

**YARRA CITY COUNCIL**  
**Internal Development Approvals Committee**  
**Agenda**

**to be held on Wednesday 10 August 2016 at 6.30pm  
in Meeting Room 3 at the Richmond Town Hall**

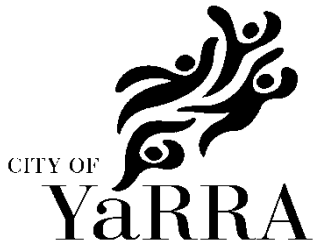
**Rostered Councillor membership**

Councillor Roberto Colanzi  
Councillor Amanda Stone  
Councillor Phillip Vlahogiannis

- I. ATTENDANCE**  
Danielle Connell (Coordinator Statutory Planning)  
Sarah Thomas (Principal Planner)  
Cindi Johnston (Governance Officer)
- II. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT OF INTEREST**
- III. CONFIRMATION OF MINUTES**
- IV. COMMITTEE BUSINESS REPORTS**

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***"Welcome to the City of Yarra.  
Yarra City Council acknowledges the  
Wurundjeri as the Traditional Owners  
of this country, pays tribute to all  
Aboriginal and Torres Strait Islander  
people in Yarra and gives respect to  
the Elders past and present."***



## Guidelines for public participation at Internal Development Approval Committee meetings

### **POLICY**

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Council provides the opportunity for members of the public to address the Internal Development Approvals Committee.

The following guidelines have been prepared to assist members of the public in presenting submissions at these meetings:

- public submissions are limited to a maximum of five (5) minutes
- where there is a common group of people wishing to make a submission on the same matter, it is recommended that a representative speaker be nominated to present the views of the group
- all public comment must be made prior to commencement of any discussion by the committee
- any person accepting the chairperson's invitation to address the meeting shall confine himself or herself to the subject under consideration
- people making submissions shall address the meeting as a whole and the meeting debate shall be conducted at the conclusion of submissions
- the provisions of these guidelines shall be made known to all intending speakers and members of the public generally prior to the commencement of each committee meeting.

For further information regarding these guidelines or presenting submissions at Committee meetings generally, please contact the Governance Branch on (03) 9205 5110.

**Governance Branch  
2008**

## 1. Committee business reports

| Item |  | Page | Rec.<br>Page |
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| 1.1  | 87 - 89 Moor Street, Fitzroy - Planning permit application number PL03/0732.05 - Amendment to increase the hours of operation, patron numbers and hours for the sale and consumption of alcohol in association with the current uses at the site and to include a function centre use and associated reduction on the car parking requirements of the Yarra Planning Scheme. | 5    | 28           |
| 1.2  | 122 Noone Street- Planning permit application No. PLN15/0959- Development of the land for two (2) double storey dwellings, the full demolition of the existing building and a reduction in the car parking requirements of the Yarra Planning Scheme.  | 103  | 127          |
| 1.3  | 506 Swan Street, Richmond - PLN14/0558.02 - Amend condition 4 of the permit to increase patron numbers to 120 and an associated further reduction in car-parking requirements and amend the permit to read the correct address of the site.  | 138  | 154          |
| 1.4  | PLN16/0013 - 8 Gwynne Street Cremorne - Construction of a five-storey building for the purpose of offices (no permit required for use) and a reduction in the car parking requirement.   | 172  | 191          |

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- 1.1 87 - 89 Moor Street, Fitzroy - Planning permit application number PL03/0732.05 - Amendment to increase the hours of operation, patron numbers and hours for the sale and consumption of alcohol in association with the current uses at the site and to include a function centre use and associated reduction on the car parking requirements of the Yarra Planning Scheme.**
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## **Executive Summary**

### **Purpose**

1. This report provides Council with an assessment of amendment application PL03/0732.05 at No's 87-89 Moor Street, Fitzroy to increase the patron numbers, hours of operation and hours for the sale and consumption of alcohol of the existing uses, and inclusion of a function centre. The report recommends approval of the application subject to a number of conditions.

### **Key Planning Considerations**

2. Key planning considerations include:
  - (a) clause 17 – Economic development;
  - (b) clause 18 – Transport;
  - (c) clause 21.04 – Land Use;
  - (d) clause 21.06 – Transport;
  - (e) clause 22.05 – Interface uses policy;
  - (f) clause 22.09 – Licensed premises policy;
  - (g) clause 34.01 – Commercial 1 Zone;
  - (h) clause 52.06 – Car Parking;
  - (i) clause 52.27 – Licensed premises; and
  - (j) clause 52.43 – Live Music and Entertainment Noise.

### **Key Issues**

3. The key issues for Council in considering the proposal relate to:
  - (a) Strategic justification;
  - (b) Use of the site and sale and consumption of liquor;
  - (c) Traffic and car parking;
  - (d) Objector concerns; and
  - (e) Other Matters.

### **Objector Concerns**

4. Seventy one objections were received to the application. These can be summarised as:
  - (a) Increased demand for on-street car parking;
  - (b) Anti-social behaviour and noise impacts on nearby dwellings due to proposed increased patrons and hours of operation; and
  - (c) Patrons loitering outside site.

### **Conclusion**

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported.

**CONTACT OFFICER:** Laura Condon  
**TITLE:** Senior Statutory Planner  
**TEL:** 92055352

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**1.1 87 - 89 Moor Street, Fitzroy - Planning permit application number PL03/0732.05 - Amendment to increase the hours of operation, patron numbers and hours for the sale and consumption of alcohol in association with the current uses at the site and to include a function centre use and associated reduction on the car parking requirements of the Yarra Planning Scheme.**

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Trim Record Number: D16/109460  
 Responsible Officer: Coordinator Statutory Planning

**Proposal:** Amendment to increase the patron numbers, hours of operation and hours for the sale and consumption of alcohol of the place of assembly (art gallery/art exhibition/performance space and to include a new function centre use) and associated reduction in the car parking requirements of the Yarra Planning Scheme.

**Existing use:** Café, place of assembly (art gallery/art exhibition/performance space), retail premises (art dealership) and education centre (workshop space) with liquor licence.

**Applicant:** Message Consultants

**Zoning / Overlays:** Commercial 1 Zone; Heritage Overlay (HO 311 and HO 334)

**Date of Application:** 31 March 2015

**Application Number:** PL03/0732.05

**Planning History**

6. Planning Permit PL03/0732 was issued by Council on 11 December 2003 “to use the premises as a place of assembly (art gallery/art exhibition and performance space), retail premises (art dealership), education centre (workshop space) and associated café with liquor licence including waiver of car parking requirements”. The permit allowed a maximum of 120 patrons (apart from Tuesday night art exhibitions where 140 patrons are permitted). The premises was permitted to operate (including the sale and consumption of alcohol) between 10am and 11pm Wednesday to Saturday and 10am and 10pm Tuesday and Sunday and was closed on Mondays with the performance space and workshop space having more restricted hours (paragraph 16 and 17 details these hours which have not been amended since the original approval) and the courtyard permitted to operate until 7pm (and until 10pm at certain times of the year).
7. An amendment application (PL03/0732.01) was submitted in February 2006 seeking to extend the operation hours and increase patron numbers. The application subsequently lapsed as further information was not provided within the specified timeframe.
8. An amendment application (PL03/0732.02) was approved by Council on 07 December 2010 for allow for various building and works to the courtyard, increase the area of the courtyard and increase the licensed hours to the courtyard from 7pm until 10pm Wednesday to Sunday 1 October – 30 April and Good Friday and Anzac day only. The amendment also allowed for a 9am commencement (previously 10am).The courtyard remained operating until 7pm for the remainder of the year. The amendment also limited the courtyard to a maximum of 60 patrons at any one time, with the approved maximum of 120 patrons (and 140 for Tuesday art exhibitions) across the whole site unaltered.
9. An amendment application (PL03/0732.03) was approved 25 November 2011 which allowed for the deletion of a shade sail.

10. An amendment application (PL03/0732.04) was received 15 August 2012 to increase the approved hours of operation and sale and consumption of liquor inside the building and increase patron numbers to 200. The application lapsed on the 15 April 2013 as further information was not provided within the specified timeframe.
11. Planning application PLN14/1172 was lodged on 16 December 2014 to increase the hours of operation and patron numbers associated with the current use of the site. The application was subsequently withdrawn on the 31 April 2015 and the current amendment application lodged in its place.

### **Application Background**

12. The current permit allows a total maximum inside and outside the building of 120 patrons (apart from Tuesday night art exhibitions where 140 patrons are permitted) and limits patrons in the courtyard to a maximum of 60. The details of the currently approved hours of operation are as follows:
13. Premises operating hours (including the sale and consumption of alcohol):
  - (a) Wednesday to Saturday, 10am to 11pm,
  - (b) Tuesday and Sunday, 10am to 10pm,
  - (c) Good Friday and Anzac Day, 12 noon to 10pm, and
  - (d) Closed on Mondays.
14. The outdoor café is licensed between the following hours:
  - (a) 1 October to 30 April:
    - (i) Monday and Tuesday, 9am to 7pm,
    - (ii) Wednesday to Sunday, 9am to 10pm,
    - (iii) Good Friday and Anzac Day, 12 noon and 10pm.
  - (b) 1 May to 30 September:
    - (i) Monday to Sunday, 9am to 7pm.
    - (ii) Good Friday and Anzac Day, 12 noon and 7pm.
15. The performance space and workshop space uses have more restricted hours of operation as follows:
16. Performance space:
  - (a) Wednesday and Sunday, 12pm to 3.30pm and 7pm to 9.30pm;
  - (b) Thursday, Friday and Saturday, 12pm to 3.30pm and 7pm to 10.30pm.
17. Workshop space:
  - (a) Wednesday to Friday, 6pm to 8pm;
  - (b) Saturday and Sunday, 10am to 11.30am and 12.30pm and 4.30pm.
18. The current amendment application PL03/0732.05 was received March 2015 and proposes to increase the patron numbers, hours of operation and hours for the sale and consumption of alcohol of the place of assembly (art gallery/art exhibition/performance space and to include a new function centre use) and associated reduction in car parking requirements.
19. It was proposed to originally increase patrons to a maximum of 200 (previously 120) with patrons to reduce to a maximum of 118 after 11pm and with these patrons required to occupy the first floor function space room only after 11pm (apart from access to the toilet and smoking areas at ground floor). The proposed hours of operation were as follows:
20. Indoor operating hours (including the sale and consumption of alcohol) for the place of assembly, retail space and education space:
  - (a) Monday to Wednesday, 9am to 11pm;
  - (b) Thursday to Sunday, 9am to 1am;

(c) Good Friday and Anzac Day, 12 noon to 11pm.

21. On receipt of a satisfactory response to Council's request for further information, the application was advertised in December 2015 with 30 objections received. A Planning Consultation Meeting was held in March 2016 and was attended by the applicant, objectors and Council officers.
22. A section 57A amended application was received (and re-advertised) in May 2015 which altered the operation and alcohol service hours for the place of assembly, retail space, education centre and indoor cafe to commence at 7am (previously proposed 9am). It also proposed to reduce the 1am close on Thursday Friday and Saturday to midnight; the proposed 1am Sunday closing to 11pm, and public holidays and the eve of public holidays to operate from 7am to midnight.
23. The application was re-advertised in June 2016 to correct inconsistencies in the submitted documentation regarding Sunday hours of operation and the courtyard operation and included a request to limit smokers using the courtyard to a maximum of 20 patrons for the duration of the proposed later operating hours. A further 41 objections were received, resulting in a total of 71 objections.

## **Existing Conditions**

### Subject Site

24. The subject site is situated on the northern side of Moor Street between Fitzroy and Brunswick Streets. The site is in the form of an 'L' shape and measures approx. 420sqm with the front portion of the site occupied by a courtyard and the existing part single and part double building being setback approximately 20.5 metres from Moor Street. The site is bounded to the west by Fishers Lane and an open car park, a double storey building to the rear (north) and another laneway to the east.
25. The business is known as Grub Food Van and essentially operates as a cafe but with the current planning permit allowing for place of assembly (art gallery/art exhibition/performance space), retail premises (art dealership) and education centre (workshop) inside the building at ground and first floor and associated liquor licence. The building is constructed to the north, east and west property boundaries.
26. The courtyard measures approx. 160sqm and includes four water tanks along west side (with a 2m high acoustic fence installed to the west side of the tanks) and a silver caravan (used for food service) on the east side. The courtyard is generally open to Moor Street apart from large planter boxes along the frontage and a 2m high wooden fence that wraps around the south-west corner.
27. The building contains a large customer seating area at ground floor (known as the Green Room), with food preparation areas and customer toilets along the north side (total floor area approx. 360sqm). The Green Room opens onto the courtyard via large glazed doors, with the remaining ground floor walls containing no windows (apart from two windows on the west wall that have been in-filled with corrugated iron). The south-west side of the Green Room is single storey with a clear polycarbonate skillion roof that is partially operable.
28. The first floor contains an upper gallery/function area (120sqm) on the east side and an office and food preparation area on the north side (total floor area approx. 220sqm). The gallery area at first floor contains 3 windows on its east wall, one on the south wall and 3 highlight windows on its west wall above the first floor polycarbonate skillion roof and one below the skillion roof. The walls are brick with a metal roof and plaster ceiling.

### Surrounding Land



29. The site is located 33.5m west of Brunswick Street and is located within a Commercial 1 Zone. To the east of the site (beyond the laneway) is a single storey cafe that faces Moor Street. A planning application (PLN16/0391) is currently being assessed for this site to include a place of assembly use (art gallery/ function centre). Further east are commercial properties that face onto Brunswick Street with The Labour in Vain Hotel is located on the intersection of Brunswick Street and Moor Street.
30. To the west of the site beyond Fishers Lane is a single storey dwelling facing onto Moor Street. The east wall of the dwelling does not contain any windows and has private open space located to the rear. To the rear of this dwelling is an open car park, with further residential uses to the west (reflecting the residential zoning of the land to the west of the subject site). Across from the site, on the opposite side of Moor Street is a single storey dwelling, with residential uses to the west and commercial uses to the east to Brunswick Street (including an architect's office and retail outlet facing onto Moor Street). A double storey building adjoins the site to the rear and appears to be used for commercial purposes associated with a building that fronts onto Brunswick Street.
31. The site is within walking distance of tram services along Brunswick Street, Smith Street, and Nicholson Street. Bus services are available along Johnston Street and Alexandra Parade.

## **The Proposal**

32. The application proposes to increase the patron numbers, hours of operation and hours for the sale and consumption of alcohol of the current uses, include a new function centre use, and associated reduction in car parking requirements of the Yarra Planning Scheme. The proposal can be summarised as follows:

### Patron numbers

33. It is proposed to increase patrons to a maximum of 200 (currently 120) with patrons to reduce to a maximum of 118 after 11pm and with these patrons required to occupy the first floor function space room only after 11pm (apart from accessing the toilet and smoking areas at ground floor). It is proposed to limit smokers using the courtyard to a maximum of 20 patrons for the duration of the proposed later operating hours.

### Hours of operation

34. Indoor operating hours (including the sale and consumption of alcohol) for the place of assembly (including new function centre) and retail space and the sale of consumption of alcohol for the indoor cafe and education space:
  - (a) Sunday to Wednesday, 7am to 11pm,
  - (b) Thursday to Saturday, 7am to 12am,
  - (c) Public holidays and the eve of public holidays, 7am to 12am.
35. The courtyard operation (no permit required):
  - (a) 1 October to 30 April:
    - (i) Monday and Tuesday, 7am to 7pm,
    - (ii) Wednesday to Sunday, 7am to 10pm.
  - (b) 1 May to 30 September:
    - (i) Monday to Sunday, 7am to 7pm.
36. The courtyard sale and consumption of alcohol hours (no change to current permit):
  - (a) 1 October to 30 April:
    - (i) Monday and Tuesday, 9am to 7pm,
    - (ii) Wednesday to Sunday, 9am to 10pm,
    - (iii) Good Friday and Anzac Day, 12 noon to 10pm.
  - (b) 1 May to 30 September:

- (i) Monday to Sunday, 9am to 7pm.

37. In essence, the current amendment proposes to increase the hours of operation and service of alcohol across the existing and proposed uses, as follows:
- (a) Include a function centre use;
  - (b) Increase patron numbers by 80 to 200 until 11pm, which reduces to a maximum of 118 between 11pm and 12 midnight (with patrons restricted to the upstairs function room after 11pm);
  - (c) No changes to the service of alcohol hours in the courtyard;
  - (d) Include a new Monday operation 7am to 11pm;
  - (e) Increase the hours in the morning from 10am to 7am (7 days a week);
  - (f) Increase the Tuesday finish by one hour to 11pm;
  - (g) Increase the Thursday, Friday Saturday finish by one hour to 12 midnight; and
  - (h) Operate on public holidays and the eve of public holidays from 7am to 12 midnight.
38. A maximum of 6 wait staff and 1 manager will be present on-site at any one time, with the kitchen open for food service for the duration of opening hours. The manager will be responsible to supervise noise limits, patron behaviour (inside and outside of the building), ensure that alcohol is being served responsibly and liaise with Victoria Police and Council staff in the event that complaints are received.
39. No security staff are proposed.

Noise Management

40. Noise sources in association with the place of assembly, retail premises, indoor cafe and education space will include acoustic instruments, singers, speakers/amplified instruments and microphones which will be used at functions such as wedding/work functions etc, art gallery/art sales evenings, theatre/film/poetry/spoken word performances, lectures, and art/craft classes.
41. All noise emissions for the site will comply with State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1) and State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
42. The acoustic report (dated 10<sup>th</sup> October 2015 and addendum dated 20<sup>th</sup> April 2016) and Noise and Amenity Action Plan (NAAP) recommends either:
- (a) *A fixed sound system will be installed in the first floor function room with a sound limiting device to ensure the music noise in the centre of the room is kept below the levels set out in the table below:*

| Condition  | Parameter | Octave Band Centre Frequency, Hz, dB |     |      |       |       |       |      |      |      |
|--|-----------|--------------------------------------|-----|------|-------|-------|-------|------|------|------|
|  |           | Total                                | (A) | 63Hz | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz |
| Maximum allowable noise level in First Floor Function Room | L10       | 94                                   | 89  | 85   | 87    | 90    | 88    | 83   | 80   | 77   |

- (b) *Use sound meter to conduct ongoing sound checks of internal noise levels at a reference location in the centre of the first floor function room to ensure music levels achieve compliance with SEPP N-2. Testing is to be conducted when the amplified music first starts, or if management notice a change in music levels. The music levels should not exceed the following levels. All levels are to be measured using ‘Slow’ or ‘S’ time weighting. The measurements should be conducted over an extended period (e.g 2 minutes) and the display on the SLM must not exceed the following levels at any time:*
  - (i) 85dBA (using A-weighted filter, “Slow” time weighting); and
  - (ii) 90dBA (using C- weighted filter, “Slow” time weighting).

43. No music will be played in the outdoor courtyard.
44. All west-facing windows at first floor will remain closed while functions are occurring in the first floor function room.
45. From 10pm onwards, the operable roof in the Green Room and first floor function room windows will be closed.
46. From 11pm, the ground floor Green Room will only be used by staff or patrons accessing toilets.
47. At times the courtyard is closed (after 7pm and 10pm-as applicable), a maximum of 20 patrons at any one time will be directed to a designated smoke area in the courtyard, away from the residential interface to the west.
48. Doors between the ground floor Green Room and courtyard to be closed when the courtyard closes.
49. Notices informing patrons to leave the premises quietly and to avoid lingering will be placed throughout the premises, and signs displayed at the exit stating "Please respect our neighbours and leave quietly" as well as details of nearest public transport/ taxi ranks.
50. Patrons will only be able to exit the premises after 10pm from the double doors at the base of the internal stairs, and onto the laneway adjoining the eastern boundary of the site.

#### Waste Collection

51. No emptying of bottles into garbage bins is permitted after 10pm on any night or before 7am on any day. No bottles or waste materials shall be removed from the site between the hours of 8pm on any day or 7am the following morning and will be by private collection.

#### Condition and permit preamble changes

52. To facilitate the proposed amendment, a number of permit conditions will be amended or deleted along with changes to the permit preamble. Given the changes are based on an assessment of the use/hours/patrons, these will be described in detail later in the report.

### **Planning Scheme Provisions**

#### Zoning

##### *Commercial 1 Zone*

53. The relevant purpose of the Commercial 1 Zone is *to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
54. Pursuant to the table of uses at clause 34.01-1 of the Yarra Planning Scheme (Scheme) a place of assembly (art gallery/exhibition space/function centre) is a section 2 (permit required) uses. An education centre, retail premises and a food and drinks premises are as-of-right uses (no permit required).

#### Overlays

##### *Heritage Overlay (Schedule 311 applies to the building and HO334 applies to the courtyard)*

55. Pursuant to clause 43.01-1 of the Scheme, a planning permit is required to demolish a building and to construct a building or construct or carry out works. With no buildings and works proposed as part of this application. A permit is not required pursuant to the heritage overlay.

## Particular Provisions

### *Clause 52.06 – Car Parking*

56. The provisions of clause 52.06-2 of the Scheme state that before a new use commences, *the number of car parking spaces required under Clause 52.06-5... must be provided to the satisfaction of the responsible authority.*
57. Table 1 to clause 52.06-5 specifies a rate of 0.3 parking spaces per patron for a place of assembly (art gallery/art exhibition/performance space/function centre), 0.3 to each student for an education centre and 4 per 100sqm of leasable floor area for a shop (retail premises). With no change in the floor area of the existing uses, a further car parking reduction is not required for these.
58. However the place of assembly/function centre use generates a rate for the 80 additional patrons of 24 car spaces.
59. Clause 52.06-3 states that a permit may be granted to reduce the car parking requirement. Clause 52.06-6 specifies that before a requirement for car parking is reduced, the applicant must satisfy the responsible authority that the provision of car parking is justified having regard to an assessment of the following (where relevant):
- (a) *The Car Parking Demand Assessment.*
  - (b) *Any relevant local planning policy or incorporated plan.*
  - (c) *The availability of alternative car parking in the locality of the land, including:*
  - (d) *On street parking in non-residential zones.*
  - (e) *Streets in residential zones specifically managed for non-residential parking.*
  - (f) *Any car parking deficiency associated with the existing use of the land.*
  - (g) *The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.*
  - (h) *Access to or provision of alternative transport modes to and from the land.*

### *Clause 52.27 – Licensed Premises*

60. Clause 52.27 applies to premises licensed, or to be licensed, under the *Liquor Control Reform Act 1998*. Pursuant to Clause 52.27 a permit is required to use land to sell or consume liquor. The relevant decision guidelines are provided under Clause 52.27 of the Scheme.

### *Clause 52.34 – Bicycle facilities*

61. The provisions of Clause 52.34 require 1 bicycle space to each 1500sqm of net floor area for staff and 2 plus 1 space to each 1500sqm of net floor area for a place of assembly. With a proposed net floor area of approx. 580sqm, the proposal does not generate a requirement for a reduction in the bicycle requirements.

### *Clause 52.43 – Live Music and Entertainment Noise*

62. Pursuant to Clause 52.43-1 of the Scheme, this clause applies to an application to use land for, or to construct a building or construct or carry out works associated with a live music entertainment venue. As the use of the land as a place of assembly (function centre) requires a planning permit and live music is proposed to be included in operation of the function centre, the clause is applicable.
63. The relevant purposes of the clause are:
- (a) *To recognise that live music is an important part of the State's culture and economy.*

- (b) *To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise.*
- (c) *To ensure that the primary responsibility for noise attenuation rests with the agent of change.*

64. The following requirement set out at clause 52.43-3 is also applicable:

- (a) *A live music entertainment venue must be designed, constructed and managed to minimise noise emissions from the premises and provide acoustic attenuation measures that would protect a noise sensitive residential use within 50 metres of the venue.*

### General Provisions

#### *Clause 65 – Decision Guidelines*

65. The Decision Guidelines outlined in clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider the relevant State Planning Policy Frameworks, Local Planning Policy Frameworks and any Local Policy, as well as the purpose of the Zone, Overlay or any other Provision. An assessment of the application against the relevant sections of the Scheme is offered later in this report.

### State Planning Policy Framework (SPPF)

#### *Clause 11.01-1 – Activity centre network*

66. The objective and relevant strategy of this clause is:

- (a) *to build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres.*

67. The following strategies relevant to this proposal;

- (a) *Develop a network of activity centres that:*
  - (i) *Comprises a range of centres that differ in size and function*
  - (ii) *Is a focus for business, shopping, working, leisure and community facilities*
  - (iii) *Is connected by public transport and cycling networks.*
  - (iv) *Maximises choices in services, employment and social interaction.*

#### *Clause 11.01-2 – Activity centre planning*

68. The objective of this clause is:

- (a) *To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.*

#### *Clause 13.04-1 – Noise abatement*

69. The objective of this clause is:

- (a) *To assist the control of noise effects on sensitive land uses.*

70. The relevant strategy is to:

- (a) *Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.*

#### *Clause 17.01-1 – Business*

71. The objective of this clause is:

- (a) *To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*

72. Relevant strategies include;

- (a) *Locate commercial facilities in existing or planned activity centres.*

*Clause 18.01-1 Land Use and Transport Planning*

73. The relevant objective is:

- (a) *To create a safe and sustainable transport system by integrating land-use and transport.*

*Clause 18.02-1 – Sustainable Personal Transport*

74. The objective of this clause is:

- (a) *To promote the use of sustainable personal transport.*

*Clause 18.02-2 - Cycling*

75. It is an objective *'to integrate planning for cycling with land use and development planning and encourage as alternative modes of travel'.*

76. The clause includes several strategies to achieve this objective including to *'require the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, shopping and community facilities and other major attractions when issuing planning approvals'.*

*Clause 18.02-5 Car Parking*

77. The objective related to the application is *to ensure an adequate supply of car parking that is appropriately designed and located.*

Local Planning Policy Framework (LPPF)

78. The following LPPF provisions of the Scheme are relevant:

*Clause 21 – Municipal Strategic Statement (MSS)*

*Clause 21.03 – Vision*

79. Clause 21.03 of the Scheme outlines strategic objectives for land use, built form, transport and environmental sustainability within the City of Yarra.

*Clause 21.04 – Land Use*

- (a) *Objective 3 To reduce potential amenity conflicts between residential and other uses.*
- (b) *Strategy 3.2 Apply the Interface Uses policy at clause 22.05.*
- (c) *Strategy 3.6 Apply the Licensed Premises policy at clause 22.09.*

*Clause 21.04-2 – Activity centres*

80. The subject site is located within the Brunswick Street Major Activity Centre (MAC). Of activity centres, clause 21.04-2 states the following:

- (a) *Activity centres in Yarra have a retail, hospitality, and service focus. Because of the pattern of development in the municipality, almost all residents are within 400m of an activity centre. The provision of local services is therefore important for maintaining the character of activity centres as local destinations.*
- (b) *The presence of service, retail and entertainment uses creates active and vibrant activity centres with good access to services and facilities, which is an important attribute of the municipality.*

81. Relevant objectives and strategies include:

- (a) *Objective 4: To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.*
- (b) *Strategy 4.1: Increase the range of retail, personal and business services, community facilities, and recreation activities, within individual centres.*
- (c) *Strategy 4.2: Support the regional role of the Major Activity Centres as an important component of Yarra's economy and as a metropolitan destination.*
- (d) *Objective 5: To maintain the long term viability of activity centres.*
- (e) *Strategy 7.1: Support a diversity of arts uses such as live music venues, performance spaces, galleries and artist studios in appropriate and accessible locations.*

*Clause 21.04-3 – Industry, office and commercial*

82. The relevant objective of this clause is:

- (a) *Objective 8: To increase the number and diversity of local employment opportunities.*

*Clause 21.06 – Transport*

83. The relevant objectives of this clause are:

- (a) *To provide safe and convenient bicycle environments:*
- (b) *To facilitate public transport usage.*
- (c) *To reduce the reliance on the private motor car.*

*Clause 21.08-7 – Fitzroy*

84. The subject site is located within the 'Fitzroy' neighbourhood. The clause states:

- (a) *The role of the Brunswick Street centre can be characterised as hospitality, entertainment, clothing and footwear, art galleries and studios, and non-government community services, all with a metropolitan focus.*

85. Figure 18 (Built Form Character Map:Fitzroy) identifies the site as being within the Heritage Overlay, where the relevant built form outcome is to:

- (a) *Ensure that development does not adversely affect the significance of the heritage place.*

Relevant Local Policies

*Clause 22.05 – Interface Uses Policy*

86. This policy applies to applications for use or development within Business Zones (amongst others) and outlines recommendations for new commercial developments to incorporate measures to protect adjoining residents from noise. The policy has the following objectives:

- (a) *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.*
- (b) *New non-residential use and development within Business and Mixed Use and Industrial Zones are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties.*

*Clause 22.09 – Licensed Premises*

87. This policy applies to all applications for new licensed premises. The objectives of this policy are as follows:
- (a) *To effectively manage the location, operation and hours of trade of licensed premises, in order to protect the amenity of nearby properties and areas.*
  - (b) *To protect residential and other commercial uses from excess noise, traffic and car parking issues.*
  - (c) *To provide for daytime trade and active street frontages in retail strips, while providing reasonable commercial opportunities for the trading of licensed premises.*
  - (d) *Licensed premises in a Residential or Mixed Use Zone or within 30 metres of a residential area not trade beyond 11pm on any night unless the responsible authority is satisfied that the use will not adversely affect the amenity of the area.*
  - (e) *Licensed premises in a Business (Commercial) or Industrial Zone not trade beyond 1am, unless the responsible authority is satisfied that the use will not adversely affect the amenity of the area.*

## **Advertising**

88. As described in detail in the background section, the application was advertised under section 52 of the *Planning and Environment Act, 1987* in December 2015 by way of 272 letters to surrounding properties and a sign to the Moor Street frontage with a total of 30 objections received. A section 57A amended application was received in May 2016. The amended application was re-advertised in May and June 2016 by way of letters to existing objectors, adjoining properties and signs to the Moor Street frontage with a further 41 objections received.
89. A total of 71 objections were received to the application and can be summarised as:
- (a) Increased demand for on-street car parking;
  - (b) Anti-social behaviour and noise impacts on nearby dwellings due to proposed increased patrons and hours of operation; and
  - (c) Patrons loitering outside site.

## **Referrals**

### External

90. The application was not required to be referred (or notice given) to any referral authorities under Clause 66 of the Scheme.

### Internal

91. The application was referred to:
- Council's Community Health and Safety Unit,
  - Traffic Engineers and
  - Marshall Day Acoustics
92. Comment are provided as attachments to this report. The applicant's acoustic reports (compiled by SLR Acoustics) are also attached. The application was also referred to Council's Community Amenity Team with comments provided as follows:

### *Community Amenity*

93. Advice provided by Council's Community Amenity on 2 December 2015 is as follows:



- (a) *The Compliance Branch has received one complaint this year in relation to noise. Considering the proposal is to extend the hours for the first floor only past 11pm and restrict the numbers to 118, as per the amended noise and amenity plan, the Compliance branch does not have any concern with the impact to the amenity of the surrounding area.*

94. Community Amenity updated their comments on the 13 July 2016 as follows:

- (a) *The Compliance branch has received 15 complaints from September 2015. All of the below were alleged noise, patron disturbance/amenity and alleged breach of 'use of hours' against their planning permit.*
- (b) *In addition the Planning Enforcement has issued; One Official Warning - 2/01/16 One Penalty Infringement Notice - 17/01/16 (noise /amenity) One Penalty Infringement Notice - 7/05/16 (Planning permit breach 'use' hours')*
- (c) *The Compliance branch has received complaints from various residents in the area with concerns in relation to patron behaviour and noise levels both off and on the premises. The Compliance branch does not support the proposal to extend the hours from the current permit nor to increase the numbers.*

## **OFFICER ASSESSMENT**

95. The primary considerations for this application are as follows:

- (a) Strategic justification;
- (b) Use of the site and sale and consumption of liquor;
- (c) Traffic and car parking;
- (d) Objector concerns; and
- (e) Other Matters.

### Strategic justification

96. State and local planning policies encourage the concentration of entertainment uses in activity centres (AC), such as Brunswick Street which are well connected to public transport as this ensures efficient use of existing infrastructure. The site is located in the Brunswick Street Major Activity Centre (MAC) and within close proximity to the CBD and as such, the use will contribute to the continued vibrancy and growth of the surrounding precinct as encouraged by the policies above.
97. Both State and local provisions support venues of this type encouraged within existing entertainment precincts and activity centres. In particular, clauses 11.01-1 (*Activity centre network*), 17.01-1 (*Business*) and 21.04-2 (*Activity centres*) encourage the aggregation of commercial facilities in such neighbourhoods as well as supporting a diversity of uses, with clause 21.04-3 (*Industry, office and commercial*) encouraging the development of commercial services which provide more local employment opportunities. Furthermore, the site has excellent access to surrounding tram and bus networks in accordance with relevant objectives found at clause 21.06 (*Transport*), with tram routes along Brunswick Street, Nicholson Street and Gertrude Street and bus routes along Johnston Street.
98. In assessing the proposal, it must be considered whether the proposed intensification of the use is acceptable within the Commercial 1 Zone which contains the objective: *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
99. The location of the site in the Brunswick Street Activity Centre is also relevant in light of the policy where entertainment uses are encouraged to be located as follows:

- (a) Clause 11.01 (*Activity Centre Network*)- *'encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community'*.

100. However further policy objectives require consideration is given to impact of the intensification of such uses on nearby residential areas, particularly where alcohol is being served. Given the land to the immediate west is residentially zoned, these policy objectives are particularly relevant in this case. The implications of the proposed use in relation to the dwellings to the west will be discussed in the following *Use of the site and sale and consumption of liquor* assessment.

Use of the site and sale and consumption of liquor

101. The business currently operates predominantly as a food and drinks premises (cafe) during the day and evening, with a place of assembly (art gallery/art exhibition/performance space), retail premises (art dealership) and education space (workshop space) and includes art gallery/art sales evenings, theatre/film/poetry/spoken word performances, lectures, and art/craft classes. Only the place of assembly/function centre requires a planning permit for the use, while the sale and consumption of alcohol requires a planning permit.

102. In essence, the current amendment proposes to increase the hours of operation and service of alcohol across the existing and proposed uses, as follows:

- (a) Include a function centre use;
- (b) Increase patron numbers by 80 to 200 until 11pm which reduces to a maximum of 118 between 11pm and 12 midnight (with patrons restricted to the upstairs function room after 11pm);
- (c) No changes to the service of alcohol hours in the courtyard;
- (d) Include a new Monday operation 7am to 11pm;
- (e) Increase the hours in the morning from 10am to 7am (7 days a week);
- (f) Increase the Tuesday finish by one hour to 11pm;
- (g) Increase the Thursday, Friday Saturday finish by one hour to 12 midnight; and
- (h) Operate on public holidays and the eve of public holidays from 7am to 12 midnight.

103. To determine whether the proposed intensification of the use is appropriate, the key assessment tools for this application are clause 22.05 (*Interface Uses*), clause 22.09 (*Licensed Premises Policy*), Clause 52.27 (*Licensed Premises*) and clause 52.43 (*Live Music and Entertainment Noise*) with the most relevant policy objectives being as follows:

- (a) *A live music entertainment venue must be designed, constructed and managed to minimise noise emissions from the premises and provide acoustic attenuation measures that would protect a noise sensitive residential use within 50 metres of the venue.*
- (b) *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.*
- (c) *To effectively manage the location, operation and hours of trade of licensed premises, in order to protect the amenity of nearby properties and areas.*
- (d) *Licensed premises in a Residential or Mixed Use Zone or within 30 metres of a residential area not trade beyond 11pm on any night unless the responsible authority is satisfied that the use will not adversely affect the amenity of the area.*

104. These policies also include various considerations for non-residential uses located near residential properties, with decision guidelines relating to overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances that may cause unreasonable detriment to the amenity of nearby residential sites.

105. With no new additional built from proposed, the proposal will not result in additional overshadowing or overlooking to the neighbouring properties. In relation to fumes/air emissions and waste management, given the current permit controls waste collection and that fume emissions are unlikely to be unaltered from existing conditions, these aspects of the operation are considered acceptable.
106. The remaining amenity impact issues relate to increased noise emissions, anti-social behaviour and the cumulative impact of the increased patron numbers and hours of operation. Clause 52.27 (*Licensed Premises*) clause 22.05 (*Interface Uses*), clause 22.09 (*Licensed Premises Policy*) and clause 52.43 (*Live Music and Entertainment Noise*) contain the relevant policy guidelines and will be assessed accordingly below using the headings within clause 22.09 to structure the assessment.

*Clause 22.09-3.1 - Location and Access, clause 22.09-3.2 – Hours of operation, a clause 22.09-3.3 – Patron Numbers and Enforcement proceedings*

107. While, the location of the premise and its access point is problematic in relation to its proximity to residential land to the immediate west, this is no different from that previously considered in 2003. The subject site is within a Commercial 1 Zone and there is no transition between this and the residential zone to the west. Clause 22.09 (*Licensed Premises Policy*) encourages licenced premises not to trade beyond 1am in Commercial 1 Zones and encourages licensed premises within 30 metres of a residential area to not trade beyond 11pm unless the responsible authority is satisfied that the use will not adversely affect the amenity of the area. This concern is reflected in Council's Social Policy referral comments that ultimately do not support the intensification of the use beyond 11pm due to the cumulative impacts of larger numbers of patrons exiting the site after 11pm onto Moor Street. Council's Community Amenity team also are not supportive given recent complaints received since December 2015. There is not a significant history of complaints before this date.
108. Investigation into the complaints reveals that the permit breaches were largely limited to the afternoon and early evening. Further, a large number of complaints did not result in enforcement action being taken as Council officers determined that planning permit breaches had not occurred.
109. The breaches that resulted in enforcement action being undertaken included an afternoon wedding ceremony in the courtyard where the celebrant conducted the marriage ceremony with a microphone and with acoustic instruments and singers voices being amplified for a short period of time before music volumes being returned to background levels. When Council enforcement officers arrived at the site at 5.10pm, amplified music was no longer being played in the courtyard. A further incident involved Council officers attending the site at 7pm in response to complaints to find a gentleman playing guitar and singing through a speaker in the courtyard. The music was stopped on request from Council's enforcement officers. Infringement notices were issued for both of these incidents, given condition 13 of the permit states that no music is to be played or speakers installed in the courtyard.
110. A number of complaints were received in relation to a function that was held on Australia Day until midnight where amplified music was played inside the building but no speakers were installed in the courtyard. The applicant had however, obtained a temporary limited licence for the event from VCGLR (no planning permit required for temporary limited licences) and given the one-off nature of the event, Council's Community Amenity department did not object to the event via the VCGLR referral process. Council officers attending the site at 8pm noted the music was audible but was not at high levels and they determined that no breach had occurred in terms of music volumes.
111. Other complaints generally related to patrons loitering outside the site but Council officers were unable to determine if the people in question had come from the subject site.

112. A final enforcement proceeding was undertaken in relation to the early morning operation of the cafe in the courtyard, prior to the 10am general premises operation hours stipulated by condition 4 of the permit. However, as a café (food and drinks premises) does not require a planning permit in a C1Z, the café can operate at any time (however alcohol can only be served as per condition 5). For this reason, the applicant has appealed the enforcement proceeding which is currently on-going.
113. This summary of complaints demonstrates that only two breaches have occurred and were not severe in nature. However the breaches indicate that the site has not operated fully in accordance with the existing permit; which raises concerns regarding an intensification of the uses. However, on balance, considering the nature of the breaches, combined with the lack of complaints received over the life of the uses, it is considered appropriate that there can be an increase in hours. The extension of time until 11pm is supported by planning policy (22.09), and therefore the only question relates to the 12 midnight operation sought. Given the above considerations, an increase in hours of operation/liquor service until midnight for 12 nights per year is seen to be a reasonable balance.
114. It is considered that this appropriately restricts the intensification of the use to ensure that the amenity of the area will not be unreasonably impacted. The applicant agreed to this condition subject to being given flexibility to apply for additional nights should the premises not be involved in further planning permit enforcement proceedings. This will be dealt with by condition.
115. The proposed Monday operation of the place of assembly is considered appropriate, since the as-of-right café use can operate with unrestricted hours (as will be explained in greater detail in the following *Other Matters* assessment). For this reason, it is not considered necessary to restrict the Monday operation as there is little difference in terms of negative amenity impacts generated by the cafe operating at full capacity on a Monday night, or the place of assembly/function centre.
116. It is also proposed to increase the hours of operation and liquor service for the place of assembly/function centre and liquor service for the indoor cafe from the approved 10am to 7am. Given the café can operate 24 hours a day, 7 days a week without a planning permit, there is little difference in terms of negative amenity impacts generated by the cafe operating at full capacity in the morning or place of assembly/function centre. Thus there is little justification to refuse the proposed increased hours of operation of the place of assembly/function centre to 7am.
117. Policy at clause 22.01 (*Discretionary Uses in the Residential Zone*) supports commercial uses commencing operation at 8am in residential zones. Given policy supports 8am commencement in a purely residential zone – and given that the site is located in a Commercial 1 Zone where commercial uses are expressly encouraged, support is recommended for the 7am start for the place of assembly/function centre. Further, with the place of assembly/function centre operating inside the building and with appropriate acoustic measures proposed, the early morning operation is considered acceptable.
118. For this same reason, it is considered appropriate to support the use of part of the courtyard as a smoking area during all opening hours (for 20 patrons). As the as-of-right café use could operate in the courtyard 24 hours a day, seven days a week, there is little justification to prevent the use of the smoking area by only 20 patrons. The applicant has also stipulated in the NAAP that the smoking area will be located away from the residential interface, but this is not shown on the plans. A condition will require this detail.
119. However, of concern is the request to commence alcohol service for all uses at 7am (apart from the courtyard where no changes are proposed to the existing 9am start liquor service).

Council's Community Health and Safety comments outline that Council's draft licenced premises policy states that licensed premises should not commence the sale and consumption of alcohol before 9am. Given this draft policy, a condition will require a 9am liquor service in line with Council's Community Health and Safety recommendation.

120. In relation to access, the NAAP stipulates that all patrons exiting the site after 10pm will exit via the double doors at the bottom of the stairs directly onto the eastern laneway (which does not have any residential interfaces). This is considered appropriate as it will direct customers away from the residential interface to the west and prevents customers loitering in the courtyard when exiting. The laneway will be lit by existing lights within the courtyard and a light above the exit doors to the stair to facilitate pedestrian. The length of the lane to Moor Street is also very short (22m) and so it is not anticipated that patrons will have difficulty navigating the laneway to Moor Street. Further the NAAP and existing permit conditions require that signage remind patrons to exit the site quietly and staff will prevent customers from loitering in the vicinity of the site.
121. It is not clear on the plans that the north end of the west and east boundary adjacent to the courtyard are appropriately enclosed after 10pm to prevent patrons re-entering the site from laneways and loitering in the courtyard or exiting via the residential interface along the western laneway. As these openings service a car space, it is not appropriate to require they are permanently enclosed, but temporary barriers (such as moveable fences) could be erected after 10pm. A condition will address this.
122. In relation to patron entry, it is considered acceptable that patrons enter via the courtyard. Given the nature of the use, where people will attend pre-arranged events where patron numbers are known in advance and so won't exceed venue capacity, it is very unlikely that patrons will need to queue in the courtyard to gain entry. For this reason noise etc associated with patrons queuing to access the site is not a concern in this instance (as one might expect with a tavern use). Finally, of the maximum 200 patrons permitted at the site (for a maximum of 12 nights a year), this will reduce to a maximum of 118 after 11pm, which will stagger the number of patrons leaving the premises and reduce cumulative impacts associated with the entire venue spilling out into the street at the same time. For all of these reasons, the hours of operation, increased patrons from 120 to a maximum of 200 and management methods to control patron access adjacent to the residential zone are considered acceptable.

*Clause 22.09-3.4 – Noise*

123. An acoustic report, compiled by SLR, was submitted as part of the application. This report provides comments on potential noise impacts associated with the site, with amplified music forming the basis of the assessment. A review of this report was undertaken by Marshall Day Acoustics. The specifics of the noise control measures are contained in the *Proposal* section, but in summary a noise limiter will control amplified music levels room or the use of a sound meter to conduct ongoing sound checks of internal noise levels to ensure compliance with SEPP N-2 in the first floor function room.
124. Council's acoustic engineers agree that the maximum noise levels are acceptable and will not result in unreasonable noise disturbance to nearby residential properties. They did request that the report be updated to include that the west-facing windows in the upstairs function be closed while in use. They also indicated that a sound limiter as opposed to the sound meter was the preferable method to control music noises (due to the complexity of operating the sound meter). Conditions will address these items. As the acoustic report considers the originally proposed amendment hours when the latest close of 1am was proposed, a condition will require that the report is amended to reflect the reduced hours discussed earlier in this assessment.

125. However the applicant's acoustic report indicates that based on background noise monitoring results, it is likely that noise from the fully occupied Green Room (200 patrons with moderate level amplified music) will exceed applicable SEPP N-2 noise limits where operations extended to 1am. The acoustic reports notes that the Green Room roof is likely to need upgrading to achieve SEPP N-2 compliance with the increased patrons. The currently approved acoustic report outlines measures that allow SEPP N-2 compliance based on the approved maximum of 120 patrons in the Green Room.
126. However this detail was not carried through to the current acoustic report that forms part of this amendment application, with the current report only outlining noise control measures for the first floor function room.
127. To address these issues, a condition will require that the acoustic report is updated to include appropriate detail to demonstrate the Green Room will achieve compliance SEPP N-2. This may mean that the Green Room roof will need to be upgraded to accommodate the additional 80 patrons, or that the 80 additional patrons will need to be accommodated in the upstairs function room with a maximum of 120 permitted in the Green Room until 11pm (as per the current approval). A condition to this effect will ensure that noise emissions associated with the increased patrons in the Green Room will be appropriately managed.
128. Based on the above revisions required to the acoustic report, that condition 12 of the permit also currently requires compliance with SEPP N-1 and 2 requirements and condition 13 requires that no speakers or music is to be played in the courtyard, it is considered that noise emissions will be appropriately controlled.

*Clause 22.09-3.5 – Car Parking and Clause 22.09-3.6 – Noise and Amenity Action Plan*

129. Car parking will be discussed separately in relation to the reduction in the car parking requirement under clause 52.06 of the Scheme. Clause 22.09-3.6 notes that all licenced premises should comply with a detailed Noise and Amenity Action Plan (NAAP); accordingly one was submitted as part of this application and contains details outlining procedures to be followed in the daily operation of the premises.
130. A number of these procedures have been discussed previously within this assessment, including music levels to be played within the venue and patron numbers (subject to condition). The NAAP provides further details regarding responsible serving of alcohol within the premises and complaint procedures. A condition will require the NAAP is also appropriately updated to reflect any changes detailed on the revised acoustic report. The NAAP will be endorsed as part of any permit issued and adherence with the plan will be required at all times.

*Cumulative impact*

131. An assessment criteria contained at clause 52.27 of the Scheme that has not yet been discussed is the cumulative impact of existing licensed premises and the proposed licensed premises on the amenity of the surrounding area. The "Corner Hotel" decision (Swancom Pty Ltd T/as Corner Hotel v Yarra City Council & Ors) provides an assessment methodology for considering applications that may result in cumulative impact. The decision also acknowledges that depending on the nature of the use (i.e. premise type, patron numbers and operating hours) the required level of assessment will vary.
132. Based on this decision, Council has developed an assessment tool to determine the likelihood of cumulative impact occurring as a result of a proposal based on risk factors associated with the type, size and closing hours of the premises, to help determine what level of assessment is appropriate.

| Type of premise         | Risk Factor |
|-------------------------|-------------|
| Café / Restaurant       | 0           |
| Bar / Restaurant / Café | 1           |
| Bar                     | 3           |
| Hotel / Tavern          | 3           |
| Nightclub               | 3           |
| Place of assembly       | 2           |

| Size of premise | Risk Factor |
|-----------------|-------------|
| 0-49 patrons    | 0           |
| 50-99 patrons   | 1           |
| 100-199 patrons | 2           |
| 200+            | 3           |

| Closing hours of premise | Risk Factor |
|--------------------------|-------------|
| 11.00 pm                 | 0           |
| 12.00 am                 | 1           |
| 1.00 am                  | 2           |
| 2.00 am                  | 3           |
| 3.00 am                  | 3           |
| Beyond 3.00 am           | 4           |

133. Applying the matrix of risk, a reasonable consideration would suggest a score of 1-3 would be no risk, higher than 3 would be a potential risk. In this instance the use achieves a score of 6, thus would be a venue of potential risk and as such, a cumulative impact assessment is warranted. The proposed use of the site achieves a score of 6, with the existing use generating a score of 4.
134. Practice Note 61 – Licensed premises: Assessing cumulative impact was released by the Department of Planning and Community Development (DPCD) in March 2011, and provides a framework for assessing cumulative impact. The Practice Note outlines the following matters to be considered when assessing the cumulative impact of licensed premises:
- (a) *Planning policy context*
  - (b) *Surrounding land use mix and amenity*
  - (c) *The mix of licensed premises*
  - (d) *Transport and dispersal*
  - (e) *Impact mitigation*
135. A number of these factors such as the policy context and land mix of the surrounding area have been discussed previously within this report, with anticipated amenity impacts also considered in detail. An assessment including the mix of licensed premises, the dispersal of patrons and potential impact mitigation will need to be undertaken in relation to ‘cumulative impacts’.
136. In order to provide a comprehensive assessment of the potential cumulative impact of the venue, officers undertook a survey of licenced premises within a 500m radius of the subject site as follows (between Kerr Street to the north, Marion Lane to the south, Nicholson Street to the west and Gore Street to the east):

| Business name                                | Address              | License Type         | (Maximum) closing time | Patron capacity |
|--|----------------------|----------------------|------------------------|-----------------|
| <b>Labour in Vain (Tavern)</b>               | 197A Brunswick St    | On-premises licence  | 1am                    | 150             |
| <b>The Rooks Return (Tavern)</b>             | 201 Brunswick St     | On-premises licence  | 1am                    | 113             |
| <b>Little Creatures Dining Hall (Tavern)</b> | 218-222 Brunswick St | General Licence      | 12am                   | 300             |
| <b>Perseverance Hotel (Tavern)</b>           | 196 Brunswick St     | Late night (General) | 3am                    | 510             |
| <b>The Standard Hotel (Tavern)</b>           | 293 Fitzroy St       | Late night (general) | 11pm                   | 200             |

|   |  |                                  |          |                      |
|---|--|----------------------------------|----------|----------------------|
| <b>Black Cat Coffee Lounge (Tavern)</b> | 236-248 Brunswick St                         | On-premises                      | 1am      | Not specified        |
| <b>Naked for Satan</b>                  | 285 Brunswick St                             | On-premises                      | 1am      | 500                  |
| <b>George Bar</b>                       | 120 Johnston St                              | Late night (on-premises)         | 3am      | 143                  |
| <b>Town Hall Hotel</b>                  | 166 Johnston St                              | Late night (on-premises)         | 3am      | 128 (after midnight) |
| <b>The Night Cat</b>                    | 141 Johnston St                              | Late night(on-premises)          | 3am      | 471                  |
| <b>*The Stone Hotel</b>                 | 298 Brunswick St                             | On- premises licence             | 1am      | 100                  |
| <b>Baxters Lot</b>                      | 302 Brunswick St                             | On-premises licence              | 1am      | 116                  |
| <b>The Black Pearl</b>                  | 304 Brunswick St                             | Late night (on-premises) licence | 3am      | 170                  |
| <b>*Provincial Hotel</b>                | 299 Brunswick St                             | Late night (general)             | 3am      | 501                  |
| <b>Bar Open</b>                         | 317 & 1 <sup>st</sup> floor 319 Brunswick St | Late night (on-premises)         | 3am      | 200                  |
| <b>The Rum Diary Bar</b>                | 334 Brunswick St                             | Late night (general)             | 3am      | 56                   |
| <b>Marquis of Lorne</b>                 | 411 George St                                | General licence                  | 1am      | 100                  |
| <b>Tankerville Arms Hotel</b>           | 230 Nicholson St                             | General licence                  | 24 hours | 600                  |
| <b>Houndstooth (J36)</b>                | 36 Johnston St                               | General licence                  | 1am      | Not specified        |
| <b>The Brothers Public House</b>        | 42 Johnston St                               | Late night (on-premises)         | 3am      | 88                   |
| <b>La Sangria Bar</b>                   | 46 Johnston St                               | Late night (general) licence     | 3am      | 120                  |
| <b>Laundry</b>                          | 48-50 Johnston St                            | Late night (general) licence     | 3am      | 272                  |
| <b>Kanela Bar</b>                       | 56 Johnston St                               | Late night (on-premises)         | 3am      | 60                   |
| <b>The Luwow Bar</b>                    | 62-70 Johnston St                            | Late night (on-premises)         | 3am      | 266                  |
| <b>The Old Bar</b>                      | 74-76 Johnston St                            | Late night (on-premises)         | 3am      | 175                  |
| <b>Hogar Espanol Club</b>               | 59-61 Johnston St                            | Club licence                     | 1am      | Not specified        |

- \* The Stone Hotel received planning approval in May 2016 to allow max of 300 patrons until 1 am and 220 patron after 1am-with 75% seated with food after 1am.
- \* Planning application PLN16/0470 is currently being assessed by Council officers and relates to the Provincial Hotel. The application proposed a 219sqm roof top terrace to operate until 1am and an additional 194 patrons.
- \* Planning application PLN16/091 at 196B Brunswick Street (to the immediate east of the subject site) is currently being assessed by Council officers for a place of assemble (art gallery/ place of assembly for 120 patrons form 4pm to 1am.

137. The remaining venues in the area are predominantly restaurants with relatively restricted patron numbers and are not considered to substantially contribute to potential cumulative impacts within the area. The practice note requires that '*surrounding land use mix and amenity*' is considered. The site is located within the Brunswick Street MAC and is surrounded by a wide variety of land uses, including restaurants, bars, pubs, live music venues and retail outlets. The area is well known for its night-life and live music venues as identified in Clause 21.08-7:

- (a) *The role of the Brunswick Street centre can be characterised as hospitality, entertainment, clothing and footwear, art galleries and studios, and non-government community services, all with a metropolitan focus.*



138. The Commercial 1 Zoning of the land and the site's inclusion within a MAC are important factors, since they are the designated areas for this type of activity within the municipality, where entertainment uses such as the proposed venue are encouraged to be located. Accordingly, any potentially negative amenity impacts must be weighed against this strategic policy support.
139. However the site does abut a residential zone and so the impact of permitting the increased patrons numbers and hours of operation and its effect on the nearby residential uses must be considered. As has been discussed earlier in this assessment, it is considered that the use will be sufficiently restricted to manage impacts to adjoining residential area to the west. The practice note requests consideration of '*the mix of licensed premises*' as the distribution of these premises within the designated survey area contribute to whether potential negative impacts can occur; with the practise note highlighting that clustering of venues within close proximity to each other may result in a detrimental impact to the surrounding neighbourhood. A cluster is considered to occur when there are three or more licensed premises within a radius of 100m of the subject site.
140. The Labour in Vain (1am close), The Perseverance Hotel (3am close), The Rooks Return (1am close) and Little Creatures (12am close) are located with 100m of the site. Given the range of closing hours within this cluster and that the increased hours of operation will occur 12 nights per year, it is considered that the proposal will not significantly compound negative amenity impacts.
141. The practice note also considers of the '*transport and dispersal*' routes of patrons from the premises in order to assess potential impacts on the amenity of the surrounding area. All of these venues outlined in the table above are located on Brunswick or Johnston Streets. In order to reach these venues from the subject site, it is unlikely that patrons will travel through residential areas. On this basis, most of the amenity and noise impacts associated with patrons moving to new venues will be limited to these main roads (which is appropriate).
142. Given Brunswick Street is 33m east of the site (with no dwellings between the site and Brunswick Street), patrons are likely to disperse along this thoroughfare to access public transport and taxis (and away from the residential area to the west). The location of available transport options has been discussed previously within this report, with Brunswick Street and Johnston Street offering the most frequent public transport services. In order to access Brunswick Street and Johnston Street, patrons would generally travel through commercial zoned land, thereby limiting amenity impacts upon residential uses. The subject site has access to various public transport options including trams and buses.
143. However as outlined by Council's Social Policy and Community Amenity referrals, given the residential interface the impact of patron noise and potential anti-social behaviour in association with patrons leaving the site at midnight is a concern. This is in line with the practice note objective which also requires that '*impact mitigation*' strategies are considered. Given the permit will limit the proposed intensification of the use to 12 midnight to a maximum of 12 nights per year, this is considered sufficiently restrictive to ensure that amenity of the residential area is not unreasonably impacted. Further, with patrons reducing to a maximum of 118 at 11pm, 59% of the patrons will be required to leave at 11pm with the remainder to leave at 12 midnight, which allows for appropriate staggering of patrons exiting the building, as encouraged by the practice note.
144. As discussed in detail earlier in this report, appropriate acoustic measures will be implemented to protect the residential interface.
145. To ensure a venue is managed appropriately, Council's local policy at clause 22.09 requires submission of a Noise and Amenity Action Plan (NAAP) which outlines management procedures aimed at ensuring good patron management. The NAAP has been assessed earlier within this report as an acceptable response against council's local planning policies at clause 22.09 of the Scheme (subject to conditions).

To ensure the venue is managed in accordance with these specifications, the NAAP will be endorsed to form part of the planning permit.

### Traffic and Car parking

146. As noted earlier, the proposed additional 80 patrons generate a statutory car parking requirement of 24 spaces, with no on-site car parking spaces to be provided. In assessing a car parking reduction, the Responsible Authority must have regard to a number of factors outlined at clause 52.06-6 of the Scheme. These relate to the associated car parking demand that the use may generate, the availability and proximity of alternative transport options, provisions for bicycle parking upon the site and the likelihood of multi-purpose trips within the locality which may incorporate the proposed use. These are discussed throughout the assessment below.

#### *Car parking demand and availability*

147. The applicant provided a traffic report by SALT Engineers. SALT commissioned spot parking surveys at 6.00pm, 8.30pm, and 11.00pm on Saturday 4 July 2015 at two private off-street car parks (Coles supermarket car park Johnston Street recorded a peak occupancy at 11.00pm of 74% of spaces occupied or 60 spaces vacant). Thus as noted by Council's engineers, patrons who are prepared to walk several hundred metres from the site should be able to find a parking space during the evenings.
148. The applicant's traffic report also refers to VCAT case P2915/2012 for a similar venue in South Yarra where the Tribunal accepted a reduced rate of 0.2 patrons for a venue of this type. Applying this rate to the proposed development would generate a parking demand of approximately 16 spaces.
149. Council's engineers outline that Moor Street contains 1P 7am-11pm and 2P 7am-1am parking restrictions. Both the 1P and 2P parking restrictions during the day would have a high-turnover of parking. In the surrounding area, there are various time based restrictions (1/4P, 1P, 2P (paid), and P (paid)). Given the area is predominantly covered in short-stay parking restrictions, this would encourage customers to take alternate modes of transport such as public transport or ride a bicycle or walk to the site.
150. The applicant report and Council' engineers acknowledge that on-street car parking is near saturation point and that patrons are unlikely to park near the site due to this limited availability coupled with permit zones and short-term restrictions. The applicant report purports that patrons who drive are likely to seek car parking in off-street parking facilities or in streets further away from the site with less restrictive parking restrictions. Council's traffic engineers agree with this supposition and further indicate that the combination of alcohol service at the site coupled with the stringent enforcement of anti-drink driving laws throughout the metropolitan road network would be a disincentive for patrons to drive to the site. Patrons are likely to instead utilise uber, taxi and public transport services to the site.
151. The surrounding street network provides excellent conditions and links for cyclists, with dedicated on-road bicycle lanes along Langridge Street, Gipps Street and Wellington Street. The surrounding public transport network includes bus routes that operate along Hoddle Street to the east and along Victoria Parade to the south.

In addition to these are tram routes provided along Victoria Parade, Smith Street, Brunswick Street, Johnston Street and Gertrude Street, and trains available from the Collingwood and North Richmond Railway Stations. It is considered that the site is well serviced by public transport and provides a number of options to potential patrons.

152. For these reasons, Council's traffic engineers concluded that that the proposal would not have an unreasonable impact on the parking conditions in the area.

*Traffic*

153. The traffic generated by the proposed use is expected to be in the form of private vehicles associated with customers. A large proportion of traffic within the area during normal business hours will be existing traffic generated by the surrounding commercial and office uses. It is therefore not considered that the proposal will generate a high rate of traffic in addition to the existing traffic conditions, and will not adversely affect current conditions within these hours.
154. Beyond normal business hours, as traffic associated with the existing uses in the area will decrease, it is considered that any additional traffic related to the function centre will not adversely affect the amenity of the area, with the quieter traffic conditions throughout the evening and night allowing a small increase in road usage without causing unreasonable impacts within the neighbourhood. On balance, the extent of traffic to be generated by the new use is considered reasonable.

Objector concerns

155. Seventy one objections were received to the application, with grounds summarised as:
156. Increased demand for already limited on-street car parking,  
(a) Car parking issues have been discussed in detail between paragraph No's 146 and 152.
157. Anti-social behaviour and noise impacts on nearby dwellings due to proposed increased patrons and hours of operation.  
(a) Behaviour of patrons (particularly when they are not on the premises) cannot be controlled via the Planning Scheme. Further, with the site located in a Major Activity Centre and with a number of other entertainment venues in the area (pubs, hotels, wine bars etc), it will be difficult to associate behaviour of patrons with just one venue. However, an assessment against the potential noise and cumulative impacts of a place of assembly in this location has been undertaken within paragraphs No's 123 to 145. Furthermore, the NAAP and acoustic report will be amended and endorsed as part of the permit conditions and must be adhered to accordingly.
158. Patrons occupying/loitering in the lane.  
(a) This issue has been discussed in detail between paragraph No's 121 and 143.

Other Matters

159. A number of existing permit conditions will need to be amended/deleted to facilitate the current amendment. A copy of the existing permit is attached for reference purposes. The existing permit conditions will be amended/deleted as follows:

*Permit preamble*

- (a) The permit preamble incorrectly stipulates that a planning permit is required for the education use and retail use. The preamble will be amended to correct this; as well as include the function centre use.

*Condition 1*

- (b) The existing condition 1 a) to j) will be deleted as these conditions have been previously met with appropriate detail shown on the plans. Hence these conditions are no longer relevant and can be deleted. New condition 1's will be added requiring the plans to show the position of the smoking area, the red line liquor service area, and how the east and west side of the courtyard will be appropriately enclosed once the outdoor courtyard ceases liquor service.

*Cafe and courtyard operation*

- (c) As discussed earlier, a planning permit is not required for the food and drink premises (cafe), education centre or retail use in a Commercial 1 Zone. Condition 4 applies to any use required under the zone, which does not include the above uses.
- (d) However given objectors concerns in relation to the courtyard operation, the applicant has included the hours of operation to the café within the NAAP (starting at 7.00am). This was also included in the previous management plan. The existing hours for the sale and consumption of alcohol to the courtyard will not be altered.
- (e) Condition 2 requires changes to the previously approved Management Plan (now known as Noise and Amenity Action Plan-NAAP). This condition will be appropriately updated to reference the NAAP submitted as part of this current amendment application and requiring further changes as outlined in the report.
- (f) Condition 6, 7 and 8 currently restrict the hours of operation of the art exhibition openings, the performance space and workshop space. The applicant has requested that these conditions be deleted and standard operating hours be applied to all permit required uses. The as-of-right café, education centre and retail uses can operate 24 hours a day, 7 days a week without a planning permit; and the current approval also permits the operation of the place of assembly until 11.00pm (latest). Given the above (and that there is no increase in floor area), there is no need to further restrict the individual components of the place of assembly as the amenity impacts for the individual uses will be within the one operation. Hence support is recommended for the deletion of these conditions, with new conditions 6, 7 and 8 applying standard operating hours and sale and consumption of liquor to the permitted uses.
- (g) Condition 9 be deleted which requires no amplified instruments and drums. As described in the acoustic assessment, the acoustic report and the existing condition 12 (which requires SEPP N-2 compliance) will adequately control noise emissions from the site and so make these conditions redundant. Further as the current acoustic report details that amplified instruments are now proposed to be used, therefore these conditions are redundant.

**Conclusion**

160. Based on the report, the proposal is considered to generally comply with the relevant policies of the Yarra Planning Scheme and is supported subject to conditions. For ease of reference, all new conditions relating to this amendment have been highlighted in bold font in the following recommendation.

**RECOMMENDATION**

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an amended Planning Permit PL03/0732 pursuant to section 74 of the *Planning and Environment Act* to allow for the use as a place of assembly (art gallery/art exhibition/performance space/function centre), the sale and consumption of alcohol and associated reduction in the car parking requirements at No's 87-89 Moor Street, Fitzroy subject to the following conditions (changes are in bold):

Permit preamble modified from:

*To use the premises as a Place of Assembly (art gallery/art exhibition and performance space), Retail premises (art dealership), Education centre (workshop space) with liquor licence including waiver of car parking.*

To:

*To use the premises as a Place of Assembly (function centre/art gallery/art exhibition and performance space) with liquor licence including waiver of car parking.*

Conditions

1. **Before the amended use commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the application plans, but modified to show:**
  - (a) **The position of the smoking area away from the residential interface;**
  - (b) **Clearly show the red line licenced area;**
  - (c) **Details of how the eastern and western side of the courtyard will be appropriately enclosed once the courtyard ceases liquor service.**
  
2. **Prior to the commencement of the amended uses permitted by this permit the applicant must submit for endorsement a revised Noise and Amenity Action Plan that details (but is not limited to) the following:**
  - (a) **Updated to show the operation hours and patron numbers permitted by conditions 6, 7 and 8;**
  - (b) **Updated to remove reference to the sound level meter being used to control noise emissions to first floor function room; and**
  - (c) **Any changes required by the amended acoustic report.**

All to the satisfaction of the Responsible Authority.
  
3. **The endorsed Noise and Amenity Action Plan forms part of this permit and must be complied with, and any modifications to the management plan must be approved by the Responsible Authority.**
  
4. **Before the amended use commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by SLR Consulting dated 10 October 2014, but modified to include (or show, or address):**
  - (a) **Additional information as set out in the memorandum (dated 20 April 2016);**
  - (b) **Stipulate that a noise limiter will be used in the first floor function room to control music noise and remove reference to the option to use a sound meter;**
  - (c) **Detail the first-floor west-facing windows will be closed while first floor function room is operational;**
  - (d) **Updated to show the operation hours and patron numbers permitted by conditions 6, 7 and 8, and**
  - (e) **Appropriate detail to demonstrate the Green Room will achieve compliance with SEPP N-2.**
  
5. **The recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.**
  
6. **The place of assembly/function centre may only operate between the following hours (except where otherwise specified by this permit):**

(a) **Monday-Sunday 7.00am – 11.00pm**

7. **The sale and consumption of alcohol may only occur between the following hours (except where otherwise specified by this permit):**

(a) **Monday-Sunday 9.00am – 11.00pm**

8. **Unless with the prior written consent of the Responsible Authority, the place of assembly/function centre may operate up to 12 midnight (with the sale and consumption of alcohol) a maximum of 12 times per year.**

9. The outdoor cafe is licenced between the following hours:

(a) 1 October – 30 April

(i) Monday – Tuesday 9.00am to 7.00pm

(ii) Wednesday – Sunday 9.00am to 10.00pm

(iii) Good Friday and Anzac Day 12 noon to 10.00pm

(b) 1 May – 30 September

(i) Monday – Sunday 9.00am to 7.00pm

(ii) Good Friday and Anzac Day 12 noon to 7.00pm

Not more than 60 patrons may be present in the café at any one time (this is inclusive of the 200 patrons that may be present on the premises at any one time).

10. **No more than 200 patrons are permitted on the land at any one time; with no more than 60 patrons within the outdoor café, and no more than 118 patrons (to be within the first floor only) after 11.00pm.**

11. Non-amplified equipment and microphones must comply with SEPP N-2 requirements.

12. The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which this permit relates duringg or immediately after the trading hours authorised under this permit.

13. The licensee shall ensure that the level of noise emitted from the premises shall not exceed:

(a) the permissible noise level from mechanical equipment as specified in the State Environment Protection Policy N-1 Control of Noise Industrial, Commercial and Trade Premises within the Melbourne Metropolitan area; and

(b) the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N2.

14. **No music may be played in the external courtyard. No speakers may be sited outside the building.**

15. The operator must request patrons, by a prominent notice, to take account of the needs of local residents for peace and quiet during normal sleeping hours.

16. The operator must ensure that patrons do not congregate in the outdoor areas of the site or in adjacent areas.

17. The use permitted must not adversely affect the amenity of the locality by the appearance of any buildings, works or materials, the transporting of goods to and from the premises, emissions from the site or in any other way.

18. Any empty bottles associated with the use must be taken in bags and no emptying of bottles into garbage bins is permitted after 10.00pm on any night or before 7.00am on any day.

