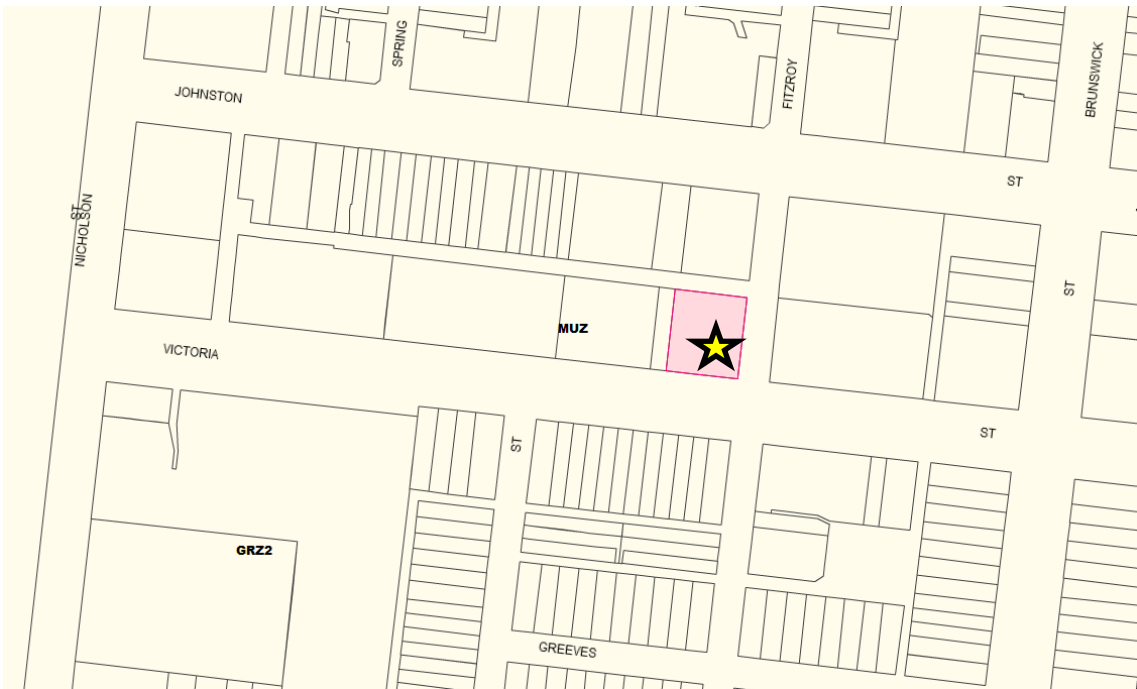
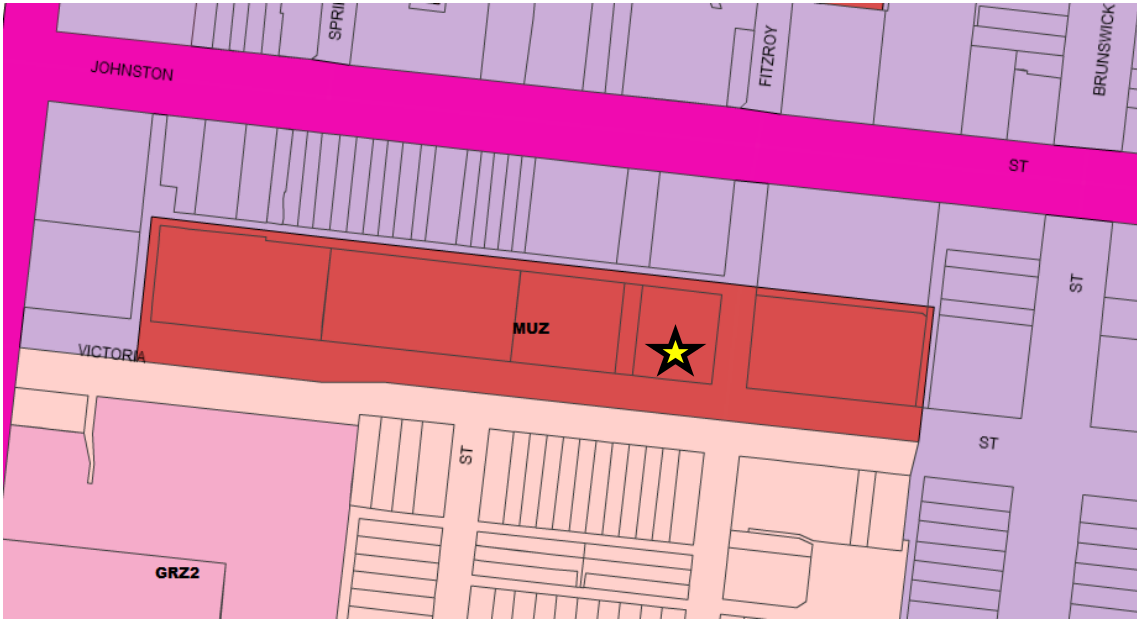


