

9.1.2 FURTHER REPORT: No. 2 (Lot 1; D/P: 3785) Coogee Street, Corner of Anzac Road, Mount Hawthorn – Proposed Change of Use from Local Shop/Residential to Local Shop/Eating House including Alterations and Additions

Requested by: Mayor John Carey
Prepared by: Gabriela Poezyn, Director Planning Services

ALTERNATIVE RECOMMENDATION:

That Council in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by GHD on behalf of the owner R V & A Burton N for Proposed Change of Use from Local Shop/Residential to Local Shop/Eating House including alterations and additions at No. 2 (Lot: 1 D/P: 3785) Coogee Street, corner of Anzac Road, Mount Hawthorn, and as shown on plans date-stamped 5 August 2014, subject to the following conditions:

1. Building Appearance

All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Coogee Street and Anzac Road;

2. Hours of Operation

The Hours of Operation for the Eating House shall be restricted to:

Local Shop – Monday to Sunday – 7:00am to 8:00pm;
Eating House/Alfresco Area – Monday to Friday – 7:00am to 5:00pm; and
Saturday and Sunday – 7:00am – 4:00pm;

3. Public Floor Area and Maximum Occupancy**3.1 Local Shop**

The floor areas available to the public shall be limited to 68 square metres for the Local Shop component; and

3.2 Eating House

The maximum number of patrons allowed for the Eating House component at any one time shall not exceed fifteen (15) patrons;

4. Verge Trees

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

5. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:

5.1 Anzac Road Elevation

Revised plans showing the additional windows proposed along the Anzac Road elevation for the café and shop;

5.2 Street Fence

The proposed street fence along the Anzac Road boundary, shall be a minimum of 50 per cent visually permeable above a height of 1 metre;

5.3 Refuse Management

A Refuse and Recycling Management Plan shall be submitted and approved by the City prior to commencement of any works. The Plan shall include details of refuse bin location, number of rubbish and recycling receptacles, collection frequency, vehicle access and collection methodology. A bin store is to be provided, of a sufficient size to accommodate the City's specified requirement, to the satisfaction of the City;

5.4 Disabled Access

Disabled Access is required to be provided in accordance with the Building Codes of Australia;

5.5 Acoustic Report

An Acoustic Report in accordance with the City's Policy No. 7.5.21 relating to Sound Attenuation shall be prepared and submitted and the recommended measures of the acoustic report shall be implemented;

5.6 Landscape, Reticulation and Verge Plan

A detailed landscape and reticulation plan for the development site and adjoining road verge shall be submitted to the City for assessment and approval;

For the purposes of this condition, a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:

- 5.6.1 The location and type of existing and proposed trees and plants;
- 5.6.2 The location of the proposed synthetic grass;
- 5.6.3 All vegetation including lawns;
- 5.6.4 Areas to be irrigated or reticulated; and
- 5.6.5 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and

5.7 Signage

Removal of all existing signage. The proposed two (2) signs shall comply with the City's Policy relating to Signs and Advertising;

6. WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements;

6.1 pay a cash-in-lieu contribution of ~~\$23,712~~ \$11,856, for the equivalent value of ~~4.56~~ 2.28 car parking spaces, based on the cost of \$5,200 per bay as set out in the City's 2014/2015 Budget; OR

6.2 lodge an appropriate assurance bond/bank guarantee of a value of ~~\$23,712~~ \$11,856 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:

6.2.1 to the City at the date of issue of the Building Permit for the development, or first occupation of the development, whichever occurs first; or

- 6.2.2 to the owner(s)/applicant following receipt by the City with a Statutory Declaration on the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or
- 6.2.3 to the owner(s)/applicant, where the subject 'Approval to Commence Development', did not commence and subsequently expired.

The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on-site and to reflect the new changes in the car parking requirements;

7. **Storm Water**

All storm water produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City; and

8. **PRIOR TO THE SUBMISSION OF AN OCCUPANCY PERMIT, the following shall be completed to the satisfaction of the City;**

8.1 **Acoustic Report**

With regard to condition 5.5, certification from an Acoustic Consultant that the measures have been undertaken shall be provided to the satisfaction of the City; and

8.2 **Landscaping**

In relation to condition 5.6, all works shown in the plans approved with the Building Permit shall be undertaken in accordance with the approved plans and maintained thereafter to the satisfaction of the City at the applicant's expense.

ADVICE NOTES:

1. Any proposed alfresco dining is not part of this application and is subject to further application to the City by the applicant;
2. All signage that does not comply with the City's Policy No. 7.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Building Permit application, being submitted to and approved by the City prior to the erection of the signage;
3. An Occupancy Permit is required for the change of use from Single House to Eating House;
4. With regard to condition 7, no further consideration shall be given to the disposal of storm water 'off-site' without the submissions of a geotechnical report from a qualified consultant. Should approval to dispose 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; and
5. The garage located at the rear of the property is provided for use of the occupants of the ancillary accommodation located directly above. Furthermore, the garage has a solid roller door, thereby restricting access to potential customers of the Local Shop/Eating House. As such, these car bays are not included in the car parking calculation.