

9.3 NO. 17-19 (LOTS: 33 & 51, D/P: 1554 & 72073) BRISBANE STREET, PERTH - PROPOSED ALTERATIONS AND ADDITIONS TO SERVICE STATION

Ward: South

- Attachments:**
1. Consultation and Location Map
 2. Development Plans
 3. Applicant's Urban Design Study
 4. Transport Impact Statement
 5. Acoustic Report
 6. Anti-Social Behaviour Management Plan
 7. Land Use Context Map
 8. Advertised Plans (Superseded)
 9. Summary of Submissions - Administration's Response
 10. Summary of Submissions - Applicant's Response
 11. Determination Advice Notes

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the application for Alterations and Additions to Service Station at Nos. 17-19 (Lots: 33 & 51; D/P: 1554 & 72073) Brisbane Street, Perth, in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 11:

1. Development Plans

This approval is for Alterations and Additions to Service Station as shown on the approved plans dated 17 May 2021, ~~and~~ 8 October 2021 and 11 November 2021. No other development forms part of this approval;

2. Use of Premises

This approval is for a Service Station as defined in the City of Vincent Local Planning Scheme No. 2:

***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;*

3. Building Design

- 3.1 Doors, windows and adjacent floor areas fronting Brisbane Street shall maintain an active and interactive relationship with this street. Ground floor glazing and/or tinting shall be a minimum of 70 percent visually permeable to provide unobscured visibility. Darkened obscured, mirrored or tinted glass or other similar materials as considered by the City is prohibited; and
- 3.2 All external fixtures, such as television antennas (of a non-standard type), radio and other antennae, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;
- 3.3 The colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans which forms part of this approval, to the satisfaction of the City; and

3.4

3.5 A non-sacrificial anti graffiti coating shall be applied to the external surfaces of the development prior to the occupation or use of the development, and thereafter maintained, to the satisfaction of the City;

4. Boundary Walls

The surface finish of boundary walls facing an adjoining property shall be of a good and clean condition, prior to the occupation or use of the development, and thereafter maintained, to the satisfaction of the City. The finish of boundary walls is to be fully rendered or face brick, or material as otherwise approved, to the satisfaction of the City;

5. Landscaping

5.1 A detailed landscape and reticulation plan for the development site and adjoining road verge shall be lodged with and approved by the City prior to issue of a Building Permit. The plan shall be drawn to a scale of 1:100 and show the following:

- The location and type of proposed trees and plants;
- Areas to be irrigated or reticulated;
- The provision of a minimum of 5.3 percent deep soil and planting areas as defined by the City's Policy No. 7.1.1 – Built Form;
- The provision of a minimum of nine trees contributing towards canopy coverage within the deep soil areas and planting strips provided along Brisbane Street and its intersection with Pier Street, with a minimum of 4.3 percent of the northern car park bays provided with canopy coverage. The tree species are to be in accordance with the City's recommended tree species list;
- The provision of a planting area and two 100 litre broad leaf paperbark trees to the east of the site along Pier Street in the cross-hatched bitumen area located to the north of the two existing on-street car bays indicated on the approved development plans; and

5.2 Prior to the occupation or use of the development, all works shown in the plans as identified in Condition 5.1 shall be undertaken in accordance with the approved plans and maintained thereafter, to the satisfaction of the City, at the expense of the owners/occupiers. The installation of the planting area and trees in the verge shall be undertaken in consultation with the City's Parks and Engineering teams;

6. Car Parking, Access and Bicycle Facilities

6.1 Prior to the occupation or use of the development, five car parking bays and related access ways as shown on the approved plans shall be constructed and thereafter maintained in accordance with Australian Standard AS2890.1;

6.2 All driveways, car parking and manoeuvring area(s) which form part of this approval shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner/occupier to the satisfaction of the City; and

6.3 Prior to the occupation or use of the development, a minimum of two short-term bicycle parking bays and one long-term bicycle parking bay shall be provided on site. The design and construction of the bike bays shall be in accordance with Australian Standards AS2890.3 : 2015 Parking Facilities Part 3: Bicycle Parking;

7. Signage

7.1 All signage is to be in strict accordance with the City's Policy No. 7.5.2 – Signs and Advertising, unless further development approval is obtained;

7.2 Illuminated signage shall:

- 7.2.1 Not cause a nuisance, by way of light spillage, to abutting sites;
- 7.2.2 Not comprise flashing, intermittent or running lights, or images that change more than once in any five minute period;
- 7.2.3 Not interfere with or be likely to be confused with, traffic control signals; and
- 7.2.4 Not exceed 300cd/m² (candela per square metre) between sunset and sunrise;
- 7.3 All signage shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site; and
- 7.4 The signage shall not include third-party advertising or advertise products or services which are not available on the site;

8. Acoustic Report

All of the recommended measures included in the approved Acoustic Report (Reverberate Consulting, 11 May 2021) shall be implemented as part of the development, to the satisfaction of the City prior to the use or occupation of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

9. Anti-Social Behaviour Management Plan

- 9.1 The development shall operate in accordance with the approved 'Management Plan – Anti-Social Behaviour' dated August 2021 at all times, to the satisfaction of the City. All of the recommended measures included shall be implemented as part of the development, to the satisfaction of the City prior to the use or occupation of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers; and
- 9.2 The Anti-Social Behaviour Management Plan is to be reviewed to the satisfaction of the City:
 - 9.2.1 every 24 months or as improvements are identified by the operator or the City; and
 - 9.2.2 within 30 days of a change of the Service Station operator;
- 9.3 The purpose of the review as set out in condition 9.2 above is to consider whether any additional and/or updated measures are required in response to the presence of or potential risk of anti-social behaviour at or around the Service Station as identified through any issues or complaints received by the City or in the incident register maintained by the operator; and
- 9.4 Any changes identified during a review as set out in condition 9.2 and 9.3 above are to be incorporated into an updated Anti-Social Behaviour Management Plan, and approved by the City. The development shall operate in accordance with the Anti-Social Behaviour Management Plan as amended from time to time to the satisfaction of the City;

10. Waste and Servicing Management

Prior to the issue of a building permit, a Waste and Servicing Management Plan shall be submitted to and approved by the City. The plan must include the following details to the satisfaction and specification of the City of Vincent:

- The location of bin storage areas and bin collection areas;
- The number, volume and type of bins, and the type of waste to be placed in the bins;
- Details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas;
- Frequency of bin collections;
- Size of vehicles to be used for the purposes of general deliveries, rubbish collection and fuel deliveries; and

- Timing of deliveries and rubbish collection, including that fuel and other deliveries to the service station shall only occur between 7:00am and 7:00pm on Monday to Saturday;

The Waste and Servicing Management Plan must be implemented at all times to the satisfaction of the City; and

11. Stormwater

- 11.1 Stormwater from all roofed and paved areas shall be collected and contained on site. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve; and
- 11.2 Prior to the issue of a building permit, a geotechnical report prepared by a qualified consultant shall be submitted to and approved by the City. This report is to demonstrate if on-site retention of stormwater is possible, or if connection to the City's drainage system is required. All stormwater produced on the subject land shall be retained on site, or connected to the City's drainage system at the expense of the applicant/landowner, in accordance with the recommendations of the approved geotechnical report, to the satisfaction of the City.

PURPOSE OF REPORT:

To consider an application for development approval for alterations and additions to an existing service station at Nos. 17-19 Brisbane Street, Perth (subject site).

