

Attachment 1 - PLN17/0833 - 69-71 Smith Street, Fitzroy - Plans and Elevations

Notes:

- 1. All work to be done in accordance with the Building Code of Australia (BCA) and the Victorian Building Regulations 2006.
- 2. All work to be done in accordance with the Australian Standards (AS) and the Victorian Building Regulations 2006.
- 3. All work to be done in accordance with the Australian Standards (AS) and the Victorian Building Regulations 2006.
- 4. All work to be done in accordance with the Australian Standards (AS) and the Victorian Building Regulations 2006.
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- 9. All work to be done in accordance with the Australian Standards (AS) and the Victorian Building Regulations 2006.
- 10. All work to be done in accordance with the Australian Standards (AS) and the Victorian Building Regulations 2006.

Legend:

- 1. Brickwork
- 2. Concrete
- 3. Timber
- 4. Glass
- 5. Metal
- 6. Paint
- 7. Plaster
- 8. Stone
- 9. Terrazzo
- 10. Carpet
- 11. Tiles
- 12. Fabric
- 13. Other

Material Schedule:

- 1. Brickwork: Red brick, weathered
- 2. Concrete: Grey concrete
- 3. Timber: Hardwood, stained
- 4. Glass: Clear glass
- 5. Metal: Galvanneal steel
- 6. Paint: White, matt
- 7. Plaster: White, smooth
- 8. Stone: Natural stone, polished
- 9. Terrazzo: Terrazzo, polished
- 10. Carpet: Carpet, patterned
- 11. Tiles: Tiles, patterned
- 12. Fabric: Fabric, patterned
- 13. Other: Other materials as specified

Section 01: 100% FINISHED EXTERIOR WALLS TO FINISH AND RESPECTIVE WATER FINISHES

Section 02: 100% FINISHED EXTERIOR WALLS AND CEILING TO FINISH AND RESPECTIVE FINISHES

Section 03: 100% FINISHED EXTERIOR WALLS TO FINISH AND RESPECTIVE FINISHES

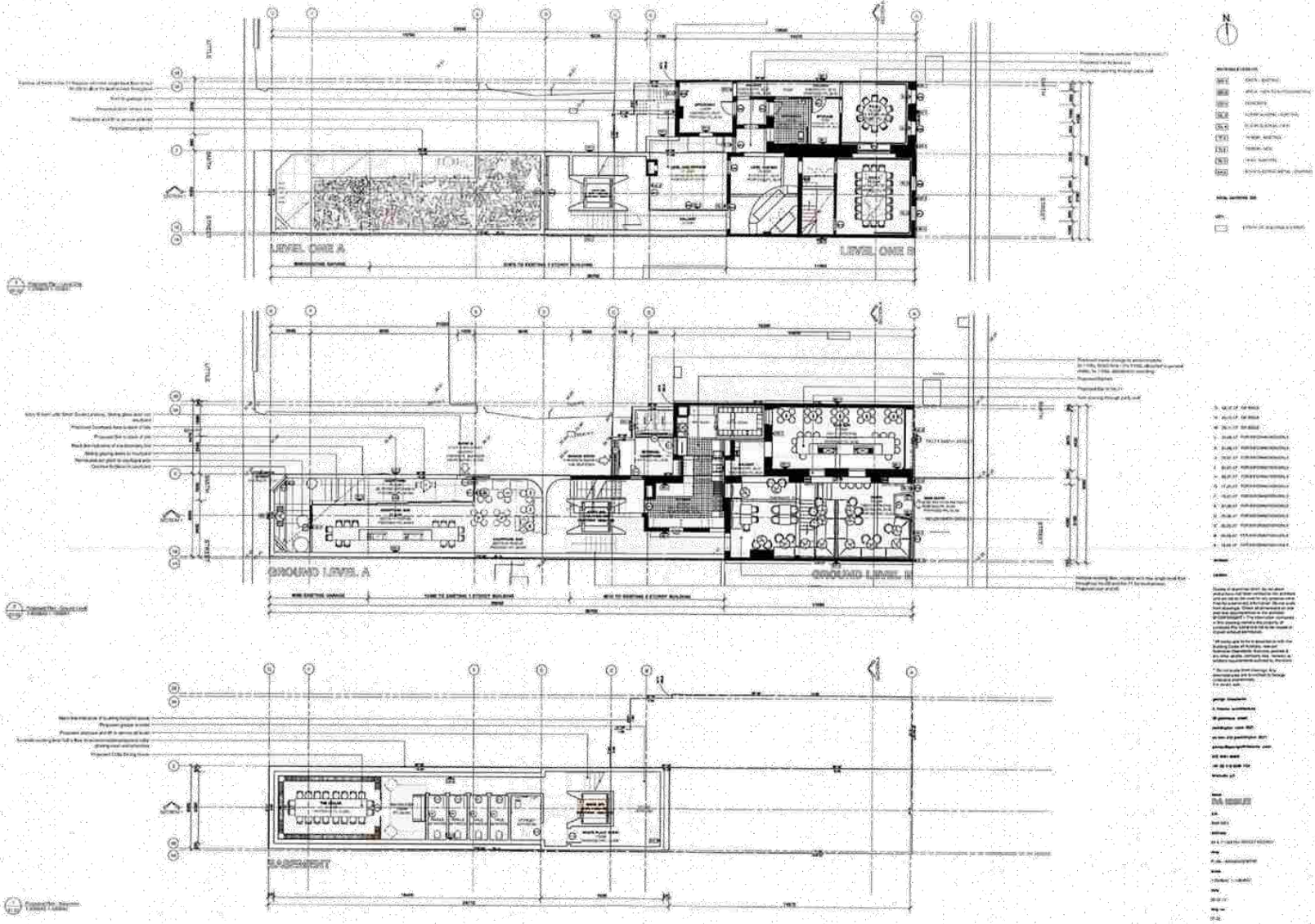
Section 04: 100% FINISHED EXTERIOR WALLS THROUGH TO FINISH

Section 05: 100% FINISHED EXTERIOR WALLS

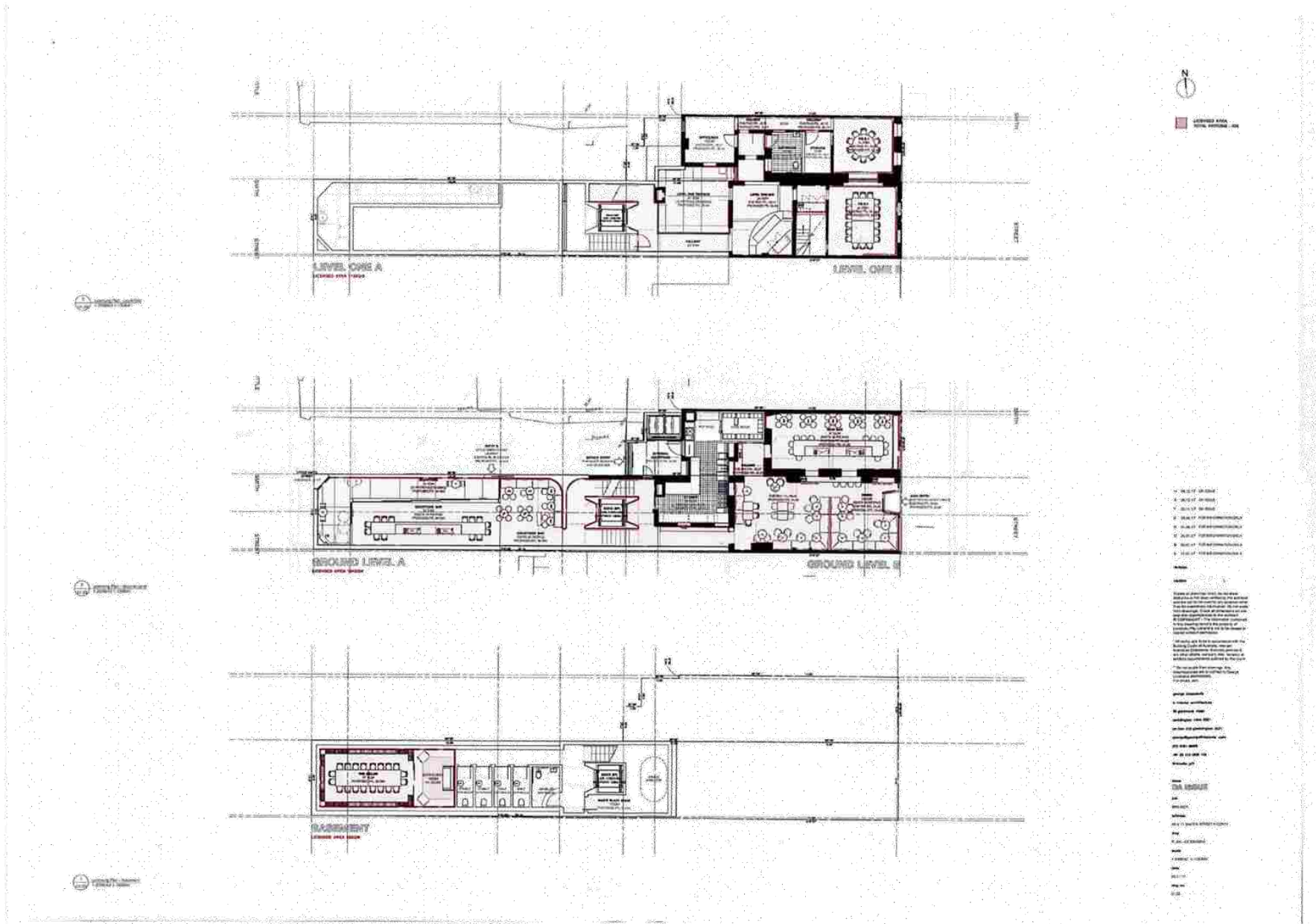
Section 06: 100% FINISHED EXTERIOR WALLS TO FINISH AND RESPECTIVE FINISHES

