

<b>5.6</b>	<b>LICENCE TO BROADWAY UNIT TRUST (TRADING AS SPRITZ SPIZZICHERIA ITALIANA) ON ROAD RESERVE ADJACENT TO NO. 148 (LOT: 600) SCARBOROUGH BEACH ROAD, MOUNT HAWTHORN</b>
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- Attachments:**
1. Plan of Licence Area
  2. Structure Plan
  3. 2018 Development Application Approval
  4. 2023 Development Approval Application
  5. Market Valuation - Confidential

**RECOMMENDATION:****That Council:**

1. **APPROVES** the City granting a licence to Broadway Unit Trust trading as Spritz Spizzicheria Italiana (ABN 87 196 418 066) tenant of Lot: 600 on Deposited Plan: 47025, Certificate of Title Volume 2598, Folio 388, known as No. 148 Scarborough Beach Road, Mount Hawthorn, for a portion of the road reserve adjacent to No. 148 Scarborough Beach Road, Mount Hawthorn, as shown in Attachment 1, on the following key terms:

- |     |                       |   |
|-----|-----------------------|---|
| 1.1 | Term:                 | 5 years   |
| 1.2 | Licence Area:         | 48m <sup>2</sup> (3.9m x 13m) of Scarborough Beach road reserve (verge area);   |
| 1.3 | Licence fee:          | \$1,680 per annum plus GST, indexed by CPI annually on 1 July;  |
| 1.4 | Permitted use:        | non exclusive right to use the Licence Area as an outdoor dining area and liquor consumption in connection with the operation of Spritz Spizzicheria Italian restaurant; and<br><br>to locate alfresco canopy structure. motorised café blinds, lighting and heat lamps and outdoor fixtures and furniture on the Licence Area as approved by the City, as shown on the plan at Attachment 2 (Structure); |
| 1.5 | Removal of furniture: | All furniture used (unless affixed to the ground) within the Licence Area must be removed by the Applicant at the close of each business  |
| 1.6 | Cleaning:             | Applicant must, keep the Licence Area clean and tidy at all times, at its cost;   |
| 1.7 | Insurance:            | Applicant must effect and maintain public liability insurance to a minimum value of \$20,000,000 (per claim);   |
| 1.8 | Indemnity:            | Applicant will indemnify the City and the Minister for Lands against loss or damage to property or persons occurring as a result of the Applicant's Structure and use of the Licence Area;  |
| 1.9 | Assignment            | Applicant may not assign or transfer its right under this Licence;  |

- 1.10     **Maintenance:**                     **Applicant must, at its cost, keep the Licence Area in good repair including repairing damage to structures, fittings or fixtures and the road reserve on the Licence Area;**
- 1.11     **Outdoor Eating Area Permit:**   **Applicant must (for the duration of the Licence) maintain a valid Outdoor Eating Permit for the Licence;**
- 1.12     **Liquor Licence**                     **Applicant must (for the duration of the Licence) maintain a current liquor licence for the Licence Area in order to serve alcohol in this area;**
- 1.13     **Access**                                 **the City, State and public utilities may access the Licence Area at any time in connection with its respective services, and no compensation is payable to the Applicant for any resultant loss;**
- 1.14     **Make Good:**                         **Upon expiry or termination of licence to remove any Structure and make good the Licence Area, at Applicant's cost, to the satisfaction of the City; and**
2.     **Subject to final satisfactory negotiations being carried out by the Chief Executive Officer, AUTHORISES the Mayor and Chief Executive Officer to affix the common seal and execute the licence in recommendation 1. above.**

#### PURPOSE OF REPORT:

To consider granting a licence to Broadway Unit Trust trading as Spritz Spizzicheria Italiana (Spritz) (ABN 87 196 418 066) (Applicant) to use a portion of the Scarborough Beach Road reserve for an alfresco canopy structure, motorised café blinds, lighting and heat lamps, outdoor fixtures and furniture for outdoor dining (Structure) and liquor consumption in the location shown in the plan at **Attachment 1** (Licence Area).

#### BACKGROUND:

The Applicant is the operator of Spritz and is one of the tenants of Lot: 600 on Deposited Plan: 47025, Certificate of Title Volume 2598, Folio 388, known as No. 148 Scarborough Beach Road, Mount Hawthorn.

On 6 November 2018, the City granted development approval (**Attachment 3**) for an application to construct proposed canopy structure and café blinds on the Licence Area subject to conditions. Condition 2 of the approval stipulated the validity of the approval was for a period of 5 years. The Approval expired on 6 November 2023.

The canopy structure and café blinds were constructed in accordance with the building permit and plans approved by the City on 23 April 2019 (**Attachment 2**). The canopy structure was constructed in late 2019 and has operated as an alfresco dining area for Spritz since.

On 22 September 2023, the Applicant submitted a development application for an extension of the Approval for the City's consideration (**Attachment 4**).

Council at its meeting 21 June 2022 approved the Vibrant Public Spaces Policy (VPS Policy), this provides guidance on the permissibility, requirements and management responsibilities of third party proposal to delivery vibrant public spaces on City owned land and managed land. The Spritz alfresco structure does meet the definition of an eatlet.

*“Eatlet” means an outdoor eating area during business operating hours and small public park out of business operating hours. Eatlets are reserved for customers of particular businesses during business operating hours and are available for anyone to use out of business operating hours. An eatlet repurposes part of the street into a dual purpose outdoor eating area and small public park through the provision of seating, shade and greenery.*

However, in order to obtain approval under the VPS Policy as an Eatlet the proposal must meet the specified design requirements. The structure does not meet all of the Design Requirements and is therefore required to be considered as an "Other proposal" and requires Development Approval.

The Minister for Lands is required to sign the development application as the "owner" of the road reserve. Administration has received the Minister's in-principle support to sign the development application subject to the City entering into a licence with the Applicant. The licence would need to ensure the Minister for Lands was indemnified from any damage or loss to property or persons as a result of the Structure and use of the Licence Area. The development application will be determined after tenure is granted for the Licence Area.

#### DETAILS:

##### Alfresco Structure

The Alfresco Structure is located under the existing awning of No. 148 Scarborough Beach Road, adjacent to the Spritz restaurant tenancy. The Applicant does not seek any changes to the existing Structure, as shown in **Attachment 2**. The structure provides a total area of 48 square metres. The total dimensions measure 13 metres by 3.9 metres which includes the alfresco dining area, planter boxes and external design features. The Structure also include motorised clear alfresco blinds to all elevations as well as fixed bench seating within the alfresco dining area. Existing lighting and heat lamps are also located within the structure.

##### Development Approval

Development approval would be required after a license is granted. The City would be required to consider an amended development application to extend the term of approval for the Structure.

The consideration of the extension of term of approval for the Structure would be assessed against the design guidance of the VPS Policy and the City's planning framework as part of this process.

##### Licence

The key licence terms below are consistent with the applicant's responsibilities outlined within the 'Other Proposals' of the VPS Policy and ensure that the Department of Planning, Lands and Heritage's requirements have been included. The Applicant has agreed to the proposed licence terms.

1	Term	5 years.
2	Licence Area	48m <sup>2</sup> (3.9m x 13m) of Scarborough Beach road reserve (verge area).
3	Licence Fee	\$1,680 per annum plus GST, indexed by CPI annually on 1 July.
4	Permitted Use	Non-exclusive right to use the Licence Area as an outdoor dining area and liquor consumption in connection with the operation of Spritz Spizzicheria Italian restaurant; and  To locate alfresco canopy structure. motorised café blinds, lighting and heat lamps and outdoor fixtures and furniture on the Licence Area as approved by the City, as shown on the plan at <b>Attachment 2</b> (Structure).
5	Removal of furniture	All furniture used (unless affixed to the ground) within the Licence Area must be removed by the Applicant at the close of each business day.
6	Cleaning	Applicant must, keep the Licence Area clean and tidy at all times, at its cost.
7	Insurance	Applicant must effect and maintain public liability insurance to a minimum value of \$20,000,000 (per claim).
8	Indemnity	Applicant will indemnify the City and the Minister for Lands against loss or damage to property or persons occurring as a result of the Applicant's Structure and use of the Licence Area.
9	Assignment	Applicant may not assign or transfer its right under this Licence.

10	Maintenance	Applicant must, at its cost, keep the Licence Area in good repair including repairing damage to structures, fittings or fixtures and road reserve on the Licence Area.
11	Outdoor eating permit	Applicant must (for the duration of the Licence) maintain a valid Outdoor Eating Permit for the Licence.
12	Liquor Licence	Applicant must (for the duration of the Licence) maintain a current liquor licence for the Licence Area in order to serve alcohol in this area.
13	Access	The City, State and public utilities may access the Licence Area at any time in connection with its respective services, and no compensation is payable to the Applicant for any resultant loss.
14	Make good	Upon expiry or termination of licence to remove any Structure and make good the Licence Area, at Applicant's cost, to the satisfaction of the City.

The Licence Fee of \$1,680 has determined in accordance with market valuation dated 13 November 2023 and attached as **Confidential Attachment 1**.

#### CONSULTATION/ADVERTISING:

In accordance with section 3.58 of the *Local Government Act 1995* (LGA) and regulation 30 of the *Local Government (Functions and General) Regulations 1996* (Regulations), the licence meets the requirements of an exempt disposition (Regulation 30(2)(a)). As a result, local public notice of the proposed licence is not necessary.

#### LEGAL/POLICY:

Section 55(2) of the *Land Administration Act 1997* (LAA) places responsibility for the care, control and management of road reserves (within the district of the City) with the City.

Section 3.58 of the LGA sets out the process for disposing of City owned and managed property and section 3.58(5) provides for exceptions as set out in the Regulations, as follows:

Regulation 30. Dispositions of property excluded from Act s.3.58

- (2) a disposition of land is an exempt disposition if –
- (a) the land is disposed of to an owner of adjoining land (in this paragraph called the transferee) and –
    - (i) its market value is less than \$5,000; and
    - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee.

Regulation 17 of the *Local Government (Uniform Local Provisions) Regulations 1996* provides:

- (a) that the City may grant permission to a person to construct a specified thing on, over, or under a public thoroughfare or public place that is local government property; and
- (b) specifies the requirements for the permission to be granted.

Local Government (Uniform Local Provisions) Regulations 1996

Regulation 17 Private works on, over, or under public places — Sch. 9.1 cl. 8

- (3) A person may apply to the local government for permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property.
- (4) Permission granted by the local government under this regulation –
  - (a) must be in writing; and
  - (b) must specify the period for which it is granted; and
  - (c) must specify each condition imposed under sub-regulation (5); and
  - (d) may be renewed from time to time; and
  - (e) may be cancelled by giving written notice to the person to whom the permission was granted.

**RISK MANAGEMENT IMPLICATIONS**

Low: It is low risk for Council to enter into a licence for part of the road reserve which addresses the risk to the City in respect to the development application, including indemnity, liability, maintenance and removal.

**STRATEGIC IMPLICATIONS:**

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

Thriving Places

*Our town centres and gathering spaces are safe, easy to use and attractive places where pedestrians have priority.*

Sensitive Design

*Our built form is attractive and diverse, in line with our growing and changing community.*

Innovative and Accountable

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

**FINANCIAL/BUDGET IMPLICATIONS:**

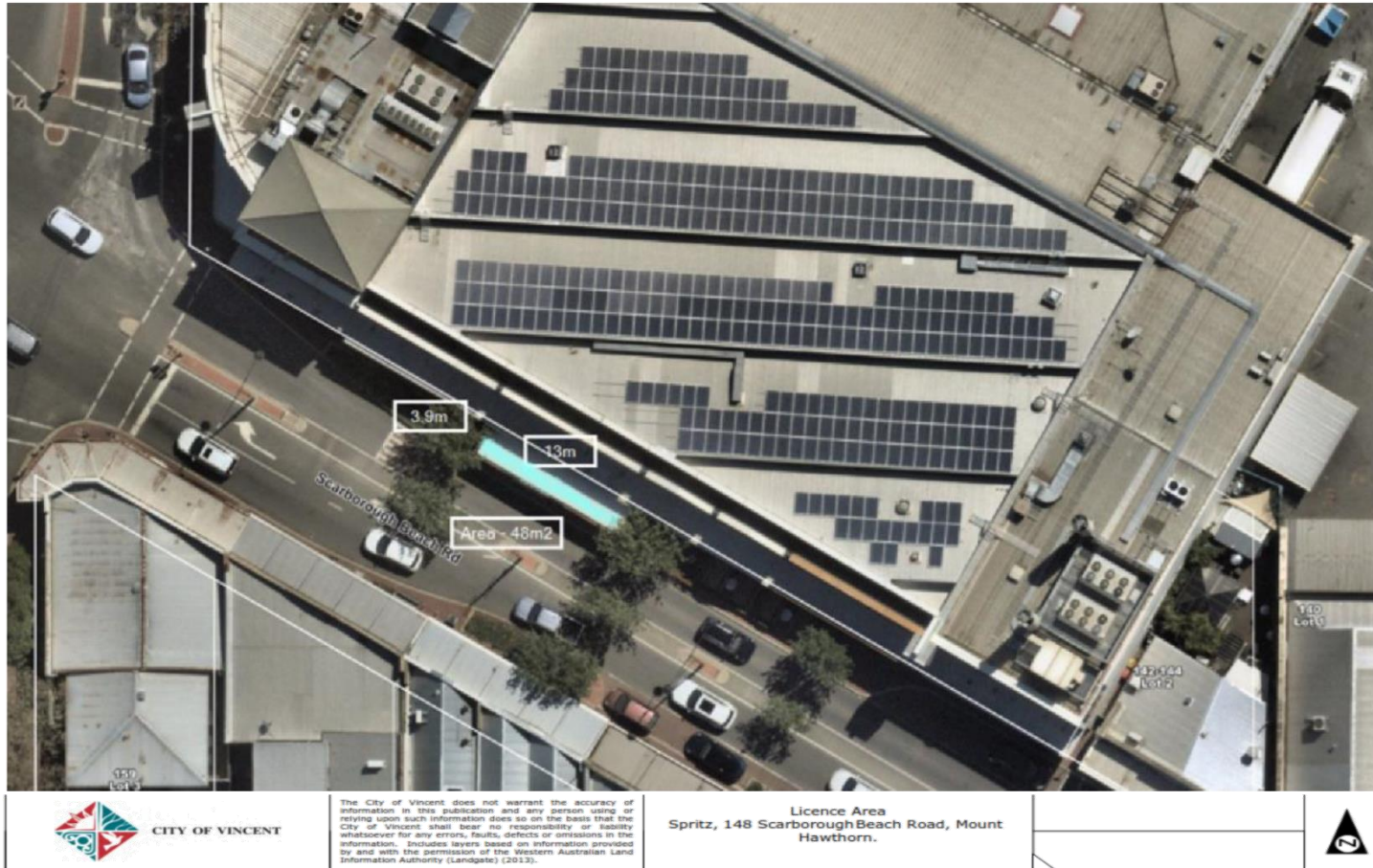
The Licence Fee of \$1,680 per annum plus GST, indexed annually by CPI, is recommended as determined by the market valuation.

