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

Ward: South

Attachments:
1. Location and Consultation Plan
2. Proposed Plans
3. Acoustic Report
4. Previous Development Approval - 24 July 2020 (5.2020.81.1)
5. Previous Development Approval - 18 August 2020 (5.2020.274.1)
6. Summary of Submissions - Administration Response
7. Summary of Submissions - Applicant Response

Recommendation:

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

1. **All conditions, requirements and advice notes detailed on development approval 5.2020.81.1 dated 24 July 2020 and 5.2021.274.1 dated 18 August 2020 continue to apply to this approval, except as follows:**

   1.1 **Conditions 1.1 and 1.3 are amended to read as follows:**

      1. **Use of Premises**

         1.1 **This approval relates to Alterations and Additions to Small Bar as indicated on the plans dated 2 June 2021, 4 August 2021 and 24 August 2021. It does not relate to any other development on the site;**

         1.3 **A maximum of 127 persons shall occupy the Small Bar at any one time, including a maximum of 120 patrons;**

   1.2 **Condition 5 is amended to read as follows:**

      5. **A minimum of six long-term bicycle bays shall be provided and designed in accordance with AS2890.3 prior to the occupation or use of the development the subject of this approval;**

   1.3 **Condition 7 is amended to read as follows:**

      7. **The measures outlined approved acoustic report (Acoustic Engineering Solutions, dated 11 August 2021) shall be implemented prior to the occupation or use of the development the subject of this approval and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;**

   1.4 **Condition 8 is amended read as follows:**

      8. **Within 28 days of the date of this approval, an amended Venue Management Plan shall be provided to the City. The amended Venue Management Plan is to include management strategies for noise generated by the following, but not limited to:**

         - **Emptying of waste and bottles;**
         - **Timing and frequency of deliveries;**
         - **Timing and frequency of waste collections;**
         - **Anti-social behaviour and patron noise outside the venue; and**
         - **Set-up and set-down of alfresco dining area.**

The approved Venue Management Plan shall be thereafter implemented to the satisfaction of the City;

1.5 Condition 11 is updated to read as follows:

11. Within 28 days of the date of this approval, an updated Waste Management Plan shall be provided to the City. The updated Waste Management Plan is to address the requirements associated with the increased capacity and floor space of the premises, to the satisfaction of the City shall be submitted. The approved Venue Management Plan shall be thereafter implemented to the satisfaction of the City;

1.6 A new Condition 12 is added read as follows:

12. Landscaping

12.1 A detailed landscape and reticulation plan for the development site, to the satisfaction of the City, shall be lodged with and approved by the City prior to issuing a building permit. The plan shall address the following:

- **The provision trees to be located within the Alfresco Dining Area. The selection of tree species is to be consistent with the City's Tree Selection Tool and be located to maximise the provision of canopy coverage;**
- **The removal of artificial turf, to be replaced with turf or other suitable water permeable treatment; and**
- **Other suitable landscaping opportunities for the site, which may include planter boxes, in-ground or on-structure planting.**

12.2 All works shown in the approved landscape and reticulation plan shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to the occupation or use of the development the subject of this approval, and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

1.7 Advice Note 5 of 5.2021.81.1 read as follows:

5. The measures of the approved acoustic report include the installation of a 3.8 metre high brick wall along the southern boundary of the site. Prior to the occupation or use of the development the subject of this approval, the applicant/landowner shall confirm in writing how the measures of the acoustic report have been implemented; and

1.8 Advice note 1 of 5.2020.281.1 is amended to read as follows:

1. The use of the premises requires compliance with the *Health (Public Building) Regulations 1992* and would require the submission of a Public Building Application (Form 2) prior to occupancy. The food premises design and construction shall ensure compliance with the outcomes of the Food Standards Code and Australian Standard 4674-2004 'Design, construction and fit-out of food premises'.

PURPOSE OF REPORT:

To consider an application for an amendment to a previous development approval for alterations and additions to a Small Bar at No. 173 Oxford Street, Leederville (subject site).

PROPOSAL:

The premises at the subject site is currently approved for use as a Single House and Small Bar, and operates as Roberts on Oxford.

The subject development application proposes to increase the capacity of the premises and to enable alterations and additions to the existing building. The premises would operate solely as a Small Bar, with the Single House component removed.

Details of the proposal include:

- Increasing the maximum number of patrons from 50 to 120, and the number of staff from five to seven;
- Undertaking works to the premises including:
  - Construction of a new façade to Oxford Street and roof cover over the existing outdoor seating area along the southern boundary of the property, referred to on the plans as Bar Dining Area. As part of this new façade, a new section of awning is proposed to the Oxford Street footpath. This section of awning has been designed integrate with the existing awning on the building in respect to its height and width;
  - Conversion of the existing covered area at the rear into a new kitchen and bar area. This area also proposes to accommodate the existing bin store. This is referred to on the plans as Kitchen / Bar Area;
  - Provision of a new central courtyard area. This area provides additional seating and proposes to consist of paving, artificial grass, and a pergola structure. This is referred to on the plans as Alfresco Dining Area; and
  - Construction of a 3.8 metre high acoustic wall along the length of the southern lot boundary to be constructed out of brick; and
- Internal modifications to convert the existing Single House which is located at the rear of the existing building into additional back of house area, and the construction of two unisex accessible toilets located behind the existing building. The Single House use is intended to no longer operate as part of this application.

The application does not propose any changes to the previously approved operating hours. These operating hours are:

- 6:00am to 12:00am Monday to Saturday;
- 6:00am to 10:00pm Sunday; and
- 6:00am to 12:00am Sunday where followed by a public holiday.

Plans of the proposal are included as **Attachment 2**. The supporting acoustic report provided by the applicant is included as **Attachment 3**.

BACKGROUND:

Landowner:	Colin Philip De Silva
Applicant:	Robert McNally
Date of Application:	2 June 2021
Zoning:	MRS: Urban LPS2: Zone: Regional Centre
Built Form Area:	Town Centre
Existing Land Use:	Small Bar and Single House
Proposed Use Class:	Small Bar – 'D'
Lot Area:	405m²
Right of Way (ROW):	Not applicable
Heritage List:	Not applicable

The subject site is located at No. 173 Oxford Street, Leederville, as shown on the location plan included as **Attachment 1**.

The site is currently developed and operating as Roberts on Oxford, and consists of a single storey building accommodating a Small Bar to the front along with an unroofed outdoor area to the southern side of the building. The southern boundary of the site is utilised for servicing of the site, including accessing the rear bin store located at the rear.

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

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

Existing Development Approvals

On 24 July 2020 Administration approved a development application for a change of use at the subject site. Details of this application included:

- Change of use from Shop House to Restaurant/Café and Single House;
- A maximum of 50 customers and five staff members are permitted to be on site at any one time;
- Façade upgrades and provision of an outdoor dining area within the existing driveway along the southern boundary of the site;
- No on-site parking for the Small Bar use;
- The provision of two on-site long-term bicycle bays for use by staff and customers; and
- Signage.

A copy of these approved development plans and approval notice is included in **Attachment 4**.

Council subsequently at its meeting on 18 August 2020 approved a change of use at the subject site from Restaurant/Café and Single House to Small Bar and Single House. No works were proposed as part of this application. The operating hours of the premises was restricted to Monday to Saturday from 6:00am – 12:00am and Sunday from 6:00am – 10:00pm (or until 12:00am where followed by a public holiday).

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

DETAILS:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of LPS2, the City's Built Form Policy and other applicable local planning policies. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

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

Detailed Assessment

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

Landscaping	
Deemed-to-Comply Standard	**Proposal**
Built Form Policy Clause 1.5 Deep Soil Areas: • 12% of site area (48.6 square metres)	The development provides for 7.7% (31.4 square metres) of areas which could be considered as deep soil. A landscaping plan has not been provided.
Car and Bicycle Parking	
Deemed-to-Comply Standard	**Proposal**
Policy No. 7.7.1 – Non-Residential Development Parking Requirements (Parking Policy) *Car Parking* 19.05 parking bays required based on total number of persons of 127.	No on-site parking provided. Previous shortfall of 9.25 bays approved, based on total number of persons of 55 and one bay for the Single House component.
Bicycle Parking 2.4 (3) short-term and 5.3 (6) long-term bicycle parking spaces required.	No short-term and two long-term bicycle parking spaces provided. Previous shortfall of one short-term bicycle parking space approved.

The above elements of the proposal does not meet the specified deemed-to-comply standards and is discussed in the Comments section below.

The Built Form Policy does not include acceptable outcomes for Visual Privacy and Universal Design elements. Discretion is required to be exercised in considering their acceptability and this is also detailed in the Comments section below.

CONSULTATION/ADVERTISING:

Community consultation was undertaken in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* for a period of 14 days from 6 August 2021 to 19 August 2021. The method of consultation included a notice on the City's website and 129 letters being mailed to all the owners and occupiers of the adjoining properties (as shown in **Attachment 1**), in accordance with the City's Policy No. 4.1.5 – Community Consultation (Consultation Policy).

The City received a total of 21 submissions, including 16 in support, one objecting to, and four which raised concerns with but not did specifically support or object to the proposal. The submissions received raised concerns largely related to noise and anti-social behaviour impacts from the proposed development and increased number of patrons.

A summary of submissions and Administration's response is included as **Attachment 6**. The applicant has provided a responses to submissions which is included as **Attachment 7**.

Design Review Panel (DRP):

Referred to DRP: No

The application was not referred to the DRP as it does not propose significant alterations and additions to the existing building. The proposed new façade and awning to Oxford Street has been designed to integrate with the existing façade of the building.

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Local Planning Scheme No. 2;
- Leederville Town Centre Masterplan & Built Form Guidelines;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.1 – Built Form Policy;
- Policy No. 7.5.7 – Licensed Premises;
- Policy No. 7.5.21 – Sound Attenuation; and
- Policy No. 7.7.1 – Non-Residential Development Parking Requirements.

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.

Delegation to Determine Applications:

The application is required to be determined by Council as it is proposing an amendment to a previous Council determination that does not satisfy the deemed-to-comply standards set out in the City's local planning policies.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Community Plan 2018-2028:

Innovative and Accountable

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

The City has assessed the application against the environmentally sustainable design provisions of the City's Policy No. 7.1.1 – Built Form. These provisions are informed by the key sustainability outcomes of the City's Sustainable Environment Strategy 2019-2024, which requires new developments to demonstrate best practice in respect to reductions in energy, water and waste and improving urban greening.

PUBLIC HEALTH IMPLICATIONS:

This is not in keeping with the following priority health outcomes of the City's *Public Health Plan 2020-2025*:

Reduced harmful alcohol use

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial/budget implications from this application.

COMMENTS:

Car and Bicycle Parking

The premises is proposed to have a maximum capacity of 127 persons, including 120 patrons and seven staff. Based on 127 persons, the premises would require a total of 19.05 on-site parking bays under the City's Parking Policy.

The previous development approval issued for the Small Bar and Single House accepted a shortfall of 9.25 parking bays. This was reflective of a maximum of 55 persons (including 50 patrons and five staff), as well as the one bay requirement for a Single House under the Residential Design Codes.

The subject application would result in a further shortfall of 9.8 bays car parking bays, totalling a total shortfall of 19.05 bays (due to the previous shortfall of 9.25 bays being approved).

Three short-term and six long-term bicycle parking spaces would be required under the City's Parking Policy for a maximum of 127 persons. The previous development approval issued for the Small Bar and Single House included a condition for two long-term bicycle parking spaces to be provided. This was consistent with the requirements of the Parking Policy. The previous approval accepted no on-site short-term bicycle parking being provided, in lieu of one which would otherwise be required. The subject application would result in a further shortfall of two short-term and four long-term bicycle parking spaces.

During the consultation period the City received comments raising concerns in relation to the general availability of parking in Leederville as a result of recent development within Leederville.

As part of the previous proposal the applicant submitted a Parking Management Plan (PMP). The applicant did not provide an updated PMP as part of this application, but had noted that the previous PMP was still relevant given its recency. This PMP outlined the following:

- There are a number of on-street car parking bays located within walking distance of the subject site. These are both ticketed parking and 2P;
- The subject site is located within very close proximity to the Leederville Town Centre and Entertainment Precinct and the proposal allows for multi-purpose trips for people visiting the site and the entertainment precinct;
- The subject site is located within very close proximity to high frequency public transport such as Leederville Train Station, and bus routes with stops within 20 metres of the subject site. The area has a high level of pedestrian amenity with weather protection along much of the immediate area;
- Two long-term bicycle spaces are to be provided on the site, with these available for use by staff; and
- A number of short term bicycle hoops are located at the immediate frontage of the subject site and further along Oxford Street for use by customers.

The proposed parking provision is suitable for the following reasons:

- The subject site has historically provided for limited vehicle access to the site, with this being provided from Oxford Street. The uses on the site had been approved on the basis that there was no on-site parking available given the vehicle access leg along the southern boundary of the site is utilised for serving and an outdoor area. The enclosure of this area and provision of a new façade to Oxford Street is consistent with the previous approvals in this regard;
- The nature of the Small Bar use, being for a licensed premises which serves alcohol is such that it is expected that a large number of patrons would choose not to drive to the venue in private vehicle and to opt for taxi, public transport, walking or alternate mode of travel;
- The subject site is located within a high amenity area being the Leederville Activity Centre. This location provides the most appropriate opportunity for reduced parking provision and to reduce dependence on single person private vehicle trips consistent with the Parking Policy objectives;
- The subject site is in close proximity to public transport. This includes the Leederville Train Station which is located approximately 350 metres from the subject site and located along Oxford Street which is a high frequency bus route;
- The following public car parking is available nearby to the subject site:
    - There are 83 bays within 400 metres of the site along Oxford Street between Bourke Street and Leederville Parade. The parking restrictions on these bays vary between paid parking from 7:00pm to midnight, and one hour parking between 8:00am and 7:00pm, 8:00am to 5:30pm Monday to Friday and 8:00am to 12noon on Saturday. The City's parking survey data from 2018 identifies that there are on average 28 bays available at any one time. The busiest period was between 9am to 11am on Friday morning where 11 bays were available;

  - There are 326 bays within 130 metres of the subject site in The Avenue car park. 174 of these bays are paid parking between the hours of 7:00am and midnight, and 152 of these bays are 2P between 7:00am and 7:00pm. The City's parking survey data from 2018 identifies that there are on average 179 bays available at any one time. The busiest period was between 12noon and 2:00pm on Wednesday afternoon where109 bays were available; and
  - There are 123 bays within 90 metres of the subject site as part of the ABN development at No. 301 Vincent Street. These bays are available for paid parking by the public between the hours of 5:30pm and 6:00am. This is operated as a private car park during these hours, and has recently opened to the public;
- There are 14 bicycle parking spaces located within the Oxford Street verge within 120 metres of the subject site. 10 of these are located on the western side of Oxford Street. A further four are located on the corner of Vincent Street and Oxford Street outside No. 156 Oxford Street. The close proximity and accessibility of these spaces are capable of use by patrons who may cycle to the premises, and would support a shift towards alternative transport modes consistent with the City's Parking Policy objectives. The shortfall of two on-site short-term bicycle spaces is supported on this basis; and
- In regards to the long-term bicycle spaces, two were conditioned as part of the previous development approval to be provided on-site. This was on the basis that these would be used by staff. The applicant has agreed to a condition being imposed for an additional four long-term bicycle spaces to be provided on-site. This would result in a total of six long-term bicycle parking spaces being provided. This would increase the availability of bicycle parking for staff and support cycling as an alternative to driving. The existing condition is proposed to be updated to reflect the provision of these additional bicycle spaces.

The demands for parking for staff and customers of the development as a result of the increased capacity would be sufficiently met through the availability of alternate modes of transport and public parking in the area to support the use, without the need for a cash-in-lieu contribution from the applicant.

Noise Management

The application proposes to increase the capacity of the venue from 55 persons to 127 persons. Of these there is proposed to be 120 patrons and seven staff. 120 patrons is the maximum permitted for a Small Bar under the *Liquor Control Act 1988*.

There is no intended change to the previously approved operating hours. These approved operating hours are Monday to Saturday from 6:00am – 12:00am and Sunday from 6:00am – 10:00pm (and 12:00am where followed by a public holiday).

During the consultation the City received comments raising concerns in relation to the impact of noise on surrounding residents and business from the expansion and increased capacity of the premises.

The applicant submitted an acoustic report prepared by a qualified acoustic consultant in support of the development. The acoustic report is included as **Attachment 3**. The acoustic report assesses noise generated from the proposed development and its impact on adjoining properties. The acoustic report considered the following elements as part of its operation scenarios:

- The premises would operate seven days per week, commencing from 6am with a maximum of 120 patrons;
- Exhaust fans provided for the kitchen and toilets, and air conditioning units;
- All windows and doors to be fully opened during the operating hours;
- Speakers would play low level background music. This would include two speakers in the indoor area, two speakers in the Bar Dining Area, and four speakers in the Alfresco Dining Area; and
- The provision of a 3.8 metre high brick wall built along the southern boundary.

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

Condition 2 of the existing development approval requires the implementation of the measures of the acoustic report. It is recommended that this condition be updated to reflect the latest version of the acoustic report which has been submitted accompanying this application.

Condition 8 imposed as part of the initial development approval for a change of use to Restaurant/Café and Single House required the use to operate in accordance with an approved Venue Management Plan (VMP). This includes strategies to manage noise from noise sources such as patrons, kitchen equipment, sound system and mechanical equipment.

It is recommended that the VMP be updated to reflect the requirements of the City under Policy No. 7.5.7 – Licensed Premises (Licensed Premises Policy) for the Small Bar use, particularly given that the intensity of the operation would increase as part of this application. This was not reflected in the previous approval for the change of use to introduce the Small Bar use.

Condition 8 is recommended to be updated to require a modified VMP which would require the following matters to be addressed:

- Emptying of waste and bottles;
- Timing and frequency of deliveries;
- Timing and frequency of waste collections;
- Anti-social behaviour and patron noise outside the venue; and
- Set-up and set-down of alfresco dining area.

This would ensure the proposal is consistent with the Licenced Premises Policy.

Condition 11 is recommended to be updated to require a modified Waste Management Plan, which reflects the requirements associated with the increased floor space and capacity of the premises.

Landscaping

The Built Form Policy requires the development to provide 12 percent of the site area as deep soil zones, equivalent to 48.6 square metres. The development provides for 7.7 percent of the site area (31.4 square metres) which would meet the definition of deep soil zone within the Alfresco Dining Area.

The applicant has not provided a landscaping plan for this Alfresco Dining Area, however has advised that this area is not intended to be landscaped. Artificial grass and brick paving is intended to be provided, along with a pergola structure and seating.

The proposal is consistent with the local housing objectives of the Built Form Policy for the following reasons:

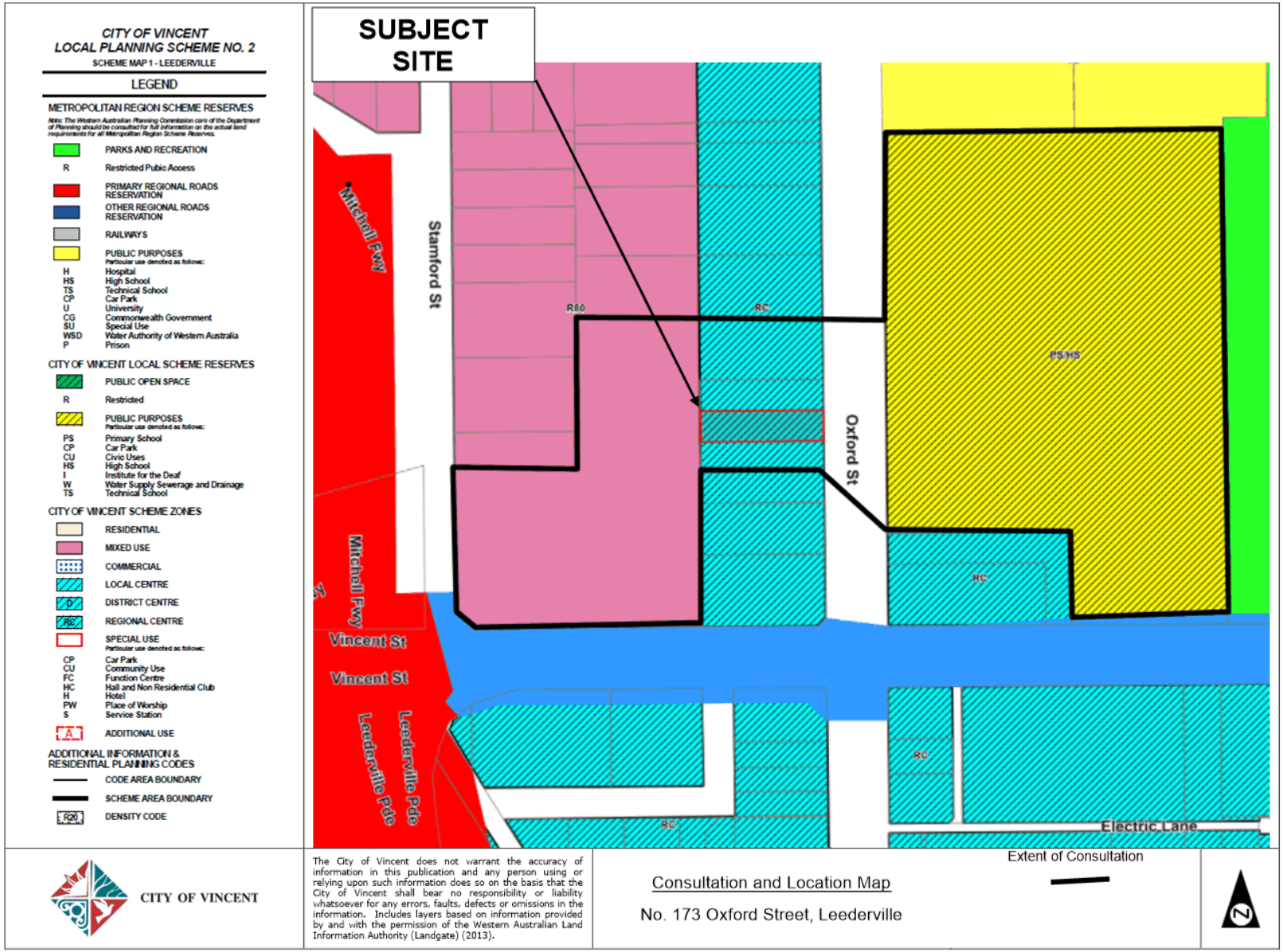
- There is limited ability to provide for substantial landscaping to be achieved on the site. This is because the application proposes rear additions to the existing Roberts development. The existing building has a nil setback to Oxford Street. The application proposes the provision of an active façade to Oxford Street as part of the enclosure of the Bar Dining Area that would replace existing service gates and provides for increased activation of the public realm;
- Landscaping and canopy coverage is not provided for on the site currently. The enclosure of the Bar Dining Area is consistent with the current use of this space for outdoor seating. The proposed development to the rear is largely contained within the footprint of the existing structures on the subject site. The proposed Alfresco Dining Area is intended to accommodate additional outdoor seating and provides for shade coverage through the provision of a pergola;
- The development provides the opportunity for 7.7 percent of deep soil/planting areas within the Alfresco Dining Area. Through the assessment of the application, the applicant has advised they would be open to providing some landscaping in the area. This would include providing some trees in the area, the removal of the artificial turf, as well as exploring opportunities for the provision of on-structure planting on the pergola. The provision of trees in this location would contribute towards canopy coverage and a sense of open space between buildings, and increase the amenity of this outdoor space of patrons. Administration has recommended a condition be imposed for a landscaping plan to be provided which addresses these opportunities;
- Having regard to the site's location within a town centre setting and the existing constraints of development on site, the provision of landscaping of this nature would be appropriate having regard to the function and use of the premises and the outdoor spaced complements the existing built form and is appropriate.

Visual Privacy and Universal Design

The Built Form Policy does not include acceptable outcomes related to Visual Privacy and Universal Design, with an assessment against the relevant local housing objectives required.

The proposal is consistent with these local housing objectives for the following reasons:

- In respect to Universal Design, the development retains existing floor levels of the Bar Dining Area which is proposed to be enclosed and a new façade provided to Oxford Street as part of the proposal. There are no modifications to the previously approved plans proposed which provide for minimal steps, a 3.0 metre wide area along the southern boundary and a ramp into the rear of the premises. These universal access opportunities are not proposed to be modified as part of the subject application; and
- In respect to Visual Privacy, the development would not contribute towards overlooking of adjoining properties. This is because the development and areas to accommodate patron use remain single storey. Boundary walls and fences to sides and the rear would ensure that the visual privacy of adjoining properties is maintained.


CITY OF VINCENT
LOCAL PLANNING SCHEME NO. 2
SCHEME MAP 1 - LEEDERVILLE
LEGEND
METROPOLITAN REGION SCHEME RESERVES
PARKS AND RECREATION
R Restricted Pubic Access
PRIMARY REGIONAL ROADS RESERVATION
OTHER REGIONAL ROADS RESERVATION
RAILWAYS
PUBLIC PURPOSES
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
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
CP Car Park
CU Community Use
FC Function Centre
HC Hall and Non Residential Club
H Hotel
PW Place of Worship
S Service Station
A ADDITIONAL USE
ADDITIONAL INFORMATION & RESIDENTIAL PLANNING CODES
CODE AREA BOUNDARY
SCHEME AREA BOUNDARY
R20 DENSITY CODE
SUBJECT SITE
Mitchell Fwy
Stamford St
R80
RC
PS/HS
Oxford St
Mitchell Fwy
Vincent St
Vincent St
Leederville Pde
Leederville Pde
RC
RC
RC
Electric Lane
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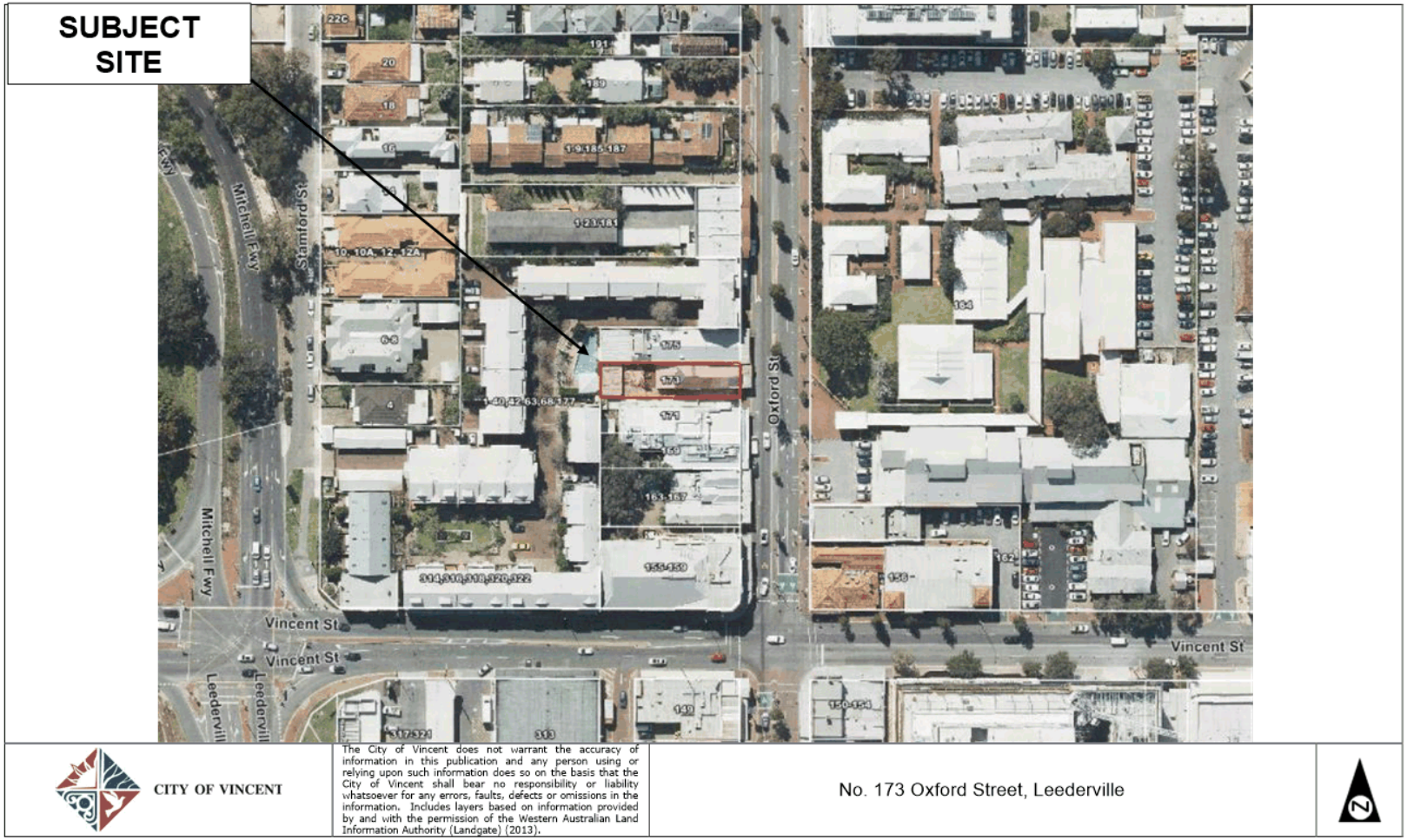
Extent of Consultation
Consultation and Location Map
No. 173 Oxford Street, Leederville
N


