

Development Application Report

Alkimos Fast Food Outlet Development

Lot 769 & 770 (50 & 42) Montana Crescent, Alkimos

PLANNING SOLUTIONS
URBAN & REGIONAL PLANNING

PS



Prepared for
Alkimos Combine Pty Ltd
November 2022

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1 PRELIMINARY

1.1 Introduction

Planning Solutions acts on behalf of Alkimos Combine Pty Ltd, the registered proprietor of Lot 769 & 770 (50 & 42) Montana Crescent, Alkimos (subject site), and the proponent of three fast food outlets on the subject site.

Planning Solutions has prepared the following report in support of an application for development approval. This report will discuss various matters pertinent to the proposal, including:

- Site details.
- Proposed development.
- Statutory planning framework.

The subject site forms part of the Alkimos Beach Gateway commercial precinct and is proposed to be developed with three fast food outlets. All of the fast food outlets are proposed to operate 24-hours per day, 7-days per week, consistent with the established service station and car wash (future) abutting the subject site to the north.

The proposed outlets will provide convenient food and beverage offerings to the emerging Alkimos area, and patrons travelling along the surrounding road network (including Marmion Avenue). The overall development has been carefully and holistically configured to ensure internal operation and site functionality is maximised whilst also ensuring the outlets are designed to a contemporary and attractive standard at the entrance to Alkimos Beach. The outlets will result in a high-quality built form outcome and activate the surrounding streets, consistent with the intent envisaged for the Alkimos Beach locality and applicable planning framework.

We respectfully request the support of the City of Wanneroo (City), and furthermore request the Metro Outer Joint Development Assessment Panel (JDAP) grant approval to the proposed development.

1.2 Background

1.2.1 Lot 768 commercial development approval(s)

Development approval was granted by the Metro North-West Joint Development Assessment Panel (former) at its meeting of 18 December 2018 for a service station and associated car parking, landscaping, access and signage, on the northern aspect of Lot 768 (58) Montana Crescent, Alkimos. Approval was granted for the service station to operate 24 hours per day, 7 days per week. Lot 768 abuts the subject site immediately to the north, forming part of the Alkimos Gateway commercial precinct to the west of Marmion Avenue.

A subsequent Form 2 amended development approval was obtained at the JDAP's meeting of 12 March 2020, for minor amendments to the facades of the retail building and signage, to reflect the operational and branding requirements of X-Convenience. The X-Convenience service station is not constructed and operational.

A separate development approval was obtained in December 2021 for a 24-hour car wash facility, to occupy the southern aspect of Lot 768. The car was comprising 2 automatic wash bays, 3 manual wash bays, and 4 vacuum bays, orientated in a northerly direction. Based on the approved development plans, a 2m-wide landscaping strip will immediately abut the boundary between Lot 768 and the subject site.

1.2.2 Pre-lodgement engagement

Since obtaining the abovementioned development approval, Planning Solutions and representatives of the proponent have continued to engage with senior officers of the City of Wanneroo (City), with respect to the development intentions and layouts for the subject site.

Following the grant of development approval for the X-Convenience service station, initial concepts were prepared for a multi-tenancy showroom and motor vehicle repairs development on the subject site. Market demand for commercial land uses has continued to evolve within this locality. Since such time, with exponential population growth in Butler, Alkimos, and suburbs further north align Marmion Avenue, has come a growing demand for food and beverage tenants.

Initial fast food concepts were tabled with senior officers of the City in July 2022, which has assisted with finalising this development application package. Advice was obtained primarily in relation to the design of the outlets proposed, particularly their presentation to Marmion Avenue, and the provisions of Local Development Plan N0.39 (LDP39). An assessment against the relevant provisions of LDP39 is provided further below within this report.

Key points of feedback obtained through out engaged with the City with respect to the proposed development included:

- The implementation of a 2m setback between the Lot 769 and 770 boundaries (ie, the within the subject site) is not 100% clear. The setbacks may have been implemented to maintain view corridors from Marmion Avenue looking west, or potentially, it may have also been to vary a standard under a former revision of the Residential Design Codes (should residential development had been proposed on the properties east of Montana Crescent).
- The City's District Planning Scheme No.2 allows a nil rear and side setback for non-residential developments within the Scheme area.
- The inclusion of entrance points to Montana Crescent is viewed favourably.
- It was suggested to investigate how the Marmion Avenue elevations can be broken-up and defined. Further, how the Montana Crescent elevations are finished, and activate the streetscape.

The above feedback has informed the final development plans, particularly, how the outlets present to both Marmion Avenue and Montana Crescent. Specifics of the proposed development are discussed at section 3 of this report below.

2 SITE DETAILS

2.1 Land description

Refer to Table 1 below for the lot details and a description of the subject site.

Table 1 – Lot details

Lot	Deposited Plan	Volume	Folio	Area (m ²)
769	415096	2958	920	2,179m ²
770	415096	2958	921	2,195m ²
Total				4,374m ²

Refer Appendix 1 for a copy of the Certificate of Titles and Deposited Plan.

2.1.1 Notifications and encumbrances

The following encumbrances and notifications are listed on both of the Certificates of Title:

- Covenant burden to the City of Wanneroo, which restricts vehicular access along the entire lot frontage of Marmion Avenue, as depicted on Deposited Plan 415096.
- Notification (O031142) outlines the development site is located within the vicinity of a transport noise corridor and is currently affected, or may in the future be affected by transport noise.
- Restrictive Covenant (O031151) to Western Power which grants the construction, ownership and/or operation of an electricity distribution substation on the road reserve, as outlined on Deposited Plan 415096.

As detailed on the development plans contained within this development application report, no built form is proposed within the fire separation area, delineated by 'N' on Deposited Plan 415096.

- Caveat (O084844) to the Western Australian Land Authority claiming an interest in the land.

2.2 Location

2.2.1 Regional context

The subject site forms part of the Alkimos Secondary Centre, located approximately 40km north-west of the Perth CBD, approximately 15km north-west of the Joondalup City Centre, and approximately 10km south-west of the Yanchep District Centre.

The subject site has frontage to Marmion Avenue, a major north-south transport route of the metropolitan region linking Yanchep (north) to Trigg (south). The future Alkimos train station is located approximately 750m north-east of the subject site, along the opposite side of Marmion Avenue.

The subject site is located within the municipality of the City of Wanneroo (City).

2.2.2 Local context, land use and topography

The subject site is situated at the eastern fringe of the emerging Alkimos Beach Gateway commercial precinct, which comprises a range of established complementary commercial activities. Development to the west of this commercial precinct is residential, down to the Indian Ocean coastline.

The subject site is bounded by X Convenience Service Station and future car wash to the north, Marmion Avenue to the east and the Montana Crescent to the west. A tavern and various commercial tenancies have been developed further north, opposite Sanderling Street (north) within close proximity to the subject site.

