

PLANNING REPORT

PROPOSED CONVENIENCE STORE, SERVICE STATION & CAR WASH DEVELOPMENT

LOTS 50, R406, R407, R409 (#526-536)
HANNAN STREET, KALGOORLIE

APPLICATION TO CITY OF KALGOORLIE-BOULDER / REGIONAL JDAP

30 MARCH 2023

An architectural rendering of a proposed convenience store, service station, and car wash development. The image shows a modern building with large glass windows and doors, illuminated from within. A prominent sign on the left side of the building reads "OTR" and "we never close". The building is situated under a large, illuminated canopy structure. In the foreground, there are several fuel pumps and a car wash area. The overall scene is set at night, with the building and canopy lights providing the primary illumination.

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This Planning Report has been prepared by **Hidding Urban Planning** for the proposed Convenience Store, Service Station & Car Wash Development at Lots 50, R406, R407, R409 (#526-536) Hannan Street, Kalgoorlie

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DOCUMENT HISTORY & DETAILS

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| | | | |
| | | | |

File No. C2523
Client: PC Infrastructure Pty Ltd
Project: OTR Kalgoorlie
File Name: C2523appln01
Document Revision: R01

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APPLICATION DETAILS

Table 1: Application Details

| | |
|---|---|
| Property Location | Lots 50, R406, R407, R409 (#526-536) Hannan Street, Kalgoorlie |
| Applicant | Hidding Urban Planning |
| Landowner | OTR 339 Pty Ltd |
| Local Government | City of Kalgoorlie-Boulder |
| Determining Authority | Regional Joint Development Assessment Panel (JDAP) |
| City of Kalgoorlie-Boulder LPS1 Zoning | Mixed Business R30 |
| Planning Framework | City of Kalgoorlie-Boulder Local Planning Scheme No. 1 (LPS1) Draft Local Planning Scheme No. 2 (Draft LPS2) Local Planning Policy 02 Supplementary Development Standards Local Planning Policy 03 Signage Policy State Planning Policy 7.0 Design of the Built Environment EPA Guidance Statement No. 3 – Separate Distances between Industrial & Sensitive Land Uses |
| Proposed Uses | Convenience Store ("SA" use) Service Station ("SA" use) Car Wash ("P" use) |
| Existing Use | Car Rental Business (vacated) |
| Total Site Area of 4 Lots | 4008m ² |
| Estimated Construction Value | \$4 million |

1.0 INTRODUCTION

Hidding Urban Planning has prepared this Planning Report on behalf of PC Infrastructure Pty Ltd as part of an Application for Development Approval for the development and use of Lots 50, R406, R407, R409 (#526-536) Hannan Street, Kalgoorlie (**Subject Site**) for a proposed OTR Convenience Store, Service Station and Car Wash Development.

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

1.1 DEVELOPMENT ASSESSMENT PANEL (DAP) DETERMINATION

As the anticipated construction cost of the project is **\$4 million**, the Applicant has “opted in” to the Development Assessment Panel (**DAP**) process and therefore, this Development Application will be required to be determined by the Regional Joint Development Assessment Panel (**JDAP**).

Accordingly, please find **attached** our completed City of Kalgoorlie-Boulder Application for Development Approval Form and DAP Form 1, all signed and authorised by the landowner (OTR 339 Pty Ltd).

1.2 PREVIOUS DEVELOPMENT APPROVAL

The Regional JDAP granted Development Approval for a similar development on 7 May 2018, comprising a Petrol Station, Convenience Store, Showroom development (DAP/17/01346).

The City of Kalgoorlie-Boulder authorised an extension of time to the validity of the approval, with a new expiry date being 7 May 2024. Accordingly, the previous approval remains valid at the time of this report.

Given the new proposal comprises completely new built form, different arrangement and new land uses, a completely new application was required to be submitted.

1.3 PRE-APPLICATION DISCUSSIONS

Discussions with the City of Kalgoorlie-Boulder occurred during October 2022 concerning the previous approvals on the land and the proposed new development. Concept plans of the proposed development were provided to the local authority to assist the discussions.

2.0 SITE DETAILS

2.1 LEGAL DESCRIPTION OF LAND

This development application refers to Lots 50, R406, R407, R409 (#526-536) Hannan Street Kalgoorlie the details of which are provided in **Table 2** below.

