

11.2 Committee delegation

PC1911 - 3 TYDEMAN ROAD, NO 26 (LOT 24), NORTH FREMANTLE - CHANGE OF USE TO INDUSTRY SERVICES (BAKERY) AND ADDITIONS AND ALTERATIONS TO EXISTING BUILDING (TG DA0263/19)

Meeting Date:	6 November 2019
Responsible Officer:	Manager Development Approvals
Decision Making Authority:	Committee
Agenda attachments:	1: Amended development plans
Additional information:	1: Site visit photos 2: Summary of submissions

SUMMARY

Approval is sought for a change of use to industry service and retail outlet (bakery), with associated additions and alterations to the existing buildings at 26 Tydeman Road, North Fremantle.

The proposal is referred to the Planning Committee (PC) due to the nature of some discretions being sought and comments received during the notification period that cannot be addressed through conditions of approval. The application seeks discretionary assessments against Local Planning Scheme No. 4 (LPS4). These discretionary assessments include the following:

- Land use (Industry Service).
- On site car parking provision.
- Boundary wall (west).

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for a change of use, associated works, and signage to establish a bakery at existing buildings at 26 Tydeman Road, North Fremantle. The proposal comprises the following:

- Industry Service land use is proposed to be carried out on site, comprising a bakery and retail outlet.
- Demolition of existing onsite toilet facilities and the establishment of a new toilet block to the western site boundary.
- The enclosure of the existing paved area between the two buildings on site to ensure compliance with the *Environmental Health (Noise) Regulations 1997*.
- Works to provide additional door and window openings in existing walls.

The business details are as follows:

Staffing levels

- Bakery – 5 staff (3 bakers, 2 pastry chefs).
- Retail shop front – 6-7 staff (1 manager, 1 barista, 2 cashiers, 1/2 chefs, 1 kitchen hand).

Trading hours

- Bakery – 7 days per week with operations typically occurring from 10pm onwards.
- Retail shop front – 7 days per week, 6am to 10pm.

Deliveries and collections

- Recyclable waste collected 2 times per week.
- General waste collected 2 times per week.
- Fresh food and vegetables daily.
- Milk 3 times per week.
- Meat, dry goods, small goods, coffee, eggs, butter daily

On 13 September 2019 amended plans were submitted removing roof signage from consideration and providing additional seating detail in addition to a waste management plan, acoustic report, and staff parking details.

On 15 October 2019 the applicant submitted amended plans depicting the enclosure of the onsite courtyard and toilet area in accordance with the recommendations of the acoustic consultant report.

The amended development plans are included as attachment 1.

Site/application information

Date received:	19 July 2019
Owner name:	J & J Vitali
Submitted by:	P Miller/ L Bisset
Scheme:	Mixed Use Zone
Heritage listing:	North Fremantle Heritage Area (Not individually listed)
Existing land use:	Existing Showroom (antiques sales) and Industry General (panel beater)
Use class:	Industry Service
Use permissibility:	D



CONSULTATION

External referrals

Fremantle Ports (FP)

The application was referred to FP as the subject site is located within Fremantle Port Buffer Area 1. FP has advised that they have no objection to the proposal subject to compliance with the standard built form requirements for Port Buffer Area 1. These matters can be dealt with as relevant conditions and advice notes.

Main Roads Western Australia (MRWA)

The application was referred to MRWA for comment as the site is affected by a Primary Regional Road reservation. MRWA have advised that they have no objection to the proposal.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as the proposal involved discretionary land use(s) and works which had the potential to impact adjoining properties. The advertising period concluded on 15 August 2019, and 41 submissions were received, 14 of which raised objections or concerns in relation to the proposal and 29 of which expressed support for the proposal. A list of the concerns raised during the consultation is provided as additional information item 2. It is noted that some submissions expressed support for the proposal with some concerns also expressed. The following comments were raised (summarised):

In support of the proposal:

- The business will enhance community cohesion.
- The business will provide services for the North Fremantle town centre that are not otherwise provided in the immediate area.
- Submitters supported the proposed business on the basis of their experience with another location run by the same operators.

- The business was considered to be in keeping with the character of the North Fremantle town centre.
- The business would attract visitors from across Perth to visit North Fremantle.
- The business operating on a short-stay model for customers was supported in consideration of the existing car parking availability issues in North Fremantle.
- The proposed development will enhance a site in the North Fremantle town centre.

