



**YARRA CITY COUNCIL**  
**Internal Development Approvals Committee**  
**Agenda**

**to be held on Wednesday 18 September 2019  
at 6.30pm in Meeting Rooms 1 & 2  
at the Richmond Town Hall**

**Rostered Councillor membership**

Councillor James Searle  
Councillor Bridgid O'Brien  
Councillor Stephen Jolly (apology)

**I. ATTENDANCE**

Amy Hodgen (Co-ordinator Statutory Planning)  
Madeleine Moloney (Senior Statutory Planner)  
Cindi Johnston (Governance Officer)

**II. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT OF INTEREST**

**III. CONFIRMATION OF MINUTES**

**IV. COMMITTEE BUSINESS REPORTS**

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***"Welcome to the City of Yarra.  
Yarra City Council acknowledges the  
Wurundjeri as the Traditional Owners  
of this country, pays tribute to all  
Aboriginal and Torres Strait Islander  
people in Yarra and gives respect to  
the Elders past and present."***



## Guidelines for public participation at Internal Development Approval Committee meetings

### POLICY

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Council provides the opportunity for members of the public to address the Internal Development Approvals Committee.

The following guidelines have been prepared to assist members of the public in presenting submissions at these meetings:

- public submissions are limited to a maximum of five (5) minutes
- where there is a common group of people wishing to make a submission on the same matter, it is recommended that a representative speaker be nominated to present the views of the group
- all public comment must be made prior to commencement of any discussion by the committee
- any person accepting the chairperson's invitation to address the meeting shall confine himself or herself to the subject under consideration
- people making submissions shall address the meeting as a whole and the meeting debate shall be conducted at the conclusion of submissions
- the provisions of these guidelines shall be made known to all intending speakers and members of the public generally prior to the commencement of each committee meeting.

For further information regarding these guidelines or presenting submissions at Committee meetings generally, please contact the Governance Branch on (03) 9205 5110.

**Governance Branch  
2008**

## 1. Committee business reports

Item		Page	Rec. Page
1.1	200 / 658 Church Street Cremorne - Melba - Planning Permit Application PLN19/0007 - Display of internally-illuminated sky signage	5	18
1.2	PLN17/1124.01 - 33 - 39 Keele Street Collingwood - Section 72 Amendment to the permit and plans to; change the use from food and drinks premise (cafe) to a restaurant with up to 200 patrons, in conjunction with the restricted retail (as-of-right); increase the hours of the restaurant from Monday to Sunday 7.00am - 7.00pm to Monday to Sunday 7.00am - 11.00pm; include the sale and consumption of liquor (on and off the premises) between Monday to Sunday 7.00am - 11.00pm; and internal alterations.	44	65
1.3	PLN17/1016.01 - 221 Swan Street, Richmond - Section 72 Amendment to the plans to increase the floor area to include a basement (for sale and consumption of liquor) and further reduce the car parking requirement of the Yarra Planning Scheme	138	152

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**1.1 200 / 658 Church Street Cremorne - Melba - Planning Permit Application  
PLN19/0007 - Display of internally-illuminated sky signage**

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## **Executive Summary**

### **Purpose**

1. This report provides Council with an assessment of a planning permit application submitted for 200 / 658 Church Street Cremorne, which seeks approval for the display of internally-illuminated sky signage. The report recommends approval, subject to conditions.

### **Key Planning Considerations**

2. Key planning considerations include:
  - (a) Clause 22.04 – Advertising Signs Policy
  - (b) Clause 52.05 – Signs

### **Key Issues**

3. The key issues for Council in considering the proposal relate to:
  - (a) Signage

### **Submissions Received**

4. Twenty-nine objections were received to the application, these can be summarised as:
  - (a) Visual impact of a roof top sign – specifically impacting the Yarra River corridor, Cremorne skyline and character of the surrounding neighbourhood;
  - (b) Light spill to balconies and habitable room windows;
  - (c) Loss of views to the river and city; and
  - (d) Impact on property value.

### **Conclusion**

5. Based on the following report, and an obtrusive lighting report received by Council on the 9 September 2019 (included as an attachment), the proposal is considered to comply with the relevant planning policy and should therefore be supported, subject to standard conditions and conditions recommended by VicRoads.

**CONTACT OFFICER: Daniel Goode**  
**TITLE: Statutory Planner**  
**TEL: 03 9205 5171**

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**1.1 200 / 658 Church Street Cremorne - Melba - Planning Permit Application  
PLN19/0007 - Display of internally-illuminated sky signage**

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Reference: D19/149065  
Authoriser: Coordinator Statutory Planning

**Proposal:** Display of internally-illuminated sky signage  
**Existing use:** Office building  
**Applicant:** 7-Eleven Stores Pty Ltd  
**Zoning / Overlays:** Commercial 2 Zone; Design and Development Overlay (Schedules 1-J and 5); Significant Landscape Overlay (Schedule 1); Land Subject to Inundation Overlay  
**Date of Application:** 7 January 2019  
**Application Number:** PLN19/0007

### Planning History

1. The subject site has the following planning permit history on record:
  - (a) Planning permit no. PL06/0429 was issued on 21 July 2006 to *develop the land through the display of two major promotional signs* at 200 / 658 Church Street.
  - (b) Planning permit no. PLN17/1093 was issued on 14 June 2018 for *development of the land for internal and external alterations to the existing building, construction of pergolas, landscaping works and an associated reduction in the car parking requirements* at 200, 230, 245 & 250 / 658 Church Street.
  - (c) Planning permit no. PLN18/0960 was issued on 16 April 2019 for *use of the land as a convenience shop and display of internally-illuminated business identification signage* at 200 / 658 Church Street.
  - (d) Planning permit no. PLN19/0008 was issued on 28 May 2019 for *display of signage, including internally-illuminated, high wall, business identification and a major promotional sign* at 200 / 658 Church Street. This permit updates and replaces the major promotional signage approved under permit no. PL06/0429.

### Background

#### Aboriginal Cultural Heritage Significance

2. The subject site is located in an 'area of cultural heritage sensitivity' as defined under the *Aboriginal Heritage Regulations* 2018. Under these regulations, a significant land use change (e.g. a subdivision into 3 or more lots) or a 'high impact activity' would trigger the requirement for a 'Cultural Heritage Management Plan'. The proposed display of signage is not considered to be a high impact activity, given there will be no significant ground disturbance. As such, the proposal does not require the preparation of a Cultural Heritage Management Plan.

#### Lighting Report

3. Following discussions at the consultation meeting held on 20 August 2019, the applicant has submitted an additional lighting report to assess the proposed signs compliance against obtrusive light spill criteria. The lighting report was received by Council on 9 September 2019, and is included as an attachment to this report.

**The Proposal**

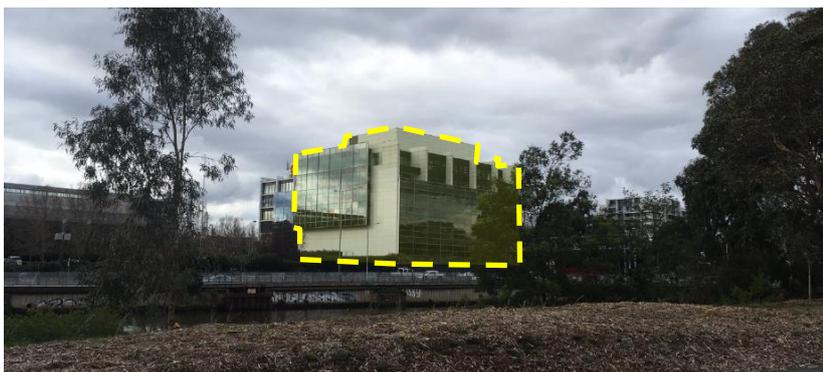
4. The application is for the display of internally-illuminated sky signage. Details of the proposed signage are as shown in the table below:

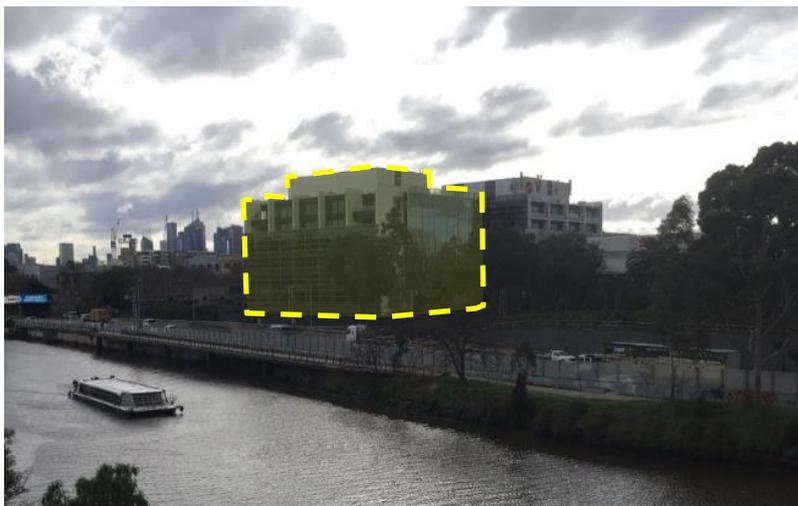
	Type	Location	Combined Area
<b>7-Eleven Logo Signage</b>	Two internally-illuminated sky signs (4.5m by 4.5m each)	Atop the roof of the existing office building, oriented to the south and arranged in a 'V-shape' (23.03m from the southern boundary)	40.5sqm

**Existing Conditions**

Subject Site

5. The subject site is located in southern Cremorne within a large business park known as '658 Church Street.' The site is bound by Hargreaves Street to the west, Dale Street to the north, and an unnamed street to the east (all of which are private roads within the larger business park fronting on to Church Street). The site has an area of approximately 4836sqm.
6. The subject site is the southern-most building of the two multi-storey office buildings, which is located to the south-western corner of the lot. The building is six storeys in height with a plant room on top, and is constructed of mostly glazing and cladding giving the building a contemporary appearance. A common forecourt runs east to west and separates the two office buildings. A second, larger forecourt is located in the northwest of the subject site and appears to be associated with the southern building only. At ground floor, the southern building includes the main entrance and lobby, lift/services core, office space, a 7-Eleven convenience shop and a café located in the northwest corner of the ground floor of the building. The floors above are used for office space, which is occupied by 7-Eleven Stores Pty Ltd.





### Surrounding Land

7. Surrounding the subject site are similar office buildings located on the larger business park known as '658 Church Street'. Given the immediately surrounding land is within a Commercial 2 Zone, dwellings are prohibited from being located within close proximity of the site. To the west is a campus of multi-storey office buildings associated with the international headquarters of the retail brand Country Road. These offices have access to a large, open car parking area that is restricted via boom gates.
8. To the east is a group of 2-3 storey office buildings currently tenanted by Wilson Storage, Valmorgan as well as a selection of other companies. These tenancies also have access to an open car parking area. Further east, approximately 200m from the subject site are the nearest dwellings, which are located on the opposite side of Church Street. These dwellings are located within a Commercial 1 Zone.
9. To the immediate north of the subject site is another 6-storey office building that is very similar in appearance and shares the common forecourt with the subject site. This building is currently displaying business identification signage for Mattel (on the rooftop plant room) and Hardie Grant. Further north is Dale Street, which is a private road within the larger business park. It features a central median strip and private paid car spaces operated by the land owner. On the opposite side of Dale Street, is a double storey car show room for Tesla Motors.
10. To the south is the CityLink toll road, running east-west, as well as the Yarra River. On the opposite side of the River, in South Yarra (Stonnington City Council), is Melbourne High School. To the east of the school there are residential buildings, on the corner of Chapel Street and Alexandra Avenue, which look out to the River. These buildings are approximately 250m from the subject site, and are located within an Activity Centre Zone (under the Stonnington Planning Scheme).



## Planning Scheme Provisions

### Zoning

11. The subject site is zoned Commercial 2 Zone. The following provisions apply:
  - (a) Pursuant to Clause 34.02-8, sign requirements are at Clause 52.05. This zone is in Category 1.

### Overlays

#### *Significant Landscape Overlay (Schedule 1)*

12. The subject site is affected by the Significant Landscape Overlay. The following provisions apply:
  - (a) Pursuant to Clause 62.02-2, the construction and display of signage does not require a permit unless specifically required by a provision of the scheme. As the schedule to the overlay does not specifically state that a permit is required for the display of signage, no permit is required under this overlay.

#### *Design and Development Overlay (Schedules 1-J and 5)*

13. The subject site is affected by the Design and Development Overlay (Schedules 1-J and 5). The following provisions apply:
  - (a) Pursuant to Section 4.0 of Schedule 5 of the overlay and the schedule to Clause 66.06, where a permit is required to use land or for the construction of a building or the construction or carrying out of works, notice of the application must be given to the Environment Protection Authority, Transurban City Link Limited and the Roads Corporation (VicRoads).
  - (b) Pursuant to Clause 62.02-2, the construction and display of signage does not require a permit unless specifically required by a provision of the scheme. As the above provisions do not specifically state that a permit is required for the display of signage, no permit is required under this overlay.

*Land Subject to Inundation Overlay*

14. The subject site is affected by the Land Subject to Inundation Overlay. The following provisions apply:
- (a) The signage proposed is not located within the overlay and therefore the provisions of the overlay do not apply. Additionally, pursuant to Clause 62.02-2, the construction and display of signage does not require a permit unless specifically required by a provision of the scheme. As the above provisions do not specifically state that a permit is required for the display of signage, no permit would be required under this overlay anyhow.

Particular Provisions

*Clause 52.05 - Signs*

15. The following provisions apply:
- (a) Pursuant to Clause 52.05-11 (Category 1), no permit is required for internally-illuminated signage provided the signage does not exceed 1.5sqm, no part of the sign is above a verandah, and the sign is more than 30m from a residential zone or traffic lights.
  - (b) Pursuant to Clause 52.05-11 (Category 1), a permit is required for a sky sign.
16. As the combined display area of the internally-illuminated signs exceeds 1.5sqm (at 40.5sqm), and the signs are sky signs, a permit is required under this provision.
17. Whilst the signs each exceed 18sqm, they are not considered to be major promotional signs as they are business identification signs and only promote the business which operates on the site. This means that the content of the sign cannot be changed to promote third parties (unless they operate on site), goods or services.

General Provisions

*Clause 65 – Decision Guidelines*

18. The decision guidelines outlined at *Clause 65* of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant State and Local Planning Policy Frameworks, as well as the purpose of the zone, overlay or any other provision.

Planning Policy Framework (PPF)

19. Relevant clauses to this application are as follows:
- (a) Clause 15.01 – Built Environment
- Clause 15.01-1S – Urban Design*
20. The objective of this clause is *to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity*. The relevant strategies of this policy are as follows:
- (a) *Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.*
  - (b) *Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.*
  - (c) *Ensure the interface between the private and public realm protects and enhances personal safety.*
  - (d) *Ensure development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.*
  - (e) *Promote good urban design along and abutting transport corridors.*

Local Planning Policy Framework (LPPF)

21. The clauses of the Municipal Strategic Statement (MSS) that are relevant to this application are as follows:

- (a) Clause 21.05 – Built Form
- (b) Clause 21.08 – Neighbourhoods

*Clause 21.05-2 – Urban design*

22. The relevant objectives and associated strategies of this clause are as follows:

- (a) *To reinforce the existing urban framework of Yarra*
  - (i) *Reinforce the Yarra River Corridor as the key ecological and open space element of the urban framework.*
  - (ii) *Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.*
  - (iii) *Maintain key vistas along the Yarra River Corridor.*
- (b) *To ensure that new development contributes positively to Yarra's urban fabric.*
  - (i) *Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.*

*Clause 21.08-2 – Burnley, Cremorne, South Richmond*

23. This clause sets out the locally specific implementation of the objectives and strategies for Yarra's neighbourhoods. The subject site is located within the 'Burnley – Cremorne – South Richmond' neighbourhood, and is identified as having the 'Freeway River Edge' built form character. The specific objective for this built form character is to *ensure that development does not dominate the river*. The clause also sets out that the implementation of built form strategies in Clause 21.05 includes:

- (a) *Supporting development that maintains and strengthens the preferred character of the relevant Built Form Character type.*
- (b) *Ensuring that development of land adjacent to the Yarra River downstream of Church Street does not dominate the River.*
- (c) *Maintain the visual prominence of the Ball Tower of Dimmeys, the Nylex Sign, and Slade Knitwear Sign.*

Relevant Local Policies

24. The only relevant local policy to this application is Clause 22.04.

*Clause 22.04- Advertising Signs Policy*

25. This policy applies to all permit applications for development that incorporate signage. The relevant objectives of this policy are:

- (a) *To ensure that signs contribute to and do not detract from the visual amenity of commercial precincts, activity centres and residential areas.*
- (b) *To minimise visual clutter.*
- (c) *To ensure that signs are not the dominant element in the streetscape.*
- (d) *To protect and enhance the character and integrity of places of heritage significance.*
- (e) *To maintain vehicular and pedestrian safety.*

**Advertising**

26. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 786 letters sent to surrounding owners and occupiers. Council received 29 objections, the grounds of which are summarised as follows:

- (a) Visual impact of a roof top sign - specifically impacting the Yarra River corridor, Cremorne skyline and character of the surrounding neighbourhood;
  - (b) Light spill to balconies and habitable room windows;
  - (c) Loss of views to the river and city; and
  - (d) Impact on property value.
27. Notice of the application was also sent to Parks Victoria give the site's close proximity to the Yarra River. No response was received from this authority.
28. A planning consultation meeting was held on 20 August 2019 and attended by three objectors, the Applicant, and Council Officers to discuss all issues and concerns raised in the letters of objection. No agreements were reached between the parties. Following discussions at the consultation meeting, the applicant submitted an additional lighting report on 9 September 2019 that assesses the proposed signage against obtrusive light criteria. This report is referenced in detail in the 'Signage' assessment of this report. The lighting report is included as an attachment to this report.

### **Referrals**

29. The referral comments are based on the advertised plans that form the decision plans for the application.

#### External Referrals

30. Notice of the application was given to the following authorities pursuant to Section 52(1)(c) of the Act:
- (a) The Roads Corporation (VicRoads);
  - (b) The Environmental Protection Agency (EPA);
  - (c) Transurban
31. A response was received from VicRoads, who advised that they do not object to the proposal however suggested standard conditions if a permit is to issue. These conditions will be discussed further in the 'other matters' section of this report. VicRoads' comments have been included as an attachment to this report.

#### Internal Referrals

32. The application was not required to be referred to any other units within Council.

## **OFFICER ASSESSMENT**

33. The primary considerations for this application are as follows:

- (a) Signage; and
- (b) Objector concerns.

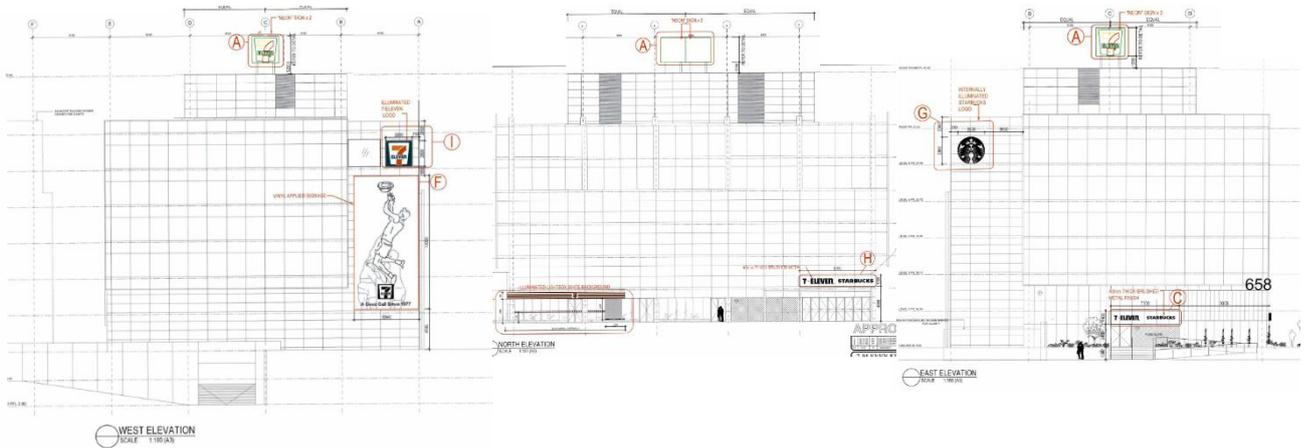
#### Signage

34. The proposed signs will be assessed against the decision guidelines of Clause 52.05 and the local advertising signs policy of Clause 22.04.
35. The signage provisions of Clauses 52.05 and 22.04 have consistent objectives pertaining to the protection of the visual amenity of the area – particularly the minimisation of visual clutter – as well as major view corridors and vistas, and the amenity of dwellings.

#### *Design*

36. The proposed internally-illuminated sky signage will be located on the roof of the plant room of the existing six storey building. The proposed dark finishes of the signs, as well as their rectilinear form will complement that of the building which incorporates tinted glazing and has

a contemporary appearance. With dimensions of 4.5m by 5.7m (including the support structure), the scale of the signs are well proportioned relative to the large building on which they sit, which is approximately 33m wide by 30m high. Whilst the building already has existing signage, it is considered that given the large surface area of the building and the varying heights and locations of the signs, the combination of all signage will not result in visual disorder or clutter. An image of the combined signage across the building is provided below. Signage 'A' relates to the signage currently proposed with all other signage already approved under planning permit nos. PLN18/0960 and PLN19/0008.



37. Whilst Clause 22.04 specifically states that signs should “*not be erected on the roof of a building*”, the policy also states that on main roads and boulevards, sky signs should be considered where the general policy requirements are met. Given the existing office building directly abuts the major thoroughfare of the CityLink to the south, and the signage will directly face this motorway, the sky sign should be considered on its merits against the general policy requirements. Additionally and importantly, in *Drive by Developments Pty Ltd v Kingston CC [2016] VCAT 473* the Tribunal did not accept that “*local policy on outdoor advertising effectively prohibits*” certain types of signage because it is specifically discouraged. Instead the Tribunal argued that discouraged signs “*can be considered an acceptable outcome provided that it reasonably responds to the policy framework and the particular guidelines of Clause 52.05*”. The Tribunal added “*the guidelines of Clause 52.05 mainly address a sign’s context and its potential impact on road safety*”. The design response of the signage to the surrounding context is assessed in detail below.

### Streetscape

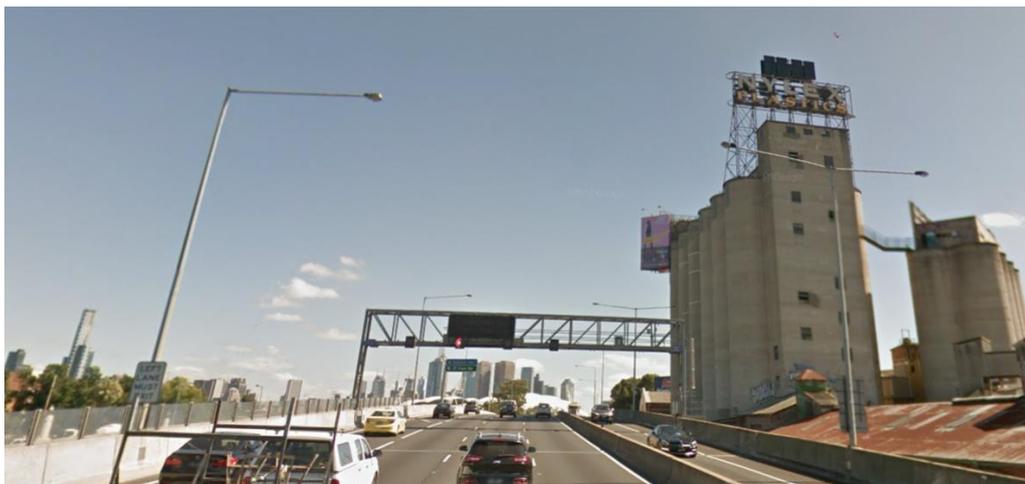
38. The proposed signs will face onto CityLink and the Yarra River and being on the roof of the building, will be visible from the south, east and west. Whilst the Yarra River is a significant natural feature in the area, the signage must also be considered in the immediate context with the busy motorway and the Commercial 2 Zoning of the business park in which the office building sits. Signage, including large major promotional signs are common along the motorway (such as that shown in the image below, approximately 100m west of the subject site), as well as those already existing on the subject site. Additionally, there is a strong character of higher built form along the northern side of the River as well as some examples of large and prominent sky signage (most notably the Nylex Sign). Furthermore, notice of the application was given to Parks Victoria given the proximity of the sign to the Waterway (and surrounding open space), and no objection or comments were received.



