

<b>9.2</b>	<b>NO. 500 (LOT: 41; D/P: 418433) FITZGERALD STREET, NORTH PERTH - PROPOSED CHANGE OF USE FROM RESTAURANT/CAFE TO RESTAURANT/CAFE AND SMALL BAR (AMENDMENT TO APPROVED)</b>
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**Ward:** South

**Attachments:**

1. Consultation and Location Plan
2. Development Plans
3. Acoustic Assessment
4. Previous Joint Development Assessment Panel Approval
5. Summary of Submissions - Applicant's Response
6. Summary of Submissions - Administration's Response
7. Clause 67 Assessment

**RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the development application for a proposed Change of Use from Restaurant/Café to Restaurant/Café and Small Bar (Amendment to Approved) at No. 500 (Lot: 41; D/P: 418433) Fitzgerald Street, North Perth, in accordance with the plans shown in Attachment 2, subject to the following conditions:

1. All conditions, requirements and advice notes detailed on the development approval 5.2023.218.1 granted on 12 December 2023 continue to apply to this approval except as follows:

**1.1 Condition 1 is modified as follows:**

This approval is for a Change of Use from Restaurant/Café to Restaurant/Café and Small Bar (Amendment to Approved) as shown on the approved plans dated 18 August 2023, 3 July 2024, 11 December 2024 and 10 January 2025. No other development forms part of this approval;

**1.2 Condition 2.3 is modified as follows:**

The Restaurant/Café and Small Bar shall be limited to the following hours of operation:

- Monday to Sunday: 7:00am to 5:00pm; and
- All deliveries shall be limited to 7:00am to 2:00pm, Monday to Friday;

**1.3 Condition 3.1 is modified as follows:**

Prior to the commencement of the operating hours outlined in Condition 2.3, an amended Venue Management Plan shall be submitted to and approved by the City. The amended Venue Management Plan shall outline the approved operating hours of the development and shall be prepared in accordance with City's Policy No. 7.5.7 – Licensed Premises, to the satisfaction of the City;

**1.4 Condition 6 is modified as follows:**

Prior to the commencement of the operating hours outlined in Condition 2.3, eight parking bays on-site, as identified in Attachment 2, shall be line marked with painted letters which read 'Café Parking', to the satisfaction of the City;

**1.5 Condition 9 'Signage' is added as follows:**

- 9.1 Prior to the commencement of the operating hours outlined in Condition 2.3, the existing signs highlighted in red on the plans shall be removed, to the satisfaction of the City.

- 9.2 Prior to the commencement of the operating hours outlined in Condition 2.3, all signage shown on the approved plans shall be installed to the dimensions and locations shown on the approved plans, to the satisfaction of the City. The sign located to the northern elevation of the bin store shall be installed to the top left corner of the wall, replacing existing signage in this location, to the satisfaction of the City.**
- 9.3 All signage is to be in strict accordance with the City's Local Planning Policy: Signs and Advertising, unless further development approval is obtained.**
- 9.4 All signage shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site.**

**1.6 Condition 10 'Acoustic Report' is added as follows:**

**The premises shall operate at all times in accordance with the criteria and all recommended conditions/restrictions outlined approved acoustic report (Herring Storer Acoustics, dated 22 November 2024) to the satisfaction of the City.**

**EXECUTIVE SUMMARY:**

The purpose of this report is to consider an application to amend a development approval to extend the operating hours for an existing Restaurant/Cafe and Small Bar at No. 500 Fitzgerald Street, North Perth (the subject site).

The subject site is located on the corner of Fitzgerald Street and Venn Street and contains a mixed-use development which includes one commercial tenancy, 19 multiple dwellings and associated car parking.

The subject site is zoned Residential R60-R100 under the City's Local Planning Scheme No. 2 (LPS2) with a portion of the site along the eastern boundary being zoned Residential R40. The portion of the site zoned Residential R60-R100 is located within the Transit Corridor Built Form Area under the City's Policy No. 7.1.1 – Built Form (Built Form Policy). The portion of the subject site zoned Residential R40 is located within the Residential Built Form Area under the Built Form Policy.

The commercial tenancy, which is the subject of this application, is located on the ground floor at the northwest corner of the site and fronts both Fitzgerald Street and Venn Street. The tenancy currently operates as a Restaurant/Café and Small Bar. The remainder of the subject site is built out with ground floor multiple dwellings adjacent to the venue and two levels of multiple dwellings located above. The site also includes car parking for the dwellings and the venue located to the rear. This carparking includes open air and covered bays.

The application proposes extended operation hours to the existing approved Café/Restaurant and Small Bar at the subject site. This specifically includes a change in hours from 8:00am – 5:00pm to 7:00am – 5:00pm Monday to Sunday. The application also includes additional signage onsite to assist with wayfinding to the internal car park area.

The remainder of the venue operation remains as existing and is not proposed to be changed as part of this application. The proposal does not seek to alter the approved maximum patronage or modify the existing car parking arrangements. The car parking for the development complies with the City's Local Planning Policy: Non-Residential Parking (Parking Policy) and no discretion is being sought in relation to car parking.

The applicant has sought to respond to community concerns regarding street parking and the utilisation of the car parking bays for the development by proposing wayfinding/directional signage to be installed to direct customers to use the car parking bays at the rear of the development. The proposed signage would improve wayfinding and increase legibility for customers accessing the existing car parking on-site. The proposed signage is suitably sized, designed and located to ensure the signage is visible to the tenancy's visitors whilst maintaining the amenity of the surrounding locality.

The proposed extension of operating hours for the venue would not adversely impact on the surrounding residential properties. This is because the site context provides suitable separation to reduce noise and amenity impacts.

The applicant has provided an Acoustic Assessment that demonstrates that the noise generated by the development would comply with *Environmental Protection (Noise) Regulations 1997* (the Noise Regulations). The Acoustic Assessment demonstrates that the noise generated by the proposed extension to the operating hours would not adversely impact the surrounding area.

The proposed development is acceptable as considered against the planning framework and is recommended for approval subject to conditions.

### PROPOSAL:

The application proposes to amend the existing development approval for a Restaurant/Café and Small Bar at No. 500 Fitzgerald Street, North Perth, as shown on the location plan included as **Attachment 1**.

A Restaurant/Café has operated at the subject site since August 2022 in accordance with the development application approved by Development Assessment Panel (DAP) on 11 July 2018. The subject site amended its operations and has functioned as a Restaurant/Café and Small Bar since December 2023 in accordance with an amended development application approved by Council on 12 December 2023.

The amendments proposed as part of this development application are summarised as follows:

#### Operating Hours

The proposed development application seeks an amendment to the previously approval to facilitate earlier opening hours.

The use currently operates in accordance with Condition 2.3 of the previous approval that provides the following operating hours:

*2.3. The Restaurant/Café and Small Bar shall be limited to the following hours of operation:*

- *Monday to Sunday: 8:00am to 5:00pm; and*
- *All deliveries shall be limited to 7:00am to 2:00pm, Monday to Friday.*

The application proposes to amend Condition 2.3 to change the current approved operating hours from 8:00am – 5:00pm to 7:00am – 5:00pm on Monday to Sunday.

The applicant seeks approval for an additional hour of operation in the morning to enable the business to attract commuters on their way to work in the morning.

#### Way Finding Signage

The development application also seeks approval to remove and replace signage within the existing on-site carpark.

Changes to the signage within the car park are proposed in response to community feedback, aiming to improve legibility and enhance the utilisation of off-street parking bays for the development.

New signage is proposed on the northern and western elevations of the bin store wall and on the southern dividing fence. All new signs are visible from vehicles entering the carpark accessway. Each sign is proposed to be 1 metre by 1 metre in size.

The proposed development plans are included as **Attachment 2**. The applicant's Acoustic Assessment is included as **Attachment 3**.

The applicant is separately considering amendments to their previous approval to seek additional hours of operation in the evening. This request is not part of the current assessment and form part of a separate development application that would be presented at a future Council meeting for consideration.

### Delegation to Determine Applications:

This application is being referred to Council for determination in accordance with the City's Register of Delegations, Authorisations and Appointments.

This is because the delegation does not extend to applications that seek to amend a development approval previously determined by Council, unless the application meets the deemed-to-comply standards and does not change the impact of any the conditions of approval imposed.

The application proposes to amend a development approval previously determined by Council and seeks approval for departures to the deemed-to-comply standard of the City's Signs and Advertising Policy. The proposal also seeks to amend Condition 2.3 of the current development approval, relating to the hours of operation which would alter the impact of the condition.

The delegation does not extend to applications that receive more than five objections during community consultation. The application received 12 objections during community consultation.

#### BACKGROUND:

<b>Landowner:</b>	A D'Alonzo and F D'Alonzo
<b>Applicant:</b>	La Mortazza Pty Ltd
<b>Client:</b>	La Mortazza Pty Ltd
<b>Date of Application:</b>	2 July 2024
<b>Zoning:</b>	MRS: Urban LPS2: Zone: Residential R Code: R40 and R60-R100
<b>Built Form Area:</b>	Transit Corridor and Residential
<b>Existing Land Use:</b>	Restaurant/Café and Small Bar
<b>Proposed Use Class:</b>	Restaurant/Café and Small Bar
<b>Lot Area:</b>	2,069 square metres
<b>Right of Way (ROW):</b>	No
<b>Heritage List:</b>	No

#### Site Context and Zoning

The subject site is bound by Fitzgerald Street to the west, Venn Street to the north, a three-storey grouped dwelling development to the south and a single-storey single house to the east. A location plan is included as **Attachment 1**.

A portion of the subject site and the properties to the north and south of the subject site that front Fitzgerald Street are zoned Residential R60-R100 under LPS2 and are located within the Transit Corridor Built Form Area under the City's Built Form Policy, with a building height standard of three to four storeys. A portion of the subject site along the eastern boundary and properties fronting Venn Street are zoned Residential R40 and are located within the Residential Built Form Area under the Built Form Policy, with a building height standard of two storeys.

The following key site features are noted:

- The premises is located on the ground floor of the existing development, to the north western corner of the subject site.
- The premises includes bi-fold alfresco doors which open to both Fitzgerald Street and Venn Street.
- A parapet wall and solid fencing separates the Restaurant/Café and Small Bar alfresco dining area from the eastern adjoining apartment, which orients to Venn Street. The apartment entry lobby separates the premises from the closest southern adjoining apartment.
- The layout of the Restaurant/Café and Small Bar's seating consists of an indoor area that seats 12 patrons and an outdoor area that seats 16 patrons, as shown on the proposed floor plans in **Attachment 2**. This allows for four staff at the Restaurant/Café when operating a maximum capacity.
- A landscaped area surrounds the periphery of the tenancy to both the street setbacks areas of Venn Street and Fitzgerald Street, shown in **Figure 1** below. Landscaping including plants, shrubbery, young trees and mature street.
- Mature verge trees are also located to both street frontages adjacent to the Café tenancy, shown in Figures 2 and 3 below.
- The pedestrian entry and disabled access point is provided from Fitzgerald Street. Patrons can access the premises from pedestrian footpaths on Fitzgerald Street and Venn Street.
- Alfresco blinds are located along the full length of the Fitzgerald Street and a portion of the Venn Street interface.
- The premises is primarily orientated towards Fitzgerald Street. This is because the primary access to the tenancy is located on Fitzgerald Street and the configuration of existing landscaping which includes a landscaping strip between the outdoor alfresco area and pedestrian footpath on both street frontages. The Venn Street verge includes two mature street trees and three young trees within the Venn Street landscaping strip. The Fitzgerald Street verge includes one mature street tree on the southern edge of the premises and one young tree in the Fitzgerald Street landscaping strip.





**Figure 1 – Subject site as viewed from the Venn Street pedestrian footpath (east)**



**Figure 2 – Subject site as viewed from the northern adjacent properties, across Venn Street**





**Figure 3 – Subject site as viewed from the western adjacent properties, across Fitzgerald Street**

#### Surrounding Context & Character

The surrounding context is pre-dominantly characterised by residential development with some commercial uses located along Fitzgerald Street. The subject site is located approximately 200 metres to the north of the North Perth District Centre.

The portion of Fitzgerald Street adjacent to the subject site comprises two northbound lanes and two southbound lanes with a 60km/hr speed limit. It features dedicated AM and PM bus lanes that provide high-frequency bus routes to the Perth CBD and to northern suburbs. The existing verge in front of the site contains a pedestrian footpath, low-lying landscaping and there are four exiting trees in the verge for the extent of the site's frontage to Fitzgerald Street. This portion of Fitzgerald Street is a clearway and no stopping area due to the AM bus lane.

The City's traffic data from 2021 indicates an average daily traffic volume of 427 vehicles per day (VPD) along Venn Street. Fitzgerald Street's average daily traffic volume was 10,294 VPD driving southbound and 6,678 VPD driving northbound. Between 7:00 AM and 11:00 AM, Venn Street averaged 36.8 vehicles per hour, while Fitzgerald Street averaged 999.3 vehicles per hour driving southbound.

The character of the surrounding context is summarised as follows:

- **Northern Properties:** The immediately adjacent northern properties located at Nos. 48-56 Venn Street consist of single-storey single houses, with the following distinguishing features. The view of the premises to these properties is shown in **Figure 1** above.
  - The front facades of these houses are located between 26 to 28 metres from the northern lot boundary of the subject site.
  - All houses include front-facing windows to Venn Street.
  - All houses include low permeable picket fences along their respective frontages, except for No. 54 Venn Street that provides solid brick wall up to 2.0 metres in height for a portion of its frontage.
  - All properties include hard-stand parking areas within their front setback area and/or across their respective verges.
  - Mature Queensland Box verge trees are provided within the verge of each property.
- **Eastern Property:** The eastern adjoining property consists of a single-storey single house. The property interfaces with the parking lot of the subject site. The business's allocated parking bays are located 2.2 metres from the shared eastern boundary. The adjoining eastern dwelling is located a further 2.3 metres from the shared boundary which includes the adjoining property's driveway with landscaping. The business is located 35 metres to the west of the adjoining eastern property and is separated by the associated apartment building and car parking area within the subject site.

- **Western Properties:** The properties to the west are separated from the business by Fitzgerald Street, which comprises of four traffic lanes, shown in **Figure 3** above. The western adjacent dwellings consist of single-storey and two-storey single houses. The properties at Nos. 503 to 509 Fitzgerald are located a minimum of 33 metres from the business and No. 501 Fitzgerald is located approximately 30 metres from the business. The dwellings include a mix of solid and semi-permeable fences along the Fitzgerald Street interface.
- **Southern Properties:** The southern adjoining property consists of a grouped dwelling development. The property interfaces with the parking lot and the rear of the multiple dwellings located within the subject site. The closest parking bay associated with the business is located 1.2 metres from the shared southern boundary and is adjacent to the southern property. The adjoining southern dwelling is located a further 6.0 metres from the shared boundary which includes the adjoining property's driveway with landscaping. The business is located 33 metres to the north of the adjoining southern property and is separated by the associated apartment building and car parking area within the subject site.

#### Site & Approvals History

The site has undergone several development approvals, beginning with the Metro West Joint Development Assessment Panel's (JDAP) approval in July 2018 for 18 multiple dwellings and a Restaurant/Café.

In January 2022, the Council approved an additional one-bedroom dwelling, further enhancing the sites residential capacity.

Most recently, in December 2023, the Council approved a change of use to include a Small Bar alongside the existing Restaurant/Café. This amendment increased the maximum occupancy to 32 patrons while maintaining the same operating and delivery hours.

Details on the previous development approvals for the subject site are as follows:

Date	Comment
11 July 2018	<p>On 11 July 2018, the JDAP resolved to approve construction of 18 Multiple Dwellings and Restaurant/Café at Nos. 500, 502 and 504 Fitzgerald Street and 45 Venn Street, North Perth. The site has since been amalgamated into one lot.</p> <p>The development included the allocation of nine parking bays to the commercial use on the site, located to the rear with vehicle access provided from Venn Street. The approval included conditions limiting the Restaurant/Café to a maximum of 20 patrons at any one time and limiting the operating hours to:</p> <ul style="list-style-type: none"> <li>Monday to Sunday, 8:00am – 5:00pm.</li> </ul> <p>The approval also limited delivery hours to:</p> <ul style="list-style-type: none"> <li>Monday to Friday, 7:00am to 2:00pm.</li> </ul> <p>A copy of the JDAP approval and plans dated 11 July 2018 is included as <b>Attachment 4</b>.</p>
30 May 2022	<p>In January 2022, a development application was received by the City, seeking approval for an additional one-bedroom dwelling within the existing built form of the development, located on the first floor. In May 2022, Administration approved the application. This increased the number of apartments within the development to 19.</p> <p>The approved plans included the reallocation of a car bay from the commercial tenancy to the new multiple dwelling, reducing the allocation for the subject premises to eight car bays.</p>
12 December 2023	<p>At its Ordinary Meeting held on 12 December 2023, Council resolved to approve an application for a Change of Use from Restaurant/Café to Restaurant/Café and Small Bar, subject to conditions.</p> <p>The approval included conditions of approval that increased occupancy numbers for the Restaurant/Café to a maximum of 32 patrons at any one time.</p> <p>The application did not propose changes to the previously approved operating and delivery hours.</p>

Date	Comment
	Documents from the 12 December 2023 Ordinary Council Meeting can be found here; <a href="#">Agenda</a> and <a href="#">Minutes</a> .

