

*Planning and Development Act 2005*

City of Vincent

**Notice of determination on application for development approval**

Location: No. 148-158 Scarborough Beach Road MOUNT HAWTHORN

Lot, Plan/Diagram: LOT: 600 D/P: 47025

Vol. No: 2598

Folio No: 388

Application date: 04/05/2018

Received on: 04/05/2018

Serial No: 5.2018.159.1

Description of proposed development: Addition to Cafe

Plans dated: 29 June 2018

This application for development approval is approved subject to the following conditions:

1. This approval is for proposed canopy structure and café blinds as shown on the approved plans dated 29 June 2018.
2. This approval for the canopy structures and café blinds is valid is for a period of five (5) years from the date shown above. Following expiry of this period, the permanent canopy structure shall be removed at the owner's cost and the road reserve made good, unless a further development approval is granted by the City.
3. This approval is issued to the owner and operator of Spritz Spizzicheria.
4. The alfresco blinds shall remain visually permeable in appearance at all times to the satisfaction of the City.
5. The alfresco blinds shall be rolled up at the close of business each day.
6. The owner has a non-exclusive right to use the portion of the road reserve area as an alfresco area in connection with the operation of Spritz Spizzicheria, with a 1.5m pedestrian access way being provided at all times to enable the public to pass through the area;
7. Only the canopy structure and café blinds which forms part of this approval may be located within the road reserve area. Any alterations or additions to these structures will require the approval of the City (and Minister in some circumstances);
8. The owner shall maintain at its cost the structure forming part of the proposed development on the land and constructed over the road reserve adjacent to the proposed development to the satisfaction of the City and in accordance with the provisions of Regulation 17 of the Local Government (Uniform Provision) Regulations 1996 (as amended from time to time).
9. The owner indemnifies and agrees to keep indemnified the State, the Crown, all Ministers of the Crown, and all officers, servants, agents, contractors, invitees, and licensees of any of them against all actions, claims, costs, proceedings, suits and demands

whatsoever arising or connected with the canopy forming part of the proposed development over the road reserve or use of the road reserve in connection with the canopy structure which may at any time be incurred or suffered by the licensee or brought, maintained or made against the Minister for Transport; Planning; Lands or the State, the Crown, all Ministers of the Crown, and all officers, servants, agents, contractors, invitees, and licensees.


10. The owner shall take out and maintain at its cost a policy of public liability insurance not less than \$20,000,000 to insure the City and the owner against all claims for loss or damage or injury occurring to any road reserve or property of the City or any person or property of any person as a result of the construction of the awning forming part of the proposed development over the road reserve adjacent to the proposed development or in respect of the use of the road reserve in connection with the awning forming part of the proposed development. A copy of the certificate of insurance is to be provided to the City annually and on demand.
11. The applicant is to ascertain the location and depth of any services that may interfere with this development. Any adjustment to these services required as part of this approval, must be arranged by the applicant prior to works commencing on the site. Any adjustment must be approved by the relevant service authorities and will be at the applicant's expense.
12. The applicant agrees to repair, maintain and remove the canopy structure at its cost, including to enable access by the City or utility providers.
13. The road reserve area comprising the permanent canopy structure shall be kept in a neat and tidy condition at all times to the satisfaction of the City.
14. If the road reserve is required for use as part of the road at any time the City may terminate the approval and require that the applicant remove the permanent canopy structure, and no compensation will be payable to the applicant.
15. All stormwater produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City;

#### ADVICE NOTES:

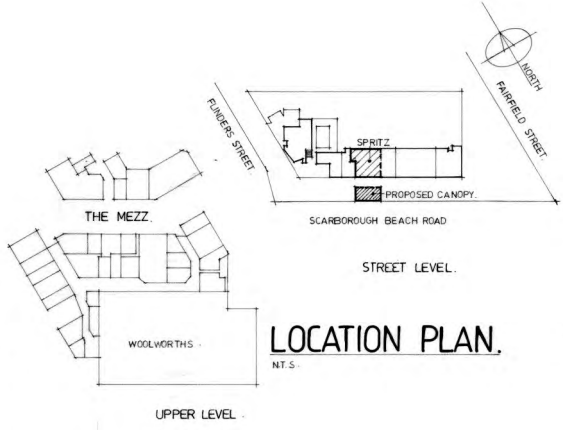
1. This is a development approval issued under the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws.
2. With regard to Condition 15, 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;
3. This approval is subject to the applicant holding an alfresco permit for the alfresco area at all times (in the event that the applicant is not issued with an alfresco permit this approval will immediately terminate);
4. At expiry of the approval the applicant must remove all structures from the road reserve and restore the road reserve to the reasonable satisfaction of the City, at the applicants cost.

Date of determination: - 6 November 2018

- Note 1: 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.
- Note 2: 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.
- Note 3: 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.

