



Additional information

Planning Committee

Wednesday, 5 August 2020, 6.00pm

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**PC2008 - 1 FREEMAN LOOP, NO. 23 (LOTS 1 AND 2 SP 69777), NORTH
FREMANTLE – ALTERATIONS AND CHANGE OF USE TO SMALL
BAR (UNITS 1 AND 2) – (NB DA0146/20)**

Additional Information 1 – Herring Storer Acoustic Report (Applicants Submission)



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DA0146/20

29 April 2020

FREO PARTNERS PTY LTD

**LEIGHTON BEACH BOULEVARD
SMALL BAR**

ENVIRONMENTAL NOISE ASSESSMENT

FEBRUARY 2019

OUR REF: 25405-1-20051

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Herring Storer Acoustics

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29 April 2020

ACOUSTIC ASSESSMENT
SMALL BAR - LEIGHTON BEACH DEVELOPMENT

Job No: 20051

Document Reference: 25405-1-20051

FOR

FREO PARTNERS PTY LTD
C/- MONAGHAN LAWYERS

DOCUMENT INFORMATION				
Author:	George Watts	Checked By:	Tim Reynolds	
Date of Issue :	20 February 2020			
REVISION HISTORY				
Revision	Description	Date	Author	Checked
DOCUMENT DISTRIBUTION				
Copy No.	Version No.	Destination	Hard Copy	Electronic Copy
1	1	Monaghan Lawyers Attn : Tim Monaghan Email : tim@monlaw.com.au		✓

Herring Storer Acoustics
Our ref: 25405-1-20051

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Herring Storer Acoustics
Our ref: 25405-1-20051

EXECUTIVE SUMMARY

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Herring Storer Acoustics have been commissioned by Freo Partners Pty Ltd to carry out an acoustical assessment of noise emissions associated with the proposed Small Bar to be located at 25 Freeman Loop, North Fremantle, within the Leighton Beach Development.

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29 April 2020

This assessment considers noise emissions associated with both patrons and music from the proposed venue.

Calculations indicated that noise received at the neighbouring premises from voices would comply with the Regulatory requirements. However, noise received at neighbouring premises from the background music, would, apart from the day period, exceed the assigned noise levels.

For music to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* at all times, the following is required :

- Internally, music to be limited to background noise levels of a maximum of 80 dB(A) throughout the venue. Doors are to remain "normally closed" (i.e. not propped open).
- Music within any external alfresco area is to be limited to 65 dB(A) for the Sunday/Public Holiday day period and evening periods. Music during the night period and early morning, before 7am Monday to Saturday and 9am on Sundays and Public Holidays, is not allowed. Speakers are to be positioned where the building structure provides the maximum barrier affect to neighbouring apartments.

Note : Speakers are to resiliently mounted and not directly bolted to the building base structure.

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1. INTRODUCTION

Herring Storer Acoustics have been commissioned by Freo Partners Pty Ltd to carry out an acoustical assessment of noise emissions associated with the proposed Small Bar to be located at 25 Freeman Loop, North Fremantle.

The objectives of the study were to:

- Assess the noise levels received at the neighbouring noise sensitive premises, from both patron and music, for compliance with the *Environmental Protection (Noise) Regulations 1997*.
- If exceedances are predicted, investigate possible noise control options that will reduce noise emissions to achieve compliance with the regulations.

It is understood that this work has been requested to be undertaken to accompany the application for licencing purposes.

2. CRITERIA

The allowable noise level at the surrounding locales is prescribed by the *Environmental Protection (Noise) Regulations 1997*. Regulations 7 & 8 stipulate maximum allowable external noise levels at noise sensitive premises. These allowable noise levels are determined by the calculation of an influencing factor, which is then added to the base levels shown below. The influencing factor is calculated for the usage of land within two circles, having radii of 100m and 450m from the premises of concern.

TABLE 1 - BASELINE ASSIGNED OUTDOOR NOISE LEVEL

Premises Receiving Noise	Time of Day	Assigned Level (dB)		
		L _{A10}	L _{A1}	L _{Amax}
Noise sensitive premises	0700 - 1900 hours Monday to Saturday (Day)	45 + IF	55 + IF	65 + IF
	0900 - 1900 hours Sunday and Public Holidays (Sunday / Public Holiday Day Period)	40 + IF	50 + IF	65 + IF
	1900 - 2200 hours all days (Evening)	40 + IF	50 + IF	55 + IF
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and Public Holidays (Night)	35 + IF	45 + IF	55 + IF

Note: L_{A10} is the noise level exceeded for 10% of the time.
L_{A1} is the noise level exceeded for 1% of the time.
L_{Amax} is the maximum noise level.
IF is the influencing factor.

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It is a requirement that received noise be free of annoying characteristics (tonality, modulation and impulsiveness), defined below as per Regulation 9.

“impulsiveness” means a variation in the emission of a noise where the difference between L_{Apeak} and $L_{Amax Slow}$ is more than 15 dB when determined for a single representative event;

“modulation” means a variation in the emission of noise that –

- (a) is more than 3dB $L_{A Fast}$ or is more than 3 dB $L_{A Fast}$ in any one-third octave band;
- (b) is present for more at least 10% of the representative assessment period; and
- (c) is regular, cyclic and audible;

“tonality” means the presence in the noise emission of tonal characteristics where the difference between –

- (a) the A-weighted sound pressure level in any one-third octave band; and
- (b) the arithmetic average of the A-weighted sound pressure levels in the 2 adjacent one-third octave bands,

is greater than 3dB when the sound pressure levels are determined as $L_{Aeq,T}$ levels where the time period T is greater than 10% of the representative assessment period, or greater than 8 dB at any time when the sound pressure levels are determined as L_{ASlow} levels.

If the above characteristics exist and cannot be practicably removed, then any measured level would be adjusted according to Table 2.2 below.

TABLE 2.2 - ADJUSTMENTS TO MEASURED LEVELS

Where tonality is present	Where modulation is present	Where impulsiveness is present
+5 dB(A)	+5 dB(A)	+10 dB(A)

Note: These adjustments are cumulative to a maximum of 15 dB.

Where the noise emission is music, then any measured level would be adjusted to Table 2.3 below.

TABLE 2.3 - ADJUSTMENTS TO MEASURED MUSIC NOISE LEVELS

Where impulsiveness is not present	Where impulsiveness is present
+10 dB(A)	+15 dB(A)

The nearest noise sensitive premises to the propose small bar are the adjacent apartment building, as shown below Figure 1; and the adjacent apartments located to south and above the proposed bar within the same development.

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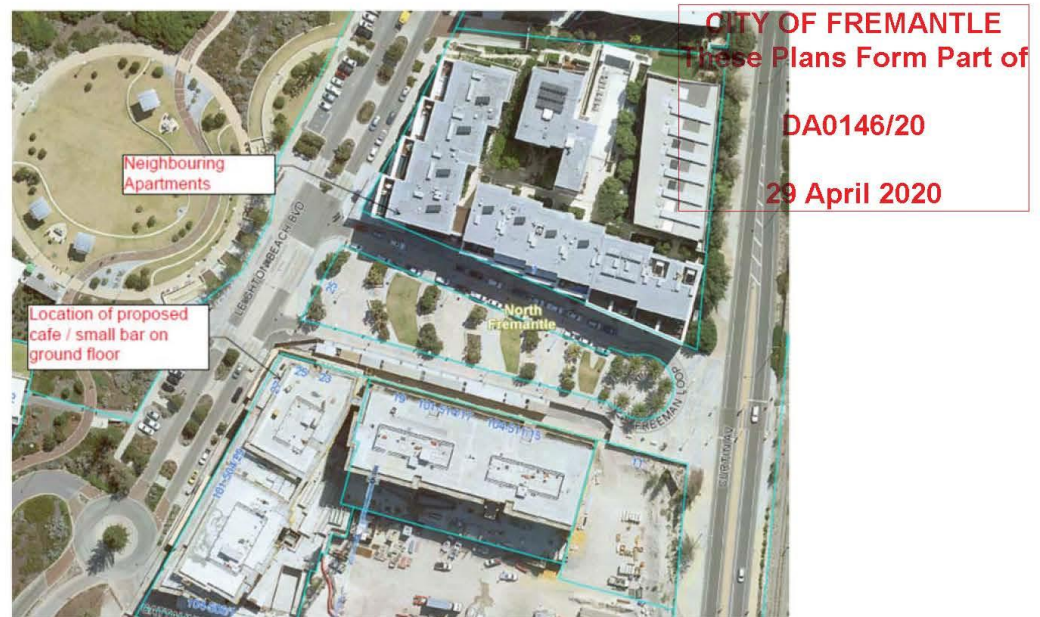


FIGURE 1 – AERIAL VIEW

We note Curtin Avenue would be considered as a major road. Although, we note that there are some industrial premises within the 450 metre of the neighbouring premises, to be conservative, this addition to the Influencing Factor has not been included. Hence the influencing factor at the neighbouring premises would be +6 dB and the Assigned Noise Levels would be as listed in Table 2.5.

TABLE 2.5 - ASSIGNED OUTDOOR NOISE LEVEL

Premises Receiving Noise	Time of Day	Assigned Level (dB)		
		L _{A10}	L _{A1}	L _{Amax}
Noise sensitive premises within 15 metres of a dwelling	0700 - 1900 hours Monday to Saturday	51	61	71
	0900 - 1900 hours Sunday and Public Holidays	46	56	71
	1900 - 2200 hours all days	46	56	61
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and Public Holidays	41	51	61

Note: L_{A10} is the noise level exceeded for 10% of the time.
L_{A1} is the noise level exceeded for 1% of the time.
L_{Amax} is the maximum noise level.

It is noted that noise emissions from the tenancies are likely to occur for more than 10% of the time, thus the Assigned L_{A10} noise levels for the various times of day are the appropriate parameters for assessing noise received at the apartments.

The main noise sources from the small bar are :

- Voices (i.e. people talking); and
- Background music.

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It is noted that voices do not contain any annoying characteristics, as defined by the Regulations and thus, no penalties are applied when assessing noise received at the neighbouring premises. However, any music would attract a penalty of 10 dB(A), which would be applied to the assessable noise level.

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3. PROPOSED SMALL BAR

From information provided, we understand that operations of the bar would be :

- Opening Hours :
 - o Monday to Thursdays 11am – 11pm.
 - o Fridays & Saturdays 11am – midnight.
 - o Sundays 11am – 10pm

With regards to music, we understand that any music played, would be background music, both internally and externally within the alfresco area.

4. NOISE LEVELS AND ASSESSMENT

From information provided, a noise model was developed of the proposed tenancy. See Appendix A for provided floor plans.

Entertainment noise associated with music has been assumed at a level of 80 dB(A) throughout the venue, which is consistent with other small wine bars. To be conservative, noise modelling was undertaken with speakers also located within the alfresco area. However, it is noted that they have been located at high level near the façade of the retail tenancy (ie away from edge of overhang).

Noise levels associated with patrons have been assumed at a level of 66 dB(A)/m² – which is typical of beer gardens and outdoor areas and would, for this usage, be conservative.

Noise modelling was undertaken to the neighbouring apartments, including :

- Ground floor apartments to south;
- Apartments above and adjacent; and
- Neighbouring apartment block to north.

Note : Modelling was undertaken for multiple locations (i.e. each apartment). However, to simplify the analysis, only the resultant worst case noise level at each of the above location are reported.

The results of the noise modelling are shown in Table 4.1.

TABLE 4.1 – CALCULATED NOISE LEVELS

Location	Calculated Noise Level, L _{A10} dB	
	Background Music	Voices
Neighbouring to South	41	22
Above	40	34
Adjacent Apartment Building	36	31

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5. ASSESSMENT

When music is part of the noise emission, an adjustment of + 10 dB to the calculated noise emissions in accordance with the *Environmental Protection (Noise) Regulations 1997*, is required.

Hence, the assessable noise levels for each scenario considered are as listed below in Table 5.1.

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TABLE 5.1 – CALCULATED ASSESSABLE NOISE LEVELS AT NOISE SENSITIVE PREMISES

Location	Calculated Noise Level, L_{A10} dB	
	Background Music	Voices
Neighbouring to South	51	22
Above	50	34
Adjacent Apartment Building	46	31

Hence, Tables 5.2 and 5.3 summarises the applicable Assigned Noise Levels and assessable noise level emissions during each scenario.

TABLE 5.2 – ASSESSMENT FOR MUSIC

Location	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable L_{A10} Assigned Level (dB)	Exceedance to Assigned Noise Level (dB)
Neighbouring to South	51	Day	51	Complies
		Sunday / Public Holiday Day Period	46	Complies
		Evening	46	+ 5
		Night	41	+10
Above	50	Day	51	Complies
		Sunday / Public Holiday Day Period	46	+4
		Evening	46	+4
		Night	41	+9
Adjacent Apartment Building	46	Day	51	Complies
		Sunday / Public Holiday Day Period	46	Complies
		Evening	46	Complies
		Night	41	+5

TABLE 5.3 – ASSESSMENT FOR VOICES

Location	Assessable Noise Level, dB(A)	Applicable Times of Day	Applicable L_{A10} Assigned Level (dB)	Exceedance to Assigned Noise Level (dB)
Neighbouring to South	22	Day	51	Complies
		Sunday / Public Holiday Day Period	46	Complies
		Evening	46	Complies
		Night	41	Complies
Above	34	Day	51	Complies
		Sunday / Public Holiday Day Period	46	Complies
		Evening	46	Complies
		Night	41	Complies
Adjacent Apartment Building	31	Day	51	Complies
		Sunday / Public Holiday Day Period	46	Complies
		Evening	46	Complies
		Night	41	Complies

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As can be seen from the above tables, noise received at the neighbouring premises from voices, would comply with the Regulatory requirements at all times. However, based on the above results, noise emissions from music would only comply during the day period. Thus, to comply at all times the following noise control measures are required during the various time periods:

- Internally, music to be limited to background noise levels of a maximum of 80 dB(A) throughout the venue. Doors are to remain "normally closed" (i.e. not propped open).
- Music within any external alfresco area is to be limited to 65 dB(A) for the Sunday and evening periods. Music during the night period or before 7am Monday to Saturday and before 9am on Sundays and Public Holidays, is not allowed. Speakers are to be positioned where the building structure provides the maximum barrier affect to neighbouring apartments.

6. OTHER ITEMS

6.1 SPEAKERS

The mounting of any speakers are to resiliently mounted and not directly mounted (bolted) to the wall or ceiling.

6.2 EMPTYING OF GLASS INTO RUBBISH BINS

From information provided, we understand that the emptying of glass into rubbish bins has been raised as one of the concerns relating to noise. However, we note that for this development the commercial bin store is located internally, within the development. Thus, any noise would be contained within the bin store and would not be received at the neighbouring premises.

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Additional Information 2 – Reverberate Acoustic Report (Submitters Submission)



Small Bar
23 Freeman Loop
North Fremantle
Environmental Noise Impact

Report Reference: P191001RP1 Rev 0.docx

Small Bar - 23 Freeman Loop
Environmental Noise Impact Report
P191001RP1 Rev 0.docx

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Document Information

Project	Small Bar - 23 Freeman Loop, North Fremantle	
Client	Council of Owners and Residents of the Prima complex - Strata No. 69777 Pty Ltd	
Report title	Environmental Noise Impact Assessment	
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Revision Table

Report revision	Date	Comments
0	27 May, 2020	Draft Issued for comment

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Glossary

A-weighting	A spectrum adaption that is applied to measured noise levels to represent human hearing. A-weighted levels are used as human hearing does not respond equally at all frequencies.
dB	Decibel—a unit of measurement used to express sound level. It is based on a logarithmic scale which means a sound that is 3 dB higher has twice as much energy. We typically perceive a 10 dB increase in sound as a doubling of the loudness of that sound.
Frequency (Hz)	The number of times a vibrating object oscillates (moves back and forth) in one second. Fast movements produce high frequency sound (high pitch/tone), but slow movements mean the frequency (pitch/tone) is low. 1 Hz is equal to 1 cycle per second.
L ₁₀	Noise level exceeded for 10 % of the measurement time. The L ₁₀ level represents the typical upper noise level and is often used to represent traffic or industrial noise emission.
L _{A10}	A-weighted L ₁₀
L _{A10,adj}	Adjusted L _{A10} . Adjustment based on obvious tonality, impulsive or Modulation characteristics in the audible noise at a receiver point. Based on the adjustment methodology in Environmental Protection (Noise) Regulations 1997 Regulation 9
L _{A1,adj}	Adjusted, A-weighted noise level exceeded for 1 % of the measurement time. The L _{A1,adj} level represents mostly short duration, high level sound events.
L _{Amax,adj}	Adjusted, A-weighted maximum instantaneous noise level.

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1. Introduction

Reverberate Consulting has been commissioned to perform an Environmental Noise Impact Assessment of the proposed Small Bar at Lots 1 & 2, Strata Plan 69777, 23 Freeman Loop, North Fremantle. An application has been lodged for this change of use.

This report:

1. Reviews a report [HSA] on the forecast noise emissions from the bar prepared by Herring Storer Acoustics¹
2. Reviews a draft Noise Management Plan²
3. Considers the liquor licence conditions, both in their current form and as proposed,
4. Additional feedback from the Council of Owners and Residents
5. Forecasts environmental noise from the Small Bar

¹ *Freo Partners Pty Ltd - Leighton Beach Boulevard Small Bar - Environmental Noise Assessment*, by Herring Storer Acoustics, dated February 2019 [2020?], Reference 25405-1-20051.

² *Leighton Beach Bar Noise Management Plan*, by xxxx, dated 14 February 2020

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2. Description of Development

2.1. Site and Surrounds

Lots 1 & 2, Strata Plan 69777 is located on the Ground Floor of 23 Freeman Loop, North Fremantle. It mostly faces North and is surrounded by 4/5 storey high buildings. These buildings contain some ground floor commercial areas, with residential apartments located on the First floor and above. Residences A are located directly above the proposed bar, with Residences B directly to the East. Residences D are located approximately 50m to the North, refer to the Site Plan, Figure 1

The outdoor licenced area of the bar is to be located on the north side, with a capacity of 30 persons.

The local topography is flat. The site is surrounded with mostly highly-reflective surfaces such as building facades and paving throughout. Small grassed areas are also located in the intervening parkland between the Bar and Residences C & D.

These surfaces give rise to multiple acoustic reflections, increasing the noise to the nearby residents. Cars are invariably parked directly outside the proposed venue and these further reflect noise, in this case directly to the apartments above.



Figure 1 – Site Plan and Surrounds

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2.2. Noise Assessment Criteria

The Environmental Protection (Noise) Regulations 1997 provide limits for acceptable noise emission. The Regulations stipulate that the noise emissions from any source, which reaches nearby noise sensitive premises (such as residents, hospital, schools, etc), is to be limited. The allowable maximum noise level (called 'Assigned Noise Level') varies with the time of day as follows:

- Lowest levels at night;
- Higher levels during the evenings and on Sundays and Public Holidays; and
- Highest levels during the day.

These Assigned Noise Levels are to be modified (i.e. increased) if there are significant influencing land uses within 100 m and 450 m radii of the sensitive receiver including:

- industrial land use zonings;
- commercial zonings; and
- the presence of major roads.

The presence of industrial and commercially zoned land, as well as the presence of major and minor roads in the area, have been assessed and the environmental noise emission criteria derived for the site. These are summarised in Table 1 below.

Table 1 - Assigned Level - Environmental Noise Emission Criteria

Receiving Premises	Time of Day	Assigned Level (dB)		
		L _{A10}	L _{A1}	L _{Amax}
Residences A	0700 to 1900 hours Monday to Saturday	48	58	68
	0900 to 1900 hours Sunday and public holidays	43	53	68
	1900 to 2200 hours all days	43	53	58
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays	38	48	58
Residences B, C & D	0700 to 1900 hours Monday to Saturday	52	62	72
	0900 to 1900 hours Sunday and public holidays	47	57	72
	1900 to 2200 hours all days	47	57	62
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays	42	52	62

Note that penalties are applied to the noise sources for a variety of characteristics. Where music noise is present penalties range from +10 dB where impulsiveness is not present, and +15 dB where it is present at the nearest neighbours.

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3. Noise Generation

3.1. Patron Noise

The noise level of people talking in licensed areas must be modelled to enable the prediction of the noise at a distance.

It is our experience that this source noise level can potentially vary due to a number of factors. These include:

- Number of patrons in an area
- Group size
- Situational context, e.g. function event, sporting event, Friday night after-work drinks, etc.
- Age and gender
- Presence or absence of alcohol

The number of patrons proposed for the bar is as follows:

- 120 persons total
- 30 persons in the outdoor licensed area

The level of noise emission from the patrons is an important factor in determining the potential noise impact at nearby residents.

It is our experience that these noise levels can be high. We forecast a Sound power Level L_{A10} of 91 dB for a crowd of 30 dB in a licensed venue, where the crowd is unaffected by alcohol.

We also refer to the work of published researchers on this subject.

Hayne³ provides guidance to the predicted sound power levels of crowds at licenced venues. Their outdoor noise levels are based on crowds not affected by alcohol as well. Their forecast sound power level of an outdoor crowd of 30, not affected by Alcohol, is L_{A10} 89 dB.

The Sound Power level using the method published by Rindel⁴ is 91 dB. The method published by the Association of Australasian Acoustical Consultants⁵ uses a simplified forecast to give 92 dB.

These forecasts are summarised below in Table 2 along with the result derived from HSA.

