

5.1 NO. 173 (LOT: 7; D/P: 867) OXFORD STREET, LEEDERVILLE - PROPOSED CHANGE OF USE FROM SMALL BAR TO TAVERN INCLUDING ALTERATIONS AND ADDITIONS

Ward: South

Attachments:

1. Consultation and Location Plan
2. Development Plans
3. Acoustic Report
4. Transport Impact Statement
5. Venue Management Plan
6. Summary of Submissions - Administrations Response
7. Summary of Submissions - Applicants Response
8. Clause 67 Assessment
9. Determination Advice Notes

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the application for a proposed Change of Use from Small Bar to Tavern including Additions and Alterations at No. 173 (Lot: 7; D/P: 867) Oxford Street, Leederville in accordance with the plans provided in Attachment 2, subject to the following conditions with the associated determination advice notes in Attachment 9:

1. Development Approval

This approval relates to a Change of Use from Small Bar to Tavern including Additions and Alterations as shown on the approved plans dated 15 January 2025. No other development forms part of this approval;

2. Use of Premises

2.1 This approval is for a Tavern as defined in the City of Vincent Local Planning Scheme No. 2. The use of the subject land for any other land use may require further approval from the City;

2.2 The hours of operation of the Tavern shall be limited to:

- 6:00am to 12:00am Monday to Saturday
- 6:00am to 10:00pm Sunday;

2.3 The Tavern shall be limited to a maximum of 200 patrons and 8 staff at any one time;

3. Acoustic Report and Noise Management

3.1 All operational measures, recommendations and construction specifications outlined approved acoustic report (Acoustic Engineering Solutions, dated 29 October 2024) shall be implemented prior to the occupation or use of the development the subject of this approval, and maintained thereafter, to the satisfaction of the City at the expense of the owners/occupiers. This includes the rear garden roof that should be constructed in accordance with the materials and specifications as detailed within Figure 4 of the Acoustic Report, to the satisfaction of the City;

3.2 The Tavern shall operate in accordance with operational scenarios and recommendations of the approved Acoustic Report at all times, to the satisfaction of the City;

4. Venue Management

The premises shall operate in accordance with the approved Venue Management Plan dated 13 January 2025 at all times, to the satisfaction of the City;

5. Façade Design

- 5.1 Doors and windows and adjacent floor areas fronting Oxford Street shall maintain an active and interactive relationship with the street, to the satisfaction of the City;**
- 5.2 Glazing and/or tinting shall have a minimum of 70 percent visible light transmission to provide unobscured visibility between the street and the interior of the tenancy, to the satisfaction of the City;**
- 5.3 Internal security and privacy treatments shall be located and installed internally behind the glazing line or recessed, and shall be transparent and visually permeable to allow views inside the building and enable internal light sources to be seen from the street, to the satisfaction of the City;**

6. Landscaping

All landscaping shown in the approved plans shall be undertaken prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

7. Bicycle Facilities

A minimum of six long-term bicycle bays shall be provided on-site and designed in accordance with AS2890.3 prior to the occupation or use of the development the subject of this approval and maintained thereafter, to the satisfaction of the City; and

8. Stormwater

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

EXECUTIVE SUMMARY:

The purpose of this report is to consider an application for development approval for a change of use from Small Bar to Tavern including Alterations and Additions to an existing single storey commercial development at No. 173 Oxford Street, Leederville (the subject site).

The subject site is zoned 'Centre' under the City's Local Planning Scheme No. 2 (LPS2) and is located within the Town Centre Built Form Area under the City's Policy No. 7.1.1 – Built Form (Built Form Policy).

The site is located within the Draft Leederville Precinct Structure Plan (Draft LPSP) area, in the 'Village' sub-precinct. The Draft LPSP is a seriously entertained planning document which is to be given due regard to in considering the acceptability of the proposal.

The site currently operates as a Small Bar, 'Roberts on Oxford'. The Small Bar was previously approved to operate with a maximum of 120 patrons at any time. The applicant is seeking to change the use of the site of use to 'Tavern' to enable the business of operate with a maximum of 200 patrons. The applicant seeks to retain the previously approved operating hours for the Small Bar.

The proposed works involve the removal of three shade sails from the courtyard located to the rear of the site, and the construction of an alfresco roof that would entirely enclose the rear courtyard. The purpose of the structure is to enhance weather protection and to contain noise emissions from the site to surrounding properties.

The key areas of discretion being sought under the planning framework relate to the land use acceptability, the provision of car and bicycle parking spaces, landscaping, and operating hours.

The proposed Tavern land use is capable of approval in the Centre zone under LPS2. The Draft LPSP identifies the Village sub-precinct as Leederville's activity core, encouraging vibrant, social uses in the Commercial zone. A Tavern would enhance this vision by creating an engaging, interactive streetscape on Oxford Street, in proximity to active transport and boosting entertainment and hospitality offerings while supporting local employment and economic activity in line with the Policy No. 7.5.7 Licensed Premises Policy (Licensed Premises Policy).

The Applicant submitted an acoustic report confirms that noise levels generated from the premises during the proposed operating hours and with the proposed occupancy numbers would comply with the relevant assigned noise levels under the *Environmental Protection (Noise) Regulations 1997*.

The development proposes no on-site car parking, aligning with the Draft LPSP which supports the provision of no on-site parking in the Village sub-precinct. While the proposal results in a 31-bay shortfall under the City's Non-Residential Development Parking Policy, the site's proximity to Leederville Train Station (400 metres) and a high-frequency bus stop (35 metres) encourages sustainable transport use and reliance on existing public parking.

The application proposes to retain all existing landscaping on the site, but the provision of an enclosed alfresco above the courtyard would result in the removal of all deep soil and planting areas as defined by the Built Form Policy. Skylights are provided to ensure solar access for plant growth and maintenance. The City's Parks team has confirmed the landscaping would receive sufficient sunlight to continue to grow.

The proposed operating hours align with the existing Small Bar approval that has operated since December 2020 and complies with the *Liquor Control Act 1988*. Located in Leederville's Village sub-precinct, the Tavern is consistent with the Licensed Premises Policy which seeks for licensed venues to be concentrated within town centres.

The proposed development is supported as it aligns with the planning framework and policies, enhances the vibrancy of the Leederville Town Centre, promotes sustainable transport use, and contributes to the area's social, economic, and entertainment offerings. The proposal is recommended for approval subject to conditions.

PROPOSAL:

The application proposes to change the use of the subject site from Small Bar to Tavern including Alterations and Additions. A location plan is included as **Attachment 1**.

The applicant proposes the Tavern to continue to operate as 'Roberts on Oxford', which commenced operation as a Small Bar in December 2020.

The proponents are seeking to operate their business with a capacity of 208 patrons, which necessitates a change in land use to a Tavern. This is because Small Bars are limited to a maximum capacity of 120 patrons.

Details of the proposed land use include:

- The Tavern is proposed to operate within the hours permitted under the *Liquor Control Act 1988*. The proposed operating hours align with the previously approved operating hours for the Small Bar, being:
 - Monday to Saturday: 6:00am to 12:00am (midnight)
 - Sunday: 6:00am to 10:00pm.
- A maximum capacity of 200 patrons at any one time and a maximum of eight staff members at any one time.
- The provision of no on-site car parking.
- The provision of six long-term bicycle parking facilities on-site for the use of staff.
- The use includes the ability for customers to book portions of the venue out for events from time-to-time, which is incidental to the predominant Tavern use.

Details of the proposed development works include:

- Removal of three existing shade sails located in the rear courtyard.
- Construction of a 12.1 metre by 9.6 metre enclosed alfresco over the rear courtyard. The alfresco would attach to boundary walls to the northern and southern lot boundaries. It would also attach to the existing building on the east and the bar structure on the west. The enclosed alfresco is proposed to contain noise emissions and to provide weather protection to the rear courtyard.
- The enclosed alfresco area would not require the removal of any existing landscaping within the courtyard. Skylights have been incorporated into the roof design to allow natural sunlight to reach the landscaping and the courtyard space.
- Modifications to the internal layout of the building to consolidate the kitchen space within the existing building envelope and relocate the Universally Accessible Toilet and Store facilities.

The proposed Development Plans are included as **Attachment 2**. The applicant's supporting Acoustic Report, TIS and Venue Management Plan have been included as **Attachments 3, 4 and 5**, respectively.

Delegation to Determine Applications:

The matter 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 for development approval that propose a Tavern land use with more than 120 patrons; or that receive more than five objections during community consultation.

The application proposes a Tavern land use with 200 patrons and the proposal received 13 objections during community consultation.

BACKGROUND:

Landowner:	Colin Philip De Silva
Applicant:	Bobby Joe Pty Ltd
Client:	Roberts on Oxford/Ciara Bone
Date of Application:	13 September 2024
Zoning:	MRS: Urban LPS2: Centre Draft LPSP: Commercial R-AC0
Built Form Area:	Town Centre
Existing Land Use:	LPS2: Small Bar – No land use permissibility in Centre zone
Proposed Use Class:	<u>LPS2</u> Tavern – No land use permissibility in Centre zone <u>Draft LPSP</u> Tavern – 'A' Use in the Commercial zone
Lot Area:	405m ²
Right of Way (ROW):	Not Applicable
Heritage List:	Not Applicable

Site Context

The subject site is bound by Oxford Street to the east and single-storey commercial buildings to the north and south, containing Anna Vietnamese Restaurant and parts of the Luna Cinema complex, respectively. A three-storey apartment complex is located to the west of the subject site, with the complex's communal pool abutting the rear of the subject site. Land opposite the subject site, on the eastern side of Oxford Street, contains one-and two storey buildings used for the School for Isolated and Distant Education.

The subject site accommodates a single storey commercial building fronting Oxford Street used as a Small Bar, operating under the name 'Roberts on Oxford'. The front portion of the site includes a bar with internal seating. Centrally located on the site are service rooms, including toilets, a kitchen, and a bin storage area. Along the western lot boundary, there is a bar, coffee preparation area, and storage spaces. An enclosed seating area is positioned in the rear courtyard. The configuration of the venue is detailed in the Development Plans provided in **Attachment 2**.

Planning Context

The applicable controls for the development under the planning framework are contained within the City's LPS2, the Draft LPSP and the City's local planning policies, including the Built Form Policy, Non-Residential Parking Policy, Licensed Premises Policy and Policy 7.5.21 – Sound Attenuation (Sound Attenuation Policy).

Local Planning Scheme No. 2 and Policy No. 7.1.1 – Built Form

The subject site and adjoining and adjacent properties are zoned Centre under the City's LPS2. Adjoining properties to the north, west and south are within the Town Centre built form area under the Built Form Policy.

Draft Leederville Precinct Structure Plan (LPSP)

Leederville is identified as being a Secondary Centre under the Western Australian Planning Commission's (WAPC) State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP 4.2). In accordance with SPP 4.2, the City is progressing the Draft LPSP which would replace the Leederville Masterplan and guide development within the locality.

At its 14 September 2021 [Ordinary Council Meeting](#), Council endorsed the Draft LPSP recommended that the WAPC approve the draft LPSP subject to modifications. The Draft LPSP has been considered but is yet to be approved by the WAPC.

The intent of the Centre zone under LPS2 is to give effect to the Draft LPSP. The subject site and adjoining properties to the north and south are zoned 'Commercial R-AC0' under the Draft LPSP and are within the Village sub-precinct. Properties further to the north on Oxford Street and to the west of the subject site are zoned Mixed Use R-AC0 under the Draft LPSP and are within the Urban Frame Type C sub-precinct.

Land uses within the Centre zone are not assigned permissibility under LPS2, which refers to the Draft LPSP. The Draft LPSP outlines that land use acceptability is to be determined according to the zoning of the land under the Draft LPSP and in accordance with the permissibility for that zone in the LPS2 zoning table. Tavern is an 'A' use within the Commercial zone under LPS2, which means that the use is not permitted unless Council exercises discretion by approving a development application for the use, after advertising.

Further detail on the effect of the Draft LPSP is included in the Planning Assessment and Legal/Policy section of this report.

Site & Approval History

The site has seen several development approvals, starting with a change of use to Restaurant/Café and Single House in July 2020, later modified to a Small Bar with increasing capacity and operating hours.

Key approvals in 2021 and 2023 allowed for the removal of the Single House, capacity increases to 120 patrons, façade upgrades, the addition of enclosed alfresco areas, and amendments for unauthorised works, including layout reconfigurations and landscaping changes.

The site has operated as "Roberts on Oxford" since December 2020.

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

Date	Comment
24 July 2020	<p>Administration approved a development application for a change of use from Shop House to Restaurant/Café and Single House. The proposal sought the retention of the Single House to co-exist on the subject site with the Restaurant/Café.</p> <p>The approval permitted a maximum of 50 customers and five staff members on site at any one time. The approval included signage, façade upgrades and provision of an outdoor dining area within along the southern boundary of the site.</p> <p>The approval included the provision for two on-site long-term bicycle bays and no on-site car parking.</p>

Date	Comment
18 August 2020	<p>Council at its Ordinary Meeting on 18 August 2020 approved a change of use from Restaurant/Café and Single House to Small Bar and Single House.</p> <p>No works were approved as part of this application. The venue was approved with an increased capacity of 55 people.</p> <p>The operating hours of the premises were approved as follows:</p> <ul style="list-style-type: none"> Monday to Saturday: 6:00am – 12:00am; and Sunday: 6:00am – 10:00pm (12:00am where Monday is a public holiday).
14 September 2021	<p>Council at its Ordinary Meeting on 14 September 2021 approved alterations and additions to the Small Bar and the removal of the single house component of the site.</p> <p>The approval increased the maximum number of patrons from 50 to 120, and the number of staff from five to seven.</p> <p>The approval included the construction of a new façade to Oxford Street, the enclosure of the southern alfresco area, creation of a new alfresco and bar area to the west of the existing building, and internal modifications to accommodate back-of-house and toilet facilities.</p>
20 June 2023	<p>Council at its Ordinary Meeting on 20 June 2023 approved Alterations and Additions to Small Bar (Amendment to Approved) (Unauthorised Existing Development).</p> <p>The approval was for unauthorised works that were undertaken inconsistent with the previous approval granted by Council in September 2021.</p> <p>This included modifications to the Oxford Street façade, re-configuration of the layout of the building, an extension of the enclosed side alfresco area along the southern boundary and changes to the configuration of the rear alfresco area, including changes to landscaping.</p>

DETAILS:**Planning Assessment**

The applicable controls for the development under the planning framework are contained within the City's LPS2, the Draft LPSP and the City's local planning policies, including the Built Form Policy, Non-Residential Parking Policy, Licensed Premises Policy, Policy 7.5.21 – Sound Attenuation (Sound Attenuation Policy). These planning instruments are to be given due regard in the assessment of this application.

Planning Instrument Relationship

As set out in the Legal and Policy section, the Draft LPSP is a seriously entertained planning instrument.

Significant weight should be placed on provisions of the Draft LPSP where there is any inconsistency with other local planning policies.

Where there are inconsistencies in the planning framework, the decision making should place greater importance on the Draft LPSP provisions than on the City's existing local planning policies. There are no provisions under the Leederville Masterplan that would apply to the subject development application.

The draft LPSP provides for development and deemed-to-comply standards which would amend or replace the acceptable outcomes of the Built Form Policy and Non-Residential Parking Policy.

Summary Assessment

The table below summarises the planning assessment of the proposal against the applicable planning framework. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

Planning Element	Use Permissibility/ Deemed-to-Comply/ Acceptable Outcomes (or equivalent)	Requires Discretion of Council	
		Draft LPSP	LPS2/ Local Planning Policies
Land Use		✓	✓
Car and Bicycle Parking	✓	✓	✓
Landscaping			✓
Sustainable Design		✓	✓
Signs and Advertising Policy	✓		
Hours of Operation			✓
Building Setbacks/ Boundary Wall	✓		
Building Height/Storeys	✓		
Façade Design	✓		
Roof Design	✓		
Universal Access	✓		
Sound Attenuation Policy	✓		

Detailed Assessment

The elements that require the discretion of Council is as follows:

Land Use		
Acceptable Land Use		Proposal
LPS2 – Zoning Table		Tavern – Land uses within the Centre zone are not assigned permissibility under LPS2, which refers to the Draft LPSP. Under the Draft LPSP, the subject site is zoned Commercial. <i>Commercial zone:</i> Tavern – ‘A’ use
‘P’ use.		
Car and Bicycle Parking		
Deemed-to-Comply Standard		Proposal
Draft LPSP	Non-Residential Development Parking Policy – Table 1	Nil on-site parking provided
<i>Car Parking</i> Minimum required – Nil Maximum permitted – 4 bays	31 parking bays required based on total number of patrons of 208	
<i>Bicycle Parking</i> Minimum required: 3 bays total Maximum – Unlimited	3.9 (4) short-term and 8.7 (9) long-term bicycle parking spaces required	Nil short-term and six long-term bicycle parking spaces
<i>Service Bay</i> Minimum & Maximum required: 1 bay	Minimum required: 1 bay	Nil service bays provided

Landscaping		
Acceptable Outcome		Proposal
Draft LPSP	Built Form Policy Clause 1.5 – Tree canopy and Deep Soil Areas	
Deep soil areas: No requirement	<p><i>Deep Soil Areas:</i> 12% of site area (48.6m²)</p> <p><i>Planting areas:</i> 3% of site area (12.2m²)</p>	Deep soil and planting areas provided: Nil
Environmentally Sustainable Design		
Acceptable Outcome		Proposal
Draft LPSP	Built Form Policy Clause 1.17 – Environmentally Sustainable Design	
All buildings within the Precinct Structure Plan area are to comply with the Environmentally Sustainable Design requirements contained under the City of Vincent Local Planning Policy No. 7.7.1 – Built Form.	<p>The development shall incorporate natural ventilation and daylight penetration to reduce energy consumption.</p> <p>The development shall incorporate recovery and re-use of rainwater, storm water, grey water and/or black water.</p> <p>The development achieves one of the following environmental performance standards:</p> <ul style="list-style-type: none"> • Green Star Rating; • Life Cycle Assessment; or • Sustainability of Construction Works. 	<p>The courtyards roof would not allow for natural ventilation of the building.</p> <p>The courtyard roof would not incorporate reuse or recovery of rainwater.</p> <p>The application has not demonstrated that one of the performance standards have been achieved.</p>
Hours of Operation		
Policy Standard		Proposal
Policy No. 7.5.7 – Licensed Premises		
Monday to Saturday opening time: 7:00am		Monday to Saturday opening time: 6:00am

The above elements of the proposal do not meet the specified standards and are discussed in the Comments section below.

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. The method of consultation included a notice on the City's website, the erection of a sign on site and 116 letters being mailed to all the owners and occupiers of the adjoining properties (as shown in **Attachment 1**) in accordance with the City's Community and Stakeholder Engagement Policy.

During the consultation period, the City received a total of 37 submissions which consisting of 24 submissions in support and 13 submissions that objected to the proposal.

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 courtyard roof would improve sound proofing of the premises and would provide patrons with weather protection.
- Support for the operations of the premises being an integral part of Leederville area, which adds vibrancy to the area.

The key concerns raised are summarised as follows:

- Concerns regarding existing noise management and concerns that the proposed noise management would be ineffective.
- Concerns relating to anti-social behaviour of patrons.
- Concerns that the development does not comply with its existing conditions of approval.
- Concerns about the proposed bicycle and car parking shortfall and its impact on car parking availability in the surrounding area.

A summary of submissions and Administration's response is included as **Attachment 6**. The applicant has provided a response to submissions which is included as **Attachment 7**.

Design Review Panel (DRP):

Referred to DRP: No

The application was not referred to a member of the City's DRP. This is because the works component of the application satisfies the relevant built form acceptable outcome standards in the Draft LPSP, Built Form Policy and the and would not be visible from the public realm.

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Liquor Control Act 1988*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- *Environmental Protection (Noise) Regulations 1997*;
- City of Vincent Local Planning Scheme No. 2;
- Draft Leederville Precinct Structure Plan;
- Community and Stakeholder Engagement Policy;
- Local Planning Policy – Non-Residential Parking;
- Policy No. 7.1.1 – Built Form;
- Policy No. 7.2.21 – Sound Attenuation;
- Policy No. 7.5.7 – Licensed Premises; and
- Leederville Town Centre Masterplan and Built Form Guidelines.

Planning and Development Act 2005

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

LPS2

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

- *To designate land for future development as a town centre or activity centre.*
- *To provide a basis for future detailed planning in accordance with any relevant state planning policy.*

The zoning table of LSP2 does not assign land use permissibility within the Centre zone. Clause 18(7) of LPS2 states:

If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land –

- a) a structure plan;
- b) an activity centre plan;
- c) a local development plan.

The regard provided to the Draft LPSP is discussed further 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* 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 8**.

Draft LPSP

At its 14 September 2021 Ordinary Council Meeting, Council endorsed the Draft LPSP recommended that the WAPC approve the draft LPSP subject to modifications.

The WAPC at its State Planning Committee (SPC) meeting on 28 May 2024 (see Agenda and Minutes) considered the Draft LPSP and carried a motion to require the City to:

1. Prepare a Community Needs Analysis that identifies desired infrastructure items that may be appropriate to deliver through development incentives in the Leederville Precinct Structure Plan;
2. Modify the Leederville Precinct Structure Plan (Attachment 1) in accordance with the Schedule of Modifications (Attachment 7) and the outcomes of the Community Needs Analysis;
3. Readvertise the modified PSP; and
4. Resubmit the modified plan to the Western Australian Planning Commission for consideration.

Administration is actively progressing the requested modifications, aiming to initiate formal community consultation on the proposed changes by mid-2025. Following consultation, the amended Draft LPSP would be referred to Council for endorsement. If endorsed, the modified Draft LPSP would be referred to the WAPC for further consideration, which is anticipated by the end of 2025.

Level of Regard Given to Draft LPSP

The Draft LPSP is a seriously entertained planning instrument that Council must have due regard to when making a decision on the proposed development application.

This is because in accordance with Clause 67(2)(b) of the Planning Regulations decisions makers are required to have consideration to proposed planning instruments that the local government are seriously considering adopting or approving. The Draft LPSP is a seriously entertained planning instrument because:

1. The Draft LPSP has been advertised for public comment.
2. The Draft LPSP has been formally endorsed by Council through a resolution that recommended the WAPC approve the LPSP.
3. The Draft LPSP has been forwarded to the WAPC for a decision. The Draft LPSP was considered by the WAPC who requested specific modifications be made to the Draft LPSP before the framework is referred back to the WAPC for consideration.
4. Provisions of the Draft LPSP that relate to the subject site and subject development application are unlikely to be changed in the modified version of the framework. This is because the WAPC did not request any modifications relevant to the subject site or proposal. This provides some certainty that these provisions could be approved in their current form once the amended LPSP is referred to the WAPC for decision.

