

Summary of Submissions: DA5.2022.142.1 No. 209 OXFORD STREET, LEEDERVILLE – UNLISTED USE (SHISHA LOUNGE)

The tables below summarise the comments received during the advertising period of the proposal. Please provide your comment against each item in the 'Applicant Comment' section.

Overall, the City received 28 submissions during the consultation period. The City received 23 comments of objection, 4 comments of support and 1 comments of neither support or object.

Comments Received Neither in Support nor Objection:	Applicant Comment
<u>General</u> 1. The proposal will reduce the amount of conversational noise that comes from the venue. 2. The proposal raises concerns that the venue will now accommodate live music, which will create excessive noise.	1. Noise management plan detailing necessary acoustic measures have been developed by an accredited acoustic engineer based on site tests and forwarded to council. 2. Live music was not and shall never be part of the business model.

Comments Received in Support:	Applicant Comment
<u>General</u> 3. The existing business has been operating with not disruption to locals for some time and is well run. 4. Issues like noise and smoke can be addressed through management conditions.	3. Noted 4. Please refer to item 1 response. Regarding smoke related concern, please note that the setup and ventilation measures were inspected and approved by the State Government - Department of Health. Please refer to the Shisha and the law – WA health for easy reference (ww2.health.wa.gov.au)
<u>Locality</u> 5. The business is located in the Regional Centre zone and those that adjoin the zone should not expect the same level of amenity afforded to residential houses in the residential zone.	5. noted

<p>6. The business brings vibrancy to the area of Leederville. 7. The business does not produce notable impacts such as parking difficulties, loitering or antisocial behaviour. 8. The moderately late opening hours have not caused noise issues.</p>	<p>6. noted 7. noted 8. noted</p>
<p><u>Cultural</u> 9. The business is a community hub for younger immigrants and provides a safe place to take part in cultural activities, which should be promoted by the City. 10. The smoking of tobacco is a health issue, however it should be recognised as part of a cultural practice for the immigrant community and should coexist with western norms.</p>	<p>9. Our business (restaurant and shisha bar) is open to all age profiles and in keeping with applicable WA Regulations and Acts 10. Shisha is not connected and/or related to any culture in particular. Please refer to item 9 response</p>

Comments Received in Objection:	Applicant Comment
<p><u>Land Use</u> 11. Land uses involving smoking should not be permitted. 12. The business is located across the road from a TAFE, which is close to the younger population who may be susceptible to taking up smoking. 13. The site is not capable of accommodating such a busy business as other land uses will occupy the public car parking areas. 14. The land use should cease immediately as it is not approved.</p>	<p>11. Our business has obtained proper licence from state government – health department 12. Please refer to item 9 response. In addition, please note that our business opening time is set after TAFE’s operating hours. Nevertheless, there are multiple of tobacco selling outlets in close proximity to TAFE which should be the focus of the comment in question 13. The proposed business is similar in capacity to the previously approved restaurant business, which was operating before our time. The paid parking bays provided by the Council have been used which are available to all users. 14. We have endeavoured since day one by all means to obtain all approvals from all concerned departments on state and local government levels. Through collaboration and opened communication with government staff, we progressed</p>

<p>15. Retrospective approval should not be permitted as it undermines the authority of the Council and sets a bad precedent for others to follow if successful.</p> <p>16. The land use is proposed just 3 metres from a residential dwelling and not appropriately located to minimise the impacts of odour and noise.</p>	<p>with our applications.</p> <p>15. Please refer to item 14 response</p> <p>16. Disagree. The area where our business is located is a commercial area in which various businesses operate. The owner of the referred to Residential Dwelling should be aware of this fact. More to this, our Business has obtained the necessary approval from the Health Department which confirms that our business is compliant with the required air quality levels. Our noise management plan and acoustic measures address the noise concern (refer to item 1 response)</p>
<p><u>Health</u></p> <p>17. Smoking is unhealthy and harms people.</p> <p>18. Smoking results in the exposure to nicotine, carbon monoxide and heavy metals contained in the smoke.</p> <p>19. The approval of the land use will result in greater nicotine addiction in the state.</p> <p>20. The venue causes passive smoking to the residents of the area.</p> <p>21. The business has resulted in a poor air quality in the locality.</p> <p>22. Approving the business will be a step back in the City's work to make the area a healthier place.</p> <p>23. The business will result in more lung cancer to the residents.</p> <p>24. The Department of Health has directly stated that the City should not encourage smoking.</p> <p>25. Smoking Shisha is worse than smoking regular tobacco.</p>	<p>17. Noted</p> <p>18. Noted</p> <p>19. Not supported argument.</p> <p>20. Disagree. Our business has obtained the necessary approval from the Health Department which confirms that our business is compliant with the required air quality levels.</p> <p>21. Disagree. Please refer to item 20 response</p> <p>22. Noted</p> <p>23. Disagree. Please refer to item 20 response</p> <p>24. Signage illustrating the impact of smoking is available as stipulated by the Tobacco Control Branch – State Health Department</p> <p>25. Not supported argument</p>

