

9.2 NO. 173 (LOT: 7; D/P: 867) OXFORD STREET, LEEDERVILLE - PROPOSED ALTERATIONS AND ADDITIONS TO SMALL BAR (AMENDMENT TO APPROVED) (UNAUTHORISED EXISTING DEVELOPMENT)

Ward: South

Attachments:

1. Location Plan
2. Development Plans
3. Landscaping Plan
4. Amended Acoustic Report
5. Previous Development Approval - 24 July 2020 (5.2020.81.1)

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, **APPROVES** the application for a proposed Alterations and Additions to Small Bar (Amendment to Approved) (Unauthorised Existing Development) at No. 173 (Lot: 7; D/P: 867) Oxford Street, Leederville in accordance with the plans provided in Attachment 2, subject to the following conditions and associated advice notes:

1. All conditions, requirements and advice notes detailed on development approval 5.2020.81.1 dated 24 July 2020, 5.2021.274.1 dated 18 August 2020 and 5.2021.220.1 dated 14 September 2021 continue to apply to this approval, except as follows:
 - 1.1 Condition 1.1 is amended to read as follows:
 - 1.1. This approval relates to Alterations and Additions to Small Bar as indicated on the plans dated 17 March 2023 and 9 May 2023. It does not relate to any other development on the site;
 - 1.2 Condition 7 is amended to read as follows:
 7. The measures outlined in the approved acoustic report prepared by Acoustic Engineering Solutions, dated 24 April 2023 shall be implemented prior to the occupation or use of the development subject of this approval and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;
 - 1.3 Condition 11 is amended to read as follows:
 11. Within 28 days of the date of this approval, an updated Waste Management Plan shall be provided to the City. The updated Waste Management Plan is to reflect the changes to the bin store location and its increase in size. The approved Waste Management Plan shall be thereafter implemented to the satisfaction of the City;
 - 1.4 Condition 12.1 is amended to read as follows:
 - 12.1 An amended landscape and reticulation plan for the development site, to the satisfaction of the City, shall be lodged with and approved by the City prior to occupation or use of the development the subject of this approval. The amended landscape and reticulation plan shall generally be in accordance with the plan dated 17 March 2023 except the *Syzygium Leuhmannii* species being replaced with *Acmena Smithii Dwarf* species or other suitable species as approved by the City;
 - 1.5 A new Advice Note 3 of 5.2021.220.1 to read as follows:
 3. The development is to comply with the relevant assigned noise levels under the *Environmental Protection (Noise) Regulations 1997*.

EXECUTIVE SUMMARY:

The purpose of this report is to consider an application for development approval for Alterations and Additions to an existing Small Bar at No. 173 Oxford Street, Leederville (subject site). The site is developed and has been operating as Roberts on Oxford since December 2020.

The proposal seeks approval for works that have been undertaken at the subject site and that are inconsistent with the previous approval issued by the City in September 2021. This means that the works undertaken are currently unauthorised.

The unauthorised works relate to a re-configuration of the previously approved rear alfresco area and associated buildings and landscaping, as well as to the side alfresco area and front facade. The predominant building layout would remain the same and the overall operation of the venue would remain as previously approved. The proposal does not seek to change the approved land use, occupancy numbers or operating hours as part of this application.

The proposal seeks an element objectives assessment against the landscaping planning element. The proposal has been designed to provide for a landscaping outcome that is appropriate for an existing development site and the nature of the existing Small Bar land use, to reduce amenity impacts to adjoining properties and to be consistent with the established streetscape.

The proposal satisfies the relevant deemed-to-comply and element objectives and the application is recommended for approval subject to updating existing conditions.

PROPOSAL:

The subject application seeks to amend the most recent approval relating to the existing small bar operating from the subject site that was determined by Council at its [Ordinary Meeting](#) on 14 September 2021 ('2021 approval'). This 2021 approval related to alterations and additions to the existing small bar use. A location plan of the site included as **Attachment 1**.

The applicant seeks approval to modify the development plans and conditions of the 2021 approval to bring them in line with what has been constructed on site. This is because building works undertaken on-site are inconsistent with the 2021 approval. The applicant has advised that adjustments to the approved works needed to be undertaken during construction due to Water Corporation and other building requirements.

The development plans the subject of this application and that are consistent with what has been constructed on-site are included in **Attachment 2**.

Details

The amendments proposed as part of this application are summarised as follows:

Oxford Street Façade

- Modification to the southern portion of the front façade relating to the entry and pedestrian access. Due to fire safety requirements, the approved bi-fold timber doors are required to be modified to a swinging door.

Front Building

- Re-configuration of the layout of the front building to modify the location of bin storage, toilet facilities, storerooms and the kitchen.

Side Alfresco

- Extension to the length of the enclosed side alfresco area along the southern boundary from 12.5 metres to 19.5 metres.

Rear Alfresco and Buildings

Re-configuration and change in design to the previously approved rear alfresco seating area, deck and buildings, as described below.

- **Pedestrian Ramp and Stairs:** Re-configuration of a pedestrian ramp and stairs to the rear alfresco area along the southern boundary to provide compliant universal access.
- **Seating Area:** Introduction of a raised seating area to the east of the rear alfresco area located adjacent to the kitchen, and seating area adjacent to the bottom of the ramp/stairs in the rear alfresco area. The covered seating area along the northern side boundary is now proposed to be raised.
- **Shade Sails:** Three new shade sails proposed over the seating areas in the rear courtyard.
- **Patio:** Approved pergola to the northern side boundary changed to a solid roof patio to provide cover over the raised seating area. The size of the previously approved structure has reduced in size from 24 square metres with a 6.7 metre boundary length dimension, to 10.5 square metres with a 5 metre boundary length dimension.
- **Bar Area and Storage:** Re-configuration of the previously approved rear bar area along the western boundary that includes the removal of the bin storage area and kitchen, and the inclusion of a new cool room and coffee preparation station.
- **Landscaping:** Removal of the approved turf area in the rear courtyard area. Planter boxes are proposed to the perimeter of the courtyard area adjacent to the raised seating area to the east, along the southern side of the pedestrian ramp, and to the northern side boundary. Two trees are proposed within deep soil areas to the northern side boundary, as well as pot plants located throughout the courtyard area.

Aspects of the Existing Premises Unchanged by the Proposal

The application does not propose any changes to the following previously approved elements:

- Small Bar land use;
- Existing building to the street containing a front bar. The parklet in the Oxford Street reserve located adjacent to the premises is also as existing;
- Capacity of 120 patrons and seven staff at any given time;
- 3.8 metre high acoustic walls along portions of the northern, western and southern lot boundaries constructed out of brick;
- No on-site parking; and
- Operating hours as follows:
 - 6:00am to 12:00am Monday to Saturday;
 - 6:00am to 10:00pm Sunday; and
 - 6:00am to 12:00am Sunday where followed by a public holiday.

BACKGROUND:

Landowner:	Colin Philip De Silva and Mondesta De Silva
Applicant:	Robert McNally
Client:	Robert McNally
Date of Application:	17 March 2023
Zoning:	MRS: Urban LPS2: Zone: Regional Centre
Built Form Area:	Town Centre
Existing Land Use:	Small Bar
Proposed Use Class:	Small Bar
Lot Area:	405m ²
Right of Way (ROW):	Not applicable
Heritage List:	Not applicable

Site Context

The single storey building on the subject site accommodates a Small Bar land use. A bar is contained in the building to the front of the site and a roofed alfresco area to the southern side of the building. The portion of the site to its southern side boundary is used for additional seating and rear access to the alfresco dining area. The kitchen, bin store and bathroom facilities are all located in the middle of the subject site. At the rear of the site is an alfresco dining area and rear bar which includes a cool room and coffee preparation area.

The subject site is zoned Regional Centre under the City's Local Planning Scheme No. 2 (LPS2) and is located within the Town Centre Built Form Area under the City's Policy No. 7.1.1 – Built Form (Built Form Policy). The site is within a six-storey building height area under the Built Form Policy.

The subject site is bound by Oxford Street to the east, Anna Vietnamese Restaurant and Cafe to the north, Luna Cinema to the south and a Multiple Dwellings development (townhouses and apartments) to the west.

Adjoining properties to the north and south of the subject site along Oxford Street are zoned Regional Centre under LPS2. Adjoining properties to the west of the subject site are zoned Residential under LPS2 with a density coding of R80. The property across Oxford Street to the east of the subject site is reserved for Public Purposes – Primary School/High School and accommodates the School for Isolated and Distant Education (SIDE).

Previous Development Approvals

- On 24 July 2020 Administration approved a development application for a change of use at the subject site. This was for a change of use from Shop House to Restaurant/Café and Single House. The approval permitted a maximum of 50 customers and five staff members to be on-site at any one time and included signage, façade upgrades and provision of an outdoor dining area within the existing driveway along the southern boundary of the site. The approval included the provision for two long-term bicycle bays and no on-site parking.

A copy of these approved development plans and approval notice is included in **Attachment 5**.

- Council at its [Ordinary Meeting](#) on 18 August 2020 approved a change of use at the subject site from Restaurant/Café and Single House to Small Bar and Single House. No works were proposed as part of this application. The venue was approved with a capacity of 55 persons, being 50 patrons and five staff. The operating hours of the premises was restricted to Monday to Saturday from 6:00am – 12:00am and Sunday from 6:00am – 10:00pm (or until 12:00am were followed by a public holiday).
- Council at its [Ordinary Meeting](#) on 14 September 2021 approved proposed alterations and additions to the Small Bar. Details of this application included:
 - Increasing the maximum number of patrons from 50 to 120, and the number of staff from five to seven.
 - Undertaking works to the premises including:
 - Construction of a new façade to Oxford Street including the continuation of an awning over the Oxford Street footpath and roof cover over the existing outdoor seating area along the southern boundary of the property.
 - Conversion of the existing covered area at the rear into a new kitchen and bar area, and storage.
 - Provision of a rear alfresco dining area to the western side of the property. This area provided additional seating and consisted of paving, turf and a pergola structure.
 - Construction of a 3.8 metre high and 0.2 metre thick brick wall along portions of the northern, western and southern boundaries of the site.
 - Conversion of the previous Single House located at the rear of the existing Small Bar building that fronts onto Oxford Street into an additional back of house area and toilet facilities.

Noise and Compliance Investigations

This development application has resulted from a compliance investigation that commenced in January 2023 regarding alleged unauthorised works undertaken at the property.

A site inspection was conducted by the City as part of the compliance investigation which found that building works to the rear and southern areas of the site were not constructed in accordance with the 2021 approval.

The subject development application for approval of the unauthorised works was subsequently prepared and lodged with the City in March 2023.

A complaint was received by the City in April 2023 in relation to noise emanating from the rear of the property. Building works to the rear had commenced at this time but was not completed and so was not being used in line with noise management measures.

The City's Development Compliance Enforcement Policy allows for the consideration of an unauthorised development to continue to operate during the development application assessment process. The City is aware that the side and rear of the property may have continued to be in use while this application has been processed. The City has not received any further complaints in relation to noise emanating from the rear courtyard area.

DETAILS:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Local Planning Scheme No. 2 (LPS2) and the City's Built Form Policy. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

Planning Element	Use Permissibility/ Deemed-to-Comply	Previously approved	Requires further Discretion
Street Setback	✓		
Building Setbacks/Boundary Wall	✓		
Building Height/Storeys	✓		
Roof Form	✓		
Landscaping			✓
Visual Privacy	✓		
Car and Bicycle Parking		✓	
Bicycle Facilities		✓	
Façade Design	✓		
Universal Access	✓		
Sound Attenuation Policy	✓		
Signs and Advertising Policy	✓		
Hours of Operation		✓	

Detailed Assessment

The deemed-to-comply (acceptable outcomes) assessment of the planning element that requires the discretion of Council is as follows:

Landscaping	
Acceptable Outcomes Standard	Proposal
Built Form Policy Clause 1.5 Deep Soil Areas: 12% of site area (48.6 square metres) Planting Areas: 3% of site area (12.1 square metres)	Deep soil areas and planting areas provided: 0.7% (2.9 square metres)

The above element of the proposal does not meet the specified acceptable outcomes standard and is discussed in the Comments section below.

CONSULTATION/ADVERTISING:

Community Consultation

Community consultation was not undertaken as part of this application. This is because the planning element that does not meet the acceptable outcome standard relates to landscaping located at the rear of the property. The change proposed would not adversely impact adjoining properties or the Oxford Street streetscape.

The other changes proposed as part of this application relate to re-configuration of previously approved works on the property, and would not result in an increase to the intensity or scale of the venue's operation.

In accordance with the principles of the City's Community and Stakeholder Engagement Policy, such proposals are not required to be advertised.

Design Review Panel (DRP):

Referred to DRP: No

The physical works proposed satisfy the relevant deemed-to-comply (acceptable outcome) standards. Modifications to the entry door to the Oxford Street frontage were required to satisfy public building standards and are consistent with the existing approved built form, including design, colours and materials.

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Local Planning Scheme No. 2;
- Draft Leederville Precinct Structure Plan;
- Leederville Town Centre Masterplan & Built Form Guidelines;
- Development Compliance Enforcement Policy;
- Community and Stakeholder Engagement Policy;
- Policy No. 7.1.1 – Built Form Policy;
- Policy No. 7.5.7 – Licensed Premises; and
- Policy No. 7.5.21 – Sound Attenuation.

Planning and Development Act 2005

In accordance with Schedule 2, Clause 76(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Planning Regulations) and Part 14 of the *Planning and Development Act 2005* (P&D Act), the applicant would have the right to apply to the State Administrative Tribunal for a review of Council's determination.

Planning and Development (Local Planning Schemes) Regulations 2015

In accordance with [Clause 67\(2\)](#) of the Deemed Provisions in the Planning Regulations and in determining a development application, Council is to have due regard to a range of matters to the extent that these are relevant to the development application.

Draft Leederville Precinct Structure Plan (Draft LPSP)

At its meeting on 14 September 2021, Council endorsed the Draft LPSP to be forwarded to the Western Australian Planning Commission (WAPC) for determination. At the same meeting Council resolved to proceed with the preparation of Amendment 7 to LPS2, to rezone the subject site and surrounding properties from 'Regional Centre' to 'Centre'. Amendment 7 has been forwarded to the Minister for determination. The subject site would be zoned 'Commercial R-AC0' and in the Village Sub-Precinct under the Draft LPSP.

The Draft LPSP and Amendment 7 to LPS2 have not been determined by the WAPC or the Minister, respectively. This means that the provisions of the Draft LPSP are to be given regard only in determining a development application.

Leederville Master Plan Built Form Guidelines

The Leederville Master Plan Built Form Guidelines (Leederville Master Plan) were adopted by Council at its 16 March 2009 Ordinary Meeting and is a matter to be given due regard in the consideration of an application.

Unauthorised Development

The planning framework includes the following in relation to unauthorised development:

- Under Clause 60 of the Planning Regulations, a person must not commence or carry out any works or use land unless development approval has been obtained.
- Schedule 2, Clause 65 of the Planning Regulations provides the ability for a development application where the development has already commenced or carried out to be approved, approved with conditions or refused.
- Under the P&D Act, the approval of a development application for unauthorised development does not apply retrospectively. The approval sought would not apply to the period during which the development operated without approval.

Delegation to Determine Applications:

The application is required to be determined by Council because it is proposing a further departure to previously approved variations to acceptable outcome standards set out in the City's local planning policy and would also change the impact of conditions imposed by Council.

RISK MANAGEMENT IMPLICATIONS:

Low: There are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning application.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Community Plan 2022-2032:

Innovative and Accountable

Our decision-making process is consistent and transparent, and decisions are aligned to our strategic direction.

SUSTAINABILITY IMPLICATIONS:

There are no sustainability implications from this application, aside from proposed changes to landscaping.

The acceptability of the proposed landscaping outcome as considered against the provisions of the City's Policy No. 7.1.1 – Built Form and that are informed by the City's Sustainable Environment Strategy 2019-2024 is included in the Comments section below.

PUBLIC HEALTH IMPLICATIONS:

The venue sells alcohol to patrons for consumption on-site. The City's *Public Health Plan 2020-2025* includes the following priority health outcome in relation to alcohol:

Reduced harmful alcohol use

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial/budget implications from this application.

COMMENTS:Summary Assessment

In assessing the application against the planning framework, it is recommended for approval. The following key comments are of relevance:

- The proposed changes to landscaping in the rear alfresco area of the site would ensure the space is practical for the operation of the venue and is functional for its patrons. The proposed landscaping provided in planter boxes, landscaping strips and in pots would be suitable for the existing Small Bar use and provide amenity to patrons using the rear alfresco area.
- The re-configuration and re-organisation of the previously approved works to the rear of the site would not result in amenity impacts to neighbouring properties, with supporting acoustic reporting submitted.

