

## Summary of Submissions:

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

Comments Received in Support:	Officer Technical Comment:
<p><u>Land Use</u></p> <ul style="list-style-type: none"> <li>- The proposal looks great and the submitter considers that there should be more of this community café style.</li> </ul>	<p>Support noted.</p>

Comments Received in Objection:	Officer Technical Comment:
<p><u>Traffic and Car Parking</u></p> <ul style="list-style-type: none"> <li>- Chelmsford Street is virtually one way with street parking. The property has no front street parking and in front of it is a traffic island. The number of vehicles abusing the one way modified would increase.</li> <li>- Traffic on the street will increase as a result of the development.</li> <li>- Concerned by the impact of customers on the right of way accessing car park of property 591 Beaufort Street.</li> <li>- The area is already a major source of conflict with the neighbourhood due to important unauthorised parking.</li> <li>- There is a shortfall of car parking.</li> <li>- The street currently has limited on-street car parking for other residents and visitors.</li> <li>- Lack of parking will lead to an increased amount of vehicles accessing the adjoining laneway. The parking provide is situated such that vehicles will have to enter and exit the two car bays via the adjoining laneway.</li> <li>- The laneway does not have adequate lighting and vehicles manoeuvring in this laneway is a safety hazard.</li> <li>- Increased traffic movements will result in more noise which will impact the residential properties.</li> <li>- The increase of traffic (vehicle and foot) - many more people will drive through and use the 'no entry ' point to park outside the proposed restaurant which would preventing visitors and residents from using the street outside their house to park after work. It will also increase the number of people walking by, removing any sort of privacy I have</li> <li>- Concern that the area between the existing front dwelling and the ROW is already being utilised for car parking.</li> </ul>	<ul style="list-style-type: none"> <li>- The shortfall in the required number of car parking bays has been considered by Administration and is not supported.</li> <li>- All instances of unlawful parking should be referred to the City's Ranger Services for immediate action.</li> <li>- It is noted that, in accordance with the Western Australian Planning Commission's (WAPC) Transport Impact Assessment Guidelines a Transport Impact Statement (TIS) is required to be submitted where an eating house proposes 100 – 1,000 patrons (seats) or 200 – 2,000m<sup>2</sup> gross floor area. The proposal incorporates less than 100 patrons and 200m<sup>2</sup> of gross floor area and is therefore, considered to be low impact and a TIS is not required. Notwithstanding, the applicant has provided a TIS in order to justify the car parking shortfall and the increased traffic movements which will result from the proposed development. It is considered by Administration that this TIS has not adequately addressed the car parking shortfall and is therefore, not supported.</li> </ul>

**Summary of Submissions:**

Comments Received in Objection:	Officer Technical Comment:
<p><u>Relating to Existing House to the Rear</u></p> <p>Concern that the bulk and scale of the existing house to the rear of the subject lot does not match in with that of the existing houses in the area. This house has had a negative impact on the adjoining residential area in terms of overlooking, and overshadowing.</p> <p>The point has been raised that the house to the rear of the property will not be affected by the proposed Eating House unlike the houses in the surrounding area which front Chelmsford Street.</p>	<p>The grouped dwelling to the rear of the subject lot was approved by Council at its OCM on 22 July 2014. The visual privacy of the dwelling was found to be compliant at assessment stage. In addition to this, the existing dwelling can only cast a shadow to its south and as a result it overshadows a portion of the existing car parking of the commercial premises to the south of the subject lot.</p> <p>The impact of the proposed eating house on the amenity of the surrounding residential area has been taken in to consideration when assessing the application.</p>
<p><u>Land Use</u></p> <ul style="list-style-type: none"> <li>- Submitter questions the need for another restaurant near Beaufort Street.</li> <li>- The amended proposal is superficial and fail to address the significant and fundamental problems associated with changing a residential home, in a residential neighbourhood, into a commercial restaurant.</li> <li>- The proposal will result in loss of residential neighbourhood and amenity.</li> <li>- Property is located on a quiet residential street. A restaurant with patrons attending into late hours is not compatible with the existing land use (and the assigned land use of nearby houses).</li> </ul>	<p>Administration agrees with the objections received which question the appropriateness of the land use in the Residential zone. It is considered that:</p> <ul style="list-style-type: none"> <li>- The proposed use will increase the scale and intensity of non-residential uses in the residential zone and Chelmsford Road. It is considered that the proposed use and scale is beyond what would normally be expected within a residential area;</li> <li>- The proposed use is incompatible with the residential nature and character of the area and is also inconsistent with to the objectives of TPS 1 and the objectives of the Residential zone under Draft LPS 2. The scale and intensity of the proposed use will have an adverse impact on the amenity of the residential area as it is incompatible with the residential nature and character of the area.</li> </ul>
<p><u>Objectives of Town Planning Scheme No. 1 (TPS1)</u></p> <ul style="list-style-type: none"> <li>- The proposal does not achieve objective 3(a) of TPS1. There is no legitimate evidence which can demonstrate the area lacks any of the diversity of demands, interest or lifestyle choices which could possible justify approval of this application.</li> <li>- It is doubted that the proposal can be shown to meet objective 3(c) of TPS1.</li> </ul>	<p>It is considered that the proposal does not meet some of the objectives of TPS1, specifically Clause 6(3) and therefore, it is recommended that Council refuse the application.</p>
<p><u>Bicycle Parking</u></p> <ul style="list-style-type: none"> <li>- The lack of bicycle parking will result in people seeking alternative method of transport to the subject site such as vehicles which will impact the surrounding residents.</li> </ul>	<p>The proposal does not incorporate any bicycle parking. Notwithstanding, there is sufficient opportunity to incorporate the required spaces and should Council consider approving the application a condition would be recommended.</p>