**DETAILS:****Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of LPS2, City's Local Planning Policy: Non-Residential Parking, the City's Policy No: 7.5.7 – Licensed Premises (Licensed Premises Policy), the City's Policy No: 7.5.21 – Sound Attenuation (Sound Attenuation Policy) and the City's Local Planning Policy: Signs and Advertising (Signs and Advertising Policy).

Planning Element	Use Permissibility/ Deemed-to-Comply/ Acceptable Outcomes (or equivalent)	Previously Approved	Requires the Discretion of Council
Land Use		✓	
Non-Residential Parking Policy	✓		
Licensed Premises Policy	✓		
Sound Attenuation Policy	✓		
Signs and Advertising Policy			✓

**Detailed Assessment:**

The deemed-to-comply assessment of the element that requires the discretion of Council is as follows:

Signage	
Acceptable Outcome	Proposal
<b>Signs and Advertising Policy</b>	
Maximum number of signs permitted within Residential Zone: Two per tenancy	Maximum number of signs proposed for the subject premises: Six total (three additional proposed)
Maximum number of fence signs permitted: One per tenancy	Maximum number of fence signs proposed for the subject premises: Five total (three additional proposed).

The above element of the proposal that does not meet the specified policy requirements is discussed in the Comments section.

**Local Planning Scheme No. 2**

In considering the appropriateness of the change in operating hours, Council is to have due regard to the objectives of the Residential zone, which are as follows:

- To provide for a range of housing and a choice of residential densities to meet the needs of the community;
- To facilitate and encourage high quality design, built form and streetscapes throughout residential areas;
- To provide for a range of non-residential uses, which are compatible with and complementary to residential development;
- To promote and encourage design that incorporates sustainability principles, including but not limited to solar passive design, energy efficiency, water conservation, waste management and recycling;
- To enhance the amenity and character of the residential neighbourhood by encouraging the retention of existing housing stock and ensuring new development is compatible within these established areas;
- To manage residential development in a way that recognises the needs of innovative design and contemporary lifestyles; and

- *To ensure the provision of a wide range of different types of residential accommodation, including affordable, social and special needs, to meet the diverse needs of the community.*

The residential zone objectives are one matter that Council is to give due regard to in the consideration of this application under the Planning Regulations. This along with other relevant matters are set out below.

*Planning and Development (Local Planning Schemes) Regulations 2015*

In accordance with [Clause 67\(2\)](#) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions)* and in determining a development application, Council is to have due regard to a range of matters to the extent that these are relevant to the development application.

Administration's response to each matter requiring consideration is listed in the table contained in **Attachment 7**.

**CONSULTATION/ADVERTISING:**

Community consultation was undertaken in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* for a period of 14 days, from 25 October 2024 to 7 November 2024. In accordance with the City's Community and Stakeholder Engagement Policy, the method of consultation included a notice on the City's website, a sign on-site to the Fitzgerald Street and Venn Street elevations, and 27 letters mailed to owners and occupiers of the adjoining and adjacent properties to the subject site as shown in **Attachment 1**.

A second advertising period was conducted over 14 days, from 9 January 2024 to 22 January 2024, to address an administrative error in which letters were not initially mailed to the occupants of the subject building. The re-advertising process involved mailing 20 letters to both the occupants and the building owner.

At the conclusion of the two consultation periods, a total of 18 submissions were received including six submissions in support and 12 in objection.

The number of submissions received during the community consultation period are not a relevant planning consideration. Instead, the decision-maker should focus on the substance of the comments made regarding the proposal, which are summarised below.

The key comments received in support are summarised as follows:

- The business is and would remain to be consistent with an objective of the Residential zone as the business provides a non-residential use this is compatible with and complementary to the surrounding residential development.
- The business is one of several examples of non-residential land uses on Fitzgerald Street, within proximity to residential properties resulting in consistency with the surrounding area.
- The business complements the area and provides amenity for surrounding residents.

The key concerns raised are summarised as follows:

- Concerns about the adherence to the previous approval, including seating arrangements, patron limits, and operating hours.
- Concerns regarding safety concerns due to existing parking and traffic issues towards the intersection of Venn Street and Fitzgerald Street.
- Concerns regarding existing patrons parking along Venn Street and the potential exacerbation of this issue due to extended operating hours.

After community consultation, the scope of the application was narrowed to focus solely on changing the venue's morning operating hours. Comments summarised above relate only to this proposed amendment.

The proposed changes to evening operating hours, which were included during the consultation period, were removed from consideration for this application. The applicant indicated that they may pursue approval to extend evening operating hours through a separate development application in the future.

A summary of submissions received during the two consultation periods, along with the applicant's response to the submissions received is provided in **Attachment 5**. A summary with Administration's response to the



submissions received during the two consultation periods is provided in **Attachment 6**.

### Design Review Panel (DRP):

Referred to DRP: Yes

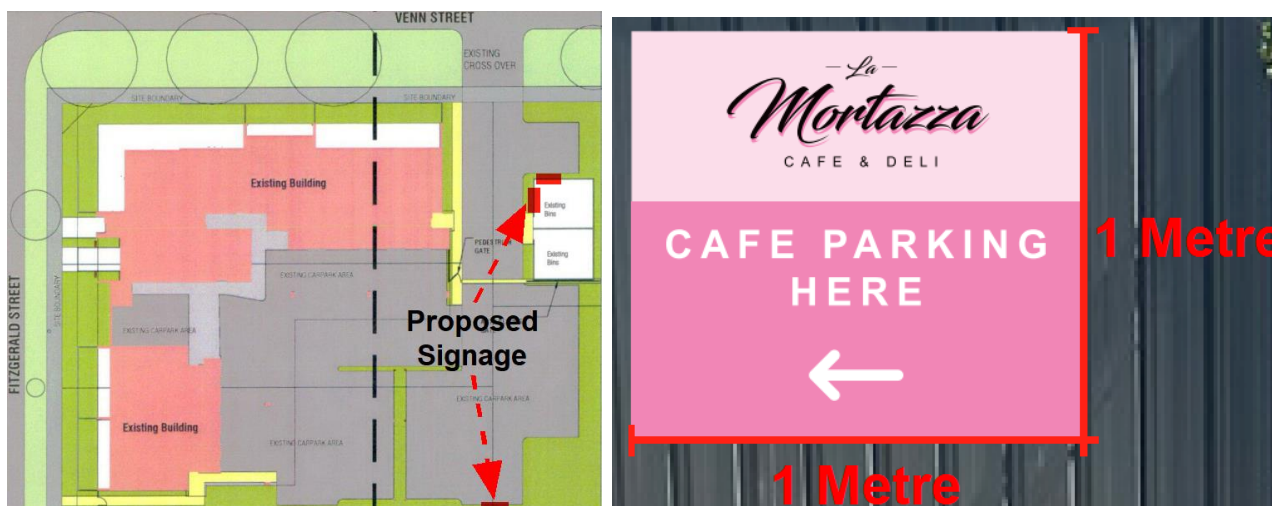
Following the community consultation period, the City sought feedback from a member of the City's DRP who specialises in Urban Design. The focus was on identifying ways to improve wayfinding and increase the utilisation of the rear on-site carpark.

This is because concerns were raised during community consultation that patrons are parking along Venn Street instead of parking bays allocated to the venue on-site. This is potentially due to ineffective signage that existing on-site and poor wayfinding, which may be effective in encouraging use of the associated car parking.

Administration sought DRP advice to review the existing signage and wayfinding both to and within the site and provide recommendations for improvement.

The DRP member suggested increasing the size of signage on walls of the bin store facing Venn Street to enhance visibility and legibility.

The applicant reviewed this feedback and agreed to update their plans in line with the DRP suggestions. This included the removal of existing small signs and the provision of revised plans that include larger signs within three locations of the carpark for increased visibility, shown in **Figure 4**.



**Figure 4 – Proposed Wayfinding Signage Locational Map and Design**

Upon reviewing the updated plans, the DRP member confirmed that the proposed signage would contribute to improving wayfinding. Further advice was provided regarding the optimal placement of the signage on the Venn Street-facing bin store wall. A condition of approval is recommended requiring the signage to be installed where the existing parking signage is located, on the top right corner of the bin store wall, in response to the provided comments.

### LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- *Environmental Protection (Noise) Regulations 1997*;
- City of Vincent Local Planning Scheme No. 2;
- Community and Stakeholder Engagement Policy;
- Policy No. 7.5.7 – Licensed Premises;
- Policy No. 7.5.21 – Sound Attenuation;
- Local Planning Policy: Non-Residential Parking; and
- Local Planning Policy: Signs and Advertising.

*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.

**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.

Concerns regarding the potential risks associated with traffic and intersection management were raised during community consultation for the proposal. This will be addressed separately through a North Perth traffic study, which would provide recommendations for potential road safety measures on Venn Street and Fitzgerald Street. This is discussed further in the comment section.

**STRATEGIC IMPLICATIONS:**

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

Innovative and Accountable

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

**SUSTAINABILITY IMPLICATIONS:**

This application does not contribute to any environmental sustainability outcomes. There is limited ability for the development to influence the environmental impact of the building on the site through this application. This is because it relates to a change of operation hours to existing use and additional wayfinding signage.

**PUBLIC HEALTH IMPLICATIONS:**

This report has no implication on the priority health outcomes of the City's *Public Health Plan 2020-2025*.

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no finance or budget implications from this report.

**COMMENTS:**Signage

The proposed signage would satisfy the [objectives](#) of the Local Planning Policy: Signs and Advertising for the following reasons:

- Amenity: The proposed signage is suitably designed and located to maintain and enhance the amenity of the surrounding locality. This is because of the proposed signage purpose, size, scale, setback and location, summarised as follows:
  - Purpose: The proposed signage is proposed to encourage patrons of the premises to utilise the venues off-street parking as well as to improve wayfinding. The signage content is primarily designed to provide direction to vehicles attending the site, with the business name included as a secondary feature. The signage does not result in the proliferation of signage associated with the business.
  - Size and Scale: The proposed signage has been designed in a manner to be visible and clear for customers attending the site, while also being located so as to reduce visual impacts to surrounding residential properties and Venn Street. The signage is an appropriate size, relative to the size of fences they are attached to, and commensurate to the overall scale of the mixed-use development.
  - Setback and Location: The closest sign to the street is attached to the bin store wall, which is setback 7 metres from the Venn Street boundary. A second sign is attached to the bin wall that is perpendicular to the street, and the third proposed sign is located to the rear dividing fence that is setback 40 metres from the street. The setbacks of the signs from the street allows them to be

visible to patrons and provides wayfinding internally within the parking lot whilst reducing minimal visibility to surrounding properties.

- Signage Separation: The signage located within the carpark are separated from other signs that exist on-site, which orient to Fitzgerald Street. This means the signage is distributed across the site and cannot be viewed together, reducing the proliferation of signage onsite.
- Pedestrian and Motorist Safety: The proposed signage does not present a hazard or obstruction to pedestrians or motorists or the efficiency of a road or traffic control devices. This is because the proposed signage is located clear of any pedestrian path and are setback from Venn Street. The signs are to be installed to encourage on-site parking with an aim to assist in reducing congestion and improve access on Venn Street.

#### Change in Operating Hours

The proposed change in operating hours requires consideration of the [objectives](#) of the Residential zone under LPS2, the City's Licensed Premises [Policy](#), the City's Sound Attenuation [Policy](#), and the matters requiring consideration under Clause 67 of the Deemed Provisions (as provided in **Attachment 7**).

The change in operating hours is acceptable when considered against the relevant planning framework for the following reasons:

- Acoustic Assessment: The 7:00am opening time of the premises falls within the daytime period under the Noise Regulations, which also commences at 7:00am. This means the current noise levels generated by the café at 8:00am are also permissible at 7:00am. An Acoustic Assessment, submitted by the applicant and included as **Attachment 3**, also demonstrates compliance with the Noise Regulations for the additional operating hour. Operating measures recommended by the Acoustic Report include for the alfresco areas to be limited to background/ambient noise only and music levels internally, with doors closed, to be limited to 96 dB(A). The City's Health Team have reviewed and support the Acoustic Assessment and condition of approval is recommended requiring the development to always comply with the assumptions of the Acoustic Assessment.
- Relationship with Surrounding Development & Amenity Impact: The site context and the nature of the development would ensure that the change in operating hours would be compatible with the existing residential development in the surrounding area, as summarised below:
  - Proximity to Traffic Noise: As outlined in the Background section, the site and surrounding properties are situated near Fitzgerald Street, which exposes them to varying levels of traffic noise, especially during peak hour traffic that occurs between 7:00am to 9:00am (WAPC Traffic Impact Assessment Guidelines). This traffic noise from Fitzgerald Street contributes to the overall ambient noise in the area, which helps mitigate the impact of additional noise generated by the extended hour of operation for the Restaurant/Café. While the additional operating hour would introduce a new noise profile, it would align with the existing noise levels experienced by nearby properties, especially during the 7:00 am peak period. The presence of ongoing traffic noise will help to reduce the perceived impact of this new noise, ensuring that the extended operating hour does not negatively affect the amenity of the immediate or surrounding area.
  - Site Separation: The Restaurant/Café is sufficiently separated from surrounding properties to reduce amenity impacts, as detailed in the Background section. The subject site is separated from surrounding properties by front fences, landscaping buffers, and mature street trees along Fitzgerald Street and Venn Street. The premises is further distanced from residential areas by pedestrian footpaths and two to four lanes of road. These features provide adequate separation and help mitigate noise, ensuring the extended operating hour is compatible with the surrounding residential area.
- Consistency with Licensed Premises Policy: The applicant intends to operate the Café component of the use from 7:00am to cater to patrons commuting to work during their morning transit. The proposal aligns with the Licensed Premises Policy which permits operating hours for Small Bar land uses in Residential Zones starting at 7:00am. The Licensed Premises Policy does not provide restrictions on operating hours for Restaurant/Café land uses. Consistency with the policy ensures that the property would not have an undue impact on the residential amenity of the surrounding area.
- Acceptable Provision of Car Parking: The application does not propose changes to the car parking provision, which was previously approved and complies with the City's Non-Residential Development Parking Policy. Enhanced signage is proposed to improve wayfinding and to direct patrons to utilise on-site bays. This would help mitigate the impact of on-street parking during the additional operating hour.



- Consistency with Other Venues: The 7:00am opening time for the venue would be consistent with the approved opening times of other existing venues that are in similar contexts and that also have alfresco dining or coffee windows that result in patrons dining or waiting outside. The below venues are located either within the Residential zones under LPS2 and surrounded by residential developments or located on Transit Corridors and surrounded by residential properties. It is noted that the relevant approvals for the below did not have any conditions that would restrict their operation in the morning period.

Café	Address	Opening Time	Alfresco Dining
Hobart Deli	No. 45 Hobart Street, North Perth	Approved to open at 7:00am every day	Yes
West End Deli	No. 95 Carr Street, West Perth	Approved to open at 7:00am every day	Yes
BOOtoo	No. 274 Bulwer Street, Perth	Approved to open at 7:00am every day	Yes
Cherrio Coffee	No. 50 Cleaver Street, West Perth	Approved to open at 6:00am every day	No – Coffee Window
Chu Bakery	No. 498 William Street, Highgate	Approved to open at 7:00am Tuesday to Sunday	No – Coffee Window

For the above reasons, the change in operating hours to commence at 7:00am daily is supported and Administration have recommended a change to Condition 2.3 and Condition 3.1 to reflect the new operating hours.

