

**9.5 NOS. 169-173 (LOT: 5; D/P: 42227 & LOT: 99; D/P: 3642) SCARBOROUGH BEACH ROAD AND NOS. 60-62 (LOT: 5; D/P: 42227 & LOT: 98; D/P: 3642) COOGEE STREET, MOUNT HAWTHORN - PROPOSED CHANGE OF USE FROM SHOP TO TAVERN AND ASSOCIATED ALTERATIONS AND ADDITIONS**

**Ward:** North Ward

- Attachments:**
1. Location and Consultation Map
  2. Development Plans
  3. Parking Management Plan
  4. Acoustic Report
  5. Applicant Justification
  6. 3D Rendered Images
  7. Previous Development Approval and Plans
  8. Summary of Submissions - Administration's Response
  9. Summary of Submissions - Applicant's Response
  10. Determination Advice Notes

**RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, **APPROVES** the application for a proposed Change of Use from Shop to Tavern and Associated Alterations and Additions at Nos. 169-173 (Lot: 5; D/P: 42227 & Lot: 99; D/P: 3642) Scarborough Beach Road and Nos. 60-62 (Lot: 5 D/P: 42227 & Lot: 98 D/P: 3642) Coogee Street, Mount Hawthorn in accordance with the plans provided in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 10:

**1. Development Plans**

This approval relates to a Change of Use from Shop to Tavern and Associated Alterations and Additions on the plans dated 14 July 2021. It does not relate to any other development on the site;

**2. Use of Premises**

**2.1** This approval is for a Tavern as defined in the City of Vincent Local Planning Scheme No. 2;

**2.2** The proposed Tavern shall be limited to a maximum of 34 persons at any given time including patrons and staff; and

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

- 9:00am to 9:00pm Monday to Saturday; and
- 10:00am to 7:00pm Sunday and public holidays;

**3. Building Design**

**3.1** The development shall maintain an active and interactive relationship and uninterrupted views between the use of the development and Scarborough Beach Road during the hours of the development's operation to the satisfaction of the City;

**3.2** Glazing and/or tinting to the Scarborough Beach Road frontage shall be a minimum of 70 percent visually permeable to provide unobscured visibility. Darkened, obscured, mirrored or tinted glass or other similar materials as considered by the City is prohibited; and

**3.3** All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on

surrounding landowners, and be screened from view from the street, and surrounding properties to the satisfaction of the City;

**4. Signage**

All signage is to be in strict accordance with the City's Policy No. 7.5.2 – Signs and Advertising, unless further development approval is obtained;

**5. Parking Management Plan**

Prior to the occupation or use of the development, an updated Parking Management Plan shall be submitted to and approved by the City. The Parking Management Plan shall include, but is not limited to, addressing the following:

- Three (3) car parking bays being allocated and sign marked for the exclusive use of the Tavern premises;
- Six (6) car parking bays being allocated and sign marked for the exclusive use of the Consulting Rooms (Akasha Wellness Clinic) premises; and
- Three (3) car parking bays being allocated and sign marked for the exclusive use of the Shop (IGA) premises time with these being limited to 15 minutes and located closest to the IGA entrance.

The approved Parking Management Plan shall be implemented, and the development shall be carried out in accordance with the approved Parking Management Plan and approved plans, to the satisfaction of the City at the expense of the owners/occupiers;

**6. Bicycle Facilities**

A minimum of one short term and one long term bicycle parking bays shall be provided on site prior to occupation or use of the development. The design and construction of the bicycle bays shall be in accordance with Australian Standards AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking;

**7. Waste Management Plan**

**7.1** Prior to the issuing of a Building Permit, an updated Waste Management Plan shall be submitted to and approved by the City. The Waste Management Plan shall include, but is not limited to, addressing the following:

- the location of bin storage areas and bin collection areas;
- the number, volume and type of bins, and the type of waste to be placed in the bins;
- details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
- frequency and collection time of bins. Waste collection shall be limited to day time hours defined as 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays as referenced in the approved Acoustic Report;

**7.2** The approved Waste Management Plan identified in Condition 7.1 shall be implemented at all times to the satisfaction of the City;

**8. Noise Management**

All of the recommended measures included in the approved Acoustic Report prepared by Gabriel Hearne Farell Pty Ltd and dated 1 September 2021 shall be implemented as part of the development, to the satisfaction of the City, prior to the occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

**9. Venue Management Plan**

In accordance with City's Policy No. 7.5.7 – Licensed Premises, a Venue Management Plan shall be lodged with and approved by the City prior to the occupation or use of the development. The Venue Management Plan shall address, but is not limited to, the following:

- Noise control and management, including music not being played in the 'seminar room' at a level louder than conversation level as per the approved Acoustic Report assessment;
- The number of patrons;
- Hours of operation;
- Patron and anti-social behaviour; and
- Complaints management.

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

#### 10. Colours and Materials

Prior to first occupation or use of the development, the colours, materials and finishes of the proposed additions shall be in accordance with the details as indicated on the approved plans which forms part of this approval, and thereafter maintained, to the satisfaction of the City; and

#### 11. Stormwater

Stormwater from all roofed areas shall be collected and contained on site. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve.

### PURPOSE OF REPORT:

To consider an application for development approval for a change of use from Shop to Tavern and Associated Alterations and Additions at Nos. 169-173 Scarborough Beach Road and Nos. 60-62 Coogee Street, Mount Hawthorn (the subject site).

The proposed change of use and additions apply to the tenancy identified as No. 171 Scarborough Beach Road, Mount Hawthorn (subject tenancy).

### PROPOSAL:

The application proposes to change the use of the subject tenancy from Shop to Tavern.

The applicant is seeking approval for a Tavern land use. This is because the proposal would involve sit down master classes and tasting events with liquor being consumed on the premises, as well as the retail sale of packaged liquor for consumption off the premises.

A Tavern land use is defined under LPS2 as a premises that is the subject of a tavern licence under the *Liquor Control Act 1988*.

A tavern licence authorises the sale and supply of liquor for consumption on and off the licensed premises, and is issued by Racing, Gaming and Liquor at the Department of Local Government, Sport and Cultural Industries (DLGSCI) under the *Liquor Control Act 1988*. This is subject to a separate application process through the DLGSCI and planning approval for the tavern land use issued by the local government would need to be provided as part of this. The applicant has confirmed that this is the licence type that they would be seeking to obtain from DLGSCI.

Details of the proposal are as follows:

- The existing building with a frontage to Scarborough Beach Road would be fitted out to incorporate a 92.5 square metre retail space and associated walk-in cool room where customers could purchase a range of craft beers, whiskies, wines and spirits;
- A new addition would be constructed to the rear of the existing building with access provided through the retail component of the tenancy from Scarborough Beach Road. This area at the rear of the existing

building is currently being used for the purposes of a service area. The new addition would be constructed from colourbond cladding and have a window facing out to the existing car park at the rear of the subject site. The new addition would incorporate a seminar room and bathroom facilities where sit down master classes and tasting events would be held. These events would be operated in a structured setting with limited tickets available and bookings required;

- The proposed Tavern would operate within the following hours:
  - Monday to Saturday from 9:00am – 9:00pm; and
  - Sunday from 10:00am – 7:00pm;
- The proposed Tavern would have a maximum of 30 customers and four employees on-site at any given time; and
- Three on-site car parking bays would be allocated to the proposed Tavern for use by staff and customers.

The applicant operates an established business by the same name (Copper and Oak) in Tuart Hill. The applicant's existing business operates a similar business model to what is proposed under the current application.

A copy of the development plans have been included in **Attachment 2**.

#### BACKGROUND:

<b>Landowner:</b>	Vincenzo Giuseppe and Pellegrino Marotta
<b>Applicant:</b>	Richglow PTY LTD
<b>Date of Application:</b>	14 July 2021
<b>Zoning:</b>	MRS: Urban LPS2: Zone: District Centre
<b>Built Form Area:</b>	Town Centre
<b>Existing Land Use:</b>	Shop
<b>Proposed Use Class:</b>	Tavern
<b>Lot Area:</b>	1082m <sup>2</sup>
<b>Right of Way (ROW):</b>	No
<b>Heritage List:</b>	No

#### Site Context and Zoning

The site that contains the subject tenancy is located at Nos. 169-173 Scarborough Beach Road and Nos. 60-62 Coogee Street, Mount Hawthorn as shown on the location plan included as **Attachment 1**.

The subject site is bounded by Scarborough Beach Road to the north, Coogee Street to the west, a restaurant to the east, Anvil Lane to the south east, a car park to the south and a single dwelling beyond this.

The subject site is comprised of separate lots which are all subject to different zonings and built form standards under the planning framework.

#### *Lot 5 – Nos. 169-173 Scarborough Beach Road*

Lot 5 incorporates the three commercial tenancies at Nos. 169, 171 and 173 Scarborough Beach Road. The proposed Tavern is to be located within the tenancy identified as No. 171 Scarborough Beach Road.

The tenancy at No. 169 Scarborough Beach Road is approved as an Alternative Medicine Consulting Room (Akasha Wellness Clinic) and the tenancy at No. 173 Scarborough Beach Road is approved as a Shop (IGA).

The area of Lot 5 which incorporates the commercial tenancies is zoned District Centre under the City's Local Planning Scheme No. 2 (LPS2). Lot 5 is located within the Town Centre built form area and has a permitted building height of five storeys under the City's Policy No. 7.1.1 – Built Form (Built Form Policy).

#### *Part Lot 5 – Nos. 60-62 Coogee Street*

The area of Lot 5 incorporates a paid car parking area zoned Residential R30 under LPS2. It is located within the Residential built form area and has a permitted building height of two storeys under the Built Form Policy.

The site is identified as providing for a non-conforming use under LPS2 which allows the continued use of the land as a car park even though it is as an "X" use within the zone.

The adjoining commercial properties to the east, west and north with a frontage to Scarborough Beach Road are zoned District Centre under LPS2 and are located in the Town Centre built form area with a permitted building height of five storeys under the Built Form Policy.

Residential properties further to the east, west and south that do not have a frontage to Scarborough Beach Road are zoned Residential R30 under LPS2 and are located within the Residential built form area with a permitted building height of two storeys under the Built Form Policy.

#### *Lot 98 – Nos. 60-62 Coogee Street*

Lot 98 incorporates a portion of the car park which is currently paid car parking with time restrictions, with first hour free parking. Lot 98 is zoned Residential R30 under LPS2 and is located within the Residential built form area with a permitted building height of two storeys under the Built Form Policy.

#### *Lot 99 – Nos. 169-173 Scarborough Beach Road*

Lot 99 incorporates a portion of the car park which is designated primarily for the car parking of the commercial tenancies fronting Scarborough Beach Road. Lot 99 is zoned Special Use – Car Park under LPS2 and is located within the Residential built form area with a permitted building height of two storeys under the Built Form Policy.

#### Previous Approvals

At its meeting on 11 February 2014 Council refused a development application for the Introduction of a Fee Paying Car Park to Existing Car Park at the subject site due to the impact on the street amenity and overflow of parking onto residential streets.

Following Council's decision, the applicant lodged an application for review with the State Administrative Tribunal (SAT). Following mediation the SAT member invited that City to reconsider its decision.

At its meeting on 20 January 2015 Council reconsidered its decision and granted conditional approval for the Introduction of a Fee Paying Car Park to Existing Car Park at the subject site. The approval included the condition below which required the provision of dedicated on-site car parking bays for the three existing tenancies at the subject site.

- *Nine (9) car parking bays, of which one (1) is an ACROD bay, shall not be subject to parking fees and be allocated, sign marked and be available for the use only by employees, tenants and visitors directly associated with the existing respective tenancies as follows:*
  - *Six (6) car parking bays shall be solely dedicated for the existing consulting rooms (currently used by Akasha Wellness Clinic); and*
  - *Three (3) car parking bays shall be solely dedicated for the existing shop (currently used by Christos Jewellery);*
  - *Three time limited parking bays to 15 mins will be located closest to the IGA entrance and shall remain free of charge;*
- *The remaining car parking bays on site are to operate as first hour free parking which is valid with the display of a ticket from the ticket display machine;*

A copy of the approved development plans and decision notice are included in **Attachment 7**.

#### **DETAILS:**

##### **Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Local Planning Scheme No. 2 (LPS2), the City's Policy No. 7.1.1 – Built Form, Policy No. 7.7.1 – Non-Residential Development Parking Requirements and Policy No. 7.5.7 – Licensed Premises. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Land Use		✓
Bicycle Parking		✓
Car Parking		✓
Street Setbacks	✓	
Side and Rear Setbacks	✓	
Façade Design	✓	
Adaptive Reuse	✓	
Hours of Operation	✓	

### Detailed Assessment

There are two pathways for assessing and determining a development application. These are through design principles and objectives, or through deemed-to-comply standards.

Design principles and objectives are qualitative measures which describe the outcome that is sought rather than the way that it can be achieved. The deemed-to-comply standards are one way of satisfactorily meeting the design principles and objectives are often quantitative measures.

If an element of an application does not meet the applicable deemed-to-comply standard/s then Council's discretion is required to decide whether this element meets the design principles and objectives.

If an element of an application does meet the applicable the deemed-to-comply standard/s then it is satisfactory and not subject to Council's discretion for the purposes of assessment against that policy.

The elements of the application that do not meet the applicable deemed-to-comply standards and require the discretion of Council are as follows:

Land Use	
Deemed-to-Comply Standard	Proposal
<b>LPS2</b> "P" Use	"A" Use
Bicycle Parking	
Deemed-to-Comply Standard	Proposal
<b>Policy No. 7.7.1 – Non-Residential Development Parking Requirements</b> 0.646 (1) short term bay and 1.428 (1) long term bays required on-site.	Nil.
Car Parking	
Deemed-to-Comply Standard	Proposal
<b>Policy No. 7.7.1 – Non-Residential Development Parking Requirements</b> 0.15 on-site car parking spaces per person, equating to 5.1 (6) spaces based on a maximum capacity of 34 persons.	Three car parking spaces previously approved and dedicated for the subject tenancy.  45 bays in the car park to the rear of the site that is available.

The above elements of the proposal do not meet the specified deemed-to-comply standards. These elements have been assessed against the relevant design principles and objectives in the Comments section below.