³ Hayne et. al, 2011, *Prediction of noise from small to medium sized crowds*, Proceedings of ACOUSTICS, Australian Acoustical Society

⁴ J H Rindel, 2015, *The Acoustics of Places for Social Gatherings*, Proceedings of EuroNoise, Maastricht

⁵ Association of Australasian Acoustical Consultants, AAAC, 2019, *Licensed Premises Noise Assessment Technical Guideline*, Version 1.0

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Table 2: Forecast L_{A10} sound power levels for a 30 person outdoor crowd

Method	Forecast L_{A10} (dB)
Reverberate Consulting	90
Hayne	89
Rindel	91
AAAC	92
Herring Storer & Associates	84

Table two shows close correlation with the result from Reverberate and the published work by others. The average of these three researchers (91 dB) is 1 dB higher than that used by Reverberate.

The forecast generated by HSA is 7 dB below this average, indicating a strong likelihood that the forecast noise from the outdoor area would, at times, be 7 dB higher than predicted by HSA.

It is also reminded that the above assessment is considered an underestimate of the true noise impact in that it has not accounted for increased patron noise in the presence of alcohol. This is because there is insufficient data available to accurately quantify this effect. Our indications are that the effects of alcohol can add a minimum of 5 dB to these forecasts.

The indoor patron noise has been treated in a similar way. The L_{A10} noise level from patrons within the bar is forecast to be 91 dB, (reverberant sound pressure level). This matches the noise levels published by the AAAC⁵ for 100 people within a venue of 300 m³ (refer their Table 1 'Scenario P'; $L_{Aeq} 88 = L_{A10} 91$ dB)

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3.2. Forecast Noise at Receivers

The local environment around the bar is complicated by the hard surfaces and presence of parked cars. Reverberate has developed a noise model to account for the spreading of, and the attenuation of sound, as well as the shielding and reflections caused by nearby buildings and other surfaces.

The resulting forecast levels are summarised in Sections 3.2.1 to 3.2.3 below. These forecasts are considered underestimates of the true noise impact as the following factors have not been considered in the modelling but would result in increases to bar noise emissions:

No account has been made of:

General

- Increases in noise due to the influence of alcohol
- Increases in noise due to audible music noise reaching the apartments
- Increases in noise due to audible impulsive characteristics of music noise reaching the apartments
- Increases in noise from DJs or live music within the bar
- Increases in noise from TVs or other similar entertainment
- Increases in noise from combined or collective patron activities within the bar
- The noise from patrons as they leave the venue
- The noise from patrons in the outdoor area interacting with passers-by

To overhead apartment

- Increases in noise from the overhead neighbour have an acoustically reflective apartment, with minimal soft furnishings
- Increases in noise due to the mounting of the bar speakers close to the ceiling
- Increases in noise due to the mounting of the bar speakers rigidly onto columns or perimeter walls

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3.2.1. Noise from patrons outdoors

Figure 2 shows the forecast noise impact from 30 people outdoors. It was found that the noise emission exceedances were controlled by the L_{A10} forecast rather than L_{A1} or L_{Amax} noise level, and that this noise impact is greatest especially to the adjoining residents.

The forecast noise levels are summarised below in Table 3 for the nearest residential receivers, along with a comparison of compliance with the corresponding noise criteria.

Table 3: Forecast L_{A10} noise levels at sensitive receivers - External Patron Noise (30 people)

Receiver	Forecast L_{A10} (dB)	Assessment Period	Assigned Level Noise criterion	Meets Legislated Noise Limits
Residences A (Level 1)	49	Day	48	No
		Sunday/Public Holiday	43	No
		Evening	43	No
		Night	38	No
Residences B (Level 1)	57	Day	52	No
		Sunday/Public Holiday	47	No
		Evening	47	No
		Night	42	No

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3.2.2. Noise from patrons indoors

Figure 3 shows the forecast noise emission from 120 patrons within the venue, through a single open door. It is noted that the only access to the bar is via the Northern façade, and so it is through this façade that all patrons will enter and exit the venue, no matter how short their stay.

On this basis it is considered that, at times the door will be open for more than 10% of any 15 min period, (i.e. for more than 90 seconds in that period) and so the L_{A10} descriptor is best used to assess noise emission.

In the summary of results in Table 4, no allowance has been added for any noise made by patrons as they leave the venue, when outside.

Table 4: Forecast L_{A10} noise levels at sensitive receivers - Internal Patron Noise (120 people)

Receiver	Forecast L_{A10} (dB)	Assessment Period	Assigned Level Noise criterion	Meets Legislated Noise Limits
Residences A (Level 1)	49	Day	48	No
		Sunday/Public Holiday	43	No
		Evening	43	No
		Night	38	No
Residences B (Level 1)	48	Day	52	Yes
		Sunday/Public Holiday	47	No
		Evening	47	No
		Night	42	No

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3.2.3. Noise through Floor/Ceiling

Reverberate has conducted a noise intrusion analysis of bar noise travelling into the apartment above, directly penetrating through the floor/ceiling separating the two.

A reverberant patron noise level of L_{A10} 91 dB within the bar, is forecast to result in a noise intrusion level within the overhead apartment as follows:

L_{A10} noise intrusion level, 1.2m above the floor slab = 55 – 60 dB

This forecast applies to the sound passing through a 200mm concrete floor slab similar to that indicated as being installed on site. Adjustments have been made in accordance with the Noise Regulations based on the assessment point being within the overhead apartment, and windows and doors of the apartment closed.

Table 5: Forecast L_{A10} noise levels at sensitive receivers – Internal Patron Noise (120 people)

Receiver	Forecast L_{A10} (dB)	Assessment Period	Assigned Level Noise criterion	Meets Legislated Noise Limits
Residences A (Level 1)	55-60	Day	48	No
		Sunday/Public Holiday	43	No
		Evening	43	No
		Night	38	No

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Figure 2: Forecast L_{A10} noise level at a height of 4.0 m above ground. External patron noise from 30 people (XXX add labels)

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Figure 3: Forecast L_{A10} noise level at a height of 4.0 m above ground. Internal patron noise through open door

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4. Discussion

4.1. Forecast Noise Emission

The forecasting in Section 3.2 shows that the bar noise levels reaching the residences above the bar exceed the Environmental Protection (Noise) Regulations 1997 Assigned levels, throughout the day and night, whether the patrons are outdoors, or indoors.

These results can be summarised as follows:

Maximum L_{A10} noise reaching neighbours:

From external patrons	57 dB	(at Residences B)
From internal patrons		
via access doors	49 dB	(at Residence A)
via floor slab	55-60 dB	(at Residence A)

These noise levels greatly exceed the L_{A10} noise criterion at these residences as follows

Residence B	47 dB evening criterion;	10 dB exceedance
Residence A	38 dB night-time criterion;	17 – 22 dB exceedance

The above exceedances are based on the stated intentions of the applicant to operate the outdoor licensed alfresco area until 10pm at night, and the bar until midnight. There are no safe operating hours, to allow compliance with the assigned levels at any time, day or night.

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4.2. Review of HSA report

Reverberate has reviewed the HSA report and notes below the following discrepancies. Any of these factors can substantially increase the noise emission from the premises, the combined effect causes significant increases in noise emissions.

Crowd Noise

The noise from outdoor crowds as forecast by HSA is 7 dB lower than our experience and that in published articles

Music Noise in outdoor areas

Music noise is especially penalized by the Noise Regulations for its character. It also causes the patrons to raised their voices as they compete with it. We are advised that the applicant is not planning to locate speakers outside, and we endorse this position.

Noise Reflection from parked cars

No account has been made to determine the effect of noise reflections reaching the overhead apartments, caused by parked cars in front of the outdoor licenced area

Open access doors to Door open/closed

An insufficient assessment has been conducted by HSA of internal bar noise reaching the residences, via open doors. The noise from open doors will result in exceedance at any time, day or night

Assigned Level

HSA has incorrectly assessed noise emission to the overhead apartments using a high Assigned level. The true assigned level is 4 dB lower than that used by HSA causing potential exceedances of Patron noise to the overhead apartments

Noise through Floor/ceiling between the bar and overhead apartment

HSA has not considered the noise intrusion into the overhead apartment, via the common floor/ceiling with the bar

Outdoor Licenced Area

No indications have been given how the patrons will be controlled in the outdoor area to prevent unruly behaviour, excessive noise levels, or interactions with passersby

Background Music noise

HSA nominate that the background music noise is not to exceed 80 dB. This level of noise results in raised conversations and shouting among the patrons. It is not considered to be "Background" music at this level.

This level of noise can contribute to industrial deafness among the patrons and bar staff. Levels of 80 to 85dB or greater should be avoided.

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4.3. Review of the Noise Management Plan

Our review of this document has found the following discrepancies/inadequacies:

- Amplified music, in the form of DJ or live act has been proposed in Point #8 but no noise impact from such activity has been addressed. It is likely such impacts will exceed the current noise impacts, which, have already been found in this report to exceed the noise limits
- No mention is made of the need for Security guards to patrol outdoor areas to prevent antisocial or unruly behaviour, and the attendant noise impact from such activities
- Monitoring noise – The noise from any amplified event is to be controlled by an **Electronic Noise Limiter** so it is not left to the discretion of the Duty manager, or any other person with access to the amplifiers. This is the case for all music noise. This method is the only reliable method by which compliance with the Environmental Protection (Noise) Regulations 1997 requirements can be met for a venue such as this.
- All additional noise checking by the Manager, to be conducted during the course of each event. It is to be recorded and made available to the City.
- The Sound level meter used by the Manager on site is to comply with the technical requirements of the Environmental Protection (Noise) Regulations 1997. A field calibrator is also to be used for each set of measurements, for field calibration of the Sound level Meter before and after each set of measurement. This calibrator is also required to comply with the Regulations
- Reporting is to be regularly submitted to City and to be made available for inspection by complainants within 2 weeks of the complaint being received.
- All complaints received, as well as bar responses and outcomes to be recorded in the Register of Incidents at Licensed Premises (Refer Liquor Control Act, Section 116A) and annually included in a report to City.
- The noise management plan proposes in Point #7 the noise from the in-house sound system to be played *...at a volume that maintains a relaxed and comfortable environment and that allows patrons to converse.* Music noise of 80 dB as mentioned in Point #10a does not do this as the patrons need to raise their voices in such an environment
- Glass waste is proposed to be emptied into outside bins (Point #23). The acoustic report specifically notes that this activity occurs inside so the use of outside bins is not permitted

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5. Conclusions

Reverberate Consulting has undertaken an environmental noise impact assessment of potential noise emission from the proposed bar at 23 Freeman Loop, North Fremantle.

An acoustic model has been developed using published empirical noise source data, as well as 3D sound propagation modelling.

This Reverberate Consulting assessment has found that

- The proposed external patron numbers (i.e. 30 patrons) are likely to generate environmental noise which exceeds the Environmental Protection (Noise) Regulations 1997
- The proposed internal patron numbers (i.e. 120 patrons) are likely to generate environmental noise which exceeds the Environmental Protection (Noise) Regulations 1997
- Insufficient attention has been paid to controlling this noise to meet acceptable limits
- A series of discrepancies were found in the Herring Storer acoustics environmental noise report which cause the true noise impact to be greater than forecast by HSA
- Substantial differences exist between recommendations in the acoustic report and the proposed Noise Management Plan such that the overall noise impact of the bar will be greater than that presented in this report.

Based on the analysis contained in this report we do not recommend approval of the application to develop a bar at 23 Freeman Loop.

Additional Information 3 – Noise Management Plan

LEIGHTON BEACH BAR

NOISE MANAGEMENT PLAN

Date of document: 9 July 2020

TERMS USED

1. In this document reference to:
 - a. **Act** means the Liquor Control Act 1988;
 - b. **Licence** means small bar licence issued pursuant to s.41 of the Act;
 - c. **Licensee** means Freo Partners Pty Ltd;
 - d. **Premises** means the land and buildings at Lots 1 and 2, 29 Leighton Beach Boulevard, North Fremantle, WA;; and
 - e. **Venue** means the business operating at the Premises under the Licence trading as 'Leighton Beach Bar'.

INTRODUCTION

2. The Venue is a contemporary beachside bar/restaurant operating under the Licence.
3. The Venue is located in the Leighton Beach precinct, a locality featuring a mix of commercial, retail, hospitality and residential premises.
4. The ethos of the Licensee is to operate the Venue as a positive addition to the local community in manner that satisfies both the hospitality requirements of consumers and the reasonable expectations of community stakeholders.
5. All aspects of the Venue and its operation has been formulated to minimise the risk of the Venue causing:
 - a. Noise or disturbance to persons living and working in the surrounding neighbourhood;
 - b. Any detrimental impact on the amenity of the local neighbourhood; and
 - c. Any increase in the level of alcohol related harm and ill-health in the community.

OPENING HOURS / OPERATIONS

6. The permitted trading hours of the Venue under the Licence are:

- (a) Sundays to Thursdays: 11.00am – 10.00pm
 - (b) Fridays & Saturdays: 11.00am – 11.00pm
 - (c) Good Friday or Christmas Day: 12 noon to 10.00pm, but only for liquor sold ancillary to a meal supplied by the licensee;
 - (d) ANZAC Day: 12 noon to 10.00pm
2. The alfresco area must be cleared of all patrons by the following times:
- (a) Sundays to Thursdays: 9.00pm
 - (b) Fridays & Saturdays: 10.00pm

AMPLIFIED MUSIC

- 7. The operator's intention is to maintain relaxed and comfortable environment for patrons in the venue at all times.
- 8. During regular trading periods, amplified music will be provided on the Venue by way of the in-house sound system of the Venue only. A sound limiter will be installed and maintained to ensure that the volume of amplified music inside the venue does not ever exceed 80dB.
- 9. No other forms of amplified music (such as a DJ or live act) may be engaged to perform in the Venue at any time.
- 10. Management staff are to actively monitor sound levels at all times to ensure compliance with this Noise Management Plan.
- 11. Staff are required to adhere to the following conditions at all times:
 - a. Internally, music to be limited to background noise levels of a maximum of 80 dB(A) throughout the venue..
 - b. External doors are fitted with automatic closing systems. Staff must ensure that external doors are never propped open.
 - c. No amplified music is to be played in the alfresco area.

STAFF RESPONSIBILITIES & TRAINING

12. As an integral part of staff induction training, all employees and contract staff are to be made aware of requirements of this Noise Management Plan.
13. The senior approved manager on duty at the Venue is to be deemed to be the "Venue Noise Officer" and will be required to be present and contactable during all operating hours.
14. If the Venue Noise Officer is required to temporarily leave the Venue, he or she will appoint an interim Venue Noise Officer to perform that role for the period required.
15. The Venue Noise Officer will be charged with the following responsibilities:
 - a. ensuring that the provisions of this Noise Management Plan are complied with;
 - b. supervising all employed and contract staff in relation to noise issues;
 - c. monitoring and controlling all issues relating to noise in the Venue including the volume of amplified music played in the Venue;
 - d. responding in the first instance to any noise complaints in compliance with the procedures set out in this Noise Management Plan; and
 - e. undertaking noise level measurements in accordance with this Noise Management Plan as appropriate.

NOISE MEASUREMENTS

16. The Venue Noise Officer will undertake sound testing in the case of a resident complaint relating to noise or in any other case that a noise issue arises.
17. Management will be provided with appropriate sound measurement equipment calibrated to ensure accuracy.
18. Training of management staff will include instructions on the proper use of sound testing equipment.
19. When conducting sound testing, staff members are to take measurements based on L_{eq} 2 minute sound pressure measurements using the sound meter. Measurements to be undertaken in both "A" and "C" weightings; and over a period of 2 minutes.

20. When conducting sound testing:
 - a. inside the Venue, sound levels are to be measured 5m from the source of the relevant amplified music; and
 - b. outside the Venue, sound levels are to be measured at the nearest boundary of the relevant noise sensitive premises (e.g. the residence of a neighbour affected by sound emitted from the Venue).
21. When sound measurement indicates an excessive volume, the relevant manager is to take immediate steps to reduce the volume to the appropriate level and to maintain ongoing assessment of volume for the remainder of the day's trade.
22. The Venue Noise officer is to subsequently provide a report regarding the issue to a representative of the Licensee as soon as is practicable.

OPERATIONAL NOISE MITIGATION

23. Delivery of goods and general waste collection will be restricted to the following hours:
 - a. Monday to Saturday – 7.00am to 7.00pm,
 - b. Sundays and Public Holidays – 9.00am to 7.00pm
24. Glass waste will be handled during general operating hours in the bin room inside the venue. Glass waste shall only be emptied in outside bins during the following hours:
 - a. Monday to Saturday – 7.00am to 7.00pm,
 - b. Sundays and Public Holidays – 9.00am to 7.00pm
25. General and security staff are to remind patrons to be respectful of nearby residents and businesses and leave the area quietly.
26. Signage will be placed at all exit points of the Venue reminding patrons to be respectful of nearby residents and businesses and to leave the area quietly.

COMPLAINT RESPONSE PROCEDURE

27. The Licensee will maintain an active complaint response service during every evening that the Venue is open for trade.
28. The occupants of all business and residential premises located within a 200m radius of the Venue will be provided with the mobile telephone number and email address of an appointed representative of the Licensee appointed to liaise with neighbours. That person will ensure that he or she is contactable during all hours of operation of the Venue.
29. If any communication is received from a neighbour regarding the operation of the Venue, the Venue Noise Officer will:
 - a. take immediate steps to investigate the issue and, in the case of a noise complaint, to ascertain the level of noise and its source;
 - b. if the noise is sourced from within the Venue and the level of noise is considered to be undue, to take immediate steps to reduce the noise impact on the external environment;
 - c. immediately liaise with relevant neighbour to advise him or her:
 - i. that the communication has been received;
 - ii. that the matter is being investigated and any responsive measures required will be undertaken promptly; and
 - iii. to make contact again if the issue is not resolved to their satisfaction.
 - d. monitor the situation to gauge the effectiveness of any measures implemented;
 - e. record the details of the complaint in the Venue Incident Register, including:
 - i. date & time of the complaint;
 - ii. nature of the issue raised;
 - iii. name, telephone number and address of the neighbour(s) if known;
 - iv. results of investigations into the complaint and measures taken;
 - v. feedback from the neighbour(s) regarding the effectiveness of any measures taken;
 - f. advise a representative of the Licensee as soon as practicable.

30. The Venue Noise Officer and all managers and employees will deal with complaints in a polite and respectful manner. Any noise complaint is to be taken seriously and steps will be taken to investigate all complaints and address any concerns raised.

Additional Information 4 – Schedule of Submissions

Fully Support

	Submission	Officer Comment
1.	This planning application is fully supported on the firm grounds of proper and orderly planning to the amenity of this Leighton Beach locality. The proposed change of use to Small Bar and Alterations will be a significant improvement to the much needed and expected commercial services of Leighton Beach and greater North Fremantle. This high quality development will be complemented with high quality day-to-day management with a strong and successful community track record in Fremantle. Expected matters of traffic management, noise control and fair and reasonable hours of operation will be dealt with by the CoF with respect to precedence in the neighborhood; as well as by the active strata rules and guidelines in the immediate strata complexes - Prima, Meridian, Compass, Beachside, and The Leighton. Finally, it is important to note that owners and residents of the Prima, Meridian & Compass apartment complexes bought their homes and tenancies with a clear, agreed expectation that a commercial land use and amenity of this nature and quality would occupy these commercial premises. I look forward to the opportunity of presenting my submission in favour of the application to your Planning Committee.	Noted
2.	I would like to support the proposed change of use to Small Bar. The development will add a much needed amenity to the Leighton Beach area. Although care must be given to traffic management, noise control and reasonable hours of operation.	Noted
3.	Fully support the proposal	Noted
4.	I fully support this proposal as it will provide a great meeting place for locals and help overcome the somewhat sterile atmosphere at Leighton	Noted
5.	As a Leighton resident I am happy to support the proposal and feel that it will add to the amenities within this location.	Noted
6.	Wonderful news for the locality. I'm in full support of the submission for proposed Small Bar.	Noted
7.	Supporting the Submission for the Leighton Beach Bar	Noted
8.	LEIGHTON BEACH BAR-yes lets go-Big Support	Noted
9.	I'm fully supportive of this proposal. My view has not changed from a prior separate proposal for a small bar at Freeman Loop, North Fremantle. I still believe even so with the world now facing Covid-19 that having a local spot that allows for close-by apartment living neighbours to come outside in a friendly, safe & relaxing atmosphere that allows for comradery and a sense of community between people. Some people are still anxious with lifting of Covid restrictions and the threat of safety, rightly so, but anything it has shown over the last few months in the toughest of times that people need to have the opportunity for socialisation and being able to interact with	Noted