PROPOSAL:

The application proposes to upgrade and modify the building and operations of the existing service station that has previously been approved at the subject site. The application proposes the following:

- Retaining the existing building with removal of the mechanical workshop component and expansion in the size of the store component;
- Replacing the existing canopy with a new smaller canopy in a butterfly design. There would be the same number of fuel bowsers and the four refuelling positions would be maintained;
- Installing new fuel tanks and fuel lines;
- Replacing the existing fuel price sign with a new 6.0 metre high monolith fuel price sign at the corner of Brisbane Street and Pier Street;
- Retaining the existing vehicle access points with modifications to car parking bays and landscaping within the lot;
- Upgrading the existing building facades, including new colours, materials and signage; and
- Operating the service station 24 hours, 7 days a week (24/7). The service station was previously operated by Liberty and had operating hours of 7am to 6pm Monday to Friday, 7am to 1pm on Saturday and was closed on Sunday.

The changes proposed to the existing service station are associated with a new operator of the site.

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

The applicant's supporting documentation, including an urban design study, transport impact statement (TIS), acoustic report and anti-social behaviour management plan are included as **Attachments 3, 4, 5** and **6** respectively.

BACKGROUND:

Landowner:	OTR 333 Pty Ltd
Applicant:	Peter Webb & Associates
Date of Application:	17 May 2021
Zoning:	MRS: Urban LPS2: Zone: Mixed Use R Code: R80
Built Form Area:	Mixed Use

Existing Land Use:	Service Station and Ancillary Mechanical Workshop / Lube Bay
Proposed Use Class:	Service Station
Lot Area:	698m ²
Right of Way (ROW):	No
Heritage List:	No

Site Context and Zoning

The subject site is bound by Brisbane Street to the north, Pier Street to the east and commercial properties to the west and south. A location plan is included as **Attachment 1**.

The subject site is located at the corner of Brisbane Street and Pier Street. The existing building, containing the store and mechanical workshop, is located on the southern side of the site. A hardstand area for vehicle parking and access is located to the north of this building along Brisbane Street and Pier Street. There are two vehicle crossovers which provide access to the site from Brisbane Street and from Pier Street.

The subject site and adjoining properties to the north, west and south are zoned Mixed Use R80 under the City's Local Planning Scheme No. 2 (LPS2). They are also within the Mixed Use built form area under the City's Policy No. 7.1.1 – Built Form (Built Form Policy).

HBF Park is located adjacent to the east and is reserved Parks and Recreation under the Metropolitan Region Scheme. HBF Park (Perth Oval) is a heritage-listed place which is included on the State Register and the City's Municipal Heritage Inventory as a Management Category A place.

The subject site was previously within the City of Perth municipal area and was zoned General Commercial C3 under the City of Perth's City Planning Scheme gazetted in 1985. In 1994 the Town of Vincent was created, and the City Planning Scheme was repealed when Town Planning Scheme No.1 was gazetted in 1998. TPS1 was repealed when LPS2 was gazetted in 2018.

The surrounding development context of the site generally consists of single and two storey residential and commercial development. Residential development is concentrated to the north along Bulwer Street and to the south-west along Lacey Street, while commercial development is concentrated along Brisbane Street and Stirling Street to the west, and Pier Street to the south. Of the immediately adjoining properties:

- Nos. 329-337 Pier Street to the south are used for commercial purposes, including offices and consultancies. No. 337 Pier Street previously included a residential use but this has recently ceased;
- Nos. 30-32 Lacey Street to the south-west are used for residential purposes;
- Nos. 23-25 Brisbane Street to the west are used for commercial purposes, including offices and consultancies;
- Nos. 24-28 Brisbane Street to the north located adjacent to the site are used for commercial purposes, including offices and consultancies; and
- No. 18 Brisbane Street to the north located adjacent to the site is a mixed use development with commercial tenancies on the ground floor, including a shop and office, and residential apartments above.

These properties are shown on the land use context map included in **Attachment 7**.

Approval History

On 15 September 1986 the City of Perth issued a planning approval for a service station with ancillary mechanical workshop / lube bay at the subject site.

The proposal included a service station and workshop with a total area of 200 square metres, which included spaces for the workshop, an office, a small shop and associated storage. Four on-site car parking bays were provided with vehicle access provided from Pier Street and Brisbane Street.

The planning approval was subject to one condition relating to a landscape plan being submitted. No operating hours were specified for the development and there was not a condition of approval restricting operating hours.

A service station has operated at the subject site since this approval until present. The service station was previously operated by Liberty and had operating hours of 7am to 6pm Monday to Friday, 7am to 1pm on Saturday and was closed on Sunday.

Site Contamination Status

The Department of Water and Environmental Regulation (DWER) notified the City of a potential contamination issue at the subject site on 21 June 2021 and visited the affected premises at No. 333 Pier Street on 24 June 2021.

The issue was described as a 'gas/chemical odour' that could be smelt inside of the property but not outside. The City sought the assistance of DWER, the Department of Health (DoH), and the Department of Mines, Industry Regulation and Safety (DMIRS) to assist in investigating the issue. DWER are leading the investigation and are the responsible authority for all correspondence and government actions.

It has since been determined by DWER that the odour was caused by a leak originating from the existing service station. This has contaminated the soil and groundwater to the south-west of the subject site.

Currently the properties at Nos. 331-333 and Nos. 335-337 Pier Street have been confirmed to be affected and contain high levels of benzene gas inside. Due to this the occupants of the residential use at No. 337 Pier Street vacated the property on 18 August 2021. As the other properties are either vacant or used for commercial purposes they were not required to be vacated.

A soil vapour extraction system was installed at the existing service station on 27 August 2021 and has succeeded in lowering the gas levels inside the properties to safe levels. Further monitoring by DWER is being conducted to assess the extent of the soil/groundwater contamination, and remediation works are due to be completed in the coming months by the landowner.

DWER has officially classified the subject site as 'Contaminated, remediation required' under the *Contaminated Sites Act 2003*, while the affected properties have been classified as 'Possibly contaminated – investigation required'. DWER is currently liaising with the landowner on further monitoring/remediation works and timelines for these to be completed. The subject site has been considered high priority by the DWER and a remediation action plan has been requested from the landowner by April 2022. It is expected that remediation works will begin before then.

The contamination status and ongoing remediation of the subject site will be dealt with by DWER under the *Contaminated Sites Act 2003*. This is separate to Council's consideration of the subject planning application under the *Planning and Development Act 2005*.

DETAILS:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the City's LPS2, Built Form Policy, Policy No. 7.5.2 – Signs and Advertising (Signage Policy), Policy No. 7.5.21 – Sound Attenuation (Sound Attenuation Policy), Policy No. 7.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties (Heritage Policy) and Policy No. 7.7.1 Non-Residential Development Parking Requirements (Parking 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.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Building Height	✓	
Street Setback	✓	
Side and Rear Setbacks	✓	
Orientation	✓	
Landscaping		✓
Visual Privacy	✓	
Public Domain Interface	✓	
Pedestrian Access and Entries	✓	
Vehicle Access	✓	

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Car and Bicycle Parking		✓
Managing the Impact of Noise	✓	
Universal Design	✓	
Façade Design		✓
Roof Design	✓	
Adaptive Reuse	✓	
Environmentally Sustainable Design		✓
Water Management and Conservation	✓	
Waste Management	✓	
Utilities	✓	
Signage		✓
Guidelines for Development Adjacent to Heritage Listed Places	✓	

Detailed Assessment

The deemed-to-comply assessment of the elements that require the discretion of Council is as follows:

Landscaping	
Deemed-to-Comply Standard	Proposal
<p>Built Form Policy Volume 3 Clauses 1.5 and 1.10</p> <p>12% of the site area as deep soil zones and 3% as planting areas.</p> <p>Open air car parks shall have a minimum of 60% canopy coverage at maturity.</p> <p>Open air car parks shall be landscaped at a minimum rate of one tree per four car bays.</p> <p>The perimeter of all open-air car parking areas to be landscaped by a planting strip with a minimum dimension of 1.5m.</p>	<p>5.3% (36.8m²) of the site area as deep soil zones and planting areas.</p> <p>The northern car parking bays would have 4.3% canopy coverage. The western car parking bays would have no canopy coverage.</p> <p>The northern car parking bays would have one tree per bay. The western bays would have no trees.</p> <p>The northern car parking bays would have a planting strip with a dimension of 0.5m. The western bays would have no planting strip.</p>
Car and Bicycle Parking	
Deemed-to-Comply Standard	Proposal
<p>Built Form Policy Volume 3 Clause 1.10 and Parking Policy</p> <p>There is no specified car or bicycle parking standard for a Service Station land use. This is to be determined on a site specific parking management plan.</p>	<p>A transport impact statement has been provided.</p> <p><u>Car Parking</u> 5 bays provided.</p> <p><u>Bicycle Parking</u> 2 short term bays provided.</p>
Façade Design	
Deemed-to-Comply Standard	Proposal
<p>Built Form Policy Volume 3 Clause 1.13</p> <p>Commercial building facades visible from the public realm shall minimise use of shallow framing systems and thin wall/glazing systems.</p> <p>Doorways shall have a depth between 500mm and 1.5m to clearly articulate entrances to commercial</p>	<p>Shallow framing and thin wall/glazing systems are used in the Brisbane Street façade, with window depths varying from approximately 50mm to 150mm.</p> <p>The doorway is made up of glass sliding doors which sit in line with the remainder of the building façade to</p>

buildings and tenancies. Windows, seating ledges, sills, stall risers and other detailing shall have a minimum depth of 300mm.	the Brisbane Street façade and are not recessed behind it. The depth standard is not provided to these features in the building façade to Brisbane Street, with window depths varying from approximately 50mm to 150mm.
Environmentally Sustainable Design	
Deemed-to-Comply Standard	Proposal
Built Form Policy Volume 3 Clause 1.17 Development achieves one of the environmental performance standards shown below, or their equivalent: <ul style="list-style-type: none"> • Green Star Rating; • Life Cycle Assessment; or • Sustainability of Construction Works – Assessment of Environment Performance of Buildings. 	No report has been provided to demonstrate that the development will achieve one of the standards specified.
Signage	
Deemed-to-Comply Standard	Proposal
Signage Policy <u>Standards Commons to All Signs</u> Illuminated signage to have a minimum clearance of 2.75m from finished ground level. The total signage area is not to exceed 10% of the total area of the building wall. <u>Monolith Sign Standards</u> A monolith sign is not to exceed 6 metres in height or 2m in width. No more than two monolith signs are permitted on a corner lot. No more than one freestanding sign is permitted on a lot. <u>Wall Sign Standards</u> No more than two wall signs are permitted on any one wall. The total wall signage area is not to exceed 10% of the total area of the building wall.	The sign numbers are listed on elevation plans included as Attachment 2 . Sign 5 (monolith sign) has a clearance of 0.7m, Sign 6 (wall sign) has a clearance of 1.2m and Sign 9 (monolith sign) has a clearance of 0.3m. The total signage area on the building facade to Brisbane Street is 12.9% (16.1m ²) of the building wall. Sign 9 (monolith sign) would have a height of 6.0m and a width of 2.3m. Three freestanding monolith signs are proposed, being Sign 4 (non-illuminated placard), Sign 5 (digital panel) and Sign 9 (corner fuel price sign). Three wall signs are proposed on the building façade to Brisbane Street, being Sign 1 (logo/slogan lettering), Sign 2 (coffee cup) and Sign 6 (LED panel). The total wall signage area on the building façade to Brisbane Street is 11.4% (14.3m ²) of the building wall.

The above elements of the proposal do not meet the specified deemed-to-comply standards and are discussed in the Comments section below.

CONSULTATION/ADVERTISING:

Community consultation was undertaken in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* for a period of 21 days from 15 July 2021 to 4 August 2021. The method of consultation included notice on the City's website, 36 letters mailed to all owners and occupiers of the properties adjoining the subject site, as shown in **Attachment 1**, a sign on-site, and notice in the Eastern Reporter newspaper in accordance with the City's (then) Policy No. 4.1.5 – Community Consultation.

At the conclusion of the consultation period a total of 15 submissions were received, all of which objected to the proposal. The submissions raised the following concerns:

- Increased noise from the operations of the service station and this occurring 24/7;
- Increased anti-social behaviour in the area and associated impacts of noise, litter, property damage and safety. The lack of a management strategy to address this issue;
- The area is already adequately serviced by similar service stations, convenience stores and supermarkets. A 24/7 service station and convenience store is unnecessary in this location;
- Impacts of increased traffic and demand for car parking, and associated impacts of noise, safety and less parking availability on neighbouring streets;
- Lack of bicycle parking;
- The extent of signage and illumination is excessive. This as well as the contemporary design of the building would adversely impact the streetscape and does not respect the surrounding context;
- The 7 metre height of the monolith sign is inappropriate, would block views and detract from the surrounding area;
- Increased light pollution from the illuminated signage and car lights associated with the 24/7 operations;
- Lack of landscaping and trees proposed;
- The proposal would detract from the adjacent heritage-listed HBF Park and Perth Oval entry gates;
- Impacts on privacy of neighbouring residences;
- Increased pollution and litter in the area. Impacts of odour and fumes associated with the service station; and
- Lack of features of environmentally sustainable design incorporated.

A copy of the plans that were advertised during community consultation are included in **Attachment 8**.

The applicant submitted amended plans and additional information to address the departures from the Built Form Policy standards and the concerns raised during the community consultation period. These are summarised as follows;

- An anti-social behaviour management plan, included as **Attachment 6**;
- Additional information to address pollution, odour and noise impacts;
- Increased landscaping, including the addition of small trees adjacent to the car parking bays and monolith sign;
- The addition of a bicycle rack to accommodate two short-term bicycle bays;
- Reduction in height of the monolith fuel price sign from 7.0 metres to 6.0 metres; and
- Reduction in signage on the Pier Street façade, reduction in signage on the Brisbane Street façade which is illuminated and removal of the sign on the canopy.

A summary of the submissions received along with Administration's comments on each are provided in **Attachment 9**. The applicant also provided a written response to the submissions received, as provided in **Attachment 10**.

Department of Water and Environmental Regulation (DWER)

The proposal was referred to DWER for comments due to the contamination status of the subject site. DWER advised that it had no objection to the continued use of the subject site as a service station.

Given the risks associated with the likely disturbance of contaminated soil and the possibility of dewatering during construction, DWER recommended two advice notes for inclusion in any approval issued which are included in **Attachment 11**. These relate to the site being affected by acid sulfate soils and any development needing to follow DWER's acid sulfate soil guidelines, and to an appropriate management plan needing to be prepared to address potential exposure of soil and groundwater contamination during works to the satisfaction of DWER.

Department of Mines, Industry Regulation and Safety (DMIRS)

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

DMIRS recommended four advice notes for inclusion in any approval issued which are included in **Attachment 11**. These relate to any new underground fuel tanks meeting the requirements of the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007*. They also relate to any

decommissioning works and the removal of the existing underground fuel tanks receiving the relevant permits, satisfying the relevant Australian Standards and being carried out by qualified and experienced specialists.

DMIRS had no objection to the proposal provided these requirements are satisfied.

Heritage Council

The proposal was referred to the Heritage Council for comments due to its proximity to the State Registered Place known as Perth Oval.