Significant weight should be placed on the provisions of the Draft LPSP in consideration of the subject application. This is because the Draft LPSP:

- Is acceptable as the provisions of the Draft LPSP apply to the subject site. If the LPSP were approved, it would apply to the subject development application.
- Is valid given it has been prepared in response to SPP4.2 and aligns with its objectives. The intent of the Draft LPSP has been supported by the Department of Planning, Lands and Heritage (as per SPC [Agenda](#)).
- Is certain as all provisions that relate to the subject proposal are unlikely to change. This is because the WAPC did not request any modifications to provisions of the Draft LPSP that apply the consideration subject proposal. This provides some certainty that these provisions could be approved in their current form once the amended LPSP is referred to the WAPC for decision.
- Is imminent because referral back to the WAPC for final determination would likely occur in 2025, if the modified framework is endorsed by Council following public comment.

Where there are inconsistencies between the planning frameworks, minimal weight and importance should be applied to the City's other local planning policies and the Leederville Masterplan. This applies to the consideration of Land Use, Carparking and Landscaping.

Objectives

The subject site is located within the Village sub precinct which has objectives to be:

- a) *The primary activity core of Leederville.*
- b) *The place where people come together.*
- c) *Maintained as an area of both grungy and classical character.*
- d) *Easy to get into and get around.*
- e) *Bright and breathable, with plenty of natural shade.*
- f) *Providing the key services and amenities for the area.*

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

Innovative and Accountable

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

SUSTAINABILITY IMPLICATIONS:

The application has been assessed against the Environmentally Sustainable Design provisions of the Built Form Policy and does not achieve the Acceptable Outcomes. The acceptability of the proposal has been discussed further in the Comments section.

PUBLIC HEALTH IMPLICATIONS:

This is not in keeping with the following priority health outcomes of the City's *Public Health Plan 2020-2025*:

Reduced harmful alcohol use

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial/budget implications from this application.

COMMENTS:Summary Assessment:

In assessing the application against the planning framework, it is recommended for approval. The following comments are of relevance:

- The proposal builds upon the existing operation at the site, which has contributed to the activation and vibrancy of the Leederville Town Centre since December 2020. The development will further enhance street-level activation and support the pedestrian-oriented nature of the precinct.
- The Tavern aligns with the Draft LPSP's objectives for the Village sub-precinct, by contributing to and enhancing Leederville's entertainment and hospitality offerings.
- The Tavern land use is contemplated in the Centre zone and the City's Licensed Premises Policy recommends that licensed premises such as this be concentrated within Town Centre areas.
- The proposed operating hours would be consistent with the operating hours previously approved for the Small Bar at the subject site as well as other licensed venues within the immediate vicinity.
- The car parking provision aligns with acceptable outcomes and objectives of the Draft LSPS that aims to encourage visitors to utilise alternative transport or existing public car parking facilities when attending the Village sub-precinct of Leederville.
- The site is highly accessible for pedestrians, cyclists and by public transport. The retention of six on-site bicycle bays and the sites proximity to visitor bicycle bays within the surrounding area encourages a shift towards more sustainable modes of transport.
- The enclosure of the rear courtyard with a solid alfresco roof will effectively mitigate noise impacts, containing sound on-site and reducing disturbances to surrounding properties.
- The landscape outcome on-site would be maintained with skylights within the enclosed roof to ensure ongoing growth, positively contributing to the amenity of the rear alfresco dining area.
- The proposed use would be operated in accordance with measures recommended in the Acoustic Report and within the VMP and would not have a detrimental impact on the amenity of the area.

A more detailed assessment against the discretionary aspects of the application is set out below. These relate to consideration against LPS2, the Draft LPSP and relevant local planning policies.

Land Use

In considering the appropriateness of the use, due regard has been given to [objectives](#) of the 'Village' sub-precinct, the [objectives](#) of the Draft LPSP and the [objectives](#) of the LPS2. The proposal is consistent with the planning framework for the following reasons:

- **Contribution to Precinct Vibrancy and Hospitality:** The Draft LPSP identifies the Village sub-precinct as the primary activity core of Leederville, with active and social uses encouraged within the Commercial zone to create vibrancy. The Tavern would support these objectives by offering an engaging, social environment that attracts visitors for recreation and entertainment, enhancing the Precinct's entertainment and hospitality offerings. The frontage would maintain an active and interactive streetscape, contributing to the vibrant character of Oxford Street as the activity hub of Leederville. This aligns with the Licensed Premises Policy, which designates town centres as the most appropriate locations for licensed venues, further supporting local employment and economic activity.
- **Noise Management:** The development incorporates effective measures to mitigate potential noise impacts to adjoining properties. This includes enclosing the rear courtyard with a solid proposed alfresco roof to entirely connect/seal to buildings and boundary walls to contain noise generated by the tavern. The Acoustic Report submitted by the applicant, included as **Attachment 3**, confirms compliance with the *Environmental Protection (Noise) Regulations 1997*, demonstrating the Tavern could operate without causing nuisances detrimental to the amenity of nearby properties or the surrounding locality. A recommended condition of approval would require the acoustic measures outlined in the acoustic report are implemented during the Tavern's operation. Noise management measures are discussed in further detail within the Acoustic Report section of this report.
- **Historical and Evolving Land Uses:** The subject tenancy, along with surrounding properties along Oxford Street, have a longstanding association with commercial and hospitality uses. Since December 2020, the site has operated as a small bar with its popularity driving the need for expansion to accommodate increased occupancy. The proposed change of use would build on this success, enhancing the vibrancy of the Leederville centre while supporting sustainable economic growth and development.

- Venue Management: The City's Licensed Premises Policy requires the submission of a Venue Management Plan (VMP) for a Tavern land use. The applicant has submitted a VMP, included as **Attachment 5**, which outlines measures to minimise the impacts of noise and patron behaviour on the amenity of the surrounding area. Some key measures include the provision of external security, particularly for when functions are proposed; consideration of booking sizes and types to avoid disruptive groups; staff training on how to manage noise; and ensuring all sound operations adhere to the Australian Standard AS/NZS 2107. A recommended condition of approval would require the premises to operate in compliance with the approved VMP at all times.

Car and Bicycle Parking

As the Draft LPSP is a seriously entertained document, significant weight is given to its car parking and bicycle parking provisions which once approved, would replace provisions within the Non-Residential Development Parking Policy.

Under the Draft LPSP, the provided car and bicycle parking satisfies the acceptable outcomes, as:

- The Draft LPSP does not provide for a minimum number of car parking bays to be provided and instead refers to the maximum number of bays permitted. The proposal meets both minimum and maximum standards given no bays are proposed on-site.
- The Draft LPSP identifies that a minimum of three bicycle parking spaces is to be provided on site. The Tavern will provide six on-site staff bicycle parking spaces.

The City's Non-Residential Parking Policy is afforded minimal weight in the consideration of car parking as it would not apply following the adoption of the Draft LPSP. However under this policy, based on the maximum capacity of 208 persons, the proposal would propose a shortfall of 31 car parking bays, four short-term bicycle parking bays, and three long-term bicycle parking bays under the Non-Residential Parking Policy.

The proposed parking would satisfy the Objectives of the Draft LPSP and the Objectives of the Non-Residential Parking Policy for the following reasons.

- Car Parking Consistency with Draft LPSP: The provision of no on-site car parking satisfies the acceptable outcomes of the Draft LPSP. The Draft LPSP outlines that parking within the Leederville Precinct should be provided in consolidated public car parks, rather than on individual site so car parking does not dominate the precinct area. The Draft LPSP also emphasises that pedestrians are prioritised, followed by cyclists, public transport users, and then people who choose to drive. By proposing no on-site car parking, patrons would be encouraged to use alternative modes of transport or existing public carparking available in the precinct.
- Staff Bicycle Parking: The six existing on-site staff bicycle parking spaces satisfy the acceptable outcomes of the Draft LPSP. The provision of these bicycle parking spaces aligns with the objective of the Draft LPSP to facilitate a mode shift away from private vehicles and to emphasise prioritising alternative transportation modes over the use of cars.
- Visitor Bicycle Parking: There are 16 bicycle parking spaces located along Oxford Street and Vincent Street within 100 metres the subject site. The proximity and accessibility of these spaces are capable of use by patrons who may cycle or scooter to the premises, supporting a shift towards alternative and sustainable transport modes.
- Public Transport and Site Accessibility: The site is highly accessible for pedestrians and by public transport, located 400 metres walking distance from the Leederville Train Station and 35 metres from a high frequency bus route stop along Oxford Street. Proximity to public transport routes and providing no-site car parking would further encourage a shift towards more sustainable modes of transport.
- Cash in lieu: Administration recommends waiving the need to pay cash-in-lieu noting that the proposal meets the acceptable outcomes and objectives relevant to car parking provisions under the Draft LPSP. The existing nature of the subject site with existing development also means that it is not possible to provide car parking within the site.
- No Service Bay Previously Approved: The City did not require a service bay to be provided on-site as part of the previous development approval for a Small Bar. The venue utilises a 15-minute parking bay adjacent to No. 175 Oxford Street for deliveries, which is acceptable for use as part of the Tavern use as the additional occupancy proposed would not increase the demand for a service bay to be provided.

Landscaping and Sustainability

As the Draft LPSP is a seriously entertained document, significant weight is given to its deep soil provisions which once approved, would replace provisions within the Built Form Policy. Under the Draft LPSP the site is permitted to provide nil deep soil zones.

The City's Built Form Policy landscaping provisions are afforded minimal weight in the consideration of landscaping as they would not apply following the adoption of the Draft LPSP.

The proposed development satisfies to the element objectives of the Built Form Policy relating to [Landscaping](#) and [Environmentally Sustainable Design](#) and the [objectives](#) of the Draft LPSP for the following reasons:

- **Alignment with LPSP Objectives:** The proposal satisfies the acceptable outcomes of the Draft LPSP which permits sites within the Village precinct to provide no on-site deep soil zones. The Draft LPSP advises that this is reflective of these sites location at the core of the Town Centre and the expectation that these sites would remain at a low human scale two to three storeys in height, with tree planting and landscaping able to be provided elsewhere within the precinct.
- **Retention of Existing Landscaping:** The application proposes to retain all existing landscaping on the subject site, as shown on the Landscape Plans. While not technically deep soil or planting areas, the same landscape outcome for patrons using the rear alfresco area is maintained. This is because the landscaping is currently covered by three shade sails, which would be replaced with an alfresco roof that includes skylights to allow for solar access to existing landscaping. This would support the ongoing growth and maintenance of the retained plants. The City's Parks team have confirmed that the landscaping could be maintained with sufficient sunlight.
- **Benefits of Alfresco Roof:** The proposed roof over the existing open courtyard aims to reduce noise impact on adjoining properties and provide weather protection for patrons. While the roof would eliminate deep soil and planting areas and restrict ventilation, these measures are necessary to enhance the functionality of the premises. Given the nature of the proposed land use, the roof will improve the site's compatibility with the surrounding area by minimising noise disruption and offering patrons a more comfortable environment, while maintaining the existing landscape outcome on-site.

Hours of Operation

The Licensed Premises Policy provides a guidance for operating hours of licensed premises in various zones. The policy does not provide specific guidance for the appropriate hours for Taverns within the Centre zone. This is because the policy was adopted in 2014 and has not been updated to reflect the zones allocated in LPS2.

Prior to the gazettal of Amendment 7 to LPS2, the subject site was zoned Regional Centre. The site is allocated a Commercial zone under the Draft LPSP. District and Regional centre are functionally similar zones, located within town centres. Given the context of the site, it is appropriate to apply the District Centre/ Commercial zone trading hours of the policy to the subject site.

The Licensed Premises Policy provides the following standards for the hours of operations of Taverns within the District Centre and Commercial zones:

- Monday to Saturday: 7:00am – 12:00am (midnight)
- Sunday: 7:00am – 10:00pm.

The *Liquor Control Act 1988* provides for the following hours of operation for Taverns:

- Monday to Saturday: 6:00am – 12:00am (midnight)
- Sunday: 10:00am – 12:00am (midnight)

The 6:00am opening time is supported on the basis that it is consistent with the existing approval on the site for the Small Bar use, which has been operating since December 2020. These operating hours were approved by Council in August 2020. The 6:00am opening time is also consistent with approvals given to venues including "Jagu Daku" and would allow potential morning or breakfast operations. Further, the application proposes operating hours that are consistent with the hours permitted under the *Liquor Control Act 1988*.

The proposed Tavern is in the Village sub-precinct of the Leederville Town Centre, identified as the primary activity core of the locality. This aligns with the Licensed Premises Policy, which encourages the concentration of licensed venues within town centres.

Acoustic Report

The applicant submitted an Acoustic Report in support of the proposal which is included as **Attachment 3**. The report assesses noise generated from the proposed use and its impact on surrounding properties.

The acoustic report confirms that noise levels generated from the premises during the proposed operating hours and with the proposed occupancy numbers would comply with the relevant assigned noise levels under the *Environmental Protection (Noise) Regulations 1997*.

The acoustic modelling considers the construction of the enclosed alfresco roof, which would cover the entire rear courtyard and connect/seal to existing buildings on-site to contain noise generated. Specifications of the alfresco roof considered as part of the acoustic report are consistent with those detailed on the approved development plans.

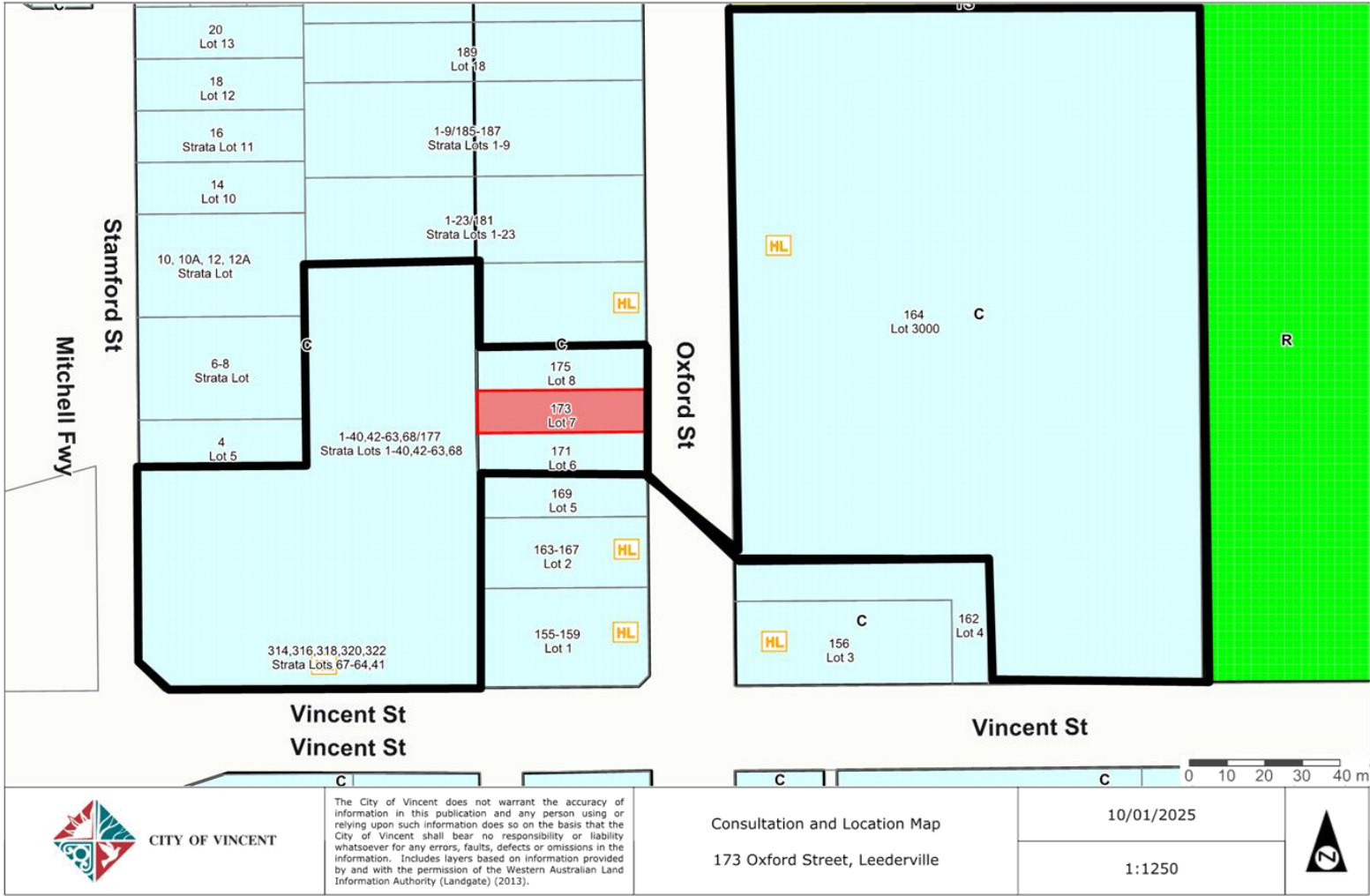
Based on the operational scenarios within the Acoustic Report, noise can be suitably mitigated and the proposed use would not result in an adverse impact on the use and amenity of the surrounding area in relation to noise. As indicated above, the noise mitigation measures largely involve physical modifications rather than reliance on management measures and would result in an improved outcome on-site.

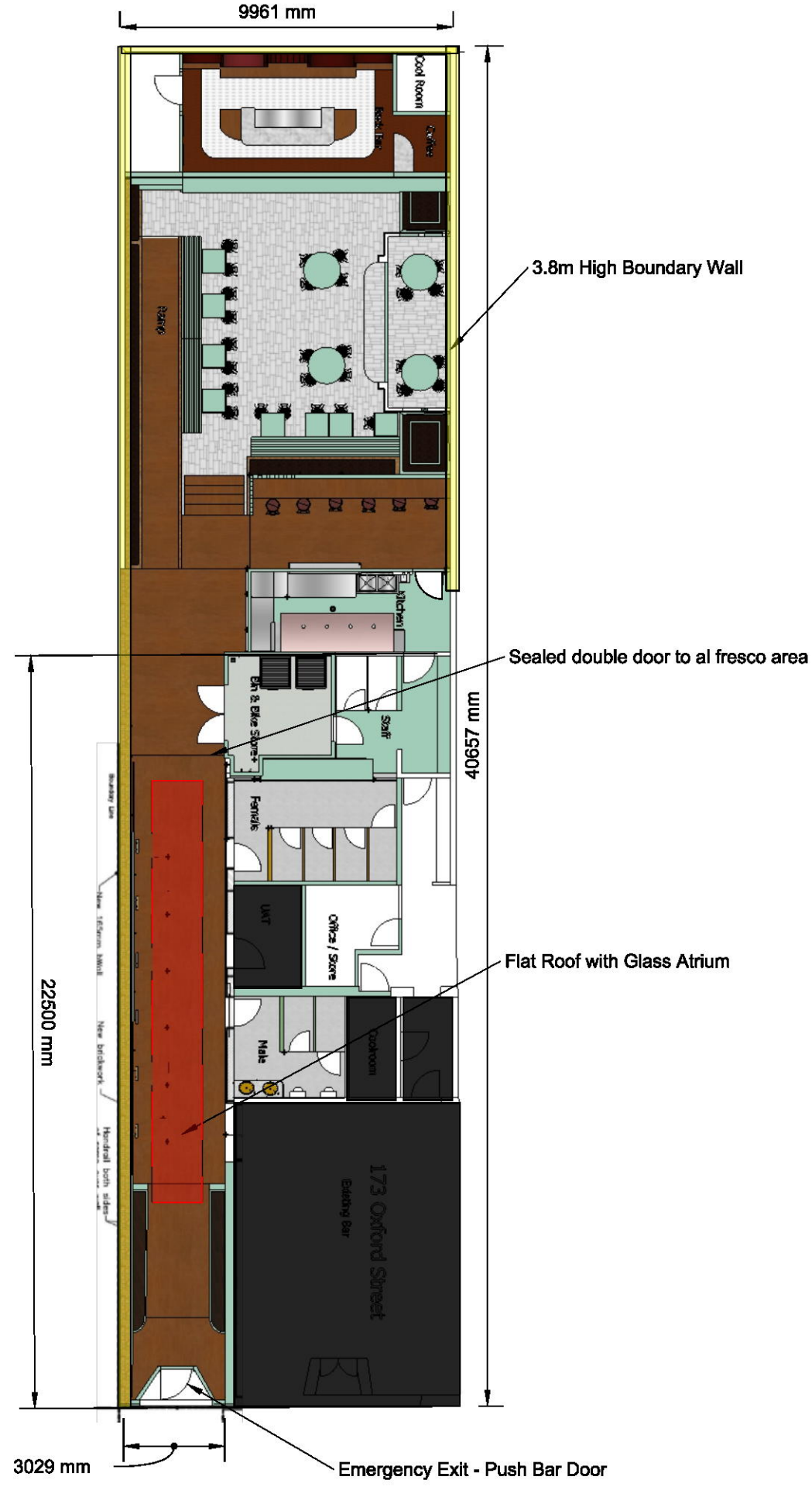
The Acoustic Report's key noise management measures to mitigate impacts of noise include:

- The rear courtyard to be entirely enclosed by the proposed alfresco roof, which would attach to boundary walls on the southern and northern boundaries and existing internal buildings onsite to the east and west. This would seal the rear courtyard into an internal space. The Acoustic Report provides materials and specifications for construction of the roof.
- 3.8 metre height brick boundary walls on the northern, western and southern boundaries.
- Maximum patron capacities identified for each area of the site.
- Speakers to play low level background music during opening hours. Speakers to be situated in the locations identified in Figure 2 of the Acoustic Report, which results in all speakers directed towards the patrons dining area.
- No speakers to be installed on the side alfresco and parklet area.
- Live music to play only in the front bar or the rear courtyard, in specific locations as identified in Figure 2 of the Acoustic Report. The live music position in the rear alfresco area is required to face away from the western residential properties.
- Each of the two small cool rooms will have low-noise condensers on the roof.

Noise generated from the operation of the venue would be able to be appropriately managed through compliance with the Venue Management Plan with the inclusion of the recommendations of the Acoustic Report.

A recommended condition of approval has been included to ensure that all operational scenarios identified in the acoustic report are implemented prior to the Tavern's operation and maintained thereafter. Notwithstanding the recommended conditions, the venue would also be subject to always comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.