19. Garbage collections are restricted between 7.00am and 8.00pm on any day.
20. During all hours (whether or not liquor is served) in which the business is open to the public, entry must be made freely available to a member of the Victoria Police, an "authorised officer" of the Responsible Authority or an officer of Liquor Licensing Victoria for the carrying out of any investigations associated with the sale or consumption of alcohol on the site.
21. During all hours (whether or not liquor is served) in which the business is open to the public, there must be present on the premises, a person above the age of 18 years, responsible for the good conduct of the premises ("the Manager").
22. The Manager must at all times be authorised by the occupier of the premises to make statements on their behalf to a member of the Victoria Police, an "authorised officer" of the Responsible Authority or an officer of Liquor Licensing Victoria regarding the conduct of the premises for the activity hereby authorised.
23. \*Prior to the commencement of the extended licensed hours of the café, all landscaping works must be carried out in accordance with the endorsed plan schedule and be maintained to the satisfaction of the Responsible Authority.
24. \*Prior to the commencement of the extended licensed hours of the café, all acoustic works required by the permit must be carried out to the satisfaction of the Responsible Authority.
25. **This permit will expire if:**
  - (a) **the amended use is not commenced within two years of the date of this amended permit;**

**The Responsible Authority may approve an extension of time if a request is made within three months of expiry.**

NOTE: These premises are required to comply with the Food Act 1984. No fit-out is to commence until plans have been approved by Council's Public Health Unit. Please contact the Public Health Unit on 9205 5777.

NOTE: These premises will be required to comply with the Health Act 1958. No Fit-out is to commence until plans have been approved by Council's Public Health Unit. Please contact the Public Health Unit on 9205 5777.

NOTE: This site is subject to a Heritage Overlay pursuant to the Yarra Planning Scheme. Unless hereby approved, a planning permit is required for any demolition, re-painting or other external alterations, sandblasting, exterior works (including the installation of external air conditioning units, solar panels, and any other heating/cooling units) to an existing building or buildings, construction of a building or fence, changes to the natural topography of the land or the subdivision or consolidation of land.

NOTE: A building permit must be obtained before development is commenced.

**CONTACT OFFICER: Laura Condon**  
**TITLE: Senior Statutory Planner**  
**TEL: 92055352**

#### **Attachments**

- 1 PL03/0732.05- 87-89 Moor Street- Site and Surrounds
- 2 PL03/0732.05- 87-89 Moor Street- Decision Plans
- 3 PL03/0732.05- 87-89 Moor Street- NAAP

- 4 PL03/0732.05- 87-89 Moor Street- Existing planning permit
- 5 PL03/0732.05 - 87-89 Moor Street, Fitzroy - Community Health and Safety Referral Comments - Original and Addendum
- 6 PL03/0732.05 - 87-89 Moor Street, Fitzroy - Engineering Referral Comments
- 7 PL03/0732.05 - 87-89 Moor Street, Fitzroy - Applicant's acoustic report part 1
- 8 PL03/0732.05 - 87-89 Moor Street, Fitzroy - Applicant's acoustic report part 2 (response to Council's peer review comments)
- 9 PL03/0732.05 - 87-89 Moor Street, Fitzroy - Council's peer review of part 1 of applicant's acoustic report
- 10 PL03/0732.05 - 87-89 Moor Street, Fitzroy - Council's peer review of part 2 of applicant's acoustic report



**Attachment 1 - PL03/0732.05- 87-89 Moor Street- Site and Surrounds**

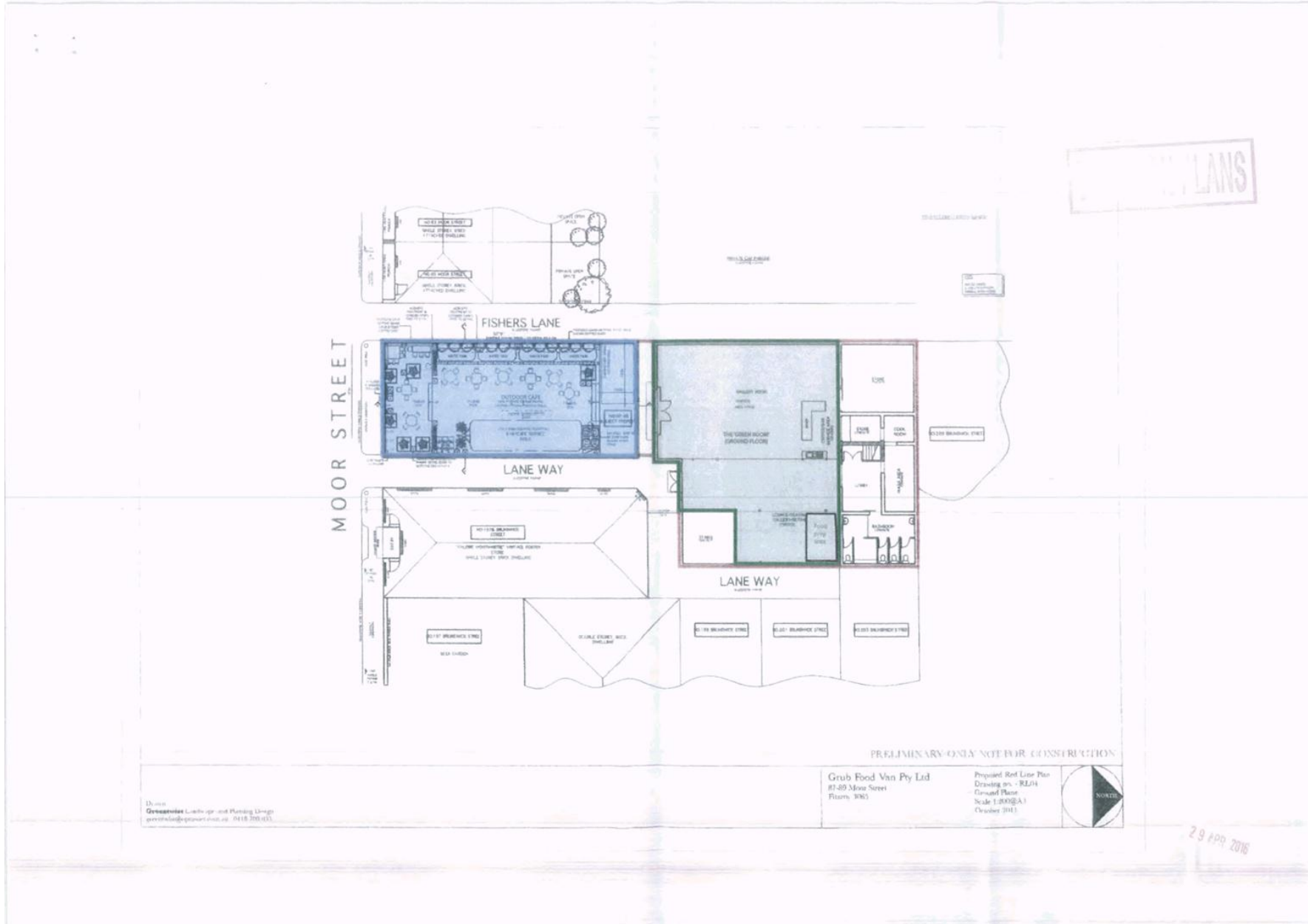
**87-89 Moor Street, Fitzroy**



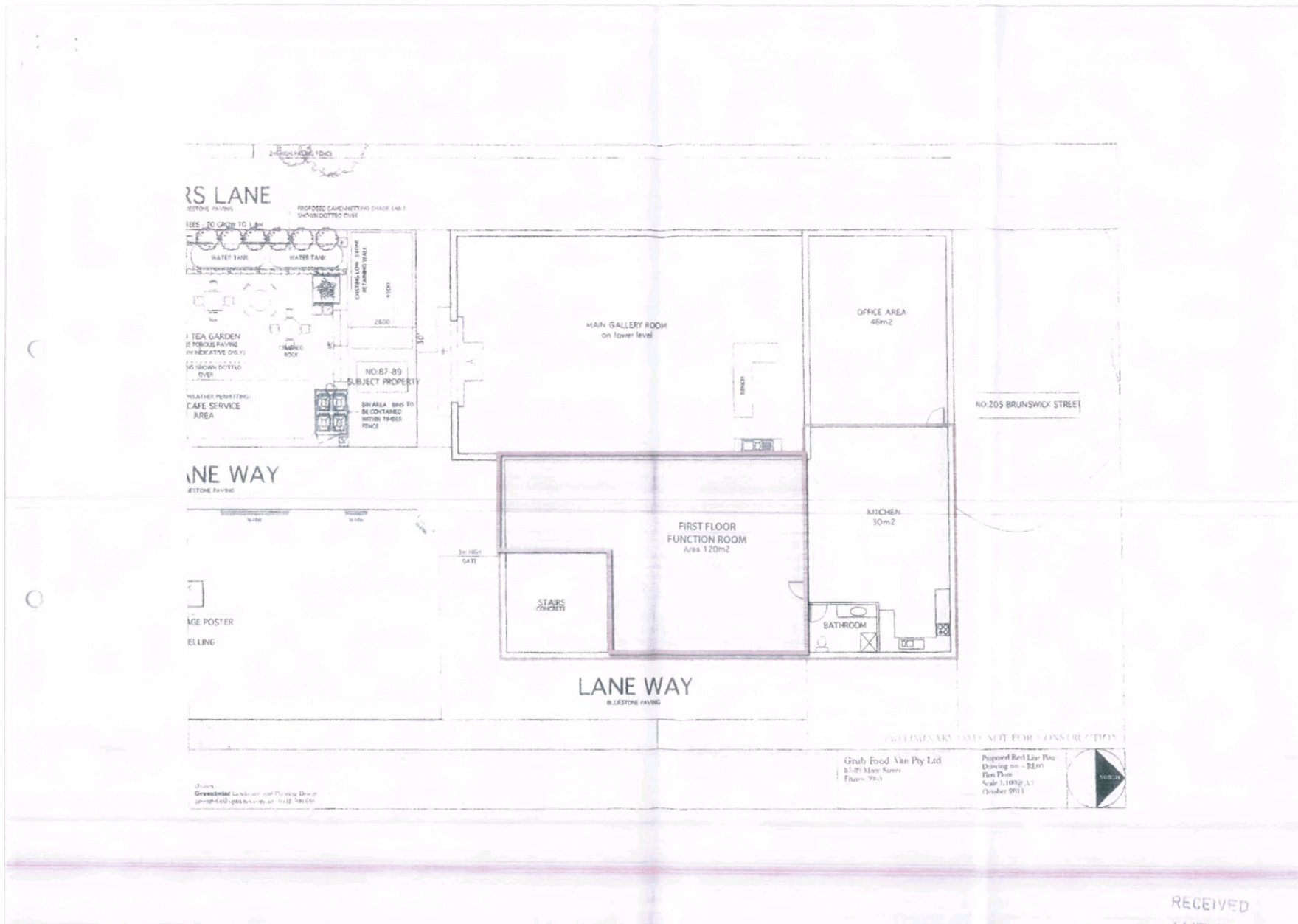
North



Attachment 2 - PL03/0732.05- 87-89 Moor Street- Decision Plans

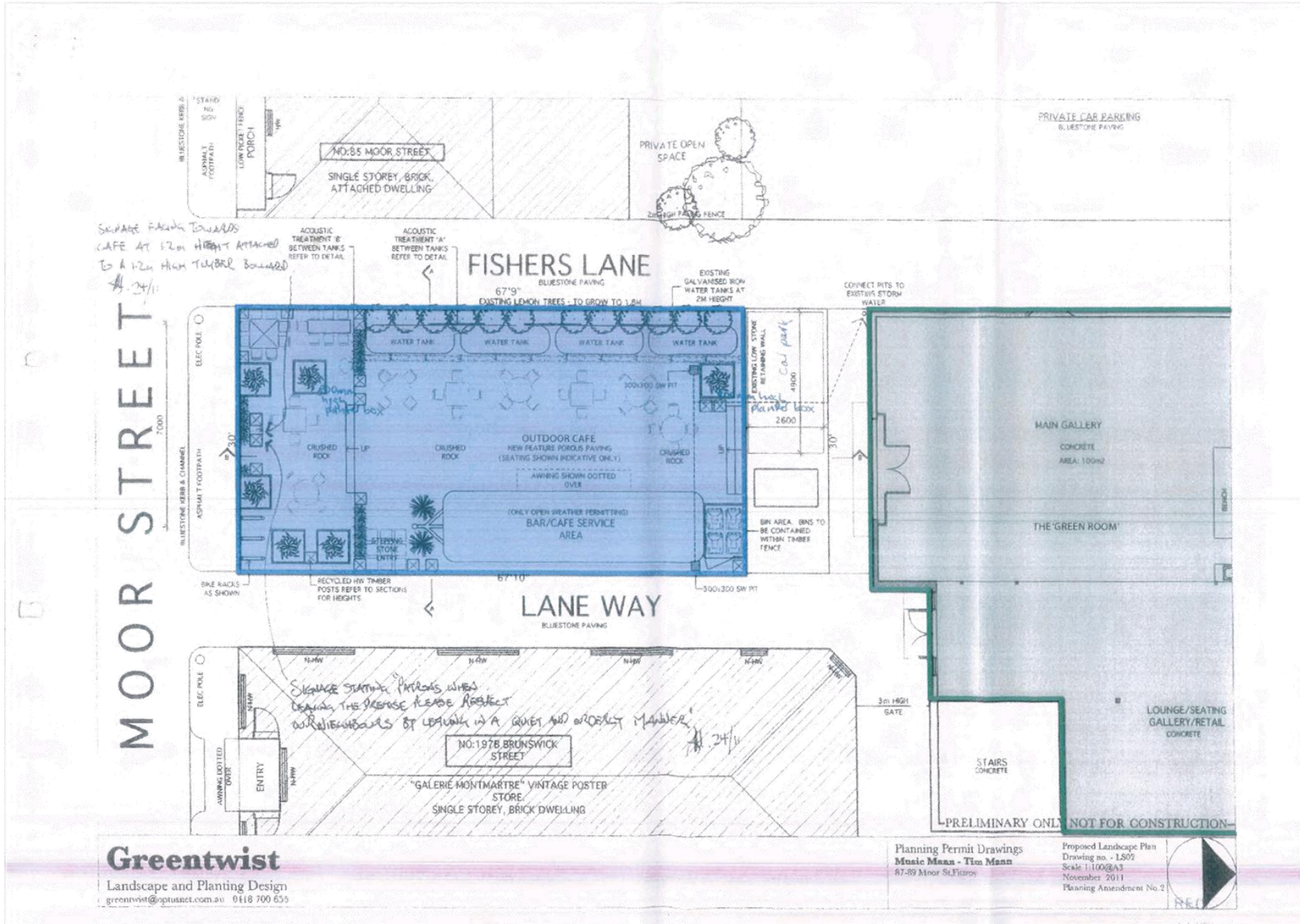


Attachment 2 - PL03/0732.05- 87-89 Moor Street- Decision Plans

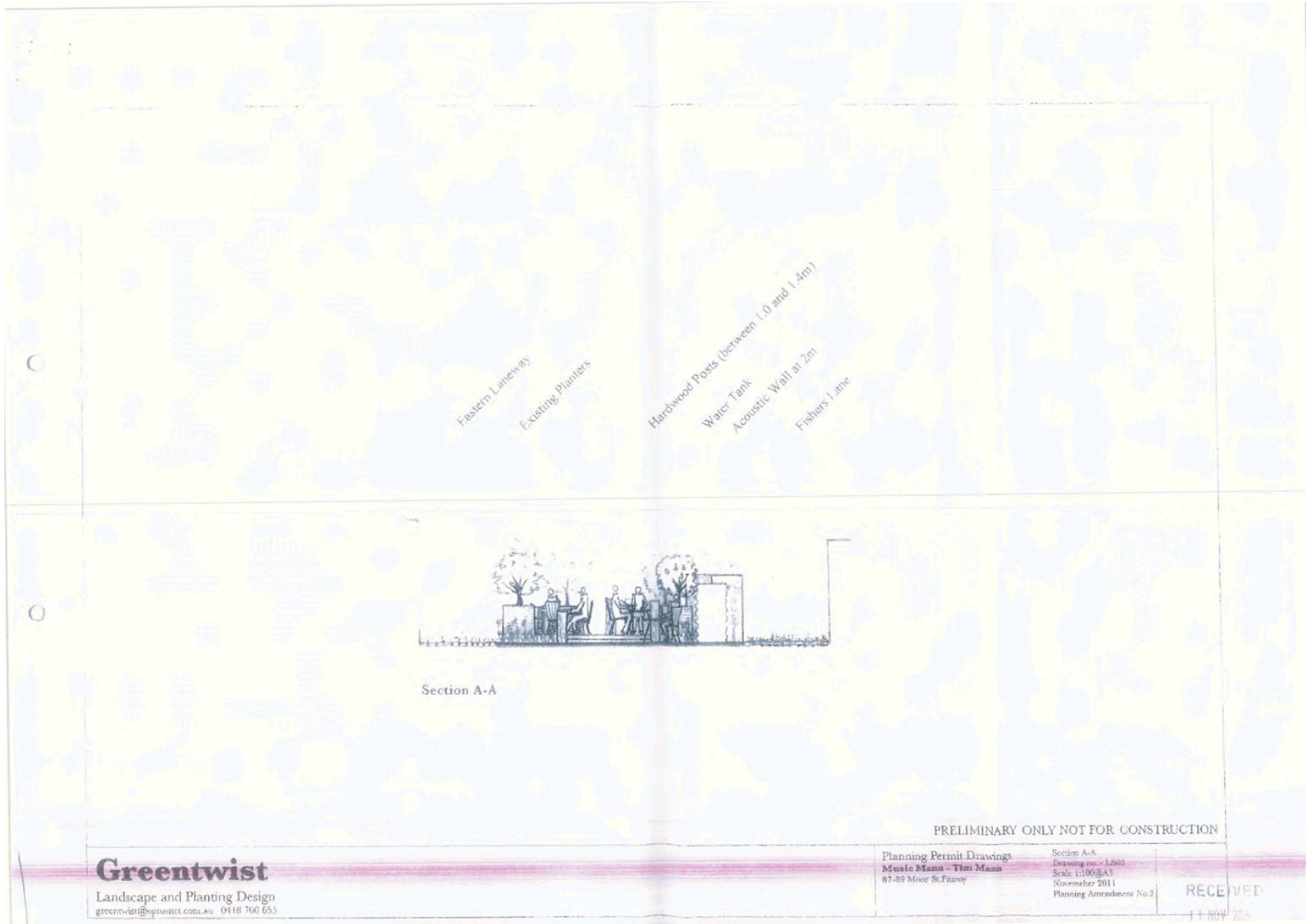


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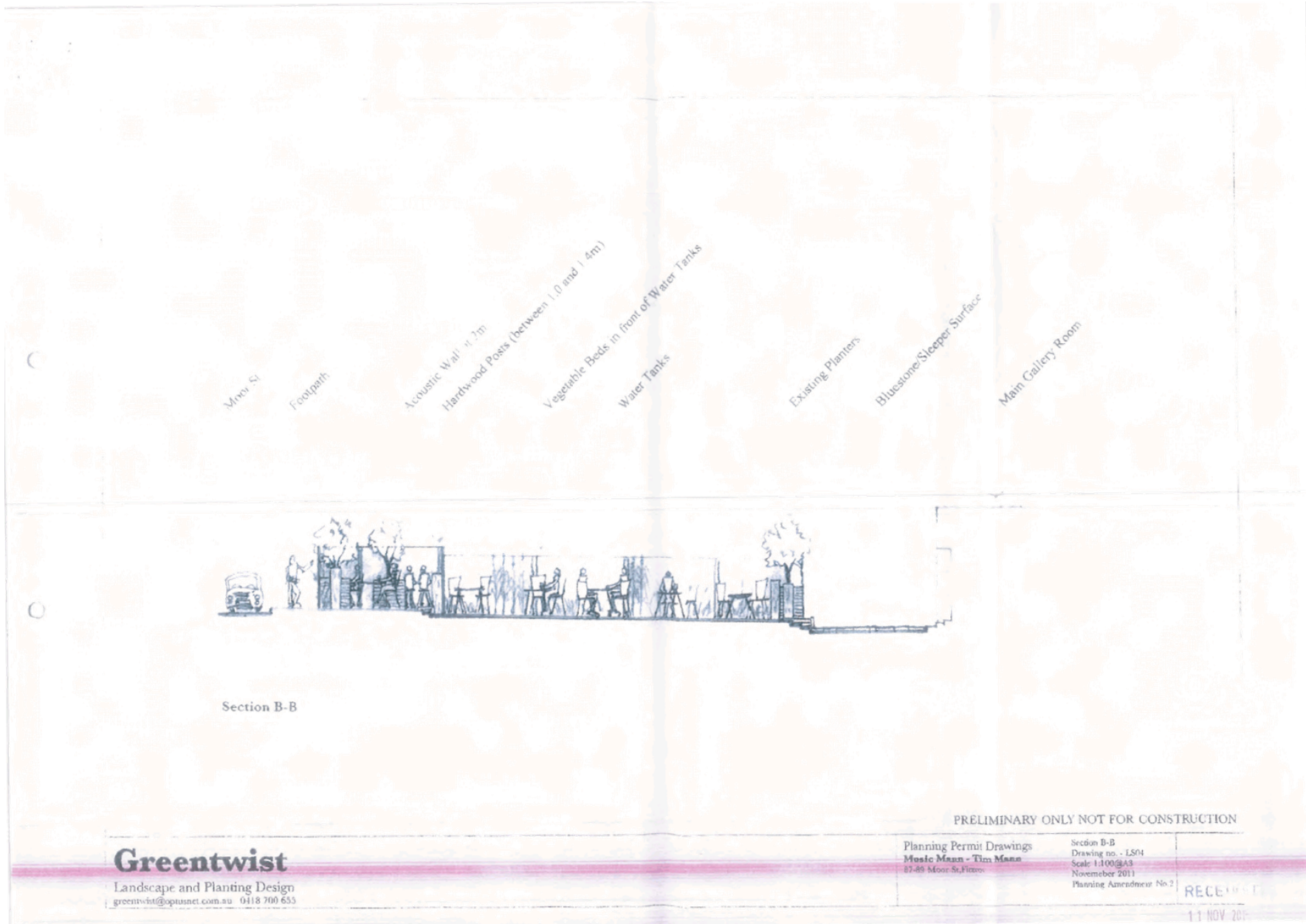
Attachment 2 - PL03/0732.05- 87-89 Moor Street- Decision Plans



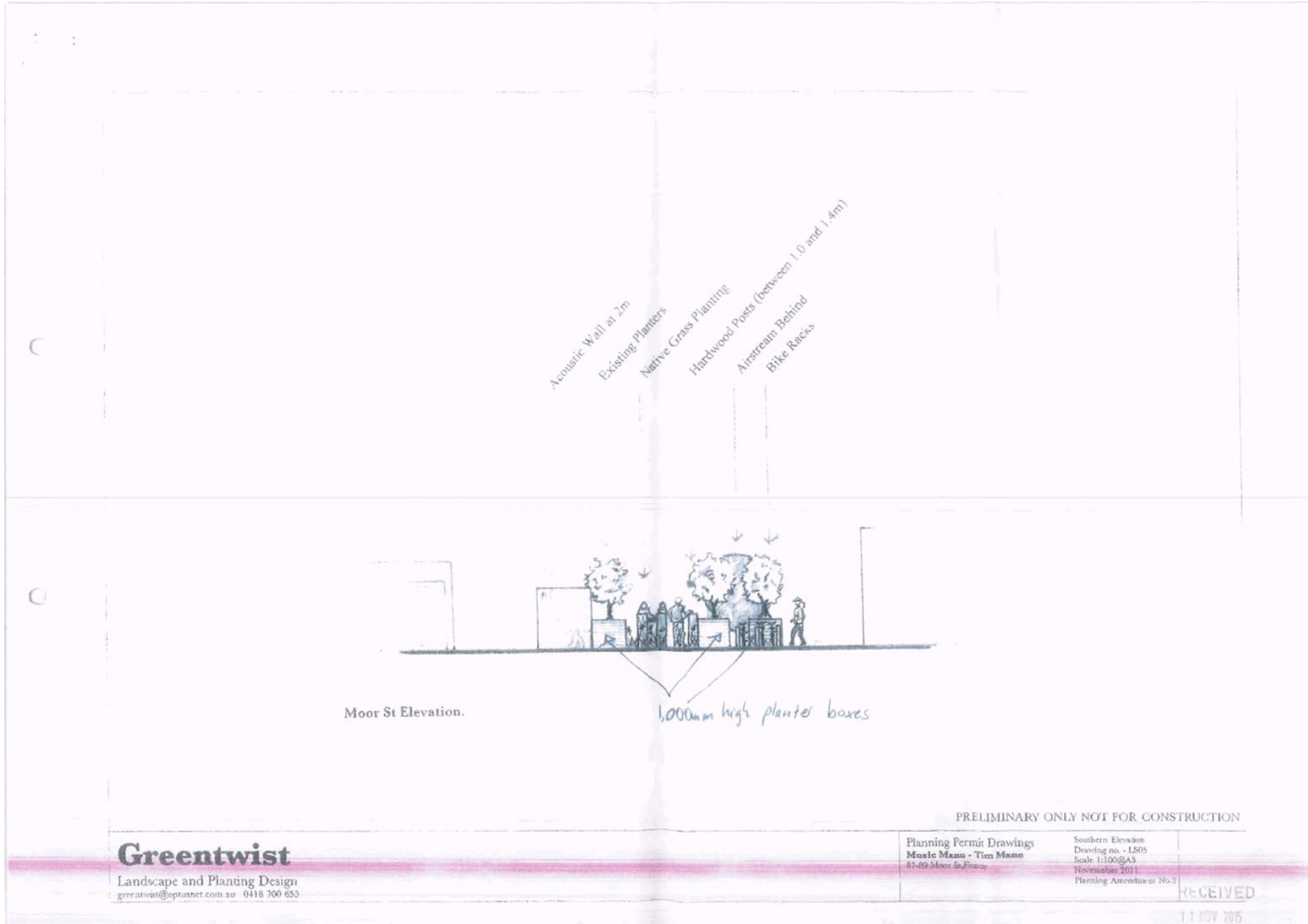
Attachment 2 - PL03/0732.05- 87-89 Moor Street- Decision Plans



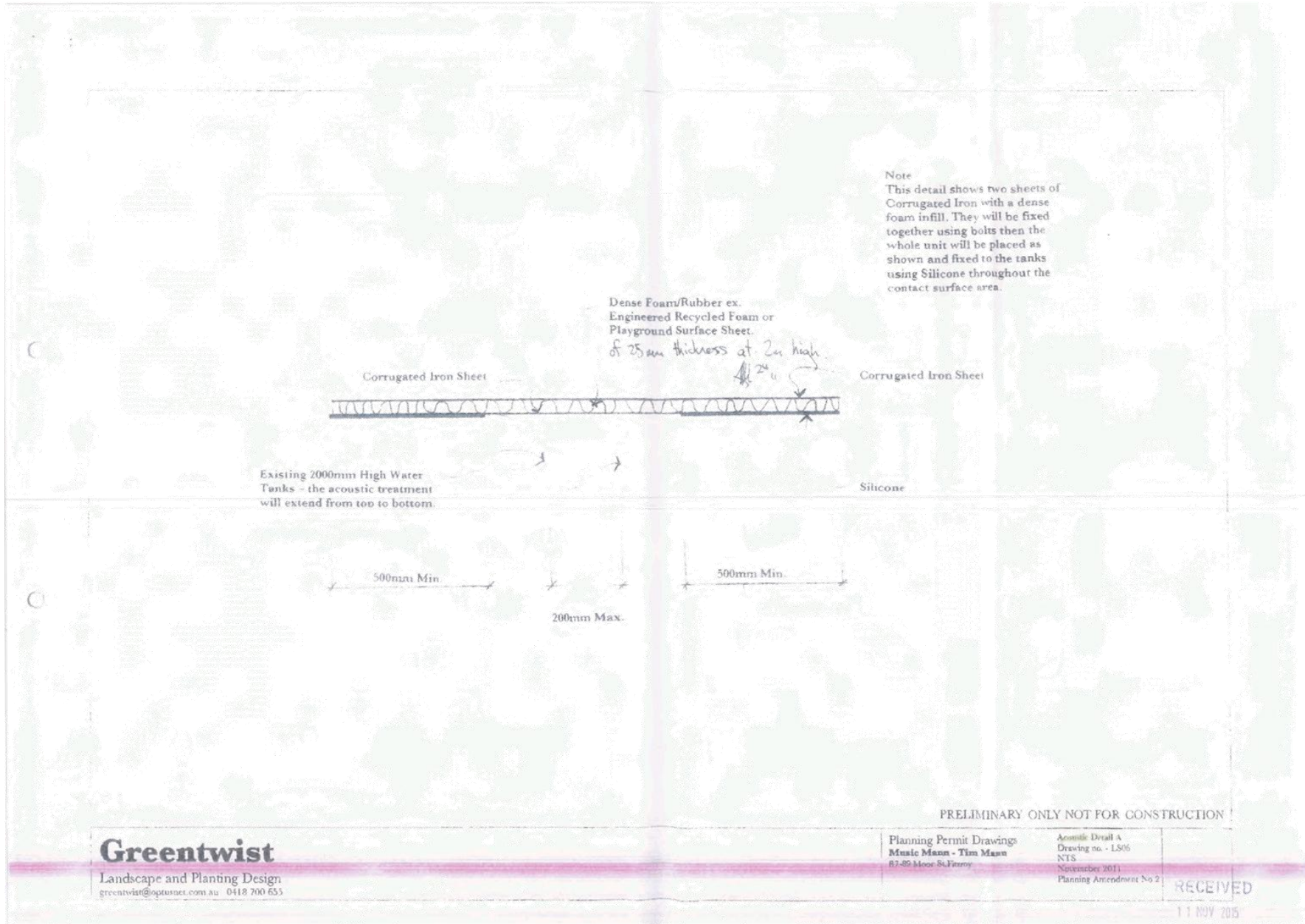
Attachment 2 - PL03/0732.05- 87-89 Moor Street- Decision Plans



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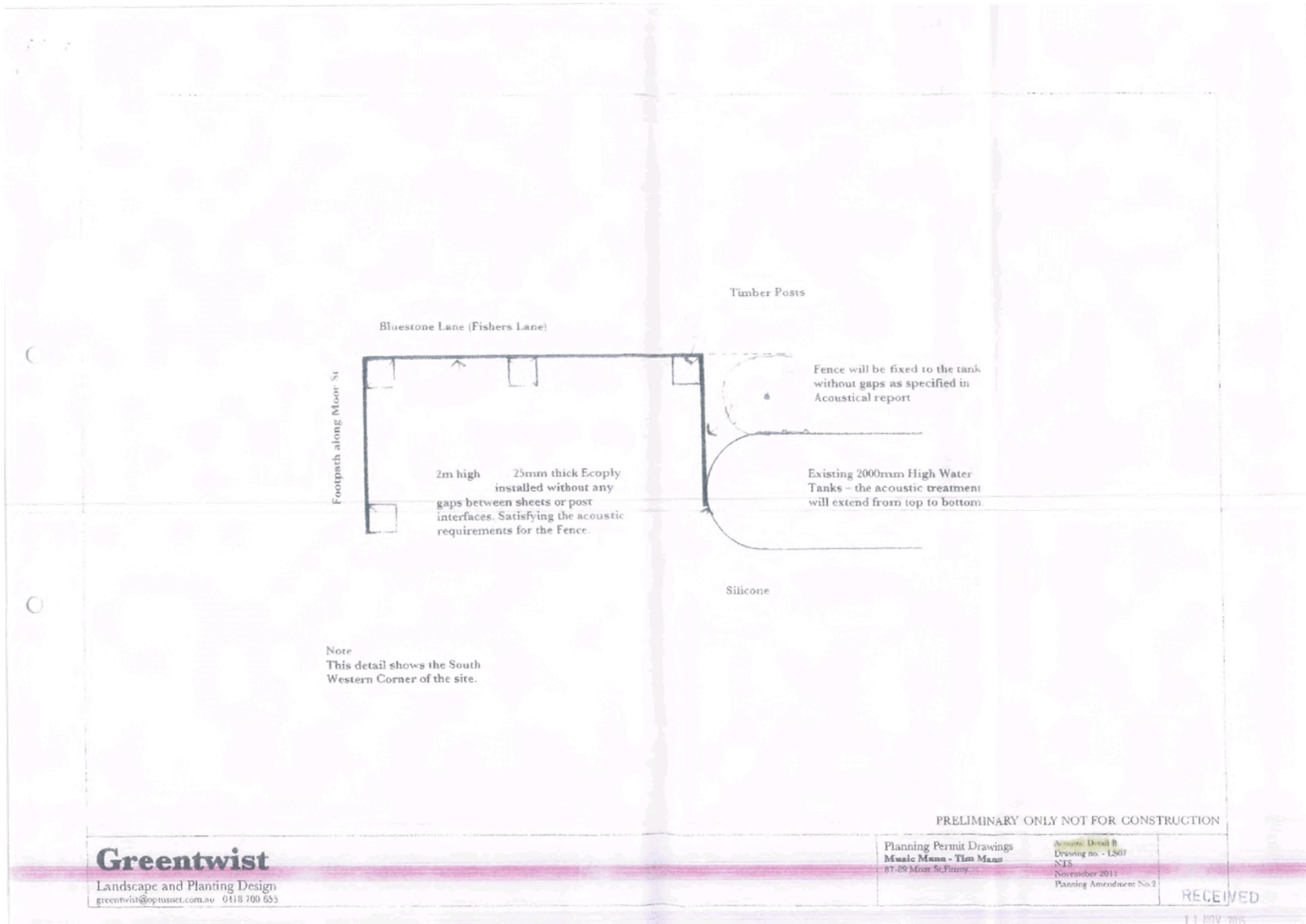


Attachment 2 - PL03/0732.05- 87-89 Moor Street- Decision Plans





Attachment 2 - PL03/0732.05- 87-89 Moor Street- Decision Plans



**Greentwist**  
Landscape and Planting Design  
greentwist@optusnet.com.au 0418 700 653

PRELIMINARY ONLY NOT FOR CONSTRUCTION  
Planning Permit Drawings  
Music Munn - Tim Mann  
87-89 Moor St, Fitzroy  
Project: U-04-B  
Drawing no. - LS07  
N/S  
November 2011  
Planning Amendment No.2

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Attachment 2 - PL03/0732.05- 87-89 Moor Street- Decision Plans

| Botanical Name   | Common Name         | Pot Size  | Quantity        |
|--|---------------------|-----------|-----------------|
| <b>Fruit Trees</b>                                       |                     |           |                 |
| Citrus limon   | Lemon               | Existing  | 11              |
| Diospyrus kaki   | Persimmon           | Existing  | 2               |
| Ficus carica   | Fig                 | Existing  | 2               |
| Malus sp   | Apple               | Existing  | 6 (in Planters) |
| Punica granatum  | Pomegranate         | Existing  | 1               |
| <b>Native Planting</b>                                   |                     |           |                 |
| Austrostipa ramosissima*                                 | Feather Grass       | 25cm      | 12              |
| Brachyscome multifida                                    | Cut Leaf Daisy      | 10cm      | 10              |
| Dianella caerulea 'Little Jess'*                         | Dianella            | 25cm      | 10              |
| Pelargonium rodneyanum                                   | Native Geranium     | 10cm      | 8               |
| Themeda australis*                                       | Kangaroo Grass      | 25cm      | 15              |
| Wahlenbergia stricta                                     | Native Bluebell     | 10cm      | 8               |
| * All 25cm pots are to be supplied at 75% of mature size |                     |           |                 |
| <b>Vegetable Planting</b>                                |                     |           |                 |
| Helianthus tuberosus                                     | Jerusalem Artichoke | 14cm      | 7               |
| Rumix alpinus  | Rhubarb             | 14cm      | 3               |
| Zea mays   | Corn                | tubestock | 12              |
| Various other herbaceous vegetable varieties             |                     |           |                 |
| Total  |                     |           | 101             |

PRELIMINARY ONLY NOT FOR CONSTRUCTION

|  |   |   |
|--|---|---|
| <p><b>Greentwist</b><br/>Landscape and Planting Design<br/>greentwist@optusnet.com.au 0418 700 655</p> | <p>Planning Permit Drawings<br/><b>MUSIC MANN - TIM MANN</b><br/>87-89 Moor St, Fanny</p> | <p>Planting Schedule<br/>Drawing no. - L808<br/>November 2011<br/>Planning Amendment No.2</p> |
|--|---|---|

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**Attachment 3 - PL03/0732.05- 87-89 Moor Street- NAAP**



**Noise and Amenity Action Plan**

**87 – 89 Moor Street, Fitzroy**

**Prepared on behalf of Grub Food Van Pty Ltd**

**Amended June 2016**

**1. Purpose**

Planning Permit PL03/0732 was issued by the City of Yarra in December 2003 and allows use of the land as a place of assembly (art gallery/art exhibition and performance space), retail premises (art dealership), education centre (workshop space) and associated café with liquor license including waiver of car parking requirements.

A Noise and Amenity Action Plan (prepared by Marshall Day Acoustics) was endorsed under the permit on 22 December 2003.

Subsequently, an amendment to the permit was approved by Council on 7 December 2011, which amongst other things, increased the licensed area and hours. A revised Noise and Amenity Action Plan was prepared in accordance with Condition 1(j) of the amended permit and was endorsed on 22 November 2011.

This amended Noise and Amenity Action Plan has been prepared in conjunction with a further application to amend the existing planning permit, to increase the number of patrons and hours of operation.

A further acoustic assessment has been prepared by SLR Consulting which recommends measures to manage the impact of these changes. The recommendations of this assessment are reflected in this Noise and Amenity Action Plan.

**2. Context**

Day to day operation of the premises will continue to have a focus on the café use which provides light refreshments throughout the day, as well as a breakfast, lunch and dinner menu, as well as the various components of the place of assembly use including gallery shows and openings, art sales, arts workshop sessions, talks and performances and private functions. An on-premises liquor licence allows the sale and consumption of alcohol throughout the day within specified hours.

The exhibition, performance and workshop elements of the use will continue to operate in addition to the proposed 'function room' component, which will allow the hosting of private functions (cultural events and talks, events etc) during both daytime and evening hours.

**3. Hours of Operation**

Courtyard café (external)

The courtyard café will operate between the following hours:

22 JUN 2016

**Attachment 3 - PL03/0732.05- 87-89 Moor Street- NAAP**

The staffing arrangements for the café will comprise the following:

- Waiters: 6 (maximum)
- On Premises Manager: 1

The staffing arrangements for other components of the use will be determined on the basis of the activity occurring.

**6. Noise Sources**

Potential noise sources within the site include:

- Amplified/acoustic music associated with the function room;
- People/crowd noise/conversation;
- Collection/disposal of waste; and
- Patrons arriving and leaving the premises.

**7. Management Plan**

Noise

All noise emitted from the subject premises will comply with any limits, standards or rules prescribed thereto or imposed by, in or under State Environment Policy made pursuant to the Environment Protection Act 1970, and in particular State Environment Protection Policies N-1 (Control of Noise from Commerce, Industry and Trade) and N-2 (Control of music from public premises).

No music will be played in the outdoor courtyard café.

All west facing windows at first floor level within the building will remain closed during any functions in the first floor function room.

From 10pm onwards the operable roof in the ground floor Green Room will be closed.

From 11pm onwards the ground floor Green Room will be used only by staff and a small number of patrons requiring access to the toilets.

At times after the outdoor courtyard is closed, patrons wishing to smoke will be directed to a designated smoking area away from neighbouring residences. Management will ensure that no more than 20 patrons use the smoking area at any one time.

No emptying of bottles into garbage bins is permitted after 10pm on any night, or before 7am on any day. No bottle or other waste materials shall be removed from the site between the hours of 8pm on any day and 7am the following morning.

Notices informing patrons to leave the premises quietly and to avoid lingering will be placed strategically throughout the premises. Patrons will only be able to exit the premises after 10pm on any day from the double door at the base of the stair access to the first floor, and along the right of way to the east most boundary of the premises.

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**Attachment 3 - PL03/0732.05- 87-89 Moor Street- NAAP**

- Staff Member to be responsible for ensuring patrons leave quietly
- Signage to be displayed at exit stating: "Please respect our neighbours and leave quietly."
- Information to be available to all patrons:
  - Nearest Taxi Rank is at St. Vincent's Hospital
  - Tram and Train timetables
  - Silver Top Taxi number 13 1008
- Manager to check on outside noise emissions
- Maintain policy on low impact entertainment
- Contact details given to the neighbours

Service of Alcohol

All floor staff employed will have a Certificate in the Responsible Serving of Alcohol and no intoxicated persons will be served alcohol onsite.

All intoxicated persons will be asked to leave the premises and a taxi will be arranged if no other alternative travel arrangements are possible.

Service of Food

The kitchen will be open for the service of food for the duration of the opening hours

Overall Management

At all times during the operation of the premises there will be present on the premises, a nominated person above the age of 18 years who is responsible for the good conduct of the premises ("The Manager").

The Manager is required to:

- i. monitor noise emissions while the premises is open to ensure that noise is not excessive;
- ii. ensure that alcohol is being served responsibly and to ensure that no liquor is provided to any intoxicated person;
- iii. ensure that the premises closes at the allotted time
- iv. supervise the departure of patrons from the premises so as to ensure that any noise and disturbance is minimised; and
- v. be authorised by the Owner to make statements and admissions to any authorised officer of the Responsible Authority or the Victoria Police regarding the conduct of the premises.

Complaints

22 JUN 2016

**Attachment 3 - PL03/0732.05- 87-89 Moor Street- NAAP**

**8. Conclusion**

The proprietor undertakes to operate the premises in accordance with the Noise and Amenity Action Plan and any other conditions imposed by the Responsible Authority on the permit as issued, not excluding any other rights available under Victorian Law.

22 JUN 2016

**Attachment 4 - PL03/0732.05- 87-89 Moor Street- Existing planning permit**

Helping you understand your planning needs

**PLANNING PERMIT (Amended)**

Permit No: PL03/0732

Planning Scheme: Yarra

Responsible Authority: City Of Yarra

**ADDRESS OF THE LAND:**

87-89 Moor St Fitzroy VIC 3065

**THE PERMIT ALLOWS:**

For the purpose of the following, in accordance with the endorsed plan(s).

**To use the premises as a Place of Assembly (art gallery/art exhibition and performance space), Retail premises (art dealership), Education centre (workshop space) with liquor licence including waiver of car parking requirements.**

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

1. \*Before the development and the extended licensed hours of the outdoor café commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the application plans, but modified to show:

- (a) the location for the storage of waste and recyclables;
- (b) details of the acoustic screen as recommended by the Shelburg Acoustics report, dated 13 September 2010;
- (c) details and locations of the notice/s displayed on site requesting patrons to take account of the needs of local residents when leaving the premises, to be shown on plans;
- (d) the location of tables and chairs to be clearly shown on plans so as to be available for at least 75% of the patrons allowed into the café at any one time;
- (e) relocation of the service van and bicycle spaces, with the van relocated to the north-east corner of the courtyard;

Date Issued: 11 December 2003

Date Amended: 25 November 2011

  
 Matt Cohen

Signature for the Responsible Authority

Planning and Environment Regulations 2005 No. 33 Form 4 Sections 63 and 86

Page 1 of 5

For more information call 9205 5555 or visit [www.yarracity.vic.gov.au](http://www.yarracity.vic.gov.au)

**Attachment 4 - PL03/0732.05- 87-89 Moor Street- Existing planning permit**

- (f) garden dividers and planter boxes to be erected along the southern title boundary. Detail of the dividers to be submitted for approval and to the satisfaction of the Responsible Authority.
  - (g) A plant schedule showing plant species, installation size and quantities of plants proposed; the plants must be of mid-mature size so that they are visible above the garden divider along Moor Street;
  - (h) Details of the raised planter construction including irrigation and drainage;
  - (i) \*Deleted\*
  - (j) an amended NAAP to include details of the operational management of the uses approved under the original permit, and the licensing of extended café area.
2. Prior to the commencement of the uses permitted by this permit the applicant must submit for endorsement a management plan that details (but is not limited to) the following:
- (a) noise control (including background noise reading and appropriate SEPP levels at 10.00pm on Tuesday and Sunday nights and 11.00pm on Wednesday to Saturday nights, noise reading must indicate the location and time of reading). Noise reading and recommendations must also consider and detail any requirements relating to appropriate noise levels for a microphone. Report must be undertaken by a suitably qualified sound engineer;
  - (b) waste disposal;
  - (c) neighbour liaison;
  - (d) management and staff;
  - (e) security management (including camera location and operation); and
  - (f) business profile (detailing operational style).

All to the satisfaction of the Responsible Authority.

3. The endorsed management plan forms part of this permit and must be complied with, and any modifications to the management plan must be approved by the Responsible Authority.
4. The premises may only operate between the following hours (except where otherwise specified by this permit):
- (a) Good Friday and Anzac Day between 12 noon and 10.00pm;
  - (b) 10.00am to 11.00pm Wednesday to Saturday;
  - (c) 10.00am to 10.00pm Tuesday and Sunday; and
  - (d) Monday closed.

Not more than 120 patrons may be present at the premises at any one time (except where otherwise specified by this permit).

5. \*The outdoor cafe is licensed between the following hours:
- (a) 1 October – 30 April
    - (i) Monday – Tuesday 9.00am to 7.00pm
    - (ii) Wednesday – Sunday 9.00am to 10.00pm
    - (iii) Good Friday and Anzac Day 12 noon to 10.00pm
  - (b) 1 May – 30 September

**Date Issued: 11 December 2003**  
**Date Amended: 25 November 2011**



\_\_\_\_\_  
Matt Cohen

Signature for the Responsible Authority



**Attachment 4 - PL03/0732.05- 87-89 Moor Street- Existing planning permit**

- (i) Monday – Sunday 9.00am to 7.00pm
- (ii) Good Friday and Anzac Day 12 noon to 7.00pm

Not more than 60 patrons may be present in the café at any one time (this is inclusive of the 120 and 140 patrons that may be present on the premises at any one time).

- 6. Art exhibition openings may only occur on Tuesdays in accordance with premises hours of operation outlined above and must be limited to 140 patrons unless otherwise authorised by the Responsible Authority in writing.
- 7. Performance space to operate between the following hours:
  - (a) Wednesday and Sunday 12.00pm to 3.30pm and 7.00pm to 9.30pm; and
  - (b) Thursday, Friday and Saturday 12.00pm to 3.30pm and 7.00pm to 10.30pm.
- 8. Workshop space to operate between the following hours:
  - (a) 6.00pm to 8.00pm, Wednesday to Friday; and
  - (b) 10.00am to 11.30am and 12.30pm to 4.30pm, Saturday and Sunday.
- 9. No amplified instruments or drums shall be permitted.
- 10. Non-amplified equipment and microphones must comply with SEPP N-2 requirements.
- 11. The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which this permit relates during or immediately after the trading hours authorised under this permit.
- 12. The licensee shall ensure that the level of noise emitted from the premises shall not exceed:
  - (a) the permissible noise level from mechanical equipment as specified in the State Environment Protection Policy N-1 Control of Noise Industrial, Commercial and Trade Premises within the Melbourne Metropolitan area; and
  - (b) the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N2.
- 13. No music must be played outside the premises. No speakers must be sited outside the premises.
- 14. The operator must request patrons, by a prominent notice, to take account of the needs of local residents for peace and quiet during normal sleeping hours.
- 15. The operator must ensure that patrons do not congregate in the outdoor areas of the site or in adjacent areas.
- 16. The use permitted must not adversely affect the amenity of the locality by the appearance of any buildings, works or materials, the transporting of goods to and from the premises, emissions from the site or in any other way.

**Date Issued: 11 December 2003**  
**Date Amended: 25 November 2011**

  
\_\_\_\_\_  
Matt Cohen

Signature for the Responsible Authority

**Attachment 4 - PL03/0732.05- 87-89 Moor Street- Existing planning permit**

17. Any empty bottles associated with the use must be taken in bags and no emptying of bottles into garbage bins is permitted after 10.00pm on any night or before 7.00am on any day.
18. Garbage collections are restricted between 7.00am and 8.00pm on any day.
19. During all hours (whether or not liquor is served) in which the business is open to the public, entry must be made freely available to a member of the Victoria Police, an "authorised officer" of the Responsible Authority or an officer of Liquor Licensing Victoria for the carrying out of any investigations associated with the sale or consumption of alcohol on the site.
20. During all hours (whether or not liquor is served) in which the business is open to the public, there must be present on the premises, a person above the age of 18 years, responsible for the good conduct of the premises ("the Manager").
21. The Manager must at all times be authorised by the occupier of the premises to make statements on their behalf to a member of the Victoria Police, an "authorised officer" of the Responsible Authority or an officer of Liquor Licensing Victoria regarding the conduct of the premises for the activity hereby authorised.
22. \*Prior to the commencement of the extended licensed hours of the cafe, all landscaping works must be carried out in accordance with the endorsed plant schedule and be maintained to the satisfaction of the Responsible Authority.
23. \*Prior to the commencement of the extended licensed hours of the café, all acoustic works required by the permit must be carried out to the satisfaction of the Responsible Authority.
24. This permit will expire if the use is not commenced within two years of the date of this permit. The Responsible Authority may approve an extension of time if a request is made within three months of expiry.

NOTE: These premises are required to comply with the *Food Act* 1984. No fit-out is to commence until plans have been approved by Council's Public Health Unit. Please contact the Public Health Unit on 9205 5777.

NOTE: These premises will be required to comply with the *Health Act* 1958. No Fit-out is to commence until plans have been approved by Council's Public Health Unit. Please contact the Public Health Unit on 9205 5777.

NOTE: This site is subject to a Heritage Overlay pursuant to the Yarra Planning Scheme. Unless hereby approved, a planning permit is required for any demolition, re-painting or other external alterations, sandblasting, exterior works (including the installation of external air conditioning units, solar panels, and any other heating/cooling units) to an existing building or buildings, construction of a building or fence, changes to the natural topography of the land or the subdivision or consolidation of land.

NOTE: A building permit must be obtained before development is commenced.



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Matt Cohen

**Date Issued: 11 December 2003**  
**Date Amended: 25 November 2011**

Signature for the Responsible Authority

**Attachment 4 - PL03/0732.05- 87-89 Moor Street- Existing planning permit**

**THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:**

| Date of amendment | Brief description of amendment  |
|-------------------|---|
| * 7 December 2010 | Addition of new conditions 1(a)- (j), 22 and 23.<br><br>Amendment to the permit preamble to delete the words 'associated café'.<br><br>Amendment to condition 4 to include the words 'except where otherwise specified'.<br><br>Amendment to condition 5 to specify the new licensed hours and number of patrons permitted to consume alcohol in the courtyard. |
| 25 November 2011  | Condition 1(i) was deleted pursuant to Section 72 of the Planning and Environment Act 1987.   |

**Date Issued: 11 December 2003**  
**Date Amended: 25 November 2011**



\_\_\_\_\_  
 Matt Cohen

Signature for the Responsible Authority

**Attachment 5 - PL03/0732.05 - 87-89 Moor Street, Fitzroy - Community Health and Safety Referral Comments - Original and Addendum**



# MEMO

---

**TO:** Laura Condon, Senior Statutory Planner  
**FROM:** Erika Russell, Senior Planner (Community Health and Safety)  
**DATE:** 5 July 2016  
**ADDRESS:** 87-89 Moor Street, Fitzroy  
**APPLICATION NO:** PL03/0732.05  
**DESCRIPTION:** Amend planning permit PL03/0732 to increase the hours or operations (and associated hours for the sale and consumption of alcohol) within the internal areas of the venue and to increase maximum allowed patrons to 200 across the venue.

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Social Policy and Research has been requested to make comments on the proposal in relation to whether the extended hours are acceptable.

## PROPOSAL

Key aspects of the site and proposal include:

- The subject site is located in the Commercial 1 Zone and is surrounded by commercial and residential uses. The site is accessed via Moor Street (predominantly residential) through the outdoor courtyard but is within close proximity to Brunswick Street.
- The premises currently operates under planning permit PL03/0372 which allows for: *To use the premises as a Place of Assembly (art gallery/art exhibition and performance space), Retail premises (art dealership), Education centre (workshop space) with liquor licence including waiver of car parking requirements.*
- The on-premises liquor licence associated with the premises specifies the following:
  - Maximum patrons - Internal - Wednesday to Sunday (120 patrons), Tuesday (140 patrons) Courtyard (60 patrons)
  - Trading hours:
    - Internal - Sunday & Tuesday between 10am and 10pm, Wednesday to Saturday between 10am and 11pm, Good Friday & Anzac Day Between 12 noon and 10pm
    - Courtyard (1 October - 30 April) - Monday & Tuesday between 9am and 7pm, Wednesday to Sunday between 9am and 10pm, Good Friday & Anzac Day between 12 noon and 10pm
    - Courtyard (1 May - 30 September) - Monday to Sunday Between 9am and 7 pm, Good Friday & Anzac Day Between 12 noon and 7pm
  - Special conditions - No live or recorded amplified music other than background music or the playing of drums is permitted

**Attachment 5 - PL03/0732.05 - 87-89 Moor Street, Fitzroy - Community Health and Safety Referral Comments - Original and Addendum**

- The amendment proposes a number of changes. Those relevant to the sale and consumption of alcohol include increasing licensed hours within internal areas (upstairs function room and downstairs green room) to allow for the sale and consumption of alcohol to commence at 7am for 7 days a week, and to conclude at 11pm Sunday to Wednesday and 12 midnight Thursday to Saturday (and also on days before public holidays). Patron numbers are also proposed to be increased from 120 people across the site to 200 people (with a maximum of 60 patrons within the courtyard as per existing). The applicant has proposed staggering patrons from 11pm (for when 12 midnight is proposed) to 118 patrons at 11pm, with access only to the upstairs function room after this period.
- No changes are proposed to licensed hours of the courtyard which is operating as a food and drink premises (café). While a café is a section 1 use (permit not required), the application has outlined operating hours for the outdoor courtyard. The application states that those wishing to smoke when the courtyard is closed will be directed to a designated smoking area away from neighbouring residences (and that a maximum of 20 patrons will be allowed to smoke there at any one time).

**COMMENTS / RECOMMENDATIONS**

- The venue while located in a Commercial 1 Zone, abuts a residential zone and uses and therefore has a high potential to result in negative impacts. This is particularly relevant as patrons access the site via Moor Street, through the courtyard/café. While the courtyard licensed hours are proposed not to change, given that patrons must walk through the courtyard to access the entire site, the potential for negative offsite cumulative impacts (and particularly their impact on the nearby residences) due to increased licensed hours in other parts of the site are relevant considerations.
- Relevant cumulative impacts as outlined in Practice Note 61 include nuisance including noise and anti-social behaviour from intoxicated patrons, violence and perceived threats to safety, and crime including vandalism, trespass and property damage. Crime statistics and conversations with Victoria Police and other Council units indicate ongoing concerns relating to alcohol-related issues occurring on Brunswick Street and its surrounds.
- Infrastructure capacity problems including limited transport is another relevant consideration outlined in Practice Note 61. Last tram services along Brunswick Street operate between 12 midnight and 1am (the tram along Brunswick Street does not form part of the current 24 hour public transport on Friday and Saturday nights) and therefore there appears to be sufficient transport options available within the proposed licensed hours to accommodate patron dispersal. Other options within the immediate area include Nicholson Street (route 96) and Smith Street (route 86), along with bus services along Johnston Street.
- There are numerous other licensed venues within close proximity of the subject site operating with a variety of licences and hours. In general, Brunswick Street has a high proportion of on-premises or general licences that trade to 1am or later with a patron capacity exceeding 200 people. In addition to a high concentration of drinking venues, there are also a high proportion of fast-food/take-away places where intoxicated patrons commonly congregate.
- The increase in patrons to 200 would result in potentially 200 patrons spread across the upstairs function room and downstairs green room only (while the courtyard can accommodate 60 of these patrons it will not always be in use). The green room is

**Attachment 5 - PL03/0732.05 - 87-89 Moor Street, Fitzroy - Community Health and Safety Referral Comments - Original and Addendum**

approximately 100sqm in size and the function room is approximately 120sqm in size and together these can comfortably accommodate 200 patrons and allow for their safe circulation within the spaces. After 11pm only the upstairs function room is proposed to be used. A permit condition could include the closing of the green room at 11pm (in conjunction with a maximum of 118 patrons after 11pm) to ensure that this is enforced and that the staggering of patrons is well managed (however see comments below regarding hours and cumulative impacts).

- It is unclear where the designated smoking area is to be accommodated and this should be clarified to ensure that this is onsite rather than on abutting footpaths.
- Council's draft licenced premises policy states that licenced premises should not commence the sale and consumption of alcohol before 9am. To remove the potential for ongoing drinking / flow on drinking from other late night licenced venues, the sale and consumption of alcohol should not commence until 9am in accordance with the draft policy. This should be enforced via a planning permit condition.
- The proposed increase in licenced hours in the evening are relatively minor, resulting in an additional hour on Sunday and Tuesday and two hours on three of the remaining days of the week (Wednesday is 11pm as per existing). The licensing of the internal areas on Monday to 11pm will result in internal areas being licenced 7 days per week which is not unreasonable given the context of the site.
- While the changes to evening licenced hours are relatively minor, the key consideration in terms of cumulative impact for this proposal is the impact that will occur after 11pm. The staggering of patrons from 11pm will effectively result in the venue potentially having 118 patrons after 11pm for one hour on Thursdays to Saturdays and the days before public holidays. A key consideration when accessing cumulative impact is the surrounding land use mix and amenity, as per Practice Note 61. Of relevance, the subject site adjoins sensitive land uses (including those in the Neighbourhood Residential Zone) and the proposal will significantly increase the number of patrons near the sensitive use (particularly due to the site being accessed from Moor Street through the courtyard).
- The context of the site means that potential negative cumulative impacts are apparent and are more difficult to manage compared to, for example, a site that was accessed via a building fronting Brunswick Street. Likewise, if the venue was entirely a food and drink premises (with licensing conditions requiring seating for 75% of patrons), the impacts could be better mitigated through such conditions.
- For the above reasons, licenced hours of up to 11pm rather than 12 midnight (where proposed) are recommended.

**Attachment 5 - PL03/0732.05 - 87-89 Moor Street, Fitzroy - Community Health and Safety Referral Comments - Original and Addendum**



# MeMO

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**NOTE: This is an addendum to previous referral comments made on 5 July 2016.**

TO: Laura Condon, Senior Statutory Planner  
FROM: Erika Russell, Senior Planner (Community Health and Safety)  
DATE: 13 July 2016  
ADDRESS: 87-89 Moor Street, Fitzroy  
APPLICATION NO: PL03/0732.05  
DESCRIPTION: Amend planning permit PL03/0732 to increase the hours of operations (and associated hours for the sale and consumption of alcohol) within the internal areas of the venue and to increase maximum allowed patrons to 200 across the venue.

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Clarification has been sought in relation to previous referral comments made for PL03/0732.05. Specifically, clarification has been sought regarding whether the concerns raised in the referral are related to amenity impacts or cumulative impacts resulting from the proposal.

This addendum is to clarify that the concerns relating to PL03/0732.05 are related to cumulative impacts resulting from the proposal. Negative cumulative impacts from the proposal are likely due to the reasons outlined below.

Practice Note 61 states that:

*The mix of land uses is important in determining the existing amenity level of an area. For example, a mix of entertainment and other uses can lead to an area being perceived as an entertainment or tourism destination. However, the location of sensitive uses, such as houses, schools or community and medical facilities, can increase amenity expectations for an area.*

It also states that:

*Data to determine existing licensed premises' impacts can be sourced from the council complaints database and site observations.*

To result in a negative cumulative impact the proposal would need to further exacerbate existing issues in the area. Existing issues relevant to Moor Street and surrounding streets within close proximity of Brunswick Street (as outlined in Practice Note 61) include nuisance including noise and anti-social behaviour from intoxicated patrons, violence and perceived threats to safety, and crime including vandalism, trespass and property damage. The presence of these types of issues is evident from both complaints made to Council and from Victoria Police data.

**Attachment 5 - PL03/0732.05 - 87-89 Moor Street, Fitzroy - Community Health and Safety Referral Comments - Original and Addendum**

Council records show that several complaints have been made regarding the subject site (particularly relating to noise and patron behaviour) and also other venues within close proximity to the subject site, indicating that those living nearby are currently experiencing ongoing concerns. While these issues are not unique to Brunswick Street (they are evident for other key activity centre streets in Yarra), complaints made to Council and crime data for Brunswick Street and Fitzroy more generally indicates that Brunswick Street is one of the main areas of concern in Yarra for alcohol-related harm and impacts.

As stated previously, the key consideration is the impact that will occur after 11pm. The part of the site to remain open after 11pm is the upstairs function room. Typically functions will finish at a particular time and the majority of people in attendance will leave the venue at the same time (i.e. when the event is finished). The proposal would potentially result in all 118 patrons leaving the site at 12 midnight, further adding to the amenity impacts those living within close proximity of Brunswick Street already experience during this period.

Impact mitigation measures outlined in Practice Note 61 include reducing hours, limiting outdoor seating and reducing patron numbers after 11pm, and improving venue management measures. However, as previously mentioned, the amenity impacts caused by this proposal are heightened by and less able to be mitigated due to the nature of the site (i.e. given that it abuts residential zone/uses and that patrons access the site via Moor Street - a residential street, through the courtyard/café).





# MEMO

**To:** Laura Condon  
**From:** Artemis Bacani  
**Date:** 4 January 2016  
**Subject:** Application No: PL03/0732.05  
 Description: Amendment: Increase Patron Number and Hours of Operation – Place of Assembly – Reduction in Car Parking Requirements  
 Site Address: 87-89 Moor Street, Fitzroy

I refer to the above Planning Application received on 1 December 2015 and the accompanying report prepared by SALT in relation to the proposed development at 87-89 Moor Street, Fitzroy. Council's Engineering Services unit advises the following:

**Car Parking Provision – Place of Assembly Use**

Engineering comments and observations:

- The proposed development comprises an increase to the patronage of an existing place of assembly from 120 patrons to 200 patrons. One on-site car parking space will be provided for staff use. The property is located on the north side of Moor Street between Brunswick Street and Fitzroy Street. The surrounding area is a mixture of commercial, residential, cafes, and retail.
- Under the provisions of Clause 52.06-5 of the Yarra Planning Scheme, the development's parking requirements are as follows:

| Proposed Use      | No. of Patrons | Statutory Parking Rate              | No. of Spaces |
|-------------------|----------------|-------------------------------------|---------------|
| Place of Assembly | 80             | 0.3 spaces to each patron permitted | 24            |
| <b>Total</b>      |                |                                     | <b>24</b>     |

- A waiver of the full car parking requirement is sought by the applicant.

Car Parking Demand Assessment

To reduce the number of parking spaces required for the proposed development, the Car Parking Demand Assessment must assess the following:

- *Short-stay and Long-stay Car Parking Demand.*  
 It is anticipated that the majority of patrons during the day are unlikely to stay for more than two hours. Since the area is covered with 1P and 2P parking restrictions, patrons intending to stay for a short period should be able to find an on-street parking space in the surrounding streets. The paid on-street parking along Brunswick Street has a high turnover and should provide opportunities for patrons to park. In the evening, patrons would be more inclined to stay for longer periods and the existing parking restrictions and high demand for parking would be a disincentive for some patrons to drive to the site and are likely to travel to the site by an alternative mode of transport.

**Attachment 6 - PL03/0732.05 - 87-89 Moor Street, Fitzroy - Engineering Referral Comments**

- *Availability of Public Transport in the Locality of the Land.*  
The site is within walking distance of tram services along Brunswick Street (Route 11), Smith Street (Route 86), and Nicholson Street (Route 96). Bus services are available along Johnston Street (Routes 200 and 207) and Alexandra Parade (Route 546). Train services are available a few hundred metres to the east at Victoria Park railway station and a few hundred metres south at Parliament Station.
- *Provision of Bicycle Parking in the Locality of the Land.*  
According to the applicant, the site will contain three bicycle parking spaces and there are bicycle parking facilities in the area to accommodate bicycle parking.
- *Parking Demand Associated with the Place of Assembly*  
The submitted report has cited a VCAT case P2915/2012 for a similar venue in South Yarra for place of assembly parking demand. SALT has adopted a rate of 0.2 spaces per patron for the proposed development. Applying this rate to the proposed development would generate a parking demand of approximately 16 spaces. Given the area's coverage of 1P and 2P parking spaces, visitors who choose to drive to the site should be able to find an on-street parking space in the surrounding streets.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand

Clause 52.06 lists a number of considerations for deciding whether the required number of spaces should be reduced. For the subject site, the following considerations are as follows:

- *Availability of Car Parking in the Area.*  
Moor Street contains 1P 7am-11pm and 2P 7am-1am parking restrictions. Both the 1P and 2P parking restrictions during the day would have a high-turnover of parking. In the surrounding area, there are various time based restrictions (1/4P, 1P, 2P (paid), and P (paid)). Given the area is predominantly covered in short-stay parking restrictions it would encourage customers to travel to the tavern by alternate mode of transport such as catch public transport or ride a bicycle or walk to the site.
- *Availability of Car Parking.*  
SALT commissioned spot parking surveys at 6.00pm, 8.30pm, and 11.00pm on Saturday 4 July 2015 at two private off-street car parks (Coles supermarket car park and 75 Rose Street car park) and Nicholson Street. An inventory of 231 spaces was identified. The survey recorded a peak occupancy at 11.00pm of 74% of spaces occupied or 60 spaces vacant. Those who are prepared to walk several hundred metres from the site should be able to find a parking space during the evenings. Although the parking occupancy was moderately high, there were still spaces available to accommodate patron parking near the site.
- *The Likelihood of Multi-Purpose Trips within the Area.*  
The place of assembly is positioned near the Brunswick Street Activity Centre. It is likely that patrons to the place of assembly would already be in the area attending other venues, restaurants, and cafes along Brunswick Street.
- *Convenience to Pedestrian and Cycling Access to the Site.*  
It is highly probable that some patrons to the site would either live or work locally. The existing pedestrian and bicycle infrastructure in the area would provide patrons adequate access to the site.
- *Access to or Provision of Alternative Transport Modes.*  
The site has very good access to public transport and the on-road bicycle network. Taxis frequent Brunswick Street and Johnston Street and provide a viable travel option for patrons.

Travel to and from the Place of Assembly when Alcohol is served

The place of assembly's liquor license allows for the supply and consumption of alcohol. The stringent enforcement of drink driving throughout the metropolitan road network could be a disincentive for patrons to drive to the site, especially if they intend to imbibe alcohol. As a consequence, the recent emergence of alternative services such as Uber (a web based on-

**Attachment 6 - PL03/0732.05 - 87-89 Moor Street, Fitzroy - Engineering Referral Comments**

demand private driver service) is gaining popularity in major cities throughout Australia and could likely be utilised by patrons travelling to and from the site. A reduction in the parking demand at the site could be experienced due to readily available driver services and taxis as well as drink driving enforcement.

Adequacy of Car Parking

From a traffic engineering perspective, the waiver of parking for the proposed restaurant is considered appropriate and should not adversely impact on existing parking conditions in the area, which are already strained and close to saturation point.

Before a decision is made whether to grant a dispensation in the car parking requirement, the above factors should be taken into account.

**Capital Works Programme**

A check of the Capital Works Programme for 2015/16 indicates that no infrastructure works have been approved or proposed within the area of the site at this time. Capital Works Programmes are subject to change.

Regards



Artemis Bacani  
Roads Engineer  
Engineering Services Unit



global environmental solutions

87-89 Moor Street, Fitzroy - The Grub Food Van  
Acoustic Assessment of Proposed Operations from Venue

Report Number 640.10620-R1

10 October 2014

The Grub Food Van  
87-89 Moor Street  
Fitzroy  
VIC 3065

Version: Revision 2

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11 NOV 2015

**Attachment 7 - PL03/0732.05 - 87-89 Moor Street, Fitzroy - Applicant's acoustic report part 1**

The Grub Food Van  
 87-89 Moor Street, Fitzroy - The Grub Food Van  
 Acoustic Assessment of Proposed Operations from Venue

Report Number 640.10620-R1  
 Revision 2  
 10 October 2014  
 Page 2

**87-89 Moor Street, Fitzroy - The Grub Food Van**  
**Acoustic Assessment of Proposed Operations from Venue**

**PREPARED BY:**

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This report has been prepared by SLR Consulting Australia Pty Ltd with all reasonable skill, care and diligence, and taking account of the timescale and resources allocated to it by agreement with the Client. Information reported herein is based on the interpretation of data collected, which has been accepted in good faith as being accurate and valid.

This report is for the exclusive use of The Grub Food Van. No warranties or guarantees are expressed or should be inferred by any third parties. This report may not be relied upon by other parties without written consent from SLR Consulting.

SLR Consulting disclaims any responsibility to the Client and others in respect of any matters outside the agreed scope of the work.

