

PROPOSED TAVERN

1 (LOT 395) PEONY BOULEVARD, YANCHEP

27 October 2023



NORTH-EAST PERSPECTIVE VIEW



SOUTH-WEST PERSPECTIVE VIEW

Project Team

Landowner	Yanchep Central Investments Pty Ltd ATF Yanchep Central Unit Trust
Development Manager	FRP Capital
Architect	Oldfield Knott Architects
Town Planning	PTS Town Planning
Traffic	Transcore
Acoustic	Acoustic Consultants Australia
Bushfire	Bushfire Prone Planning
Waste Management	AusWide

Contents

Introduction	1	Appendix A
Planning Approvals Required	1	Certificate of Title
Subject Site	2	Appendix B
Site Location and Property Description	2	BAL Assessment and BMP
Site Improvements	2	
Heritage	2	Appendix C
Bushfire Prone Area	2	Development Plans
Contamination	2	
Site Context	2	Appendix D
		Landscape Areas
Planning Framework	4	Appendix E
Planning and Development (LPS) Regs 2015	4	Car Parking Assessment
Metropolitan Region Scheme	4	
SPP 3.7 Planning in Bushfire Prone Areas	4	Appendix F
SPP 4.2 Activity Centre for Perth and Peel	4	Transport Impact Assessment
SPP 7.0 Design of the Built Environment	4	
City of Wanneroo District Planning Scheme No.2	4	Appendix G
Agreed Structure Plan No. 40	4	Acoustic Assessment
Local Planning Policies	4	
Proposed Development	5	Appendix H
		Tavern Management Plan
Planning Assessment	6	Appendix I
Metropolitan Region Scheme	6	Waste Management Plan
SPP 3.7 Planning in Bushfire Prone Areas	6	
SPP 4.2 Activity Centre for Perth and Peel	6	
SPP 7.0 Design of the Built Environment	6	
Land Use	7	
Setbacks	8	
Building Facades	8	
Traffic Entrances	8	
Visual Truncations	8	
Service Areas and Access	8	
Bin Storage	8	
Car Parking	9	
Bicycle Parking	10	
Landscaping	10	
Agreed Structure Plan No. 40	11	
Local Planning Policy	11	
Planning and Development (LPS) Regs 2015	13	
Conclusion	14	

Introduction

This report has been prepared in support of an Application for Development Approval for a Tavern at 1 (Lot 395) Peony Boulevard, Yanchep (subject site).

The subject site (Lot 395) and 2 (Lot 50) Peony Boulevard form the main part of the Yanchep District Centre. The recent approval of the shopping centre development at 2 Peony Boulevard (to the south of the subject site) is currently under construction. The Yanchep District Centre also includes the Aldi Supermarket to the north-east.

The proposed Tavern is focused on extending the 'Main Street' on Peony Boulevard and providing services and amenities reflective of a District Centre.

The Director of Liquor Licensing has issued a conditional grant of a tavern restricted licence for the proposed tavern.

Concurrent but separate to this Application, a JDAP Application will be submitted to extend the existing small liquor store on the subject site to a large liquor store. It is noted that the consultants reports submitted with this application including bushfire, traffic and car parking consider both applications.

Additionally, an application has been submitted to the City of Wanneroo to cover a portion of the at-grade car parking bays.

The District Centre is subject to the Lot 1 and Lot 102 Yanchep Beach Road, Yanchep, Agreed Structure Plan No. 40 (Note that the lot numbers references refer to historical lot numbers).

This report will address the relevant matters pertinent to the proposal, including:

- The site details;
- The planning framework;
- The proposed development;
- An assessment under the planning framework; and
- Consideration of other factors including, but not limited to bushfire, acoustic, traffic etc.

Planning Approvals Required

The proposed development has a construction cost of \$3 million and the Applicant has elected for the application to be determined by the Metro Outer Joint Development Assessment Panel.

Subject Site

Site Location and Property Description

The subject site is Lot 395 (1) Peony Boulevard, Yanchep contained on Certificate of Title Volume 2784 Folio 192 on Deposited Plan 62808. The site has a total land area of 4.6485 hectares and street frontages to Marmion Avenue to the west, Peony Boulevard to the south and Kakadu Road to the east.

The lot is subject to a Notification by the Water Corporation noting that extension of water and sewer required for development of the lot and an electricity easement.

Refer to Appendix A - Certificate of Title.

Site Improvements

A Woolworths Supermarket, speciality shops and car parking are located on the central portion of the subject site. The portion of land to the north and to the east is vacant.