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North →

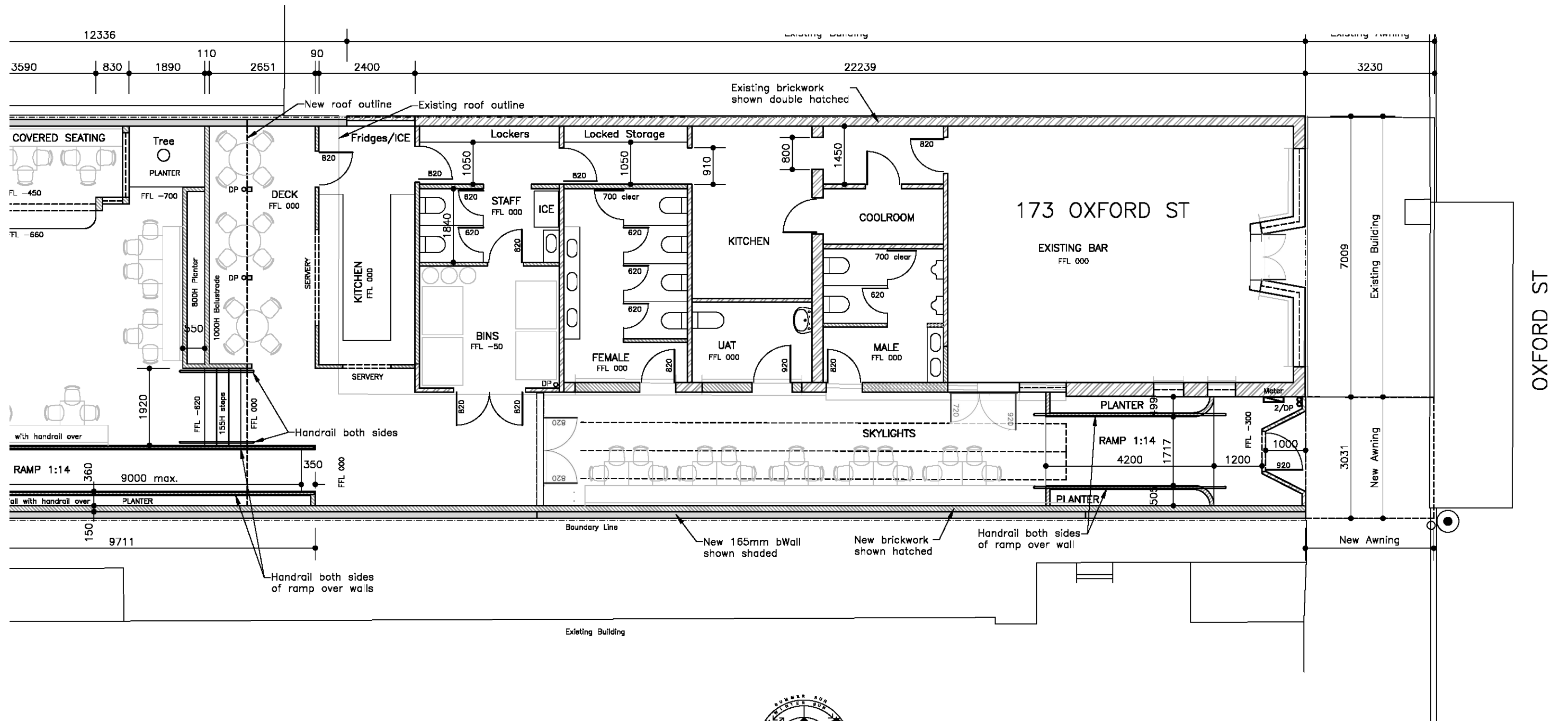
Site Plan

Date: 09 March 2023

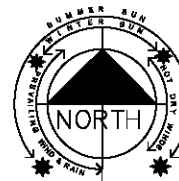
Roberts On Oxford
173 Oxford Street, Leederville WA 6007

Scale:
1:175mm





Ground Floor Site Plan
1:100



F	For Construction	2 May 2023	AB	EN
E	For Construction	18 Sep 2022	AB	EN
REV.	DESCRIPTION	DATE	DRAWN	APP'D

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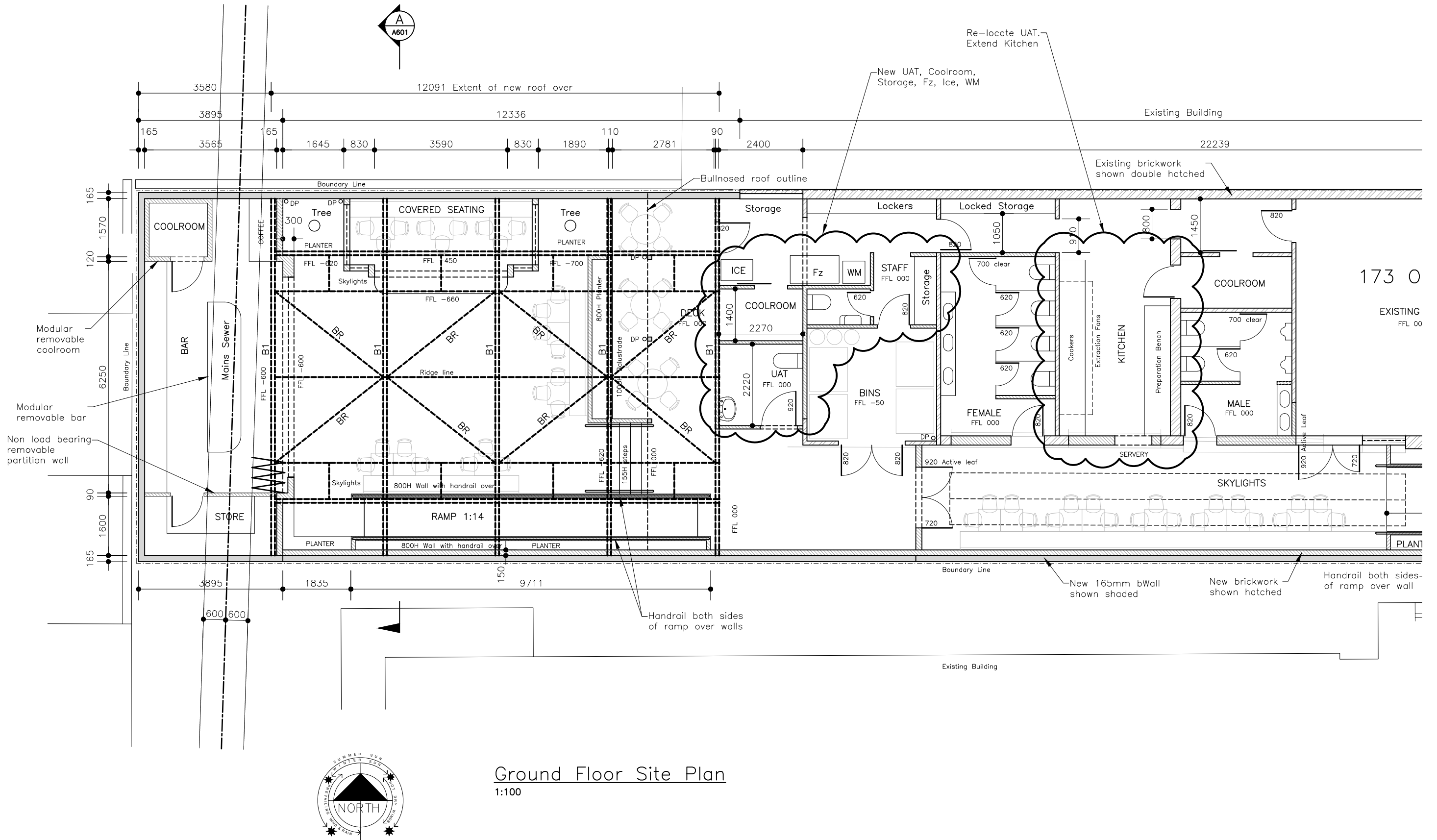
PROJECT	173 Oxford St, Leederville, WA
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TITLE	Ground Floor Plan
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DWG. No.	REV.
A100-2	F



Ground Floor Site Plan

1:100

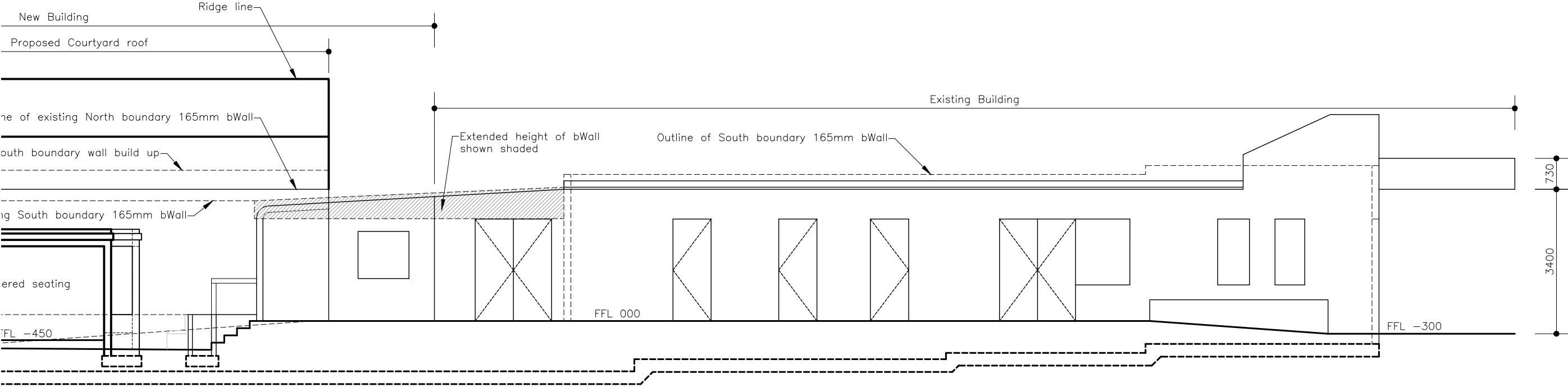
		 Anthony Bacic CPEng: 1153404			
A	For Construction		22 Oct 2024	AB	EN
REV.	DESCRIPTION	DATE	DRAWN	APP'D	

bacicgroup

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CONTACT	PROJECT
Anthony Bacic 0411 097 533 anthony@bacicgroup.com.au	173 Oxford St, Leederville, WA
Drago Bacic 0427 177 911 drago@bacicgroup.com.au	TITLE
	Ground Floor Plan

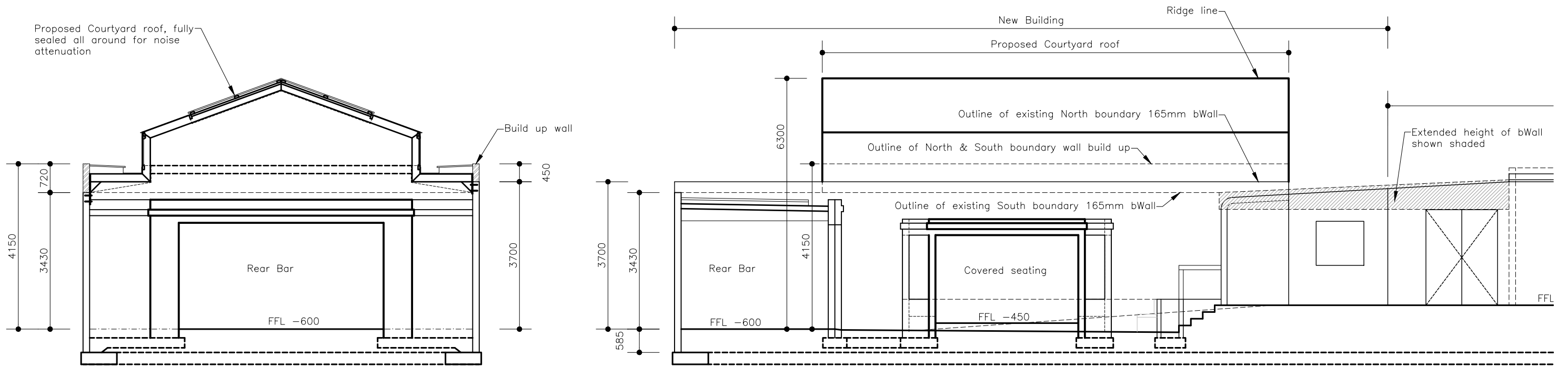
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Oxford St	1:100
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North/South Elevation
1:100

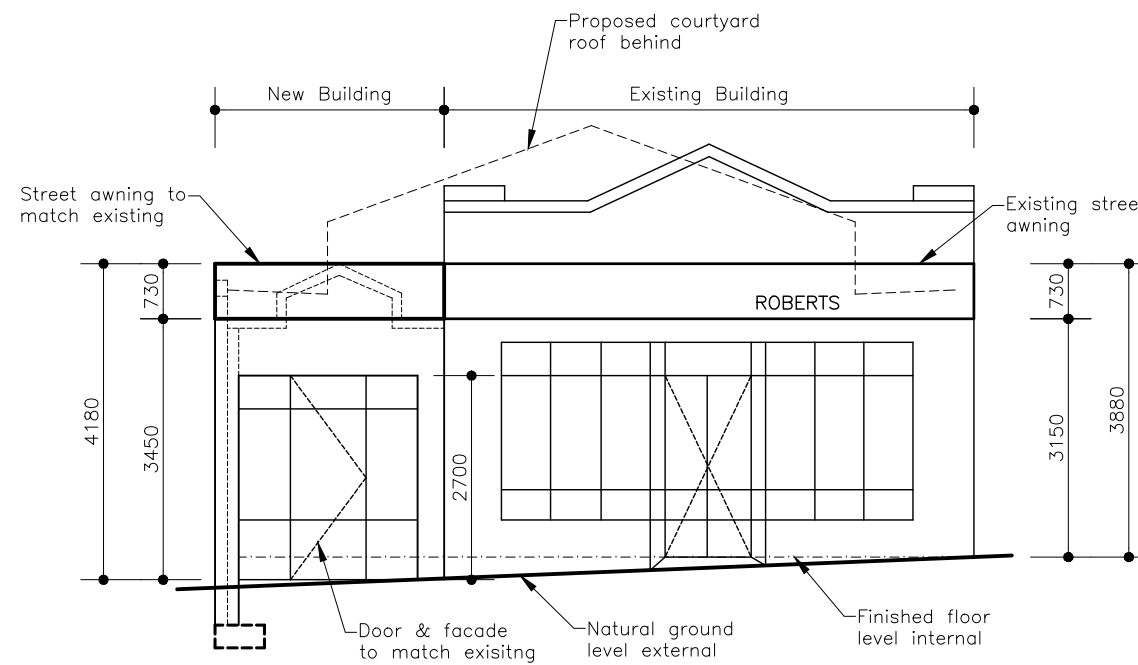
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				<div> bacicgroup.com.au</div>	CONTACT Anthony Bacic 0411 097 533 anthony@bacicgroup.com.au Drago Bacic 0427 177 911 drago@bacicgroup.com.au	PROJECT 173 Oxford St, Leederville, WA	THIS DRAWING IS SUBJECT TO COPYRIGHT		
H	For Construction	15 Jan 2025	AB				EN	JOB No.	SCALE (U.N.O.)
G	For Construction	7 Jun 2023	AB				EN	Oxford St	1:100
F	For Construction	10 Feb 2023	AB			EN	TITLE Elevations	DWG. No.	REV.
E	For Construction	16 Sep 2022	AB			EN		A200-2	H
REV.	DESCRIPTION	DATE	DRAWN			APP'D			



East Rear Elevation
1:100

North/South Elevation
1:100



East Front Elevation
1:100

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REV.	DESCRIPTION	DATE	DRAWN	APP'D
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G	For Construction	7 Jun 2023	AB	EN
F	For Construction	10 Feb 2023	AB	EN
E	For Construction	16 Sep 2022	AB	EN

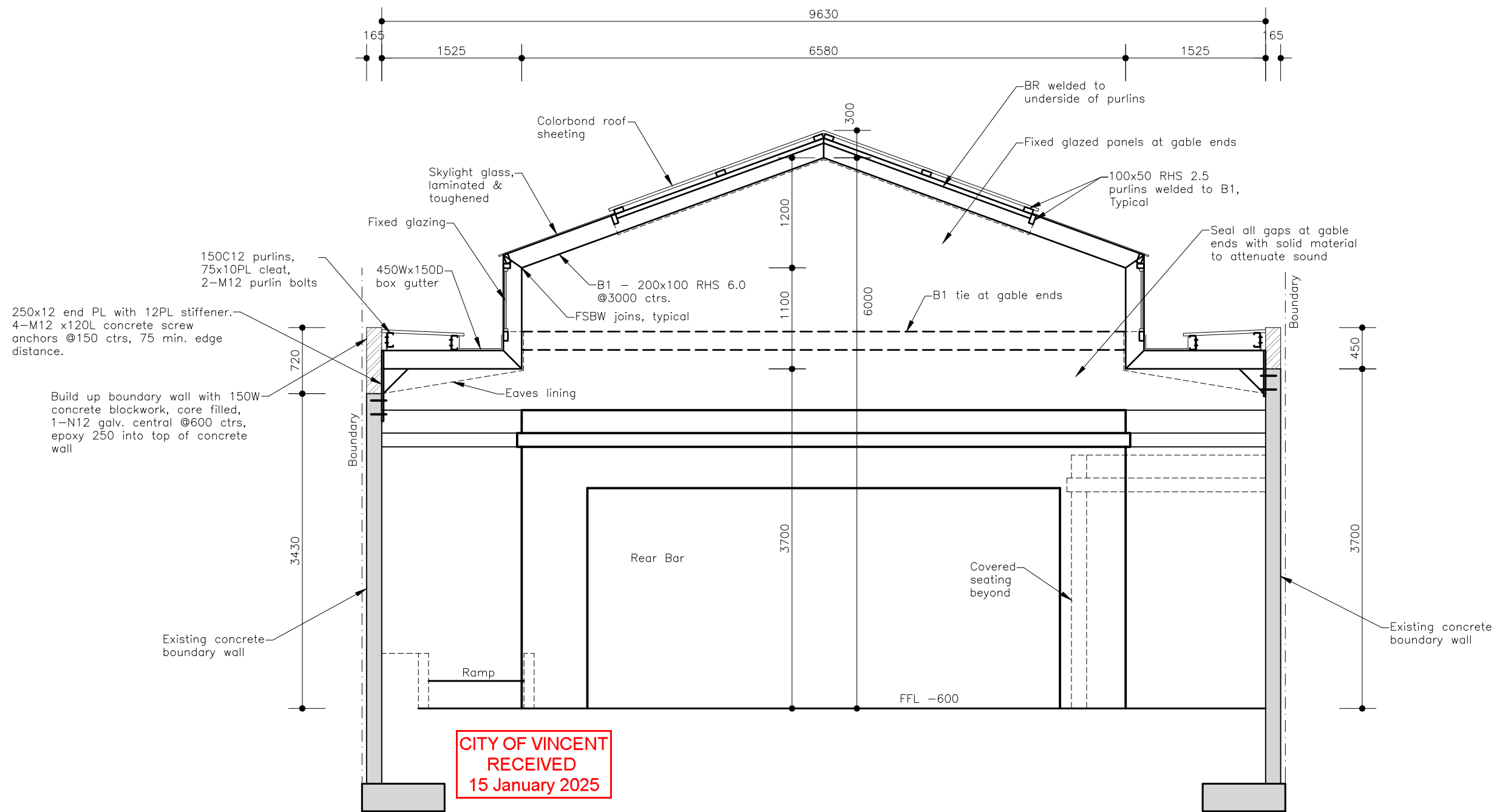
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PROJECT 173 Oxford St, Leederville, WA

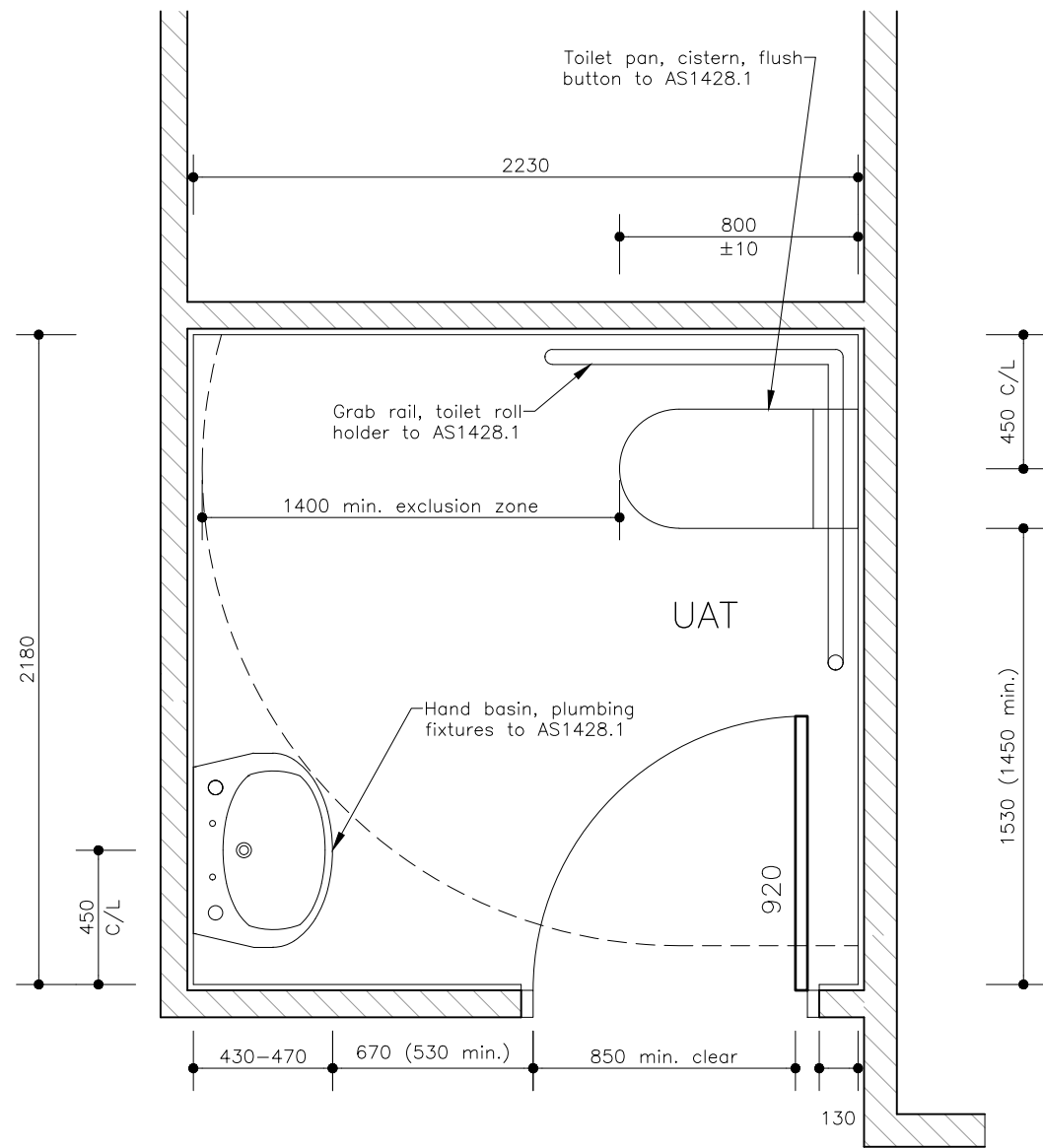
TITLE Elevations

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JOB No.	SCALE (U.N.O.)
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DWG. No.	REV.
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Section A
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- NOTES
- 1) All dimensions are to finished surfaces.
 - 2) All dimensions and clearances to comply with AS1428.1
 - 3) All fixtures, fittings and hardware to comply with AS1428.1