**DOCUMENT CONTROL**

| Reference    | Status     | Date           | Prepared    | Checked          | Authorised       |
|--------------|------------|----------------|-------------|------------------|------------------|
| 640.10620-R1 | Revision 2 | 29 August 2014 |             |                  |                  |
| 640.10620-R1 | Revision 1 | 29 August 2014 | Ima Fricker | Jim Antonopoulos | Jim Antonopoulos |
| 640.10620-R1 | Revision 0 | 6 August 2014  | Ima Fricker | Jim Antonopoulos | Jim Antonopoulos |

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**Attachment 7 - PL03/0732.05 - 87-89 Moor Street, Fitzroy - Applicant's acoustic report part 1**

The Grub Food Van  
 87-89 Moor Street, Fitzroy - The Grub Food Van  
 Acoustic Assessment of Proposed Operations from Venue

Report Number 640.10620-R1  
 Revision 2  
 10 October 2014  
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**Attachment 7 - PL03/0732.05 - 87-89 Moor Street, Fitzroy - Applicant's acoustic report part 1**

The Grub Food Van  
 87-89 Moor Street, Fitzroy - The Grub Food Van  
 Acoustic Assessment of Proposed Operations from Venue

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**APPENDICES**

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| Appendix A | Unattended Noise Monitoring Results for 85 Moor Street, Fitzroy |
|------------|---|

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## 1 INTRODUCTION

SKR Consulting Australia Pty Ltd (SLR) was retained by The Grub Food Van to assess noise associated with the proposed extension to the venues operating hours and consent conditions.

## 2 BACKGROUND INFORMATION

### 2.1 Site Description

The venue is located at 87-89 Moor Street in Fitzroy east of Fishers Lane. Moor Street runs in an east-west direction connecting Brunswick Street located approximately 40 m east of the venue. The area is a popular destination with numerous restaurants, cafés, pubs, bars and night spots including the nearby Labor-in-Vain Hotel located on the intersection of Moor Street and Brunswick Street, and the Perseverance Hotel opposite Brunswick Street.

Land from Brunswick Street to Fishers Lane is classified for business type usage with land further to the west zoned for residential type use. The nearest residential dwelling is a one storey premises located at No. 85 Moor Street to the west of Fishers Lane. There is also a two storey dwelling with upper floor balcony located at No. 272 Fitzroy Street to the west of the connecting car park. A photograph showing both dwellings is provided in **Figure 2** on the following page. Note, there are also some other similar upper floor receivers located along 272 Fitzroy Street; however, this receiver is likely to be the most exposed dwelling (other than 85 Moor Street) to operations within the venue.

The aerial photograph provided in **Figure 1** shows the venue location, nearest residential dwellings, and other surrounding venues with night time operations.

**Figure 1 Aerial Photograph showing Surrounding Environment**



Note: Image courtesy Neamap © Aerial photograph taken

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Figure 2 Photograph Showing Closest Residential Dwellings to Venue



## 2.2 Venue Layout

The venue is separated into three main areas shown in the high resolution aerial presented in **Figure 3** on the following page. The areas are discussed in detail below:

- Ground Floor 'Green Room' Dining Room Area:** Located to the north of the venue and separated by a double brick wall from the adjacent car park to the west. The Green Room has an operable polycarbonate roof which can be opened in summer to allow for natural ventilation. **Figure 4** shows a photograph of the ground floor Green Room looking southwest towards the entrance and wall.
- Outdoor Courtyard and Dining Area:** Located to the south of the venue encompassing approximately 160 m<sup>2</sup>. The outdoor area is separated from Fishers Lane by four large water tanks (refer to **Figure 5**) and light weight timber panelling extending south towards Moor Street. The outdoor area is open and accessible from both Moor Street to the south and the car park to the northwest. **Figure 6** shows a photograph of the outdoor courtyard area and main ground floor entrance.
- First Floor Function Room:** Located above the ground floor kitchen and dining room areas to the east of the building. The function room encompasses approximately 120 m<sup>2</sup> of floor space with the main entrance point provided by a stairwell located in the southeast corner of the building which connects to the ground floor dining room area. The function room is currently undergoing renovations but has double brick wall with three (x3) 1.8 m x 0.5 m windows facing the nearest dwellings to the west. There is also one (x1) 1.8 m x 0.5 m window which is located below the Green Room ceiling. The roof of the function room is of metal deck construction with a plasterboard ceiling. A photograph of the first floor function room is provided in **Figure 7**.

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Figure 3 High Resolution Aerial showing Venue Layout

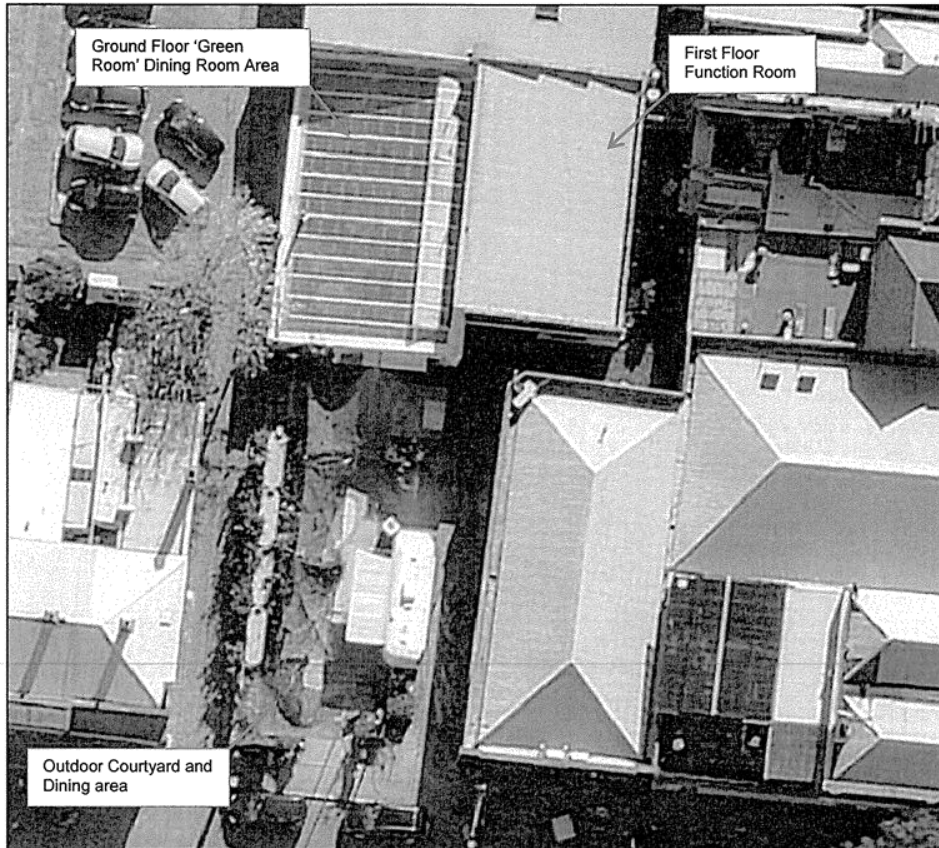


Figure 4 Ground Floor Green Room: View looking west towards wall and south entrance



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Figure 5 Outdoor Courtyard: View Northwest towards Closest Residential Dwelling



Figure 6 Outdoor Courtyard: View towards Main Entrance to Ground Floor

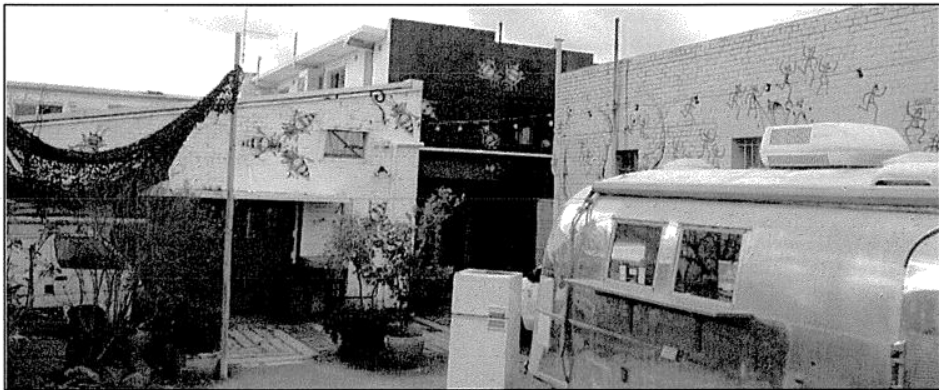


Figure 7 First Floor Function Room: Looking Southwest towards Wall facing Residential Area



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**2.3 Existing Operations**

The venue is primarily used as a restaurant and café and is also available for private functions. The operating hours used by the venue are limited by the existing liquor license and vary depending on season and weather.

Existing alcohol trading hours as defined in the liquor license (License No. 32273366) are outlined below:

Internal Areas:

- Sunday and Tuesday: 10:00 am to 10:00 pm;
- Wednesday to Saturday: 10:00 am to 11:00 pm;
- Good Friday & Anzac Day: 12:00 pm to 10:00 pm;

Outdoor Courtyard:

1 October to 30 April

- Monday and Tuesday: 9:00 am to 7:00 pm;
- Wednesday to Sunday: 9:00 am to 10:00 pm;
- Good Friday & Anzac Day: 12:00 pm to 10:00 pm;

1 May to 30 September

- Monday to Sunday: 9:00 am to 10:00 pm;
- Good Friday & Anzac Day: 12:00 pm to 10:00 pm;

The venues current liquor license covers a maximum capacity of up to:

- Internal Areas :
  - Wednesday to Sunday: 120 Patrons
  - Tuesday: 140 Patrons
- Courtyard: 60 Patrons

**2.4 Proposed Operations**

The venue is seeking to extend the liquor license to allow trading for the internal areas (in particular for the first floor function room) until 1:00 am from Thursday to Saturday (i.e. to 1:00 am the following morning).

It is noted that the extension does not extend to the outdoor courtyard area where operations will remain the same.

In addition to the extension of operating hours the venue is seeking an extension in patron numbers to allow up to 200 patrons across the entire site.

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**3 STATUTORY REQUIREMENTS**

**3.1 State Environment Protection Policy No. N-2**

Music noise emissions from commercial premises are assessed with reference to VIC EPA document "State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2" (SEPP N-2).

SEPP N-2 sets noise limits to protect 'noise sensitive areas' from excessive music noise, with noise sensitive areas typically being residential dw.

The policy provides Noise Limits based on background noise levels for the daytime, evening and night periods, with the strictest criteria applicable to the night period. The background noise level is the noise level that would be present at the noise sensitive area, at the time when music is typically played, but in the absence of music noise.

For the 'night' period the background level is based on the LOCT90 index. The LOCT90 is the sound pressure level in each octave band (for the range of audible frequencies from 63Hz to 4kHz) exceeded for 90% of the measurement interval. The music noise level in each octave band is not to exceed the LOCT90 level by more than 8dB.

Hence, for the night period **SEPP N-2 Music Noise Limit = LOCT90 + 8 dB**

For the night period, music noise is measured using the LOCT10. The LOCT10 is the sound pressure level exceeded 10% of the measurement interval in each octave band.

The 'night period' is differently defined depending on the number of nights per week that a venue operates, and the night of operation in question. **Table 1** defines the day/evening and night periods.

**Table 1 Definition for Day/Evening and Night Periods for Indoor Venues (from SEPP N-2)**

| NUMBER OF OPERATIONS PER WEEK | HOUR<br>DAY | A.M.     |   |   |   |   |   |   |   |   |   |    |    | P.M.     |   |   |   |   |   |   |   |   |   |    |    |
|-------------------------------|-------------|----------|---|---|---|---|---|---|---|---|---|----|----|----------|---|---|---|---|---|---|---|---|---|----|----|
|                               |             | 12       | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12       | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| One                           | Friday      | [Shaded] |   |   |   |   |   |   |   |   |   |    |    | [White]  |   |   |   |   |   |   |   |   |   |    |    |
|                               | Saturday    | [Shaded] |   |   |   |   |   |   |   |   |   |    |    | [White]  |   |   |   |   |   |   |   |   |   |    |    |
|                               | Sunday      | [White]  |   |   |   |   |   |   |   |   |   |    |    | [Shaded] |   |   |   |   |   |   |   |   |   |    |    |
|                               | Other       | [White]  |   |   |   |   |   |   |   |   |   |    |    | [White]  |   |   |   |   |   |   |   |   |   |    |    |
| Two or three                  | Thursday    | [Shaded] |   |   |   |   |   |   |   |   |   |    |    | [White]  |   |   |   |   |   |   |   |   |   |    |    |
|                               | Friday      | [Shaded] |   |   |   |   |   |   |   |   |   |    |    | [White]  |   |   |   |   |   |   |   |   |   |    |    |
|                               | Saturday    | [Shaded] |   |   |   |   |   |   |   |   |   |    |    | [White]  |   |   |   |   |   |   |   |   |   |    |    |
|                               | Sunday      | [White]  |   |   |   |   |   |   |   |   |   |    |    | [Shaded] |   |   |   |   |   |   |   |   |   |    |    |
| More than three               | Saturday    | [Shaded] |   |   |   |   |   |   |   |   |   |    |    | [White]  |   |   |   |   |   |   |   |   |   |    |    |
|                               | Sunday      | [White]  |   |   |   |   |   |   |   |   |   |    |    | [Shaded] |   |   |   |   |   |   |   |   |   |    |    |
|                               | Other       | [White]  |   |   |   |   |   |   |   |   |   |    |    | [White]  |   |   |   |   |   |   |   |   |   |    |    |

Operating Periods    [Shaded] - Night;    [White] - Day/Evening

Less stringent, 'A-weighted' noise limits apply during daytime and evening hours based on the LA90. The LA90 is the overall 'A-weighted' noise level exceeded for 90% of the measurement interval.

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For the day/evening period, **SEPP N-2 Music Noise Limit = LA90 + 5 dB**

For day/evening periods, music noise is measured using the LAeq. The LAeq is the continuous A-weighted sound pressure level, and is the value of the A-weighted sound pressure level of a continuous steady sound that has the same acoustic energy as a given time-varying A-weighted sound pressure level when determined over the same measurement interval.

Any SEPP N-2 assessment should be undertaken during a period when music noise from the venue is most intrusive to the residential property. Generally, measurements are conducted outside the affected residential premises.

SEPP N-2 does not prescribe noise limits for noise associated with the arrival or departure of people from the premises, or for noise generated by people outside the premises.

#### **4 BACKGROUND NOISE MONITORING AND NOISE LIMIT DERIVATION**

Brunswick Street is a busy area, particularly over the weekend as the area has multiple shops, cafés, restaurants, pubs, and is in close proximity to the Central Business District (CBD). The variable numbers of traffic and people can significantly affect the background noise levels in the area.

To determine applicable noise criteria for the development site, SLR deployed unattended noise monitoring equipment in the backyard of the neighbouring property at 85 Moor Street, Fitzroy from Thursday 10<sup>th</sup> through Tuesday 22<sup>nd</sup> July 2014. The noise monitoring results are presented in **Appendix A**. It is noted that background noise monitoring was not able to be conducted at 272 Fitzroy Street; however, due to the elevated nature of the outdoor balcony area, it is likely that background noise levels will be higher. Consequently, for the purpose of undertaking an assessment at 272 Fitzroy Street, the background noise limits based on measurements taken at 85 Moor Street were conservatively used.

As the proposed operating hours will extend until 1:00 am on Friday, Saturday, and Sunday morning, the more onerous night time SEPP N-2 criteria will be applicable.

Noise data from the typical lowest last hour of operations (i.e. from midnight until 1:00 am) was used to determine the applicable SEPP N-2 night time noise criteria presented in **Table 2**. As some periods over the monitoring survey were affected by heavy rain and strong winds, data from the nearest Bureau of Meteorology (BOM) weather station was used to exclude data. Audio from the processed monitoring periods was also played back to ensure no extraneous contributions from other sources (such as localised rain, mechanical plant, etc.) was present.

**Table 2 Measured Background Noise Levels and SEPP N-1 Noise Night Time Noise Limits**

|  | Octave band Centre Frequency, dB Linear |        |        |        |       |       |       |     |
|--|---|--------|--------|--------|-------|-------|-------|-----|
|  | 63 Hz                                   | 125 Hz | 250 Hz | 500 Hz | 1 kHz | 2 kHz | 4 kHz | dBA |
| Measured Background Noise Level (midnight to 1:00 am), L90 | 42                                      | 38     | 35     | 33     | 33    | 30    | 23    | 37  |
| SEPP N-2 Night time Music Noise Limit, L10                 | 50                                      | 46     | 43     | 41     | 41    | 38    | 31    | -   |

All background noise measurements were taken using an Acoustic Research Laboratories (ARL) Ngara Noise Logger, Serial No.: 878086 which was calibration checked before and after measurements using a Brüel & Kjær Type 4231 Calibrator, Serial No.: 2205460.

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**5 ATTENDED NOISE MEASUREMENTS**

**5.1 Weekend Noise Measurements**

SLR visited the site on Saturday 19<sup>th</sup> July to measure noise from the venue between 6:00 pm and 7:00 pm. During the site visit the outdoor courtyard was closed with approximately 15 patrons inside the ground floor Green Room area.

The nearby Labor-in-Vain Hotel was operating with a live band performing. Noise from the Labor-in-Vain Hotel was audible out the front of 85 Moor Street, but generally inaudible above the ambient background noise environment when measured in the car park to the rear of the dwelling. From the car park, low frequency music noise from the amplified sound system in the Green Room was audible at low levels, but could not be clearly measured.

Noise levels measured in the centre of the Green Room are presented in **Table 3**.

**Table 3 Measured Noise Levels in Centre of Green Room ~ 15 Patrons with Low Level Background Music**

|                  | Octave band Centre Frequency, dB Linear |       |       |       |      |      |      | dBA |
|------------------|---|-------|-------|-------|------|------|------|-----|
|                  | 63Hz                                    | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz |     |
| Leq <sup>1</sup> | 66                                      | 70    | 68    | 67    | 62   | 57   | 55   | 68  |
| L10 <sup>2</sup> | 70                                      | 73    | 72    | 71    | 65   | 60   | 58   | 71  |

The following observations were noted during the internal noise measurements:

- Low number of patrons (small separate groups seated at tables) in private low-level conversations;
- The measurements were dominated by continuous background level music with noise levels typically ranging from 65 to 71 dBA.

An additional visit was conducted during peak lunchtime service on Sunday 20<sup>th</sup> July 2014. During the site visit noise measurements were taken in the centre of the Green Room with the measured noise levels presented in **Table 4**.

**Table 4 Measured Noise Levels in Centre of Green Room ~ Estimated 80 to 100 Patrons with Moderate Level Background Music**

|     | Octave band Centre Frequency, dB Linear |       |       |       |      |      |      | dBA |
|-----|---|-------|-------|-------|------|------|------|-----|
|     | 63Hz                                    | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz |     |
| Leq | 69                                      | 72    | 73    | 72    | 70   | 67   | 62   | 75  |
| L10 | 74                                      | 75    | 77    | 75    | 73   | 70   | 65   | 78  |

The following observations were noted during the daytime survey:

- Significantly higher number of patrons (relative to that on the previous night) with ground floor Green Room almost full to capacity.

<sup>1</sup> Leq The equivalent continuous noise level (basically the average noise level). It is defined as the steady sound level that contains the same amount of acoustical energy as the corresponding time-varying sound.

<sup>2</sup> L10 The noise level exceeded for 10% of the sampling interval. This is commonly referred to as the average maximum noise level

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- The high number of patrons resulted in high levels of continuous voice (i.e. mid frequency) background noise. At individual tables, a noticeable increase in speech levels (relative to the previous night) was required to overcome the general high level background noise environment.
- Music played over the house system was also adjusted to compensate for the higher levels of background (voice) noise with typical levels ranging from 70 to 75 dBA.

During the second site visit noise levels inside the Green Room were significantly louder than those measured on the Saturday night, predominantly due to the significantly larger numbers of patrons within the space.

Additional noise measurements were taken (during the peak lunchtime operations) in the car park to the rear of the venue with the acoustic environment generally dominated by patron and music noise from the Green Room area with typical noise levels between 43 and 45 dBA. Based on the background noise monitoring results it is likely that noise from the fully occupied Green Room (with moderate level amplified music) will exceed applicable SEPP N-2 noise limits where operations extend until 1:00 am during the night period. However, from discussions with the operator it is understood that this space will generally not be used during the proposed extended Friday, Saturday and Sunday early morning (night time) operations.

**5.2 Acoustic Testing**

In order to provide a more accurate prediction of noise from the various internal spaces (including the ground floor Green Room and first floor Function Room), SLR conducted a series of on-site 'level difference' tests on Monday 21<sup>st</sup> July 2014 between 11:30 am and 2:00 pm.

The tests involved generating very high levels of broadband 'pink' noise in the two indoor areas and measuring the results sound levels at the surrounding receivers.

This controlled test allows us to determine the exact level difference between the two indoor rooms and the closest residential dwellings, allowing the substitution of typical music noise levels (in particular for the first floor which was undergoing renovations during the testing) to determine actual noise levels during occupation. This testing is more accurate than predictive based testing.

The level difference results are presented in **Table 5** for the ground floor Green Room area.

**Table 5 Results of noise transfer tests from The Grub Food Van 'Green Room' area to nearest affected residential dwellings<sup>A</sup>**

|   | Octave Band Centre Frequency, dB Linear |       |       |       |      |      |      |
|---|---|-------|-------|-------|------|------|------|
|   | 63Hz                                    | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz |
| Sending Levels, space average in ground floor Green Room, Leq | 84                                      | 96    | 98    | 99    | 94   | 91   | 90   |
| To car park, 2.4 m above ground, Leq                          | 67                                      | 75    | 71    | 70    | 62   | 55   | 53   |
| Backyard of 85 Moor Street, 1.3 m above ground, Leq           | 58                                      | 66    | 69    | 70    | 60   | 55   | 53   |
| 1 <sup>st</sup> Floor Balcony 272 Fitzroy St, Leq             | 56                                      | 65    | 62    | 62    | 56   | 51   | 52   |
| (Predicted based on car park results <sup>B</sup> )           | 28                                      | 31    | 36    | 37    | 38   | 40   | 38   |

Note A: Level difference shown in *italics*

Note B: The results have been adjusted to account for relative distance from the source, shielding, and directivity effects.

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It is noted that the results of the level difference tests for the Green Room area correlate well with attended noise measurements taken on the Sunday when the space was busy and occupied almost to capacity.

**Table 6** shows the results of the level difference tests for the first floor Function Room which will be in use during the proposed extended operating hours.

**Table 6 Results of noise transfer tests from The Grub Food Van First Floor Function Room to nearest affected residential dwellings<sup>A</sup>**

|   | Octave Band Centre Frequency, dB Linear |           |           |           |           |           |           |
|---|---|-----------|-----------|-----------|-----------|-----------|-----------|
|   | 63Hz                                    | 125Hz     | 250Hz     | 500Hz     | 1kHz      | 2kHz      | 4kHz      |
| Sending Levels, space average in ground floor Green Room, Leq   | 87                                      | 98        | 101       | 103       | 98        | 94        | 92        |
| To car park, 2.4 m above ground, Leq  | 51                                      | 57        | 53        | 53        | 47        | 44        | 36        |
|   | <i>36</i>                               | <i>41</i> | <i>48</i> | <i>50</i> | <i>51</i> | <i>51</i> | <i>56</i> |
| Backyard of 85 Moor Street, 1.3 m above ground, Leq   | 51                                      | 51        | 53        | 54        | 48        | 45        | 41        |
|   | <i>36</i>                               | <i>47</i> | <i>48</i> | <i>49</i> | <i>50</i> | <i>50</i> | <i>51</i> |
| 1 <sup>st</sup> Floor Balcony 272 Fitzroy St, Leq<br>(Predicted based on car park result <sup>B</sup> ) | 43                                      | 50        | 47        | 49        | 43        | 41        | 33        |
|   | <i>44</i>                               | <i>48</i> | <i>54</i> | <i>54</i> | <i>55</i> | <i>54</i> | <i>59</i> |

Note A: Level difference shown in *italics*

Note B: The results have been adjusted to account for relative distance from the source, shielding, and directivity effects.

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## 6 PREDICTED NOISE LEVELS FROM FIRST FLOOR FUNCTION ROOM

The results of the Level Difference testing for the ground floor Green Room indicate that the space provides minimal isolation to the neighbouring residential area primarily due to the openable louvered ceiling. From discussions with the venue operator it is understood that during the extended operations the ground floor Green Room will only be used as an access point to the first floor Function Room and ground floor toilets.

Consequently, to predict the level of noise to the surrounding residential area, the Level Difference tests presented in **Section 5.2** where used with the following assumptions:

- A small number of staff and patrons in the ground floor area with no amplified music played over the Green Room sound system.
- First floor Function Room fully occupied with moderate to high level amplified music.

Reference noise data for occupied function rooms / bar areas was used to predict the level of noise from the first floor Function Room to the closest residential premises with the results presented in **Table 7**. The level of noise used represents moderate to high music noise levels and does not include very high levels of bass.

**Table 7 Calculated Noise Levels from First Floor Function Room to Closest Dwellings**

|   | Octave Band Centre Frequency, dB Linear |       |       |       |      |      |      |
|---|---|-------|-------|-------|------|------|------|
|   | 63Hz                                    | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz |
| Sending Levels in First Floor Function Room, L10                  | 85                                      | 87    | 90    | 88    | 83   | 80   | 77   |
| Predicted Noise Level to Backyard of 85 Moor Street, L10          | 49                                      | 40    | 42    | 39    | 33   | 30   | 26   |
| Predicted Noise Level to 1st Floor Balcony of 272 Fitzroy St, L10 | 41                                      | 39    | 36    | 34    | 28   | 26   | 18   |

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**Attachment 7 - PL03/0732.05 - 87-89 Moor Street, Fitzroy - Applicant's acoustic report part 1**

The Grub Food Van  
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Acoustic Assessment of Proposed Operations from Venue

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**7 ASSESSMENT**

The predicted noise levels at the closest residential premises are compared with the applicable night time SEPP N-2 noise limits for the closest residential premises at 85 Moor Street, and 272 Fitzroy Street in **Table 8** and **Table 9** respectively.

**Table 8 Comparison with SEPP N-2 Noise Limit at 85 Moor Street**

|   | Octave Band Centre Frequency, dB Linear |       |       |       |      |      |      |
|---|---|-------|-------|-------|------|------|------|
|   | 63Hz                                    | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz |
| Predicted Noise Level to Backyard of 85 Moor Street, L10    | 49                                      | 40    | 42    | 39    | 33   | 30   | 26   |
| SEPP N-2 Night time Music Noise Limit, L10                  | 50                                      | 46    | 43    | 41    | 41   | 38   | 31   |
| Predicted Margin / Excess of Noise Limit <sup>A</sup> , L10 | -1                                      | -6    | -2    | -2    | -8   | -8   | -5   |
| COMPLIANCE WITH NIGHT SEPP N-2 NOISE LIMIT                  | YES                                     | YES   | YES   | YES   | YES  | YES  | YES  |

Note A: An excess of the night time SEPP N-2 noise limit is shown using +ve numbers.

**Table 9 Comparison with SEPP N-2 Night Noise Limit at 272 Fitzroy Street**

|  | Octave Band Centre Frequency, dB Linear |       |       |       |      |      |      |
|--|---|-------|-------|-------|------|------|------|
|  | 63Hz                                    | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz |
| Predicted Noise Level to Elevated Balcony of 272 Fitzroy Street, L10 | 41                                      | 39    | 36    | 34    | 28   | 26   | 18   |
| SEPP N-2 Night time Music Noise Limit, L10                           | 50                                      | 46    | 43    | 41    | 41   | 38   | 31   |
| Predicted Margin / Excess of Noise Limit <sup>A</sup> , L10          | -9                                      | -7    | -7    | -8    | -9   | -12  | -13  |
| COMPLIANCE WITH NIGHT SEPP N-2 NOISE LIMIT                           | YES                                     | YES   | YES   | YES   | YES  | YES  | YES  |

Note A: An excess of the night time SEPP N-2 noise limit is shown using +ve numbers.

The results indicate that noise from the first floor function room will comply with the applicable night time SEPP N-2 noise criteria, provided the internal noise levels are controlled. Details regarding the recommended mitigation and noise management / control strategies to ensure ongoing compliance with applicable noise criteria are provided in **Section 8**.

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**8 RECOMMENDATIONS**

To ensure compliance with applicable SEPP N-2 noise criteria during the proposed extended operating hours until 1:00 am on Friday, Saturday, and Sunday mornings the following recommendations are provided:

- The ground floor Green Room should be only used by staff and a small number of patrons requiring access to the toilets. For the fully occupied Green Room to comply with night time SEPP N-2 noise limits applicable until 1:00 am a significant upgrade to the existing polycarbonate ceiling would be required.
- A fixed sound system is installed in the Function Room with music noise in the in the centre of the room kept below the levels outlined in **Table 10**.

**Table 10 Maximum Allowable Noise Levels to Maintain Compliance with SEPP N-2**

| Condition  | Parameter | Total | Octave Band Centre Frequency, Hz, dB |     |      |       |       |       |      |      |
|--|-----------|-------|--------------------------------------|-----|------|-------|-------|-------|------|------|
|  |           |       | Lin                                  | (A) | 63Hz | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz |
| Maximum allowable noise level in First Floor Function Room | L10       | 94    | 89                                   | 85  | 87   | 90    | 88    | 83    | 80   | 77   |

In order to ensure music noise levels do not exceed SEPP N-2 it is recommended that the operators either:

- Use a sound level meter to conduct ongoing sound checks of internal noise levels at a reference location in the centre of the First floor Function Room. As a minimum, we recommend this testing be conducted when amplified music first starts, or if management notice a change in the music levels.

The music levels should not exceed the following levels. All levels are to be measured using 'Slow' or 'S' time weighting. The measurement should be conducted over an extended period (eg. 2 minutes) and the display on the SLM must not exceed the following levels at any time:

- 85 dBA (using A-weighted filter, 'Slow' time weighting), AND
- 90 dBC (using C-weighted filter, 'Slow' time weighting).

**OR**

- Install a sound limiting device as part of the sound system.

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## 9 CONCLUSION

SLR Consulting has conducted a noise assessment of proposed changes at The Grub Food Van, located at 87-89 Moor Street, Fitzroy to determine suitability for the proposed extension to the liquor license including:

- Extending existing operating hours of internal areas from 11:00 pm until 1:00 am on Friday, Saturday, and Sunday mornings;
- Extending existing number of permissible patrons across the entire venue to 200 patrons.

The results of our assessment indicate that the more onerous noise criteria applicable during the proposed operating hours can be met provided music noise levels are controlled as per the recommendations provided in this report.

The proposed extension to patron numbers is not likely to affect noise to the adjacent residential area as the patrons will be distributed across the entire site with the existing outdoor courtyard area to essentially remain the same (i.e. the existing hours of operation for the courtyard will not to be modified as part of the application).

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**Results of Noise Monitoring**

Client: The Grub Food Van  
 Job Number: 640.10620 Location: 85 Moor St, Fitzroy  
 Microphone position: Rear yard, 1.5 m AGL  
 Initial calibration: 93.8 dBA Final calibration: 93.8 dBA

| Hour                                 | Sound Pressure Level, dB(A) |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |
|--------------------------------------|-----------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
|                                      | Thu, 10-07-2014             |                 |                 | Fri, 11-07-2014 |                 |                 | Sat, 12-07-2014 |                 |                 | Sun, 13-07-2014 |                 |                 | Mon, 14-07-2014 |                 |                 | Tue, 15-07-2014 |                 |                 | Wed, 16-07-2014 |                 |                 |
|                                      | L <sub>10</sub>             | L <sub>90</sub> | L <sub>eq</sub> | L <sub>10</sub> | L <sub>90</sub> | L <sub>eq</sub> | L <sub>10</sub> | L <sub>90</sub> | L <sub>eq</sub> | L <sub>10</sub> | L <sub>90</sub> | L <sub>eq</sub> | L <sub>10</sub> | L <sub>90</sub> | L <sub>eq</sub> | L <sub>10</sub> | L <sub>90</sub> | L <sub>eq</sub> | L <sub>10</sub> | L <sub>90</sub> | L <sub>eq</sub> |
| 00:00 to 01:00                       |                             |                 |                 | 40.5            | 37.1            | 39.8            | 56.2            | 43.5            | 53.1            | 40.6            | 37.6            | 39.7            | 38.1            | 34.0            | 37.0            | 43.9            | 37.4            | 42.5            | 54.6            | 39.8            | 50.8            |
| 01:00 to 02:00                       |                             |                 |                 | 40.5            | 37.1            | 39.8            | 55.4            | 42.9            | 52.4            | 41.3            | 36.4            | 39.8            | 36.9            | 33.2            | 35.4            | 38.9            | 33.9            | 37.0            | 41.8            | 35.7            | 40.1            |
| 02:00 to 03:00                       |                             |                 |                 | 38.8            | 35.9            | 37.7            | 55.6            | 41.8            | 52.1            | 39.0            | 35.7            | 37.7            | 38.9            | 30.8            | 36.3            | 38.1            | 34.1            | 36.6            | 38.8            | 35.2            | 37.4            |
| 03:00 to 04:00                       |                             |                 |                 | 38.3            | 35.1            | 37.0            | 42.4            | 37.1            | 40.7            | 39.0            | 34.5            | 37.1            | 34.8            | 30.6            | 33.1            | 39.9            | 34.7            | 38.4            | 44.7            | 36.7            | 41.5            |
| 04:00 to 05:00                       |                             |                 |                 | 40.2            | 36.2            | 38.9            | 45.1            | 35.5            | 41.7            | 40.0            | 34.9            | 38.2            | 37.2            | 31.7            | 34.9            | 38.9            | 35.6            | 37.6            | 49.3            | 40.6            | 46.5            |
| 05:00 to 06:00                       |                             |                 |                 | 44.2            | 38.2            | 41.8            | 39.6            | 35.4            | 38.1            | 39.1            | 36.0            | 37.7            | 40.8            | 32.7            | 38.9            | 44.4            | 38.5            | 42.2            | 46.6            | 41.6            | 44.7            |
| 06:00 to 07:00                       |                             |                 |                 | 48.2            | 44.0            | 47.0            | 42.5            | 37.6            | 41.2            | 41.2            | 36.4            | 39.5            | 44.4            | 34.4            | 42.5            | 49.5            | 44.6            | 48.2            | 49.3            | 45.2            | 47.8            |
| 07:00 to 08:00                       |                             |                 |                 | 54.2            | 46.1            | 52.3            | 47.2            | 39.2            | 49.1            | 46.3            | 39.1            | 45.1            | 54.2            | 39.7            | 52.7            | 50.8            | 45.5            | 49.8            | 51.2            | 46.6            | 50.2            |
| 08:00 to 09:00                       |                             |                 |                 | 50.9            | 45.8            | 48.8            | 46.2            | 41.2            | 46.1            | 46.0            | 40.4            | 44.1            | 53.7            | 39.6            | 52.2            | 50.0            | 44.3            | 48.3            | 49.7            | 45.0            | 48.4            |
| 09:00 to 10:00                       |                             |                 |                 | 52.0            | 46.4            | 50.6            | 46.1            | 40.6            | 44.6            | 49.0            | 39.6            | 48.5            | 52.6            | 42.0            | 54.5            | 50.8            | 45.2            | 56.8            | 50.4            | 43.0            | 49.2            |
| 10:00 to 11:00                       |                             |                 |                 | 50.0            | 45.3            | 49.0            | 45.8            | 40.7            | 44.4            | 47.1            | 38.3            | 47.6            | 50.8            | 41.8            | 48.7            | 50.1            | 43.5            | 47.7            | 49.3            | 43.7            | 47.7            |
| 11:00 to 12:00                       |                             |                 |                 | 50.1            | 45.7            | 49.3            | 52.0            | 40.9            | 51.1            | 49.5            | 39.7            | 48.5            | 51.4            | 46.0            | 49.6            | 51.3            | 44.7            | 49.9            | 51.0            | 45.2            | 50.2            |
| 12:00 to 13:00                       |                             |                 |                 | 50.7            | 45.8            | 49.1            | 53.5            | 41.4            | 50.0            | 49.0            | 40.6            | 48.0            | 51.0            | 42.4            | 48.1            | 49.4            | 45.2            | 48.5            | 50.2            | 45.7            | 49.1            |
| 13:00 to 14:00                       |                             |                 |                 | 50.7            | 45.6            | 48.9            | 47.6            | 40.6            | 46.1            | 47.9            | 40.6            | 46.9            | 55.1            | 43.2            | 52.4            | 51.9            | 45.9            | 50.4            | 61.6            | 45.9            | 55.5            |
| 14:00 to 15:00                       |                             |                 |                 | 51.5            | 46.0            | 50.5            | 47.4            | 40.4            | 45.6            | 49.2            | 41.2            | 47.8            | 53.6            | 44.6            | 51.6            | 51.7            | 46.1            | 51.3            | 49.7            | 45.3            | 48.6            |
| 15:00 to 16:00                       | 54.3                        | 42.4            | 79.3            | 51.1            | 44.9            | 49.3            | 56.4            | 40.3            | 51.9            | 48.3            | 41.9            | 47.8            | 57.7            | 46.3            | 54.7            | 49.7            | 46.0            | 48.5            | 48.6            | 44.0            | 47.1            |
| 16:00 to 17:00                       | 51.5                        | 43.1            | 48.8            | 48.5            | 44.4            | 47.6            | 48.9            | 40.1            | 55.2            | 49.2            | 41.9            | 50.3            | 52.2            | 39.7            | 49.1            | 50.7            | 45.9            | 50.5            | 50.0            | 45.5            | 48.3            |
| 17:00 to 18:00                       | 48.7                        | 43.1            | 47.9            | 49.5            | 45.1            | 47.8            | 45.6            | 39.9            | 47.1            | 47.4            | 41.1            | 47.0            | 49.1            | 39.5            | 47.8            | 50.6            | 46.1            | 48.9            | 50.6            | 45.8            | 50.0            |
| 18:00 to 19:00                       | 46.2                        | 42.2            | 44.9            | 48.8            | 44.9            | 47.3            | 51.5            | 41.1            | 48.9            | 46.5            | 40.1            | 45.4            | 46.5            | 39.7            | 44.6            | 49.6            | 45.9            | 48.6            | 49.2            | 46.1            | 48.5            |
| 19:00 to 20:00                       | 45.1                        | 41.6            | 43.9            | 47.7            | 44.5            | 47.5            | 44.7            | 40.3            | 43.1            | 43.1            | 38.3            | 44.8            | 44.3            | 38.4            | 52.8            | 49.5            | 45.1            | 47.8            | 48.8            | 45.7            | 47.7            |
| 20:00 to 21:00                       | 43.9                        | 40.9            | 42.8            | 46.7            | 44.0            | 45.7            | 44.9            | 40.9            | 43.4            | 40.6            | 37.0            | 41.9            | 41.9            | 38.7            | 46.7            | 51.3            | 43.4            | 48.5            | 48.2            | 45.4            | 47.2            |
| 21:00 to 22:00                       | 44.6                        | 40.7            | 43.4            | 48.3            | 44.8            | 47.1            | 46.0            | 40.6            | 44.5            | 40.3            | 36.9            | 41.3            | 41.4            | 38.1            | 40.4            | 53.5            | 43.6            | 50.1            | 48.6            | 45.5            | 47.7            |
| 22:00 to 23:00                       | 41.6                        | 39.0            | 41.6            | 54.9            | 44.5            | 50.2            | 45.2            | 40.2            | 44.0            | 40.1            | 36.0            | 40.6            | 42.4            | 39.6            | 41.5            | 50.4            | 39.9            | 46.8            | 48.0            | 44.5            | 46.7            |
| 23:00 to 24:00                       | 40.7                        | 37.0            | 42.4            | 60.7            | 44.4            | 56.9            | 46.8            | 39.4            | 46.9            | 39.8            | 34.8            | 39.0            | 41.5            | 37.3            | 45.5            | 55.2            | 42.6            | 51.4            | 47.6            | 42.8            | 47.9            |
| L10(15h), ar.av. 6-24h               |                             |                 |                 | 50.8            |                 |                 | 47.7            |                 |                 | 45.6            |                 |                 | 49.1            |                 |                 | 50.9            |                 |                 | 50.1            |                 |                 |
| L <sub>eq</sub> (15h), log av. 7-22h |                             |                 |                 |                 |                 | 49.0            |                 |                 | 48.9            |                 |                 | 46.9            |                 |                 | 51.0            |                 |                 | 50.5            |                 |                 | 49.7            |
| L <sub>eq</sub> (9h), log av. 22-7h  |                             |                 | 41.8            |                 |                 | 51.2            |                 |                 | 41.4            |                 |                 | 38.4            |                 |                 | 42.8            |                 |                 | 47.2            |                 |                 | 45.1            |
| L <sub>eq</sub> (24h), log av. 0-24h |                             |                 |                 |                 |                 | 49.0            |                 |                 | 48.8            |                 |                 | 45.3            |                 |                 | 49.2            |                 |                 | 49.2            |                 |                 | 48.7            |
| L90 Day                              |                             |                 |                 | 45.6            |                 |                 | 40.5            |                 |                 | 40.4            |                 |                 | 42.3            |                 |                 | 45.3            |                 |                 | 45.1            |                 |                 |
| L90 Evening                          |                             | 41.4            |                 | 44.6            |                 |                 | 40.7            |                 |                 | 38.1            |                 |                 | 38.7            |                 |                 | 44.5            |                 |                 | 45.7            |                 |                 |
| L90 Night                            |                             | 37.7            |                 | 40.3            |                 |                 | 36.8            |                 |                 | 33.1            |                 |                 | 37.3            |                 |                 | 39.7            |                 |                 | 39.0            |                 |                 |
| Wind @0900h, km/h                    | 13 km/h -                   |                 |                 | 17 km/h -       |                 |                 | 11 km/h -       |                 |                 |                 |                 |                 | 4 km/h -        |                 |                 | 13 km/h -       |                 |                 | 13 km/h -       |                 |                 |
| Wind @1500h, km/h                    | 13 km/h -                   |                 |                 | 22 km/h -       |                 |                 |                 |                 |                 |                 |                 |                 | 9 km/h -        |                 |                 | 24 km/h -       |                 |                 | 19 km/h -       |                 |                 |

Hourly percentiles based on Lp at 0.125s intervals.

Attachment 7 - PL03/0732.05 - 87-89 Moor Street, Fitzroy - Applicant's acoustic report part 1



**Results of Noise Monitoring**

Client: The Grub Food Van  
 Job Number: 640.10620 Location: 85 Moor St, Fitzroy  
 Microphone position: Rear yard, 1.5 m AGL  
 Initial calibration: 93.8 dBA Final calibration: 93.8 dBA

| Hour                                 | Sound Pressure Level, dB(A) |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |
|--------------------------------------|-----------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
|                                      | Thu, 17-07-2014             |                 |                 | Fri, 18-07-2014 |                 |                 | Sat, 19-07-2014 |                 |                 | Sun, 20-07-2014 |                 |                 | Mon, 21-07-2014 |                 |                 | Tue, 22-07-2014 |                 |                 | L <sub>10</sub> | L <sub>90</sub> | L <sub>eq</sub> |
|                                      | L <sub>10</sub>             | L <sub>90</sub> | L <sub>eq</sub> | L <sub>10</sub> | L <sub>90</sub> | L <sub>eq</sub> | L <sub>10</sub> | L <sub>90</sub> | L <sub>eq</sub> | L <sub>10</sub> | L <sub>90</sub> | L <sub>eq</sub> | L <sub>10</sub> | L <sub>90</sub> | L <sub>eq</sub> | L <sub>10</sub> | L <sub>90</sub> | L <sub>eq</sub> |                 |                 |                 |
| 00:00 to 01:00                       | 46.1                        | 40.4            | 47.7            | 57.6            | 38.9            | 53.0            | 41.2            | 37.8            | 52.6            | 40.5            | 36.4            | 39.5            | 39.4            | 34.5            | 39.0            | 38.1            | 31.8            | 37.8            |                 |                 |                 |
| 01:00 to 02:00                       | 42.2                        | 37.7            | 40.5            | 41.7            | 38.0            | 42.1            | 40.9            | 36.7            | 46.4            | 39.2            | 34.7            | 37.9            | 36.8            | 32.5            | 35.0            | 38.6            | 31.0            | 35.9            |                 |                 |                 |
| 02:00 to 03:00                       | 49.0                        | 37.4            | 45.5            | 52.5            | 37.7            | 47.9            | 39.6            | 35.8            | 38.6            | 38.9            | 34.5            | 37.8            | 38.0            | 33.1            | 36.3            | 35.4            | 30.7            | 33.5            |                 |                 |                 |
| 03:00 to 04:00                       | 40.4                        | 33.9            | 37.7            | 41.3            | 37.0            | 49.7            | 39.2            | 34.3            | 37.6            | 38.8            | 33.6            | 39.1            | 37.0            | 33.3            | 35.7            | 35.3            | 30.4            | 33.3            |                 |                 |                 |
| 04:00 to 05:00                       | 39.2                        | 35.6            | 38.3            | 42.0            | 36.8            | 44.8            | 43.1            | 34.4            | 39.7            | 37.3            | 32.2            | 35.2            | 37.7            | 34.1            | 36.3            | 35.8            | 30.5            | 33.7            |                 |                 |                 |
| 05:00 to 06:00                       | 42.1                        | 36.8            | 40.3            | 42.7            | 38.2            | 41.9            | 42.6            | 34.6            | 39.7            | 45.5            | 32.6            | 41.7            | 42.5            | 37.0            | 40.5            | 41.6            | 31.5            | 38.4            |                 |                 |                 |
| 06:00 to 07:00                       | 49.0                        | 42.1            | 47.1            | 47.1            | 40.7            | 44.6            | 45.6            | 36.1            | 42.5            | 42.8            | 33.1            | 39.7            | 46.3            | 41.7            | 44.8            | 47.7            | 35.6            | 44.1            |                 |                 |                 |
| 07:00 to 08:00                       | 50.8                        | 44.9            | 50.0            | 55.4            | 44.0            | 53.2            | 45.6            | 37.5            | 45.1            | 44.8            | 33.6            | 42.1            | 49.1            | 42.6            | 49.4            | 48.6            | 39.9            | 47.8            |                 |                 |                 |
| 08:00 to 09:00                       | 49.5                        | 45.7            | 48.4            | 57.2            | 44.5            | 53.9            | 44.3            | 38.2            | 45.2            | 45.2            | 38.3            | 44.6            | 49.8            | 42.1            | 47.2            | 47.3            | 39.1            | 48.2            |                 |                 |                 |
| 09:00 to 10:00                       | 50.9                        | 44.7            | 51.3            | 49.7            | 42.5            | 48.0            | 44.9            | 39.7            | 43.9            | 45.7            | 38.0            | 47.0            | 49.9            | 39.9            | 49.4            | 48.2            | 38.9            | 45.1            |                 |                 |                 |
| 10:00 to 11:00                       | 51.1                        | 44.1            | 49.3            | 53.8            | 41.9            | 52.0            | 47.3            | 39.6            | 47.0            | 48.2            | 39.7            | 47.2            | 51.3            | 38.5            | 47.8            | 44.6            | 38.0            | 43.5            |                 |                 |                 |
| 11:00 to 12:00                       | 53.2                        | 43.2            | 53.7            | 51.6            | 43.1            | 53.9            | 48.6            | 39.5            | 47.9            | 47.7            | 40.3            | 48.2            | 59.6            | 38.7            | 58.8            | 51.8            | 38.8            | 55.0            |                 |                 |                 |
| 12:00 to 13:00                       | 49.5                        | 43.1            | 49.4            | 48.5            | 41.6            | 47.3            | 50.3            | 39.7            | 50.4            | 49.6            | 41.8            | 49.3            | 55.7            | 38.8            | 53.2            | 44.4            | 38.8            | 43.6            |                 |                 |                 |
| 13:00 to 14:00                       | 55.4                        | 44.3            | 54.5            | 54.0            | 42.1            | 51.3            | 48.2            | 39.4            | 50.5            | 51.8            | 41.6            | 50.2            | 54.5            | 38.1            | 50.8            | 51.2            | 38.8            | 54.0            |                 |                 |                 |
| 14:00 to 15:00                       | 52.0                        | 42.8            | 49.9            | 51.0            | 41.7            | 49.5            | 45.7            | 39.8            | 45.8            | 48.2            | 40.4            | 47.0            | 50.6            | 38.2            | 47.4            | 46.4            | 39.4            | 49.7            |                 |                 |                 |
| 15:00 to 16:00                       | 53.5                        | 44.1            | 52.9            | 48.6            | 41.5            | 49.6            | 52.1            | 39.7            | 49.9            | 49.1            | 40.5            | 46.4            | 49.5            | 37.8            | 47.8            | 46.0            | 39.5            | 44.1            |                 |                 |                 |
| 16:00 to 17:00                       | 54.9                        | 43.8            | 51.4            | 51.2            | 41.2            | 49.6            | 49.0            | 40.0            | 49.9            | 49.7            | 40.9            | 48.2            | 48.4            | 38.1            | 48.0            |                 |                 |                 |                 |                 |                 |
| 17:00 to 18:00                       | 49.3                        | 42.8            | 47.0            | 47.5            | 41.2            | 45.9            | 46.2            | 39.4            | 47.1            | 47.3            | 39.4            | 46.8            | 48.9            | 38.3            | 51.0            |                 |                 |                 |                 |                 |                 |
| 18:00 to 19:00                       | 44.6                        | 41.2            | 43.7            | 45.9            | 40.3            | 44.5            | 44.4            | 38.7            | 44.8            | 44.6            | 37.8            | 46.7            | 44.4            | 38.7            | 43.3            |                 |                 |                 |                 |                 |                 |
| 19:00 to 20:00                       | 47.6                        | 42.1            | 47.5            | 44.3            | 40.2            | 45.8            | 43.5            | 38.5            | 41.8            | 49.2            | 38.1            | 55.9            | 43.6            | 37.9            | 55.3            |                 |                 |                 |                 |                 |                 |
| 20:00 to 21:00                       | 45.6                        | 41.4            | 44.1            | 43.5            | 40.4            | 42.4            | 44.3            | 39.2            | 42.3            | 41.3            | 38.2            | 40.5            | 41.4            | 37.7            | 40.4            |                 |                 |                 |                 |                 |                 |
| 21:00 to 22:00                       | 45.8                        | 40.9            | 44.1            | 45.4            | 40.4            | 48.3            | 42.5            | 38.7            | 41.3            | 42.0            | 38.8            | 41.4            | 41.3            | 37.9            | 40.6            |                 |                 |                 |                 |                 |                 |
| 22:00 to 23:00                       | 46.5                        | 40.5            | 44.6            | 42.8            | 40.3            | 42.2            | 40.7            | 38.3            | 39.9            | 41.1            | 36.9            | 40.1            | 40.3            | 34.7            | 39.2            |                 |                 |                 |                 |                 |                 |
| 23:00 to 24:00                       | 41.8                        | 39.0            | 41.0            | 42.3            | 38.5            | 41.3            | 42.4            | 38.4            | 41.2            | 39.5            | 34.8            | 39.1            | 38.6            | 33.6            | 37.5            |                 |                 |                 |                 |                 |                 |
| L10(18h), ar.av. 6-24h               | 49.5                        |                 |                 | 48.9            |                 |                 | 45.9            |                 |                 | 46.0            |                 |                 | 48.0            |                 |                 |                 |                 |                 |                 |                 |                 |
| L <sub>eq</sub> (15h), log av. 7-22h |                             |                 | 50.3            |                 |                 | 50.2            |                 |                 | 47.2            |                 |                 | 48.5            |                 |                 | 51.4            |                 |                 |                 |                 |                 |                 |
| L <sub>eq</sub> (9h), log av. 22-7h  |                             |                 | 47.3            |                 |                 | 45.3            |                 |                 | 39.5            |                 |                 | 39.7            |                 |                 | 38.5            |                 |                 |                 |                 |                 |                 |
| L <sub>eq</sub> (24h), log av. 0-24h |                             |                 | 48.8            |                 |                 | 49.3            |                 |                 | 46.5            |                 |                 | 46.8            |                 |                 | 49.5            |                 |                 |                 |                 |                 |                 |
| L90 Day                              |                             | 44.0            |                 |                 | 42.3            |                 |                 | 39.3            |                 |                 | 39.5            |                 |                 | 39.2            |                 |                 | 39.0            |                 |                 |                 |                 |
| L90 Evening                          |                             | 41.4            |                 |                 | 40.2            |                 |                 | 38.8            |                 |                 | 38.2            |                 |                 | 38.1            |                 |                 |                 |                 |                 |                 |                 |
| L90 Night                            |                             | 38.5            |                 |                 | 36.5            |                 |                 | 34.9            |                 |                 | 35.3            |                 |                 | 32.2            |                 |                 |                 |                 |                 |                 |                 |
| Wind @0900h, km/h                    |                             | 15 km/h -       |                 |                 | 20 km/h -       |                 |                 | 9 km/h -        |                 |                 | 4 km/h -        |                 |                 | 9 km/h -        |                 |                 | 6 km/h -        |                 |                 |                 |                 |
| Wind @1500h, km/h                    |                             | 11 km/h -       |                 |                 | 11 km/h -       |                 |                 | 9 km/h -        |                 |                 | 7 km/h -        |                 |                 | 7 km/h -        |                 |                 | 0 km/h CALM     |                 |                 |                 |                 |

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Hourly percentiles based on Lp at 0.125s intervals.

v. 85 Moor St CESARL6.xlsm, Printed : 23/07/2014 4:18 PM

Attachment 7 - PL03/0732.05 - 87-89 Moor Street, Fitzroy - Applicant's acoustic report part 1



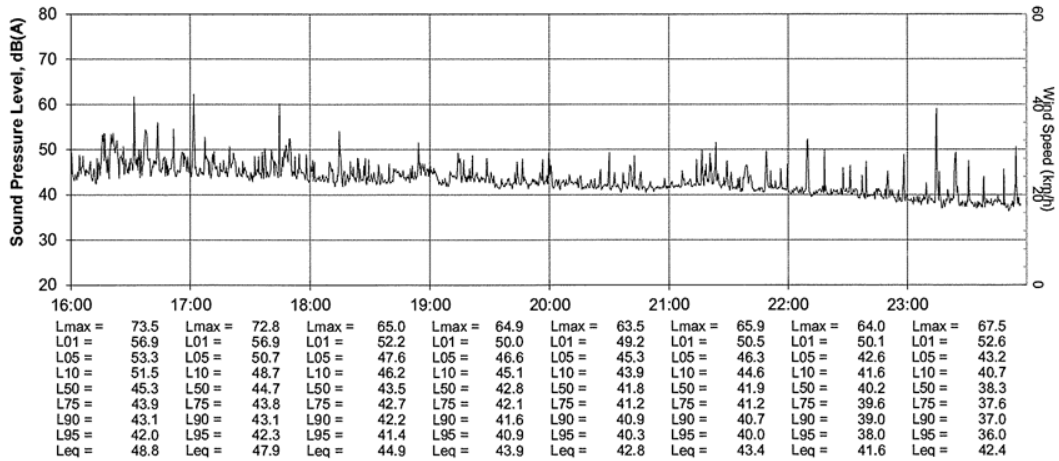
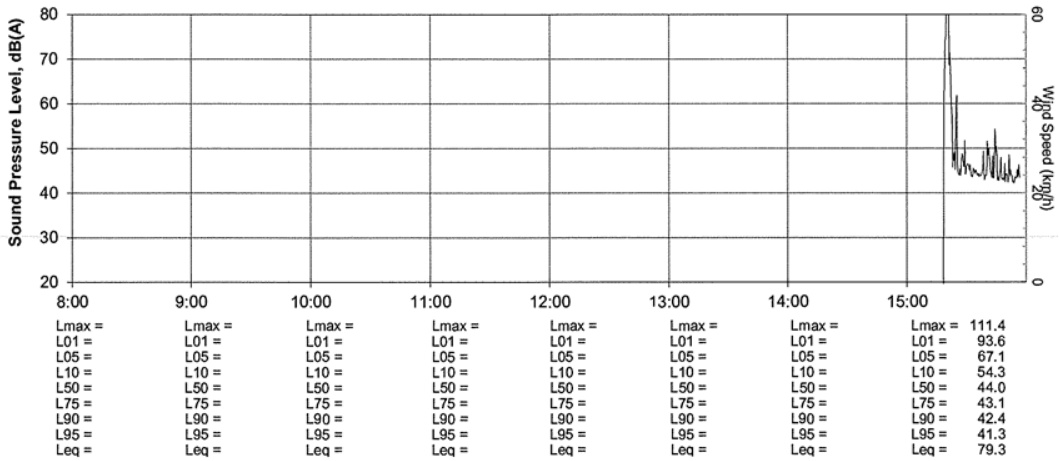
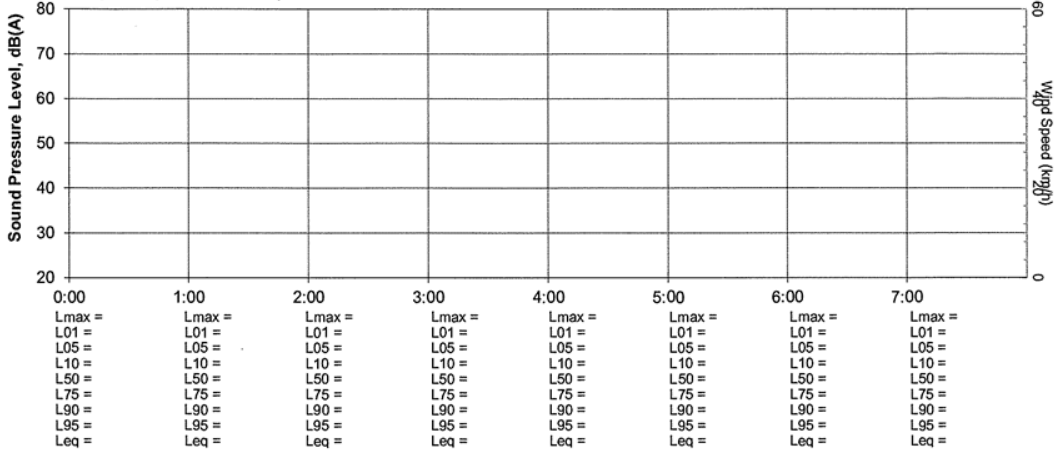
**Results of Noise Monitoring**

Client: The Grub Food Van

Location 85 Moor St, Fitzroy

Date: Thursday  
10 Jul 2014

Microphone position: Rear yard, 1.5 m AGL



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Graph based on Leq at 20s intervals,  
Hourly percentiles based on Lp at 0.125s intervals.

v. 85 Moor St CESARL6.xlsm, Printed : 23/07/2014 4:18 PM



Attachment 7 - PL03/0732.05 - 87-89 Moor Street, Fitzroy - Applicant's acoustic report part 1



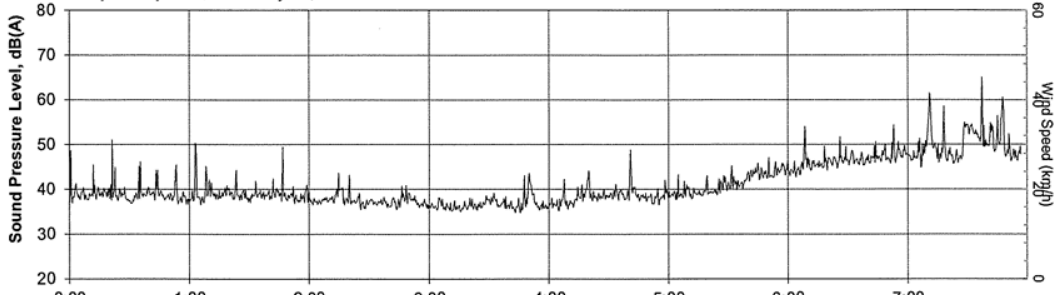
**Results of Noise Monitoring**

Client: The Grub Food Van

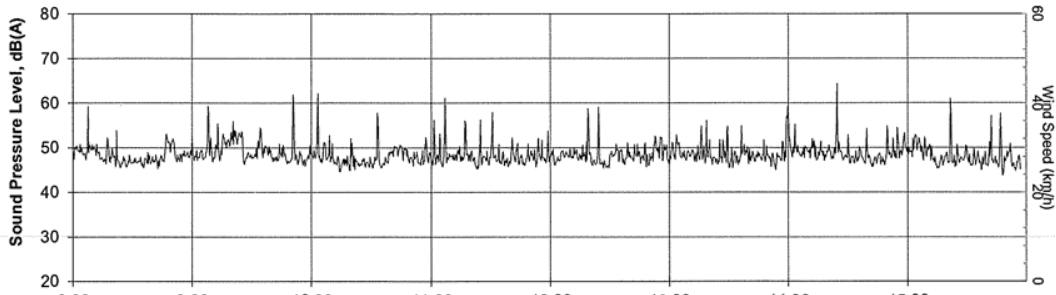
Location 85 Moor St, Fitzroy

Date: Friday  
11 Jul 2014

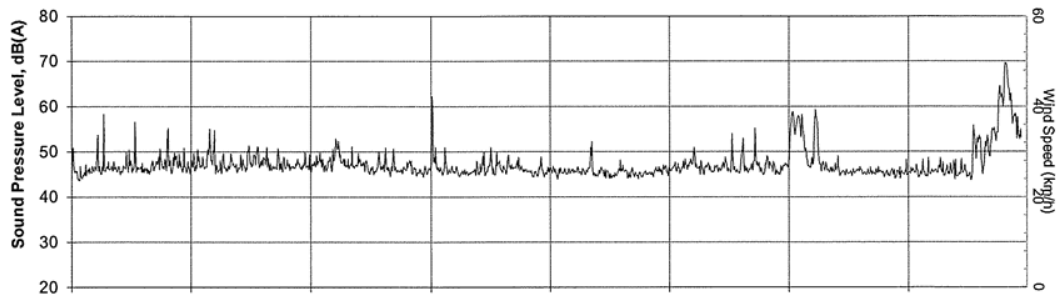
Microphone position: Rear yard, 1.5 m AGL



|             |             |             |             |             |             |             |             |
|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Lmax = 59.6 | Lmax = 59.3 | Lmax = 59.0 | Lmax = 48.3 | Lmax = 52.1 | Lmax = 63.0 | Lmax = 67.6 | Lmax = 72.9 |
| L01 = 47.8  | L01 = 48.1  | L01 = 42.3  | L01 = 42.6  | L01 = 45.0  | L01 = 46.4  | L01 = 54.1  | L01 = 61.7  |
| L05 = 42.0  | L05 = 42.0  | L05 = 39.5  | L05 = 39.4  | L05 = 41.3  | L05 = 45.0  | L05 = 49.6  | L05 = 56.5  |
| L10 = 40.5  | L10 = 40.5  | L10 = 38.8  | L10 = 38.3  | L10 = 40.2  | L10 = 44.2  | L10 = 48.2  | L10 = 54.2  |
| L50 = 38.4  | L50 = 38.4  | L50 = 37.1  | L50 = 36.2  | L50 = 38.0  | L50 = 40.7  | L50 = 46.0  | L50 = 48.8  |
| L75 = 37.6  | L75 = 37.7  | L75 = 36.5  | L75 = 35.5  | L75 = 37.1  | L75 = 39.0  | L75 = 45.0  | L75 = 46.9  |
| L90 = 37.1  | L90 = 37.1  | L90 = 35.9  | L90 = 35.1  | L90 = 36.2  | L90 = 38.2  | L90 = 44.0  | L90 = 46.1  |
| L95 = 36.2  | L95 = 36.3  | L95 = 35.1  | L95 = 34.4  | L95 = 35.1  | L95 = 37.2  | L95 = 42.6  | L95 = 45.0  |
| Leq = 39.8  | Leq = 39.8  | Leq = 37.7  | Leq = 37.0  | Leq = 38.9  | Leq = 41.8  | Leq = 47.0  | Leq = 52.3  |



|             |             |             |             |             |             |             |             |
|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Lmax = 70.1 | Lmax = 74.0 | Lmax = 69.1 | Lmax = 69.8 | Lmax = 66.8 | Lmax = 68.4 | Lmax = 73.4 | Lmax = 77.1 |
| L01 = 54.6  | L01 = 59.8  | L01 = 58.1  | L01 = 58.7  | L01 = 55.9  | L01 = 56.4  | L01 = 59.6  | L01 = 57.6  |
| L05 = 51.9  | L05 = 53.6  | L05 = 50.8  | L05 = 52.2  | L05 = 52.2  | L05 = 52.3  | L05 = 53.8  | L05 = 53.0  |
| L10 = 50.9  | L10 = 52.0  | L10 = 50.0  | L10 = 50.1  | L10 = 50.7  | L10 = 50.7  | L10 = 51.5  | L10 = 51.1  |
| L50 = 47.4  | L50 = 48.0  | L50 = 47.0  | L50 = 47.2  | L50 = 47.6  | L50 = 47.3  | L50 = 47.9  | L50 = 46.8  |
| L75 = 46.5  | L75 = 47.1  | L75 = 46.0  | L75 = 46.3  | L75 = 46.6  | L75 = 46.4  | L75 = 46.8  | L75 = 45.7  |
| L90 = 45.8  | L90 = 46.4  | L90 = 45.3  | L90 = 45.7  | L90 = 45.8  | L90 = 45.6  | L90 = 46.0  | L90 = 44.9  |
| L95 = 44.9  | L95 = 45.4  | L95 = 44.1  | L95 = 44.7  | L95 = 44.7  | L95 = 44.5  | L95 = 45.0  | L95 = 43.6  |
| Leq = 48.8  | Leq = 50.6  | Leq = 49.0  | Leq = 49.3  | Leq = 49.1  | Leq = 48.9  | Leq = 50.5  | Leq = 49.3  |



|             |             |             |             |             |             |             |             |
|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Lmax = 76.5 | Lmax = 67.1 | Lmax = 64.1 | Lmax = 70.7 | Lmax = 64.6 | Lmax = 63.4 | Lmax = 73.9 | Lmax = 74.7 |
| L01 = 54.9  | L01 = 55.0  | L01 = 53.0  | L01 = 54.5  | L01 = 49.7  | L01 = 53.1  | L01 = 59.1  | L01 = 69.4  |
| L05 = 50.1  | L05 = 51.0  | L05 = 50.2  | L05 = 48.8  | L05 = 47.3  | L05 = 49.5  | L05 = 56.9  | L05 = 63.5  |
| L10 = 48.5  | L10 = 49.5  | L10 = 48.8  | L10 = 47.7  | L10 = 46.7  | L10 = 48.3  | L10 = 54.9  | L10 = 60.7  |
| L50 = 45.8  | L50 = 46.3  | L50 = 46.3  | L50 = 45.6  | L50 = 45.2  | L50 = 46.2  | L50 = 45.8  | L50 = 46.4  |
| L75 = 45.1  | L75 = 45.6  | L75 = 45.5  | L75 = 45.0  | L75 = 44.6  | L75 = 45.4  | L75 = 45.0  | L75 = 45.0  |
| L90 = 44.4  | L90 = 45.1  | L90 = 44.9  | L90 = 44.5  | L90 = 44.0  | L90 = 44.8  | L90 = 44.5  | L90 = 44.4  |
| L95 = 43.2  | L95 = 44.3  | L95 = 44.0  | L95 = 43.8  | L95 = 43.3  | L95 = 44.0  | L95 = 43.7  | L95 = 43.4  |
| Leq = 47.6  | Leq = 47.8  | Leq = 47.3  | Leq = 47.5  | Leq = 45.7  | Leq = 47.1  | Leq = 50.2  | Leq = 56.9  |

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Graph based on Leq at 20s intervals,  
Hourly percentiles based on Lp at 0.125s intervals.

v. 85 Moor St CESARL6.xlsm, Printed : 23/07/2014 4:18 PM

Attachment 7 - PL03/0732.05 - 87-89 Moor Street, Fitzroy - Applicant's acoustic report part 1



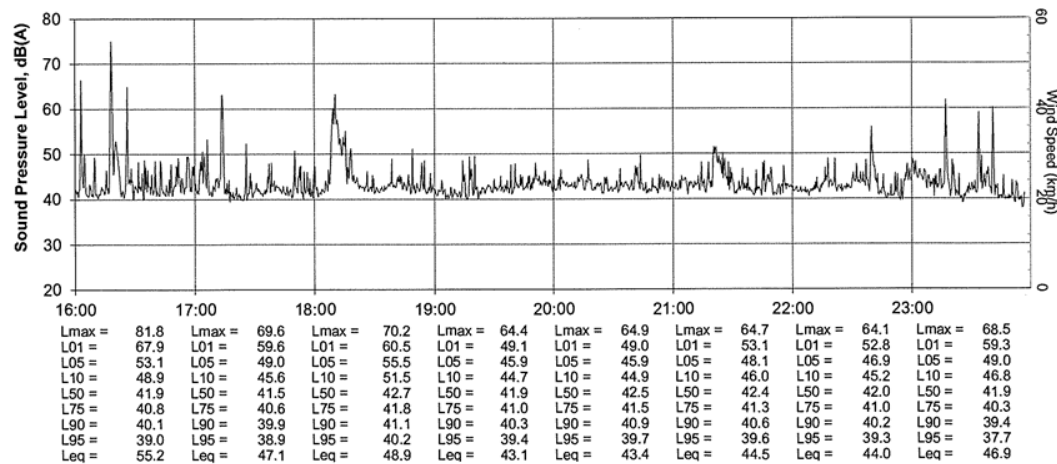
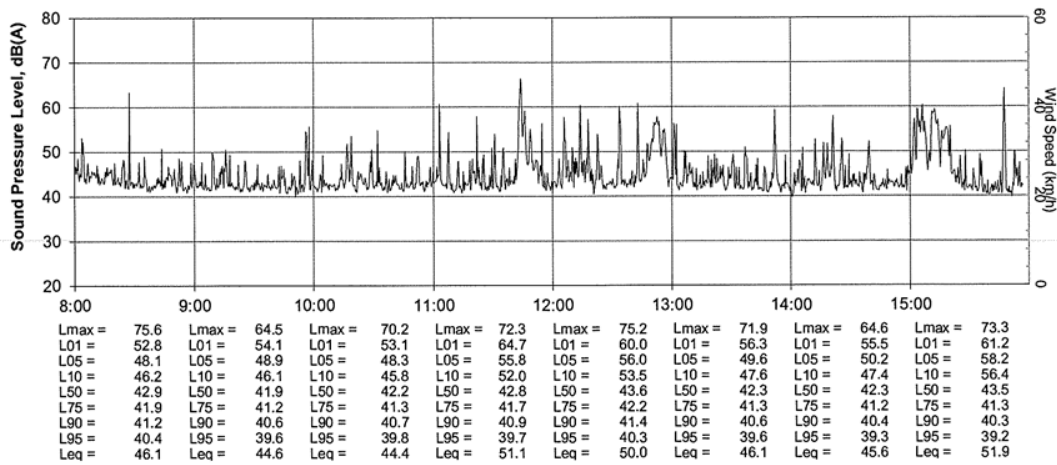
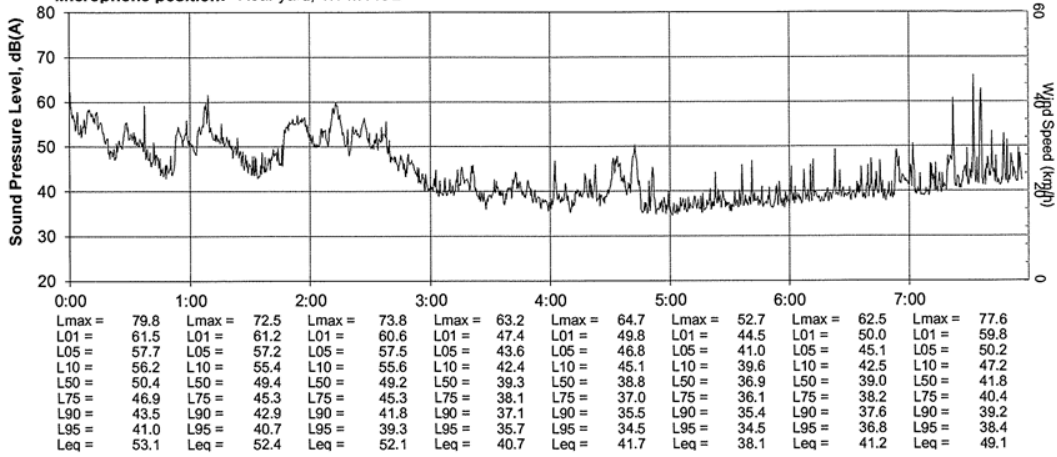
**Results of Noise Monitoring**

Client: The Grub Food Van

Location 85 Moor St, Fitzroy

Date: Saturday  
12 Jul 2014

Microphone position: Rear yard, 1.5 m AGL



Graph based on Leq at 20s intervals.  
Hourly percentiles based on Lp at 0.125s intervals.

v. 85 Moor St CESARL6.xlsm, Printed : 23/07/2014 4:18 PM

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Attachment 7 - PL03/0732.05 - 87-89 Moor Street, Fitzroy - Applicant's acoustic report part 1



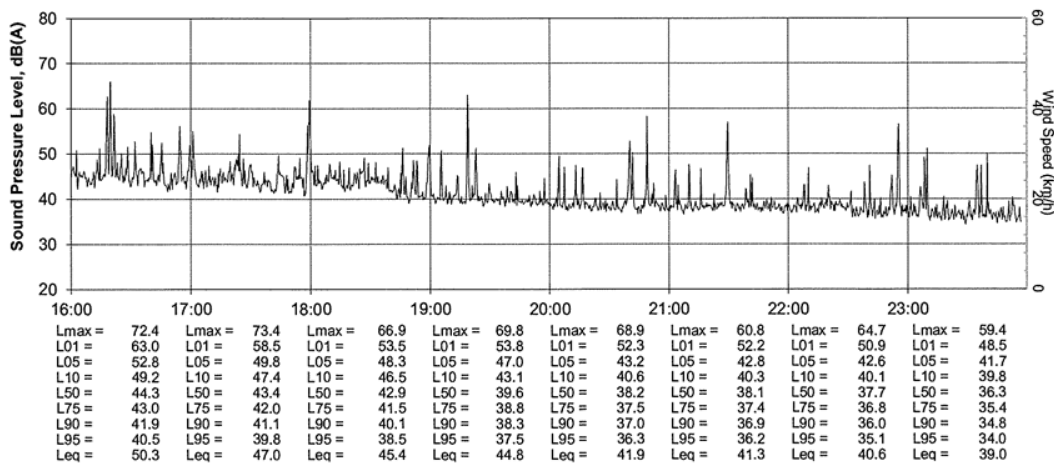
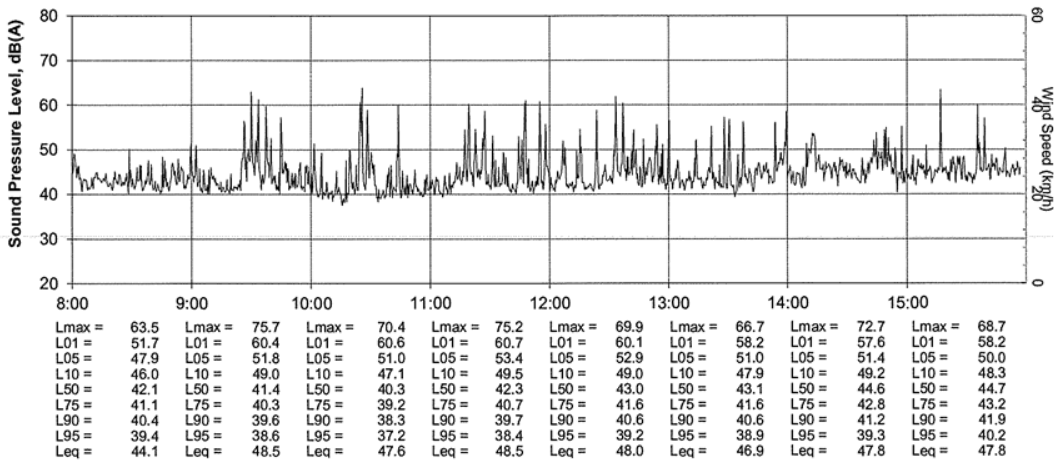
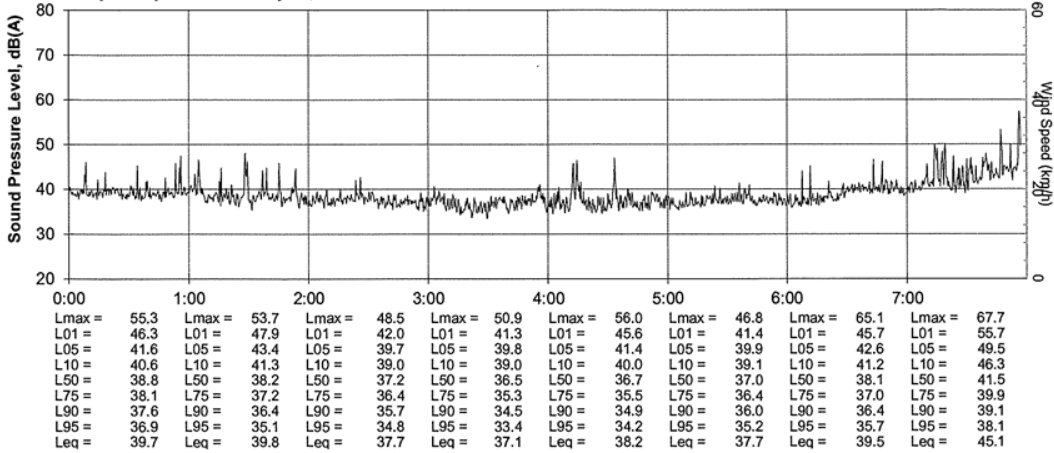
**Results of Noise Monitoring**

Client: The Grub Food Van

Location 85 Moor St, Fitzroy

Date: Sunday  
13 Jul 2014

Microphone position: Rear yard, 1.5 m AGL



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Graph based on Leq at 20s intervals.  
Hourly percentiles based on Lp at 0.125s intervals.