**CONSULTATION/ADVERTISING:**

Community consultation was undertaken in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City's Community and Stakeholder Engagement Policy for a period of 14 days from 28 October 2021 to the 11 November 2021. The method of consultation included a sign being placed on-site, a notice on the City of Vincent's Imagine Vincent website and 28 letters being mailed to owners and occupiers of the properties adjoining the subject site, as shown in **Attachment 1**.

At the conclusion of the consultation period a total of eight submissions were received, comprising of six submissions in support and two submissions in objection to the proposal.

The submissions in support noted the following:

- There is a demand for more tavern land uses in the area, and
- Beneficial for surrounding locals who frequent Mount Hawthorn Town Centre regularly.

The submissions in objection raised the following concerns:

- Noise generated from vehicles and patrons visiting the site late at night;
- Potential for anti-social behaviour due to the proposed operating hours; and
- Reduced availability of on-street car parking spaces within the Residential zone.

A summary of the submissions received and Administration's comments with respect to these is provided in **Attachment 8**. A summary of the submissions received and the applicant's comments with respect to these is provided in **Attachment 9**.

**Design Review Panel (DRP):**

Referred to DRP: No

The application was not referred to the City's DRP. This is because the proposed scale and location of the additions are to the rear of the site, not clearly visible from the street, and would not result in an adverse visual impact to the streetscape or adjoining properties.

**LEGAL/POLICY:**

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Local Planning Scheme No. 2;
- Policy No. 7.1.1 – Built Form;
- Policy No. 7.5.7 – Licensed Premises;
- Policy No. 7.5.21 – Sound Attenuation;
- Policy No. 7.7.1 – Non-Residential Development Parking Requirements; and
- Community and Stakeholder Engagement Policy.

City of Vincent Local Planning Scheme No. 2

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

- *To provide a community focus point for people, services, employment and leisure that are highly accessible and do not expand into or adversely impact on adjoining residential areas.*
- *To encourage high quality, pedestrian-friendly, street-orientated development that responds to and enhances the key elements of each District Centre, and to develop areas for public interaction.*
- *To ensure levels of activity, accessibility and diversity of uses and density is sufficient to sustain public transport and enable casual surveillance of public spaces.*
- *To ensure development design incorporates sustainability principles, with particular regard to waste management and recycling and including but not limited to solar passive design, energy efficiency and water conservation.*

- *To ensure the provision of a wide range of different types of residential accommodation, including affordable, social and special needs, high density residential and tourist accommodation, to meet the diverse needs of the community.*
- *To provide a broad range of employment opportunities to encourage diversity and self-sufficiency within the Centre.*
- *To encourage the retention and promotion of uses including but not limited to specialty shopping, restaurants, cafes and entertainment.*
- *To ensure that the City's District Centres are developed with due regard to State Planning Policy 4.2 - Activity Centres for Perth and Peel.*

#### Planning and Development Act 2005

In accordance with Schedule 2, Clause 76(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Part 14 of the *Planning and Development Act 2005*, the applicant would have the right to apply to the State Administrative Tribunal for a review of Council's determination.

#### **Delegation to Determine Applications:**

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

#### **RISK MANAGEMENT IMPLICATIONS:**

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

#### **STRATEGIC IMPLICATIONS:**

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

##### Innovative and Accountable

*We are open and accountable to an engaged community.*

#### **SUSTAINABILITY IMPLICATIONS:**

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

#### **PUBLIC HEALTH IMPLICATIONS:**

The proposed Tavern does not contribute to any public health outcomes in the City's Public Health Plan 2020-2025.

Future Public Health projects will include partnerships with licensed premises to reduce the risk of antisocial behaviour and alcohol related harm in the community. Administration encourages licensees to be open and supportive in engaging with these projects over the coming years.

#### **FINANCIAL/BUDGET IMPLICATIONS:**

There are no finance or budget implications from this report.

#### **COMMENTS:**

##### Land Use

The application proposes the sale and supply of liquor for consumption on and off the licensed premises, as per the Tavern land use definition under LPS2.

A Tavern is an 'A' use within the District Centre zone and is not permitted unless the Council exercises its discretion in approving it. In considering the appropriateness of the use, the objectives of the District Centre zone under LPS2 is to be considered.

The applicant submitted an assessment against the objectives of the District Centre zone of LPS2 which is included in **Attachment 5** and summarised as follows:

- The proposed development is for a specialist small tavern;
- The proposed Tavern would be niche and upmarket;
- Tavern would be small in scale and easily accessible for the local community;
- The proposed Tavern would be located on Scarborough Beach Road which is a pedestrian friendly street and has an unobtrusive shop façade to the street;
- The proposed trading hours would ensure consistent street surveillance is maintained during business hours, and
- The proposed Tavern would not involve loud music and would not generate an adverse impact of noise to the surrounding local area.

The proposal would be consistent with the objectives of the District Centre zone under LPS2 for the following reasons:

- The proposed Tavern would be of a low scale and is intended to operate unlike other licensed venues in the town centre area. On-site consumption of alcohol would be limited to sit down master classes and tasting events which would be held in the proposed seminar room located to the rear of the building. These events would have a maximum capacity of 30 people and would be managed through ticketed events;
- The development would provide for 92.5 square metres of retail space for the sale of packaged alcohol. The use of this space would be similar to a Liquor Store - Small land use under LPS2. A Liquor Store – Small is a permitted 'P' use within the District Centre zone under LPS2;
- The proposed operating hours would ensure that the Tavern does not have any adverse impact on the nearby residential properties. The applicant proposes that the Tavern would operate until 9:00pm on Monday to Saturday and 7:00pm on Sunday. A Tavern in the District Centre zone is permitted to operate until midnight on Monday to Saturday and 10:00pm on Sunday under the City's Policy No. 7.5.7 – Licensed Premises (Licensed Premises Policy);
- The subject tenancy is sited between the existing IGA and Akasha Wellness Clinic tenancies with frontage to Scarborough Beach Road, and does not have a direct frontage to Coogee Street. This would assist in mitigating the impact of the Tavern on the surrounding area with activity orientated towards Scarborough Beach Road and the District Centre zone;
- The proposed development and façade design that incorporates large windows would positively contribute to the Scarborough Beach Road character and town centre setting. It would improve the amenity of the area and revitalise a currently vacant tenancy, adding to the pedestrian friendly environment and supporting interaction with the streetscape;
- The adaptive re-use of and improvements to the existing building is consistent with sustainability principles;
- The proposed use would contribute to the existing diversity of entertainment uses within the Mount Hawthorn Town Centre and provide a unique offering to the area;
- The noise generated from the Tavern land use would not negatively impact the surrounding area. The applicant has provided an acoustic report that demonstrates the proposed development can operate within noise limits. The acoustic report has been provided as **Attachment 4**. This report has been reviewed by Administration and is acceptable, as detailed further below; and
- The existing car park to the south of the subject tenancy continues to provide a separation of approximately 50 metres to the nearest residential property to the south. This would assist in providing a buffer to mitigate adverse impacts from the development.

Should the application be approved, a condition of approval is recommended to be included requiring the land use to comply with the proposed operating hours and maximum patron limit. Any increase to the intensity of the proposed land use would require further development approval.

#### Bicycle Parking

The City's Non-Residential Development Parking Requirements Policy requires that the proposal provides one short term bicycle bay and one long term bicycle bay. No bicycle bays are proposed on the development plans.

Should the application be approved, it is recommended that a condition be imposed requiring the provision of two bicycle bays, one short term bay and one long term bay on-site in accordance with the requirements of the City's Non-Residential Development Parking Requirements Policy. This would ensure that adequate provision is made for sufficient bicycle parking on site for staff and customers seeking to use alternate modes of transport.

The applicant has confirmed that they would be accepting of a condition of approval requiring bicycle parking bays to be provided as part of the development and that adequate space is available on-site to provide for this.

#### Car Parking

In accordance with the City's Non-Residential Development Parking Requirements Policy (Parking Policy), a Tavern within the Town Centre built form area is required to provide 0.15 car parking bays per person. The application proposes a maximum of 30 customers and four employees at any one time. This equates to six car parking spaces to be provided on site.

The City previously approved a development application for the provision of paid car parking at the rear of the site. The site provides for 57 car parking bays, three of which were required to be dedicated for use by visitors and staff of the subject tenancy. First hour free parking is applicable to 45 bays in the car park that are not dedicated for exclusive use by the commercial tenancies.

The three additional car parking bays required under the Parking Policy for this development proposal is provided for by the abundance of parking available in the car park on the site. The parking, though not for the exclusive use of the Tavern premises, is available on-site and would meet the anticipated demand of those attending the premises.

The proposed additions to the rear of the building would restrict access to three bays dedicated for the Consulting Rooms (Akasha Wellness Clinic) tenancy on-site. Should the application be approved, it is recommended that a condition imposed requiring the submission of an updated Parking Management Plan (PMP) prior to the issuing of a building permit. This is to indicate the bays that would be available for the exclusive use of patrons, employees and visitors to the proposed Tavern, Consulting Rooms (Akasha Wellness Clinic) and Shop (IGA) consistent with the requirement specified in Council's previous approval for the site.

The applicant has confirmed that an updated PMP is being prepared for submission prior to the issue of a building permit.

#### Noise

The City's Policy No. 7.5.21 - Sound Attenuation requires development applications for public buildings to be accompanied by an acoustic report. The applicant submitted an acoustic report prepared by Gabriel Hearne Farrell Pty Ltd which is included in **Attachment 4** and outlines the following:

- Noise emissions generated must be in compliance with the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations). The site specific criteria is based off the Assigned Noise Levels which vary depending on time of day, location of receivers nearby and noise sources;
- The noise generated from an internal crowd located in the seminar room would be in compliance with the Noise Regulations to both the eastern and western affected properties. Internal crowd noise generated from the seminar room would also be in compliance to the affected southern properties as long as the south facing window remains closed. The proposed facility is not intended to have any internal music playing louder than conversation noise levels; and
- The noise generated from mechanical services was identified as being generated from a worst case scenario of a roof mounted air conditioning unit with a cooler room operating 24 hours. This would achieve compliant noise levels at all times to the western and southern adjoining properties.

The acoustic report recommended that the following noise management strategies should be implemented by the venue manager:

- Glass is to only be emptied into the outside bins between the hours of 7:00am and 7:00pm Monday to Saturday and 9:00am to 7:00pm on Sunday and public holidays; and
- The venue should maintain a logbook for any complaints received regarding noise and disturbance in the area as well as the action taken to rectify the matter.

The acoustic report concluded that the proposed development would demonstrate compliance with the Noise Regulations from internal crowd during intended operating hours and that noise generated from external mechanical equipment is likely to achieve compliance at all times.

The City's Health Services has reviewed the acoustic report and is satisfied with the acoustic report findings. The noise generated from the proposed development would not have an adverse impact on the amenity of the surrounding properties.

Should the application be approved, it is recommended that a condition of approval be imposed requiring the venue to operate in compliance with the recommended measures outlined in the acoustic report.

#### Venue Management

The City's Licensed Premises Policy sets out the need to consider the operation of licensed premises through the preparation of a venue management plan. This would assist in ensuring that a licensed premises would not unduly impact the residential amenity of an area.

The applicant has submitted information relating to operating hours, acoustic assessment, staff and patrons numbers, waste management and car parking that are matters to be addressed in a venue management plan under the Licensed Premises Policy. Matters relating amplified music playing in the new addition, anti-social behaviour and complaints management should be documented by the applicant prior to the use commencing in order to reduce the risk of incidents of anti-social behaviour and noise emanating from the premises.

Should the application be approved, a condition is recommended requiring the submission of a venue management plan in accordance with the City's Licensed Premises Policy prior to occupancy or use of the development and ongoing implementation of the approved venue management plan.

#### Waste Management

The applicant has submitted a Waste Management Statement (WMS) and is included in **Attachment 5**.

The WMS details that the proposed Tavern is small in scale and would not offer meals or a bar service. All food provided in the seminar space of the building would be prepared off site and would not generate the waste that other taverns ordinarily produce.

The applicant has indicated that they would engage Cleanaway for private waste collection.

Administration supports the private waste collection arrangement from the rear car parking area for the proposed development. The existing rear area of the tenancy provides sufficient space to accommodate bin store areas for all three tenancies on-site. The City has liaised with the applicant regarding their current waste collection locations and they have indicated that they are reviewing their current waste management strategy which will include information regarding the amount of waste generated, number of bins provided and collection frequency.

Should the application be approved, it is recommended that a condition be imposed requiring the submission of an updated WMS in accordance with the City's Waste Management Guidelines. This is to include the total number of bins for each commercial tenancy, the location of the bins, as well as measures to be put in place to ensure noise associated with waste disposal is appropriately managed and mitigated. A separate condition is also recommended requiring the ongoing implementation of the WMS to ensure the approved waste collection arrangements are maintained.

The applicant has confirmed that an amended WMS is being prepared for submission prior to the issue of a building permit.