The locality is generally characterised by:

- The Alkimos Gateway Shopping Precinct located at Lot 3 (1) Graceful Boulevard, Alkimos Beach, to the north. The shopping precinct is comprised of various complementary commercial and retail uses.
- Undeveloped land and partially cleared vegetation east of the subject site, at the opposite side of Marmion Avenue.
- Established dwellings further west, beyond vacant land approximately 75m from the subject site.
- A public pathway immediately south of the subject site, connecting pedestrians from Marmion Avenue to the boarder estate to the west, and the subject site. Mature vegetation exists to the south of the pathway, which substantially rises and contains the Alkimos Beach entrance statement.

The subject site is within walkable distance of public transport services along Marmion Avenue. Bus routes 490 and 491 provide connections to key locations including Yanchep, Two Rocks and Butler.

The subject site fronts Marmion Avenue, currently a two-lane undivided carriageway with on-street cycle lanes on both sides of the road. Marmion Avenue in the vicinity of the subject site carries on average in the order of 26,043 vehicles per day throughout 2021/22.

In terms of topography, the subject site is broadly flat, ready for development. The subject site sits approximate 200-300mm higher than the Marmion Avenue roadway.

Refer Figure 1, aerial photograph, and Photographs 1 – 6 depicting the subject site and surrounds.



Figure 1 – Aerial photograph and context



Photograph 1 – View of subject site from Marmion Avenue, looking north



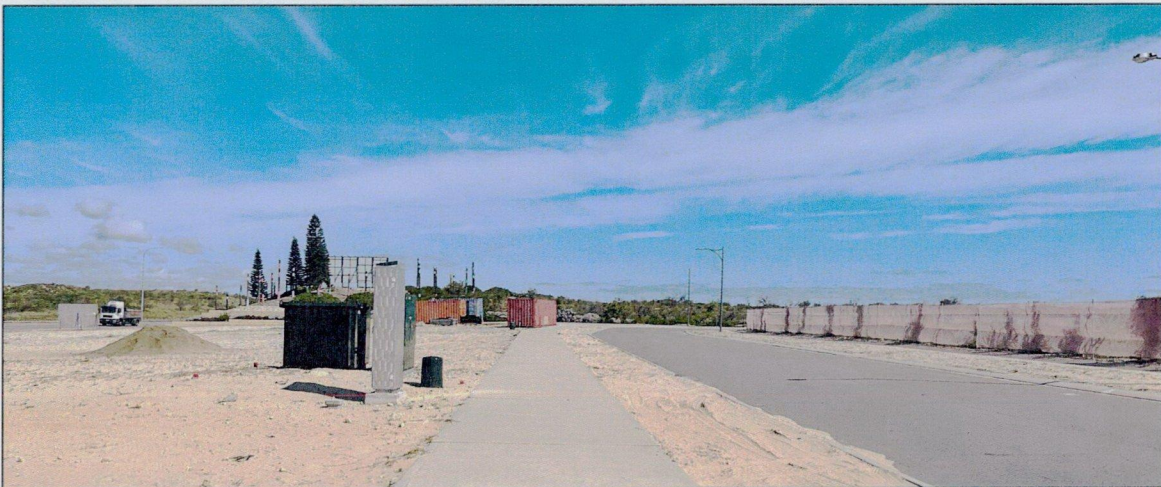
Photograph 2 – View of subject site from Marmion Avenue, looking west



Photograph 3 – View of subject site from abutting service station, looking south



Photograph 4 – View of Marmion Avenue roadway, looking north



Photograph 5 – View of Montana Crescent roadway, looking south



Photograph 6 – View of abutting service station, looking north-west

3 PROPOSED DEVELOPMENT

3.1 Development Summary

The proposal involves the development of three fast food outlets on the subject site, including associated access, drive-through lane, landscaping and signage. All outlets will operate 24-hours per day, 7-days per week.

The development configuration has been considered carefully and holistically to ensure that the internal operation and site functionality is maximised and the facility responds appropriately to the site context. The fast food outlets will improve the streetscape through passive surveillance, attractive landscaping and activity generation at a currently vacant site in the Alkimos Beach Gateway commercial precinct.

The proposed development will provide a valuable service to the local community and patrons travelling along the surrounding road network. The proposed fast food outlets are suitably located within an established commercial precinct and will expand the commercial services currently available to the Alkimos and wider Wanneroo community.

3.2 Built Form

The proposed fast food outlets will provide for the preparation, sale and serving of food and beverages to customers, for consumption either on or off the premises.

The active frontages of the proposed fast food outlet buildings are orientated east and west towards the Montana Crescent and Marmion Avenue. The fast food outlets are accessible by vehicles travelling north and south along Marmion Avenue.

The proposed single storey commercial development is of an appropriate scale considering the present and future context of the area. It is noted that there are no residential properties directly or immediately overlooking the proposed development. Notwithstanding, the scale of the proposed development is appropriately designed for the site and does not adversely impact any adjoining properties within the area.

The drive through facilities are situated at the rear of each fast food outlet, along the eastern boundary of the subject site. The plants and servicing areas are located on the north of each building. The plant and servicing corral is enclosed within the building and is accessed adjacent to the drive through lane, which allows for the access and temporary stopping of service vehicles.

Refer to Appendix 2 for the development plans.

Specifically, the proposed development comprises:

3.2.1 Northern Outlet (Outlet 1)

A restaurant building situated within the northern portion of the subject site, the details of which are summarised as follows:

- A 265m² gross floor area
- An enclosed plant and servicing area on the northern side of the building
- A dual-lane drive-through facility with ordering menus and speaker boxes to the north of the building
- A single lane drive-through and pick-up window with canopy and drive-through screen on the eastern elevation of the building
- Various signage associated with the operator's corporate imagery

- Two drive-through waiting bays plus car stacking capacity for 8 standard vehicles within the drive-through facility
- Bicycle racks located on the western side of the restaurant adjacent to the entrance, allowing space for 4 bicycles
- An internal footpath network which is proposed to link the building entrance with the existing pedestrian footpath from Marmion Avenue.
- One (1) 8m-high by 3m-wide pylon sign addressing Marmion Avenue.

The proposed restaurant is located within the northern portion of the subject site, with a setback of 9.5m from Marmion Avenue (east), a minimum of approximately 12.79m from the northern boundary (fronting the future X Convenience car wash), and 23.369m from the western boundary (abutting Montana Crescent).

3.2.2 Central Outlet (Outlet 2)

A Fast Food Outlet building situated within the centrally withing the subject site, the details of which are summarised as follows:

- A 137m² gross floor area
- A servicing area on the western side of the building, adjacent to the disabled parking bay
- A single lane drive-through facility with ordering menus to the north of the building and a single lane drive-through and pick-up window with canopy and drive-through screen on the eastern elevation of the building
- Various signage associated with the Fast Food Outlet corporate imagery
- An internal footpath network which is proposed to link the building entrance with the surrounding fast food outlets, car park and existing pedestrian footpath from Marmion Avenue
- One 8m-high by 2m-wide pylon sign addressing Marmion Avenue.

