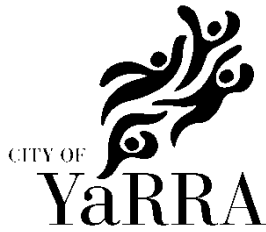


Attachment 1 - PLN17/0301 - 278 Gore Street Fitzroy - Engineering comments



MEMO

To: Lara Fiscalini
From: Artemis Bacani
Date: 10 August 2017
Subject: **Application No:** PLN17/0301
Description: Place of Assembly (Function Centre) – Reduction in the Car Parking Requirement
Site Address: 278 Gore Street, Fitzroy

I refer to the above Planning Application received on 20 July 2017 in relation to the proposed development at 278 Gore Street, Fitzroy. Council's Engineering Services unit provides the following information:

CAR PARKING PROVISION

Proposed Development

Under the provision of Clause 52.06-5 of the Yarra Planning Scheme, the development's parking requirements are as follows:

Proposed Use	No.	Statutory Parking Rate	No. of Spaces	No. of Spaces Allocated
Place of Assembly (Function Centre)	40 patrons	0.3 spaces to each patron permitted	12	3

The Priority Planning report dated 18 April 2017 indicates that the site would contain five car spaces within the basement garage; however, only three car spaces are shown on the plans.

As part of the car parking assessment for this development, three car spaces will be considered.

Therefore, a waiver of nine car spaces 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 Associated with the Place of Assembly.*
Car parking associated with the function centre is essentially short-stay parking for patrons and long-stay parking for staff.

At a VCAT hearing (VCAT case P2915/2012), the Tribunal had accepted a rate adopted by SALT Traffic Consultants for a function centre in South Yarra with a rate of 0.2 spaces per patron. Applying this rate to the proposed development would generate a parking demand of

Attachment 1 - PLN17/0301 - 278 Gore Street Fitzroy - Engineering comments

eight spaces. Given the area’s coverage of short-stay parking spaces, patrons who choose to drive to the site should be able to find an on-street parking space in the surrounding streets. In addition, some businesses in the area are unlikely to be operating after 5pm. This would free-up some of the on-street spaces in the area and allow patrons to find an on-street parking space near the site.

- *Availability of Public Transport in the Locality of the Land.*
The site is within walking distance of tram services along Smith Street and Brunswick Street. Bus services on Johnston Street could easily be accessed by foot.
- *Multi-Purpose Trips within the Area.*
Patrons to the site might combine their visit with other activities or business whilst in the area.
- *Convenience to Pedestrian and Cycling Access to the Site.*
The site has convenient pedestrian access to shops, businesses. The site also has good connectivity to the on-road bicycle network.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand

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

- *Availability of Car Parking.*
Although the level of on-street parking in the area is very high, the streets surrounding the site contain time restricted parking controls (1P, 2P, and 4P) to ensure that parking turns over frequently.
Patrons to the site should be able to park on-street in the surrounding road network .
- *Access to or Provision of Alternative Transport Modes.*
The site has very good accessibility to public transport and the on-road bicycle facility network. Car share pods are available within walking distance of the site and provide an alternative mode of transportation. A GoGet and a Flexicar car share pod is available in Gore Street and Otter Street, approximately 80-100 metres from the site.

Adequacy of Car Parking

From a traffic engineering perspective, the waiver of car spaces for the function centre should not result in an adverse impact on existing parking conditions in the area. The area’s coverage of short-stay parking and high parking demand would encourage staff and patrons to utilise public transport to the site.

Engineering Services has no objections to the reduction in the car parking requirement for this site.

DEVELOPMENT LAYOUT DESIGN

Layout Design Assessment

Item	Assessment
Access Arrangements	
Width of Right of Way	A site inspection revealed that the Right of Way along the eastern boundary of the site is approximately 3.01 metres wide.
Garage Entrance	The width of the doorway off the Right of Way is 5.576 metres. Off the 3.01 metre wide Right of Way, the doorway width is considered adequate to provide entry and exit for a B85 design vehicle.

