

5 April 2019

Chief Executive Officer
City of Wanneroo
Locked Bag 1
WANNEROO WA 6946

Dear Sir/Madam

**APPLICATION FOR DEVELOPMENT APPROVAL
PROPOSED CHANGE OF USE FROM 'SHOP' TO 'TAKE-AWAY FOOD OUTLET'
LOT 2006 (NO.54) LANGFORD BOULEVARD, MADELEY (TENANCY 1)
CITY OF WANNEROO**

We act on behalf of the landowner and prospective tenants (O S Dine In & Take-Away) as their consultant town planners and hereby lodge an Application for Development Approval seeking the City's approval to change the current approved use of Tenancy 1 within the recently constructed shopping centre on Lot 2006 (No.54) Langford Boulevard, Madeley from 'Shop' to 'Take-Away Food Outlet'.

Please find enclosed the following information to assist the City's consideration and processing of the application:

- A completed and signed 'Application for Development Approval' form;
- A completed and signed 'Metropolitan Region Scheme Form 1';
- A complete 'Development Application Checklist';
- A copy of the Certificate of Title for the subject land; and
- One (1) copy of the plans prepared in support of the application.

In assessing the application, it is requested that the City give due consideration to the following key points:

PROPERTY DETAILS

1. The subject land is legally described as Lot 2006 on Plan 74649 on Certificate of Title Volume 2798, Folio 138 and is currently owned in fee simple by Conpec Pty Ltd (see copy of Certificate of Title).
2. Lot 2006 is located within the western segment of Madeley locality on the south-eastern corner of the intersection of Langford Boulevard and Russell Road. The land is located approximately 439 metres east of Wanneroo Road and approximately 550 metres north-west of the Kingsway Sporting Complex (see Figure 1- Location Plan).
3. Lot 2006 is irregular in shape, covers a total area of approximately 2,549m² and has been retained as part of the current approved development of the land. It is significant to note that the verge area abutting the land's Russell Road frontage comprises a number of large mature street trees (see Figure 2 - Aerial Site Plan).