Table 2: Legal Description of Land

| Lot | Plan | Vol/Folio | Area | Address | Proprietors |
|------|---------|-----------|--------------------|-------------------------------|-----------------|
| R409 | P222591 | 1524/658 | 1002m ² | 526 Hannan Street, Kalgoorlie | OTR 339 Pty Ltd |
| 50 | D74663 | 1881/666 | 1502m ² | 528 Hannan Street, Kalgoorlie | OTR 339 Pty Ltd |
| R407 | P222591 | 121/142A | 501m ² | 534 Hannan Street, Kalgoorlie | OTR 339 Pty Ltd |
| R406 | P222591 | 1513/746 | 1002m ² | 536 Hannan Street, Kalgoorlie | OTR 339 Pty Ltd |

The Certificates of Title for the existing lots are attached at **Annexure 1**.

The existing lots will be amalgamated into a single lot following development approval and a condition of development approval can be imposed to require this.

2.2 SITE DETAILS

The subject site has a total land area of 4007m² and previously comprised a used car facility which has recently vacated the site.

The site has a frontage of approximately 49.79m to Mile Street and a main frontage of 80.48m to Hannan Street. An Aerial Photograph of the subject site is included at **Figure 1** below.



Figure 1: Aerial Photograph (source: PlanWA)

An aerial drone view of the site is shown below at **Figure 2**.



Figure 2: Drone Photo of the site (photo supplied)

3.0 THE PROPOSAL

The proposal is to develop an OTR Convenience Store, Service Station & Car Wash development on the subject land.

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

3.1 SUPPORTING PLANS & REPORTS

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

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

Table 3: Supporting Plans & Reports

| Consultant | Plan/Document | Annexure |
|---------------------------------------|-----------------------------------|----------|
| ADS Architects | Development Plans | 2 |
| Donald Veal Consultants (DVC) | Transport Impact Statement | 3 |
| Herring Storer Acoustics | Environmental Acoustic Assessment | 4 |
| Environmental Risk Sciences (EnRiskS) | Emissions Assessment Report | 5 |

3.2 GENERAL DEVELOPMENT DETAILS

3.2.1 Landscaping & Fencing

The proposed landscaping of the site is intended to ensure that the entire development provides an attractive and high quality presentation to external streets and site boundaries. Large trees in the verges Hannan Street and Mile Street will be retained.

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

- 2400mm high CFC and Colorbond fence on north-eastern boundary;
- 2100mm high Colorbond fence adjacent to rear lane; and
- 1800mm high articulated boundary fence (timber-look Unicote Lux with white painted CFC boxing and recessed lighting) to part of Mile Street and wrapping around to Hannan Street to shield the car wash facility.

3.2.2 Access & Movement

The site currently has two crossovers to Hannan Street which will be removed, and in their place, two new crossovers are proposed for entry-only and exit-only movements associated with the proposed development.

A new full movement crossover is proposed to Mile Street at the north-westernmost corner of the site.

A Transport Impact Statement (**Annexure 3**) has been prepared by DVC to address the traffic movements associated with the proposed development. The design has demonstrated that access and traffic movements for both cars and heavy vehicles (including fuel tankers) can be accommodated on the site. The TIS provides swept paths for the key design vehicles and demonstrates acceptable movements across the site.

3.2.3 Car Parking

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

- 17 marked car parking bays (including one (1) accessible parking bay);
- 12 fuel bowser parking bays located under the fuel canopy;
- Two (2) large vehicle parking bays
- Four (4) EV charging station bays;
- Two (2) vacuum bays;
- A drive thru facility that can accommodate 7 cars in the drive thru queue lane.

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

3.2.4 Signage

The proposed development involves a 9.00m high x 2.359m wide pylon sign located at the corner of Hannan Street and Mile Street for the purpose of displaying fuel pricing and relevant signage for each of the proposed uses.

The proposed development also involves a 3.30m high wide price board pylon sign along the Hannan Street frontage of the site, also for the distinct purpose of displaying fuel pricing and the fuel brand logo (Caltex).

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

LED signage elements will be used to display text and images relating to goods and services provided on the site. There will be no third-party advertising displayed using the LED elements (or otherwise). LED elements will display static, but changeable, images, which will have a dwell time of no less than 30 seconds per image and will change over rapidly, i.e. no more than 0.1 second. Luminance of the LED panels will be controlled in accordance with prevailing ambient light to avoid illumination or glare which may distract drivers or other road users, ranging from a maximum of 6,000 Cd/m² (maximum average) on a sunny day, to no more than 300 Cd/m² (maximum average) at night. These standards are in accordance with Main Roads WA (MRWA) advertising policy and are appropriate guidelines to follow.

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

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

3.3 CONVENIENCE STORE & SERVICE STATION DETAILS

3.3.1 Building & Design

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

The proposed convenience store building will be set back approximately 6.00m from the Hannan Street boundary and approximately 4.00m from the side boundary. The fuel canopy will be set back approximately 6.00m from Hannan Street.

