

9.1 NOS. 119-133A (LOT: 100; D/P: 29145) OXFORD STREET, LEEDERVILLE - PROPOSED CHANGE OF USE FROM SHOP TO TAVERN INCLUDING ALTERATIONS AND ADDITIONS

Ward: South

Attachments:

1. Consultation and Location Plan
2. Development Plans
3. Waste Management Plan
4. Venue Management Plan
5. Parking Management Plan
6. Acoustic Report
7. Determination Advice Notes

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, **APPROVES** the development application for a Proposed Change of Use from Shop to Tavern including Alterations and Additions at Nos. 119-133A (Lot: 100; D/P: 29145) Oxford Street, Leederville, in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 7:

1. Development Approval

This approval is for a Change of Use from Shop to Tavern including Alterations and Additions as shown on the approved plans dated 20 September 2022. No other development forms part of this approval;

2. Use of Premises

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

2.2 The Tavern shall be limited to a maximum of 200 patrons at any one time; and

2.3 The Tavern shall be limited to the following hours of operation:

- Monday to Saturday: 6:00am to 12:00am (midnight);
- Sunday and Public Holidays: 7:00am to 12:00am (midnight);
- 31 December (Monday to Saturday): 6:00am to 2:00am (1 January);
- 31 December (Sunday): 7:00am to 2:00am (1 January);

unless an Extended Trading Permit for alternative hours is issued by the Racing Gaming and Liquor Division of the Department of Local Government, Sport and Cultural Industries;

3. Venue Management

3.1 Prior to commencement of the approved development, an amended Venue Management Plan shall be submitted to and approved by the City. The amended Venue Management Plan shall be prepared in accordance with City's Policy No. 7.5.7 – Licensed Premises and shall incorporate recommendations of the 'Acoustic Report – Environmental Noise Assessment' dated 6 September 2022, prepared by AAP; and

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

4. Waste Management

- 4.1 The Waste Management Plan dated 14 November 2022 shall be implemented at all times to the satisfaction of the City; and
- 4.2 Waste collection shall be limited to between 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays;

5. Façade Design

- 5.1 Doors and windows and adjacent floor areas fronting Oxford Street shall maintain an active and interactive relationship with this street. Ground floor glazing and/or tinting shall have a minimum of 70 percent visible light transmission to provide unobscured visibility between the street and the interior of the tenancy. Darkened, obscured, mirrored, or tinted glass or other similar materials, as considered by the City, is prohibited; and
- 5.2 Curtains, blinds and other internal treatments that obscure the view of the internal area from Oxford Street are not permitted to be used during the hours of the business operation;

6. Signage

- 6.1 All signage is to be in accordance with the City's Signs and Advertising Policy, unless further development approval is obtained; and
- 6.2 All signage shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site;

7. Car Parking

Prior to operation of the approved development, four parking bays on-site are to be marked for the exclusive use of the Tavern; and

8. Bicycle Facilities

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

PURPOSE OF REPORT:

To consider an application for development approval for a change of use from Shop to Tavern including alterations and additions at Nos. 119-133A Oxford Street, Perth (subject site).

PROPOSAL:

The development application proposes to change the use of the subject tenancy to Tavern. A Tavern is defined under the City's Local Planning Scheme No. 2 (LPS2) as '*premises that is the subject of a tavern licence under the Liquor Control Act 1988*'.

Details of the proposal are as follows:

- The Tavern would have a maximum of 200 customers and eight employees on-site at any given time;
- The applicant has advised that the Tavern would operate within the hours permitted under the *Liquor Control Act 1988* (LC Act), being:
 - Monday to Saturday: 6:00am – 12:00am (midnight)
 - Sunday: 10:00am – 12:00am (midnight)
- There would be no changes to the total floor area of the tenancy from the previous operator;
- Four on-site parking bays would be provided for staff of the premises;

- Internal modifications to the existing building would occur as well as the replacement of the existing timber and glass bi-fold doors to Oxford Street with aluminium and glass bi-fold doors; and
- An awning fascia sign would be provided to the Oxford Street elevation of the subject premises.

Plans of the proposal are included as **Attachment 2**. The applicant's supporting documentation including a Waste Management Plan, Venue Management Plan, Parking Management Plan and Acoustic Report are included as **Attachments 3, 4, 5 and 6** respectively.

BACKGROUND:

Landowner:	Peter Panegyres, Panos Panegyres, Angelos Panegyres and Oxford Street Property Pty Ltd
Applicant:	Ottofirm Pty Ltd
Client:	Sneh Lata Pty Ltd
Date of Application:	5 September 2022
Zoning:	MRS: Urban LPS2: Zone: District Centre R Code: N/A
Built Form Area:	Town Centre
Existing Land Use:	Shop (Supermarket)
Proposed Use Class:	Tavern
Lot Area:	2223m ²
Right of Way (ROW):	No – access via The Avenue car park
Heritage List:	No

Site Context and Zoning

The subject site is located at Nos. 119 to 133A Oxford Street, Leederville, as shown on the location plan included as **Attachment 1**.

The subject site contains eight single-storey tenancies and one two-storey tenancy fronting Oxford Street. These tenancies include a variety of retail and hospitality venues. The proposed change of use applies to the two-storey tenancy formerly occupied by 'Greens and Co.', also known as No. 123 Oxford Street, Leederville (subject tenancy).

The subject site is bound by Oxford Street to the east, single-storey commercial developments to the north and south, and The Avenue car park to the west. The subject site and adjoining properties are zoned Regional Centre under LPS2 and are located within the Town Centre built form area under the City's Policy No. 7.1.1 – Built Form (Built Form Policy).

The Leederville Master Plan Built Form Guidelines were adopted by Council in 2009. The eastern half of the subject site is within the Oxford Street precinct and the western half is within the Oxford Markets precinct.

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

Site History

In 1957 the City of Perth approved the construction of a supermarket on the subject site, which now forms the subject tenancy. The most recent development approval issued for the subject tenancy was in 1982 for modifications to the supermarket. A supermarket is classified as a Shop land use for the purposes of LPS2.

The City of Perth and the City of Vincent issued 'Eating House' licences under the *Health Act 1911* for the subject tenancy from September 1993. By August 1998 the subject tenancy was registered with the City's Health Services as a 'Restaurant'.

The subject tenancy operated as a café until April 2021.

DETAILS:**Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Local Planning Scheme No. 2 (LPS2), the City's Built Form Policy and relevant 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	Requires the Discretion of Council
Land Use		✓
Car Parking		✓
Bicycle Parking		✓
Hours of Operation		✓
Façade Design	✓	
Sound Attenuation Policy		✓
Signs and Advertising	✓	

Detailed Assessment

The assessment of the elements that require the discretion of Council is as follows:

Land Use	
Deemed-to-Comply Standard	Proposal
LPS2 'P' Use	Tavern - 'A' Use
Hours of Operation	
Policy Standard	Proposal
Policy No. 7.5.7 – Licensed Premises Monday to Saturday opening time: 7:00am Sunday closing time: 10:00pm	Monday to Saturday opening time: 6:00am Sunday closing time: 12:00am
Car and Bicycle Parking	
Deemed-to-Comply Standard	Proposal
Policy No. 7.7.1 – Non-Residential Development Parking Requirements <i>Car Parking</i> 32 parking bays required based on maximum of 200 patrons and 8 staff.	4 on-site parking bays provided.
<i>Bicycle Parking</i> 4 short-term and 9 long-term bicycle parking spaces required.	Nil short-term or long-term bicycle parking spaces provided.

The above elements of the proposal do not meet the specified standards and are discussed 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 17 October 2022 to 31 October 2022. In accordance with the City's Community and Stakeholder Engagement Policy, the method of consultation included a notice on the City's website, a sign to the Oxford Street elevation and 15 letters mailed to owners and occupiers of the properties adjoining the subject site as shown in **Attachment 1**.

No submissions were received on the proposal at the conclusion of consultation.

Design Review Panel (DRP):

Referred to DRP: Yes

The application was referred to the Chair of the City's DRP for comment.

The proposed works are supported by the DRP Chair. Their comments are summarised as follows:

- The proposed internal functional organisation of the tenancy remains similar to the previous use, with a large 'front of house' patron area facing Oxford Street. This is a positive outcome for the streetscape.
- The new bi-fold doors and painting of the façade would allow the social activity to become the primary focus of the shopfront facing Oxford Street which is supported. The maintenance of the simple façade and use of bi-fold doors is supported.
- The proposed signage is also minimal and sleek which is supported.
- Support for the proposed condition of development approval requiring minimum visibility of the shopfront glazing during operating hours.
- The proposed shopfront will maintain a high level of streetscape activation. The proposal sits within and would contribute to the surrounding area's unique local context.

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *City of Vincent Local Planning Scheme No. 2;*
- *Community and Stakeholder Engagement Policy;*
- *Signs and Advertising Policy;*
- *Policy No. 7.1.1 – Built Form Policy;*
- *Policy No. 7.5.7 – Licensed Premises;*
- *Policy No. 7.5.21 – Sound Attenuation;*
- *Policy No. 7.7.1 – Non-Residential Development Parking Requirements;*
- *Draft Leederville Precinct Structure Plan;*
- *Leederville Master Plan Built Form Guidelines; and*
- *Liquor Control Act 1988.*

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.

LPS2

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

- *To provide a range of services and uses to cater for the local and regional community, including but not limited to specialty shopping, restaurants, cafes and entertainment.*
- *To provide a broad range of employment opportunities to encourage diversity and self-sufficiency within the Centre.*
- *To encourage high quality, pedestrian-friendly, street-orientated development that responds to and enhances the key elements of the Regional Centre, and to develop areas for public interaction.*
- *To ensure levels of activity, accessibility and diversity of uses and density is sufficient to sustain public transport and enable casual surveillance of public spaces.*
- *To provide residential opportunities within the Regional Centre including high density housing, affordable housing, social and special needs housing, tourist accommodation and short-term accommodation.*
- *To ensure that the centres are developed with due consideration to State Planning Policy 4.2 – Activity Centres for Perth and Peel.*

Draft Leederville Precinct Structure Plan

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

Leederville Master Plan Built Form Guidelines

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

Delegation to Determine Applications:

The matter is being referred to Council for determination in accordance with the City's Register of Delegations, Authorisations and Appointments. This is because the delegation does not extend to applications for development approval that propose a Tavern land use with more than 120 patrons.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

Innovative and Accountable

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

There are no sustainability implications applicable to this application.

PUBLIC HEALTH IMPLICATIONS:

This application 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 or budget implications applicable to this application.

COMMENTS:Summary Assessment

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

- The proposal would re-activate a vacant, large and prominent tenancy in the Leederville Town Centre area and Oxford Street strip. The proposed development would contribute to street level activation and a pedestrian-oriented precinct;
- The tenancy has long been operated as a large format café and the proposed tavern use would continue in its function as a food and beverage venue;
- The Tavern land use is contemplated in the Regional Centre zone and the City's Licensed Premises Policy recommends that licensed premises such as this be concentrated within Town Centre areas;
- The proposed operating hours would be consistent with other licensed venues within the immediate vicinity;

- The proposed Tavern would be located centrally within the Leederville Town Centre, approximately 115 metres from the nearest residential property and oriented towards Oxford Street surrounded by other commercial uses. The proposed use would be operated in accordance with a management plan and would not have a detrimental impact on the amenity of the area; and
- The proposed parking shortfall is appropriate because there is sufficient capacity within existing parking facilities and availability of high frequency public transport options that are in close proximity to the site. The previous use 'Greens and Co.' operated with access to the same on-site car parking availability and public transport options.

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

Land Use

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

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

The proposal is consistent with the objectives of the Regional Centre zone under LPS2 for the following reasons:

- Contribution to Town Centre: The Tavern would enhance amenity and revitalise a large vacant tenancy that is prominent due to its location at the intersection of Oxford and Newcastle Streets in the Leederville Town Centre. The proposal would contribute to the entertainment and hospitality uses within the Leederville Town Centre and would support employment opportunities. The ground floor design provides an open and active façade to encourage activation and visual interaction with the street;
- Historical Use of Site: The subject tenancy and adjoining properties along Oxford Street have long been associated with commercial and hospitality uses. The land use would maintain compatibility with commercial development in the area;
- Site Accessibility: The site is highly accessible by public transport. It is located within approximately 200 metres of the Leederville Train Station and 60 metres from a high frequency bus route stop on Oxford Street;
- Consistency with Licensed Premises Policy: The City's Policy No. 7.5.7 – Licensed Premises (Licensed Premises Policy) recommends that licensed premises be concentrated within Town Centre areas;
- Waste Management: The applicant has submitted a waste management plan, included as **Attachment 3**, in accordance with the City's Waste Guidelines for New Developments. The waste management plan confirms the waste from the premises would be able to be appropriately managed on-site with a twice-weekly private collection. A condition of approval is recommended requiring compliance with the waste management plan and collection of waste during daytime hours to ensure compliance with the prescribed noise limits in the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations);
- Sustainability: The proposal would result in the re-use of an existing building on-site with limited building alterations. This supports prolonging the building's life by using the premises for a new purpose and is consistent with sustainability principles;
- Draft LPSP: A Tavern in this location is not precluded under the Draft LPSP;
- Signage and Façade Works: The proposal includes a single awning fascia sign to the Oxford Street elevation and replacement of the existing bi-fold doors. The signage would comply with the deemed-to-comply standards of the City's Local Planning Policy: Signs and Advertising. The proposed replacement of the bi-fold doors would be consistent with the objectives of the Built Form Guidelines, the Draft LPSP and the Built Form Policy by continuing to facilitate an active frontage to Oxford Street;
- Separation from Residential Properties: The nearest residential property is located 115 metres to the north of the subject tenancy. The separation distance between the subject tenancy and residential development would assist in mitigating adverse impacts to these residential properties; and

- Venue Management: The City's Policy No. 7.5.7 – Licensed Premises (Licensed Premises Policy) requires the submission of a venue management plan for a tavern land use. The applicant has submitted a venue management plan included as **Attachment 4**. Venue management plans inform the operation of premises to minimise the impacts of noise and patron behaviour on the amenity of the surrounding area. The submitted Venue Management Plan includes guidance on the management of patron behaviour and noise, and that the premises could be operated so as not to unduly impact the amenity of the area. Administration recommends a condition of approval requiring updated amended plan to be prepared and submitted for approval by the City that further details operational management practices of the venue as set out in the City's Licensed Premises Policy as well as recommendations in the submitted acoustic assessment. The recommended condition would also require the premises to operate in accordance with the approved Venue Management Plan.

Operating Hours

The Licensed Premises Policy provides a guide for operating hours of licensed premises in various zones. The Policy does not provide specific guidance for the appropriate hours for Taverns within the Regional Centre zone. This is because the Policy was adopted in 2014, prior to the gazettal of LPS2 in 2018 which introduced the Regional Centre Zone.

The subject site was previously zoned District Centre under the City's (former) Town Planning Scheme No. 1 when the Policy was adopted. It is appropriate to apply the District Centre zone trading hours of the Policy to the Regional Centre zone to provide guidance on operating hours.

The City's Licensed Premises Policy provides the following standards for the hours of operations of Taverns within the District Centre zone:

- Monday to Saturday: 7:00am – 12:00am (midnight)
- Sunday: 7:00am – 10:00pm.

