eaves caused by ground vibrations during the compaction process. Being in such a close proximity to the development, I would appreciate your consideration and acknowledgement of my concern. Many thanks.</p>
15. Mrs Bonita Jamieson	60 Arizona Parade ERSKINE WA 6174	My worry regarding this proposal is the position of this as being on the main road after lights where multiple high school and primary school along with day care familys cross I feel this could be a real danger to people.

Schedule of Submissions
Proposed Mixed Commercial Development - Lot 265 Warnbro Sound Avenue, Golden Bay (20.2021.31.1)

PUBLIC SCHEDULE OF SUBMISSIONS		
Name	Address	Comment
16. Mrs Kim Sheehy	59 Crystaluna Drive GOLDEN BAY WA 6174 (no email address)	There is absolutely no need or reason to add another service station in Golden Bay. The community doesn't need it there is no demand for it and businesses are struggling as it is. I live on Crystaluna Drive: From my house to Caltex Secret Harbour 4.3 kms 7 mins From my house to BP Karnup 3.4 kms 6 mins From my house to Shell Express 2.7 kms 4 mins Caltex and Shell are both 24 hours. We actually don't even need any more retail space as there are vacant shops within Secret Harbour Square and the IGA in Golden Bay, is now incomplete with no finish date in sight. It would be a poor decision to allow this development to be approved.
17. Ms Victoria Pearson	29 Indiana Parade SINGLETON WA 6175	Good afternoon, I would like to lodge my objection to the proposed Service Station at Lot 265 Warnbro Sound Avenue. Shops and gyms would not be an issue, but there is no need for another petrol station in such a high density residential area. Petrol stations have been linked to health issues for many years now. There is a primary school and sporting facilities nearby. It would negatively impact the surrounding homes. There are a number of petrol stations in close proximity it seems crazy to add another one in that position.
18. Mr Daniel Byers	27 Melilla Terrace SECRET HARBOUR WA 6173	Fully supported. The area is an eyesore and anything that can bring jobs is great.
19. Mr Gordon Waycott	4 Tamala Court GOLDEN BAY WA 6174	Thanks 4 returning my call on Friday 26/2/2021. My main concerns regarding the proposed Service Station in Golden Bay, Cnr Aurea Bvd and Warnbro Sound Ave are: 1. Pollution to air. 2. Fuel leakage to ground water. 3. Position next to traffic lights. 4. In middle of residential housing. 5. Why the need as 7 servo's in 5 minute radius. 6. Too close to primary school. 7. Can cause antisocial behaviour + noise especially at night. 8. Traffic congestion. 9. Could decrease property value. 10. The big one for my wife and myself on a still night and morning, we can hear the waves breaking on the shore from our bedroom window, that will be gone if the servo get the go. Am very very happy for the Lot 265 to be developed as in shops, gym etc. But Service Station a big no. Cheers.
20. Mr Robert Wilson	54 Fleetway Street MORNINGSIDE WA 4170	Looks OK. Adds amenity to the local area but would like to see the service station have facilities for EV charging too.
21. Mrs Lesley McKay	1 Boolardy Road GOLDEN BAY WA 6174	I strongly protest against the proposal for a petrol station on the grounds of increased traffic and proximity to the golden bay primary school. The traffic impact from this plus two childcare centres will be significant and an unacceptable risk to the safety of young children crossing roads in the vicinity.

Schedule of Submissions

Proposed Mixed Commercial Development - Lot 265 Warnbro Sound Avenue, Golden Bay (20.2021.31.1)

PUBLIC SCHEDULE OF SUBMISSIONS		
Name	Address	Comment
22. Miss Raewyn Kerr	6 Tamala Court GOLDEN BAY WA 6174	<p>I say NO to the proposal. The proposed petrol station would be less than 100 metres from my home and the fumes and emissions have been proved to be carcinogenic at this distance. It would have a negative impact on my health. Petrol, diesel and gas fumes also smell bad. I also object to the proposed neon/ lit up signage. At the proposed height, this would shine light straight into my backyard and through my bedroom windows at night, all night. I wouldn't sleep with that light coming in which would negatively impact my health. I am also concerned about the effects of the emissions and fumes from the petrol station on the kids going to the daycare centres. Again, there is a proven health risk to these children. I don't see how thundelarra avenue could support the added volume of traffic at peak times, with residents going to work, vehicles going to 2 day care centres, the primary school AND a service station access. Have the road studies factored in the extra expected traffic from the daycare centres? The increased volume of vehicle traffic when kids/pedestrians are walking to and from school and daycare and needing to cross roads in the area would increase the likelihood of serious crash or injury. I also object to the service station proposal on the grounds that it would be noisy. Being so close to my home, I would hear the Delivery trucks coming and going at all hours of the day and night and the noise of the extra traffic at night and day, so close to my home would definitely impact me in a negative way. It would disrupt my sleep which long term would negatively impact my health. The noise levels of the trucks and cars at night and early hours of the morning surely wouldn't meet noise standards in a residential area? From my house I would constantly hear people closing their car doors at night and if they are yelling in the car park I would hear that and that would disturb my peace too. When I purchased my home in the stage one development, I did my due diligence and looked at the plans for that area. After stage one was completed the area for the daycare centres was rezoned. The area proposed for this service station was shown in the plans to be a village precinct centre...there was even illustrated pictures of what this area would look like - small shops! There was no mention of a big commercial service station. I would not have purchased my home if the plans showed a future petrol station. The plans were completely misleading in the fact that now everything is completely different to what I looked at during stage one. This isn't fair - to say and plan one thing then years later change the zoning and completely change the look and feel of the neighbourhood! This petrol station does not fit with the planning that was in place at the time I purchased my property. Its not right! Fair go guys - Look after your residents! So in summary, I strongly object to the proposed service station.</p>
23. Mr Aiden Slinger	MILEURA WA 6174	<p>In no way shape or form should this proposal for service/fuel station be approved for this site. My concerns with this proposal are that it is too close to the local school and the two child care centres that have been approved for building on the opposite corners to the west of this proposed fuel station development. I feel that in the mornings and afternoons at drop off times there is no where near enough space on our narrow local roads for all the traffic which will cause unavoidable delays for local residents. Being that there is a service station located approx 1km away to the north at the Secret Harbour shopping centre and also one only 1km away to the south on Mandurah road I feel that for there to be another built in Golden Bay risks it becoming a failure, just like the IGA which is still unfinished after 4 years of being abandoned mid build.</p>

Schedule of Submissions
Proposed Mixed Commercial Development - Lot 265 Warnbro Sound Avenue, Golden Bay (20.2021.31.1)