Major promotional sign on railway bridge (electronic)



'Our Magic Hour' rainbow sign (internally-illuminated)



'Nylex' sky sign (internally-illuminated)

39. The Church Street Bridge provides an important view to the Melbourne CBD across the river. Clause 22.04 states that signs should “*not obscure important views of vistas*”. Clause 52.05 breaks down the impacts on views and vistas into four decision guidelines:
- (a) *The potential to obscure or compromise important views from the public realm.*

- (b) *The potential to dominate the skyline.*
- (c) *The potential to impact on the quality of significant public views.*
- (d) *The potential to impede views to existing signs.*

40. Whilst the proposed sky signage will be visible from the Church Street Bridge, as illustrated in the image below, the proposed signage would not obscure the view of the CBD from the public realm as this view is provided across the river and not over the roof of the existing office building. Additionally, given the robust built form on the northern side of the river and the small size of the signage relative to this built form, the signage will not dominate the skyline of Cremorne. The signage will not block any views to other existing signage, and in consideration of the above, will not unreasonably impact the quality of significant public views.



Approximate size & location of signage

41. The signage will be visible to drivers from CityLink, however given the relative size of the signage and the strong character of signage along this motorway, the signs will not result in a detrimental impact to this streetscape. The proposed internally-illuminated signage will not interfere with any traffic signals, directional signs or street signs as encouraged by Clause 22.04-3.2. The impact of illumination on driver safety is discussed below.

#### *Construction and support*

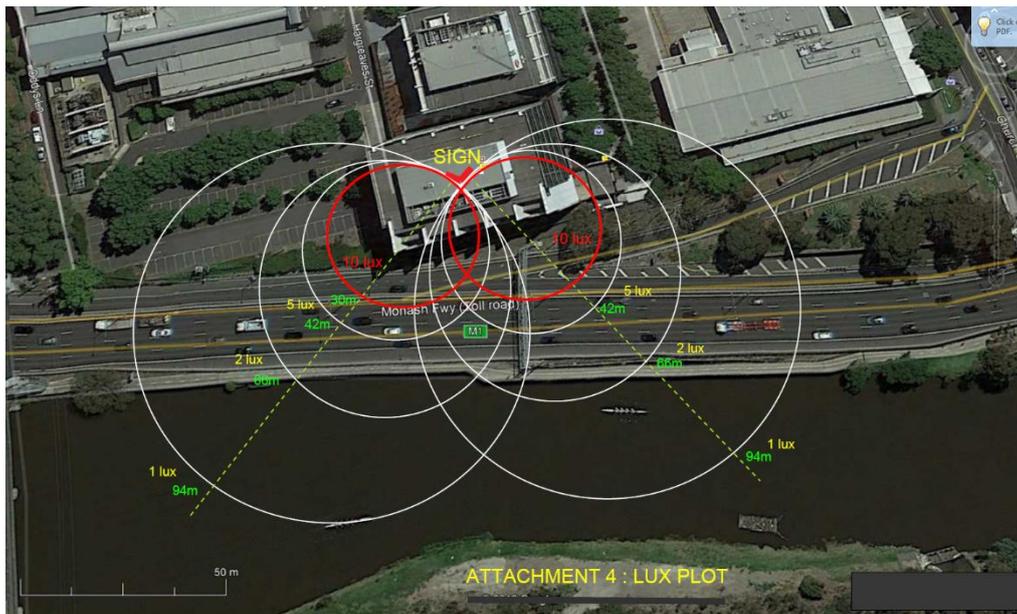
42. The proposed signs are appropriate given they will be fixed to the roof of the building, and will therefore not impede the movement of pedestrians or vehicles. All electrical equipment and supports will be integrated into the overall structure and will be concealed from view from surrounding streets. Whilst the rear side of the signs are exposed to the north, these views will be largely blocked by the 6 storey office building directly adjoining to the north. As discussed above, the siting of the sign and its supporting structures and equipment will not result in any impact to important views or vistas, as encouraged by the policy.

#### *Illumination and animation*

43. Whilst the proposed internally-illuminated signs will be visible from CityLink, given the height of these signs (over 30m above the natural ground level) and that they will not be animated or flashing, these signs will not be a safety hazard or cause a nuisance to drivers. Additionally, the applicant has provided a lighting report that indicates the veiling luminance to the driver would not exceed 0.014cd/sqm, which is well below the 0.25cd/sqm threshold requirement for VicRoads. Upon review of the application, VicRoads raised no concerns regarding the impact of the signage on road safety and offered standard conditions. These conditions will be discussed further later in this report.
44. It is considered that the illuminated signage will not result in unreasonable light spill to surrounding dwellings, given the significant separation of the site from these buildings. The

nearest residential buildings to the east (nos. 631 Church Street Cremorne, 8 Howard Street Cremorne and 16 Howard Street Cremorne) are located between 180m – 250m away from the proposed signs and the nearest dwellings to the south (nos. 709 Chapel Street South Yarra and 83 Alexandra Avenue South Yarra) are separated from the signs by between 220m – 250m).

45. Whilst the aforementioned lighting report assesses the veiling luminance from CityLink and not directly from the nearest dwellings, a further lighting report has been provided to Council since the consultation meeting was held. The report provides an assessment against the *Australian Standard AS 4282 – 2018 – Control of the Obtrusive Effects of Outdoor Lighting*. The analysis shows that the 10 lux vertical plane illuminance threshold (for pre-curfew hours) only extends 30m from the proposed signage, and the 2 lux vertical plane illuminance threshold (for curfew hours between 11pm to 6am) only extends 66m from the signs, as shown in the image below.



46. Given the nearest dwellings are between 180m – 250m from the signage, the report shows that the proposed signage will comply with the Australian Standard for obtrusive light spill. The lighting report will be introduced by condition to form part of the permit. The dwellings are also separated from the site by major roads which already have street lights and the glare of headlights that will mean the illumination would be less noticeable than in a quiet residential context with limited lighting anyhow. Additionally, while it is considered that measures to block the light from the sign would not be necessary, in *oOh! Media Assets Pty Ltd v Yarra CC [2016] VCAT 1670* the Tribunal contended that “residents retain the opportunity to draw blinds to avoid excessive distraction that may arise if sitting in a darkened room with the blinds open” and that “deciding to close blinds or not, and indeed the type of blinds residents use is their choice”. This is particularly pertinent to residential buildings that are located in the Commercial 1 Zone (Cremorne) and Activity Centre Zone (South Yarra), where residents cannot expect the same level of amenity as they would in a residential zone.

*Commercial and industrial areas*

47. The proposed signage is generally consistent with the policy for commercial areas, and as previously discussed, the scale and type of all signs are appropriate and are similar to other signage found on adjoining sites and in the wider surrounding area.
48. Overall, it is considered that the proposed signage is generally consistent with local advertising signs policy of Clause 22.04 and the decision guidelines of Clause 52.05.

Objector concerns

*Visual impact of a roof top sign (Yarra River corridor, Cremorne skyline and character)*

49. This concern has been discussed at paragraphs 36 – 42.

*Light spill to balconies and habitable room windows*

50. This concern has been discussed at paragraphs 43 – 46.

*Loss of views to the river and city*

51. Views from the public realm have been discussed at paragraphs 37 – 40. With regards to views from private land, in *Guthrie v Yarra CC [2016] VCAT 862* the Tribunal found that “*with regard to loss of views, they are an important amenity element, but there is no legal right to views in the town planning sense, unless it is provided for in the planning scheme*”. Council does not have any policy that seeks to protect views to the City, or the Yarra River from private land.

*Impact on property value*

52. The impact of a development on surrounding property values has no basis in planning policy and is not a relevant consideration for this assessment.

Other Matters

53. As previously discussed, VicRoads did not object to the proposal however offered standard conditions should a permit be issued. These conditions are outlined below:
- (a) *The luminance of the advertising signs must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/sqm, throughout the driver’s approach to the advertising sign.*
  - (b) *The control of the internally illuminated signs must be in accordance with the submitted lighting reports, which must form part of any issued Planning Permit:*
    - (i) *Report on Motorist Glare of 7-Eleven Illuminated Sign at 200/658 Church Street, Cremorne by Dr. Richard Dluzniak Consulting Engineering, dated 30 May 2019.*
  - (c) *The sign and any displayed advertisement must not include ancillary extension, embellishment or accessorisation within or outside the permitted advertising area, unless VicRoads has agreed in writing, prior to installation.*
  - (d) *The sign must not be flashing, scrolling or intermittent light.*
  - (e) *The sign must remain static at all times.*
  - (f) *The signs must not:*
    - (i) *Dazzle or distract drivers due to its colouring;*
    - (ii) *Be able to be mistaken for a traffic signal because it has, for example, red circles, octagons, crosses or triangles;*
    - (iii) *Be able to be mistaken as an instruction to drivers.*

54. Whilst conditions (a), (b), (d), (e) and (f) are considered to be reasonable and will be included if a permit is to be issued, condition (c) above will not be included. Whilst VicRoads are required to be notified under the Design & Development Overlay (Schedule 5) as it relates to the CityLink exhaust stack, the application was not required to be referred pursuant to Section 55 of the *Planning & Environment Act 1987*.
55. Condition (c) above would require any changes to the signage structures to be approved by VicRoads, which is not considered to be reasonable given VicRoads is not a determining Referral Authority for the application. Furthermore, given VicRoads is not a determining Referral Authority, Council has the discretion to include or exclude suggested conditions. The standard condition 1 included below would already require the signs to be constructed in accordance with the endorsed plan and therefore any ancillary extension, embellishment or accessorisation would require further approval from Council as the Responsible Authority. As such, all conditions other than Condition (c) will be included should a permit be issued.
56. Condition (b) above will be re-worded in line with Council's standard conditions (conditions 3 and 4 included below) and will also include reference to the additional lighting report by the same author dated 3 September 2019.

### **Conclusion**

57. Based on the above report, the proposal is considered to comply with the relevant planning policy and should therefore be supported, subject to standard conditions and conditions recommended by VicRoads.

### **RECOMMENDATION**

That a Notice of Decision to Grant a Planning Permit PLN19/0007 be issued for display of internally illuminated sky signage at 200 / 658 Church Street, Cremorne generally in accordance with the plans noted previously as the "decision plans" and subject to the following conditions:

1. The location and details of the signs, including the supporting structure, as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
2. The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
3. Before the development commences, an amended Lighting Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Lighting Report will be endorsed and will form part of this permit. The amended Lighting Report must be generally in accordance with the Report on Motorist Glare of 7-Eleven Illuminated Sign at 200 / 658 Church Street, Cremorne by Dr. Richard Dluzniak Consulting Engineering, dated 30 May 2019 but modified to include (or show, or address):
  - (a) The assessment of obtrusive light spill included in the Report on Obtrusive Light of Proposed 7-Eleven Illuminated Sign at 200/658 Church Street, Cremorne by Dr Richard Dluzniak Consulting Engineering, dated 3 September 2019.
4. The provisions, recommendations and requirements of the endorsed Lighting Report must be implemented and complied with to the satisfaction of the Responsible Authority.

*VicRoads conditions (conditions 5 – 8)*

5. The luminance of the advertising signs must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/sqm, throughout the driver's approach to the advertising sign.
6. The sign must not be flashing, scrolling or intermittent light.
7. The sign must remain static at all times.
8. The signs must not:
  - (a) Dazzle or distract drivers due to its colouring;
  - (b) Be able to be mistaken for a traffic signal because it has, for example, red circles, octagons, crosses or triangles;
  - (c) Be able to be mistaken as an instruction to drivers.
9. This permit will expire if the sign is not erected within 2 years of the date of this permit. The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or twelve months afterwards for completion.
10. This permit expires 15 years from the date of the permit.
11. On expiry of this permit the approved signs and structures built specifically to support or illuminate it must be removed.

Notes:

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5428 to confirm.

**CONTACT OFFICER:** Daniel Goode  
**TITLE:** Statutory Planner  
**TEL:** 03 9205 5171

**Attachments**

.

**Attachment 1 - PLN19/0007 - 200 / 658 Church Street Cremorne - Subject Land**

**Subject Land: 200/658 Church Street, Richmond**



↑ North  
★ Subject site



**Dr Richard Dluzniak**  
**Consulting Engineer**  
 6 Locksley Avenue, Kew  
 Victoria 3101 Australia  
 T 03 9817 6677 :M 0409 968 603  
 Email dluzniak@bigpond.net.au

**REPORT ON OBTRUSIVE LIGHT**  
**Proposed 7-Eleven Illuminated Sign**  
**200/658 Church Street**  
**Cremorne. Vic. 3121**

**1 Summary**

An analysis has been made on the obtrusive light (spill light) emanating from the proposed 7-Eleven roof top signs located at the above address. The analysis has considered the light spill impacts in relation to residential buildings at 50 Claremont Street, 633 Church Street, 85 Alexandra Avenue and 8 Howard Street.

The critical parameter affecting residents is the spill light falling on residential boundaries and dwelling windows. This spill light is the vertical plane illuminance (Ev) as defined in the Australian Standard AS 4282- 2018 : Control of the Obtrusive Effects of Outdoor Lighting.

The critical values are summarised below:

<b>Operating Time</b>	<b>Max Ev in residential areas with light surrounds</b>
Pre-curfew hours	10 lux (max) on residential property boundary
Curfew hours (11pm to 6am)	2 lux (max) on residential window

The analysis has shown that the 10 lux vertical plane illuminance only extends 30m from the 7-Eleven sign and does not encroach on any residential property during pre-curfew times. Furthermore, the 2 lux vertical plane illuminance which extends to 66m from the sign during curfew times also does not encroach on any residential window.

Hence the sign complies with the Australian Standard for obtrusive light spill.

**2 Lighting Source and Sign Parameters**

The proposed sign is internally illuminated by strips of LED lights outlining the 7-Eleven logo. The sign and lighting system have the following characteristics:

**Light Source Parameters and Lighting Calculations**

Light source	LED strip lights
Length of strips	75m
LED output lumens/m	840 lumen/m
transmittance of sign acrylic material	0.7

Coeff of utilisation of sign enclosure	0.9
Reflectance of acrylic material	0.7
Total sign area	4.5 x 4.5m = 20.2m <sup>2</sup>
Equivalent lit area (A)	8.0 m <sup>2</sup> (40% of total area)
Total internal flux in sign	75m x 894lm/m = 63,000 lumen
Transmitted flux to outside of sign	63,000 x 0.7 x 0.9 = 39,700 lumen
Illuminance on sign (E)	39,700/8.0 = 4960 lux
Luminance of sign (L)	$L = \rho \times E / \pi = 0.7 \times 4960 / 3.14$ = 1105 cd/m <sup>2</sup>
Luminous intensity of sign	$I = L \times A = 1105 \times 8$ = 8840 cd
Mean height of sign above road	32.5 m

Refer to **Attachment 1** for details of the sign.

### 3 Obtrusive Light Analysis

The analysis for the obtrusive light can be based on the sign being a point source of illumination with max intensity  $I_{max} = 8840$  cd (as determined above). The point source analysis is appropriate providing:

- 1 The distances from the point source are large compare to the size of the source. Distances approx 8-10 times the source dimensions are considered appropriate.
- 2 The point source acts as a perfect diffuser with distribution  $I_{\theta} = I_{max} \times \sin(\theta)$

**Note:** Spill light at distances less than 25m from the sign cannot be calculated accurately using point source formula. For accurate results close to the sign very complicated line and area source formulae is required.

**Attachment 2** shows the light distribution of the sign assuming a perfect diffuser. Light emanates from the sign for all angles greater than 0 deg and less than 180 deg. The light intensity at an angle  $\theta$  to the sign is given by

$$I_{\theta} = 8840 \sin(\theta) \quad (\text{cd})$$

**Attachment 3** shows the application of the Inverse Square Law to determine the vertical illuminance at any point in the horizontal plane of the sign. The illuminance at any point is given by

$$E_v = I_{\theta} / d^2 \quad (\text{lux})$$

or, for a given value of  $E_v$  the distance is given by

$$d = \text{SQRT}(I_{\theta} / E_v) \quad (\text{m})$$

**Attachment 4** shows the vertical illuminances in the horizontal plane of the sign (that is, at 32.5m above ground level) spreading forward towards the Yarra River. The contours show the vertical illuminances for each side of the sign – the resultant illuminances where the contours intercept close to the sign are not shown for clarity. They do not affect the final result.

The following observations are made concerning the vertical illuminances :

- 1 The maximum vertical illuminances are at this level. Illuminances at other levels, particularly at ground level will be much lower.
- 2 There is negligible spill light behind, and on each side, of the sign as shown by the lighting contours. This is because the sign has low luminous intensities in these directions.
- 3 The critical spill light values of 10 lux (and 2 lux during curfew hours) do not impinge on any residential property or dwelling window in the vicinity of the sign.

Note that the 7-Eleven sign is not a LED Billboard which emits light over its entire surface but is substantially an empty LED billboard where only the outline of the 7-Eleven logo is illuminated. The sign luminance of 1105 cd/m<sup>2</sup> is relatively low (compare to billboard values) hence the low obtrusive light levels.

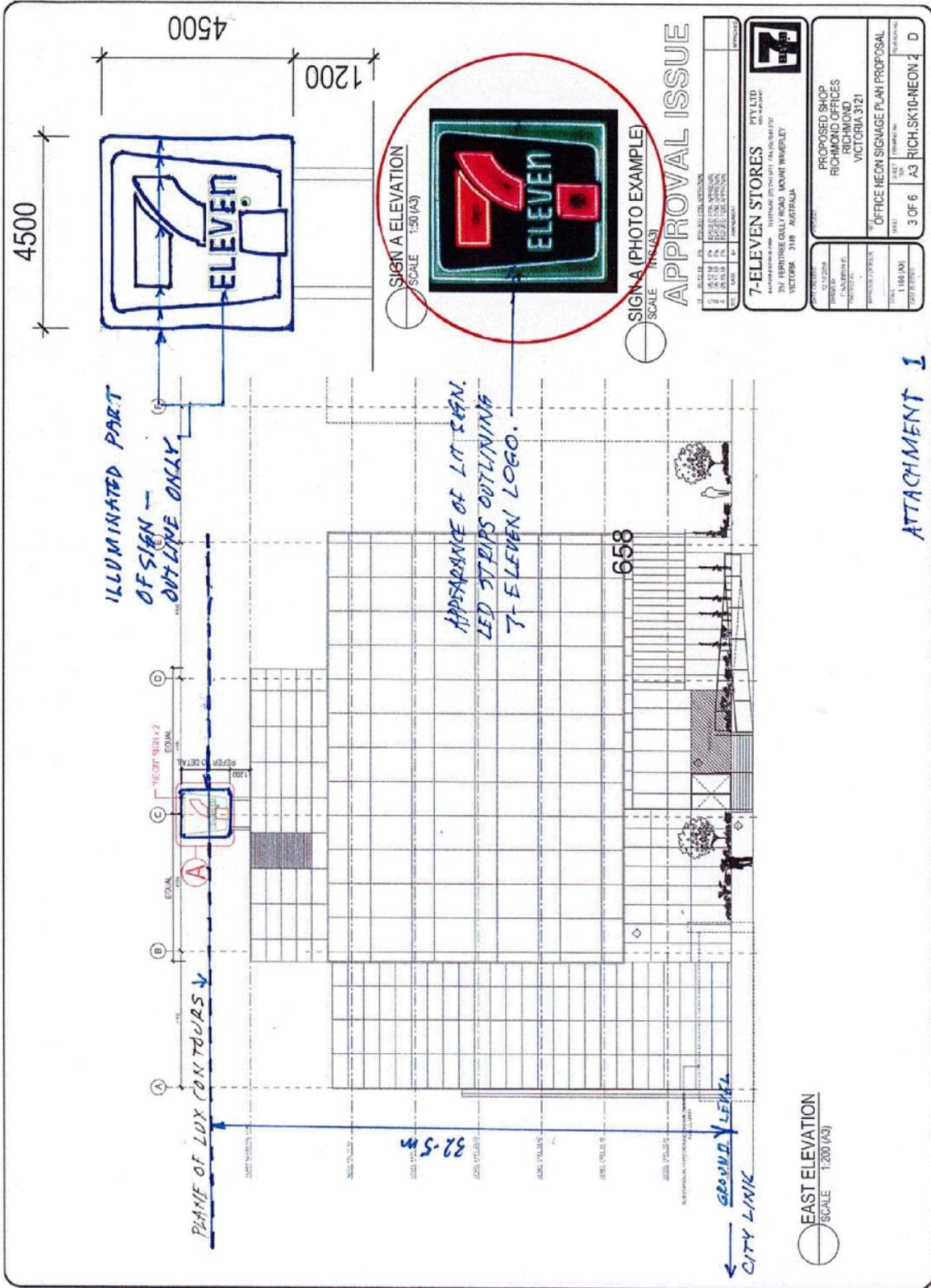
Hence the sign does not create an obtrusive light problem on any adjoining residential property or dwelling window (including 50 Claremont Street, 633 Church Street, 85 Alexandra Avenue and 8 Howard Street) and completely satisfies the Australian Obtrusive Light Code.

Prepared by

**Dr Richard Druzniak**  
**Consulting Engineer**  
DipEE, BSc, MSc, PhD (Elec Eng)  
MIE Aust, MIES, CPEng

3 September 2019

Attachment 2 - PLN19/0007 - 200 / 658 Church Street Cremorne - Obtrusive light assessment

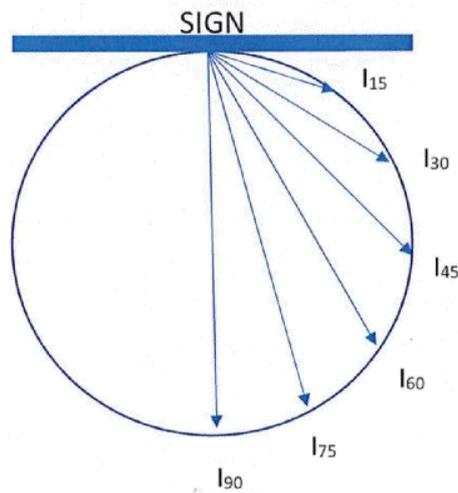


ATTACHMENT 1

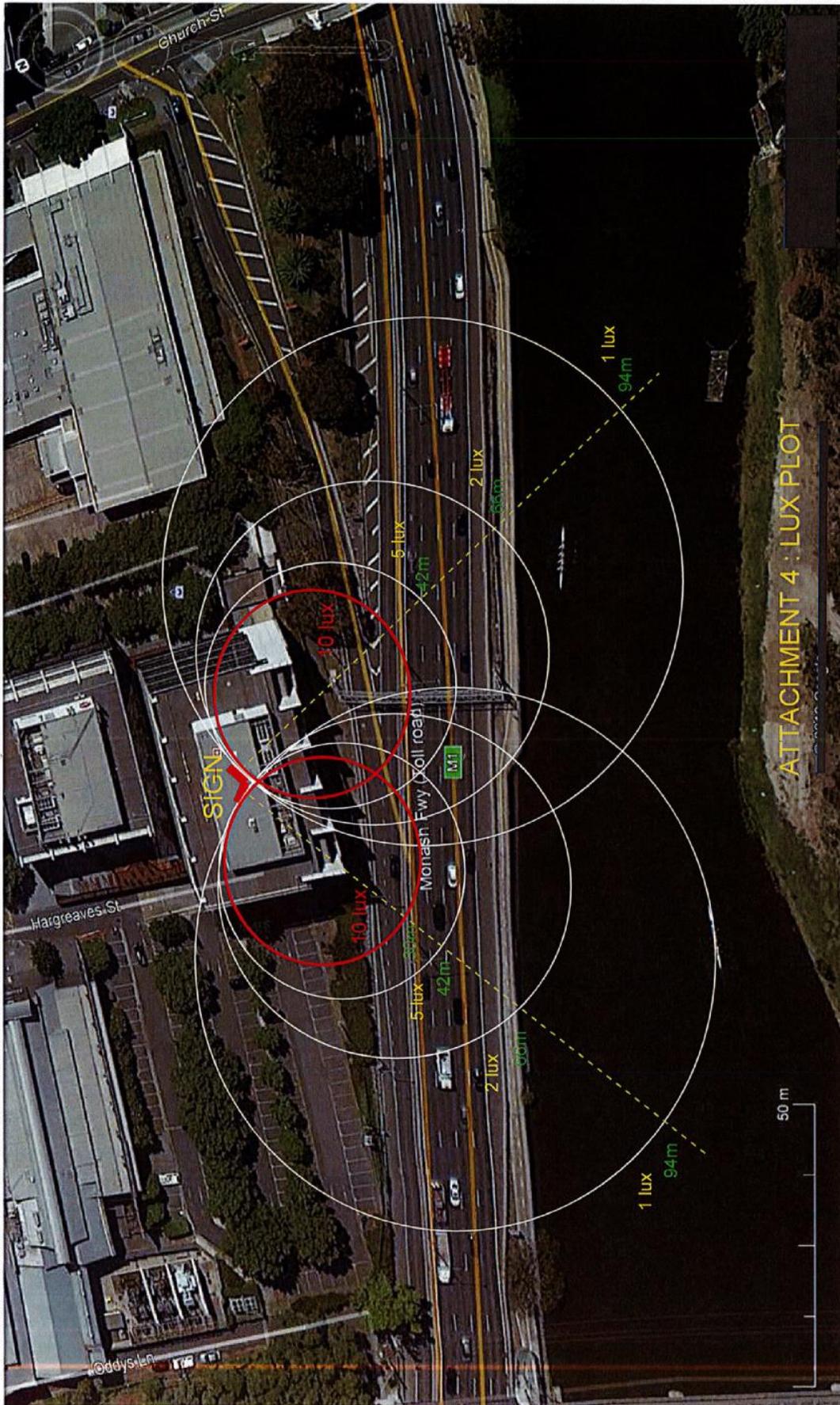
**ATTACHMENT 2**

**7-Eleven Sign - luminous intensity distribution**

Angle $\theta$ (deg)	Intensity $I_{\theta}$ (cd)
0	0
15	2290
30	4420
45	6250
60	7650
75	8540
90	8840



Attachment 2 - PLN19/0007 - 200 / 658 Church Street Cremorne - Obtrusive light assessment



**ATTACHMENT 3**

**7-Eleven Sign – lux values at various distances**

Angle $\theta$	Intensity $I_{\theta}$	Ev =10 lux	Ev=5 lux	Ev=2 lux	Ev=1 lux
0 deg	0 cd	0m	0m	0m	0m
15 deg	2290 cd	15m	21m	34m	48m
30 deg	4420 cd	21m	30m	47m	66m
45 deg	6250 cd	25m	35m	56m	79m
60 deg	7650 cd	28m	39m	62m	87m
75 deg	8540 cd	29m	41m	65m	92m
90 deg	8840 cd	30m	42m	66m	94m

The Table shows the distances (d) from the sign at various angles ( $\theta$ ) to produce the vertical illuminance  $E_v$  (lux) according to the formula

$$d = \text{SQRT} (I_{\theta} / E_v)$$

**Attachment 3 - PLN19/0007 - 200 / 658 Church Street Cremorne - VicRoads - Section 52 - Suggested Conditions**



Yarra City Council  
182 St Georges Road  
Fitzroy VIC 3065  
Attention: Daniel Goode

16 July 2019

Dear Sir/Madam

**PLANNING APPLICATION NO.:** PLN19/0007  
**VICROADS REFERENCE NO.:** PPR 30053/19  
**PROPERTY ADDRESS:** 200/658 CHURCH STREET, CREMORNE 3121

**Section 52 – Suggested conditions**

Thank you for forwarding planning permit application PLN19/0007 pursuant to Section 52 of the Planning and Environment Act 1987.

