

ENQUIRIES TO: Remajee Narroo (08 9273 6025)  
Planning Services

YOUR REF:

OUR REF: PRO4621 5.2012.165.1



**CITY OF VINCENT**

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10 August 2012

Dear Sir/Madam

**NO. (LOT: 24 D/P: 12501) 22-28 ANGOVE STREET NORTH PERTH –  
PROPOSED CHANGE OF USE FROM EATING HOUSE AND OFFICE TO  
SMALL BAR (UNLISTED USE)**

Thank you for your Planning Application dated 4 May 2012 for the above proposal.

I wish to advise that the Council at its Ordinary Meeting held on 24 July 2012 resolved to **grant conditional approval** subject to the terms and conditions shown on the attached form. The proposal was assessed and found to be in accordance with the provisions of the City of Vincent Town Planning Scheme No.1 and associated policies.

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 Remajee Narroo on 9273 6025.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Helen Smith', with a stylized flourish underneath.

**HELEN SMITH  
MANAGER  
PLANNING AND BUILDING SERVICES**

Cc.

(Att.)

**THIS IS NOT A BUILDING LICENCE**

Fifth Schedule Clause 42  
For Office Use Only  
Serial No. 5.2012.165.1

**CITY OF VINCENT TOWN PLANNING SCHEME  
APPROVAL TO COMMENCE DEVELOPMENT**

**LOT:** 24 D/P: 12501

**STRATA LOT:** N/A

**PROPERTY ADDRESS:** No. 22-28 Angove Street, NORTH PERTH

**OWNER:**

Approval to commence development in accordance with the application for City Planning Approval dated 4 May 2012 for Change of Use from Eating House and Office Building to Small Bar (Unlisted Use) and the attached plans dated 21 May 2012 was GRANTED in accordance with the provisions of the City of Vincent Town Planning Scheme and the Metropolitan Region Scheme subject to the following conditions:

1. The hours of operation of the small bar shall be limited to:

DAY	HOURS OF OPERATION
Monday to Thursday	7:00am to 11:00pm
Friday and Saturday	7:00am to 12:00 midnight
Sunday	7:00am to 10:00pm

2. The hours of operation of the small bar where alcohol can be sold and/or served shall be limited to:

DAY	HOURS OF OPERATION
Monday to Thursday	11:00am to 11:00 pm
Friday and Saturday	11:00am to 12:00 midnight
Sunday	11:00am to 10:00pm

3. The outdoor eating area (courtyard) is approved for a period of 12 months at which time the applicant may reapply for a continuation of the use. The hours of operation of the outdoor eating area (courtyard) shall be limited to:

DAY	HOURS OF OPERATION
Friday to Saturday	7:00am to 11:00pm - alcohol can be served from 11:00am to 11:00pm
Sunday to Thursday	7:00am to 10:00pm - alcohol can be served from 11:00am to 10:00pm

All activities and clean-up shall cease by 11:30pm Friday to Saturday and 10.30pm on Sunday to Thursday in the outdoor eating area (courtyard);

4. The maximum number of patrons to occupy the small bar at any one time shall be ninety-eight (98) persons;
5. Packaged liquor shall not be sold at the premises;
6. The windows, doors and adjacent floor areas facing Angove Street shall maintain active and interactive frontages to Angove Street;
7. A detailed management plan that addresses the control of noise, anti-social behaviour, traffic, car parking, disposal of rubbish and its collection and litter associated with the development and any other appropriate matters shall be submitted to and approved by the City prior to the first occupation of the development, and thereafter implemented and maintained;
8. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Angove Street;
9. All signage that does not comply with the City's Policy No. 3.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;
10. Bin numbers and collection shall meet with the City's minimum service provision;
11. WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:
  - (a) pay a cash-in-lieu contribution of \$13,230 for the equivalent value of 3.78 car parking spaces, based on the cost of \$3,500 per bay as set out in the City's 2012/2013 Budget; OR
  - (b) lodge an appropriate assurance bond/bank guarantee of a value of \$13,230 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:

- (1) to the City at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or
  - (2) to the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or
  - (3) to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired;
12. PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, an Acoustic Report in accordance with the City's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted to the City for approval. The recommended measures of the approved Acoustic Report shall be implemented and certification from an Acoustic Consultant that the measures have been undertaken, prior to the first occupation of the development; and
13. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer.