	others. I believe the new operators have a strong pedigree and experience in operating small bars and possible concerns about noise and anti-social behaviour will be well managed and mitigated.	
10.	Sounds like a great idea	Noted
11.	As residents of North Fremantle for over 20 years (with 8 years of that living at The Leighton) our household is very excited at the prospect of having an upmarket local bar in the immediate area. Having seen the design drawings and knowing the hospitality skill set both Greg and Alex bring it would be catastrophic to lose another opportunity to expand and enhance our social options. To have a venue like this in the precinct will create ambiance and vibrancy, something that is severely lacking when the sun goes down. Since obtaining their alcohol serving licence, MRKT Space have proven there is local demand for a high quality, low key venue. The Piazza area was always planned to have bar and dining options opening onto it and it was plainly obvious to prospective buyers that was the case, so I implore you to ignore the loud minority who have blocked or stopped many great plans and allow this proposal thereby adding to the diverse range of options already spread across the suburb.	Noted
12.	I think this is a great idea and should proceed. Also could be a co-working space during the day.	Noted
13.	This is a very stylish looking plan and precisely what our precinct is missing. MRKT Space has proven to be a responsible, well run and popular venue, despite concerns from locals that it would somehow cause the sky to fall in. That just did not happen. Strange Company likewise appears to be a very good community citizen. The Piazza would well benefit for some vibrancy, and having more people around will promote the other businesses in the area. Community safety also increases with more people around. We actually bought in to the area expecting this type of development to occur and have been frustrated at the time it has taken for this to happen.	Noted
14.	What a fabulous idea, this is seriously lacking in this area. Bring it on!!	Noted
15.	I am a resident of Freeman Loop and give my support to the application.	Noted
16.	I am a Leighton Resident and I think this small bar can increase the value of the destination. I am looking forward to it.	Noted
17.	We would love to see this proposal approved	Noted
18.	We support the proposed amenity Leighton Beach Bar at 23 Freeman Loop.	Noted
19.	This is absolutely fantastic and exactly what is needed here! It will bring a great community together more and great for residents and locals also that also don't live next door. So many people I know that live local ie Cott, Freo, Swanbourne, East Freo etc looking forward to a cool bar opening up somewhere as not much in Cottesloe nor Freo either really	Noted

	that's classy and meets the market we need and have here. I can't wait!	
20.	As a Leighton Beach Boulevard resident I totally support the opening of the bar. We believe in supporting local businesses and regularly shop at the few outlets here where possible	Noted
21.	Hi I am the owner of an apartment in Freeman loop in North Freo, opposite the proposed small bar site. I am very much in support of this to further enrich our local community and bring others to our special part of the world. The designed look great and opening hours perfect.	Noted
22.	I fully support the proposed development as it will add to the Leighton Precinct "vibe". We purchased our apartment here with the hope that we would have bars, restaurants and cafes at our doorstep. This would be a step towards making the Leighton Precinct a vibrant hub.	Noted
23.	I fully support this development. I live in the apartments in freeman loop and it'll be a fantastic addition to the community!	Noted
24.	Great idea and will be a perfect location for a boutique bar both winter and summer.	Noted
25.	Great addition to the Leighton development, commercial was always supposed to be a part of the development so I'm glad that a hub of activity is finally emerging.	Noted
26.	This looks fantastic and will be a welcome addition to the area. I very much look forward to this proposal being approved and the construction completed!	Noted
27.	As neighbours we strongly support this proposal that represents a sympathetic addition to our community.	Noted
28.	I'm fully supportive of this application being approved.	Noted
29.	As a local resident, I fully support the proposal. It offers something different to the existing establishments of the area and compliments the architecture of the existing apartment developments. It provides locals with an easy to walk to casual night out without the need to drive or take transport. Given the nature of the proposal, I don't believe that excessive noise will be an issue and considering one of the owning partners is a resident of the complex as well as being an existing commercial tenant, he will be able to maintain standards and control.	Noted
30.	"We would like to express our full support for the proposed small bar and light dining opportunities. The site is ideally located in an area not currently serviced with facilities of this nature and we feel that the area is in desperate need of some up-market convivial venue for the expanding locals who have little opportunity to socialise in the safe and well thought out area as is proposed. We live above the proposed project and have no objection to its location "	Noted
31.	It is always good to have a quality hospitality offering in a development like this and the area could use more operators.	Noted
32.	Think that the idea is sound having been involved with the Leighton redevelopment project when it was on the drawing	Noted – Noise Management Plan

	boards and that it is simply following through on the original concepts for place activation and neighbourhood vitality. I think that provided that noise issues are addressed together with opening hours such a development by the proponents would be a significant asset to the precinct and the metropolitan oceanside offering.	provided, and hours of operation limited.
33.	As owner of an apartment in the Meridian complex I fully support the proposal of a small bar at 23 Freeman Loop. When my wife and I purchased our apartment, we understood that there would be a bar or restaurant at this location and this was something that attracted us to this development. We would request that the trading hours do not go past midnight. I understand that the team developing this bar are experienced in this area, running high quality venues elsewhere.	Noted – As the hours are limited to not go past midnight, this submission is taken as full support.
34.	I have reviewed the plans and supporting documents for the proposed development and I confirm that my wife and I are in support of the proposal. Potential issues of noise are well addressed in the acoustic consultant's report and I have confidence that should any issues arise, they will be dealt with by the appropriate staff	Noted
35.	As a resident of the neighbouring building I am in strong support of this proposal. It will bring a much needed offering to the area. We have missed too many opportunities for this due to 'lone residents' opposing any vibrancy. The very reason most people choose apartment living over traditional housing.	Noted
36.	I'm supportive of the Leighton Beach Bar in Freeman Loop. The area needs more offers like this to make it a vibrant hub that will in turn support all businesses in the immediate area and make it a more attractive place to live for residents.	Noted
37.	Excellent proposal – will add some life to the Restaurant precinct at North Fremantle. Currently only shops – need to revitalize this area.	Noted
38.	In favour.	Noted
39.	We wholeheartedly support the Application. The adjoining licensed café has been fitted out, managed and operated to a very high and professional standard and we look forward to welcoming and patronising the new venue. We believe it will provide a very welcome, and different, addition to the other nearby hospitality venues and very positively contribute to the amenity and lifestyle of our neighbourhood.	Noted
40.	I feel the proposal for a small bar development in Freeman Loop will enhance the Leighton Beach foreshore. It will provide amenities for both the residents and visitors that to date visit the vicinity. Anything that provides more services for the public are a bonus. I truly hope this development gets the go-ahead.	Noted
41.	I am a Freeman Loop Meridian Resident would like to support this application as a positive contribution to the vibrancy of the local community - socially, economically conveniently	Noted
42.	I support the change of use to a small bar based on the proposed design plans by Michael Patroni and my positive	Noted

	experiences when visiting existing venues under the ownership/management of Matt Power, Alex Brinis and Greg Leaver.	
43.	I strongly support this application and I have been a resident in this precinct from day one. The area has greatly benefited from facilities such as Bib and Tucker, Orange Box etc run by respected operators. The guys have been great operators of MRKT and will I am sure continue that in this new venture.	Noted
44.	As an owner/occupier at Meridian Leighton I am in support of the new application to provide a small bar for the local residents to enjoy. With constantly empty commercial spaces within the Prima complex I think this could be an ideal opportunity to provide the local and growing (in regards to the upcoming Compass and other future complexes) community a place where we can all relax and get to know our fellow neighbours all within walking distance as which there is none. Whilst I realise there are concerns about noise with some residents, there was already the approval to build a licensed venue/hotel within the community when I signed the dotted line to purchase my apartment off the plans back in April 2015. And with two of the proprietors living within the community, this could be a great opportunity to provide such a venue in a way where concerned residents are able to communicate with the owners in amicable manner. I would look forward for a small and tasteful bar to open and continue to build our community while maintaining a healthy relationship between all (and future) complexes within the Leighton community should approval be granted.	Noted
45.	Hi, I fully support the Change of use to a small bar and alterations at 23 Freeman loop. This will add greatly to our community vibrancy and the plans proposed are supported by me in full.	Noted
46.	I fully support this planning application. What is proposed would be both different and a welcome addition to the current options available to residents. With Bib & Tucker, Jessie's and Mrkt Space each providing a slightly different offering, this Small Bar will be a great place to eat and drink in a casual setting. Noise control is obviously important however the submission includes a professional report and recommendations, and the applicants at a recent community meeting demonstrated willingness to ameliorate as much as possible. Given that the residences along Leighton Beach Blvd essentially constitute a "small suburb in a street" having this sort of venue will enhance a sense of community. All nearby residents purchased in the knowledge that there were proposed commercial use of premises in the vicinity.	Noted
47.	The proposal for Fremantle Loop provides is well thought out and carefully considered in relation to local needs and communities. It is likely to provide a spur for community/residential/family-oriented activity in the area close	Noted

	to the hub of Leighton Beach as well as contributing to the commercial success of the surrounding area of North Fremantle. The proposal is sensitive to the balance of activities and lifestyles embedded around the immediate area, and, if appropriately managed and regulated, will likely make a significant cultural as well as economic and leisure- based contribution to what is fast emerging as one of the thriving social centres of the Fremantle area.	
48.	I wish to give my full support to this proposal. The MKTSPACE management have proven themselves as worthy of such an undertaking. When I purchased my apartment this development was always proposed, and indeed a main selling feature. Community interaction! The main complainant situated above the development received a price reduction of his apartment and would have signed an understanding of such with Mirvac. A group of residents seem intent on turning this complex into a retirement village. Not acceptable.	Noted
49.	I strongly support the application for a change of use to Small Bar and Alterations at 23 Freeman Loop, North Fremantle. As a nearby resident I am a regular customer of 'MRKT Space', an existing venue owned and operated by the applicants. MRKT Space is professionally operated and has developed a strong sense of community. The applicants have an exemplary background in hospitality and the architect is highly regarded with a great track record of hospitality venues. The venue is well located for locals being a close walking distance to North Fremantle, has great cycling infrastructure and good connections to public transport and ample parking for visitors. I believe the venue will contribute very positively to the area and support the level of private and public investment that has taken place at Leighton.	Noted
50.	As a resident of Freeman Loop I would like to express my support for this proposal on the condition that trading hours do not go past midnight. Our understanding is that it has always been part of the plan to have a bar in this location and we look forward to seeing it eventuate. We are reassured that the team developing this bar are experienced in this area, running high quality venues elsewhere. It will provide a community hub for residents, helping to build connections within the community.	Noted – As the hours are limited to not go past midnight, this submission is taken as full support.
51.	As owner of an apartment in the Meridian complex I fully support the proposal of a small bar at 23 Freeman Loop. When my husband and I purchased our apartment, we understood that there would be a bar or restaurant at this location and this was something that attracted us to this development. We would request that the trading hours do not go past midnight. I understand that the team developing this bar are experienced in this area, running high quality venues elsewhere.	Noted – As the hours are limited to not go past midnight, this submission is taken as full support.

Conditionally Support

	Submission	Officer Comment
1.	Fully support the bar, however would prefer the number reduced to 80	The liquor license limits the number of patrons to 120. The small size of the venue also limits the maximum capacity.
2.	Dear City of Fremantle Planning, I am writing in support of development application DA0146/20. There are many aspects of the business owners, designers and plans which mean that I am confident this will be a quality establishment that will benefit the Leighton Precinct. I do have concerns that Noise level generated by music will breach the Environmental Protection (Noise) Regulations (1997). To mitigate this, I request conditions imposed on the approval as follows: * • Trading hours for Mondays to Thursdays are amended to 11.00am - 10.00pm • no music is to be played in external alfresco areas from 7pm • no guests are to be in external alfresco areas from 10pm on extended weekend trading hours Noise level generated by music will breach the Environmental Protection (Noise) Regulations (1997) as follows: • The Environmental Noise Assessment predicts noise impacts for Adjacent Apartment Building noise levels of 46 dB(A) for music, which is a constant type of noise. • The noise will be particularly impactful where generated in the external alfresco areas, from drawing LG02 areas marked "LOOSE FIT FURNITURE", "FIXED OUTDOOR CONCRETE TABLE W/ LOOSE CHAIRS, and "LOOSE FIT FURNITURE W/ FIXED BENCH SEAT ALONG SHOP FRONT". • The City of Fremantle website outlines the limit for constant noise as 45 dB 7am to 7pm, 40 dB 7- to 10pm, and 35 dB 10pm onwards (https://www.fremantle.wa.gov.au/residents/health-and-wellbeing/noise#Party & Stereo Noise). • External alfresco areas are in drawing LG02, with markings "LOOSE FIT FURNITURE", "FIXED OUTDOOR CONCRETE TABLE W/ LOOSE	Hours have been limited (though not to the extent noted in the submission) and noise conditions imposed to limit outdoor noise. See Officer's Comment section of report for further details.

	CHAIRS, and “LOOSE FIT FURNITURE W/ FIXED BENCH SEAT ALONG SHOP FRONT”). As supportive feedback for the proposal: • I fully support the applicants’ proposal to create “a meeting place for locals and visitors to enjoy morning coffee, licensed brunch and lunch service, wine, cheese at sunset and evening meals and cocktails”. This will be an excellent addition to the Leighton Precinct. • The applicant has an excellent track record, with the venue MRKT Space he operates being very high quality, popular, well run, and wonderful addition to the Leighton Precinct. • The architect proposed has proven local track record in creating high quality ambiances in entertainment venues in Fremantle, particularly Little Creatures and Ronnie Nights. • The dining philosophy of “healthy, quality meals.... inspired by the gastronomy of Australia, Italy and California” will succeed well in the area, complementing the offerings of other venues such as Jessie’s and Bib & Tucker. • The Venue wine list complements the high quality offering of the venue, and it is fantastic that it supports Western Australian Wine regions, while also drawing on the “key wine regions of Italy” in keeping with the Italian inspired theme of the venue. • I am supportive of entertainment not being a key service of the business, and their commitment to this. As an adjacent apartment owner, I would be concerned if entertainment was a key service, due to noise impacts. • I am supportive of the venue having a seating area of no less than 60 patrons, demonstrating that the venue is focusing on having a “relaxed and comfortable ambiance”. As an adjacent apartment owner, I would be concerned if the venue was going to be focussed on a bar / late night entertainment crowds, due to noise impacts. • I am supportive of the commitment to keep amplified music “at a conversational level” during trading hours (with further restrictions requested above). • I am supportive of the entertainment conditions prohibiting people to “take part in or undertake or perform any activity or entertainment on the licence premises in a lewd or indecent manner”.	
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3.	I've no problem with the bar but I would like to know where the parking is going to be? It's at a premium now. I'm concerned about noise and parking. For the former, I think perhaps closing earlier would be better. During the day in summer parking is already at a premium and visitors of owners can rarely find a park.	Noted - See Officer's Comment section of report for further details.
4.	I am basically in favour of the change of use. I am not in favour of what passes for "music". ie loud noise with endlessly repeated base emissions, but even this can be tolerated if it stops at or before 10.00 PM. Any noise at all can be tolerated if it stops at 10.00PM. I would like to see good, inexpensive meals served. I do not wish to have to avoid tables and chairs on footpaths that I have become accustomed to walking on. This exclusion also applies to the raffia mats that the green room put out onto the footpath. Injury risk if someone trips.	See Officer's Comment section of report for further details. An alfresco license is a separate process not the subject of this application.
5.	My main concern is noise.	Noted
6.	In general, I support the application, however, my only issue is with the opening times for Sunday through to Thursday. I believe that the closing time for Monday through to Thursday should be 10 pm and Sunday night about 9 pm. My reasoning is that when people leave the venue they then tend to stand around nearby or at their vehicles, continuing their conversations in loud voices that impact on the people living in the apartments above.	Noted – Opening hours have been amended since this submission was received.
7.	<i>Leighton CAN Inc was formed by a community-collective of Leighton Beach, North Fremantle residents in early 2020. This new incorporation followed successful inclusive community activities in 2019 focusing on pressing social and physical sustainability issues for the neighbourhood precinct of Leighton Beach.</i> <i>As a formal community group, Leighton CAN INC now continues its sustainability charter to uphold the City of Fremantle's One Planet Living Strategy, and to encourage, coordinate and support the goals and sustainability projects of other related Leighton Beach & North Fremantle community groups.</i> This planning application is supported on the grounds of proper planning to the amenity of this Leighton Beach locality. The proposed change of use to Small Bar and Alterations will be a significant improvement to the much needed and expected commercial services of Leighton Beach and greater North Fremantle.	Noted - See Officer's Comment section of report for details on noise management and acoustic report analysis.

	This high-quality development will be complemented with high quality day-to-day management with a strong and successful community track record in Fremantle. Expected matters of traffic management, noise control and fair and reasonable hours of operation will be dealt with by the City with respect to precedence in the neighbourhood; as well as by the active strata rules and guidelines in the immediate strata complexes - Prima, Meridian, Compass, Beachside, and The Leighton. We expect that legitimate concerns of the most affected residents will be taken into account in the planning and approval process. We note that from a One Planet Living perspective, there is no reference to sustainability in the application, in particular no reference to waste management beyond noise. As this is already an issue in this precinct, especially with regard to the FOGO rollout, we would like the approval to address these concerns. Finally, it is important to note that owners and residents of the Prima, Meridian & Compass apartment complexes bought their homes and tenancies with a clear, agreed expectation that a commercial land use and amenity of this nature and quality would potentially occupy these commercial premises. We look forward to the opportunity of presenting this submission in favour of the application to your Planning Committee.	
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Oppose

	Submission	Officer's Comment
1.	I have some concerns about this proposed development and its function. The Leighton development is a high-end apartment community and is known for its relaxed, quiet and undisturbed atmosphere. From having spent time there, I have noted that it is also home to a generally order and retired age-group (such as my mother) and families with young kinds. As such, we both have several objections to the proposal in its current form which are as follows: - A cocktail bar housing 130 people is going to significantly affect noise, traffic and ambience in the community. Additionally, the proposed alfresco area for 30 people is likely to spill onto the surrounding footpaths and common areas detracting from the atmosphere of the area.	The occupancy is limited to 120 people, with appropriate noise restrictions in place. An alfresco license is a separate application through the City's Infrastructure Services, not the subject of this current application. It is up to individual business to have a

	- In the opening of a bar, as opposed to a restaurant, there are issues with alcohol consumption without food that can potentially affect local residents with regards to safety and increased violence to the residents. - Our argument is also that a large bar would not fit into the landscape and atmosphere of the area based on the above points. - My own personal objection as a frontline medical practitioner to the number of people in this venue related to public health issues that are now part of our world in the middle of a pandemic. With a huge number of 130 patrons, social distancing is impossible and the spread of viruses such as COVID19 is a real risk. It is largely recognised that this pandemic is far from over, and the rest of the world is actively seeking ways in which its spread (and any other forthcoming pandemics) can be minimised. This means, we all have to look at changing the way we live, work and socialise for ever. This also means, having more space and less people in it, as well as many other hygiene and public health precautions. As such, I cannot see a new world after this where large bars such as this one in a relatively small space are considered safe. Additionally, although the Leighton apartment population is generally in excellent health, given they are at the extremes of age, they will always be "at risk" in a pandemic. For all of the above reasons, we would implore you to please reconsider this proposal and work with the proposed owner and business managers on severe changes to as it currently stands.	COVID plan in place.
2.	I am writing in opposition to the above proposal as the complex is made up of residential apartments and the extension of the opening hours of MRKTSPCE to 9pm and providing alcohol for a maximum of 25 people already causes extreme levels of noise. Loud music, people smoking, vaping and having loud conversations as the night goes on and often till much later than closing time, already heavily impacts on the way in which we can use our balcony. The further extension of a bar and alfresco drinking area for 120 people will add to the already levels of noise as there is the potential of 145 people milling around. People will hang around and influenced by the amount of alcohol consumed will generate a great deal of noise, talking, laughing, slamming car doors and getting into Ubers after midnight on weekends and till 11 o'clock on week days.	Noted – A further limitation on hours has been imposed. See Officer's Comment section of the report.