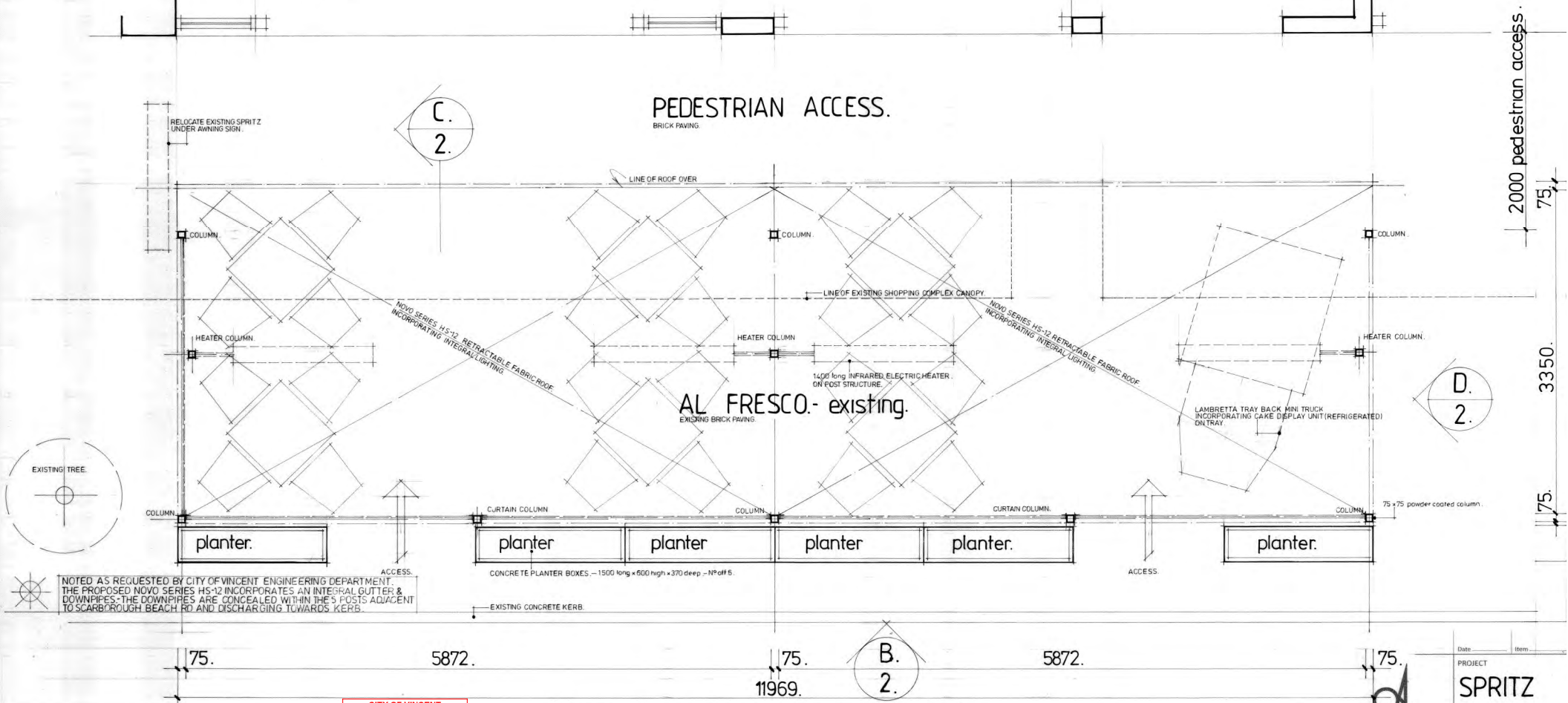
Signed:  Dated: 6 November 2018

**JOSLIN COLLI**  
**COORDINATOR PLANNING SERVICES**  
for and on behalf of the City of Vincent



LOCATION PLAN. SPRITZ  
NT.S.

AFFOGATO.