Section 07: 100% FINISHED EXTERIOR WALLS TO FINISH AND RESPECTIVE FINISHES

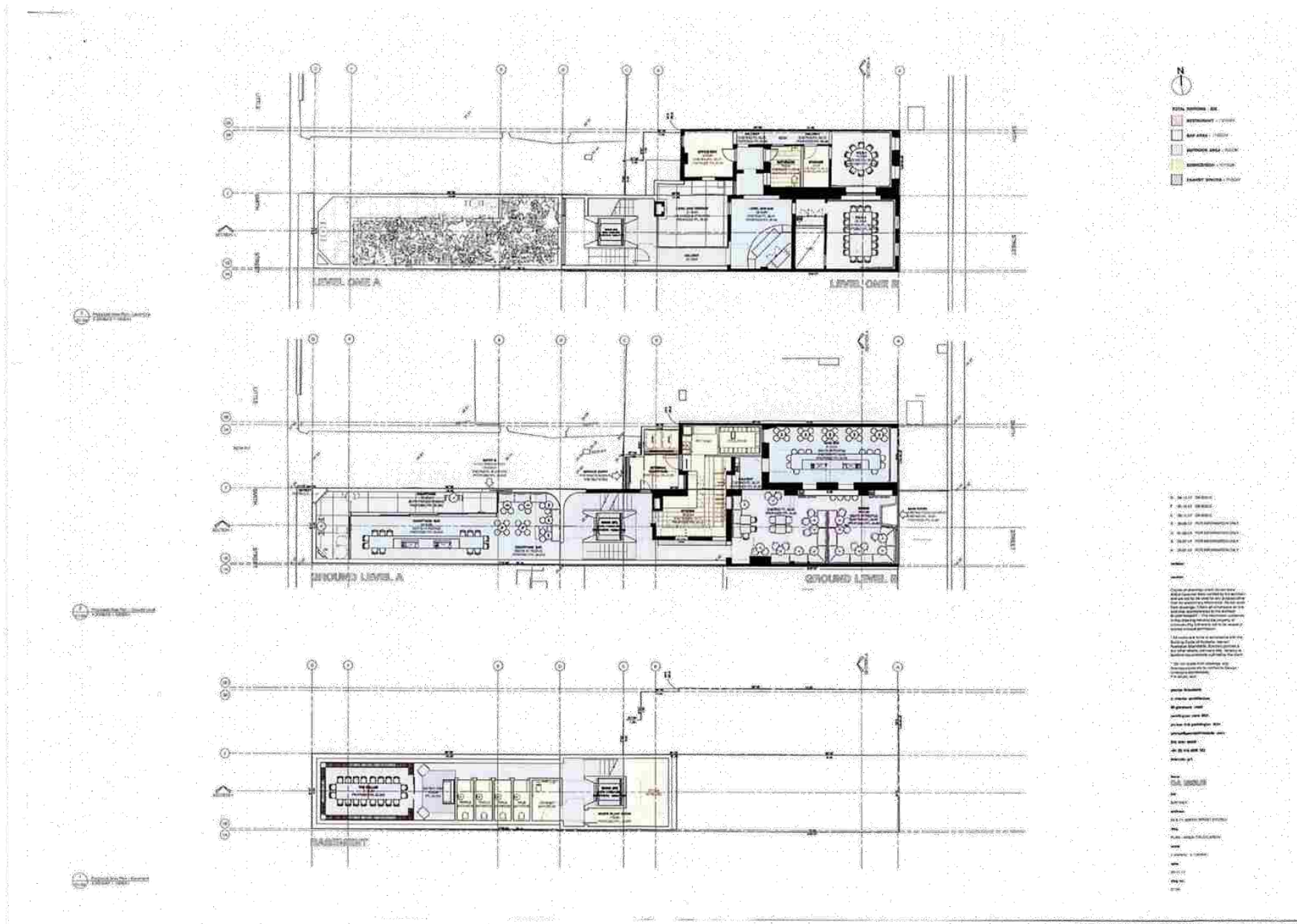
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ROOFTOP

LEVEL ONE

Plant List

Notes

1. All levels are in meters above sea level (MASL).

2. All levels are in meters above sea level (MASL).

3. All levels are in meters above sea level (MASL).

4. All levels are in meters above sea level (MASL).

5. All levels are in meters above sea level (MASL).

6. All levels are in meters above sea level (MASL).

Legend

1. Concrete

2. Brickwork

3. Masonry

4. Timber

5. Glass

6. Metal

7. Paint

8. Plaster

9. Insulation

10. Waterproofing

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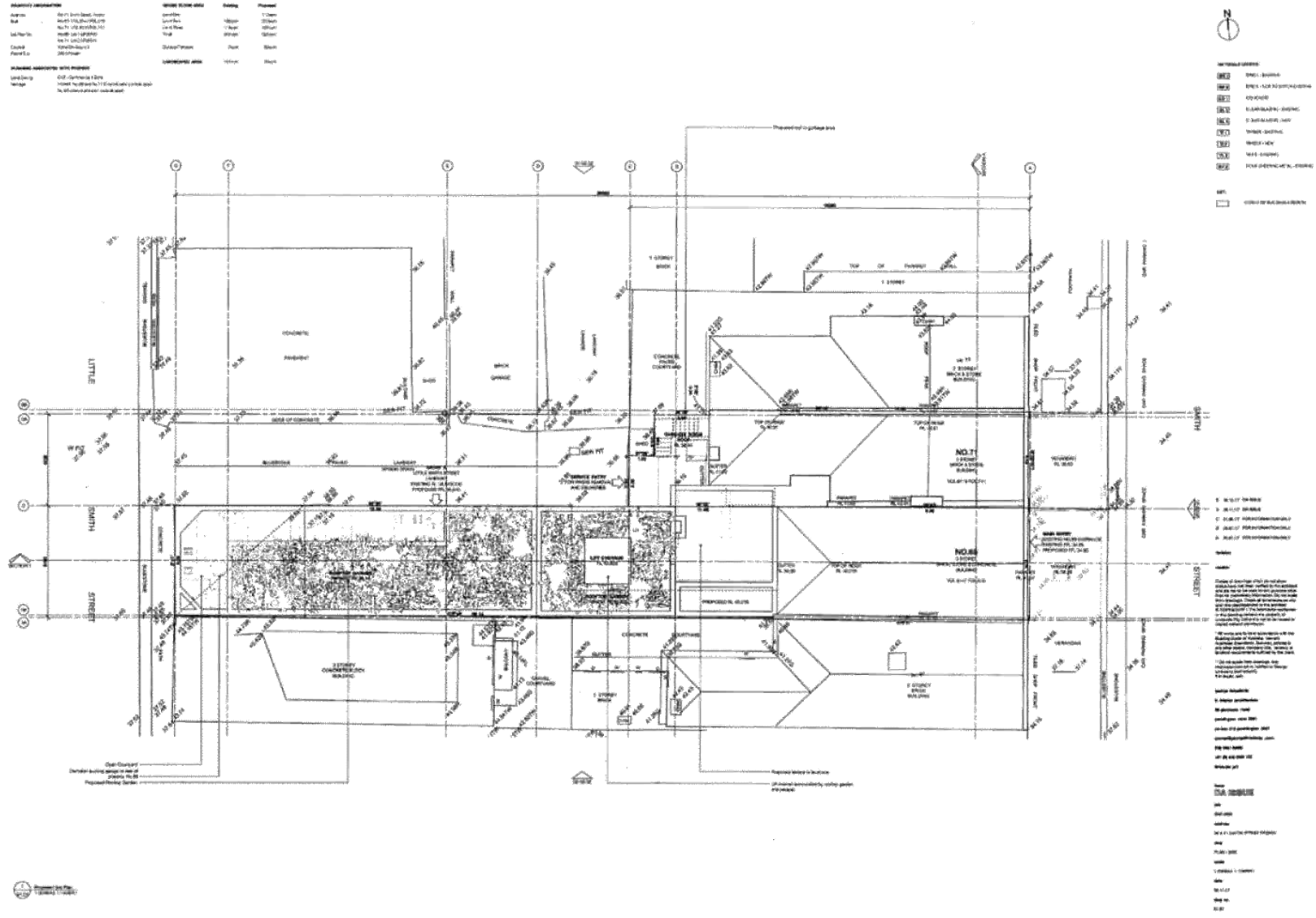
27. Waterproofing

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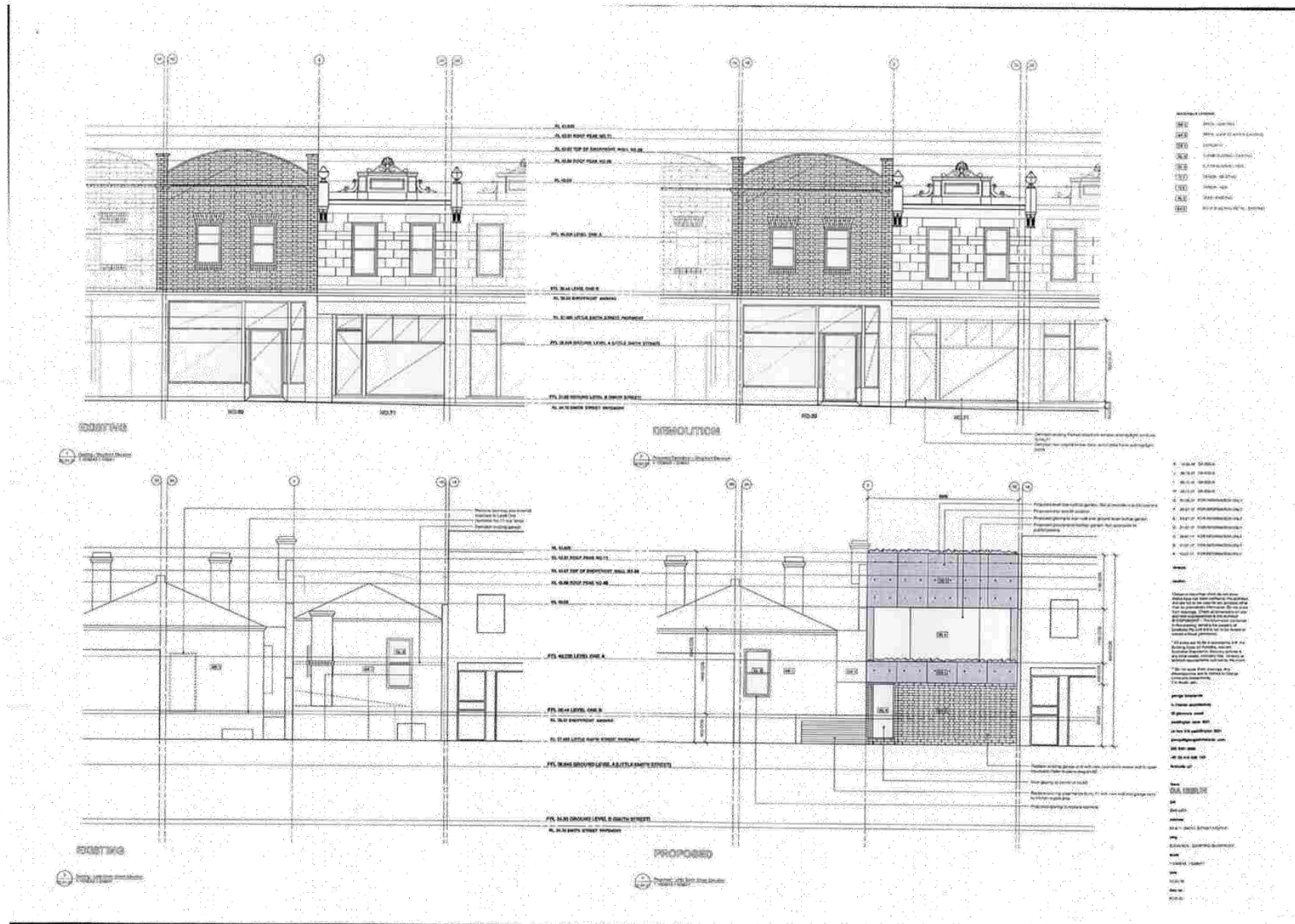
29. Waterproofing