The convenience store is appropriately located, and will include a pedestrian access link to the existing footpath in Hannan Street for those that wish to walk to the store.

The convenience store building is proposed at a height of approximately 4.50m extending up to 6.80m at the south-eastern end closest to Hannan Street, giving the building a larger presence to the street. Extensive glazing (inclusive of curved shopfront) is proposed along the main building facade of the convenience store, and feature brickwork and cladding panelling is also proposed as shown in the Elevations. A range of signage (some of which are illuminated) is proposed on the building. The building also has a large awning extending out over the footpath area in front of it.

The convenience store building will incorporate an internal sales area of 282m² GLA, which will include a point-of-sale and offer for sale of goods generally expected of an OTR facility, for the convenience of customers. The Service Station use will also include a six-bowser fuel canopy with the capability to service 12 light vehicles simultaneously. A drive-thru facility is also proposed around the rear and side of the convenience store building and involves separate order and pick-up locations. The drive thru facility can accommodate seven (7) vehicles in the drive thru queue lane.

The fuel canopy will feature Caltex branding and livery. The fuel canopy will have a total height of 6.80m and will feature a butterfly design that is an OTR signature design feature. The fuel canopy will have a 4.50m clearance.

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

The EV charging station canopy will have the OTR branding and livery. The charging canopy will have a total height of 6.80m and features a butterfly design that is an OTR signature design feature. The canopy has a 4.50m clearance. The columns of the fuel canopy will be treated with a timber-look cladding, as shown in the Elevations.

3.3.2 Hours of Operation & Staff

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

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

3.3.3 Fuel Types, Dispensing & Fuel Delivery

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

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

The largest service vehicle which is expected to use the site is a 19m fuel tanker for fuel deliveries. Fuel delivery will occur at a rate of two to three deliveries per week, as required.

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

DVC has undertaken a fuel tanker turn path assessment using Main Roads WA guidelines and the TIS includes the turn paths for a 19m fuel tanker. The fuel tanker will enter and exit the site from Hannan Street using the entry-only and exit-only crossovers (refer to Figure 5.1 of the DVC Transport Impact Statement at Annexure 3).

3.3.4 Environmental Considerations

The risk of contamination and pollution of the local environment is considered minimal. Service Stations uses are highly regulated, and designers use industry best practices to minimise any fuel

or other contaminant access to stormwater drains. Design, operational and management measures will include:

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

3.4 CAR WASH DETAILS

3.4.1 Building & Design

The proposed Car Wash facility will include an Auto Wash building with two (2) auto wash bays with queuing area and four (4) undercover manual washing bays.

As part of the Car Wash use, there will be two (2) vacuum bays located along the Mile Street property boundary. The vacuum bays and car wash facility will have a 1.80m high barrier fence (appropriately designed and treated) along the Mile Street property boundary, and wrapping around to the Hannan Street property boundary to assist with noise mitigation.

The design of the Car Wash facility includes a 6.80m high building (at its highest point) and includes glazing on the main street facing facades, particularly Hannan Street. The Car Wash facility has a minimal set back of approximately 800mm to the Hannan Street boundary.

The design of the Car Wash facility enables plenty of queuing area around the rear of the facility.

3.4.2 Hours of Operation & Staff

The Car Wash facility will operate 24/7, and involves no staff on-site other than occasional maintenance.

3.5 NOISE MANAGEMENT

Herring Storer Acoustics was engaged to prepare an Environmental Acoustic Assessment in support of the proposed development (see **Annexure 4**).

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

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

3.6 AIR QUALITY ASSESSMENT

Environmental Risk Sciences Pty Ltd (EnRisks) was engaged to prepare an Emissions Assessment Report for proposed development (see **Annexure 5**).

The assessment has shown that the potential for air emissions from this proposed new service station to impact on the health or result in odours at the closest sensitive receptor, is low and acceptable in line with National guidance. It is likely that emissions to air from this are unlikely to change the air quality of the area to a discernible extent.

4.0 PLANNING ASSESSMENT

4.1 CITY OF KALGOORLIE-BOULDER LOCAL PLANNING SCHEME 1

4.1.1 Zoning & Land Use

The subject land is zoned “Mixed Business” in the City of Kalgoorlie-Boulder Local Planning Scheme No.1 (LPS1) as shown in **Figure 3** below. The subject land fronts Hannan Street which is a Principal Urban Arterial Local Scheme Reserve under LPS1.



