

CITY OF SUBIACO
LOCAL PLANNING POLICY 2.1

Restaurant/Café Development on Land Zoned Residential (R80 and Above)

ADMINISTRATIVE

Version	Date	Comment
1.0	23 February 2021	Adopted
2.0	27 August 2024	Reviewed

AUTHORITY

- Planning and Development (Local Planning Schemes) Regulations 2015 (**LPS Regulations**)
- City of Subiaco Local Planning Scheme No. 5 (**Scheme**)
- 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 LPS Regulations relating to local planning policies.

This Policy applies in conjunction with the Scheme, R-Codes Volume 2, and any other relevant local planning policies.

Clause 17 – Zoning Table of the Scheme displays what land uses can occur (i.e. the permissibility) across the different Zones. A Restaurant/café land use is designated as 'X/A²' permissibility in the Residential Zone. The X designation refers to land coded below R80, and means the use is not permitted in these areas. The A² designation applies to land coded R80 and above, and means the use may be permitted subject to obtaining development approval from the City (following advertising and assessment against this Policy).

PURPOSE

Restaurants and cafés in high density residential areas can play an important role in activating and servicing local communities. Careful consideration needs to be given to the design and location of restaurants and cafés to ensure they do not compromise residential amenity or undermine commercial areas.

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 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: the provisions contained in Schedule 2 of the [LPS Regulations](#).

Existing building: 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: [City of Subiaco Local Planning Scheme No. 5](#) (LPS 5).

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

3.0 Preferred Location

3.1 A Restaurant/café use should be located to minimise any undue adverse effect on the Residential Zone and should be located to meet all the following criteria:

- (a) On corner sites
- (b) Adjacent to roads classified as 'distributor' roads
- (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.

3.2 The following locations will be considered favourably:

- (a) Opposite a park or public open space; and/or
- (b) 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.

3.3 An application for a Restaurant/café use in a location that does not meet all of the above criteria under sub-clause 3.1 will be considered on its merits, including how the proposal meets clauses 4, 5 and 6 of this Policy.

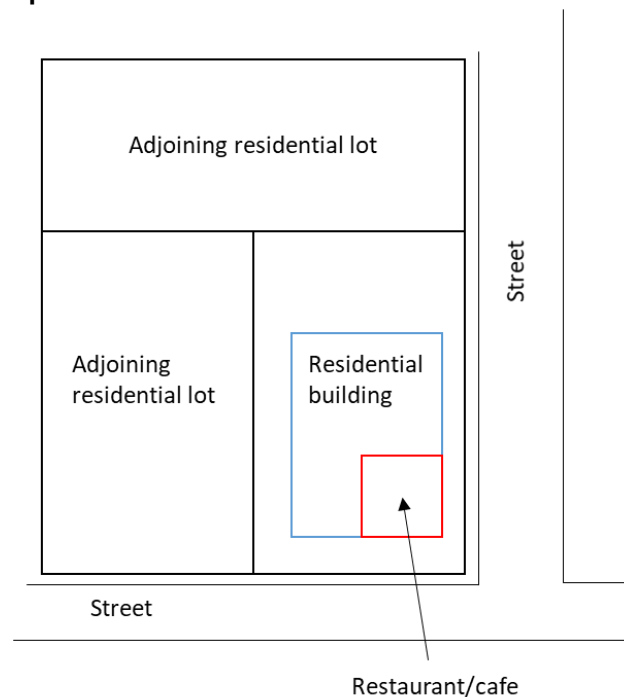
4.0 Design Considerations

4.1 The Restaurant/café use should satisfy all the following design criteria:

- (a) Small in scale (maximum total net lettable floor area of 50m²); and

- (b) Fully contained within the building
 - (c) On the ground floor at the street frontage of a lot
 - (d) Away from adjoining residential properties (see **Figure 1**)
 - (e) Provide activation of the ground floor of the building
 - (f) Provide passive surveillance of the public realm by providing glazing and/or entry doors facing the street.
- 4.2 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.
- 4.3 If it is not possible to contain within the building, a stand-alone building is 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.
- 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*
- 4.4 Outdoor dining adjacent to residential land uses is not permitted.

Figure 1 – preferred location of the ‘Restaurant/café’ use on the site



5.0 Car and Bicycle Parking

- 5.1 Car and bicycle parking for the Restaurant/café use is to be provided at the rates prescribed in Schedule 5 of the Scheme.
- 5.2 Bicycle parking and end of trip facilities are to be provided in accordance with City of Subiaco Local Planning Policy 5.2 – *Bicycle Parking and End of Trip Facilities*.
- 5.3 Car parking bays for the Restaurant/café use should be:
- (a) Integrated within the building; or
 - (b) Located behind the street setback area of the building.

- 5.4 For very small, hole-in-the-wall style Restaurant/café uses without an on-site sit-down dining area (not including alfresco dining), the parking requirement may be waived.
- 5.5 Car and bicycle parking is to be designed in accordance with the relevant Australian Standards.

6.0 Delivery and Service Areas

- 6.1 Building services areas (such as bin stores) are to be located so they are not visible from the street or adjoining residential properties.
- 6.2 Bin storage areas are to be appropriately screened and located to not harm the amenity of surrounding residential properties by way of visual nuisance, noise, odours or other impacts.
- 6.3 Delivery bays may be located on the street, subject to separate approval from the City.
- 6.4 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*.