SUBJECT SITE
Mitchell Fwy
Stamford St
Oxford St
Vincent St
Vincent St
Vincent St
Leederville
Leederville
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No. 173 Oxford Street, Leederville
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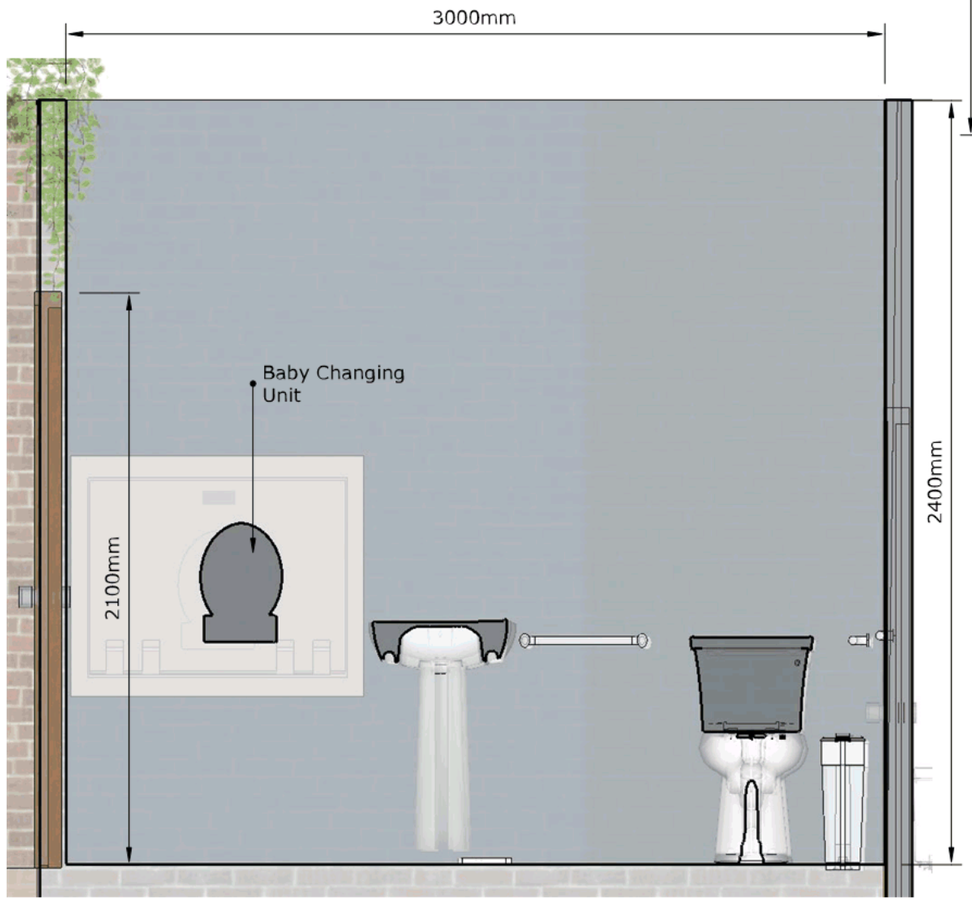
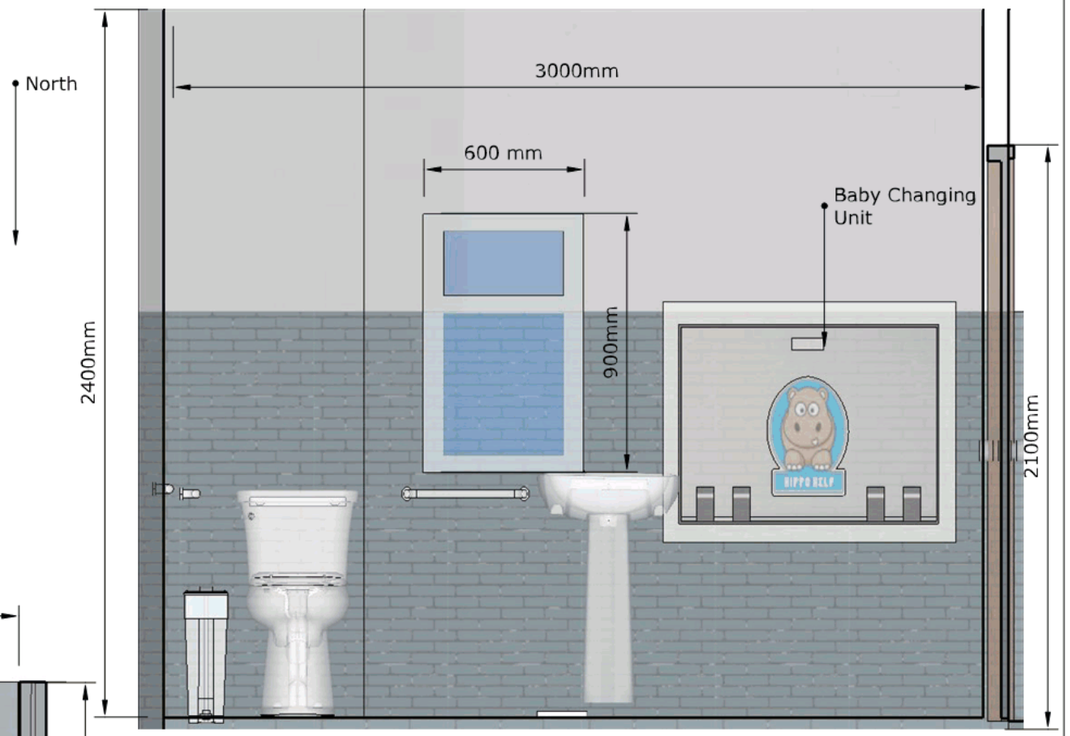
RECEIVED
2 June 2021





North

Proposed
UAT

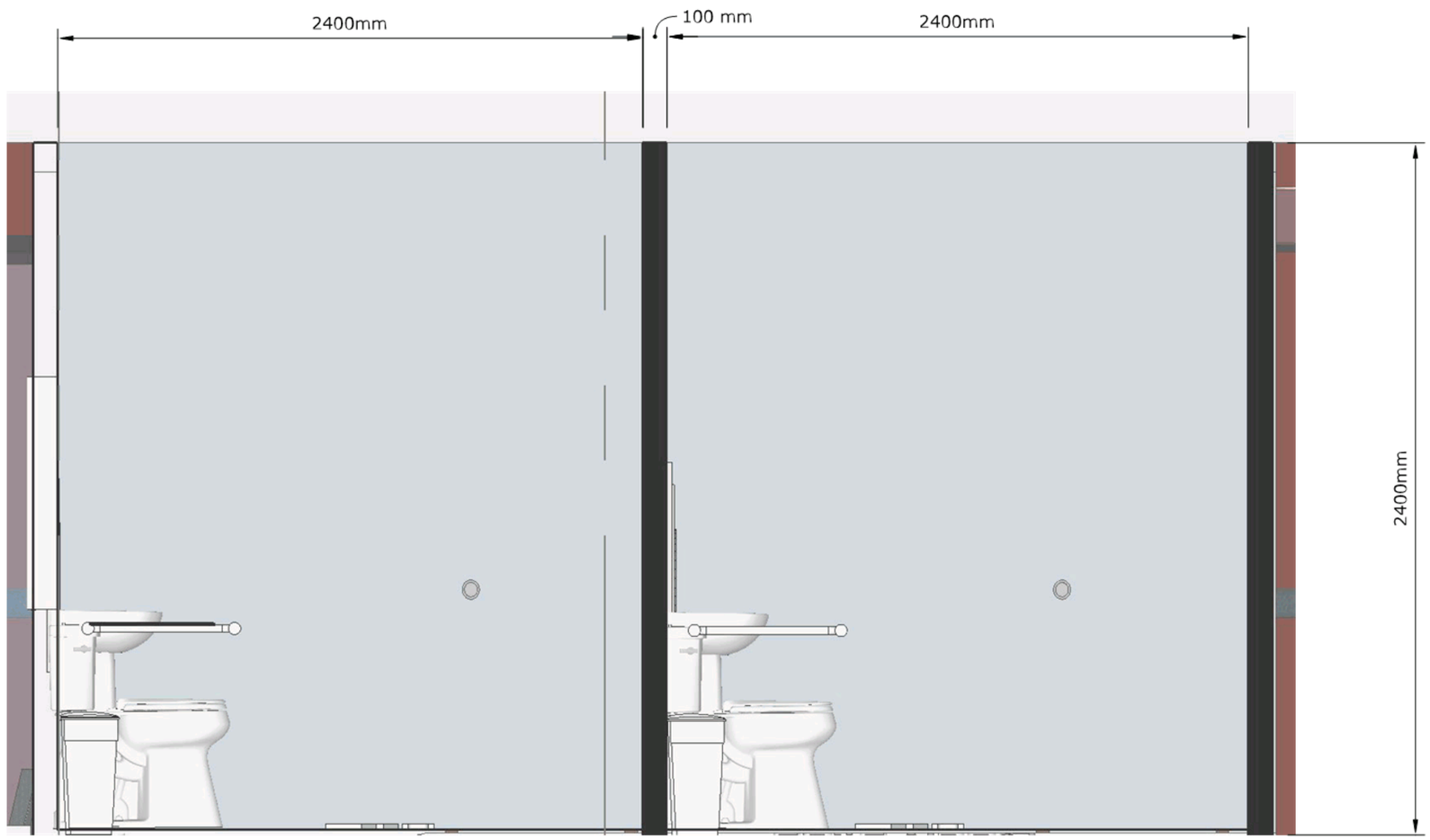
Scale 1:20

Date:
May 29th 2021

Address:
173 Oxford Street, Leederville, WA 6007

A.2
V1

North



CITY OF VINCENT
RECEIVED
2 June 2021

Address: 173 Oxford Street, Leederville, WA 6007

Date: May 29th 2021

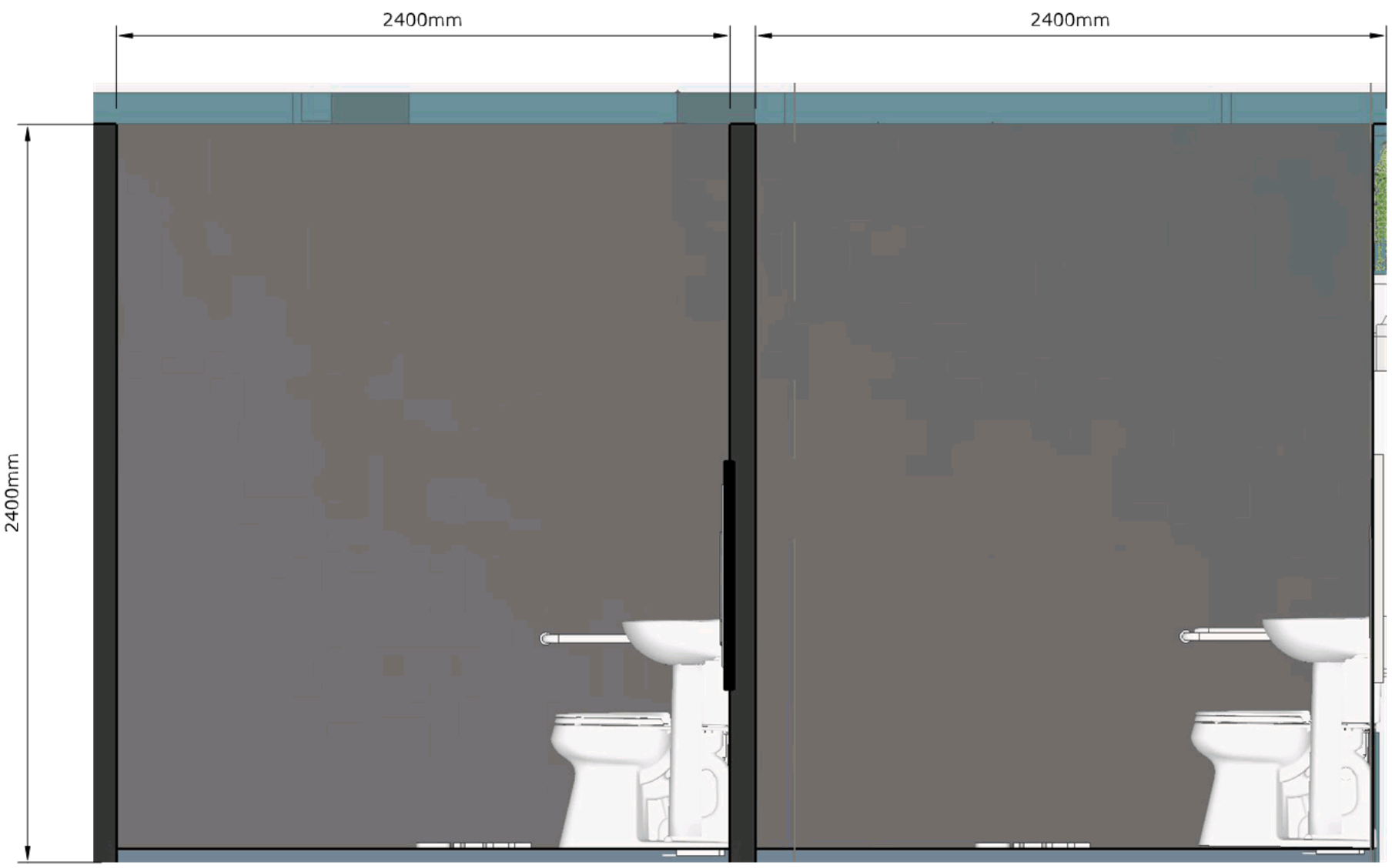
Scale 1:20

Proposed UAT

A.3

V1

North



CITY OF VINCENT
RECEIVED
2 June 2021

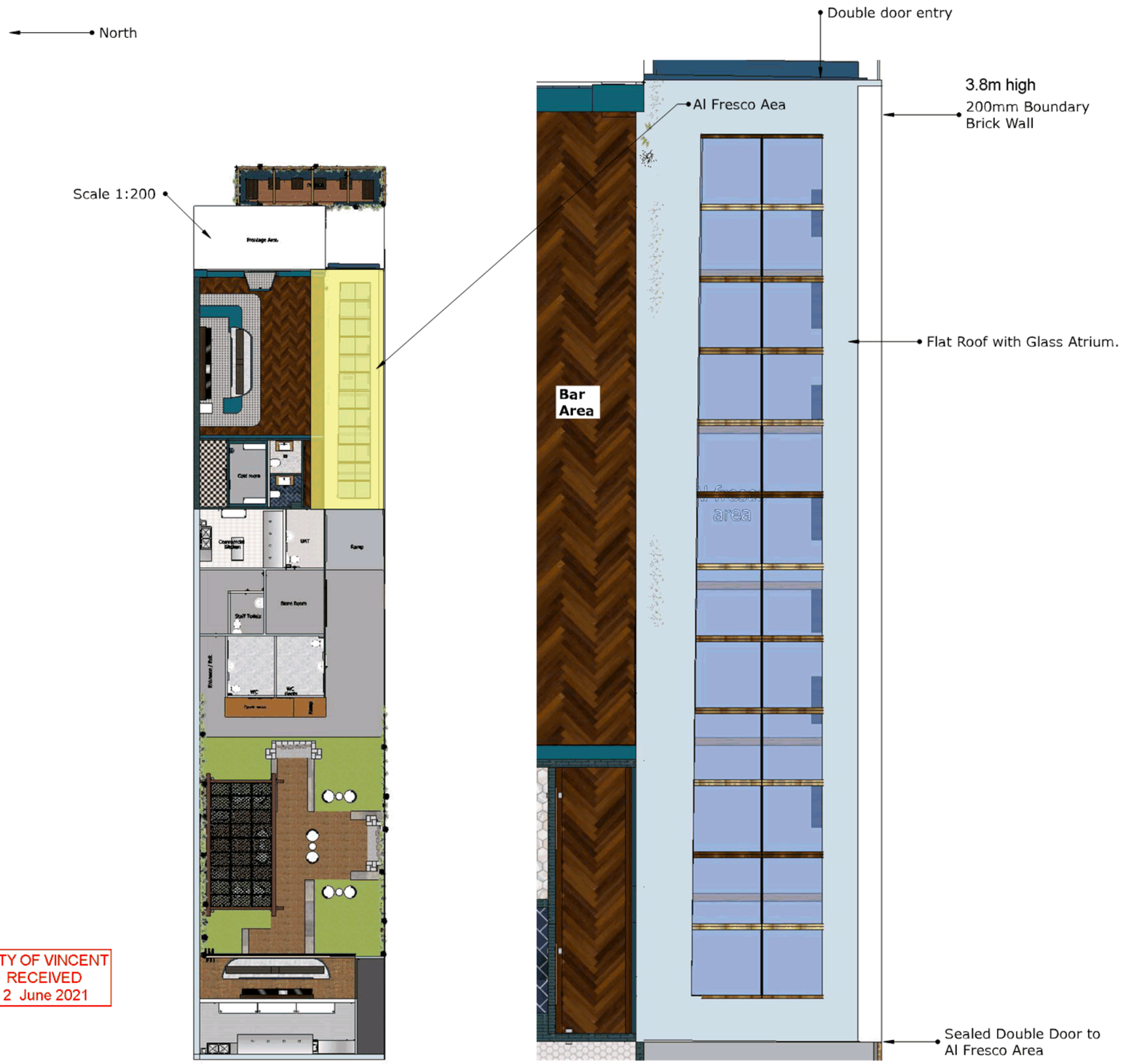
Proposed
UAT

Scale 1:20

Date:
May 29th 2021

Address:
173 Oxford Street, Leederville, WA 6007

A.4
V1



CITY OF VINCENT
RECEIVED
2 June 2021

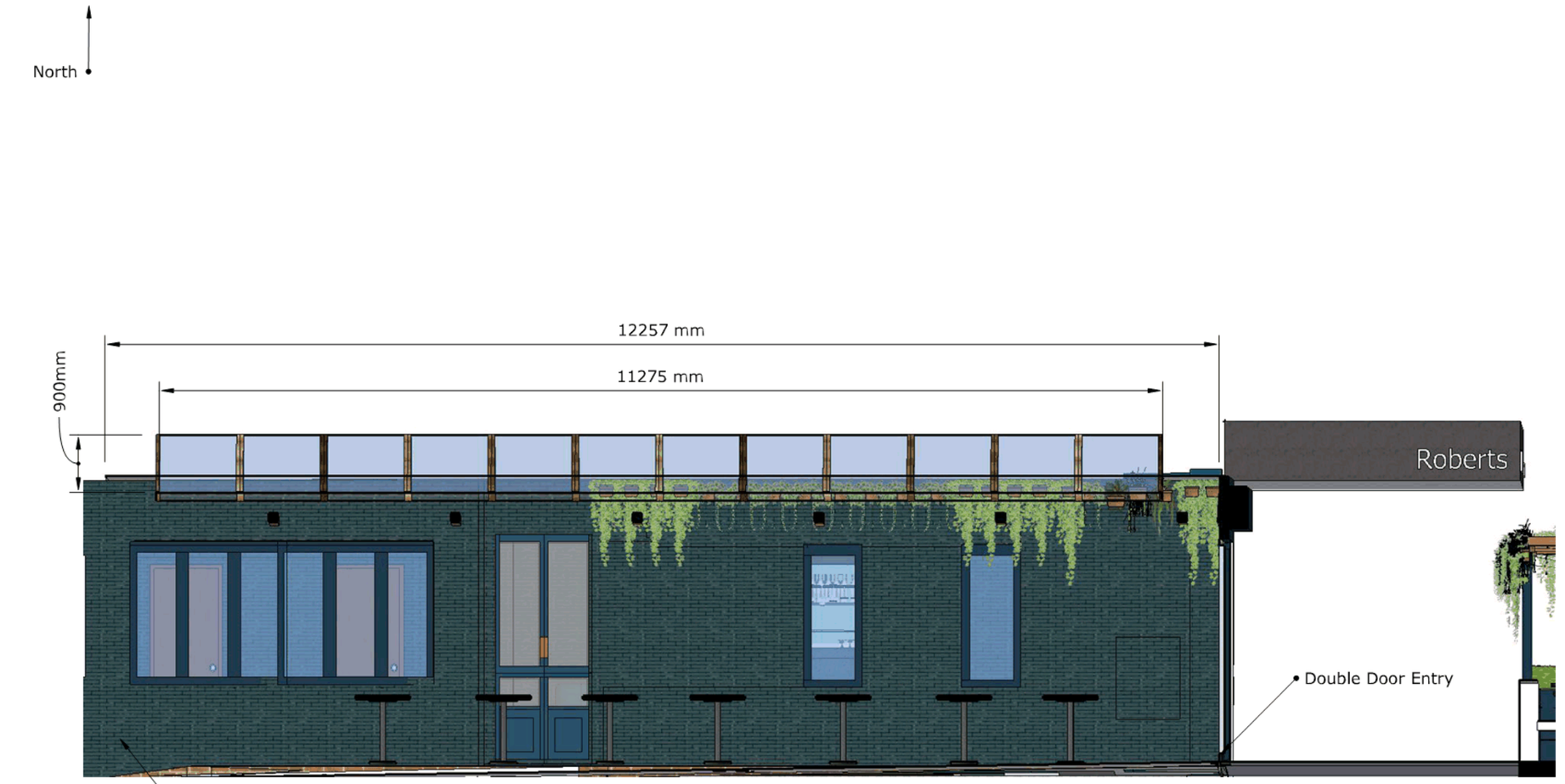
Floor Plan Proposed
Bar Dining Area

Scale 1:50

Date: May 29th 2021

Address: 173 Oxford Street, Leederville, WA 6007

A.
V1



CITY OF VINCENT
RECEIVED
2 June 2021

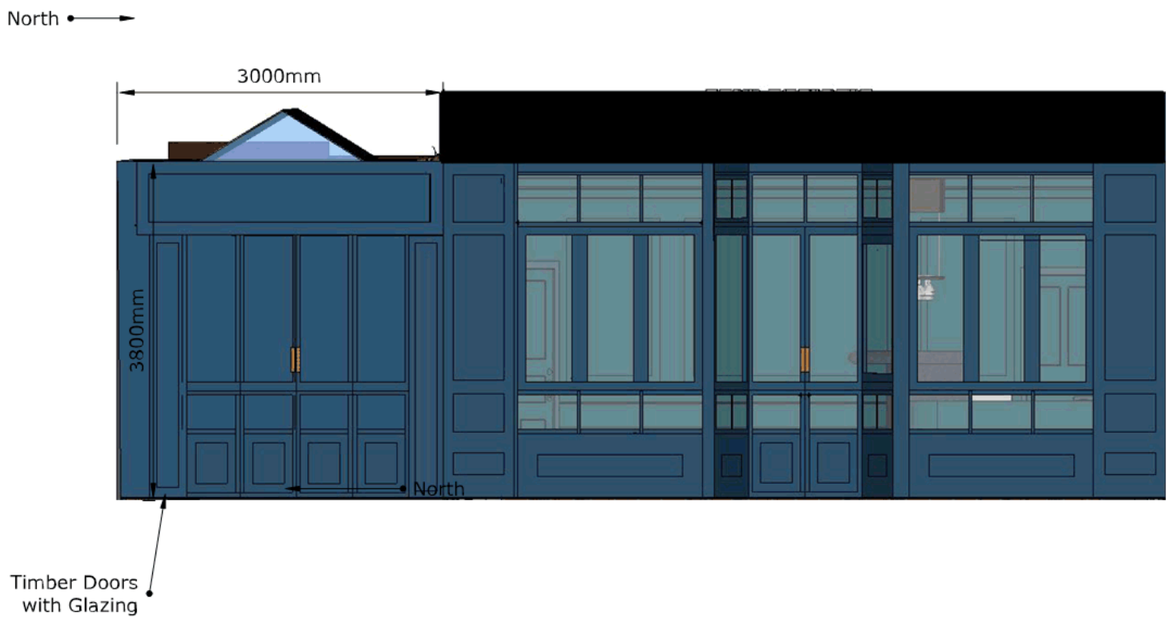
Floor Plan Proposed
Bar Dining Area

Scale 1:50

Date: May 29th 2021

Address: 173 Oxford Street, Leederville, WA 6007

A.1
V1



CITY OF VINCENT
RECEIVED
2 June 2021

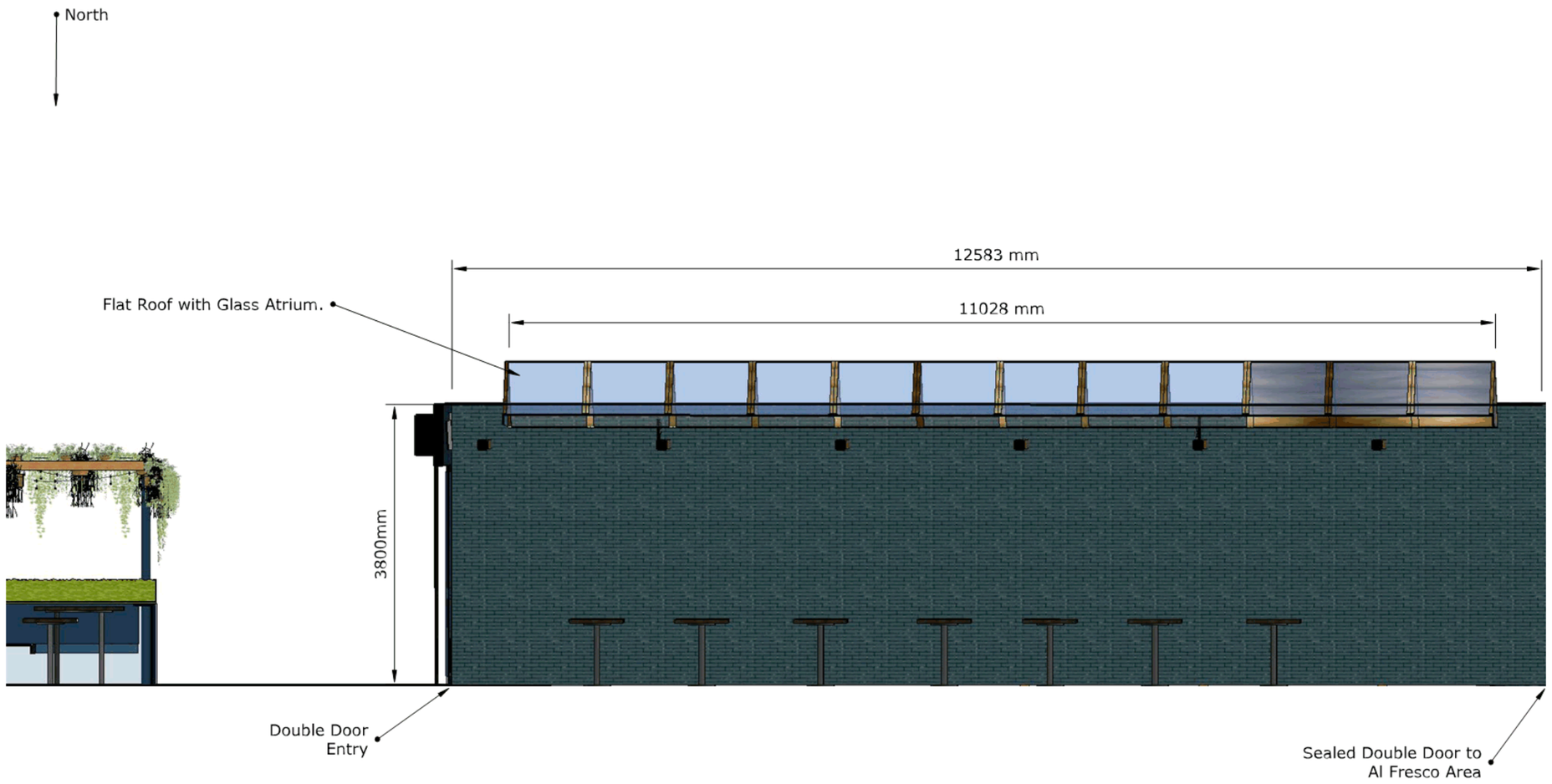
Floor Plan Proposed
Bar Dining Area

Scale 1:50

Date:
May 29th 2021

Address:
173 Oxford Street, Leederville, WA 6007

A.2
V1



CITY OF VINCENT
RECEIVED
2 June 2021

Floor Plan Proposed
Bar Dining Area

Scale 1:50

Date: May 29th 2021

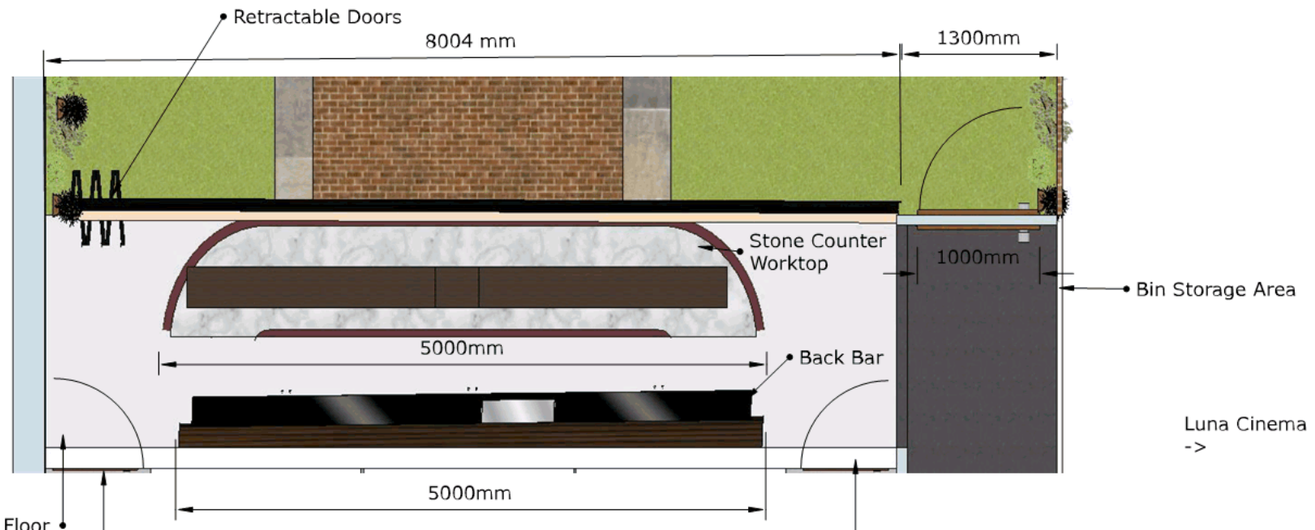
Address: 173 Oxford Street, Leederville, WA 6007

