

**9.2 NOS. 41-43 (LOTS: 18 AND 701; DP: 302447 AND P: 1874) ANGOVE STREET, NORTH PERTH
- ALTERATIONS AND ADDITIONS TO SERVICE STATION**

Ward: North

Attachments:

1. Location and Consultation Plan
2. Proposed Plans
3. Applicant Cover Letters
4. March 2002 Approval
5. Summary of Submissions - Administration Response
6. Design Review Panel Minutes

RECOMMENDATION:

That Council:

In accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 (LPS2) and the Metropolitan Region Scheme, REFUSES the application for Alterations and Additions to Service Station at Nos. 41-43 (Lot: 18; and 701; Plan: DP: 302447 and P: 1874) Angove Street, North Perth, in accordance with the plans provided in Attachment 2, for the following reasons:

1. Pursuant to Clause 67(2)(b) of the Planning and Development (Local Planning Schemes) Regulations 2015 the development would be contrary to the principles of orderly and proper planning. This is because:
 - (a) It has not been demonstrated that the proposal would have any pre-existing use rights either as a non-conforming use or that it would be consistent with any previous development approval; and
 - (b) It would not be orderly and proper to determine the works without consideration of the associated land use.

This is noting the scope of the application submitted that is for works only, and the use permissibility of Service Station pursuant to Clause 18 of LPS2

The use would not be capable of approval and would be contrary to the aims, objectives and provisions of LPS2 in accordance with Clause 67(2)(a) of the Planning and Development (Local Planning Schemes) Regulations 2015. These include:

- The aims of LPS2 as set out in Clause 9;
 - The District Centre zone objectives as set out in Clause 16, and
 - The provisions including the Zoning Table, Interpreting the Zoning Table, and Non-Conforming Uses as set out in Clauses 17, 18 and 22 respectively. This is because the Service Station land use is prohibited in the District Centre zone and the application has not demonstrated that there would be non-conforming use rights;
2. Pursuant to Clauses 67(2)(g), 67(2)(m), and 67(2)(zc) of the Planning and Development (Local Planning Schemes) Regulations 2015 the proposal would be inconsistent with the objectives of the City's Policy No. 7.1.1 – Built Form Policy and incompatible with its setting in considering the advice from the City's Design Review Panel . This is because:
 - a) The extent and location of proposed landscaping would be inadequate to offset the visual impacts associated with the extent of hardstand areas on the street frontages. The landscaping would not provide for adequate tree planting to make an effective and demonstrated contribution towards the City's green canopy or reduce the impact of the urban heat island effect (Clause 1.5 – Tree Canopy and Deep Soil Areas and Clause 1.15 – Landscape Design);

- b) The proposed modifications would not provide for an appropriate landscape design to enhance the amenity of the streetscape or the provision of shade, and the colours, materials and finishes proposed to the existing building, roof and fuel canopy, would be inconsistent with the desired future character streetscape of Angove Street.

The proposed modifications to the existing building would not adequately provide for passive surveillance or activation of Woodville Street. This is because the proposed window is located above eye level for staff and customers within the building and for pedestrians, and would not express the internal building function and would be inconsistent with the desired streetscape character of Woodville Street (Clause 1.7 – Public Domain Interface, Clause 1.13 – Façade Design, and Clause 1.14 – Roof Design); and

3. Having regard to Reasons 1 and 2 and the matters of Clause 67(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the application has not demonstrated that the proposal:

- a) Would not have an adverse impact on the amenity of the locality, including from noise (Clause 67(2)(n));
- b) Would provide for the adequate provision of landscaping (Clause 67(2)(p));
- c) Would not have an adverse risk to human health or impact on the community (Clauses 67(2)(r) and (x)); and
- d) Would provide for adequate vehicle manoeuvring on-site and would not adversely impact on the flow or safety of traffic on the surrounding road network including pedestrian safety (Clauses 67(2)(s)(ii) and (t));

2. INSTRUCTS Administration to write to:

- The Department of Water & Environmental Regulation in accordance with Clause 11 of the *Contaminated Sites Act 2003* and Clause 6 of the *Contaminated Sites Regulations 2006* in relation to the contamination status of the site; and
- The Department of Energy, Mines, Industry Regulation & Safety in accordance with Clause 63 of the *Dangerous Goods Safety (Storage and Handling of Non-Explosives) Regulations 2007* in relation to the decommissioning of existing storage tanks.

The purpose of this is to:

- (a) Advise that to the best of the City's knowledge fuel tanks are still underground on the subject site. The fuel tanks have the potential to be leaking and causing site contamination which would impact on the health and welfare of the community;
- (b) Reiterate that the site is located prominently within the North Perth town centre area with high volumes of pedestrians and is in close proximity to sensitive uses including residential homes, cafes/restaurants and shops, and the North Perth Primary School;
- (c) Request an investigation into the current contamination status of the site and condition of the fuel tanks, that the ongoing risk presented by this issue is addressed by the land owner as required by the applicable legislation, and for any required remediation to be undertaken in accordance with the relevant standards and requirements; and
- (d) Request that the City be advised at the commencement of the investigation, updated as the investigation progresses, and notified of the outcome and

findings at the completion of the investigation; and

- 3. INSTRUCTS Administration to write to the landowner to request the implementation of adequate security measures to prevent unauthorised access to the subject site and to minimise antisocial behaviour from occurring.**

EXECUTIVE SUMMARY:

The subject site is located on the corner of Angove Street and Woodville Street. The subject site and the surrounding properties that face Angove Street are zoned District Centre under the City's Local Planning Scheme No. 2 (LPS2), and are within the Town Centre built form area under the City's Policy No. 7.1.1 – Built Form (Built Form Policy).

Angove Street consists of a mix of apartments, retail, commercial, and food and beverage uses. Residential properties located to the south are separated by an existing right of way (ROW) and front Woodville Street. North Perth Primary School and Casson House are located 20 metres and 50 metres from the subject site, respectively.

The subject site currently contains existing buildings which have previously been used as a Service Station.

A Service Station has previously operated from the site from the 1960's.

The subject site last received development approval from the City in March 2002, when Council approved a change of use from Service Station to Service Station and Vehicle Sales Premises. The approval at this time was under the City's operative Town Planning Scheme No. 1 (TPS1).

TPS1 was replaced by the current LPS2 in May 2018.

The Service Station use on the subject site ceased and in December 2021 fencing was erected around the boundaries of the site. The site has not been in use since.

In May 2023 the-then Metro Inner North Joint Development Assessment Panel (JDAP) refused a development application for an expanded Service Station on the subject site and adjoining property at No. 45 Angove Street. This refusal was as per the City's recommendation and included a number of reasons relating to the incompatibility of the use in this location and its associated off-site impacts. This refusal is the subject of an ongoing State Administrative Tribunal (SAT) appeal.

In February 2024 LPS2 was amended to make the Service Station land use a prohibited use in various zones including the District Centre zone. This prohibition of the use applies to the subject site, with it zoned District Centre under LPS2.

The subject application was lodged in August 2023 and proposes refurbishment works to the existing building and fuel canopy structure to enable a Service Station to recommence operations based on the previous approval from 2002.

The application has been assessed against the local planning framework. This includes the *Planning and Development (Local Planning Schemes) Regulations 2015*, LPS2 and the Built Form Policy.

Administration recommends that the application should be refused.

The 2002 approval would have allowed for a Service Station to operate from the subject site if it was undertaken in strict accordance with those approved plans and conditions of approval.

But the proposed works as part of this application would not be in strict accordance with the 2002 approval and would change the activities that would be carried out on site. This means that would be a fundamentally different proposal to the previous approval and so could not rely on this previous approval to operate a Service Station.

These changes to the previous approval, as well as the use of the subject site for a Service Station having ceased and then the site fenced off in December 2021, would also mean that the use does not enjoy non-conforming use rights under LPS2. These rights would otherwise provide protection for existing uses to continue to operate in accordance with previous approvals where they become a prohibited use under an amended planning scheme.

The applicant is seeking approval as part of the application for 'works' only and has not applied for approval for the 'use'. This is because the applicant contends that the use is consistent with the previous approval but has not provided information to demonstrate of existing use rights.

The *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) requires the application to be determined based on what it seeks approval for ('works' only). Given that it has not been demonstrated that there are existing use rights, the proposal would be inconsistent with the principle of orderly and proper planning. This is because the proposed works would facilitate the subject site to be used as a new Service Station and different to the 2002 approval. This would be a prohibited use and prohibited uses are not capable of approval under LPS2.

It has also not been demonstrated that off-site amenity impacts related to traffic, safety, noise, and public health would otherwise be acceptable for the new Service Station that is being proposed.

The proposed works would also be inconsistent with the objectives of the Built Form Policy and would be incompatible with its setting. This is because the building would provide for inadequate surveillance and interaction with Woodville Street, and would incorporate colours, finishes and materials that are inconsistent with the desired streetscape. The development would provide for inadequate landscaping to contribute towards tree canopy and to reduce the impact of the amount of hardstand areas and heat island effect.

DELEGATION TO DETERMINE APPLICATIONS:

This application is being referred to Council for determination in accordance with the City's Register of Delegations, Authorisations and Appointments.

This is because the delegation to Administration to determine applications does not extend to applications for development approval that receive more than five objections during the community consultation period.

The proposed application received 255 objections during the community consultation period.

PROPOSAL:

The subject site is located at Nos. 41-43 Angove Street, North Perth, as shown on the location plan included as **Attachment 1**.

The application seeks approval for alterations and additions to the existing building on the subject site that was previously used as a Service Station.

The extent of the works proposed includes the following:

- New shopfront works to north elevation, including painting and cladding of exterior walls, new entry doors and new shopfront windows in place of existing roller doors.
- Replacement of the cladding of the existing fuel canopy.
- Fill in existing roller door on eastern elevation adjacent to Woodville Street and provide a new window in this location.
- Painting of the existing walls and roof.
- Replacement of fuel bowsers and underground fuel tanks.
- Installation of a new 2.1 metre high refuse enclosure.
- Installation of new landscaping areas.

Although signage is indicated the applicant has advised that this is not part of the application. The application does not propose any modifications to the existing vehicle access points or change to the number of fuel bowsers.

The proposed plans are included as **Attachment 2**.

The application that has been submitted by the applicant seeks approval for these works only. The applicant's cover letters are included as **Attachment 3**. These include the initial over letter submitted when the application was lodged, as well as additional cover letters submitted in response to requests for additional information by Administration.

The applicant's cover letter dated 3 May 2024 outlines that *"the premise of this application is to undertake exterior works and improvements to the building (and fuel infrastructure) to enable the existing service station use to continue."*

Clause 68(1) of the LPS Regulations sets out that local government is to determine an application for development approval that has been submitted by an applicant.

This means that Council is required to determine what has been applied for and that is stated in the application.

Administration's comments on the matters that are within the scope of the application are set out further in the Comments section of this report.

BACKGROUND:

Landowner:	OTR 208 Pty Ltd
Applicant:	Hidding Urban Planning
Client:	OTR 208 Pty Ltd
Date of Application:	15 August 2023
Zoning:	MRS: Urban LPS2: Zone: District Centre R Code: N/A
Built Form Area:	Town Centre
Existing Land Use:	Service Station
Proposed Use Class:	Service Station
Lot Area:	Lot 18 – 267.9m ² Lot 701 – 221.3m ² Total – 489.2m ²
Right of Way (ROW):	4 metres wide
Heritage List:	No

Site Context

Subject Site and Previous Use

The subject site is bound by Angove Street to the north, Woodville Street to the east, and a 4 metre wide ROW to the south. An existing single storey Single House is located on No. 45 Angove Street directly to the west of the subject site. This building is current vacant.

The subject site consists of the former Wesco Service Station at Nos. 41-43 Angove Street. Based on Landgate mapping, this building has existed since at least 1953.

The building has been vacant since at least December 2021 and the subject site is currently fenced off. This fencing was installed along the Woodville Street and Angove Street frontages between October and December 2021. **Figure 1** below provides images of the fencing and current site condition.



Figure 1 – Existing Site Conditions – Angove Street (L) and Woodville Street (R)

Further background on the planning approval history of the site is provided below.

Surrounding Context

The immediate surrounding context of the subject site consists of:

- An existing four storey mixed use development at No. 1 Albert Street is located to the west of the subject site. This development comprises of six non-residential uses tenancies and 13 apartments. A single storey Single House is located at No. 15 Woodville Street on the southern side of the ROW.
- Stomp Coffee is located on the eastern side of Woodville Street at No. 39 Angove Street, and is listed on the City's Municipal Heritage Inventory (MHI) as Category B – Conservation Recommended.
- Casson House a psychiatric hostel and aged persons accommodation which is located approximately 45 metres to the south-west of the subject site and is listed on the City's MHI as Category B – Conservation Recommended.

The broader context of the locality consists of a mix of residential, mixed use and commercial uses.

Non-residential activities are generally concentrated to the east of the subject site along Angove Street. Development to the north, south and west of the subject site generally consists of residential properties.

In addition to this:

- The North Perth Primary School is located at No. 3-7 Albert Street and is approximately 20 metres to the west of the subject site;
- The Macedonian Orthodox Church of St Nikola is located at No. 69 Angove Street and is approximately 55 metres to the west of the subject site; and
- The North Perth School of Early Learning is located at No. 81 Angove Street and is approximately 155 metres to the west of the subject site.

Public Realm Environment

The surrounding public realm is a highly pedestrianised area, with footpaths located on both sides of Angove Street. These footpaths vary in width between 3 metres and 3.5 metres, and are typically provided with weather protection from pedestrian awnings which are attached to the adjoining buildings. Mature street trees and low level verge planting further contributes towards the amenity of the area.

Angove Street is sign posted as a 40km/h speed limit and features a single carriageway approximately 3.5 metres wide in each direction. On-street parking is provided on both sides of the road in the form of marked and embayment bays. Speed humps, road markings and raised pedestrian crossings contribute towards slowing traffic and encouraging safe pedestrian movement. This is further assisted by the median treatments which include raised islands and pavement marking, and provide opportunities for pedestrian refuge. The width of these medians is approximately 2.4 metres.

Approximately 10 metres to the west of the subject site is the Albert/Angove Junction which is a landscaped shared space within the road reserve. The North Perth Place Plan identifies that this could be one of the City's highest quality pedestrian environments, and is used to host a range of activities and small scale events.

At its meeting on [13 December 2022](#) Council resolved to approve the finalisation of a design for a median strip at the intersection of Angove Street and Woodville Street, with community consultation to be undertaken on a proposed 12 month trial of this. This modification would consist of the installation of landscaping areas and extension of median islands to prevent right turns onto Angove Street from Woodville Street. The intersection would be reduced from full access to left-in/left-out. This item is still being actioned by Administration.

Previous Approvals

The existing building on Nos. 41-43 Angove Street has been on the subject site since at least 1953. The City's records indicated that it has been used for the purposes of a Service Station since at least 1967.

The subject site formed part of the City of Perth until 1 July 1994.

City of Perth – 1960's Commencement

The City of Perth's then-Zoning By-law 64 (ZBL64) was operative in the 1960's when the subject site was established as a Service Station.

ZBL64 provided for zoning for land and permitted land uses that did not require planning approval.

ZBL64 applied to North Perth and provided for the Class 5C land use to be commenced without the need for planning approval.

The Class 5C land use was defined as "*Motor repairing and servicing shops including retailing of automotive fuel, lubricants and accessories.*"

City of Perth – 1992 Approval

On 19 October 1992 the City of Perth approved a development application across the subject and adjoin site to the west. This application consisted of:

- Nos. 41-43 Angove Street – Modifications to the existing office, shop and repairs building (which included two vehicle hoists), and expansion in the number of refuelling positions from three to four. Three of these were indicated for petrol and one for kerosene;
- No. 45 Angove Street – Demolition of the existing residence, with the existing shed to be used as an extension of the repairs building. The existing canopy of the refuelling area would be extended to cover new proposed car parking bays; and
- No. 1 Albert Street – Conversion of the two existing dwellings into offices associated with the Service Station.

At the time, the expansion of the Service Station and Office components were an 'X' use within the Residential zone of the City of Perth's City Planning Scheme, which was in operation at the time and had replaced ZBL64.

Prior to determination the proposal was referred to the Minister for Planning who provided consent for the application to be approved by the City of Perth.

This development approval was not implemented.

The existing building on No. 45 Angove Street was not demolished and remains on the site. No. 1 Albert Street has since been redeveloped into a four storey mixed use development.

City of Vincent – 2002 Approval

On 12 March 2002 a development application was approved for a change of use from Service Station to Service Station and Vehicle Sales Premises.

This approval included conditions which limited the number of service station working bays to a maximum of two at any one time. The operation of the Service Station included four refuelling positions as well as a vehicle servicing component. This approval is included as **Attachment 4**.

The conditions of this approval are included below:

- i. Compliance with all relevant Environmental Health, Engineering and Building requirements;*
- ii. All stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- iii. Prior to the first commencement of the use wheel stops shall be installed in accordance with AS290.1;*
- iv. A maximum of five (5) vehicles shall be displayed for sale at any one time; and*
- v. A maximum of two service station working bays shall be operating at any one time.*

The City's previous TPS1 was in operation at the time of this approval. The subject site was zoned Commercial under TPS1.

The City's LPS2 replaced TPS1 and was gazetted on 18 May 2018.

Metro Inner-Noth JDAP – 2023 Refusal

In September 2022 a planning application was lodged to redevelop the subject site and adjacent property at No. 45 Angove Street into a larger scale Service Station.

The applicant opted for this application to be determined by JDAP as it had a cost of development that exceeded \$2 million.

This application included:

- Demolition of the existing Service Station and Motor Vehicle Repairs building at Nos. 41-43 Angove Street and the existing dwelling at No. 45 Angove Street;
- A total of eight refuelling positions across for fuel bowsers positions located under a solid Canopy;
- Vehicle access from Woodville Street, Angove Street and the laneway;
- A two storey Control Building fronting onto Angove Street with a retail component at the ground floor level, and an office for use by management on the mezzanine level;
- Proposed operating hours of 24 hours and seven days a week; and
- Associated signage, including a sign on the corner of Woodville and Angove Street which advertises the business operator and petrol prices.

This application received a total of 468 objections across two community consultation periods. A petition was also received by Council at its meeting on [15 November 2022](#) that included 326 signatories.

The JDAP refused the application at its meeting on 3 May 2023 in accordance with the City's recommendation for a number of reasons including that the proposal would:

- Be inconsistent with the objectives of the District Centre zone under LPS2 as it would have an adverse impact on amenity on the locality, would not have an active relationship with Angove Street, and would not retail, food and beverage, or entertainment uses consistent with the surrounding context;
- Be inconsistent with the principles of orderly and proper planning as it would be contrary to Amendment No. 12 to LPS2;
- Not provide for adequate access and egress or arrangements for vehicle manoeuvring, that impact on traffic flow and safety would be appropriate, or that there would not be an adverse risk to the health of the community;
- Be inconsistent with the City's Policy No. 7.1.1 – Built Form (Built Form Policy) in relation to setbacks, landscaping, public realm interface and vehicle access; and
- Be inconsistent with broader state planning policies, as well as the City's Local Planning Policy – Signs and Advertising (Signage Policy), Local Planning Policy – Non-Residential Parking, and Policy No. 7.5.21 – Sound Attenuation (Sound Attenuation Policy).

A copy of the minutes from this meeting are available [here](#).

State Administrative Tribunal Review – JDAP Refusal

On 31 May 2023 the City received notification that the applicant had lodged an application for a review of the JDAP refusal with the SAT.

This matter is between the applicant and the JDAP. The City has been invited to attend SAT proceedings as the responsible authority for preparing the recommendation to the JDAP.

The matter is currently the subject of mediation between the parties. The SAT mediation process is confidential.

Since the application for review was lodged the matter has progressed to two mediation sessions on 4 July 2023 and 6 May 2024. The matter is currently listed for further mediation on 2 September 2024.

Timeline of Assessment of Current Application

The below provides a timeline of the assessment of the proposal for information:

Date	Action
15 August 2023	Application formally lodged with City.
29 September 2023	Administration provided update to applicant including advice on community consultation requirements and delegation to determine application.
18 October 2023	Administration provided its first request for information to the applicant. This included addressing matters related to the extent of works into the adjoining property at No 45 Angove Street, demonstrating consistency with existing approval, and matters resulting from the assessment against City's Policy No. 7.1.1 – Built Form (Built Form Policy).
19 February 2024	Administration received amended plans in response to first request for information. The applicant advised this has been provided in December 2023 but the City's records did not indicate this.
3 April 2024	Administration provided its second request for information to the applicant. This included addressing matters that would likely arise from community consultation.
10 May 2024	Applicant provided a second cover letter in response to Administration's second request for information.
31 May 2024	Administration advised on arrangements by applicant to commence community consultation.
4 July 2024 & 18 July 2024	Administration provided Design Review Panel (DRP) Chair comments, summary of submissions and requests for clarification on servicing arrangements to applicant in third request for information.
30 July 2024	Applicant provided amended plans in response to DRP Chair feedback. At the time of preparing this report, the applicant has not provided a response to the summary of submissions or clarification on servicing arrangements.

Applicable Planning Framework

Subject Site Zoning

The subject site is zoned Urban under the Metropolitan Region Scheme and District Centre under the City's LPS2.

The surrounding properties fronting Angove Street are also zoned District Centre, including the immediately adjacent property to the west. The properties to the south of the subject site are zoned Residential R60.