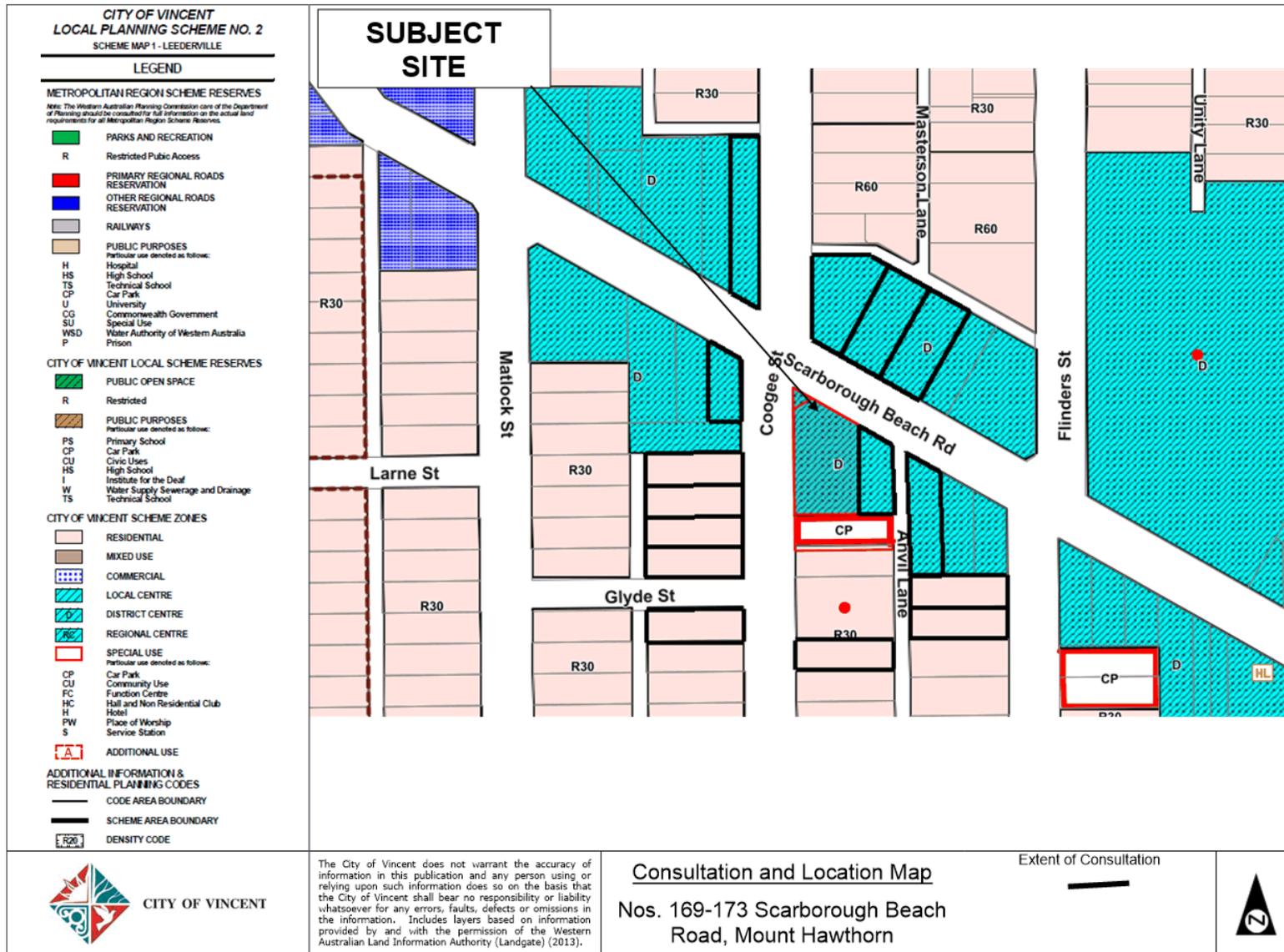
#### Signage

The application includes elevation plans that indicate signage on the front and rear façade of the building. The applicant has confirmed that the signage proposed as part of the plans is for demonstration purposes only and does not form part of this approval.

Should the application be approved, it is recommended that a condition be imposed to ensure any proposed signs and advertising are in accordance with the City's Policy No. 7.5.2 – Signs and Advertising. Any signage

proposed that does not comply with the deemed-to-comply requirements of the Signs and Advertising Policy would be subject to a further development approval.

The applicant has confirmed that all signage would either be in accordance with the deemed-to-comply requirements of the City's Signage Policy or would be subject to a separate development application.



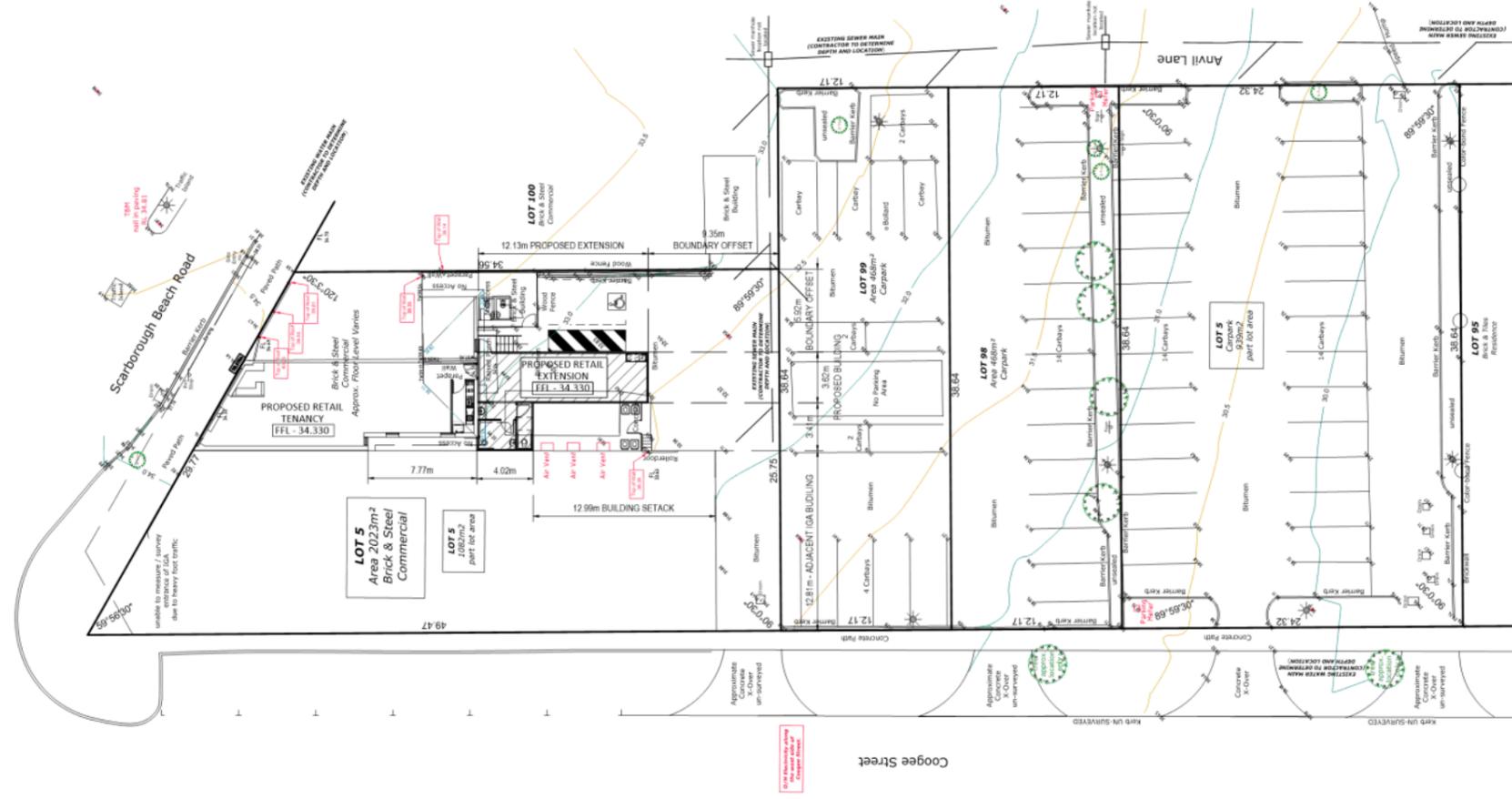


**RICHGROW Pty Ltd  
COPPER & OAK LIQUOR MERCHANTS  
LOT 5 - 171 SCARBOROUGH BEACH ROAD,  
Mt. HAWTHORN W.A.**

CITY OF VINCENT  
RECEIVED  
14 July 2021



LOCALITY PLAN  
SCALE ~ NTS



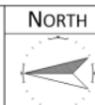
SITE SURVEY PLAN  
SCALE 1:200

REV	DATE	DESCRIPTION
B	06.07.2021	ISSUED FOR APPROVAL
A	02.09.2021	ISSUED FOR COMMENT
B	04.10.2020	ISSUED FOR MARK-UP
REV	DATE	DESCRIPTION

DOCUMENTED BY  
Suite 2, 4 Sarich Way,  
Bentley WA 6102  
Ph: +61 8 9470 7700  
Fax: +61 8 9470 7700  
E-mail: info@perthcad.com.au



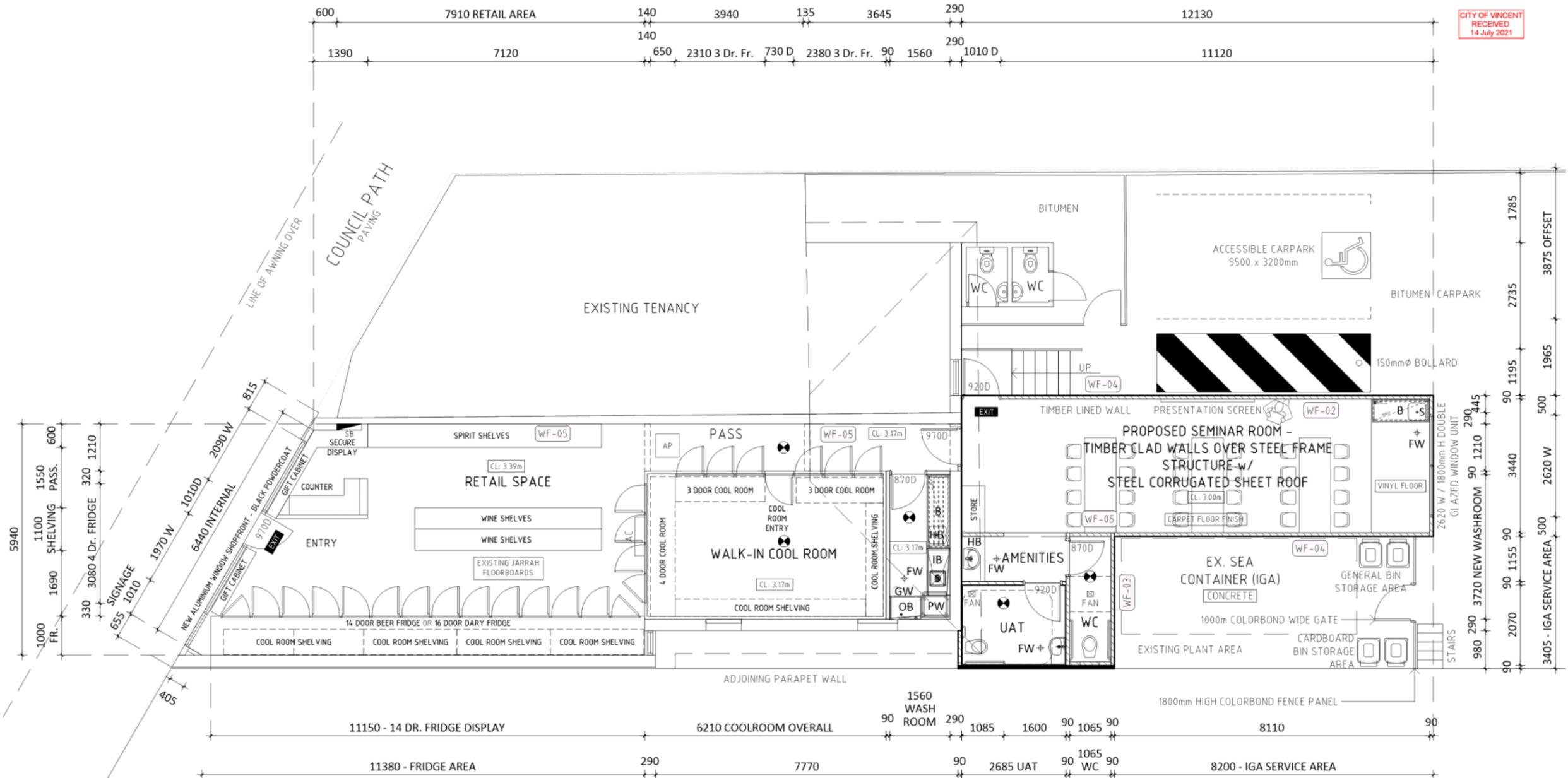
**CHANGE OF USE APPLICATION**



CLIENT	RICHGLOW PTY. LTD. COPPER AND OAK LIQUOR MERCHANTS
PROJECT	PROPOSED RETAIL FIT-OUT WORKS 171 SCARBOROUGH BEACH ROAD, MOUNT HAWTHORN
DRAWING TITLE	EXISTING SITE SURVEY PLAN

DRAWN	RP	CHECKED	JP	DRAWING No.
DATE CREATED	29.10.2020	SCALE	1:200 @ A1	A.01
DATE	06.07.2021	REV No.	B	
DIN No.	20122	REV		

CITY OF VINCENT  
RECEIVED  
14 July 2021



PROPOSED TENANCY LAYOUT PLAN  
SCALE 1:50

**ELECTRICAL LEGEND**

	EMERGENCY EXIT
	EMERGENCY LIGHT FIXTURE
	ELECTRICAL SWITCHBOARD
	CEILING EXHAUST FAN - TO NATURAL AIR

**INVENTORY LEGEND**

S	SINK
B	BENCH
GW	GLASS WASHER
IB	INLET BENCH
PW	PASS-THRU WASHER
OB	OUTLET BENCH
FR	FRIDGE
SS	STAINLESS STEEL BENCH
HB	HAND BASIN
WC	WATER CLOSET
FW	FLOOR WASTE

NO.	DATE	DESCRIPTION	BY
B	06.07.2021	ISSUED FOR APPROVAL	RP
A	02.09.2021	ISSUED FOR COMMENT	RP
D	04.10.2021	ISSUED FOR MARK-UP	RP
REV	14.12.2021	ISSUED FOR APPROVAL	RP

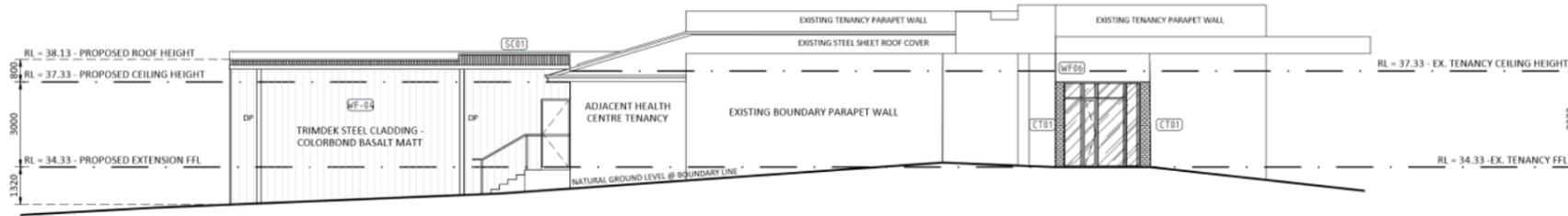
DOCUMENTED BY  
 Suite 2, 4 Sarich Way,  
 Bentley WA 6102  
 Ph: +61 8 9470 7700  
 Fax: +61 8 9470 7700  
 E-mail: info@perthcad.com.au