A.3
V1

North

Scale 1:200

External Bar



Floor Plan Proposed
Al Fresco Bar

Scale 1:50

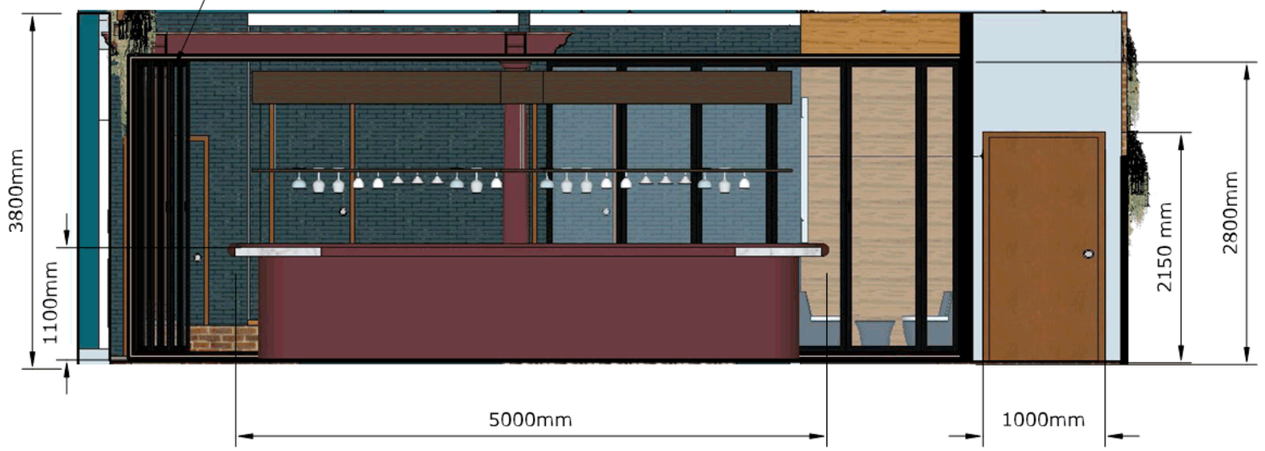
Date: May 29th 2021

Address: 173 Oxford Street, Leederville, WA 6007

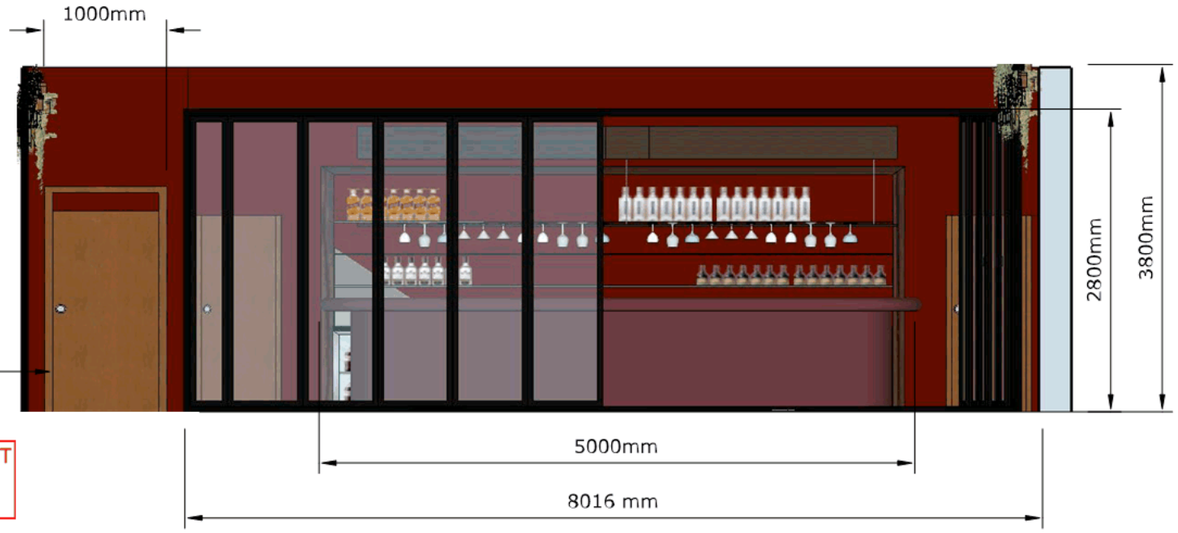
A.1
V1

North

Retractable Door



North



3800mm Boundry Block Wall
to help contain potential patron noise

CITY OF VINCENT
RECEIVED
2 June 2021

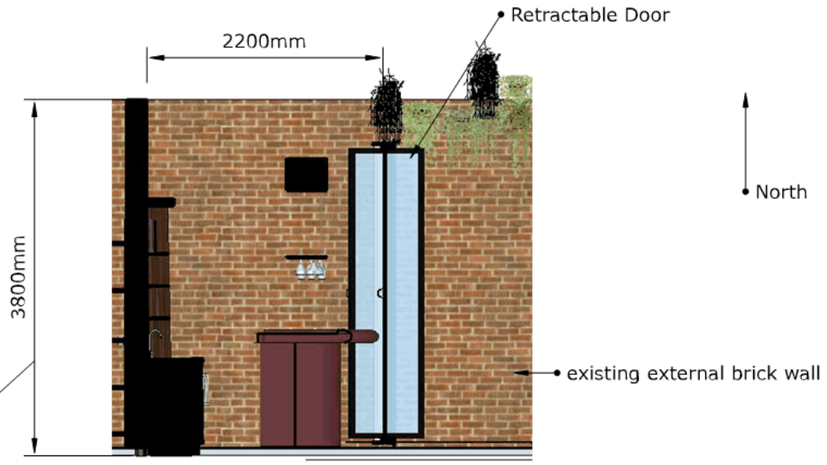
Floor Plan Proposed
Al Fresco Bar

Scale 1:50

Date:
May 29th 2021

Address:
173 Oxford Street, Leederville, WA 6007

A.2
V1



3800mm Boundry Block Wall
to help contain potential patron noise

CITY OF VINCENT
RECEIVED
2 June 2021

Floor Plan Proposed
Al Fresco Bar

Scale 1:50

Date: May 29th 2021

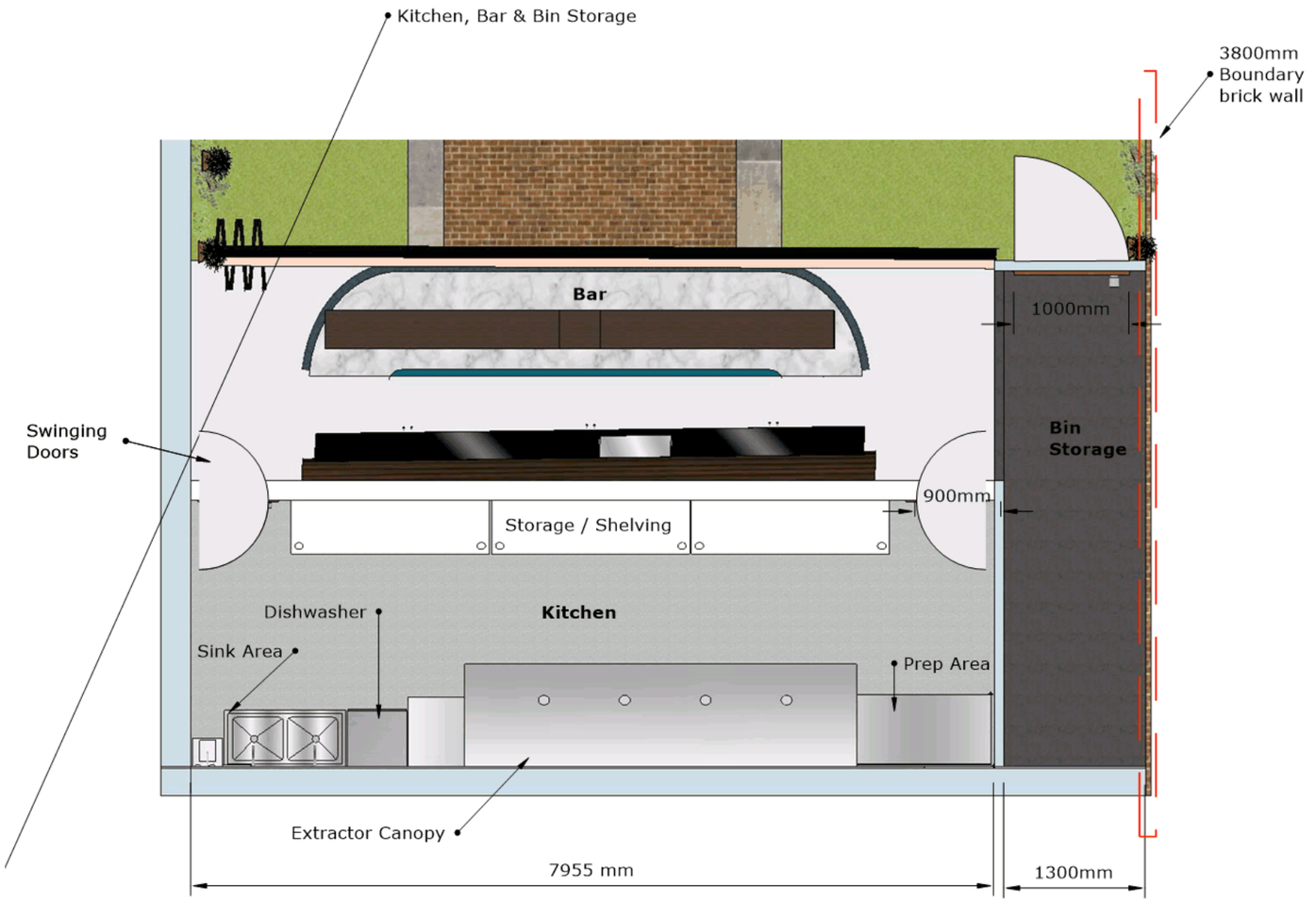
Address: 173 Oxford Street, Leederville, WA 6007

A.3
V1

North

Amended Plan

CITY OF VINCENT
RECEIVED
4 August 2021



Floor Plan Proposed
Kitchen / Bar Area

Scale 1:50

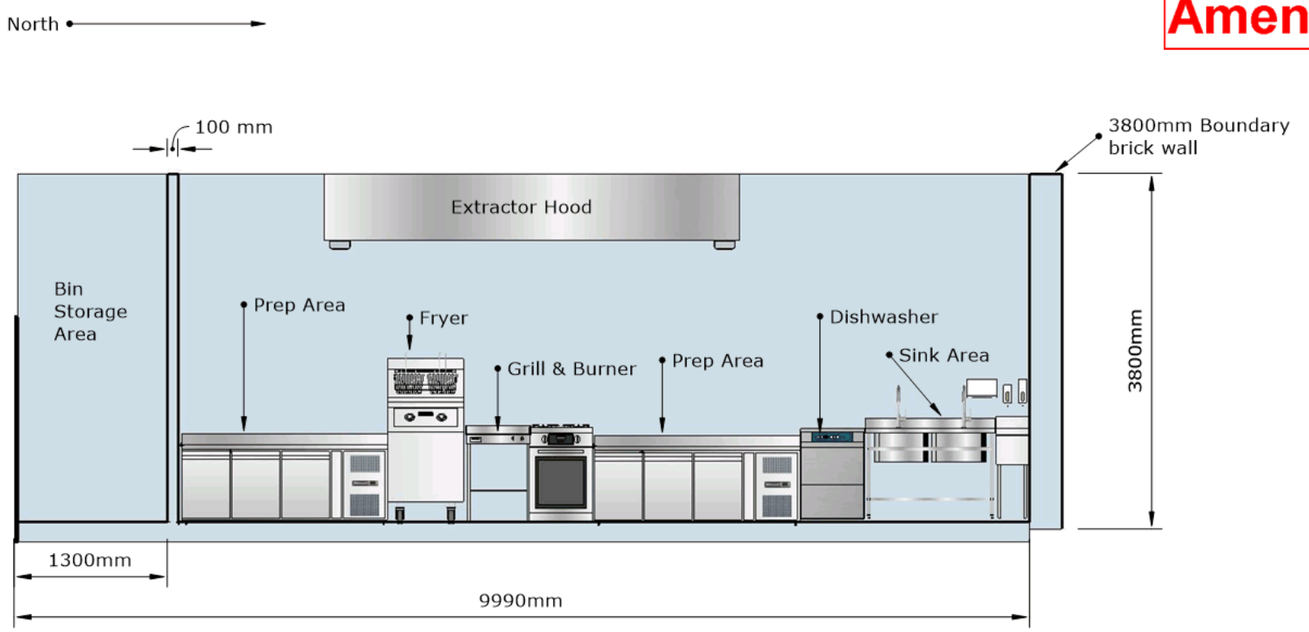
Date: Aug 4th 2021

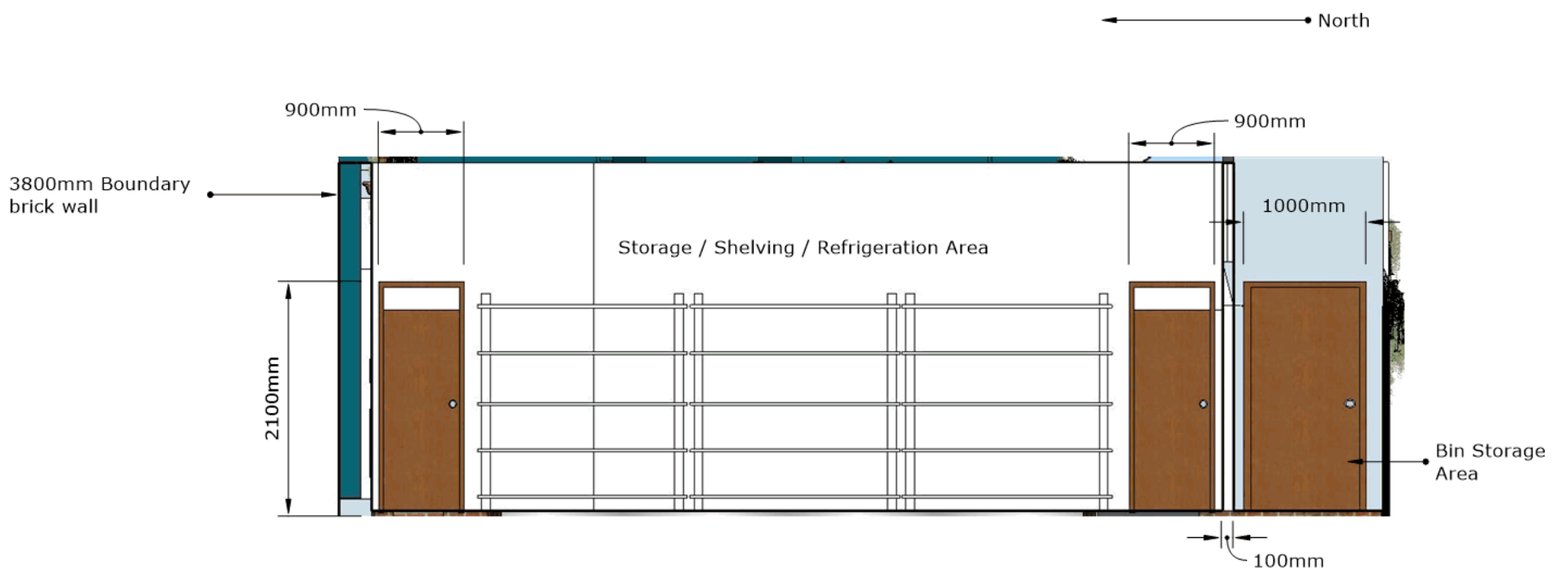
Address:
173 Oxford Street, Leederville, WA 6007

A.1
V2

Amended Plan

CITY OF VINCENT
RECEIVED
4 August 2021





Floor Plan Proposed
Kitchen / Bar Area

Scale 1:50

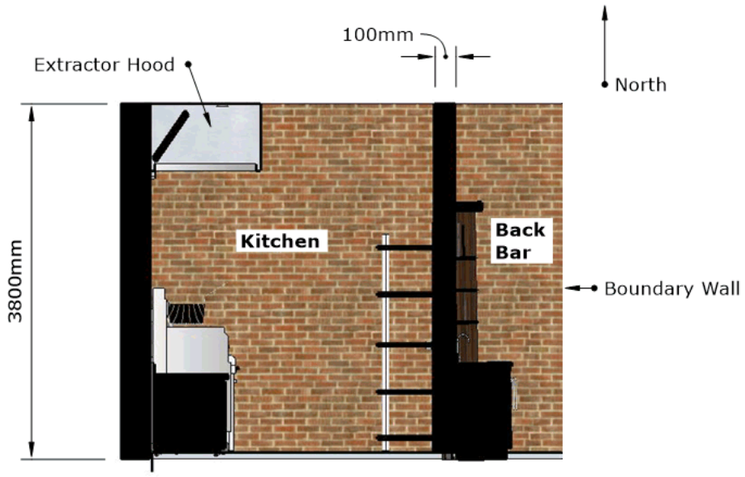
Date: May 29th 2021

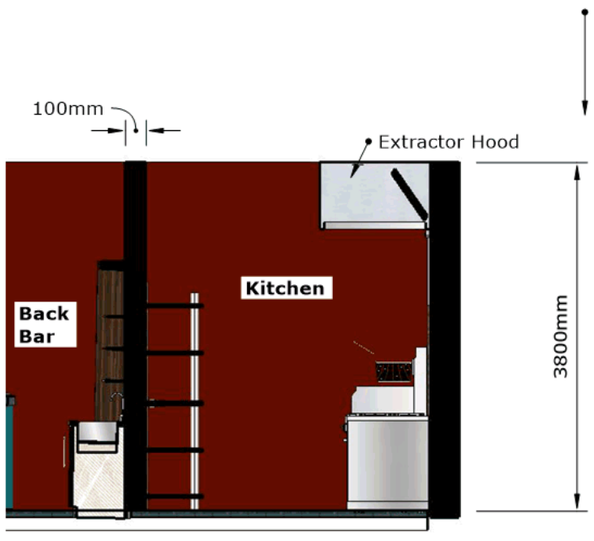
Address: 173 Oxford Street, Leederville, WA 6007

A.2
V1

Amended Plan

CITY OF VINCENT
RECEIVED
4 August 2021





Floor Plan Proposed
Kitchen / Bar Area

Scale
1:50

Date:
May 29th 2021

Address:
173 Oxford Street, Leederville, WA 6007

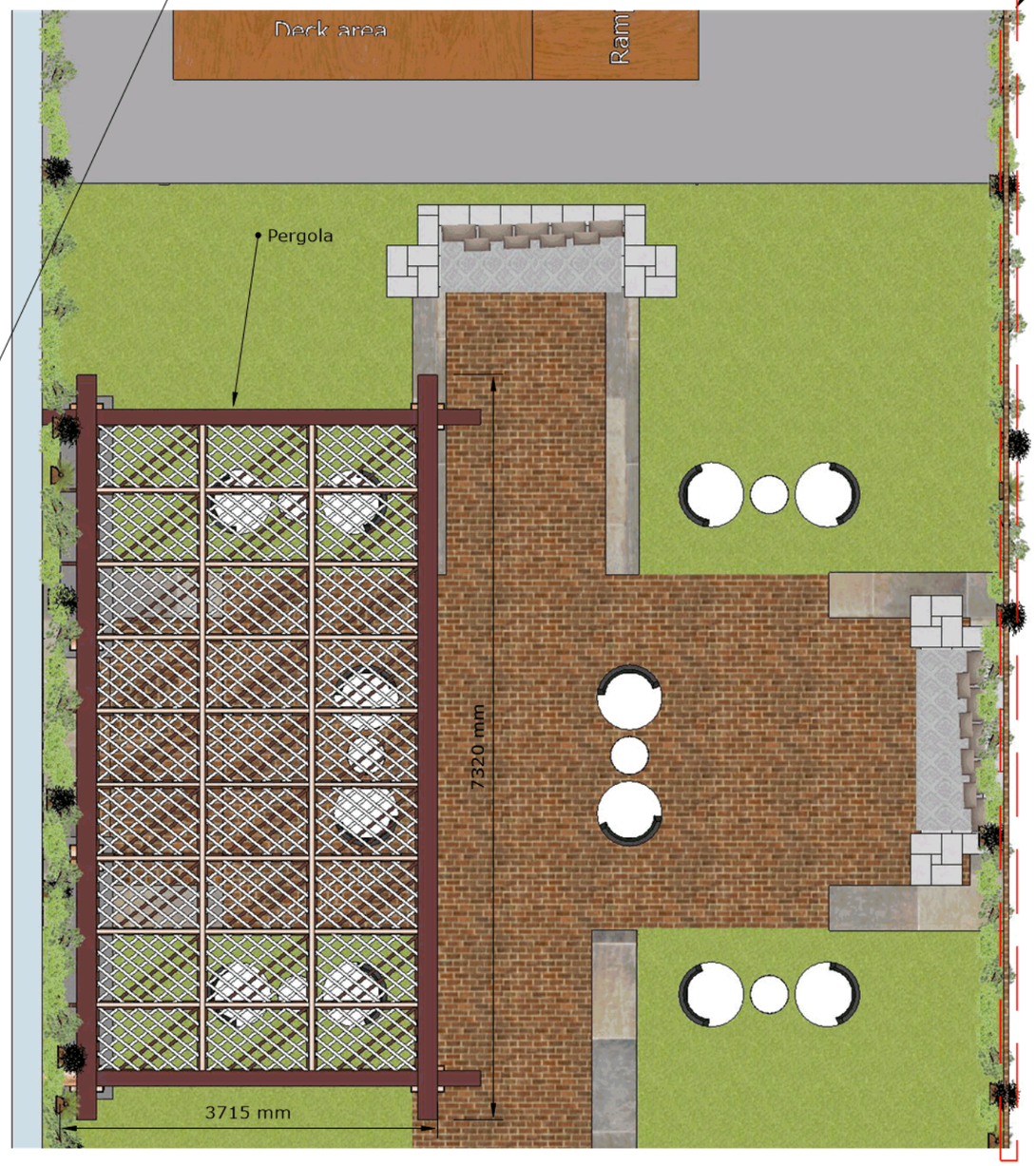
A.3
V1

Amended Plan

CITY OF VINCENT
RECEIVED
4 August 2021

North

Scale 1:200

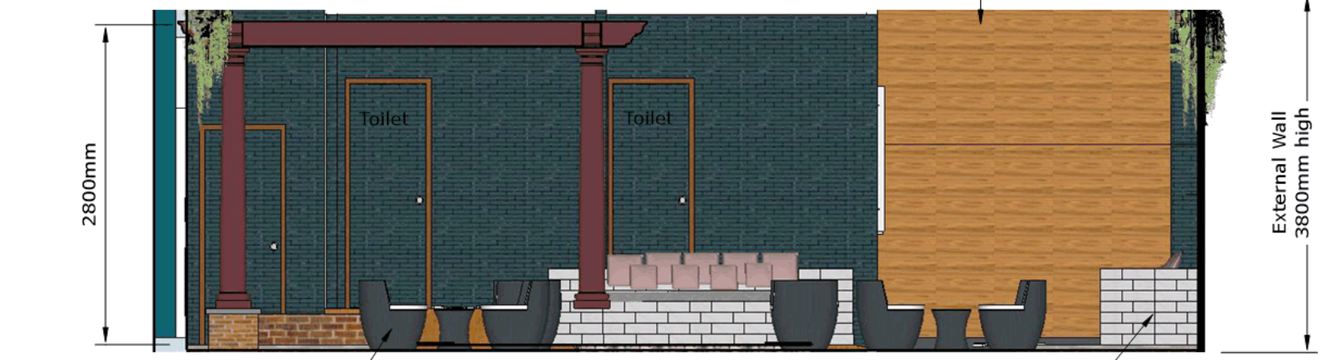


Amended Plan

CITY OF VINCENT
RECEIVED
4 August 2021

North

Sound proof Door forming break between garden and bar area



Retractable Doors to Bar / Kitchen Area

North

Perogla

Entrance to Bin Storage Area

Floor Plan Proposed
Al Fresco Dining Area

Scale 1:50

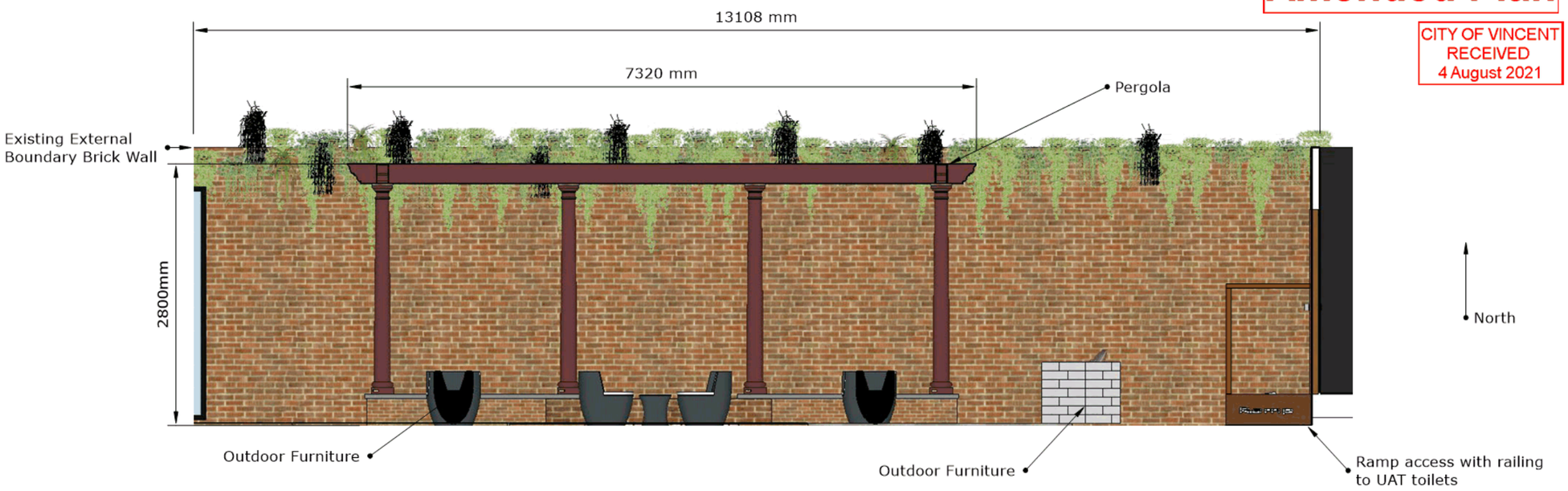
Date: May 29th 2021

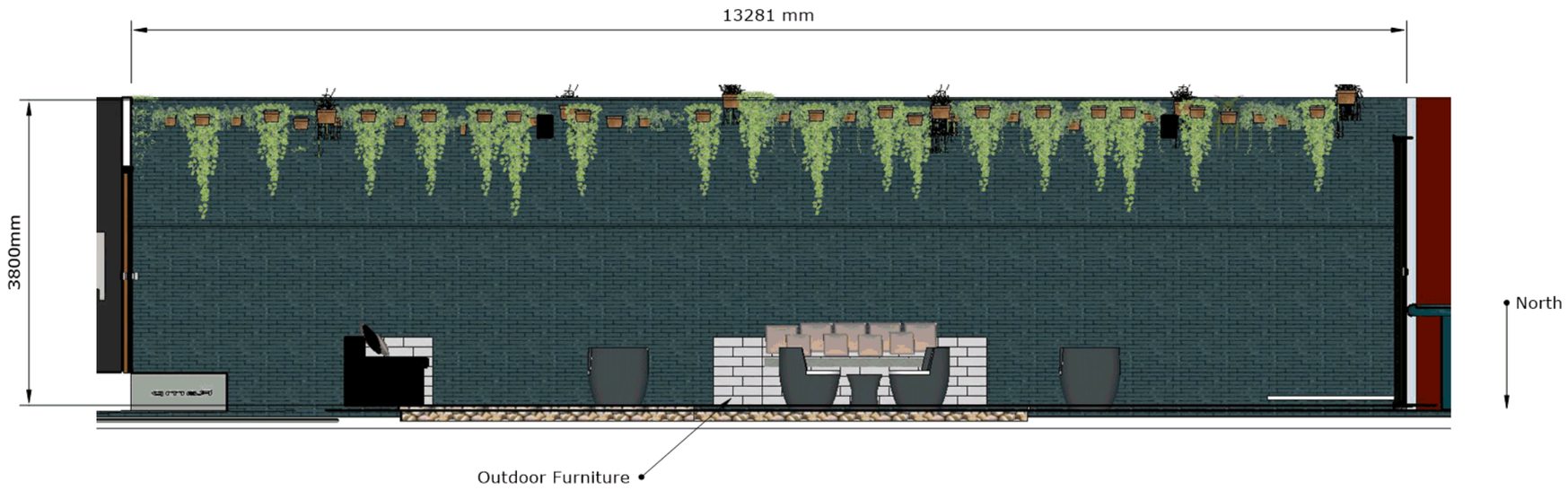
Address: 173 Oxford Street, Leederville, WA 6007

A.2
V1

Amended Plan

CITY OF VINCENT
RECEIVED
4 August 2021





Floor Plan Proposed
Al Fresco Dining Area

Scale 1:50

Date:
May 29th 2021

Address:
173 Oxford Street, Leederville, WA 6007

A.3
V1

North

Floor Plan Proposed
Bar Dining Area

Scale 1:50

Date: August 24th 2021

Address:
173 Oxford Street, Leederville, WA 6007

A.1
V1

North

Floor Plan Proposed
Bar Dining Area

Scale
1:50

Date:
Aug 24th 2021

Address:
173 Oxford Street, Leederville, WA 6007

A.1
V1

ACOUSTIC REPORT

FOR

SMALL BAR

11 August 2021

AES-890113-R01-2-11082021

Acoustic Engineering Solutions
www.acousticengsolutions.com.au

DOCUMENT CONTROL

Environmental Noise Impact Assessment

Prepared for:	**Roberts**
	173 Oxford Street
	Leederville WA 6007
Contact:	Robert McNally

Prepared by:	DR. Roy Ming
	Acoustic Engineering Solutions
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Revision:	2
Date:	11 August 2021
Doc NO:	AES-890113-R01-2-11082021

Acoustic Engineering Solutions

ABN: 64 451 362 914

EXECUTIVE SUMMARY

Acoustic Engineering Solutions (AES) has been commissioned by Roberts to prepare an acoustic report for the proposed operations of a small bar at 173 Oxford Street Leederville. The small bar will have a maximum capacity of 120 patrons and open for 7 days a week. This report presents an environmental noise assessment of the small bar. The aim of this assessment is to determine whether or not the noise emission from the small bar would comply with the Environmental Protection (Noise) Regulations 1997 (the Regulations).

An acoustic model is created and two worst-case operational scenarios are modelled to represent the busiest operations with the maximum noise emissions from the small bar:

Scenario 1: All items of the mechanical plant including kitchenware operate simultaneously with 48 patron conversations in normal voices (40% of 120 patrons are talking) and low level background music.

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

The above scenarios may not occur for most of the opening hours.

Seven closest residential/school/commercial premises are selected for the detail assessment. Noise levels are predicted for the worst-case meteorological conditions. The predicted worst-case noise levels are adjusted to account for their dominant characteristics, and then assessed against the criteria set by the Regulations. The compliance assessment concludes that full compliance is achieved for the small bar.

TABLE OF CONTENTS

1.0 INTRODUCTION

Acoustic Engineering Solutions (AES) has been requested by Roberts to undertake an environmental noise impact assessment of the proposed operations of a small bar at 173 Oxford Street Leederville in accordance with the Environmental Protection (Noise) Regulations 1997.

In July 2020 an acoustic model was developed for the small bar[1]. After the successful operation, Roberts plans to upgrade the small bar and extend its operation. The acoustic model has accordingly been updated to reflect the small bar upgrade.

1.1 SUBJECT SITE

Figure 1 in APPENDIX A presents an aerial view[2] of the subject site and surrounding area, including seven closest noise-sensitive and commercial receivers.