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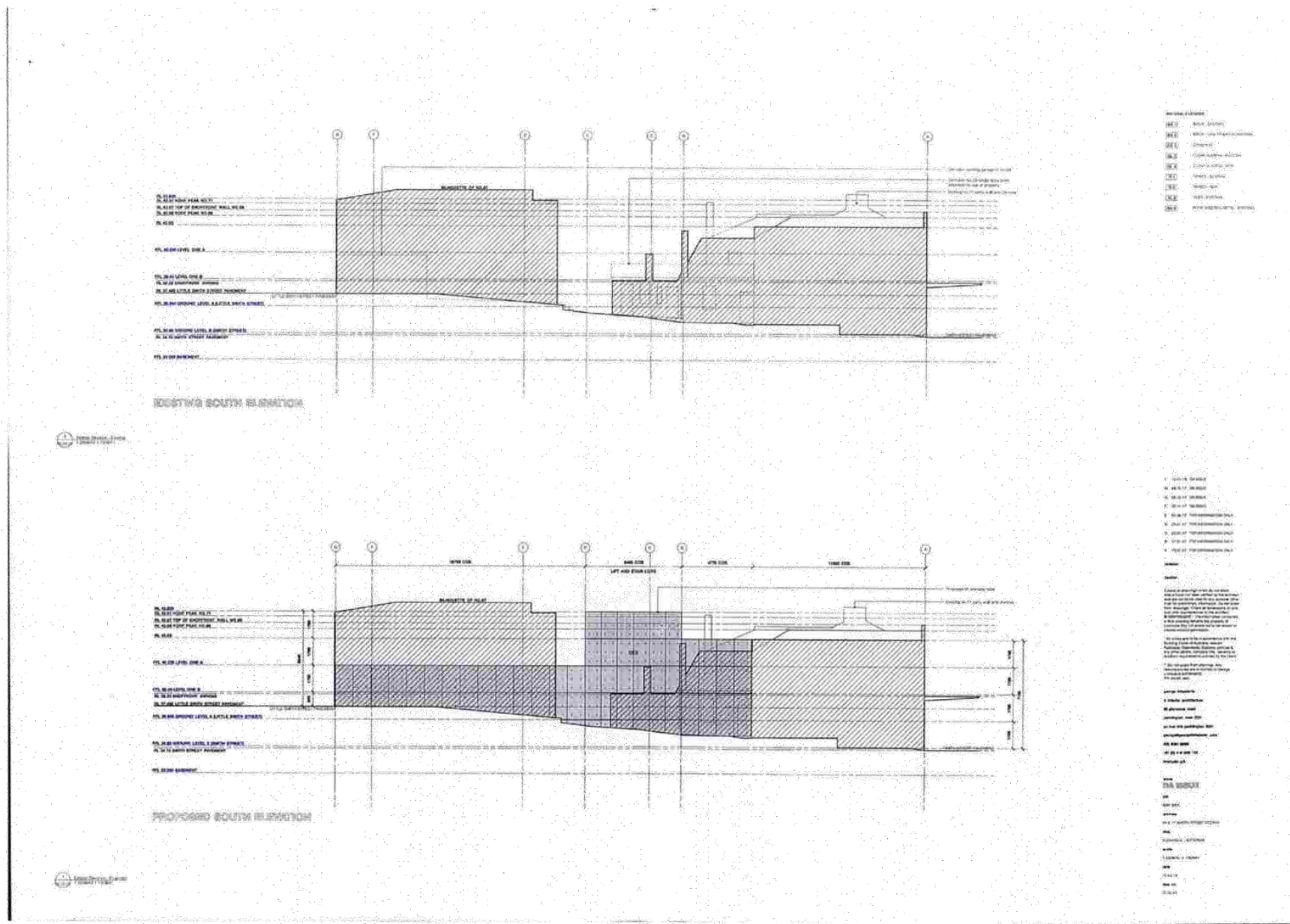
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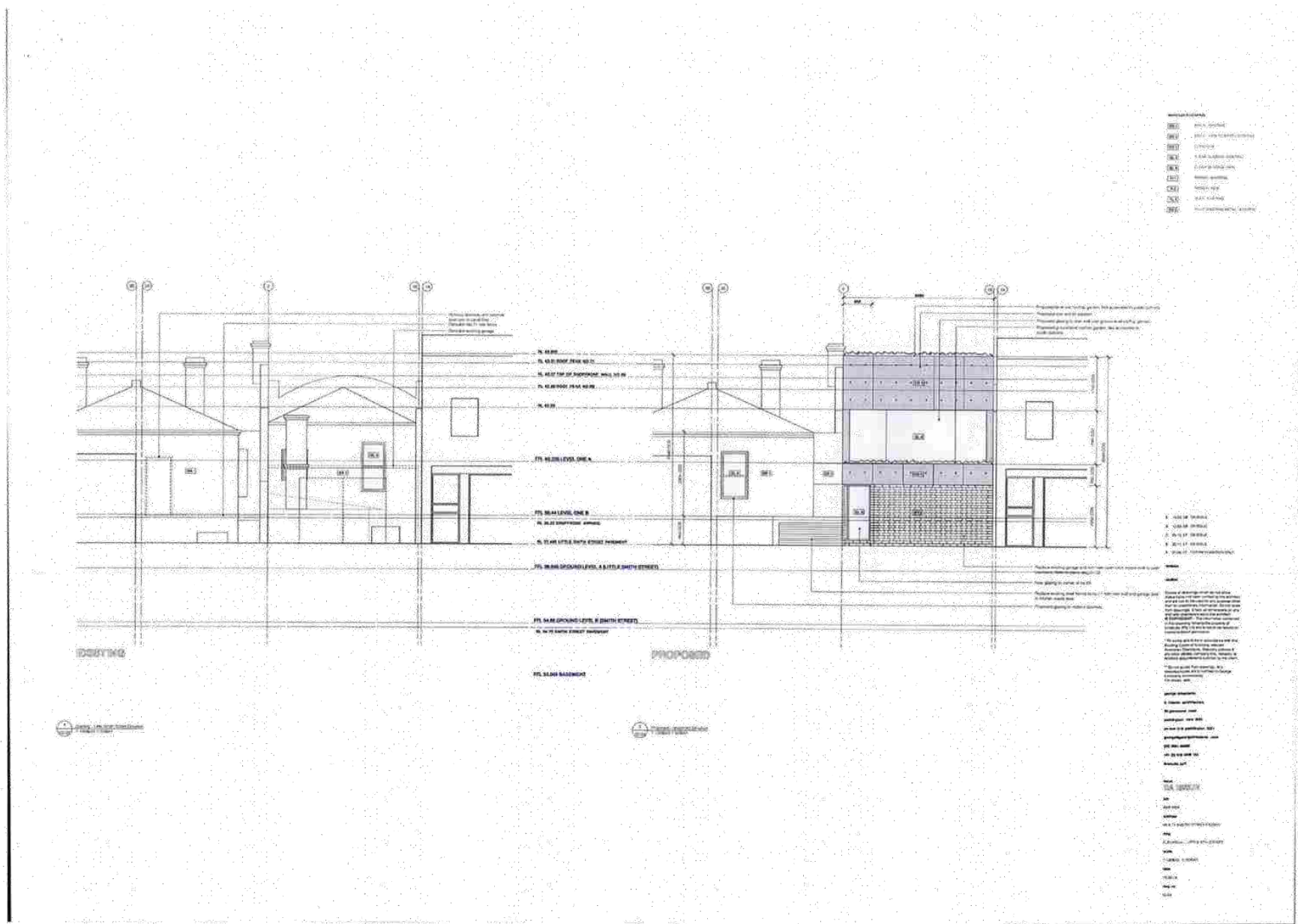
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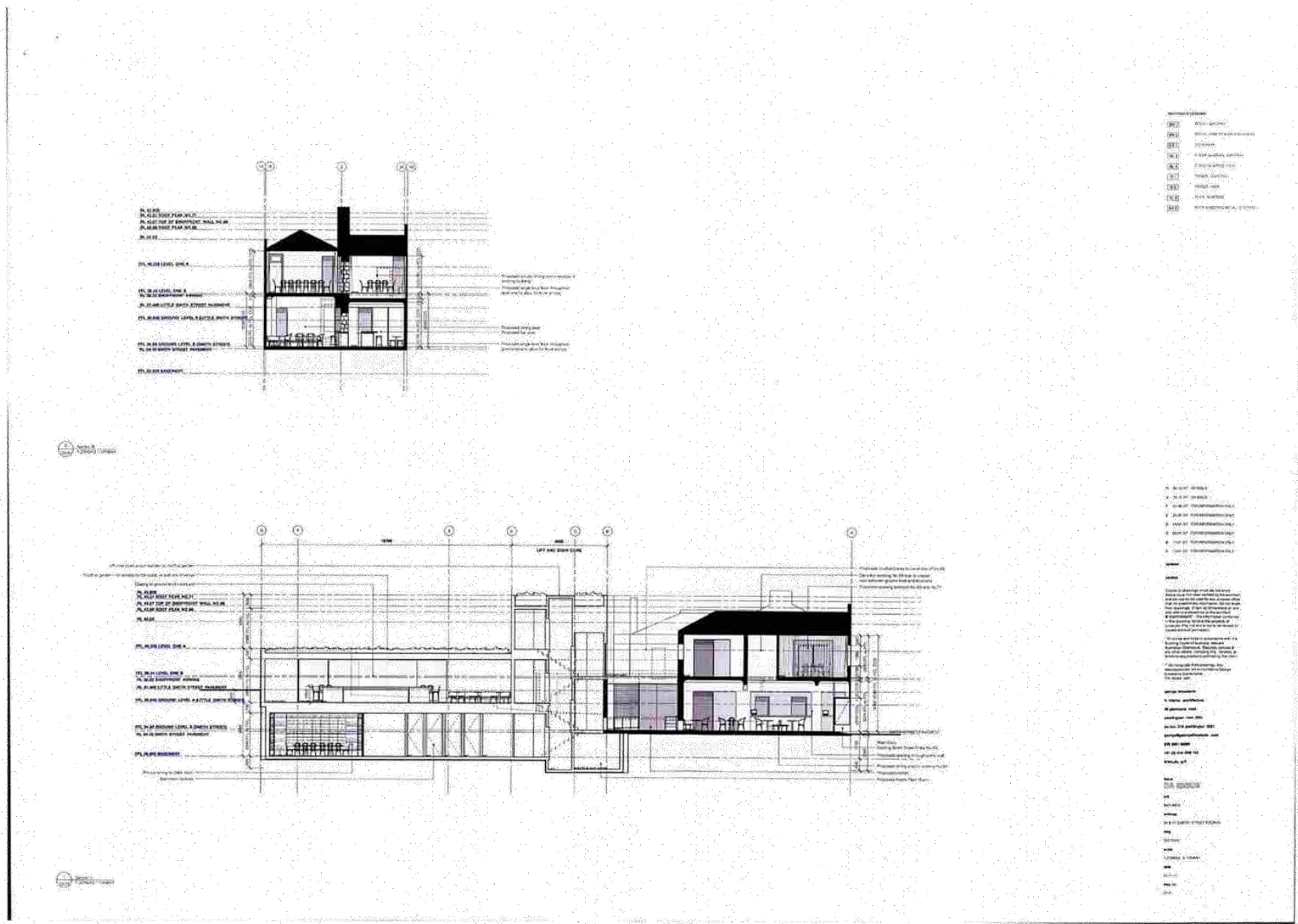
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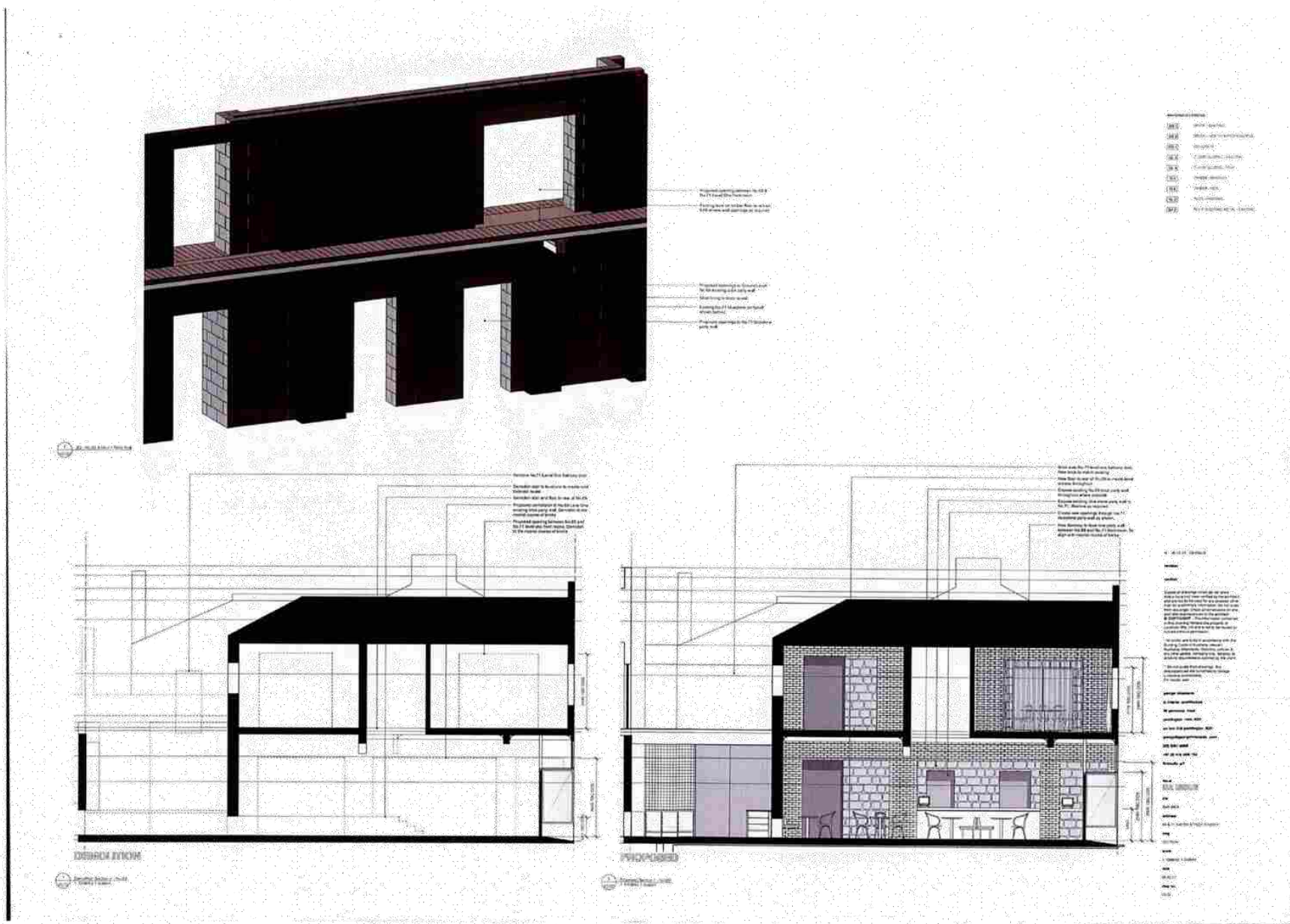