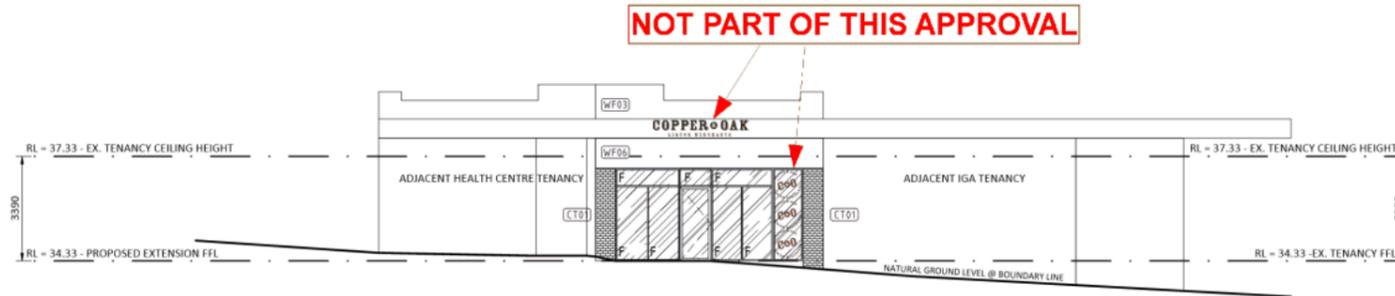
# CHANGE OF USE APPLICATION

<p><b>NORTH</b></p>	CLIENT RICHGLOW PTY. LTD. COPPER AND OAK LIQUOR MERCHANTS	DRAWN RP	CHECKED JP	DRAWING NO. A.02
	PROJECT PROPOSED RETAIL FIT-OUT WORKS 171 SCARBOROUGH BEACH ROAD, MOUNT HAWTHORN	DATE CREATED 29.10.2020	SCALE 1:50 @ A1	REV NO. B
	DRAWING TITLE PROPOSED DESIGN CONCEPT LAYOUT	DATE 06.07.2021	REV B	

CITY OF VINCENT  
RECEIVED  
14 July 2021



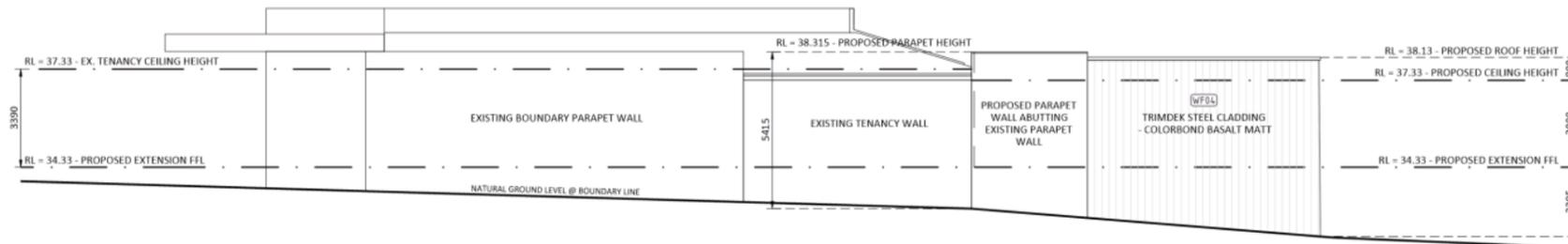
PROPOSED EAST ELEVATION  
SCALE 1:100



PROPOSED NORTH ELEVATION  
SCALE 1:100



PROPOSED SOUTH ELEVATION  
SCALE 1:100



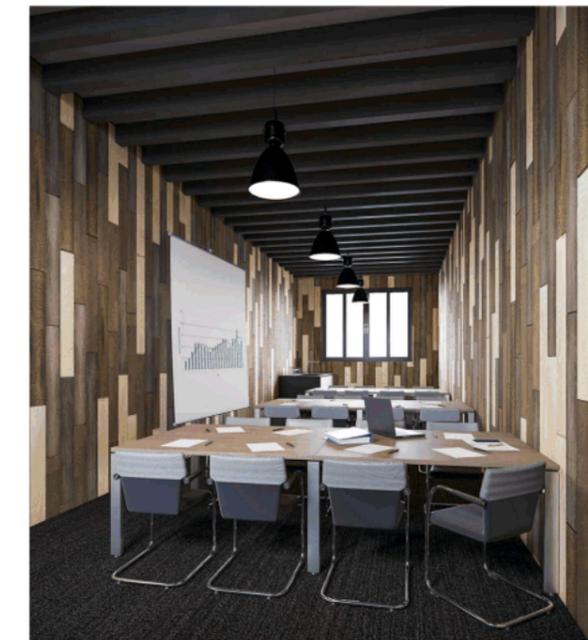
PROPOSED WEST ELEVATION  
SCALE 1:100



PROPOSED OXFORD St. STREETSCAPE VIEW



PROPOSED COOGEE St. CARPARK VIEW



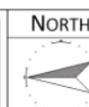
CONCEPTUAL INTERNAL FIT-OUT

NO.	DATE	ISSUED FOR	BY
B	06.07.2021	ISSUED FOR APPROVAL	JP
A	02.09.2021	ISSUED FOR COMMENT	JP
0	04.10.2020	ISSUED FOR MARK-UP	JP
0	04.10.2020	ISSUED FOR MARK-UP	JP

DOCUMENTED BY:  
Suite 2, 4 Sarich Way,  
Bentley WA 6102  
Ph: +61 8 9470 7700  
Fax: +61 8 9470 7750  
E-mail: info@perthcad.com.au



# CHANGE OF USE APPLICATION



CLIENT	DATE CREATED	SCALE	DRAWN	CHECKED	DRAWING NO.
RICHGLOW PTY. LTD. COPPER AND OAK LIQUOR MERCHANTS	29.10.2020	1:100 @ A1	RP	JP	A.03
PROJECT	DATE	REV. NO.			
PROPOSED RETAIL FIT-OUT WORKS 171 SCARBOROUGH BEACH ROAD, MOUNT HAWTHORN	06.07.2021	B			
DRAWING TITLE	DATE	REV.			
PROPOSED ELEVATIONS	20122				

CITY OF VINCENT  
RECEIVED  
14 July 2021

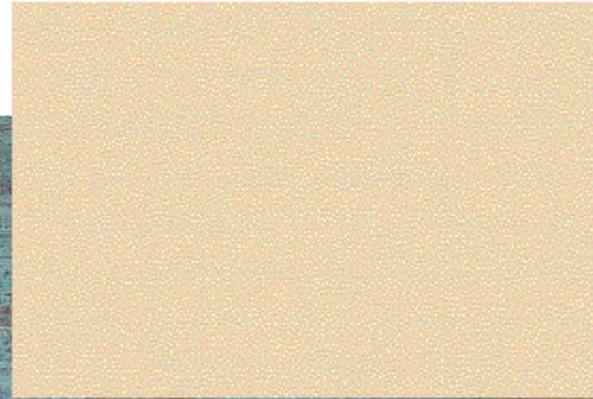
WF - 05 TAUBMANS - LOW SHEEN  
- BLACK FOX PAINT FINISH



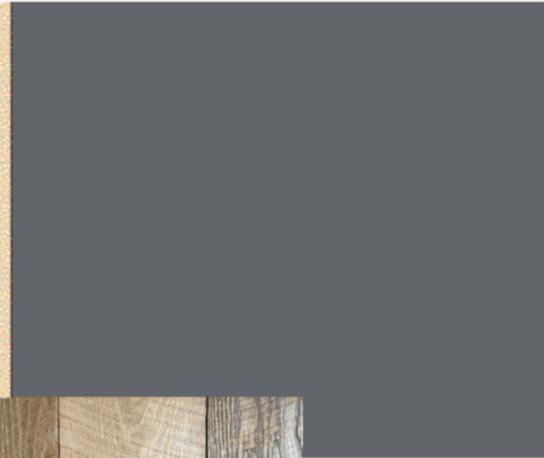
FF - 02 ARMSTRONG NYLEX VINYL FLOOR R12 TILE  
- MIDNIGHT2



WF - 06 DULUX WEATHERSHIELD - LOW SHEEN  
- COLORBOND CLASSIC CREAM SEMI GLOSS

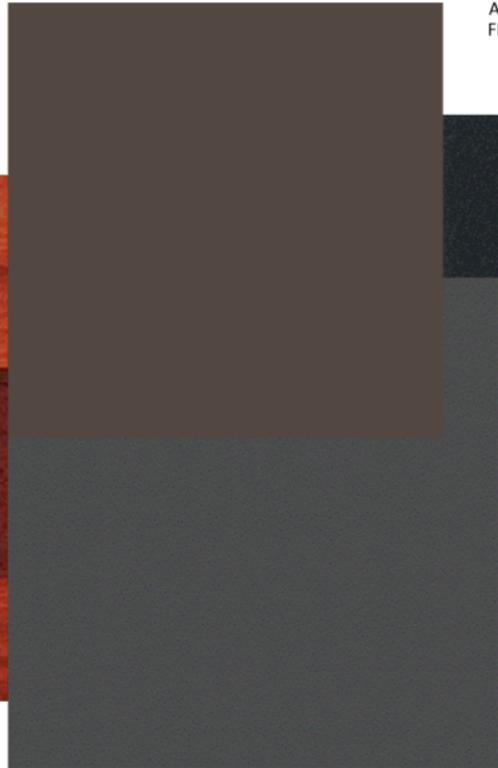


STEEL ROOF SHEET, WALL CLADDING AND TRIM  
WF - 04 / SC - 01 - COLORBOND BASALT MATT



EXISTING JARRAH FLOOR  
FF - 01 - MATT FINISH FLOOR

WF - 03 DULUX WEATHERSHIELD - LOW SHEEN  
- DOMINO BLACK PAINT FINISH



WF - 01 PORTERS COPPER PATINA  
- INTERNAL WALL PAINT FINISH



SG - COPPER AND OAK SIGNAGE IMAGERY  
- PAINT ON METAL FINISH



WF - 02 ROUGH SWAN AMERICAN OAK  
- INTERNAL WALL CLADDING FINISH



CT - 01 300x100mm SUBWAY TILE  
- CERAMIC WALL TILE FINISH



FF - 03 500x500mm CARPET FLOOR TILE  
- DARK GREY C-18



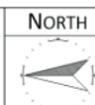
**COPPER & OAK**  
LIQUOR MERCHANTS

NO.	DATE	DESCRIPTION	BY
1	06.07.2021	ISSUED FOR APPROVAL	JP
2	02.08.2021	ISSUED FOR COMMENT	JP
3	08.10.2020	ISSUED FOR MARK-UP	JP
4	08.10.2020	ISSUED FOR MARK-UP	JP

DOCUMENTED BY:  
Suite 2, 4 Sarich Way,  
Bentley WA 6102  
Ph: +61 8 9470 7700  
Fax: +61 8 9470 7700  
E-mail: info@perthcad.com.au



CHANGE OF USE APPLICATION



CLIENT	RICHGLOW PTY. LTD. COPPER AND OAK LIQUOR MERCHANTS		DRAWN	RP	CHECKED	JP	DRAWING NO.
PROJECT	PROPOSED RETAIL FIT-OUT WORKS 171 SCARBOROUGH BEACH ROAD, MOUNT HAWTHORN		DATE CREATED	29.10.2020	SCALE		A.04
DRAWING TITLE	FINISHES SCHEDULES		DATE	06.07.2021	REV NO.	B	
			JOB NO.	20122	REF.		



Phone:

Fax :

M :

Chief Executive Officer  
City of Vincent  
PO Box 82  
Leederville WA 6902



Tuesday, 6 July 2021

Dear Sir/Madam,

**Re: Change of Use Application - Parking Management Plan**

**Applicant:** Richglow Pty Ltd  
**Premises:** 169-173 Scarborough Beach Road, Mount Hawthorn, WA 6016  
**Proposed Trading Name:** Copper & Oak

We work for Richglow Pty Ltd, a company which is lodging a change of use application with the City of Vincent to change the use of the above premises from "shop" to "tavern".

What follows constitutes our client's car parking management plan pertaining to this application.

**1. Introduction**

- 1.1. To provide an additional service to the patrons and the community in the City of Vincent, Richglow Ltd will be applying to;
  - 1.1.1. The licensing authority for the conditional grant of a tavern licence for premises located at 171 Scarborough Beach Road, Mount Hawthorn, Western Australia.
  - 1.1.2. The City of Vincent to change the use of the above premises from "shop" to "tavern".
- 1.2. The name of the proposed tavern is "Copper & Oak Mt Hawthorn".
- 1.3. The proposed tavern is taking inspiration from the existing Copper & Oak liquor store in Tuart Hill also owned and managed by the applicant company.
- 1.4. Copper & Oak has been offering Tuart Hill customers a great variety of liquor products for well over 15 years and the intention is to do the same for Mount Hawthorn. Their knowledge, price and service offer great value with their local and international range of spirits, wines and imported and local craft beers changing, evolving and increasing in premium diversity weekly.

CITY OF VINCENT  
RECEIVED  
14 July 2021

## 2. Car Parking Requirement

- 2.1. Car parking requirements as required by the City of Vincent Parking and Access policy is shown in Table 1 below.
- 2.2. As seen in Table 1, considering the adjustment factors and the previous parking approved by the City of Vincent, the resultant shortfall for this change-of-use application is three (3) car bays.