<p>26. Waterpipe smokers tend to smoke over a longer period than cigarette smokers.</p> <p>27. Waterpipe smoking can act as a gateway to cigarette initiation.</p> <p>28. Concerns of health issues with sharing a mouthpiece.</p> <p>29. The presence of the smoking business will normalise smoking, which will make the City of Vincent an unhealthy place.</p>	<p>26. Irrelevant comment</p> <p>27. Irrelevant comment</p> <p>28. Individual (brand new sealed) mouthpiece is provided to each customer. Please note that such mouth pieces are disposable (one time use)</p> <p>29. Noted, however please note that there are multiple of tobacco outlets selling tobacco to public located within the city of Vincent</p>
<p><u>Social</u></p> <p>30. The proposal may encourage vaping within Leederville, which is a widespread issue with young people.</p> <p>31. Concerns of people smoking opium at the premises.</p> <p>32. The business encourages bachelors to the area, which will remove the family vibe of the Leederville area.</p> <p>33. A smoking premises may negatively influence kids in the area.</p>	<p>30. Irrelevant comment.</p> <p>31. Rejected comment. Such accusation is not acceptable. Our business is legitimate and strictly adhere to all laws and regulations</p> <p>32. Irrelevant comment. Great number of our customers is families</p> <p>33. Kids are not permitted to shish bar area. In addition, the shisha lounge is located at the back of house which makes it isolated from general public.</p>
<p><u>Odour</u></p> <p>34. The odour is pungent and unpleasant. The odour is notable down the entire street and should not be able to spread to residential areas.</p> <p>35. The smoking of Shisha usually occurs in outdoor areas, which will result in bad odours.</p> <p>36. The business tends to leave its gates to the laneway open to provide more ventilation, but this results in odours being spread further to the residential properties close by.</p>	<p>34. Disagree. Please refer to item 20</p> <p>35. Incorrect. Our shisha lounge is located at the back of house. Moreover, we have stated earlier that our business has obtained approval from the Health Department which confirms compliance with air quality level and ventilation requirements</p> <p>36. Disagree. The rear gate is only used to deliver goods into the storage area and to discard the rubbish out through the bins.</p>

<p><u>Operational</u></p> <p>37. Smoking is banned in indoor venues. The smoking area appears to be enclosed and should not be accepted.</p> <p>38. The business currently operates with an enclosed smoking area and should not be permitted to operate at all.</p> <p>39. The operating hours allow for people to loiter in the area at late hours, which is disruptive to the locality and residents in the area.</p> <p>40. Light spills out into residential properties that are close by.</p> <p>41. The opening hours stated in the development application do not match the opening hours listed on the internet.</p> <p>42. The maximum number of patrons varies between 50 and 80 in the report. This should be confirmed as it will impact the technical reports submitted.</p> <p>43. The site cannot physically fit the car parking required for the Shisha Lounge component.</p>	<p>37. Incorrect. According to the tobacco control Act, the shisha lounge is classified as an outdoor area. In addition, we have obtained approval from the Health Department which confirms that the required ventilation has been achieved</p> <p>38. refer to item 37 response</p> <p>39. Not supported argument</p> <p>40. Incorrect. Only one external light fixture (12 volt) is installed and its oriented towards our premises.</p> <p>41. Incorrect. Please refer to our internet website</p> <p>42. The maximum number of customers at any one time for that we have entertained so far is around 50 people. The number "80" is a type error.</p> <p>43. Please refer to item 13 response</p>
<p><u>Car Parking</u></p> <p>44. The business does not provide any car parking. The solution in the Parking Management Plan (PMP) involves calling the City of Vincent Rangers, which is not effective or appropriate.</p> <p>45. All other properties on Oxford Street have provided car parking. This business should also provide some car parking.</p> <p>46. Visitors to the business illegally park on other properties.</p> <p>47. The approval of the development without any car parking on-site and without any cash in lieu results in a 100% car parking concession, which is not acceptable.</p>	<p>44. Please refer to item 13 response. Please note that the behaviour of any patron in any business outside the premises is the liability of the individual and shall only be controlled by local and state authority.</p> <p>45. See item 13</p> <p>46. We have not received any complains from other businesses in this regard nor we encourage our customers to park illegally anywhere.</p> <p>47. There are plenty of paid and free car parking around the establishment, which are also, used daily by other businesses in the area.</p>