Objecting to or raising concerns in relation to the proposal:

- Concerns in relation to noise pollution from patrons, music, 24 hour on site activities, mechanical plant and equipment. It was requested that an alternative entrance directly into the building be provided for use after 6pm to limit noise.
- That the business would generate litter in the locality.
- Waste collection would impede access on Jewell Parade.
- Roof signage would be unnecessary and out of character with the locality.
- Light pollution from the premises may impact neighbouring residential properties.
- Concerns in relation to the impact of the business upon parking availability in the locality including the increased need for staff parking.
- Additional vehicle movements may impact the safety of pedestrians along Jewell Parade.
- Customers may park in Jewell Parade blocking access to driveways.
- Control of delivery times will be required to ensure that residents are not unduly impacted.
- Concerns in relation to the premises attracting potentially inebriated patrons.
- Concerns that up to 120 persons could be accommodated on site at maximum capacity based on the number of toilets provided.
- The applicant may provide more onsite seating than shown on their plans.
- Patrons may spill over into the street blocking the footpath on Jewell Parade.
- The proposal plans do not align with the proposed business model, being a business where patrons do not spend a great deal of time. The provision of seating on site will result in patrons spending more time at the premises.
- The operation of the business may unduly impact adjoining property values.
- Objection to an additional hospitality venue in North Fremantle.
- The proposed tree will impact light access for the adjoining property.

In response to the concerns raised, the applicant submitted revised plans and additional commentary detailing how potential traffic, noise, and waste impacts can be managed. These reports are discussed in the Officer Comments below where applicable.

In response to the above, the following comments are provided by officers:

- All development must comply with the Environmental Protection (Noise) Regulations 1997 (as amended) and this is a matter which is subject to ongoing compliance. The applicant has submitted an Acoustic Report demonstrating that the proposal can comply with the relevant regulations if the courtyard were to be appropriately enclosed as per the amended plans.
- The applicant advised that only low level music will be played on site.

- The Applicant's acoustic report also contained recommendations in relation to the placement and nature of mechanical equipment which are addressed as recommended conditions of approval.
- The applicant advised that on site baking operations are generally silent.
- The applicant advised that all deliveries would be undertaken between 7am and 7pm. It is a recommended condition of approval that the applicant submits a final delivery plan for approval by the City which is to be adhered to for the life of the business if approved.
- Conditions of development approval are recommended to ensure that waste management is carried out in accordance with the City's requirements. The applicant's preliminary waste management plan indicates two collections per week from in front of the proposed bin store which is considered to be consistent with waste collections which could occur for the existing businesses on site.
- As discussed in the parking assessment below, traffic and parking impacts are considered to be acceptable and/or manageable to minimise the impact on the immediate locality.
- Traffic issues such as crossovers being blocked exist today and can only ever be dealt with on an ongoing basis through policing and monitoring by the City.
- The behaviour of motorists in the area cannot be controlled through a planning application, however the impact of increased visitation to the area is considered below.
- Littering by individual members of the public cannot be controlled through a planning application. The applicant advised that current waste management practices undertaken at their Cottesloe store would be replicated in North Fremantle if approved, including a staff rubbish pickup around the immediate area of the store.
- The applicant proposes a small number of seats (22) on site and does not intend to encourage on site dining. It is a recommended condition of approval that the business be limited to these 22 seats only.
- Signage to the roof of the premises was removed from consideration in response to submissions.
- The premises are not currently proposed to serve alcohol.
- Following the enclosure of the courtyard, the proposed tree is no longer considered as a part of this application.
- The impact of a proposed development on property values is beyond the scope of the development application process to consider.

The remaining comments are addressed in the officer comment below.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of LPS4 and relevant Council local planning policies. Where a proposal does not meet the specified Scheme or policy requirements, an assessment is made against the relevant discretionary criteria. In this particular application the areas outlined require discretionary consideration:

- Land use.
- On site car parking.

- Boundary wall (west).

The above matters are discussed below.

Background

The subject site is located on the northern side of Tydeman Road at the corner with Jewell Parade. The site has a land area of approximately 481m² and is currently improved by two buildings being used as a panel beater and antiques showroom. The site is zoned Mixed Use and has a density coding of R25. The site is not individually heritage listed but is located within the North Fremantle Heritage Area. The site is located directly across Jewell Parade from the City's public car park at 209 Queen Victoria Street.

The site is generally flat and currently contains two buildings which are built up to site boundaries and intended to be retained.

A search of the property file has revealed that there is no relevant planning history for the site.

The North Fremantle Local Centre (Queen Victoria Street, between Jackson Street and Tydeman Road) is typically characterised by commercial properties being of retail, dining and/or entertainment purposes. The Local Centre has developed over the years with the addition of numerous hospitality premises. Only a few premises on Queen Victoria Street have exclusive on-site car parking, with a number of the premises relying on the available street parking for staff and customers. To provide some context in relation to the car parking assessment detailed in the Officer Comment below, the list below outlines the on-site car parking requirements and provision for a number of the existing hospitality premises in the immediate locality that rely on the availability of on-street public parking bays during evenings, when the proposed business intends to operate.