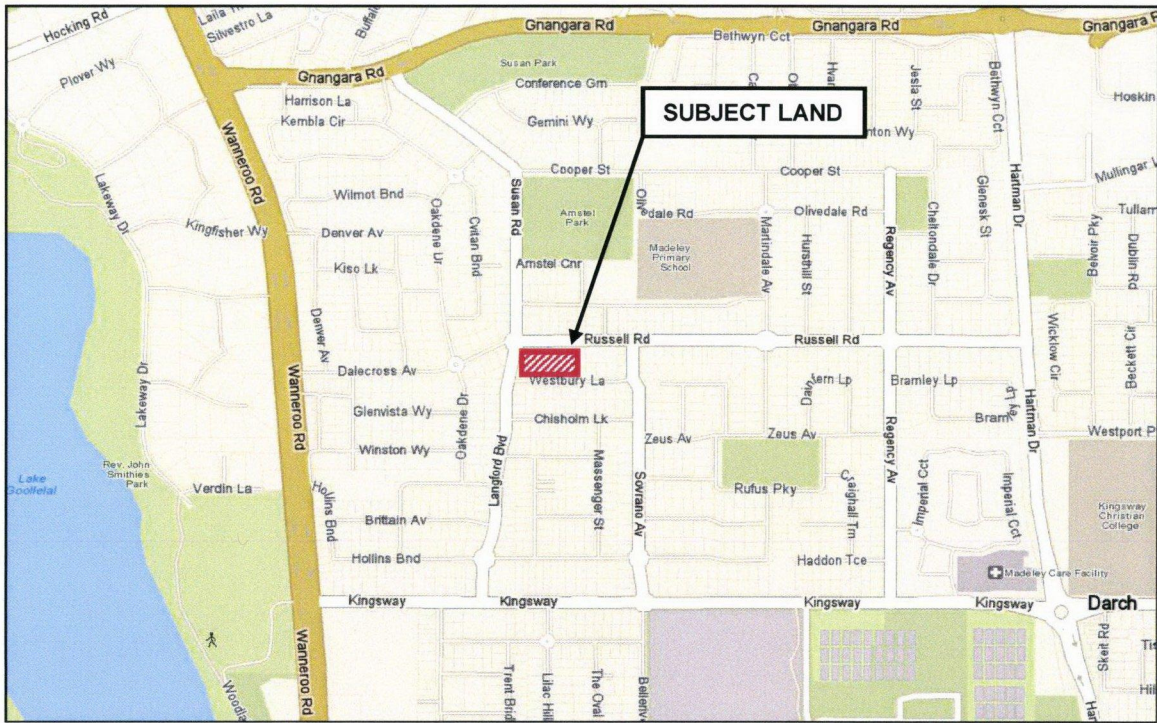
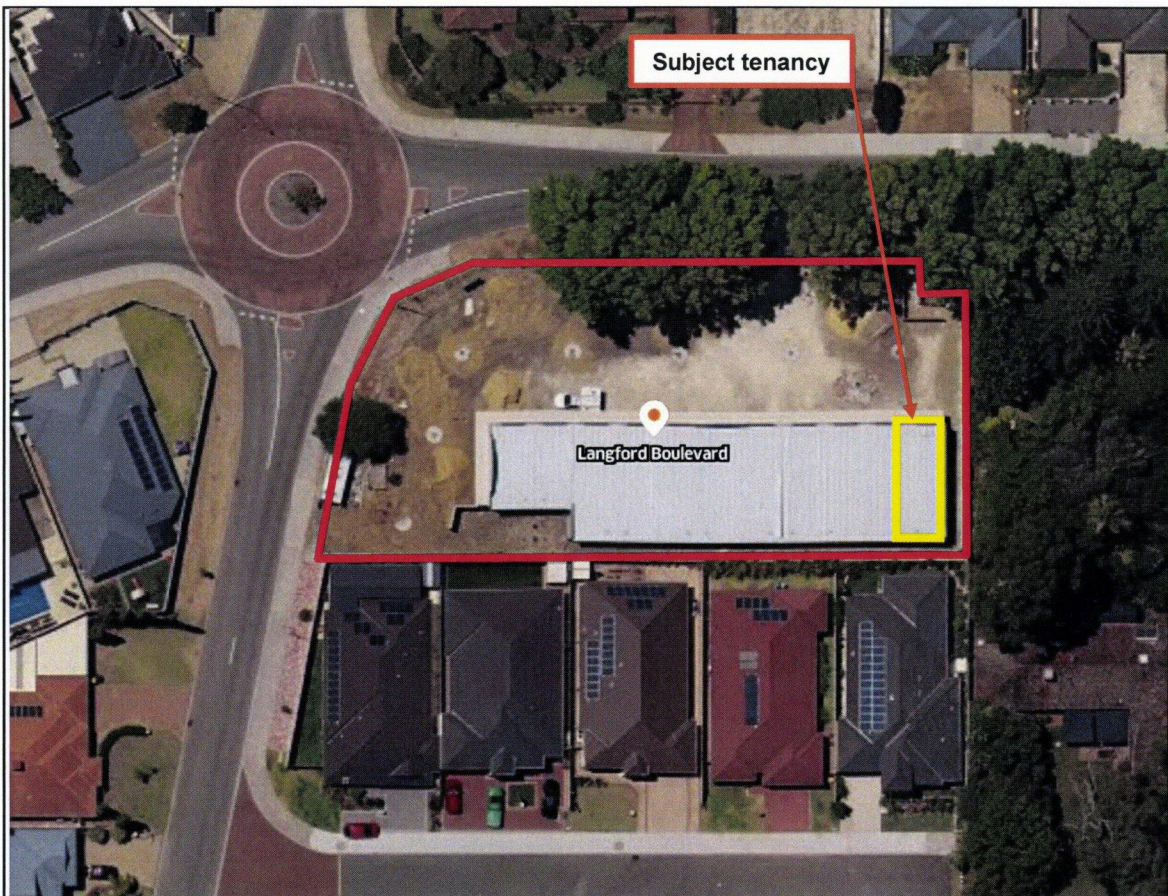


