

Attachment 1 - Site Location Plan



NORTH UP THE PAGE

Attachment 2 - Advertised Site Context Plan



Attachment 2 - Advertised Site Context Plan

ADDRESS	BUSINESS	LIQUOR LICENCE YES/NO	RESIDENTIAL
74-76 Johnston St Fitzroy	OLD BAR	YES	NO
72 Johnston St Fitzroy	VEGGIE MUM RESTAURANT	YES	NO
62-70 Johnston St Fitzroy	VAU D'VILE DRAG	YES	NO
74-76 Johnston St Fitzroy	CLOSED SHOP		NO
74-76 Johnston St Fitzroy	AU BABA KEBAB SHOP	NO (Formerly BYO)	YES
63 Johnston St Fitzroy	HARES & HYENAS	YES	YES
58 Johnston St Fitzroy	CAFÉ 58	YES	YES
57-61 Johnston St Fitzroy	SPANISH CLUB	YES	TBC
56 Johnston St Fitzroy	KANELLA BAR	YES	NO
55 Johnston St Fitzroy	TENANTS UNION	NO	NO
54 Johnston St Fitzroy	BIKE SHOP	NO	YES
52 Johnston St Fitzroy	SIAGON STREET EATS	NO	YES
48- 50 Johnston St Fitzroy	LAUNDRY BAR	YES	NO
46 Johnston St Fitzroy	BAD DECISIONS BAR	YES	NO
44 Johnston St Fitzroy	FITZ CURRY	YES (BYO)	YES
42 Johnston St Fitzroy	BROTHERS PUBLIC HOUSE	YES	NO
41 Johnston St Fitzroy	GOOD LIFE GYM	NO	NO
40 Johnston St Fitzroy	BEDROOM EYES	NO	YES
38 Johnston St Fitzroy	GUITAR GALLERY	NO	NO

RECEIVED
09 MAY 2019

Attachment 3 - Advertised Existing Planning Permit and Redline Plan

Noise and Amenity Action Plan:

Bad Decisions Bar

46 Johnston St Fitzroy, Victoria 3065

The Location, type and details of existing licensed premises in the locality.

74-76 Johnston St Fitzroy	OLD BAR
72 Johnston St Fitzroy	VEGGIE MUM RESTAURANT
62-70 Johnston St Fitzroy	VAU D'VILE DRAG
63 Johnston St Fitzroy	HARES & HYENAS
58 Johnston St Fitzroy	CAFÉ 58
57-61 Johnston St Fitzroy	SPANISH CLUB
56 Johnston St Fitzroy	KANELLA BAR
48- 50 Johnston St Fitzroy	LAUNDRY BAR
46 Johnston St Fitzroy	BAD DECISIONS BAR
44 Johnston St Fitzroy	FITZ CURRY
42 Johnston St Fitzroy	BROTHERS PUBLIC HOUSE

The identification of all noise sources associated with the premises (including, but not limited to, music noise, entries and exits to the premises and courtyards) likely to impact on nearby residential property.

Sources of noise will be from conversations within the covered courtyard space. Given the maximum number of 120 patrons allowed within the whole premises, the level of noise will not be more than that associated with regular daily trading in the same spaces. People affected will be limited to our other neighboring licensed premises.

Music will not be played in this area, nor will speakers be installed.

All music played within the venue will be compliant to SEPP N-2

Due to the trading hours and the nature of the surrounding businesses, noise sources associated with the premises seem unlikely to impact negatively on any residents.

Measures to be undertaken to address all noise sources identified, including on and off-site noise attenuation measures.

Sound systems fitted with a sound limitation device set to SEPP N-2 limits. It is not expected with the style of venue that we are running from the building that at any stage there will be adversely loud patrons in or outside the bar. Signage will be erected at the entry of the building to bring to customer's attention their proximity to residents and request their quiet exit from the premises. Should a situation arise that loud or noisy behavior happens the staff will be trained to approach customers and request noise levels be reduced for the enjoyment and comfort of our neighbors.

Attachment 3 - Advertised Existing Planning Permit and Redline Plan

Light background music will mostly be played in the downstairs bar area. The upstairs area will be mostly used for functions and events and will not always be in use.

Staff members will use all reasonable and practical methods to ensure that patrons leave the premises in a quiet and orderly manner at all times that the bar is operating and immediately following close of business.

The total number of patrons on the premises at any one time limited to 120.

Details of training provided in the responsible serving of alcohol.

All staff members' current and future are current holders of Responsible Service of Alcohol certifications.

Hours of operation for all parts of the premises.

Sunday 10am-3am

Monday to Wednesday 9am – 2am

Thursday to Saturday 9 am -3am

Lighting within the boundaries of the premises.

Ample lighting is installed both in and around the bar. With street lights and venue lights.

Details of the provision of music including the frequency and hours of entertainment provided by live acts, bands, and/or dj's.

The bar will be operating predominantly in the evening. The venue has been provisioned to host live acts in the upstairs area as well as dj's. The ground floor area will be predominately background level music. The sound systems in the venues have also been fitted with sound limiters.

Details of waste management plan including storage and hours of collection for general rubbish and bottles associated with the licensed premises.

At the rear of the premises(on title) we store our bins. Bins are managed by inner city waste and emptied between 7am and 10pm on any day.

Standard procedures to be undertaken by staff members in the event of a complaint by a member of the public, an authorized officer of a responsible authority, the police or an officer of VCGLR.

The venue operator and all staff will take all amenity related complaints against the premises, its staff, and/or patrons seriously and ensure they are dealt with in a courteous and professional manner. Upon receiving a complaint, a staff member at management level will immediately seek to determine the cause of the complaint and take steps to rectify it if the complaint is found to be associated with the bar, or patrons who have just left the bar.

Up to date record will be kept in an incident log to record any complaint and the relevant actions taken, including but not limited to:

Attachment 3 - Advertised Existing Planning Permit and Redline Plan

Date, time and nature of the complaint.

Name address and contact details of the person lodging the complaint.

Measures taken to address the complaint, with time and date.

The log will be kept on the premises and made available for inspection of any relevant authorities.

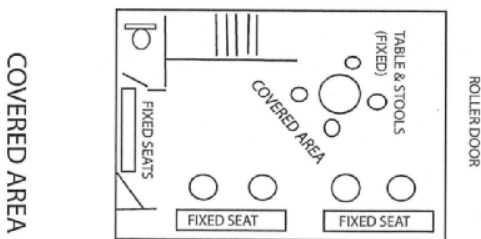
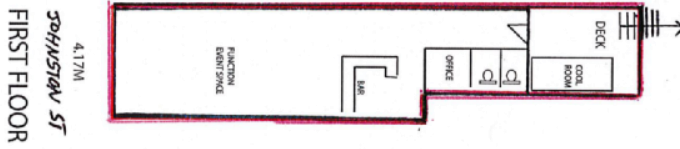
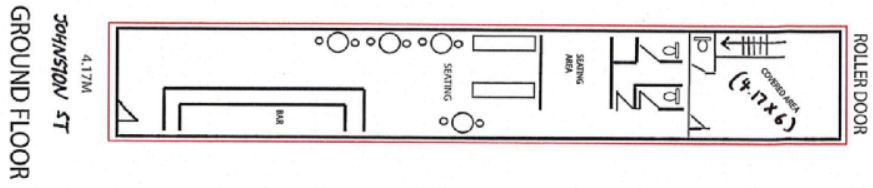
Management of patrons.

The venue staff will take all reasonable steps to safely and directly manage the movement of patrons before during and after attendance to the venue.

Display signs at the front of the venue asking patrons to leave quietly and be aware of our neighbors.

David Barrett
Director
46 Johnston Pty Ltd
T/As bad Decisions Bar

Attachment 4 - Advertised Proposed Red Line Plan



HOURS OF OPERATION
 Sunday between 10 a.m. and 3 a.m. the day following
 Good Friday & ANZAC Day Between 12 noon and 1 a.m. the day following
 Monday to Wednesday between 9 a.m. and 2 a.m. the day following
 Public Holidays (Monday to Wednesday) between 9 a.m. and 3 a.m. the day following
 Thursday to Saturday between 9 a.m. and 3 a.m. the day following

BAD DECISIONS BAR, 46 JOHNSTON ST, FITZROY VIC PLAN

Attachment 5 - Advertised Noise and Amenity Action Plan (NAAP)

Noise and Amenity Action Plan:

Bad Decisions Bar

46 Johnston St Fitzroy, Victoria 3065

The Location, type and details of existing licensed premises in the locality.

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Attachment 5 - Advertised Noise and Amenity Action Plan (NAAP)

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Up to date record will be kept in an incident log to record any complaint and the relevant actions taken, including but not limited to:

Attachment 5 - Advertised Noise and Amenity Action Plan (NAAP)

Date, time and nature of the complaint.

Name address and contact details of the person lodging the complaint.

Measures taken to address the complaint, with time and date.

The log will be kept on the premises and made available for inspection of any relevant authorities.

Management of patrons.

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David Barrett
Director
46 Johnston Pty Ltd
T/As bad Decisions Bar

Attachment 6 - Advertised Acoustic Report



Acoustical Design Pty. Ltd.

PO Box 2107 Blackburn South 3130

Mob: 0412 400 160

Project: Acoustic Assessment Report

**Proposed Licensed premises,
46 Johnston Street, Fitzroy**

Project: 19112

4 June 2019

Contact: David Barrett

**Prepared by:
Geoffrey Barnes**

gbarnes@acousticaldesign.com.au



Attachment 6 - Advertised Acoustic Report



Project: Acoustic Assessment Report

**Proposed Licensed Premises,
46 Johnston Street, Fitzroy**

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	(b) Location of noise logging	

Attachment 6 - Advertised Acoustic Report



Project: Acoustic Assessment Report

Proposed Licensed Premises

46 Johnston Street, Fitzroy

1. Introduction

1.1

(a)

Acoustical Design Pty. Ltd. has been engaged by David Barrett on behalf of the proposed licensed premises at 46 Johnston Street, Fitzroy to prepare an acoustic assessment report addressing sources of potential noise associated with the use of the rear courtyard which may impact on the amenity of the residential zone.

(b)

The rear courtyard in the subject venue is a covered space located on the south end of the 46 Johnston Street Fitzroy premises which opens onto a lane-way through a roller door. The closest residence is understood to be above the Fitz Curry outlet as 44 Johnston Street immediately to the west of the subject site. The nearest residence to the east is understood to be above the Saigon Street Eats located at 52 Johnston Street.

(c)

In addressing the potential noise impact on the amenity in this residential zone attention is given primarily to the City of Yarra request of 25th April 2019 for further information - Item 7.

1.2

Item 6 of the RFI requesting the preparation of a Noise and Amenity Action Plan (NAAP) is to be addressed by the Permit Applicant.

1.3

(a)

It is noted in the City of Yarra RFI that in the event that the licensing hours for the rear courtyard comply with the preferred hours of operation (being up to 11.00pm) then an acoustic report will not be required.

Attachment 6 - Advertised Acoustic Report



(b)

It is understood from the Applicant that the proposed hours of operation on Monday to Wednesday extend from 9am to 2am the day following. Thursday to Saturday extend from 9am to 3.00am the day following. The hours on a Sunday extend from 10.00am to 3am the day following. Good Friday and ANZAC Day extend from 12noon to 1am the day following. The proposed hours of operation on Public Holidays, being Monday to Wednesday, extend from 9am to 3am the day following.

(c)

It is on the basis of the extended hours beyond 11pm which the City of Yarra requires, that the responsible authority is to be satisfied that the extending of hours will not adversely affect the amenity of the area.

1.4

This report addresses music and entertainment noise which may potentially spill into the residential zone, particularly the next door upstairs residence., providing noise attenuation advice and setting of appropriate environmental noise limits satisfying the EPA State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2) noise limits.

1.5

In addressing the overall noise amenity requirement, this report also identifies other potential noise sources which may be associated with the use of the covered rear courtyard. The report provides guidance in the selection and installation methodologies to satisfy the EPA State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 (SEPP N-1) noise limits. The EPA SEPP No. N-1 does not set noise limits in respect to music nor voices or crowd noise.

Attachment 6 - Advertised Acoustic Report



1.6

The sound of patrons' voices and their activities in the covered rear courtyard have the potential to negatively impact the neighbouring acoustic amenity. This report discusses typical patrons' activity noise and provides a series of noise abatement measures.

1.7

Potential sleep disturbance may be an intermittent issue of concern for the close proximity residence. NSW Sleep Disturbance Criteria, designed particularly in relation to road transportation, is considered in this report to be a potential guide to the impact of sleep disturbing noise events emanating from the rear courtyard.

1.8

The Australian Standard AS/NZS 2107 – 2000 *Acoustics-Recommended design sound levels and reverberation times for building interiors* sets a maximum design level of 40 - 45 dB(A) for sleeping and living areas within apartments near major roads such as Johnston Street. The noise abatement measures in this report in respect to noise emanating from the covered rear courtyard, are designed to assist in effectively reducing the level of noise intrusion.

2. **Reference Literature & Relevant Material**

- (a) City of Yarra Amendment Application No. 3572.01 RFI dated 23 April 2019.
- (b) State Environment Protection Policy (Control of music noise from Public premises) No. N-2.
- (c) State Environment Protection Policy (Control of noise from Commerce, Industry and Trade) No. N-1.
- (d) Australian Standard AS/NZS 2107:2000 – Acoustics-Recommended design sound levels and reverberation times for building interiors,
- (e) Australian Standard AS 3671-1989 – Acoustics-Road traffic noise intrusion-Building siting and construction.
- (f) NSW EPA Environmental criteria for road traffic Noise 31 March 2003

Attachment 6 - Advertised Acoustic Report



3. **Site Noise Assessment Data**

3.1 **Noise assessment criteria SEPP N2**

(a) *EPA SEPP N-2*

Environmental noise associated with music and entertainment emanating from public premises is limited in Victoria by the EPA as set out in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2. (SEPP N-2).

(b) *SEPP N-2 Beneficial use*

The beneficial use of SEPP N-2 relating to the neighbouring dwellings and residential accommodation is to limit music noise emitted from the proposed rear covered courtyard at 46 Johnston Street in Fitzroy, to be sufficiently attenuated for '*domestic and recreational activities and, in particular, sleep in the night period*'.