Landscaping

The Built Form Policy sets out an acceptable outcomes standard of 12 percent of the site area provided as deep soil areas, equivalent to 48.6 square metres of the site area. The Built Form Policy also sets out an acceptable outcomes standard of 3 percent of site area provided as planting areas, equivalent to 12.1 square metres of the site area. These areas are to have a minimum dimension of 1 metre under the acceptable outcomes.

The 2021 approval provided for 7.7 percent (31.4 square metres) of the site as deep soil areas and planting areas.

The current proposal seeks to provide a total of 0.7 percent (2.9 square metres) of the site as deep soil and planting areas with a minimum dimension of 1 metre. An additional 2.1 percent of the site (8.6 square metres) is also provided as landscaping, but is not classified as deep soil and planting areas because it does not have a minimum dimension of 1 metre.

The applicant has provided a landscaping plan for the rear area of the site, included in **Attachment 3**.

The proposal is consistent with the [element objectives](#) of the Built Form Policy for the following reasons:

- Functionality and Nature of Use: The extent and type of landscaping provided is appropriate in considering the built out nature of the site and to ensure the rear courtyard area is functional its patrons, for the following reasons:
 - The landscaping changes are proposed as a more practical design response for the small bar use. The previously approved turf area is located throughout the rear courtyard area and in front of the rear bar. The inclusion of paving to replace the previously approved turf would provide greater functional area for use by patrons in the rear courtyard area.
 - The approved turf areas would present maintenance and viability issues due to the use of the area by patrons.
 - Three shade sails are proposed over the rear outdoor area to provide weather protection all year round for patrons using the area. The inclusion of these shade sails may limit potential solar access to the turf, reducing the turf's long term viability.
- Site Limitations: There is limited ability to provide for substantial landscaping areas given existing and approved buildings on site as follows:
 - Building additions have previously been approved to the rear of the existing venue. The application seeks to re-configure these.
 - The enclosed side alfresco area along the southern boundary have previously been approved for seating.
 - The existing building to the front of the site has a nil setback to Oxford Street and has been in place prior to previous change of use approvals.
- Introduction of Landscaping Areas: The application seeks to incorporate landscaping to areas of the rear courtyard where it would most benefit its users and provide greatest amenity. This includes:
 - Planter boxes proposed to the edges of the courtyard area adjacent to the raised seating area to the east, along the southern side of the pedestrian ramp, and to the northern side boundary.
 - Two trees proposed within deep soil areas to the northern side boundary.
 - Pot plants located throughout the courtyard area.
 - The City's Parks team has confirmed that all areas of planter boxes can accommodate and support intended planting.

- Species Selection:
 - The proposed landscaping plan includes various plant species that provide visual interest, shading and can be used in association with the site's Small Bar use. Edible species are provided including an orange tree, a lemon tree as well as herbs including sage, thyme, basil, mint and rosemary that can be used by the bar.
 - The City's Parks team supports the proposed landscape plan, although has recommended that the *Syzygium Leuhmannii* species be replaced with *Acmena Smithii Dwarf* which would be better suited to the size of the planting area. An update to Condition 12 of the existing approval to reflect this has been included in the officer recommendation.

Noise Management

A revised acoustic report to reflect the re-configuration of the building works on site has been prepared by a qualified acoustic consultant in support of the application. This is included as **Attachment 4**.

The acoustic report assesses noise generated from the proposed development and its impact on nearby properties and considers the current built form constructed on-site. It has been prepared based on the previous conditions of approval and venue operation including:

- A maximum capacity of 120 patrons operating seven days a week;
- Mechanical equipment;
- All windows and doors to be fully opened during operating hours;
- Speakers would play low level background music. This would include two speakers in the indoor area, two speakers in the side alfresco area and four speakers in the courtyard area; and
- 3.8 metre high brick walls built along portions of the northern, western and southern boundaries.

The acoustic report confirms that noise levels generated from the premises during the approved operating hours would comply with the relevant assigned noise levels under the *Environmental Protection (Noise) Regulations 1997*. The proposed re-configuration of physical works of the site would not result in an adverse impact on the amenity of the surrounding area in relation to noise.

It is recommended that Condition 7 of the existing approval be updated to ensure that the premises is to operate in accordance with the amended acoustic report. An advice note is also recommended advising that the development is to comply with the relevant assigned noise levels under the *Environmental Protection (Noise) Regulations 1997*. The applicant has confirmed that the business will operate in accordance with the amended acoustic report.

Waste Management

The application proposes to relocate the bin store area to the centre of the site from the rear and to increase its size from 7.8 square metres to 10.9 square metres. It is recommended for the previously approved Waste Management Plan to be updated to reflect this as per Condition 11.

**CITY OF VINCENT
LOCAL PLANNING SCHEME NO. 2
SCHEME MAP 1 - LEEDERVILLE**

LEGEND

METROPOLITAN REGION SCHEME RESERVES

Note: The Western Australian Planning Commission care of the Department of Planning should be consulted for full information on the actual land requirements for all Metropolitan Region Scheme Reserves.

- PARKS AND RECREATION**
- R Restricted Public Access
- PRIMARY REGIONAL ROADS RESERVATION**
- OTHER REGIONAL ROADS RESERVATION**
- RAILWAYS**
- PUBLIC PURPOSES**
Particular use denoted as follows:
- H Hospital
- HS High School
- TS Technical School
- CP Car Park
- U University
- CG Commonwealth Government
- SU Special Use
- WSD Water Authority of Western Australia
- P Prison

CITY OF VINCENT LOCAL SCHEME RESERVES

- PUBLIC OPEN SPACE**
- R Restricted
- PUBLIC PURPOSES**
Particular use denoted as follows:
- PS Primary School
- CP Car Park
- CU Civic Uses
- HS High School
- I Institute for the Deaf
- W Water Supply Sewerage and Drainage
- TS Technical School

CITY OF VINCENT SCHEME ZONES

- RESIDENTIAL**
- MIXED USE**
- COMMERCIAL**
- LOCAL CENTRE**
- DISTRICT CENTRE**
- REGIONAL CENTRE**
- SPECIAL USE**
Particular use denoted as follows:
- CP Car Park
- CU Community Use
- FC Function Centre
- HC Hall and Non Residential Club
- H Hotel
- PW Place of Worship
- S Service Station

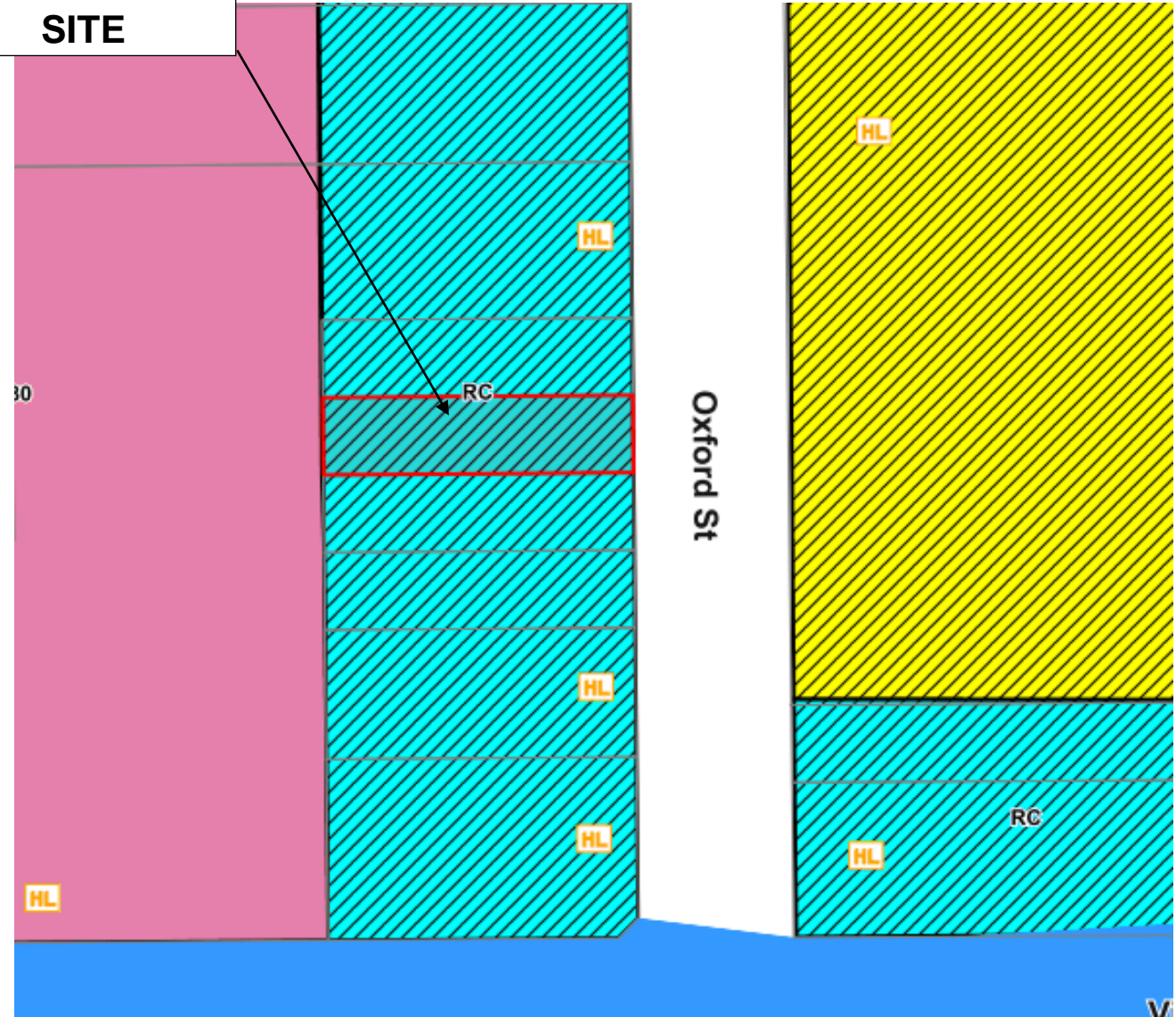
ADDITIONAL USE



ADDITIONAL INFORMATION & RESIDENTIAL PLANNING CODES

- CODE AREA BOUNDARY**
- SCHEME AREA BOUNDARY**
- DENSITY CODE**

SUBJECT SITE



CITY OF VINCENT

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Location Map
173 Oxford Street, Leederville





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173 Oxford Street, Leederville



North →

CITY OF VINCENT
RECEIVED
17 March 2023

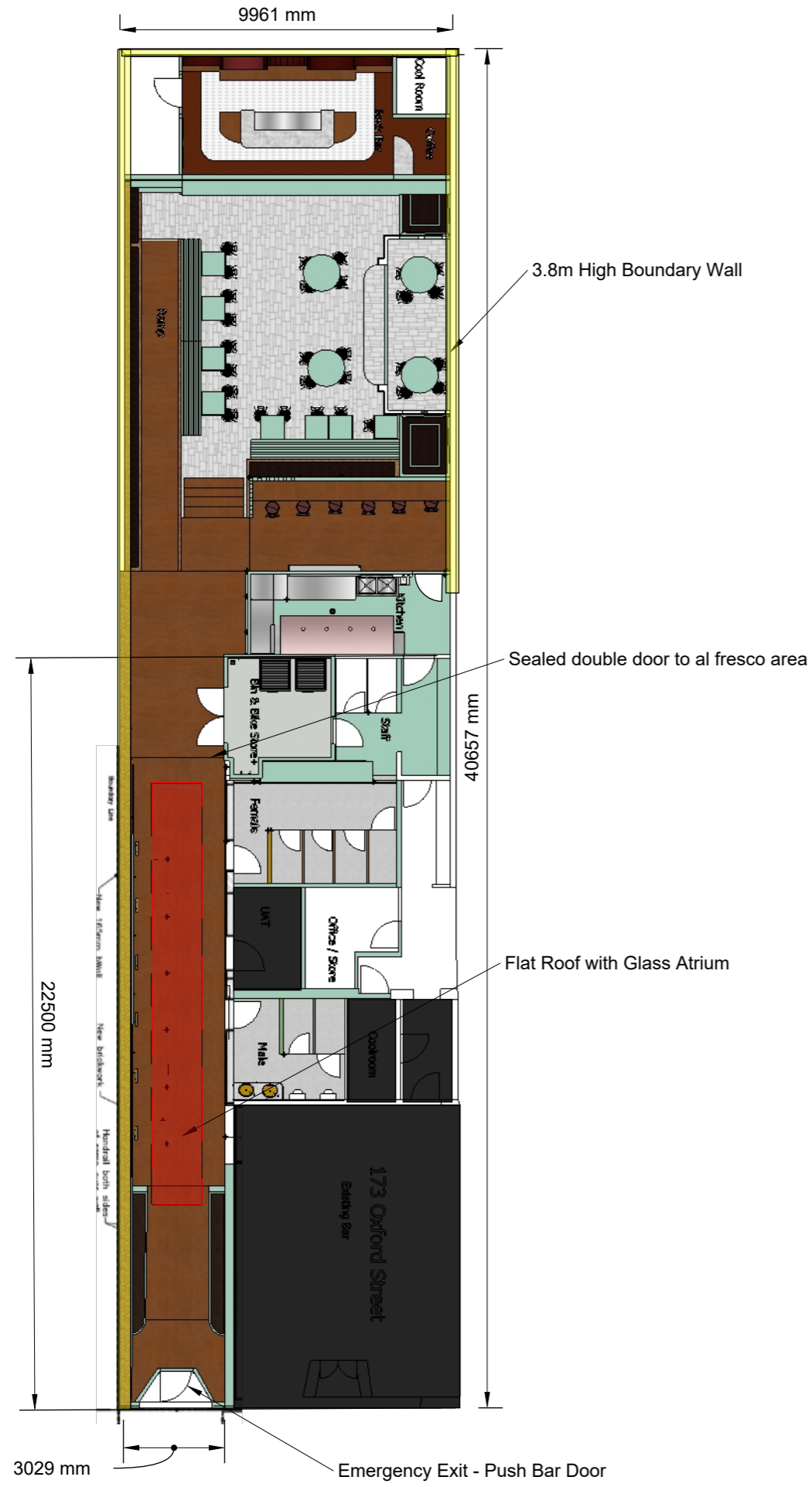


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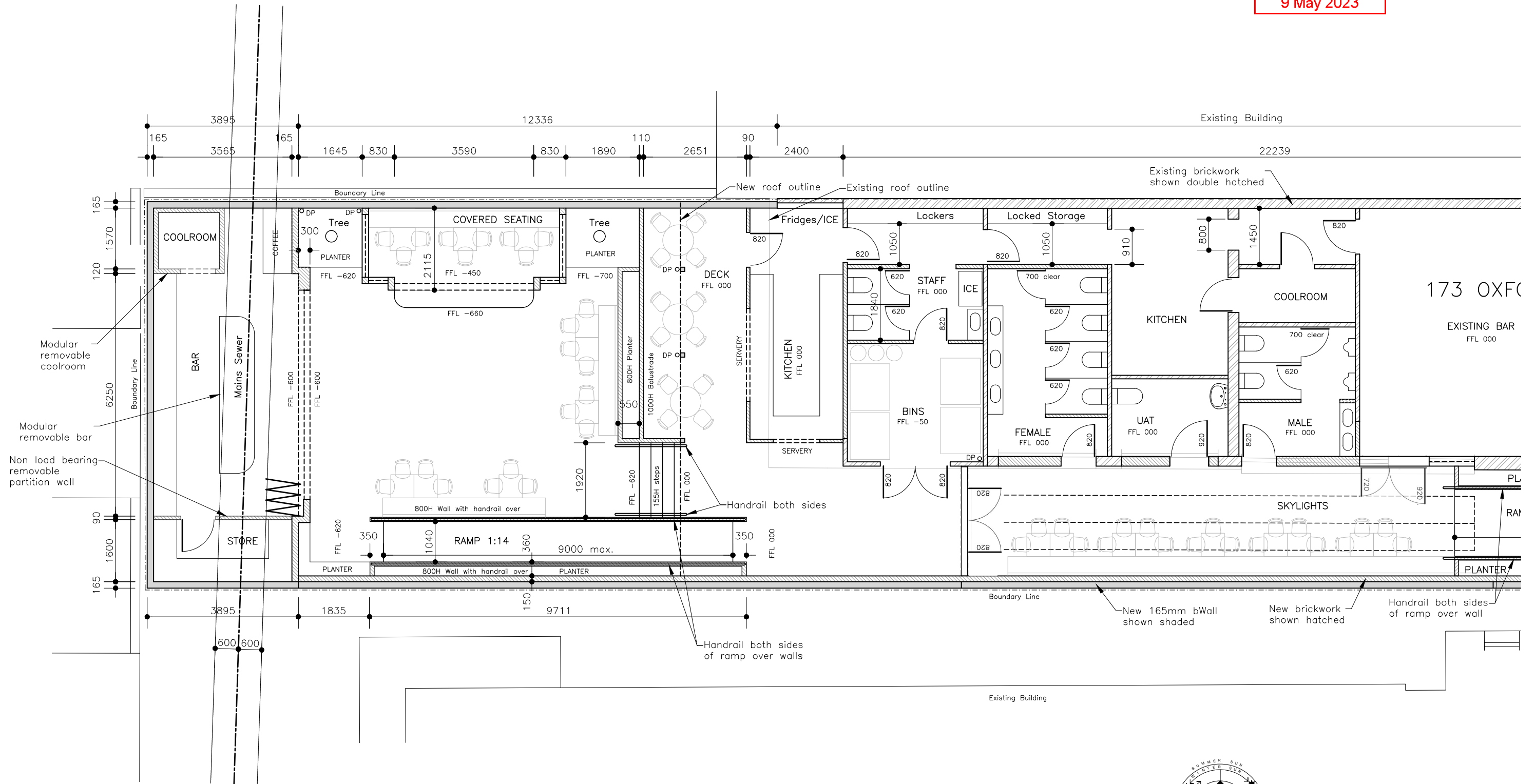
Roberts On Oxford
173 Oxford Street, Leederville WA 6007