Clause 32(1) of LPS2 applies to District Centre zoned land, and does not permit Consulting Rooms, Multiple Dwellings, Medical Centre or Office land uses on the ground floor.

Amendment No. 12 to LPS2

At its meeting on [13 December 2022](#) Council initiated Amendment No. 12 to LPS2.

Amendment 12 proposed to reclassify the permissibility of the Service Station land use from being an 'A' use within the Mixed Use zone and a 'D' use in the Local Centre, District Centre, and Regional Centre zones, to being an 'X' use. An 'X' use is prohibited and is not capable of being approved.

Following community consultation Council subsequently supported Amendment No. 12 at its meeting on [16 May 2023](#) and forwarded it on to the Western Australian Planning Commission (WAPC).

The amendment was then supported by the WAPC and approved by the Minister for Planning. Amendment No. 12 was published in the [Government Gazette](#) and came into effect on 27 February 2024.

Relevant to the subject site, the effect of Amendment No. 12 is that a new Service Station land use would be a prohibited land use and would not be capable of approval.

An existing Service Station that has a current planning approval would retain non-conforming use rights and are allowed to continue operating in accordance with that approval.

Built Form Policy

The subject site is located within the Town Centre area of the City's Built Form Policy and has a permitted building height standard of four storeys.

The surrounding properties fronting Angove Street are also within the Town Centre area and have a building height standard of four storeys. This includes the immediately adjacent property to the west. The properties to the south of the subject site are located within the Residential built form area and have a building height standard of three storeys.

DETAILS:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of LPS2 and the Built Form Policy.

In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

Elements of the existing building that are not changing as a result of the proposal do not require Council's consideration.

Planning Element	As Existing / Acceptable Outcome Met	Discretion Required
Street Setbacks	✓	
Side & Rear Setbacks	✓	
Building Height/Storeys	✓	
Overshadowing	✓	
Tree Canopy & Deep Soil Areas		✓
Public Domain Interface		✓
Pedestrian Access & Entries	✓	
Vehicle Access	✓	
Universal Design		✓
Façade Design		✓
Roof Design		✓
Environmentally Sustainable Design		✓
Car and Bicycle Parking	✓	

The above elements of the proposal do not meet the specified land use standards, acceptable outcomes and policy requirements are discussed in the Comments section.

Local Planning Scheme No. 2

In considering the appropriateness of the use, Council is to have due regard to the objectives of the relevant zone. The objectives of the District Centre zone are as follows:

- *To provide a community focus point for people, services, employment and leisure that are highly accessible and do not expand into or adversely impact on adjoining residential areas.*
- *To encourage high quality, pedestrian-friendly, street-orientated development that responds to and enhances the key elements of each District Centre, and to develop areas for public interaction.*
- *To ensure levels of activity, accessibility and diversity of uses and density is sufficient to sustain public transport and enable casual surveillance of public spaces.*
- *To ensure development design incorporates sustainability principles, with particular regard to waste management and recycling and including but not limited to solar passive design, energy efficiency and water conservation.*

- To ensure the provision of a wide range of different types of residential accommodation, including affordable, social and special needs, high density residential and tourist accommodation, to meet the diverse needs of the community.
- To provide a broad range of employment opportunities to encourage diversity and self-sufficiency within the Centre.
- To encourage the retention and promotion of uses including but not limited to specialty shopping, restaurants, cafes and entertainment.
- To ensure that the City's District Centres are developed with due regard to State Planning Policy 4.2 - Activity Centres for Perth and Peel.

The District Centre zone objectives are one matter to which Council is to give due regard in the consideration of this application under the LPS Regulations. Other relevant matters to be given due regard are set out below.

LPS Regulations

In accordance with [Clause 67\(2\)](#) of the Deemed Provisions of the LPS Regulations to the development application, Council is to have due regard to a range of matters to the extent that these are relevant to the development application.

Each matter listed in Clause 67(2) that requires consideration, along with Administration's comment on the matter is provided in the table below.

Clause 67 – Matters to be Considered	
Matter	Administration Comment
(a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area	Refer to Comment Section.
(b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving	Refer to Comment section.
(c) Any approved State planning policy	<p>State Planning Policy 4.2 – Activity Centres for Perth and Peel and State Planning Policy 7.0 – Design of the Built Environment are relevant to the proposal. The proposed development would broadly be inconsistent with these because it would result in a built form that has minimal landscaping proposed to soften the impact from existing vehicle access points and hardstand areas, and building upgrades would not reflect the surrounding context or desired setting of the District Centre.</p> <p>It is noted that the WAPC's State Planning Policy 4.1 – Industrial interface (SPP 4.1) does not apply to this proposal. This is because SPP 4.1 applies to industrial land and industrial land uses. The subject site is zoned District Centre, and the proposed land use is defined as 'Service Station' under the LPS Regulations and not 'Industry'. SPP 4.1 does not specify that it applies to Service Station proposals.</p>
(fa) Any local planning strategy for this Scheme endorsed by the Commission	The City's Local Planning Strategy was endorsed by the WAPC on 8 November 2016. The subject site is within a Medium Density Mixed Use area, and adjacent to the North Perth Town Centre.

Clause 67 – Matters to be Considered	
Matter	Administration Comment
	<p>The Local Planning Strategy identified the needs to redefine the district centre zonings to create new Activity/Town Centres. This informed the subject site being rezoned for Commercial under TPS1 to District Centre under LPS2.</p> <p>The proposed development would broadly be inconsistent with the Retail & Commerce, Urban Design, Character & Heritage. And Traffic & Transport principles. This is because the off-site impacts have not been demonstrated and the built form does not respond to the desired context of Angove Street.</p>
(g) Any local planning policy for the Scheme area	Administration is not satisfied that the proposal would be consistent with the local housing objectives of the Built Form Policy, or would be compatible with its setting.
(m) The compatibility of the development with its setting including – (i) The compatibility of the development with the desired future character of its setting. (ii) The relationship of the 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.	Refer to Comment section.
(n) The amenity of the locality including the following – (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development.	Administration is not satisfied that the proposal has demonstrated that would be no adverse amenity impacts on the surrounding locality. Refer to (r), (s), (t) and (x) below.
(p) 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	Refer to Comment section.
(r) The suitability of the land for the development taking into account the possible risk to human health or safety	<p>The EPA Guidance Statement 3 recommends a separation distance of 200 metres between Service Stations and sensitive land uses to avoid conflicts between incompatible land uses. This is a guidance document but is not a policy prepared under planning legislation and does not carry any statutory weight as a planning policy in the determination of development applications.</p> <p>There would be 11 sensitive uses within 200 metres of the subject site. This would include a mix of residential, food and beverage and entertainment premises, retail, commercial, and medical, consulting and personal services. Within this distance would be the North Perth Primary School, Casson House, Macedonian Orthodox Church. North Perth School of Early Learning, North Perth Town Hall and Playgroup WA.</p> <p>The application indicates V1 vapor recovery systems would be provided to the new bowsers and new underground fuel tanks and vents installed. Notwithstanding this it has not demonstrated that it would not adversely impact on the risk to the health and safety of community.</p>

Clause 67 – Matters to be Considered	
Matter	Administration Comment
(s) The adequacy of – (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles	Access to the subject is as existing from Woodville Street and Angove Street. The application proposes five car parking bays that would be used by staff/customers but has not confirmed the allocation.
(t) 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	Service Station's are vehicle-based and the impacts of vehicle movements associated with the development have not been adequately assessed in the context of the desire to provide a safe environment for traffic and pedestrians. The subject site has direct interface to the residential area along Woodville Street and its proximity to the North Perth Primary School.
(u) the availability and adequacy for the development of the following – (i) public transport services; (ii) public utility services; (iii) storage, management and collection of waste; (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities); (v) access by older people and people with disability.	The development provides for a refuse enclosure along the western boundary of the subject site. The City does not offer a commercial waste service, and the operator would need to engage a contractor to undertake this service. These arrangements have not been provided by the applicant. It is noted that the enclosure would be required to be in accordance with the City's <i>Health Local Law 2004</i> . This would include the bin enclosure having a roof and facilities to be regularly washed down to prevent odours.
(w) the history of the site where the development is to be located	Refer to Comment section
(x) The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals	Refer to (r) above.
(y) Any submissions received on the application	Administration received 263 submissions during the community consultation, including 255 objections. The key matters raised in the submissions are set out in the Consultation/Advertising section of this report and in the summary of submissions included as Attachment 5 along with Administration's comments.
(za) The comments or submissions received from any authority consulted under clause 66	Submissions were received from agencies including the Department of Water & Environmental Regulation (DWER), Department of Energy, Mines, Industry Regulation & Safety (DMIRS), and Department of Health (DoH). These are considered in the Consultation/Advertising section of this report.
(zc) Any advice of the Design Review Panel	The City received advice from the DRP Chair on the proposal which is included as Attachment 6 . Refer to the Consultation/Advertising and Comment sections of this report. The DRP Chair is not supportive of the proposal in its current form and Administration's comments are included as part of the Officer Comment.

Detailed Assessment

The acceptable outcome assessment of the elements that requires the discretion of Council is as follows:

Tree Canopy & Deep Soil Areas and Landscape Design	
Acceptable Outcomes	Proposal
<p>Built Form Policy: Volume 3, Clause 1.5</p> <p><u>Deep Soil</u> 12 percent of site area.</p> <p><u>Planting Areas</u> 3 percent of site area.</p> <p><u>Canopy Coverage</u> 80 percent of the lot boundary setback area at ground level shall be provided as canopy coverage at maturity.</p> <p>Built Form Policy: Volume 3, Clause 1.15</p> <p><u>Submission of Landscaping Plan</u> Submission of a landscape plan prepared by a registered landscape architect. This is to include a species list and irrigation plan.</p>	<p><u>Deep Soil</u> 0.4 percent (2.1 square metres).</p> <p><u>Planting Areas</u> As per deep soil</p> <p><u>Canopy Coverage</u> No landscaping plan provided to confirm planting species or the amount of canopy coverage.</p> <p><u>Submission of Landscaping Plan</u> No landscaping plan provided.</p>
Visual Privacy	
Acceptable Outcome	Proposal
<p>Built Form Policy: Vol 3, Clause 1.6</p> <p>No acceptable outcome. Element objective assessment required.</p>	<p>Refer to Officer Comments.</p>
Public Domain Interface	
Acceptable Outcome	Proposal
<p>Built Form Policy: Vol 3, Clause 1.7</p> <p>Bins are not located within the primary street setback or in locations visible from the primary street.</p>	<p>Refuse collection enclosure located on western boundary and is visible from public realm.</p>
Universal Design	
Acceptable Outcome	Proposal
<p>Built Form Policy: Vol 3, Clause 1.12</p> <p>No acceptable outcome. Element objective assessment required.</p>	<p>Refer to Officer Comments.</p>
Façade Design	
Acceptable Outcomes	Proposal
<p>Built Form Policy: Volume 3, Clause 1.13</p> <p>Commercial development which fronts the public realm shall provide active frontages including glazing, openings and operable windows to ensure activity, interaction and surveillance of the street.</p> <p>Development shall identify key design elements in the local area and streetscape through an Urban Design Study and integrate and acknowledge these design elements whilst avoiding the use of faux materials.</p>	<p>New window to Woodville Street frontage of the building is proposed to replace the existing roller door. This window is 2.3 metres above the ground level and would not contribute towards interaction or surveillance of the secondary street.</p> <p>No Urban Design Study proposed to support the proposed façade modifications.</p>

<p>Commercial Building facades visible from the public realm shall:</p> <ul style="list-style-type: none"> a) Incorporate a variety of materials, colours, textures and depths; b) Not present a blank, monotonous, repetitious or dominant building treatment; c) Incorporate architectural or functional elements integrated into the façade, rather than cosmetic or superficial attachments to the building; d) Incorporate vertical articulation by using tall and narrow façade treatments; <p>Where provided, doorways shall have a depth between 0.5 metres and 1.5 metres to clearly articulate entrances to commercial buildings and tenancies.</p>	<p>The proposed façade treatments consist of weatherboard cladding and painted render in monument grey. The modifications to the Woodville Street and ROW frontage remove existing articulation to these facades, with the proposed cosmetic treatments being blank and monotonous. No vertical articulation treatments are provided for.</p> <p>The new doorway has a width of 0.4 metres.</p>
Environmentally Sustainable Design	
Acceptable Outcomes	Proposal
<p>Built Form Policy: Volume 3, Clause 1.17</p> <p>Submission of an Environmentally Sustainable Design (ESD) assessment that demonstrates the development could achieve a 5 star Green Star Rating.</p>	<p>An ESD Assessment has not been provided.</p>
Roof Design	
Deemed-to-Comply Provision	Proposal
<p>Built Form Policy: Volume 3, Clause 1.14</p> <p>Flat roof structures that are not visible from the street or adjacent properties shall have a maximum solar absorptance rating of 0.4.</p> <p>Pitched roof structures or roof structures that are visible from the street or adjacent properties shall have a maximum solar absorptance rating of 0.5, unless a suitable alternative is identified in the Urban Design Study.</p>	<p>'Monument' proposed to flat roof and gable roof has a solar absorptance of 0.73.</p> <p>No Urban Design Study provided.</p>

The above elements of the proposal do not meet the specified acceptable outcomes and is discussed in the Comments section below.

CONSULTATION/ADVERTISING:

Community Consultation

Community consultation was undertaken in accordance with the [Planning and Development \(Local Planning Schemes\) Regulations 2015](#) and the City's [Community and Stakeholder Engagement Policy](#) for a period of 21 days between 11 June 2024 and 1 July 2024. The method of consultation included a notice on the City's website and in the local newspaper, a sign on-site to the Angove Street and Woodville Street frontage and 607 letters mailed to the owners and occupiers of the properties within a 200 metre radius of the subject site as shown in **Attachment 1**.

The community consultation undertaken by Administration exceeded the minimum standards identified in the Community and Stakeholder Engagement Policy due to the high levels of community interest demonstrated during previous applications on the subject site. This was as follows:

- 21 days of community consultation instead of 14 days;
- A 200 metre radius for letters instead of to adjoining and adjacent properties; and
- An email notification to the submitters of the previous application that was refused by the JDAP in 2023.

A total of 263 submissions were received during the advertising period. This included seven in support, 255 objecting to the proposal, and one expressing concern but neither in support or objection.

The key concerns raised in the consultation period are summarised below.

- The subject site has not been used as a Service Station for a number of years and would be of a different scale and intensity to how it used to operate. Because of this it should not be considered as a non-conforming use.
- The Service Station land use is not permitted within the District Centre zone and the proposal is inconsistent with the City's LPS2.
- The proposed external modifications to the building/s would be inconsistent with the existing and desired character of Angove Street.
- The proposal does not provide adequate landscaping to contribute towards canopy coverage.
- The proposal has not included any information to address concerns about its impact on the area. This includes noise impacts from 24/7 operation, an increase in vehicle traffic on surrounding roads, and the impact on the health of the community from emissions noting the proximity to sensitive uses including residential properties, the Angove Street main street, North Perth Primary School and Casson House.

A summary of submissions received during consultation, along with Administration's response to the submissions is provided in **Attachment 5**. At the time of this report being prepared the applicant has not provided a response to summary of submissions.

Amended plans were submitted to the City on 30 July 2024 following the community consultation period. The key changes made are summarised as follows:

- The existing window to the ROW frontage that was previously shown to be removed is now to be retained and replaced;
- A new window is proposed to the Woodville Street frontage in place of the existing roller door that is to be removed. The new window has a height of 2.3 metres from the ground level; and
- A 'softer grey' is proposed to the ROW and a portion of the Woodville Street facades, although is still noted as 'monument' grey.

The final set of development plans to be considered by Council are included within **Attachment 2**.

In accordance with the City's Community and Stakeholder Engagement Policy, the plans were not readvertised. This is because the amended plans reduced/removed deemed-to-comply departures and do not propose new or greater departures to the deemed-to-comply standards. Previous submitters have been notified of the changes made to the plans following community consultation.

Agency Referrals

Department of Water & Environmental Regulation

The application was referred to DWER for comments as it is responsible for administering and enforcing the *Contaminated Sites Act 2003* and *Contaminated Sites Regulations 2006*.

This was because although the subject site is not listed as a known contaminated site on DWER's Contaminated Sites Database but it is known to contain existing underground fuel storage tanks and fuel bowsers.

DWER advised that it had no objection to the proposal and had no further comments.

DWER's [Assessment and Management of Contaminated Sites Guidelines](#) identify that services stations are a potentially contaminating activity, and it is the responsibility of the applicant and/or land owner to confirm the contamination status of the site.

Department of Energy, Mines, Industry Regulation & Safety

The proposal was referred to DMIRS for comments as it would result in the sale of fuel which is classified as a dangerous good under the Australian Dangerous Goods Code.

DMIRS advised that it had no comments on the development and noted that the previous dangerous goods licence for the subject site has ceased.

DMIRS are responsible for administering the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007*. These include requirements related to the decommissioning and removal of the existing underground fuel tanks, and the installation of new underground fuel tanks.

These works would be required to receive necessary permits under this legislation, satisfy the relevant Australian Standards and be carried out by qualified and experienced specialists.

The fuel bowsers related to the previous operation of the Service Station have been removed from the subject site. While it has not been confirmed Administration understands that the underground fuel tanks have not been removed and remain on the subject site.

DMIRS are also responsible for investigating any fuel incidents, including leaks from underground fuel tanks.

Department of Health

The proposal was referred to DoH for comments as a number of submissions were received raising concerns about the potential public health impacts on the community from the operation of a Service Station on the subject site.

In its advice DoH advised that:

- While it is noted that the application is for the refurbishment of a derelict Service Station, it is not supportive of the non-conforming use because it is adjacent to existing residential and commercial uses.
- It supports the recommendations of the Environmental Protection Authority (EPA) [Guidance Statement 3 – Separation Distances between Industrial and Sensitive Uses](#) (Guidance Statement 3). This recommends default buffer distances of between 50 metres and 100 metres dependant on hours of operation due to there potentially being significant noise, dust, odour and public health risks arising.
- The previous use involving the storage of fuel and vehicle workshop are potentially contaminating activities. The proposed works would require excavation to remove the old fuel tanks and infrastructure which would likely disturb and remobilise any soil and/or groundwater contamination. DWER should be consulted on the requirements under the relevant legislation applicable to contaminated sites.

Design Review Panel (DRP):

Referred to DRP: Yes

Design Review Progress	
	<i>Supported</i>
	<i>Pending further attention</i>
	<i>Not supported</i>
	<i>Not applicable to proposed development</i>
	<i>DRP Member</i>
	<i>Referral 1 – 17 June 2024</i>
Principle 1 - Context & Character	
Principle 2 - Landscape Quality	
Principle 3 - Built Form and Scale	
Principle 4 - Functionality & Built Quality	
Principle 5 - Sustainability	
Principle 6 - Amenity	
Principle 7 - Legibility	
Principle 8 - Safety	
Principle 9 - Community	
Principle 10 - Aesthetics	

The application was not referred to the DRP before it was formally lodged. Following the lodgement of the application the proposal was referred to the City’s DRP Char.

The DRP Chair’s comments are provided in **Attachment 6**. The DRP Chair comments in relation to the outstanding principles are summarised as follows:

- **Context & Character** – The proposed colours and additions don’t respond to the surrounding context and character and would negatively impact on this. No Urban Design Study has been provided to inform the proposal, and the removal of windows would remove streetscape activity to the ROW and Woodville Street.
- **Landscape Quality** – Very limited landscaping is provided, and this should be increased as one option of making a contribution to the streetscape and reducing the impact of the amount of hardstand areas on the subject site. A landscape architect should be engaged to consider opportunities to increase deep soil areas and canopy coverage consistent with the Built Form Policy.
- **Functionality & Build Quality** – Limited information is provided on the internal layout of the building to determine its functionality. Proposed bowsers 1 and 2 appear close to the parking bays that may also limit functionality. The replacement of the roof rather than painting would a more robust option and minimise future maintenance requirements.
- **Sustainability** – An ESD report should be provided to demonstrate consistency with the Built Form Policy. The ESD measures indicated s being provided are not shown on the plans and should be supported by an ESD report and be integrated into the building. Further ESD initiatives should be considered and the use of lighter roof colours would minimise heat absorbance.
- **Safety** – The filling in of existing openings to the ROW and Woodville Street would decrease passive surveillance. These should be reinstated, and new windows considered to increase passive surveillance from these facades.
- **Community** – The proposal is an underdevelopment for its town centre location and does not provide for a contribution to the community. A more sensitive adaptive re-use proposal would provide an opportunity to retain the existing character and be more in-keeping with the pedestrian-oriented town centre location.
- **Aesthetics** – The treatment of the existing building does not reflect its character or the broader streetscape and removes opportunities for passive surveillance of the ROW and Woodville Street.

In response to comments received from the DRP Chair, the applicant made the following changes to the proposed plans that were received by the City on 30 July 2024:

- The existing window to the ROW frontage that was previously shown to be removed is now to be retained and replaced;
- A new window is proposed to the Woodville Street frontage in place of the existing roller door that is to be removed. The new window has a height of 2.3 metres from the ground level; and
- A 'softer grey' is proposed to the ROW and a portion of the Woodville Street facades, although is still noted as 'monument' grey.

The amended plans were not referred to the DRP Chair for further comment. This is because although the reinstatement of the ROW window and the proposed window to the Woodville Street frontage would be consistent with some of the DRP Chair comments, it would not address the Context and Character and Safety principles in full.

