

Private Horizons Planning Solutions  
22 Maritime Ave  
KARDINYA WA 6163

Dear Sir or Madam

**PLANNING APPROVAL**

<b>PROPOSED DEVELOPMENT:</b>	CHANGE OF USE: 'OFFICE' TO 'SMALL BAR'
<b>VALUE:</b>	n/a
<b>APPLICATION NUMBER:</b>	DA-2011-408
<b>PROPERTY DETAILS:</b>	LOT 1 (884) CANNING HIGHWAY, APPLECROSS WA 6153
<b>OWNERS(S) DETAILS:</b>	MADGWICK NOMINEES PTY LTD
<b>APPLICANT:</b>	PRIVATE HORIZONS PLANNING SOLUTIONS
<b>DATE OF DECISION:</b>	24 November 2011

We refer to your Application for Planning Approval, received by the City of Melville on 31 March 2011 and advise that approval has now been **granted** under the provisions of the City of Melville Community Planning Scheme No 5 and the Metropolitan Region Scheme.

In granting this approval due regard was given to the matters listed in Clause 7.8 of the City of Melville Community Planning Scheme No. 5, and Clause 30(1) of the Metropolitan Region Scheme.

This approval constitutes a **planning approval only** and is valid for a period of two (2) years from the date of this letter. If the subject development is not substantially commenced within the two (2) year period, the approval shall lapse and be of no further effect. Where an approval has so lapsed, no development shall be carried out without the further approval of the City having first been sought and obtained. Planning approval does not, however, remove the need for approvals, licenses, permits, etc, that may be required under other legislation.

This Approval to Commence Development requires the development to be undertaken in accordance with the submitted application, enclosed approved plans and is subject to compliance with the following conditions and special conditions.

### **SPECIAL CONDITIONS**

1. **The hours of operation of the Small Bar are limited to:**
  - **Monday to Thursday**      **12noon to 11pm**
  - **Friday to Saturday**      **12noon to 12am**
  - **Sunday**      **12noon to 10pm**
  
2. **The numbers of patrons are limited to:**
  - **100 after 5pm, Monday to Friday and during weekends**
  - **60 patrons before 5pm, Monday to Friday**
  
3. **No service delivery vehicles to visit the site outside the hours of 7:00am to 7:00pm Monday to Saturday.**

### **STANDARD CONDITIONS**

4. A separate application for Planning Approval and a Signs Licence is required for all signage.
  
5. A rubbish storage area is to be provided and screened from public view to the satisfaction of the Manager Planning and Development Services prior to initial occupation.

### **ADVICE NOTES**

1. The *Environmental Protection (Noise) Regulations 1997* must be complied with at all times. These regulations stipulate allowable noise levels which if breached constitute unreasonable noise for the purposes of the *Environmental Protection Act 1986*. These regulations can be obtained from [www.slp.wa.gov.au](http://www.slp.wa.gov.au)
  
2. This development constitutes a "Food Business" as per Section 107 of the *Food Act 2008* and therefore shall comply with the provisions of the *Food Regulations 2009* and the Food Safety Standards.
  
3. This development constitutes a "Public Building" as per Section 173 of the *Health Act 1911* and therefore shall comply with the provisions of the *Health (Public Building) Regulations 1992*.
  
4. The proposal will need to comply with all aspects of the Building Code of Australia including fire rating, fire separation, provision of hydrants, hose reels, access ramps and disabled facilities, emergency lighting and signage.

5. The determination of this application for Planning Approval has been under Delegated Authority by Officers of the Council. If you do not like all or part of the determination, you have a right of appeal to the Council for reconsideration. This right of appeal to the Council does not impinge upon any rights of appeal otherwise provided for under the Planning and Development Act 2005 and should not be confused with such rights of appeal which is to be lodged within twenty eight (28) days of the decision being issued. The right of Appeal to the Council should not be confused with such rights of appeal under the Act.
6. This is a Planning Approval only and does not obviate the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the Council or with any other requirements of Community Planning Scheme No. 5. Prior to the commencement of any works a Building Licence may be required.

### **DECISION DISCLAIMER**

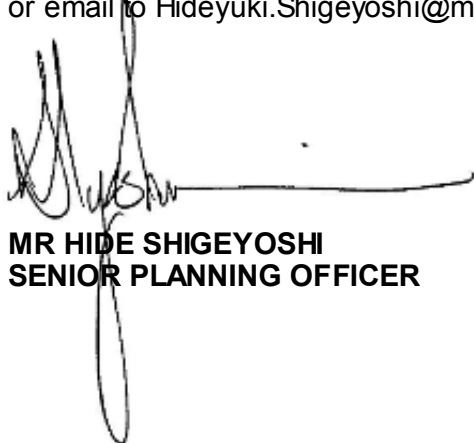
The City advises:

- (a) It does not undertake to ascertain the validity of signatures nor the authority of the person(s) nominated as owner(s).
- (b) In particular where the subject land is part of a strata or survey strata scheme, the applicant must ensure that there is authority to apply and to carry out the development (or building work) under the bylaws of the relevant strata company and any other relevant laws.
- (c) The issue of a development approval (or building licence) does not cure any defect that may exist in the authority of the owner or applicant.
- (d) This Planning Approval does not remove a Restrictive Covenant from the Certificate of Title should one be have been placed on the property the subject of this approval.
- (e) This Planning Approval does not permit the construction or placement of any structure, temporary or permanent over any easement that may exist on the property the subject of this approval.
- (f) This approval is based on the plans and information provided by the Applicant and is issued in reliance on the accuracy of that information. If the information provided by the Applicant is inaccurate this approval may be invalid and you may be liable to prosecution if the development is carried out based on the invalid approval.

## APPEAL

If you are aggrieved by this decision, then a right of appeal may exist. Such an appeal should be made in accordance with Part 14 of the Planning and Development Act 2005.

Should you have any further queries please contact the undersigned on 08 9364 0234 or email to [Hideyuki.Shigeyoshi@melville.wa.gov.au](mailto:Hideyuki.Shigeyoshi@melville.wa.gov.au).

A handwritten signature in black ink, appearing to read 'Hide Shigeyoshi', is written over a horizontal line. The signature is stylized and extends both above and below the line.

**MR HIDE SHIGEYOSHI  
SENIOR PLANNING OFFICER**