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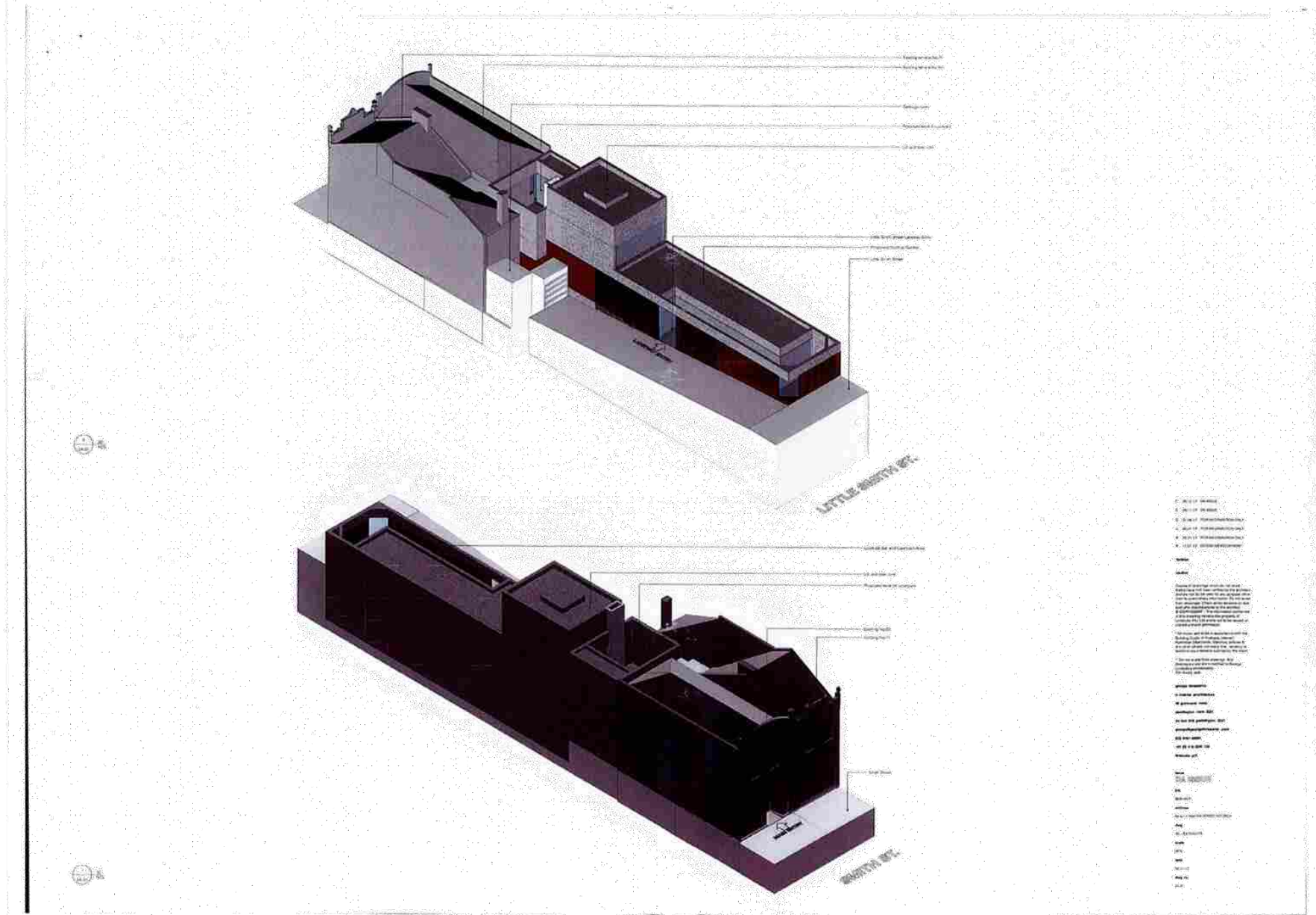
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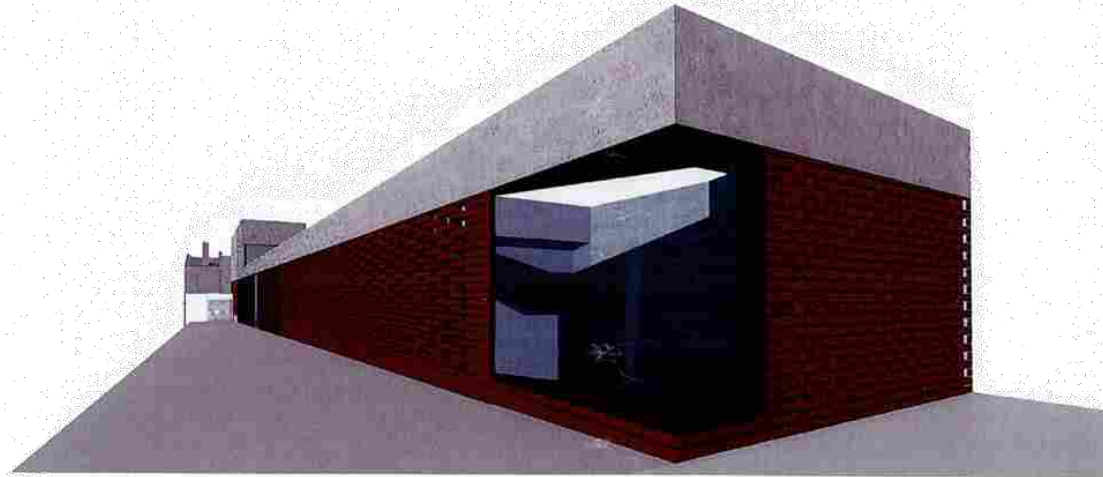
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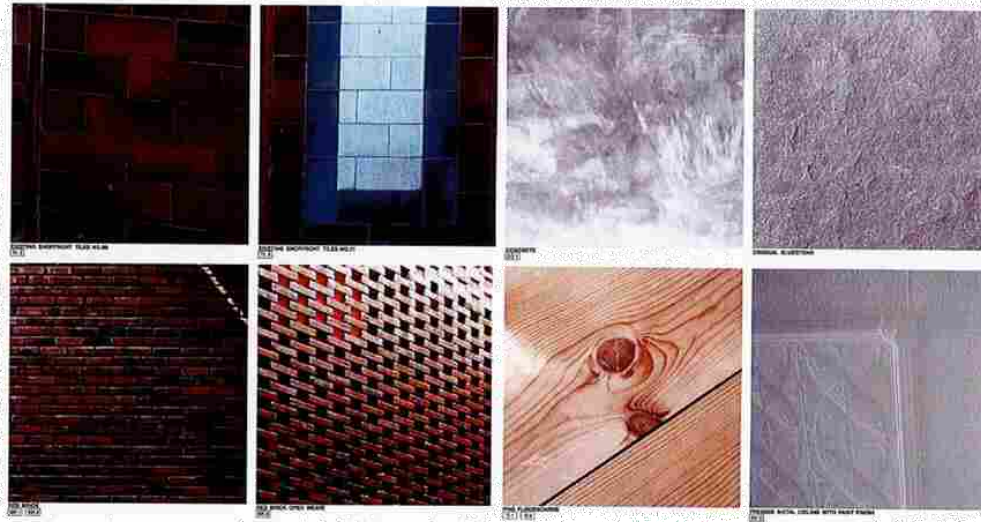