222 Queen Victoria St (Propeller and Guildhall)

Development Approval was approved in 2011 for partial change of use to Small bar and Restaurant, additions and alterations to the existing building. There are 7 communal on-site bays and Officers have assessed there to be an on-site car parking shortfall of approximately 48 bays.

229A Queen Victoria St (Piggy Food Co.)

City records show that a restaurant use has existed and operated since at least 1988. Piggy Food Co is understood to have taken over the premises in approximately 2015. After retrospective approval was granted to remove the three on-site bays for an outdoor dining area, Officers have assessed there to an on-site car parking shortfall of approximately 17 bays.

237 Queen Victoria Street (Mojo's)

This site has long-standing use as a Tavern. Officers have assessed there to be an on-site car parking shortfall of approximately 60 bays.

241 and 245 Queen Victoria St (Mrs Brown's/ Flip Side)

Development Approval was approved in 2007 for change of use to Small bar including use of 25 car parking bays on an adjoining site. On this basis the proposal was considered to comply with LPS4 parking standards.

1 Harvest Rd (Harvest Restaurant)

This site has long-standing use as Café/Restaurant. Records indicate that a parking arrangement was reached with an adjoining property.

229 Queen Victoria Street (Deus Ex Machina)

In 2019 the Planning Committee approved an application for a change of use to small bar, additions, alterations and signage to the existing building at this site. This application considered an onsite car parking shortfall of 21 bays.

Land Use

The land use Industry Service is a 'D' use in the Mixed Use Zone, which means that the use is not permitted unless the Council has exercised its discretion by granting planning approval. In considering a 'D' use the Council will have regard to the matters to be considered in the Planning and Development (Local Planning Schemes) Regulations 2015. In this regard the following matters have been considered:

- (a) *The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area*
- (m) *The compatibility of the development with its setting including the relationship of the development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development*
- (n) *The amenity of the locality including the following:*
 - (i) *Environmental impacts of the development*
 - (ii) *The character of the locality*
 - (iii) *Social impacts of the development*
- (y) *Any submissions received on the application.*

The proposed use is considered to address the above matters for the following reasons:

- The proposed bakery would make a positive contribution to the local centre, providing a service for residents not otherwise offered in the immediate locality.
- It is considered that the proposed use would not be significantly detrimental to the amenity of adjacent residential properties as:
 - the premises provides seating for a maximum of 22 seated patrons at any one time, and
 - the applicant has detailed management practices which encourage rapid turnover of clientele and otherwise how the operation of the business will be managed to limit its impact.
- It is acknowledged that the proposal may increase traffic in the locality and the demand for on-street and public parking however the increase is not considered to be significantly greater than the existing situation in North Fremantle. Further discussion of this matter is included below.

- With regards to generally amenity, social impacts and noise matters, separate legislation must be adhered to for the development ensuring compliance and the additional information provided by the applicant demonstrates that any potential impacts can be appropriately managed.

It is noted that the proposed business includes some seating for patrons on site (22 seats). The applicant has requested that these seats be considered incidental to the proposed Industry Service land use on the basis that it is reasonable for a small amount of seating to be provided for persons waiting for orders or if neighbours meet for a short period. The application was initially considered to include a Restaurant land use on the basis that additional detail regarding seating numbers and location had not been confirmed. Following the applicants explanation of the proposed land use, the most appropriate use in this case is considered to be Industry Service. A condition of approval is recommended to ensure that additional on-site seating is not provided to ensure that the proposed business aligns with this land use.

On site car parking

Element	Requirement	Proposed	Extent of Variation
Existing uses Showroom (antiques sales) Industry general (panel beater)	Showroom – 4 bays Industry general – 5 bays (4.54 bays) Approximately 225m ² GLA	0 bays	9 bays
Proposed use Industry Service (Bakery)	1: 50m ² GLA 10 bays (9.4 bays) Approximately 470m ² GLA.	0 bays	10 bays
	Delivery bay – 1: service/storage area	Nil	1 bay
	Bicycle parking Class 1: 1	Nil class 1 x 4 class 3	1 x class 1 rack

While it is noted that in accordance with the above statutory assessment the change of use results in an increase to the existing onsite parking shortfall of one bay, it is considered that the proposed use may result in much higher visitation rates to the site than either of the current uses. Accordingly, consideration is to be given to parking availability in the immediate area and whether the proposed use is appropriate in this context in the interests of orderly and proper planning.