**NOTES:**

**THE RELEVANT ENVIRONMENTAL HEALTH, ENGINEERING AND BUILDING REQUIREMENTS APPLICABLE TO THIS DEVELOPMENT IS CONTAINED IN THE ATTACHMENTS.**

**PLEASE NOTE THAT ANY AMENDMENTS PROPOSED IN THE BUILDING LICENCE APPLICATION PLANS, WHICH DIFFER FROM THE PLANNING APPROVAL PLANS, MAY RESULT IN THE REQUIREMENT FOR A NEW PLANNING APPLICATION TO BE SUBMITTED FOR ASSESSMENT AND DETERMINATION. SHOULD THIS BE THE CASE, THE OWNER/BUILDER/DEVELOPER IS ADVISED TO FACTOR IN AN ADDITIONAL TIME PERIOD INTO THE DEVELOPMENT/BUILDING PROCESS.**

**PLEASE NOTE THAT ANY ADDITIONAL PROPERTY NUMBERING TO THE ABOVEMENTIONED ADDRESS, WHICH IS RESULTANT FROM THIS APPLICATION, IS TO BE ALLOCATED BY THE CITY OF VINCENT AND NO OTHER PARTIES. IT IS RECOMMENDED THAT YOU LIAISE WITH THE CITY'S PLANNING SECTION ON THE ABOVE MATTER, DURING THE BUILDING LICENCE STAGE.**

PERSON(S), OWNER(S), BUILDER(S) AND DEVELOPER(S) UNDERTAKING DEVELOPMENT/CONSTRUCTION OF ANY KIND ARE HEREBY ADVISED OF A RESPONSIBILITY TO COMPLY WITH THE REQUIREMENTS OF THE DISABILITY DISCRIMINATION ACT 1992. FOR FURTHER INFORMATION ON THIS ACT, ENQUIRIES SHOULD BE DIRECTED TO THE DISABILITY SERVICES COMMISSION ON TELEPHONE NUMBER (08) 9426 9200 OR TTY ON (08) 9426 2325.

SHOULD THE APPLICANT BE AGGRIEVED BY THE DECISION A RIGHT OF APPEAL MAY EXIST UNDER THE PROVISIONS OF THE TOWN PLANNING SCHEME OR THE METROPOLITAN REGION SCHEME.

This approval is valid for a period of TWO years only. If the development is not substantially commenced within this period, a fresh approval must be obtained before commencing or continuing the development.

DATE OF DECISION: 24 July 2012  
DATE OF ISSUE: 10 August 2012



MANAGER  
PLANNING AND BUILDING SERVICES

### ENGINEERING SPECIFIC REQUIREMENTS

The following requirements are also applicable to the above development, in addition to the actual planning conditions contained in the attached Approval to Commence Development Serial No. 5.2012.165.1:

- (1) The car parking area(s) which form part of this approval shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner/occupier to the satisfaction of the City.
- (2) All car parking bays shall be dimensioned on the Building Permit application working drawings and all car parking facilities shall meet or exceed the minimum specifications of AS2890.
- (3) The Right of Way shall remain open **at all times** and must not be used to store any building or other material or be obstructed in any way. The Right of Way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the Right of Way condition has deteriorated, or become impassable as a consequence of the works the applicant/developer shall make good the surface to the full satisfaction of the City's Technical Services Directorate.
- (4) **A Road, ROW and Verge security bond for the sum of \$1750** shall be lodged with the City by the applicant, prior to the issue of a building permit, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City's Technical Services Directorate. An application for the refund of the security bond shall be made in writing. The bond is non-transferable.
- (5) All pedestrian access and vehicle driveway/crossover levels shall match into existing verge, footpath, Road and Right of Way levels to the satisfaction of the City's Technical Services Directorate.
- (6) The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5m) shall be maintained for all users **at all times** during construction works. If the safety of the path is compromised resulting from either construction damage or as a result of a temporary obstruction appropriate warning signs (in accordance with AS1742.3) shall be erected. Should a continuous path not be able to be maintained, an 'approved' temporary pedestrian facility suitable for all path users shall be put in place. If a request to erect scaffolding, site fencing etc or if building materials is required to be stored within the road reserve once a formal request has been received, the matter will be assessed by the City and if considered appropriate a permit shall be issued by the City's Ranger Services Section. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate.