Attachment 7 - PL03/0732.05 - 87-89 Moor Street, Fitzroy - Applicant's acoustic report part 1



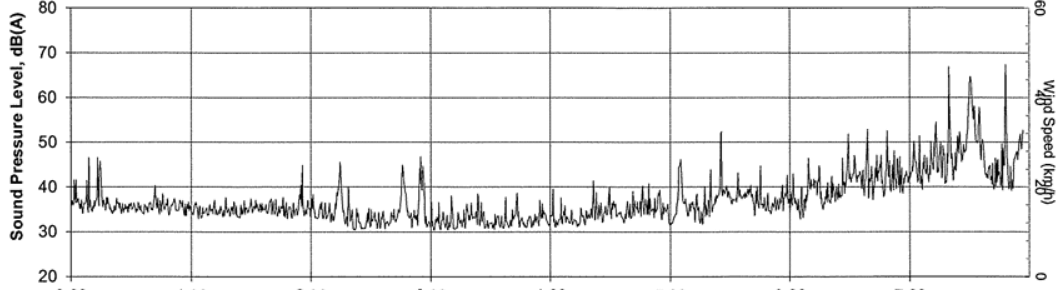
**Results of Noise Monitoring**

Client: The Grub Food Van

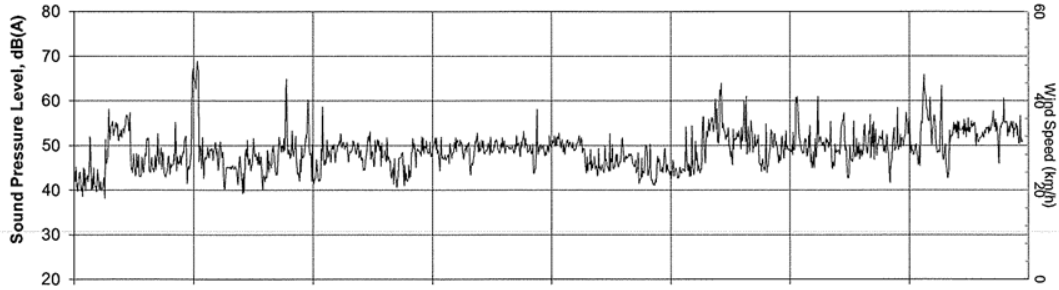
Location 85 Moor St, Fitzroy

Date: Monday  
14 Jul 2014

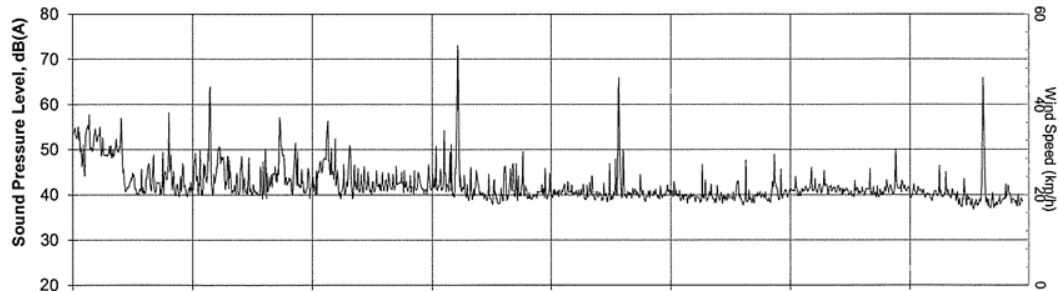
Microphone position: Rear yard, 1.5 m AGL



|             |             |             |             |             |             |             |             |
|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Lmax = 53.0 | Lmax = 49.4 | Lmax = 61.9 | Lmax = 45.1 | Lmax = 46.2 | Lmax = 64.4 | Lmax = 65.7 | Lmax = 72.8 |
| L01 = 45.4  | L01 = 40.4  | L01 = 45.2  | L01 = 39.8  | L01 = 42.1  | L01 = 46.6  | L01 = 52.4  | L01 = 65.8  |
| L05 = 39.5  | L05 = 37.8  | L05 = 41.0  | L05 = 36.3  | L05 = 38.6  | L05 = 43.3  | L05 = 46.6  | L05 = 58.2  |
| L10 = 38.1  | L10 = 36.9  | L10 = 38.9  | L10 = 34.8  | L10 = 37.2  | L10 = 40.8  | L10 = 44.4  | L10 = 54.2  |
| L50 = 35.3  | L50 = 34.4  | L50 = 33.1  | L50 = 32.0  | L50 = 33.4  | L50 = 35.2  | L50 = 39.3  | L50 = 43.8  |
| L75 = 34.5  | L75 = 33.7  | L75 = 31.8  | L75 = 31.1  | L75 = 32.5  | L75 = 33.7  | L75 = 36.6  | L75 = 41.3  |
| L90 = 34.0  | L90 = 33.2  | L90 = 30.8  | L90 = 30.6  | L90 = 31.7  | L90 = 32.7  | L90 = 34.4  | L90 = 39.7  |
| L95 = 33.4  | L95 = 32.7  | L95 = 30.2  | L95 = 30.1  | L95 = 30.9  | L95 = 31.4  | L95 = 32.2  | L95 = 38.2  |
| Leq = 37.0  | Leq = 35.4  | Leq = 36.3  | Leq = 33.1  | Leq = 34.9  | Leq = 38.9  | Leq = 42.5  | Leq = 52.7  |



|             |             |             |             |             |             |             |             |
|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Lmax = 73.9 | Lmax = 79.1 | Lmax = 72.0 | Lmax = 64.3 | Lmax = 70.3 | Lmax = 72.5 | Lmax = 69.4 | Lmax = 78.0 |
| L01 = 65.0  | L01 = 67.8  | L01 = 55.6  | L01 = 56.0  | L01 = 54.7  | L01 = 63.1  | L01 = 61.9  | L01 = 64.1  |
| L05 = 55.8  | L05 = 59.7  | L05 = 52.2  | L05 = 52.6  | L05 = 52.2  | L05 = 57.3  | L05 = 56.7  | L05 = 59.8  |
| L10 = 53.7  | L10 = 52.6  | L10 = 50.8  | L10 = 51.4  | L10 = 51.0  | L10 = 55.1  | L10 = 53.6  | L10 = 57.7  |
| L50 = 44.8  | L50 = 46.2  | L50 = 47.2  | L50 = 48.6  | L50 = 46.0  | L50 = 48.4  | L50 = 48.2  | L50 = 51.4  |
| L75 = 42.6  | L75 = 44.1  | L75 = 44.9  | L75 = 47.4  | L75 = 44.1  | L75 = 44.7  | L75 = 46.5  | L75 = 49.0  |
| L90 = 39.6  | L90 = 42.0  | L90 = 41.8  | L90 = 46.0  | L90 = 42.4  | L90 = 43.2  | L90 = 44.6  | L90 = 46.3  |
| L95 = 37.1  | L95 = 37.8  | L95 = 39.0  | L95 = 42.9  | L95 = 40.1  | L95 = 41.5  | L95 = 41.6  | L95 = 42.0  |
| Leq = 52.2  | Leq = 54.5  | Leq = 48.7  | Leq = 49.6  | Leq = 48.1  | Leq = 52.4  | Leq = 51.6  | Leq = 54.7  |



|             |             |             |             |             |             |             |             |
|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Lmax = 74.6 | Lmax = 68.5 | Lmax = 64.3 | Lmax = 76.3 | Lmax = 71.7 | Lmax = 56.0 | Lmax = 57.1 | Lmax = 71.2 |
| L01 = 58.3  | L01 = 59.1  | L01 = 55.4  | L01 = 65.0  | L01 = 59.1  | L01 = 46.4  | L01 = 47.3  | L01 = 55.6  |
| L05 = 54.6  | L05 = 50.9  | L05 = 49.0  | L05 = 47.8  | L05 = 43.7  | L05 = 42.4  | L05 = 43.1  | L05 = 42.6  |
| L10 = 52.2  | L10 = 49.1  | L10 = 46.5  | L10 = 44.3  | L10 = 41.9  | L10 = 41.4  | L10 = 42.4  | L10 = 41.5  |
| L50 = 40.7  | L50 = 40.2  | L50 = 40.5  | L50 = 40.0  | L50 = 39.9  | L50 = 39.4  | L50 = 40.9  | L50 = 39.3  |
| L75 = 39.7  | L75 = 39.5  | L75 = 39.7  | L75 = 38.4  | L75 = 39.3  | L75 = 38.7  | L75 = 40.2  | L75 = 38.3  |
| L90 = 38.6  | L90 = 38.6  | L90 = 38.6  | L90 = 37.6  | L90 = 38.0  | L90 = 38.1  | L90 = 39.6  | L90 = 37.3  |
| L95 = 38.6  | L95 = 38.6  | L95 = 38.6  | L95 = 37.6  | L95 = 38.0  | L95 = 37.4  | L95 = 38.9  | L95 = 36.3  |
| Leq = 49.1  | Leq = 47.8  | Leq = 44.6  | Leq = 52.8  | Leq = 46.7  | Leq = 40.4  | Leq = 41.5  | Leq = 45.5  |

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Graph based on Leq at 20s intervals,  
Hourly percentiles based on Lp at 0.125s intervals.

v. 85 Moor St CESARL6.xlsm, Printed : 23/07/2014 4:18 PM

Attachment 7 - PL03/0732.05 - 87-89 Moor Street, Fitzroy - Applicant's acoustic report part 1



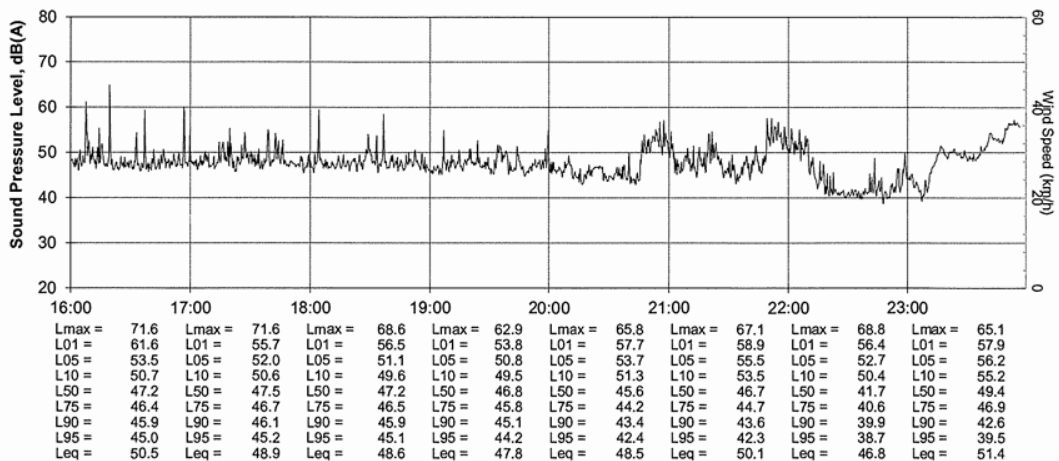
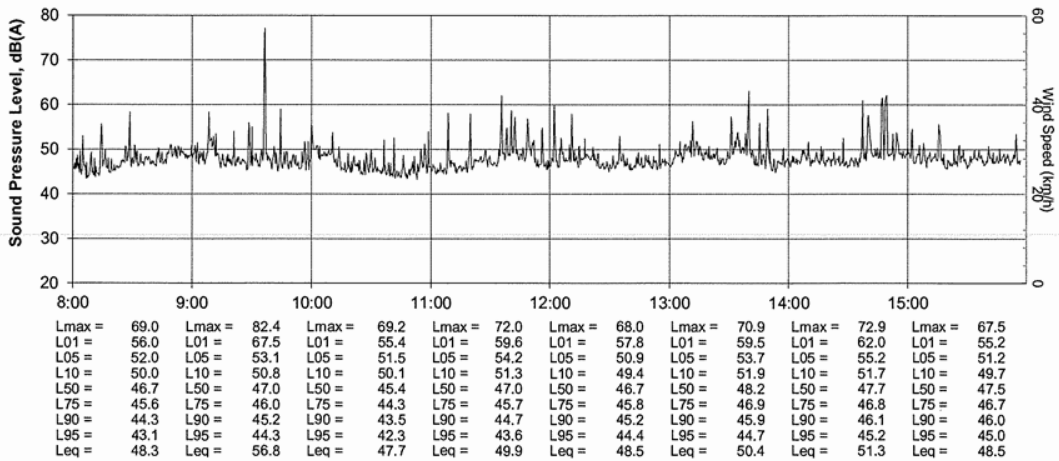
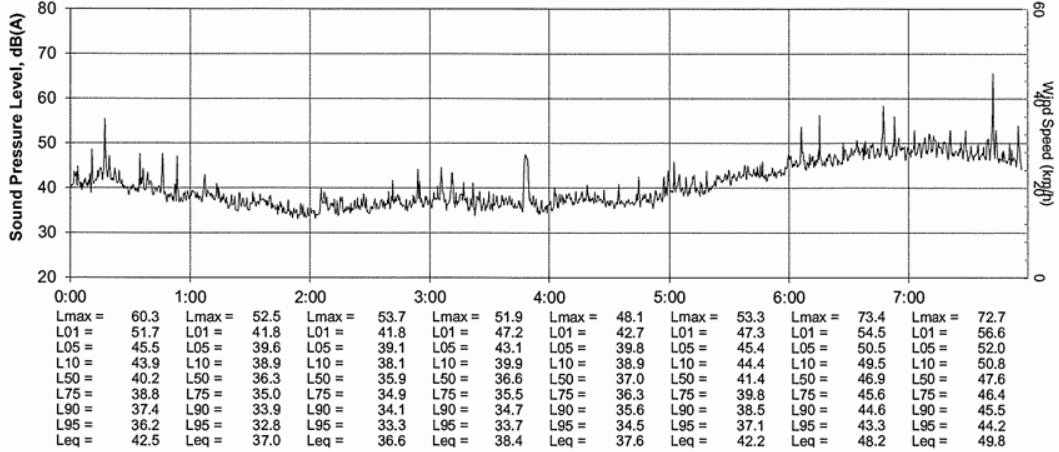
**Results of Noise Monitoring**

Client: The Grub Food Van

Location 85 Moor St, Fitzroy

Date: Tuesday  
15 Jul 2014

Microphone position: Rear yard, 1.5 m AGL



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Graph based on Leq at 20s intervals,  
Hourly percentiles based on Lp at 0.125s intervals.

Attachment 7 - PL03/0732.05 - 87-89 Moor Street, Fitzroy - Applicant's acoustic report part 1



**Results of Noise Monitoring**

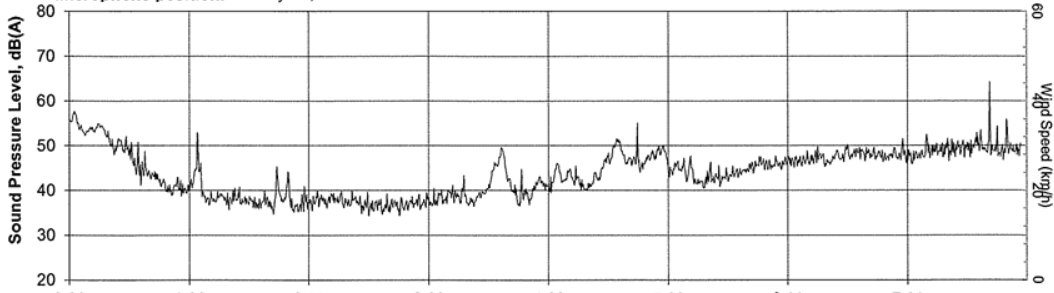
Client: The Grub Food Van

Location 85 Moor St, Fitzroy

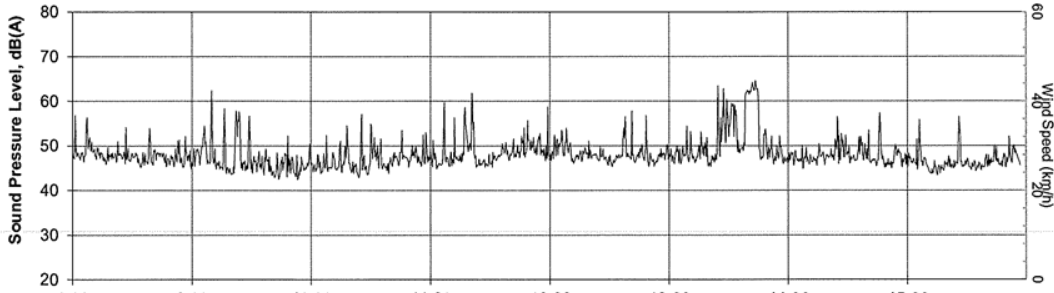
Date: Wednesday

16 Jul 2014

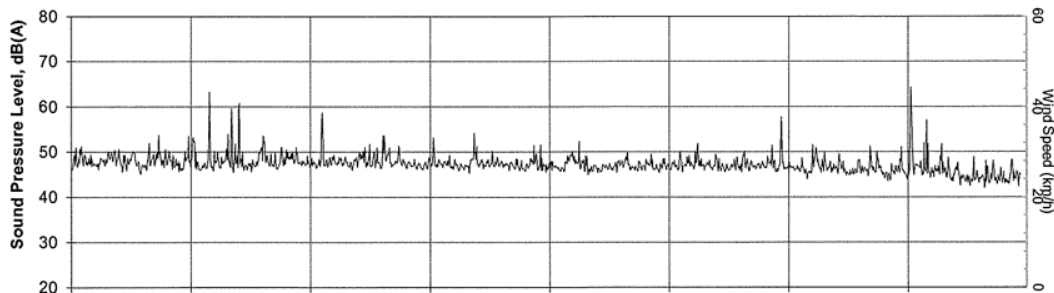
Microphone position: Rear yard, 1.5 m AGL



|             |             |             |             |             |             |             |             |
|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Lmax = 69.3 | Lmax = 65.8 | Lmax = 46.4 | Lmax = 55.2 | Lmax = 65.4 | Lmax = 60.4 | Lmax = 63.6 | Lmax = 70.0 |
| L01 = 58.0  | L01 = 47.7  | L01 = 40.9  | L01 = 49.2  | L01 = 52.8  | L01 = 49.0  | L01 = 52.5  | L01 = 57.0  |
| L05 = 55.9  | L05 = 44.2  | L05 = 39.4  | L05 = 46.7  | L05 = 50.4  | L05 = 47.3  | L05 = 50.0  | L05 = 52.4  |
| L10 = 54.6  | L10 = 41.8  | L10 = 38.8  | L10 = 44.7  | L10 = 49.3  | L10 = 46.6  | L10 = 49.3  | L10 = 51.2  |
| L50 = 47.2  | L50 = 37.7  | L50 = 38.9  | L50 = 39.2  | L50 = 45.1  | L50 = 44.1  | L50 = 47.2  | L50 = 48.6  |
| L75 = 41.7  | L75 = 36.7  | L75 = 36.1  | L75 = 37.7  | L75 = 42.2  | L75 = 42.7  | L75 = 46.2  | L75 = 47.5  |
| L90 = 39.8  | L90 = 35.7  | L90 = 35.2  | L90 = 36.7  | L90 = 40.6  | L90 = 41.6  | L90 = 45.2  | L90 = 46.6  |
| L95 = 38.0  | L95 = 34.6  | L95 = 34.0  | L95 = 35.8  | L95 = 38.9  | L95 = 40.2  | L95 = 43.8  | L95 = 45.4  |
| Leq = 50.8  | Leq = 40.1  | Leq = 37.4  | Leq = 41.5  | Leq = 46.5  | Leq = 44.7  | Leq = 47.8  | Leq = 50.2  |



|             |             |             |             |             |             |             |             |
|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Lmax = 68.8 | Lmax = 69.9 | Lmax = 68.8 | Lmax = 74.1 | Lmax = 74.1 | Lmax = 74.8 | Lmax = 67.3 | Lmax = 67.1 |
| L01 = 56.6  | L01 = 60.7  | L01 = 56.7  | L01 = 60.8  | L01 = 56.4  | L01 = 64.2  | L01 = 56.8  | L01 = 54.8  |
| L05 = 51.3  | L05 = 53.0  | L05 = 51.0  | L05 = 53.4  | L05 = 52.0  | L05 = 62.6  | L05 = 51.6  | L05 = 50.5  |
| L10 = 49.7  | L10 = 50.4  | L10 = 49.3  | L10 = 51.0  | L10 = 50.2  | L10 = 61.6  | L10 = 49.7  | L10 = 48.6  |
| L50 = 46.9  | L50 = 44.9  | L50 = 45.7  | L50 = 47.4  | L50 = 47.3  | L50 = 48.1  | L50 = 46.7  | L50 = 45.6  |
| L75 = 45.8  | L75 = 43.7  | L75 = 44.5  | L75 = 46.1  | L75 = 46.4  | L75 = 46.7  | L75 = 45.9  | L75 = 44.8  |
| L90 = 45.0  | L90 = 43.0  | L90 = 43.7  | L90 = 45.2  | L90 = 45.7  | L90 = 45.9  | L90 = 45.3  | L90 = 44.0  |
| L95 = 44.0  | L95 = 42.0  | L95 = 42.5  | L95 = 44.1  | L95 = 44.7  | L95 = 44.8  | L95 = 44.2  | L95 = 42.9  |
| Leq = 48.4  | Leq = 49.2  | Leq = 47.7  | Leq = 50.2  | Leq = 49.1  | Leq = 55.5  | Leq = 48.6  | Leq = 47.1  |



|             |             |             |             |             |             |             |             |
|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Lmax = 70.6 | Lmax = 71.9 | Lmax = 67.9 | Lmax = 68.8 | Lmax = 71.2 | Lmax = 64.0 | Lmax = 61.8 | Lmax = 69.8 |
| L01 = 54.5  | L01 = 59.8  | L01 = 56.5  | L01 = 53.1  | L01 = 51.9  | L01 = 54.3  | L01 = 52.2  | L01 = 59.4  |
| L05 = 51.4  | L05 = 52.9  | L05 = 50.3  | L05 = 49.7  | L05 = 49.2  | L05 = 49.9  | L05 = 49.2  | L05 = 49.2  |
| L10 = 47.0  | L10 = 50.6  | L10 = 49.2  | L10 = 48.8  | L10 = 48.2  | L10 = 48.6  | L10 = 48.0  | L10 = 47.6  |
| L50 = 46.1  | L50 = 46.4  | L50 = 47.3  | L50 = 46.9  | L50 = 46.5  | L50 = 46.7  | L50 = 45.9  | L50 = 44.6  |
| L75 = 46.1  | L75 = 46.4  | L75 = 46.6  | L75 = 46.3  | L75 = 45.9  | L75 = 46.0  | L75 = 45.1  | L75 = 43.6  |
| L90 = 45.5  | L90 = 45.8  | L90 = 46.1  | L90 = 45.7  | L90 = 45.4  | L90 = 45.5  | L90 = 44.5  | L90 = 42.8  |
| L95 = 44.5  | L95 = 44.9  | L95 = 45.3  | L95 = 44.7  | L95 = 44.6  | L95 = 44.8  | L95 = 43.3  | L95 = 41.6  |
| Leq = 48.3  | Leq = 50.0  | Leq = 48.5  | Leq = 47.7  | Leq = 47.2  | Leq = 47.7  | Leq = 46.7  | Leq = 47.9  |

Graph based on Leq at 20s intervals,  
Hourly percentiles based on Lp at 0.125s intervals.

v. 85 Moor St CESARL6.xlsm, Printed : 23/07/2014 4:18 PM

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Attachment 7 - PL03/0732.05 - 87-89 Moor Street, Fitzroy - Applicant's acoustic report part 1



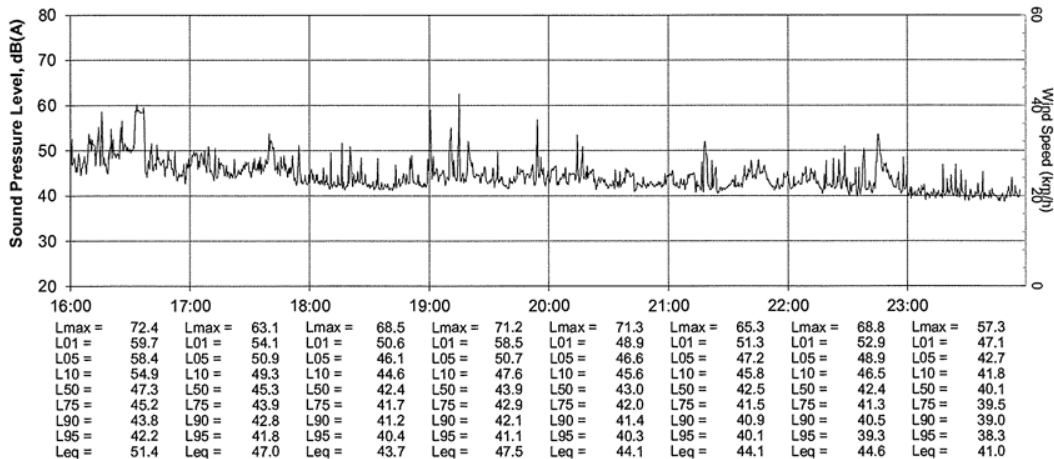
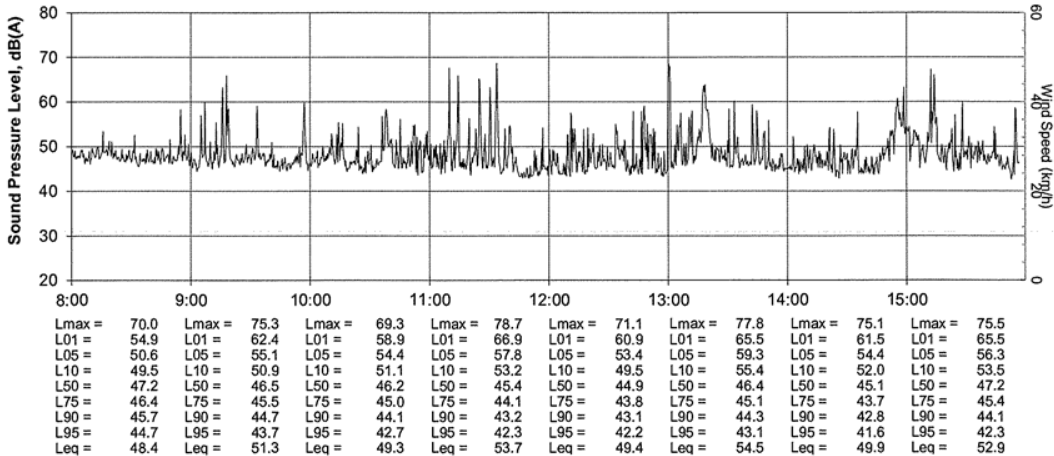
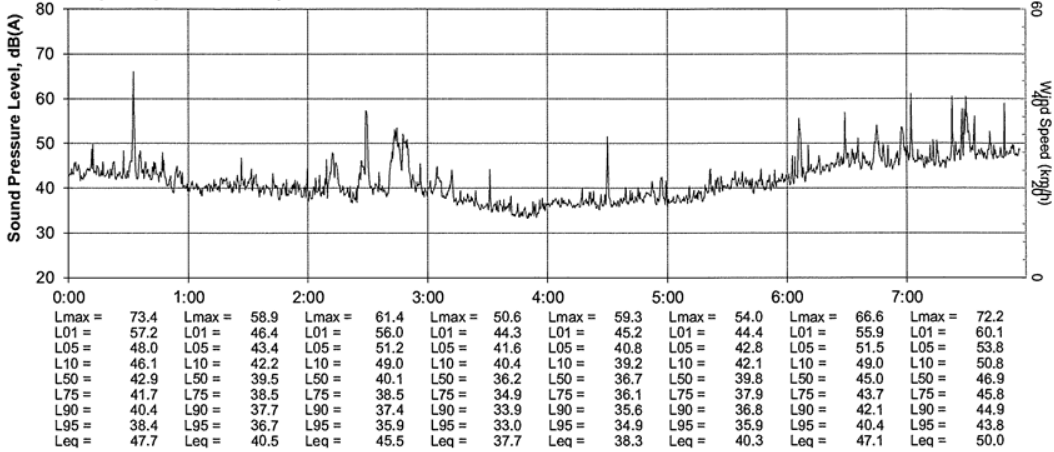
**Results of Noise Monitoring**

Client: The Grub Food Van

Location 85 Moor St, Fitzroy

Date: Thursday  
17 Jul 2014

Microphone position: Rear yard, 1.5 m AGL



Graph based on Leq at 20s intervals,  
Hourly percentiles based on Lp at 0.125s intervals.

v. 85 Moor St CESARL6.xlsm, Printed : 23/07/2014 4:18 PM

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Attachment 7 - PL03/0732.05 - 87-89 Moor Street, Fitzroy - Applicant's acoustic report part 1



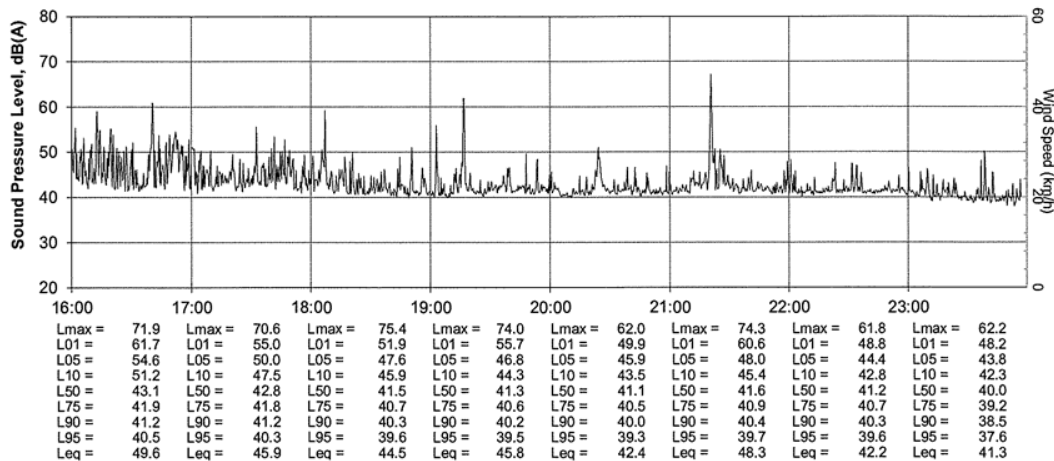
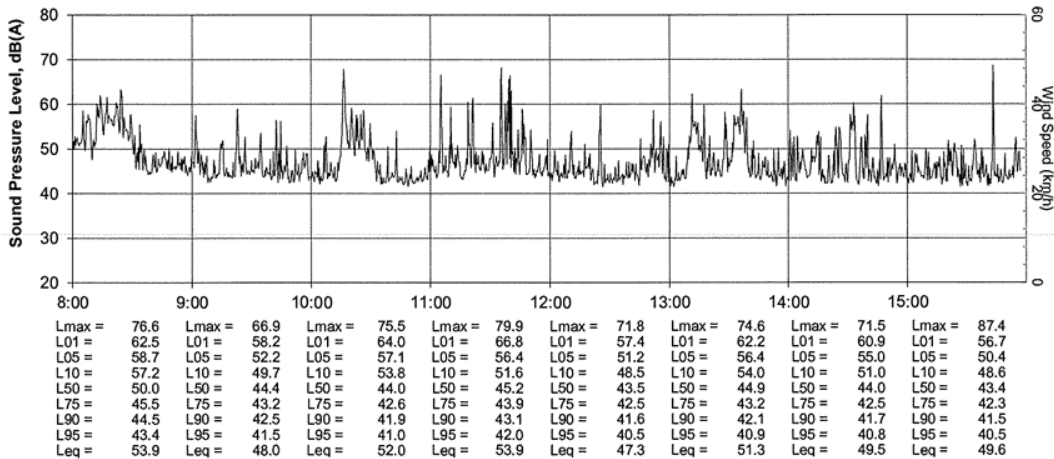
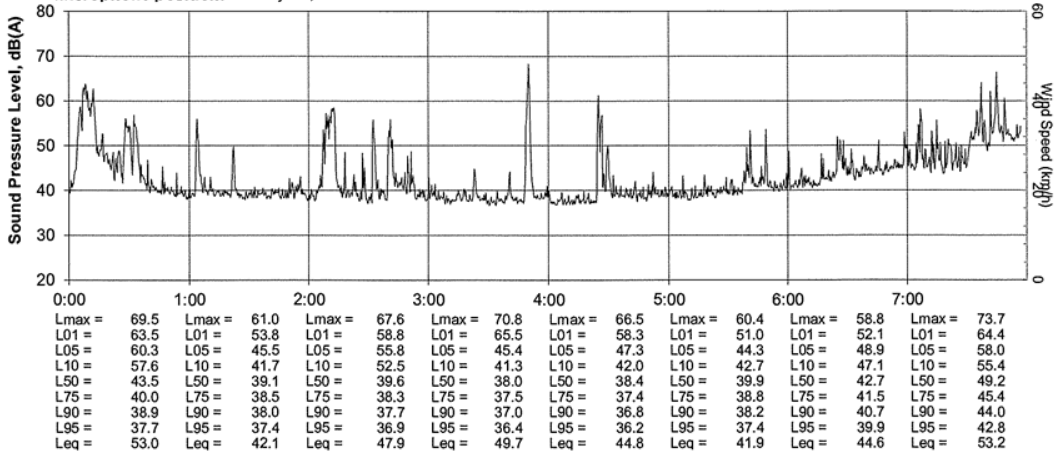
**Results of Noise Monitoring**

Client: The Grub Food Van

Location 85 Moor St, Fitzroy

Date: Friday  
18 Jul 2014

Microphone position: Rear yard, 1.5 m AGL



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Graph based on Leq at 20s intervals,  
Hourly percentiles based on Lp at 0.125s intervals.

v. 85 Moor St CESARL6.xlsm, Printed : 23/07/2014 4:18 PM



Attachment 7 - PL03/0732.05 - 87-89 Moor Street, Fitzroy - Applicant's acoustic report part 1



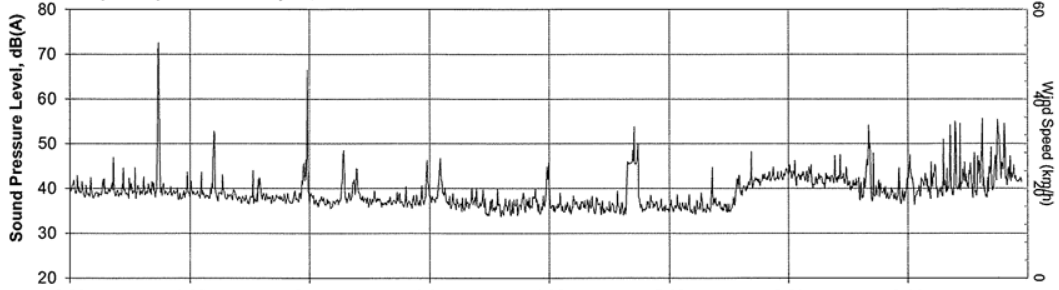
**Results of Noise Monitoring**

Client: The Grub Food Van

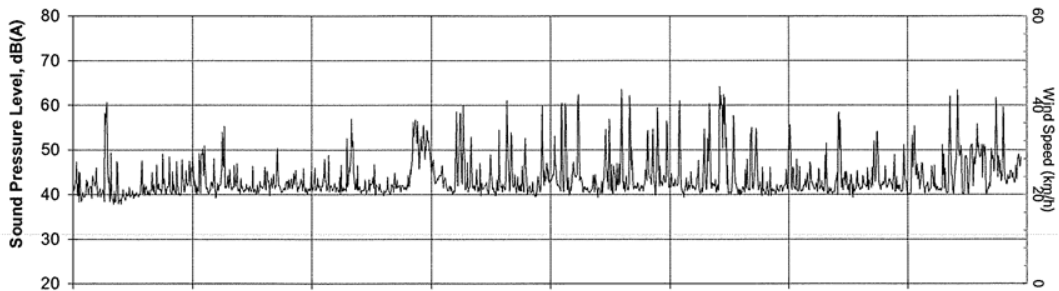
Location 85 Moor St, Fitzroy

Date: Saturday  
19 Jul 2014

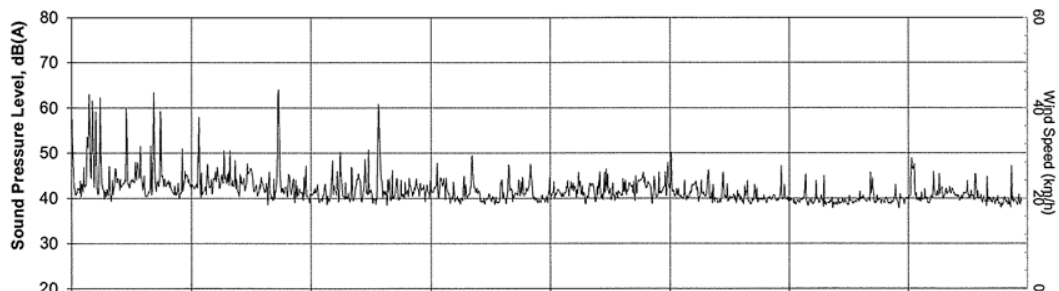
Microphone position: Rear yard, 1.5 m AGL



|             |             |             |             |             |             |             |             |
|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Lmax = 82.8 | Lmax = 72.7 | Lmax = 55.4 | Lmax = 55.5 | Lmax = 60.6 | Lmax = 57.2 | Lmax = 70.3 | Lmax = 69.8 |
| L01 = 57.2  | L01 = 56.6  | L01 = 46.6  | L01 = 44.3  | L01 = 47.5  | L01 = 49.3  | L01 = 51.4  | L01 = 56.0  |
| L05 = 43.3  | L05 = 44.1  | L05 = 42.0  | L05 = 40.7  | L05 = 45.6  | L05 = 45.4  | L05 = 47.7  | L05 = 48.8  |
| L10 = 41.2  | L10 = 40.9  | L10 = 39.6  | L10 = 39.2  | L10 = 43.1  | L10 = 42.6  | L10 = 45.6  | L10 = 45.6  |
| L50 = 38.9  | L50 = 38.0  | L50 = 37.1  | L50 = 36.3  | L50 = 35.7  | L50 = 36.2  | L50 = 38.7  | L50 = 40.0  |
| L75 = 36.3  | L75 = 37.2  | L75 = 36.3  | L75 = 35.1  | L75 = 34.9  | L75 = 35.2  | L75 = 37.0  | L75 = 38.4  |
| L90 = 37.8  | L90 = 36.7  | L90 = 35.3  | L90 = 34.3  | L90 = 34.4  | L90 = 34.6  | L90 = 36.1  | L90 = 37.5  |
| L95 = 37.0  | L95 = 35.7  | L95 = 34.9  | L95 = 33.5  | L95 = 33.8  | L95 = 34.0  | L95 = 35.4  | L95 = 36.1  |
| Leq = 52.6  | Leq = 46.4  | Leq = 38.6  | Leq = 37.6  | Leq = 39.7  | Leq = 39.7  | Leq = 42.5  | Leq = 45.1  |



|             |             |             |             |             |             |             |             |
|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Lmax = 71.8 | Lmax = 66.2 | Lmax = 68.6 | Lmax = 70.4 | Lmax = 70.2 | Lmax = 79.7 | Lmax = 74.6 | Lmax = 76.2 |
| L01 = 53.1  | L01 = 52.6  | L01 = 59.6  | L01 = 60.3  | L01 = 63.6  | L01 = 62.7  | L01 = 55.5  | L01 = 61.9  |
| L05 = 46.4  | L05 = 47.7  | L05 = 51.7  | L05 = 52.9  | L05 = 55.3  | L05 = 53.7  | L05 = 49.0  | L05 = 55.9  |
| L10 = 44.3  | L10 = 44.9  | L10 = 47.3  | L10 = 48.6  | L10 = 50.3  | L10 = 48.2  | L10 = 45.7  | L10 = 52.1  |
| L50 = 40.1  | L50 = 41.4  | L50 = 41.2  | L50 = 41.7  | L50 = 42.1  | L50 = 41.3  | L50 = 41.5  | L50 = 42.6  |
| L75 = 39.1  | L75 = 40.4  | L75 = 40.3  | L75 = 40.4  | L75 = 40.6  | L75 = 40.2  | L75 = 40.5  | L75 = 40.6  |
| L90 = 38.2  | L90 = 39.7  | L90 = 39.6  | L90 = 39.5  | L90 = 39.7  | L90 = 39.4  | L90 = 39.8  | L90 = 39.7  |
| L95 = 37.0  | L95 = 38.7  | L95 = 38.6  | L95 = 38.4  | L95 = 38.6  | L95 = 38.2  | L95 = 38.7  | L95 = 38.4  |
| Leq = 45.2  | Leq = 43.9  | Leq = 47.0  | Leq = 47.9  | Leq = 50.4  | Leq = 50.5  | Leq = 45.8  | Leq = 49.9  |



|             |             |             |             |             |             |             |             |
|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Lmax = 69.1 | Lmax = 69.9 | Lmax = 69.0 | Lmax = 57.6 | Lmax = 58.3 | Lmax = 63.2 | Lmax = 54.2 | Lmax = 59.5 |
| L01 = 63.1  | L01 = 59.9  | L01 = 56.6  | L01 = 49.3  | L01 = 48.6  | L01 = 48.3  | L01 = 45.4  | L01 = 48.6  |
| L05 = 55.3  | L05 = 48.8  | L05 = 46.6  | L05 = 44.9  | L05 = 45.5  | L05 = 43.9  | L05 = 41.7  | L05 = 44.5  |
| L10 = 49.0  | L10 = 46.2  | L10 = 44.4  | L10 = 43.5  | L10 = 44.3  | L10 = 42.5  | L10 = 40.7  | L10 = 42.4  |
| L50 = 42.7  | L50 = 41.7  | L50 = 40.7  | L50 = 40.3  | L50 = 41.0  | L50 = 40.0  | L50 = 39.2  | L50 = 39.9  |
| L75 = 41.1  | L75 = 40.4  | L75 = 39.6  | L75 = 39.2  | L75 = 40.0  | L75 = 39.3  | L75 = 38.7  | L75 = 39.1  |
| L90 = 40.0  | L90 = 39.4  | L90 = 38.7  | L90 = 38.5  | L90 = 39.2  | L90 = 38.7  | L90 = 38.3  | L90 = 38.4  |
| L95 = 38.4  | L95 = 38.0  | L95 = 37.7  | L95 = 37.6  | L95 = 38.1  | L95 = 37.9  | L95 = 37.4  | L95 = 37.4  |
| Leq = 49.9  | Leq = 47.1  | Leq = 44.8  | Leq = 41.8  | Leq = 42.3  | Leq = 41.3  | Leq = 39.9  | Leq = 41.2  |

Graph based on Leq at 20s intervals.  
Hourly percentiles based on Lp at 0.125s intervals.

v. 85 Moor St CESARL6.xlsm, Printed : 23/07/2014 4:18 PM

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Attachment 7 - PL03/0732.05 - 87-89 Moor Street, Fitzroy - Applicant's acoustic report part 1



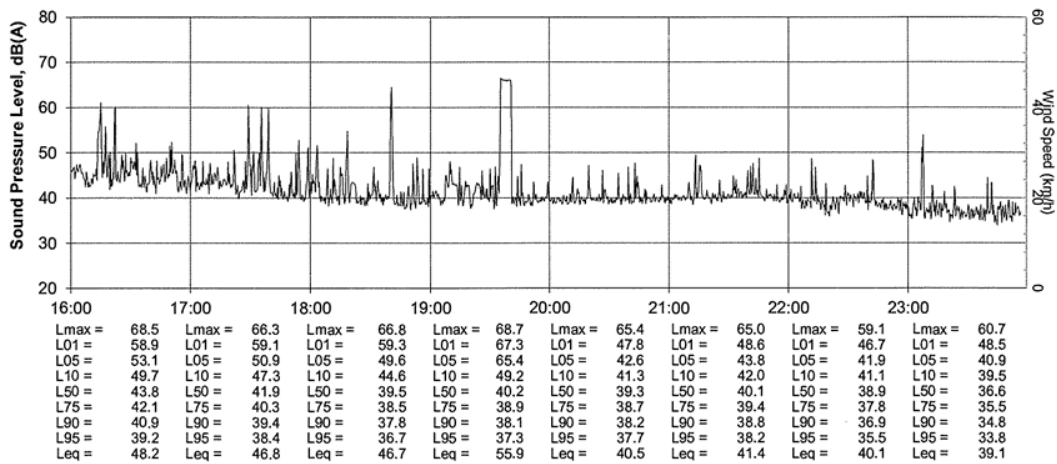
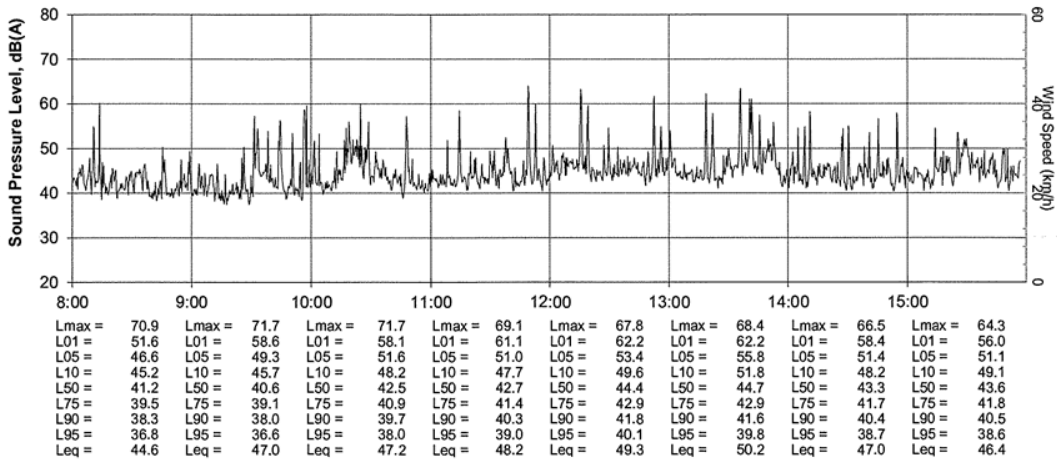
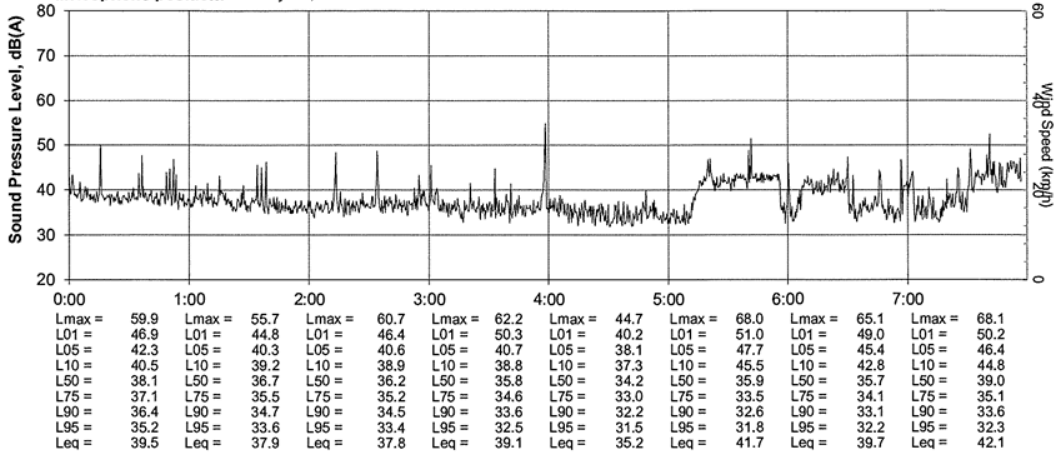
**Results of Noise Monitoring**

Client: The Grub Food Van

Location 85 Moor St, Fitzroy

Date: Sunday  
20 Jul 2014

Microphone position: Rear yard, 1.5 m AGL



Graph based on Leq at 20s intervals,  
Hourly percentiles based on Lp at 0.125s intervals.

v. 85 Moor St CESARL6.xlsm, Printed : 23/07/2014 4:18 PM

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Attachment 7 - PL03/0732.05 - 87-89 Moor Street, Fitzroy - Applicant's acoustic report part 1



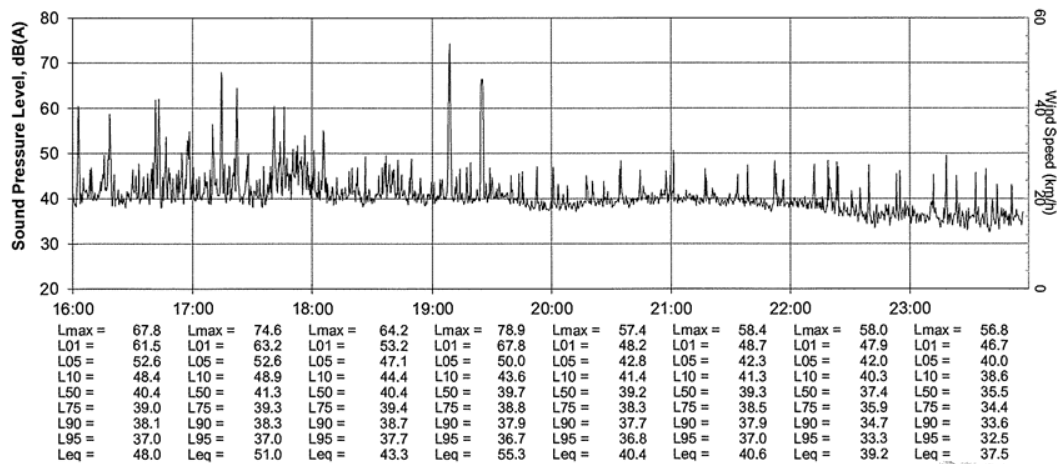
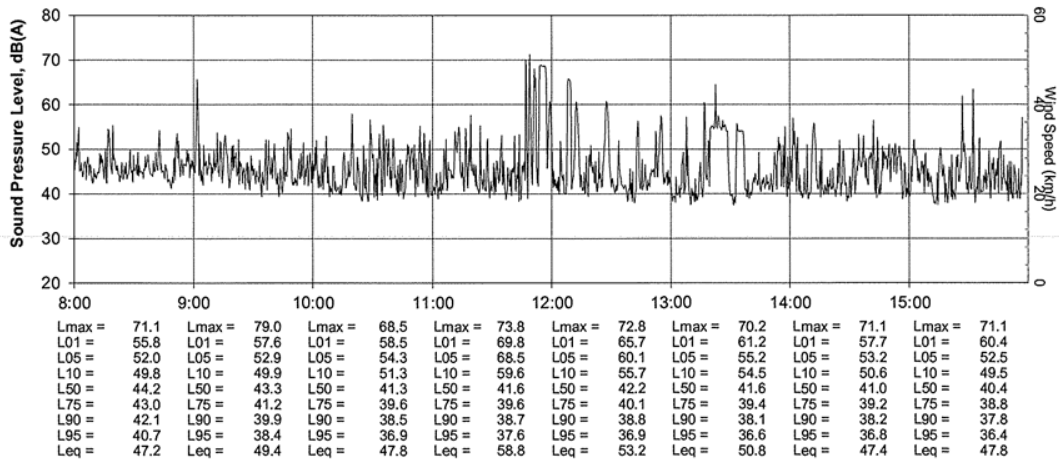
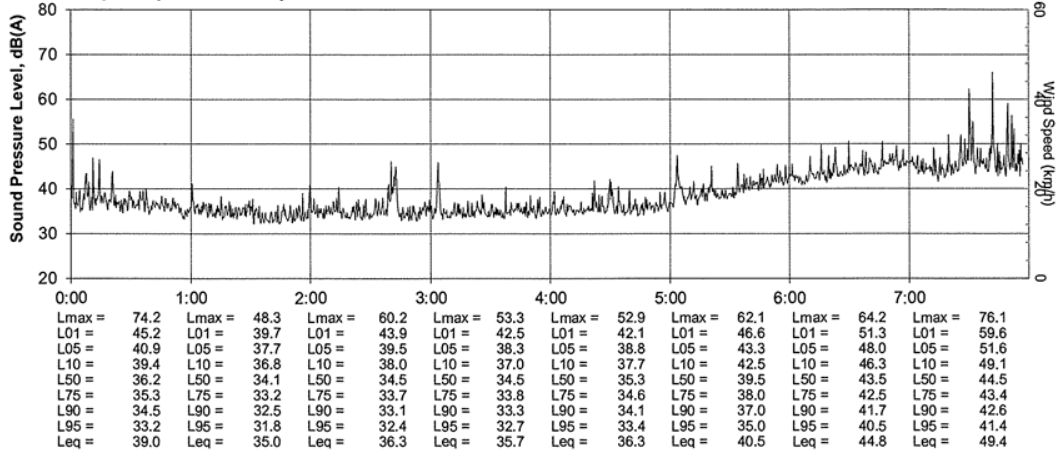
**Results of Noise Monitoring**

Client: The Grub Food Van

Location 85 Moor St, Fitzroy

Date: Monday  
21 Jul 2014

Microphone position: Rear yard, 1.5 m AGL



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Graph based on Leq at 20s intervals,  
Hourly percentiles based on Lp at 0.125s intervals.

v. 85 Moor St CESARL6.xlsm, Printed : 23/07/2014 4:18 PM

Attachment 7 - PL03/0732.05 - 87-89 Moor Street, Fitzroy - Applicant's acoustic report part 1



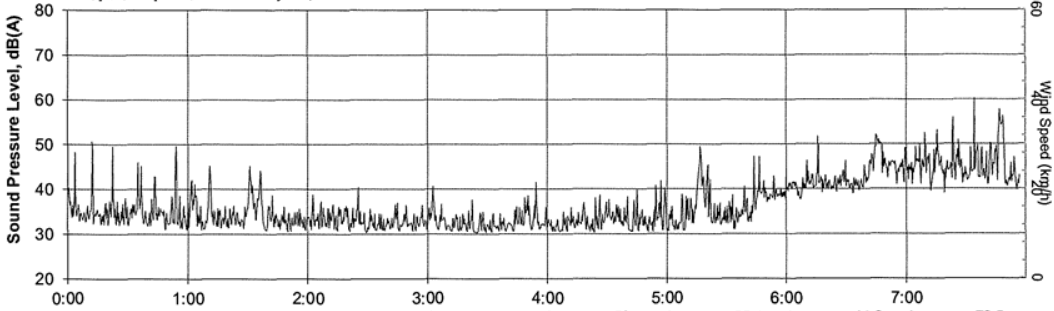
**Results of Noise Monitoring**

Client: The Grub Food Van

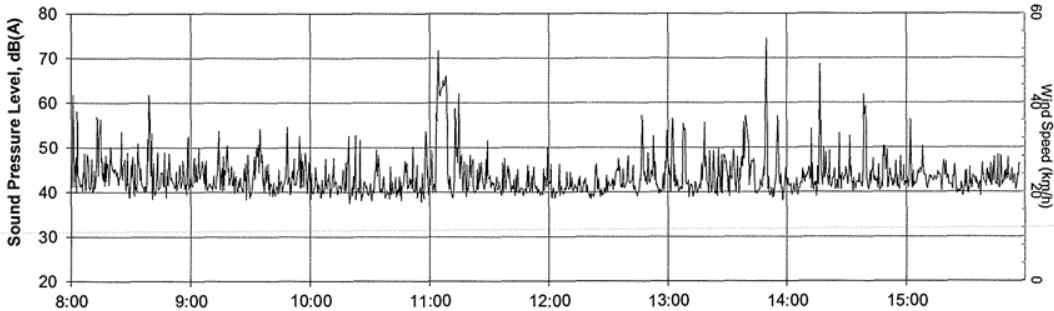
Location 85 Moor St, Fitzroy

Date: Tuesday  
22 Jul 2014

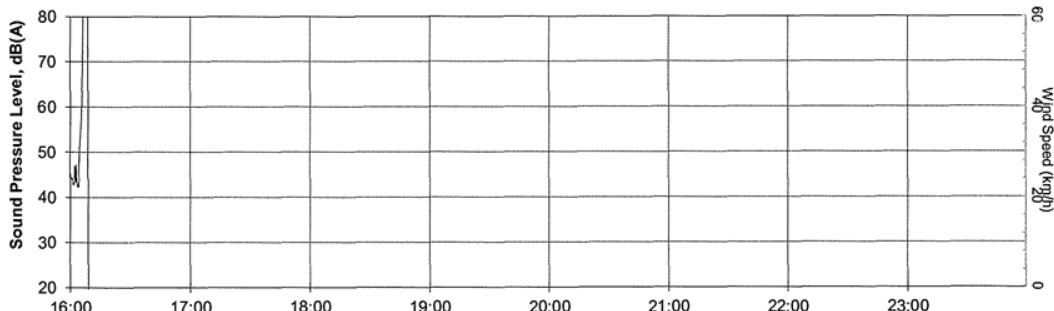
Microphone position: Rear yard, 1.5 m AGL



|             |             |             |             |             |             |             |             |
|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Lmax = 59.3 | Lmax = 51.3 | Lmax = 46.4 | Lmax = 55.1 | Lmax = 50.5 | Lmax = 55.1 | Lmax = 62.3 | Lmax = 73.5 |
| L01 = 48.5  | L01 = 44.5  | L01 = 39.5  | L01 = 39.5  | L01 = 40.8  | L01 = 48.4  | L01 = 51.9  | L01 = 58.5  |
| L05 = 40.4  | L05 = 41.4  | L05 = 36.7  | L05 = 36.7  | L05 = 37.3  | L05 = 44.0  | L05 = 49.4  | L05 = 51.7  |
| L10 = 38.1  | L10 = 38.6  | L10 = 35.4  | L10 = 35.3  | L10 = 35.8  | L10 = 41.6  | L10 = 47.7  | L10 = 48.6  |
| L50 = 33.8  | L50 = 33.0  | L50 = 32.3  | L50 = 31.9  | L50 = 32.2  | L50 = 34.3  | L50 = 40.9  | L50 = 43.4  |
| L75 = 32.6  | L75 = 31.8  | L75 = 31.4  | L75 = 31.0  | L75 = 31.1  | L75 = 32.5  | L75 = 37.8  | L75 = 41.3  |
| L90 = 31.8  | L90 = 31.0  | L90 = 30.7  | L90 = 30.4  | L90 = 30.5  | L90 = 31.5  | L90 = 35.6  | L90 = 39.9  |
| L95 = 30.7  | L95 = 30.3  | L95 = 30.1  | L95 = 29.9  | L95 = 30.0  | L95 = 30.4  | L95 = 33.5  | L95 = 37.5  |
| Leq = 37.8  | Leq = 35.9  | Leq = 33.5  | Leq = 33.3  | Leq = 33.7  | Leq = 38.4  | Leq = 44.1  | Leq = 47.8  |



|             |             |             |             |             |             |             |             |
|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Lmax = 74.1 | Lmax = 70.7 | Lmax = 68.8 | Lmax = 77.4 | Lmax = 65.8 | Lmax = 79.1 | Lmax = 74.0 | Lmax = 62.9 |
| L01 = 61.1  | L01 = 54.5  | L01 = 53.1  | L01 = 67.5  | L01 = 53.6  | L01 = 63.1  | L01 = 63.0  | L01 = 52.8  |
| L05 = 50.6  | L05 = 50.1  | L05 = 46.7  | L05 = 62.9  | L05 = 46.7  | L05 = 54.6  | L05 = 49.9  | L05 = 47.8  |
| L10 = 47.3  | L10 = 48.2  | L10 = 44.6  | L10 = 51.8  | L10 = 44.4  | L10 = 51.2  | L10 = 46.4  | L10 = 46.0  |
| L50 = 41.7  | L50 = 41.4  | L50 = 40.1  | L50 = 40.9  | L50 = 40.8  | L50 = 41.2  | L50 = 41.6  | L50 = 41.8  |
| L75 = 40.2  | L75 = 39.9  | L75 = 38.9  | L75 = 39.6  | L75 = 39.6  | L75 = 39.7  | L75 = 40.4  | L75 = 40.4  |
| L90 = 39.1  | L90 = 38.9  | L90 = 38.0  | L90 = 38.8  | L90 = 38.8  | L90 = 38.8  | L90 = 39.4  | L90 = 39.5  |
| L95 = 37.4  | L95 = 37.2  | L95 = 36.7  | L95 = 37.5  | L95 = 37.8  | L95 = 37.7  | L95 = 38.0  | L95 = 38.0  |
| Leq = 48.2  | Leq = 45.1  | Leq = 43.5  | Leq = 55.0  | Leq = 43.6  | Leq = 54.0  | Leq = 49.7  | Leq = 44.1  |



|        |        |        |        |        |        |        |        |
|--------|--------|--------|--------|--------|--------|--------|--------|
| Lmax = | Lmax = | Lmax = | Lmax = | Lmax = | Lmax = | Lmax = | Lmax = |
| L01 =  | L01 =  | L01 =  | L01 =  | L01 =  | L01 =  | L01 =  | L01 =  |
| L05 =  | L05 =  | L05 =  | L05 =  | L05 =  | L05 =  | L05 =  | L05 =  |
| L10 =  | L10 =  | L10 =  | L10 =  | L10 =  | L10 =  | L10 =  | L10 =  |
| L50 =  | L50 =  | L50 =  | L50 =  | L50 =  | L50 =  | L50 =  | L50 =  |
| L75 =  | L75 =  | L75 =  | L75 =  | L75 =  | L75 =  | L75 =  | L75 =  |
| L90 =  | L90 =  | L90 =  | L90 =  | L90 =  | L90 =  | L90 =  | L90 =  |
| L95 =  | L95 =  | L95 =  | L95 =  | L95 =  | L95 =  | L95 =  | L95 =  |
| Leq =  | Leq =  | Leq =  | Leq =  | Leq =  | Leq =  | Leq =  | Leq =  |

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Graph based on Leq at 20s intervals.  
Hourly percentiles based on Lp at 0.125s intervals.