The LC Act provides for the following hours of operation for Taverns:

- Monday to Saturday: 6:00am – 12:00am (midnight)
- Sunday: 10:00am – 12:00am (midnight)
- Variations to the above as follows:
 - New Year's Eve (Monday to Saturday): 6:00am – 2:00am New Year's Day
 - New Year's Eve (Sunday): 10:00am – 2:00am New Year's Day
 - Good Friday: 12:00pm – 10:00pm
 - Anzac Day: 12:00pm – 12:00am
 - Christmas Day: 12:00pm – 10:00pm.

The application proposes a 6:00am opening time Monday to Saturday and a 12:00am closing time on Sundays.

The proposed hours of operation are supported for the following reasons:

- Liquor Licensing: The application proposes operating hours that are consistent with the hours permitted under the LC Act or the City's Licensed Premises Policy. Applicants must obtain a liquor licence from the Racing Gaming and Liquor Division of the Department of Local Government, Sport and Cultural Industries. The operating hours contained in the City's Licensed Premises Policy do not restrict State Government's division of Racing Gaming and Liquor (RGL) in approving operating hours associated with liquor licences, including Extended Trading Permits issued under the LC Act. A condition of approval has been included in the officer recommendation restricting the Tavern hours of operation to between 6:00am and 12:00am Monday to Saturday in accordance with the LC Act, and 7:00am to 12:00am on Sunday in accordance with the opening and closing hours provided for in the Licensed Premises Policy and LC Act, respectively. This would account for Good Friday, Anzac Day and Christmas Day operating hours. The recommended condition also specifies permitted operating hours for New Years Eve as provided for in the LC Act. The operating hours proposed and the recommended condition would provide the operator with greater flexibility and ensure that the venue is operating within hours consistent with either the Licensed Premises Policy or the LC Act;

- Licensed Venue Location: The proposed Tavern is located in a Regional Centre zone where the Licensed Premises Policy recommends concentration of licensed venues; and
- Consistency with Other Venues: The 12:00am Sunday closing time is consistent with existing venues in the Leederville Town Centre, including the 'Leederville Hotel' and 'The Garden'. The 6:00am opening time is consistent with approvals given to venues such as 'Roberts on Oxford' and would allow morning or breakfast operations.

Car and Bicycle Parking

The Tavern is proposed to have a capacity of 208 persons, comprised of 200 patrons and eight staff.

Under the City's Policy No. 7.7.1 – Non-residential Development Parking Requirements (Parking Policy) a Tavern land use in the Town Centre built form area would require a total of 32 on-site car parking bays, and four short-term and nine long-term bicycle parking spaces.

Four parking bays would be available for the premises and nil bicycle bays are proposed.

As part of the proposal the applicant submitted a Parking Management Plan (PMP) which is included as **Attachment 5**. This PMP outlined the following:

- The subject site is located within 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 close proximity to high frequency public transport via the Leederville Train Station which is approximately 200 metres away and bus stops for the No. 15 bus route which provides connections to Mount Hawthorn and Glendalough;
- The subject site is located approximately 280 metres from the free Green CAT bus, that terminates at Leederville Train Station; and
- The subject site is in close proximity to two City-owned car parks at The Avenue and Frame Court which have a combined capacity 486 bays. The site is also within 130 metres of a private car park at No. 301 Vincent Street.

The parking arrangements on-site would be sufficient to meet demand for staff and customers the following reasons:

- Site History and Existing Buildings: There are 15 car parking bays provided on the subject site, with four of these available for the subject tenancy. The premises has historically provided for minimal on-site car parking, including when used as a large format restaurant/café, most recently as 'Greens and Co.' The premises, together with other adjoining tenancies, forms part of an existing collection of shops and hospitality venues on the subject site with limited opportunity to provide additional on-site car parking;
- Nature of Use: The nature of a Tavern use, being a licensed premises, is such that it is expected that a large proportion of patrons would choose not to drive to the venue in private vehicles and to instead opt for taxi, ride-share, public transport, walking or other alternate modes of transport;
- Location: The subject site is located within the Leederville Town Centre which is a high amenity area. This location provides the opportunity for multi-purpose trips for people visiting the site and other premises within the entertainment precinct. This would reduce dependence on single person private vehicle trips, consistent with the objectives of the Parking Policy;
- Consistency with other Venues: Limited staff and patron parking is provided on-site for other venues within the Leederville Town Centre, including nearby licensed venues 'The Garden', 'Leederville Hotel', '21st Amendment' and 'Naber and IIII', as well as other restaurant venues. This is due to the circumstance of these sites that have been predominantly built out and have existing buildings, with limited area on-site to provide for additional parking;
- Public Transport: The subject site is in close proximity to high frequency public transport. This includes the Leederville Train Station which is located approximately 200 metres from the subject site and 60 metres from a high frequency bus route stop along Oxford Street. The free 'Green CAT' is approximately 300 metres from the subject tenancy and provides connections to West Perth and Elizabeth Quay via the Perth CBD. The area has a high level of pedestrian amenity with weather protection along Oxford Street from continuous awnings. This would support the use of alternative means of transport to the site;

- Public Car Parking: The City's Parking Policy requires the consideration of public car parking available in the area. The following public car parking is available nearby to the subject site:
 - On Street Car Parking:
 - There are 83 bays along Oxford Street between Bourke Street and Leederville Parade, within 530 metres of the subject tenancy with paid parking from 7:00am to midnight. 1/4P and 1P time restrictions apply to these bays between the hours of 8:00am and 7:00pm; and
 - The City's parking survey data from 2018 identified that there was an average of 28 bays available at any one time. The busiest period was between 9:00am and 11:00am on Friday morning when 11 bays were available.
 - Off Street Parking:
 - The Avenue car park which adjoins the subject site contains 284 car parking bays, of which 167 are 2P between 7:00am and 7:00pm. The car park provides for paid parking from 7:00am to 12:00am. Surveys of The Avenue car park were undertaken by the City between 1 November 2021 and 12 December 2021 at 12:00pm, 3:00pm and 7:00pm. Use peaked at 12:00pm and 7:00pm on weekdays, with utilisation varying between 75 percent and 96 percent;
 - The Frame Court car park contains 202 parking bays and provides for paid parking from 7:00am to 12:00am. Surveys of The Frame Court car park were undertaken by the City between 1 November 2021 and 12 December 2021 at 12:00pm, 3:00pm and 7:00pm. Use of the Frame Court car park peaked at 12:00pm across all days, with utilisation varying between 68 percent and 80 percent;
 - At its Meeting on 21 June 2022, Council resolved to authorise the Chief Executive Officer to commence advertising for request for proposals for the redevelopment of The Avenue and Frame Court car parks. The request for proposal material included a requirement that a minimum of 400 public car parking bays be provided across one or both sites; and
 - The ABN development at No. 301 Vincent Street contains a privately operated public carpark with 123 bays. The car park is available for paid parking by the public in the following periods:
 - Monday to Thursday: 5:30pm – 12:00am
 - Friday: 5:30pm – 2:00am
 - Saturday: 6:00am – 2:00am
 - Sunday and Public Holidays: 6:00am – 12:00am
 These hours generally align with the expected peak periods of the Tavern use.
- Staff Parking: Four bays would be made available on the subject site for staff parking. This is consistent with the maximum parking standard contained within the Draft LPSP;
- Staff Bicycle Parking: A condition of approval is recommended requiring the provision of two on-site long-term bicycle bays to support staff travelling to the site by this form of active transport mode. There is adequate area to accommodate this within the proposed staff room; and
- Public Bicycle Parking: There are 20 bicycle parking facilities located along Oxford Street within 150 metres of the subject tenancy, between Vincent Street and Leederville Parade. The proximity and accessibility of these spaces are capable of use by patrons who may cycle to the premises. This would support a shift towards alternative transport modes, consistent with the City's Parking Policy objectives.

Cash-in-Lieu

The Parking Policy outlines that cash-in-lieu of car parking may be required as a mechanism to enable otherwise desirable developments to proceed, where it can be demonstrated that it is not possible to provide sufficient parking on-site.

Sufficient parking is provided for reasons listed above and Administration is recommending to waive the need to pay cash-in-lieu noting that:

- The existing nature of the subject site with existing development means that it is not possible to provide additional car parking within the site;
- The provision of four car parking bays on-site is consistent with the maximum parking standards within the City's Draft LPSP area, with no minimum standards; and
- The car parking arrangement is unchanged from the subject tenancy's previous use as a restaurant/café. Under the Parking Policy, a tavern and restaurant/café have the same car parking requirement standard.

Acoustic Report

The applicant submitted an Acoustic Report in support of the proposal which is included as **Attachment 6**. The report assesses noise generated from the proposed use and its impact on surrounding properties.

The City's Policy 7.5.21 – Sound Attenuation (Sound Attenuation Policy) states that acoustic reports should be prepared by a qualified person who is a member of the Australian Acoustical Society, the Association of Australasian Acoustical Consultants or Engineers Australia, to the satisfaction of the City.

The Acoustic Report has been prepared by 'AAP Acoustic & Audio Production (Ian Burman)' who, to Administration's knowledge, is not a member of any of the above industry bodies.

The City's Health Services team has reviewed the report and acoustic assessment, and is satisfied it can be relied upon for the purposes of informing the consideration of this application and the acceptability of noise generated from the venue. This includes that:

- The proposed Tavern would be located within the Leederville Town Centre near other licensed venues and away from residential properties;
- The subject tenancy is within a town centre which has higher ambient noise levels than residential areas and is adjacent to commercial properties. Commercial properties are expected to receive higher sound levels than residential uses, in accordance with the Noise Regulations; and
- The report states that the noise levels generated from the premises during the proposed operating hours would comply with the relevant assigned noise levels under the Noise Regulations, subject to operational management measures.

Noise generated from the operation of the venue would be able to be appropriately managed through compliance with the Venue Management Plan with the inclusion of the recommendations of the Acoustic Report, as required by recommended condition of approval.

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

LEGEND

METROPOLITAN REGION SCHEME RESERVES

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

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

CITY OF VINCENT LOCAL SCHEME RESERVES

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

CITY OF VINCENT SCHEME ZONES

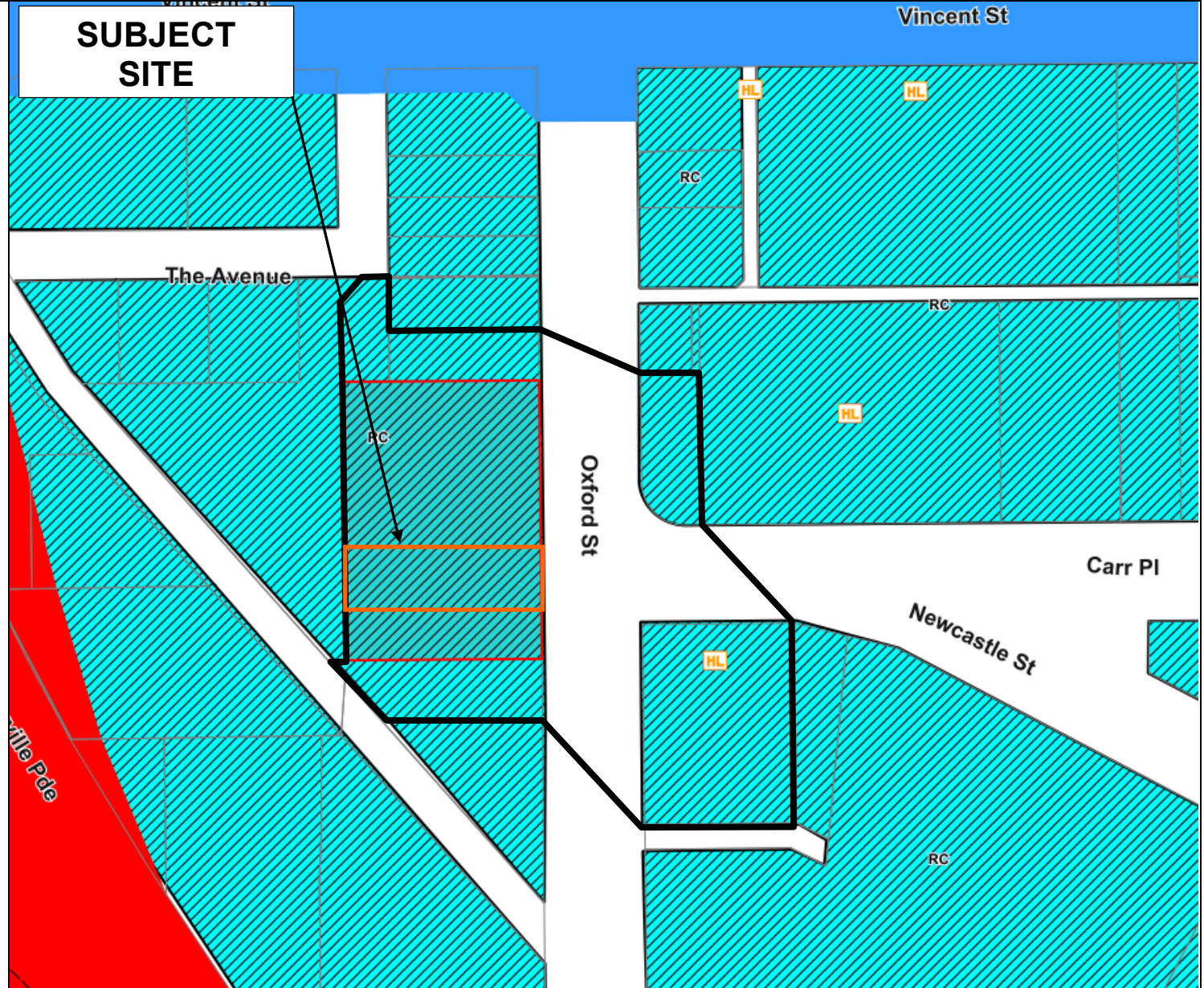
- RESIDENTIAL**
- MIXED USE**
- COMMERCIAL**
- LOCAL CENTRE**
- DISTRICT CENTRE**
- REGIONAL CENTRE**
- SPECIAL USE**
Particular use denoted as follows:
- CP Car Park
- CU Community Use
- FC Function Centre
- HC Hall and Non Residential Club
- H Hotel
- PW Place of Worship
- S Service Station