Figure 2 to Figure 8 in APPENDIX A presents the site layout, front and side views of the small bar building. The small bar has three bar areas: front indoor bar, side alfresco bar and garden bar. The (south) side alfresco area has a roof with glass atrium and 3.8m high bifold doors installed in both the front and back. A 3.8m high and 200mm thick brick wall with piers will be built along the southern boundary.

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

The small bar has two kitchens. Both kitchens are individual spaces, separated from the other areas or spaces by internal walls and doors, and have no external windows and doors. Both kitchens have similar equipment: an exhaust hood, a 6 ring burner with hot plate, an oil fryer, a convection oven, a dishwasher, two fridges and a microwave.

The garden bar area has a pergola with metal roof. Speakers are installed to play low level background music for the three bar areas during the hours of service.

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

- Between 6am and 10pm on Sunday to Thursday.
- Between 6am and 12 midnight on Friday and Saturday.

No car-parking bays are provided on the site and the weekly city waste collection service will be used in every Monday morning.

[1] Acoustic Report for Proposed Cafe. AES Report (AES-890113-R01-0-16072020).
[2] Aerial photo is obtained from Google Map.

2.0 NOISE CRITERIA

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

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

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

Type of Premises Receiving Noise	Time of Day	Assigned Noise Levels in dB(A)[3]		
		$L_{A\,10}$	$L_{A\,1}$	$L_{A\,max}$
Noise sensitive premises: highly sensitive area	0700 to 1900 hours Monday to Saturday	45 + Influencing factor	55 + Influencing factor	65 + Influencing factor
	0900 to 1900 hours Sunday and public holidays	40 + Influencing factor	50 + Influencing factor	65 + Influencing factor
	1900 to 2200 hours all days	40 + Influencing factor	50 + Influencing factor	55 + Influencing factor
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays	35 + Influencing factor	45 + Influencing factor	55 + Influencing factor
Noise sensitive premises: any area other than highly sensitive area	All hours	60	75	80
Commercial premises	All hours	60	75	80

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

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

2.1 CORRECTIONS FOR CHARACTERISTICS OF NOISE

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

(i) tonality;

(ii) impulsiveness; and

(iii) modulation.

when assessed under Regulation 9".

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

Table 2-2: Adjustments for dominant noise characteristics

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

2.2 INFLUENCING FACTORS

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

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

Figure 9 in APPENDIX A presents the planning scheme zone map 2 of the City of Vincent. It is shown that subject site and R1/R2/R4 are located within local/district centre zone while R3 and R7 are within a mixed zone. R5 and R6 are located within a Public Purpose zone. No industrial zone is present within 450m of the selected receivers. Actual land use is considered for the calculation of influencing factors. Existing shop/business premises are considered as

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

Table 2-3: Calculation of influencing factors.

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

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

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

[4] 0700 to 1900 hours for Monday to Saturday.
[5] 0900 to 1900 hours for Sunday and public holidays.
[6] 1900 to 2200 hours for all days.
[7] 2200 to 0700 hours for Monday to Saturday but to 0900 hours for Sunday and public holidays.

3.0 NOISE MODELLING

3.1 METHODOLOGY

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

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

3.2 INPUT DATA

3.2.1 Topography

Roberts advised that the subject site and surrounding area are reasonable flat. Therefore, a flat ground is assumed in the acoustic model. The ground surface is assumed to have an averaged absorption of 0.6.

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

3.2.2 Noise Sensitive Premises

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

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

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

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

[8] CONCAWE (Conservation of Clean Air and Water in Europe) was established in 1963 by a group of oil companies to carry out research on environmental issues relevant to the oil industry.
[9] The propagation of noise from petroleum and petrochemical complexes to neighbouring communities, CONCAWE Report 4/81, 1981.

3.2.3 Source Sound Power Levels

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

Table 3-1: Sound power levels

Equipment	Number	Overall Sound Power Level in dB(A)
Speaker	8	68
Reverse cycle air-conditioning outdoor unit	1	65
Reverse cycle air-conditioning indoor outlet	6	52
Toilet exhaust outlet	2	62
Kitchen exhaust outlet 1	1	74
Kitchen exhaust outlet 2 with an Attenuator	1	63
Kitchen exhaust hood (inlet)	2	86
Fridge	4	60
6 ring burner with hot plate	2	64
Oil fryer for chips	2	68
Convection oven	2	60
Coffee machine	2	73[10]
Microwave	2	59
Dish washer	2	73
Normal Patron Conversation		66
Raised Voice Conversation		70

[10] Averaged over a coffee making cycle including different actions.

Roberts agrees to install an attenuator to the exhaust outlet of back kitchen. The attenuator should be designed to achieve the minimum noise reduction level shown in Table 3-2.

Table 3-2: Minimum attenuation level of Attenuator.

Attenuator for	Minimum Attenuation Levels in dB						
	63	125	250	500	1k	2k	4k
Back Kitchen Exhaust Outlet	4	5	9	11	13	20	20

3.3 METEOROLOGY

SoundPlan calculates noise levels for defined meteorological conditions. In particular, temperature, relative humidity, wind speed and direction data are required as input to the model. For this study the worst-case meteorological conditions[11] are assumed, as shown in Table 3-3. It is shown that the evening and the night have the same worst-case meteorological conditions. This means that the predicted worst-case evening and night-time noise levels are the same if the operational conditions are the same.

Table 3-3: Worst-case meteorological conditions.

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

3.4 OPERATIONAL SCENARIOS

Roberts advised:

- The small bar opens 7 days a week starting at 6am.

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

- A maximum capacity of 120 patrons is proposed.
- Food deliveries occur once a week at about 10am during Monday to Friday. Delivery van will park in the roadside (public) parking bay during the deliveries.
- Both kitchens are small units separating from the other areas/spaces with walls and doors. But kitchen doors are fully open during the opening hours.
- Each of the two kitchens has an exhaust fan and the exhaust outlets will be located above the kitchen roofs.
- The (male and female) toilet exhaust fans are ceiling mounted.
- A reverse cycle split air-conditioning system will be installed and its condenser will be located on the roof with its fan side facing south.
- All windows and the entrance/side doors are fully opened during the opening hours.
- Speakers are installed to play low level background music during opening hours for the three bar areas, as shown in Figure 2, Figure 4 and Figure 10 in APPENDIX A:
  - Two wall-mounted speakers are installed in the indoor bar area;
  - Two speakers are installed in the side alfresco bar area; and
  - Four speakers are installed in the garden bar area.

  All speakers are directional and towards the patron dining areas.
- A 3.8m brick wall with piers will be built along the southern boundary from the front to the back kitchen building.

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

Scenario 1: Maximum number of patrons (120) is assumed with 10 indoor conversations, 10 conversations in the side alfresco area and 28 conversations in the garden bar area (40% (120 X 40% = 48) patrons are assumed to talk in normal voices) simultaneously with:

- Two wall-mounted speakers playing low level background music in the indoor bar area;
- Two speakers playing low level background music in the side alfresco bar area;
- Four speakers playing low level background music in the garden bar area;
- A reverse cycle split air-conditioner (both inlets and outlet);
- Two ceiling-mounted toilet exhaust fans;
- A coffee machine in the indoor service area;
- A coffee machine in the back bar area;
- Two kitchen exhaust fans (both inlet and outlet);
- All kitchenware, listed in Table 3-1, operating in both kitchens;
- One staff conversation inside each of the Kitchens; and
- One staff conversation in each of the three bar areas.

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

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

The followings are assumed in the noise model:

- The kitchen exhaust outlets are modelled as a point (Monopole) source at 0.4m above the kitchen roof, as shown in Figure 10 in APPENDIX A.
- The outdoor condenser of air-conditioner is modelled as a point source located at 0.5m above the indoor dining area roof, as shown in Figure 10 in APPENDIX A. The outdoor unit baffles the noise radiation resulting in a radiation directivity, i.e. most noise radiates towards south.
- Both indoor and outdoor speakers are modelled as point sources at 2.5m above the ground/floor. The speakers are directional speakers radiating most energy to their front spaces. All speakers face downwards the dining areas. The locations of indoor/outdoor speakers are shown in Figure 2, Figure 4 and Figure 10 in APPENDIX A.

4.0 MODELLING RESULTS

4.1 POINT MODELLING RESULTS

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

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

Receivers	Scenario 1		Scenario 2	
	Day	Evening/Night	Day	Evening/Night
R1	47.7	47.7	51.2	51.2
R2	33.4	33.4	35.8	35.8
R3	41.4	41.4	43.1	43.1
R4	35.2	35.2	38.6	38.6
R5	37.4	37.4	39.9	39.9
R6	36.6	36.6	38.5	38.5
R7	42.7	42.7	44.3	44.3

For both scenarios, the predicted noise levels include the contributions of the mechanical plant (air-conditioner, kitchenware and exhaust fans), music (from the speakers) and patron conversations. The contributions of the mechanical plant and music are not changed for both scenarios. Table 4-2 presents a comparison between these contributions. It is shown that the patron conversations are the most dominant noise source at all of the receivers.

Table 4-2: Noise Contributions.

Receivers	Conversations		Music	Mechanical
	Scenario 1	Scenario 2		
R1	46.4	50.6	41.8	32.3
R2	29.9	34.2	25.1	29.3

Receivers	Conversations		Music	Mechanical
	Scenario 1	Scenario 2		
R3	39.1	41.7	34.2	34.9
R4	33.7	38.0	29.1	22.2
R5	35.0	38.7	29.7	31.7
R6	34.1	37.1	29.4	30.5
R7	40.7	43.1	33.7	36.6

4.2 NOISE CONTOURS

Figure 11 and Figure 12 in APPENDIX B present the worst-case noise contours at 1.5m above the ground. These noise contours represent the worst-case noise propagation envelopes, i.e., worst-case propagation in all directions simultaneously.

5.0 COMPLIANCE ASSESSMENT

5.1 ADJUSTED NOISE LEVELS

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

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

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

Table 4-2 indicates that for both scenarios the patron conversations are the most dominant noise source at all of the receivers. Music and mechanical noise are much lower than the patron conversations and will be masked except at R2 for scenario 1 where mechanical noise is higher but at similar levels as the patron contributions. Tonality of the mechanical noise may possibly be audible at R2 for scenario 1. Therefore, a 5dB tonality adjustment applies to the predicted noise level at R2 for scenario 1 only.

Table 5-1 presents the adjusted worst-case A-weighted noise levels and rounded to integer numbers. The adjusted noise levels are expressed in ***Bold Italic***.

Table 5-1: Adjusted worst-case noise levels in dB(A).

Receivers	Scenario 1	Scenario 2
R1	48	51
R2	***38***	36
R3	41	43
R4	35	39
R5	37	40
R6	37	39
R7	43	44

5.2 COMPLIANCE ASSESSMENT

Scenarios 1 and 2 generate continuous noise emissions, and therefore their noise emissions should be assessed against the assigned noise levels L_{A10}.

Table 5-2 presents a compliance assessment. It is shown that the adjusted worst-case noise levels do not exceed the assigned noise levels at all of the receivers. This demonstrates that full compliance is achieved for the small bar upgrade.

Table 5-2: Compliance assessment.

Receivers	Days for Monday to Saturday			Evening and Days for Sunday and Public Holidays			Nights		
	Assigned L_{A10} in dB(A)	Adjusted Levels in dB(A)		Assigned L_{A10} in dB(A)	Adjusted Levels in dB(A)		Assigned L_{A10} in dB(A)	Adjusted Levels in dB(A)	
		S1	S2		S1	S2		S1	S2
R1	*60*	48	51	*60*	48	51	*60*	48	51
R2	*54*	38	36	*49*	38	36	*44*	38	36
R3	*54*	41	43	*49*	41	43	*44*	41	43
R4	*60*	35	39	*60*	35	39	*60*	35	39
R5	*55*	37	40	*50*	37	40	*45*	37	40
R6	*54*	37	39	*49*	37	39	*44*	37	39
R7	*54*	43	44	*49*	43	44	*44*	43	44

6.0 DISCUSSIONS AND RECOMMENDATIONS

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

Patron conversations on the outdoor (side alfresco and garden bar) areas are one of the major noise sources. The patron conversations should be properly managed:

- The bar staff are trained to manage noises. If a group of patrons start to vocalise too loudly, staff may approach them to give a polite reminder.
- In the outdoor (side alfresco and garden bar) areas, information and signs should be displayed to remind customers to:
  - Be quiet and respect the neighbors.
  - Maintain conversations at reasonable volumes at all times.
  - Do not tolerate any shouting and loud noise activities.

APPENDIX A AERIAL VIEW

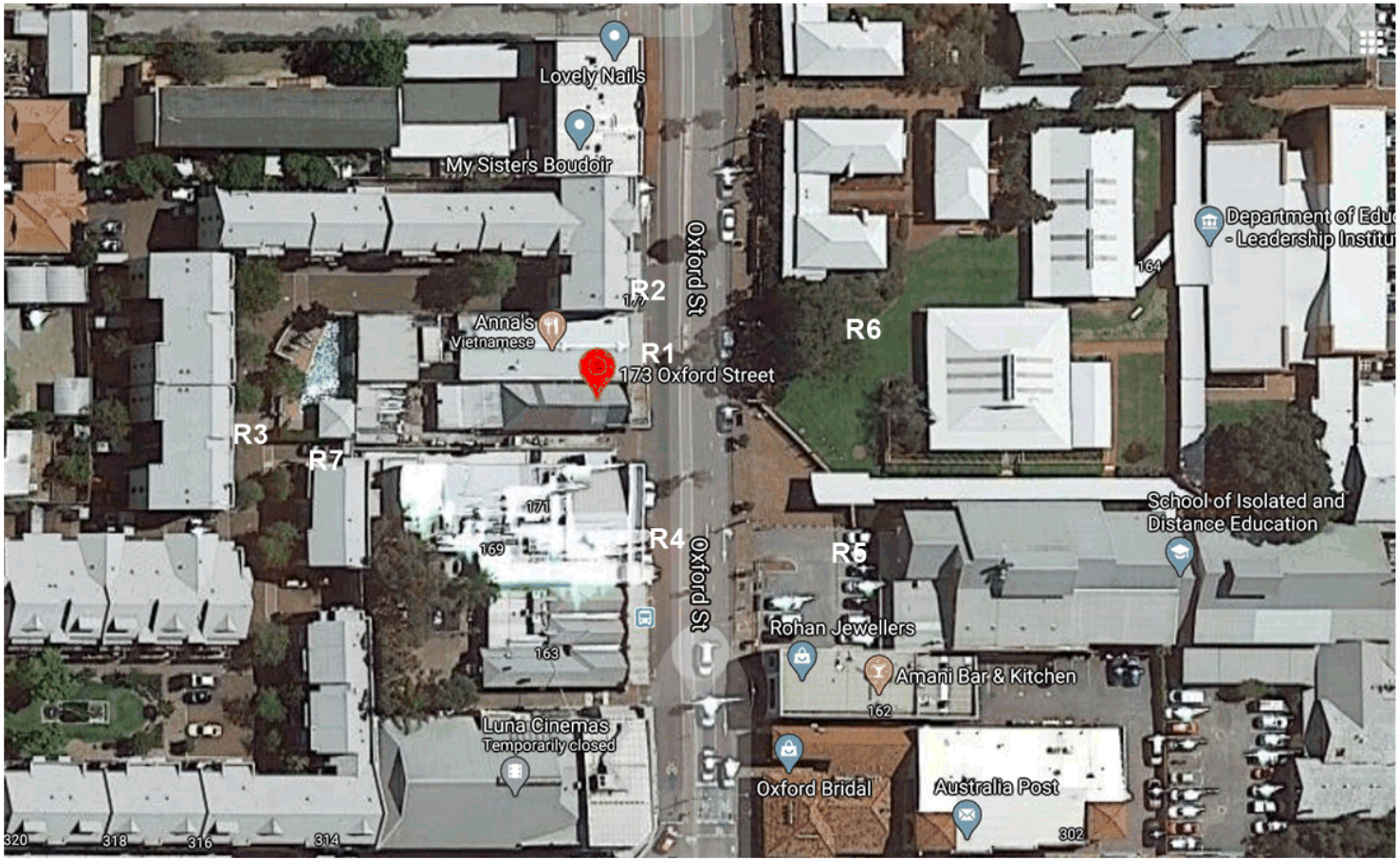


Figure 1: Aerial view of the proposed site and surrounding area.

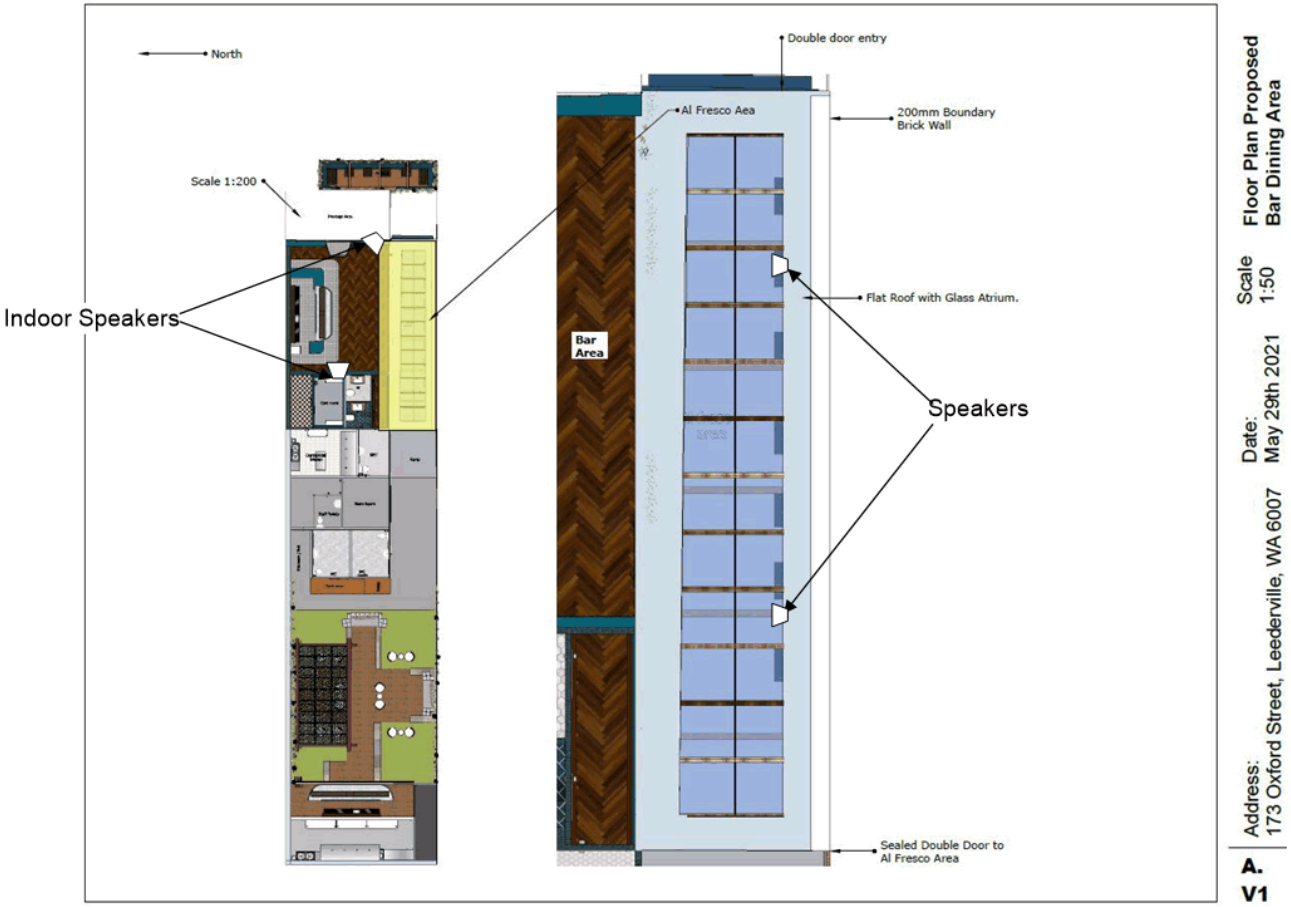


Figure 2: Site layout.

Figure 3: Side alfresco dining area.

Figure 4: Front view.

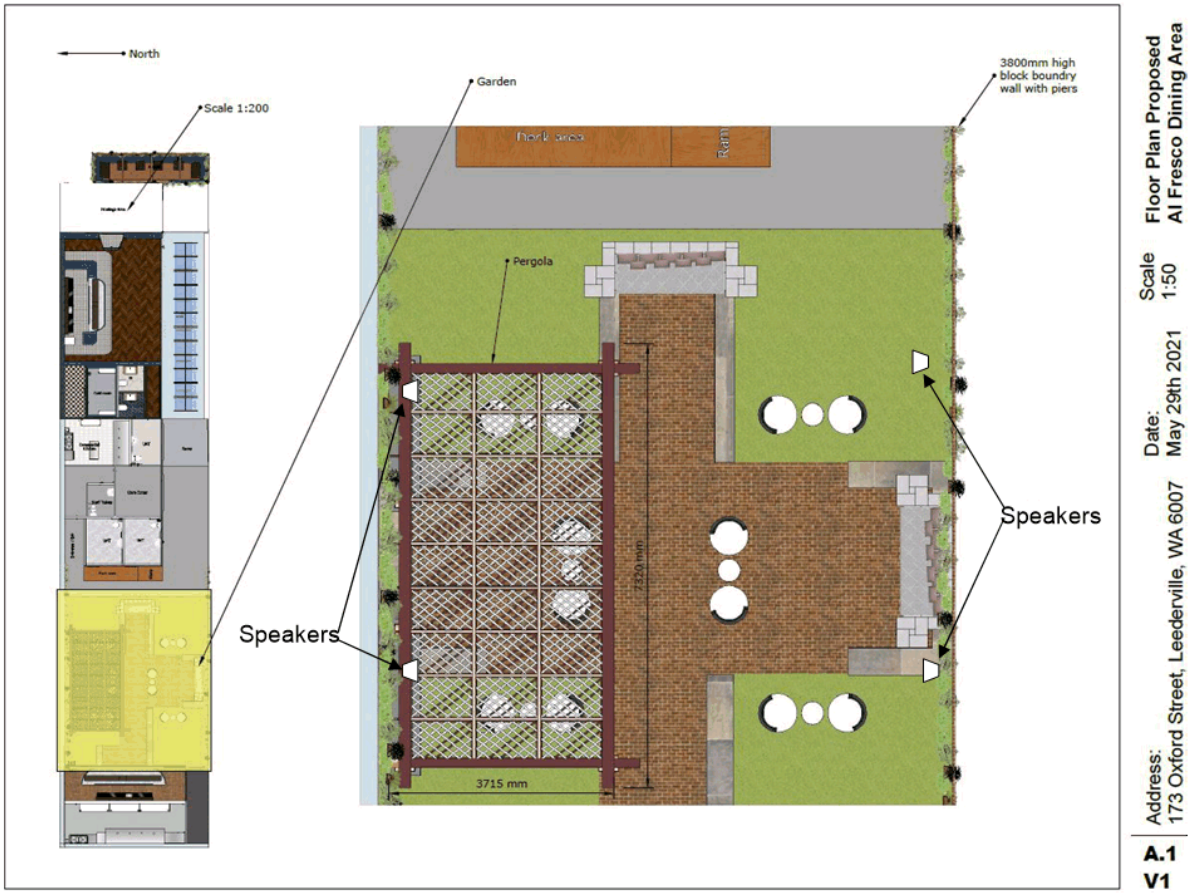


Figure 5: Garden bar area.

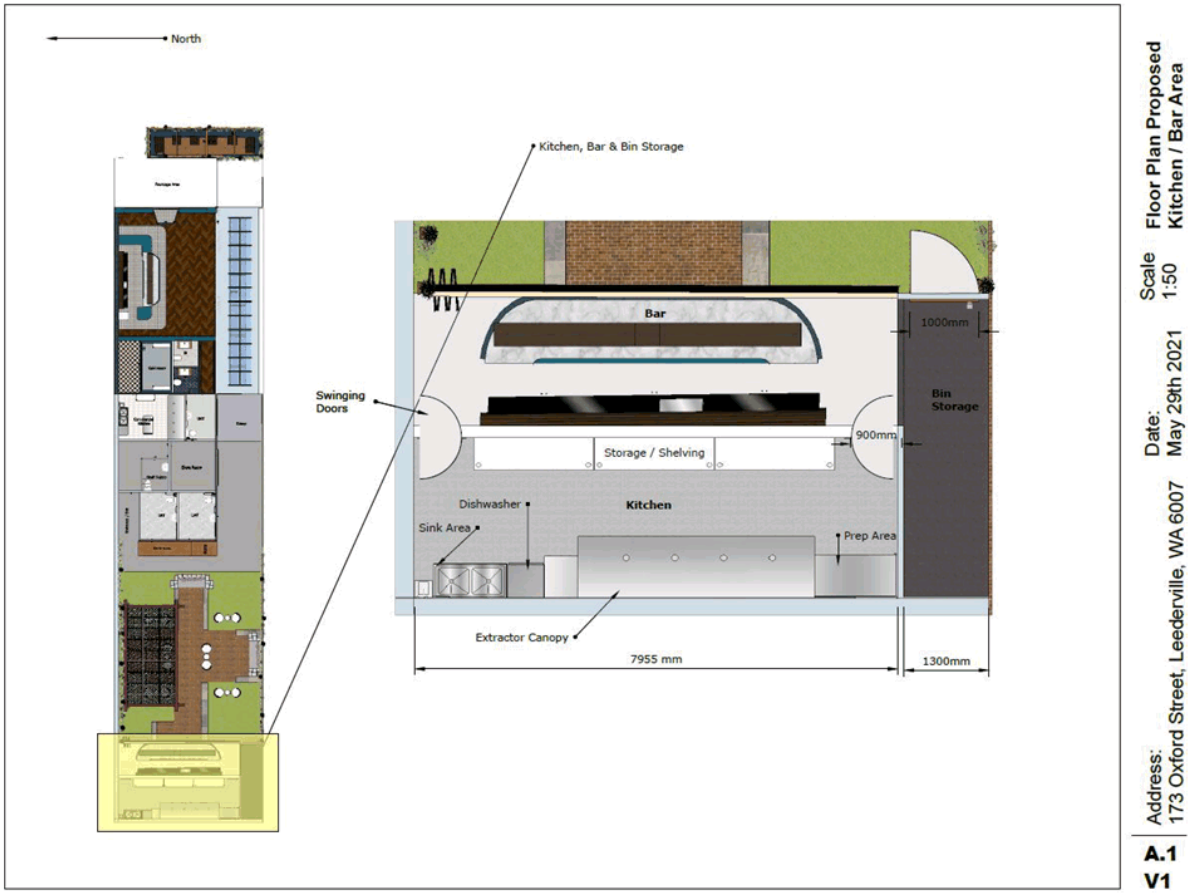


Figure 6: Back kitchen, bar and bin storage.

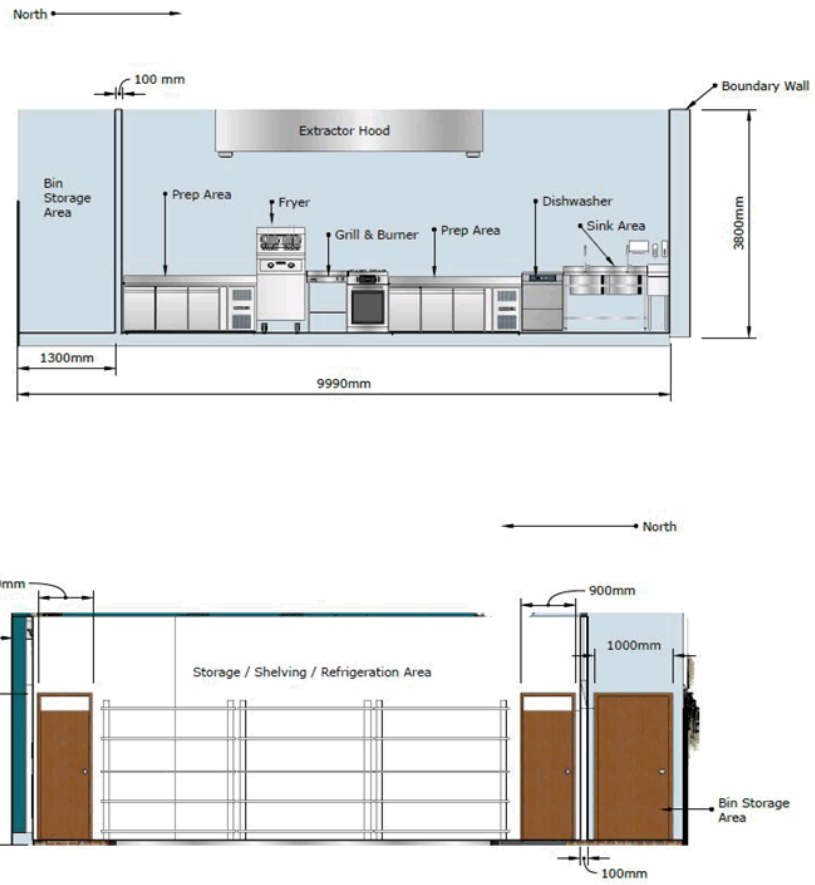


Figure 7: Front view of back kitchen.