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**Attachment 8 - PL03/0732.05 - 87-89 Moor Street, Fitzroy - Applicant's acoustic report part 2 (response to Council's peer review comments)**



**MEMORANDUM**

640.10620 Response to MDA Review 20160420.docx

TO: Tim Mann FROM: Ima Fricker DATE: 20 April 2016  
COMPANY: The Grub Food Van  
EMAIL: Tim@TheGrubFoodVan.com.au  
SUBJECT: **87-89 Moor St, Fitzroy - The Grub Food Van  
Response to MDA Review of Acoustic Report**

**CONFIDENTIALITY**

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**1 Introduction**

SLR Consulting Australia Pty Ltd (SLR) was retained by The Grub Food Van to conduct an acoustic assessment of proposed operations at the new first floor function room of The Grub Food Van venue located at 87-89 Moor St, Fitzroy.

The acoustic assessment is presented in SLR Report 640.10620-R1R2 "87-89 Moor St, Fitzroy – The Grub Food Van – Acoustic Assessment of Proposed Operations from Venue", dated 10 October 2014.

The assessment shows that noise from the new function room will comply with applicable SEPP N-2 music noise criteria during the proposed operating hours (i.e. until 1:00 am on Friday, Saturday, Sunday mornings and Public Holidays).

Following the submission of the report, the City of Yarra (CoY) retained Marshall Day Acoustics (MDA) to undertake a peer review. The peer review was undertaken in accordance with reference to:

- Victorian Environment Protection Authority (VIC EPA) policy document "State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2" (SEPP N-2), and;
- Association of Australian Acoustical Consultants (AAAC) document "Guideline for Report writing".

The peer review is presented in the MDA Letter entitled "87-89 Moor Street – SLR Peer Review" addressed to Laura Condon of the CoY and dated the 27 January 2016.

This memorandum provides a response to the questions / clarifications raised during the review process.

It is noted that following the initial submission the operator is planning on revising the weekend opening hours such that the function room will now close an hour earlier than that considered in the original proposal (i.e. from the generally approved 1:00 am closing time to 12:00 am).

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29 APR 2016

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The Grub Food Van  
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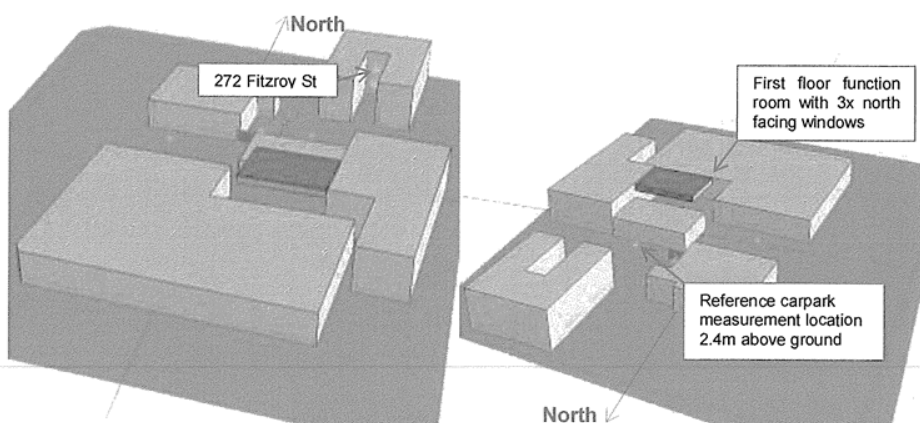
**2 MDA Summary Comments from Review**

**2.1 Further clarity could be provided with respect to the calculations carried out for the Receiver point at 272 Fitzroy Street**

As access to this property was not possible during the level difference testing, a three dimensional noise model of the site and surrounding area was prepared using the SoundPLAN (Version 7.2) noise modelling package. The noise model was calibrated to results for the actual tested locations where measurements were undertaken.

For reference an extract of the 3D noise model is shown in **Figure 1**.

**Figure 1 SoundPLAN Noise Model for First Floor Function Room**



**2.2 There is no assessment of noise generated from patron activity either on-site or in the carpark**

The proposal involves no change to existing operations of the outdoor courtyard and seating area. As the outdoor courtyard will not be used during the new night time opening hours for the function room, a patron noise assessment is not required.

We note that once patrons depart the site (i.e. possibly exiting by Moor St or via the rear carpark) they are on public land and outside of the control of the venue. Nonetheless, it is recommended that the venue notify departing patrons (via a sign or otherwise) to recognise that the surrounding residential area is sensitive to noise and to act accordingly.

**2.3 Of the mitigation options presented, MDA recommends installation of a sound limiting device as preferred on the basis of providing a more robust means of controlling noise levels**

From discussions with the venue operator it is understood that a music noise limiting device will be installed. The noise limiting system should be calibrated to ensure the levels presented in **Table 10** of Report 640.10620-R1R2 are not exceeded.

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**3 ADDITIONAL COMMENTS**

As discussed in **Section 1** the venue operator has revised the proposed weekend operating hours such that the first floor function room will close an hour earlier than that originally considered (i.e. from 1:00 am to midnight).

Initial review of the background noise monitoring data for this period suggests that the background noise levels do not change enough to warrant increasing the maximum allowable noise levels inside the function room.

Whilst the applicable SEPP N-2 music noise limits are not likely to change for the proposed earlier closing hours; it should be noted that they will represent a favourable amenity outcome.

Checked/  
Authorised by: JA

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29 APR 2016

SLR Consulting Australia Pty Ltd

**Attachment 9 - PL03/0732.05 - 87-89 Moor Street, Fitzroy - Council's peer review of part 1 of applicant's acoustic report**



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27 January 2016

City of Yarra  
PO Box 168  
Richmond VIC 3121  
AUSTRALIA

**Attention: Ms Laura Condon**

Dear Laura

**87-89 MOOR STREET – SLR PEER REVIEW**

The Grub Food Van, a café and licenced premises located at 87-89 Moor Street in Fitzroy, proposes to extend their allowable operating hours and patron numbers. SLR Consulting Australia Pty Ltd (SLR) was engaged by the Grub Food Van to provide an acoustic report regarding noise impacts associated with the proposal.

Marshall Day Acoustics Pty Ltd (MDA) has subsequently been engaged by The City of Yarra to undertake a peer review of the following SLR report:

- Report number 640.10620-R1 '87-89 Moor Street, Fitzroy – The Grub Food Van Acoustic Assessment of Proposed Operations from the Venue', dated 10 October 2014.

MDA were also provided with the full town planning application.

The Association of Australian Acoustical Consultants (AAAC) document *Guideline for Report Writing*, published in 2010, has been used as a reference for this peer review.

Acoustic terminology used throughout this letter is explained in a glossary contained in Appendix A.

The SLR report is included in Appendix B.

**MDA Summary Comments**

The SLR report has been prepared in general accordance with the requirements of the AAAC document *Guideline for Report Writing*, and MDA generally agree with the outcomes of the assessment, based on information provided in the report, however we note the following:

- Further clarity could be provided with respect to the calculations carried out for the receiver point at 272 Fitzroy Street
- There is no assessment of noise generated from patron activity either on-site or in the carpark
- Of the mitigation options presented, MDA recommends installation of a sound limiting device is preferred on the basis of providing a more robust means of controlling noise levels.

Commentary on each of the report sections is provided below.

**Introduction**

The contents of the report are set in context, including explanations of why the work has been performed and the objective of the studies undertaken. This is in accordance with AAAC requirements for acoustic reports.





## Attachment 9 - PL03/0732.05 - 87-89 Moor Street, Fitzroy - Council's peer review of part 1 of applicant's acoustic report



### Background Information

The site description, nearest noise-sensitive receivers, venue layout and a description of the existing and proposed operations are provided in detail in accordance with the requirements detailed in the *Guideline for Report Writing*, Appendix 1.

### Statutory Requirements

The SLR report correctly outlines SEPP N-2 as the relevant statutory document for the assessment of music from a commercial premises.

MDA generally agree with the explanation of the policy provided in the SLR report.

### Background noise monitoring and noise limit derivation

Background noise monitoring for the purposes of deriving SEPP N-2 noise limits appear to have been carried out in accordance with the requirements of SEPP N-2.

The report states that background noise monitoring was not able to be undertaken at 272 Fitzroy Street, one of the nearby residential receivers, and that the limits have therefore been based on measurements at 85 Moor Street.

The SLR report reasons that;

*"due to the elevated nature of the outdoor balcony area [at 272 Fitzroy Street], it is likely that background noise levels will be higher"*

Consultation with SLR has revealed that the outdoor balcony area at 272 Fitzroy Street is more exposed to traffic sources on Moor Street, and hence higher background noise levels, than the relatively shielded noise monitoring location at 85 Moor Street. MDA finds this explanation satisfactory. Council may wish the report to be revised such that this explanation is included.

The derivation of the SEPP N-2 night period limit, provided in Table 2, appears to have been calculated correctly, based on the stated measured background noise levels.

### Attended noise measurements

Measurements of music within the venue are reported in terms of octave band  $L_{eq}$  and  $L_{10}$  indices, with total A-weighted levels stated along with a description of the events occurring during the measurements.

The SLR report states;

*"Based on the background noise monitoring results it is likely that noise from the fully occupied Green Room (with moderate level amplified music) will exceed applicable SEPP N-2 noise limits where operations extend until 1:00 am during the night period. However, from discussions with the operator it is understood that this space will generally not be used during the proposed extended Friday, Saturday and Sunday early morning (night-time) operations"*

More certainty in regards to the proposed use of the Green Room during extended hours would be helpful in assessing the music noise impact to nearby residences. The report does not provide calculations of noise levels at the nearest residences due to music from the Green Room, however MDA agrees that based on the information provided, it is possible that music noise levels from the Green Room could exceed SEPP N-2 noise limits at the nearest residential dwellings during the night period.

The SLR report presents results of sound insulation testing of the Green Room and Function Space in Table 5. The purpose of the sound insulation testing of the Green Room is unclear, given that no further calculations are presented in relation to predicted music levels at nearby residences, and the previous indication that the space will generally not be used during the proposed extended hours.

A note is provided under Table 5 that indicates that noise levels at 272 Fitzroy Street have been adjusted from the carpark measurements to account for relative distance from the source, shielding and directivity effects. While there are no further details provided in the report as to the value of such attenuation factors,

**Attachment 9 - PL03/0732.05 - 87-89 Moor Street, Fitzroy - Council's peer review of part 1 of applicant's acoustic report**



MDA have performed rudimentary calculations based on aerial photography of the site and find the adjustments are likely to be reasonable, however more information (for example, the height of screening between source and receiver) is required to verify the predicted levels.

**Predicted Noise Levels from First Floor Function Room**

SLR has used a noise level spectrum provided in Table 7 as reference data for amplified music within the Function Room. MDA confirms that the proposed spectrum is reasonable, and the resulting predicted levels at 85 Moor Street and 272 Fitzroy Street appear to have been correctly calculated based on the information provided.

**Assessment**

The SLR report confirms that the predicted noise levels achieve the SEPP N-2 criteria, and notes that noise controls are required in order to maintain compliance.

MDA observes that the SLR report contains no assessment of noise generated from patron activity either on-site or in the carpark, particularly during the night. While this may not have formed part of the scope of the assessment, MDA recommends that noise impact from both patrons and carpark activity be considered for a thorough assessment of the proposal, in light of the proposed increase in patron numbers.

**Recommendations**

The SLR report makes recommendations that the Green Room should be used by staff and a small number of patrons requiring access to the toilets (presumably this relates to the extended hours only).

Further, the sound levels within the Function Room are recommended to be controlled either via measurements undertaken by management or by the use of a sound limiting device. In this case, MDA recommends the latter (i.e. use of a sound limiting device) is preferred on the basis of providing a more robust means of controlling noise levels.

MDA generally agree with the recommendations described. We trust that this information is commensurate to your needs at this time. If you have any comments or questions then please do not hesitate to call.

Yours faithfully

**MARSHALL DAY ACOUSTICS PTY LTD**

A handwritten signature in black ink, appearing to read 'Gillian Lee'.

**Gillian Lee**

**Senior Consultant**

**Attachment 9 - PL03/0732.05 - 87-89 Moor Street, Fitzroy - Council's peer review of part 1 of applicant's acoustic report**



**APPENDIX A ACOUSTIC TERMINOLOGY**

|                            |   |
|----------------------------|---|
| <b>dB</b>                  | <p><u>Decibel</u><br/>The unit of sound level.</p> <p>Expressed as a logarithmic ratio of sound pressure P relative to a reference pressure of <math>P_r=20 \mu\text{Pa}</math> i.e. <math>\text{dB} = 20 \times \log(P/P_r)</math></p> |
| <b>A-weighting</b>         | <p>The process by which noise levels are corrected to account for the non-linear frequency response of the human ear.</p>   |
| <b>L<sub>Aeq</sub></b>     | <p>The equivalent continuous (time-averaged) A-weighted sound level. This is commonly referred to as the average noise level.</p>   |
| <b>L<sub>Amax</sub></b>    | <p>The A-weighted maximum noise level. The highest noise level which occurs during the measurement period.</p>  |
| <b>L<sub>A90</sub></b>     | <p>The noise level exceeded for 90% of the measurement period, measured in dBA. This is commonly referred to as the background noise level.</p>   |
| <b>L<sub>A10</sub> (t)</b> | <p>The A-weighted noise level equalled or exceeded for 10% of the measurement period. This is commonly referred to as the average maximum noise level.</p>  |
| <b>Sound Insulation</b>    | <p>When sound hits a surface, some of the sound energy travels through the material. 'Sound insulation' refers to ability of a material to stop sound travelling through it.</p>  |

**Attachment 9 - PL03/0732.05 - 87-89 Moor Street, Fitzroy - Council's peer review of part 1 of applicant's acoustic report**



**APPENDIX B SLR REPORT**

**Attachment 10 - PL03/0732.05 - 87-89 Moor Street, Fitzroy - Council's peer review of part 2 of applicant's acoustic report**



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3 June 2016

City of Yarra  
PO Box 168  
Richmond VIC 3121  
AUSTRALIA

Attention: Ms Laura Condon

Dear Laura

**PEER REVIEW 87-89 MOOR STREET FITZROY– MDA RESPONSE TO SLR UPDATED REPORT**

Marshall Day Acoustics Pty Ltd (MDA) provided a peer review of an acoustic report prepared by SLR Consulting Australia Pty Ltd (SLR) in relation to the Grub Food Van venue at 87-89 Moor Street Fitzroy. The peer review was contained in the document Lt 001 2016002ML *Peer Review licenced venue 87-89 Moor Street Fitzroy*, dated 27 January 2016.

Subsequent to the provision of our peer review, SLR has issued a memorandum to address issues highlighted by MDA's peer review (Ref: 640.10620 *Response to MDA Review 20160420*, dated 20 April 2016). The SLR memorandum was provided to MDA for comments.

The updated SLR report is included in Appendix A.



**Attachment 10 - PL03/0732.05 - 87-89 Moor Street, Fitzroy - Council's peer review of part 2 of applicant's acoustic report**



**MDA Summary Comments**

- The SLR memorandum notes that the operator plans to revise the weekend opening hours such that the function room will now close an hour earlier than that considered in the original proposal (i.e. from 0100 hrs to 0000 hrs (midnight) closing time).
- With respect to the noise level calculations at 272 Fitzroy Street, MDA had originally requested further information be provided. In the memorandum, attenuation factors including relative distance from the source, shielding and directivity effects have been expressed somewhat in a screenshot of the noise model prepared by SLR. While we feel that numerical definition of these calculation elements would have provided a more robust response to our query, we refer to our original note that the adjustments are likely to be reasonable.
- The memorandum notes that a patron noise assessment is not required as the outdoor courtyard will not be used during the new night-time opening hours for the function room. MDA's view is that patron noise from the first-floor function room should be assessed, or commented on, given that there are three windows facing the closest residents, and that the application is for an increase in patron numbers. It is not clear from the assessment whether the windows have been considered to be closed or open.
- MDA encourages the use of notifications to remind departing patrons to be mindful of noise when leaving the premises, as noted by SLR in the memorandum.
- MDA accepts that there has been no assessment of patron activity in the rear carpark as it is on public land and outside the control of the venue.

Yours faithfully

**MARSHALL DAY ACOUSTICS PTY LTD**

A handwritten signature in black ink, appearing to read 'Gillian Lee'.

**Gillian Lee**

**Senior Consultant**

---

**1.2 122 Noone Street- Planning permit application No. PLN15/0959- Development of the land for two (2) double storey dwellings, the full demolition of the existing building and a reduction in the car parking requirements of the Yarra Planning Scheme.**

---

### **Executive Summary**

#### **Purpose**

1. This report provides an assessment of the above planning application, which seeks approval for the development of the land for two (2) double storey dwellings including the full demolition of the existing dwelling and associated reduction in the car parking requirements of the Yarra Planning Scheme.

#### **Key Planning Considerations**

2. Key planning considerations include:
  - (a) Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay;
  - (b) Clause 32.09 – Neighbourhood Residential Zone – Schedule 1;
  - (c) Clause 43.01 – Heritage Overlay;
  - (d) Clause 55 – Two or more dwellings on a lot and residential buildings.

#### **Key Issues**

3. The key issues for Council in considering the proposal relate to:
  - (a) State and Local Planning Policy Framework;
  - (b) Clause 55 of the Yarra Planning Scheme (Rescode);
  - (c) Heritage; and
  - (d) Objector concerns.

#### **Objector Concerns**

4. Six (6) objections were received to the application, these can be summarised as:
  - (a) The proposed dwellings will be out of keeping with the heritage area, particularly the double storey height and presentation of the double storey boundary wall to Rutland Street;
  - (b) The proposal does not provide on-site car parking spaces, resulting in increased pressure on existing on-street car parking;
  - (c) Overshadowing of solar panels;
  - (d) Overdevelopment of the site demonstrated by lack of private open space;
  - (e) Excessive building height generating visual bulk; and
  - (f) Structural concerns in relation to construction and landscaping causing damage to neighbouring property.

#### **Conclusion**

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported.

**CONTACT OFFICER: Laura Condon**  
**TITLE: Senior Statutory Planner**  
**TEL: 92055352**

---

**1.2 122 Noone Street- Planning permit application No. PLN15/0959- Development of the land for two (2) double storey dwellings, the full demolition of the existing building and a reduction in the car parking requirements of the Yarra Planning Scheme.**

---

Trim Record Number: D16/109282  
Responsible Officer: Coordinator Statutory Planning

**Proposal:** Development of the land for two (2) double storey dwellings including the full demolition of the existing dwelling and associated reduction in the car parking requirements of the Yarra Planning Scheme.

**Existing use:** Vacant.

**Applicant:** Riva Ridge Pty Ltd.

**Zoning / Overlays:** Neighbourhood Residential Zone 1/ Heritage Overlay (HO316)

**Date of Application:** 25 September 2015

**Application Number:** PLN15/0959

**Planning History**

1. There is no planning history for the subject site.

**Background**

2. The application was received on 25 September 2015 from Riva Ridge Pty Ltd. After further information was satisfied, the application was advertised in December, 2016 with seven (7) objections received. This original design included a 4m setback to Noone Street with private open space located in this setback and enclosed by a 1.8m solid fence. Council's heritage advisor was not supportive of this design as large front setbacks and tall front fences are very uncharacteristic of the heritage streetscape. The facades to Noone Street and Rutland Street also contained window forms that are atypical of the heritage streetscape and were not supported by Council's heritage advisor.



*Original application plans submitted 25 September 2015.*



3. A consultation meeting was held on 17 February 2016, attended by the applicant, Council officers and objectors. The applicant submitted section 57A amended plans on the 02 May 2016 which substantially revised the design in response to heritage advice and objector concerns. The principal changes included the ground floor reconstructed to be a modern interpretation of the existing shop (allowing for the deletion of the high front fences) and windows redesigned and repositioned to be more reflective of the heritage window patterning in the street. The revised application was advertised in May, 2016 with one (1) objection withdrawn.



Section 57A amended plans submitted 25 September 2016.

## Existing Conditions

### Subject Site

4. The site is located on the north-east corner of the intersection of Rutland Street and Noone Street, in Clifton Hill. The site is located 170m east of Hoddle Street and 145m west of Groom Street. The site is occupied by a vacant single storey shop of the Victorian era which is currently derelict. The shop is built to the Noone Street and Rutland Street boundaries with a lean to structure and a yard located to the rear. The building fronts onto Noone Street. The site is rectangular in shape, measuring an average of 4.96m in width (front and rear boundary) and has a depth of 26.2m and yields a total site area of 130sqm. The site is relatively flat.
5. The certificate of title does not show any registered restrictive covenants or caveats.

### Surrounding Land

6. Darling Gardens is located approx 230m north-west of the site with Clifton Hill train station located east of the park on the opposite side of Hoddle Street. Rail services are available at this station with bus services also available on Hoddle Street. Tram services run on Queens Parade approx 700m north-west of the site. A railway line overpass crosses Noone Street approx 80m west of the site with the eastern freeway located 150m south of the site.
7. The immediate context contains predominately single storey Victorian era dwellings (some with rear double storey additions). Double storey buildings within the immediate streetscape area limited to three modern townhouses adjacent to the rail overpass to the west and a further five townhouses approx 80m east of the site on the north side of Noone Street.

A large 1970's era three storey apartment development is located on the south-west corner of the intersection of Noone and Rutland Street and extends to the rail overpass to the west and to the freeway to the south. There are examples of double storey Victorian era dwellings on the intersection of Rutland Street and Roseneath Street 200m north of the site.

8. To the west (on the opposite side of Rutland Street) is a single storey Victorian era dwelling.
9. To the south (on the opposite side of Noone Street) is a single storey Victorian era dwelling.
10. A single storey dwelling that fronts onto Rutland Street adjoins the northern boundary of the subject site. The front garden, the front verandah (enclosed on its south side) and small portion of the dwelling wall (with no windows) adjoins the shared boundary, with the remainder of the dwelling located to the east of the subject site with its private open space to the rear of the dwelling.
11. There is a narrow (approx 1.5m wide) right-of-way (ROW) to the north-east of the site that services the dwellings to the east of the subject site. The ROW terminates at the eastern boundary of the subject site.
12. To the immediate east is a single storey Victorian era dwelling that is built to the shared boundary with private open space to the rear. The dwelling has vaulted clerestory windows located approx 5m from the rear of the dwelling and with 3 banks of solar panels located on the rear of the dwelling. The dwelling is setback approximately 1.7m from the front boundary with the front verandah built to Noone Street. This dwelling is one of a row of five terrace dwellings.

## **The Proposal**

13. The proposal is for the development of the land for two (2) double storey dwellings including the full demolition of the existing dwelling and associated reduction in the car parking requirements. For ease of reference, this report will refer to the dwelling fronting Noone Street as 'Dwelling 1' and the dwelling to the rear as 'Dwelling 2'.

### *Demolition*

14. Demolition includes the removal of the existing dwelling and the western boundary fence.

### *Ground floor*

15. The ground floor for each dwelling contains an open living/kitchen/meals area and private open space. Both dwellings will be accessed from Rutland Street. The private open space for dwelling 2 is located to the rear, will measure 20sqm (with a 6 cubic metre storage area). The private open space area for dwelling 1 will measure 20sqm and will front Noone Street (with a 4 cubic metre storage area). This open space will be enclosed by walls and a louvered roof, a structure which is a modern interpretation of the existing shop front. The walls will contain Victorian era style shop front windows on the south and west sides of the open space. The lower sections of the windows contain clear glazing with louvers behind with no glazing on the upper portions of the windows. A further 8 vertically oriented windows of a domestic scale front onto Rutland Street at ground floor.

### *First Floor*

16. Each dwelling will contain two bedrooms all with en-suites. Two windows are located at first floor on the front facade and has two more on the rear elevation, with a further four windows fronting Rutland Street.

### *Materials*

17. Materials and finishes will include two vertical panels of timber cladding to Noone Street with redbrick at ground floor and standing seam zinc cladding at first floor. A flat roof form is proposed at second floor with a timber louvered pitched roof form to the ground floor shop frontage.

*ESD features*

18. Each dwelling will be provided with a 300ltr water tank in the rear private open space (to be connected to toilets and achieve a 107% STORM rating) and solar panels are to be installed on the roof of each dwelling.

**Planning Scheme Provisions**

Zoning

*Neighbourhood Residential Zone (Schedule 1)*

19. Pursuant to Clause 32.09-4 of the Yarra Planning Scheme (the Scheme), a planning permit is required to construct two dwellings on a lot. A development must meet the objectives of Clause 55 (Rescode) of the Scheme. Clause 32.09-8 stipulates the following:
- (a) *The maximum height of a building used for the purpose of a dwelling or residential building must not exceed the building height specified in a schedule to this zone. If no building height is specified, the height of a building must not exceed 8 metres unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the height of the building must not exceed 9 metres.*

Overlays

*Heritage Overlay [HO316]*

20. Pursuant to Clause 43.01-1 of the Scheme, a planning permit is required to demolish a building and to construct a building or construct or carry out works.

Particular Provisions

*Clause 52.06 – Car Parking*

21. Pursuant to the Car parking requirement table at clause 52.06-5 of the Scheme, dwellings are required to provide on-site car parking spaces as follows:

| Land Use              | Units/Area proposed                | Rate                                  | No. required    | No. proposed    | Reduction sought |
|-----------------------|------------------------------------|---------------------------------------|-----------------|-----------------|------------------|
| Dwellings - Residents | 2 dwelling with two bedrooms each. | 1 to each 2 or more bedroom dwelling. | 2               | 0               | 2                |
| -Visitors             |                                    | 1 to every 5 dwellings                | 0               | 0               | 0                |
| <b>Total</b>          |                                    |                                       | <b>2 spaces</b> | <b>0 spaces</b> | <b>2 spaces</b>  |

*Clause 55 (Two or more dwellings on a lot)*

22. These provisions apply to construct a building or construct or carry out works associated with two or more dwellings on a lot under the provisions of the NRZ1.

General Provisions

23. The Decision Guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters.

Amongst other things, the Responsible Authority must consider the relevant State Planning Policy Frameworks, Local Planning Policy Frameworks and any Local Policy, as well as the purpose of the Zone, Overlay or any other Provision.

24. State Planning Policy Framework (SPPF)

*Clause 11 – Settlement*

25. The relevant policy objective is to *‘encourage a diversity of housing types at higher densities in and around activity centres’*.

*Clause 11.02 - Urban growth*

26. The clause includes several strategies to achieve this objective including *‘planning for urban growth should consider opportunities for the consolidation, redevelopment and intensification of existing urban areas’* and *‘Concentrate urban expansion into growth areas that are served by high-capacity public transport’*.

*Clause 11.04-2 – Housing Choice and Affordability*

27. The objective of this clause is *‘to provide a diversity of housing in defined locations that cater for different households and are close to jobs and services’*.

*Clause 15 – Built Environment and Heritage*

*Clause 15.01-1 – Urban design*

28. The objective of this clause is *‘to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity’*.

*Clause 15.01-4 – Design for safety*

29. The objective of this clause is *‘to improve community safety and encourage neighbourhood design that makes people feel safe’*.

*Clause 15.01-5 – Cultural identity and neighbourhood character*

30. The objective of this clause is *‘to recognise and protect cultural identity, neighbourhood character and sense of place’*.

*Clause 15.02-1 – Energy and resource efficiency*

31. The objective of this clause is *‘to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions’*.

*Clause 16 – Housing*

*Clause 16.01-1 – Integrated housing*

32. The objective of this clause is *‘to promote a housing market that meets community needs’*.

*Clause 16.01-2 – Location of residential development*

33. *The objective of this clause is ‘to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport’*.

*Clause 16.01-4 – Housing diversity*

34. The objective of this clause is *'to provide for a range of housing types to meet increasingly diverse needs'*.

*Clause 18.02-1 - Sustainable personal transport*

35. The objective of this clause is *'to promote the use of sustainable personal transport'*.

*Clause 18.02-2 - Cycling*

36. *It is an objective 'to integrate planning for cycling with land use and development planning and encourage as alternative modes of travel'.*

Local Planning Policy Framework (LPPF)

*Clause 21 – Municipal Strategic Statement (MSS)*

*Clause 21.03 – Vision*

37. Clause 21.03 of the Scheme outlines strategic objectives for land use, built form, transport and environmental sustainability within the City. Strategies to achieve the objectives are set out in the following clauses of the MSS.

*Clause 21.04 – Land Use*

38. The relevant objectives and strategies of this clause are *'to accommodate forecast increases in population'* and to *'support residual population increases in established neighbourhoods'*.

*Clause 21.05 Built Form*

*Clause 21.05-1 – Built Form: Heritage*

39. The relevant objective of this clause is:

(a) *Objective 14 – To protect and enhance Yarra's heritage places.*

*Clause 21.05-2 – Urban design*

40. This clause incorporates the following relevant objectives:

(a) *Objective 16 - To reinforce the existing urban framework of Yarra; and*

(b) *Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric.*

*Clause 21.05-4 Public environment*

41. The relevant objective of this clause is:

(a) *Objective 28 - To provide a public environment that encourages community*

*Clause 21.07 Environmental Sustainability*

*Clause 21.07-1 – Ecologically sustainable development*

42. The relevant objective of this clause is:

(a) *Objective 34 To promote ecologically sustainable development.*

*Clause 21.06 – Transport*

43. This clause builds upon the Objectives outlined at Clause 18, promoting cycling, walking and public transport as alternatives to private motor vehicle usage. The clause encourages the following:

- (a) *Yarra needs to reduce car dependence by promoting walking, cycling and public transport as viable and preferable alternatives.*

*Clause 21.08 Neighbourhoods*

44. The subject site is contained in the neighbourhood of Clifton Hill. The policy describes the character of Clifton Hill as a largely residential neighbourhood which has good open space including the parklands associated with the Yarra River and Merri Creek to its east and Darling Gardens and Mayors Park located within the neighbourhood.
45. The neighbourhood section is silent for the subject site. Therefore in this instance, the built form guidelines contained in Clause 22.02 'Development Guidelines for sites subject to the Heritage Overlay' and Clause 55 (ResCode) are the principal policies against which the proposal will be assessed.

Relevant Local Policies

*Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay*

46. The applicable objectives of this policy are:
- (a) *To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.*
- (b) *To retain significant view lines to, and vistas of, heritage places.*
- (c) *To preserve the scale and pattern of streetscapes in heritage places.*
- (d) *To ensure that additions and new works to a heritage place respect the significance of the place.*
- (e) *To encourage the retention of 'individually significant' and 'contributory' heritage places.*
47. Pursuant to the incorporated document 'City of Yarra Review of Heritage Overlay Areas 2007, Graeme Butler and Associates 2007: Appendix 8 (revised Sept 2015) City of Yarra Heritage Database' the site is nominated as "contributory" within the Precinct.

*Clause 22.02-5.1 Demolition - Full Demolition or Removal of a Building*

48. *Removal of Part of a Heritage Place or Contributory Elements*

- (a) *Generally encourage the retention of a building in a heritage place, unless*
- (i) *The building is identified as being not contributory.*
- (ii) *The building is identified as a contributory building, and*
- *new evidence has become available to demonstrate that the building does not possess the level of heritage significance attributed to it in the incorporated document, City of Yarra Review of Heritage Areas 2007 Appendix 8, revised September 2015 and*
  - *the building does not form part of a group of similar buildings.*

*Note: The poor condition of a heritage place should not, in itself, be a reason for permitting demolition.*

*Clause 22.02-5.7 New Development, Alterations or Additions*

*Clause 22.02-5.7.1 - General*

49. *Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:*
- (a) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape;*
  - (b) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place;*
  - (c) *Be visually recessive and not dominate the heritage place;*
  - (d) *Be distinguishable from the original historic fabric; and*
  - (e) *Not remove, cover, damage or change original historic fabric.*

*Corner Sites and Sites with Dual Frontages*

50. *Encourage new building and additions on a site with frontages to two streets, being either a corner site or a site with dual street frontages, to respect the built form and character of the heritage place and adjoining or adjacent contributory elements to the heritage place.*
51. *Encourage new buildings on corner sites to reflect the setbacks of buildings that occupy other corners of the intersection.*

*Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)*

52. This policy to new buildings and extensions to existing buildings which are 50sqm in floor area or greater. The relevant objective of this policy is to achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

*Clause 22.17 – Environmentally sustainable development*

53. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.
54. The following objectives should be satisfied where applicable:
- (a) Energy performance;
  - (b) Water resources;
  - (c) Indoor environment quality;
  - (d) Stormwater management;
  - (e) Transport;
  - (f) Waste management;
  - (g) Urban ecology.

**Advertising**

55. The application was received on 25 December 2015 from Riva Ridge Pty Ltd. After further information was satisfied, the application was advertised in December, 2016 with seven (7) objections received. A section 57A amendment was submitted 2 May 2016 which was advertised and with one objection withdrawn. A total of 6 objections to the application remain.
56. Objections can be summarised as follows:
- (a) The proposed dwellings will be out of keeping with the heritage area, particularly the double storey height and presentation of the double storey boundary wall to Rutland Street;

- (b) The proposal does not provide on-site car parking spaces, resulting in increased pressure on existing on-street car parking;
- (c) Overshadowing of solar panels;
- (d) Overdevelopment of the site demonstrated by lack of private open space;
- (e) Excessive building height generating visual bulk; and
- (f) Structural concerns in relation to construction and landscaping causing damage to neighbouring property.

## Referrals

### External

57. The application was not required to be referred (or notice given) to any referral authorities under Clause 66 of the Scheme.

### Internal

#### *Heritage*

58. Council's heritage advisor reviewed the application and provided the following response to the application. These comments are based on the original application plans (submitted 25 September 2015) with commentary also provided in relation to the section 57A amended plans submitted 2 May 2016 (Decision Plans):

#### *Assessment of proposed works*

#### *Demolition*

59. *The extent of demolition proposed by this application includes the full removal of the subject building and all associated built structures. The key considerations for assessing full demolition are:*
- (a) *Will demolition adversely affect the significance the broader heritage precinct?; and*
  - (b) *Is demolition justified in accordance with Clause 22.02-5.1 of the Yarra Planning Scheme?*
60. *The period of significant development within the Clifton Hill Eastern Heritage Overlay Area is the late 19th and early 20th centuries. Given its date of construction, it is considered that the subject building's level of heritage significance is appropriate. The subject building does not form part of a group of similar buildings, such as row of matching Victorian terrace houses to the east.*
61. *Corner shops and residences with display windows and zero boundary setbacks have been identified as contributory buildings within the Clifton Hill Eastern Heritage Overlay Area [City of Yarra Review of Heritage Overlay Areas 2007, p. 52]. The subject building is generally recognisable as a corner shop by its zero front and side setbacks as well as its parapet. The building's original shop window has however been heavily modified and partially infilled using brickwork. In its current state, the subject building does not make a positive contribution to the heritage significance of the Noone Street streetscape. The loss of the existing building in the streetscape will therefore be of minimal impact to the heritage character and appearance of the streetscape.*
62. *The subject building is in poor condition. Clause 22.02-5.1 of the Yarra Planning Scheme states that poor condition of a heritage place should not, however in itself, be a reason for permitting demolition.*

*A cursory inspection of the property's interior and exterior has confirmed that the subject building has been suffering from a number of structural problems for some time. Externally the west-facing wall shows cracking around the window opening to the second main room.*



*There is also visible evidence of movement between the walls and the roof structure. Internal wall cracks within the front and second rooms also appear to be of a scale that may require at least partial reconstruction of the affected walls. A street tree that was previously identified as a cause of concern was removed in 2011 however it is unclear if the previously existing defects were repaired or if structural problems continue to persist.*

63. *It goes without saying, that the subject building has not been constructed in accordance with current building regulations. It cannot be automatically assumed that the building is automatically sub-standard as a consequence. It is considered that a substantial extent of reconstruction may be required to first stabilise the existing structure and then recreate the original appearance of the subject building's shop front. As a result it is likely that the repaired building will consist mainly of new building fabric and as such will have little heritage value. At best, it is considered that the finished result is likely to be little more than a replica of a heritage building. In this instance, full demolition of the existing building may be considered acceptable.*

*Comments regarding new development*

64. *The key consideration for assessing this aspect of the works is whether the proposed new development will:*
- (a) Be in keeping with the character or appearance of nearby buildings of historic significance;*
  - (b) Not adversely affect the significance of the broader heritage precinct.*

*Setbacks*

65. *The proposed front setback for the new development at ground level will be 4.0 metres at ground level and about 3.1 metres at the upper level. The front setbacks of the immediately adjacent properties (to the east) appear to be about 1.7 metres. There are a variety of front setbacks in the general vicinity of the subject site, however the adjoining properties immediately east (between nos. 124 and 132 Noone Street) have consistent setbacks of about 1.7 metres. The properties immediately north of the subject site appear to have a consistent front setback of about 3 metres (between nos. 30 and 40 Rutland Street).*
66. *As a former shop, the subject site has historically had a zero front setback from both Noone and Rutland Streets. A new building with a zero front setbacks would therefore be potentially acceptable however, equally a front setback from Noone Street of 1.7 metres (to match the adjoining properties to the east) would also be acceptable. The proposed front setback of 4.0 metres at ground level will be substantially greater than the adjoining contributory buildings. This will be inconsistent with the guidelines for setbacks set out in Clause 22.02-5.7.1).*
67. *The front setback of 3.1 metres from Noone Street at the upper floor level is even more unacceptable that the proposed ground level setback as it will result in an atypical projecting building form. If the ground floor has a zero front setback then the upper floor level should have a setback to an extent that the existing scale of the building is still easily understood. Some visibility of the upper-storey would be acceptable however partially screening it with a parapet (with or without an upper level roof deck behind) would be desirable.*
68. *If a front setback of 1.7 metres is adopted, then the upper storey will need to be setback probably at least 4 metres from the alignment of the front wall at ground level to reflect the single-storey scale of the adjoining terrace houses to the east. If setback, it is considered that the upper-level setback would need to incorporate a visible hipped roof form to be respectful of the consistent roof forms of the adjoining terrace houses.*
69. *The proposed side setback for the new development will be zero metres. The side setbacks of the immediately adjacent properties are zero metres as is the predominant side setbacks in the vicinity. On this basis the proposed side setbacks of zero from both Noone and Rutland Streets is acceptable.*

### Scale/height

70. The proposed facade height for the new development will be about 6.6 metres. The facade heights of the adjacent properties are about 3.5 metres for the adjoining row along Noone Street and about 5 metres for the adjoining row along Rutland Street. Contributory buildings in the vicinity are predominantly single-storey in scale. The proposal for a two-storey building is not unacceptable as buildings of this scale are typical within heritage areas particularly on corner locations. \
71. The ground floor proportion of the new two-storey should be respectful of the facade heights of the adjoining row along Noone Street. The annotated image below shows how the scale of the existing building and the adjacent buildings can be used to inform the design of the new building.



Above: Annotated image showing how the existing building and adjoining terrace should inform the proportions of a proposed new building.

### Roof form

72. The proposed roof form for the new development will be flat. The roof forms of the adjacent properties are mixed with hips, gables and parapets. The proposal for a flat roof form is not unacceptable given that this will be a new contemporary building.

### Appearance

73. A contemporary design approach has been adopted for the proposed new building. This approach is not unacceptable provided that adequate respect is given to the heritage character of the surrounding area through details such as external materials, proportions and fenestration. The proposed Noone Street facade does little to reflect either the character of the property as a former shop or as a respectful addition to the end of the adjoining terrace. If a zero front setback is adopted, it is considered that the proposed facade should be a contemporary interpretation of a traditional Victorian shopfront. The facade should include a front door opening and windows that are suggestive of a shopfront. The annotated image above suggests the use of fixed louvres to address visual privacy from the street with clear glazed highlights. Note: the annotated image has been provided for demonstration purposes only.
74. The proposal to design the new development into three visual parts along Rutland Street makes a positive contribution to maintaining the character and scale of that street.

The horizontal orientation of the ground floor window openings is not however considered sympathetic and should be redesigned to be more reflective of the traditional proportions and orientation of nearby heritage properties. This may be achieved by smaller individual windows that a grouped together rather than one long opening.

*It is considered that the proposal to 'disguise' the front doors facing Rutland Street as part of the wall treatment, together with the long horizontal window openings, alienates the building from Rutland Street. It would be preferable for the new development to have clearly defined door openings in keeping with the traditional character of adjacent properties.*

75. *The proposed external materials for the new development will be zinc (raised seams?) grey render and timber. The external materials of the adjacent properties are render and face brickwork that are also the predominant external materials in the vicinity. The proposed development would benefit from a greater proportion of face brickwork in reds or red-browns. The selection of materials proposed for the new development is not considered unacceptable although the use of louvres (metal or timber) for fencing is not considered in keeping with the character of the area.*

*Private open space*

76. *The proposal to create private open space in the front setback to Noone Street is unacceptable. The appearance of a 1.8 metre high louvered fence adjacent to a row of traditional height Victorian style timber and metal railing fencing is not supported by Clause 22.02-5.7.2. Private open space for the dwelling facing Noone Street will need to be provided elsewhere. An alternative location may be behind a parapet at the upper storey, however the floor level and the size of the deck should be moderated to ensure that the parapet will conceal the plethora of movable items that may be visible from the street.*

*Recommendations*

77. *On heritage grounds the works proposed in this application should be modified prior to further consideration. Suggested changes are:*
- (a) That the proposed front setback of the ground level to Noone Street be modified to either zero (to match the existing building) or about 1.7 metres (to match the front setbacks of nos. 124 to 132 Noone Street);*
  - (b) That the proposed front setback of the upper storey Noone Street façade be either:*
    - (i) About 2 metres from the alignment of the ground level façade that has a zero metre front setback and a parapet to substantially conceal the upper storey;*
    - (ii) At least 4 metres from the alignment of the ground level façade that has a 1.7 metre front setback.*
  - (c) That the fenestration of the Noone Street facade should be redesigned to respond to:*
    - (i) The character of a traditional Victorian shopfront if a zero front setback is adopted; or*
    - (ii) The character and pattern of door and window openings of the adjoining terrace houses along Noone Street if a 1.7 metre front setback is adopted.*
  - (d) That the proportions and orientation of window openings at ground level facing Rutland Street be modified to either a series of smaller grouped openings of traditional proportions or typical sized vertically oriented openings;*
  - (e) That the proposed door openings to the Rutland Street façade be detailed to be less visually concealed;*
  - (f) That any proposed street front fencing must be of a character and appearance that is more generally in keeping with the heritage streetscape;*

- (g) *That any front fence facing Noone Street must be reduced to a maximum of 1.2 metres or up to 1.5 metres if more than 50% transparent.*

78. Council's heritage advisor reviewed the section 57A amended plans (decision plans) and provided the following response:

- (a) *I have provided advice regarding this application on several occasions – particularly in regard to the principal façade. My principal concerns were the façade and the form of the roof structure over the front section of the new building.*
- (b) *I am satisfied that the current amended façade reflects my previous advice and now is representative of the former shopfront that existed in this location. The proportion of the proposed front windows is acceptable however the proposed privacy shutters should allow a degree of transparency on a permanent basis to give the impression of an active frontage. The lack of glazing at the upper level is acceptable given that this is not a reconstruction of an original shopfront.*
- (c) *The proposed materials for the frames of the various shopfront windows should be generally in keeping with the character of the streetscape. Bright metal frames should be avoided.*
- (d) *In regard to the roof structure, I am similarly satisfied that the current roof proposal is reflective of the original building roof form without necessarily mimicking it exactly. Full details of the proposed construction should be provided to ensure that the roof structure will appear to be generally solid when viewed from the street.*

#### *Traffic*

79. Council's traffic engineers reviewed the application and provided the following response to the application. These comments are based on the original application plans (submitted 25 September 2015) but remain relevant to the section 57A amended plans submitted 2 May 2016 (Decision Plans) also propose no on-site car parking:

#### *Car Parking Demand Assessment*

80. *To reduce the number of parking spaces required for the proposed development, the Car Parking Demand Assessment must assess the following:*

#### *Short-stay and Long-stay Parking Demand.*

81. *Long-stay parking would comprise of residents' parking. According to Council's Parking Services unit, the proposed dwellings will be ineligible for residential permits. Given the site does not contain on-site parking, any future occupant of the dwellings would heavily rely on on-street parking. There are many streets in the area with unrestricted all day parking; however, as the demand for parking over time increases, the long-stay parking will be progressively replaced over time by more short-stay parking. Short-stay parking at the site would comprise of visitors and tradespeople. The area's coverage of all day parking will provide opportunities for visitors to find parking close to the site.*

#### *Availability of Public Transport in the Locality of the Land.*

82. *The site is located within walking distance of train services at Clifton Hill railway station. Bus services are available along Hoddle Street (Routes 246, 302 to 305, 309, 318, 350, 504, 684, and 905 to 908) and tram services are available from Queens Parade (Route 86).*

#### *Appropriateness of Providing Fewer Spaces than the Likely Parking Demand*

83. *Clause 52.06 lists a number of considerations for deciding whether the required number of spaces should be reduced. For the subject site, the following considerations are as follows:*

*Availability of Car Parking.*

84. *The north and south side of Noone Street contain unrestricted all day parking. Further west along Noone Street, there is a small pocket of 2P restriction. This section would provide parking for customers at Schot's Home Emporium. The majority of streets in the surrounding area are unrestricted, with the exception of a 2P section on Roseneath Street.*

*Access to or Provision of Alternative Transport Modes.*

85. *The site has very good access to public transport and the on-road and off-road bicycle network. Carshare pods are available within walking distance of the site and provide an alternative mode of transport for residents and visitors.*

*Convenience of Pedestrian and Cyclist Access to the Land.*

86. *Pedestrians and cyclists should be able to access the site conveniently by using the existing infrastructure in front of the site and the surrounding streets. It is highly probable that some visitors to the site would either live or work locally. Access to the on-road bicycle network (Rutland Street, Groom Street, Roseneath Street, and Ramsden Street) and the off-road bicycle network (Merri Creek Trail) are relatively good.*

*Adequacy of Car Parking*

87. *From a traffic engineering perspective, the waiving of two spaces for the proposed dwelling is considered appropriate and should not adversely impact on existing parking conditions in the area, which are already strained and close to saturation point.*
88. *Before a decision is made whether to grant a dispensation in the car parking requirement, the above factors should be taken into account.*

*Capital Works Programme*

89. *A check of the Capital Works Programme for 2015/2016 indicates that no infrastructure works have been approved or proposed within the area of the site at this time.*

*Building Department*

90. *The original building is constructed of full masonry with a weatherboard clad addition to the rear. Significant cracking was evident throughout the original building internally and externally. The cracking is a result of footing failure indicating that the footing system which the house was originally built on is inadequate.*
91. *Although the footing system to the building is inadequate and has caused significant movement and cracking, we are of the opinion that the building is not in danger of collapse in the short to medium term (90-120 days) therefore an Emergency Order to demolish the building will not be required. Remedial work to retain any part of the building would be extensive however, we are of the opinion that the wall frontages to Noone Street and Rutland Street can be repaired and retained in accordance with an engineered design.*

## **OFFICER ASSESSMENT**

92. The following key issues and policies will be used to frame the assessment of this planning permit application:

- (a) State and Local Planning Policy Framework;

- (b) Clause 55 of the Yarra Planning Scheme (Rescode);
- (c) Heritage;
- (d) Car parking;
- (e) Objector concerns; and
- (f) Other matters.

#### State and Local Planning Policy Framework

93. When assessed against the State and Local Planning Policy Frameworks, there is strategic support for the development with regards to its location within close proximity to an activity centre (AC) and within the Neighbourhood Residential Zone (NRZ). The purposes of the NRZ are as follows:
- (a) *To recognise areas of predominantly single and double storey residential development.*
  - (b) *To limit opportunities for increased residential development.*
  - (c) *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
94. It is considered that the proposed development fulfils these objectives, and allows for two modern family homes in an inner city context that is ideally located to take advantage of existing services including train and bus services available along Hoddle Street (230 west) and tram services on Queens Parade (700m north).
95. Clause 11 of the Scheme aims for an increase in diversity of choice, economic viability, accessibility and land use and transport integration, whilst facilitating sustainable development that takes full advantage of existing settlement patterns. The future residents of the dwellings will use the services available in the nearby commercial environment, in accordance with clause 11.02.
96. The development also accords with a number of key strategic policies within the Scheme, in particular clause 11.04-2 and 18.02-1 and 18.02-2, by providing higher density housing with connections to public transport and cycling networks and clauses 16.01-2, 16.01-4 and 21, by increasing and consolidating the supply and diversity of housing in existing urban areas. For all of the reasons outlined above, the proposal is considered to achieve sufficient compliance with the relevant State and Local Planning policies.

#### Clause 55 of the Yarra Planning Scheme (Rescode)

97. Clause 55 (ResCode) provides an assessment tool for the appropriateness of the design of two or more dwellings on a lot. Given the site's location within a built up inner city residential area, strict application of the standard is not always appropriate. The relevant test is whether the proposal meets the objectives. The following provides an assessment against the relevant standards of ResCode and shows the proposal achieves a high level of compliance with relevant objectives.

#### *Standard B1 – Neighbourhood character objectives*

98. This standard encourages proposed development to respond to the existing neighbourhood character of the area which is characterised by predominantly single storey Victorian era dwellings, with some double storey built form on corner sites. Consideration of the suitability of the proposed development in relation to the prevailing neighbourhood character will be discussed in detail in the following *Heritage* assessment, given that the character of the area is largely defined by the presence of heritage buildings in the wider area. However, the proportions of the proposed dwellings are sufficiently modest not to overwhelm the existing heritage streetscape.

#### *Standard B2 - Residential policy*

99. Local policy objectives have been discussed in detail in the *State and Local Planning Policy Framework* assessment. A heritage assessment is offered later in this report.

*Standard B3 – Dwelling diversity objective*

100. The objective of this standard encourages a variety of dwelling sizes and types in development of 10 or more dwellings. With 2 dwellings proposed, this standard is not applicable.

*Standard B4 – Infrastructure objectives*

101. It is anticipated that the dwellings will not unreasonably overload the utility services and infrastructure of the area, particularly given that the existing building on-site is currently connected to utility services. No objection was raised by Council's Engineering Services Unit with respect to this development exceeding the capacity of utility services and infrastructure in the area. Further, as will be discussed in detail later in this assessment, the proposed rainwater tanks will reduce demand generated by the proposal on existing Council underground stormwater infrastructure.

*Standard B5 – Integration with the street objective*

102. The objectives of this standard include that dwellings be oriented to the street, high front fencing be avoided and dwellings promote observation of abutting streets and public open spaces. Of concern are the proposed shutters to the shop front style windows to Noone Street and Rutland Street. Should the shutters be fully closed for long periods of time, this would result in a poor interface and a blank facade to the street. For this reason, a condition will require the proposed privacy shutters allow a degree of transparency on a permanent basis to give the impression of an active frontage. The applicant is agreeable to a condition of this effect.
103. The other windows to Noone Street and Rutland Street (at ground and first floor) are clear glazed and will allow for passive surveillance and an active street frontage, in accordance with the objectives of this standard.

*Standard B6 – Street setback objective*

104. The proposal does not comply with the requirements of this standard as the proposed facades will not align with the facades of the adjoining dwellings to Noone Street and Rutland Street. However this is considered acceptable in this instance as the new walls will match the position of the existing walls, and so will not appear out of context. Further it is reflective of the area to build at least one wall to a side boundary on corner sites, as demonstrated by the dwellings immediately opposite the site across Noone Street and Rutland Street. For these reasons the non-compliant setbacks are acceptable and won't appear out of context in the heritage streetscape.

*Standard B7 – Building height objective*

105. The standard encourages a maximum building height of 9m, with Clause 32.09-8 (NRZ1) specifying a maximum building height of 8m for a dwelling or residential building. In compliance, the application has a proposed maximum building height of 6.62m.

*Standard B8 – Site coverage objective*

106. The proposed site coverage is approx 67% in non-compliance with the 60% site coverage ratio encouraged by the standard. However, higher site coverage is typical in the inner city context as demonstrated by a large number of the dwellings along Noone Street having site coverage in the region of 80% to 90%. In this context the high site coverage is considered acceptable.

*Standard B9 – Permeability objectives*

107. In compliance with the 20% site permeability encouraged by the standard, the proposed site permeability will be 32%. Further, it is the objective of this standard to limit site coverage in order to reduce stormwater runoff to Council's stormwater infrastructure. The applicant has submitted a STORM report which indicates that a rainwater tank (to be connected to toilets) is proposed to each dwelling and achieves a 107% STORM rating in compliance with best practice standards, demonstrating that a large portion of stormwater runoff will be retained on-site and so will not place undue additional strain on Council's stormwater drainage system.
108. *Standard B10 – Energy efficiency objectives, Clause 22.17 Environmentally Efficient Design (EED) and Clause 22.16 Stormwater Management.*
109. Best practice stormwater management is illustrated through rainwater tanks achieving a 107% STORM score. The development has ample glazing allowing for good access to daylight. A condition will require that all habitable rooms are provided with operable windows to allow for natural ventilation. Solar panels are also provided to each dwelling.
110. The first floor partly cantilevers over the ground floor north-facing windows to offer shade to these large expanses of ground floor glazing over the summer months, with overlooking screens to the first-floor north facing windows also providing shading. The small size of windows on the west elevation will also help prevent the building from overheating from harsh afternoon western summer sun. Due to these features, it is considered the proposal achieves a reasonable level of compliance with applicable ESD policy objectives.
111. A further objective of this policy is to encourage developments to be designed and sited to ensure that the energy efficiency of adjoining dwellings is not unreasonably reduced. Overshadowing of open space will be discussed in the following Standard B21 (*Overshadowing of Open Space*) assessment. To the immediate east is a single storey Victorian era dwelling that is built to the shared boundary and has 3 banks of solar panels located on the rear of the dwelling. Shadowing impacts to these panels will affect the energy efficiency of the dwelling and so must be given due consideration.
112. ResCode does not describe what unreasonable impacts on existing solar panels may be. In assessing the impact of new development on existing solar panels, principles established by the Victorian Civil and Administrative Tribunal (VCAT) provide guidance on determining what might constitute reasonable overshadowing to existing solar panels. The most relevant principals to this application include:
  - (a) Acknowledging that a "reasonable" level of additional shadow can be contemplated.
  - (b) Have the solar panels have been placed in an unreasonably vulnerable position.
  - (c) Whether the position of the solar panels on the host building is due to constraints arising from heritage planning controls.
113. The above criteria was established by the *Tribunal in Chen v Melbourne CC & Ors* (Red Dot) [2012] VCAT 1909 and *John Gurry & Associates Pty Ltd v Moonee Valley CC & Ors* (Red Dot) [2013] VCAT 1258.
114. The three banks of solar panels on the building to the east will not be overshadowed (at the equinox) by the proposed development in the morning and early afternoon, with the northern most panels unaffected by shadow from the proposed development.

Given the panels are unaffected for a large portion of the day; it is considered that the efficiency of the panels will not be detrimentally impacted by the proposed development.



*Standard B11 – Open Space Objective*

115. This policy requires that development be oriented to address any public or communal open space provided. No public or communal open space is proposed; hence this standard is not applicable to this application.

*Standard B12 – Safety objective*

116. The dwellings entries will be clearly visible from the street subject to a condition requiring they are appropriately illuminated. The entries are not obscured or isolated from the street and so the proposal achieves compliance with the objectives of this standard.

*Standard B13 – Landscaping objectives*

117. The objective of this standard is to maintain the landscape character of the street defined by narrow front gardens. However with no front garden proposed this standard is not relevant in this instance.

*Standard B14 – Access objectives and Standard B15 – Parking location objectives*

118. With no on-site car parking proposed, this standard is not relevant in this instance.

*Standard B17 – Side and rear setbacks objective*

119. It is policy that a new wall not built on the boundary or within 200mm of a boundary should be setback from side or rear boundaries 1m plus 0.3m for every metre of height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m. The following table demonstrates that the north setbacks achieve compliance with the standard and so is considered acceptable.

| <b>Wall</b> | <b>wall height above natural ground</b> | <b>Proposed Setback range</b> | <b>Required setback</b> | <b>Compliance</b> |
|-------------|---|-------------------------------|-------------------------|-------------------|
| North       | 6.62m                                   | 3.9m                          | 1.9m                    | Yes               |

*Standard B18 – Walls on boundaries objective*

120. To satisfy the requirements of this standard, a new wall constructed on the boundary should not abut the boundary for a length of more than 10m plus 25 per cent of the remaining boundary of the adjoining lot and should exceed an average height of 3.2m with no part higher than 3.6m unless abutting a higher existing wall. The proposed height (4.2m and 6.62m) and length (17.9m) of the east boundary wall does not comply with the standard.
121. The non-compliant eastern wall abuts the boundary wall and roof of the property to the east, with visual bulk and shadow impacts be limited to the roof of this property which is considered to limit negative amenity impacts to an acceptable level.

*Standard B19 – Daylight to existing windows objective*

122. The locations of new walls in relation to the existing windows on the northern wall of the adjoining dwelling to the east satisfy the requirements of this standard.

*Standard B20 – North-facing windows objective*

123. With the proposed north wall of the development located to the south of the ground floor north-facing windows to the property to the east, light access to these existing windows will not be affected by the proposal, in compliance with the standard. There is also north-facing clerestory windows located 5m from the rear wall of this adjoining dwelling.

However as the proposed wall within 3m of this window is located on the shared boundary and not opposite this window, the proposal will not unreasonably restrict light access to this window.

*Standard B21 – Overshadowing open space objective*

124. With shadowing limited to Rutland and Noone Street and the roof of the property to the east, nearby private open space is not affected by additional overshadowing, in compliance with the standard.

*Standard B22 – Overlooking objective and Standard B23 – Internal views objective*

125. The ground and first floor windows facing Noone and Rutland Street comply with the standard as there are no habitable room windows or private open space areas within the 9m, 45 degree overlooking arc stipulated by the standard. The ground floor northern windows also comply with the standard as the proposed ground floor windows to dwelling 2 do not have a finished floor level of more than 0.8m above natural ground level and has a fence with a minimum height of 2.1m on the eastern boundary, in compliance with the standard.
126. Of relevance is overlooking from the first floor north-facing windows to the adjoining private open space to the east (with no windows located on the south wall of the adjoining dwelling to the north). These windows are treated with 1.7m high horizontal louver screens but section detail is not provided demonstrating the transparency of the screen or detailing whether the louvers are fixed or moveable, and so the screens may allow for overlooking. A condition will require compliance with the standard.
127. The position of windows prevent over viewing internally within the development, in compliance with the standard B23.

*Standard B24 – Noise impacts objective*

128. The proposed dwellings are considered to be setback sufficiently from the train line, Hoddle Street and the Eastern Freeway to mitigate against external traffic noise sources. The proposed development is residential and no permit is required for the use. As such, any noise generated on the site would only be residential in nature and so would not unreasonably affect nearby residences. With only solar panels proposed, there will be no noise from plant equipment to nearby properties.

*Clause B25 - Accessibility objective*

129. The dwellings are accessible via their ground floor entries which would suit the needs of individuals with limited mobility, in compliance with this standard.

*Standard B26 – Dwelling entry objective*

130. The plans do not detail the position of lighting and numbering to the dwelling entrances. A condition will require this detail to ensure the doors will be clearly identifiable, in accordance with the objectives of this standard.

*Standard B27 – Daylight to new windows*

131. To satisfy the requirements of this standard, habitable room windows should be located to face an outdoor space clear to the sky or a light court with a minimum area of 3sqm and a minimum dimension of 1m clear to the sky. The proposed location of all habitable room windows complies with the requirements of this standard.

*Standard B28 – Private open space objective*

132. The standard requires at least 40sqm of private open space of which 25sqm is to be provided at the side or rear of the dwelling with at least 3m dimension, or a balcony of 8sqm with a minimum width of 1.6m and with convenient access from a living room. Both dwellings are provided with 20sqm of private open space, in non-compliance with the standard. The proposed open spaces comply with the 1.6m minimum width requirements.
133. Given the constraints of the site with a total site area of only 130sqm, it is considered reasonable that full compliance is not achieved with the standard in this instance. Further, given the amenities offered in the area including Darling Gardens located approximately 230m north-west of the site, the area offers outdoor recreation alternatives within the immediate vicinity for the future occupants of the dwellings.

*Standard B29 – Solar access to open space objective*

134. To satisfy the requirements of this standard, the southern boundary of the proposed open space areas should be setback at least  $(2+0.9h)$  meters, where 'h' is the height of the wall to the north. In order to satisfy this requirement the north-facing private open space opposite the southern wall of No. 30 Rutland Street should have a minimum depth of 5.6m and dwelling 1 should have a depth of 7m. In non-compliance, Dwelling 1 open space is setback 4m and Dwelling 2 is setback 4.2m.
135. However as the garden for dwelling 2 is open to the east and west and open to the sky, it is considered it will receive adequate access to daylight. The garden for dwelling 1 has also been appropriately designed to maximise light access through a louvered roof and operable shutters to the western and southern wall.

*Standard B30 – Storage objective*

136. This standard requires that each dwelling be provided with a minimum of 6 cubic metres of externally accessible storage space. Dwelling 2 is provided with 6 cubic metres of storage in the garden in compliance with the standard. Dwelling 1 is provided with 4 cubic metres in the garden. While not fully compliant with the standard, this storage area is considered ample to meet the needs of this small dwelling.

*Standard B31 – Design detail objective*

137. The proposed dwelling addition is considered to be of a standard that does not compromise the existing neighbourhood character. The design incorporates appropriate details through the use of an articulated contemporary design that will be of an appropriate height and massing to the surrounding streetscape (subject to conditions). The issue of design detail will be discussed in detail in the following heritage assessment.

*Standard B32 – Front fences objective*

138. No front fences are proposed, and so this standard is not applicable in this instance.

*B33 – Common property objectives and B34 – Site services objectives*

139. The dwellings will have the ability to store bins in their gardens. A permit note will require that all meter storage and pit areas are also located within title boundaries. No common property is proposed.

Heritage

140. The decision guidelines of the Heritage Overlay at clause 43.01 are considered to be incorporated in the requirements of clause 22.02 of the Scheme (*Development Guidelines for sites subject to the Heritage Overlay*) and an assessment is contained below.

The following assesses these policies along with the recommendations made by Council's Heritage Advisor.

141. Council's heritage advisor is supportive of the proposed demolition of the existing dwelling, despite it being identified as being of "*contributory*" significance to the heritage overlay. While the planning scheme discourages the demolition of contributory buildings, the applicant has submitted both a structural engineers report and a heritage report from an independent heritage expert that detail the significant state of disrepair of the brick shop.
142. The reports detail extensive cracking in both the internal and external walls (supported by photographic evidence) and a 40mm lean on the western wall all due to the failure of the building footings. Council's building department and heritage advisor have also visited the site and both agree that the building is very dilapidated with significant cracking evident. Council's building department is of the opinion that the south and west wall could potentially be retained but would require significant engineering to achieve this outcome.
143. Council's heritage advisor is of the opinion that this course is not warranted as the extent of reconstruction required to stabilise the building is likely to mainly consist of new building fabric and as such the building will have little heritage value. Further the shop has been significantly modified at the frontage through in-filling the window with brick and so currently does not contribute strongly to the heritage character of the area. For these reasons and in conjunction with the supporting evidence provided by the applicant's structural engineer and heritage advisor, Council's heritage advisor has supported the full demolition of the building.
144. Council's heritage advisor is generally supportive of the proposal as the section 57A amended plans show a building design that directly responds to the advice of Council's heritage advisor as follows:
  - (a) The reconstructed ground floor is to be a modern interpretation of the existing building through incorporating a shop front style window. As requested by Council's heritage advisor, a tall parapet has been incorporated to obscure views of the first floor addition from the opposite side of Noone Street. The construction of the roof above shop the front is a louvered style to allow light to the private open space below. The roof was designed in consultation with Council's heritage advisor with a view to ensuring the angle and width of the louvers are appropriate to allow the roof appear as a solid structure when viewed from street level from the west and east (with the parapet removing direct views of the roof from Noone Street).
  - (b) The 3.1m setback of the first floor from Noone Street exceeds the minimum 2m recommended by Council's heritage advisor.
  - (c) The windows to Noone Street and Rutland Street are vertically oriented with sash window divide and repositioned to be more reflective of windows pattern found in the heritage streetscape.
  - (d) Removal on the non-compliant fence to Noone Street.
  - (e) The 3.7m high grey rendered ground floor wall to Rutland Street has been replaced with 4m high red brick walls and standing seam zinc incorporated to the first floor as recommended by Council's heritage advisor.
145. As the revised design substantially responds to the advice of Council's heritage advisor and the section 57A amended plans have been reviewed and supported by Council's heritage advisor, the proposed design is considered acceptable from a heritage perspective.

146. Council's heritage advisor recommended that the shop roof louvered slats have sufficient width and be appropriately angled and spaced to ensure that when viewed from footpath level to the east and west, the structure will appear as a solid roof rather than an open style pergola roof (with direct views from the south a removed by the proposed parapet). This approach ensures the modern shopfront will be respectful of the existing solid and pitched roof form character that dominates the immediate streetscape, while also maintaining adequate light access to the open space below. While the submitted perspectives demonstrate this solid appearance can be achieved, the plans don't detail the width, depth and spacing on the slats. A condition will address this so that officers can ensure that the solid roof appearance on oblique views will be achieved.
147. The heritage advisor also requested further detail of the shop windows on the ground floor south and west wall to ensure the frame material is suitable to the character of the street and the frame depths are reflective of the proportions of shop front windows. A condition will require this detail. Council's heritage advisor is also supportive of no glazing to the upper parts of the windows (to allow for adequate cross ventilation to the open space). As the design is a modern interpretation of shopfront, it was not considered necessary that the windows be fully glazed, particularly as the high position of the unglazed window will reduce their visibility to pedestrians at footpath level.
148. Council's heritage advisor also reviewed the screens installed behind the windows to protect the privacy of the occupants of the open space. It is considered that width of the louver shutters to the southern window should match the width of the horizontal frames, as this would be reflective of the timber security panels that were often installed inside Victorian era windows. A condition will address this.
149. Council's heritage advisor agreed that the louvers could be operable to allow for light penetration to the garden and dwelling living area, while also giving the occupants the option to close them from privacy reasons when the garden is being used. However should the shutters be fully closed for long periods of time, this would result in a poor interface and a blank facade to the street, an outcome that Council's heritage advisor is not supportive of.
150. However, louver screens when angled correctly can allow for gaps while simultaneously preventing clear views into the garden area. The provision of some gaps will allow for some visual transparency and will be particularly successful at night where light spill through partially opened louvers would provide some visual interest and interaction to the street. Accordingly a condition will address this and will require that appropriate section detail of the screens is provided. The applicant is agreeable to a condition to this effect.
151. Council's heritage advisor also requested that the wooden clad front door have a different treatment to the wooden cladding that extends up the facade above the door, to provide further visual prominence of the doors from Rutland Street. The applicant has argued that the door surrounds will contain a letter box, the dwelling number and lighting to the door which is sufficient to ensure the door is easily identifiable. This is considered reasonable and a condition will not require that the doors are further altered. However the plans do not detail the position of the light, numbering and letterboxes. A condition will require this detail to ensure the doors will be clearly identifiable.
152. Finally objectors raised concerns that the presentation of the double storey wall to Rutland Street and the development in general will appear out of context in the heritage streetscape. For the reasons outlined above, and that the development has been supported by Council's heritage advisor, it is considered that the design is appropriate in the heritage context. In relation to the double storey wall to Rutland Street, it is typical in heritage streetscapes that side walls are built to the footpath boundary including double storey walls, and for this reason it is considered acceptable (particularly as Council's heritage advisor has not objected to the wall).