This is because:

- An Urban Design Study has not been provided demonstrating how the colours and additions would result to the surrounding context and character; and
- The proposed window to Woodville Street would not contribute towards activity or surveillance, as it has a height of 2.3 metres above the ground level.

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- Metropolitan Region Scheme;
- City of Vincent Local Planning Strategy;
- City of Vincent Local Planning Scheme No. 2;
- Community and Stakeholder Engagement Policy;
- Policy No. 7.1.1 – Built Form Policy;
- State Planning Policy 4.2 – Activity Centres for Perth and Peel; and
- State Planning Policy 7.0 – Design of the Built Environment.

Planning and Development Act 2005

In accordance with Schedule 2, Clause 76(2) of the Planning Regulations and Part 14 of the *Planning and Development Act 2005*, the applicant would have the right to apply to the SAT for a review of Council's determination.

RISK MANAGEMENT IMPLICATIONS:

There are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a development application.

The subject site is understood to contain underground fuel tanks that may pose health, safety, wellbeing and environmental risks.

This would not be a risk to Council when determining the new works that have been applied for as part of this development application.

However, there are broader risks associated with underground fuel tanks being present, potentially unmanaged and with its condition unknown. This is the regulatory responsibility of DWER and DMIRS under separate legislation to planning. Administration has previously referred this application to DWER and DMIRS as part of the assessment process for comment, as set out in 'Consultation/Advertising'.

The officer recommendation for this report includes a resolution for Administration to write to DWER and DMIRS. The purpose of this is to request an investigation into the current contamination status of the site and that any management of this risk and necessary remediation is undertaken in accordance with the relevant legislation and standards.

This would assist with managing and reducing existing risks that may adversely impact on the health, safety and wellbeing of the community and the environment, as well as ensure legislative compliance.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Community Plan 2022-2032:

Innovative and Accountable

Our decision-making process is consistent and transparent, and decisions are aligned to our strategic direction.

SUSTAINABILITY IMPLICATIONS:

The City has assessed the application against the environmentally sustainable design provisions of the City's Built Form Policy. These provisions are informed by the key sustainability outcomes of the City's Sustainable Environment Strategy 2019-2024, which requires new developments to demonstrate best practice in respect to reductions in energy, water and waste and improving urban greening.

PUBLIC HEALTH IMPLICATIONS:

This is in keeping with the following priority health outcomes of the City's *Public Health Plan 2020-2025*:

Reduced exposure to environmental health risks

FINANCIAL/BUDGET IMPLICATIONS:

There are no finance or budget implications from this report.

COMMENTS:Summary Assessment*Application Scope and Assessment Considerations*

The following is a summary of the scope and criteria to be considered by Council in determining the application:

- There is a 2002 approval which would allow for a Service Station to operate from the subject site where it is in strict accordance with the plans and conditions of that approval.
- This is despite LPS2 being amended in February 2024 to make this land use a prohibited use. This is because the planning framework provides protection for existing uses to continue to be able to operate under new or amended local planning schemes that make it a prohibited use. These uses are referred to as 'non-conforming uses'.
- But any aspects of a Service Station that would not be in strict accordance with the 2002 approval requires consideration by Council through an application and development approval to be obtained.
- Council can only determine the application that has been made by the applicant.
- The applicant has applied for 'works' to the subject site and existing building. The applicant is not seeking approval for a 'use' component.

Administration Comments

In assessing the application against the planning framework, it is recommended for refusal. The following key comments are of relevance:

- There is an existing approval for a Service Station on the subject site, but the proposed works would not be in strict accordance with this. This is because the works would change the function and activities that would be carried out on-site compared to the 2002 approval. Rather than facilitating a continuation of this 2002 approval, the current application would instead be fundamentally different.
- It has not been demonstrated that there has been a continued use of the former Service Station on-site. The on-site activities ceased and perimeter fencing installed by December 2021. The Service Station would not enjoy non-conforming use rights because it has not continued in use and this period of time for discontinuance is more than 6 months.
- The proposal would not be consistent with the non-conforming use provisions in LPS2 or the 2002 approval. This would mean that development approval would be required to be obtained for a Service Station land use. This would not be possible because this land use is prohibited under LPS2.
- The applicant has not provided any information demonstrating the existing use rights for the Service Station use to operate in the configuration that has been proposed.
- The application itself does not seek approval for a 'use' component. The 'works' for which approval has been sought would be in conjunction with a prohibited land use that is not capable of approval. The proposed application would be inconsistent with the principles of orderly and proper planning because of this.
- The proposed works to the existing building and site would also be inconsistent with the objectives of the Built Form Policy. It would result in a built form outcome that does not align with the future desired character of Angove Street.

The key themes to inform these conclusions and that are addressed in Administration's assessment are:

1. A comparison between the 2002 approval and the current application to determine the inconsistencies.
2. An assessment against the principles of orderly and proper planning. This includes consideration of non-conforming use criteria and fundamental changes to the 2002 approval.
3. An assessment against the relevant Built Form Policy matters. This includes consideration of relevant element objectives.

1. Comparison between 2002 Approval and Current Application

Service Station Definition

- Previous TPS1 Definition - The 2002 approval was granted under the provisions of the City's former TPS1. Under TPS1 the definition of Service Station was as follows:

'Service Station means any land or building used for the retail sale of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs, minor mechanical repairs to motor vehicles but does not include a transport depot, panel beating, spray painting, major repairs or wrecking.'

- Current LPS2 Definition – The Service Station land use definition changed under the City's current LPS2 and is as follows:

'Service Station means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking that are used for –

- a) *the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or*
- b) *the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.'*

- Key Differences – The key difference between these definitions is that the TPS1 definition does not allow for the retail sale of incidental or convenience goods. This would mean that in accordance with the 2002 approval, the current proposal would only be able to sell petrol and motor vehicle accessories from the site and not other goods.

Neither the land use definitions nor the conditions of the 2002 approval prevented the 24 hour seven day a week operation of a Service Station.

- Applicant Intended Operations – The applicant's cover letter dated 3 May 2024 outlines that the purpose of the application is to undertake improvements to the building to enable the service station to continue operating.

The applicant has advised that the internal area of the existing building would be used for customers to pay for fuel and to buy associated petroleum products and motor vehicles accessories, but a future application may be pursued to operate a Convenience Store land use from the subject site that would allow for retail sales.

It is noted that this would align with the following that is a description from the operator OTR's website:

'OTR is much more than a convenience store or a service station. It's your go-to for hot food & baked-in-store snacks, barista-made coffee, freshly made hot dogs, sweet treats, supermarket essentials, car wash, pet wash, healthy snacking, entertaining supplies, firewood & BBQ, bagged ice, 'swap & go' LPG bottles, fishing supplies and much more. OTR is making your life easy.'

- Administration Comment – The applicant has not applied for a 'use' approval as part of their application. A comparison between the definitions highlights that there is a different scale and nature of operations that was contemplated and allowed for under TPS1 compared to LPS2.

The activities allowed under TPS1 related to the sale of petrol or carrying out of repair works in a manner typical of 'garage' type operations.

The LPS2 definition provides for an expanded scope of activities that would facilitate a more intensive 24/7 service station and retail outlet that OTR is typically modelled on.

It would be possible for a lower scale Service Station operation to occur from the site consistent with the 2002 approval. But this is not what the current application proposes.

The proposed works would facilitate the subject site operating in a different manner to what was previously approved by modifying or removing various components. This is detailed below.

Activities within Building

- 2002 Approval - Under the 2002 approval, the Service Station building was divided into different functions by internal walls. Approximately 15.1 percent of the building area was set aside for a shop and office. The remaining 84.9 percent of the building area was set aside for the mechanical workshop which included two vehicle hoists.
- Current Application – The plans that are the subject of the current application show that all of the internal walls would be removed to facilitate one 'tenancy' and back of house areas. These differences are shown below in **Figure 2**:

In relation to this area, the applicant's cover letter dated 3 May 2024 states that:

'In respect of the use of the internal area of the existing building, it will be utilised to allow customers to pay for their fuel and to buy associated petroleum products and motor vehicle accessories. In future, this area may be expanded to allow for a Convenience Store use, however this is not within the scope of the current application which is for upgrade works to the existing building. Whilst the internal area of the building is large, it is an existing building, so it is being utilised 'as is'.'

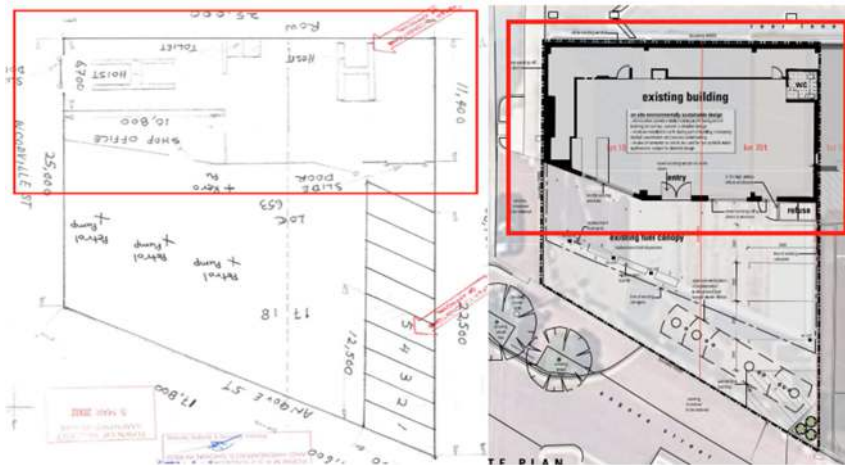


Figure 2 – Existing Building 2002 Approval and Current Application Comparison

- Administration Comment – The proposed internal activities would not be in accordance with the 2002 approval. This is because these works would change the internal function of the building by removing the mechanical workshop that previously comprised approximately 85 percent of the use of the existing building floor area.

This means that the internal function of the existing building would require the exercise of discretion because it would be a change from the previous approval.

Activities External to Building

- 2002 Approval – The 2002 approval included a Vehicle Sales Premises component. This comprised the use of the five parking bays along the western boundary for the display of second-hand vehicles for sale. While not explicitly outlined, it is assumed that this use would also involve the use of the ‘office’ component of the existing building.
- Current Application - The current application retains the provision of four car bays along the western boundary and would increase the setback of these from nil to Angove Street to between 2.4 metres and 5.8 metres. These differences are shown below in **Figure 3**.

The applicant’s cover letter dated 14 August 2023 has not been updated since the application was amended to remove reference to No. 45 Angove Street. Based on this cover letter, these four bays would be utilised for a combination of staff and visitor parking.

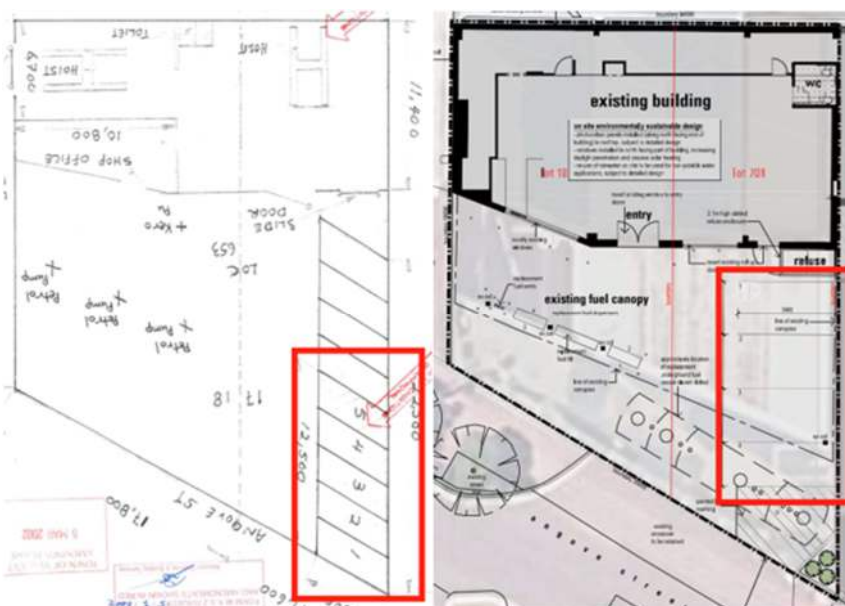


Figure 3 – External Activities 2002 Approval and Current Application Comparison

- Administration Comment – The proposed external activities would not be in accordance with the 2002 approval. This is because the use of these external bays would be by staff and/or customers of the Service Station, rather than the displaying of second-hand vehicles for sale.

This means that the external function of the subject site would require the exercise of discretion because it would be a change from the previous approval.

Fuel Canopy

- 2002 Approval – The 2002 approval provided for four bowsers, annotated as three 'Petrol' and one 'Kero' pump. While the fuel canopy is not shown on the plans, aerial imagery of the subject site indicates that these bowsers were located underneath.
- Current Application – The current application retains the existing fuel canopy, with this proposed to be fitted with replacement cladding. Four bowsers would be located under the fuel canopy. The bowsers are proposed in a line and are generally in the same location as the 2002 approval, with the exception of one bower.

The current application proposes to relocate the bower that is located adjacent to the existing building to be in the same configuration as the three approved bowsers. These differences are shown below in **Figure 4**:



Figure 4 – Fuel Bower Location 2002 Approval and Current Application Comparison

- Administration Comment – The changes to the fuel bower location would not be in accordance with the 2002 approval. This is because one of the fuel bowsers would be relocated to be in a line with the other three bowsers.

This means that the fuel bowsers on the subject site would require the exercise of discretion because it would be a change from the previous approval.

External Alterations to Building and the Site

- 2002 Approval – The current application retains the existing access points from Woodville Street and Angove Street. The 2002 approval did not provide for any on-site landscaping and did not make any reference to a bin store location.
- Current Application - The current application proposes 3.1 square metres of total landscaping in the north-western corner of the site, and a 3.5 square metre bin store in front of the existing building along the western boundary. These are shown in **Figure 5** below.

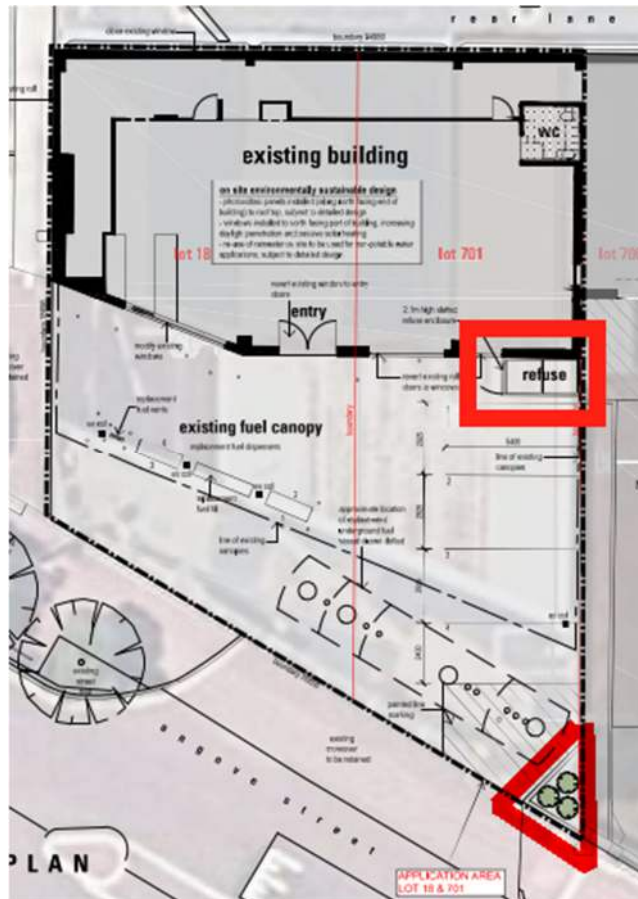


Figure 5 – Landscaping and Bin Store Location Current Application

The current application also proposes alterations to the existing building. This includes the removal of the existing roller door to Woodville Street to be replaced by a new window. Two existing windows facing Angove Street would be modified to increase the window size for one, and converting another into entry doors. Two existing roller doors are proposed to be converted to windows also.

- **Administration Comment** – The proposed works to the façade of the existing building, landscaping and bin store location would not be in accordance with the 2002 approval. This is because there are changes proposed to each of these elements.

This means that the changes to the façade of the existing building, landscaping and bin store location would require the exercise of discretion because it would be a change from the previous approval.

The existing vehicle access points are not proposed to be changed and would not require the exercise of discretion.

2. Inconsistency with Orderly and Proper Planning

Clause 67(2)(b) of the LPS Regulations requires due regard to be given to orderly and proper planning.

Orderly and proper planning requires the consideration of whether an application is consistent with the objectives of LPS2 and relevant planning policies.

Non-Conforming Use

The following is relevant when considering non-conforming uses:

- Non-Conforming Use Definition – The *Planning and Development Act 2005* defines a non-conforming use as:

‘A use of land which, though lawful immediately before the coming into operation of a planning scheme or amendment to a planning scheme, is not in conformity with a provision of that scheme which deals with a matter specified in Schedule 7 clause 6 or 7.’

- Assessment of Non-Conforming Uses - Clause 22 of LPS2 sets out the following in respect to non-confirming uses:

1. *Unless specifically provided, this Scheme does not prevent –*
 - a) *the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or*
 - b) *the carrying out of development on land if –*
 - i) *before the commencement of this Scheme, the development was lawfully approved; and*
 - ii) *the approval has not expired or been cancelled.*
- 2) *Subclause (1) does not apply if –*
 - a) *the non-conforming use of the land is discontinued; and*
 - b) *a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the nonconforming use.*

- Subject Site Context – In the context of this application, a Service Station use was previously approved on the subject site under former TPS1. This land use then became a prohibited use as a result of Amendment No. 12 to LPS2 in February 2024.

Administration Comment

Administration’s comments on the non-conforming use and existing approval relevant to the subject site are provided below.

- Non-Conforming Use – For a use to be non-conforming it would need to satisfy Clause 22(1)(a) and (b) of LPS2. This is in respect to the continuation of a use, or the carrying out of development that was lawfully approved. Administration is not satisfied that either of these have been demonstrate and these are addressed as follows:

Inactivity of Site

Clause 22(2) of LPS2 states that non-conforming use rights would not apply if the use has been discontinued, and six months have passed since the discontinuance.

Administration is not satisfied that there has been a continued use of the subject site.

This is because the subject site was purchased by the current landowner in November 2021. It did not operate as a Service Station and in December 2021 perimeter fencing was erected around the property boundaries.

This means that the Service Station land use has not operated from the subject site for approximately over two and a half years. This would exceed the six month period referred to in Clause 22(2) of LPS2.

In this period that the use has not operated, the Service Station land use has become a prohibited use on the subject site. This came into effect in February 2024 when Amendment No 12 was gazetted. This was over two years after the activities associated with the Service Station on the subject site last occurred and before the change to LPS2.

Intentions for Site

In addition to there being no operation of the approved Service Station that has continued to function from the subject site since prior to December 2021, it has not been demonstrated that there has been an intention to continue to operate the 2002 approval in this time.

This is because the original intent of the applicant was for a total redevelopment of the subject site and adjoining property to expand the Service Station. This is demonstrated by the application that was lodged in September 2022 and subsequently refused by the JDAP in May 2023. This sought the demolition of all structures on the site, removal of the vehicle sales and motor vehicle repairs components, an additional four bowsers to a total of eight bowsers, and 206 square metres of a retail floorspace.

The current application was lodged with the City on 15 August 2023 after the redevelopment proposal was refused by the JDAP. Administration is not satisfied that this 2002 approval remains in effect given the original intention to operate a larger scale Service Station from the subject site, and the time that has lapsed since the use was last undertaken.

Extent of Works

As a non-conforming use a Service Station could continue to operate from the subject site notwithstanding that this is now a prohibited use under LPS2. However to do so it would need to be strictly in accordance with a previous approval. Any change to an aspect of the previous approval would require the exercise of discretion.

The subject site had a lawful approval as a Service Station from 2002. As set out above, the current application proposes a number of modifications to the existing building and external on the site.

Administration is not satisfied that the extent of the modifications would enable the subject site to operate in a manner that is consistent with its previous approval.

This is because the changes would not be in strict accordance with the 2002 approval and when considered in their totality would result in the subject site functioning differently.

This would include the removal of the motor vehicle repairs component that comprised approximately 85 percent of the existing building, the use of external parking bays for customers/staff instead of the display of second-hand vehicles for sale, and adjustment to the site configuration for fuel bowsers, landscaping and waste collection.

The extent of these works would result in the subject site and existing buildings functioning in a different manner to that which was previously approved. This would be a substantial change and means it would not be consistent with the 2002 approval.

- Existing Approval Use Rights – For the proposal to rely on the use rights of the 2002 approval, the development would need to be in strict accordance with the previous approval. The acceptability of any change to an aspect of the previously approved development and whether it would remain consistent with this would need to be considered as to whether discretion should be exercised.

The existing use rights for the Service Station relate to the approval that was granted under TPS1. This included various functions occurring from the subject site, including the selling of fuel, the display of second-hand vehicles for sale, and the carrying out of motor vehicle repairs.

Administration is not satisfied that the cumulative impact of works outlined in **Figures 2 – 5** would be consistent with the 2002 approval and the continuation of this Service Station use approval.

