

CITY OF SUBIACO
LOCAL PLANNING POLICY 2.1

Restaurant/Café development on land zoned residential (R80 and above)

ADMINISTRATIVE

Version	Date	Comment
0.1	17 November 2020	Draft for public advertising
1.0	23 February 2021	Final for publishing

AUTHORITY

- Planning and Development (Local Planning Schemes) Regulations 2015
- City of Subiaco Local Planning Scheme No. 5 (**Scheme**)
- State Planning Policy 7.3 – Residential Design Codes Volume 2 (**R-Codes Volume 2**)

STATUTORY BACKGROUND

This local planning policy (the Policy) is made pursuant to Schedule 2, Part 2, Division 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 relating to local planning policies.

This Policy applies in conjunction with the Scheme, the R-Codes and any other relevant local planning policies.

Clause 17 – Zoning Table of the Scheme considers land use permissibility and lists a ‘restaurant/café’ as an ‘X/A*1’ land use in for the Residential zone. The annotation *1 refers to a local planning policy allowing for restaurant/café in Residential Zones R80 and above.

PURPOSE

The Policy guides the exercise of discretion when considering a Restaurant/café use in the Residential zone (R80 and above).

APPLICATION

The Policy applies to Restaurant/Café development on land zoned Residential and allocated a density code of R80 and above in the Scheme.

POLICY

1.0 Objectives

- (a) To activate residential neighbourhoods by providing appropriate small scale community focal points in appropriate locations, along distributor roads and close to train stations, parks and public areas.
- (b) To protect the amenity of residential areas by providing for location and design criteria for a Restaurant/Café use within the residential zone.

- (c) To protect the integrity and primacy of existing activity centres and areas zoned for non-residential uses by applying location criteria for Restaurant/Café uses in residential areas.

2.0 Definitions

- (a) The following terms are defined for the purpose of the Policy.

Deemed Provisions means the provisions contained in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Existing building means a fully completed building or structure, including any areas appurtenant to the building or structure such as alfresco areas, balconies, outdoor spaces or the like but does not include existing authorised vehicle parking bays.

Scheme means City of Subiaco Local Planning Scheme No. 5.

- (b) All other terms, words and expression used in Policy have the same meaning as they have in the Scheme.

3.0 Preferred Location

A Restaurant/Café use should be located to minimise any undue adverse effect on the residential zone and should generally be located to meet all of the following criteria:

- a) On corner sites;
- b) Adjacent to roads classified as 'distributor' roads; and
- c) Not within 250m of an activity centre or lot zoned for non-residential purposes, measured in a straight line from any part of the lot.

In addition, the following locations will be considered favourably:

- d) Opposite a park or public open space; and/or
- e) Near a train station or high frequency bus stop where the Restaurant/Café use provides passive surveillance of the public transport stop and the surrounding public realm.

An application for a Restaurant/Café use in a location that does not meet all of the above criteria will be considered on its merits.

4.0 Design Considerations

The Restaurant/Café use should satisfy the following design criteria:

- a) Be small in scale (maximum total net lettable floor area of 50m²) and fully contained within the building. Outdoor dining adjacent to residential land uses is not considered appropriate. Alfresco dining on the street frontage may be

appropriate to provide surveillance of the public realm. Alfresco dining is subject to separate approval from the City.

- b) Be located on the ground floor at the street frontage of a lot, away from adjoining residential properties (see Figure 1 below).
- c) Be integrated into a residential development or, if a stand-alone building, to be of a form and scale similar to the intended built form of residential development in the area and generally in accordance with R-Codes for the applicable density code.

- d) Provide activation of the ground floor of the building and passive surveillance of the public realm by providing glazing and/or entry doors facing the street.

Note: Windows and doors will be assessed as 'major openings to habitable rooms other than bedrooms and studies' in accordance with the R-Codes Volume 2 for the purpose of visual privacy impacts onto residential properties

Figure 1 – preferred location of the 'restaurant/café' use on the site



5.0 Car and bicycle Parking

- a) Car and bicycle parking for the Restaurant/Café use is to be provided at the rates stipulated in Schedule 5 of the Scheme.
- b) Bicycle parking and end of trip facilities are to be provided in accordance with City of Subiaco Local Planning Policy 5.2 – *Bicycle Parking Facilities*.
- c) Car parking bays for the Restaurant/Café use should be integrated within the building or located behind the street setback area of the building.
- d) For very small, hole-in-the-wall style Restaurant/Café uses without on-site sit-down dining area (not including alfresco dining), the parking requirement may be waived.
- e) Car and bicycle parking to be designed in accordance with the relevant Australian Standards.

6.0 Delivery and service areas

- a) Building services areas (such as bin stores) are to be located such that they are not visible from the street or adjoining residential properties.
- b) Bin storage areas are to be appropriately screened and located so that they do not harm the amenity of surrounding residential properties by way of visual nuisance, noise, odours or other impacts.
- c) Delivery bays may be located on the street, subject to separate approval from the City.
- d) Access to loading bays and bin stores should be available 07:00-19:00 as use outside these hours is unlikely to comply with the *Environmental Protection (Noise) Regulations 1997*.