The proposed restaurant is located within the central portion of the subject site, with a setback of 8.55m from Marmion Avenue (east), a minimum of approximately 14m from the southern boundary of outlet 1, a minimum of approximately 14.8m from the northern boundary of outlet 3 and 23.5m from the western boundary (abutting Montana Crescent).

3.2.3 Southern Outlet (Outlet 3)

A family restaurant building situated within the southern portion of the subject site, the details of which are summarised as follows:

- A 177m² gross floor area
- A single lane drive-through facility with ordering menus to the north of the building and a single lane drive-through and pick-up window with canopy and drive-through screen on the eastern elevation and southern elevation of the building
- A 23m² alfresco area facing Montana Crescent
- Various signage associated with the operator's corporate imagery
- Two drive-through waiting bays

- A service yard, where bins will be stored, is provided to the north-eastern corner of Outlet 3, within a 2m enclosure
- An internal footpath network which is proposed to link the building entrance with the existing pedestrian footpath from Marmion Avenue
- One 8m-high by 2m-wide pylon sign addressing Marmion Avenue.

The proposed restaurant is located within the southern portion of the subject site, with a setback of 9m from Marmion Avenue (east), a minimum of approximately 14.8m from the southern boundary of the Fast Food outlet, and 20m from the western boundary (abutting Montana Crescent).

Furthermore, the proposed development has a total of 26 parking bays for customers and staff, including 3 disabled parking bays adjacent to each of the restaurant entrances. Additionally, the subject site has 2 delivery bays and 2 click and collect bays, totalling 30 bays within the proposed development.

Finally, landscaping is proposed along the frontages throughout the subject site, including a mix of soft landscaping beds and shade trees (20 trees).

3.3 Traffic, access and servicing

The subject site will be accessed by two vehicle access points to Montana Crescent:

- One 9m wide full movement crossover on the north portion of the subject site.
- One 8m wide full movement crossover on the south portion of the subject site.

This arrangement enables a functional and efficient two-way flow through the subject site and subject site as a whole, and enables ease of movement for vehicles returning to the road network. The movement network will be clearly articulated to drivers through line markings and directional signage. The subject site will also provide reciprocal access between fast food outlets.

The proposed development is supported by a Transport Impact Assessment prepared by traffic engineers, Transcore (refer Appendix 3). The assessment confirms the proposal is satisfactory from a traffic and access perspective, and that there will be an insignificant impact on the surrounding road network. Key findings of the TIA are as follows:

- The access/egress system proposed will achieve satisfactory circulation, particularly for service vehicles.
- The proposed development will not increase traffic flows near the quoted WAPC threshold to warrant further detailed analysis.
 - The traffic generated by the proposed development will not have a significant impact on the surrounding areas.
 - The proposed developments will not increase traffic volumes or noise on surrounding roads to an unacceptable level.

The proposed fast food restaurants development provides a total of 30 parking bays including three ACROD bays, two drive through waiting bays (fronting fast food outlet 1) and two click and collect bays (fronting fast food outlet 3) for the use of customers and staff. Further, a total of 32 stacking space within the drive through facilities are provided. This has been calculated based on the following:

- The proposed fast-food outlet 1 proposes a two-lane drive through facility with two Customer Order Booths (COB). This facility merges into a single lane for payment and pickup. The proposed drive through facility entails provision of 14 car stacking capacity within the drive through facility including a combined stacking space for at least four cars at the COBs.

- The proposed fast-food outlet 2 proposes a single drive through lane with one Customer Order Booth (COB). The proposed drive through facility entails provision of 8 car stacking capacity within the drive through facility with a space for at least three cars at the COB.
- The proposed fast-food outlet 3 proposes a single drive through lane with one Customer Order Booth (COB). The proposed drive through facility entails provision of 10 car stacking capacity within the drive through facility including a space for at least three cars at the COB.

Deliveries and waste collection will be undertaken via each fast food outlets respective loading bay. Fast food outlet 1 will use a 12.5m service vehicle. The fast food outlet 2 & fast food outlet 3 will use an 8.8m service vehicle. Delivery and service trucks are anticipated to enter/ exit the subject site via the proposed full movement crossovers (both crossover 1 and crossover 2) on Montana Crescent.

Service vehicles and waste collection trucks will access the site outside peak operating hours of the proposed development for the safe manoeuvring of the trucks within the site. This will result in minimal traffic conflicts between customers, employees and service vehicles. Turn path analysis confirms satisfactory vehicle movements through the site for this size truck, as per Appendix 3.

3.4 Stormwater management

A conceptual drainage plan is provided at Appendix 4 for the development site, demonstrating the proposed facility can cater a 1/100 year storm event, in accordance with the City of Wanneroo stormwater drainage design guidelines.

3.5 Noise management

The subject site is located within proximity of existing residential properties. Accordingly, given 24-hour operations are proposed, an Environmental Noise Assessment has been undertaken by Herring Storer Acoustics (refer to Appendix 5).

The assessment has modelled and assessed potential noise sources associated with the proposed development, and the resultant impact on nearby future residential area to be developed across Montana Crescent. The report concludes that the 24 hour operation of the proposed development will comply with the *Environmental Protection (Noise) Regulations 1997*, subject to the following mitigation measures:

- The mechanical services design needs to be confirmed during the design development phase. An acoustic study of the mechanical services needs to be undertaken once the design has been finalised, to ensure compliance is achieved.
- The mechanical services to be screened from the future neighbouring residences to the west. Finally, the air conditioning condensing units and refrigeration equipment to have "low" noise night period modes.

The above mitigation measures are considered to be acceptable by the proponent, and can be enforced through a condition of development approval.

Refer to Appendix 5 for the Environmental Noise Assessment prepared by Herring Storer Acoustics.

3.6 Landscaping

A total of 1,115m² of landscaping area is provided, making up 25.48% of the subject site. This includes a mixture of soft landscaping treatments around the periphery of the development site, with hard paving treatments for all pedestrian and external dining areas. This landscaping is predominantly concentrated along the street frontages and adjacent to the vehicle movement and car area.

A total of 20 trees have been proposed across the site, 5 of which are proposed along the western landscaping area, adjacent to the parking lot. Two tree species are proposed, including *Callistemon Salignus* (White Flowering Bottlebrush) and *Callistemon Hybrid* (Kings Park Special).

The proposed landscaping treatments are considered to provide an amenity benefit to the proposed development and the wider commercial operation.

Refer to Appendix 2 for the site landscaping plan, contained within the development plans.

