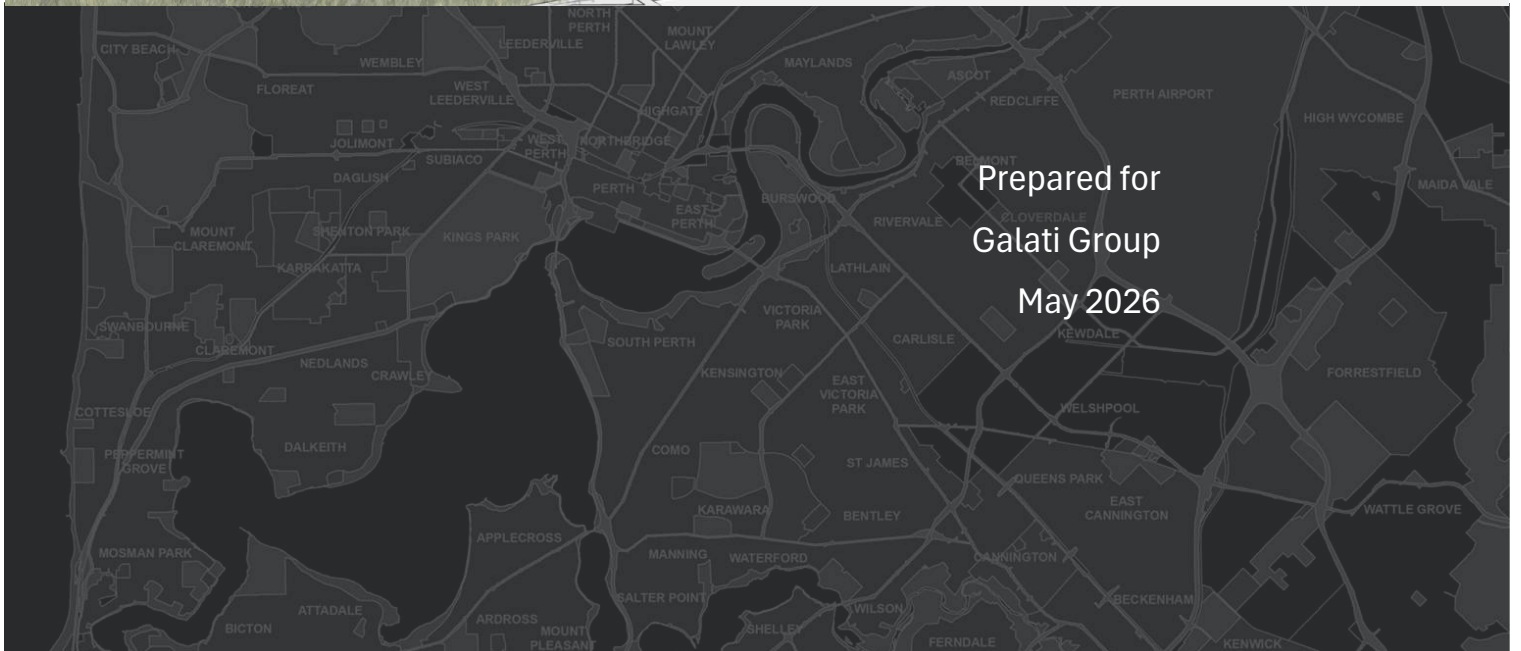


Development Application Report

Tavern Development
Lot 430 (124) Kerosene Lane, Baldivis

PLANNING SOLUTIONS
— URBAN & REGIONAL PLANNING

PS



Prepared for
Galati Group
May 2026

Copyright Statement 2026

© Planning Solutions (Aust) Pty Ltd

All rights reserved. Other than for the purposes of and subject to the conditions prescribed under the *Copyright Act 1968* (Act), no part of this report may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic or otherwise, without the prior written permission of Planning Solutions (Aust) Pty Ltd (**Planning Solutions**).

No express or implied warranties are made by Planning Solutions regarding the information and analysis contained in this report. In particular, but without limiting the preceding exclusion, Planning Solutions will not verify, and will not assume responsibility for, the accuracy and completeness of information provided to us.

This report has been prepared with particular attention to our Client's instructions and the relevant features of the subject site. Planning Solutions accepts no liability whatsoever for:

- a third party's use of, or reliance upon, this report;
- use of, or reliance upon, this report in relation to any land other than the subject site; or
- the Client's implementation, or application, of the strategies recommended in this report.

Direct all enquiries to:

Planning Solutions

Level 8, 251 St Georges Terrace
Perth WA 6000

All correspondence to:

Planning Solutions

GPO Box 2709
CLOISTERS SQUARE PO WA 6850

Phone: 08 9227 7970

Fax: 08 9227 7971

Email: admin@planningsolutions.com.au

Web: planningsolutions.com.au

Project Details

Job number	9797	
Client	Galati Group	
Prepared by	Planning Solutions	
Consultant Team	Town Planning Architect Traffic Engineering Acoustic Waste	Planning Solutions Olk and Associates Transcore Lloyd George Talis Consultants

Document Control

Version	Purpose	Date	Author	Reviewer
Rev 0	Final DA report for lodgement	15 May 2026	JL	BD

Contents

1	PRELIMINARY	1
1.1	Introduction	1
1.2	Background	1
2	SITE DETAILS	3
2.1	Land description	3
2.2	Location	3
3	PROPOSED DEVELOPMENT	4
3.1	Development Summary	4
3.2	Supporting documentation.....	5
3.3	Acoustic.....	6
4	STRATEGIC PLANNING FRAMEWORK.....	6
4.1	State Planning Policy 3.7 – Bushfire	6
4.2	State Planning Policy 4.2 – Activity Centre	6
4.3	State Planning Policy 7 – Design and the Built Environment.....	7
5	STATUTORY PLANNING FRAMEWORK.....	9
5.1	Metropolitan Region Scheme	9
5.2	City of Rockingham Local Planning Scheme No. 2	9
5.3	Structure Plans	16
5.4	Local Planning Policies	19
6	CONCLUSION.....	20

Appendices

- Appendix 1: Certificate of Title and Deposited Plan
- Appendix 2: Contaminated Site Record Search Response
- Appendix 3: Proposed Development Plan
- Appendix 4: Traffic Impact Assessment
- Appendix 5: Waste Management Plan
- Appendix 6: Environmental Noise Assessment
- Appendix 7: Landscape Plan for the Neighbourhood Plaza

1 PRELIMINARY

1.1 Introduction

Planning Solutions acts on behalf of Galati Group, the proponent for Lot 430 (124) Kerosene Lane, Baldivis (**subject site**).