Clause 4.7.3.1 – Relaxation of Car Parking Requirements Assessment, states that Council may reduce or waive the standard parking requirements specified in table 2 subject to the applicant satisfactorily justifying a reduction due to one or more of the following reasons:

- (i) *the availability of car parking in the locality including street parking*
- (ii) *the availability of public transport in the locality*
- (iii) *any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces,*
- (iv) *any car parking deficiency or surplus associated with the existing use of the land,*
- (v) *legal arrangements have been made in accordance with clause 4.7.5 for the parking or shared use of parking areas which are in the opinion of the Council satisfactory,*
- (vi) *any credit which should be allowed for a car parking demand deemed to have been provided in association with a use that existed before the change of parking requirement,*
- (vii) *the proposal involves the restoration of a heritage building or retention of a tree or trees worthy of preservation,*

A majority of the objections and concerns raised during the community consultation period raised concerns in relation to the impact of the business operations upon car parking availability in the immediate locality.

A total of 64 off-street public car parking bays are available in the North Fremantle Local Centre as detailed in the table below. A site inspection undertaken by City officers has confirmed the accuracy of these calculations.

Location of car parking	Distance from site	No. car bays
Corner of Tydeman Road and Queen Victoria Street	75m south	19
North Fremantle Bowling Club Car Park / Gordon Dedman Reserve	200m north east	45
		Total – 64 bays

Table 1: Table indicating the number of public car parking bays available in the North Fremantle Local Centre, including their approximate distance from the subject site.

In addition to these off street public car parking facilities, there are a total of approximately 38 on-street (kerb side) car parking bays in Queen Victoria Street (between Jackson Street and Tydeman Road) and Harvest Road available for the North Fremantle Local Centre. Six parking bays are also provided in Jewell Parade (reduced from 7 bays should the change of use and development of No. 229 Queen Victoria Street be pursued).

A two week survey (conducted by City officers) of the availability of on street car parking bays in Queen Victoria Street and the surrounding streets demonstrated that on Friday to Sunday (inclusive) the demand for on street parking bays are at their highest, with between 70 to 88% of the available bays on surrounding streets being occupied on these days (inspection times being 3.30pm and 7pm during the respective days). Outside of these last surveyed times, during the day and evening periods (Monday to Thursday) there was a lower demand for on street parking with the number of occupied bays being approximately 45% to 60%.

The City has carried out an additional survey over two weekends in August 2019. This recent survey showed similar results to the previous survey being 70 to 80% of the available bays being occupied in the evening times.

It is still considered that even at the busiest time, there is some availability of the existing on street car parking bays in the immediate locality. Although it is acknowledged that the proposed use may increase the demand on these bays during the peak periods of Friday to Sunday, it is not considered to result in a parking and traffic impact that is significantly greater than the current demand for on street parking.

The subject site is also located across Jewell Parade from the City's car park which contains several 15 minute parking bays which are considered to accommodate some of the proposed business' parking demand, in that visitation to the premises is intended to be sporadic and brief mainly occurring the morning and midday periods of a typical trading day. Currently the 15 minute restriction on length of stay applying to these bays ends at 5pm. Should Planning Committee approve the current application as recommended, once the bakery business is operational the City could monitor parking turnover and if appropriate modify time restrictions on the 15 minute bays so that this length of stay applies until later into the evening.

The applicant has outlined how the business will accommodate parking for staff as follows:

- *“Similar to North Street Store, staff are intended to be employed from the local communities. It is intended staff will walk or use active modes of transport, public transport or if they must drive, requested to avoid parking in adjoining residential areas.”*

Based on the availability of parking in the locality outlined above, this staff parking management strategy is considered appropriate.

With reference to Clause 4.7.3 of Local Planning Scheme No. 4, which allows Council to relax or waive car parking requirements, the proposed change of use is considered appropriate for the following reasons:

- The proposed use has limited seating (22 seats) for patrons and the applicant has detailed business management arrangements which are intended to limit the time spent by customers on site, resulting in a higher turnover of patrons.
- There is a public car park of 19 parking bays immediately to the east across Jewell Parade and this car park includes 15 minute restricted parking bays which are considered to support the proposed business which incorporates measures to encourage high turnover of patrons.

- Approximately 38 on-street parking bays are provided in the immediate area of the subject site.
- The subject site is in close proximity to train and bus public transport routes.

In accordance with the above considerations, the increase in parking demand in the locality associated with this change of use is not considered to be unduly detrimental to adjoining businesses or adjacent residential properties.