PUBLIC SCHEDULE OF SUBMISSIONS		
Name	Address	Comment
23 - cont...		I believe that to the majority of the local population, who are the ones it is targeted at, it is another unwanted and unrequired development being forced on the local people so a few greedy individuals, namely property developers, can make a few bucks and not be concerned by the issues their development causes. It is a definite NO from me.
24. Mr Keith Martin	8 Talisker Bend GOLDEN BAY WA 6174	Why do we need another service station in Golden Bay as there is one in Secret Harbour and one at the entrance to Golden Bay approx 5 kms apart. Not only that it will be diagonally opposite a Child Care Centre and 500 mtrs from the Primary School so I don't think we need any extra traffic in these areas that are congested already. Just one more thing that block has a nesting colony of Plovers in it every year so do you want to see them homeless like the Kangaroo's that were in Golden Bay.
25. Ms Lynne Martin	13 Noreena Avenue GOLDEN BAY WA 6174	I am writing to oppose a petrol station or fast food take away / restaurant being built on Lot 265 Warnbro Sound Avenue The kids use that route to walk to school, the additional traffic will be a hazard to them. Also directly over from school the smell will be awful. The noise too will disturb our once quiet little suburb. There is no lack of Service Stations in the area either. We want healthy kids here too not having the likes of KFC on our doorstep.
		I am writing to oppose the proposed construction of a petrol station on lot 265 Warnbro Sound Avenue, Golden Bay. This will be near to a new child care facility and I feel it's not warranted as there are already 3 petrol stations within a 5 km radius! I imagine that's just ridiculous planning as per usual by the Rockingham council. I would actually like to know the reasoning behind such absurdity. Regards
27. Mr David & Mrs Carlene Lee	42 Ellendale Street GOLDEN BAY WA 6174	As a resident of Golden Bay, I wish to express my objection to the proposed service station in Golden Bay. I do not object to the mixed commercial site including a gym, cafe or shopping precinct. The concerns I have on the proposed service station are as follows: * the environmental impact on the area on fuel and oil spillages * health concerns of a service station and storage of fuel in the area close to a primary school, child care centre and residential areas. * increased traffic in the area * there is already sufficient service stations in the area at BP Golden Bay, Secret Harbour, Singleton, Lakelands just to name a few This service station is not needed and should not proceed.
28. Mrs Anna Jackson	9 Yaringa Street GOLDEN BAY WA 6174	I am against the building of a Petrol Station. This will increase traffic congestion as it is close to proposed childcare centres and to the nearby school. The cumulative effect of all the different uses in this area need to be factored in to the traffic report. An independent traffic report should be commissioned. Do not rely on a traffic report paid for by the proponent. The noise of customer cars and delivery trucks at all hours is not conducive to residential living. The smell from petrol fumes is something nearby residents should not have to suffer. Refusing the petrol station on the grounds of traffic, noise and smell in this coastal residential area is a must. And there is no need to worry about the decision causing any lack of petrol stations. There is one at Secret Harbour and one at Golden Bay and electric cars are a reality NOW.

Schedule of Submissions

Proposed Mixed Commercial Development - Lot 265 Warnbro Sound Avenue, Golden Bay (20.2021.31.1)

PUBLIC SCHEDULE OF SUBMISSIONS		
Name	Address	Comment
29. Mrs Christina Clark	12 Menton Place SECRET HARBOUR WA 6173	We in Secret Harbour and Golden Bay do not want or need another service station. As a rate payer of the City of Rockingham, we are very much against it.
30. Mrs Judith Stone	64 Tangadee Road GOLDEN BAY WA 6171	This will increase the vehicles on the road, resulting in an increase in noise pollution, as well as a hazard to the children and elderly in the area.
31. Mrs Michelle Baldock	4 Breaksea Court GOLDEN BAY WA 6174	I object to mixed commercial development, we have enough petrol stations, too close to residential buildings, too much smell.
32. Mr Robert Trew	10 Kalli Street GOLDEN BAY WA 6174	<p>I am a resident at 10 Kalli Street Golden Bay.</p> <p>I am writing in regards to the mixed commercial development located at Lot 265 Warnbro Sound Avenue, Golden Bay.</p> <p>I am only against the proposed petrol station on the land.</p> <p>why,</p> <ol style="list-style-type: none"> 1. The health effects of having a petrol station located so close to many houses have been documented for years and I am astounded one would be considered by the city within 100 metres of houses and future day care centres. I will attach articles to relevant research on this. 2. You plan to have a cafe and gym there as well. As someone who likes to keep fit and healthy the gym interests me, but if it's right next to a Petrol Station no chance I will be going to that gym. Laughable you claim it will have an outdoor gym area which no one will want to use breathing in fumes from the petrol station. 3. There is already an abundance of petrol stations in the area. Having a petrol station here does not reflect what the immediate community wants or needs on this land. <p>Here are many articles about petrol stations' health effects living so close to them. Especially to children and increased risk of cancer.</p> <p>https://www.dailymail.co.uk/health/article-1354430/Petrol-station-Living-100m-garage-bad-health.html</p> <p>https://journals.lww.com/environepidem/fulltext/2019/10001/childhood_cancer_and_residential_proximity_to.808.aspx</p> <p>https://www.scientificamerican.com/article/is-it-safe-to-live-near-gas-station/</p> <p>https://www.researchgate.net/publication/305721422_Human_health_risk_due_to_urban_petrol_stations</p> <p>https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3222489/</p> <p>https://www.edie.net/news/3/Petrol-station-health-warning/19356/</p> <p>http://www.epa.sa.gov.au/files/11117_planning_petrolstations.pdf</p> <p>https://frontporchne.com/article/risks-benzene-emissions-gas-stations/</p> <p>https://phys.org/news/2018-10-gas-stations-vent-toxic-fumes.html</p> <p>Based on much research into the pollution a petrol station brings, the health effects and increased risk of cancer living in close proximity I kindly ask the proposal for a petrol station on this land to be rejected.</p>

Schedule of Submissions

Proposed Mixed Commercial Development - Lot 265 Warnbro Sound Avenue, Golden Bay (20.2021.31.1)

PUBLIC SCHEDULE OF SUBMISSIONS		
Name	Address	Comment
33. Ms Patricia Folan	22 Glenburgh Drive GOLDEN BAY WA 6174	Regarding the petrol station and gym in golden bay. I would like to submit my comments against this development - no need for petrol station 24/7 in golden bay. There are nearby petrol stations at secret harbour shops and at the corner of Dampier drive and Mandurah road. This petrol station will be an eyesore and affect the nearby homes and is too close to a new childcare centres with the associated fumes and noise. - gym I have no problem with a gym though I attend the one in secret harbour and when a class is on, the class leader has a microphone and loud music to lead the class. This noise can be heard outside the gym. Some sessions start at 5:30am and on until 7:30pm. That is not appropriate - golden bay is a residential area. Shops and activities should be based on the community and developing that sense of coming together such as library, community centre, allotments or community gardens, cafes. We have shops nearby which have impacted on the development on the proposed iga site. And it will impact on shops/businesses in golden bay so as a result should offer something different so that they can succeed and have no impact on other local shops.
34. Ms Rebecca Farlow	16 Ellendale Street GOLDEN BAY WA 6174	I object to this development specifically because of the inclusion of a petrol station. I disagree with a petrol station being developed due to the smell, the noise, and because it is not in keeping with a residential area. Additionally, the increased traffic poses both a safety risk to the children as young as 3 years old attending Golden Bay Primary School, particularly when considering the large numbers of students who must cross Warnbro Spind Avenue to get to the primary school.
35. Ms Lisa Fransplass	12 Gilroyd Way GOLDEN BAY WA 6174	I am completely against yet another servo in this area. The kids should not have to walk past this twice a day to go to school. There are more than enough in the area, give us something useful.
36. Mrs Janet Procter	(no address information provided)	We really do not need another petrol station. I would rather see the land remain vacant. The developers need to sort the eyesore sight on the opposite corner before grabbing more money from oil companies. This site is far to close to primary school, childcare centres, and the general public for it to become a noisy, smelly, highly toxic eyesore. PLEASE DO NOT ALLOW THIS TO PROCEED.
37. Mrs Lowri Wythes	14 Tambrey Avenue GOLDEN BAY WA 6174	We would hate to see a petrol station built in golden bay. So close to residents and the school. We do not need one!! The residents do not want this!!!
38. Ms Jennifer Stevens	42 Thundelarra Drive GOLDEN BAY WA 6174	Against the petrol station due to the smell and fumes which both exacerbate asthma symptoms and with an Australian average of approximately 50% of the population suffering from asthma in some form it is not fair to some of our younger members (the Primary school) having to deal with this daily through no choice of their own. Yes, I am also an asthma sufferer, and living only three doors down from this proposed development will have a direct impact on my health.
39. Ms Julia Masny	8 Yaringa Street GOLDEN BAY WA 6174	I am totally opposed to a service station being built on this site. It is well known that petrol fumes and emissions are dangerous for people's health, especially developing children, so there is no way one should be built so close to residences and definitely not near child care centres. Apart from which there are sufficient service stations nearby.