153. On this basis and subject to the conditions outlined above, the new development will adequately respect the heritage values of the Precinct and achieves a high level of compliance with the Heritage Overlay and Policy at Clause 22.02 and clause 43.01 of the Scheme, and support for the application is recommended.

#### Car parking

154. Clause 52.06-3 states that a permit may be granted to reduce (including reduce to zero) the requirement to provide the number of car parking spaces required under this clause. The relevant decision guidelines to be considered for reducing the required car parking rates are as follows:
- (a) *The availability of public transport in the locality.*
  - (b) *The convenience of pedestrian and cyclist access to the site.*
  - (c) *The provision of bicycle parking and end of trip facilities for cyclists.*
  - (d) *The anticipated car ownership rates of likely or proposed occupants (residents or employees).*
  - (e) *Access to or provision of alternative transport modes.*
  - (f) *Any car parking deficiency associated with the existing use of the land.*
155. A formal reduction of 2 spaces is required. The decision guidelines require consideration is given to any car parking deficiency associated with the existing use of the land. However the applicant has been unable to demonstrate that the site has been recently used as a shop or dwelling, and for this reason, a formal car parking reduction is required.
156. In compliance with policy objectives, tram services can be easily accessed from Queens Parade. Further train and bus services are on Hoddle Street approx 200m west the site. The site also has very good access to shops, essential facilities and amenities on Queens Parade. Thus residents will not be fully reliant on cars, with it being practical to walk to these service centres given their proximity to the site.
157. The car parking reduction has been supported by Council's Traffic Engineers and a note will indicate that residents and visitors are ineligible to obtain on-street resident or visitor car parking permits. This will ensure that the development does not generate unreasonable demand for existing public on-street car parking spaces. Based on Council's Traffic Engineers support for the application and the assessment provided above, it is considered that the proposed reduction in car spaces is acceptable.

#### Objector Concerns

158. Six (6) objections were received to the application, these can be summarised as:
- (a) The proposed dwellings will be out of keeping with the heritage area, particularly the double storey height and presentation of the double storey boundary wall to Rutland Street;
    - (i) These issues have been discussed in detail in the *Heritage* assessment between paragraphs 140-153.
  - (b) The proposal does not provide adequate car parking spaces, resulting in increased pressure on existing on-street car parking;
    - (i) These issues have been discussed in detail in the *Car parking* assessment between paragraphs 154-157.
  - (c) Overshadowing of solar panels;
    - (i) These issues have been discussed in detail in the *Clause 55* assessment between paragraphs 111-114.
  - (d) Overdevelopment of the site demonstrated by lack of private open space;

- (i) The previous Rescode assessment demonstrates that the proposal achieves a reasonable level of compliance with policy objectives, including the open space objectives and so the proposal is not considered to be an overdevelopment of the site.
- (e) Excessive building height generating visual bulk; and
  - (i) With the proposal achieving compliance with the 8m height limit stipulated by NRZ1 and with Council's heritage satisfied with the proposed height, it is considered that the proposal will not generate excessive visual bulk.
- (f) Structural concerns in relation to construction and proposed landscaping causing damage to neighbouring property.
  - (i) Structural concerns relating to the construction of the proposed development are not a planning matter but are instead considered under the building permit process. A planning permit is not required to install plants in private open space areas and so structural damage caused by plant roots is not a relevant planning matter.

### Other matters

159. The opening mechanism of windows and doors adjacent to the Noone Street and Rutland Street are not stipulated on the plans. A condition will require that detail is provided to show that they won't open out over the footpath to ensure pedestrian access to the footpaths is not obstructed.

### **Conclusion**

160. Based on the report, the proposal is considered to generally comply with the relevant policies of the Yarra Planning Scheme and is recommended for approval subject to conditions.

### **RECOMMENDATION**

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN15/0959 for the development of the land for two (2) double storey dwellings including the full demolition of the existing dwelling and associated reduction in the car parking requirements, at No.122 Noone Street, Clifton Hill, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans received by Council on 2 May 2016 and further modified as follows:
  - (a) Section detail of the width, depth and spacing between the louvers to the shop frontage roof with the material to be appropriate to the heritage streetscape and the louvers appropriately designed to appear as a solid roof structure when viewed from footpath level to the west and east;
  - (b) Detail of the southern and eastern shopfront window frames including a material that is suitable to the heritage streetscape and frame dimensions that are characteristic of Victorian era shopfront windows;
  - (c) The width of the louver shutters to the southern shopfront window to match the width of the horizontal window frames;
  - (d) Section detail to demonstrate that opening mechanism of the louver shutters to the southern and western shopfront windows will allow for maximum daylight penetration when in an open position and provide some gaps to allow for light spill and visual interest when closed;

- (e) Plans to detail lighting, house numbers and letterboxes in the vicinity of the front doors to demonstrate that the front doors are easily identifiable;
  - (f) All habitable rooms to be provided with operable windows;
  - (g) Demonstrate all relevant windows and doors will not obstruct pedestrian access to the footpath when in an open position; and
  - (h) Relevant detail to demonstrate the first floor north-facing privacy screens will be a maximum of 25% transparent to comply with the objectives of standard B22 (*Overlooking objective*) of clause 55 of the Yarra Planning Scheme.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
  3. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including by the re-sheeting of the entire Noone Street and Rutland Street footpaths for the width of the property frontage if required by the Responsible Authority):
    - (a) at the permit holder's cost; and
    - (b) to the satisfaction of the Responsible Authority.
  4. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
  5. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
  6. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
    - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
    - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
    - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
  7. This permit will expire if:
    - (a) the development is not commenced within two years of the date of this permit; or
    - (b) the development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

**Notes:**

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

This site is subject to a Heritage Overlay. A planning permit may be required for any external works.

All future property owners, residents and occupiers residing within the development approved under this permit will not be permitted to obtain resident or visitor parking permits.



Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits satisfaction of the Responsible Authority. No private pits, valves or meters on Council property will be accepted.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

**CONTACT OFFICER:** Laura Condon  
**TITLE:** Senior Statutory Planner  
**TEL:** 92055352

**Attachments**

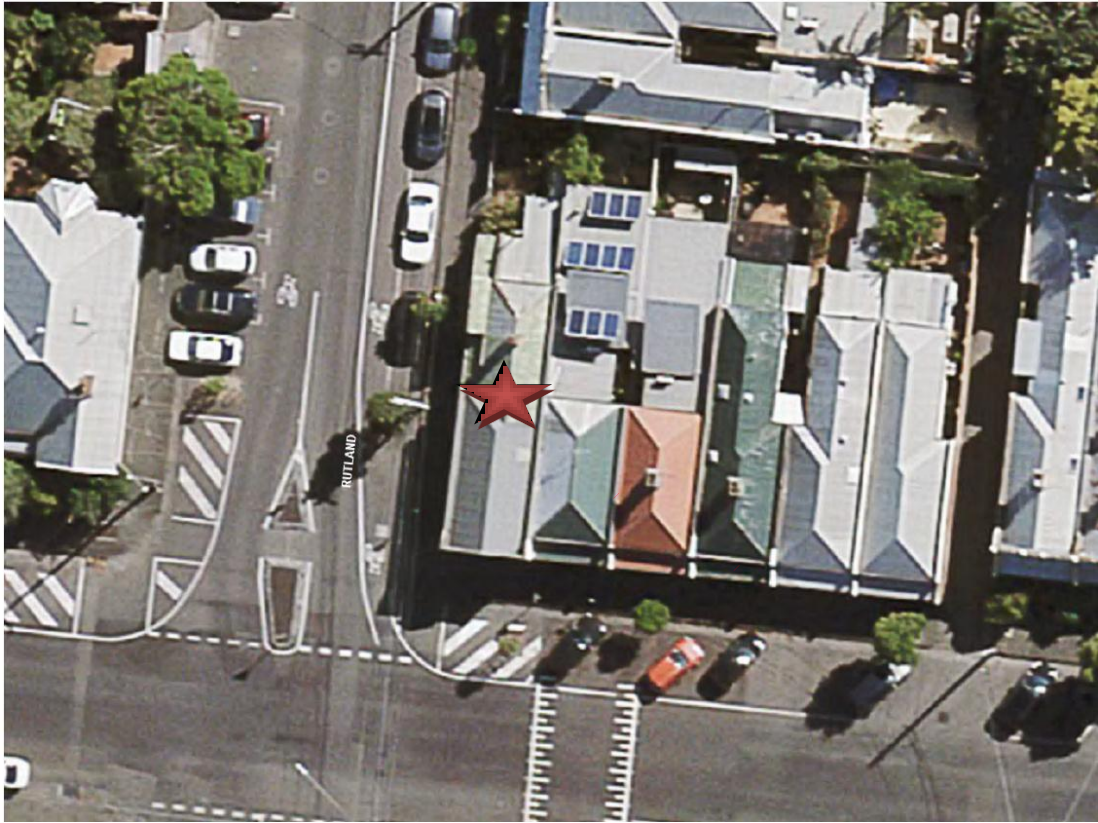
- 1 PLN15/0959- 122 Noone Street-Site and Surrounds
- 2 PLN15/0956- 122 Noone Street- Decision Plans

**Attachment 1 - PLN15/0959- 122 Noone Street-Site and Surrounds**

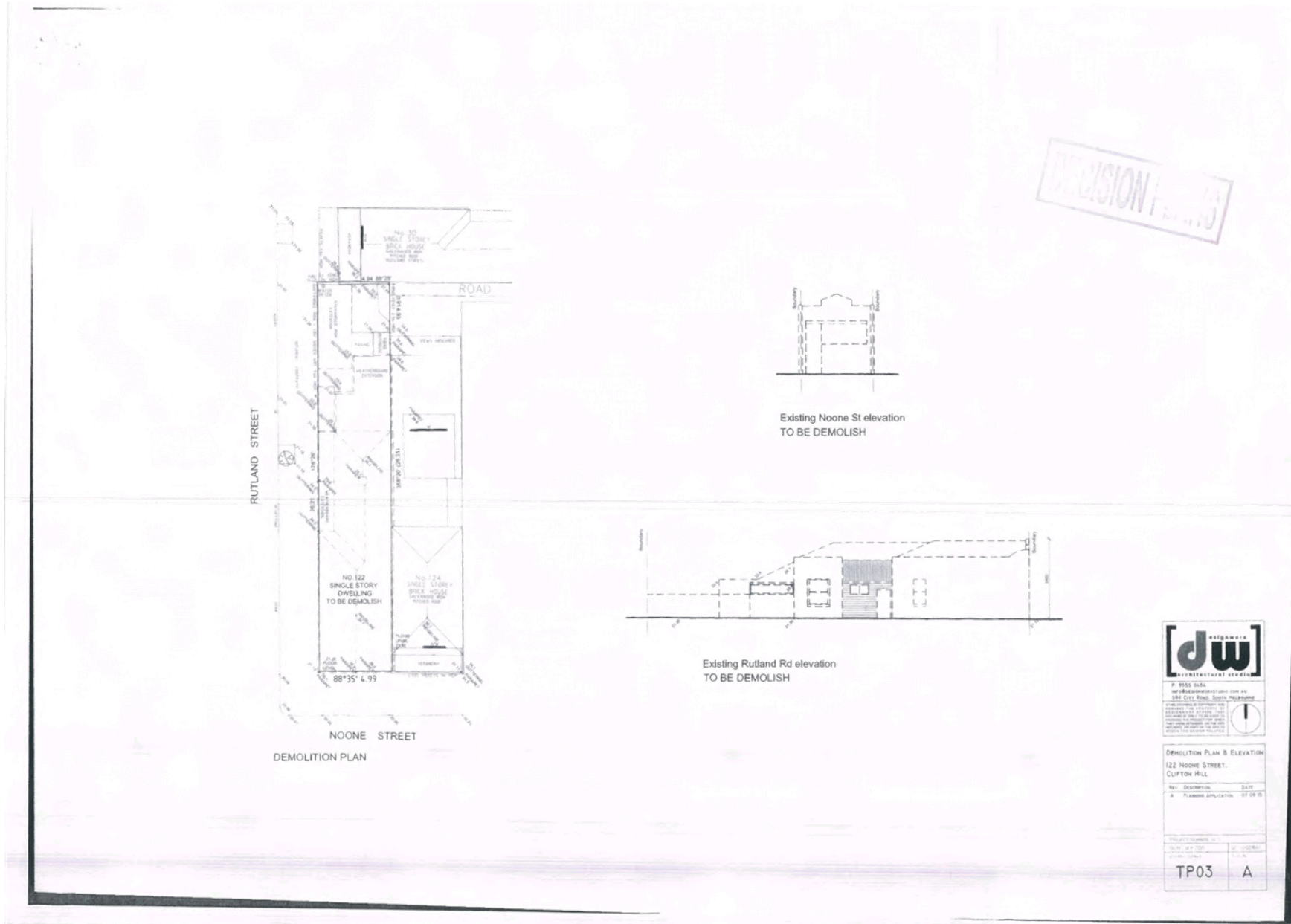
**122 Noone Street, Clifton Hill**



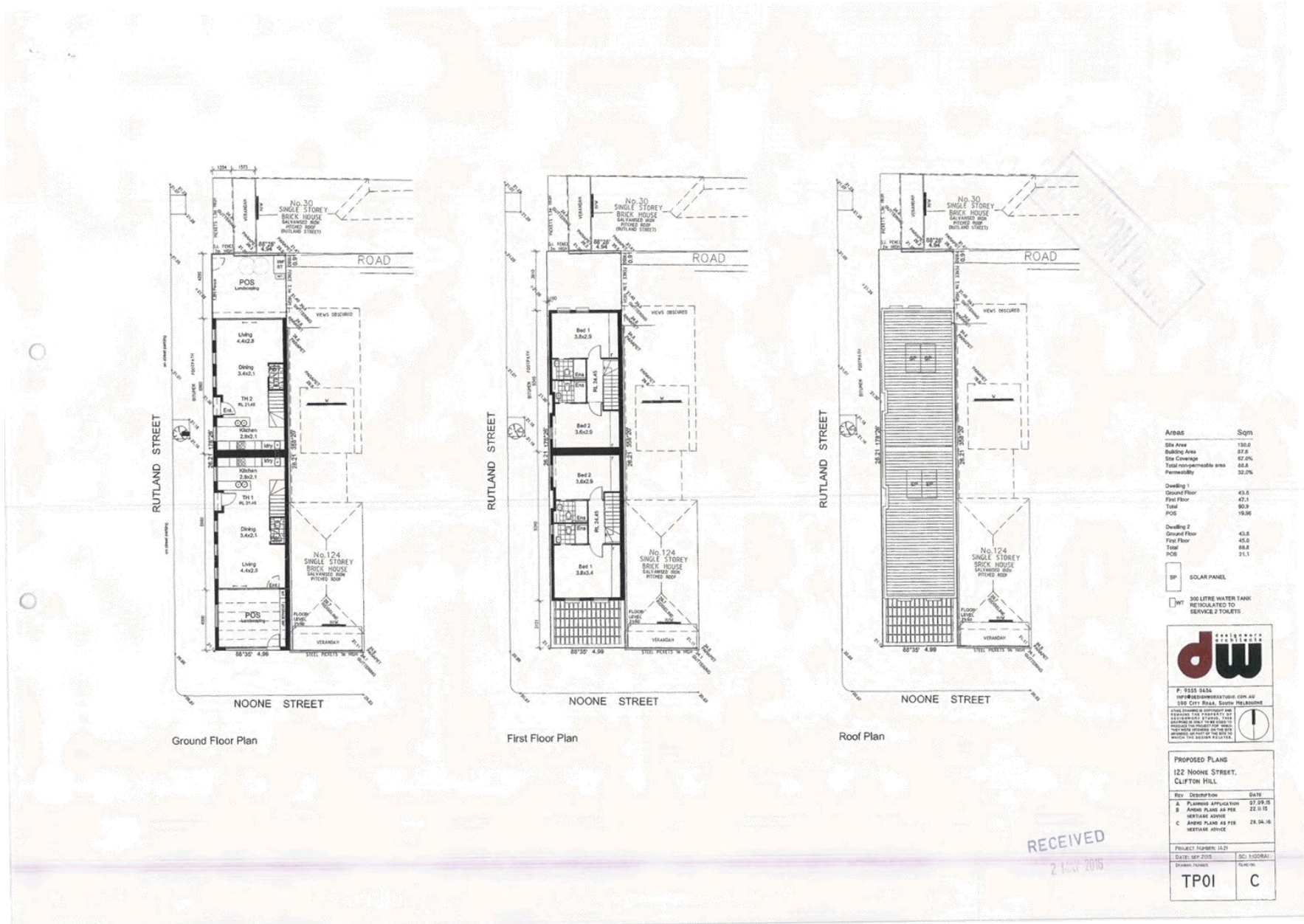
North



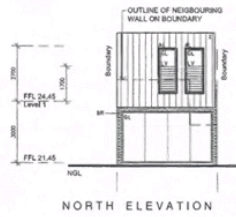
Attachment 2 - PLN15/0956- 122 Noone Street- Decision Plans



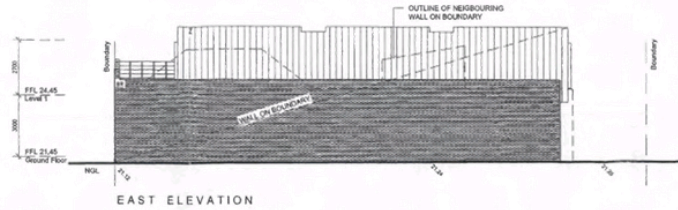
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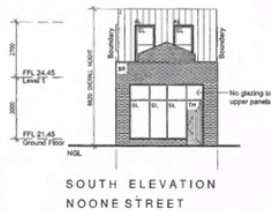
Attachment 2 - PLN15/0956- 122 Noone Street- Decision Plans



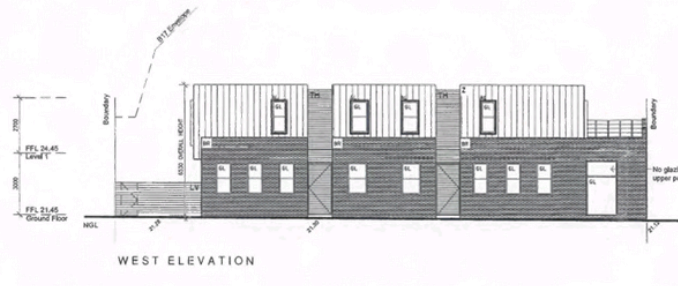
NORTH ELEVATION



EAST ELEVATION

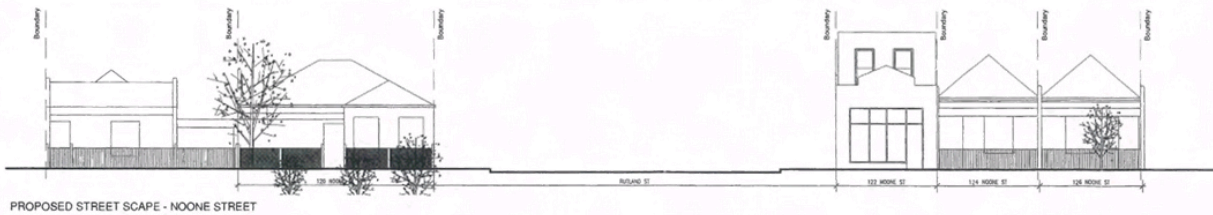


SOUTH ELEVATION  
NOONE STREET

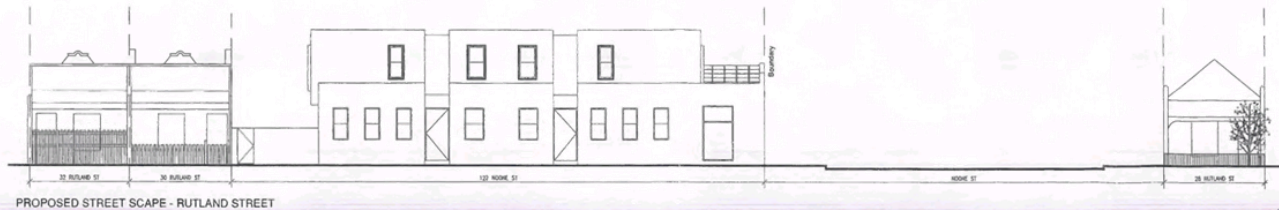


WEST ELEVATION

DECISION PLANS



PROPOSED STREET SCAPE - NOONE STREET



PROPOSED STREET SCAPE - RUTLAND STREET

- MATERIALS**
- Z ZINC
  - BR BROWN BRICK
  - TH TILES
  - AL ALUMINIUM
  - LV LOUVERS
  - GL CLEAR GLAZING
- \* REFER TO MATERIAL SCHEDULE FOR DETAILS

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**ELEVATIONS**  
122 NOONE STREET,  
CLIFTON HILL

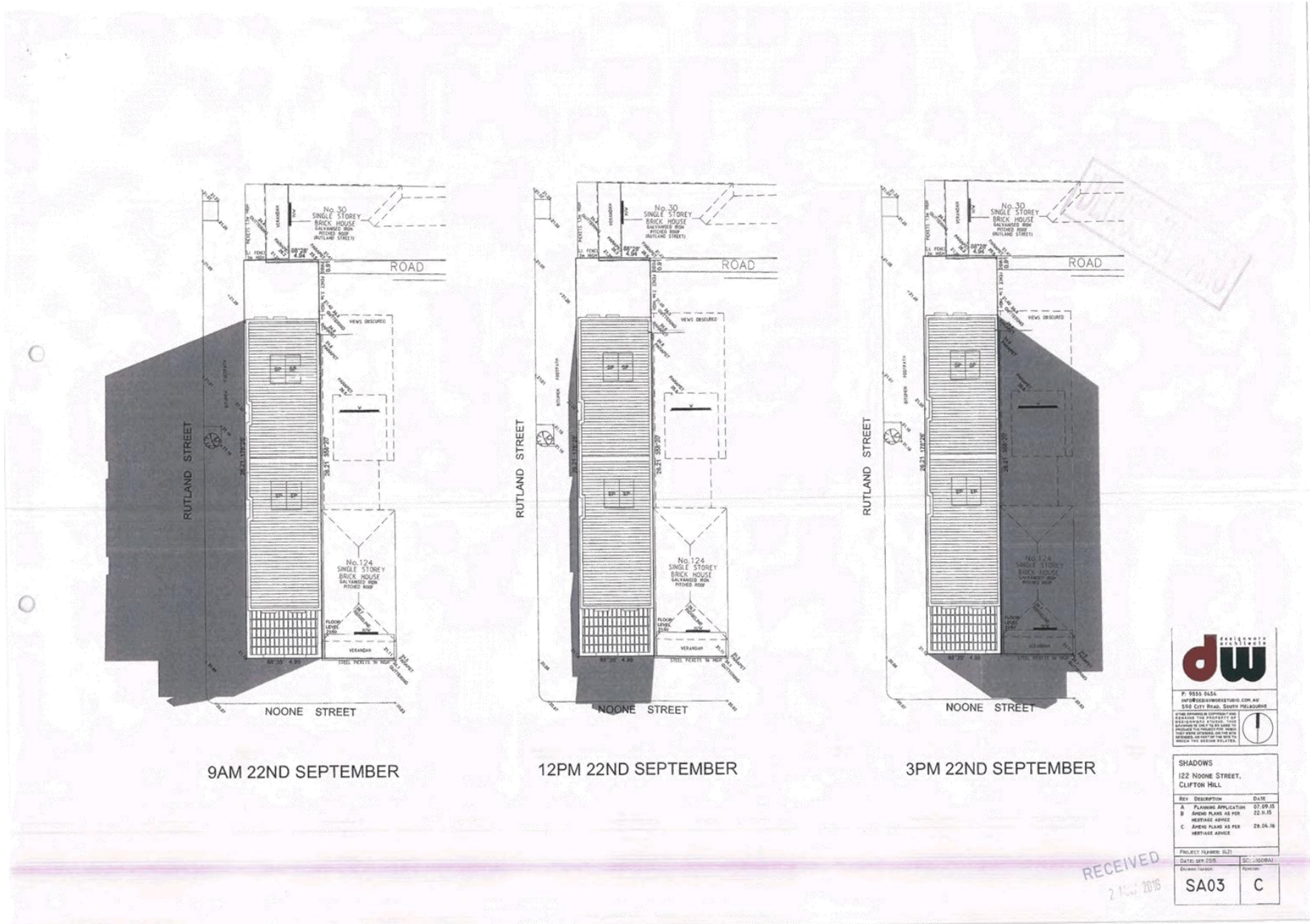
| REV. | DESCRIPTION                           | DATE     |
|------|---------------------------------------|----------|
| A    | PLANNING APPLICATION                  | 27.09.15 |
| B    | ARCHIT. PLANS AS PER HERITAGE JUSTICE | 22.11.15 |
| C    | ARCHIT. PLANS AS PER HERITAGE JUSTICE | 28.04.16 |

PROJECT NUMBER: 1425      SC: 1:3000A1  
 DATE: SEP 2016      DATE ON:      DRAWING NUMBER:      DATE ON:

|      |   |
|------|---|
| TP02 | C |
|------|---|

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Attachment 2 - PLN15/0956- 122 Noone Street- Decision Plans



Attachment 2 - PLN15/0956- 122 Noone Street- Decision Plans



**[dw]**  
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ARTIST IMPRESSION  
122 NOONE STREET,  
CLIFTON HILL

| REV | DESCRIPTION                           | DATE     |
|-----|---------------------------------------|----------|
| A   | PLANNING APPLICATION                  | 03.09.15 |
| B   | AMEND PLANS AS PER<br>HERITAGE ADVICE | 22.11.15 |
| C   | AMEND PLANS AS PER<br>HERITAGE ADVICE | 28.04.16 |

PROJECT NUMBER: SL2

| DATE OF ISSUE | SCALE | NO. SHEETS | TOTAL |
|---------------|-------|------------|-------|
| 21.04.2016    |       | 1          | 1     |

DRAWING NUMBER: TP03

SCALE: C

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21.04.2016

Attachment 2 - PLN15/0956- 122 Noone Street- Decision Plans





Attachment 2 - PLN15/0956- 122 Noone Street- Decision Plans

MATERIALS SCHEDULE

122 NOONE STREET,  
CLIFTON HILL



BR - BROWN BRICK



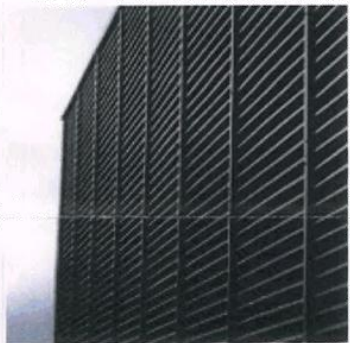
TM - TIMBER



Z - ZINC



AL - BLACK ALUMINIUM



LV - LOUVERS



GL - CLEAR GLAZING

RECEIVED  
21 Nov 2015



- 
- 1.3 506 Swan Street, Richmond - PLN14/0558.02 - Amend condition 4 of the permit to increase patron numbers to 120 and an associated further reduction in car-parking requirements and amend the permit to read the correct address of the site.**
- 

## **Executive Summary**

### **Purpose**

1. This application has been called up to Council's Internal Development Approvals Committee (IDAC), at the request of Councillor Vlahogiannis.
2. This report provides Council with an assessment of an amendment submitted for 506 Swan Street, Richmond, which seeks approval for an increase in patron numbers from 65 patrons to 120 patrons, associated with a restaurant and café liquor licence and the use of the land as a restaurant (the use of the land has an existing permit), and an further reduction in car parking requirements.
3. Additionally, the application seeks to correct the address on the existing permit which incorrectly reads 504-506 Swan Street, Richmond; to read 506 Swan Street, Richmond.

### **Key Planning Considerations**

4. Key planning considerations include:
  - (a) Clause 22.05 – Interface use policy;
  - (b) Clause 22.09 – Licenced premises;
  - (c) Clause 52.06 – Car parking; and
  - (d) Clause 52.27 – Licensed premises.

### **Key Issues**

5. The key issues for Council in considering the proposal relate to:
  - (a) Licenced premises;
  - (b) Car parking; and
  - (c) Objector concerns.

### **Objector Concerns**

6. Two objections were received to the application, these can be summarised as:
  - (a) Car parking; and
  - (b) Overflow patrons blocking the footpath.

### **Conclusion**

7. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported.

**CONTACT OFFICER: Julian Wearne**  
**TITLE: Statutory Planner**  
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**1.3 506 Swan Street, Richmond - PLN14/0558.02 - Amend condition 4 of the permit to increase patron numbers to 120 and an associated further reduction in car-parking requirements and amend the permit to read the correct address of the site.**

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Trim Record Number: D16/106345  
 Responsible Officer: Acting Manager Statutory Planning

**Proposal:** Amend condition 4 of the permit to increase patron numbers to 120; and an associated further reduction in car-parking requirements; and amend the permit to read the correct address of the site.

The following is permitted by the existing permit:

*Sale and consumption of liquor... in association with an existing cafe / restaurant*, with a maximum of 65 patrons allowed under Condition 4 of the permit; and the following hours for the sale and consumption of liquor:

- a. Monday to Wednesday, 7.00am to 11.00pm;
- b. Thursday to Saturday & the eve of a public holiday (excluding Good Friday and Anzac Day), 7.00am to 1.00am the following day;
- c. Sunday, 10.00am to 11.00pm; and
- d. Good Friday and Anzac Day, 12.00 noon to 11.00pm.

**Existing use:** Restaurant

**Applicant:** Peter Aldred (PAJ Consultants)

**Zoning / Overlays:** Commercial 2 Zone  
 Design and Development Overlay (Schedule 2: Main Roads and Boulevards; and Schedule 5: City Link Exhaust Stack Environs)

**Date of Application:** 12 January 2016

**Application Number:** PLN16/0558.02

**Planning History**

1. The site has had a number of planning permits issued, the following are considered relevant to this application:
2. Planning Permit no. 450 for the purpose of a restaurant was issued under the Melbourne Metropolitan Planning Scheme on 15 March 1972. This permit does not specify or condition patron numbers.
3. Planning permit no. 5605 for the purpose of constructing buildings and works to an existing restaurant was issued under the Richmond Planning Scheme on 18 July 1990. This permit includes a condition limiting patron numbers to 65.
4. Planning permit no. 97/325 was for the purpose of table and chairs (kerb side seating) within the road reservation, in accordance with the endorsed plans was issued 7 July 1997.
5. Planning Permit PLN14/0558 was issued on 16 February 2015, by Council, for the *Sale and consumption of liquor (increase in hours of operation for a restaurant / café licence)* in association with an existing café / restaurant. This permit limits patron numbers to 65.

6. An application to amend Planning Permit PLN14/0558 for an *Amendment to the permit for increased patron numbers (currently 65 to increase to 120 patrons) associated with the sale and consumption of liquor for an existing cafe / restaurant* was lodged on 20 September 2015. This application lapsed on 13 November 2015 following an unsatisfied request for further information.

## **Background**

7. The original assessment for Planning Permit PLN14/0558 considered an inconsistency between allowed patron numbers between planning permit 5605 (65 patrons) and the VCGLR liquor licence that was associated with the site (168 patrons). As part of this assessment the more restrictive 65 patron limit was enforced, despite the fact that the business had been operating with higher patron numbers for some time. This amendment application seeks to increase patron numbers to 120, still fewer the maximum allowed under the VCGLR permit.
8. In addition, the application seeks to correct the address associated with the planning permit, which had been incorrectly noted as No. 504-506 Swan Street Richmond by the applicant on the previous two applications. The correct address is No. 506 Swan Street Richmond.

## **Existing Conditions**

### Subject Site

9. The subject site is a corner allotment located on the south-western side of the intersection of Swan and Stawell Streets in Richmond.
10. The property is rectangular in shape with a frontage to Swan Street of approximately 13.5 metres and a depth of 30.5 metres, yielding a total site area of approximately 410m<sup>2</sup>.
11. The site is developed with a single-storey building constructed to the north, east and western boundaries and is setback 9m from the southern (rear) boundary. A rear laneway with access to Stawell Street runs adjacent to the southern boundary.
12. The primary entrance is via a splayed corner at the intersection of Swan Street and Stawell Street.
13. Rear and vehicle access to the site is provided from an open space at the rear, which has direct vehicle access via the eastern boundary (into Stawell Street) at the rear of the property. This open space area is primarily utilised for staff vehicle parking areas and storage ancillary to the restaurant. Four existing car parks are provided within the rear service area.

### Surrounding Land

14. The subject site is located towards the eastern end of the Swan Street Major Activity Centre.
15. The land immediately surrounding the subject site on the south of Swan Street is also within a Commercial 2 Zone. The land to the north, on the opposite side of Swan Street is within a Commercial 1 Zone. The land to the east on the opposite side of Stawell Street is within a Public Park and Recreation Zone.
16. To the north, across Swan Street is a '7/11' convenience store and service station which consists of a large canopy and fuel pumps within the property's frontage to Swan Street and a small shop towards the rear of the property.

17. Further to the north of the Commercial 1 Zone (approximately 53m from the subject site), are residential properties fronting Farmer Street and Stawell Street, located within a Neighbourhood Residential Zone (NRZ1). These form the nearest residential zoned land to the subject site.
18. To the north-east at the opposite corner of the intersection are double storey commercial buildings. The buildings are a relatively modern additions (1990's) with hard edges to the streetscape consisting of large glazed areas to the street.
19. To the west of the site is a two storey brick terrace building which is built to the north, east and west title boundaries, with single storey built form built to the south, east and west boundaries. According to the application submission, this is used as a residence and office.
20. On the opposite side of Stawell Street (to the east), the land is zoned Public Park and Recreation Zone and consists of a set of outdoor sports courts.
21. To the south of the subject site is a two storey, brick commercial building with access into Stawell Street. This section Stawell Street intersects with railway lines (close to Burnley Train Station), resulting in a 'dead-end' street.
22. Other than the common theme of buildings being built to the boundaries along Swan Street, there is no obvious built form character along this section of Swan Street. The majority of buildings comprise recent additions for a mixture of commercial purposes which is reflected in the varying presentations to Swan Street. Overall, the area presents a commercial precinct consisting of shops, recreation facilities and cafes/restaurants.
23. The land is well situated in terms of access, with close access to Swan Street trams, Burnley Railway Station and the Yarra River bike trail.

## **The Proposal**

24. Amend condition 4 of the permit to increase patron numbers to 120; and an associated further reduction in car-parking requirements; and amend the permit to read the correct address of the site: no works are proposed. Specifically the application proposes:
25. Condition changes
  - (a) The application proposes to change condition 4 of the permit which currently reads:
    4. *Except with the prior written consent of the Responsible Authority, no more than 65 patrons are permitted on the land at any time liquor is being sold or consumed.*to read:
    4. *Except with the prior written consent of the Responsible Authority, no more than 120 patrons are permitted on the land at any time liquor is being sold or consumed.*
26. The above increase in patron numbers is associated with the use of the land as a restaurant and the sale and consumption of liquor.
27. Liquor licence
28. The following aspects of the proposal remain consistent with the existing permit, and are outlined with the applicants Noise And Amenity Action Plan (NAAP):
  - (a) Only background music is to be played within the premises.

- (b) A maximum of 6 staff members, including the Manager and kitchen staff will be in attendance at any time.
- (c) No change to the operating hours is proposed.
- (d) A designated waste area is located on-site. Glass and bottles will not be emptied into waste receptacles before 7.00am and after 10.00pm.
- (e) Waste will be removed by a private contractor between 7.00am and 10.00pm on any day.

29. Car Parking

- (a) 4 existing car spaces are provided on-site. No additional car spaces are proposed.

30. The applicant submitted a traffic report supporting a car parking reduction.

## **Planning Scheme Provisions**

### Zoning

#### *Commercial 2 Zone*

- 31. Pursuant to Clause 34.02-1 no permit is required for a food and drink premises providing the leasable floor area does not exceed 100sqm. As the leasable floor area exceeds 100sqm a permit is required for the use of the land as a restaurant.
- 32. The use of the land for a restaurant is already established under Planning Permit PLN14/0558 with this amendment being limited to an increase in patrons allowed under planning permit.

### Overlays

#### *Design and Development Overlay – Schedule 2: Main Roads and Boulevards*

- 33. Pursuant to Clause 43.02 and Schedule 2 to the overlay, no permit is required for the sale and consumption of liquor under the overlay.

#### *Design and Development Overlay – Schedule 5: City Link Exhaust Stack Environs*

- 34. Pursuant to Clause 43.02 and Schedule 5 to the overlay, no permit is required for the sale and consumption of liquor under the overlay.
- 35. Pursuant to provision 4 of Schedule 5 to the overlay, where a permit is required to use land under another provision in this scheme, notice must be given under section 52(1)(c) of the Planning and Environment Act 1987 to the person or body specified as a person or body to be notified in Clause 66.06 or a schedule to that clause.
- 36. In this instance the application was required to be referred to Environmental Protection Agency (EPA) Victoria, CityLink/Transurban and VicRoads.

### Particular Provisions

#### *Clause 52.06 – Car parking*

- 37. Clause 52.06 applies to an increase to an existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use. A permit is required reduce the number of spaces required under Clause 52.06-5 or in a schedule to the overlay. Pursuant to Clause 52.06 a restaurant generates a requirement of 0.4 spaces to each patron permitted.

The permitted patron numbers are increasing from 65 to 120, generating an additional requirement of 22 spaces; however, no additional car spaces can be provided.

*Clause 52.07 – Licenced premises*

38. Pursuant to clause 52.27 of the Scheme, a planning permit is required to use land to sell or consume liquor if any of the following apply:
- (a) *a licence is required under the Liquor Control Reform Act 1998;*
  - (b) *a different licence, or category of licence is required from that which is in force;*
  - (c) *the hours of trading allowed under any licence are to be extended;*
  - (d) *the number of patrons allowed under any licence is to be increased; and*
  - (e) *the area that liquor is allowed to be consumed or supplied under a licence is to be increased.*
39. The use of the land to sell and consume liquor is already established on the land under Liquor Licence no. 3222806, and Planning Permit PLN14/0558 with this amendment being limited to an increase in patrons allowed under planning permit.
40. A permit is therefore required under clause 52.27 of the Scheme.

*Clause 52.34 – Bicycle Facilities*

41. The purpose of this clause is to *encourage cycling as a mode of transport, and to provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.*
42. Pursuant to Clause 52.34-1: “A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.” As there is no proposed increase in floor area associated with the existing use, there is no planning requirement to provide bicycle facilities. No further consideration to this policy is necessary.

General Provisions

*Clause 65 – Decision Guidelines*

43. The Decision Guidelines outlined in Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider the relevant State Planning Policy Frameworks, Local Planning Policy Frameworks and any Local Policy, as well as the purpose of the Zone, Overlay or any other Provision. An assessment of the application against the relevant sections of the Scheme is offered further in this report.

State Planning Policy Framework (SPPF)

44. The following clauses are of relevance to this application:

*Clause 11.01 (Activity Centres)*

*Clause 11.01-1 (Activity centre network)*

45. The objective is *to build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres.*
46. A relevant strategy of this clause is to *develop a network of activity centres that: is a focus for business, shopping, working, leisure and community facilities.*

*Clause 17.01-1 (Business)*

47. The objective of this clause is: *to encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*

*Clause 18.02-1 (Sustainable personal transport)*

48. The objective is *to promote the use of sustainable personal transport.*

*Clause 18.02-5 (Car parking)*

49. The objective is *To ensure an adequate supply of car parking that is appropriately designed and located.*

Local Planning Policy Framework (LPPF)

50. The following LPPF provisions of the Scheme are relevant:

*Clause 21 – Municipal Strategic Statement (MSS)*

*Clause 21.03 – Vision*

51. Clause 21.03 outlines strategic objectives for land use, built form, transport and environmental sustainability within the City.

*Clause 21.04-2 - Activity centres*

52. The following objective is applicable to the application: *to maintain the long term viability of activity centres*

*Clause 21.04-3 - Industry, office and commercial*

53. The following objective is applicable to the application: *To increase the number and diversity of local employment opportunities.*

*Clause 21.06 – Transport*

54. The relevant objectives and strategies are:

- (a) *To facilitate public transport usage.*
- (b) *To reduce the reliance on the private motor car.*

*Clause 21.08 – Neighbourhoods*

55. The subject site is located in the 'Burnley, Cremorne, South Richmond' neighbourhood at Clause 21.08-2 of the Scheme. Figure 8 identifies the area as a Main Road, with the aim to *'maintain the hard edge of the strip'*. The Clause states in regards to the Swan Street west area:

- (a) *This precinct incorporates the core retail area of Swan Street and includes East Richmond Station. Swan Street, unlike the other major activity centres within Yarra, has a smaller pool of non local visitors, reflecting its stronger orientation towards servicing the needs of local residents.*

Relevant Local Policies

*Clause 22.05 – Interfaces Uses Policy*



56. This policy applies to applications within the Commercial Zones (among others), and aims to reduce conflict between commercial, industrial and residential activities. The policy acknowledges that the mix of land uses and development that typifies inner city areas can result in conflict at the interface between uses.
57. The relevant objective is: *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.*
58. It is policy that: *New non-residential use and development within Business and Mixed Use and Industrial Zones are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties.*
59. A number of decision guidelines for non-residential use and development within the commercial zones are outlined, including the extent to which the proposal may cause overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances that may cause unreasonable detriment to the residential amenity of nearby residential properties. This will be assessed under the decision guidelines associated with the liquor license assessment

*Clause 22.09 – Licensed Premises*

60. *This policy applies to all applications for new licensed premises and for the extension (including the extension of hours and the extension of patron numbers) of existing licensed premises.*
61. *For the purpose of this policy, licensed premises include food and drink premises and places of assembly used or to be used in conjunction with a liquor licence.*
62. The objectives of the policy are:
  - (a) *To effectively manage the location, operation and hours of trade of licensed premises, in order to protect the amenity of nearby properties and areas.*
  - (b) *To protect residential and other commercial uses from excess noise, traffic and car parking issues.*
  - (c) *To provide for daytime trade and active street frontages in retail strips, while providing reasonable commercial opportunities for the trading of licensed premises.*

**Advertising**

63. The application was advertised in accordance with Section 52 of the Act by way of 60 letters sent to the surrounding property owners/occupiers, and placement of signs along the Swan Street and Stawell Street frontages.
64. Two (2) objections were received in relation to the proposal, these can be summarised as:
  - (a) Increased demand for already limited on-street car parking; and
  - (b) Overflow patrons blocking the footpath.

**Referrals**

External Referrals

65. The application was required under the Design and Development Overlay (Schedule 5) to be referred to CityLink / Transurban, Environmental Protection Authority Victoria (EPA), and Vicroads.

66. CityLink / Transurban provided no response within the referral period. EPA Responded on 10 May 2016 (Attachment 3), and VicRoads on 25 May 2016 (Attachment 4); both with no objection to the proposal.

### Internal Referrals

67. The following internal referrals were made:
- (a) Engineering Services; and
  - (b) Community Amenity (Civic Compliance)
68. Referral responses are contained as attachments (Attachment 5 and 6) to this report.
69. In addition to the formal internal referrals made during the assessment process, Councillor Vlahogiannis also requested comments on the car parking reduction from the Compliance & Parking Services unit. This response has also been attached (Attachment 7)

## **OFFICER ASSESSMENT**

70. The considerations for this application are the increase in patron numbers and associated reduction in car-parking, and the correction of the address of the permit; with regards to:
- Licenced venues;
  - Interface uses policy;
  - Car parking;
  - Objector concerns; and
  - Other matters.

### Licenced venues

71. The following assessment decision guidelines are located under clause 52.27 of the Scheme, with an assessment following each guideline:
- (a) *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
72. The proposal is consistent with the relevant policy of the SPPF given that the business will benefit from the increased patron numbers. The premises is located within a Major Activity Centre (Swan Street), which supports a clustered entertainment and hospitality precinct. An assessment against the relevant LPPF clause of clause 22.09 (licensed premises policy) can be found later within the report.
- (b) *The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.*
73. The use is a restaurant, thus patrons of the premises will be served food along with alcohol if they wish, as the operation of the site is not geared towards drinking only.
74. The surrounding land has been described previously throughout the report; as discussed the subject site is located within the Swan Street MAC and C2Z, which is compatible with the use of the land as a restaurant, as well as the increase in patron numbers. Additionally, the nearest residential zone is approximately 53m north of the subject site, fronting Farmer Street and Stawell Street. Whilst the immediate surrounding land is not zoned for residential uses, it is noted that a dwelling/office abuts the subject site on the west (with presumed existing use rights for the dwelling use); and a number of other dwellings are found approximately 115m west of the subject site, fronting Swan Street, also within the Commercial 2 Zone (it is also presumed these sites have existing use rights).

75. Amenity considerations of residents living within or near an activity centre cannot be afforded the same level of protection as can be given to residents living within quiet residential areas. Based on the sites location within the C2Z and activity centre it is expected non-sensitive uses will continue to locate in the surrounding area. Further, as the subject business has previously operated at greater numbers than being proposed without complaint, it is considered the potential for negative amenity impacts is low.
- (c) *The impact of the hours of operation on the amenity of the surrounding area.*
76. No change to the hours of operation are proposed as part of this amendment, however it is necessary to consider if the existing hours remain appropriate with regards to the increase in patron numbers. Condition 5 of the permit allows the following hours:
- (a) *Monday to Wednesday, 7.00am to 11.00pm;*
  - (b) *Thursday to Saturday & the eve of a public holiday (excluding Good Friday and Anzac Day), 7.00am to 1.00am the following day;*
  - (c) *Sunday, 10.00am to 11.00pm; and*
  - (d) *Good Friday and Anzac Day, 12.00 noon to 11.00pm.*
77. As identified above, the only nearby sensitive uses are within the Commercial 2 Zone and the Activity Centre, and therefore cannot be afforded the same level of amenity protection as residential land away from activity centres. Therefore, the current permitted hours remain appropriate with regards to the increase in patron numbers, as it is unlikely the increase in patron numbers will result in any unreasonable amenity impacts.
- (c) *The impact of the number of patrons on the amenity of surrounding area.*
78. During the application process, the application was formally referred to Council's Community Amenity (Civic Compliance) unit for consideration. No objection was raised to the proposal, which was considered a low amenity risk given:
- (a) no recent complaints about the venue had been raised;
  - (b) the location and proposed patron numbers and hours posed a low amenity risk.
79. However, contrary to the above referral response, following a request for comments by Councillor Vlahogiannis, the following comments specifically regarding car parking were made by Council's Compliance and Parking Services unit:
- (a) *[Compliance and Parking Services ] would not support any applications for a reduction in car parking of the planning permit, there has not been any changes that we are aware of in relation to signage in area, however parking is at a premium and there has been instances of cars parking across pedestrian access points etc. near the rail underpass.*
80. It is noted that with the exception of issues of car parking, no amenity concerns relating to the proposed hours and patron numbers were raised. Car parking is considered extensively below.
81. In the event a planning permit is to be issued standard conditions can be imposed to restrict patron numbers to a maximum of 120.
- (d) *The cumulative impact of any existing and the proposed liquor licence, the hours of operation and number of patrons, on the amenity of the area.*
82. In the absence of benchmarks within the Yarra Planning Scheme to measure cumulative impact, Council relies on the assessment methodology for cumulative impact from the *Department of Environment, Land, Water and Planning, Planning Practice note 61: Licensed premises: Assessing cumulative impact (June 2015)* (the Practice Note).

83. Depending on the nature of the application and specifics of the liquor licence being sought, consideration of an application using the Practice Note methodology will not always be warranted. The matrix of risk outlined below, has been devised by Officers and can be used as a guide to inform Council as to whether or not a cumulative impact assessment is warranted.

| <b>Type of Premise</b>  | <b>Risk Factor</b> |
|-------------------------|--------------------|
| Café / Restaurant       | 0                  |
| Bar / Restaurant / Café | 1                  |
| Bar                     | 3                  |
| Hotel / Tavern          | 3                  |
| Night Club              | 3                  |
| Place of Assembly       | 2                  |
|                         |                    |
| <b>Size of Premise</b>  | <b>Risk Factor</b> |
| 0 – 49 patrons          | 0                  |
| 50 – 99 patrons         | 1                  |
| 100 – 199 patrons       | 2                  |
| 200+                    | 3                  |
|                         |                    |
| <b>Closing hours</b>    | <b>Risk factor</b> |
| 11pm                    | 0                  |
| 12am                    | 1                  |
| 1am                     | 2                  |
| 2am                     | 3                  |
| 3am                     | 3                  |
| After 3am               | 4                  |

84. Applying the matrix of risk, a reasonable consideration would suggest a score of 1-3 would be no risk, higher than 3 would be a potential risk.
85. The premise in this instance is a restaurant. Patron numbers have been proposed at 120 and the maximum closing time is 1am. Therefore a full assessment against cumulative impact is warranted, as the proposal has a score of 4 (owing to the 1am closing time and the maximum 120 patron numbers). An assessment against the Practice Note follows:

*Planning Policy Context*

86. As discussed previously, the increase in patron numbers is supported by local planning policy.

*Surrounding land use mix and amenity*

87. The surrounding land has been described previously throughout the report. As discussed the subject site is located within the Swan Street MAC and C2Z. Further, the nearest residential zone is approximately 53m north of the subject site, fronting Farmer Street and Stawell Street. Also of note is a dwelling/office abutting the subject site on the west.
88. Amenity considerations of residents living within or near an activity centre cannot be afforded the same level of protection for residents living within quiet residential areas. Based on the sites location within the C2Z and activity centre it is expected non-sensitive uses will continue to locate in the surrounding area. Further, as the subject site has previously operated at greater numbers than being proposed without complaint, it is considered the potential for negative amenity impacts is low.

*The mix of licensed premises*

89. A survey of licensed premises in the area indicates that there are 10 licensed premises within a 500m radius of the site. These include a mix of catering venues, cafés / restaurants, hotels, a packaged liquor outlet and a jazz club. Closing times of the different venues vary between 6pm and 1am. Whilst not all venues have a stated patron capacity, given site's location within Activity Centre, the varied closing times, and that the site is already operating as a restaurant/café, it is unlikely that the increase in patron numbers will contribute to any detrimental cumulative impact effects.

*Transport and dispersal*

90. As stated earlier the site is well serviced by public transport, walking and cycling routes. Swan Street is also highly served with taxis. There is one main entrance to the site, located on the corner of Swan and Stawell Streets, from here patrons have easy access to the above travel options and are likely to disperse in a number of different directions to residential areas in all surrounding directions, or other commercial activities along Swan Street.

*Impact mitigation*

91. Major Activity Centres support a variety of uses, including licensed venues. Whilst there are a number of licensed venues within the area, this is typical of a Major Activity Centre. There is insufficient evidence to suggest that the area is saturated with licensed venues and that any unreasonable cumulative impact will occur. The submitted NAAP indicates that a complaints register will record and maintain any complaints, and the manager will be in charge for ensuring the sound operation of the premises and responding to complaints and any requests from authorised officers.
92. Given the proposed patron numbers, combined with the location of the venue and available transport in the area, the proposal is not expected to have an adverse cumulative impact. The management practices in the NAAP and the standard/existing conditions of the permit are deemed sufficient to ensure the sound operation of a premises of this scale. Further consideration against the NAAP is given below.

*Clause 22.09 Licensed Premises*

93. An assessment against the decision guidelines of Clause 22.09 is offered:

*Clause 22.09-3.1 Location and Access*

94. This clause applies to new licensed premises only.

*Clause 22.09-3.2 Hours of Operation*

- (a) *Assessment of the impact of the hours of operation on the amenity of the surrounding area consider:*
- (i) *The proposed use.*
  - (ii) *The zoning of surrounding land.*
  - (iii) *The location of the premises and location of car parking.*
  - (iv) *The nature of surrounding uses and hours of operation.*
  - (v) *Potential noise emissions from the premises.*
  - (vi) *The impact of patrons arriving and leaving the premises.*

95. As identified above, the hours of operation continue to be appropriate with regards to the increase in patron numbers.

*Clause 22.09-3.3 Patron Numbers*

- (a) *The number of patrons not exceed the safe and amenable operating capacity of the premises.*
- (b) *The number of patrons not adversely affect the amenity of the surrounding area.*

96. The application proposed an increase in patron numbers from 65 patrons to 120 patrons. This is acceptable for the following reasons:

- As stated previously, the venue was operating with a maximum of 168 patrons for some time due to confusion based on the discrepancies between the VCGLR liquor licence and older planning permits numbers; it is noted no complaints were made to Council about the venue during this period (see Attachment 8, which is a referral response to the original permit application).
- The application was referred to Council's Civic Compliance branch for consideration, who deemed the proposal a low amenity risk.
- The site is a large venue which should be able to accommodate 120 patrons safely and amenably.

*Clause 22.09-3.4 Noise*

- (a) *The operation of licensed premises have minimal impact on the amenity of the area, in relation to noise.*
- (b) *Noise emissions from licensed premises comply with the standards specified in the State Environmental Protection Policy.*
- (c) *On-site noise attenuation measures be considered for licensed premises where amenity impacts on the surrounding area may result from the proposed activities.*

97. The increase in patron volumes might generate more patron noise, and will also generate extra waste which may increase associated noise from emptying of bottles and waste collection. These two potential concerns are adequately addressed through the submitted NAAP, and are considered in further detail below.

*Clause 22.09-3.5 Car Parking*

- (a) *Car parking for licensed premises not detrimentally impact on the functioning of local traffic networks and car parking availability.*
- (b) *Car parking be managed to discourage patrons parking in front of residential properties or in residential areas.*
- (c) *Car parking from new licensed premises not adversely impact on residential areas by way of on-street, over-flow parking or vehicles accessing off-street car parking.*

98. Car parking is considered extensively below.

*Clause 22.09-3.6 Noise and Amenity Plan*

- (a) *Licensed premises be managed in accordance with a Noise and Amenity Plan.*

99. The application included a NAAP, which is considered to adequately address potential noise and amenity impacts from increased patron noise, and increased waste. In the event of a permit being issued, the Noise and Amenity Action Plan would be endorsed as part of the permit.

100. It is proposed that glass and bottles will not be emptied into waste receptacles before 7.00am and after 10.00pm. Waste collection is proposed to take place between 7.00am and 10.00pm and is controlled by existing conditions on the permit.

101. Given the distance from the nearest residential land, the staffing arrangements and complaints procedures remains an appropriate method of dealing with patron noise with regards to the increase in patron numbers.

Interface uses policy

*Before deciding on an application for non-residential development, Council will consider as appropriate:*

- *The extent to which the proposed buildings or uses may cause overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances that may cause unreasonable detriment to the residential amenity of nearby residential properties.*
- *Whether the buildings or uses are designed or incorporate appropriate measures to minimise the impact of unreasonable overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances on nearby residential properties.*

102. As identified earlier the subject site is located within the C2Z and Swan Street Major Activity Centre. The nearest residential zoned land is located approximately 53m north of the subject site, on the opposite side of the Commercial 1 Zone properties fronting Swan Street. The main amenity considerations related to the proposal are noise and car parking. These have been addressed thoroughly above.

Car parking

103. The following assessment includes the relevant decision guidelines from clause 52.06 and clause 52.34 of the Scheme:

*Clause 52.06 Car parking*

- (a) *The availability of alternative car parking in the locality of the land, including:*
- (i) *Efficiencies gained from the consolidation of shared car parking spaces.*
  - (ii) *Public car parks intended to serve the land.*
  - (iii) *On street parking in non residential zones.*
  - (iv) *Streets in residential zones specifically managed for non-residential parking.*

104. The increase in patron numbers associated with the restaurant generates a statutory car parking requirement of 22 spaces. No additional onsite car parking is proposed to be provided.

105. Council's Engineering Services Unit made the following relevant comments regarding the availability of on-street parking within the vicinity of the site: *"Although nearly all of the on-street parking in the surrounding area is time restricted and heavily utilised, parking along Swan Street and the peripheral roads frequently turns over. The expected short stay parking demand of the development can be accommodated on-street. The peak parking demand will only occur when the restaurant is operating at full capacity."*

- (b) *On street parking in residential zones in the locality of the land that is intended to be for residential use.*

106. The subject site is located within the Commercial 2 Zone, and is surrounded by other non-residential zones. The nearest residential zoned land is located approximately 53m north of the subject site, across Swan Street with the nearest dwellings fronting Farmer Street. Parking in the surrounding residential streets is restricted outside normal business hours and preferences residences.

- (c) *The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.*
107. Providing more on-site car parking is not practicable given the existing building is currently occupied, and no buildings and works are proposed as part of this amendment. Further, if the required 22 spaces were to be provided on-site at ground-level a significant portion of the building would need to be demolished and approximately three-quarters of the site would be occupied by car-parking. Secondly, if the spaces could be provided on-site, this would further impact to the surrounding local road network through increased traffic congestion which is not considered to be consistent with the Yarra Planning Scheme. There are other more sustainable transport options available within the Activity Centre. Given the proximity of the site to multiple public transport options, employees will be able to make alternative travel choices as the site is not suited for substantial car parking to be provided. Customers will also have the same multitude of options (other than private motor vehicle) to access this restaurant.
- (d) *Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.*
108. It is unlikely that the proposed increase in patron numbers would have an adverse economic impact on the Activity Centre given the availability of short term parking and alternative transport options available. Further, given the Activity Centre is a common destination for multi-purpose trips, the extra patrons are likely to visit other nearby businesses contributing to the economic viability of the activity centre.
- (e) *The future growth and development of any nearby activity centre.*
109. As the proposed increase in patron numbers is for a currently operating business, it is expected to continue contribute to the role of the Swan Street Major Activity Centre as a clustered entertainment and hospitality district. Further the Swan Street Structure Plan anticipates zone changes that will facilitate more intensive development.
- (f) *Any car parking deficiency associated with the existing use of the land.*
110. The existing permit conditions allow for a maximum of 65 patrons, pursuant to Clause 52.06 of the Scheme, this generates a requirement of 26 car spaces to be provided. As the site currently operates under a car parking credit of 22 spaces (with four spaces provided on site), this would limit any further impact on the existing traffic conditions by the increase in patron numbers on the existing parking conditions.
- (g) *The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.*
111. In terms of traffic, Council's Engineering Services Unit has previously identified that between 9% to 35% of patrons are expected to travel to the venue as a driver. This results in an estimate of between 5-20 additional cars within the immediate area during peak periods. Engineering Services has also identified that peak periods are expected in the evenings and on weekends, when many surrounding businesses are unlikely to be operating, which would help counter the expected demand. Finally, it is anticipated that the majority of trade the business will generate will be walk up trade, or by people already in the area, and the estimated traffic impacts are considered acceptable.
112. The proposed increase in patron numbers is unlikely to have an impact on pedestrian amenity, beyond the existing conditions of the existing Activity Centre. The increase in patron numbers is also unlikely to affect any nearby residential area. Overall, it would be difficult to discern between the traffic generated by the proposal and that which is generated from adjacent and nearby major roads such as Swan Street and Burnley Street.



113. Lastly, the reduction in the car parking requirement will ensure less traffic and fewer cars. Insisting on the required rate of car parking is not sustainable and would result in significant land holdings in the Activity Centre becoming car parks.
- (h) *Access to or provision of alternative transport modes to and from the land.*
114. The subject site is well located for alternative transport modes to and from the land, with strong public transport, pedestrian and cycling access.
115. The following public transport services are nearby:
- 70 Tram, Swan Street, with the nearest stop at the same intersection;
  - Burnley Railway Station, approximately 350m walking distance.
  - 78 Tram, Church Street, with the nearest stop approximately 1km walking distance; and
  - 48 and 75 Tram, Bridge Road, with the nearest stop approximately 1km walking distance.
116. The site has nearby access to the main Yarra Trail from Stawell Street (accessible via the nearby railway underpass), and a number of other formal and informal on-road bike routes.
117. Further, the site is within the Swan Street MAC, which features and is surrounded by a high concentration of both commercial and residential uses within walking distance. Given the nature of the business, many customers are likely to be nearby residents or workers from nearby businesses.
- (i) *The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.*
118. As the existing building is to be retained, there is no change to the appearance of the built form proposed.
119. The Swan Street Major Activity Centre comprises a large percentage of buildings, with a very high degree of site coverage. Insisting on the planning scheme rate for car parking for new business' in many of these buildings is simply not feasible and would be an extremely poor urban design outcome. In fact, some sites are so small that even if their respective buildings were to be demolished, the resulting land area would still not be large enough to accommodate the technically required amount of car parking. The character of the area would be severely compromised if parking reductions are not supported by Council.
- (j) *Any other relevant consideration.*
120. *Clause 21.06 – Transport* outlines Council's broad transport policy and offers general support for car parking reductions within Activity Centres. The relevant objections of the policy are:
- (a) *Objective 31 To facilitate public transport usage.*
  - (b) *Objective 32 To reduce the reliance on the private motor car.*
121. Given the site is easily accessible from public transport, and easily accessible as a pedestrian or cyclist, it is considered the proposal would encourage access via alternative modes of transport to the private motor car; and generally meets the objectives above.
122. For these compelling reasons, the reduction in the car parking requirement is considered acceptable.

#### Objector concerns

123. As identified earlier the two objections received related to car parking, and overflow patrons blocking the footpath. The former concern has been addressed earlier in this report.

124. By increasing the allowed patron numbers it is expected more patrons wishing to attend the venue could be accommodated inside, rather than waiting to be seated. It is therefore possible that the number of patrons blocking the footpath would be reduced. It is further noted that no complaints were made against the venue to Council when it operated at a higher capacity.

Other matters

125. As stated earlier the original permit was issued for No. 504-506 Swan Street, Richmond, as per the original application. No. 504 Swan Street does not form part of the subject site, therefore the address should be corrected to read No. 506 Swan Street, Richmond.

**Conclusion**

126. Based on the report, the proposal is considered to generally comply with the relevant policies of the Yarra Planning Scheme and is recommended for approval subject to conditions.

**RECOMMENDATION**

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Amend a Planning Permit (PLN14/0558) for 506 Swan Street, Richmond, with the **permit preamble** changed to replace the address that currently reads:

*504-506 Swan Street, Richmond*

corrected to read:

***506 Swan Street, Richmond***

And amend **Condition 4** of the permit from:

*Except with the prior written consent of the Responsible Authority, no more than 65 patrons are permitted on the land at any time liquor is being sold or consumed.*

to:

***Except with the prior written consent of the Responsible Authority, no more than 120 patrons are permitted on the land at any time liquor is being sold or consumed.***

And the single page of endorsed plans superseded with the newly endorsed plans.

In the event of a permit being issued, the following table will be included on the amended permit:

**THIS PERMIT IS TO BE AMENDED AS FOLLOWS**

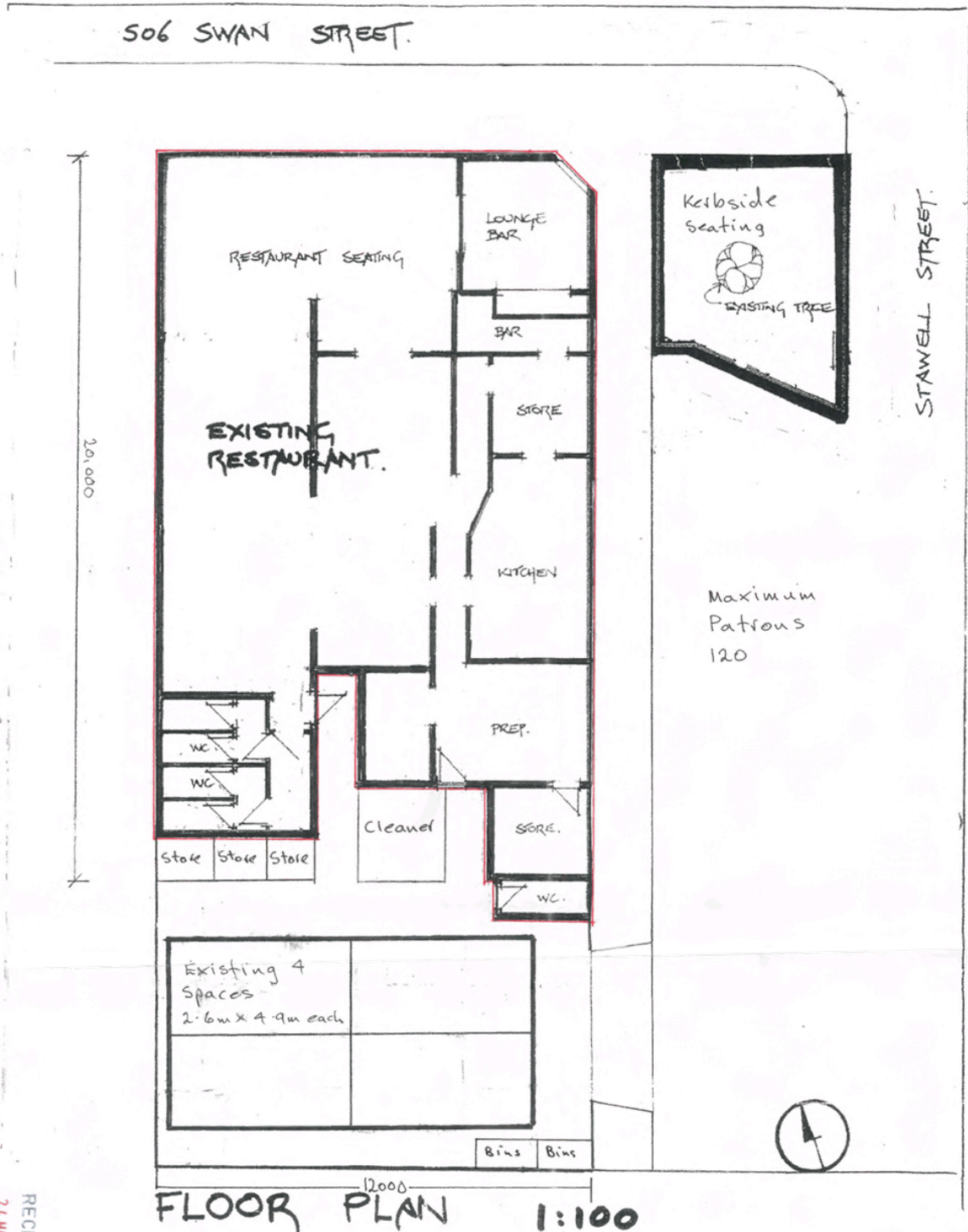
| Date of amendment | Brief description of amendment  |
|-------------------|---|
|                   | Pursuant to Sections 73 and 74 of the <i>Planning and Environment Act 1987</i> , amendment to correct the address of the permit and to increase the number of patrons allowed on the site during times when liquor is being sold or consumed to 120 (was 65). |

**CONTACT OFFICER:** Julian Wearne  
**TITLE:** Statutory Planner  
**TEL:** 9205 5485

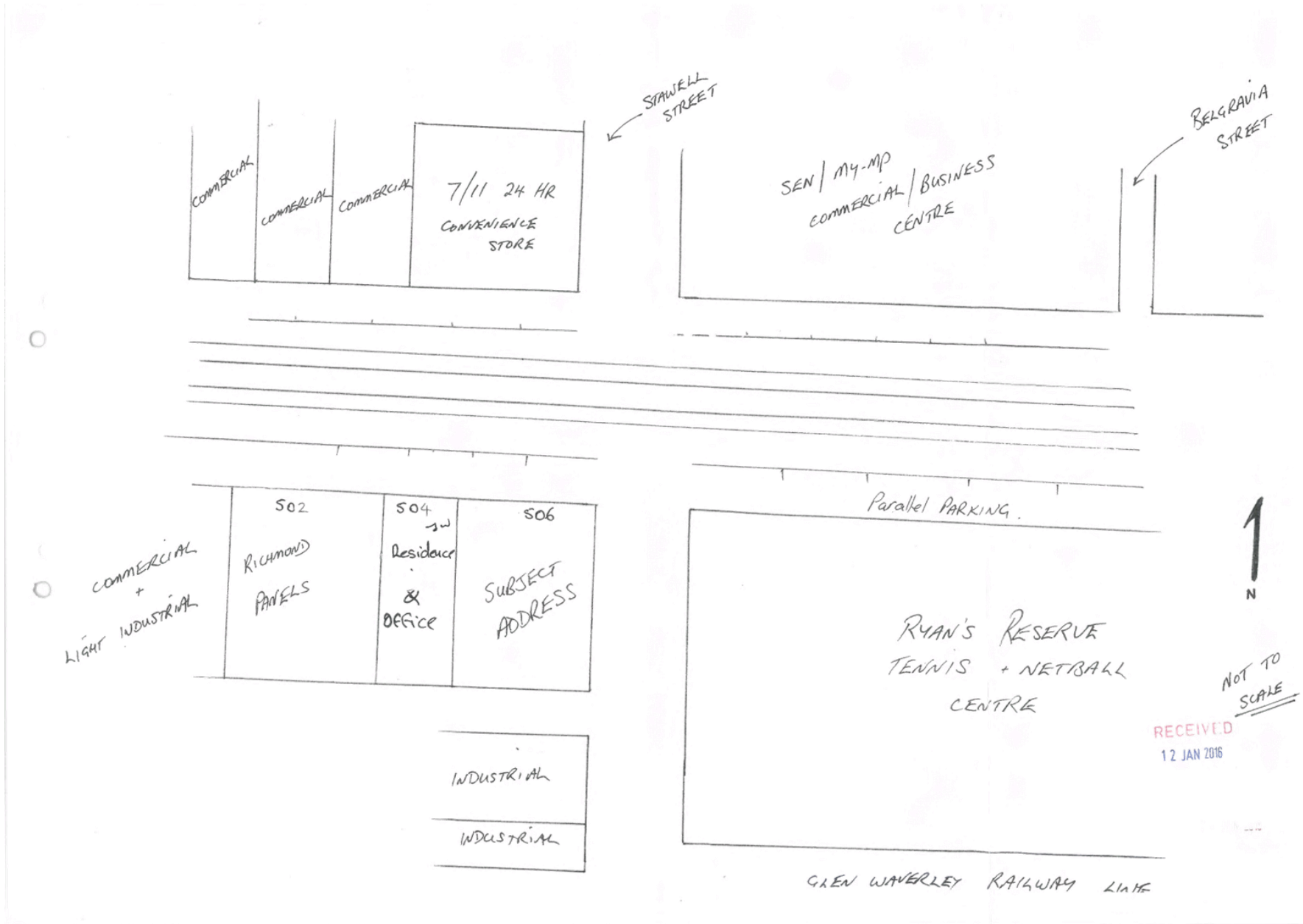
**Attachments**

- 1 Plans
- 2 Noise and Amenity Action Plan
- 3 DDO5 EPA Victoria referral response
- 4 DDO5 Vicroads referral response
- 5 Engineering Services referral response
- 6 Community Amenity referral response
- 7 Car parking comments (Stewart Martin)
- 8 Community Amenity referral response (original permit application)

Attachment 1 - Plans



Attachment 1 - Plans



## Attachment 2 - Noise and Amenity Action Plan

### NOISE AND AMENITY ACTION PLAN

-506 Swan Street, VIC, 3121

Pursuant to Clause 22.09 of the Yarra Planning Scheme (as amended) a Noise and Amenity Action Plan (NAAP) is required to support an assessment of applications relating to Licensed Premises.