UAT Plan
1:25

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- 

Planter Box
- 

Hardenbergia Violacea ("Happy Wanderer" Wisteria) X6
- 

Trachelospermum Jasminoides (Chinese Star Jasmine) X4
- 

Alternanthera Dentata ("Little Ruby")
- 

Phormium Tenax ("Blazing Red") X4
- 

Coprosma Repens ("Tequila Sunrise") X4
- 

Phormium Spp / hybrid ("Duet" or Yellow Wave") X4
- 

Adenanthos Sericeus or cygnorum (Woolie Bush)
- 

Palargonium Graveolens Var. (Lemon-Rose Geranium)
- 

Mandevilla Spp
- 

Camellia Spp
- 

Brachyscome Iberidifolia ("Swan River Daisy")
- 

Pennisetum Advena Rubrum ("Purple Fountain Grass")
- 

Syzygium Leuhmannii (Lilly Philly "Royal Flame")
- 

Lomandra Longifolia confertifolia (Lime Tuff) X7
- 

Fuchsia Belle
- 

Rosmarinus Offinalis (Rosemary)
- 

Lavendula Spp (Lavender)
- 

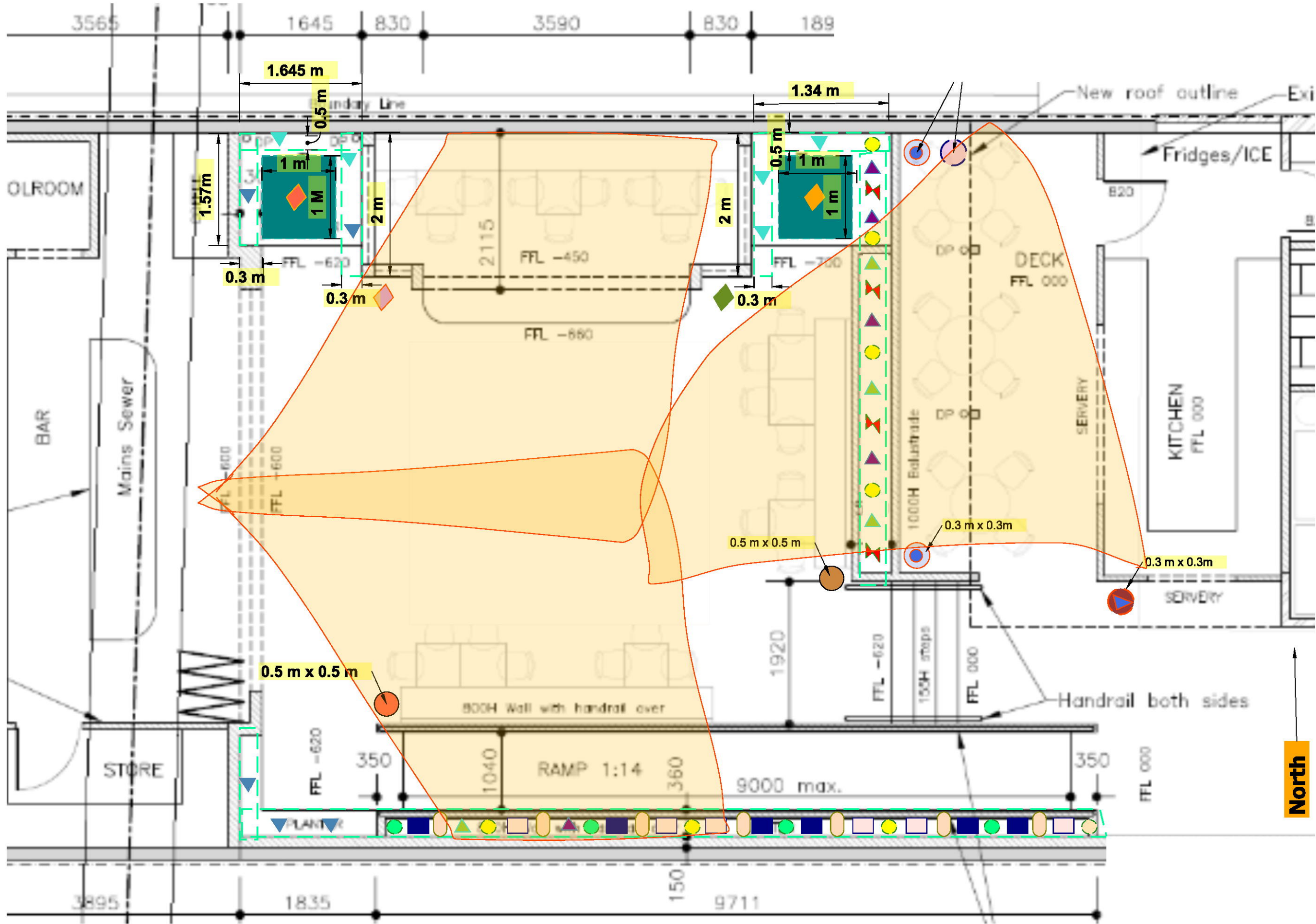
Citrus x sinensis ("Washington Navel Orange") 1M X 1M Plant Pot:
- Salvia Officinalis (Sage)
- Thymus Vulgans (Thyme)
- Ocimum Basilicum (Basil)
- 

Citrus Limon ("Eureka Lemon") 1M X 1M Plant Pot:
- Mentha Spp (Mint)
- 

Shade sails To be removed

Roberts On Oxford
173 Oxford Street, Leederville WA 6007

Landscape Plan Legend
Date: 26 Feb 2023



 Cleaners Sink - Taps and Mop Sink

 Artificial recessed enclosed downlighter

 Vent ceiling fan

 Secure Bike Rack Location

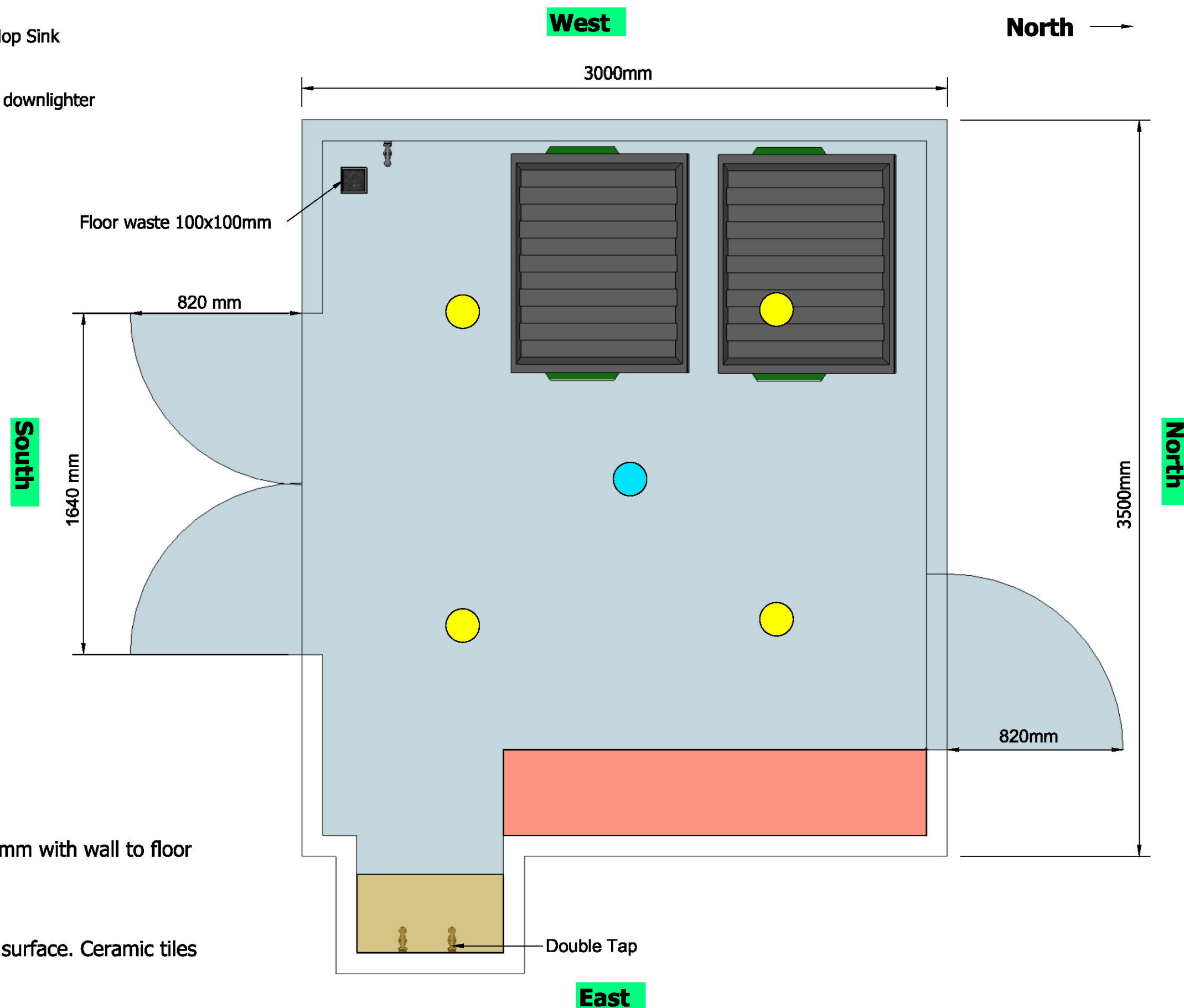
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Ceiling
Gloss Painted FC Sheeting

Floors:
Ceramic Non slip tiles 200x200mm with wall to floor
coving (100mm)

Walls:
Washable, non porous smooth surface. Ceramic tiles
and gloss painted.

Lighting
Artificial — Sealed recessed down lighter



R

Scale 1:20

Roberts On Oxford
173 Oxford Street, Leederville WA 6007

Bin Store

Date: 23 Feb 2023

A.01

ACOUSTIC REPORT

FOR

OXFORD TAVERN

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28 October 2024

AES-890113-R02-1-28102024

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DOCUMENT CONTROL

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Revision: 1

Date: 28 October 2024

Doc NO: AES-890113-R02-1-28102024

Acoustic Engineering Solutions

ABN: 64 451 362 914

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EXECUTIVE SUMMARY

Roberts currently is a small bar at 173 Oxford Street Leederville. After the successful operation, Roberts plans to be expanded to a tavern. The tavern is proposed to operate 7 days a week and has the maximum capacity of 216. Acoustic Engineering Solutions (AES) has been commissioned by Roberts to undertake environmental noise impact assessment for determining whether or not the proposed tavern would comply with the Environmental Protection (Noise) Regulations 1997 (the Regulations).

An acoustic model is developed using SoundPlan v8.0 and five "worst-case" operational scenarios are modelled:

- Scenario 1: represents the worst-case day/evening-time operations of mechanical plant.
- Scenario 1A: represents the worst-case night-time operations of mechanical plant.
- Scenario 2: represents the amplified music.
- Scenario 3: represents the live music.
- Scenario 4: represents the worst-case patron conversations.

Seven closest residential/school/commercial premises are selected for the detail assessments of noise impact. Noise levels are predicted for the worst-case meteorological conditions. The predicted worst-case noise levels are adjusted according to the Regulations and then assessed against the criteria set by the Regulations. The compliance assessment concludes that full compliance is achieved for the proposed tavern.

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1.0 INTRODUCTION

Roberts currently operates as a small bar at 173 Oxford Street Leederville. After the successful operation, Roberts plans to be expanded to a tavern. Acoustic Engineering Solutions (AES) has been commissioned by Roberts to undertake environmental noise impact assessment of its expansion to determine whether or not the proposed tavern would comply with the Environmental Protection (Noise) Regulations 1997 (the Regulations).

1.1 SUBJECT SITE

Figure 1 in APPENDIX A presents an aerial view of the subject site and surrounding area, including seven closest noise-sensitive and commercial receivers.

Figure 2 and Figure 3 in APPENDIX A present the site layout and front view of the tavern building. The tavern has three bar areas: front indoor bar, enclosed side alfresco bar and enclosed (back) garden bar. The (south) side alfresco area is fully enclosed by roof of glass atrium and 200mm thick brick wall with piers. 3.8m high single door (front) and sealed double door between the side alfresco area and garden bar area are installed. The single (front) door is closed during the operations except for entry/exit.

The tavern building has a double brick external walls and metal roof. The roof is insulated with Earthwool insulation R2.7 SHD 90mm acoustic batt double layer plus plasterboard ceiling. The front is covered by the entrance glass door and double windows while the south side has a double door to the enclosed alfresco bar area. All windows are glazed with 8mm laminated glasses. The bifold windows, the entrance & side doors are open during the opening hours.

The main kitchen of tavern is an enclosed space without any windows and external doors. The kitchen appliances include: an exhaust hood, a 6-ring burner with hot plate, an oil fryer, convection/pizza/burner-combi ovens, a dishwasher, two fridges, a microwave, and a griddle hot plate electric on stainless steel bench.

The second kitchen located in the back of the building is a prep-kitchen for finishing off/serving and has no appliance. It has one (single) external door and two external windows (a 2m X 1m window on the west wall and a 1m X 1m window on the south wall) facing the garden bar area. The external door and two windows are open during the operations.

New roof is constructed with 75mm PIR Kingspan panel, R4 insulation layer and Toung & Groove Sheeting, as shown in Figure 4 in APPENDIX A, and will cover the whole garden bar area and connected/sealed with the roofs of back bar/store and the tavern building, the side alfresco roof and brick boundary fences. The garden bar is fully enclosed by the new roof and brick boundary walls.

An outdoor dining/bar area is the parklet/eatlet located in the front, as shown in Figure 5 in APPENDIX A.

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Six speakers are installed, as shown in Figure 2 in APPENDIX A, in the front bar and garden bar to play low level background music for these two bar areas during the hours of service. No speaker is installed in either the side alfresco area or the parklet.

Live music will play only in the front bar and/or the garden bar. Live music positions are indicated in Figure 1 in APPENDIX A.

The tavern is proposed to have a full capacity of 216 patrons:

- 45 for the front indoor bar;
- 40 for the side alfresco bar; and
- 131 for the garden bar.

The maximum capacity for the parklet is 30. The parklet is a public space owned by the City of Vincent.

The tavern is proposed to operate 7 days a week between 6am and:

- 12am midnight on Monday to Saturday.
- 10pm on Sunday.

Both the kitchens are open in different times:

- Between 7am and 9pm on Monday to Saturday; but
- Between 9am and 9pm on Sunday and public holiday.

No car-parking bays are provided on the site and the weekly city waste collection service will be used in every Monday morning.

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2.0 NOISE CRITERIA

Noise management in Western Australia is implemented through the Environmental Protection (Noise) Regulations 1997 (the Regulations). The Regulations set noise limits which are the highest noise levels that can be received at noise-sensitive (residential), commercial and industrial premises. These noise limits are defined as 'assigned noise levels' at receiver locations. Regulation 7 requires that "noise emitted from any premises or public place when received at other premises must not cause, or significantly contribute to, a level of noise which exceeds the assigned level in respect of noise received at premises of that kind".

Table 2-1 presents the assigned noise levels at various premises.

Table 2-1: Assigned noise levels in dB(A)

Type of Premises Receiving Noise	Time of Day	Assigned Noise Levels in dB(A) ¹		
		L _{A10}	L _{A1}	L _{Amax}
Noise sensitive premises: highly sensitive area	0700 to 1900 hours Monday to Saturday	45 + Influencing factor	55 + Influencing factor	65 + Influencing factor
	0900 to 1900 hours Sunday and public holidays	40 + Influencing factor	50 + Influencing factor	65 + Influencing factor
	1900 to 2200 hours all days	40 + Influencing factor	50 + Influencing factor	55 + Influencing factor
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays	35 + Influencing factor	45 + Influencing factor	55 + Influencing factor
Noise sensitive premises: any area other than highly sensitive area	All hours	60	75	80
Commercial premises	All hours	60	75	80

For highly noise sensitive premises, an "influencing factor" is incorporated into the assigned noise levels. The influencing factor depends on road classification and land use zonings within circles of 100 metres and 450 metres radius from the noise receiver locations.

¹ Assigned level L_{A1} is the A-weighted noise level not to be exceeded for 1% of a delegated assessment period.
Assigned level L_{A10} is the A-weighted noise level not to be exceeded for 10% of a delegated assessment period.
Assigned level L_{Amax} is the A-weighted noise level not to be exceeded at any time.

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2.1 CORRECTIONS FOR CHARACTERISTICS OF NOISE

Regulation 7 requires that that "noise emitted from any premises or public place when received at other premises must be free of:

- (i) tonality;
- (ii) impulsiveness; and
- (iii) modulation.

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when assessed under Regulation 9".

If the noise exhibits intrusive or dominant characteristics, i.e. if the noise is impulsive, tonal, or modulating, noise levels at noise-sensitive premises must be adjusted. Table 2-2 presents the adjustments incurred for noise exhibiting dominant characteristics. That is, if the noise is assessed as having tonal, modulating or impulsive characteristics, the measured or predicted noise levels have to be adjusted by the amounts given in Table 2-2. Then the adjusted noise levels must comply with the assigned noise levels. Regulation 9 sets out objective tests to assess whether the noise is taken to be free of these characteristics.

Table 2-2: Adjustments for dominant noise characteristics

Adjustment where noise emission is not music. These adjustments are cumulative to a maximum of 15 dB.			Adjustment where noise emission is music	
Where tonality is present	Where Modulation is present	Where Impulsiveness is present	Where Impulsiveness is not present	Where Impulsiveness is present
+5 dB	+5 dB	+10 dB	+10 dB	+15 dB

2.2 INFLUENCING FACTORS

Seven (7) nearest noise-sensitive and commercial premises are selected for detailed assessment of noise impact, as shown in Figure 1 in APPENDIX A.

Influencing factor varies from residence to residence depending on the surrounding land use. Vincent Street is classified as a major road according to the published traffic flow data in the Main Roads (<https://trafficmap.mainroads.wa.gov.au/map>). All selected receivers are less than 100m from Vincent Street and therefore transport factor of 6 dB applies.

Figure 6 in APPENDIX A presents the planning scheme zone map 2 of the City of Vincent. It is shown that subject site and R1/R2/R4 are located within local/district centre zone while R3 and R7 are within a mixed zone. R5 and R6 are located within a Public Purpose zone. No industrial zone is present within 450m of the selected receivers. Actual land use is considered for the calculation of influencing factors. Existing shop/business premises are considered as commercial zone while residential and school premises are considered as residential zone.

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Table 2-3 presents the calculated influencing factors and Table 2-4 presents the calculated assigned noise levels.

Table 2-3: Calculation of influencing factors.

Closest Residents	Transport Factor in dB	Commercial Land		Influencing Factor in d(B)
		Within 100m Radius	Within 450m Radius	
R2	6	27%	30%	9
R3	6	24%	30%	9
R5	6	45%	30%	10
R6	6	33%	30%	9
R7	6	25%	30%	9

Table 2-4: Calculated assigned noise levels in dB(A)

Closest Residents	Assigned Noise levels in dB(A)			
	Day ² Monday to Saturday	Day ³ Sunday and Public Holiday	Evening ⁴	Nights ⁵
R1 and R4	60	60	60	60
R2, R3, R6, R7	54	49	49	44
R5	55	50	50	45

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² 0700 to 1900 hours for Monday to Saturday.

³ 0900 to 1900 hours for Sunday and public holidays.

⁴ 1900 to 2200 hours for all days.

⁵ 2200 to 0700 hours for Monday to Saturday but to 0900 hours for Sunday and public holidays.

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3.0 NOISE MODELLING

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3.1 METHODOLOGY

An acoustic model is developed using SoundPlan v8.0 program, and the CONCAWE^{6,7} prediction algorithms are selected for this study. The acoustic model is used to predict noise levels at the closest noise-sensitive and commercial receiver locations and generate noise contours for the surrounding area.

The acoustic model does not include noise emissions from any sources other than from the tavern. Therefore, noise emissions from road traffic, aircraft, neighbouring commercial premises, etc are excluded from the modelling.

3.2 INPUT DATA

3.2.1 Topography

Roberts advised that the subject site and surrounding area are reasonable flat. Therefore, a flat ground is assumed with an averaged absorption of 0.6 in the acoustic model. The tavern building and its surrounding buildings are digitised in the acoustic model.

3.2.2 Noise Sensitive Premises

Seven nearest noise-sensitive (residential) and commercial receivers are selected for the detailed assessment of noise impact, as shown in Figure 1 in APPENDIX A.

- R1 and R4 represent the neighbouring commercial receivers (at entrances) at the ground level. By examining the site conditions, both R1 and R4 are re-located to the door fronts of the buildings (R1 slightly moves to north while R4 to south).
- R2, R3 & R7 represent the top floor receivers (at balconies) of three-storey apartment buildings.
- R5 and R6 represent the ground level receivers of the School of Isolated and Distance Education (SIDE). Commendation village operates inside the school.

3.2.3 Source Sound Power Levels

Table 3-1 presents the source sound power levels, which are calculated from the information provided by Roberts. The spectrum shapes were obtained from the AES database for similar equipment. Music speaker is directional and assumed to generate music level of 60 dB(A) at 1m from its front.

⁶ CONCAWE (Conservation of Clean Air and Water in Europe) was established in 1963 by a group of oil companies to carry out research on environmental issues relevant to the oil industry.

⁷ The propagation of noise from petroleum and petrochemical complexes to neighbouring communities, CONCAWE Report 4/81, 1981.

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Table 3-1: Sound power levels

Equipment	Number	Overall Sound Power Level in dB(A)
Speaker	8	68
Reverse cycle air-conditioning outdoor unit	1	65
Split air-conditioning outdoor unit	1	63
Reverse cycle air-conditioning indoor outlet	7	52
Toilet exhaust outlet	2	62
Kitchen exhaust outlet	1	74
Kitchen exhaust hood (inlet)	1	86
Fridge	2	60
6 ring burner with hot plate	1	64
Oil fryer for chips	1	68
Oven	3	60
Microwave	1	59
Dish washer	1	73
Cool room condenser	2	64
Normal Patron Conversation		66
Raised Voice Conversation		70
Live Music in the Front Bar		80
Live Music in the Garden Bar		98

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3.3 METEOROLOGY

SoundPlan calculates noise levels for defined meteorological conditions. In particular, temperature, relative humidity, wind speed and direction data are required as input to the

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model. For this study the default “worst-case” meteorological conditions⁸ are assumed, as shown in Table 3-2. It is shown that the evening and the night have the same worst-case meteorological conditions. This means that the predicted worst-case evening and night-time noise levels are the same if the operational conditions are the same.

Table 3-2: Worst-case meteorological conditions.