Schedule of Submissions

Proposed Mixed Commercial Development - Lot 265 Warnbro Sound Avenue, Golden Bay (20.2021.31.1)

PUBLIC SCHEDULE OF SUBMISSIONS		
Name	Address	Comment
40. Ms Monique Lukatelich	(no address information provided)	<p>I, Monique Lukatelich, vehemently reject the development of a fuel station within close proximity to a child care centre and school in Golden Bay. The child care centre and wellbeing of our community's children is paramount and of upmost concern. The severe health risks that these children will be exposed to is the responsibility of the City of Rockingham and the local government need to ensure a safe environment for our children.</p> <p>Be prepared for legal ramifications if this goes ahead as the risks are evident. My husband is in senior management for Woodside Energy and we have hundreds of documents on the risks of BTEX compounds in the environment and the effect this has particularly on children.</p> <p>For the Rockingham council to approve this would be to the detriment the health of our children in the community and the residents living within close proximity.</p> <p>We are requesting a follow up email response from the councillors so we have it in writing for future documentation.</p>
41. Ms Nikki Bombak	24 Kalli Street GOLDEN BAY WA 6174	<p>I would like to send it my opinions in relation to the notice to build a service station in Golden Bay as a City of Rockingham ratepayer living in close proximity to the proposed service station. My greatest concern is the high risk and link to cancer and living in closer proximity to service stations. From my research it is widely known that benzene in petrol is a known carcinogen and people who live in close proximity to service stations are at a greater risk of having a cancer diagnosis. My concern is further compounded knowing that directly across the road from the service station is two child care centres, a primary school and a high school. I hold great fear for the health and wellbeing of the children growing up in Golden Bay and attending these service for their lifetime and the exposure they will have to a known carcinogen.</p> <p>Having reviewed the proposal and supporting documents for Lot 265, I hold the concern that this application does not sufficiently address the Environmental Protection Authority (EPA) Separation Distances as identified in Part 5 of the Development Application Report by Planning Solutions, specifically in relation to the planned Service Station use.</p> <p>The applicant has noted that 'EPA Guidance Statement No. 3' recommends a generic buffer zone of 200m between a Service Station operating 24 hours and any sensitive land uses. The definition of 'sensitive land uses' as identified in the EPA Guidance Statement No. 3 includes the use of premises for childcare.</p> <p>Whilst I acknowledge that the 'EPA Guidance Statement No. 3' is a guide only, we believe that the two childcare centres must be identified and addressed by a suitably qualified professional in the applicants submission, with evidence of any impacts or mitigation strategies provided. If the applicant is unable to demonstrate that the proposed development would not impact on the amenity of these two childcare facilities, we submit that this application should be refused.</p> <p>I would like to finally add that I requested of your officers if we can see the response from the departments that you are referring the application on to and if they would be available before the closing date.</p> <p>I quote</p> <p>'the City has referred the application to the following State Government agencies: - Department, Water Environment and Regulation; - Department of Health; and - Department of Mines, Industry Regulation and Safety.</p>

Schedule of Submissions

Proposed Mixed Commercial Development - Lot 265 Warnbro Sound Avenue, Golden Bay (20.2021.31.1)

PUBLIC SCHEDULE OF SUBMISSIONS		
Name	Address	Comment
41 - cont...		<p>The application is also being assessed by the City's Health and Environmental Planning Services. This application will be determined by the Joint Development Assessment Panel with the City's Responsible Authority Report likely to be tabled before Council in April.'</p> <p>When will their finding be submitted to council and when can ratepayers view their reports into the development of Lot 265.</p>
42. Mr Harry Reynoldson Grassroots Childcare		<p>I am writing to the City of Rockingham as the Director of Grassroots Childcare, an established and highly regarded operator of childcare centres across Australia.</p> <p>Grassroots Childcare is the lease holder and future operator of the approved childcare centre located at Lot 716 Thundelarra Drive, Golden Bay, with a signed Agreement for Lease in place with the land owner and developer for the construction of this centre, and opening of this service expected by September 2021. Our site is located on the north-west corner of the intersection of Aurea Boulevard and Thundelarra Drive, diagonally across the intersection from the proposed development site at Lot 265 Talisker Bend, Golden Bay. Having reviewed the proposal and supporting documents for Lot 265, we hold the concern that this application does not sufficiently address the Environmental Protection Authority (EPA) Separation Distances as identified in Part 5 of the Development Application Report by Planning Solutions, specifically in relation to the planned Service Station use. The applicant has noted that 'EPA Guidance Statement No. 3' recommends a generic buffer zone of 200m between a Service Station operating 24 hours and any sensitive land uses. The definition of 'sensitive land uses' as identified in the EPA Guidance Statement No. 3 includes the use of premises for childcare.</p> <p>There are two development approved childcare facilities in the close vicinity of the proposed location of the Service Station:</p> <ol style="list-style-type: none"> 1. Lot 716 Aurea Boulevard, Golden Bay, DA approved 92 place childcare centre Located immediately north-west of the proposed development site, on the north-west corner of the intersection of Thundelarra Drive and Aurea Boulevard 2. Lot 263 Aurea Boulevard, Golden Bay – DA approved 100 place childcare centre Located immediately west of the proposed development site, on the south west corner of the intersection of Thundelarra Drive and Aurea Boulevard <p>Both approved childcare centres are located less than 100m from the proposed Service Station development site and have not been identified or addressed in the applicant's submission.</p> <p>Whilst we acknowledge that the 'EPA Guidance Statement No. 3' is a guide only, we believe that the two childcare centres must be identified and addressed by a suitably qualified professional in the applicants submission, with evidence of any impacts or mitigation strategies provided.</p> <p>If the applicant is unable to demonstrate that the proposed development would not impact on the amenity of these two childcare facilities, we submit that this application should be refused.</p> <p>We look forward to these matters being addressed in the City of Rockingham's planning assessment of this site.</p>

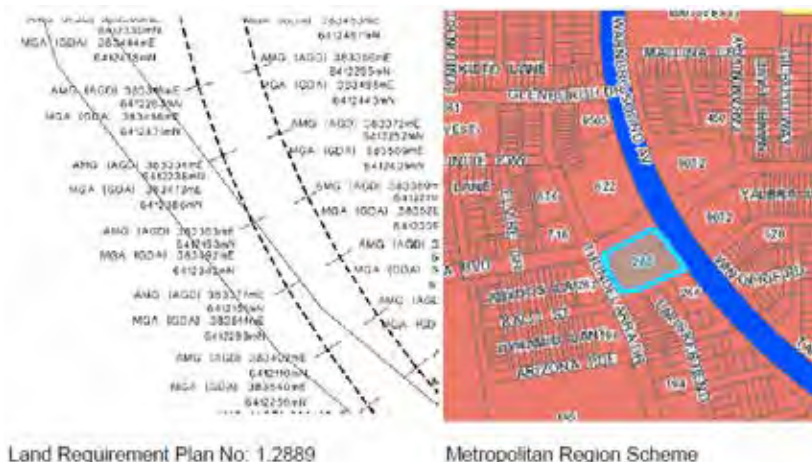


Schedule of Submissions

Proposed Mixed Commercial Development - Lot 265 Warnbro Sound Avenue, Golden Bay (20.2021.31.1)