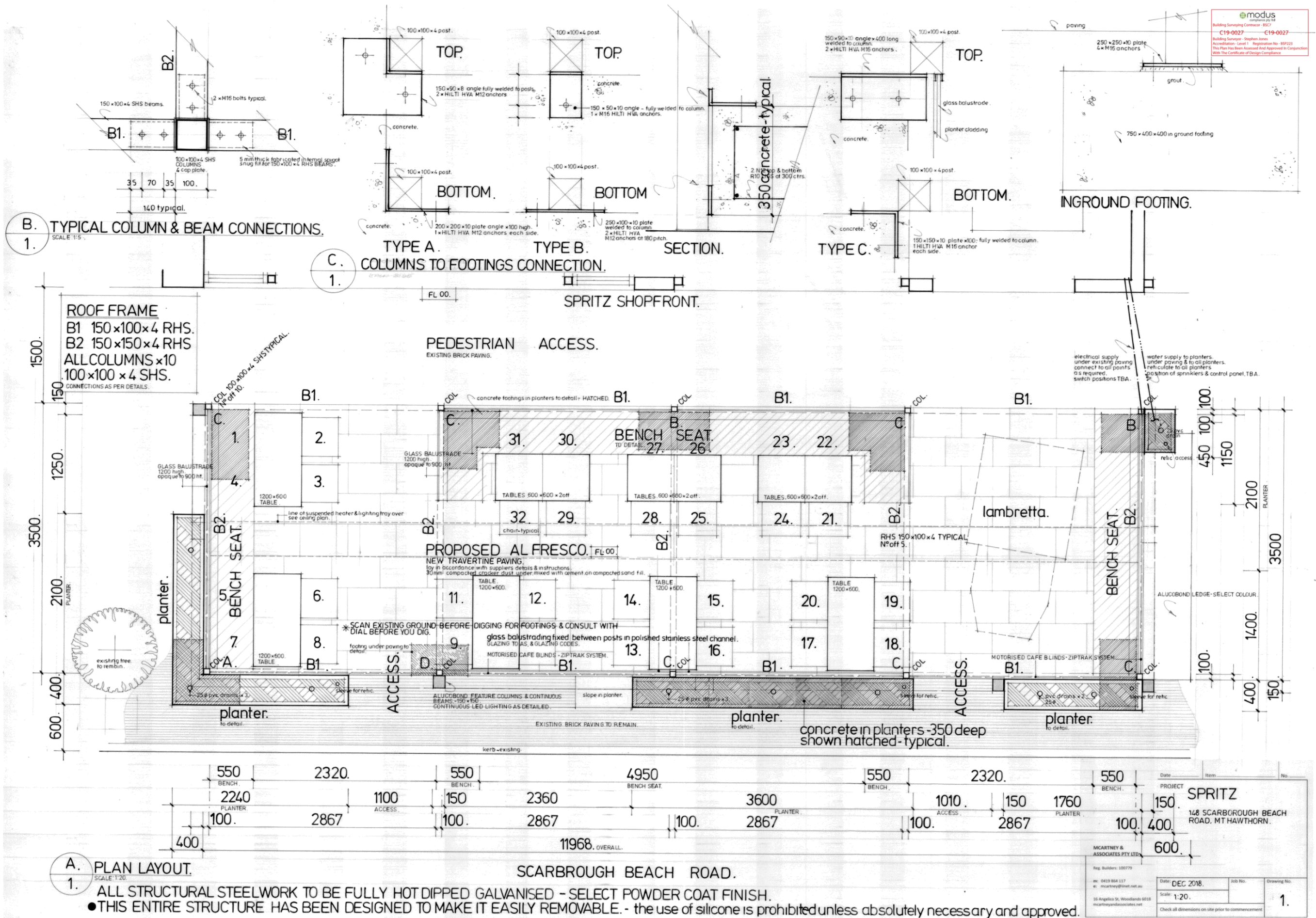
**COMMENTS:**

The Applicant has used the Licence Area portion of the Scarborough Beach road reserve for its Structure as an extension to its alfresco area for its business for five years with no issues. With the initial development application having expired in November 2023, the Department of Planning Heritage and Lands has advised the City that it has care control and management of road reserves by virtue of s 55 of LAA and can determine the appropriate tenure arrangement with the Applicant.

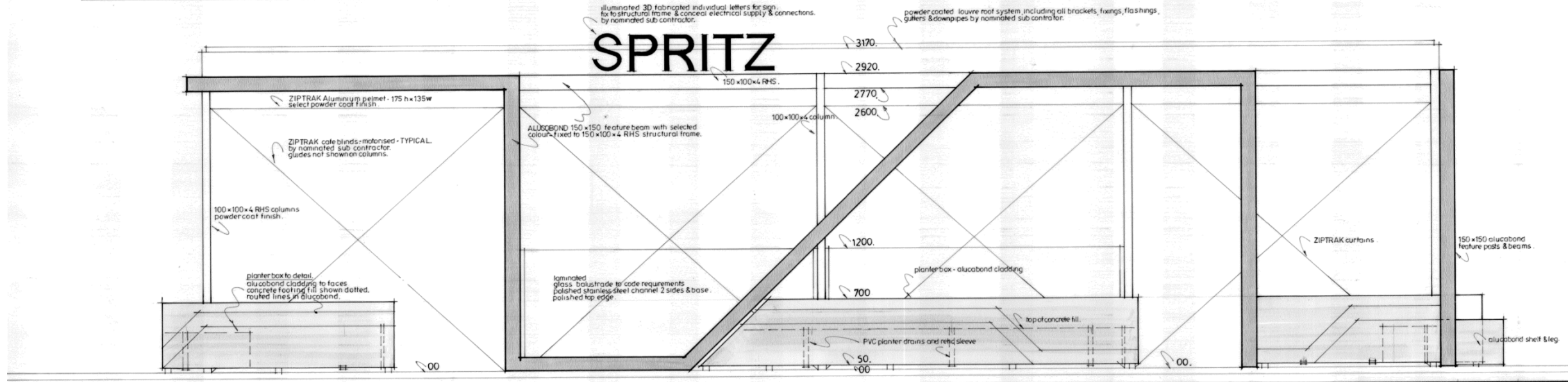
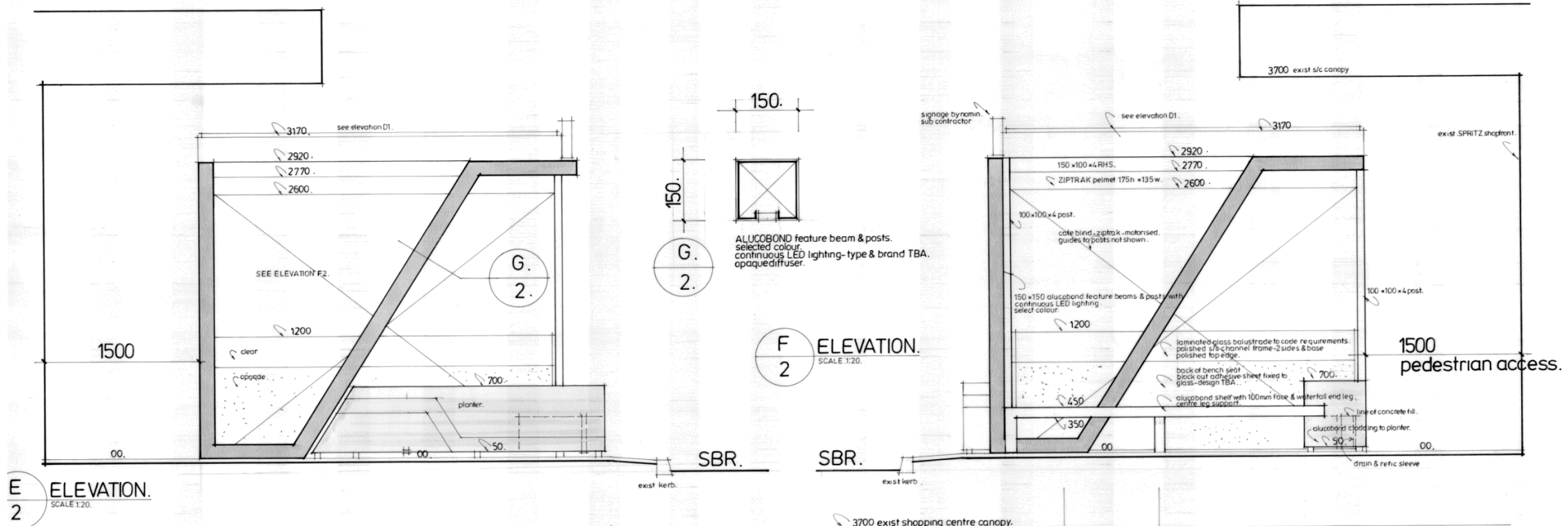
Administration believes the Structure activates the streetscape and provides increased amenity for the community.

The licence will be prepared to ensure that the City and Department are not liable for any loss or damage that may arise as a result of the Structure, and so that the structure will be removed at any time, at the Applicant's cost, if the road reserve is required by the State, City or a public authority.



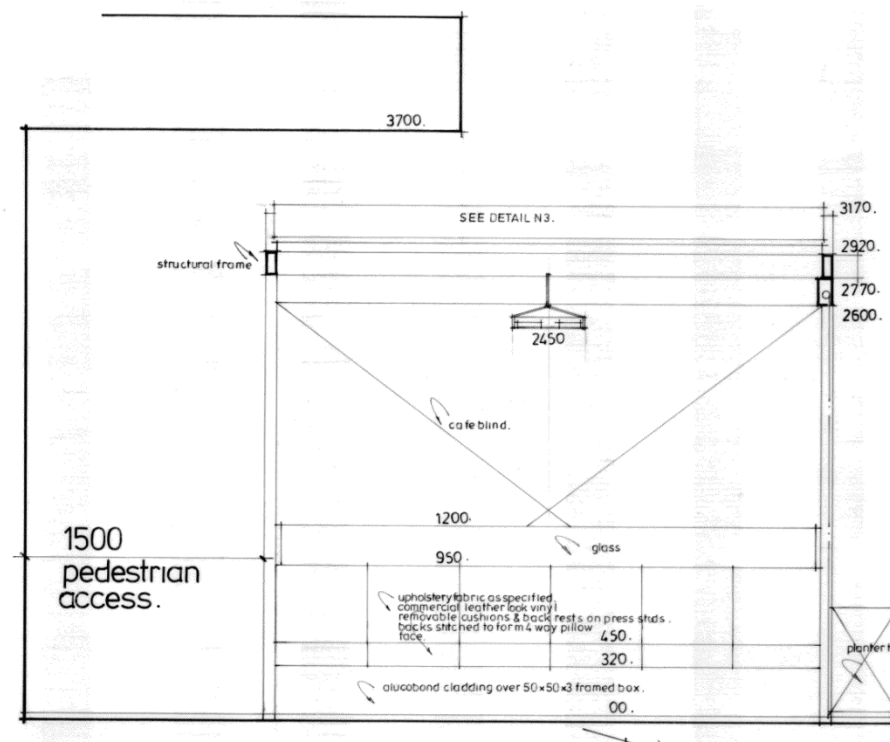


modus  
 Building Surveying Contractors (NSW)  
 C19-0027 C19-0027  
 Accreditation - Level 1 Registration No: 89223  
 This Plan Has Been Assessed And Approved In Conjunction  
 With The Certificate of Design Compliance