- (7) All storm water produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City's Technical Services Directorate. Detailed design drainage plans and associated calculations for the proposed storm water disposal shall be lodged together with the building permit application working drawings.
- (8) The City accepts no liability for the relocation of any public utility and/or any other services that may be required as a consequence of this development. The applicant/owner shall ensure that the location of all services is identified prior to submitting an application for a building permit. The cost of relocating any services shall be borne by the applicant/owner.
- (9) A bin store is required to be provided, of sufficient size to accommodate the City's maximum bin requirement, as assessed by the City's Technical Services Directorate.
- (10) Standard 'Visual Truncations', in accordance with the City's Policy 2.2.6 and/or to the satisfaction of the City's Technical Services Directorate are to be provided at the intersection of the road reserve or Right of Way boundary, and all internal vehicle access points to ensure that the safety of pedestrians and other road users is not compromised. Details of all required visual truncations shall be included on the building permit application working drawings.
- (11) No verge trees shall be **REMOVED**. The verge trees shall be **RETAINED** and **PROTECTED** from any damage including unauthorized pruning.

## ENVIRONMENTAL HEALTH SPECIFIC REQUIREMENTS

The following requirements are also applicable to the above development, in addition to the actual planning conditions contained in the attached Approval to Commence Development Serial No. 5.2012.165.1:

### 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);
  - City of Vincent Health Local Law 2004;
  - Metropolitan Water Supply, Sewerage & Drainage Board Local Laws 1981;
  - Food Act 2008;
  - FSANZ Food Standards Code;
  - Liquor Control Act 1988;
  - Tobacco Control Act (provision of break-out areas);
  - Health Act (Carbon Monoxide) Regulations;
  - Environmental Protection Act 1986 (Noise and Unauthorised Discharge Emissions);
  - Sewerage (Lighting, Ventilation and Construction) Regulations 1971;
  - Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974; and
  - Health (Temporary Sanitary Provisions) Regulations 1997.
  
- (2) The premises to be provided with a suitable enclosure for the storage and cleaning of Commercial and Council provided refuse receptacles. The enclosure to be provided with;
  - (a) A tap connected to an adequate supply of water;
  - (b) A floor area able to accommodate all containers used on the premises (to the satisfaction of the Health Services;
  - (c) Smooth and impervious walls constructed of approved material not less than 1.5 metres in height;
  - (d) An access way not less than 1 metre in width fitted with a self-closing gate;
  - (e) Smooth impervious floor of not less than 75mm thickness, evenly graded and adequately drained to a 100mm floor waste;
  - (f) Easy access to allow for the removal of containers;
  - (g) Location of bin area to be to the satisfaction of the Manager, Health Services and Manager, Engineering Services;



(h) Where applicable, commercial and residential bin enclosures are to be physically separated by provision of a dividing wall, alternate location and to have separate entry points/doorways.

(3) In accordance with *Food Safety Standard 3.2.3, Division 3, Clause 11* walls must meet the following criteria:

- Located to protect food from contamination;
- Constructed appropriately for the activities being carried out within the premises;
- Sealed to prevent entry of dirt, dust, pests and vermin;
- Unable to provide harbourage for pests (filled cavities);
- Impervious; and
- Easily and effectively cleaned.

*Acceptable solutions may include on or a variety of the following:*

- Ceramic tiles;
- Gloss Painted FC Sheeting;
- Impervious Panelling;
- Smooth finish provided;
- Splash-backs provided to sinks and benches;
- Heat Resistance Material behind Cooking Equipment;
- Light Coloured Paint.

(4) In accordance with *Food Safety Standard 3.2.3, Division 3, Clause 11* ceilings must meet the following criteria:

- Provided to protect food from contamination;
- Constructed appropriately for the activities being carried out within the premises;
- Sealed to prevent entry of dirt, dust, pests and vermin;
- Unable to provide harbourage for pests;
- Impervious; and
- Easily and effectively cleaned.

*Acceptable solutions may include on or a variety of the following:*

- Gloss Painted FC Sheeting;
- Impervious Panelling;
- Smooth Finish provided;
- Solid, continuous construction.

**NOTE:** Drop-in Panel ceilings will not be approved

(5) In accordance with *Food Safety Standard 3.2.3, Division 3, Clause 10* floors must meet the following criteria:

- Constructed appropriately for the activities being carried out within the premises;
- Impervious;
- Easily and effectively cleaned;
- Laid in a manner so that pooling or ponding of water cannot occur; and
- Unable to provide harbourage for pests.

*Acceptable solutions may include on or a variety of the following:*

- Ceramic tiles;
- Coving provided;
- Concrete and epoxy layer;
- Commercial grade continuous vinyl;
- Treated concrete;
- Flooring materials must be light in colour.