	For people sitting on their balconies and those that have to get up early to go to work the proposed change will impact heavily on the quality of living in this area. I strongly question the suitability of a drinking bar with all that it entails in a location of residential apartments. In an environment that is relatively isolated from the hustle and bustle of city life, noise travels especially on hot still nights. As a resident I feel that I have no escape and am forced to put up with all the goings on which will greatly disrupt the lifestyle of people in the area. I strongly urge you to reject this application.	
3.	The proposal to build a tavern to seat 120 people seems inappropriate for the surroundings at this beachside apartment living complex. It seems inconceivable that for 7 days a week this venue will be able to sell alcohol with no main meals available. This encourages the undesirable behaviour often seen in parts of the cappuccino strip in central Fremantle. Similar licensing changes were made in that precinct many years ago and it has never recovered. Small venues which combine dining and alcohol are intimate and respectful of the surroundings particularly when everyone lives so closely to each other in a physically and acoustically confined space. A large noisy tavern with patrons drinking inside and outside the premises does not make for a secure and peaceful locality for the many residents who will certainly be impacted if this development proceeds.	Noted See Officer's Comment section of the report.
4.	We are concerned that this will turn into a pub with all its consequences of noise, parking, too many patrons and on-going evening disturbances and will not support this idea. At this stage we already have 4 licenced facilities within a circle of around 1-200 mtrs (Bib&Tucker, Jess, MRKT Space and the orange box). It simply is overkill for the location and its current occupants.	Noted
5.	I am writing in opposition to the application for a change of use to small bar as per application number DA0146/20 and to express my opposition to the proposed change of use from commercial to a small bar in the Prima building. A 'small bar' License would be unsuited for this property. This complex is made up of residential apartments, all with wide balconies and wide entrances from the balconies into the further living area. Some residents have been living here for 2.5 years. This complex is in many respects isolated from the normal community living which makes up the bustle and activity of metropolitan and inner city living. The consequence of this isolation is that every extraneous noise	Noted An acoustic report and Noise Management Plan have been submitted and are to be adhered to. See Officer's Comment section of the report and refer to Hering

and sound in the precinct is clearly heard. Normal footpath conversation can be easily heard. A bar within the building attached to an alfresco drinking area will greatly impact on amenity and life style. The noise will greatly disturb daily living. Conversational levels of noise are not considered in measuring the noise which will emanate from the bar. The acoustic report talks of noise equivalent to beer garden noise. Such a level of noise, particularly on hot still nights when the alfresco area will be most heavily used will have an adverse impact on residents. It goes without saying that the longer patrons remain seated in the alfresco area and the more they drink, greater will be the noise. There is nothing unique about this occurrence; it is a simple and normal fact of life at such drinking venues. The proposed hours which will stretch well into the night will make living intolerable. The nightly last drinks will not be the end of the noise but the beginning of a new and in some circumstances even greater noise. The departure of noisy and lingering patrons at closing time is the bane of residents living nearby all such venues. Your acoustic report says "voices do not contain any annoying characteristics, as defined by the regulations and thus, no penalties are applied when assessing noise received at the neighbouring premises". These voices may not be annoying to the regulators however to people sitting on their balconies having to put up with them, they most certainly are annoying. The applicant may not be penalised but the owners of the apartments certainly are. It is a fact of life that most people who are at these venues at closing time have been there for some time and are almost invariably influenced to some degree by the alcohol they have drunk. The inevitable consequence is that they talk loudly, laugh loudly and generally generate a great deal of noise. A characteristic of closing time at drinking venues is that the last patrons have a great reluctance to go home and invariably 'hang about' conversing in a raucous manner. This will all be taking place immediately below our balconies at midnight on weekends and 11 o'clock on week days. The cruel truth is that this is a universal phenomenon for which the Council has no responsibility, the Police have no responsibility, the licensing authorities have no responsibility and from which the residents have no escape. The people who visit the bar by car will overwhelmingly have to walk the full length of our building along the footpath under our balconies to reach the car park. Those patrons who catch the train will either walk the full length of Freeman	Storer Acoustic Report (July)
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	Loop past all the Meridian apartments to get to the station or the full length of our building and those waiting for Ubers, will as they do when leaving the Bib and Tucker, stand in the middle of the road just metres from our building. This is all accompanied by great noise. The issue is not whether small bars are a good idea, whether they are a new form of sophisticated drinking, not whether they are an enlightened form of indulgence; it is whether a drinking bar with all that it entails is suitable to be located in a building made almost exclusively of apartments, designed specifically for outdoor living and in an environment and location where noise is magnified and where it is not absorbed, camouflaged or lost in the noise and sounds of normal community living. The acoustic report of which much is made does not, will not and cannot address these matters. Unquestionably there will be other noise following closing time involved in putting tables and chairs away well past closing hour. The very nature of the use to which this area is to be put will generate unacceptable noise. Bars do make noise; noise does travel out of the bar up and into areas immediately above it and in its proximity. What is euphemistically described as background music will travel out into the immediate area. This proposed change of use application which will result in a liquor outlet has no merit, no virtue and will bring great discomfort and unpleasantness to those people who reside in Prima. Put simply, the small bar proposal is the wrong use at the wrong place and will cause great discomfort and greatly disrupt the lifestyle and living of people in the area. I urge you to reject this application.	
6.	I am opposed to the change of use to Small Bar. Why would the City of Fremantle want to compromise the lifestyle that Leighton has to offer by operating an additional bar licenced for 120 patrons in a residential building? There are no positives in this and it will be at the expense of the ambience and the character of this unique beach front location. We already have ample opportunities in the area to visit a licenced premise, as I state below. For residents it will be a significant disruption with a bar operating through to 11.00pm mid-week and to midnight on weekends. A midnight close will see staff putting away chairs, tables for a least another hour after closing. The general noise of the bar and the outside area will be a disturbance in the Freeman Loop precinct. And of course, there's the increased level of noise with patrons leaving the	Noted An acoustic report and Noise Management Plan have been submitted and are to be adhered to. See Officer's Comment section of the report.

	venue, saying their goodbyes and trying to get a taxi or an Uber, or making the passage down Freeman Loop to the North Fremantle train station. Noise is already an issue for residents. The servicing of Bib and Tucker, The Orange Box and Jessies involves constant activity with refrigerated trucks, waste removal and Council vehicles, it gets very crowded and these vehicles park legally and illegally. A bar will see an increase in parking demands by service vehicles and patrons. Parking in this precinct is already a nightmare on Sunday's with the Fremantle Surf Club activity. We don't need an additional bar in this area, there's two licensed restaurants (Bib and Tucker & Jessies), and two taverns (MRKT Space & Coast) all in close proximity, and plenty of restaurants within walking distance just up the road in North Fremantle. I am also concerned that the bar will bring with it other problems, namely anti-social behaviour...it's inevitable. And I do note that in the City of Fremantle Policy on Alcohol in the Community it makes particular mention of circumstances "where the impact of the proposal upon residents is considered to be central to the determination of the application ". This change of use is such a case. I can think of no example where a change of use could more directly affect the amenity and the quality of living of City of Fremantle residents.	
7.	I write to express my strongest opposition to the above proposed change of use application. A bar in the Prima building is entirely unsuited. Amongst other things, it will cause very substantial noise which will of course be substantially increases by the proposed alfresco. The acoustics report which accompanied the application does not reflect the levels of noise or their cause which will be in the environment of Prima greatly amplified. With all the paving around us, plus the concrete walls, awnings, balconies and glass, the area is acoustically 'live'. The acoustic environment around the Prima and Meridian buildings with all the hard landscaping creates an acoustically alive space which amplifies even the quietest and most benign conversations. That explains why the party-goers leaving Bib and Tucker sound so loud. The whole area - roadway, paving, footpaths, walls and canopies are hard and reflective surfaces. This	Noted An acoustic report, a Noise Management Plan, and a Waste Management Plan have been submitted and are to be adhered to. See Officer's Comment section of the report and Hering Storer Acoustic Report (July)

	focuses and accentuates noise, especially inside the balconies facing the noise source. The existence of trees, shrubbery, plantings count for nothing as there is no acoustic attenuation from plants. So, whilst conversations from outside a bar might meet legal noise levels, the environment around our buildings creates a perfect storm for those levels to be accentuated and not attenuated by distance or absorption. Given also the remote nature of these buildings away from any background ambient noise at night, even the slightest sound is accentuated by virtue of the lack of any ameliorating background noise (e.g. traffic hum etc). The level of noise which a bar will create will be intolerable for residents. As matters stand, evening functions such as birthdays and weddings held at Bib and Tucker and the Orange Box create a great deal of noise. Speeches held during these occasions can for instance be heard perfectly clearly from the balconies of Prima and presumably Meridian. While the acoustic report refers to conversational levels of noise not attracting a penalty and the noise level of the alfresco being comparably with a beer garden, both entirely misunderstand and misstate the noise levels to be generated by a bar. Normal conversations immediately below the Prima apartments can be clearly heard as if the conversation were being held on the balcony. This impact for at least 12 apartments directly above the proposed area is extremely damaging to their way of life and also their value of their property. Finally, no consultation has taken place with me and I also have serious concerns regarding waste disposal, disposal of kegs, bottles, etc, all of which will cause considerable disturbance to neighbouring residents.	
8.	My wife and I are in strong opposition to the proposed change of use to small bar to be located only a few metres from our apartment and balcony we already have MRKT space directly below our apartment with a licence to serve 25 customers this already creates a lot of noise. My wife and I are in our mid 70 s and purchased here to retire and live a quiet life, we have chosen this apartment for low maintenance and up keep At the time of purchase all the ground floor suits was unoccupied, we purchased on the	Noted An acoustic report and Noise Management Plan have been submitted and are to be adhered to.

	understanding the zoned premises would be restaurant, or retail if we had known there was a possibility it would be a pub we would not have purchased Because we live above Mart space we are already inconvenienced by the noise we are woken at just after 06.00 am in the morning when the barista banks out the ground coffee into the bin, during the day we have to put up with heavily bass music vibrating into our apartment, and in the evening especially on Fridays and Saturdays we have up to 12 to 15 patrons drinking in the alfresco area, talking loudly and using foul language, drinking outside on Freeman Loop. With the new bar with up to 120 patrons, and 30 patrons in the alfresco area the noise will be great deal loader, add to this the patrons leaving premises ordering taxis on their mobile phones, slamming car doors, saying their goodbyes, on top of this bar has to clean up, move furniture, collect glass and waste. Trucks delivering supplies setting off their beepers when in reverse. This area is a residential area, and that is why we chose to live here, any change to a small bar licence with up to 120 patrons will severely impact on our lifestyle We totally oppose this application for a small bar DAO146/20 We urge you to consider the best interest of residents	See Officer's Comment section of the report.
9.	I wish to lodge an objection to the proposal. I reside as an owner above Jessie's Cafe in 1 Freeman Loop, (opposite the proposed Small Bar) and have many concerns with the current proposal, outlined as follows:- Noise: - Increased traffic flow along Freeman Loop as patrons try to park and potentially catch Uber drop offs and pick ups, (at as yet undecided point). - With capacity for 120 people, there will be considerable increase in noise levels, given that at least 30 seats will be outside. - Music, with the potential for live bands. I fail to see how this is going to be contained even with the most sophisticated insulation and decor, when the windows are all the way around the front and corner of the building.	Noted An acoustic report and Noise Management Plan have been submitted and are to be adhered to. Hours have been further limited since this submission was received. See Officer's Comment section of the report.

	The hours before midnight are the most precious to obtain for a good night's sleep and wellbeing. There will be no respite or opportunity for an early, quiet night, given that 10pm will be the earliest, only 1 night of the week! I am particularly concerned how the noise levels are going to be able to be monitored, and contained, with Bib and Tucker also operating until midnight, with weddings throughout the Summer months. Cumulatively, how is the noise capacity going to be decided? Do both venues halve their decibel allowance? What if Jessie's decides to apply to have live music as well? <i>Hours:</i> As mentioned above. I am not convinced that this area needs a bar venue operating 7 days/nights a week, particularly when midnight is the standard for every Friday and Saturday, and 11pm Monday to Thursday and 10pm on a Sunday. As a resident, I think this is overkill. The general public will not be thinking of the residents' when vacating the premises, and really one cannot expect them too, let alone when inebriated and grossly intoxicated. The proposal in its current format is unacceptable. To be acceptable would require significant alterations to what is on the table.	
10.	I write to object to the proposed change of use to allow a small bar at the above mentioned address. I reside at 11 Leighton Beach Blvd. I object on the grounds of insufficient on street parking and late night noise disturbance. There are only 250 carbays in the whole precinct. The Council's previous decision to not impose any parking requirement or cash in lieu contribution on commercial business in the precinct has created an intolerable burden on the residents of the area. The precinct is landlocked between the ocean to the west, railway line to the east, a narrow strip of privately owned land to the south and a narrow strip of land to the north with competing claims from Westrail, MRDWA and recreation uses. With no potential additional land the Council needs to find a solution for the residents. The only available bays are shared between the following users:	Noted – See Officer's Comment section of report

	Jessie's on the beach- 120 seat licensed restaurant Bib & Tucker- 140 seat licensed restaurant Mrkt Place-20 person small bar Orange Box Cafe - on good weather weekends can have upto 300 patrons per hour in the morning Beach using public in warm periods this number obviously varies with school holidays, weekends etc. Fremantle Surf club with 1350 members. Nippers Sunday morning October - March 8am-11am complete parking nightmare which will amplified by the recent fencing off of the Port Authority land to the south. Core Fitness located within the surf club On street parking by local residents due to parking shortfall in the various complexes (there are current 223 apartments occupied in the area and a further 67 due to be completed this year) particularly at night and over weekends. The 2 remaining undeveloped sites can accommodate a further 110 apartments additional demand on on street parking. Finally the 80 room plus accommodation hotel with no off street parking and a mooted 120 person rooftop bar. I fail to see at any level how all these competing attractions can be accommodated with the limited parking. It is ridiculous to say they will take public transport or use ride sharing or the demand will be generated locally. Perth has the second highest car ownership in the world-not a proud statistic but a fact. The burden of this under supplied parking will be forced upon residents who even now jockey for on street parking in peak periods. As a resident since 2103 I can attest to the significant reduction in noise at night since the pandemic closed many of the existing businesses. This statement has been reinforced by numerous residents. The lack of parking will see the existing limited bays being used extensively from 7am-late at night 7 days per week. As a resident we always knew there would be commercial businesses in the region as well as being located opposite Leighton Beach. But the success of some of the businesses, unbridled growth of the surf club and popularity of the amphitheatre and beach has seen demand well and truly outstrip the supply of parking. With no potential to expand the parking supply Council needs to seriously review their approval of this change of use.	
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	Please consider the residents when making your decision or recommendation. As always apathy reigns high in these circumstances and the silent majority often get overlooked.	
11.	I am a Fremantle ratepayer and resident and have lived for the last ten years on Leighton Beach Boulevard, very close to the site proposed for change to a small bar. I wish to register my objection to the proposed change of use of Lots 1 and 2 at 23 Freeman Loop to small bar. I do not object to the site being developed as a restaurant, café or retail shop but do not believe that it should be developed as a small bar given that the area is located within an essentially residential area, which already has three licensed premises (2 restaurants and one tavern) and one unlicensed coffee shop within 100 metres of the site as well as several more licensed premises within a short drive. No matter how stylish, well-presented or well-intentioned, a small bar - with its emphasis on liquor sales - will bring with it a range of undesirable qualities that cannot be adequately controlled by good building design or management. My main concerns relate specifically to the noise emanating from the alfresco area (day and night until midnight) , the extraneous noise generated by alcohol-fuelled patrons leaving the premises late at night (up to midnight) and the offensive, anti-social behaviour that accompanies venues focused primarily on alcohol sales. Along with many other owners at Leighton Beach, I moved here to enjoy the peaceful serenity of the relaxed, beachside location, which will be forever destroyed by the addition of a bar (i.e. liquor outlet).	Noted An acoustic report and Noise Management Plan have been submitted and are to be adhered to. See Officer's Comment section of the report.
12.	I wish to register my objection to the proposed zoning change to Lots 1 and 2 at 29 Leighton Beach Boulevard, North Fremantle. I am a long-term resident of the area and live less than 100 metres from the site. I have read the proposal documentation and also attended a Q&A session hosted by the proposers on site on 20 May 2020. I have little confidence that the proposers will address the genuine concerns of local residents, particularly with respect to the late-night noise and unruly behaviour that the bar will generate. The Leighton Beach area is already very well served for licensed premises both in the immediate vicinity and within a 1 km radius. Establishing a small bar on the site will add very little to the amenity of the area but will mean more noise, more anti-social behaviour, more rubbish, more	Noted - See Officer's Comment section of the report.

	traffic, more parking problems and more deliveries, and will greatly reduce the ability of local residents to enjoy the quiet ambience they were promised at purchase and have paid dearly for. I believe the application should be rejected.	
13.	This letter is in opposition to the proposed change of use to Lots 1 & 2 at 23 Freeman Loop, North Fremantle. When I purchased the apartment directly above this site (201 Prima), I was aware that the previous application was not proceeding and was, in fact, told by the Mirvac agent that a Pilates studio was planned for the space beneath me. It is very disconcerting to find that an increase of the original is now being proposed. The peacefulness of the site was/is its attraction and the amenity that it offers, consequently any music would be intolerable – outside or through the structure. I have had previous experience of percussion sound transferring in a built environment and certainly do not want it again! Drunken noise and behaviour is obnoxious and the pub is the main features of this proposal. The existing adjacent small bar seems to cater well for the community's need. We already have two restaurants, one of which has changed hands three times, is another warranted? There is a severe parking shortage now in good weather; this would compound it further. (NB: The Fremantle Council really needs to provide more public access.) Please consider the detrimental effect that this proposal would have on the existing occupants in this residential area.	Noted An acoustic report and Noise Management Plan have been submitted and are to be adhered to. See Officer's Comment section of the report.
14.	Our opposition is considered and lengthy, but the essence of it is that this precinct, unlike Fremantle itself, is NOT an entertainment and night-life area to which outside patronage is encouraged by Council AND bar licensees. The intended use, as enshrined in the Zoning of the commercial Lots 1, 2 and 3 on Strata Plan 69777 is to service the needs of the surrounding residential population for food, dining and alcohol consumption as a sideline to the serving of food. This is noted in the Strata by-laws, Clause 1, (1) A proprietor, occupier or other resident must not: (c) make undue noises or smells in or about any lots or the common property or in any way interfere with the peace,	Noted – Herring Storer has provided a response to the submitter's acoustic report. Strata approval is a separate process covered by separate legislation. It is possible to receive planning approval

quiet and comfort of any proprietor or occupier of the lot, it being acknowledged by all proprietors that the predominant use of the development of which the lot forms part is residential. As the assessment of noise and it becoming a 'nuisance' is a key element in the assessment of amenity, a group of affected residents in the Prima Complex above and behind the proposed Change of Use to Small Bar have commissioned an independent acoustic analysis of the proposal. This should be available this Wednesday, the day fourteen days after we received the written notification of the Advertising for the proposal (the may was very delayed due to the Covid impact on Australia Post). The independent acoustic analysis has been undertaken because the Herring Storer report that is attached to the Change of Use proposal mentions key readings and an assessment in and around the venue and the precinct. No residents in the apartments above were contacted or their apartments accessed to assess direct or environmental noise levels in the formation of the Herring Storer report. As such, the residents have decided that that report may not adequately reflect the conditions which underpin the amenity of the residents whose balconies are directly above the proposal. (See also Long Submission 2 and Acoustic Report) I would like to draw your attention to several factors which have become apparent recently. They are alluded to in my initial response, but the legal implications need to be more clearly articulated. 1. The original application for a Change of Use to a Small Bar was by Mirvac when they owned the entire building (prior to settlement). As such, the application was signed by them in their 100% ownership and thus support without dissent from them as the only members of the Strata Company, for the Change of Use. That approval by Council for a small bar did not adhere to the prohibiting clauses in the Management Statement cited below. 2. Any such application for a Change of Use to a Small Bar as is proposed in DA0146/20 above should be signed off by the Strata Company with a letter of consent for the application and affixed with the Strata Seal (SP69777). This is standard legal requirement in all Strata Applications, especially Built-Stratas such as SP69777. Not only are there structural and external cladding implications for the proposal	but not strata consent. Both are required for the development to proceed. See Officer's Comment section of report.
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which involve Common Property which need to be assessed and approved by the Strata Council of Owners, but a Change of Use of Lots 1 and 2 is in direct conflict with the Management Statement and the by-laws therein. It is primarily a Strata Company matter before it is a Council Planning matter. 3. The Schedule 1 of the by-laws, under Clause 34 (1), states that; Clause 34, (1) In this by-law, Food Lot means any Commercial Lot used as a café, restaurant or take-away premises. This clause thus does not allow for the use of Lots 1 and 2 as a Small Bar. Furthermore, Clause 34 (2) (g) states that; Clause 34, (2) The Commercial Lot may not be used for any of the following purposes or uses: (a- f)..... (g) (or) any other use which: (1) causes or may cause a nuisance to occupiers of the lots or uses of the common property used in connection with the residential lots; or (2) is offensive, except with the prior written consent of the strata company and otherwise in accordance with all the requirements of the relevant authorities. 4. The commercial lots are thus only able to be used as a cafe, restaurant or take-away premises, and are NOT able to be used for any other purpose which MAY cause a nuisance without the prior written permission of the Strata Company, such permission having the Company Seal attached. 5. The residents immediately above and behind the proposal have flagged that a Change of Use to a Small Bar, and promoted by the applicants as a 'destination venue' (ie to attract patrons from outside the immediate residential area), and able to have 30 patrons in an alfresco area until 10.00pm, and to operate otherwise until midnight, and to be primarily a bar but that also serves small meals, is likely to, and therefore MAY cause a nuisance and that this requires written permission from the Strata Company. These residents have written to the Strata Company outlining their concerns. It must be noted that the owners of Lots 1 and 2	
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	and the applicants have not requested permission from the Strata Company for the Change of Use as is required under the by-laws. 6. Furthermore, under Clause 1, (1) of Schedule 2 in the by-laws as cited in the Management Statement Clause 1: (1) A proprietor, occupier or other resident must not: (c) make undue noises or smells in or about any lots or the common property or in any way interfere with the peace, quiet and comfort of any proprietor or occupier of the lot, it being acknowledged by all proprietors that the predominant use of the development of which the lot forms part is residential; This Clause clearly outlines that the peace, quiet and comfort of the residents is paramount as it is acknowledged that the predominant use of the development of which the lot forms part is residential. It can be construed that any undue noise which may interfere with the rights to peace, quiet and comfort MAY be a nuisance and is therefore a prohibited use. 7. Furthermore, the Leighton Beach area is acknowledged now as a primarily daytime precinct being connected with the beach, and that night-time uses are for residential style dining as witnessed by two existing restaurants. A small bar at Markt Space caters for casual drinking. As the Management Statement clearly articulates, this is a predominantly residential precinct and can not thus be deemed to be a night-time entertainment precinct venue as exists in central Fremantle, and certainly NOT one that is a 'destination venue' that operates until midnight, in other words, is a night-time entertainment venue. 8. The likelihood of a Small Bar for 120 patrons, with an approximately 18 metre long bar and minimal seating in a restaurant style, with operation as alfresco until 10.00pm and internally until midnight, and its patrons issuing out onto the footpath below the residential complex, causing a nuisance is more than probable and therefore the operative word 'may' comes into effect. The proponents should therefore first apply to the Strata Company for permission; such permission with the Company Seal affixed should then accompany the application to Council. Council should not legally assess the application until these steps have been taken.	
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	An acoustic report been prepared by Reverberate Consulting, acoustic engineering consultants engaged by concerned residents on behalf of the residential population at Prima, SP 69777. As you will note, the report asserts that the Herring Storer acoustic report attached to the proposal decidedly undervalues the sound levels likely to result from the change of use to a Small Bar, particularly the alfresco components. You will also note that the impact on Building B in the report, the end units particularly of the Meridian complex up to 19 Freeman Loop, are also negatively impacted to a degree beyond the environmental thresholds. The overall analysis describes a negative impact on the residential apartments above and near to the Change of Use to Small Bar proposal, citing significant deviation from the Herring Storer numbers and citing non-compliance with Environmental Noise levels. You will also note that the report excludes the increased sound levels from many other possible sources, for instance where there is the influence of alcohol on patrons, or the increase in sound levels due to excitable crowds interacting with passers-by, patrons leaving noisily late at night etc. As such, the report confirms our concerns that, within the liberal limits of the Environmental Protection (Noise) Regulation, there will be non-compliant 'undue noise' and thus 'nuisance' from the proposed change, and therefore the proposal is non-compliant with the provisions of the by-laws of the Strata Company SP 69777, as I have alluded to in my email earlier today.	
15.	I am writing to oppose the change of use to a Small Bar and Alterations on the grounds of noise. We own an apartment directly above the existing small bar operated by the proposed owners of this development application, in so doing raise concerns that we have been directly subjected to. We purchased as retired couple to enjoy the coastal lifestyle. Our purchase was a north facing apartment as to enjoy the year round enjoyment of the deck for meals and reading by the noise etc. Since the occupation of the premises directly below us has begun operation and especially since the Liquor Licence has been in operation, life has changed.	Noted An acoustic report and Noise Management Plan have been submitted and are to be adhered to. Hours have been amended since this submission was received.