Figure 3: LPS1 Zoning Map

The objectives of the Business Zones (from CI 3.11 of LPS1) are as follows:

- (a) To facilitate a variety of both retail convenience and comparison centres and office development within the City in locations appropriate to such activities.
- (b) To facilitate the continued growth of the city centre with a multiplicity of land uses and activities, forming the focus of the municipality.

The proposed development accords with the objectives of the Business Zones under CI 3.11 of LPS1.

A "Convenience Store" use is an "SA" use in the "Mixed Business" zone, meaning it is capable of approval following advertising of the application.

A "Service Station" use is also an "SA" use in the "Mixed Business" zone.

A "Car Wash" use is a "P" Permitted use in the "Mixed Business" zone.

Accordingly, the proposed uses are capable of approval.

The "Car Wash" use is defined in LPS1 as:

"means the use of premises for the washing or cleaning of the external surfaces of motor vehicles by mechanical means."

The "Convenience Store" use is defined in LPS1 as:

"means buildings not exceeding 350m2 gross floor area used for the retail sale of convenience goods during hours which include but which may extend beyond normal trading hours."

It should be noted that LPS1 defines "convenience goods" as *"means goods commonly sold in supermarkets, delicatessens and newsagencies, and also includes petrol"*.

Accordingly, the use of "Convenience Store" appropriately covers the retail sale of petrol as well as the convenience store goods. It is therefore, not ordinarily necessary to separately apply for a "Service Station" use.

It is also noted that the Service Station definition in LPS1 includes the *"supply of petroleum products and fuels and automotive accessories and includes greasing, tyre repairs and minor mechanical repairs"*. As the proposed development does not include the greasing, tyre repairs and minor mechanical repairs activities, the Service Station use is ordinarily not appropriate to apply for when it is defined in this way.

However, given that the City has advanced Draft Local Planning Scheme No. 2 (Draft LPS2) and has advertised it for public comment (meaning it becomes a seriously entertained planning proposal and a document to be given due regard), it is appropriate to apply for the "Service Station" use now. This is because under Draft LPS2, the site will be zoned "Commercial" and the proposed development would be classified as a "Service Station" use, given that the Convenience Store land use will not include the retail sale of fuel in its definition. We wish therefore, to avoid the circumstances of having the development become a Non-Conforming Use.

Applying for a "Convenience Store", "Service Station" and "Car Wash" uses will enable the development to be approved under both LPS1 and maintain its approval LPS2 without Non-Conforming Use issues.

Under Draft LPS2 in the new “Commercial” zone, a “Convenience Store” use will become a “P” Permitted use, a “Service Station” will become a “P” Permitted Use and a “Motor Vehicle Wash” will become a “D” Discretionary use.

4.1.2 Development Standards

Clause 3.11 of LPS1 sets out a number of Development Standards for Business zones.

Table 4 below assesses the proposed development against the relevant Development Standards.

Table 4: Development Standards

| Development Standard | Response |
|---|--|
| <p><i>Cl 3.11 (3)</i> <i>A minimum of 5 per cent of the development area is to be provided as landscaped area in accordance with clause 4.13 for all development unless otherwise specified in the Development Standards Table.</i></p> | <p>5% of the site area equates to 200m². The proposed development provides approximately 200m² of landscaping area.</p> |
| <p><i>Cl 3.11 (8)</i> <i>The Council may permit a commercial development in the mixed Business Zone to have a nil frontage setback if it fronts a service road and it is of the opinion that it will not prejudicially affect the amenity of surrounding properties.</i></p> | <p>The proposed development has a reduced setback to the Car Wash component which is considered appropriate. The property has frontage to a side road (Mile Street) along with a rear laneway. The proposed development will not affect the amenity of surrounding properties.</p> |
| <p><i>Cl 3.11 (10)</i> <i>A person shall not use the land between the street alignment and the required setback for any purpose other than one or more of the following:</i> <i>(a) a means of access and egress;</i> <i>(b) the parking of vehicles used by employees and customers;</i> <i>(c) the loading and unloading of vehicles;</i> <i>(d) open air display where approved by the Council; or</i> <i>(e) landscaping.</i></p> | <p>The setback areas will be used for access/egress, landscaping and driveway areas in compliance with this provision.</p> |
| <p><i>Cl 3.11 (12)</i> <i>Provision shall be made for one or more areas for the storage of any matter including refuse in any development.</i></p> | <p>The site will be provided with an appropriately sized refuse store for the development.</p> |
| <p><i>Cl 3.11 (13)</i> <i>The refuse or storage areas shall be:</i> <i>(a) screened from view to the satisfaction of the Council;</i> <i>(b) located not less than 10.0 metres from any residential building which is situated on an adjoining lot unless the area is fully enclosed;</i> <i>(c) accessible to service vehicles; and</i> <i>(d) of an internal floor area that is in accordance with the City of Kalgoorlie Boulder Health By-law 1994 (as amended).</i></p> | <p>The refuse store is located behind the Convenience Store in an appropriate location, out of view from the public realm and has a 2100mm high refuse enclosure for screening purposes.</p> |

Clause 3.19 of LPS1 sets out further standards in the Table 2 - Development Standards Table.