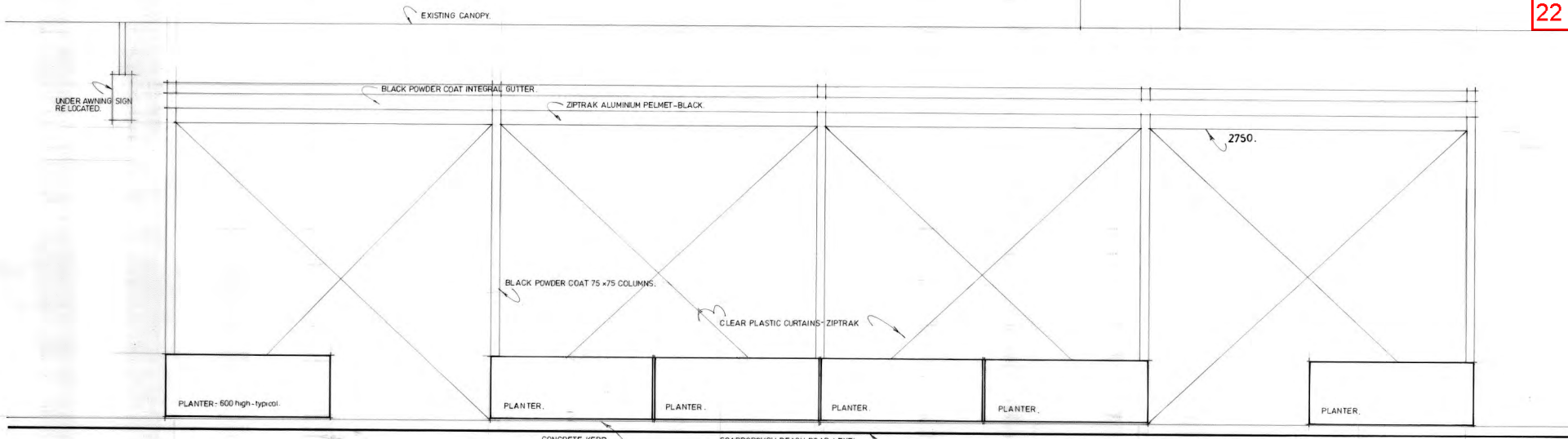
A. FLOOR PLAN LAYOUT  
1. SCALE: 1:20

CITY OF VINCENT  
DA No. 5.2018.159.1  
6 November 2018  
APPROVED  
Refer to Decision Notice  
Coordinator Planning Services

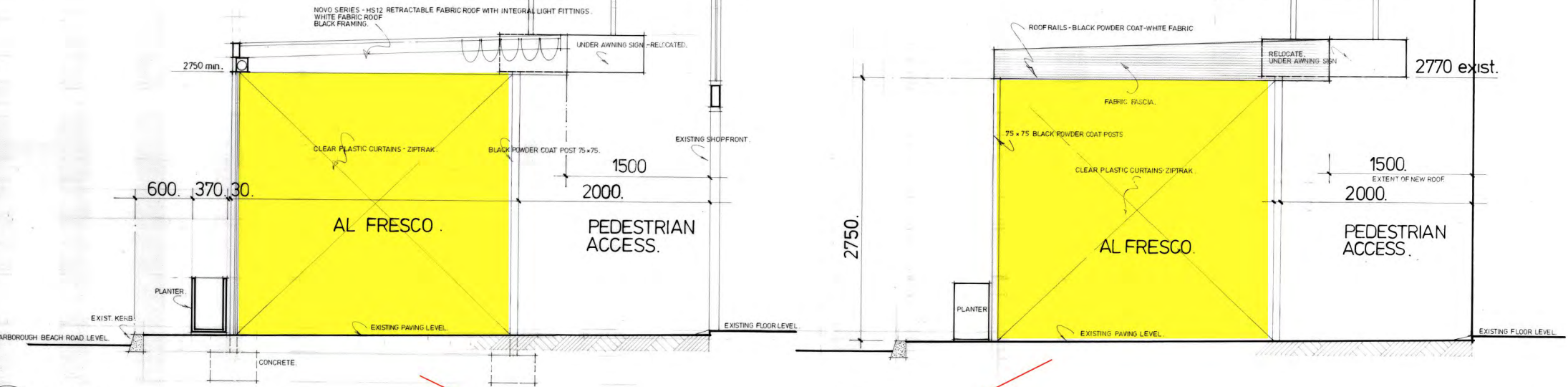
SCARBOROUGH BEACH ROAD.

CITY OF VINCENT  
RECEIVED  
29/06/2018

 Reg. Builders 300775 m: 0418 864 317 e: mcartney@vines.net.au 16 Angellio St, Woodlands 6018 mcartneyandassociates.net	Date	Item
	PROJECT	SPRITZ
	148 SCARBOROUGH BEACH RD.	
	Date	29 APRIL 2018
Scale	1:20	
Check all dimensions on site prior to commence		



**B. SCARBOROUGH BEACH RD. ELEVATION.**  
SCALE: 1:20



**C. SECTION.**  
SCALE: 1:20

**D. END ELEVATION.**  
SCALE: 1:20

CITY OF VINCENT  
DA No. 5.2018.159.1  
8 November 2018  
APPROVED  
Refer to Decision Notice  
Coordinator Planning Services

Refer Conditions 2 and 3

CITY OF VINCENT  
RECEIVED  
29/08/2018

Amendments	Date	Item	No.
PROJECT			
<b>SPRITZ.</b>			
1/8 SCARBOROUGH BEACH ROAD, MT HAWTHORNE.			
 MCARTNEY & ASSOCIATES PTY LTD Reg. Builders: 300779 Ph: 0859 864 117 E: mcartney@spritz.net.au 15 Angelo St, Woodlands 5018 mcartneyandassociates.net			
Date: APRIL 2018	Job No.	Drawing No.	
Scale: 1:20		SK 1a	
Check all dimensions on site prior to commencement			