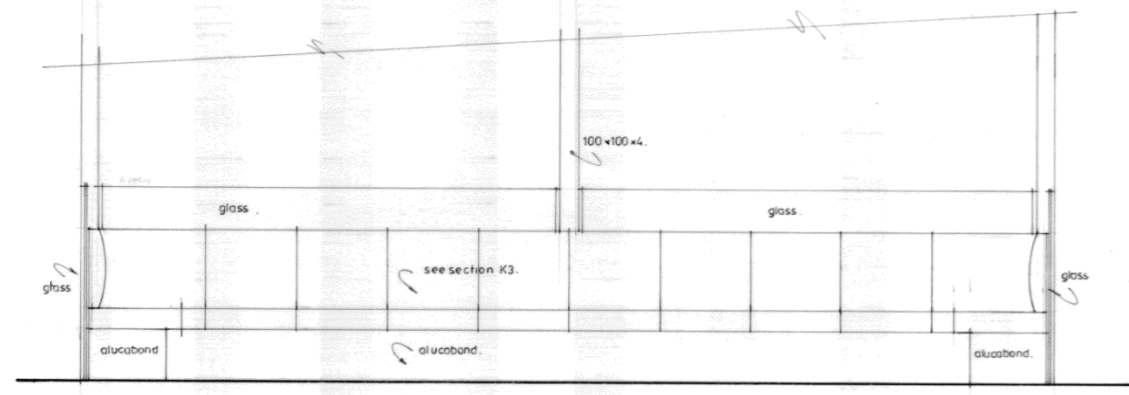


Amendments	Date	Item	No.
<p>PROJECT <b>SPRITZ.</b>                  148 SCARBOROUGH BEACH ROAD, MT HAWTHORN.</p>			
<p>MCARTNEY &amp; ASSOCIATES PTY LTD                  Reg. Builders: 100779</p>			
Date: <b>DEC 18.</b>		Job No.	Drawing No: <b>2.</b>
Scale: 1:20.		Check all dimensions on site prior to commencement	

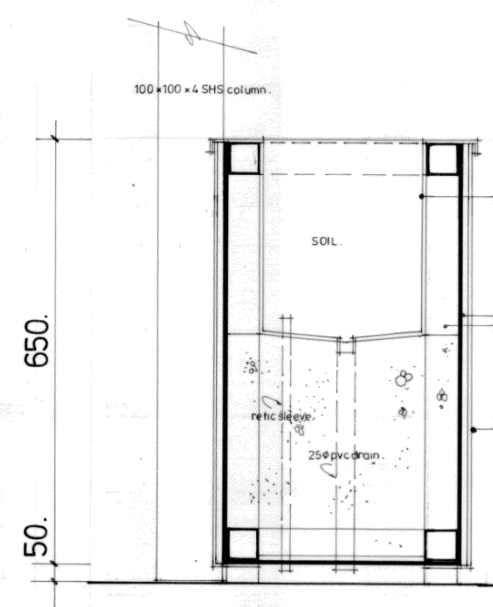




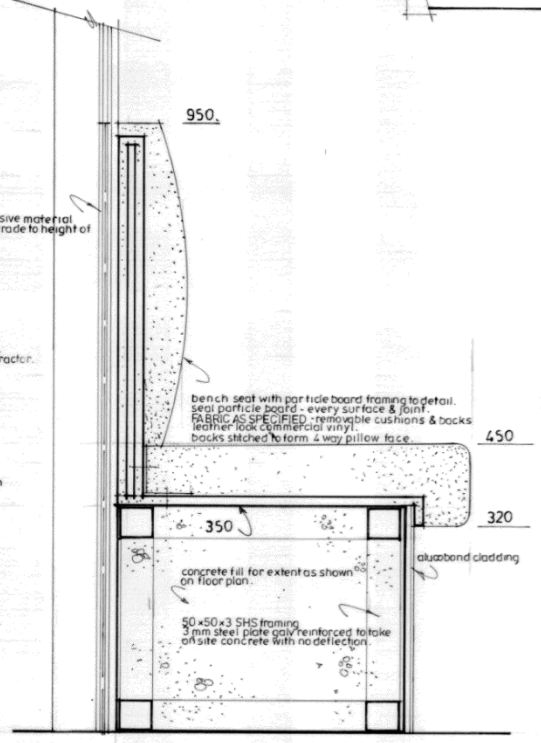
**K. SECTION.**  
3. SCALE: 1:20.



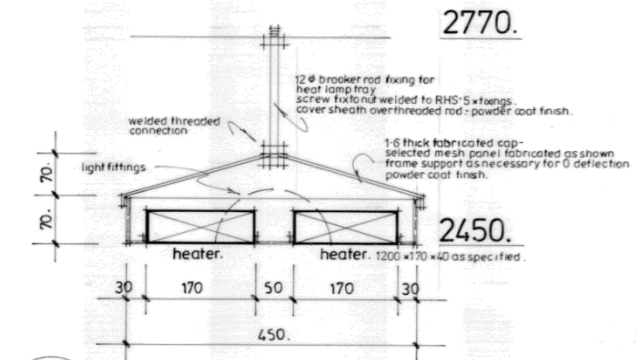
**M. SECTION.**  
3. SCALE: 1:20.



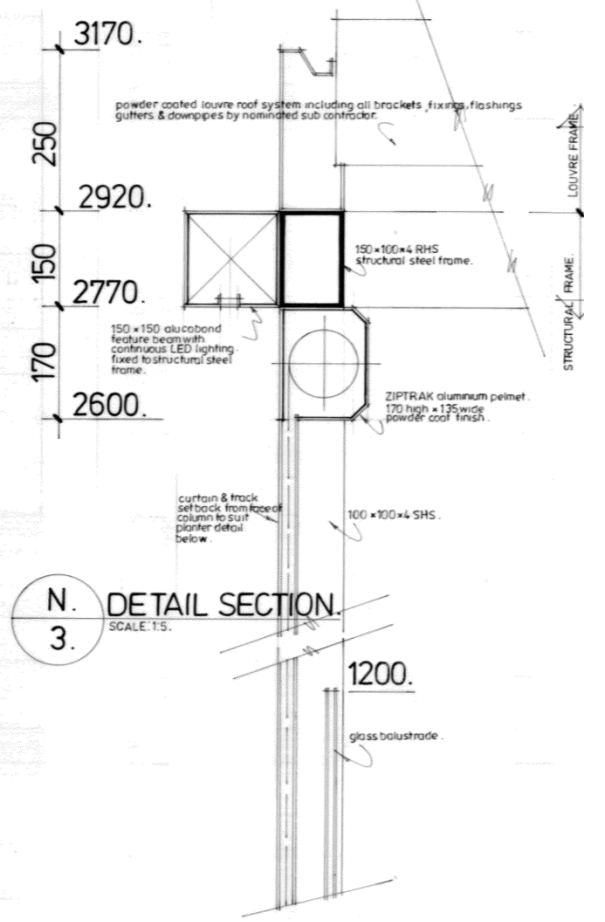
**H. SECTION - PLANTER.**  
3. SCALE: 1:5.



**J. SECTION - BENCH SEAT.**  
3. SCALE: 1:5.

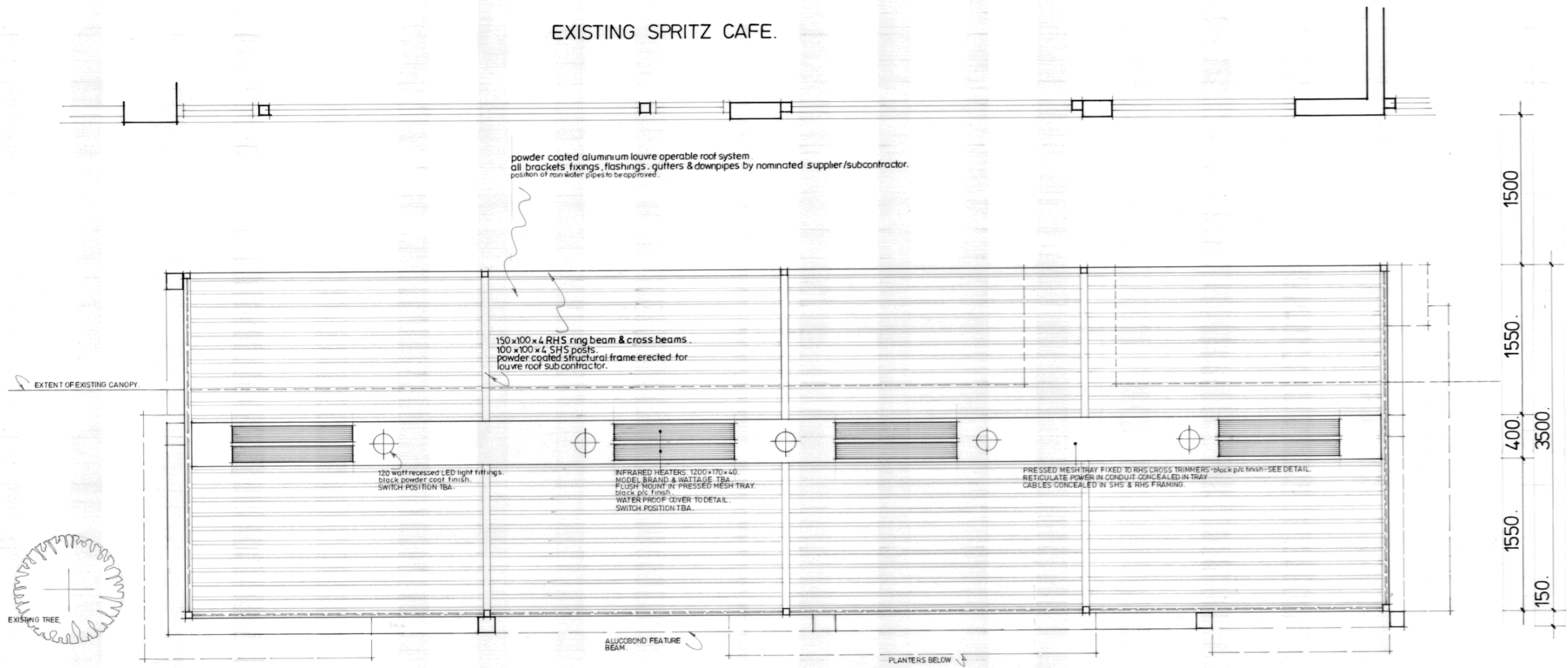


**L. SECTION - LIGHTING & HEATING TRAY.**  
3. SCALE: 1:5.



**N. DETAIL SECTION.**  
3. SCALE: 1:5.

Amendments	Date	Item	No.
<b>PROJECT</b> <b>SPRITZ.</b> 148 SCARBOROUGH BEACH ROAD MTHAWTHORN			
MCARTNEY & ASSOCIATES PTY LTD Reg. Builders 120079 tel: 0413 864 117 e: mcartney@inet.net.au 18 Angelo St, Woodlands 6108 mcartneyandassociates.net			
Date	DEC 18	Job No.	
Scale	1:5 1:20.	Drawing No.	3.
Check all dimensions on site prior to commencement			



P. 4. CEILING & LIGHTING PLAN.  
SCALE: 1:20.

<p>MCARTNEY &amp; ASSOCIATES PTY LTD Reg. Builders: 130779 M: 0813 864 117 E: mcartney@inet.net.au 18 Angellon St, Woodlands 6018 mcartneyandassociates.net</p>	Date: DEC 2018	Job No.	Drawing No.
	Scale: 1:20		4

SPRITZ.  
1/48 SCARBOROUGH BEACH ROAD, MT HAWTHORN.

Check all dimensions on site prior to commencement

ENQUIRIES TO: Natasha Trefry  
Approval Services, (08 9273 6568)  
OUR REF: 5.2018.159.1



CITY OF VINCENT

6 November 2018

McArtney \$ Associates Pty Ltd  
16 Angelico Street  
**WOODLANDS WA 6018**

Dear Sir/Madam,

**NO. 148-158 SCARBOROUGH BEACH ROAD MOUNT HAWTHORN (LOT: 600 D/P: 47025) –  
PROPOSED ADDITION TO CAFE**

I refer to your Application for Approval to Commence Development dated 04 May 2018 for the above proposal.

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

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

I trust that the information is to your satisfaction, however if you have any enquiries regarding the above matter, please do not hesitate to contact Natasha Trefry on 08 9273 6568.

Yours sincerely

**JOSLIN COLLI  
COORDINATOR PLANNING SERVICES**

Cc. *Hyde Park Management Ltd*  
*C/- Hawaiian*  
*Ground Floor, 235 St Georges Terrace*  
**PERTH WA 6000**

Administration & Civic Centre  
244 Vincent Street (Cnr Loftus),  
Leederville Western Australia 6007

PO Box 82,  
Leederville WA 6002

Tel: (08) 9273 6000  
Fax: (08) 9273 6099

Email: [mail@vincent.wa.gov.au](mailto:mail@vincent.wa.gov.au)  
[www.vincent.wa.gov.au](http://www.vincent.wa.gov.au)



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*Planning and Development Act 2005*

City of Vincent

**Notice of determination on application for development approval**

Location: No. 148-158 Scarborough Beach Road MOUNT HAWTHORN

Lot, Plan/Diagram: LOT: 600 D/P: 47025

Vol. No: 2598

Folio No: 388

Application date: 04/05/2018

Received on: 04/05/2018

Serial No: 5.2018.159.1

Description of proposed development: Addition to Cafe

Plans dated: 29 June 2018

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

1. This approval is for proposed canopy structure and café blinds as shown on the approved plans dated 29 June 2018.
2. This approval for the canopy structures and café blinds is valid is for a period of five (5) years from the date shown above. Following expiry of this period, the permanent canopy structure shall be removed at the owner's cost and the road reserve made good, unless a further development approval is granted by the City.
3. This approval is issued to the owner and operator of Spritz Spizzicheria.
4. The alfresco blinds shall remain visually permeable in appearance at all times to the satisfaction of the City.
5. The alfresco blinds shall be rolled up at the close of business each day.
6. The owner has a non-exclusive right to use the portion of the road reserve area as an alfresco area in connection with the operation of Spritz Spizzicheria, with a 1.5m pedestrian access way being provided at all times to enable the public to pass through the area;
7. Only the canopy structure and café blinds which forms part of this approval may be located within the road reserve area. Any alterations or additions to these structures will require the approval of the City (and Minister in some circumstances);
8. The owner shall maintain at its cost the structure forming part of the proposed development on the land and constructed over the road reserve adjacent to the proposed development to the satisfaction of the City and in accordance with the provisions of Regulation 17 of the Local Government (Uniform Provision) Regulations 1996 (as amended from time to time).
9. The owner indemnifies and agrees to keep indemnified the State, the Crown, all Ministers of the Crown, and all officers, servants, agents, contractors, invitees, and licensees of any of them against all actions, claims, costs, proceedings, suits and demands

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whatsoever arising or connected with the canopy forming part of the proposed development over the road reserve or use of the road reserve in connection with the canopy structure which may at any time be incurred or suffered by the licensee or brought, maintained or made against the Minister for Transport; Planning; Lands or the State, the Crown, all Ministers of the Crown, and all officers, servants, agents, contractors, invitees, and licensees.