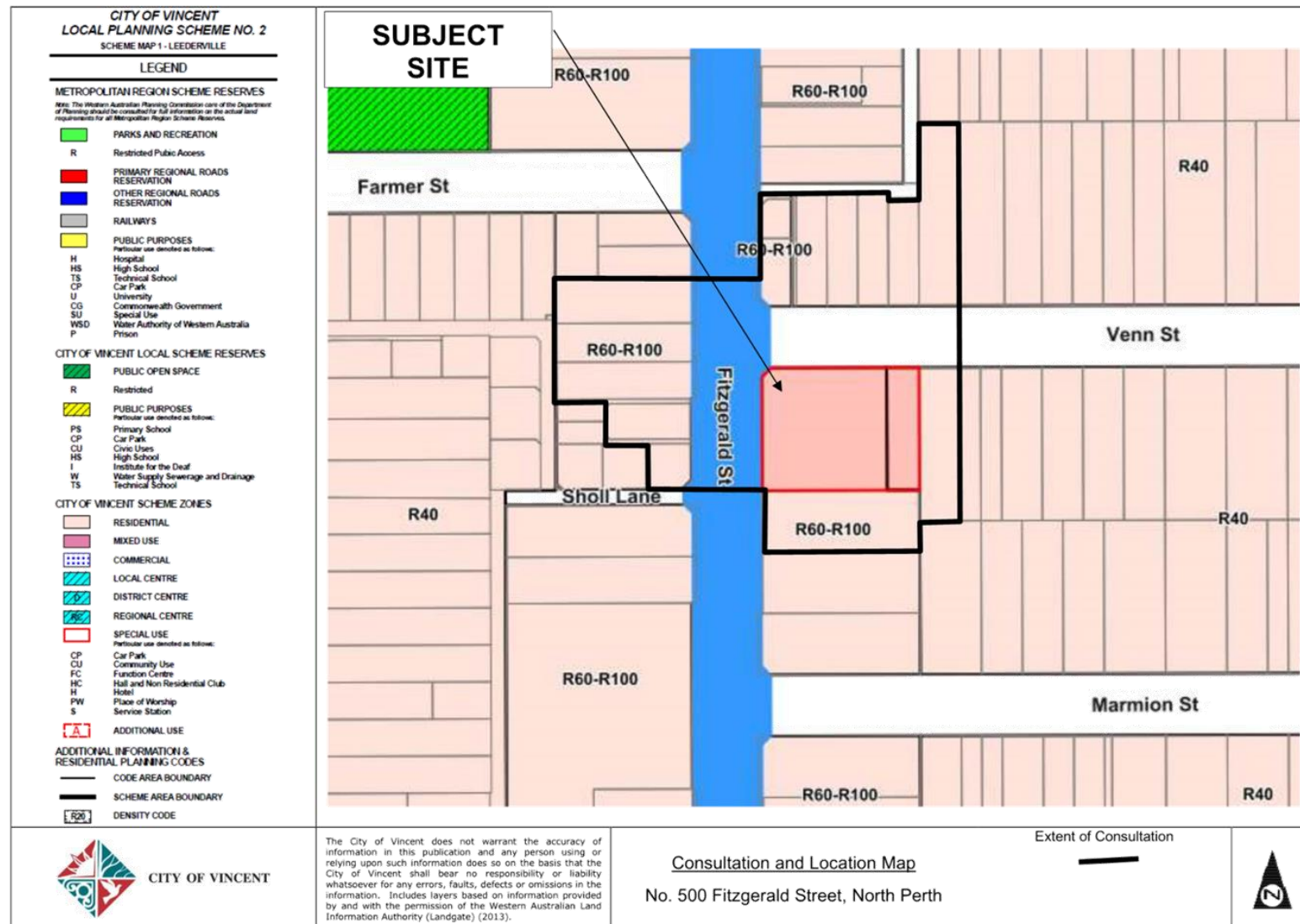
#### Street Parking and Fitzgerald Street/Venn Street Intersection


The City acknowledges the community has raised concerns in relation to street parking and vehicle safety for the Fitzgerald Street/Venn Street Intersection. The concerns raised by the community related to the change in operating hours increasing demand for on-street car parking on Venn Street and the subsequent impacts on safety and vehicle movement.


As detailed earlier in the Comments section of this report, the application does not propose any changes to the provision of car parking for the development or occupancy numbers. The car parking provides complies with the City's Non-Residential Development Parking Policy.

In response to community feedback, Administration are undertaking the North Perth Traffic Study to inform whether possible road safety treatments are needed on Fitzgerald Street and the surrounding area. The intersection of Fitzgerald Street and Venn Street is within the study area. Administration estimates that the Study will be completed by April 2025.

Upon completion of the North Perth Traffic Study, the City would review the findings and undertake detailed planning for any interventions and safety measures that are identified as needed within the Traffic Study. The City would prioritise intervention works depending on need and the availability of funding. Works may require external grant funding which would need to be approved by the relevant authority. Due to this, at this stage Administration are unable to confirm what works may need to occur or approximate timeframes for potential improvements.








CITY OF VINCENT

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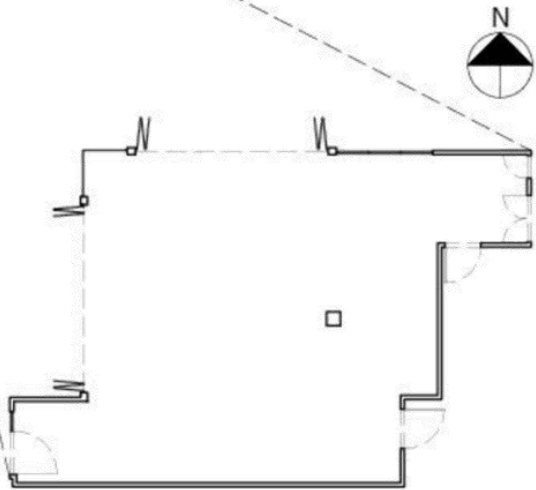
No. 500 Fitzgerald Street, North Perth



SITE PLAN



TENANCY PLAN



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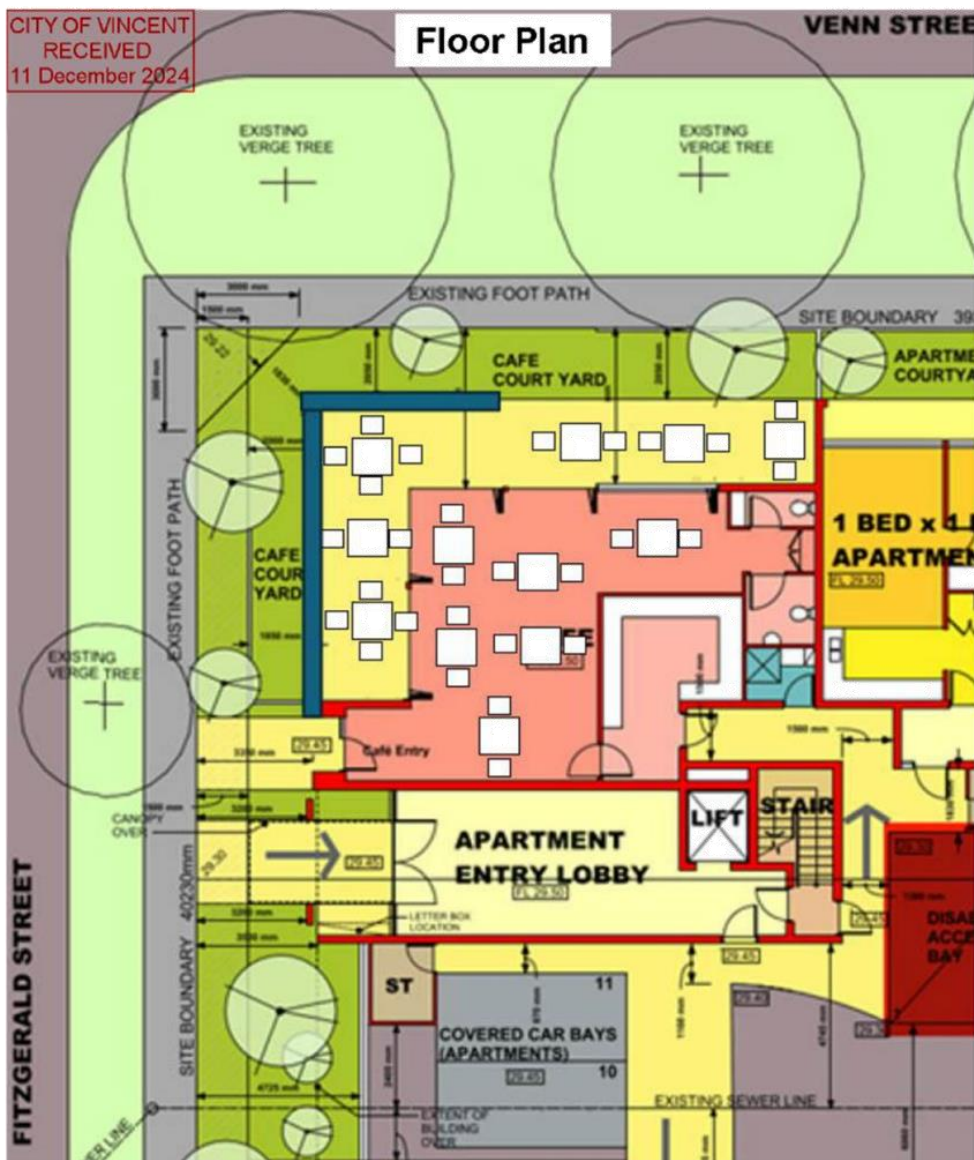
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PROJECT MANAGER	
AW	
DESIGNER / DRAFTSMAN	
DN	
PROJECT DESCRIPTION	
500 FITZGERALD STREET CAFE	
DRAWING TITLE	
SITE PLAN + TENANCY PLAN	
NTS	SHEET A3
DATE	REVISION
02.06.2022	B
JOB NO:	DWG #
2022.09	A0-1







## Signage Location Plan

SLIDING GATE ELEVATION FROM VENN STREET  
SCALE 1:100 @ A1 SIZEEXISTING COMPLEX SITE PLAN  
SCALE 1:100 @ A1 SIZE

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10 January 2025**

**AUTO SLIDING GATE & PEDESTRIAN GATE  
TO CARPARK AREA OF EXISTING APARTMENT  
No. 500 FITZGERALD STREET NORTH PERTH**

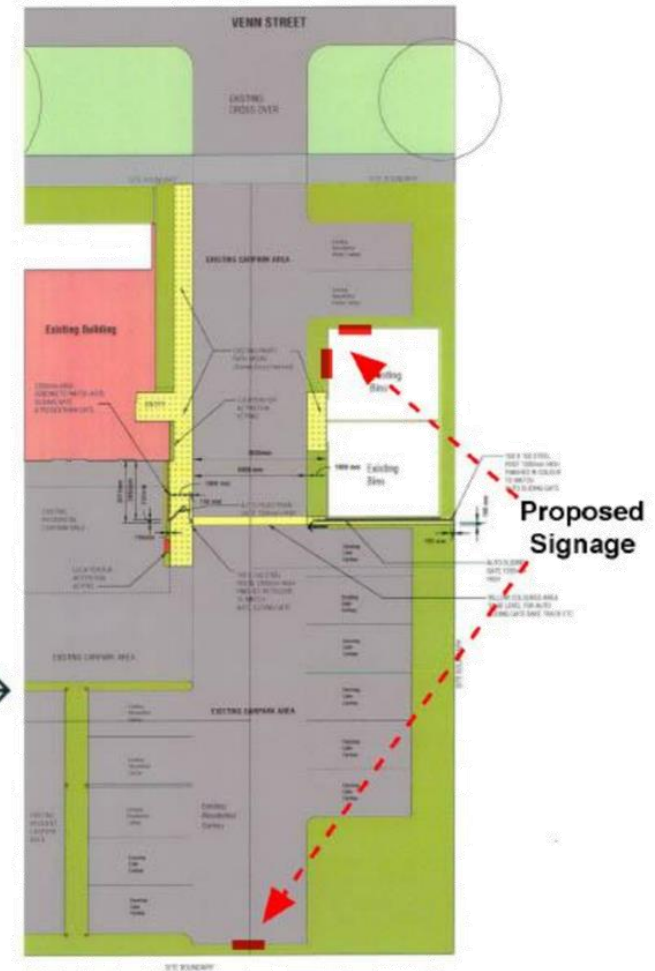
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June 2023



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1 of 1

AUTO SLIDING GATE & PEDESTRIAN GATE TO CARPARK AREA LAYOUT  
SCALE 1:100 @ A1 SIZE

**Proposed  
Signage**











**LA MORTAZZA CAFE  
500 FITZGERALD STREET  
NORTH PERTH**

**ACOUSTIC ASSESSMENT**

**NOVEMBER 2024**

**OUR REF: 33768-1-24429**

Rochdale Holdings Pty Ltd A.B.N. 85 009 049 067 trading as:  
HERRING STORER ACOUSTICS  
P.O. Box 219, Como, W.A. 6952  
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Herring Storer Acoustics

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## DOCUMENT CONTROL PAGE

**ACOUSTIC ASSESSMENT**  
LA MORTAZZA CAFE

Job No: 24429

Document Reference: 33768-1-24429

## LA MORTAZZA CAFE

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Herring Storer Acoustics

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Our ref: 33768-1-24429

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### **EXECUTIVE SUMMARY**

Herring Storer Acoustics have been commissioned by to carry out a acoustical assessment of noise emissions associated with the café at 500 Fitzgerald Street, North Perth

This work was instigated to accompany an application for a change to the hours of operation.

The noise impact assessment indicates that noise emissions can be managed such that the considered criteria are met, with the following restrictions required :

- External areas to be limited to ambient music only.
- Internal areas to be limited to 96 dB(A) with bifold doors and windows closed (not considered an issue as this is unfeasibly loud for the use of the space).

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Our ref: 33768-1-23102

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## 1. INTRODUCTION

Herring Storer Acoustics have been commissioned to carry out an acoustical assessment of noise emissions associated with the La Mortazza Café, located at 500 Fitzgerald Street, North Perth.

This work is understood to be required to accompany an application for the café to alter its operating hours from 8am to 5pm, to 7am to 10pm.

## 2. CRITERIA

The *Environmental Protection (Noise) Regulations 1997* stipulate the allowable noise levels at any noise sensitive premises from other premises. The allowable noise level is determined by the calculation of an influencing factor, which is added to the baseline criteria set out in Table 1 of the Regulations. The baseline assigned noise levels are listed in Table 3.1.

TABLE 3.1 – ASSIGNED NOISE LEVELS

Premises Receiving Noise	Time of Day	Assigned Level (dB)		
		L <sub>A 10</sub>	L <sub>A 1</sub>	L <sub>A max</sub>
Noise sensitive premises within 15 metres of a dwelling	0700 - 1900 hours Monday to Saturday	45 + IF	55 + IF	65 + IF
	0900 - 1900 hours Sunday and Public Holidays	40 + IF	50 + IF	65 + IF
	1900 - 2200 hours all days	40 + IF	50 + IF	55 + IF
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and Public Holidays	35 + IF	45 + IF	55 + IF

Note: The L<sub>A10</sub> noise level is the noise that is exceeded for 10% of the time.  
The L<sub>A1</sub> noise level is the noise that is exceeded for 1% of the time.  
The L<sub>Amax</sub> noise level is the maximum noise level recorded.

It is a requirement that noise from the site be free of annoying characteristics (tonality, modulation and impulsiveness) at other premises, defined below as per Regulation 9.

**“impulsiveness”** means a variation in the emission of a noise where the difference between L<sub>Apeak</sub> and L<sub>Amax Slow</sub> is more than 15dB when determined for a single representative event;

**“modulation”** means a variation in the emission of noise that –

- is more than 3dB L<sub>A Fast</sub> or is more than 3dB L<sub>A Fast</sub> in any one-third octave band;
- is present for more at least 10% of the representative assessment period; and
- is regular, cyclic and audible;

**“tonality”** means the presence in the noise emission of tonal characteristics where the difference between –

- the A-weighted sound pressure level in any one-third octave band; and
- the arithmetic average of the A-weighted sound pressure levels in the 2 adjacent one-third octave bands,

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is greater than 3 dB when the sound pressure levels are determined as  $L_{Aeq,T}$  levels where the time period T is greater than 10% of the representative assessment period, or greater than 8 dB at any time when the sound pressure levels are determined as  $L_{A\text{ Slow}}$  levels.

Where the above characteristics are present and cannot be practicably removed, the following adjustments are made to the measured or predicted level at other premises.

**TABLE 2.2 – ADJUSTMENTS FOR ANNOYING CHARACTERISTICS**

Where tonality is present	Where modulation is present	Where impulsiveness is present
+ 5 dB	+ 5 dB	+ 10 dB

Where the noise emission is music, then any measured level is adjusted according to Table 2.3 below.

**TABLE 2.3 – ADJUSTMENTS TO MEASURED MUSIC NOISE LEVELS**

Where impulsiveness is not present	Where impulsiveness is present
+10 dB(A)	+15 dB(A)

The surrounding area to the proposed development is shown in Figure 1 below.