Site Plan
Date: 09 March 2023

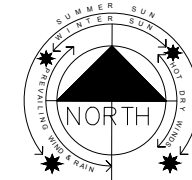
A.01



- Existing / No Change
- Flat Roof with Glass Atrium
- New Boundary - B Wall



Ground Floor Site Plan
1:100



REV.	DESCRIPTION	DATE	DRAWN	APP'D
F	For Construction	2 May 2023	AB	EN
E	For Construction	16 Sep 2022	AB	EN

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PROJECT 173 Oxford St, Leederville, WA
TITLE Ground Floor Plan

THIS DRAWING IS SUBJECT TO COPYRIGHT	
JOB No. Oxford St	SCALE (U.N.O.) 1:100
DWG. No. A100-1	REV. F

North →

CITY OF VINCENT
RECEIVED
17 March 2023



Due to Fire Safety requirements the new/additional side entrance door has been modified to the original design approved.
A minimum of 850mm clear opening is required.

<---- OXFORD STREET ---->



Scale:
1:50mm

Roberts On Oxford
173 Oxford Street, Leederville WA 6007

Emergency Exit Door
Date: 09 March 2023

CITY OF VINCENT
RECEIVED
17 March 2023

North ↑



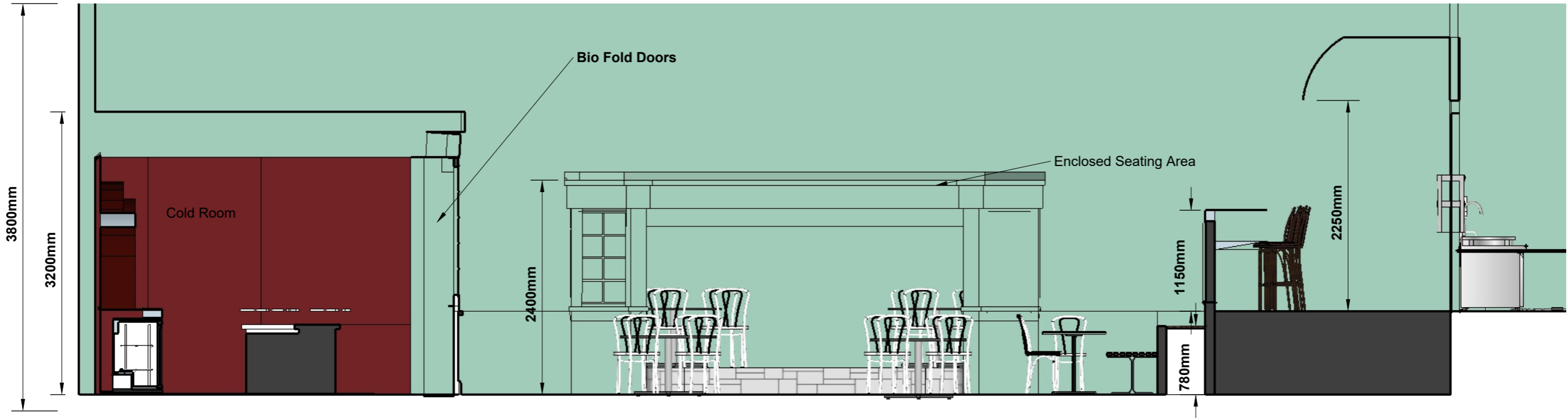
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Roberts On Oxford
173 Oxford Street, Leederville WA 6007

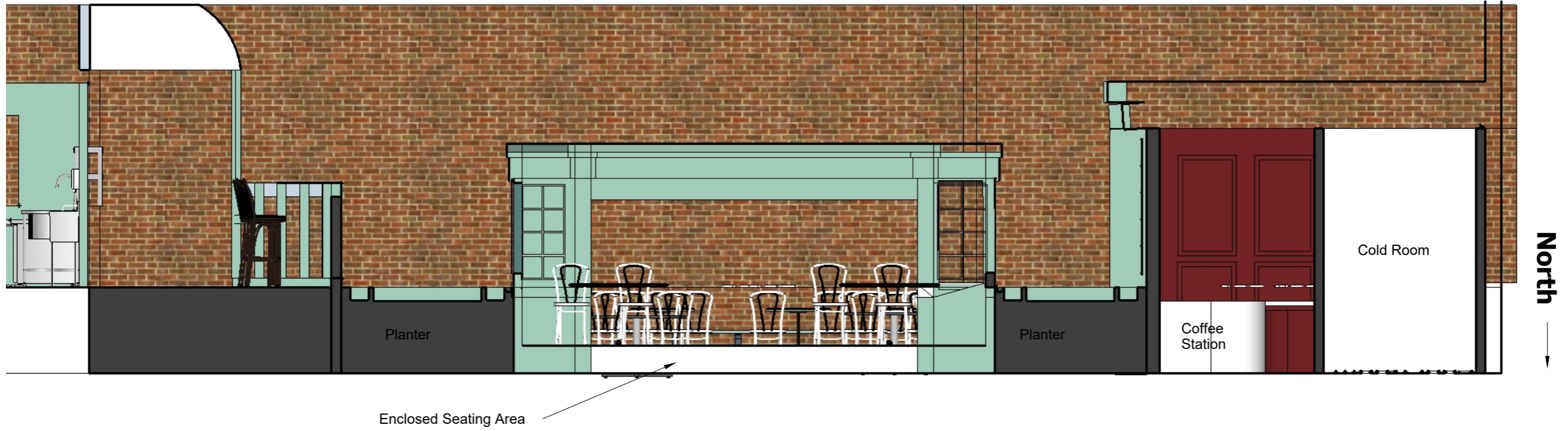
Outdoor Area
Date: 23 Feb 2023





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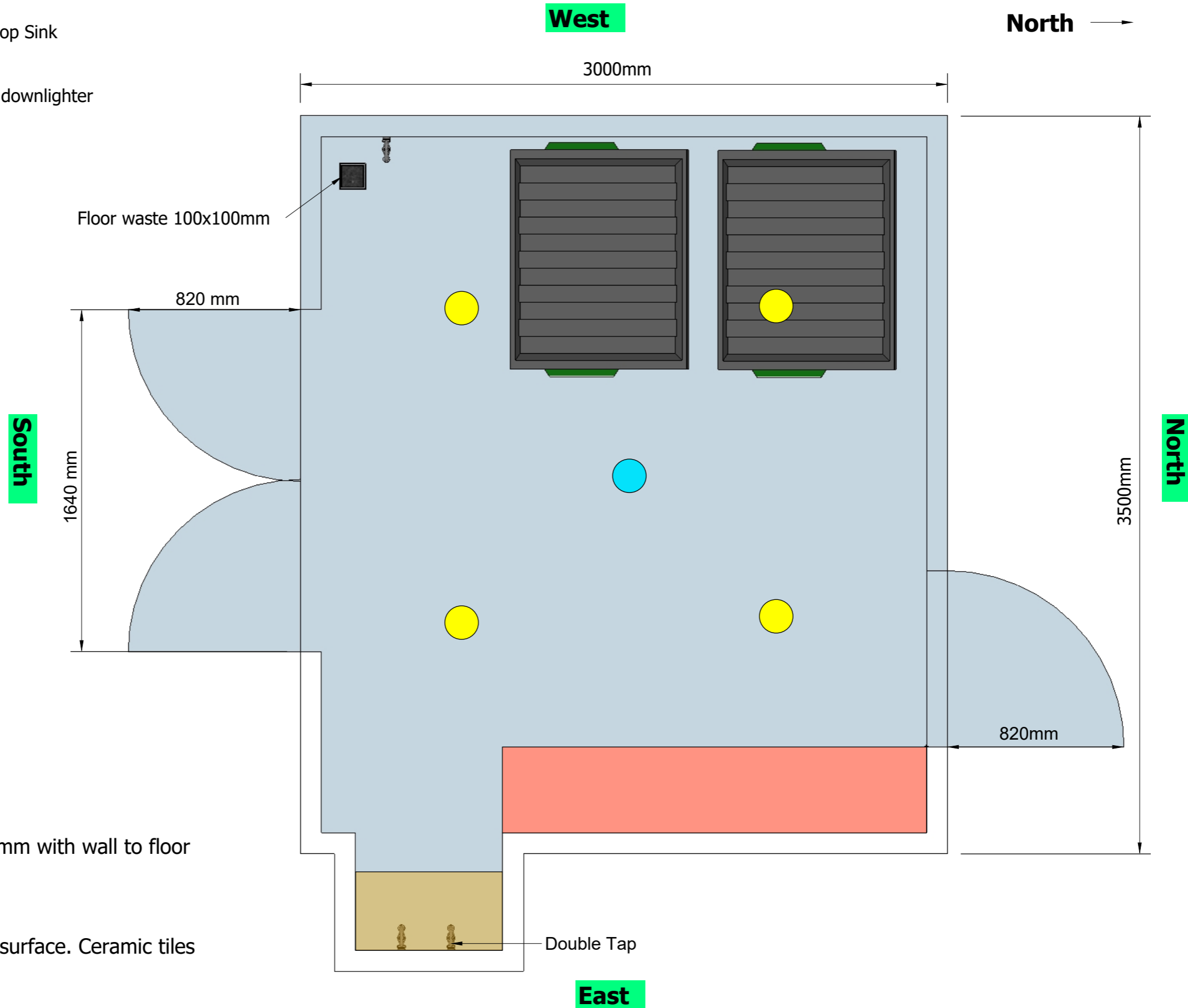
North



South



-  Cleaners Sink - Taps and Mop Sink
-  Artificial recessed enclosed downlighter
-  Vent ceiling fan
-  Secure Bike Rack Location



Ceiling

Gloss Painted FC Sheeting

Floors:

Ceramic Non slip tiles 200x200mm with wall to floor coving (100mm)

Walls:

Washable, non porous smooth surface. Ceramic tiles and gloss painted.

Lighting

Artificial — Sealed recessed down lighter

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RECEIVED
17 March 2023



Scale 1:20

Roberts On Oxford
173 Oxford Street, Leederville WA 6007

Bin Store

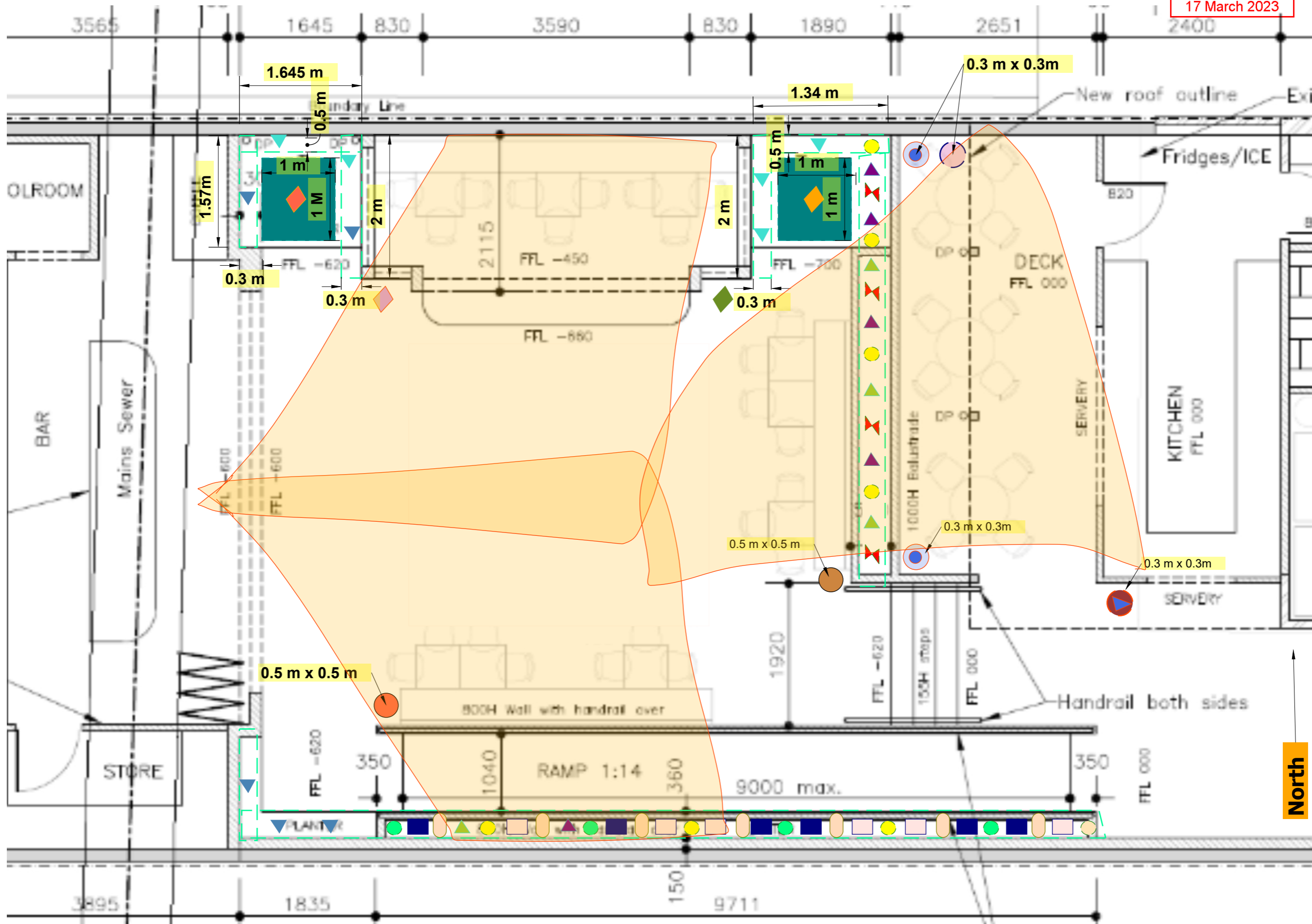
Date: 23 Feb 2023

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CITY OF VINCENT
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17 March 2023



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Roberts On Oxford
173 Oxford Street, Leederville WA 6007

Landscape Plan
Date: 26 Feb 2023

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CITY OF VINCENT
RECEIVED
17 March 2023



-  Planter Box
-  Hardenbergia Violacea ("Happy Wanderer" Wisteria) X6
-  Trachelospermum Jasminoides (Chinese Star Jasmine) X4
-  Alternanthera Dentata ("Little Ruby")
-  Phormium Tenax ("Blazing Red") X4
-  Coprosma Repens ("Tequila Sunrise") X4
-  Phormium Spp / hybrid ("Duet" or Yellow Wave") X4
-  Adenanthos Sericeus or cygnorum (Woolie Bush)
-  Palargonium Graveolens Var. (Lemon-Rose Geranium)
-  Mandevilla Spp
-  Camellia Spp
-  Brachyscome Iberidifolia ("Swan River Daisy")
-  Pennisetum Advena Rubrum ("Purple Fountain Grass")
-  Syzgium Leuhmannii (Lilly Philly "Royal Flame")
-  Lomiandra Longifolia confertifolia (Lime Tuff) X7
-  Fuchsia Belle
-  Rosmarinus Offinalis (Rosemary)
-  Lavendula Spp (Lavender)
-  Citrus x sinensis ("Washington Navel Orange") 1M X 1M Plant Pot:
 - Salvia Officinalis (Sage)
 - Thymus Vulgans (Thyme)
 - Ocimum Basilicum (Basil)
-  Citrus Limon ("Eureka Lemon") 1M X 1M Plant Pot:
 - Mentha Spp (Mint)
-  Shade sails

Roberts On Oxford
173 Oxford Street, Leederville WA 6007

Landscape Plan Legend

Date: 26 Feb 2023

ACOUSTIC REPORT

FOR

SMALL BAR

24 April 2023

AES-890113-R01-3-24042023

DOCUMENT CONTROL

Environmental Noise Impact Assessment

Prepared for: Roberts
173 Oxford Street
Leederville WA 6007

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Revision: 3
Date: 24 April 2023
Doc NO: AES 890113-R01-3-24042023

Acoustic Engineering Solutions

ABN: 64 451 362 914

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EXECUTIVE SUMMARY

In July 2020 an acoustic model was developed for the small bar¹ operating at 173 Oxford Street Leederville. After the successful operation, Roberts planned to upgrade the small bar and extend its operation. Acoustic Engineering Solutions (AES) has been commissioned by Roberts to update the acoustic report to determine whether or not the noise emission from the upgraded small bar would comply with the Environmental Protection (Noise) Regulations 1997 (the Regulations).