Figure 1 - Location Plan



Plan 2 - Aerial Site Plan

Planning & Development Consultants
Address: 3/1 Mulgool Road, Malaga WA 6090
Tel: 9249 2158 Mb: 0407384140 Email: carlof@people.net.au
CVF Nominees Pty Ltd ABN: 86 110 067 395

4. At its meeting held on 6 December 2016, the Wanneroo City Council resolved to approve an application for development for the construction of a small neighbourhood shopping centre comprising eleven (11) tenancies on Lot 2006 (Ref: DA15/2276). It should be noted that the approval use of all tenancies was for 'Shop' purposes, with the development comprising forty eight (48) on-site car parking bays.
5. In light of the above approval, the land is currently being constructed to accommodate a new small neighbourhood shopping centre and is nearly completion (see Figure 2)
6. Tenancy 1 within the existing development on Lot 2006 (subject of this application) comprises a total area of approximately 76m² (61.3m² internal floor area) and is currently vacant/unoccupied (see Figure 3). It is established that the current approved use of Tenancy 1 is for 'Shop' purposes, therefore it is concluded that a total of five (5) on-site car parking bays would have been allocated to Tenancy 1 as part of any parking calculation undertaken by the City in respect to the most recent approval for the new shopping centre.
7. It is significant to note that the area is serviced by a public transport network (i.e. bus services), which includes routes along Russell Road and nearby Wanneroo Road (which is high frequency). The public transport network provides an alternative mode of transportations to private car usage for patrons and staff associated with the proposed new use for Tenancy 1.

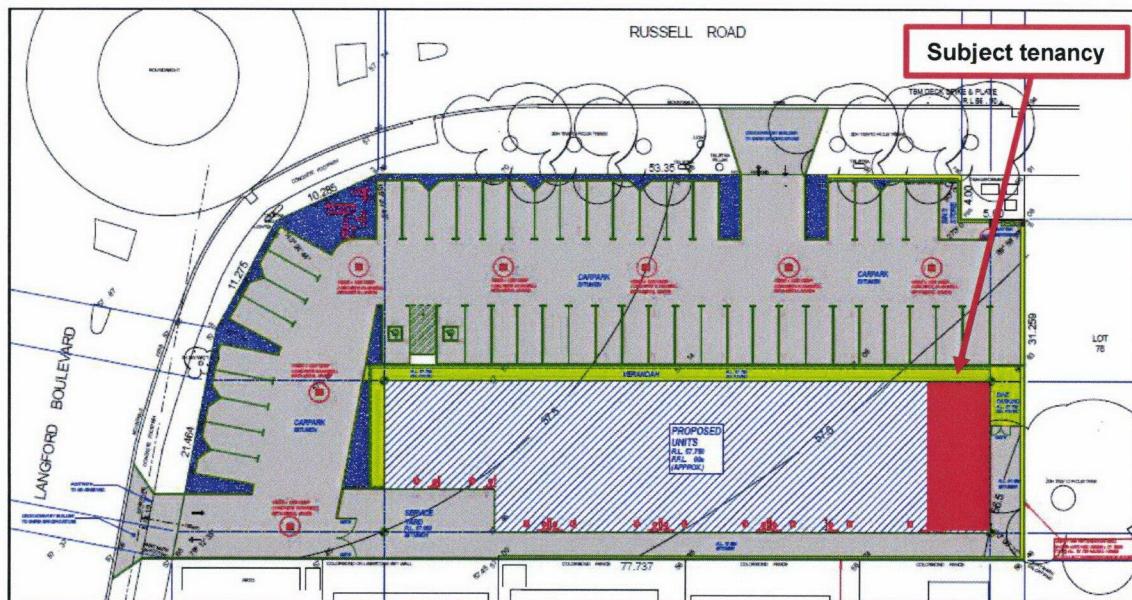


Figure 3 – Site plan and subject tenancy.