ADDITIONAL USE

ADDITIONAL USE

ADDITIONAL INFORMATION & RESIDENTIAL PLANNING CODES

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



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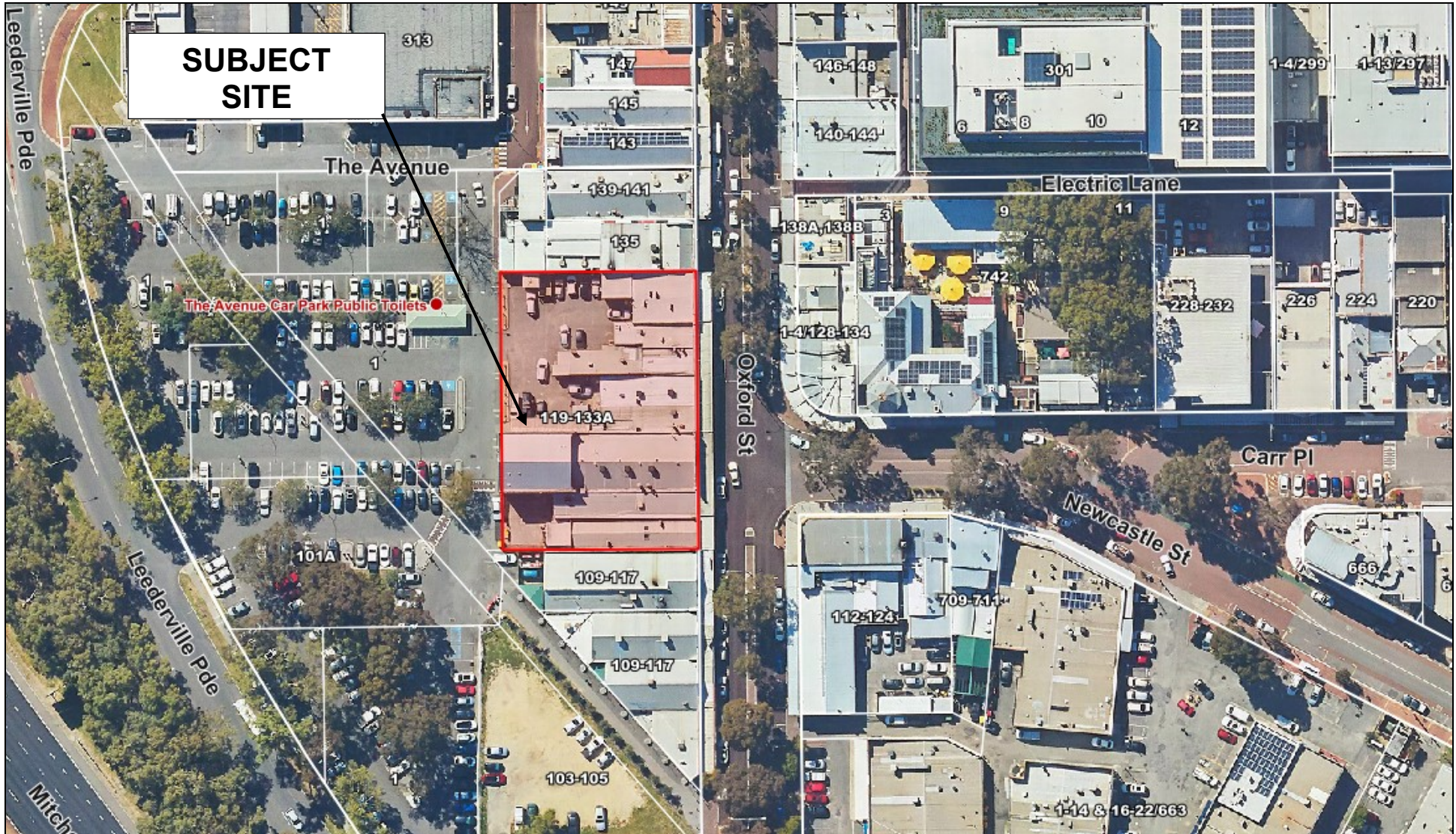
Consultation and Location Map

119-133A (Lot 100) Oxford Street, Leederville

Extent of Consultation

Subject Tenancy





SUBJECT SITE

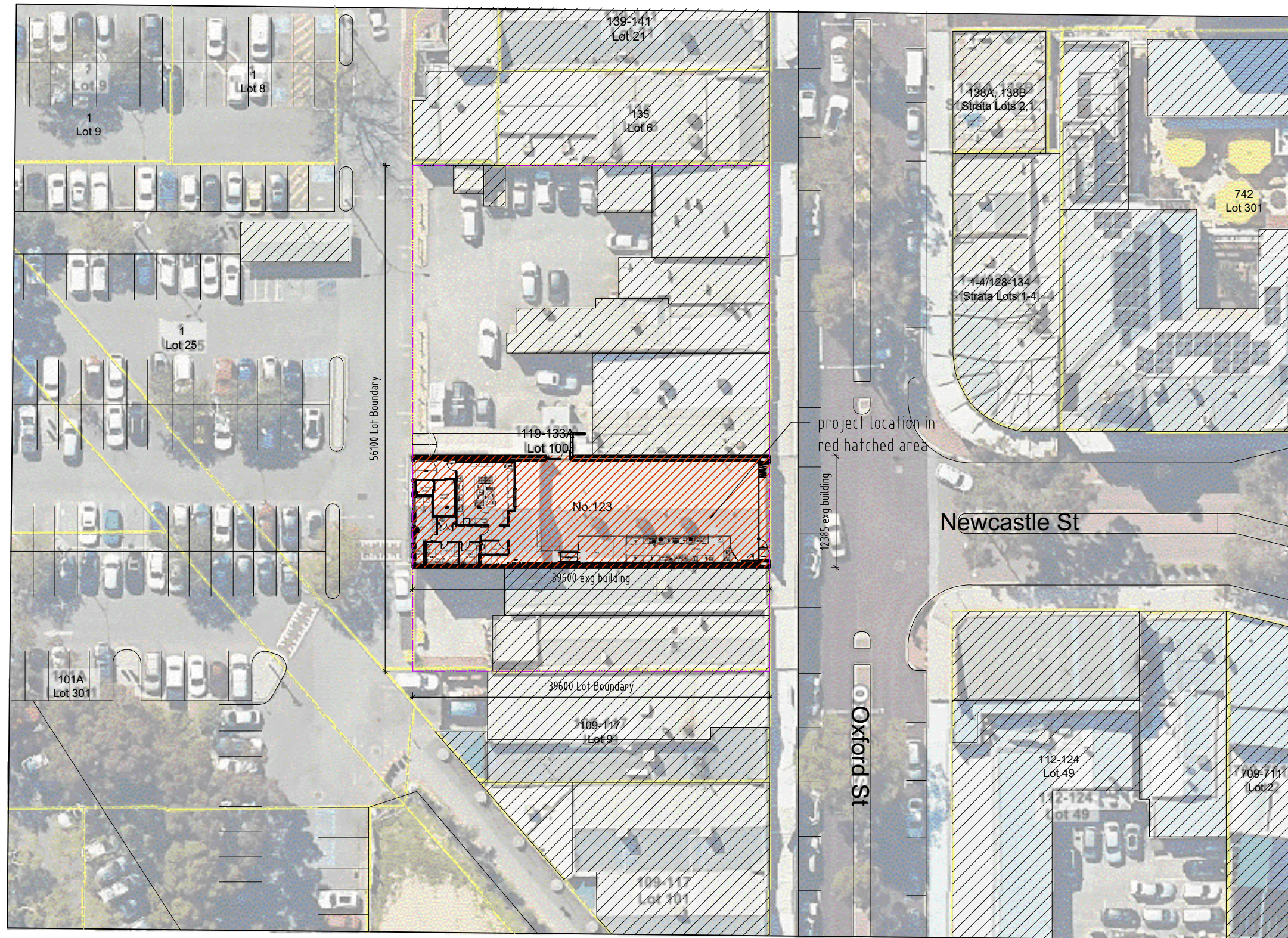


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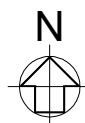
119-133A (Lot 100) Oxford Street, Leederville





1 LOCATION PLAN

1:500 at A3



JOINERY NOTE:

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Date	Amendment	Rev

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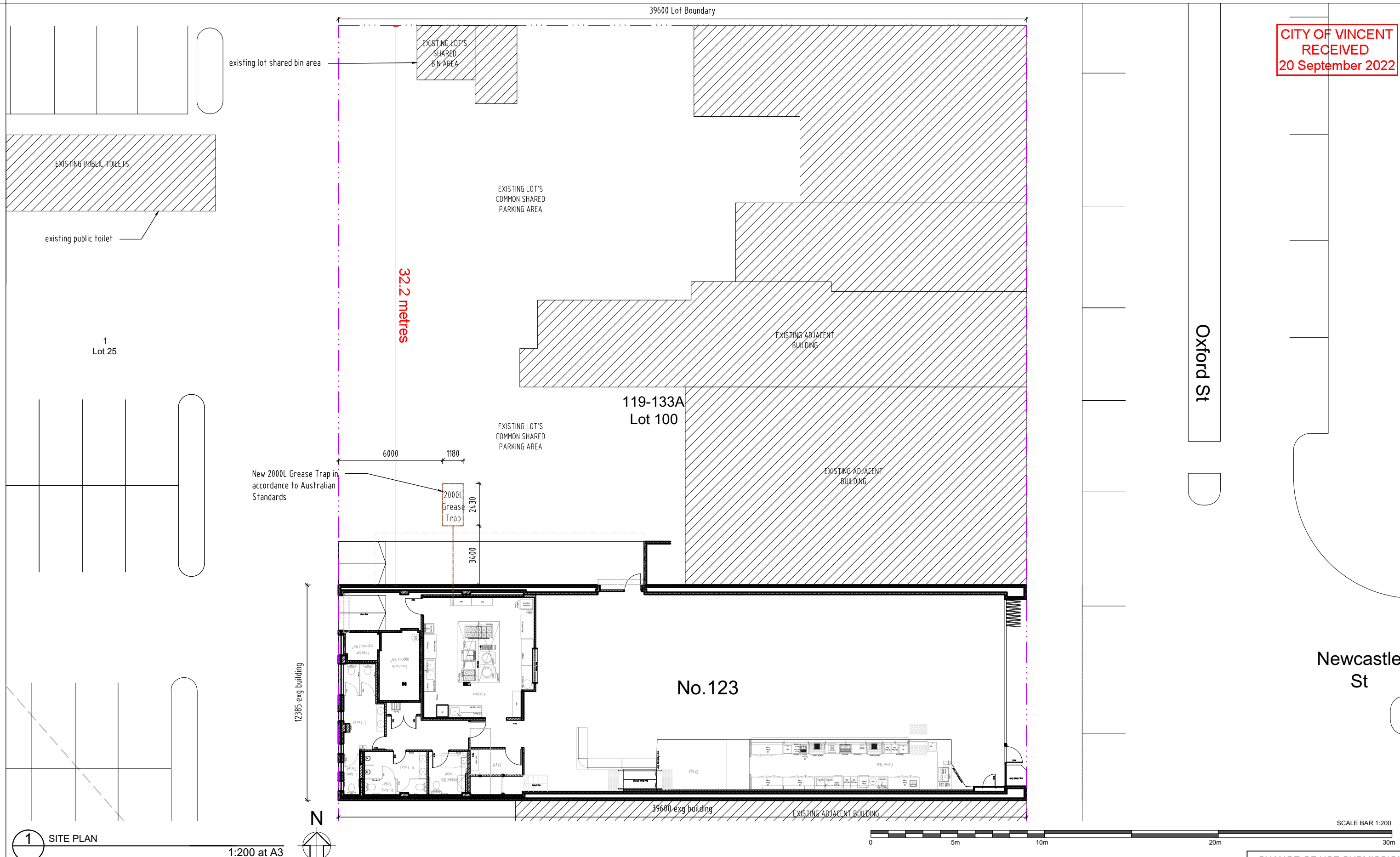
Project
JAGGA DAKU - LEEDERVILLE

Address
Unit 123, LOT100, NO 119-133A, OXFORD ST,
LEEDERVILLE, WA 6007.

CHANGE OF USE SUBMISSION

DATE: 24/08/2022	
Dwg title LOCATION PLAN	
Drawn LL	Dwg no. A02
Scale 1:1000 AT A3	

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1 SITE PLAN
1:200 at A3

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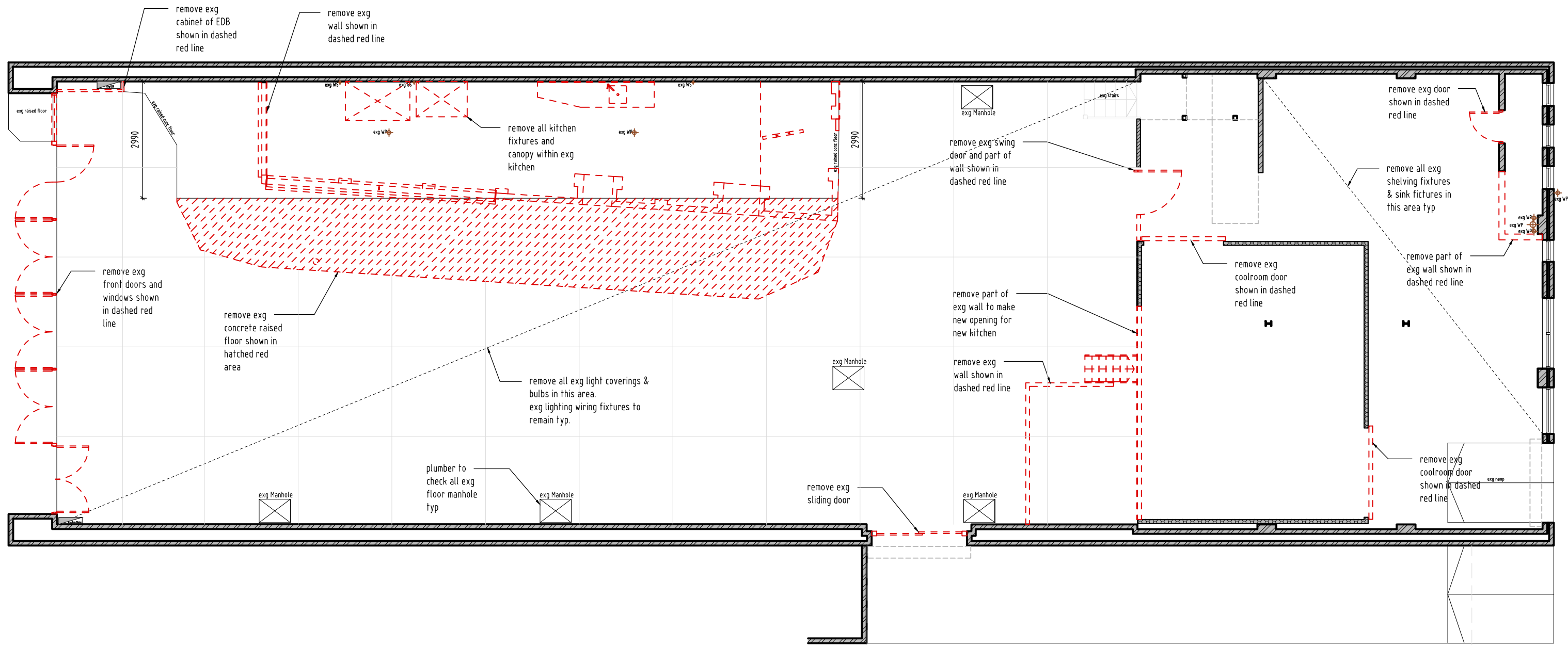
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Project
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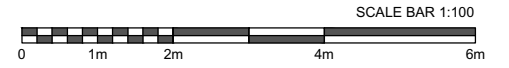
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DATE: 24/08/2022	
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Drawn LL	Dwg no. A03
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1 EXISTING & DEMOLITION PLAN