3.2 **Noise assessment data**

(a) *Location of noise logger*

In assessing the existing environmental ambient noise levels, particularly beyond 10.00pm an ARL Type 316 noise logger was set up on an elevated position at the boundary between the subject site and the neighbouring upstairs residence at 44 Johnston Street. The recorded environmental noise logging data is discussed later in this report.

(b) *Typical representative average night period noise level data*

Table 1 Average hourly night period environmental noise level data shown below is considered in this report to represent the typical night period background levels between 10.00pm and 4.00am on Monday to Thursday, between 1.00am and 3.00am on Friday, between 10.00pm and 5.00am on Saturday and Sunday with external music, entertainment and general activity noise levels impacting on the closest residence.

Attachment 6 - Advertised Acoustic Report



(c) **TABLE 1: Average hourly night period noise levels**

Day	Date	Time	L _{Ceq}	L _{C10}	L _{C90}	L _{Cmax}	L _{Cmin}
Wednesday	8/05/2019	22:00	63	64	60	80	58
	8/05/2019	23:00	63	63	60	80	58
Wed/Thurs	8/05/2019	0:00	60	62	58	76	56
Thursday	9/05/2019	1:00	60	61	57	75	55
	9/05/2019	2:00	59	60	56	72	54
	9/05/2019	3:00	58	60	56	68	54
	9/05/2019	4:00	58	59	56	69	54
Thursday	9/05/2019	22:00	65	67	62	77	60
	9/05/2019	23:00	67	69	62	79	60
Thurs/Fri	9/05/2019	0:00	67	69	63	78	59
Friday	10/05/2019	1:00	75	78	64	85	58
	10/05/2019	2:00	74	78	63	84	59
	10/05/2019	3:00	76	80	66	84	59
	10/05/2019	4:00	62	65	57	86	55
Friday	10/05/2019	22:00	63	64	60	80	58
	10/05/2019	23:00	63	64	60	78	58
Fri/Sat	10/05/2019	0:00	65	67	61	80	58
Saturday	11/05/2019	1:00	73	77	65	83	59
	11/05/2019	2:00	79	82	68	89	60
	11/05/2019	3:00	80	83	70	90	60
	11/05/2019	4:00	69	72	61	84	57
	11/05/2019	5:00	59	61	56	73	54
Saturday	11/05/2019	22:00	64	66	61	80	59
	11/05/2019	23:00	66	68	62	79	60
Sat/Sun	11/05/2019	0:00	71	74	65	84	61
Sunday	12/05/2019	1:00	78	81	68	87	61
	12/05/2019	2:00	82	86	71	91	62
	12/05/2019	3:00	81	85	69	90	60
	12/05/2019	4:00	78	83	67	89	58
	12/05/2019	5:00	60	61	57	78	54

<p>Ambient (Background) noise levels</p> <p>Entertainment noise levels</p>
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Attachment 6 - Advertised Acoustic Report



(c) **TABLE 1: Average hourly night period noise levels (continued)**

Days	Date	Time	L _{ceq}	L _{c10}	L _{c90}	L _{cmax}	L _{cmin}
Sunday	12/05/2019	22:00	62	63	60	75	58
	12/05/2019	23:00	63	66	59	79	57
Sun/Mon	12/05/2019	0:00	58	60	56	72	54
Monday	13/05/2019	1:00	58	59	55	72	53
	13/05/2019	2:00	58	59	54	73	52
	13/05/2019	3:00	55	56	53	63	51
	13/05/2019	4:00	57	58	54	67	52
Monday	13/05/2019	22:00	61	63	59	72	58
	13/05/2019	23:00	62	63	60	75	59
Mon/Tues	13/05/2019	0:00	61	62	60	71	58
Tuesday	14/05/2019	1:00	60	61	59	70	57
	14/05/2019	2:00	59	60	56	69	54
	14/05/2019	3:00	57	59	56	66	54
	14/05/2019	4:00	58	59	56	66	54
Tuesday	14/05/2019	22:00	61	62	59	72	57
	14/05/2019	23:00	61	62	59	72	57
Tues/Wed	14/05/2019	0:00	60	61	59	74	57
Wednesday	15/05/2019	1:00	59	60	56	74	54
	15/05/2019	2:00	56	57	55	64	53
	15/05/2019	3:00	56	57	55	64	53
	15/05/2019	4:00	56	57	54	66	52
Wednesday	15/05/2019	22:00	62	63	60	74	58
	15/05/2019	23:00	61	62	59	76	57
Wed/Thurs	15/05/2019	0:00	59	60	57	74	55
Thursday	16/05/2019	1:00	57	59	55	69	53
	16/05/2019	2:00	57	59	54	71	52
	16/05/2019	3:00	56	57	54	68	51
	16/05/2019	4:00	56	57	54	64	52
Thursday	16/05/2019	22:00	62	64	60	73	58
	16/05/2019	23:00	63	64	61	74	59

<p>Ambient (Background) noise levels</p> <p>Entertainment noise levels</p>
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Attachment 6 - Advertised Acoustic Report



(c) **TABLE 1: Average hourly night period noise levels (continued)**

Days	Date	Time	L _{Ceq}	L _{C10}	L _{C90}	L _{Cmax}	L _{Cmin}
Thurs/Fri	16/05/2019	0:00	70	74	61	81	59
Friday	17/05/2019	1:00	67	71	60	79	57
	17/05/2019	2:00	61	63	58	71	56
	17/05/2019	3:00	59	61	57	67	54
	17/05/2019	4:00	58	59	55	74	53
	17/05/2019	22:00	64	65	62	83	60
	17/05/2019	23:00	64	65	62	80	60
Fri/Sat	17/05/2019	0:00	66	68	63	80	60
Saturday	18/05/2019	1:00	70	73	63	81	59
	18/05/2019	2:00	77	81	66	87	60
	18/05/2019	3:00	78	82	64	88	59
	18/05/2019	4:00	75	80	62	87	57
	18/05/2019	5:00	59	60	56	74	54
Saturday	18/05/2019	22:00	65	67	62	80	60
	18/05/2019	23:00	66	68	63	81	61
Sat/Sun	18/05/2019	0:00	69	72	64	82	61
Sunday	19/05/2019	1:00	76	79	67	87	61
	19/05/2019	2:00	82	85	70	90	60
	19/05/2019	3:00	81	85	69	90	60
	19/05/2019	4:00	79	83	66	88	58
	19/05/2019	5:00	61	62	57	77	55

<p>Ambient (Background) noise levels</p> <p>Entertainment noise levels</p>
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(d) *EPA SEPP N-2 night period noise limit*

As a guide, based on the calculated average ambient (background) level of L_{OCT90} **57 dBC** for the night period Sunday to Thursday in the absence of obvious entertainment noise as shown in Table 2 below, the EPA SEPP N-2 Night Period noise limit is expected to be in the order of $L_{OCT90} + 8dB$ being **65dBC** at any octave band in the range 63Hz to 4kHz.

Attachment 6 - Advertised Acoustic Report



(e) **TABLE 2: Ambient (Background) level L_{C90} with no obvious entertainment noise**

Day	L_{Ceq}	L_{C10}	L_{C90}	L_{Cmax}	L_{Cmin}
Sun/Mon	59	60	56	72	54
Mon/Tues	60	61	58	70	56
Tues/Wed	58	60	56	69	55
Wed/Thurs	58	60	56	71	54
AVERAGE AMBIENT (BACKGROUND)	59	60	57	70	55

(f) *The average hourly environmental entertainment effective noise level*

The hourly effective noise level generated by entertainment music including associated activities was recorded throughout the night periods as shown in Table 3 below when the local entertainment venues and restaurants were operating. The average effective noise level of the environmental noise from all function sites was determined to be in the order of L_{OCT10} - **79 dB(C)**. This level is thus expected to have exceeded the EPA night period noise limit L_{OCT90} of **65 dB(C)** by **14 dB(C)**.

(g) **TABLE 3: Entertainment music and activity noise levels from all sources**

Day	L_{Ceq}	L_{C10}	L_{COCT90}	L_{Cmax}	L_{Cmin}
Friday	75	78	64	85	58
	74	78	63	84	59
	76	80	66	84	59
Saturday	73	77	65	83	59
	79	82	68	89	60
	80	83	70	90	60
Sat/Sun	69	72	61	84	57
	71	74	65	84	61
Sunday	78	81	68	87	61
	82	86	71	91	62
	81	85	69	90	60
Thurs/Fri	78	83	67	89	58
	70	74	61	81	59
	67	71	60	79	57
Friday	70	73	63	81	59
	77	81	66	87	60

Attachment 6 - Advertised Acoustic Report



(g) **TABLE 3: Entertainment music and activity noise levels from all sources (continued)**

Day	L _{CEq}	L _{C10}	L _{C0CT90}	L _{Cmax}	L _{Cmin}
Saturday	78	82	64	88	59
	75	80	62	87	57
	70	73	63	81	59
	77	81	66	87	60
	78	82	64	88	59
	75	80	62	87	57
Sat/Sun	79	83	66	88	58
Sunday	69	72	64	82	61
	76	79	67	87	61
	82	85	70	90	60
	81	85	69	90	60
	79	83	66	88	58
AVERAGE Entertainment & Activity Noise	76	79	65	86	59

3.3 **Sources of entertainment noise**

(h) *Predominant entertainment noise sources*

It is considered that the excessive effective noise level is generated by various contributing venues, particularly the outdoor facilities in close proximity which have outdoor amplified music.

3.4 **Patron noise emission**

(a) *Typical patrons’ voice levels in the proposed covered rear courtyard*

In Table 4 below, the predicted average sound levels generated when patrons are located in the proposed covered courtyard indicates a significant variation between a quiet conversation and shouting individuals. Table 4 sets out sound levels for a range of voice levels in an external environment and are based on experimental data.

(b) **TABLE 4: Predicted voice levels as measured at 10 metres***

Predicted group of conversations average voices at 5 metres	L _{Aeq}	60 dB(A)
Predicted group of average raised voices at 5 metres	L _{Aeq}	70 dB(A)
Predicted group of average shouting voices at 5 metres	L _{Aeq}	80 dB(A)

*Based on experimental measurements

Attachment 6 - Advertised Acoustic Report



(c) *Potential sleep disturbance*

In comparing the Sleep Disturbance noise limits shown in Table 5 below with the potential loudness of voices as shown in Table 4 above. It is considered that the average conversational voices and also average raised voices are unlikely to cause awakening reactions in the nextdoor residence. However, shouting is likely to give rise to the negative impact on the neighbouring residents by disturbing sleep and must be curtailed immediately as explained later in this report.

(d) **TABLE 5: *Sleep Disturbance Criteria***

- (a) *Maximum internal noise limits below 50-55 dB(A) are unlikely to cause awakening reactions.***

- (b) *One or two noise events per night with maximum internal noise levels of 65 – 70 dB(A) are not likely to affect health and wellbeing significantly.***

3.4 Noise assessment Criteria EPA SEPP N1

(a)

Plant and equipment, if any associated with the venue having the potential to generate environmental noise, are to be controlled to meet the anticipated EPA SEPP N1 noise limits for commerce, industry and trade as shown in Table 6 below.

(b)

As a guide, Items such as split air-conditioning condenser units, refrigeration compressors, electric motors, pumps and similar equipment are typical sources of external noise. Accurate effective noise levels for these types of equipment can be measured and compared with the determined EPA SEPP N-1 noise limits as appropriate.

(c) **TABLE 6: *Anticipated EPA SEPP N-1 noise limits***

PERIOD	SEPP No N-1 Zoning Level LAeq	Background Level LA90	Determined Noise Limit LAeq
DAY PERIOD (0700 - 1800 hours)	58	59	65
EVENING PERIOD (1800 - 2200 hours)	52	60	63
NIGHT PERIOD (2200 - 0700 hours)	47	57	60

Attachment 6 - Advertised Acoustic Report



4. **Noise Abatement Strategies**

4.1 **General comments**

The proposed venue at 46 Johnston Street is to incorporate a series of noise abatement measures as set out in this report to ensure that entertainment and patron activity noise does not contribute to the existing noise level at the closest residence being at 44 Johnston Street nor at residential accommodation more remote from this venue. This also applies to potential environmental noise from mechanical services.

4.2 **Entertainment music level control**

(a)

There is to be no amplified music generated in the rear covered courtyard nor the first floor deck.

(b)

The doorway and side walls between the inside seating area and the ground level rear covered courtyard as well as between the first floor function area and the deck are to be selected to have a sound rating in the order of R_w-40 . The doors are to be correctly fitted with perimeter acoustic seals such as Raven RP-24 and RP-38 or equivalent seals.

(c)

The level of music generated within the venue is to be set and controlled at an appropriate level to ensure the spillage of environmental music at the nearest residential accommodation being next door complies with the EPA SEPP N-2 environmental noise limits.

(d)

The above requirement can be maintained and checked by Management using a suitable sound level meter or positively controlled by the installation of a suitable music level monitor.

4.3 **Patron noise in the external seating areas**

(a)

In maintaining an acceptable noise level environment in the external seating areas, it is imperative that Management prepares and adopts a Noise and Amenity Action Plan designed to address unacceptable voice levels and unruly behavior in these areas.

Attachment 6 - Advertised Acoustic Report



(b)

It is recommended that there is both a limited number of patrons allowed in these areas concurrently and there is an appropriate curfew set for access to the covered rear courtyard and also to the first floor deck area.

4.4 Mechanical equipment noise attenuation.

(a)

New external mechanical equipment should be selected, bearing in mind the necessity of quiet operation, to ensure compliance with the EPA SEPP N-1 noise limits at neighbouring residential accommodation.

(b)

The new mechanical equipment should be installed and/or acoustically shielded as far as is practicable to attenuate noise in respect to the neighbouring residential accommodation.

(c)

Existing external equipment noise levels should be confirmed that the levels comply with the EPA SEPP N-1 noise limits.

5. Summary

5.1

Based on the recorded environmental noise levels with reference to the determined noise limits, we are confident that with the strategies in place and maintained as outlined, the establishment of the proposed venue at 46 Johnston Street, Fitzroy will not create a noise nuisance in terms of the EPA Statutory noise limits at the neighboring residential accommodations.