PROPOSAL

8. This application seeks the City's development approval for the following:
 - i) Change the current approved use of Tenancy 1 on Lot 2006 from 'Shop' to 'Take-Away Food Outlet' to allow for the establishment of a new take-away business (i.e. 'O S Dine In Take Away') offering South American cuisine.
 - ii) Installation of internal partitioning to allow for a 34.8m² front counter/dine in area (this includes a possible 23.5m² of potential seating area forward of the counter area) and 34.8m² kitchen area to the rear of the tenancy.
(see Site Development Plans).
9. The application does not propose any changes to the external façade of the building, the car

- parking area or any additional floor area.
10. Details of the business operation are as follows:
 - Hours of operation for the business will be 7am to 7pm, seven (7) days per week.
 - Some chairs will be made available within the premises to allow for patrons to consume the take-away food/beverages on the premises. It is estimated that no more eight (8) patrons could be accommodated within the premises. The predominant activity of the business will be the preparation of food and beverage products for consumption off the premises.
 - There are two (2) staff members at any one given time.
 11. The proposed change of use and associated fit out to Tenancy 1 will be contained entirely within the existing building and therefore will not have a visual impact on the local streetscape (i.e. it will not be visible from outside the building's external walls).
 12. A building permit application will be prepared and lodged with the City of Wanneroo for the internal fit out works if and when a development approval for this application is issued by the City.
 13. It should be noted that details regarding all future proposed advertising signage are unable to be provided at this preliminary stage as the prospective tenant has not yet determined their marketing strategy. It is significant to note that the original approval for the shopping centre included signage panels within the front façade (see Elevation Plans). Notwithstanding this and if required, any future signage can be subject of a separate development application to the City following the issuance of development approval for the proposed new use of Tenancy 1.

STATUTORY REQUIREMENTS

Metropolitan Region Scheme

14. Lot 2006 is currently classified 'Urban' zone under the Metropolitan Region Scheme (MRS).
15. The zones and reservations prescribed by the MRS are intentionally broad categories and not precisely defined or limited in order to enable a flexible approach to strategic regional town planning. The following definition for land classified 'Urban' is provided as a guide to its stated purpose/s in the MRS:

"Urban Zone - Areas in which a range of activities are undertaken, including residential, commercial recreational and light industry."

16. The proposed use of a portion of the new shopping centre on the subject land is considered to be consistent with the defined intent of the land's current 'Urban' zoning classification under the MRS and may therefore be approved

City of Wanneroo District Planning Scheme No.2

17. Lot 2006 is classified 'Urban Development' zone under the City of Wanneroo's current operative District Planning No.2 (DPS No.2).
18. Council's stated objectives for all land classified 'Urban Development' zone under DPS No.2 are as follows:
 - i) *designate land for future urban development;*
 - ii) *provide for the orderly planning of large areas of land for residential and associated purposes through a comprehensive structure planning process;*
 - iii) *enable planning to be flexible and responsive to changing circumstances throughout the developmental stages of the area.*
19. Lot 2006 forms part of East Wanneroo Structure Plan Cell 6 ('Darch/Madeley'), with the City

- adopting an Agreed Structure Plan No.8 which includes the subject land.
20. According to Agreed Structure Plan No.8 (ASP No.8) for Cell 6 Lot 2006 is classified 'Commercial' zone.
 21. Schedule No.1 of the City's DPS No.2 defines 'Take-Away Food Outlet' as follows:

"premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but excludes Drive Through Food Outlet."
 22. The proposed use of Tenancy 1 on Lot 2006 falls within the abovementioned definition.
 23. Under the terms of DPS No.2 the development and use of any land classified 'Commercial' zone for the purposes of 'Take-Away Food Outlet' is listed as a discretionary ("D") use meaning it is not permitted unless the Council grants its approval after following the procedures laid down by sub clause 6.6.2 of DPS No.2.