3.7 Bushfire Management

The subject site is located within a designated bushfire prone area in accordance with the Department of Fire and Emergency Services Map of Bushfire Prone Areas. Accordingly, a Bushfire Attack Level (BAL) assessment was undertaken, and a Bushfire Management Plan (BMP) has been prepared by Eco Logical Australia to demonstrate appropriate bushfire risk management for the proposed development.

A BAL rating of BAL-Low was determined for the majority of subject site, with BAL ratings of BAL-19 to BAL-FZ extending into the south-western aspect of the subject site from vegetation to the south.

The BMP concludes that the bushfire protection requirements outlined within the BMP provide an adequate standard of bushfire protection for the proposed development in accordance with the relevant State Bushfire Protection Guidelines. These bushfire protection requirements include:

- Ensuring the proposed development is located outside of areas subject to BAL-FZ and BAL-40.
These BAL contours have been overlaid onto a separate site plan (drawing number DA004) contained within the development plans at Appendix 2. This drawing demonstrates no built form is proposed within a BAL contour of BAL-19 or greater.
- Ensure all asset protection zones depicted at Figure 6 of the BMP are established and maintained.
- Continue to maintain all asset protection zones as depicted at Figure 6 to a low-threat standard per AS3959:2018.

As such, the proposed development is consistent with the aim and objectives of State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7) and associated guidelines and is recommended for approval.

Refer Appendix 6 –Bushfire Management Plan.

4 STATUTORY PLANNING FRAMEWORK

4.1 Metropolitan Region Scheme

The subject site is zoned 'Central City Area' under the Metropolitan Region Scheme (MRS). A review of MRS mapping indicates the subject site is not affected by any reserve, or Planning Control Area No. 132 (Yanchep line extension – Alkimos).

The subject site fronts Marmion Avenue, which is reserved as a 'Other Regional Roads' reserve under the MRS. Marmion Avenue is identified as a Category 1 Other Regional Road under the MRS. The proposal does not include direct access to Marmion Avenue. The application is required to be referred to the Department of Planning, Lands and Heritage (DPLH) for a period of 30 days, in accordance with the process outlined within Table 1 of *Instrument of Delegation DEL2022/03*.

The proposed development is consistent with the provisions of the MRS and is appropriate to service the surrounding locality.

4.2 State Planning Policy 3.7: Planning in Bushfire Prone Areas

The Western Australian Planning Commission (WAPC) SPP3.7 seeks to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfires on property and infrastructure.

The subject site is situated within an area which is identified as being 'bushfire prone' by the Department of Fire and Emergency Services (DFES). Accordingly, the proposed development is required to comply with the relevant policy measures of SPP3.7 and associated documents.

As outlined at section 3.7 above, a Bushfire Attack Level (BAL) assessment has been undertaken to determine the potential bushfire risk of the proposed development. The assessment concludes the majority of the subject site is affected by a rating of BAL-Low, with ratings of BAL-19 to BAL-FZ extending into the south-western aspect of the subject site from vegetation to the south.

The BMP includes a range of bushfire management measures, that on implementation, will enable the proposed areas to be developed with a manageable level of bushfire risk, whilst maintaining compliance with the SPP3.7 Guidelines.

Refer Appendix 6 for a copy of the Bushfire Attack Level Assessment, and Section 3.7 of this report for information regarding the bushfire management of the site.

On the above basis, the proposal satisfies the intent of SPP3.7 and warrants approval accordingly.

4.3 City of Wanneroo District Planning Scheme No.2

4.3.1 Zoning

The subject site is situated within the 'Centre' zone of the City's District Planning Scheme No.2 (DPS2). Refer to Figure 2 below.



Figure 2 – DPS2 Zoning Map

The objectives of the 'Centre' zone are set out in Clause 3.13.2 of DPS2 as follows:

- provide for a hierarchy of centres from small neighbourhood centres to large regional centres, catering for the diverse needs of the community for goods and services;*
- ensure that the City's commercial centres are integrated and complement one another in the range of retail, commercial, entertainment and community services and activities they provide for residents, workers and visitors;*
- encourage development within centres to create an attractive urban environment;*
- provide the opportunity for the coordinated and comprehensive planning and development of centres through a Structure Plan process.*

In accordance with Clause 3.13.3 of DPS2, no subdivision or development is to be carried out within the Centre Zone until an Activity Centre Plan / Structure Plan has been prepared and adopted under Part 4 of the Deemed Provisions.

The South Alkimos Agreed Local Structure Plan No.72 (ASP72) applies to the subject site and is addressed in detail later in this report.

4.3.2 Land use class and permissibility

The proposed land use is classified as Drive-Through Food Outlet, defined by DPS2 as:

Drive-Through Food Outlet: means a take-away food outlet which includes the sale and serving of food direct to persons driving or seated in motor vehicles. The term may or may not include the preparation of food for sale and consumption within the building; or portion thereof.

The proposed use and development provides for the sale of food to customers in a form ready to be consumed, primarily off the premises. Whilst customer seating is provided within the outlets, a proportion of trade will be from customers purchasing food for take-away, either in-store or utilising the drive-through facility. The proposed land use satisfies the elements of the above definition and is classified as a 'Drive-Through Food Outlet' under DPS2.

The zoning table of DPS2 does not prescribe land use permissibility in the Centre zone. As noted above, land use permissibility is guided by a Structure Plan that applies to the subject site. We note that the South Alkimos Agreed Local Structure Plan No.72 (ASP72) designates a Commercial zoning to the subject site. The Drive-Through Food Outlet land use is a 'D' (discretionary) use in the Commercial zone, meaning the use is not permitted unless the local government grants its approval after following the procedures laid down by subclause 6.2.2;

Clause 6.2.2 of DPS2 outlines the following with respect to discretionary uses:

The local government in exercising its discretion as to the approval or refusal of an application for Development Approval, shall have regard to the provisions of Clause 67 of the Deemed Provisions.

If in any particular case local government considers that it would be appropriate to consult with the public generally or with the owners or occupiers of properties adjoining or in the vicinity of a site the subject of an application for Development approval involving a "D" use, the local government may direct that the provisions of Clause 64 of the Deemed Provisions shall apply to that application.

The proposed development is appropriately located within an emerging area identified for commercial development, and is suitably designed to provide a positive contribution to the emerging Alkimos Beach estate, and integrate harmoniously with the neighbouring commercial development.

An assessment against the relevant aspects of Clause 67 of the Deemed Provisions is provided at section 4.6 of this report, demonstrating the suitability of the proposed Drive-Through Food Outlet use on the subject site. The following sub-sections assess the proposed development against the applicable planning controls, including DPS2 and ASP72.

4.3.3 DPS2 development assessment

Part 4 of DPS2 stipulates the general development requirements applicable to all development not subject to the Residential Design Codes. Table 2 below provides an assessment against the requirements relevant to this proposal.