The Heritage Council considered the proposal in the context of the identified cultural heritage significance of Perth Oval. The Heritage Council stated that it is a significant place that as a whole, and the entry gates building in particular, characterises a way of life and activity that is highly valued by the community.

The Heritage Council concluded their comments by confirming that the proposal would not impact on the identified cultural heritage significance of Perth Oval.

Design Review Panel (DRP):

Referred to DRP: Yes

The proposal was referred to the Chair of the City's DRP for comments. The development plans referred are included in **Attachment 8**. The following key comments were provided by the DRP Chair:

- The applicant has considered the surrounding precinct and visibility of this site from both site planning and aesthetic points of view;
- The language of the building, detail, colours and materials is in keeping with the convenience store function and is acceptable. It is transparent and the space planning is logical and functional;
- The building and the canopy have opened up the corner site and created a forecourt for drive through, pick up and go, and visitation by pedestrians;
- The building requires visibility and transparency so the level of landscaping proposed is in keeping with its location and its function, and is appropriate;
- The site planning addresses the corner and drive through nature of the use. The transparent façade addresses the corner site;
- The departures from the Built Form Policy standards are appropriate and the policy is adhered to with regards to the various elements of the building;
- The level of signage is appropriate and addresses the 180 degree nature of the site; and
- The proposed façade uses a contemporary language of a convenience store facility and would not detract from the oval entry gates of HBF Park.

The applicant made changes to the plans after the comments made by the DRP Chair were received. These changes are outlined in the Consultation/Advertising section of this report and the updated plans are included as **Attachment 2**.

These changes did not require referral to the DRP Chair. This is because the changes sought to reduce departures from the policy framework and to address concerns raised during community consultation, and do not affect the overall site planning, façade design or built form of the proposal.

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Local Planning Scheme No. 2;
- Community and Stakeholder Engagement Policy;
- Policy No. 7.1.1 – Built Form;
- Policy No. 7.5.2 – Signs and Advertising;
- Policy No. 7.5.21 – Sound Attenuation;
- Policy No. 7.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties;
- Policy No. 7.7.1 – Non-Residential Development Parking Requirements;
- Western Australian Planning Commission Transport Impact Assessment Guidelines for Developments;

- Western Australian Planning Commission State Planning Policy 4.1 – State Industrial Buffer; and
- Environmental Protection Authority Guidance Statement No. 3 – Separation Distances between Industrial and Sensitive Land Uses.

Planning and Development Act 2005

In accordance with Schedule 2, Clause 76(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Part 14 of the *Planning and Development Act 2005*, the applicant would have the right to apply to the State Administrative Tribunal for a review of Council's determination.

State Planning Policy 4.1 – State Industrial Buffer (SPP 4.1) and Environmental Protection Authority Guidance Statement No. 3 – Separation Distances between Industrial and Sensitive Land Uses (EPA Guidance Statement)

Clause 67(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Planning Regulations) sets out that the local government in considering an application for development approval is to have due regard to a set of matters to the extent that, in the opinion of the local government, those matters are relevant to the development subject of the application. This includes Clause 67(c), any approved State planning policy.

The purpose of SPP 4.1 is to provide a consistent State wide approach to define and secure buffer areas to protect industry, infrastructure and special uses from the encroachment of incompatible uses, and to provide for the safety and amenity of these incompatible uses. It sets out that off-site buffer areas are to be defined for industry, infrastructure and special uses to comply with accepted environmental criteria on the advice of the Environmental Protection Authority (EPA).

The EPA Guidance Statement provides further guidance on the implementation of SPP 4.1, recommending generic buffer distances intended to mitigate impacts of industrial developments on sensitive land uses and to avoid conflicts between these land uses. It sets out that these generic buffer distances apply where a new industrial land use is proposed near existing or proposed sensitive development, or sensitive development is proposed near an existing or proposed industry.

A service station is classified as an industrial land use under the EPA Guidance Statement, but the application is for the upgrade of and additions to an existing service station. The proposal is not for a new industrial land uses or for a new sensitive development. For this reason SPP 4.1 and the EPA Guidance Statement are not relevant to the proposal and in the determination of the application.

Delegation to Determine Applications:

This matter is being referred to Council for determination in accordance with the City's Register of Delegations, Authorisations and Appointments. This is because the delegation does not extend to applications for development approval that received more than five objections during the City's community consultation period.

RISK MANAGEMENT IMPLICATIONS:

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

The subject site's classification as 'Contaminated, remediation required' is not a risk to Council and the City's business function in Council exercising its discretion to determine the application. The contamination status and ongoing remediation of the subject site will be dealt with by DWER under the *Contaminated Sites Act 2003*. This is separate to Council's consideration of the application under the *Planning and Development Act 2005*.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Community Plan 2018-2028:

Innovative and Accountable

We are open and accountable to an engaged community.

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

Mitigate the impact of public health emergencies

Reduced injuries and a safer community

This is outlined in the Environmental Considerations section below.

FINANCIAL/BUDGET IMPLICATIONS:

There are no finance or budget implications of this report.

COMMENTS:Land Use and Previous Approval

In 1986 the City of Perth approved a service station with ancillary mechanical workshop/lube bay at the subject site under the City Planning Scheme. This approval included a store as part of the service station. It did not include any specified operating hours or restrictions on these hours as part of the terms of approval.

The City Planning Scheme defined a Service Station land use as follows:

"Service station" means any land or building use for:

- a) *the supply of petroleum products and auto-motive accessories; or*
- b) *those purposes and the provision of lubrication and greasing services, tyre repairs and minor mechanical repairs.*

This previous approval and definition establishes that the subject site has existing land use rights for a service station. This includes the fuel bowsers and a store which supplies petroleum products and auto-motive accessories. It also establishes that there is no restriction on the operating hours for the service station.

The City Planning Scheme has since been repealed and the subject site is now within the jurisdiction of the City of Vincent. A service station is now defined under LPS2 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;*

The service station definition has changed under LPS2 and permits service station store to sell goods of a convenience nature alongside petroleum products and motor vehicle accessories.

Under the existing approval, the service station building had a total floor area of 256 square metres, of which 34 square metres was set aside for a store and office, with the remaining 222 square metres set aside for the mechanical workshop.

Under the proposal, the service station would continue to have four fuel bowsers but would change by removing the mechanical workshop component of the use and increasing the size of the store component.

The existing building would be retained and modified to have a reduced total floor area of 234 square metres. This space would be wholly set aside for use as a store, with no mechanical workshop component. The store would sell petroleum products, motor vehicle accessories and goods of a convenience nature.

The components of the proposal that would remain the same as the existing use approval is the subject site would continue to be used as a service station, which includes fuel bowsers and a store for the sale of petroleum products and motor vehicle accessories. The site has existing use rights for these components due to the existing approval. The existing approval did not include any specified operating hours or restrictions on hours, allowing these activities to occur 24/7 as attached to the existing use rights.

The components of the proposal that would be a change from the existing use approval is the store would be increasing in size and would sell goods of a convenience nature. These changes do not require the land use to be reassessed for the following reasons:

- The store is a component of and part of the existing service station use;
- Although the store component would increase in size, the mechanical workshop component would be removed. The total building floor area used for activities permitted under the definition of a service station would decrease in comparison to the previous approval; and
- The definition of a service station under LPS2 permits the sale of goods of a convenience nature to occur alongside the sale of petroleum products and motor vehicle accessories. The addition of the sale of these goods alongside other products and accessories does not fundamentally change how the store would operate.

Land Use and Operating Hours

For the reasons above the land use of the proposal is not subject to Council's discretion in determining the application, as it is consistent with the service station definition under LPS2 and the existing approval.