1:100 at A3



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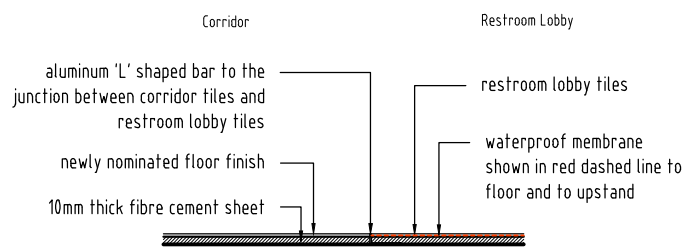
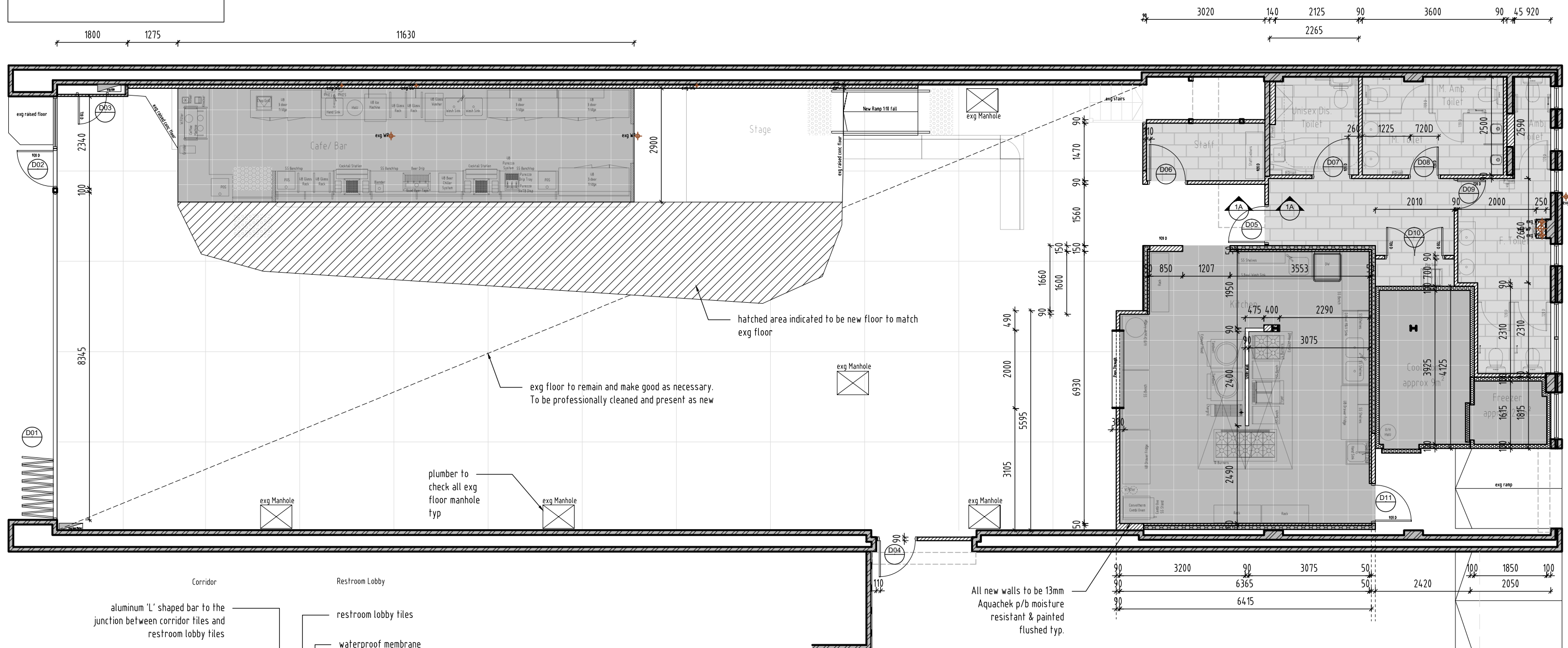
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Address
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LEEDERVILLE, WA 6007.

CHANGE OF USE SUBMISSION	
DATE: 24/08/2022	
Dwg title EXISTING & DEMOLITION PLAN	
Drawn LL	Dwg no. A04
Scale 1:100 AT A3	

NOTE:
Shopfitter to ensure all floor wet areas to have water proofing up to 1500AFFL as accord to Australian Standards for commercial kitchen

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1A TYP FLOOR TRANSITION DETAIL
ALL FLOOR TRANSITION 1:10 at A3

1 WALL LAYOUT & FLOOR FINISH PLAN 1:100 at A3



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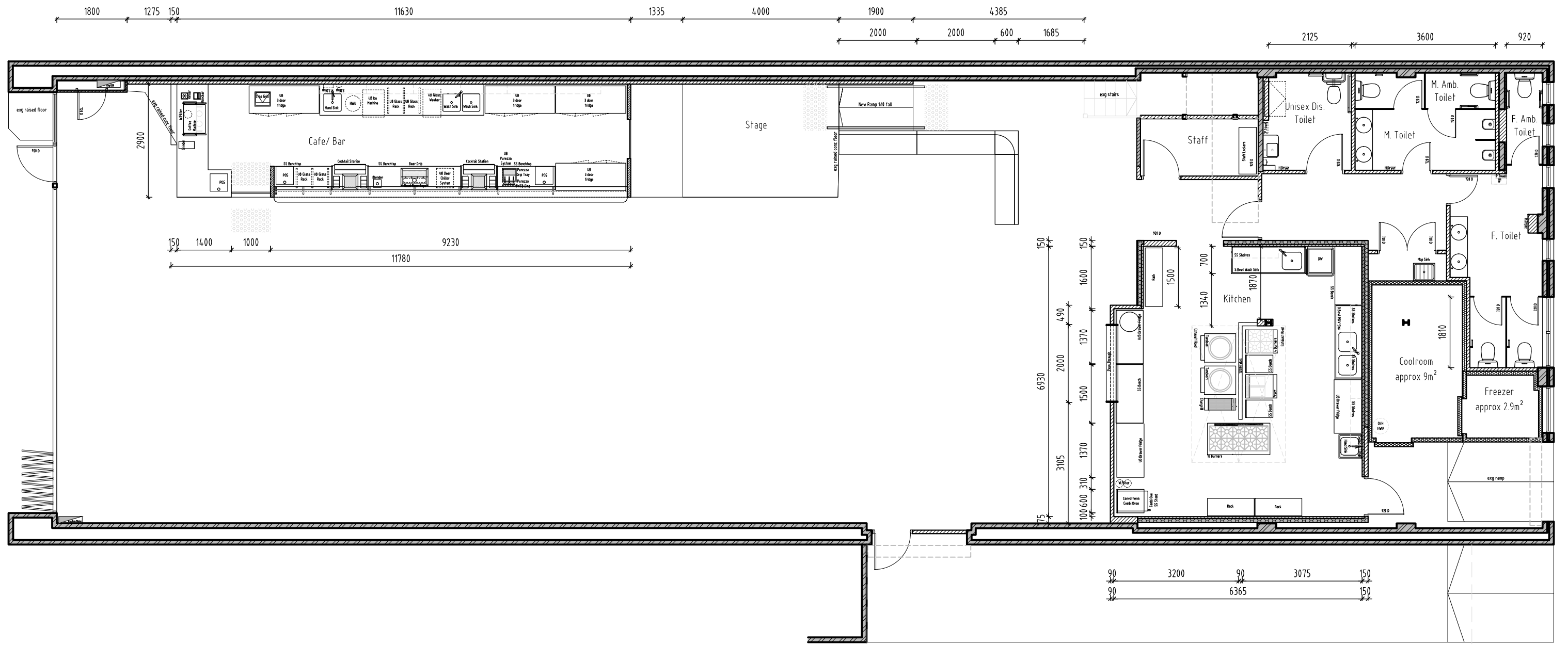
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DATE: 24/08/2022	
Dwg title WALL LAYOUT & FLOOR FINISH PLAN	
Drawn LL	Dwg no. A05
Scale 1:100 AT A3	



1 FLOOR LAYOUT PLAN

1:100 at A3



SCALE BAR 1:100

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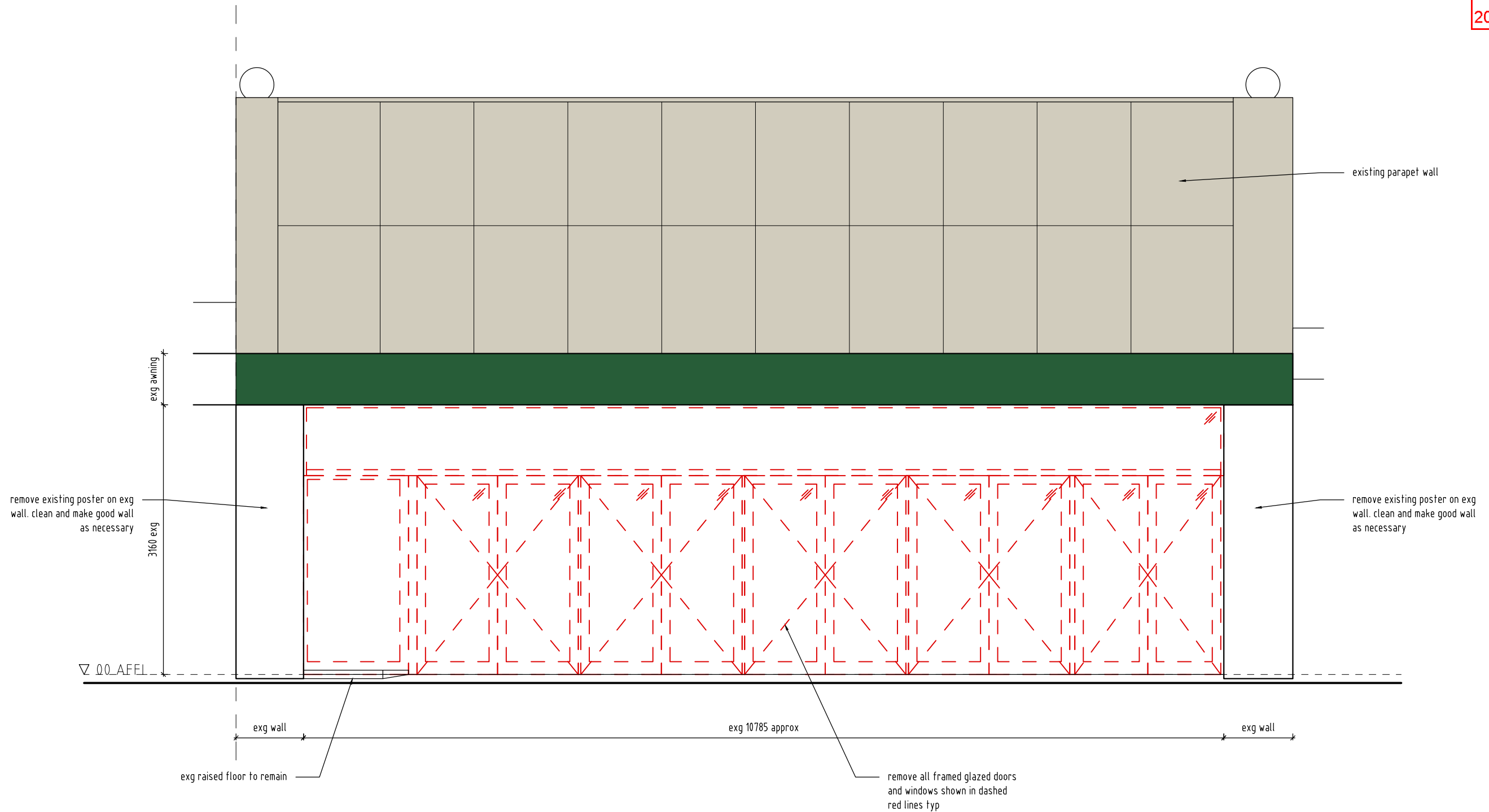
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Drawn LL	Dwg no. A06
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1 FRONT OF TENANCY ELEVATION
1:50 at A3

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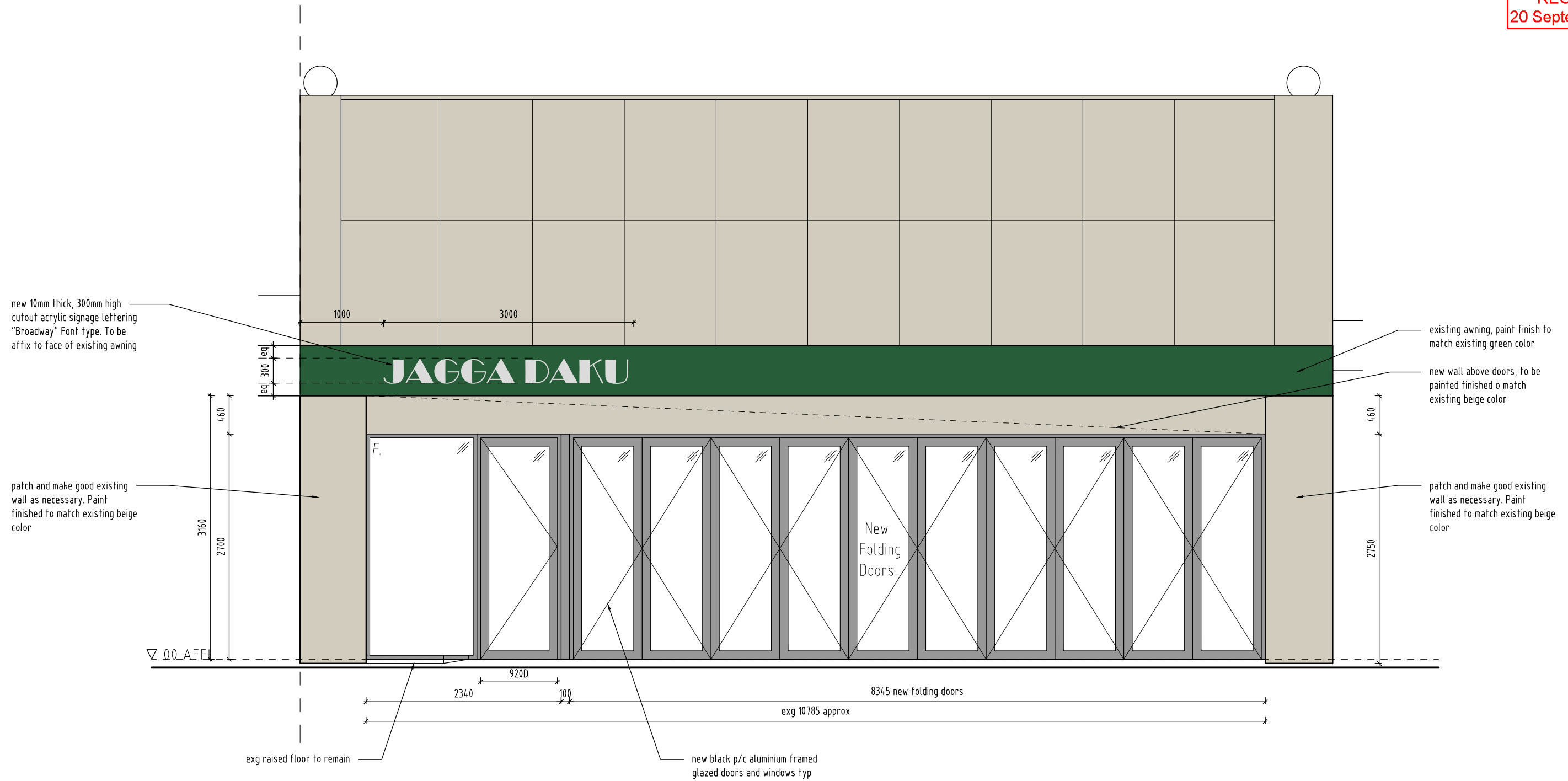
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DATE: 24/08/2022	
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Drawn LL	Dwg no. A09
Scale 1:50 AT A3	



1 FRONT OF TENANCY ELEVATION
1:50 at A3

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CHANGE OF USE SUBMISSION	
DATE: 24/08/2022	
Dwg title EXISTING & DEMOLITION PLAN	
Drawn LL	Dwg no. A10
Scale 1:50 AT A3	

Waste Management Plan

Jagga Daku

123 Oxford Street, Leederville, WA 6007



Prepared by:



**HOSPITALITY
TOTAL SERVICES**

EST 1992

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1. Introduction

The purpose of this Waste Management Plan is to provide a compliant waste management system and recycling process that demonstrates industry best practice and produces environmentally sustainable solutions. The plan is designed to be responsive to business demand, resulting in improved solutions, while providing better resource utilization and eliminating potential OH&S issues. The implementation of a sustainable supply chain also has tangible benefits such as better employee morale, community goodwill, cost benefits and customer loyalty. This Waste Management Plan forms the cornerstone of waste management and helps to future proof the waste management of Jagga Daku.