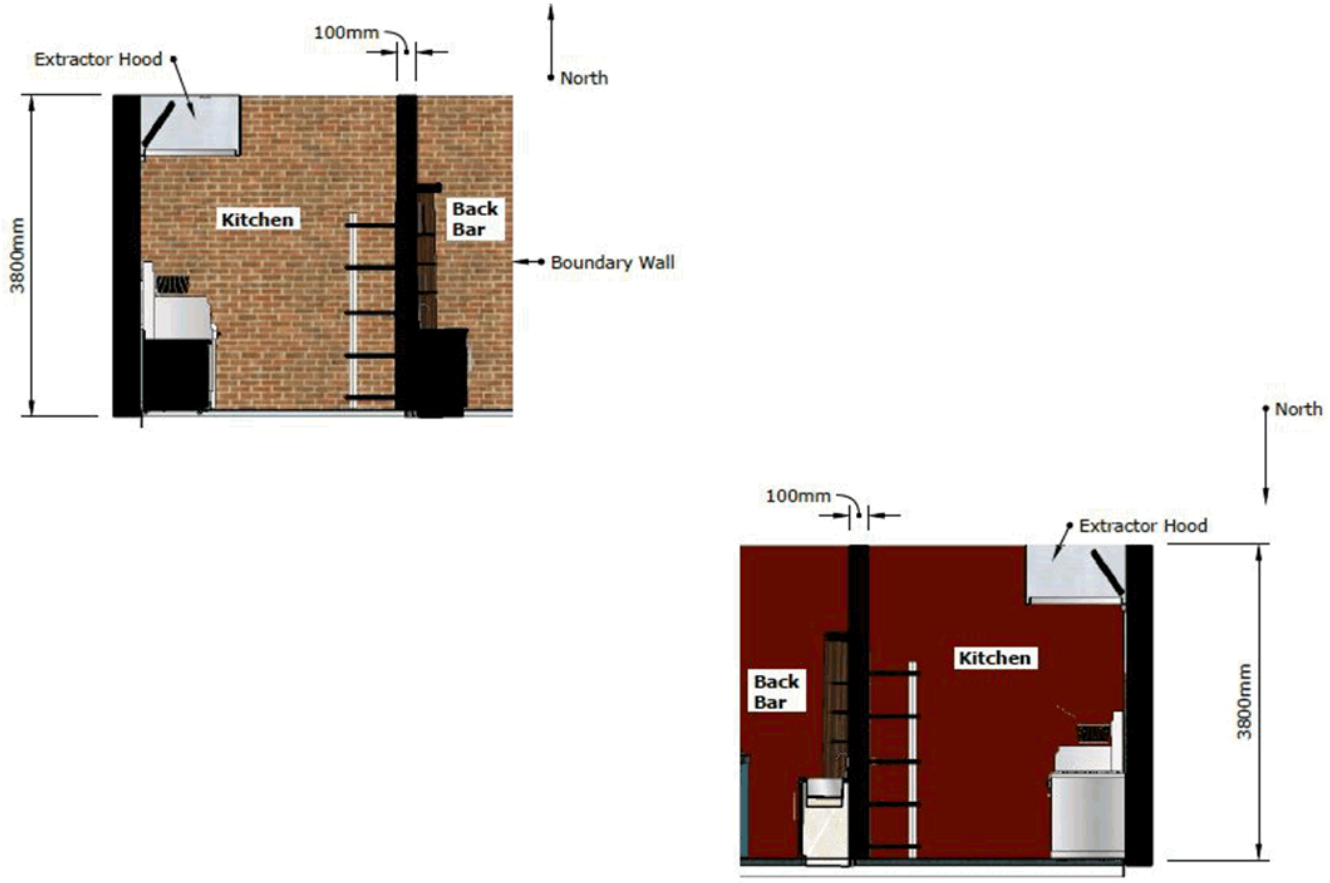


Figure 8: Side view of back bar and kitchen.

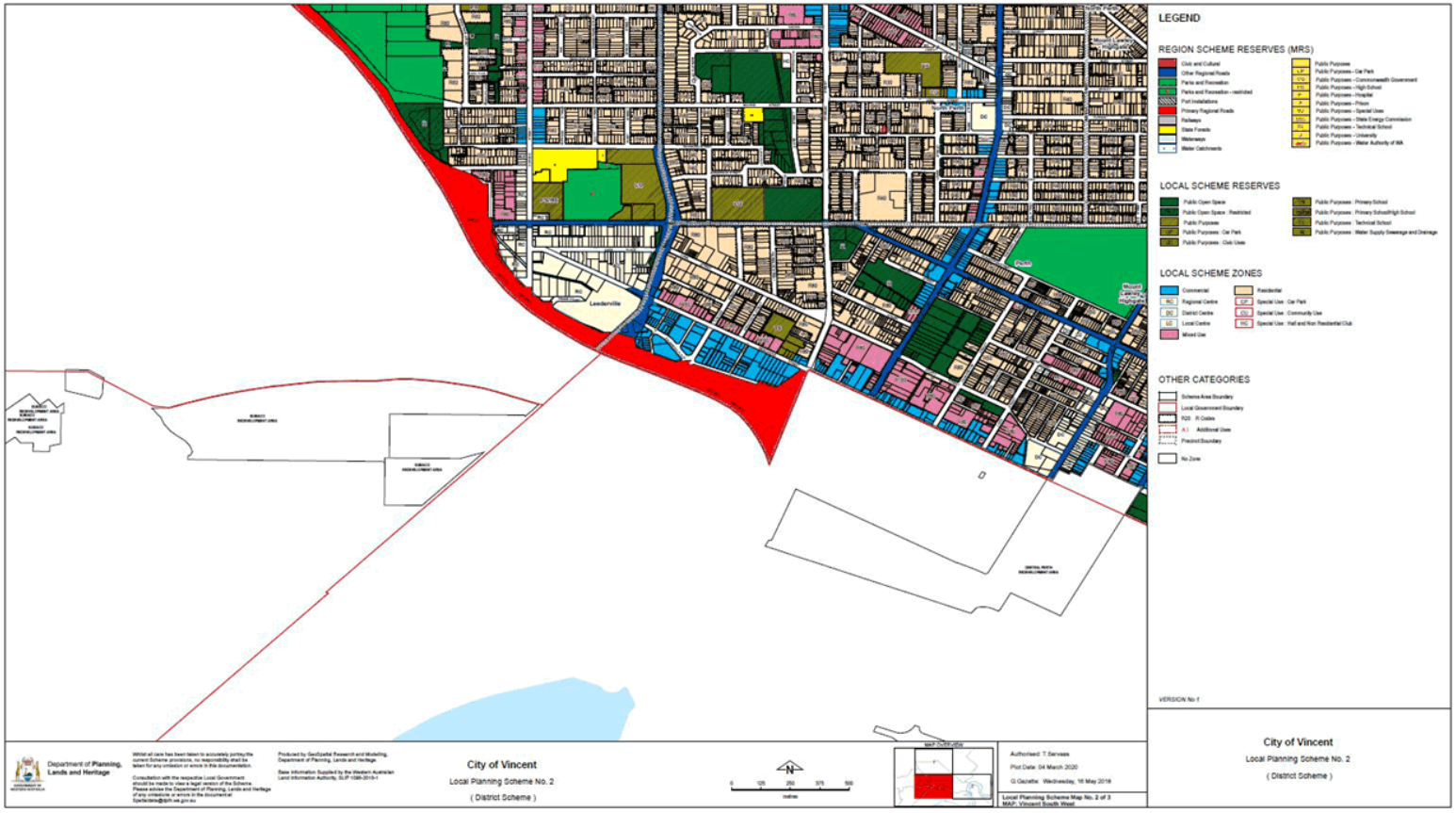


Figure 9: Zone map 2 of Vincent City planning scheme.

Figure 10: Location of outdoor noise sources.

APPENDIX B NOISE CONTOURS

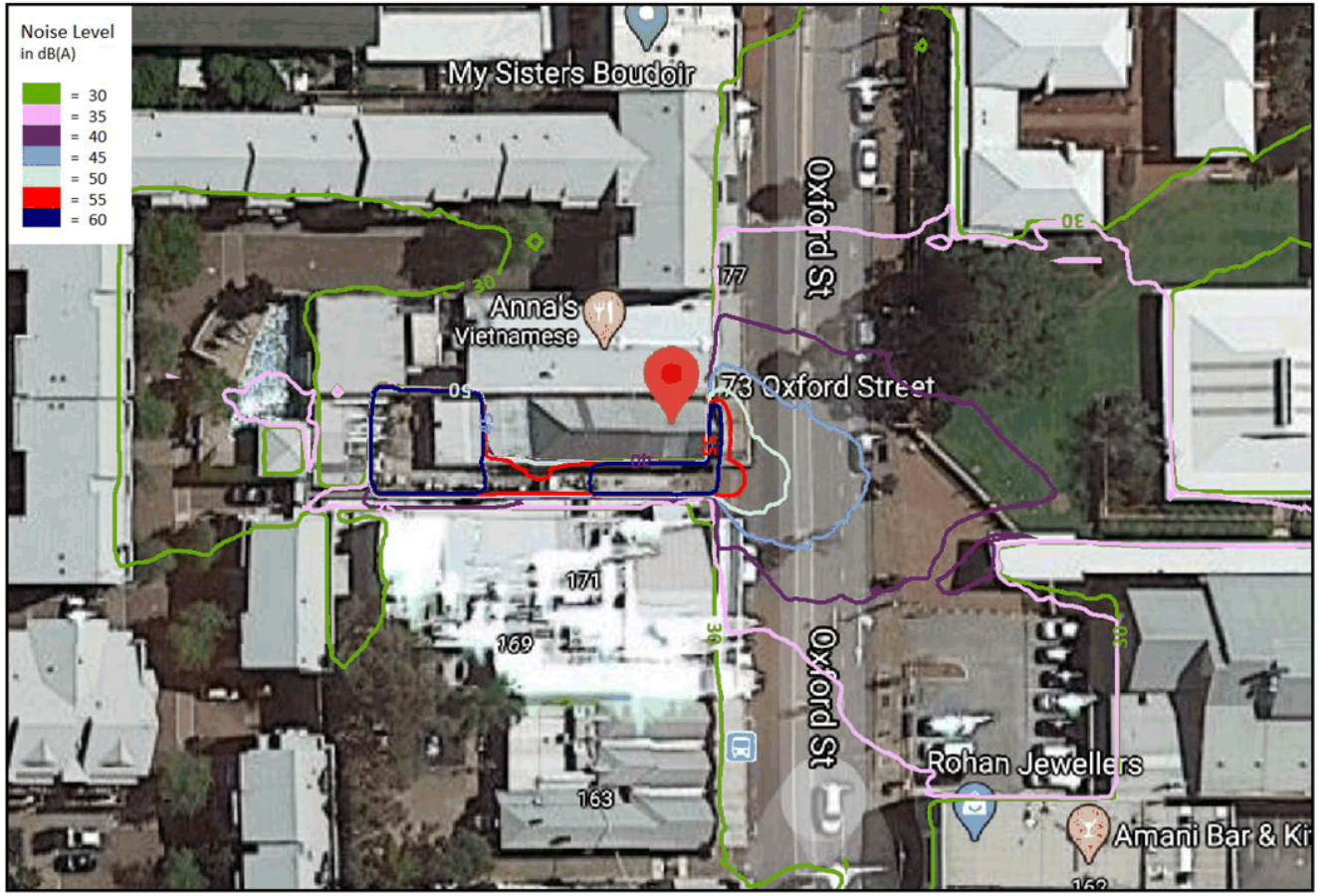


Figure 11: Worst-case noise contours of scenario 1 at 1.5m above the ground.

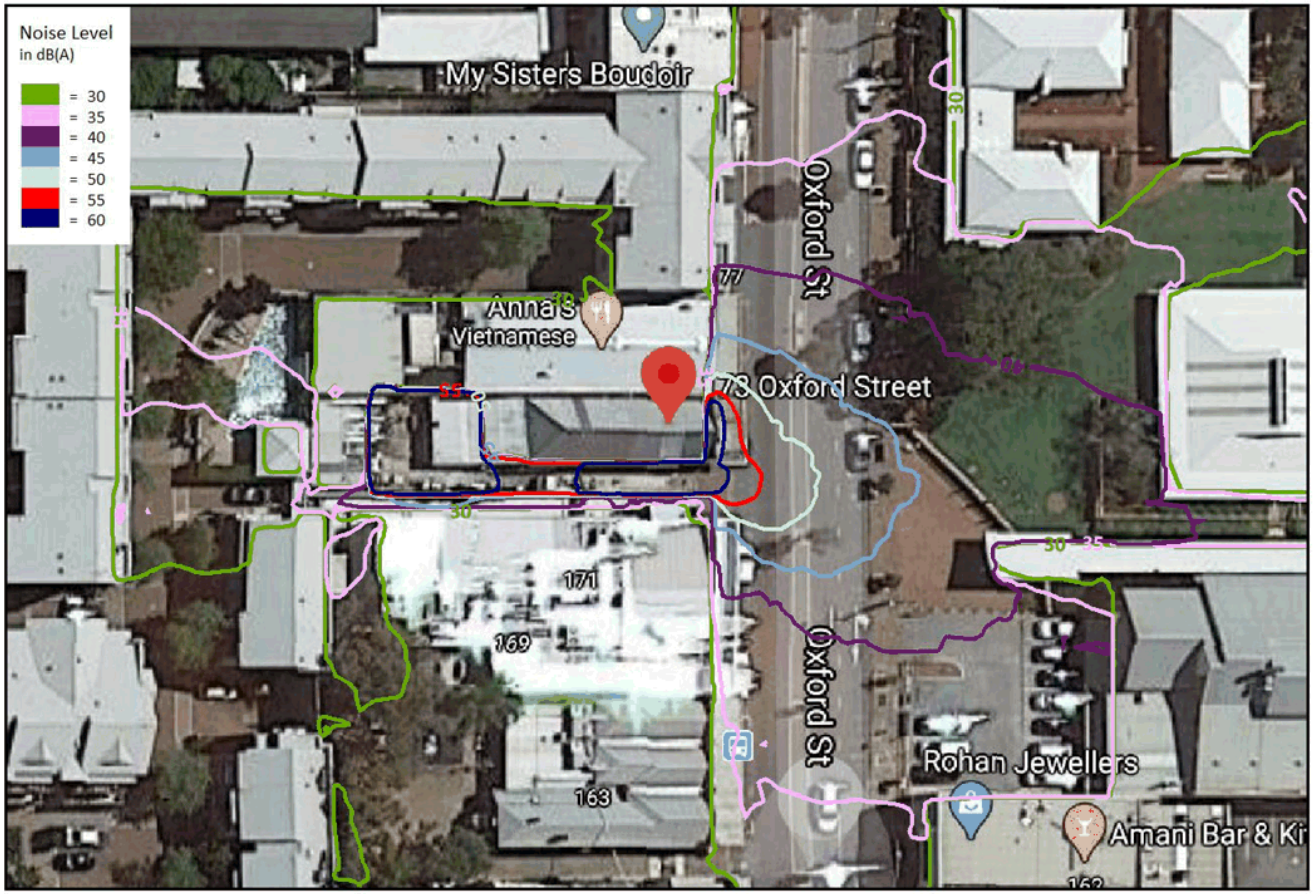


Figure 12: Worst-case noise contours of scenario 2 at 1.5m above the ground.

Planning and Development Act 2005

City of Vincent

Notice of determination on application for development approval

Location: No. 173 Oxford Street LEEDERVILLE

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

Vol. No: 963 Folio No: 34

Received on: 12 March 2020

Serial No: 5.2020.81.1

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

Plans dated: 16 July 2020

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

1. This approval relates to a Change of Use from Shop House to Restaurant / Café and Single House as shown on the plans dated 16 July 2020. It does not relate to any other development on the site.

2. A maximum of 55 persons are permitted within the Restaurant / Cafe at any one time.

3. Doors and windows and adjacent floor areas fronting Oxford Street shall maintain an active and interactive relationship with this street. Darkened obscured, mirrored or tinted glass or other similar materials as considered by the City are prohibited.

4. The surface finish of boundary walls facing an adjoining property shall be of a good and clean condition, prior to the occupation of the development, and thereafter maintained, to the satisfaction of the City. The finish of boundary walls is to be fully rendered or face brick; or material as otherwise approved; to the satisfaction of the City.

5. A minimum of two long term bicycle bays shall be provided and designed in accordance with AS2890.3 prior to the Restaurant / Cafe use commencing.

6. Deliveries to the premises shall occur no earlier than 7:00am and no later than 10:00pm on any given day, to the satisfaction of the City.

7. The measures outlined in the 'Operational Scenarios' of the approved acoustic report (Acoustic Engineering Solutions, July 2020) shall be implemented and maintained to the City's satisfaction, prior to the occupation or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers.

8. The use must operate in accordance with the approved Venue Management Plan at all times to the satisfaction of the City.

9. All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and surrounding properties to the satisfaction of the City.

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

11. A Waste Management Plan prepared to the satisfaction of the City shall be submitted and approved by the City prior to the use commencing on-site. Waste management for the development shall thereafter comply with the approved Waste Management Plan.

ADVICE NOTES:

1. This is a development approval only and is issued under the City of Vincent's Local Planning Scheme No. 2 only. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with any other laws.

2. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5 metres) shall be maintained for all users at all times during construction works. Permits are required for placement of any materials within the road reserve.

3. All pedestrian access and vehicle driveway/crossover levels shall match into existing verge, footpath and right of way levels to the satisfaction of the City.

4. With respect to stormwater, should connection to the City's drainage infrastructure be required, this is to be in accordance with the City's Policy No. 2.2.10 – Stormwater Drainage Connections.

5. The submitted acoustic report demonstrates compliance with the *Environmental Protection (Noise) Regulations 1997* only with the installation of a 3 metre high brick wall on the southern boundary of the outdoor dining area to join the 3 metre high solid fence. These walls must be installed prior to occupation, to the City's satisfaction.

6. Two residential parking permits are available to allow for on-street parking for occupants of the Single House only. Please contact the City's Ranger and Community Safety Services Business Unit on 9273 6000 to arrange issue of these permits.

Date of determination: 24 July 2020

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.

Note 2: A further two years is added to the date by which the development shall be substantially commenced, pursuant to Schedule 4, Clause 4.2 of the Clause 78H Notice of Exemption from Planning Requirements During State of Emergency signed by the Minister for Planning on 8 April 2020. For further information regarding the Ministerial direction, please contact the City on 9273 6000.

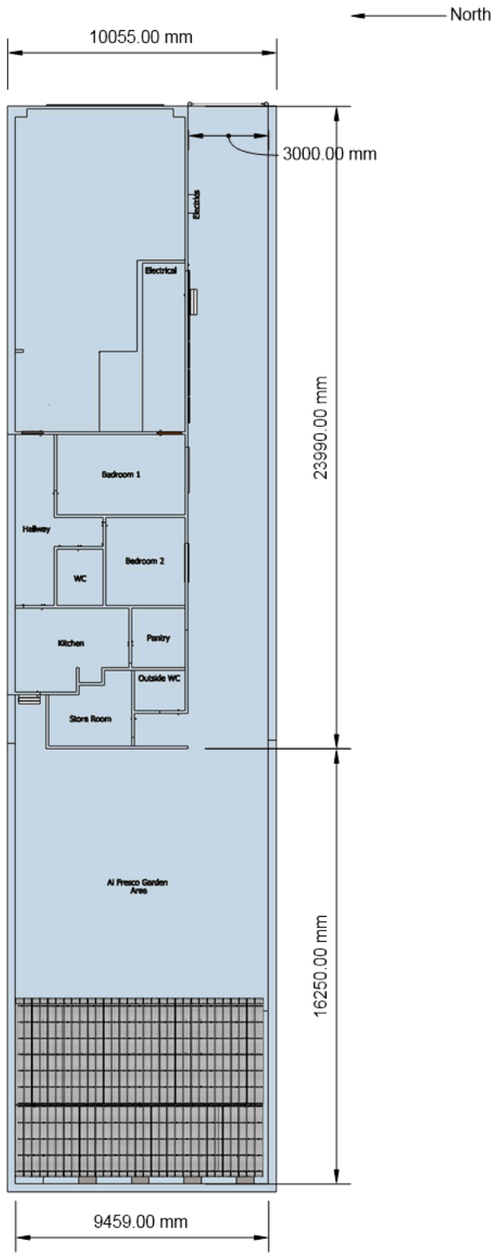
Note 3: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

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

Signed:  Dated: 24 July 2020

KARSEN REYNOLDS
A/ SENIOR URBAN PLANNER

for and on behalf of the City of Vincent



Existing Site Plan

Scale 1:200

Date: March 6th 2020

Lot 7 Plan 867

Address: 173 Oxford Street, Leederville, WA 6007

A.01

CITY OF VINCENT
RECEIVED
16 July 2020

CITY OF VINCENT
DA No. 5.2020.81.1

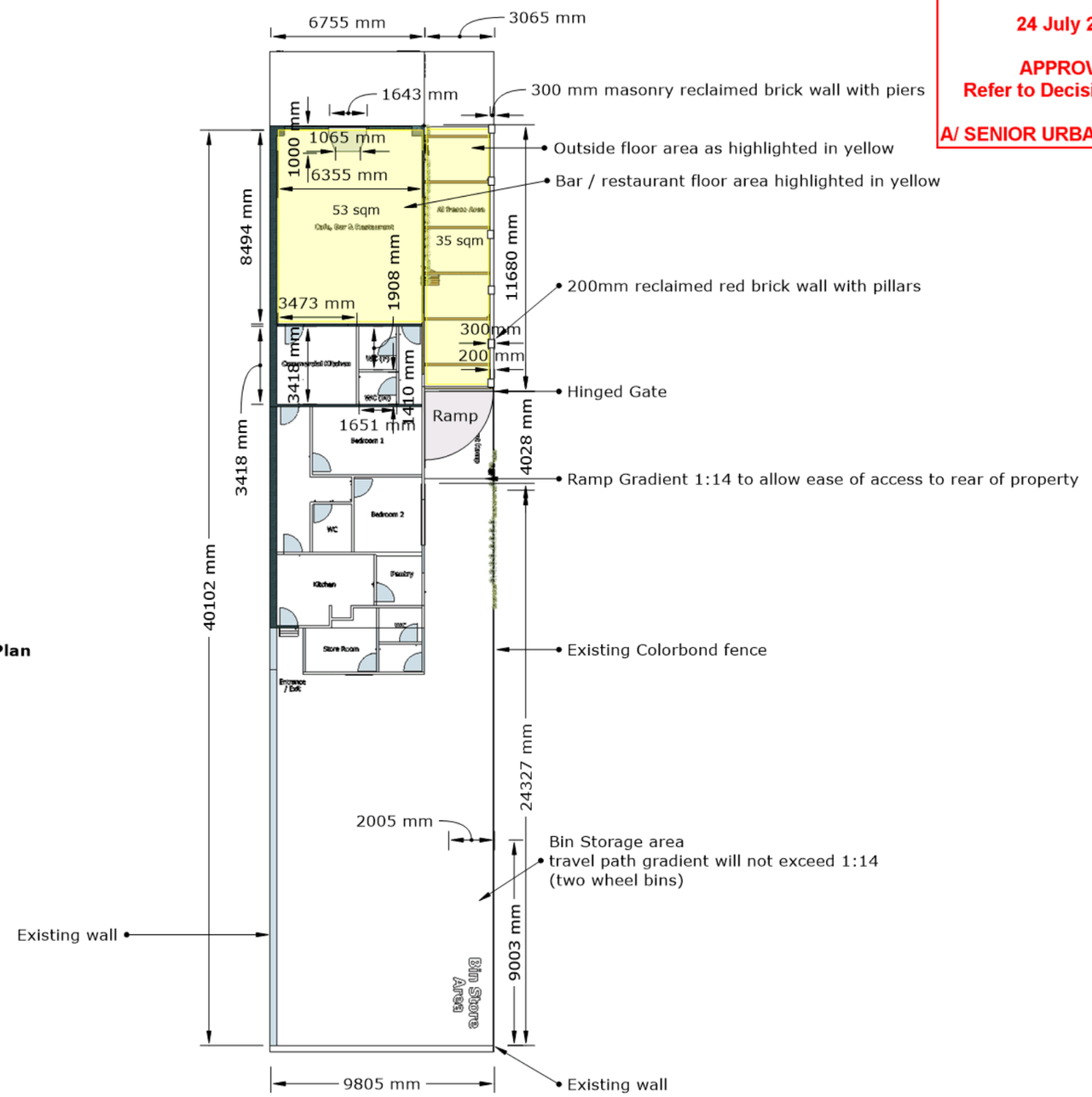
24 July 2020

APPROVED
Refer to Decision Notice

A/ SENIOR URBAN PLANNER

North

Proposed Floor Plan



Address:
173 Oxford Street, Leederville, WA 6007

Lot 7
Plan 867

Date:
July 15th 2020

Scale
1:200

Proposed

A.1
V4

North

CITY OF VINCENT
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16 July 2020

CITY OF VINCENT
DA No. 5.2020.81.1

24 July 2020

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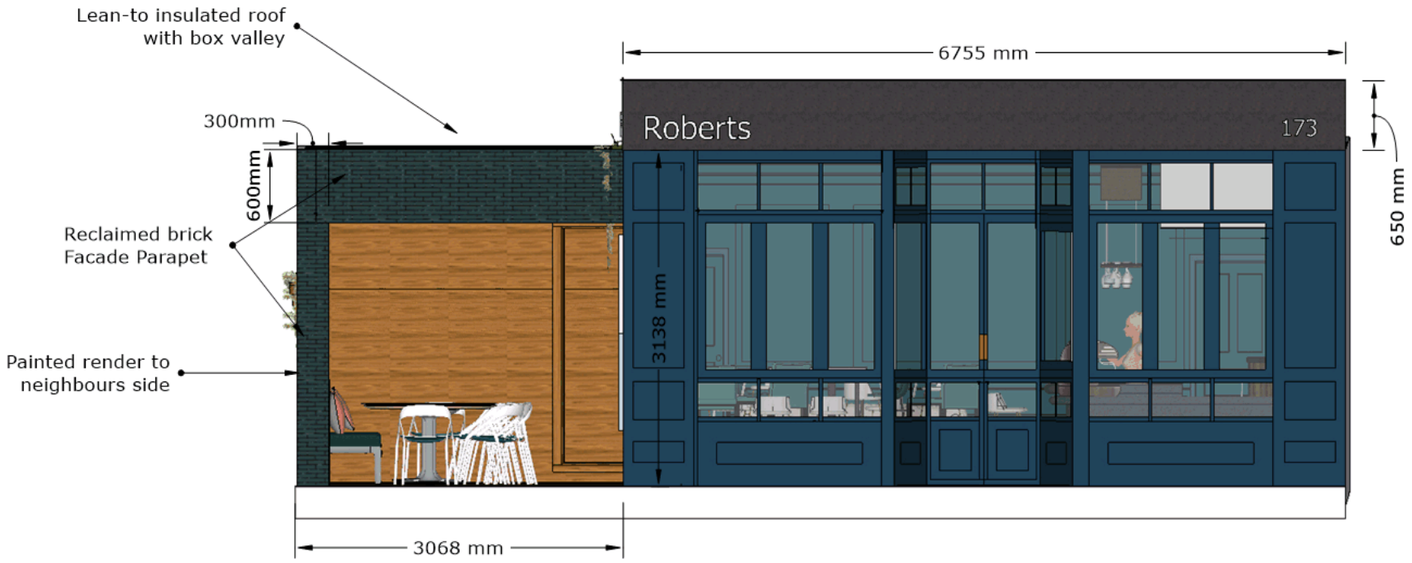
A/ SENIOR URBAN PLANNER



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

Proposed Front Elevation

Proposed
Scale 1:50
Date: July 16th 2020
Lot 7
Plan 867
Address:
173 Oxford Street, Leederville, WA 6007

A.1
V6

CITY OF VINCENT
DA No. 5.2020.81.1

24 July 2020

APPROVED
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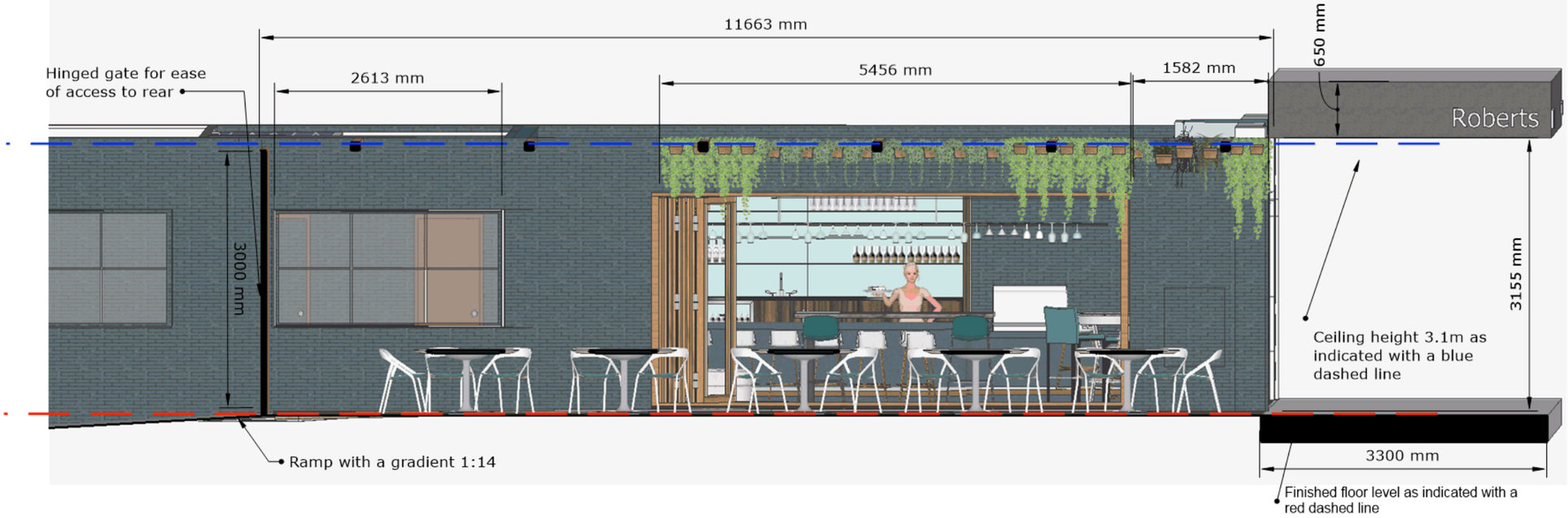
A/ SENIOR URBAN PLANNER

West

CITY OF VINCENT
RECEIVED
16 July 2020



Proposed Side Elevation

Scale 1:50

Proposed

Date: July 13th 2020

Lot 7
Plan 867

Address:
173 Oxford Street, Leederville, WA 6007

A.1
V3

Venue Management Plan

Roberts – Restaurant / Café and Small Bar

Brief Summary of Proposed Business Vibe /Operations

We aim to delivery an exceptional experience to all our patrons by creating a relaxed, unique and friendly environment.

Morning: Café vibe serving coffee and breakfast
Midday: Café eatery
Afternoon/Evening: Restaurant / Wine Bar

Hours of Operation

Day	Hours
Monday – Saturday	6:00am – 12:00am
Sunday	6:00am – 10:00pm

Number of Employees

Max 5 on site per shift

Number of Patrons

Max 50 patrons at any time

Car Parking

0 car parking spaces proposed

We are willing and able to park our vehicle at the rear of the site when the furniture has been moved inside. Alternatively we have been advised that we have access to permit parking for Melrose street as required. We have one car for use between us and living so close to town and public transport our car is not frequently utilised/moved.

Rubbish collection

The rubbish enclosures are located on the site plan.

Rubbish will be collected by private collection on Mondays. We have designed the flooring of the outdoor dining area to have ramp gradient so large bins can be wheeled over and onto the street for collection.

Patron Management

Our business will be operated strictly in accordance with our liquor license requirements. Any anti-social behaviour will be addressed immediately and noisy or disorderly patrons

will be either asked to leave or relocated inside the premises as appropriate to reduce noise emissions.

We intend to attract lovers of good food and wines and it is our intention to maintain a relaxed vibe which will not tolerate drunkenness or disorderly behaviour. We will not be hosting live music or DJ's at the venue.