The area on which the Tavern is proposed is currently at-grade car parking.

Heritage

The site is not listed as a heritage place under District Planning Scheme No.2 nor listed on the State Register of Heritage Places.

The site is not identified as an Aboriginal Cultural Heritage Site.

Bushfire Prone Area

The proposed development is located within a bushfire prone area. A BAL Assessment and Bushfire Management Plan has been prepared and is contained in Appendix B.

Contamination

A search of the contaminated sites database does not identify the site as a contaminated site.

Site Context

Yanchep Central, being Lots 50 and 395, form part of the overall Yanchep District Centre. The recent approval of the shopping centre development at 2 Peony Boulevard (to the south of the subject site) is currently under construction. The existing Aldi Supermarket is located to the north-east of the subject site.



Aerial photograph of site and surrounds

Planning Framework

Planning and Development (Local Planning Schemes) Regulations 2015 (Regs)

Clause 67 of Schedule 2 of the Planning Regulations outlines the matters to which the determining authority is to have due regard when considering an application for development approval.

Metropolitan Region Scheme (MRS)

The subject site is zoned 'Urban' under the Metropolitan Region Scheme. Marmion Avenue is reserved as an Other Regional Road.

SPP 3.7 Planning in Bushfire Prone Areas (SPP3.7)

SPP3.7 provides the basis for land use planning to address bushfire risk management in Western Australia. It is used to inform and guide decision-makers, referral agencies and landowners/ proponents to help achieve acceptable bushfire protection outcomes. Portions of the site are identified as bushfire prone.

SPP 4.2 Activity Centres for Perth and Peel (SPP4.2)

SPP4.2 identifies broad planning requirements for the planning and development of new activity centres and the redevelopment and renewal of existing centres in Perth and Peel. Yanchep is identified as a District Centre.

SPP 7.0 Design of the Built Environment (SPP7.0)

SPP7.0 identifies the principles to address design quality and built form outcomes. The principles include: Context and character, Landscape quality, Built form and scale, Functionality and build quality, Sustainability, Amenity, Legibility, Safety, Community and Aesthetics.

City of Wanneroo District Planning Scheme No. 2 (DPS2)

Under District Planning Scheme No.2 the site is zoned Urban Development. Agreed Structure Plan 40 (ASP40) has been prepared for the area. The permissibility of uses in the Urban Development Zone shall be determined with regard to the provisions of the relevant Structure Plan. It is noted that the Yanchep District Centre is not identified in Schedule 7.

Agreed Structure Plan No. 40 (ASP40)

ASP40 provides a zoning of Commercial with a residential density of R80/100. ASP40 allocates a retail net lettable area of 11,000m², with any additional retail net lettable area for this District Centre being justified in the context of overall retail modelling for the District and an amendment to the Structure Plan.

Local Planning Policies

The following Local Planning Policies are applicable to the consideration of the development application:

- LPP 2.8 – Licensed Premises

Proposed Development

The proposed development is a single storey tavern located on the corner of Peony Boulevard and Marmion Avenue.

The tavern has a gross internal floor area of 870m² with a public floor area (lounge and bar) of 388m². The tavern includes 3 external areas, being Courtyard 1 of 46m², Courtyard 2 and Verandah of 250m² and Courtyard 3 of 22m².

The operator has applied for a Tavern Restricted Liquor Licence and the Director of Liquor Licensing has issued a conditional approval (Included with Appendix H).

The Tavern proposes the following hours of operation (includes the statutory hours in accordance with section 98 of the Liquor Licensing Act 1988 and an extended trading permit on a Friday and Saturday until 1am).

- Sunday to Thursday 6am to midnight
- Friday and Saturday 6am to 1am

The maximum occupancy of the tavern will be subject to the Maximum Accommodation Certificate issued by the City of Wanneroo under the Health (Public Buildings) Regulations 1988, however, the capacity of the tavern will be approximately 500 internal and 300 in the external areas.

The service areas are provided to the north of the tavern accessed from the existing car park and includes the service area and bin store.

The proposed development is focused on continuing the 'Main Street' to Peony Boulevard.

The Development Plans are contained in Appendix C.

Appendix D includes the existing landscaped areas, the landscaping resulting from the Tavern and also the ultimate landscaping when considering both the tavern and liquor store large.

Planning Assessment

Metropolitan Region Scheme (MRS)

The Urban zoning is appropriate for the proposed Tavern and there are no impacts from any MRS Reservations as no access is gained directly from Marmion Avenue.