Table 2 - Assessment against the relevant development requirements under DPS2.

Requirement	Provided / applicant comment	Compliance
Cl. 4.7 – Setbacks for non-residential buildings		
4.7.1 Subject to the provisions of Part 3 or as otherwise provided in this clause, non rural and non residential buildings shall be set back as follows: (a) Street boundary – 6 metres; (b) (b) Side and rear boundaries – Nil.	The prescribed setback requirements for the subject site are identified by the provisions of the Gateway Local Development Plan No.39 (LDP39). LDP39 sets out a range of site-specific development provisions which apply to the subject site.	Refer to Table 4.
4.7.2 Where a lot has a boundary with two or more streets, the local government shall determine which of these streets may be considered secondary street boundaries. Setbacks to secondary street boundaries may be reduced by local government to 3 metres.	Notwithstanding, all fast food outlets are setback in excess of 6m from the Marmion Avenue lot boundary and provide a nil or greater setback to the lots side boundaries.	
4.7.3 Where a non residential development is proposed to be located on a lot having a common boundary		

with a Residential Zoned lot, the side and rear setbacks shall not be less than: (a) 3 metres for buildings of one storey; or (b) 6 metres for buildings of two or more storeys.	An assessment against the prescribed setback requirements of LDP39 are provided in section 4.5 of this report.	
4.7.4 That portion of a lot within 3 metres of the street alignment shall only be permitted to be used for a means of access and landscaping.	No portion of the subject site, within 3m of the Montana Crescent boundary is proposed to be used for any purpose other than access and/or landscaping.	✓
4.7.5 That portion of a lot between 3 metres of the street alignment and the building setback line shall only be permitted to be used for: (a) a means of access; (b) the loading and unloading of vehicles; (c) landscaping; (d) a trade display; (e) the daily parking of vehicles used by employees and customers of the development. No such area shall be used for the parking of vehicles displayed for sale or which are being wrecked or repaired or for the stacking or storage of materials, products or wastes.	The portion of development within 3m of Marmion Avenue is used only for landscaping within the lot boundaries and Marmion Avenue verge. The portion of development within 3m of Montana Crescent is used for landscaping and access. Development within 3m of either Marmion Avenue and Montana Crescent is not utilised for the parking of vehicles displayed for sale or which are being wrecked or repaired or for the stacking or storage of materials, products or wastes.	✓
Cl. 4.8 – Building facades for non rural and non residential development		
4.8.1 The façade or facades of all non rural and non residential development shall be of a high standard of architectural design and constructed in brick, masonry and/or plate glass or other approved material which in the opinion of Local government would not adversely impact on the amenity or streetscape of the area. Where metal clad walls are approved by Local government they shall have a factory applied paint finish.	The proposed fast food outlets will comprise the following high-quality design features: <ul style="list-style-type: none"> • Attractively designed buildings comprising various colours and materials (featured cladding, timber cladding, slatted composite cladding and various coloured paint). • High quality landscaping and extensive foliage that creates visual barriers, and encourages vitality. • Various external treatments and materials which create visual interest to Montana Crescent and Marmion Avenue. The primary orientation of the fast food outlets has been specifically designed to ensure its compatibility and interface with future development on lots on the opposite side of Montana Crescent is not compromised, and to ensure consistency with LDP39. • Corner elements to provide exposure to the tenant to Marmion Avenue, whilst also adding visual interest to the building. • Drive-through canopies and screening features to add visual relief along the Marmion Avenue elevations. 	✓

Cl. 4.12 – Service areas and access		
<i>Provision shall be made for service access to the rear of all taverns, hotels, motels, shops, showrooms, restaurants, takeaway food outlets, drive through takeaway food outlets and other commercial uses as required by the Local government for the purpose of loading and unloading goods unless considered by the Local government to be undesirable in a particular instance.</i>	Deliveries will be made via the three individually proposed service areas on the exterior of each respective fast food outlet, to their northern sides.	✓
Cl. 4.13 Storage and rubbish accumulation		
<i>All storage, including the storage of accumulated rubbish, shall be confined to within a building, or a suitably enclosed area screened from its immediate surrounds and any adjacent public street or road by normal viewing by a wall not less than 1.8 metres in height constructed of brick, masonry or other approved material. All storage of accumulated rubbish shall be located in a position accessible to rubbish collection vehicles and where vehicular access and car parking will not be adversely affected.</i>	Rubbish accumulated within the proposed uses will be stored in the bin room or the service areas to the northern side of each of the fast food outlets. The bin storage areas are contained completely within the building for Outlets 1 and 2. Additionally, a service yard, where bins will be stored, is provided to the north-eastern corner of Outlet 3, within a 2m enclosure.	✓
Cl. 4.17 Landscaping requirements for non-rural and non-residential development		
<i>4.17.1 A minimum of 8% of the area of a development site shall be set aside, developed and maintained as landscaping to a standard satisfactory to the local government. In addition the road verge adjacent to the lot shall be landscaped and maintained to the satisfaction of the local government.</i>	The proposed development provides a substantial total of 25.48% of landscaped area, within the overall 4,374m ² subject site area. Landscaping is provided along the lot frontages, and within the subject site, comprising a mixture of native species of low and medium scale. The proposed landscaping arrangements will enhance the overall presentation of the proposed fast food outlets to the surrounding streetscapes, and enhance its external appearance / interface with Marmion Avenue and Montana Crescent. A landscaping plan is included in the development plan package, contained at Appendix 2.	✓
<i>4.17.3 Landscaping shall be carried out and maintained on all those areas of a development site which are not approved for buildings, accessways, storage purposes or car parking. Alternatively, local government may require these areas to be screened from view of streets and other public places.</i>	The proposed landscaping throughout the subject site is of a high quality, as demonstrated by the landscaping plan contained within the development plans at Appendix 2. The proposed landscaping will enhance the overall presentation of the proposed development, and is consistent with the internal outcomes for the Alkimos Beach estate.	✓
<i>4.17.4 Landscape areas shall be designed and located to improve the visual appeal of the development from the street and other public spaces and the standard of amenity for those using the development. The use of endemic trees and shrubs are encouraged.</i>		✓
<i>4.17.5 Shade trees shall be planted and maintained in car parking areas designed within the wells at the rate of one tree for every four (4) car parking bays, to the local government's satisfaction.</i>	30 car parking bays are proposed within the subject site, therefore requiring (7.5) 8 shade trees within the subject site. As it's not possible to establish trees immediately west of the fast food outlet buildings, 20 have been proposed across the site,	✓

	<p>5 of which are proposed along the western landscaping area, adjacent to the parking lot. Two tree species are proposed, these include:</p> <ul style="list-style-type: none"> • 7 x Callistemon Salignus (White Flowering Bottlebrush) are proposed which will grow to 8m and spread 4m. • 13 x Callistemon Hybrid (Kings Park Special) are proposed which will grow to 4m and spread 3m. <p>It is therefore considered that the 20 proposed trees, within the development, meets the requirement of 8 shade trees.</p>	
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Having regard to Table 2 above, the fast food outlets are consistent with the relevant development requirements contained within Part 4 of DPS2, and warrants approval accordingly.