**Table 1: Car parking requirements as per City of Vincent Parking and Access Policy**

Requirements as per Parking and Access Policy	Required
<b>Total car parking required before adjustment factor (nearest whole number)</b> <ul style="list-style-type: none"> <li>• <b>Shop:</b> 3.5 car bays required per 100m<sup>2</sup> NLA. Proposal 93.7sqm NLA = 3.3 = 4 car bays.</li> <li>• <b>Tavern:</b> 0.15 car bays required per person. Proposal 34 patrons = 5.1 = 6 car bays.</li> <li>• <b>Total = 10 car bays</b></li> </ul>	10 car bays
<b>Apply the parking adjustment factors:</b> <ul style="list-style-type: none"> <li>• 0.80 (20%): within 400m of a bus stop (Scarborough Beach Rd After Matlock St).</li> <li>• 0.80 (20%): within 200m of an existing off-street public car park with excess of 50 car bays (Coogee Street City of Vincent Car Park - 51 Parking Bays)</li> <li>• 0.90 (10%): if the development is located in a Town Centre in Appendix 1 of the Policy 7.7.1.</li> <li>• Adjustment Factor = 0.8 x 0.8 x 0.9 = 0.576</li> </ul>	5.76 car bays
<b>Minus</b> car parking provided on-site	See note below <sup>1</sup>
<b>Minus</b> car parking previously approved by the City of Vincent  The Council at its Ordinary Meeting held on 11 February 2014 approved these bays for the existing shop (Christos Jewellery).	3
<b>Resultant Shortfall</b>	<b>2.76</b>

<sup>1</sup>. The applicant has attempted to find out what car parking spaces are available on site from the agent for the property owner, Council and the landlords directly, however no-one is able to confirm the precise number of car bays.

CITY OF VINCENT  
RECEIVED  
14 July 2021

### 3. Alternative Parking

- 3.1. In addition to the car parking previously approved by the City of Vincent, there are extensive alternative parking sites close to the premises. Paragraph 6 below contains a site map which shows the alternative parking and public transport described in the following paragraphs.
- 3.2. **On-street Parking:**
  - 3.2.1. Along Scarborough Beach Rd in front of the tenancy and on nearby streets (see B, D, H and J in paragraph 6)
    - 3.2.1.1. There are at least two (2) on-street car bays on Scarborough Beach Road.
    - 3.2.1.2. There are at least seven (7) on-street car bays on Coogee Street.
  - 3.2.2. Restrictions for on-street parking includes (see K in paragraph 6):
    - 3.2.2.1. 15 minutes at all times,
    - 3.2.2.2. Three (3) hour parking between:
      - 3.2.2.2.1. Monday to Saturday 8am to 6pm;
- 3.3. **Off-street Parking at Coogee, City of Vincent Public Car Park;**
  - 3.3.1. No fee, time restrictions apply, 51 parking bays.
- 3.4. **Off-street Parking at Coogee St Car Park<sup>2</sup> (see M in paragraph 6):**
  - 3.4.1. 14 bays
  - 3.4.2. Entry off Coogee Street
  - 3.4.3. Total distance between the premises and the car park;
    - 3.4.3.1. 4.54 metres approx.
    - 3.4.3.2. 1 minute walk)
- 3.5. **Additional off-street parking:**
  - 3.5.1. There are 4 car bays at the back of the building available to the tenants. (See image L in paragraph 6)
  - 3.5.2. The site map shows some loading bays available to the tenants. (See images A and C in paragraphs 6)
  - 3.5.3. The applicant company indicated that there are also 28 bays available at the back of the building owned by the landlord and shared with adjoining tenants.
- 3.6. Although tasting events are going to be conducted at the premises, it will only happen in the evenings when the shops nearby are closed, so the car bays surrounding the proposed tavern can be shared.
- 3.7. One of the main objectives of our client is to provide premium packaged liquor to the local community, which can be acquired by them through a very quick purchase, which means that the parking time restrictions do not impact the amenity of the locality.

---

<sup>2</sup> The landlord has advised that car parking is no longer under the control of Wilson Parking and is available to the tenants.

CITY OF VINCENT  
RECEIVED  
14 July 2021

#### 4. Alternative Transport

4.1. Located in one the most popular dining and socialising suburbs in Perth, Mount Hawthorn, with an exciting array of vibrant restaurants, entertainment options, there is an abundance of alternative transport options available for patrons of Copper & Oak.

#### 4.2. Public Transport:

##### 4.2.1. Bus:

4.2.1.1. 20m approx. to stop ID: 11449 Scarborough Beach Road Before Coogee Street (approx. 1 minute walk. See I in paragraph 6)

4.2.1.2. 120m approx. to stop ID: 12581 Scarborough Beach Road After Matlock Street (approx. 2-minute walk)

4.2.1.3. 180m approx. to stop ID: 12582 Scarborough Beach Road After Flinders Street (approx. 2-minute walk)

#### 4.3. Pedestrian:

4.3.1. All public transport and public car parks are accessible by pedestrian pathway.

4.3.2. The subject premises is located in a busy area in Mount Hawthorn, with ample streetlights and shops/business surrounding the area.

#### 4.4. Cycling:

4.4.1. While there is no dedicated path for cyclists, there is ample space for cyclists on the pedestrian path and on the road.

4.4.2. The speed limit in front of the proposed tavern (Scarborough Beach Road side) is 40 km/h, which reduces the chance of accidents occurring between cyclists & motor vehicles.

4.4.3. Bicycle parking is available on-site and on-street close to the subject premises for patrons to secure their bikes.

4.4.3.1. Bike parking provisions will be within the bays to the rear of the property in various short term dedicated Carpark at rear on Coogee Street and via Anvil Lane.

4.4.3.2. Existing multiple bicycle racks out front the building are available. There are at least four (4) bike racks on the pedestrian pathway, one (1) of them is located at the same side of the street as the subject premises (see F in paragraph 6) and the other there (3) are located across the road (see G in paragraph 6).

4.4.3.3. There are 2 racks in front of IGA Supermarket (see E in paragraph 6).

#### 5. Parking Management Strategies

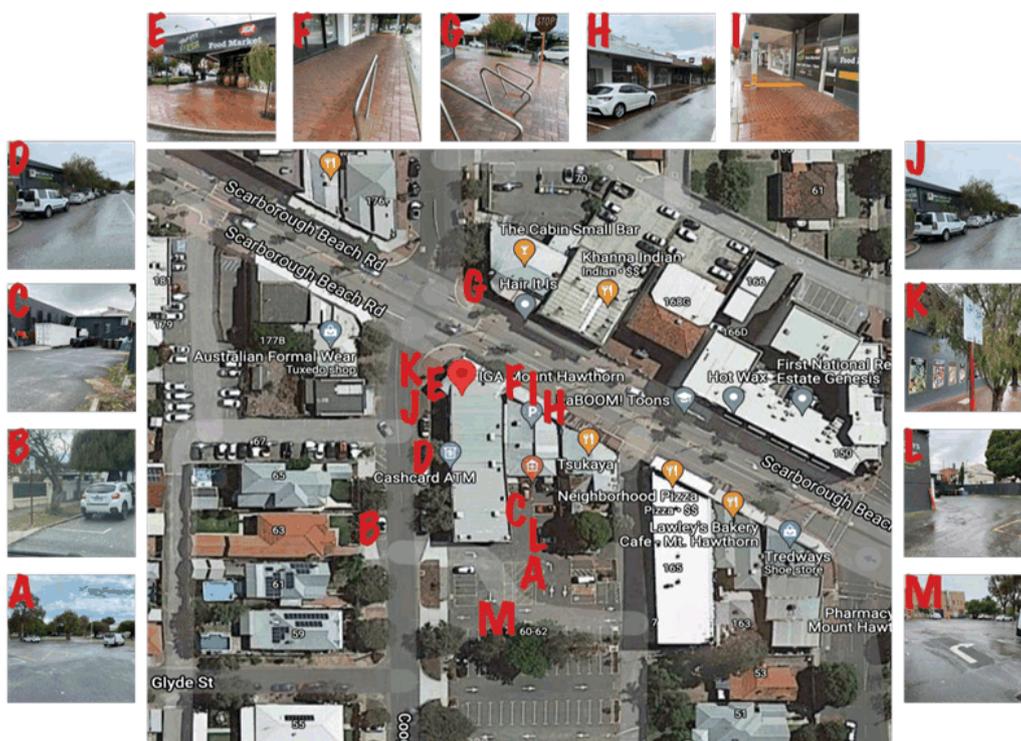
##### 5.1. Staff

5.1.1. The proposed liquor store will have 2 full time shift managers, only one car bay necessary.

CITY OF VINCENT  
RECEIVED  
14 July 2021

- 5.1.2. The applicant company will be employing casuals that live in the area, similar to the Tuart Hill store, and more often they are dropped off, use public transport or commute by bicycle.
- 5.1.3. The staffing roster will include 1 manager and 1 casual in the afternoon.
- 5.2. Promotion of alternative transport modes
  - 5.2.1. Copper & Oak promotes the use of public transport for both patrons and staff.
  - 5.2.2. Alternative arrangements have been made for staff parking, or staff take public transport.
  - 5.2.3. Not all customers will be driving to the tavern. Some of them will get dropped off, or Uber or ride share with other customers.

6. Copper & Oak Mt Hawthorn site map



Should you have any queries or require further information please do not hesitate to contact this office.

Yours sincerely,

CITY OF VINCENT  
RECEIVED  
1 September 2021

GABRIELS HEARNE FARRELL



# ARCHITECTURAL ACOUSTICS

## DEVELOPMENT APPROVAL REPORT

169 – 173 SCARBOROUGH BEACH ROAD, MT HAWTHORN  
PROPOSED COPPER & OAK

01<sup>st</sup> September 2021



For

CANFORD HOSPITALITY CONSULTANTS

Suite 17, 36 Johnson Street  
GUILDFORD WA 6055

UNIT 3 / 2 HARDY STREET, SOUTH PERTH 6151 TEL: 9474 5966 EMAIL: reception@gabriels.net.au  
GABRIELS HEARNE FARRELL PTY LTD ACN 608 956 734 ATF THE GHF UNIT TRUST

PROJECT: Copper & Oak Mt Hawthorn - DA Acoustic Report  
 PROJ No: 21-048E

Rev A

DATE: 1<sup>st</sup> September 2021  
 PAGE: 1



**EXECUTIVE SUMMARY**

The potential noise emissions from the proposed tavern at 169 – 173 Scarborough Beach Road, Mt Hawthorn have been assessed using a desktop acoustic assessment methodology. The assessment indicates that the noise emissions from the proposed facility has the capability of complying with the Environmental Protection (Noise) Regulations 1997. The following noise control strategies and management shall be implemented by the proponent in order to comply with the regulations:

**Building Construction Requirements**

- No specific requirements beyond current documentation

**Management Requirements**

- The external windows to the seminar room may require closing during particularly busy periods, however general crowd noise should achieve compliance at all times of the day even with the window open.
- Internal music to not exceed general conversational levels, so as to not be audible at the neighbouring residential receivers.
- Glass shall only be emptied into the outside bins between the hours of 7am and 7pm (9am to 7pm on Sundays and Public Holidays).
- A log book shall be maintained for the purpose of recording and resolving noise complaints.

Report Version	Author	Notes	Date
Initial Report	Michael Ferguson		26 <sup>th</sup> August 2021
Rev A	Michael Ferguson	Minor wording changes	1 <sup>st</sup> September 2021



Gabriels Hearne Farrell Pty Ltd is a Member Firm of the Association of Australasian Acoustical Consultants. The report author is a full member of the Australian Acoustical Society.

Disclaimer - The information contained within this report is solely for the use of the client identified on the cover page. The report is based on a specific scope as agreed between Gabriels Hearne Farrell Pty Ltd and the client. Gabriels Hearne Farrell Pty Ltd accepts no liability where this report is used by any third party who may rely upon this document. No section of this report can be used by a third-party without prior approval from the client and Gabriels Hearne Farrell Pty Ltd. This report should not be reproduced or reviewed, except in full.

PROJECT: Copper & Oak Mt Hawthorn - DA Acoustic Report  
 PROJ No: 21-048E

Rev A

DATE: 1<sup>st</sup> September 2021



CONTENTS	PAGE
1. INTRODUCTION .....	3
2. ENVIRONMENTAL NOISE EMISSIONS .....	3
2.1 ASSIGNED NOISE LEVELS .....	4
2.2 ADJUSTMENTS FOR NOISE CHARACTER .....	4
3. NOISE SOURCES .....	5
3.1 EPNR NOISE SPECIFIC CRITERIA .....	5
3.2 NOISE SOURCES USED IN MODELLING .....	6
3.3 PENALTIES APPLIED TO NOISE SOURCES .....	6
4. RESULTS OF ACOUSTIC CALCULATIONS .....	7
5.1 NOISE BREAKOUT FROM INTERNAL CROWD .....	7
5.2 NOISE EMISSIONS FROM MECHANICAL SERVICES .....	7
6. GENERAL MANAGEMENT STRATEGIES .....	7
6. CONCLUSION .....	8

Report Version	Author	Notes	Date
Initial Report	Michael Ferguson		26 <sup>th</sup> August 2021
Rev A	Michael Ferguson	Minor wording changes	1 <sup>st</sup> September 2021



Gabriels Hearne Farrell Pty Ltd is a Member Firm of the Association of Australasian Acoustical Consultants. The report author is a full member of the Australian Acoustical Society.

Disclaimer - The information contained within this report is solely for the use of the client identified on the cover page. The report is based on a specific scope as agreed between Gabriels Hearne Farrell Pty Ltd and the client. Gabriels Hearne Farrell Pty Ltd accepts no liability where this report is used by any third party who may rely upon this document. No section of this report can be used by a third-party without prior approval from the client and Gabriels Hearne Farrell Pty Ltd. This report should not be reproduced or reviewed, except in full.

PROJECT: Copper & Oak Mt Hawthorn - DA Acoustic Report  
PROJ No: 21-048E

Rev A

DATE: 1<sup>st</sup> September 2021



## 1. INTRODUCTION

As requested, this report summarises all potential environmental noise issues applicable to the Development Approval stage of the proposed Copper & Oak tavern, located at 169 - 173 Scarborough Beach Road, Mt Hawthorn.