The application is for DISPLAY OF INTERNALLY ILLUMINATED SKY bSIGNAGE.

VicRoads notes while the proposed development is not without some merit, there are a

Accordingly, VicRoads would not objects to the proposal in its current form.

If Council regards the proposed development favourably, VicRoads suggests that the following conditions be included if Council were inclined to issue a Notice of Decision to issue a Planning Permit:

1. *The luminance of the advertising sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m<sup>2</sup>, throughout the driver's approach to the advertising sign.*
2. *The control of the internally illuminated sign must be in accordance with the submitted lighting reports, which must form part of any issued Planning Permit:*
  - a) *Report on Motorist Glare of 7-Eleven Illuminated Sign at 200/658 Church Street, Cremorne by Dr. Richard Druzniak Consulting Engineering, dated 30 May 2019*
3. *The sign and any displayed advertisement must not include ancillary extension, embellishment or accessorisation within or outside the permitted advertising area, unless VicRoads has agreed in writing, prior to installation.*
4. *The sign must not be flashing, scrolling or intermittent light.*
5. *The sign must remain static at all times.*

Should you have any enquiries regarding this matter, please contact Mariham Tadros on 9313-1294 or mariham.tadros@roads.vic.gov.au.

Yours sincerely



Mariham Tadros  
**SIGNAGE OFFICER/ ENGINEER**

**Attachment 3 - PLN19/0007 - 200 / 658 Church Street Cremorne - VicRoads - Section 52 - Suggested Conditions**

ON BEHALF OF  
ALAN KING  
**STATUTORY SIGNAGE OFFICER**  
[Cc Anna Thang, SJB Planning](#)



**Attachment 4 - PLN19/0007 - 200 / 658 Church Street Cremorne - Lighting Report**



**Dr Richard Dluzniak**  
**Consulting Engineer**  
6 Locksley Avenue, Kew  
Victoria 3101 Australia  
T 03 9817 6677 :M 0409 968603  
Email dluzniak@bigpond.net.au

30 May 2019

Mr Peter Kalimnakis  
Senior Planner  
7-Eleven Stores  
357 Ferntree Gully Road  
Mount Waverley. 3146

Dear Peter

Re: **Planning Application 19/0007 (Roof Sign)**  
**200/658 Church Street Cremorne – Hold (330768)**

**COMPLIANCE STATEMENT FOR VICROADS**

This is to confirm that a study has been carried out on the lighting effects of the proposed illuminated sign and the following has been determined:

- o The maximum veiling luminance ( $L_v$ ) to a driver, driving west along City Link, Cremorne, is  $0.014 \text{ cd/m}^2$  throughout the driver's approach to the sign. This value is below the VicRoads limit of  $0.25 \text{ cd/m}^2$ .
- o The analysis has been performed as per the formulation in Australian Standard AS/NZS 1158.2:2005 – Part 2 Computer procedures for calculation of light technical parameters for Category V and Category P lighting.

Although the illuminated sign is large, the veiling luminance is low because the sign is mounted at very high 40m above the road. The driver's line of sight is always taken as being along the road hence the sign is in his peripheral vision - causing negligible glare and hence low veiling luminance.

Thus the sign fully complies with VicRoads requirements. Refer to attached Report, Attachments and Computations for full lighting analysis.

Yours sincerely



**Dr Richard Dluzniak**  
**Consulting Engineer**  
DipEE, BSc, MSc, PhD (Elec Eng)  
MIE Aust, MIES, CPEng

**Attachment 4 - PLN19/0007 - 200 / 658 Church Street Cremorne - Lighting Report**



**Dr Richard Dluzniak**  
**Consulting Engineer**  
 6 Locksley Avenue, Kew  
 Victoria 3101 Australia  
 T 03 9817 6677 :M 0409 968 603  
 Email dluzniak@bigpond.net.au

**REPORT ON MOTORIST GLARE**

**Proposed 7-Eleven Illuminated Sign  
 200/658 Church Street  
 Cremorne. Vic. 3121**

**1 Summary**

An analysis has been made as per the formulation in Australian Standard AS/NZS 1158.2:2005 – Part 2 Computer procedures for calculation of light technical parameters for Category V and Category P lighting for the veiling luminance from the proposed roof top sign to motorists travelling along City Link, Cremorne 3121.

The critical parameter affecting driver performance in the field of view of glare objects (illuminated signs) is the veiling luminance (Lv). The max value of veiling luminance that a driver can be subjected to is 0.25 cd/m<sup>2</sup> as stipulated by VicRoads. This max value of glare can be tolerated by a motorist before his vision is impaired and his driving performance compromised.

Analysis of the proposed sign shows that the maximum veiling luminance to a driver, throughout the driver’s approach along City Link (heading West) towards the sign is 0.014 cd/m<sup>2</sup> which is below the VicRoads limit of 0.25 cd/m<sup>2</sup>.

Hence the sign complies with VicRoads requirements.

**2 Lighting Source and Sign Parameters**

The proposed sign is internally illuminated by strips of LED lights outlining the 7-Eleven logo. The sign and lighting system have the following characteristics:

**Light Source Parameters and Lighting Calculations**

Light source	LED strip lights
Length of strips	75m
LED output lumens/m	840 lumen/m
transmittance of sign acrylic material	0.7
Coeff of utilisation of sign enclosure	0.9
Reflectance of acrylic material	0.7
 Total sign area	 4.5 x 4.5m = 20.2m <sup>2</sup>
Equivalent lit area (A)	8.0 m <sup>2</sup> (40% of total area)

**Attachment 4 - PLN19/0007 - 200 / 658 Church Street Cremorne - Lighting Report**

Total internal flux in sign	75m x 894lm/m = 63,000 lumen
Transmitted flux to outside of sign	63,000 x 0.7 x 0.9 = 39,700 lumen
Illuminance on sign (E)	39,700/8.0 = 4960 lux
Luminance of sign (L)	$L = \rho \times E / \pi = 0.7 \times 4960 / 3.14$ = 1100 cd/m <sup>2</sup>
Average luminous intensity of sign (I)	$I = L / A = 1100/8$ = 8840 cd
<b>Sign Physical Parameters</b>	
Mean height of sign above road	40 m
Mean offset of sign from road	40 m

Refer to **Attachment 1** for the site plan  
 Refer to **Attachment 2** for location of sign  
 Refer to **Attachment 3** for the sign details

**3 Glare Analysis**

The glare analysis is based on simulating a motorist approaching the sign from a long distance away right up to the sign and at each point calculating the glare in his eyes.

In general, if the driver is far from the sign the inverse square law prevails and the glare is low. On the other hand, if the driver is very close to the sign the angle between the sign and the motorist's normal direction of view is large and the glare is also low.

Somewhere in between the motorist being far away and very close to the sign the glare will be a maximum.

Refer to **Attachment 4** for the veiling luminance analysis

The driver is first placed 50m from the sign along City Link travelling West and is positioned further away by varying increments until he is 600m from the sign.

The graph of the Veiling Luminance (Lv) vs distance shows that the max Lv is when the driver is between 200-250m from the sign. At this locations the veiling luminance is 0.014 cd/m<sup>2</sup>. Before and after this distance the veiling luminance is lower.

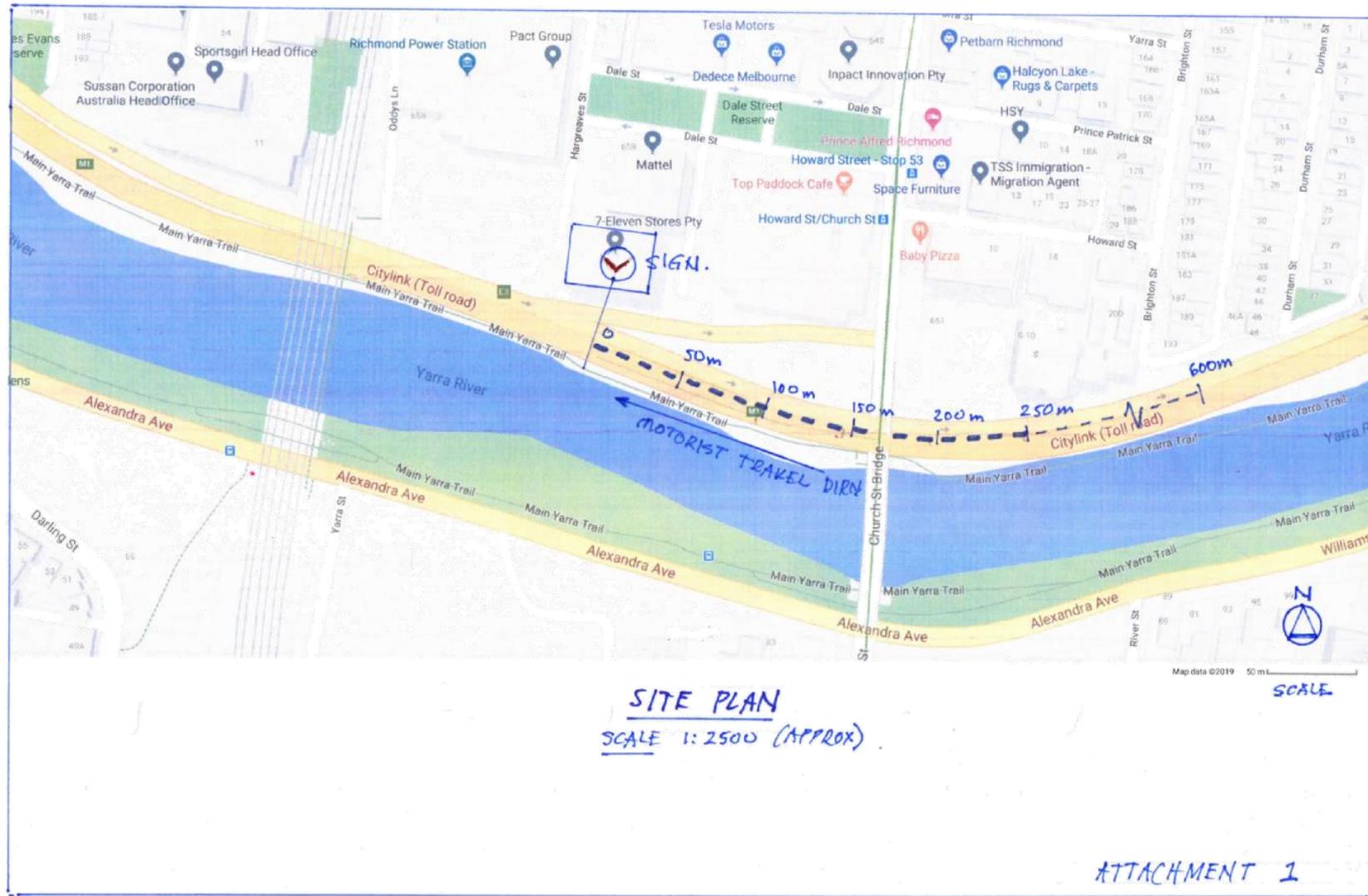
Travelling West along City Link is the worst situation for glare to motorists. If travelling East there are more obstructions between the driver and the sign (trees, railway bridge, concrete walls, etc) while travelling along Alexandra Avenue the glare is negligible because the sign is too fat away.

Prepared by

**Dr Richard Dluzniak**  
**Consulting Engineer**  
 DipEE, BSc, MSc, PhD (Elec Eng)  
 MIE Aust, MIES, CPEng

30 May 2019

Attachment 4 - PLN19/0007 - 200 / 658 Church Street Cremorne - Lighting Report



Attachment 4 - PLN19/0007 - 200 / 658 Church Street Cremorne - Lighting Report

ATTACHMENT 2

**APPROVAL ISSUE**

D	18/10/18	18/10/18	PROPOSED SIGN APPROVAL
C	18/10/18	18/10/18	NEON SIGN APPROVAL
B	18/10/18	18/10/18	PROPOSED SIGN APPROVAL
A	18/10/18	18/10/18	PROPOSED SIGN APPROVAL
NO	DATE	BY	APPROVAL

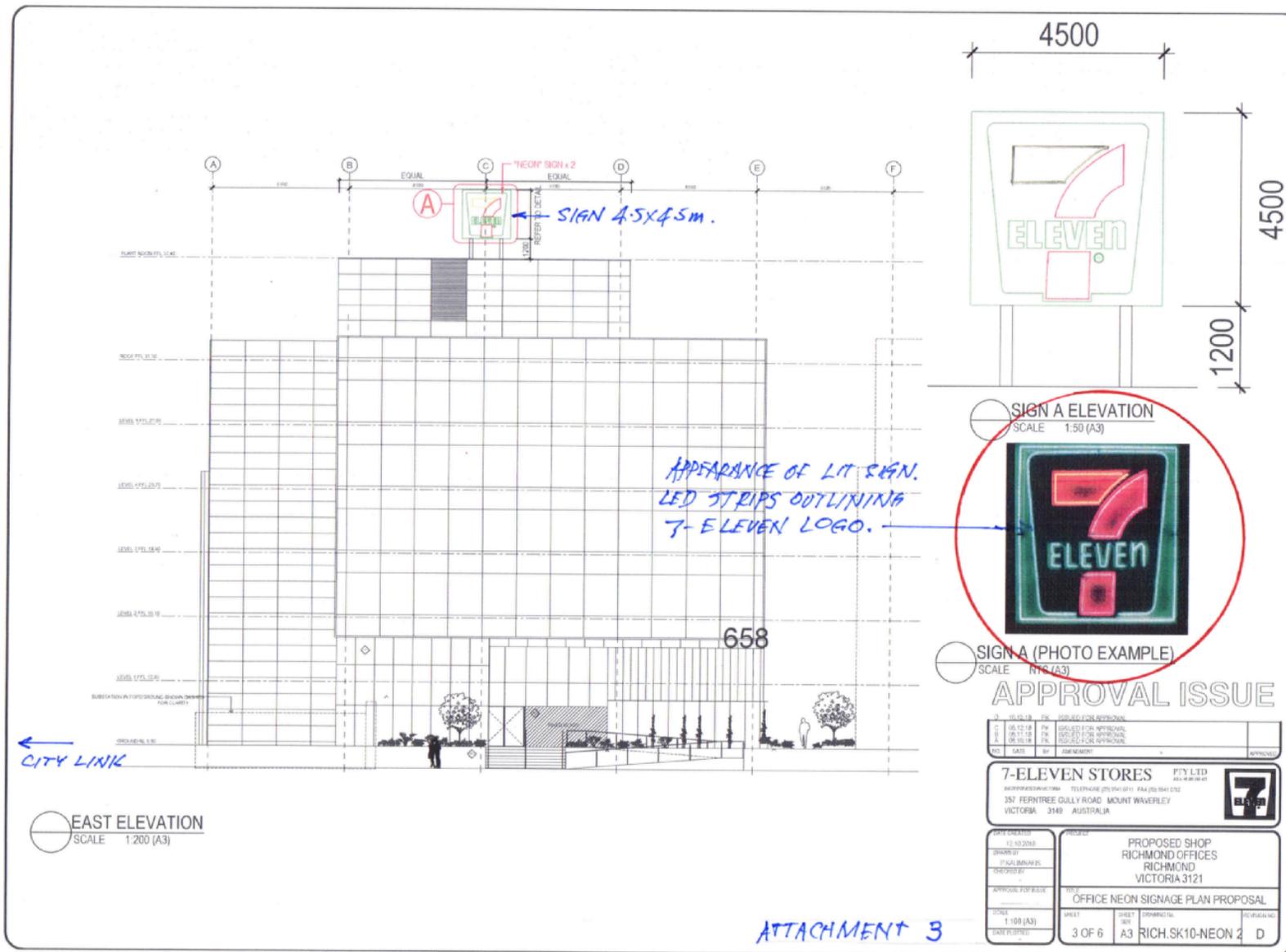
<p><b>7-ELEVEN STORES</b> PTY LTD  <small>1800 888 888</small>                  167 FERRETREE GULLY ROAD MOUNT WAVERLEY                  VICTORIA 3140 AUSTRALIA</p>	
--	--

<p>DATE CREATED: 18/11/18                  DRAWN BY: A. CURIELLO                  CHECKED BY:                  APPROVAL NUMBER:</p>	<p>PROPOSED SHOP                  RICHMOND OFFICES                  CREMORNE                  VICTORIA 3121</p>								
<p>SCALE: 1:100 (A3)                  DATE PLOTTED:</p>	<p>OFFICE NEON SIGNAGE PLAN PROPOSAL</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">SHEET</td> <td style="width: 25%;">SHEET NO.</td> <td style="width: 25%;">DRAWING NO.</td> <td style="width: 25%;">REVISION</td> </tr> <tr> <td>2 OF 6</td> <td>A3</td> <td>RICH.SK010-NEON 1</td> <td>D</td> </tr> </table>	SHEET	SHEET NO.	DRAWING NO.	REVISION	2 OF 6	A3	RICH.SK010-NEON 1	D
SHEET	SHEET NO.	DRAWING NO.	REVISION						
2 OF 6	A3	RICH.SK010-NEON 1	D						

AERIAL LOCATION  
SCALE NTS

MOTORIST TRAVELLING WEST ALONG CITY LINK

Attachment 4 - PLN19/0007 - 200 / 658 Church Street Cremorne - Lighting Report



Attachment 4 - PLN19/0007 - 200 / 658 Church Street Cremorne - Lighting Report

**GLARE FROM ILLUMINATED SIGN : 7-ELEVEN LED SIGN, CREMORNE 3121**  
**VEILING LUMINANCE ASSESSMENT : MOTORIST DRIVING WEST ALONG CITY LINK**

ATTACHMENT 4

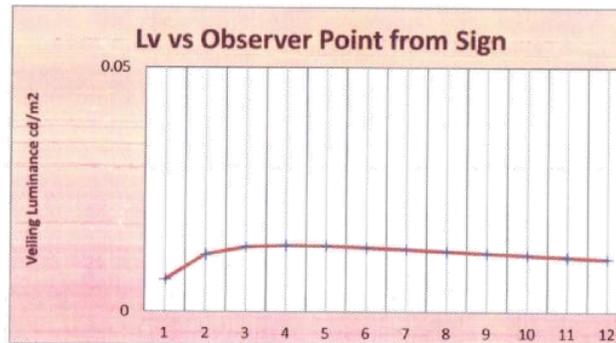
**INPUT DATA**

Observer Point	1	2	3	4	5	6	7	8	9	10	11	12
Height of Sign above road	40	40	40	40	40	40	40	40	40	40	40	40
Observer distance from Sign	50	100	150	200	250	300	350	400	450	500	550	600
Sign offset from road	40	40	40	40	40	40	40	40	40	40	40	40
Candela 1 : Lumin 1 x Area 1	8840	8840	8840	8840	8840	8840	8840	8840	8840	8840	8840	8840
Candela 2 : Lumin 2 x Area 2	0	0	0	0	0	0	0	0	0	0	0	0
Candela 3 : Lumin 3 x Area 3	0	0	0	0	0	0	0	0	0	0	0	0
Angle of Sign to road	0	0	0	0	0	0	0	0	0	0	0	0

**SITE GEOMETRY CALCS**

Alpha (rad)	0.541	0.343	0.243	0.187	0.151	0.127	0.109	0.095	0.085	0.077	0.070	0.064
Beta (rad)	0.675	0.381	0.261	0.197	0.159	0.133	0.114	0.100	0.089	0.080	0.073	0.067
Theta (rad)	0.559	0.361	0.261	0.204	0.168	0.144	0.126	0.113	0.102	0.094	0.087	0.081
D^2 (m)	5582	13082	25582	43082	65582	93082	125582	163082	205582	253082	305582	363082
I Theta (Cd)	5916	7729	8290	8518	8630	8692	8731	8756	8773	8786	8795	8802
E Theta (lux)	0.70	0.51	0.30	0.19	0.13	0.09	0.07	0.05	0.04	0.03	0.03	0.02

<b>Lv (cd/m2)</b>	<b>0.007</b>	<b>0.012</b>	<b>0.013</b>	<b>0.014</b>	<b>0.014</b>	<b>0.013</b>	<b>0.013</b>	<b>0.012</b>	<b>0.012</b>	<b>0.012</b>	<b>0.011</b>	<b>0.011</b>
				MAXIMUM	MAXIMUM							
TI (%)	0.4	0.8	0.9	0.9	0.9	0.9	0.8	0.8	0.8	0.8	0.7	0.7
(based on road luminance of 1.0 cd/m2)												