As set out above, the activities on the subject site had ceased and perimeter fencing installed by December 2021. Since that time the existing building and structures have deteriorated to a state where works are required to make this fit for purpose.

This includes the internal and external modifications to the building, as well as those to the fuel canopy including reinstating fuel bowsers that had been previously removed from the subject site.

The works would also result in the removal of key components that supported the previous use, including the undertaking of motor vehicle repairs and the selling of second-hand vehicles.

Considered in totality, the cumulative impact of the proposed works and the change to the function and activity of the subject site would be fundamentally different to the 2002 approval.

- Discretion to Approve Application – The proposed changes in the current application would result in a Service Station that is different to the 2002 approval and would require Council to exercise its discretion to approve it.

An assessment of the acceptability of the works that are proposed in the current application is set out in the Inconsistency with Built Form Policy section of this report below.

Although the application does not seek approval for a land use, the works that are proposed would result in changes to the activities and the function of the site compared to the 2002 approval. It has not been demonstrated that there are any existing use rights and the proposal does not enjoy non-conforming use rights.

This would be inconsistent with the principles of orderly and proper planning because it would facilitate a new Service Station operating which is a prohibited 'X' use under LPS2.

- Amenity Impacts – The changes proposed as part of this application would result in a new Service Station and it has not been demonstrated that off-site amenity impacts related to traffic, noise, and public health would otherwise be acceptable. These are matters that are required to be given due regard in accordance with Clause 67(2) of the LPS Regulations.

3. Inconsistency with Built Form Policy

The LPS Regulations require due regard to be given to applicable local planning policies, the adequacy of on-site landscaping, the compatibility of the development with its setting, and the adequacy of on-site landscaping. The City's LPS2 also requires due regard to be given to DRP comments.

These matters are considered through an assessment of the proposal against the Built Form Policy as set out below.

Tree Canopy & Deep Soil Areas and Landscape Design

These elements are in relation to the proposed new landscaping area fronting Angove Street.

The proposal would not satisfy the following element objectives of the Built Form Policy in relation to tree canopy and deep soil areas, and landscape design. This is because:

- Existing Site Configuration – The Built Form Policy seeks to achieve a strong urban edge through nil setbacks to the street, which would typically restrict the ability for landscaping to be provided. The application proposes the retention of the existing building and fuel canopy which is setback from the Angove Street boundary by between 3.7 metres and 7.4 metres. This would leave an area of approximately 116 square metres of hardstand exposed.
- Deep Soil & Landscaping Areas – The development would not maximise opportunities for on-site landscaping to be provided to soften the visual impact of the hardstand areas. Hardstand areas are associated with vehicle manoeuvring, car parking and refuelling areas when viewed from Angove Street and Woodville Street. This is because the landscaping that is proposed is limited to a 2.1 square metre triangular portion in the north-western corner of the site. This would be equivalent to 1.8 percent of the exposed hardstand area and would not adequately soften the visual impact of this.
- Canopy Coverage – The applicant has not provided a landscaping plan indicating how the proposed landscaping area would be planted and whether this would include any proposed trees. Even if a tree was provided in the proposed landscaping area it would not make an adequate contribution towards the City's green canopy or to reduce the urban heat island effect. This is because there would be a lack of shade trees to offset the amount of exposed hardstand areas, with on-site landscaping areas not maximised.

- DRP Comments – The DRP Chair was not supportive of the amount of landscaping proposed, and noted that maximising opportunities for deep soil and canopy coverage consistent with the Built Form Policy would assist to address the streetscape presentation and reduce the impact of the hardstand areas.

Public Domain Interface, Façade Design & Roof Design

These elements are in relation to the modifications to the existing building, fuel canopy and roof, including the recladding, closure of openings to Woodville Street and the ROW, and new openings to the Angove Street frontage.

The proposal would not satisfy the following element objectives of the Built Form Policy in relation to public domain interface, façade design and roof design. This is because:

- Existing Streetscape Context - The existing context of Angove Street is characterised by non-residential tenancies which have active facades including traditional shop fronts, glazing and direct pedestrian access from the street. The application proposes the retention of the existing building and fuel canopy which provides limitations to achieving the desired streetscape outcome.
- Streetscape Presentation to Angove Street – The proposed new windows and doors on the Angove Street façade would make for an improved streetscape presentation compared with the existing building. The proposed plans indicate a 2.1 metre high slatted waste enclosure along the western boundary between the existing building and parking bays, however this is not reflected on the proposed elevations. As set out in the Tree Canopy & Deep Soil Areas and Landscape Design section above, the streetscape presentation is dominated by hardstand areas and does not provide for an appropriate landscape design that would enhance the amenity of the streetscape and provision of shade.
- Streetscape Presentation to Woodville Street – The proposed removal of the existing roller door and replacement with a new window would result in an improved outcome in comparison with the existing Woodville Street facade which is completely solid. However, the proposed window would not provide for an appropriate opportunity to contribute towards activity or surveillance of the streetscape. This is because the window is 2.3 metres above the ground level and would be above eye level for staff and customers within the building or for pedestrians. This would result in a lack of passive surveillance of Woodville Street and would not be consistent with the desired streetscape character.
- Local Area Character – The proposed new windows and openings to the Angove Street façade would assist with expressing the internal function of the building and providing visual interest from the public realm. The installation of new weatherboard cladding and painting of the walls and roof in monument would not be consistent with local area character.

Administration's assessment of the character of the area is that the surrounding built form of Angove Street typically consists of painted and unpainted brick, and painted render finishes. The colour palette is typically lighter, with whites and light grey, and there are limited examples of darker grey and/or other colours. The existing building on the subject site itself is painted light brick. The proposed finishes, colours and materials to the building have not been demonstrated to be consistent with this streetscape context.

- Roof Design – The roof is proposed to be finished in monument grey to match the remainder of the building. While this would integrate the roof with the building, this would overall be inconsistent with the character of the streetscape for the reasons set out above. In particular the treatment of the gable roof would be most prominent from the street with the monument grey inconsistent with the streetscape that consists predominantly largely of lighter colours. An Urban Design Study has not been provided by the applicant to demonstrate how the finishes to the building and roof design would be consistent with the existing character.
- DRP Comments – The DRP Chair was not supportive of the proposal noting that no Urban Design Study had been provided and the building treatments do not respond to the context of Angove Street or Woodville Street.

Visual Privacy & Universal Design

This element is in relation to the modifications to the existing building.

The proposal would satisfy the following element objectives of the Built Form Policy in relation to universal access and visual privacy. This is because:

- Universal Access – There is no proposed change to the finished floor level of the existing building. An existing window would be converted to entry doors that would provide for an accessible entrance to all users.
- Visual Privacy – The application proposes to remove an existing window to the ROW which would manage the interface with the adjoining residential property to the south. The proposed new windows are to the Angove Street frontage and would impact on any residential property.

Environmentally Sustainable Design

This element is in relation to the modifications to the existing building.

The proposal would satisfy the following element objectives of the Built Form Policy in relation to environmentally sustainable design. This is because:

- Re-use of Existing Building – The proposed development would utilise the existing building, with external modifications and new colours, materials and finishes to repurpose this. On balance this would have a sustainability benefit by reducing demolition and the need for new materials, and the associated embedded energy cost from the construction of a new building.
- Sustainability Initiatives – The proposed plans reference to sustainability initiatives that would be incorporated. These would include the installation of solar panels, and the re-use of rainwater on the site. These have not been shown on the plans but could be addressed through an appropriate condition. The existing fuel canopy would provide shading to the building, and the provision of new windows and doors would provide for opportunities for ventilation. The implementation of these measures would supplement the adaptive re-use of the existing building.

DRP Comments – The DRP Chair noted that the sustainability initiatives indicated were not shown on the plans and should be integrated into the building. It was noted that these measures should be supported by an ESD report, with further consideration to additional initiatives and the use of a lighter roof colour. Administration does not support the proposed roof colour as set out in the Public Domain Interface, Façade Design & Roof Design section above. On balance Administration is satisfied that the proposal would have an outcome that is consistent with the intent of the Built Form Policy.

**CITY OF VINCENT
LOCAL PLANNING SCHEME NO. 2
SCHEME MAP 1 - LEEDERVILLE**

LEGEND

METROPOLITAN REGION SCHEME RESERVES

Note: The Western Australian Planning Commission acts on the behalf of the Department of Planning and should be consulted for full information on the actual land requirements for all Metropolitan Region Scheme Reserves.

- PARKS AND RECREATION
- R Restricted Public Access
- PRIMARY REGIONAL ROADS RESERVATION
- OTHER REGIONAL ROADS RESERVATION
- RAILWAYS
- PUBLIC PURPOSES
Particular use denoted as follows:
- H Hospital
- HS High School
- TS Technical School
- CP Car Park
- U University
- CG Commonwealth Government
- SU Special Use
- WSD Water Authority of Western Australia
- P Prison

CITY OF VINCENT LOCAL SCHEME RESERVES

- PUBLIC OPEN SPACE
- R Restricted
- PUBLIC PURPOSES
Particular use denoted as follows:
- PS Primary School
- CP Car Park
- CU Civic Uses
- HS High School
- I Institute for the Deaf
- W Water Supply Sewerage and Drainage
- TS Technical School

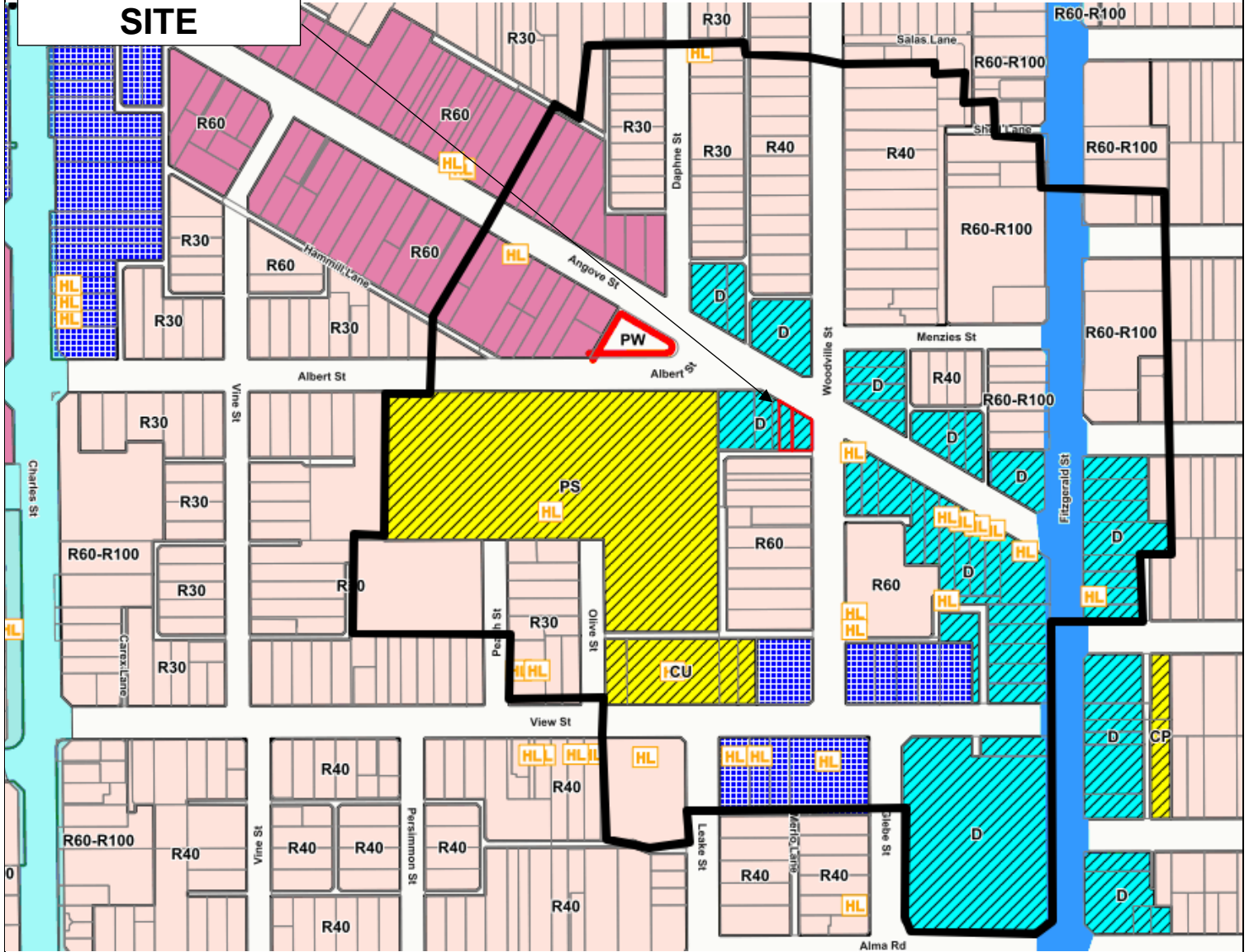
CITY OF VINCENT SCHEME ZONES

- RESIDENTIAL
- MIXED USE
- COMMERCIAL
- LOCAL CENTRE
- DISTRICT CENTRE
- REGIONAL CENTRE
- SPECIAL USE
Particular use denoted as follows:
- CP Car Park
- CU Community Use
- FC Function Centre
- HC Hall and Non Residential Club
- H Hotel
- PW Place of Worship
- S Service Station
- ADDITIONAL USE

ADDITIONAL INFORMATION & RESIDENTIAL PLANNING CODES

- CODE AREA BOUNDARY
- SCHEME AREA BOUNDARY
- DENSITY CODE

SUBJECT SITE



CITY OF VINCENT

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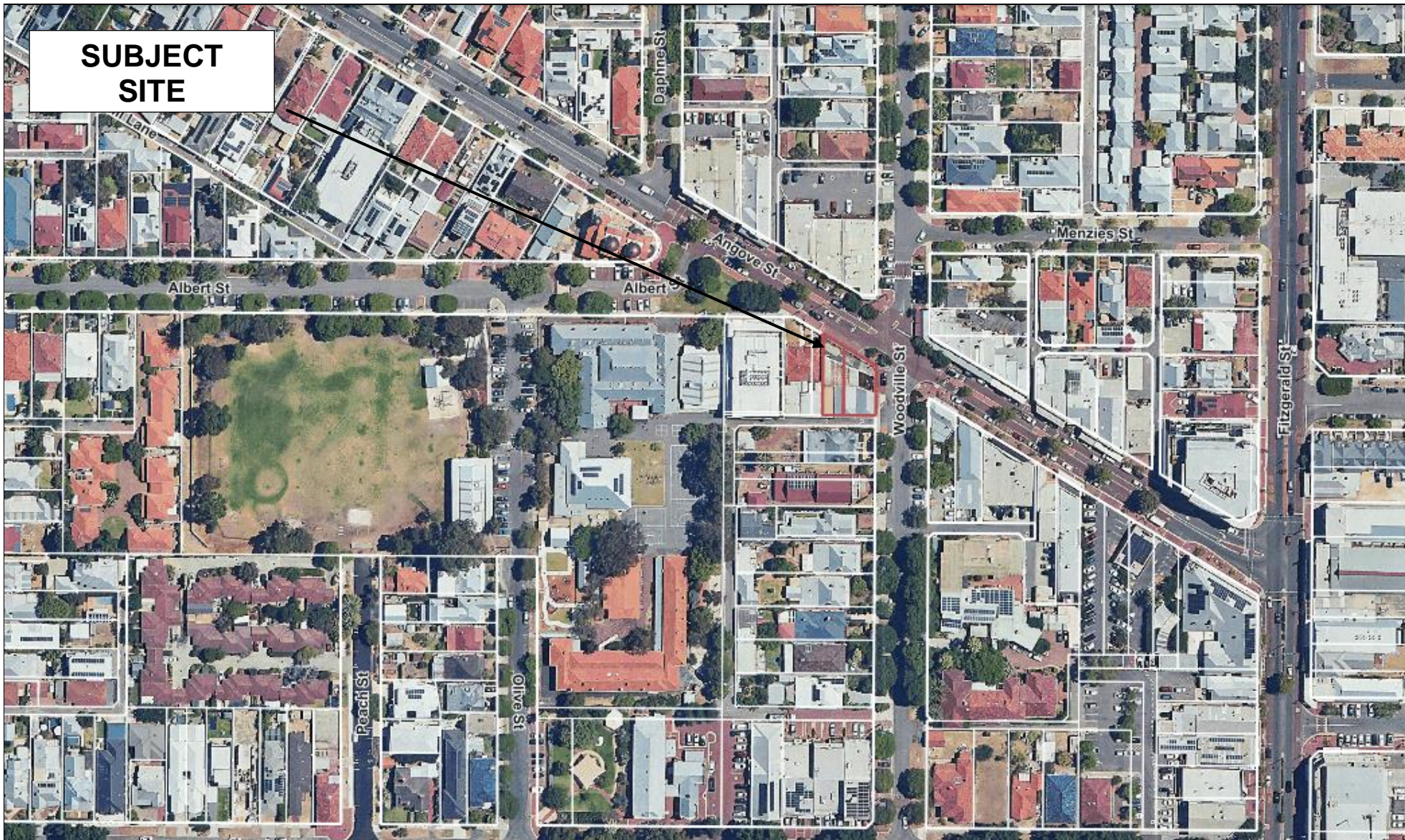
Location and Consultation Plan

No. 41-43 Angove Street, North Perth



Extent of Consultation



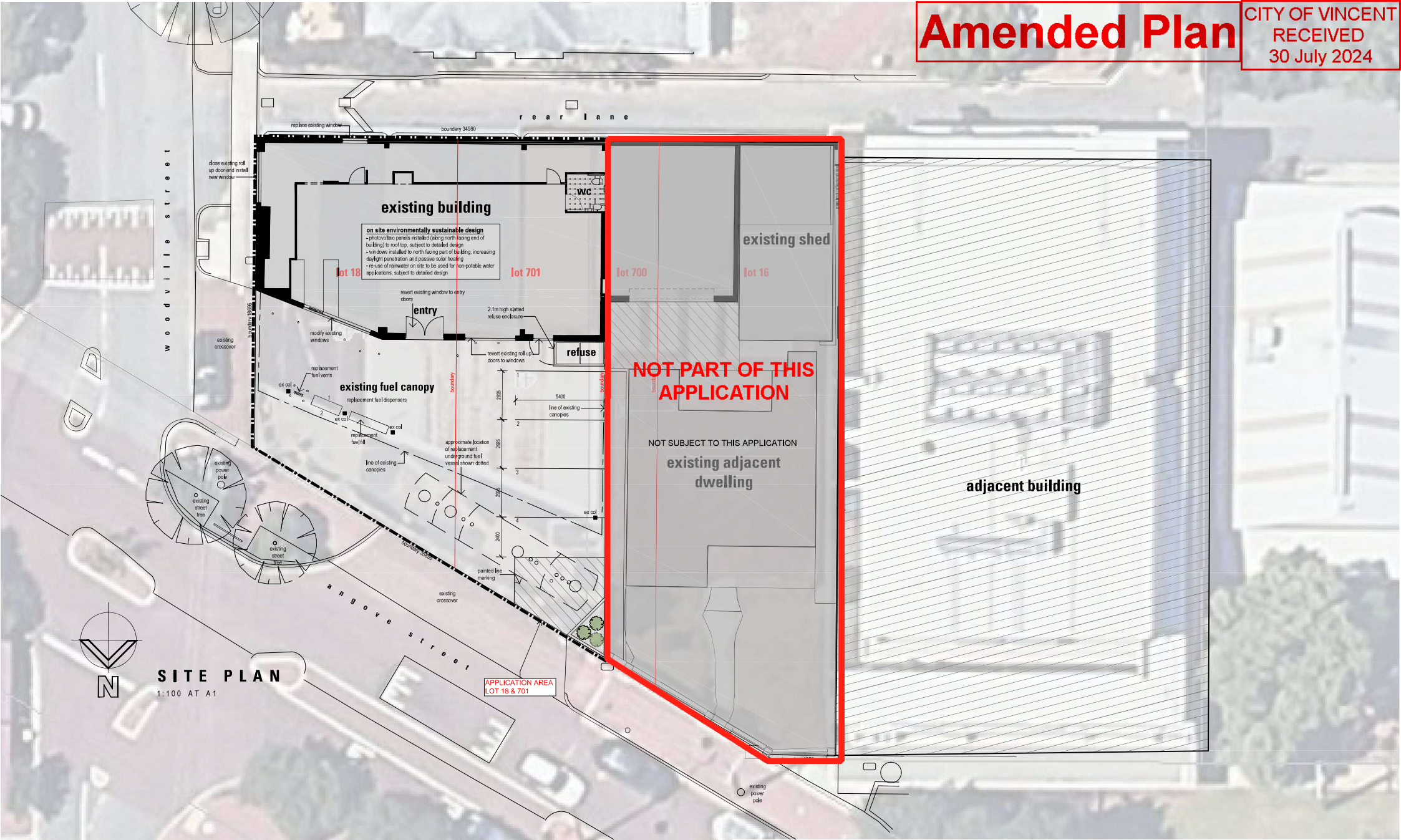


CITY OF VINCENT

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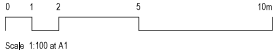
No. 41-43 Angove Street, North Perth