Council is only considering this application as proposed alterations and additions (works) to the service station. In exercising its discretion in determining this application, Council is required to consider the appropriateness of the proposed works against relevant matters contained in the planning framework. This includes standards prescribed in the City's local planning policies; the extent of off-site amenity impacts associated with lighting, traffic, noise and environmental considerations; and relevant matters raised during community consultation including anti-social behaviour and heritage impacts.

Under the previous approval there are no restrictions on operating hours, and a service station could operate 24 hours under this without needing further approval. Notwithstanding, the operating hours are relevant to Council's consideration of the extent of off-site amenity impacts resulting from the proposed works, including lighting, traffic and noise.

Administration's comments in respect to each of the relevant matters outlined above is provided below. Restrictions on operating hours in relation to off-site amenity impacts are not recommended for these reasons.

Landscaping

The Built Form Policy acceptable outcomes set out that the development is to provide at least 12 percent of the site area as deep soil zones and 3 percent as planting areas. The application proposes 5.3 percent of the site area as deep soil zones and planting areas.

The Built Form Policy acceptable outcomes also set out that open air car parks are to have a minimum of 60 percent canopy coverage at maturity, be landscaped at a minimum rate of one tree per four car bays and have the perimeter landscaped by a planting strip with a minimum dimension of 1.5 metres. The application proposes the northern car park area adjacent to Brisbane Street to have 4.3 percent canopy coverage, one tree per car bay and to have a planting strip with a minimum dimension of 0.5 metres. The application proposes the western car park area adjacent to the building to not have any canopy coverage, trees or planting strip.

The proposed landscaping would satisfy the element objectives of the Built Form Policy for the following reasons:

- The location of the landscaping in the north east corner of the site and along the Brisbane Street frontage would soften the appearance of the building, vehicle parking and manoeuvring areas, and the

monolith fuel price sign at the corner of Brisbane Street and Pier Street as viewed from the street and adjacent properties on the opposite side of Brisbane Street;

- The application proposes nine small trees in the deep soil zones and planting strips along Brisbane Street and Pier Street. These would contribute towards increased urban air quality, tree and vegetation coverage and sense of open space between buildings. It would also ensure that an effective contribution can be made to the City's green canopy;
- The car park areas are appropriately landscaped with small trees and planting strips accommodated adjacent to the northern car park area. This would provide shading and would reduce the visual impact of parking areas on the street. The western car park area is located away from boundaries of the subject site and would be obscured from view of the adjoining property at No. 23 Brisbane Street by the 2.4 metre high masonry wall and bin refuse along the western boundary. Due to the space required for vehicle parking and manoeuvring as well as for access to the switchboard and meters, bin refuse and sales window in the Brisbane Street façade of the building, there is not an opportunity to accommodate meaningful landscaping in this area;
- The deep soil zones and planting areas provided meet the minimum dimensions of 1 metre specified in the acceptable outcomes in the Built Form Policy and include a large consolidated area at the corner of the site. This would ensure that there is sufficient area and depth to sustain healthy plant and tree growth;
- The application proposes an additional landscaped area which extends 1.1 metres beyond the site boundary into the public realm and footpath along Brisbane Street and adjacent to the northern car parking bays, with an area of 13.4 square metres. This would provide additional space for soft landscaping and tree growth. As this area is located outside of the site it is not included as deep soil zones and planting areas provided on site, but would be the equivalent of an additional 2.5 percent deep soil zones and planting areas.
- The application also proposes an additional landscaped area to the east of the subject site in the verge along Pier Street in the cross-hatched bitumen area located to the north of the two existing on-street car bays. This would provide a planting area for two additional trees and would have an area of 20.3 square metres, equivalent to an additional 2.9 percent deep soil zones and planting areas. This landscaping would soften the appearance of the development from Pier Street;
- The subject site is currently a service station and all open space between the existing building and the streets are hardstand area with no landscaping or trees. The proposed landscaping is a significant improvement over the existing site conditions and has been maximised within the constraints of the site. Opportunities to provide landscaping are limited due to the existing building having nil setbacks to the side and rear boundaries, and as the extent of hardstand areas are required to allow sufficient manoeuvring and parking space for cars and service vehicles entering, travelling through and exiting the site;
- The DRP Chair was supportive of the proposal prior to additional landscaping being incorporated, outlining that the building requires visibility and transparency so the level of landscaping proposed is in keeping with its location and its function, and is appropriate; and
- A condition has been recommended requiring submission of a landscaping plan to the City prior to issue of a building permit. This plan would be required to demonstrate the species type consistent with the City's recommended species list and the specific location of these trees to ensure that the number of trees shown are planted on-site and maintained thereafter. It would also be required to demonstrate the provision of a planting area and two 100 litre broad leaf paperbark trees to the east of the site along Pier Street in the cross-hatched bitumen area located to the north of the two existing on-street car bays, as shown on the development plans included in **Attachment 2**. The City's Parks and Engineering teams have reviewed this, advising that it would be acceptable subject to them being consulted in the installation of the planting area and trees.

Car and Bicycle Parking

The Built Form Policy acceptable outcomes requires car and bicycle parking to be provided in accordance with the Parking Policy. The Parking Policy does not include specified car parking or bicycle parking standards for a Service Station land use. The Parking Policy sets out that this is to be determined by the City based on a site specific parking management plan.

The proposal includes five car parking bays, with one of these being an ACROD bay. Three bays are located on the northern side of the site adjacent to Brisbane Street and two are located on the western side of the site adjacent to the building.

The proposal includes a single bicycle rack adjacent to the western car parking area and the building entry. This would provide for two short-term bicycle bays.

The proposed car parking bays and bicycle parking bays would satisfy the element objectives of the Built Form Policy and the objectives of the Parking Policy for the following reasons:

- The premises is well supported for access by staff and customers of the store component via alternate modes of transport. The subject site is connected by pedestrian paths and the wider bicycle network to the surrounding area. As identified in the applicant's TIS included as **Attachment 4**, Brisbane Street is classified under the Perth Bicycle Network as a continuous signed route that provides a link to other path networks, and Bulwer Street which is located approximately 50 metres from the subject site includes bicycle lanes. Two short term bicycle bays are available on-site and eight public short-term bicycle bays are available off-site which are easily accessible for cyclists attending the site. These off-site bays are located approximately 35 metres away from the subject site on the footpath at the corner of Brisbane Street and Bulwer Street adjacent to HBF Park. The subject site is also located approximately 220 metres from Beaufort Street and 310 metres from Lord Street which are both high frequency bus routes and would provide an alternate transport mode for staff rather than dependence on private vehicles. This would support active modes of transport for staff and for customers accessing the store;
- The development is anticipated to have a maximum of two or three staff on site at any one time. To better support staff cycling to the site and that would be working for longer periods of time, Administration has recommended the imposition of a condition requiring one long-term bicycle bay to be provided. There is adequate space for this to be provided on site in the staff area inside the building and the applicant has agreed to this condition;
- Customers utilising the dedicated car parking bays and short term bicycle bays would be expected to stay for short periods, ensuring high turnover of these bays. This is because the nature of goods being sold include those of a convenience nature;
- One additional car parking bay is proposed to be provided on site compared to the existing service station which would support any additional parking demand as a result of the improvements to the site and increase in vehicle trips expected. The existing service station was approved with four on-site parking bays shown on the development plans and the proposal provides for five on-site parking bays. Anticipated vehicle trips generated by the site is set out in the applicant's TIS and would largely be reflective of customers attending the site to refuel. These customers would not be utilising the five on-site parking bays and instead would be parking at the refuelling bowzers. The anticipated vehicle trips generation contained in the applicant's TIS nonetheless provides an indication of the increase of car parking needs in comparison to the existing service station. Compared to the existing service station, the proposal would result in a net increase of 206 vehicle trips per day to the subject site, and a net increase of 13 and 14 vehicular trips in the AM peak hour and PM peak hour respectively. This represents a 25.1 percent increase in vehicle trips per day and a 25 and 26 percent increase in vehicle trips in the AM peak hour and PM peak hour respectively; and
- There are separate, additional parking spaces associated with customers that are refuelling. These are the four bays located at the fuel bowzers and in themselves serve to support parking demands for customers.