Boundary Wall (west)

Element	Requirement	Proposed	Extent of Variation
Boundary wall	1.5m setback	Boundary wall (0m setback)	1.5m

The initial proposal involved an extension to the existing boundary wall to the western site boundary to accommodate a new toilet block. This boundary wall was subsequently increased in size to accommodate the acoustic enclosure recommended by the applicant's noise consultant. The boundary wall adjoins a lot zoned Mixed Use which is currently used for residential purposes. The proposed boundary wall is considered to comply with the Design principles of Local Planning Policy 2.4 (Boundary Walls in Residential Development) for the following reasons:

- The wall is located between two existing boundary walls and involves an extension above the existing wall on site.
- The development has been designed so that no overlooking from customers will impact the adjoining property.
- The boundary wall for the development will not cast undue winter shade to adjoining property due to the lot orientation resulting in most shade cast by the development falling over the subject site.
- It is a recommended condition of development approval that the wall be finished to match the existing boundary wall, resulting in a consistent appearance.
- The walls will not be readily visible from the street and boundary walls of this nature are common in the immediate locality.

Other matters

Noise Management

The applicant submitted a noise management plan which detailed the measures required in order to satisfy the Environmental Protection (Noise) Regulations. The report concludes that the premises will be able to satisfy the relevant regulations if an appropriate enclosure were to be provided to the courtyard on site and measures were introduced to address mechanical noise from plant, equipment, and deliveries. The recommendations of this report have been incorporated into the recommended conditions of development approval.

Waste Management

The applicant proposes that waste be collected from in front of the premises adjacent to the proposed bin store. This collection location has been reviewed by the

City' and supported on the basis that these collections will be limited in frequency (two collections per week is indicated in the submitted business plan) and sufficient space will be provided behind a collection truck to accommodate any vehicles which turn Jewell Parade.

It is a recommended condition of development approval that a waste management plan be submitted to, and approved by the City prior to the issue of a building permit for the premises.

CONCLUSION

The proposal is considered to meet the applicable requirements of Local Planning Scheme No. 4 and Council's relevant local planning policies. Potential impacts from the operation of the venue including noise and parking are considered to be acceptable and can be appropriately managed on an ongoing basis. The proposal is considered to contribute to the activation of the North Fremantle Local Centre Area and to provide services for surrounding residences. As such, the application is recommended for approval, subject to the conditions included in the officer's recommendation below.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2015-25

- Increase the number of people working in North Fremantle
- Increase the number of visitors to North Fremantle
- Increase the net lettable area of retail space

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

Moved: Cr Bryn Jones

Seconded: Cr Andrew Sullivan

Planning committee acting under delegation 1.1:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Change of Use to Industry Service (Bakery) and Additions and Alterations to existing building at No. 26 (Lot 24) Tydeman Road, North Fremantle, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 15 October 2019. It does not relate to any other development

on this lot and must substantially commence within four years from the date of this decision letter.

2. All storm water discharge shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.
3. Prior to the occupation of the development hereby approved, any redundant crossover and kerbs shall be removed and the verge reinstated at the expense of the applicant and to the satisfaction of the City of Fremantle.
4. Prior to the issue of a Building Permit, One, Class 1 bicycle rack shall be provided, to the satisfaction of the City of Fremantle.
5. The approved development shall be wholly located within the cadastral boundaries of the subject site (26 Tydeman Road), including and footing details of the development.
6. A maximum of twenty two (22) seats shall be provided onsite at all times, to the satisfaction of the City of Fremantle.
7. Prior to the issue of a building permit, a Business Management Plan is to be submitted and approved to the satisfaction of the City of Fremantle, including the following:
 - Delivery Management Plan;
 - Parking Management Plan
 - Hours of operation for the business;
 - The maximum number of employees for the business; and
 - Parking arrangements for customers and staff.

The business shall operate in accordance with the approved business management plan thereafter. Any amendments to the management plan shall be submitted to, and approved by the City of Fremantle, prior to implementing the amended management plan.

8. Prior to issue of a building permit of the development hereby approved, the owner is to submit a waste management plan for approval by the City, detailing at a minimum the following:
 - Estimated waste generation
 - Proposed storage of receptacles
 - Collection methodology for waste
 - Additional management requirements to be implemented and maintained for the life of the development.

The approved Waste Management Plan must be implemented at all times to the satisfaction of the City of Fremantle. Onsite waste storage and disposal shall comply with the City's Local Laws and not create a nuisance.

9. Prior to occupation of the development hereby approved, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the

roof of the building shall be located or screened so as not to be highly visible from beyond the boundaries of the development site to the satisfaction of the City of Fremantle.