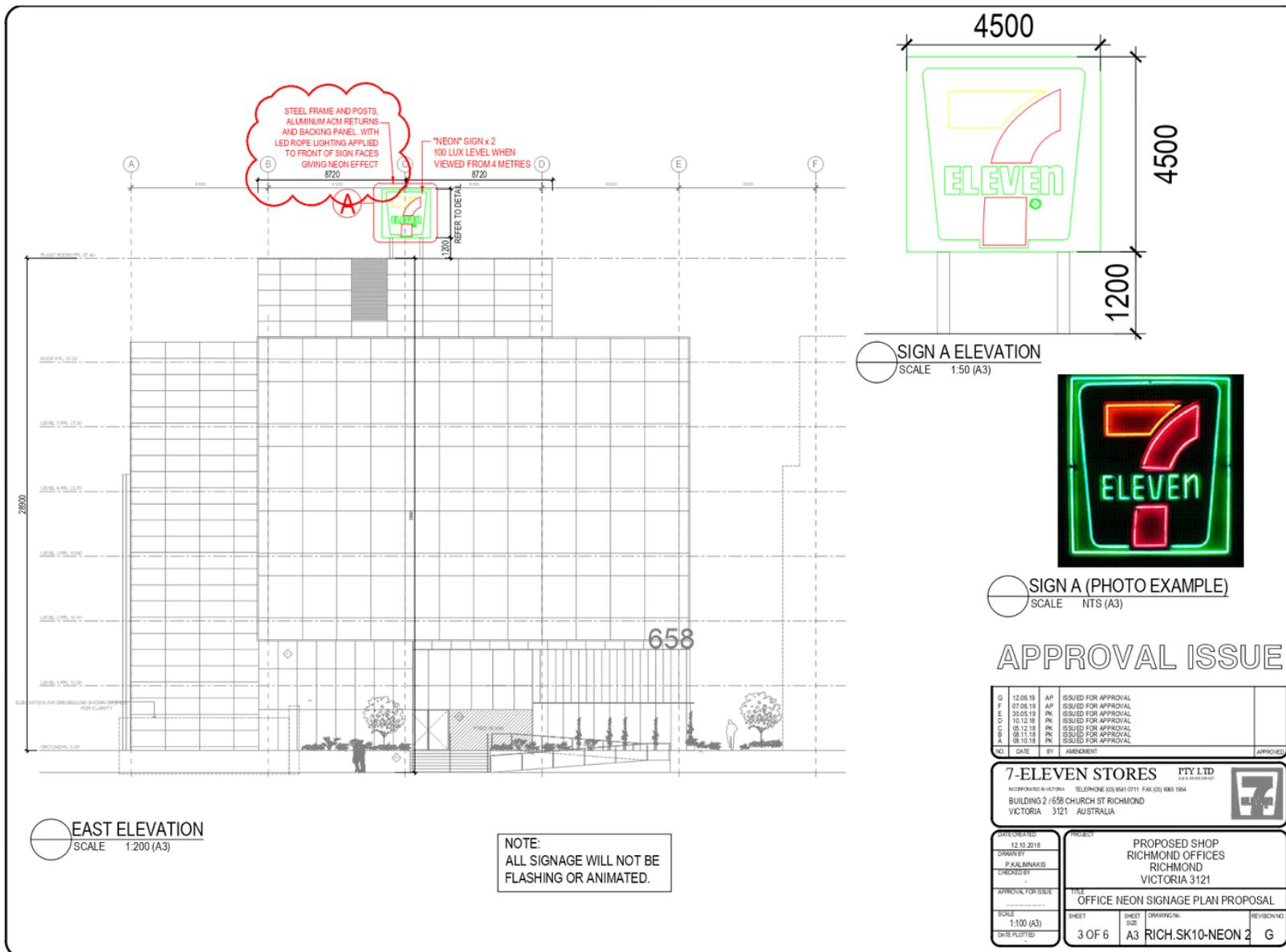


Observer Point	Distance (m)	L veiling (cd/m2)	maximum
1	50	0.007	
2	100	0.012	
3	150	0.013	
4	200	0.014	maximum
5	250	0.014	maximum
6	300	0.013	
7	350	0.013	
8	400	0.012	
9	450	0.012	
10	500	0.012	
11	550	0.011	
12	600	0.011	

Dr Richard Druzniak Consulting Engineer

May 2019

Attachment 5 - PLN19/0007 - 200 / 658 Church Street - Further Information Plans



Attachment 5 - PLN19/0007 - 200 / 658 Church Street - Further Information Plans

12785  
18215  
1289  
20030

PROPOSED SIGNAGE  
NON-ILLUMINATED, STATIC  
V. REDUCED/NO FLASHERS

**A** **A**

**NOTE:**  
ALL SIGNAGE WILL NOT BE  
FLASHING OR ANIMATED.

**APPROVAL ISSUE**

F	07.08.19	AP	ISSUED FOR APPROVAL	
E	30.05.19	PK	ISSUED FOR APPROVAL	
D	10.12.18	PK	ISSUED FOR APPROVAL	
C	05.12.18	PK	NORTH POINT ACSES	
B	08.11.18	PK	ISSUED FOR APPROVAL	
A	08.10.18	PK	ISSUED FOR APPROVAL	
REV	DATE	BY	AMENDMENT	APPROVED

**7-ELEVEN STORES** PTY LTD  
INCORPORATED IN VICTORIA TELEPHONE (03) 9541 0711 FAX (03) 9565 1954  
 BUILDING 2 / 658 CHURCH ST RICHMOND  
 VICTORIA 3121 AUSTRALIA

DATE CREATED 16.11.19 DRAWN BY A.CUBILLOS CHECKED BY	PROJECT PROPOSED SHOP RICHMOND OFFICES CREMONE VICTORIA 3121
APPROVAL FOR ISSUE	TITLE OFFICE NEON SIGNAGE PLAN PROPOSAL
SCALE 1:100 (A3) DATE PLOTTED	SHEET 2 OF 6 SHEET SIZE A3 DRAWING NO. RICH.SK010-NEON 1 REVISION NO. F

**AERIAL LOCATION**  
SCALE 1:100 (A3)

Attachment 5 - PLN19/0007 - 200 / 658 Church Street - Further Information Plans



NEON 00 FRONT COVER  
 NEON 01 AERIAL PHOTO  
 NEON 02 EAST ELEVATION  
 NEON 03 NORTH ELEVATION  
 NEON 04 WEST ELEVATION  
 NEON 05 SOUTH ELEVATION

NOTE:  
 ALL SIGNAGE WILL NOT BE  
 FLASHING OR ANIMATED.

APPROVAL ISSUE

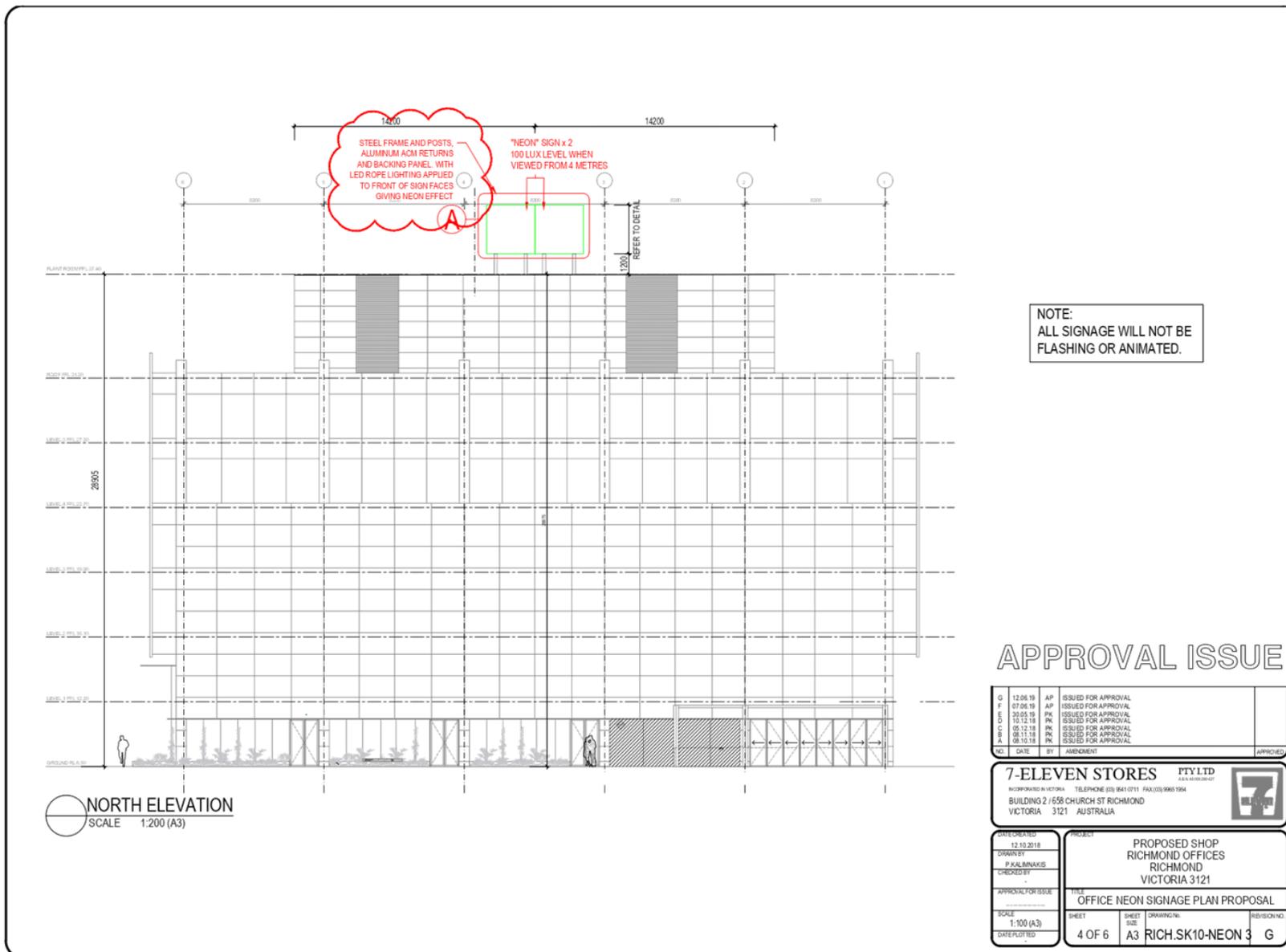
NO.	DATE	BY	AMENDMENT	APPROVED
30	05.19	PK	ISSUED FOR APPROVAL	
10	12.18	PK	ISSUED FOR APPROVAL	
08	12.18	PK	NORTH POINT ADDED	
08	11.18	PK	ISSUED FOR APPROVAL	
08	10.18	PK	ISSUED FOR APPROVAL	

**7-ELEVEN STORES** PTY.LTD.  
INCORPORATED IN VICTORIA TELEPHONE (03) 941 0711 FAX (03) 9465 1564  
 BUILDING 2 / 658 CHURCH ST RICHMOND  
 VICTORIA 3121 AUSTRALIA

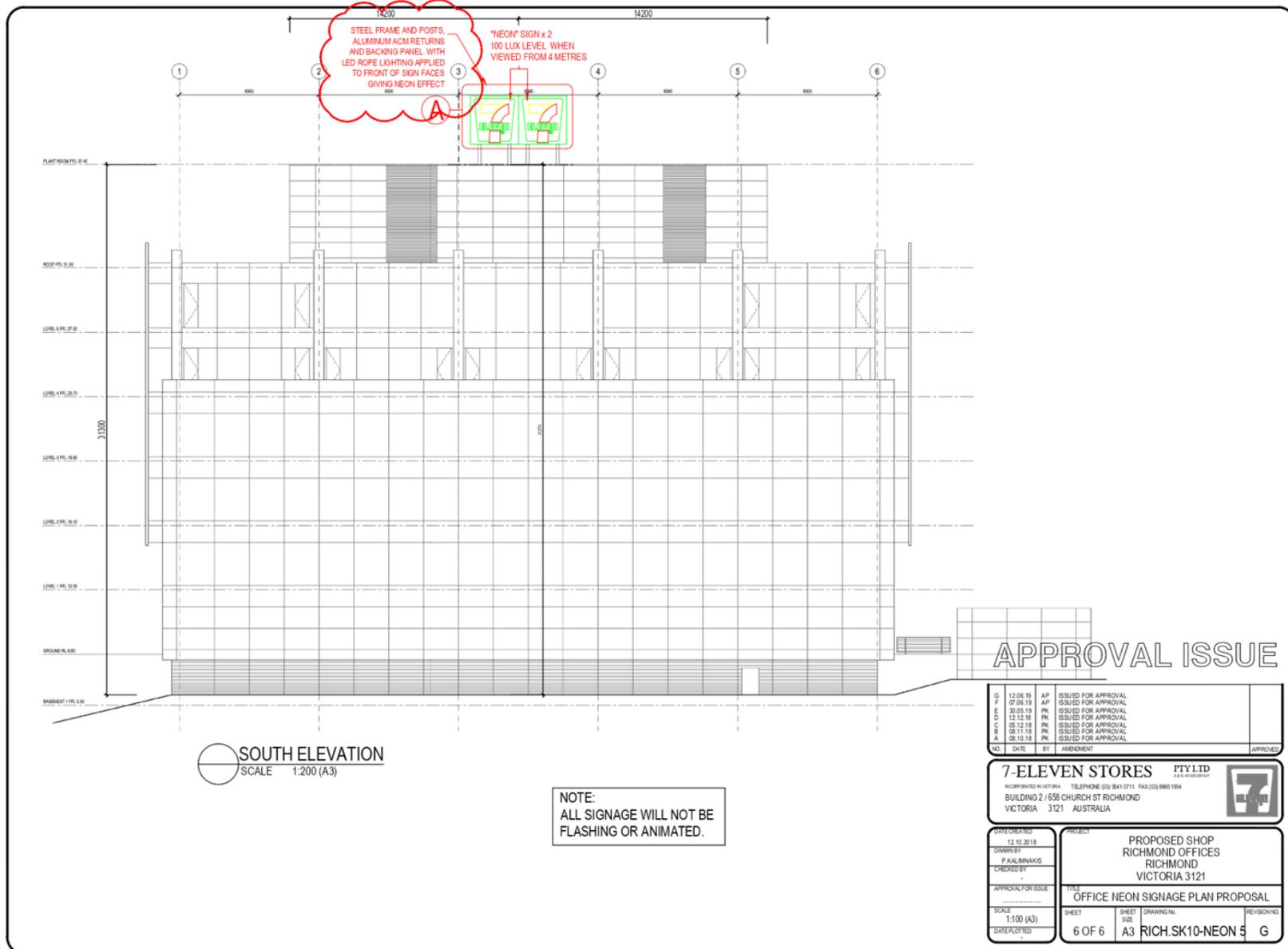


DATE CREATED 12.10.2018	PROJECT PROPOSED SHOP RICHMOND OFFICES RICHMOND VICTORIA
DRAWN BY P.KALIMAKIS	TITLE OFFICE NEON SIGNAGE PLAN PROPOSAL
CHECKED BY	SCALE 1:100 (A3)
APPROVAL FOR ISSUE	SHEET 1 OF 6
DATE PLOTTED	SHEET SIZE A3
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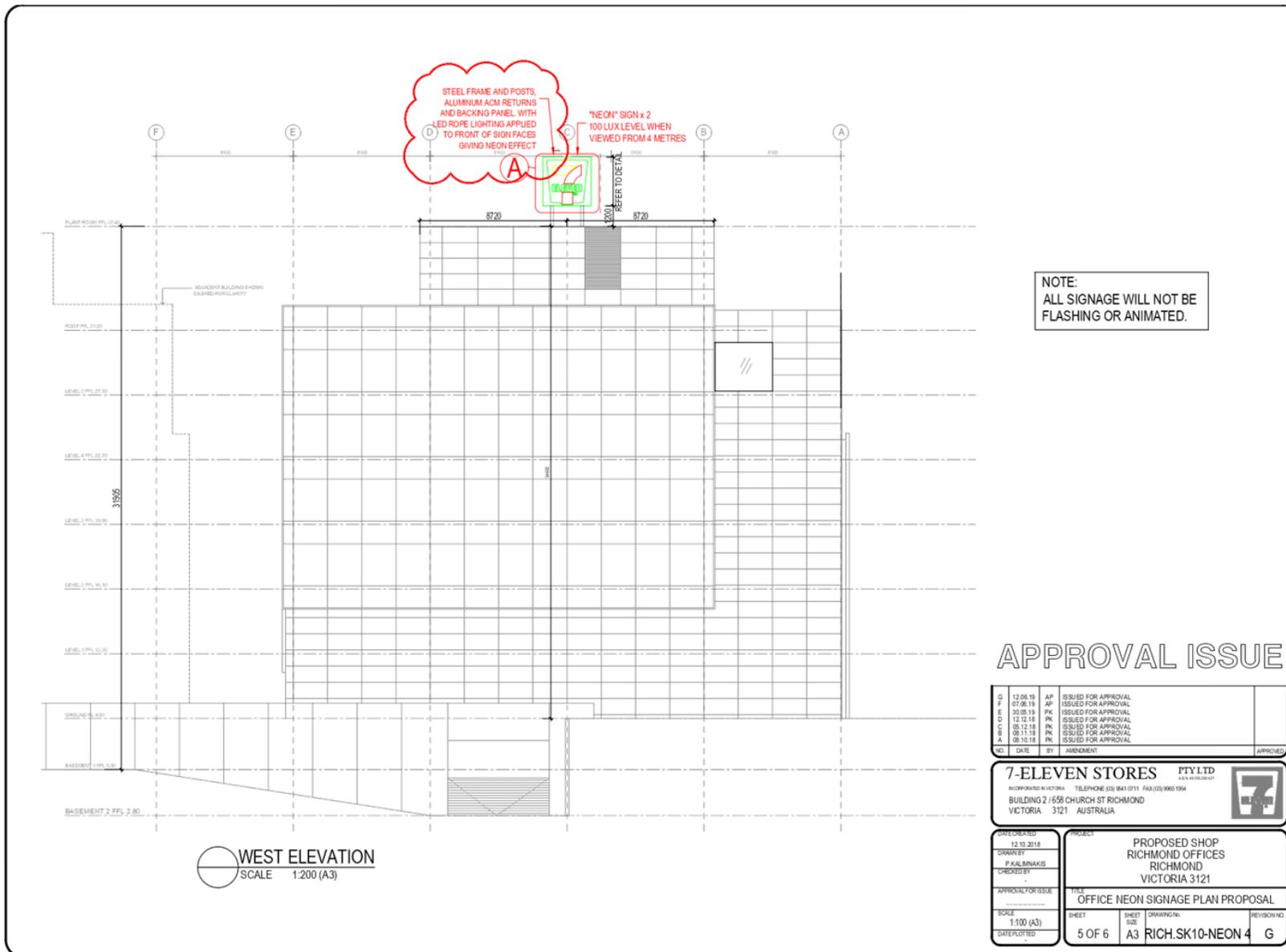
Attachment 5 - PLN19/0007 - 200 / 658 Church Street - Further Information Plans



Attachment 5 - PLN19/0007 - 200 / 658 Church Street - Further Information Plans

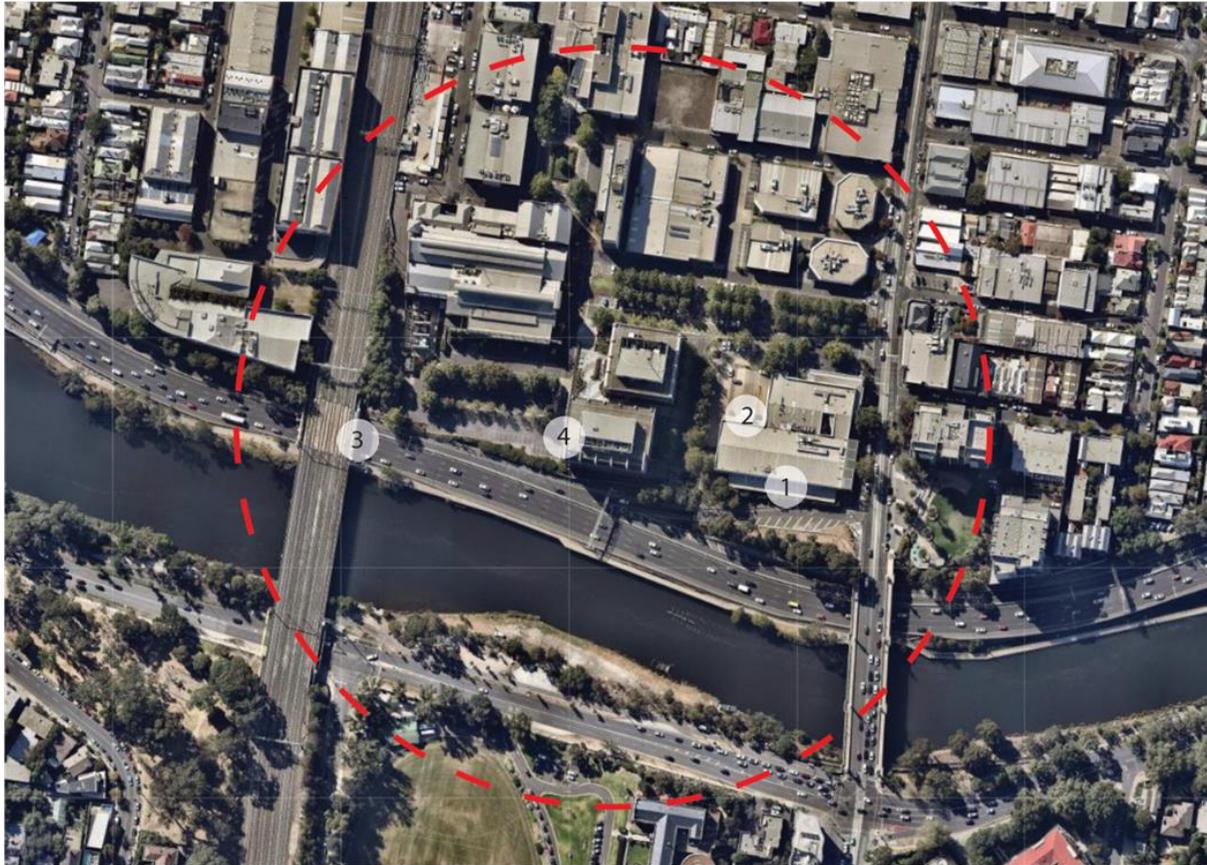


Attachment 5 - PLN19/0007 - 200 / 658 Church Street - Further Information Plans



Attachment 6 - PLN19/0007 - 200 / 658 Church Street Cremorne - 200m signage map

Surrounding Signage



1



2



3



4

Project  
200/658 Church Street  
Cremorne

Job No.  
330768

Location of signs over 18 square metres in area, or that are scrolling, electronic or animated within 200 metres

Drawing  
TP-0000

Revision  
00  
28.05.19

SJB Planning  
Level 1, 80 Dorcas Street  
Southbank VIC 3006  
T 03 93848300  
sjb.com.au



- 
- 1.2 PLN17/1124.01 - 33 - 39 Keele Street Collingwood - Section 72 Amendment to the permit and plans to; change the use from food and drinks premise (cafe) to a restaurant with up to 200 patrons, in conjunction with the restricted retail (as-of-right); increase the hours of the restaurant from Monday to Sunday 7.00am - 7.00pm to Monday to Sunday 7.00am - 11.00pm; include the sale and consumption of liquor (on and off the premises) between Monday to Sunday 7.00am - 11.00pm; and internal alterations.**
- 

## **Executive Summary**

### **Purpose**

1. This report provides Council with an assessment of an application at No. 33 – 39 Keele Street Collingwood to amend the permit and plans to allow for a change of use, extension of the hours of operation, increase to the number of patrons and introduction of the sale and consumption of liquor (on and off the premises).

### **Key Planning Considerations**

2. Key planning considerations include:
  - (a) Clauses 21.04 and 34.02 – Land Use and Commercial 2 Zone;
  - (b) Clause 22.05 - Interfaces Uses Policy; and
  - (c) Clauses 22.09 and 52.27 – Licensed Premises.

### **Key Issues**

3. The key issues for Council in considering the proposal relate to:
  - (a) Strategic Context;
  - (b) Restaurant (Use);
  - (c) The Sale and Consumption of Liquor;
  - (d) Objector Concerns; and
  - (e) Other matters.

### **Submissions Received**

4. Seven (7) objections were received to the application, these can be summarised as:
  - (a) Off-site amenity impacts, including noise and antisocial behaviour;
  - (b) Car parking and traffic impacts; and
  - (c) Transformation of the use.

### **Conclusion**

5. Based on the following report, the proposal is considered to comply with the relevant planning policy, subject to conditions as detailed within the 'recommendation' section of this report.
6. The conditions relate to the maximum patron number, hours of operation and acoustic controls associated the use of a restaurant and sale and consumption of liquor.

**CONTACT OFFICER: Jessica Sutherland**  
**TITLE: Statutory Planner**  
**TEL: 9205 5365**

- 
- 1.2 PLN17/1124.01 - 33 - 39 Keele Street Collingwood - Section 72 Amendment to the permit and plans to; change the use from food and drinks premise (cafe) to a restaurant with up to 200 patrons, in conjunction with the restricted retail (as-of-right); increase the hours of the restaurant from Monday to Sunday 7.00am - 7.00pm to Monday to Sunday 7.00am - 11.00pm; include the sale and consumption of liquor (on and off the premises) between Monday to Sunday 7.00am - 11.00pm; and internal alterations.**
- 

Reference: D19/146042  
 Authoriser: Coordinator Statutory Planning

**Proposal:** Section 72 Amendment to the permit and plans to:

- a) Change the use from food and drinks premise (café) to a restaurant with up to 200 patrons, in conjunction with the restricted retail use (as-of-right);
- b) Increase the hours of the restaurant from Monday to Sunday 7.00am – 7.00pm to Monday to Sunday 7.00am – 11.00pm;
- c) Include the sale and consumption of liquor on and off the premises between Monday to Sunday 7.00am – 11.00pm; and
- d) Include internal alterations.

