

5.1 NO. 500 (LOT: 41; D/P: 418433) FITZGERALD STREET, NORTH PERTH - PROPOSED CHANGE OF USE FROM RESTAURANT/CAFE TO RESTAURANT/CAFE AND SMALL BAR

Ward: South

Attachments:

1. Consultation and Location Plan
2. Development Plans
3. Parking Management Plan
4. Previous Joint Development Assessment Panel Approval
5. Summary of Submissions - Applicant's Response
6. Summary of Submissions - Administration's Response
7. Determination Advice Notes

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 development application for a proposed Change of Use from Restaurant/Café to Restaurant/Café and Small Bar at No. 500 (Lot: 41; D/P: 418433) Fitzgerald Street, North Perth, in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 7:

1. Development Approval

This approval is for a Change of Use from Restaurant/Café to Restaurant/Café and Small Bar as shown on the approved plans dated 18 August 2023. No other development forms part of this approval;

2. Use of Premises

2.1 This approval is for a Restaurant/Café and Small Bar as defined in the City of Vincent Local Planning Scheme No. 2. The use of the subject land for any other land use may require further approval from the City;

2.2 The total number of persons attending the Restaurant/Cafe and Small Bar at any one time, including staff and customers, shall be limited to 32 persons; and

2.3 The Restaurant/Café and Small Bar shall be limited to the following hours of operation:

- Monday to Sunday: 8:00am to 5:00pm; and
- All deliveries shall be limited to 7:00am to 2:00pm, Monday to Friday; and

3. Venue Management

3.1 Prior to commencement of the approved development, a Venue Management Plan shall be submitted to and approved by the City. The Venue Management Plan shall be prepared in accordance with City's Policy No. 7.5.7 – Licensed Premises, to the satisfaction of the City (refer advice note 8); and

3.2 The premises shall operate in accordance with the approved Venue Management Plan, to the satisfaction of the City;

4. Waste Management

The approved development shall operate in accordance with the approved Waste Management Plan dated 28 September 2018 at all times, to the satisfaction of the City;

5. Façade Design

- 5.1 Doors and windows and adjacent floor areas fronting Fitzgerald Street and Venn Street shall maintain an active and interactive relationship with the street, to the satisfaction of the City;**
- 5.2 Glazing and/or tinting shall have a minimum of 70 percent visible light transmission to provide unobscured visibility between the street and the interior of the tenancy, to the satisfaction of the City; and**
- 5.3 Internal security and privacy treatments shall be located and installed internally behind the glazing line or recessed, and shall be transparent and visually permeable to allow views inside the building and enable internal light sources to be seen from the street, to the satisfaction of the City;**

6. Car Parking

Prior to operation of the approved development, eight parking bays on-site shall be line marked for the exclusive use of the Restaurant/Café and Small Bar;

7. Bicycle Facilities

A minimum of two short-term bicycle bays shall be provided in the Venn Street verge adjacent to the subject site, in a location approved by the City. These bicycle bays shall be designed in accordance with AS2890.3 prior to the use of the approved development, to the satisfaction of the City; and

8. Parking Management

- 8.1 Prior to commencement of the approved development, a revised Parking Management Plan shall be submitted to and approved by the City. The Parking Management Plan shall include the following, to the satisfaction of the City:**
- **The revised parking bay numbers available to the proposed development, being eight bays;**
 - **The revised customer and staff numbers, being a maximum total number of persons attending the venue of 32 persons;**
 - **Details of Parking Management Strategies that include:**
 - **The promotion for customers to use the rear car parking bays; and**
 - **The vehicle access gate remaining open during the operating and delivery hours of the tenancy; and**
- 8.2 The premises shall operate in accordance with the approved Parking Management Plan at all times, to the satisfaction of the City.**

EXECUTIVE SUMMARY:

The purpose of this report is to consider an application for development approval for a change of use from Restaurant/Café to Restaurant/Café and Small Bar to an existing commercial premises at No. 500 Fitzgerald Street, North Perth (the subject site).

The subject site is located on the corner of Fitzgerald Street and Venn Street and contains a mixed-use development which includes one commercial tenancy, 19 multiple dwellings and associated car parking.

The subject site is zoned Residential R60-R100 under the City's Local Planning Scheme No. 2 (LPS2) with a portion of the site along the eastern boundary being zoned Residential R40. The portion of the site zoned Residential R60-R100 is located within the Transit Corridor Built Form Area under the City's Policy No. 7.1.1 – Built Form (Built Form Policy), with a building height standard of three to four storeys. The portion of the subject site zoned Residential R40 is located within the Residential Built Form Area under the Built Form Policy, with a building height standard of two storeys.

The commercial tenancy, which is the subject of this application, is located on the ground floor at the northwest corner of the site and fronts both Fitzgerald Street and Venn Street. The tenancy currently

operates as a Restaurant/Café. The remainder of the subject site is built out with ground floor multiple dwellings adjacent to the subject tenancy and two levels of multiple dwellings located above. The site also includes car parking for the dwellings and the subject tenancy located to the rear. This carparking includes open air and covered bays.

The application proposes an additional Small Bar use to the current approved Restaurant/Café use of the subject tenancy. The application also seeks to increase the approved number of persons on-site at any given time. This is proposed to increase the current approval of a maximum 20 patrons with no limit on staff numbers, to a maximum of 32 persons inclusive of staff and patrons.

The additional Small Bar use is proposed to allow for the applicant/operator to obtain a small bar liquor licence which would permit the sale of alcoholic beverages with smaller, snack style meals. This is currently not permitted under the restaurant liquor licence that the operator holds which requires a substantial meal to be served when alcohol is being consumed. A liquor licence is a separate licensing process and is issued by the Racing Gaming and Liquor Division of the Department of Local Government, Sport and Cultural Industries subsequent to first having received the relevant approvals from the City.

No physical works are proposed as part of the application.

The remainder of the business operation remains as existing and is not proposed to be changed as part of this application. The proposal also does not seek alter car parking arrangements.

The areas of discretion being sought under the planning framework relate to land use acceptability and the provision of bicycle parking facilities.

The Small Bar land use is capable of approval in the Residential zone under LPS2 and the City's Licensed Premises Policy (Licensed Premises Policy) provides for consideration of licensed premises being located on major roads. The amenity of the surrounding residential area would remain protected with most of the activity directed towards Fitzgerald Street and current operating hours being maintained. The subject site would also provide sufficient car parking to satisfy the needs of the proposed development.

The development proposes a shortfall of 1 short-term and 2 long-term bicycle parking spaces in accordance with the City's Local Planning Policy Non-Residential Parking (Non-Residential Parking Policy). A condition of approval requiring two bicycle parking spaces to be provided in the Venn Street reserve adjacent to the subject site is included in the officer recommendation to address this shortfall. The installation of these bays would support a shift towards alternate modes of transport to meet the needs of visitors to the proposed development.

The proposal would meet the deemed-to-comply standards of car parking under the City's Non-Residential Parking Policy. This is because, in accordance with the Non-Residential Parking Policy, eight car bays would be required to be provided, with eight bays existing on-site, consistent with the previous approvals for the development. There is no change proposed to this amount of car parking or the car bay configuration as part of this application.

The proposed development is acceptable as considered against the planning framework and is recommended for approval subject to conditions.

PROPOSAL:

The application proposes a change of use of the subject premises from Restaurant/Café to Restaurant/Café and Small Bar and an increase to the approved number of persons on-site. The application seeks an increase from the current approval of a maximum of 20 patrons with no limit on staff numbers, to a maximum of 32, inclusive of staff and patrons.

The existing premises currently trades as La Mortazza, an Italian-style café. The applicant has advised that no changes are proposed to the existing business operation. The change of use to Small Bar is proposed to allow the business to obtain a Small Bar liquor licence. This would allow for the sale of alcoholic beverages with smaller, snack style meals, which is not permitted under the business' current Restaurant liquor licence.

The application does not propose any works or a change from the current approved operating hours of Monday to Sunday 8:00am – 5:00pm.

Plans of the proposal are included as **Attachment 2**. The applicant's supporting documentation being a Parking Management Plan is included as **Attachment 3**.

BACKGROUND:

Landowner:	A D'Alonzo and F D'Alonzo
Applicant:	La Mortazza Pty Ltd
Client:	La Mortazza Pty Ltd
Date of Application:	11 July 2023
Zoning:	MRS: Urban LPS2: Zone: Residential R Code: R40 and R60-R100
Built Form Area:	Transit Corridor and Residential
Existing Land Use:	Restaurant/Café
Proposed Use Class:	Restaurant/Café and Small Bar
Lot Area:	2069 square metres
Right of Way (ROW):	No
Heritage List:	No

Site Context and Zoning

The subject site is bound by Fitzgerald Street to the west, Venn Street to the north, a three-storey grouped dwelling development to the south and a single-storey single house to the east. A location plan is included as **Attachment 1**.

A portion of the subject site and the properties to the north and south of the subject site that front Fitzgerald Street are zoned Residential R60-R100 under LPS2 and are located within the Transit Built Form Area under the City's Built Form Policy, with a building height standard of three to four storeys.

A portion of the subject site along the eastern boundary and properties fronting Venn Street are zoned Residential R40 and are located within the Residential Built Form Area under the Built Form Policy, with a building height standard of two storeys.

Approvals History*Development Assessment Panel Approvals*

On 11 July 2018, the Metro West Joint Development Assessment Panel (JDAP) resolved to approve construction of 18 Multiple Dwellings and Restaurant/Café at Nos. 500, 502 and 504 Fitzgerald Street and 45 Venn Street, North Perth. The site has since been amalgamated into one lot.

The development included the allocation of eight parking bays to the commercial use on the site, located to the rear with vehicle access provided from Venn Street. The approval included conditions limiting the restaurant/café to a maximum of 20 patrons at any one time and limiting the operating hours to Monday to Sunday, 8:00am – 5:00pm. The approval also limited delivery hours to Monday to Friday, 7:00am to 2:00pm.

A copy of the JDAP approval and plans dated 11 July 2018 is included as **Attachment 5**.

On 29 April 2019, the JDAP resolved to approve an amendment to the 2018 development approval. The amendment related to the addition of two storerooms at basement level and did not impact the subject premises.

The construction of the development was completed in May 2020 with the subject café commencing operation in August 2022.

*Delegated Authority Approvals*Multiple Dwelling Application

In January 2022, a development application was received by the City, seeking approval for an additional one-bedroom dwelling within the existing built form of the development, located on the first floor. In May 2022, Administration approved the application.

The approved plans included the reallocation of a car bay from the commercial tenancy to the new multiple dwelling, reducing the allocation for the subject premises to eight car bays.

Vehicle Access Gate Application

In September 2020, following completion of the development, a vehicle access gate was installed across the Venn Street access driveway, adjacent to the bin store on the east of the subject site. The installation of the vehicle access gate was unauthorised and restricted public access to the allocated car parking bays for the subject premises.

The installation of the vehicle access gate resulted in patrons of the existing venue utilising street parking in Venn Street. This contributed to existing parking issues in Venn Street, as detailed in the submissions received during community consultation for the application.

The City received a complaint in March 2023 regarding the installation of the vehicle access gate. The City’s Compliance Services Team subsequently commenced an investigation which resulted in a development application being submitted.

The development application was received by the City in July 2023, seeking retrospective approval for the unauthorised vehicle access gate. In November 2023, Administration approved the application subject to conditions.

The approval included conditions requiring the vehicle access gate to remain open during the operating and delivery hours of the commercial premises on the subject site. A condition of approval also required signage to be installed directing customers to the available parking at the rear of the development.

The approval of this development application would assist in addressing the parking issues on Venn Street with the vehicle access gate open during operating hours and signage directing patrons to the available parking at the rear of the development.

DETAILS:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the LPS2, the City’s Built Form Policy and relevant local planning policies, including the Non-Residential Parking Policy, Licensed Premises Policy and Policy No: 7.5.21 - Sound Attenuation (Sound Attenuation 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 (or equivalent)	Previously approved	Requires the Discretion of Council
Land Use			✓
Car Parking	✓		
Bicycle Parking			✓
Hours of Operation		✓	
Sound Attenuation Policy	✓		

Detailed Assessment

The deemed-to-comply assessment of the element that requires the discretion of Council is as follows:

Land Use	
Deemed-to-Comply Standard	Proposal
LPS2 'P' Use	Small Bar - 'A' Use

Bicycle Parking	
Deemed-to-Comply Standard	Proposal
<p>Policy No. 7.7.1 – Non-Residential Development Parking Requirements</p> <p><i>Bicycle Parking</i> 1 short-term and 2 long-term bicycle parking spaces required.</p>	<p>Nil short-term or long-term bicycle parking spaces provided.</p>

The above elements of the proposal do not meet the specified standards and are discussed in the Comments section below.

CONSULTATION/ADVERTISING:

First Community Consultation

Community consultation was undertaken in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* for a period of 14 days, from 28 September 2023 to 11 October 2023. In accordance with the City's Community and Stakeholder Engagement Policy, the method of consultation included a notice on the City's website, a sign on-site to the Fitzgerald Street and Venn Street elevations, and 27 letters mailed to owners and occupiers of the adjoining and adjacent properties the subject site as shown in **Attachment 1**.

A total of 13 submissions were received at the conclusion of the advertising period including 10 objections, two submissions of support and one submission that neither supported nor objected to the proposal but raised concerns.

The key comments received in support are summarised as follows:

- The existing cafe is consistent with an objective of the Residential zone, being 'to provide for a range of non-residential uses, which are compatible with and complementary to residential development'.
- The design and scale of the subject tenancy will dictate the low-scale nature of the proposed small bar.
- There are other existing non-residential land uses on Fitzgerald Street in the immediate locality.
- The proposed Small Bar use will complement the area and provide amenity for surrounding residents.

The key concerns raised are summarised as follows:

- Concerns regarding existing parking issues on Venn Street for residents, customers and commercial vehicles. Additional concerns regarding the impact of the proposed development on parking availability and traffic safety on Venn Street.
- Concerns regarding a lack of access and signage to the existing car bays for the development, resulting in unsafe vehicle parking on Venn Street.
- Concerns regarding anti-social impacts from the development including the increased noise, the presence of intoxicated patrons and the increase in activity associated with the development late at night.
- Comments that the introduction of a licensed facility is not compatible with the neighbourhood and that the North Perth precinct is already well served by similar land uses in close proximity.

Revised Proposal

The applicant revised the proposal in response to comments received during community consultation. The revisions included:

- A reduction in the proposed patron number from 50 patrons to 36 patrons.
- Amendments to the operating hours which would include returning to the current approved operating hours for the development (being 8:00am – 5:00pm, Monday to Sunday).

Second Community Consultation

The revised proposal was re-advertised for community consultation for a period of seven days from 26 October 2023 to 2 November 2023, in accordance with the City's Community & Stakeholder Engagement Policy. This is because the application received opposition during the first community consultation period and subsequently significant amendments were made. Previous submitters were notified via email and a notice placed on the City's website, consistent with the provisions of the Policy.

Following the conclusion of the second community consultation period, the City received six submissions on the revised proposal. One submission from a previous submitter reaffirming their support for the proposal, three submissions from previous submitters reaffirming their objection to the proposal, one submission from a previous submitter withdrawing their objection to the proposal, and one submission from a new submitter that neither supported nor objected to the proposal but raised concerns.

The additional concerns raised during the second community consultation period are summarised as follows:

- Concerns regarding the existing business is not complying with the existing development approval in relation to the maximum approved patron numbers.
- Concerns regarding the suggested proposal made by the applicant to the community to upgrade the parking in the Venn Street verge resulting in additional risk to traffic safety.
- Concerns that the operation of the proposed Small Bar use would not be consistent with the information provided by the applicant.
- Concerns that the zoning does not allow for the proposed use.
- Concerns regarding the ability for the toilet facilities to cater for the proposed patron numbers.
- Concerns regarding the ability for the venue to accommodate the proposed patron numbers. Request for the applicant to provide a seating plan detailing how the proposed patrons will be accommodated.
- Concerns that the car bays for the premises are currently being used by residents of the mixed use development and that the existing development has a car parking shortfall.
- Concerns regarding the car parking bays being available for staff and patrons not being sufficient to cater for the needs of the development. Request for trial period to be undertaken to determine if the vehicle access gate would be open and the car parking bays would be available for staff and patrons, prior to a decision being made on the application.

The applicant provided a further revision to the proposal occurred following the second consultation period which included the modification from 36 patrons to a maximum of 32 patrons and staff. This clarification was to ensure the development would provide compliant car parking with the City's policy standard.

A detailed summary of submissions received during both consultation periods, along with the applicant's response to the submissions received is provided as **Attachment 5**. Administration's response is provided as **Attachment 6**.

Design Review Panel (DRP):

Referred to DRP: No

The application was not referred to the City's Design Review Panel. This is because no modifications are proposed to the built form.

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Local Planning Scheme No. 2;
- Community and Stakeholder Engagement Policy;
- Policy No. 7.1.1 – Built Form;
- Policy No. 7.5.7 – Licensed Premises;
- Policy No. 7.5.21 – Sound Attenuation; and
- Local Planning Policy – Non-Residential Parking.

Planning and Development Act 2005

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

Local Planning Scheme No. 2

In considering the appropriateness of the use, Council is required to consider the objectives of the Residential zone under LPS2, as follows:

- *To provide for a range of housing and a choice of residential densities to meet the needs of the community;*
- *To facilitate and encourage high quality design, built form and streetscapes throughout residential areas;*
- *To provide for a range of non-residential uses, which are compatible with and complementary to residential development;*
- *To promote and encourage design that incorporates sustainability principles, including but not limited to solar passive design, energy efficiency, water conservation, waste management and recycling;*
- *To enhance the amenity and character of the residential neighbourhood by encouraging the retention of existing housing stock and ensuring new development is compatible within these established areas;*
- *To manage residential development in a way that recognises the needs of innovative design and contemporary lifestyles; and*
- *To ensure the provision of a wide range of different types of residential accommodation, including affordable, social and special needs, to meet the diverse needs of the community.*

Delegation to Determine Applications:

This application is being referred to Council for determination in accordance with the City's Register of Delegations, Authorisations and Appointments, as the application received more than five objections during the community consultation period.

RISK MANAGEMENT IMPLICATIONS:

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 applicable to this application.

PUBLIC HEALTH IMPLICATIONS:

This report has no implication on the priority health outcomes of the City's *Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

There are no finance or budget implications from this report.

COMMENTS:Summary Assessment

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

- The premises currently operates as a Restaurant/Café land use and the introduction of the proposed Small Bar use would not substantially change the operation of the existing business at the subject site and would continue its function as a food and beverage venue.
- The amenity of the surrounding residential area would not be impacted. The majority of activity would be directed towards Fitzgerald Street and the current operating hours would be maintained. The subject site would also provide sufficient car parking to satisfy the needs of the proposed development.
- The Small Bar land use is capable of approval in the Residential zone and the City's Licensed Premises Policy provides for consideration of licensed premises such as this being located on major roads.
- The car parking provided on-site complies with the car parking standards prescribed under the Non-Residential Parking Policy. The compliant car parking provided would also ensure the premises can operate without impacting the surrounding area. A condition of approval requiring two bicycle parking spaces to be provided in the Venn Street reserve adjacent to the subject site is included in the officer recommendation to support a shift towards alternate modes of transport.
- As the application does not propose changes to the current approved operating hours and does not substantially increase the capacity of the existing venue, an acoustic report is not required for the proposed development. Noise generated from the operation of the venue would be able to be appropriately managed through compliance with the Venue Management Plan, as required by the condition of approval included in the officer recommendation.

A more detailed assessment against the discretionary aspects of the application is set out below. These relate to consideration against LPS2 and relevant local planning policies.

Land Use

Small Bar is an 'A' use within the Residential zone. This means that the use is not permitted unless Council exercises discretion by approving a development application for the use.

In considering the appropriateness of the use, due regard is to be given to the objectives of the Residential zone under LPS2.

The proposal is consistent with the [objectives](#) of the Residential zone under LPS2 for the following reasons:

- Compatibility with Existing Residential Development: The proposed use would be compatible with existing residential development in the surrounding area for the following reasons:
 - The use would not substantially change the operation of the existing business at the subject site which is low in scale. The applicant is seeking approval for a Small Bar to allow for the sale of alcoholic beverages with smaller, snack style meals in a similar style of service to the current operation of the Restaurant business.
 - The subject site would provide sufficient car parking to satisfy the needs of the proposed development, in accordance with the City's Non-Residential Parking Policy.
 - The development would retain the existing operating hours which include a closing time of 5:00pm, Monday to Sunday. This would ensure that the development is not generating noise offsite impact at night-time or outside of day trading business hours which would have the potential to impact surrounding residential properties.
 - The subject tenancy is located on the corner of Fitzgerald Street and Venn Street, with most of the activity generated by the business directed toward Fitzgerald Street. This reduces the noise and impacts of the development on the residential properties along Venn Street.
 - The existing garden bed located along the Venn Street frontage of the tenancy provides a physical separation between the development and the adjoining residential properties. The garden bed contains three trees and is developing in maturity which would continue to provide separation for the development from residential uses for the life of the development.