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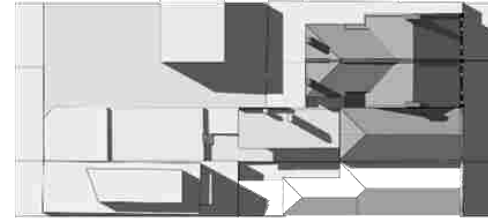
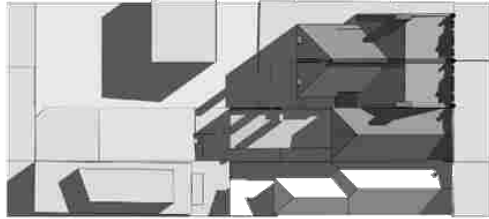
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1. Dark, textured wall panel
2. Window surround with light-colored frame
3. Light-colored, fibrous or stone-like texture
4. Dark, fibrous or stone-like texture
5. Red brick wall
6. Red brick wall with white grid pattern
7. Light-colored wood panel with knot
8. Light-colored, textured wall panel

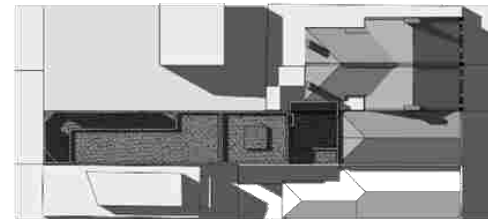
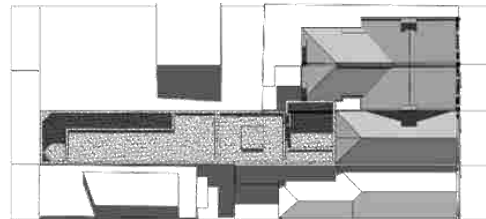
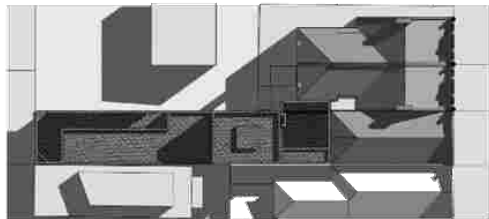
Attachment 2 - PLN17/0833 - 69-71 Smith Street, Fitzroy - Shadow Diagrams



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A. 100% 1:1 DRAWING

Notes

Notes

Order of drawings shall be as follows: 1. Existing and proposed drawings shall be submitted to the Council for its consideration. 2. The Council shall then consider the drawings and make a decision on whether to approve the drawings. 3. The Council shall then consider the drawings and make a decision on whether to approve the drawings.

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Attachment 3 - PLN17/0833 - 69 - 71 Smith Street Fitzroy - Heritage advice

**City of Yarra
Heritage Advice**

Application No.:	<i>PLN17/0833</i>
Address of Property:	Nos. 69 and 71 Smith Street, Fitzroy
Planner:	<i>Lara Fiscalini</i>
Yarra Planning Scheme References:	<p>STATE POLICY:</p> <ul style="list-style-type: none"> • <i>Clause 15.03 Heritage</i> <p>LOCAL POLICY:</p> <ul style="list-style-type: none"> • <i>Clause 21.05-1 Built Form (Heritage)</i> • <i>Clause 43.01 Heritage Overlay</i> • <i>Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay</i>
Heritage Overlay No. & Precinct:	<p><i>HO464-Smith Street South Precinct</i></p> <ul style="list-style-type: none"> • <i>External paint controls apply</i> • <i>Internal controls for No.69 only</i>
Level of significance:	<p><i>No.69 - Individually significant constructed 1883-1913; and No.71 - Individually significant constructed 1883/84</i></p> <p><i>(Appendix 8, City of Yarra Review of Heritage Overlay Areas 2007- updated Feb 2017)</i></p>
General description:	<i>Part demolition for construction of double storey additions including roof terrace, lift over run and façade alterations.</i>
Drawing Nos.:	<p><i>Set of 19 x A1 drawings prepared by George Livissianis, received by Council and date stamped 20 March 2018</i></p> <p><i>Heritage Impact Statement by Lovell Chen Architects, date stamped as received by Council 5 October 2017.</i></p>

CONTEXT DESCRIPTION:

The subject sites are two rectangular allotments on the western side of the street, between Gertrude Street to the north and Derby Street to the south-east. The rear of the sites face onto Little Smith Street, which is covered by a separate heritage overlay (HO334). Smith Street is a relatively wide street, measuring 16.8metres footpath to footpath.

No. 69 Smith Street is one of a pair of double-storey brick shops (with no. 67), most probably incorporating additions, constructed c.1920s and which are probably the second structures on the site. No. 67 has an original shopfront including a two-leaf glazed timber door. The splayed entrance contains original tiling and marble step and sill. Internally the shop contains its pressed metal ceiling. The shopfront framing to No. 69 is not original however the glazed tiling and recessed entry is original and is the same as No. 67. Internally the shop contains its original pressed metal ceiling.

No. 71 Smith Street is one of a pair of double-storey pair of shops (with no. 73) is constructed from brick and stone and are most probably the same shops dating from prior to 1883/84. They are rare as stone buildings and as stone shops and are also distinctively embellished with exuberant stucco ornament. The shopfront framing to No. 71 is not original however the glazed tile pilasters at each side are probably original.

All adjoining individually significant and contributory properties retain full roof forms at the front and are free from multi-storey development at the rear.

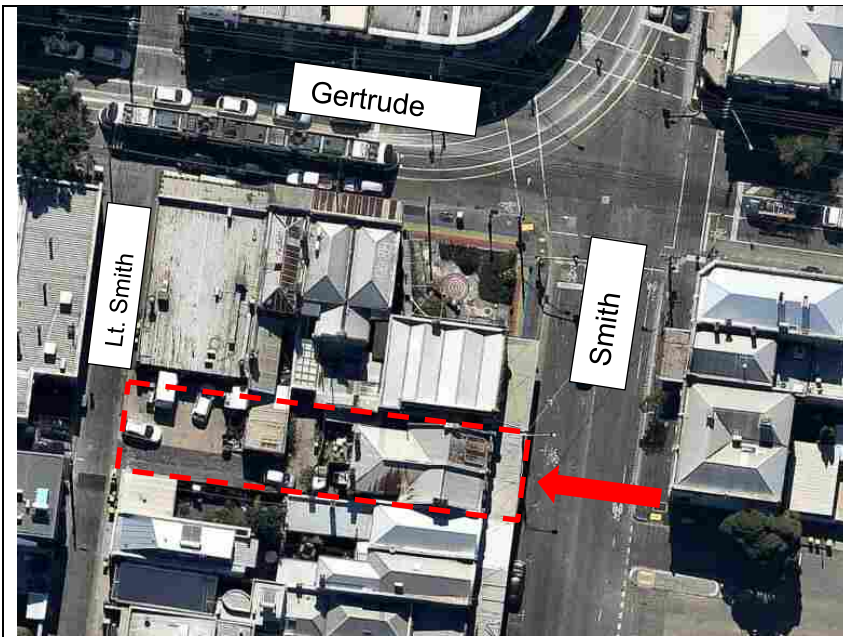
The shops at Nos. 6 Smith Street, Collingwood and Nos. 21, 33 – 35, 51 – 53, 55 – 61, 63 – 65, 67 – **69, 71** – 73, and 75 - 77 Smith Street, Fitzroy are of local historical significance. The west side of Smith Street, south of Gertrude and Langridge Streets, shares the same common history as the east (Collingwood) side opposite, and also that of the remainder of Smith Street, further north, added to

Attachment 3 - PLN17/0833 - 69 - 71 Smith Street Fitzroy - Heritage advice

which is its distinctively different specific history, which emanated from a slower pace of development which culminated in a later phase of development which completed the street. Collectively they span the Victorian, Edwardian and inter-War eras and individual examples from each era are the original, or first substantial, building, including additions, on the site.

Each of the sub-groups of buildings has a high degree of integrity to their eras, demonstrating aesthetic and architectural characteristics of the Victorian, Edwardian and inter-War eras, often in a less exuberant style as befitting their periods. The latter two eras are generally not well-represented in Yarra. The concentration of original architectural elements including shopfronts, entrances, tiling, detailing and pressed metal ceilings and soffits are demonstrative of shop design and shop fitting of the era of which examples are now rare in Smith Street, certainly as compositions, and generally in other contemporary shopping strips.

For a more detailed description of the buildings and surrounding context see 'Section 3 (Description)' of *Lovell Chen Heritage Impact Statement*.