The existing acoustic model has been updated accordingly to reflect the small bar upgrade. Four "worst-case" operational scenarios are modelled to represent the busiest operations with the maximum noise emissions from the upgraded small bar:

Scenario 1: All items of the mechanical plant operate simultaneously with 48 patron conversations in normal voices (40% of 120 patrons are talking (no more than 48 patrons in the rear at any one time)) and low level background music.

Scenario 1A: Scenario 1 excludes the operation of kitchen appliance and exhaust and the two staff conversations in the kitchens.

Scenario 2: In scenario 1, 20% patrons are assumed to talk in normal voices while another 20% patrons are assumed to talk in raised voices after a few drinks.

Scenario 2A: Scenario 2 excludes the operation of kitchen appliance and exhaust and the two staff conversations in the kitchens.

Scenarios 1A and 2A represent the night-time operations because the two kitchens are closed during the nights.

The above "worst-case" operational scenarios may not occur for most of the opening hours but give the predictions of highest noise emissions from the small bar.

Seven closest residential/school/commercial premises are selected for the detail assessments of noise impact. Noise levels are predicted for the worst-case meteorological conditions. The predicted worst-case music and mechanical noise levels are much below either patron conversations or background levels. Music and mechanical noise are insignificant and masked, and their dominant characteristics are not evident at any of the receivers. The predicted worst-case noise levels are assessed against the criteria set by the Regulations. The compliance assessment concludes that full compliance is achieved for the upgraded small bar.

¹ Acoustic Report for Proposed Cafe. AES Report (AES-890113-R01-0-16072020).

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1.0 INTRODUCTION

In July 2020 an acoustic model was developed for the small bar² operating at 173 Oxford Street Leederville. After the successful operation, Roberts planned to upgrade the small bar and extend its operation. Acoustic Engineering Solutions (AES) has been commissioned by Roberts to update the acoustic report to determine whether or not the noise emissions from the upgraded small bar would comply with the Environmental Protection (Noise) Regulations 1997 (the Regulations). The existing acoustic model has been updated accordingly to reflect the small bar upgrade.

1.1 SUBJECT SITE

Figure 1 in APPENDIX A presents an aerial view of the subject site and surrounding area, including seven closest noise-sensitive and commercial receivers.

Figure 2 to Figure 5 in APPENDIX A present the site layouts and front/side views of the small bar building. The small bar has three bar areas: front indoor bar, enclosed side alfresco bar and outdoor garden courtyard bar. The (south) side alfresco area has a roof with glass atrium and 3.8m high single door (front) and sealed double doors between the side alfresco area and garden courtyard area and are installed with the doors to swing in egress. Both the single and double doors are closed during the operations. A 3.8m high and 200mm thick brick wall with piers is built along the northern, western and southern boundary.

The small bar building has double brick external walls and a metal roof. The roof is insulated with Earthwool insulation R2.7 SHD 90mm acoustic batt double layer plus a plasterboard ceiling. The front of the small bar is covered by the entrance glass door and double windows while the south side has a double door to the alfresco bar area. All windows are glazed with 8mm laminated glass. The bifold windows, the entrance and side door are open during the opening hours.

The main kitchen of the small bar is in an enclosed space without any windows and external doors. The kitchen appliances include: an exhaust hood, a 6-ring burner with hot plate, an oil fryer, convection/pizza/burner-combi ovens, a dishwasher, two fridges, a microwave, and a griddlehot plate electric on stainless steel bench.

The second kitchen located in the back of the building is a prep-kitchen for finishing off/serving and has no appliances. It has one (single) external door and two external windows (a 2m X 1m window on the west wall and a 1m X 1m window on the south wall). The external door and two windows are open during the operations.

Multiple speakers are installed, as shown in Figure 2 in APPENDIX A, to play low level background music for the three bar areas during the hours of service.

The small bar will have a full capacity of 120 patrons. It opens 7 days a week:

² Acoustic Report for Proposed Cafe. AES Report (AES-890113-R01-0-16072020).

- Between 6am and 10pm on Sundays and Public Holidays.
- Between 6am and 12 midnight, from Monday to Saturday.

Both the kitchens are open at different times:

- Between 7am and 9pm on Monday to Saturday; but
- Between 9am and 9pm on Sunday and public holiday.

No car-parking bays are provided on the site and the weekly private waste collection service is scheduled every Tuesday morning.

2.0 NOISE CRITERIA

Noise management in Western Australia is implemented through the Environmental Protection (Noise) Regulations 1997 (the Regulations). The Regulations set noise limits which are the highest noise levels that can be received at noise-sensitive (residential), commercial and industrial premises. These noise limits are defined as 'assigned noise levels' at receiver locations. Regulation 7 requires that "noise emitted from any premises or public place when received at other premises must not cause, or significantly contribute to, a level of noise which exceeds the assigned level in respect of noise received at premises of that kind".

Table 2-1 presents the assigned noise levels at various premises.

Table 2-1: Assigned noise levels in dB(A)

Type of Premises Receiving Noise	Time of Day	Assigned Noise Levels in dB(A) ³		
		L _{A10}	L _{A1}	L _{Amax}
Noise sensitive premises: highly sensitive area	0700 to 1900 hours Monday to Saturday	45 + Influencing factor	55 + Influencing factor	65 + Influencing factor
	0900 to 1900 hours Sunday and public holidays	40 + Influencing factor	50 + Influencing factor	65 + Influencing factor
	1900 to 2200 hours all days	40 + Influencing factor	50 + Influencing factor	55 + Influencing factor
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays	35 + Influencing factor	45 + Influencing factor	55 + Influencing factor
Noise sensitive premises: any area other than highly sensitive area	All hours	60	75	80
Commercial premises	All hours	60	75	80

For highly noise sensitive premises, an "influencing factor" is incorporated into the assigned noise levels. The influencing factor depends on road classification and land use zonings within circles of 100 metres and 450 metres radius from the noise receiver locations.

³ Assigned level L_{A1} is the A-weighted noise level not to be exceeded for 1% of a delegated assessment period.
 Assigned level L_{A10} is the A-weighted noise level not to be exceeded for 10% of a delegated assessment period.
 Assigned level L_{Amax} is the A-weighted noise level not to be exceeded at any time.

2.1 CORRECTIONS FOR CHARACTERISTICS OF NOISE

Regulation 7 requires that that “noise emitted from any premises or public place when received at other premises must be free of:

- (i) tonality;
- (ii) impulsiveness; and
- (iii) modulation.

when assessed under Regulation 9”.

If the noise exhibits intrusive or dominant characteristics, i.e. if the noise is impulsive, tonal, or modulating, noise levels at noise-sensitive premises must be adjusted. Table 2-2 presents the adjustments incurred for noise exhibiting dominant characteristics. That is, if the noise is assessed as having tonal, modulating or impulsive characteristics, the measured or predicted noise levels have to be adjusted by the amounts given in Table 2-2. Then the adjusted noise levels must comply with the assigned noise levels. Regulation 9 sets out objective tests to assess whether the noise is taken to be free of these characteristics.

Table 2-2: Adjustments for dominant noise characteristics

Adjustment where noise emission is not music. These adjustments are cumulative to a maximum of 15 dB.			Adjustment where noise emission is music	
Where tonality is present	Where Modulation is present	Where Impulsiveness is present	Where Impulsiveness is not present	Where Impulsiveness is present
+5 dB	+5 dB	+10 dB	+10 dB	+15 dB

2.2 INFLUENCING FACTORS

Seven (7) nearest noise-sensitive and commercial premises are selected for detailed assessment of noise impact, as shown in Figure 1 in APPENDIX A.

Influencing factor varies from residence to residence depending on the surrounding land use. Vincent Street is classified as a major road according to the published traffic flow data in the Main Roads (<https://trafficmap.mainroads.wa.gov.au/map>). All selected receivers are less than 100m from Vincent Street and therefore transport factor of 6 dB applies.

Figure 6 in APPENDIX A presents the planning scheme zone map 2 of the City of Vincent. It is shown that subject site and R1/R2/R4 are located within local/district centre zone while R3 and R7 are within a mixed zone. R5 and R6 are located within a Public Purpose zone. No industrial zone is present within 450m of the selected receivers. Actual land use is considered for the calculation of influencing factors. Existing shop/business premises are considered as

commercial zone while residential and school premises are considered as residential zone. Table 2-3 presents the calculated influencing factors and Table 2-4 presents the calculated assigned noise levels.

Table 2-3: Calculation of influencing factors.

Closest Residents	Transport Factor in dB	Commercial Land		Influencing Factor in d(B)
		Within 100m Radius	Within 450m Radius	
R2	6	27%	30%	9
R3	6	24%	30%	9
R5	6	45%	30%	10
R6	6	33%	30%	9
R7	6	25%	30%	9

Table 2-4: Calculated assigned noise levels in dB(A)

Closest Residents	Assigned Noise levels in dB(A)			
	Day ⁴ Monday to Saturday	Day ⁵ Sunday and Public Holiday	Evening ⁶	Nights ⁷
R1 and R4	60	60	60	60
R2, R3, R6, R7	54	49	49	44
R5	55	50	50	45

⁴ 0700 to 1900 hours for Monday to Saturday.

⁵ 0900 to 1900 hours for Sunday and public holidays.

⁶ 1900 to 2200 hours for all days.

⁷ 2200 to 0700 hours for Monday to Saturday but to 0900 hours for Sunday and public holidays.

3.0 NOISE MODELLING

3.1 METHODOLOGY

An acoustic model is developed using SoundPlan v8.0 program, and the CONCAWE^{8,9} prediction algorithms are selected for this study. The acoustic model is used to predict noise levels at the closest noise-sensitive and commercial receiver locations and generate noise contours for the surrounding area.

The acoustic model does not include noise emissions from any sources other than from the small bar. Therefore, noise emissions from road traffic, aircraft, neighbouring commercial premises, etc are excluded from the modelling.

3.2 INPUT DATA

3.2.1 Topography

Roberts advised that the subject site and surrounding area are reasonable flat. Therefore, a flat ground is assumed in the acoustic model. The rear garden courtyard area is paved and its ground surface is assumed to be 0.1 while the other area is assumed to have an averaged absorption of 0.6.

The small bar building and its surrounding buildings are digitised in the acoustic model together with some (1.8m) property boundary fences. The back bar building and the constructed 3.8m brick wall along the northern, western and southern site boundary are also considered.

3.2.2 Noise Sensitive Premises

Seven nearest noise-sensitive (residential) and commercial receivers are selected for the assessment, as shown in Figure 1 in APPENDIX A.

R1 and R4 represent the neighbouring commercial receivers (at entrances) at the ground level.

R2, R3 & R7 represent the top floor receivers (at balconies) of three-storey apartment buildings.

R5 and R6 represent the ground level receivers of the School of Isolated and Distance Education (SIDE). Commendation village operates inside the school.

⁸ CONCAWE (Conservation of Clean Air and Water in Europe) was established in 1963 by a group of oil companies to carry out research on environmental issues relevant to the oil industry.

⁹ The propagation of noise from petroleum and petrochemical complexes to neighbouring communities, CONCAWE Report 4/81, 1981.

3.2.3 Source Sound Power Levels

Table 3-1 presents the source sound power levels, which are calculated from the information provided by Roberts. The spectrum shapes were obtained from the AES database for similar equipment. The sound power levels of patron conversations and coffee machine were measured in restaurants and bars for the other AES projects. Music speaker is directional and assumed to generate music level of 60 dB(A) at 1m from its front.

Table 3-1: Sound power levels

Equipment	Number	Overall Sound Power Level in dB(A)
Speaker	8	68
Reverse cycle air-conditioning outdoor unit	1	65
Split air-conditioning outdoor unit	1	63
Reverse cycle air-conditioning indoor outlet	7	52
Toilet exhaust outlet	2	62
Kitchen exhaust outlet	1	74
Kitchen exhaust hood (inlet)	1	86
Fridge	2	60
6 ring burner with hot plate	1	64
Oil fryer for chips	1	68
Oven	3	60
Coffee machine	1	73 ¹⁰
Microwave	1	59
Dish washer	1	73
Cool room condenser	2	64
Normal Patron Conversation		66

¹⁰ Averaged over a coffee making cycle including different actions.

Equipment	Number	Overall Sound Power Level in dB(A)
Raised Voice Conversation		70

3.3 METEOROLOGY

SoundPlan calculates noise levels for defined meteorological conditions. In particular, temperature, relative humidity, wind speed and direction data are required as input to the model. For this study the worst-case meteorological conditions¹¹ are assumed, as shown in Table 3-2. It is shown that the evening and the night have the same worst-case meteorological conditions. This means that the predicted worst-case evening and night-time noise levels are the same if the operational conditions are the same.

Table 3-2: Worst-case meteorological conditions.

Time of day	Temperature Celsius	Relative Humidity	Wind speed	Pasquill Stability Category
Day (0700 --- 1900)	20° Celsius	50%	4 m/s	E
Evening (1900 --- 2200)	15° Celsius	50%	3 m/s	F
Night (2200 --- 0700)	15° Celsius	50%	3 m/s	F

3.4 OPERATIONAL SCENARIOS

Roberts advised:

- The small bar opens 7 days a week starting at 6am
- Between 6am and 10pm on Sundays and Public Holidays.
- Between 6am and 12 midnight, from Monday to Saturday.

The kitchens will operate at different times:

- Between 7am and 9pm on Monday to Saturday; but
- Between 9am and 9pm on Sunday and public holiday.
- A maximum capacity of 120 patrons is proposed (with no more than 48 patrons in the rear garden courtyard at any one time).

¹¹ The worst case meteorological conditions were set by the EPA (Environmental Protection Act 1986) Guidance note No 8 for assessing noise impact from new developments as the upper limit of the meteorological conditions investigated.

- Food deliveries occur once a week at about 10am during Monday to Friday. The Delivery van will park in the 15 minute loading bay or on the roadside (public) parking bay during the deliveries.
- The main kitchen is an enclosed space without any windows and external door.
- The second kitchen located in the back of the building is a prep-kitchen for finishing off/serving and has no appliances. It has one (single) external door and two external windows. The external door and two windows are open during the opening hours.
- Two small cool rooms are present. One is located between the front bar and the main kitchen, and another is located in the back bar area.
- Each of the two small cool rooms has a low-noise condenser on the roof.
- The (male and female) toilet ventilation fans are ceiling mounted.
- A reverse cycle split air-conditioning system is installed in the main building and its condenser is located on the roof with its fan side facing south.
- All windows and the entrance/side doors of the front bar are fully opened during the opening hours.
- Both the single and double doors for the enclosed south side-alfresco area are fully closed during the opening hours.
- Speakers are installed to play low level background music during opening hours for the three bar areas, as shown in Figure 2 in APPENDIX A:
 - Two wall-mounted speakers are installed in the indoor bar area;
 - Two speakers are installed inside the side alfresco bar area; and
 - Four speakers are installed in the garden courtyard area.All speakers are directional and towards the patron dining areas.
- A 3.8m brick wall with piers is built along the northern, western and southern boundary from the front to the back kitchen building.