Attachment 1 - PL07/0761.02 - 69 - 73 Victoria Street Fitzroy - ATTACHMENT 1 - Site plan 69 - 73 Victoria Street Fitzroy

ATTACHMENT 1

SUBJECT LAND: 69–73 Victoria Street, Fitzroy



↑ North

★ Subject Site



22 May 2018

640.10090.05350 69-73 Victoria St Fitzroy 20180523.docx

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

Attention: Robert Galpin

Dear Robert

**79-73 Victoria Street, Fitzroy
Development Application Acoustic Review
PLN07/076**

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the acoustic assessment report for the existing restaurant at 79-73 Victoria Street, Fitzroy.

Details of the report are as follows:

- Title: Wa Kenbo: 69-71 Victoria Street, Fitzroy – Town Planning Response
- Date: 3 April 2018
- Prepared for: Wa Kenbo
- Prepared by: Renzo Tonin & Associates Pty Ltd (RTA)

The report has been prepared to support the application for an extension of operating hours.

1 Background Information

(Sections 2 to 3 of the acoustic report)

The acoustically significant aspects of the venue and proposed changes are summarised below:

- The venue is a licensed restaurant that has apartments directly above.
- The existing and proposed operating hours are:
 - Existing: to 10 pm all nights
 - Proposed: to 11 pm all nights
- The existing and proposed patron numbers are:
 - Existing: 35 indoors and 14 outdoors (pavement dining)
 - Proposed: 46 indoors, outdoor tables not proposed to be used after 10 pm
- Background music is played within the venue.
- There are no outdoor areas apart from the pavement associated with the use.

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www.slrconsulting.com ABN 29 001 584 612

Attachment 2 - PL07/0761.02 - 69 - 73 Victoria Street Fitzroy - Acoustic consultant Report

- The nearest noise sensitive receivers are identified as apartments directly above the restaurant and single and two storey dwellings to the south.

SLR Comments: *The proposed use and context is generally well described and the noise sensitive receivers have been identified.*

Potential noise impacts from the use are not given in this section of the report, however the following sources have been considered: mechanical plant; music; patrons within the restaurant; impact noise from within the restaurant (e.g. furniture scraping along floors) and deliveries and waste collection.

Noise from patrons and staff departing the restaurant has not been considered. As this is proposed to take place during the night period, impacts from this source should be considered.

From discussion with RTA we understand that the restaurant has changed hands, and that the new owners are in the process of renovating that space. As part of those works a suspended plasterboard ceiling is being installed, and the floor finish upgraded.

2 Background Noise Levels

(Section 4 of the report)

Background noise logging undertaken as part of a different application has been used to characterise the acoustic environment. The logger location was on the roof of the building at 105 Victoria Street, approximately 26.5 m above ground level.

The measured background noise level during the night period was 51 dBA L90.

SLR Comments: *The measurement location is unlikely to be representative of the noise environment at noise sensitive receivers closest to the restaurant, which are at the ground level (stand-alone dwellings) and on level 1 (apartments within the development).*

As the application is for operation during the 10 pm to 11 pm period all nights of the week, it would be appropriate to measure background noise levels between those hours, one night early in the week, in order to characterise the acoustic environment at times when background levels are at their lowest and the use may cause the greatest nuisance.

The measured background noise levels have not, however, been used to determine noise limits for the use.

3 SEPP N-1 Noise Limits

(Section 5.1 of the acoustic report)

The SEPP N-1 limits for the area have been calculated taking into consideration land use zoning. The high measured background noise levels have not been used to establish high noise limits.