This report has been prepared in support of the development application for a tavern. The development has the project name ‘The Last Local Tavern’.

This report will discuss various matters pertinent to the proposal, including:

- Background
- Site details
- Proposed development
- Town Planning Considerations

The proposed development will contribute to the existing commercial hub known as the ‘Spudshed Neighbourhood Centre (**SNC**)’, currently developed with a supermarket trading as ‘Spudshed’ centrally located within the subject site, together with a range of retail shops, fast food outlets and office tenancies situated within the north-eastern portion.

The proposed development area is within a key corner location of the neighbourhood centre, with frontage to the McDonald Road main street and Sierra Parade. The proposed Tavern will complete the remaining piece to the commercial hub, which is currently vacant.

The development makes use of the established commercial tenancies and ample car parking areas to the northern and southern extent of the site. The proposed development features a high-quality design consistent with the relevant planning framework and guidelines such as the Integrated Development Guide Plan, providing activation to McDonald Road and drive the connection and vibrancy to the Neighbourhood Plaza.

1.2 Background

1.2.1 Historical and previous approvals on land

In February 2011, the Paradiso Estate Local Structure Plan (**PELSP**) was endorsed by the Western Australian Planning Commission (**WAPC**). The PELSP was prepared to guide the development of the Paradiso Estate residential subdivision that includes the Neighbourhood Centre on Lots 429 and 430 Kerosene Lane. The PELSP designated a ‘Commercial’ zoning for the SNC site.

In 2014, the City of Rockingham (**City**) approved an Integrated Development Guide Plan (**IDGP**), which showed proposed building footprints in the south-eastern corner of the subject site in the vicinity of the proposed development.

Development within the neighbourhood centre has progressed in stages. The supermarket trading as ‘Spudshed’ was the original development to occur on site. In July 2015, the City granted development approval for four (4) shops, a fast-food outlet and an office on the subject site, which has since been constructed and is operating as part of the precinct.

More recently, on 8 May 2025, the Development Assessment Panel (**DAP**) approved a development application for a fast-food outlet and service station on the north-west corner site of the neighbourhood centre, further reinforcing the intended commercial and service function of the precinct.

1.2.2 Pre-lodgement engagement

Consultation and pre-lodgement engagement has occurred with the City of Rockingham (**City**) with respect to the proposed development.

On 24 October 2025, Planning Solutions and representatives of the proponent attended a meeting with senior officers at the City, where the following matters were discussed and confirmed with the respect to the proposal:

- **Land use demand:** general agreement there is a demand for a use such as a Tavern to activate and support the commercial centre.
- **Design:** a preference noted for ‘main street’ design, re-activation of McDonald Road and the integration of the Neighbourhood Plaza.
- **Amenity:** the proposal would need to be supported by the requisite level of co-consultant reporting to address amenity to sensitive interfaces and car parking.

The outcome of the above meeting has informed refinement and finalisation of the development application.

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)
430	DP411230	2950	812	2.22ha

The following encumbrances are listed on the Certificate of Title:

- Easement N927771 – public access easement to City of Rockingham, as shown on DP411230. The proposed development does not affect or impact on the public access easement. The easement applies to the northern aspect of the subject site, containing public car parking and associated accessway from Kerosene Lane.
- O004965 – the subject is registered on the contaminated sites database under the *Contaminated Sites Act 2003*. The site is classified as ‘*Remediated for restricted use*’.

Refer **Appendix 1** for a copy of the Certificate of Title and Deposited Plan and **Appendix 2** for a copy of the Contaminated Site Record Research.

2.2 Location

2.2.1 Regional context

In terms of regional context, the development site is located within the municipality of the City of Rockingham in the suburb of Baldivis and is located approximately:

- 40km south of the Perth CBD
- 6km east of the Rockingham Strategic Centre
- 4km north of Baldivis District Centre

Baldivis Road and Mandurah Road are in close proximity to the development site. The roads connect the development site to Kwinana Freeway, and the Perth and Peel Regions.

2.2.2 Site context

The development site is located in the suburb of Baldivis, surrounding by newly developed residential land uses and undeveloped bushland areas.

The generally flat development site is positioned to the east of the existing Spudshed supermarket and south of the established retail tenancies. The development site also directly abuts the future Neighbourhood Plaza which has not been landscape. The remainder of Lot 430 comprises line-marked car parking bays and associated vehicle circulation aisles.

Refer to **Figure 1** for aerial image of the site context.

Land to the east of McDonald Road comprises an operating childcare premises, with vacant parcels located on either side of the facility. The wider locality to the south, east and west is predominantly characterised by residential development. Land uses to the north include bushland, a restaurant/function centre and an extractive industry.