SPP 3.7 Planning in Bushfire Prone Areas

A BAL assessment and bushfire management plan are contained in Appendix B.

SPP 4.2 Activity Centre for Perth and Peel

A Tavern is a Category B use under SPP4.2 and therefore not considered major development and only triggers the policy requirements when preparing new or amendments to planning instruments (not development applications).

SPP 7.0 - Design of the Built Environment (SPP7.0)

The following provides an assessment of the proposed development against the principles of SPP7.0.

Design Principle	Comments
<p>1. Context and character</p> <p>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place</p>	<ul style="list-style-type: none"> The development layout positively responds to the context through building upon the 'Main Street' created by the existing development on the northern side of Peony Boulevard and the development under construction on the southern portion of Peony Boulevard. The built form is single storey which is the predominant scale of built form in the area.
<p>2. Landscape quality</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</p>	<ul style="list-style-type: none"> The development includes landscaping around the tavern and to the Marmion Avenue verge which will add to the landscape outcome for the site. A detailed landscape plan will be provided as a condition of approval.
<p>3. Built form and scale</p> <p>Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.</p>	<ul style="list-style-type: none"> The built form is single storey which is predominant scale of built form in the area. The layout of the buildings internalises the service areas. The Building has frontage and provides activation to Peony Boulevard.
<p>4. Functionality and build quality</p> <p>Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.</p>	<ul style="list-style-type: none"> The design is functional to both the intent of the District Centre and its intended visitors through the main street. The layout is clear in terms of access to the site and locations of building entries. Servicing has been appropriately considered through access, screening and service provision.

Design Principle	Comments
<p>5. Sustainability</p> <p>Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes</p>	<ul style="list-style-type: none"> The proposed tavern is located within the District Centre providing multiple uses for each trip to the centre.
<p>6. Amenity</p> <p>Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy</p>	<ul style="list-style-type: none"> The proposed main street will provide a focal point for the community using the Tavern.
<p>7. Legibility</p> <p>Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around</p>	<ul style="list-style-type: none"> The development provides a clear understanding of the land uses. The scale of the built form is consistent with the vision for the area. The entrances to the building is clearly defined. The development provides an improved pedestrian amenity to Peony Boulevard.
<p>8. Safety</p> <p>Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.</p>	<ul style="list-style-type: none"> The development adds to the mix of uses providing activity and passive surveillance 24 hours a day. Service areas are screened and accessed away from the main street.
<p>9. Community</p> <p>Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.</p>	<ul style="list-style-type: none"> The development provides an additional service for the residents within the area. The development adds to the main street, which will be a public focus of the district centre.
<p>10. Aesthetics</p> <p>Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.</p>	<ul style="list-style-type: none"> The building aesthetics includes a range of materials.

Land Use (DPS2)

A Tavern is an 'A' use based on the commercial zone under DPS2 as referenced in ASP40. The proposed tavern use is entirely consistent and appropriate for a district centre and consistent with the commercial zone objectives as it provides for a range of commercial uses in the defined district centres, is an appropriate scale and will not be detrimental to the amenity of adjoining owners or residential properties in the locality given the separation by Marmion Avenue.

Setbacks (DPS2)

Schedule 6 of DPS2 identifies that commercial buildings shall be setback 6 metres from the street boundary, nil to side and rear boundaries and 3 metres to secondary streets. The DPS2 setback provisions are inconsistent with the ASP40 intent which advocates main street development. The proposed tavern will have a nil setback to the corner truncation, a 2 metre landscaped (including courtyard 3) setback to Peony Boulevard and a nil setback to Marmion Avenue.

The proposed setbacks are considered appropriate for the site, as the building provides built form to the streets where main street principles indicate. The built form and setbacks will not impact the surrounding land, given the separation of the built form by roads, the single storey nature of the development and the expectation of built form associated with a district centre.

Building Facades (DPS2)

Schedule 6 of DPS2 requires facades to 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 Council would not adversely impact on the amenity or streetscape of the area.

The proposed facades have been architecturally designed and include patterned and painted concrete, features blockwork, glass etc. The materials and finishes selected respond to the location and the 'urban' character of the district centre.

Traffic Entrances/Visual Truncations

There is no change to the existing vehicle access points or visual truncations.

Service Areas and Access

A service area and loading dock has been provided for the tavern. The service area is appropriately located away from the main street and is screened by the proposed tavern and landscaping.

Bin Storage

Waste will be collected by a private contractor and collected from the service area. A Waste Management Plan is contained in Appendix I.