10. Prior to the issue of a Building Permit, the design and materials of the development shall adhere to the requirements set out within City of Fremantle policy L.P.P2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall provide the following:
 - Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or “double glazed” utilising laminated or toughened safety glass of a minimum thickness of 3mm.
 - Air conditioners shall provide internal centrally located ‘shut down’ points and associated procedures for emergency use.
 - Roof insulation in accordance with the requirements of the Building Codes of Australia.

11. Prior to the issue of a Demolition Permit or Building Permit for the development hereby approved, all air conditioning systems which are to be installed in the development shall comply with the built form requirements for Area 1 of the Fremantle Port Buffer.

12. Prior to the issue of a Demolition Permit or Building Permit for the development hereby approved, all piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters and bin storage areas must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the City of Fremantle.

13. Prior to occupation of the development hereby approved, a Notification pursuant to Section 70A of the Transfer of Land Act 1893 shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that the subject site is located in close proximity to the Fremantle Port and may be subject to noise, odour and activity not normally associated with residential use. The notification is to be prepared by the City’s solicitors at the expense of the owner and be executed by all parties prior to occupation.

14. Prior to occupation/ use of the development hereby approved, the boundary wall located on the western boundary shall be of a clean, face brick finish and be thereafter maintained to the satisfaction of the City of Fremantle.

15. The pedestrian access and / or vehicle gate, as indicated on the approved plans, shall swing into the subject site only when open or closed and shall not impede the adjoining road reservation of the subject site.

16. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.

Advice note

- i. The applicant is advised that additional information in relation to the City's waste management requirements can be found here:
<https://www.fremantle.wa.gov.au/residents/waste-and-recycling>
- ii. With regards to condition (4), Bicycle parking facilities are to be provided in accordance with the following standards:
 - a. Class 1 – High security level – Fully enclosed individual locker;
 - b. Class 2 – Medium security level – Lockable compound fitted with class 3 facilities with communal access using duplicated keys;
 - c. Class 3 – Low security level – Rails or racks to which both the bicycle frame and wheels can be locked.

For more information refer to 'Austroads Cycling Aspects to Austroads Guides'

- iii. In regard to the condition requiring a Construction Management Plan, Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>.

A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via:

<https://www.fremantle.wa.gov.au/sites/default/files/Construction%20and%20Demolition%20Management%20Plan%20Proforma.pdf>

The Infrastructure Business Services department can be contacted via info@fremantle.wa.gov.au or 9432 9999.

- iv. Any works within the adjacent thoroughfare, i.e. road, kerbs, footpath, verge, crossover or right of way, requires a separate approval from the City of Fremantle's Infrastructure Business Services department who can be contacted via info@fremantle.wa.gov.au or 9432 9999.
- v. Further to condition (n), the recommendations of the LGA Environmental Noise Assessment dated 13 September 2019 shall be incorporated into the design of the mechanical plant, to the satisfaction of the City of Fremantle:
 - All plant shall be selected to be as quiet as reasonably practicable;
 - All plant shall be located as far from residences as practicable (e.g. east boundary) and be as low on the roof as practicable;

- All exhaust fans shall be variable speed;
 - Exhaust fan discharges shall preferably be horizontal and face away from the residences;
 - Exhaust fans to be axial type, contained inside the building and fitted with attenuators on the outside air side of the fan;
 - Air-conditioning and refrigeration plant shall have a low noise mode to be engaged during the night period;
 - All equipment shall be vibration isolated to avoid structure borne noise. Mounts/hangers shall be anti-vibration type, sufficient to achieve 97% isolation efficiency, selected by a supplier such as Embelton's taking into account equipment weight and operating frequency.
 - The applicant is advised that any signage shall be subject to a separate application for planning approval.
- vi. The proponent must make application during the Building Permit application stage to Environmental Health Services via Form 1 - *Application to construct, alter or extend a public building* as a requirement of the Health (Public Buildings) Regulations 1992. For further information and a copy of the application form contact Environmental Health Services on 9432 9856 or via health@fremantle.wa.gov.au.
- vii. The premises must comply with the Food Act 2008, regulations and the Food Safety Standards incorporating AS 4674-2004 *Design, construction and fit-out of food premises*. Detailed architectural plans and elevations must be submitted to Environmental Health Services for approval prior to construction. The food business is required to be registered under the Food Act 2008. For further information contact Environmental Health Services on 9432 9856 or via health@fremantle.wa.gov.au.
- viii. Work on construction sites shall be limited to between 7am and 7pm on any day which is not a Sunday or Public Holiday. If work is to be done outside these hours a noise management plan must be submitted and approved by the Chief Executive Officer, City of Fremantle prior to work commencing.
- ix. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.
- x. The Industrial Waste department at the Water Corporation must be consulted for provision of grease traps (passive grease arrestors). Most food premises where food preparation occurs will require a grease trap to be installed.
- xi. With regards to condition (7) the Parking Management Plan shall provide detail measures that the operator will take to inform staff and customers of available car parking and alternative transport options to the satisfaction of the City of Fremantle.