10. The owner shall take out and maintain at its cost a policy of public liability insurance not less than \$20,000,000 to insure the City and the owner against all claims for loss or damage or injury occurring to any road reserve or property of the City or any person or property of any person as a result of the construction of the awning forming part of the proposed development over the road reserve adjacent to the proposed development or in respect of the use of the road reserve in connection with the awning forming part of the proposed development. A copy of the certificate of insurance is to be provided to the City annually and on demand.
11. The applicant is to ascertain the location and depth of any services that may interfere with this development. Any adjustment to these services required as part of this approval, must be arranged by the applicant prior to works commencing on the site. Any adjustment must be approved by the relevant service authorities and will be at the applicant's expense.
12. The applicant agrees to repair, maintain and remove the canopy structure at its cost, including to enable access by the City or utility providers.
13. The road reserve area comprising the permanent canopy structure shall be kept in a neat and tidy condition at all times to the satisfaction of the City.
14. If the road reserve is required for use as part of the road at any time the City may terminate the approval and require that the applicant remove the permanent canopy structure, and no compensation will be payable to the applicant.
15. All stormwater produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City;

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. With regard to Condition 15, no further consideration shall be given to the disposal of storm water 'off site' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of storm water 'off site' be subsequently provided, detailed design drainage plans and associated calculations for the proposed storm water disposal shall be lodged together with the building permit application working drawings;
3. This approval is subject to the applicant holding an alfresco permit for the alfresco area at all times (in the event that the applicant is not issued with an alfresco permit this approval will immediately terminate);
4. At expiry of the approval the applicant must remove all structures from the road reserve and restore the road reserve to the reasonable satisfaction of the City, at the applicants cost.

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Date of determination: - 6 November 2018

- Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
- Note 2: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
- Note 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

Signed:  Dated: 6 November 2018

**JOSLIN COLLI**  
**COORDINATOR PLANNING SERVICES**  
for and on behalf of the City of Vincent



21 September 2023

File ref: 0024-02 da

Chief Executive Officer  
City of Vincent  
email: [mail@vincent.wa.gov.au](mailto:mail@vincent.wa.gov.au)

**Attention: Planning Department**

Dear Sir

**RE: DEVELOPMENT APPLICATION – SPRITZ SPIZZICHERIA  
PROPOSAL TO EXTEND DURATION OF DEVELOPMENT APPROVAL (REF: 5.2018.159.1)  
EXISTING CANOPY STRUCTURE AND MOTORISED CAFÉ BLIND SYSTEM**

This is to advise that *PLAN. (Town Planning & Urban Design)* acts on behalf of Messrs Mario Talardo and Franco Tambasco, the owners and operators of the *Spritz Spizzicheria (Spritz)* restaurant which is located at Lot 600 (No. 148 to 158) Scarborough Beach Road, Mount Hawthorn.

This Development Application is lodged pursuant to clause 77, Part 9, Schedule 2 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015 (P&D Regulations)*.

The Application is submitted to seek the approval of the City to amend Condition 2 of the existing Development Approval by extending the duration of the decision for the canopy structure and café blind addition to the alfresco dining area of Spritz which was granted under delegated authority on 6 November 2018. (City's Ref: **5.2018.159.1**)

The extension of the approval is sought to facilitate a further five (5) year approval period for the canopy structure and café blinds. The structure with its motorised blind system is essential to the operation of the alfresco area. It protects customers from all types of weather conditions making it possible for this popular outdoor dining area to remain open throughout the year. It is the year round activation of the alfresco area which has created the vibrancy and activity now seen in this section of Scarborough Beach Road, at the heart of the district centre of Mount Hawthorn. For these reasons, we seek the City's support to approve an extension of the duration of the development approval to allow for the canopy structure and motorised blind system to remain in place.

All conditional requirements of the existing approval are to remain unchanged and upheld.

Accordingly, please find attached the completed Development Application Form and MRS Form 1, which are signed by the Directors of *Hyde Park Management Ltd*, the company which owns the subject tenancy. In addition to that, we also attach a copy of the current Certificate of Title (**Annexure 1**), and a copy of the current Development Approval and stamp approved plans and certified building permit drawings (**Annexure 2**).

The following report provides a summary of the details of the canopy structure system together with the planning justification in support of canopy structure and alfresco blind system remaining in place and unmodified for a further five year period.

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PLAN.  
Town Planning and Urban Design Consultant  
mb: 0414 384 972, email: [clare@planwa.au](mailto:clare@planwa.au)  
Trading for PLAN (WA) Pty Ltd

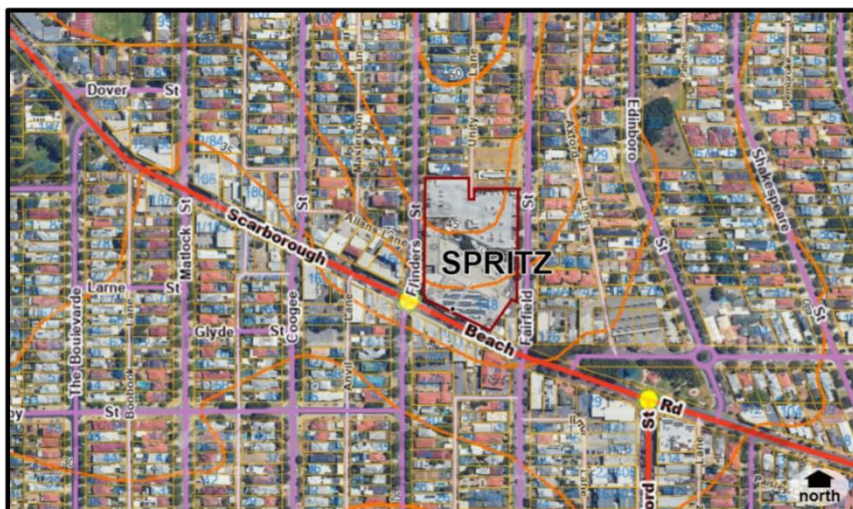
**1.0 THE SITE AND SURROUNDING ENVIRONS**

Spritz is a thriving Italian restaurant situated in the heart of the Mount Hawthorn District Centre at 148-158 Scarborough Beach Road, Mount Hawthorn.

The site details and project information are summarised below at **Table 1**.

<b>TABLE 1: SUMMARY TABLE</b>	
<b>Landowner:</b>	Hyde Park Management Ltd
<b>Property Description:</b>	Lot 600 (No. 148-158) Scarborough Beach Road, Mount Hawthorn
<b>Existing Development Approval:</b>	Addition to Café – canopy structure and café blinds. Serial No: 5.2018.159.1 Approval date: 6 November 2018
<b>Certificate of Title:</b>	Volume 2598, Folio 388
<b>Local Government Authority:</b>	City of Vincent
<b>Local Planning Scheme:</b>	Local Planning Scheme No. 2
<b>Zoning:</b>	District Centre
<b>Built Form Area:</b>	Town Centre
<b>Proposal:</b>	This Application is submitted under clause 77 of Schedule 2, Part 9, of the Deemed Provisions of the <i>Planning and Development Regulations 2015</i> . The proposal seeks to amend Condition No. 2 the development approval by extending the duration of the development approval. This will allow for the canopy structure and café blinds to remain in place for a further five (5) year period, from the date of the extended approval.

Spritz is located on the northern eastern side of Scarborough Beach Road and has a southwestern frontage to it. It is a tenancy which forms part of the strip of commercial tenancies of The Mezz shopping centre which shops have frontages to and are accessible directly from the footpath on Scarborough Beach Road. (Refer below to **Figure 1**: Location of Spritz within the District Centre of Mount Hawthorn.



**Figure 1:** Location of Spritz within the District Centre of Mount Hawthorn (source: landgate)

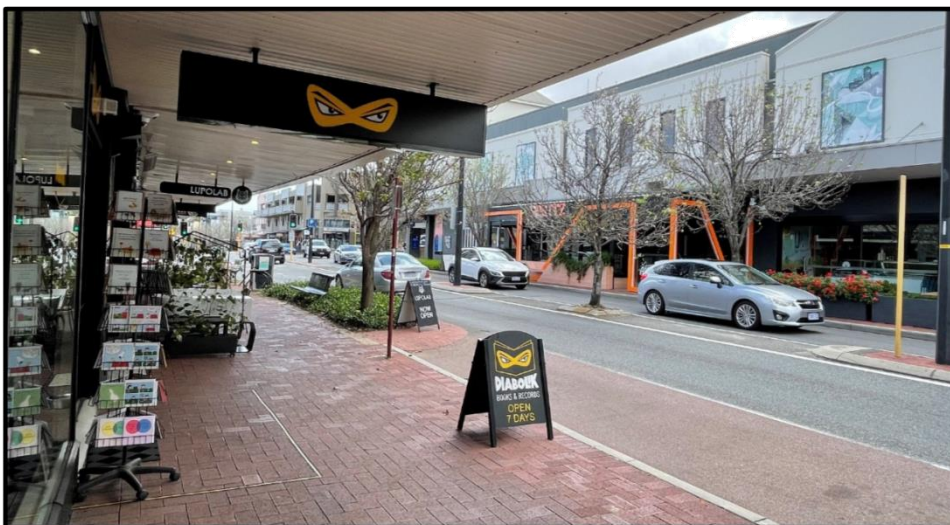


The introduction of the structural canopy shelter to the alfresco area has significantly and positively contributed to the success of Spritz and added to the vibrancy of this commercial strip. The canopy is a striking design and offers a comfortable place for customers to sit and enjoy a meal whilst actively engaging with the street. It is also regularly utilised outside of the operating hours of Spritz by the local community as a casual seating area.

The photographs below illustrate the high quality of the design of the structure which fits within and adds to the character and identity of this commercial strip.



**Photograph 1:** Standing on the southwestern side of Scarborough Beach Road looking in a north westerly direction towards Spritz. Note: The unique design of the canopy structure creates a visual marker in the streetscape which positively adds to the unique identity and character of Mount Hawthorn.



**Photograph 2:** Standing on the southwestern side of Scarborough Beach Road looking in a north westerly direction towards Spritz. The design is inviting and sits comfortably in the streetscape. The extent of visibility through the canopy structure is like the adjacent tenancy, with the visibility being impacted only by the trees in the median, the planter boxes and the shadow cast by the awnings.



**Photograph 3:** Standing on the southwestern side of Scarborough Beach Road looking towards the canopy structure. Note: the design retains visibility and accessibility through the space, inviting pedestrian movement through and within it.



**Photograph 4:** Standing on the northeastern side of Scarborough Beach Road in the pedestrian footpath clear zone between the alfresco dining area and the internal dining area of the restaurant. Note: The tables and chairs are removed from the space and the motorised blinds are retracted, as Spritz was not open for trade when the photograph was taken and the weather conditions at this time of the day did not require the blind system to be activated to shelter the space. This space is available to the community to use when the restaurant is not open.



**Photograph 5:**

Looking in a north westerly direction along the footpath between the alfresco dining area and the internal dining space of Spritz. Note the high level of visibility maintained through the structure and the unimpeded pedestrian movement along the footpath.

## 2.0 THE EXISTING STRUCTURE AND MOTORISED BLIND SYSTEM

The engineered steel frame of the canopy structure is designed with a motorised louvre roof and café blind system, lighting and heat lamps. The roof is fixed with flashing, gutters and downpipes that connect to the stormwater drainage system. This structure is specifically designed to provide customers of Spritz the opportunity to enjoy alfresco dining on the main street during all weather conditions. A copy of the **Development Approval** and the **certified building permit plans** which detail the engineered design are attached at **Annexure 2**.

The location and orientation of the restaurant tenancy has limited (if any) protection from the weather. The frontage of the tenancy is severely impacted by wind, rain and sun due to its position on the northeastern side of Scarborough Beach Road and its orientation to the southwest. This canopy structure and its motorised louvre roof and blind system allows the owners to discreetly open and lower blinds and activate the louvers on the roof to respond to changing weather conditions throughout the day. This ensures the alfresco dining area remains an inviting and engaging space for customers to enjoy across all seasons. It is the year round activation of this alfresco area which is the key driver behind the success of Spritz in this location, with alfresco dining being the preferred choice of seating area for its customers.

