

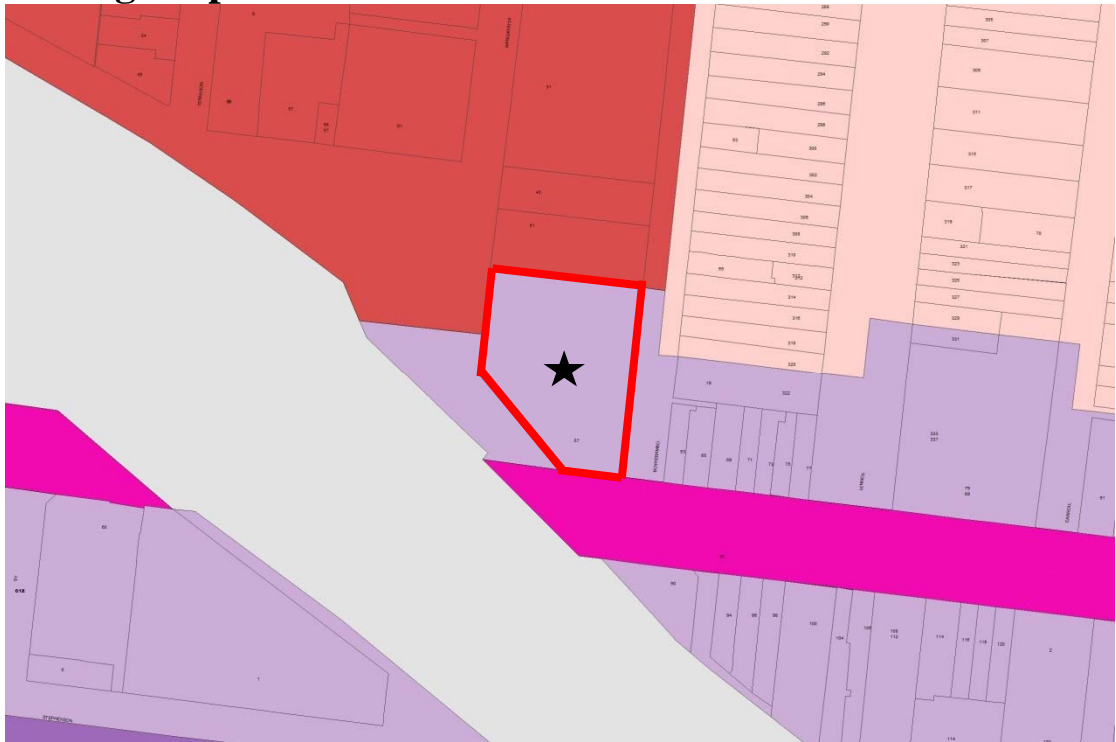
Attachment 1 - PL04/1136.05 - 57-61 Swan Street Richmond - Subject Land Map

SUBJECT LAND:

Property Map



Zoning Map



★ Subject Site

Attachment 2 - PL04/1136.05 - 57-61 Swan Street Richmond - Social policy referral comments from Public Place

memo



Public Place

To: Erika Russel
From: Glenn Weston
Date: 14 May 2018
Re: Corner Hotel – Extension of Patron Capacity and Trading Hours

Introduction

Public Place has been engaged by City of Yarra to prepare referral comments relating to a proposed amendment to an existing planning permit which applies to the Corner Hotel. The amendment seeks the following changes:

- Extend trading hours for the supply of liquor on the first floor beer garden and dining room from 11:30pm to 1:00am. (Condition 5).
- On Friday and Saturday evenings and on the eve of public holidays, extend the period in which the overall patron limit of 950 patrons is permitted on the premises from 12 midnight to 1:30am, reverting to 750 patrons thereafter. (Condition 6).
- No change is proposed to the current patron limit of 400 patrons on the first floor beer garden and dining room at any one time (Condition 7).

As per the City of Yarra's internal practice note for referrals the following are considered where relevant:

- Any significant social effects and economic effects which the responsible authority considers the use or development may have
- Cumulative impacts
- Any other relevant policy considerations in the planning scheme relevant to the application.
- Any comments received from Victoria Police
- Victorian Government gazetted decision-making guidelines relating to freeze exemptions (post 1am only)
- Conditions on any existing liquor licence or planning permit

In order to prepare the referral comments I reviewed the application document and made an inspection of the Swan Street Core Entertainment Precinct on the evening of Saturday 12 May, 2018.

Swan Street and the Corner Hotel in particular have attracted great interest in planning circles, primarily as a result of *Swancom Pty Ltd v Yarra CC (2009) VCAT 923 (10 June 2009)* (the 'Swancom decision') and the subsequent development of Practice Note 61. While the statutory context and mix of licensed premises in Swan Street has evolved since the Swancom decision, the need to consider how the proposed amendment would affect the functioning of the Swan Street Precinct as a whole remains relevant.

Attachment 2 - PL04/1136.05 - 57-61 Swan Street Richmond - Social policy referral comments from Public Place

memo



Significant Social and Economic Effects

The Corner Hotel is an iconic licensed venue, which generates positive social effects such as facilitating social interaction, enjoyment of food and drink, and the performance of live music. The venue also generates employment and economic activity. These social and economic effects are beneficial and significant.

Like all licensed venues, the Corner Hotel has the potential to generate amenity impacts for the local area, as a result of noise emissions from within the venue, or if patrons make noise or engage in loutish behavior in the public realm near the venue (addressed below). This potential underpins elements of Yarra’s Licensed Premises Local Policy (22.09) which seek to control venue location, size (patron numbers), noise emissions and operating hours (see Table 1).

Table 1: 22.09 Licensed Premises - Selected Policies

- *Licensed premises with a capacity of more than 200 patrons should locate in the following Core Entertainment Precincts*
- *Noise from the operation of the licensed premises should not have an unreasonable impact on the amenity of the area.*
- *Licensed premises in a Commercial or Industrial zone should not provide for the sale and consumption of liquor beyond 1am, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.*
- *Licensed premises within 30 metres of a residential zone should not provide for the sale and consumption of liquor beyond 11pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.*
- *Sale and consumption of liquor should not occur after 10pm in outdoor areas, including rooftops and open courtyards, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.*

Noise Emissions

The Corner Hotel is located within the Swan Street Core Entertainment Precinct. In this location, expectations relating to residential amenity are shaped by an acceptance that the area hosts a significant night time economy. Reflecting this, and the fact that the Corner Hotel is fitted with various acoustic measures, Yarra has received no substantiated noise complaints relating to the venue over the past 5 years. This is despite the venue’s large patron capacity, outdoor rooftop beer garden which operates to 12.00 pm and location within 30 metres of residential properties.