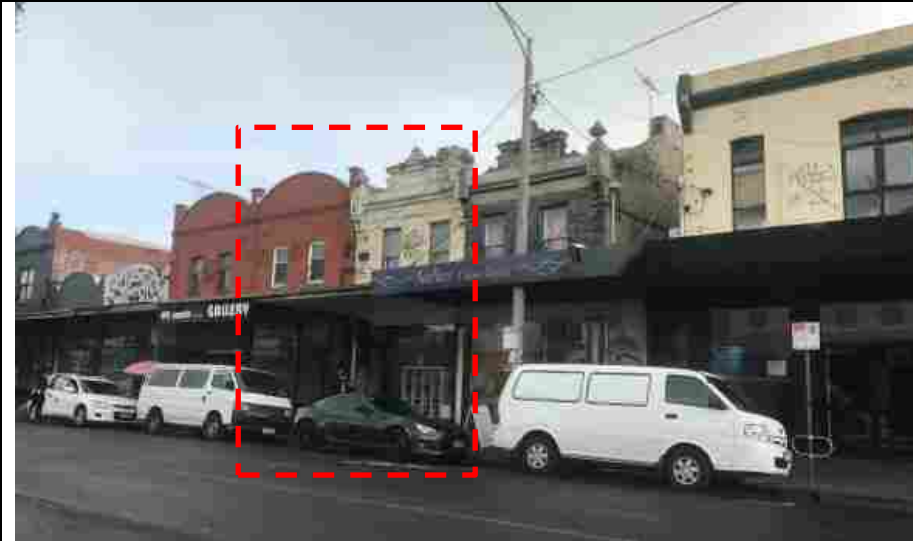


Above: Current aerial of the subject site.



Above: View towards subject site from across Smith Street.

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Above: View towards subject site from the north-east.



Above: Tiled splayed entrance to No.69 Smith Street.



Above: Interior of No.69 Smith Street (note pressed metal ceiling and timber floors).



Above: No.71 Smith Street shopfront. Note tiled plinth and piers.

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Above: (L-R) rear of No. 71 and 69 Smith Street.

ASSESSMENT OF PROPOSED WORKS:

Comments regarding proposed demolition:

The extent of demolition proposed by this application includes demolition of fabric at the rear; sections of wall internally; and the early 20th century shopfront at No.71 Smith Street.

The key consideration for assessing this aspect of the works is whether the proposed demolition will adversely affect the significance of the heritage building or the broader heritage precinct.

Clause 22.02-5.1 of the Yarra Planning Scheme encourages the removal of inappropriate alterations, additions and works that detract from the cultural significance of the place; and generally discourages the demolition of part of an individually significant or contributory building or removal of contributory elements unless:

- That part of the heritage place has been changed beyond recognition of its original or subsequent contributory character(s).
- For individually significant building or works, **it can be demonstrated that the removal of part of the building or works does not negatively affect the significance of the place.**

Clause 22.02-5.3 of the Yarra Planning Scheme encourages restoration of a heritage place or contributory element if evidence exists to support its accuracy; and encourages the reconstruction of a building or works which previously existed in a heritage place if:

- The reconstruction will enhance the heritage significance of the heritage place
- Evidence exists to support the accuracy of the reconstruction.

The clause encourages the reconstruction of original or contributory elements where they have been removed. These elements include, but are not limited to, chimneys, fences, verandahs, roofs and roof elements, wall openings and fitting (including windows and doors), **shopfronts** and other architectural details and features.

Clause 22.02-5.4 of the Yarra Planning Scheme encourages:

- the **removal of paint from originally unpainted masonry surfaces;**
- the retention of historic painted signs.

The clause discourages the sand blasting of render, masonry or timber surfaces; and the painting of unpainted surfaces; and encourages paint colours to be consistent with the period of the heritage place.

Accordingly, it is considered that:

In regard to No.69 Smith Street-

- The extent of demolition at the rear is supported, including parts of the skillion-roof addition at the rear of No.69 Smith Street. The former services wing will be retained for the extent of: the tallest chimney, the party wall (north) and southern walls (to include new openings). Whilst

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original fabric, part demolition of the secondary (original) structure will not compromise the contribution of the subject site to the broader HO precinct.

- Proposed internal demolition, which DOES NOT include pressed metal ceilings, is supported.

In regard to No.71 Smith Street-

- The proposal includes removal of the concrete floor at No.71 Smith Street. The concrete floor is not original and will be causing damp issues for the original walls (by pushing ground water away and not allowing the subfloor to ventilate). In accordance with the above mentioned clauses, it is highly recommended that the floor in No.71 Smith Street be replaced with a timber floor which will have better ventilating properties underneath. Depending on available room, a raised timber floor may also offer concealment of electrical wiring etc.
- **Demolition of the remaining early-twentieth century metal shop front framing and flanking tiled pilasters is not supported**, as it will diminish the historic appearance and integrity of the individually significant building. The remaining original fabric should be retained, repaired and incorporated in a sympathetic new shopfront design.

No works are proposed for the building façade, however it is assumed that the existing graffiti on both façades and bluestone at No.71 will be removed.

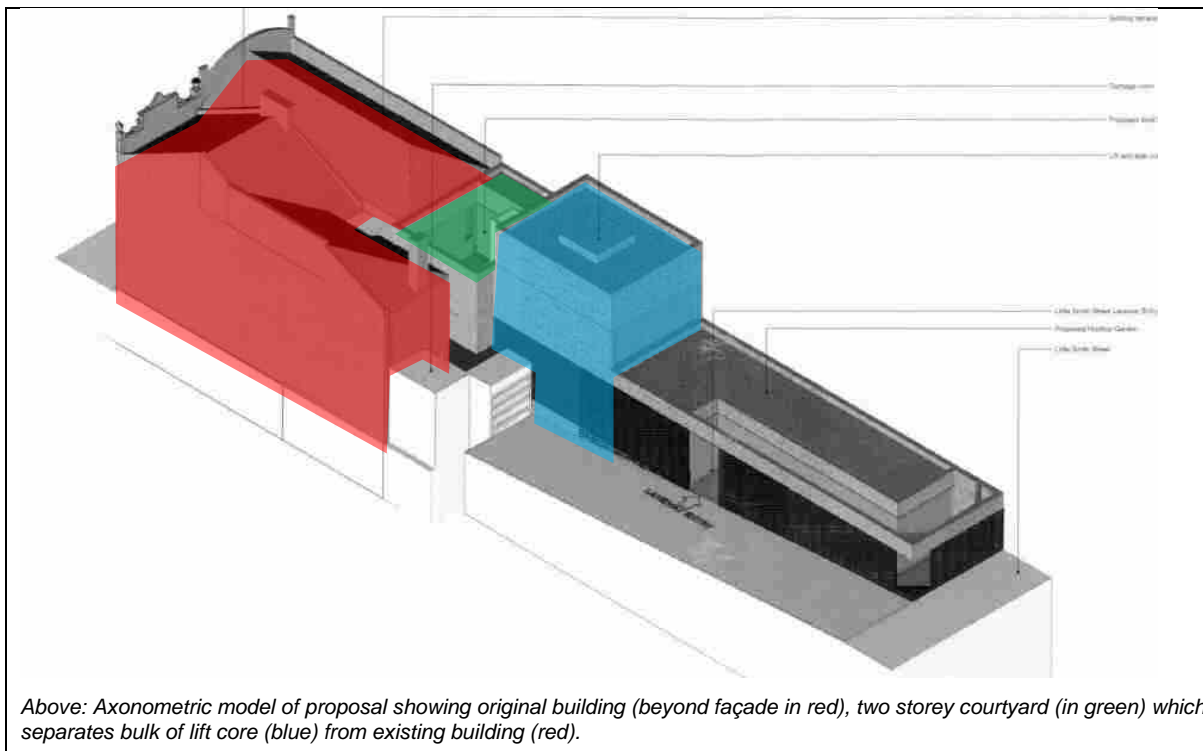
Comments regarding new development, alterations and additions:

The extent of new works proposed by this application includes development of a double storey addition, including a lift run (essentially a third level) and roof gardens. As discussed the proposal also includes internal alterations.

The key consideration for assessing this aspect of the works is whether the proposed development will adversely affect the significance, character or appearance of the heritage building or the broader heritage precinct.

Setbacks:

The proposed new works are setback beyond the main roof form at the front of the properties, 11.6metres. The third (bulkiest) level, the lift run, is setback from the rear hip of No.69 by an enclosed courtyard, 16.3metres from the façade. The proposed front setbacks are supported. Building to the side boundaries is also supported.



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Scale/height:

The overall height of the new development will be 8.8metres (to the top of the lift run). The existing building (no.69) has an overall height of 7.9metres **excluding** the parapet. Given the proposed front setback (16.3metre), and fact that new development will only be 750mm taller than the parapet, the overall height of the development is supported.

Roof form:

The proposed roof form for the new development will be contemporary flat roofs with roof gardens. Again, given the reasonable setback; limited visibility from the street front; and limited bulk over existing building, the proposed roof form is supported.

Appearance:

Clause 22.02-5.7.1 of the Yarra Planning Scheme encourages the design of new development to:

- Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.
- Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.
- Be visually recessive and not dominate the heritage place.
- Be distinguishable from the original historic fabric.
- Not remove, cover, damage or change original historic fabric.
- Not obscure views of principle façades.
- Consider the architectural integrity and context of the heritage place or contributory element

A contemporary design approach has been adopted for the proposed new building. This approach is supported given the reasonable setback and limited visibility from the street front. Enclosing the existing service wing in a concrete box is not ideal, but supported as keeping original fabric for interpretation from within the space.

The proposed brickwork to match existing (including what appears to be a hit-and-miss pattern), with concrete and roof garden above is supported as clearly being a new addition, but with materials that will sit comfortably within the traditional palette of the area.

As stated earlier, the proposed new shopfront for No.71 Smith Street is not supported and must be redesigned to retain the surviving original fabric.

The proposal to 'maintain' street front facades (See Drawing No.02.01.02) is supported, on the condition that maintenance includes removal of unsympathetic paint as discussed above.

RECOMMENDATIONS:

On heritage grounds the works proposed in this application may be approved subject to the following conditions:

- 1) That the remaining early-twentieth century metal shop front framing and flanking tiled pilasters associated with no. 71 Smith Street must be retained, repaired and incorporated in a sympathetic new shopfront design in keeping with the architectural style of the remaining shopfront elements;
- 2) That removal of paint from originally unpainted masonry components must be carried out as part of the proposed external works to the building façade via chemical peel process and light water spray only. Do not sand blast or use heavy jet sprays. Where repointing is required, use only mortar in accordance with AS3700 mortar class M2 and ensure mortar colour and aggregate matches original;
- 3) Reinstate a timber floor to ground level of No.71 Smith Street.

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SIGNED:

A handwritten signature in black ink, appearing to read "D. McIntosh". The signature is written in a cursive style with a long, sweeping underline.