5.2

It is also expected that there will be minimal sleep disturbance as a result of patron usage of the covered rear courtyard or excessive music entertainment levels occurring within the venue with Management taking appropriate swift and decisive action.

Attachment 6 - Advertised Acoustic Report



5.3

Please do not hesitate to make contact should you require any additional information or clarification on any aspect of this report.

Geoffrey Barnes FAAS,
Senior Acoustic Consultant,
Acoustical Design Pty. Ltd.

Attachment 6 - Advertised Acoustic Report



Appendix

1. Terminology

L_{Ceq} means the equivalent continuous C-weighted sound pressure level.

L_{C90} means the C-weighted sound pressure level which is exceeded 90% of the time interval considered.

L_{Cmax} means the maximum C-weighted sound pressure level during the time interval considered.

L_{Cmin} means the minimum A-weighted sound pressure level during the time interval considered.

L_{OCT10} means the 'C' weighted or linear sound pressure level for a specified octave band that is exceeded for 10% of the time.

With reference to the SEPP No: N-2 the noise limit for an "indoor venue" for the day/evening period is $L_{A90} + 5 \text{ dB(A)}$ and night period, $L_{OCT90} + 8 \text{ dB}$

Attachment 6 - Advertised Acoustic Report



2. Interior layout of Venue.

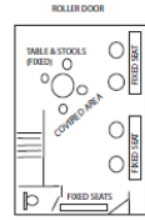


GROUND FLOOR



FIRST FLOOR

HOURS OF OPERATION
Sunday Between 10 a.m. and 2 a.m. the day following.
Concession & Adults: Day Between 12 noon and 1 a.m. the day following.
Monday to Wednesday Between 8 a.m. and 2 a.m. the day following.
Public Holidays: Monday to Wednesday Between 8 a.m. and 2 a.m. the day following.
Thursday to Saturday Between 8 a.m. and 2 a.m. the day following.



COVERED AREA

Attachment 6 - Advertised Acoustic Report



3. Photographs

(a) Laneway at rear of Venue



(b) Location of Noise Logging



Attachment 7 - Advertised Written Responses

Helping you understand your planning needs



Our ref.3572.01

23 April 2019

City of Yarra
Statutory Planning Branch
PO Box 168
RICHMOND 3121
ABN 98 394 086 520

Bad Decisions
5a Union Street
BRUNSWICK VIC 3056

copy

Dear Sir/Madam,

Amendment application No.: 3572.01
Address: 46 Johnston St Fitzroy VIC 3065

Council requires you to provide more information about the application pursuant to section 54 of the Planning and Environment Act 1987. The information must consist of the following:

1. The amended proposal section of the application form has not been filled completely and is inconsistent with the submission material, specifically:
 - a) Details on what the application seeks to amend have not been included (the boxes have not been checked).
 - b) The proposal section makes reference to an 'outdoor courtyard area'. However, the submission materials indicate that the courtyard is fully covered.
2. A written assessment to provide the following:
 - a) A description of the subject site and the current and proposed operation details. Include relevant site history details such as the change in proprietors of the premise, any changes in floor layout and what the rear courtyard was used for previously given that a significant amount of time has elapsed since Planning Permit 3572 was granted.
 - b) Full details of the proposal including but not limited to and changes to the conditions of the planning permit, proposed hours for the extended area, what the rear courtyard will be used for (e.g. seating).
 - c) Address how the relevant decision guidelines at Clause 22.09-3 of the Scheme.
3. A site plan showing the location of the bar in relation to the surrounding buildings and land uses. The site plan must identify the location of dwellings (including any shop top dwellings) within the surrounding area.
4. An existing red line plan to show the areas of the premises that are currently licensed under Planning Permit 3572.
5. A proposed red line plan revised to provide the following details:
 - a) The VCGLR approval stamp to be removed.
 - b) The size (in sqm) of the rear courtyard to be licenced.
 - c) Details of seating arrangements to be clearly legible on the plan.
 - d) The proposed licenced areas to be shown in a bold red line (instead of a yellow line). Should the extended licenced area be confined to the courtyard at ground floor only, the yellow lines on the first floor plan should be removed.

Attachment 7 - Advertised Written Responses

- e) The image provided with the application shows a roller door along the rear boundary of the site. However, the plans show a pivot door that opens out to the rear lane. The plans should reflect the location of the roller door.
 - f) The notations titled 'Working Hours' to be updated to reflect details of the proposal or to be deleted from the plan.
6. A Noise and Amenity Action Plan (NAAP) addressing how the extended licensed area will be managed. The NAAP must include the relevant information found at Clause 22.09-4 of the Scheme.
 7. An acoustic report prepared by a suitably qualified and experienced acoustician specifying details of all noise sources and methods to be undertaken to control noise emissions to satisfy State Environment Protection Policy (SEPP) No.1 – Control of Noise from Commerce Industry and Trade and SEPP No.2 – Control of music noise from public premises or any other requirement, such as accepted sleep disturbance criteria or relevant Australian Standards. See the preliminary assessment section below for more information.

If the required information is not received **on or before (24 June 2019)**, the application will lapse. A lapsed application cannot be revived. A request may be made to Council in writing before the lapse date for an extension of time for providing the required information.

Preliminary assessment

Council has carried out a preliminary assessment of the application and is concerned with the following aspects of the proposal:

Licensing Hours

Pursuant to Clause 22.09-3 of the Scheme, 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.

The premises directly abuts land within a residential zone (Mixed Use Zone). The application materials submitted do not specify the proposed licensed hours for the rear courtyard. Further information is required on details of the proposal.

Should the licensing hours for the rear courtyard comply with the preferred hours of operation above, an acoustic report will not be required.

Rear Courtyard

Council requires additional information on the rear courtyard including whether it was previously designated as an area for car parking or for loading and unloading vehicles. It is noted that Conditions 4 and 5 of Planning Permit 3572 require:

- that the loading and unloading of vehicles must be carried out entirely within the site and
- that any area set aside for car parking or loading must not be used for any other purpose. All space and access lanes must be clearly marked on the ground

The information requested above will clarify details of the proposed amendment, specifically whether the proposal will require amendments to the permit conditions so that full assessment can be carried out.

Attachment 7 - Advertised Written Responses

Application Notice and Referrals

Please note that this application will be referred to Victorian Commission for Gambling and Liquor Regulation (VCGLR) pursuant to Clause 66.03 of the Scheme.

Please note that notification of this application will be given to the Chief Commissioner of Victoria Police pursuant to Clause 66.05 of the Scheme.

For more information on the planning permit process, please visit Council's website www.yarracity.vic.gov.au/planning. If you have any enquiries, please contact **Samantha Tham** on **9205 5083**, or via email **Samantha.Tham@yarracity.vic.gov.au**.

Yours sincerely,


PCV Ally Huynh
Senior Coordinator Statutory Planning

Attachment 7 - Advertised Written Responses

23rd April 2019

Bad Decisions Bar
46 Johnston St Fitzroy

Amendment application No: 3572.01

Point 1. New application page one filled out and attached to email

Point 2.

The site as 46 Johnston St is currently a licensed bar with a late night General liquor license. We have recently purchased this business earlier in the year and undertaken to clean up refurbish and re open the venue. We currently also operate Laundry Bar and Georges Bar on Johnston St in Fitzroy as well.

The rear covered area of the building as described in the planning permit as a car park is currently an under cover area which contains a staircase forming the only pathway between the first and ground floor of the building. This area has for sometime been used as a beer garden area however on doing our due diligence on the venue we discovered that this area was not on the planning permit or the liquor license. We are now endeavoring to amend this.

We propose to use this area as a thoroughfare for customers, an area for extra seating for customers to eat and drink as well as a thoroughfare for staff to transport stock between the levels of the venue. Currently under the conditions of the license our customers have to finish drinks before moving between the levels of the venue, as well as our staff not being able to move stock between our cool room and stock room and the downstairs bar because they would need to take it off the licensed premises.

We would propose the hours of operation of this area would be the same as the rest of the licensed area. Being Sunday 10am – 3am, Monday to Wednesday 9 am – 2am Thursday – Saturday 9am – 3am.

Point 3. Attached in email excel spreadsheet

Point 4. Attached in email

Point 5. Attached in email, items all updated

Point 6. Attached in email

Point 7. Arranged and will be sent as soon as completed

Regards

David Barrett
Director

Attachment 7 - Advertised Written Responses

To extend the redline area to the covered rear section of the property, so that we can serve food and alcohol in this area. Also so that we can move stock between the other licenced portions of the venue and customers can freely move about the venue without having to finish drinks etc before moving into another area.

HOURS OF OPERATION

Sunday Between 10 a.m. and 3 a.m. the day following.

Good Friday & ANZAC Day Between 12 noon and 1 a.m. the day following.

Monday to Wednesday Between 9 a.m. and 2 a.m. the day following.

Public Holidays (being Monday to Wednesday) Between 9 a.m. and 3 a.m. the day following.

Thursday to Saturday Between 9 a.m. and 3 a.m. the day following..

To remove the following conditions:

that the loading and unloading of vehicles must be carried out entirely within the site.

that any area set aside for car parking or loading must not be used for any other purpose. All space and access lanes must be clearly marked on the ground.

Attachment 8 - JTA Acoustic Report [October 2019]



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JTA Health, Safety & Noise Specialists Pty Ltd
ABN: 78 007 071 383

October 2018

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Client: Bad Decisions Bar
Job No: N11563
Report By: William, Dalmau, Senior Acoustic Consultant
Reviewed By: Alec Kuoch, Acoustic Consultant

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Creating safe, healthy + productive workplaces

ENVIRONMENTAL NOISE ASSESSMENT
BAD DECISIONS BAR – 46 JOHNSTON ST, FITZROY

Attachment 8 - JTA Acoustic Report [October 2019]



Environmental Noise Assessment Bad Decisions Bar – 46 Johnston St, Fitzroy

SUMMARY

JTA Health, Safety & Noise (JTA) has been commissioned by Bad Decisions Bar to perform an environmental noise assessment of Bad Decisions Bar operations and provide a report documenting the findings. Noise monitoring of Bad Decisions Bar night-time operations and background noise levels were conducted and noise modelling of venue emitted noise levels was performed to a) isolate Bad Decisions Bar operational noise from extraneous noise sources and b) determine the dominant noise sources contributing the highest noise levels at residential receivers.

Based on the results of the assessment, the key findings of were:

- It has been determined Bad Decisions Bar music noise emissions complies with the requirements of SEPP N-2 during the night time period.
- It is predicted patron noise from Bad Decisions Bar under the proposed condition of utilising the ground level outdoor area for up to 25 patrons will comply with the requirements of the patron noise criteria during the night time period.

Although compliance has been predicted and predicted results are well below the relevant noise limits, it is recommended that management controls be implemented to keep patron noise to reasonable levels by discouraging shouting type behaviour in the ground level out door area.

Based on the results of the assessment, the proposed use of the ground level outdoor space will achieve all acoustic amenity criteria at the nearest noise sensitive receivers up until the proposed 3am operational hours.

Attachment 8 - JTA Acoustic Report [October 2019]

Environmental Noise Assessment
Bad Decisions Bar – 46 Johnston St, Fitzroy

1 INTRODUCTION

Bad Decisions Bar is applying to use the existing ground level rear outdoor covered area of the venue as part of the licenced area of the premises. Currently the ground level outdoor area is a thoroughfare between the downstairs bar and the level 1 function space, bar and covered balcony area. The proposed use of the ground level outdoor area will include patrons utilising the space for seating and festivities. No speakers or music is proposed to be originating from the area.

JTA Health, Safety & Noise Specialists (JTA) has been commissioned by Bad Decisions Bar to perform an environmental noise assessment of their operations and provide a report documenting the findings. Bad Decisions Bar is located at 46 Johnston St, Fitzroy.

Assessment of Bad Decisions Bar night-time operations and background noise levels were conducted on the night of Saturday 29th of September 2019 between 00:30 hours and 03:30 hours.

The assessment of Music Noise from Bad Decisions Bar was performed in accordance with the requirements State Environmental Protection Policy (Control of Music Noise from Public Premises) No. N-2. The assessment of patron noise from the proposed outdoor area was assessed in accordance with the following criteria:

- State Environment Protection Policy No.N-2 – Control of Music Noise from Public Premises
- State Environment Protection Policy No.N-1 - Control of Noise from Commerce, Industry and Trade
- NSW Road Noise Policy - Sleep Disturbance Criteria (Adopted Criteria)
- Background noise level (L_{90}) plus 5dB

The aim of the assessment was to determine the following:

1. Measurement of Background Noise Levels without contribution of music noise from the venue in a noise sensitive area, or a derived measurement point, during the night time periods.
2. Calculation of Noise Limits based on the measured background noise levels.
3. Measurement of Noise Levels associated with the existing noise from the venue in a noise sensitive location during the night time periods.
4. Assessment of patron noise on noise sensitive receivers in accordance with best practices methodologies for amenity and sleep disturbance.
5. Preparation of a report detailing the results of the assessment, a comparison with the relevant Noise Limits and, where required, recommendations to assist in complying with the requirements.

Appendix I provides a glossary of terms used in this report.

Disclaimer: JTA Health, Safety, and Noise Specialists has prepared this report exclusively for the use by the named client. JTA Health, Safety, and Noise Specialists believe that the information in this report is correct, and that any opinions, conclusions or recommendations are reasonably held or made at the time of writing. Assessment results and concluding recommendations are based on the representative operational conditions during the attended survey. Changes in operational conditions or plant, machinery, equipment or systems can result in deviating noise levels. JTA Health, Safety, and Noise Specialists disclaim all responsibility for any loss or damage which may be suffered by any person, directly or indirectly from the use of this report.