**Summary of Submissions:**

Comments Received in Objection:	Officer Technical Comment:
<p><u>Street Setback</u></p> <ul style="list-style-type: none"> <li>- The street is a quiet and narrow street with many character homes. A change in the setback affect that visible streetscape.</li> <li>- The proposed alterations to the façade of the dwelling is out of character with the locality.</li> <li>- The proposed setback of 2.0m to the alfresco area is too close to the street. This will increase the impact of the noise emanating from the patrons.</li> <li>- The reduced setback will increase the perception of building bulk.</li> </ul>	<p>It is considered that the proposed street setback does not meet the local housing objectives of the City’s Built Form Policy and the reduced street setback is not supported by Administration for the following reasons:</p> <ul style="list-style-type: none"> <li>- The reduced front setback is not consistent with the established existing street setback;</li> <li>- The appearance of the existing house will be diminished with the proposed additions and alfresco area which will no longer match the existing housing stock on the street; and</li> <li>- The proposal does not adequately provide for parking and landscaping on site.</li> </ul>
<p><u>Miscellaneous</u></p> <ul style="list-style-type: none"> <li>- We also wish to make the observation that the applicant has again been tactical in the timing of their application so that the subsequent community consultation period coincides with the annual Christmas, New Year and school holiday period when many affect residents are likely to be away and/or preoccupied and therefore less likely to voice their objections.</li> <li>- The proposal will result in a harmful precedent.</li> <li>- There a number of suitable nearby restaurant locations available.</li> <li>- The proposal results in commercial encroachment.</li> <li>- The proposal will result in a loss of residential value.</li> <li>- Smokers will be forced into the adjoining laneway, thus resulting in second hand smoking and litter.</li> <li>- Drunks and associated unruly behaviour may result in disturbances (noise) and possible damage to nearby properties.</li> <li>- Patrons not wanting to wait for a toilet may urinate in the laneway.</li> <li>- The eating house will result in excessive rubbish.</li> <li>- The deliveries to the proposed eating house will cause a disturbance to the nearby residential properties.</li> <li>- Smoke and other fumes emanating from the cooking may affect resident’s health, including those with allergies.</li> <li>- The bar and over 50% of the eating area open onto the street directly facing bedrooms of the adjacent residence. This will lead to a direct impact of noise and smell generated and will adversely impact on the quality of life of the residents.</li> </ul>	<ul style="list-style-type: none"> <li>- Noted. Community consultation was undertaken in accordance with the City’s Policy and the consultation period commenced on 10 January 2018 in order to accommodate for the public holidays.</li> <li>- The amenity of the adjacent residents has been taken into account and the proposal is being recommended for refusal.</li> <li>- There is no evidence to suggest that an eating house in close proximity to residential dwellings will devalue the surrounding properties.</li> </ul>

**Summary of Submissions:**

<b>Comments Received in Objection:</b>	<b>Officer Technical Comment:</b>
<p><u>Extreme Nature of the Application</u></p> <p>There is a concern that the applicant has submitted an application with several departures from the Deemed to Comply in the hope that a scaled down development and business will be approved (and therefore be regarded as a compromise).</p>	<p>Every development application lodged with the City is assessed against the requirements of Council's Town Planning Scheme No. 1, the relevant Council and State policies. The applicant has submitted amended plans since the application was initially advertised however, for the reasons discussed in the body of the report, the City is not satisfied that the amended development application satisfies the relevant legislation and policies.</p>

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