	Days start at mostly 5.45 with tables and chairs being dragged and dropped as they are being put outside. The banging of the coffee grounds removal resonates to noise level that it is impossible to sleep. I have a heart condition and if in deep sleep and startled it takes a considerable length of time of meditation to get my heart back into rhythm. Then there is the music speaker on the outside, under the verandah area. The volume goes up whenever there is a customer. Through the day this is ok but when they have "happy hour" the noise from the customers and the music is such that even inside with doors shut and the TV is still drowned out. With the opening at 6am and closing at 8pm seven days a week, this is a considerable amount of hours per day for residents living in close proximity to cope with. It is noted that the staff do not work 14 hrs, 7 days per week they have rostered hrs and I'm sure enjoy sleep in and days off where as we do not have this privilege. Our concerns are;- The building does not have the capacity to absorb the noise internally from a coffee / Bar business and the transference of noise is apparent above and significant. There is by no means 30 people seated outside at present and the noise this would generate would be significant with cars and people leaving. The application states operating for 11am seven days a week but no indication of closing times. Council as well as the operator should be mindful and considerate that this application as proposed will directly impact residents, their mental health due to lack of sleep if this proposed business's close time is 12am or 1am?? I respectfully request that Council consider the impact on the residents of noise generated by a Bar and the hours of operation that the operator would be looking at.	See Officer's Comment section of the report.
16.	We object to the change of use application as it will compromise the ambience and lifestyle that is our home here at Leighton. Noise is the problem. We live in an acoustically live environment, and this is more so during the evening in the absence of ambient noise, and this was recognised in the Planning Committee report of 4 April 2018 relating to an application to amalgamate Strata Lots 2 & 3 at 23 Leighton Beach Boulevard. That application was for a bar to accommodate 75 patrons and this	Noted An acoustic report and Noise Management Plan have been submitted and are to be adhered to.

application is for 120 patrons... and of course now we have MRKT Space next door with a license for 25 patrons. The 2018 Planning Committee Report recognised concerns expressed in submissions... " Strong opposition to the change of use to small bar due to concerns the use will impact the quiet amenity of the precinct" and" there is little background ambient background noise within the precinct, given its isolated location, meaning any noise emitted from the tenancy will be more easily perceived within the residential dwellings." There is very little within the Leighton Beach precinct to attenuate the noise ". Noise was the issue then and remains the issue now...in 2018 there were 78 submissions received and 60 were against and 18 in support. There are plenty of motherhood statements in the application including "the ethos of the applicant includes developing deep connections with the local community, creating a strong sense of local identity...welcoming to local residents without causing any lessening of local amenity". Well that's not right, patrons at alfresco, amplified music, drinking through to midnight, calling taxis, staff cleaning down, waste removal and glass crushing all within a couple of metres from my home. Of course the local amenity will change and change a lot. The application says the venue will cater largely for locals. Consider this: the average age of locals or residents in this Leighton precinct is old. We're all closer to 70 than 60...and in the early evening we're not going to be in a bar or on the ground level with no views. We're on our balconies with panoramic views. That's where we entertain, that's where we have dinner and that's why we decided to live here. So for the bar to be financially viable it will have to have the support of younger patrons... and they in the main don't live in this precinct. This bar will also require refrigeration and air conditioning. This, too, will add to noise levels. The MRKT SPACE has there's sited in the car park basement... very noisy. So what happens with this application where the requirement will be four-fold. Prima is a residential complex... that was the attraction to live here. There is room for amenities as long as we the residents are respected and what comes first is for us to have the right of quiet enjoyment. I hope my observations	See Officer's Comment section of the report.
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	are taken into consideration when you make what will be very important decisions.	
17.	I fully object to this proposal. The acoustics of the premises surrounding the proposed bar would increase the noise to being intolerable. There are people here who's bedrooms face onto the pavement, who are early to bed and early to rise, who would be continuously tormented by the street noise – cars, people walking past talking loudly, music reverberating through the building. I would in no way support this proposal.	Noted An acoustic report and Noise Management Plan have been submitted and are to be adhered to. See Officer's Comment section of the report.
18.	We have two major concerns regarding the application for a small bar at Freeman Loop. 1. Increased traffic volume and increased demand for parking in a residential area During the review of the previous application in 2018, concern was raised that a small bar would result in an increase in traffic with a subsequent lack of parking. Because the application was withdrawn, these issues were never resolved at that time by the planning committee. The seating plan in the new application is for 120 patrons compared to 75 in the previous plan – a 60% increase. This means an increase in traffic with a resulting demand for parking. Some patrons will live locally, however, the applicants state that they hope for patronage from outside the immediate area. Parking on Freeman Loop is always at a premium so where will people park on a busy day when everyone is heading to the beach? In addition to the above, it should be noted that the situation will be further exacerbated when the Compass development is completed and the proposed hotel is built at the end of the loop. I have conducted a short survey of motor vehicles entering and exiting Freeman loop seeking parking during peak times on weekends and holidays, and have counted at least 10 to 20 vehicles transiting the loop within a two-minute period. Based on these numbers, at least 300 motor vehicles could go round the loop in one hour. Any further increase in traffic will cause even more noise and pollution for residents!	Noted An acoustic report and Noise Management Plan have been submitted and are to be adhered to. See Officer's Comment section of the report.

	2. Increase in Noise Residents could be subjected to noise every night of the week extending beyond midnight on Fridays and Saturdays from the following sources: - Music: house music, "occasional" DJ and live groups, - Patron noise: patrons seated on the seats provided outside and those on benches in the gardens. We have found that when people leave licensed premises in the area to return to their cars parked in Freeman Loop (or to their residences) they tend to engage in long and loud alcohol fuelled conversations which upsets the peace and tranquillity of the area. - Delivery vehicles and venue clear up. Noise will extend far beyond operating hours The proposal states that in the case of a noise complaint a "venue noise officer" will check the decibel levels - but why should residents be disturbed and inconvenienced.	
19.	We are writing in opposition to the application for a change of use to small bar and alterations as per application number DA0146/20 We wish to express our strongest opposition to the above proposed change of use application. In our opinion a bar in the Prima building is inappropriate as this clearly is a residential area. First and foremost is noise. The precinct does not absorb noise well. Given the remote nature of these buildings away from any background ambient noise at night, even the slightest sound is accentuated by virtue of the lack of any ameliorating background noise (e.g. traffic hum etc). The extensive paving, concrete walls, balconies and glass implies that noise travels and reflects readily across great distances. This is already highlighted by significant noise which originates from patrons entering and exiting Bib & Tucker affecting the Prima residential complex. The noise will be compounded by the potential of 120 persons in the proposed bar, on top of 25 patrons at MRKT space. Late opening hours, potential for an alfresco area, dispersion of patrons post closure (Uber, Taxi, private car and pedestrian activity to train station) will create unacceptable noise in a quiet residential precinct. Post closure cleaning, removal of waste (where to? – not clear from proposal), bottle crushing (where? – not clear in proposal) and dispersion of bar staff, will add to the potential time we will be exposed to excessive noise. Noise mitigation strategies by the licensees are	Noted An acoustic report and Noise Management Plan have been submitted and are to be adhered to. See Officer's Comment section of the report.

	unlikely to include quietening patrons. Once patrons have left the bar, the licensees will have no responsibility for their clients and I suspect this will result in residents making formal complaints to authorities, which is likely to be time consuming and disruptive. The requirement for service vehicles to attend will compound the noise issues – this is a situation we are already grappling with as these vehicles attend The Orange Box, Bib & Tucker, Jessies and MRKT Space. The Acoustic report is totally deficient in numerous areas. No assessments were undertaken on the balconies of the units above the proposed development. The report made no mention of noise from machines, bottle crushers, cooker exhausts, service ducts, refrigeration compressors, if windows or doors are left open, or if patrons enter or exit the building. Parking is already compromised, without considering the new Compass building development, due for completion later this year. Parking issues have already been acknowledged by the City of Fremantle in April 2018, when a similar proposal was granted for a small bar in the Prima complex. The Leighton precinct is not in need of another licensed facility. Bib & Tucker, MRKT Space, Jessie's and Coast are all within 1 km of the Prima complex. The irony of the proposed development is the claim that "the ethos of the Applicant includes developing deep connections in the local community...." and that they have canvassed key stakeholders for comment. We are aware that they have only approached one out of the 6 residents who live directly above the proposed bar. My wife and I live around the corner, not directly over the proposed bar, and at no point have been asked to give an opinion. Our perception is that the Applicant has had discussions with people more remote to the venue, ie. those who will be well removed from the unacceptable noise. In summary, we completely oppose this change of use application. Leighton is a residential precinct and should remain as such. A large bar venue is completely inappropriate for this setting.	
20.	In 2018 I along with 60 others wrote to the Planning Department objecting to the then application for a small bar licence here within the Prima residential complex. Notwithstanding only 18 submissions in support, the application was approved. The council report did note that	Noted An acoustic report and Noise Management Plan

most submissions against raised the issue of noise and the disturbance to residents not only here in Prima but through the Leighton precinct generally. Nothing has changed. Noise is the issue. Well this time a Small Bar License is not for 75 patrons, rather it's now 120 patrons. And we now have MRKT Space next door licensed with 25 patrons and a take away license. So, we could have to endure a capacity crowd of as many as 145 leaving the premises and spilling out onto the piazza and Leighton Beach Boulevard at 10.00pm, 11.00pm and 12 midnight. Because of the acoustically live nature of the built environment down here noise is exacerbated, particularly in the evenings when there's less ambient sounds such as Stirling Highway, Curtain Ave, distant laughter and chatter from the park opposite and the trains. The applicants Noise Assessment Report doesn't mention noise after closing when patrons who have probably had a lot to drink are saying a long goodbye, ordering taxis, walking to vehicles or making their way down towards the train station. And on the Noise Assessment Report...no measuring or testing was taken from my apartment, and I'm only 50 cm or a concrete slab away from the bar. My husband and I are directly above in 202. In fact I have yet to find anyone in our complex who was approached for access for noise testing. The environment here is so sensitive to noise that in the evenings I can hear chatter on balconies on the fourth floor and certainly those people walking up and down Freeman Loop. The application is also for a large alfresco area, complete with amplified music...7.00 am to 7.00 pm and this is going on half a metre from our balcony...and the later in the afternoon and during the evening as patrons become intoxicated chat and laughter levels will rise again. One of the big attractions about our move to Leighton was the balconies... we live on them, and in the evenings that's where we bbq and entertain friends and family. Our grandchildren spend weekends here. It's unique, but if this application goes through then so too our lifestyle, and with alfresco directly beneath we will be driven indoors. And I do note that the City of Fremantle policy of Alcohol in the Community it did make particular mention of circumstances "where the impact of the proposal upon residents is considered to be central to the determination of	have been submitted and are to be adhered to. See Officer's Comment section of the report. The alfresco area does not form part of this application.
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	the application "... and this is surely such an example. The Prima complex is first and foremost a residential complex and we chose to live here knowing that. What's being proposed is would be better suited in an entertainment precinct. The consequences of approval will be at the expense of the degree of quiet enjoyment that we are entitled to. I very much object to the application.	
21.	We write to oppose the planning proposal for the following reasons: 1. The effect it will have on our quality of life in the aspects of comfort, convenience and safety. 2. The fact that the proposal is for a bar that can trade until midnight, serve alcohol without food will only encourage anti-social behaviour due to the over consumption of alcohol. 3. The effects of alcohol consumption bring with it a range of adverse social consequences. Concerns for our community would include noise, Traffic, litter, offensive behaviour, vandalism, aggression, petty crime, assault. 4. Nightlife activity will not only destroy the environment and the meaning of quality of urban life but property values in the neighbourhood will also be destroyed. 5. Excessive noise levels. We can hear conversations of passers-by from our living room when we have our balcony doors open. The noise level would be intolerable if we had up to 120 patrons all congregating and talking at the same time directly beneath our apartment for the proposed trading hours. 6. Insufficient parking would attract crowds and taxis clogging up the street, street fights which occur late at night and vomit on the sidewalks. 7. The building does not have the proper facility for the waste disposal of the overload of garbage that the bar will create. 8. Misrepresentation of the actual requirements and the severe impact this proposal will have on the apartments directly above the premises who are the key stakeholders in this instance. 9. We live directly above, however, we were never contacted/approached or involved in discussions in relation to the proposal. We are regular (daily) patrons of MRKT Space and at no point in the planning did the applicant ever mention the proposal. According to the bylaws page 6.11 Schedule 2, (1) (c) it is stated that: "A proprietor, occupier or	Noted See Officer's Comment section of the report. Strata consent may be required under the Strata Titles Act, which is a sperate process from planning approval.

	other resident must not: make undue noises or smells in or about any lots or the common property or in any way interfere with the peace, quiet and comfort of any proprietor or occupier of the lot, it being acknowledged by all proprietors that the predominant use of the development of which the lot forms part is residential." What attracted us to the area was the peace and tranquillity of this beachside community. We have purchased our apartment based on Mirvac's sales pitch for a peaceful neighbourhood that is ideal for retirement. We were advised by Mirvac that the commercial unit was going to be a food outlet/deli not a bar. We strongly object to the planning proposal as this type of business belongs in a commercial district and not in a predominantly residential area. We urge you to consider your decision by putting yourself in our situation. I hope that the proposed Change of Use be rejected.	
22.	I live directly above the restaurant/bar. I'm a concrete slab away from the planned bar and a metre or so from the alfresco area. Apartments were sold on the basis the ground floor lots were to become restaurants, cafes or retail. We never contemplated a pub, and that's what this is. When we bought in to the Prima complex it was marketed as a residential complex first and foremost. This application if successful puts paid to the strata title that that we signed up for which enshrined for us the right of quiet enjoyment. The application makes light of any increase in noise levels...common sense knows that can't be true. The Environmental Noise Assessment on page 4 states" Modelling was undertaken from multiple locations (ie. each apartment)"...that just didn't happen. Well they didn't talk to me, they didn't talk with anyone, or test from any apartment to the best of my knowledge. Most definitely, not one of the fourteen apartment owners at the northern end of the complex adjacent and above the proposed bar. In 2018, no sooner had we moved in, Mirvac made an application for change of use to a small bar. The timing of the application annoyed a lot of residents. Noise was seen as the issue. 60 submissions to council were against the bar and 18 for. The Fremantle Planning report noted that there was strong opposition due to concerns that it would impact the quiet amenity of the precinct. Notwithstanding the application was successful but not actioned. So if it was an issue for an application for 75 patrons it certainly is today	Noted An acoustic report and Noise Management Plan have been submitted and are to be adhered to. See Officer's Comment section of the report.

	and more so given an application for 120 patrons, but wait, there's more. MRKT Space are next door and already operating with a license for 25 patrons. So in the acoustically live piazza and surrounds, we, worst case on Friday and Saturday nights at midnight, might have 145 patrons, who perhaps have had a lot to drink, leaving the premises, anti-social behaviour, laughing, saying goodbye, waiting for cabs, getting lifts, and then have staff cleaning down, moving chairs, removing rubbish and setting up for tomorrow....and you think, this was supposed to be a residential, not an entertainment precinct, what's going on? We are familiar with noise. In our unique acoustic environment I can at times hear word for word conversations in other apartments. We've listened to wedding speeches from Bib and Tucker and to those patrons at nights end... and we get concerts loud and clear from Coast some 500 metres away. If this application goes through as is, the ambience and amenity that we bought into and that we treasure will suffer. Making the move to Leighton was a lifestyle change. We gave up the family home and our new backyard became our balcony. That's where we now live. That's where so many of us entertain, dine, bbq and spend time with friends...And on hot nights it's a cool retreat to sleep in the semi outdoors. The advent of a bar for 120 patrons operating underneath us through to 10pm. 11 pm and 12 midnight on Friday and Saturdays will certainly put paid to that. This is clearly a pub on a scale far over and above what is best for Leighton. I urge you not to approve this application.	
23.	I object to the Application detailed above on three extremely important grounds: 1. NOISE affecting close and neighbouring Residential Apartments. 2. WASTE Disposal and PRODUCE Delivery Issues. 3. HOURS of OPERATION. 'The development is being advertised locally as the "Leighton Beach Bar' <i>"The concept is summarised as an upmarket local bar and kitchen opening at 11am seven days a week serving healthy Mediterranean style snack and small plates as well as a curated selection of local and international wines and beers, and some classic cocktails.</i>	Noted An acoustic report, a Noise Management Plan, and a Waste Management Plan have been submitted and are to be adhered to. Hours have been further limited since receipt of this submission.

	<i>The bar will have a total capacity of 120 people, and the alfresco area (which faces onto Freeman Piazza) will cater for approximately 30 people."</i> The Fremantle Planning Committee is now in the unenviable position of having to deliberate on an extremely complex and vague Application for a Pub that will have profound effects on the local residential community should they Rubber Stamp this application as submitted. NOISE: The Planning Committee needs to address each of the following: • The area bounded by Leighton Beach Boulevard and Freeman Loop acts as an amphitheatre for noise amplification. • Voices are amplified when on the footpath and I don't to elaborate as to what levels they can reach with the consumption of alcohol. • The submitted Noise Management Plan has been prepared as a Box Ticking exercise. • Actual noise measurements need to be taken from all affected residential balconies. • Consideration must be given to the total number of patrons allowed. • And the number of alfresco patrons. • All affected apartment occupiers need to be canvassed. • Produce deliveries occur at all hours of the early morning in Leighton Bch Blvd as evidenced by a bread delivery at 3:45am on the 16/5/2020. • Planning Committee members need to visit the site of the Application. WASTE and PRODUCE Delivery Issues: The Planning Committee needs to address each of the following: • The planned "Store" room is not big enough to store general waste and recyclable mobile bins • These cannot be taken to the Basement because there is no goods lift. • Current waste from the MRKT shop in Freeman Loop is being moved by the residential occupants lift to the basement and stored in Common areas. Definitely	Amended plans addressing waste disposal have been received since receipt of this submission. See Officer's Comment section of the report.
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	not Allowable. The strata rules also do not allow storage in designated car bays. - Produce deliveries occur in the early hours of the morning as evidenced by a bread delivery at 3:45am on the 16/5/2020. HOURS of OPERATION: - Closing time should be 10pm.	
24.	Please accept this letter as my objection to the proposal. I invested in this development in October 2014 and have enjoyed the move to this pristine area since I shifted into our apartment in December 2017, almost three years at the time of writing. Our understanding was that the Strata Title we signed up for enshrines the <i>'right of quiet enjoyment'</i>. We undertook to live here on this basis, that It is a residential complex first and foremost, was sold as a residential precinct, and must continue to be a residential precinct. A significant number of owners deliberately purchased apartments on the northern corner of the Prima development ahead of all others because of their wish to enjoy the northern views and aspects along the coast to the north. These people would never in any circumstances have ever even considered buying where they did if they had known that it was even considered that a bar catering for 120 patrons would be put into their building. We pay additional council rates to the Fremantle City Council (FCC), more than the average property owner in the City of Fremantle (FCC). I'm sure the FCC is well aware of the approximate \$650K in rates it will receive on a yearly basis from the whole Mirvac Development on the completion of Compass to add to Prima and Meridian Complexes If the Council agree to a change of use entirely for the purpose of having a drinking bar in this building it will greatly diminish the value and rental yield of ours and other apartments, and consequently reduce the rates for the FCC. In my time living at this property, I have seen a change to a small bar usage for commercial lots 2 & 3 in the Prima Complex for 75 patrons, approval of a tavern license and opening of a tavern in the Meridian Complex, venue named MRKT Space, and I have seen numerous operations attempt to build hospitality business at 1 Freeman Loop in the Beachside complex.	Noted Strata approval is a separate process not the subject of this planning report. An acoustic report and Noise Management Plan have been submitted and are to be adhered to. Hours have been further limited since receipt of this submission. See Officer's Comment section of the report.