(6) In accordance with *Food Safety Standard 3.2.3, Division 2, Clause 7* **ventilation** throughout the premises must:

- Be sufficient and easily and effectively cleaned; and
- Effectively remove fumes, smoke, steam and vapours, so as not to cause environmental nuisance.

*Mechanical ventilation to be installed for:*

- Cooking equipment where electrical input exceeds 8kW;
- Cooking equipment where gas input exceeds 29MJ/h; and
- All deep fryers.

Mechanical exhaust ventilation system to be designed, constructed and installed in accordance with *AS 1668 Part 2 (1991)*.

Written certification is required to verify that system meets performance criteria.

(7) In accordance with *Food Safety Standard 3.2.3, Division 4, Clause 12* **Cooking Equipment and Eating/Drinking Utensils** must be able to be easily and effectively cleaned and sanitised.

*Acceptable solutions may include on or a variety of the following:*

- Double bowl sink;
- Single bowl sink and dishwasher;
- Glass washer provided;
- Separate sink for fruit and vegetable washing and utensil and equipment cleaning.

In accordance with *Food Safety Standard 3.2.3, Division 5, Clause 20* All **Equipment and Utensils** must be kept in a **clean and sanitary state**. Heat and/or chemicals must be applied to equipment and utensils so that the number of micro-organisms on the surface has been reduced to a level that;

- Does not compromise the safety of the food which it may come in contact with; and
- Does not permit the transmission of infectious disease.

*Acceptable solutions may include on or a variety of the following:*

Cleaning:

- Sink (Water at 54°C and detergent);
- Dishwasher (Water at 75°C or water at 54°C and detergent);
- Glass Washer (water at 54°C and detergent).

Sanitising:

- Chemical sanitizer;
- Water at 77°C for hot water sanitizing at the sink;
- Rinsing compartment should be provided with heating elements capable of maintaining the water at a minimum temperature of 77°C.

(8) In accordance with *Food Safety Standard 3.2.3, Division 4, Clause 14* a food premises must have a designated **hand wash basin** that is;

- A permanent fixture;
- Located in an easily accessible location for all food handlers;
- Within immediate work area where food handlers work;
- Adjacent to the toilets or toilet cubicles at the food premises (if any);
- Connected to or provided with a supply of warm running potable water (between 22°C and 48°C);
- Supplied with warm and cold water through a common spout;
- Of a size which allows easy and effective hand washing;
- Supplied with paper towels, soap and a waste container; and
- Connected to sewer.

*Acceptable solutions may include on or a variety of the following:*

- 11L Basin provided in area where food handlers are working;
- 11L Basin provided adjacent to toilet facilities (if any);
- Each hand basin must be supplied with soap, paper towels and a waste container;
- Hand Basins connected to sewer.

(9) In accordance with *Food Safety Standard 3.2.3, Division 4, Clause 12* the premises must have **fixtures and fittings** that are adequate for the production of safe food and fit for the intended use. Fixture and fittings should be designed and constructed so that:

- There is no likelihood of causing food contamination;
- The fixtures and fittings and adjacent floors, walls and ceilings are able to be easily and effectively cleaned; and
- They are unable to provide harbourage for pests.

Food contact surfaces must be:

- Able to be easily and effectively cleaned and sanitized;
- Impervious; and
- Made of material that will not contaminate the food.

Fixtures, fittings, shelving and equipment should:

- Be able to be easily moved;
- Have castors fitted and flexible connections;
- Have 150mm legs and clear of walls;
- Be sealed to plinth, surfaces, floor and adjacent surfaces;
- Have 75mm above bench and clear of the wall;
- Not have false backs or bottoms.

Food Contact Surfaces should be:

- Stainless steel and underside sealed; or
- Fully laminated; or
- Laminated top and underside sealed.

(10) In accordance with *Food Safety Standard 3.2.3, Division 2, Clause 8 lighting* must meet the following criteria:

- Be sufficiently provided with light; and
- Light fittings must be easily and effectively cleaned, unable to provide harbourage for pests and constructed to protect food from contamination.

*Acceptable solutions may include on or a variety of the following:*

- Natural light;
- Artificial – recessed and diffuser;
- Artificial – ceiling mounted and diffuser.

(11) In accordance with *Food Safety Standard 3.2.3, Division 4, Clause 15* adequate **storage facilities** must be provided for items that are likely to contaminate food, including:

- Chemicals;
- Clothing; and
- Personal belongings.