**FIGURE 1 – LOCATION AND SURROUNDS**

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The influencing factor for noise sensitive premises in the area is as per the below calculation.

<b>Major Road within inner circle;</b> Fitzgerald Steet	+ 6 dB
<b>Sporting Facility within the inner circle;</b> North Perth United (Woodville Reserve)	+ 2 dB
<b>Commercial Premises within the outer circle;</b> 20 %	+ 1 dB
<b>Total IF</b>	<b>+ 9 dB</b>

Therefore, the assigned noise levels are listed in Tables 2.4.

**TABLE 2.4 - ASSIGNED OUTDOOR NOISE LEVELS**

Premises Receiving Noise	Time of Day	Assigned Level (dB)		
		L <sub>A10</sub>	L <sub>A1</sub>	L <sub>Amax</sub>
Noise sensitive premises within 15 metres of a dwelling	0700 - 1900 hours Monday to Saturday	54	64	74
	0900 - 1900 hours Sunday and Public Holidays	49	59	74
	1900 - 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	54

Note: L<sub>A10</sub> is the noise level exceeded for 10% of the time.  
L<sub>A1</sub> is the noise level exceeded for 1% of the time.  
L<sub>Amax</sub> is the maximum noise level.

### 3. NOISE MODELLING AND MEASUREMENT

The noise level reduction achieved by the construction between the ground floor café and the apartment above was measured during a site visit on the 21 November 2024. Utilising this measurement, the internal noise level that could be operated at within the café – and not impact the apartment above – has been ascertained.

A predictive noise model of the alfresco area has been developed to determine the noise impact of the external areas. Noise modelling has been undertaken in preference to measurement, as within modelling, the most conservative (i.e. noisiest) condition can be considered for assessment purposes. The following scenario has been considered in our assessment :

**Scenario 1:** External areas full of patrons, with noise levels assumed at 60 dB(A)/m<sup>2</sup> – which is akin café/restaurant patron noise levels.

Any music in the alfresco areas has been considered to be ambient only, and not significantly contributing to the noise received at neighbouring premises. This assumption (i.e. the restriction of no significant music) is understood to be accepted by the proposed operator of the cafe. It is noted that with ambient music noise levels, there is the additional assumption that the music would not contain significant levels of low frequency noise (i.e. bass component).

The number of patrons within the external areas has been based upon the area available to the patrons, on the basis of 1 per m<sup>2</sup>. It is understood that this allocation is denser than what is possible, provides for a conservative assessment.

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Weather conditions for modelling were as stipulated in the Environmental Protection Authority's stated preferred weather conditions, as outlined in "*Draft Guidance on Environmental Noise for Prescribed Premises*" and for the night period are as listed in Table 3.1.

**TABLE 3.1 - WEATHER CONDITIONS ASSUMED IN MODELLING**

Condition	Night Period
Temperature	15 °C
Relative humidity	50%
Pasquill Stability Class	E <sup>#</sup>
Wind speed	3 m/s*

\* From sources, towards receivers.

<sup>#</sup> Pasquill stability class E was used as this class closely approximates a temperature inversion of 2°/100 metres.

Bifold windows/doors have been assumed to be open – with any music internally at background/ambient level. In the event of music being played at any significant level, these openings would need to be closed. An assessment of noise impacts (with the bifolds closed) to the apartment above has been undertaken on the basis of ascertaining what noise level internally could be operated at and meet the Assigned Noise Levels in the apartment above.

Noise levels at the identified noise sensitive premises, are listed in Table 3.2. It is noted that all premises to the north and west of the café have been considered in our assessment, however for simplicity, only the highest calculated noise level has been reported below. A noise contour plot is included for information purposes in Appendix B.

**TABLE 3.2 – CALCULATED NOISE LEVELS AT NOISE SENSITIVE PREMISES**

Location	Calculated Noise Level dB(A)
Northern Residences	49
Western Residence	45
Apartment Above Balcony	49

Internal noise levels that could be operated at within the café – with bifold doors and windows closed – was ascertained via testing on 21<sup>st</sup> November 2024.

A 96 dB(A) noise source was established within the café. At this noise level, the noise source was inaudible both externally and in the apartment above. Hence, music could be played internally at up to 96 dB(A) and cause no impact to the adjacent premises – on the basis that all bifold doors and windows are closed at this time. It is understood that there is no intention to operate at anywhere near this noise level within the café.

#### 4. ASSESSMENT

Noise levels associated with the externals area are to be limited to patron noise only, with background music to be restricted to a level such that it does not significantly contribute to the noise emissions of the development.

Hence, no adjustment to the calculated noise levels are applicable in accordance with the *Environmental Protection (Noise) Regulations 1997*.

Therefore, Table 4.1 summarises the assessment of the calculated noise levels against the pertinent Assigned Noise Levels.

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TABLE 4.1 – ASSESSMENT

Location	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable L <sub>A10</sub> Assigned Level (dB)	Exceedance to Assigned Noise Level (dB)
Northern Residences	49	Day	54	Complies
		Sunday		
		Public Holiday Day Period	49	Complies
		Evening	49	Complies
		Night	44	N/A
Western Residences	45	Day	54	Complies
		Sunday		
		Public Holiday Day Period	49	Complies
		Evening	49	Complies
		Night	44	N/A
Apartment Above Balcony	49	Day	54	Complies
		Sunday		
		Public Holiday Day Period	49	Complies
		Evening	49	Complies
		Night	44	N/A

As can be seen from the above table, noise levels associated with the café during the proposed hours are calculated to comply with the relevant assigned noise levels under certain operating conditions. The following summarises the conditions that are deemed necessary:

- Alfresco areas to be limited to ambient music only.
- Music noise levels internally, with bifolds/doors closed, are to be limited to 96 dB(A). It is understood that there is not intention to operate at anywhere near this noise level, with this level considered unfeasibly loud for the intended operations. Hence, internal noise levels (with bifolds/windows closed) is not an issue to neighbouring premises.

We note that with the inclusion of the above, compliance is achieved at all times.

## 5. CONCLUSION

Based on the above assessment, noise level emissions associated with the café at the proposed operating hours are compliant with the Assigned Noise Levels stipulated by the *Environmental Protection (Noise) Regulations 1997*.

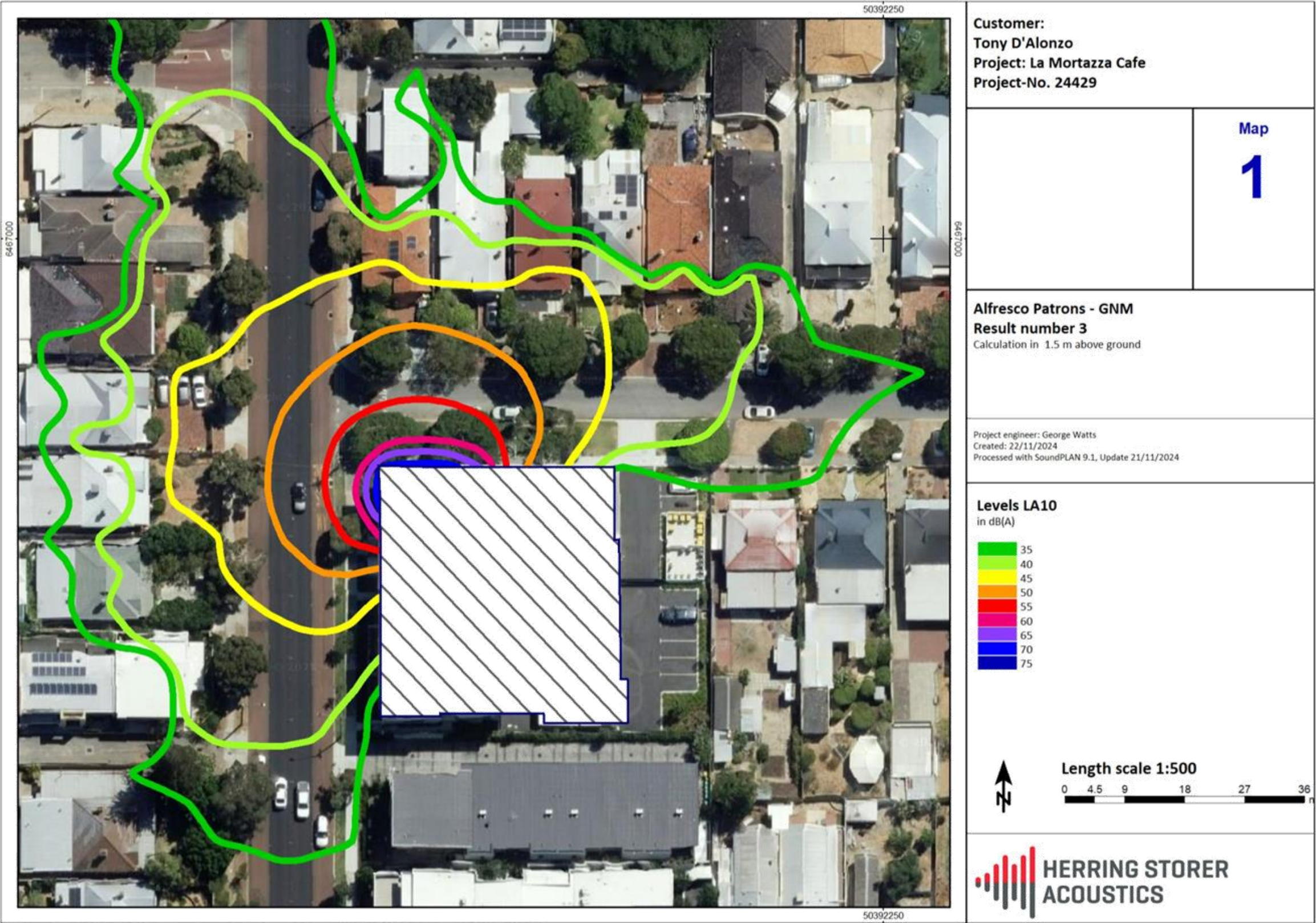
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## **APPENDIX A**

### **NOISE CONTOUR PLOTS**







SoundPLANnoise 9.1 C:\DATA\ActiveProjects\GW\24429 - La Mortazza Cafe Acoustic Report\500 Fitzgerald Street Cafe\AlfrescoPAtrons.sgs

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Development Assessment Panels

***Planning and Development Act 2005***

**City of Vincent Local Planning Scheme No. 2**

**Metro West Joint Development Assessment Panel**

**Determination on Development Assessment Panel  
Application for Planning Approval**

**Property Location:** Lots 1 (504), 2 (502) and 3 (500) Fitzgerald Street and Lots 27-28 (45) Venn Street, North Perth

**Application Details:** 18 Multiple Dwellings and Restaurant/Café

In accordance with regulation 8 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the above application for planning approval was **granted** on 11 July 2018, subject to the following:

1. **Approve** DAP Application reference DAP/18/01359 and accompanying plans (Attachment 7) in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the *City of Vincent Local Planning Scheme No. 2*, subject to the following conditions:

**Conditions**

1. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.
2. Use of Premises
  - 2.1 The use of the tenancy marked as 'Café' on the plans dated 8<sup>th</sup> June 2018, shall be used in accordance with the definition of Restaurant/Café as defined in the City of Vincent's Local Planning Scheme No.2;
  - 2.2 The Café shall have a maximum of 20 patrons at any one time;
  - 2.3 The hours of operation for the café shall be limited to 8.00am to 5.00pm; and
  - 2.4 All deliveries shall be limited to 7:00am to 2:00pm Monday to Friday.
3. External Fixtures

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 screened from view from the street, and surrounding properties to the satisfaction of the City.



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Development Assessment Panels

4. Car Parking and Access

- 4.1 30 car bays shall be provided, including a disabled access bay, as shown on the plans;
- 4.2 A bicycle location plan providing a minimum of two residential bicycle bays shall be lodged with and approved by the City prior to the commencement of the development. The bicycle facilities shall be designed in accordance with AS2890.3;
- 4.3 Vehicle and pedestrian access points are required to match into existing footpath levels.
- 4.4 The car parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to the occupation or use of the development;
- 4.5 All visitor bays shall be marked and permanently set aside as such, as required by the Residential Design Codes of WA.
- 4.6 The applicant is to agree in writing that a notice is placed on the Sales Contract to advise prospective purchasers that the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential dwellings under Policy No. 3.9.3 – Parking Permits;
- 4.8 The car park shall be used only by residents and visitors directly associated with the development; and
- 4.9 No vehicular access from the site is permitted from Fitzgerald Street. All vehicular access should be from Venn Street.

5. Parking Management Plan

- 5.1 Prior to occupation of the development a Parking Management Plan shall be submitted to and approved by the City. The Parking Management Plan shall be prepared by a qualified parking consultant.
- 5.2 A management plan for the delivery and service vehicle movements, relating to the proposed café, shall be submitted to the City for its approval prior to the occupation of the development. The plan shall address:
  - i. Hours of delivery and service vehicles, Monday to Friday;
  - ii. Movements of delivery vehicles to ensure that they do not restrict access to the car parking bays for the proposed development and to ensure that they do not obstruct the vehicle movements on Fitzgerald Street and Venn Street; and
  - iii. The Management Plans as identified in Conditions 5.1 and 5.2 above shall be implemented and the development shall be carried



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Development Assessment Panels

out in accordance with the plans, to the satisfaction of the City at the expense of the owners/occupiers.

6. Stormwater

- 6.1 All stormwater produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City.

7. Verge Trees

- 7.1 No verge trees shall be removed without prior written approval of the City. The verge trees shall be retained and protected from damage including unauthorised pruning to the satisfaction of the City; and

8. Ground Floor Design

- 8.1 Windows, doors and adjacent areas of the Café fronting Venn Street and Fitzgerald Street shall provide an active and interactive relationship with the street to the satisfaction of the City and shall be maintained thereafter to the satisfaction of the City. Darked, obscured, mirror or tinted glass of the like is prohibited.

9. Acoustic Report and Noise Management

- 9.1 All of the recommended measures included in the approved Acoustic Report (Herring Storer Acoustics, June 2018) shall be implemented as part of the development, to the satisfaction of the City prior to the commencement of the use or occupation of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers.

10. Screening

- 10.1 The proposed screening devices depicted on the balconies of the upper floors to the northern and western elevations are to be comply with the requirements of State Planning Policy 3.1 Residential Design Codes and implemented prior to the practical completion of the development.

11. Landscape and Reticulation Plan

- 11.1 A detailed landscape and reticulation plan for the development site and adjoining road verge is be lodged with and approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:

- i. The location and type of existing and proposed trees and plants;
- ii. Areas to be irrigated or reticulated; and
- iii. Deep Soil Zones.

- 11.2 All works shown in the plans as identified in Condition 11.1 above shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and



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Development Assessment Panels

maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers.

12. Schedule of External Finishes

- 12.1 Prior to commencement of development a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted to and approved by the City. The development shall be finished in accordance with the approved schedule prior to the use or occupation of the development.

13. Clothes Drying Facilities

- 13.1 All external clothes drying areas shall be adequately screened in accordance with State Planning Policy 3.1 Residential Design Codes prior to the use or occupation of the development and shall be completed to the satisfaction of the City.

14. Construction Management Plan

- 14.1 A Construction Management Plan shall be submitted to and approved by the City prior to any works commencing on the site. The Construction Management Plan is required to address the following concerns:

- i. Public safety, amenity and site security;
- ii. Contact details of essential site personnel;
- iii. Construction operating hours;
- iv. Noise control and vibration management;
- v. Dilapidation Reports of nearby properties;
- vi. Air and dust management;
- vii. Stormwater and sediment control;
- viii. Soil excavation method;
- ix. Waste management and materials re-use;
- x. Traffic and access management;
- xi. Parking arrangements for contractors and subcontractors;
- xii. Consultation Plan with nearby properties; and
- xiii. Compliance with AS 4970 – 2009 relating to the protection of trees on development sites

That relates to any works to take place on the site.

15. Public Art

- 15.1 Percent for public art contribution of \$50,000 being one percent of the total \$5 million value of the development, in accordance with the Policy No. 7.5.13 - Percent for Art shall be allocated towards public art prior to the commencement of the development;
- 15.2 Confirmation in writing outlining how the proposed development will comply with the City's Policy 7.5.13 – Percent For Art shall be submitted prior to commencement of development; and
- 15.3 Public art shall be approved by the City and fully installed or alternatively a cash-in-lieu payment made prior to occupation of the development.





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16. Waste Management

- 16.1 A Waste Management Plan prepared to the satisfaction of the City shall be submitted and approved by the City; and
- 16.2 Waste management for the development shall thereafter comply with the approved Waste Management Plan.