SERVICING AUTHORITY SCHEDULE OF SUBMISSIONS		
Name	Address	Comment
<p>1. Mr Peter Adams</p> <p>Department of Planning, Lands and Heritage</p>	<p>Locked Bag 2506</p> <p>PERTH WA 6001</p>	<p>I refer to your correspondence dated 23 February 2021. In accordance with the Western Australian Planning Commission's (WAPC) Notice of Delegation dated 30 May 2017, the following comments are provided. This proposal seeks approval for a mixed commercial development comprising service station, commercial tenancies and gymnasium.</p> <p>The site is subject to a subdivision determination for the creation of 2 lots, approved on 10 February 2021 (WAPC reference: 160177). Condition 5 precludes vehicular access to Warnbro Sound Avenue.</p> <p>Land Requirements</p> <p>Warnbro Sound Avenue is reserved as an Other Regional Road (ORR) in the Metropolitan Region Scheme and Category 1 per Plan No. SP 694/4. The subject land is not affected by the ORR reservation per Land Requirement Plan No. 1.2889.</p> <p>Access</p> <p>Two vehicle access points are proposed, comprising one left-in/left-out crossover to Thundelarra Drive and one left-in/left-out crossover to Aurea Boulevard with a 30 metre long left turn slip lane (including taper) proposed at the Aurea Boulevard crossover to improve traffic operations and safety. No access is proposed from Warnbro Sound Avenue. This is in accordance with the Commission's Regional Roads (Vehicular Access) Policy D.C. 5.1, which seeks to minimise the number of new crossovers onto regional roads.</p> <p>It is noted that access arrangements do not reflect the Golden Bay Neighbourhood Centre Detailed Area Plan (NCDAP) (March 2015), extract below. The indicative development plan designates the development site for higher-density residential development.</p> <p>Transport Statement</p> <p>The above supporting Traffic Statement, prepared by Transcore (January 2021)) states that the development will generate approximately 1376 vehicular trips per day (both inbound and outbound) with approximately 115 and 124 trips during the weekday AM and PM peak hours respectively.</p> <p>This is below the WAPC Transport Impact Assessment Guidelines for Developments (2016) threshold for further analysis. SIDRA analysis indicates a satisfactory level of service for both intersections to 2031.</p> <p>Signage</p> <p>The Department has no objection to the signage on condition that the advertisements do not interfere with sight lines, distract drivers, or have the potential to become confused with traffic signals or road signs. This position reflects the Commission's advertising on Reserved Land Policy D.C 5.4, paragraph 5.3.1.</p> <p>In view of the above, the Department raises no objections on regional transport grounds to the proposed advertising signage and advises only that the type of sign, size, content and location should comply with all relevant by-laws and planning schemes made by Council.</p> <p>Recommendation</p> <p>The Department of Planning, Lands and Heritage has no objection to the proposal on ORR planning grounds.</p> <p>Thank you for your correspondence. Should you have any queries regarding this matter, please contact Peter Adams on 6551 9641 or via email at peter.adams@dplh.wa.gov.au</p>

Schedule of Submissions

Proposed Mixed Commercial Development - Lot 265 Warnbro Sound Avenue, Golden Bay (20.2021.31.1)

SERVICING AUTHORITY SCHEDULE OF SUBMISSIONS		
Name	Address	Comment
1 - cont...		 <p>Land Requirement Plan No: 1.2889</p> <p>Metropolitan Region Scheme</p>  
2. Amy - Customer Service Officer Western Power		<p>Please check out the Planning your project section of our website – we don't actually process submissions: the information here (along with 'Dial Before You Dig') allows you to check that any work you need to do will not be impacted by proximity to our network.</p> <p>This section provides advice for Building near the electricity network and paths to take if you find that your project will encroach on electrical assets, such as booking to Speak to an engineering expert or applying for a Feasibility study.</p> <p>An Engineering Expert may also be able to assist with your enquiry: The City is general supportive of the development if it can be demonstrated that the development is fire rated and queries whether WP could potentially gate/fence this section off so transformers are not visible from the street.</p> <p>Local Government Authorities can review our Strategic planning information to determine if any electrical infrastructure is located.</p>
3. Ms Jane Sturgess Department of Water and Environmental Regulation		<p>Thank you for providing the development application received 23 February 2021 for the Department of Water and Environmental Regulation (Department) to consider.</p> <p>The Department has identified that the proposed mixed commercial development at Lot 265 Talisker Bend in Golden Bay has the potential for impact on water resource management. In principle the Department does not object to the proposal however key issues, recommendations and advice are provided below and these matters should be addressed.</p>

Schedule of Submissions
Proposed Mixed Commercial Development - Lot 265 Warnbro Sound Avenue, Golden Bay (20.2021.31.1)

SERVICING AUTHORITY SCHEDULE OF SUBMISSIONS		
Name	Address	Comment
3 - cont...		<p>Issue Drainage</p> <p>Recommendation A stormwater management plan is to be prepared for the site in accordance with the <i>Stormwater Management Manual for Western Australia</i> (DWER, 2004-2007) and <i>Decision process for the stormwater management in Western Australia</i> (DWER, 2017) that demonstrates the appropriate management of small, minor and major rainfall events.</p> <p>Issue Water quality protection measures</p> <p>Recommendation In accordance with <i>Water Quality Protection Note 49: Service Stations (WQPN 49)</i> (DWER, 2013) the following is required with regards to the service station:</p> <ul style="list-style-type: none"> • As described above, a Stormwater Management Plan is to be completed to the satisfaction of the Department. • A layout plan showing all key infrastructure including underground fuel storage and associated pipe-work; paved forecourts and fuel dispenser areas; tank fill point sites; car parks; wash down areas; unpaved areas; vehicle wash facilities; any waste treatment facilities; structural measures to protect the environment and any stormwater management systems. • Detailed description pertaining to infrastructure design including fuel tanks, pipe work, and any additional infrastructure ie service bays or wash facilities; details of any storage and or disposal of waste; and contingency plans for spills. • Further details in relation to design capacity requirements of the petrol and oil separators. <p>In the event there are modifications to the proposal that may have implications on aspects of environment and/or water management, the Department should be notified to enable the implications to be assessed.</p>
4. Mr Vic Andrich Department of Health	PO Box 8172 PERTH BC WA 6849	<p>Submission 1 Thank you for your letter of 4 March 2021 requesting comments from the Department of Health (DOH) on the above proposal. The DOH provides the following comment: The DOH has concerns about the distance between the proposed service station and approved nearby sensitive land-uses, specifically two child-care centres (Lot 263 Aurea Bvd, Lot 716 Thundelarra Dve) and the nearest proposed residential development. The DOH concern related to potential negative health impacts on the community in general, and young children in particular, from emissions related to fuel operations. The proponent refers to the EPA Environmental Assessment Guideline (EAG) GS3 '<i>Guidance for the Assessment of Environmental Factors No. 3 - Separation Distances between Industrial and Sensitive Land Uses</i>'. This document recommends at least 200m, from boundary to boundary, between a 24-hour service station and the sensitive land-use. In this instance, the EHD recommends 200m from the sources (fuel storage tanks and bowsers) to the boundary of the sensitive land uses. All sensitive land-uses mentioned above are well within 100m of both the emission sources. The fuel storage tanks are equipped with a Stage 1 Vapour Recovery System (VR1) but there are no vapour recovery systems (VR2) on the bowsers.</p>

Schedule of Submissions
Proposed Mixed Commercial Development - Lot 265 Warnbro Sound Avenue, Golden Bay (20.2021.31.1)

SERVICING AUTHORITY SCHEDULE OF SUBMISSIONS		
Name	Address	Comment
4 - cont...		<p>The DOH concern is with gaseous emissions, particularly benzene, a human carcinogen. Benzene can be elevated above background levels for some distance from service stations. The public health concern is not mitigated with a Dangerous Goods Licence, which is for the risk control of acute hazards (in this case explosive vapours).</p> <p>As outlined in the EPA document, where a separation under consideration is less than in the table, it is recommended that a new project does not proceed in the absence of site-specific investigations and a report demonstrating that the separation distance will meet acceptability criteria. There has been no assessment of gaseous emissions for this proposal.</p> <p><u>Submission 2</u></p> <p>Thank you for your providing us with the proponent's response to our recommendations for a site-specific assessment of gaseous emissions from the proposed service station. We note that the proponent has described some mitigating factors for the movement of air between the fuel bowzers and some of the nearby sensitive land-uses but these do not fully address whether the nearby land-uses could be impacted by increased vapour levels, particularly of benzene.</p> <p>The Department of Health (DOH) has considerable concern with regards to the proximity of child-care centres. As mentioned in our original letter, the concern with gaseous emissions of benzene is that it is a known human carcinogen with no known 'safe' threshold. About 3-4 studies (international) that we're aware of demonstrate a small increased risk of childhood leukaemia associated with residential proximity to service stations. There are also international data that benzene levels are significantly increased, above background, up to 150m from a service station (the emission source). However, there is no local data and asking that deviations from Environmental Protection Authority guidelines should be justified on site-specific assessments.</p> <p>With respect to the Technical Note, it misses the point about exposure to gaseous emissions and does not discuss the relevant exposure risk. The risk is not related to explosive gas atmospheres, it is due to public health implications of long-term exposures to benzene and other volatile organic compounds.</p> <p>It is also a concern of the DOH that the proponent argues there is no risk because there are examples of other approvals where sensitive land-uses are within the recommended separation distance. Falsely they argue that this demonstrates that '...fuel retailing convenience store and service station developments are capable of construction adjacent or in proximity to sensitive land uses'. If, in those cases, the risk was assessed and found to be acceptable, then that is fine. However, if the decision was not based on acceptable risk that does not make the decision correct. Nor does it make it a sufficient reason to not consider gaseous emissions in future applications.</p>
5. Mr Matthew Cosson Department of Education	151 Royal Street EAST PERTH WA 6004	<p>Thank you for your email 22 February 2021 providing the Department of Education (Department) with the opportunity to comment on the proposed Joint Development Assessment Panel Application on Lot 265 (40) Talisker Bend, Golden Bay. The Department has reviewed the information submitted in support of the application and wishes to provide the following comments in relation to the potential impact on the nearby Golden Bay Primary School site:</p>