The proposal would extend operating hours on the rooftop beer garden to 1.30 am, well beyond the 10 pm threshold for outdoor areas quoted in Yarra’s Local Policy. However, even though the rooftop beer garden is outside, I note that noise modelling indicates that patron noise levels from the rooftop area at full capacity (400 patrons) would be within relevant design targets for all periods at the nearest sensitive receptors. That is, the venue’s acoustic

Attachment 2 - PL04/1136.05 - 57-61 Swan Street Richmond - Social policy referral comments from Public Place

memo



treatments provide sufficient protection for nearby residential properties to enable operation of the beer garden until 1.30 without adverse effects on the amenity of the area resulting from noise emissions.

The Public Realm

The proposed increase in hours and patron capacity would result in the dispersal of up to 200 patrons being delayed for up to 1.5 hours. In this context, I note that the venue is in a Core Entertainment Precinct where larger venues are encouraged because of the area's *existing character* and the availability of *supporting infrastructure and services*. Consistent with this, on the night of my inspection I found that the Precinct's character is dominated by the presence of licensed venues and their patrons between 12.00 midnight and 1.30 am and beyond. That is, delaying the release of patrons is not necessarily inconsistent with the prevailing character of the Swan Street Core Entertainment Precinct between 12.00 midnight 1.30 am. Moreover, the proposed increase in hours and patron capacity would allow the venue to accommodate smokers within designated areas until 1 am (compared with 11:30 pm), which would avoid smokers congregating on the pavement and in doing so contribute positively to the amenity of the local area.

Accepting the above, and that Yarra's Local Policy indicates (notionally at least) that Yarra's Core Entertainment Precincts *have capacity to accommodate future larger licensed venues*, the possibility that the proposal would generate unreasonable cumulative impacts must still be addressed (see below).

Misuse of Alcohol

The proposed amendment has the potential to facilitate the misuse of alcohol. Indeed, there is considerable evidence suggesting that extending opening hours of licensed premises (in particular past 12 pm), facilitates increased alcohol consumption, leading to impacts such as increases in alcohol related violence, drink driving, etc. However, as a general principle, broad concerns about social harms caused by alcohol, the accessibility of alcohol or the misuse or abuse of alcohol are not relevant planning considerations.

Cumulative Impacts

A cumulative impact assessment has been prepared on behalf of the applicant by SJB Planning. This assessment concludes that the proposed increase in hours and capacity would not cause any unreasonable negative cumulative impacts on the amenity of the relevant area.

As is required by Practice Note 61, the assessment identifies all venues located within 500 metres of the Corner Hotel. However, the assessment downplays the extent of late night activity within the 500 metre area. For example, it is stated within the 500 metre area there are *only* thirteen licensed premises (including the subject site) that cater for more than 200 patrons and operate after 11 pm (Hollivava was not counted in the thirteen). This clustering of large late night venues is one of the most intense in Victoria. Furthermore, there are an additional eleven premises located within the 500 metre area that trade to at least 1 am but have a patron capacity of less than 200 (more than half have a patron capacity of more than 100). Moreover, most late night venues in the Swan Street Core Entertainment Precinct are located to the west of the Corner Hotel, whereas the Richmond Train Station and the MCG and other major sporting and entertainment venues are to the east. As a result, there is significant potential for pedestrian traffic in the immediate surrounds of the Corner Hotel.

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Notwithstanding the above, the existing clustering of venues is not necessarily inappropriate. As the SJB assessment identifies, the Swan Street Core Entertainment Precinct is very well served by public transport to enable patron dispersal (including the 24-hour 'Night Network' and services such as Uber). I also accept SJB's observation that closing times across venues in the Swan Street Core Entertainment Precinct are staggered, and that this would limit competition for transport services, crowding and loitering on Swan Street. Indeed, on the night of my inspection, between 12.00 and 1.30 am there were no signs of crowding in the Precinct, or that patrons were having difficulties dispersing from the Precinct. This is in stark contrast to conditions on Swan Street at the time of the Swancom decision, when it was common for individuals and groups seeking to leave the Precinct after midnight to face extended waiting times as they lined Swan Street attempting to hail a taxi (the only method of transport available at the time).

Overall, my impression of the Precinct is that between 12.00 and 1.30pm, if there was an additional 200 patrons leaving the Corner Hotel, these patrons would be able to disperse quickly and easily, without adverse effects on the amenity of the area. While the night of my inspection was relatively cold and wet, and it is likely that venues in the Precinct would attract more patrons on nights with more favorable conditions, I am still in agreement with SJB's conclusion that the proposal would not result in any unreasonable negative cumulative impacts on the amenity of the relevant area.

Freeze exemption guidelines

City of Yarra has received advice from the VCGLR which indicates that the *Decision-Making Guidelines Relating To Freeze Exemptions* would not apply to the proposed increase in capacity and hours of operation, as the Corner Hotel is an existing venue which is already licensed to supply liquor past 1am.

Notwithstanding, the Guidelines seek to mitigate risks associated with supply of liquor post 1am by, amongst other things, ensuring that *food is available at venues at all times when liquor can be supplied*. The Corner Hotel has indicated a willingness to make food available within the beer garden area, and this approach would assist in mitigating the supply of liquor in this area until 1am, if the amendment application is granted.

Comments received from Victoria Police

A request for comment was submitted to Victoria Police. No reply was received.

Other relevant policy considerations

The Swancom decision was premised in part on Council submissions that the Corner Hotel was not in a dedicated entertainment precinct, but rather a 'specialty retail area'. In contrast, the recently introduced Clause 22.09 - Licensed Premises, defines Swan Street west of Church Street as a Core Entertainment Precinct, where larger licensed venues are encouraged.

Conditions on any existing liquor licence or planning permit

It is recommended that a permit condition mandating food be available in the beer garden at all times when liquor can be supplied, be included on the amended permit.

Attachment 3 - PL04/1136.05 - 57-61 Swan Street Richmond - Acoustic Referral Comments from SLR Consulting Australia



2 May 2018

640.10090.04120 57-61 Swan St Review 20180502.docx

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

Attention: Nikolas Muhllechner

Dear Nikolas

**57-61 Swan Street Richmond - The Corner Hotel
Extension of Hours Acoustical Review
PL04/1136.05**

SLR Consulting Pty Ltd (SLR) were requested by the City of Yarra to provide a review of the acoustic report prepared to support the application for extension of hours of the rooftop use at 57-61 Swan Street Richmond - The Corner Hotel.

Details of the report are as follows:

- Title: Corner Hotel – Rooftop Extension of Hours
- Date: 7 August 2017
- Prepared for: Swancom Pty Ltd
- Prepared by: Marshall Day Acoustics

The report was prepared to address noise impacts to potentially affected residential receivers.