- The existing site is located across different Built Form Areas and density coding. The Transit Corridor Built Form Area and R60-R100 density coding intended to provide a higher scale and intensity of development in this location. The approval of the existing mixed use development on the subject site which includes the subject tenancy is reflective of this intended scale and intensity. Consistent with this, the subject tenancy already provides for existing vibrancy and activity in close proximity to residential uses and in the existing site context.
- The location of the development on Fitzgerald Street which is a higher order road, being a Distributor A road, under Main Roads WA Road Hierarchy would reduce the extent of the impacts on surrounding residential properties. This is because the current traffic levels on Fitzgerald Street would generate existing noise levels that would impact on the amenity of residential properties in close proximity.
- The use would be required to comply with the *Environmental Protection (Noise) Regulations 1997*, consistent with the existing development on the site.
- **Active Use:** The development would continue to provide an open frontage and active land uses which enables increased passive surveillance of both Fitzgerald Street and Venn Street. This would improve the amenity of the area.
- **Scope of Application:** The application proposes the continued use of an approved commercial development within the Residential zone. The proposed continued use of the development would not impact the ability for the objectives of the Residential zone of LPS2 relating to residential development to be met.
- **Sustainability:** The proposal would result in the continued use of the existing premises on-site by the existing operator with no building alterations. The existing mixed use development on the subject site was considered against sustainability principles by the JDAP and with the sustainability principles incorporated into the development deemed acceptable. The proposed development supports prolonging the building's life by using the premises for an expanded purpose and is consistent with approved sustainability principles.
- **Consistency with Licensed Premises Policy:** The Licensed Premises Policy recommends that licensed premises be concentrated within Town Centre areas or along major roads. The proposed development is located on Fitzgerald Street which is a Distributor A road under the Main Roads WA Road Hierarchy and is a major arterial route through North Perth and the wider City of Vincent, consistent with this requirement.
- **Site Accessibility:** The site is highly accessible by public transport. It is located within approximately 50 metres from a high frequency bus route stop on Fitzgerald Street. The site is also within 250 metres of the North Perth Town Centre. This provides alternative transport options for patrons and increases the opportunity for multipurpose trips, reducing traffic and car parking demand.
- **Venue Management:** The Licensed Premises Policy requires the submission of a Venue Management Plan for a Small Bar land use. A condition of approval is included in the officer recommendation requiring a Venue Management Plan to be provided prior to commencement of the proposed development. A Venue Management Plan would inform the operation of premises to minimise the impacts of noise and patron behaviour on the amenity of the surrounding area. The submitted Venue Management Plan would be required to provide guidance on the management of patron behaviour and noise, and demonstrate that the premises could be operated so as not to unduly impact the amenity of the area. The condition of approval included in the officer recommendation also requires the premises to operate in accordance with the Venue Management Plan approved by the City. This is explained further in the Noise and Venue Management section of this report.
- **Waste Management:** The premises is currently required to operate in accordance with the Waste Management Plan, approved as part of the initial development application. The proposed development is anticipated to have similar waste generation volumes as the existing development. To ensure waste is continued to be managed, a condition of approval is included in the officer recommendation requiring continued compliance with the current Waste Management Plan.

Bicycle Parking

The application meets the deemed-to-comply standard for the number of car bays to be provided for the Restaurant/Café and Small Bar uses under the City's Non-Residential Parking Policy. This means that no discretion is being sought in relation to car parking provision.

Discretion is being sought in relation to the provision of bicycle bays.

The existing development was approved as part of the JDAP application with no bicycle parking for the commercial tenancy and an approved capacity of 20 patrons. This equates to an approved shortfall of one short term bicycle bay and one long term bicycle bay.

The proposal seeks to increase the patron numbers for the development from 20 to a maximum of 32 patrons and staff. This increase results in the need for an additional long term bay to be provided based on the policy standard.

Administration proposes a condition of approval requiring the provision of two bicycle parking spaces in the Venn Street verge adjacent to the subject site. This is because the application proposes an additional use at the subject site which requires consideration of the entire bicycle parking shortfall, and it would be acceptable for the business to encourage alternative transport options. The applicant has agreed to this condition.

The bicycle parking proposed would satisfy the [objectives](#) of the Non-Residential Parking Policy for the following reasons:

- **Bicycle Parking:** The following would be provided to support this active mode of transport:
 - The provision of bicycle parking in the verge would enable a shift towards active and sustainable transport modes.
 - The bicycle parking spaces are to be located in an area that can be monitored by staff to provide security for patrons using bicycles to attend the venue.
 - An existing end-of-trip facility is provided within the building to encourage bicycle use by staff of the venue.
- **Public Transport:** The subject site is approximately 50 metres from a bus stop for a high frequency bus route (960 bus route) and would support the use of public transport for both staff and patrons of the venue. It operates approximately every five minutes in peak hours and every 10 minutes off-peak.

Noise and Venue Management

The City's Health Services Team has reviewed the application in accordance with the City's Sound Attenuation Policy and are satisfied that an acoustic report is not required for the proposed development. This is because the application does not propose changes to the current approved operating hours and does not substantially increase the capacity of the existing venue.

A Venue Management Plan to be submitted following the determination of the application would detail the operation of the premises to minimise the impacts of noise and patron behaviour on the amenity of the surrounding area, noting that the business is already operating and the Venue Management Plan would relate to the extent of the details and changes proposed through this application. This is recommended as a condition of approval included in the officer recommendation. Provision of a Venue Management Plan would be consistent with the City's Licensed Premises Policy.

Car Parking

The City received submissions during community consultation which raised concerns that the current eight on-site car parking bays are inadequate for the existing and proposed development. There were also concerns that the proposal would result in further increased on-street parking demand on Venn Street with subsequent impacts on safety and vehicle movement on this street, due to limited on-street parking availability.

Many of these concerns related to the inability for current customers of the development to access the existing car parking bays located at the rear of the site. As detailed in the Approvals History section of this report, the issue has been addressed through the determination of the application for the unauthorised vehicle access gate that includes a condition to remain open during the operating hours of the business.

The change of use and increase in patron numbers as proposed as part of the application would result in deemed-to-comply car parking being provided under the Non-Residential Parking Policy standards.

Eight car bays would be the total amount of car parking required to be provided for this tenancy in accordance with the Non-Residential Parking Policy. Eight car bays are provided on-site for exclusive use of by the tenancy and comply with this car parking standard. This means that there is no discretion being sought in regards to car parking provision. The car parking configuration of these bays are as per previously approved and would remain as existing on-site.

The applicant submitted a Parking Management Plan, included as **Attachment 3**, which covers overall parking management strategies for the tenancy. Administration has recommended a condition of approval requiring an amended Parking Management Plan to be submitted that includes:






- The requirement for the vehicle access gate to be open during hours of operation.
- The promotion for customers to use the rear car parking bays. Directional signage has been approved through a separate development approval issued by the City as detailed in the Background section of this report.

**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

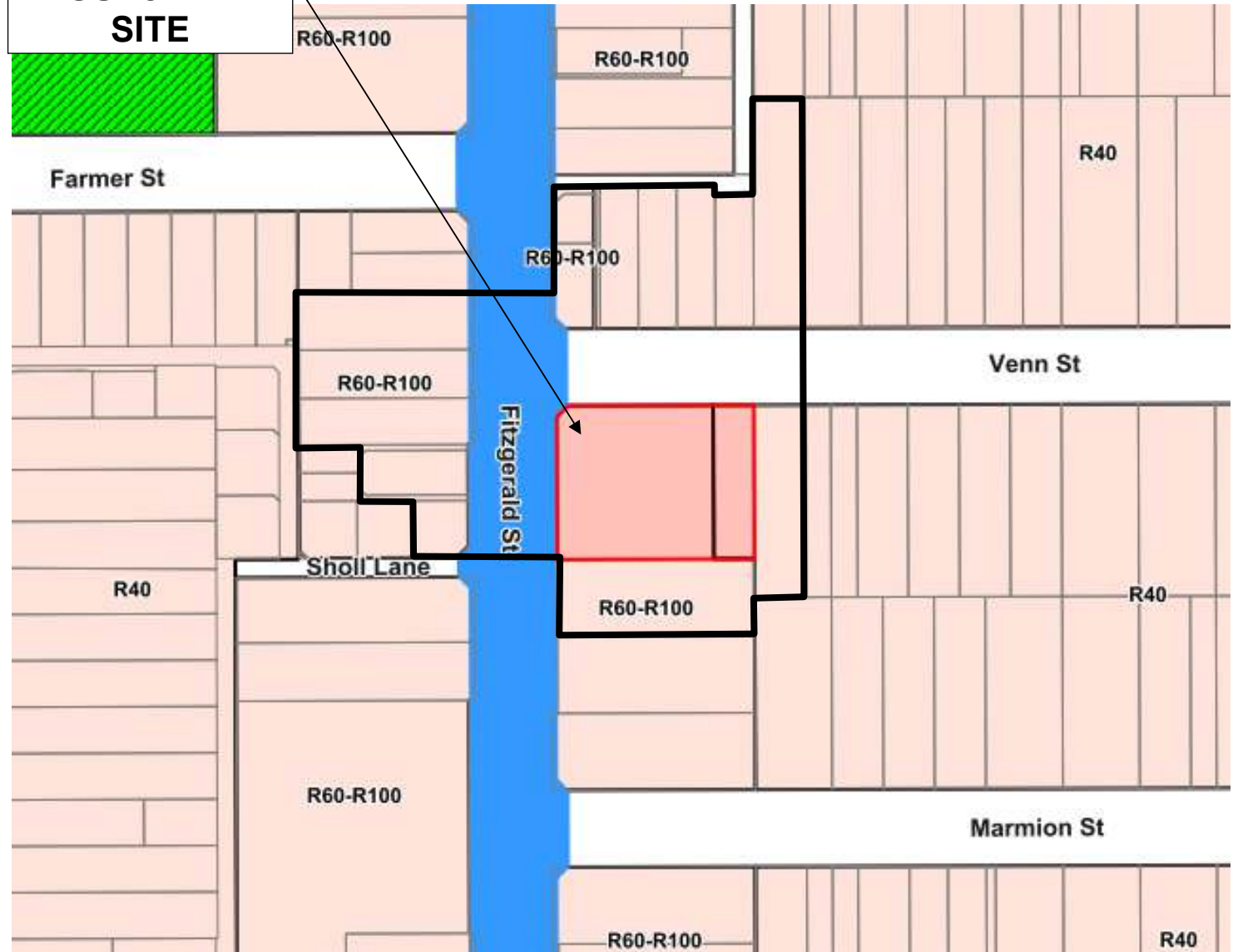
ADDITIONAL USE

-  ADDITIONAL USE

ADDITIONAL INFORMATION & RESIDENTIAL PLANNING CODES

-  CODE AREA BOUNDARY
-  SCHEME AREA BOUNDARY
-  DENSITY CODE

SUBJECT SITE



CITY OF VINCENT

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Consultation and Location Map

No. 500 Fitzgerald Street, North Perth

Extent of Consultation





CITY OF VINCENT

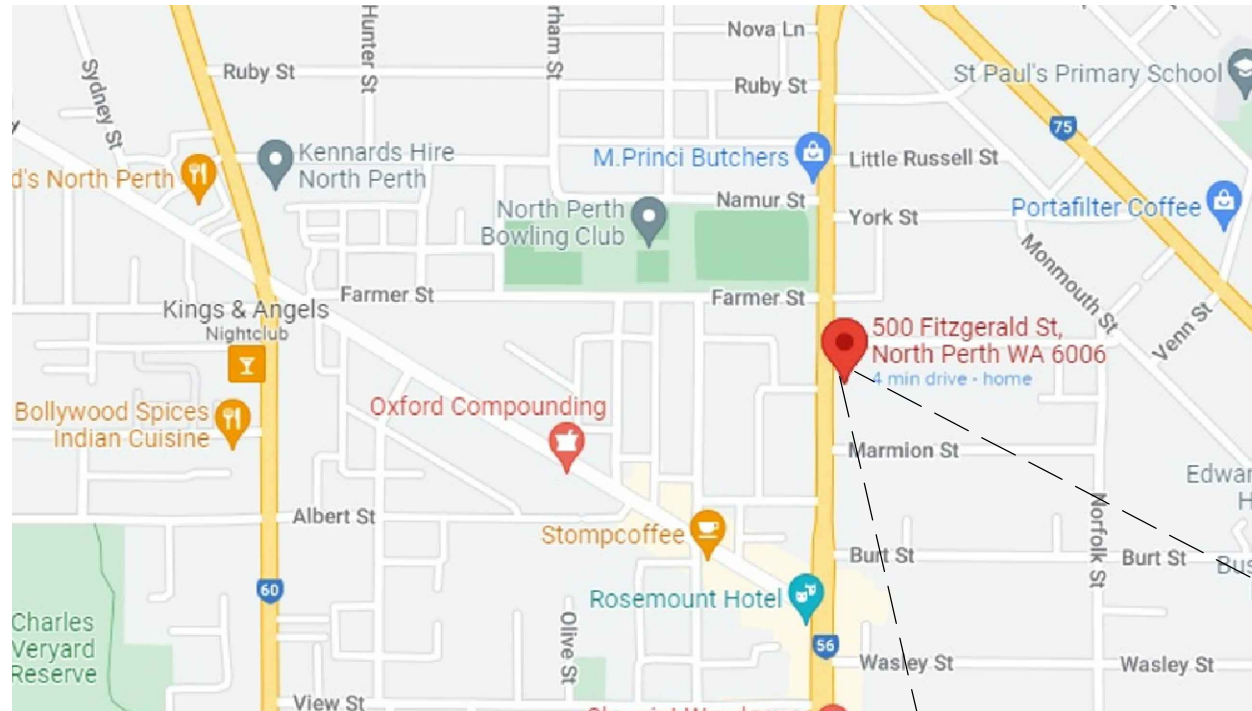
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No. 500 Fitzgerald Street, North Perth



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18 August 2023

SITE PLAN

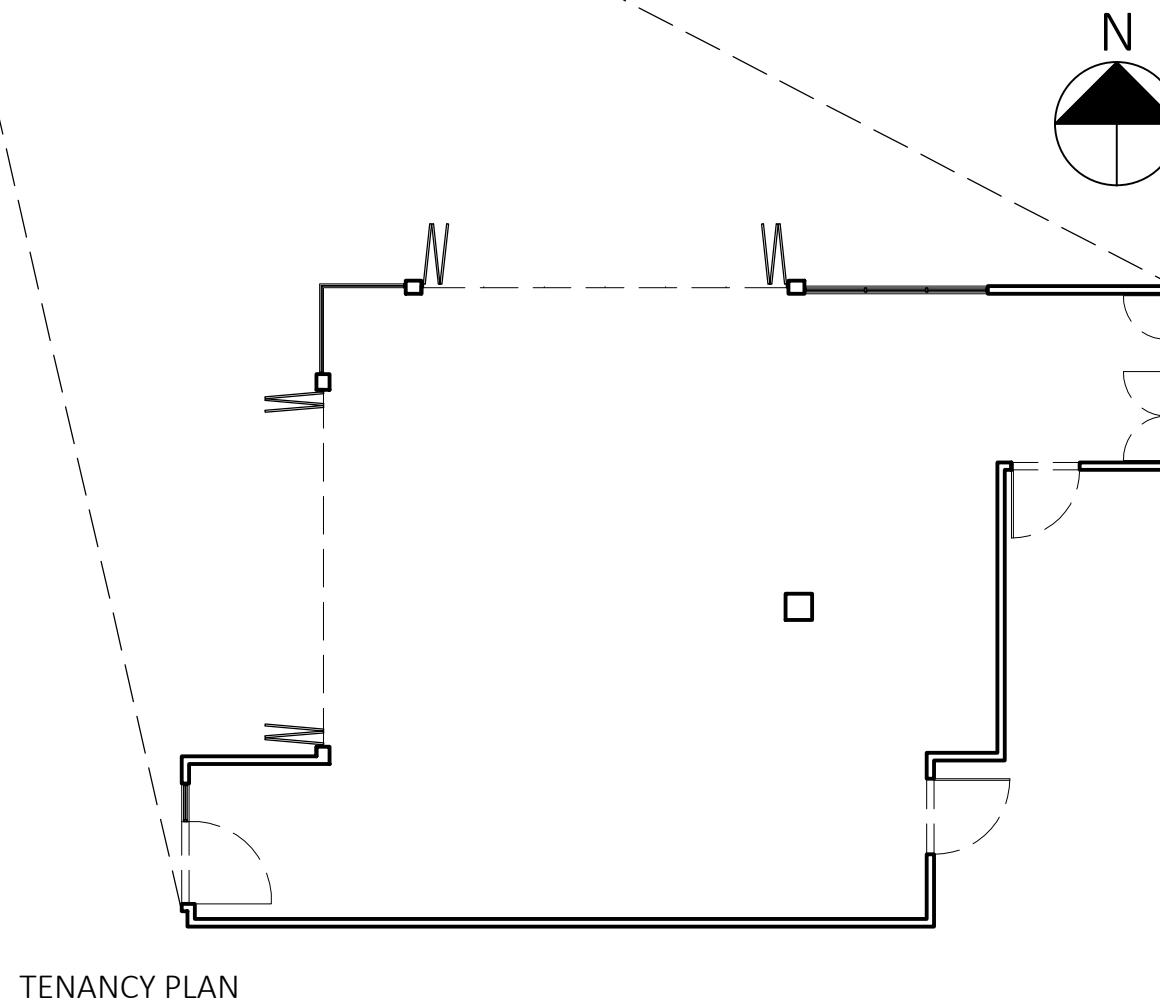



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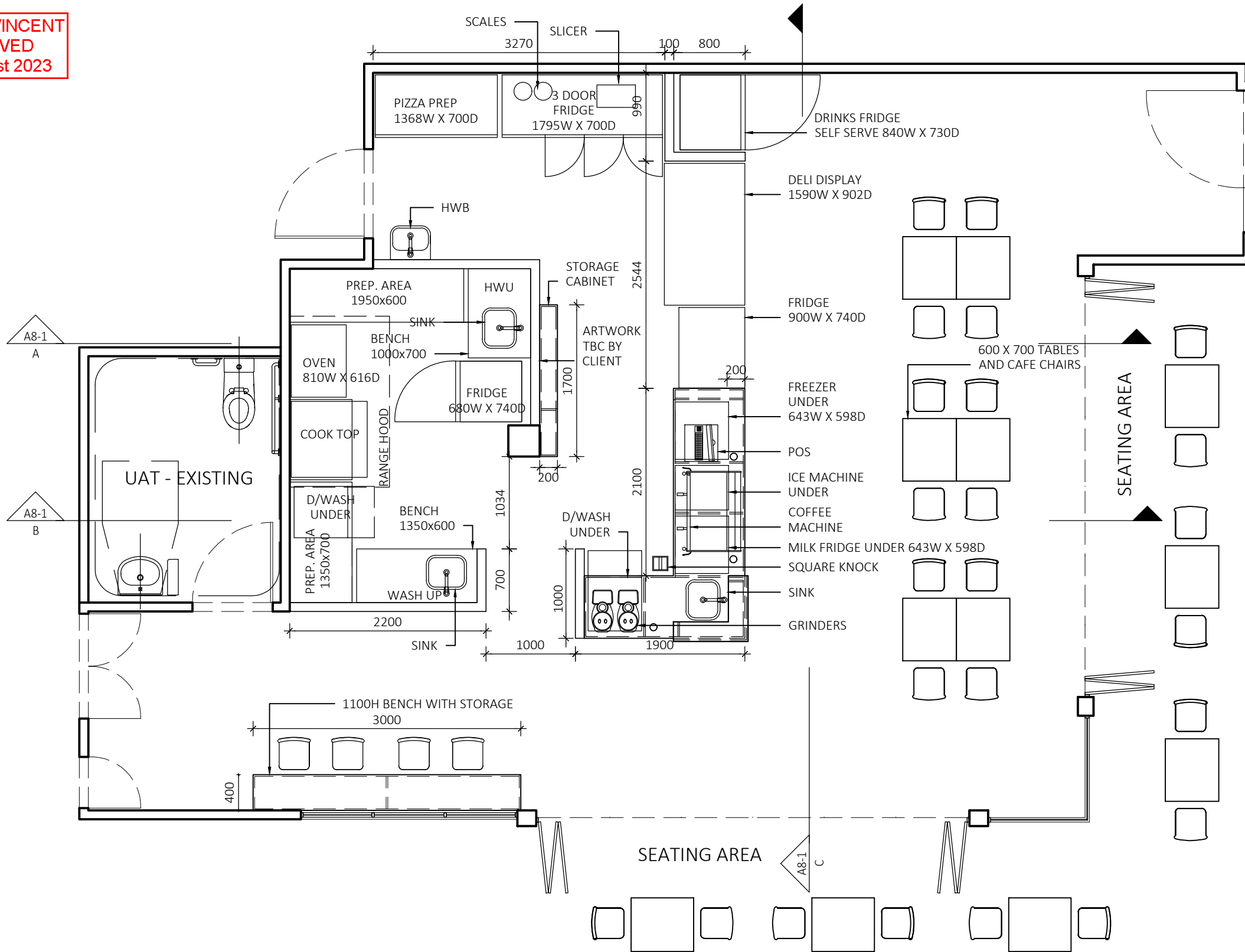


TENANCY PLAN

ISSUED FOR CONSTRUCTION

PROJECT MANAGER AW	
DESIGNER / DRAFTSMAN DN	
PROJECT DESCRIPTION 500 FITZGERALD STREET CAFE	
DRAWING TITLE SITE PLAN + TENANCY PLAN	
NTS	SHEET A3
DATE 02.06.2022	REVISION B
JOB NO: 2022.09	DWG # A0-1

CITY OF VINCENT
RECEIVED
18 August 2023



NOTES:

ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO THE COMMENCEMENT OF ANY WORK
ALL CONTRACTORS TO CONFORM TO ALL BUILDING CODE OF AUSTRALIA, AUSTRALIAN STANDARDS, AND LOCAL COUNCIL REGULATIONS. THESE STANDARDS OVERRIDE ALL DETAILS AND NOTES ON THESE DRAWINGS

ARTIFICIAL LIGHTING TO COMPLY WITH AS1680 BCA PART J6
EXIT SIGNS AND EMERGENCY LIGHTING TO COMPLY WITH AS2293
ALL WORKS TO COMPLY WITH AS1428.1
ELECTRICAL WORKS TO COMPLY WITH AS3000 - **TO BE CERTIFIED AT COMPLETION OF WORKS**
MECHANICAL VENTILATION TO COMPLY WITH AS1688.2
GLAZING TO COMPLY WITH AS1288 - **ENSURE VISIBLE SAFETY STRIP IS INSTALLED**
FIRE SPRINKLERS TO COMPLY WITH AS 2118 - **TO BE CERTIFIED AT COMPLETION OF WORKS**
SMOKE DETECTION / ALARM SYSTEM TO BE AS AS1670 **TO BE CERTIFIED AT COMPLETION OF WORKS**

ALL PRODUCTS, FINISHES AND EQUIPMENT IS TO BE AS SPECIFIED OR SIMILAR APPROVED.
ALL PRODUCTS AND EQUIPMENT TO BE INSTALLED TO MANUFACTURERS RECOMMENDATIONS AND INSTRUCTIONS AND TO AS STANDARDS

EXISTING SERVICE LOCATIONS TO BE CHECKED ON SITE

SLIP RESISTANCE IS REQUIRED TO BE AS SPECIFIED AT HAND OVER TO CLIENT.