The application is for the small bar to operate from 7.00am through to 11.00pm mid-week and to midnight on Friday & Saturday, so, with an hour either side for set up and lock down, this will mean an 18-hour operation on most days. Noise is already an issue at the Prima development, with delivery and waste management trucks servicing Bib & Tucker, the Orange Box, Jessies, and the FCC commencing cleaning of the rubbish bins and BBQ's in the park area, with all of the above commencing prior to sunrise and continuing throughout the day. This is a building expressly built for balcony living. It is simply the nature of things that even conversational levels of noise will intrude onto these balconies and into the properties. Noise at any level rises. It occurs now in the normal course of the day however that is part of daily life. The precinct in which we live is surrounded by hard surfaces, paving, concrete walls, awnings, balconies and glass, the place is called acoustically "live ". Noise is amplified, even the quietest conversations. This explains why patrons leaving Bib & Tucker sound so loud. The whole area- roadway, paving, footpaths, walls and canopies are hard reflective surfaces. Not only will there be noise inside the bar, that of course is the nature of bars, a place particularly for young people to congregate to enjoy themselves together with music, the alfresco will dramatically intrude into the resident's lifestyle. We all know that as evenings wear on, with the lubrication of alcohol voices get louder, people become more animated in their conversations, laughter increases and grows louder and the level of noise generated will heavily intrude onto our balconies and into our homes. The acoustic report submitted by the applicants does not take into account this acoustically 'live' nature of the piazza and, with cars parked outside the venue and the buildings opposite, the amount of reflected noise negates the distancing methodologies of the reports from Herring Storer. We live on Level 4 in Prima, and if two people have a normal level conversation at ground level, we can hear every word as clear as a bell. Imagine the noise that would be associated with a bar licensed for 120 patrons and alfresco drinking, the chatter, music, chairs and patrons saying	
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farewell and waiting for a taxi or Uber. That is nobody's responsibility and ever residents' nightmare. I'm also concerned by the lack of planning for the removal of rubbish, glass bottles, beer kegs etc., with no rear access or direct access to the basement, all rubbish needing to go through the doors on Freeman Loop or Leighton Beach Boulevard, then be taken along Leighton Beach Boulevard, down the car entry ramp and deposited into bins in the basement. The common areas of the Prima Apartments are for the quiet enjoyment of the residents, no rubbish is to be removed via these areas. The lifts are absolutely out of bounds for all residents regards removal of food waste and the like. No liaison with the Council of Owners has taken place as to these protocols. Residents in this area are well catered for in regard to licensed venues, there are numerous venues in the strip in North Fremantle, plus Bib & Tucker, Jessies, MRKT Space and another tavern less than 1 kilometer away in Coast at Port Beach Parking is a real issue in this precinct, as was acknowledged by the City of Fremantle Council in April 2018, when a change of use to Small Bar application was granted to Lots 2 & 3 at 29 Leighton Beach Boulevard licensed for 75 patrons. Add an additional 45 patrons for this request and the 25 patrons agreed to for the tavern license at MRKT Space, and we now have a situation where this application will see the requirement for parking balloon to cater for 145 patrons and 20+ staff. Accordingly, I object to the granting of a change of use to Small Bar and Alterations.	
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Additional Information 5 – Applicant Response to Submissions (Applicants Submission)

Mitchelstown Pty Ltd (ABN 19 054 665 520) trading as

MONAGHAN LAWYERS

26 Norfolk St Fremantle WA 6160
monaghanlawyers@gmail.com
0407 008 857

Our Ref: TM:190157

Your Ref:

10 July 2020

Justin Lawrence
Coordinator Statutory Planning
City of Fremantle

By email only: JUSTINL@fremantle.wa.gov.au

Dear Sir,

DA0146/20: "Leighton Beach Bar"

These submissions are provided on behalf of Freo Partners Pty Ltd in addition to those previously filed in support of the application.

Further consultation between applicant and residents

1. At the outset it can be noted that after the filing of the DA application, representatives of the applicant engaged in further consultation with the Council of Owners and local residents which resulted in the following modifications to the proposal:
 - a. Earlier closing times for the venue, with modified permitted trading hours of the venue as follows:
 - i. Sunday- Thursday: 11.00am - 10.00pm
 - ii. Friday – Saturday: 11.00am - 11.00pm

- b. Earlier closing times for the alfresco area, with modified permitted trading hours for that area as follows:
 - i. Sunday- Thursday: 11.00am - 9.00pm
 - ii. Friday – Saturday: 11.00am - 10.00pm
- c. Additional limitations on entertainment and amplified music:
 - i. No amplified music in the alfresco area at any time.
 - ii. The playing of amplified music played inside the venue to be limited at all times to the in-house sound system of the venue. All other forms of amplified sound prohibited, including that produced by televisions, DJ's or live performers.
 - iii. In-house sound system speakers to be resiliently mounted under the guidance of the applicant's acoustic consultant
 - iv. Sound limiter to be installed and calibrated under the guidance of the applicant's acoustic consultant to ensure that amplified music produced by the in-house sound system is limited at all times to a maximum volume of 80 dB(A).
 - v. No amplified music to be played in the alfresco area at any time.
- d. Premises plans modified to incorporate additional acoustic attenuation measures, as follows:
 - i. Size of the bin room increased to accommodate all bins and a glass waste crusher.
 - ii. Bin room acoustically treated and sealed to prevent the escape of sound.
 - iii. Automatic door closing systems installed on all external doors

Additional documents filed in support of the application

- 2. The following additional documents are attached by way of filing in support of the application which can be accessed via the link

https://monaghanlawyers-my.sharepoint.com/:f/g/personal/tim_monlaw_com_au/EooDrbPzfedFocpFQ4r58b4Bb7Rgtmb7-AiyIAI-9ly-6g?e=5KqHbz

- a. Further report of Herring Storer Acoustics dated 4 July 2020
- b. Waste Management Plan dated July 2020
- c. Contract of sale for strata titled units, Prima at Latitude buildings, Leighton Beach
- d. Letter from Mirvac dated 7 July 2020
- e. Updated versions of the following documents that have been previously filed, amended in light of the modifications to the proposal referred to above:
 - i. Noise Management Plan;
 - ii. PIA extract; and

- iii. Proposed licence conditions
- f. Revised floor plans

Public submissions received

3. The City's "Schedule of Submissions" indicates that a total of 83 submissions were received following advertising of the application. It is noted:
 - a. The Schedule categorises 49 submissions as "Fully Supportive".
 - b. The Schedule categorises 10 submissions as "Conditionally Supportive", however two of those (nos. 3 & 5) are expressed as being fully supportive subject to only to a proviso that the venue does not trade after midnight. The applicant does not and has never proposed post-midnight trade. To the contrary, it has committed to closing the venue at 10.00pm, Sundays to Thursdays and at 11.00pm, Fridays and Saturdays. Accordingly, these two submissions should be properly categorised as fully supportive.
 - c. The Schedule categorises 24 submissions as opposed.
4. It is submitted that the correct categorisation of submissions received is as follows:
 - a. Fully Supportive: 51
 - b. Conditionally Supportive: 8
 - c. Opposing: 24
5. In totality, the submissions received indicate overwhelming public support for the proposal. The great majority of submissions received were enthusiastically supportive of the proposal and only 29% of submissions were opposed.
6. It is also significant to note that many of the supportive submissions were provided by persons living in the apartments located in close proximity to the proposed development location, including some located directly above it.
7. The supportive submissions raised several common perceived benefits of the proposal.
8. One common theme was the high quality of the venue and the persons that proposed to operate it. The following extracts from "Fully Supportive" submissions can be noted:
 - a. "This high quality development will be complemented with high quality day-to-day management with a strong and successful community track record in Fremantle" (Sub.1)
 - b. "MRKT Space has proven to be a responsible, well run and popular venue, despite concerns from locals that it would somehow cause the sky to fall in." (Sub.13)
 - c. "the new operators have a strong pedigree and experience in operating small bars and possible concerns about noise and anti-social behaviour will be well managed and mitigated." (Sub.9)

- d. "a quality hospitality offering in a development" (Sub.31)
 - e. "the team developing this bar are experienced in this area, running high quality venues elsewhere." (Sub.33)
 - f. "I support the change of use to a small bar based on the proposed design plans by Michael Patroni and my positive experiences when visiting existing venues under the ownership/management of Matt Power, Alex Brinis and Greg Leaver." (Sub.42)
 - g. "The applicants have an exemplary background in hospitality and the architect is highly regarded with a great track record of hospitality venues." (Sub.49)
 - h. "The guys have been great operators of MRKT and will I am sure continue that in this new venture." (Sub.43)
9. A further strong theme running through the submissions was a desire for greater amenity, vibrancy and community engagement in the local area and a perception that the proposed venue would provide such benefits. Many of these comments focussed on the benefits to "locals" in the area and were made by persons that lived in the apartments close to the proposed venue including several located directly above it:
- a. "This planning application is fully supported on the firm grounds of proper and orderly planning to the amenity of this Leighton Beach locality." (Sub.1)
 - b. "The development will add a much needed amenity to the Leighton Beach area" (Sub.2)
 - c. "will provide a great meeting place for locals and help overcome the somewhat sterile atmosphere at Leighton" (Sub.4)
 - d. "The development will add to the amenities within this location" (Sub.5)
 - e. "a local spot that allows for close-by apartment living neighbours to come outside in a friendly, safe & relaxing atmosphere that allows for comradery and a sense of community between people." (Sub.9)
 - f. "As residents of North Fremantle for over 20 years (with 8 years of that living at The Leighton) our household is very excited at the prospect of having an upmarket local bar in the immediate area." (Sub.11)
 - g. "This is absolutely fantastic and exactly what is needed here! It will bring a great community together more and great for residents and locals also that also don't live next door." (Sub.19)
 - h. "I am the owner of an apartment in Freeman loop in North Freo, opposite the proposed small bar site. I am very much in support of this to further enrich our local community and bring others to our special part of the world." (Sub.21)
 - i. "I fully support the proposed development as it will add to the Leighton Precinct "vibe". We purchased our apartment here with the hope that we would have bars, restaurants and cafes at our doorstep. This would be a step towards making the Leighton Precinct a vibrant hub." and "will bring a great community together more and great for residents and locals" (Sub.22)
 - j. "I live in the apartments in freeman loop and it'll be a fantastic addition to the community!" (Sub.23)
 - k. "I'm glad that a hub of activity is finally emerging." (Sub.25)

- l. "As neighbours we strongly support this proposal that represents a sympathetic addition to our community." (Sub.27)
- m. "As a local resident, I fully support the proposal. It offers something different to the existing establishments of the area and compliments the architecture of the existing apartment developments." (Sub.29)
- n. "The site is ideally located in an area not currently serviced with facilities of this nature and we feel that the area is in desperate need of some up-market convivial venue for the expanding locals who have little opportunity to socialise in the safe and well thought out area as is proposed. We live above the proposed project and have no objection to its location" (Sub.30)
- o. "We have missed too many opportunities for this due to 'lone residents' opposing any vibrancy. The very reason most people choose apartment living over traditional housing." (Sub.35)
- p. "The area needs more offers like this to make it a vibrant hub that will in turn support all businesses in the immediate area and make it a more attractive place to live for residents." (Sub.36)
- q. "will add some life to the Restaurant precinct at North Fremantle. Currently only shops – need to revitalize this area." (Sub.37)
- r. "it will provide a very welcome, and different, addition to the other nearby hospitality venues and very positively contribute to the amenity and lifestyle of our neighbourhood." (Sub.39)
- s. "will enhance the Leighton Beach foreshore. It will provide amenities for both the residents and visitors that to date visit the vicinity" (Sub.40)
- t. "will create ambiance and vibrancy, something that is severely lacking when the sun goes down
- u. "ideally located in an area not currently serviced with facilities of this nature and we feel that the area is in desperate need of some up-market convivial venue for the expanding locals who have little opportunity to socialise in the safe and well thought out area as is proposed. We live above the proposed project" (Sub.30)
- v. "an ideal opportunity to provide the local and growing (in regards to the upcoming Compass and other future complexes) community a place where we can all relax and get to know our fellow neighbours all within walking distance as which there is none." (Sub.44)
- w. "will add greatly to our community vibrancy" (Sub.45)
- x. "Given that the residences along Leighton Beach Blvd essentially constitute a "small suburb in a street" having this sort of venue will enhance a sense of community." (Sub.46)

Submissions in opposition

- 10. It can be noted at the outset that some of the opposing submissions misunderstood key aspects of the proposed venue and its manner of operation.
- 11. The authors of opposing submission nos. 1 and 9 formed their view of the proposal under a misapprehension that the venue would accommodate a maximum of 160 persons (Sub.1) or

150 persons (Sub.9), based on a mistaken belief that the 30 persons able to be accommodated in the alfresco area would be in addition to the internal capacity. The true maximum capacity of the venue, including the alfresco area, will be 120 persons. This is a feature of all small bar licences under the requirements of the Liquor Control Act 1988.

12. Several opposing submissions assume that because the licence category sought is “small bar” and alcohol will be able to be consumed without a meal, that the venue will be predominantly focussed on beverage services and that dining services will be merely ancillary. The reality is that many contemporary small bar venues in WA operate in a manner that is very analogous to a licensed restaurant. Further, because most restaurants in WA now operate under extended trading permits allowing the consumption of liquor without a meal by seated patrons, many could be confused with small bar venues. In the present case it is apparent that the proposed venue will feature a strong focus on dining during all hours of operation. The stated intentions of the applicant in this regard are emphasised and confirmed by several proposed conditions which will be attached to the liquor licence (and also perhaps the DA):
 - a. Food will be available for purchase by patrons during all trading hours until 60 minutes prior to closing.
 - b. Substantial seating for patrons will be provided in all parts of the venue during all trading hours, at a minimum of 60 seats in total.
 - c. Restrictions on the volume of amplified music will ensure the maintenance of an ambiance that is suitable for diners.
13. The main issue of concern expressed in opposing submissions relates to expected disturbance due to the operation of the venue. The following potential sources of noise and disturbance are referred to:
 - a. Sound escaping from inside the venue in general: This issue is dealt with in two Herring Storer reports.
 - b. Amplified sound from DJ’s or live bands: These forms of entertainment will be prohibited.
 - c. Music played in the alfresco area: This will be prohibited.
 - d. Sound of patron conversation in the alfresco area: This issue is dealt with in the two Herring Storer reports.
 - e. Sound of staff cleaning up after closing time: These issues are routinely and successfully managed by experienced operators such as the persons behind this application. The Noise Management Plan filed in support deals with many of these issues. Additional detail in terms of management policies and procedures will be documented in a venue management plan to assist managers and staff in day to day operations.
 - f. Sound of patrons after leaving venue: As sub-par e. above.
 - g. Increased sound from patrons due to intoxication: The commitment of the applicant to the responsible service of alcohol is apparent from the PIA Extract and Proposed Licence Conditions filed in support. Further, the positive track record of the persons

- involved in the proposal, including the operator of MRKTSpace next door, provides a strong indication of the level of experience and responsibility that will be applied.
- h. Sound from deliveries and waste collection and handling glass: This is dealt within the Waste Management Report and Noise Management Plan
14. The Herring Storer report carefully and comprehensively addresses all of the issues raised in the acoustic report prepared by Reverberate. Herring Storer are among the most highly regarded acoustic engineers in Western Australia with decades of experience dealing with noise issues from actual and proposed licensed venues of all kinds. It is submitted that the conclusion of Herring Storer should be accepted, namely, that the proposed venue will operate in compliance with the Environmental Protection (Noise) Regulations at all times.
 15. The concerns raised by residents are largely speculative and based on incorrect assumptions regarding the quality of management, the manner of operation of the venue and the general profile of patrons catered for by the venue. The evidence submitted by the applicant (and corroborated in many supportive submissions) clearly demonstrates that:
 - a. the venue will be responsibly and professionally managed by experienced operators;
 - b. the premises will be fitted out and maintained at a high standard;
 - c. a relaxed and comfortable ambiance will be maintained at all times, emphasised by significant voluntary restrictions on entertainment and amplified music;
 - d. dining services will be a key element of the venue at all times (until 60 minutes prior to closing);
 - e. the applicant is committed to the responsible service of alcohol and strict management policies and procedures to this end will be adhered to all times; and
 - f. the venue will cater to and will be likely to attract a “low risk” patronage in terms of potential disturbance, including “locals” residing in the immediate neighbourhood and family groups.
 16. Concerns regarding parking issues have been raised by several opposing submissions. These issues have been dealt with in the applicant’s initial submissions.

Reasonable expectations of residents

17. Several opposing submissions have expressed a sentiment that the authors had purchased apartments in the area with an expectation that the area was and would remain a quiet residential enclave and, specifically, that there would be no future development such as that now proposed by the applicant.
18. The mix of residential and hospitality/retail uses in close proximity of is a common feature of contemporary property developments in urban and suburban Western Australia. That is why developers take great care in advising potential purchasers of the nature of the neighbourhood in which they will be living in and the level of noise and activity that they should expect.

19. The applicant has submitted a copy of the standard purchase contract for the apartments in the relevant buildings. Clause 17.4 of the contract provides as follows:

The Buyer:

- (a) acknowledges and agrees that the Property is part of an overall mixed use development that may be constructed on the land shown on the Overall Site Plan which may include hospitality, commercial and retail lots and uses, including lots which may be used as a café, take-away premises, deli, **small bar** or restaurant and other commercial hospitality uses;
- (b) must not make any objection or claim any compensation or damages arising from the use of any other lots in the Building or Latitude at Leighton

(yellow highlighting added)

20. The applicant has also submitted a letter from Mirvac dated 7 July 2020 confirming that clause 17.4 was included in every purchase contract for the apartments in the building on Lot 100 (the Prima building in which the proposed development will be located) and Lot 101 (the adjacent Meridien Building). It can be noted that many of the opposing submissions were written by persons residing in these two buildings.
21. Purchasers of apartments in the complex were or should have been well aware that a small bar venue such as that now proposed by the applicant, might well operate in the complex, potentially in proximity to their particular apartment.
22. In this matter, claims by opposing submitters that they purchased their apartments with a reasonable expectation that a small bar would never operate in the complex cannot be supported. To the contrary, by signing the purchase contracts for their apartment, each opposing submitter acknowledged that he or she was choosing to move into an area that was of mixed use, comprising both residential and small commercial and hospitality uses and acknowledging the possible future introduction of a small bar venue into the area.
23. The issue is echoed in a number of supportive submissions received by the City:
- a. "Finally, it is important to note that owners and residents of the Prima, Meridian & Compass apartment complexes bought their homes and tenancies with a clear, agreed expectation that a commercial land use and amenity of this nature and quality would occupy these commercial premises. I look forward to the opportunity of presenting my submission in favour of the application to your Planning Committee". (Sub.1)
 - b. "was always supposed to be a part of the development" (Sub.25)
 - c. "it is simply following through on the original concepts for place activation and neighbourhood vitality" (Sub.32)

- d. "When my wife and I purchased our apartment, we understood that there would be a bar or restaurant at this location and this was something that attracted us to this development." (Sub.33)
 - e. "there was already the approval to build a licensed venue/hotel within the community when I signed the dotted line to purchase my apartment off the plans back in April 2015." (Sub.44)
 - f. "All nearby residents purchased in the knowledge that there were proposed commercial use of premises in the vicinity." (Sub.46)
 - g. "When I purchased my apartment this development was always proposed, and indeed a main selling feature. The main complainant situated above the development received a price reduction of his apartment and would have signed an understanding of such with Mirvac. A group of residents seem intent on turning this complex into a retirement village. Not acceptable." (Sub.48)
24. Obviously this does not mean that residents should be expected to tolerate an excessive or undue level of noise. This is why the applicant has taken such significant and comprehensive measures to fulfil its commitment to operate in harmony with its neighbours.
25. In the present case, the evidence clearly points to the proposed venue operating in a manner that complies with the all relevant legislation (including noise regulations) and that it will not cause any lessening of amenity of the area. To the contrary, this upmarket, well managed hospitality venue will provide a positive facility for locals and enhance the amenity of the area.
26. Guidance can be gained from similar matters considered in the context of liquor licensing principles. The decision of the "Warders Hotel" (LC23/2018) related to a venue proposed to operate under a hotel licence in close proximity to several residential premises in central Fremantle. Several residents made similar claims to those raised by the opposing submitters in this matter and in that case as here, residents had signed a purchase contract with a clause confirming that they acknowledged the mixed use nature of the area and the potential noise in the area. The decision of the Director of Liquor Licensing, affirmed by the Liquor Commission, included the following passages (at pars 26-27)

Residents located near licensed premises can expect a degree of noise and disturbance. The key point is whether that noise and disturbance is undue in the context of the neighbourhood. Evidence provided by the objectors established that they were made aware of the nature of the neighbourhood and that they should expect a high degree of activity and noise. This is established by an excerpt provided by the objectors from the "Expression of Interest Declaration" for prospective purchasers of the cottages which states;

"NOTIFICATION – FACTORS AFFECTING USE OR ENJOYMENT The seller hereby notifies the buyer and the buyer acknowledges that the property is located within a mixed-use precinct that features a non-uniform and dynamic mix of residential, office, commercial, hospitality and entertainment land use and development of

various size scale and intensity operating hours, height above ground level, vehicular and pedestrian traffic generation, light, odour and noise generation. The singular or cumulative effect of this land use and development generally results in an amenity that differs from a typical suburban residential environment. Proprietors and prospective proprietors should expect, within legal limits, high levels of activity, light, noise, traffic and late hours of operation within public and private areas. 27.

Given the vibrant nature of the area and that it is clearly an entertainment precinct, the test of "undue" is significantly higher than in a normal suburban neighbourhood. The proposed licence conditions submitted by the applicant would appear to address concerns expressed by the objectors and indicates a commitment by the applicant to mitigate the concerns of others in the neighbourhood.

27. In that case, the objections were not made out and the application was granted.
28. It is also worth noting that the law places a heavy burden on licensed hospitality venues in terms of the obligation to operate their venues without causing undue noise or disturbance to persons residing in the vicinity.
29. In this case, should the application be approved, the applicant will be legally required to comply with strict legislative requirements relating to noise and disturbance under both the Environmental Protection (Noise) Regulations 1997 and the Liquor Control Act 1988. These pieces of legislation provide residents with considerable power to protect their right to reasonable amenity.
30. In this case, the evidence points to a conclusion that the applicant will be capable of and will operate the venue in a manner that does not breach the relevant legislation or otherwise cause undue disturbance to residents. However, if the applicant failed to operate in this manner, it would be open to residents to instigate procedures under noise and liquor licensing legislation with potentially significant negative consequences for the applicant and its venue.