- Identify all noise sources associated with the premises likely to impact on adjoining residents (including, but not limited to music noise, entries and exits to premises and courtyards.

The venue is located on the south west corner of Swan Street and Stawell Street, Richmond with the public entry and exit to the premises confined to doorway on the corner of Swan Street and Stawell Street.

The premise currently provides external seating on both Swan Street and Stawell Street at the front of the premises.

Only background music is provided within the premises.

- Measures to be taken to address all noise sources identified, including any off-site noise attenuation measures.

The premises will only provide background music internally via an in-house audio system, controlled by management to ensure compliance with SEPP N2 requirements.

The kerbside area will operate in accordance with the various conditions and requirements of Council Local Law.

Plant and equipment associated with the use is internal to the premises and will have no impact on the amenity of the area.

- Procedures to be undertaken by staff in the event of complaints by a member of the public, the Victoria Police, an Authorised Officer of Council or an Officer of Liquor Licensing Victoria.

The applicant is a 'hands on' operator and is usually in attendance at the premises. The applicant will be responsible for the day to day operation of the business and is always contactable.

If the applicant is not present, a responsible Manager over the age of 18 years will be present and responsible for the good operation and management of the premises.

In the unlikely event of a complaint from any source, the Licensee or Manager will investigate and if justified, remedial action will be taken to resolve the issue and if appropriate, provide feedback to the complainant.

Without specific details of any complaint, is difficult to provide details of a definitive response other than appropriate action will be taken to resolve any justified complaint.

## Attachment 2 - Noise and Amenity Action Plan

- Details of staffing arrangements including numbers and work hours of all security staff, bar staff, waiters, on-premises manager and other.

The applicant will ensure that adequate, trained staff are on hand at all times to meet customer demand and expectation.

Given the nature of the business, hours of trade proposed and patron profile, the applicant does not propose to provide security staff.

Either the applicant or a dedicated Manager will be onsite at all times to ensure the proper conduct of the premises.

A maximum of 6 staff members, including the Manager and kitchen staff, will be in attendance at any one time.

- Details of training provided for bar staff in the responsible service of alcohol.

The applicant has completed the required RSA and 1<sup>st</sup> Step Training.

Given the nature of the business, trading hours proposed and patron limitations, there is no statutory requirement for all staff to be qualified at RSA but the applicant will ensure all staff are suitably trained to advise management of any issues or potential issues that may impact on the amenity of the area.

- Hours of operation for the sale and consumption of liquor.

### INTERNALLY

Monday to Wednesday      Between 7.00am and 11.00pm

Thursday to Saturday & eve of a public holiday (excluding Good Friday

& ANZAC Day                      Between 7.00am and 1.00am

Sunday                      Between 10.00am and 11.00pm

Good Friday and ANZAC Day      Between 12.00 noon and 11.00pm

The premises will not trade these hours every day and will generally be based on demand. It is proposed that the area sought to be licensed will operate on consistent hours and the venue will only open subject to demand.

- Lighting within the boundaries of the site.

Existing internal lighting is adequate and the applicant does not propose to change or provide additional internal lighting. The existing lighting does not impact on neighbouring uses.

- Security lighting outside the premises.

Existing external lighting, both from the premises and general public lighting is adequate and the applicant does not propose any change in this regard.

## Attachment 2 - Noise and Amenity Action Plan

- Details of the provision of music including the frequency and hours of entertainment provided by live bands and/or D.J.'s.

The applicant will only provide background music at the premises through the in-house system and there will be no live bands or recorded music other than background music.

- Details of waste management plan including the storage and hours of collection for general rubbish and bottles associated with the Licensed Premises.

A designated rubbish storage area is provided as part of the venue and maintained in accordance with Health requirements. Glass and bottles will not be emptied into waste receptacles before 7.00am and after 10.00 p.m.

Waste will be removed by a private contractor between the hours of 7am and 10pm on any day. Bins are placed for collection in accordance with Council policy and returned to the premises as soon as practicable.

The introduction of any change to the hours of operation of the premises in accordance with this application will have no additional impact on existing waste collection procedures.

- Any other measures to be undertaken to ensure minimal amenity impacts from the licensed use.

Given the low key nature of the existing business, limited patron numbers and hours of trade, together with the focus of the business, the applicant does not believe additional requirements are required.

The premises will operate as a small café/restaurant servicing the local community and the applicant does not believe that additional measures are required to protect the amenity of the area.

- Patron numbers will not exceed 120 patrons at any time



### Attachment 3 - DDO5 EPA Victoria referral reponse

**Wearne, Julian**

---

**From:** Colleen Fraser <colleen.fraser@epa.vic.gov.au>  
**Sent:** Tuesday, 10 May 2016 10:01 AM  
**To:** Wearne, Julian  
**Subject:** PLN14/0558.02 - 506 Swan Street, Richmond

EPA Reference: 5006157  
CARMS Correspondence Reference: D134260

Dear Mr. Wearne,

RE: PLANNING PERMIT APPLICATION: PLN14/0558.02  
PROPOSAL: REDUCTION OF CARPARKING AND TO AMEND THE CONDITION OF THE PERMIT TO ALLOW A MAXIMUM  
OF 120 PATRONS  
PREMISES ADDRESS: 506 SWAN ST, RICHMOND VIC 3121

Thank you for your correspondence in relation to the above planning permit application, referred to EPA on 09 May 2016.

The Environment Protection Authority has reviewed the referral and documents accompanying the application. EPA advises that we do not have concerns with the proposal given the existing development and minor nature of the proposed works with respect to the CityLink Exhaust Stack Environs. As such, EPA has no concerns with Council issuing this planning permit according to the information that has been provided.

If you need additional information or assistance, please contact our Assessing Officer, Colleen Fraser on the details provided below, or via the [Metro.Planning@epa.vic.gov.au](mailto:Metro.Planning@epa.vic.gov.au)

Yours faithfully,

Colleen Fraser

Environment Protection Authority Victoria  
200 Victoria Street, Carlton VIC 3053 | GPO Box 4395, Melbourne VIC 3001 | DX 210082 (1300 372 842 (1300 EPA VIC) | E [colleen.fraser@epa.vic.gov.au](mailto:colleen.fraser@epa.vic.gov.au) | [www.epa.vic.gov.au](http://www.epa.vic.gov.au)  
Follow us

A healthy environment that supports a liveable and prosperous Victoria.

From: Wearne, Julian [<mailto:Julian.Wearne@yarracity.vic.gov.au>]  
Sent: Monday, 9 May 2016 2:41 PM  
To: metro.planning  
Subject: DDO5 Referral: 506 Swan Street, Richmond

To whom it may concern,



**Attachment 4 - DDO5 Vicroads referral response**

**Roddenby, Sarah**

D16/81027 (JW)

**From:** Kimberley.Lee@roads.vic.gov.au  
**Sent:** Wednesday, 25 May 2016 10:06 AM  
**To:** City of Yarra Info  
**Subject:** PLN14/0558.02- Referral Response  
**Attachments:** LT 15a - s52 No objection.doc

Attn: Matt Cohen

'i Matt,

Please find attached VicRoads' response to the above referral.

Should you wish to discuss this further, please do not hesitate to contact me.

Regards,  
Kimberley.

(See attached file: LT 15a - s52 No objection.doc)

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RECEIVED  
25 MAY 2016

**Attachment 4 - DDO5 Vicroads referral response**



24 May 2016

Yarra City Council  
PO Box 168  
RICHMOND VIC 3121  
Attention: Matt Cohen

Dear Mr Cohen

**PLANNING APPLICATION No.:** PLN14/0558.02  
**VICROADS REFERENCE NO:** 17412/16  
**PROPERTY ADDRESS:** 506 SWAN STREET, RICHMOND

**Section 52 – No objection**

Thank you for forwarding planning permit application PLN14/0558.02 pursuant to Section 52 of the Planning and Environment Act 1987.

VicRoads has considered the application and has no objection to the proposal.

Should you have any enquiries regarding this matter, please contact Kimberley Lee on 03 9313 1173 or Kimberley.Lee@roads.vic.gov.au

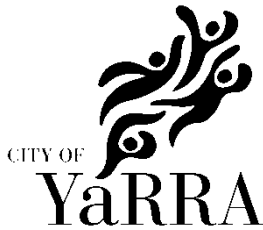
Yours sincerely



**KIMBERLEY LEE**  
TRAFFIC AND PLANNING OFFICER

RECEIVED  
25 MAY 2016

## Attachment 5 - Engineering Services referral response



## MEMO

**To:** Julian Wearne  
**From:** Artemis Bacani  
**Date:** 26 May 2016  
**Subject:** Application No: PLN14/0558.02  
 Description: Amendment; Increased in Patron Numbers – Reduction in the Car Parking Requirement  
 Site Address: 506 Swan Street, Richmond

I refer to the above Planning Application received on 13 April 2016 and the accompanying report prepared by TTM Consulting Pty Ltd in relation to the proposed development at 506 Swan Street, Richmond. Council's Engineering Services unit provides the following information:

### CAR PARKING PROVISION

#### Proposal

The proposal comprises an increase to the number of restaurant seats from 65 to 120 seats. Four on-site car parking spaces are provided on-site accessed via Stawell Street. The site is located on the south western corner of Swan Street and Stawell Street.

Under the provisions of Clause 52.06-5 of the Yarra Planning Scheme, the development's parking requirements are as follows:

| Proposed Use | Quantity/Size | Statutory Parking Rate              | No. of Spaces    |
|--------------|---------------|-------------------------------------|------------------|
| Restaurant   | 55 patrons    | 0.4 spaces to each patron permitted | 22               |
| <b>Total</b> |               |                                     | <b>22 Spaces</b> |

Since the site has a statutory requirement of 22 spaces, the applicant is seeking a full waiver of the parking.

#### Car Parking Demand Assessment

In reducing the number of parking spaces required for the proposed development, the Car Parking Demand Assessment would assess the following:

##### *Parking Demand Associated with the Tavern.*

TTM Consulting has used mode of travel surveys for similar venues at 130-132 Ormond Street in Elwood, on Friday 23 March 2012 and 96 Keilor Road in Essendon, on Friday 21 November 2014. TTM Consulting has also used travel surveys undertaken by O'Brien Traffic at 1, 631 Church Street in Richmond. The surveys were carried out during the lunch and dinner periods. The travel mode survey indicated that the average parking demand during the lunch period was between 0.09-0.35 spaces per person. During the evening period, the average parking demand was between 0.10-0.36 spaces per person.

Since no additional parking is proposed for the site, applying the above rates would generate a parking demand of between 5-20 spaces.

## **Attachment 5 - Engineering Services referral response**

The streets surrounding the site are covered with time based parking restrictions (1/4P, 1P, and 2P). There are small pockets of unrestricted parking within walking distance of the site; however, these spaces are likely to be occupied for most of the day. According to the TTM Consulting report, the site's parking demand is expected to peak during the evenings and on weekends. Since most of the businesses in the area are unlikely to be operating during these times, some of the on-street spaces would become available and allow visitors to the site to find an on-street parking space near the site.

### *Multi-purpose Trips to the Area.*

The restaurant is positioned within the Swan Street Activity Centre. It is highly likely that patrons to the restaurant would already have parked in the area and be engaged in other activities or business.

### *Availability of Public Transport in the Locality of the Land.*

The site is very well positioned in terms of public transport services, with tram services operating along Swan Street (Route 70) and Church Street (Route 78). Rail services can also be obtained from Burnley railway station.

### *Convenience of Pedestrian and Cyclist Access.*

The catchment area surrounding the site includes residential properties and local businesses that would provide a source of local patrons. The site has excellent exposure to high pedestrian numbers and much of the restaurant's source of patrons would be pedestrians. The site also has good connectivity to the on-road bicycle network.

## **Appropriateness of Providing Fewer Spaces than the Likely Parking Demand**

Clause 52.06 lists a number of considerations for deciding whether the required number of spaces should be reduced. For the subject site, the following considerations are as follows:

### *Availability of Car Parking.*

Although nearly all of the on-street parking in the surrounding area is time restricted and heavily utilised, parking along Swan Street and the peripheral roads frequently turns over. The expected short stay parking demand of the development can be accommodated on-street. The peak parking demand will only occur when the restaurant is operating at full capacity.

### *Access to or Provision of Alternative Transport Modes*

The site has very good access to public transport and the on-road bicycle network. Patrons would be inclined to use alternative transport modes as the site is licensed. The stringent enforcement of drink driving laws would influence patrons travel responsibly to the venue (e.g. public transport, taxi, private driver service, etc.) if they intend to imbibe alcohol.

## **Adequacy of Proposed Parking Provision**

From a traffic engineering perspective, the waiver of parking for the restaurant is considered appropriate in the context of the development and the surrounding area. The parking demand associated with this site should not adversely impact on existing parking conditions in the area. The high pedestrian volumes in the Swan Street Activity Centre and the easy accessibility to public transport services would be major factors in reducing the number of parking spaces required for the development.

Regards

Artemis Bacani  
Roads Engineer  
Engineering Services Unit

**Attachment 6 - Community Amenity referral response**

**TO:** Julian Wearne  
**cc:**  
**FROM:** Steve Alexander  
**DATE:** 11/05/2016  
**APPLICATION:** PLN 14/0558.02  
**SUBJECT:** Community Amenity Enforcement Referral

---

Dear Julian,

Thank you for your referral dated 10 May 2016 in relation to 506 Swan Street Richmond.

The Compliance Branch has not received any recent complaints in relation to amenity concerns at the above address. Considering the maximum patrons being 120, the location and hours, this proposal poses a low amenity risk and the Compliance branch does not have any concern with the impact of the amenity of the surrounding area.

Should you wish to discuss the application further, please feel free to contact me on 9205-5166.

Regards,

**Steve Alexander**  
**Coordinator – Civic Compliance**

**Attachment 7 - Car parking comments (Stewart Martin)**

**Wearne, Julian**

---

**From:** Martin, Stewart  
**Sent:** Monday, 20 June 2016 3:52 PM  
**To:** Vlahogiannis, Phillip Cr; Hodgen, Amy  
**Cc:** Cohen, Matthew; Wearne, Julian; Day, Andrew; Councillors Support Unit  
**Subject:** RE: 506 Swan St, Richmond- Car Parking Consent

Hi All

I have looked into the matter of available parking around this area and I would not support any applications for a reduction in car parking of the planning permit, there has not been any changes that we are aware of in relation to signage in area, however parking is at a premium and there has been instances of cars parking across pedestrian access points etc. near the rail underpass.

Thanks  
Stewart Martin  
Manager, Compliance & Parking Services  
City of Yarra.  
PO Box 168 RICHMOND 3121  
(T): (03) 9205 5166 (F): (03) 8417 6666  
E: [stewart.martin@yarracity.vic.gov.au](mailto:stewart.martin@yarracity.vic.gov.au)  
W: [www.yarracity.vic.gov.au](http://www.yarracity.vic.gov.au)

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**From:** Vlahogiannis, Phillip Cr  
**Sent:** Friday, 17 June 2016 2:14 PM  
**To:** Hodgen, Amy <[Amy.Hodgen@yarracity.vic.gov.au](mailto:Amy.Hodgen@yarracity.vic.gov.au)>  
**Cc:** Cohen, Matthew <[Matthew.Cohen@yarracity.vic.gov.au](mailto:Matthew.Cohen@yarracity.vic.gov.au)>; Wearne, Julian <[Julian.Wearne@yarracity.vic.gov.au](mailto:Julian.Wearne@yarracity.vic.gov.au)>; Day, Andrew <[Andrew.Day@yarracity.vic.gov.au](mailto:Andrew.Day@yarracity.vic.gov.au)>; Martin, Stewart <[Stewart.Martin@yarracity.vic.gov.au](mailto:Stewart.Martin@yarracity.vic.gov.au)>; Councillors Support Unit <[CouncillorsSupportUnit@yarra.int](mailto:CouncillorsSupportUnit@yarra.int)>  
**Subject:** Re: 506 Swan St, Richmond- Car Parking Consent

(Stewart and CSU please see end of this email for matters for your attention.)

Hi Amy

Thank you for your email. I recall that over the years there have been problems with parking in the vicinity said to be caused by patrons of Friends of Mine (the applicant) including parking across the rail underpass.

I would be inclined to have this come before IDAC but to help me in making a decision to do so I would like information from the parking folk as to any ongoing issues complaints relating to parking in the vicinity as well as



## Attachment 7 - Car parking comments (Stewart Martin)

any changes made to parking restrictions to address them. To this end I have copied in Andrew Day and Stewart Martin as well as Councillor Support Unit.

Stewart, I'd be grateful for any information you can provide.

CSU, please check MCR for relevant complaints.

Regards

**Cr Phillip Vlahogiannis**  
Melba Ward Councillor

City of Yarra

Office: +61 3 9205 5055

Email: [phillip.vlahogiannis@yarracity.vic.gov.au](mailto:phillip.vlahogiannis@yarracity.vic.gov.au)

Twitter: @phillip\_vl

Sent from my iPhone

On 17 Jun 2016, at 1:57 PM, Hodgen, Amy <[Amy.Hodgen@yarracity.vic.gov.au](mailto:Amy.Hodgen@yarracity.vic.gov.au)> wrote:

Dear Melba Ward Councillors,

We seek consent to determine an application under delegation for a car parking reduction of 22 car spaces at 506 Swan Street, Richmond. Please find attached the traffic engineers' analysis (internal and external) and a summary of the proposal.

If you object to the matter being determined under delegation, please contact myself or Matt Cohen before close of business on **Friday, 24 June 2016**.

Kind Regards

**Amy Hodgen**  
Acting Coordinator Statutory Planning  
City of Yarra PO Box 168 Richmond 3121  
T (03) 9205 5330 F (03) 8417 6666  
E [amy.hodgen@yarracity.vic.gov.au](mailto:amy.hodgen@yarracity.vic.gov.au)  
W [www.yarracity.vic.gov.au](http://www.yarracity.vic.gov.au)



<PLN140558.02 - 504 Swan Street Richmond - Engineering comments.docx>

<PLN140558.02 - 506 Swan Street Richmond - Advertising S52 - Traffic Asse....pdf>

<PLN140558.02 - 506 Swan Street Richmond - Councillors Consent Request (c....docx)>

**Attachment 8 - Community Amentiy referral response (original permit application)**



# MeMO

---

**TO:** Laura Condon  
**cc:**  
**FROM:** Greg Fairall  
**DATE:** 17 September 2014  
**FILE:** PLN14/0558  
**SUBJECT:** 504 Swan Street Richmond

---

Laura,

I am writing in response to your request for comments regarding the above application.

There are no complaints recorded against the existing premises. I would think that later hours on Thursday to Saturday would be appropriate. As there have been no complaints I can't imagine that later opening hours earlier in the week would present a problem however I think our usual position is that Sunday to Wednesday trading hours to 11:00PM is appropriate for this use.

Regards,

A handwritten signature in cursive script that reads "G. Fairall".

**Greg Fairall**  
**Acting Team Leader- Planning Enforcement**

**Attachment 8 - Community Amentiy referral response (original permit application)**

**Community Amenity Enforcement Referral**

**Date Referred:** 08 September 2014

**From** Laura Condon

**Planning Application No:** PLN14/0558

**Description:** Extension to the hours of the existing liquor license no. 32228060 associated with a restaurant (that currently permits trade on Sunday 10.00am to 11.00pm; Good Friday and Anzac Day 12.00 noon to 11.00pm; and on any other day 7.00am to 11.00pm) to allow the sale and consumption of liquor to occur Sunday 10.00am to 11.00pm; Good Friday and Anzac Day 12.00 noon to 1.00am the following day; and on any other day 7.00am to 1.00am the following day.

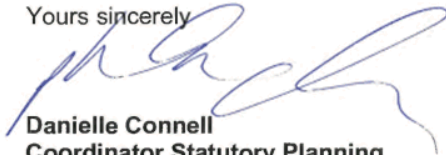
**Address:** 504 Swan St Richmond VIC 3121

Your comments on the application from an enforcement perspective are requested on the following matters:

- Any complaints associated with the existing premises and the appropriateness of the proposed extended hours.

If you have any enquiries, please contact **Laura Condon** on **9205 5352**, or via email **Laura.Condon@yarracity.vic.gov.au**.

Yours sincerely



**Danielle Connell**  
Coordinator Statutory Planning  
Encl

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**1.4 PLN16/0013 - 8 Gwynne Street Cremorne - Construction of a five-storey building for the purpose of offices (no permit required for use) and a reduction in the car parking requirement.**

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**Executive Summary**

**Purpose**

1. This report provides Council with an assessment of an application for construction of a five-storey building for the purpose of offices (no permit required for use) and a reduction in the car parking requirement.

**Key Planning Considerations**

2. Key planning considerations include:
  - (a) clause 15.01 – Urban Environment;
  - (b) clause 17.01 – Economic development;
  - (c) clause 18 – Transport;
  - (d) clause 21.04 – Land use;
  - (e) clause 21.05 – Built form;
  - (f) clause 21.06 - Transport;
  - (g) clause 21.07 - Environmental sustainability;
  - (h) clause 21.08 – Neighbourhoods;
  - (i) clause 22.05 – Interface Uses Policy
  - (j) clause 22.10 – Built Form and Design Policy;
  - (k) clause 22.17 – Environment Sustainable Design; and
  - (l) clause 52.06 – Car Parking

**Key Issues**

3. The key issues for Council in considering the proposal relate to:
  - (a) State and Local Planning Policy;
  - (b) Design and Built Form;
  - (c) Environmental Sustainable Design; and
  - (d) Car parking

**Objector Concerns**

4. No objections were received as the application was exempt from advertising pursuant to the Yarra Planning Scheme.

**Conclusion**

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported, subject to conditions.

**CONTACT OFFICER: Alicia Mora**  
**TITLE: Statutory Planner**  
**TEL: 92055139**

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**1.4 PLN16/0013 - 8 Gwynne Street Cremorne - Construction of a five-storey building for the purpose of offices (no permit required for use) and a reduction in the car parking requirement.**

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Trim Record Number: D16/108136

Responsible Officer: Coordinator Statutory Planning

**Proposal:** Construction of a five-storey building for the purpose of offices (no permit required for use) and a reduction in the car parking requirement

**Existing use:** Vacant site

**Applicant:** Watson Young Architects

**Zoning / Overlays:** Commercial 2 Zone  
City Link Project Overlay

**Date of Application:** 11 January 2016

**Application Number:** PLN16/0013

**Planning History**

1. Planning permit 1280 was issued on 1 November 1978 for 4-8 Gwynne Street Richmond to *construct an additional floor over 8 Gwynne Street to provide office, storage and amenities.*

**Background**

2. The application was lodged on 11 January 2016. Issues were raised in the preliminary assessment of the application on 16 January 2016 and by Urban Design in their referral comments on 12 May 2016.
3. The applicant amended plans pursuant to Section 57A of the Planning and Environment Act 1987 on 20 June 2016. The following amendments were made to the plans:
  - (a) Deletion of one-storey resulting in a five-storey building;
  - (b) Reduction in the number of car parking spaces due to the deletion of one level. Previously provided 32 spaces on-site now 24 car spaces;
  - (c) Deletion of the balconies and planter boxes to the north and west sides of the building; and
  - (d) Increased the setbacks from the western boundary from 1m to 2m for levels 1, 2, 3 and 4.
4. The application was called up to IDAC by Councillor Vlahogiannis on the basis of the car parking reduction.

**Existing Conditions**

Subject Site

5. The subject site is located on the west side of Gwynne Street, Cremorne. To the north and east of the site is Stephenson Street and to the west is Cubitt Street. The site is rectangular in shape with frontage to Gwynne Street of 18.2m and a length of 25.75m resulting in a site area of 468.65sqm. The land is currently vacant and surrounded by a high wire mesh fence. A crossover is located approximately half way along the Gwynne Street frontage.
6. The site is located within proximity to the following;
  - (a) 220m to the south of Swan Street and associated tram routes to the CBD and eastern suburbs;
  - (b) 340m to the south-east of the Richmond Train Station;

- (c) 290m to the south-west of the East Richmond Train Station.

*Restrictive Covenants*

7. There are no restrictive covenants on the certificate of title submitted with the application.

Surrounding Land

8. The site is located within a Commercial 2 Zone and surrounded by land which is also in the Commercial 2 Zone, with the closest residential land separated by the railway track, approximately 80m to the east.
9. The area is architecturally diverse with buildings encompassing a range of styles. The immediate area generally contains a mixture of mid-scale buildings generally industrial in appearance, ranging between one and three storeys in height.
10. Immediately to the north of the subject site is a single-storey brick building. The building is constructed to the northern, eastern and western boundaries, and is setback from the shared boundary 6 metres. A crossover is located in the south-east of the site. The front façade contains one pedestrian door towards the southern end of the site and large windows for the remainder of the façade. The site is occupied by 'Bond Imaging'.
11. Immediately to the south is a single-storey brick building with a high parapet wall fronting onto Gwynne Street. The building is built to all four boundaries, with pedestrian and vehicle access from Gwynne Street. One window and one filled in window are located within the northern wall of the building along with a door that is accessed via a ramp from the subject site. The building has painted signage to its eastern and northern facades 'Bond Colour Laboratories'.
12. To the east of the site, on the opposite side of Gwynne Street, is a single-storey, brick building. The building appears to be used for mechanical repairs or panel beating. The front façade has separate vehicle and pedestrian entrances located on the southern side with the remainder of the façade containing windows. To the south of this building also opposite the subject site is a two-storey building, constructed for office space. The front facade is fully glazed with a balcony at first floor. The front façade is slightly recessed from Gwynne Street.
13. To the rear of the site, fronting onto Cubitt Street are single-storey dwellings. The secluded private open space (SPOS) of these dwellings immediately abut the shared boundary. The dwellings have varying setbacks from the common boundary ranging from 0m to 5m. There are windows facing onto the subject site from the dwellings. It is noted that these dwellings are located within the Commercial 2 Zone.

**The Proposal**

14. The proposal is for construction of a five-storey building for the purpose of offices (no-permit required for use) and a reduction in the car parking requirements. To summarise the development:

*Building and works*

15. Ground Floor
- (a) The ground level will be constructed to all four boundaries, and will contain a lobby, lift, stairwell, cleaner's room, bike storage, bin storage, services and enclosed parking for the majority of the ground floor.
- (b) A total of 12 double car stackers (24 car parking spaces) will be provided, along with 4 bicycle racks (for 8 bikes) within the bike storage area. It is noted that the plan states 10 bike spaces provided in the development analysis, and this discrepancy will be corrected by condition of any permit issued.

- (c) Vehicle access will be provided via a 4.1m wide tilt garage door in the eastern wall. The garage door is recessed 2m from the front title boundary.
  - (d) A 5000Lt water tank will be located underground at the western end of the site.
16. Levels 1 & 2
- (a) These levels will be constructed to the northern and southern boundaries. The building will be setback 2m from the western boundary with a balcony within the setback at the first floor. At Level 1 the building is constructed to the eastern boundary except for a balcony in the north-east corner 1.5m wide. At Level 2 the building is constructed to boundary except for a 1.5m setback centrally located to allow for a balcony.
  - (b) The west-facing balcony at level 1 will have 1.7m high screen above finished floor level and will be covered by a pergola.
  - (c) Each level will contain open-plan office space (Level 1 has 333sqm and Level 2 has 332sqm), along with separate male, female and disabled amenities, kitchenette, stairwell and lift.
17. Level 3 & 4
- (a) These levels will be constructed to the northern and southern boundaries and setback 2m from the western boundary.
  - (b) Level 3 is constructed to the eastern boundary except for a 1.5m wide balcony in the north-east corner. Level 4 is setback from the eastern boundary 2m.
  - (c) These levels will contain open-plan office space (Level 3 has 333sqm and Level 4 has 318sqm), along with separate male, female and disabled amenities, kitchenette, stairwell and lift.
  - (d) The building has a maximum height of 19.7m.
18. Roof
- (a) A plant platform is located along the southern boundary setback 6.8m and 10m from the eastern and western boundaries respectively. The lift overrun is located between the eastern boundary and the plant platform. The plant platform can be accessed via a ladder.
  - (b) A 1.5m high screen is proposed around the plant platform.
19. Materials and finishes/Appearance
- (a) The eastern facade will be finished in a combination of full glazing, white alucobond, rust cladding and glazed balustrades. There will also be light and dark grey steel framing around the windows.
  - (b) The western façade will be finished in a combination of full glazing with a screen to the first floor balcony. At Levels 2, 3 and 4 the lower half of the facade will have a light grey paint finish. The ground floor wall will be finished in a light grey.
  - (c) The western façade will have sunshade louvres at levels 2, 3 and 4.
  - (d) The northern and southern walls will be finished in a feature graphic of a map of Richmond and surrounding suburbs.
20. Use
- (a) The proposed use of the entire building will be for offices.
21. Environmental Sustainable Design
- (a) The building is designed to improve energy efficiency through the use of glazing, insulation and measures to minimise the effects of air leakage.
  - (b) Natural ventilation will be provided to all office and common areas, with reverse cycle heating and cooling. The car park will be naturally ventilated and where necessary mechanical ventilation will be used and connected to motion detectors, timers and carbon monoxide sensors.
  - (c) Energy efficient lighting will be used, with motion sensors incorporated into all common areas. Internal walls will be light in colour and common areas will have motion detector sensors and daylight sensors where appropriate.

- (d) All appliances will be energy efficient, with gas hot water provided via solar panels on the roof. The lift will not require an on-site control room and when not in operation the lighting will switch off. Each tenant is separately metered to allow for control over energy and water consumption.
  - (e) Bicycle usage is promoted through the provision of bicycle racks and 'end-of-trip' facilities at each level.
  - (f) A central rainwater tank with a capacity of 5000Lt will supply water to all amenities throughout the building.
  - (g) An assessment against the Sustainable Design Scorecard resulted in compliance with all categories, with 'Best Practice' score.
22. Car Parking/bicycle parking
- (a) A total of 24 car parking spaces will be provided on-site in the form of 12 double car stackers.
  - (b) A total of 10 bicycle racks will be provided on-site (only four racks have been shown on the layout).

## Planning Scheme Provisions

### Zoning

#### *Commercial 2 Zone (C2Z)*

23. The purpose of the Commercial 2 Zone is;
- (a) *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
  - (b) *To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*
  - (c) *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.*
24. Pursuant to clause 34.02-4 of the Yarra Planning Scheme (the Scheme) a planning permit is required to construct a building.
25. Pursuant to clause 34.02-1 of the Scheme, a planning permit is not required for the use of the site as an office.

### Overlays

#### *City Link Project Overlay*

26. The purpose of the City Link Project Overlay is;
- (a) *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
  - (b) *To ensure the efficient construction, operation and maintenance of the Melbourne City Link Project, the Exhibition Street Extension Project and CityLink Tulla Widening Project.*
  - (c) *To ensure that the display of a Business identification sign on land no longer required for the Melbourne City Link Project or the Exhibition Street Extension Project is limited to a level that does not compete with the display of signs shown on the plan titled "Melbourne City Link Project - Advertising Sign Locations November 2003".*
27. Pursuant to clause 45.07-1 of the Yarra Planning Scheme (the Scheme) a planning permit is not required to use or develop in the:
- (a) *City Link Project area if the use or development is part of the Melbourne City Link Project or the Exhibition Street Extension Project.*



(b) *CityLink Tulla Widening Project Area if the use or development is part of, or associated with, the CityLink Tulla Widening Project.*

28. Therefore a permit is required as the proposal is not within the exemption.
29. Pursuant to clause 45.07-6 of the Scheme an application must be referred under Section 55 of the Act to the Roads Corporation.

#### Particular Provisions

##### *Clause 52.06 – Car Parking*

30. Pursuant to clause 52.06-2 of the Scheme, before a new use commences the number of car parking spaces required under clause 52.06-5 must be provided to the satisfaction of the responsible authority.
31. In this instance the entire building (with a total floor area of 1315sqm) will be dedicated to 'office' use. According to the table at clause 52.06-5, 3.5 car spaces should be provided to each 100sqm of net floor area of an office. As a result, 46 car spaces are required, with 24 on-site car parking spaces provided.
32. Clause 52.06-3 states that a permit may be granted to reduce the number of car parking spaces required under clause 52.06-5. In this instance, a planning permit to reduce 22 car parking spaces is required.

##### *Clause 52.34 – Bicycle Facilities*

33. Pursuant to clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land.
34. With regards to the office use, 1 bicycle space to each 300sqm of net floor area is required for employees if the net floor area exceeds 1000sqm and 1 space to each 1000sqm of net floor area is required for visitors if the net floor area exceeds 1000sqm. With a net floor area of 1315sqm, a statutory requirement of 4 spaces for employees and 1 space for visitors is required. The development provides on-site bicycle parking for 10 spaces; thereby requirement is met.

#### General Provisions

##### *Decision guidelines*

35. The general provisions found at Clause 65 (Decision Guidelines) of the Scheme are relevant to this application. Before deciding on an application or approval of a plan, the Responsible Authority must consider, as appropriate:
- (a) *the matters set out in Section 60 of the Act;*
  - (b) *the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;*
  - (c) *the purpose of the zone, overlay or other provision;*
  - (d) *any matter required to be considered in the zone, overlay or other provision;*
  - (e) *the orderly planning of the area;*
  - (f) *the effect on the amenity of the area;*
  - (g) *the proximity of the land to any public land.*

#### State Planning Policy Framework (SPPF)

36. Relevant clauses are as follows:

37. Clause 11 'Settlement' - Planning is to recognise the need for, and as far as practicable contribute towards (as relevant);
  - (a) *Diversity of choice.*
  - (b) *Adaptation in response to changing technology.*
  - (c) *Economic viability*
  - (d) *A high standard of urban design and amenity.*
  - (e) *Energy efficiency.*
  - (f) *Accessibility*
  - (g) *Land use and transport integration*
38. *Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.*
39. Clause 11.02 'Urban growth' aims to *ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*
40. This clause includes several strategies to achieve this objective, including;
  - (a) *Opportunities for the consolidation, redevelopment and intensification of existing urban areas.*
  - (b) *Neighbourhood character and landscape considerations.*
41. Clause 11.02-2 'Planning for growth areas'
42. The objective is: *to locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create benefits for sustainability while protecting primary production, major sources of raw materials and valued environmental areas.*
43. The clause includes several strategies to achieve this objective.
44. Clause 11.02-3 'Structure planning'
45. The objective is: *to facilitate the orderly development of urban areas.* Relevant strategies aim to facilitate the preparation of a hierarchy of structure plans or precinct structure plans that:
  - (a) *Take into account the strategic and physical context of the location.*
  - (b) *Provide the broad planning framework for an area as well as the more detailed planning requirements for neighbourhoods and precincts, where appropriate*
  - (c) *Provide for the development of sustainable and liveable urban areas in an integrated manner.*
  - (d) *Assist the development of walkable neighbourhoods.*
  - (e) *Facilitate the logical and efficient provision of infrastructure and use of existing infrastructure and services.*
46. Clause 15.01-1 'Urban design' objective is: *to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*
47. The following (relevant) strategies are provided to achieve this.
  - (a) *Promote good urban design to make the environment more liveable and attractive.*
  - (b) *Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.*

48. Clause 15.01-2 'Urban design principles' objective is: *to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*
49. The strategy to achieve this is to apply the following design principles to development proposals for non-residential development or residential development not covered by Clause 54, Clause 55 or Clause 56. The design principles relevant to this application are the following:
50. *Context*
  - (a) *Development must take into account the natural, cultural and strategic context of its location.*
  - (b) *Planning authorities should emphasise urban design policies and frameworks for key locations or precincts.*
  - (c) *A comprehensive site analysis should be the starting point of the design process and form the basis for consideration of height, scale and massing of new development.*
51. *The public realm*
  - (a) *The public realm, which includes main pedestrian spaces, streets, squares, parks and walkways, should be protected and enhanced.*
52. *Safety*
  - (a) *New development should create urban environments that enhance personal safety and property security and where people feel safe to live, work and move in at any time.*
53. *Landmarks, views and vistas*
  - (a) *Landmarks, views and vistas should be protected and enhanced or, where appropriate, created by new additions to the built environment.*
54. *Heritage*
  - (a) *New development should respect, but not simply copy, historic precedents and create a worthy legacy for future generations.*
55. *Consolidation of sites and empty sites*
  - (a) *New development should contribute to the complexity and diversity of the built environment.*
  - (b) *Site consolidation should not result in street frontages that are out of keeping with the complexity and rhythm of existing streetscapes.*
  - (c) *The development process should be managed so that sites are not in an unattractive, neglected state for excessive periods and the impacts from vacant sites are minimised.*
56. *Energy and resource efficiency*
  - (a) *All building, subdivision and engineering works should include efficient use of resources and energy efficiency.*
57. *Architectural quality*
  - (a) *New development should achieve high standards in architecture and urban design.*
  - (b) *Any rooftop plant, lift over-runs, service entries, communication devices, and other technical attachment should be treated as part of the overall design.*
58. Clause 15.01-5 'Cultural identity and neighbourhood character'
59. It is an objective: *to recognise and protect cultural identity, neighbourhood character and sense of place.*
60. The clause includes several strategies to achieve this objective, including to:
  - (a) *ensure development responds and contributes to existing sense of place and cultural identity;*

- (b) *ensure development responds to its context and reinforces special characteristics of local environment and place by emphasising:*
  - (i) *the heritage values and built form that reflect community identity.*
  - (ii) *the values, needs and aspirations of the community.*

61. Clause 15.02-1 'Sustainable development: Energy and resource efficiency'

62. It is an objective: *to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*

63. The clause has the following strategies:

- (a) *Ensure that buildings and subdivision design improves efficiency in energy use.*
- (b) *Promote consolidation of urban development and integration of land use and transport.*
- (c) *Improve efficiency in energy use through greater use of renewable energy.*
- (d) *Support low energy forms of transport such as walking and cycling.*

64. Clause 17.01-1 'Business'

65. The objective of this clause is: *to encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*

66. Relevant strategies include;

- (a) *Locate commercial facilities in existing or planned activity centres.*

67. Clause 18.01-1 'Integrated Transport: Land use and transport planning'

68. It is an objective: *to create a safe and sustainable transport system by integrating land-use and transport.*

#### Local Planning Policy Framework (LPPF)

##### *Municipal Strategic Statement (MSS)*

69. Relevant MSS provisions relating to this application are the following:

70. Clause 21.03 'Vision'

71. Clause 21.03 outlines strategic objectives for land use, built form, transport and environmental sustainability within the City. Strategies to achieve the objectives are set out in the following clauses of the MSS. Figure 1 – Strategic Framework Plan within this clause designates the site as being included within a potential commercial and industrial area.

72. Clause 21.04 'Land use'

73. Clause 21.04-3 'Industry, office and commercial'

74. This clause notes that the commercial and industrial sectors within Yarra underpin a sustainable economy and provide employment, with the decline in manufacturing activity creating an opportunity for service businesses which has maintained employment levels within Yarra.

- (a) *Objective 8: To increase the number and diversity of local employment opportunities.*
- (b) *Strategy 8.5: Support opportunities for new uses on isolated industrial sites provided they reflect the predominant surrounding uses.*

75. Clause 21.05 'Built Form'

76. Clause 21.05-2 'Urban design'

- (a) *Objective 16: To reinforce the existing urban framework of Yarra.*
- (b) *Strategy 16.2: Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.*
- (c) *Objective 18: To retain, enhance and extend Yarra's fine grain street pattern.*
- (d) *Objective 20: To ensure that new development contributes positively to Yarra's urban fabric.*
- (e) *Strategy 20.1: Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.*
- (f) *Objective 22: To encourage the provision of universal access in new development.*
- (g) *Strategy 22.1: Encourage applicants to take into account the access needs of all people in the design of new buildings.*

77. Clause 21.05-3 'Built Form Character'

78. This clause encourages new development to respond to Yarra's built and cultural character, its distinct residential 'neighbourhoods' and individualised shopping strips, which combine to create a strong local identity. The subject site is located within a 'non-residential' area as demonstrated within Figure 8 – *Built form character map: Burnley, Cremorne, South Richmond* at clause 21.08-5. Relevant objectives and strategies include;

- (a) *Objective 27: To improve the interface of development with the street in non-residential areas.*
- (b) *Strategy 27.1: Allow flexibility in built form in areas with a coarse urban grain (larger lots, fewer streets and lanes).*
- (c) *Strategy 27.2: Require new development to integrate with the public street system.*

79. Clause 21.06 'Transport'

80. This Clause builds upon the Objectives outlined at Clause 18, promoting cycling, walking and public transport as alternatives to private motor vehicle usage.

- (a) *Objective 30: To provide safe and convenient bicycle environments.*
- (b) *Objective 32: To reduce the reliance on the private motor car.*
- (c) *Objective 33: To reduce the impact of traffic.*
- (d) *Strategy 33.1: Ensure access arrangements maintain the safety and efficiency of the arterial and local road network.*

81. Clause 21.07 Environmental Sustainability

- (a) *Strategy 34.1 Encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation.*
- (b) *Strategy 34.2 Apply the environmental sustainability provisions in the Built Form and Design policy at clause 22.10-3.5*
- (c) *Strategy 34.3 Apply the Environmentally Sustainable Development policy at clause 22.17.*

82. Clause 21.08 'Neighbourhoods'

83. The subject site is located within the neighbourhood of Burnley, Cremorne and South Richmond, in accordance with Clause 21.08-2 of the Scheme.

84. Clause 21.08-2 *Burnley, Cremorne, South Richmond* notes that the *neighbourhood is largely an eclectic mix of commercial, industrial and residential land use. With two railway lines and both north-south, and east-west tram routes, the neighbourhood has excellent access to public transport. The Cremorne commercial area functions as an important metropolitan business cluster which must be fostered.*
85. *The Cremorne area has a truly mixed use character with Victorian cottages, apartments and warehouse conversions intermingled with commercial and industrial uses. This mix of uses is valued by the local community and must be fostered*
86. Relevant Local Planning Policies
87. There are several policies of reference that relate to this application.
88. Clause 22.05 'Interface Uses Policy'
89. This policy applies to applications for use or development within Business (now Commercial) Zones (amongst others) and comprises various considerations and decision guidelines for non-residential use and development located near residential properties relating to overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances that may cause unreasonable detriment to the amenity of nearby residential properties.
90. Clause 22.10 'Built Form and Design Policy'
91. Clause 22.10 of the Scheme provides a series of design objectives and guidelines for new development that is not within a Heritage Overlay area. The policy comprises ten design elements that address the following issues:
  - (a) *Urban form and character*
  - (b) *Setbacks and building heights*
  - (c) *Street and public space quality*
  - (d) *Environmental sustainability*
  - (e) *Site coverage*
  - (f) *On-site amenity*
  - (g) *Off-site amenity*
  - (h) *Landscaping and fencing*
  - (i) *Parking, traffic and access*
  - (j) *Service infrastructure*
92. Clause 22.16 Stormwater Management (Water Sensitive Urban Design)
93. The objectives of this policy are:
  - (a) *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended). Currently, these water quality performance objectives require:*
    - (i) *Suspended Solids - 80% retention of typical urban annual load*
    - (ii) *Total Nitrogen - 45% retention of typical urban annual load*
    - (iii) *Total Phosphorus - 45% retention of typical urban annual load*
    - (iv) *Litter - 70% reduction of typical urban annual load*
  - (b) *To promote the use of water sensitive urban design, including stormwater re-use.*
  - (c) *To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development.*
  - (d) *To minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays.*

- (e) *To reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and well being*

94. Clause 22.17 Environmental Sustainable Design

95. This policy applies throughout the City of Yarra to residential and non-residential development that requires a planning permit. This policy builds on and implements the sustainability objectives and strategies expressed in Clause 21.07 of the MSS relating to sustainable design and development. The following objectives should be satisfied where applicable:

- (a) *Energy performance*
- (b) *Water resources*
- (c) *Indoor Environment Quality*
- (d) *Stormwater Management*
- (e) *Transport*
- (f) *Waste Management*
- (g) *Urban Ecology*

Other Documents

96. Swan Street Structure Plan

97. The Swan Street Structure Plan is relevant to the site, with the site located within the 'Cremorne Mixed Commercial' Precinct of the Plan's study area. The final Plan was adopted by Council on the 17 December 2013. The Structure Plan prepared for the Swan Street Major Activity Centre [MAC] was in response to the State Government sustainable growth policy, Melbourne 2030; a plan for the growth and development of the Melbourne metropolitan area. One of the principal aims of the policy was to provide a network of activity centres throughout Melbourne, with these centres providing a focus for development and urban expansion in areas well serviced by public transport, existing infrastructure and community services. The Swan Street Structure Plan aims to manage this growth within the Swan Street MAC and the surrounding area.

98. Of relevance to this application are proposed revisions to the built form guidelines that will provide guidance on future built form and how that would be in keeping with the longer term vision for Swan Street and surrounds, along with guidance on urban intensification within the precinct.

99. As noted, the subject site is located within the Cremorne Mixed Commercial Precinct, with the following objectives and strategies relevant to this neighbourhood;

- (a) *Encourage commercial uses that consolidate the role of the precinct as a business and employment area.*
- (b) *Reinforce the industrial and commercial building character of the precinct.*
- (c) *Buildings should be built to the street edge and extend the full width of the property at lower levels.*

100. The future character of the area aims to support a variety of mixed commercial and light industrial uses, to provide a range of building types that support a mix of activities to encourage social and economic diversity and to encourage buildings that contribute to the shared identity and character of the activity centre.

101. The plan provides guidance on maximum building heights within each precinct, with 4 storeys the proposed maximum height within the Cremorne neighbourhood.

**Advertising**

102. The application was not advertised under the provisions of Section 52 of the Planning and Environment Act 1987 as clause 34.02-6 of the Scheme exempts buildings and works in the Commercial 2 Zone from notice and review if the land is not within 30m of a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre. As the subject site is not within 30m of any of these zones/uses, notice was not required.
103. As noted, the use of the land as an office does not require a planning permit, on this basis, notice of the change in land use was not required.
104. With regards to the reduction in car parking, clause 52.06-4 notes that an application under Clause 52.06-3 is exempt from notice and review if;
  - (a) *the application is also for a permit under another provision of the planning scheme and in respect of all other permissions sought, the application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.*
105. With the use and buildings and works exempt from these requirements, the reduction in car parking component of the application did not require advertising.

## Referrals

### External Referrals

106. The application was required to be referred (or notice given) to Vicroads and Transurban under the City Link Project Overlay. Vicroads responded with the following comment: *VicRoads has considered the application and has no comments to make in relation to the proposal.* Refer to the attachments for a copy of their response.

### Internal Referrals

107. Engineering Services Unit
108. The application was referred to Council's Traffic Engineering Services Unit, who were generally supportive of the proposal subject to conditions. Refer to the attachments for the Engineering Comments.

### Urban Design

109. Council's Urban Design Unit provided the comments on the plans dated 4 March 2016 and was generally supportive of the proposal subject to conditions. Refer to the attachment for their comments.

### Environmental Sustainable Development

110. Council's Environmental Sustainable Officer provided comment on the proposal and was generally supportive subject to conditions. For the full copy of the ESD comments please refer to the attachment.

## OFFICER ASSESSMENT

111. The following considerations are relevant to this application.
  - (a) LPPF and SPPF policy
  - (b) Design and Built Form
  - (c) ESD



(d) Car parking

LPPF and SPPF policy

112. The proposed development of the site to construct a five-storey office building satisfies the various development objectives at state and local policy level. The proposal is consistent with the relevant objective of the Commercial 2 Zone *to encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services* as its proposed to be an office building.
113. The proposal complies with clauses 11 *Settlement* and 11.02 *Urban Growth* as it takes advantage of the existing commercial precinct having access to services and infrastructure such as transport and utilities. The subject site is consistent with *clause 18.01-1 integrated transport* as it is ideally located close to transport and services in an established inner-urban context and is within close proximity to the Swan Street Activity Centre (AC) and is consistent with *clause 11.02-3 Structure Planning, clause 17.01-1 Business* and *clause 21.04-3 Industry, office and commercial*.
114. The five-storey building is consistent with the design of commercial buildings within Cremorne as described within clause 21.08-2 and corresponds with the prevailing building typology and positively contributes to the existing urban streetscape and provides an active frontage to Gwynne Street thus meeting the objectives of clauses 15.01-1 *Urban design*, 15.01-2 *Urban design principals*, 21.05 *Built form*, (as will be discussed further in the design and built form section).The Swan Street Structure Plan which encompasses the subject site provides guidance on development. The proposal is generally consistent with the structure plan however it does exceed the preferred four-storey height, but this will be discussed later within the assessment.
115. The design of the building implements sustainable development initiatives that will result in an environmentally sustainable modern office building in accordance with clauses 15.02-1 *Sustainable development* and 21.07 *Environmental Sustainability*.
116. It is considered that general compliance with applicable planning controls, relevant state and local planning policies and the draft Swan Street Structure Plan indicates that the development of the site for a five-storey building is an appropriate response for the site.

Design and Built Form

117. In assessing the design and built form of the building, policy at *Clause 21.05-2 – Urban design* and *Clause 22.10 – Built form and design* seek to achieve development with architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm, while minimising detrimental impact on neighbouring properties.
118. *Clause 22.10 – Built form and design policy* applies to all development not covered by a heritage overlay, and contains a number of design elements that assess how the proposal responds to the context of the neighbourhood, whilst encouraging development to make a contribution to the streetscape by creating a positive interface between private spaces and the public realm. These design elements and additional features of the proposal will be assessed accordingly.

*Urban form, character and context*

119. As discussed in the policy section above, the proposal is an appropriate response to the site's context and makes use of vacant land. The subject site is appropriately located for a medium density development, within close proximity to an AC and within a commercial zone with excellent access to public transport, services and facilities.

120. The pattern of subdivision and scale of development within the immediate area is varied, ranging from narrow sites to larger allotments, with buildings one to three-storeys in scale and approved developments of four to six storeys. The Swan Street Structure Plan advocates a preferred maximum building height of four storeys within this precinct and although this is a five-storey proposal, given the size of the site the five storey building can be accommodated on the site. The proposal does present to Gwynne Street as four-storeys given the setback of the fifth level and the narrow width of the street.
121. It is considered that the proposed building is consistent with a number of objectives within *Clause 21.05-2 – Urban Design*, which aim to enhance the built form character of Yarra’s activity centres by taking into consideration the surrounding scale and context of the neighbourhood and to improve the interface of development with the street in non-residential areas. Furthermore, the scale and massing of the building is considered to be respectful of surrounding built form and will provide for a preferred design outcome within the streetscape should the surrounding sites be developed in the future.

*Setbacks & Building Height*

122. *Clause 22.10-3.3* aims to ensure that the height of new development is appropriate to the context of the area and respects the prevailing pattern of heights of the surrounding precinct. The proposed building is five-storeys, or 19.7m high, and is abutted by a single-storey building to the north and a single-storey building to the south which has a high parapet wall so that it appears to the street as a two-storey building.
123. Whilst it is acknowledged that the proposed building will be the tallest within the immediate surrounds, the height of the development is considered to be acceptable based on the following;
- (a) The setback of the top floor will result in the building presenting to the street as a four-storey form, at an overall height of 16.1m, consistent with the Swan Street Structure Plan.
  - (b) The building to the north is setback from the shared boundary which will create a transition between the single-storey building and the proposed building.
  - (c) This height transition can be supported because of the location of the building within a commercial zone, where densely developed land is a common characteristic.
  - (d) Relevant policy encourages higher built form within the precinct, with it considered likely that surrounding buildings will be redeveloped to similar heights in the future.
  - (e) Where the building has a more sensitive interface to the west, it has been setback so as to reduce its visual impact.
124. A design objective within *clause 22.10-3.3* notes that massing, articulation or changes of surface treatment should be used to relate taller buildings to the scale of their surrounds, and to diminish visual bulk. Comments received from Council’s Urban Design Unit state that the materials to the front façade assist in breaking up the four-storey wall to the street by distinguishing between the levels.
125. The plans also include a 2m setback at the rear of the site to allow for future development on the adjoining site. Urban Design comments considered that the previously proposed narrow setbacks would prevent light into the lower levels of the building should a similar scaled development be constructed to the west. The amended plans incorporate the setback to allow for equitable development, should another development have the same 2m setback it would allow for daylight into the west-facing windows and enable the balcony at level 1 to be used as well as allowing for reasonable levels of daylight into windows on the adjoining site.

*Street and public space quality*

126. The proposal will improve the site's activation at street level, with the current car park providing no integration with the street. The existing vehicle crossing will remain to allow for vehicle access to the site. The paving to the building entry indicates pedestrian priority as stated in the Urban Design comments. The glazing at ground floor also integrates the building to a human scale and the perforated garage door also allows for passive surveillance of the street for exiting vehicles and bikes.
127. As previously discussed the differing materials to the Gwynne Street façade will help to articulate the four-storey wall to break up the height. There is a high presence of glazing to Gwynne Street which will create permeability between the public and private realms.
128. The proposal therefore improves the interface between the private domain and public spaces and is consistent with design objectives at *clause 22.10-3.4*. The use of glazing at the upper levels also ensures that a good degree of surveillance to the surrounding street network is available from each office.
129. The plans do not specify whether external security lighting will be provided; in order to further increase safety and visibility within the streetscape, appropriate lighting will be required via a condition of the permit.
130. Overshadowing of the public realm to the east along Gwynne Street will be in the afternoon, however this overshadowing is not considered unreasonable given the north to south orientation of the street, narrow street width and limited pedestrian traffic.

#### *Environmental Sustainability*

131. *Clause 22.10-3.5* and *clause 22.10-3.7* encourage environmentally sustainable designs that provide a good degree of on-site amenity within internal spaces. A number of features have been incorporated throughout the building to improve the energy efficiency of the proposal; these will be discussed in more detail within the ESD section below.

#### *Site Coverage*

132. *Clause 22.10-3.6* encourages built form coverage of new development to reflect the character of the immediate area, noting that site coverage should not exceed 80% unless the pattern of coverage in the immediate area is higher than this figure.
133. In this instance, the built form character of the area follows a pattern of high site coverage with most sites within the area having 100% coverage. The proposal is consistent with this and can be supported.

#### *On-site amenity*

134. The office spaces are open plan and will receive daylight from the east and west-facing windows. The high level of glazing on these facades along with the lower built forms to the east and west will allow for daylight to penetrate each level so that they receive natural light. Indoor areas will be painted in light colours to help reflect light within the space. Movement activated light sources are also provided so that the occupants will have access to lit spaces in less traversed areas.
135. Each level has been provided with amenities and small kitchenettes providing staff with close and convenient on-site facilities.
136. Sun shading is proposed to each level on the western façade to reduce heat gain from the afternoon sun and mechanical cooling is proposed to assist in cooling the building.

137. Given the office nature of the use, noise from plant equipment and vehicles is not considered unreasonable. Noise from these areas will be somewhat reduced through location, being on the roof and on the ground floor and through the materials used between the levels.

*Off-Site Amenity*

138. Design objectives at *clause 22.10-3.8* aim to limit the impact of new development on the amenity of surrounding land, particularly residential land, by ensuring that development does not prejudice the rights of adjoining land users. These objectives are largely designed to reduce off-site amenity impacts to land within a residential zone where they interface with commercial zones. In this instance, the subject site is completely surrounded by land within the Commercial 2 Zone, thereby reducing the relevance of these objectives.
139. The residential interface to the west will be cast in shadow by the proposal at 9am. *Clause 22.05-4.2* refers to non-residential development near residential properties and addresses overshadowing. It states that there should be no unreasonable overshadowing from the proposed development. Shadow from the proposal will be cast over the SPOS of the dwellings in the morning and will not have any impact at 12noon. The level of shadow cast is not considered unreasonable because the dwellings are located within a Commercial 2 Zone where dwellings are a prohibited use. Whilst it is acknowledged that the buildings on site are built as dwellings, they are but a few in an area largely containing commercial buildings of between one to three-storeys. This in combination with the subject site not having any shadowing impacts from midday onwards means that the proposal will not have an unreasonable overshadowing impact given the context of the site and surrounds.
140. Overlooking from the first floor balcony will be obscured by the 1.7m high screen and the sun shading which extends out from the building façade will reduce views from the upper level windows to the private open space of the dwellings to the west. A section should be provided to demonstrate that the sunshades appropriately restrict the amount of overlooking.
141. The size of the building is not out of character with the existing and emerging built form within the precinct. As discussed previously the proposal is consistent with the Swan Street Structure Plan as it presents to Gwynne Street. There are recent approvals within the immediate vicinity of the subject site of four to six storeys and the proposal is consistent with this. Furthermore, the building bulk will be reduced by the setbacks of the upper levels of the building from the more sensitive interfaces to the west.
142. Due to the nature of the office use there will be minimal noise generated by pedestrian activity, with this activity largely limited to Gwynne Street and not considered to be detrimental to the amenity of the adjacent properties. The use of the balconies at the rear is expected to be limited to normal business hours and therefore not unreasonable. Entry and exiting the building by pedestrian and vehicle is contained the Gwynne Street frontage. The use also ensures that deliveries to the site will be kept to a minimum.
143. In summary, the proposal is not expected to adversely affect the amenity of surrounding and nearby land and will be consistent with relevant objectives outlined in *clause 22.05* and *clause 34.02* of the Scheme.

*Landscaping and fencing*

144. *Clause 22.10-3.9* encourages the retention of mature vegetation where possible and landscaping that respects the neighbourhood character. Due to the boundary to boundary construction at ground floor fencing and landscaping is not required.

*Parking, traffic and access*

145. Refer to the car parking assessment further within the report.

### *Service infrastructure*

146. *Clause 22.10-3.11* encourages new development to appropriately site and blend service infrastructure into the design whilst obscuring it from the public domain. Service infrastructure will be housed along the Gwynne Street frontage within externally accessed doors from outside the building and within the front of the building behind the bicycle storage area. Bin storage is contained with the building and is accessed on site through the car park. No waste management plan has been submitted and will be required as a condition.
147. Plant equipment is to be housed on a plant platform on the roof. The location will not have a detrimental impact on the adjoining sites given its position along the southern boundary and central location on the roof and because it will be screened.

### Environmental Sustainable Design

148. The City of Yarra's Sustainable Design Assessment in the Planning Process (SDAPP) program seeks to incorporate key environmental performance considerations into the planning process in order to encourage more sustainable building outcomes. As the proposed development of the site provides a floor area greater than 1000sqm for a non-residential use, a Sustainable Management Plan (SMP) and a Green Travel Plan (GTP) were required as part of the application. These features are identified in the ESD referral comments.
149. The SMP was referred internally to Council's ESD Officer, who provided comments on how the proposal will address relevant sustainable building categories, and made a number of recommendations to improve the efficiency of the site from an ESD perspective.
150. The ESD comments noted as deficiencies within the comments will be conditioned on any permit issued. The request to provide 15 bicycle spaces is not required by condition however as there 10 spaces are provided when only 5 spaces are required statutorily under clause 52.34 *bicycle facilities*.

### Car parking

151. The proposed use of the site as an office generates a statutory car parking requirement of 46 spaces, with 24 car parking spaces to be provided on site. Therefore a reduction of 22 spaces is being sought. In assessing a car parking reduction, the Responsible Authority must have regard to a number of factors outlined at clause 52.06-6 of the Scheme. These relate to the associated car parking demand (short-term and long-term) that the use may generate, the availability and proximity of alternative transport options and provisions for bicycle parking upon the site. These are discussed throughout the assessment below.

### *Car parking demand and availability*

152. Council has received a number of similar applications for office developments in the Cremorne precinct. Traffic engineers have noted that examples of office generation rates of between 1 and 5 car parking spaces per 100 square metres exist, with the generation largely dictated by the supply. An empirical rate of 1.4 spaces per 100square metres for office space within the Cremorne area has been provided by Council's Engineering Services Unit based on a recent approval at 17 William Street Cremorne. Applying this same rate to the currently proposed 1,316 square metres of office space results in a requirement for 18 car spaces. The proposal exceeds the empirical rate by 6 spaces.
153. The street network surrounding the site is composed predominantly of relatively narrow local roads, with Gwynne Street a one-way (north to south) street that provides unrestricted parking along its eastern side. No car parking is provided along the western kerb. Due to the largely industrial nature of the surrounding buildings, crossovers are prevalent along both sides of the street, further restricting the availability of on-street car parking spaces.

The prevalence of crossovers within the street indicates that the majority of sites have some on-site parking for their staff and/or visitors. On-street parking availability is therefore limited.

154. As noted in Engineering advice; *parking associated with office type developments is generally long-stay parking for employees and short term parking (say up to two hours' duration) for customers and clients. Office employees can easily access the site by sustainable transport modes such as taking public transport or riding a bicycle or walking to the site.*
155. Given the above it is considered likely that the development will meet its car parking demand. Despite this, the following comments are provided regarding bicycle provision and access to public transport.

*Provisions for bicycle use and parking*

156. There will be 10 bicycle parking spaces provided at ground level, with showers also provided for each level of office. The provision of lockers will be required by way of condition to assist those who ride to work. This will encourage cycling as a form of transport to the site, and exceeds the requirements as specified within Clause 52.34 of the Scheme.
157. As noted by Council's Engineering Services *Unit the site will contain 10 bicycle parking spaces for staff use. The provision of an end of trip facility within the development will encourage some staff to ride a bicycle to the site.*

*Public transport*

158. The subject site is well serviced by public transport, with Richmond Railway Station located approximately 340m to the north, a number of tram routes within close proximity (along Swan Street and Church Street) and buses along Punt Road. All of these services are located within easy walking distance to the site, and the public transport options offer excellent alternatives to car use for all office employees.
159. Based on Council's Engineers supporting the reduction, the proximity of the site to public transport, the 24 on-site car parking spaces and the provision of bicycle parking, the proposal to reduce the car parking requirement should be supported.

*Traffic generation*

The traffic report from Cardno states that traffic movement from the site in the morning will be 11 vehicles inbound and 1 vehicle outbound with this reversed in the afternoon. This is expected to be one vehicle every five minutes which should not have an adverse impact on the surrounding road network.

*Access arrangements*

160. The proposed garage doorway is 4.1m in total width; the width and headway clearance satisfies *design standard 1 - accessway*.
161. The vehicle crossover will be required by condition to be designed and constructed to Council's requirements. In addition to this a 1:20 section will be required by condition.
162. The visibility of drivers leaving the site was raised in the comments with the suggestion that convex mirrors be installed on both sides of the car park entrance. This is considered not necessary, as the proposal meets the design standard.
163. The applicant submitted the manufacturer's details of the car stackers and Council's Engineers were satisfied that they can accommodate a vehicle up to 5.2m in length.

*Civil works – Gwynne Street*

164. Council's Engineers have suggested that the following civil works should be undertaken along Gwynne Street after construction works have been completed. These are considered to be reasonable in light of the extent of the building proposed and will be conditions on any permit issued.
- (a) The footpath outside the subject site must be stripped and re-sheeted.
  - (b) The full width road pavement of Gwynne Street (from west kerb to east kerb line) from the southern limit of the development to Stephenson Street must be profiled and re-sheeted to Council standard. Any isolated areas of road pavement failure as a consequence of construction traffic impacts must be reconstructed.

**Conclusion**

165. Based on the above report, the proposal is considered to substantially comply with the relevant planning policy and therefore should be supported, subject to conditions.

**RECOMMENDATION**

That having considered all relevant planning policies, the Committee resolves to issue Planning Permit PLN16/0013 for construction of a five-storey building for the purpose of offices (no-permit required for use) and a reduction in the car parking requirements at 8 Gwynne Street, Cremorne, generally in accordance with plans dated 20 June 2016 and subject to the following conditions;

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans but modified to show:
  - (a) The plans to show 10 bicycle spaces.
  - (b) Lockers to be shown on the plans for each level.
  - (c) A section demonstrating that overlooking to the west is restricted in accordance with the objective of Standard A15 of Clause 54 (or alterations to the development to achieve this).
  - (d) The addition of a solar photovoltaic system as required by condition 3(c).
  - (e) Any additional alterations necessary as a result of the amendments to the Sustainable Management Plan required by Condition 3.
  - (f) A 1:20 cross section of the new crossover showing appropriate access for a B99 design vehicle.
2. All development must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
3. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Design Assessment prepared by Gruen Eco Design and dated 10 February 2016, but modified to include or show:
  - (a) insulation level (R value) to exceed the minimum requirement by at least 10%.
  - (b) All heating, cooling and ventilation (HVAC) systems be either within one star of the highest available, or within 85% of the highest efficiency available for the appropriate capacity and application.

- (c) A solar photovoltaic system with a minimum 10 kW capacity installed on the roof.
4. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
  5. Before the development commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.
  6. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
  7. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
  8. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
  9. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
  10. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
  11. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the car park and building entrance must be provided within the property boundary. Lighting must be:
    - (a) located;
    - (b) directed;
    - (c) shielded; and
    - (d) of limited intensity,to the satisfaction of the Responsible Authority.
  12. The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
  13. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
    - (a) constructed and available for use in accordance with the endorsed plans;
    - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
    - (c) treated with an all-weather seal or some other durable surface; and
    - (d) line-marked or provided with some adequate means of showing the car parking spaces.



to the satisfaction of the Responsible Authority.

14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.
15. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including by the re-sheeting of the Gwynne Street footpath for the width of the property frontage if required by the Responsible Authority):
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the full width of Gwynne Street (from east kerb line to west kerb line) from the southern limit of the subject site to Stephenson Street must be profiled and re-sheeted to Council standard:
  - (c) at the permit holder's cost; and
  - (d) to the satisfaction of the Responsible Authority.
17. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
  - (a) in accordance with any requirements or conditions imposed by the relevant authority;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
  - (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
19. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
  - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) works necessary to protect road and other infrastructure;
  - (c) remediation of any damage to road and other infrastructure;
  - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
  - (e) facilities for vehicle washing, which must be located on the land;
  - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) site security;
  - (h) management of any environmental hazards including, but not limited to,:

- (i) contaminated soil;
  - (ii) materials and waste;
  - (iii) dust;
  - (iv) stormwater contamination from run-off and wash-waters;
  - (v) sediment from the land on roads;
  - (vi) washing of concrete trucks and other vehicles and machinery; and
  - (vii) spillage from refuelling cranes and other vehicles and machinery;
  - (i) the construction program;
  - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (k) parking facilities for construction workers;
  - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
  - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
20. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
21. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit; or
  - (b) the development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

Notes:

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5095 for further information.

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5585 for further information.

