

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.

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<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.

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<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.

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<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 	

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<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>	

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<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.

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<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.

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<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.

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<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.

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<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.

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<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.

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<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>

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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.