17. Dust

- 17.1 The applicant shall undertake adequate measures to minimise any impacts of dust and sand drift from the site to the satisfaction of the City.

18. General

- 18.1 Conditions that have a time limitation for compliance, and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exist.

**Advice Notes**

- 1. This is a development approval only and is issued under the City of Vincent Local Planning Scheme No.2 and the Western Australian Planning Commission's Metropolitan Region Scheme. It is the proponent's responsibility to comply with all other applicable legislation and obtain all required approvals, licences and permits prior to commencement of this development.
- 2. This development approval does not take into account any restrictive covenants. It is the proponent's responsibility to ensure that the development will not result in a conflict of contractual obligations.
- 3. An Infrastructure Protection Bond for the sum of \$3000 together with a non-refundable inspection fee of \$100 shall be lodged with the City by the applicant, prior to commencement of works, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the bond shall be made in writing. The bond is non-transferable.
- 4. All pedestrian access and vehicle driveway/crossover levels shall match into existing verge, footpath and Right of Way levels to the satisfaction of the City.
- 5. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5m) shall be maintained for all users at all times during construction works. Permits are required for placement of any material within the road reserve.
- 6. With respect to the Stormwater, 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'



Government of **Western Australia**  
Development Assessment Panels

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.

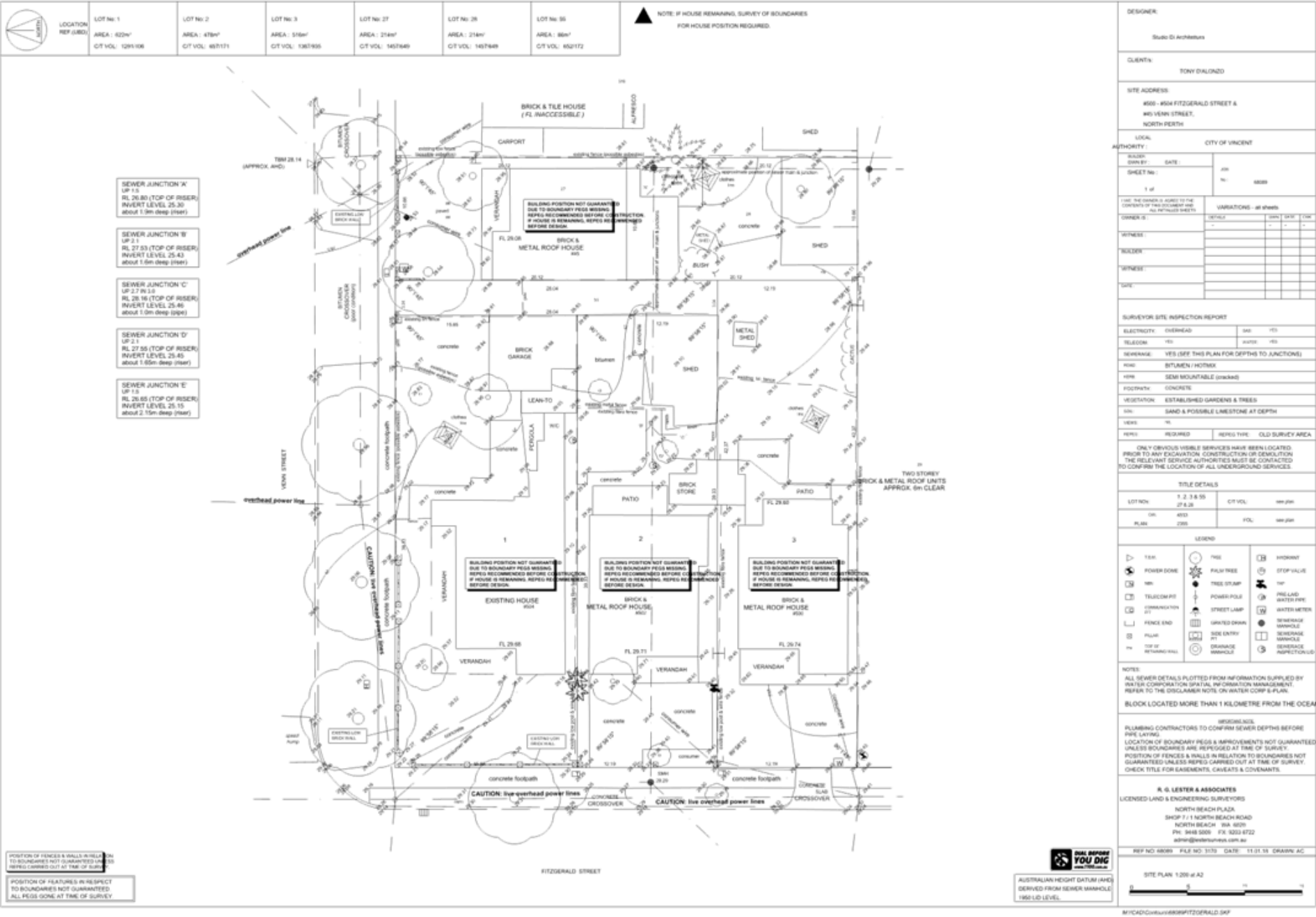
7. With respect to the dust and sand drift condition, adequate measures to minimise any impacts of dust and sand drift from the site include all requirements as stipulated within the Department of Environmental Regulation's 'A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities'.
8. The City accepts no liability for the relocation of any public utility and/or any other services that may be required as a consequence of this development. The applicant/owner shall ensure that the location of all services is identified prior to submitting an application for a building permit. The cost of relocated any services shall be borne by the applicant/owner.
9. The applicant and owner are advised that sufficient parking can be provided on the subject site and as such the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential dwellings. This information should be provided to all prospective purchasers and it is recommended that a notice be placed on Sales Contracts to advise purchasers of this restriction.
10. The sound insulation recommendations should be submitted and approved prior to the issue of a Building Permit. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' cost.
11. 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;
12. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained; and
13. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

DEVELOPMENT  
ASSESSMENT PANEL

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11-Jul-2018



MIXED USE DEVELOPMENT - LOT 1 to 3 (No 500 to 504) FITZGERALD STREET & LOT 27 to 28 (No. 45) VENN STREET NORTH PERTH

DEVELOPMENT APPLICATION

PROJECT No. ST2017.4

JANUARY 2018

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SITE SURVEY DRAWING

SCALE 1:200 @ A1 SIZE

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MIXED USE DEVELOPMENT - LOT 1 to 3 (No 500 to 504) FITZGERALD STREET & LOT 27 to 28 (No. 45) VENN STREET NORTH PERTH



EXISTING SITE PLAN  
SCALE 1:100 @ A1 SIZE



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3m x 3m  
TRUNCATION

1.5m  
FUTURE ROAD  
WIDENING

 BUILDING  
FOOT PRINT

3.04m Wide  
R.O.W. with  
LEGAL ACCESS  
RIGHT

## SITE PLAN



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DEVELOPMENT  
ASSESSMENT PANEL  
  
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- LEGEND:**
- 1. Single House - 1 Storey
  - 2. Single House - 2 Storey
  - C. Carport
  - 2G. Grouped Dwelling - 2 Storey
  - 3M. Multiple Dwelling - 3 Storey
  - G. Garden Shed

**MIXED USE DEVELOPMENT - LOT 1 to 3 (No 500 to 504) FITZGERALD STREET & LOT 27 to 28 (No. 45) VENN STREET NORTH PERTH**



**SITE ANALYSIS PLAN**  
SCALE 1:500 @ A1 SIZE



DEVELOPMENT APPLICATION

PROJECT No. ST2017.4

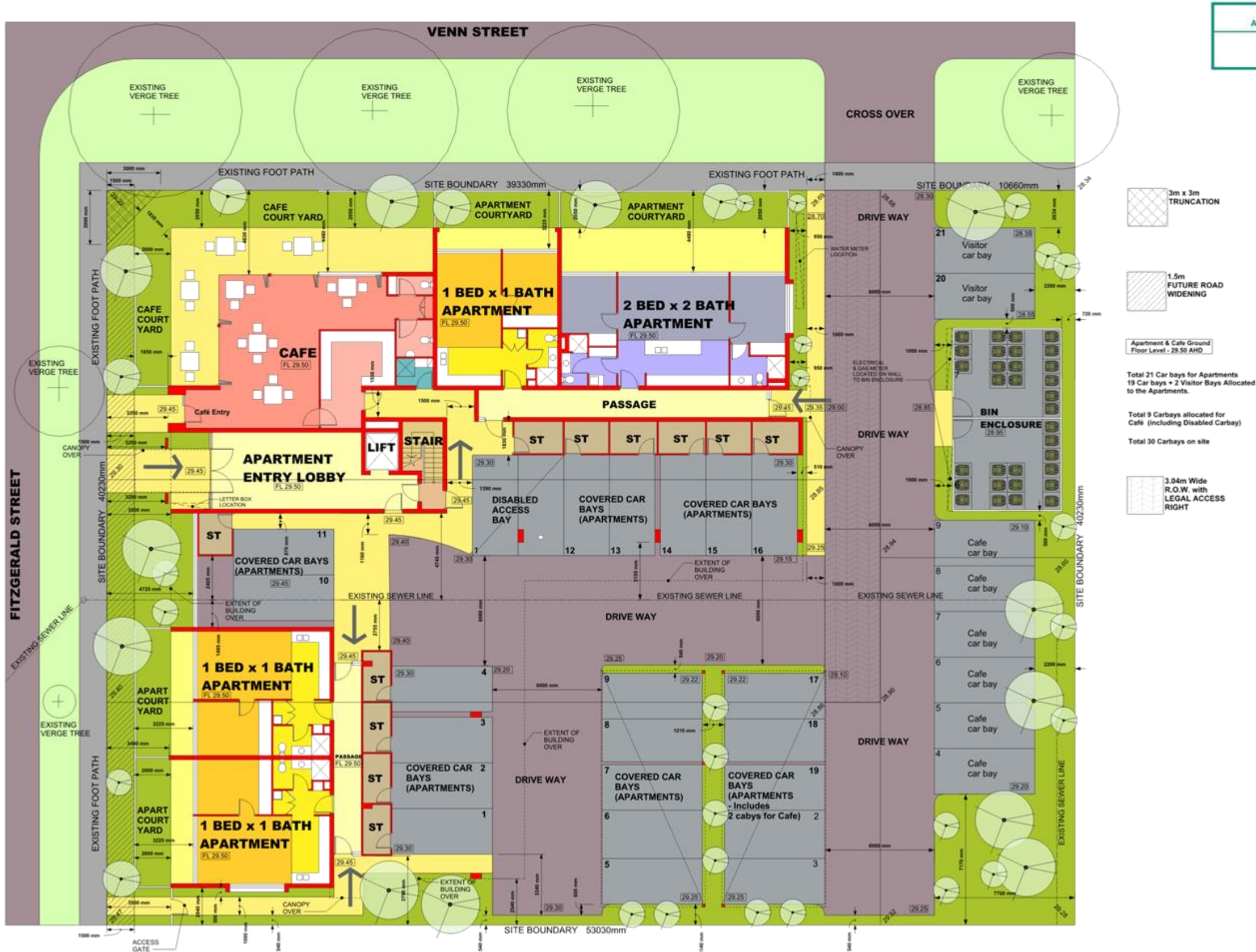
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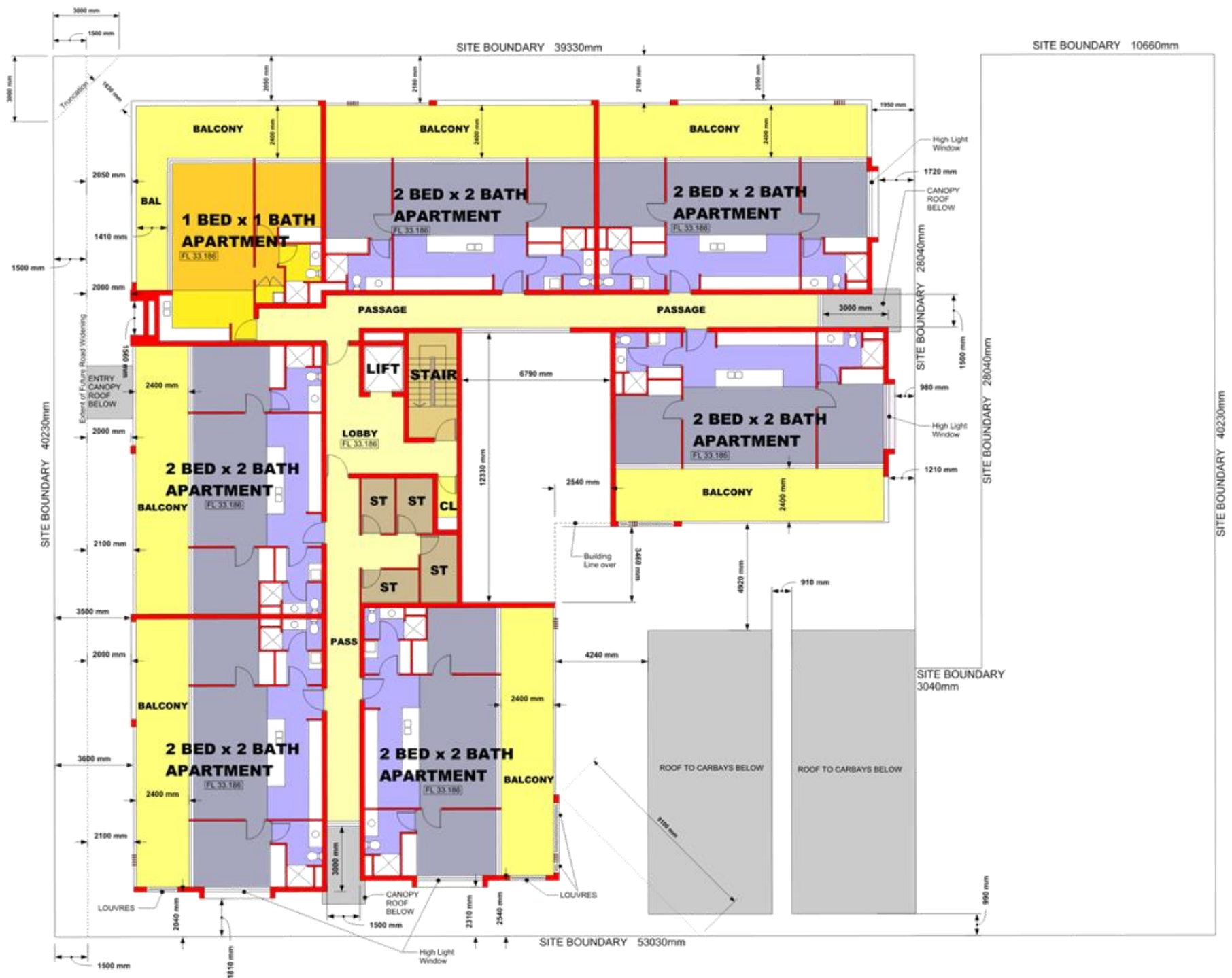
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**MIXED USE DEVELOPMENT - LOT 1 to 3 (No 500 to 504) FITZGERALD STREET &  
LOT 27 to 28 (No. 45) VENN STREET NORTH PERTH**