Time of day	Temperature Celsius	Relative Humidity	Wind speed	Pasquill Stability Category
Day (0700 --- 1900)	20° Celsius	50%	4 m/s	E
Evening (1900 --- 2200)	15° Celsius	50%	3 m/s	F
Night (2200 --- 0700)	15° Celsius	50%	3 m/s	F

3.4 OPERATIONAL SCENARIOS

Roberts advised:

- The tavern is proposed to operate 7 days a week between 6am and:
 - 12am midnight on Monday to Saturday.
 - 10pm on Sunday.
- The kitchens operates in different times between:
 - 7am and 9pm on Monday to Saturday; and
 - 9am and 9pm on Sunday and public holiday.
- A maximum capacity of 216 patrons is proposed:
 - 45 for the front indoor bar;
 - 40 for the side alfresco bar; and
 - 131 for the garden bar.
- The maximum capacity for the parklet is 30. The parklet is a public space owned by the City of Vincent.
- The main kitchen is an enclosed space without any windows and external door.
- The second kitchen located in the back of the building is a prep-kitchen for finishing off/serving and has no appliance. It has one (single) external door and two external windows. The external door and two windows are open during the opening hours.
- Two small cool rooms are present. One is located between the front bar and the main kitchen, and another is located in the back bar area.
- Each of the two small cool rooms has a low-noise condenser on the roof.
- The (male and female) toilet ventilation fans are ceiling mounted.

⁸ Guideline: Assessment of Environmental Noise Emissions, Draft for Consultation, May 2021.

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- A reverse cycle split air-conditioning system is installed in the main building and its condenser is located on the roof with its fan side facing south.
- All windows and the entrance/side doors of the front bar are fully opened during the opening hours.
- A 3.8m brick wall with piers will be built along the northern, western and southern boundaries.
- For the enclosed south side-alfresco area, the front single door is closed but the double doors to the garden bar are open during the opening hours.
- The garden bar is fully enclosed by the newly installed roof and boundary brick walls.
- Speakers are installed to play low level background music during opening hours for the two bar areas, as shown in Figure 2 in APPENDIX A:
 - Two wall-mounted speakers are installed in the front bar area; and
 - Four speakers are installed in the garden bar area.All speakers are directional and towards the patron dining areas.
- No speakers are installed in the side alfresco area and parklet area.
- Live music will play only in the front bar and/or the garden bar. Live music positions are indicated in Figure 1 in APPENDIX A. No live music plays in either the side-alfresco bar area or the parklet.
- Food deliveries occur once a week at about 10am during Monday to Friday. Delivery van will park in the roadside (public) parking bay during the deliveries.
- No car-parking bays are provided on the site.
- The weekly city waste collection service will be used in every Monday morning.

Based on provided information, six worst-case operational scenarios are modelled:

Scenario 1: All items of mechanical plant operate simultaneously:

- One air-conditioner;
- Two cool room condensers;
- Two ceiling-mounted toilet ventilation fans;
- One kitchen exhaust fan (both inlet and outlet); and
- All kitchenware, listed in Table 3-1, operating inside the main kitchen.

Scenario 1A: Scenario 1 excludes the operation of kitchen appliance and exhaust.

Scenario 2: Low level background music plays via the following 6 speakers:

- Two wall-mounted speakers in the front bar area; and
- Four speakers in the enclosed garden bar area.

Scenario 3: Live music plays simultaneously in both the front bar and the garden bar.

Scenario 4: 40% of the 246 patrons converse simultaneously with 5 staff conversations (103 conversations in total):

- 18 conversations in the front bar area;
- 16 conversations in the side alfresco bar area;
- 52 conversations in the garden bar area;
- 12 conversations in the parklet;

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- One staff conversation inside each of the Kitchens; and
- One staff conversation in each of the three bar areas.

50% of the patron conversations and all of the staff conversations are assumed to talk in normal voices while other 50% patron conversations are assumed to talk in raised voices after a few drinks.

Scenario 1 represents the worst-case day and evening-time mechanical operations while scenario 1A represents the worst-case night-time mechanical operation.

In practice, live music may play in either the front indoor bar or the garden bar. But for the worst-case operation of scenario 3, live music is assumed to play simultaneously in both the front bar and the garden bar.

The followings are assumed in the noise model:

- The kitchen exhaust outlet is modelled as a point (Monopole) source at 0.4m above the kitchen roof.
- The outdoor condenser of air-conditioner is modelled as a point source located at 0.5m above the indoor dining area roof. The outdoor unit baffles the noise radiation resulting in radiation directivity, i.e. most noise radiates towards south.
- For all of the scenarios, all of the windows and the entrance/side doors of the front bar are assumed to be open but the single (front) door of enclosed south side-alfresco area is closed.

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4.0 MODELLING RESULTS

4.1 POINT MODELLING RESULTS

Table 4-1 presents the predicted worst-case A-weighted noise levels. It is shown that for all of the scenarios the predicted day and night-time noise levels are at similar levels at each receiver. The highest noise level is predicted at:

- R1 for scenarios 2 to 4; but
- R7 for scenarios 1 and 1A.

Table 4-1: Predicted worst-case noise levels in dB(A).

Receivers	Scenario 1		Scenario 1A	Scenario 2		Scenario 3		Scenario 4	
	Day	Evening	Night	Day	Night	Day	Night	Day	Night
R1	26.9	26.9	18.8	36.0	36.0	45.8	45.8	52.9	52.9
R2	30.2	30.2	22.1	26.2	26.2	36.2	36.2	42.6	42.6
R3	36.2	36.2	31.3	11.3	11.2	24.3	24.3	25.0	25.0
R4	19.4	19.4	13.2	29.1	29.1	38.7	38.7	45.3	45.3
R5	31.6	31.6	25.1	26.0	26.0	35.5	35.5	42.7	42.7
R6	31.1	31.1	24.5	27.7	27.7	36.9	36.9	43.8	43.7
R7	37.9	37.9	36.6	4.9	4.9	26.0	26.0	24.3	24.3

4.2 NOISE CONTOURS

Figure 8 to Figure 12 in APPENDIX B present the worst-case noise contours at 1.5m above the ground. These noise contours represent the worst-case noise propagation envelopes, i.e., worst-case propagation in all directions simultaneously.

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5.0 COMPLIANCE ASSESSMENT

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5.1 ADJUSTED NOISE LEVELS

According to Table 2-2, the predicted noise levels shown in Table 4-1 should be adjusted by:

- 5 dB if the noise received exhibits tonality; and
- 10 dB if the noise received is music.

The noise radiation from mechanical plant may have tonal components while patron conversations are broadband noise.

When the noise received at a receiver is much (≥ 5 dB) below background levels, it will be inaudible/masked and its dominant characteristics will not be evident. Therefore, the above adjustments will not apply.

The tavern and selected receivers are located within a local/district centre zone where other businesses operate. Mitchell Freeway and Vincent Street are present nearby. It is expected that background noise levels at the selected receivers and surrounding area should be above:

- 50 dB(A) during the day and the evening; but
- 40 dB(A) during the night.

Table 4-1 shows that most of the predicted noise levels are much lower than background levels and will be inaudible/masked. For scenario 3, a 10dB adjustment applies to the predicted noise levels at R1 and at R4 (for the night). Table 5-1 presents the adjusted worst-case A-weighted noise levels. The adjusted noise levels are expressed in ***Bold Italic***.

Table 5-1: Adjusted noise levels in dB(A).

Receivers	Scenario 1		Scenario 1A	Scenario 2		Scenario 3		Scenario 4	
	Day	Evening	Night	Day	Night	Day	Night	Day	Night
R1	26.9	26.9	18.8	36.0	36.0	<i>55.8</i>	<i>55.8</i>	52.9	52.9
R2	30.2	30.2	22.1	26.2	26.2	36.2	36.2	42.6	42.6
R3	36.2	36.2	31.3	11.3	11.2	24.3	24.3	25.0	25.0
R4	19.4	19.4	13.2	29.1	29.1	38.7	<i>48.7</i>	45.3	45.3
R5	31.6	31.6	25.1	26.0	26.0	35.5	35.5	42.7	42.7
R6	31.1	31.1	24.5	27.7	27.7	36.9	36.9	43.8	43.7

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Receivers	Scenario 1		Scenario 1A	Scenario 2		Scenario 3		Scenario 4	
	Day	Evening	Night	Day	Night	Day	Night	Day	Night
R7	37.9	37.9	36.6	4.9	4.9	26.0	26.0	24.3	24.3

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5.2 COMPLIANCE ASSESSMENT

All of the scenarios generate continuous noise emissions, and therefore their noise emissions should be assessed against the assigned noise levels L_{A10} .

Table 5-2 presents a compliance assessment. It is shown that the worst-case noise levels are below the assigned noise levels at all of the receivers for all of the scenarios. This demonstrates that full compliance is achieved for the proposed tavern.

Table 5-2: Compliance assessment.

Receivers	Assigned Levels L_{A10} in dB(A)	Adjusted Noise Levels in dB(A)			
		Scenario 1	Scenario 2	Scenario 3	Scenario 4
Day on Monday to Saturday					
R1	60	26.9	36.0	55.8	52.9
R2	54	30.2	26.2	36.2	42.6
R3	54	36.2	11.3	24.3	25.0
R4	60	19.4	29.1	38.7	45.3
R5	55	31.6	26.0	35.5	42.7
R6	54	31.1	27.7	36.9	43.8
R7	54	37.9	4.9	26.0	24.3
Evening and Day of Sunday and Public Holidays					
R1	60	26.9	36.0	55.8	52.9
R2	49	30.2	26.2	36.2	42.6
R3	49	36.2	11.2	24.3	25.0

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Receivers	Assigned Levels L_{A10} in dB(A)	Adjusted Noise Levels in dB(A)			
		Scenario 1	Scenario 2	Scenario 3	Scenario 4
R4	60	19.4	29.1	38.7	45.3
R5	50	31.6	26.0	35.5	42.7
R6	49	31.1	27.7	36.9	43.7
R7	49	37.9	4.9	26.0	24.3
Night					
R1	60	18.8	36.0	55.8	52.9
R2	44	22.1	26.2	36.2	42.6
R3	44	31.3	11.2	24.3	25.0
R4	60	13.2	29.1	48.7	45.3
R5	45	25.1	26.0	35.5	42.7
R6	44	24.5	27.7	36.9	43.7
R7	44	36.6	4.9	26.0	24.3

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APPENDIX A AERIAL VIEW

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Figure 1: Aerial view of the subject site and surrounding area.

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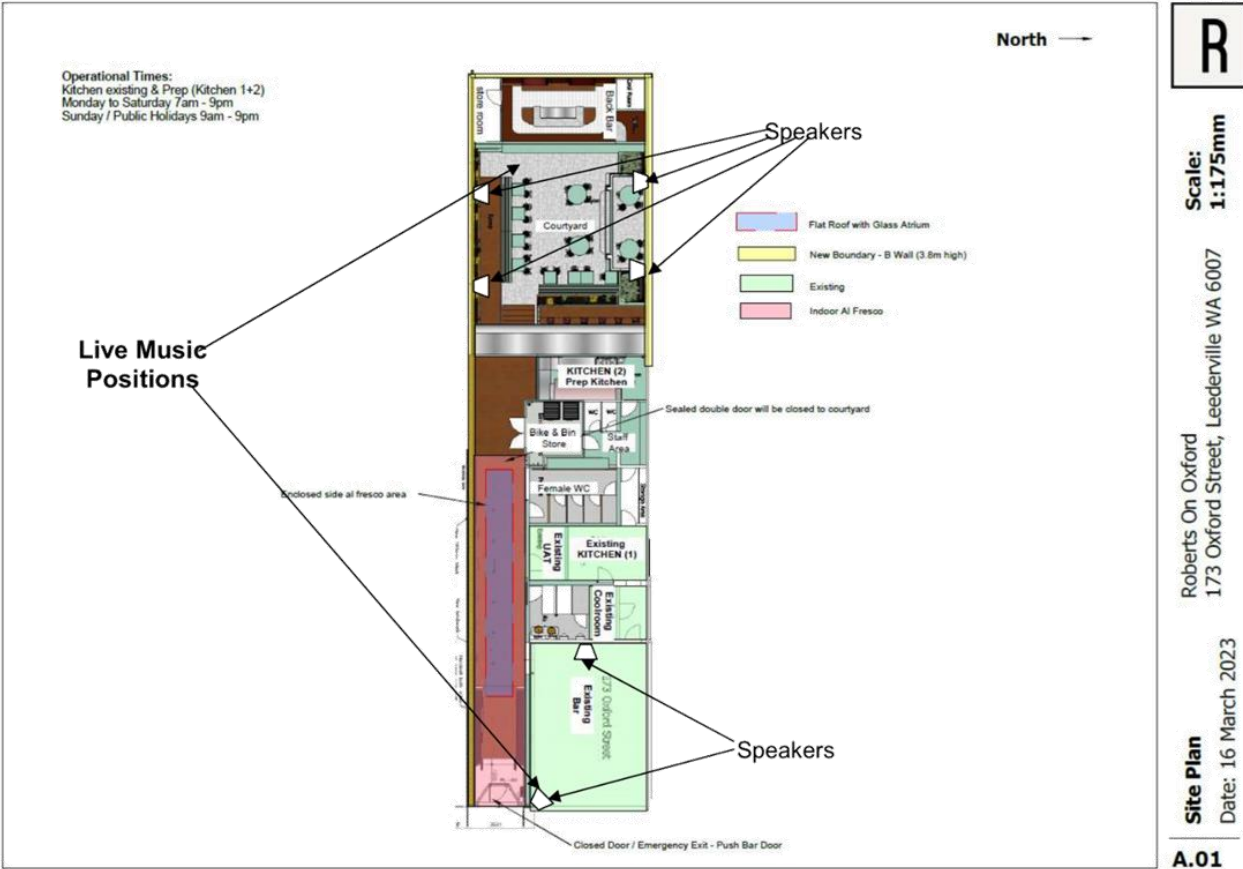
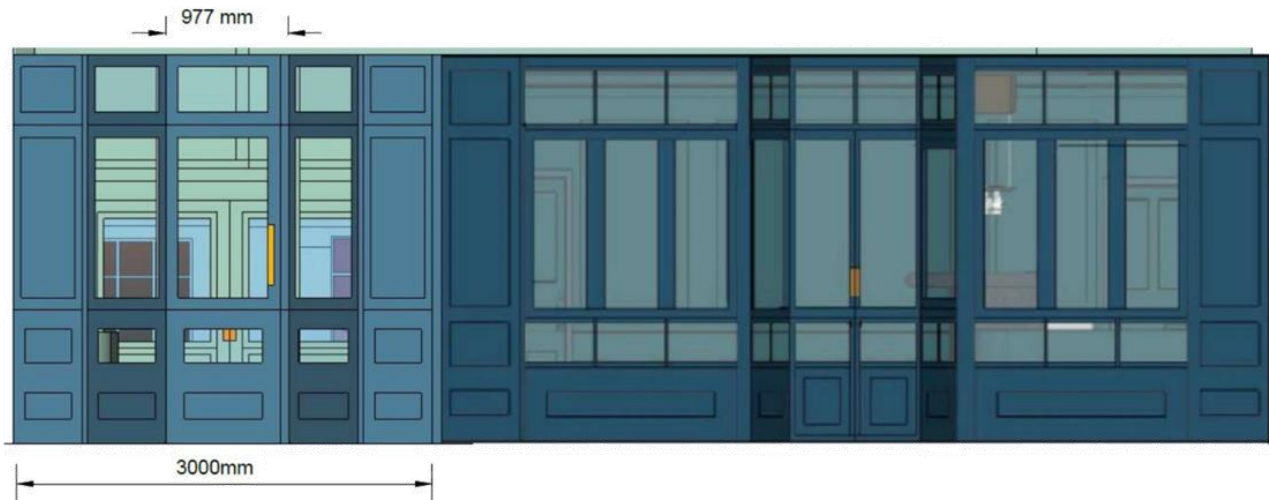


Figure 2: Site layout.

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Due to Fire Safety requirements the Emergency Exit door has been updated. A minimum of 850mm clear opening is required.

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Figure 3: Front view.

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Figure 4: Section of garden roof.

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Figure 5: Photos of the parklet/eatlet in the front of Roberts.

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Item 5.1- Attachment 3

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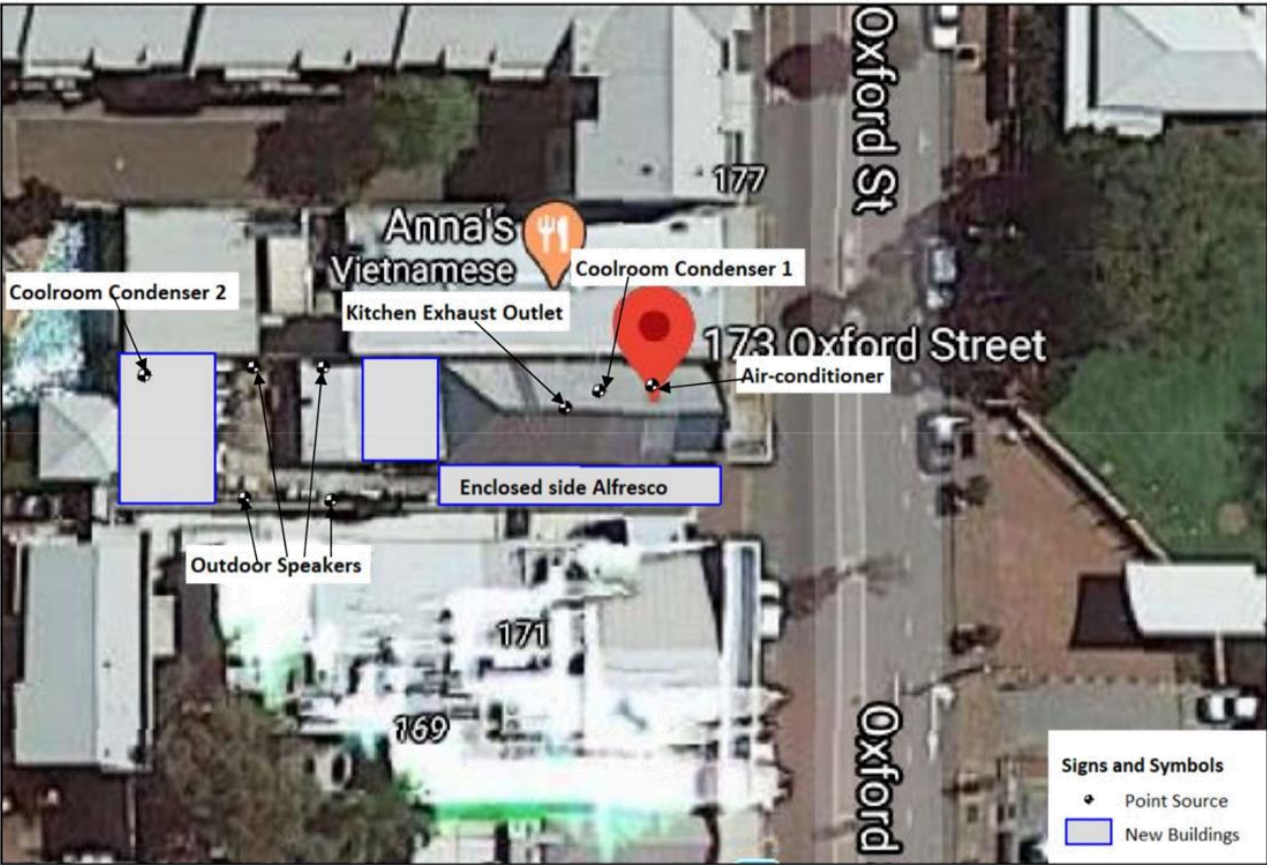


Figure 7: Locations of outdoor noise sources assumed in the acoustic model.

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APPENDIX B NOISE CONTOURS

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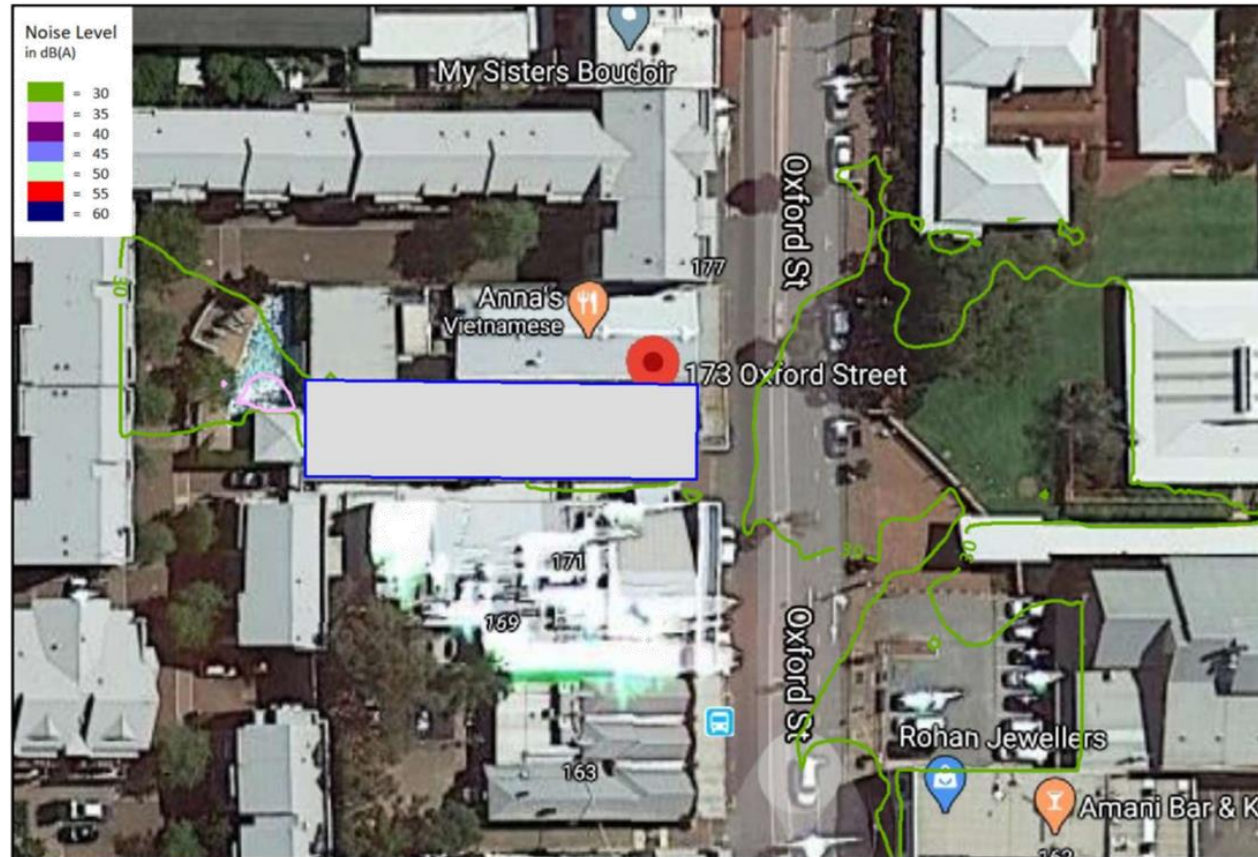


Figure 8: Worst-case day-time noise contours for scenario 1 at 1.5m above the ground.