**Existing use:** Food and Drinks Premises (café) and Restricted Retail (homewares)

**Applicant:** Message Consultants

**Zoning / Overlays:** Commercial 2 Zone

**Date of Application:** 31 May 2019

**Application Number:** PLN17/1124.01

### Planning Scheme Amendment

1. Since the original permit was issued on 13 June 2018, Amendment VC148 was gazetted into the Yarra Planning Scheme (**the Scheme**) on 31 July 2018.
2. Amendment VC148 introduced changes to the car parking requirements and permit triggers at *Clause 52.06 (Car Parking)* of the Scheme. The following changes introduced by the Scheme amendment are relevant to this application:
  - (a) Column B (of Table 1) applies to the application given that the site is identified as being within the Principle Public Transport Network Area as shown on the Principal Public Transport Area Maps (*State Government of Victoria, 2018*).
  - (b) Column B prescribes the following car parking requirements for each use:
    - (i) *2.5 spaces to each 100sqm of restricted retail* (previously 3 spaces)
    - (ii) *3.5 spaces to each 100sqm of food and drinks premises or Restaurant* (previously 4 spaces)
  - (c) These rates are lower than the prescribed rates relied upon when assessing the original application, the consequence of which will be discussed under the *Particular Provision - Clause 52.06 Car Parking* section of this report.
3. Amendment VC159 was gazetted into the Scheme on 8 August 2019 and introduced new land use terms and revised the definitions of existing land uses. The amendment did not alter the land use definitions associated to restricted retail, food and drinks premise or restaurant, thus is not relevant to this application.

## Planning History

4. Planning Permit PLN17/1124 was issued on 13 June 2018 for *buildings and works and reduction in the car parking requirement associated with the use of the land for restricted retail (as-of-right use) and food and drinks (café) Monday - Sunday 7.00am – 7.00pm.*
5. Should an amended permit be issued, the preamble should be corrected to remove reference to the operating hours as it was incorrectly included as a result of human error. The operating hours form a condition of the permit issued which will be carried over to form a condition of the amended permit, if it is to be issued.
6. Also relevant to this application, Planning Permit PLN17/1124 did not restrict the number of patrons in association with the permitted use of the land for food and drinks premises, though 85 seats for patrons were shown in endorsed plans and was discussed within the original report. This was an omission resulting from human error. The omission will be corrected through this application and a maximum patronage will form a condition of any permit issued.
7. In the event that an amended permit is not issued, Council will issue a corrected permit (to the original permit), through Section 71(1) of the *Planning and Environment Act 1987*, to include the condition requiring a maximum of 85 patrons on premise at any one time in association with the food and drinks premise and to remove the reference of the operation hours from the permit preamble.
8. Plans were also endorsed on 13 June 2018.
9. The permit has been acted upon, with all buildings and works completed and uses commenced.
10. Planning Application PLN19/0202 was submitted to Council on 5 April 2019 for the *sale and consumption of liquor associated with the use of the land for a food and drinks premises (café) and restricted retail.* The application proposed to carry out the use and an associated sale and consumption of liquor from Monday to Sunday 7.00am – 11.00pm, thereby conflicting with the previously approved hours of use (as per Planning Permit PLN17/1124). Council requested Further Information for the application on 16 April 2019 and requested that, should the alternate operating hours be pursued, the application be withdrawn and an amendment application be submitted to amend Planning Permit PLN17/1124.
11. The subject amendment application was subsequently submitted and Planning Application PLN19/0202 was formally withdrawn on 5 June 2019.

## Background

12. The amendment application was received by Council on 31 May 2019.
13. The application was advertised in June 2019 and seven (7) objections were received.
14. A consultation meeting was held on 20 August 2019 and was attended by the Applicant, two (2) objectors and Council Officers to discuss all issues and concerns raised in the letters of objection. Following the meeting, the applicant emailed Council Officers, offering the following conditions of permit to address matters raised:
  - (a) Patron numbers limited to 150 in association with the use of a restaurant.
  - (b) A reduction in the proposed hours of operation of the restaurant to:
    - (i) Sunday, Tuesday and Wednesday – 7.00am to 10.00pm;
    - (ii) Monday – 7.00am to 7.00pm; and
    - (iii) Thursday to Saturday – 7.00am – 11.00pm.
  - (c) The sale and consumption of liquor reduced so that they commence no earlier than 9.00am (10.00am on Sunday) with the proposed hours as follows:
    - (i) Sunday – 10.00am to 10.00pm;
    - (ii) Monday – 9.00am to 7.00pm;

- (iii) Tuesday and Wednesday – 9.00am to 10.00pm; and
  - (iv) Thursday to Saturday – 9.00am to 11.00pm.
- (d) Roller doors to be closed from 8.00pm Sunday to Thursday and from 10.00pm Friday and Saturday. The Applicant requested that a glazed screen be allowed in conjunction with the roller door, so that it may sometimes be closed in lieu of the existing roller door.

15. These aspects of the proposal and associated recommendations will be discussed further throughout this report.

### **The Proposal**

16. The application seeks to amend the planning permit PLN17/1124, Condition 2 (operating hours) and the endorsed plans to allow for the use of the site as a restaurant and the sale and consumption of liquor (on and off the premises).

#### *Use*

17. No change to the restricted retail component.
18. The Food and Drinks Premises (café) amended to be a restaurant, and this component of the use to be extended into the existing covered courtyard along the eastern boundary (previously used as informal car spaces). This results in a total of 266sqm of restaurant area, an increase of 35sqm from the 231sqm of food and drinks premises previously approved under the original permit.
19. The hours of operation proposed are Monday to Sunday, 7.00am to 11.00pm, increased from Monday to Sunday 7.00am to 7.00pm.
20. A total of 200 patrons are proposed, increased from 85.

#### *Sale and consumption of liquor*

21. The sale and consumption of liquor both on and off the premises.
22. The sale and consumption of liquor on the premises is associated with the use of the site as restaurant, proposing 200 patrons.
23. The sale of liquor for consumption off the premises is associated with restricted retail component of the use, with the applicant intending to sell a small range of Japanese branded alcoholic goods.
24. The 'red line plan' for the liquor licence shows that the liquor will be sold, served and stored within the internal areas of the building.

### **Existing Conditions**

#### Subject Site

25. The site is located on the southern side of Keele Street, approximately 120 metres east of Smith Street, in Collingwood. The subject site (formally known as lot 1 on Title Plan 247056Y) is mostly regular in shape, with the exception of an indentation to the south-east corner which is covered by a carriageway easement. The site has a frontage to Keele Street of 29.5 metres wide, a maximum site depth of approximately 27 metres along the western boundary and an overall site area of approximately 625sqm. The rear (southern) boundary abuts an unnamed laneway.
26. The site is developed with a single storey, brick building (originally in use as a warehouse), which has been altered in accordance with the buildings and works approved under Planning Permit PLN17/1124.



*Image 1: front of the subject site as viewed to from Keele Street*

27. The building is constructed entirely to the Keele Street frontage and presents as a red brick façade, with a flat white painted parapet, five window openings, a centrally located wooden doorway, and a roller door situated to both the east and west ends. Internally the building is notably open plan, comprising of an open kitchen, seating areas associated with the food and drinks premises and homeware displays associated with the restricted retail portion.
28. The tenancy is currently occupied by CIBI, which is a Japanese-styled café and concept store specialising in homewares, specialised food goods, and novelty products.



Image 2: Existing internal arrangement of CIBI, with cafe to the left and restricted retail to the right.

#### *Restrictive covenants*

29. There are no restrictive covenants that affect the subject site.

#### *Easements*

30. A party wall easement is located on the western title boundary. The application is not affected by the easement.
31. The site incorporates two sections of expunged road (as confirmed by Council's Subdivision Officer and Council's Traffic Engineer Unit), to the east and south, however, a portion of carriageway easement remains to the south-east corner of the site. The easement is not affected by the proposal.

#### Surrounding Land

32. An assessment of the surrounding area indicates that the features have not substantially changed since the time of writing the report for the original permit. As such, the following descriptions (*italic*) of the surrounds has been taken from the original recommendation:
33. *The surrounding area represents a former industrial area that is moving towards commercial uses. The land generally abutting the subject site is zoned as Commercial, extending to Smith Street to the west. Opposite the subject site, the Neighbourhood Residential 1 Zone applies to the heritage graded dwellings and general residential areas in the non-significant residential areas. The Smith Street Major Activity Centre (MAC) is located within 120m of the subject site.*

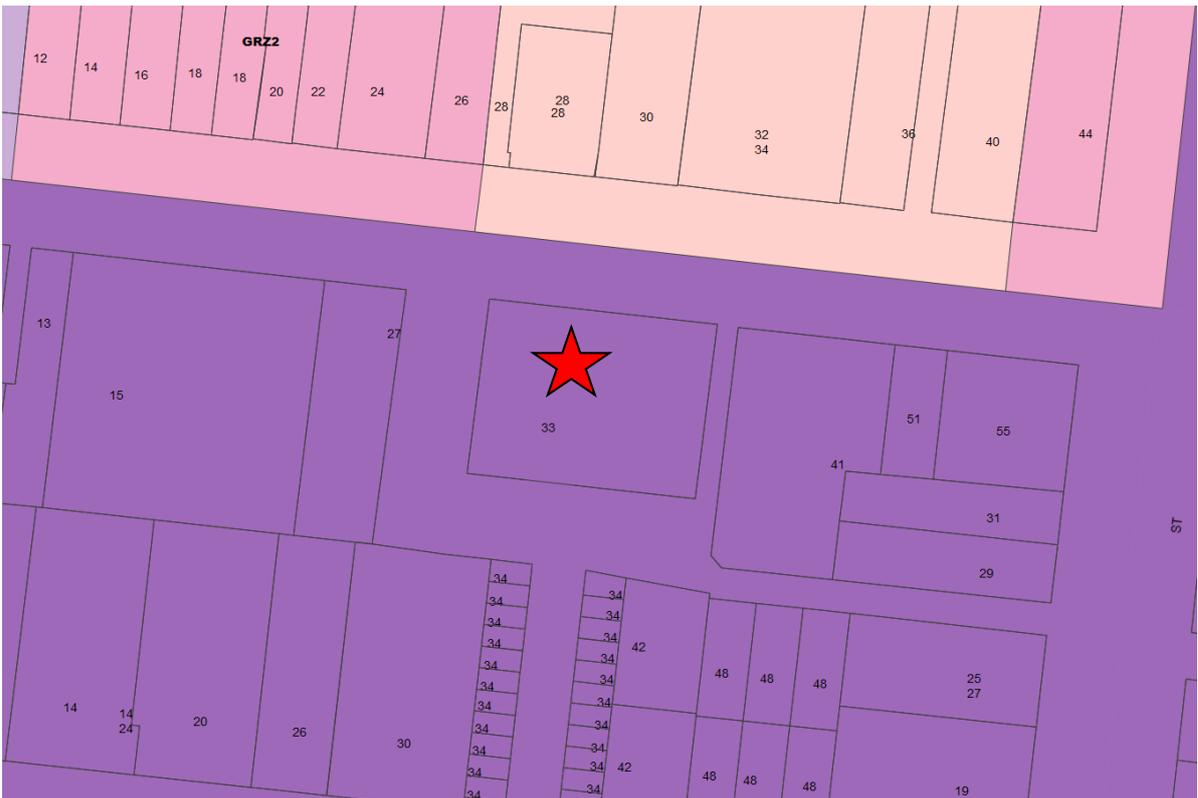


Image 3: zoning interface between the subject site (C2Z in purple) and residential to the north (pink)

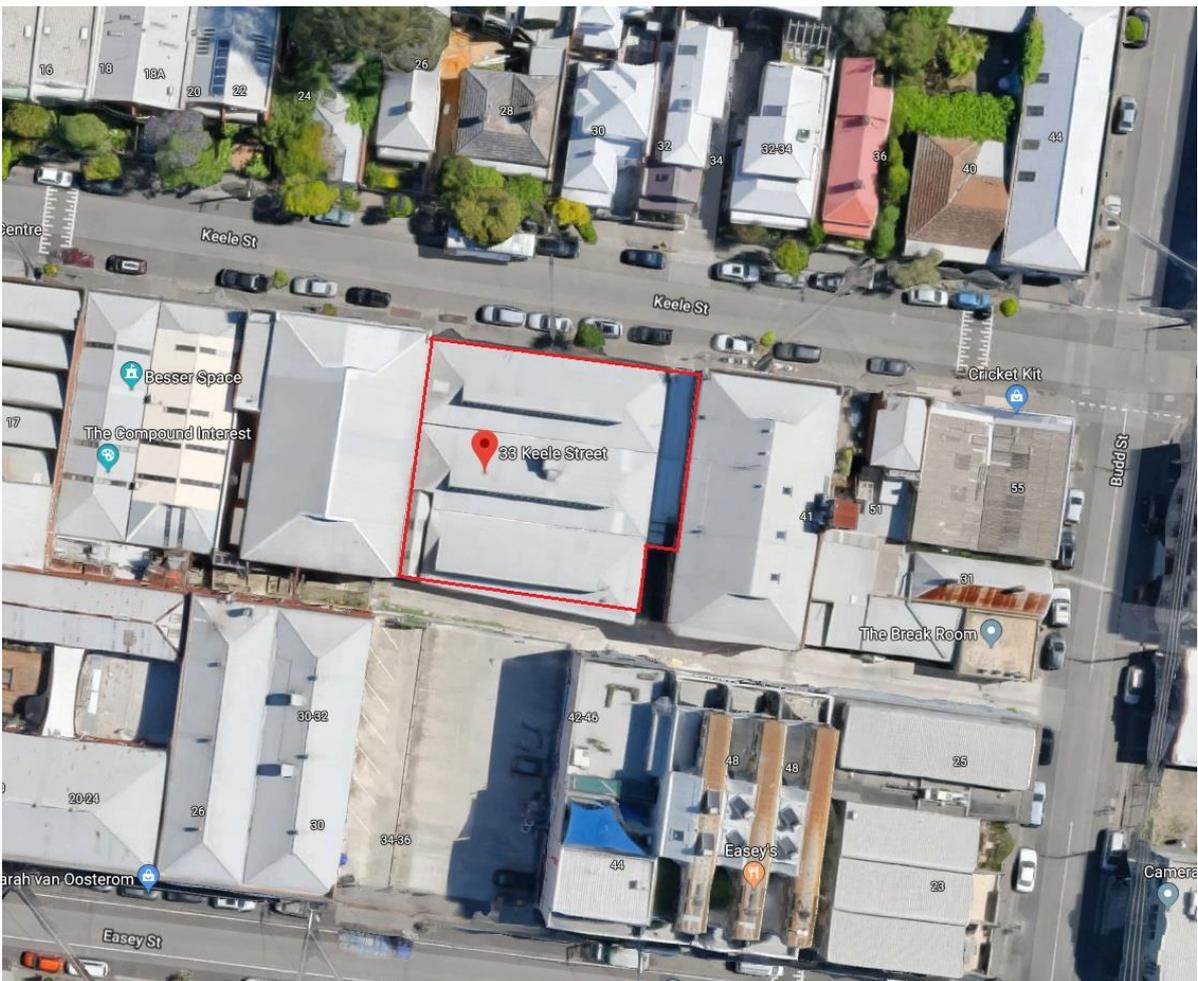


Image 4: Aerial of the subject site and surrounds (Google Earth 2019)

34. The abutting and nearby properties include:  
*27 – 31 Keele Street (west)*
35. *A two-storey brick commercial building abuts the subject site and shares a party wall with the building on the subject site. The building features boundary to boundary construction, windows to the street and features roller door access to Keele Street and a new glazed pedestrian access to the west of the building. The site is currently in use as offices (Medical Recruitment).*  
*41 Keele Street (east)*
36. The site was previously in use by CIBI, the business currently occupying the subject site. The site is currently in use as offices. The built form is a two storey, modern commercial building presenting multiple window openings, a central doorway and a white/grey rendered finish.  
*North side of Keele Street*
37. *A series of single and double storey dwellings are located on the north side of Keele Street and situated within the NRZ1 or GRZ2. The dwellings directly opposite the subject site (Nos. 26 – 34 Keele Street) incorporate a small street setback, front entrances and timber front fencing. Nos. 28 to 34 Keele Street have all been developed with secondary dwellings to rear of the site with access to these dwellings provided from Keele Street.*
38. These dwellings have habitable room windows (HRW) facing the subject site from within the front setbacks, a minimum distance of approximately 18 metres from the subject site. Areas of private open space (POS) are located to the rear of the dwellings, protected from the street frontage and a distance of approximately 30 metres from the subject site.  
*34 – 36 Easey Street*
39. *The site to the rear of the subject site is currently used as an at-grade car parking area abutted by two and three storey commercial buildings.*

### **Legislation Provisions**

40. *The amendment has been requested pursuant to Section 72 of the Planning and Environment Act 1987 (the Act). Section 72 of the Act states:*
- (1) A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.*
- (2) This section does not apply to—*
- (a) a permit or a part of a permit issued at the direction of the Tribunal, if the Tribunal has directed under section 85 that the responsible authority must not amend that permit or that part of the permit (as the case requires); or*
- (b) a permit issued under Division 6.*
41. Planning Permit PLN17/1124 was issued on 13 June 2018. The Tribunal has not directed that the responsible authority must not amend the permit, nor was the permit issued under Division 6 of the Act.
42. Section 73 of the Act states that Sections 47 to 62 of the Act apply to the amendment application. This allows the Responsible Authority to apply the abovementioned sections of the Act to the amendment application as if it was an application for a permit.

### **Planning Scheme Provisions**

#### Zoning

#### *Commercial 2 Zone*

43. Pursuant to Clause 34.02-1 of the Yarra Planning Scheme, *no permit is required to use the land for Restricted Retail.*

- 44. Pursuant to Clause 34.02-1, a planning permit is required to use the land as a Food and Drinks Premises where the leasable land exceeds 100sqm.
- 45. The leasable floor area associated with the use of a Restaurant is 266sqm, thus a permit is required under the zone.

Overlays

- 46. No overlays apply to the site.

Particular Provisions

*Clause 52.06 Car Parking*

- 47. Pursuant to Clause 52.06-1, the clause applies to a new use or an increase in the floor area of an existing use; thus, the clause applies to the proposed use of the site as a restaurant and the increased leasable floor area to this component of the use.
- 48. Pursuant to Clause 52.06-2, before a new use commences or the floor area of an existing use is increased, the number of car spaces required under the Clause 52.06-5 must be provided to the satisfaction of the responsible authority.
- 49. Pursuant to Clause 52.06-3, a permit is required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5.
- 50. As previously discussed, the subject site is located under the Principal Public Transport Network (PPTN) Area, thus Column B of table 1 of the Clause 52.06-5 applies to the amendment application.
- 51. The original planning permit approved no on-site car parking for the food and drinks premise (café) and restricted retail uses and a reduction of the 19 car parking spaces was approved. Under this amendment, the food and drinks premises is changing from a café to a restaurant and the leasable floor area associated with this use is increasing by 35sqm. The amendment continues to provide no on-site car parking spaces. The following table outlines the car parking requirements resulting from the amended proposal.

Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required by the Scheme	No. of Spaces Allocated	Reduction Required
<b>Permitted (prior to Amendment VC148)</b>					
Shop (restricted retail)	359sqm of leasable floor area	3 spaces to each 100sqm of leasable floor area	10	0	19
Food and Drinks Premise (café)	231sqm of leasable floor area	4 spaces to each 100sqm of leasable floor area	9		
<b>Overall application including amendment (post Amendment VC148)</b>					
Restricted Retail	359sqm of leasable floor area	2.5 spaces to each 100sqm of leasable floor area	8	0	17
Restaurant	266sqm of leasable floor area	3.5 spaces to each 100sqm of leasable floor area	9		
<b>Additional Car Park reduction required from the amendment</b>					<b>-2</b>

52. The amendment therefore requires less car spaces than what was previously approved under the original application, despite the changes to the use.

*Clause 52.34 Bicycle Facilities*

53. Pursuant to Clause 52.34-1, a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities has been provided on the land.
54. Table 1 of Clause 52.34-5 specifies the following rates:
- (a) One (1) bicycle space for employees to each 100sqm of floor area available to the public, associated with a restaurant (**resulting in 2**);
  - (b) Two (2), plus one (1), bicycle space for visitors to each 200sqm of floor area available to the public, if the floor area associated with a restaurant exceeds 400sqm (**resulting in 0**);
  - (c) One (1) bicycle space for employees to each 300sqm of leasable floor area associated with a retail premises (**resulting in 1**); and
  - (d) One (1) bicycle space for visitors to each 500sqm of leasable floor are associated with the retail premises (**resulting in 0**).
55. The original permit approved a 'bike store' accommodating 14 bike spaces, exceeding the required three (3) bicycle spaces pursuant to Clause 52.4-5 of the Scheme.

*Clause 52.27 Licensed Premises*

56. Pursuant to Clause 52.27 of the Scheme, a planning permit is required to use the land to sell or consume liquor if a license is required under the *Liquor Control Reform Act 1998*. The requirement to obtain a planning permit is therefore triggered under Clause 52.27 of the Scheme.
57. Before deciding on an application, the Responsible Authority must consider as appropriate:
- (a) *The Municipal Planning Strategy of the Planning Policy Framework;*
  - (b) *The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area;*
  - (c) *The impact of the hours of operation on the amenity of the surrounding area;*
  - (d) *The impact of the number of patrons on the amenity of the surrounding area; and*
  - (e) *The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.*

General Provisions

Clause 65 – Decision Guidelines

58. The decision guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant State and Local Planning Policy Frameworks, as well as the purpose of the zone, overlay or any other provision.

Planning Policy Framework (PPF)

59. The following PPF provisions of the Scheme are relevant:

*Clause 13.05-1S Noise Abatement*

60. The relevant objective of this clause is:

- (a) *To assist the control of noise effects on sensitive land uses.*

*Clause 13.07-1S Land Use Compatibility*

61. The relevant objective of this clause is:

- (a) *To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.*

*Clause 17.01-1S Diversified economy*

62. The objective of this clause is *to strengthen and diversify the economy*. A relevant strategy to achieve this is to:

- (a) *Improve access to jobs closer to where people live.*

*Clause 17.02-1S Business*

63. The relevant objective of this clause is:

- (a) *To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.*

*Clause 17.02-2S Out-of-Centre development*

64. The relevant objective of this clause is:

- (a) *To manage out-of-centre development.*

65. A relevant strategy set out to achieve this is objective is to:

- (a) *Give preference to locations in or on the border of an activity centre for expansion of single use retail, commercial and recreational facilities.*

*Clause 18.02-2R Principal Public Transport Network*

66. The objective of this clause is to:

- (a) *Maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect.*

Local Planning Policy Framework (LPPF)

67. *Clause 21.04-3 Industry, office and commercial*

68. The objective of the clause it:

- (a) *To increase the number and diversity of local employment opportunities.*

*Clause 21.08-5 Neighbourhoods – Collingwood*

69. Relevant to this application, Clause 21.08-5 describes Collingwood as *industrial in character with the residential precincts surrounded by or interspersed with industrial buildings*.

70. Figure 14 - Built Form Character Map: Collingwood of Clause 21.08-5 identifies the subject site as being in a non-residential area, the objective of which is *to improve the interface of development with the street*.

Relevant Local Policies

*Clause 22.05 Interfaces Uses Policy*

71. This policy applies to applications for use or development within Commercial Zones (amongst others).

72. A relevant objective of the clause is:

- (a) *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.*

*Clause 22.09 Licensed Premises*

73. The policy applies to an application under Clause 52.27 (Licensed Premises)

74. The objectives of this clause are:

- (a) *To protect the amenity of nearby properties and areas by effectively managing the location, size, operation and hours of licensed premises.*

- (b) *To encourage best practice venue design and venue operation for licensed premises.*
- (c) *To protect residential and other commercial uses from excess noise, traffic and car parking issues.*
- (d) *To provide for daytime trade and active street frontages in retail strips, while providing the reasonable commercial opportunities for the trading of licensed premises.*

## **Advertising**

75. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 166 letters sent to surrounding owners and occupiers and by a sign displayed on site. Council received seven (7) objections, the grounds of which are summarised as follows:
- (a) Off-site amenity, including noise and antisocial behaviour;
  - (b) Car parking and traffic; and
  - (c) Results in a transformation from the proposed use.
76. A planning consultation meeting was held on 20 August 2019 and attended by two objectors, the Applicant and Council Officers to discuss all issues and concerns raised in the letters of objection. As previously discussed, the Applicant accepted various conditions of permit to address the concerns raised, through an email to the Council Officer.
77. Nonetheless, the Applicant did not formally amend the proposal, and as such the proposal, as originally submitted to Council and advertised in June 2019, forms the basis of assessment and decision.