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Vehicle Turning Movements	The swept path diagrams prepared by One Mile Grid demonstrate that a B85 design vehicle can satisfactorily enter and exit the garage off the Right of Way.
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Layout Design Assessment

Item	Assessment
Car Parking Modules	
Car Spaces	The car spaces are 2.6 metres wide by 4.9 metres depth and satisfy AS/NZS 2890.1:2004.

Design Items to be Addressed

Item	Details
Management of Car Spaces	The on-site parking would be managed by the patrons/owners at the function centre. The vehicle parked in the middle would need to be driven out of the site to allow a vehicle to exit or enter the space closest to Gore Street.

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



4 September 2017

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City of Yarra
PO Box 168
Richmond VIC 3121

Attention: Lara Fiscalini

Dear Lara

**278 Gore Street, Fitzroy
Planning Assessment 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 function centre proposed for 278 Gore Street, Fitzroy.

Details of the report are as follows:

- Title: Place of Assembly – 278 Gore Street, Fitzroy, Entertainment Noise Assessment
- Reference: Revision 1
- Date: 9 July 2017
- Prepared by: TTM Consulting Pty Ltd

1 Preliminary

(Sections 1 to 3 of the acoustic report)

The development site, proposal and nearest noise sensitive uses are identified in these sections of the report.

The function centre is proposed to be developed within an existing re-purposed church that has previously been converted into a function centre and three bedroom dwelling. The venue is proposed to host private functions and to operate on the ground floor only. Background style music only is proposed to be played within the space, and all music is proposed to be played through the existing (single small speaker) sound system. There is a courtyard to the rear (east) of the venue and this space may be used by patrons. The application is for up to 40 patrons.

The proposed hours of operation are:

- 9 am to 9 pm Friday and Saturdays
- 9 am to 8 pm Sundays

Noise sensitive uses are identified on all four sides of the venue, and are shown in Figure 2 of the report and described in Section 2.3.

SLR Comment: *The development and proposed use is adequately described and the nearest noise sensitive receivers have been identified. There are windows in the western façade of 126 Greeves Street (sensitive receiver No. 2) which appear to be on the first floor of that dwelling (and will potentially be exposed to noise from the rear of the venue). This information is not clearly indicated in the report, however TTM have confirmed that noise has been assessed to this location.*

2 Acoustic Issues and Noise Criteria

(Section 1 and 5 of the acoustic report)

The report has been prepared to address the issue of noise from amplified music to the nearest noise sensitive receivers. Music is proposed to be assessed to SEPP N-2.

Patron noise impacts are also considered, and have been assessed to sleeping areas within nearby dwellings. The identified target is 35 to 40 dBA L_{eq}.

SLR Comments:

TTM have identified the critical noise issues on the project. Assessment of music noise to SEPP N-2 is appropriate.

The criteria proposed for patron noise is not consistent with standard practice in the City of Yarra. Patron noise from new venues to existing dwellings is typically assessed to either:

- *SEPP N-1 criteria and methodology. While SEPP N-1 does not formally apply to patron noise it provides a useful and appropriate assessment tool.*
- *Marshall Day Acoustics (MDA) in-house criteria for patron noise, based on measured background noise levels. The relevant targets are:*
 - *Background + 10 dB for the evening period (6 pm to 10 pm all nights, Saturday afternoon and all day Sunday)*
 - *Background + 5 dB for the night period (after 10 pm)*

The background noise levels used for the purpose of setting background based noise limits should be derived from the quietest hour of the relevant assessment period. i.e. for a venue that proposed to operate up until 9 pm Friday and Saturday, background noise levels should be measured between 8 pm and 9 pm. (This is different to the SEPP N-1 methodology for determining background noise levels).