MATERIALS AND SURFACE FINISHES TO COMPLY WITH FIRE HAZARD PROPERTIES IN ACCORDANCE WITH C1.10 OF BCA

ALL FINISHES IN WET AREAS TO HAVE WATER PROOF MEMBRANE THAT EXTENDS TO ADJACENT WALL IN ACCORDANCE WITH AS 3740 - 2010

ALL WORK IN FOOD PREPARATION AREAS TO COMPLY WITH AS 4674 - FIT OUT OF FOOD PREMISES

FIRE BLANKETS AND FIRE EXTINGUISHERS TO BE INSTALLED TO AUSTRALIAN STANDARDS

REALEYES DESIGN
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PROJECT MANAGER AW	
DESIGNER / DRAFTSMAN DN	
PROJECT DESCRIPTION 500 FITZGERALD STREET CAFE	
DRAWING TITLE GA PLAN GENERAL ARRAGEMENT	
1:50	SHEET A3
DATE 02.06.2022	REVISION F
JOB NO: 2022.09	DWG # A3-1

ISSUED FOR CONSTRUCTION

APPENDIX 1: PARKING MANAGEMENT PLAN

The purpose of the parking management plan is to assess and consider how the proposal will satisfy the parking demand of the development. Consideration of the existing site and surrounding context is required, as well as management strategies to ensure management of parking areas.

Minimum parking requirements may be waived or varied based on the parking management plan submitted. Justification for waiving or varying the minimum parking requirements is not limited to the elements contained within this template.



Owner / Applicant Details:

Name:	Raffaella D'Alonzo
Address:	1601/19 The Circus, Burswood
Phone:	0476 111 036
Email:	d_raff@outlook.com

Property Details:

Lot No.:	41
Address:	500 Fitzgerald St, North Perth

Parking Allocation:

Please specify for each criteria the number bays allocated to each user group (i.e. staff, customers, accessible, service, etc).

No. car parking spaces:	9
No. short term bicycle bays:	4
No. long term bicycle bays:	4
End-of-trip facilities:	0
No. other parking: e.g., scooters	0

Parking Demand:

Please specify the anticipated parking demand for the development.

Anticipated no. of staff at any one time:	1
Anticipated no. of customers at any one time:	36
Likelihood of multipurpose trips:	NO

Alternative transport options:

Please consider alternative ways people may be able to access your site. The Journey Planner website may provide some assistance.

Train: Where is the nearest station, how far is this from your site, and is the route provided with footpath access and shade?	N/A
Bus: Where is the nearest bus stop, how far is this from your site and how frequent is the bus during peak periods?	50 meters from cafe every 5 mins



<p>Cycling: Is there a cycle path that accesses your site, are there existing facilities cyclists can use?</p>	<p>N/A</p>
<p>Public parking: Are there public parking facilities (on-street or car parks) in the vicinity of the site? How many bays are available and are there any parking restrictions? Note: use of on-street parking within residential streets will not be supported.</p>	<p>There is ample parking at Woodville Reserve, which is 50 meters from La Mortazza Cafe; from our understanding there are no parking restrictions.</p>
<p>Shared parking arrangement: Clause 77Q of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 outlines the matters that the local government may have regard for when determining whether to approve a shared parking arrangement, including:</p>	
<p>Whether the peak operation hours of the development will overlap with those of the shared site.</p>	
<p>Whether the use of the car parking spaces to be made available on the shared site will impede the use of delivery or service areas on the shared site.</p>	
<p>Any relevant local planning policy.</p>	
<p>Adequate car parking is likely to be available at all times for both the proposed development and the shared site.</p>	
<p>The relationship between the proposed development and the shared site will be such that the shared car parking spaces are likely to be used by persons using the proposed development.</p>	
<p>Parking Management Strategies: Please detail any parking management strategies that will be implemented such as management or tandem bays, way finding.</p>	
<p>General Strategies Bay allocation and marking, time limited parking, fees payable.</p>	<p>1-time limited parking on Venn Street 2- signage on Venn Street stating additional parking at Woodville Reserve (50 meters away from the cafe)</p>
<p>Management and maintenance of parking (including car stackers)</p>	
<p>Management of tandem parking for staff / tenants</p>	
<p>Wayfinding measures</p>	
<p>Promotion of alternative transport modes: I.e. The provision of well-maintained bicycle and end of trip facilities, use of active transport initiatives or public transport promotion.</p>	<p>there are few promotions of alternative transport mode such as: 1-bicycle: we have 4 bicycle racks available for all customers within 5 meters from the cafe (in the property) 2-bus: there is a bus stop within the 50 meters from the cafe, which would allow the customers to reach the cafe without the hassle of parking their cars</p>

Service Bays

Please detail how service vehicles will be accommodated

No. service bays provided: Private and/or shared	N/A
Expected no. of delivery's: Include schedule of deliveries (i.e. days, times)	2 times a week Tuesdays and Thursdays approx 8am
Management of shared service bays: Include requirements of other tenancies, demonstrating there will no conflict.	
Other Sign marking, etc	

Key findings from Traffic Impact Statement / Assessment

THE EXISTING CONDITIONS INCLUDES PARKING FOR CUSTOMERS ON VENN STREET (2 HOURS LIMIT PARKING) OR IN THE VICINITY (9 BAYS ON SITE AND THE WOODVILLE RESERVE ACROSS THE ROAD) THE PEAK-HOUR CONGESTION IS OBSERVED NEAR THE CAFE FROM 11AM TO 2PM.
DAILY CUSTOMERS: 90 PAX WEEKDAYS AND 120 PAX WEEKENDS.
THE MITIGATION MEASURE CAN BE TAKEN BY EDUCATING OUR CUSTOMERS TO PARK THEIR VEHICLE AT THE WOODVILLE RESERVE ACROSS THE ROAD OF THE CAFE, AND USING THE BUS AS AN OPTION. ANOTHER POTENTIAL MITIGATION MEASURE COULD BE THE IMPLEMENTATION OF VERGE PARKING ON VENN STREET, WHICH CAN CREATE 3 EXTRA BAYS. AT THE MOMENT WE HAVE 4 STREET BAYS, WHICH COULD BECOME 7 BY IMPLEMENTING THE VERGE AS CARBAYS, WHICH WILL ALSO FREE UP THE BOTTLE NECK IN THE INTERSECTION OF VENN STRFEET AND FITZGERALD STREET.

Justification for vehicle parking bays not satisfying the ratios stipulated in Table 1.

we have a 2 hour parking limit on Venn Street which will help turn over vehicles and the ample parking at Woodville Reserve would be sufficient enough.

Office Use Only

Responsible Officer	Manager Policy & Place
Initial Council Adoption	06/03/2018
Previous Title	Policy No. 7.7.1 Non-Residential Parking Requirements
Reviewed / Amended	01/2023
Next Review Date	2027



Planning and Development Act 2005

City of Vincent Local Planning Scheme No. 2

Metro West Joint Development Assessment Panel

**Determination on Development Assessment Panel
Application for Planning Approval**

Property Location: Lots 1 (504), 2 (502) and 3 (500) Fitzgerald Street and Lots 27-28 (45) Venn Street, North Perth

Application Details: 18 Multiple Dwellings and Restaurant/Café

In accordance with regulation 8 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the above application for planning approval was **granted** on 11 July 2018, subject to the following:

1. **Approve** DAP Application reference DAP/18/01359 and accompanying plans (Attachment 7) in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the *City of Vincent Local Planning Scheme No. 2*, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.
2. Use of Premises
 - 2.1 The use of the tenancy marked as 'Café' on the plans dated 8th June 2018, shall be used in accordance with the definition of Restaurant/Café as defined in the City of Vincent's Local Planning Scheme No.2;
 - 2.2 The Café shall have a maximum of 20 patrons at any one time;
 - 2.3 The hours of operation for the café shall be limited to 8.00am to 5.00pm; and
 - 2.4 All deliveries shall be limited to 7:00am to 2:00pm Monday to Friday.
3. External Fixtures

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.



4. Car Parking and Access

- 4.1 30 car bays shall be provided, including a disabled access bay, as shown on the plans;
- 4.2 A bicycle location plan providing a minimum of two residential bicycle bays shall be lodged with and approved by the City prior to the commencement of the development. The bicycle facilities shall be designed in accordance with AS2890.3;
- 4.3 Vehicle and pedestrian access points are required to match into existing footpath levels.
- 4.4 The car parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to the occupation or use of the development;
- 4.5 All visitor bays shall be marked and permanently set aside as such, as required by the Residential Design Codes of WA.
- 4.6 The applicant is to agree in writing that a notice is placed on the Sales Contract to advise prospective purchasers that the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential dwellings under Policy No. 3.9.3 – Parking Permits;
- 4.8 The car park shall be used only by residents and visitors directly associated with the development; and
- 4.9 No vehicular access from the site is permitted from Fitzgerald Street. All vehicular access should be from Venn Street.

5. Parking Management Plan

- 5.1 Prior to occupation of the development a Parking Management Plan shall be submitted to and approved by the City. The Parking Management Plan shall be prepared by a qualified parking consultant.
- 5.2 A management plan for the delivery and service vehicle movements, relating to the proposed café, shall be submitted to the City for its approval prior to the occupation of the development. The plan shall address:
 - i. Hours of delivery and service vehicles, Monday to Friday;
 - ii. Movements of delivery vehicles to ensure that they do not restrict access to the car parking bays for the proposed development and to ensure that they do not obstruct the vehicle movements on Fitzgerald Street and Venn Street; and
 - iii. The Management Plans as identified in Conditions 5.1 and 5.2 above shall be implemented and the development shall be carried



out in accordance with the plans, to the satisfaction of the City at the expense of the owners/occupiers.

6. Stormwater

6.1 All stormwater produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City.

7. Verge Trees

7.1 No verge trees shall be removed without prior written approval of the City. The verge trees shall be retained and protected from damage including unauthorised pruning to the satisfaction of the City; and

8. Ground Floor Design

8.1 Windows, doors and adjacent areas of the Café fronting Venn Street and Fitzgerald Street shall provide an active and interactive relationship with the street to the satisfaction of the City and shall be maintained thereafter to the satisfaction of the City. Darked, obscured, mirror or tinted glass of the like is prohibited.

9. Acoustic Report and Noise Management

9.1 All of the recommended measures included in the approved Acoustic Report (Herring Storer Acoustics, June 2018) shall be implemented as part of the development, to the satisfaction of the City prior to the commencement of the use or occupation of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers.

10. Screening

10.1 The proposed screening devices depicted on the balconies of the upper floors to the northern and western elevations are to be comply with the requirements of State Planning Policy 3.1 Residential Design Codes and implemented prior to the practical completion of the development.

11. Landscape and Reticulation Plan

11.1 A detailed landscape and reticulation plan for the development site and adjoining road verge is be lodged with and approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:

- i. The location and type of existing and proposed trees and plants;
- ii. Areas to be irrigated or reticulated; and
- iii. Deep Soil Zones.

11.2 All works shown in the plans as identified in Condition 11.1 above shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and



maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers.

12. Schedule of External Finishes

12.1 Prior to commencement of development a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted to and approved by the City. The development shall be finished in accordance with the approved schedule prior to the use or occupation of the development.

13. Clothes Drying Facilities

13.1 All external clothes drying areas shall be adequately screened in accordance with State Planning Policy 3.1 Residential Design Codes prior to the use or occupation of the development and shall be completed to the satisfaction of the City.

14. Construction Management Plan

14.1 A Construction Management Plan shall be submitted to and approved by the City prior to any works commencing on the site. The Construction Management Plan is required to address the following concerns:

- i. Public safety, amenity and site security;
- ii. Contact details of essential site personnel;
- iii. Construction operating hours;
- iv. Noise control and vibration management;
- v. Dilapidation Reports of nearby properties;
- vi. Air and dust management;
- vii. Stormwater and sediment control;
- viii. Soil excavation method;
- ix. Waste management and materials re-use;
- x. Traffic and access management;
- xi. Parking arrangements for contractors and subcontractors;
- xii. Consultation Plan with nearby properties; and
- xiii. Compliance with AS 4970 – 2009 relating to the protection of trees on development sites

That relates to any works to take place on the site.

15. Public Art

15.1 Percent for public art contribution of \$50,000 being one percent of the total \$5 million value of the development, in accordance with the Policy No. 7.5.13 - Percent for Art shall be allocated towards public art prior to the commencement of the development;

15.2 Confirmation in writing outlining how the proposed development will comply with the City's Policy 7.5.13 – Percent For Art shall be submitted prior to commencement of development; and

15.3 Public art shall be approved by the City and fully installed or alternatively a cash-in-lieu payment made prior to occupation of the development.



16. Waste Management

- 16.1 A Waste Management Plan prepared to the satisfaction of the City shall be submitted and approved by the City; and
- 16.2 Waste management for the development shall thereafter comply with the approved Waste Management Plan.

17. Dust

- 17.1 The applicant shall undertake adequate measures to minimise any impacts of dust and sand drift from the site to the satisfaction of the City.

18. General

- 18.1 Conditions that have a time limitation for compliance, and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exist.

Advice Notes

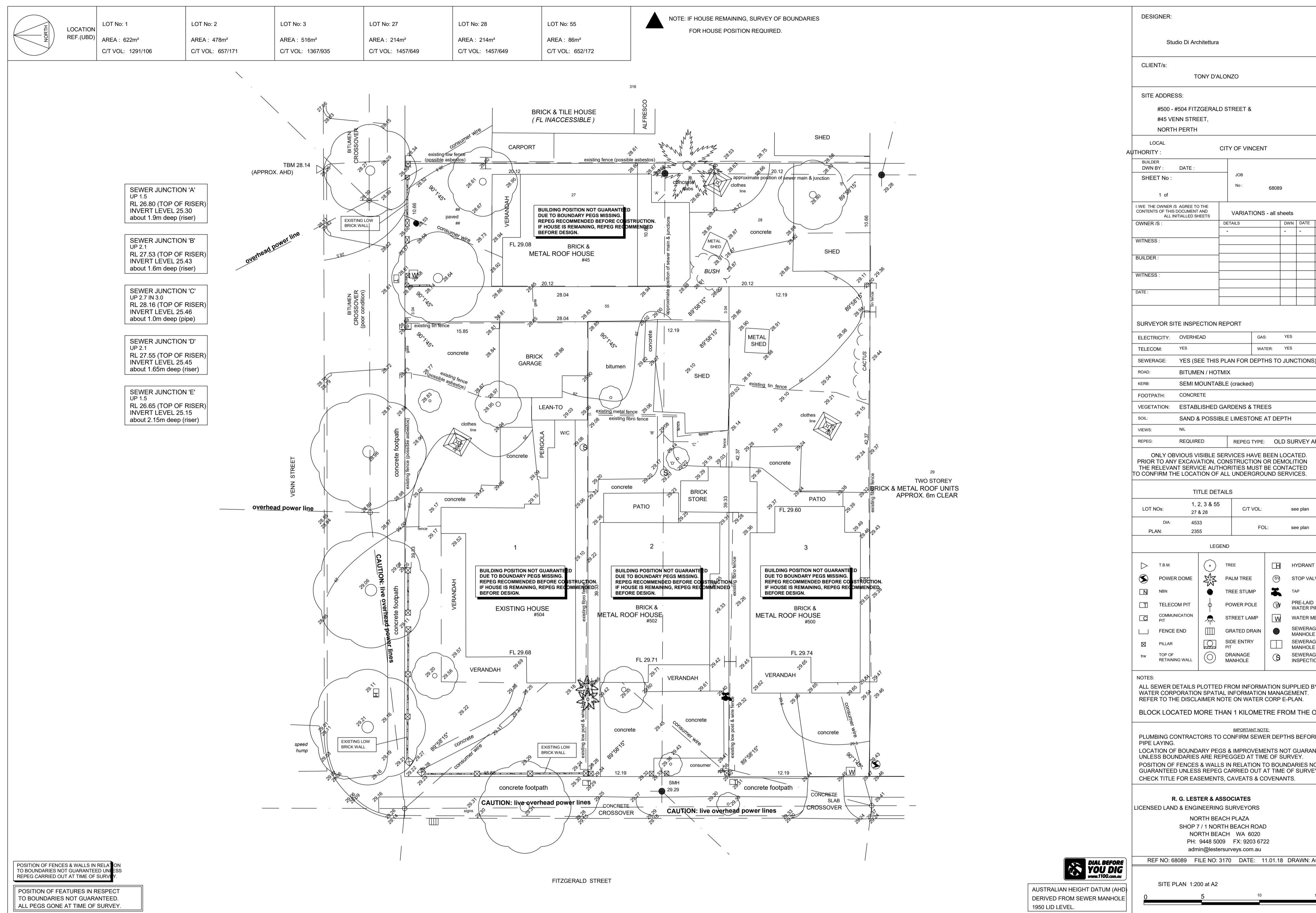
1. This is a development approval only and is issued under the City of Vincent Local Planning Scheme No.2 and the Western Australian Planning Commission's Metropolitan Region Scheme. It is the proponent's responsibility to comply with all other applicable legislation and obtain all required approvals, licences and permits prior to commencement of this development.
2. This development approval does not take into account any restrictive covenants. It is the proponent's responsibility to ensure that the development will not result in a conflict of contractual obligations.
3. An Infrastructure Protection Bond for the sum of \$3000 together with a non-refundable inspection fee of \$100 shall be lodged with the City by the applicant, prior to commencement of works, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the bond shall be made in writing. The bond is non-transferable.
4. 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.
5. 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 1.5m) shall be maintained for all users at all times during construction works. Permits are required for placement of any material within the road reserve.
6. With respect to the Stormwater, no further consideration shall be given to the disposal of storm water 'off site' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of storm water 'off site'



be subsequently provided, detailed design drainage plans and associated calculations for the proposed storm water disposal shall be lodged together with the building permit application working drawings.

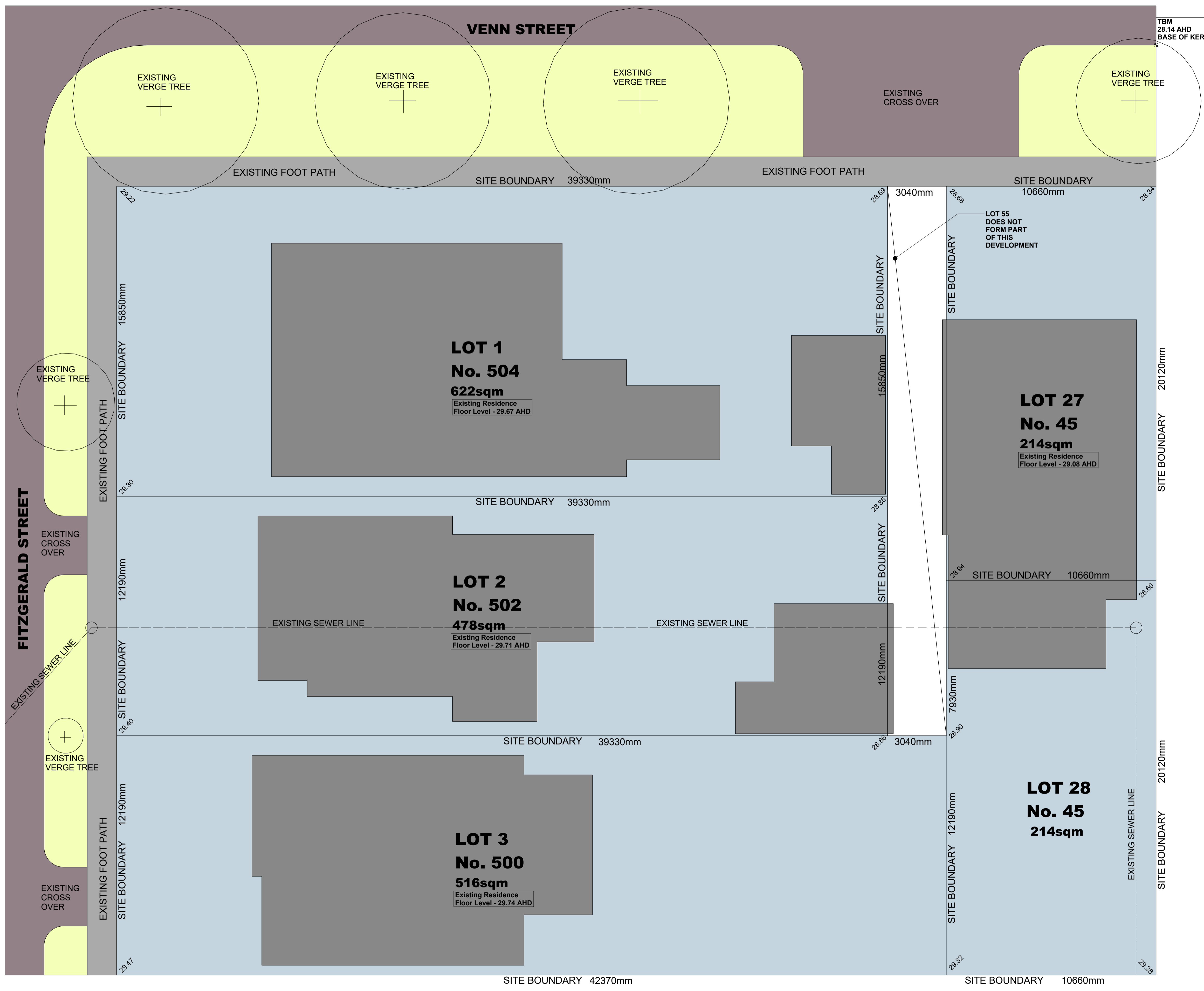
7. With respect to the dust and sand drift condition, adequate measures to minimise any impacts of dust and sand drift from the site include all requirements as stipulated within the Department of Environmental Regulation's 'A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities'.
8. The City accepts no liability for the relocation of any public utility and/or any other services that may be required as a consequence of this development. The applicant/owner shall ensure that the location of all services is identified prior to submitting an application for a building permit. The cost of relocated any services shall be borne by the applicant/owner.
9. The applicant and owner are advised that sufficient parking can be provided on the subject site and as such the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential dwellings. This information should be provided to all prospective purchasers and it is recommended that a notice be placed on Sales Contracts to advise purchasers of this restriction.
10. The sound insulation recommendations should be submitted and approved prior to the issue of a Building Permit. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' cost.
11. 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;
12. 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; and
13. 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.

Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the *Planning and Development (Development Assessment Panels) Regulations 2011*.



MIXED USE DEVELOPMENT - LOT 1 to 3 (No 500 to 504) FITZGERALD STREET & LOT 27 to 28 (No. 45) VENN STREET NORTH PERTH

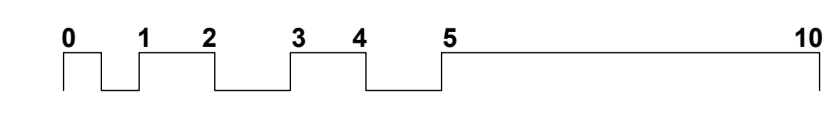
SITE SURVEY DRAWING
SCALE 1:200 @ A1 SIZE

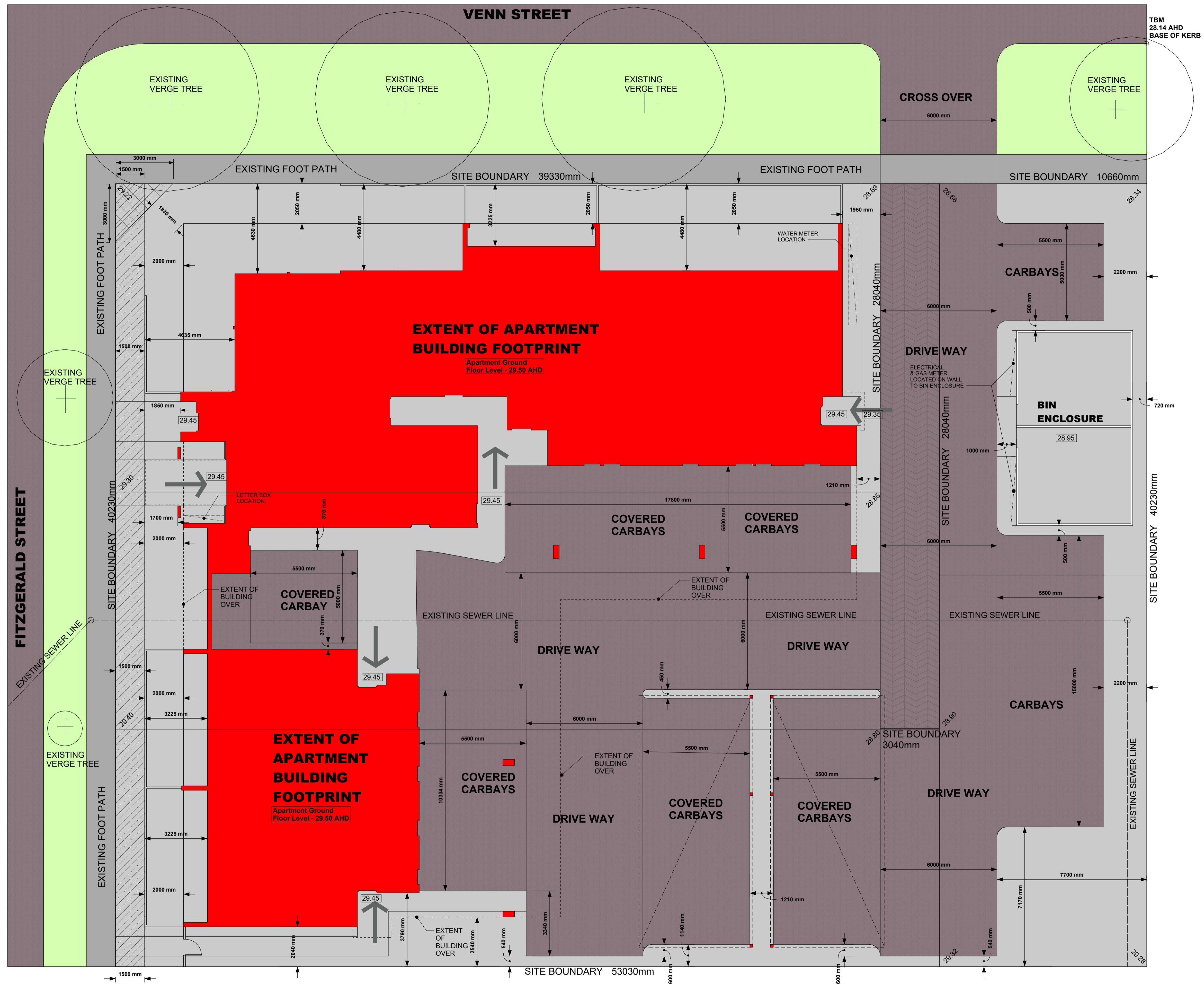


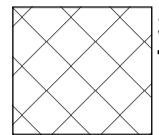
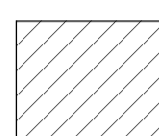

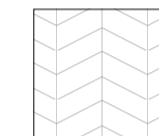
MIXED USE DEVELOPMENT - LOT 1 to 3 (No 500 to 504) FITZGERALD STREET & LOT 27 to 28 (No. 45) VENN STREET NORTH PERTH



EXISTING SITE PLAN
SCALE 1:100 @ A1 SIZE





-  3m x 3m TRUNCATION
-  1.5m FUTURE ROAD WIDENING
-  BUILDING FOOT PRINT
-  3.04m Wide R.O.W. with LEGAL ACCESS RIGHT

MIXED USE DEVELOPMENT - LOT 1 to 3 (No 500 to 504) FITZGERALD STREET & LOT 27 to 28 (No. 45) VENN STREET NORTH PERTH



SITE PLAN
SCALE 1:100 @ A1 SIZE





LEGEND:

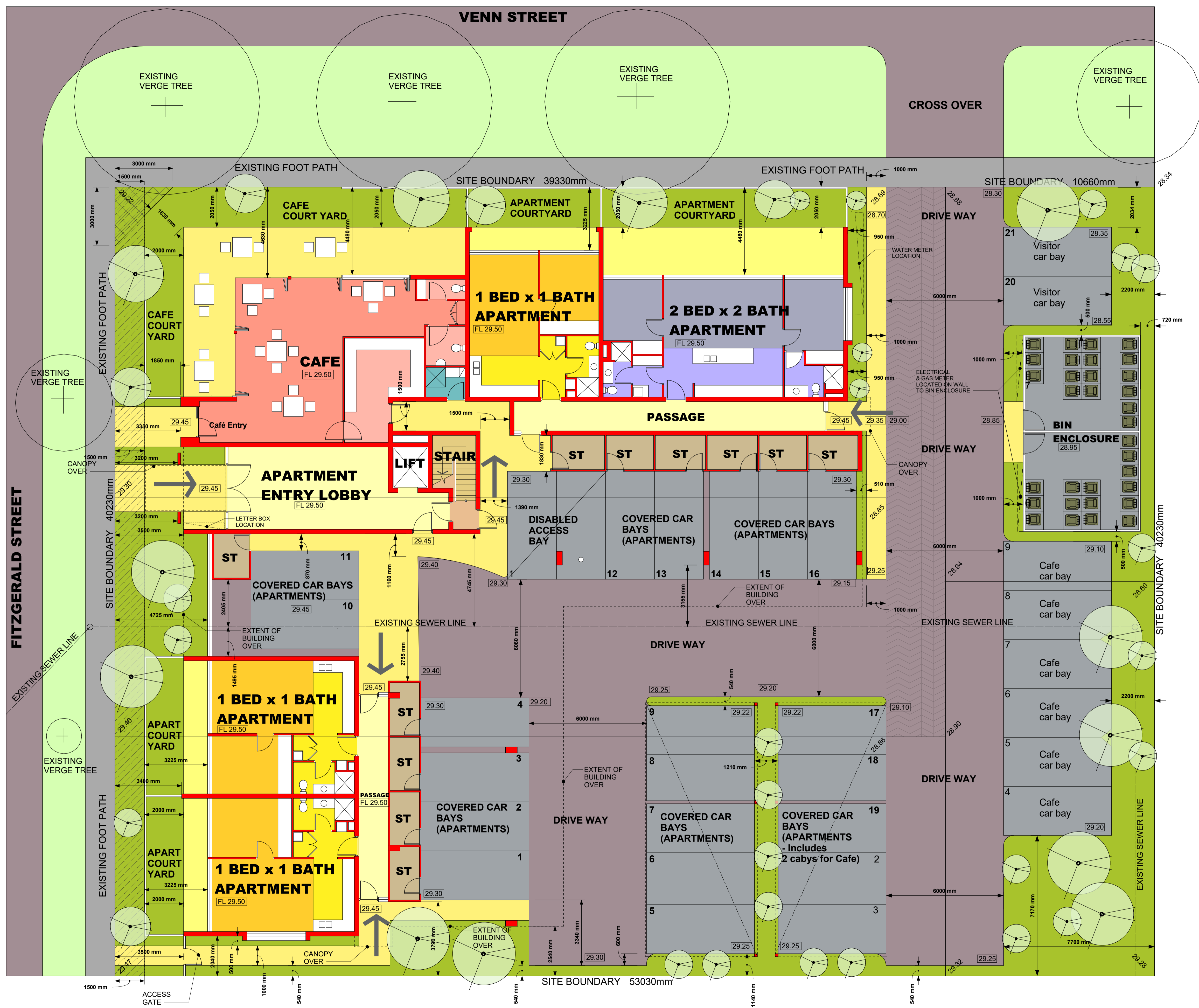
- 1. Single House - 1 Storey
- 2. Single House - 2 Storey
- C. Carport
- 2G. Grouped Dwelling - 2 Storey
- 3M. Multiple Dwelling - 3 Storey
- G. Garden Shed

MIXED USE DEVELOPMENT - LOT 1 to 3 (No 500 to 504) FITZGERALD STREET & LOT 27 to 28 (No. 45) VENN STREET NORTH PERTH



SITE ANALYSIS PLAN
SCALE 1:500 @ A1 SIZE

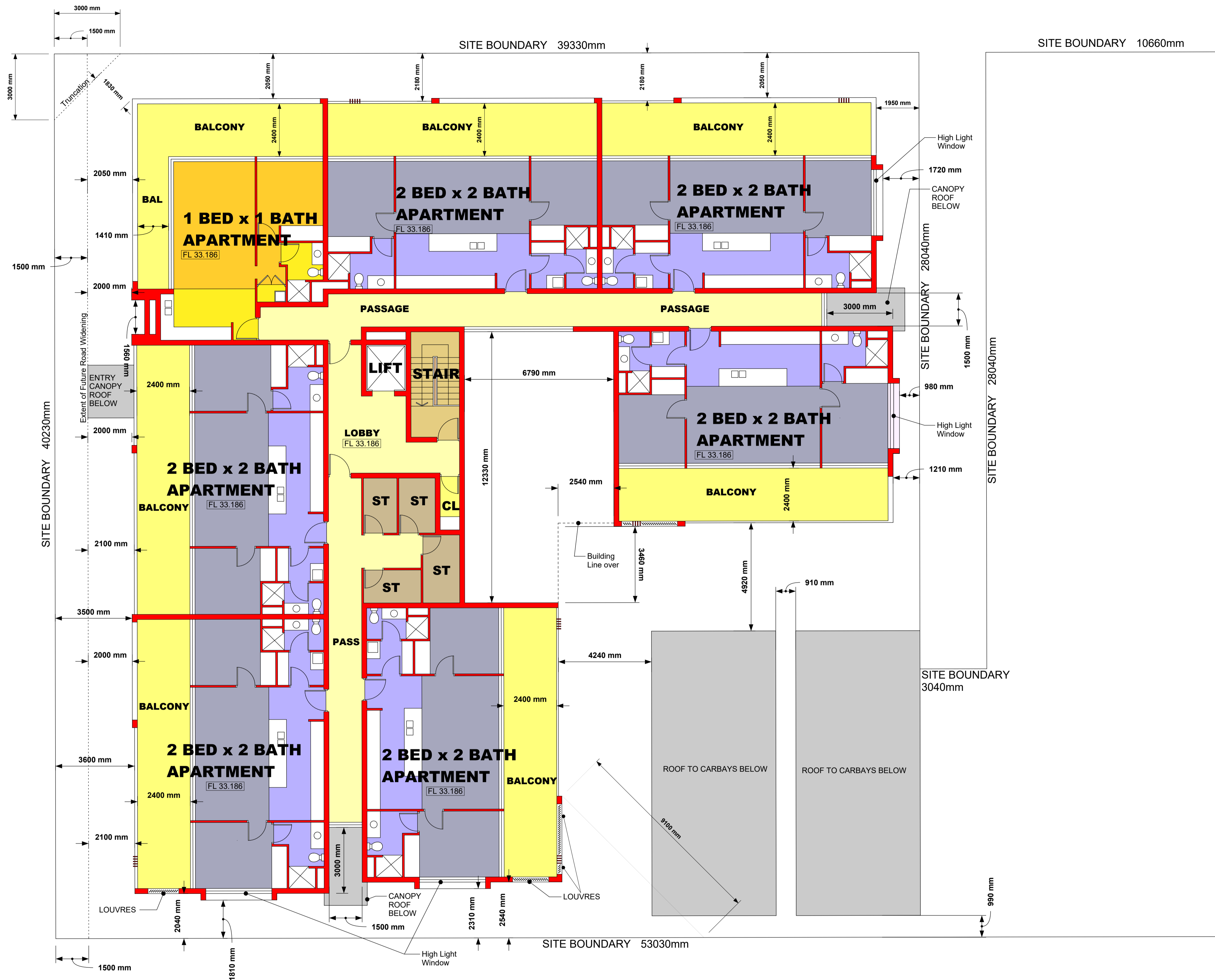




- 3m x 3m TRUNCATION
- 1.5m FUTURE ROAD WIDENING
- Apartment & Cafe Ground Floor Level - 29.50 AHD
- Total 21 Car bays for Apartments
19 Car bays + 2 Visitor Bays Allocated to the Apartments.
- Total 9 Car bays allocated for Cafe (including Disabled Carbay)
- Total 30 Car bays on site
- 3.04m Wide R.O.W. with LEGAL ACCESS RIGHT

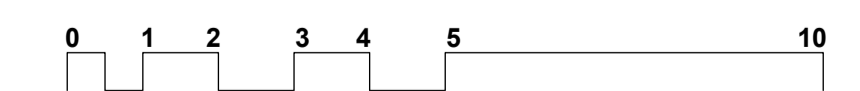
MIXED USE DEVELOPMENT - LOT 1 to 3 (No 500 to 504) FITZGERALD STREET & LOT 27 to 28 (No. 45) VENN STREET NORTH PERTH

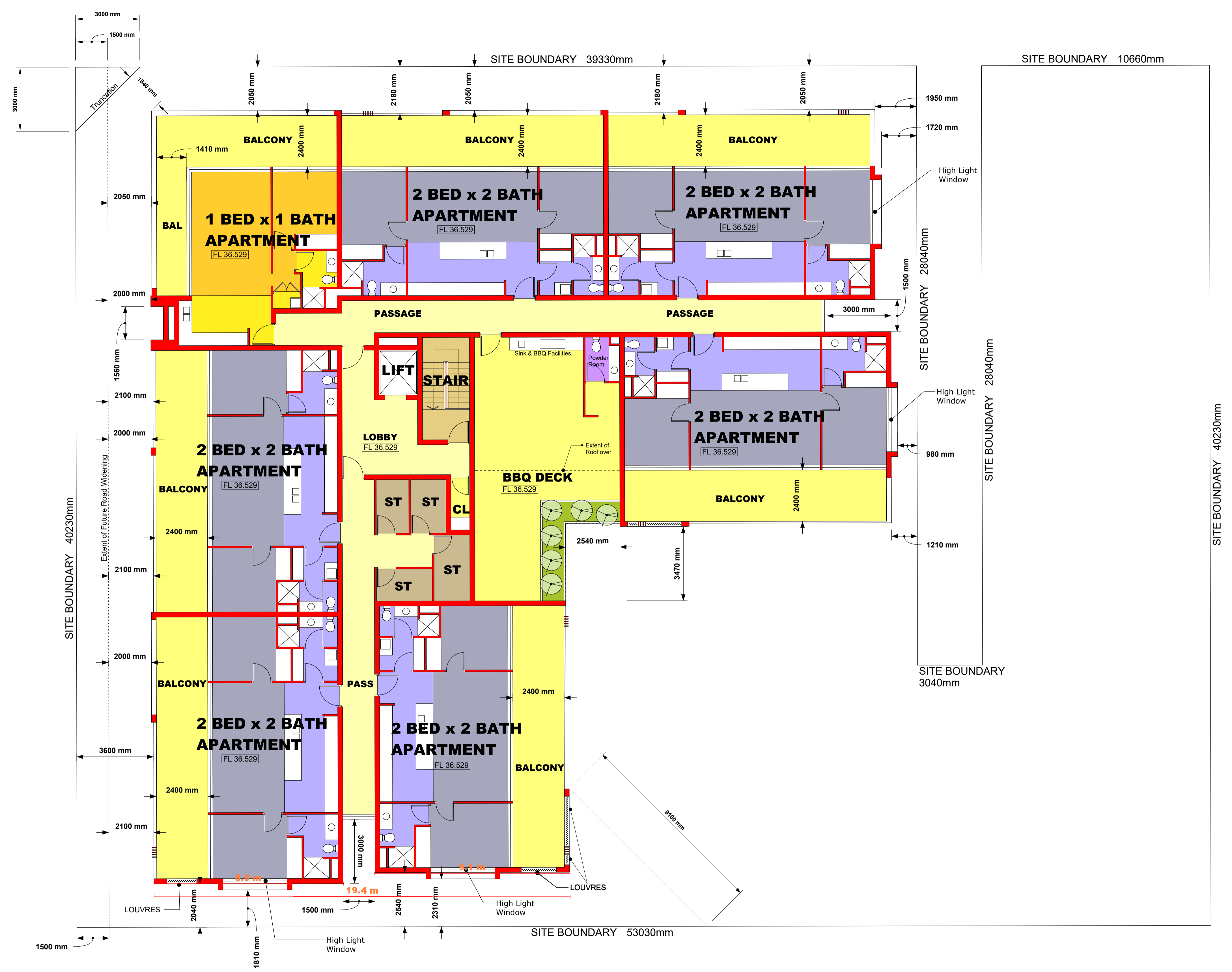
GROUND FLOOR PLAN
 SCALE 1:100 @ A1 SIZE