Storage facilities should be located where there is no likelihood of the above items contaminating food or food contact surfaces.

*Acceptable solutions may include on or a variety of the following:*

- Separated staff room;
- Clearly designated room, shelf or cupboard for staff items;
- Clearly designated chemical/cleaning items storage room, shelf or cupboard.

(12) In accordance with *Food Safety Standard 3.2.3, Division 5, Clause 16* an **appropriate number of toilets** must be available for the use of food handlers.

*An acceptable solution is a designated internal staff toilet containing:*

- Double air lock and self closers; or
- Single door, mechanical ventilation and self closer.

*Other acceptable solutions include:*

- External Staff Toilet;
- External Common Room.

(13) In accordance with *Food Safety Standard 3.2.3, Division 2, Clause 4 Water Supply* must meet the following criteria:

- Provided in an adequate quantity;
- Potable; and
- Of an appropriate temperature.

The water supply for food transport vehicles must be:

- Of a minimum 25Litres (used solely for cleaning purposes).

*Acceptable solutions may include on or a variety of the following:*

- Hot water system installed in adequate capacity for the activities occurring at the premises;
- Council water supply;
- Tank and Bore water (Laboratory Certification stating compliance with NHMRC Guidelines must be provided).

(14) In accordance with *Food Safety Standard 3.2.3, Division 2, Clause 5* the premises must have a **sewerage and waste water disposal system** which:

- Effectively disposes of all sewage and wastewater; and
- Is constructed and located so that there is no likelihood of the sewerage and wastewater polluting the water supply or contaminating food.

*Acceptable solutions may include on or a variety of the following:*

- Connection to deep sewer;
- Trade waste agreement required.

(15) In accordance with *Food Safety Standard 3.2.3, Division 2, Clause 6 Garbage and Waste Storage* must have waste facilities that:

- Adequately contain the quantity and type of waste and recyclable matter;
- Are enclosed, as to not allow access to pests and animals; and
- Are designed and constructed to be easily and effectively cleaned.

*Acceptable solutions may include on or a variety of the following:*

- Wheeled refuse container;
- Commercial (Bulk) refuse container;
- Approved storage area for refuse;
- Refuse containers serviced by appropriate contractor;
- Lidded containers within premises;
- Containers constructed of plastic or similar material.

(16) Health Services to be advised upon alterations during construction being proposed and upon completion of construction so that a preliminary and final inspection can be arranged accordingly.

(17) Any building work involving the removal or alternations to asbestos products must be carried out with extreme caution in accordance with accepted practices and statutory requirements. The disposal of asbestos products to be in accordance with the *Health (Asbestos) Regulations 1992* and WorkSafe procedures. It is also requested that you notify neighbours/surrounding residents of asbestos removal works. Prior to the off-site removal, transportation and disposal of any asbestos from the site the applicant must first obtain a permit to do so under the *Environmental Protection (Controlled Waste) Regulations 2001* – contact the Controlled Waste Branch on 6467 5000. Permits can be obtained by phoning the Department of Environment and Conservation's Controlled Waste Section.

If 10m<sup>2</sup> or more of asbestos containing material (such as asbestos cement sheeting) is to be removed, a WorkSafe asbestos removal licence is required. If you are unsure if the property contains asbestos, contact the City's Environmental Health Officers for advice.

In accordance with the requirements of the *Health (Asbestos) Regulations 1992*, a person shall take the following reasonable measures when dealing with asbestos by-

- (a) Not using any tools other than non-powered hand tools or portable power tools that incorporate dust suppression or dust extraction attachments designed to collect asbestos fibres;
- (b) Using water or other practical measures to keep airborne material containing asbestos to a minimum;
- (c) Using vacuum cleaning equipment designed to collect asbestos fibres or wetting the area before sweeping the material containing asbestos;
- (d) Not using compressed air, or a high pressure water jet, when working with material containing asbestos;
- (e) Handling asbestos cement sheet in such a manner as to minimise it's breakage or abrasions; and
- (f) Ensuring that waste material containing asbestos is disposed of in accordance with these regulations as soon as practicable.

NOTE – A person who stores, breaks, damages, maintains, repairs, removes, moves or disposes of, or uses any asbestos cement sheet without taking reasonable measures to prevent asbestos fibres entering the atmosphere commits an offence.

It is also recommended that reasonable care be taken in relation to the removal of surfaces containing lead paint. Ensure that all flaking lead paint is bagged, sealed and disposed of separately or in combination with sealed asbestos cement products. Products containing lead may result in soil and air contamination if not disposed of appropriately.