Application and Site Details (Sections 1 to 3 of MDA report)

The application is for extension of the rooftop bar hours from the current 23:30 h to 01:00h. The application is also for an amendment to Condition 6 of the planning permit to allow for an extension of the 950 patron limit from midnight to 01:30 h on Fridays, Saturdays and public holidays. This part of the application has no implication specifically on noise impacts (and has not been included in any discussion in the MDA report).

MDA explain in their introduction that the rooftop area only has background music and that was previously assessed as part of the original application in their report dated 20 April 2016.

The nearest residential receptors potentially affected by the use are identified as 19 Botherambo Street and 320 Lennox Street, both located to the east of the site. 320 Lennox Street is identified as a 2 storey dwelling. 19 Botherambo Street is currently used as an office but has been considered in the assessment for potential future residential use.

Attachment 3 - PL04/1136.05 - 57-61 Swan Street Richmond - Acoustic Referral Comments from SLR Consulting Australia

City of Yarra
57-61 Swan Street Richmond - The Corner Hotel
Extension of Hours Acoustical Review
PL04/1136.05

Job No: 640.10090.05360
Filename: 640.10090.04120 57-61 Swan St Review
20180502.docx
Date: 2 May 2018

SLR Comment

The proposed change and nearest residential receptors are adequately described, however there is no comment or assessment provided in relation to the proposed mixed use development at 45 Wangaratta Road to the north of the Corner Hotel. This development was the subject of a previous review undertaken by SLR and also included significant correspondence and negotiation between The Corner Hotel and the apartment developer. A permit was issued for that development that included some protection in the façade design for patron noise from The Corner Hotel. This information should be included / considered in the MDA report.

It is assumed that all other aspects of the operation are to be as per the existing permit conditions. Relevant controls and conditions from the existing permit are reproduced below for reference:

- *Up to 3 am operations on all days except Sundays which are required to cease at 1 am.*
- *Up to 950 patrons allowed on the premises up until midnight on Friday, Saturday and eve of public holidays (subject of this application to amend to 01:30 h)*
- *Only 750 patrons allowed on the premises after midnight not including first floor beer garden and dining room (subject of this application to amend to after 01:30 h)*
- *Not more than 400 patrons permitted on the 1st floor beer garden and dining room at any time.*
- *Only background music allowed in external areas.*
- *Doors and windows are not to be kept open (apart from front entry door of venue to allow for entry / egress).*
- *Compliance to SEPP N-1 and SEPP N-2.*

Existing Noise Environment (Section 4 of MDA report)

MDA present background noise level data collected in April and November 2016. The locations of the measurements are described in Appendix C. The applicable night period background levels are presented as 45 dBA for Sunday to Thursday and 48 dBA for Friday to Saturday. These background levels are shown to be for the period from 10:00 h to 01:00 h.

Patron noise measurement data was collected at the site on 5 November 2016, while there were approximately 70 patrons in the outdoor area. The measurement was conducted 3.5 m above the crowd.

SLR Comment

The location used for noise logging on the roof of the 19 Botherambo garage (Appendix C) is reasonable for quantifying background levels at the elevated 320 Lennox Street receiver, however, there appear to be no measurements that are specific to the ground floor dwelling at 19 Botherambo Street.

We have records of previous MDA correspondence that report on background levels as low as 37 dBA in front of 19 Botherambo Street between 0150 h and 0200 h (i.e. approximately 1 hour after proposed outdoor area extension of hours period). Burton Acoustic Group also measured levels of 41 dBA, L90 between 1 am and 1.15 am on a Monday night in 2008, in front of 19 Botherambo Street.

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City of Yarra
57-61 Swan Street Richmond - The Corner Hotel
Extension of Hours Acoustical Review
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It is not clear how the background levels have been analysed or averaged. As the monitoring data is not provided, we cannot determine exactly what has been undertaken but it would appear that some sort of averaging has been undertaken. We generally do not agree with any sort of long term averaging of background levels for patron noise assessments, and recommend the lowest hourly background level be used. This provides a better representation of the potential for impact during the worst case period (i.e. usually the last hour of operation).

We agree with the 'background + 5 dBA' approach to setting night period criteria for patron noise, with the above considerations. Alternatively, SEPP N-1 based noise limits are also considered acceptable. The night period SEPP N-1 noise limit provided in previous MDA correspondence (for their original application for the rooftop) was 46 dBA at night.

We would like some clarification on:

- Whether background levels have been averaged, and what the lowest hourly (or 15 minute) background level actually is for the proposed operating period. We would recommend this be used for setting the noise criteria,*
- What background levels are applicable to 19 Botherambo Street (and associated noise criteria).*

Assessment (Section 5 of MDA report)

MDA describe their calculation method which utilises a 3D computer model. The model input for the 400 patrons is provided as 109 dBA, sound power level (Lw).

The predicted levels are compared to the above noise criteria. The levels comply at 19 Botherambo Street with no margin, and are 3 dBA below the noise criteria at 320 Lennox Street.

SLR Comment

The nominated sound power level of 109 dBA for the crowd of 400 patrons is considered reasonable and appropriate for the calculations.

The assessment / calculation approach is considered best practice, but we cannot undertake any formal review of these calculations without access to MDA's noise model. However, the results are in the range that we would expect for a highly shielded source on the upper floor of the building, to lower level receivers.

The assessment outcome is marginal – with only a 0 to 3 dB compliance margin. If the noise criteria adopted in the report are too high (for the reasons explained in the previous section) this could have a significant implication on the assessment outcome.

We also note that MDA have not commented on the residential development at 45 Wangaratta Street, which is the potentially most impacted receiver from the rooftop bar area. The impacts to this receiver should be considered as part of the current application.

Attachment 3 - PL04/1136.05 - 57-61 Swan Street Richmond - Acoustic Referral Comments from SLR Consulting Australia

City of Yarra
57-61 Swan Street Richmond - The Corner Hotel
Extension of Hours Acoustical Review
PL04/1136.05

Job No: 640.10090.05360
Filename: 640.10090.04120 57-61 Swan St Review
20180502.docx
Date: 2 May 2018

Summary

The acoustic report for the proposed extension of hours of the rooftop use at the Corner Hotel has been reviewed above.

We request clarification / resolution of the following items:

- Confirmation on how (or if) background levels have been averaged, and what the lowest hourly or 15 minute background level is for the proposed operating periods. We would recommend this be used for setting the noise criteria, or alternatively, SEPP N-1 limits be used.
- The background levels applicable to 19 Botherambo Street (and associated noise criteria).
- Comment or assessment of noise to the 45 Wangaratta Street development.
- It may be useful to nominate further restrictions on patron numbers for the proposed extended period earlier in the week (to account for lower background levels and corresponding noise targets).