Conclusion

31. It is submitted that the proposed development would be unlikely to cause undue disturbance to its neighbours nor breach noise regulations. To the contrary, it would be associated with significant community benefits and would improve the amenity of the area.
32. The development would comprise a logical and appropriate extension of the existing development and planning objectives for the development area. The proposed development will provide additional amenity for local residents and persons visiting the area.

Yours faithfully,



Tim Monaghan
Monaghan Lawyers
Solicitors for the applicant

Additional Information 6 – Herring Storer Response to Reverberate Report (July)



FREO PARTNERS PTY LTD

**LEIGHTON BEACH BOULEVARD
SMALL BAR**

**ENVIRONMENTAL NOISE ASSESSMENT
RESPONSE TO REVERBERATE CONSULTING REPORT**

3 JULY 2020

OUR REF: 25952-1-20051

Reverdate Holdings Pty Ltd A.B.N. 85 009 049 067 trading as:
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Herring Storer Acoustics

DOCUMENT CONTROL PAGE

ACOUSTIC ASSESSMENT – RESPONSE TO REVIEW
SMALL BAR - LEIGHTON BEACH DEVELOPMENT

Job No: 20051

Document Reference: 25952-1-20051

FOR

FREO PARTNERS PTY LTD
C/- MONAGHAN LAWYERS

DOCUMENT INFORMATION				
Author:	George Watts	Checked By:	Tim Reynolds	
Date of Issue :	3 July 2020			
REVISION HISTORY				
Revision	Description	Date	Author	Checked
DOCUMENT DISTRIBUTION				
Copy No.	Version No.	Destination	Hard Copy	Electronic Copy
1	1	Monaghan Lawyers Attn : Tim Monaghan Email : tim@monlaw.com.au		✓

Herring Storer Acoustics
Our ref: 25952-1-20051

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Herring Storer Acoustics
Our ref: 25952-1-20051

EXECUTIVE SUMMARY

The Reverberate Report concludes that the proposed venue will operate in breach of the *Environmental Protection (Noise) Regulations 1997* at all times. This conclusion is erroneous and unreliable for the reasons set out in this report.

The Reverberate Report correctly identified one error contained in the HSA Report (detailed in paragraphs 4 – 11 of this report). Once corrected, the original conclusion of the HSA Report remains unchanged, namely, that the proposed venue is considered to be able to operate in compliance with the requirements of the *Environmental Protection (Noise) Regulations 1997*.

Herring Storer Acoustics
Our ref: 25952-1-20051

1

1. BACKGROUND

1. In early 2019 Freo Partners Pty Ltd engaged Herring Storer Acoustics (**HSA**) undertake an environmental noise impact assessment of the proposed small bar venue at Freeman Loop, North Fremantle. HSA subsequently undertook the assessment and prepared a report dated February 2019 (**HSA Report**).
2. Reverberate Consulting subsequently prepared an acoustic report on behalf of the Council of Owners and Residents of the Prima Complex dated 27 May 2020 (**Reverberate Report**) which included a review of the HSA Report.
3. We are instructed that since the preparation of both the HSA Report and the Reverberate Report, the applicant has engaged in further consultation with the Council of Owners and has resolved to make the following modifications to its proposal in response to resident concerns:
 - a. Closing times for the entire venue, modified as follows:
 - i. Sunday- Thursday: Now 10.00pm
 - ii. Friday – Saturday: Now 11.00pm
 - b. Closing times for the alfresco area, modified as follows:
 - i. Sunday- Thursday: Now 9.00pm
 - ii. Friday – Saturday: Now 10.00pm
 - c. Clarification of entertainment restrictions:
 - i. There will be no amplified music in the alfresco area at any time
 - ii. The only amplified music played inside the venue at any time will be via the in-house sound system. There will be no televisions, DJ's or live bands or performers
 - iii. Speakers to be resiliently mounted in the venue
 - iv. A sound limiter will be installed for the in-house sound system, calibrated to ensure a maximum volume of 80 dB(A) throughout the internal areas.
 - v. No amplified music will be played in the alfresco area at any time.
 - d. Premises plans modified to incorporate additional acoustic attenuation measures, as follows:
 - i. The size of the bin room increased to accommodate all bins and a glass waste crusher.
 - ii. Bin room acoustically treated and sealed to prevent the escape of noise.
 - iii. Automatic door closing systems installed on all external doors
 - e. This report takes those modifications into account as applicable.

2. CRITERIA

4. The HSA Report stated an influencing factor for Residence A to be + 6 dB, based on the presence of a major road with 100m.
5. The Reverberate Report stated that influencing factor to be 3 dB and suggested that *"the true assigned level is 4 dB lower than that used by HSA causing potential exceedances of Patron noise to the overhead apartments"*.
6. Upon review of this issue we conclude that both Reverberate Report and the HSA Report incorrectly assessed the influencing factor for residence A. The discrepancy, in

both reports, is due to the presence of land within the inner circle (i.e. within 100m) that qualifies for a + 2 dB adjustment in accordance with Schedule 2, clause 2 (8).

7. Applying the adjustment for the presence of land that qualifies for a + 2 dB adjustment in accordance with Schedule 2, clause 2 (8) – and the accounting for commercial premises within proximity of Residence A, the correct influencing factor is + 5 dB. 1 dB lower than the calculated factor in the HSA report.
8. Taking these factors into account, the correct influencing factor for residence A is + 5 dB.
9. Hence, the correct applicable Assigned Noise Level at Residence A is as follows:

TABLE 2.1 - ASSIGNED OUTDOOR NOISE LEVEL – AT RESIDENCE A

Premises Receiving Noise	Time of Day	Assigned Level (dB)		
		L _{A10}	L _{A1}	L _{Amax}
Noise sensitive premises within 15 metres of a dwelling	0700 - 1900 hours Monday to Saturday	50	60	70
	0900 - 1900 hours Sunday and Public Holidays	45	55	70
	1900 - 2200 hours all days	45	55	60
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and Public Holidays	40	50	60

Note: L_{A10} is the noise level exceeded for 10% of the time.
L_{A1} is the noise level exceeded for 1% of the time.
L_{Amax} is the maximum noise level.

10. To summarise the above, the influencing factor in the HSA report for Residence A was assessed at + 6 dB, based on the presence of a major road with 100m. This was incorrect.
11. Applying the adjustment for the presence of land that qualifies for a + 2 dB adjustment in accordance with Schedule 2, clause 2 (8) – and the accounting for commercial premises within proximity of Residence A, the correct influencing factor is + 5 dB – 1 dB lower than the calculated factor in the HSA report.

3. CALCULATION METHODOLOGY

12. The Reverberate Report suggests that the calculation methodology undertaken in the HSA Report does not account for the effect of noise reflections caused by cars parked in Freeman Loop in front of the proposed venue.
13. The Reverberate Report indicates that the assumed reflections from parked cars substantially increases the calculated noise levels at the nearby residences and that this is considered to be one of the primary reasons for the disparity in noise levels calculated in the HSA Report.
14. Our assessment of this issue indicates that the presence of parked cars in Freeman Loop would have little impact of sound levels experienced in the residential

apartments located above the proposed premises and that the conclusions of the Reverberate Report cannot be supported for the reasons set out below.

15. Firstly, an assessment of reflected sound cannot be assessed without consideration of the nature of the reflective surfaces in question. When sound is reflected off an uneven surface, the sound energy is diffused, that is, scattered in multiple directions causing a lower volume of sound energy (volume) to be received at any one point of reference nearby. The degree of sound energy scattering (known as the scattering coefficient) is a function of the degree of diffusivity. The converse applies i.e. sound reflected off a smooth, flat surface will diffuse less and be associated with higher volumes at nearby reference points.
16. In the present case, the vehicles which will generally be parked in the car bays in question will comprise non-commercial vehicles (sedans, station wagons, SUV's, hatchbacks etc) which generally do not present a profile with a smooth vertical surface. These vehicles feature multiple faces, features and angles which tend to scatter and diffuse reflected sound. Large commercial vehicles (such as large trucks or lorries with tall (2.5m+), flat vertical sides) would be likely to be associated with increased sound reflection to some extent but probably not a significant level. In any event, given the likely infrequency of such vehicles parking in this location, this can be safely disregarded in terms of sound calculation.
17. Secondly, the only possible sound sources for reflection off parked vehicles will be a constant sound from patron conversation in the alfresco area and brief, sporadic noise from inside the venue when the door is opened, neither of which will contribute excessive noise levels (see below).
18. Thirdly, a total of four car bays are located on Freeman Loop adjacent to the proposed venue. Even when all these bays are occupied, the combined profile of four vehicles will comprise an insignificant reflective surface in acoustic terms.
19. For the reasons indicated, an insignificant level of sound energy will be reflected off parked cars in Freeman Loop as experienced at apartments located above the proposed venue, even when all four bays are occupied. The likely reflected sound level will not be high enough to have any meaningful impact on noise experienced at residential premises nearby.
20. It is noted that the reflective nature of the buildings and surrounds has been accounted for in our noise modelling.

4. IMPACT OF PATRON NOISE FROM THE ALFRESCO AREA

Assumed source level

21. The HSA Report calculated the impact of noise from a maximum of 30 persons conversing in the alfresco area based on an assumed source sound power level of 66 dB(A)/m².
22. The Reverberate Report suggests that an assumed sound power level of 90 dB(A) should be used, which is not made clear if it is to be applied as an area source or point source, and that accordingly, the HSA Report underestimated the impact of the external patron noise level.

23. The method used in the HSA Report to calculate the impact of patron noise in outdoor licensed areas has been utilised by HSA in multiple previous liquor licence applications in acoustic reports including:
- Warders Hotel.
 - Coogee Common.
 - Corner Dairy Small Bar.
 - Russell Inn alfresco area.
 - The Vic Park Hotel.
 - James Street Small Bar.
 - QT Hotel Rooftop Bar.
24. In all cases without exception, HSA'S analysis and conclusions were considered and accepted by the licensing authority. It is also noted that in numerous instances the above assumed noise levels were also reflected as accurate when noise measurements were undertaken of the actual use of the spaces upon opening.
25. The Reverberate Report cites three reports to substantiate its assumed noise level of 90dB in the alfresco area but none of these reports are relevant for the following reasons:
- a. The Hayne report which refers to 89dB.
 - b. The Rindel report which refers to 91dB.
 - c. The Association of Australian Acoustical Consultants which refers to 92dB.
26. The following commentary is provided for each of the above studies:
- a. Hayne Report: The data presented within this report, for L_{A10} sound power levels are considered to be overly affected by outliers in the data gathered. Additionally, it is noted that the sound power level is calculated to a hemispherical point source, whereas HSA has found that modelling utilising an area source provides a more realistic prediction of noise levels. Where the outliers (for L_{A10} noise levels) are removed from the set of data presented in the Hayne Report, the actual sound power levels more align with what has been utilised in the HSA report.
 - b. Rindel Report: provides a method to predict noise from talkers in semi-enclosed and enclosed spaces. In this instance, the space is not enclosed. The method is validated only for more than 50 people, with confirmation for the use to predict noise for two groups of 8 people undertaken- for semi-enclosed and closed environments – hence, again not applicable in this instance.
 - c. AAC Guideline: This guideline summaries the studies listed below and hence, the reasoning why the sound power level utilised by HSA listed above is similar.
27. The Reverberate Report suggests that its forecast volume of 90dB is an underestimate of the true noise impact in that it has not accounted for the increased patron noise in the presence of alcohol" which it says "can add a minimum of 5dB to these forecasts" (at page 5). This statement is unsubstantiated and is inconsistent with HSA's experience based on external licensed areas such as proposed here, with the reasoning for this conclusion listed above.

Influencing factors

28. The Reverberate Report states that the HSA Report failed to take into account the fact that the venue, including the alfresco area, will be subject to a liquor licence and that patrons will be consuming alcohol.

29. This is not correct. The assessment of patron noise in the HSA Report took those factors into account, as HSA has done in every one of the dozens of reports submitted to the licensing authority over many years. In this case, in accordance with accepted practice, our assessment assumed that alcohol will be served responsibly and that the venue will operate in compliance with the Liquor Control Act 1988.
30. The Reverberate Report correctly states that the level of noise created by a given number of patrons is influenced by the situational context but fails to consider the key, relevant features of the proposed alfresco area in this case which are as follows:
- No amplified music will be played in the alfresco area at all, not even at a background ambient level. In our experience, outdoor areas without music are associated with lower noise levels from patron conversation.
 - Patrons will be required to be seated at all times whilst in the alfresco area. Patrons will not be permitted to loiter in that area whilst standing. In our experience, seated areas in licensed venues tend to be associated with a more relaxed ambiance than standing areas and tend to generate less noise.
 - Patrons in the alfresco area will be separated into small groups due to the table and seating arrangements. In our experience, the separation of patrons into small groups of patrons is generally associated with lower volumes of noise than areas where patrons can mingle and group in large numbers.
 - The alfresco area will be a dining area with meals served there during all trading hours until 60 minutes prior to closing. Although patrons will be able to consume alcohol in the alfresco area with or without a meal, dining services are expected to be a significant feature in this part of the venue. In our experience, areas used for dining are associated with lower noise levels from patrons.
31. Further, the references utilised within the Review are based upon internal areas, where the noise levels for outdoor areas are referred to as:
- "The research has shown that noise levels are not directly related to crowd sizes, particularly for larger numbers. The area occupied by the crowd and distance from the venue will require different adjustments in each situation. An Acoustical consultant will need to assess each situation carefully in order to determine noise egress."*
- (Source: The Association of Australasian Acoustics Consultants : Licensed Premises Noise Assessment Technical Guideline.
32. The Reverberate Report forecasts noise levels from 30 people in the alfresco area in Table 3 (page 7). Our view is that the stated forecast assigned levels by Reverberate are incorrect and over predict the actual noise levels that are considered likely to emanate from the area.
33. For the reasons stated above, 66dB(A)/m² is the correct assumed volume for patron conversation in the alfresco area when operating at full capacity.

IMPACT OF PATRON NOISE FROM INTERNAL AREA

34. The HSA Report assesses internal noise as 80 dB(A) throughout the bar attributable to music and a 66 dB(A)/m² attributable to patron noise. These noise levels are considered representative of the noise levels within the small bar considering the intended manner of trade and restrictions on music within the venue.

35. The Reverberate Report states (at page 5):

The indoor patron noise has been treated in a similar way. The LA10 noise level from patrons within the bar is forecast to be 91 dB, (reverberant sound pressure level). This matches the noise levels published by the AAAC5 for 100 people within a venue of 300 m3 (refer their Table 1 'Scenario P'; LAeq 88 = LA10 91 dB)

36. This assumed noise level is considered to overestimate the noise impact of the space on the basis that music is not intended to be played at such a volume that would result in the patron noise level (and music) reaching such a level

5. OPEN ACCESS DOORS TO DOOR OPEN/CLOSED

37. The Reverberate report (at par 3.2.2) estimates noise emission from inside the venue through a single doorway and assumes that " at times the door will be open for more than 10% of any 15 min period, (i.e. for more than 90 seconds in that period) and so the LA10 descriptor is best used to assess noise emission" and therefore any "noise leakage" from this path is required to comply with the LA10 assigned noise levels.

38. This assumption is flawed, on the basis that it is highly unlikely that the door will be open for 10% of the time of more to warrant assessment under the LA10 parameter.

39. We are instructed as follows:

- a. Doors will be opened and closed most frequently during peak trading periods i.e. when the venue is operating at or close to maximum capacity.
- b. The applicant advises that peak trade is expected to occur on Friday and Saturday evenings from about 5.00 – 10.00pm and that this is when the venue is likely to be operating at its maximum capacity of 120 patrons. This prediction seems reasonable and is consistent with our previous experience conducting noise impact assessments for other licenced venues.
- c. Automatic door closing systems will ensure that during normal use, upon each entrance or exit by a patron, the door will remain open for a maximum of 5 seconds.

40. It is considered that during peak trading periods, patron exit from / entry into the venue will occur at a maximum average frequency of once every 2 minutes. That means during peak trade, in any 15 minute period the door will be open for maximum total of 37.5 seconds i.e. 4.2% of the time. This is considered to be a conservative estimate.

41. Even if the frequency was as often as once every minute during peak trade (which is considered to be unlikely), doors would be open for a total of 75 seconds every 15 minutes i.e. 8.3% of the time.

42. It can also be noted that these estimates relate only to peak trading periods. The permitted hours proposed by the applicant anticipate the venue being open for a total of 65 hours per week. Peak trade (Fridays/Saturdays, 5.00 -10.00pm) will comprise a small proportion of total weekly trade, namely, 10 hours per week. During the 55 hours per week of non-peak trading, the doors will be opened even less frequently.

43. For the reasons stated, our assessment is that it is highly unlikely that the exit door will be open for 10% of the time or more, even during peak trading periods. The assumption made in the Reverberate Report to this effect cannot be supported.
44. Accordingly, the assessment of the noise emitted from the internal area, undertaken as a part of the review, does not need to be compared to the L_{A10} assigned noise levels as intimated by the Reverberate Report.

FORECAST NOISE AT RECEIVERS

45. The Reverberate REPORT (at par. 3.2) indicates that its forecast levels at pars 3.2.1 and 3.2.23 are under-estimates given the following factors listed below. Our comments are noted in bold:

- Increases in noise due to the influence of alcohol

Accounted for in HSA assumed noise levels and responsible service of alcohol.

- Increases in noise due to audible music noise reaching the apartments

Amplified music will not be played in external areas. The level of amplified music inside the venue will be controlled by a sound monitor and maintained at a maximum level of 80dB(A) which will not be audible at the apartments.

- Increases in noise due to audible impulsive characteristics of music noise reaching the apartments

Music at levels that would not be audible at the apartments. Noting that no music is to be included in the alfresco area

- Increases in noise from DJs or live music within the bar

No live music or DJ's will play at the venue at any time.

- Increases in noise from TVs or other similar entertainment

The venue will not feature TV's or similar entertainment.

- Increases in noise from combined or collective patron activities within the bar.

This has been accounted for in HSA calculations.

- The noise from patrons as they leave the venue

Orderly conduct of patrons as they leave the venue will be reinforced in the management plan of the bar, with signage included as needed. This will ensure that this noise source is not significant. As discussed in the AAAC Guideline referred to in the Reverberate Report, "We consider that the assessment of "off-site" noise is best handled by planners, as it is clear that unruly, loud behaviour of patrons and noise from car-doors and engines late at night have the potential to cause disturbance. However, these are lawful activities which could similarly result from any visitors to private gatherings in a residential street, or patrons who have visited other licensed premises."

- The noise from patrons in the outdoor area interacting with passers-by to overhead apartment

Such occasions are not considered likely to be significant.

- Increases in noise from the overhead neighbour have an acoustically reflective apartment, with minimal soft furnishings.

Noise transfer to the apartment will be insignificant. Accordingly the reverberant nature (or otherwise) of the apartment is not considered significant.

- Increases in noise due to the mounting of the bar speakers close to the ceiling

Speakers to be resiliently mounted within the venue as stated in HSA report.

- Increases in noise due to the mounting of the bar speakers rigidly onto columns or perimeter walls

Speakers to be resiliently mounted within the venue, as stated in HSA report.

6. NOISE THROUGH FLOOR/CEILING

46. The Reverberate Report indicates that it undertook a "noise intrusion analysis or bar noise traveling into the apartment above, directly penetrating through the floor/ceiling separating the two"
47. Noise levels through the floor/ceiling above the small bar has been considered, and, based on the noise levels that have been assumed and recommended to be managed within the bar, are insignificant within the apartment above. The conclusion arrived at by the Reverberate Report is based upon substantially higher noise levels than what is being proposed, hence, the reason for such a disparity in calculated noise levels.
48. Additionally, it is noted that the thickness of concrete slab separating the proposed venue from the apartments above is thicker than 200mm as stated in the Reverberate Report for the majority of the venue, with approximately 450mm thick slab sections in areas.
49. The thicker slab will also provide a higher level of airborne sound isolation, creating a further disparity between the predicted noise levels within the Reverberate Report and the correct calculated noise levels presented in the HSA Report.
50. Our assessment is that sound from inside the venue will not travel through the concrete slab at an audible level in the apartments above.

7. REVIEW OF HSA REPORT

51. The Reverberate Report claimed the following discrepancies in the HSA Report. Our comments are noted:
 - Crowd Noise The noise from outdoor crowds as forecast by HSA is 7 dB lower than our experience and that in published articles.

(See paragraphs 21 - 27 above)

- Noise Reflection from parked cars. No account has been made to determine the effect of noise reflections reaching the overhead apartments, caused by parked cars in front of the outdoor licenced area.

(See paragraphs 12 - 20 above)

- Open access doors to Door open/closed. An insufficient assessment has been conducted by HSA of internal bar noise reaching the residences, via open doors. The noise from open doors will result in exceedance at any time, day or night.

(See paragraphs 37 - 44 above)

- Assigned Level HSA has incorrectly assessed noise emission to the overhead apartments using a high Assigned level. The true assigned level is 4 dB lower than that used by HSA causing potential exceedances of Patron noise to the overhead apartments.

(See paragraphs 4 - 11 above)

- Noise through floor/ceiling between the bar and overhead apartment HSA has not considered the noise intrusion into the overhead apartment, via the common floor/ceiling with the bar Outdoor Licenced Area.