Food and beverages at the hotel will be procured, prepared and dispensed off in accordance with the following legislation:

- Food Act 2008
- Food Regulations 2009
- Food Safety Standards (Chapter 3)

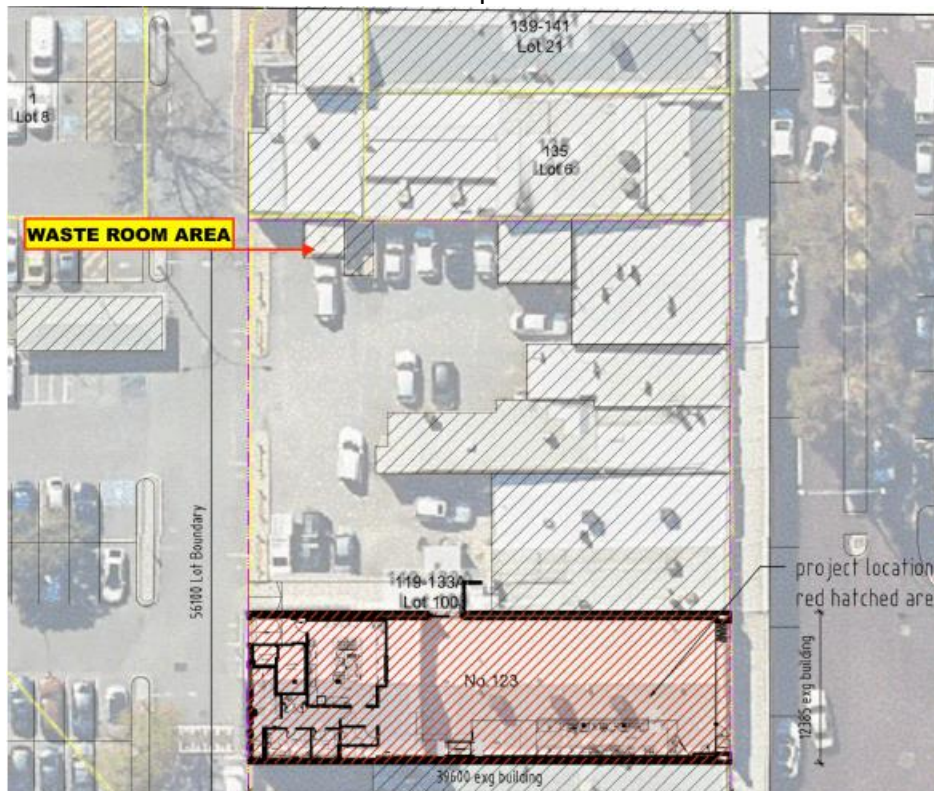
Australian Standard (AS4674 – 2004) has been followed in the design of the food premises.

2. Objective

The objective of this plan is to ensure that Waste Management is undertaken effectively, efficiently, safely and sustainably.

3. Location of Bins.

The bins will be placed at the rear of the premises in a screened and secure service yard and are accessible via the rear car park.



4. **Bin Storage**

The bin store area has been designed to host two (2) 240L General Waste Bins and one (1) 240L Co-Mingled Recycle Bin, including the minimum required clearances of 50mm on each side of each bin.

The storage area is 12.25m². The Waste Management Plan has outlined how the Operator will manage the waste from the premises however, the space allows the flexibility to increase bin numbers and increase capacity if required. The focus of the operation will be to minimise food waste.

Bin Quantity and Type of Waste

	240L	660L	1100L
Height:	1060mm	1200mm	1330mm
Depth:	730mm	770mm	1070mm
Width:	585mm	1360mm	1240mm

5. **Waste Generation**

The Operator is an experienced operator of food and beverage premises in WA, including premises of a similar size and manner of trade to that proposed at Jagga Daku.

The waste calculations for this site are based on the Operator's experience and projections, and the fact that:

- Tap beer will be available, reducing the need for can and bottle recycling.
- Menu items will use similar ingredients, reducing the food waste from the kitchen.
- Chutneys and other condiments will be made on site, reducing the need for the disposal of jars and plastic tubs.

Regardless of the above processes to reduce waste, Jagga Daku will generate a range of waste products to be disposed of. These will generally fall into one (1) of two (2) categories. Please find the categories listed below:

TYPE OF WASTE	METHOD OF DISPOSAL	FREQUENCY OF COLLECTION
General Waste	Red lid bins by private contractor	Twice weekly – more in peak periods.
Recycling	Yellow lid bins by private contractor.	Twice weekly - more in peak periods.

The volume of waste to be disposed of has also considered the "WALGA Commercial and Industrial Waste Management Plan Guidelines" for a Hotel – Bar and Dining area.

The table in the WALGA publication states that for a Bar and Dining area at a hotel premises, the general waste generated would be 50L per 100m² of floor area.

Jagga Daku contains approximately 251m² of bar and dining area, and accordingly it can be estimated that the premises will generate approx. 125L of general waste per day.

Accordingly, the general waste bins will be collected every second day, which will ensure that the 2 x general waste bins and 1 x co-mingled recycling bin will have ample space for the waste generated at the premises.

The Waste Management requirements for Jagga Daku also takes into consideration the following industry practises to minimise waste:

- Most base-produce purchased in valued added (e.g. vegetables peeled and pre-cut),
- Most menu items purchased portion controlled: (e.g. steaks, diced meat etc),
- Just in time ordering,
- Standardised recipes,
- Strict portion control with the use of 'gold standards',
- All waste monitored, and
- Potential use of a 'food digester' on site in the future.

Given the above calculation, the premises will ensure that adequate general waste receptacles are provided to cater to the requirements of the premises.

By Private Waste Removal Contractor

- 2 x 240L General Waste Bin (by private waste removal contractor)
- 1 x 240L Co-mingled Recycling Bin (by private waste removal contractor)

The bins will be emptied twice weekly, and more regularly during peak periods.

General Waste bins have red lids, and Co-Mingled Recycling bins have yellow lids:



The recyclable materials will be separated and compacted to reduce any impact on the environment.

6. Waste Bin Enclosure

The bin storage area has been designed with a size suitable to service the proposed Jagga Daku and has been approved for the storage of bins by the City of Vincent.

The approved bin area is:

- (i) surrounded by a 1.8-metre-high minimum wall with a lockable door;

- (ii) provided with 75mm minimum thickness concrete floors grading to a 100mm industrial floor waste, with a hose cock to enable both bins and bin storage area to be washed out; and
- (iii) provided with internal walls that are cement rendered (solid and impervious) to enable easy cleaning.

The bin storage area be retained and maintained in good condition for the duration of the operation of Jagga Daku.

7. Management of the Bins.

- The bins will be kept in an enclosure and only taken outside of said enclosure to be collected.
- The bins will be well maintained at all times.
- A tap with running water, hose attachment and drain are available for cleaning of the bins.
- The bins will be hosed down periodically to ensure cleanliness at all times.
- The premises will have a regular Pest Control preventative maintenance program.

8. Waste Collection Procedure

Waste bin area will be the dedicated enclosed bin area at the rear of the tenancy.

- The Bins will be stored in the designated bin area.
- The bin area is fully enclosed.
- The bins are clearly identifiable by coloured lids.
- The bin area has natural air flow to permit ventilation.
- Bins emptied twice weekly.
- Waste collection drivers will leave vehicles and collect waste in a manner that is safe.

9. Managing Waste Spill

According to a waste management plan prepared by the preferred waste contractor, incidents of waste spill are to be managed as follows:

Water Spill within Building Perimeter:

- A. Prevent the spill from escaping into immediate environment
- B. Prevent the spill from escaping into immediate environment – bund spills to prevent flowing into storm water drains or onto land. Enclose or cover litter to prevent wind blowing litter into the environment.
- C. Take action to stop further spilling / leakage if safe to do so. Use appropriate PPE if required to handle waste or waste equipment.
- D. Notify reporting manager within the waste company and building facilities manager immediately.
- E. Secure area to prevent access by public.
- F. Await further direction from reporting manager and / or building facilities manager.

Waste spill after waste leaves site:

- A. Contractor to follow their spills procedure to limit environmental impacts.

- B. Contractor to comply with any corporate reporting / response procedures.
- C. Contractor to comply with any regulatory reporting procedures.
- D. Contractor to notify building facilities manager by email with 24 hours of the spill occurring.

Staff and contractors need to strictly follow this Waste Management Plan.

Thank you for your attention and adherence to the plan.

The Management
Jagga Daku

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13 January 2023

Jagga Daku

Licensee: Sneh Lata Pty Ltd

MANAGEMENT PLAN

"The Licensee will at all times make ourselves available to respond to the concerns of our patrons and our neighbours."



Address:

123 Oxford Street, Leederville WA 6007

Contact Phone:

TBC

Floor plans

- Please find attached the Floor Plans for the premises showing the following areas:
 - Commercial kitchen including walk-in cool room and freezer.
 - Toilet amenity.
 - Bar server area.
 - Patron area.
- The premises will be fitted out to comply with all relevant Australia standards and to the satisfaction of the City of Vincent and WA Health.

Noise Control and Management

- The Licensee (or representative) and Approved Manager will take necessary action to ensure all activities carried out on premise will not exceed the noise levels stipulated under the Environmental Protection (Noise) Regulations 1997.
- Patrons are required to disperse from the property in an orderly manner and be considerate of neighbouring businesses and residents.
- The staff clean up the immediate surrounds of the premises each night including the open areas in front of the venue.
- A Noise Complaint Resolution Procedure is in place at the premises, and any complaint received will undergo the process outlined in the Procedure.

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

Patron Capacity

- The premises (when fitted out) will accommodate no more than 200 patrons at any one time.

Trading Hours

- Trading hours will be within the permitted hours under Section 98C of the Liquor Control Act 1988.

Patron and Anti-Social Behaviour

- The Licensee and Approved Manager will be accredited through the completion of the mandatory liquor licensing training to ensure they fully understand the requirements of operating a licensed premises in Western Australia.
- It is our policy to train all our service staff in responsible server practices. This will normally be achieved by completing in-house and RSA training provided to each staff member.
- Our management team has also been trained in responsible service practices and will support the service staff at all times in their duties and responsibilities under the Liquor Control Act 1988 with regard to harm minimisation.
- Staff are encouraged to be alert for the signs of intoxication of patrons.
- Staff members will be made aware of the Director of Liquor Licensing's policies on the Responsible Promotion of Liquor.
- The Licensee will discourage any activity that could result in excessive consumption of alcohol (such as drinking competitions) or the promotion of alcohol involving excessive or rapid consumption of alcohol.
- Low and non-alcoholic beverages are available on the premise and glasses of tap water are available, free of charge, upon request at all times.
- Toilet facilities are maintained using the Director of Liquor Licensing's Standards of Licensed Premises Policy.

Juveniles

- The Licensee do not serve alcohol to persons under the age of 18 years.
- If a staff member is in any doubt as to whether a person is aged 18 years or more, the staff member must request that the person provide proof of age.
- The only acceptable proof of age are:
 - Current Australian Driver's Licence with a Photograph
 - A current passport
 - Proof of Age card or equivalent issued in an Australian state or territory

Intoxicated Patrons

- The Licensee do not serve intoxicated patrons any alcohol. If someone is displaying signs of intoxication our staff must, in a calm, courteous and non-judgmental way, inform the patron that they will not be served any more alcohol and explain why service is being refused.
- The patron is then offered water or other non-alcoholic beverage. Where appropriate, our staff will inquire as to how the patron is getting home and offer to call them a taxi.
- Intoxicated persons will be asked to leave the premises.

Traffic

- There will no traffic impact from the premises, as there is no collection option and/or drive-through amenity being included.
- The property has been the location of other food and beverage businesses in the past.

Car Parking

- There are multiple car parks (both private and City of Vincent) located in close proximity.
- The premise has four (4) car parking bays allocated to the tenancy and will reserve these for the use of staff.
- Public transport is readily available via the West Leederville Train Station and the high frequency buses that travel through the locality.

Waste Collection

- The bins will be emptied twice weekly, and more regularly during peak periods if and as required.
- The bins will be kept in a secure space and only taken outside to be collected.
- The bins will be well maintained at all times.
- A tap with running water, hose attachment and drain to be available for cleaning of the bins.
- The bins will be hosed down periodically to ensure cleanliness at all times.
- The premises will have a regular Pest Control preventative maintenance program.
- Staff will place the bins outside on the verge on the days the relevant bins are to be collected, and ensure they are put back into the waste storage area once they have been emptied.
- Waste collection drivers will collect waste in a manner that is safe.

Food Service

- Food is delivered, stored, prepared and served in a safe and hygienic way, as per the City of Vincent and WA Health Regulations.
- Staff diligently clear food plates and clean surrounding areas, including the open areas in front of the venue and the passageway, before, during and after food service.
- Food preparation, storage and service areas are kept clean at all times.

Any concerns about the way in which Jagga Daku operates must be directed to the venue's Approved Manager.

Opening procedures

- Check for rubbish in and around venue.
- Check toilets are clean and have ample toilet paper.
- Prepare for service
 - Turn music on
 - Turn coffee machine on
 - Turn air-conditioners on to ambient level
 - Turn tills on and ask the Approved Manager to put till float / change in
 - Place any nozzles/nip pourers in place
 - Check open wines are appropriate to serve
 - Unlock doors

- Set up tables (cutlery, crockery, reservation signs etc.)
- Look at the venue as if you were a customer to gauge any necessary improvements.

Closing procedures

- Turn till off prior to next session or have Approved Manager ring off at end of night
- Clean and backwash coffee machine (chemical clean as required) and turn off coffee machine
- Check all areas for rubbish
- Clean behind service counters
- Wipe chairs and highchairs where needed
- Clean glass doors of drinks / cool room fridge
- Wipe all tables including under the lip
- Clean & polish glasses and cutlery
- Wipe spirit bottles
- Seal any opened bottles of wine
- Close and lock windows and doors
- Check venue for glasses and rubbish
- Check all is secure and all lights and kitchen appliances are off
- Set alarm system and exit
- Close and lock doors

At the end of each shift make sure that the venue is clean and tidy and request the Approved Manager or supervisor on duty to check all is done before signing off.