Diahnn McIntosh

DATED: 21 May 2018



MEMO

To: Lara Fiscalini
From: Artemis Bacani
Date: 7 May 2018
Subject: Application No: PLN17/0833
 Description: Construction of a Triple-Storey Building - Restaurant
 Site Address: 69-71 Smith Street, Fitzroy

I refer to the above Planning Application received on 27 March 2018 and the accompanying Transport Impact Assessment prepared by **onemilegrid** in relation to the proposed development at 69-71 Smith Street, Fitzroy. Council's Engineering Services unit provides the following information:

CAR PARKING PROVISION

Proposed Development

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 Required
Restaurant	225	0.4 spaces to each patron permitted	90 spaces

A full waiver in the car parking requirement is sought. To reduce the number of car parking spaces required under Clause 52.06-5 (including to reduce to zero spaces), the application for the car parking reduction must be accompanied by a Car Parking Demand Assessment.

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 for the Restaurant.*
 The proposed restaurant use would have a car parking demand of 90 spaces. Travel mode surveys we have reviewed in the past for tavern/licensed venue applications typically generate 0.10 to 0.20 spaces per patron. Adopting the more conservative rate of 0.20 spaces per patron for the proposed restaurant would equate to 45 spaces (on the assumption that the venue was operating at full capacity of 70 patrons). Much of the patronage to the restaurant would be drawn from nearby businesses and residents, and by persons who are already in the Smith Street activity centre.

As with many other restaurants in Yarra, patrons would park on-street. In recent times, restaurants in Yarra have been approved with little or no on-site parking along activity centres, as illustrated in the table below:

Attachment 4 - PLN17/0833 - 69 - 71 Smith Street Fitzroy - Engineering comments

Development Site	Approved Restaurant Parking
Collingwood	
236-238 Smith Street PLN16/0056 issued 16 August 2016	No on-site parking (140 patrons permitted)

The shortfall with the site’s car parking (90 spaces) would be accommodated off-site. The area’s coverage of parking restrictions provides regular turnover of parking to improve opportunities for patrons to park near the site. The high parking demand in the Fitzroy/Collingwood area would also be a disincentive for staff and patrons to commute to the site by car.

- *Multi-purpose Trips to the Area.*
The restaurant is positioned within the Smith 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 within walking distance of tram services operating along Gertrude Street-Smith Street and Victoria Parade. Buses are available along Victoria Parade also within walking distance of the site.
- *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.*
onemilegrid had commissioned on-street parking occupancy surveys in the surrounding area on Friday 16 June and Saturday 17 June between 12:00pm and 12:00am at one hour intervals. The survey area encompassed sections of Smith Street, Little Gore Street, Gore Street, Little Smith Street, Little Oxford Street, Oxford Street, Cambridge Street, Mason Street, Victoria Parade, Derby Street, Langridge Street, Peel Street, and Webb Street. The times and extent of the survey is considered appropriate for this development. A parking inventory of between 463 and 520 spaces was identified. The survey results indicate peak parking occupancy occurred at 9.00pm on Friday with 83 % of spaces occupied or 88 vacant spaces. On the Saturday, peak parking occupancy occurred at 8.00pm with 85 % of spaces occupied or 80 spaces vacant. Patrons to the site would be fully aware of the high parking demand in the surrounding area and would instead choose to commute to the site by using alternative transportation modes such as catch public transport or use a private driver service.
- *Access to or Provision of Alternative Transport Modes.*
The site has very good access to public transport and the on-road bicycle network. Car share pods are located within walking distance of the site and provide an alternative option of transport for both staff and patrons. A Flexicar car share pod is located in Langridge Street, Collingwood, west of Oxford Street, approximately 130 metres north-east of the site.
- *Relevant Local Policy or Incorporated Document.*
The proposed development is considered to be in line with the objectives contained in Council’s *Strategic Transport Statement*. The site is ideally located with regard to sustainable

Attachment 4 - PLN17/0833 - 69 - 71 Smith Street Fitzroy - Engineering comments

transport alternatives and the reduced provision of on-site car parking would potentially discourage private motor vehicle ownership and use.

- *The Future Growth and Development of an Activity Centre.*
Practice Note 22 – *Using the Car Parking Provisions* indicates that car parking should be considered on a centre-basis rather than on a site/individual basis. This is applicable to activity centres, such as Smith Street, where spare on-street car parking capacity would be shared amongst sites within the activity centre.

- *Other Relevant Considerations*
The stringent enforcement of drink-driving laws would be a disincentive for patrons to drive to the restaurant, particularly if they intend to consume alcohol. Patrons would be inclined to travel to and from the site with public transport, taxis and private driver services.

Adequacy of Car Parking

From a traffic engineering perspective, the waiver of car parking spaces associated with the restaurant is considered appropriate in the context of the site and the surrounding area. The area's high parking demand and lack of long-stay parking would be disincentives for staff and patrons to commute to the site by car.

The Civil Engineering unit has no objection to the reduction in the car parking requirement for this site.

Capital Works Programme

A check of the Capital Works Programme for 2017/18 indicates that no infrastructure works have been approved or proposed within the area of the site at this time.

Regards

Artemis Bacani
Roads Engineer
Engineering Services Unit

Attachment 5 - PLN17/0833 - 69-71 Smith Street, Fitzroy - Social Planning comments



MEMO

TO: Lara Fiscalini, Senior Statutory Planner
 FROM: Erika Russell, Senior Planner (Community Health and Safety)
 DATE: 3 April 2018
 ADDRESS: 69-71 Smith Street, Fitzroy
 APPLICATION NO: PLN17/0833
 DESCRIPTION: Development of the land for the construction of a triple-storey building, including part demolition, sale and consumption of liquor (225 patrons, operating Sunday-Thursday 7am-11pm, Friday & Saturday 7am-1am) and a reduction in the car parking requirement associated with a restaurant (no permit required for use).

Social Policy and Research has been requested to make comments on the proposal from a social planning perspective.

PROPOSAL

Key aspects of the site and proposal include:

- The site is located in the Commercial 1 Zone.
- The proposal is for the sale and consumption of liquor associated with restaurant. A maximum of 225 patrons are proposed along with hours of Sunday to Thursday 7am-11pm, and Friday and Saturday 7am-1am.

COMMENTS / RECOMMENDATIONS

- A restaurant and café liquor licence requires the predominant activity, at all times, to be the preparation and serving of meals for consumption on the premises. It also requires tables and chairs to be available for at least 75% of patrons attending the premises at any one time. The definition of a restaurant in the planning scheme also includes the 75% seating requirement. The applicant states that *“The development provides for 190 seats, significantly exceeding the requirement that tables and chairs are set out for at least 75% of patrons (143 seats).”* Based on 225 patrons, 169 seats are required. Based on the plans provided and the patron breakdown in the town planning report, it appears that only 142 internal seats are being provided (48 are outside).
- External seating should not be included in the calculation given that they are exposed to the elements and therefore not always available for usage. The seating requirement should also be included as a condition on any planning permit issued, and the licence type should also be clearly stated (restaurant and café) to ensure it is clear in the event that they apply for changes in the future (change of licence type is a planning permit trigger).

Attachment 5 - PLN17/0833 - 69-71 Smith Street, Fitzroy - Social Planning comments

- For this proposal, the key considerations relate to the sale and consumption of alcohol for the 225 patrons, combined with late hours on Fridays and Saturdays (1am) which is commonly not typical for a restaurant (more typical for a bar use and an on-premises liquor licence). Under a restaurant and café liquor licence standard trading hours are only to 11pm and this indicates that the supply and consumption of alcohol past 11pm is better suited to another (higher risk) licence type.
- There are ongoing compliance issues with larger restaurants morphing into bars later in the evening, as alcohol rather than food becomes the focus. A restaurant and café liquor licence is recognised as being a lower risk licence type (and has lower fees) due to the stricter conditions imposed on the licence and also because staff do not require responsible service of alcohol (RSA) training.
- Clause 22.09 acknowledges that: *Higher risk venues which operate late at night and encourage vertical drinking through having a low proportion of seating and a limited food offering have a greater capacity to cause adverse impacts compared to lower risk venues including restaurants and cafes which have a substantial food focus and a high proportion of seating.*
- The floor plans provided show a substantial amount of floor space as bar areas. This along with the hours indicates that the venue may not be operating with the most suitable licence type.
- In terms of patron numbers, Council's revised licensed premises policy (clause 22.09) was recently gazetted as part of Amendment C209 to the Yarra Planning Scheme. The policy identifies Core Entertainment Precincts which are identified as the preferred locations for larger venues with over 200 patrons. The site sits outside the identified Smith Street precinct (is limited to between Gertrude Street and Alexandra Parade).
- Like all parts of the revised clause 22.09 policy, the part relating to the Core Entertainment Precincts is discretionary, which essentially means that there may be applications where it is suitable to allow venues with a capacity of over 200 patrons to locate outside the Core Entertainment Precincts.
- For a restaurant use (which is considered lower risk) there may not necessarily be an issue with having over 200 patrons. However given that it appears that they do not meet the seating requirement, combined with hours of 1am, exceeding 200 patrons is not considered appropriate. At a minimum the applicant should reduce the number of patrons to ensure that the seating requirement is met.

Attachment 6 - PLN17/0833 - 69-71 Smith Street, Fitzroy - Community Amenity comments

TO: Lara Fiscalini
cc:
FROM: Brad Speechley
DATE: 1/10/2018
APPLICATION: PLN17/0833
SUBJECT: Community Amenity Enforcement Referral

Dear Lara,

Thank you for your referral dated 27 March 2018, in relation to 69-71 Smith St Fitzroy VIC 3065 - PLN17/0833. This has been sent to me for consideration and reply.

Planning Enforcement has not received any recent amenity concerns in relation to 69 Smith St Fitzroy, however I note the number of proposed patrons will be (225) and the operational hours are from Sunday-Thursday 7am-11pm & Friday & Saturday 7am-1am.

Should you wish to discuss the application further, please feel free to contact me on 9205-5166.

Regards,



Brad Speechley
Senior Team Leader – Civic Compliance



1 May 2018

640.10090.05310 69-71 Smith St Fitzroy 20180423.docx

City of Yarra
P.O. Box 168
Richmond VIC 3121

Attention: Lara Fiscalini

Dear Lara

69-71 Smith Street, Fitzroy Development Application Acoustical Review

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the acoustic assessment report for the three storey restaurant and bar proposed for 69-71 Smith Street, Fitzroy.