It is not clear whether the design targets proposed by TTM are intended to be met with windows open or windows closed. If the targets are to be met with windows open, the nominated noise targets may not be very different to those we have proposed.

3 Existing Noise Environment

(Section 4.2 and 4.4.1 of the acoustic report)

Ambient noise monitoring has been undertaken to determine existing background noise levels. The logger location is shown in the report, and is at the western façade of the subject building, overlooking Gore Street. Logging was undertaken for a period of 10 days, from 16 to 26 June 2017. Data obtained during wet weather has been excluded from analysis. Copies of the A-weighted noise level against time graphs are attached to the acoustic report.

The background noise levels presented in Section 4.4.1 of the report have been used to calculate noise limits in accordance with SEPP N-1 procedures.

Octave band background noise levels were measured between 8:45 pm and 9 pm on Tuesday 20th June 2017.

Attachment 2 - PLN17/0301 - 278 Gore Street, Fitzroy - SLR Acoustic Referral comments

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SLR Comments:

The monitoring location is generally appropriate. Slightly lower levels may be measured relative to 126 Greeves Street, as the western and southern facades of this dwelling are more shielded from local traffic. However, as local traffic appears reasonably light from the logging data, there is unlikely to be a significant difference.

The derivation of the background noise level using the procedure provided in SEPP N-1 is appropriate for SEPP N-1 assessments only. For SEPP N-2, and for patron noise assessments to background based targets, we would expect the lowest measured background noise level for the appropriate assessment period to be used. However, from our review of the logging data this will not make any significant difference to the noise limits (from the logging data the critical background noise level for the purpose of determining the evening noise limit is 38-39 dBA L₉₀, and the background noise level identified in the acoustic report for the evening period is 39 dBA L₉₀).

The octave band background noise data has been obtained during the evening period to set night noise limits. As the venue is not proposing to operate after 9 pm in the evening (which is the earliest time that the night noise limits will set in), octave band limits will only apply on weekend mornings (Saturday mornings until 10 am and Sunday mornings until midday).

It is not ideal to use evening background data to set limits for the morning period. It is also of consideration that the overall A-weighted level of noise used to determine octave band limits is 5 dB higher than the identified evening background noise level. We would generally expect the night background noise level to be equal or lower than the evening level.

However, octave band limits are unlikely to be critical on this project (music levels would seem unlikely to be high in the mornings). This issue may only require further consideration if the City of Yarra believes weekend morning events are likely.

4 Assessment of Music**4.1 Noise Limits**

(Section 5.1, 6.2 of the acoustic report)

The identified music noise limit is 44 dBA Leq, and is based on a measured background noise level of 39 dBA L₉₀.

Octave band night time limits (presumably for the Saturday and Sunday morning periods) are provided.

SLR Comment: *The identified day / evening noise limit is considered reasonable. The octave band limits may be high, however as indicated above, they would seem unlikely to be critical on this project.*

4.2 Predicted Noise Levels and Assessment

(Sections 4.3, 4.4.2 and 6 of the acoustic report)

On-site testing was conducted to determine the noise reduction between the venue and the surrounding residential area. The measurement locations are indicated in the report (Figures 4 and 5 and Table 2). Further clarification has been provided by TTM to SLR, with TTM confirming that measurements at Locations 2 and 5 were conducted on the fenceline, above the existing fence.

Music was played within the venue using the in-house loudspeaker installed in the approximate location that it is proposed to be used during functions. Concurrent measurements were conducted inside and outside the venue. The measured noise levels are presented in Table 2.

Based on the measured levels TTM advise that music should not exceed 73 dBA Leq measured 1 m from the loudspeaker, while windows and doors of the venue are open. Levels up to 81 dBA @ 1 m from the speaker are permitted when doors and windows are closed.

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Allowable octave band levels have been calculated for the night period, for the windows open and windows closed scenarios (Tables 7 and 8).