MIXED USE DEVELOPMENT - LOT 1 to 3 (No 500 to 504) FITZGERALD STREET & LOT 27 to 28 (No. 45) VENN STREET NORTH PERTH

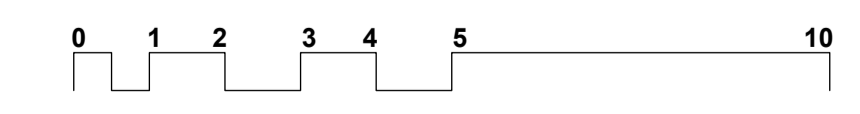
1st FLOOR PLAN
SCALE 1:100 @ A1 SIZE





MIXED USE DEVELOPMENT - LOT 1 to 3 (No 500 to 504) FITZGERALD STREET & LOT 27 to 28 (No. 45) VENN STREET NORTH PERTH

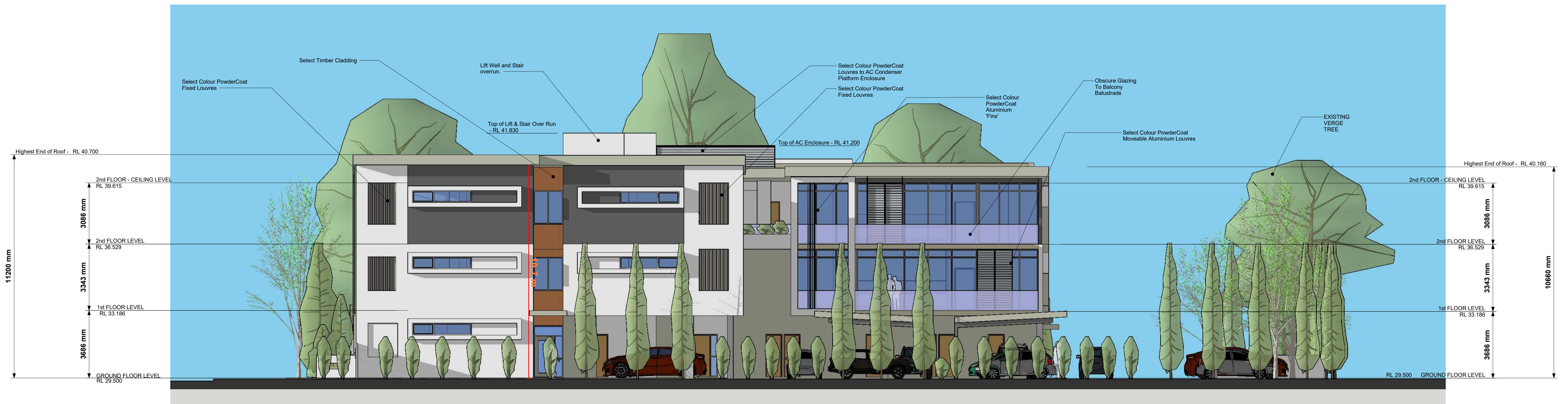
2nd FLOOR PLAN
 SCALE 1:100 @ A1 SIZE





FITZGERALD STREET ELEVATION (WEST ELEVATION)

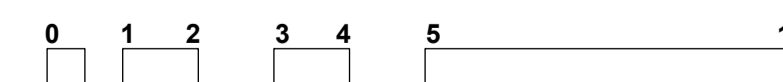
SCALE 1:100 @ A1 SIZE



SOUTH ELEVATION

SCALE 1:100 @ A1 SIZE

MIXED USE DEVELOPMENT - LOT 1 to 3 (No 500 to 504) FITZGERALD STREET & LOT 27 to 28 (No. 45) VENN STREET NORTH PERTH

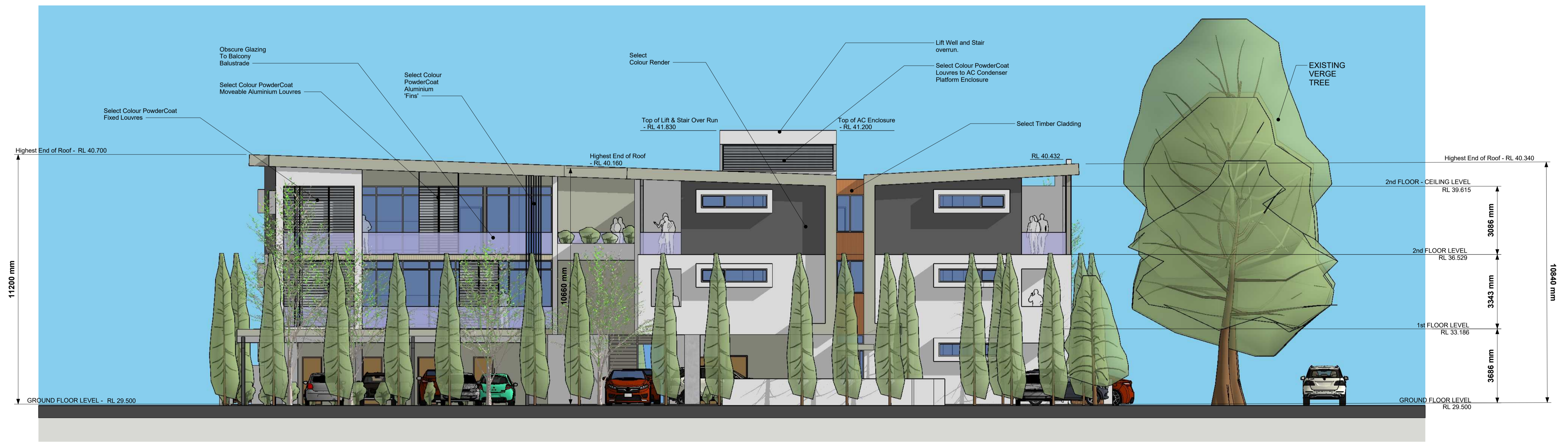


ELEVATIONS

SCALE 1:100 @ A1 SIZE

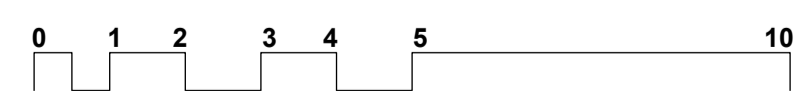


VENN STREET ELEVATION (NORTH ELEVATION)
SCALE 1:100 @ A1 SIZE

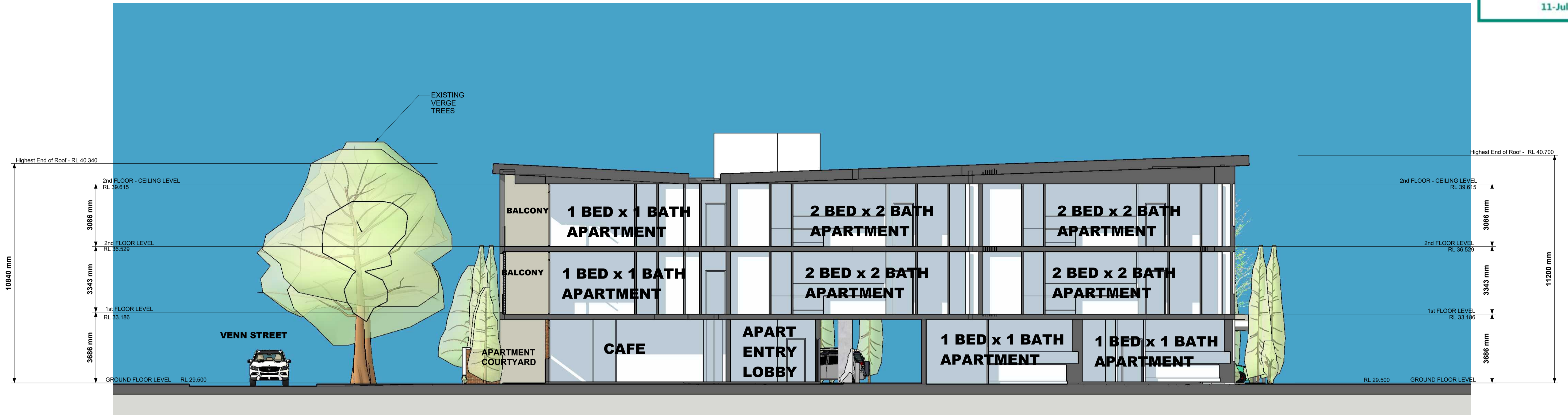


EAST ELEVATION
SCALE 1:100 @ A1 SIZE

MIXED USE DEVELOPMENT - LOT 1 to 3 (No 500 to 504) FITZGERALD STREET & LOT 27 to 28 (No. 45) VENN STREET NORTH PERTH

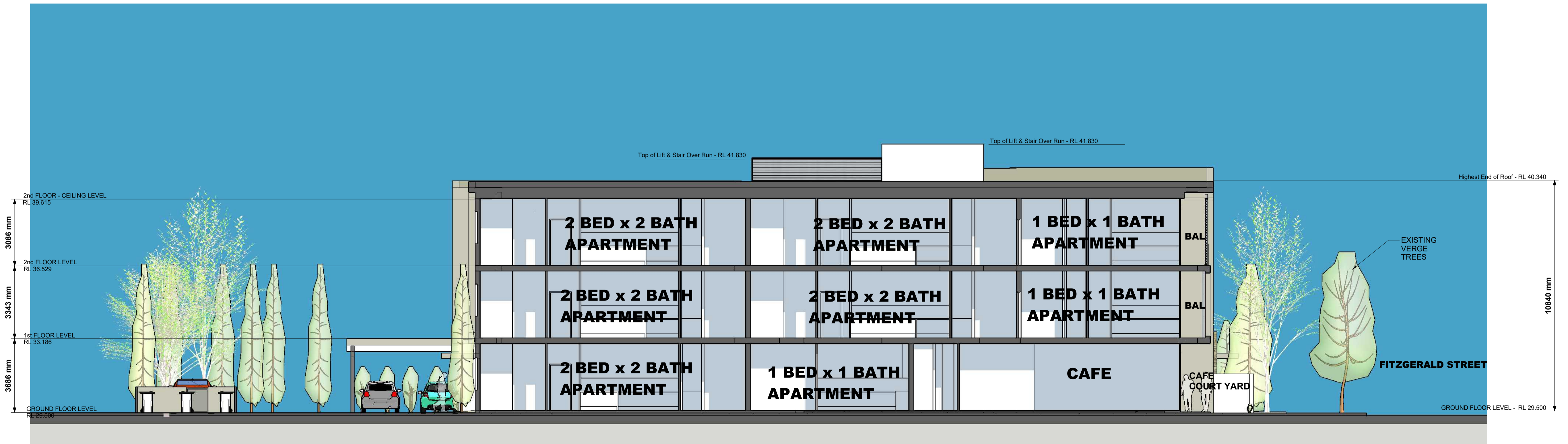


ELEVATIONS
SCALE 1:100 @ A1 SIZE



NORTH - SOUTH SECTION

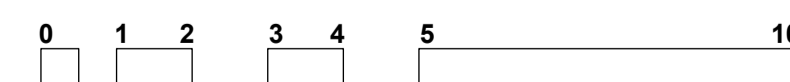
SCALE 1:100 @ A1 SIZE



EAST - WEST SECTION

SCALE 1:100 @ A1 SIZE

MIXED USE DEVELOPMENT - LOT 1 to 3 (No 500 to 504) FITZGERALD STREET & LOT 27 to 28 (No. 45) VENN STREET NORTH PERTH



SECTIONS

SCALE 1:100 @ A1 SIZE



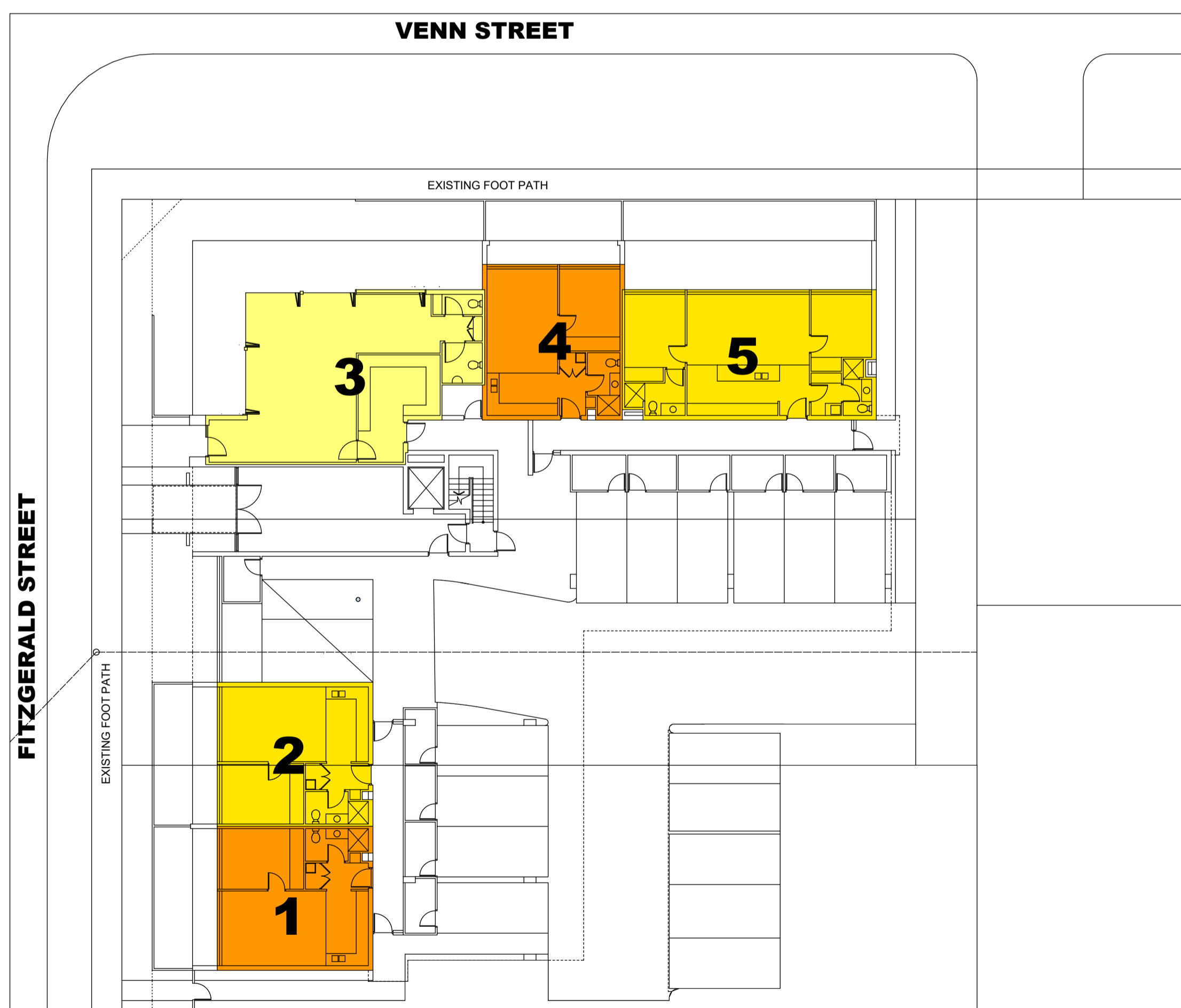
PLOT RATIO AREAS - 1st FLOOR
SCALE 1:200 @ A1 SIZE



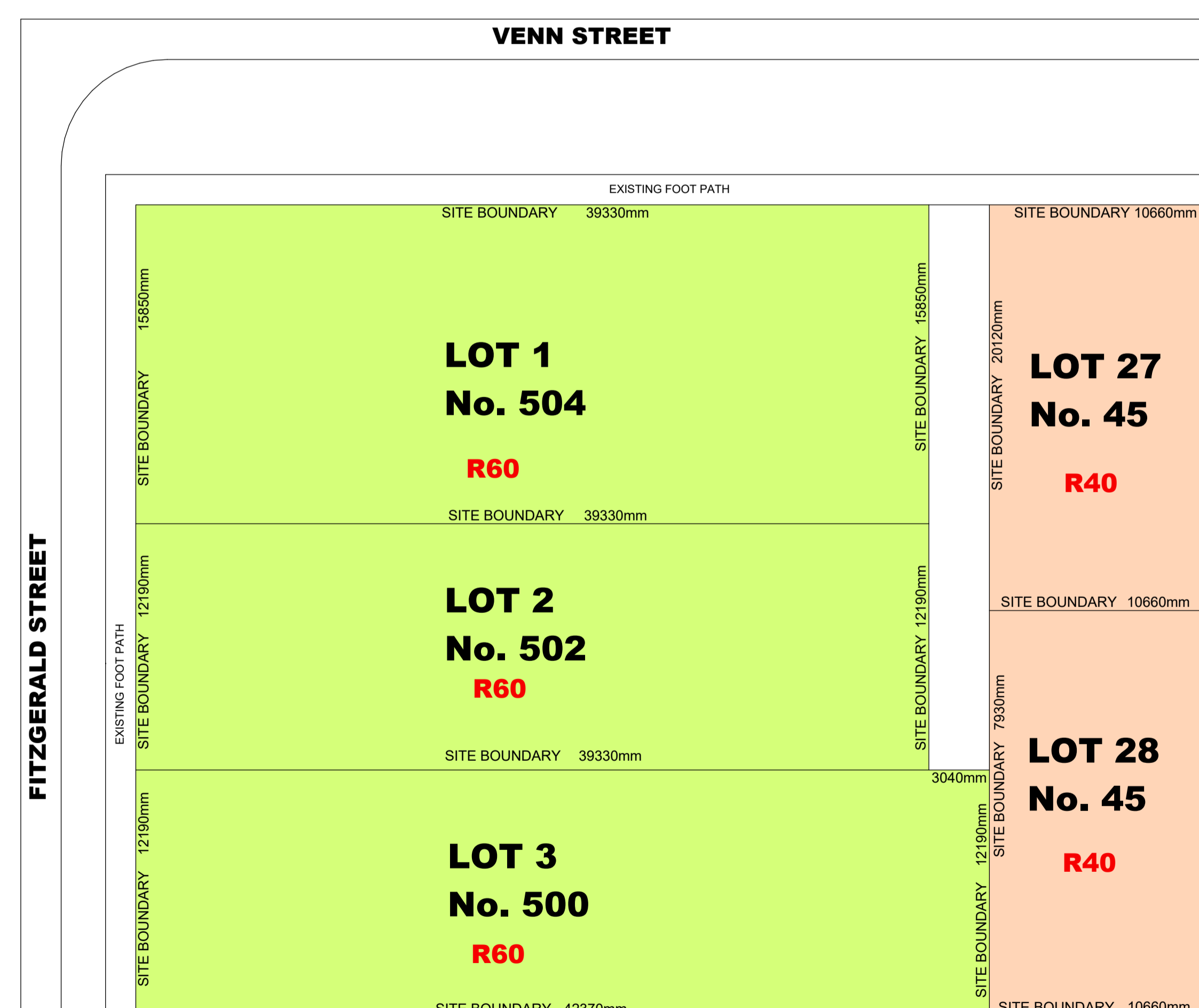
PLOT RATIO AREAS - 2nd FLOOR
SCALE 1:200 @ A1 SIZE

PLOT RATIO AREAS

	UNIT TYPE	PLOT RATIO AREA
1	1 BED APARTMENT	55sqm
2	1 BED APARTMENT	55sqm
3	CAFE	96sqm
4	1 BED APARTMENT	55sqm
5	2 BED APARTMENT	78sqm
6	2 BED APARTMENT	78sqm
7	2 BED APARTMENT	78sqm
8	2 BED APARTMENT	78sqm
9	1 BED APARTMENT	56sqm
10	2 BED APARTMENT	78sqm
11	2 BED APARTMENT	78sqm
12	2 BED APARTMENT	78sqm
13	2 BED APARTMENT	78sqm
14	2 BED APARTMENT	78sqm
15	2 BED APARTMENT	78sqm
16	1 BED APARTMENT	56sqm
17	2 BED APARTMENT	78sqm
18	2 BED APARTMENT	78sqm
19	2 BED APARTMENT	78sqm
TOTAL PLOT RATIO AREA		1387sqm
Maximum Plot Ratio Permissible		1388sqm



PLOT RATIO AREAS - GROUND FLOOR
SCALE 1:200 @ A1 SIZE



SITE AREAS
SCALE 1:200 @ A1 SIZE

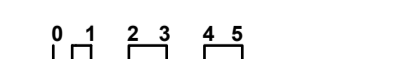
	ZONING CODE	LAND AREA
LOT 1 - No. 504	R60	622sqm
LOT 2 - No. 502	R60	478sqm
LOT 3 - No. 500	R60	516sqm
TOTAL AREA		1616sqm
Maximum Plot Ratio = 0.7		1131.2sqm

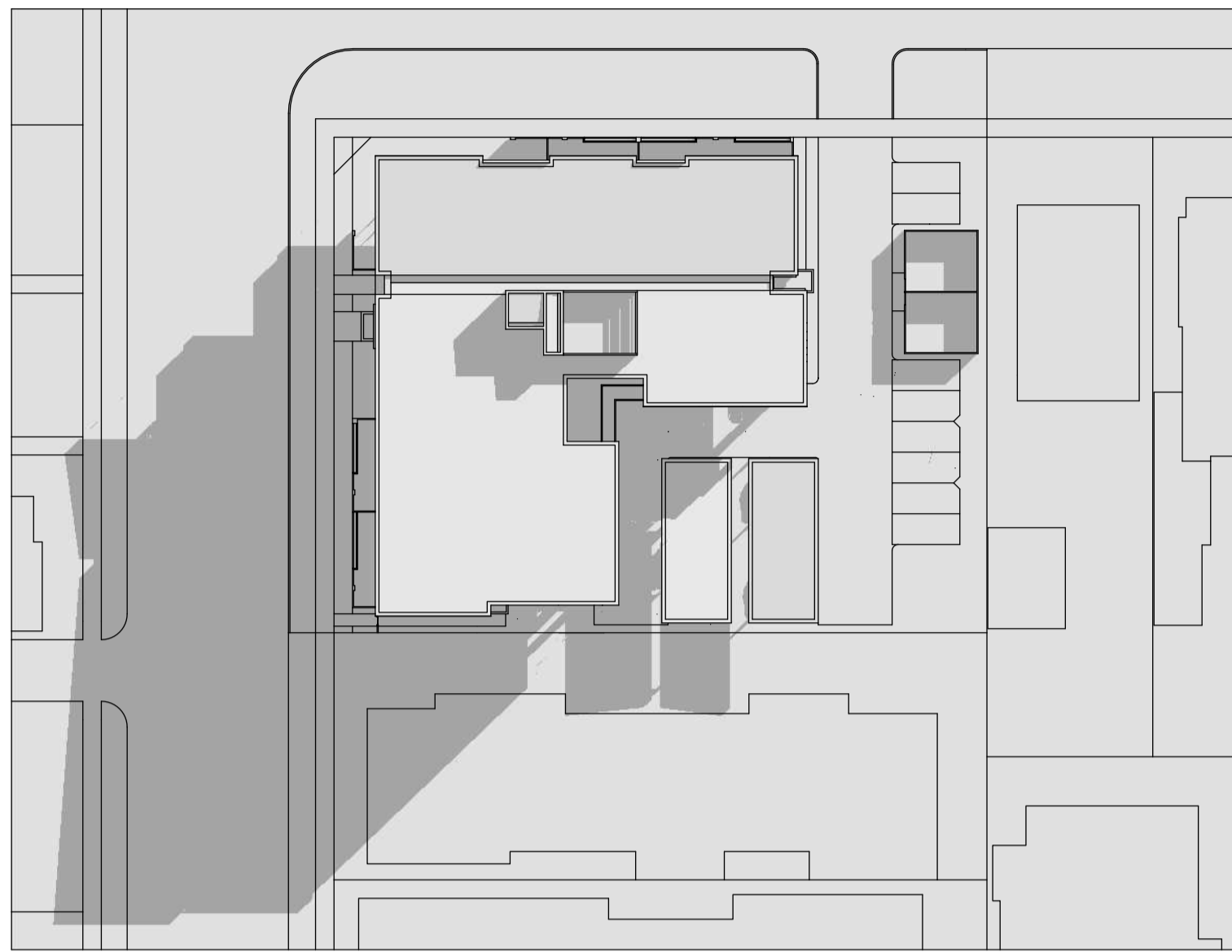
	ZONING CODE	LAND AREA
LOT 27 - No. 45	R40	214sqm
LOT 28 - No. 45	R40	214sqm
TOTAL AREA		428sqm
Maximum Plot Ratio = 0.6		256.8sqm