Details of the report are as follows:

- Title: 69-71 Smith Street, Fitzroy, Acoustic Assessment
- Reference: 20170834.1/0709A/R2/BAW
- Date: 7 September 2017
- Prepared for: Bar Mer
- Prepared by: Acoustic Logic Consultancy (ALC)

1 Preliminary

(Sections 1 to 3 of the report)

The project and proposed operating conditions are described in these sections of the report. The acoustically significant information is summarised below:

- Restaurant and bar over three levels - shown on the plans to include:
 - basement dining room and amenities;
 - ground floor bars / dining and outdoor patron area to the rear
 - Level 1 bars, dining room and terrace
- The venue is proposed to occupy two shop fronts and one of the buildings (69 Smith Street) is proposed to extend through to Little Smith Street.
- 225 patrons in total
- Two outdoor areas: rooftop (15 patrons) and ground floor rear (20 patrons)
- Proposed operating hours:
 - 7 am to 11 pm Sunday to Thursday
 - 7 am to 1 am the following morning, Friday and Saturdays

SLR Consulting Australia Pty Ltd Suite 2, 2 Domville Avenue Hawthorn VIC 3122 Australia
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www.slrconsulting.com ABN 29 001 584 612

Attachment 7 - PLN17/0833 - 69-71 Smith St Fitzroy - SLR Acoustic Review

City of Yarra
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- Music to be played within internal and external areas

The nearest noise sensitive receivers are identified as:

- 47 Little Smith Street, being a three level residential building 5 m west of the site, and
- 44 Little Smith Street, being a two or three level residential building abutting the development site to the south.

The details of noise sensitive receiver locations are also shown in Figures 2 and 3 of the report, which displays the heights and orientations of dwelling windows relative to the subject development.

SLR Comments: *The proposal is reasonably described and the noise sensitive receivers have generally been clearly identified. We are, however, unclear as to whether the third floor of 44 Little Smith Street has north facing windows.*

The potential noise impacts from the use are not explicitly identified in this section however the report goes on to consider the main impacts from the site, being patron, music and mechanical plant noise.

We note that the courtyard bar to the rear has large sliding doors opening out onto the courtyard, effectively forming one larger space when these doors are open.

2 Existing Background Noise Levels

(Section 5 of the acoustic report)

Unattended measurements of background noise were conducted at the rear of the subject site from 27 June to 6 July 2017. The results are summarised in Table 2 of the report and the noise logging data is attached.

SLR Comments: *Much of the logging data appears to be affected by noise from mechanical plant (background noise levels are generally very steady). The report does not provide any information about the ambient acoustic environment, and attended noise measurements and observations at night do not appear to have not been conducted. These measures would have helped to identify the source of any extraneous noise and determine whether the logging location was suitable.*

However, ALC appear to have used the lowest measured background noise levels to determine noise limits, and presumably this data is less affected by equipment noise. It is also likely that the most impacted receiver locations (which are elevated) will be exposed to more ambient noise than the measurement location. In summary, while the data is not ideal, noise limits based on the background levels ALC have presented are likely to be reasonable.

3 Proposed Building Works for Noise Control

The building works proposed to manage noise from the subject site are described in the following sections.

3.1 Rear External Court

- Solid roof over the western most section of the outdoor court (not less than 0.5 mm thick steel).
- Retractable roof over the remainder of the ground floor outdoor area, with the roof constructed of 0.5 mm thick steel louvres or similar. The retractable roof is to be closed after 6 pm.

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- 1 m high barrier above the roof (to assist in shielding noise from the courtyard area without a permanent roof to dwellings to the west).
- Upgraded operable glazing to the courtyard bar, with windows to be closed after 10 pm except for patron egress.
- Acoustically absorptive panels to be provided in the outdoor courtyard (locations indicated in Figure 5).

3.2 Rooftop Terrace Treatments

Two options are provided:

- 1.5 m high (min) barrier above the wall on the south of the courtyard (helping to shield noise from the area to the dwelling at 42 Little Smith Street), OR
- Retractable roof to the outdoor area, with the roof to be closed after 10 pm. Indicative options for construction are provided.

3.3 Other Building Works

- Windows to the west and south of the building are to be not less than 10.38 mm thick laminated glass with acoustic seals. All windows are to be closed after 6 pm.

SLR Comments: *The proposed works are generally clearly described. However we recommend the following to help ensure that the noise control treatments are effectively installed:*

- *An Rw specification to be provided for any operable barriers or roofs.*
- *A minimum surface area for any sound absorption material installed.*
- *Overall barrier heights should be specified as a minimum level above finished floor level to avoid confusion (it is unclear, for example, what the effective overall height of the roof court barrier will be).*
- *An acoustic specification should be provided for the roof of the courtyard bar to ensure that noise from within the bar does not appreciably contribute to overall levels at receiver locations.*

4 Patron Noise

4.1 Noise Targets

(Section 7 of the acoustic report)

Patron noise has been assessed to SEPP N-1 noise limits. The identified limits are: 57 dBA (day); 50 dBA (evening) and 45 dBA (night).

SLR Comments: *We agree that SEPP N-1 targets are reasonable for assessing amenity impacts from patron noise.*

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4.2 Assessment

(Section 7.1 of the acoustic report)

A 3-D noise model has been prepared to predict patron noise to residential receiver locations. Details of the model are as follows:

- Voice noise from 225 patrons spread throughout the venue (inside and out) has been modelled
- 50% of patrons are assumed to be speaking at any one time
- 20 patrons are modelled in the ground floor external courtyard
- 15 patrons are modelled on the first floor terrace
- Music is modelled at ambient 'conversation' levels (identified in Section 9.3 as 60 dBA)
- The sound power level used in the model is 77 dBA L10 for one person talking. An octave band noise spectrum is also provided.
- The acoustic works described in Section 9 of the report and reproduced in Section 3 of this review.
- The retractable roof to the ground floor court is to be closed after 6 pm.
- The glass doors between the courtyard bar and the outdoor area are modelled as closed after 10 pm.

The identified patron noise limits are predicted to be met.

SLR Comments: *The sound power level for one person talking correspondes to a level midway between 'raised voice' and 'loud'. Based on the information provided, the overall sound power levels of the outdoor patron areas equate to 85 dBA for patrons on the terrace, and 84 dBA Leq for patrons on the roof. These sound power levels are commensurate with a voice noise level above the crowd in the order of 72 dBA. They are reasonable for outdoor smoking areas, however we would anticipate higher levels for drinking crowds.*

When the glass doors are open the ambient level in the outdoor area is more likely to be in the order of 80-82 dBA Leq due to the increased voice effort that typically takes place in larger groups. The corresponding sound power level would be in the order of 93 dBA Leq. In our opinion, this level should be used for patrons in the ground floor outdoor area when the doors are open (i.e. before 10 pm)

Noise does not appear to have been assessed to the upper (third) level of the dwelling at 44 Little Smith Street, directly south of the subject site, which may have residential windows.

However, our indicative calculations of noise from patrons in the outdoor areas are consistent with the results provided in the ALC report, and with the administrative controls recommended in the report in place, we agree that compliance with the patron noise limits is likely for all assessment times.

5 Music Noise

(Section 9.3 of the acoustic report)

An explicit assessment of music noise is not provided in the report. However ALC recommend that music levels be restricted to 60 dBA Leq, and note that music of this level is likely to comply with SEPP N-2.

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SLR Comments: *The specified music levels are equal to very low background music levels, and will be well below the level of patron noise most of the time. We agree that they are likely to comply with the SEPP. Due to the close proximity of residential residents and the potential for higher levels to be played, we recommend that a music noise limiter be included in the audio chain and calibrated to ensure that the specified levels (or SEPP N-2 compliant alternative levels) are not exceeded. Calibration should be undertaken by a suitably qualified acoustical consultant.*

6 Mechanical Plant

(Section 8 of the acoustic report)

Noise limits have been identified for mechanical plant however the design is not yet undertaken. ALC note that compliance with SEPP N-1 can be achieved through conventional noise control means.

SLR Comments: *Agreed. Due to the proximity of residential dwellings we recommend that any significant new mechanical plant be reviewed and approved by the acoustical consultant during the design phase.*

We also note that the ground floor courtyard bar will probably require forced ventilation for operation after 6 pm, when the louvre roof is proposed to be closed.

7 SLR Summary

A summary of our findings and recommendations with respect to the acoustic report prepared to support the application for a three level bar and restaurant at 69-71 Smith Street is provided below.

Background Noise Monitoring

Much of the background noise data obtained appears to be affected by ambient mechanical plant noise. However the identified SEPP N-1 noise limits are equal to the zoning levels (and not directly affected by background noise). On these grounds we have not requested further background noise measurements. However, if higher levels of music than currently proposed occur, the background noise levels at residential receiver location will need to be more accurately determined, as music noise limits are directly affected by the background level.

Building Works for Noise Control

We recommend the following to tighten up the acoustical specification for building works:

- An Rw specification to be provided for any operable barriers and roofs
- A minimum surface area and NRC rating for any sound absorption material installed.
- Overall barrier heights should be specified as a minimum level above finished floor level to avoid confusion (it is unclear, for example, what the effective overall height of the roof court barrier will be).
- An acoustic specification should be provided for the roof of the courtyard bar to ensure that noise from within the bar does not appreciably contribute to overall levels at receiver locations.

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Patron Noise

Patron noise impacts have generally been addressed in the report. However, we note that achieving compliance with the identified noise limits relies heavily on administrative controls, including: the limitation of numbers in the outdoor areas; closure of the ground floor courtyard operable roof after 6 pm; closure of courtyard bar glass doors after 10 pm, and strict controls over the level of music played with the courtyard bar and outdoor areas. Ensuring ongoing compliance will require the cooperation and vigilance of staff.

Music Noise

Very low levels of music are proposed for the courtyard bar and outdoor areas. To ensure that these levels are not exceeded we recommend that a music noise limiter is included in the audio chain, and that the limiter is calibrated by a suitably qualified acoustical consultant.

If higher levels of music are proposed for the venue a full SEPP N-2 assessment should be conducted.

Mechanical Plant Noise

Due to the proximity of residential dwellings we recommend that any significant new mechanical plant proposed to be installed be reviewed and approved by the acoustical consultant.

Regards,



Dianne Williams
Associate - Acoustics

Checked/ Authorised by: JA

Attachment 7 - PLN17/0833 - 69-71 Smith St Fitzroy - SLR Acoustic Review



Date: 1 October 2018

Property Address: 69-71 Smith Street, Fitzroy

Application No: PLN17/0833

CITY WORKS BRANCH – COMMENTS ON WMP

PATRICK ORR

COMMENTS:

Initial comments received from Council's City Works branch noted that the Waste Management Plan for 69-71 Smith St, Fitzroy authored by One Mile Grid and dated August 2017 is unsatisfactory from a City Works branch's perspective. The plans should include swept path diagrams to illustrate that the named collection vehicle can complete the movement described in the plan.

A swept path diagram was subsequently provided, with this document demonstrating that the required vehicle movements could be undertaken. The City Works branch confirmed that this information was satisfactory.