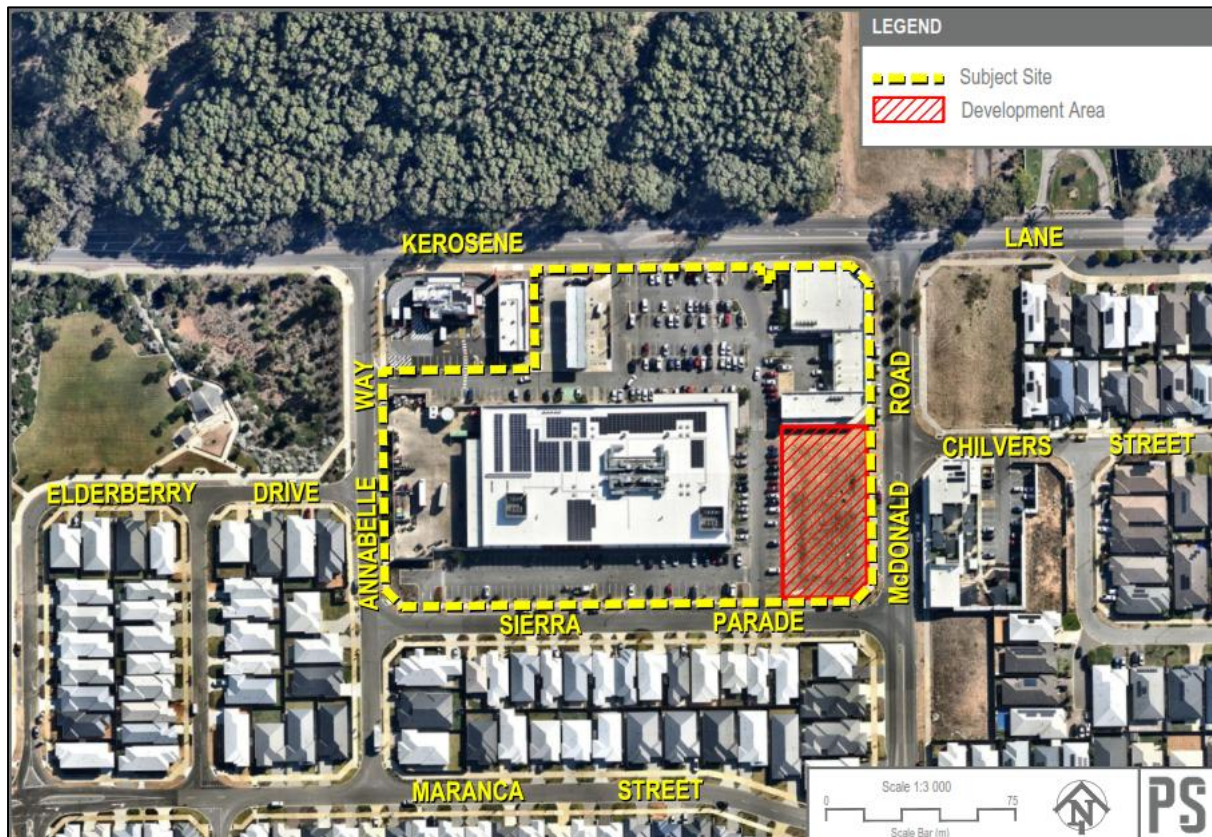


Figure 1: Aerial image of the subject site.

3 PROPOSED DEVELOPMENT

3.1 Development Summary

The application is for the development of a single-level tavern with the following elements:

- The internal layout includes a Bar, Dining, Restaurant, Function Room, TAB, Kitchen, Washing, Cooling, Dry Store (alcohol), Storage, and Public and Staff Toilets.
- The total development site area is 1467m².
- The external areas include a Beer Garden, Children's Playground, Outdoor Smoking Area and Service Delivery Yard.
- Canopy provided above the footpath along McDonald Road and Sierra Parade.
- Vehicle access to the service yard will be via the existing crossover from Sierra Parade and the existing car parking within the site is to be provided for the Tavern use.
- Landscaping along McDonald Road and Sierra Parade.

The building's external walls will be precast concrete walls with painted finish and exposed masonry to the corner parapet walls and the beer garden fencing. The building's angled roof will be metal cladding with a dark finish. The tavern will have an overall building height of 7.2 metres.

No signage is proposed as part of this application. Future signage, if required will be applied for separately.

The hours of operation and patronage of the tavern are as follows:

- Monday – Thursday 11am to 10pm
- Friday – Sunday (including Public Holidays) – 11am to 11.30pm

Refer to **Appendix 3** for the Proposed Development Plan.

3.2 Supporting documentation

3.2.1 Parking and Access

The proposed tavern has been subject to a detailed parking analysis, in the form of a Transport Impact Assessment (TIA) prepared by Transcore. A summary of the TIA's conclusions are as follows:

- The parking analysis undertaken in the report shows that during Friday peak hours confirms sufficient onsite parking to meet anticipated demand.
- Site design accommodates delivery vehicles and rubbish collection entirely within the site.
- Turn path analysis indicates a 12.5m service vehicle access and egress the site satisfactorily via Sierra Parade, Annabelle Way, Kerosene Lane.
- Development will not significantly alter existing Spudshed crossovers or road network controls.
- Traffic generation of the proposed tavern is relatively low and has been considered as part of the wider site and commercial precinct.

Refer to **Appendix 4** for a copy of the Traffic Impact Assessment.

3.2.2 Waste / Services

A Waste Management Plan (**WMP**) has been prepared by Talis in support of the proposed development. It confirms bin storage areas have been adequately designed for the proposed tavern providing the following:

- 3 x 1,100L refuse bins, collected three times a week.
- 1 x cardboard baler and 5 x cardboard bales. Cardboard bales will be collected at ad hoc frequency.
- 2 x 240L recycling bins (containers for change), collected at ad hoc frequency.
- The proposal provides sufficiently sized bins and storage area based on the estimated waste generation volumes of the proposed floor area of the tavern.
- A private contractor will service the proposed development onsite, utilising a rear loader waste collection vehicle accessing the service areas via the existing crossover from Sierra Parade.
- The private contractor's waste collection vehicle will enter and exit the site in forward gear. Waste collection vehicles will not service the site before 7.00am or after 7.00pm Monday to Saturday, or before 9.00am or after 7.00pm on Sundays and Public Holidays.
- A venue manager will oversee the relevant aspects of waste management for the development site.

Refer to **Appendix 5** for a copy of the Waste Management Plan.

3.3 Acoustic

An Environmental Noise Assessment of the proposed development has been undertaken by Llyod George Acoustics. The assessment considers the noise generation associated with the proposed development in the context of surrounding properties and noise sensitive premises.

The assessment concludes that noise from mechanical plant, patrons and music can achieve compliance with the *Environmental Protection (Noise) Regulations 1997* through a combination of acoustic treatments and operational controls.

In particular, the assessment recommends the following:

- Tavern building elements meeting certain minimum standards to mitigate noise transmission.
- Solid fencing/barriers provided to the loading/service area, open courtyards and beer garden.
- Measures to be undertaken with respect to mechanical plant.
- Waste collection occurring between 7am and 7pm Monday to Saturday and 9am to 7pm on Sundays and public holidays.
- A noise management plan being prepared for tavern operations.

Refer to **Appendix 6** for a copy of the Environmental Noise Assessment.

4 STRATEGIC PLANNING FRAMEWORK

4.1 State Planning Policy 3.7 – Bushfire

The northern portion of the site is identified as ‘bushfire prone’ under the Department of Fire and Emergency Services bushfire prone mapping system. However, the proposed development footprint is located wholly outside the buffer area. Advice provided by the City confirms that a Bushfire Management Plan (**BMP**) is not required.

Accordingly, the proposal is considered to satisfy the relevant provisions and requirements of *State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7)* in this regard.

4.2 State Planning Policy 4.2 – Activity Centre

State Planning Policy No. 4.2 – Activity Centres for Perth and Peel (SPP4.2) specifies broad planning requirements for the planning and development of new activity centres and the redevelopment of existing centres in Perth and Peel.

The proposed development is located within a ‘Neighbourhood Centre’ under the Activity Centres Hierarchy of SPP4.2. As defined in the policy within Table 3 of SPP4.2 “*Neighbourhood centres provide for daily and weekly household shopping needs, community facilities and a small range of other convenience services.*”

Taverns are listed as one of the desired land uses for Neighbourhood Centres. The proposal will support the centre’s function by providing appropriately scaled dining and entertainment for the community, contributing to the diversity and activation of the local centre.