CAR PARKING

24. The subject land comprises a total of forty eight (48) on-site car parking bays in support of the current approved use/development of the land (see Site Development Plans).
25. As previously mentioned, the current approved use and development of Tenancy 1 on Lot 2006 is for 'Shop' purposes and comprises a building area of 76m². Given this and in light of the City's car parking standards for 'Shop' use (i.e. 7 bays per 100m² NLA), it is contended that Tenancy 1 required the provision of five (5) car parking bays. Given this fact, this application allocates five (5) car parking bays to Tenancy 1 for the purpose of calculating on-site car parking for the proposed use.
26. The following car parking calculations are provided to assist the City's assessment of the application and have been formulated with due regard for the parking standards prescribed in Table 2 of the City's District Planning Scheme No.2 entitled 'Car Parking Standards':

LAND USE	PRESCRIBED PARKING STANDARD	TOTAL FLOOR SPACE/GUESTS	PARKING BAYS REQUIRED
'Take-Away Food Outlet' (Tenancy 1)	1 bay per 4 guests indoor & outdoor sitting area; and	8 guests 858m ²	2 bays
	7 bays per 100m ² NLA for non-seated areas (area including counter & kitchen)	48m ²	3.36 bays
Total number of on-site parking bays required for Tenancy 1			5 bays
Number of bays allocated to Tenancy 1 based on the on-site car parking calculation for the approved shop use of Tenancy 1			5 bays

27. As demonstrated by the above table, the proposed use of Tenancy 1 complies with the car parking standards prescribed within Table 2 of the City's DPS No.2.

SUMMARY

28. Having regard for all of the above, it is contended the proposed use of Tenancy 1 on Lot 2006 (No.54) Langford Boulevard, Madeley for 'Take-Away Food Outlet' purposes is suitable and capable of being approved by the City for the following reasons:
 - It is consistent with the stated objectives of the land's current 'Commercial' zoning classification in the City's District Planning Scheme No.2;
 - It will not compromise the existing character, amenity or compatibility of land uses in the immediate locality or give rise to any land use conflicts. As such it is unlikely to generate any

impacts detrimental to the amenity of the district or to the health, welfare and safety of existing established uses on surrounding properties.

- The use can be considered by the City on land classified 'Commercial zone.
- The proposed use is compliant with the various standards and requirements prescribed in the City's District Planning Scheme No.2 and all associated local planning policies, including on-site car parking.
- The proposed use is complimentary to other existing approved uses within the new development on the land and is a use that is commonly found within a neighbourhood shopping centre that services the local community.
- The proposed 'Take-Away Food Outlet' use will serve the local community within a walkable catchment (i.e. provide a service to the local residents within the immediate locality).
- The proposed use is contained entirely within the confines of the external walls of the existing building and therefore will not likely have an adverse impact on the visual amenity or character of the immediate locality.
- It will provide for the establishment of a new business enterprise in the City of Wanneroo, create additional employment opportunities and ensure the productive use of existing vacant, underutilized tenancy within the new shopping centre.

Conclusion

In light of the above information and justifications, we respectfully request the City's favorable consideration and approval of the development application to change the current approved use of Tenancy 1 on Lot 117 (No.54) Langford Boulevard, Madeley to facilitate the establishment of a new take-way food business in accordance with the plans prepared in support of this application.

Should you have any queries or require any additional information regarding any of the matters raised above please do not hesitate to contact me on 0407384140 or carlof@people.net.au.