Schedule of Submissions
Proposed Mixed Commercial Development - Lot 265 Warnbro Sound Avenue, Golden Bay (20.2021.31.1)

SERVICING AUTHORITY SCHEDULE OF SUBMISSIONS		
Name	Address	Comment
5 - cont...		<p>Land Use</p> <p>The Western Australian Planning Commission's Development Control Policy 2.4- School Sites (DC2.4) and draft Operational 2.4- Planning for School Sites (OP 2.4) requires careful consideration when planning for the consideration of certain land uses to ensure that school sites are compatible with their neighbours.</p> <p><u>Service Station</u></p> <p>In addition to the Requirements of DC2.4 and draft OP 2.4, due consideration is required to the requirements of the Environmental Protection Authority's (EPA) Guidance Statement No. 3 - Separation Distances between Industrial and Sensitive Land Uses (Guidance Statement No. 3). Guidance Statement No. 3 advises that a 200m buffer should be provided between a 24-hour service station and a sensitive land use. In this instance, the proposed service station element of the proposal is located approximately 150m from Golden Bay Primary School.</p> <p>Whilst the above presents some level of concern for the Department, it is acknowledged that if the service station were to operate from Monday-Saturday from 0700-1900 hours, the suggested buffer would be reduced to 50m. It is understood that the larger separation is imposed to ensure that the use does not compromise the amenity of sensitive uses which operate outside of standard operating hours (residential development, hospitals, hotels, motels, hostels, caravan parks etc.).</p> <p>The Department considers the proposed separation distance between the Service Station and Golden Bay Primary School to be acceptable in principle as the school generally operates within the hours of 0700-1900 hours, Monday to Friday. The Department also notes that the applicant intends to implement a number of mitigation methods to reduce the impact the use will have on the residential dwellings that are directly adjacent to the site. Such measures will assist in further reducing any adverse impacts that may be imposed upon the school site.</p> <p>General Commercial</p> <p>The Applicant's report has indicated that the proposed tenancy in the south-eastern corner of the site may be occupied by a 'Restaurant/Cafe' or a 'Shop' use. Both uses would be suitably compatible with the school site. As such, the Department would have no concerns with either of these uses occupying the site.</p> <p>Notwithstanding this, it is likely that other uses may be proposed in the future if a suitable Restaurant/Cafe/Shop tenant cannot be secured. If another use is proposed, due consideration should be given to the compatibility of any use with the school site in accordance with DC2.4 and draft OP2.4. Any future change of use applications should be referred to the Department to ensure there will be no adverse impacts on Golden Bay Primary School.</p> <p>Recreation - Private (Gymnasium)</p> <p>The proposed gymnasium use is also considered acceptable as it is suitably compatible with the school site. It will not result in any undue impacts on the health and amenity of the staff, students and parents of the school. Any future change of use applications should be referred to the Department to ensure there will be no adverse impacts on Golden Bay Primary School.</p> <p>Car Parking and Access</p> <p>The Department is satisfied that the information submitted by the Applicant adequately demonstrates that the proposal complies with the requirements of the City of Rockingham's Town Planning Scheme No. 2 in relation to car parking.</p>

Schedule of Submissions

Proposed Mixed Commercial Development - Lot 265 Warnbro Sound Avenue, Golden Bay (20.2021.31.1)

SERVICING AUTHORITY SCHEDULE OF SUBMISSIONS		
Name	Address	Comment
5 - cont...		<p>Furthermore, there is sufficient separation between the application site and Golden Bay Primary School to ensure that there will be no conflict between vehicles accessing the two sites.</p> <p>Any future change of use applications should be referred to the Department to ensure that alternative uses do not compromise the existing car parking and access arrangements for the school site, particularly within peak drop-off/pick-up times.</p> <p>Construction Management</p> <p>The Department notes that no information has been submitted in relation to construction management. To ensure that Golden Bay Primary School is not burdened by the impacts of construction works, the Department requests that a Construction Management Plan be required as a condition of approval. The Construction Management Plan should address the following matters:</p> <ul style="list-style-type: none"> • Management of car parking, delivery vehicles and traffic associated with the construction of the development. Construction and delivery vehicles should not utilise the bays surrounding the Golden Bay Primary School site during peak drop- off/pick-up times; and • How dust, odour and noise will be mitigated so that it does not materially affect the students and staff of Golden Bay Primary School. <p>Waste Management</p> <p>The Applicant's report indicates that refuse and recycling will be collected on site by a private contractor and that waste collection vehicles are expected to access the site during off peak periods. Notwithstanding this, no formal Waste Management Plan has been submitted as part of the application. It is important to ensure that vehicles associated with waste and recycling collection do not cause banking to occur on Thunderella Drive, particularly during the school's peak drop-off/pick-up periods.</p> <p>The Department requests that a condition of approval is imposed which would require a Waste Management Plan to be submitted to the City and approved prior to the initial occupation any of the tenancies. The Waste Management Plan should demonstrate that there would be no conflict with vehicles accessing the school site.</p> <p>Subject to the above matters being considered, the Department offers no in principle objections to the proposal.</p>
6. Mr Eric Gruber Department of Mines, Industry Regulation and Safety	Mineral House 100 Plain Street EAST PERTH WA 6004	<p>A request for comment was received from the City of Rockingham in relation to the above planning application and the proposal to develop a mixed commercial business, at the above address.</p> <p>Based on the provided information there is no issue identified at this stage with the proposal. Before the site is used to store Dangerous Goods above manifest quantity, it will require a Dangerous Goods Site licence.</p> <p>The storage of bulk fuel is governed by AS1940; and a Dangerous Goods Site Licence applications will be assessed against this and any other relevant Australian Standards during the application process for a Dangerous Goods Site licence.</p>



Government of **Western Australia**
Department of **Mines, Industry Regulation and Safety**
Resources Safety

Your ref:

Our ref: X0001/201901

Enquiries: Eric Gruber - Ph 9358 8037

Email: eric.gruber@dmirs.wa.gov.au

David Banovic
Senior Planning Officer
City of Rockingham
Civic Boulevard, Rockingham, WA

Dear David,

**DEVELOPMENT APPLICATION – PROPOSED MIXED COMMERCIAL
DEVELOPMENT LOT 265 (40) TALISKER BEND, GOLDEN BAY, WA**

A request for comment was received from the City of Rockingham in relation to the above planning application and the proposal to develop a mixed commercial business, at the above address.

Based on the provided information there is no issue identified at this stage with the proposal. Before the site is used to store Dangerous Goods above manifest quantity, it will require a Dangerous Goods Site licence.

The storage of bulk fuel is governed by AS1940; and a Dangerous Goods Site Licence applications will be assessed against this and any other relevant Australian Standards during the application process for a Dangerous Goods Site licence.