4.3.4 Car Parking

Table 2 (Clause 4.14) – Car Parking Standards of DPS2 sets out the applicable car parking standards for various land uses. The car parking standard for a Drive-Through Food Outlet is:

1 per 4 guests in indoor and outdoor seated areas plus 7 per 100m² NLA for non seated areas. Up to 50% of non seated area parking may be located in drive through queue.

A car parking assessment has been completed within Table 3 below.

Table 3 – Car Parking Assessment

Proposed / Development Particular	Required Parking	Provided Parking
Outlet 1		
Indoor and outdoor seated areas: approximately 44 persons	11 bays	
Non seated areas: 200m ²	14 bays	
Outlet 2		
Indoor and outdoor seated areas: approximately 20 persons	5 bays	
Non seated areas: Approximately 74m ²	5 bays (5.18)	
Outlet 3		
Indoor and outdoor seated areas: approximately 24 persons	6 bays	
Non seated areas: 101m ²	7 bays (7.07)	
Total	Seated Areas: 22 parking bays Non Seated Areas: 13 parking bays and 13 drive through queuing bays (50% of 26 required bays) Total Required: <ul style="list-style-type: none">35 parking bays13 drive-through queuing bays	Total Provided <ul style="list-style-type: none">30 bays parking bays2 waiting bays (outlet 1)32 drive-through queuing bays.

As seen above, within Table 3, there is a total shortfall of 5 car parking bays, across all three outlets. This variation is minor and considered to be appropriate given the surplus of queuing spaces (surplus of 19 queuing spaces) within the drive-through lanes, which is the primary trading method for all three fast-food outlets. Furthermore, a shortfall of 5 bays, across the three outlets results in a shortfall of 1.66 bays per tenancy. Finally, it is likely that multiple customers will come to the subject site together (families, friends etc) and access multiple outlets at once, further reducing the demand for further parking bays to be provided.

For these reasons, this minor car parking shortfall warrants support accordingly.

4.4 South Alkimos Agreed Local Structure Plan No.72

The South Alkimos Agreed Local Structure Plan No.72 (ASP72) guides development for the subject site in accordance with Centre zoning under the City's DPS2. The subject site is classified as 'Commercial' under ASP72, which by virtue of section 5.1 of the ASP72 text, corresponds to the 'Commercial' zone of DPS2. The subject site is located within Precinct 1 – Gateway of the ASP72. Refer to Figure 3 below.

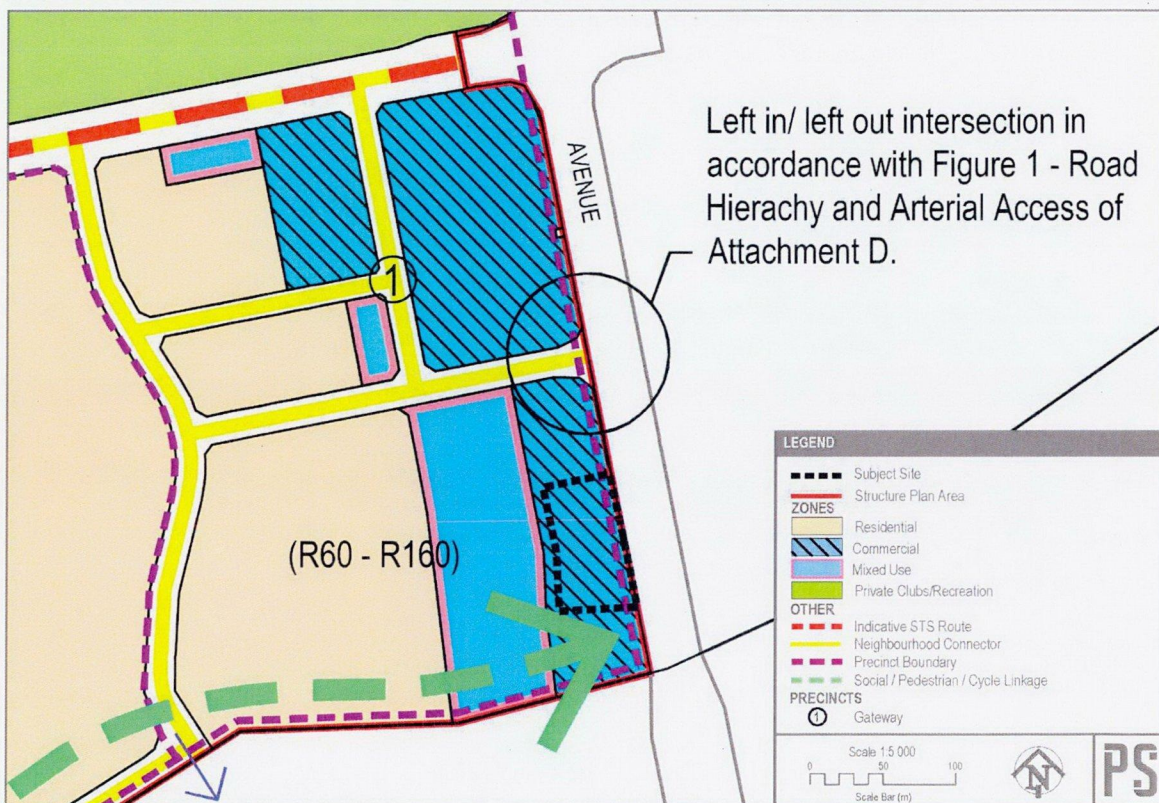


Figure 3 – ASP72 Map

The overarching objective of the Commercial zone is set out by clause 2.7.2 of DPS2 as follows:

- (a) make provision for existing or proposed retail and commercial areas that are not covered currently by a Structure Plan;
- (b) provide for a wide range of uses within existing commercial areas, including retailing, entertainment, professional offices, business services and residential.

The proposal involves the use and development of three fast food outlets, which will form part of the emerging commercial precinct within Alkimos Beach estate. The use will be suitably exposed to passing trade whilst remaining accessible to the emerging local community providing fast food services. The proposed fast food outlets will operate 24 hours, alongside the service station, convenience store and future car wash to the north of the subject site. The fast food outlets will add to the already expansive range of uses within the existing commercial area.

The proposed development is therefore consistent with the overall intent for the subject site under ASP72, and warrants the City's approval accordingly.

Land use permissibility for the proposed Drive-Through Food Outlet use is considered at Section 4.3.2, demonstrating the proposed use is acceptable for establishment on the subject site.