The ability to use of the alfresco dining area throughout the year has meant that Spritz has been able to retain its staff on a permanent basis to cater for the 100 seat capacity. Spritz employs 8-10 staff at the restaurants at any one time, many of which live locally. The retention of the structure is necessary to ensure the continued viability of this restaurant is maintained and its staff gainfully employed. It is an unavoidable reality that the removal of the canopy structure and its motorised louvre and blind system will mean that the alfresco area will not be able to be used for much of the year. The outcome being that customer numbers will rapidly decline as many will choose more reliable restaurant environments to visit, which offer alfresco areas in locations which are less exposed to the changes in weather.

It is also relevant to acknowledge the significant contribution made by Spritz in reactivating this section of the main street of Mount Hawthorn. This has been made possible by the installation of this canopy structure system to the alfresco area which draws people to the venue all year round. The activation of the strip by this restaurant has generated a substantial amount of foot traffic and passing trade for the many local businesses operating along Scarborough Beach Road. This is because customers of Spritz will often take the opportunity to visit the independent retailers and boutiques operating along the main

#### 4.0 CONCLUSION

The integrated canopy and motorised blind system is a high quality, attractive and robust structure which remains appropriate for use by the Spritz restaurant in this location. It provides a site specific solution to facilitate the use of the alfresco dining in this area of the commercial strip of Mount Hawthorn which would otherwise be severely compromised and limited due to its exposure to the changes in the weather. The retention of the canopy structure with the motorised blind system will allow for the alfresco space to remain functional and comfortable for customers to enjoy throughout the year. It is an essential contributor to the ongoing success of the restaurant and the pedestrian activation of this road.

The structure is consistent with the City's requirements. It maintains visibility, allows for unimpeded pedestrian movement along the footpath and through the structure for pedestrian crossing of Scarborough Beach Road. It is an inviting space for customers to dine and is available for use by the community outside of operating hours. The structure positively contributes to the vibrancy and unique identity of the district centre of Mount Hawthorn, as envisaged by the City. It is for all these reasons, we respectfully seek the City's support to grant an extension to the duration of the approval to allow the canopy structure and blind system to remain for a further five (5) year time limited period, pursuant to clause 77 of Schedule 2 of the Deemed Provisions of the P&D Regulations.

We trust that the information provided in this Application is sufficient for staff's assessment. However, should staff have any queries, the writer is available on 0414 384 972 or [clare@planwa.au](mailto:clare@planwa.au).

Yours sincerely



**Clare McLean**  
Director

cc: *Messrs M Talardo and F Tambasco of Spritz Spizzicheria*  
*Ms B Moharich, Director – Moharich & More.*

street after dining at the restaurant. The striking unique design of the canopy structure is now embedded in the built fabric of this area and recognised as a landmark in Mount Hawthorn. It is an aesthetic form and appropriate in scale, which is sought to be retained for the ongoing activation of the alfresco area by Spritz, to the benefit of the local community more generally.

### 3.0 THE PLANNING FRAMEWORK

The planning framework has not changed since the Development Approval was granted for the canopy structure and café blind system.

The subject tenancy remains zoned 'District Centre' in the City's *Local Planning Scheme No. 2 (LPS 2)* and 'Urban' in the *Metropolitan Region Scheme (MRS)*.

The tenancy is approved for use as a 'Restaurant/Café', with the alfresco dining area and canopy structure forming part of that approved land use. The land use of 'Restaurant/Café' remains a permitted ('P') use in the District Centre zone.

The site continues to be identified as part of the 'Town Centre' Built Form Area of City's *Local Planning Policy 7.1.1*.

The alfresco area and the canopy structure system remain compliant with the requirements of LPS 2 and other associated policies.

The canopy structure as constructed was approved by the City's Planning Department on 6 November 2018 under delegated authority. A Building Permit was issued by the City on 23 April 2019. The structure is constructed and continues to be used in accordance with the requirements of the City's approvals. A copy of both the Development Approval and Building Permit are attached at **Annexure 2**.

Condition No. 2 of the Development Approval states:

- '2. *This approval for the canopy structures and café blinds is valid is (sic) for a period of five (5) years from the date shown above. Following expiry of this period, the permanent canopy structure shall be removed at the owner's cost and the road reserve made good, unless a further development approval is granted by the City.*

The reference in the wording of the condition that the period of five (5) years is to be taken from the 'date shown above' is presumed to mean the date that the approval was issued by the City, which is not stated above the condition. The only date references above the condition are the date of the submitted plans, and the date that the application was received. The reference is therefore taken to mean the date stated 'below', being the date of the decision stated on page 4 of the approval as 6 November 2018.

All conditions of the approval are to remain unchanged and will continue to be upheld.

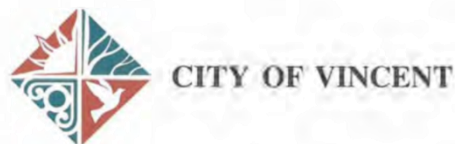
This Application seeks only to extend the duration of the approval, which will amend Condition No. 2 to reference the date of the extended approval as being the start of the further five (5) year approval period for the canopy structure and café blind system.

For information purposes, we also attach a copy of the current **public liability insurance** held by Spritz at **Annexure 3**, as required by Condition No. 10 of the approval.

On the basis that the planning framework has not changed since the last approval was granted and the planning reasons given in support of this application that we respectfully seek the City's approval to extend the duration of the approval and in doing so amend Condition No. 2 to permit another five (5) year approval period for the canopy structure and blind system, under clause 77 of Schedule 2 of the Deemed Provisions of the P&D Regulations.

**ANNEXURE 2**  
*Development Approval  
and Building Permit*

ENQUIRIES TO: Natasha Trefry  
Approval Services, (08 9273 6568)  
OUR REF: 5.2018.159.1



6 November 2018

McArtney \$ Associates Pty Ltd  
16 Angelico Street  
WOODLANDS WA 6018



Dear Sir/Madam,

**NO. 148-158 SCARBOROUGH BEACH ROAD MOUNT HAWTHORN (LOT: 600 D/P: 47025) – PROPOSED ADDITION TO CAFE**

I refer to your Application for Approval to Commence Development dated 04 May 2018 for the above proposal.

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

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

I trust that the information is to your satisfaction, however if you have any enquiries regarding the above matter, please do not hesitate to contact Natasha Trefry on 08 9273 6568.

Yours sincerely

**JOSLIN COLLI  
COORDINATOR PLANNING SERVICES**

Cc. *Hyde Park Management Ltd*  
*C/- Hawaiian*  
*Ground Floor, 235 St Georges Terrace*  
**PERTH WA 6000**

Administration & Civic Centre  
244 Vincent Street (Cnr Loftus),  
Leederville, Western Australia 6007

PO Box 82,  
Leederville WA 6007

Tel: (08) 9273 6000  
Fax: (08) 9273 6099

Email: [mail@vincent.wa.gov.au](mailto:mail@vincent.wa.gov.au)  
[www.vincent.wa.gov.au](http://www.vincent.wa.gov.au)



- 2 -

*Planning and Development Act 2005*

City of Vincent

**Notice of determination on application for development approval**

Location: No. 148-158 Scarborough Beach Road MOUNT HAWTHORN

Lot, Plan/Diagram: LOT: 600 D/P: 47025

Vol. No: 2598

Folio No: 388

Application date: 04/05/2018

Received on: 04/05/2018

Serial No: 5.2018.159.1

Description of proposed development: Addition to Cafe

Plans dated: 29 June 2018

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

1. This approval is for proposed canopy structure and café blinds as shown on the approved plans dated 29 June 2018.
2. This approval for the canopy structures and café blinds is valid is for a period of five (5) years from the date shown above. Following expiry of this period, the permanent canopy structure shall be removed at the owner's cost and the road reserve made good, unless a further development approval is granted by the City.
3. This approval is issued to the owner and operator of Spritz Spizzicheria.
4. The alfresco blinds shall remain visually permeable in appearance at all times to the satisfaction of the City.
5. The alfresco blinds shall be rolled up at the close of business each day.
6. The owner has a non-exclusive right to use the portion of the road reserve area as an alfresco area in connection with the operation of Spritz Spizzicheria, with a 1.5m pedestrian access way being provided at all times to enable the public to pass through the area;
7. Only the canopy structure and café blinds which forms part of this approval may be located within the road reserve area. Any alterations or additions to these structures will require the approval of the City (and Minister in some circumstances);
8. The owner shall maintain at its cost the structure forming part of the proposed development on the land and constructed over the road reserve adjacent to the proposed development to the satisfaction of the City and in accordance with the provisions of Regulation 17 of the Local Government (Uniform Provision) Regulations 1996 (as amended from time to time).
9. The owner indemnifies and agrees to keep indemnified the State, the Crown, all Ministers of the Crown, and all officers, servants, agents, contractors, invitees, and licensees of any of them against all actions, claims, costs, proceedings, suits and demands



- 3 -

whatsoever arising or connected with the canopy forming part of the proposed development over the road reserve or use of the road reserve in connection with the canopy structure which may at any time be incurred or suffered by the licensee or brought, maintained or made against the Minister for Transport; Planning; Lands or the State, the Crown, all Ministers of the Crown, and all officers, servants, agents, contractors, invitees, and licensees.

10. The owner shall take out and maintain at its cost a policy of public liability insurance not less than \$20,000,000 to insure the City and the owner against all claims for loss or damage or injury occurring to any road reserve or property of the City or any person or property of any person as a result of the construction of the awning forming part of the proposed development over the road reserve adjacent to the proposed development or in respect of the use of the road reserve in connection with the awning forming part of the proposed development. A copy of the certificate of insurance is to be provided to the City annually and on demand.
11. The applicant is to ascertain the location and depth of any services that may interfere with this development. Any adjustment to these services required as part of this approval, must be arranged by the applicant prior to works commencing on the site. Any adjustment must be approved by the relevant service authorities and will be at the applicant's expense.
12. The applicant agrees to repair, maintain and remove the canopy structure at its cost, including to enable access by the City or utility providers.
13. The road reserve area comprising the permanent canopy structure shall be kept in a neat and tidy condition at all times to the satisfaction of the City.
14. If the road reserve is required for use as part of the road at any time the City may terminate the approval and require that the applicant remove the permanent canopy structure, and no compensation will be payable to the applicant.
15. All stormwater produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City;


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. With regard to Condition 15, no further consideration shall be given to the disposal of storm water 'off site' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of storm water 'off site' be subsequently provided, detailed design drainage plans and associated calculations for the proposed storm water disposal shall be lodged together with the building permit application working drawings;
3. This approval is subject to the applicant holding an alfresco permit for the alfresco area at all times (in the event that the applicant is not issued with an alfresco permit this approval will immediately terminate);
4. At expiry of the approval the applicant must remove all structures from the road reserve and restore the road reserve to the reasonable satisfaction of the City, at the applicants cost.

- 4 -

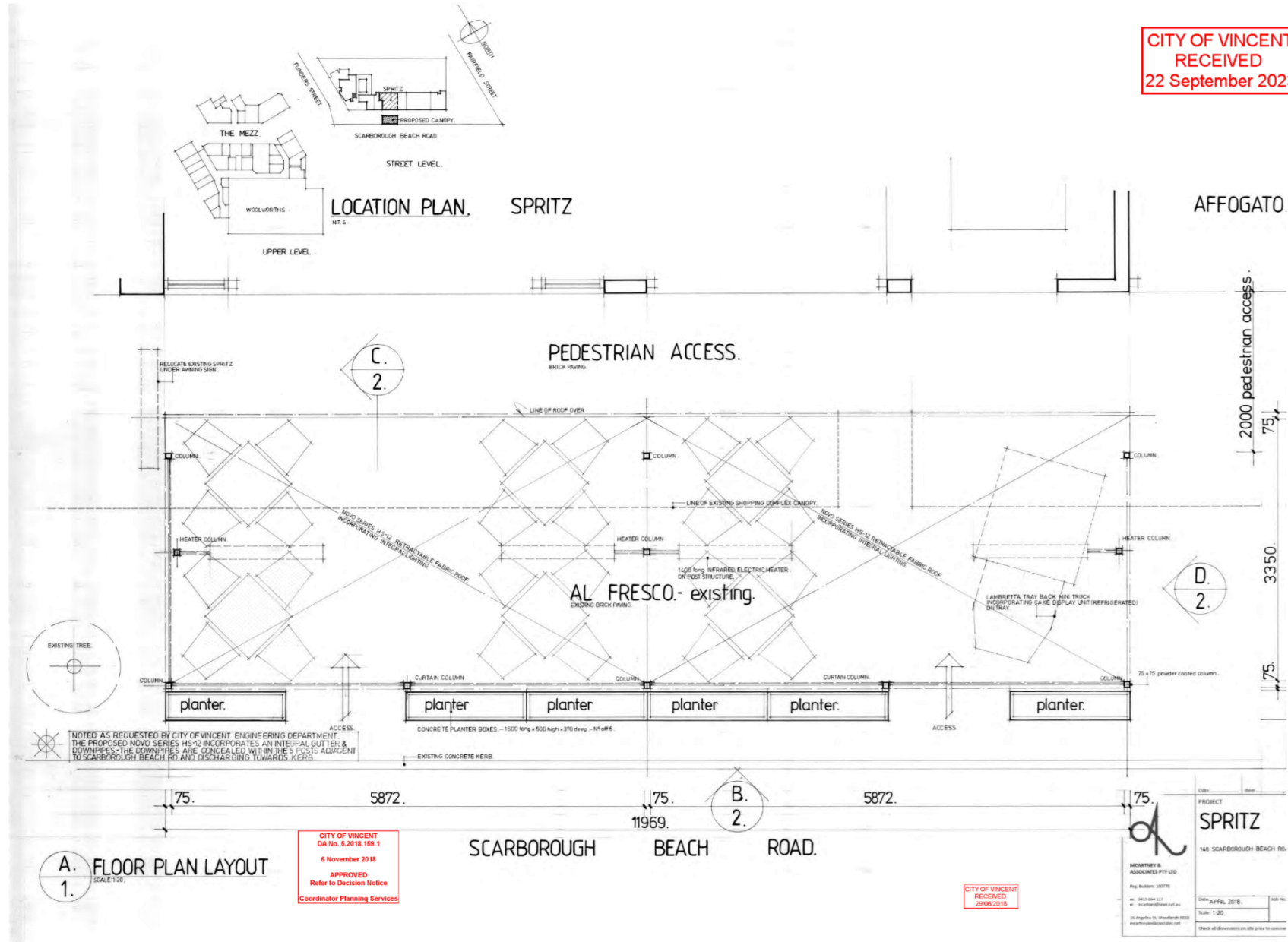
Date of determination: - 6 November 2018

- Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
- Note 2: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
- Note 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

Signed:  Dated: 6 November 2018

**JOSLIN COLLI**  
**COORDINATOR PLANNING SERVICES**  
for and on behalf of the City of Vincent

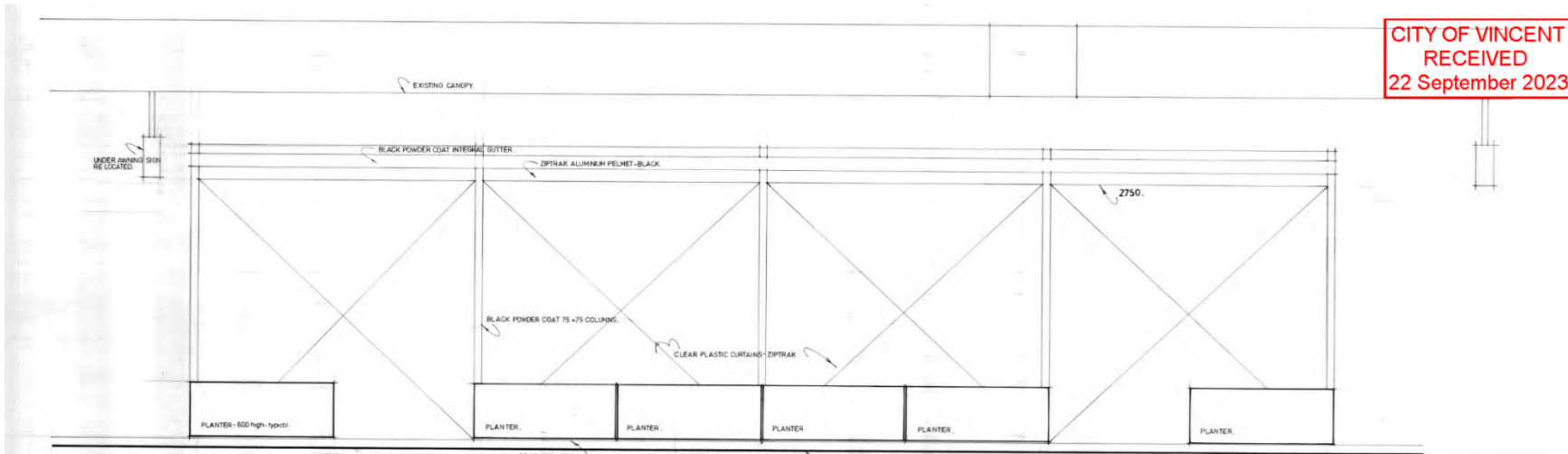
CITY OF VINCENT  
RECEIVED  
22 September 2023



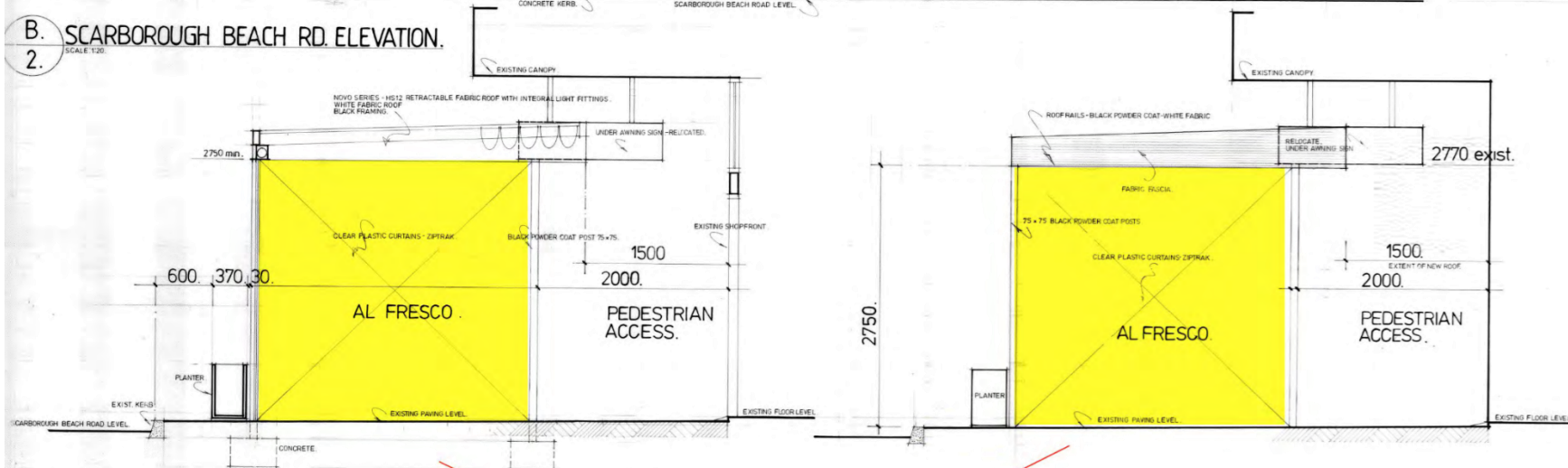
CITY OF VINCENT  
DA No. 5.2018.169.1  
6 November 2018  
APPROVED  
Refer to Decision Notice  
Coordinator Planning Services

CITY OF VINCENT  
RECEIVED  
20/06/2018

CITY OF VINCENT  
RECEIVED  
22 September 2023



B. SCARBOROUGH BEACH RD. ELEVATION.  
SCALE: 1/20



C. SECTION.  
SCALE: 1/20

D. END ELEVATION.  
SCALE: 1/20

CITY OF VINCENT  
DA No. 5.2018.165.1  
6 November 2018  
APPROVED  
Refer to Decision Notice  
Coordinator Planning Services

Refer Conditions 2 and 3

CITY OF VINCENT  
RECEIVED  
29/06/2018

<p>McCarthy &amp; Associates Pty Ltd Reg. Architects 1987/79 10/103 Bell St Melbourne VIC 3000 24 Anglicka St, Westlands NSW melbourne@mcarchitects.net</p>	<p>PROJECT <b>SPRITZ</b></p> <p>TAB SCARBOROUGH BEACH ROAD, NEIGHBOURHOOD</p>
	<p>DATE: APRIL 2018</p> <p>SCALE: 1:20</p> <p>SK1<sub>a</sub></p>

# PERMIT

FORM **BA4**

## Building permit

*Building Act 2011, section 25*  
*Building Regulations 2012, regulation 4, 21*

Permit number  
 BP 6.2019.212.1

### 1. Builder details

Builder's name	Altima Construction
Postal or Street address	PO Box 1345, OSBORNE PARK WA 6916,
Registration number or owner-builder approval number (if applicable)	100779

### 2. Details of building work

Property street address	LOT: 600 D/P: 47025 148-158 Scarborough Beach Road, MOUNT HAWTHORN 6016	
Nature of the building work	Construction of new covered alfresco area within road reserve adjacent to existing Spritz Spizzicheria Café.	
Stage(s) of work	Not applicable	
BCA class of the building	Main BCA class 10a	Secondary BCA class (for multi-purpose buildings) Not applicable
	Use(s) of the building	Alfresco Dining
Estimated value of building work (as determined by permit authority)	\$100000	

**3. Applicable certificate of design compliance**

**Certificate of design compliance issued by:**

Building surveying contractor/public authority's name	Modus Compliance Pty Ltd	
Phone/fax	Phone no 9444 5922	Fax Nil applicable
Email address	info@modcom.net.au	Date 25/01/19

**4. Permit details**

**All building work permitted by this permit:**

1. Must be carried out in accordance with the plans and specifications specified in the applicable certificate of design compliance for this building permit.
2. Must be carried out in accordance with any conditions set out below:

**BUILDING CONDITIONS**


This Building Permit is approved subject to compliance with the Building Act 2011, Building Code of Australia (BCA), Building Regulations 2012, and Council Local Laws, unless Council agrees in writing to waive or vary those conditions. Please refer to the attached "**Building Permit Advice Notes**" for further builder obligations in relation to this permit.

This amended Building Permit is to be read in conjunction with the documents and conditions associated with Building Permit **6.2019.58.1** issued on **25 Feb 2019**.

3. Must be inspected and tested as prescribed under section 36(2)(a) of the *Building Act 2011* (refer to the certificate of design compliance for the applicable list of inspections and tests that are to be listed here):

Inspections and tests

4. A permit granted to do one or more stages of building work does not automatically entitle a person to be granted a further building permit for any other stage of the building work.
5. This permit is valid for two years from the date of this permit.

<b>Issuing officer</b>	Name Adam Freeman	Job title Delegated Officer
	Signature 	Date 23 Apr 2019
<b>Permit authority</b>	City of Vincent	



CITY OF VINCENT

Street address: 244 Vincent Street (corner of Loftus Street), Leederville,  
Western Australia, 6007

Postal address: PO Box 82, Leederville WA 6902

Tel: (08) 9273 6000 Fax: (08) 9273 6099

## **BUILDING PERMIT ADVICE NOTES**

Being for LOT: 600 D/P: 47025 148-158 Scarborough Beach Road, MOUNT HAWTHORN 6016  
**BUILDING PERMIT NO: 6.2019.212.1**

### **DILAPIDATION SURVEY**

Where this building permit is subject to a large scale project you are now advised that it is in your best interest to notify surrounding property owners and offer the option of a dilapidation survey. You as the responsible person named on this building permit accept all accountability of the detrimental effect construction work has on neighbouring properties. Copies of all Dilapidation reports may be forwarded to the City for the purposes of record keeping.

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### **BUILDING**

The builder must, within 7 days of completion of the work, for which the permit was granted, give **Notice of Completion (BA7)** form to the relevant permit authority. The notice of completion must –

- a) be in an approved form; and
- b) state the work for which the permit was granted, is completed; and
- c) be accompanied by a copy of a certificate for each inspection or test mentioned that applies to the permit.

**Penalties may apply**

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### **SWIMMING POOL / SPA**

Swimming Pool / Spa area shall be protected by barriers complying with AS1926 part 1 & 2 at all times, including associated boundary fences

When a temporary barrier is required to be installed to protect the swimming pool / spa area before the Permit Authority approved barrier can be installed. The temporary barrier is to comply with AS1926 part 1 & 2; it is to be a permanent structure as defined in the standard and the surface beneath the barrier shall be permanent and not easily removed or eroded by a young child, animals or weather.

Noise levels created by the swimming pool or spa pool, or by the equipment relating to the swimming pool or spa pool, must not exceed those noise levels permitted by the *Environmental Protection (Noise) Regulations 1997*.

Water recirculation and filtration systems must be maintained in accordance with AS 1926.3-2003 (as amended).

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All construction work, subject of this Building Permit, shall not be commenced until the Water Corporation approval has been issued or notification from Water Corporation that such approval is not required.

**Penalties may apply**

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This permit does not constitute approval for any works associated with the proposed development that are not explicitly indicated on the **Certificate of Design Compliance**. This particularly applies to retaining walls, decks and changes in ground levels. Any building, structures or earthworks undertaken that are not part of this approval will be considered unauthorised building works by the City.

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If you are aggrieved with the conditions of the Building Permit you are able to apply to the State Administrative Tribunal for review under the *Building Act 2011*.

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### **STORMWATER, SURFACE WATER & SUBSOIL DISPOSAL FOR SINGLE RESIDENTIAL LOTS**

**The issue of this Building Permit does not signify approval of the stormwater drainage disposal installation shown or described on the site plan.** It is the responsibility of the Builder to ensure the proposed stormwater disposal system complies with the requirements of the City. The City can be contacted to confirm the acceptable water disposal system for this property on **9273 6000**

It will remain the responsibility of the Registered Builder/Owner Builder, regardless of the subsequent sub-contract arrangements or any notations on plan, to ensure compliance with the City's requirements for the design and installation of stormwater disposal systems.

**SWIMMING POOL WATER DISPOSAL**

Swimming pool and/or spa pool must have adequate means of draining the pool in a manner that will not cause illness to people or affect other property. No water is to be deposited down the septic or leach drain systems. For more information = [WQPN 55 Swimming pools May 14 - water.wa.gov.au](#).

**PLANNING**

Persons responsible for the application of this Building Permit are required to ensure compliance with (where applicable) Development approvals, City's Planning Schemes and policies, Local Development Plans, Residential Design Codes and the Metropolitan Redevelopment Authority Regulations.

**HEALTH****PREVENTION OF WIND BLOWN REFUSE**

The builder is responsible for ensuring that adequate measures are taken to contain refuse produced on the building site and prevent it from being blown off the site.