Attachments:

Floor Plans

Jagga Daku – Noise Complaint Resolution Procedure

Complainant details:					
Name:					
Address:					
Contact details:					
Preferred method of contact:	Email	Phone	Text	In Person	
Date complaint received:					
Date relating to complaint:					
Details of complaint:					
Received by:					
Received via	Email	Phone	Text	In Person	
Complaint noted on Incident Register	YES	NO			
Complainant contacted on:					
Complainant contacted by:					
Matters discussed:					
Resolutions reached:					
Action taken by venue:					
Complainant advised of action:	Email	Phone	Text	In Person	
Date complainant advised:					
Further action (if required):					
To be followed up on:					
To be followed up by:					
Complaint deemed resolved :					
Name:					
Signature:					

Notes:



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JD – CRP 2023

Tuesday, 20 September 2022

City of Vincent
244 Vincent Street (cnr Loftus Street)
Leederville, WA, 6007

RE: Car Parking for new premises

Applicant: Sneh Lata Pty Ltd
Location: 123 Oxford Street, Leederville WA 6007
Premises: JAGGA DAKU
Premises size: 340m² FOH and 117m² BOH
Licence Type: Tavern Restricted Licence application
Patron capacity: 200 (maximum)
Operating Hours: Hours of operation will be in accordance with the provisions of Section 98C of the Liquor Control Act;

Introduction

1. We hereby submit on behalf of Sneh Lata Pty Ltd (The Applicant), the following submissions relating to the parking amenity required for the DA application for the proposed Jagga Daku, to be located at 123 Oxford Street in Leederville.
2. The premises is currently a vacant, unused tenancy in central Leederville, in the heart of the dining and entertainment precinct.
3. These submissions outline how parking for the premises (operating under a Tavern Restricted Licence) is well catered for.
4. The Applicant intends to develop a contemporary amenity that will cater to the diverse requirements of consumers in the locality, and make a positive contribution to the Leederville Entertainment Precinct.

City of Vincent Parking Policy 7.7.1 - NON-RESIDENTIAL DEVELOPMENT PARKING REQUIREMENTS

5. The City of Vincent has designed a table to identify the parking requirement for a premises operating under a Tavern Licence, and submits that the formal requirements is 0.15 parking bays for every person:

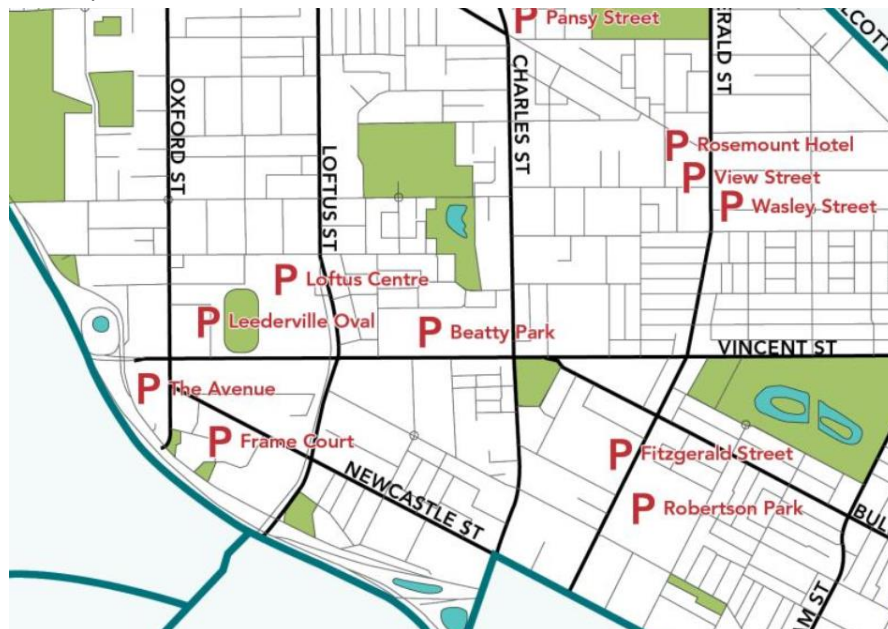
Restaurant/cafe, Small Bar, Tavern	0.15	0.25	0.22	0.2	0.25	0.019	0.042	spaces per persons
---	------	------	------	-----	------	-------	-------	--------------------

6. The Applicant submits that given the maximum capacity of 200 persons, the parking requirements would be 30 bays. The Applicant does not have the 30 bays required included with the tenancy, and respectfully requests that the City of Vincent consider waiving the parking requirements, based on these submissions and as afforded to other similar businesses.

7. The City of Vincent policy on car parking also states the following:
“Where a proposal does not meet the standards set out in Clauses 2, 3 or 4 of this Policy, the decision maker is required to exercise judgement to determine the proposal. The decision maker is to exercise its judgement to consider the merits of the proposal having regard to the objectives of this Policy and one or more of the following requirements:
- 1.2.1. *The development provides adequate parking and/or transport infrastructure to service the needs of its users;*
 - 1.2.2. *Alternative public car parking, bicycle parking and/or end of trip facilities are already provided and is available and accessible to meet the demands of the development during the hours of operation, for the life of the development;*
 - 1.2.3. *Reciprocal car parking, bicycle parking and/or end of trip facilities are provided in accordance with Clause 5;*
 - 1.2.4. *Alternative transport modes are convenient and adequate enough to meet the demand of the development during the hours of operation;*
 - 1.2.5. *Cash-in-lieu of parking is provided in accordance with Clause 6;*
 - 1.2.6. *An alternative arrangement is agreed in writing between the applicant and the City, through an approved Parking Management Plan.”¹*
8. The Applicant has reviewed the policy in detail and submits the following to satisfy the requirement for parking bays for the proposed Jagga Daku premises.

Existing Car Parking

9. The Applicant submits that as there are multiple transport option (including public and private parking amenity), located in close proximity to the premises.
10. The City provides a range of public parking amenity in the locality, much of it in close proximity to the proposed Jagga Daku. Please find below a map showing the council parking available in close proximity to the premises:



11. In accordance with the map above, the closest parking amenity to the proposed premises² are:

¹ <https://www.vincent.wa.gov.au/documents/776/771-non-residential-development-parking-requirements>

² <https://www.vincent.wa.gov.au/residents/parking-services/car-parks.aspx>

The Avenue Car Park

284 Parking Bays

Ticket Parking 7am to Midnight Mon - Sun

Frame Court Car Park

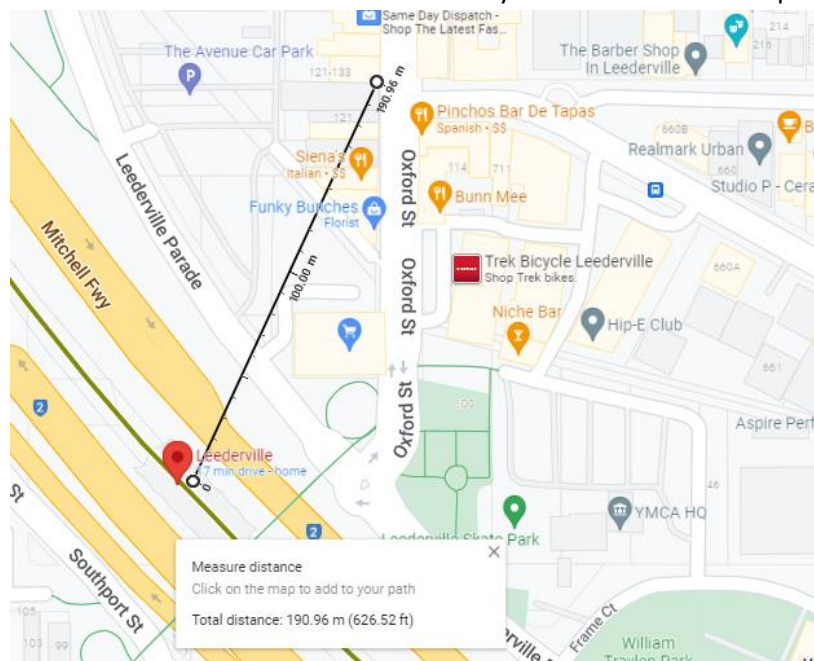
202 Parking Bays

Ticket Parking 7am to Midnight Mon - Sun

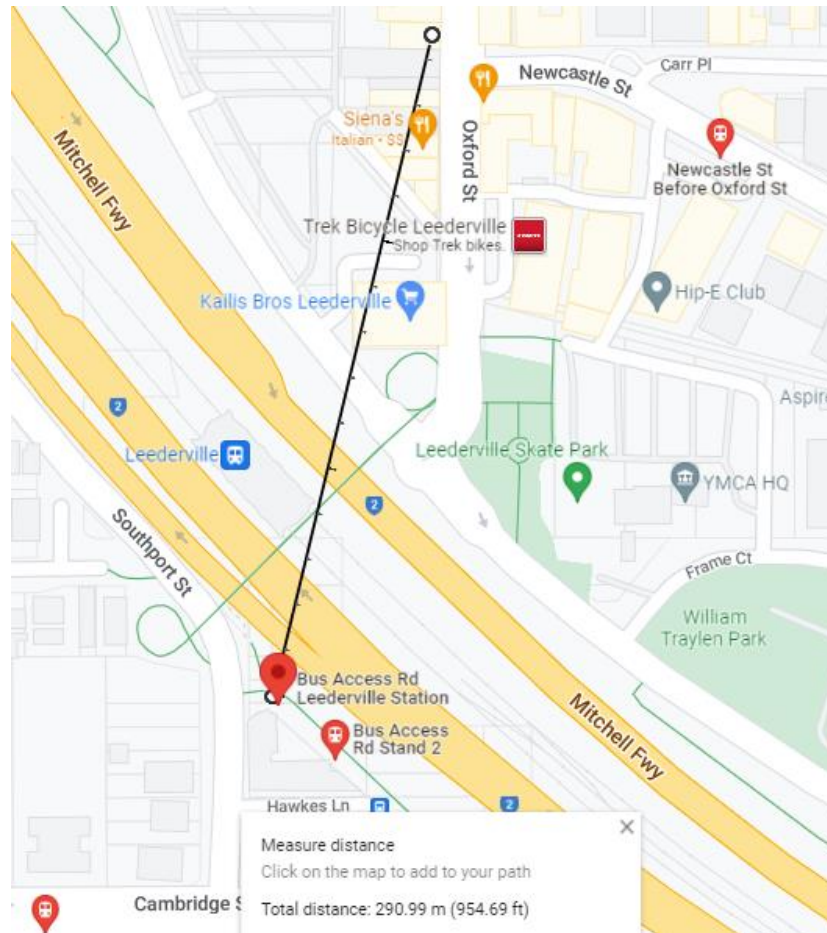
- 12. Along with the public parking available, there is also private parking amenity in Leederville that patrons can utilise, should they choose to drive to the premises. The closest privately owned parking amenity is located at 301 Vincent Street, and is also open until 12 midnight, making it suitable for patrons of Jagga Daku.

Public Transport Amenity

- 13. Along with the parking amenity available, there are multiple Public Transport options also located in close proximity to the premises. For example, the Joondalup train line stops at the Leederville Train Station, which is located less than 200 meters away as reflected in the map below:



- 14. Also, the number 15 bus regularly travels up and down Oxford Street, directly past the premises, and terminates at the Glendalough Train Station. This bus service has high frequency, and can be used by some patrons resorting to the premises.
- 15. Along with the number 15 bus, the Green CAT (Central Area Transit) service terminates on Southport Street, just over the Mitchell Freeway from the top of Oxford Street. This can be taken, and then the Leederville overpass used by pedestrians to access Oxford Street safely. Please find below a map showing the proximity of the Green Cat bus stop in the context of the premises:



Summary

16. The Applicant submits that given the:

- Existing public parking
- Existing private parking
- Train station located in close proximity, and
- Bus routes (including the Green CAT) located in close proximity, the Applicant believes there is sufficient parking for the proposed F & B operation.

Thank you for your time. Should you require further information, please contact our office.

Yours in Hospitality

Mario Sequeira G.C.CorpMgt, F.C.S.I.
Director
Hospitality Total Services (Aus) Pty Ltd
On behalf of Sneh Lata Pty Ltd



Acoustics & Audio Production
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Dated: 6th September 2022

ACOUSTIC REPORT

ENVIRONMENTAL NOISE ASSESSMENT

PROPOSED ASIAN STYLE RESTAURANT

'JAGGA DAKU'

*UNIT 123, LOT 100 No. 119 – 133A OXFORD STREET
LEEDERVILLE WA 6007*

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INTRODUCTION

Acoustics & Audio Production was engaged to provide an acoustic report for the proposed Restaurant located at Unit 123 Lot 100, No. 119-133A Oxford Street, LEEDERVILLE WA 6007. The following acoustic assessment was compiled to determine the potential noise impact the proposed Restaurant will have on the surrounding receivers and to ensure compliance to the Environmental Protection (Noise) Regulations 1997 is achieved at all times during its operation.

This assessment was requested to form part of, and in support of, a planning application to the City of Vincent, in order to ensure that the site complies with both Environmental Protection (Noise) Regulations 1997 allowable assigned outdoor noise level and also fulfils the Australian Standard AS/NZS 2107:2016: 'Acoustics – Recommended sound design levels and reverberation times for building interiors'.

OBJECTIVES

The objectives of this acoustical report are as follows:

- To ensure compliance to the Environmental Protection (Noise) Regulations 1997 is achieved at all times during its operation;
- To ensure compliance to the City of Vincent's Sound Attenuation Policy 7.5.21;
- To protect the reasonable acoustic privacy of both adjacent business and nearby residents in their dwellings and open private spaces;
- To provide noise goals and noise control recommendations to ensure the Restaurant does not generate unacceptable noise levels which will adversely impact upon the amenity of the surrounding businesses; and
- Provide recommendations in order to achieve the Australian / New Zealand Standard AS/NZS 2107:2016: 'Acoustics – Recommended sound design levels and reverberation times for building interiors – (AS/NZS 2107:2016) requirements.

SUMMARY

Based on our assessment the calculated noise level emission associated with the proposed Restaurant has been found to be able to comply with the Environmental Protection (Noise) Regulations 1997, with the following recommendations implemented:

- A total maximum of 200 patrons are allowed in the premises at any one time;
- External glazing to achieve a minimum certified $R_w + C_{tr}$ 34 for example 10.38mm toughened safety glass or laminated glass;
- External doors to achieve a a minimum certified $R_w + C_{tr}$ 34 for example 10.38mm toughened safety unit including frames, with compressible silicon-based rubber seals to the full perimeter of the door and a drop-down seal to provide an airtight seal when closed;
- Implement the recommendations put forth in the Noise Management Plan outlined on page 13 in this report.

PROJECT DESCRIPTION

The site in question is identified by the City of Vincent as Zoned within the 'Regional Centre' business district with the nearest residential property situated approximately 165m to the east of the proposed site. The restaurant is intending to provide a fine dine experience for the local residents by offering a wide range of Asian cuisines as well as provide both live and pre-recorded music at the site for both ambiance and entertainment.

During the standard dining hours of the restaurant music (both live and/or pre-recorded) is intended to be at a level that promotes a standard conversational while dining, after the hours of 9pm when the adjacent businesses are closed for trade live music is intended to be utilised on occasion within the site as to not adversely affect the amenity of the business directly adjacent and the surrounding receivers within the vicinity.

Parking bays for both patrons are provided at 'The Avenue Car Park' located at the rear of the proposed site, 4 parking bays for staff are provided at the rear of the property on the Northern facing side. The planned operating hours of the Restaurant is shown in Table 1 below.