(See paragraphs 46 - 50 above)

- No indications have been given how the patrons will be controlled in the outdoor area to prevent unruly behaviour, excessive noise levels, or interactions with passers-by.

(See paragraph 45 above)

- Background Music noise HSA nominate that the background music noise is not to exceed 80 dB. This level of noise results in raised conversations and shouting among the patrons. It is not considered to be "Background" music at this level. This level of noise can contribute to industrial deafness among the patrons and bar staff. Levels of 80 to 85dB or greater should be avoided.

A background music noise level throughout the bar of 80 dB(A) is falsely referred to in the Review as a possible contributor to "industrial deafness". The occupational health and safety noise level of 85 dB $L_{Aeq,8hour}$ is reached after an exposure for a period of greater than 24 hours. As the venue is not proposed to be operated 24 hours/day – nor would patrons and bar staff be present for 24 hours at a time, in the event that the venue was open 24 hours/day, the claim that the venue would contribute to industrial deafness is strongly disputed.

It is considered to be a misleading remark in regard to the ambience and manner of trade for the internal area of the small bar. At the background noise levels assumed within the internal areas of the small bar, music is not considered to be the primary focus of the area and, as such, considered background in nature.

8. REVIEW OF THE NOISE MANAGEMENT PLAN

As part of our response to the Reverberate Report, the noise management plan has been reviewed, specifically in relation to the commentary in the Reverberate report titled "Review of the Noise Management Plan".

Amplified music, in the form of DJ or live act has been proposed in Point #8 but no noise impact from such activity has been addressed. It is likely such impacts will exceed the current noise impacts, which, have already been found in this report to exceed the noise limits.

The HSA report specifically excludes live music, and in the event of a DJ being in place the same limit of 80 dB(A) throughout the internal area would need to apply. It is understood that this has been addressed by the venue and will not host live music.

No mention is made of the need for Security guards to patrol outdoor areas to prevent antisocial or unruly behaviour, and the attendant noise impact from such activities.

The above is an area that is outside of our core area of expertise (in terms of the requirement or otherwise), other than a reliance on responsible service of alcohol and promoting safe/social behaviours.

Monitoring noise – The noise from any amplified event is to be controlled by an Electronic Noise Limiter so it is not left to the discretion of the Duty manager, or any other person with access to the amplifiers. This is the case for all music noise. This method is the only reliable method by which compliance with the Environmental Protection (Noise) Regulations 1997 requirements can be met for a venue such as this.

It is agreed that a limiter within the sound system is appropriate to enable the limitation of noise within the venue. It is noted that there are other "low-fi" options available to meet the same objective – for instance, the amplifier is located under lock and key after being set at a level that is appropriate, and the key only accessible offsite or by one person etc.

All additional noise checking by the Manager, to be conducted during the course of each event. It is to be recorded and made available to the City.

A "Venue Incident Register" is referred to in the noise management plan and appears to address the requirements listed above. It is suggested that the availability of such records to the City would only be appropriate in the instance of a City representative investigating a noise complaint.

The Sound level meter used by the Manager on site is to comply with the technical requirements of the Environmental Protection (Noise) Regulations 1997. A field calibrator is also to be used for each set of measurements, for field calibration of the Sound level meter before and after each set of measurement. This calibrator is also required to comply with the Regulations

It is considered unnecessary for the sound level meter utilised by the venue to meet the requirements of the Environmental Protection (Noise) Regulations 1997. Noise levels within the venue would be set (and then either by limiter or by amplifier under lock and key) be kept at these noise levels. Noise levels could then be monitored utilising any system that is repeatable and consistent that was referenced whilst establishing the baseline of noise levels within the venue. Examples of this would be utilising a smart-phone sound level meter application, referenced to a level whilst establishing the baseline levels within the venue. Measurement locations would not be directly comparable to the noise levels outlined in the Environmental Protection (Noise) Regulations 1997, nor would they be an enforceable level (as in accordance with Schedule 4, Clause 2 and "approved

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person” must undertake the measurements which essentially entails a City representative or appointed person).

In the event of a noise complaint, the procedure established in the noise management plan is to address the complaint (i.e. lower noise levels) where possible. Should the complaints not be able to be addressed easily, it is envisaged that specialist advice would be sought at that time.

Reporting is to be regularly submitted to City and to be made available for inspection by complainants within 2 weeks of the complaint being received.

The need to regularly submit information to the City is considered to be a needless onerous requirement. The data would be available upon routine request or in the case of a resident complaint.

All complaints received, as well as bar responses and outcomes to be recorded in the Register of Incidents at Licensed Premises (Refer Liquor Control Act, Section 116A) and annually included in a report to City.

The above commentary is considered outside the scope of expertise for an acoustic consultant, hence HSA does not consider itself qualified to comment.

The noise management plan proposes in Point #7 the noise from the in-house sound system to be played... at a volume that maintains a relaxed and comfortable environment and that allows patrons to converse.

Music noise of 80 dB as mentioned in Point #10a does not do this as the patrons need to raise their voices in such an environment.

We disagree with the above and consider 80 dB(A) throughout the venue as representative of background music where conversation is the main focus of the venue.

Glass waste is proposed to be emptied into outside bins (Point #23). The acoustic report specifically notes that this activity occurs inside so the use of outside bins is not permitted.

The above commentary is pertinent, as it is understood that the commercial bin store will be located internally and that a glass crusher is to be utilised, located internally. This will remove any external glass movement noise impacts.

Additional Information 7 – Site Photo



Photo 1: Streetscape – Corner Freeman Loop and Leighton Beach Blvd

PC2008 – 2 COLLICK STREET, NO. 84 (LOT 214), HILTON - TEN MULTIPLE DWELLINGS (AGED AND DEPENDENT PERSONS DWELLINGS) AND HOSPITAL (TWO STOREY RESIDENTIAL AGED CARE - HIGH CARE FACILITY) - (TG DAP003/20)

Additional Information 1 – Schedule of Submissions – 84 Collick Street, Hilton

No.	Submitter Comments	Officer Response
1	We have no objections to the proposal and wish them well with their project. It looks like the kind of place we could live in one day.	Noted.
2	What is the traffic plan for this development? The hospital alone has 48 visitor parking bays. The only entrance to the complex from Winterfold Road is directly opposite my driveway and the two bus stops. Traffic on Winterfold Road has increased substantially, especially before and after school (3 schools within a kilometre) the traffic is jammed from Stock road past Collick st . How will the increased traffic, especially the Winterfold Road entrance, be managed?	The applicant has submitted a traffic impact statement with regard to the proposed development which has been reviewed by the City and supported.
3	Not enough parking spaces for residents and staff of new development. Far too much traffic passing through such a small area and it would be dangerous for existing residents.	The development is assessed to provide sufficient parking to support the proposal in accordance with Local Planning Scheme No. 4.
4	I have been a residents in one of the 86 “independent living units” at Foley Village, Hilton for seven and a half years and while I accept the concept of the proposed development, I am concerned for my, and for my fellow residents safety from the increase in vehicle traffic that the proposed facility will generate. My interpretation of the plans is that all service vehicles to the new facility will enter from the Winterfold Road entrance and move to the site on the existing internal road at the eastern side of the site. The new facility caters for an additional 92 “Aged Care” residents and will	Access to the development will be via existing site access points. An increase in traffic accessing the site would be anticipated by the final

	generate a marked increase in vehicular traffic (comprising staff, service vehicles and visitors). A visual inspection of the site will demonstrate that there is no safe pedestrian access for at least 16 of the existing residential units on that route. In addition there will be an additional risk to existing residents in their garages.	stage of the site development being completed. The provision of internal footpaths to the existing Foley Village is a matter for agreement between the landowner and residents. The subject development includes a footpath to the southern side of the building.
5	The proposed village will be welcome when and if we need extra care. Parking at the site could be inadequate, we don't really need extra vehicles using our streets and limited parking bays we already have.	Noted. The development is assessed to provide sufficient parking to support the proposal in accordance with Local Planning Scheme No. 4.
6	I am very concerned about the telephone tower. Will it be shifted eventually?	The development plans indicate the relocation of the existing telecommunications tower onto the proposed building. The applicant notes that there is agreement to retain the tower until 2022 unless further agreement is reached.
7	What is going to happen with the communication on the block?	It is assumed that this submission relates to the telecommunications tower in the north east corner of the site. Refer to comments in relation to submission 6 above.
8	We have no objection to the building design as such. However we are very concerned that the new development will cause a significant increase in vehicle traffic flow through the existing village occupied by elderly residents. It would appear that Southern Cross Care chose to ignore the need to address this issue when developing the earlier stages of Foley Village to ensure access to this new stage would not impact on the safety and peace of existing residents. We also believe that the number of parking bays are inadequate to cater for staff visitors and service vehicles. This will result in disruption to existing residents and neighbours by spilling	The provision of internal footpaths to the existing Foley Village is a matter for agreement between the landowner and residents. The subject development includes a footpath to the southern side of the building. A construction management plan is recommended to be required as a condition of any approval for the development to ensure that the construction of the final stage of the Foley Village can be appropriately managed. The development is assessed to provide sufficient parking to support the proposal in accordance with Local Planning Scheme No. 4.

	over into the current parking bays and nearby residential streets.	
9	Inadequate parking for health services and residents. Not enough pathways in village. Residents at greater risk of injuries. It is a safety issue.	The development is assessed to provide sufficient parking to support the proposal in accordance with Local Planning Scheme No. 4.
10	My concern is the heavy traffic coming into the village. We have no footpaths between units. We have elderly residents on walking frames and some would not hear vehicles approaching. The area of the proposed buildings has very limited parking. No room for work people to park their cars.	The provision of internal footpaths to the existing Foley Village is a matter for agreement between the landowner and residents. The subject development includes a footpath to the southern side of the building.
11	As a resident of the established Foley Village section I fully support the development of the site with the following reservations: • Traffic flow during construction only 2 entrances to village and would requiring past existing residents units. • Pedestrian access around village (footpaths). • Adequate parking for visitors and employees for current and proposed activities.	A construction management plan is recommended to be required as a condition of any approval for the development to ensure that the construction of the final stage of the Foley Village can be appropriately managed. The provision of internal footpaths to the existing Foley Village is a matter for agreement between the landowner and residents. The subject development includes a footpath to the southern side of the building. The development is assessed to provide sufficient parking to support the proposal in accordance with Local Planning Scheme No. 4.
12	I believe the design is not in keeping with the style of the current units at Foley Village, mainly one level dwellings. There appears to be not enough parking in the proposal for current residents visitors let alone for the new development. The exit from the development onto Collick Street is virtually blind at the footpath.	The City does not have specific design controls applying to the subject site. The development is assessed to provide sufficient parking to support the proposal in accordance with Local Planning Scheme No. 4. The existing access points to the development are understood to have been considered in the original

	This is due to the footpath being hidden by a high wall and large sign on the sides of the driveway and being in close proximity to Our Lady of Mount Carmel School and church there is a real possibility of death or injury to users of the footpath. Surely this must be addressed before the development is approved.	development applications for the development of Foley Village. Modification to these access points is not proposed through this development.
13	I have severe concern as to the access to site. This is an existing Aged Care Facility and minimum disruption should be of utmost concern. Proposed access to site is not acceptable to residents as noise, fumes and increase in volume of traffic from trucks is not being considered as duty of care to residents. This needs to be considered as a major priority before progressing.	A construction management plan is recommended to be required as a condition of any approval for the development to ensure that the construction of the final stage of the Foley Village can be appropriately managed.
14	We are concerned about the increased volume of traffic through the proposed development will create through out the existing village. The internal roads have been designed for limited traffic there are no footpaths. Residents can only walk on the road. The footpath residents requested be included in design is not fit for purpose – wrong side of the road. There are very important “safety issues” the number of staff parking appears to have been under stated.	The provision of internal footpaths to the existing Foley Village is a matter for agreement between the landowner and residents. The subject development includes a footpath to the southern side of the building. It is the responsibility of individual drivers to ensure that they obey marked speed regulations. The development is assessed to provide sufficient parking to support the proposal in accordance with Local Planning Scheme No. 4.
15	We have been living in Foley Village for ten years, which is an independent living unit with a “Lease for Life” contract. The planning proposal DAP003/20 extends the range of aged care services and scale of the village. We are concerned about several issues relating to parking provision and resident safety.	The applicant has noted a general maximum of 20 staff on site in the mornings with less throughout the day. In accordance with the requirements of Local Planning Scheme No. 4 the development is assessed to comply with the relevant parking standards.

Staff parking – The 17 parking bays for staff reflect the modelling for 72 aged care beds, when in fact it should be 92. The 20 beds that are classified as transition care units cannot be treated as equivalent to residential units which don't require staff. Transition care by definition includes low intensity therapy, nursing support and personal care. Additional staff parking needs to be factored in to cover staffing for the transition care units. No allowance has been made for ancillary staff bays. Ancillary staff including allied health services (physiotherapy, podiatry, social work and occupational therapy), eg physiotherapist, occupational therapist, podiatrist, hairdresser, social workers provide essential support to the welfare of aged care residents and will require parking to be available. The 24 visitor parking bays nominated as adequate for the development include the five bays that will be lost to the existing 16 independent living units facing the new development. The visitor parking needs of existing residents should also be taken into account as part of this development. Visitor parking bas should be increased accordingly. Inadequate parking will mean staff and visitors are driving through the village looking for parking, often focussed on their needs not local residents and that they will park in front of our properties and in surrounding streets. They will clog up the village and surrounding areas while reducing our safety and amenity. The site is currently excavated to facilitate underground parking and this would create ample space for parking. We are concerned about the level of traffic that will be created by the new	The development is assessed to provide sufficient parking to support the proposal in accordance with Local Planning Scheme No. 4. The provision of internal footpaths to the existing Foley Village is a matter for agreement between the landowner and residents. The subject
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beds/residences. The road to our property has been designed for limited traffic volumes. There are no walkable shopping facilities nearby Foley Village so we use our cars quite a lot. The additional beds and visitors, service vehicles and staff will increase traffic significantly. There is no pathway between houses on the southern side of the proposed access road. Existing residents at Foley Village have requested a footpath along the southern side of the internal road adjacent to the 16 existing independent living units as a safety issue. The plan shows the footpath on the northern side of the road which is not fit for purpose and puts the residents at greater risk of injury. Addendum to submission: Recommended hours per person, per day in aged care facilities: 3.65 -4.3 hr average 3.975hr per person per day Proposed development 92 residents 92 @ 3.975hr per day = 365.7 hrs per day. Registered nurse – on site 24/7 20% of total hrs = 73.14 hrs per day divide 24 hr = 3.0475 registered nurses per day Enrolled nurse – on site 24/7 20% of total hrs = 73.14 hrs per day divide 24hr = 3.0475 enrolled nurse per day Personal care staff – on site avg. 7 hrs per day 60% of total hrs = 219.42 hrs divide 7 hrs = 31.345 staff per day. Total staff numbers of site = 37.44 per day.	development includes a footpath to the southern side of the building. It is the responsibility of individual drivers to ensure that they obey marked speed regulations.
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	This will have an impact on staff parking numbers and traffic through Foley Village.	
16	Concerned for the provision of adequate parking facilities and pedestrian pathways (in some areas to the existing village facility and does not understand why “basement parking” is not considered to form part of the development when the site of the proposed development is currently excavated which would facilitate underground (ie “Basement” parking and servicing the new Facility. The roadways throughout the existing Village do not have footpaths (except for one location) and therefore a dangerous safety issue will need to be addressed for construction and future pedestrian/traffic/vehicle use. This matter will need to be addressed as a pre-requisite before construction commences and preliminary work undertaken to provide safe access for pedestrian and traffic movement. Although this matter was presented and discussed at a resident’s information presentation earlier this year, it does not appear to have been taken into account in the proposed development. It is noted that the transitional residential units are proposed on two levels, ground level and level one. Access to the units on level one is provided by staircases only. Considering these units are provided as an Aged Care Facility, suitable lifts should be provided. This submission then provided an additional copy of submission 15.	The development is assessed to provide sufficient parking to support the proposal in accordance with Local Planning Scheme No. 4. The provision of internal footpaths to the existing Foley Village is a matter for agreement between the landowner and residents. The subject development includes a footpath to the southern side of the building. It is the responsibility of individual drivers to ensure that they obey marked speed regulations. Based on the submitted plans, the upper floor units are capable of access via internal lifts.
17	I am still concerned about footpaths or walkways as it is, we only have one footpath in the village. I and many others enjoy walking around the village. Cars do not always obey speed	The provision of internal footpaths to the existing Foley Village is a matter for agreement between the landowner and residents. The subject development includes a footpath to the southern side of the building.

	limits and it is concerning when our hearing is going. Also I am very concerned about the trucks as they will be going past my unit for many months, I wish another route could be found from outside, example Stock Road. It would be a straight run from there with the loss of a couple of trees.	It is the responsibility of individual drivers to ensure that they obey marked speed regulations. A construction management plan is recommended to be required as a condition of any approval for the development.
18	Resubmission of submission 15/16	Refer to comments above.
19	My only concern is traffic through the village, trucks etc. No path there also too many residents, 90 units is plenty.	A construction management plan is recommended to be required as a condition of any approval for the development. The provision of internal footpaths to the existing Foley Village is a matter for agreement between the landowner and residents. The subject development includes a footpath to the southern side of the building. It is understood that the final third stage of the Foley Village has always been intended to be developed, with previous approvals for this area of the site being issued.
20	Please ensure sufficient parking is left for visitors to units opposite. Also that the new unit is set back as far as possible. It's a pity that new residents will overlook existing residents and that the front of the new building does not front the opposite way.	The development is assessed to provide sufficient parking to support the proposal in accordance with Local Planning Scheme No. 4. While the proposed development facing faces existing dwellings on site, these dwellings are noted to be set back in accordance with the relevant visual privacy setbacks due to the internal road.
21	Residents safety – we are concerned about the increased volume of traffic the proposed development will create through the existing village. The internal roads have been designed for limited traffic, there are no footpaths. Residents can only walk on the road. The footpath residents requested be included in design is not fit for purposed. Wrong side of the road.	The provision of internal footpaths to the existing Foley Village is a matter for agreement between the landowner and residents. The subject development includes a footpath to the southern side of the building. It is understood that the final third stage of the Foley Village has always been intended to be developed, with

	These are very important “suggestions”. The number of staff and parking appear to have been underrated.	previous approvals for this area of the site being issued.
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Additional Information 2 – Site Photos



Photo 1 – Subject site facing east



Photo 2 – Subject site facing south east



Photo 3 – subject site facing north



Photo 4 - Subject site facing east



Photo 5 – subject site facing east



Photo 6 – eastern side of subject site



Photo 7 – Eastern side of subject site.

**PC2008 - 3 COODE STREET, NO. 10B (LOT 2), FREMANTLE - SINGLE STOREY
GROUPED DWELLING (JCL DA0154/20)**

Additional Information 1 – Site Photos -



Photo 1: View of subject site (rear) from street.



Photo 2: View of rear (eastern) portion of site.



Photo 3: View of south-eastern portion of site



Photo 4: View of western portion of site and patio at 10A Coode Street.

**PC2008 - 4 ROSE STREET, No.16 (Strata Lot 1), SOUTH FREMANTLE –
ADDITIONS AND ALTERATIONS TO EXISTING GROUPED
DWELLING – (CS DA0143/20)**

Additional Information 1 – Site Photos



Photo 1: Subject site as viewed from Rose Street



Photo 2: Existing rear elevation of subject site (to be demolished)



Photo 3: View of adjacent property to the west (No.14)



Photo 4: View of adjacent property to the west (No.14)

**PC2008 - 5 SWANBOURNE STREET, NO.18 (LOT 1034), FREMANTLE –
DEMOLITION OF EXISTING SINGLE HOUSE AND CONSTRUCTION
OF A TWO STOREY SINGLE HOUSE – (CS DA0088/20)**

Additional Information 1 – Site Photos



Photo 1: Subject site as viewed from Swanbourne Street



Photo 2: Rear of the subject site



Photo 3: Rear of the subject site showing the multiple changes in level (looking towards house)



Photo 4: Rear of the subject site showing the multiple changes in level (from house)

**PC2008 - 6 SOUTH STREET, NO.41 (LOT 5), SOUTH FREMANTLE - DEMOLITION
OF EXISTING SINGLE HOUSE (JCL DA0199/20)**

Additional Information 1 – Site Photos



Photo1: Subject site as viewed from South Street



Photo 2: Subject site as viewed from South Street (behind front wall)

PC2008 - 7 Watkins Street, No. 107A (Strata Lot 1), White Gum Valley - Two Storey Single House (TG DA0160/20)

Additional Information 1 – Site Photos



Photo1: Subject site as viewed from Watkins Street



Photo 2: Rear of subject site and adjoining dwelling (South)

**PC2008 - 8 ATTFIELD STREET, NO. 95 (LOT 5), SOUTH FREMANTLE – HOME
BUSINESS (PIANO LESSONS) – (NB DA0184/20)**

Additional Information 1 – Site Photo



**PC2008 - 9 KEEL PLACE, NO. 4 (LOT 51), NORTH FREMANTLE - THREE
STOREY SINGLE HOUSE AND ANCILLARY DWELLING (TG
DA0166/20)**

Additional Information 1 – Site Photos



Photo 1: Subject site as viewed from Keel Place



Photo 2: Subject site as viewed from Keel Place



Photo 3: Entrance to Keel Place



Photo 4: Entrance to Keel Place



Photo 5: Existing streetscape of Keel Place



Photo 6: Existing streetscape of Keel Place



Photo7: Existing streetscape of Keel Place