This report is based upon the drawings received 18<sup>th</sup> August, 2021. This report outlines the following:

- Demonstrates that the project team is aware of their Regulatory obligations with regards to noise emissions,
- Establishes the project specific Assigned Noise Level criteria in accordance with the Regulations,
- Identifies the relevant Noise Sources and the Assigned Noise Levels applicable to each source,
- Identifies acoustic issues that will be addressed in detail during design and documentation stages, to ensure compliance with the Environmental Protection (Noise) Regulations (EPNR),
- Provides an initial assessment and recommendations to ensure compliance with the EPNR.

## 2. ENVIRONMENTAL NOISE EMISSIONS

Noise emissions generated by the use of the proposed facilities must comply with the Environmental Protection (Noise) Regulations, 1997 (as amended Dec 2013). The criteria for noise emissions from this development to neighbouring premises are called the Assigned Noise Levels, and vary depending on time of day, receiver location, duration of the noise source etc. The site specific criteria are set out in Section 3.1 of this report.

The neighbouring highly noise sensitive premises are:

- Existing residences located to the West of the proposed development, across Coogee Street,
- Existing residences located to the South and South East of the development behind the commercial carpark area.

Our current calculations and recommendations are based upon the above mentioned properties. There are some adjacent commercial properties however it is our understanding that whilst the Assigned Noise Level technically is required to be met at these premises, these facilities are unlikely to be of any concern i.e. there is no clear path for problematic noise intrusion.

The site specific Assigned Noise Level criteria takes into account the land zoning and traffic flows within 100m and 450m of the relevant receiver locations. This has been based on the land zoning information obtained from aerial imagery:

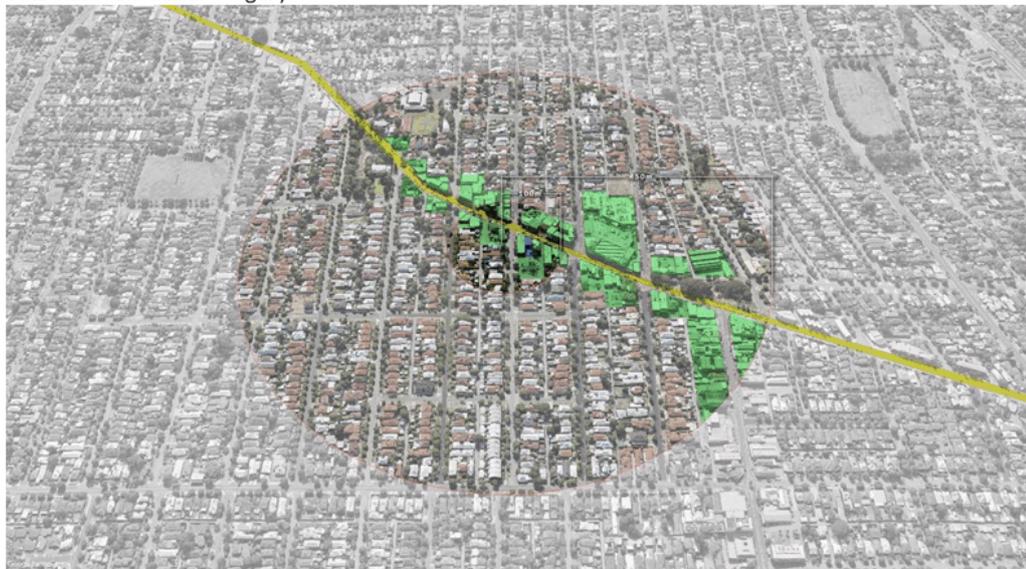


Image 01 - Assigned Noise Level Circumferences

PROJECT: Copper & Oak Mt Hawthorn - DA Acoustic Report  
 PROJ No: 21-048E

Rev A

DATE: 1<sup>st</sup> September 2021



#### Land Zoning Influencing Factor

There is approximately 43% of the inner circle and that is deemed to be commercial in nature, and approximately 8% commercial properties present in the outer circle. Therefore the Influencing Factor for land use is a +3dB(A) adjustment to the Assigned Noise Levels.

#### Transport Influencing Factor

Scarborough Beach Road is located within 100m of the worst case noise sensitive receivers. At this location this road receives over 20,00 vehicles per day, classifying it as a major road. As this falls within the inner circle there is a +6dB(A) adjustment to the Assigned Noise Levels

### 2.1 Assigned Noise Levels

Based on the above, there is an Influencing Factor +9dB(A) relevant to the residences in the surrounding area to the proposed development. On this basis, the regulatory Assigned Noise Level criteria to be applied to this development are:

Type of premises receiving noise	Time of day	Assigned Noise Level (dB)		
		LA10	LA1	LAmax
Noise sensitive premises; highly sensitive area (i.e. within 15m of a residential building)	0700 to 1900 hours Monday to Saturday	54	64	74
	0900 to 1900 hours Sunday and public holidays	49	59	74
	1900 to 2200 hours all days	49	59	64
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays.	44	54	64
Commercial Premises	All hours	60	75	80

Table 01 –Assigned Noise Levels

The sound level parameters used for the various environmental noise criteria are described below, based on an assessment period of 15 minutes up to 4 hours:

**LA10** is the 'A' weighted noise level which is not to be exceeded for more than 10% of the time, e.g. for more than 10 minutes in 100 minutes. This is the parameter relevant to most HVAC equipment, and emissions from other longer term noise sources that run for extended duration (such as crowd noise, music etc.).

**LA1** is the 'A' weighted noise level which is not to be exceeded for more than 1% of the time, e.g. for more than 1 minute in 100 minutes, or up to 24 minutes in 4 hours. This is the parameter relevant to noise sources that only occur occasionally, for short durations, (e.g. vehicle movements).

**LAmax** is the 'A' weighted noise level for individual events (e.g. car door closes) which is not to be exceeded at any time.

### 2.2 Adjustments for Noise Character

Regulation 7 requires that the noise emission must be free of annoying characteristics, namely tonality (e.g. whining, droning), modulation (like a siren), and impulsiveness (e.g. thumping). Where noise emissions do exhibit the above noise characteristics, an adjustment is made to the measured/calculated noise level:

<i>Tonality</i>	5dB is added to the measured level
<i>Modulation</i>	5dB is added to the measured level
<i>Impulsiveness</i>	10dB is added to the measured level

Where the noise emission is music the following adjustments to the measured noise levels apply:

<i>Impulsiveness not present</i>	10dB is added to the measurement level
<i>Impulsiveness present</i>	15dB is added to the measurement level

PROJECT: Copper & Oak Mt Hawthorn - DA Acoustic Report  
 PROJ No: 21-048E

Rev A

DATE: 1<sup>st</sup> September 2021



The above adjustments only apply where the noise character is audible and measurable the noise receiver. In our experience music from an internal noise breakout source is typically not deemed to be impulsive i.e. a +10dB penalty is typically applied to internal music breakout, with a +15 dB penalty reserved for external music.

Crowd noise, indoor breakout or outdoor emissions, is generally considered to be free from tonality and/or modulation and therefore has no penalties applied to it.

### 3. NOISE SOURCES

All noise emissions from the proposed development are to be in full compliance with the requirements of the Environmental Protection (Noise) Regulations 1997. All noise generated by the various activities and building services must meet the Assigned Noise Levels at neighbouring premises, as determined by the Regulations. Noise sources to be addressed include:

- Indoor breakout of crowd noise through the building fabric
- Mechanical units (e.g. condensing units / exhaust fans etc.)\*

We have been advised that the proposed facility does not intend to have any internal music above conversational level and therefore this is assessed as a part of the crowd noise emissions. As the music levels are low there are no penalties applied to this assessment.

#### House of Operation

The client has advised us that the proposed facility will trade from 9am to 9pm Monday to Saturday, and 10am to 7pm Sundays.

#### Vehicle Movements

It should be noted that the parking area available for the proposed tavern is open to the public. It is therefore our understanding that the main trafficable areas are considered 'road'. In accordance with clause 3 of the EPNR:

- 1) *Nothing in these regulations applies to the following noise emissions-*
  - a) *noise emissions from the propulsion and braking systems of motor vehicles operating on a road;*

Therefore propulsion and braking noise associated with vehicle movements has not been assessed.

#### Waste Collection & Site Cleaning

Waste collection and other similar works are covered by Regulation 14A of the EPNR. The regulation states that the collection of rubbish etc. is exempt from meeting the regulations, provided that:

- a) *the works are carried out in the quietest reasonable and practicable manner; and*
- b) *the equipment used to carry out the works is the quietest reasonably available; and*
- c) *is carried out during day time hours, defined as 7am to 7pm Monday to Saturday, and 9am to 7pm Sundays and Public Holidays.*

### 3.1 EPNR Noise Specific Criteria

Based on the above, the relevant EPNR criteria are shown against the noise emissions listed above. The most stringent Assigned Noise Level criteria applicable to these periods will therefore be applied (as seen below).

Noise Emissions from Crowd Noise Breakout		
	Time of Day	Relevant Assigned Noise Level
Daytime - Monday to Saturday	7am to 7pm	LA10 54 dB(A)
Daytime - Sundays & Public Holidays	9am to 7pm	LA10 49 dB(A)
Evening - All Days	7pm to 10pm	LA10 49 dB(A)
Overnight - All Days	All other times from above	LA10 44 dB(A)

Table 02 - Relevant Assigned Noise Levels - Crowd Noise Breakout

PROJECT: Copper & Oak Mt Hawthorn - DA Acoustic Report  
 PROJ No: 21-048E

Rev A

DATE: 1<sup>st</sup> September 2021



The noise assessment calculations below have been performed using a desktop assessment methodology and is based upon the following assumptions:

- The construction of the roof / ceiling systems is steel roof sheeting with a layer of foil faced fiberglass insulation under, ceiling space of minimum 200mm, suspended perforated type ceiling with minimum 75mm fiberglass over.
- Walls are to be either existing cavity masonry or the new extension is to be insulated steel framed walls with 12mm plywood or similar internally and trimdeck metal cladding externally.
- The glazing is assumed to be thermal double glazing with 2 layers of 6mm float glass and a 12mm air gap, arranged in an aluminium sliding frame.
- No fresh air ventilation paths etc. downgrading the performance of the above mentioned building structures.
- The current location of houses and surrounding buildings.

### 3.2 Noise Sources Used in Modelling

Based on in house data and other previous measurements, the following noise sources have been used in the modelling process:

Sound Power Level of Noise Sources								
	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	dB(A)
Crowd noise – Internally (25ppl – third talking)	67	68	78	85	83	77	73	87
External condensing unit – Typical (side discharge)	66	68	65	62	60	56	49	65
External coolroom condensing unit – High speed	67	79	77	74	72	68	62	77

Table 04 - Sound Power Level of Noise Sources used in the Modelling Procedure

#### Crowd Noise

The noise level information used in the modelling procedure is based upon an individual patron talking with a raised voice level of 66 dB(A) at 1m (as per Australian Standard 2822). We have estimated that the internal seminar area will have a maximum 25 patrons at any given point in time. A third of these have been assumed to be talking with a raised voice at the same time for a worst case assessment.

### 3.3 Penalties Applied to Noise Sources

As per Section 2.2 of this report, any 'annoying' characteristics of noise emissions from the proposed development are subject to penalties. Based on our experience, and in the interest of being conservative, the following penalties have been applied to the above noise sources:

- Crowd noise breakout                      No penalty applied                      +0 dB(A)
- Condensing units                              Tonality (for overnight periods)              +5 dB(A)

PROJECT: Copper & Oak Mt Hawthorn - DA Acoustic Report  
PROJ No: 21-048E

Rev A

DATE: 1<sup>st</sup> September 2021



#### 4. RESULTS OF ACOUSTIC CALCULATIONS

##### 4.1 Noise Breakout from Internal Crowd

Based on approximately 25 people located in the seminar room, the results of our calculations are indicating a predicted noise level of approximately 29 dB(A) at the western residences and 26 dB(A) at the southern residences. These values are based on distances of approximately 38m and 58m respectively, with no barrier effect from adjacent buildings being allowed for. In reality the noise levels from crowd noise breakout is expected to be lower than 29 dB(A) due to the adjacent IGA building blocking line-of-sight to the western residences.

The above values are also based on the South facing window being closed. Were this window to be open then the predicted noise levels could increase to approximately 47 and 43 dB(A) to the West and South residences respectively. Again however it must be noted that the predicted 47 dB to the West does not take into account the barrier effect of the adjacent IGA building and the actual noise level is predicted to be below the night time  $L_{A10}$  criteria of 44 dB(A).

Based on these predicted noise levels it is likely that compliance will be achieved at all times of the day. Any music must not be played above general conversational levels and during particularly busy periods the external window may require closing, however our analysis does not require this to be a condition of compliance.

##### 4.2 Noise Emissions from Mechanical Services

The exact location and type of service is currently unknown. Therefore we have assumed that the worst case scenario of roof mounted equipment will occur, with any cool room equipment to run 24 hours a day. Air-conditioning condensers are only expected to run during the advised operating hours.

Based on 2 air conditioning units, the expected noise level at the residences to the West and South are 33 and 25 dB(A) respectively, including penalties for tonality. Based on these values it is expected that compliance will be easily achieved at all times of the day.

Typically noise level data of coolroom condensing units is difficult to obtain, however previous data provided for a liquor cool room store (detailed in Section 3.2 of this report) has been used for this assessment. Based on this information the predicted noise levels of 2 cool room condensing units is 45 and 36 dB(A) for the West and South residences respectively. These values include penalties for tonality and are based on roof mounted equipment with direct line-of-sight to the residences.

The results of this assessment is indicating that on high speed two cool room condensing units may exceed the night time noise criteria by 1 dB(A) at the Western residences. However it must be noted that the barrier effect provided by the adjacent IGA building is likely to reduce this noise level to well below the over night criteria. Even with this compliance it is recommended that any cool room condensing units are selected based on a variable speed capability as lower speeds (quieter operation) are typically all that is required overnight for adequate cooling.

#### 5. GENERAL NOISE MANAGEMENT STRATEGIES

In addition to the noise control previously outlined in this report, the following general noise management strategies should be implemented by the proponents.