If you have any queries regarding this letter, please contact me on 9358 8037.

Yours faithfully,

Eric Gruber

Eric Gruber
Team Leader Dangerous Goods
Dangerous Goods and Critical Risks Directorate
02 March 2021



Department of Planning, Lands and Heritage

Planning Services
City of Rockingham
PO Box 2142
Rockingham DC WA 6967

Your ref: 20.2021.31.1
Our ref: DP/10/00551
Enquiries: Peter Adams (Ph: 6551 9641)

26 February 2021

Attention: David Banovic

Dear David,

Re: Lot 265 (40) Warnbro Sound Avenue, Golden Bay

I refer to your correspondence dated 23 February 2021. In accordance with the Western Australian Planning Commission's (WAPC) Notice of Delegation dated 30 May 2017, the following comments are provided. This proposal seeks approval for a mixed commercial development comprising service station, commercial tenancies and gymnasium.

The site is subject to a subdivision determination for the creation of 2 lots, approved on 10 February 2021 (WAPC reference: 160177). Condition 5 precludes vehicular access to Warnbro Sound Avenue.

Land Requirements

Warnbro Sound Avenue is reserved as an Other Regional Road (ORR) in the Metropolitan Region Scheme and Category 1 per Plan No. SP 694/4. The subject land is not affected by the ORR reservation per Land Requirement Plan No. 1.2889.

Access

Two vehicle access points are proposed, comprising one left-in/left-out crossover to Thundelarra Drive and one left-in/left-out crossover to Aurea Boulevard with a 30 metre long left turn slip lane (including taper) proposed at the Aurea Boulevard crossover to improve traffic operations and safety. No access is proposed from Warnbro Sound Avenue. This is in accordance with the Commission's Regional Roads (Vehicular Access) Policy D.C. 5.1, which seeks to minimise the number of new crossovers onto regional roads.

It is noted that access arrangements do not reflect the Golden Bay Neighbourhood Centre Detailed Area Plan (NCDAP) (March 2015), extract below. The indicative development plan designates the development site for higher-density residential development.

Transport Statement

The above supporting Traffic Statement, prepared by Transcore (January 2021)) states that the development will generate approximately 1376 vehicular trips per day (both inbound and outbound) with approximately 115 and 124 trips during the weekday AM and PM peak hours respectively.

This is below the WAPC *Transport Impact Assessment Guidelines for Developments* (2016) threshold for further analysis. SIDRA analysis indicates a satisfactory level of service for both intersections to 2031.

Signage

The Department has no objection to the signage on condition that the advertisements do not interfere with sight lines, distract drivers, or have the potential to become confused with traffic signals or road signs. This position reflects the Commission's advertising on Reserved Land Policy D.C 5.4, paragraph 5.3.1.

In view of the above, the Department raises no objections on regional transport grounds to the proposed advertising signage and advises only that the type of sign, size, content and location should comply with all relevant by-laws and planning schemes made by Council.

Recommendation

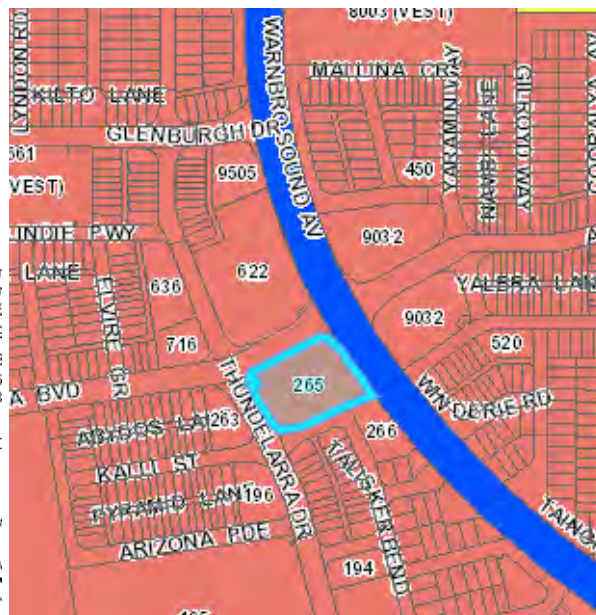
The Department of Planning, Lands and Heritage has no objection to the proposal on ORR planning grounds.

Thank you for your correspondence. Should you have any queries regarding this matter, please contact Peter Adams on 6551 9641 or via email at peter.adams@dplh.wa.gov.au .

Yours sincerely

A handwritten signature in blue ink, appearing to read 'S Luscombe'.

Simon Luscombe
Principal Planning Officer
Strategy and Engagement



Metropolitan Region Scheme





Chief Executive Officer
City of Rockingham
PO Box 2142
Rockingham DC 6967

Attention: David Banovic
Senior Strategic Planning Officer

Dear Sir / Madam

**Joint Development Assessment Panel Application
Proposed Mixed Commercial Development
Lot 265 (40) Talisker Bend, Golden Bay**

Thank you for your email 22 February 2021 providing the Department of Education (Department) with the opportunity to comment on the proposed Joint Development Assessment Panel Application on Lot 265 (40) Talisker Bend, Golden Bay. The Department has reviewed the information submitted in support of the application and wishes to provide the following comments in relation to the potential impact on the nearby Golden Bay Primary School site:

Land Use

The Western Australian Planning Commission's Development Control Policy 2.4- School Sites (DC2.4) and draft Operational 2.4- Planning for School Sites (OP 2.4) requires careful consideration when planning for the consideration of certain land uses to ensure that school sites are compatible with their neighbours.

Service Station

In addition to the Requirements of DC2.4 and draft OP 2.4, due consideration is required to the requirements of the Environmental Protection Authority's (EPA) Guidance Statement No. 3 – Separation Distances between Industrial and Sensitive Land Uses (Guidance Statement No. 3). Guidance Statement No. 3 advises that a 200m buffer should be provided between a 24-hour service station and a sensitive land use. In this instance, the proposed service station element of the proposal is located approximately 150m from Golden Bay Primary School.

Whilst the above presents some level of concern for the Department, it is acknowledged that if the service station were to operate from Monday-Saturday from 0700-1900 hours, the suggested buffer would be reduced to 50m. It is understood that the larger separation is imposed to ensure that the use does not compromise the amenity of sensitive uses which operate outside of standard operating hours (residential development, hospitals, hotels, motels, hostels, caravan parks etc.).

The Department considers the proposed separation distance between the Service Station and Golden Bay Primary School to be acceptable in principle as the school generally operates within the hours of 0700-1900 hours, Monday to Friday. The Department also notes that the applicant intends to implement a number of mitigation methods to reduce the impact the use will have on the residential dwellings that are directly adjacent to the site. Such measures will assist in further reducing any adverse impacts that may be imposed upon the school site.

General Commercial

The Applicant's report has indicated that the proposed tenancy in the south-eastern corner of the site may be occupied by a 'Restaurant/Café' or a 'Shop' use. Both uses would be suitably compatible with the school site. As such, the Department would have no concerns with either of these uses occupying the site.

Notwithstanding this, it is likely that other uses may be proposed in the future if a suitable Restaurant/Café/Shop tenant cannot be secured. If another use is proposed, due consideration should be given to the compatibility of any use with the school site in accordance with DC2.4 and draft OP2.4. Any future change of use applications should be referred to the Department to ensure there will be no adverse impacts on Golden Bay Primary School.

Recreation – Private (Gymnasium)

The proposed gymnasium use is also considered acceptable as it is suitably compatible with the school site. It will not result in any undue impacts on the health and amenity of the staff, students and parents of the school. Any future change of use applications should be referred to the Department to ensure there will be no adverse impacts on Golden Bay Primary School.

Car Parking and Access

The Department is satisfied that the information submitted by the Applicant adequately demonstrates that the proposal complies with the requirements of the City of Rockingham's Town Planning Scheme No. 2 in relation to car parking. Furthermore, there is sufficient separation between the application site and Golden Bay Primary School to ensure that there will be no conflict between vehicles accessing the two sites.