Attachment 8 - JTA Acoustic Report [October 2019]



Environmental Noise Assessment
 Bad Decisions Bar – 46 Johnston St, Fitzroy

2 SITE DESCRIPTION

Bad Decisions Bar is located at 46 Johnston St, Fitzroy. The venue is positioned in close proximity to a number of bars, cafes and restaurants. The site is bounded by the following:

- Johnston St to the north which consists of 4 lanes of traffic (2 used for on street parking) with commercial properties beyond
- Commercial properties to the east and west
- Laneway to the south with commercial properties beyond

JTA understands the premises currently operates under the following conditions:

- Operating times:
 - Monday to Wednesday: 9am to 2am the following morning
 - Thursday to Saturday: 9am to 3am the following morning
 - The ground floor outdoor area is to have the same operational times
- Maximum capacity of ground floor outdoor area – 25 Patrons
- The licensee shall ensure that the level of noise emitted from the licenced 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 subject ground level open area is at the rear of the premises and backs on to the rear laneway. The area is currently covered in corrugated sheet metal and a roller door opens onto the rear laneway. The entrance to the area is via the ground level bar area door and access to the first level function space, bar and landing are via a stairs at the eastern end of the space. The roller door is kept open at all times when the venue is operating as it serves as a fire escape. Currently the roller door opening is secured with bars and incorporates a barred fire escape door.

JTA understands the closest noise sensitive receivers (NSRs) have been identified to the south west at level 2, 19 Victoria St with the ground and first floors being utilised for commercial use. The dwellings are set back from the northern façade of the building to allow for courtyard space. The next closest residence is the apartment building located at 67-69 Fitzroy St, which is located to the south east. Figure 2.1 details the site and surrounds.



Figure 2.1: Bad Decisions Bar and Surrounding Environment

Of note, the landlord of 44 Johnston St, Fitzroy has provided a letter dated the 2nd October 2019 that states the following:

Attachment 8 - JTA Acoustic Report [October 2019]



**Environmental Noise Assessment
Bad Decisions Bar – 46 Johnston St, Fitzroy**

“The upstairs of 44 Johnston St Fitzroy is used for storage and studio spaces. The space has not been used for any residence or for anyone to sleep in for some time and we have no intentions of changing this in the future.”

A copy of the letter stating the following is provided in Appendix IV.

The venue consists of two separate bar areas (one downstairs at the Johnston Street entrance and one upstairs at the function space), amenities are located at the ground floor and in the upstairs function space, a landing area on Level 1 next to the cool store and the function space which is covered by a sheet metal roof and is connected by stairs to the ground level outdoor space, which is also covered by sheet metal roofing. The venue in-house music system is located in the downstairs bar area and consists of 4 speakers mounted along the west wall, and in the function space and consists of 2 behind the bar. On the day of the assessment the function space also had 4 additional speakers (2 approximate 10” speakers mounted high and 2 subwoofer speakers on the ground) at the northern end of the space associated with a DJ setup.

No mechanical services were observed on the roof of the premises and no site noise emissions other than music and patron noise was audible beyond the boundary of the site. Figure 2.2 below details the venue layout.

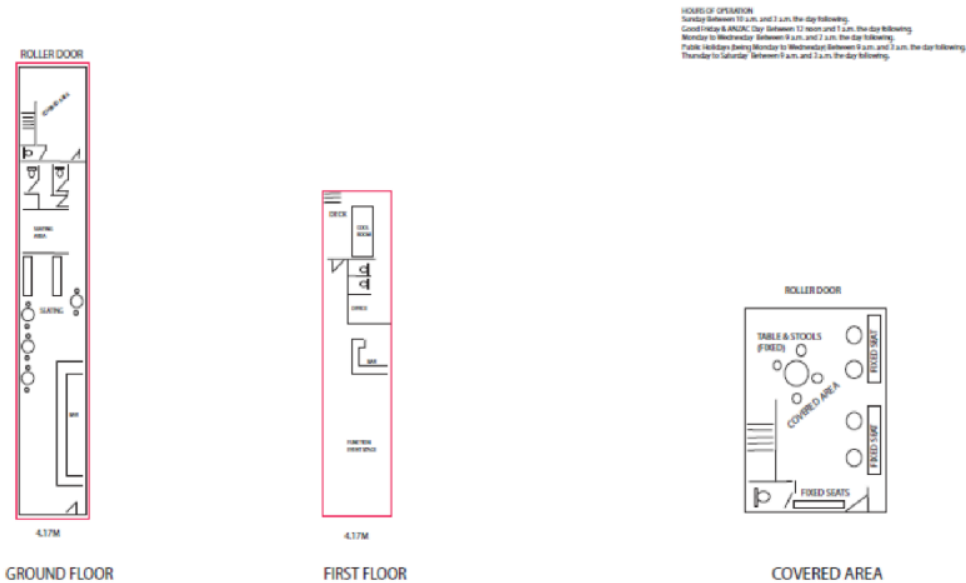


Figure 2.2 – Venue Layout with the Ground Floor (left) and the Rooftop Bar Area (right)

Attachment 8 - JTA Acoustic Report [October 2019]



Environmental Noise Assessment
Bad Decisions Bar – 46 Johnston St, Fitzroy

3 METHODOLOGY & ASSESSMENT CRITERIA

3.1 Music Noise

The Government of Victoria sets out its policies to control and reduce environmental pollution through State Environment Protection Policies (SEPPs). The goal of SEPP (Control of Music Noise from Public Premises) No. N-2 is to protect residents from levels of music noise that may affect the beneficial uses made of noise sensitive areas while recognising the community demand for a wide range of musical entertainment.

SEPP N-2 prescribes noise limits for indoor and outdoor venues, and provides details on noise measurement procedures, including the measurement of background levels and adjustments to determine effective noise levels.

Noise Limits are based on the combination of the Background Noise Levels and the time period being measured. The Background Noise Levels and Noise Level from a venue are measured at a point within a "Noise Sensitive Area", usually the nearest residence or a site of complaint. The music noise level measured within the Noise Sensitive Area is known as the effective noise level and is compared to the Noise Limit to determine compliance.

Table 3.1 defines the times for the day/evening and night operating periods for indoor venues. The times vary according to the number of operations per week and the day of the week on which an operation occurs. The operating periods for the day preceding a public holiday shall be the same as for Saturday.

Table 3.1: Operating Periods for Indoor Venues

Number of Operations Per Week	Day	Day period (24hr)	Night period (24hr)
One	Friday	0900-0000	0000-0900
	Saturday	1000-0000	0000-1000
	Sunday	1100-2200	2200-1100
	Other	0900-2300	2300-0900
Two or three	Thursday	0900-2300	2300-0900
	Friday	0900-2300	2300-0900
	Saturday	1000-2300	2300-1000
	Sunday	1100-2200	2200-1100
	Other	0900-2200	2200-0900
More than 3	Saturday	1000-2200	2200-1000
	Sunday	1200-2100	2100-1200
	Other	0900-2200	2200-0900

Bad Decisions Bar currently operates 6 days per week so falls into the 'More than 3' category. The venue operates during the night time period with opening times from 9am to 3am.

Attachment 8 - JTA Acoustic Report [October 2019]



Environmental Noise Assessment
Bad Decisions Bar – 46 Johnston St, Fitzroy

3.2 Patron Noise

At present, there is no legislation or guidance for patron noise in Victoria and there lacks clear agreement amongst acoustic consultants as to how this noise impact should be addressed. Consequently patron noise is commonly an area of contention in the consideration of licensed venues. A clear example of this inconsistency is the Victorian Civil and Administrative Tribunal (VCAT) case of *Project Domain Pty Ltd v Melbourne CC* [2014] in which three separate Acoustic Consultants provide differing methodology and criteria for patron noise assessment.

In Victoria the most commonly adopted impact criteria regarding patron noise is based upon sleep disturbance criteria defined in the New South Wales Environment Protection Authority (EPA) Publication '*Environmental Criteria for Road Traffic Noise*'. The research performed is based on noise associated with vehicles, however this criteria can and is widely accepted as an assessment tool for other sources of noise such as patron voices. Notably the criteria has been adopted in numerous VCAT cases including *Za Za's Pty v Yarra CC* [2014], *Central Pier Pty Ltd v Director of Liquor Licensing* [2009] and *Number 17 Pty Ltd v Director of Liquor Licensing* [2010]. The NSW Environmental Criteria for Road Traffic Noise states the following in relation to sleep disturbance:

- Maximum internal noise levels below 50-55dB(A) are unlikely to awaken people from sleep.
- One or two noise events per night with a maximum internal noise level 65-70dB(A) are not likely to affect health and wellbeing significantly.

The noise experienced within a habitable room is usually 10dB(A) lower than the noise outside, even if a window is open. Consequently a maximum noise level of 60-65dB(A) outside an open window is unlikely to cause awakenings.

Generally noise generated by patrons in an outdoor area will vary in duration and magnitude depending on their conduct. Considering this there has been a recent trend to assess the impact of the quasi-steady state character of the patron noise in addition to its louder but shorter events accounted for in the sleep disturbance criteria above. In the case of *Project Domain Pty Ltd v Melbourne CC* [2014] the criteria presented included the 'State Environmental Protection Policy No. N-1 – Control of Noise from Commerce, Industry and Trade' and a 'Background Noise Level Plus' method. The 'Background Plus' level sets the noise limits as the background noise level plus a 15dB, 10dB and 5dB adjustment for the day, evening, and night time periods respectively. Additionally in more recent years, some acoustic consultants have used the SEPP N-2 assessment methodology for assessing patron noise.

Based on the recent VCAT precedents, the patron noise impact criteria summarised in Table 3.2 below has been adopted. Note as the proposed operating time for the outdoor area is till 3am, the night time period noise limits will take precedence as compliance with the night time will ensure compliance at all other time periods.

Table 3.2: Patron Noise Criteria

Period	Day	Time	L _{Aeq}	L _{Amax}
Day	Monday to Friday Saturday	0700-1800hrs 0700-1300hrs	Lower of: SEPP N-1 noise limit and L _{A90} +15dB	-
Evening	Monday to Saturday Saturday Sunday and Public holidays	1800-2200hrs 1300-2200hrs 0700-2200hrs	Lower of: SEPP N-1 noise limit and L _{A90} +10dB	-
Night-Time	Monday to Sunday	2200-2400hrs 0000-0700hrs	Lower of: SEPP N-1 noise limit, L _{A90} +5dB and SEPP N-2 noise limit	60-65 dB

October 2018

7

Attachment 8 - JTA Acoustic Report [October 2019]

Environmental Noise Assessment
Bad Decisions Bar – 46 Johnston St, Fitzroy

4 NOISE MEASUREMENTS & OBSERVATIONS

The measurement of sound pressure levels on the night of Saturday the 29th September 2019 was performed using Bruel & Kjaer 2270 Type 1 sound level meter with built in real time integrating/averaging and octave band facilities. Noise from the premises was inaudible at all times at the nearest identified residential receivers due to extraneous noise of music and patrons from other venues, traffic, pedestrians and mechanical plant in the local area. The local area has the characteristics of an entertainment hub with up to 16 venues located within 100m metres of the subject site. This resulted in noise from the entertainment hub being audible at NSR locations and noise contributions from individual venues difficult to discern with measurements of individual venue noise levels not possible.

Due to the above, noise contributions from the Bad Decisions Bar will be predicted at the NSR locations and compared to noise limits derived from background noise data when no venue is audible. Additionally, as the nearest noise sensitive receivers were located above the ground floor from levels 1 to 5, the predicted noise levels will be predicted at the façade for each relevant level.

Due to the complex nature of the noise environment, a noise model has been developed to isolate the venue from extraneous noise sources. Venue noise sources were measured at known distances and sound power levels were calculated. Additionally music noise breakout was calculated through building components based off sound power noise levels and sound insulation properties of the building envelope. As measurements within the venue were of typical conditions with patrons behaving in a typical manner by conversing at normal or raised voice levels only, worst-case patron conditions will also be explored in the modelling based of patron shouting voice data.

4.1 Background Noise Environment

During background measurements, the sound level meter was positioned outdoors, fixed to a tripod approximately 1.5 meters above ground level at least 2 meters from any reflective surface. Inside venue measurements were conducted by hand where locations were chosen to best represent typical internal noise levels. The sound level meter was calibrated prior to and following the assessment using an external acoustic calibrator. No significant drift in calibration was measured.

The measurement of the Background Noise Levels was conducted at 3 locations, and depended on when the entertainment hub was audible. No Bad Decisions Bar operations were audible when conducting background measurements.

Due to many local venues being located in the near vicinity, multiple background noise levels were obtained at various times throughout the assessment period as before 3am on Saturday nights, many venues in the local area are operational, whereas after 3am all were closed. The locations of the background measurement locations (BG Locations), the venue and nearest residential receivers are detailed in Figure 5.1 on the following page.

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Figure 5.1 – Background Measurement Locations

Observations from each of the BG Locations are detailed in Table 4.1 below.

Table 4.1– Background Noise Measurement Observations

Location	Observations
BG Location 1	Traffic completely dominant noise source in the area with trams on occasion. Mechanical plant noise from Tankerville roof was constant. Pedestrians on footpath of Johnston St. Venues inaudible due to being around corner of alleyway in noise shadow of venues.
BG Location 2	Traffic dominant noise source in the area, pedestrians talking is the second most dominant noise source. Bass music noise from cars playing music was unavoidable at locations near residences.
BG Location 3	Traffic dominant noise source in the area. Pedestrians at tram stop. No bars audible. Tram bells and movements. Pedestrians on street in distance slightly audible on occasion. Mechanical plant barely audible and only in lulls of other noise sources but can't pinpoint location. Hoon car engines on occasion but not high revs, just loud exhaust. Patrons from a nearby venue singing happy birthday in distanced for few seconds. No music audible. Pedestrians walking in north/south alleyway talking loudly at 65 dB(A) at 03:10. Helicopter overhead at 03:13 at 75 dB(A).
BG Location 4	Measurement conducted again to check background noise level results are representative for previous result. Results indicate background noise levels are louder due to street sweepers in area. Other activities from traffic and pedestrians still similar to previous measurement.

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5 RESULTS

5.1 Background Noise Levels

Table 5.1 detailed the night-time background noise level results for each location.