The critical limit for this assessment is the 'night' limit, which is identified as 46 dB Leq.

SLR Comments: *Our calculations of SEPP N-1 limits for apartments within the development are comparable to RTA's. Lower zoning levels would apply to receivers on the southern side of 72 Victoria Street, however this receiver location is unlikely to drive the assessment.*

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4 Patron Noise Impacts

4.1 Assessment Criteria

(Section 5.1.3 of the acoustic report)

Patron noise is proposed to be assessed to SEPP N-1 and to sleep disturbance targets of 50-55 dBA internally with windows partially open. This is noted to equate to approximately 60-65 externally.

SLR Comments: *We agree that assessment of patron noise to SEPP N-1 externally can provide a reasonable amenity outcome. The nominated Lmax targets are also reasonable.*

4.2 Patron Assessment

(Sections 5.2 and 5.3 of the acoustic report)

A numerical assessment of patron noise impacts is not provided. RTA state that impacts to stand alone dwellings will be minimal due to the high background noise levels in the area, and the distance between the restaurant and the nearest homes (at least 20 m).

Impacts to dwellings within the building is noted to be mitigated by the building floor / ceiling construction (described as concrete with a suspended plasterboard ceiling); by the small windows to apartments, and the proposed noise management plan which will require doors to be kept closed after 10 pm.

RTA also observe that the purpose of the extended patron hours is to allow later dining rather than to move the venue into tavern style operations.

SLR Comments: *We agree that patron noise from within the venue is unlikely to exceed SEPP N-1 limits provided doors are closed, as proposed.*

Noise from patrons and staff leaving the restaurant has not been considered and, given that the application will potentially move this noise source later into the night period, consideration of impacts should be provided. By our calculations noise from patrons departing has potential to exceed the external target of 65 dBA Lmax outside openable windows of the apartments above the restaurant.

It is of consideration that the restaurant is not on a main road, and that background noise levels are likely to be lower than RTA have measured. In this environment, noise from patrons departing during the later closing hours may cause nuisance.

We note that patron noise on the street can only be controlled through management strategies and / or via permitted operating hours.

5 Music Noise

5.1 Criteria

(Section 5.1.2 of the acoustic report)

Music noise is proposed to be assessed to SEPP N-2. SEPP N-2 A-weighted and octave band base noise limits are provided in Tables 7 and 8 of the report. The limits are based on the background noise data obtained at 26 m above ground level.

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Any music noise transmitted through the common floor / ceiling to the apartment above is proposed to be assessed to SEPP N-2 base noise limits until such time as background noise levels are measured within the apartment.

SLR Comments: *We agree that music is assessable to SEPP N-2 but do not agree with the background based noise limits nominated in the report. Lower limits are likely to apply if background noise measurements were conducted at the locations of the potentially most impacted receivers.*

5.2 Music Assessment

(Section 6 of the report)

A numerical assessment of music noise is not provided. Recorded music is proposed to be played at background levels only, and RTA state that music within the restaurant should not exceed 67 dBA Leq.

The specified level of music is predicted to comply with SEPP N-2 limits at all locations.

SLR Comments: *Given that the restaurant is currently operating it would have been preferable to measure existing music levels to demonstrate that they are consistent with the level specified by RTA. However, we agree that music played at the proposed level will comply with SEPP N-2 at all noise sensitive locations provided doors and windows are kept closed, and the proposal to play background level music only does not appear inconsistent with the use.*

6 Mechanical Plant Noise

(Sections 5.1.1 and 6 of the report)

Noise from mechanical plant is proposed to be assessed to SEPP N-1.

Potential sources of plant noise are identified as the air conditioning condenser units, which are located in the carpark, and the kitchen exhaust fan, which is ducted to the roof.

The condenser units are not considered in any detail by RTA due to their shielded location.

Regarding the kitchen exhaust fan, RTA observe that the fan is ducted through the building, is not overlooked by any apartments and has not, to their knowledge, generated complaints about noise. On these grounds an assessment of noise from the unit has been determined unnecessary.