Clause 5.1.2 (1) of SPP4.2 contains provisions for neighbourhood and local centres, these include:

Neighbourhood centres are important local community focal points that help to provide for the main daily to weekly household shopping and community needs. They are also a focus for medium density housing.

The proposed development provides a modern, attractive tavern that will encourage integration of the surrounding community and aims to provide context for a range of future development that capitalises on proximity to local services, along with providing a focal point for the local community.

Accordingly, it is considered the proposed development is compliant with the intent of SPP4.2.

4.3 State Planning Policy 7 – Design and the Built Environment

State Planning Policy No. 7 – Design of the Built Environment (SPP7) became operational on 24 May 2019. It is the lead policy which elevates the importance of design quality, and sets out the principles, processes and considerations which apply to the design of the built environment in Western Australia, across all levels of planning and development.

SPP7 establishes a set of ten ‘Design Principles’, providing a consistent framework to guide the design, review and decision-making process for planning proposals. Refer **Table 2** below for an assessment against the ten design principles of SPP7.

Table 2: Assessment against SPP7 Design Principles.

Design Element		Design Outcome
1.	Context and character Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.	The project is designed to provide the emerging community with a distinct focal point for socialising, dining and entertainment suited to the broad demographic of the immediate precinct and surrounding established residential suburbs. It seeks to revitalise and activate a currently vacant site within the south-east corner of the neighbourhood centre. Architecturally, the development has been carefully designed to complement the existing low-scale commercial streetscape and the surrounding suburban residential context. It also responds to the intended ‘Central Plaza Walkway’, which adjoins the northern boundary of the tavern. A beer garden area is to be located adjacent to the plaza providing activation, pleasant outlook and opportunity for engagement and interface with the open space.
2.	Landscape quality Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.	Areas are fully accessible and designed to encourage social interaction and activity to create an engaging and attractive development at the centre of the community. Canopy trees are proposed along McDonald Road and Sierra Parade to provide shade and enhance visual amenity, contributing to greener streetscapes and more inviting pedestrian walkways. A detailed landscape plan for the central plaza walkway has been prepared and submitted to the City for review in support of the proposed development, demonstrating a strong commitment to the quality and functionality of the public realm. Refer to Appendix 7 for a copy of the Landscape Plan for the Neighbourhood Plaza.
3.	Built form and scale	The building scale and form have been carefully designed to reflect the predominantly single-storey character of the existing local context, while the roof pitch aligns with the two-storey scale anticipated by the <i>Integrated Development Guide Plan</i> for the Neighbourhood Centre.

Design Element		Design Outcome
	Good design provides development with massing and height that is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.	Street-level materials are selected to complement the contemporary architectural character of both the existing and future built environment within the locality.
4.	Functionality and build quality Good design meets the needs of users efficiently and effectively, balancing functional requirements to deliver optimum benefit and performing well over the full lifecycle.	High-quality built form has been achieved through the careful selection of durable materials, finishes, and building systems that are robust, low maintenance, and designed to weather well over time. Service areas are discreetly integrated within the development, located away from the main street view and screened from adjoining residential properties. These areas are incorporated into the overall building design through the consistent use of complementary materials.
5.	Sustainability Good design optimises the sustainability of the built environment, delivering positive environmental, social, and economic outcomes.	The site layout emphasises passive solar design principles, with open spaces positioned and shaded along the north-western edge to mitigate heat gain. The development is naturally ventilated and oriented to maximise natural light penetration and enhancing illumination of key pedestrian thoroughfares around the tavern. Local microclimatic conditions have also been carefully considered, with the strategic placement of screening elements at entry points exposed to prevailing winds during cooler months to improve comfort.
6.	Amenity Good design optimises internal and external amenity for occupants, visitors, and neighbours, contributing to living and working environments that are comfortable and productive.	The design activates the street frontages through the placement of major openings, allowing for ample natural light and contributing to attractive and inviting dining and working environments. Acoustic treatments are incorporated within the development to mitigate noise impacts on surrounding residential areas and sensitive uses, ensuring a balanced and compatible interface with the surrounding context.
7.	Legibility Good design results in buildings and places that are legible, with clear connections and memorable elements to help people find their way around.	The layout of the buildings and access pathways has been carefully considered to ensure strong connectivity with the existing and proposed surrounding road and path networks, and the adjoining carpark area west of the development site. This approach facilitates intuitive movement throughout the site, providing clear, safe, convenient and legible routes for pedestrians and vehicles. Key entry points are emphasised through the incorporation of prominent parapet portico structures, lighting and signage, creating identifiable markers at important corners and intersections. These features enhance wayfinding and reinforce a clear sense of arrival within the development.
8.	Safety Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.	The open layout and articulated building form enhance passive surveillance of adjacent street reserves by incorporating active and habitable frontages. This approach promotes a strong visual connection between the development and the public realm, contributing to a safer and more engaging streetscape.

Design Element		Design Outcome
		Careful consideration has also been given to the design and integration of the existing car parking areas. Clear sightlines and high visibility from key frontages have been prioritised to support user safety, particularly for patrons moving between the tavern and parking areas during evening hours. In addition, the design facilitates passive surveillance of the car park from within the tavern, further reinforcing a secure and well-observed environment.
9.	Community Good design responds to local community needs as well as the wider social context, providing buildings and spaces that support a diverse range of people and facilitate social interaction.	The design delivers a modern and attractive entertainment venue that encourages active participation and social interaction within the surrounding community and immediate local precinct. This approach fosters a strong sense of belonging and familiarity, supporting the development of vibrant and healthy community connections. Public spaces are thoughtfully designed to be open, welcoming, and accessible to all. The tavern promotes both visual and physical connections between internal and external areas, enhancing pedestrian permeability throughout the site. Generous alfresco areas will integrate seamlessly into surrounding public open spaces and plaza area, creating an integrated and engaging environment that invites community use and interaction.

5 STATUTORY PLANNING FRAMEWORK

5.1 Metropolitan Region Scheme

Under the provisions of the Metropolitan Region Scheme (**MRS**) the subject site is zoned Urban.

The subject site is not affected by land reserved by the MRS, nor is it subject to any resolution or declaration made under the MRS.

5.2 City of Rockingham Local Planning Scheme No. 2

The local planning scheme applicable to the subject site is the City of Rockingham Local Planning Scheme No.2 (**LPS2**). The provisions of LPS2 are supplemented by the **deemed provisions** at Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Where a deemed provision is inconsistent with a provision of LPS2, the deemed provision prevails.