Regards,



Jim Antonopoulos
Principal - Acoustics

Checked/
Authorised by: DW

Attachment 4 - PL04/1136.05 - 57-61 Swan Street Richmond - Further Acoustic Referral Comments from SLR Consulting

Muhllechner, Nikolas

From: Jim Antonopoulos <jantonopoulos@slrconsulting.com>
Sent: Monday, 9 July 2018 10:36 AM
To: Muhllechner, Nikolas
Subject: RE: TRIM: RE: PL04/1136.05 - 57-61 Swan Street Richmond (Corner Hotel) - Response from applicant

Hi Nik,

In relation to item 1, I don't think it needs to be in a permit, we would just like the information in the report so there is a record of the history with this site. I guess the memo that MDA have prepared provides this to some extent, but it's just so much easier for it to be in the endorsed acoustic report so people don't have to spend a heap of time trying to find other documents.

This is really just to help us all out to be able to keep track of things but ultimately it's probably not entirely necessary.

In relation to item 2, I am surprised that this dwelling would need a permit to be used as residential (wasn't it used as residential before it was used as an office??). But if that is the case, then yes, we can probably downgrade the importance of this receiver, and an agent of change approach could be adopted down the track.

Rgs Jim



Jim Antonopoulos

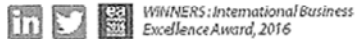
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From: Muhllechner, Nikolas [mailto:Nikolas.Muhllechner@yarracity.vic.gov.au]
Sent: Friday, 6 July 2018 2:33 PM

Attachment 4 - PL04/1136.05 - 57-61 Swan Street Richmond - Further Acoustic Referral Comments from SLR Consulting

To: Jim Antonopoulos

Subject: RE: TRIM: RE: PL04/1136.05 - 57-61 Swan Street Richmond (Corner Hotel) - Response from applicant

Hi Jim,

Thanks for the below response, as always much appreciated.

I have a couple of queries regarding the responses, as outlined below:

1. Should a condition of any amended planning permit that issues require the comments regarding 45 Wangaratta Street to be included as part of an amended acoustic report? Or is it enough that SLR's concerns are now addressed?
2. It has been confirmed that 19 Botherambo Street is currently used as an office. A planning permit would be required to convert it back to residential use as it is located within the Commercial 1 Zone. Therefore, if it were converted back to a dwelling use, the agent of change principle would then apply to it and it would need to protect itself from noise from the Corner Hotel. Given 19 Botherambo Street is the closest 'sensitive' use to the Corner Hotel, does this therefore allay fears about the method of background averaging (point 2 below), background levels at 19 Botherambo Street (point 3 below) and the patron noise targets (point 4 below)?

Let me know if you have any questions.

Thanks,

Nik

Nikolas Muhllechner

Principal Statutory Planner

City of Yarra PO Box 168 Richmond 3121

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From: Jim Antonopoulos [mailto:jantonopoulos@slrconsulting.com]

Sent: Tuesday, 3 July 2018 5:54 PM

To: Muhllechner, Nikolas

Subject: TRIM: RE: PL04/1136.05 - 57-61 Swan Street Richmond (Corner Hotel) - Response from applicant

Hi Nik, here are our thoughts on the main issues. Not sure how you want to handle this, but we are basically at a similar position as our initial review.

1. Comment re. 45 Wangaratta Rd. We accept MDA's response, but believe this response / discussion should have been included in the original report to allow for a means by which to keep track of previous application outcomes.
2. Re. method of background averaging. MDA have confirmed that they have averaged a particular interval (i.e. midnight to 00:30 h) between Sunday and Thursday, rather than use the lowest for a particular night. This approach concerns us because it does not provide a representation of the lowest background level that can occur for example on a Monday or Tuesday night. If we were provided with the background

Attachment 4 - PL04/1136.05 - 57-61 Swan Street Richmond - Further Acoustic Referral Comments from SLR Consulting

noise logging data we may be able to provide a more informed opinion on this, but without that information we are taking a worst case / conservative approach.

- 3. Re. background levels at 19 Botherambo St - MDA comment that background levels we quoted were particularly old. We agree, but there have been no recent representative background levels conducted in front of this dwelling that we can refer to. MDA quote their tests from a Saturday night in November 2016, which were undertaken while there was still significant activity from the Botherambo Bar, between 22:45h and 23:00 h (which is much earlier than the 1 am proposed finished time). The logger location also looks to be close to the Botherambo Bar (and rooftop plant). We do not believe we have appropriate representative data to make a judgement of what background levels are currently in front of this dwelling. It is recommended that attended measurements be conducted in front of this dwelling on a calm, dry night, between midnight and 1 am, early in the week.
- 4. MDA comment that the patron noise targets are not 'hard limits'. While we agree that some flexibility can be adopted on whether targets should be formal hard limits, the assessment should aim to comply with the identified targets (especially when the determination of the targets does not represent the most conservative approach – i.e. averaging background over a number of nights). The proposal is to extend outdoor operations well into the critical night period, 7 days a week, and has the potential to cause significant amenity and sleep disturbance impacts if appropriate conservative targets are not adopted.

Feel free to call and discuss.

Rgs Jim



Jim Antonopoulos

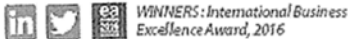
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Attachment 5 - PL04/1136.05 - 57-61 Swan Street Richmond - Referral Comments from Council's Engineering Services Unit



MEMO

To: Nicholas Muhllechner
From: Mark Pisani
Date: 19 April 2018
Subject: Application No: PL04/1136.05
 Description: Increase in Patron Numbers at The Corner Hotel
 Site Address: 57-61 Swan Street, Richmond

I refer to the above Planning Application received on 7 March 2018 and the accompanying report prepared by TTM Consulting (Vic) in relation to the proposed amendment at 57-61 Swan Street, Richmond. Council's Civil Engineering unit provides the following information:

CAR PARKING PROVISION

Amended Proposal

Under the provisions of Clause 52.06-5 of the Yarra Planning Scheme, the amended proposal's parking requirements are as follows:

| Proposed Use | Quantity/ Size | Statutory Parking Rate | No. of Spaces Required | No. of Spaces Allocated |
|--------------|----------------|---------------------------------|------------------------|-------------------------|
| Tavern | 200 patrons | 0.4 spaces per permitted patron | 80 | 0 |

The submitted report uses the parking rate of Place of Assembly, (0.3 spaces per patron permitted) which would result in 60 patrons. However, the previous parking assessment of the Corner Hotel in 2012 had used the rate for a tavern.

According to the information provided, the application to amend the permit seeks the extending of trading hours of the roof deck and dining room from 11:30pm to 1:00am; and increasing patron numbers from 750 persons to 950 persons on Friday and Saturday evenings and on eves of public holidays (from 12:00am to 1:30 am) and then reverting back to 750 patrons.