Table 1: Intended operating hours of proposed Restaurant

Days	Time Period
Monday to Sunday	11am to 12am Midnight

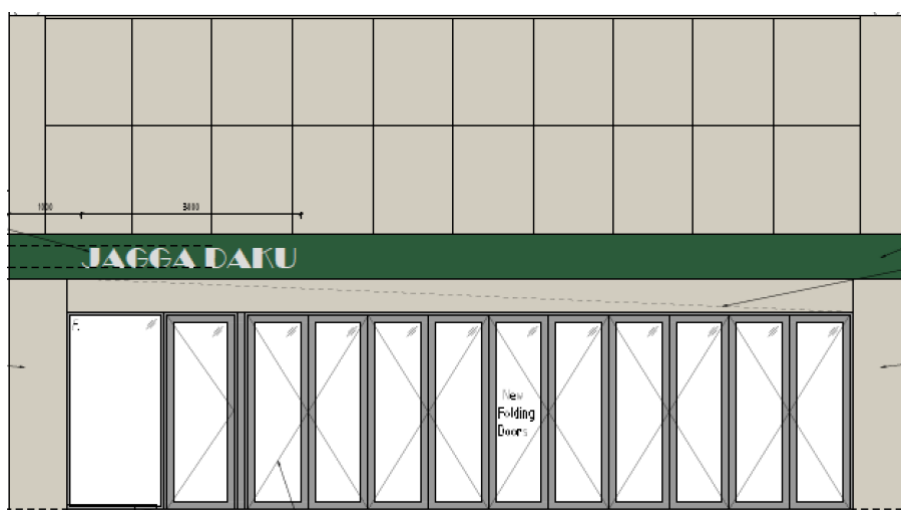


Figure 1.1: Front View of the Proposed Restaurant

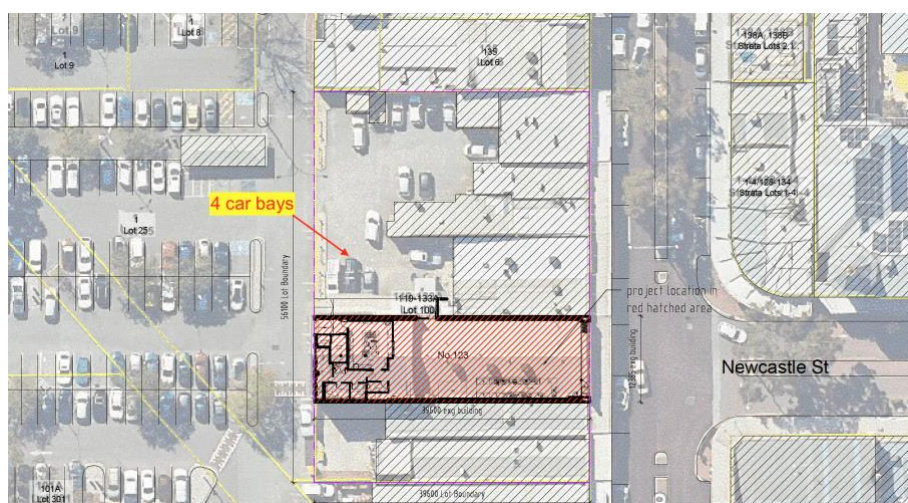


Figure 1.2: Aerial View of the Proposed Site and Staff Parking Bays

ACOUSTIC ENVIRONMENT

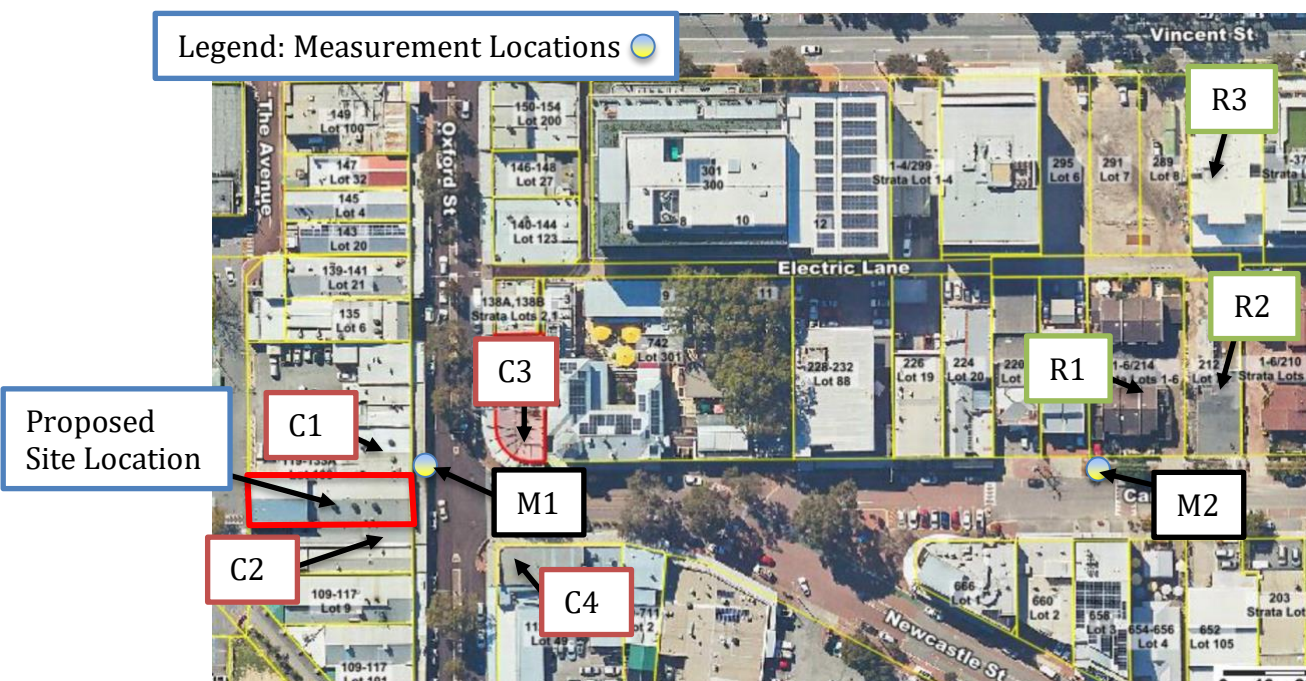
The proposed site and surrounding noise sensitive receivers are identified by the City of Vincent as being situated in the 'Regional Centre' zoning, with the proposed restaurant located at Unit 123 Lot 100, No. 119-133A Oxford Street, LEEDERVILLE WA 6007. The nearest major roads are identified as Vincent Street, located approximately 100 meters to the North and Mitchell Freeway 130m to the West of the proposed site. It is noted that as the site is situated in the town centre all of the surrounding properties are commercial properties. The nearest residential properties have been identified as both 218 Carr Place and 287 Vincent Street which are located to the East and East North East of the proposed site.

RECEIVERS & NOISE MONITORING PROCEDURES

The nearest receiver locations were identified as the following:

1. (C1) 140 Oxford Street, LEEDERVILLE WA 6007
2. (C2) 125 Oxford Street, LEEDERVILLE WA 6007
3. (C3) 128 Oxford Street, LEEDERVILLE WA 6007;
4. (C4) 749 Newcastle Street, LEEDERVILLE WA 6007;
5. (R1) 214 Carr Place, LEEDERVILLE WA 6007;
6. (R2) 212 Carr Place, LEEDERVILLE WA 6007; and
7. (R3) 287 Vincent Street, LEEDERVILLE WA 6007.

These locations have been chosen as representative of the nearest noise sensitive receivers. Refer to Figure 2 below for the proposed site, noise sensitive receivers and the ambient noise measurement locations.



EQUIPMENT

The following equipment was used to record existing ambient noise levels:

- Cirrus CR171 Type 1 Sound Level Meter
- Cirrus CR515 Acoustic Calibrator

Both the Cirrus Sound Level Meter and Acoustical Calibrator hold current NATA Laboratory Certification and had been field calibrated before and after the noise-monitoring period. No significant drift from the reference signal was recorded. Laboratory certificates may be provided upon request.

NOISE MONITORING

A Cirrus CR171 Type 1 Sound Level Meter was used at to measure ambient noise levels. The monitor was located in a free field position with the microphone approximately 1.4m above the ground surface level.

The sound level meter was set to record in “A” Weighting, fast response using 15-minute statistical intervals in the following measurement types; L_{Aeq} , L_{A10} , L_{A1} , L_{A90} and L_{Amax} . Ambient noise monitoring was conducted generally in accordance with Australian Standard AS1055:1997 Acoustics- Description and measurement of environmental noise.

EXISTING AMBIENT SOUND LEVELS

Sound Level measurements were conducted on Wednesday 31st August 2022 between the hours of 6pm to 7pm and 10pm to 11pm on Friday 2nd September in the locations identified in Figure 1 above. The purpose of this is to determine the existing ambient noise environment experienced at the surrounding premises and residual breakout noise from lifestyle uses and entertainment venues such as the surrounding cafes and entertainment venues during their peak trading hours in accordance with the City of Vincent’s Sound Attenuation Planning Policy 7.5.21 at times considered typical to the standard operating hours of the proposed restaurant.

Table 2.1 – Measured Existing Ambient Sound Levels, $L_{A_{slow}}$ dB(A) – Wednesday 31st August 2022

Location	Measured Sound Levels			
	L_{Aeq}	L_{A10}	L_{A1}	L_{Amax}
M1	57.4	59.3	63.4	69.1
M2	54.3	57.1	60.9	68.2

Table 2.2 – Measured Existing Ambient Sound Levels, $L_{A_{slow}}$ dB(A) – Friday 2nd August 2022

Location	Measured Sound Levels			
	L_{Aeq}	L_{A10}	L_{A1}	L_{Amax}
M1	55.2	60.3	62.4	70.8
M2	56.6	61.2	64.1	67.3

METEOROLOGICAL DATA

The following meteorological conditions were present during the onsite monitoring conducted on Wednesday 31st August 2022.

Table 3.1 – Meteorological Conditions

Parameter	Result
Temperature (°C)	21°C
Wind Speed (m/s)	4.16m/s
Wind Direction	East South East
Humidity (%)	40%

The following meteorological conditions were present during the onsite monitoring conducted on Friday 2nd September 2022.

Table 3.2 – Meteorological Conditions

Parameter	Result
Temperature (°C)	18°C
Wind Speed (m/s)	7.5m/s
Wind Direction	East
Humidity (%)	49%

NOISE CRITERIA

The allowable noise levels at the surrounding noise sensitive areas are determined by the Environmental Protection (Noise) Regulations 1997. Regulations 7 & 8 stipulate the allowable external noise levels determined by the calculation of an influencing factor, which is then added to the base levels shown below. As the site is intending to operate until 12am midnight, our assessment will be based on the assigned outdoor noise levels for both the evening and night-time, which are considered the most stringent noise criteria for the site.

Table 4.1 – Baseline Assigned Outdoor Noise Level

Description	Time of Day	Assigned Level (dB)		
		L _{A10}	L _{A1}	L _{A(max)}
Noise Sensitive Premises	0700 – 1900 hours Monday to Saturday	45 + IF	55 + IF	65 + IF
	0900 – 1900 hours Sunday and Public Holidays	40 + IF	50 + IF	65 + IF
	1900 – 2200 hours all days	40 + IF	50 + IF	55 + IF
	2200 – 0700 hours Monday to Saturday and 2200 to 0900 hours Sunday and Public Holidays	35 + IF	45 + IF	55 + IF
Commercial Premises	All hours	60	75	80

Note: L_{A10} is the noise level exceeded for 10% of the time.
 L_{A1} is the noise level exceeded for 1% of the time.
 L_{Amax} is the maximum noise level.
 IF is the influencing factor.

Table 4.2 – Influencing Factor Calculation

Description	450m Radius	100m Radius	Influencing Factors
Commercial	36%	58%	4.5dB
Industrial	0%	0%	0dB
Major Roads	Yes – Mitchell Freeway	Yes – Vincent Street	8dB
Secondary Roads	Nil	Nil	
Sports Venues	Nil	Yes – Leederville Oval	2dB
Total Influencing Factor = 14.5dB			

Based on the information in Table 4.2, an influencing factor of 14.5 is applied to the base line assigned noise levels for all of the nearest noise sensitive receivers identified, with the applicable assigned outdoor noise levels identified in Table 4.3 below.

Table 4.3 – Applicable Assigned Outdoor Noise Level

Description	Time of Day	Assigned Level (dB)		
		L _{A10}	L _{A1}	L _{A(max)}
Noise Sensitive Premises	0700 – 1900 hours Monday to Saturday	59.5	69.5	79.5
	0900 – 1900 hours Sunday and Public Holidays	54.5	64.5	79.5
	1900 – 2200 hours all days	54.5	64.5	69.5
	2200 – 0700 hours Monday to Saturday and 2200 to 0900 hours Sunday and Public Holidays	49.5	59.5	69.5
Commercial Premises	All hours	60	75	80

CALCULATED NOISE LEVELS

Calculations have been made to determine the sound levels expected to be received by the nearest noise sensitive premises, associated with the proposed Restaurants' operations. These calculations are based on both the sound power levels provided in Table 5 below, post the recommendations within this report implemented.

The noise types being used within the assessment include: conversational noise, dining noise, live and/or pre-recorded music, and mechanical plant within the proposed restaurant; all occurring simultaneously.

Mechanical Plant (exhaust fans, air conditioning, kitchen fans etc.) associated noise calculations have been based on both the site plans of the proposed restaurant and the typical range of sound power levels for the mechanical plants.

Traffic noise from cars and vans arriving and departing the site have been based on the typical Sound Power Levels of traffic (30 seconds L_{Aeq}).

The data used for the calculation of the noise levels expected to be received by the nearest noise sensitive premises from the site under a 'worst case scenario' of a maximum capacity of 200 patrons, have been based on researched Sound Power Levels (L_w) of each potential noise source. All noise sources, receivers, boundaries and structures have been plotted with acoustical modelling software to provide reliable data, by which this assessment is based.

SOUND POWER LEVELS

The effective sound power level (L_w) of the various noise sources expected to occur at the site and used in our modelling of a ‘worst case scenario’ of noise emission are identified in Table 5 below.

Table 5 – Source Sound Power Levels, dB

Description	Sound Power levels (dB) at Octave Band Centre Frequencies (Hz)								
	dB(A)	63	125	250	500	1k	2k	4k	8k
Speech – Relaxed Voice	92	75	86	90	92	85	82	79	68
Speech - Raised voice	98	81	92	96	98	91	88	85	74
Dining	89	72	83	86	89	82	79	76	65
A/C Condenser	80	77	75	65	66	75	75	73	70
Cool room condenser ‘day-time’ mode	81	79	83	82	79	76	71	66	63
Cool room condenser ‘night-time’ mode	76	74	78	77	74	71	66	61	58
Kitchen Exhaust Fan	85	76	80	75	84	82	77	71	62
Toilet Exhaust Fan, each	70	63	64	70	64	67	63	55	60
Refrigerated Deliveries	102	65	68	88	92	97	97	91	80
Waste Collection	112	115	117	112	107	105	104	103	--
$L_{Aeq, 30\text{ second}}$ one car passing at approximately 10km/h	84	90	81	81	85	78	73	69	63
$L_{Aeq, 30\text{ second}}$ car door slam, ignition and drive away	77	89	81	74	72	71	68	66	60
Pre-recorded Music	99	94	93	92	92	87	86	85	85
Live Music									
2-piece acoustic duo	99	93	97	101	98	93	85	74	70
4 to 5-piece band	99	90	97	96	97	96	88	87	77

METHODOLOGY

Computer modelling SoundPlan 8 was used with the algorithms CONCAWE selected to predict the noise emissions. Input data used within the model are:

- Meteorological Information; and
- Topographical Data; and
- Ground Absorption Data; and
- Source Sound Levels.