- Glass shall only be emptied into the outside bins between the hours of 7am and 7pm (9am to 7pm on Sundays and Public Holidays).
- Management will maintain a log book for any complaints regarding noise and disturbance in the area. Any complaint received is entered into the book, with the date and time of the complaint, the staff member who received the complaint, and the action taken. The approved manager will then contact the complainant to ascertain whether the action taken is sufficient to answer the concern expressed.

PROJECT: Copper & Oak Mt Hawthorn - DA Acoustic Report  
PROJ No: 21-048E

Rev A

DATE: 1<sup>st</sup> September 2021  
PAGE: 8



## 6. CONCLUSION

This report summarises the project requirements in terms of compliance with the Environmental Protection (Noise) Regulations, 1997. This includes determination of the relevant site specific Assigned Noise Level criteria.

A description of each noise source and applicable noise level criteria has been provided, including acknowledgment of relevant adjustments required for noise sources with particular characteristics.

A preliminary acoustic assessment and construction has been provided based upon a review of the current architectural documented supplied. In short, these calculations indicate that:

### Noise Breakout from Internal Crowd Noise

- Compliance is achieved at all times on any day of the week,

### Noise Emissions from External Mechanical Equipment

- Compliance is likely achieved at all times on any day of the week, provided:
  - Any selected mechanical equipment does not exceed the noise levels provided in this report.

If you have any queries regarding any of this then please contact the undersigned on 9474 5966.

Regards,

**Michael Ferguson**

Associate Director B.IntArch(Hons) M.A.A.S.

**GABRIELS HEARNE FARRELL PTY LTD**

Member Firm – Association of Australasian Acoustical Consultants

A Unit 3 / 2 Hardy St South Perth WA 6151 P (08) 9474 5966  
E michael@gabriels.net.au W gabriels.net.au M 0423 880 388



ACN 120 623 449 ABN 28 120 623 449

Phone: (08) 6278 2788  
Fax: (08) 6278 2988  
Mobile: 0417 976 009  
Email: [phil@canford.com.au](mailto:phil@canford.com.au)

Postal: PO Box 389  
Guildford WA 6935  
Office: Suite 17, 36 Johnson Street  
Guildford WA 6055

Chief Executive Officer  
City of Vincent  
PO Box 82  
Leederville WA 6902

CITY OF VINCENT  
RECEIVED  
14 July 2021

Tuesday, 6 July 2021

Dear Sir / Madam,

**RE: Change of use application from “shop” to “tavern”**  
**Applicant: Richglow Pty Ltd**  
**Premises Address: 169-173 Scarborough Beach Road, Mount Hawthorn**  
**Proposed Trading Name: Copper & Oak**

We work for **Richglow Pty Ltd**.

According to our previous phone conversation with Adam Samara of the City of Vincent in June 2021, Adam has advised that the current approved use for the tenancy is “shop”. Therefore, a change of use from “shop” to “tavern” is required.

For the above purpose, please find attached the following documents for your consideration:

1. Completed and signed City of Vincent Application for Development Form;
2. Completed and signed Metropolitan Region Scheme Form 1;
3. A copy of the Certificate of Title;
4. A copy of the Diagram Plan for the above premises;
5. A copy of the site plan and floor plan;
6. A copy of the colours and materials schedule;
7. A copy of perspectives;
8. A copy of the waste management plan;
9. A copy of the parking management plan.

CITY OF VINCENT  
RECEIVED  
14 July 2021

As required, below is information in relation to the proposed licensed premises:

1.	Description of the proposed use	:	Tavern (consumption of liquor on and off the premises)
2.	Hours of operation	:	Standard hours permitted by the Department Racing, Gaming and Liquor, as follows: <ul style="list-style-type: none"> <li>• Monday to Saturday from 6am to 12 midnight</li> <li>• Sunday 10am to 12 midnight</li> </ul>
3.	Number of employees	:	4
4.	Maximum number of customers at any given time	:	30
5.	Car parking arrangement	:	Please see the Car Parking Management attached.

**Assessment against the objectives of the applicable zone provided within the City's Local Planning Scheme No. 2**

1. The proposed development is for a specialist small tavern component exhibiting craft beers, and whiskies, along with wines and other specialist spirits.
2. The proposed tavern is niche and upmarket.
3. The proposed tavern compares favourably against the City's objectives for this zone in that;
  - 3.1. It is a responsible, small scale licensed venue which is very easily accessible to the local community.
  - 3.2. It is pedestrian friendly and presents very well on to the streetscape in a low-key fashion.
  - 3.3. Its trading hours, into the evenings for events, will assist with "eyes on the street" for the locality.
  - 3.4. No loud live music is proposed; hence it will not negatively impact the locality acoustically.

**Waste Management Plan**

- As taverns go in contemporary Perth this will be a very small tavern. It will have a capacity of only 30 people, and only a small preparation area for food which will be pre-prepared off-site.
- The tavern will not offer full meals, nor a full bar service.
- It is therefore anticipated that it will not generate the scale of waste that other taverns might produce.
- The applicant has worked with Cleanaway at their existing liquor store in Tuart Hill and will engage their services for these premises at a frequency commensurate with the waste produced.
- Cleanaway will be responsible for waste management and waste disposal. All waste will be disposed in separate bins as required, including all recycled items.
- Below are some details on the waste management arrangements on the proposed tavern:
  1. Waste bins will be placed in the nominated area;
  2. Commercial waste will be collected on nominated days by Cleanaway;
  3. There will be three separate waste bins as follows:
    - a. Main waste bin / cardboard recycling bin that will be collected every fortnight or earlier as needed (during peak seasons). It is a lockable large 4-wheel bin with an approximate size of 1.5 cubic metres.

CITY OF VINCENT  
RECEIVED  
14 July 2021

- b. Glass / aluminium recycling (refundable) bin that will be collected daily or as needed.
- c. FOGO (food organics and garden organics) bin that will be collected on weekly basis.
4. Bins will be accessed via the back door.
5. Bins will be placed at the rear of the building (together with other tenants' bins).
6. There will be a gap of 0.5m between each bin.
7. Council waste collection bins will be placed on the verge. If not permitted on the verge, it will be located in a different area.

**Perspectives**

The applicant will engage an interior designer if and when this change of use application is approved.

**Acoustic Report**

There is no equipment being used on the premises that may trigger noise related issues (such as sound system, etc) and there will be no live music, therefore the applicant requests the City of Vincent to waive the requirement for lodging an acoustic report.

Should you have any queries or require further information please do not hesitate to contact this office.

Yours sincerely,

**COPPER & OAK**  
LIQUOR MERCHANTS

CITY OF VINCENT  
RECEIVED  
14 July 2021

**Canford**  
Hospitality Consultants Pty Ltd

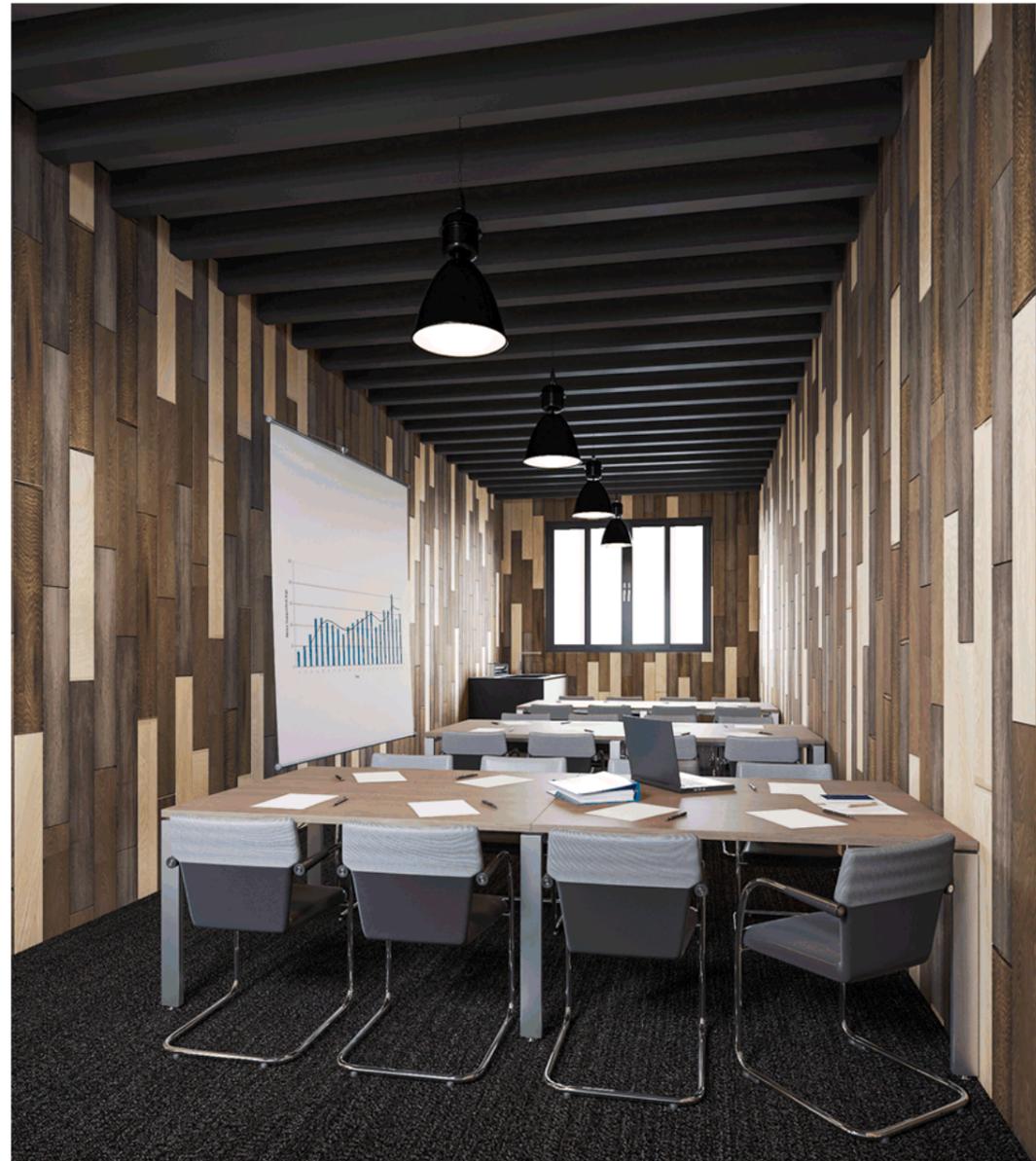


OXFORD St. STREETScape ELEVATION PERSPECTIVE

**COPPER & OAK**  
LIQUOR MERCHANTS

CITY OF VINCENT  
RECEIVED  
14 July 2021

**Canford**  
Hospitality Consultants Pty Ltd



INTERNAL CONCEPT PERSPECTIVE

**PERTH**  
CADCENTRE

**COPPER & OAK**  
LIQUOR MERCHANTS

CITY OF VINCENT  
RECEIVED  
14 July 2021

**Canford**  
Hospitality Consultants Pty Ltd



COOGEE St. CARPARK ELEVATION PERPSECTIVE

- 2 -

THIS IS NOT A BUILDING PERMIT

Fifth Schedule Clause 42  
For Office Use Only  
Serial No. 5.2013.382.1**CITY OF VINCENT TOWN PLANNING SCHEME  
APPROVAL TO COMMENCE DEVELOPMENT**

LOTS:5, 98 and 99

STRATA LOT: N/A

PROPERTY ADDRESS: Nos. 60-62 Coogee Street, MOUNT HAWTHORN

OWNER: P Marotta  
56 TYLER ST  
JOONDANNA WA 6060

Approval to commence development in accordance with the application for City Planning Approval dated 30/07/2013 for Proposed Introduction of a Fee Paying Car Park to Existing Car Park – Reconsideration Under s31 of the State Administrative Tribunal and the attached revised plans received 23 February 2015 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. Car Parking Use

- 1.1 Nine (9) car parking bays, of which one (1) is an ACROD bay, shall not be subject to parking fees and be allocated, sign marked, and be available for the use only by employees, tenants, and visitors directly associated with the existing respective tenancies as follow:
  - 1.1.1 Six (6) car parking bays shall be solely dedicated for the existing consulting rooms (currently used by Akasha Wellness Clinic); and
  - 1.1.2 Three (3) car parking bays shall be solely dedicated for the existing shop (currently used by Christos Jewellery);
  - 1.1.3 Three time limited parking bays to 15 mins will be located closes to the IGA entrance and shall remain free of charge;
- 1.2 The remaining car parking bays on site are to operate as first hour free parking which is valid with the display of a ticket from the ticket display machine;

2. Carparking Area

- 2.1 The car parking area on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the commencement of the paid car park and maintained thereafter by the owners/occupiers to the satisfaction of the City; and

- 3 -

2.2 All car parking bays shall comply with the minimum specifications and dimensions specified in the City's Policy No. 7.7.1 relating to Parking and Access and Australian Standards AS2890.1 - "Off Street Parking";

3. Street Trees

No street verge trees shall be removed. The street verge trees are to be retained and protected from any damage including unauthorised pruning;

4. Landscaping

Landscaping and reticulation is to be installed at the expense of the applicant/owner and thereafter maintained by the owners to the satisfaction of the City; and

5. Light Spill

Adequate measures must be taken to ensure that there is no spill from any lighting for the car park into the adjoining residential lot; and

6. PRIOR TO ANY WORKS UNDERTAKEN TO CONVERT CARPARK INTO A FEE PAYING CARPARK the following shall be completed to the satisfaction of the City:

6.1 Car Parking Layout Plan

A Car Parking Layout Plan supported by a comprehensive Car Parking Management Plan shall be submitted and approved by the City which shows as a minimum:

- The dimensioned car parking bays and manoeuvring areas proposed for all parking in accordance with Australian Standards AS2890 and the City's Parking and Access Policy; ✓
- All related signage, location of the pay terminal for the ticket entry, proposed lighting and internal circulation of motor vehicle traffic within the car park; ✓
- All designated bays not subject to car parking fees clearly marked for their purpose; ✓
- The retention of the existing crossover adjacent to Lot 95 at a width that is to the satisfaction of the City to preserve the existing verge tree. An internal landscaped nib must be extended to align with the existing crossover; and ✗
- The manner in which the first hour free and fee paying component of the car park will operate; ✓

6.2 Landscaping Plan

A detailed landscaping plan must be submitted and approved by the City which shows:

- The upgrade of all verges adjacent to the subject land at the applicant's expense to the satisfaction of the City; ✓
- The planting of trees in the carparking area at a rate of one tree per 4 car bays to the satisfaction of the City; ✓
- An extended internal landscaped nib to align with the existing crossover adjacent to Lot 95 to preserve the existing verge tree; ✗
- Reticulation to all existing and proposed plants; ✗

- 4 -

ADVICE NOTES:

1. The City of Vincent is not responsible for the issuing of illegal parking infringements. This on-site consideration will be implemented by the landowner and their relevant car parking agency;
2. The City of Vincent does not support "wheel clamping" as an enforcement method and recommends that an alternative method be used to control the car park;
3. All signage that does not comply with the City's Policy No. 7.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Building Permit application, being submitted to and approved by the City prior to the erection of the signage;
4. With reference to condition 6.2 the City encourages planting of native species; and
5. A refundable verge upgrade bond of \$6000 shall be lodged prior to the commencement of any works to convert the existing car park into a fee paying car park and will be held until all works have been completed and/or any damage to the existing facilities have been re-instated to the satisfaction of the City. An application to the City for the refund of the upgrade bond must be made in writing.