SLR Comment: *The identified day and evening noise limits look reasonable. The 'windows open' level of 73 dBA @ 1 m from the loudspeaker is very clearly a 'background' music level, and is likely to be below the level of speech within the venue. This limitation on the level of music that can be played needs to be clearly understood by the venue operator.*

The higher level calculated for the windows and doors closed scenario does not appear to take into consideration noise leakage via the rear doors of the venue, as people move between the outdoor patron area and the venue. If access to the courtyard is to be provided, we would advise against playing music at the higher noise levels unless compliance with SEPP N-2 can be demonstrated with the intervening door open for some of the time.

The identified allowable night noise levels are effectively higher than the evening noise limits. This is due largely to the relatively high background noise levels used for the night period. Until such time as octave band noise levels are measured during an appropriate time (e.g. Sunday morning, during calm weather conditions), we would recommend that the octave band levels used to determine noise limits are adjusted down by 5 dB, to correspond to the 'evening' background levels.

4.3 Recommendations for Noise Control

(Section 8.1 of the acoustic report)

TTM provide recommended maximum music levels for various operational scenarios (windows open and closed, day and night), and specify that a music noise limiter is to be installed in the sound system to ensure that the identified levels are not exceeded. Any changes to the speaker position or the sound system are to be reviewed by a suitably qualified acoustical consultant to ensure that SEPP N-2 noise limits are not breached.

SLR Comments: *The advice provided is generally appropriate. We note that the music noise limiter selected should be able to be configured to accommodate a range of settings. Unless such a device is procured, the limiter will need to set to ensure that noise limits are not exceeded for the 'windows open' evening scenario.*

5 Patron Noise Assessment

(Section 7 of the report)

TTM have conducted a theoretical assessment of noise from speech within the outdoor courtyard to the nearest dwelling to the east (126 Greeves Street), and conclude that the design targets cannot be met with more than 2 people in the outdoor area at one time. On the basis of their assessment they propose to restrict access to the outdoor area while functions are held, unless an acoustic barrier is constructed between the courtyard area and 126 Greeves Street.

SLR Comment: *TTM have confirmed that the noise sensitive receiver is on the first floor of the dwelling at 126 Greeves Street.*

The advice provided in the report seems appropriate, and we agree that use of the outdoor area by patrons is inappropriate unless the identified noise issues are addressed.

The apparent exposure of 126 Greeves Street to noise from the rear courtyard also raises the question of whether noise from patrons within the venue will result in non-compliant levels of noise at that dwelling, when the rear doors of the venue are open. If there is a line of sight from the residential dwelling to the rear of the venue, the rear doors should be kept closed whenever functions are taking place.

SLR Consulting Australia Pty Ltd

Attachment 2 - PLN17/0301 - 278 Gore Street, Fitzroy - SLR Acoustic Referral comments

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6 SLR Summary

A review of the acoustic report prepared for the function centre proposed for 278 Gore, Fitzroy is provided above. The findings of our review are summarised below.

Music Noise

Music from the proposal has been assessed to appropriate targets for the evening period and we are satisfied that the advice provided in the acoustic report will in theory enable targets to be met. The report allows for higher music levels while doors and windows of the venue are closed, consequently the music noise limiter installed on the project will need to be configured to manage the different sets of noise limits. If the limiter does not switch between operational scenarios it will need to be set to control music to the lower 'windows open' scenario.

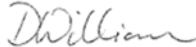
The octave band noise limits identified in the report are, in our opinion, not correct. However as these will only apply to parts of Saturday and Sunday morning, it seems unlikely that they will be critical on this project. If the venue proposed to play music at these times further background noise monitoring should be conducted to formally establish the Saturday and Sunday morning limits.

Patron Noise

Patron noise has not been assessed to the targets usually used in the City of Yarra, however TTM have nevertheless identified that patrons in the rear courtyard will result in unacceptably high levels of noise at the western façade of 126 Greeves Street. On these grounds they advise that the rear courtyard is not to be used by patrons during functions.