MIXED USE DEVELOPMENT - LOT 1 to 3 (No 500 to 504) FITZGERALD STREET & LOT 27 to 28 (No. 45) VENN STREET NORTH PERTH



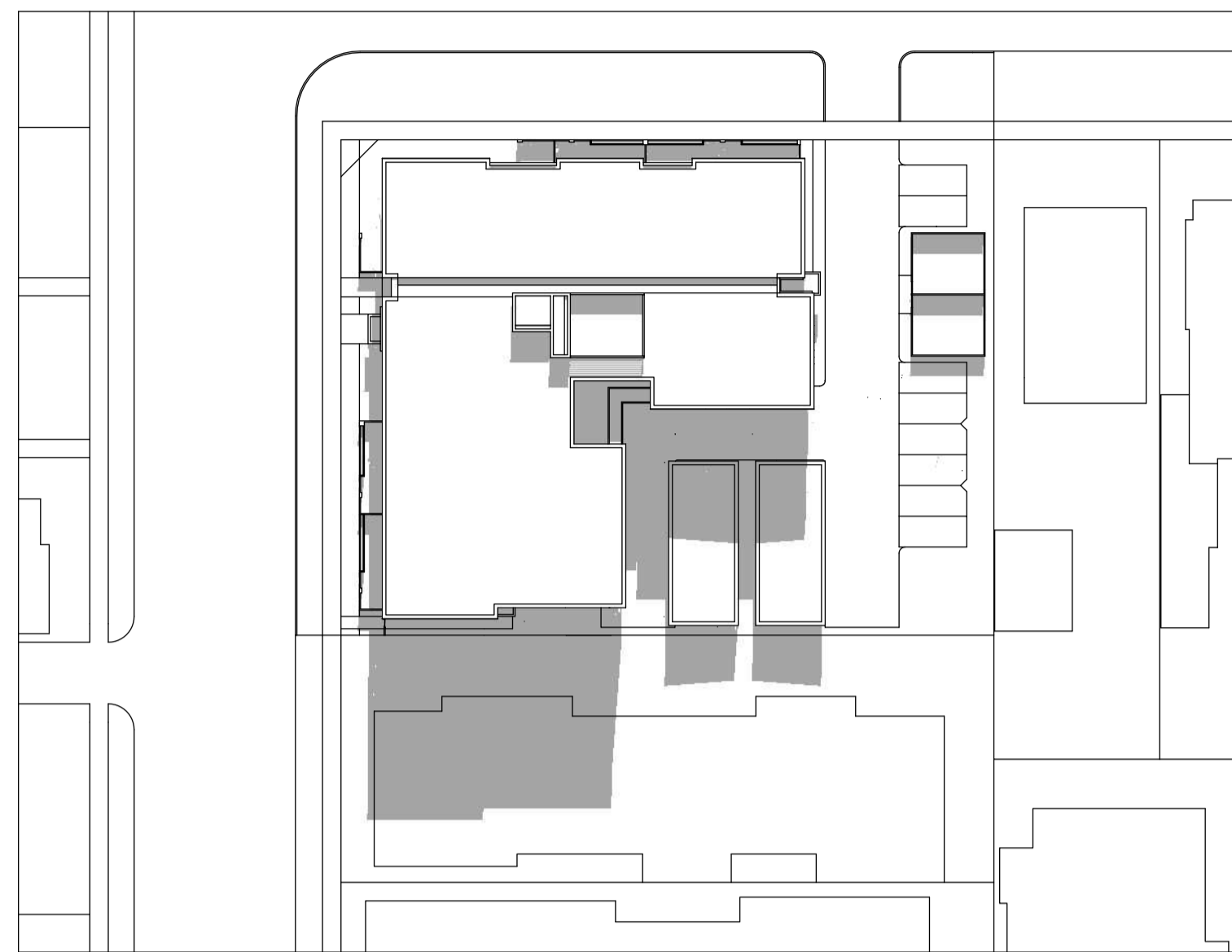
PLOT RATIO AREAS
SCALE 1:200 @ A1 SIZE





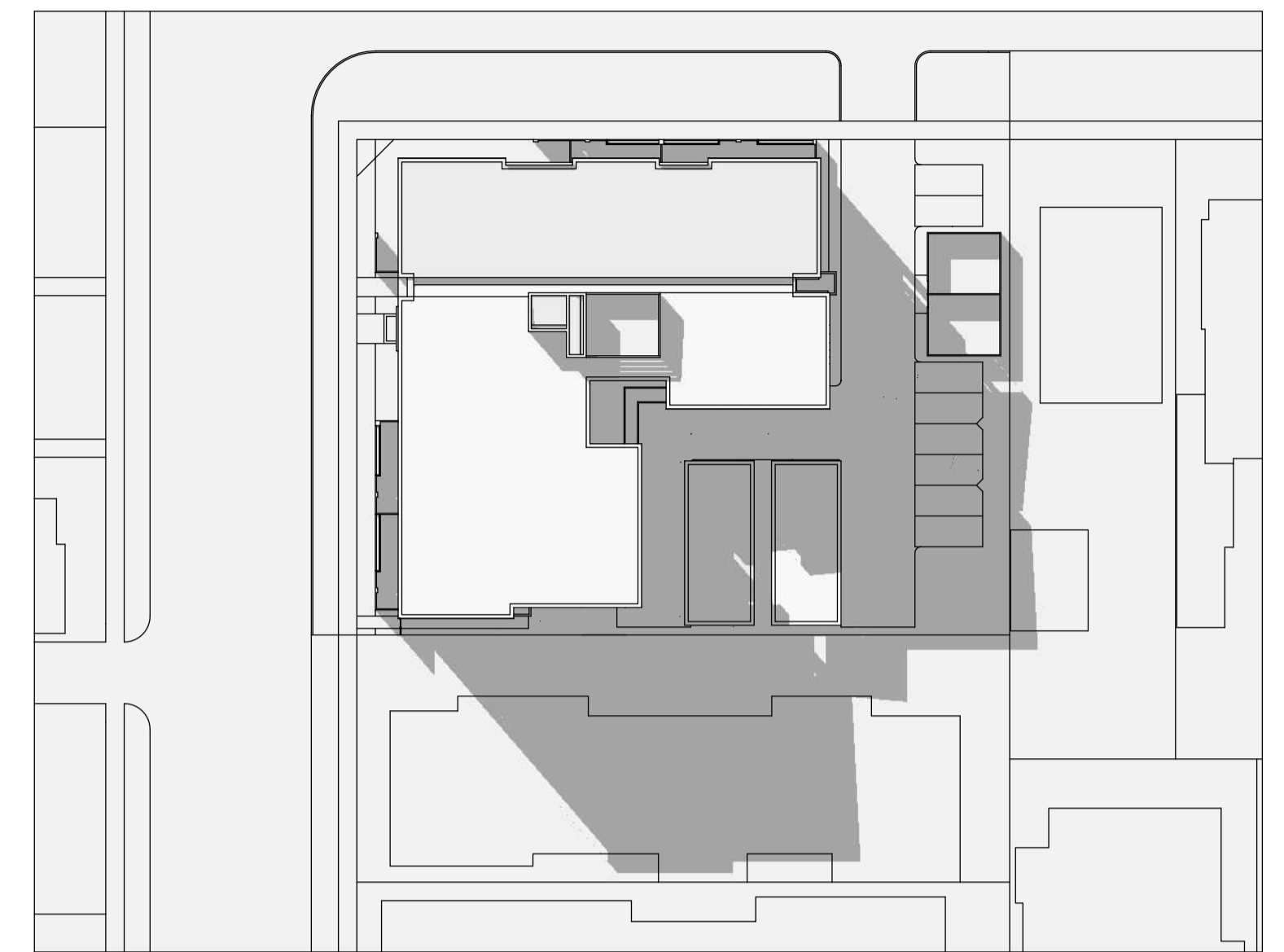
SHADOW CAST 9AM - 21st JUNE

SCALE 1:500 @ A1 SIZE



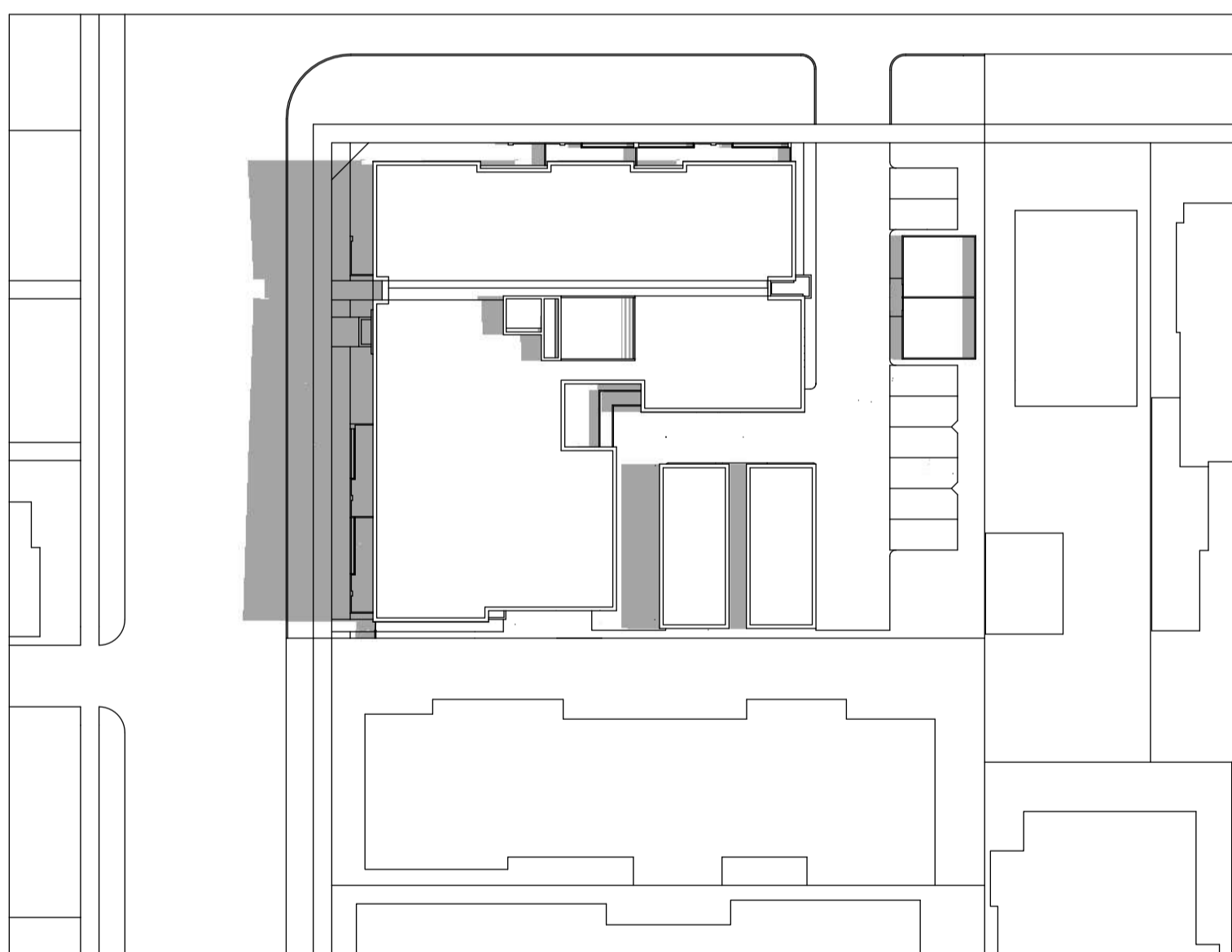
SHADOW CAST 12NOON - 21st JUNE

SCALE 1:500 @ A1 SIZE



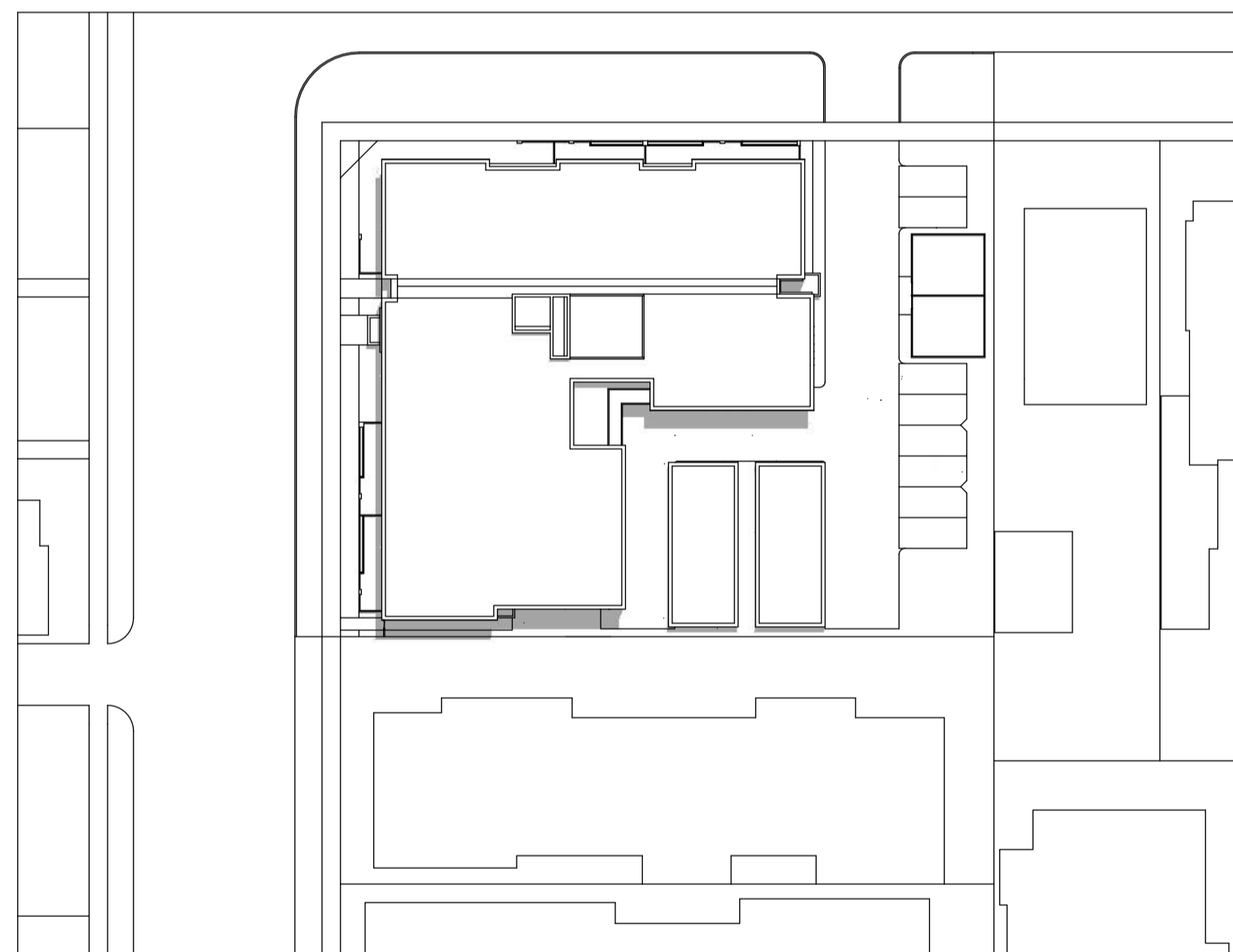
SHADOW CAST 3PM - 21st JUNE

SCALE 1:500 @ A1 SIZE



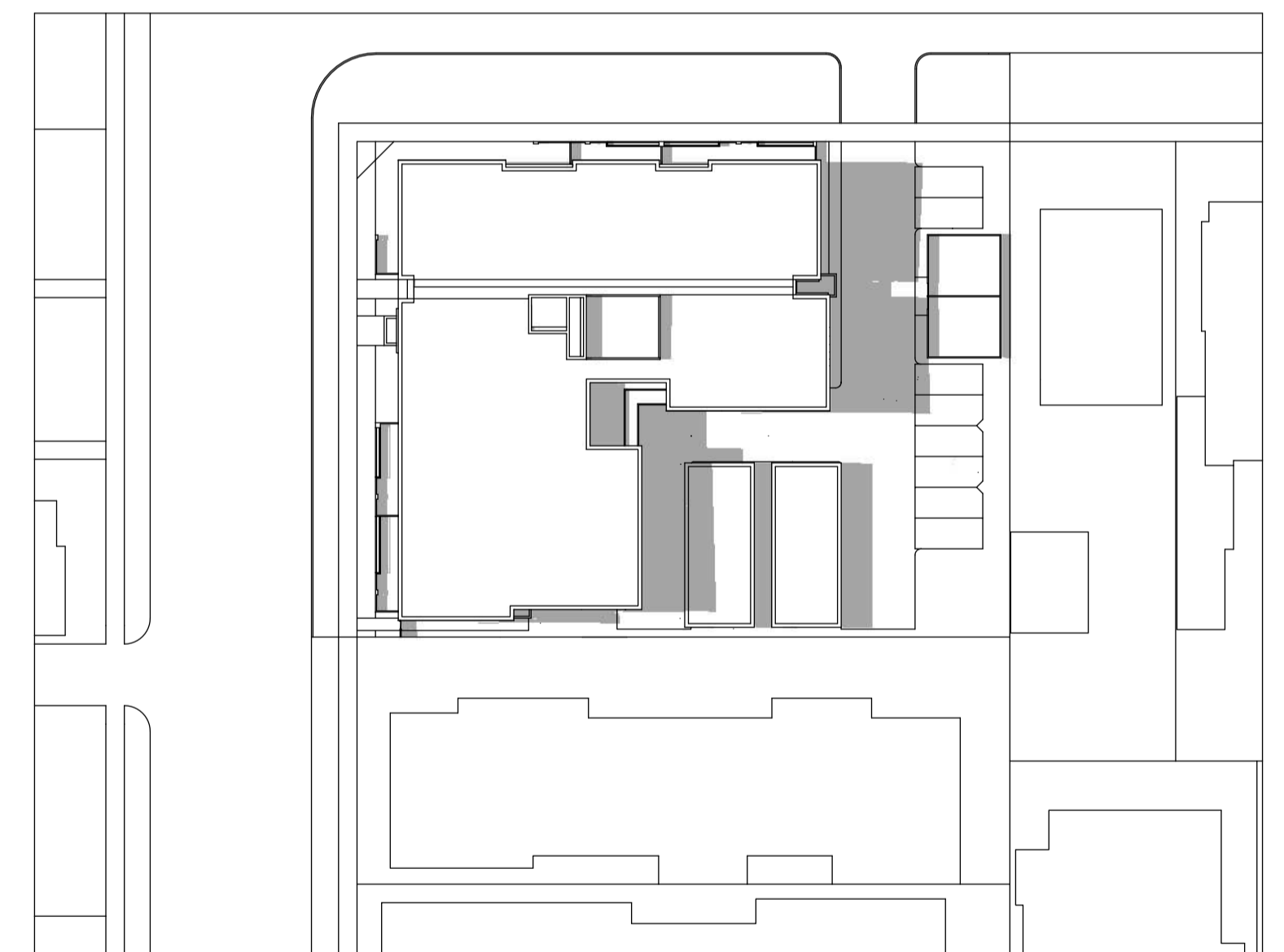
SHADOW CAST 9AM - 21st DECEMBER

SCALE 1:500 @ A1 SIZE



SHADOW CAST 9AM - 21st DECEMBER

SCALE 1:500 @ A1 SIZE



SHADOW CAST 9AM - 21st DECEMBER

SCALE 1:500 @ A1 SIZE

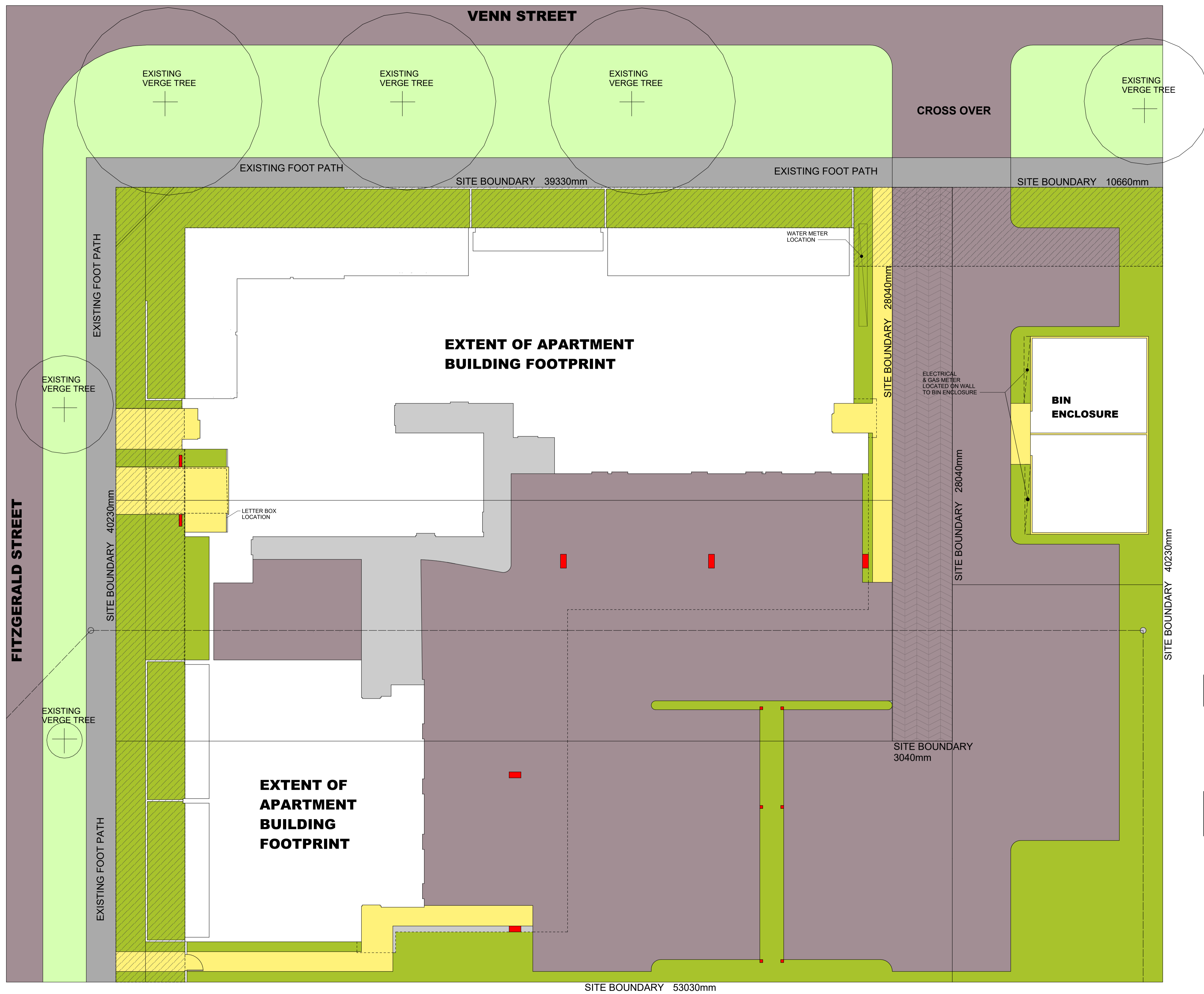
**MIXED USE DEVELOPMENT - LOT 1 to 3 (No 500 to 504) FITZGERALD STREET &
LOT 27 to 28 (No. 45) VENN STREET NORTH PERTH**



SHADOW DIAGRAMS

SCALE 1:500 @ A1 SIZE





- SOFT LANDSCAPING**
416m²
- HARD LANDSCAPING**
73m²
- LANDSCAPING WITHIN FRONT SETBACK**