Table 5.1 - Night-time Background Noise Levels

Location	BG Location Reference Point Number	Time	L ₉₀ dB(A)	Frequency (Hz) / L _{90,oct} dB(Z)						
				63	125	250	500	1K	2K	4K
Visitor parking (2nd from north 6m from façade) at junction of alleyway front of 19 Victoria St apartments car ramp	1	01:05	50	56	50	48	45	44	39	33
Corner of Fitzroy St and Victoria St	2	01:55	47	59	49	43	43	42	37	29
Alley way in front of 19 Victoria St apartments	3	03:01	46	52	49	45	43	41	35	26
Alley way in front of 19 Victoria St apartments	4	03:17	48	53	51	47	45	42	38	28

From the background noise level measurements the BG Location 3 result provides the clearest and lowest background noise levels and therefore will be used as the criteria for determining noise limits for the venue at 19 Victoria St residential locations. BG Location 2 result will be used for 67-69 Fitzroy St residential locations.

5.2 Venue Noise Level Measurements

Measurements conducted within the venue are detailed in Table 5.2. Operating conditions were reported as being typical, with a birthday party in the level 1 function space and typical patron numbers and music throughout the venue.

Table 5.2 – Venue Internal Noise Level Measurements

Location	Noise Source	Time	L ₁₀ dB(A)	Frequency (Hz) / L _{90,oct} dB(Z)						
				63	125	250	500	1K	2K	4K
Roller door opening	Level 1 function space music and patron on level 1 landing. Music only audible at bass frequencies	00:50	77	84	71	67	74	73	70	63
Level 1 landing	Patrons (approx. 15). Function space bass noise	01:28	83	88	77	74	80	80	77	70
Above roller door roof canopy	Bass noise breakout from other venue next door dominant	01:37	67	84	72	65	66	63	58	49
Roller door opening	Mostly level 1 function space music. Patron on level 1 landing much quieter than earlier measurement.	01:43	73	84	69	65	71	69	66	58
Ground level bar	1 metre from speaker	02:16	83	92	81	79	81	77	79	75
Ground level bar	Reverberant music noise level	02:20	81	83	83	76	78	77	75	70
Ground level entry door	Reverberant music noise level	02:24	81	93	82	72	76	77	73	66

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Location	Noise Source	Time	L ₁₀ dB(A)	Frequency (Hz) / L _{90,oct} dB(Z)						
				63	125	250	500	1K	2K	4K
Ground level at rear door to open space (door closed)	Reverberant music noise level	02:27	70	84	76	65	69	67	64	56
Level 1 function space door	Reverberant music noise level with some patron noise	02:30	82	92	83	76	81	79	75	67
Level 1 function space	Reverberant music noise level	02:36	83	87	85	78	82	79	77	72
Level 1 function space	Fitzroy St elevated speaker at 1 metre	02:44	88	107	87	86	88	79	83	74
Level 1 function space	Fitzroy St subwoofer speaker at 1 metre, quieter song as music winding down	02:47	83	102	90	80	83	79	74	64
Roller door opening	Function space music stopped. Patrons leaving level 1 landing via open space to ground level bar door	02:51	71	79	66	65	70	66	61	54

The venue ceased music at 02:50 with patrons leaving the venue by 03:00.

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6 NOISE LIMITS

6.1 Music Noise (SEPP N-2)

The background noise level with the lowest result was used to calculate the SEPP N-2 night-time noise limits. In this case, the BG Location 3 result is the lowest at the majority of frequencies and the calculation of the noise limit is presented in Table 6.1.

Table 6.1 - Calculation of SEPP N-2 Night-time Noise Limits

	Frequency (Hz) / dB(lin)						
	63	125	250	500	1K	2K	4K
19 Victoria St							
Measured background noise level $L_{90,oct}$ dB	52	49	45	43	41	35	26
SEPP N-2 criteria Noise Limit adjustment dB(A)	+8	+8	+8	+8	+8	+8	+8
Noise limit dB(A)	60	57	53	51	49	43	34
67-69 Fitzroy St							
Measured background noise level $L_{90,oct}$ dB	59	49	43	43	42	37	29
SEPP N-2 criteria Noise Limit adjustment dB(A)	+8	+8	+8	+8	+8	+8	+8
Noise limit dB(A)	67	57	51	51	50	45	37

6.2 Patron Noise

The assessment of patron noise from the proposed courtyard will be assessed in accordance with the following criteria:

- State Environment Protection Policy No.N-2 – Control of Music Noise from Public Premises (SEPP N-2)
- State Environment Protection Policy No.N-1 - Control of Noise from Commerce, Industry and Trade (SEPP N-1)
- NSW Road Noise Policy - Sleep Disturbance Criteria (Adopted Criteria)
- Background noise level (L_{90}) plus 5dB

The lowest noise limit of each of the above criteria will be used as the project criteria for the patron noise from the proposed use of the outdoor area.

6.2.1 SEPP N-2

SEPP N-2 noise limits for patron noise are detailed in Table 6.2 below.

Table 6.2 - SEPP N-2 Night-time Noise Limits for Patron Noise

	Frequency (Hz) / dB(lin)						
	63	125	250	500	1K	2K	4K
Patron Noise limit dB(A) - 19 Victoria St	60	57	53	51	49	43	34
Patron Noise limit dB(A) - 67-69 Fitzroy St	67	57	51	51	50	45	37

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6.2.2 SEPP N-1

The calculation of SEPP N-1 noise limits are presented in Table 6.3.

Table 6.3 – Calculation of SEPP N-1 Noise Limit

Location	Period	Time	Influencing Factor	Zoning Level	Background Level dB(A)	Low/Neutral/High Background?	Noise Limit dB(A)
19 Victoria St apartments	Night	10pm till 7am	0.40	46	46	High	49
67-69 Fitzroy St	Night	10pm till 7am	0.42	46	47	High	50

6.2.3 Sleep Disturbance

The NSW traffic noise sleep disturbance criteria has been adopted to assess transient patron noise events:

- Maximum internal noise levels below 50-55dB(A) are unlikely to awaken people from sleep.

The noise experienced within a habitable room is usually 10dB(A) lower than the noise outside, even if a window is open. Consequently a maximum noise level of L_{max} 60-65 dB(A) outside an open window is unlikely to cause awakenings and will be used as the criteria for this project. Note, patron noise levels below L_{max} 60 dB(A) will be considered acceptable, levels between L_{max} 60 and 65 dB(A) will be considered marginally acceptable, and levels above L_{max} 65 dB(A) will exceed the criteria.

6.2.4 Background Noise Level Plus Method

For the background noise level plus method, the night time period the criterion is the L_{90} dB(A) background noise level plus 5 dB. At 19 Victoria St the lowest measured background noise level of L_{90} 46 dB(A) obtained at 03:01 will be used for this assessment, for 67-69 Fitzroy St the measured level of L_{90} 47 dB(A) will be used. The Background Plus patron noise limit will be as follows:

- 19 Victoria St Noise Limit: L_{eq} 51 dB(A)
- 67-69 Fitzroy St Noise Limit: L_{eq} 52 dB(A)

6.2.5 Collated Patron Noise Criteria

Each of the noise limits for patron noise levels are presented in Table 6.4 below with the lowest level being the applicable criteria for this project.

Table 6.4 - Calculation of Patron Noise Limits based on all Criteria

Location	Period	Background Plus Criteria	SEPP N-1	Patron Noise Level limits	
				L_{eq} dB(A)	L_{max} dB(A)
19 Victoria St apartments	Night	51	49	49	60-65
67-69 Fitzroy St	Night	52	50	50	60-65

Additionally the SEPP N-2 patron noise limit determined in Table 6.2 will also be considered. Of note due to the amount of venues in the area and the possibility of cumulative impacts from each venue

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contributing to overall noise levels at residents, results greater than 3 dB(A) less than the noise limits will be considered a marginal pass. I.e. Patron noise levels at 19 Victoria St apartments between 46 and 49 dB(A) will be considered a marginal pass.

7 NOISE MODELLING

Noise modelling of venue emitted noise levels has been conducted using SoundPLAN software. The SoundPLAN model implements the ISO 9613-2 outdoor noise propagation model and in this case, the diffusion term from ISO 15712-4 has been used, for the calculation of indoor to outdoor transmission from the building's facades. Due to the complex environment, the reflection order has been set to 3 and residential receiver points set to 1 metre from the facade for all results in the modelling. Appendix II provides images of the noise model and a contour noise map.

7.1 Venue Noise Sources

To determine the emitted noise levels from the venue, sound power noise levels have been determined for each component of the venue. Sound power noise levels have been determined from sound pressure level results at known distances (L_{10} for music and L_{eq} for patron noise sources), and noise breakout of the venue was either directly measured or calculated based on building sound insulation properties. Sound power level results and are presented in Table 7.1 below.

Table 7.1 – Venue Sound Power Noise Levels

Noise Source	Total L_w dB(A)	Frequency (Hz) / L_w dB(Z)						
		63	125	250	500	1K	2K	4K
Music Noise Sources								
Stairs angled metal roof breakout	65	90	75	67	70	64	52	38
Ground level front door breakout	81	107	93	81	80	81	76	68
Level 1 function area door breakout	84	108	96	85	84	84	78	70
Ground level door to bar breakout	50	79	64	49	49	48	44	37
Level 1 landing metal roof breakout	71	96	81	73	76	70	58	44
Level 1 function area roof breakout	68	101	93	74	63	50	40	33
Patron Noise Sources								
Noise levels for approx. 15 patrons at level 1 landing	93	72	73	74	84	90	88	83
Noise levels for approx. 25 patrons at proposed ground level outdoor area	95	74	75	76	86	92	90	85
Patron L_{max} (Shouting)	110	81	85	92	102	108	103	94

Calibration measurements were also taken to verify the model accuracy with the model being considered accurate if modelled results are within ± 3 dB of measured results. Model results are all within the margin of error so is considered accurate.

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7.2 Predicted Venue Noise Levels

Due to the complex nature of the local area and where residents are located in relation to the venue, it is possible that the most affected residences are those which are not the closest to the venue. Figure 7.1 provides details of the 19 Victoria St resident locations with results predicted at 1 metre from the most exposed façade at approximate head height. The closest apartments at 67-69 Fitzroy St location relative to the venue were used to determine the venue noise impact. Appendix II and Appendix III provide further detail of the residential locations relative to the venue.



Figure 7.1 – Location of 19 Victoria St Residences

Noise levels from the venue have been predicted at the most affected noise sensitive receivers under a variety of conditions and are presented in Table 7.2.

Table 7.2 – Predicted Venue Noise Levels at Residents

Location	L _{eq} dB(A)	L ₁₀ dB(A)	Frequency (Hz) / dB(Z)						
			63	125	250	500	1K	2K	4K
Music Noise									
19 Victoria St - Level 2 (A)	-	43	56	46	37	39	40	34	26
19 Victoria St - Level 2 (B)	-	41	53	43	34	36	36	31	22
19 Victoria St - Level 2 (C)	-	40	54	44	35	37	37	32	23
67-69 Fitzroy St - Level 2	-	34	46	37	28	30	31	24	14
67-69 Fitzroy St - Level 3	-	36	48	39	30	32	33	27	18
67-69 Fitzroy St - Level 4	-	36	47	38	28	31	33	28	20
67-69 Fitzroy St - Level 5	-	38	49	41	31	34	36	30	21

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Location	L _{eq} dB(A)	L ₁₀ dB(A)	Frequency (Hz) / dB(Z)						
			63	125	250	500	1K	2K	4K
Patron Noise									
19 Victoria St - Level 2 (A)	45	-	54	44	36	39	41	39	33
19 Victoria St - Level 2 (B)	45	-	52	42	36	39	41	35	28
19 Victoria St - Level 2 (C)	43	-	52	42	37	40	42	39	32
67-69 Fitzroy St - Level 2	40	-	50	39	32	36	38	33	24
67-69 Fitzroy St - Level 3	42	-	51	41	34	38	39	33	25
67-69 Fitzroy St - Level 4	42	-	47	37	31	37	39	34	25
67-69 Fitzroy St - Level 5	44	-	49	39	34	39	41	36	28

The most dominant noise sources at the residents are the following:

- Music noise from the Function Room open door
- Patrons noise from both ground level and level 1 undercover areas

The highest predicted noise level result at 67-69 Fitzroy St is at level 5, and at 19 Victoria St it is Level 2 (A). These results will be used to determine compliance against relevant criteria.

Patron maximum noise levels (L_{max} dB(A)) have been predicted at relevant NSR locations to determine if the sleep disturbance criteria will be exceeded. Patron shouting has been modelled from the centre of the proposed ground level out door area with results presented in Table 7.3.

Table 7.3 – Predicted Maximum Patron Noise Levels at Residents

Location	Predicted Patron Noise Levels L _{max} dB(A)
19 Victoria St - Level 2 (A)	56
19 Victoria St - Level 2 (B)	41
19 Victoria St - Level 2 (C)	41
67-69 Fitzroy St - Level 2	56
67-69 Fitzroy St - Level 3	56
67-69 Fitzroy St - Level 4	49
67-69 Fitzroy St - Level 5	44

The highest predicted result for level 3, 67-69 Fitzroy St and at Level 2 (A), 19 Victoria St will be used when determining compliance.

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7.3 Predicted Venue Compliance

7.3.1 Music Noise Emissions

The predicted music noise levels at Level 2 19 Victoria St and Level 5 67-69 Fitzroy St, are compared to the SEPP N-2 night time noise limit in Table 7.4 to determine compliance.

Table 7.4 – Comparison of Predicted Music Noise Levels against SEPP N-2 Noise Limits

	Frequency (Hz) / dB(Z)						
	63	125	250	500	1K	2K	4K
19 Victoria St - Level 1							
Predicted noise level $L_{10,oct}$	56	46	37	39	40	34	26
Noise Limit	60	57	53	51	49	43	34
Exceedance	-	-	-	-	-	-	-
Compliance	Yes	Yes	Yes	Yes	Yes	Yes	Yes
67-69 Fitzroy St - Level 5							
Predicted noise level $L_{10,oct}$	49	41	31	34	36	30	21
Noise Limit	67	57	51	51	50	45	37
Exceedance	-	-	-	-	-	-	-
Compliance	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Predicted music noise levels at NSR locations are all below the SEPP N-2 noise limit and therefore compliance has been determined for music noise emissions.

7.3.2 Patron Noise Emissions

The predicted patron noise levels under the worst-case condition of 25 patrons in proposed ground level outdoor area, at Level 2 (A) 19 Victoria St and Level 5 67-69 Fitzroy St, are compared to the Patron Noise night time noise limits in Table 7.5 to determine compliance.