**Infringement Notices may be issued.**

**PREVENTION OF WIND BLOWN SAND AND DUST**

The owner or occupier of any building site must take all practicable measures to prevent sand or dust deposited or created on the site from escaping the site.

Where the nature of the building activity is likely to generate wind-blown sand or dust, an Air Quality Management Plan must be submitted for approval prior to any clearing, earthworks or other site works. For information about preparation of an Air Quality Management Plan, contact the City's Health Services.

**Infringement Notices may be issued**

**EXCESSIVE NOISE**

The Environmental Protection Act imposes stringent restrictions on the creation of excessive noise outside prescribed hours. Construction work is only permitted between 07:00-19:00 hrs on any day which is NOT a Sunday or Public Holiday.

If construction is to occur outside these hours then compliance with Regulation 13 of the Environmental Protection (Noise) Regulations 1997, which includes the submission and approval of a Noise Management Plan, is required prior to the commencement of work.

**Penalties may apply**

**Health Conditions**

- (1) The proposed development is satisfactory to the Health Services subject to compliance with the following legislation (as amended)-
  - Health Act 1911 (as amended);
  - Local Government Act 1995
  - Occupational Safety and Health Act/Regulations (dust control, safe work practices governed by Worksafe WA)
  - Health Act (Laundries and Bathrooms) Regulations;
  - City of Vincent Health Local Law 2004;
  - Metropolitan Water Supply, Sewerage and Drainage Board By-laws 1981;
  - Environmental Protection Act 1986 (Noise and Unauthorised Discharge Emissions);
  - Health (Asbestos) Regulations 1992;
  - Sewerage (Lighting, Ventilation and Construction) Regulations 1971
  - Code of Practice for the Reuse of Greywater in WA
  - Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974; and
  - Health (Temporary Sanitary Provisions) Regulations 1997
- (2) In accordance with the City of Vincent Health Local Law 2004 and requirements of the Local Government Act 1995 (s.3.25) all **stormwater** shall discharge clear of the building(s) and disposal must not cause erosion, corrosion, or other defects as a result of the method of disposal. If these are likely to occur, then disposal must be into sealed impervious drains, which shall empty into a soakwell (to be located a minimum of 1.8m from footings and boundary fences), or other suitable stormwater scheme. If discharge of water is to surface, it shall not be allowed to flow to adjoining property (publicly or privately owned).
- (3) Sound levels created shall not exceed the provisions of the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*. All construction work must be carried out in accordance with control of noise practices described in Section Six (6) of AS2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites"
  - The equipment used for the construction work must be the quietest reasonably available;
  - Construction work is not to commence before 7.00am, or carry on after 7.00pm on Monday to Saturdays;
  - No construction work is permitted on Sundays or Public Holidays.



Should work need to be undertaken out-of-hours, the builder/developer is to submit a Regulation 13 application to the City's Health Services, seeking approval for an exemption – the application is to be accompanied by a Noise Management Plan – exemptions will only be considered where a demonstrated need and justification exists (safety concerns with Main Roads etc).

#### **Health Advisory Notes**

(1) Site signage is to be provided with wording of no less than 80mm height that reads as follows:

- "CONSTRUCTION WORK TIMES FOR THIS SITE ARE 7.00AM - 7.00PM MONDAY TO SATURDAY ONLY". PLEASE CONTACT THE (*responsible person to be inserted eg site supervisor*) ON TELEPHONE NUMBER (*relevant number to be inserted*) SHOULD PROBLEMS IN RELATION TO BUILDING NOISE OCCUR OUTSIDE THE ABOVE PERMITTED HOURS; or
- In circumstances where approval to work outside of these hours has been granted by the City's CEO, the wording shall remain as above, however with the approved hours to be specified in place of 7.00AM - 7.00PM MONDAY TO SATURDAY.

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#### **ENGINEERING**

##### **NO MATERIALS TO BE DEPOSITED ON VERGE OR RIGHT OF WAY WITHOUT PRIOR APPROVAL**

No person shall deposit stones, bricks, lime, rubbish, timber, iron, or other materials on a street, way, or other public place, nor make an excavation on land abutting or adjoining a street, way, or other public place, unless authorised to do so by an Act or unless the applicant has first obtained from the local government in whose district the street, way, public place, or land is situated a licence in writing for that purpose, nor unless, in the case of an excavation the applicant has securely fenced off the place where it is to be made from the street, way, or other public place, nor unless he complies with the conditions, if any, of the permit.

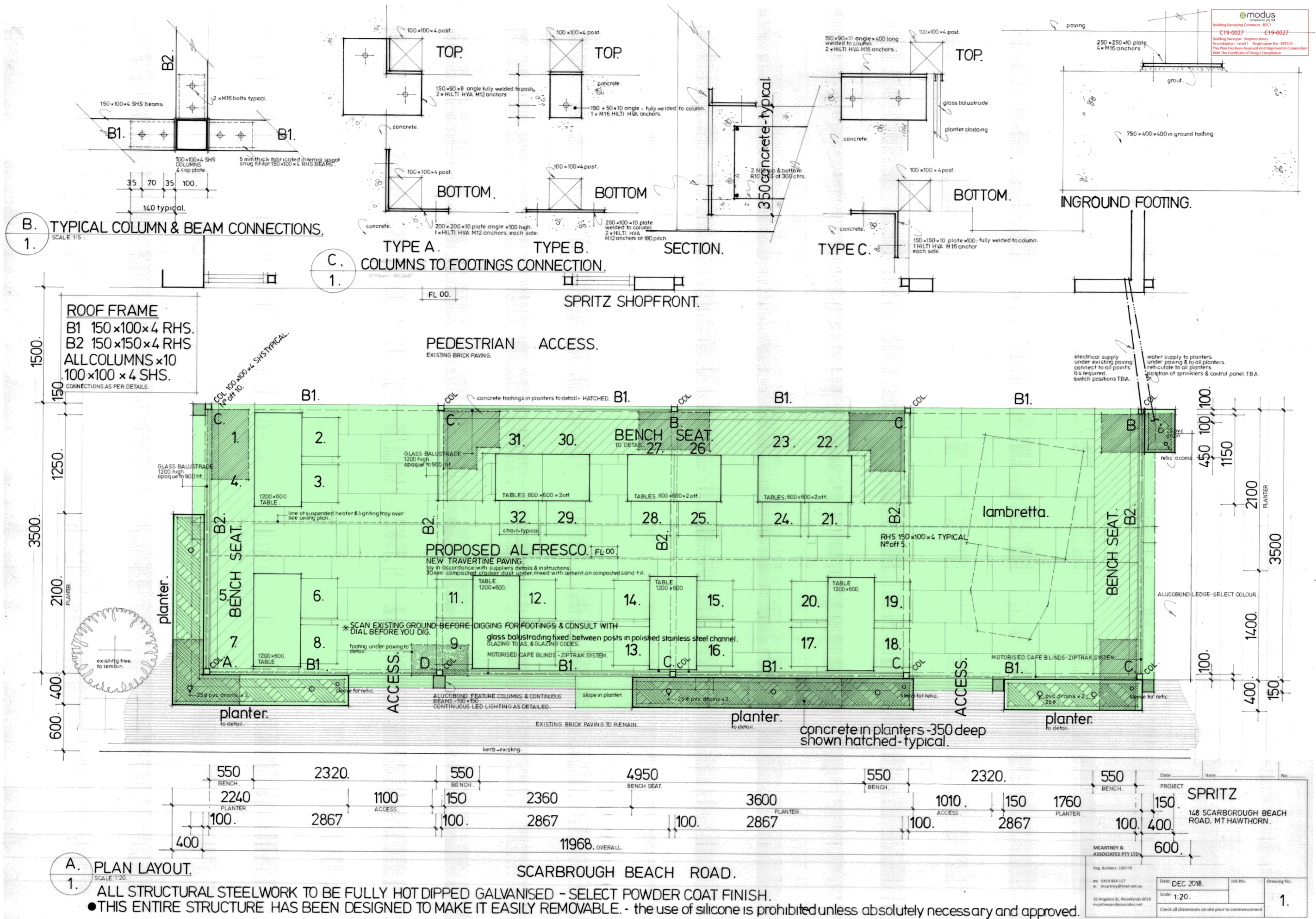
##### **Penalties may apply**

Contact Technical Services on **9273 6000** for further information on requirement and your obligations.

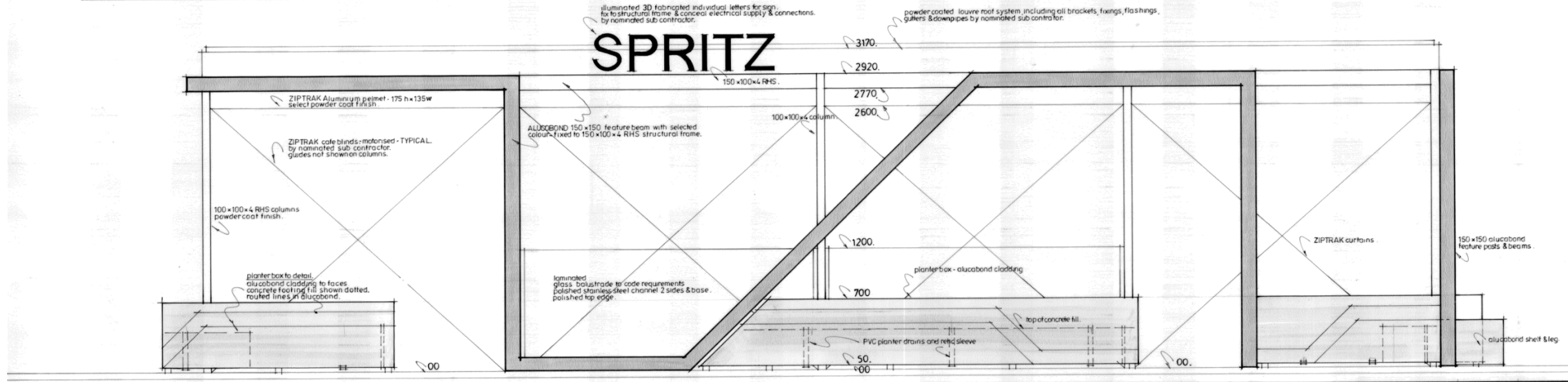
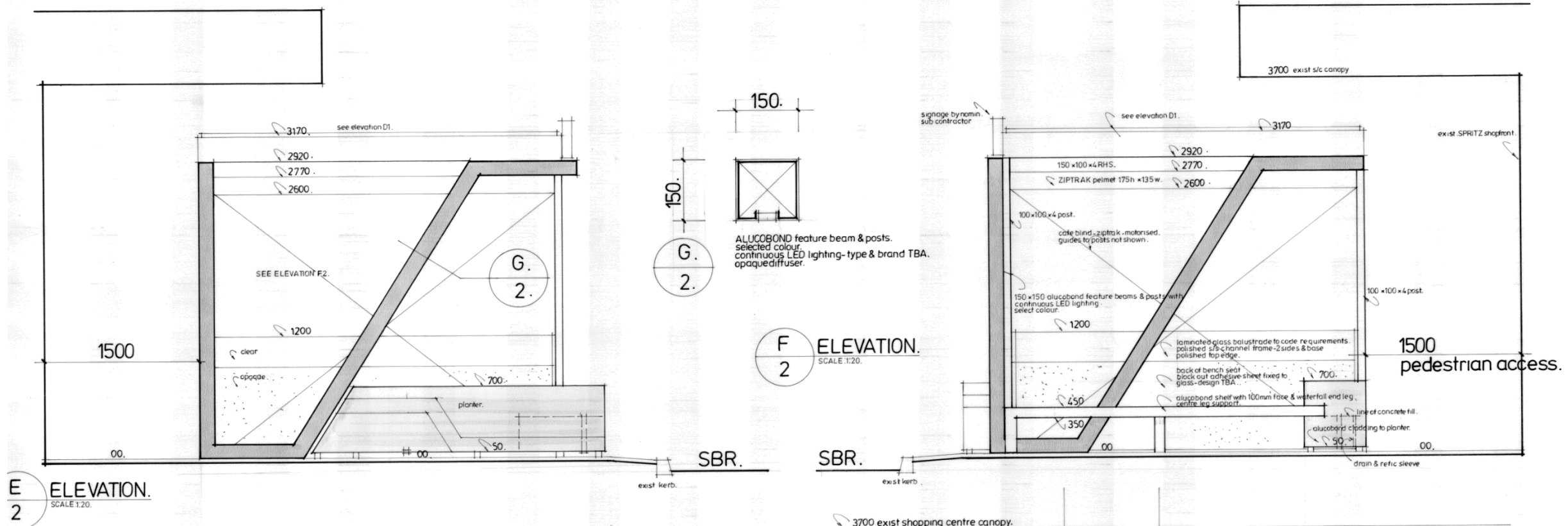
##### **Engineering Conditions**