Based on provided information, four worst-case operational scenarios are modelled:

Scenario 1: Maximum number of patrons (120 (no more than 48 patrons in the rear at any one time)) is assumed with 10 indoor conversations, 10 conversations in the side alfresco area and 28 conversations in the garden courtyard area (40% (120 X 40% = 48) patrons are assumed to talk in normal voices) simultaneously with:

- Two wall-mounted speakers playing low level background music in the indoor bar area;
- Two speakers playing low level background music in the side alfresco bar area;
- Four speakers playing low level background music in the garden courtyard area;
- One air-conditioner;
- Two cool room condensers;
- Two ceiling-mounted toilet ventilation fans;
- A coffee machine in the indoor service area;
- A coffee machine in the back bar area;
- One kitchen exhaust fan (both inlet and outlet);

- All kitchenware, listed in Table 3-1, operating in the main kitchen;
- One staff conversation inside each of the Kitchens; and
- One staff conversation in each of the three bar areas.

Scenario 1A: Scenario 1 excludes the operation of kitchen appliance and exhaust and the two staff conversations in the kitchens.

Scenario 2: In scenario 1, 20% patrons are assumed to talk in normal voices while another 20% patrons are assumed to talk in raised voices after a few drinks.

Scenario 2A: Scenario 2 excludes the operation of kitchen appliance and exhaust and the two staff conversations in the kitchens.

The above scenarios represent the busiest (worst-case) operation with the maximum noise emission from the small bar. It may not happen for most of the opening hours but give the predictions of possible highest noise emissions from the small bar.

Scenarios 1A and 2A represent the night-time operations because the kitchens are closed during the nights.

The followings are assumed in the noise model:

- The kitchen exhaust outlet is modelled as a point (Monopole) source at 0.4m above the kitchen roof.
- The outdoor condenser of air-conditioner is modelled as a point source located at 0.5m above the indoor dining area roof. The outdoor unit baffles the noise radiation resulting in radiation directivity, i.e. most noise radiates towards south.
- The doors and windows of the 2nd kitchen (prep kitchen) are assumed to be fully opened.
- Both indoor and outdoor speakers are modelled as point sources at 2.5m above the ground/floor. The speakers are directional speakers radiating most energy to their front spaces. All speakers face downwards in the dining areas. The locations of indoor/outdoor speakers are shown in Figure 2 in APPENDIX A.

4.0 MODELLING RESULTS

4.1 POINT MODELLING RESULTS

Table 4-1 presents the predicted worst-case A-weighted noise levels. It is shown that for both scenarios the predicted day and evening-time noise levels are the same at each receiver. The highest noise level is predicted at R1.

Table 4-1: Predicted worst-case noise levels in dB(A).

Receivers	Scenario 1		Scenario 1A	Scenario 2		Scenario 2A
	Day	Evening	Night	Day	Evening	Night
R1	47.8	47.8	47.8	51.3	51.3	51.3
R2	34.2	34.2	32.4	36.5	36.5	35.5
R3	40.7	40.7	39.7	42.0	42.0	41.2
R4	36.0	36.0	35.9	39.2	39.2	39.1
R5	34.7	34.7	32.2	36.3	36.3	34.7
R6	34.1	34.1	32.0	36.0	36.0	34.7
R7	42.9	42.9	42.5	44.4	44.4	44.0

For all scenarios, the predicted noise levels include the contributions of the mechanical plant, music and patron conversations. Music levels are not changed for all of the scenarios. Table 4-2 presents a comparison between these contributions. It is shown that music levels are insignificant and the patron conversations are the dominant noise source at all of the receivers.

Table 4-2: Noise Contributions.

Receivers	Conversations		Music	Mechanical	
	Scenario 1/1A	Scenario 2/2A		Scenario 1/2	Scenario 1A/2A
R1	46.4	50.6	41.7	32.3	32.3
R2	29.9	34.6	25.0	30.3	26.6

Receivers	Conversations		Music	Mechanical	
	Scenario 1/1A	Scenario 2/2A		Scenario 1/2	Scenario 1A/2A
R3	37.4	39.9	34.5	35.3	30.3
R4	33.9	38.3	29.1	28.4	27.9
R5	30.4	32.4	23.7	32.0	25.5
R6	29.9	32.6	24.3	31.2	25.2
R7	40.7	43.1	33.7	36.7	35.0

4.2 NOISE CONTOURS

Figure 8 and Figure 11 in APPENDIX B present the worst-case noise contours at 1.5m above the ground. These noise contours represent the worst-case noise propagation envelopes, i.e., worst-case propagation in all directions simultaneously.

5.0 COMPLIANCE ASSESSMENT

5.1 ADJUSTED NOISE LEVELS

According to Table 2-2, the predicted noise levels shown in Table 4-1 should be adjusted by:

- 5 dB if the noise received exhibits tonality; or
- 10 dB if the noise received is music; or
- 10 dB if the noise received exhibits impulsiveness.

When the noise received at a receiver is much (≥ 5 dB) below background levels, it will be masked/ inaudible and its dominant characteristics will not be evident. Therefore, the above adjustments will not apply.

The small bar and selected receivers are located within a local/district centre zone where other businesses operate. Mitchell Freeway and Vincent Street are present nearby. It is expected that background noise levels at the selected receivers and surrounding area should be above:

- 45 dB(A) during the day and the evening; but
- 35 dB(A) during the night.

The noise radiation from mechanical plant will have tonal components but not exhibit impulsiveness. Patron conversations do not exhibit dominant characteristics.

Table 4-2 indicates that for all scenarios the predicted music or mechanical noise levels are much below either the patron conversations or background levels. Music and tonality will be masked and not be evident at any of the receivers. Therefore, no adjustment applies to the predicted noise levels for all of the scenarios.

5.2 COMPLIANCE ASSESSMENT

All of the scenarios generate continuous noise emissions, and therefore their noise emissions should be assessed against the assigned noise levels L_{A10} .

Table 5-1 presents a compliance assessment. It is shown that the worst-case noise levels do not exceed the assigned noise levels at all of the receivers. This demonstrates that full compliance is achieved for the upgraded small bar.

Table 5-1: Compliance assessment.

Receivers	Days for Monday to Saturday			Evening and Days for Sunday and Public Holidays			Nights		
	Assigned L_{A10} in dB(A)	Noise Levels in dB(A)		Assigned L_{A10} in dB(A)	Noise Levels in dB(A)		Assigned L_{A10} in dB(A)	Noise Levels in dB(A)	
		S1	S2		S1	S2		S1	S2
R1	60	47.8	51.3	60	47.8	51.3	60	47.8	51.3
R2	54	34.2	36.5	49	34.2	36.5	44	32.4	35.5
R3	54	40.7	42.0	49	40.7	42.0	44	39.7	41.2
R4	60	36.0	39.2	60	36.0	39.2	60	35.9	39.1
R5	55	34.7	36.3	50	34.7	36.3	45	32.2	34.7
R6	54	34.1	36.0	49	34.1	36.0	44	32.0	34.7
R7	54	42.9	44.4	49	42.9	44.4	44	42.5	44.0

6.0 DISCUSSIONS AND RECOMMENDATIONS

Full compliance with the Regulations is concluded in the above section. The compliance assessments are undertaken based on the modelling results shown in section 4.0, which are obtained based on the sound power levels given in Table 3-1. To achieve the compliance, noise emissions from the bar should not exceed the levels shown in Table 3-1.

Patron conversations in the outdoor courtyard bar are one of the major noise sources. The patron conversations should be properly managed:

- No more than 48 patrons are present in the outdoor courtyard bar area at any one time.
- The bar staff are trained to manage noise levels. Should a group of patrons start to vocalise too loudly, staff will approach them to give a polite reminder.
- In the outdoor courtyard bar areas, information and signs should be displayed to remind customers to:
 - Be quiet and respect the neighbors.
 - Maintain conversations at reasonable volumes at all times.
 - Do not tolerate any shouting and loud noise activities.

APPENDIX A AERIAL VIEW

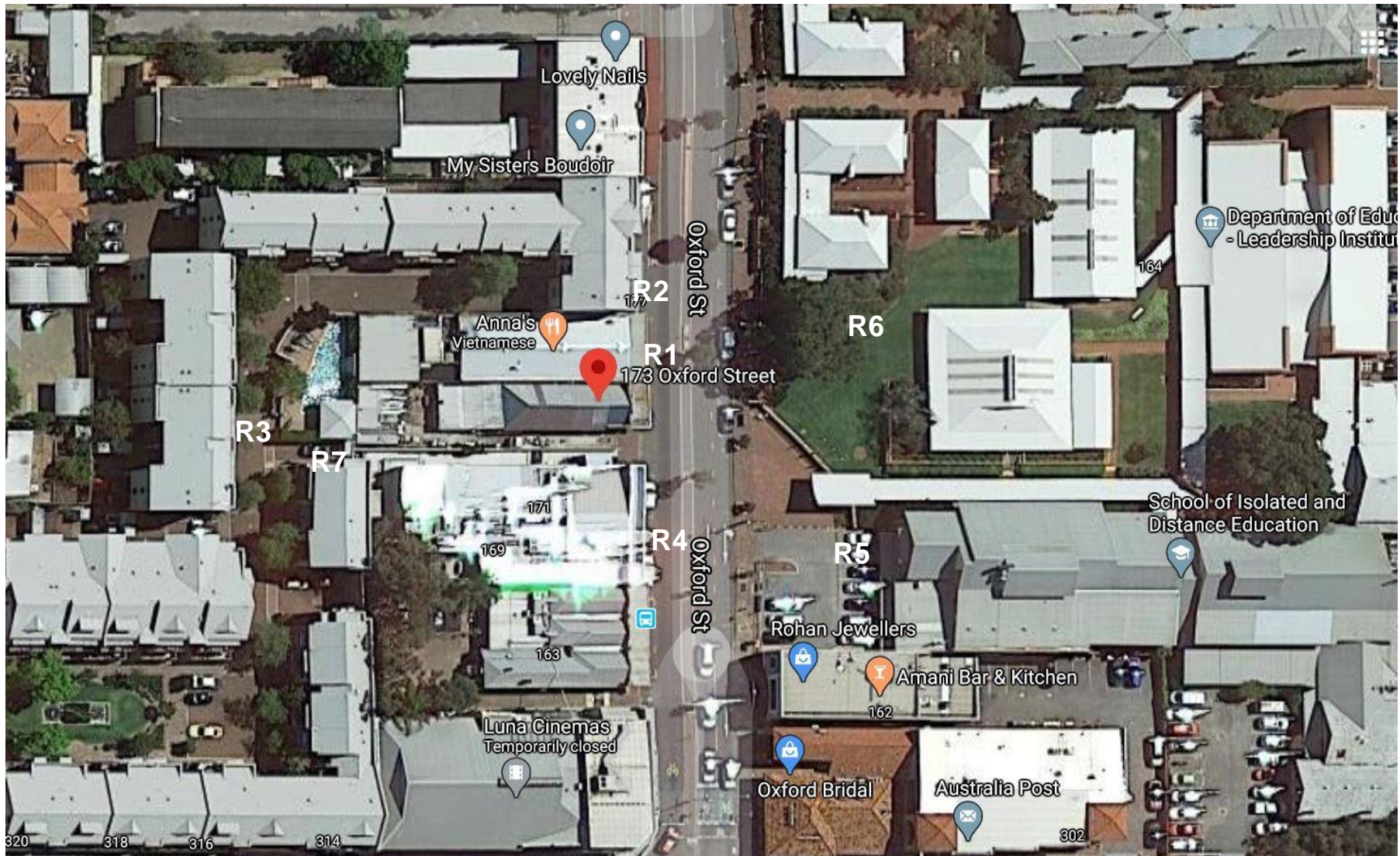


Figure 1: Aerial view of the proposed site and surrounding area.

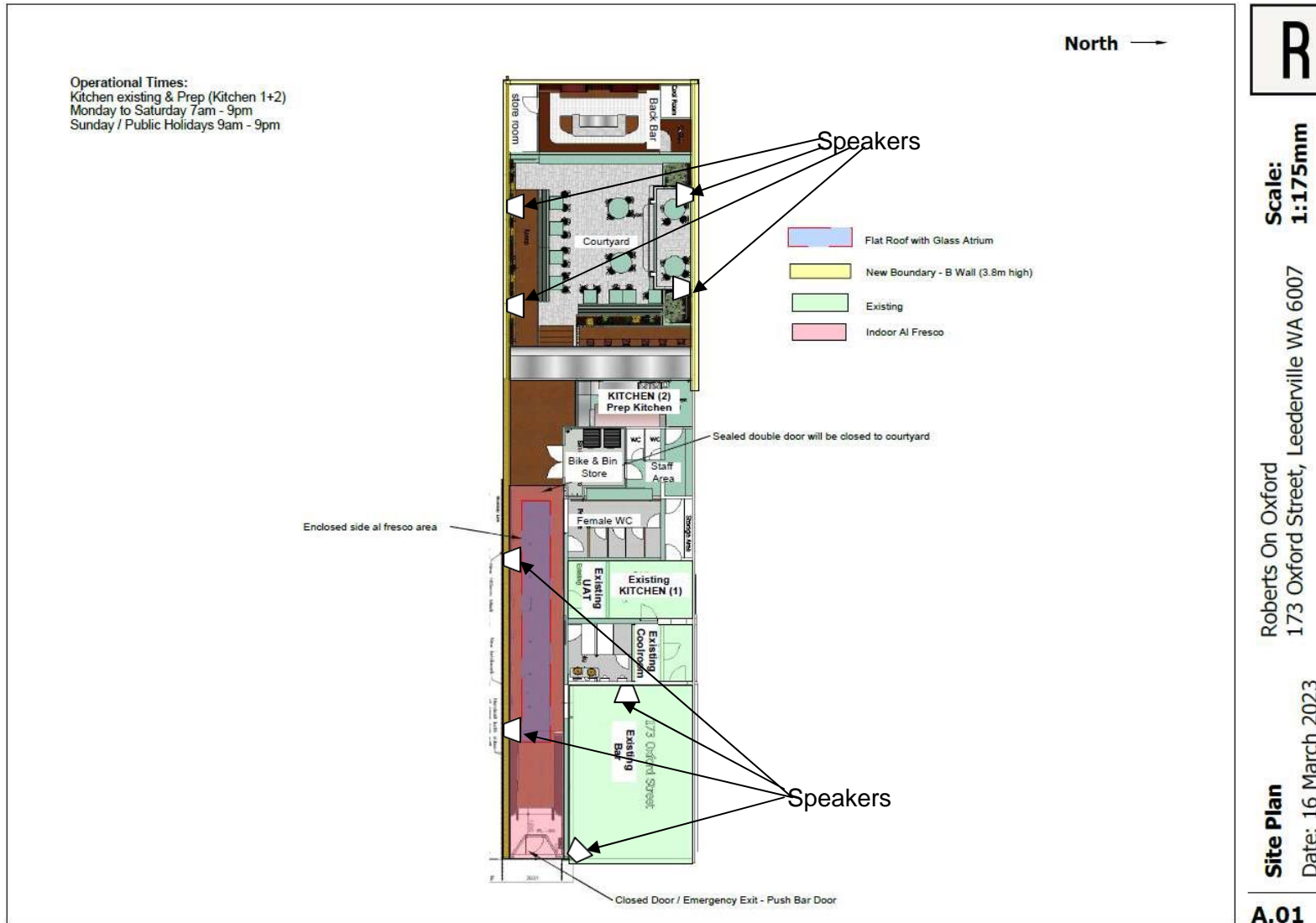
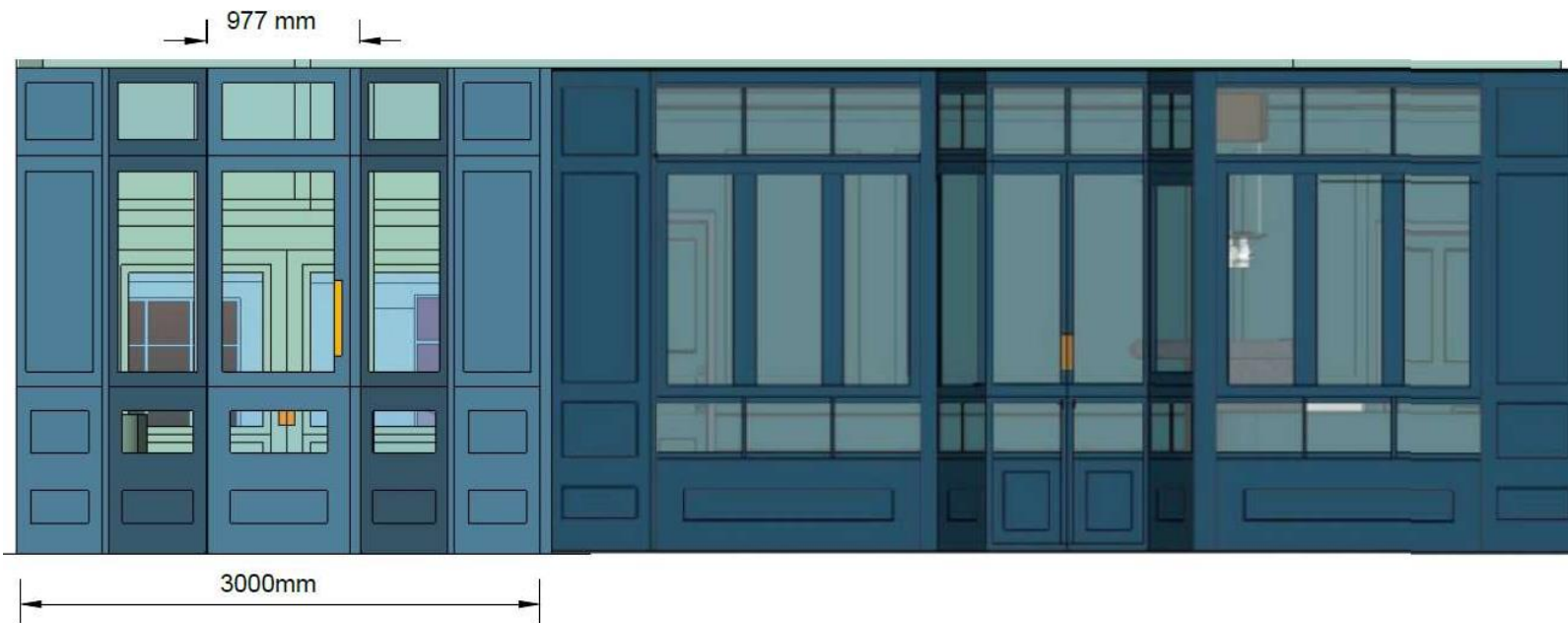


Figure 2: Site layout.