Table 7.5 – Comparison of Predicted Patron Noise Levels against Patron Noise Limits

	L_{eq} dB(A)	Frequency (Hz) / dB(Z)						
		63	125	250	500	1K	2K	4K
19 Victoria St - Level 2 (A)								
Predicted noise level L_{eq}	45	54	44	36	39	41	39	33
Noise Limit	49	60	57	53	51	49	43	34
Exceedance	-	-	-	-	-	-	-	-
Compliance	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
67-69 Fitzroy St - Level 5								
Predicted noise level L_{eq}	44	49	39	34	39	41	36	28
Noise Limit	50	67	57	51	51	50	45	37
Exceedance	-	-	-	-	-	-	-	-
Compliance	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

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Table 7.6 details the compliance status of patron maximum noise levels against the sleep disturbance criteria.

Table 7.3 – Predicted Maximum Patron Noise Levels at Residents

Location	Predicted Patron Noise Levels L_{max} dB(A)	Noise Limit L_{max} dB(A)	Compliance
19 Victoria St - Level 2 (A)	56	60-65	Yes
67-69 Fitzroy St - Level 2	56	60-65	Yes

8 DISCUSSION

JTA Health, Safety & Noise (JTA) has been commissioned by Bad Decisions Bar to perform an environmental noise assessment of Bad Decisions Bar operations and provide a report documenting the findings. Noise monitoring of Bad Decisions Bar night-time operations and background noise levels were conducted and noise modelling of venue emitted noise levels was performed to a) isolate Bad Decisions Bar operational noise from extraneous noise sources and b) determine the dominant noise sources contributing the highest noise levels at residential receivers.

Based on the results of the assessment, the key findings of were:

- It has been determined Bad Decisions Bar music noise emissions complies with the requirements of SEPP N-2 during the night time period.
- It is predicted patron noise from Bad Decisions Bar under the proposed condition of utilising the ground level outdoor area for up to 25 patrons will comply with the requirements of the patron noise criteria during the night time period.

Although compliance has been predicted and predicted results are well below the relevant noise limits, it is recommended that management controls be implemented to keep patron noise to reasonable levels by discouraging shouting type behaviour in the ground level out door area.

Based on the results of the assessment, the proposed use of the ground level outdoor space will achieve all acoustic amenity criteria at the nearest noise sensitive receivers up until the proposed 3am operational hours.

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APPENDIX I – Glossary of Terms

ABL	The Assessment Background Level (ABL) is the single figure background level representing each assessment period (daytime, evening and night-time) for each day. It is determined by calculating the 10th percentile (lowest 10 percent) background level (L_{A90}) for each period.
Adverse meteorological conditions	Meteorological conditions under which noise propagation is enhanced. This typically includes the presence of wind and temperature inversions.
A-weighting	Refers to an adjustment made to the noise level reading to take into account the tonal composition of a noise relative to the ear's response to the various tones that make up the noise. A-weighting is done to make sure that the noise level reading properly reflects the loudness of the noise as perceived by the "average" human ear.
dB(A)	Decibel level with an applied A-weighting.
dB(Lin)	Decibel level with a Linear weighting i.e. no frequency weighting applied.
Decibel, dB	Decibel is a logarithmic unit used to describe the ratio of a signal level relative to a reference level and is used to describe sound pressure and sound power magnitudes.
L_1	The L_1 level is the noise level which is exceeded for 1% of the sample period. During the sample period, the noise level is below the L_1 level for 99% of the time.
L_{10}	The L_{10} level is the noise level which is exceeded for 10% of the sample period. During the sample period, the noise level is below the L_{10} level for 90% of the time. The L_{10} is a common noise descriptor for environmental noise and road traffic noise.
L_{50}	The L_{50} level is the noise level which is exceeded for 50% of the sample period. During the sample period, the noise level is below the L_{50} level for 50% of the time.
L_{90}	The L_{90} level is the noise level which is exceeded for 90% of the sample period. During the sample period, the noise level is below the L_{90} level for 10% of the time. This measure is commonly referred to as the background noise level.
L_{eq}	The equivalent continuous sound level (L_{eq}) is the energy average of the varying noise over the sample period and is equivalent to the level of a constant noise which contains the same energy as the varying noise

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environment. This measure is also a common measure of environmental noise and road traffic noise.

L_{max} The maximum noise level over a sample period is the maximum level, measured on fast response, during the sample period.

L_n The level exceeded for N% of the monitoring time.

Neutral meteorological conditions Meteorological conditions under which no enhancements to noise propagation are presents, i.e. temperature inversions and windy conditions.

RBL The Rating Background Level (RBL) for each period is the median value of the ABL values for the period over all of the days measured. There is therefore an RBL value for each period – daytime, evening and night-time.

Sound Power Level (SWL) A logarithmic measure of source acoustic power expressed in dB. The sound power level is fixed and inherent to the source similar to how electric power is inherent to an electrical device. The resulting sound pressure level due to a given sound power level is dependent on various environmental factors such as distance, acoustic shielding, meteorological factors etc.

Sound Pressure Level (SPL) The sound pressure level is the logarithmic measure of the sound pressure measured at a specific point. Specifically it is the logarithmic ratio of the reference pressure to the pressure of interest. The reference pressure is equivalent to the smallest fluctuation in pressure human ears can typically sense as sound. The intention of the SPL is to provide a measure of the sound pressure typically experienced by human ears.

Stability Class The system of classifying atmospheric stability using considerations of solar radiation, surface wind speed, cloud cover and temperature lapse rate. The scale ranges from A (strongly unstable) to F (moderately stable)

Temperature Inversion An atmospheric condition when the temperature gradient in the air is inverted so that sound waves are refracted in the air back towards the ground, enhancing the distance over which noise propagates.

The following table presents example activities with their typical sound pressure level in dB(A).

Sound Pressure Level dB(A)	Example Activity
120	Jet aeroplane take off at 100m
110	Amplified rock concert
100	Pneumatic drill/jackhammer at 1 metre
80	Heavy vehicle passes close by
60	Normal conversation at 1 to 2 metres
40	Quiet business office
20	Quiet bedroom at night
0	Threshold of hearing



APPENDIX II – Noise Modelling Images

3D noise model of venue and nearest noise sensitive receivers:

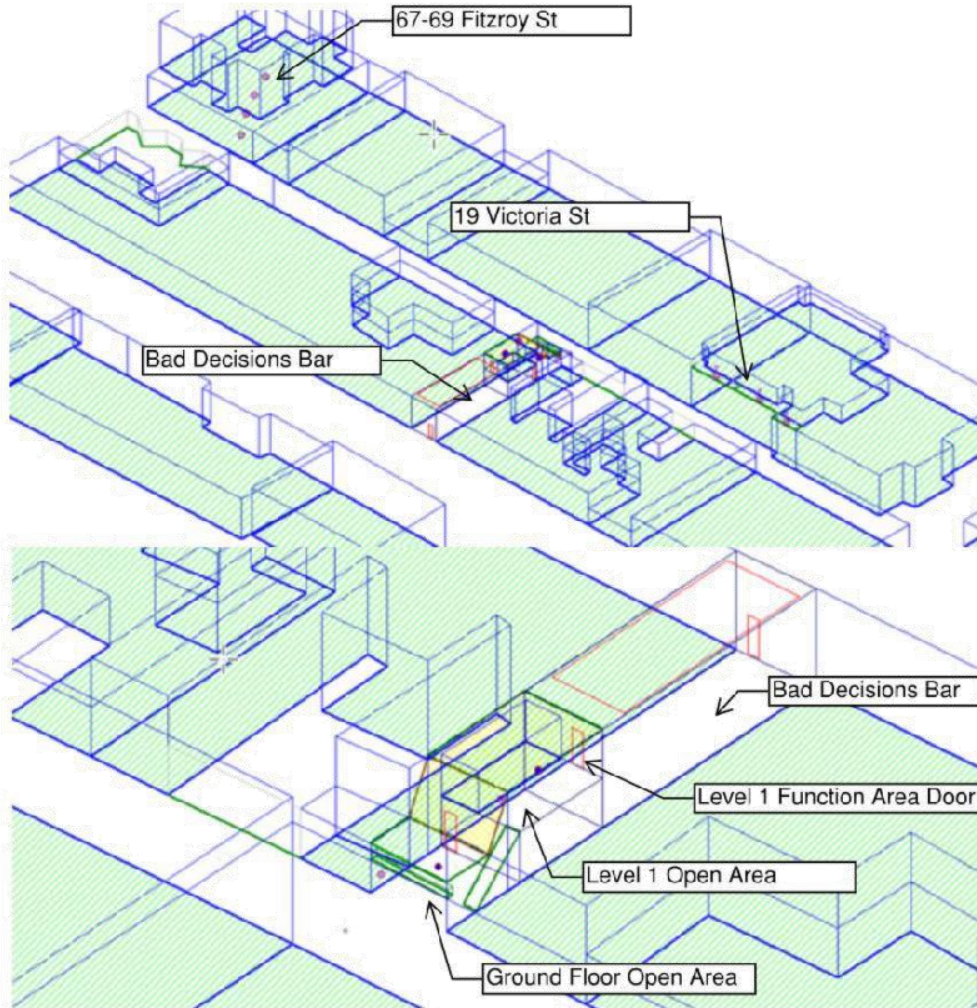


Figure AII.1 – Noise Model 3D Wire Frame

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Noise Contour Map at 9m high (Level 2 Residents' height) of Bad Decisions Bar operations under proposed conditions with music and patrons. Note, noise contour map includes both patron and music noise emissions whereas when determining compliance, the music and patron noise is assessed separately.

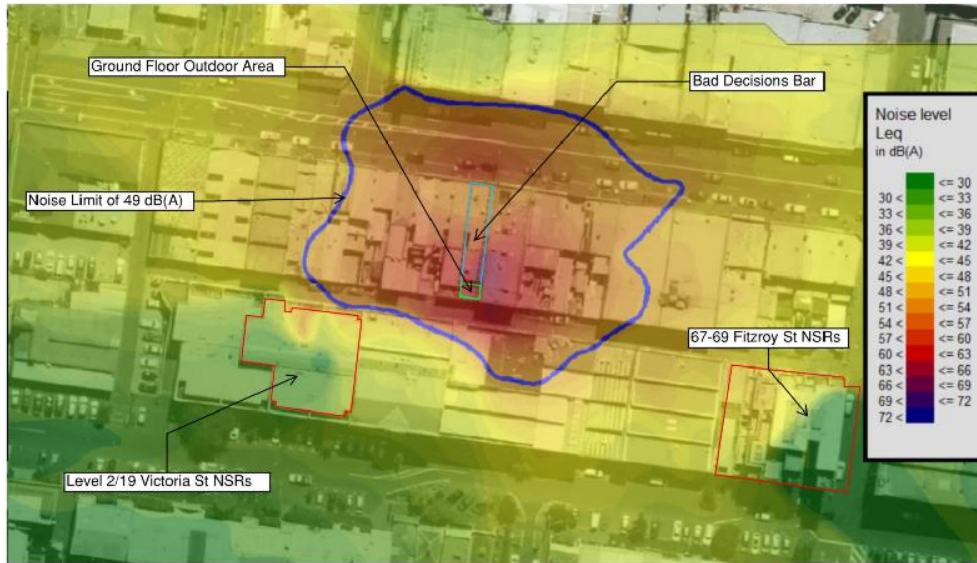


Figure AII.2 – Noise Contour Map of Bad Decision Bar Noise Emissions

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APPENDIX III – Photos and Images

A 3D view of the site and the nearest noise sensitive receivers is presented below in Figure AIII.1:

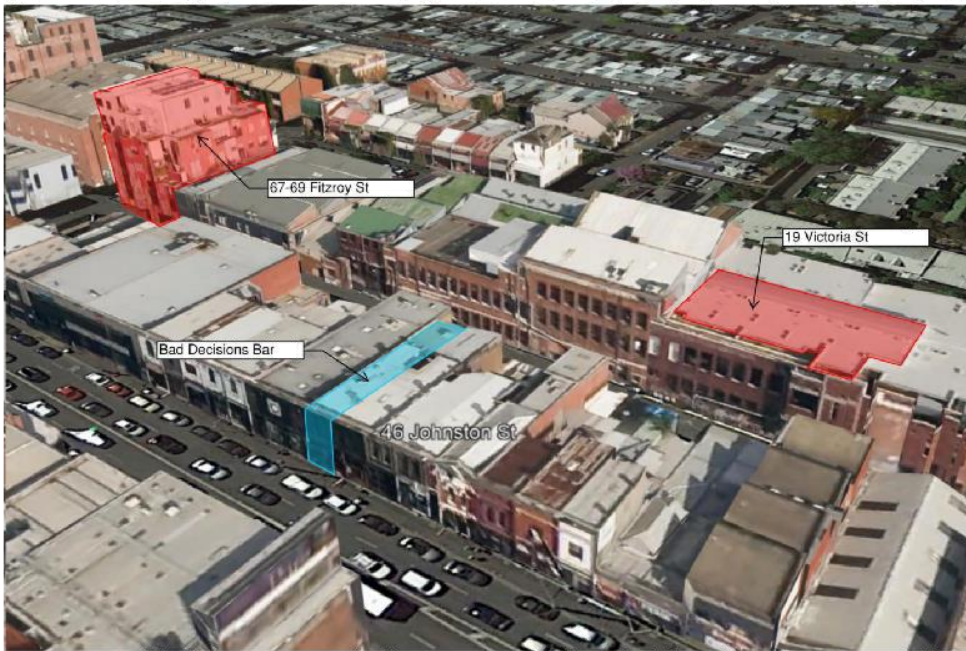


Figure AIII.1 – Site and Surrounds

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In Figure AIII.2 below the location of the 19 Victoria St residences can be seen on top of the commercial levels at Level 2.