4.4.1 Local Development Plans

Pursuant to Clause 6.1 of ASP72, Local Development Plans are to be prepared in accordance with DPS2, prior to the subdivision and/or development for land designated "Commercial" under the local structure plan, which require site specific development requirements.

The Gateway South Local Development Plan No.39 applies to the subject site and is addressed in the subsequent section.

4.5 Gateway South Local Development Plan No.39

The Gateway South Local Development Plan No.39 (LDP39) has been prepared in accordance with the provisions of Clause 6.1 of ASP72 and Clause 52(1)a of the Deemed Provisions. LDP39 sets out a range of site-specific development provisions which apply to the entirety of Lots 768-772 Montana Crescent, Alkimos.

An assessment against the relevant development standards is provided in Table 4 below.

Table 4 – LDP39 assessment

LDP39 Provision		Provided / applicant comment	Compliance
Setbacks (min)			
Marmion Avenue	5.0m	8.6m – 9.505m	✓
Sanderling Street	Nil	NA	N/A
Montana Crescent	3.0m	20m – 23.5m	✓
Between Lots 769 and 770	2.0m	The southern-most wall of outlet 1 is located 9.78m from the lot boundary whilst the northern-most wall of outlet 2 is located 4.15m from the lot boundary.	✓
Maximum Building Heights			
Top external wall – 12m Top external wall (concealed roof) – 13m Top pitched roof – 15m		Proposed fast food outlets measures between 5.2m and 7.5m in-height, therefore within the maximum building height limits.	✓
Building Orientation			
The Primary building orientation of buildings, including building entrances must be orientated as designated on the LDP		LDP39 designates the primary building orientation for the subject site to Montana Crescent. The proposed fast food outlets are, as a result, all orientated west	✓

All lots are to provide window openings which overlook and provide passive surveillance onto the adjoining road reservations.

towards Montana Crescent. Furthermore, the proposal has detailed all primary elevations and entrance points to be along the western elevation of the outlets, facing west, including a shopfront alfresco area on the west of Outlet 3. Additionally, the orientation of the building is evident through the placement of the drive through (along the rear). Cars access the subject site from Montana Crescent and access the fast food outlets to the east from the parking on the west.

By nature of the use, patrons will come and go, providing ongoing surveillance from their vehicles towards the adjoining roadways. Furthermore, dining areas will be orientated towards Montana Crescent, providing additional passive surveillance to adjoining roadways.

Fencing

Visually permeable fencing shall be provided on the boundary of lot 770 adjacent to the public open space.

Approximately half of the lot 770 southern boundary (on the south western site of the subject site) is proposed to be retaining wall. The specifics of fencing proposed along this boundary and to the top of the retaining wall will be confirmed through the building permit documentation stage, in consultation with the City of Wanneroo. The proponent has no objection to installing visually permeable fencing along this boundary.

Variation

As demonstrated above, the proposed development is consistent with all provisions of LDP39, and warrants the City's support accordingly.

4.6 Matters to be considered

Clause 67 – Part 2 – Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) details the matters to be given due regard by local government when considering development applications. Table 5 below provides an assessment against matters relevant to this proposal.

Table 5 – Matters to be considered by local government

Relevant matters to be considered	Provided / applicant comment
(a) <i>the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;</i>	<p>The proposed use and development are consistent with the aims and provisions of the City's DPS2 for the following reasons:</p> <ul style="list-style-type: none"> • The proposal seeks approval for land uses which are capable of approval within the Commercial zone (which the site is identified as under the South Alkimos Agreed Local Structure Plan No.72. • The proposed development is appropriately located within an emerging area identified for commercial development, and is suitably designed to provide a positive contribution to the emerging Alkimos Beach estate, and integrate harmoniously with the neighboring commercial development.

(g) <i>any local planning policy for the Scheme area;</i>	This report demonstrates the proposed development generally complies with the City's local planning policies. Refer section 4.7 of this report below.
(h) <i>any structure plan, activity centre plan or local development plan that relates to the development;</i>	The subject site is located within the South Alkimos Agreed Local Structure Plan No.72 and the Gateway South Local Development Plan No.39 area. This report satisfactorily addresses the structure plan and local development plan provisions above.
(m) <i>the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</i>	<p>The proposed development is entirely compatible with its setting for the following reasons:</p> <ul style="list-style-type: none"> • The use will be suitably exposed to passing trade whilst remaining accessible to the emerging local community providing fast food services. • The location of the subject site on a major arterial road, and the existing left-in and left-out crossover to Marmion Avenue ensures local streets are not impacted by additional traffic generated by the proposed development. • The proposed development is appropriately located within an emerging area identified for commercial development, and is suitably designed to provide a positive contribution to the emerging Alkimos Beach estate, and integrate harmoniously with the neighboring commercial development. <p>Having regard to the above, the nature of the proposed development is entirely compatible with its surroundings and features a highly considered visual character to ensure no undue impact on surrounding sensitive land uses.</p>
(n) <i>the amenity of the locality including the following –</i> i. <i>environmental impacts of the development;</i> ii. <i>the character of the locality;</i> iii. <i>social impacts of the development;</i>	<p>Environmental Impacts The noise impacts produced by the fast food outlets have been mitigated through the orientation and layout of the development.</p> <p>Character of the Locality The subject site forms part of an established commercial precinct, which contains various complementary commercial activities orientated towards Marmion Avenue. The proposed development is entirely consistent with the established commercial setting.</p> <p>Social Impacts The proposed development will not have any adverse social impacts on the surrounding locality for the following reasons:</p> <ul style="list-style-type: none"> • The day and night time operation of the proposed fast food outlets will ensure a level of surveillance of the surrounding area during all hours. • The proposed tenancies will conveniently provide their services to vehicles travelling along Marmion Avenue.

<p>(s) The adequacy of –</p> <ol style="list-style-type: none"> The proposed means of access to and egress from the site. Arrangements for the loading, unloading, manoeuvring and parking of vehicles. 	<ul style="list-style-type: none"> All outlets once occupied, will create many employment positions for the surrounding locality. <p>As demonstrated in section 3.3 of this report and the supporting Transport Impact Assessment (TIA) prepared by Transcore (Appendix 3), the proposed means of access to and from the site is satisfactory. Swept path plans for service vehicles has also been provided, demonstrating the service vehicle for each outlet can safely and appropriately access and manoeuvre the site without conflicting with kerbing, landscaping and/or built form. With regard to service deliveries, each fast food outlet has a dedicated service area.</p>
<p>(t) The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.</p>	<p>The TIA prepared by Transcore (Appendix 3) demonstrates that all traffic generation associated with the proposed development will not adversely impact the surrounding road network, and that surrounding road network is entirely capable of accommodating traffic associated with the proposed use.</p>

Having regard to Table 5 above, the proposal appropriately addresses matters to be given due regard as set out in the Deemed Provisions. The proposal, therefore, warrants approval accordingly.