Cash in Lieu of Car Parking

The Parking Policy states that where the number of bays under the parking standards prescribed are not met, cash in lieu of car parking can be charged for the shortfall of on-site car parking. As there is no parking standard specified for a service station land use in the Policy, cash in lieu of car parking provisions would not apply. As outlined above, the subject site is adequately serviced by the availability of on-site car parking, bicycle parking, alternate modes of transport, and the pedestrian and bicycle network to meet the demand of its users.

Façade Design

The Built Form Policy acceptable outcomes outline that commercial building facades are to minimise the use of shallow framing systems and thin wall/glazing systems. It also outlines that doorways should have a minimum depth of 0.5 to 1.5 metres, and windows, sills and stall risers are to have a minimum depth of 0.3 metres.

The application proposes the Brisbane Street façade of the building to include shallow framing and thin wall/glazing systems, with window depths varying from approximately 50 millimetres to 150 millimetres. It proposes the doorway to be made up of glass sliding doors which would sit in line with the remainder of the Brisbane Street façade and are not recessed behind it.

The proposed façade design would satisfy the element objectives of the Built Form Policy for the following reasons:

- The intent of these acceptable outcomes is to ensure new developments, particularly in Town Centres, include elements of traditional shopfront design in their facades. The proposal relates to a service station and is seeking to upgrade an existing building. The existing building façade is set back a minimum of 9 metres from Brisbane Street and the subject site is located in a Mixed Use Built Form Area. The absence of these elements of traditional shopfront design in this context would not detrimentally impact the character of the area;
- The existing building that is dated would be brought up to modern standards with improved street front activation and presentation, as outlined in the applicant's Urban Design Study included as **Attachment 2**. Activation would be increased by the replacement of vehicle servicing bays with an improved building entry and glazed shopfront. The modern materials and finishes would be consistent with other contemporary built form in the locality;
- A variety of colours, materials and finishes would be incorporated across the building façade, canopy and signage. This includes timber cladding, dark fibre cement sheeting, face brickwork, painted weatherboard cladding, render, lime painted features and the glazing incorporated into the Brisbane Street façade. This would ensure that the development presents with a cohesive façade and design that would provide visual interest and both active and passive surveillance to the public realm; and
- The DRP Chair is supportive of the proposal, stating that the surrounding precinct and visibility of the subject site had been well considered from both site planning and aesthetic points of view. The DRP Chair advised that the language of the building, detail, colours and materials is in keeping with the convenience store function and that it is transparent, and the space planning is logical and functional.

Environmentally Sustainable Design

The Built Form Policy acceptable outcomes outline that development is to demonstrate that it would be capable of achieving a specified environmental performance standard, such as a 5 star Green Star rating (or equivalent).

The applicant has not provided a report to demonstrate that the development will achieve one of the standards specified in the Built Form Policy. The applicant has referred to the size of the site and the retention and upgrade of the existing building as reasons why an environmentally sustainable design report is not feasible to be prepared.

The applicant has outlined elements of environmentally sustainable design that would be incorporated into the proposed development. These are listed as follows:

- The adaptive reuse of the existing building to minimise energy and material consumption involved in demolition and construction;
- The windows of the store face north to allow passive solar heating during winter;
- The canopy provides shading to reduce summer sun entering the building;
- The roof of the building would be constructed in a manner to allow installation of solar panels at a later stage if this is assessed as being financially viable;
- The majority of roof surfaces would be colourbond material in a surfmist colour which has a low solar absorptance rating of 0.32; and
- Use of waterwise plants in landscape areas and the use of a waterwise irrigation system with a drip irrigation and automated controller. An advice note has been recommended to encourage landscaping methods and species selection which do not rely on reticulation;

These elements would ensure that the development would satisfy the element objectives of the Built Form Policy and would be secured through the conditions recommended. The adaptive reuse of the existing building is the key feature of environmentally sustainable design incorporated. Alongside the other elements outlined, it demonstrates that the proposal considers the whole of life environmental impact of the building and that adequate measures are incorporated to reduce this impact, as well as to reduce the impact of solar radiation in summer and to increase passive solar gain in winter.

Signage

The signage included as part of the proposal and as shown in **Attachment 2** consists of the following:

- Two illuminated company name and slogan wall signs (Sign 1), with one facing Pier Street and the other facing Brisbane Street;
- A non-illuminated painted coffee cup wall sign (Sign 2) spreading across the corner blade wall of the building on the Pier Street and Brisbane Street facades;
- A non-illuminated company name window sign (Sign 3) located above the building entry facing Brisbane Street;
- Two small freestanding monolith signs that occupy areas of 1.0 square metres and 1.4 square metres (Signs 4 and 5) located outside the building entry facing Brisbane Street. Sign 4 has a height of 1.3 metres and width of 0.8 metres, and Sign 5 has a height of 2.0 metres and width of 0.7 metres;
- A LED digital panel wall sign (Sign 6) located on the Brisbane Street façade; and
- An illuminated fuel price freestanding monolith sign (Sign 9) on the corner of Brisbane Street and Pier Street which has a height of 6.0 metres and width of 2.3 metres.

The signage proposed satisfies all standards of the City's Signage Policy except for the following;

- The total signage area and wall signage area on the Brisbane Street façade would be 12.9 percent and 11.4 percent of the building wall respectively, in lieu of the standard of 10 percent;
- There would be three wall signs (Signs 1, 2 and 6) on the Brisbane Street façade, in lieu of the standard of two per wall;
- There would be three freestanding monolith signs (Signs 4, 5 and 9), in lieu of the standard of one freestanding sign and two monolith signs per lot;
- The freestanding monolith fuel price sign (Sign 9) would have a width of 2.3 metres, in lieu of the standard of 2.0 metres; and
- There would be illuminated signage (Signs 5, 6 and 9) that would not achieve the standard of a minimum 2.75 metres clearance above ground level. Sign 5 would have a clearance of 0.7 metres, Sign 6 a clearance of 1.2 metres and Sign 9 a clearance of 0.3 metres.

The proposed signage is consistent with the principles for variations to standards in the Signage Policy and is supported for the following reasons:

- The building is moderately scaled and would have a contemporary design that does not incorporate any architectural detailing or important building fabric elements that the signage would obscure or detract from;
- The signage would be associated with a service station and the amount and type of signage proposed is appropriate to the building and land use, and would not be detrimental to the amenity of the locality. The surrounding area is a mixed use area with commercial buildings and uses located along Brisbane Street in particular. The signage as proposed is acceptable given this site context;
- The signage would be incorporated into the design and upgrades of the building and site, and has consistent colours, materials and finishes. This would result in a coordinated signage outcome for the development that would not detract from the streetscape or adjoining properties;
- There would be no signage proposed on the glazed windows and doors of the building, apart from the non-illuminated company name window sign which is located above the building entry. The signage is incorporated into the walls and design of the building. This ensures interaction with the streetscape and public realm would be maximised and active and passive surveillance would be provided;
- The building is set back a minimum of 9.0 metres from Brisbane Street, ensuring that the impact of the signage located to the Brisbane Street façade and adjacent to the building entry would be reduced as viewed from the public realm. This would achieve an appropriate balance of signage visibility and the realistic need to advertise products, prices and services available from the site without the signage dominating the streetscape. The trees proposed in the landscaped areas along the boundaries of Pier Street and Brisbane Street would also assist to soften the appearance of this signage;
- The illuminated signage that requires a minimum clearance of 2.75 metres in height as per the Policy standard would not be located above or over any doorways or pedestrian pathways where a reduced clearance may cause safety concerns;
- The inclusion of the painted coffee cup wall sign (Sign 2) contributes to the variation to the prescribed standard in the Policy relating to number of wall signs and total signage area on the Brisbane Street façade. This sign has an area of 6.1 square metres and contributes 37.9 percent of the total area of all signage on the Brisbane Street façade (16.1 square metres). This sign serves as a decorative feature for the building which would provide visual interest to the public realm and its inclusion would reduce the impact of solid blank walls on the streetscape and adjoining properties;
- The two small freestanding monolith signs (Signs 4 and 5) located outside the building entry facing Brisbane Street result in a variation to the prescribed standard in the Policy relating to the number of freestanding monolith signs. Sign 4 is a non-illuminated placard with a width of 0.8 metres and height of