Due to Fire Safety requirements the Emergency Exit door has been updated. A minimum of 850mm clear opening is required.

Figure 3: Front view.



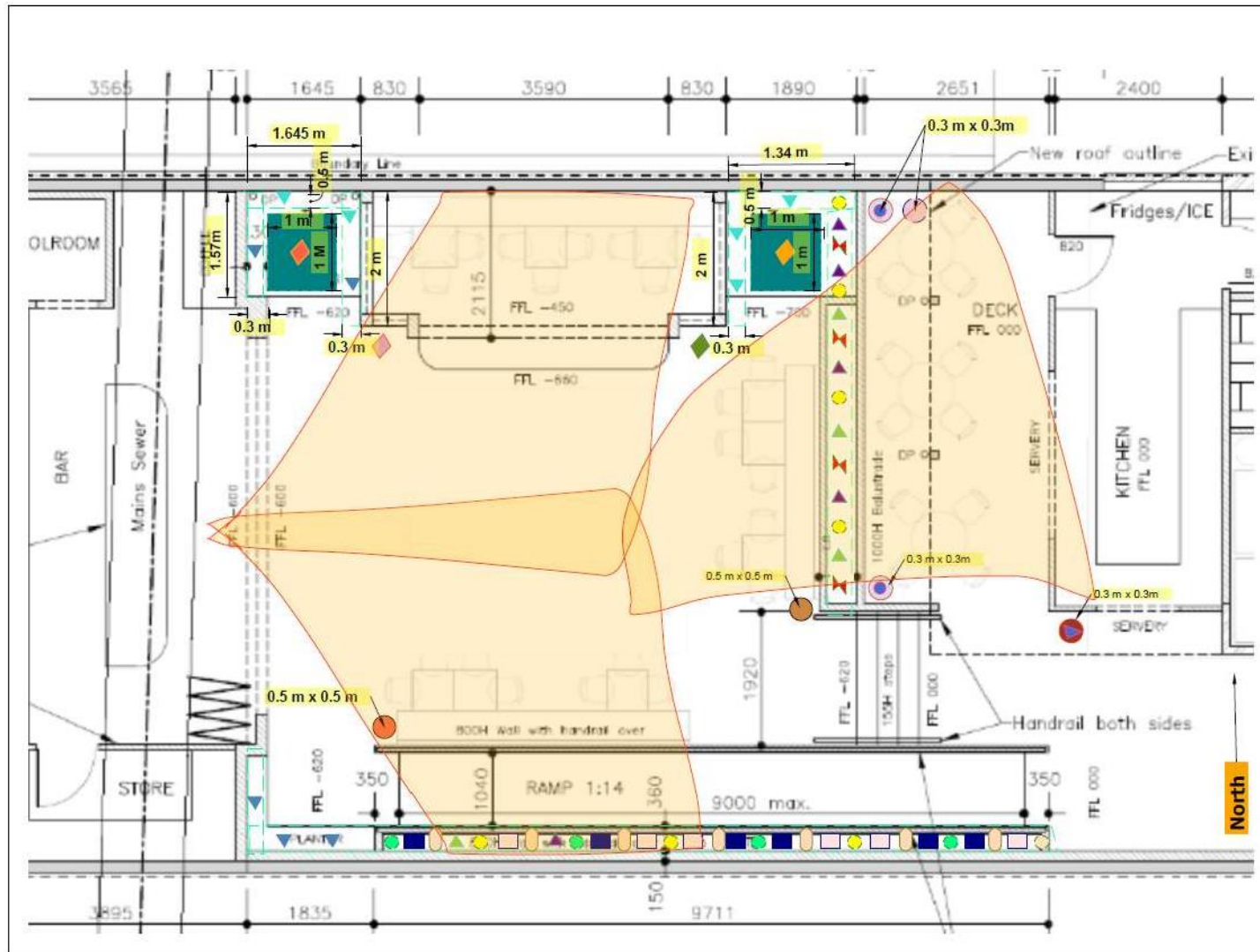
Scale
1:75mm

Roberts On Oxford
173 Oxford Street, Leederville WA 6007

Side AI Fresco
Date: 09 March 2023

A.02

Figure 4: Side view.



R

Scale 1:50

Roberts On Oxford
 173 Oxford Street, Leederville WA 6007

Landscape Plan
 Date: 26 Feb 2023

A.01

Figure 5: Garden bar / Rear Courtyard area.

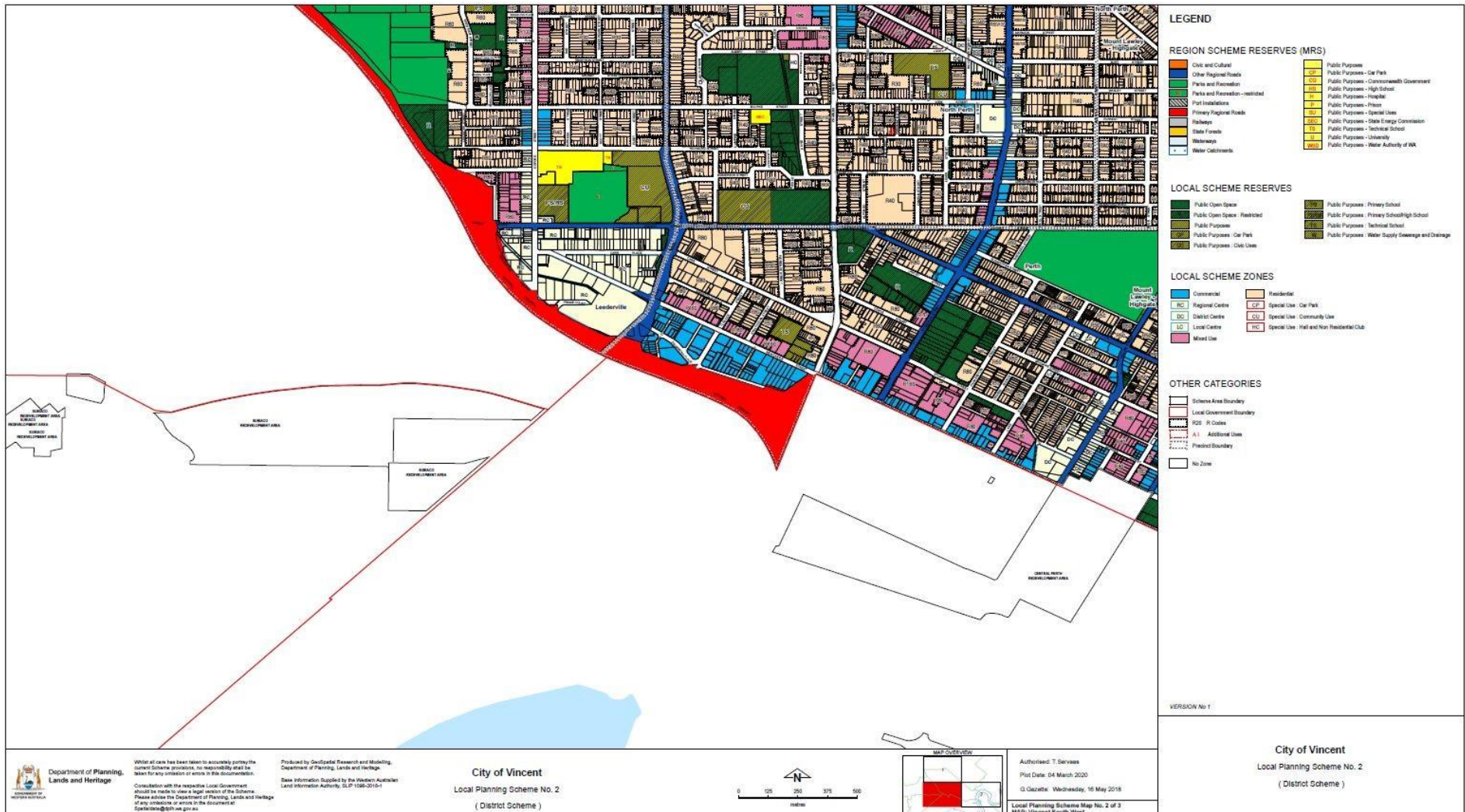


Figure 6: Zone map 2 of Vincent City planning scheme.

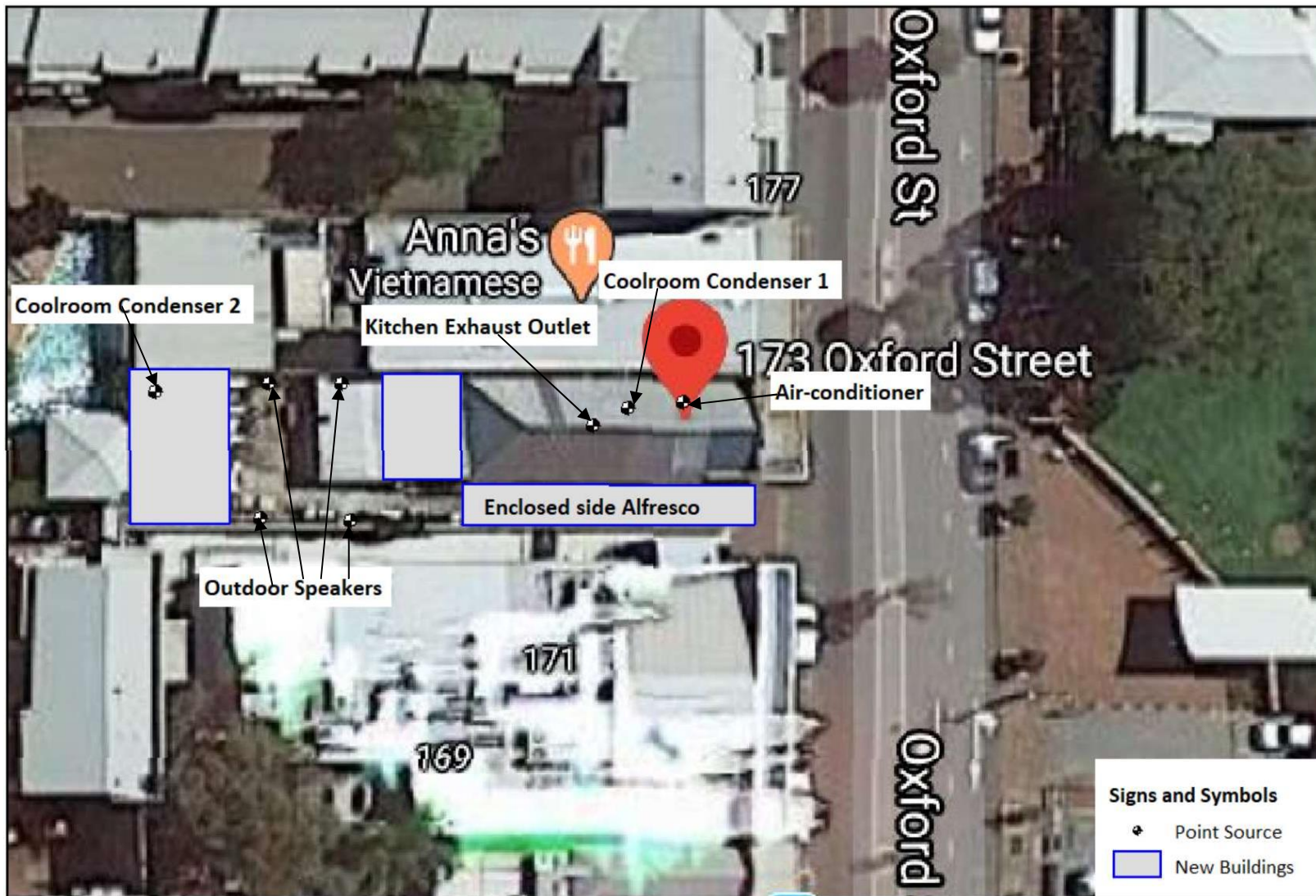


Figure 7: Locations of outdoor noise sources assumed in the acoustic model.

APPENDIX B NOISE CONTOURS

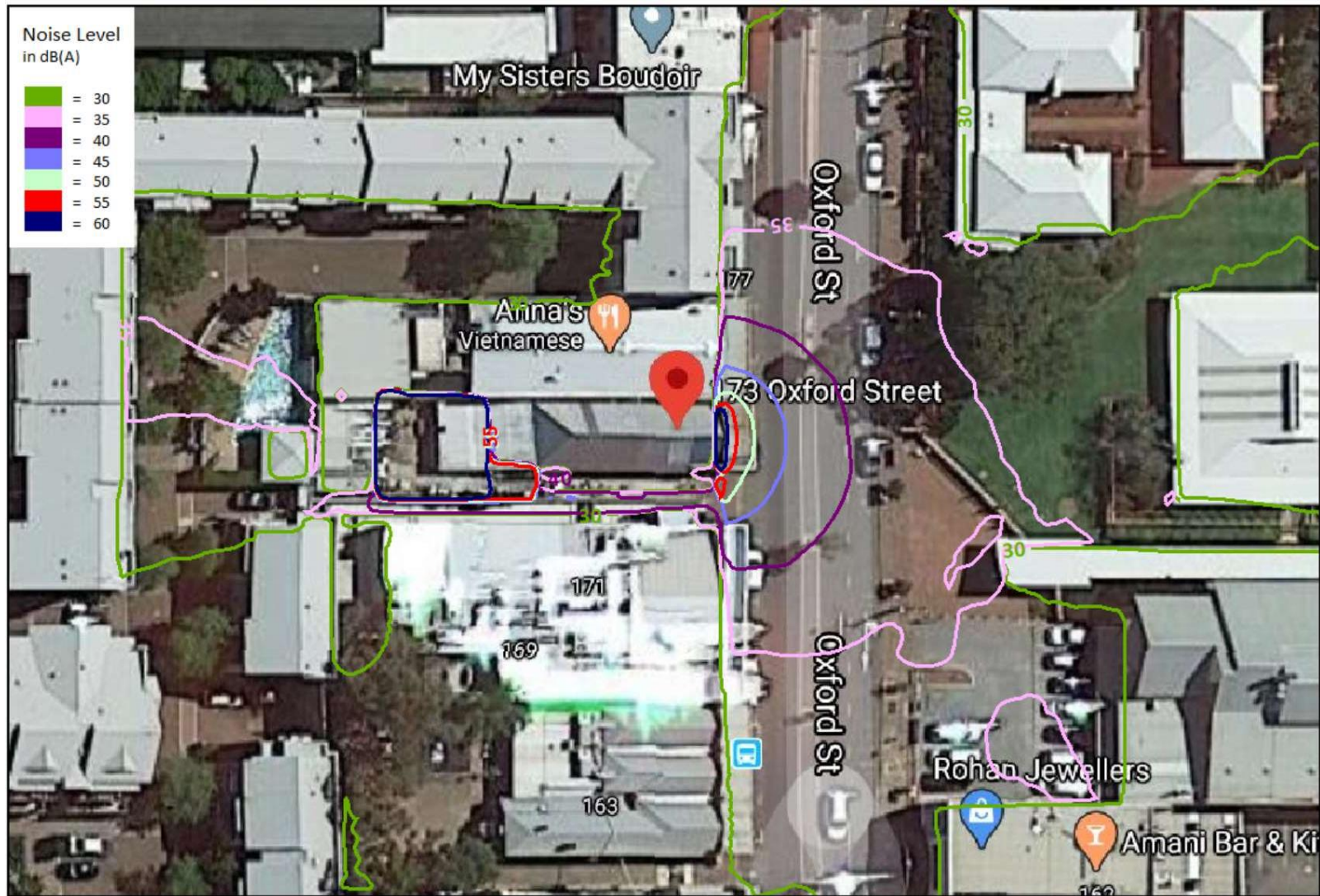


Figure 8: Worst-case day-time noise contours for scenario 1 at 1.5m above the ground.