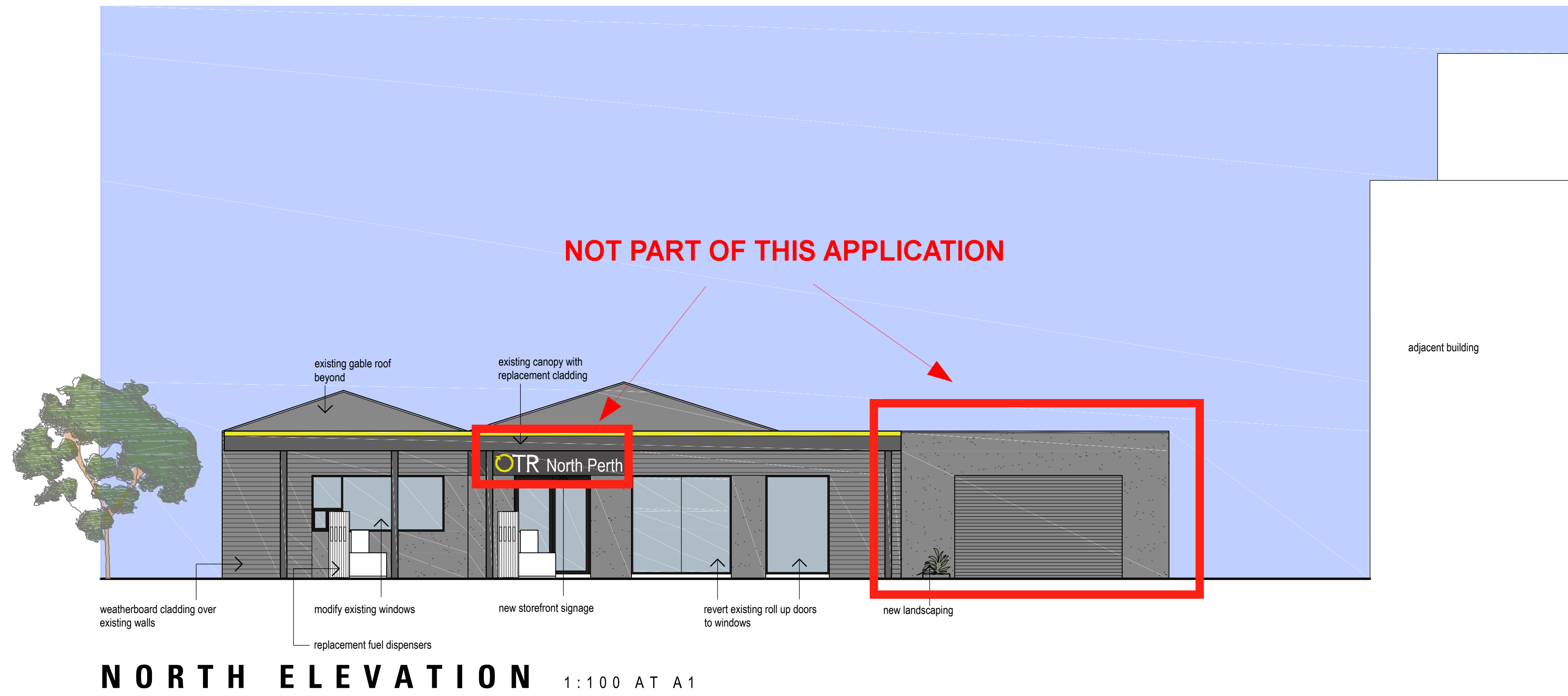




SITE PLAN
1:100 AT A1

REFURBISHED SERVICE STATION COMPLEX
41-43 ANGOVE STREET, NORTH PERTH, WA

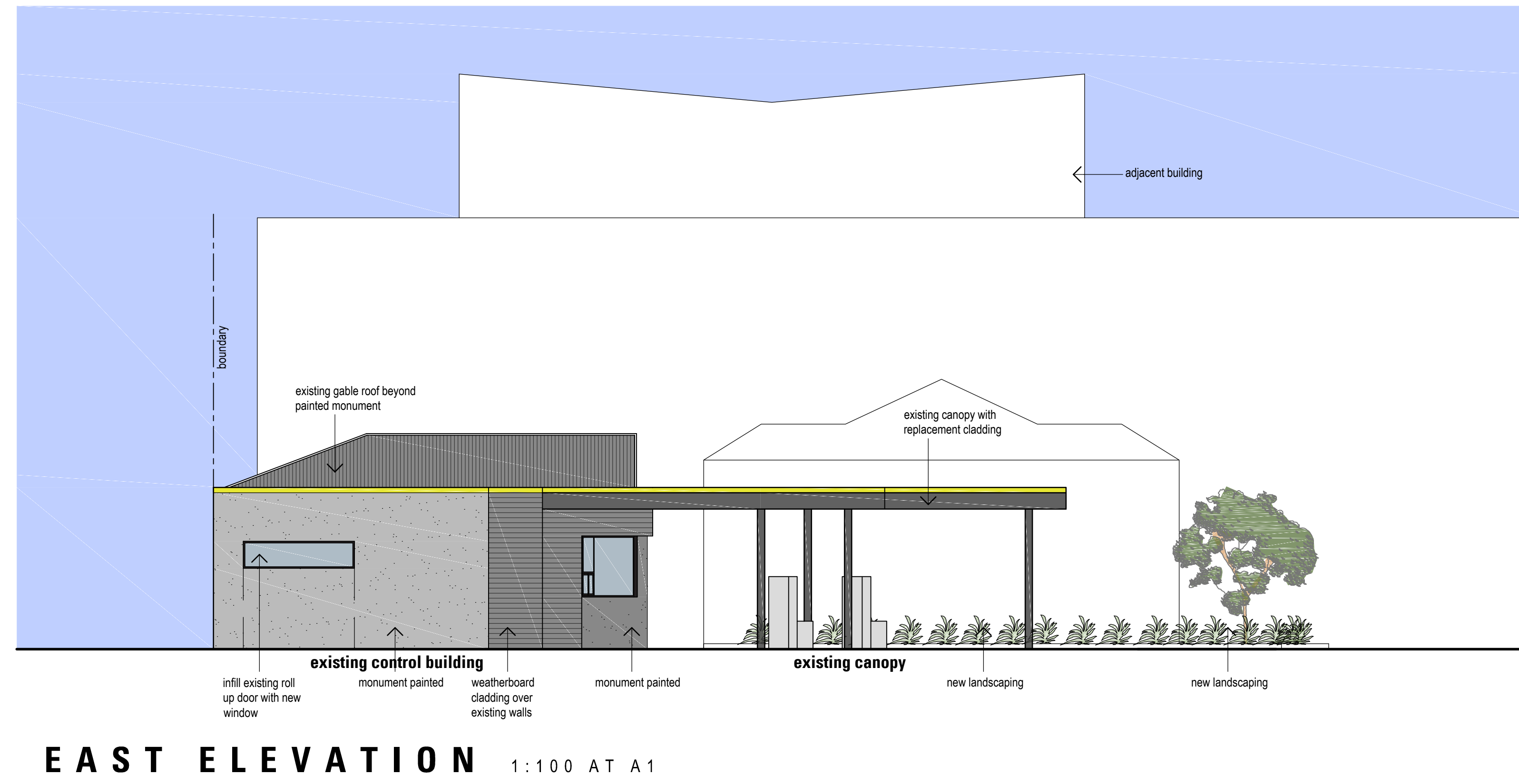




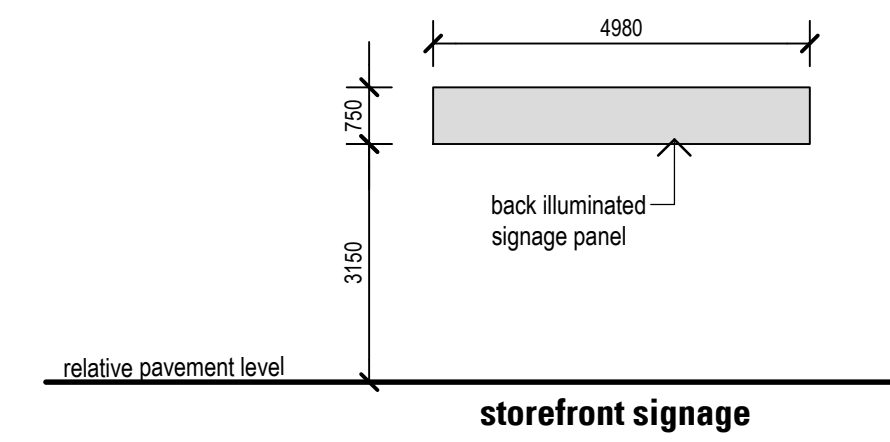
NORTH ELEVATION 1:100 AT A1

implemented design elements

- paint finish colour palette complements adjacent retail and commercial buildings on corner of Angove Street and Woodville Street
- retained gable, existing building heights and existing canopy heights maintaining low-scale built form character of the buildings in the locality
- contemporary design expressed through crisp design elements (weatherboard cladding) and additional glazing, to fit in with other contemporary built form in the locality
- changes to existing building on site improves and enhances use of site to customers and staff
- amenities on site improved current site conditions and will comply with applicable standards
- addition of landscaping on site enhances site and complements the locality including the established trees on Angove Street and Woodville Street

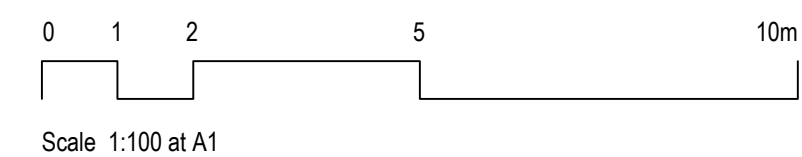


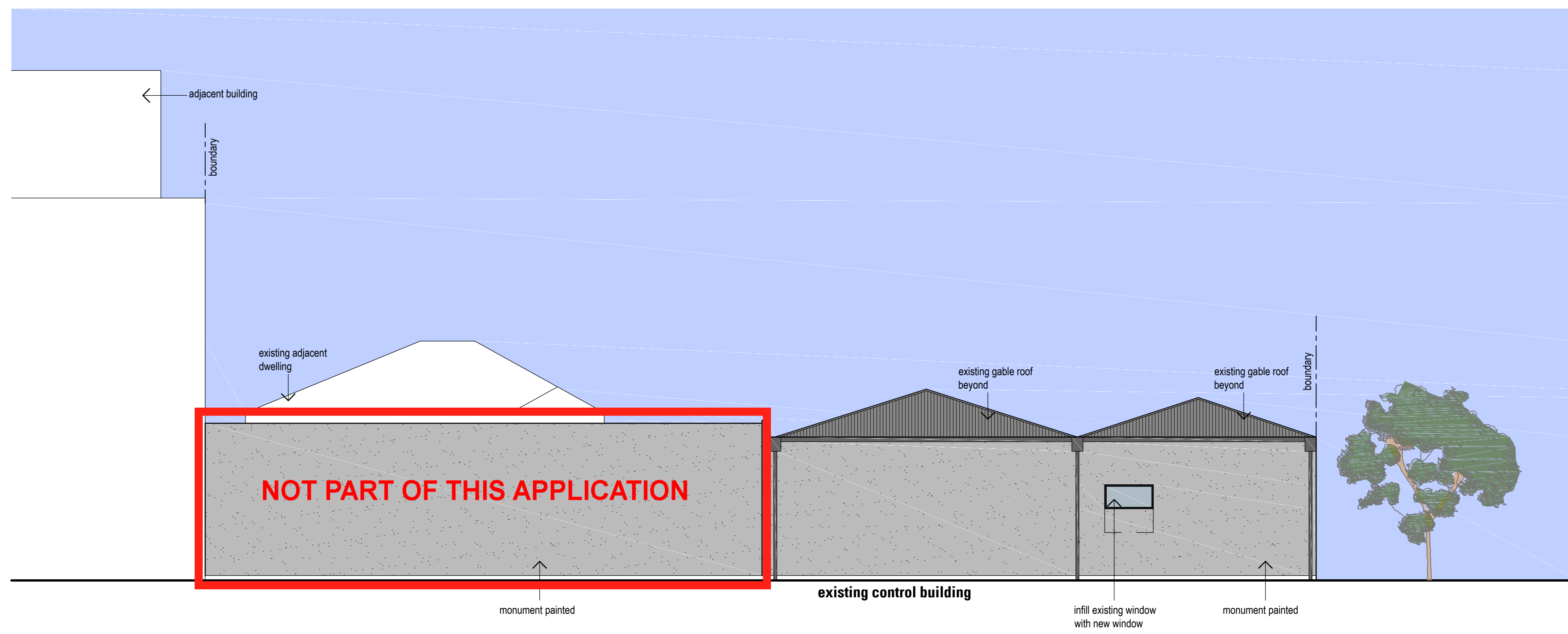
EAST ELEVATION 1:100 AT A1



SIGNAGE ELEVATION 1:100 AT A1

REFURBISHED SERVICE STATION COMPLEX
41-43 ANGOVE STREET, NORTH PERTH, WA



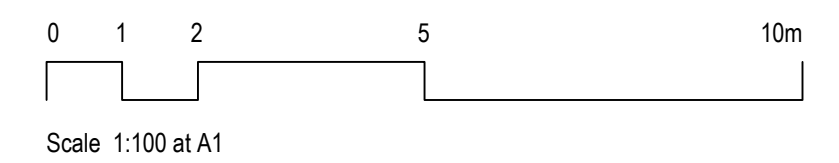


SOUTH ELEVATION 1:100 AT A1

implemented design elements

- paint finish colour palette complements adjacent retail and commercial buildings on corner of Angove Street and Woodville Street
- retained gable, existing building heights and existing canopy heights maintaining low-scale built form character of the buildings in the locality
- contemporary design expressed through crisp design elements (weatherboard cladding) and additional glazing, to fit in with other contemporary built form in the locality
- changes to existing building on site improves and enhances use of site to customers and staff
- amenities on site improved current site conditions and will comply with applicable standards
- addition of landscaping on site enhances site and complements the locality including the established trees on Angove Street and Woodville Street

REFURBISHED SERVICE STATION COMPLEX
41-43 ANGOVE STREET, NORTH PERTH, WA



14 August 2023

Our Ref: C2461-02

Chief Executive Officer
City of Vincent
PO Box 82
LEEDERVILLE WA 6902

Attention: Planning Services

Dear Sir

**PROPOSED REFURBISHMENT OF EXISTING SERVICE STATION
LOTS 16, 18, 700 & 701 (#41-45) ANGOVE STREET, NORTH PERTH**

Hidding Urban Planning acts for OTR 208 Pty Ltd, the owner of Lots 16, 18, 800 & 701 (#41-45) Angove Street, North Perth (**Subject Land**).

The subject land is currently improved with an existing Service Station that has been in place for decades.

We have been engaged to submit an Application for Development Approval for proposed refurbishment works to the existing service station development. The application is for "Works" only.

Accordingly, please find attached signed application forms giving consent for the application to be made.

1. Site Details

This development application refers to Lots 16, 18, 700 & 701 (#41-45) Angove Street, North Perth the details of which are provided in **Table 1** below.

Table 1: Legal Description of Land

Lot	Plan	Vol/Folio	Area	Address	Proprietors
16	1874	1002/114	386m ²	45 Angove Street, North Perth	OTR 208 Pty Ltd
18	1874	1002/113	268m ²	41-43 Angove Street, North Perth	OTR 208 Pty Ltd
700	302447	1002/114	132m ²	41 Angove Street, North Perth	OTR 208 Pty Ltd
701	302447	1002/113	221m ²	41 Angove Street, North Perth	OTR 208 Pty Ltd

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

The subject site has a total land area of 1007m² and comprises a service station (with motor vehicle repair workshop) and a residential dwelling.

The site has a total frontage of approximately 35.82m to Angove Street and a truncation of 4.1m and a frontage of 18.65m to Woodville Street.

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



Figure 1: Aerial Photograph (City of Vincent)

2. Proposed Refurbishment Works

The proposed works to the existing service station include:

1. New shopfront works to north elevation, including painting and cladding of exterior walls, new entry doors and new shopfront windows in place of existing roller doors.
2. Replacement of the fuel canopy in same location.
3. Fill in existing roller door on eastern elevation adjacent to Woodville Street, and paint over walls.
4. Existing roof to be painted.
5. Fill in existing window on southern elevation, and paint over walls.
6. Replacement of fuel bowsers and underground fuel tanks.
7. Replacement of existing pylon sign along Angove Street.
8. Demolition of rear existing shed and replace with two (2) staff car parking bays accessed from the rear lane.
9. Installation of a new 2.1m high refuse enclosure.
10. Creation of five (5) customer car parking bays.

The internal areas of the building will be fitted out, however this doesn't require development approval.

The plans of the proposed works are included at **Annexure 2**.

The proposed refurbishment works are aimed at improving the existing development, which is currently in a poor state, and will enable the existing service station to recommence trading for the benefit of the local community and businesses.

All existing crossovers will be retained as they are. The existing dwelling on the western part of the site adjacent to Angove Street will be retained. Any re-use of the existing dwelling on the land may be the subject of a separate application if it is required.

Signage for the service station will be the subject of a separate application to be submitted at a future time.

3. Planning Considerations

3.1 Zoning & Land Use

The existing "Service Station" development and use has been approved in the past and the approval remains valid. The existing buildings will remain as they are but will be upgraded and refurbished as shown on the plans.

The land is currently zoned "District Centre" under the City of Vincent Local Planning Scheme No. 2 (LPS2).

The existing "Service Station" use remains approved, and no non-conforming use issue exists at the time of this application.

The "Service Station" use is defined in Division 2 of Part 6 of LPS 2 as:

"means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for –

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or*
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles."*

Accordingly, the land use definition still correctly applies to the approved, existing development.

As the application involves "Works" only and due to the fact that the Service Station use is already approved, the land use itself is not required to be considered.

3.2 Built Form Policy

The City's LPP7.1.1 Built Form Policy applies to all development within the City of Vincent, however given that this application is for the refurbishment of an existing service station development, the application of all of the policy provisions is not appropriate. It is considered that the improvements to the existing facility complies with the intent of the policy to maintain and enhance amenity and to provide quality design of development.

3.3 Amalgamation Policy

The City's LPP7.5.19 Amalgamation Policy requires the amalgamation of land when planning applications are received and approved and where the subject development straddles two or more lots. As there are currently four lots and there is development that straddles lot boundaries, amalgamation will be required.

An Amalgamation Application will be submitted to the WAPC shortly after approval is granted.

3.4 Car Parking Policy

The City's LPP7.7.1 Car Parking Policy does not have a car parking requirement for a "Service Station" land use, and therefore, the car parking requirement is at the discretion of the City. It is considered that the proposed five (5) customer car parking bays, the two (2) staff bays and the parking locations at the bowzers (total four (4)) is adequate for the existing service station use and is an increase on the current development.

4. Conclusion

It is considered that the proposed refurbishment works to the existing service station development are minor and are aimed at improving the quality and amenity of the existing site. The improvements will provide enhanced services to the local community and a higher level of amenity for users.

We look forward to the City's timely assessment and approval of the application, in order for our client to complete the refurbishment works and recommence trading of the service station business.

Should you wish to discuss any part of this application, please do not hesitate to contact me on 0424 651 513.

*Proposed Refurbishment of Existing Service Station
Lots 16, 18, 700 & 701 (#41-45) Angove Street, North Perth*

*C2461-02
Page 4*

Yours faithfully

Nik Hidding
Director
HIDDING URBAN PLANNING

3 May 2024

Our Ref: C2461-03

Chief Executive Officer
City of Vincent
PO Box 82
LEEDERVILLE WA 6902

Attention: Mitchell Hoad – A/Manager Strategic Planning & Specialist Planner

Dear Sir

PROPOSED REFURBISHMENT OF EXISTING SERVICE STATION LOTS 18 & 701 (#41-43) ANGOVE STREET, NORTH PERTH

Hidding Urban Planning continues to act for OTR 208 Pty Ltd, the owner of Lots 18 & 701 (#41-43) Angove Street, North Perth (**Subject Land**) in respect of the proposed refurbishment works to the existing Service Station.

In response to the City's request for further information dated 3 April 2024, please find **attached** a revised Site Plan and below information to assist the City in progressing the application.

Extent of Application:

The amended Site Plan now shows that all proposed works associated with the service station including car parking, landscaping and the bin store are now fully confined within Lots 18 and 701, leaving the remaining lots with no proposed works and all existing improvements retained. The lot boundaries are clearly defined.

The existing components on Lots 16 and 700 will not be used in association with the service station. They will simply remain vacant until a use is contemplated for these premises. For example, the existing residential building may be utilised in future as professional office suite, however this is entirely separate from the proposal. The site plan clearly shows that the application area is now relevant to Lot 18 and 701 only.

Use of Existing Building:

In respect of the use of the internal area of the existing building, it will be utilised to allow customers to pay for their fuel and to buy associated petroleum products and motor vehicle accessories.

In future, this area may be expanded to allow for a Convenience Store use, however this is not within the scope of the current application which is for upgrade works to the existing building. Whilst the internal area of the building is large, it is an existing building, so it is being utilised 'as is'. A proposal for a Convenience Store use will be the subject of a separate use application, and we note that such a use is a "P" Permitted use in the District Centre zone, and thus capable of approval. However, that should be set aside for now, as the current application is for "works" only. The whole premise of this application is to undertake exterior works and improvements to the building (and to fuel infrastructure) to enable the existing service station use to continue.

Fuel Canopy:

As shown on the amended Site Plan, the existing fuel canopy will be retained, with replacement cladding provided (as shown in previously submitted elevations). The fuel dispensers will be replaced, as the four (4) previous dispensers have been removed from the site (for site safety).