Clause 3.19(1) states that particularly uses mentioned in the Development Standards Table must comply with the standards and requirements prescribed for it. Where a particular use is not mentioned in the Development Standards Table, the development requirements are to be determined by the Council (or the JDAP in this circumstance).

It should be noted that neither the “Convenience Store” land use or the “Car Wash” land use appears in the Development Standards Table of LPS1. Accordingly, there are no specific development standards pertaining to minimum setbacks, plot ratio, site coverage, parking, landscaping or any special conditions that apply to these proposed uses and they are to be determined by the Council (or the JDAP in this circumstance).

There are however, standards that apply for the “Service Station” use and these are assessed in **Table 5** below.

Table 5: Development Standards Table Assessment

| Use Class Requirements | Proposed | Compliant? |
|--|--|------------|
| Service Station | | |
| 11.5m street setback | Approximately 6m to the convenience store building | No |
| 3m street setback to canopy | 6m to the Fuel Canopy | Yes |
| 3m side and 3m rear setbacks | 4m side setback to convenience store building | Yes |
| 0.3 plot ratio | <0.3 plot ratio | Yes |
| 30% site coverage | <30% site coverage | Yes |
| Parking – 2 bays plus 1 for each staff member, minimum 4 bays provided | 17 marked car parking bays 4 EV charging bays 12 bowser bays 2 large vehicle bays + drive thru service | Yes |
| 5% lot area as landscaping | 5% of 4007m2 area = 200m2 Proposed Landscaping = approx 200m2 | Yes |

There is only one (setback) variation to the Development Standards Table, however this can be considered given the power provided in Clause 4.19 of LPS1, which sets out that where a development does not comply with a standard or requirement prescribed under the Scheme, the Council (or the JDAP in this case) may, notwithstanding that non-compliance, approve the application conditionally or unconditionally, as it sees fit.

Where there are departures from the standards, approval may be granted where the non-compliance will not have an adverse effect on the occupiers or users of the development, or the inhabitants of the locality or upon the likely future development of the locality.

The proposed reduced setback to the convenience store building is considered acceptable and appropriate, particularly given the proposed setback to the proposed Car Wash facility to which there are no setback standards prescribed. Accordingly, it will not have an adverse effect on the users of the development, the inhabitants of the locality or the likely future development of the locality. Further, under the “Commercial” zone of Draft LPS2, there are no minimum setback requirements, and accordingly, the proposed development aligns with the (future) development standards prescribed under Draft LPS2.

Clause 4.18 addresses development adjoining Major Road Reserves. Hannan Street is a Principal Urban Arterial Road. Clause 4.18(b) states that no direct access to a Principal Urban Arterial Road is permitted without the approval of Council (or the JDAP in this case). Development Approval has been granted previously for a similar development type with access to Hannan Street. The proposed entry-only and exit-only crossovers for the proposed development are considered appropriate.

4.1.3 Matters to be Considered

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

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

Table 6: Matters to be Considered

| Relevant Matters to be Considered | Response |
|--|--|
| (a) <i>The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;</i> | <p>The propose development is consistent with the aims and provisions of the City’s LPS1 for the following reasons:</p> <ul style="list-style-type: none"> • The proposal seeks approval for land uses which are capable of approval and are appropriate for the site/location. • The proposal is generally compliant with the development standards of LPS1. • A Development Approval exists for a similar Petrol Station and Convenience Store development on the land. |
| (b) <i>The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local</i> | <p>We are aware that the City has advanced its Draft Local Planning Scheme No. 2 and has advertised it for public comment.</p> <p>Under Draft LPS2 the site will be zoned “Commercial”.</p> |