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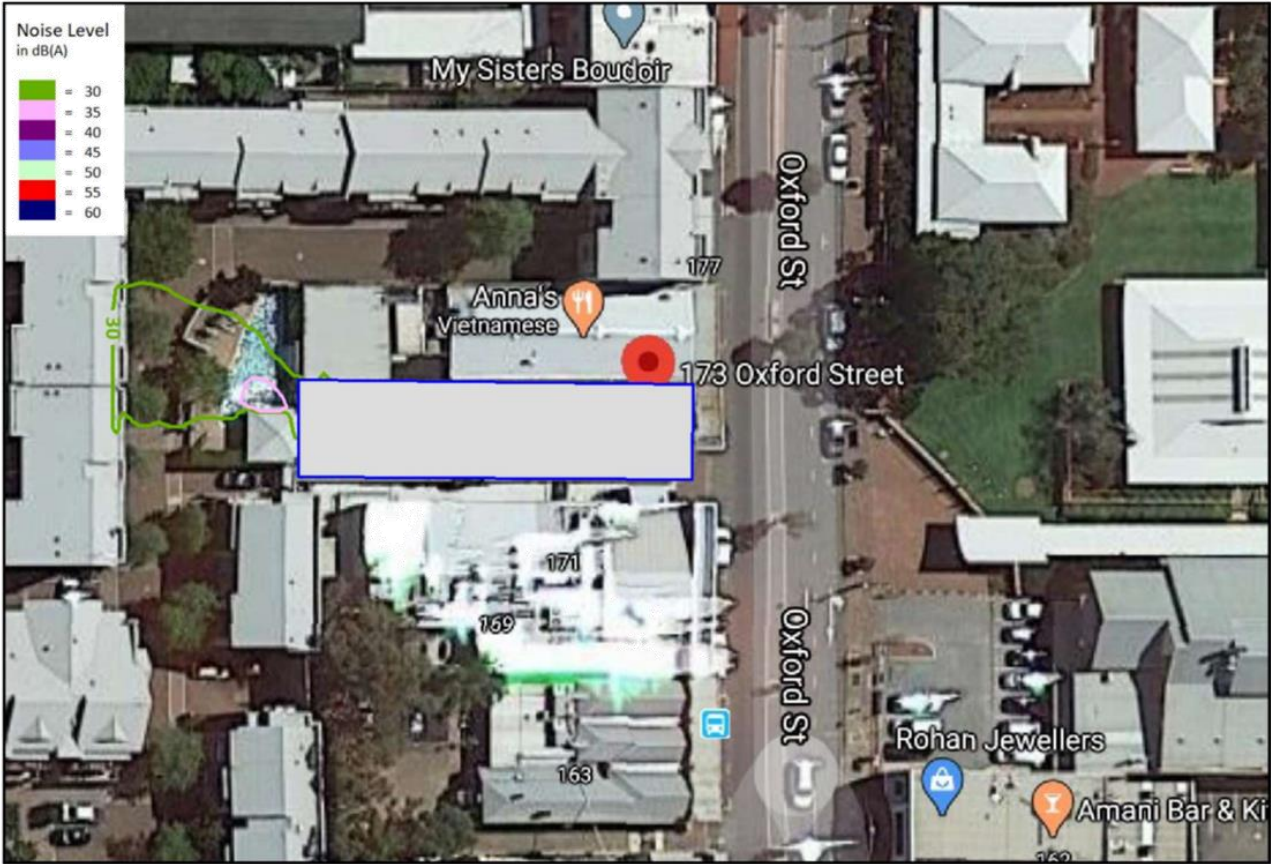


Figure 9: Worst-case night-time noise contours for scenario 1A at 1.5m above the ground.

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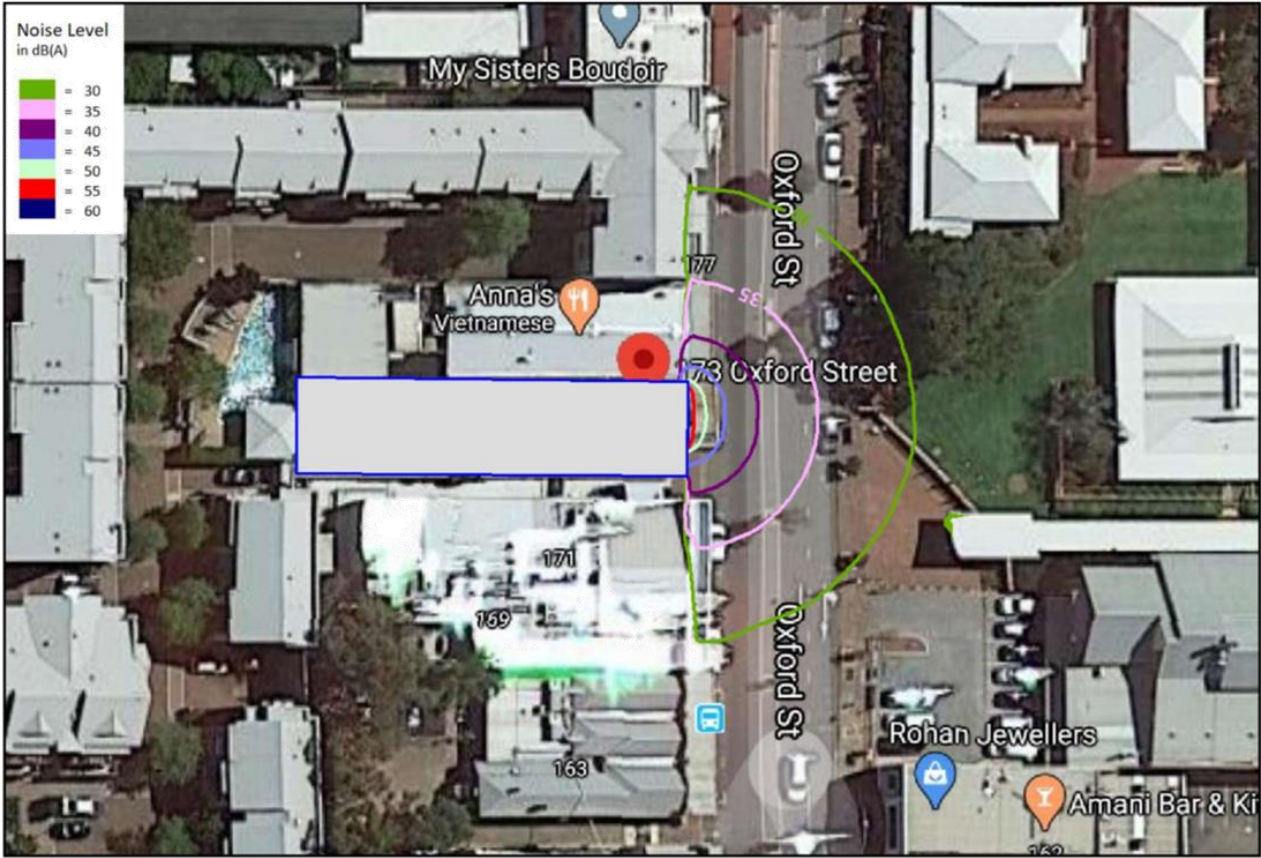


Figure 10: Worst-case noise contours for scenario 2 at 1.5m above the ground.

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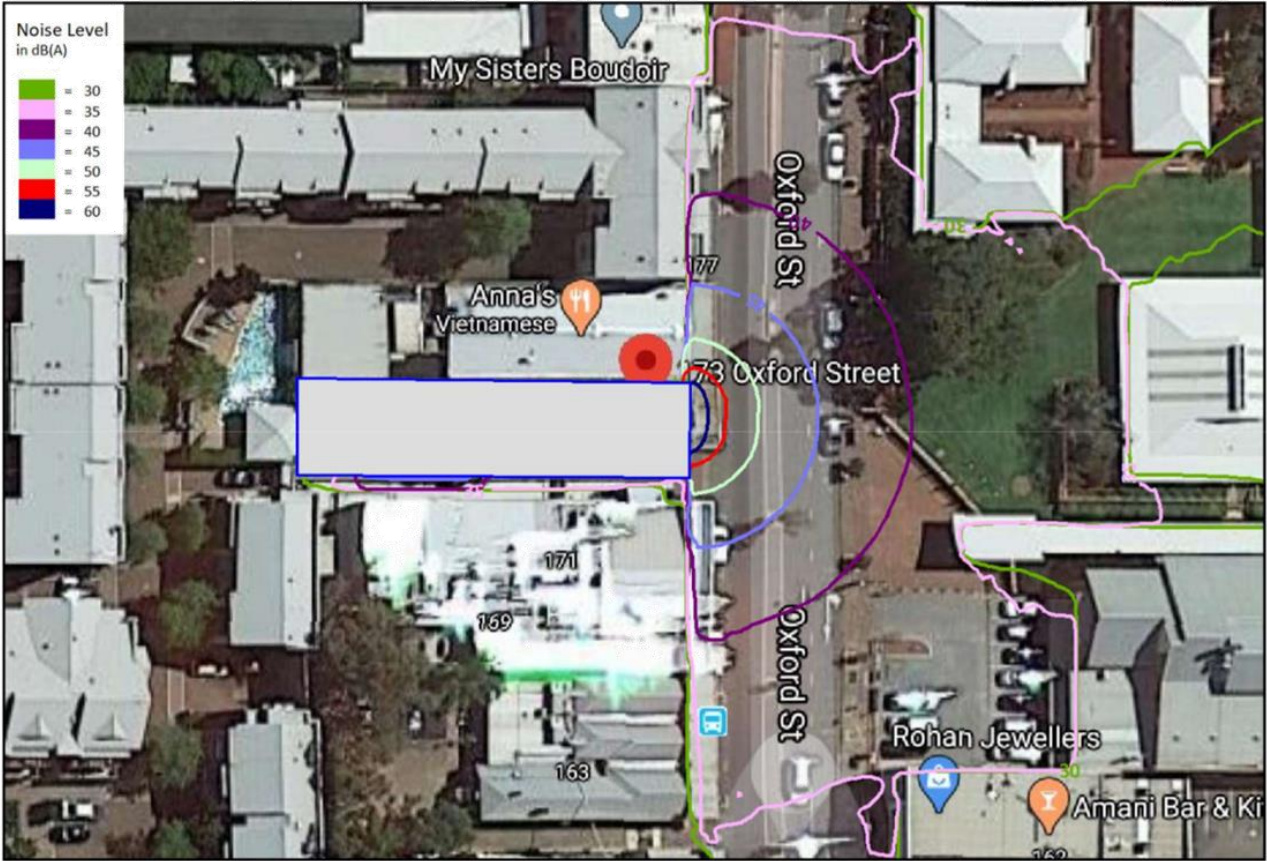


Figure 11: Worst-case noise contours for scenario 3 at 1.5m above the ground.

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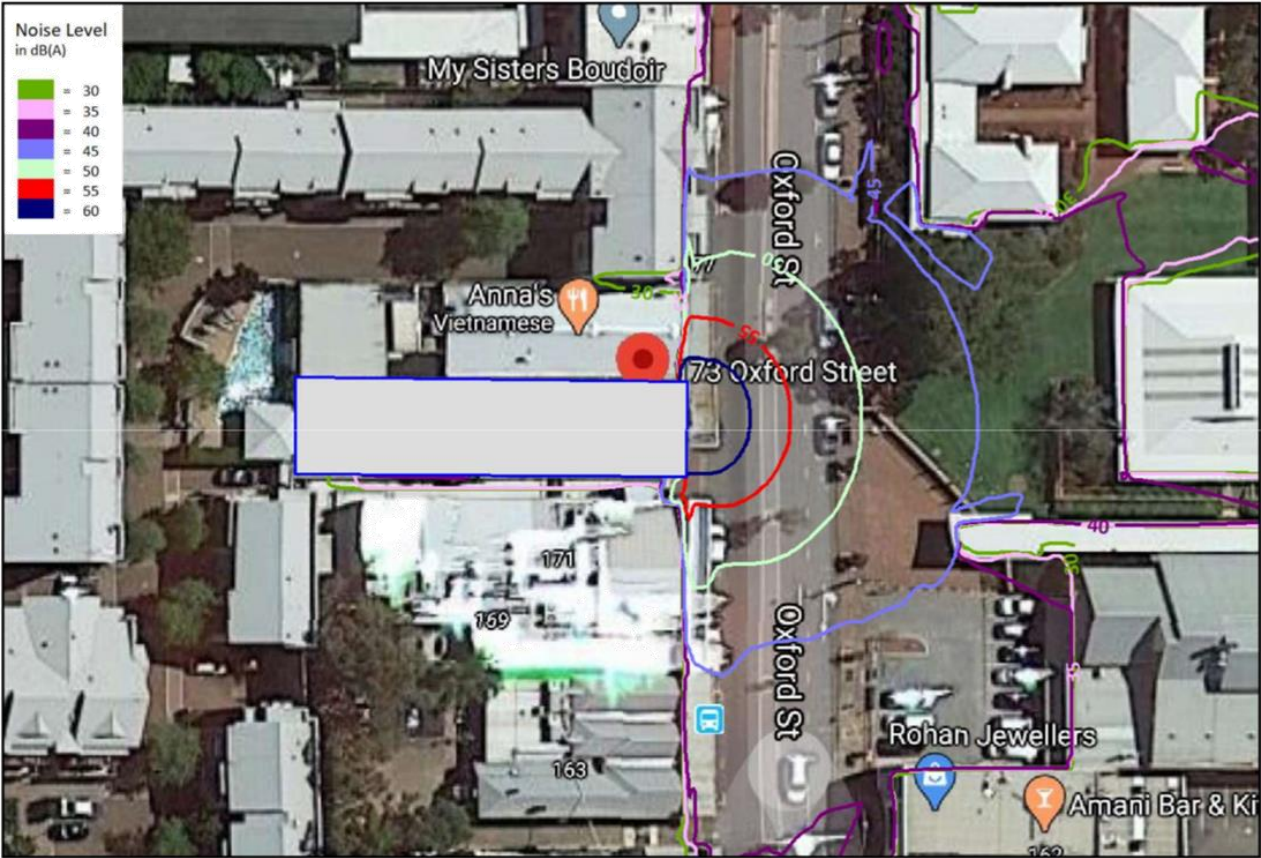


Figure 12: Worst-case noise contours of scenario 4 at 1.5m above the ground.



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Proposed Change of Use

173 Oxford St, Leederville

Transport Impact Statement

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PREPARED FOR:
Bobby Joe Pty Ltd
T/A Roberts on
Oxford

October 2024

Document history and status

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Roger Bajwa	r01a	B Bordbar	31/10/2024	Revised TIS

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APPENDIX A: APPROVED DEVELOPMENT PLANS

APPENDIX B: ON-STREET AND OFF-STREET PUBLIC PARKING FACILITIES IN
THE VICINITY OF SUBJECT SITE



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REPORT FIGURES

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1 Introduction

This Revised Transport Impact Statement has been prepared by Transcore on behalf of Bobby Joe Pty Ltd T/A Roberts on Oxford with regard to a proposed Change of Use from a Small Bar to a Tavern at 173 Oxford St, Leederville, in the City of Vincent. Transcore prepared a TIS report for the proposed change of use/ tavern. This revised TIS has been prepared to address the relevant comments from the City.

The subject site is located on the west of Oxford Street and is currently occupied by an existing small bar with an approved maximum capacity of 127 persons, including 120 patrons and seven staff. The change of use is necessitated by the proposed increase in capacity from 127 to 208 persons, including 200 patrons and eight staff.

The subject site is bound by Oxford Road to the east and commercial developments to the west, north and south as shown in **Figure 1**.

Following the submission of the Change of Use application to City of Vincent, the City in an email dated 16 September 2024 requested a number of tasks including the preparation of a Traffic Impact Statement (TIS) for the proposal. The requirement for a TIS is stipulated in City's Local Planning Policy – Non Residential Parking. Clause 6.1 of the Policy requires the preparation of a TIS for developments that generate between 10 – 100 vehicle trips in the peak hour.

Section 6 of Transcore's report provides details of the estimated trip generation for the proposed change of use. Accordingly, as the total peak hour vehicular trips are estimated to be less than 100 trips, a Transport Impact Statement is deemed appropriate for this development.

Key issues that will be addressed in this report include the traffic generation and distribution resulting from the change in use and parking demand.



Figure 1: Location of the subject site



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2 Change of Use Proposal

The Proposal for the subject site entails a Change of Use from a Small Bar to a Tavern. The small bar has been approved and has been operating over the last few years with a capacity of 127 including staff. The proponent is proposing to increase the capacity to 208 persons and as a result, the change of use to Tavern is required. The proposal entails 80 patrons and one staff increase from the existing approved capacity.

It is understood that the current facilities at the subject site can practically accommodate 208 persons and thus, no modifications to the internal facilities or the building are proposed. Also, as part of the proposal no on-site parking is proposed in line with the previous two approvals for the subject site.



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3 Vehicle Access and Parking

3.1 Access

There is no vehicular access proposed for the change of use application. All vehicular access to the subject site will be via drop off/pick up or via parking within the off-street and on-street public parking available within the area and within comfortable walking distance of the subject site, as per two previous approved applications.

Pedestrian access to the subject site is available via substantial pedestrian facilities in the area including the path system on both sides of Oxford Street.

3.2 Car Parking Demand

The original development approval for the subject site for the Small Bar with a capacity of 55 persons including 5 staff and a Single House accepted no parking for the Small Bar but entailed one parking bay for the house in accordance with the R-Codes. This approval with acceptance of the parking shortfall for the Small Bar was on the basis of the submitted Parking Management Plan (PMP). The original development approval entailed 2 long-term bicycle spaces.

The previous approval which entailed an increase in capacity to 127 persons including 7 staff also accepted the parking shortfall on the basis that the principles of the previously submitted PMP also applied to that application. As part of this proposal, the proponent agreed to provide an additional 4 long-term bicycle spaces resulting in a total of 6. The City's officers undertook a comprehensive assessment of the proposal which is documented in the Council Briefing Agenda dated 7 September 2021.

Based on the City of Vincent's Local Planning Policy, the car parking provision applicable to the proposal for a tavern is:

- 0.15 space for each person.

The tavern is proposed to accommodate up to 208 persons. According to the City's policy, the proposed tavern requires a parking provision of 31 bays. However, in line with the previous approvals, the same principles of the previous PMP and comprehensive assessment by the City during September 2021, no car parking is proposed as part of the proposed change of use to a tavern. The justification for the shortfall of parking and potential payment in lieu of car parking is further discussed in **Section 11**.



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3.3 Bicycle Parking Demand and Supply

Based on the City of Vincent's Local Planning Policy, the bicycle parking provision applicable to the proposal for a tavern is:

- Short-term - 0.019 space for each person; and,
- Long-term - 0.042 space for each person.

Accordingly, a bicycle parking provision for four short-term and eight long-term bicycle parking bays applies to the proposed change of use to a tavern. The subject site currently entails 6 long-term bicycle spaces. The 81-person increase results in the requirement for 2 short-term bicycle spaces and 4 long-term bicycle spaces.

Additionally, there are 14 bicycle parking racks available within 120m of the subject site which can be used by the patrons of the tavern facility. Thus, it is understood that sufficient bicycle parking facilities are available for the proposed tavern facility.

Based on the 2021 approval and City's assessment, it is contended that the available off-site bicycle parking facilities can address any short-term bicycle parking demand for the proposed change of use/tavern. It is recommended that as part of the current proposal, one or two additional long-term parking spaces be provided on-site.



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4 Provision for Service Vehicles

The service vehicles for the current approved small bar utilise the public parking bays adjacent to the site.

There are no changes proposed to the deliveries or waste collection and the prior approved arrangements will stay in place and continue for the new proposal.



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5 Hours of Operation

The existing approved small bar facility operates from 2:00 PM to Midnight (12:00) from Monday to Thursday, Noon (12:00) to Midnight (12:00) on Fridays & Saturdays and from Noon to 10:00 PM on Sundays.

However, the existing small bar is approved to operate on Monday to Saturday from 6:00am – 12:00am and Sunday from 6:00am – 10:00pm (and 12:00am where followed by a public holiday).

For the proposed change of use/ tavern, the proponent would like to keep the currently approved operating hours of the small bar facility, as the tavern is expected to operate during the same hours as the existing small bar.

The proponent may elect to action it's approval in the future regarding the opening hours to provide the services that has already been approved.



6 Daily Traffic Volumes and Vehicle Types

The traffic volumes directly associated with and generated by the currently operating small bar were estimated in accordance with the maximum approved capacity of the small bar. Similarly, the traffic volumes directly associated with and likely to be generated by the proposed change of use/tavern were estimated in accordance with the maximum proposed capacity of the tavern. To estimate the trips directly associated and generated by the existing small bar and the proposed change of use/tavern, the following assumptions are made:

- Approximately, 50% of the patrons are assumed to be already in the area and will walk to the subject site;
- Approximately, 40% of the patrons are assumed to travel via taxi, rideshare, public transport or bicycles;
- Only, 10% percent of the patrons are assumed to travel via private cars specifically and only to visit the tavern;
- The car occupancy for the private car is assumed to be two i.e. two people per car;
- The expected average time of stay at the facility is assumed to be three hours;
- For conservative analysis, the facility is assumed to operate at 100 percent of the approved/ proposed capacity during typical weekend evening peak periods (Saturday evening peak) and at 80 percent capacity during typical weekday evening peak period (Friday evening peak);
- Arrival peak hour is considered to be the critical peak hour;
- All patrons travelling specifically to the area to visit the small/bar or the tavern are assumed to arrive in the peak hour; and,
- The daily trip generation is assumed to be eight times the peak hour trip generation.

6.1 Existing Development Trip Generation

Accordingly, the currently operating small bar facility (with an approved capacity of 120 patrons and seven staff) is estimated to generate the following trips:

- Weekday (Friday) PM peak hour of generator: [80% of 12 = 10 patrons arriving during peak hour i.e. equivalent to 5 vehicles arriving during peak hour.
- Weekday (Friday) Daily: $8 \times 5 \times 2 = 80$ private vehicles per day.
- Weekend (Saturday) PM peak hour of generator: [100% of 12 = 12 patrons arriving during peak hour Equivalent to 6 vehicles arriving during peak hour.
- Weekend (Saturday) Daily: $8 \times 6 \times 2 = 96$ private vehicles per weekend daily.



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It should be noted that the staff are expected to travel outside the peak hours of operation and are assumed to generally walk, cycle or use public transport.

Thus, it is estimated that the currently operating small bar facility generates a total of approximately **96** private vehicular trips (inbound and outbound) on a weekend day (busiest day) with **6** private vehicular trips during the typical weekend PM peak hour.

6.2 Proposed Development Trip Generation

Accordingly, the proposed tavern facility (with a proposed capacity of 200 patrons and eight staff) is estimated to generate the following trips:

- Weekday (Friday) PM peak hour of generator: [80% of 20 = 16 patrons arriving during peak hour Equivalent to 8 vehicles arriving during peak hour.
- Weekday (Friday) Daily: $8 \times 8 \times 2 = 128$ private vehicles per day.
- Weekend (Saturday) PM peak hour of generator: [100% of 20 = 20 patrons arriving during peak hour Equivalent to 10 vehicles arriving during peak hour.
- Weekend (Saturday) Daily: $8 \times 10 \times 2 = 160$ private vehicles per weekend day.