NOTES:

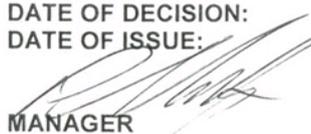
PLEASE NOTE THAT ANY AMENDMENTS PROPOSED IN THE BUILDING PERMIT APPLICATION PLANS, WHICH DIFFER FROM THE PLANNING APPROVAL PLANS, MAY RESULT IN THE REQUIREMENT FOR A NEW PLANNING APPLICATION TO BE SUBMITTED FOR ASSESSMENT AND DETERMINATION. SHOULD THIS BE THE CASE, THE OWNER/BUILDER/DEVELOPER IS ADVISED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

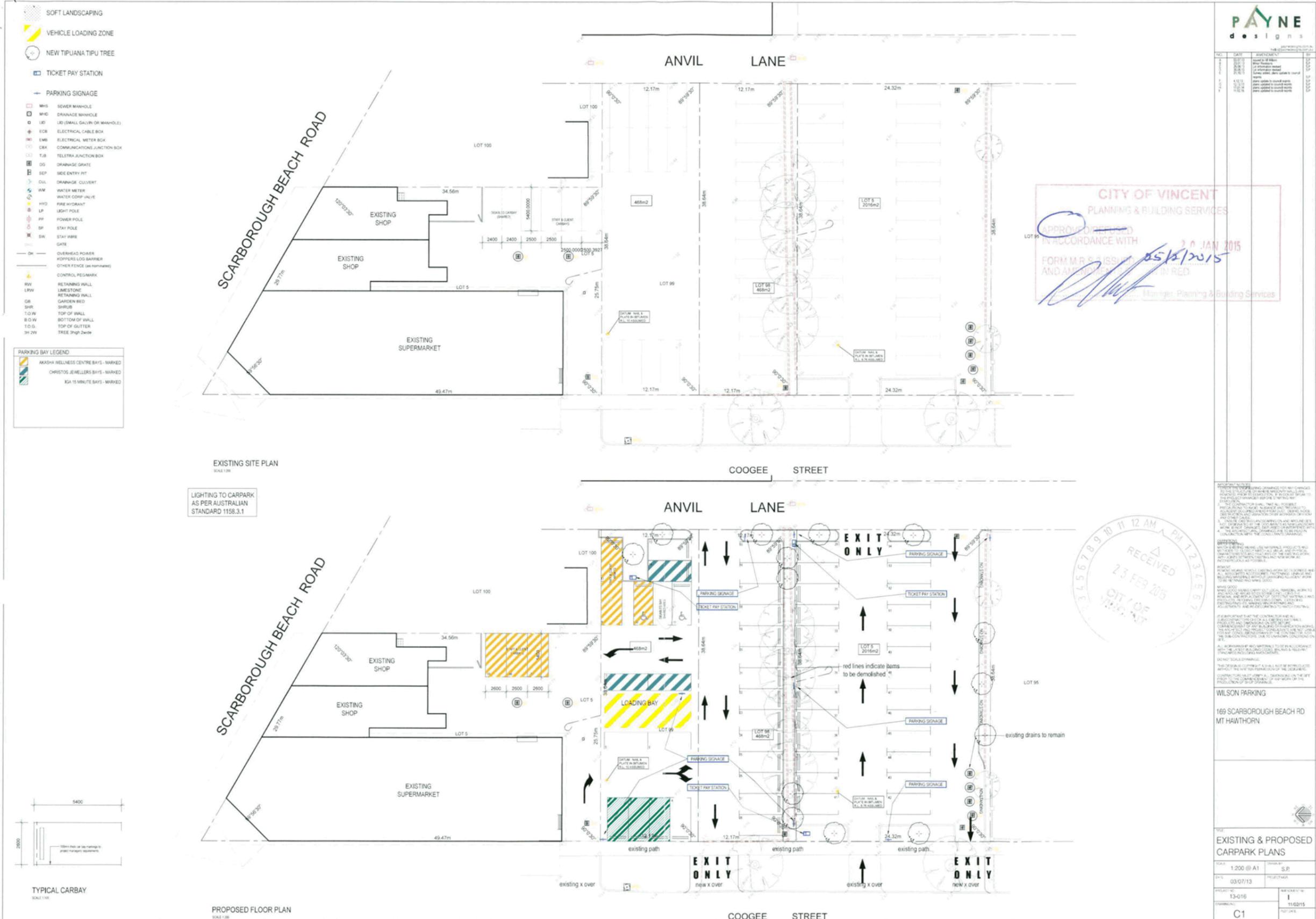
OWNER(S), BUILDER(S) AND DEVELOPER(S) UNDERTAKING DEVELOPMENT/CONSTRUCTION OF ANY KIND ARE HEREBY ADVISED OF A RESPONSIBILITY TO COMPLY WITH THE REQUIREMENTS OF THE DISABILITY DISCRIMINATION ACT 1992. FOR FURTHER INFORMATION ON THIS ACT, ENQUIRIES SHOULD BE DIRECTED TO THE DISABILITY SERVICES COMMISSION 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: 20 January 2015  
DATE OF ISSUE: 25 February 2015

  
MANAGER  
PLANNING AND BUILDING SERVICES



**Summary of Submissions:**

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

<b>Comments Received in Support:</b>	<b>Administration Comment:</b>
<p><u>Land Use</u></p> <ul style="list-style-type: none"> <li>The addition of a small bar will be a great addition to the main Street. There is a need for more small bars along Scarborough Beach Road.</li> <li>Mount Hawthorn is a place to go for grocery shopping, dining, socializing, The addition of this business will benefit the residents and also provide even greater attraction for supporting such types of local business which are already heavily frequented by locals. Mount Hawthorn has become a popular location for people to come to for food and drink venues and this will be another great addition to the area.</li> <li>Boutique bars add culture and life to the town and there is currently a limited choice of venues offering good wine and small plates of food to be shared with friends.</li> </ul>	<p>Comments for support are noted by Administration.</p>
<b>Comments Received in Objection:</b>	<b>Administration Comment:</b>
<p><u>Land Use</u></p> <ul style="list-style-type: none"> <li>Concerns regarding the acceptability of patrons/vehicles arriving/leaving the Tavern at the proposed hour of operation time of 12:00am.</li> <li>Concerns regarding the number of already operating taverns/bars/bottle shops in the immediate area.</li> </ul>	<p>The applicant has confirmed that the intended hours of operation will be between 9:00am to 9:00pm Monday to Saturday and 10:00am to 7:00pm on Sunday.</p> <p>Trading hours permitted under a tavern licence issued by Racing, Gaming and Liquor at the Department of Local Government, Sport and Cultural Industries is 6:00am to 12 midnight Monday to Saturday and 10:00am to 12 midnight Sunday. This was included in the applicant's supporting information that was made available when the application was advertised. This may have caused confusion with the hours of operation being sought by the applicant.</p> <p>This is not a relevant planning consideration. The number of existing taverns/bars/bottle shops in the area does not relate to the matters required to be considered in the determination of a development application.</p>

**Summary of Submissions:**

Comments Received in Objection:	Administration Comment:
<ul style="list-style-type: none"> <li>Concerns regarding the Tavern land use in close proximity to the Residential zone. Concerns that the use will encourage anti-social behaviour.</li> </ul>	<p>The proposed use is of a small scale and nature that would be appropriate in the District Centre zone, with activity associated with the land use contained within the building and with main entry to the premises provided from Scarborough Beach Road. This would ensure that the development is orientated towards and would contribute to the activity and vibrancy of the Town Centre area.</p> <p>A recommended condition of approval requires the applicant to prepare a venue management plan prior to the use commencing. Amongst other matters to be addressed, the venue management plan is to include management of anti-social behaviour and complaints received.</p> <p>The applicant would be required to separately obtain a liquor licence from Racing, Gaming and Liquor at the Department of Local Government, Sport and Cultural Industries in order to operate the use. As part of this separate application process, a Public Interest Assessment would be required to be completed in accordance with the <i>Liquor Control Act 1988</i>. This is to consider how the premises would impact the community and how any issues could be effectively managed.</p>
<p><u>Parking</u></p> <p>Concerns regarding the parking available on site and the impact of patrons of the Tavern parking in the residential streets nearby.</p>	<p>Adequate car parking is available on-site to meet the demands of the proposed Tavern use and would ensure parking in the residential streets nearby is not increased as a result of the proposal. The proposed Tavern requires a total of six car parking bays located on-site in accordance with the City's Policy No. 7.7.1 – Non-Residential Development Parking Requirements. A minimum of six car parking bays are available in the car parking area located to the rear of the subject site, three of which would be for the exclusive use of the Tavern tenancy. There are 57 paid car parking bays in the car park with first hour free.</p>
<p><u>Noise</u></p> <p>Concerns regarding the proposed noise generation from the Tavern land use and impact to the adjoining residential zone.</p>	<p>The applicant submitted an acoustic report in support of the proposal and which demonstrates that the proposed development would comply with the <i>Environmental Protection (Noise) Regulations 1997</i>, with recommended management strategies.</p> <p>A condition of approval has been recommended for the premises to operate in accordance with the recommendations of the acoustic report. This would ensure that impacts from noise on nearby residential properties are appropriately mitigated.</p>

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

**Summary of Submissions:**

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

<b>Comments Received in Support:</b>	<b>Applicant Comment</b>
<p><u>Land Use</u></p> <p>The addition of a small bar will be a great addition to the main Street. There is a need for more small bars along Scarborough Beach Road.</p>	No comment
<p><u>Land Use</u></p> <p>Mount Hawthorn is a place to go for grocery shopping, dining, socializing, The addition of this business will benefit the residents and also provide even greater attraction for supporting such types of local business which are already heavily frequented by locals. Mount Hawthorn has become a popular location for people to come to for food and drink venues and this will be another great addition to the area.</p>	No comment
<p><u>Land Use</u></p> <p>Boutique bars add culture and life to the town and there is currently a limited choice of venues offering good wine and small plates of food to be shared with friends.</p>	No comment

<b>Comments Received in Objection:</b>	<b>Applicant Comment</b>
<p><u>Land Use</u></p> <p>Concerns regarding the acceptability of patrons/vehicles arriving/leaving the Tavern at the proposed hour of operation time of 12:00am.</p>	<p>12am refers to the standard hours available under the Liquor Control Act for such liquor licences, however the hours being applied for here are;</p> <ul style="list-style-type: none"> <li>• From Monday to Saturday: 9:00 am to 9:00 pm</li> <li>• Sunday: 10 am to 7: 00 pm</li> </ul>
<p><u>Land Use</u></p> <p>Concerns regarding the number of already operating taverns/bars/bottle shops in the immediate area.</p>	<p>This part of Scarborough Beach Road constitutes a town centre for the area, and such land uses are encouraged under the town planning scheme</p>

Comments Received in Objection:	Applicant Comment
<p><u>Land Use/Anti-social behaviour</u></p> <p>Concerns regarding the Tavern land use in close proximity to the Residential zone. Concerned that the use will encourage anti-social behaviour.</p>	<p>This is a very small tavern, with very limited patron capacity, and no live music is proposed as part of the operating style. In this was the proposed premises should contribute positively to the amenity of Mt Hawthorn</p>
<p><u>Parking:</u></p> <p>Concerns regarding the parking available on site and the impact of patrons of the Tavern parking in the residential streets nearby.</p>	<p>This is a very small tavern, with very limited patron capacity, and no live music is proposed as part of the operating style. In this was the proposed premises should contribute positively to the amenity of Mt Hawthorn</p>
<p><u>Noise</u></p> <p>Concerns regarding the proposed noise generation from the Tavern Land use and impact to the adjoining residential zone.</p>	<p>This is a very small tavern, with very limited patron capacity, and no live music is proposed as part of the operating style. In this was the proposed premises should contribute positively to the amenity of Mt Hawthorn</p>

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

[https://canfordhospitality.sharepoint.com/CLIENTS/Copper & Oak/Copper Council/20211117 Copper summary of Council submissions received.doc](https://canfordhospitality.sharepoint.com/CLIENTS/Copper%20&%20Oak/Copper%20Council/20211117%20Copper%20summary%20of%20Council%20submissions%20received.doc)

Determination Advice Notes:

1. The use of the premises as a Tavern requires compliance with the *Health (Public Building) Regulations 1992* and submission of a Public Building Application (Form 1 & 2) to the City's Health Services for assessment prior to commencement of the new use.
2. All signage that does not comply with the City's Policy No. 7.5.2 – Signs and Advertising shall be subject to a separate Development Application and Building Permit application, being submitted and approved prior to the erection of the signage.
3. 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.
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 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.
6. The obligation to comply with the requirements of the condition continues whilst the approved development exists.
7. The premises may 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 9273 6533 upon receipt of this approval to discuss the requirements further with an Environmental Health Officer.
8. The 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 6533 upon receipt of this approval to discuss the requirements further with an Environmental Health Officer.
9. In regards to Condition 10, all storm water produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City. 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.