229m²
- 3.04m Wide R.O.W. with LEGAL ACCESS RIGHT**

TOTAL SITE AREA	2044m ²
TOTAL AREA OF LANDSCAPING	489m ²
- Soft Landscaping =	416m ²
- Hard Landscaping =	73m ²
PERCENTAGE OF LANDSCAPING ON SITE	23.92%
FRONT SETBACK AREA (To both Fitzgerald & Venn Streets)	242m ²
AREA OF LANDSCAPING TO FRONT SETBACK AREA (To both Fitzgerald & Venn Streets)	229m ²
PERCENTAGE OF SOFT LANDSCAPING TO FRONT SETBACK AREA	94.63%

MIXED USE DEVELOPMENT - LOT 1 to 3 (No 500 to 504) FITZGERALD STREET & LOT 27 to 28 (No. 45) VENN STREET NORTH PERTH

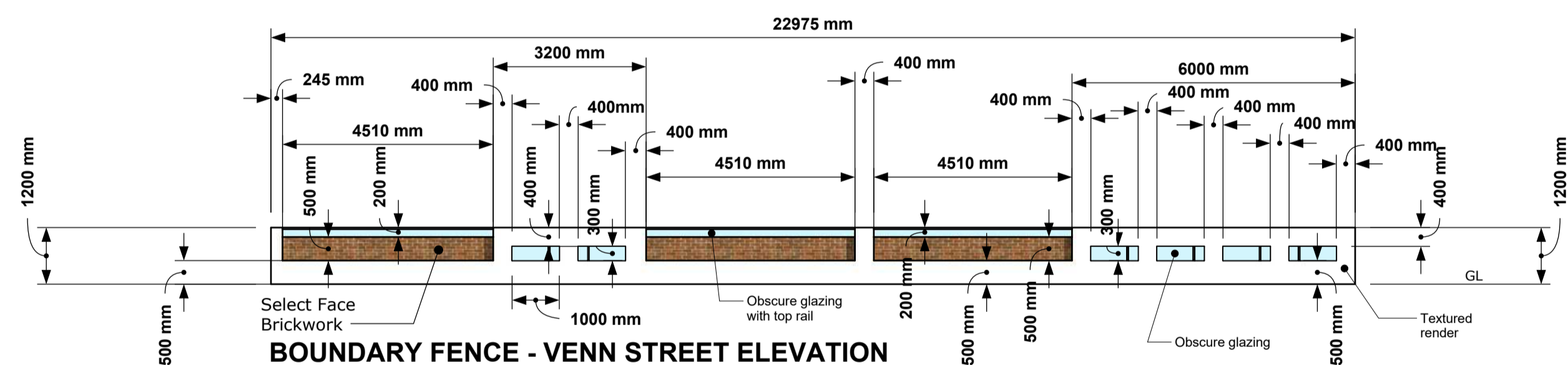
LANDSCAPING EXTENT
 SCALE 1:100 @ A1 SIZE



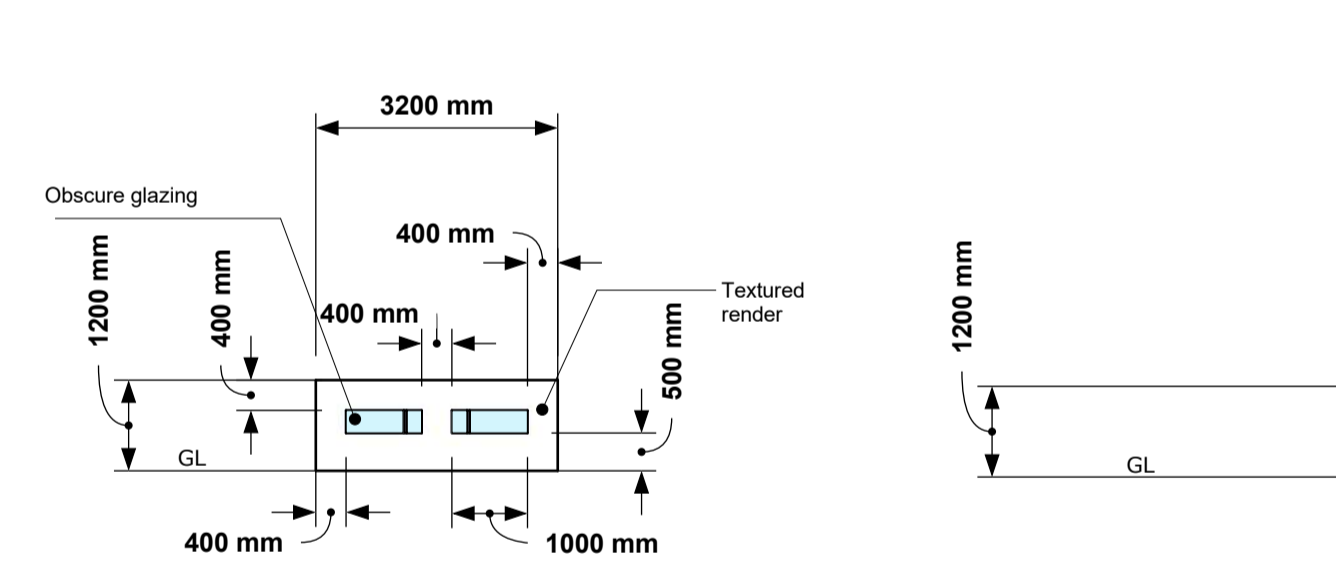
VENN STREET ELEVATION (NORTH ELEVATION)



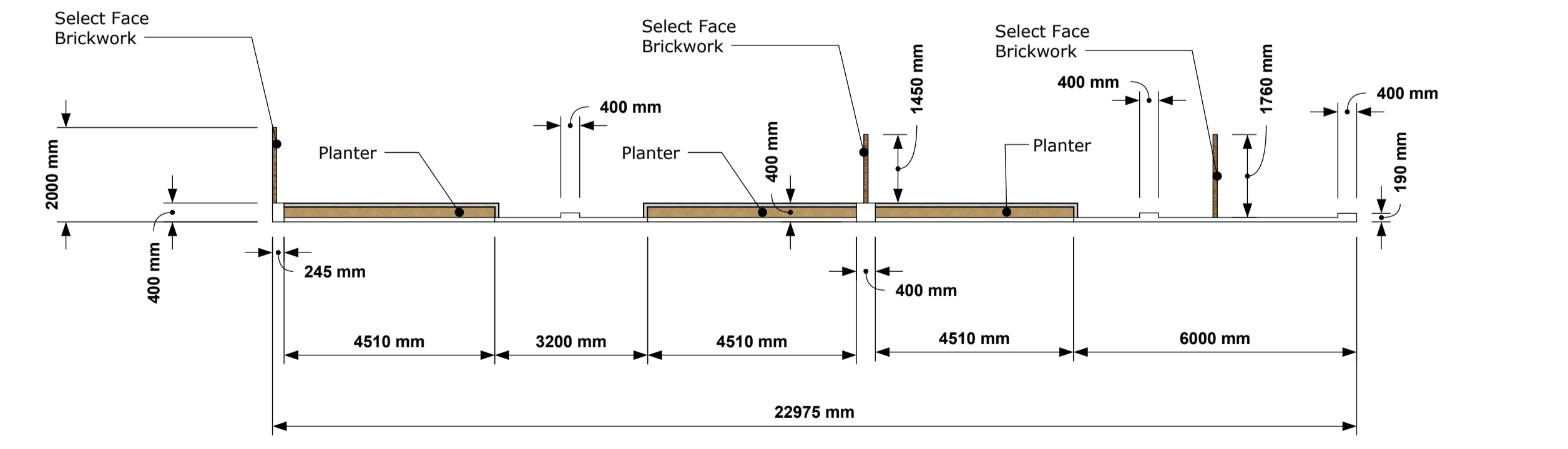
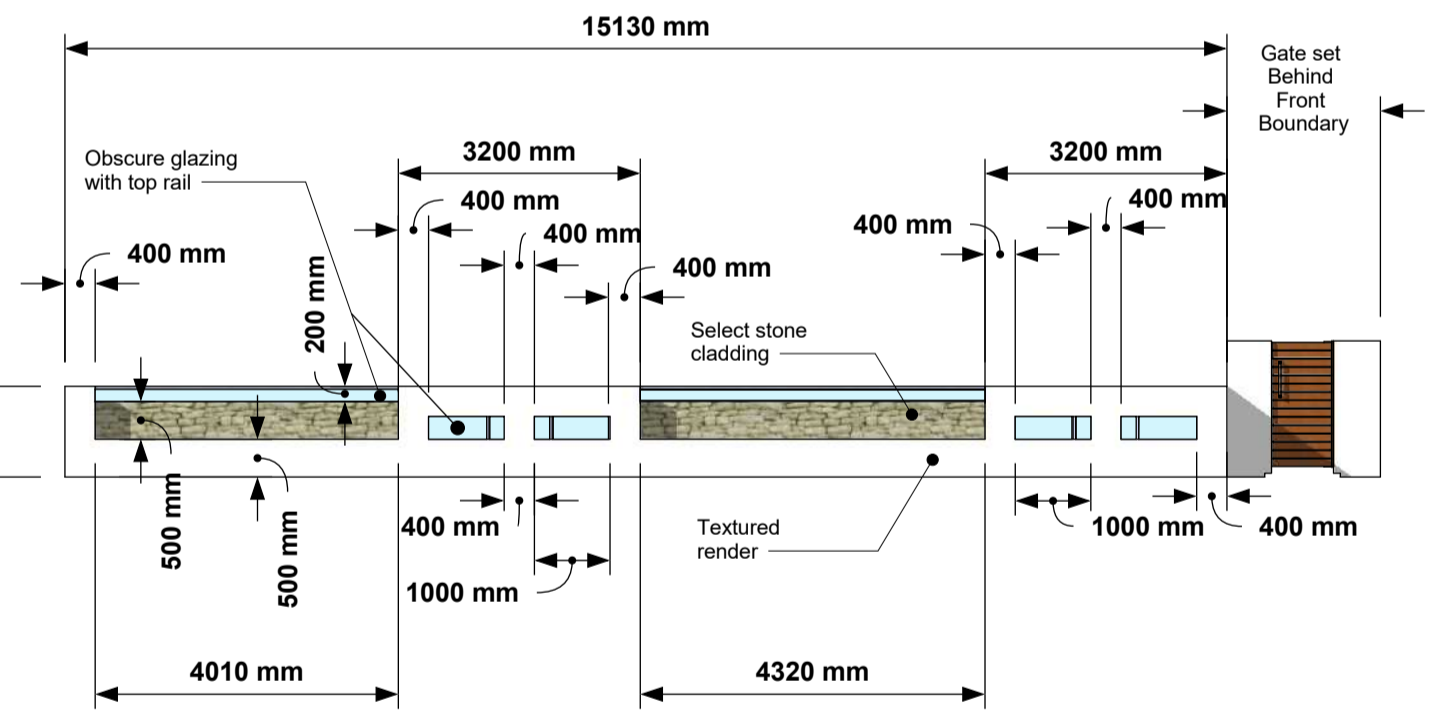
FITZGERALD STREET ELEVATION (WEST ELEVATION)



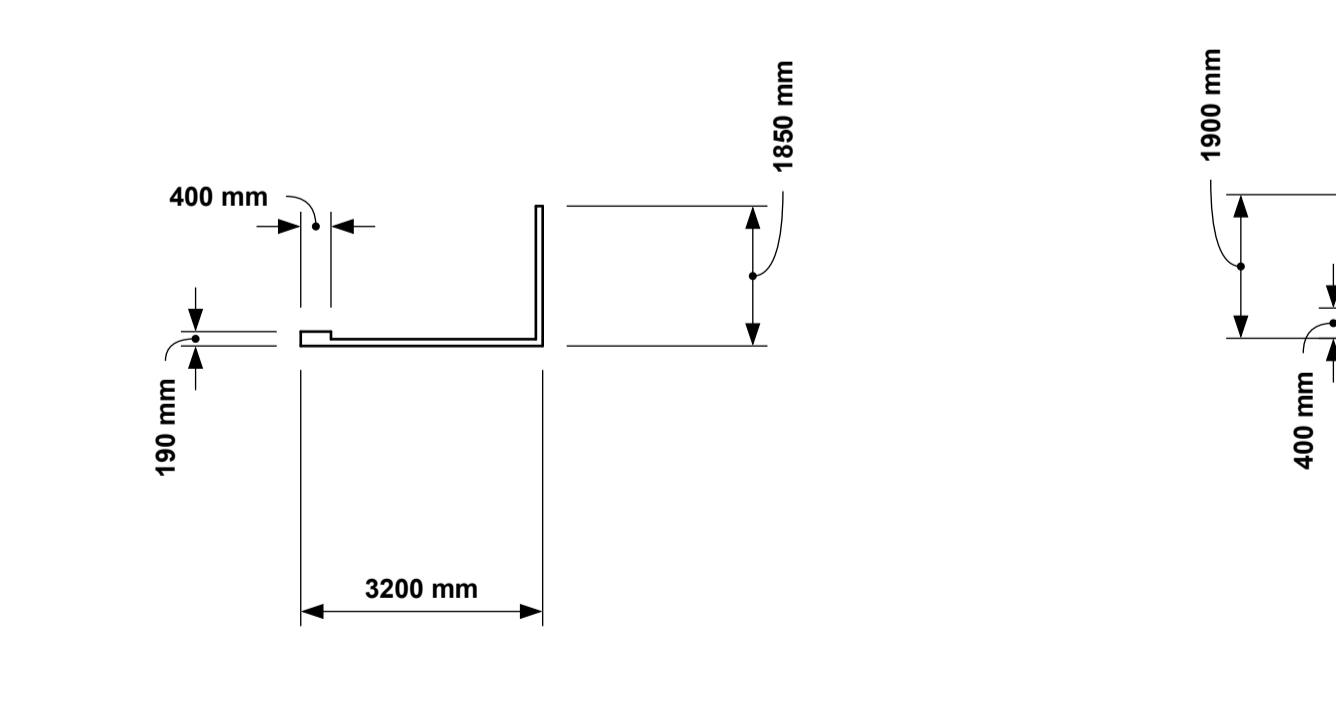
BOUNDARY FENCE - VENN STREET ELEVATION



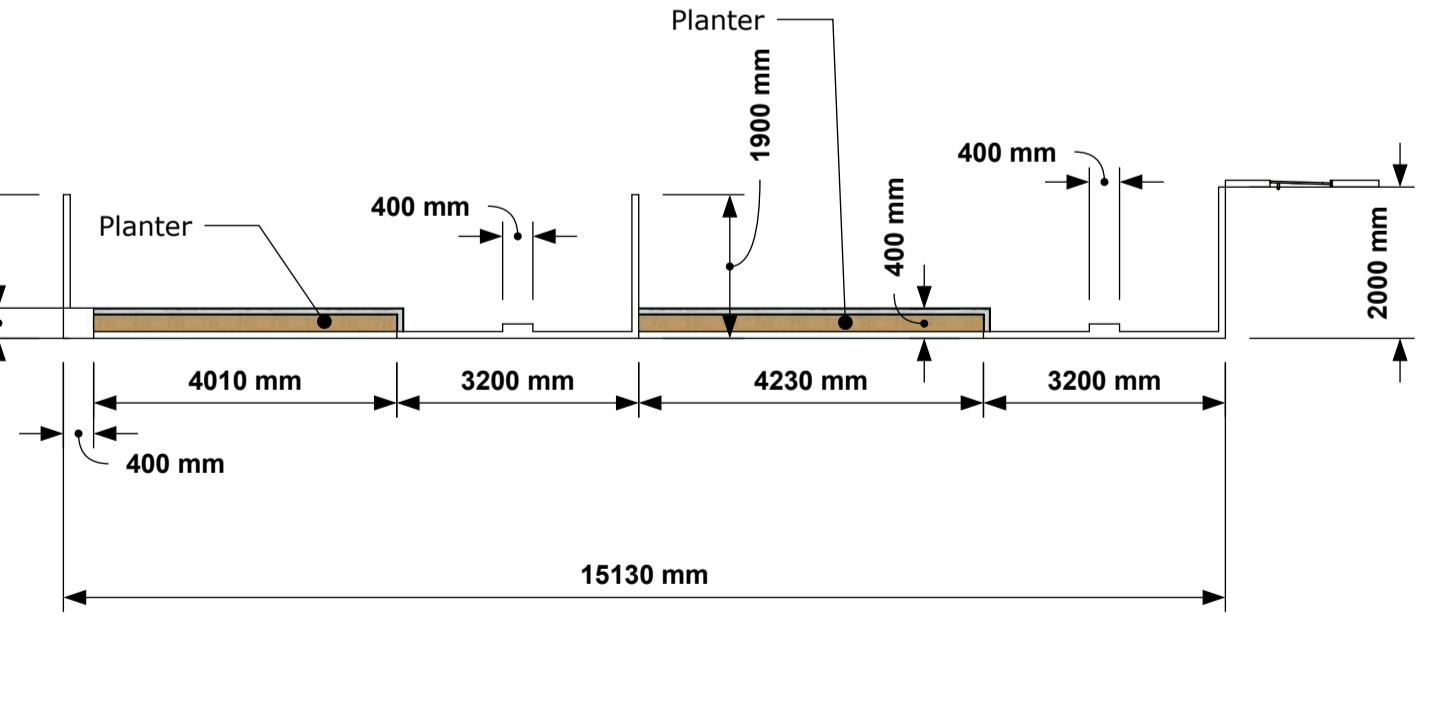
BOUNDARY FENCE - FITZGERALD STREET ELEVATION