The issue of patron noise from within the venue is not considered in the report, and it is likely that patron noise levels will be higher than the level of music that is proposed to be played when the doors are open. As such, there is potential for patron noise to cause nuisance when doors and windows are open, particularly to 126 Greeves Street to the east, which may overlook the rear door of the venue. Unless information is provided to demonstrate that the open door will not result in unacceptably high noise levels, we recommend that this door is kept closed during functions.

Yours sincerely,



Dianne Williams
Associate - Acoustics

Checked by: JA

Attachment 2 - PLN17/0301 - 278 Gore Street, Fitzroy - SLR Acoustic Referral comments



Attachment 3 - PLN17/0301 - 278 Gore Street, Fitzroy - Civic Compliance referral comments



MeMO

TO: Lara Fiscalini
cc:
FROM: Steve Alexander
DATE: 24/07/2017
APPLICATION: PLN17/0301
SUBJECT: Amenity Enforcement Referral

Dear Lara,

Thank you for your referral dated 20 July 2017 in relation to 278 Gore Street Fitzroy.

The Compliance Branch has received one complaint in March 2017 in relation to 'use'. It was alleged that over the 2016-17 summer period the above location was hosting regular functions.

The Compliance branch does not have any concern with the proposed application given the days and hours are limited to Friday and Saturday (9am-9pm) and Sunday (9am-8pm) with a maximum of 40 patrons.

However being in a residential area I recommend (as per section 8 of the noise assessment) the following conditions form part of the planning permit:

- No more than 2 people allowed in the courtyard area at any time during functions.
- A noise limiter be installed at the premises to ensure background music is below the accepted limits at all times.

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

Attachment 4 - PLN17/0301 - 278 Gore Street, Fitzroy - Additional SLR Acoustic Comments

Follow-up comments from SLR - 7 September 2017

You could ask for details of the music limiter proposed for installation and how it will be set to manage noise emissions for the doors open and doors closed scenarios. It may also be useful to request follow up testing once the limiter is installed, to demonstrate that the identified SEPP N-2 limits will be met.

I would also suggest that there be a restriction on music Saturday mornings until 10 am and Sunday mornings until midday unless further background noise monitoring is conducted to identify limits at these times, and unless the noise limiter is set to ensure that they are not exceeded.

You could also ask for information about how patron noise levels from within the venue will be managed to existing dwellings, taking into consideration a 'background + 10 dB' target to be met at the façade of dwellings. This may necessitate the rear doors of the venue (onto the courtyard) being closed at all times. This is not actually specified in the current acoustic report (from my understanding).

The question arises about smoking given that access to the rear court is not proposed to be used. This is likely to take place in the street. I am not overly concerned about this because it will be outside the red line area, and no alcohol will be permitted. Also, there does not appear to be an application for external seating. These factors tend to limit impacts from noise from people on the pavement.

The uses are not proposed to take place after 9 pm on any night, so there is no issue of sleep disturbance (noise from patrons leaving can be a problem in these quiet areas at night).

Overall it does not seem a particularly risky proposal from our perspective, and the acoustic report is quite thorough and conservative (consultant just not familiar with Victorian legislation, guidelines and practices). However there is clearly some history behind the application or the residents are unlikely to be so concerned.