1.3 metres while Sign 5 is a digital signage panel with a width of 0.7 metres and height of 2.0 metres. This limited size along with the orientation of these signs facing inward towards the building entry and minimum set back of 17.7 metres from Brisbane Street would not be obtrusive and would not detract from the streetscape or adjoining properties;

- The width of the freestanding monolith fuel price sign (Sign 9) is 2.3 metres wide from its base to 2.4 metres high, which reduces to 2.1 metres in width above this height. The Policy standard is 2.0 metres wide for a monolith sign. The sign has a height of 6.0 metres which satisfies the monolith sign height standard in the Signage Policy. The width of the sign is appropriate as it is minor departure of between 0.1 to 0.3 metres to the prescribed Policy standard, and the widest point at the base of the sign would be softened and partially obscured by the trees located on either side of the sign in the landscaped area at the corner of the site. This would minimise the impacts from the size and illumination of this sign on the apartments on the opposite side of Brisbane Street and other future residential development on either side of Brisbane Street. The sign would also be orientated towards Brisbane Street which is a mixed use corridor and would not erode its visual quality; and
- The DRP Chair is supportive of the proposal, stating that the level of signage is appropriate and addresses the 180 degree nature of the site.

A condition has been recommended requiring the signage to not contain any flashing, intermittent or running lights. This is to ensure that the proposed illuminated and digital signage does not detract from the street or the amenity of adjoining properties. The condition also specifies that the signage is not to exceed a standard brightness of 300 candelas per square metre between sunset and sunrise to minimise impacts of lighting at night on nearby residential properties. An accompanying advice note is also recommended to specify that all lighting should satisfy the Australian Standards for the Control of Obtrusive Effects of Outdoor Lighting and be oriented to eliminate disturbance to adjoining properties.

A condition has also been recommended to ensure that signage on site does not display third-party advertising material which does not relate to services or products offered on the site, as per the standards of the Signage Policy.

Traffic

The applicant has submitted a traffic impact statement (TIS) prepared by Transcore to support the proposal. This is included as **Attachment 4**.

The TIS outlines the following:

- The proposal consists of a light vehicle canopy with four fuelling positions for vehicles, a store building and five on-site car parking bays including one ACROD bay;
- Vehicle access to the subject site would be via the existing full movement crossovers on Brisbane Street and Pier Street;
- Deliveries and waste collections would be accommodated within the development site using small trucks up to 7.0 metres long. These will occur outside of peak site trading hours to minimise any traffic conflict within the site;
- Fuel tankers and service vehicles would enter the subject site via the existing Brisbane Street crossover and exit via the existing Pier Street crossover. These fuel tankers would be smaller, being up to 17.0 metres long, and would be used to service the site outside peak hours to minimise potential traffic conflict within the site;
- Pedestrian access to the development would occur via the existing pedestrian paths on the surrounding streets;
- The TIS provides a comparison of the trip generation of the existing service station and the proposed development. It sets out the following:
 - The existing development generates approximately 822 vehicular trips per day (both inbound and outbound) with approximately 50 and 56 trips during the weekday AM and PM peak hours;
 - The proposal involves upgrading the existing service station, removal of the mechanical workshop component, expansion of the store component, and includes the same number of vehicle fuelling positions. The trip generation of the proposal should be similar to the existing service station given the number of fuelling positions remains the same, but due to the improved facilities which are expected to be more convenient and attractive, the trip generation is conservatively assumed to be 25 percent more than the existing service station; and
 - Accordingly the proposal would generate approximately 1,028 vehicular trips per day (both inbound and outbound) with approximately 63 and 70 trips during the weekday AM and PM peak hours respectively.

The TIS concludes that the conservative estimate of an additional trip generation of approximately 206 daily trips and 13 and 14 vehicles per hour during the weekday AM and PM peak hours respectively would have an insignificant impact on the traffic operations of the surrounding road network.

The Western Australian Planning Commission's Transport Impact Assessment Guidelines for Developments state that an increase in traffic of less than 10 percent of a road's capacity would not normally have material impact on any particular section of road. It states that an increase of 100 vehicles per hour for any lane can be considered as equating to around 10 percent of capacity. As the proposal is expected to result in increased traffic flows of 13 to 14 vehicles per hour which are well within this acceptable threshold, further detailed analysis is not warranted and the traffic increase on the surrounding road network would be limited.

The TIS has been reviewed by the City's Engineering team and is acceptable. There is not expected to be any additional impact on the vehicle and pedestrian environment surrounding the subject site, including during events at HBF Park. This is because the subject site would remain for use as a service station and the proposal is expected to result in a limited and acceptable increase in traffic.

A condition has been recommended requiring a waste and servicing management plan to be provided prior to issue of a building permit to ensure that the vehicle sizes and delivery and waste collection times are in accordance with those specified in the TIS and are implemented. These delivery and waste collection times would need to occur within the time periods specified in recommendations of the acoustic report to avoid noise impacts.

Noise

The applicant has submitted an acoustic report prepared by Reverberate Consulting in accordance with the City's Policy No. 7.5.21 – Sound Attenuation (Sound Attenuation Policy). This is included as **Attachment 5**.

The acoustic report concludes that the forecast noise emissions from the proposed development would comply with the *Environmental Protection (Noise) Regulations 1997* subject to recommended treatments to control noise emissions outlined in a Noise Management Plan (Appendix A) in **Attachment 5**. These treatments include the following:

- Deliveries and refuse collection to occur within day time hours between 7am and 7pm from Monday to Saturday, and to be carried out in the quietest reasonable and practicable manner. This includes minimising reversing of trucks, the use of "broad band" or "white noise" reversing beepers, and vehicle manoeuvring on site to be a maximum of 5-8 kilometres per hour with low engine revolutions;
- A barrier to be installed with specified materials on the roof to enclose the rooftop plant on all sides, as well as a 2.4 metre high barrier to be installed along the western boundary;
- Signage to be installed in the carpark to remind patrons to keep noise to a minimum;
- No music to be played through any outdoor speakers, which should only be used for the purposes of emergency messaging and patron management; and
- The sound power level of the tyre refill beepers to not exceed 81 decibels at night, 86 decibels during evenings and on Sunday/public holidays, and 91 decibels during the daytime on all other days of the week.

The report has been reviewed by the City's Health Services team and is acceptable. These abovementioned acoustic attenuation measures would ensure the service station does not unreasonably impact the amenity of the locality.

A condition has been recommended requiring the implementation of the recommendations of the acoustic report.

Environmental Considerations

The City received submissions during community consultation which raised concerns that the proposal would result in environmental impacts, including noise, air, odour and light pollution.