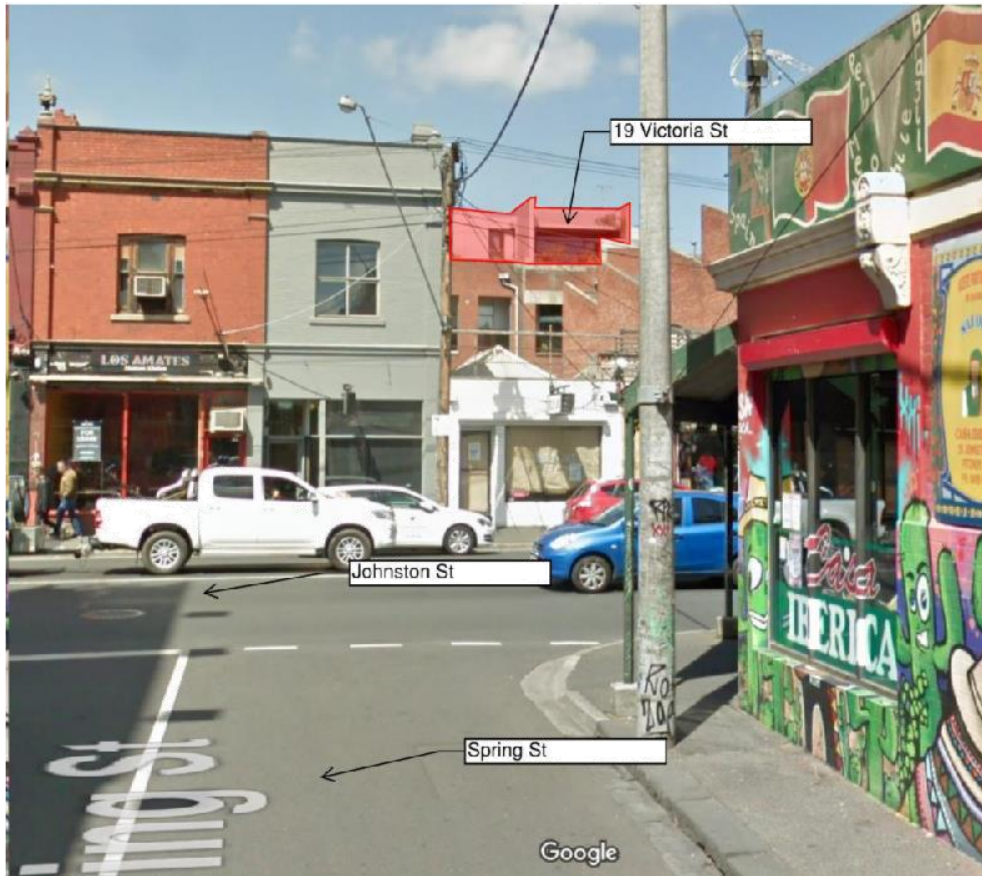


Figure AIII.2 – Victoria St Residence Location

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Figure AIII.3 provides photos of the venue ground level outdoor space:

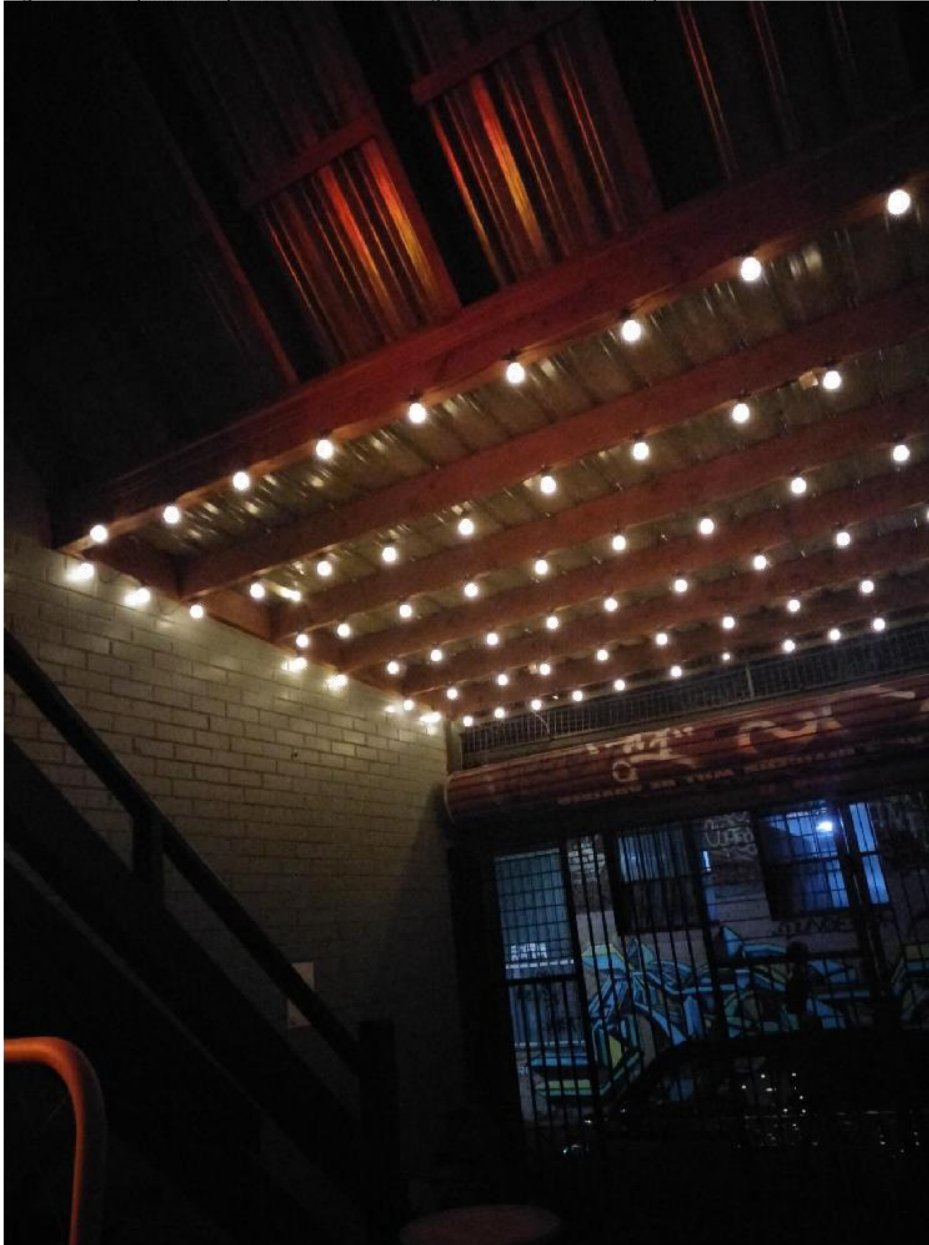


Figure AIII.3 – Ground Level Outdoor Covered Space

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APPENDIX IV – Letter from 44 Johnston St Landlord

02nd October 2019

To Whom It May Concern:

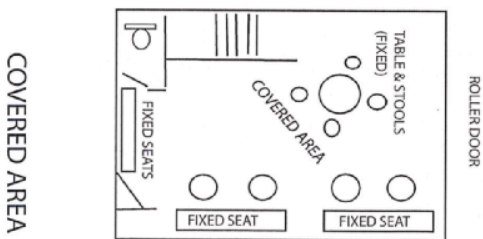
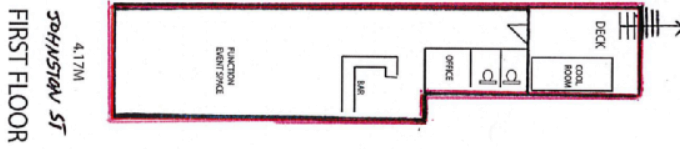
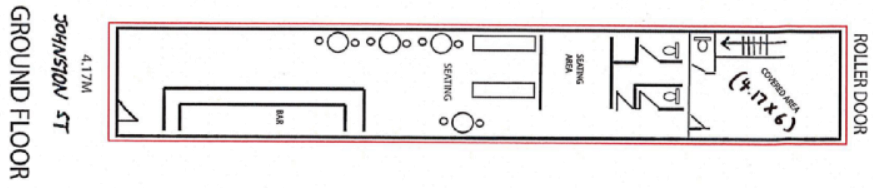
The upstairs of 44 Johnston St Fitzroy is used for storage and studio spaces. The space has not been used for any residence or for anyone to sleep in for some time and we have no intentions of changing this in the future.

Regards

Dina Doneteo
Landlord 44 Johnston St Fitzroy

October 2018

Attachment 9 - JTA Acoustic Report [January 2020]



HOURS OF OPERATION
 Sunday between 10 a.m. and 3 a.m. the day following
 Good Friday & ANZAC Day Between 12 noon and 1 a.m. the day following
 Monday to Wednesday between 9 a.m. and 2 a.m. the day following
 Public holidays (other than Monday to Wednesday) between 9 a.m. and 3 a.m. the day following
 Thursday to Saturday between 9 a.m. and 3 a.m. the day following

BAD DECISIONS BAR, 46 JOHNSTON ST, FITZROY VIC PLAN



25 October 2019

640.10090.06040 46 Johnston St, Fitzroy 20191024.docx

Yarra City Council
PO Box 168
RICHMOND 3121

Attention: Samantha Tham

Dear Samantha

46 Johnston Street, Fitzroy Development Application Acoustic Review

SLR Consulting Australia Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the acoustic assessment report prepared to support the application for an outdoor patron area at 46 Johnston Street, Fitzroy.

Details of the report are as follows.

- Title: Environmental Noise Assessment, Bad Decisions Bar – 46 Johnston Street, Fitzroy
- Date: October 2019 (shown as 2018 on the report)
- Reference: N11563
- Prepared for: Bad Decisions Bar
- Prepared by: JTA Health, Safety & Noise Specialists Pty Ltd

SLR reviewed a previous report for this application prepared by Acoustical Design, in August 2019.

1 Background Information

(Sections 1 and 2 of the acoustic report)

The proposal is for a new ground level outdoor patron area for the existing venue at 46 Johnston Street. The venue layout is described in Section 2 of the report.

- The proposed new ground floor outdoor patron area (GF patron area) is currently used to access the venue first floor function room.
- The GF patron area has a metal deck roof and a roller door onto the rear lane. The roller door is kept open during venue operations. This area of the venue is shown in the photo in Figure AIII.3.
- The first floor function room includes a landing area at the top of the stairs which also has a corrugated metal roof and walls. The first floor function room is entered off the first floor landing.
- Existing venue hours of operation:
 - Monday to Wednesday: 9 am to 2 am the following morning
 - Thursday to Saturday: 9 am to 3 am the following morning.

SLR Consulting Australia Pty Ltd Suite 2, 2 Domville Avenue Hawthorn VIC 3122 Australia
T: +61 3 9249 9400 E: melbourne@slrconsulting.com
www.slrconsulting.com ABN 29 001 584 612

Attachment 10 - SLR Peer Review - JTA Acoustic Report [October 2019]

Yarra City Council
46 Johnston Street, Fitzroy
Development Application Acoustic Review

SLR Ref: 640.10090.06040 46 Johnston St, Fitzroy
20191024.docx
Date: 25 October 2019

- The proposed outdoor patron area is subject to an application for the same hours of operation.
- Up to 25 patrons are proposed to occupy the GF patron area at any one time.
- The nearest noise sensitive receivers are identified as:
 - Level 2 apartments at 19 Victoria Street (approx. 30 m south west)
 - Apartment development at 67-69 Fitzroy Street (7 level development approx. 75 m south east)
 The building to the immediate west (44 Johnston Street), which was previously identified as a residence, has been established as non-residential.

SLR Comments: *The proposal and potential noise impacts have generally been identified.*

With regard to the venue building, the provided description clears up much of the confusion regarding this complex site. JTA have further clarified that the first floor landing is fully enclosed with metal sheeting, but is open to the GF patron area, which in turn is open to the lane.

The identification of 44 Johnston Street as non-residential is significant as it removes the most sensitive noise receiver identified in the previous report for this application.

The location of the warehouse apartments at 19 Victoria Street are shown in the report however from our understanding there may be apartments on Level 1 as well as Level 2. Our information was obtained from a real estate website for 7/19 Victoria Street (the apartments are not obvious from the alley). See photos below showing an apartment on Level 1 with a mezzanine bedroom. We suggest that Council confirm / clarify the situation with respect to occupancy of Level 1.

Figure 1 7/19 Victoria Street, Fitzroy (described on realestate.com.au as having a northerly aspect)



Attachment 10 - SLR Peer Review - JTA Acoustic Report [October 2019]

2 Background Noise Levels

(Section 4.1 of the report)

Background noise measurements for the purpose of identifying noise limits, were measured on Saturday 29 September 2019 at three locations. The locations are shown in Figure 5.1. Commentary on the measurements and measurement locations is provided in Table 4.1. A-weighted and octave band measurement results are presented in Table 5.1. The lowest measured levels, which were obtained at 3 am in the alley to the north of 19 Victoria Street, have been used to determine noise limits for 19 Victoria Street.

SLR Comments: *The measurements were undertaken at appropriate locations and times for determining noise limits over the weekend period. The data was obtained on Grand Final night, which is not a typical Melbourne Saturday night, however JTA have addressed our concerns on this matter with the statement that the measurements they used to calculate noise limits were undertaken after 3 am, and are conservative because the venue will close at 3 am. We are reasonably satisfied that this conservative aspect of the measurements compensates for fact that the measurements were conducted on one of the busier Melbourne nights.*

The use of data obtained just after 3 am on a Sunday morning (Saturday night), for determining noise limits earlier in the week is, however, not justified. SLR has undertaken a limited analysis of some of the ambient background noise data we have on our files for the Fitzroy / Collingwood area, in order to determine whether a relationship can be established between the background data JTA obtained for Saturday night, and the 1 to 2 am period earlier in the week. From our review of the data, the difference between background levels can range from 5 to 10 dB, with the levels being lower earlier in the week.

3 Criteria

3.1 Patron Noise Criteria

(Section 6.2 of the report)

Patron noise has been assessed to SEPP N-1, SEPP N-2, 'background + 5 dB' targets and sleep disturbance criteria. The most onerous limits have been used in the assessment and these are:

- SEPP N-1 limits of 49 to 50 dBA, based on background levels classified as 'high' (i.e. 'background level + 3 dB') – See Section 6.2.2.
- SEPP N-2 – octave band limits presented in Table 6.2
- Sleep disturbance targets in line with the NSW Sleep Disturbance Criteria 65 dBA L_{max} outside bedroom windows

SLR Comments: *The identified limits are appropriate. Yarra Council have previously recommended Leq limits equal to the greater of:*

- SEPP N-1 and
- Minimum 'background + 5 dB'.