Landscaping:

In respect of the minor area of proposed landscaping, it does not seem appropriate or reasonable for the City to request a landscaping plan for this small area. The City can condition the requirement for planting species if required.

Waste Collection:

The refuse enclosure (Bin Store) is shown on the amended Site Plan with 2.1m high slatted refuse enclosure. Waste will be collected by private waste contractor using a suitable size vehicle to access the site on a needs basis.

Health:

In relation to health impacts, the proposed improvements will not cause any greater intensification of the existing fuel activities on the site. The use already exists and the number of bowsers will not increase. At this stage, VR1 vapour recovery systems will be provided and new underground fuel tanks will be installed. New fuel vents will be installed as shown on the plan.

These improvements to fuel infrastructure will ensure that the updated service station will be enhanced operationally, improving on the previous use. This is considered to improve the use from a health perspective.

Further, the updated service station will be required to obtain a new Dangerous Goods licence, with the licensing process reviewing all matters under the relevant legislation. The proposed refurbishment application is significantly different in scope than the previous JDAP Application which entailed a completely new facility.

Other Matters:

In relation to traffic and noise, it is considered that these matters are not relevant given the proposal is simply for refurbishments to an existing service station facility. However, we do not believe that these will be an issue in any event.

The City can condition on an approval the requirement to comply with the Noise Regulations and for the applicant to provide evidence of such compliance through the provision of an acoustic report, if required.

In respect of traffic, as the proposed refurbishment works do not greatly change the nature of the use, a Traffic Impact Statement (TIS) has not been prepared. It is considered that the proposed works represents 'Low Impact', and therefore, the proposed works do not meet the threshold under the WAPC Transport Impact Assessment Guidelines Vol 4 – Individual Developments to require the submission of a TIS. The revised site layout can be served by a fuel tanker (a small, 10.2m vehicle), waste collection and delivery vehicles, all while maintaining access to the fuel dispensers and car parking spaces for passenger vehicles. These have been checked.

In relation to amenity, it is considered that the proposed improvement works will improve the visual amenity of the site, which is currently derelict and in a state of disrepair. There have also been issues with respect to squatters and vandals accessing the site, so the redevelopment of the site in this respect will ensure this does not happen.

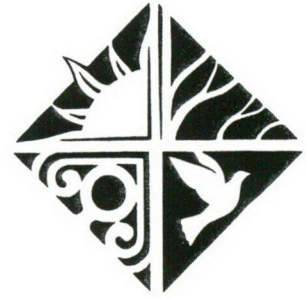
We now look forward to the application progressing to community consultation and ultimately, for a determination to be made.

Should you wish to discuss, please do not hesitate to contact me on 0424 651 513.

Yours faithfully

Nik Hidding /
Director
HIDDING URBAN PLANNING

ENQUIRIES TO: Belinda Mirco (9273 6055)
Planning and Building Services
YOUR REF:
OUR REF: PRO1942 00/33/0913



15th March 2002

TOWN OF VINCENT

CJ Yeo
41 Angove Street
NORTH PERTH WA 6006

Administration & Civic Centre
244 Vincent Street (Cnr Loftus)
Leederville, Western Australia 6007
PO Box 82, Leederville WA 6902
Telephone (08) 9273 6000
Facsimile (08) 9273 6099
TTY (08) 9273 6078
Email: mail@vincent.wa.gov.au

Dear Sir/Madam

NO. 41-43 (LOT 18 & PT 17) ANGOVE STREET, CORNER WOODVILLE STREET, NORTH PERTH – CHANGE OF USE FROM SERVICE STATION TO SERVICE STATION AND VEHICLE SALES PREMISES

Thank you for your Planning Application dated 15th January 2002 for the above proposal.

I wish to advise that the Council at its Ordinary Meeting held on 12th March 2002 resolved to **grant conditional approval** subject to the terms and conditions shown on the attached form. The proposal was assessed and found to be in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated policies.

I trust that the information is to your satisfaction, however if you have any enquiries regarding the above matter, please do not hesitate to contact Belinda Mirco on 9273 6055.

Yours sincerely

For **ROB BOARDMAN**
EXECUTIVE MANAGER
ENVIRONMENTAL AND DEVELOPMENT SERVICES

(Att.)

Town of Vincent	
File Copy	
EX MGR	
MGR	19/3/2002
OFFICER	<i>[Signature]</i> 15/3/02

TOWN OF VINCENT TOWN PLANNING SCHEME

APPROVAL TO COMMENCE DEVELOPMENT

LOT: 18 & Pt 17 **STRATA LOT NO:** N/A **STREET NO:** 41-43

STREET: Angove Street **LOCALITY:** North Perth

Name of owner of land on which development proposed:

SURNAME: Ferro

OTHER NAMES: Gino & Anna

ADDRESS: 41 Angove Street

NORTH PERTH WA 6006

Approval to commence development in accordance with the application for Town Planning Approval dated 15th January 2002 for CHANGE OF USE FROM SERVICE STATION TO SERVICE STATION AND VEHICLE SALES PREMISES and the attached amended plans dated 5th March 2002 was GRANTED in accordance with the provisions of the Town of Vincent Town Planning Scheme and the Metropolitan Region Scheme subject to the following conditions:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;
- (iii) prior to the first commencement of the use wheel stops shall be installed in accordance with AS290.1;
- (iv) a maximum of five (5) vehicles shall be displayed for sale at any one time; and
- (v) a maximum of two service station working bays shall be operating at any one time;

to the satisfaction of the Chief Executive Officer.

NOTE: PERSON(S), OWNER(S), BUILDER(S) AND DEVELOPER(S) UNDERTAKING DEVELOPMENT/CONSTRUCTION OF ANY KIND ARE HEREBY ADVISED OF A RESPONSIBILITY TO COMPLY WITH THE REQUIREMENTS OF THE DISABILITY DISCRIMINATION ACT 1992. FOR FURTHER INFORMATION ON THIS ACT, ENQUIRIES SHOULD BE DIRECTED TO THE DISABILITY SERVICES COMMISSION ON TELEPHONE NUMBER (08) 9426 9200 OR TTY ON (08) 9426 2325.

**SHOULD THE APPLICANT BE AGGRIEVED BY THIS DECISION A
RIGHT OF APPEAL MAY EXIST UNDER THE PROVISIONS OF THE
TOWN PLANNING SCHEME OR THE METROPOLITAN REGION
SCHEME**

This approval is valid for a period of TWO years only. If the development is not substantially commenced within this period a fresh approval must be obtained before commencing or continuing the development.

DATE OF DECISION: 12th March 2002

DATE OF ISSUE: 15th March 2002



**EXECUTIVE MANAGER
ENVIRONMENTAL AND DEVELOPMENT SERVICES**

TOWN OF VINCENT
PLANNING SERVICES SECTION

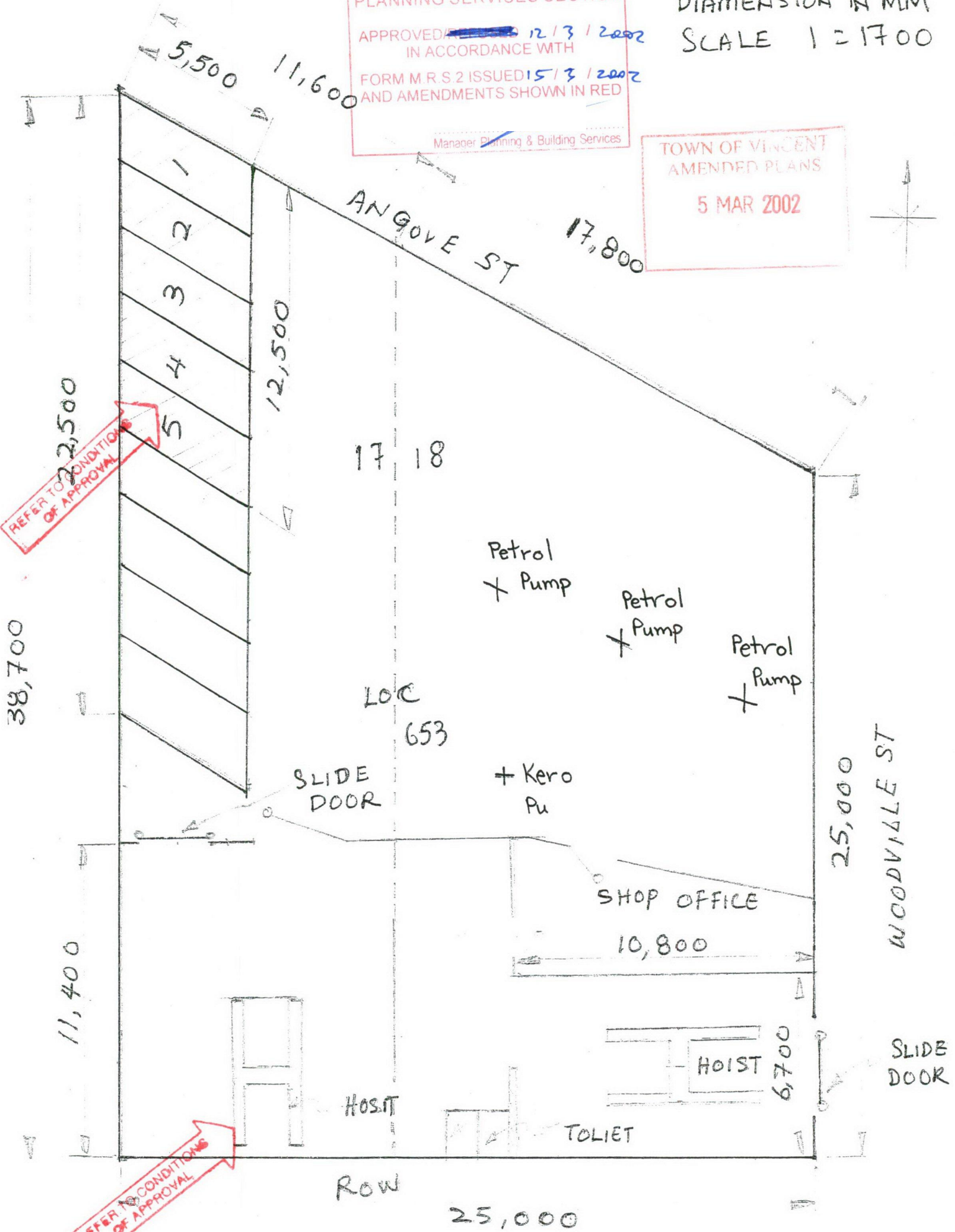
APPROVED ~~12/3/2002~~ 12/3/2002
IN ACCORDANCE WITH
FORM M.R.S 2 ISSUED 15/3/2002
AND AMENDMENTS SHOWN IN RED

Manager Planning & Building Services

DIAMENSION IN MM
SCALE 1 = 1700

TOWN OF VINCENT
AMENDED PLANS

5 MAR 2002



PROPOSES DISPLAY OF VEHICLES NOT MORE THAN
5 CARS, INDICATES (1,2,3,4,5) PARKINGS LOTS

Summary of Submissions:

The tables below summarise the comments received during the advertising period of the proposal, together with Administration's response to each comment.

Comments Received in Support:	Administration Comment:
<p><u>Amenity and Activation</u></p> <ul style="list-style-type: none"> • The proposed refurbishment will improve the amenity and usability of the site for its existing purpose and will activate a site which is prominent but currently disused. • The proposal will add a new and needed amenity to the area and will provide job opportunities. • Visual amenity of the site will be improved, and the design is refined to blend with and not stick out from street surrounds. • The refurbishment of the building would result in better passive surveillance for the area. 	<ul style="list-style-type: none"> • The comments in support are noted.
<p><u>Existing Use</u></p> <ul style="list-style-type: none"> • The property was purchased as an operating business and should return to use as a service station. • This proposal will modernise the already existing service station on site, bringing a brighter and more positive outlook. The existing service station has not resulted in negative impacts to nearby properties and a modern version will only be safer. 	<ul style="list-style-type: none"> • The comments in support are noted.
<p><u>Design and Landscaping</u></p> <ul style="list-style-type: none"> • The design could benefit from including trees and not stark colours. 	<ul style="list-style-type: none"> • The comment in support is noted.

Comments Received in Objection:	Administration Comment:
<p><u>Land Use</u></p> <ul style="list-style-type: none"> • The location is not suitable for the proposed service station and would be inconsistent with the vibe and community feel of the area. • The proposed use is inconsistent with the City's planning framework and the City's values. 	<ul style="list-style-type: none"> • The subject site has an existing approval to operate as a Service Station. However, this approval was from 2002. Since then the City's LPS2 has been amended to make a Service Station use a prohibited use. While this would not prevent the continuation of the 2002 approval, Administration is not satisfied that the extent of works proposed would be consistent with this approval and would result in the site functioning in a different manner to what was previously approved. Based on this Administration does not support the proposed application. • There is an existing approval which predates the amendments to the City's LPS2 that came into effect in February 2024 to prohibit a new service station.

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<ul style="list-style-type: none"> • The area in which the development has changed since the approval and previous operation of the service station use. The area is no longer suitable for the use, and it would have a negative impact on Angove Street and the surrounding area due to the fine grain urban fabric and walkable nature of this area. • The proposal will decrease the quality of life for residents and visitors to the area. • The site should be decommissioned as a petrol station and rezoned. • The site would be better used as a 3 or 4 storey apartment building, a café, a restaurant, a bar, or a pub which would be more consistent with the character of Angove Street. • The site could be better utilised to create more park/leisure space, especially recent development being proposed in the area, which would benefit the community far more than the proposed service station. 	<p>Administration is not supportive of the application as the extent of works would be a substantial change to the previous approval and it has not been demonstrated that there are any other continuing use rights applicable.</p> <ul style="list-style-type: none"> • The amendment to the City's LPS2 that came into effect in February 2024 to prohibit the Service Station land use was in recognition of the use overall being inconsistent with the setting within the North Perth town centre and the potential impacts that could arise. The proposed works would be a substantial change from the previous approval from 2002 and ultimately inconsistent with LPS2. • The application has not demonstrated that there are any pre-existing use rights, or that off-site amenity impacts related to traffic, noise, and public health would otherwise be acceptable. • This comment is noted. The site is zoned District Centre that provides appropriate zoning to enable a mix of active commercial uses and residential apartments that would be compatible with the surrounding town centre area and as envisaged under LPS2. • This comment is noted. The subject site is identified as having a four storey height standard under the City's Built Form Policy, and would be capable of having a range of residential and hospitality uses that could operate from it. • This comment is noted. For the subject site to be set aside as formal public open space, this would require an amendment to the City's LPS2 that would ultimately be required to be approved by the Minister for Planning.
<ul style="list-style-type: none"> • The service station use will lead to an increase in anti-social behaviour in the area. This will be increased by the proposed 24-hour operations. • The proposed operating hours are inconsistent with the surrounding residential area. • With the move to electric vehicles, another service station use is not needed in this area and demand for the use will reduce over time. 	<ul style="list-style-type: none"> • This has not been addressed by the applicant however a management plan to address anti-social behaviour would be required should the application be approved to further outline how this would be managed on the site. • While there were no restrictions on operating hours under the previous approval, it has not been demonstrated how the proposal would not have an adverse amenity impact on the surrounding area, including from noise. It is noted that the <i>Environmental Protection (Noise) Regulations 1997</i> would apply irrespective of any development approval. • The proliferation and commercial demands of the Service Station land use are not relevant planning considerations.

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<ul style="list-style-type: none"> The business is unsuitable for the location and would not be viable. This will lead to issues around maintenance which will impact the surrounding area. A business plan should be provided by the proponents outlining how the service station use will be operated profitably. The proposed use will decrease property values in the area. The City in conjunction with the State Government should purchase the site and develop it into a community space which would be a more appropriate use of the site. 	<ul style="list-style-type: none"> The viability of the business is not a valid planning consideration. The viability of the business is not a valid planning consideration. Property values are not a valid planning consideration. This comment is noted. The City does not have any current plans to purchase the subject site.
<p><u>Non-Conforming Use</u></p> <ul style="list-style-type: none"> Does the land use being a X use prevent the continuation and alterations to the non-conforming use in accordance with the City's Local Planning Scheme. 	<ul style="list-style-type: none"> LPS2 provides for protection of existing uses to continue to be able to operate and make modifications to existing buildings under new or amended local planning schemes. These uses are referred to as 'non-conforming uses'. The effect of the amendment to LPS2 to make the Service Station land use a prohibited use alone would not prevent the application from being considered. Administration is not satisfied that the proposal would be a non-conforming use because the works would result in the subject site functioning in a way that is fundamentally different to that which was previously approved.
<ul style="list-style-type: none"> The development proposes to use the previous approval of the service station use to reinstate the petrol bowsers which have not been in use for a significant period of time. This would intensify the previous use that was approved on the site. The site is inappropriate location for a petrol station. The previous business which operated there primarily as an automotive garage and not a petrol station. Request that the City obtain the petrol refuelling or business records from the previous business at the site (Rosemount Service Station) as they would provide strong evidence that the current proposal does not 	<ul style="list-style-type: none"> The application proposes four bowsers on site which would be consistent with the four bowsers that were shown on the 2002 approval. This itself would not be considered as an intensification of the use. The previous approval as a Service Station included the selling of fuel, as well as other activities including the undertaking of motor vehicle repairs and the display of second-hand vehicles for sale. The proposed changes that are the subject of the current application would result in the subject site operating in a way that is fundamentally different to what was previously approved. This comment is noted. Administration has not obtained previous records for the subject site. The proposed changes would result in the subject site operating in a fundamentally different way to what was previously approved and Administration is not satisfied that it would be a non-confirming use.

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<p>represent a operational continuation of use, but represents a significant change in and intensification of use, in regards to the sale of petrol.</p> <ul style="list-style-type: none"> The expansion of existing non-conforming use should not be supported due to the impact on the amenity of the area. The proposed development does not represent a continuation of the previous use as the site was previously functioning as an automotive garage with minimal fuel sales. The requirement for the replacement of the replacement of the fuel tanks and bowsers demonstrates that the site is no longer able to operate for this use. Therefore, the application cannot be considered under the original Town Planning Scheme No. 1 land use definition. The basis of the application is that it is a continuation of a non-conforming use. As the site has been closed and not operated as a service station for more than six months, clause 22(2)(b) of the City's Local Planning Scheme should not apply due to the discontinuance of the non-conforming use. 	<ul style="list-style-type: none"> The application has not demonstrated that there are any pre-existing use rights, or that off-site amenity impacts would otherwise be acceptable. The previous TPS1 definition of a Service Station that is relevant to the 2002 approval provided for the selling of fuel products and motor vehicle accessories, and the undertaking of some mechanical repairs. The proposed works that include the removal of key components that supported the previous uses, including the undertaking of motor vehicle repairs and the selling of second-hand vehicles would be fundamentally different to the previous activities of the site and would not be a continuation of the previous approval. The subject site has not operated as a Service Station since prior to December 2021 when perimeter fencing was erected around the boundaries. This means that the Service Station land use has not operated from the subject site for over approximately three and a half years. This would exceed the six month period referred to in Clause 22(2)(b). Because of this Administration is not satisfied that there has been a continuance of the use.
<ul style="list-style-type: none"> No licence is approved for this site to sell or to store petrol. Therefore, this not a continuation of the existing business. There has been no business on that site for more than 3 years. The proposal development would include four working fuel outlets which is double the previous number at the site which represents a significant intensification of the use on the site. The approval of the continuation of the previous use of this site will enable the further incremental development of the site by the owners over time. 	<ul style="list-style-type: none"> Administration is not satisfied that there has been a continuance of the use as it has not operated as a Service Station since prior to December 2021 when perimeter fencing was erected around the boundaries. The applicant/landowner would be required to obtain any necessary licenses from DMIRS if they were to recommence the use. The application indicates four bowsers which would be consistent with what was shown in the 2002 approval. Any changes proposed to the site as a Service Station would need to be considered in the context of the 2002 approval. Administration is not satisfied that the proposed changes would be consistent with this. Any future applications would need to be considered on their merit.
<p><u>Existing Issues on Site</u></p> <ul style="list-style-type: none"> Since the previous use of the site has ceased, there has been a significant increase in anti-social behaviour on site. This has not been 	

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<p>appropriately managed by the owners which raises concerns over the future management of the site, should this development be approved.</p>	<ul style="list-style-type: none"> Administration is aware of a number of instances of anti-social behaviour occurring from the subject site and is continuing to work with the landowner to ensure that the site is appropriately maintained and secured to prevent entry.
<p><u>Impact on Surrounding Businesses</u></p> <ul style="list-style-type: none"> The development is proposed in the North Perth town centre, where pedestrian activity and local businesses is encouraged. The re-activation of operations of the previous business at this location would be detrimental to the operation of local businesses. The proposed development will damage the local economy by impacting the small business in the vicinity of the site and will decrease the overall economic viability of the precinct. The use of the site as a service station represents an opportunity cost to generate more foot traffic for surrounding businesses. The outdoor eating areas of nearby cafés will be negatively impacted. The proposed development would encourage existing customers of local businesses to go elsewhere instead. 	<ul style="list-style-type: none"> The application has not demonstrated that there are any pre-existing use rights, or that off-site amenity impacts on the broader town centre would otherwise be acceptable. Economic viability of surrounding businesses is not a relevant planning consideration. The Service Station land use is predominantly vehicle-based and is inconsistent with the objectives of the District Centre zone to for development to be pedestrian-oriented and community focused. This inconsistency was part of rationale in pursuing the amendment to LPS2 to make the Service Station land use prohibited ('X') within the District Centre. The application has not demonstrated that there are any pre-existing use rights, or that off-site amenity impacts on the broader town centre would otherwise be acceptable. The application has not demonstrated that off-site amenity impacts on the broader town centre would otherwise be acceptable, noting that economic viability is not a relevant planning consideration.
<p><u>Existing Building</u></p> <ul style="list-style-type: none"> The proposed development is damaging a local heritage iconic building which should be restored in an aesthetically pleasing way, not as is currently proposed. The history of the site should be acknowledged, and the unique structure restored with a focus for future development on the site to be around promoting foot traffic, not vehicles. The existing building is not visually appealing. 	<ul style="list-style-type: none"> The subject site is not heritage-listed. Administration is not satisfied that the proposed external works to the building to be consistent with the predominant and future desired character of Angove Street. This comment is noted. This comment is noted.
<p><u>Amenity and Compatibility with the Surrounding Area</u></p>	