(18) Temporary toilet facilities to be provided on site for the duration of the project and to be available before any work commences, including the pouring of footings and slab, as required by the Health (Temporary Sanitary Conveniences) Regulations 1997. Temporary toilets must be located a minimum of 2 metres from property boundaries and are not permitted to be located on the street/road reserves. In addition, toilet doors are not to open onto driveways or footpaths.

- (19) Floors in wet areas (W.C's, urinals, bathroom, laundries and cleaners rooms) to be properly surfaced and have an even fall to an approved to floor waste outlet.
- (20) 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).
- (21) 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).
- (22) All mechanical devices/installations (i.e. roller doors, air conditioners, exhaust outlets, pool pumps, compressors etc), to be located in a position that will not result in the emission of unreasonable noise, in accordance with the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*. Should you be uncertain as to whether compliance will be achieved, it is highly recommended that you contract the services of an Acoustic Consultant, as the City's Environmental Health Officers cannot provide technical advice in this regard. Section 80 of the *Environmental Protection Act 1986* places onus on the installer to ensure that noisy equipment is installed so as no to create unreasonable noise. It is important that you inform mechanical equipment installers of this requirement.
- (23) The applicant is to demonstrate compliance with the City's Sound Attenuation Policy 3.5.21, in relation to the proposed development. *The following notes may assist in providing guidance with respect to Policy 3.5.21:*  
Adequate sound attenuation of the premises is to be undertaken to ensure that noise received inside, or emitted from the premises does not exceed the levels stipulated in the *Environmental Protection (Noise) Regulations 1997* and the *BCA*. A report on the soundproofing required to ensure general sound levels

received from surrounding premises (commercial pubs and nightclubs and industrial if applicable), major traffic arteries, sporting venues and alike is to be undertaken and provided to the City's Health Services from a reputable Acoustic Consultant prior to a building licence being issued. The report is to comment on the following;

- Appropriate glazing (e.g. standard, 6.38mm, 10mm laminated, double glazing etc) particularly for residential dwellings greater than 3m above ground level;
- Appropriate acoustic roof/ceiling insulation;
- Baffling of ventilation ducts facing noise sources;
- Door and window seals;
- Provision of quiet air-conditioning systems in bedrooms of dwellings exposed to heightened external noise sources (so that windows can remain shut during the night etc).

The report must also –

- Identify reasonable attenuation measures to ensure compliance with the *Environmental Protection (Noise) Regulations 1997* with respect to limiting sound transmission between units/tenancies (i.e. from commercial to residential and from residential to residential). The Consultant is to consider, comment and provide solutions in respect to potential noise impacts resulting from the positioning of higher noise creating areas of units/tenancies such as laundries, kitchens and entertainment areas, in close proximity to lower noise creating areas of adjoining units/tenancies such as bedrooms and office work spaces (e.g. positioning of a residential bedroom directly above a ground floor commercial kitchen would require an acoustic ceiling to be installed in the kitchen to prevent unreasonable noise transmission resulting from activities such as the banging of pots and pans, exhaust hood operation etc);
- Identify the suitable location of all mechanical devices/installations (e.g. roller doors, air-conditioners, exhaust fan outlets, pool pumps, compressors etc), to ensure compliance with the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*.

The engagement and implementation of the recommendations by the acoustic consultant are to be at the applicant's expense.

- (24) If it is intended to use the premises as a "public building" as defined in Section 173 of the *Health Act 1911* (as amended) it is necessary to make application for a Certificate of Approval - Maximum Accommodation Notice from the City's Health Services before commencing use of the building as a "public building". A completed **Form 1** application is to be submitted, along with the designated fee – contact the City's Health Services on 9273 6000 for further details.