4.7 City of Wanneroo Local Planning Policies

4.7.1 Local Planning Policy 4.6 – Signs Local Planning Policy

Local Planning Policy 4.6 – Signs Local Planning Policy (LPP4.6) stipulates the requirements and standards applicable to advertising signs. An assessment of the proposed signage (as detailed at section 3.5) is provided in Table 6 below.

Table 6 – Signage Assessment

LPP4.6 Policy requirement	Provided / applicant comment	Compliance
<p><u>Wall Sign</u> A sign that is painted or affixed on the front, side or rear elevation of a building or structure, but does not project more than 300 millimetres out from the wall.</p> <p><u>Wall signs shall</u></p> <ul style="list-style-type: none"> Be limited to a maximum of one sign per tenancy, per street frontage. Not extend laterally beyond either end of the wall or protrude above the top of the wall. Not exceed 25% in aggregate area on any one wall to a maximum of 8m². Be integrated with the building design. 	<p>The wall signs affixed to the fast food outlets comprise the following aggregate areas per elevation:</p> <p><u>Outlet 1</u></p> <ul style="list-style-type: none"> Eastern Elevation: No signage Western Elevation: 9m² (1 sign) Northern Elevation: No signage Southern Elevation: 9m² (1 sign) <p><u>Outlet 2</u></p> <ul style="list-style-type: none"> Eastern Elevation: 2.25m² (1 sign) Western Elevation: 2.25m² (1 sign) Northern Elevation: No signage Southern Elevation: No signage <p><u>Outlet 3</u></p> <ul style="list-style-type: none"> Eastern Elevation: 3.71m² (1 sign) Western Elevation: 5.68m² (1 sign) Northern Elevation: 11.56m² (2 signs) 	<p>Variation – refer justification below</p>

<ul style="list-style-type: none"> Southern Elevation: 3.71m² (1 sign) 		
<p>Justification: The proposed signage is largely compliant with LPP4.6 wall signage requirements. Only fast food outlet 3 proposes 2 signs on the one (northern) façade. Furthermore, whilst the fast food outlet 1 does not exceed 25% of the aggregate area on any façade, the two proposed signs will exceed the 8m² maximum requirement. The proposed signage, and variations, are entirely consistent with the established commercial amenity for the location, and are designed to integrate with the architectural design features of the underlying building. Therefore, despite variation to the standard policy requirements, the signage hierarchy is consistent with the amenity of a commercial area.</p>		
<p><u>Pylon Sign</u> <i>A sign supported on one or more poles to which infill panels may be added, that is not attached to a building.</i></p> <p><u>Pylon signs shall</u></p> <ul style="list-style-type: none"> Be limited to a maximum of one per street frontage or one for every 40 metres of linear street frontage. Not exceed 6 metres in height by 2.5 metres in width. Be located centrally within the lot and no closer than 3 metres to a side boundary. 	<p>Three pylon signs are proposed along the subject site's eastern boundary, addressing Marmion Avenue. One pylon is proposed for each outlet.</p> <p>The proposed pylon for outlet 1 measures 8m in-height and 3m in-width.</p> <p>The proposed pylon for outlet 2 measures 8m in-height and 2m in-width.</p> <p>The proposed pylon for outlet 2 measures 8m in-height and 2m in-width.</p> <p>All three pylon signs propose a 2m variation in height, and the pylon for outlet 1 proposes a 0.5m variation in width. More than one sign is also proposed to the Marmion Avenue frontage, and all signs are located closer than 3 metres to the boundary.</p>	<p>Variation – refer justification below</p>
<p>Justification: The proposed pylon signs are appropriate and warrant support for the following reasons:</p> <ul style="list-style-type: none"> The location of the pylon sign does not obstruct vehicle sightlines. They are a mechanism for vehicles travelling along Marmion Avenue to identify the site, slow and enter the estate via Sanderling Street. The development forms part of an emerging commercial precinct which comprises a range of complementary commercial activities. Signage is an essential component which characterises the amenity of the locality. The three pylon signs to Marmion Avenue are the only pylon signs proposed, albeit the subject site has frontage to two streets. No pylons are proposed to Montana Crescent that may otherwise be seen by virtue of future development along the western side of Montana Crescent. The proposed signs will be finished in the secured tenant's branding and imagery, to blend and match the outlet building, and will not look out of place. The setback of less than 3m to the Marmion Avenue boundary is also considered appropriate, having regard to the verge provided between the eastern boundary of the subject site and the Marmion Avenue roadway. Approximately 4m of verge abuts Lot 769 (northern lot), and approximately 7.75m of verge abuts Lot 770 (southern lot) <p>For the reasons outlined above, the proposed pylon sign should be considered on its merits and approved accordingly.</p>		

As demonstrated in the table above, the proposed signage is largely consistent with the requirements of LPP4.6. The variation sought to the proposed pylon sign is considered acceptable in the context of the subject site along Marmion Avenue and, the future commercial locality. Having regard to Table 6 above, the proposed signage warrants approval accordingly.

5 CONCLUSION

This application seeks approval for the use and development of three fast food outlets on the subject site, which is proposed to operate 24 hours a day, 7 days a week. The proposed development is suitably located within an emerging area identified for commercial development, and is suitably designed to provide a positive contribution to the emerging Alkimos Beach estate and integrate harmoniously with the neighbouring established service station and car wash development.

In summary, the proposal appropriately responds to all the relevant aspects of the planning framework and warrants approval for the following reasons:

- The proposed development will deliver a use which is classified as a 'D' discretionary use on the subject site. As outlined above within this report, the Drive-Through Food Outlet use is demonstrated to be a suitable and appropriate use within the Commercial zone.
- The proposed development is designed to a high standard, and will result in a positive built form outcome for the site and entrance to the Alkimos Beach locality.
- The proposed development is supported by a Transport Impact Assessment which demonstrates sound access arrangements.
- The proposed development is supported by a Bushfire Management Plan and Bushfire Risk Management Plan which demonstrates bushfire risk can be appropriately managed in accordance with State Policy.
- It has been demonstrated, through an Environmental Noise Assessment that the proposed development will comply with the Environmental Protection (Noise) Regulations 1997 at all times. The noise assessment considers potential noise on current and potential future residences.
- The proposal involves the use and development of fast food outlets to compliment the existing service station and approved car wash neighbouring the subject site, which will form part of the emerging commercial precinct within Alkimos Beach estate.

Having regard to the above, the proposal clearly demonstrates the suitability of the proposed use for the subject site. Accordingly, we respectfully request the support of the City of Wanneroo (City), and furthermore request the Metro Outer Joint Development Assessment Panel grant approval to the proposed development.