Follow-up comments from SLR – 23 October 2017

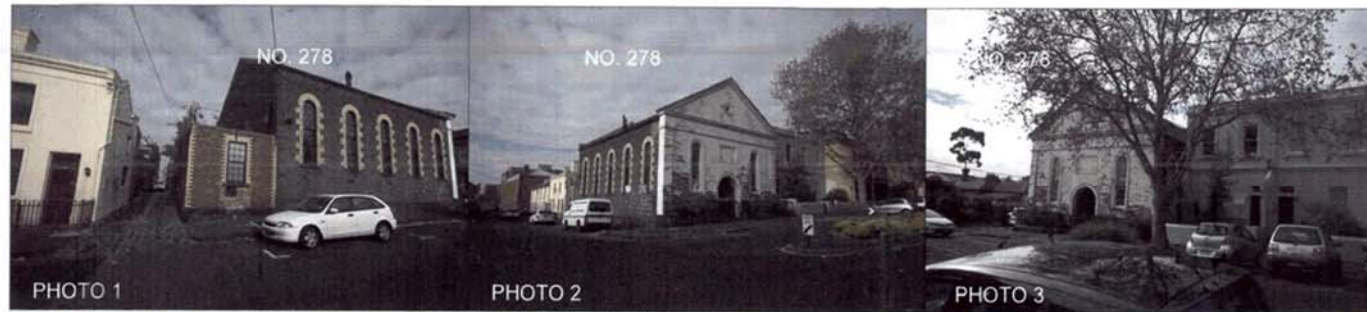
The approach to the issue of music is reasonable provided that the venue operator implements the identified controls. However, I still have some concern about patron noise from within the venue while the rear door and windows are open. From my understanding the report only assesses patron noise from the outdoor courtyard, not from within the venue.

Music is assessed from within the venue, with the windows and doors open and closed, and based on the data presented for music, it appears unlikely that patron noise from inside the venue could meet the identified noise limits with windows and doors open.

That patron noise limit for the day/evening period is equal to 49 dBA (i.e. background + 10 dB). The measured noise reduction between Indoor Location 2 (meals area) and Outdoor location 2 (eastern boundary, near dwelling) is 16 dB (this information is provided in the music assessment). Based on this information, patron noise within the venue would need to be in the order of 65 dBA (i.e. 49 + 16) in order to comply with the 49 dBA limit. 65 dBA is very quiet for patron noise. I have similar concerns about patron noise to receiver location 3 with windows open.

Obviously patron noise is likely to be lower for smaller groups of people, however the operating conditions need to be determined such that worst case operations meet the noise limits.

Attachment 5 - PLN17/0301 - 278 Gore Street Fitzroy - Advertising S52 - Plans



SITE CONTEXT NOTES

- A SUBJECT SITE - LARGE 2 STOREY CHURCH CONVERTED TO RESIDENCE
- B "RUSSIAN HOUSE" - RUSSIAN CULTURAL FUNCTION CENTER, 2 STOREY BUILDING
- C SINGLE STOREY WORKERS COTTAGE / TERRACE HOUSE
- D DOUBLE STOREY WORKERS COTTAGE / TERRACE HOUSE
- E CONVERTED 2 STOREY BUILDING TO RESIDENCE'S
- F 2 STOREY BUILDING, WINE BAR
- G 2 STOREY BUILDING, COMMERCIAL DOWN STAIRS, POSS RESIDENCE UPSTAIRS
- H SMITH ST, SHOPS & PUBLIC TRANSPORT, 88m TO EAST