## **Referrals**

78. The referral comments are based on the decision plans, as advertised in June.

### External Referrals

79. The application was not referred to any external authorities.

### Internal Referrals

80. The application was referred to the following units within Council:

- (a) Compliance (Community Amenity)
- (b) Social Planning Unit

81. The referral comments have been included as attachments to this report.

### External Consultants

82. SLR Consulting (Acoustic Engineering)

83. The referral comments are included as attachments to this report.

## **OFFICER ASSESSMENT**

84. The primary considerations for this application are as follows:

- (a) Strategic justification;
- (b) Restaurant use;
- (c) Sale and consumption of liquor;
- (d) Objector concerns; and
- (e) Other matters.

### Strategic justification

85. There is policy support within the State and Local Planning Policy Frameworks for a use of this nature in this location, given the commercial zoning and that the site is within walking distance of public transport networks and a Major Activity Centre (**MAC**).

86. With regards to this amendment, the use of the site for restricted retail is 'as-of-right' and does not need planning permission. Consideration lies with the proposed use of the land as a restaurant and the sale and consumption of liquor both on and off the premises. The specific implications of the use and the sale and consumption of liquor will be discussed further in this report, with particular regard to the purpose of the Commercial 2 Zone and the interface to residential dwellings across Keele Street. The operation of the proposal will be considered against the cumulative impact, off-site amenity impacts and land use conflicts of the site.
87. Nonetheless, turning our mind solely the location of the proposed licenced restaurant, it is considered to have strategic support given that state and local planning policies encourage the concentration of commercial and entertainment uses in and near Major Activity Centres, such as Smith Street, which are well connected to public transport and benefit from existing infrastructure (clauses 17.02-1S, 17.02-2S and 18.02-2R). The subject site is within 120 metres of the Smith Street MAC, and also benefits from access to various sustainable transport modes including the 86 tram along Smith Street to the west and 'Copenhagen' style bike lanes along Wellington Street, 150 metres to the east.
88. Further, Clause 17.02-2S (Out-of-centre development) specifically directs preference of locations in or on the border of an activity centre (such as the subject site) for the expansion of single use retail and commercial uses. Clause 17.02-1S (Business) encourages *use and development which meets the communities' needs for retail, entertainment, office and other commercial services*. One of the strategies suggested to achieve this is *to provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations*. The subject site itself, which is situated in a commercial zone near to residential dwellings, is an appropriate scale to provide local residents and workers with convenient dining and take away food and drink opportunities.
89. Moreover, Clause 17.01-1S (Diversified Economy) and Clause 21.04-3 (Industry, office and commercial) encourage growth that strengthens and diversifies the economy and job opportunities, encouraging that any growth *improve(s) access to jobs closer to where people live*. As discussed, the site is highly accessible, is zoned for commercial use and is near to where people live, thereby providing for an appropriate location for a restaurant use.

Restaurant use

90. The discussion of the appropriateness of the use will be guided by the purpose and decision guidelines of the Commercial 2 Zone (C2Z) at *Clause 34.02-7* and the requirements of the Interfaces use policy at *Clause 22.05* of the Scheme.
91. It is considered that the proposed use of the site as a restaurant is consistent with the purpose of the Commercial 2 Zone, which *encourage(s) commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services*. As such, the zone directs commercial uses to this area. This is further justified by the fact that the commercial uses of a café and restricted retail premise currently occupy the site. A restaurant in itself is not significantly different from a café in its use (ie they are both for the service of food and drinks), however, it is acknowledged that the scale is proposed to increase. The proposal is amending the food and drinks café to a restaurant, extending the leasable floor area within the existing building envelope and increasing the hours of operation and patron numbers. Each aspect will be discussed in turn.
92. As discussed, the location of the proposed restaurant is acceptable in a strategic sense; however, consideration must be given to the potential impacts on the surrounding area and interfacing land uses.

93. Clause 22.05-1 of the Scheme identifies that there is a need to support commercial uses and ensure they are well managed with regard to amenity impacts and their proximity to residential uses. The policy includes various considerations for non-residential uses located near residential properties, with decision guidelines (relevantly) relating to noise, light spill, loading and unloading, rubbish removal and storage and other operational disturbances that may cause detriment to the amenity of nearby residential sites. These requirements are further reiterated by the objectives of the Commercial 2 Zone.
94. The restaurant component of the use only requires a permit should it exceed 100sqm, as such, policy provides clear support for this use to operate in these locations, with the permit trigger ensuring that venues over 100sqm in floor area are appropriately considered and managed. The subject site, despite being located within a Commercial 2 Zone and within close proximity to a MAC, is located directly opposite dwellings (approximately 18 metres away) within Residential Zones. As such, consideration to this interface is necessary.

*Definition of a restaurant*

95. It is important to assess whether the proposal constitutes a 'restaurant', as although this use is supportable in principle, a significant increase to the scale and offerings of a restaurant can result in the transformation of the use to a higher impact use such as a function centre or bar (or similar). Pursuant to Clause 73.03 of the Scheme, a restaurant as defined as *land used to prepare and sell food and drink, for consumption on the premises. It may include:*
- (a) *entertainment and dancing; and*
  - (b) *the supply of liquor other than in association with the serving of meals, provided that tables and chairs are set out for at least 75% of patrons present on the premises at any one time;*
  - (c) *it does not include the sale of packaged liquor.*
96. The submitted floorplans show 116 seats in association with the restaurant. Applying the requirement that table and chairs are to be provided for 75% of patrons, a total of 155 patrons would be permissible on the premises at any one time. The proposed 200 patrons, in association with the restaurant use, would require that 150 seats be provided, and as this number of seats is not met, would ultimately result in the transformation of the use from a restaurant to a higher impact use such as a bar or function centre. Firstly, these uses have not been applied for through this application. Moreover, the principle purpose of a restaurant is for the service of food and drinks, where as a bar or function centre (or similar) can often be associated with a greater consumption of liquor and a lesser focus on a food experience.
97. To ensure the premises is meeting the definition of a restaurant and is not resulting in the transformation of the use from what was applied for, a condition will be included on any permit issued limiting the patrons in association with the use of the site as a restaurant to 150 at any one time. Further, a condition will be included to ensure that 75% of patrons are provided tables and seats so that the restaurant use will be ongoing and cannot transform in the future.
98. This condition is supported by Council's Social Planning Unit and has been accepted by the Applicant.
99. Finally, the definition of a restaurant excludes the sale of packaged liquor, however, this aspect of the proposal is associated with the as-of-right use of restricted retail and therefore has no implications on the validity of the restaurant use. A condition will be included on any permit issued requiring that the sale and consumption of liquor for consumption off the premise is to be associated with the restricted retail use.

*Noise*

100. It is noted that objections were received from both residents and business owners/operators with regards to noise. Despite its residential interface (within 20 metres to the north), the subject site is located within, and is otherwise surrounded to the east, west and south by the Commercial 2 Zone which encourages areas for uses such as retail and associated businesses. It is also on the immediate periphery of the Smith Street MAC, within which active and vibrant commercial uses and retail activity is present and expected. As such, the amenity expectations of residents in this area need to be somewhat tempered in order to maintain the viability of industrial and business areas, as is recognized in Clause 22.05 (Interface Uses Policy). Nonetheless, subject to conditions, it is considered that a reasonable level of amenity can be experienced by neighbouring uses.
101. While noise impacts will also be discussed with relation to the sale and consumption of liquor later in this report, it is considered that the noise generated from the proposed restaurant would not be unreasonable given the context, reduction of patron numbers from proposed (associated with the restaurant) to 150 and the existing conditions included on the permit relating to internal noise limits and no external speakers permitted. Further, a food and drinks premise already exists on site with Council's Compliance Team having no record of complaints against the premises or the use.
102. An Acoustic Report, prepared by Clarity Acoustics and dated 28 May 2019, was submitted with the subject application and was reviewed by Council's External Acoustic Consultant (SLR Consultants). The proposed hours of operation as per the application and accompanying Acoustic Report are Monday to Sunday 7.00am to 11.00pm.
103. Council's Acoustic Consultants regarded that the level of patron noise, internal to the premises, during these hours (assuming the 200 patrons proposed) would be acceptable subject to the roller doors being closed from 8pm Sunday to Thursday and from 10pm Friday and Saturday. This will form a condition of any permit issued. The applicant accepted this condition, however, expressed the desire to install glazed screens behind the existing roller doors so that it may be a transparent alternative to the solid metal roller doors, allowing for natural light into the premises and for views to the public realm whilst still providing acoustic mitigation. This is accepted on the basis that the Acoustic report, as prepared by Clarity Acoustics, is amended and provided to Council to show that the alternative glazed screens achieves compliance with SEPP N-2 noise limits. This will form part of a condition to any permit issued.
104. Further, Council's Acoustic Consultant also noted that the level of patron noise on arrival and departure may be of a concern due to the large patron capacity and extended hours into the night time, although also noted that this is not a matter that can be readily addressed through built form acoustic controls. Officers agree with Council's Acoustic recommendations to reduce the hours of operation and consider that the impacts of noise from patrons arriving and departing the site can be appropriately mitigated through the reduction to the scale and duration of the use. As previously discussed, patron numbers will be capped at 150 with 75% of patrons to be provided seating. Further, it is commonly accepted that residential area sensitivity is higher at night time (10pm onwards) and as such, the operating hours of the restaurant will be further reduced by way of a condition included on any permit issued - based on the acoustic recommendations – so they are as follows:
  - (a) Sunday to Thursday 7.00am to 10.00pm;
  - (b) Friday and Saturday 7.00am to 11.00pm; and
  - (c) Monday 7.00am to 7.00pm (as approved).
105. These hours generally match those offered by the applicant following the consultation meeting with the exception of the Thursday evening hours being reduced from an 11pm closure time to a 10pm closure.
106. It is considered that, subject to the conditions relating to patron numbers, operating hours and roller door closure, the patron noise emitting from the restaurant use will not unreasonably impact neighbouring residential uses.

107. Finally, music is proposed to be played at a background level and a condition is already included on the existing permit requiring that the use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1). Nonetheless, Council's Acoustic Consultant has recommended that the restaurant sound system incorporate spectrum shaping capabilities (an acoustic compressor/equalizer) and that the music levels be set by a suitably qualified acoustical consultant to ensure SEPP N-2 compliance (night noise limits applying after 10pm Monday to Saturdays, before midday and after 9pm Sundays). These conditions will be included on any permit issued, requiring the Acoustic Report, prepared by Clarity Acoustics and dated 28 May 2019, to be amended accordingly.

A condition will also be included requiring that within 3 months of the commencement of the use (or sale and consumption of liquor), an acoustic report be prepared to confirm the compliance with noise limits and, where necessary, make recommendations to limit the noise impacts in accordance to the state SEPP N-2 and SEPP N-1.

108. With regard to the objection received concerning potential noise impact on adjacent businesses, the Commercial 2 Zone does and is intended to support a diversity of commercial uses, including office, bulky goods, and retail in appropriate locations. The conditions imposed to mitigate excessive patron noise or music will ensure that an office can also operate without unreasonable disturbance during the day.

*Loading and unloading*

109. The amendment application proposes that deliveries are to be carried out Monday to Saturday between 7.00am and 10.00pm and Sunday (and public holidays) between 9.00am and 10.00pm. However, a condition is already included on the original permit specifying that deliveries are to occur between 7.00am – 7.00pm.
110. Although Council policy is to allow for delivery and collection of all goods to and from the land, associated with the use, to only occur between 7.00am and 10.00pm Monday to Sunday, the existing condition will remain to ensure that deliveries occur during daytime hours when they are less likely to disturb nearby residential uses.
111. A condition on the permit states that *loading and unloading of vehicles and the delivery of goods to and from the land associated with the use must be conducted entirely within the land, to the satisfaction of the Responsible Authority*. As no access points are available or allocated for deliveries to be loaded and unloaded within the building, this condition was included in error and will be removed. It is noted that a loading bay currently exists at the front of the premises.

*Light spill*

112. The use is proposed, in this planning application, to be contained entirely within the existing building. The use of the site throughout the day time will obviously bare no impact on neighbouring amenities with regards to light spill. Although the existing building presents five windows and two roller doors to Keele Street, it is not expected that the use will result in an unreasonable light spill to nearby residential dwellings for the following reasons:
- (a) A condition will require that the roller doors are closed from 10pm Friday and Saturday and from 8pm Sunday through to Thursday when the sensitivity of residential amenity is traditionally higher (although it is acknowledged that a glazed screen may be used in lieu of the solid roller door, if approved);
  - (b) Light spill from a restaurant is expected to be consistent with a habitable use, that being ambient or white light, rather than strobe or colourful lighting which may be at odds with a residential area; and
  - (c) The site is a minimum distance of 18 metres from the nearest dwelling and is buffered by a road. This distance, and the presence of on street lighting and car lights, will appropriately buffer any light from the restaurant to residential dwellings.

*Waste management*

113. Details of waste management are required, pursuant to Clause 22.05 of the Scheme. No specific details were provided regarding the storage or collection points of waste and as such, to ensure the potential amenity impacts associated with waste are minimised, a condition will be included on any permit issued requiring a Waste Management Plan to be prepared by a suitably qualified consultant, to the satisfaction of the Responsible Authority.
114. Considering the nature of the use, within an existing building which already operates as a food and drinks premises, it is not expected that unreasonable impacts will result from waste that cannot be appropriately managed, subject to conditions.

*Conclusion*

115. Overall it is considered that the proposed restaurant use will support the purpose of the Commercial 2 Zone and will increase employment opportunities in the area. Subject to various conditions of permit aimed at protecting the amenity of nearby residential land, the restaurant will operate without adversely impacting upon the amenity of the neighbouring residential land, and is therefore supported.

Sale and consumption of liquor

116. Clause 52.27 and policy at Clause 22.09 of the Scheme are used to guide the assessment of the new licenced premises.
117. The proposed application applies for:
- (a) The sale and consumption of liquor on-site, in association with the restaurant use; and
  - (b) The sale of liquor for consumption off-site, in association with the restricted retail use.
118. Each aspect of the proposal will present different considerations. Traditionally, the nature of the sale of liquor for consumption off the premises is less likely to result in adverse amenity impacts associated with patrons consuming liquor on-site. Visits to purchase bottled alcohol will likely be short and reasonably dispersed, particularly in this instance where it is associated with a restricted retail use where liquor is a minor sales component and for specialised products. Trips to the site for this purpose will likely be multi-purpose, with the primary focus of customer visits likely to be for the food and drink or retail experience. For these reasons, the sale of liquor for off-site consumption component of the proposal is supported, subject to the condition to hours of operation as discussed further below.
119. With regards to the sale and consumption of liquor on-site, an additional assessment is necessary. Amongst other things such as the hours of operation, patron numbers, and the general impact of licensed premises on the amenity of the area, the decision guidelines of Clause 52.27 require consideration of the cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.
120. A majority of the above considerations are contained in Council’s local licensed premises policy (Clause 22.09) which will be discussed in turn. In addition to this, it is necessary to give consideration to potential cumulative impacts associated with the new liquor licence. The “Corner Hotel” decision (*Swancom Pty Ltd T/as Corner Hotel v Yarra City Council & Ors*) provides a potential assessment methodology for considering applications that may result in a cumulative impact. The decision also acknowledges that depending on the nature of the use, the required level of assessment will vary.
121. Applying the matrix of risk below, a reasonable consideration would suggest that a score of 1-3 would be no risk, but that a score higher than 3 would be a potential risk and require a cumulative impact assessment.

Type of Premise	Risk Factor
Café / Restaurant	0
Bar / Restaurant / Café	1
Bar	3
Hotel / Tavern	3
Night Club	3

Place of Assembly	2
<b>Size of Premise</b>	<b>Risk Factor</b>
0 – 49 patrons	0
50 – 99 patrons	1
100 – 199 patrons	2
200+	3
<b>Closing hours</b>	<b>Risk factor</b>
11pm	0
12am	1
1am	2
2am	3
3am	3
After 3am	4

122. In this instance, whether the patron numbers are restricted or not, the proposed application does not trigger a cumulative impact assessment, as the proposal is afforded a maximum score of 3.
123. *Clause 22.09 (Licenced premises policy)* of the Scheme is council’s local policy to guide the assessment of new licensed premises within the municipality. It contains six key elements that will be considered below.
- Location and access*
124. New licensed premises should be located such that:
- (a) *The land is not zoned Residential (excluding the Mixed Use Zone).*
  - (b) *Potential amenity impacts from (but not limited to) patron noise, ingress and egress of patrons, queuing of patrons, smoking areas for patrons, and dispersal of patrons from the site can be appropriately managed or buffered.*
  - (c) *There is no opportunity for a high level of public safety and surveillance of patrons as they enter and leave the premises.*
  - (d) *The premises would not result in an unreasonable cumulative impact on the amenity of the surrounding area.*
125. As previously discussed, the premise has strategic support in the subject location. The site is on the periphery of the Smith Street Activity Centre, is within a Commercial 2 Zone and a consolidated neighbourhood with good access to services, infrastructure and public transport. The issue of noise has been substantially addressed previously in this report and conditions employed to minimise the scale and duration of the proposed use and associated sale and consumption of liquor.
126. Traditionally, the sale and consumption of liquor in association with a restaurant does not tend to result in excessive drinking or anti-social behaviour that adversely impacts the amenity of a place, as the primary focus of the use is for the service of food and drinks. With 116 seats provided and the opportunity to peruse the restricted retail portion of the premise, queuing of patrons is not expected. Further, ingress and egress will be limited to the central doorway in evenings, particularly on Sunday through to Thursday when roller doors will be required to be closed by 8pm. Further, given the nature of the use, the dispersal of patrons from the venue is likely to be staggered, with patrons coming and going at various times throughout the day and evening.
127. Given the existing built form restraints of the site, there is no smoker’s area provided internally. As such, patrons can smoke within the public realm, in accordance with the relevant smoking regulations.

*Venue Design*

128. Licensed premises should ensure that:

- (a) *The layout and design of new licensed premises incorporate safe design principles as detailed in the Design Guidelines for Licensed Venues (Victorian Commission of Gambling and Liquor Regulation 2017).*
- (b) *The entry and exits points of a licensed premise and the areas for queuing of patrons are located away from sensitive land uses.*
- (c) *Waste management and storage is provided on-site, and noise enclosures are provided where bottle crushers are to be used.*

129. The premise is an existing building, however, it continues to generally meet the relevant layout and design guidelines for the following reasons:

- (a) The windows and entry points provide opportunities for informal and passive surveillance of the street environment.
- (b) The entry points are clearly distinguishable, with few opportunities for concealment such as recessed doors and alcoves provided.
- (c) The internal premise is open plan, avoiding high congestion of patrons near entry points.
- (d) Although the entry and exit point is to Keele Street, where it is opposite residential properties, this is an existing condition and moreover, is the ideal entry and exit point when regarding patron safety and navigation to public transport, taxis and ride share.
- (e) Bathrooms are provided internally, to the rear of the premises.
- (f) A Waste Management Plan is required by way of a condition to any permit issued. The proposed floorplans locates back-of-house areas and bathrooms towards the rear of the site, where it is easily accessed from the rear laneway. As such, it is expected that an appropriate location for waste storage can be provided to the rear, away from the sensitive residential interfaces.

130. In addition, a condition will be included on any permit issued requiring a sign be erected at the exit(s) of the venue to advise patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.

*Hours of operation*

131. The application proposes the sale and consumption of liquor to be carried out between 7.00am to 11.00pm seven days a week. Following the consultation meeting held on 20 August 2019, the applicant agreed to the following amended hours:

- (a) Sunday – 10.00am to 10.00pm;
- (b) Monday – 9.00am to 7.00pm;
- (c) Tuesday and Wednesday – 9.00am to 10.00pm; and
- (d) Thursday to Saturday – 9.00am to 11.00pm.

132. Clause 22.09 Licensed Premises Policies provides the following guidelines, relevant to the proposal:

- (a) *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.*
- (b) *Packaged liquor outlets should not provide for the sale of liquor after 11pm.*
- (c) *Licensed premises (including packaged liquor outlets) should not commence the sale and consumption of liquor before 9am.*

133. The revised hours of sale and consumption of liquor, as offered by the Applicant following the consultation meeting, comply with all the relevant local policy guidelines. However, as previously discussed, the operating hours will be reduced on a Thursday to mitigate noise concerns during a typical work week. As such, the hours will be adopted, subject to the 10pm closure on a Thursday, and will form a condition of any permit issued to appear as follows:
- (a) Sunday – 10.00am to 10.00pm;
  - (b) Monday – 9.00am to 7.00pm;
  - (c) Tuesday to Thursday – 9.00am to 10.00pm; and
  - (d) Friday and Saturday – 9.00am to 11.00pm.

134. These hours would also meet the recommendations of Council's Social Planning Unit and External Acoustic Consultant. Council's Compliance Team offered no objection to the proposed operating hours of the use or sale and consumption of liquor.

*Patron numbers*

135. As previously discussed, a condition will reduce from the originally proposed 200 patrons to 150 on premise at any one time in association with the restaurant (with 75% of patrons provided seating). This also meets the recommendations of Council's Social Planning Unit, though no objection was made from Council's Compliant Team. At the consultation forum and in response to objections received, the applicant has agreed to a maximum number of patrons to be 150.
136. As confirmed in the submitted patron capacity assessment prepared by a registered building surveyor, the internal areas of the premises can safely accommodate a maximum 200 patrons which exceeds the conditioned limit of 150.

*Noise*

137. Noise has been substantially discussed in association with the use, with conditions included to mitigate any adverse amenity impacts. The nature of the sale and consumption of liquor, in association with the use of the site as a restaurant, means that the two are ultimately linked. All conditions relating to the use with regards to compliance with SEPP N-1 and SEPP N-2, from both music and patrons, will apply to the use and sale and consumption of liquor.
138. Further, the conditioned hours of the sale and consumption of liquor will ensure that any noise resulting from the egress of patrons in the evening will subdue around 7pm on a Monday, 10pm on Tuesday through to Thursday and 11pm Friday and Saturday. These hours are earlier than what is directed by policy and will protect the amenity of the nearby residential areas during the typical work week.
139. A condition will be included on any permit issued requiring that the emptying of bottles and cans into bins may only occur between 7am and 10pm on Monday to Saturday or after 9am on a Sunday or public holiday (as per Council policy at 22.09 Licensed Premises Policy).

*Noise and Amenity Action Plan (NAAP)*

140. The policy stipulates that a NAAP is not required for a restaurant (or a packaged liquor outlet) and as such was not required for this application.
141. Finally, the expiry conditions of the original permit will be amended to include the following conditions relevant to the sale and consumption of liquor:
- (a) the sale and consumption of liquor is not commenced within two years from the date of this permit; or
  - (b) the sale and consumption of liquor is discontinued for a period of two years.

Objector concerns

142. The majority of the issues raised by objectors have been addressed throughout the assessment section of this report. For ease of reference, the concerns raised and corresponding report sections and/or paragraph numbers are outlined below, as relevant:

*Off-site amenity impacts, including noise and antisocial behaviour*

143. This concern has been discussed at paragraphs 94 – 101, 111, 119 and 130 - 132 of this report. Various conditions have been included, regarding patron numbers, music levels, operating hours, hours of sale and consumption of liquor and patron noise limits, ensuring an appropriate degree of amenity is achieved for nearby residential areas.

*Car parking and traffic concerns*

144. Clause 52.06 Car Parking does not apply to the amendment application, as discussed at paragraphs 43 – 48 of this report.

*Transformation of the use*

145. This concern has been discussed at paragraphs 88 - 93 and a condition has been included requiring a maximum of 150 patrons on the premises at any one time to ensure there is no transformation from the proposed use of a restaurant. Further, a condition will require that at least 75% of patrons are provided seating.