Car Parking

The following table identifies the proposed land uses and car parking requirement.

Land Use	Requirement	Area (m ²)	No. Required
Existing Shopping centre	7 per 100m ² for less than 10,000m ² (based on northern lot).	6148	430
Proposed Tavern	1 per 3m ² of bar area 1 per 5m ² of dining area	30 653	10 131
Required			571

It is noted that if the northern lot and southern lot are included in the assessment of the shopping centre (Aldi not included as it is located away from the main shopping centre), the required number of bays for the shopping centre would reduce.

The site currently provides 439 car parking bays on site which will be reduced to 397 bays as a result of the tavern. This results in a shortfall of 174 bays. While the proposed level of car parking is below the DPS2 requirements, the proposed car parking is considered appropriate as:

- Taking into account all land uses, the car parking proposed represents more than 5 bays per 100m². This is consistent with the previous Activity Centres Policy, which advocated 4-5 bays per 100m² and on which the shopping centre on the southern lot was approved.
- The proposed development contains a range of uses that operate at different peak periods of the day and week and therefore there will be a high level of reciprocal parking between the shopping centre and the tavern.
- The proposed development seeks to rationalise the amount of car parking bays provided in order to maximise the provision of services to residents in the catchment area and minimise the dependence on travel by car in favour of pedestrian accessibility.
- The site forms part of the larger District Centre and there will be reciprocal car parking between the sites on the northern and southern sides of Peony Boulevard. The southern side of Peony Boulevard includes another 406 (on site and street parking) car parking bays, which provide a total of 803 bays for the two lots.
- There are on-street parking bays on Peony Boulevard. These bays will contribute to the overall parking availability for the proposed development and is consistent with the objectives to provide on-street parking.
- Transcore has undertaken a parking utilisation survey on the subject site at the peak periods of Thursday night and Saturday around midday. The survey indicates that only 43% of the current car parking bays are used on the Saturday and only 39% of the current bays used on the Thursday. This means that a minimum of 252 bays are available at these times, which can cater for the 141 bays required under DPS2 for a tavern. This clearly indicates that the required car parking for the shopping centre is well above the actual demand for car parking.

As identified above, the proposed car parking is appropriate for the tavern taking into account the number of existing bays, the actual use of those bays and the reciprocal nature of the uses on site and within the wider District Centre.

It is noted that a separate application for the extension of the liquor store small to liquor store large is being submitted. The works required would reduce the number of bays by 6 and increase the requirement by 50 bays. As indicated by the car parking assessment, in peak periods there are 252 bays available, which can cater for the 141 bays required for the tavern and the additional 50 bays required for the Liquor Store Large (this does not take into account reciprocal use).

Bicycle Parking

Visitor bicycle parking can be located in public areas throughout the development.

Landscaping

DPS2 requires a minimum of 8% of the area of a development site to be landscaped, the road verge adjacent to the lot to be landscaped, a 3 metre wide landscape strip where car parking is located adjacent to streets and one tree for every four car parking bays.

In considering the landscaping, we have based the assessment on the developed area of the lot being 29,500m² as indicated in Appendix D Landscaped Areas. The vacant northern and eastern portion of the lot will need to meet the landscaping requirement when these areas are developed and therefore excluded from this assessment.

The landscaping has also been assessed based on the current provision of landscaping in the developed area being 1294m² (4.39%) on site and 1715m² (5.81%) in the Peony Boulevard road reserve (total 10.2%).

Based on 29,500m², 8% represents 2360m² of landscape area.

The proposed landscaping on site is increased from 1294m² (4.39%) to 1555m² (5.27%). It is proposed to landscape the portion of the verge to Marmion Avenue in front of the Tavern. This increases the total landscaping to 13.27%. This area is not currently landscaped. While it is acknowledged that DPS2 identifies the landscaping of verges, the site has a significant amount of verge areas and it is not reasonable to exclude this area from the landscaping.

We have investigated a number of options to include additional landscaping including removing car parking bays to provide more landscaping, locating landscaping behind the shopping centre and landscaping the vacant areas to the north and east of the developed area. We note as discussed above, the development will provide less than the required car parking and therefore the removal of additional bays would not be in the best interests of the shopping centre or its customers. It is our view that the intent of the landscaping requirement is to improve the amenity of the site when viewed from the public domain. Therefore additional landscaping behind the shopping centre would serve little purpose improving the amenity of the site. Any landscaping on the northern or eastern portion of the site would be temporary and redundant once those areas are developed (noting that these areas will each need to provide future landscaping). Therefore logically, and to improve the landscape amenity from the public domain, the landscaping of the Marmion Avenue verge provides the best landscape outcome for the site as it will improve the landscape amenity of the site from Marmion Avenue.