| Relevant Matters to be Considered | Response |
|---|--|
| <i>government is seriously considering adopting or approving;</i> | “Service Station” and “Convenience Store” uses will become “P” Permitted uses and the “Motor Vehicle Wash” will become a “D” Discretionary use in the “Commercial” zone. Accordingly, the proposed uses are capable of approval having regard to the intended changes under Draft LPS2, and demonstrate that these uses are appropriate for its location. |
| <i>(c) Any approved State Planning Policy</i> | This report demonstrates the proposed development is in compliance with the relevant State Planning Policies. |
| <i>(d) Any environmental protection policy approved under the Environmental Protection Act 1986 section 31 (d);</i> | This matter is not relevant to this proposal. |
| <i>(e) Any policy of the Commission</i> | This matter is not relevant to this proposal. |
| <i>(f) Any policy of the State</i> | This is addressed further in this report. |
| <i>(g) Any local planning policy for the Scheme area;</i> | This report demonstrates the proposed development is in general compliance with the local planning policies applicable to the subject site. |
| <i>(h) Any structure plan or local development plan that relates to the development.</i> | This matter is not relevant to this proposal. |
| <i>(i) Any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015.</i> | This matter is not relevant to this proposal. |
| <i>(j) In the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve.</i> | This matter is not relevant to this proposal as the subject land is not reserved under the Scheme. |
| <i>(k) The built heritage conservation of any place that is of cultural significance.</i> | This matter is not relevant to this proposal. |
| <i>(l) The effect of the proposal on the cultural heritage significance of the area in which the development is located.</i> | This matter is not relevant to this proposal. |
| <i>(m) The compatibility of the development with its setting, including - (i) the compatibility of the development with the desired future character of its setting; and (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</i> | <p>The proposed development is entirely compatible with its setting for the following reasons:</p> <ul style="list-style-type: none"> • The proposed development is suitably located within a commercial locality. • Development approval exists for a similar development type. • The proposal is compatible with adjacent existing developments. • The scale of the development does not impact any adjacent properties. <p>Having regard to the above, the nature of the proposed development is entirely compatible with its surroundings.</p> |

| Relevant Matters to be Considered | Response |
|---|--|
| <p>(n) <i>The amenity of the locality including the following –</i></p> <p>(i) <i>Environmental impacts of the development;</i></p> <p>(ii) <i>The character of the locality;</i></p> <p>(iii) <i>Social impact of the development;</i></p> | <p><u>Environmental Impacts:</u></p> <p>The proposed development is not anticipated to result in any adverse environmental impacts.</p> <p><u>Character of the Locality:</u></p> <p>The proposed development will not alter the established character of the locality which is considered to be a commercial area. The proposed development is also consistent with the currently approved development of a petrol filling station, convenience store and showroom.</p> <p><u>Social Impacts:</u></p> <p>The proposed development will not have any adverse social impacts on the surrounding locality, but will provide a positive social impact through the creation of jobs through construction and operation of the facility.</p> |
| <p>(o) <i>The likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource.</i></p> | <p>This matter is not relevant to this proposal.</p> |
| <p>(p) <i>whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.</i></p> | <p>Areas of landscaping have been provided on the site.</p> |
| <p>(q) <i>the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence landslip, bush fire, soil erosion, land degradation or any other risk.</i></p> | <p>This matter is not relevant to this proposal.</p> |
| <p>(r) <i>The suitability of the land for the development taking into account the possible risk to human health or safety.</i></p> | <p>This matter is not relevant to this proposal.</p> |
| <p>(s) <i>The adequacy of –</i></p> <p>(i) <i>the proposed means of access to and egress from the site; and</i></p> <p>(ii) <i>arrangements for the loading, unloading, manoeuvring and parking of vehicles;</i></p> | <p>As outlined in this Report and the supporting Transport Impact Statement (TIS) prepared by DVC (Annexure 3), the proposed access arrangements to and from the site are satisfactory.</p> <p>The development has been appropriately designed, including appropriate arrangements for loading, unloading, manoeuvring and parking of vehicles.</p> |
| <p>(t) <i>The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;</i></p> | <p>The Transport Impact Statement (Annexure 3) indicates that the proposed development will not have an unacceptable level of impact on the surrounding road network.</p> |
| <p>(u) <i>the availability and adequacy for the development of the following –</i></p> <p>(i) <i>public transport services;</i></p> | <p>The Transport Impact Statement (Annexure 3) addresses these matters.</p> |

| Relevant Matters to be Considered | Response |
|--|--|
| <i>(ii) public utility services;</i> <i>(iii) storage, management and collection of waste;</i> <i>(iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);</i> <i>(v) access by older people and people with disability;</i> | |
| <i>(v) The potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses.</i> | No loss of any community service or benefit is expected to occur as a result of the proposed development. |
| <i>(w) The history of the site where the development is to be located.</i> | No significant historical matter is relevant to this proposal other than the fact that there is an existing development already approved on the land for a petrol filling station, convenience store and showroom use. |
| <i>(x) The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals.</i> | The proposed development will have a positive benefit on the community as a whole, as it provides for the retail sale of fuel, EV charging, convenience goods and washing of vehicles. |
| <i>(y) Any submissions received on the application.</i> | The City is required to advertise the application as it involves “SA” use and to assess any relevant submission made. |
| <i>(za) The comments or submissions received from any authority consulted under clause 66.</i> | The City can refer the application to any authority it considers appropriate, and to assess any relevant submissions/comments made. |
| <i>(zb) Any other planning consideration the local government considers appropriate.</i> | The City can determine whether there are any other planning considerations that are relevant. |