Other matters

146. If an amended permit were to issue, the following is noted:
- (a) The permit preamble would be amended to read:
    - (i) *Sale and consumption of liquor (on and off the premise) associated with a restaurant and restricted retail (as-of-right use), a reduction in the car parking requirements of the Scheme and buildings and works.*
  - (b) No conditional changes to plans would be required.
  - (c) The Decision Plans, as prepared by OLA and dated April 2019 (TP2.01) will be endorsed and the previous versions of this plan be superseded.
  - (d) The endorsed set of plans would thereby include TP2.01 (dated April 2019) and TP3.01 (dated January 2018) as prepared by OLA.
  - (e) The following changes to conditions:
    - (i) Condition 3 will be deleted. It previously read “*the loading and unloading of vehicles and the delivery of goods to and from the land associated with the use must be conducted entirely within the land, to the satisfaction of the Responsible Authority*”.
    - (ii) Conditions 1, 9 and 23 amended to include reference to the sale and consumption of liquor in conjunction with the permitted use.
    - (iii) New conditions 2, 4, 5, 8 and 11 – 20 included based on the recommendations as discussed throughout the assessment of this report.

**Conclusion**

147. The proposal, subject to conditions outlined in the recommendation below, the proposal is considered to generally comply with the relevant policies of the Yarra Planning Scheme and is recommended for approval.

## **RECOMMENDATION**

That having considered all relevant planning policies, the Committee resolves to Issue a Notice of Decision to Amend a Planning Permit PLN17/1016 to allow for buildings and works and reduction in the car parking requirement associated with the use of the land for restricted retail (as of right use) and food and drinks (cafe), and subsequent changes to the permit preamble, endorsed plans and condition 2, at 33 – 39 Keele Street Collingwood, in accordance with the decision plans and subject to the following conditions:

### **Preamble (amended)**

**Sale and consumption of liquor (on and off the premise) associated with a restaurant and restricted retail (as-of-right use), a reduction in the car parking requirements of the Scheme and buildings and works.**

### **Conditions (amended or new conditions in bold)**

1. The use, development **and sale and consumption of liquor** as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

### Use – Restaurant

2. **Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:**
  - (a) **Sunday to Thursday 7.00am to 10.00pm;**
  - (b) **Friday and Saturday 7.00am to 11.00pm; and**
  - (c) **Monday 7.00am to 7.00pm.**
3. Deleted.
4. **No more than 150 patrons are permitted on the land at any one time in association with the use of the land as a restaurant.**
5. **Seating for a minimum of 75% of patrons must be provided at all times liquor is made available for sale and consumption.**
6. There must be no speakers external to the building erected or used.
7. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
8. **The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).**
9. The amenity of the area must not be detrimentally affected by the use or development or **sale and consumption of liquor**, including through:
  - (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
  - (d) the presence of vermin;

to the satisfaction of the Responsible Authority.

10. Except with the prior written consent of the Responsible Authority, delivery and collection of all goods to and from the land associated with the use approved under this permit may only occur between 7.00am and 7.00pm Monday to Sunday.
11. **Emptying of bottles and cans into bins may only occur between 7am and 10pm on Monday to Saturday or after 9am on a Sunday or public holiday.**
12. **Except with the prior written consent of the Responsible Authority, the roller doors (or an alternative physical sound barrier in accordance with condition 16) must be closed from 8pm onwards Sunday to Thursday and from 10pm Friday and Saturday.**

#### **Sale and consumption of liquor**

13. **Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the hours of:**
  - (a) **Sunday – 10.00am to 10.00pm;**
  - (b) **Monday – 9.00am to 7.00pm;**
  - (c) **Tuesday to Thursday – 9.00am to 10.00pm; and**
  - (d) **Friday and Saturday – 9.00am to 11.00pm.**
14. **Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.**
15. **The sale of liquor for consumption off the premise is associated with the restricted retail use.**

#### **Acoustic Report**

16. **Before the use or sale and consumption of liquor commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Clarity Acoustic and dated 28 May 2019, but modified to include (or show, or address):**
  - (a) **Confirm that the roller doors (or an alternative physical sound barrier) will be closed from 8pm onwards Sunday to Thursday and from 10pm Friday and Saturday and compliance with SEPP N-2 requirements is demonstrated;**
  - (b) **The in-house music system to incorporate spectrum shaping capabilities, and the music levels to be set by a suitably qualified acoustical consultant for SEPP N-2 compliance and to be maintained at all times; and**
  - (c) **The patron numbers and operating hours of the use in accordance with Conditions 2 and 3.**
17. **The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.**

18. **Within 3 months of the commencement of the use or sale and consumption of liquor, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the updated post-commencement Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:**
- (a) **Confirm that the recommendations of the endorsed acoustic report required as part of Condition 16 have been implemented;**
  - (b) **Assess their effectiveness in meeting the predicted patron noise level and SEPP N-1 and SEPP N-2 requirements as outlined within the endorsed acoustic report required as part of Condition 16; and**
  - (c) **If non-compliance with Condition 16 is measured, the venue must implement additional acoustic measures as recommended by the amended acoustic report within one month of the date of the amended acoustic report.**

**The provisions, recommendations and requirements of the endorsed post-commencement Acoustic Report be implemented and complied with to the satisfaction of the Responsible Authority.**

**Waste Management Plan required**

19. **Before the use or sale and consumption of liquor commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.**
20. **The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.**

**Buildings and works**

21. **Before the building is occupied by the use approved under this permit, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:**
- (a) **at the permit holder's cost; and**
  - (b) **to the satisfaction of the Responsible Authority.**
22. **Except with the prior written consent of the Responsible Authority, demolition or construction works approved under this permit must not be carried out:**
- (a) **Monday-Friday (excluding public holidays) before 7 am or after 6 pm,;**
  - (b) **Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or**
  - (c) **Sundays, ANZAC Day, Christmas Day and Good Friday at any time.**

**Expiry conditions**

23. **This permit will expire if:**
- (a) **the development is not commenced within two years of the date of this permit;**
  - (b) **the development is not completed within four years of the date of this permit; or**

- (c) **the use and sale and consumption of liquor is not commenced within two years from the date of this permit; or**
- (d) **the use and sale and consumption of liquor is discontinued for a period of two years.**

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

Notes:

The restaurant premises will be required to comply with the Food Act 1984. The use must not commence until registration, or other approval, has been granted by Council's Health Protection Unit.

All future property owners, business owners and employees within the development approved under this permit will not be permitted to obtain employee or visitor parking permits.

The use of the site for Restricted Retail does not require a planning permit pursuant to Clause 34.02-1 of the Yarra Planning Scheme using the definition set out at Clause 74 (Definitions) of the Yarra Planning Scheme. A planning permit may be required to use the land for the purpose of Retail.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

The signage shown on plans for this application does not require a planning permit pursuant to Clause 52.05-7 (Advertising signs) of the Yarra Planning Scheme and was therefore not assessed under this policy.

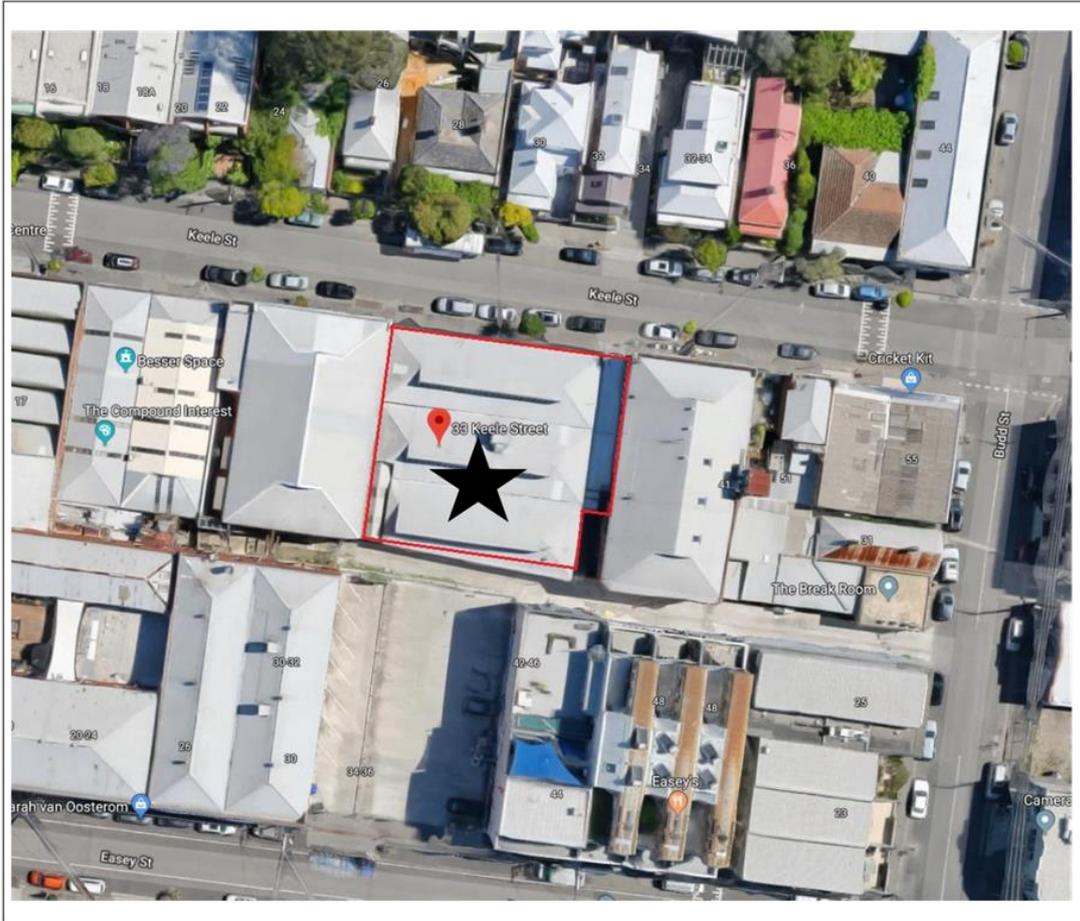
**CONTACT OFFICER: Jessica Sutherland**  
**TITLE: Statutory Planner**  
**TEL: 9205 5365**

**Attachments**

- 1 PLN17/1124.01 33 - 39 Keele Street - Site Map
- 2 PLN17/1124.01 33 - 39 Keele Street - Amended Plans
- 3 PLN17/1124.01 33 - 39 Keele Street - Acoustic Report
- 4 PLN17/1124.01 33 - 39 Keele Street - Town Planning Report
- 5 PLN17/1124.01 33 - 39 Keele Street - Existing Permit
- 6 PLN17/1124.01 33 - 39 Keele Street - Endorsed Plans
- 7 PLN17/1124.01 33 - 39 Keele Street - Acoustic Referral comments
- 8 PLN17/1124.01 33 - 39 Keele Street - Referral comments

**Attachment 1 - PLN17/1124.01 33 - 39 Keele Street - Site Map**

**SUBJECT LAND: 33 – 39 Keele Street Collingwood**



↑ North

★ Subject Site

**Attachment 2 - PLN17/1124.01 33 - 39 Keele Street - Amended Plans**

CIBI  
33-39 KEELE ST COLLINGWOOD

APPLICATION FOR A PLANNING PERMIT FOR THE SALE & CONSUMPTION OF LIQUOR  
PREPARED BY OLA STUDIO  
MAY 2019

**OLA** OLA ARCHITECTURE STUDIO  
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COLLINGWOOD VIC 3066  
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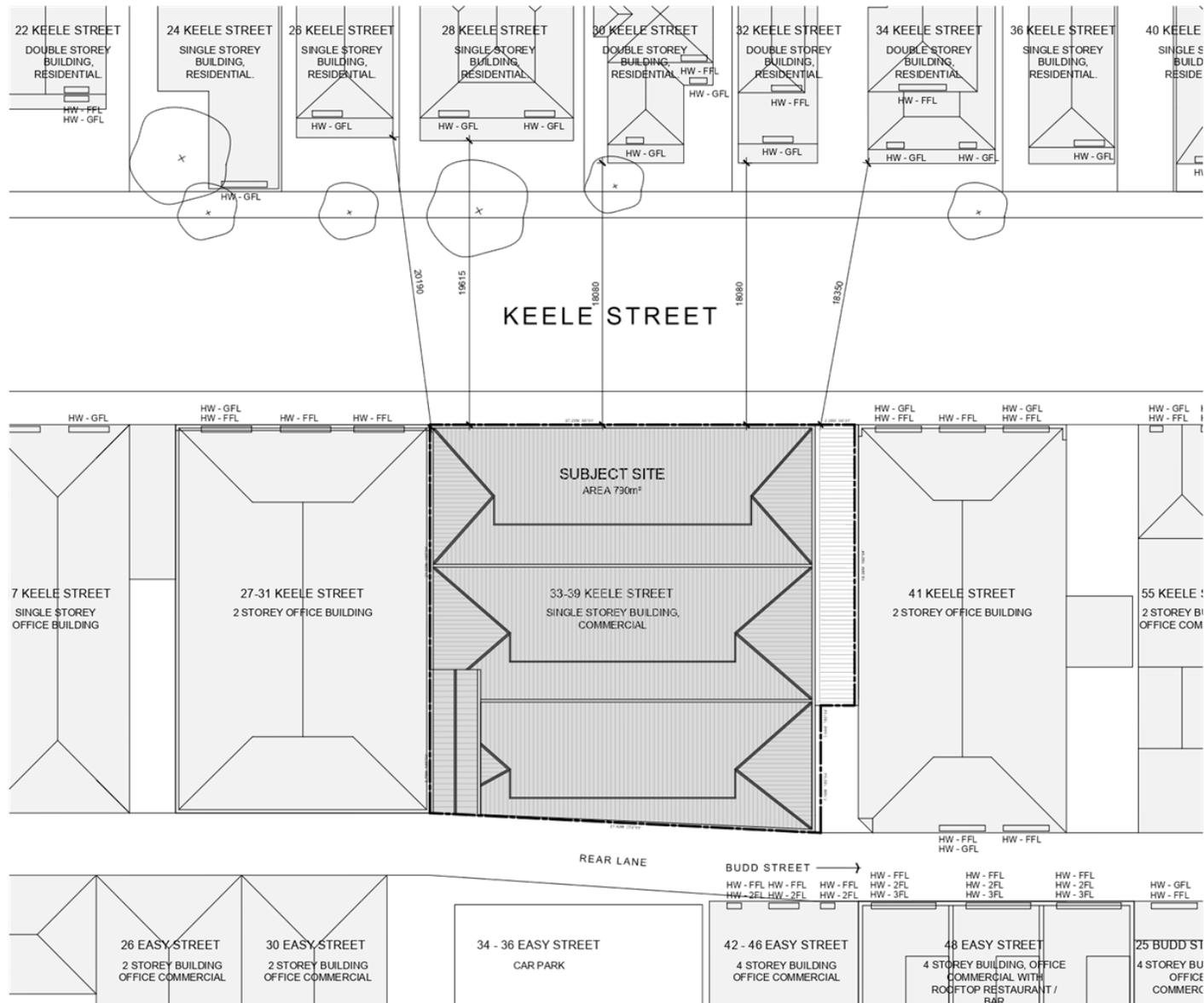
DATE	AMENDMENT	ISSUE
------	-----------	-------

**33-39 KEELE ST COLLINGWOOD**  
LIQUOR LICENSE APPLICATION  
JOB NO. 0125  
CLIENT: CIBI  
STAGE: PLANNING APPLICATION  
DATE: 05.04.2019  
ISSUE: 1

SCALE:  
DRAWN: PML, PS  
CHECKED: PML, PS

TP 0.00 ○

Attachment 2 - PLN17/1124.01 33 - 39 Keele Street - Amended Plans



**OLA**  
 OLA ARCHITECTURE STUDIO  
 1/27 / 24-30 BOXEY STREET  
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DATE	AMENDMENT	ISSUE

**33-39 KEELE ST COLLINGWOOD**  
 LIQUOR LICENSE APPLICATION  
 JOB NO: 0125  
 CLIENT: CBI  
 STAGE: PLANNING APPLICATION  
 DATE: 02.05.2019  
 ISSUE: 2

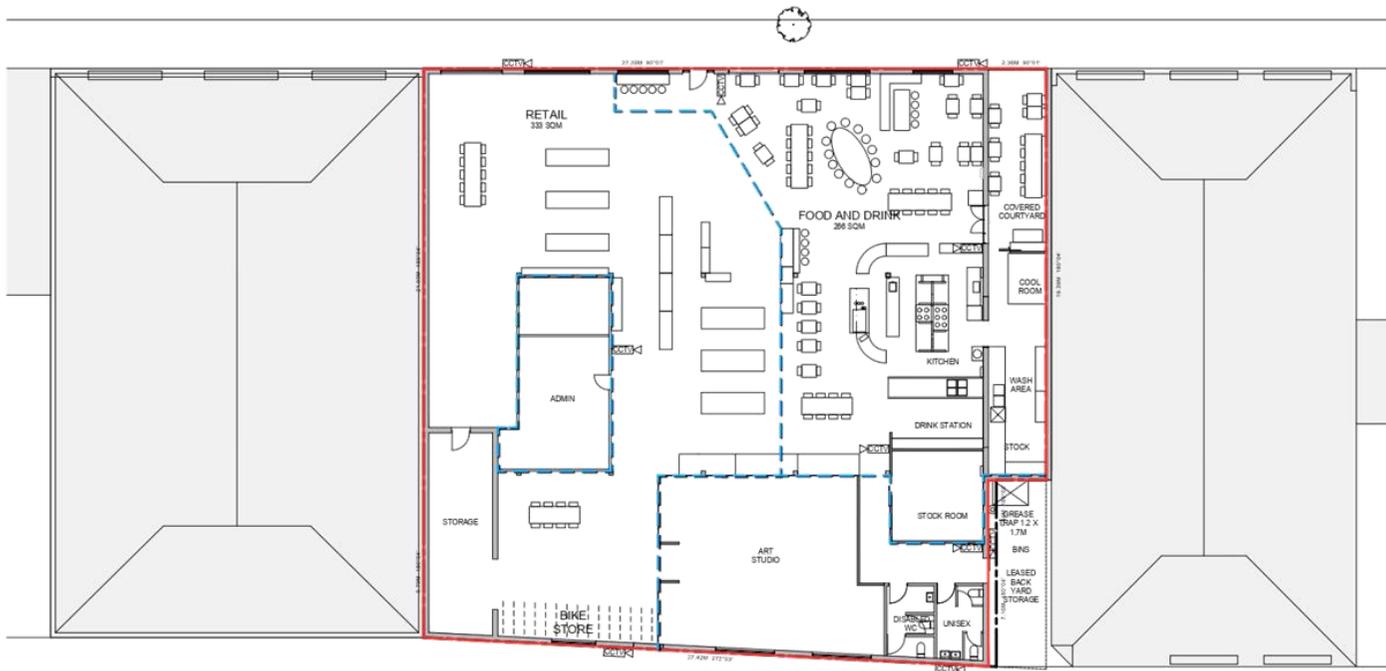
EXISTING SITE PLAN  
 SCALE: 1:250 @ A3  
 DRAWN: MML/PS  
 CHECKED: MML/PS  
**TP 0.01**

Attachment 2 - PLN17/1124.01 33 - 39 Keele Street - Amended Plans



**OLA** OLA ARCHITECTURE STUDIO  
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**KEELE STREET**

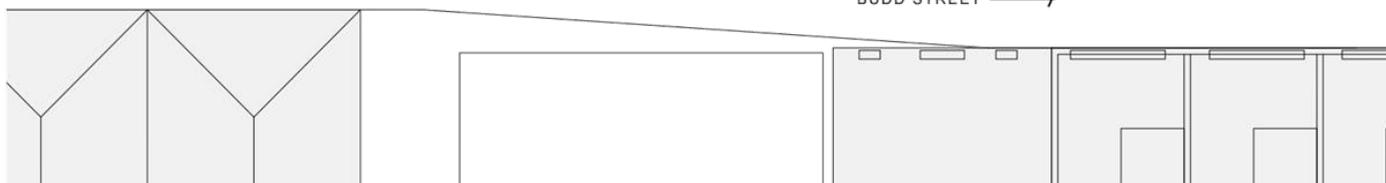


DATE	AMENDMENT	ISSUE

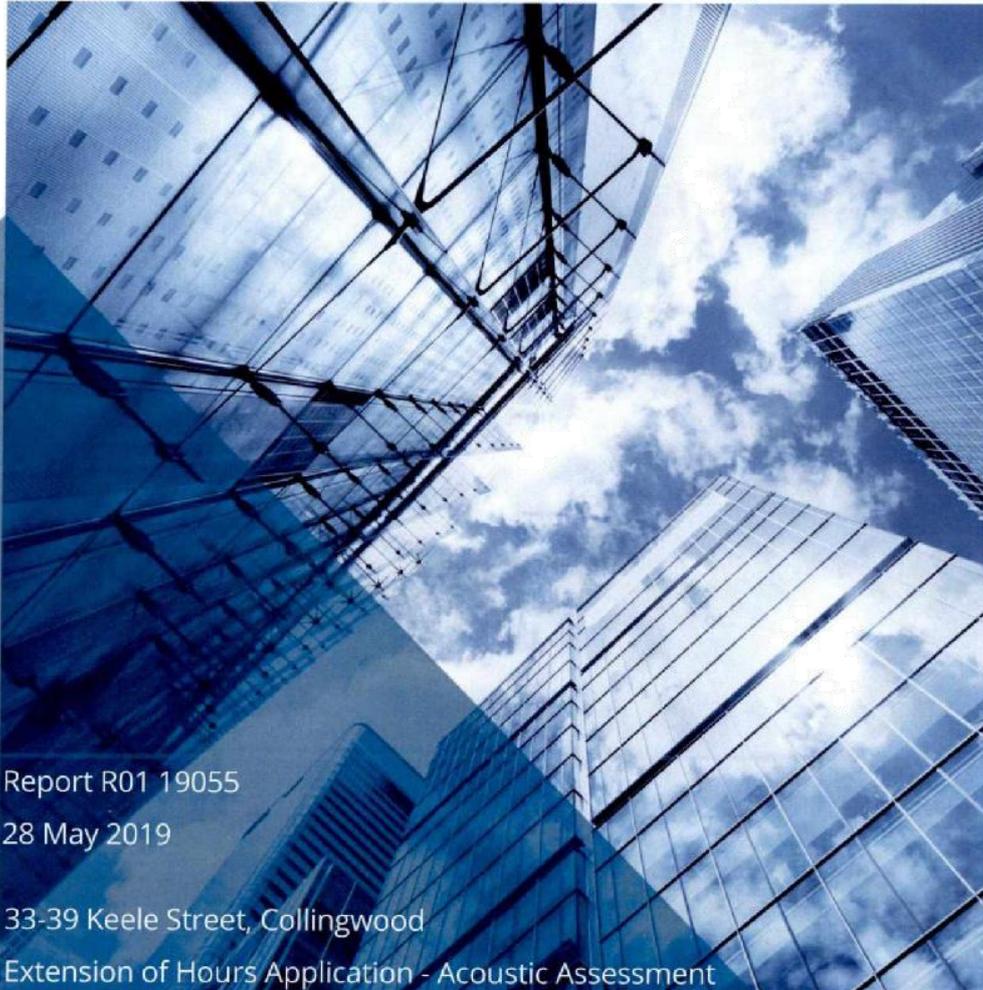
**33-39 KEELE ST COLLINGWOOD**  
 LIQUOR LICENSE APPLICATION  
 JOB NO: 0125  
 CLIENT: CBB  
 STAGE: PLANNING APPLICATION  
 DATE: 05.04.2019  
 ISSUE: 1

**PROPOSED GROUND FLOORPLAN**  
 SCALE: 1:100 @ A3  
 DRAWN: MM, PS  
 CHECKED: MM, PS

**TP2.01**



Attachment 3 - PLN17/1124.01 33 - 39 Keele Street - Acoustic Report



Report R01 19055

28 May 2019

33-39 Keele Street, Collingwood

Extension of Hours Application - Acoustic Assessment

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ABN 86 301 701 872

**Attachment 3 - PLN17/1124.01 33 - 39 Keele Street - Acoustic Report**



**PROJECT SUMMARY:**

R01 19055  
 33-39 Keele Street, Collingwood  
 Extension of Hours Application  
 Acoustic Assessment

**PREPARED FOR:**

CIBI  
 C/O Message Consultants  
 2/398 Smith Street  
 Collingwood VIC 3066

**ATTENTION:**

Mr Zenta Tanaka



REFERENCE	REV	STATUS	DATE	AUTHOR	REVIEWER
R01 19055	-	ISSUED	28 MAY 2019	R LEO	A CHANDHOK



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[www.clarityacoustics.com.au](http://www.clarityacoustics.com.au)

**Attachment 3 - PLN17/1124.01 33 - 39 Keele Street - Acoustic Report**



**Contents**

1.0	INTRODUCTION	4
2.0	PROJECT DESCRIPTION	4
2.1	Subject site	4
2.2	Proposed site operation	4
2.3	Nearest affected residents	5
3.0	VICTORIAN GUIDELINES AND LEGISLATION	6
3.1	Environment Protection Act 1970	6
3.2	SEPP N-2	6
3.3	Patron noise	6
4.0	NOISE MEASUREMENTS	7
4.1	Existing Noise Environment	7
4.2	Existing patron and music noise	7
5.0	RECOMMENDED MANAGERIAL CONTROLS	8
6.0	NOISE ASSESSMENT METHODOLOGY	8
7.0	SEPP N-2 ASSESSMENT	8
7.1	SEPP N-2 noise limits	8
7.2	Music levels within the venue	9
7.3	Music noise assessment	9
8.0	PATRON NOISE ASSESSMENT	10
8.1	Patron noise targets	10
8.2	Patron noise data	11
8.3	Patron noise compliance assessment	11
9.0	SUMMARY	12
APPENDIX A	GLOSSARY OF TERMINOLOGY	
APPENDIX B	PLANNING MAP	
APPENDIX C	ENVIRONMENTAL LEGISLATION AND POLICY	
APPENDIX D	NOISE PREDICTION METHODOLOGY	
APPENDIX E	PATRON NOISE DATA	

**Attachment 3 - PLN17/1124.01 33 - 39 Keele Street - Acoustic Report****1.0 INTRODUCTION**

CIBI is an existing food and drink venue that operates at 33-39 Keele Street in Collingwood. An application for an extension of hours and for the sale and consumption of liquor was recently lodged with the City of Yarra. Council's request for information includes the requirement for an acoustic report as part of the application.