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 Increase in Patron Numbers.* To ascertain the likely parking demand to be experienced by the increase in patron numbers, TTM Consulting had conducted a travel mode survey of patrons at the hotel on Friday 16 September 2016 between 6:30pm and 12:30am (coinciding with a major sporting event at the Melbourne Cricket Ground). Some 336 patrons were surveyed (a good sample size for statistical purposes). The survey identified the travel modes for both arrivals and departures. Public transport and Uber use accounted for the majority and travel to and from the hotel for patrons surveyed. The survey data indicates that

Attachment 5 - PL04/1136.05 - 57-61 Swan Street Richmond - Referral Comments from Council's Engineering Services Unit

for arrivals and departure travel modes at the hotel, the use of a car (as driver) accounted for 8.93% and 7.74% respectively.

Assuming a parking rate of 0.09 spaces per patron, the parking demand for the increase in patrons would equate to 18 spaces.

- *Availability of Public Transport in the Locality of the Land.* The site is very well positioned to all forms of public transport. The site is a few minutes' walk to the Richmond railway station, trams services along Swan Street and bus services operating along Punt Road.
- *Multi-Purpose Trips within the Area.* Patrons might combine their trip to the hotel by visiting other venues, cafés or restaurants whilst in the area. It is possible that persons attending major sporting or entertainment events just west of Punt Road may also visit the hotel.

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:

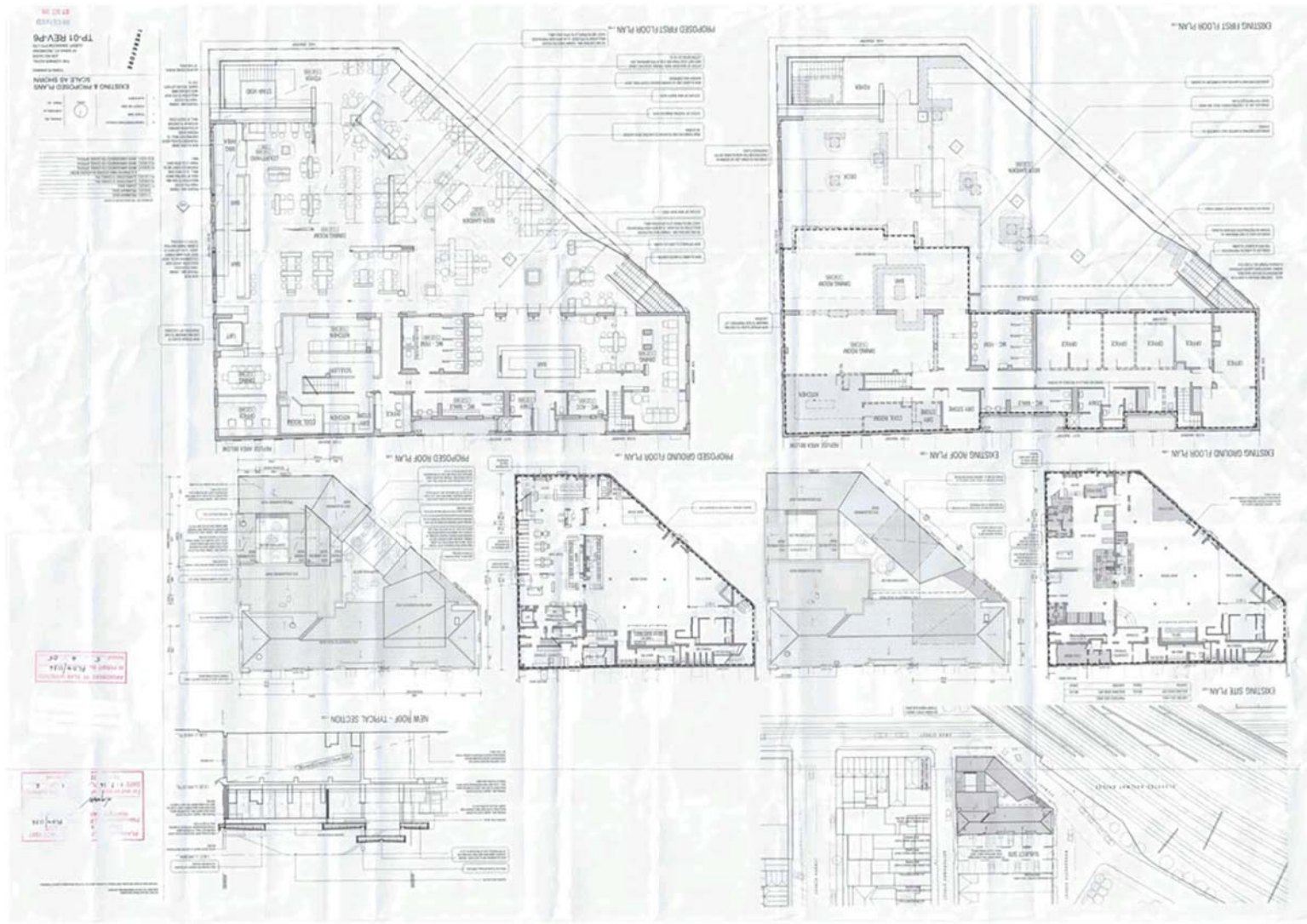
- *Availability of Car Parking.* Although the level of on-street in this part of Richmond and Cremorne is very high, the likely parking demand of 18 spaces associated with increased patron numbers should not be critical to the overall on-street parking throughout the area.
- *Relevant Local Policy or 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 transport alternatives and the reduced provision of on-site car parking would potentially discourage private motor vehicle ownership and use.