Therefore the limits proposed by JTA are 2 dB lower than we have approved and/or advised on other projects. It would be acceptable from our perspective if the higher 'background + 5 dB' limit was used.

Attachment 10 - SLR Peer Review - JTA Acoustic Report [October 2019]

Yarra City Council
46 Johnston Street, Fitzroy
Development Application Acoustic Review

SLR Ref: 640.10090.06040 46 Johnston St, Fitzroy
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The identified limits are reasonable for Friday / Saturday nights, however limits have not been identified for patron noise earlier in the week.

3.2 Music noise criteria

(Section 6.1 of the report)

Music noise is proposed to be assessed to SEPP N-2. The noise limits are determined from background noise monitoring conducted Saturday night / Sunday morning.

SLR Comments: *As indicated in relation to patron noise, the identified limits are reasonable for Friday and Saturday nights.*

4 Assessment Methodology and Predicted Noise Levels

(Section 5.2 and 7 of the report)

A series of noise measurements were conducted on Saturday 29 / Sunday 30 September 2019 to quantify noise emissions from the venue at 46 Johnston Street. The results of measurements are presented in Table 5.2 of the report.

This data has been used as input into a 3-D computer noise model for the venue. Noise from the proposed new ground level outdoor patron area has been modelled assuming a sound power level of 95 dBA.

The predicted noise levels at the closest receiver location at Level 2/19 Victoria Street 45 dBA L_{eq} (patrons) and 43 dBA L_{10} (music). Octave band predicted patron and music levels are also presented in Tables 7.2 and 7.3.

The predicted levels are assessed to the identified limits in Section 7.3. All predicted levels comply with the noise limits.

SLR Comments: *The assessment methodology is reasonable and the assumed patron sound power level of 95 dBA L_{eq} for patrons on the GF outdoor area is in line with our expectations.*

The predicted levels at 19 Victoria Street are lower than we would expect at the Level 1 façade, but are consistent with our expectations for the roof top apartments, which are set back and shielded from the venue.

If Level 1 of the site is confirmed to be residential, the noise modelling should be updated to reflect this.

5 Summary

A review of the acoustic report prepared to address noise from the ground level outdoor patron area proposed for 46 Johnston Street has been conducted. The report considers patron and music noise. Appropriate limits have been identified for Friday and Saturday nights, and compliance has been demonstrated at the receiver locations identified in the report.

Our outstanding concerns in relation to the application are in relation to the following matters.

Attachment 10 - SLR Peer Review - JTA Acoustic Report [October 2019]

Yarra City Council
46 Johnston Street, Fitzroy
Development Application Acoustic Review

SLR Ref: 640.10090.06040 46 Johnston St, Fitzroy
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Sensitive Receiver Locations

It appears likely that there are sensitive receivers on Level 1 of 19 Victoria Street. These would be more exposed to noise from 46 Johnston Street, so their status should be confirmed by Yarra Council. If there are sensitive receivers at this location, the noise model should be updated to reflect them.

Sunday to Thursday Operations

An assessment for operations on these nights, when background noise levels are normally quieter than Friday and Saturday, has not been conducted. There are several options open to the applicant for addressing this matter:

- Conduct background noise measurements and establish noise limits for earlier in the week. The venue needs to comply with the relevant limits at all times, so the most straightforward way to deal with this issue would be to demonstrate compliance with noise limits identified from background monitoring conducted on the quietest night of the week (typically Monday between 1 am and 2 am), OR
- Adopt a 'minimum' target for patron noise and demonstrate compliance with that target on nights other than Friday and Saturday. An appropriate minimum target would be 40 dBA L_{eq} (this is the Marshall Day Acoustics recommended minimum target for patron noise at night), OR
- Do not use the GF patron area Sunday to Thursday nights (i.e. close at 10 pm or at an hour approved by Yarra Council).

Lower noise targets may be able to be met with reduced patron numbers. It would be reasonable from our perspective to have a permit that had different patron number restrictions on different nights of the week. However, Yarra Council should provide feedback on this matter, as the condition may be difficult to monitor.

Regards,



Dianne Williams
Associate – Acoustics

Checked/Authorised by: JA



20 April 2020

640.10090.06040 46 Johnston St Fitzroy 20200416.docx

Yarra City Council
PO Box 168
RICHMOND 3121

Attention: Samantha Tham

Dear Samantha

**46 Johnston Street, Fitzroy
Development Application Acoustic Review**

SLR Consulting Australia Pty Ltd (SLR) was retained by the City of Yarra to provide a review of the acoustic assessment report prepared to support the application for an outdoor patron area at 46 Johnston Street, Fitzroy.

As part of the review process, SLR worked with JTA Health, Safety & Noise Specialists Pty Ltd (JTA) to develop a test methodology to determine whether noise from the proposed outdoor patron area would comply with the identified environmental noise targets at all sensitive receiver locations. The methodology was implemented by JTA and the results of tests were presented in the following report:

- Title: Environmental Noise Assessment, Bad Decisions Bar – 46 Johnston Street, Fitzroy
- Date: January 2020
- Reference: N11563 R3
- Prepared for: Bad Decisions Bar
- Prepared by: JTA Health, Safety & Noise Specialists Pty Ltd

The report demonstrates that the agreed assessment methodology was implemented, and that patron noise from the proposed outdoor area will comply with the relevant noise targets.

To our knowledge there are no outstanding acoustic issues on this project.

Regards,

A handwritten signature in black ink that reads 'DWilliams'.

Dianne Williams
Associate – Acoustics

Checked/Authorised by: JA

Attachment 12 - Community Amenity Referral Comments



MeMO

TO: Samantha Tham
cc:
FROM: Steve Alexander
DATE: 21/06/19
APPLICATION: 46 Johnston Street
SUBJECT: Amenity Enforcement Referral

Dear Samantha,

Following from my initial referral of 19 June 2019, I've had an opportunity to review the acoustic report. Below is an updated recommendation.

I note this application is for a section S72 amendment to allow the licensing of the courtyard which is located at the rear of the premises. I've had an opportunity to review the proposal and given the patron numbers being 120 and the hours proposed for the courtyard the Compliance has concerns in relation to amenity.

In consultation with the Planning Enforcement Officers I have reviewed the proposal and recommend the following to form part of the permit conditions:

1. No music and no speakers in the courtyard at any time.
2. The courtyard area to close 1.00 am all days.
3. Rear doors in the courtyard to remain closed at all time except for emergency only.

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 – Compliance and Prosecutions

Attachment 13 - Social Policy and Research Referral Comments



MEMO

TO: Samantha Tham, Statutory Planner

FROM: Julia Bennett-Mitrovski, Senior Planner (Community Health and Safety)

DATE: 11 July 2019

ADDRESS: 46 Johnston Street, Fitzroy VIC 3066

APPLICATION NO: Amendment to Planning Permit 3572

DESCRIPTION: S72 Amendment to Planning Permit 3572 which allows for the use of the land as a bar/restaurant. This amendment seeks to license the courtyard (covered) to the rear of the site resulting in an extension to the redline area.

Operation Hours

The proposed hours for the rear courtyard are as follows:

- Mon-Wed 9am to 2am the following day
- Thurs- Sat 9am to 3am the following day
- Sunday 10am to 3am the following day

Social Policy and Research has been requested to comment on the proposal.

PROPOSAL

Key aspects of the site and proposal include:

- The subject site is located within the Commercial 1 Zone.
- The subject site is located within the Environmental Audit Overlay and is affected by Heritage Overlay 334 (HO334) related to the South Fitzroy Precinct.
- The site adjoins Commercial 1 Zone to the east and west, and Mixed Use Zone to the south.
- The site is currently used as a bar/restaurant.
- Condition 3 of the current Planning Permit allows the bar use to operate from 9am to 3am. There are no changes proposed to the hours of operation, only that they are intended to now extend to include the rear courtyard. Condition 12 of the current Planning Permit states that the maximum patron capacity is 120 patrons. There is no proposed increase to the number of patrons.
- Bad Decisions Bar currently holds a *late night (general licence)* no. 31921047 authorising the licensee to supply liquor for consumption on and off the premises. The maximum patron capacity is specified as 120 patrons.

Trading hours for consumption off the licensed premises are as follows:

Attachment 13 - Social Policy and Research Referral Comments

- 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.

Trading hours for consumption on the licensed premises are as follows:

- Sunday between 10 a.m. and 3 a.m. the day following.
 - Good Friday & ANZAC day between 12 noon and 1 a.m. the day following.
 - Monday to Wednesday between 7 a.m. and 2 a.m. the day following.
 - Public holidays (being Monday to Wednesday) between 7 a.m. and 3 a.m. the day following.
 - Thursday to Saturday between 7 a.m. and 3 a.m. the day following.
- It is proposed to extend the red line area to the entirety of the site, to incorporate the covered courtyard to the rear (south) of the site. The proposed licenced hours for the rear courtyard are as follows:
 - Mon-Wed 9am to 2am the following day
 - Thurs- Sat 9am to 3am the following day
 - Sunday 10am to 3am the following day

The proposed hours for the courtyard are consistent with the current operating hours allowed by Council.

- The NAAP submitted states that no music will be played within the courtyard area nor speakers installed. Light background music will be played in the downstairs bar area. The upstairs area will be mostly used for functions and events and will not always be in use. It is noted that Condition 6 of the current Planning Permit requires an electronic limiter so that noise emissions comply with SEPP N-2.
- The applicant has indicated that light food will be available with alcoholic drinks through the evening up till close. The applicant has specified that the food offering will include charcuterie boards, dips and bread, and a menu will be provided for patrons to order from Saigon Street Eats (a nearby venue) for functions.

COMMENTS

- The mix of licensed premises within the local area includes restaurant / café licenses, packaged liquor licenses, limited licenses and late night (on premises) licenses.
- There are 16 licensed premises within 100 metres of the subject site (including the site) and 134 licensed venues within 500 metres, with most concentrated along Brunswick Street. It is noted that despite reaching the threshold to provide one, a cumulative impact assessment has not been provided.
- In 2008, the Victorian Government introduced a freeze on new post 1am liquor licences being issued in the City of Yarra, City of Melbourne (including the Docklands), City of Port Phillip and City of Stonnington. In July 2019 the freeze was extended until 30 June 2021. In addition to extending the freeze in July 2019, a number of additional exemptions were also introduced. In summary, the decision making guidelines enable the Victorian Commission for Gambling and Liquor Regulation (VCGLR) to allow the supply of liquor after 1am in a limited number of circumstances, provided that regard is given to the guidelines.
- The criteria is aimed at allowing low risk venues to supply alcohol past 1am. Criteria includes the premises being used for accommodation (with alcohol being ancillary), or

Attachment 13 - Social Policy and Research Referral Comments

a venue that regularly provides live music entertainment, or a venue that provides food at all times when liquor can be supplied. The criteria also includes patrons not exceeding 200 people.

- Given that the venue/planning permit already operates beyond 1am, the freeze is not applicable.
- It is noted that the current planning permit states that the use of site is a bar/restaurant. Given that there are no food preparation facilities on the site, and proposed food preparation on the site is minimal (i.e. the applicant has indicated that food can be ordered into the site, upon demand by the customer), this poses some concern. Practice Note 61 notes that: *Venues that serve food or meals are shown to be less at risk of excessive alcohol consumption. This does not include venues that only serve basic snacks.* Given that there are no food preparation facilities/commercial kitchen on site (as per the submitted floor plan) and the late operation hours, it is considered that the permit preamble either be amended to remove reference to the restaurant use, or perhaps consider a more robust plan in relation to provision of food offerings beyond basic snacks. Provision of a food menu at all hours of operation, beyond basic bar snacks, and which is not solely reliant on off-site delivery of meals into the premises from a nearby takeaway food business would be recommended. Given the lack of food offerings/commercial kitchen on-site, it is recommended that the proposed outdoor courtyard area cease operation at 1am.
- The applicant has indicated that measures to be undertaken to address all noise sources identified (both on and off-site) include sound systems fitted with a sound limitation device set to SEPP N-2 limits. This complies with conditions of the current Planning Permit and is supported.
- The applicant has indicated that signage will be displayed at the entry of the building to bring to customer's attention their proximity to residents and request their quiet exit from the premises. This is supported.
- The applicant has indicated that no music will be played within the courtyard area nor speakers installed and that light background music will mostly be played in the downstairs bar area. The upstairs area will be mostly used for functions and events and will not always be in use otherwise. This is supported. It is recommended that a condition of any approval require that the rear roller door to the courtyard be closed at all times during the hours of operation of the venue.
- The applicant has indicated that staff members will use all reasonable and practical methods to ensure that patrons leave the premises in a quiet and orderly manner at all times that the bar is operating and immediately following close of business. This is supported.
- The total number of patrons on the premises at any one time limited to 120. While some indicative seating is shown on the plan, it is recommended that a condition of any approval require the layout and number of seats to be shown on the floor plan, to the satisfaction of the Responsible Authority.
- Given that the total number of patrons is not more than 120, and this is the currently approved number of patrons for the venue (as stipulated in the existing Planning Permit), it is considered that the likelihood of a detrimental cumulative impact will be minimal.
- The bar will be operating predominantly in the evening. The venue has been provisioned to host live acts in the upstairs area as well as dj's. The ground floor area will be predominately background level music. The sound systems in the venues have also been fitted with sound limiters. It is recommended that an acoustic report be submitted and reviewed by an independent party to confirm acoustic suitability. If the

Attachment 13 - Social Policy and Research Referral Comments

roller door is intended to remain open beyond 1am, it is considered a reasonable requirement to provide an acoustic report.

- Details of waste management plan including storage and hours of collection for general rubbish and bottles associated with the licensed premises remain as per the existing arrangement. At the rear of the premises (on title) bins remain stored. Bins are managed by inner city waste and emptied between 7am and 10pm on any day. It is recommended that this be extended to include not before 9am on a Sunday or public holiday except for those allowed under any relevant local law. This is supported.