

1 INTRODUCTION

The City of Rockingham Town Planning Scheme No.2 (TPS2) defines *'Fast Food Outlet'* as *premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a 'Lunch Bar'*.

The purpose of this Planning Policy is to set out the objectives and policy provisions which the Local Government shall have due regard to in the assessment and determination of applications for Development Approval for the establishment of Fast Food Outlets.

In this regard, no person shall commence or carry out any development of a Fast Food Outlet without first having applied for and obtained the Development Approval of the Local Government, pursuant to the deemed provisions of TPS2.

2 POLICY APPLICATION

In TPS2, the Zoning Table (Table No.1) indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme Area in the various zones.

The permissibility of the Fast Food Outlet use in TPS2 can be summarised as follows:

- (a) The use is not permitted in the Primary Centre City Centre, Primary Centre Waterfront Village, Primary Centre Urban Village, District Town Centre, Commercial, and Development¹ zones, unless the City has exercised its discretion by granting Development Approval; and
- (b) The use is not permitted in all other zones.

1. The Local Government will not support the development of Fast Food Outlets within the Challenger Business Park on Patterson Road, Rockingham and Dixon Road, Rockingham and East Rockingham, as it is considered that Fast Food Outlets would undermine the regional planning objectives of the City.

3 POLICY OBJECTIVES

The objectives of this Planning Policy are as follows:

- (a) To promote the orderly and proper development of land by making suitable provisions relating to the location and design of Fast Food Outlets.
- (b) To secure the amenity and convenience of the locality through appropriate development requirements.

1. In the Development Zone, a Structure Plan imposes a classification on the land included in it by reference to reserves, zones, land-uses or Residential Design Codes. Where a Structure Plan has been approved, in the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as in TPS2.

4 POLICY STATEMENT

4.1 Location

The preferred locations for Fast Food Outlets are within approved Neighbourhood and District Town Centre zones and within the City Centre Zones specified under Clause 2(a) of this Policy.

4.2 Development Requirements

In its consideration of proposals to establish Fast Food Outlets, the City will seek to reduce the impact of the use on the amenity of the locality (particularly adjacent to residential areas), through the following measures:

- (a) The location of signage, parking, drive-through facility, bin storage areas and service vehicle access;
- (b) The control of trading hours, noise, lighting (light spill), cooking odours and wind blown litter; and
- (c) The provision of suitable setbacks and landscaping buffers.

In the interests of traffic safety, the City will seek to minimize disruption to traffic flows (especially at peak hours), minimize spontaneous impulse driving behaviour and limit pedestrian/vehicle conflict.

The City has not specified a minimum lot area for Fast Food Outlets as it considers that such a requirement may vary dependent upon location and access or whether the facility is free standing or shares a common site. Accordingly, each proposal will be considered on its merits.

4.3 Parking and Access

An application for Development Approval shall make provision for carparking bays in accordance with the requirements of Clause 4.15 and Table Nos.2, 3 and 4 of TPS2.

Where a drive-through facility is to be provided, the on-site queue accessway shall be sufficient to accommodate a minimum of 10 cars (measured from the pick-up point). This accessway must not obstruct access to car parking spaces and not extend onto the external roadway.

The carparking bays accommodated within the drive-through facility (on-site queue accessway) can be included in the carparking allocation require for a Fast Food Outlet, up to a maximum of 50% of the Scheme carparking requirement.

Consistent with Main Street design principles, drive-through facilities will generally not be supported in the Primary Centre City Centre, Primary Centre Waterfront Village and Primary Centre Urban Village zones and within the Main Street locations of the District Town Centre Zones and Neighbourhood Centres.

4.4 Other Planning Considerations

Applications for Fast Food Outlets that are integrated into the design of buildings such as Service Stations will be considered on their merits after considering issues of location, vehicular access, layout and amenity.

4.5 Advertising Signs

Any proposed advertising sign must accord with the deemed provisions and Planning Policy No.3.3.1 – Control of Advertisements.

4.6 Bicycle Parking and End-of-Trip Facilities

Applications for Development Approval including the upgrading of existing Fast Food Outlets will be required to provide for bicycle parking and end-of-trip facilities in accordance with Planning Policy No.3.3.14 – Bicycle Parking and End-of-Trip Facilities.

4.7 Other Considerations

Under the City of Rockingham Planning Policy No.3.1.2 – Local Commercial Strategy, a Fast Food Outlet is categorised as an Ancillary Use and the floorspace (NLA) will be included in the retail floorspace allocation for Centres.

4.8 Consultation

Where the Manager, Statutory Planning considers that an application for Development Approval for the establishment of a Fast Food Outlet is likely to have a significant potential impact upon the amenity of an area or affected neighbouring properties, the application will be the subject of a process of community consultation in accordance with Clause 64 of the deemed provisions of TPS2 and Planning Procedure No.1.3 – Community Consultation.

5 APPLICATION PROCEDURE

Applications for Development Approval for the establishment of Fast Food Outlets shall be made on the form prescribed by the Local Government, and shall be signed by the owner(s), and accompanied by the following information:

- (a) A written submission describing the proposal, which should include confirmation that the requirements of this Planning Policy can be achieved;
- (b) Such plans and other information that the Local Government may reasonably require to enable the application to be determined. Refer to Clause 63 of the deemed provisions of TPS2;
- (c) Any specialist studies that the Local Government may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies;
- (d) Details of any proposed signage to be erected, together with a separate application for a sign permit to the City's Health and Building Services; and
- (e) The payment of an Administration Fee as detailed in the City's Scale of Fees for Planning Services.

6 AUTHORITY

This Planning Policy has been adopted by the Local Government under the deemed provisions of TPS2 and whilst it is not part of the Scheme and does not bind the Local Government in respect of any application for Development Approval, the Local Government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

7 INTERPRETATIONS

For the purposes of this Planning Policy, the following terms shall have the same meaning as TPS2:

Carpark – means premises used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or premises in which cars are displayed for sale.

Local Government – means the Local Government of the City of Rockingham.

Lunch Bar – means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas.

Net Lettable Area (NLA) – means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas:

- (a) all stairs, toilets, cleaners cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;*
- (b) lobbies between lifts facing other lifts servicing the same floor;*
- (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;*
- (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.*

8 DELEGATION

Where an application for Development Approval has been the subject of a process of community consultation and substantiated objections are received, the application for Development Approval will be referred to the Council for determination.

All other applications for Development Approval that comply in all respects with the objectives and provisions of this Planning Policy will be determined under delegated authority, pursuant to Clause 83 of the deemed provisions of TPS2 and Planning Procedure No.1.1 – Delegated Authority.

9 ADOPTION

This Planning Policy was adopted by the Council at its ordinary Meeting held on 27 May 2008.

10 AMENDMENT

This Planning Policy was amended by the Council at its ordinary Meeting held on 26 March 2019.

11 REVOCATION

This Planning Policy supersedes the City's Statement of Planning Policy No.6.6 – Fast Food Outlets.