Patrons will not be permitted to drink on the street and will be encouraged to be seated while drinking where possible, in accordance with our liquor license.

See overleaf for Noise Management Plan

CITY OF VINCENT
DA No. 5.2020.81.1

24 July 2020

APPROVED
Refer to Decision Notice

Noise Management 173 Oxford Street

We note that the business will emit environmental noise during operating times. We aim to minimize the effects of noise intrusion and noise emissions at the premises.

Noise Sources

- Patrons
- Kitchen Equipment eg Kitchen Extraction
- Sound System
- Mechanical (Air Conditioners)

Noise Impact & Management Measures

- Patrons
  - Loud patrons will be addressed by staff to reduce level of sound emitting eg shouting, singing etc.
- Kitchen Equipment
  - Kitchen location is contained within the building eg no external windows or doors facing towards residential ares.
  - Kitchen will close at 10pm sharp therefore the extraction system will be switched off.
- Amplified music
  - Management to monitor the output of volume and adjust accordingly.
  - Adhere to the Australian Standard AS/NZS2107:
- Mechanical (Air Conditioners)
  - Given the size of the internal area we plan to use standard air con units that shall emit noise no louder than the average household air con unit.
  - Placement of the units are at the side of the building directly opposite our neighbours commercial grade air con units.

CITY OF VINCENT
DA No. 5.2020.81.1

24 July 2020

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A/ SENIOR URBAN PLANNE

CITY OF VINCENT
RECEIVED
16 July 2020

CITY OF VINCENT
DA No. 5.2020.81.1

24 July 2020

APPROVED
Refer to Decision Notice

A/ SENIOR URBAN PLANNER

AES-890113-R01-0-16072020

Acoustic Engineering Solutions
www.acousticengsolutions.com.au

Environmental Noise Impact Assessment

Prepared for: **Roberts**

1 Oxford Street

eederville WA 600

Contact: Robert Mc ally

Prepared by: DR. Roy Ming

Acoustic ngineering Solutions

0 0 2

roy.ming acousticengsolutions.com.au

Revision: 0

Date: 16 July 2020

Doc NO: A S- 011 -R01-0-160 2020

Acoustic Engineering Solutions

ABN: 64 451 362 914

Acoustic Engineering Solutions (AES) has been commissioned by Roberts to prepare an acoustic report as a supporting document for the DA application of a proposed Cafe. The Cafe will have a maximum capacity of 50 seated patrons and open for 7 days a week. This report presents an environmental noise assessment of the proposed operations. The aim of this assessment is to determine whether or not the noise emission from the proposed operations would comply with the Environmental Protection (Noise) Regulations 1997 (the Regulations).

An acoustic model is created and the worst-case operational scenario is modelled to represent the busiest operation with the maximum noise emission from the Café:

Scenario 1: All items of the mechanical plant including kitchenware are operating simultaneously with 20 patron conversations (40% of patrons are talking).

This worst-case operational scenario may not happen in most of the opening hours.

Seven closest residential/school/commercial premises are selected for the detail assessment. Noise levels are predicted for the worst-case meteorological conditions. The predicted worst-case noise levels are adjusted for their dominant characteristics according to the Regulations, and then assessed against the assigned noise levels. The compliance assessment concludes that full compliance is achieved for the proposed café operations.

A cafe is proposed to operate at 173 Oxford Street, Leederville. An acoustic report is required for undertaking an environmental noise impact assessment to determine whether or not the noise emission from the proposed Café would comply with the Environmental Protection (Noise) Regulations 1997 (the Regulations).

Acoustic Engineering Solutions (AES) has been requested by Roberts to prepare the acoustic report.

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

Figure 2 in APPENDIX A presents the site layout while Figure 3 and Figure 4 present the front and side views of the café building. The cafe is located in the front part of the property and accessed from Oxford Street. The Café owner lives in the back part of the property. The southern yard will be an outdoor dining area. A 3m high solid fence with a hinged gate is installed in the west end of the outdoor dining area to separate from the backyard of the property. A 3m block/brick wall will be built along the southern boundary of the property to join the 3m high solid fence, as shown (as thick black lines) in Figure 3 in APPENDIX A.

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

The café kitchen is separated from the indoor dining area by an internal wall and a single door. It has an insulated ceiling but does not have external windows and doors. The kitchenware includes an exhaust hood, a 6 ring burner with hot plate, an oil fryer, a convection oven, a dishwasher, two fridges and a microwave.

The cafe will have a full capacity of 50 seated patrons plus 5 staff. It opens 7 days a week:

- Between 6am and 10pm on Sunday to Thursday.
- Between 6am and 12 midnight on Friday and Saturday.

Two indoor and two outdoor speakers are installed, as shown in Figure 2 and Figure 3 in APPENDIX A, to provide low level background music during the hours of service.

No car-parking bays are provided on the site and the weekly city waste collection service will be used in every Monday morning.

[1] Aerial photo is obtained from Google Map.

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

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

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

Type of Premises Receiving Noise	Time of Day	Assigned Noise Levels in dB(A)[2]		
		$L_{A\,10}$	$L_{A\,1}$	$L_{A\,max}$
Noise sensitive premises: highly sensitive area	0700 to 1900 hours Monday to Saturday	45 + Influencing factor	55 + Influencing factor	65 + Influencing factor
	0900 to 1900 hours Sunday and public holidays	40 + Influencing factor	50 + Influencing factor	65 + Influencing factor
	1900 to 2200 hours all days	40 + Influencing factor	50 + Influencing factor	55 + Influencing factor
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays	35 + Influencing factor	45 + Influencing factor	55 + Influencing factor
Noise sensitive premises: any area other than highly sensitive area	All hours	60	75	80
Commercial premises	All hours	60	75	80

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

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

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

(i) tonality;

(ii) impulsiveness; and

(iii) modulation.

when assessed under Regulation 9".

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

Table 2-2: Adjustments for dominant noise characteristics

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

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

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

Figure 5 in APPENDIX A presents the planning scheme zone map 2 of the City of Vincent. It is shown that subject site and R1/R2/R4 are located within local/district centre zone while R3 is within a mixed zone. R5 and R6 are located within a Public Purpose zone. No industrial zone is present within 450m of the selected receivers. Actual land use is considered for the calculation of influencing factors. Existing shop/business premises are considered as

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

Table 2-3: Calculation of influencing factors.

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

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

Closest Residents	Assigned Noise levels in dB(A)			
	Day[3] Monday to Saturday	Day[4] Sunday and Public Holiday	Evening[5]	Nights[6]
R1 and R4	60	60	60	60
R2, R3, R6, R7	54	49	49	44
R5	55	50	50	45

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[3] 0700 to 1900 hours for Monday to Saturday.
0900 to 1900 hours for Sunday and public holidays.
[5] 1900 to 2200 hours for all days.
[6] 2200 to 0700 hours for Monday to Saturday but to 0900 hours for Sunday and public holidays.

An acoustic model is developed using SoundPlan v8.0 program, and the CONCAWE[7,8] prediction algorithms are selected for this study. The acoustic model is used to predict noise levels at the closest noise-sensitive and commercial receiver locations and generate noise contours for surrounding area.

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

M

Roberts advised that the subject site and surrounding area are reasonable flat. Therefore, a flat ground is assumed in the acoustic model. The ground surface is assumed to have an averaged absorption of 0.6.

The cafe building and its surrounding buildings are digitised in the acoustic model together with (1.8m) property boundary fences. The 3m solid fence in the west of the outdoor dining area is also considered.

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

R1 and R4	represent the neighbouring commercial receivers (at entrances) at the ground level.
R2 and R3	represent the top floor receivers (at balconies) of three-storey apartment buildings.
R5 and R6	represent the ground level receivers of a school.
R7	represents the backyard (ground) receiver of the adjoining house (café owner residence) to the rear of the café building.

School opens only during the day-time on Monday to Friday excluding public holidays.

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

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

Table 3-1 presents the source sound power levels, which are calculated from the information provided by Roberts. The spectrum shapes were obtained from the AES database for similar equipment. The sound power levels of patron conversation and coffee machine were measured in restaurants for other AES projects. A speaker is assumed to generate music level of 62 dB(A) at 1m from its front.

Table 3-1: Sound power levels

Equipment	Number	Overall Sound Power Level in dB(A)
Speaker	4	70
Reverse cycle air-conditioning outdoor unit	1	65
Reverse cycle air-conditioning indoor outlet	6	52
Toilet exhaust outlet	2	62
Kitchen exhaust outlet	1	74
Kitchen exhaust hood	1	86
Fridge	2	60
6 ring burner with hot plate	1	64
Oil fryer for chips	1	68
Convection oven	1	60
Coffee machine	1	73[9]
Microwave	1	59
Dish washer	1	73
Conversation		66

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[9] Averaged over a coffee making cycle including different actions.

SoundPlan calculates noise levels for defined meteorological conditions. In particular, temperature, relative humidity, wind speed and direction data are required as input to the model. For this study the worst-case meteorological conditions[10] are assumed, as shown in Table 3-2. It is shown that the evening and the night have the same worst-case meteorological conditions. This means that the predicted worst-case evening and night-time noise levels are the same if the operational conditions are the same.

Table 3-2: Worst-case meteorological conditions.

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

Roberts advised:

- The cafe opens 7 days a week starting at 6am.
- A maximum 50 seated patrons plus 5 staff are proposed.
- Food deliveries occur once a week at about 10am during Monday to Friday. Delivery van will park in the roadside (public) parking bay during the deliveries.
- The kitchen is a small unit separating from the dining area with a wall and a single door. The single door is fully open during the opening hours.
- The kitchen exhaust fan will be located above the kitchen roof.
- The (male and female) toilet exhaust fans are ceiling mounted.
- A reverse cycle split air-conditioning system will be installed and its condenser will be located on the roof with its fan side facing south.
- Two wall-mounted indoor speakers and two outdoor speakers play music during opening hours.
- No live music is proposed.
- All windows and the entrance/side doors are fully opened during the opening hours.

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

- A 3m high solid fence with a hinged gate is installed in the west end of the outdoor dining area to separate from the backyard of the property, as shown in Figure 3 in APPENDIX A.
- A 3m brick wall is built along the southern boundary of the outdoor dining area to join the 3m high solid fence, as shown in Figure 2 in APPENDIX A.

Based on provided information, a worst-case operational scenario is modelled:

Scenario 1: Maximum number of patrons (50) is assumed with 10 indoor conversations and 10 outdoor conversations (40% patrons are assumed to talk) simultaneously with:

- Two wall-mounted indoor speakers playing background music;
- A reverse cycle split air-conditioner (both inlets and outlet);
- Two ceiling-mounted toilet exhaust fans;
- A coffee machine in the indoor service area;
- Kitchen exhaust fan (both inlet and outlet);
- All kitchenware listed in Table 3-1;
- One staff conversation inside the Kitchen; and
- One staff conversation in the indoor service area.

This scenario represents the busiest (worst-case) operation with the maximum noise emission from the Café. It may not happen in most of the opening hours.

The followings are assumed in the noise model:

- The kitchen exhaust outlet is modelled as a point (Monopole) source at 0.4m above the kitchen roof, as shown in Figure 6 in APPENDIX A.
- The outdoor condenser of air-conditioner is modelled as a point source located at 0.5m above the Café indoor dining area roof, as shown in Figure 6 in APPENDIX A. The outdoor unit baffles the noise radiation resulting in a radiation directivity, ie. most noise radiates towards south.
- Both indoor and outdoor speakers are modelled as point sources at 2.5m above the ground. The speakers are directional speakers radiating most energy to their front spaces. All speakers face downwards the indoor/outdoor dining areas. The locations of indoor/outdoor speakers are shown in Figure 2, Figure 3 and Figure 6 in APPENDIX A.

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

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

Receivers	Day	Evening/Night
R1	47.8	47.8
R2	34.3	34.3
R3	36.9	36.9
R4	36.3	36.3
R5	38.3	38.3
R6	37.7	37.7
R7	25.0	25.0

The predicted noise levels include the contributions of the mechanical plant (air-conditioner, kitchenware and exhaust fans), music (from the speakers) and patron conversations. Table 4-2 presents a comparison between these contributions. It is shown that the patron conversations are the most dominant noise source at most of the receivers except at R3 and R7 where the mechanical noise becomes dominant. Music level is much lower than either the patron conversations or mechanical noise.

Table 4-2: Noise Contributions.

Receivers	Conversations	Music	Mechanical
R1	46.4	41.9	32.3
R2	31.0	26.4	29.9
R3	29.3	30.6	34.6

Receivers	Conversations	Music	Mechanical
R4	35.0	29.7	22.0
R5	36.2	30.8	31.4
R6	34.7	32.7	30.2
R7	19.8	17.4	22.1

Figure 7 in APPENDIX B presents the worst-case noise contours at 1.5m above the ground. These noise contours represent the worst-case noise propagation envelopes, i.e., worst-case propagation in all directions simultaneously.

Figure 7 indicates that the noise contours of 55dB(A) or above are kept within the property (Café) boundaries. This means that the worst-case noise level at any locations outside the Café property is below 55 dB(A).

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

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

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

Table 4-2 indicates that the patron conversations are the most dominant noise source at R1, R4 to R6. Mechanical noise becomes dominant at R3 and R7, and close to the level of patron contributions at R2. Music level is much lower than either the patron conversations or mechanical noise at all of the receivers. Therefore, a 5dB tonality adjustment should apply to the predicted noise levels at R2, R3 and R7.

Table 5-1 presents the adjusted worst-case A-weighted noise levels. The adjusted noise levels are expressed in ***Bold Italic***.

Table 5-1: Adjusted worst-case noise levels in dB(A).

Receivers	Day	Evening/Night
R1	47.8	47.8
R2	***39.3***	***39.3***
R3	***41.9***	***41.9***
R4	36.3	36.3
R5	38.3	38.3
R6	37.7	37.7
R7	***30.0***	***30.0***

Scenario 1 generates continuous noise emissions, and therefore its noise emissions should be assessed against the assigned noise levels L_{A10}.

School opens only during the day-time on Monday to Friday excluding public holidays. Therefore, no compliance assessment is required at R5 and R6 for the evening/night and for the weekends and public holidays.

Table 5-2 presents a compliance assessment. It is shown that the adjusted worst-case noise levels are much lower than the assigned noise levels at all of the receivers. This demonstrates that compliance is achieved at the selected receiver locations.

Table 5-2: Compliance assessment.

Receivers	Days for Monday to Saturday		Evening and Days for Sunday and Public Holidays		Nights	
	Assigned L_{A10} in dB(A)	Adjusted Levels in dB(A)	Assigned L_{A10} in dB(A)	Adjusted Levels in dB(A)	Assigned L_{A10} in dB(A)	Adjusted Levels in dB(A)
R1	60	47.8	60	47.8	60	47.8
R2	54	39.3	49	39.3	44	39.3
R3	54	41.9	49	41.9	44	41.9
R4	60	36.3	60	36.3	60	36.3
R5	55	38.3				
R6	54	37.7				
R7	54	30.0	49	30.0	44	30.0

Noise contours in Figure 7 in APPENDIX B shows:

- The noise level in the school site is less than 45 dB(A) (corresponding to the adjusted noise level of 50 dB(A), which is less than the day-time assigned noise level L_{A10}). School opens during the day-time only. Compliance is achieved in the school.
- The noise levels in the (northern and southern) commercial neighbours are less than 55 dB(A) (corresponding to the adjusted noise level of 60 dB(A), which is less than the assigned noise level L_{A10} for commercial premises). Therefore, compliance is achieved in the neighbouring commercial areas.
- The noise levels in the neighboring residential areas are less than 35 dB(A) (corresponding to the adjusted noise level of 40 dB(A), which is less than the night-time assigned noise level L_{A10} for noise-sensitive premises if 6dB transport factor is included). Therefore, compliance is achieved in the neighboring residential areas.

It can be concluded from the above point and contour assessments that full compliance is achieved for the proposed Café operations.

Client: Roberts
Project: Acoustic Report

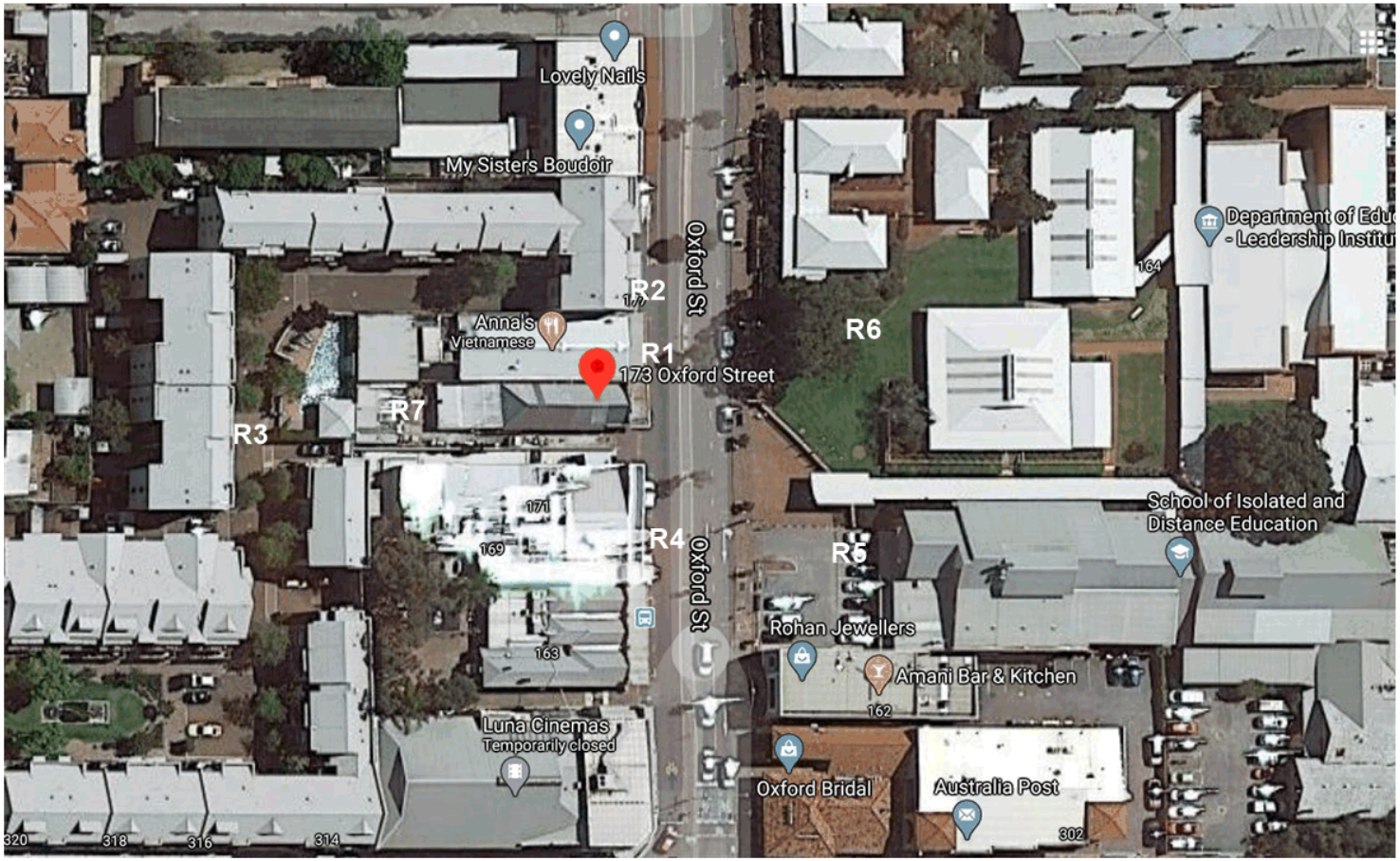

Figure 1: Aerial view of the proposed site and surrounding area.

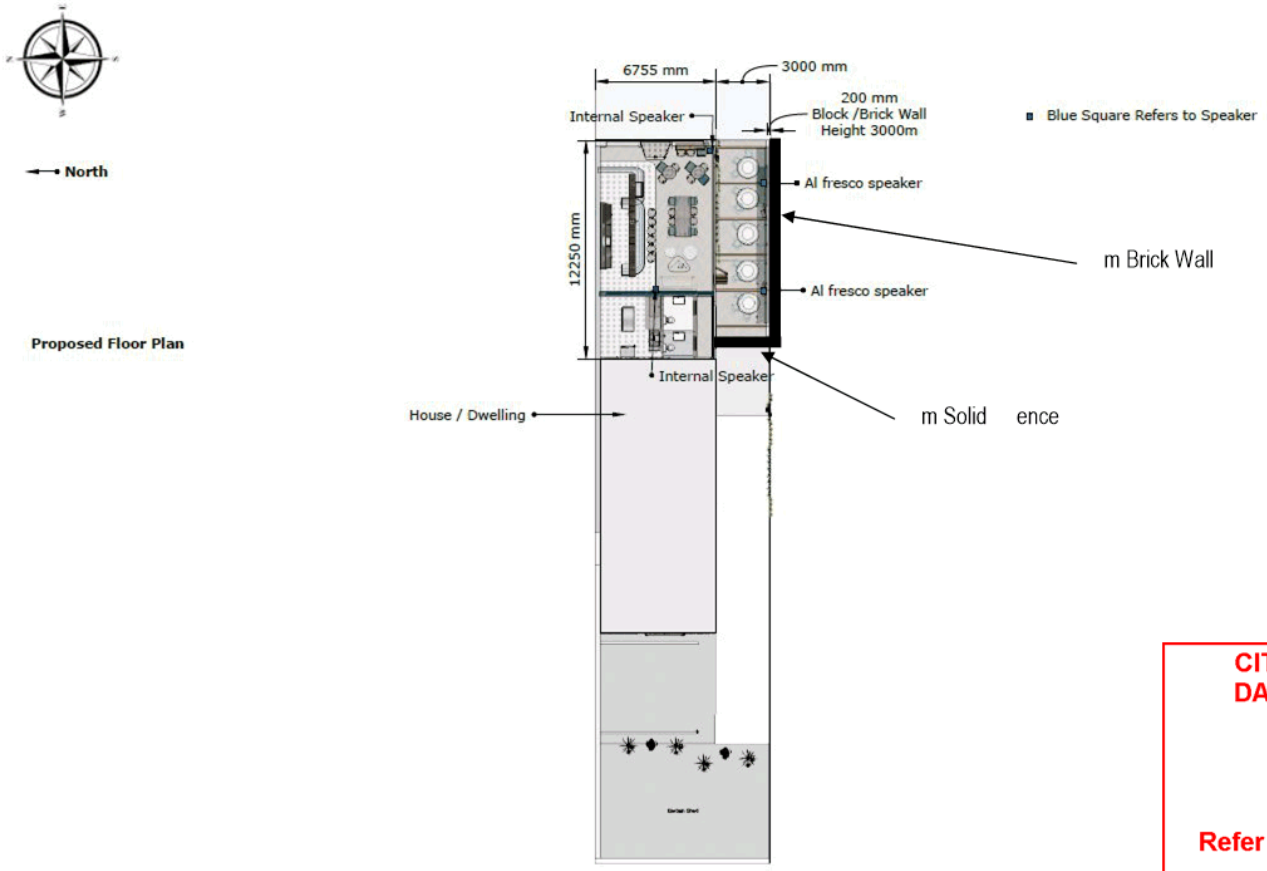

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Figure 2: Site layout.

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

Figure 3: Front view.

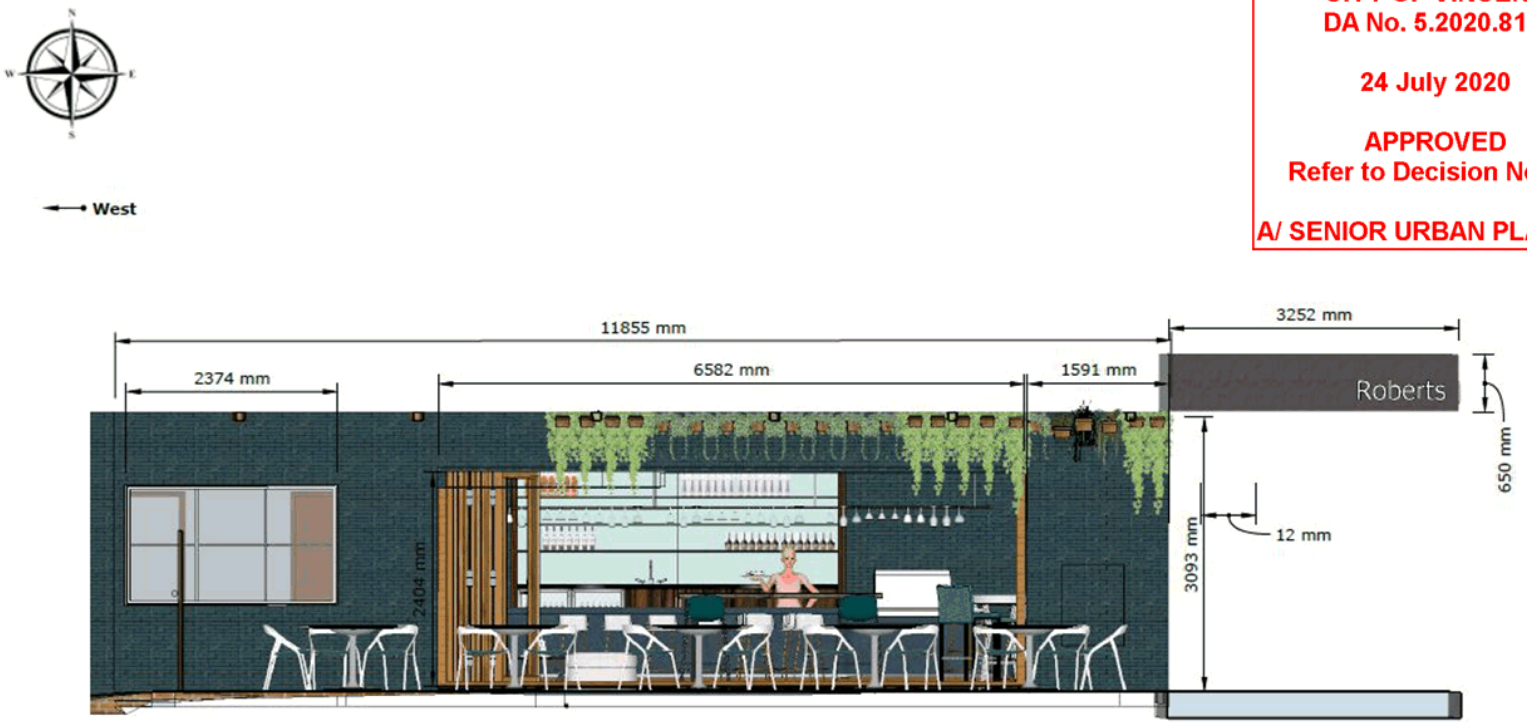

Figure 4: Side view.

Client: Roberts
Project: Acoustic Report

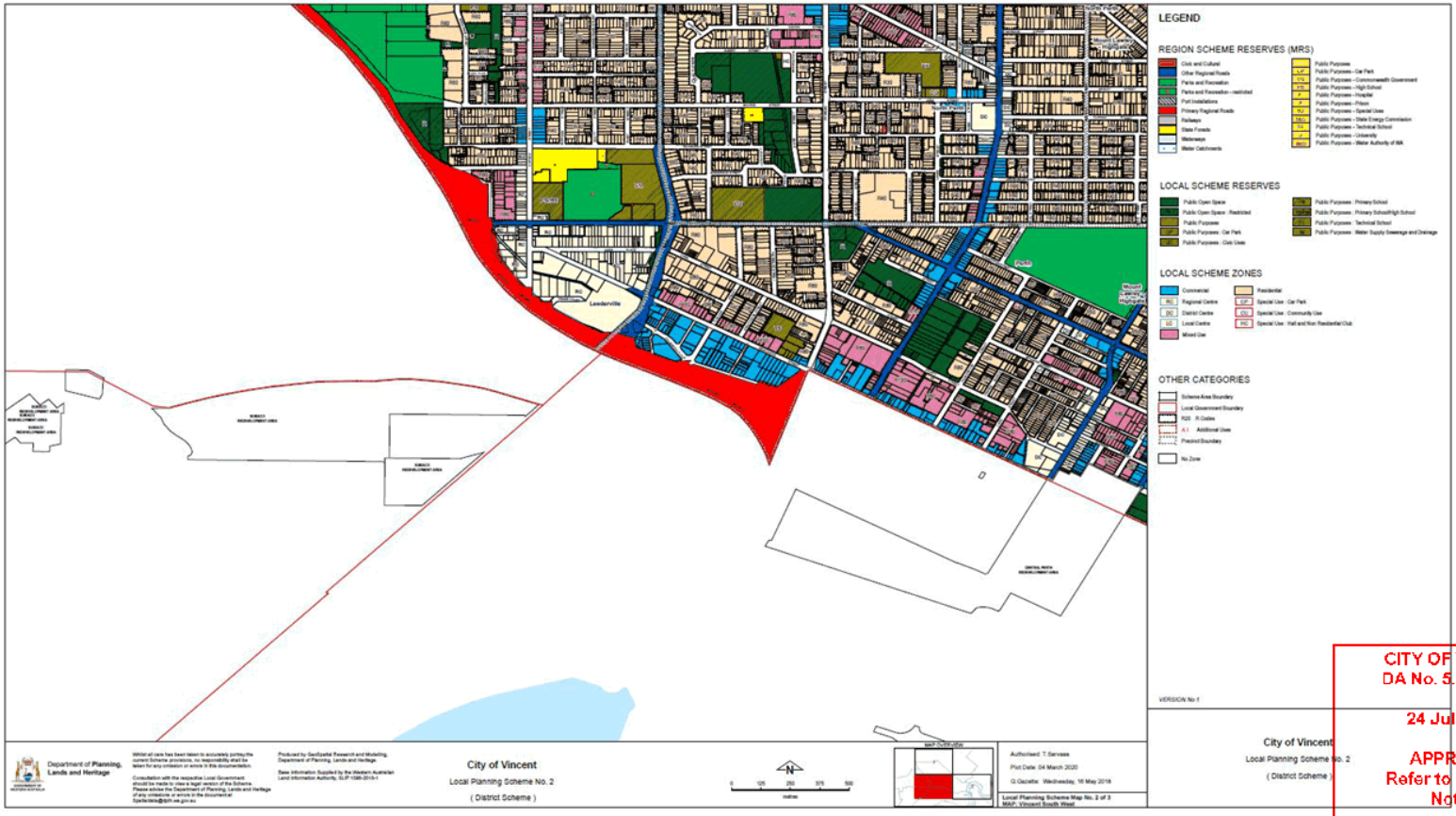

Figure 5: Zone map 2 of Vincent City planning scheme.