METEOROLOGICAL INFORMATION

Meteorological information used in the table below is considered to represent the ‘worst case’ conditions for sound propagation. With wind speeds greater than those shown, noise levels may be further enhanced; however, it is likely that wind, vegetation and traffic noise will become the dominant noise source at those levels.

Table 6 – Meteorological Conditions

Parameter	Day (0700 -1900)	Night (1900 – 0700)
Temperature (°C)	20	15
Wind Speed (m/s)	4	3
Wind Direction	All	All
Humidity (%)	50	50
Pasquill Stability Factor	E	F

Note: The acoustical modelling software allows for simultaneous modelling of wind in all directions.

TOPOGRAPHICAL DATA

Topographical data was adapted from Google Earth, site photographs and proposed plans. Existing buildings have also been included as these can provide barrier attenuation when located between a source and receiver.

GROUND ABSORPTION

Ground absorption varies from a value of 0 to 1, 0 representing an acoustically reflective ground (e.g. water and bitumen) and 1 representing acoustically absorbing surface such as grass. In this case, a ground absorption value of 0.1 is used.

ASSESSMENT

Table 7 below shows the predicted sound levels expected to be received by the nearest noise sensitive premises, attributable to the standard operations of the proposed restaurant under a ‘worst case scenario’ of 200 patrons and all potential noise sources occurring simultaneously, including the recommendations provided within this report being implemented.

The predicted levels are based on both the information provided by the applicant and researched acoustical technical information relating to the application. This data has been compiled and used to calculate the level of noise expected to be received at the surrounding noise sensitive premises under a ‘worst case scenario’ of all potential noise sources occurring simultaneously, with which includes the following:

Scenario 1

- a) Maximum number of 200 patrons with 50% conversing simultaneously with ‘raised voices’;
- b) Mechanical plant equipment;
- c) Dining noise; and
- d) Pre-Recorded / live music within the site at background level, for ambiance.

and

Scenario 2

- a) Maximum number of 200 patrons with 50% conversing simultaneously with ‘raised voices’;
- b) Mechanical plant equipment;
- c) Pre-Recorded / live music at the site routed through the noise limiter (as stipulated in the ‘Noise Management Plan’ – see page 12 below)

Predicted sound levels once refurbishment and recommendations within this report are implemented have been assessed against the relevant assigned outdoor noise levels; in accordance with the Environmental Protection (Noise) Regulations 1997, with the results shown in Table 7 below.

The assessment reviews the buildings layout drawings, existing ambient noise levels currently experienced at the receivers identified, with the predicted noise emissions from the restaurant's standard operations under the 'worst-case scenario' for noise emissions at the site. Our modelling of a 'worst-case scenario' has been modelled with the site under maximum capacity of 200 patrons with 50% talking, mechanical plant, dining noise and live or pre-recorded music all occurring simultaneously on the assumption that the acoustic recommendations put forth within this acoustic report implemented during its operations. We have used the evening and night-time allowable outdoor level criterion, as these are considered to be the most stringent criteria for the anticipated manner of trade for each scenario; which falls under the 'worst-case scenarios' of noise emissions expected at the proposed site during these time periods.

**Table 7.1 – Assessment of Sound Levels Received at the Nearest Receivers Identified $L_{A_{slow10}}$ dB(A)
Evening Time Period 1900hrs to 2200hrs**

Scenario 1	Location	Time of Day	Predicted Noise Level, L_{A10} dB(A)	Adjustment for tonality (when music is present)	Assessable Noise Level, L_{A10} dB(A)	Assigned Level, L_{A10} dB(A)	Compliance to Assigned Noise Level dB(A)
'Worst case scenario' i.e. Maximum number of patrons, vehicle access (drop of / pick up / door closure / ignition), mechanical plant and pre-recorded / live background music all occurring simultaneously	C1	All hours	44	N/A	44	60	Yes
	C2		44		44		Yes
	C3		39		39		Yes
	C4		38		38		Yes
	R1	1900 to 2200 hours All days	28		28	54.5	Yes
	R2		27	27	Yes		
	R3		25	25	Yes		

**Table 7.2 – Assessment of Sound Levels Received at the Nearest Receivers Identified $L_{A_{slow10}}$ dB(A)
Night Time Period 2200hrs to 0700hrs Mon to Sat / 0900hrs Sun and Public Holidays**

Scenario 1	Location	Time of Day	Predicted Noise Level, L_{A10} dB(A)	Adjustment for tonality (when music is present)	Assessable Noise Level, L_{A10} dB(A)	Assigned Level, L_{A10} dB(A)	Compliance to Assigned Noise Level dB(A)
'Worst case scenario' i.e. Maximum number of patrons, vehicle access (drop of / pick up / door closure / ignition), mechanical plant and pre-recorded / live music at elevated level (Noise limiter to level stipulated) - all occurring simultaneously	C1	All hours	55	+5	60	60	Yes
	C2		55		60		Yes
	C3		50		55		Yes
	C4		49		54		Yes
	R1	2200 to 0700 hours Monday to Saturday and 2200 to 0900 hours Sunday and Public Holidays	39		44	49.5	Yes
	R2		38	43	Yes		
	R3		36	41	Yes		

As shown in table 7 above, received sound level emissions attributable to the proposed Restaurants' standard operations during the most stringent assessment periods of 1900hrs to 2200hrs and 2200hrs to 0700hrs were found that compliance to the Environmental Protection (Noise) Regulations 1997 assigned outdoor levels is achievable at all of the surrounding noise sensitive receivers provided the recommendations within this report are implemented. As compliance to the EPR is expected to be achieved at the receivers closest to the proposed site, we also expect compliance to be achieved at the receivers further away. It is also noted the commercial properties identified in this report are commonly closed during night time trading hours.

AS/NZS 2107:2016 'ACOUSTICS - RECOMMENDED DESIGN SOUND LEVELS AND REVERBERATION TIMES FOR BUILDING INTERIORS

Recommended ambient noise levels and reverberation times for internal spaces are given in a number of publications including Table 1 of Australian / New Zealand Standard 2107:2016 '*Acoustics - Recommended design sound levels and reverberation times for building interiors*'. Unlike the previous version of this Standard, this latest edition recommends a range with lower and upper levels (rather than '*satisfactory*' and '*maximum*' internal noise levels) for building interiors based on room designation and location of the development relative to external noise sources.

This change has occurred due to the fact that sound levels below 'satisfactory' could be interpreted as desirable, but the opposite may in fact be the case. Levels below those which were listed as 'satisfactory' can lead to inadequate acoustic masking resulting in loss of acoustic isolation and speech privacy. Internal noise levels due to the combined contributions of external noise intrusion and mechanical ventilation plant should not exceed the maximum levels recommended in this Standard. The levels for areas relevant to this development are given in Table 8 below.

Table 8 – Recommended design sound levels and reverberation times for the proposed site

Type of occupancy / activity	Design Sound Level Range	Project Design Noise Level
Restaurant	40 to 50	45
Function Area	40 to 45	40
Toilets	45 to 55	45

NOISE CONTROL RECOMMENDATIONS

To ensure compliance to the Environmental Protection (Noise) Regulations 1997, the following noise control recommendations are given.

EXTERNAL DOORS

As per Clause F5.5(b) of the BCA, the entry doors shall achieve a minimum sound reduction of a minimum R_w 34. This can be achieved via 10.38mm toughened safety glass unit including frames, ensuring all external doors must have compressible silicon-based rubber seals to the full perimeter and a drop-down seal and provide an airtight seal when closed as to not compromise the acoustic performance of the system.

GLAZING

The minimum required sound reduction performance (R_w) of the external glazing for the site is shown in Table 9 below. The stated minimum R_w rating is for the entire glazing suite inclusive of glass and framing. 'Glass only' acoustic ratings must not be used when selecting glazing systems. It is common for the sound reduction of a glazing suite to be 2 to 3 points lower than the glass only values due to the framing, quality of seals, etc. It is critical that the contractor only uses glazing suites that have acoustic laboratory test reports to verify the sound reduction (R_w) performance.

Table 9 – Example glazing systems that will achieve the stated R_w ratings:

Glazing	Weighted sound reduction index	Example of external glazing system
Fixed Glazing	$R_w + C_{tr}$ of 34	10.38mm laminated or toughened safety glass

NOISE MANAGEMENT PLAN

One of the most effective measures that should be implemented in conjunction with the physical noise control measures recommended within this report is the Noise Management Plan (NMP). The NMP should be incorporated within the restaurant's overall management plan.

- Pre-recorded and or live background music during dining hours is recommended to be of low level as to not encourage the raising of voices. It has been found that when background noise is above normal speech levels, it is common that people will speak louder in order to counter the background noise, therefore background music for 'ambience' is to be kept low and at a relaxed level during these times;
- Not permitting more than the acceptable maximum number of 200 patrons to be present on the premises at any given time;
- Adhere to RSA principles with the aim of reducing the likelihood of patrons causing noise and participating in other antisocial activities;

RSA PRINCIPLES

**Recognize and refuse liquor services to intoxicated patrons.
Drunk or disorderly patrons are not allowed on the premises.
Do not supply alcohol to anyone under 18.**

Discourage patrons to take part in activities that may cause harm to themselves or others.

- Do not allow violent, quarrelsome or disruptive conduct on or near the premises;
- Loud or 'boisterous' patrons are to be attended to and asked to be mindful of the surrounding residential premises;
- Music will be appropriate for the venue and manner of trade and to be utilised as low-level background music within the main restaurant;
- Both pre-recorded and live music, intended to be played during either the late evening and/or night-time operations, is to be routed through a noise limiter and set to a sound pressure level of 90dB(A) at 1m from the source, to ensure full compliance to the night time assigned outdoor noise criterion is achieved;
- Ensure loudspeakers are installed with appropriate resilient mounts to stop vibration or resonances being transmitted to the building structure;
- The applicant is to ensure that all reasonable and practical measures are taken in order to minimize the overall sound level and low frequency noise received at the noise effective premises;
- Maintain a compliant register and train staff in the use of handling complaints;
- Staff closing procedures are to be designed in order to minimize the risk of noise disturbance being caused to the surrounding noise sensitive receivers;
- To prevent disturbance of amenity in the area, deliveries are to occur between 7am and 7pm Monday to Saturday only;
- Appropriate signage requesting patrons be mindful of the neighbourhood in leaving the premises and area quietly;
- Adequate lighting in external areas to discourage loitering when patrons leave the premises;
- Incorporate a zero-tolerance policy for rowdy and aggressive behaviour;
- A complaints file is to be available to all staff to record any complaints received in person or by any other means. This insures complaints can be addressed at the time and ensures the applicant can review any complaints over time to identify problems and address issues;
- Glass should only be emptied into the outside bins during the hours of 7am to 7pm (9am to 7pm Sunday and Public Holidays);
- All doors and windows should be closed during operation.

STAFF TRAINING

In addition to the 'Provide Responsible Service of Alcohol' requirements, all staff members are to be trained using an in-house Policy and Procedure manual that sources units of competency from relevant training packages. For example:

- Manage conflict;
- Interact with customers;
- Manage incidents;
- Managing unacceptable behaviour; and
- Monitor individual and/or crowd behaviour.

Staff members are also to be trained in the areas of:

- Risk identification;
- Risk control procedures;
- Warning signs;
- Appropriate responses;
- Interpersonal/diffusing aggression skills;
- Recognizing signs of potential trouble; and
- How to deal with bad behaviour.

PATRONS

In order to minimise antisocial behaviour including excessive noise, the following is proposed:

- Create and maintain a high-quality premise in all respects, both physically and operationally as studies conducted have indicated that poorly lit, badly maintained premises have a greater likelihood of violence, trouble and antisocial behaviour;
- Provide more than ample seating for patrons;
- Background music is to be at low levels for ambience and to not promote the raising of voices;
- Provide a very clear training program for staff on all appropriate matters including responsible service of liquor; and
- Create a warm, relaxed and inviting atmosphere to minimise the risk of antisocial behaviour.

DELIVERY AND SERVICE VEHICLES

Given the nature of the development and the surrounding receivers, it will be necessary to restrict deliveries to between the hours of 7 am to 7 pm, Monday to Saturday. Furthermore, signage shall be installed to instruct drivers to switch off their vehicles whilst unloading to mitigate engine idling noise. If deliveries are limited to the aforementioned hours, then the following 'Assigned Levels' apply under the Environmental Protection (Noise) Regulations 1997. The L_{A1} Assigned Levels are applicable given that the noise associated with delivery vehicles will be present for less than 10% of the time:

Noise modelling of delivery vehicles was undertaken using the SoundPLAN software. The results of our modelling indicate that the noise transmission to the nearest noise sensitive receivers falls below the assigned outdoor noise level of 54.6 dB(A), complying with the Environmental Protection (Noise) Regulations 1997 during the day period of 7am to 7pm Monday to Saturday.

WASTE COLLECTION VEHICLES

Regulation 14A of the Environmental Protection (Noise) Regulations 1997 addresses the noise emissions associated with waste collection. Fundamentally, waste collection activities are exempt from complying with the 'Assigned Levels', provided the collection only occurs between the hours of 7 am and 7 pm Monday to Saturday.

CONCLUSION

With the recommendations described in this report implemented, and under a 'worst-case scenario' of potential noise emissions expected from the site, we believe that compliance to the Environmental Protection (Noise) Regulations 1997 is achievable during all hours of operation.

I trust the above meets your requirements on the matter. Should you have any queries do not hesitate to contact our office.

Regards,



Ian Burman
A.A.A.S

ACOUSTICS & AUDIO PRODUCTION

Determination Advice Notes:

1. This is a development approval issued under the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws.
2. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
3. The development will be classified as a 'Public Building' and must comply with the *Health (Public Buildings) Regulations 1992*. An application is to be made to the City's Health Services for the assessment of the public building and maximum accommodation numbers prior to occupation of the premises. Please contact Health Services on (08) 9273 6000 upon receipt of this approval to discuss the requirements further with an Environmental Health Officer.
4. The food business must comply with the *Food Act 2008*, *Food Regulations 2009* and the Australia New Zealand Food Standards Code. The applicant must register with the City's Health Services prior to operation of the food business. Please contact Health Services on 9273 6000 to discuss the requirements further with an Environmental Health Officer.
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. With reference to Condition 3.1, it is recommended that you liaise with the City to discuss the amended Venue Management Plan prior to the lodgement of a Building Permit. The amended Venue Management Plan shall include the following:
 - Noise control measures and management procedures of pre-recorded and live amplified music;
 - Patron management and anti-social behaviour;
 - Community relations and complaint management procedure
 - Set-up and pack-down of furniture;
 - Deliveries;
 - Post-service waste disposal; and
 - Staff training.
7. With reference to Condition 2.3, the hours in which the sale, supply and consumption of alcohol may be undertaken are restricted by the *Liquor Control Act 1988*.