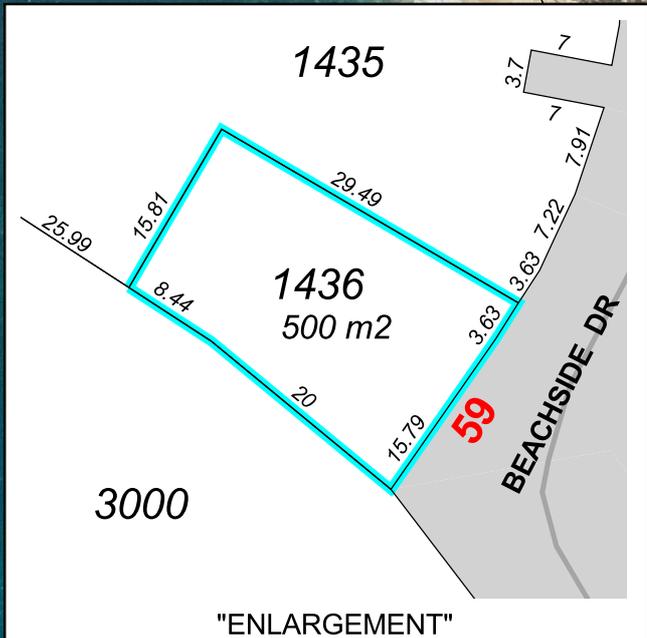




Subject Site
Lot 1436 Deposited Plan 72343
59 Beachside Drive, Burns Beach



20 April 2021
Our Reference: PACBB

Chief Executive Officer
City of Joondalup
PO BOX 21
JOONDALUP WA 6919

p. 08 6333 1888
e. info@cdpaus.com.au
a. 2/464 Murray St,
Perth WA 6000
PO Box 8002
Cloisters Square 6850
cdpaus.com.au

ATTENTION. Chris Leigh, Manager Planning Services

Dear Chris,

**APPLICATION FOR PLANNING APPROVAL - BURNS BEACH CAFÉ (AMENDMENT) - LOT 1436 (59)
BEACHSIDE DRIVE, BURNS BEACH**

On behalf of Peet Limited (Peet), please find enclosed a completed and signed Application for Development Approval, Application Checklist, Certificate of Title and Site Plan. The relevant application fee will be paid once the City of Joondalup (the City) has issued the relevant invoice.

The proposed development application seeks to amend the hours of operation, as approved by the City under **DA20/0792 (Attachment 1)** refers). No other amendments are proposed.

Subject Site

The subject site is defined as Lot 1436 (59) Beachside Drive, Burns Beach; being Beachside Park, Burns Beach. Whilst the subject site is currently vacant, it functions as part of the adjacent Beachside Park.

Proposed Amendment

Development approval for the proposed Café was granted, subject to conditions, by the City on 10 March 2021. Condition 3 of the approval states:

3. The restaurant opening hours shall be between 6:00am and 8:00pm Monday to Sunday.

This application seeks to amend the approved hours of operation so as to allow for operation between **6:00am and 10:00pm** Monday to Sunday.

The proposed amendment to the approved operating hours is to support the viability of the Café being open for an evening meal service. Allowing the Café to operate until 10:00pm allows the kitchen to be open up until 9:00pm. Under the current operating hours, the kitchen will be required to close at 7:00pm, which is not feasible for the purposes of providing an evening meal service.

The proposed operating hours will support the local economy, providing local jobs and investment into the local area. It will also enhance passive surveillance and security for users of the adjoining Beachside Park and dual use path network.

Planning Assessment

Non-residential development in the 'Residential' Zone

The City, and its Council, has already considered and determined that the proposed use and design of the approved Café is compatible with and will not adversely affect the surrounding residential amenity (this supported by the conditional approval granted under DA20/0792). By extension, this application is consistent with the City's *Local Planning Scheme No. 3 (LPS 3)*, the *Burns Beach Local Structure Plan* and *Non-Residential Development in the Residential Zone Local Planning Policy*.



Public Consultation

We note Table 2 of the City's *Planning Consultation Local Planning Policy* stipulates that public consultation should be undertaken for 'non-residential development in the residential zone - new or intensified'.

The proposed amendment to the operating hours relates to an existing approval and does not seek to intensify the land use; that is, the proposal does not seek to increase the number of patrons on site at any one time, nor does it propose to increase the development area footprint.

In light of the above and noting that the Café development has been subject to two-rounds of public advertising already (as undertaken under DA17/1306 and more recently under DA20/0792), we respectfully request that the City limit the scope of the required advertising so that it relates only to the operating hours (not the design) and is limited to those owners and occupiers within the immediate vicinity of the café.

Summary & Conclusion

In light of the above information, we respectfully request the City's support and approval for the proposed amendment to the existing development approval. Should you require any additional information, please do not hesitate to contact Monique Thompson or the undersigned on 6333 1888.

Yours sincerely,

Justin Hansen

ASSOCIATE DIRECTOR