nil

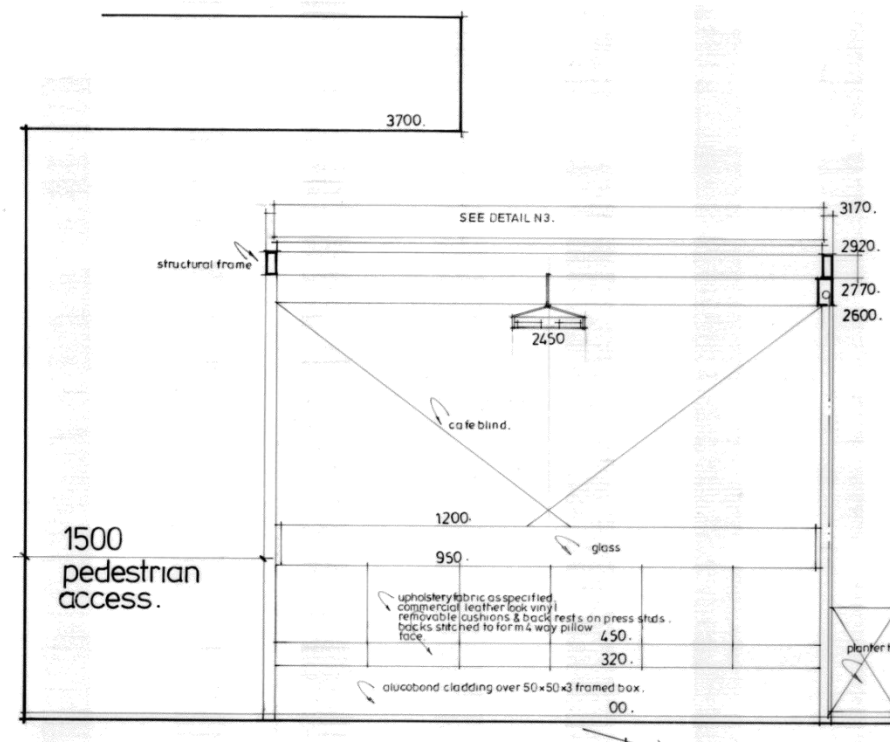
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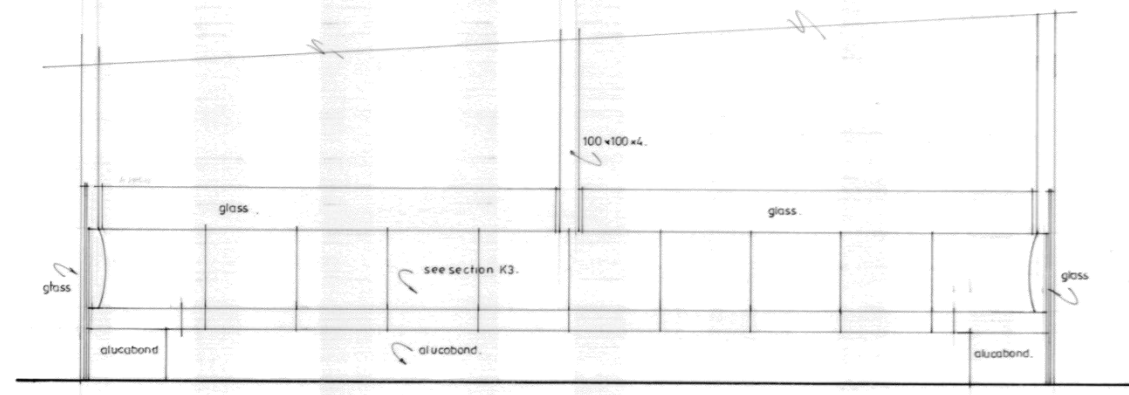
modus  
 Building Surveying Contractors (NSW)  
 C19-0027 C19-0027  
 Accreditation - Level 1 Registration No: 89223  
 This Plan Has Been Assessed And Approved In Conjunction  
 With The Certificate of Design Compliance



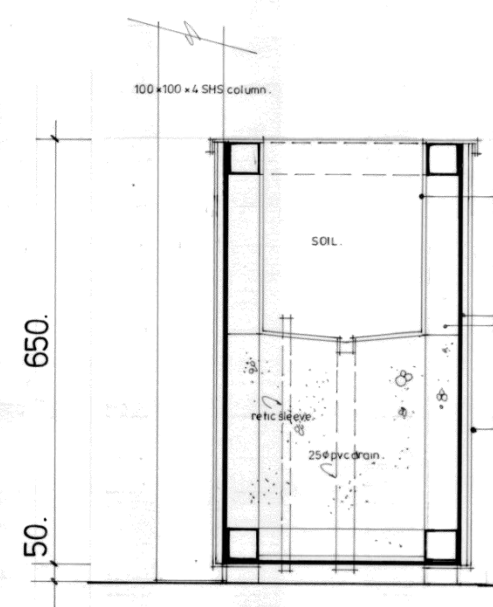
Amendments	Date	Item	No.
<p>PROJECT <b>SPRITZ.</b>                  148 SCARBOROUGH BEACH                  ROAD, MT HAWTHORN.</p>			
<p>MCARTNEY &amp;                  ASSOCIATES PTY LTD                  Reg. Builders: 100779</p>			
<p>Date: <b>DEC 18.</b></p>		Job No.	
<p>Scale: 1:20.</p>		Drawing No.	<b>2.</b>
<p>16 Angelica St, Woodlands 6038                  mcartneyandassociates.net</p>			
<p>Check all dimensions on site prior to commencement</p>			



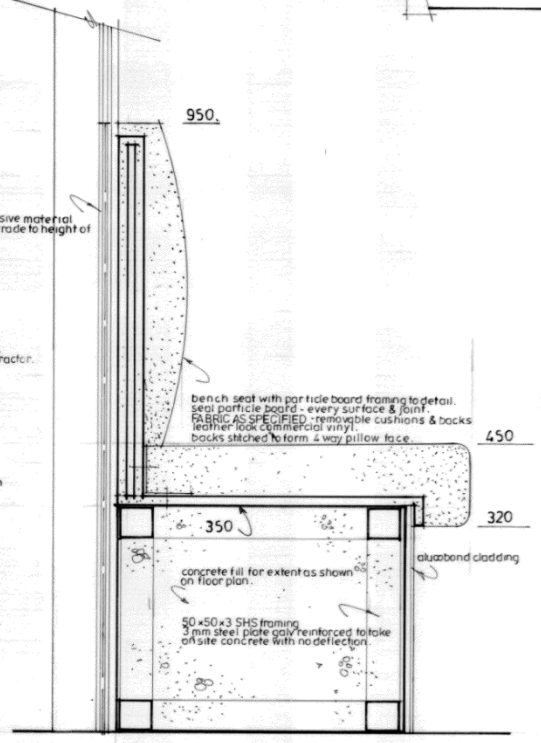
**K. SECTION.**  
3. SCALE: 1:20.



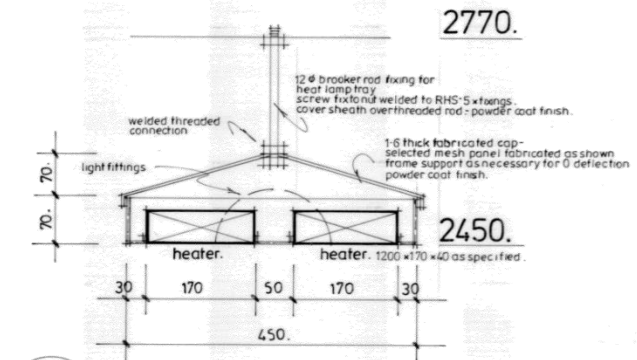
**M. SECTION.**  
3. SCALE: 1:20.



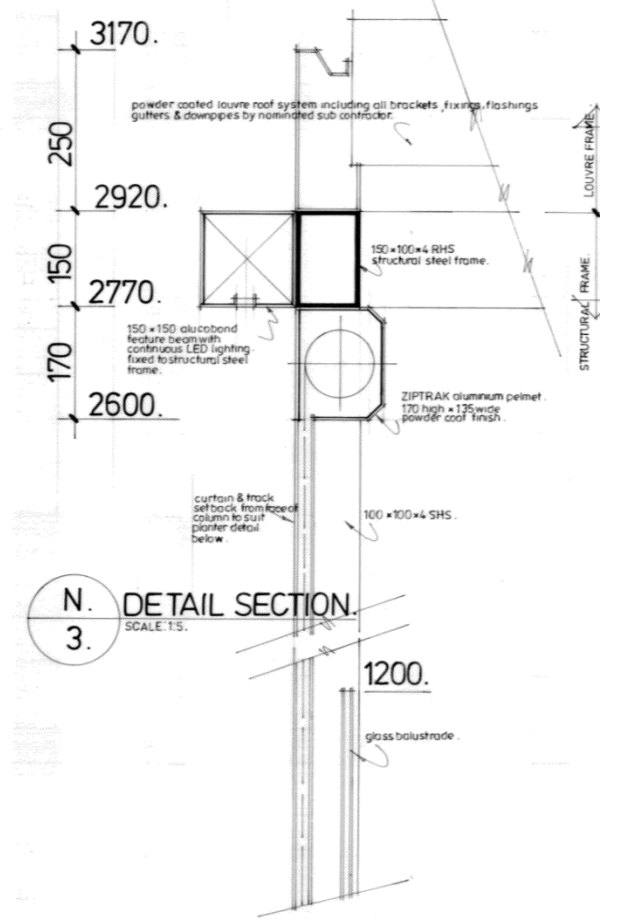
**H. SECTION - PLANTER.**  
3. SCALE: 1:5.



**J. SECTION - BENCH SEAT.**  
3. SCALE: 1:5.

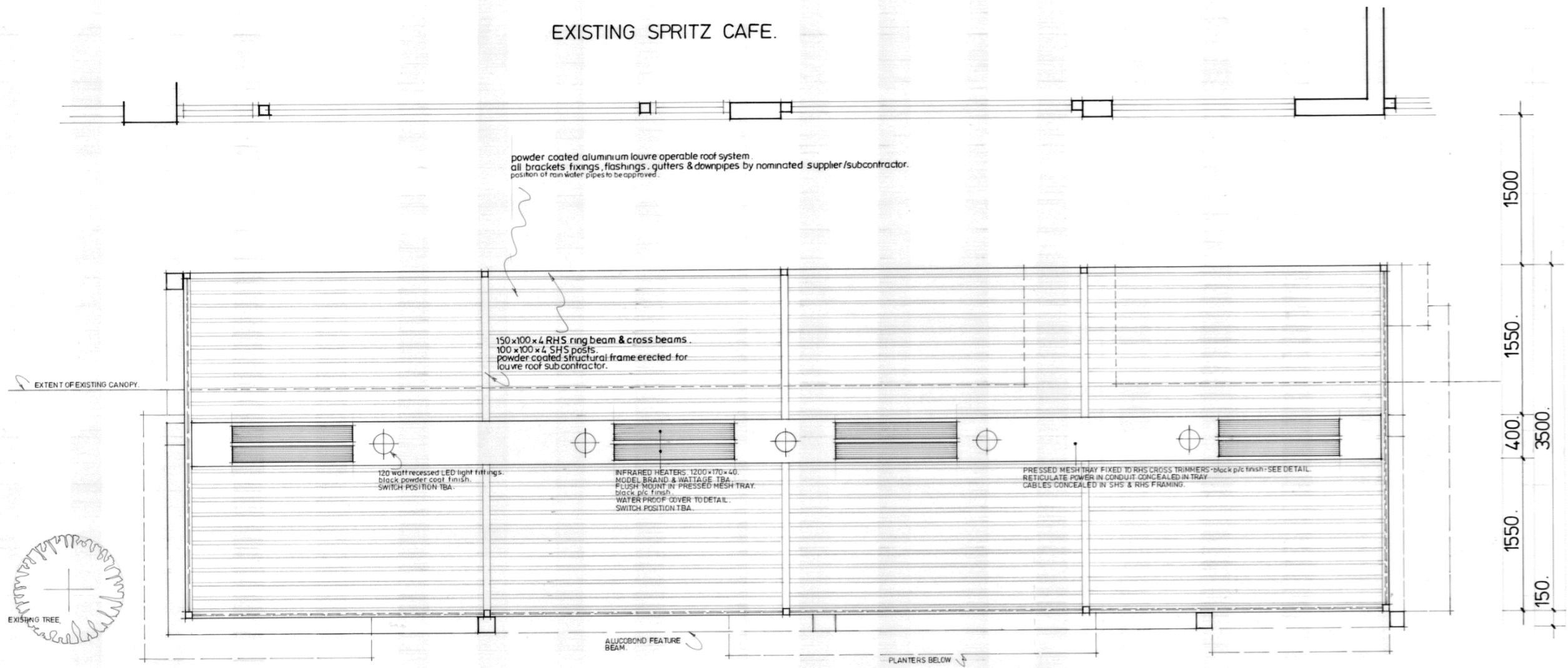


**L. SECTION - LIGHTING & HEATING TRAY.**  
3. SCALE: 1:5.



**N. DETAIL SECTION.**  
3. SCALE: 1:5.

Amendments	Date	Item	No.
<p><b>PROJECT</b> <b>SPRITZ.</b> 148 SCARBOROUGH BEACH ROAD MTHAWTHORN</p> <p>MCARTNEY &amp; ASSOCIATES PTY LTD Reg. Builders 120779 no. 0410 864 117 e: mcartney@inet.net.au 18 Angelo St, Woodlands 6108 mcartneyandassociates.net</p>			
Date	DEC 18	Job No.	
Scale	1:5 1:20.	Drawing No.	3.
Check all dimensions on site prior to commencement			



P. 4. CEILING & LIGHTING PLAN.  
SCALE: 1:20.

<p>MCARTNEY &amp; ASSOCIATES PTY LTD Reg. Builders: 130779 M: 0813 864 117 E: mcartney@inet.net.au 18 Angellon St, Woodlands 6018 mcartneyandassociates.net</p>	Date: DEC 2018	Job No.	Drawing No.
	Scale: 1:20		4

SPRITZ.  
1/48 SCARBOROUGH BEACH ROAD, MT HAWTHORN.

Check all dimensions on site prior to commencement