

28 February 2022

Chief Executive Officer
City of Wanneroo
Via Online Lodgement

Attention: Planning Services

Dear Sir/Madam

**Development Application Amendment – Change of Trading Hours
Restricted Premises
Unit 3, 1868 Marmion Avenue, Clarkson**

Pinnacle Planning acts on behalf of Lovers Adult Stores, in conjunction with the owners of the above site.

We are instructed by our Client to prepare and lodge an application for an extension to the trading hours for the existing and approved Restricted Premises located at Unit 3, 1868 Marmion Avenue, Clarkson (subject site).

THE PROPOSAL

Lovers Adult Stores Clarkson has operated successfully at the subject site following approval in August 2016 by the City of Wanneroo (City).

The existing hours of operation for the retail store are limited to 9am to 7pm Monday to Sunday.

The proposal, the subject of this application relates to a desire to increase trading hours as follows:

- Monday to Wednesday – 9am to 9pm;
- Thursday to Saturday - 9am to 11pm; and
- Sunday – 9am to 7pm.

We confirm there are no other aspects of the business subject to change, include site layout, configuration, use or signage.

The average customer patronage across the other Lovers Adult Stores businesses after 7pm is 2-4 customers per hour.

TOWN PLANNING FRAMEWORK

Metropolitan Region Scheme

Under the provisions of the Metropolitan Planning Scheme (MRS), the subject site is zoned 'Urban'.

We confirm that the proposal is entirely consistent with the urban zoning assigned to the site.

City of Wanneroo District Planning Scheme No. 2

Pursuant to the provisions of the City of Wanneroo District Planning Scheme No. 2 (DPS 2) the subject site is zoned 'Centre'.

The subject site is also the subject of Agreed Structure Plan – Clarkson Activity Centre, which assigns a "Commercial" zoning to the subject.

Accordingly, given the subject site was afforded a "Commercial" zoning when initially approved, there is no implication with respect to a changing planning framework, when considering an amendment to the initial approval issued.

Existing Buildings and Businesses

The subject site is part of a large format retail and hospitality 'shopping centre fringe' precinct. Specifically, the subject site includes the following uses:

- Jetts 24/7 Fitness;
- Pizza Hut;
- Hungry Jacks;
- Century 21;
- Ocean Keys Sewing Centre;
- Lovers Adult Stores;
- Subway; and
- Sushi Noodle.

In addition, the site directly abutting the subject site, which is also owned by the owners of the subject site, has a similar composition of uses, including:

- H&R Block;
- Barber Shop;
- Watty Paint Centre;
- Bike Force;
- Masala Indian Restaurant;
- Cheesecake Shop;

- Clarkson Chiropractic; and
- Vetwest.

We note that during several site inspections conducted during the evenings, the abutting site to the south was observed to have no businesses open, and 100% vacancy of car parking bays on site.

Turning back to the subject site, two site inspections were conducted at 7.15pm on 22 and 26 February 2022. This provided a full spectrum of understanding of both the trading behaviours of businesses on site, and the availability of parking, servicing the uses training past 7pm, both during the week, and on the weekend.

To this end, we confirm that Century 21, Ocean Keys Sewing Centre and Lovers Adult Stores were all observed as closed during both site inspections. Again, no businesses were trading on the site directly to the south of the subject site, and the entire shopping centre fringe precinct had generally low business patronage, confined mostly to the drive through take away food facilities (Hungry Jacks on the subject site and KFC to the north of the subject site).

Parking Analysis

To be able to critically analyse parking supply and demand available at the subject site, parking surveys were undertaken at the subject site.

The surveys undertaken as part of this application focussed on the evening periods, when the Lovers Adult Stores business is not in operation, but proposes to, capturing available parking on the subject site during the evening.

The surveys were undertaken at 7.15pm on Tuesday 22 February 2022, with 26 bays unoccupied on site, and 7.15pm on Saturday 26 February 2022, with 24 bays unoccupied.

This means that there is an average parking surplus of 25 bays available after 7pm on the subject site.