REV.	DATE	DESCRIPTION

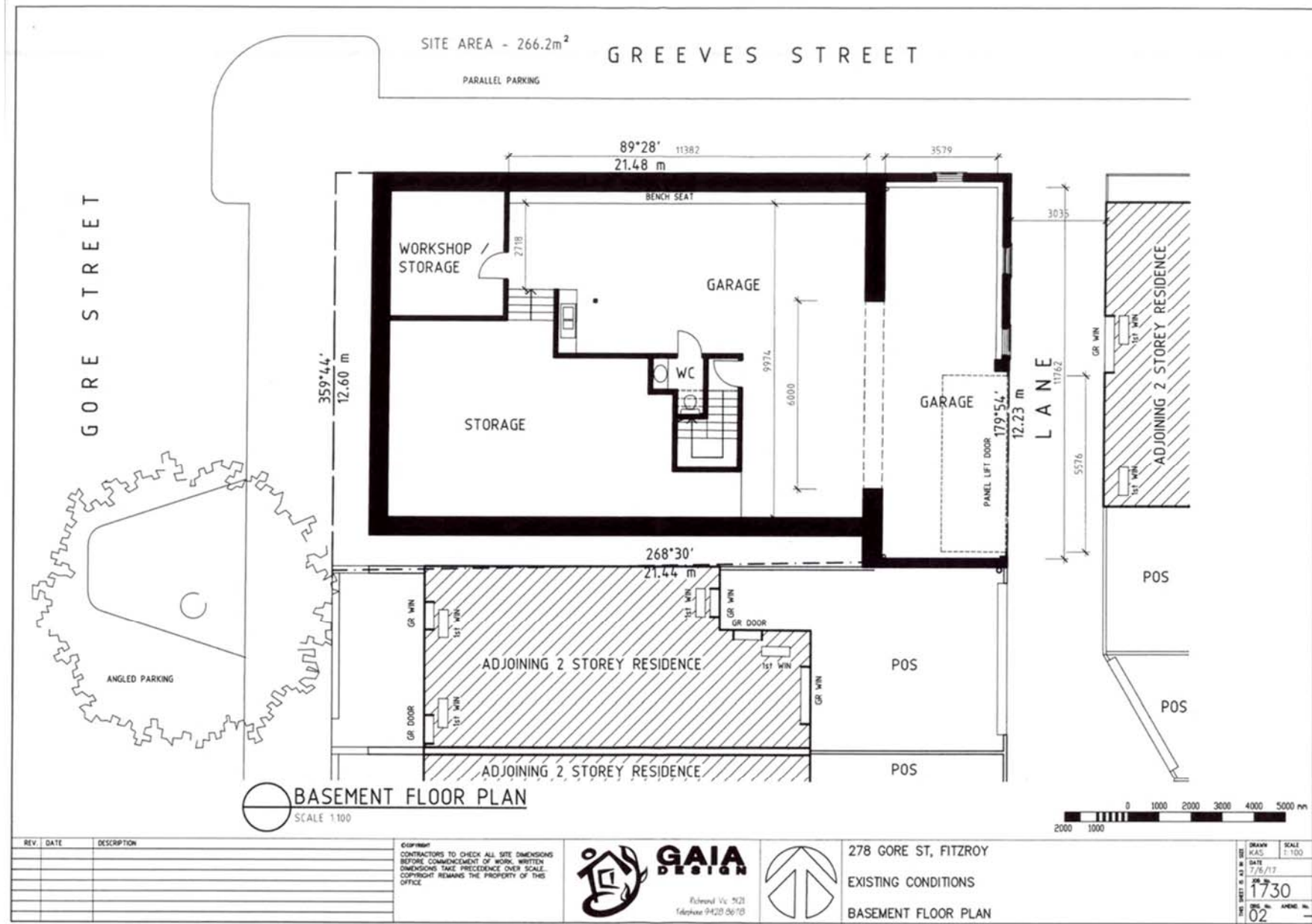
Copyright
 CONTRACTORS TO CHECK ALL SITE DIMENSIONS BEFORE COMMENCEMENT OF WORK. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALE. COPYRIGHT REMAINS THE PROPERTY OF THIS OFFICE.