All future employees will not be permitted to obtain employee or visitor parking permits

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

**CONTACT OFFICER:** Alicia Mora  
**TITLE:** Statutory Planner  
**TEL:** 92055139

**Attachments**

- 1 Decision plans
- 2 Vicroads comments
- 3 Engineer comments 6 May 2016
- 4 Engineering comments to decision plans
- 5 Urban Design Comments
- 6 ESD comments

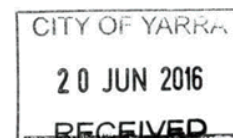
**Attachment 1 - Decision plans**

●  
●

**watson  
young**

17 June 2016

**Laura Condon**  
Senior Statutory Planning Officer  
City of Yarra  
PO Box 168  
Richmond VIC 3121



Dear Laura,

Re: PLN 16/0013  
8 Gwynne Street,  
Cremorne VIC 3121

We submit for your consideration an amendment to the above Planning Permit application under section 57A of the Planning Act.


The amendments include,

1. Reduction in height of the development by 1 office level.
2. Reduction in the number of car parking spaces in the building.
3. Deletion of balconies and planter boxes to the west and north of the proposal.
4. Changes to the building setbacks to the rear of the building.

Plans, elevations and sections have been amended, please refer to the attached drawings, ( 3 copies included ).

We include a fee of \$102.00 to complete this application.

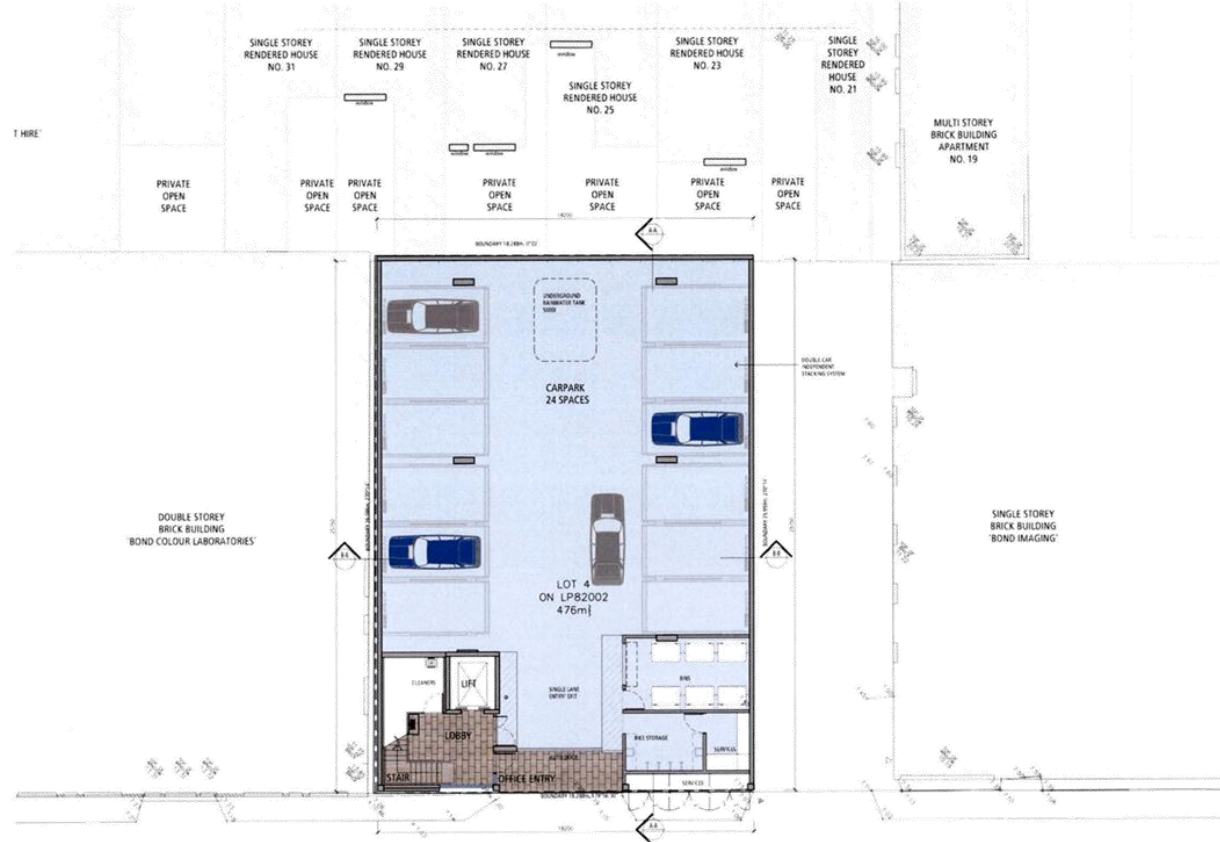
Yours faithfully,

  
**John Harvey**  
Associate  
Watson Young Architects

Z:\2015\15129\_8 Gwynne St\02 Issued\02 TPI\16.06.17 City of Yarra S57A amendment.docx

**Watson Young Architects Pty Ltd**  
ABN 57 078 863 738  
8 Grattan Street  
Prahran Victoria 3181 Australia  
03 9516 8555  
www.watsonyoung.com.au

Attachment 1 - Decision plans



| DEVELOPMENT ANALYSIS                              |                           |
|---|---------------------------|
| <b>BUILDING (GBA)</b>                             |                           |
| GROUND FLOOR                                      | 461m <sup>2</sup>         |
| FIRST FLOOR                                       | 426m <sup>2</sup>         |
| SECOND FLOOR                                      | 426m <sup>2</sup>         |
| THIRD FLOOR                                       | 427m <sup>2</sup>         |
| FOURTH FLOOR                                      | 400m <sup>2</sup>         |
| <b>TOTAL AREA</b>                                 | <b>2,140m<sup>2</sup></b> |
| <b>CARPARK REQUIREMENT</b>                        |                           |
| CARS REQUIRED - OFFICE (3.5 @ 100m <sup>2</sup> ) | 44 NO.                    |
| CARS PROVIDED                                     | 24 NO.                    |
| BICYCLE PARKING PROVIDED                          | 10 NO.                    |
| <b>SITE COVERAGE</b>                              |                           |
| TOTAL SITE AREA                                   | 475.90m <sup>2</sup>      |
| SITE COVERAGE                                     | 96.9%                     |

GROUND FLOOR PLAN  
SCALE: 1:100 @ A1

GWYNNE STREET

PROJECT  
GWYNNE ST DEVELOPMENT  
8 GWYNNE ST, CREMORNE

TITLE  
PROPOSED GROUND FLOOR

CLIENT  
EIGHT GWYNNE STREET Pty Ltd

DATE: Nov. 2015  
DRAWN BY: JG  
SCALE: 1:100 @ A1  
SCALE: 1:200 @ A3

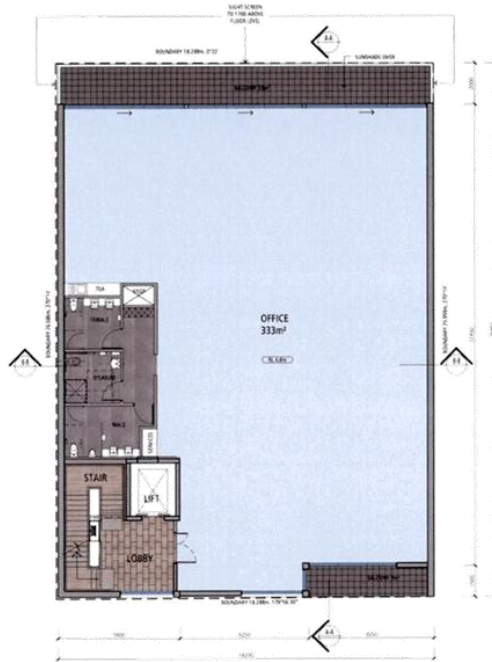
PROJECT NO.  
15129  
DRAWING NO.  
TP02-2A 1

NO. DATE REVISION BY CHK.  
1 16/04/16 SECTION 2/4 T&L WJ AC

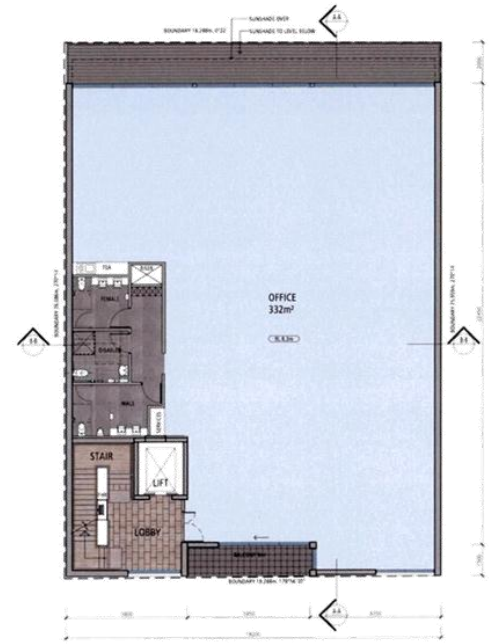
Watson Young Professional Pty Ltd 80 Collins Street, Carlton, Victoria 3083. Australia  
Ph: 03 9342 4200 F: 03 9342 4033 info@watsonyoung.com.au www.watsonyoung.com.au  
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Attachment 1 - Decision plans



FIRST FLOOR PLAN  
SCALE: 1:100 @ A1



SECOND FLOOR PLAN  
SCALE: 1:100 @ A1

NO. DATE REVISION BY CHK  
1 14.06.2016 100% 1/16/16 JG/W

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PROJECT  
8 GWYNNE STREET  
CREMORNE

PROPOSED 1st &  
2nd FLOOR PLAN

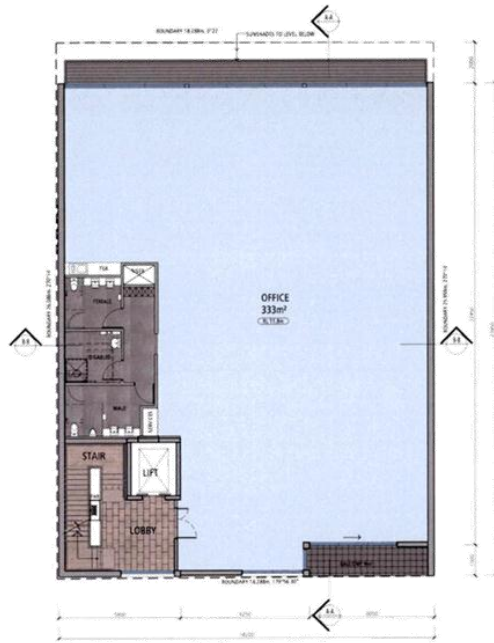
CLIENT  
EIGHT GWYNNE STREET Pty Ltd

DATE Nov, 2015  
DRAWN BY JG  
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SCALE 1:200 @ A3

PROJECT NO. 15129  
DRAWING NO. TP03A 1



Attachment 1 - Decision plans



THIRD FLOOR PLAN  
SCALE: 1:100 @ A1



FOURTH FLOOR PLAN  
SCALE: 1:100 @ A1

NO. DATE REVISION BY  
1 16/06/2016 100% 15129/JG

Watson Young certifies that the information contained in this document is true and correct to the best of our knowledge and belief. This is subject to the accuracy of the information provided to us by the client. We do not warrant the accuracy of the information provided to us by the client. This is not a contract. The user is advised to seek legal advice.

PROJECT  
8 GWYNNE STREET  
CREMORNE

TITLE  
PROPOSED 3rd &  
4th FLOOR PLAN

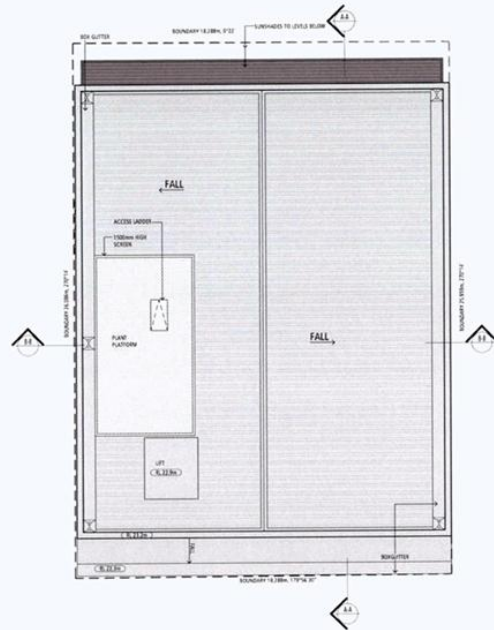
CLIENT  
EIGHT GWYNNE STREET Pty Ltd

DATE: Nov, 2015  
DRAWN BY: JG  
SCALE: 1:100 @ A1  
SCALE: 1:200 @ A3

PROJECT NO: 15129  
DRAWING NO: TP04A 1



Attachment 1 - Decision plans



ROOF PLAN  
SCALE: 1:100 @ A1

| NO. | DATE       | REVISION          | BY | CHK |
|-----|------------|-------------------|----|-----|
| 1   | 16.08.2016 | SECTION 57A ISSUE | WA | JG  |

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PROJECT  
**8 GWYNNE STREET  
CREMORNE**

TITLE  
**PROPOSED ROOF PLAN**

CLIENT  
**EIGHT GWYNNE STREET Pty Ltd**

DATE: Nov. 2015  
DRAWN BY: JG  
SCALE: 1:100 @ A1  
SCALE: 1:200 @ A3

15129  
TPO5A 1

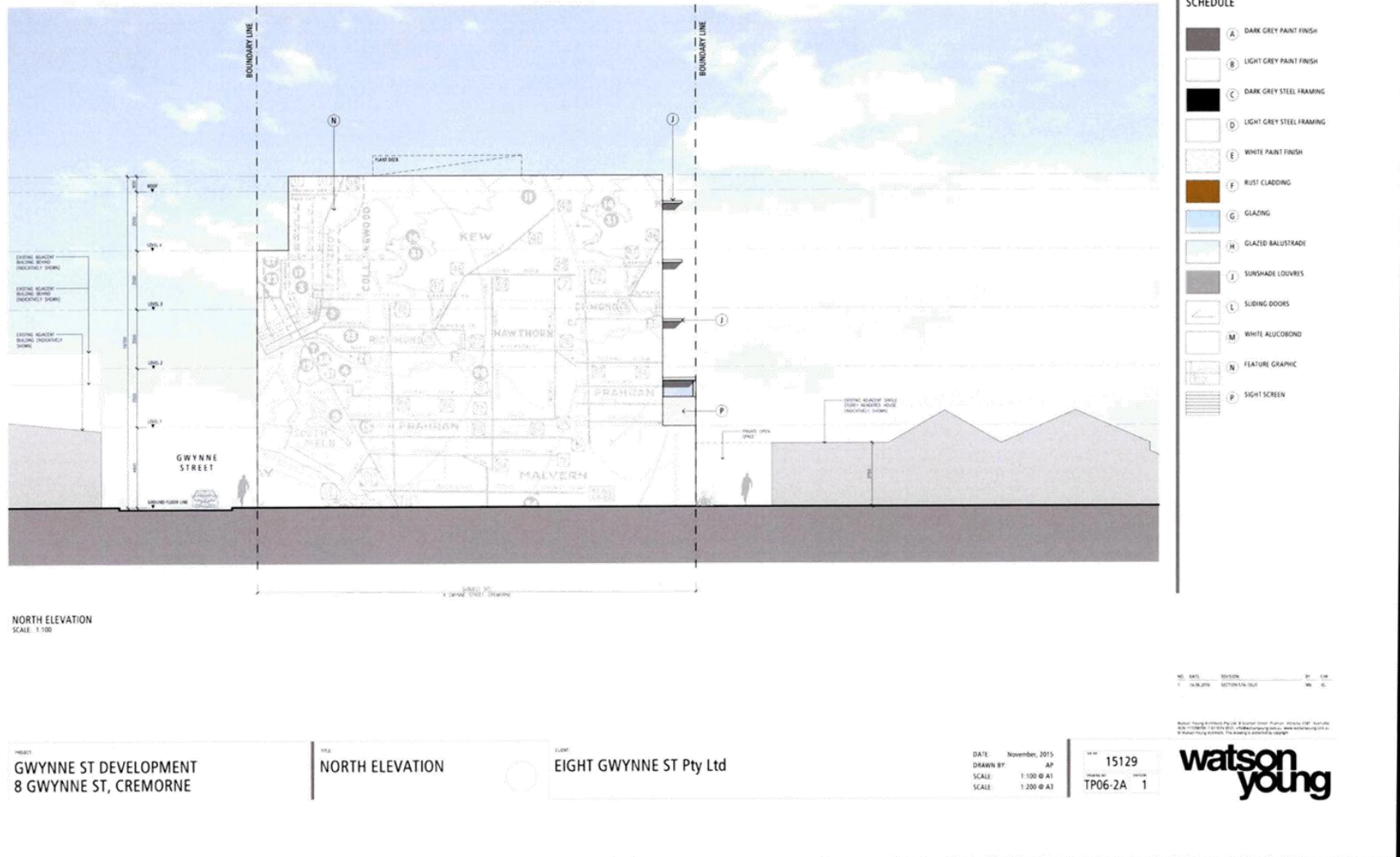




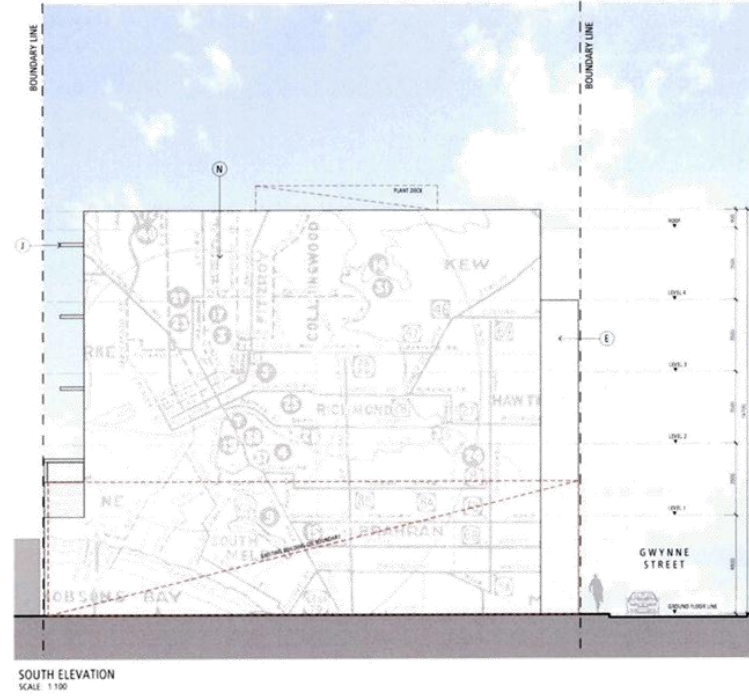
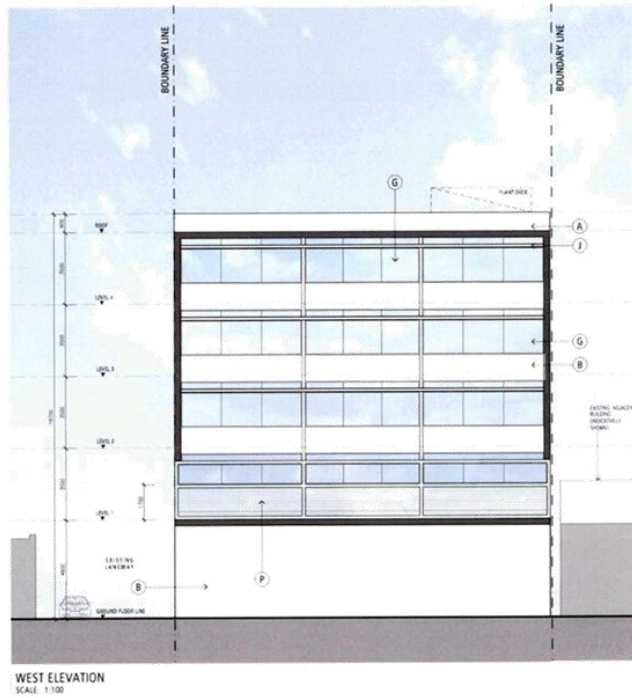
Attachment 1 - Decision plans



Attachment 1 - Decision plans



# Attachment 1 - Decision plans



### SCHEDULE

- A DARK GREY PAINT FINISH
- B LIGHT GREY PAINT FINISH
- C DARK GREY STEEL FRAMING
- D LIGHT GREY STEEL FRAMING
- E WHITE PAINT FINISH
- F RUST CLADDING
- G GLAZING
- H GLAZED BALUSTRADE
- I SUNSHADE LOUVRES
- J SLIDING DOORS
- M WHITE ALUCOBOND
- N FEATURE GRAPHIC
- P SIGHT SCREEN

NO DATE REVISION BY DIM  
 1 16/08/2016 NOT FOR CONSTRUCTION

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PROJECT  
**GWYNNE ST DEVELOPMENT**  
**8 GWYNNE ST, CREMORNE**

VIEW  
**WEST AND SOUTH**  
**ELEVATIONS**

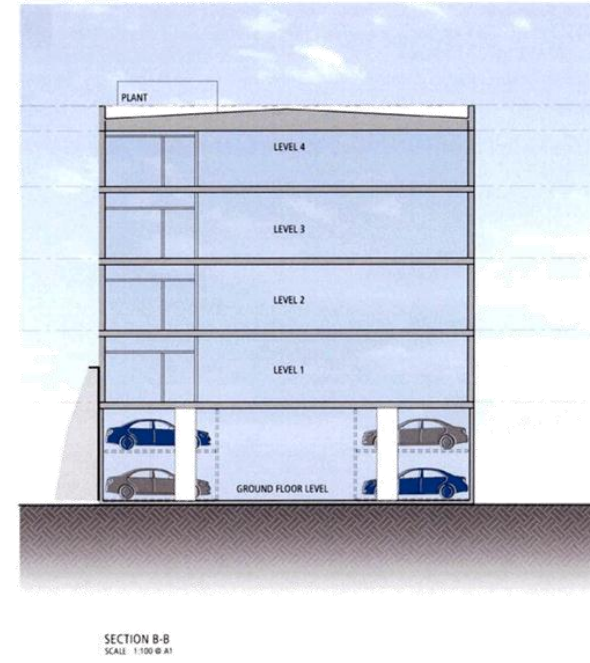
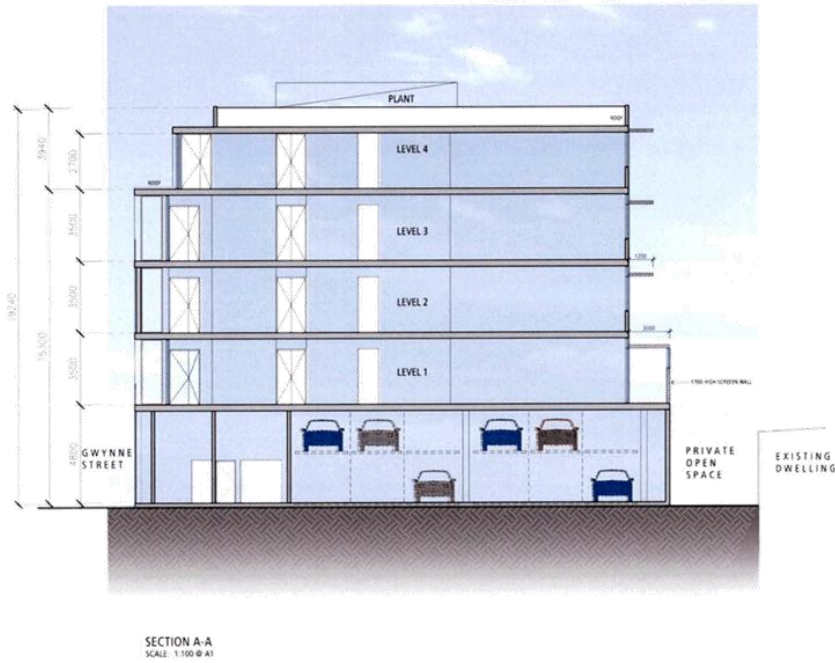
CLIENT  
**EIGHT GWYNNE ST Pty Ltd**

DATE November, 2015  
 DRAWN BY AP  
 SCALE: 1:100 @ A1  
 SCALE: 1:200 @ A3

NO 15129  
 DRAWING NO TP07A 1



Attachment 1 - Decision plans



| NO. | DATE       | REVISION        | BY | CHK |
|-----|------------|-----------------|----|-----|
| 1   | 16/08/2016 | SECTION A/A/B/B | WJ | JK  |

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PROJECT  
8 GWYNNE STREET  
CREMORNE

PHASE  
PROPOSED SECTIONS

CLIENT  
EIGHT GWYNNE STREET Pty Ltd

DATE: Nov. 2015  
DRAWN BY: JG  
SCALE: 1:100 @ A1  
SCALE: 1:200 @ A3

PROJECT NO.  
15129  
DRAWING NO.  
TP08A 1



**Attachment 2 - Vicroads comments**



10 June 2016

Yarra City Council  
PO Box 168  
RICHMOND VIC 3121  
Attention: Danielle Connell

Dear Ms Connell

**PLANNING APPLICATION No.:** **PLN16/0013**  
**VICROADS REFERENCE NO:** **17176/16**  
**PROPERTY ADDRESS:** **8 GWYNNE STREET, CREMORNE**

**Section 55- No conditions**

Thank you for forwarding planning permit application PLN16/0013 pursuant to Section 55 of the Planning and Environment Act 1987.

VicRoads has considered the application and has no comments to make in relation to the proposal.

Should you have any enquiries regarding this matter, please contact me on 03 9313 1173 or Kimberley.Lee@roads.vic.gov.au

Yours sincerely



**KIMBERLEY LEE**  
TRAFFIC AND PLANNING OFFICER

Attachment 3 - Engineer comments 6 May 2016



Our Ref: ERC:LF:151012

Your Ref:

27 January 2016

City of Yarra  
PO Box PO Box 168  
RICHMOND VIC 3121

Dear Sir/Madam,

**Howley purchase from M-Set Pty Ltd**  
**Property: 78 Michael Street, Fitzroy North**

We act for Edward James Howley whose purchase of the above property was settled on 25 January 2016.

We enclose a cheque for \$2,225.34 in payment of outstanding rates and a notice of acquisition for your records.

Yours faithfully,

*Conlan Cummings*



**CONLAN CUMMINGS LAWYERS**  
(formerly Law 554)

Writer: Elizabeth Cummings  
Partner

Email: elizabeth@conlancummings.com.au

*PEJ*  
*246230*

*REC*  
*2364640*



Attachment 3 - Engineer comments 6 May 2016

This form must be lodged with a Transfer of Land Form to the Registrar of Titles (Land Tax Act 2005) and this form must be sent to the relevant municipal council (Local Government Act 1989)

The State Revenue Office (SRO) uses information received on this form to update its property ownership records for the purpose of calculating and assessing land tax. Information received is used for the purposes of the Acts administered by the SRO and by local councils in the administration of the Local Government Act 1989. Information collected, retained and used by the SRO is protected by secrecy provisions in Acts administered by the SRO, which also provide that protected information is not disclosed to third parties unless authorised by law, or with your consent. In addition, personal information is protected by the Privacy & Data Protection Act 2014. Please refer to the SRO's Privacy Policy at www.sro.vic.gov.au for further details.



# Notice of acquisition of an interest in land

## PART 1 – TRANSFEROR (SELLER)

Company name or trust/trustee: **M-Set Pty Ltd** ACN/ABN: **ACN 087 039 905**

| Title | Surname | First and given names in full |
|-------|---------|-------------------------------|
|       |         |                               |

Transferor's email address: \_\_\_\_\_

Address at time of transfer: **80 Michael Street Fitzroy North** State: **VIC** Postcode: **3068**

Address for future correspondence: **80 Michael Street, Fitzroy North** State: **VIC** Postcode: **3068**

Name of transferor's representative: **Tsa Lawyers** Transferor's representative telephone number: **9873 3311** Transferor's representative email address: \_\_\_\_\_

## PART 2 – TRANSFEREE (BUYER)

Company name or trust/trustee: \_\_\_\_\_ ACN/ABN: \_\_\_\_\_

| Title     | Surname       | First and given names in full | Date of birth                         |
|-----------|---------------|-------------------------------|---------------------------------------|
| <b>MR</b> | <b>Howley</b> | <b>Edward James</b>           | <b>1 6 0 8 8 5</b><br>D D   M M   Y Y |
|           |               |                               | D D   M M   Y Y                       |

Address at time of transfer: **7/165 Rose Street Fitzroy** State: **VIC** Postcode: **3065**

Address for future correspondence: **78 Michael Street FITZROY NORTH** State: **VIC** Postcode: **3068**

Transferee telephone number: **0402 778 993** Transferee email address: **edhowley@gmail.com**

Will the property acquired be your principal place of residence: No  Yes

Address of your principal place of residence (if you answered 'No' previously): **78 Michael Street FITZROY NORTH** State: **VIC** Postcode: **3068**

## PART 3 – DETAILS OF TITLE

Address of property being transferred: Flat/Unit no. **78** Street no. **Michael Street** Town or suburb **Fitzroy North** State **VIC** Postcode **3068**

| Plan number      | Lot number | Municipality name  | Municipal property number | Area of land (in sq m or ha) or unit of entitlement (as applicable) |
|------------------|------------|--------------------|---------------------------|---|
| <b>TP849394C</b> | <b>1</b>   | <b>Yarra</b>       |                           |   |
| Volume           | Folio      | Section or portion | Crown allotment           | Parish  |
| <b>03028</b>     | <b>502</b> |                    |                           |   |

## PART 4 – DETAILS OF TRANSACTION

Total sale price: **\$ 1,042,000.00** Deposit: **\$ 104,200.00** GST amount: **\$** Date of contract: **0 5 1 2 2 0 1 5** Date of possession/transfer: **0 2 0 2 2 0 1 6**

Is this purchase a terms sale? No  Yes  If a residential property, state number of bedrooms: \_\_\_\_\_ Description of property (see overleaf for land use codes): \_\_\_\_\_

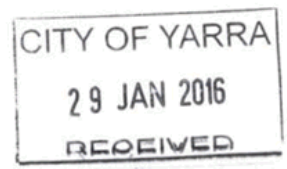
Construction of main structure (if applicable): Brick  Brick veneer  Timber  Fibro cement  Other

## PART 5 – CERTIFICATION

Name of transferee's representative: **Conlan Cummings Lawyers** Representative's telephone number: **9375 2616** Representative's email address: **admin@conlancummings.com.au** Solicitor/agent client reference: **ERC:LF:151012**

I state that to the best of my knowledge, the particulars supplied in this form are accurate

Signature: **Conlan Cummings** **0 5 0 1 2 0 1 6**  
D D | M M | Y Y Y Y



A



ering comments to decision plans

# MEMO

**To:** Laura Condon  
**From:** Artemis Bacani  
**Date:** 8 July 2016  
**Subject:** **Application No:** PLN16/0013  
**Description:** Amendment - Five Storey Building  
**Site Address:** 8 Gwynne Street, Cremorne

I refer to the above Planning Application received on 6 July 2016 and the accompanying amended plans prepared by Watson Young in relation to the proposed development at 8 Gwynne Street, Cremorne. Council's Engineering Services unit provides the following information:

## CAR PARKING PROVISION

### Proposed Development

The amendment comprises a reduction to the height of the building from six-storey to five-storey containing office use with a total floor area of 1,316 square metres. The total number of on-site car spaces has been reduced from 32 car spaces to 24 car spaces to be accommodated within car stackers. Some 10 bicycle spaces would be provided on-site. The site is located on the west side of Gwynne Street, approximately 200 metres south of Swan Street.

Under the provisions of Clause 52.06-5 of the Yarra Planning Scheme, the development's parking requirements are as follows:

| Proposed Use | Quantity/Size        | Statutory Parking Rate                              | No. of Spaces    |
|--------------|----------------------|---|------------------|
| Office       | 1,316 m <sup>2</sup> | 3.5 spaces per 100 m <sup>2</sup> of net floor area | 46               |
| <b>Total</b> |                      |   | <b>46 Spaces</b> |

Since the site has a statutory requirement of 46 spaces and 24 spaces would be provided on-site, a waiver 22 spaces in the car parking requirement is sought by the applicant.

### Car Parking Demand Assessment

In reducing the number of parking spaces required for the proposed development, the Car Parking Demand Assessment would assess the following:

- *Office Parking Demand.*  
Parking associated with office type developments is generally long-stay parking for employees and short term parking (say up to two hours' duration) for customers and clients. Office employees can easily access the site by sustainable transport modes such as taking public transport or riding a bicycle or walking to the site.
- *Availability of Public transport in the Locality of the Land.*  
The site is very well positioned near tram services along Swan Street (Route 70) and Church Street (Route 78). Train services are available from Richmond and East Richmond railway stations, and bus services are available within easy walk along Punt Road (Routes 246 and 605). Easy access to public transport services would reduce the demand for parking on-site.



## **Attachment 4 - Engineering comments to decision plans**

### *Provision of Bicycle Parking in the Locality of the Land.*

The site will contain 10 bicycle parking spaces for staff use. The provision of an end of trip facility within the development will encourage some staff to ride a bicycle to the site.

- *Multi-Purpose Trips Within the Locality*

The development is located near the Swan Street and Church Street Activity Centres and visitors to the offices would be engaged in other activities or business whilst in the area.

- *Convenience of Pedestrian and Cyclist Access*

The site has very good connectivity to the on-road bicycle network. The site is within walking distance of shops, supermarkets, businesses, essential facilities, and amenities.

### Appropriateness of Providing Fewer Spaces than the Likely Parking Demand

Clause 52.06 lists a number of considerations for deciding whether the required number of spaces should be reduced. For the subject site, the following considerations are as follows:

- *Availability of Car Parking.*

Observations by Council officers indicate that on-street parking demand in the area is high.

The existing 1P and 2P restrictions in the area would provide regular turnover of parking and provide opportunities for visitors to park near the site.

Gwynne Street has parking on the east side of the street only and is currently unrestricted. In the surrounding area, there are various time-based restrictions (1/4P, 1P, and 2P). The demand for on-street parking for much of Cremorne is generally high, and it is possible that some visitors would choose to make other travel arrangements such as take public transport or walk to the site or ride a bicycle to the site, since the availability of long-stay parking is scarce.

- *Access to or Provision of Alternative Transport Modes.*

The site is in proximity to on-street car share pods which provide alternate mode of transportation for employees and visitors.

### Adequacy of Car Parking

From a traffic engineering perspective, the waiver of the 22 spaces is considered appropriate in the context of the development and its surrounding area. The site is well positioned in terms of public transport services, potential centre of employment and education, shops, businesses, and other amenities/facilities. Engineering Services has no objections to the proposed waiver of car parking.

## **DEVELOPMENT LAYOUT DESIGN**

### **Access Arrangements**

The development's proposed access arrangements would be located on the west side of Gwynne Street. The proposed doorway width is approximately 4.1 metres which satisfies *Design standard 1 – Accessways*.

The headroom clearance of the doorway also satisfies *Design standard 1*.

The 2.0 metre by 1.0 metre and 2.0 metres by 1.1 metre visibility triangle on the south side and north side. To further reinforce the visibility for drivers exiting the site, the applicant could consider the installation of convex mirrors on both sides of the car park entrance.

### **Vehicle Crossing**

The new vehicle crossing servicing the development's entrance must be designed and constructed to Council requirements.

In providing a new vehicle crossing for the site, the applicant will be required to prepare a detailed 1 in 20 scale cross sectional drawing of the new vehicle crossing. The cross sectional drawing and

## Attachment 4 - Engineering comments to decision plans

ground clearance check for a B99 design vehicle must be submitted to Council's Construction Management branch for assessment and approval.

### Car Parking Modules and Internal Layout

The car parking for the development comprises ground level parking accommodated within mechanical parking spaces contained in a stacker system. A total of 24 spaces will be provided on-site.

The designer must specify the type and model of car stacker system to be used for the development and show the dimensions of the car stackers on the plan. The information must be submitted to Engineering Services for assessment.

The submitted swept path diagrams provided in Appendix A of the Cardno report adequately demonstrates satisfactory access for B85 design vehicles onto and out of the car stackers.

The blind aisle extension adjacent to the parking spaces of 1.248 metres complies with the Australian Standard/New Zealand Standard AS/NZS 2890.1:2004.

The aisle width of approximately 7.4 metres satisfies the *Design standard 2 – Car parking spaces*.

### Summary of Design Items to be Addressed

| Item                                    | Details   |
|---|---|
| Car Park Entrance - Visibility          | To further reinforce the visibility for drivers exiting the site, the applicant could consider the installation of convex mirrors on both sides of the car park entrance.   |
| Vehicle Crossing                        | The new vehicle crossing servicing the development's entrance must be designed and constructed to Council requirements.<br><br>In providing a new vehicle crossing for the site, the applicant will be required to prepare a detailed 1 in 20 scale cross sectional drawing of the new vehicle crossing. The cross sectional drawing and ground clearance check for a B99 design vehicle must be submitted to Council's Construction Management branch for assessment and approval. |
| Car Parking Modules and Internal Layout | The designer must specify the type and model of car stacker system to be used for the development and show the dimensions of the car stackers on the plan. The information must be submitted to Engineering Services for assessment.  |

## TRAFFIC CONSIDERATIONS

### Traffic Generation

According to the Cardno report, the turnover of parking in the development is anticipated to be 50% of total spaces during the peak hour. The report also assumes that the split of inbound and outbound vehicles is 90% (11 vehicles) and 10% (1 vehicle) respectively for the AM peak, and vice versa for the PM peak. Given the anticipated traffic movement is approximately one vehicle movement every five minutes, the traffic generated by the site should not have an adverse impact on operation of the surrounding road network

### Capital Works Programme

A check of the Capital Works Programme for 2016/2017 indicates that no infrastructure works have been approved or proposed within the area of the site at this time.

## **Attachment 4 - Engineering comments to decision plans**

### **Building Works and Impact on Council Road Assets**

The construction of the new building, the provision of underground utilities and construction traffic servicing and transporting materials to the site will impact on Council assets. Trenching and areas of excavation for underground services invariably deteriorates the condition and integrity of footpaths, kerb and channel, laneways and road pavements of the adjacent roads to the site.

It is essential that the developer rehabilitates/restores laneways, footpaths, kerbing and other road related items, as recommended by Council, to ensure that the Council infrastructure surrounding the site has a high level of serviceability for residents and visitors of the site.

### **ENGINEERING CONDITIONS**

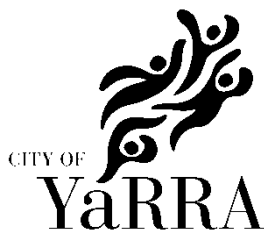
The engineering conditions specified in our referral comments of 6 May 2016 still stand and must form part of the Permit.

Regards

Artemis Bacani  
Roads Engineer  
Engineering Services Unit

---

**Attachment 5 - Urban Design Comments**



# MEMO

---

TO: Laura Condon  
FROM: Hans Johansen  
DATE: 12 May 2016  
SUBJECT: 8 Gwynne Street, Cremorne  
APPLICATION NO: PLN16/0013  
DESCRIPTION: Construction of a six-storey building for the purpose of offices and a reduction in the car parking requirements of the Scheme.

---

## **COMMENTS SUMMARY**

Comments from an urban design perspective are requested on the following matters:

- Is the height and presentation of the building to Gwynne Street acceptable?

The building presents well however the overall height is not satisfactory. The following adjustments are recommended:

- Maintain a 4 storey built form in line with the Swan Street Structure Plan. Consideration of a 5<sup>th</sup> storey subject to adoption of recommendations.
- Adjust rear setback to the west and balconies on northern boundary to provide for a reasonable interface to adjacent properties.
- Details of the graphics on the side facades are requested for final assessment. Otherwise embossed images are recommended.

Please refer to detailed comments and additional points below.

No Capital works are approved or proposed within the area.

---

### **Site and context**

#### *Zoning*

The area is covered by Commercial 1 Zone including adjacent residential properties to the west along Cubitt Street.

#### *Heritage and other overlays*

No heritage overlay covers the area, nor are there any contributory buildings adjacent to the site.

#### *The site and street character*

## Attachment 5 - Urban Design Comments

The site is currently vacant and provides a wide infill in a street of predominantly 2-3 storey warehouses and small scale manufacturing factories. All existing buildings are built to edge or very near to. A couple of new 4 storey developments are built to street edge.

### *Structure Plans*

The subject site falls within the precinct called Cremorne Mixed Use within the Swan Street Structure Plan

### *Immediate surroundings*

To the north: are one storey yellow brick commercial building from about 1960's  
To the east across the street are older warehouse 2 storeys high with many contemporary infill buildings 2-3 storeys high.

To the south:

To the west: are one storey Victorian period row houses with the backyards facing the subject site

### *Preferred future character*

Most larger industrial buildings in the area appear as simple bulky built form and it is recommended that this character is maintained in new development.



*Streetscape looking south from subject site – several 4 storey developments are built to street edge*

## **Built form and massing**

The bulky form of the proposal is generally in keeping with the form of many established warehouses in the local area, however further improvements are suggested below.

The proposed 4 storey street wall keeps a reasonable relationship to established built form in the local area. On the street façade the distinction of materials between upper and lower levels also emphasise the street wall.

## **Attachment 5 - Urban Design Comments**

The setback of the building envelope from boundary to the west is too narrow. Effectively 1<sup>st</sup> and 2<sup>nd</sup> floor are built to boundary (including sunshade and planter boxes). This allows little opportunity for daylight if the adjacent rear properties were developed and same setbacks was mirrored. Also it does not take into account the transition to current residential use of the adjacent properties.

The balconies to the north are effectively stacked up against the property boundary and do not take into account future development being built to boundary. If the adjacent property develops same typology as most of street properties it would be built to boundary and there would hardly be any daylight access to balconies.

### *Built form recommendation*

It is preferred that the building envelope is maximum 4 storeys high in line with Swan Street Structure Plan. The Swan Street Structure Plan recommend 4 storeys (13m-16m) for most of Cremorne Mixed use Precinct – refer to plan of precinct p.46.

Any potential upper levels above 4 storey façade wall should be setback from front and rear to maintain a simple coherent form. Maximum one storey above a 4 storey street wall podium is recommended and should be setback from front boundary so that it is not visible when viewed from opposite footpath on Gwynne Street.

The ground floor can be built to edge at the rear. The 2<sup>nd</sup> - 3<sup>rd</sup> storey is recommended setback minimum 1.5 metres from proposed edge of planter boxes (approx. 2-2.5 metres from windows) to provide reasonable daylight access as adjacent sites develop in the future. It is recommended that upper levels are further setback to allow reasonable daylight access to lower levels.

At the rear a potential 5<sup>th</sup> storey should be setback minimum 2 metres from the 4<sup>th</sup> storey to ensure a clear distinction between 4 storeys and the upper level.

The balconies to the north are setback minimum 2 metres from boundary to ensure some daylight access to lower levels as adjacent site develops or completely removed creating a light well.

### **Façade design and streetscape fit**

The street wall façade is well proportioned and creates a reference to established warehouses in the area. Variations in balustrades and rust cladding sheets are held together convincingly within the simple façade structure.

The graphics on the north and south elevation is appealing as shown on 3D renderings and relate to printing and publishing industry in the area. Details of how the graphics is mounted would be appreciated for a final assessment. I.e. is it painted or embossed in material etc.? For an interesting outcome, embossed lines into concrete façade, would work quite well.

The crossover and vehicular access is elegantly integrated within the building façade.

- The paving indicate pedestrian priority

## Attachment 5 - Urban Design Comments

- The setback of pedestrian and vehicular entry works well with the proportions of the façade.
- The perforated mesh gate allows for passive surveillance to the street



RENDER VIEW 01



RENDER VIEW 02

*Rendering of street façade (top) and rear interface (bottom)*

### Material and colour

The rust cladding provides a simple and appropriate reference to the former industrial feel of the area. Generally the proposal is coherent and well composed in terms of use of materials and colour. Any development above 4 storeys, at the rear should use similar material treatment as proposed at the front above 4 storeys.

## Attachment 6 - ESD comments

## Sustainable Management Plan (SMP)

Referral Response by Yarra City Council



### ESD in the Planning Permit Application Process

Yarra City Council's planning permit application process includes Environmentally Sustainable Development (ESD) considerations. This is now supported by the ESD Local Policy Clause 22.17 of the Yarra Planning Scheme, entitled *Environmentally Sustainable Development*.

The Clause 22.17 requires all eligible applications to demonstrate best practice in ESD, supported by the Built Environment Sustainability Scorecard (BESS) web-based application tool, which is based on the Sustainable Design Assessment in the Planning Process (SDAPP) program.

As detailed in Clause 22.17, all **large** planning permit applications with Yarra City Council are required to include a Sustainable Management Plan (SMP). This application is a 'Large' planning application as it meets the category *Non-residential – Alterations and additions greater than 1000m<sup>2</sup>*.

### What is a Sustainable Management Plan (SMP)?

An SMP is a detailed sustainability assessment of a proposed design at the planning stage. An SMP demonstrates best practice in the 10 Key Sustainable Building Categories and;

- Provides a detailed assessment of the development. It may use relevant tools such as BESS and STORM or an alternative assessment approach to the satisfaction of the responsible authority; and
- Identifies achievable environmental performance outcomes having regard to the objectives of Clause 22.17 (as appropriate); and
- Demonstrates that the building has the design potential to achieve the relevant environmental performance outcomes, having regard to the site's opportunities and constraints; and
- Documents the means by which the performance outcomes can be achieved.

An SMP identifies beneficial, easy to implement, best practice initiatives. The nature of larger developments provides the opportunity for increased environmental benefits and the opportunity for major resource savings. Hence, greater rigour in investigation is justified. It may be necessary to engage a sustainability consultant to prepare an SMP.

### Assessment Process:

The applicant's town planning drawings provide the basis for Council's ESD assessment. Through the provided drawings and the SMP, Council requires the applicant to demonstrate best practice. The following comments are based on the review of the architectural drawings, prepared by *Watson Young* (Rev A Nov 2015) and the accompanying SMP, prepared by *Gruen Eco Design* (Rev 3 10.02.2016).



**Attachment 6 - ESD comments**

**Sustainable Management Plan (SMP)**  
Referral Response by Yarra City Council



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Attachment 6 - ESD comments

**Sustainable Management Plan (SMP)**  
Referral Response by Yarra City Council





**Assessment Summary:**

|                             |                                     |
|-----------------------------|-------------------------------------|
| Responsible Planner:        | Laura Condon                        |
| ESD Advisor:                | Euan Williamson                     |
| Date:                       | 13.04.2016                          |
| Subject Site:               | 8 Gwynne Street, Cremorne, VIC 3121 |
| Site Area:                  | Approx. 478m <sup>2</sup>           |
| Planning Application No:    | PLN16/0013                          |
| Site Coverage:              | 100%                                |
| Project Description:        | Six storey office building          |
| Pre-application meeting(s): | No ESD involvement.                 |

**This application is close to meeting Council's Environmental Sustainable Design (ESD) standards.** Should a permit be issued, the following ESD commitments (1) and deficiencies (2) should be conditioned as part of a planning permit to ensure Council's ESD standards are fully met.

*Furthermore, it is recommended that all ESD commitments (1), deficiencies (2) and the outstanding information (3) are conditioned to be addressed in an updated SMP report and are clearly shown on Condition 1 drawings. ESD improvement opportunities (4) have been summarised as a recommendation to the applicant.*

**(1) Applicant ESD Commitments:**

- Good access to daylight and natural ventilation.
- The minimum NCC section J performance standards for glazing will be exceeded by 10%.
- Instantaneous gas hot water system with a minimum 4 star energy efficiency standard.
- The fixed horizontal shading and balcony overhangs will provide a reasonable standard of shading to east and west facades.
- STORM rating of 130% has been received for the site. This relies on a minimum of 465m<sup>2</sup> of roof connected to a 5,000 litre tank and connected to all toilets onsite for flushing and garden irrigation.
- End of trip facilities (two showers and lockers) will be accommodated for staff.
- Waste facilities for general waste, recycling and organic waste streams will be included.

**(2) Application ESD Deficiencies:**

- Applicant is proposing minimum NCC requirements for insulation only. Recommend that insulation level (R value) also exceeds the minimum requirement by at least 10%.
- Recommend that all heating, cooling and ventilation (HVAC) systems be either within one star of the highest available, or within 85% of the highest efficiency available for the appropriate capacity and application.
- Recommend that a solar photovoltaic system with a minimum 10 kW capacity will be installed on the roof to contribute to electricity consumption.
- A total of 8 bicycle parking spaces only will be provided for the staff and visitors. Recommend increasing this to 15 spaces for approximately 10% of the building users (1,500m<sup>2</sup> NLA).

**(3) Outstanding Information:**  
*There is no outstanding information.*

**(4) ESD Improvement Opportunities:**

- Consider additional vertical shading of retractable awnings to assist with glare control and reduce solar gain in the summer months.
- Consider improving the standard of water efficiency to 5 Star WELS rated toilets, 5 Star WELS rated taps and 5 Star WELS rated urinals.
- Recommend that each individual tenant and the rainwater supply will be metered separately to assist with ongoing water management.

## Attachment 6 - ESD comments

### Sustainable Management Plan (SMP)

Referral Response by Yarra City Council



- Commissioning, ongoing maintenance and regular monitoring of building systems should be undertaken in accordance with relevant industry standards (CISBE or ASHRAE).
- A Building Users Guide detailing the efficient use of the building and optimisation of energy and water consumption and waste management should be prepared, and be accessible to all staff.

**Further Recommendations:**

The applicant is encouraged to consider the inclusion of ESD recommendations, detailed in this referral report. Further guidance on how to meet individual planning conditions has been provided in reference to the individual categories. The applicant is also encouraged to seek further advice or clarification from Council on the individual project recommendations.

**Attachment 6 - ESD comments**

**1. Indoor Environment Quality (IEQ)**

**Objectives:**

- to achieve a healthy indoor environment quality for the wellbeing of building occupants.
- to provide a naturally comfortable indoor environment will lower the need for building services, such as artificial lighting, mechanical ventilation and cooling and heating devices.

| Issues                                | Applicant’s Design Responses   | Council Comments   | CAR* |
|---------------------------------------|--|--|------|
| Natural Ventilation and Night Purging | Good access to natural ventilation through operable windows to balconies.  | -  | 1    |
| Daylight                              | Good levels of daylight to most parts of the office and work areas within 10m of an external window.   | -  | 1    |
| External Views                        | External views from most of the floorplan.   | -  | 1    |
| Hazardous Materials and VOC           | All paints, sealants and carpet. Engineering wood will be low formaldehyde type.   | -  | 1    |
| Thermal Comfort                       | Good thermal comfort is determined through a combination of good access to ventilation, balanced passive heat gains and high levels of insulation.<br>The application proposes for the office areas:<br>- Good access to natural ventilation<br>- Some shading to manage passive heat gains.<br>- Improved energy efficiency standard. | Please refer to section on, <i>NCC Energy Efficiency Requirements Exceeded and Effective Shading</i> | 1    |

**\* Council Assessment Ratings:**

1 – Design Response is **SATISFACTORY**; 2 – **MORE INFORMATION** is required;  
3 – Design Issue is **NOT APPLICABLE**; 4 – Design Response is **NOT SATISFACTORY**

**References and useful information:**

SDAPP Fact Sheet: [1. Indoor Environment Quality](#)  
 Good Environmental Choice Australia Standards [www.geca.org.au](http://www.geca.org.au)  
 Australian Green Procurement [www.greenprocurement.org](http://www.greenprocurement.org)  
 Residential Flat Design Code [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)  
 Your Home [www.yourhome.gov.au](http://www.yourhome.gov.au)

## Attachment 6 - ESD comments

## 2. Energy Efficiency

**Objectives:**

- to ensure the efficient use of energy
- to reduce total operating greenhouse emissions
- to reduce energy peak demand
- to minimize associated energy costs.

| Issues                                      | Applicant's Design Responses  | Council Comments   | CAR* |
|---|---|--|------|
| NCC Energy Efficiency Requirements Exceeded | The minimum NCC section J performance standards for glazing will be exceeded by 10%.<br>Minimum requirements for insulation.<br>Small improvement above minimum requirements for energy efficiency of lighting. | Recommend that insulation level (R value) also exceeds the minimum requirement by at least 10%.  | 4    |
| Hot Water System                            | Instantaneous gas hot water system with a minimum 4 star energy efficiency standard.  | -  | 1    |
| Peak Energy Demand                          | No information has been provided.   | <i>See Energy Efficiency section above and Electricity Gen section below.</i>  | 1    |
| Effective Shading & Glare Control           | The fixed horizontal shading and balcony overhangs will provide a reasonable standard of shading to east and west facades.  | Consider additional vertical shading of retractable awnings to assist with glare control and reduce solar gain in the summer months.                                       | 1    |
| Efficient HVAC system                       | Reverse cycle heating and cooling. VSDs to fans and pumps.  | Recommend that all HVAC be either within one star of the highest available or within 85% of the highest efficiency available for the appropriate capacity and application. | 1    |
| Efficient Lighting                          | Energy efficient lighting including daylight and occupancy sensors.   | Recommend LED for any fittings less than 200W  | 1    |
| Electricity Generation                      | No information has been provided.   | Recommend that a solar photovoltaic system with a minimum 10 kW capacity will be installed on the roof to contribute to electricity consumption.                           | 4    |
| Drying Racks                                | -   | NA   | 3    |

**\* Council Assessment Ratings:**

- 1 – Design Response is **SATISFACTORY**; 2 – **MORE INFORMATION** is required;  
3 – Design Issue is **NOT APPLICABLE**; 4 – Design Response is **NOT SATISFACTORY**

## Attachment 6 - ESD comments

**References and useful information:**

SDAPP Fact Sheet: [2. Energy Efficiency](#)

House Energy Rating [www.makeyourhomegreen.vic.gov.au](http://www.makeyourhomegreen.vic.gov.au)

Building Code Australia [www.abcb.gov.au](http://www.abcb.gov.au)

Window Efficiency Rating Scheme (WERS) [www.wers.net](http://www.wers.net)

Minimum Energy Performance Standards (MEPS) [www.energyrating.gov.au](http://www.energyrating.gov.au)

Energy Efficiency [www.resourcesmart.vic.gov.au](http://www.resourcesmart.vic.gov.au)

**Attachment 6 - ESD comments**

**3. Water Efficiency**

**Objectives:**

- to ensure the efficient use of water
- to reduce total operating potable water use
- to encourage the collection and reuse of rainwater and stormwater
- to encourage the appropriate use of alternative water sources (e.g. grey water)
- to minimise associated water costs.

| Issues                          | Applicant's Design Responses  | Council Comments   | CAR* |
|---------------------------------|---|--|------|
| Minimising Amenity Water Demand | The following WELS water efficiency standards have been specified: <ul style="list-style-type: none"> <li>• Toilets: 4 Stars</li> <li>• Basin Taps: 4 Stars</li> <li>• Urinals: 4 Star</li> <li>• Showers: 3 Stars</li> </ul> | Consider improving the standard to 5 Star WELS rated toilets, 5 Star WELS rated taps and 5 Star WELS rated urinals.                | 4    |
| Water for Toilet Flushing       | All toilets in the building will be connected to rainwater tank for flushing.   | -  | 1    |
| Water Meter                     | No information provided.  | Recommend that each individual tenant and the rainwater supply will be metered separately to assist with ongoing water management. | 1    |
| Landscape Irrigation            | All landscape irrigation will be sourced from rainwater tanks on-site.  | -  | 1    |
| Fire water system               | -   | -  | -    |

**\* Council Assessment Ratings:**

1 – Design Response is **SATISFACTORY**; 2 – **MORE INFORMATION** is required;  
 3 – Design Issue is **NOT APPLICABLE**; 4 – Design Response is **NOT SATISFACTORY**

**References and useful information:**

- SDAPP Fact Sheet: [3. Water Efficiency](#)  
 Water Efficient Labelling Scheme (WELS) [www.waterrating.gov.au](http://www.waterrating.gov.au)  
 Water Services Association of Australia [www.wsaa.asn.au](http://www.wsaa.asn.au)  
 Water Tank Requirement [www.makeyourhomegreen.vic.gov.au](http://www.makeyourhomegreen.vic.gov.au)  
 Melbourne Water STORM calculator [www.storm.melbournewater.com.au](http://www.storm.melbournewater.com.au)  
 Sustainable Landscaping [www.ourwater.vic.gov.au](http://www.ourwater.vic.gov.au)

**Attachment 6 - ESD comments**

**4. Stormwater Management**

**Objectives:**

- to reduce the impact of stormwater runoff
- to improve the water quality of stormwater runoff
- to achieve best practice stormwater quality outcomes
- to incorporate Water Sensitive Urban Design principles.

| Issues               | Applicant's Design Responses   | Council Comments | CAR* |
|----------------------|--|------------------|------|
| STORM Rating         | A STORM rating of 130% has been received for the site. This relies on a minimum of 465m <sup>2</sup> of roof connected to a 5,000 litre tank and connected to all toilets onsite for flushing and garden irrigation. | -                | 1    |
| Discharge to Sewer   | -  | -                | -    |
| Stormwater Diversion | -  | -                | -    |
| Stormwater Detention | -  | -                | -    |
| Stormwater Treatment | -  | -                | -    |
| Others               | -  | -                | -    |

**\* Council Assessment Ratings:**

1 – Design Response is **SATISFACTORY**; 2 – **MORE INFORMATION** is required;  
 3 – Design Issue is **NOT APPLICABLE**; 4 – Design Response is **NOT SATISFACTORY**

**References and useful information:**

- SDAPP Fact Sheet: [4. Stormwater Management](#)  
 Melbourne Water STORM calculator [www.storm.melbournewater.com.au](http://www.storm.melbournewater.com.au)  
 Water Sensitive Urban Design Principles [www.melbournewater.com.au](http://www.melbournewater.com.au)  
 Environmental Protection Authority Victoria [www.epa.vic.gov.au](http://www.epa.vic.gov.au)  
 Water Services Association of Australia [www.wsaa.asn.au](http://www.wsaa.asn.au)  
 Sustainable Landscaping [www.ourwater.vic.gov.au](http://www.ourwater.vic.gov.au)



**Attachment 6 - ESD comments**

**5. Building Materials**

**Objectives:**

- to minimise the environmental impact of materials used by encouraging the use of materials with a favourable lifecycle assessment.

| Issues                                | Applicant's Design Responses  | Council Comments   | CAR* |
|---------------------------------------|---|--|------|
| Reuse of Recycled Materials           | No specific commitments or information has been provided.   | -  | 1    |
| Embodied Energy of Concrete and Steel | No information has been provided.   | Recommend that concrete and steel should contain recycled materials.                             | 1    |
| Sustainable Timber                    | The use of sustainably sourced timber (either certified FSC or AFS or recycled) has been described. | Recommend FSC accredited timber, rather than AFS accredited products.                            | 1    |
| Design for Disassembly                | No information has been provided.   | Consider a small pallet of materials and construction techniques that can assist in disassembly. | 1    |
| Others                                | -   | -  | 1    |

**\* Council Assessment Ratings:**

1 – Design Response is **SATISFACTORY**; 2 – **MORE INFORMATION** is required;  
 3 – Design Issue is **NOT APPLICABLE**; 4 – Design Response is **NOT SATISFACTORY**

**References and useful information:**

SDAPP Fact Sheet: [5. Building Materials](#)  
 Building Materials, Technical Manuals [www.yourhome.gov.au](http://www.yourhome.gov.au)  
 Embodied Energy Technical Manual [www.yourhome.gov.au](http://www.yourhome.gov.au)  
 Good Environmental Choice Australia Standards [www.geca.org.au](http://www.geca.org.au)  
 Forest Stewardship Council Certification Scheme [www.fsc.org](http://www.fsc.org)  
 Australian Green Procurement [www.greenprocurement.org](http://www.greenprocurement.org)

**Attachment 6 - ESD comments**

**6. Transport**

**Objectives:**

- to minimise car dependency
- to ensure that the built environment is designed to promote the use of public transport, walking and cycling.

| Issues                                | Applicant’s Design Responses  | Council Comments   | CAR* |
|---------------------------------------|---|--|------|
| Minimising the Provision of Car Parks | Ground floor carparking.  | -  | 1    |
| Providing Bike Storage                | A total of 10 bicycle parking spaces will be provided for the staff and visitors. | Recommend increasing bicycle parking to 15, which is one per 10% of maximum building occupants in 1,500m <sup>2</sup> NLA. | 4    |
| End of Trip Facilities                | End of trip facilities (two showers and lockers) will be accommodated for staff.  | -  | 1    |
| Car Share Facilities                  | No information has been provided.   | -  | 1    |
| Others                                | -   | -  | -    |

**\* Council Assessment Ratings:**

1 – Design Response is **SATISFACTORY**; 2 – **MORE INFORMATION** is required;  
 3 – Design Issue is **NOT APPLICABLE**; 4 – Design Response is **NOT SATISFACTORY**

**References and useful information:**

SDAPP Fact Sheet: [6. Transport](#)  
 Off-setting Car Emissions Options [www.greenfleet.com.au](http://www.greenfleet.com.au)  
 Sustainable Transport [www.transport.vic.gov.au/doi/internet/icy.nsf](http://www.transport.vic.gov.au/doi/internet/icy.nsf)  
 Car share options [www.yarracity.vic.gov.au/Parking-roads-and-transport/Transport-Services/Carsharing/](http://www.yarracity.vic.gov.au/Parking-roads-and-transport/Transport-Services/Carsharing/)  
 Bicycle Victoria [www.bv.com.au](http://www.bv.com.au)

**Attachment 6 - ESD comments**

**7. Waste Management**

**Objectives:**

- to ensure waste avoidance, reuse and recycling during the design, construction and operation stages of development
- to ensure long term reusability of building materials.
- to meet Councils' requirement that all multi-unit developments must provide a Waste Management Plan in accordance with the *Guide to Best Practice for Waste Management in Multi-unit Developments 2010*, published by Sustainability Victoria.

| Issues                                       | Applicant's Design Responses   | Council Comments  | CAR* |
|--|--|---|------|
| Construction Waste Management                | Construction and demolition waste will be minimised and a WMP developed to support this.<br><br>Prefabrication of building elements will reduce construction waste onsite. | -   | 1    |
| Operational Waste Management                 | An Operational Waste Management Plan will be developed including operational and structural elements.  | Please ensure that WMP contains (composting or similar) | 1    |
| Storage Spaces for Recycling and Green Waste | Bin and waste area can be identified on the ground floor plans.<br><br>Facilities for general waste, recycling and organic waste streams will be included.                 | -   | 1    |
| Others                                       | -  | -   | -    |

**\* Council Assessment Ratings:**

1 – Design Response is **SATISFACTORY**; 2 – **MORE INFORMATION** is required;  
3 – Design Issue is **NOT APPLICABLE**; 4 – Design Response is **NOT SATISFACTORY**

**References and useful information:**

SDAPP Fact Sheet: [7. Waste Management](#)  
 Construction and Waste Management [www.sustainability.vic.gov.au](http://www.sustainability.vic.gov.au)  
 Preparing a WMP [www.epa.vic.gov.au](http://www.epa.vic.gov.au)  
 Waste and Recycling [www.resourcesmart.vic.gov.au](http://www.resourcesmart.vic.gov.au)  
 Better Practice Guide for Waste Management in Multi-Unit Dwellings (2002) [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)  
 Waste reduction in office buildings (2002) [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

## Attachment 6 - ESD comments

## 8. Urban Ecology

**Objectives:**

- to protect and enhance biodiversity
- to provide sustainable landscaping
- to protect and manage all remnant indigenous plant communities
- to encourage the planting of indigenous vegetation.

| Issues                                   | Applicant's Design Responses  | Council Comments | CAR* |
|--|---|------------------|------|
| On Site Topsoil Retention                | There is no productive topsoil on this site.                                | -                | 3    |
| Maintaining / Enhancing Ecological Value | Some landscaping will marginally improve the ecological value of this site. | -                | 1    |
| Reclaiming Contamin. Land                | No information has been provided.   | -                | 3    |
| Green roof                               | -   | -                | -    |

**\* Council Assessment Ratings:**

1 – Design Response is **SATISFACTORY**; 2 – **MORE INFORMATION** is required;  
 3 – Design Issue is **NOT APPLICABLE**; 4 – Design Response is **NOT SATISFACTORY**

**References and useful information:**

SDAPP Fact Sheet: [8. Urban Ecology](#)

Department of Sustainability and Environment [www.dse.vic.gov.au](http://www.dse.vic.gov.au)

Australian Research Centre for Urban Ecology [www.arcue.botany.unimelb.edu.au](http://www.arcue.botany.unimelb.edu.au)

Greening Australia [www.greeningaustralia.org.au](http://www.greeningaustralia.org.au)

Green Roof Technical Manual [www.yourhome.gov.au](http://www.yourhome.gov.au)

**Attachment 6 - ESD comments**

**9. Innovation**

**Objective:**

- to encourage innovative technology, design and processes in all development, which positively influence the sustainability of buildings.

| Issues   | Applicant's Design Responses | Council Comments | CAR* |
|--|------------------------------|------------------|------|
| Significant Enhancement to the Environmental Performance | -                            | -                | -    |
| Innovative Social Improvements                           | -                            | -                | -    |
| New Technology   | -                            | -                | -    |
| New Design Approach                                      | -                            | -                | -    |
| Others   | -                            | -                | -    |

**\* Council Assessment Ratings:**

- 1 – Design Response is **SATISFACTORY**; 2 – **MORE INFORMATION** is required;  
 3 – Design Issue is **NOT APPLICABLE**; 4 – Design Response is **NOT SATISFACTORY**

**References and useful information:**

- SDAPP Fact Sheet: [9. Innovation](#)  
 Green Building Council Australia [www.gbca.org.au](http://www.gbca.org.au)  
 Victorian Eco Innovation lab [www.ecoinnovationlab.com](http://www.ecoinnovationlab.com)  
 Business Victoria [www.business.vic.gov.au](http://www.business.vic.gov.au)  
 Environment Design Guide [www.environmentdesignguide.com.au](http://www.environmentdesignguide.com.au)

**Attachment 6 - ESD comments**

**10. Construction and Building Management**

**Objective:**

- to encourage a holistic and integrated design and construction process and ongoing high performance

| Issues                                      | Applicant's Design Responses   | Council Comments   | CAR* |
|---|--|--|------|
| Building Tuning                             | No specific information has been provided or committed to.   | Commissioning, ongoing maintenance and regular monitoring of building systems should be undertaken in accordance with relevant industry standards (CISBE or ASHRAE).                         | 2    |
| Building Users Guide                        | No specific information has been provided or committed to.   | A Building Users Guide detailing the efficient use of the building and optimisation of energy and water consumption and waste management should be prepared, and be accessible to all staff. | 2    |
| Contractor has Valid ISO14001 Accreditation | No information has been provided.  | -  | 2    |
| Construction Management Plan                | An Environmental Management Plan will be prepared to manage and monitor activities undertaken during construction. | -  | 1    |
| Others                                      | -  | -  | -    |

**\* Council Assessment Ratings:**

1 – Design Response is **SATISFACTORY**; 2 – **MORE INFORMATION** is required;  
 3 – Design Issue is **NOT APPLICABLE**; 4 – Design Response is **NOT SATISFACTORY**

**References and useful information:**

SDAPP Fact Sheet: [10. Construction and Building Management](#)  
 ASHRAE and CIBSE Commissioning handbooks  
 International Organization for standardization – ISO14001 – Environmental Management Systems  
 Keeping Our Stormwater Clean – A Builder's Guide [www.melbournewater.com.au](http://www.melbournewater.com.au)

## Attachment 6 - ESD comments

**Sustainable Management Plan (SMP)**  
for planning applications being considered by Yarra Council



### Applicant Response Guidelines

#### Project Information:

Applicants should state the property address and the proposed development's use and extent. They should describe neighbouring buildings that impact on or may be impacted by the development. It is required to outline relevant areas, such as site permeability, water capture areas and gross floor area of different building uses. Applicants should describe the development's sustainable design approach and summarise the project's key ESD objectives.

#### Environmental Categories:

Each criterion is one of the 10 Key Sustainable Building Categories. The applicant is required to address each criterion and demonstrate how the design meets its objectives.

#### Objectives:

Within this section the general intent, the aims and the purposes of the category are explained.

#### Issues:

This section comprises a list of topics that might be relevant within the environmental category. As each application responds to different opportunities and constraints, it is not required to address all issues. The list is non-exhaustive and topics can be added to tailor to specific application needs.

#### Assessment Method Description:

Where applicable, the Applicant needs to explain what standards have been used to assess the applicable issues.

#### Benchmarks Description:

The applicant is required to briefly explain the benchmark applied as outlined within the chosen standard. A benchmark description is required for each environmental issue that has been identified as relevant.

#### How does the proposal comply with the benchmarks?

The applicant should show how the proposed design meets the benchmarks of the chosen standard through making references to the design brief, drawings, specifications, consultant reports or other evidence that proves compliance with the chosen benchmark.

#### ESD Matters on Architectural Drawings:

Architectural drawings should reflect all relevant ESD matters where feasible. As an example, window attributes, sun shading and materials should be noted on elevations and finishes schedules, water tanks and renewable energy devices should be shown on plans. The site's permeability should be clearly noted. It is also recommended to indicate water catchment areas on roof- or site plans to confirm water re-use calculations.