It should be noted that the staff are expected to travel outside the peak hours of operation and are assumed to generally walk, cycle or use public transport.

Thus, it is estimated that the proposed change of use/ tavern would generate a total of approximately **160** private vehicular trips (inbound and outbound) on a weekend day (busiest day) with **10** private vehicular trips during the typical weekend PM peak hour.

6.3 Net Increase in Trip Generation

Overall, as part of the proposed change of use application, the proposed tavern would generate **+64** additional private vehicular trips specifically destined for the tavern on a weekend with **+2** additional trips during the typical weekend PM peak hour (arrivals only).



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6.4 Traffic Flow

Based on the general spatial distribution of existing residential developments in the immediate area and the permeability of the local road network, the proposed development's traffic distribution adopted for this analysis is as follows:

- 40% to/from the north on Oxford Street; and,
- 60% to/from the south on Oxford Street.

Figure 2 illustrates trip generation and traffic distribution over the local road network for the proposed tavern facility.



Figure 2: Estimated peak weekend private vehicle movements specifically destined for the proposed tavern facility



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6.5 Impact on Surrounding Roads

The WAPC Transport Impact Assessment Guidelines (2016) provides guidance on the assessment of traffic impacts:

“As a general guide, an increase in traffic of less than 10 per cent of capacity would not normally be likely to have a material impact on any particular section of road but increases over 10 per cent may. All sections of road with an increase greater than 10 per cent of capacity should therefore be included in the analysis. For ease of assessment, an increase of 100 vehicles per hour for any lane can be considered as equating to around 10 per cent of capacity. Therefore, any section of road where development traffic would increase flows by more than 100 vehicles per hour for any lane should be included in the analysis.”

It is clear that the traffic increase from the proposed change of use and the tavern facility would be less than the critical threshold (100vph per lane). As detailed in **Section 6.1**, the proposed development will not increase traffic on any lanes on the surrounding road network by more than 100vph, therefore the impact of the development traffic on the surrounding road network will be insignificant.



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7 Traffic Management on the Frontage Streets

Oxford Street, west of the subject site, is constructed as a 14.0m wide, two-lane, dual-carriageway road as shown in **Figure 3**. It entails a solid median with frequent median breaks. It is classified as a *Distributor A* in the Main Roads WA Functional Road Hierarchy. There is a bicycle lane on the west of Oxford Street to the north of the subject site. Also, there is on-street parking on both sides of Oxford Street.

Approximately, 50m south of the subject site Oxford Street forms a signalised crossroad intersection with Vincent Street.



Figure 3. Northbound view along Oxford Street



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8 Public Transport Access

The subject site is located within 500m of Leederville Train Station and 30m of a bus stop on Oxford Street. This bus stop is served by TransPerth Bus Route 15. It provides direct connections to Perth Busport and Glendalough Train Station as shown in **Figure 4**.



Figure 4. TransPerth Bus Route Map -15



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9 Pedestrian Access

Pedestrian access to the subject site is available via the existing external footpath network along the road network in the area including both sides of Oxford Street as shown in **Figure 5**. Pedestrian crossing facilities are available at the signalised intersection of Oxford Street and Vincent Street.



Figure 5. The existing footpath network adjacent to the subject site



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10 Cycle Access

According to the current Department of Transport Bike Maps, the subject has access to "Other Shared Path" in the vicinity of the subject site. The Perth Bicycle Network Map illustrated in **Figure 6** shows the cyclist connectivity in the vicinity of the subject site.

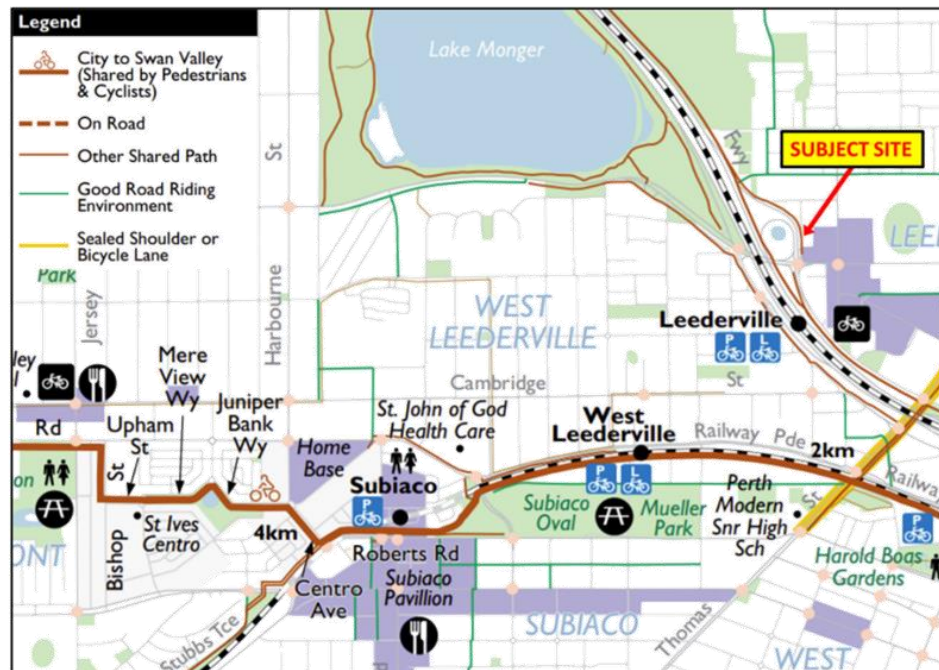


Figure 6: Extract from Perth Bicycle Network (Department of Transport)

6 long-term bicycle spaces are already available at the subject site. Moreover, there are 14 bicycle parking racks available within 120m of the subject site as shown in **Figure 7**.



Figure 7: Public bike racks in the vicinity of the subject site



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11 Site Specific Issues

Considering the approval history for the small bar development on this site and initial increase in capacity approval where no parking for the small bar was provided with no payment in lieu of the car parking shortfall, no parking bays are proposed as part of the proposed change of use to tavern application.

The previous approval for an increase of capacity to 127 persons for the small bar accepted a shortfall of 19 parking bays with no payment in lieu but with 2 additional long-term on-site bicycle spaces. The current application will result in a further shortfall of 12 parking bays, totalling a total shortfall of 31 bays.

As part of the original Small Bar and a Single House proposal, the proponent submitted a Parking Management Plan (PMP). The PMP was not revised as part of the 2021 application but had noted that the previous PMP was still relevant given its recency and the circumstances remaining the same.

The following points were outlined in the original PMP. It should be noted that most of the points outlined in the PMP are still applicable to the proposed change of use application with Transcore's additional comments provided in the red:

- There are a number of on-street car parking bays located within walking distance of the subject site. These are both ticketed parking and 2P (still applicable);
- The subject site is located within very close proximity to the Leederville Town Centre and Entertainment Precinct and the proposal allows for multi-purpose trips for people visiting the site and the entertainment precinct (still applicable and based on Transcore's experience at least 50% of the Tavern patrons are already in the area and walk to the Tavern);
- The subject site is located within very close proximity to high frequency public transport such as Leederville Train Station, and bus routes with stops within 20 metres of the subject site. The area has a high level of pedestrian amenity with weather protection along much of the immediate area (still applicable and based on Transcore's experience 40% of patrons of the Tavern will use public transport, taxis or ride shares);
- Two long-term bicycle spaces are to be provided on the site, with these available for use by staff (4 additional long-term bicycle facilities were provided as part of the previously approved application for patronage increase and an additional 1- 2 are recommended as part of the current application); and
- A number of short term bicycle hoops are located at the immediate frontage of the subject site and further along Oxford Street for use by customers (still applicable).

Further, the Minutes of the Council Briefing Agenda stated that the proposed parking provision associated with the 2021 application was suitable for the following reasons with Transcore's additional comments provided in the red:



- The subject site has historically provided for limited vehicle access to the site, with this being provided from Oxford Street. The uses on the site had been approved on the basis that there was no on-site parking available given the vehicle access leg along the southern boundary of the site is utilised for serving and an outdoor area. The enclosure of this area and provision of a new façade to Oxford Street is consistent with the previous approvals in this regard (still applicable as the existing small bar facilities can accommodate the proposed increased in capacity);
- The nature of the Small Bar use, being for a licensed premises which serves alcohol is such that it is expected that a large number of patrons would choose not to drive to the venue in private vehicle and to opt for taxi, public transport, walking or alternate mode of travel (the nature of the tavern facility is similar to that of a small bar, thus this point is still applicable for the proposed tavern facility and based on Transcore's experience maximum of 10% of the Tavern patrons may drive and park at numerous public parking facilities in the area);
- The subject site is located within a high amenity area being the Leederville Activity Centre. This location provides the most appropriate opportunity for reduced parking provision and to reduce dependence on single person private vehicle trips consistent with the Parking Policy objectives (still applicable and a very important point);
- The subject site is in close proximity to public transport. This includes the Leederville Train Station which is located approximately 350 metres from the subject site and located along Oxford Street which is a high frequency bus route (still applicable);
- The following public car parking is available nearby to the subject site (the exact details of these car parking numbers are difficult to verify, however, most of this information is expected to still stand true):
 - There are 83 bays within 400 metres of the site along Oxford Street between Bourke Street and Leederville Parade.
 - The parking restrictions on these bays vary between paid parking from 7:00pm to midnight, and one hour parking between 8:00am and 7:00pm, 8:00am to 5:30pm Monday to Friday and 8:00am to 12noon on Saturday. The City's parking survey data from 2018 identifies that there are on average 28 bays available at any one time. The busiest period was between 9am to 11am on Friday morning where 11 bays were available;
 - There are 326 bays within 130 metres of the subject site in The Avenue car park. 174 of these bays are paid parking between the hours of 7:00am and midnight, and 152 of these bays are 2P between 7:00am and 7:00pm. The City's parking survey data from 2018 identifies that there are on average 179 bays available at any one time. The busiest period was between 12noon and 2:00pm on Wednesday afternoon where 109 bays were available; and
 - There are 123 bays within 90 metres of the subject site as part of the ABN development at No. 301 Vincent Street. These bays are available for paid parking by the public between the hours of 5:30pm and 6:00am. This is operated as a private car park during these hours, and has recently opened to the public.



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- There are 202 parking bays within 300 metres of the subject site in Frame Court Carpark. These bays are available for paid parking between the hours of 7:00am and midnight and free parking outside of these hours.
- There are 14 bicycle parking spaces located within the Oxford Street verge within 120 metres of the subject site. 10 of these are located on the western side of Oxford Street. A further 4 are located on the corner of Vincent Street and Oxford Street outside No. 156 Oxford Street. The close proximity and accessibility of these spaces are capable of use by patrons who may cycle to the premises, and would support a shift towards alternative transport modes consistent with the City's Parking Policy objectives. The shortfall of two on-site short-term bicycle spaces is supported on this basis (still applicable); and
- In regards to the long-term bicycle spaces, two were conditioned as part of the previous development approval to be provided on-site. This was on the basis that these would be used by staff. The applicant has agreed to a condition being imposed for an additional four long-term bicycle spaces to be provided on-site. This would result in a total of six long-term bicycle parking spaces being provided. This would increase the availability of bicycle parking for staff and support cycling as an alternative to driving. The existing condition is proposed to be updated to reflect the provision of these additional bicycle spaces. The demands for parking for staff and customers of the development as a result of the increased capacity would be sufficiently met through the availability of alternate modes of transport and public parking in the area to support the use, without the need for a cash-in-lieu contribution from the applicant (still applicable and as part of the current application it is recommended to provide additional 1-2 long-term on-site bicycle spaces).

Moreover, as detailed in **Section 6** of this report:

- Approximately, 50% of the patrons are anticipated to be already in the area and will walk to the subject site;
- Approximately, 40% of the patrons are anticipated to travel via taxi, rideshare, public transport or bicycles; and,
- Only, 10% percent of the patrons are anticipated to travel via private cars specifically and only to visit the tavern.

As shown the the plans in **Appendix B**, there are over 50 on-street and approximately 651 off-street public parking spaces available within comfortable walking distance of the subject site.

The current lifestyle choices are such that the vast majority of people do not drink and drive which, reduces the parking demand associated with the proposed change of use and tavern facility. Moreover, the peak period of operation of the tavern facility is between 7:00 PM to 10:00 PM which doesn't coincide with the peak hour of road network. During off-peak periods such as weekdays and Sundays, the tavern operations are expected to be well below the maximum capacity and the parking



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demand will therefore be less than that for the maximum that is estimated and reported for the peak hour of generator.

During weekdays the parking demand is expected to be less than 50% of the maximum and during Sundays, the parking demand is expected to be between 50% to 80% of the maximum.

Thus, it can be concluded that the existing public car parking facilities in the area can accommodate any additional parking associated with the proposed change of use/ tavern and impact of such traffic will be insignificant on the operations of the surrounding road network including Oxford Street.



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12 Safety Issues

No particular safety issues have been identified for the proposed change of use/ tavern within the scope of this report.



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13 Conclusions

This Transport Impact Statement (TIS) has been prepared by Transcore on behalf of Bobby Joe Pty Ltd T/A Roberts on Oxford with regard to a proposed Change of Use from a Small Bar to a Tavern at 173 Oxford St, Leederville, in the City of Vincent.

The subject site is located on the west of Oxford Street and is currently occupied by an existing small bar with an approved maximum capacity of 127 persons, including 120 patrons and seven staff. The change of use is necessitated by the proposed increase in capacity from 127 to 208 persons, including 200 patrons and eight staff.

It is understood that the current facilities at the subject site can practically accommodate 208 persons and thus, no modifications to the internal facilities or the building are proposed. Also, as part of the proposal no on-site parking is proposed in line with the previous two approvals for the subject site.

The previous approval which entailed an increase in capacity to 127 persons including 7 staff accepted the parking shortfall on the basis that the principles of the previously submitted PMP also applied to that application. The City's officers undertook a comprehensive assessment of the proposal which is documented in the Council Briefing Agenda dated 7 September 2021. This assessment concluded that no payment in lieu of parking was applicable and it is concluded that the same applies to the current change of use application as all the previous logic and principles also apply to this application.

Based on the previous approval and City's assessment, it is contended that the available off-site bicycle parking facilities can address any short-term bicycle parking demand for the proposed change of use/tavern. As part of the current application, it is recommended to provide 1-2 additional long-term on-site parking spaces bringing the total to 7- 8.

It is concluded that the existing public car parking facilities in the area can accommodate any additional parking associated with the proposed change of use/tavern and impact of such traffic will be insignificant on the operations of the surrounding road network including Oxford Street.

No particular transport or safety issues have been identified for the proposed change of use within the scope of this report.

It is further concluded that the findings of this Transport Impact Statement are supportive of the proposed change of use application.



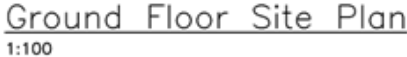
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Appendix A

APPROVED DEVELOPMENT PLANS

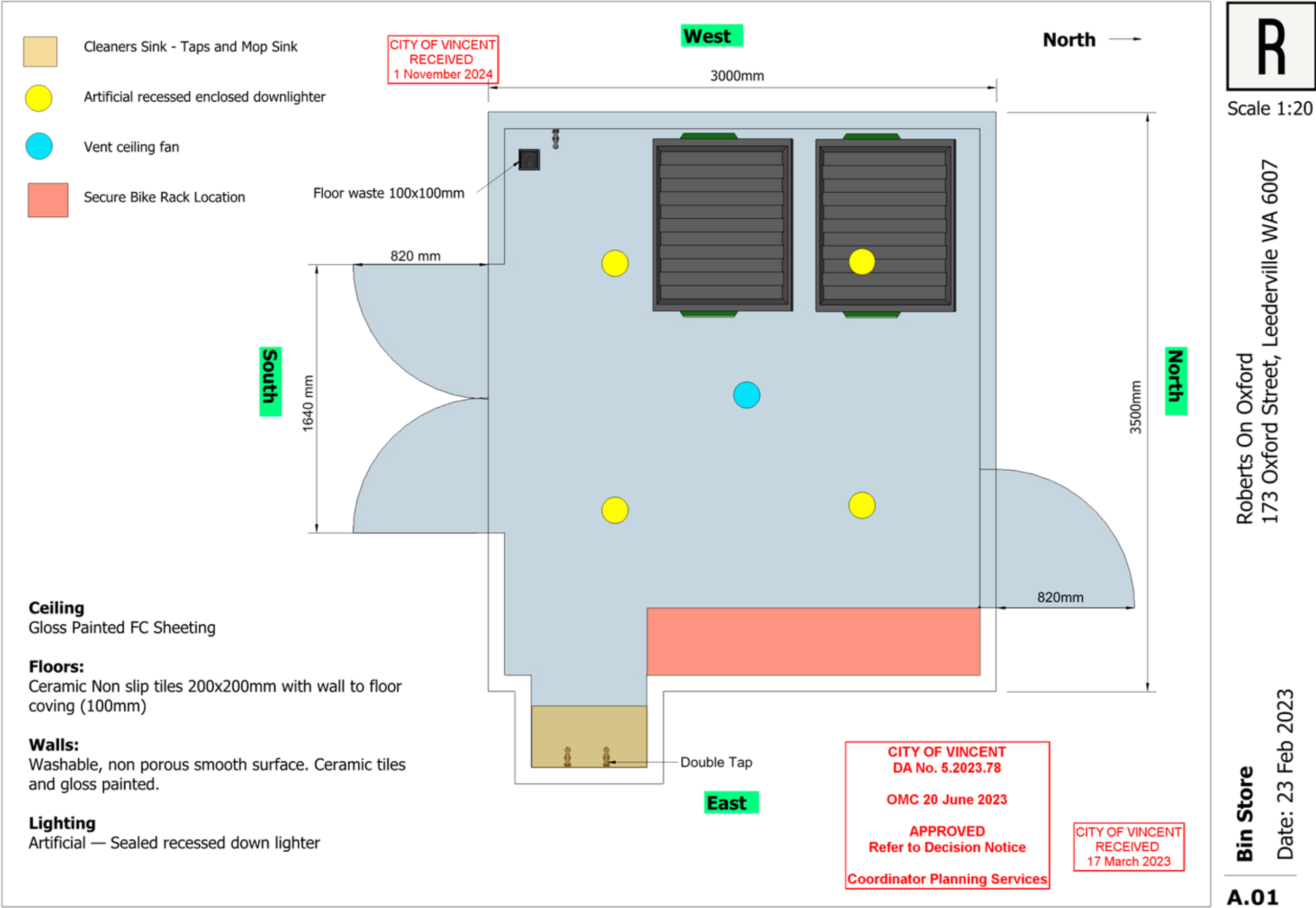


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					 baciigroup.com.au	CONTACT	PROJECT 173 Oxford St, Leederville, WA TITLE Ground Floor Plan	THIS DRAWING IS SUBJECT TO COPYRIGHT	
						Anthony Bacic 0411 097 533 anthony@baciigroup.com.au		JOB No.	SCALE (U.N.D.)
F	For Construction	2 May 2023	AB	EN				Oxford St	1:100
E	For Construction	16 Sep 2022	AB	EN		Drago Bacic 0427 177 911 drago@baciigroup.com.au		DWG. No.	REV.
REV.	DESCRIPTION	DATE	DRAWN	APPD				A100-2	F



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Appendix B

ON-STREET AND OFF-STREET PUBLIC PARKING FACILITIES IN THE VICINITY OF SUBJECT SITE



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Venue Management Plan -Tavern

Roberts on Oxford has been a part of the Leederville community since December 2020. Over this time, the venue has become a popular destination for locals, businesses, and residents in surrounding suburbs. The application is proposing a change of use from a small bar to a tavern.



Patron Capacity

The application is to allow a patron capacity of up to 200, the premises has the relevant facilities readily available to support this capacity.

Operating Hours

The City of Vincent has granted approval for Roberts on Oxford to operate from Monday to Sunday, including public holidays, between 6:00 AM and midnight. While this approval is in place, the current operating hours are as follows:

- Monday to Thursday: 2:00 PM to Midnight
- Friday and Saturday: 12:00 PM to Midnight
- Sunday: 12:00 PM to 10:00 PM

Health & Safety Standards

The Tavern will adhere to thorough health and safety practices, including food safety regulations and sanitation procedures, ensuring a clean and healthy environment for patrons and staff. An external cleaning company is engaged to service designated areas, and staff regularly check and maintain these areas during operating hours as well as during, opening and closing.

Security & Crowd Management

We engage an external security company, which has a fixed weekly schedule. Additionally, security is scheduled for bookings, functions, or special events to ensure compliance with patron capacity limits. Upon approval of the Tavern, security will be required to remain on site for longer periods of time as well as an additional guard if necessary.

In line with RGL requirements, our staff are certified in the responsible service of alcohol. We also encourage staff to obtain additional certification as approved managers to provide further knowledge and training in service of alcohol.

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Deliveries

There is a 15 minute parking bay available directly outside 175 Oxford Street for deliveries to load or unload. Deliveries are scheduled Monday through Friday during business hours.

Waste Collection Frequency

Private waste collectors provide weekly collections on Tuesdays, not before 7:00 AM or after 10:00 PM. With the proposed patron capacity, an additional weekly collection day may be arranged if necessary (twice a week collections).

Set-up and Set-down of Alfresco / Outdoor Dining Areas

- Tables and chairs are not fixed and are set up and taken down during approved business operating hours.

173 Oxford Street, Leederville, WA 6007
Tavern Application Ref 5.2024.332.1

Venue Management Plan -Tavern

Tavern Waste Management Plan

**Waste & Bottle Disposal:**

- Waste disposal, including bottles, will be completed during business hours, not before 7:00 AM and not after 10:00 PM.
- Staff will remove glassware, bottles, plates, etc., from customer tables and place them in designated wash areas, bins, or storage areas once customers have finished.
- Non-recyclable waste will be separated into general waste bins, while recyclable materials will be placed in designated bins.
- Waste storage areas will be regularly cleaned and sanitized to prevent odors. Additionally, external service providers will clean the bins as needed.
- Staff will be provided with protective equipment and trained in safe handling of broken glass, waste disposal, etc.
- Waste bins and bottle storage areas will be emptied at least once per shift, or more frequently during high-volume periods.

Collection Information Currently, a private commercial waste collector collects 1100L rear-lift bins from the kerbside of 173 Oxford Street. The bins are equipped with a turntable for ease of movement between the bin storage and kerbside. Bins are placed on the kerbside the evening before collection and returned to the bin store after they are emptied.

Currently, there are three 1100L rear-lift bins: one for cardboard and two for general waste. Collections occur weekly from the kerbside. Should the increased patron capacity require additional collections, this will be arranged with the current waste service provider.

Bin Management The area is maintained by our commercial pest control service, which ensures the area remains clean. We also schedule regular cleaning of the physical bins with an external service provider.