Figure 6: Location of outdoor noise sources.

Client: Roberts
Project: Acoustic Report

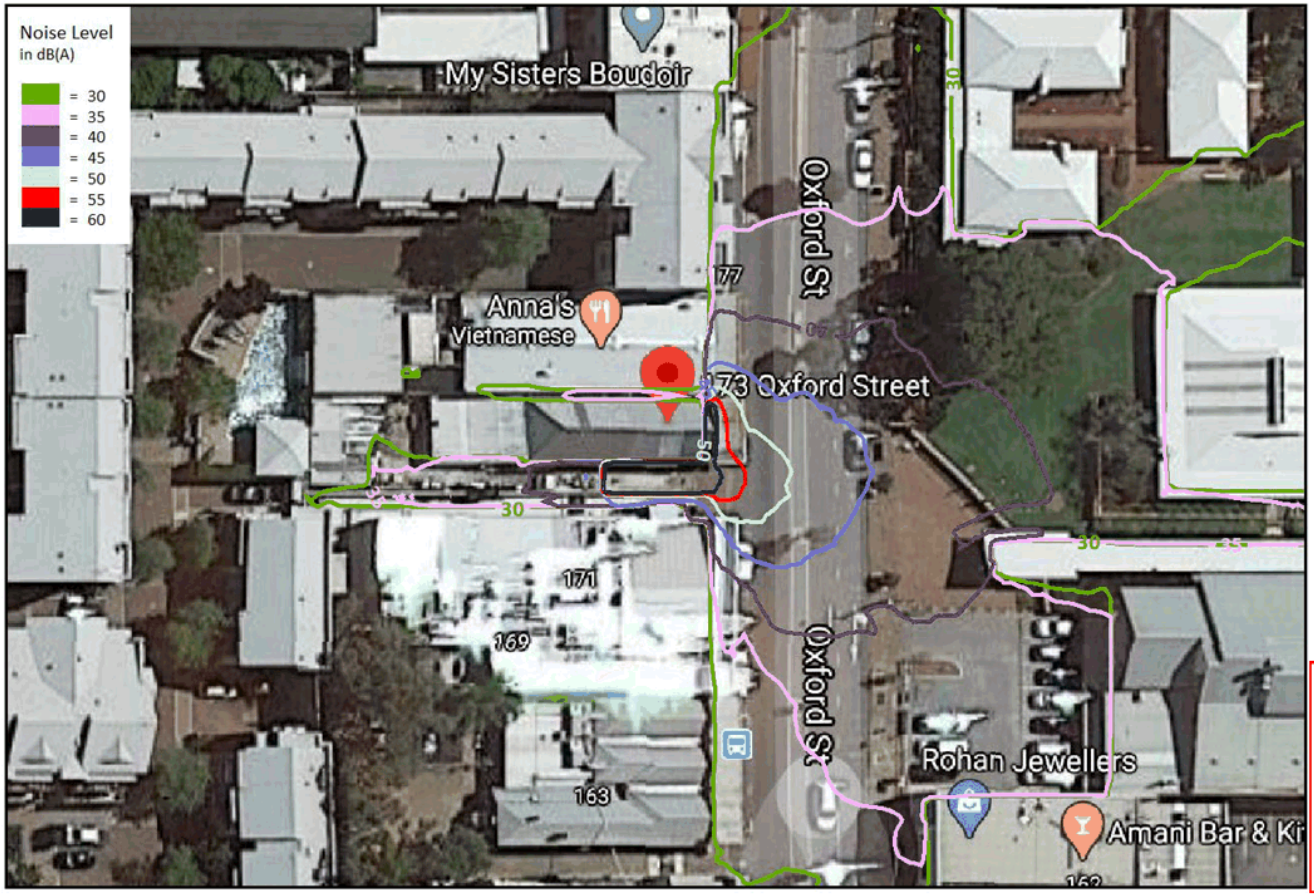

Figure 7: Worst-case noise contours at 1.5m above the ground.

Planning and Development Act 2005

City of Vincent

Notice of determination on application for development approval

Location: No. 173 Oxford Street LEEDERVILLE

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

Vol. No: 963 Folio No: 34

Application date Received on: 23 July 2020

Serial No: 5.2020.274.1

Description of proposed development: Change of Use from a Restaurant/Café and Single House to a Small Bar and Single House

Plans dated: 16 July 2020

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

1. All conditions, requirements and advice notes detailed on development approval 5.2020.81.1 dated 24 July 2020 continue to apply to this approval, except as follows:

    1.1 Conditions 1 and 2 of the development approval are deleted and replaced with the following condition:

        1. Use of Premises

            1.1 This approval relates to a Change of Use from Restaurant/Café and Single House to Small Bar and Single House as depicted on the plans dated 16 July 2020. It does not relate to any other development on the site;

            1.2 The hours of operation shall be limited to:

            - 6:00am to 12:00am Monday to Saturday;
            - 6:00am to 10:00pm Sunday; and
            - 6:00am to 12:00am Sunday where followed by a public holiday; and

            1.3 A maximum of 55 persons shall occupy the Small Bar at any one time.

ADVICE NOTES:

1. The use of the premises as a Small Bar requires compliance with the *Health (Public Building) Regulations 1992* and submission of a Public Building Application (Form 1 & 2) to the City's Health Services for assessment prior to commencement of the new use.

2. The amended Venue Management Plan shall include management strategies for noise generated by the following, but not limited to:

    - Emptying of waste and bottles;
    - Timing and frequency of deliveries;

- Timing and frequency of waste collections;
- Anti-social behaviour and patron noise outside the venue; and
- Set-up and set-down of alfresco dining area at night.

4. 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.

5. 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.

6. 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.

7. The obligation to comply with the requirements of the condition continues whilst the approved development exists.

Date of determination: - 20 August 2020

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

Note 3: 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.

Note 4: In relation to Note 1 a further two years is added to the date by which the development shall be substantially commenced, pursuant to Schedule 4, Clause 4.2 of the Clause 78H Notice of Exemption from Planning Requirements During State of Emergency signed by the Minister for Planning on 8 April 2020. For further information regarding the Ministerial direction, please contact the assessing officer Rhianna Waugh on 9273 6572.

Signed:  Dated: 20 August 2020

Karsen Reynolds
A/ SENIOR URBAN PLANNER

for and on behalf of the City of Vincent

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DA No. 5.2020.274.1

18 August 2020

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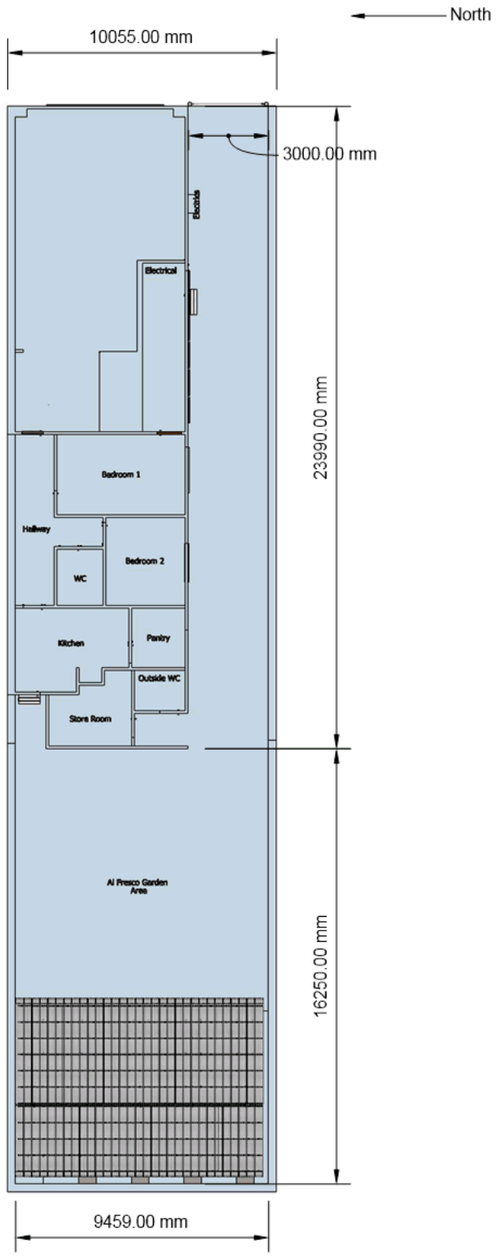

Scale 1:200

Date: March 6th 2020

Lot 7 Plan 867

Address: 173 Oxford Street, Leederville, WA 6007

Existing Site Plan

A.01

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North

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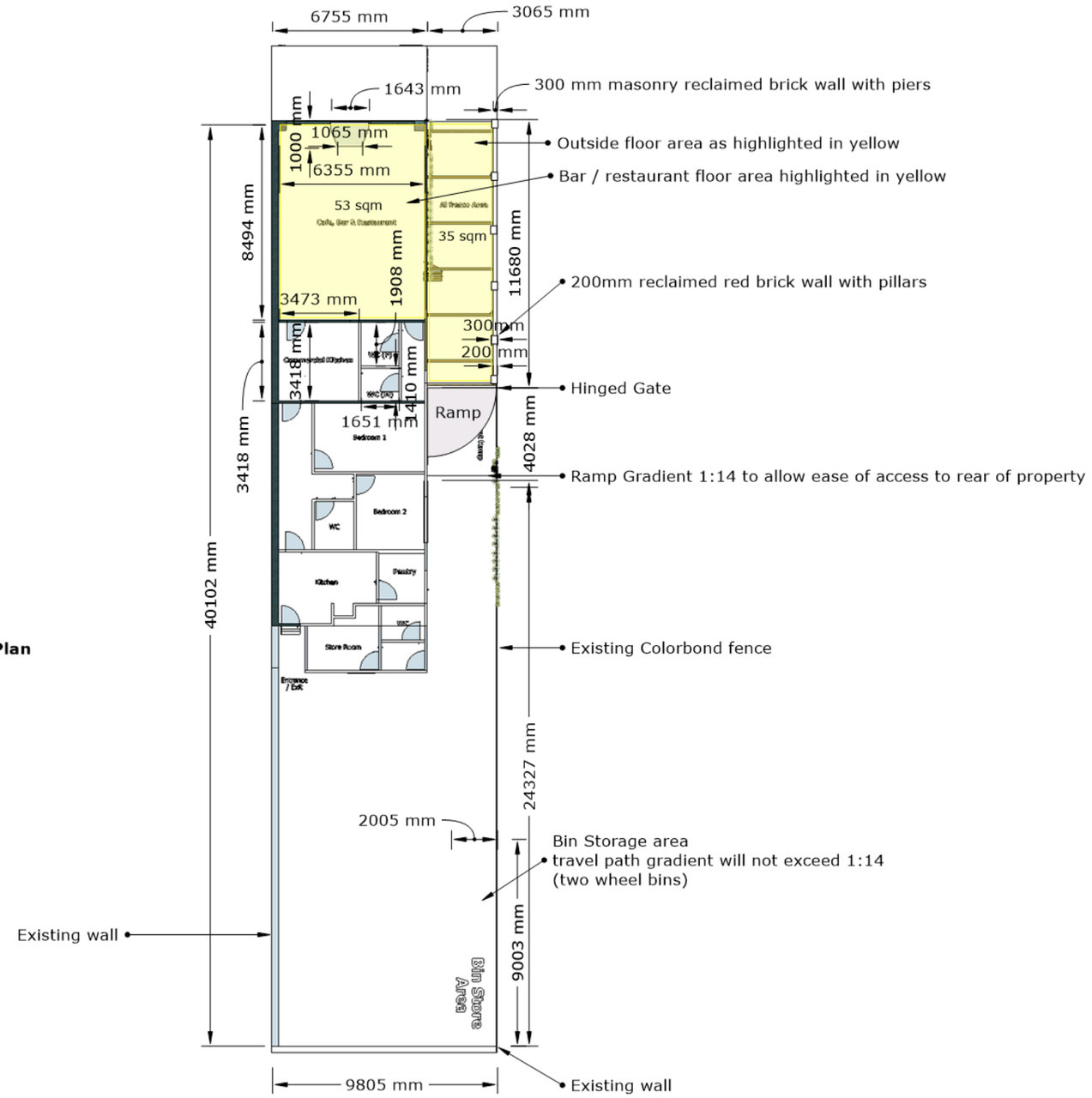
Proposed Floor Plan



Address: 173 Oxford Street, Leederville, WA 6007

Lot 7 Plan 867

Date: July 15th 2020

Scale 1:200

Proposed

A.1

V4

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West

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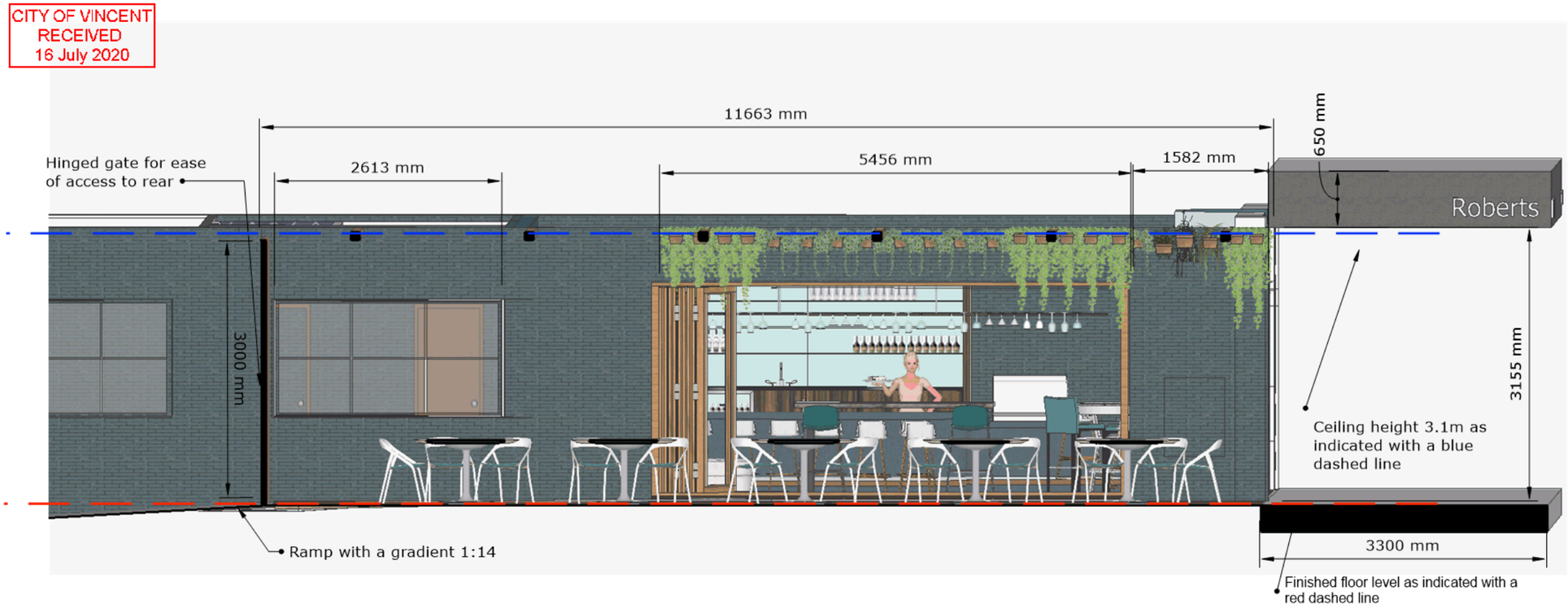

Proposed Side Elevation

Scale 1:50

Date: July 13th 2020

Lot 7 Plan 867

Address: 173 Oxford Street, Leederville, WA 6007

A.1
V3

North

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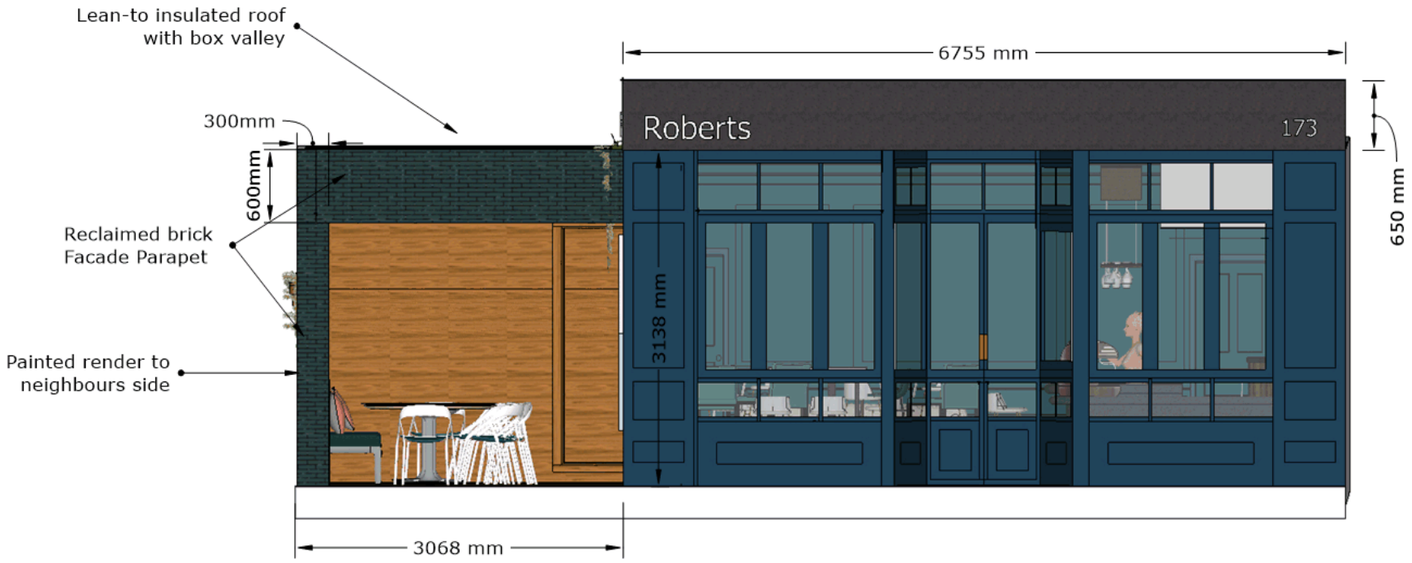

Retractable windows 70% transparency with non reflective glazing as per city requirements
No Modification to existing canopy

Proposed Front Elevation

Scale 1:50

Date: July 16th 2020

Lot 7
Plan 867

Address:
173 Oxford Street, Leederville, WA 6007

A.1

Proposed

Venue Management Plan

Roberts – Restaurant / Café and Small Bar

Brief Summary of Proposed Business Vibe /Operations

We aim to delivery an exceptional experience to all our patrons by creating a relaxed, unique and friendly environment.

Morning: Café vibe serving coffee and breakfast
Midday: Café eatery
Afternoon/Evening: Restaurant / Wine Bar

Hours of Operation

Day	Hours
Monday – Saturday	6:00am – 12:00am
Sunday	6:00am – 10:00pm

Number of Employees

Max 5 on site per shift

Number of Patrons

Max 50 patrons at any time

Car Parking

0 car parking spaces proposed

We are willing and able to park our vehicle at the rear of the site when the furniture has been moved inside. Alternatively we have been advised that we have access to permit parking for Melrose street as required. We have one car for use between us and living so close to town and public transport our car is not frequently utilised/moved.

Rubbish collection

The rubbish enclosures are located on the site plan.

Rubbish will be collected by private collection on Mondays. We have designed the flooring of the outdoor dining area to have ramp gradient so large bins can be wheeled over and onto the street for collection.

Patron Management

Our business will be operated strictly in accordance with our liquor license requirements. Any anti-social behaviour will be addressed immediately and noisy or disorderly patrons

will be either asked to leave or relocated inside the premises as appropriate to reduce noise emissions.

We intend to attract lovers of good food and wines and it is our intention to maintain a relaxed vibe which will not tolerate drunkenness or disorderly behaviour. We will not be hosting live music or DJ's at the venue.

Patrons will not be permitted to drink on the street and will be encouraged to be seated while drinking where possible, in accordance with our liquor license.

See overleaf for Noise Management Plan

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Noise Management 173 Oxford Street

We note that the business will emit environmental noise during operating times. We aim to minimize the effects of noise intrusion and noise emissions at the premises.

Noise Sources

- Patrons
- Kitchen Equipment eg Kitchen Extraction
- Sound System
- Mechanical (Air Conditioners)

Noise Impact & Management Measures

- Patrons
  - Loud patrons will be addressed by staff to reduce level of sound emitting eg shouting, singing etc.
- Kitchen Equipment
  - Kitchen location is contained within the building eg no external windows or doors facing towards residential ares.
  - Kitchen will close at 10pm sharp therefore the extraction system will be switched off.
- Amplified music
  - Management to monitor the output of volume and adjust accordingly.
  - Adhere to the Australian Standard AS/NZS2107:
- Mechanical (Air Conditioners)
  - Given the size of the internal area we plan to use standard air con units that shall emit noise no louder than the average household air con unit.
  - Placement of the units are at the side of the building directly opposite our neighbours commercial grade air con units.

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AES-890113-R01-0-16072020

Acoustic Engineering Solutions
www.acousticengsolutions.com.au

Environmental Noise Impact Assessment

Prepared for: **Roberts**

1 Oxford Street

eederville WA 600

Contact: Robert Mc ally

Prepared by: DR. Roy Ming

Acoustic ngineering Solutions

0 0 2

roy.ming acousticengsolutions.com.au

Revision: 0

Date: 16 July 2020

Doc NO: A S- 011 -R01-0-160 2020

Acoustic Engineering Solutions

ABN: 64 451 362 914

Acoustic Engineering Solutions (AES) has been commissioned by Roberts to prepare an acoustic report as a supporting document for the DA application of a proposed Cafe. The Cafe will have a maximum capacity of 50 seated patrons and open for 7 days a week. This report presents an environmental noise assessment of the proposed operations. The aim of this assessment is to determine whether or not the noise emission from the proposed operations would comply with the Environmental Protection (Noise) Regulations 1997 (the Regulations).

An acoustic model is created and the worst-case operational scenario is modelled to represent the busiest operation with the maximum noise emission from the Café:

Scenario 1: All items of the mechanical plant including kitchenware are operating simultaneously with 20 patron conversations (40% of patrons are talking).

This worst-case operational scenario may not happen in most of the opening hours.

Seven closest residential/school/commercial premises are selected for the detail assessment. Noise levels are predicted for the worst-case meteorological conditions. The predicted worst-case noise levels are adjusted for their dominant characteristics according to the Regulations, and then assessed against the assigned noise levels. The compliance assessment concludes that full compliance is achieved for the proposed café operations.

A cafe is proposed to operate at 173 Oxford Street, Leederville. An acoustic report is required for undertaking an environmental noise impact assessment to determine whether or not the noise emission from the proposed Café would comply with the Environmental Protection (Noise) Regulations 1997 (the Regulations).

Acoustic Engineering Solutions (AES) has been requested by Roberts to prepare the acoustic report.

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

Figure 2 in APPENDIX A presents the site layout while Figure 3 and Figure 4 present the front and side views of the café building. The cafe is located in the front part of the property and accessed from Oxford Street. The Café owner lives in the back part of the property. The southern yard will be an outdoor dining area. A 3m high solid fence with a hinged gate is installed in the west end of the outdoor dining area to separate from the backyard of the property. A 3m block/brick wall will be built along the southern boundary of the property to join the 3m high solid fence, as shown (as thick black lines) in Figure 3 in APPENDIX A.

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

The café kitchen is separated from the indoor dining area by an internal wall and a single door. It has an insulated ceiling but does not have external windows and doors. The kitchenware includes an exhaust hood, a 6 ring burner with hot plate, an oil fryer, a convection oven, a dishwasher, two fridges and a microwave.

The cafe will have a full capacity of 50 seated patrons plus 5 staff. It opens 7 days a week:

- Between 6am and 10pm on Sunday to Thursday.
- Between 6am and 12 midnight on Friday and Saturday.

Two indoor and two outdoor speakers are installed, as shown in Figure 2 and Figure 3 in APPENDIX A, to provide low level background music during the hours of service.

No car-parking bays are provided on the site and the weekly city waste collection service will be used in every Monday morning.

[1] Aerial photo is obtained from Google Map.

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

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

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

Type of Premises Receiving Noise	Time of Day	Assigned Noise Levels in dB(A)[2]		
		$L_{A\,10}$	$L_{A\,1}$	$L_{A\,max}$
Noise sensitive premises: highly sensitive area	0700 to 1900 hours Monday to Saturday	45 + Influencing factor	55 + Influencing factor	65 + Influencing factor
	0900 to 1900 hours Sunday and public holidays	40 + Influencing factor	50 + Influencing factor	65 + Influencing factor
	1900 to 2200 hours all days	40 + Influencing factor	50 + Influencing factor	55 + Influencing factor
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays	35 + Influencing factor	45 + Influencing factor	55 + Influencing factor
Noise sensitive premises: any area other than highly sensitive area	All hours	60	75	80
Commercial premises	All hours	60	75	80

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

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

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

(i) tonality;

(ii) impulsiveness; and

(iii) modulation.

when assessed under Regulation 9".

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

Table 2-2: Adjustments for dominant noise characteristics

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

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

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

Figure 5 in APPENDIX A presents the planning scheme zone map 2 of the City of Vincent. It is shown that subject site and R1/R2/R4 are located within local/district centre zone while R3 is within a mixed zone. R5 and R6 are located within a Public Purpose zone. No industrial zone is present within 450m of the selected receivers. Actual land use is considered for the calculation of influencing factors. Existing shop/business premises are considered as

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

Table 2-3: Calculation of influencing factors.

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

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

Closest Residents	Assigned Noise levels in dB(A)			
	Day[3] Monday to Saturday	Day[4] Sunday and Public Holiday	Evening[5]	Nights[6]
R1 and R4	60	60	60	60
R2, R3, R6, R7	54	49	49	44
R5	55	50	50	45

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0700 to 1900 hours for Monday to Saturday.
0900 to 1900 hours for Sunday and public holidays.
[5] 1900 to 2200 hours for all days.
[6] 2200 to 0700 hours for Monday to Saturday but to 0900 hours for Sunday and public holidays.

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

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

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Roberts advised that the subject site and surrounding area are reasonable flat. Therefore, a flat ground is assumed in the acoustic model. The ground surface is assumed to have an averaged absorption of 0.6.

The cafe building and its surrounding buildings are digitised in the acoustic model together with (1.8m) property boundary fences. The 3m solid fence in the west of the outdoor dining area is also considered.

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

R1 and R4	represent the neighbouring commercial receivers (at entrances) at the ground level.
R2 and R3	represent the top floor receivers (at balconies) of three-storey apartment buildings.
R5 and R6	represent the ground level receivers of a school.
R7	represents the backyard (ground) receiver of the adjoining house (café owner residence) to the rear of the café building.

School opens only during the day-time on Monday to Friday excluding public holidays.

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

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

Table 3-1 presents the source sound power levels, which are calculated from the information provided by Roberts. The spectrum shapes were obtained from the AES database for similar equipment. The sound power levels of patron conversation and coffee machine were measured in restaurants for other AES projects. A speaker is assumed to generate music level of 62 dB(A) at 1m from its front.

Table 3-1: Sound power levels

Equipment	Number	Overall Sound Power Level in dB(A)
Speaker	4	70
Reverse cycle air-conditioning outdoor unit	1	65
Reverse cycle air-conditioning indoor outlet	6	52
Toilet exhaust outlet	2	62
Kitchen exhaust outlet	1	74
Kitchen exhaust hood	1	86
Fridge	2	60
6 ring burner with hot plate	1	64
Oil fryer for chips	1	68
Convection oven	1	60
Coffee machine	1	73[9]
Microwave	1	59
Dish washer	1	73
Conversation		66

[9] Averaged over a coffee making cycle including different actions.

SoundPlan calculates noise levels for defined meteorological conditions. In particular, temperature, relative humidity, wind speed and direction data are required as input to the model. For this study the worst-case meteorological conditions[10] are assumed, as shown in Table 3-2. It is shown that the evening and the night have the same worst-case meteorological conditions. This means that the predicted worst-case evening and night-time noise levels are the same if the operational conditions are the same.

Table 3-2: Worst-case meteorological conditions.

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

Roberts advised:

- The cafe opens 7 days a week starting at 6am.
- A maximum 50 seated patrons plus 5 staff are proposed.
- Food deliveries occur once a week at about 10am during Monday to Friday. Delivery van will park in the roadside (public) parking bay during the deliveries.
- The kitchen is a small unit separating from the dining area with a wall and a single door. The single door is fully open during the opening hours.
- The kitchen exhaust fan will be located above the kitchen roof.
- The (male and female) toilet exhaust fans are ceiling mounted.
- A reverse cycle split air-conditioning system will be installed and its condenser will be located on the roof with its fan side facing south.
- Two wall-mounted indoor speakers and two outdoor speakers play music during opening hours.
- No live music is proposed.
- All windows and the entrance/side doors are fully opened during the opening hours.

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

- A 3m high solid fence with a hinged gate is installed in the west end of the outdoor dining area to separate from the backyard of the property, as shown in Figure 3 in APPENDIX A.
- A 3m brick wall is built along the southern boundary of the outdoor dining area to join the 3m high solid fence, as shown in Figure 2 in APPENDIX A.

Based on provided information, a worst-case operational scenario is modelled:

Scenario 1: Maximum number of patrons (50) is assumed with 10 indoor conversations and 10 outdoor conversations (40% patrons are assumed to talk) simultaneously with:

- Two wall-mounted indoor speakers playing background music;
- A reverse cycle split air-conditioner (both inlets and outlet);
- Two ceiling-mounted toilet exhaust fans;
- A coffee machine in the indoor service area;
- Kitchen exhaust fan (both inlet and outlet);
- All kitchenware listed in Table 3-1;
- One staff conversation inside the Kitchen; and
- One staff conversation in the indoor service area.

This scenario represents the busiest (worst-case) operation with the maximum noise emission from the Café. It may not happen in most of the opening hours.

The followings are assumed in the noise model:

- The kitchen exhaust outlet is modelled as a point (Monopole) source at 0.4m above the kitchen roof, as shown in Figure 6 in APPENDIX A.
- The outdoor condenser of air-conditioner is modelled as a point source located at 0.5m above the Café indoor dining area roof, as shown in Figure 6 in APPENDIX A. The outdoor unit baffles the noise radiation resulting in a radiation directivity, ie. most noise radiates towards south.
- Both indoor and outdoor speakers are modelled as point sources at 2.5m above the ground. The speakers are directional speakers radiating most energy to their front spaces. All speakers face downwards the indoor/outdoor dining areas. The locations of indoor/outdoor speakers are shown in Figure 2, Figure 3 and Figure 6 in APPENDIX A.