Any future change of use applications should be referred to the Department to ensure that alternative uses do not compromise the existing car parking and access arrangements for the school site, particularly within peak drop-off/pick-up times.

Construction Management

The Department notes that no information has been submitted in relation to construction management. To ensure that Golden Bay Primary School is not burdened by the impacts of construction works, the Department requests that a Construction Management Plan be required as a condition of approval. The Construction Management Plan should address the following matters:

- Management of car parking, delivery vehicles and traffic associated with the construction of the development. Construction and delivery vehicles should not utilise the bays surrounding the Golden Bay Primary School site during peak drop-off/pick-up times; and
- How dust, odour and noise will be mitigated so that it does not materially affect the students and staff of Golden Bay Primary School.

Waste Management

The Applicant's report indicates that refuse and recycling will be collected on site by a private contractor and that waste collection vehicles are expected to access the site during off peak periods. Notwithstanding this, no formal Waste Management Plan has been submitted as part of the application. It is important to ensure that vehicles associated with waste and recycling collection do not cause banking to occur on Thunderella Drive, particularly during the school's peak drop-off/pick-up periods.

The Department requests that a condition of approval is imposed which would require a Waste Management Plan to be submitted to the City and approved prior to the initial occupation any of the tenancies. The Waste Management Plan should demonstrate that there would be no conflict with vehicles accessing the school site.

Subject to the above matters being considered, the Department offers no in principle objections to the proposal. Should you have any questions in relation to the above, please do not hesitate to contact Mr Matthew Cosson, Senior Consultant – Land Planning on (08) 9264 4008 or by email at matthew.cosson@education.wa.edu.au.

Yours sincerely



Matt Turnbull
**Manager Land and Property
Asset Planning and Services**

15 February 2021



Your ref: 20.2021.31.1
Our ref: RF3754-02, PA 040383
Enquiries: Jane Sturgess, Ph 9550 4228

City of Rockingham
PO Box 2142
Rockingham DC WA 6967

Attention: David Banovic

Dear David

DEVELOPMENT APPLICATION – LOT 265 TALISKER BEND, GOLDEN BAY

Thank you for providing the development application received 23 February 2021 for the Department of Water and Environmental Regulation (Department) to consider.

The Department has identified that the proposed mixed commercial development at Lot 265 Talisker Bend in Golden Bay has the potential for impact on water resource management. In principle the Department does not object to the proposal however key issues, recommendations and advice are provided below and these matters should be addressed.

Issue

Drainage

Recommendation

A stormwater management plan is to be prepared for the site in accordance with the *Stormwater Management Manual for Western Australia* (DWER, 2004-2007) and *Decision process for the stormwater management in Western Australia* (DWER, 2017) that demonstrates the appropriate management of small, minor and major rainfall events.

Issue

Water quality protection measures

Recommendation

In accordance with *Water Quality Protection Note 49: Service Stations (WQPN 49)* (DWER, 2013) the following is required with regards to the service station:

- As described above, a Stormwater Management Plan is to be completed to the satisfaction of the Department.

- A layout plan showing all key infrastructure including underground fuel storage and associated pipe-work; paved forecourts and fuel dispenser areas; tank fill point sites; car parks; wash down areas; unpaved areas; vehicle wash facilities; any waste treatment facilities; structural measures to protect the environment and any stormwater management systems.
- Detailed description pertaining to infrastructure design including fuel tanks, pipe work, and any additional infrastructure ie service bays or wash facilities; details of any storage and or disposal of waste; and contingency plans for spills.
- Further details in relation to design capacity requirements of the petrol and oil separators.

In the event there are modifications to the proposal that may have implications on aspects of environment and/or water management, the Department should be notified to enable the implications to be assessed.

Should you require any further information on the comments please contact Jane Sturgess on 9550 4228.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Brett Dunn', with a stylized, flowing script.

Brett Dunn
Program Manager – Planning Advice
Kwinana Peel Region

04 / 03 / 2021



Your Ref: L265 Warnbro Sound Avenue, Golden Bay
Our Ref: F-AA-03231 D-AA-21/86394
Contact: Vic Andrich 9222 2000

Mr Michael Parker
Chief Executive Officer
City of Rockingham
PO Box 2124
ROCKINGHAM DC WA 6967

Attention: David Banovic, Senior Planner

Dear Mr Parker

MIXED COMMERCIAL DEVELOPMENT (SERVICE STATION) – RISKS TO HUMAN HEALTH – LOT 265 WARNBRO SOUND AVENUE, GOLDEN BAY

Thank you for your letter of 4 March 2021 requesting comments from the Department of Health (DOH) on the above proposal.

The DOH provides the following comment:

The DOH has concerns about the distance between the proposed service station and approved nearby sensitive land-uses, specifically two child-care centres (Lot 263 Aurea Bvd, Lot 716 Thundelarra Dve) and the nearest proposed residential development. The DOH concern relates to potential negative health impacts on the community in general, and young children in particular, from emissions related to fuel operations.

The proponent refers to the EPA Environmental Assessment Guideline (EAG) GS3 '*Guidance for the Assessment of Environmental Factors No. 3 – Separation Distances between Industrial and Sensitive Land Uses*'. This document recommends at least 200m, from boundary to boundary, between a 24-hour service station and the sensitive land-use. In this instance, the EHD recommends 200m from the sources (fuel storage tanks and bowsers) to the boundary of the sensitive land uses.

All sensitive land-uses mentioned above are well within 100m of both the emission sources. The fuel storage tanks are equipped with a Stage 1 Vapour Recovery System (VR1) but there are no vapour recovery systems (VR2) on the bowsers

The DOH concern is with gaseous emissions, particularly benzene, a human carcinogen. Benzene can be elevated above background levels for some distance from service stations. The public health concern is not mitigated with a Dangerous Goods Licence, which is for the risk control of acute hazards (in this case explosive vapours).

As outlined in the EPA document, where a separation under consideration is less than in the table, it is recommended that a new project does not proceed in the absence of site-specific investigations and a report demonstrating that the separation distance will meet acceptability criteria. There has been no assessment of gaseous emissions for this proposal.

Should you have any queries or require further information please contact Vic Andrich on 9222 2000 or ehinfo@health.wa.gov.au

Yours sincerely



Matthew Lester
**ACTING/EXECUTIVE DIRECTOR
ENVIRONMENTAL HEALTH DIRECTORATE**

12 March 2021



Your Ref: L265 Warnbro Sound Avenue, Golden Bay
Our Ref: F-AA-03231 D-AA-21/86394
Contact: Vic Andrich 9222 2000

Mr Michael Parker
Chief Executive Officer
City of Rockingham
PO Box 2124
ROCKINGHAM DC WA 6967

Attention: David Banovic, Senior Planner

Dear Mr Parker

**MIXED COMMERCIAL DEVELOPMENT (SERVICE STATION) – LOT 265
WARNBRO SOUND AVENUE, GOLDEN BAY: RESPONSE TO TECHNICAL NOTE**

Thank you for your providing us with the proponent's response to our recommendations for a site-specific assessment of gaseous emissions from the proposed service station. We note that the proponent has described some mitigating factors for the movement of air between the fuel bowzers and some of the nearby sensitive land-uses but these do not fully address whether the nearby land-uses could be impacted by increased vapour levels, particularly of benzene.

The Department of Health (DOH) has considerable concern with regards to the proximity of child-care centres. As mentioned in our original letter, the concern with gaseous emissions of benzene is that it is a known human carcinogen with no known 'safe' threshold. About 3-4 studies (international) that we're aware of demonstrate a small increased risk of childhood leukaemia associated with residential proximity to service stations. There are also international data that benzene levels are significantly increased, above background, up to 150m from a service station (the emission source). However, there is no local data and asking that deviations from Environmental Protection Authority guidelines should be justified on site-specific assessments.

With respect to the Technical Note, it misses the point about exposure to gaseous emissions and does not discuss the relevant exposure risk. The risk is not related to explosive gas atmospheres, it is due to public health implications of long-term exposures to benzene and other volatile organic compounds.