5.2.1 Zoning

The subject site is zoned ‘Commercial’ under the City’s Local Planning Scheme No. 2 (**LPS2**). Refer to **Figure 2** for zoning map.

Pursuant to clause 4.6.1 of LPS2, the purposes of the ‘Commercial’ zone are:

The objective of the Commercial Zone is to provide for the development of District, Neighbourhood and Local shopping facilities to cater for the present and future residents of the City consistent with the local government’s Local Commercial Strategy and supported by any other Plan or Policy that the local government from time to time may adopt as a guide for the future development within the Zone.

The subject site is subject to the ‘Paradiso Structure Plan’, which guides land use permissibility and development, which is discussed in further detail later in section 5.3 of this report.

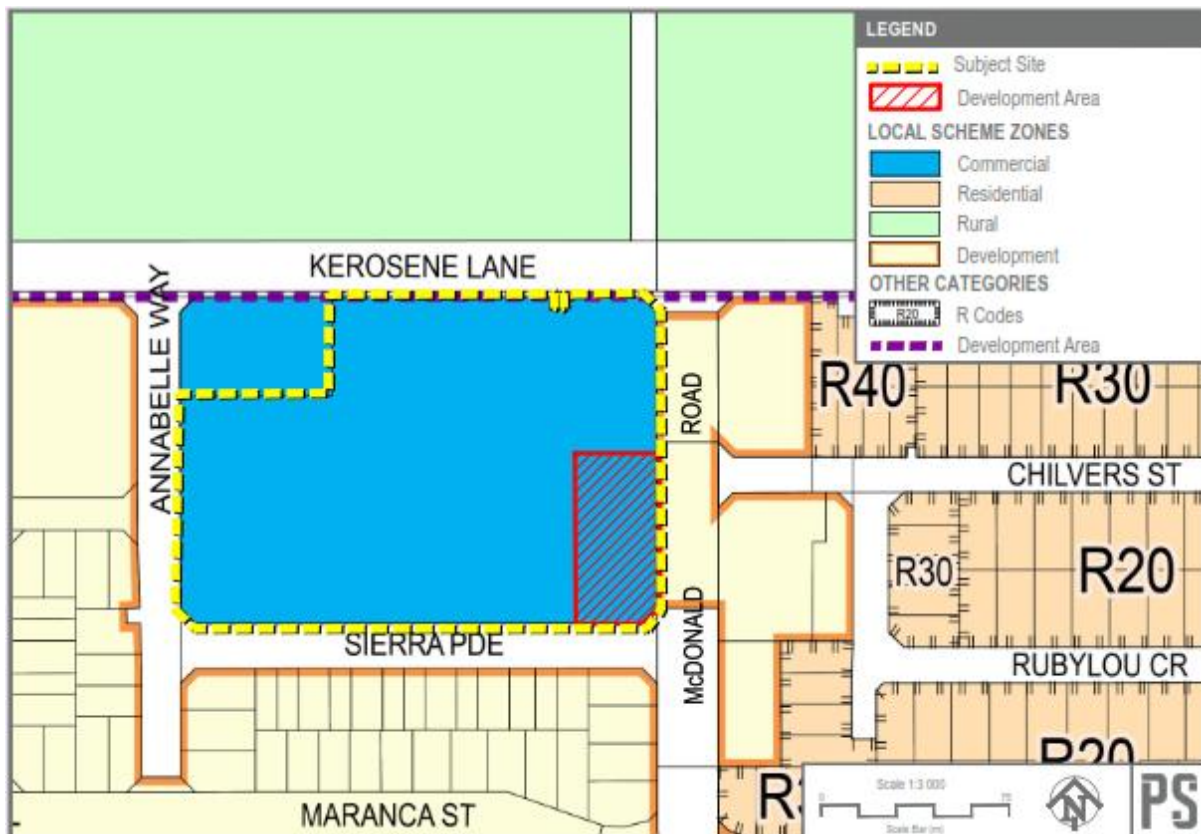


Figure 2: Zoning map of subject site.

5.2.2 Land use permissibility

The proposed land use is classified as a 'Tavern', defined by LPS2 as:

Tavern means premises – subject of a tavern licence granted under the Liquor Control Act 1988.

Under the *Liquor Control Act 1988*, a Tavern Licence authorises the sale of liquor for consumption on the premises and as packaged liquor. The proposed tavern is consistent with the definition under LPS2.

Pursuant to *Table 1 – Zoning Table* of LPS2, Tavern is a 'D' use within the Commercial zone, meaning the City may exercise its discretion to grant planning approval.

5.2.3 Development standards and requirements

The following assessment addresses the requirements of *Clause 4.6 – Commercial Zone* of LPS2.

5.2.3.1 Form of Development

Clause 4.6.2 outlines the requirements relating to form of the development – *ensuring that the site planning, scale, built-form, elevations and landscaping of the development positively contribute to the streetscape, appearance and amenity of the locality.*

The proposed single-storey tavern will deliver a contemporary and visually appealing built form outcome that responds positively to the character of the site and its surroundings. The development is designed to enhance the locality while ensuring minimal impact on the amenity of adjoining and nearby premises. High parapet walls and a skillion roof form have been incorporated to reflect the existing built character, while also achieving the Structure Plan's intent for a perceived two-storey built form through scale, articulation, and roof form treatment.

The proposal seeks to activate McDonald Street, enhance pedestrian connectivity, and contribute to the revitalisation of the Neighbourhood Centre through the careful integration of the tavern with the central plaza walkway. The built form is extended to the footpath to reinforce street engagement and is complemented by continuous canopy cover, creating a comfortable and weather-protected pedestrian environment. Active frontages and windows oriented toward McDonald Street are incorporated to provide passive surveillance and promote safety within the public realm.

Canopy trees and understorey planting are proposed along all site edges to contribute to the greener interfaces, soften the built form and enhance visual amenity. Particular emphasis is placed on the residential interface along Sierra Parade, where landscaping assists in mitigating potential impacts and ensuring a sensitive transition, while also reinforcing the established landscape character of the surrounding area.

5.2.3.2 Parking

Clause 4.6.3 of LPS2 requires car parking to be provided on-site in accordance with Clause 4.15 and Table 4 of LPS2.

An assessment against the LPS2 car parking requirements identifies that the proposed tavern, with a floor area of 1,093m², requires 219 bays, whereas the parking survey observed that 191 bays are available onsite at the Friday evening peak, resulting in an 'on paper' shortfall of 28 bays.