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<ul style="list-style-type: none"> • The proposed development would negatively impact the amenity of the Angove Street café strip. • The location of the proposed petrol station use on Angove Street directly contrasts against making Angove Street a safe walkable cafe strip, which should be supported and encouraged. • Regardless of the proposed refurbishment, the service station is incompatible with current Angove Street land uses which consist of shops, cafés and restaurants, health care facilities, offices, residences and a primary school. • The proposal will bring unwanted traffic to the area and will make the area less walkable and less inviting to sit and eat outside in the surrounding cafés. • The character of Angove Street has changed since the existing service station was approved and the area is now pedestrian and shopping precinct, and a service station is no longer compatible to the area. • The proposed refurbishment is inconsistent with the needs and values of our community. • The proposal would not contribute to the community centre of North Perth which is a pedestrian friendly area within a 40km/hour, smoke-free zone. 	<ul style="list-style-type: none"> • The application has not demonstrated that there are any pre-existing use rights, or that off-site amenity impacts on the broader town centre would otherwise be acceptable. • The Service Station land use is predominantly vehicle-based and is inconsistent with the objectives of the District Centre zone to for development to be pedestrian-oriented and community focused. A Service Station has previously been approved and operated from the subject site, however Administration is not satisfied that the proposed changes would be consistent with the previous approval. • The application has not demonstrated that there are any pre-existing use rights, or that off-site amenity impacts on the broader town centre would be compatible with the existing setting. • The application has not demonstrated that there would not be an adverse impact on the flow or safety of traffic on the surrounding road network. • A Service Station was established on the subject site in the 1960's and the surrounding context and applicable planning framework has changed throughout this period. In recognition of the broader incompatibilities of this use in the town centre, the City amended it LPS2 to prohibit new Service Stations. The application has not demonstrated that there are any pre-existing use rights, or that off-site amenity impacts on the broader town centre would be compatible with the existing setting. • This comment is noted. • The application has not demonstrated that there are any pre-existing use rights, or that off-site amenity impacts on the broader town centre would be compatible with the existing setting.
<p><u>Health</u></p> <ul style="list-style-type: none"> • The proposed development would have a negative impact on the health and wellbeing of residents and visitors to the area. This includes residents, school students and patrons of Angove Street. 	<ul style="list-style-type: none"> • The application has not demonstrated that the Service Station would not have any adverse impact on the risk to the health and safety of the community.

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<ul style="list-style-type: none"> The proposed development would impact on the amenity of the area due to the increase in noise levels generated by the operation of the site, particularly the 24 hour operations. The proposal does not address how it would reduce the health risks associated with the refurbishment of the site and the operation of a service station. The proximity of the proposed development to sensitive land uses, in particular residential properties and a primary school, is concerning. Gaseous and particle emissions, odour and noise emitted from the development will have a negative impact on the immediate surrounding area. 	<ul style="list-style-type: none"> The application has not demonstrated how the proposal would not have an adverse amenity impact on the surrounding area or would meet to the <i>Environmental Protection (Noise) Regulations 1997</i>. The application indicates V1 vapor recovery systems would be provided to the new bowsers and new underground fuel tanks and vents installed. Notwithstanding this it has not demonstrated that it would not adversely impact on the risk to the health and safety of community as set out above. There would be 11 sensitive uses within 200 metres of the subject site. This would include a mix of residential, food and beverage and entertainment premises, retail, commercial, and medical, consulting and personal services. Within this distance would be the North Perth Primary School, Casson House, Macedonian Orthodox Church, North Perth School of Early Learning, North Perth Town Hall and Playgroup WA. The application has not demonstrated that there would not be an adverse risk on these uses.
<ul style="list-style-type: none"> The proposed development should meet the 2005 Guidance for the Assessment of Environmental Factors in Western Australia which prescribes that the buffer between industrial and sensitive land uses in the case of service stations should be 50 metres and should be increased to 200 metres if operating for 24 hours a day on a non-freeway road. Service stations are dangerous goods sites and planning decisions should take this into account. Knowledge of the impact of the health and environmental impacts of service stations has increased since the initial approval of the service station use in this location. The includes long-term risks of benzene exposure which increases the risk of acute leukemia for adults and childhood leukemia for children. Academic literature outlines the links between chronic illness, sleep disturbance, attentional disturbance, mental health, and organ damage associated with proximity to service stations. The proposed 	<ul style="list-style-type: none"> The EPA Guidance Statement 3 recommends a separation distance of 200 metres between Service Stations and sensitive land uses to avoid conflicts between incompatible land uses. This is a guidance document but is not a policy prepared under planning legislation and does not carry any statutory weight as a planning policy in the determination of development applications. DMIRS are responsible for administering the <i>Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007</i>. These include requirements related to the decommissioning and removal of the existing underground fuel tanks, and the installation of new underground fuel tanks. This legislation is separate to planning requirements. This comment is noted. The application has not demonstrated that it would not adversely impact on the risk to the health and safety of community. This comment is noted. As set out above the application has not demonstrated that it would not adversely impact on the risk to the health and safety of community.

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<p>development is within proximity parameters specified within scholarly literature on these topics. The City of Vincent will face future consequences in relation to the emergence of chronic illnesses in this densely populated area as a result of the proposed development.</p> <ul style="list-style-type: none"> The approval of the development would be unethical due to the health impacts on the area. The proposed development will result in increased CO₂, NO_x, and SO_x emissions from additional traffic and fumes and increased ground contamination, which can result in water contamination. Studies have shown that air contamination from a service station can extend up to 100 metres from the site which would result in direct impacts to North Perth Primary School, Casson House and residential properties, all of which are located within 100 metres of the site. 	<ul style="list-style-type: none"> The risk to human health and safety is a relevant planning consideration. The application has not demonstrated that it would not adversely impact on this. DWER is responsible for administering the <i>Contaminated Sites Act 2003</i> and for investigating issues related to groundwater contamination. This comment is noted.
<ul style="list-style-type: none"> Concerns regarding the products that will be available for purchase at the proposed business and the impact on the students of North Perth Primary School. Approval of this application would directly contravene the City of Vincent's Sustainable Environment Strategy 2019-2024. Approval of the petrol station would risk perception that the City of Vincent is not taking climate change seriously as an environmental issue. The health and welfare of nearby residences and North Perth School children and teachers and the local Angove Street community should take precedence over commercial interests. The ground should be cleaned up from prior contamination rather than additional contamination being added in the middle of a residential area. Residual contamination from the previous land use (petrol station/mechanics) needs to be remediated to a standard applicable of residential use not just restricted use. 	<ul style="list-style-type: none"> In accordance with the applicable land use definition for the 2002 approval the proposal would not be permitted to sell any retail goods or food and beverage from the subject site. The Sustainable Environment Strategy is not a planning instrument, although its principles are reflected in the Built Form Policy in relation to environmentally sustainable design. This comment is noted. This comment is noted. The risk to human health and safety is a relevant planning consideration but has not been demonstrated through the application. The subject site is not listed as a known contaminated site on DWER's Contaminated Sites Database but it is known to contain existing underground fuel storage tanks and fuel bowsers. DWER's Assessment and Management of Contaminated Sites Guidelines identify that services stations are a potentially contaminating activity, and it is the responsibility of the applicant and/or land owner to confirm the contamination status of the site.

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<ul style="list-style-type: none"> There is a demonstrated relationship between local air pollution, emissions from petrol stations, and the risks to those in close proximity to the service stations. The risks to children, the elderly, people with psychiatric disability, are significant, and include increases in cancer risk, dementia risk, mental health risk, asthma and blood pressure risk. There is a link between exposure to vehicle pollutants and respiratory disease in both children and adults, and children with developing lungs are especially vulnerable. Ingredients such as nitrogen dioxide can cause shortness of breath and coughing and are associated with an increased incidence of asthma and a reduction of lung function in children and adults alike. Sulphur dioxide exposure can lead to lung damage and can cause respiratory and cardiovascular disease, and that ozone exposure increases the susceptibility to lung infections and can exacerbate conditions such as asthma and chronic obstructive pulmonary disorder (COPD)2. 	<ul style="list-style-type: none"> This comment is noted. The application has not demonstrated that it would not adversely impact on the risk to the health and safety of community. This comment is noted. The application has not demonstrated that it would not adversely impact on the risk to the health and safety of community.
<ul style="list-style-type: none"> The development presents a fundamental increase in the dispensation of petrol at the site. This increase in petrol sales may be expected to lead to an increase in the ambient levels of benzene in the vicinity of the site, which raises health concerns. A recent study, entitled 'Residential proximity to petrol stations and risk of childhood leukemia' concludes that "overall, residence within close proximity to a petrol station, especially one with more intense refuelling activity, was associated with an increased risk of childhood leukemia". Specifically, the study found that, compared with children who lived ≥ 1000 metres from a petrol station, the risk of leukaemia was over twice as high for children living < 50 m from nearest petrol station. This associations was stronger for a subtype of leukaemia (acute lymphoblastic leukaemia, and among older children. Risk of leukemia was also greater among the most exposed participants, based on petrol stations located within 250 metres of the child's residence, and total amount of gasoline delivered by the stations. The application should be refused due to the plausible increase in potential risk that it poses to nearby residents. 	<ul style="list-style-type: none"> This comment is noted. The application has not demonstrated that it would not adversely impact on the risk to the health and safety of community.
<p><u>Proximity to Sensitive Land Uses</u></p> <ul style="list-style-type: none"> The subject site is located in close proximity to North Perth Primary School, childcare facilities and aged care facilities and the proposed development would pose risks to children and elderly residents. 	<ul style="list-style-type: none"> There are sensitive uses within 200 metres of the subject site and the proposed application has not demonstrated that there would not be an adverse risk on these uses.

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<ul style="list-style-type: none"> • There are residential properties located in close proximity to the site which poses significant health concerns for existing residents and their families. • The close proximity of North Perth Primary School is concerning due to the known risks associated with the impact of benzene increasing the rate of blood cancers which is significantly better understood than when the existing service station was established. 	<ul style="list-style-type: none"> • The application has not demonstrated that it would not adversely impact on the risk to the health and safety of community. • The application has not demonstrated that it would not adversely impact on the risk to the health and safety of community, including the North Perth Primary School.
<p><u>Traffic</u></p> <ul style="list-style-type: none"> • The petrol station would increase traffic on the surrounding pedestrian friendly streets and would result in additional congestion and safety hazards and would be inconsistent with the character of the area. • The proposed development would result in increased traffic including additional traffic entering and exiting the site by crossing the footpaths, increased noise of cars stopping 24 hours a day at the site, tankers entering and exiting Angove Street, which is inconsistent with the surrounding residential, retail and sensitive areas and their existing amenity. • The right-of-way entry to Woodville Lane would be severely compromised by intensification of vehicle traffic and additional vehicle use by patrons of the service station. • The application letter identifies that the refurbishment works will include the demolition of the rear existing shed and replacement with two staff car parking bays accessed from the rear lane. This will impact residents on the boundary of the rear lane and the access to and from the apartment block at 1 Albert Street. The existing use of the site has no access to the rear lane. • The proposed refurbishment would result in increased car traffic crossing footpaths that are heavily utilised by pedestrians which are currently utilised by vulnerable members of the community (including North Perth Primary School students and elderly residents of Casson House (a residential facility for elderly people with psychiatric conditions located on Woodville Street)). 	<ul style="list-style-type: none"> • The application has not demonstrated the impact of off-site amenity impacts including the flow and safety of traffic on the surrounding road network. It is noted that the application does not propose any modifications to the previously approved access points from Angove Street and Woodville Street. • The proposed application has not demonstrated the impact on the safety and flow of the surrounding road network, noting that the access points remain consistent with the previous approval. • The application does not propose access from the rear ROW. • The application originally submitted by the applicant proposed the removal of the existing building to the rear of No. 45 Angove Street to facilitate vehicle access from the ROW. Prior to community consultation occurring the applicant amended the application to not propose any works to No. 45 Angove Street. This means that vehicle access would be from the existing access points on Angove Street and Woodville Street, and not the ROW. • The proposed application has not demonstrated the impact on the safety and flow of the surrounding road network, noting that the access points remain consistent with the previous approval.

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<ul style="list-style-type: none"> The existing road network is not designed for an increase in traffic flow. Angove Street and Woodville Street have a number of traffic calming measures to reduce vehicle traffic which would be negatively impacted by the proposed development. 	<ul style="list-style-type: none"> The proposed application has not demonstrated the impact on the safety and flow of the surrounding road network.
<ul style="list-style-type: none"> Vehicles queuing for petrol (especially on cheap fuel days) would block traffic and results in accidents. The proposed development would encourage additional car use instead of encouraging additional green space, pedestrians using footpaths, and bicycle transport. Request that a Traffic Impact Statement is provided to support the application, consistent with the previous development application on the site. Request that the City undertakes independent modelling of the traffic in the area to determine the impact of the proposed development. The proposed access points are located in close proximity to the Angove Street and Woodville Street intersection which would result in the intersection being more dangerous and less usable for both vehicles and pedestrians. The proposal does not indicate how the process of fuel delivery and refilling the underground fuel tanks will be undertaken in a safe and appropriate way for the local community. Fuel tankers accessing the site will impact the tree canopy of the surrounding area. The proposed development would worsen existing car parking issues in the area, particularly along Woodville Street. 	<ul style="list-style-type: none"> The proposed application has not demonstrated the impact on the safety and flow of the surrounding road networking, noting that the access points remain consistent with the previous approval. This comment is noted. The WAPC's Transport Assessment Guidelines require a TIS to be provided if there is between 10 and 100 vehicle trips in the developments peak hour. The applicant has stated that the application is for works to the existing building and would not meet this threshold, but has not provided any evidence in support of this. The proposed application has not demonstrated the impact on the safety and flow of the surrounding road network. This comment is noted. The onus is on the applicant to demonstrate that the proposal would not have any adverse impact on traffic flow and safety. This has not been demonstrated in the application. The application does not propose any change to the existing access points from Angove Street and Woodville Street. The application has not demonstrated the adequacy of manoeuvring and servicing of the subject site by fuel tankers so as to not impact on the surrounding area. The use of Angove Street and Woodville Street would be consistent with the purposes of these roads to provide access to properties, however it has not been demonstrated how servicing would occur without have a detrimental impact on the surrounding area. The application proposes four parking bays on the subject site. The applicant has not demonstrated how these would be allocated or managed to ensure that there is no adverse impact on surrounding on-street parking.

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<ul style="list-style-type: none"> The proposed development will reduce the accessibility of the area for people with disabilities. Angove Street is a shared street intended to be shared between cyclists and drivers, and additional traffic reduces the safety of cyclists in this area. If the development is approved, the speed limit on Angove Street should be increased and the speed bumps removed to increase traffic flow. 	<ul style="list-style-type: none"> This comment is noted. Angove Street has a number of treatments in place to slow traffic and encourage pedestrian and cycling movement. The proposed application has not demonstrated the impact on the safety and flow of the surrounding road networking, noting that the access points remain consistent with the previous approval. This comment is noted. Administration has recommended that the application be refused.
<p><u>Presence of Existing Service Stations in the Area</u></p> <ul style="list-style-type: none"> The proposed development will not provide increased service, benefit or amenity to the North Perth locality and community. There are already multiple existing 24-hour service stations with integrated convenience stores in the vicinity. These include, but are not limited to, a BP service station 650 metres from the site and Shell service station 950 metres away. The suburb is more than adequately serviced by petrol stations on nearby main roads that are easy to access and a new petrol filling station in this location is not required. 	<ul style="list-style-type: none"> The proliferation and proximity of service stations is not a valid planning consideration. The proliferation and proximity of service stations is not a valid planning consideration.
<p><u>Lack of Detail in Application and Future Development Intentions</u></p> <ul style="list-style-type: none"> The lack of detail provided in the application is insufficient to allow for community assessment of the current proposal or future development intentions of the landowner for the site. The development application does not capture the full scope of the refurbishment and the subsequent implications for the community. No approval has been sought for the future convenience store component of the development nor the signage. As a result, many points of community concern (including light pollution, litter, large industrial style signage not in keeping with the area, the sale of tobacco/vape products and high calorie junk food/drinks adjacent to North Perth Primary School) are not able to be commented on as part of this application. This prevents the community from being able provide comment on the implications of this development. 	<ul style="list-style-type: none"> The applicant's cover letter sets out the current development intentions being to undertake refurbishment works to enable the Service Station use to continue, and any other development on the site would be considered separately. The application lodged seeks approval for 'works' only. The application is to be determined based on what is applied for and not what could occur in the future. The applicant has stated that the proposed application would be consistent with the 2002 approval. <p>If approved this would not allow for the sale of retail products or food and beverage consistent with the definition of TPS1. While a Convenience Store would be a permitted use and would not require development approval in isolation, this would need to be considered in the context of the use of the site if the current application were to be approved.</p>

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<ul style="list-style-type: none"> The sale of the OTR brand to Viva Energy and their strategic expansion will have long-term ramifications in relation to the District Centre of North Perth. Legal advice should be obtained due to the lack of information provided. There are omissions on the long-term plans for the future of the site that will have consequences for the citizens and children of the town centre of North Perth. 	<ul style="list-style-type: none"> Signage would be exempt from development approval if it were consistent with the standards of the City's Local Planning Policy: Signs and Advertising. The ownership of the company and its future plans are not relevant planning considerations. This comment is noted. The application has been assessed and will be determined on the information that has been submitted by the applicant.
<ul style="list-style-type: none"> Additional reports (including traffic, health and safety and environmental reports) should be provided by the applicant. By not providing this additional reporting, this limits the community's ability to understand the extent of the application. Council determination of the application should provide limitations on the nature of the use and any future development intentions of the applicant. The application seeks approval for works on Lot 18 and 701. The proposed development plans show the proposed demolition of the existing shed which is located on Lot 16 (the adjoining lot) which does not form part of the application. The site plan only identifies 4 customer parking bays, located on the western side of Lot 701. Query on where the fifth car bay is proposed to be located. 	<ul style="list-style-type: none"> The application has not demonstrated that off-site amenity impacts related to traffic, noise, and public health would otherwise be acceptable. The application is required to be determined on its merits and cannot consider any future development that may be pursued because these do not form part of the application. The application was originally submitted proposing works to the adjoining property at No. 45 Angove Street. Prior to community consultation the application was amended to remove this property from the application. The application only relates to the works proposed to No. 41-43 Angove Street. The proposed plans indicate for four bays to be provided along the western boundary of the subject site.
<p><u>Continued Pursuit of Development</u></p> <ul style="list-style-type: none"> The applicant has not respected local community views by continuing to pursue this development. Extensive community concerns have been raised and should be respected by the applicant and the applicant should behave in line with community values. This application represents an attempt to contravene the previous Development Assessment Panel decision to refuse an application for a service station on this site. 	<ul style="list-style-type: none"> This comment is noted. The subject application is a separate application to the proposal that was refused by the JDAP in May 2023.

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<ul style="list-style-type: none"> • Query if multiple applications are able to be made over a development site at the same time. 	<ul style="list-style-type: none"> • The LPS Regulations do not prevent the consideration of concurrent applications to the subject site at the same time.
<p><u>Inconsistency with the Planning Framework and City Strategic Documents</u></p> <ul style="list-style-type: none"> • The proposed development is not consistent with the principles of orderly and proper planning, or the objectives of the City of Vincent. • The application is inconsistent with clause 9(b) of the City's Local Planning Scheme on a number of levels. • The application should be prevented on one interpretation of relevant clauses of the Local Planning Schemes' provisions relating to non-conforming uses (intended to control and limit such non continuous usages of land). • The proposal does not appropriately address the reasons for refusal for the previous Development Assessment Panel application. • The proposed development should be assessed as an 'X' use under the City's Local Planning Scheme and should not be approved. • This development is inconsistent with the future direction that should be envisioned for the area. The North Perth precinct, including North Perth Plaza, is overdue for better inner-city planning. • The proposal is inconsistent with the City's Access and Inclusion Plan 2022-2027 due to the increase in traffic that will occur. 	<ul style="list-style-type: none"> • Administration is not satisfied that the application would be consistent with orderly and proper planning. This is because the proposed works would result in a fundamental change of the activities on site from the previous approval, and the subject site has not operated as a Service Station since prior to December 2021 when perimeter fencing was erected on the site and would not be considered as a non-conforming use. As there is not existing use rights, the proposed works would facilitate a prohibited use from operating on the subject site and would be inconsistent with the City's LPS2. • It has not been demonstrated that there is any pre-existing use rights, the proposed works would facilitate a prohibited use operating from the site that would be inconsistent with the provisions of LPS2. • The subject site would not be a non-conforming use as it has not operated as a Service Station since December 2021 and the proposed works would result in a fundamental change to the way it functions from the previous approval. • The proposed application is separate to the application that was refused by the JDAP in May 2023 and is not required to address these reasons. • It has not been demonstrated that there is any pre-existing use rights, the proposed works would facilitate a prohibited use operating from the site that would be inconsistent with the provisions of LPS2. • This comment is noted. • The City's Access and Inclusion Plan is not a planning instrument. The application has not demonstrated the suitability of traffic impacts or the impact on pedestrian safety.