It is also a concern of the DOH that the proponent argues there is no risk because there are examples of other approvals where sensitive land-uses are within the recommended separation distance. Falsely they argue that this demonstrates that *'...fuel retailing convenience store and service station developments are capable of construction adjacent or in proximity to sensitive land uses'*. If, in those cases, the risk was assessed and found to be acceptable, then that is fine. However, if the decision

was not based on acceptable risk that does not make the decision correct. Nor does it make it a sufficient reason to not consider gaseous emissions in future applications.

Should you have any queries or require further information please contact Vic Andrich on 9222 2000 or ehinfo@health.wa.gov.au

Yours sincerely



Dr Michael Lindsay
EXECUTIVE DIRECTOR
ENVIRONMENTAL HEALTH DIRECTORATE

7 April 2021

Officer Recommendation

That Council **ADOPTS** the Responsible Authority Report for the application for the Mixed Commercial Development at Lot 265 (No.40) Talisker Bend, Golden Bay contained as Attachment 1 as the report required to be submitted to the presiding member of the Metro Outer Joint Development Assessment Panel pursuant to Regulation 12 of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

That the Metro Outer Joint Development Assessment Panel resolve to **DEFER** Development Assessment Panel reference DAP/21/01952 and accompanying plans:

- Site Plan, Revision L dated 25.03.2021;
- Floor Plans, Revision L dated 25.03.2021;
- Elevations, Revision L dated 25.03.2021;
- Perspectives, Revision K dated 29.01.2021;
- Signage Plan, Revision K dated 29.01.2021;
- Site Plan Stage 2 Sketch, Revision K dated 29.01.2021; and
- Landscape Plan, Revision L dated 25.03.2021

in accordance with the Metropolitan Region Scheme and Clause 68 of the amended Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of clause 68(2)(c) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, for the following reasons:

Reasons

1. It has not been sufficiently demonstrated that the development will not result in an unacceptable risk to human health as the proposed Service Station is near several existing and planned sensitive land uses. The separation distance specified for development of this kind within Environmental Protection Authority Guidance Statement No.3 (Separation Distances between Industrial and Sensitive Land Uses 2005), require that a site specific study be provided which demonstrates the lesser separation distance than has been proposed should be approved.
2. The potential traffic generated from this development, based on the proposed Left-in/Left-Out access arrangement, will have an adverse impact on the site and its surrounding network. As a result, modifications are required to ensure improved safety and performance of the two adjacent intersections along Aurea Boulevard and to limit traffic queuing to within the site.

Council Resolution

Moved Cr Buchan, seconded Cr Buchanan:

That Council **ADOPTS** the Responsible Authority Report for the application for the Mixed Commercial Development at Lot 265 (No.40) Talisker Bend, Golden Bay contained as Attachment 1 as the report required to be submitted to the presiding member of the Metro Outer Joint Development Assessment Panel pursuant to Regulation 12 of the Planning and Development (Development Assessment Panels) Regulation 2011, which recommends:

That the Metro Outer Joint Development Assessment Panel resolve to **REFUSE** Development Assessment Panel reference DAP/21/01952 and accompanying plans:

- Site Plan, Revision L dated 25.03.2021;
- Floor Plans, Revision L dated 25.03.2021;
- Elevations, Revision L dated 25.03.2021;
- Perspectives, Revision K dated 29.01.2021;
- Signage Plan, Revision K dated 29.01.2021;
- Site Plan Stage 2 Sketch, Revision K dated 29.01.2021; and
- Landscape Plan, Revision L dated 25.03.2021

in accordance with the Metropolitan Region Scheme and Clause 68 of the amended Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of clause 68(2)(c) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, for the following reasons:

1. Sensitive Land Uses, including two approved Child Care Centres are located within the 200m generic separation distance recommended by Environmental Protection Authority Guidance Statement No.3 (Separation Distances between Industrial and Sensitive Land Uses 2005). The applicant has not submitted a scientific study based on site and industry-specific information which demonstrates that a lesser distance will not result in unacceptable health impacts.
2. The potential traffic volume and movements resultant from the proposed development, based on the Left-in/Left out access via Aurea Boulevard and Left-in/Left-out access via Thundelara Drive, is likely to have an adverse impact on traffic flow associated with vehicles queuing during peak hours of operation within the development site and is likely to overflow into the adjacent road network including the traffic light intersection of Warnbro Sound Avenue and Aurea Boulevard and Thundelarra Drive and Aurea Boulevard intersection.
3. The proposed development is situated at the prominent intersection of Warnbro Sound Avenue and Aurea Boulevard, which is a major entry into the Golden Bay Estate. The removal of existing on-street parking bays and perimeter vegetation does not satisfy the requirements of the approved Local Development Plan and has an adverse impact on the amenity of the estate entry.
4. The proposed Pylon Sign adjacent to Warnbro Sound Avenue will result in signage that is not considered appropriate for its location as required by Planning Policy 3.3.1 – Control of Advertisements.

Carried – 10/0

The Council's Reason for Varying the Committee's Recommendation

Health Impacts

The EPA recommends a 200m separation distance for all 24 hour service station operations from sensitive land uses because of gaseous, noise, odour and risk associated implications.

Within the 200m buffer of the proposed service station there are several sensitive land uses.

- There are 2 approved childcare centres (one approved and one currently under construction within 100m).
- There is a Primary School
- There are two family day cares operating from residential homes within the buffer.
- There are 130 homes existing or approved
- There is a future residential subdivision and development application backing onto the service station for a residential development.

The Department of Health (DofH) provided feedback stating that they have concerns about the distance between the proposed service station and approved nearby sensitive land uses. The DofH concern relates to negative health impacts on the community in general and young people in particular from emissions related to fuel operations. The DofH concern is with gaseous emissions, particularly benzene, a human carcinogen.

Fuel vapour emissions from fuel tankers filling underground tanks, vehicles refilling at bowers, fuel spills and opening vehicle fuel cap. The proposal includes a VR1 (vapour recovery system) for tankers refuelling underground fuel tanks. The possibility of a VR2 to reduce emissions at bowers while customers refuel has not been proposed. The applicants Technical Note is not a scientific study of health risks.

The proponents has been requested and has failed to provide a site specific technical study as suggested by the Department of Health.

Traffic Impacts

The City's Traffic Engineer listed their concerns in their response that analysis for vehicle stacking has not incorporated all elements and cannot be relied upon. Further there is insufficient queuing space which has potential to overflow onto Aurea Blvd and impact the surrounding road network. The traffic safety impacts associated with the development include vehicles encroaching

significantly into the opposing traffic lane, clash with kerbing, reversing movements within the parking area of the forecourt and blocking pedestrian crossing.

The City's own Local Development Plan does not provide for access. There is insufficient separation

distance between the road intersections to accommodate the proposed access way. Consequences of placing the access from Aura Blvd are increased traffic safety risks of queuing vehicles at the adjacent round about and traffic lights.

The potential traffic generated from this development based on the intended access arrangements could have an adverse impact on the surrounding road network.

Environment

The proposal to remove special vegetation screen including shrubs and 16 trees from the site does not meet the requirements of the Local Development Plan. The vegetation forms part of the Golden Bay entry statement at a prominent access point at traffic lights.

A balanced approach has not been considered by the applicants, as the majority of the vegetation screen are sought to be unnecessarily removed in order to allow for unimpeded views of the fuel retaining building and signage.

Signage

The signage proposal does not meet with City Planning Policy 3.3.1 Control of Advertisements. The 10m high pylon is (per the plan) located within the 1.8m boundary and exceeds height allowed of 6m, has a face area exceeding 3.5m. The 6m sign is compliant only in height but again is placed within the boundary and has higher face area than is permitted. The location of the 10m sign will necessitate the removal of an established tree. In Golden Bay there are no signs higher than 6m.

The Pylon signs do not fit the context of the Golden Bay Neighbourhood Centre Precinct.