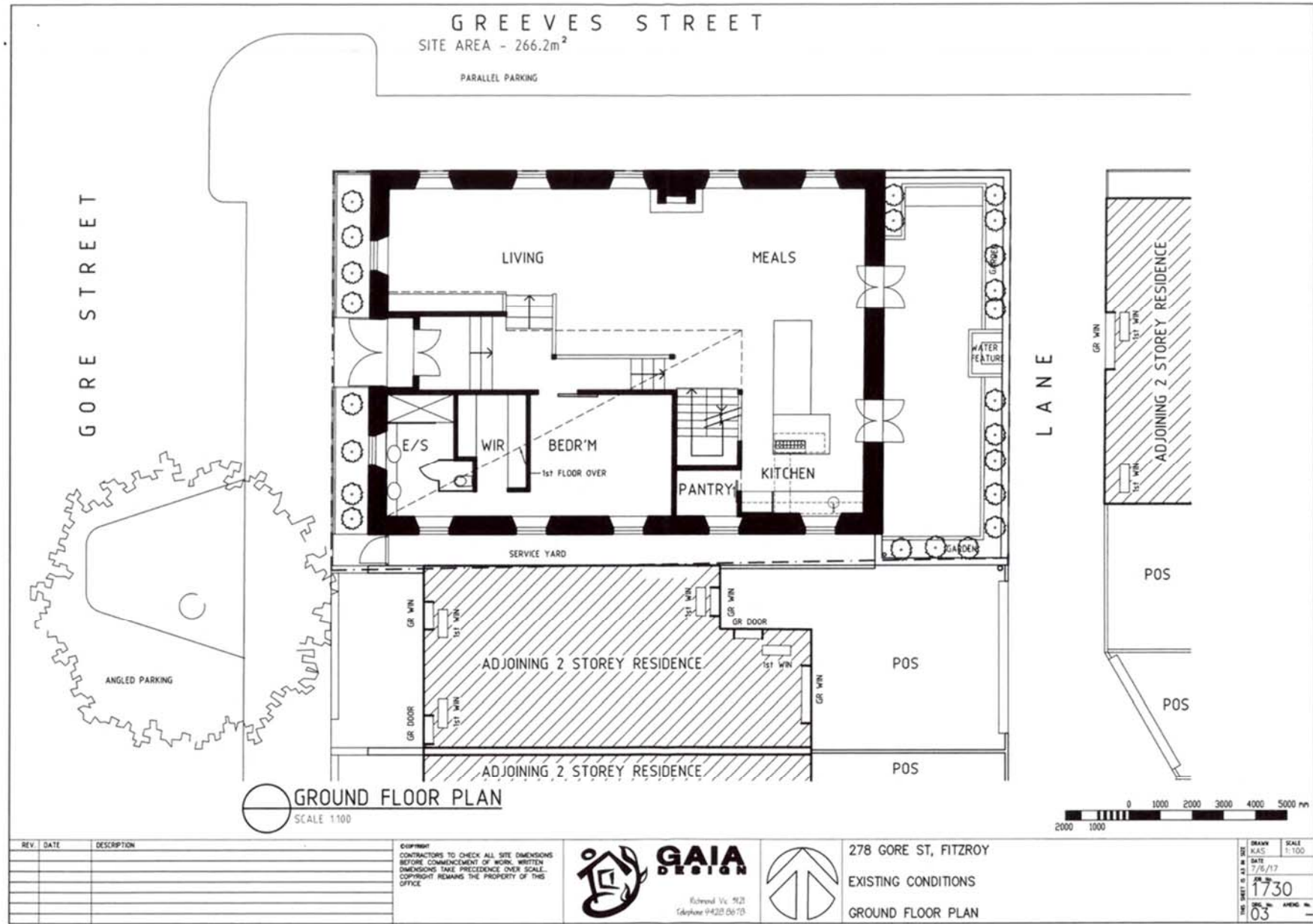
278 GORE ST, FITZROY
 EXISTING CONDITIONS
 SITE CONTEXT PLAN

DRAWN	KAS	SCALE	1:500
DATE	7/6/17		
PLAN	1730		
REV.	01	AVENG	

Attachment 5 - PLN17/0301 - 278 Gore Street Fitzroy - Advertising S52 - Plans



Attachment 5 - PLN17/0301 - 278 Gore Street Fitzroy - Advertising S52 - Plans



Attachment 5 - PLN17/0301 - 278 Gore Street Fitzroy - Advertising S52 - Plans

