

Determination Advice Notes:

1. This is a development approval issued under the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws.
2. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
3. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
4. If the applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.
5. This approval is not an authority to ignore any constraint to development on the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the City to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the City's attention.
6. The development will be classified as a 'Public Building' and must comply with the Health (Public Buildings) Regulations 1992. An application is to be made to the City's Health Services for the assessment of the public building and maximum accommodation numbers prior to occupation of the premises. Please contact Health Services on (08) 9273 6000 upon receipt of this approval to discuss the requirements further with an Environmental Health Officer.
7. The food business must comply with the Food Act 2008, Food Regulations 2009 and the Australia New Zealand Food Standards Code. The applicant must register with the City's Health Services prior to operation of the food business. Please contact Health Services on 9273 6000 to discuss the requirements further with an Environmental Health Officer.
8. Any noise created at the premises must ensure compliance with the provisions within the *Environmental Protection (Noise) Regulations 1997*.
9. All new crossovers to lots are subject to a separate application to be approved by the City. All new crossovers shall be constructed in accordance with the City's Standard Crossover Specifications, which specify that the portion of the existing footpath traversing the proposed crossover (subject to the Footpath being in good condition as determined by the Infrastructure and Environment Services Directorate), must be retained. The proposed crossover levels shall match into the existing footpath levels. Should the footpath not to be in satisfactory condition, it must be replaced with in-situ concrete panels in accordance with the City's specification for reinstatement of concrete paths.
10. The applicant/landowner is advised that planning and/or building approval may be required for development works that are recommended by the Acoustic Report, to ensure compliance with the provisions within the *Environmental Protection (Noise) Regulations 1997*.

The applicant/landowner is advised to liaise with the City regarding any required development works to confirm approval requirements and to ensure the outcome is consistent with the City's Policy No. 7.1.1 – Built Form.

11. The short-term bicycle bays in the Berryman Street verge shall be provided in accordance with a CBR5B bicycle rack specification from the City's supplier, unless otherwise approved by the City.

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12. **Obtaining an Outdoor Eating Permit, does not negate the need for the landowner/applicant to comply with conditions of approval relating to activities on the footpath and/or verge adjacent to the subject site.**
13. **Any external artificial lighting installations, including in carparks and common areas, is to comply with Australian Standard AS 4282-1997 'Control of the obtrusive effects of outdoor lighting' and must not be permitted to shine or reflect into other properties, creating a nuisance.**
14. **The applicant/landowner is advised that one on-site accessible toilet facility would be required in accordance with National Construction Codes (NCC) requirements. As an accessible toilet as not been accommodated for on the approved plans, the applicant would need to seek a Performance Solution in accordance with NCC requirements at the time of Occupancy Permit.**

The applicant is advised that if an appropriate Performance Solution cannot be achieved, an amended development application may be required to accommodate an on-site accessible toilet.

Please contact the City's Building Services team on 9273 6000 for further information.