- (25) An authorised licensed electrical contractor is to certify that all electrical work of the public building conforms to the relevant provisions of the *Health (Public Buildings) Regulations 1992* (as amended), and the *Electricity (Licensing) Regulations 1991*. Certification is to be submitted in the form of a **Form 5** application/certificate of approval – contact the City's Health Services on 9273 6533 for further details.
- (26) A copy of the City of Vincent Health Services publication entitled- "Public Buildings - Guidelines for Owners, Architects & Builders" can be obtained from the City's Health Services on 9273 6533 or via email- [mail@vincent.wa.gov.au](mailto:mail@vincent.wa.gov.au).
- (27) Where a public building is used for seated audiences and is provided with permanent seating, the number of persons permitted therein should not exceed the number of seats provided. Submit detailed plans to the City's Health Services indicating all public seating arrangements.
- Seating row lengths to comply with requirements of the *Health (Public Building) Regulations 1992* - Part 3, Regulation 11;
  - Seating distance between rows to comply with requirements of the BCA - Section H1.4(3).
- (28) Every aisle shall have direct access to an exit.  
Any transverse aisle-
- shall be of uniform width;
  - shall be on the same level and free from steps or obstructions.
- (29) Adequate enclosing wall or guard rails shall be provided around the edges of raised or tiered seating and at any change in level which may present a hazard to the public.
- Steps and landings shall be provided with hand rails on each side that is not stepped unless the City of Vincent otherwise approves.
- (30) All public building exits shall be marked with a sign that conforms to AS/NZS 2293.  
Exit signs shall be provided as follows:
- (a) Every doorway used as an exit and every passage leading to an exit to be provided with an approved illuminated exit sign placed conspicuously over the doorway or passage;
  - (b) An exit sign that obtains its illumination from a battery charge, battery source or an electrical supply is to be illuminated while the premises are open to or occupied by the public.
  - (c) An illuminated exit sign shall be visible from all floor locations within a public building; and
  - (d) Approved illuminated directional exit signs to be provided in those portions of the public building where the emergency exits are not clearly visible to the public.

- (31) Provide a notice on the external side of any emergency exit which abuts a road, thoroughfare, passageway, lane or right-of-way bearing the words "Emergency Exit" in letters not less than 100mm high and 12mm wide.
- (32) Where an exit or passage does not provide a clear means of egress from a public building the exit or passage shall be marked with a "NO ESCAPE" sign in letters not less than 100mm high and 12mm wide.
- (33) Emergency lighting shall be provided in a public building in accordance with the BCA and AS/NZS 2293 - "Emergency Evacuation Lighting in Buildings".
- (34) The premises are to be equipped with lights sufficient to illuminate the exterior exits and passages leading to public thoroughfares. Such lights are to-
  - (a) have a minimum horizontal illuminance of one (1) lux;
  - (b) be illuminated at all times when the premises are open to the public.
- (35) Every classroom, lecture theatre, drawing room, laboratory, manual training room, assembly hall or any other teaching area shall be provided with an artificial lighting system capable of providing the illumination recommended in relation to such an area under Australian Standard 1680 - "Code of Practice for Interior Lighting and the Visual Environment". Luminaries in gymnasiums, recreation facilities shall be so designed and placed to provide protection against damage from normal activities in such an area.
- (36) All exit doors, barriers and gates in a public building are to open outwards, in the direction of egress, except where automatic sliding doors are provided. Sliding doors shall only be provided where the building can accommodate no more than 50 persons. Sliding doors shall be provided with a manual override button in case of electronic failure. A building with only 1 designated exit shall accommodate no more than 50 persons.
- (37) Exhaust air systems which serve different types of enclosures to be kept separate except where otherwise approved. Similar types of enclosures that may be served by common exhaust systems are listed in groups below-

#### Types of Exhaust Systems-

- Sanitary compartments, e.g. toilets, washrooms; changerooms, laundries, battery rooms.
- Areas where food and beverages are prepared and/or consumed, e.g. kitchen, food preparation, dishwashing, dining rooms, reception areas, hotel bars.
- Plant rooms, e.g. boiler room, refrigerator room, and machinery room.
- Process rooms, e.g. document copying, plan printing, photographic processing, battery rooms.
- Automotive vehicle parking, service, repair, pick-up and delivery areas.
- Garbage rooms, grease trap enclosures, sewerage ejector enclosures.

The premises to be ventilated in accordance with AS 1668 Part 2 1991 "Mechanical ventilation for Acceptable Indoor Air Quality".

*W.C Ventilation Sewerage (Lighting, Ventilation and Construction) Regulations 1971*

- (38) W.C exhaust fans to be provided and fitted with a bell mouth connection and flumed through the roof or via glazing to the external air. Fans to provide a minimum rate of 25 litres per second per fixture, but in no case less than 10 air changes per hour OR for toilet windows to be fitted with permanent fixed ventilation within 230 mm of the ceiling, having a clear area at any point of not less than 0.015 m<sup>2</sup> per closet pan provided with an airlock flumed to discharge to the external air. The area of the vent to be not less than 0.015 m<sup>2</sup> for every 10 m<sup>2</sup> of floor area. Airlocks to have a minimum of 1.85 m<sup>2</sup> of floor area.