Clause 4.20 of LPS2 provides discretion to modify development standards where specific criteria are satisfied, including consistency with orderly and proper planning, no adverse amenity impacts, and adherence to the intent of the standards. In this instance, the proposal meets these criteria, as demonstrated by the supporting TIA, which confirms the development is appropriate for its context and will not adversely impact surrounding uses or future development.

As noted in the TIA, the LPS2 parking rates are outdated and do not reflect contemporary approaches that discourage use of private vehicles, particularly for attending licensed premises. The highly variable ratios applied across local governments has led the WAPC to introduce the 'WA Planning Manual: Non-Residential Car Parking Rates in Perth and Peel', which states:

Based on the current practice, minimum rates are applied with the expectation that each development will meet its own car parking demand on-site. This results in a range of issues associated with the inappropriate provision of car parking and inefficient use of land.

Refer to **Table 3** below for an assessment against the car parking requirement of the LPS2 and WAPC *Non-Residential Car Parking Rates in Perth and Peel*.

Table 3: Assessment against the LPS2 and WAPC Non-Residential Car Parking Rates in Perth and Peel car parking requirement.

Planning Framework	Requirement	Floor area	Required	Provided (average vacant bays)
LPS2	1 bay for every 5m ² of bar and public areas, including lounges, beer gardens and restaurants.	1,093m ²	219	191
WAPC	Minimum: 1 bay for every 100m ² of bar and public floorspace.	1,093m ²	11	191
	Maximum: 1 bay for every 10m ² of bar and public floorspace.		109	191

Assessed against the WAPC *Non-Residential Car Parking Rates in Perth and Peel*, the recommended parking ranges from 11 to 109 bays, which is significantly lower than the LPS2 standard. With 191 bays available, the proposed tavern can be comfortably accommodated within the existing supply, including during the critical Friday evening peak period.

Accordingly, the proposal satisfies the intent of the car parking standards, maintains the orderly planning and amenity of the locality, and justifies the application of discretion under Clause 4.20.

5.2.3.3 Setbacks

Pursuant to Clause 4.6.3 of LPS2, the following requirements relate to setbacks for development in the Commercial Zone:

- Where a development is proposed to be located on a lot having a common boundary with a Residential zoned lot or residential use class, the setbacks shall not be less than those prescribed in the R-Codes for the particular density code of the adjoining lots;*
- In all other cases, setbacks to be determined by the local government taking into account the principles outlined in clause 4.6.2 and the requirements of the Building Code of Australia.*

The subject site does not adjoin any Residential-zoned land. Accordingly, the setback response has been determined based on the surrounding commercial context, relevant building standards, and the design guidance provided within the IDGP. As outlined in Section 5.3 of this report, the proposed tavern presents an appropriate response to its context and is consistent with the objectives of the Structure Plan and applicable development guidelines. A detailed assessment against the IDGP provisions is provided later in this report.

5.2.3.4 Landscaping

Clause 4.6.5 of LPS2 requires a minimum of 10 per cent of the total site area to be provided as landscaped area. It is noted that, as part of the previously approved development on the site, the required landscaping provision has already been satisfied and a separate submission to the City for approval has been undertaken. Accordingly, the proposal does not result in any reduction in the nominated landscaped area and continues to comply with the requirements of Clause 4.6.5.

As mentioned in section 4.3 of this report, a landscape plan for the Neighbourhood Plaza has been submitted with the City for review and approval, in support of the proposed tavern. Refer to **Appendix 7** for the landscape plan.

5.2.4 Matters to be considered

Clause 67(2) of the Deemed Provisions sets out the matters to be considered in the assessment of the development application. There are addressed in **Table 4** below.

Table 4: Assessment against Deemed Provisions.

Matters to be considered	Response
a) <i>the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;</i>	Refer to section 5.2 of this report.
b) <i>the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;</i>	This development application comprehensively addresses the planning framework in an orderly and proper manner. No amendments to LPS2 or other proposed local government planning instruments have been identified.
c) <i>any approved State planning policy</i>	Refer to section 5.2 of this report.
d) <i>any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d) –</i>	No relevant environmental protection policy has been identified.
e) <i>any policy of the Commission</i>	Refer to section 5.2.3.2 WAPC Non-Residential Car Parking Rate Perth and Peel.
f) <i>any policy of the State</i>	Refer to section 4 of this report.
fa) <i>any local planning strategy for this Scheme endorsed by the Commission;</i>	The City's Local Planning Strategy (2025) applies to the subject site, with specific relevance to <i>Local Planning Policy 3.1.2 – Local Commercial and Activity Centres Strategy</i> on the role of local and commercial activity centres. A detailed assessment of the proposal in relation to its contribution to the role and function of the Spudshed Neighbourhood Centre is provided in sections 5.4 of this report.
g) <i>any local planning policy for the Scheme area;</i>	Refer to section 5.4 of this report.
h) <i>any structure plan or local development plan that relates to the development;</i>	Refer to section 5.3 of this report.
i) <i>any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;</i>	Not applicable.
j) <i>in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;</i>	Not applicable.
k) <i>the built heritage conservation of any place that is of cultural significance</i>	Not applicable.

Matters to be considered	Response
l) <i>the effect of the proposal on the cultural heritage significance of the area in which the development is located;</i>	Not applicable.
m) <i>the compatibility of the development with its setting, including –</i> (i) <i>the compatibility of the development with the desired future character of its setting; and</i> (ii) <i>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>	The scale, form, and orientation of the proposal are consistent with the City's intended outcomes for the site and its function as an entertainment venue. The development is designed to integrate with the adjoining established development and public open space. The Environmental Noise Assessment prepared by Lloyd George Acoustics identifies mitigation measures to manage noise emissions to surrounding residential receivers. It further recommends notification on title and enhanced building construction standards for future residential development to achieve acceptable internal acoustic amenity. Refer to Appendix 6 for the Environmental Noise Assessment.
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>	The development does not introduce anything which would be detrimental to the environment. The subject site is located in a new growth residential area. The proposed development will help to establish the character of area by providing much need social and entertainment hub for the local area. Social impacts associated with the development can be addressed through the provision of management plans. Conversely, the proposal will positively contribute to the locality, through the creation of an engaging development as well as the creation of jobs and the provision of essential services to support the local community. While the Spudshed, in particular, is a popular destination and appears to be thriving, the retail tenancies fronting McDonald Road have been observed to struggle to attract tenants, and have not significantly contributed to the vitality of the area. Compounded by the vacant sites on the eastern side of McDonald Road that have remained unutilised since the Paradiso Estate was developed over the last decade, the 'main street' has not yet achieved the aspirations of the Council or the local community. The proposed use has the potential to catalyse the activity centre, providing a place for the local community to meet and socialise, and to host events and functions. The design will create activity and interest to the street and Neighbourhood Plaza, and will make a positive contribution to the amenity of the locality.
o) <i>the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource.</i>	The development does not introduce anything which would be detrimental to the environment or water resources.