Yours faithfully,

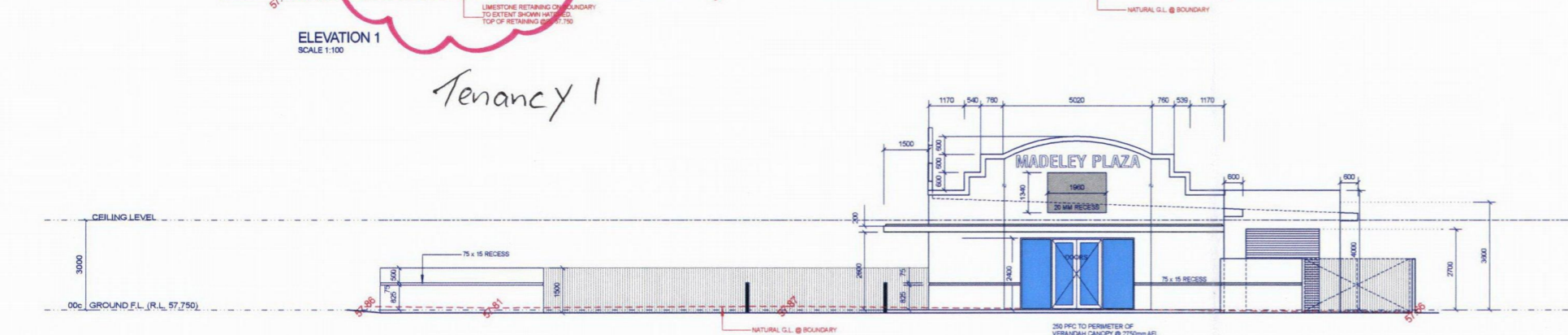


Carlo Famiano
Town Planner
CF Town Planning & Development

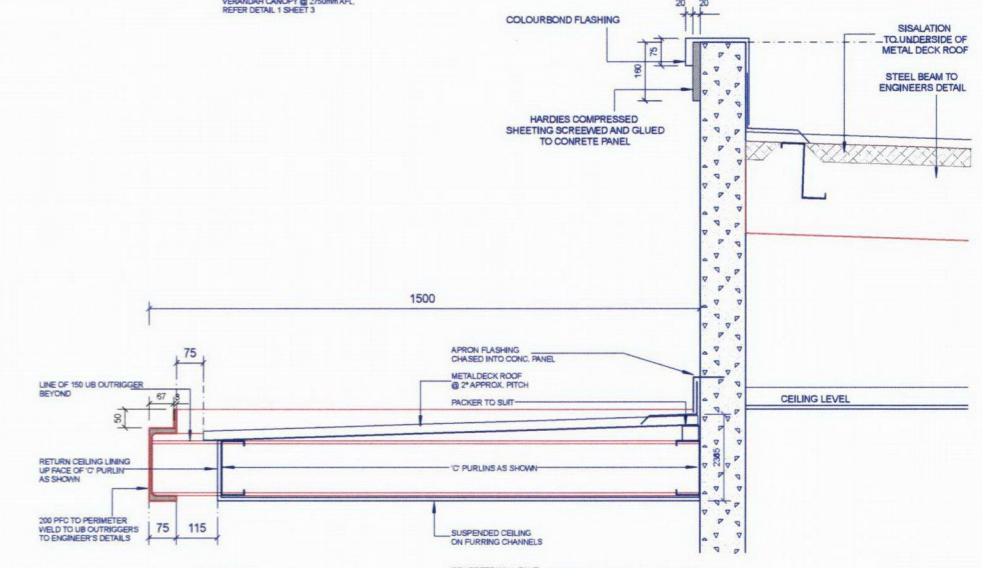


ELEVATION 1
SCALE 1:100

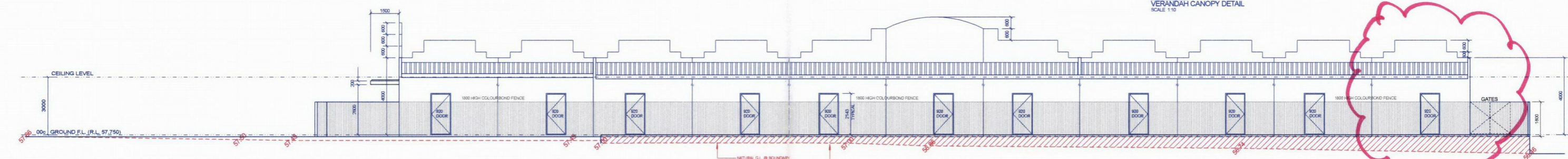
Tenancy 1



ELEVATION 2
SCALE 1:100

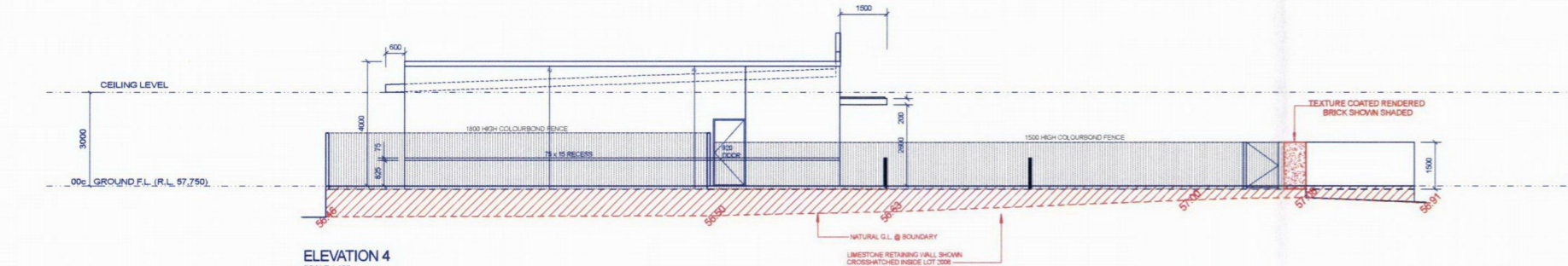


DETAIL 1
VERANDAH CANOPY DETAIL
SCALE 1:10

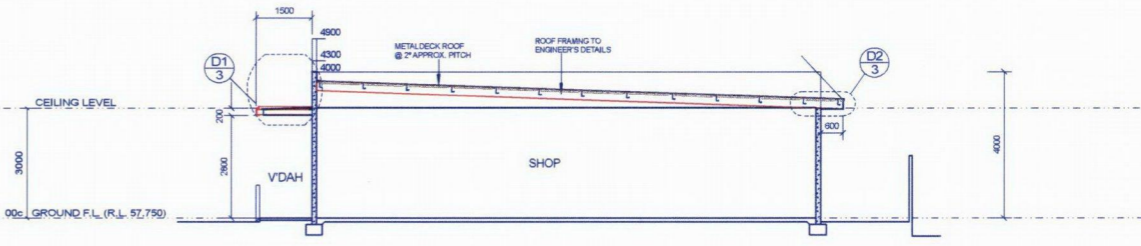


ELEVATION 3
SCALE 1:100