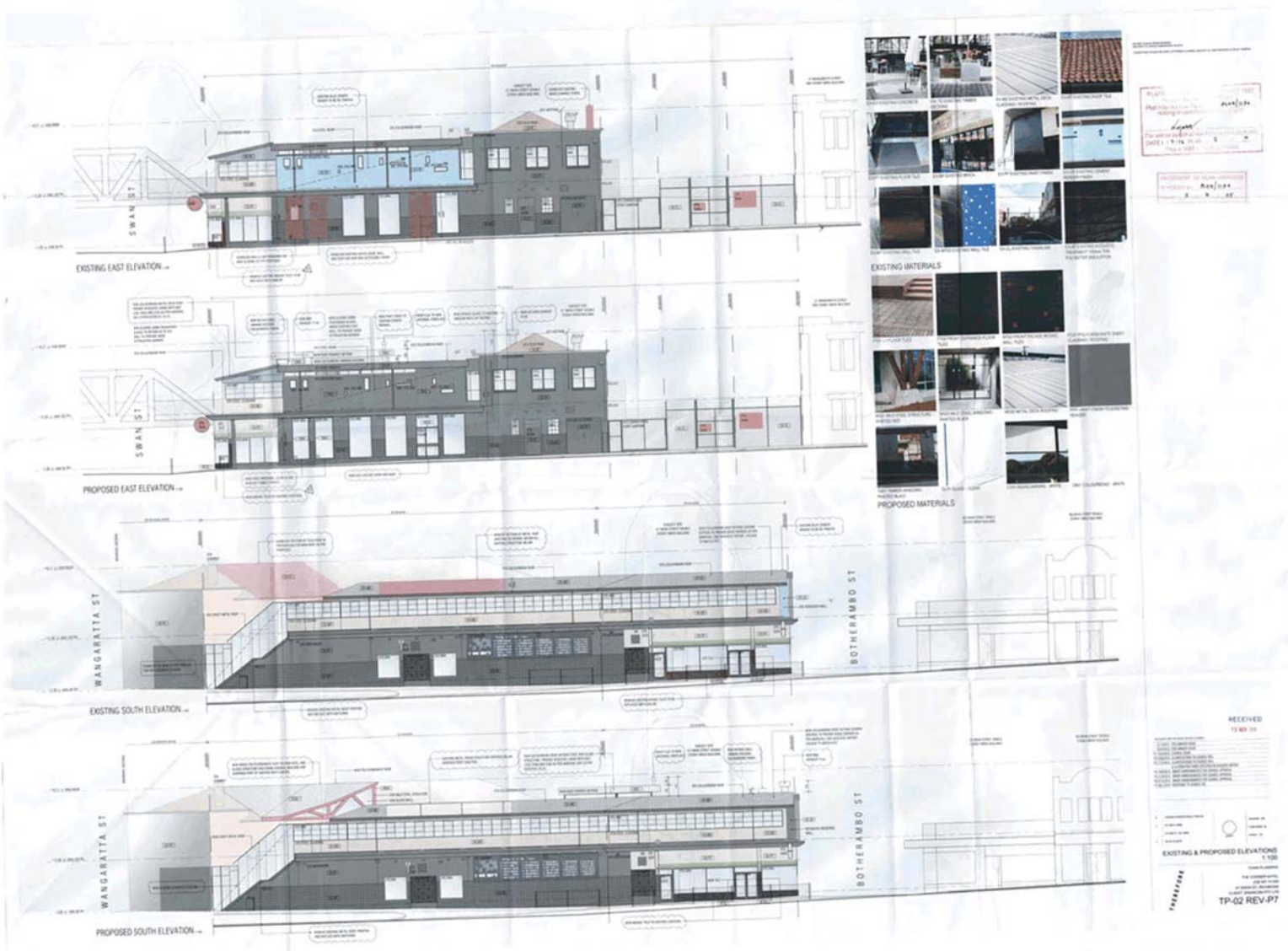
Adequacy of Car Parking

From a traffic engineering perspective, the waiver of parking associated with the increase in patron numbers and the extending of hours is considered appropriate in the context of the site and the surrounding area. The majority of patrons would elect to take travel modes other than private motor vehicle.

Council's Civil Engineering unit has no objection to the reduction in the parking requirement for this site.

Attachment 6 - PL04 1136 - 57 - 61 Swan Street Richmond - Endorsed plans (scanned) 1





Noise and Amenity Action Plan

**CORNER HOTEL
57 SWAN STREET
RICHMOND**

January 2018 - PROPOSED

NAAP (Draft) - February 2018 (clean)

Attachment 7 - PL04/1136.05 - 57-61 Swan Street Richmond - Noise and Amenity Action Plan

INTRODUCTION

This Noise and Amenity Action Plan establishes a series of proposed conditions for the overall Management and operation of the Corner Hotel having regard to the amenity of the area, as well as Planning Permit and Liquor Licence conditions.

The Corner Hotel is located at 57-61 Swan Street, Richmond, Victoria, and operates amongst a number of other licensed premises, including late night premises, in the vicinity of the Richmond train station.

A copy of the liquor licence setting out the hours of trade, permissible patron numbers and other conditions is **attached** to this plan.

The Corner Hotel is licensed to supply liquor from 7am to 3 am Monday to Saturday, and from 10 am to 1am on Sunday. On the first floor, liquor must cease to be supplied from 1am on any day.

The Corner Hotel offers patrons meals, consumption of liquor and entertainment, including live bands, 7 days a week. Live music is provided at the Corner Hotel, on average, four (4) nights per week throughout the year. DJ's are provided most Friday and Saturday nights in the front bar of the Corner Hotel. DJ's cease at 3am on these nights.

This Noise and Amenity Action Plan consists of the following sections:

- The area covered by the Noise and Amenity Action Plan.
- Potential amenity issues, security and operational matters.
- Procedure for the implementation of the Noise and Amenity Action Plan.

Attachment 7 - PL04/1136.05 - 57-61 Swan Street Richmond - Noise and Amenity Action Plan

(A) AREA COVERED BY NOISE AND AMENITY ACTION PLAN

This Noise and Amenity Action Plan relates to the area of land which incorporates the subject land at 57-61 Swan Street, Richmond, the area in front of the venue in Swan Street and the areas on either side of the venue, namely Stewart Street, Wangaratta Street, and Botherambo Street. It also includes the car park at the rear of the premises.

(B) AMENITY ISSUES AND OPERATIONAL MATTERS

The object of this Noise and Amenity Action Plan is to ensure that the operation of the Corner Hotel does not unreasonably affect the amenity of the surrounding area. The matters and objectives set out in this Noise and Amenity Action Plan will work in conjunction with the existing, or any future conditions or requirements set out in the Planning Permit for the subject premises and any existing or future conditions or requirements set out on the Liquor Licence for the subject premises.

• GENERAL MANAGEMENT AND OPERATIONAL MATTERS

To ensure the operation of the Corner Hotel does not detrimentally affect the amenity of the area, the following Management conditions will apply to the operation of the venue.

- 1) The venue will provide security personnel pursuant to any liquor licensing conditions.
Security personnel will monitor the front of the venue in the immediate vicinity of the premises and conduct patrols around the perimeter of the venue, including the rear car park, as required. Patrols will have a particular emphasis on ensuring patrons dispersing the venue are not causing a detriment to the surrounding area by way of noise or litter.

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- II) CCTV surveillance to internal bars, dancefloor and external areas, (including the car park at the rear of the venue) will be provided and images will be kept on file for one month.
- III) Appropriate lighting to the Swan Street entrance and Hotel car-park will be provided for the safety of patrons.

The Corner Hotel has timer controlled external flood lighting around the exterior of the premises, including over the Swan Street patron entrances, and in the car park. The lighting is set to turn on at sunset, and remains on until approx. 4 am.