Matters to be considered	Response
p) <i>whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.</i>	Canopy trees and understory landscaping is proposed along east, south and western edges of the development site. The northern edge of the development directly abuts the future Neighbourhood Plaza which has not been landscaped. A landscape plan for the Neighbourhood Plaza has been submitted with the City for review. Refer to Appendix 7 for a copy of the Landscape Plan for the Neighbourhood Plaza.
q) <i>the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation or any other risk.</i>	Refer section 4.1 of this report for consideration of the relevant State Planning Policy relating to bushfire planning.
r) <i>the suitability of the land for the development taking into account the possible risk to human health or safety.</i>	No risk to human health has been identified.
s) <i>The adequacy of –</i> i) <i>The proposed means of access to and egress from the site; and</i> ii) <i>Arrangements for the loading, unloading, manoeuvring and parking of vehicles.</i>	A TIA has been prepared and demonstrates that the proposed access arrangements are adequate. Refer Appendix 4 for the TIA. The TIA confirms the suitability of access for service vehicles via Sierra Parade and includes swept path analysis of various access pathways demonstrating that a standard service vehicle can manoeuvre within and around the site. A WMP is provided at Appendix 5 in support of these findings. Car parking is addressed in Section 5.23.2 of this report. Refer also to the TIA at Appendix 4, which assesses car parking demand and proposed car parking arrangement.
t) <i>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;</i>	A TIA has been prepared which demonstrates the existing road network can cater for the traffic generated by the proposed development, and the vehicle access arrangements will operate safely. Refer the TIA at Appendix 4 .
u) <i>the availability and adequacy for the development of the following –</i> i) <i>public transport services;</i> ii) <i>public utility services;</i> iii) <i>storage, management, and collection of waste;</i> iv) <i>access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);</i> v) <i>access by older people and people with disability;</i>	The development provides accessible car parking bays for visitors to the subject site. All pedestrian pathways and building entrances have been designed to support universal access, ensuring equitable use for all users. The design also considers integration with the existing pedestrian and road network to provide safe, convenient, and efficient connections to the site. Public transport accessibility is available via the 568 bus route, which operates along Sierra Parade and provides connections to Warnbro Station, as well as other intersecting bus services.
v) <i>the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;</i>	The proposed development will not result in the loss of community service. On the contrary, the proposed development will provide important, much needed, community / hospitality service to the area.

Matters to be considered	Response
w) <i>the history of the site where the development is to be located;</i>	Refer to section 1.2 of this report.
x) <i>the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;</i>	The proposed development will catalyse the activity centre and will provide additional employment opportunities for residents in the locality. The proposed development will contribute to the delivery of important commercial entertainment services. The proposal provides an attractive setting for business and social interactions, along with encouraging a range of land uses that will attract visitors to the locality. In this respect, there is a positive social outcome resulting from this development.
y) <i>any submissions received on the application;</i>	The application will be advertised for public comment.
z) <i>the comments or submissions received from any authority consulted under clause 66;</i>	To be addressed during assessment.
aa) <i>any other planning consideration the local government considers appropriate.</i>	At this stage of the assessment, no other considerations have been identified.

5.3 Structure Plans

5.3.1 Paradiso Estate Local Structure Plan

The development site is subject to the provisions of the Paradiso Estate Local Structure Plan (**Structure Plan**), which was approved by the Western Australian Planning Commission (**WAPC**) on 6 July 2022.

While the Structure Plan does not prescribe specific design criteria, the approved plan establishes the building footprints and land use permissibility, which are relevant considerations in the assessment of the proposed tavern development.

Subsequently, the City approved an Integrated Development Guide Plan (**IDGP**) in 2014, which provides specific provisions for the Western Precinct, Main Street Precinct and the Residential Precinct.

Relevant to the proposed development, an assessment against the relevant provision of the Main Street Precinct is provided in **Table 5** below.

Table 5: Assessment against IDGP – Main Street Provisions.

Main Street Precinct Provisions	Response
2.1 All buildings shall be orientated to the main street (McDonald Road) with the main pedestrian entry being from the main street, and shop-front windows provided along the main street.	The proposed tavern has been designed to address and activate the McDonald Road frontage, incorporating key architectural elements such as full-height glazing, a prominent entry feature, an overhead canopy, and complementary landscaping. Together, these elements enhance visual engagement, pedestrian permeability, and overall streetscape activation.
2.2 Buildings shall be built up to the main street, and shall contribute contiguous built form along the main street. Minor setbacks shall only be considered where necessary to provide for activities between the building and the street (excluding car parking).	The proposed development adopts a built-to-boundary approach along the main street frontage of McDonald Road, thereby establishing a strong and consistent urban edge that reinforces the intended character of the locality.

Main Street Precinct Provisions		Response
		By aligning the building with the street, the design contributes to a contiguous and cohesive built form, strengthening the visual continuity and enclosure of the public domain. This approach enhances the pedestrian experience by clearly defining the street edge, improving legibility, and creating an active, engaging interface. The inclusion of architectural features such as full-height glazing, a defined entry, and an overhead canopy further strengthens this relationship by providing weather protection, visual permeability, and a seamless connection to adjoining developments, reinforcing a continuous and activated main street environment.
2.3	All buildings along the main street must be built to a minimum of two storeys or equivalent parapet height to keep the main street compact and to reinforce the desired urban character.	The proposed building is designed to achieve an equivalent scale and visual presence consistent with a two-storey built form, satisfying the intent of the provision. The architectural response incorporates an articulated and elevated roof form that reaches a height comparable to a typical two-storey parapet, ensuring the building contributes appropriately to the vertical proportion and enclosure of the main street. This approach provides a balanced transition between the existing predominantly single-storey built form and the intended future character of a more vertically defined streetscape. The use of increased wall heights, generous floor-to-ceiling dimensions, and a prominent roof profile provides a strong vertical expression, avoiding the appearance of a low-scale or underdeveloped frontage. These design elements collectively reinforce the desired urban character by maintaining a sense of enclosure and continuity along the streetscape, which is a key objective of the provision.
2.4	A continuous awning at least 2.5m wide shall be provided along main street and secondary street frontages, where buildings are built up to the street.	A continuous awning at least 2.5m wide is proposed along the McDonald Road and Sierra Parade frontages.
2.5	The Neighbourhood Plaza shall be landscaped and provided with furniture for use as an active public space, suitable for community events.	A landscape plan for the Neighbourhood Plaza has been submitted to the City for approval. The landscape plan has been designed to provide a range of informal and organised community activities. The design incorporates a coordinated landscape scheme, including planting, seating furniture, and softscape treatments, which contribute to amenity, comfort, and visual appeal, ensuring the space is attractive and usable throughout the year. These elements are arranged to facilitate both passive use and more active social engagement, allowing the space to function flexibly for a range of activities.