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

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

Receivers	Day	Evening/Night
R1	47.8	47.8
R2	34.3	34.3
R3	36.9	36.9
R4	36.3	36.3
R5	38.3	38.3
R6	37.7	37.7
R7	25.0	25.0

The predicted noise levels include the contributions of the mechanical plant (air-conditioner, kitchenware and exhaust fans), music (from the speakers) and patron conversations. Table 4-2 presents a comparison between these contributions. It is shown that the patron conversations are the most dominant noise source at most of the receivers except at R3 and R7 where the mechanical noise becomes dominant. Music level is much lower than either the patron conversations or mechanical noise.

Table 4-2: Noise Contributions.

Receivers	Conversations	Music	Mechanical
R1	46.4	41.9	32.3
R2	31.0	26.4	29.9
R3	29.3	30.6	34.6

Receivers	Conversations	Music	Mechanical
R4	35.0	29.7	22.0
R5	36.2	30.8	31.4
R6	34.7	32.7	30.2
R7	19.8	17.4	22.1

Figure 7 in APPENDIX B presents the worst-case noise contours at 1.5m above the ground. These noise contours represent the worst-case noise propagation envelopes, i.e., worst-case propagation in all directions simultaneously.

Figure 7 indicates that the noise contours of 55dB(A) or above are kept within the property (Café) boundaries. This means that the worst-case noise level at any locations outside the Café property is below 55 dB(A).

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

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

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

Table 4-2 indicates that the patron conversations are the most dominant noise source at R1, R4 to R6. Mechanical noise becomes dominant at R3 and R7, and close to the level of patron contributions at R2. Music level is much lower than either the patron conversations or mechanical noise at all of the receivers. Therefore, a 5dB tonality adjustment should apply to the predicted noise levels at R2, R3 and R7.

Table 5-1 presents the adjusted worst-case A-weighted noise levels. The adjusted noise levels are expressed in ***Bold Italic***.

Table 5-1: Adjusted worst-case noise levels in dB(A).

Receivers	Day	Evening/Night
R1	47.8	47.8
R2	***39.3***	***39.3***
R3	***41.9***	***41.9***
R4	36.3	36.3
R5	38.3	38.3
R6	37.7	37.7
R7	***30.0***	***30.0***

Scenario 1 generates continuous noise emissions, and therefore its noise emissions should be assessed against the assigned noise levels L_{A10}.

School opens only during the day-time on Monday to Friday excluding public holidays. Therefore, no compliance assessment is required at R5 and R6 for the evening/night and for the weekends and public holidays.

Table 5-2 presents a compliance assessment. It is shown that the adjusted worst-case noise levels are much lower than the assigned noise levels at all of the receivers. This demonstrates that compliance is achieved at the selected receiver locations.

Table 5-2: Compliance assessment.

Receivers	Days for Monday to Saturday		Evening and Days for Sunday and Public Holidays		Nights	
	Assigned L_{A10} in dB(A)	Adjusted Levels in dB(A)	Assigned L_{A10} in dB(A)	Adjusted Levels in dB(A)	Assigned L_{A10} in dB(A)	Adjusted Levels in dB(A)
R1	60	47.8	60	47.8	60	47.8
R2	54	39.3	49	39.3	44	39.3
R3	54	41.9	49	41.9	44	41.9
R4	60	36.3	60	36.3	60	36.3
R5	55	38.3				
R6	54	37.7				
R7	54	30.0	49	30.0	44	30.0

Noise contours in Figure 7 in APPENDIX B shows:

- The noise level in the school site is less than 45 dB(A) (corresponding to the adjusted noise level of 50 dB(A), which is less than the day-time assigned noise level L_{A10}). School opens during the day-time only. Compliance is achieved in the school.
- The noise levels in the (northern and southern) commercial neighbours are less than 55 dB(A) (corresponding to the adjusted noise level of 60 dB(A), which is less than the assigned noise level L_{A10} for commercial premises). Therefore, compliance is achieved in the neighbouring commercial areas.
- The noise levels in the neighboring residential areas are less than 35 dB(A) (corresponding to the adjusted noise level of 40 dB(A), which is less than the night-time assigned noise level L_{A10} for noise-sensitive premises if 6dB transport factor is included). Therefore, compliance is achieved in the neighboring residential areas.

It can be concluded from the above point and contour assessments that full compliance is achieved for the proposed Café operations.

Client: Roberts
Project: Acoustic Report

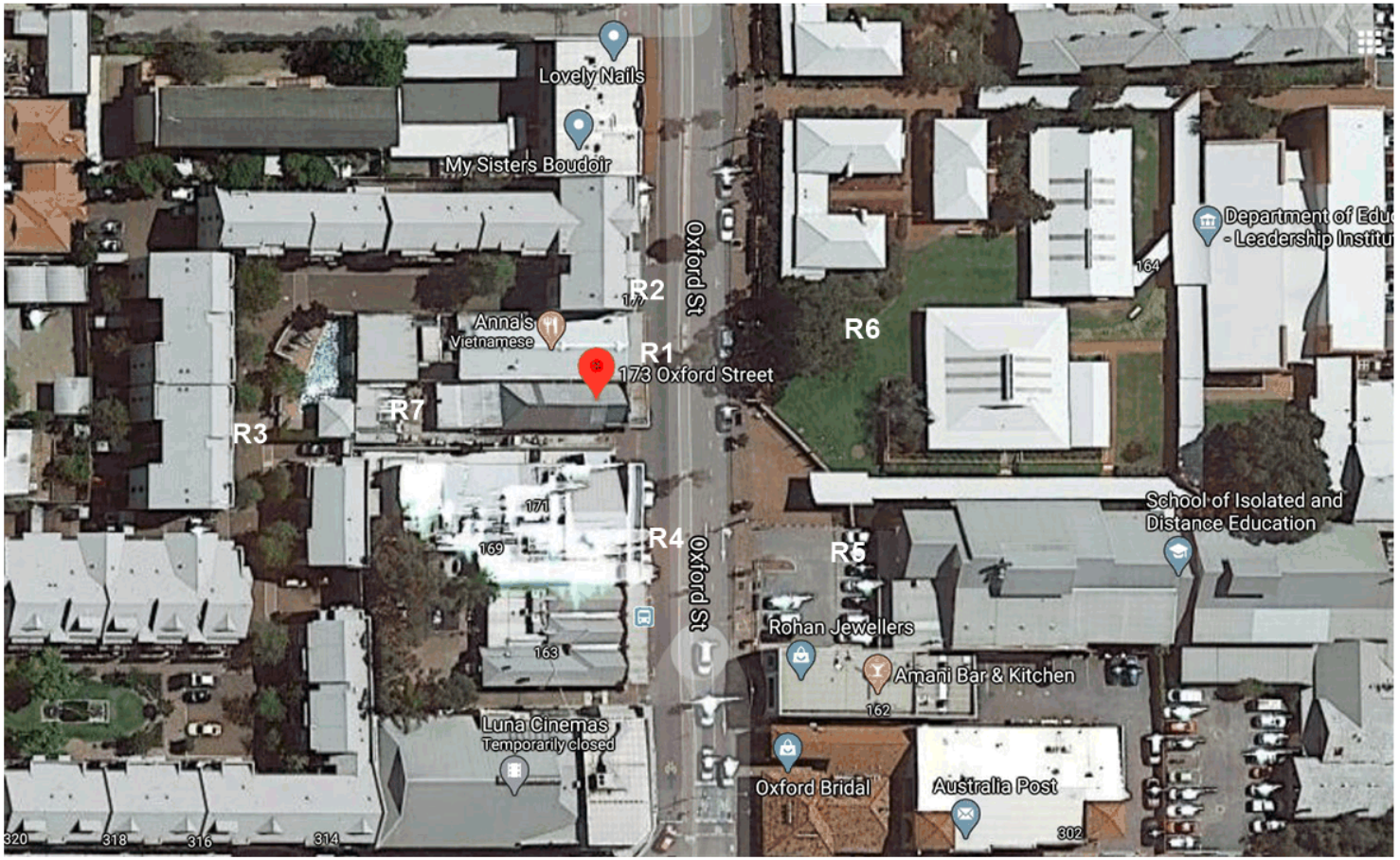


Figure 1: Aerial view of the proposed site and surrounding area.

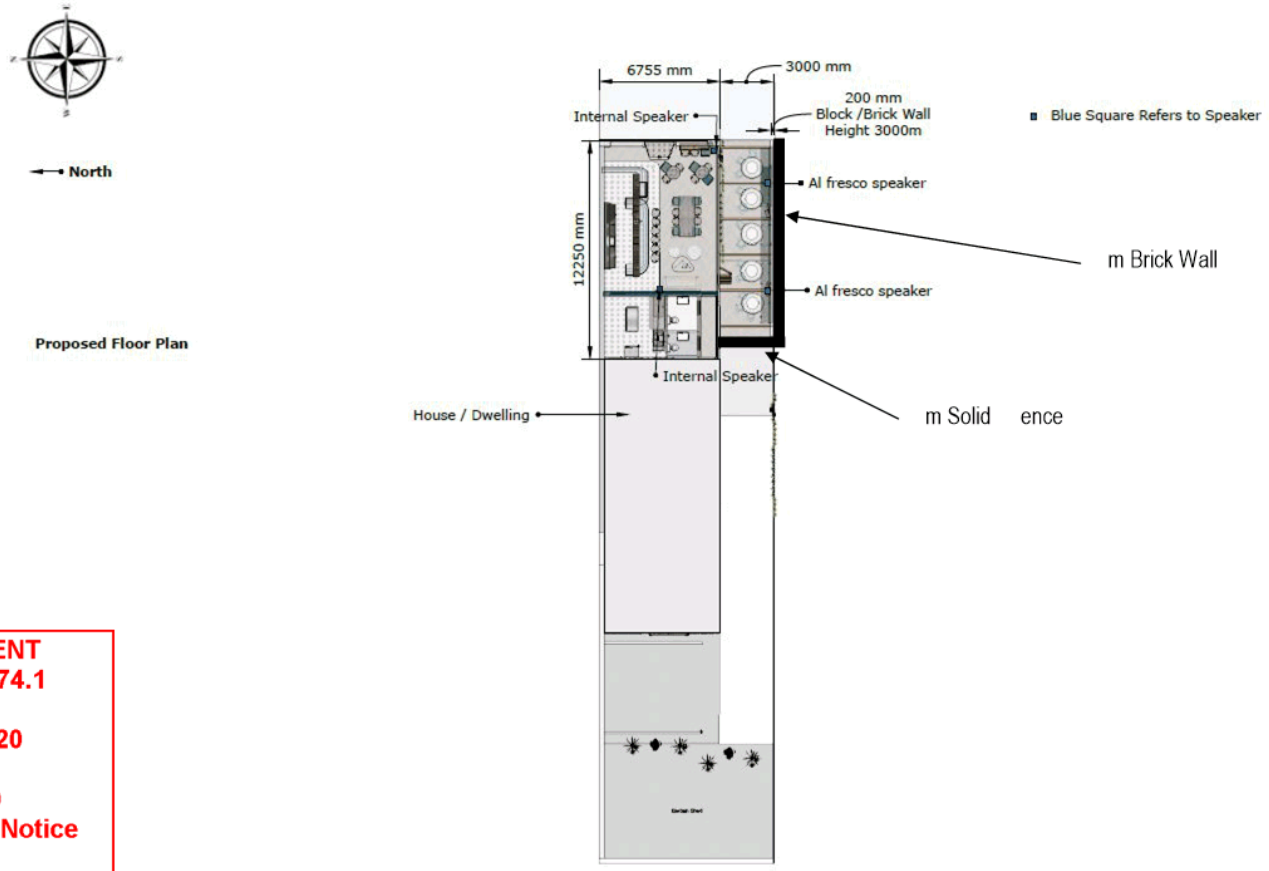
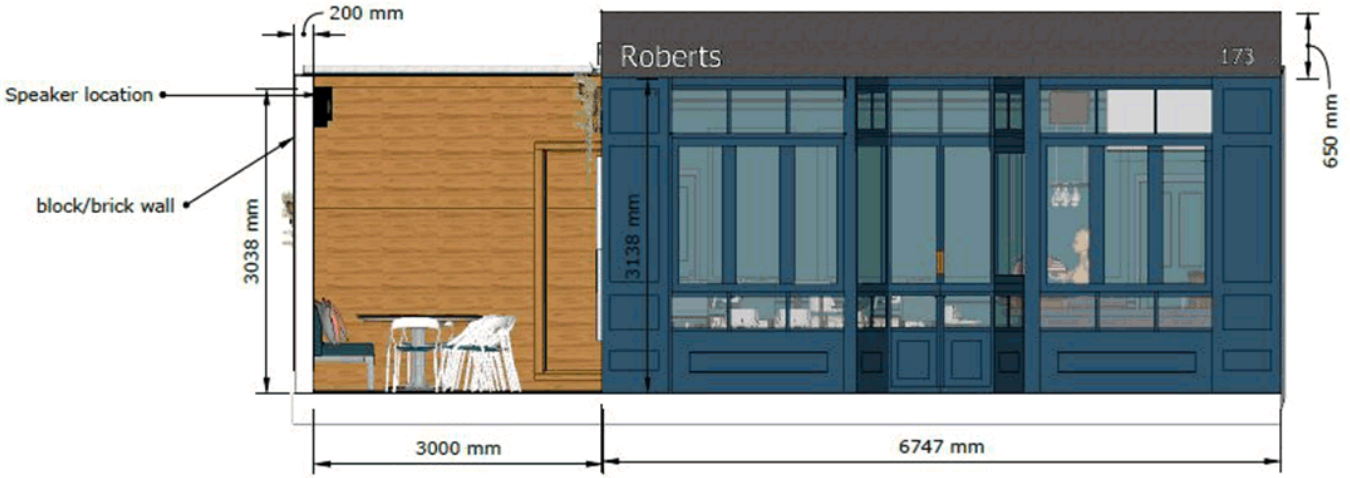


Figure 2: Site layout.



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

Figure 3: Front view.

Client: Roberts
Project: Acoustic Report

AES

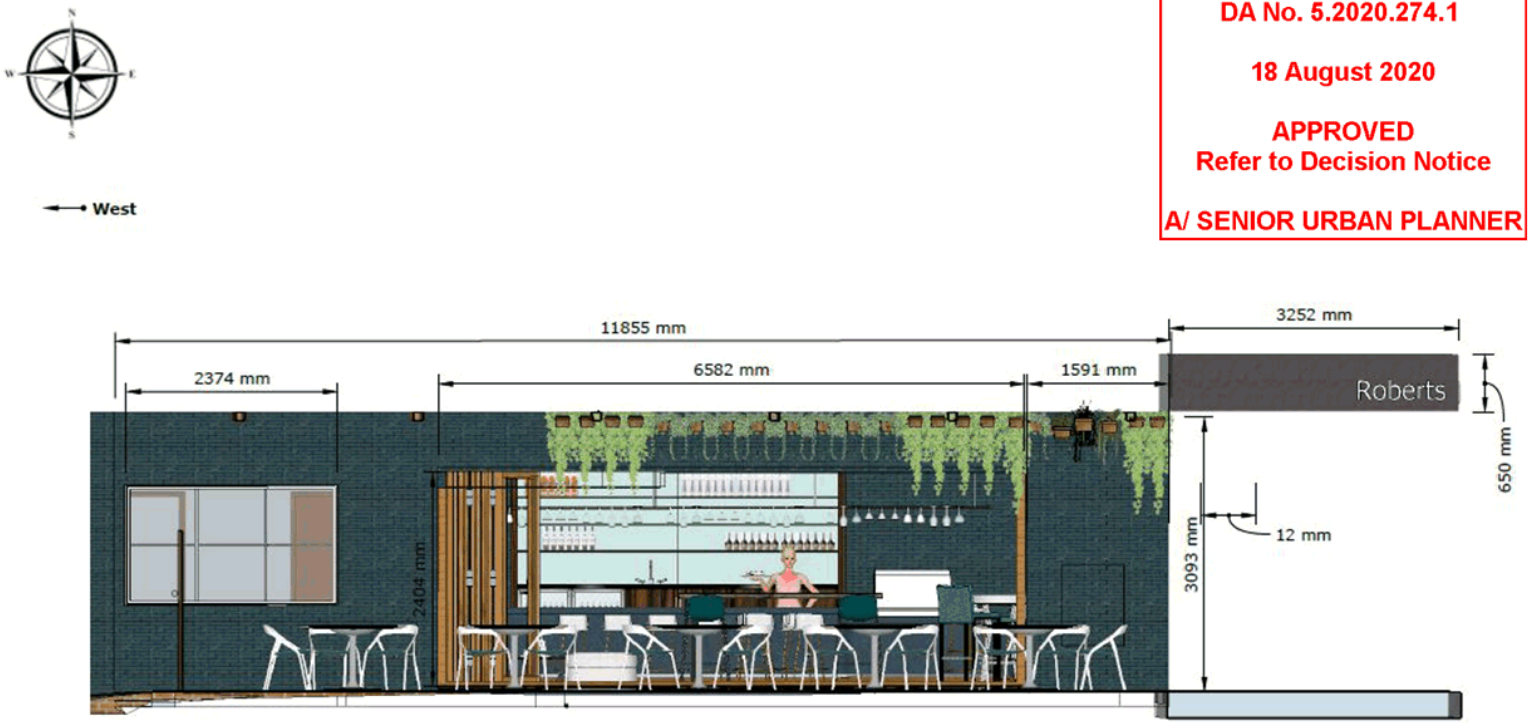


Figure 4: Side view.

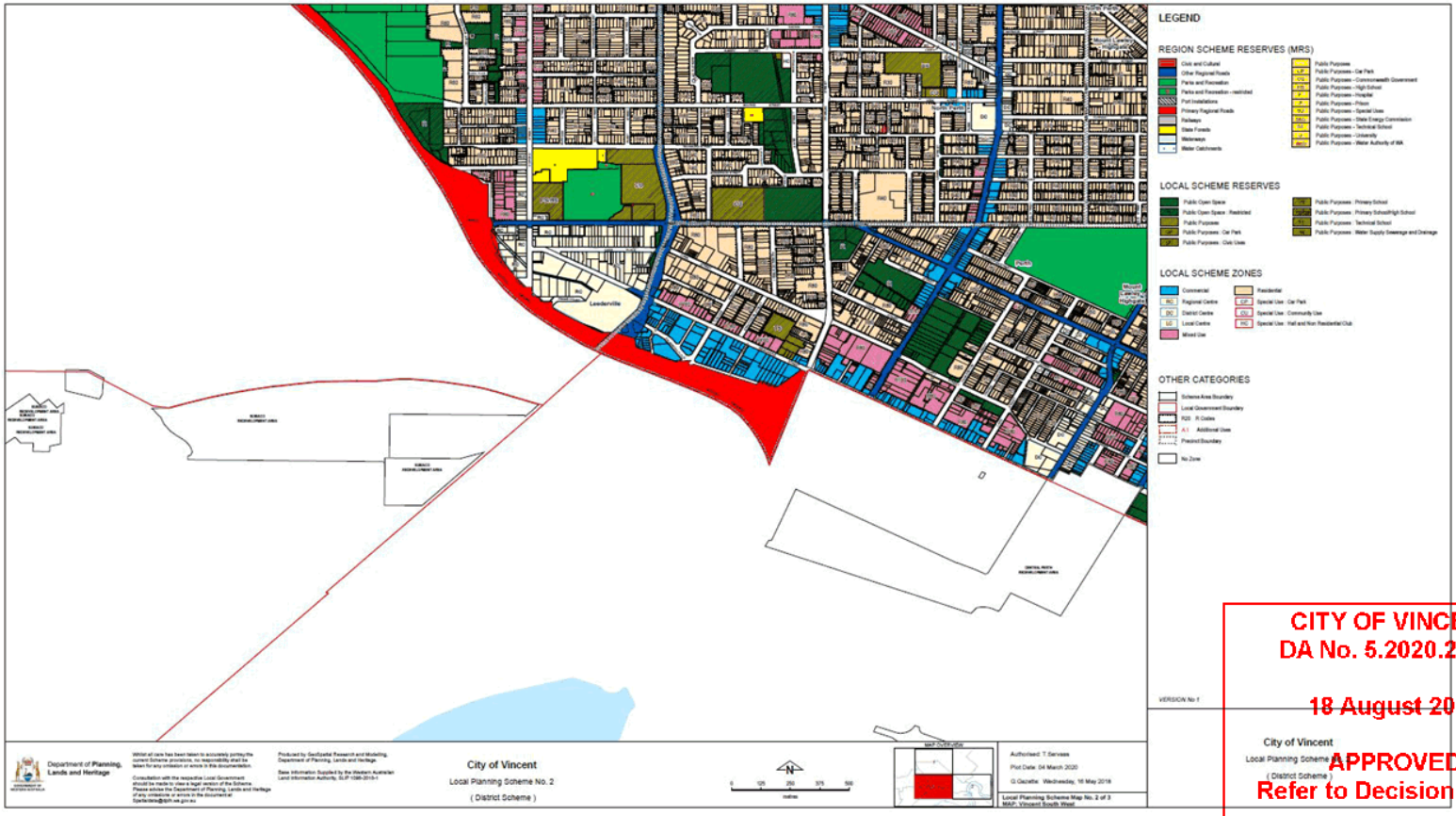


Figure 5: Zone map 2 of Vincent City planning scheme.

Figure 6: Location of outdoor noise sources.

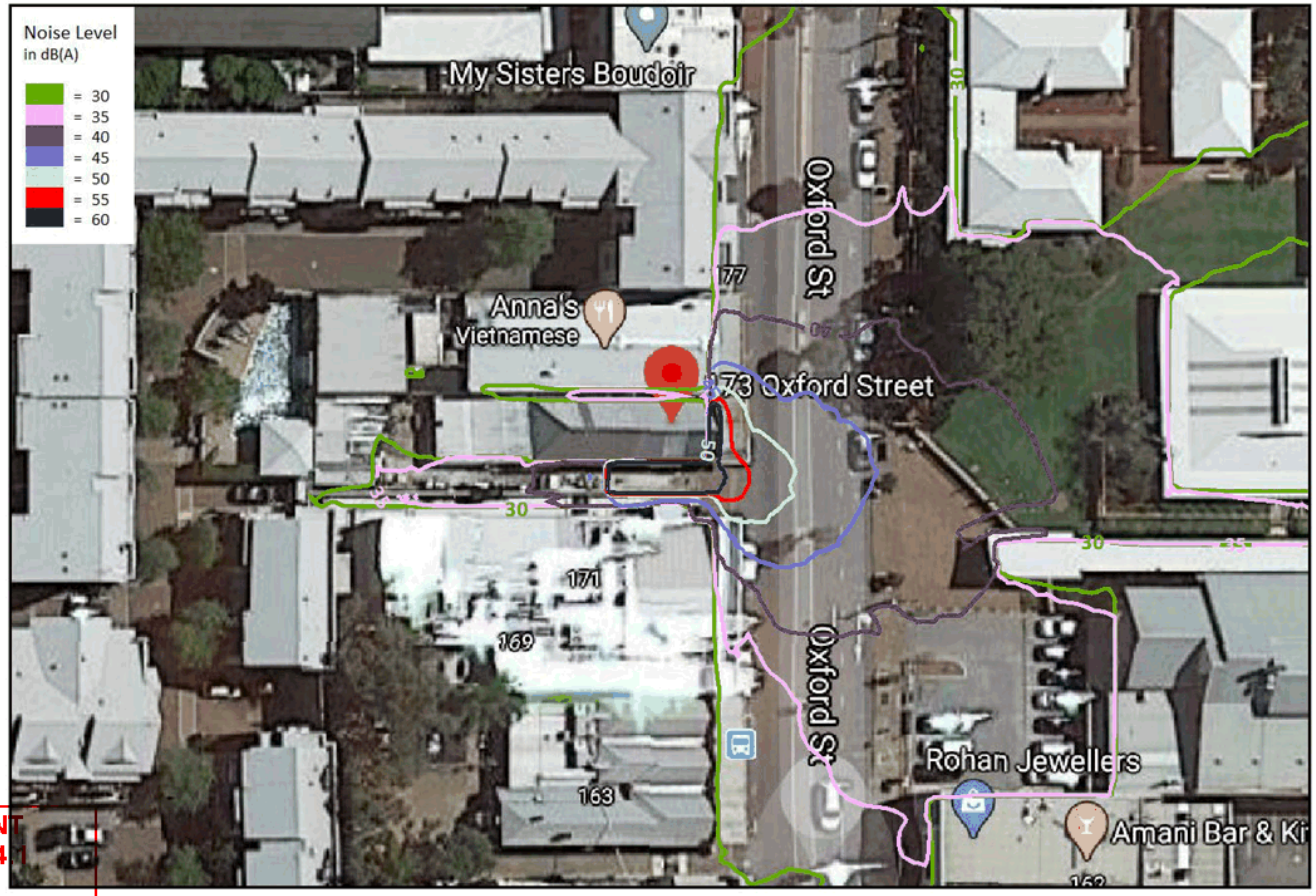


Figure 7: Worst-case noise contours at 1.5m above the ground.

Summary of Submissions:

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

Comments Received in Support:	Administration Comment:
• The development would be great for the area and would benefit the community and other small businesses. • Important to increase capacity in existing bars to cater for the increased population. • The development would add to the vibrancy of Leederville and add diversity to hospitality offerings in the area.	• Comments in support are noted.

Comments Received in Objection:	Administration Comment:
Noise and Antisocial Behaviour • Concerned about the impact from added noise late in the evening on surrounding residents. A licenced premises of this scale would bring extra noise year round and until much later in the evening. • There is already anti-social behaviour experienced and this would be further increased as a result of the proposed greater capacity.	• The premises is not proposing to increase the previously approved operating hours. The applicant has submitted an acoustic report which concludes that subject to the implementation of recommendations, the increased capacity would comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*. Administration is satisfied that the proposal would not adversely impact on the amenity of surrounding residents subject to the measures of this acoustic report. • In regards to anti-social behaviour, Administration recommends a condition requiring an updated Venue Management Plan to be provided. This would be consistent with the requirements of the City's Licenced Premises Policy and would include measures related to the management of anti-social behaviour.
Other Query if the development is approved, would this result in the parklet being removed.	The existing parklet on Oxford Street is not proposed to be removed as part of the subject development application.

Comments Received Expressing Concern:	Administration Comment:
Noise and Antisocial Behaviour • Concerned about the impact from noise in the alfresco impacting on the adjoining Luna Cinemas. In addition to this there is also concern over noise generated from patrons and emptying bottles and the negative impact this may have. The existing dividing fence has been removed between the properties, and would request that a wall be constructed to absorb these noise impacts and to increase security. • Concerned about anti-social behaviour increasing as a result of expanding the capacity of the bar.	• As noted above, the applicant has submitted an acoustic report with the application. This outlines a number of recommendations to be implemented. One of these recommendations relates to the provision of a 3.8 metre high masonry wall along the southern boundary of the subject site, to mitigate noise impacts on the Luna Cinema's. Administration recommends a condition to require these measures of the acoustic report to be implemented, which would ensure that this wall is provided. • As noted above, Administration recommends a condition be imposed which requires an updated Venue Management Plan be provided which addressed measures to manage instances of anti-social behaviour.

Summary of Submissions:

Comments Received Expressing Concern:	Administration Comment:
Car Parking Concerned about the availability of parking being reduced as a result of recent developments in the area. Specifically along Melrose Street where additional bays were installed in 2018, which now always seem occupied.	Administration is satisfied that there is adequate alternative transport methods and public parking in the locality to meet the demands for the premises, including along Oxford Street as well as The Avenue car park and the bays available outside of business hours as part of the ABN development. The City most recently made changes to the on-street parking provided along Melrose Street earlier this year. These reconfigured existing parallel bays into 90 degree bays, and result in an additional four on-street being provided. The City does not have any current occupancy data for these bays.
Other Concerned that furniture is being placed within the footpath area, which should remain clear and unobstructed.	The City's *Trading in Public Places Local Law 2008* permits furniture to be placed on the footpath for outdoor eating, provided that a 1.5 metre continuous pathway is provided to pedestrian access.

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

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:
• The development would be great for the area and would benefit the community and other small businesses. • Important to increase capacity in existing bars to cater for the increased population. • The development would add to the vibrancy of Leederville and add diversity to hospitality offerings in the area.	• We agree with the supportive comments, our aim is to also provide more employment opportunities to locals and the hospitality industry.

Comments Received in Objection:	Applicant Comment:
Noise and Antisocial Behaviour • Concerned about the impact from added noise late in the evening on surrounding residents. A licenced premises of this scale would bring extra noise year round and until much later in the evening. • There is already anti-social behaviour experienced and this would be further increased as a result of the proposed greater capacity.	• Robert's is renowned by the locals at how professionally it is operated in relation to patron noise control and dealing with any anti-social behaviour. In fact we have never received a formal complaint from neighbouring businesses or residents. • In our design, we have taken into consideration the potential impact to local businesses and residents, such as the construction of a 3.8 metre surrounding walls, with some closed in areas, roof area to the rear, along with engaging a acoustic engineer to do a full report based on the design that complied with the councils policy requirements. With the added patron numbers we plan to engage security professionals on key nights when required.
Other • Query if the development is approved, would this result in the parklet being removed.	• We do plan to keep the parklet as we have invested into the construction of this and it is also favoured by our patrons.

Summary of Submissions:

Comments Received Expressing Concern:	Applicant Comment:
Noise and Antisocial Behaviour • Concerned about the impact from noise in the alfresco impacting on the adjoining Luna Cinemas. In addition to this there is also concern over noise generated from patrons and emptying bottles and the negative impact this may have. The existing dividing fence has been removed between the properties, and would request that a wall be constructed to absorb these noise impacts and to increase security. • Concerned about anti-social behaviour increasing as a result of expanding the capacity of the bar.	• As detailed in the design a 3.8 metre wall will be constructed. The emptying of bottles is done by the owner, which has never before 9am in the morning or 6pm in the evening. We are very strict on the noise pollution omitted, and have also been very conscious of the surrounding businesses and residents which clearly reflects in both the supporting and negative submissions by locals.
Car Parking • Concerned about the availability of parking being reduced as a result of recent developments in the area. Specifically along Melrose Street where additional bays were installed in 2018, which now always seem occupied.	• We dont feel that the business has impacted the parking around Leederville at all. The majority of our patrons are local who would walk to the premises and other patrons use public transport such as uber.
Other • Concerned that furniture is being placed within the footpath area, which should remain clear and unobstructed.	• At times the footpath can get congested with patrons pulling the chair to the outside of the table, which is not the correct placement. We do our best to control this. We have become conscious of this and are making extra effort to manage it.

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