Potential environmental impacts from the proposal would be addressed as follows:

- Noise has been addressed through details contained in the acoustic report submitted, which for the reasons outlined above is acceptable and demonstrates that noise generated by the development would not unduly impact the amenity of surrounding properties;

- Risk and gaseous emissions would be addressed by the applicant being required to obtain an amended Dangerous Good Licence from DMIRS prior to commencing operations. This would be required due to the new operator of the service station and the changes proposed to the site, including replacement of the existing fuel tanks and lines. As outlined earlier in the in the Community Consultation/Advertising section, DMIRS has recommended advice notes to ensure that the proposal satisfies the requirements of the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007*;
- Odour that is not linked to gaseous emissions is not a common concern associated with service stations. The applicant has advised in their anti-social behaviour management plan included as **Attachment 6** that the site as well as the bins and refuse area would be regularly cleaned and maintained which would minimise odour impacts from these sources. To address odour impacts from food production an advice note has been recommended to state that the food business must comply with the *Food Act 2008, Food Regulations 2009* and the Australia New Zealand Food Standards Code, and must obtain the necessary food business approvals from the City; and
- Light impacts have been addressed in the Signage section of this report, and for the reasons outlined would not unduly impact the amenity of the surrounding properties due to the location of the signage and the conditions and advice notes which have been recommended. An accompanying advice note is also recommended to specify that any other lighting should satisfy the Australian Standards for the Control of Obtrusive Effects of Outdoor Lighting and be oriented to eliminate disturbance to adjoining properties.

The above would ensure that the development would be consistent with the priority health outcomes of the City's *Public Health Plan 2020-2025*. This includes reduced exposure to environmental health risks, mitigate the impact of public health emergencies, and reduced injuries and a safer community.

The contamination status and ongoing remediation of the subject site outlined in the Background section of this report are a separate matter that is being dealt with by DWER under the *Contaminated Sites Act 2003*. This is separate to Council's consideration of this planning application for alterations and additions to an existing service station under the *Planning and Development Act 2005*. As outlined in the Community Consultation/Advertising section, advice notes have been included to advise the applicant of what needs to be addressed in consultation with DWER prior to commencing and during any works at the subject site. Through this process any environmental impacts related to the contamination status of the subject site and any works would be addressed.

Anti-Social Behaviour

The City received submissions during community consultation which raised concerns that the proposal would result in increased anti-social behaviour in the area, particularly due to it operating 24 hours a day. Concerns were raised with the associated impacts of anti-social behaviour on the surrounding area and adjoining properties, including noise, litter, property damage and safety along with the lack of a management strategy to address this.

In response the applicant submitted an anti-social behaviour management plan following community consultation concluding. This is included as **Attachment 6** and identifies the site context as well as key characteristics and risks of anti-social behaviour which could occur at the site. It then outlines a series of design and management measures to address these risks, and these are summarised as follows:

- The sales counter has been positioned to allow a clear line of sight from the sales position to each part of the building internally, the fuel court outside and the public realm beyond. This is assisted by glazing being maximised on the building façade, allowing for active and passive surveillance of these areas;
- Appropriate lighting to ensure that any areas with potential for concealment or shadowing are well-lit. The inclusion of active measures such as CCTV is to be considered where required for improved visibility;
- Use of robust fittings and materials, including graffiti-resistant materials to protect against damage;
- The toilet to be clearly signposted, well-lit and located where the entrance can be seen from the sales position and from the general retail area;
- Placement of signs reminding customers to respect local residents when leaving the site, particularly late at night, by leaving in a quiet and orderly manner without undue delay. Staff are to remind customers of this where necessary;
- Provision of a monitored panic/alarm button for use at any time in emergency situation;
- Staff to ensure that the footpath, gutter, building entry and surrounds are kept clean and clear of litter at all times;
- Vandalism and graffiti to be removed within 24 hours, or otherwise as soon as possible;

- Broken light fixtures or bulbs within the service station or on the site to be replaced within 24 hours;
- Bins are regularly emptied and cleaned, with the designation of a dedicated separate refuse enclosure where waste and recycling bins are stored prior to collection and removal from the site;
- Landscaped areas to be kept tidy and maintained;
- Windows are not obstructed (for example with merchandise or signage) that could hinder surveillance;
- An Incident Register is to be maintained where customer and incident details can be recorded for later action if necessary;
- All staff of the service station as part of the induction process are to be provided with a copy of this management plan and required to become familiar with it; and
- Staff are to be trained in relevant security and safety procedures to enable them, in the event of criminal or anti-social behaviour, to act in a manner to best protect customers and staff of the service station; to prevent property damage or loss; and to prevent adverse impact on the public realm. Staff are to report any suspicious or anti-social behaviour on-site or in the vicinity to management of the operator, and/or the local police.

The management plan states that it and the strategies included would be reviewed on a regular basis, and in any case no less frequently than once every two years. It also states that the operator is committed to ongoing consultation with adjoining property owners, Council and other stakeholders to foster a better understanding of potential impacts of the service station on the locality. The operator has undertaken to consider and discuss issues of this kind as and when they arise.

The management plan has been reviewed by Administration and is acceptable.

A condition has been recommended requiring the proposal to operate in accordance with this management plan, and for it to be reviewed every two years, as improvements are identified or within 30 days of the service station operator changing. This would ensure that any issues or complaints that arise during the initial period of operation can be addressed in an updated management plan. The applicant has agreed to this. Consistent with the management plan measures, conditions have also been recommended requiring an anti-graffiti coat to be applied to all external surfaces of the development and for windows to be unobscured and to maintain an active and interactive relationship with Brisbane Street.

Heritage

The subject site adjoins HBF Park (Perth Oval) to the east which is a heritage-listed place and is included on the State Register and the City's Municipal Heritage Inventory as a Management Category A place.

The statement of significance is as follows:

"Perth Oval (fmr Loton Park) occupies the site of a former lake and market garden, before it was offered to the City of Perth, by William Loton, for use as a public recreation area. Established during the 1900s Perth Oval has been one of the long term premier sporting venues in metropolitan Perth, until the advent of more specialised sporting venues from the mid 1980s, including interstate football matches and cricket games. More latterly it has been the home of Perth Glory soccer team. Perth Oval entry gates are one of the state's finest examples of the Interwar Mediterranean style for recreational purposes. The mature trees of the perimeter planting are representative of the Paradise landscape style of planting that is characteristic of public parks and gardens established in Perth at the turn of the century."

As identified in the heritage listing and the Heritage Council's advice, Perth Oval is listed for its identified cultural heritage significance and the Heritage Council advised that this would not be impacted by the proposal.

The proposal has also been assessed against the City's Heritage Policy and the acceptable development criteria for development adjacent to heritage listed buildings. These guidelines have been satisfied as the proposal does not seek to imitate, replicate or mimic historic architectural styles, and the proposal is clearly distinguishable from the adjacent heritage listed place. The development's scale and mass respects the adjacent heritage place and would not impact existing views and vistas given that the existing built form of the subject site is largely being retained.

The DRP Chair also stated that the proposed façade uses a contemporary language of a convenience store facility and would not detract from the Perth Oval entry gates.

Waste Management

The applicant has not submitted a Waste Management Plan to the City at this stage. A refuse area is indicated on the development plans along the western boundary of the subject site which is enclosed and screened from the street and adjoining properties in a tapered slatted timber enclosure. This satisfies the acceptable outcomes of the Built Form Policy relating to public domain interface and waste management.

A condition has been recommended requiring the submission of a Waste Management Plan prior to issue of a Building Permit for the proposed development to ensure that private waste collection and disposal arrangements are detailed and are to the satisfaction of the City.