<p><u>Noise</u></p> <p>48. The noise barrier is a cheap option and will only do the bare minimum. The business should do more to protect the amenity of the residents.</p> <p>49. The noise barrier will not be effective as it leaves gaps for noise and smells to escape the venue.</p> <p>50. Plastic options should be banned as plastic is bad for the environment and is not durable to last a long time. The existing plastic enclosure is currently deteriorating and does little to reduce noise and odour.</p> <p>51. The acoustic barrier is not enough to stop sharp, piercing noises.</p> <p>52. The noise management procedures are ineffective as numerous complaints were made regarding the noise generated from the premises, but no change occurred.</p> <p>53. Bins are emptied at the end of the night, which can be up to 2am, which causes disruptive noise.</p> <p>54. Insufficient information has been provided regarding the thickness and composition of the acoustic wall.</p>	<p>48. This has been developed by a professional accredited acoustic engineer licensed by the state government and all other applicable professional bodies. Remedial measures as stated therein shall be actioned immediately after DA approval.</p> <p>49. please refer to item 48 response</p> <p>50. please refer to item 48 response</p> <p>51. please refer to item 48 response</p> <p>52. please refer to item 48 response. In addition, we have not received since day one any complaints regarding the noise except from one source even though other dwelling is within the same proximity</p> <p>53. This practice has been seized over a year ago and since then, we made sure to empty the bins no later than 9 pm. Please note that we close at 12.00 am, this means the alleged 2am noise must be resulting from somewhere else other than our business.</p> <p>54. please refer to our acoustic management report provided.</p>
<p><u>Safety</u></p> <p>55. The business has gates that swing open into the laneway, which is unsafe and is not permitted.</p> <p>56. Visitors of the business tend to speed in the local streets when leaving the business.</p> <p>57. The business poses a fire risk due to the deteriorating materials that are left on the site.</p> <p>58. The deteriorating plastic is left in the rear laneway and is not cleaned up.</p>	<p>55. The gate must be installed to swing outward as part of the emergency exit procedure. However, it can be altered if so is approved by the Council.</p> <p>56. We are unaware of this issue, however, please refer to item 44 response for more clarification.</p> <p>57. Disagree, We do not have any deteriorating materials on site.</p> <p>58. Our rubbish always located in the rubbish bin, and get collected on a strict timetable.</p>

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| <p>59. Should the application be approved, the health, safety and general welfare of the residents is not protected. This does not address Clause 67(2)(a) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, as the proposal does not address the City of Vincent's Local Planning Scheme No. 2 to protect and enhance the health, safety and general welfare of the City's inhabitants.</p> <p>60. There would not be a reduction in tobacco use and smoking should the application be approved. This does not address Clause 67(2)(f) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, as several state policies target the reduction of smoking.</p> <p>61. The Shisha Lounge is not compatible with the desired future character of the town centre as an environment that supports healthy living and quality of life, and the aim to be smoke free by 2025 as outlined in the Leederville Town Centre lace Plan and the City of Vincent Public Health Plan 2020-2025. This does not address Clause 67(2)(m) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>62. The premises does not promote a welcoming, pleasant and healthy environment. The business also poses a significant risk to public health as it glamourises the smoking of shisha as a public activity. As a result, it does not satisfy Clause 67(2)(n) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>63. The proposed land use is detrimental to the possible risk of human health and safety and is located in a prominent area. The proposal doesn't address Clause 67(2)(r) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>64. The application is significantly at odds with the City of Vincent's Public Health Plan 2020-2025. The establishment is also not in line with community expectations. The proposal</p> | <p>59. We have been granted a licence to sell tobacco on this premises from the Government of WA department of health, tobacco control department. All points in the question has been addressed before the issuing of the licence. Please refer to item 4 response</p> <p>60. Please refer to item 59 response</p> <p>61. The Business is complying with the citation.</p> <p>62. The Business is complying with the citation.</p> <p>63. The Business is complying with the citation.</p> <p>64. The Business is complying with the citation.</p> |
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has not addressed Clause 67(2)(x) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, which considers the impact of the development on the community as a whole.

65. The content of any submission received should be considered in the determination of this application in accordance with Clause 67(2)(y) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

66. The City of Vincent's Public Health Plan 2020-2025, Leederville town Centre Place Plan have stated the move towards smoke-free town centres. The proposal does not address Clause 67(2)(zb) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

65. The Business is complying with the citation.

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