**1st FLOOR PLAN**  
SCALE 1:100 @ A1 SIZE



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DEVELOPMENT APPLICATION

PROJECT No. ST2017.4

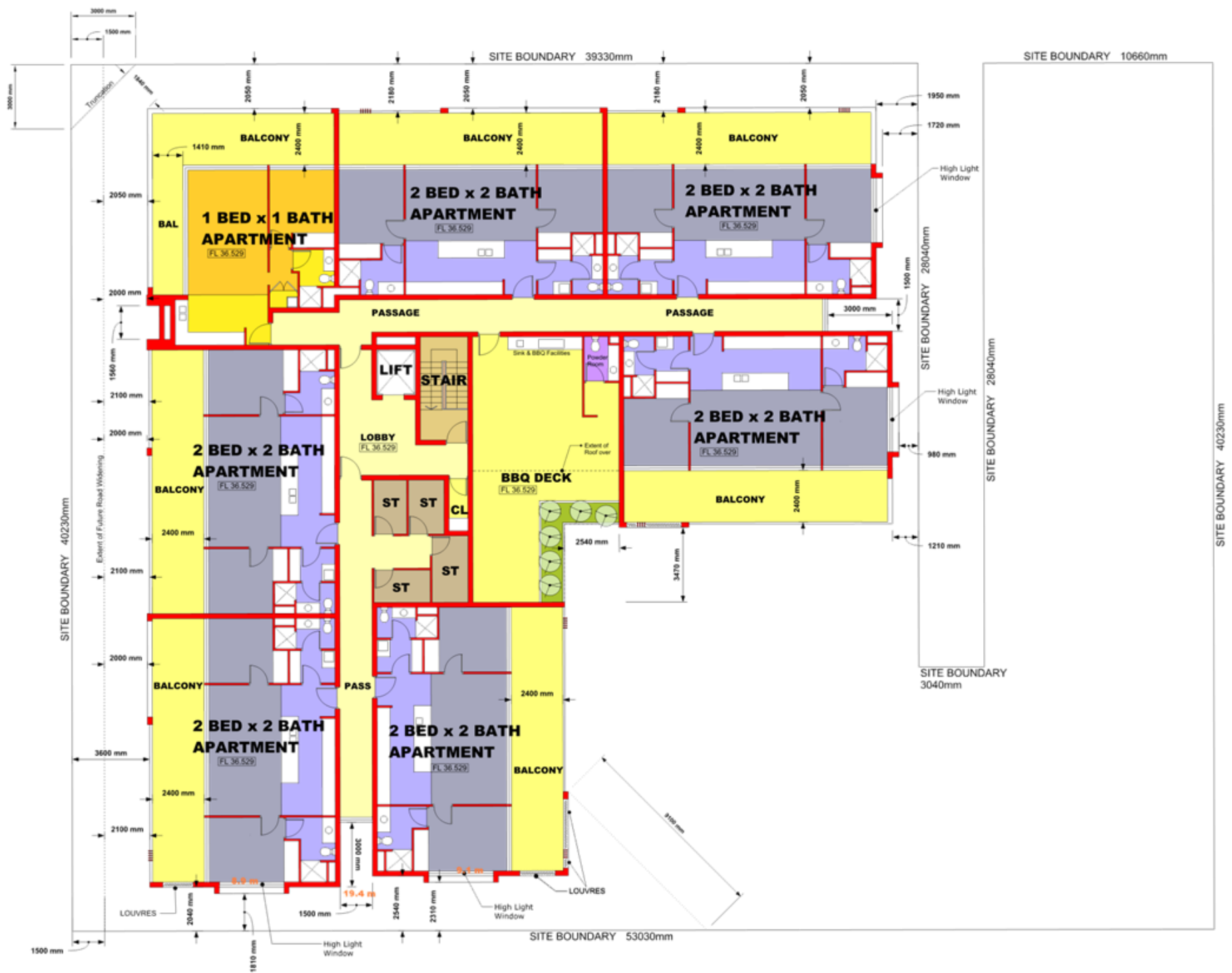
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MIXED USE DEVELOPMENT - LOT 1 to 3 (No 500 to 504) FITZGERALD STREET &  
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2nd FLOOR PLAN  
SCALE 1:100 @ A1 SIZE



DEVELOPMENT APPLICATION

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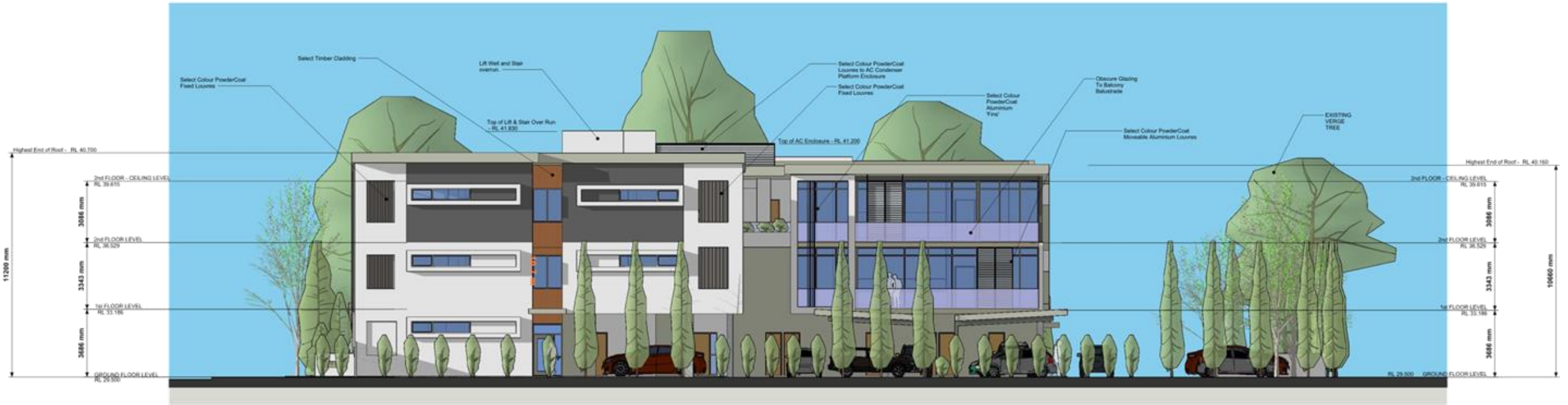
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**FITZGERALD STREET ELEVATION (WEST ELEVATION)**  
SCALE 1:100 @ A1 SIZE



**SOUTH ELEVATION**  
SCALE 1:100 @ A1 SIZE

**MIXED USE DEVELOPMENT - LOT 1 to 3 (No 500 to 504) FITZGERALD STREET & LOT 27 to 28 (No. 45) VENN STREET NORTH PERTH**



**ELEVATIONS**  
SCALE 1:100 @ A1 SIZE

DEVELOPMENT APPLICATION

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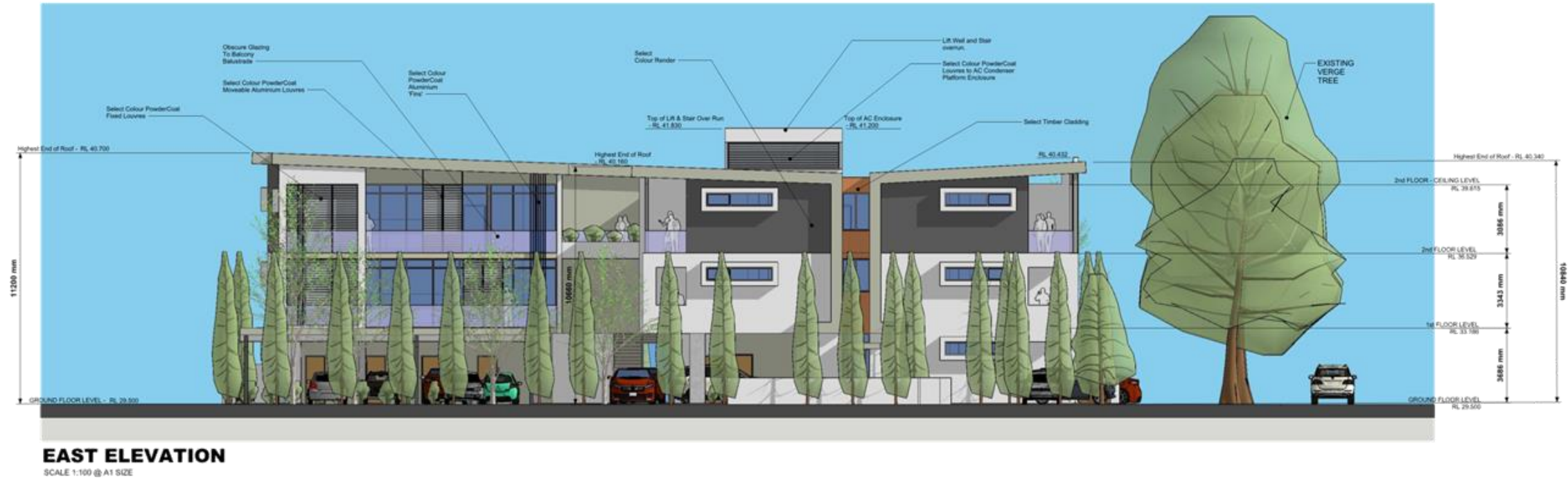
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MIXED USE DEVELOPMENT - LOT 1 to 3 (No 500 to 504) FITZGERALD STREET &  
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ELEVATIONS  
SCALE 1:100 @ A1 SIZE

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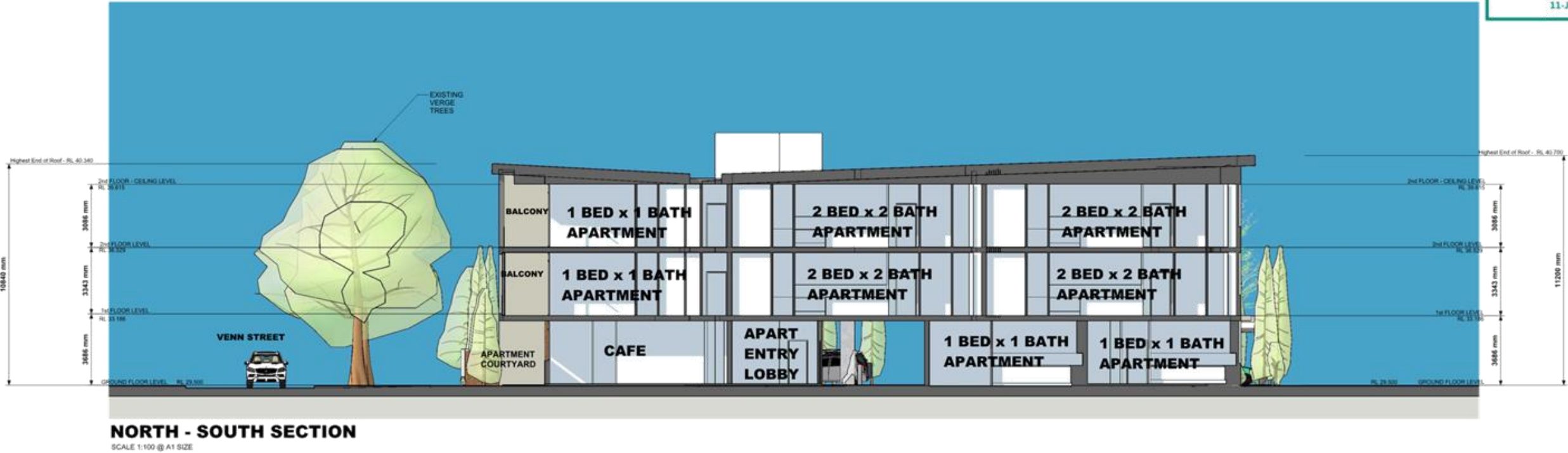
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**MIXED USE DEVELOPMENT - LOT 1 to 3 (No 500 to 504) FITZGERALD STREET & LOT 27 to 28 (No. 45) VENN STREET NORTH PERTH**

0 1 2 3 4 5 10  
**SECTIONS**  
SCALE 1:100 @ A1 SIZE

DEVELOPMENT APPLICATION

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DEVELOPMENT  
ASSESSMENT PANEL

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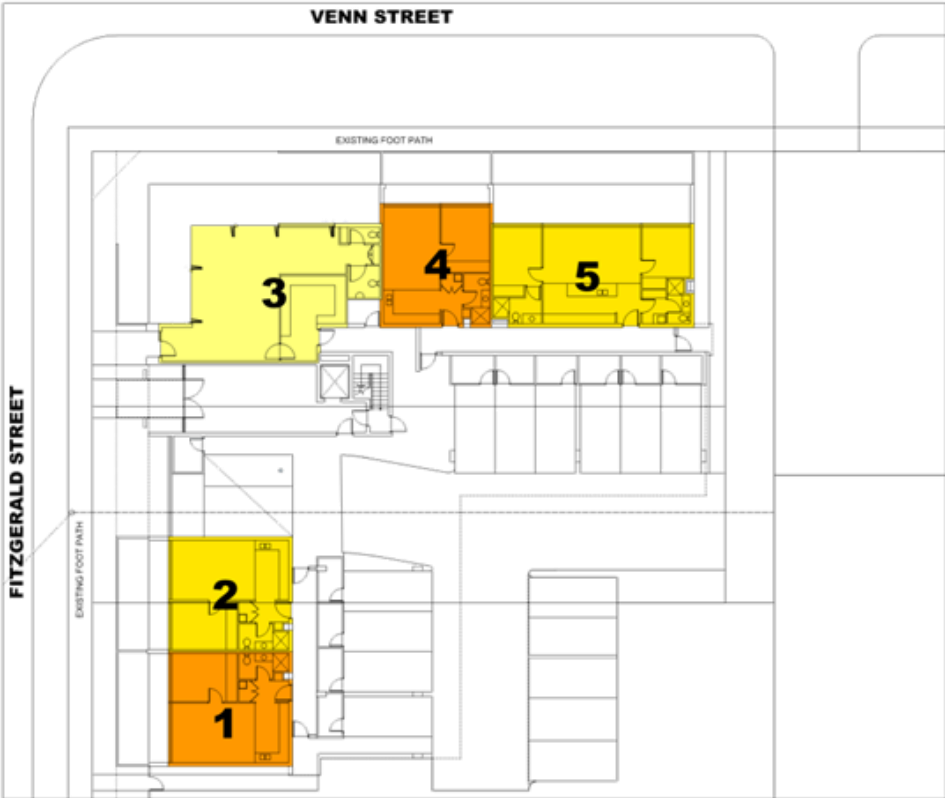
PLOT RATIO AREAS - 1st FLOOR  
SCALE 1:200 @ A1 SIZE



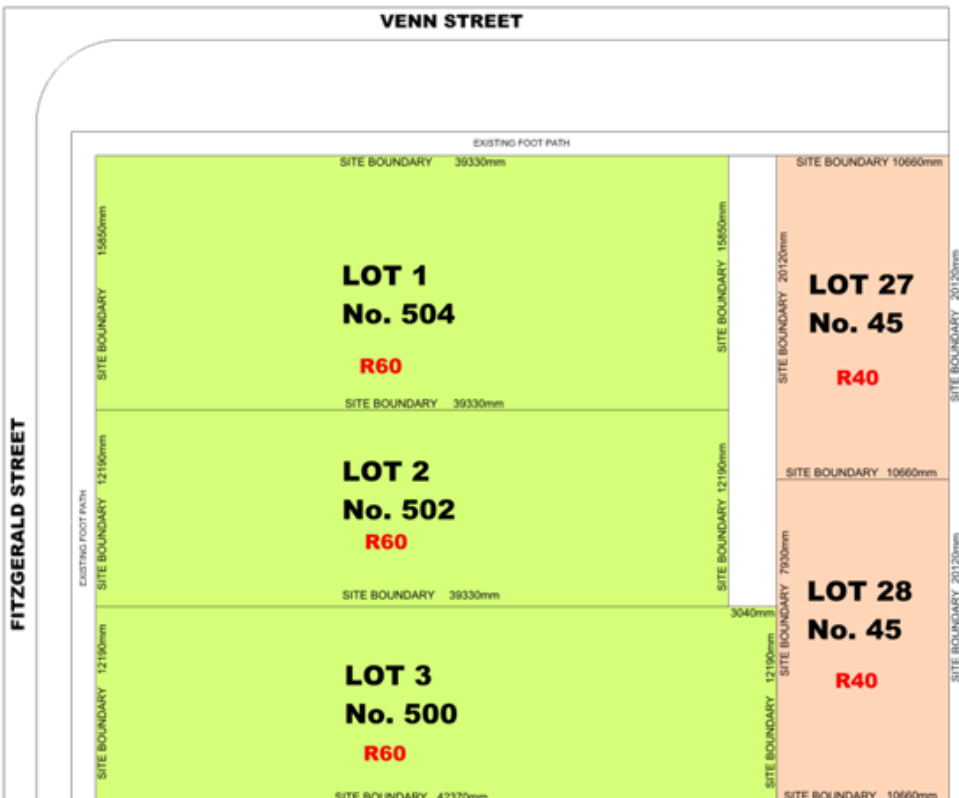
PLOT RATIO AREAS - 2nd FLOOR  
SCALE 1:200 @ A1 SIZE

PLOT RATIO AREAS

UNIT TYPE	PLOT RATIO AREA
1 1 BED APARTMENT	55sqm
2 1 BED APARTMENT	55sqm
3 CAFE	96sqm
4 1 BED APARTMENT	55sqm
5 2 BED APARTMENT	78sqm
6 2 BED APARTMENT	78sqm
7 2 BED APARTMENT	78sqm
8 2 BED APARTMENT	78sqm
9 1 BED APARTMENT	56sqm
10 2 BED APARTMENT	78sqm
11 2 BED APARTMENT	78sqm
12 2 BED APARTMENT	78sqm
13 2 BED APARTMENT	78sqm
14 2 BED APARTMENT	78sqm
15 2 BED APARTMENT	78sqm
16 1 BED APARTMENT	56sqm
17 2 BED APARTMENT	78sqm
18 2 BED APARTMENT	78sqm
19 2 BED APARTMENT	78sqm
TOTAL PLOT RATIO AREA	1387sqm
Maximum Plot Ratio Permissible	1388sqm