SLR Comments: *The proposed extension of operating hours pushes operation of mechanical plant from the 'evening' period, into the 'night' period, when more stringent noise limits apply. Typically we would expect a full assessment of any plant and equipment if the noise limits change as part of the application.*

In this instance, the critical assessment location appears to be apartments below the fan discharge and the private open spaces of upper level apartments. Our indicative calculations suggest that there is potential for noise from a kitchen exhaust fan to be non-compliant with the identified noise limit on the closest balcony and within the apartment below the fan (assuming a lightweight roof / ceiling construction).

We would like further assurance that noise from the fan will comply with the SEPP N-1 night limits. Possible approaches include:

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- *Measurement of fan noise both in an apartment below the installation and in the nearest private open space (preferred method), or*
- *Measurement of fan noise on the roof of the building, and calculation of noise to the receiver, or*
- *Sourcing the sound power data for the specific fan and calculation of noise to the most sensitive receiver locations, or*
- *Written feedback from the Body Corporate stating that there noise from the fan does not cause nuisance.*

7 Floor Impact Noise

(Section 6 of the report)

Structureborne noise from impacts to the floor of the restaurant, transferred to apartments above, is addressed through the following:

- Installation of a 3 mm thick rubber underlay below the proposed tiled flooring.
- Installation of 3 mm thick rubber pads between any food preparation joinery and the building walls and floor
- Soft rubber feet to all moveable chairs and tables

SLR Comments: *The above advice addresses the issue of impact noise apartments above.*

8 Deliveries and Waste Collection

(Section 6 of the report)

It is proposed that deliveries and waste collection be carried out within the times set out in the EPA Victoria Publication 1254.

SLR Comments: *Agreed. In addition to the above bottles should not be deposited in external bins after 10 pm.*

9 Summary

A summary of our findings and recommendations with respect to the acoustic report provided for 69-71 Victoria Street, Fitzroy is provided below:

- Patron noise from within the venue is adequately addressed in the report.
- Noise from patrons and staff departing the restaurant has not been addressed. Given that the proposed extension of operating hours introduces additional patron movement during the 'night' period, there is potential for nuisance from this activity. The main issue is noise from people leaving to the apartments directly above. Later opening hours during the weekend period only, may be a reasonable compromise unless strategies can be put in place for managing impacts.
- Low levels of recorded music are proposed to be played within the restaurant and, while music has not been measured by the consultant, the proposed levels appear consistent with the operation, and compliance with SEPP N-2 appears likely.

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- The actual SEPP N-2 limits presented in the report are based on background noise levels measured at a more exposed location than the noise sensitive receivers. Whilst music noise is unlikely to be an issue on this application, we nevertheless recommend that these limits are removed from the report, as they are potentially misleading.
- An assessment of noise from mechanical plant has not been conducted because the plant is considered unlikely to cause nuisance. We would like further assurance on this matter, and particularly with respect to noise from the kitchen exhaust fan, given that the equipment is proposed to operate at a time when lower noise limits apply. Some options for addressing this issue include:
 - Assessment by measurement at the potentially most impacted receiver location (preferred option), or
 - Measurement on the roof and calculation to receiver locations, taking into consideration the building construction, or
 - Calculation from sound power data for the actual installed fan, or
 - Written statement from the Body Corporate that noise from the fan does not cause nuisance.
- Bottles should not be placed in externally located rubbish bins after 10 pm.

Yours faithfully,



Dianne Williams
Associate - Acoustics

Checked/
Authorised by: JA

Attachment 3 - 69 - 71 Victoria Street Fitzroy - Community Amenity Referral



MeMO

TO: Robert Galpin
cc:
FROM: Steve Alexander
DATE: 18/04/18
APPLICATION: PL07/0761.02
SUBJECT: Amenity Enforcement Referral

Dear Robert,

Thank you for your referral dated 18 April 2018 in relation to 69-71 Victoria Street Fitzroy.

I note this application is for an increase in patron numbers to 46 and a change of operating hours from 10pm to 11pm. I also note the proposed 'use' change.

The Compliance branch has not received any amenity related complaints and given the hours proposed are no later than 11pm the Compliance branch doesn't have concern in relation to the proposal.

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

Regards,

A handwritten signature in black ink, appearing to read "Steve Alexander".

Steve Alexander
Coordinator – Civic Compliance