Main Street Precinct Provisions		Response
2.6	Active uses such as eating and drinking places shall be located on the ground floor adjacent to the Neighbourhood Plaza.	The beer garden to the proposed tavern is positioned adjacent to the plaza with the intent to activate the space adjoining the plaza and ensure that key patron areas—including the beer garden, dining, bar, and associated seating zones—are oriented toward and visually connected with the plaza, fostering a high level of activation and engagement with the public domain. The inclusion of features such as full-height glazing, operable openings, and outdoor seating areas further strengthens the relationship between the tavern and the plaza by encouraging activation, visual connection, and informal spill-out of patrons into the public realm. Importantly, these areas are carefully designed and managed to remain well-defined and organised, ensuring that activation occurs in a controlled manner that minimises potential amenity impacts on adjoining premises and other sensitive uses.
2.7	The Neighbourhood Plaza shall be linked to the supermarket in the Western Precinct via a prioritised pedestrian link at least 2.5m wide.	The pedestrian link connecting to Spudshed is an existing and established pathway within the locality. Refer to Appendix 7 for the proposed landscape plan for the Neighbourhood Plaza, which has been designed as a continuation and enhancement of this pedestrian link, reinforcing connectivity and integrating the plaza seamlessly within the broader movement network.
2.8	Servicing and off-street car parking shall be located to the rear of the building, out of view of the main street.	The development does not propose any additional or new car parking. The proposal takes into account the existing car parking both on-site and on-street car parking.
2.9	On-street car parking shall count towards the required car parking for non-residential developments.	The Traffic Impact Assessment confirms that sufficient car parking is available within the existing on-site and surrounding on-street network to accommodate the anticipated demand generated by the proposed tavern, without the need for additional parking provision.
2.10	Along the eastern side of the main street, to allow for robust buildings a minimum ground floor to first floor height of 3.2m with a minimum of 3m ceiling height is to be provided.	The proposed development provides ceiling heights ranging between 3.0m to 6.5m and achieves an overall building height of approximately 7.2m, delivering a generous vertical scale that supports a robust and adaptable ground floor built form consistent with the intent of the provision. This increased height delivers a high-quality architectural outcome, enabling the incorporation of full-height glazing, improved natural light penetration, and enhanced visual permeability between internal spaces and the public domain. These elements collectively support active frontage outcomes and contribute to a more engaging and vibrant streetscape. The design also responds appropriately to its context by maintaining consistency with the established parapet heights and overall scale of surrounding commercial development along McDonald Road, ensuring a cohesive and well-integrated streetscape character.

Main Street Precinct Provisions	Response
	Accordingly, the proposal satisfies the intent of the provision by delivering a well-proportioned, flexible, and contextually responsive built form that enhances both functionality and urban design outcomes.

5.4 Local Planning Policies

5.4.1 Planning Policy No 3.1.2 – Local Commercial and Activity Centres

The City's *Planning Policy 3.1.2 – Local Commercial and Activity Centres (PP3.1.2)* framework for the planning, development and assessment of commercial and activity centres within the City. The policy establishes a hierarchy of centres and seeks to ensure that retail, commercial and mixed-use development is appropriately located, economically sustainable and responsive to community needs.

The proposed tavern is considered to be a compatible land use within the activity centre framework, as it contributes to the diversity of services and supports the function of the centre as a social and community focal point. The proposal will also enhance evening and night-time activation, contribute to local employment opportunities and support the broader objective of creating vibrant, mixed-use centres, consistent with the intent of PP3.1.2.

While Spudshed functions as a strong anchor, underperforming tenancies and surrounding vacant sites have limited the development of an active main street. The proposed tavern expected to catalyse the centre by introducing a complementary social and hospitality use that enhances activation, community focus and overall amenity.

5.4.2 Planning Policy No 3.3.14 – Bicycle Parking and End-Of-Trip facilities

The City's *Planning Policy 3.3.14 – Bicycle Parking and End-of-trip Facilities (PP3.3.14)* sets out the bicycle parking requirements for commercial land uses. The requirements are set out in **Table 6** has been assessed based on indicative tenancy arrangements and staff numbers.

Table 6: Assessment against PP3.3.14.

Use	Type	Calculation	Particular	Required
Food and Drink Premises	Minimum Short-Term Parking	0.1 spaces per 5 seats	596 seats	12 spaces (11.92)
	Minimum Long-Term Parking	0.1 spaces per staff	12 staff	1 space (1.2)

It is noted that existing bicycle parking is already provided on-site along the eastern and northern boundaries of the Spudshed Supermarket, as illustrated on the proposed development plans. The current proposal does not include any additional bicycle parking, as it is considered that the existing provision is adequate to accommodate the anticipated demand generated by the proposed tavern.

6 CONCLUSION

The application seeks approval for a tavern on the development site. The proposed development is appropriately located and warrants approval for the following reasons:

- The proposed development will deliver a substantial community benefit through the provision of entertainment and the generation of significant local employment opportunities.
- The proposed tavern together with the established commercial precinct and future public open space combine to form an attractive community hub for the locality, encouraging social interaction and a sense of community.
- The proposed land uses are capable of approval under LPS2 and has been demonstrated to be appropriate in the context of the development.
- The development generally complies with the local planning framework.
- The various technical reporting prepared in support of the development confirms the proposal is acceptable from a traffic impact, parking, waste and acoustic amenity perspective.
- The proposed development is designed to a high standard and will result in a positive built form outcome for the site and future community of Baldivis.

Having regard for the above, in considering the applicable planning framework, the proposed development warrants approval from the DAP.

Appendix 1:
Certificate of Title and Deposited Plan

Appendix 2:

Contaminated Site Record Search Response

Appendix 3:

Proposed Development Plan

Appendix 4: Traffic Impact Assessment

Appendix 5: Waste Management Plan

Appendix 6: Environmental Noise Assessment

Appendix 7: Landscape Plan for the Neighbourhood Plaza