It is noted that a separate application for the extension of the liquor store small to liquor store large is being submitted. The works required would reduce the landscaping in front of the store and to off set this loss the landscape area plan indicates the full landscaping of the verge to Marmion Avenue.

It is considered that the proposed landscaping is appropriate given the existing amount of landscaping on site, and that the proposed landscaping on site and off site will result in a higher level of amenity both on the site and external to the site.

Agreed Structure Plan No. 40

The zoning identified is Commercial and as discussed above, the proposed tavern is appropriate for a commercial zone within a district centre. ASP40 allocates a retail NLA of 11,000m². A Tavern is not included in the retail NLA.

Local Planning Policies

LPP 2.8 – Licensed Premises

The operator has applied for a Tavern Restricted Liquor Licence and the Director of Liquor Licensing has issued a conditional approval (Included with Appendix H). The maximum occupancy of the tavern will be subject to the Maximum Accommodation Certificate issued by the City of Wanneroo under the Health (Public Buildings) Regulations 1988, however, the capacity of the tavern will be approximately 500 internal and 300 in the external areas.

The Tavern proposes the following hours of operation (includes the statutory hours in accordance with section 98 of the Liquor Licensing Act 1988 and an extended trading permit on a Friday and Saturday until 1am).

- Sunday to Thursday 6am to midnight
- Friday and Saturday 6am to 1am

Appendix F contains the Transport Impact Assessment

Appendix G contains the Acoustic Assessment

Appendix H contains the Tavern Management Plan

Appendix I contains the Waste Management Plan

With respect to the location of the tavern in relation to educational establishments and other licenced premises, we note that other than the proposed child care centre on the southern lot fronting Kakadu Road, there are no child care centres generally within 200 metres of the tavern. The child care centre on the corner of Kakadu Road and Morwell Street and the child care centres on the western side of Marmion Avenue are more than 200 metres from the site. The proposed child care centre on the southern lot has been designed to front Kakadu Road and therefore away from the tavern.

The Yanchep Lagoon Primary School is located at approximately 200 metres, however, is located on the western side of Marmion Avenue, which creates a visual and physical barrier between the school and proposed tavern. The Yanchep Secondary College is more than 200 metres from the site.

In terms of other licenced premises, there are liquor stores on the site, on the southern lot and on the western side of Marmion Avenue. The Yanchep Sports Club is located to the north of the site. The sports club provides a different type of venue to the tavern.

The tavern, given its location on the site, its location within the district centre and the nature of the tavern means that it will not impact the amenity of the locality.



Planning and Development (LPS) Regs 2015

In assessing this application due regard has been given to:

- (a) the aims and provisions of the DPS2
- (b) the requirements of orderly and proper planning
- (c) The relevant approved State planning policies
- (g) The relevant local planning policies
- (h) ASP 40
- (m) The compatibility of the development with its setting, including with the desired future character of its setting and 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
- (n) The amenity of the locality including the character of the locality; social impacts of the development
- (p) Landscaping provisions
- (q) Bushfire considerations
- (r) The suitability of the land for the development
- (s) Traffic and servicing impacts
- (t) Traffic generation
- (u) Storage, management and collection of waste; access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities); access by older people and people with disability
- (w) the history of the site where the development is to be located
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals

The assessment concludes that the development has been well designed and located and has had due regard to the relevant planning considerations.

Conclusion

This application seeks approval for a tavern at 1 (Lot 395) Peony Boulevard, Yanchep.

The proposed Tavern is focused on extending the 'Main Street' of Peony Boulevard and providing services and amenities reflective of a District Centre.

The development is seeking discretion with respect to car parking and landscaping which have been comprehensively discussed in this report and which are appropriate for both the site and locality.

The built form is entirely consistent with the locality and DPS2.

We are seeking the City of Wanneroo's support of the proposed development and the approval of the Metro Outer Joint Development Assessment Panel.

Appendix A

Certificate of Title

Appendix B

BAL Assessment and BMP

Appendix C

Development Plans

Appendix D

Landscape Areas

Appendix E

Car Parking Assessment

Appendix F

Transport Impact Assessment

Appendix G

Acoustic Assessment

Appendix H

Tavern Management Plan

Appendix I

Waste Management Plan