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

4.2 LOCAL PLANNING POLICIES

4.2.1 Local Planning Policy 02 – Supplementary Development Standards & Use Classes

The City’s Local Planning Policy 02 ‘Supplementary Development Standards & Use Classes’ (**LPP02**) provides additional development standards that are not found in Table 2 Development Standards in LPS1.

Table 7 below outlines the various additional development standards of LPP02 and provides an assessment against the provisions.

Table 7: LPP02 Assessment

| Use Class Requirements | Proposed | Compliant? |
|---|--|------------|
| Convenience Store | | |
| 9m street setback | Approximately 6m to the convenience store building | No |
| 1.0 plot ratio | <1.0 plot ratio | Yes |
| Parking at 1/20m ² NLA = 14 | 17 marked car parking bays 4 EV charging bays 12 bowser bays 2 large vehicle bays + drive thru service | Yes |
| 5% lot area as landscaping | 5% of 4007m ² area = 200m ² Proposed Landscaping approx 200m ² | Yes |
| Motor Vehicle Wash | | |
| 1 car parking bay per wash bay (6) 1 bay per staff (0) | Across the development site, more than adequate parking has been provided. | Yes |
| 1 queue bay per wash bay (6) | >than 1 queue bay per wash bay | Yes |

Again, the only variation is to the front setback which is considered appropriate for the reasons previously provided.

4.2.2 Local Planning Policy 03 – Signage Policy

The City's Local Planning Policy 03 'Signage Policy' (**LPP03**) provides guidance on the development of signage or advertisements.

LPP03 does not provide assessment criteria for monolith signs, and it is considered that the pylon sign definition does not apply to the proposed two monolith signs on the site, given that a pylon sign is defined as a sign which erected on a pole or a pylon.

The proposed two monolith signs are 9.00m high and 3.30m high and are considered appropriate for the site and development type. LPP03 states that where a sign type is not listed or defined in the policy, the sign shall be assessed on its individual merits.

For proposed Wall Signs, LPP03 states that they will be assessed on a site-by-site basis considering the site and the amenity of surrounding premises with each application being considered on its own merits. It is considered that the type, number and extent of wall signage proposed for the entire development is appropriate and balanced, and not excessive. Accordingly, the proposed signage associated with the development warrants approval.

4.3 STATE PLANNING POLICIES

4.3.1 WAPC SPP 7.0 – Design of the Built Environment

Table 8 below provides a response to the Design Principles of State Planning Policy 7.0 Design of the Built Environment (SPP7.0).

Table 8: Assessment of Design Principles of SPP7.0

| SPP 7.0 Design Principles | Response |
|--|--|
| 1. Context and character <i>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</i> | The proposed development/use is consistent with the existing commercial context and is comparable with the existing approved development. The development of the site will improve the amenity of the locality, by incorporating well-designed built form (together with landscaped setting). |
| 2. Landscape quality <i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</i> | Service Station developments are often harsh environments for landscaping, however the development incorporates landscaping areas where possible. |
| 3. Built form and scale <i>Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.</i> | The form and scale of the proposed development is appropriate for the use and location. The built form includes a range of building materials which provide a high quality outcome. |
| 4. Functionality and build quality <i>Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.</i> | The development has been designed to be highly functional, with a range of car-based uses such as a convenience store, fuel sales, EV charging, car washing and vacuum facilities. The design of the development is aimed at providing user efficiency. |
| 5. Sustainability <i>Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.</i> | The proposed buildings and canopies are designed to support PV (Solar) Panels, and the development also provides EV charging stations. The proponent is investigating opportunity for utilising recycled asphalt/concrete for the hardstand areas. |
| 6. Amenity <i>Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.</i> | The development improves the amenity of the locality and provides an environment that is universally accessible. The convenience function of the development itself is considered to provide a new amenity to the locality. |
| 7. Legibility <i>Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.</i> | The proposed vehicle access arrangements from Hannan Street and Mile Street provide for easily legible entry and exit. Similarly, access to the drive through and the car wash area is easily identifiable. |