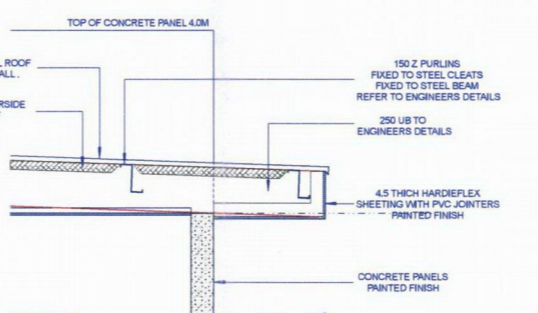
Tenancy 1



ELEVATION 4
SCALE 1:100



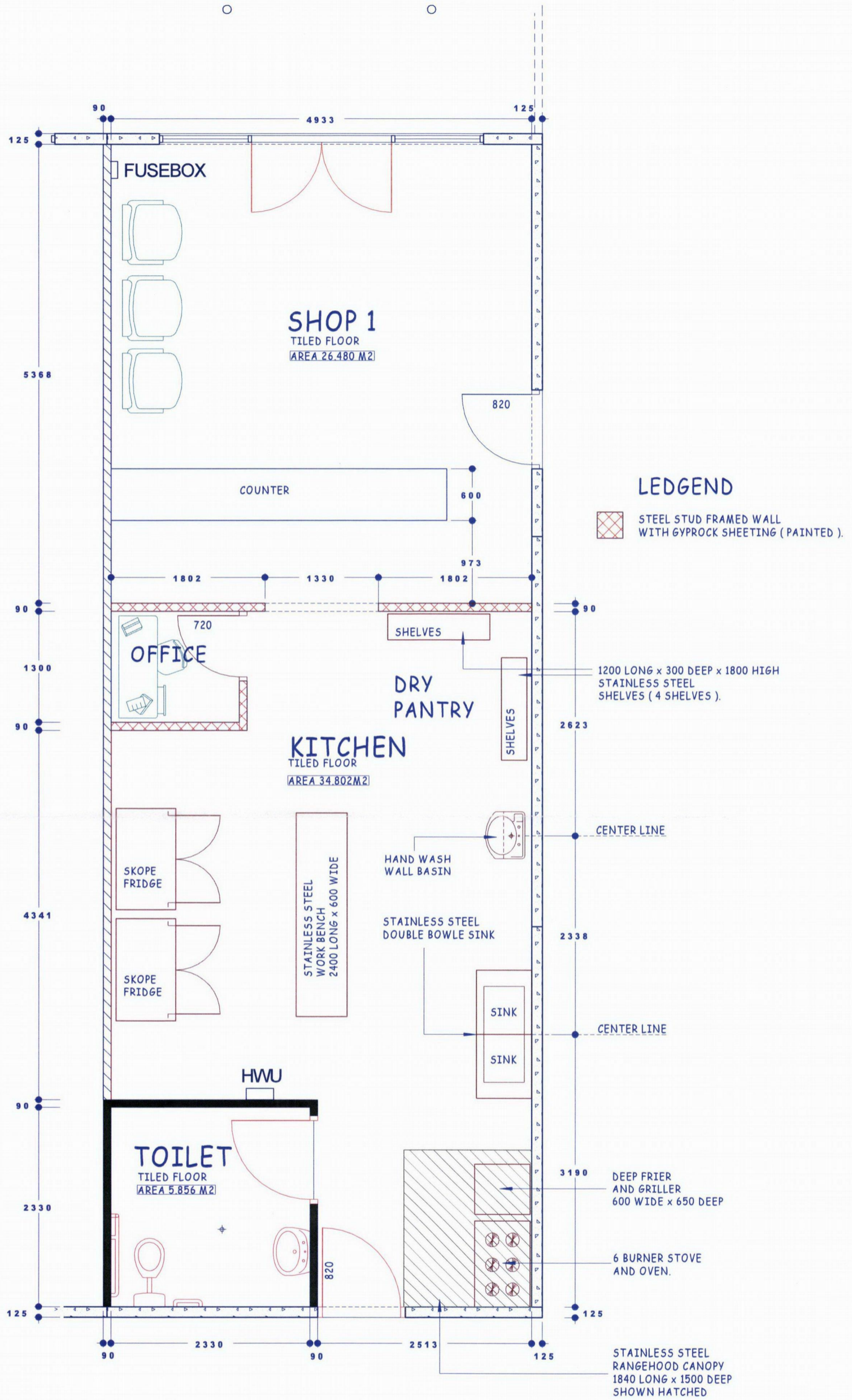
SECTION A-A
SCALE 1:100



DETAIL 2
TYPICAL EAVES OVERHANG
SCALE 1:20

NTS

date amendments	Peter Musurca Designs Tel: 9275 2710 Fax: 9275 2710 Mobile: 0422 868 258 p.musurca@pmd.net.au	Copyright © CLIENT: COMPEC PTY LTD Email: compec@compec.com.au	ELEVATIONS SCALE 1:100 ADDRESS: LOT 2006 CNR RUSSELL RD & LANGFORD BVD MADELEY	DRAWN: P.J. Taylor DATE: MARCH 2017 SCALE: AS SHOWN SHEET 3 of 5
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SHOP 1 (TAKE AWAY FOOD)

SCALE 1:50

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CLIENT:
COMPEC PTY LTD

SHOP 1 (TAKE AWAY FOOD)

ADDRESS:
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CNR RUSSELL RD & LANGFORD BVD
MADELEY

DRAWN:

P.J. Taylor

DATE:

MARCH 2017

SCALE:

AS SHOWN

JOB No.

SHEET OF

date amendments