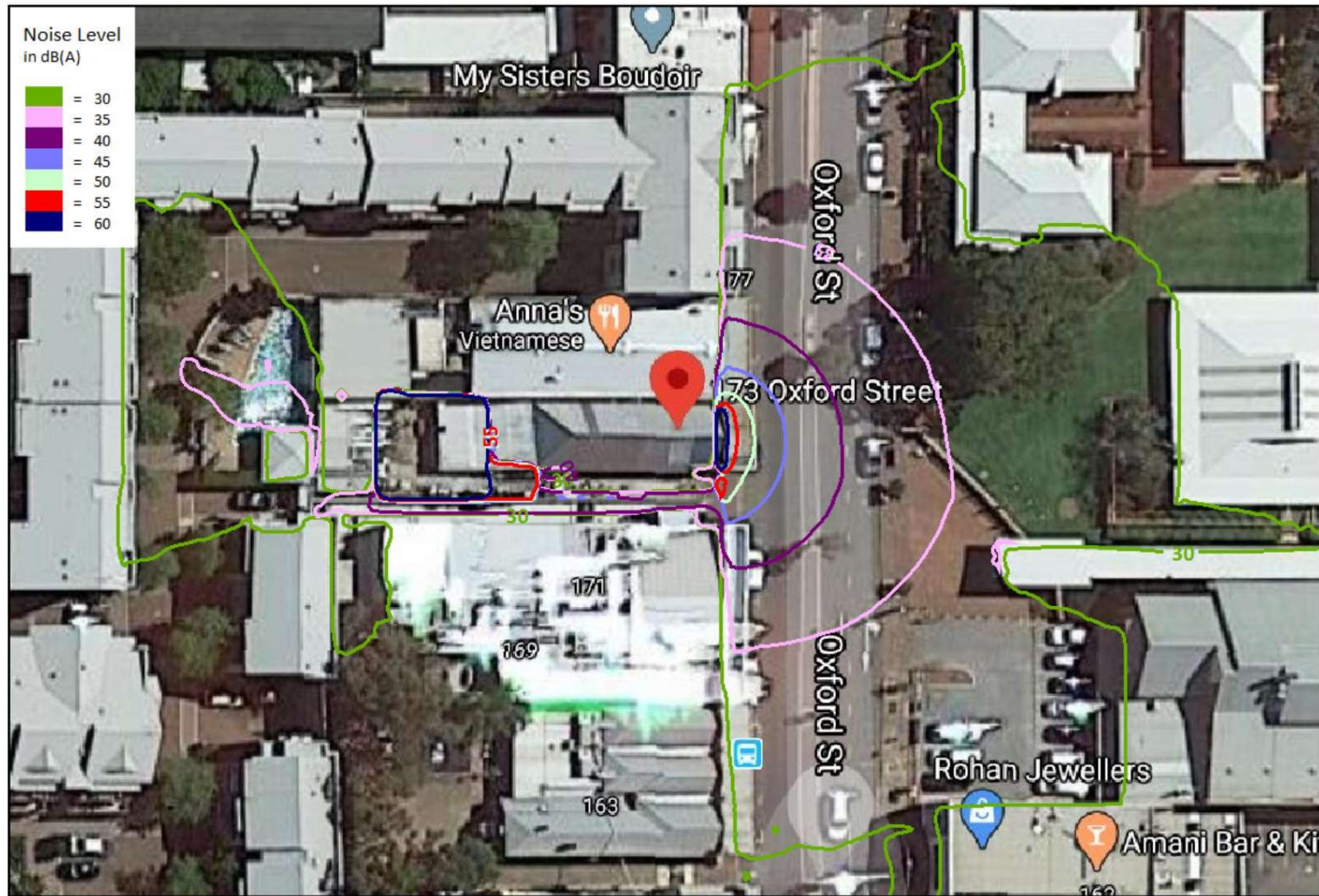


Figure 9: Worst-case night-time noise contours for scenario 1A at 1.5m above the ground.

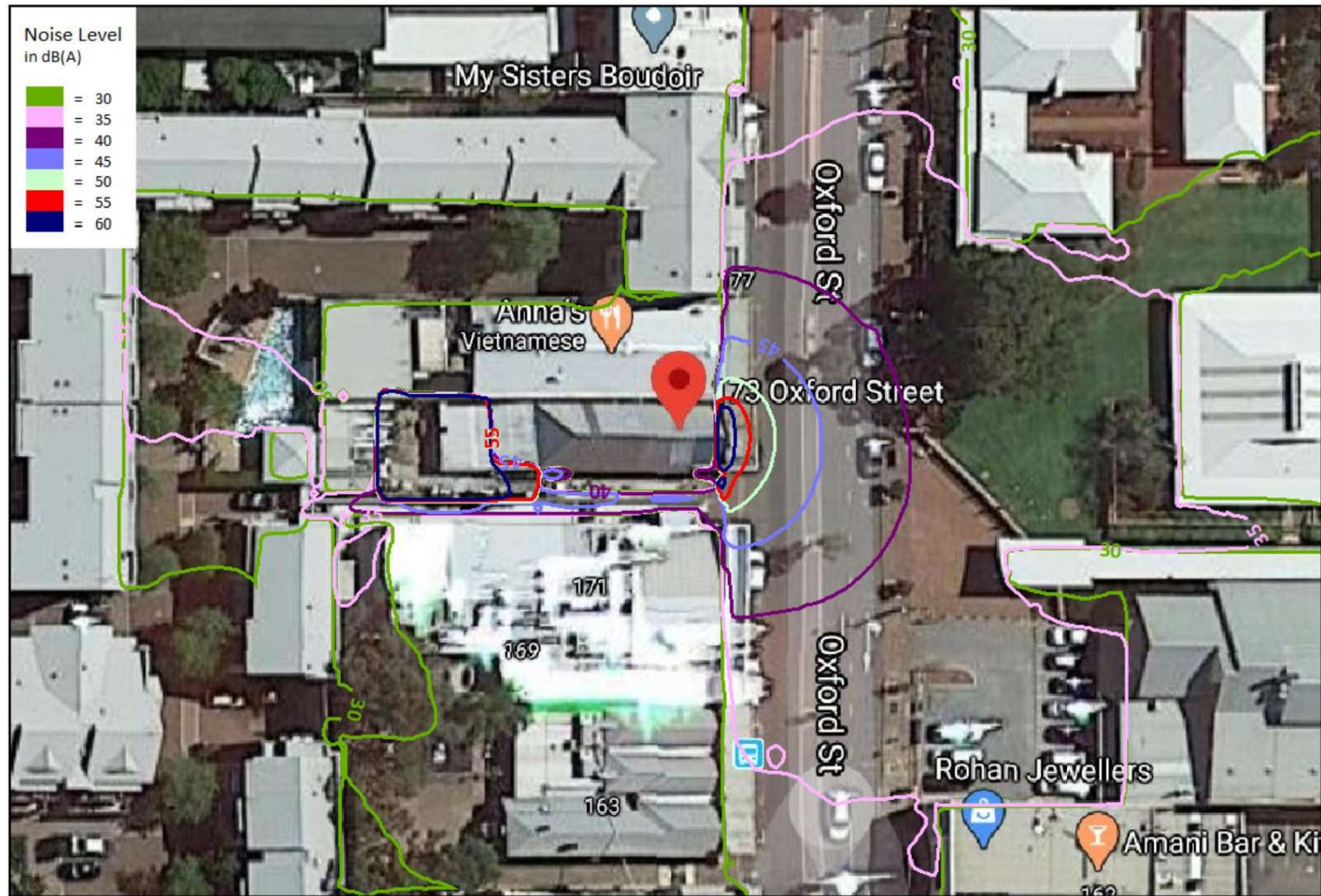


Figure 10: Worst-case day-time noise contours of scenario 2 at 1.5m above the ground.

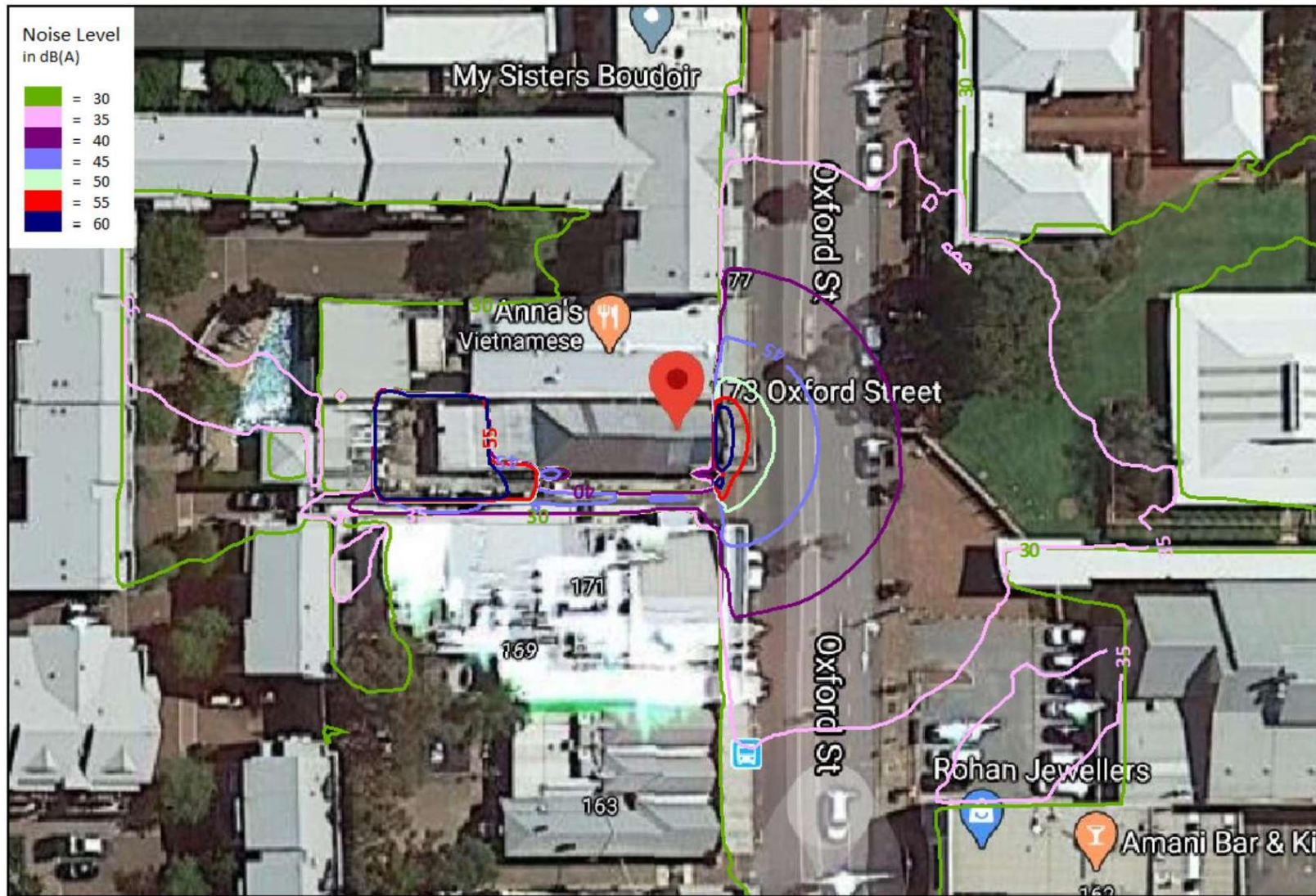


Figure 11: Worst-case night-time noise contours of scenario 2A at 1.5m above the ground.

ENQUIRIES TO: Rhianna Waugh
Approval Services, (9273 6572)
OUR REF: 5.2020.81.1



CITY OF VINCENT

24 July 2020

R Mc Nally
173 Oxford Street
LEEDERVILLE

Dear Sir/Madam,

NO. 173 OXFORD STREET LEEDERVILLE (LOT: 7 D/P: 867) – PROPOSED CHANGE OF USE FROM SHOP HOUSE TO RESTAURANT / CAFÉ AND SINGLE HOUSE

I refer to your Application for Approval to Commence Development dated 12 March 2020 for the above proposal.

I wish to advise that the proposal was assessed and found to be in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and associated policies. Therefore, the application has been granted conditional approval under delegated authority from the Council subject to the terms and conditions shown on the attached form.

Your attention is drawn to the fact that this consent constitutes development approval only and that **a Building Permit must be obtained from the City prior to commencement of any construction works**. The nominated builder should be provided with a copy of the Notice of determination on application for development approval. Please ensure that the drawings and information submitted to the City with your Building Permit application are identical to those approved by the City with this development approval to avoid delays in the issue of your Building Permit. Please note that any amendments to the drawings and information approved in this development approval that are proposed in the Building Permit application may result in the requirement for a new development application to be submitted for assessment and determination.

I trust that the information is to your satisfaction, however if you have any enquiries regarding the above matter, please do not hesitate to contact Rhianna Waugh on 9273 6572.

Yours sincerely

A handwritten signature in black ink that reads "Karsen Reynolds".

KARSEN REYNOLDS
A/ SENIOR URBAN PLANNER

Planning and Development Act 2005

City of Vincent

Notice of determination on application for development approval

Location: No. 173 Oxford Street LEEDERVILLE

Lot, Plan/Diagram: LOT: 7 D/P: 867

Vol. No: 963

Folio No: 34

Received on: 12 March 2020

Serial No: 5.2020.81.1

Description of proposed development: Change of Use from Shop House to Restaurant / Café and Single House

Plans dated: 16 July 2020

This application for development approval is approved subject to the following conditions:

1. This approval relates to a Change of Use from Shop House to Restaurant / Café and Single House as shown on the plans dated 16 July 2020. It does not relate to any other development on the site.
2. A maximum of 55 persons are permitted within the Restaurant / Cafe at any one time.
3. Doors and windows and adjacent floor areas fronting Oxford Street shall maintain an active and interactive relationship with this street. Darkened obscured, mirrored or tinted glass or other similar materials as considered by the City are prohibited.
4. The surface finish of boundary walls facing an adjoining property shall be of a good and clean condition, prior to the occupation of the development, and thereafter maintained, to the satisfaction of the City. The finish of boundary walls is to be fully rendered or face brick; or material as otherwise approved; to the satisfaction of the City.
5. A minimum of two long term bicycle bays shall be provided and designed in accordance with AS2890.3 prior to the Restaurant / Cafe use commencing.
6. Deliveries to the premises shall occur no earlier than 7:00am and no later than 10:00pm on any given day, to the satisfaction of the City.
7. The measures outlined in the 'Operational Scenarios' of the approved acoustic report (Acoustic Engineering Solutions, July 2020) shall be implemented and maintained to the City's satisfaction, prior to the occupation or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers.
8. The use must operate in accordance with the approved Venue Management Plan at all times to the satisfaction of the City.

9. All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and surrounding properties to the satisfaction of the City.
10. All stormwater produced on the subject land shall be retained on-site, by suitable means to the full satisfaction of the City.
11. A Waste Management Plan prepared to the satisfaction of the City shall be submitted and approved by the City prior to the use commencing on-site. Waste management for the development shall thereafter comply with the approved Waste Management Plan.