During the conducting of the parking surveys, the locality was generally described as dormant, with the businesses that were trading being solely take away food outlets. All of the food outlets had visibly little dine-in patrons, given Hungry Jacks has drive through, and the availability of Subway on ride share ordering services.

In addition to the parking survey conducted on the subject site, the abutting site to the south was observed as having all businesses closed, with no ambient lighting, or any spill over patrons parking, with 100% of parking on this site available during both site visits.

Land Use Intensification

Changes to existing operating businesses by way of increase patron numbers, differing land uses, operating hours, and floor space changes are all examples of land use intensification, which are required to be given due regard in the instance of discretionary land uses, such as a Restricted Premises.

As identified earlier, the proposal, the subject of this application pertains solely to minor extensions to trading hours into the evening. We also note the low trading volume of the store generally, which is relevant to gross parking demand, which forms the only matter for assessment with respect to land use intensification in this instance.

If a conservative assessment of 1 employee, and 4 retail patrons attending the store is taken for the purpose of assessment, there would be a total maximum parking demand of 5 bays at any one time into the evening. Notwithstanding this worse case scenario assessment, advice from our client is that 2-4 visits per hour, means that in general terms, there is rarely more than one patron group visiting a store at a time in the later stages of the evening.

Turning back to the parking analysis, with an average surplus of 25 bays past 7pm, and on the unlikely basis 4 patrons groups attended the store at one time, and 5 bays were occupied, 20 bays would still be available for use at the subject site.

Accordingly, it is demonstrated that the land use intensification proposed as part of the application is negligible, given the parking supply at the subject site during the evenings is plentiful.

Amenity Impacts

The final consideration with respect to modifications to a discretionary land use, is whether, with all matters being taken into account, would the proposal be considered to have an impact on the amenity of the locality.

As identified earlier, the mix of businesses on site are split between businesses that trade solely within the day, and take away food outlets that also trade into the evening.

Noting that the built form on the subject site existed before widespread delivery services, and that parking demand is calculated on the basis of floorspace per tenancy, not trading hours, the supply of parking at the site is substantial, and is considered an oversupply to the current mix of businesses on site.

The intensity of uses at the subject site is modest, and was observed as harmonious, and not adding to the site and wider precinct being congested. Rather, the precinct was observed as being largely dormant during the evenings, with very little passive surveillance other than to the immediate vicinity of the takeaway food outlets. In general, the locality is devoid of a night-time economy other than take away food.

This is a stark contrast to other centres such as Albany Highway, Victoria Park, or Oxford Street, Leederville. In these instances, land use intensification needs to be assessed against a backdrop of activity of businesses that are contributing to a thriving but congested urban centre. In those instances, land use intensification needs to be assessed, as intensification of various businesses may have an amenity impact.

Taking this information, and applying to the subject site, from an amenity perspective, the dormant nature of much of the precinct is of concern, and provides no passive surveillance to businesses, particularly to the south. The increase in trade for the Lovers Adult Stores business would have no impact with respect to parking demand, and given the business has already been approved, has been demonstrated to be appropriate to the locality.

The specific consideration of providing extended trading hours to the existing approved Lovers Adult Stores business at the subject site is considered to have no detrimental impact on the amenity of the locality, given the dormant nature of the centre generally.

CONCLUSION

Taking the above points into account, the following conclusions are evident:

- The proposal is for a modest increase in trading hours to an existing and approved business, Lovers Adult Stores;
- Built form on the subject site and abutting sites caters to high levels of vehicle parking, and in many respects constitutes an over supply of parking;
- There are a high number of uses on the subject and abutting sites that are dormant during the evening;
- Parking availability on the subject and abutting sites is high during the evenings, due to a number of businesses not trading into the evenings;
- The small extension of trading hours, and low general patron numbers anticipated means the impact on parking supply is minimal, and
- The proposal is demonstrated not to have a detrimental impact on the amenity of the locality, rather, it will assist with enhanced passive surveillance.

Given the above, we believe that the proposal is appropriate, and ought to be approved by the City.

Should you require any further information or clarification in relation to this matter, please do not hesitate to contact the undersigned.

Yours faithfully

PINNACLE PLANNING



BEN CARTER