PLOT RATIO AREAS - GROUND FLOOR  
SCALE 1:200 @ A1 SIZE



SITE AREAS  
SCALE 1:200 @ A1 SIZE

	ZONING CODE	LAND AREA
LOT 1 - No. 504	R60	622sqm
LOT 2 - No. 502	R60	478sqm
LOT 3 - No. 500	R60	516sqm
TOTAL AREA		1616sqm
Maximum Plot Ratio = 0.7		1131.2sqm

	ZONING CODE	LAND AREA
LOT 27 - No. 45	R40	214sqm
LOT 28 - No. 45	R40	214sqm
TOTAL AREA		428sqm
Maximum Plot Ratio = 0.6		256.8sqm

MIXED USE DEVELOPMENT - LOT 1 to 3 (No 500 to 504) FITZGERALD STREET & LOT 27 to 28 (No. 45) VENN STREET NORTH PERTH



PLOT RATIO AREAS

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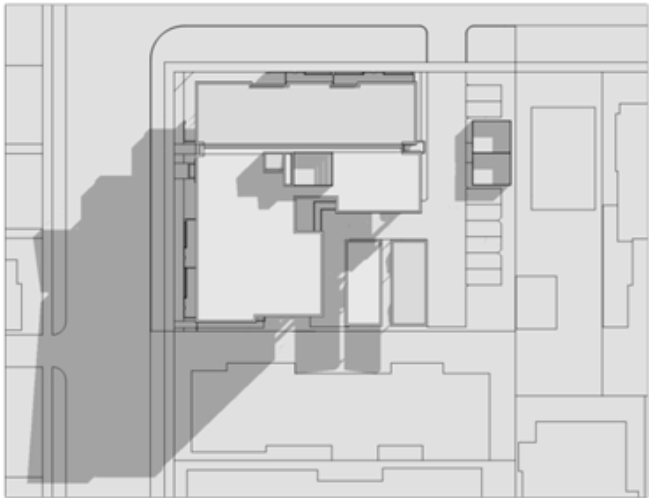
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DEVELOPMENT  
ASSESSMENT PANEL

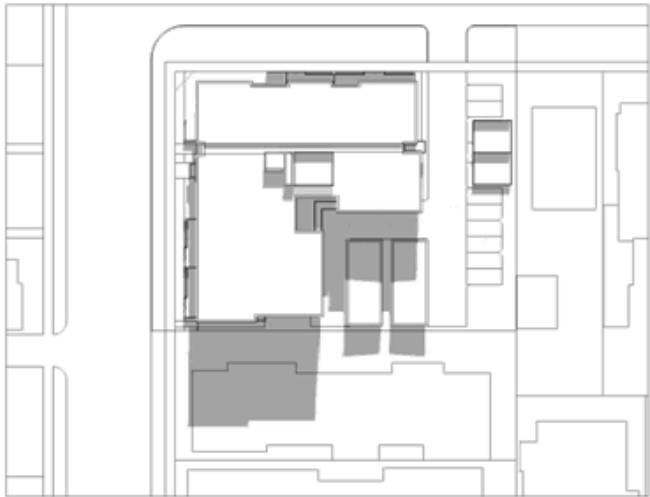
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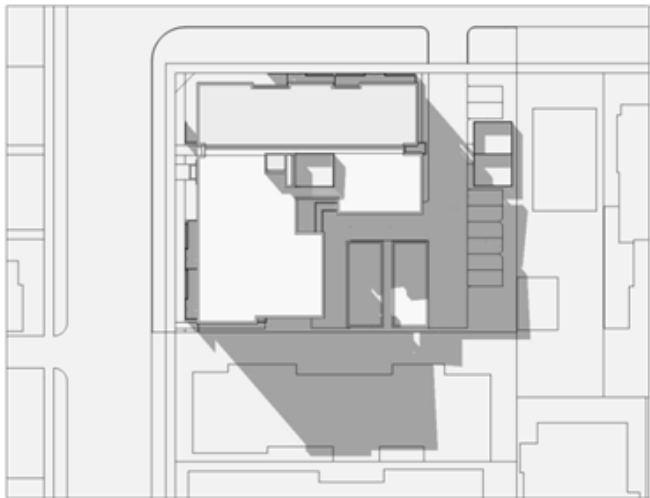
SHADOW CAST 9AM - 21st JUNE

SCALE 1:500 @ A1 SIZE



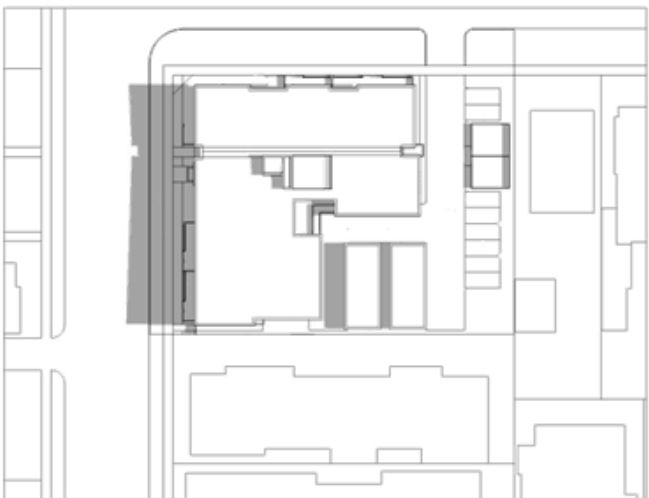
SHADOW CAST 12NOON - 21st JUNE

SCALE 1:500 @ A1 SIZE



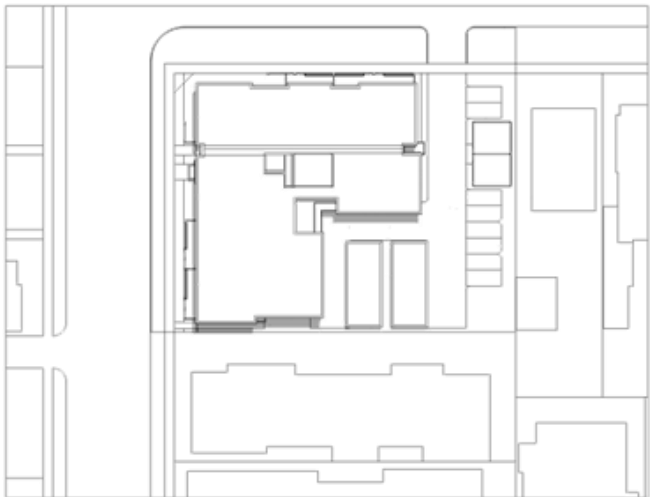
SHADOW CAST 3PM - 21st JUNE

SCALE 1:500 @ A1 SIZE



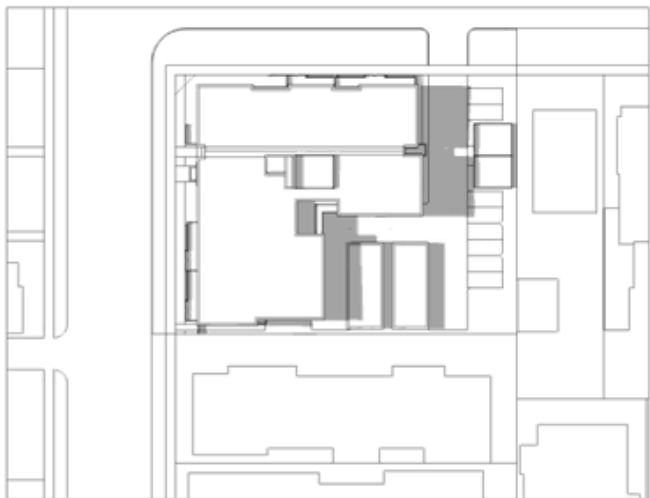
SHADOW CAST 9AM - 21st DECEMBER

SCALE 1:500 @ A1 SIZE



SHADOW CAST 9AM - 21st DECEMBER

SCALE 1:500 @ A1 SIZE



SHADOW CAST 9AM - 21st DECEMBER

SCALE 1:500 @ A1 SIZE

MIXED USE DEVELOPMENT - LOT 1 to 3 (No 500 to 504) FITZGERALD STREET &  
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DEVELOPMENT APPLICATION

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SHADOW DIAGRAMS

SCALE 1:500 @ A1 SIZE

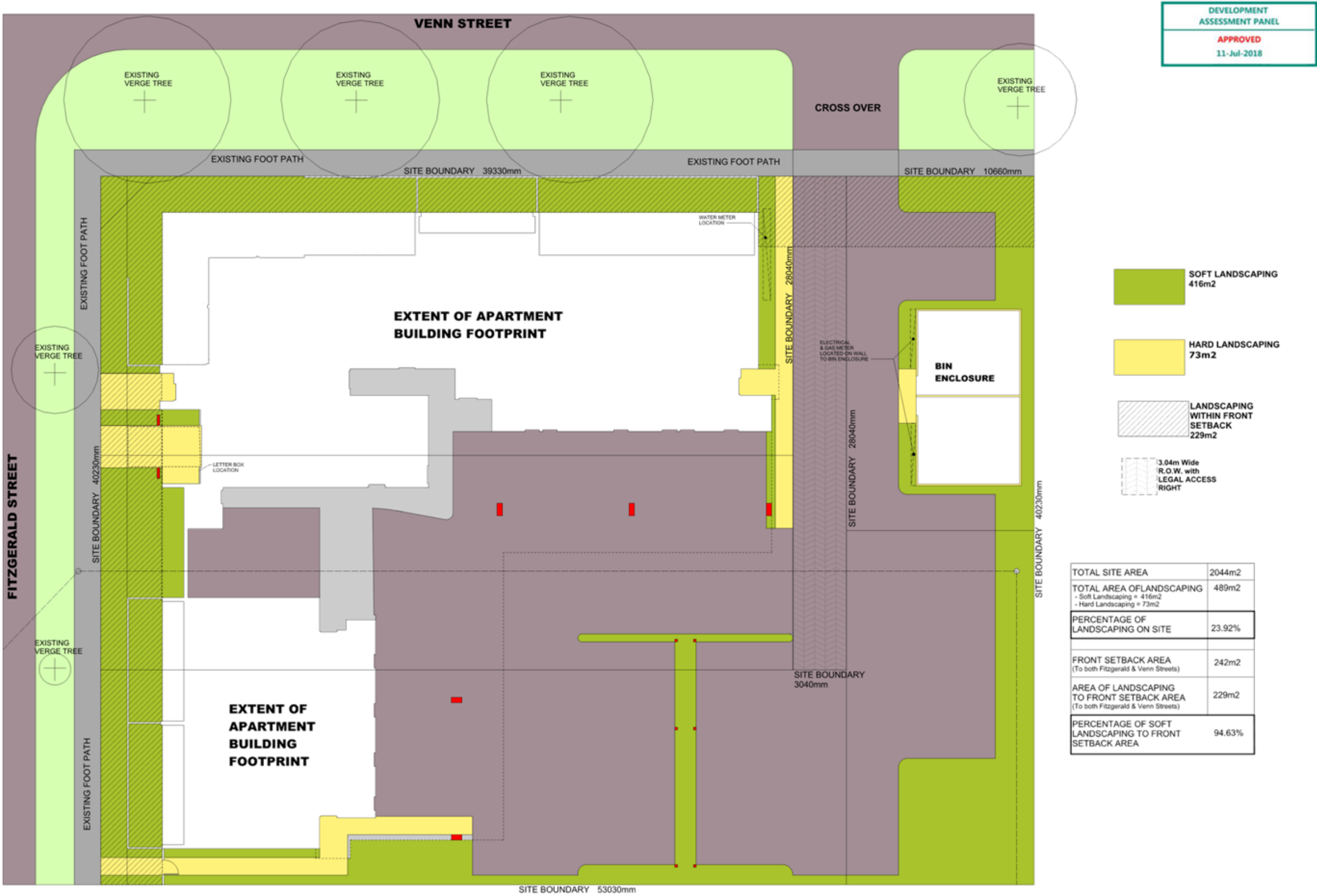
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MIXED USE DEVELOPMENT - LOT 1 to 3 (No 500 to 504) FITZGERALD STREET & LOT 27 to 28 (No. 45) VENN STREET NORTH PERTH

DEVELOPMENT APPLICATION

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LANDSCAPING EXTENT

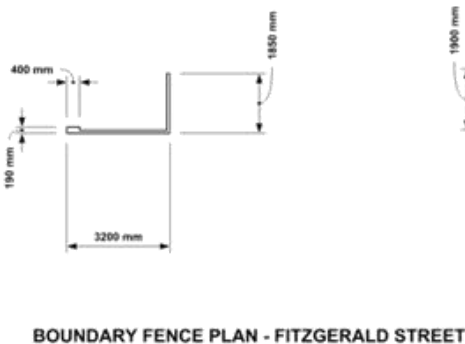
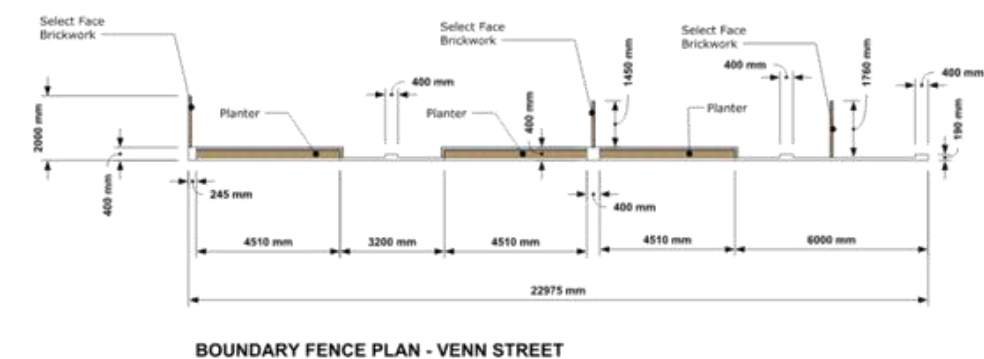
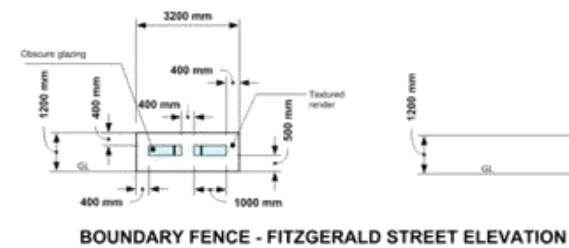
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DEVELOPMENT  
ASSESSMENT PANEL  
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VIEW FROM SOUTH WEST



VIEW FROM NORTH WEST



VIEW FROM NORTH EAST



VIEW FROM SOUTH EAST

**MIXED USE DEVELOPMENT - LOT 1 to 3 (No 500 to 504) FITZGERALD STREET &  
LOT 27 to 28 (No. 45) VENN STREET NORTH PERTH**

**PERSPECTIVE IMAGES**

DEVELOPMENT APPLICATION

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**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.