AMENDMENT

Moved: Cr Rachel Pemberton

Seconded: Cr Geoff Graham

Add the following condition 17 as follows

- 17. Notwithstanding condition 7, the retail component of the Industry Service (Bakery) hereby permitted shall have opening hours not exceeding Monday to Sunday 7.00am to 7.00pm.**

Amendment carried: 4/2

For

**Cr Bryn Jones, Cr Geoff Graham
Cr Rachel Pemberton, Cr Frank Mofflin**

Against

Cr Su Groome, Cr Andrew Sullivan

Reason for change:

A reduction in the proposed opening hours of the retail component of the Bakery will assist in reducing the potential amenity impacts on the adjoining neighbours and the increase in demand for on-street and public car parking bays in the evening.

COMMITTEE RECOMMENDATION ITEM PC1911 - 3

Moved: Cr Bryn Jones

Seconded: Cr Andrew Sullivan

Planning committee acting under delegation 1.1:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Change of Use to Industry Service (Bakery) and Additions and Alterations to existing building at No. 26 (Lot 24) Tydeman Road, North Fremantle, subject to the following conditions:

- 1. This approval relates only to the development as indicated on the approved plans, dated 15 October 2019. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.**
- 2. All storm water discharge shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.**
- 3. Prior to the occupation of the development hereby approved, any redundant crossover and kerbs shall be removed and the verge reinstated at the expense of the applicant and to the satisfaction of the City of Fremantle.**

4. Prior to the issue of a Building Permit, One, Class 1 bicycle rack shall be provided, to the satisfaction of the City of Fremantle.
5. The approved development shall be wholly located within the cadastral boundaries of the subject site (26 Tydeman Road), including and footing details of the development.
6. A maximum of twenty two (22) seats shall be provided onsite at all times, to the satisfaction of the City of Fremantle.
7. Prior to the issue of a building permit, a Business Management Plan is to be submitted and approved to the satisfaction of the City of Fremantle, including the following:
 - Delivery Management Plan:
 - Parking Management Plan
 - Hours of operation for the business;
 - The maximum number of employees for the business; and
 - Parking arrangements for customers and staff.

The business shall operate in accordance with the approved business management plan thereafter. Any amendments to the management plan shall be submitted to, and approved by the City of Fremantle, prior to implementing the amended management plan.

8. Prior to issue of a building permit of the development hereby approved, the owner is to submit a waste management plan for approval by the City, detailing at a minimum the following:
 - Estimated waste generation
 - Proposed storage of receptacles
 - Collection methodology for waste
 - Additional management requirements to be implemented and maintained for the life of the development.The approved Waste Management Plan must be implemented at all times to the satisfaction of the City of Fremantle. Onsite waste storage and disposal shall comply with the City's Local Laws and not create a nuisance.
9. Prior to occupation of the development hereby approved, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened so as not to be highly visible from beyond the boundaries of the development site to the satisfaction of the City of Fremantle.
10. Prior to the issue of a Building Permit, the design and materials of the development shall adhere to the requirements set out within City of Fremantle policy L.P.P2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall provide the following:

- **Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or “double glazed” utilising laminated or toughened safety glass of a minimum thickness of 3mm.**
 - **Air conditioners shall provide internal centrally located ‘shut down’ points and associated procedures for emergency use.**
 - **Roof insulation in accordance with the requirements of the Building Codes of Australia.**
- 11. Prior to the issue of a Demolition Permit or Building Permit for the development hereby approved, all air conditioning systems which are to be installed in the development shall comply with the built form requirements for Area 1 of the Fremantle Port Buffer.**
- 12. Prior to the issue of a Demolition Permit or Building Permit for the development hereby approved, all piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters and bin storage areas must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the City of Fremantle.**
- 13. Prior to occupation of the development hereby approved, a Notification pursuant to Section 70A of the Transfer of Land Act 1893 shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that the subject site is located in close proximity to the Fremantle Port and may be subject to noise, odour and activity not normally associated with residential use. The notification is to be prepared by the City’s solicitors at the expense of the owner and be executed by all parties prior to occupation.**
- 14. Prior to occupation/ use of the development hereby approved, the boundary wall located on the western boundary shall be of a clean, face brick finish and be thereafter maintained to the satisfaction of the City of Fremantle.**
- 15. The pedestrian access and / or vehicle gate, as indicated on the approved plans, shall swing into the subject site only when open or closed and shall not impede the adjoining road reservation of the subject site.**
- 16. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.**

17. Notwithstanding condition 7, the retail component of the Industry Service (Bakery) hereby permitted shall have opening hours not exceeding Monday to Sunday 7.00am to 7.00pm.