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<ul style="list-style-type: none"> • The proposed refurbishment and intended usage are contrary to the principles and values outlined by the City of Vincent in its policies and directions for the North Perth Centre. The City’s vision for pedestrian-friendly, smoke-free, and cycle-friendly streets will be undermined by this development. • The proposed development is not consistent with the vision of the North Perth Master Plan. • The development conflicts with the City’s long term planning policies and strategic objectives, including community development and support for local businesses. • The proposed development is inconsistent with the City’s Strategic Plan 2022 -23, including the following elements: <ul style="list-style-type: none"> ○ Enhanced Environment. ○ Sensitive Design. ○ Accessible City. ○ Thriving Places. 	<ul style="list-style-type: none"> • This comment is noted. The Service Station land use is broadly inconsistent with the objectives of the District Centre and the intended vision for the North Perth Town Centre. This informed the amendment to LPS2 to prohibit a new Service Station on the subject site. • The North Perth Master Plan is a high-level strategic planning document that provides broad recommendations on future development of the North Perth centre and was adopted by Council in 2013. This has subsequently informed the preparation of the Local Planning Strategy, LPS2 and Built Form Policy, and has been given regard through the assessment of these instruments. • This comment is noted. • The Strategic Community Plan is not a planning instrument. These six key priorities are embedded within the City’s local planning framework, including LPS2 and local planning policies.
<p><u>Inconsistency with Zone Objectives</u></p> <ul style="list-style-type: none"> • The Petrol Station will adversely impact adjoining residential areas and pose health and safety risks including increased ambient fuel fumes and pedestrian safety due to significantly increased traffic and the 24 hour operation. • Developments in the area are supposed to increase community focal points, services and employment and encourage a public interaction which is not achieved by the proposed development. • This development is not pedestrian-friendly, street-oriented, and will detract from the District Centre. Increases in traffic flow contradict "pedestrian-friendly" principles, and the impact of higher traffic volumes will diminish the area's ambiance and likely discourage visitors. 	<ul style="list-style-type: none"> • The application has not demonstrated that off-site amenity impacts related to traffic, noise, and public health would otherwise be acceptable. • This comment is noted. • The proposed application does not involve any modifications to the existing building footprint. Notwithstanding this the proposed works would be inconsistent with the desired character of Angove Street and would not provide for a streetscape presentation that enhances amenity and contributes shade. The traffic impacts from the proposal have not been demonstrated.

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<ul style="list-style-type: none"> • The proposal does not address the need of the area for housing and a diverse commercial high street of restaurants, retail and community service. • Residential amenity will be impacted due to the proximity of surrounding residential properties and the incompatible nature of the proposed development with these properties. • The proposed development is not a pedestrian friendly, street-oriented development and will detract from the District Centre. The impact of higher traffic volumes will affect the ambience in the area and likely discourage visitors to the cafe strip. • Instead of a petrol station, the site could support medium-density housing or mixed-use development. A commercial business on the ground floor with apartments above would address housing shortages and enhance the vibrancy of Angove Street with public transport conveniently located within 200 metres. • The proposed development is not design in accordance with sustainability principles for the following reasons: <ul style="list-style-type: none"> ○ There is no Environmental Report submitted with the application. ○ There are no proposed trees that would provide tree canopy and shade in summer. ○ The application does not demonstrate how the development would obtain solar gain in winter. As the service station canopy will prevent any direct sunlight through the north facing windows in winter. • A petrol station land use does not provide a community need in this location. The site has potential for a 3-4 storey mixed-use development, which would enhance the District Centre area. 	<ul style="list-style-type: none"> • This comment is noted. The provision of housing within the District Centre zone is one objective. It is noted that the subject site has historically been used as a Service Station and has not contributed towards housing and any new service station would not contribute to that objective. • The application has not demonstrated that off-site amenity impacts related to traffic, noise, and public health would otherwise be acceptable. • The traffic impacts from the proposal have not been demonstrated. • This comment is noted. • The application does not provide for landscaping or tree canopy that would adequately off-set the visual impact from the amount of hardstand area or contribute towards the City's green canopy to reduce the urban heat island effect. The application proposes the retention of the existing building and which would have broad sustainability benefits, and includes measures such as solar panels and stormwater re-use that would be consistent with the element objectives of the Built Form Policy. • This comment is noted.

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<ul style="list-style-type: none"> The proposed development would not encourage retention and promotion of uses including but not limited to specialty shopping, restaurants, cafes and entertainment. The proposed departures to the street setback requirements are a threat to pedestrians, students at the local primary school, patients of nearby Casson House, and the public. Increasing traffic loads and the intensity of the development does not meet the design principles relating to street setbacks. 	<ul style="list-style-type: none"> This comment is noted. Following community consultation the applicant provided amended plans which reinstated the existing window to the ROW. This would mean that there would be no change to the existing building in relation to this and the application does not propose a departure from the acceptable outcomes related to Street Setback. Traffic and safety impacts have also not been demonstrated in the proposal as set out above.
<p><u>Street Setbacks</u></p> <ul style="list-style-type: none"> The infill to the window facing the right of way prevents passive surveillance, contributes to the building bulk, and prevents cross ventilation. The infill to the window would impact pedestrian safety by restricting passive surveillance. The development fails to complement the character of Angove Street. The development does not provide passive surveillance of Angove Street. 	<ul style="list-style-type: none"> Following community consultation the applicant provided amended plans which reinstated the existing window to the ROW. This would mean that there would be no change to the existing building in relation to this and the application does not propose a departure from the acceptable outcomes related to Street Setback. Following community consultation the applicant provided amended plans to reinstate the existing window to the ROW. The application proposes the re-use of the existing building with no change to its existing footprint or setback. The existing building with its setback from Angove Street would form part of the existing streetscape context, although it does not reflect the desired outcome for a strong urban edge outlined in the Built Form Policy. The application proposes a number of new windows as well as entry doors to the Angove Street frontage that would improve passive surveillance to this street compared to the existing building.
<p><u>Tree Canopy & Deep Soil Areas and Landscape Design</u></p> <ul style="list-style-type: none"> The proposed landscaping is inadequate and inconsistent with the design principles. This will impact negatively on urban air quality, and will detract from the green canopy and increase heat load. 	<ul style="list-style-type: none"> The proposed landscaping would be inconsistent with the element objectives of the Built Form Policy as it would not make a demonstrated contribution to the streetscape or the City's green canopy to reduce the impact of the urban heat island effect. The landscaping would equate to less than 2 percent of the exposed hardstand area and has not indicated any trees to be provided.
<ul style="list-style-type: none"> A landscaping plan should be provided to allow for assessment of the proposal against the planning framework. This should be required as the 	<ul style="list-style-type: none"> The applicant has not provided a landscaping plan. The proposed landscaping would not make a contribution to the streetscape or provide for amenity or shade.

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<p>visual impact of the building is part of a desirable streetscape adjoining a vibrant public community space. It is in the public's interest for the petrol station to fit into the whole existing design of the Angove Street precinct.</p>	
<ul style="list-style-type: none"> • The landscaping does not reduce the impact of the development, in scale or use, on the adjoining residential zones and public spaces. • The proposed landscaping is inadequate, considering the sites 'landmark' location within the North Perth town centre. • The proposed landscaping is minimalistic and does not conform with the character of the area. • There is no tree canopy proposed by the development that would provide shading in summer. • There is no information on how the proponent will retain all stormwater on the site in compliance with previous approval requirements. 	<ul style="list-style-type: none"> • The proposed landscaping would not be adequate to offset the visual impact of the exposed hardstand area. • The proposed landscaping would not positively contribute towards the Angove Street streetscape. • The proposed landscaping would not positively contribute towards the Angove Street streetscape. • The proposed landscaping would not make a contribution to the streetscape or provide for amenity or shade. • Any development would be required to contain stormwater on the subject site which would be enforced through a condition of approval.
<p><u>Façade Design</u></p> <ul style="list-style-type: none"> • The petrol station is a semi-industrial building and does not maintain the strong built edge along Angove Street between Stomp Coffee and the apartment building at 1 Albert Street. • The proposed facade design consists of painting the existing building and a new canopy. The design has not taken the opportunity incorporate contextual design elements, nor enhance the character of the area. 	<ul style="list-style-type: none"> • The application proposes the re-use of the existing building with no change to its existing footprint or setback. The existing building with its setback from Angove Street would form part of the existing streetscape context, although it does not reflect the desired outcome for a strong urban edge outlined in the Built Form Policy. • The proposed colours, materials and finishes to the existing building would be inconsistent with the element objectives of the Built Form Policy. This is because the installation of new weatherboard cladding and painting of the walls and roof in monument would not be consistent with local area character, typically consists of painted and unpainted brick, and painted render finishes with a lighter colour palette.

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<ul style="list-style-type: none"> The proposed façade design is minimalistic and does not address the design principles or conform with the character of the area. Corner sites are an opportunity for enhancement which is missed by the proposed development. The proposed façade design does not respect and reference the character of the local area and is inconsistent with the heritage character of local buildings. An Urban Design Study should be provided to ensure the proposal is consistent with the existing built form character of the area. Proportions, materials and design elements that respect and reference the local area are an important function of visual interest when viewed from the public realm. The visual impact of the proposed façade design will be increased by any future signage that is installed at the site. Service station signage (and OTR branding) has an industrial character more commonly seen on main roads. The service station will not make a positive contribution to the streetscape and will have a negative impact on public's enjoyment of the local amenities. 	<ul style="list-style-type: none"> The proposed colours, finishes and materials would not be consistent with the predominant character of the Angove Street streetscape. This comment is noted. The proposed colours, finishes and materials would not be consistent with the predominant character of the Angove Street streetscape. The applicant has not provided an Urban Design Study to demonstrate how the façade upgrades would reflect the existing character. Administration is not satisfied that the colours, finishes and materials would be consistent. Signage does not form part of the application and would need to be consistent with the City's Local Planning Policy: Signs and Advertising. This comment is noted.
<p><u>Public Domain Interface</u></p> <ul style="list-style-type: none"> The refuse enclosure would not meet the design principles and would result in unsightly and potentially dangerous placement of bins. 	<p>The proposed plans indicate a 2.1 metre high slatted waste enclosure along the western boundary between the existing building and parking bays, however this is not reflected on the proposed elevations. The streetscape presentation is dominated by hardstand areas and does not provide for an appropriate landscape design that would enhance the amenity of the streetscape and provision of shade.</p>
<p><u>Roof Design</u></p> <ul style="list-style-type: none"> The solar absorption rating of the proposed roof exceeds the compliance requirement. This will result in the building adding to the urban heat load. 	<ul style="list-style-type: none"> The roof is proposed to be finished in monument grey to match the remainder of the building. While this would integrate the roof with the building, this would overall be inconsistent with element objectives of the Built Form Policy and the character of the streetscape as set out above.

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<ul style="list-style-type: none"> The roof structure does not propose any solar energy generation or environmental benefits to the development. The roof design is inconsistent with the existing character of Angove Street. 	<ul style="list-style-type: none"> The proposed plans indicate solar panels to be provided on the roof of the building, which would be required to be delivered through a condition of any approval. The use of monument grey on the gable roof would be visually prominent from the street and inconsistent with the existing character.
<p><u>Environmentally Sustainable Design</u></p> <ul style="list-style-type: none"> An Environmentally Sustainable Design (ESD) Report should be provided identify key issues for an environmentally sustainable design and establish the impact of the proposed modifications to the building. This should include an assessment of buffer guidelines to ensure they meet the Environmental Protection Agency standard and a noise mitigation report for the building (including assessments of exhaust fans, reduction of traffic noise at the site and petrol pump noise). Without an ESD report being provided, an assessment of the development against the standards is unable to be undertaken. The development would be unlikely to comply as a result of the lack of green space, the low depth of the planting, and the high solar absorption rating of the roof. The branding of other OTR stations is typically black/dark grey in colour. This design does not meet the solar absorbency limits and lead to increased use of air conditioning. When combined with the under provision of trees and the extent of concreted area on the site, this leads to the site contributing to the urban heat island. By not providing an ESD report, the business is not giving consideration to the local community. The applicant intends to install new fuel vents and the location of these should be confirmed with dispersion modelling of fume levels in a full range of wind conditions prior to determination of the application. 	<ul style="list-style-type: none"> Although an ESD report has not been provided, the proposed plans indicate the provision of sustainability initiatives including solar plans and re-use of rainwater. These in conjunction with the re-use of the external building which would have a sustainability benefit by reducing demolition and the need for new materials, would broadly be consistent with the element objectives of the Built Form Policy. <p>The application has not provided a noise report to consider the impacts on the surrounding properties, but would ultimately be required to comply with the <i>Environmental Protection (Noise) Regulations 1997</i>.</p> <ul style="list-style-type: none"> The re-use of the existing building and incorporation of sustainability initiatives would broadly be consistent with the element objectives of the Built Form Policy. Separately the lack of landscaping and the dark roof colours would be inconsistent with the relevant objectives as set out above. The use of dark colours and lack of landscaping would be inconsistent with the relevant element objectives of the Built Form Policy. This comment is noted. The applicant has not provide any modelling of emissions from the proposed application to demonstrate the risk to the community.

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<ul style="list-style-type: none">• The plan does identify bunding or spill containment. The location of the new fuel vessel (and refuelling point for tankers) is adjacent to a crossover that slopes down to the street which represents a risk to the community that should be addressed.• Due to its age, the building would be unlikely to meet the current environmental and sustainability standards as it has been left in its original state for over 40 years and previously environmental impacts were not considered as important.	<ul style="list-style-type: none">• The location of the fuel bowsers is generally consistent with the previous approved location. The application would be required to contain run-off and address the management of spills through a condition of approval.• This comment is noted. The re-use of the existing building and incorporation of sustainability initiatives would result in an improved outcome compared to the existing building.
Comments Received Expressing Concern:	Administration Response:
<p><u>Potential Use</u></p> <p>The site is suitable for use as a craft brewery but given it was previously a petrol station, there is no issues with it returning to its previous use.</p>	<p>This comment is noted.</p>

Note: Submissions are considered and assessed by issue rather than by individual submitter.

DRP Chair Comments (17 June 2024)

Design quality evaluation

	<i>Supported</i>
	<i>Pending further attention – refer to detailed comments provided</i>
	<i>Not supported</i>
	<i>Not Applicable to proposed development</i>

Strengths of Proposal

- Increasing the amount of windows on the north facade is supported
- The renovation and re-use of the existing building is supported from an ESD perspective
- All openings to the building will receive passive shading from the main bowser area canopy

Design Principles

<p>Principle 1 - Context and character</p>		<p><u>Principle</u></p> <p><i>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</i></p> <ul style="list-style-type: none"> • The proposed colours and additions don't appear to respond to or compliment the area's surrounding context and character. The applicant is encouraged to submit an Urban Design Study and undertake analysis of the surrounding area's built form character allowing it to inform the proposal's form, architectural language, materiality and colours • The proposal seeks to decrease the existing level of streetscape interactivity by filling in the existing roller door on the east facade as well as the window on the rear (south) laneway elevation • The existing structure is much loved by the local community and has a very specific character which would be highly suited to an adaptive re-use proposal converting the structure into a Restaurant or Cafe as has taken place on a number of previous petrol stations, car-yards and mechanics shops within the City of Vincent. The treatment of the existing building / structure including the branding, colours and materiality negatively impact on (or don't retain or reference) the character of the existing building • It's acknowledged the current proposal is an renovation of an existing building / use however the proposed use is generally not ideal in a pedestrian orientated Town Centre location given the change that has occurred in this area recently • The bin-store is positioned in a location that is highly visible from the public realm which is not supported. The bin-store is not shown on the elevations and the proposal provides minimal information relating to the treatment of the enclosure •
<p>Principle 2 - Landscape quality</p>		<p><u>Principle</u></p> <p><i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</i></p>

	<ul style="list-style-type: none"> • Virtually no landscaping is proposed on the site which is not supported in this location. Generous landscaping is one option to contribute to the surrounding streetscapes and local community especially considering the use of the site • The applicant is strongly encouraged to engage a Landscape Architect and consider all opportunities to increase planting areas, Deep Soil Zone and canopy coverage on the site in order to meet the City's policy requirements in relation to landscaping • The application is encouraged to provide detail in relation to plant species, plant pot and tree sizes (when planted) and reticulation. Native planting species are encouraged • Can the amount of parking bays on the site be reduced in order to remove the amount of driveway / hard ground surface which currently dominates the site and increase the amount of soft landscaping on the site? • The east elevation currently show landscaping that is not show on the plan and is not feasible given the site planning
Principle 3 - Built form and scale	<p><u>Principle</u></p> <p><i>Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.</i></p> <ul style="list-style-type: none"> • No comments. Supported based on the proposal being a renovation of the existing building / site
Principle 4 - Functionality and build quality	<p><u>Principle</u></p> <p><i>Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.</i></p> <ul style="list-style-type: none"> • Limited information is provided on the drawings in relation to the internal layout of the control building to assess its functionality. The applicant is encouraged to include this information on the drawings • It's assumed the building will be air-conditioned however the AC external unit is not shown on the drawings. The applicant is encouraged to show this on the drawings and ensure it is located or screened to ensure it is not visible from the public realm • The distance between petrol bowser 1/2 and the parking bays is not shown however appears tight in relation to accommodating turning by larger vehicles • Painting the existing roof rather than replacing the roof is not an optimal outcome in terms of generating a robust outcome and minimising future aesthetic / maintenance requirements.
Principle 5 - Sustainability	<p><u>Principle</u></p> <p><i>Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.</i></p> <ul style="list-style-type: none"> • The applicant is encouraged to engage an ESD professional to input into the project and submit an ESD Report for the project. This should include confirmation the proposal can achieve a 5 star Greenstar outcome or include a Life Cycle Assessment • The drawings note PV solar panels and rainwater re-use will be incorporated however no details are provided in relation to these items and neither are shown on the drawings. All ESD initiative should be integrated with the built form • The applicant is encouraged to consider integrating further renewable technologies such as no gas (all electric), efficient heat pump HWS and generous native landscaping on the site etc. • The proposed external facade and roof are dark colours. The applicant is encouraged to consider lighter colours to minimise heat absorbance especially in relation to the roof colour in order to comply with the City's policy requirements.

Principle 6 - Amenity		<p><u>Principle</u></p> <p><i>Good design optimises internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.</i></p> <ul style="list-style-type: none"> • Not applicable given the use.
Principle 7 - Legibility		<p><u>Principle</u></p> <p><i>Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.</i></p> <ul style="list-style-type: none"> • The legibility of the main entrance could be further strengthened and visually differentiated from the adjacent full height windows through the proposal's architectural language and form. This is only currently legible by the signage above the door which is not part of this application.
Principle 8 - Safety		<p><u>Principle</u></p> <p><i>Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.</i></p> <ul style="list-style-type: none"> • The proposal seeks to fill in the existing roller door on the east facade as well as a window on the rear (south) laneway elevation which decreases the level of passive surveillance of a portion of the Woodville Street interface as well as the rear laneway and is not supported. The applicant is encouraged to retain or add new windows to these facades to increase passive surveillance of the adjoining streetscape and rear laneway.
Principle 9 - Community		<p><u>Principle</u></p> <p><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> <ul style="list-style-type: none"> • The proposal is under-developed in terms of the built form outcome envisaged within the City's current planning framework for a Town Centre location • Generous high quality landscaping on the site is one opportunity to contribute to the streetscape and surrounding local community. Virtually no landscaping is currently proposed • Refer to comments in the Context & Character Principle in relation to the use on a Town Centre location site and the potential for a more sensitive adaptive re-use proposal in keeping with and retaining more of the existing buildings unique character • The existing crossovers appear excessive in a pedestrian orientated Town Centre location as well as in relation to the functionality / access required to the site. It's acknowledged this is a renovation of an existing building maintaining the existing use however the applicant is encouraged to consider reducing the extent of existing crossover where possible to align with the minimum access required to the site.
Principle 10 - Aesthetics		<p><u>Principle</u></p> <p><i>Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.</i></p>

	<ul style="list-style-type: none">• The proposed colours and additions don't appear to respond to or compliment the area's surrounding context and character. The applicant is encouraged to submit an Urban Design Study and undertake analysis of the surrounding area's built form character allowing it to inform the proposal's form, architectural language, materiality and colours• The proposed external elevations on the rear laneway interface and Woodville Street interface includes no articulation of form, diversity of materiality, texture and colour which is not supported in a Town Centre location• The treatment of the existing building / structure including the branding, colours and materiality negatively impact on (or don't retain or reference) the unique character of the existing building.• The applicant is encouraged to consider retaining, displaying and celebrating some unique items from the existing building / structure.•
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