Comments Received in Support:	Applicant Comment:
<u>General</u> <ul style="list-style-type: none"> <li>Support that the business provides an asset to the local community with a strong customer case within close walking distance.</li> <li>Supportive that the small size, limited space and restricted patrons would only facilitate low scale/intensity use of the premises.</li> <li>Existing evidence that licensed premises can operate within a residential context, such as North Perth Bowls Club.</li> <li>Support that the proposed use is consistent with the Residential Zone Objectives, specifically providing a non-residential use that is compatible with the residential area.</li> <li>Supportive that the proposed extension of hours will add to existing non-residential evening land uses within the immediate locality along Fitzgerald Street.</li> <li>The proposed Small Bar use will complement the area and provide amenity for surrounding residents.</li> </ul>	<ul style="list-style-type: none"> <li>Many thanks to everyone supporting us, we are a family business putting a lot of passion into this.</li> </ul>
Comments Received in Objection:	Applicant Comment
<u>General</u> <ul style="list-style-type: none"> <li>Concerns regarding the floor plan demonstrating a minority of seating being internal, resulting in the majority of patrons seated outdoors.</li> <li>Concerns relate to the existing premises not operating in accordance with the previously approved 32 person maximum.</li> </ul>	<ul style="list-style-type: none"> <li>All of our customer always prefers to seat inside when possible, they like to seat outside usually around lunch time when it's warmer, however, during the summer months they always prefer to be inside with air conditioning on.</li> <li>We have never counted more than 32 patrons at once, more than 32 patrons cannot fit, and we do not have more than 32 chairs.</li> </ul>

**Summary of Submissions:**

<b>Comments Received in Objection:</b>	<b>Applicant Comment</b>
<ul style="list-style-type: none"> <li>Concerns relate to the existing premises not operating in accordance with the previously approved operating hours (8am – 5pm) as the premises advertises and opens prior to the approved opening time.</li> </ul>	<ul style="list-style-type: none"> <li>Half of the patrons' order take away items and they wait outside for collection.</li> </ul>
<ul style="list-style-type: none"> <li>Concern that one toilet would not be sufficient to service 32 people, specifically when alcohol is being served, resulting in patrons urinating in public, specifically after closure.</li> </ul>	<ul style="list-style-type: none"> <li>We have never had issues with patrons urinating outside, this has never been reported and we hope will never happen.</li> </ul>
<ul style="list-style-type: none"> <li>Concerns that the increased traffic at night will result in headlights being shone into bedroom windows of adjacent properties.</li> </ul>	<ul style="list-style-type: none"> <li>We understand that the night trade can be unpleasant, however, we would like to open at night ONLY 16 times a month, for functions, staff meetings, degustation or aperitivo time. We do not want to open every night like a restaurant or a small bar.</li> </ul>
<p><u>Car Parking</u></p> <ul style="list-style-type: none"> <li>Concerns regarding the existing business not having sufficient parking.</li> <li>Concerns that the extension of operating hours will exacerbate the existing parking issues along Venn Street.</li> <li>Concerns relate to patrons and delivery drivers already parking on verges of adjacent properties along the length and on both sides of Venn Street, despite parking being prohibited on the northern side of Venn Street.</li> <li>Concerns that the business is asking patrons to park at Woodville Reserve.</li> <li>Concerns that the extension of operating hours would present traffic and parking issues at the end of the day as the existing closure time, in the afternoon, allows for Venn Street to be cleared by the time residents return.</li> <li>Suggestion to upgrade the Cafes verge to include street parking.</li> </ul>	<ul style="list-style-type: none"> <li>We are compliant with the Council's parking requirements. If there is anything we can do to have more parking, we would.</li> <li>Parking at Woodville reserve it's a suggestion for our patrons, just like a suggestion to come with a bike or a bus.</li> <li>We would like to work with the Engineering team to upgrade the verge into parking.</li> <li>We don't know what time the residents come home, street parking is open to every resident and patron.</li> </ul>

**Summary of Submissions:**

Comments Received in Objection:	Applicant Comment
<u>Traffic &amp; Safety</u> <ul style="list-style-type: none"> <li>Concerns that the extension of operating hours will increase the traffic/congestion and danger to Venn Street and the already dangerous intersection at Venn Street and Fitzgerald Street.</li> <li>Concerns in relation to the business advertising and providing kerb-side pickup for customers causing traffic.</li> </ul>	<ul style="list-style-type: none"> <li>The congestion it's a hazard already, which the council should take care of in accordance with us and the residents.</li> </ul>
<u>Noise</u> <ul style="list-style-type: none"> <li>Concerns relate to the ambient noise of the Small Bar at night to Venn Street impacting the amenity of residents.</li> <li>Concerns relate to the noise caused by patrons, and their vehicles leaving at night from Venn Street.</li> </ul>	<ul style="list-style-type: none"> <li>The tenancy will play background music. The acoustic levels have been assessed by an acoustic engineer and are compliant as per the updated December 2024 Acoustic Report.</li> </ul>
<ul style="list-style-type: none"> <li>Concerns regarding removal of waste (glass and bottles) upon closure of the Small Bar at 10:00pm.</li> </ul>	<ul style="list-style-type: none"> <li>We understand, and we will try not to make noises with glass bottles.</li> </ul>
<ul style="list-style-type: none"> <li>Concerns in relation to the outdated Acoustic Report provided being prepared in 2016 which does not address the Small Bar component of the proposal and its impact to the surrounding residential properties.</li> <li>Concerns that the premises will not operate in accordance with the Management Plan in relation to closing doors when music is played.</li> </ul>	<ul style="list-style-type: none"> <li>A new Acoustic Report was prepared in December 2024.</li> </ul>

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.

Comments Received in Support:	Applicant Comment:
<p><u>General</u></p> <ul style="list-style-type: none"> <li>• Support that the business provides an asset to the local community with a strong customer case within close walking distance.</li> <li>• Supportive that the small size, limited space and restricted patrons would only facilitate low scale/intensity use of the premises.</li> <li>• Existing evidence that licensed premises can operate within a residential context, such as North Perth Bowls Club.</li> <li>• Support that the proposed use is consistent with the Residential Zone Objectives, specifically providing a non-residential use that is compatible with the residential area.</li> <li>• Supportive that the proposed extension of hours will add to existing non-residential evening land uses within the immediate locality along Fitzgerald Street.</li> <li>• The proposed Small Bar use will complement the area and provide amenity for surrounding residents.</li> </ul>	<ul style="list-style-type: none"> <li>• The submissions received in support are noted.</li> </ul>
Comments Received in Objection:	Applicant Comment
<p><u>General</u></p> <ul style="list-style-type: none"> <li>• Concerns regarding the floor plan demonstrating a minority of seating being internal, resulting in the majority of patrons seated outdoors.</li> </ul>	<ul style="list-style-type: none"> <li>• Following the community consultation period and in response to comments received, the applicant provided an updated floor plan, providing detail regarding the venue's seating arrangements. Whilst most of the seating would be situated outdoors, the business is sufficiently separated from the surrounding properties to ensure these properties amenity is not adversely impacted from outdoor dining. This is detailed further in the Comments section of the Officer report.</li> </ul>



**Summary of Submissions:**

Comments Received in Objection:	Applicant Comment
<ul style="list-style-type: none"> <li>Concerns relate to the existing premises not operating in accordance with the previously approved 32 person maximum.</li> <li>Concerns relate to the existing premises not operating in accordance with the previously approved operating hours (8am – 5pm) as the premises advertises and opens prior to the approved opening time.</li> <li>Concern that one toilet would not be sufficient to service 32 people, specifically when alcohol is being served, resulting in patrons urinating in public, specifically after closure.</li> <li>Concerns that the increased traffic at night will result in headlights being shone into bedroom windows of adjacent properties.</li> </ul>	<ul style="list-style-type: none"> <li>The proposal does not seek to increase the maximum occupancy of the business. The business will continue to operate with no more than 32 persons in site at any one time, as per conditions of the previous approval.</li> <li>Following a compliance investigation, the premises is now operating from 8:00am and in accordance with their previous development approval. The subject application seeks to amend the previously approved operating hours extend the opening hours to 7:00am.</li> <li>The business has two toilets within, which is sufficient to service the approved occupancy of 32 persons onsite in accordance with National Construction Code requirements. There is no change to occupancy numbers as part of this application.</li> <li>Following the conclusion of the community consultation period, the scope of the proposal was amended which now only seeks to extend the opening time from the previously approved 8:00am to the proposed 7:00am. This means that the closing times remain as per the previous approval, and are no longer sought to change as part of this application</li> </ul>
<p><u>Car Parking</u></p> <ul style="list-style-type: none"> <li>Concerns regarding the existing business not having sufficient parking.</li> <li>Concerns that the extension of operating hours will exacerbate the existing parking issues along Venn Street.</li> <li>Concerns relate to patrons and delivery drivers already parking on verges of adjacent properties along the length and on both sides of Venn Street, despite parking being prohibited on the northern side of Venn Street.</li> <li>Concerns that the business is asking patrons to park at Woodville Reserve.</li> <li>Concerns that the extension of operating hours would present traffic and parking issues at the end of the day as the existing closure time, in the afternoon, allows for Venn Street to be cleared by the time residents return.</li> <li>Suggestion to upgrade the Cafes verge to include street parking.</li> </ul>	<ul style="list-style-type: none"> <li>The application does not propose any changes to the provision of car parking for the development which complies with the City's Non-Residential Parking Policy and no discretion is being sought in relation to this element.</li> </ul> <p>The applicant has sought to respond to community concerns regarding street parking and the utilisation of the on-site car parking bays for the development by proposing enhanced wayfinding/directional signage.</p> <p>The proposed wayfinding signage would improve wayfinding and assist in increasing legibility access to the existing car parking onsite. This has been achieved through the proposed signage being suitably sized, designed and located to ensure the signage is visible to the tenancy's visitors whilst maintaining the amenity of the surrounding locality. The signage is of a size, scale and location to ensure that there is not a proliferation of advertisement.</p>

### Summary of Submissions:

Comments Received in Objection:	Applicant Comment
<p><u>Traffic &amp; Safety</u></p> <ul style="list-style-type: none"> <li>Concerns that the extension of operating hours will increase the traffic/congestion and danger to Venn Street and the already dangerous intersection at Venn Street and Fitzgerald Street.</li> <li>Concerns in relation to the business advertising and providing kerb-side pickup for customers causing traffic.</li> </ul>	<ul style="list-style-type: none"> <li>As detailed above, the application does not propose any changes to the previously approved occupancy numbers or the provision of car parking for the development, which complies with the City's Non-Residential Parking Policy. On this basis, the development provides for sufficient parking on-site.</li> </ul>
<p><u>Noise</u></p> <ul style="list-style-type: none"> <li>Concerns relate to the ambient noise of the Small Bar at night to Venn Street impacting the amenity of residents.</li> </ul>	<ul style="list-style-type: none"> <li>Following the conclusion of the initial community consultation period, the proposal was amended to only extend the opening hour to 7am and not extend the closing time. As such, patrons will only be leaving during daylight hours.</li> </ul> <p>In response to community feedback, Administration are undertaking the North Perth Traffic Study to inform whether possible road safety treatments are needed on Fitzgerald Street and the surrounding area. The intersection of Fitzgerald Street and Venn Street is within the study area. Administration estimates that the Study will be completed by April 2025.</p> <p>The City would then review the findings and undertake detailed planning for any interventions and safety measures that are identified as needed within the Traffic Study.</p>
<ul style="list-style-type: none"> <li>Concerns relate to the noise caused by patrons, and their vehicles leaving at night from Venn Street.</li> <li>Concerns regarding removal of waste (glass and bottles) upon closure of the Small Bar at 10:00pm.</li> <li>Concerns in relation to the outdated Acoustic Report provided being prepared in 2016 which does not address the Small Bar component of the proposal and its impact to the surrounding residential properties.</li> <li>Concerns that the premises will not operate in accordance with the Management Plan in relation to closing doors when music is played.</li> </ul>	<ul style="list-style-type: none"> <li>The scope of the application has been amended and the proposal no longer seeks approval for nighttime operation. The change of operating hours as part of this application now only relates to an additional hour of operation in the morning, commencing at 7:00am.</li> <li>Following the conclusion of the community consultation period the applicant provided an updated Acoustic Report that addresses the proposed extended operation hours and other operation details for the venue. A condition of approval has been recommended, ensuring the business operates in accordance with recommendations of the updated Acoustic Report.</li> </ul>

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

**Clause 67 – Matters to be Considered Assessment**

<b>Clause 67 – Matters to be Considered</b>	
<b>Matter</b>	<b>Administration Comment</b>
a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area.	<p>LPS2 contains broader aims applicable to the entire Scheme area, separate to more specific objectives of the Residential zone. The relevant aims applicable to this proposal include:</p> <ul style="list-style-type: none"> <li>• <i>Encourage the provision of a wide range of choices in housing, business and employment</i> – The proposed extension of operation hours to the business would contribute towards supporting small business and employment generation within the City.</li> <li>• <i>Ensure that the use and development of land is managed in an effective manner, which recognises the individual character and needs of the five community precincts within the Scheme Area</i> – Management of the additional operating hour would be in accordance with the Venue Management Plan (VMP), as required by Condition 3.1. An updated VMP, to reflect the proposed additional operating hour, will ensure the premises continues to operate at a small scale and aligns with the surrounding character of the area.</li> <li>• <i>Promote the development of a sense of local community.</i> The proposed extension of operation hours to the venue would contribute towards to the amenity of the local area. This is because the additional operating hour would provide services associated with the café to community members commuting to work or school within the morning trade period. The morning trading period represents a peak period where community members seek café goods and services. The additional operating hour will enable the café to service this demand as well as allow the business an additional hour for staffing and employment. Further consideration the associated amenity impacts in relation to the residential context is discussed in the Comments section of the report.</li> <li>• <i>Ensure safe and convenient movement of people</i> – The proposal aims to enhance wayfinding and directional signage across the site by installing additional signs facing Venn Street. These signs will guide customers to the car parking bays located at the rear of the development. This initiative addresses community concerns about the safety of on-street parking near the Fitzgerald Street and Venn Street intersection, while also improving the safety and flow of pedestrian and vehicle movement within the site and its immediate surroundings.</li> </ul>
b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving.	<p>Orderly and proper planning requires the consideration of whether an application is consistent with the objectives of LPS2 and relevant planning policies.</p> <p>The suitability of the proposed development as assessed against the relevant LPS2 objectives, the City's local planning framework, and the impact of the proposal on the local amenity is discussed in the Comments section of the report.</p> <p>There are no draft planning instruments relevant to this application.</p>
(fa) A local planning strategy for this Scheme endorsed by the Commission.	<p>The City's Local Planning Strategy was endorsed by the WAPC on 8 November 2016. The City's Local Planning Strategy identifies the subject site and surrounding properties as falling within a Medium Density Residential area.</p> <p>The subject site is zoned Residential R40 and R60-R100 under LPS2 and an assessment of the impact on residential amenity is discussed further in the Comments section of the report.</p>

Clause 67 – Matters to be Considered	
Matter	Administration Comment
(g) Any local planning policy for the Scheme area.	<p>An assessment has been undertaken against all relevant local planning policies, including the City's Licenced Premises Policy, Sound Attenuation Policy, Non-Residential Development Parking Policy and Signs and Advertising Policy.</p> <p>The proposal seeks a departure to the Signage and Advertising Policy. The acceptability of the proposed signage is discussed further in the Comments section of the report.</p>
<p>(m) The compatibility of the development with its setting including –</p> <p>(i) The compatibility of the development with the desired future character of its setting.</p> <p>(ii) The relationship of the development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.</p>	<p>The proposed development would be compatible with its setting. The extension of operating hours to the venue would not have an adverse impact on the adjoining properties due the specific site context and location of premises, as well as the scale and operation measures proposed.</p> <p>This is because the premises provides sufficient separation from the surrounding properties that includes landscaping and multiple lanes of traffic, ensuring the proposal is compatible with its setting.</p> <p>This is considered further in the Comments section of the report.</p>
<p>(n) The amenity of the locality including the following –</p> <p>(i) environmental impacts of the development;</p> <p>(ii) the character of the locality;</p> <p>(iii) social impacts of the development.</p>	<p>The applicant has provided an Acoustic Assessment, included as <b>Attachment 3</b> demonstrating that the proposed development is capable of operating consistent with the Noise Regulations for the proposed amended operating hours, commencing at 7:00am.</p> <p>The site context and separation provided by the development from nearby residential properties would ensure that the development can operate without impacting on the amenity of the surrounding area.</p> <p>This is considered further in the Comments section of the report.</p>
<p>(s) the adequacy of-</p> <p>(i) the proposed means of access to and egress from the site</p> <p>(ii) arrangements for the loading, unloading, maneuvering and parking of vehicles</p>	<p>The proposal to seek to extend the operating hours to the existing business. This would not result in an increase of vehicles further to the current premises but would result in a similar extent of vehicles for a one-hour period prior to the existing approved opening time.</p> <p>The applicant has provided additional signage to be implemented to increase legibility of signage to parking onsite and increase utilisation of off-street parking.</p>
(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality	The acceptability of the parking, traffic and wayfinding is discussed further in the Comments section of the report.
(w) the history of the site where the development is to be located.	<p>A Restaurant/Café has operated at the subject site since August 2022.</p> <p>The operators seek to extend the operating hours for an additional hour, opening at 7:00am in lieu of the previous approval which permits opening at 8:00am.</p>
(y) Any submissions received on the application.	<p>The key matters raised in the submissions that are relevant planning considerations in the assessment of the proposal are addressed in this report, and a summary of all submissions received is included as <b>Attachment 6</b> with responses by the Administration.</p> <p>The comments raised in the submissions have been considered as part of the assessment of this application.</p> <p>The total number of submissions received for/against the proposal alone is not a valid reason for the application to be approved/refused.</p>



Clause 67 – Matters to be Considered	
Matter	Administration Comment
(zc) any advice of the Design Advisory Committee	<p>The City sought feedback from a member of the City's DRP to identify ways to improve wayfinding and increase the utilisation of the rear carpark.</p> <p>Comments in relation to this is discussed further in the Design Review Panel section of the report.</p>