ADVICE NOTES:

1. This is a development approval only and is issued under the City of Vincent's Local Planning Scheme No. 2 only. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with any other laws.
2. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5 metres) shall be maintained for all users at all times during construction works. Permits are required for placement of any materials within the road reserve.
3. All pedestrian access and vehicle driveway/crossover levels shall match into existing verge, footpath and right of way levels to the satisfaction of the City.
4. With respect to stormwater, should connection to the City's drainage infrastructure be required, this is to be in accordance with the City's Policy No. 2.2.10 – Stormwater Drainage Connections.
5. The submitted acoustic report demonstrates compliance with the *Environmental Protection (Noise) Regulations 1997* only with the installation of a 3 metre high brick wall on the southern boundary of the outdoor dining area to join the 3 metre high solid fence. These walls must be installed prior to occupation, to the City's satisfaction.
6. Two residential parking permits are available to allow for on-street parking for occupants of the Single House only. Please contact the City's Ranger and Community Safety Services Business Unit on 9273 6000 to arrange issue of these permits.

Date of determination: 24 July 2020

- Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
- Note 2: A further two years is added to the date by which the development shall be substantially commenced, pursuant to Schedule 4, Clause 4.2 of the Clause 78H Notice of Exemption from Planning Requirements During State of Emergency signed by the Minister for Planning on 8 April 2020. For further information regarding the Ministerial direction, please contact the City on 9273 6000.
- Note 3: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

Note 4: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

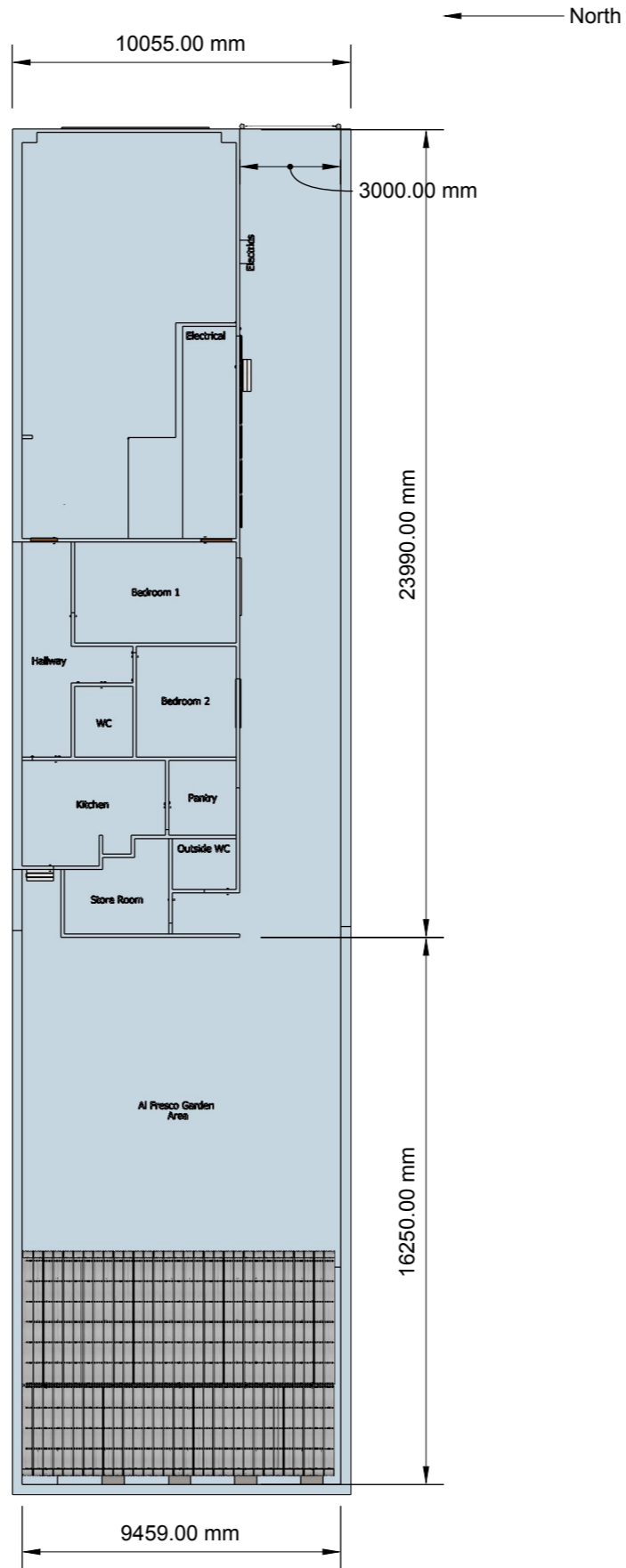
Signed:  Dated: 24 July 2020

KARSEN REYNOLDS
A/ SENIOR URBAN PLANNER

for and on behalf of the City of Vincent

CITY OF VINCENT
RECEIVED
16 July 2020

CITY OF VINCENT
DA No. 5.2020.81.1
24 July 2020
APPROVED
Refer to Decision Notice
A/ SENIOR URBAN PLANNER



Existing Site Plan

Scale
1:200

Date:
March 6th 2020

Lot 7
Plan 867

Address:
173 Oxford Street, Leederville, WA 6007

CITY OF VINCENT
RECEIVED
16 July 2020



← North

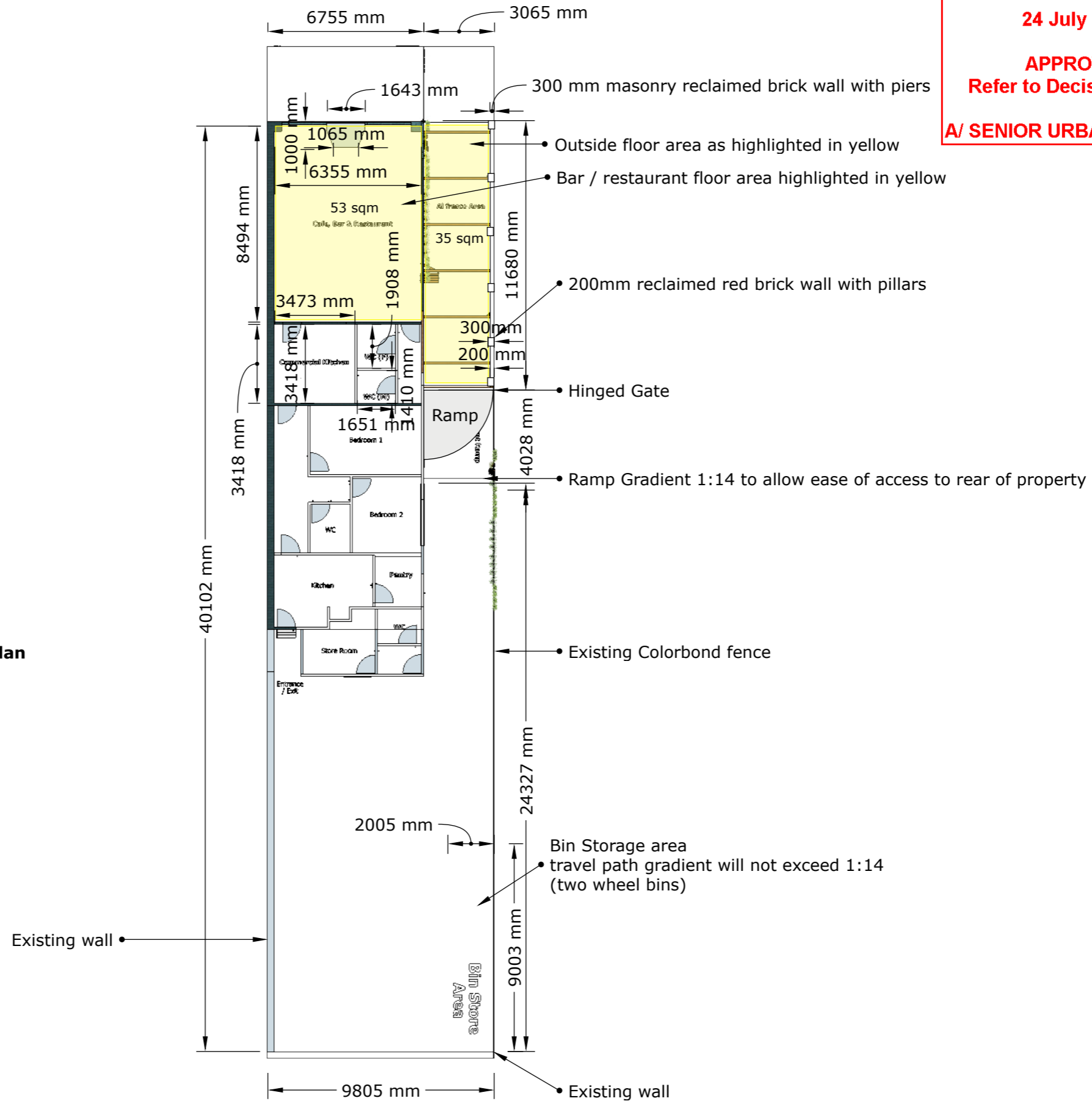
CITY OF VINCENT
DA No. 5.2020.81.1

24 July 2020

APPROVED
Refer to Decision Notice

A/ SENIOR URBAN PLANNER

Proposed Floor Plan



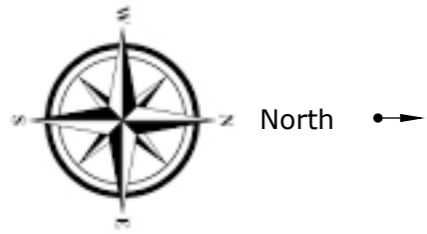
Scale Proposed
1:200

Date: July 15th 2020

Lot 7 Plan 867

Address: 173 Oxford Street, Leederville, WA 6007

A.1
V4



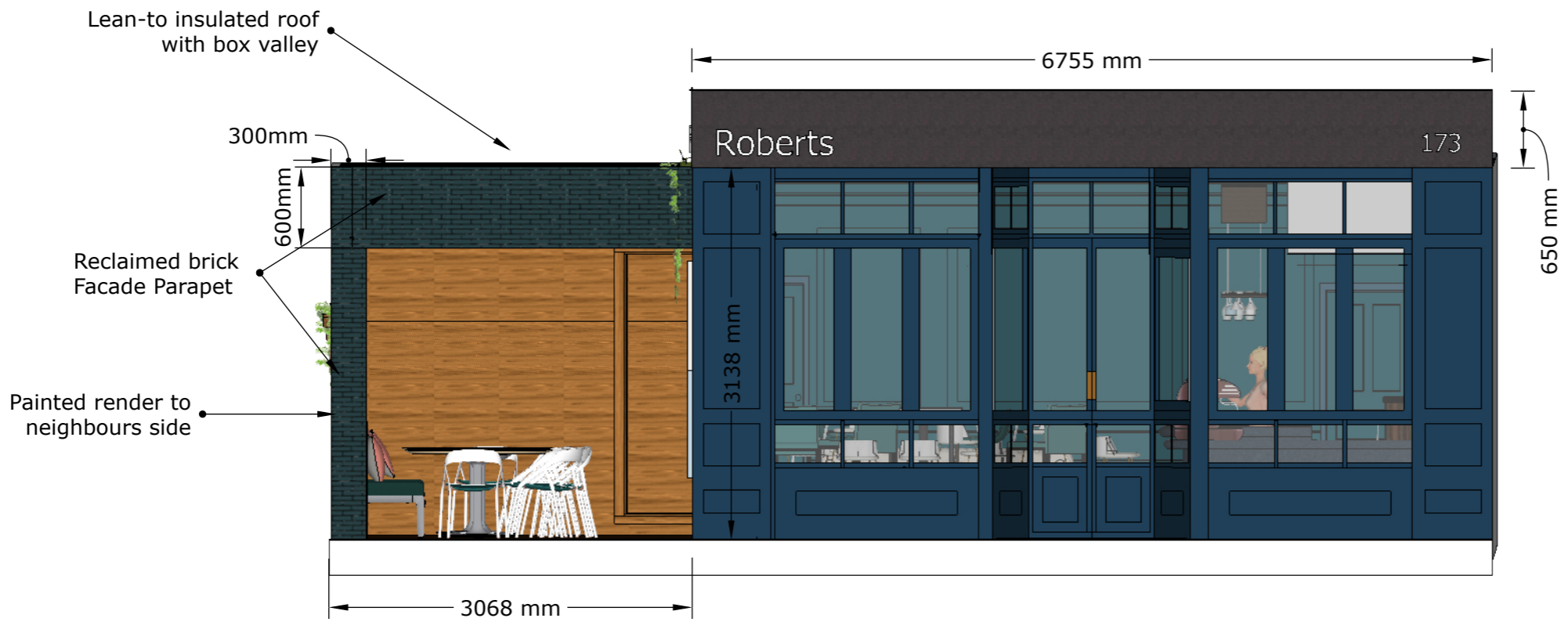
CITY OF VINCENT
RECEIVED
16 July 2020

CITY OF VINCENT
DA No. 5.2020.81.1

24 July 2020

APPROVED
Refer to Decision Notice

A/ SENIOR URBAN PLANNER



Retractable windows 70% transparency with non reflective glazing as per city requirements
No Modification to existing canopy

Proposed Front Elevation

Scale
1:50
Proposed

Date:
July 16th 2020
Lot 7
Plan 867

Address:
173 Oxford Street, Leederville, WA 6007

A.1
V6



← West

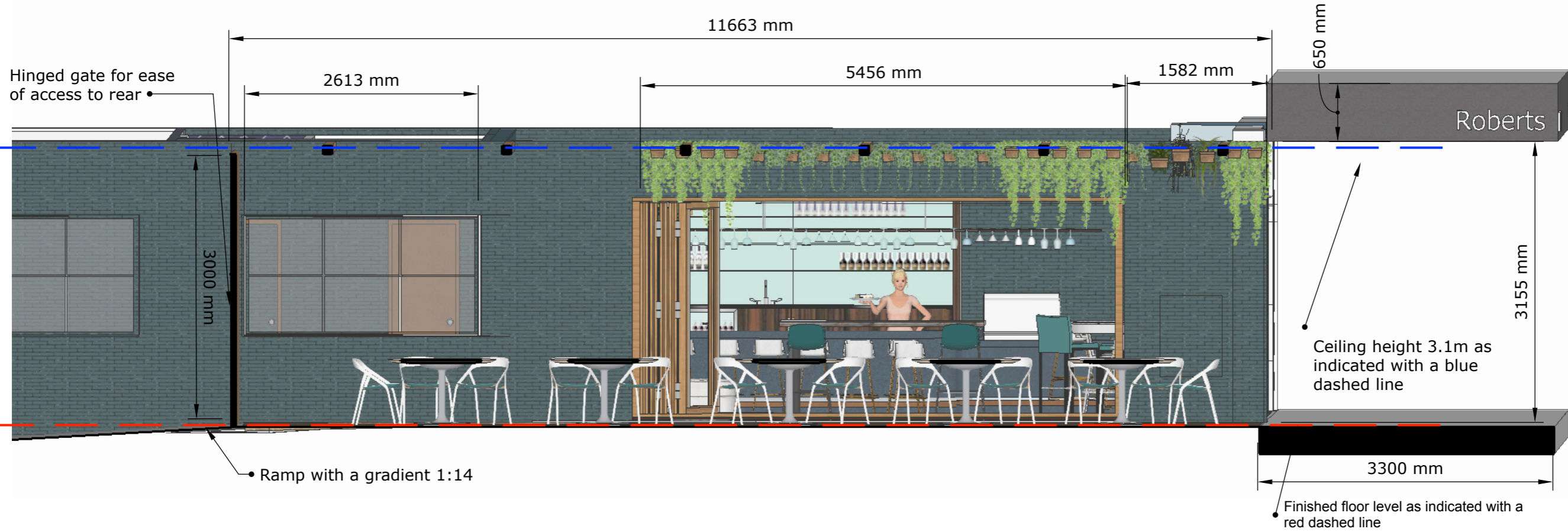
CITY OF VINCENT
RECEIVED
16 July 2020

CITY OF VINCENT
DA No. 5.2020.81.1

24 July 2020

APPROVED
Refer to Decision Notice

A/ SENIOR URBAN PLANNER



Proposed Side Elevation

Scale 1:50
Date: July 13th 2020

Lot 7
Plan 867

Address:
173 Oxford Street, Leederville, WA 6007

A.1
V3