Management will ensure the following:

- (i) Compliance with the conditions set forth on the Liquor Licence. In the roof top courtyard patron numbers will be monitored to ensure limitations are adhered to at all times. This will be controlled by the manager on duty, or security when present.
- (ii) The Licensee shall ensure that any nearby resident is, on request, given the Licensee's phone number to be used if patrons leaving the premises create a disturbance.
- (iii) If any disturbance arising as a result of the operation of the premises cannot be promptly controlled by the licensee's staff or security personnel, the licensee shall call the police for assistance where appropriate.

• **QUEUING OF PATRONS AND PATRON NUMBERS**

- (iv) The Management of the Corner Hotel will maintain satisfactory queuing arrangements at any entrance to the venue. This arrangement should utilise a defined section of the footpath along

Attachment 7 - PL04/1136.05 - 57-61 Swan Street Richmond - Noise and Amenity Action Plan

the building line and in particular will maintain pedestrian access along the footpath of Swan Street frontage of the premises. Queuing will be controlled by security personnel and corralling (bollards and ropes) as required.

In general, Patrons queuing for entry to band room will be located to the west of the building and patrons queuing for the main entrance and rooftop bars will be located to the east of the building, with care taken to avoid patrons obstructing the street or footpath.

- (v) Management will generally permit patrons to enter the premises via the front entries to Swan Street and as appropriate via the stairwell on Stewart Street, with other exits to be for emergency, staff or loading purposes as required. When entertainment is being provided, bands and staff will utilise the Wangaratta Street exit for loading and unloading. This door will remain off limits to the general public and will only be opened when there is a break between performances for the purpose of access and egress by bands and staff.

- (vi) Management of the venue will maintain a running count of the number of patrons within the premises at any one time through the use of a manually operated counting device at the doorway to the premises and ticket sales, or such other means of measurement as is appropriate. On Friday and Saturday evenings, no more than 950 patrons will be permitted on the premises until 1.30am and no more than 750 after 1.30am. It is noted that the licensee can supply liquor on the first floor until 1:00am and then have the benefit of a 30 minute grace period to ensure the orderly egress of patrons.

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- (vii) The running count of the number of patrons within the premises as measured at the entrance to the premises shall be made available to any authorised officer of the Responsible Authority or Compliance Directorate. In the event of the venue reaching capacity downstairs, patrons exiting the rooftop bar at 1am will be required to queue at the main entrance if necessary in order to manage patron levels inside the venue. They will be directed to queue in an orderly fashion along Swan Street and Botherambo Street.

- **PATRON BEHAVIOUR AND RESPONSIBLE SERVICE OF ALCOHOL**

The venue will at all times comply with the *Liquor Control Reform Act 1998* in the management of patrons deemed to be intoxicated, drunk or disorderly, and in particular as follows:

- (viii) Staff shall monitor patron behaviour, in the rooftop courtyard to ensure that the area and the amenity of the neighbourhood is not disturbed by excessive noise emanating from this area. There will be no live amplified entertainment or discotheque entertainment other than background music in the rooftop courtyard at any time.
- (ix) All staff at the Corner Hotel engaged in the service of alcohol must have complete Responsible Service of Alcohol training within a month of the commencement of their first shift. A register of RSA certificates, and completed RSA refresher courses, for all staff engaged in the serving of alcohol is maintained on premises.
- (x) The venue acknowledges the importance of a food offering as a measure to reduce alcohol intake and to reduce the risks of harm associated with excessive consumption of alcohol. The venue proposes to have food available for consumption on the premises

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up until the conclusion of trade in all internal dining areas on the first floor. Subject to discretion of management the venue will generally take food orders up until one (1) hour prior to closure of the first floor bar.

• PATRON DISPERSAL AND TRANSPORT

The venue recognises the importance of assisting patrons to get home safely and quietly and with due regard to its neighbours in the surrounding area.

With respect to the provision of transport in the area:

- (i) Richmond Railway Station is a 2 minute walk and within 150 metres of the venue. The station is accessible by foot along Swan Street and can be reached without passage through sensitive or residential areas.
- (ii) There are tram services available along Swan Street and Church Street, and bus services along Punt Road.
- (iii) There are train or tram services generally running from 5:00am until after 2:00am Sunday through Thursday, with all night services on Friday and Saturday nights. Bus services typically run until 9:00pm on any given day.
- (iv) Taxi services operate from a designated 'Taxi Zone' in front of the venue on Swan Street.
- (v) Uber services have a designated patron collection area on Wangaratta Street.

The venue notes the rise in use of Uber as a preferred form of private transportation, with the particular benefit that patrons may 'book' an Uber while they are inside the venue and are advised once their transport has arrived. Based on a study conducted by the venue in September 2016 26% of patrons departed the venue using Uber; we anticipate this has since increased. The venue encourages the use of forms of transport that

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reduce the impacts on the amenity of the area caused by patrons loitering or walking through residential areas.

Security employees of the Corner Hotel shall ensure that patrons leaving the premises act in an orderly and proper fashion. Security employees shall discourage patrons from loitering in the vicinity of the entry to the venue and direct them towards transport options and away from residential areas.

When undertaking patrols of the surrounding area Security staff are instructed to observe for disruptive behaviour by patrons departing the premises by way of noise, litter or otherwise. Security staff and managers will whenever possible carry two-way radios to maximise their ability to control patrons.

- **MUSIC NOISE EMISSION CONTROL**

The noise generated from the operation of the Corner Hotel shall at all times comply with the standards set out in the State Environment Protection Policy N-2 (Control of Music Noise from Public Premises).

The venue has installed and maintains a noise limitation or sound attenuation equipment set at a level by a qualified acoustic engineer so that the escape of amplified music noise is limited or restricted to comply with the E.P.A. N2 condition. This equipment is contained in a lockable unit so that it is only accessible by a qualified and experienced acoustician, the licensee or the Responsible Authority.

- **COMPLAINTS**

All complaints in relation to Hotel operations that cannot be resolved immediately are to be referred to the Duty Manager for appropriate attention. Complaints will be handled by Management in a timely and efficient manner. Any complaint and action taken will be recorded in a

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complaints log, which entry will detail any and all action taken to resolve the issue.

All details of the complaint and action taken will be recorded in the security register and /or the venue management communications log.

- **COMMUNICATION**

The Management of the Corner Hotel must be available to assist any officer from the City of Yarra investigating a disturbance in an effort to rectify any problems arising from the use of the premises. The telephone number for the Management of the Corner Hotel shall be supplied to the Planning Department of the City of Yarra.

- **CLEANING OF AREA**

Management of the Corner Hotel shall ensure that the area surrounding the venue is cleaned by staff of the premises no later than 4am on the morning following when the premises have operated. This includes cleaning of doorways of premises in the immediate vicinity of the venue where appropriate.