| SPP 7.0 Design Principles | Response |
|---|--|
| | A footpath is proposed along the frontage of the convenience store and will connect with the existing footpath in the verge of Hannan Street. This provides a clear connection and identifiable link to assist pedestrians to find their way around. |
| 8. Safety <i>Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.</i> | <p>The building design maximises opportunities for casual surveillance over the forecourt area through large windows and the main entrance to the convenience store building. The car park and forecourt is in full view of the adjacent road ways, which optimises the safety and security of the facility.</p> <p>The entire facility will be appropriately lit and will operate 24/7.</p> |
| 9. Community <i>Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.</i> | <p>The development is specifically designed for convenience of the local community, enabling a venue which provides goods and services 24/7 and responds to a growing need in the area.</p> <p>It is a well-placed addition which will add to the diversity and choice of convenience stores / service stations in the locality, and puts less pressure on other facilities in the area.</p> |
| 10. Aesthetics <i>Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.</i> | The proposed buildings and canopies have been architecturally designed with a range of materials and colours. |

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

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

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

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

Residential areas exist to the east and south, on the opposite side of Hannan Street.

Table 9 below provides an assessment of the potential impacts from the operation of the proposed Service Station, and provides justification to demonstrate the appropriateness of the development on the subject site.

Table 9: Mitigation of Potential Amenity or Environmental Impacts

| Issue | Response |
|------------------------|---|
| Noise | <p>It is common for Service Stations to be located either opposite or directly adjoining residential properties.</p> <p>Transmission of noise in these circumstances is not an issue, and noise generated from a fuel facility is generally consistent with other similar commercial uses.</p> <p>A comprehensive Environmental Noise Assessment has been prepared to address noise issues, and it has been concluded that the site will comply with the Environmental Protection (Noise) Regulations (refer Annexure 4).</p> |
| Risk | <p>As the proposed Service Station provides for the retail sale of fuel, the operator must obtain a Dangerous Goods Storage and Handling Licence to store and sell fuel on the site. The Licence application is made post planning approval.</p> <p>Accordingly, Risk can be appropriately managed through the Dangerous Goods Storage and Handling licence requirements.</p> |
| Odour / Gaseous | <p>The underground fuel storage tanks will be equipped with a vapour recovery system which ensures that all petrol vapours from the underground tanks are drawn back into the fuel tanker at the time of fuel delivery. This enables the returned vapours to be recondensed into liquid.</p> <p>The Dangerous Goods Licencing process also assesses the likely impact of vapours/odours. Accordingly, the assessment of odour/gaseous issues is appropriately addressed and managed through the Dangerous Goods Licencing process.</p> <p>An Emissions Assessment has been prepared to assess this issue – refer Annexure 5.</p> |
| Lighting | <p>Potential sources of light spill from the proposed development are primarily from the lighting of the fuel and EV canopies, the retail building, and any external lights in the forecourt or perimeter of the development site.</p> <p>Lighting proposed within the canopies are inset and orientated internally to ensure light spill is contained within the site.</p> <p>It is not anticipated that light sources from the proposed development will affect residential dwellings.</p> <p>A service station development has already been approved on the land.</p> <p>Further, it is a requirement to comply generally with Australian Standard AS4282 – Control of Obtrusive Effects of Outdoor Lighting, and the final design of lighting (and ultimate operation) will be regulated by AS4282.</p> |

As demonstrated in the Table 9 above, the proposed Service Station component of the development has been appropriately designed and sited to mitigate any potential amenity and environmental impacts on nearby sensitive (residential) land uses. Accordingly, a lesser separation distance has been demonstrated to be acceptable.

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

5.0 CONCLUSION

Hidding Urban Planning seeks Development Approval for a proposed OTR Convenience Store, Service Station and Car Wash Development at Lots 50, R406, R407, R409 (#526-536) Hannan Street, Kalgoorlie.

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

- The proposed development is generally compliant with the development standards and requirements of the City of Kalgoorlie-Boulder Local Planning Scheme No. 1 and associated local planning policies;
- The proposed uses are capable of approval in the “Mixed Business” zone and appropriate for the site and location;
- The proposed uses will continue to be capable of approval under the future “Commercial” zone under Draft Local Planning Scheme No. 2 which is a seriously entertained planning proposal;
- The proposed development is an appropriate use and development form on Hannan Street;
- The proposed development will provide increased services to the Kalgoorlie locality;
- The proposed development provides for the redevelopment of the existing site, which is currently an underutilised site;
- The proposed development is supported by a range of expert technical reports, demonstrating that all relevant technical issues have been considered and addressed; and
- There is an existing Development Approval for the land for the purpose of a similar Petrol Station, Convenience Store and Showroom development, which recognises the site as being generally suitable for the proposed new development being sought.

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

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

Hidding.
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