\*\* *Ensuites Sewerage (Lighting, Ventilation and Construction) Regulations 1971*

#### Advisory Notes

- (1) General design requirements in accordance with the Food Standards Code, the design and construction of food premises must ensure compliance with the following principles-
- (a) be appropriate for the activities for which the premises are used;
  - (b) provide adequate space for the activities to be conducted on the food premises and for the fixtures, fittings and equipment used for those activities;
  - (c) permit the food premises to be effectively cleaned and, if necessary, sanitised; and
  - (d) to the extent that is practicable -
  - (e) exclude dirt, dust, fumes, smoke and other contaminants;
    - i. not permit the entry of pests; and
    - ii. not provide harbourage for pests

To achieve compliance with the above principles (and in accordance with the City's Policy for the construction and design of food premises), all food premises shall be designed in compliance with *AS 4674-2004 'Design, construction and fit-out of food premises'*. A copy of *AS 4674-2004* can be purchased from the Standards Australia website.

Floor plans, cross sectional plans and specification sheets for all equipment and materials to be installed at the premises must be submitted to the City's Health Services for approval, prior to construction of a premises for the sale of food commencing. The plans shall be developed in accordance with *AS 4674-2004 'Design, construction and fit-out of food premises'*.

\*Construction guidelines for food premises can be obtained by contacting the City's Health Services Section on 9273 6533.

- (2) Applicant/Owner shall submit plans and specifications to the Department of Racing, Gaming & Liquor (Liquor Licensing Division) for approval.
- (3) 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.
- (4) Detailed plans and specifications of the public building to be submitted to the City's Health Services for approval prior to any construction or alterations. The plans to include details of –
  - (a) Location of approved exit signs in the Building over all designated exits, directional exit signs where necessary and emergency lighting in accordance with the Building Code of Australia and Australian/New Zealand Standard 2293 – Emergency Evacuation Lighting in Buildings.
  - (b) Areas where normal lighting is dimmed or extinguished shall be provided with permanent effective safety lighting for –
    - Foyers and passages;
    - Floors that are ramped at an inclination steeper than 1 in 12;
    - Main aisles between blocks of fixed seats; and
    - The tread of each step;
  - (c) Provision of approved exit door locks/fittings and the directions in which doors swing (to be in the direction of egress).
  - (d) Provision of hand rails to steps, stairways and any other changes in floor level, which may present a hazard to the public
  - (e) Decorative treatments in the building that are not referred to in the BCA shall be made of non-toxic, fire retardant materials
  - (f) Public Building application incur a fee to vary, alter, construct or amend a Public Building. Contact the City's Health Services to obtain and complete a Form 1 application, along with payment of the designated fee. Public Building applications will not be progressed until a Form 1 application has been received.

## BUILDING SPECIFIC REQUIREMENTS

The following requirements are also applicable to the above development, in addition to the actual planning conditions contained in the attached Approval to Commence Development Serial No. 5.2012.165.1:

A builder / Owner or their representative, shall not commence to construct /demolish/Modify/Add to or repair shall not commence any works to that construction, until a Building permit(or Demolition Permit) has been issued by the City of Vincent in accordance with the Building Regulations 2012 and the Building Act 2011.

The Applicant shall ensure that all works necessary or reasonable to, or resulting from, those proposed building works are carried out in accordance with the Valid Building permit and attached conditions of both the planning approval and the Building Permit.

### **Change of Use:**

Before making or Occupying any change of in the use of an existing building which would result in a change of Occupancy, as defined under the Building Act 2011 (Part 4) and the Building Regulations 2012 (Part 5), the person proposing to make the change shall submit plans, specifications and an independent compliant report to cover all associated items in accordance with the Building code of Australia (Volume one) to include

- General Provisions
- Structure
- Fire resistance
- Access and Egress
- Services and Equipment
- Health and Amenity
- Ancillary provisions
- Special Use of Buildings
- Maintenance
- Energy Efficiency.

### Occupancy Requirements

The Building Act will make it an offence to occupy a building (other than class 1 and 10 buildings) without an appropriate occupancy permit. This will confirm that the building has either been built according to the building permit requirements, in particular to the certificate of design compliance, or it complies with the relevant building standards. No commercial building can be occupied until an occupancy permit is approved.

Written approval is required from the Cities Building Services section. The Building must comply with the regulations applicable to the new class. For more information on change of use please contact the City on 9273 6000 (Building Services).