Waste will be disposed of in appropriate recyclable bins at the close of business each night the venue is in use. Waste will be deposited quietly in the appropriate bin/waste areas so not to cause effects to the amenity of the area. Waste is stored in an enclosed area at the rear of the building. After 10 pm waste is emptied into garbage bins inside the premises and then taken out to the waste storage area. 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

Attachment 7 - PL04/1136.05 - 57-61 Swan Street Richmond - Noise and Amenity Action Plan

All external litter created from the operations of the venue will be cleared by the end of night by the venue, ensuring rubbish and promotional materials are not left in the precinct or surrounding areas.

All efforts will be made to ensure that collection does not interrupt the amenity of the area. Garbage collections are scheduled for Tuesday and Friday Garbage collections are restricted between 7.00am and 8.00pm on any day.

- **SIGNAGE**

Appropriate signage as required by the Liquor Control Reform Act 1998 and the Liquor Licence will be displayed at all times.

Management also undertake to display signage requesting patrons respect the amenity of the neighbourhood and amenity of the area.

- **STAFFING LEVELS**

Management: At least one duty manager is present at all times that the Venue is open. On weekends and busy nights there is a manager present in each operating area of the venue.

Security Staff: The venue will provide security personnel pursuant to any liquor licensing conditions. Additional security staff may be rostered at other times as appropriate and at the discretion of Management.

Bar staff are in attendance approximately as follows:

- Front bar 1-4 staff;
- Band room 2-7 staff;
- First floor bar 1-9 staff; and
- Floor staff: up to 10 at times of peak operations on Friday and Saturday

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Staffing numbers are indicative only and subject to the discretion of Management in any given circumstance.

(C) PROCEDURE FOR THE IMPLEMENTATION OF THE NOISE AND AMENITY ACTION PLAN

This Noise and Amenity Action Plan relates to the proposed operation and use of the Corner Hotel and should be read in conjunction with any Planning Permit and/or Liquor Licence issued in relation to the premises.

Management of the Corner Hotel and the Council shall consult as required to discuss the operation of this Noise and Amenity Action Plan and proper modification to the plan to ensure the aims of the Plan continue to be met.

Management will also remain an active participant of the City of Yarra Licensee's Accord.

**Attachment
Corner Hotel, Richmond – Liquor Licence**

Attachment 7 - PL04/1136.05 - 57-61 Swan Street Richmond - Noise and Amenity Action Plan

Late night (general) Licence

Licence No. 31903845

Subject to the provisions of the Liquor Control Reform Act 1998 and any conditions specified in the licence, the licensee is authorised to supply liquor up to and including 31 December 2016

| | | | |
|--------------------------------|---------------------------------|---------------------------|---------------------------------|
| Licensee | SWANCOM PTY LTD | | |
| Address for service of notices | 57 SWAN STREET RICHMOND 3121 | Licensed premises address | 57 SWAN STREET RICHMOND 3121 |
| Trading as | CORNER HOTEL | | |

Additional person(s) endorsed on licence

TIMOTHY JAMES NORTHEAST - approved as nominee, and is liable as if the licensee, until ceasing to manage and control the licensed premises.

TYPE OF LICENCE

This licence is a late night (general) licence and authorises the licensee to supply liquor on the licensed premises for consumption on and off the licensed premises during the trading hours specified below.

AMENITY

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 the licence relates during or immediately after the trading hours authorised under this licence. The licensee shall ensure that the level of noise emitted from the licensed premises shall not exceed the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.

The licensee shall install and maintain at the licensed premises, noise limitation or sound attenuation equipment set at a level by a qualified acoustic engineer so that the escape of amplified music noise is limited or restricted to comply with the E.P.A. N2 condition. Such equipment to operate in a way that if the levels are exceeded the power supply to the amplification equipment is cut off.

ENTERTAINMENT

There is to be no live or amplified music or entertainment in external areas at any time. Music in the dining room and beer garden is permitted at background noise levels only.

SECURITY

When live or recorded amplified music is being provided on the premises:

The licensee shall engage a crowd controller licensed under the Private Security Act 2004 to be present on the street outside the licensed premises to monitor the behaviour of patrons arriving at and departing from the premises and to enforce dress code and age requirements from 1 hour prior to the commencement of entertainment until 1 hour after entertainment ceases.

The licensee shall provide adequate security in the premises calculated at the ratio of 2 crowd controllers licensed under the Private Security Act 2004 for the first 100 patrons and 1 crowd controller licensed under the Private Security Act 2004 for each additional 100 patrons or part thereof.

A surveillance recording system able to clearly show individuals shall be installed and maintained which shows time and date and provides continuous images of the main entrance, bars and entertainment/dance floor areas. The surveillance recording system must operate when the premises is open for trade until 30 minutes after closure. A copy of the recorded images must be available upon request for immediate viewing or removal by Victoria Police or a person authorised in writing by the Victorian Commission for Gambling and Liquor Regulation, or otherwise retained for at least one month. The positioning of cameras is to be to the satisfaction of the Licensing Inspector.

Signs, as described, are to be displayed in all areas subject to surveillance. Such signs shall read: "For the safety and security of patrons and staff this area is under electronic surveillance".

SPECIAL CONDITIONS

After 10 p.m. no persons are to depart the licensed premises using doors exiting onto Botherambo Street.

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Late night (general) Licence

Licence No. 31903845

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CONDITIONS OF LICENCE (Continued)

At all times the licensee must ensure that there is performed and observed all of the procedures and conditions set out in the "The Corner Hotel Security and Patron Management Plan dated ~~November 2012~~ to be updated" which must be retained on the premises and made available to a member of Victoria Police or a person authorised in writing by the Victorian Commission for Gambling and Liquor Regulation upon request.

The licensee must install signage at all exits, with words in prominent capital letters, to the effect of "Please respect our neighbours and leave the area quietly."

MAXIMUM CAPACITIES
 On Friday and Saturday -
 Until ~~midnight~~ 1:30am - 950 patrons
 Thereafter - 750 patrons

On any other day -
 750 patrons

No more than 400 patrons are permitted in the first floor beer garden and dining room at any time and on any day.

TRADING HOURS
 FOR CONSUMPTION OFF THE LICENSED PREMISES -
 Sunday Between 10 a.m. and 11 p.m.
 Good Friday & Anzac Day Between 12 noon and 11 p.m.
 On any other day Between 7 a.m. and 11 p.m.

FOR CONSUMPTION ON THE LICENSED PREMISES -
 Sunday Between 10 a.m. and 1 a.m. the following morning.
 Good Friday and Anzac Day Between 12 noon and 3 a.m. the following morning.
 On any other day Between 7 a.m. and 3 a.m. the following morning including the mornings of Good Friday & Anzac Day.

Notwithstanding the trading hours stated above, trading must cease at ~~11:30 p.m.~~ 1:00am in the beer garden on any day.

End of Conditions - Printed on 03/09/2016