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173 Oxford Street, Leederville, WA 6007
Tavern Application Ref 5.2024.332.1

Venue Management Plan -Tavern

Noise Management - 173 Oxford Street

We acknowledge that the business may emit environmental noise during operating hours. Our goal is to minimize noise intrusion and emissions both indoors and outdoors, ensuring a positive and entertaining atmosphere for patrons while maintaining respect for our neighbours and contributing to a harmonious environment.



Noise Impact & Management Measures

Patrons:

- Management will be present at all times to monitor noise levels throughout the venue.
- Management and staff will supervise the use and operation of partition doors between indoor and outdoor spaces.
- All staff members, including bartenders, servers, and security, will be trained on the tavern's noise policies, how to address loud patrons, and how to manage noise in different areas of the venue.
- For functions and special events, noise policies will be communicated to patrons based on the type of booking.
- Staff will ensure adequate personnel are on hand to manage noise and address customer behaviour promptly during functions or events. If patrons become excessively loud, staff will politely ask them to lower their voices or move to quieter areas.
- Quieter seating areas will be available for patrons who prefer a more relaxed environment.
- Management will consider booking sizes and types to ensure venue harmony (e.g., avoiding disruptive groups like bucks parties or birthdays under the age of 25).
- Security will remain on-site after business hours to ensure noise minimization as patrons leave the venue.

Kitchen Equipment:

- The kitchen is located in a contained area, with no external windows or doors facing residential areas.
- The kitchen will close no later than 10:00 PM (currently closing at 8:30 PM), at which point the extraction system will be turned off.

Sound System:

- Volume limits will be set for music, and the sound system will be calibrated to prevent excessive noise levels. Music volume will be adjusted based on the time of day and event type.
- Performers will use sound systems appropriately sized for the venue and event.
- Management will monitor the sound output and adjust as needed.
- Sound checks will be performed before events.
- All sound operations will adhere to Australian Standard AS/NZS 2107.

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173 Oxford Street, Leederville, WA 6007
Tavern Application Ref 5.2024.332.1

Summary of Submissions:

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

Comments Received in Support:	Administration's Comment:
<u>Courtyard roof</u> <ul style="list-style-type: none"> Will allow patrons to enjoy the venue throughout the day – during rain and harsh UV conditions The sound proofing provided by the courtyard roof will be positive for the expansion of the existing small bar 	Comments in support are noted and considered as part of Administrations assessment.
<u>Community establishment</u> <ul style="list-style-type: none"> Roberts is an integral establishment of the Leederville area Roberts is a friendly, vibrant place Roberts is a great place for regulars and a big following of supporters in Perth Roberts has a strong reputation for live music 	
Comments Received in Objection:	Administration's Comment:
<u>Noise</u> <ul style="list-style-type: none"> There are a sizeable number of residents within close proximity of the venue, to which the venue already creates an unexceptional amount of noise The noise from the live music is not low level background music. Additionally, Roberts advertises that live music will be played Thursday – Saturday. Roberts should only be playing background music in the outdoor section of the bar. On multiple occasions, the noise from the courtyard has impacted adjoining commercial and residential properties. 	<ul style="list-style-type: none"> The applicant has submitted an acoustic report which concludes that subject to the implementation of recommendations that includes enclosing the rear alfresco area with a roof, the increased capacity would comply with the requirements of the <i>Environmental Protection (Noise) Regulations 1997</i>. This assists in demonstrating that the level of noise emitted would not adversely impact surrounding residents and businesses, subject to the measures of the acoustic report. The submitted acoustic report identifies that the speakers are installed to play low level background music during opening hours of the Tavern. Live music is proposed in the courtyard area. The acoustic report concludes that following the development of the courtyard roof, the noise emitted from the Tavern would comply with the requirements of the <i>Environmental Protection (Noise) Regulations 1997</i>. Administration has recommended a condition of approval requiring the acoustic reports measures be implemented and thereafter adhered to during the operation of the premises. The application proposes the enclosure of the outdoor seating area within a roofed structure. This would reduce the adjoining properties' exposure to noise generated on the subject site, including background music and live music.

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Summary of Submissions:

Comments Received in Objection:	Administration's Comment:
<ul style="list-style-type: none"> Concerns relating to the effectiveness of the proposed roof in soundproofing the courtyard & concerns that the skylights would be opened. 	<ul style="list-style-type: none"> The effectiveness of the proposed courtyard roof has been assessed by an Acoustic Consultant, as detailed within the Acoustic report submitted, to determine compliance with the <i>Environmental Protection (Noise) Regulations 1997</i>. Based on modelling of the expected "worst-case" daily operations, the predicted noise has been determined to comply with the Noise Regulations at all times at the nearest noise sensitive receivers once the roof is in place, as per the specifications shown on the approved plans. It is noted that the approved plans showing the alfresco roof are consistent with plans reviewed as part of the acoustic report, which shows the fixed sky light windows. The courtyards skylights are unable to be opened.
<u>Patron Behaviour</u> <ul style="list-style-type: none"> When patron leave the venue, they create excess noise, while smoking/vaping while they are waiting for a rideshare. How is this intended to be controlled? Patrons frequently use the laneway between the bar and the cinema as a toilet. 	<p>The applicant has submitted a Venue Management Plan, which details the patron management strategies. A recommended condition of approval has been included to ensure the premises operates in accordance with the submitted Venue Management Plan.</p> <p>The subject site is also located within a Smoke and Vape Free area. The smoke-free areas in Leederville are clearly signposted, indicating that smoking and vaping are prohibited. Enforcement officers also have an ability to inform individuals who are found smoking or vaping in smoke-free areas about the regulations, directing patrons to move on or provide penalties in some circumstances. Further information on this can be found here</p>
<u>Compliance with existing conditions/controls</u> <ul style="list-style-type: none"> The application proposes to increase the max number of patrons from 120 – 200. The current restriction of 120 is not adhered to. The original conditions have not been adhered to, with patrons drinking on the footpath, making it difficult for pedestrians to walk along the footpath There have been instances where the live music has been played until 12:45am 	<ul style="list-style-type: none"> Non-compliance with previous development approval conditions is not a relevant planning consideration in considering the acceptability of the subject proposal, as development applications are assessed on their own merit, separate from previous approvals. Administration has recommended a condition of approval recommended a maximum of 208 on-site at any given time (inclusive of staff and patrons) as well as permitted operating hours which end at 12:00am (midnight). If an applicant does not comply with conditions of approval and a written complaint is received, Administration will investigate and alleged breach and determine the most appropriate method of enforcement action through consideration of the Development Compliance Enforcement Policy.

Summary of Submissions:

Comments Received in Objection:	Administration's Comment:
<p><u>Bicycle and car parking</u></p> <p>No car parking or bicycle parking bays have been provided. The increase in the maximum number of patrons will put additional pressure on the existing parking availability in the surrounding area.</p>	<p>The provision of no on-site car parking is consistent with parking requirements of the Council endorsed LPSP, which has the following objectives for the Leederville Precinct:</p> <ul style="list-style-type: none"> • <i>Prioritise pedestrians; followed by cyclists; followed by public transport users; followed by people who choose to drive.</i> • <i>Facilitate a mode shift away from private vehicles</i> <p>The subject site is well serviced by public transport routes, including Leederville Train Station and a high frequency bus route which provide connectivity to Mount Hawthorn and the Perth CBD.</p> <p>There is adequate alternative transport methods and public parking in the locality to meet the demands for the premises, including along Oxford Street as well as The Avenue car park and the bays available as part of the ABN development.</p>
<p><u>Impact on existing operations</u></p> <p>Expanding Roberts will have a negative impact on its atmosphere creating a pub like atmosphere.</p>	<p>The impact on the operations of the existing business is a commercial decision for the operator and is not a relevant planning consideration.</p>
<p><u>Toilets</u></p> <p>Insufficient number of toilets to accommodate the increased number of patrons</p>	<p>In accordance with the National Construction Code, the number of toilets is sufficient in accommodating 200 patrons and 8 staff.</p>

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

Summary of Submissions:

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

Comments Received in Support:	Applicant Comment:
<u>Courtyard roof</u> <ul style="list-style-type: none"> Will allow patrons to enjoy the venue throughout the day – during rain and harsh UV conditions The sound proofing provided by the courtyard roof will be positive for the expansion of the existing small bar 	<p>The proposed roof will provide several benefits, making the courtyard a more versatile, comfortable and functional space throughout the year by providing shelter from the elements no matter the weather conditions.</p> <p>The roof will help keep sound contained within the courtyard, ensuring a more enjoyable experience for all. Additionally, the roof will also block noise from nearby businesses and other external sources, without impacting the atmosphere for our patrons using the space.</p>
<u>Community establishment</u> <ul style="list-style-type: none"> Roberts is an integral establishment of the Leederville area Roberts is a friendly, vibrant place Roberts is a great place for regulars and a big following of supporters in Perth Roberts has a strong reputation for live music 	<p>We value our patrons feedback in response we aim to keep providing a welcoming space for our locals and regulars while improving what we offer to enhance the experience for everyone. By upgrading our venue, we hope to further strengthen the community connections we've built and create a more enjoyable, flexible environment for our loyal patrons, all while maintaining the lively atmosphere that has made our venue a beloved spot in Leederville.</p>
Comments Received in Objection:	Applicant Comment:
<u>Noise</u> <ul style="list-style-type: none"> There are a sizeable number of residents within close proximity of the venue, to which the venue already creates an unexceptional amount of noise The noise from the live music is not low level background music. Additionally, Roberts advertises that live music will be played Thursday – Saturday. Roberts should only be playing background music in the outdoor section of the bar. On multiple occasions, the noise from the courtyard has impacted adjoining commercial and residential properties. 	<p>While we know other factors and businesses in the area might also contribute to the overall noise, we understand that our venue is often seen as the main source. To address this, adding a roof to the courtyard will contain the noise and keep it within the space, reducing any impact on our neighbours.</p> <p>Our management team is committed to addressing any potential sources of noise immediately and ensuring they do not increase. We regularly review our sound levels and work closely with staff to ensure that noise is kept within acceptable limits, particularly during evening hours. If any noise from our venue is identified as being disruptive, we are quick to take action to rectify the situation, whether that involves adjusting music levels, controlling the volume of outdoor activities, or making changes to the venue's layout.</p> <p>With Leederville growing, there's a greater demand for lively, community-focused spots like ours. We're committed to maintaining a positive relationship with the local community and making sure our venue is a great place for everyone. We believe that the roof, along with ongoing sound management, will tackle the concerns raised and help us keep the fun, welcoming vibe that our patrons enjoy, while respecting our neighbours.</p>
<u>Patrons leaving the venue/antisocial behaviour</u>	

Summary of Submissions:

Comments Received in Objection:	Applicant Comment:
<ul style="list-style-type: none"> When patron leave the venue, they create excess noise, while smoking/vaping while they are waiting for a rideshare. How is this intended to be controlled? Patrons frequently use the laneway between the bar and the cinema as a toilet. 	<p>At our venue, we take the safety and comfort of our patrons, staff and the surrounding community seriously. Under our own initiative, we have implemented additional security measures to help ensure a safe and enjoyable environment for everyone. These measures include increased security personnel and proactive monitoring of the premises.</p> <p>Recent visits from the relevant authorities have resulted in a positive review of our current security arrangements, and they are satisfied with the measures we've implemented so far. Upon approval of the tavern, we will continue to strengthen our security as needed. Our protocols will be further enhanced, with adjustments made based on the expected number of patrons. This includes extending security guard shifts, increasing guard presence during busy times, and closely monitoring patrons as they leave to ensure an orderly exit</p> <p>We fully understand the concerns regarding the laneway, particularly with unwanted activities such as sheltering and antisocial behaviour. We agree that the laneway has unfortunately become a space that invites these issues. To demonstrate our commitment to resolving this, we are more than happy to work with the local businesses and absorb the costs of moving the gate forward, in line with the footpath. We are dedicated to addressing this concern and creating a more welcoming environment for everyone</p> <p>We are taking steps on our end to better control activity outside the venue, including enhanced security, additional management and directing patrons to the relevant areas.</p>
<p><u>Compliance with existing conditions/controls</u></p> <ul style="list-style-type: none"> The application proposes to increase the max number of patrons from 120 – 200. The current restriction of 120 is not adhered to. The original conditions have not been adhered to, with patrons drinking on the footpath, making it difficult for pedestrians to walk along the footpath There have been instances where the live music has been played until 12:45am 	<p>We understand the concern regarding patron capacity, and we want to reassure you that the relevant authorities regularly visit the area and have confirmed that we are in compliance with our capacity. To further ensure we maintain this compliance, we have taken proactive steps to enhance our security measures, including increasing the number of security personnel and adjusting their shifts to match peak times.</p> <p>These additional security measures have been implemented under our own initiative, and we are committed to continuing to monitor and manage our venue to ensure that we adhere to capacity guidelines. Our new security staff have been thoroughly trained, and all current staff have received re-training to reinforce the importance of adhering to capacity limits. We are also actively reminding patrons to remain seated and ensuring that pathways are kept clear. These measures are already in place, and we are confident they will continue to maintain a safe and comfortable environment.</p> <p>While there are other venues in the area that operate later than we do, we are committed to ensuring that our space remains respectful of the surrounding community. To minimize any disruption, we make sure that music is turned off, lights are turned on, and full service stops by 12am. If there are any instances where music is played after hours, we will thoroughly investigate and address the situation accordingly.</p>

Summary of Submissions:

Comments Received in Objection:	Applicant Comment:
<p><u>Sound proofing effectiveness of the roof</u></p> <ul style="list-style-type: none"> How effective is the proposed roof in soundproofing the courtyard? Can the proposed skylights be opened? Will the roof reduce the impact of bass? 	<p>Yes, the proposed roof will be highly effective in soundproofing the courtyard. The design incorporates materials and construction methods that will help contain sound within the space. As part of the application an Acoustic Report has been submitted which verifies the noise levels will be contained of both general noise and live music, including bass frequencies.</p> <p>Regarding the skylights, they will be fixed and will not open. This design choice ensures that the roof maintains its integrity as a sound barrier, further enhancing its effectiveness in controlling noise.</p>
<p><u>Bicycle and car parking</u></p> <ul style="list-style-type: none"> No car parking or bicycle parking bays have been provided. The increase in the maximum number of patrons will put additional pressure on the existing parking availability in the surrounding area. 	<p>We are aware of the concerns regarding parking and traffic in the area due to the increase in patron capacity. We engaged a traffic management consultant to provide a detailed traffic management statement in which the assessment advises potential impacts and solutions. This statement has been provided as part of the advertising application. The report concludes (Section 6.5) <i>the impact of the development traffic on the surrounding road network will be insignificant.</i></p> <p>Currently there are 14 short term bicycle parking racks available within 120m of the subject site.</p>
<p><u>Atmosphere</u></p> <ul style="list-style-type: none"> Expanding Roberts will have a negative impact on its cosy atmosphere creating a pub like atmosphere. 	<p>The expansion is all about enhancing the space to better serve our growing community of regulars, while preserving the unique charm that makes Roberts special. We're dedicated to maintaining the relaxed, friendly atmosphere that everyone loves, so guests can continue to enjoy the venue as they always have. The purpose of the proposed changes is to increase the venue's capacity for larger events, allowing us to accommodate more functions and meet the growing demand from our community.</p> <p>To fund the installation of the proposed roof, an increase in capacity is required. This adjustment will enable us to allocate the necessary resources for this enhancement, ensuring the venue continues to offer an improved and welcoming environment for all patrons while maintaining its vibrancy and appeal to the community</p> <p>The food offering has developed so significantly that our bar has transformed from serving just a few snacks to a full menu. The food aspect has grown substantially over the past year and will continue to expand as we increase our capacity. With more well-developed food options, we are enhancing our reputation and offering a more complete and enjoyable experience for our customers</p>
<p><u>Toilets</u></p> <ul style="list-style-type: none"> Insufficient number of toilets to accommodate the increased number of patrons 	<p>The local authorities have confirmed that the current facilities fully comply with health and safety standards, including the change of use. The toilets and other facilities were originally designed to accommodate at least 200 people</p>

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

Clause 67 – Matters to be Considered Assessment

Clause 67 – Matters to be Considered	
Matter	Administration Comment
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 objectives for each zone. LPS2 aims relevant to this proposal include:</p> <ul style="list-style-type: none"> (a) <i>to cater for the diversity of demands, interests and lifestyles by facilitating and encouraging the provision of a wide range of choices in housing, business, employment, education, leisure, transport and access opportunities;</i> (b) <i>to protect and enhance the health, safety and general welfare of the City's inhabitants and the social, environmental and cultural environment;</i> (d) <i>to promote and safeguard the economic well-being and functions of the City;</i> (j) <i>to provide a diverse range of employment opportunities such as retail, commercial, entertainment, knowledge based professions and tourism, to ensure a sustainable economy, as well as generating employment self-sufficiency and self-containment;</i> <p>In summary, the subject application is acceptable under the aims of LPS2. The subject site is appropriately located within the Leederville Activity Centre, near public transport and other commercial and hospitality uses. The Tavern would support local employment and enhance the Town Centre's vibrancy. Noise impacts on adjoining properties will be mitigated through the development of an enclosed alfresco area, with this structure being conditioned prior to occupancy. The Tavern is consistent with the objectives of applicable existing and future planning instruments.</p>
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 Planning and Development (Local Planning Schemes) Regulations 2015 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.</p> <p>The draft LPSP is a planning instrument which Council has endorsed but has not been approved by the Western Australian Planning Commission (WAPC). As the draft LPSP is a framework that is seriously entertained, with the adoption being certain and imminent following the City addressing matters raised by the WAPC, significant weight has been given to its provisions. The weight given to this planning instrument is discussed further in the Legal/Policy section of this report.</p>
g) Any local planning policy for the Scheme area.	<p>An assessment against the City's relevant local planning policies, including the Built Form Policy, Sound Attenuation Policy, Licensed Premises Policy and the Non-Residential Parking Policy, has been conducted. Under these policies, the subject application is acceptable as discussed in the comments section of the report.</p>
m) The compatibility of the development with its setting including –	<p>The proposed development would be compatible within its setting as the Tavern land use would not have an adverse impact on the future character of the area and adjoining properties due to the specific site context and location of the premises. This includes, the subject tenancy being associated with commercial and hospitality uses, the Tavern being located within an established Town Centre, and being near existing transport and parking infrastructure.</p> <p>In respect to noise, an acoustic report has been submitted by the applicant. The acoustic report confirms that noise levels generated from the premises during the proposed operating hours would comply with the relevant assigned noise levels under the <i>Environmental Protection (Noise) Regulations 1997</i>. The proposed use would not result in an adverse impact on the use and amenity of the surrounding area in relation to noise. A recommended condition of approval has been included to ensure the measurements in the acoustic report are implemented during the Tavern's operation.</p>
<ul style="list-style-type: none"> (i) The compatibility of the development with the desired future character of its setting. (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. 	
n) The amenity of the locality including the following –	

<ul style="list-style-type: none"> (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development. 	<p>This is considered further in the Comments section.</p>
<p>(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.</p>	<p>The inclusion of the enclosed alfresco roof will result in all deep soil and planting areas being removed, as defined by the Built Form Policy.</p> <p>The provision of nil on-site deep soil areas is consistent with the acceptable outcomes of the Draft LPSP. Despite this, the application proposes for all existing landscaping areas to be retained. The roof will include skylights to ensure that the landscaping will receive solar access. The retention of the landscaping will maintain the amenity of the courtyard space.</p>
<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 and the probable effect on traffic flow and safety.</p>	<p>As part of this application, the applicant submitted a TIS which is included as Attachment 4. The provides information on how the proposed development would impact the surrounding road network and parking infrastructure. This includes evaluating potential traffic increases, changes in traffic patterns, and the availability of existing parking facilities.</p> <p>The acceptability of the increased traffic is based on the anticipated generation of 64 additional vehicle trips per weekend day and four additional trips during PM peak hours, which the existing road infrastructure can accommodate.</p>
<p>u) the availability and adequacy for the development of the following —</p> <ul style="list-style-type: none"> (i) public transport services; (ii) public utility services; (iii) storage, management and collection of waste; (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities); (v) access by older people and people with disability. 	<p>The site is optimally located in proximity to easy and convenient public transport services with high level of walkability provided. The development has easy access to the Perth cycle network. This is considered further in the Comments section below.</p> <p>A Venue Management Plan has been submitted which ensures that waste will be appropriately managed, stored and collected. Commentary has been provided that should the Tavern require additional collections than anticipated, this will be arranged with the current waste service provider. The premises currently offers ramped access to ensure access for older people and people with disabilities is provided.</p>
<p>w) the history of the site where the development is to be located</p>	<p>The history of the site is detailed in the Background section of this report above.</p> <p>In 2020, the site was approved to operate as a Small Bar and Single House. Since then, it has become solely a Small Bar, with the permitted number of patrons increasing from 55 to 120.</p> <p>The proposal is introducing new Tavern land use primarily to increase the permitted number of patrons from 120 to 200. The current operations would remain unchanged despite the increase in patrons</p> <p>The acceptability of the Tavern use in considering its compatibility within its setting and impact on amenity is detailed in the Comments section.</p>
<p>y) any submissions received on the application</p>	<p>The key matters raised in the submissions that are relevant planning considerations in the assessment of the proposal are addressed in this report. A summary of the submissions and the response by Administration has been included as Attachment 6, while the response by the Applicant has been included as Attachment 7.</p> <p>The total number of submissions received for or against the proposal is not itself a consideration for the application.</p>

Determination Advice Notes:

1. This is a development approval issued under the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws.
2. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
3. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
4. If 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.
5. This approval is not an authority to ignore any constraint to development on the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the City to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the City's attention.
6. The food business must comply with the Food Act 2008, Food Regulations 2009 and the Australia New Zealand Food Standards Code. The applicant must register with the City's Health Services prior to operation of the food business. Please contact Health Services on 9273 6000 to discuss the requirements further with an Environmental Health Officer.
7. The development will be classified as a 'Public Building' and must comply with the *Health (Public Buildings) Regulations 1992*. An application is to be made to the City's Health Services for the assessment of the public building and maximum accommodation numbers prior to occupation of the premises. Please contact Health Services on (08) 9273 6000 upon receipt of this approval to discuss the requirements further with an Environmental Health Officer.
8. The hours in which the sale, supply and consumption of alcohol may be undertaken are restricted by the *Liquor Control Act 1988*.
9. All storm water produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City. No further consideration shall be given to the disposal of storm water 'off site' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of storm water 'off site' be subsequently provided, detailed design drainage plans and associated calculations for the proposed storm water disposal shall be lodged together with the building permit application working drawings.
10. Any noise created at the premises must ensure compliance with the provisions within the *Environmental Protection (Noise) Regulations 1997*.
11. If air conditioning units or other mechanical systems are installed to improve the courtyard's ventilation, an updated Acoustic Report is likely required to be submitted to the City. This report should demonstrate compliance with the *Environmental Protection (Noise) Regulations 1997*. The applicant/owner is encouraged to contact Health Services at 9273 6000 to speak with an Environmental Health Officer to discuss these requirements further.