Advice note

- i. The applicant is advised that additional information in relation to the City's waste management requirements can be found here:
<https://www.fremantle.wa.gov.au/residents/waste-and-recycling>**
- ii. With regards to condition (4), Bicycle parking facilities are to be provided in accordance with the following standards:
 - a. Class 1 – High security level – Fully enclosed individual locker;**
 - b. Class 2 – Medium security level – Lockable compound fitted with class 3 facilities with communal access using duplicated keys;**
 - c. Class 3 – Low security level – Rails or racks to which both the bicycle frame and wheels can be locked.****

For more information refer to 'Austroads Cycling Aspects to Austroads Guides'

- iii. In regard to the condition requiring a Construction Management Plan, Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>.**

A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via:

<https://www.fremantle.wa.gov.au/sites/default/files/Construction%20and%20Demolition%20Management%20Plan%20Proforma.pdf>

The Infrastructure Business Services department can be contacted via info@fremantle.wa.gov.au or 9432 9999.

- iv. Any works within the adjacent thoroughfare, i.e. road, kerbs, footpath, verge, crossover or right of way, requires a separate approval from the City of Fremantle's Infrastructure Business Services department who can be contacted via info@fremantle.wa.gov.au or 9432 9999.**
- v. Further to condition (n), the recommendations of the LGA Environmental Noise Assessment dated 13 September 2019 shall be incorporated into the design of the mechanical plant, to the satisfaction of the City of Fremantle:
 - All plant shall be selected to be as quiet as reasonably practicable;**
 - All plant shall be located as far from residences as practicable (e.g. east boundary) and be as low on the roof as practicable;**
 - All exhaust fans shall be variable speed;**
 - Exhaust fan discharges shall preferably be horizontal and face away from the residences;****

- Exhaust fans to be axial type, contained inside the building and fitted with attenuators on the outside air side of the fan;
 - Air-conditioning and refrigeration plant shall have a low noise mode to be engaged during the night period;
 - All equipment shall be vibration isolated to avoid structure borne noise. Mounts/hangers shall be anti-vibration type, sufficient to achieve 97% isolation efficiency, selected by a supplier such as Embelton's taking into account equipment weight and operating frequency.
 - The applicant is advised that any signage shall be subject to a separate application for planning approval.
- vi. The proponent must make application during the Building Permit application stage to Environmental Health Services via Form 1 - *Application to construct, alter or extend a public building* as a requirement of the Health (Public Buildings) Regulations 1992. For further information and a copy of the application form contact Environmental Health Services on 9432 9856 or via health@fremantle.wa.gov.au.
- vii. The premises must comply with the Food Act 2008, regulations and the Food Safety Standards incorporating AS 4674-2004 *Design, construction and fit-out of food premises*. Detailed architectural plans and elevations must be submitted to Environmental Health Services for approval prior to construction. The food business is required to be registered under the Food Act 2008. For further information contact Environmental Health Services on 9432 9856 or via health@fremantle.wa.gov.au.
- viii. Work on construction sites shall be limited to between 7am and 7pm on any day which is not a Sunday or Public Holiday. If work is to be done outside these hours a noise management plan must be submitted and approved by the Chief Executive Officer, City of Fremantle prior to work commencing.
- ix. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.
- x. The Industrial Waste department at the Water Corporation must be consulted for provision of grease traps (passive grease arrestors). Most food premises where food preparation occurs will require a grease trap to be installed.
- xi. With regards to condition (7) the Parking Management Plan shall provide detail measures that the operator will take to inform staff and customers of available car parking and alternative transport options to the satisfaction of the City of Fremantle.

Cr Bryn Jones used his casting vote FOR the recommendation resulting in it being CARRIED.

Carried: 4/3

For

Cr Bryn Jones, Cr Geoff Graham, Cr Andrew Sullivan

Against

Cr Rachel Pemberton, Cr Frank Mofflin, Cr Su Groome,

The above item is referred to the Ordinary Meeting of Council for determination in accordance with the City of Fremantle Delegated Authority Register which requires that at least 5 members of the committee vote in favour of the Committee Recommendation in order to exercise its delegation.