BOUNDARY FENCE PLAN - VENN STREET

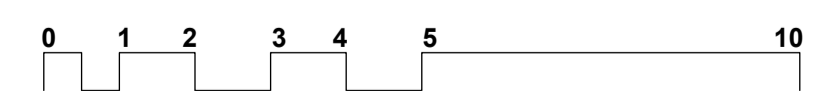


BOUNDARY FENCE PLAN - FITZGERALD STREET



MIXED USE DEVELOPMENT - LOT 1 to 3 (No 500 to 504) FITZGERALD STREET & LOT 27 to 28 (No. 45) VENN STREET NORTH PERTH

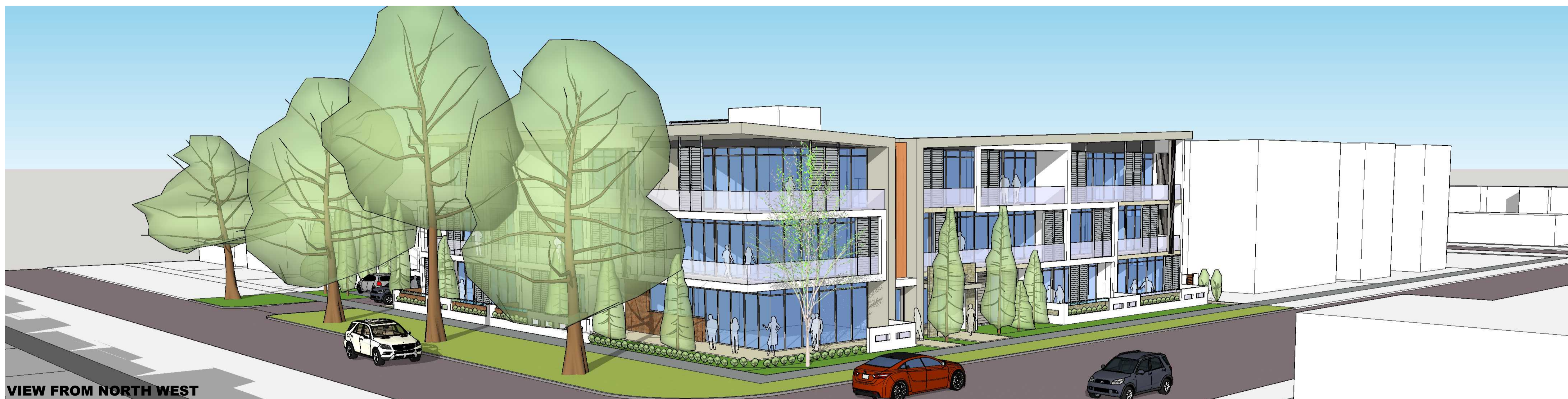
FRONT BOUNDARY FENCE



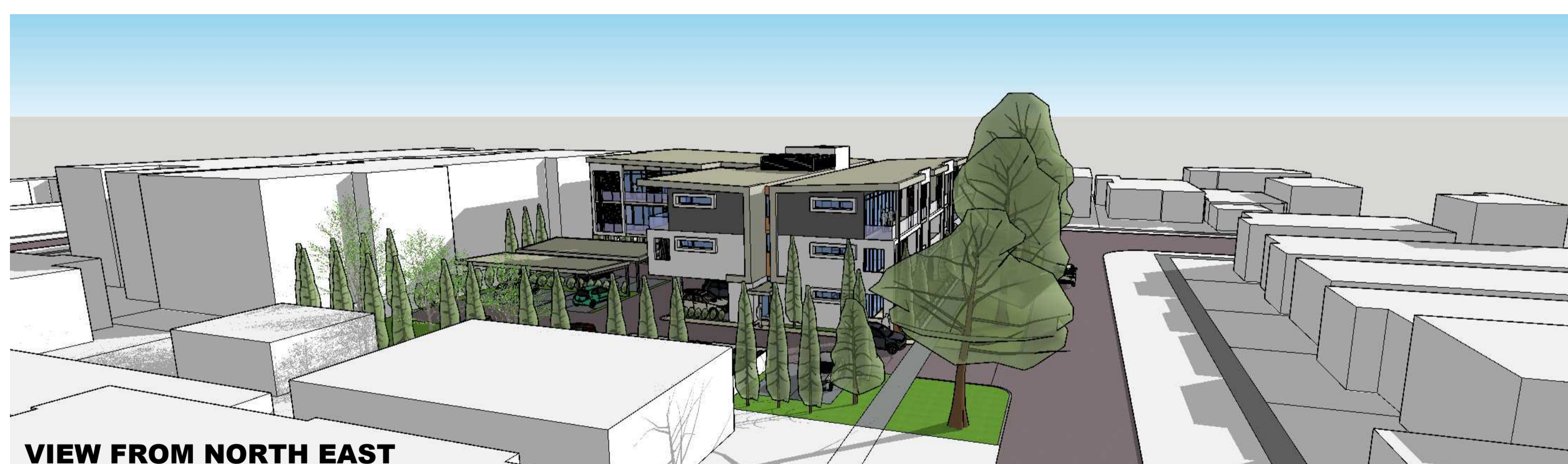
SCALE 1:100 @ A1 SIZE



VIEW FROM SOUTH WEST



VIEW FROM NORTH WEST



VIEW FROM NORTH EAST



VIEW FROM SOUTH EAST

**MIXED USE DEVELOPMENT - LOT 1 to 3 (No 500 to 504) FITZGERALD STREET &
LOT 27 to 28 (No. 45) VENN STREET NORTH PERTH**

PERSPECTIVE IMAGES

Summary of Submissions:

The tables below summarise the comments received during the advertising period of the proposal, together with the Applicant's response to each comment.

Comments Received in Support:	Applicant Comment:
<p><u>Amenity of Area</u></p> <ul style="list-style-type: none"> • The existing café has been a welcome addition to the local area and an asset to the local community. • The proposal will add vibrancy to the local area and the North Perth Town Centre. • Fitzgerald Street already comprises a range of other non-residential land uses in the immediate locality, and this proposal will add to the vitality of North Perth. • The addition of a small bar use will also complement the area, by providing another amenity for surrounding residents, to enjoy at a low-scale venue within walking distance. 	<p>Thank you so much, our addition would benefit all of us.</p>
<p><u>Scale of Development</u></p> <ul style="list-style-type: none"> • The physical attributes of the cafe space will dictate the low-scale nature of the proposed small bar, and the local-focus will impart a sense of collective responsibility in terms of patron behaviour. • The proposed addition of a small bar use will also be compatible with the surrounding residential properties, through its small scale, the already established cafe-nature of the business. 	
<p><u>Zone Objectives</u></p> <ul style="list-style-type: none"> • The existing cafe is consistent with an objective of the Residential zone, being "to provide for a range of non-residential uses, which are compatible with and complementary to residential development." 	

Comments Received in Objection:	Applicant Comment:
<p><u>Car Parking</u></p> <ul style="list-style-type: none"> • Significant concerns regarding existing parking issues on Venn Street. • Venn Street is currently experiencing a high volume of traffic and parking in the street with the existing operations of the cafe. • There are existing parking issues in Venn Street with the café being licensed for 20 patrons. Concerns regarding the proposed increase in 	<p>We understand your concerns, however, we have retracted the additional patrons and additional trading hours.</p> <p>We also have concerns in regard of the parking and we have already contacted the Council engineers to help us to solve the issue.</p> <p>We have been in contact with the Council as we are seeing the bottle neck congestions at the entry of Venn Street off Fitzgerald Street. We have spoken with the Council engineers about using our Verge to implement verge parking in front of the café on Venn</p>

Summary of Submissions:

Comments Received in Objection:	Applicant Comment:
<p>capacity to 50 patrons with only 9 car parking spaces being provided.</p> <ul style="list-style-type: none"> • The extended trading hours of a Small Bar will create parking problems at evening hours and multiply existing parking issues and increase safety issues as well. • Commercial vehicles currently servicing the café do not have an allocated bay. The commercial vehicles currently park on the verge and the road on the north side of Venn Street, increasing the traffic hazard, in close proximity to the Fitzgerald Street junction. • There is insufficient parking to cater for a small bar on this street with the potential traffic generated by rideshares. • Existing parking issues result in cars being parked on the street. This makes manoeuvring down the street difficult and dangerous and causes difficulties for traffic flow and safety. • The 9 car bays provided for the development will not address the parking issues and may result in increased issues as the cars manoeuvre in and out of bays, disrupting local traffic accessing Venn Street. • Existing customers are consistently parking on the yellow 'No Stopping' lines on the corner of Venn and Fitzgerald Street, making it dangerous to turn left or right out of Venn Street. • There is no signage currently for customer parking. There currently is a large black gate that works with a remote that you cannot gain access to the car parking bays. 	<p>Street to free up both lanes on Venn Street and to make it safe from cars and people walking.</p> <p>At this stage, we have already made some implementation by: Opening up the gate which has additional parking for the customers; the gate is open as per our trading hours; We have also made up a sign encouraging our customers to park at Woodville reserve across the road.</p>
<p><u>Noise and Anti-Social Behaviour</u></p> <ul style="list-style-type: none"> • The noise generated from a Small Bar, and the alcohol consumption and problems it causes is not appropriated for a resident street such as Venn Steet. • The street is known for its quiet, safe, family character and the addition of a bar is not appropriate. • Concerns regarding undesirable behaviour due to alcohol consumption. • Concerns regarding the increased noise, the presence of drunk patrons and the increase in activity associated with the cafe late at night. 	<p>We are seeking approval for a Small Bar because it's the appropriate liquor license that would help us achieve the Italian vine.</p> <p>We have not asked to become a Small Bar or a Pub, we are going to trade as a Café Deli with the options of a small selection of alcohol.</p> <p>The alcohol will approximately consist in : 2 types of Italian beers, 2 Italian red wines, 2 Italian white wine, 1 Prosecco and Limoncello.</p> <p>We are not promoting the consumption of alcohol and the Directors of La Mortazza and including the Manager and the staff have already obtained an RSA license and training in regard of consumptions of Liquor.</p> <p>The music will not be louder then already is.</p> <p>We are not changing trading hours, so the consumption of alcohol will be only between 8am and 5 pm.</p>

Summary of Submissions:

Comments Received in Objection:	Applicant Comment:
<p><u>Amenity Impact</u></p> <ul style="list-style-type: none"> Concerns that the development will have a detrimental effect on the quality of life and fabric of the neighbourhood. 	<p>We are not becoming a Pub. We intend and we remain trading as a Café Deli.</p>
<p><u>Presence of Similar Land Uses</u></p> <ul style="list-style-type: none"> The North Perth precinct is already well served by small bars and cafes and given the amenity impact the proposal is not necessary. The proposal to introduce a licensed facility is not compatible with the neighbourhood when there are alternative options in close proximity on Angove Street. 	<p>The option that we will be offering is purely Italian alcohol with a minimal selection of alcohol, we do not believe there are other cafes near by with the same concept.</p>

Comments Received Expressing Concern:	Applicant Comment
<p><u>Car Parking</u></p> <ul style="list-style-type: none"> Concerns about the impact of additional cars parking along Venn Street due to the proposal. Currently the cafe does not have any onsite parking bays available for customers except for 2 visitors parking bays in the complex which are shared with the residents of 500 Fitzgerald Street. Cafe customers park along Venn Street which blocks local traffic, blocks street parking for local Venn Street residents and makes the intersection with Fitzgerald Street unsafe. Request for the City to provide parking bays along Fitzgerald Street within the southbound bus lane after the morning peak period to reduce congestion. 	<p>We have 9 car bays allocated for our customers.</p> <p>We also have concerns in regard of the parking and we have already contacted the Council engineers to help us to solve the issue.</p> <p>We have been in contact with the Council as we are seeing the bottle neck congestions at the entry of Venn Street off Fitzgerald Street. We have spoken with the Council engineers about using our Verge to implement verge parking in front of the café on Venn Street to free up both lanes on Venn Street and to make it safe from cars and people walking.</p> <p>At this stage, we have already made some implementation by: Opening up the gate which has additional parking for the customers; the gate is open as per our trading hours; We have also made up a sign encouraging our customers to park at Woodville reserve across the road.</p>

Note: Submissions are considered and assessed by issue rather than by individual submitter.

PLEASE NOTE FROM LA MORTAZZA DIRECTORS:

IT WOULD BE MUCH APPRECIATED IF YOU CAN RETRACT YOUR OBJECTIONS OF PARKING ISSUES AS WE HAVE HEARD YOUR CONCERNES ABOUT THE PARKING AND WE HAVE RETRACTED THE CHANGE OF HOURS AND THE CHANGE OF PATRONS. THANK YOU

Summary of Submissions:

The tables below summarise the comments received during the advertising period of the proposal, together with the Administration's response to each comment.

Comments Received in Support:	Applicant Comment:
<p><u>Amenity of Area</u></p> <ul style="list-style-type: none">• The existing café has been a welcome addition to the local area and an asset to the local community.• The proposal will add vibrancy to the local area and the North Perth Town Centre.• Fitzgerald Street already comprises a range of other non-residential land uses in the immediate locality, and this proposal will add to the vitality of North Perth.• The addition of a small bar use will also complement the area, by providing another amenity for surrounding residents, to enjoy at a low-scale venue within walking distance.	The submissions received in support are noted.
<p><u>Scale of Development</u></p> <ul style="list-style-type: none">• The physical attributes of the cafe space will dictate the low-scale nature of the proposed small bar, and the local-focus will impart a sense of collective responsibility in terms of patron behaviour.• The proposed addition of a small bar use will also be compatible with the surrounding residential properties, through its small scale, the already established cafe-nature of the business.	
<p><u>Zone Objectives</u></p> <p>The existing cafe is consistent with an objective of the Residential zone, being "to provide for a range of non-residential uses, which are compatible with and complementary to residential development."</p>	

Summary of Submissions:

Comments Received in Objection:	Applicant Comment:
<p><u>Car Parking</u></p> <ul style="list-style-type: none"> • Significant concerns regarding existing parking issues on Venn Street. • Venn Street is currently experiencing a high volume of traffic and parking in the street with the existing operations of the cafe. • There are existing parking issues in Venn Street with the café being licensed for 20 patrons. Concerns regarding the proposed increase in capacity to 50 patrons with only 9 car parking spaces being provided. • The extended trading hours of a Small Bar will create parking problems at evening hours and multiply existing parking issues and increase safety issues as well. • The 9 car bays provided for the development will not address the parking issues and may result in increased issues as the cars manoeuvre in and out of bays, disrupting local traffic accessing Venn Street. • There is insufficient parking to cater for a small bar on this street with the potential traffic generated by rideshares. • Commercial vehicles currently servicing the café do not have an allocated bay. The commercial vehicles currently park on the verge and the road on the north side of Venn Street, increasing the traffic hazard, in close proximity to the Fitzgerald Street junction. • Existing parking issues result in cars being parked on the street. This makes manoeuvring down the street difficult and dangerous and causes difficulties for traffic flow and safety. • Existing customers are consistently parking on the yellow 'No Stopping' lines on the corner of Venn and Fitzgerald Street, making it dangerous to turn left or right out of Venn Street. • There is no signage currently for customer parking. There currently is a large black gate that works with a remote that you cannot gain access to the car parking bays. 	<ul style="list-style-type: none"> • Following the conclusion of the initial community consultation period, in response to the comments and submissions received during consultation, the applicant revised the proposal reducing the proposed patron numbers from 50 to 36. This means that the application meets the deemed-to-comply standard for the number of car bays to be provided for the Restaurant/Café and Small Bar uses under the City's Non-Residential Parking Policy, and no discretion is being sought in relation to car parking provision. The development is acceptable against the City's policies relating to car parking. • The applicant also removed the proposed change in operating hours, with the proposal to retain the current, approved, operating hours for the development. These hours being 8:00am – 5:00pm, Monday to Sunday, with deliveries required to occur between 7:00am to 2:00pm, Monday to Friday. <hr/> <ul style="list-style-type: none"> • As noted above the development provides car parking which meets the deemed-to-comply standard of the City's Non-Residential Parking Policy. The Policy accounts for the total car parking demand generated by the proposed development which is considered acceptable. <hr/> <ul style="list-style-type: none"> • The unauthorised addition of a vehicle access gate has resulted in patrons of the existing venue utilising street parking in Venn Street, contributing to existing parking and safety issues in Venn Street. Following the determination of the application for the vehicle access gate by the City, the vehicle access gate is required to remain open during the operating and delivery hours of the premises on the subject site and for signage to be installed directing customers to the available parking at the rear of the development. This will assist with reducing the impact of the car parking for the development on Venn Street. • The vehicle access gate is required to be open during approved the delivery hours for the premises which allow for deliveries to occur at 7:00am prior to the business opening to suitably mitigate the impact of commercial vehicles on the traffic and safety of vehicle movements on Venn Street.

Summary of Submissions:

Comments Received in Objection:	Applicant Comment:
<p><u>Noise and Anti-Social Behaviour</u></p> <ul style="list-style-type: none"> The noise generated from a Small Bar, and the alcohol consumption and problems it causes is not appropriated for a resident street such as Venn Steet. The street is known for its quiet, safe, family character and the addition of a bar is not appropriate. Concerns regarding undesirable behaviour due to alcohol consumption. Concerns regarding the increased noise, the presence of drunk patrons and the increase in activity associated with the cafe late at night. 	<ul style="list-style-type: none"> The business is currently permitted to serve alcohol with a meal under a Restaurant/Café liquor licence. The Small Bar liquor licence permits the business to serve alcohol without a meal. To ensure any potential impacts are appropriately managed, a Venue Management Plan is required to be provided and approved by the City, prior commencement of the Small Bar land use. The Venue Management Plan will inform the operation of premises to minimise the impacts of noise and patron behaviour on the amenity of the surrounding area. The submitted Venue Management Plan would be required to provide guidance on the management of patron behaviour and noise, and demonstrate that the premises could be operated so as not to unduly impact the amenity of the area. As mentioned above, the applicant removed the proposed change in operating hours, with the proposal to retain the current, approved, operating hours for the development. These hours will ensure that the development will not result in off-site impacts during the evening hours.
<p><u>Amenity Impact</u></p> <p>Concerns that the development will have a detrimental effect on the quality of life and fabric of the neighbourhood.</p>	<ul style="list-style-type: none"> The proposed development would provide for compliant car parking and maintain the current, approved, operating hours to ensure the amenity of the residential neighbourhood is not impacted by the proposed development.
<p><u>Presence of Similar Land Uses</u></p> <ul style="list-style-type: none"> The North Perth precinct is already well served by small bars and cafes and given the amenity impact the proposal is not necessary. The proposal to introduce a licensed facility is not compatible with the neighbourhood when there are alternative options in close proximity on Angove Street. 	<ul style="list-style-type: none"> The presence of other similar non-residential land uses located in proximity to the subject site is not a consideration under the planning framework. The City's Licensed Premises Policy provides for consideration of licensed premises being located on major roads. As Fitzgerald Street is a major road, the location of the proposal Small Bar land use is considered acceptable against the relevant planning framework.

Summary of Submissions:

Comments Received Expressing Concern:	Applicant Comment
<p><u>Car Parking</u></p> <ul style="list-style-type: none"> Concerns about the impact of additional cars parking along Venn Street due to the proposal. Currently the cafe does not have any onsite parking bays available for customers except for 2 visitors parking bays in the complex which are shared with the residents of 500 Fitzgerald Street. Cafe customers park along Venn Street which blocks local traffic, blocks street parking for local Venn Street residents and makes the intersection with Fitzgerald Street unsafe. Request for the City to provide parking bays along Fitzgerald Street within the southbound bus lane after the morning peak period to reduce congestion. 	<ul style="list-style-type: none"> As mentioned above, following the conclusion of the initial community consultation period, the applicant revised the proposal reducing the proposed patron numbers from 50 to 36. This means that the application meets the deemed-to-comply standard for the number of car bays to be provided for the Restaurant/Café and Small Bar uses under the Non-Residential Parking Policy. As mentioned above, the unauthorised addition of a vehicle access gate has previously restricted access to the parking bays for the premises and resulted in patrons utilising street parking in Venn Street, contributing to vehicle safety issues in the street. Following the determination of the application for the vehicle access gate by the City, the vehicle access gate is required to remain open during the operating hours of the premises on the subject site and for signage to be installed directing customers to the available parking at the rear of the development. This will enable visitors to the development to utilise the car bays provided. This request has been forwarded to the City's Engineering Service Team for consideration. It is recommended that this request separately be provided to the Department of Planning Lands and Heritage in relation to the management of car parking along Fitzgerald Street.

Note: Submissions are considered and assessed by issue rather than by individual submitter.

Determination Advice Notes:

1. This is a development approval issued under the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws.
2. 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.
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.
4. If the 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.
5. This approval is not an authority to ignore any constraint to development on the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the City to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the City's attention.
6. The development will be classified as a 'Public Building' and must comply with the *Health (Public Buildings) Regulations 1992*. An application is to be made to the City's Health Services for the assessment of the public building and maximum accommodation numbers prior to occupation of the premises. Please contact Health Services on (08) 9273 6000 upon receipt of this approval to discuss the requirements further with an Environmental Health Officer.
7. The food business must comply with the *Food Act 2008*, *Food Regulations 2009* and the Australia New Zealand Food Standards Code. The applicant must register with the City's Health Services prior to operation of the food business. Please contact Health Services on 9273 6000 to discuss the requirements further with an Environmental Health Officer.
8. The amended Venue Management Plan shall include the following:
 - Noise control measures and management procedures of music;
 - Patron management and anti-social behaviour;
 - Community relations and complaint management procedure;
 - Set-up and pack-down of furniture;
 - Deliveries;
 - Post-service waste disposal; and
 - Staff training.

It is recommended the applicant/operator liaise with the City to discuss the Venue Management Plan prior to the lodgement of a Building Permit.
9. The hours in which the sale, supply and consumption of alcohol may be undertaken are restricted by the *Liquor Control Act 1988*.
10. Any noise created at the premises must ensure compliance with the provisions within the *Environmental Protection (Noise) Regulations 1997*.