Clarity Acoustics Pty Ltd (Clarity Acoustics) has been engaged by CIBI, through Message Consultants, to assess noise associated with the proposed extension of hours. This report provides details of noise measurements, relevant noise criteria and an assessment of patron and music noise against the relevant criteria.

A glossary of acoustic terminology used in this report is provided in APPENDIX A.

**2.0 PROJECT DESCRIPTION****2.1 Subject site**

The Subject Site is located at 33-39 Keele Street in Collingwood and is bounded by:

- Keele Street to the north with residential properties beyond
- Commercial premises to the south, east and west.

The subject site and the immediate environs are located in a Commercial 2 Zone (C2Z) with further C2Z, Neighbourhood Residential 1 Zone (NRZ1) and General Residential Zone 1 (GRZ1) in the immediate vicinity. The relevant planning map for the subject site is provided in APPENDIX B.

The nearest affected receivers are on Keele Street to the north of the subject site.

**2.2 Proposed site operation**

CIBI operates within a single storey warehouse on Keele Street and includes a dining area and a shop within the warehouse and tables externally for outdoor dining. The warehouse building has two roller doors at each end of the northern facade as well as a main pedestrian entry door.

The site is currently permitted to operate between 0700-1900 hours, 7 days a week.

The proposed extension of hours is to 2300 hours internally and 2200 hours for the external tables. Music is currently limited to background only within the venue (no speakers externally) which is not expected to change as part of this application.

The proposed patron numbers are to be limited to 200 with seating for 10 people outside and the remainder in the dining area and shop.



**2.3 Nearest affected residents**

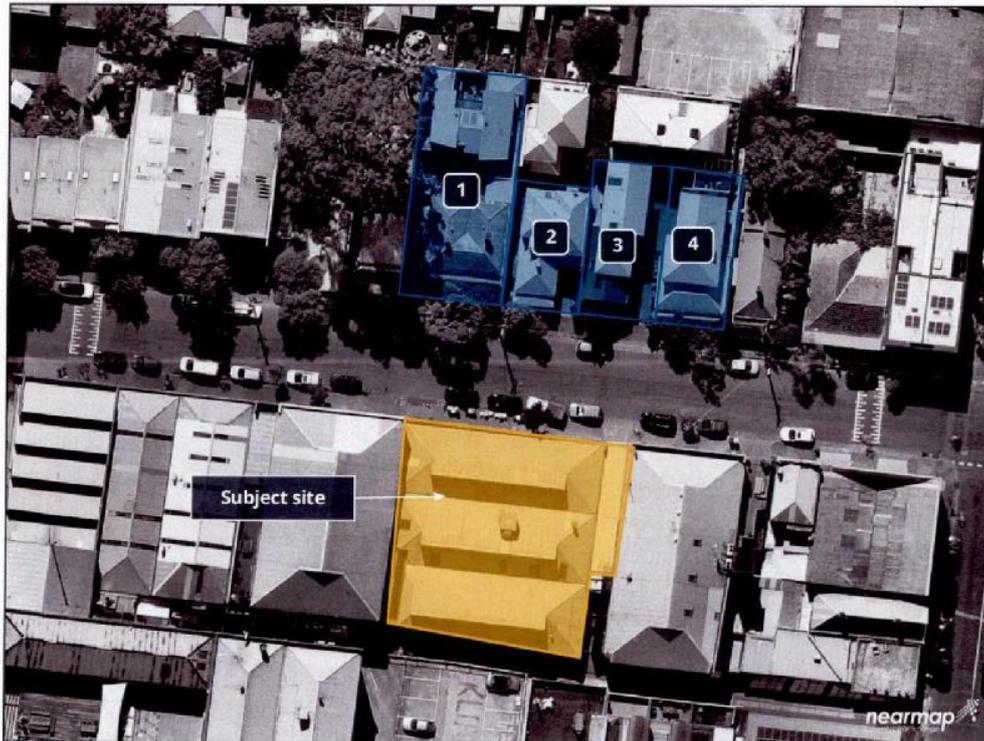
Table 1 provides details of the nearest affected receivers that have been considered representative for the purpose of our assessment.

**Table 1 - Details of the nearest noise sensitive receivers**

ID	Address	Description
R1	28 Keele Street	Single storey dwelling to the north of the subject site
R2	30 Keele Street	Double storey dwelling to the north of the subject site
R3	32 Keele Street	Double storey dwelling to the north of the subject site
R4	34 Keele Street	Double storey dwelling to the north of the subject site

An aerial photograph of the subject site and nearest affected receivers is provided in Figure 1.

**Figure 1 - Aerial photograph of the subject site and surrounds (source: Nearmap)**



**Attachment 3 - PLN17/1124.01 33 - 39 Keele Street - Acoustic Report**



**3.0 VICTORIAN GUIDELINES AND LEGISLATION**

The following sections outline the key noise legislation in Victoria and related guidelines and standards commonly referenced in Victoria.

**3.1 Environment Protection Act 1970**

The Environment Protection Act 1970 (the act) provides a legislative framework for the protection of the environment in Victoria and establishes obligations for environmental noise control. The legislation does not specify noise limits but sets out legal requirements to comply with State Environment Protection Policies (SEPPs) and prescribed standards and applies to all types of noise sources except rail operations.

**3.2 SEPP N-2**

The goal of the *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2* (SEPP 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.

The noise limits are determined on the basis of background noise levels and are separately defined for day/evening and night periods.

Refer to Appendix C1 for further detail and noise limit derivation.

**3.3 Patron noise**

Noise from patrons associated with venues is not covered by the State Environmental Protection Policy or any Victorian Guideline. In the absence of state policy or criterion, it is recommended that patron activity be assessed against the criteria provided in the City of Yarra Planning Scheme Clause 37.01 Schedule 6. While the Clause does not apply to the subject site, these criteria represent commonly accepted patron noise benchmarks and are based on criteria regularly used at VCAT for patron noise assessments.

The less stringent of the internal and external criteria nominated in Clause 37.01 are applicable

Table 2 provides the City of Yarra Clause 37.01 patron noise criteria.

**Table 2 – City of Yarra Clause 37.01 patron noise criteria, dB**

Period	External criteria		Internal criteria	
	Equivalent average patron noise level, $L_{Aeq}$	Maximum patron noise level, $L_{Amax}$	Equivalent average patron noise level, $L_{Aeq}$	Maximum patron noise level, $L_{Amax}$
Day	50 dB or $L_{A90} + 10$ dB whichever is higher	-	35 dB	-
Evening	45 dB or $L_{A90} + 10$ dB whichever is higher	-	35 dB	-
Night	40 dB or $L_{A90} + 5$ dB whichever is higher	65 dB	35 dB	55 dB

1. It is noted that the maximum noise level targets provided in the City of Yarra Clause 37.01 are consistent with the NSW Environmental Protection Authority's *Road Noise Policy* sleep disturbance criteria.

**Attachment 3 - PLN17/1124.01 33 - 39 Keele Street - Acoustic Report**



It should be noted that, in the absence of established guidelines or legislation regarding patron noise, the proposed patron noise criteria are provided as guidance as to whether a venue has the potential to cause an unreasonable impact. An exceedance of the criteria does not necessarily mean that the noise levels will affect amenity but indicates the need for a detailed assessment and consideration of reasonable and feasible mitigation measures.

Refer to APPENDIX C2 for further detail regarding the patron noise criteria.

**4.0 NOISE MEASUREMENTS**

**4.1 Existing Noise Environment**

SEPP N-2 noise limits and the proposed patron noise criteria are set accounting for existing background noise levels in the vicinity of the nearby properties. Accordingly, attended measurements of background noise levels in the vicinity of the subject site were measured using a Type 1 sound level meter (Svantek 977 Type 1 sound and vibration analyser - serial number 59804), on Monday 27 May 2019 during the late evening and night time periods.

The noise measurements were conducted near the front of the subject site in the absence of any noise from the site.

The noise measurement equipment was checked before and after the survey using a Svantek Class 1 Calibrator (Serial number 58085) and no significant calibration drift was observed.

The evening period background noise level ( $L_{A90}$ ) measured between 2130 and 2145 hours in accordance with SEPP N-2 was 43 dB  $L_{A90}$  (15 minute).

Table 3 provides the 15-minute background noise levels ( $L_{A90}$ ) measured between 2230 and 2245 hours in accordance with SEPP N-2.

**Table 3 – Measured night-time SEPP N-2 background noise levels, dB  $L_{A90}$  (15 minute)**

Description	Octave Band Centre Frequency							A
	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	
Night-time background noise level	49	45	40	38	36	29	23	41

**4.2 Existing patron and music noise**

Measurements of existing music and patron noise within the venue were conducted on Friday 17 May 2019 between 1230 and 1300 hours using a Type 1 sound level meter (Svantek 971 Type 1 sound and vibration analyser - serial number 60787). The noise measurement equipment was checked before and after the survey using a Svantek Class 1 Calibrator (Serial number 58085) and no significant calibration drift was observed.

The measurements were conducted with 35 people dining and 5-10 people browsing in the shop area. Music was played internally through two small speakers. A summary of the noise measurements is provided in Table 4.

**Table 4 - Details of measurements of existing patron and music noise, dB**

Description	Measured noise level, $L_{Aeq}$
35 people dining – reverberant noise level within dining area	65
Music at 1 m from speaker in shop area	71
Music from 1 m from speaker near food preparation area	66

**Attachment 3 - PLN17/1124.01 33 - 39 Keele Street - Acoustic Report****5.0 RECOMMENDED MANAGERIAL CONTROLS**

While the roller doors at the eastern and western ends of the northern facade may remain open during the day and evening period (up to 2200 hours), it is recommended that both the roller doors remain closed after 2200 hours.

**6.0 NOISE ASSESSMENT METHODOLOGY**

This section outlines the methodology for assessment of noise from the venue. Noise levels from the subject site have been calculated by developing a 3-dimensional noise model of the site and surrounding area using the proprietary noise modelling software SoundPLAN v8.1 which implements International Standard ISO 9613-2:1996 *Acoustics - Attenuation of sound during propagation outdoors - Part 2: General method of calculation* (ISO 9613-2).

The noise modelling considers the following:

- The noise prediction methodology outlined in APPENDIX D
- Source noise levels for music within the venue as provided in Table 7
- Source noise levels for patrons within and external to the venue summarised in Table 11 calculated in accordance with the patron sound power formulae provided in APPENDIX E
- Attenuation of noise provided by distance between the source and receiver, the built form of the subject site and any intervening screening structures
- Reflections from built form, adjacent buildings, screening structures and the ground surface.

**7.0 SEPP N-2 ASSESSMENT**

Music noise from the extended operation of the venue must comply with the SEPP N-2 noise limits. A 3-D noise model of the site and surrounding area has been created to predict music noise from the venue to neighbouring receivers. The following sections provide the acoustic input data used in the noise model and compare the predicted music noise levels with the background derived SEPP N-2 noise limits.

**7.1 SEPP N-2 noise limits**

The SEPP N-2 noise limits for the subject site have been calculated in accordance with the methodologies prescribed in SEPP N-2 and are summarised in Table 5 and Table 6.

**Table 5 - SEPP N-2 day/evening period noise limit, dB**

Description	Calculation step
Day/evening period background, $L_{A90}$	43
Allowance above background	+5
<b>SEPP N-2 day/evening noise limit, <math>L_{Aeq}</math></b>	<b>48</b>

**Attachment 3 - PLN17/1124.01 33 - 39 Keele Street - Acoustic Report**



**Table 6 - SEPP N-2 night period noise limit, dB**

Description	Octave Band Centre Frequency						
	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz
Night time background noise level, $L_{50}$	49	45	40	38	36	29	23
Allowance above background noise level	+8	+8	+8	+8	+8	+8	+8
<b>SEPP N-2 night time noise limit, <math>L_{10}</math></b>	<b>57</b>	<b>53</b>	<b>48</b>	<b>46</b>	<b>44</b>	<b>37</b>	<b>31</b>

**7.2 Music levels within the venue**

Music within the venue is currently limited to background music<sup>1</sup> only which is not expected to change as part of the application. Table 7 provides typical reverberant background music noise levels which are approximately 6 dB higher than the music levels measured within the venue as provided in Table 4.

**Table 7 - Reverberant music noise levels within internal spaces, dB  $L_{10}$**

Description	Octave Band Centre Frequency							A
	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	
Background music level	70	70	65	65	65	65	60	70

For the purpose of this assessment the music equivalent average noise level ( $L_{Aeq}$ ) is taken to be 3 dB lower than the  $L_{A10}$ .

**7.3 Music noise assessment**

Table 8 provides the predicted music noise levels for the day and evening period at the neighbouring properties and compares the predicted noise levels with the relevant SEPP N-2 noise limit. The predicted noise levels are calculated assuming the roller door remains open.

**Table 8 - Predicted day and evening period music noise, dB**

Receiver	Predicted day and evening music noise level, $L_{Aeq}$	SEPP N-2 day and evening noise limit, $L_{Aeq}$	Compliance
28 Keele Street	43	48	Yes
30 Keele Street	43	48	Yes
32 Keele Street	42	48	Yes
34 Keele Street	41	48	Yes

<sup>1</sup> Background music is defined in Clause 5.9A(5) of the Liquor Control Reform Amendment (Licensing) Act 2009 as:

...a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voices to a substantial degree.

**Attachment 3 - PLN17/1124.01 33 - 39 Keele Street - Acoustic Report**



It can be seen from Table 8 that the day and evening period music noise levels associated with the venue are predicted to comply with the SEPP N-2 noise limits.

Table 9 provides the predicted night-time music noise levels at the neighbouring properties and compares the predicted noise levels with the SEPP N-2 night time noise limit. The predicted noise levels are calculated assuming the roller door remains closed after 2200 hours.

**Table 9 - Predicted night-time music noise, dB L<sub>10</sub>**

Receiver	Octave Band Centre Frequency						
	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz
28 Keele Street	48	45	33	29	29	26	21
30 Keele Street	48	45	34	29	30	27	22
32 Keele Street	48	44	33	28	30	26	22
34 Keele Street	47	43	31	27	28	24	20
<b>SEPP N-2 night time noise limit</b>	<b>57</b>	<b>53</b>	<b>48</b>	<b>46</b>	<b>44</b>	<b>37</b>	<b>31</b>
<b>Compliance?</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>

It can be seen from Table 9 that the music noise levels associated with the venue are predicted to comply with the SEPP N-2 night-time noise limits.

**8.0 PATRON NOISE ASSESSMENT**

Patron noise from the extended operation of the venue should comply with the patron noise targets outlined in Section 3.3. A 3D noise model of the site and surrounding area has been created to predict patron noise from the venue to neighbouring receivers.

The following section provides the patron acoustic input data used in the noise model and compares the predicted patron noise levels from the venue with the patron noise targets.

**8.1 Patron noise targets**

For all receivers the patron noise assessment has been conducted externally i.e. the facade of the dwellings has not been considered. Table 10 provides the patron noise targets for the extended operation of the venue assessable externally at neighbouring receivers.

**Table 10 - External patron noise targets for nearby receivers, dB**

Period	Equivalent average patron noise level, L <sub>Aeq</sub>	Maximum patron noise level, L <sub>Amax</sub>
Evening	53	-
Night	46	65

**Attachment 3 - PLN17/1124.01 33 - 39 Keele Street - Acoustic Report**



**8.2 Patron noise data**

Patron noise levels are dependent on a number of factors such as the type of venue, the number of patrons, the background noise level, the size and surface finishes of the space and the consumption of alcohol.

APPENDIX E provides patron sound power formulae derived from the *H. Lazarus*<sup>2</sup> sound pressure levels for different vocal efforts. For the proposed venue, restaurant data has been used for the patrons which is 3 dB higher than the measured patron noise level provided in Table 4 when adjusted for patron numbers. Table 11 provides the patron input sound power levels used in the noise predictions.

**Table 11 – Patron sound power data, dB**

Description	Octave Band Centre Frequency							A
	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	
Cafe and shop – Restaurant data - 190 patrons, $L_{Aeq}$	86	88	91	92	90	84	76	94
External dining – Restaurant data - 10 patrons, $L_{Aeq}$	73	75	78	79	77	71	63	81
Restaurant maximum patron noise level, $L_{Amax}$	90	92	95	96	94	88	80	98

**8.3 Patron noise compliance assessment**

Table 12 provides the predicted equivalent average ( $L_{Aeq}$ ) patron noise levels from the extended operation of the venue and compares the predicted noise levels with the relevant patron noise target during the evening and night time periods.

**Table 12 – Predicted equivalent average patron noise levels, dB**

Receiver	Predicted equivalent average patron noise level, $L_{Aeq, 15\text{ minute}}$	Equivalent average noise level criteria, $L_{Aeq, 15\text{ minute}}$ (Evening/Night)	Compliance
28 Keele Street	52/ 39	53/ 46	Yes
30 Keele Street	52/ 39	53/ 46	Yes
32 Keele Street	50/ 37	53/ 46	Yes
34 Keele Street	47/ 35	53/ 46	Yes

It can be seen from Table 12 that the equivalent average patron noise levels from the venue are predicted to comply with the relevant noise targets.

<sup>2</sup> 1986 H. Lazarus paper *Prediction of Verbal Communication in Noise – A Review*

**Attachment 3 - PLN17/1124.01 33 - 39 Keele Street - Acoustic Report**

Table 13 provides the predicted maximum ( $L_{Amax}$ ) night-time patron noise levels from venue and compares the predicted noise levels with the relevant patron noise target.

**Table 13 – Predicted maximum night-time patron noise, dB**

Receiver	Predicted maximum patron noise level, $L_{Amax}$	Maximum patron noise level criteria, $L_{Amax}$	Compliance
28 Keele Street	43	65	Yes
30 Keele Street	43	65	Yes
32 Keele Street	41	65	Yes
34 Keele Street	39	65	Yes

It can be seen from Table 13 that the maximum night-time patron noise levels from the venue are predicted to comply with the maximum patron noise target.

## 9.0 SUMMARY

CIBI is an existing food and drink venue that operates at 33-39 Keele Street in Collingwood. An application for an extension of hours and for the sale and consumption of liquor was recently lodged with the City of Yarra. Council's request for information includes the requirement for an acoustic report as part of the application.

The proposed extension of hours is to 2300 hours internally and 2200 hours for the external tables. Music is currently limited to background only within the venue (no speakers externally) which is not expected to change as part of this application.

The proposed patron numbers are to be limited to 200 with seating for 10 people outside and the remainder in the dining area and shop.

Clarity Acoustics has carried out a noise assessment of the operation of the proposed venue considering SEPP N-2 and the patron noise criteria outlined in Section 3.3 and found that the roller door must be closed after 2200 hours.

Based on the above recommendations, noise associated with the extension of hours of the venue is predicted to comply with SEPP N-2 and the patron noise criteria outlined in Section 3.3.

**Attachment 3 - PLN17/1124.01 33 - 39 Keele Street - Acoustic Report**



**APPENDIX A GLOSSARY OF TERMINOLOGY**

A-weighting	The A-weighting filter covers the full audio range - 20 Hz to 20 kHz and the shape is similar to the response of the human ear at lower levels. A-weighted measurements correlate well with the perceived loudness at low sound levels, as originally intended.
dB	Decibel (dB) a relative unit of measurement widely used in acoustics, electronics and communications. The dB is a logarithmic unit used to describe a ratio between the measured sound level and a reference or threshold level of 0 dB.
Hertz	Hertz (Hz) the unit of Frequency or Pitch of a sound. One hertz equals one cycle per second. 1 kHz = 1000 Hz, 2 kHz = 2000 Hz, etc.
L <sub>A10(t)</sub>	The sound level exceeded for 10 % of the measurement period, A-weighted and averaged over time (t) and commonly referred to as the average maximum sound level.
L <sub>A90(t)</sub>	The sound level exceeded for 90 % of the measurement period, A-weighted and averaged over time (t) and commonly referred to as the background sound level.
L <sub>Aeq(t)</sub>	A-weighted equivalent continuous sound Level is the sound level equivalent to the total sound energy over a given period of time (t). Commonly referred to the average sound level.
L <sub>Amax</sub>	The A-weighted maximum noise level. The highest sound level which occurs during the measurement period or a noise event.





**APPENDIX C ENVIRONMENTAL LEGISLATION AND POLICY**

**C1 SEPP N-2**

SEPP N-2 manages the impact of music noise from public premises on residential and other noise sensitive uses within the State of Victoria. State Environment Protection Policies (SEPPs), including SEPP N-2, are statutory policies made under the Environment Protection Act 1970 (EP Act). SEPPs are law and compliance with SEPP N-2 is mandatory under s46 of the EP Act.

Clause 20 of SEPP N-2 states:

*Where the level of music noise from indoor or outdoor venues exceeds the noise limit, steps shall be taken by the occupier to reduce those levels to, or below, the noise limit.*

SEPP N-2 defines a noise sensitive area as:

*a) that part of the land within the apparent boundaries of any piece of land which is within a distance of 10 metres outside the external walls of any of the following buildings:*

*Dwelling (except Caretaker's House), [or] Residential Building.*

*(b) that part of the land within the apparent boundaries of any piece of land on which is situated any of the following buildings which is within a distance of 10 metres outside the external walls of any dormitory, ward or bedroom of such buildings:*

*Caretaker's house, Hospital, Hotel, Institutional Home Motel, Reformatory Institution, Tourist Establishment, Work Release Hostel.*

Table 14 provides the SEPP N-2 criteria for the Day/Evening and Night-time periods.

**Table 14 - SEPP N-2 criteria**

Period	Criteria
Day/Evening	Music noise ( $L_{Aeq}$ ) not to exceed background noise ( $L_{A90}$ ) plus 5 dB
Night	Music noise ( $L_{OC10}$ ) is not to exceed the background noise level ( $L_{OC190}$ ) by more than 8 dB in any octave band (63 Hz-4 Hz) at a noise-sensitive area

**Attachment 3 - PLN17/1124.01 33 - 39 Keele Street - Acoustic Report**



For indoor venues, SEPP N-2 defines the day/evening and night periods based on the numbers of operations per week and the day of the week. Table 15 provides the operating periods for indoor venues.

**Table 15 - Operating periods for indoor venues**

NUMBER OF OPERATIONS PER WEEK	HOUR DAY	A.M.												P.M.											
		12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11
One	Friday	[Dark]												[Light]											
	Saturday	[Dark]												[Light]											
	Sunday	[Light]												[Dark]											
	Other	[Light]												[Light]											
Two or three	Thursday	[Dark]												[Light]											
	Friday	[Dark]												[Light]											
	Saturday	[Dark]												[Light]											
	Sunday	[Light]												[Dark]											
More than three	Other	[Light]												[Light]											
	Saturday	[Dark]												[Light]											
	Sunday	[Light]												[Dark]											

Operating Periods      [Dark] Night      [Light] Day/Evening

## Attachment 3 - PLN17/1124.01 33 - 39 Keele Street - Acoustic Report



## C2 Proposed patron noise criteria

Noise from patrons within outdoor areas of venues is not covered by the State Environmental Protection Policy or any Victorian Guideline. In the absence of state policy or criterion, it is recommended that patron activity be assessed against the criteria provided in the City of Yarra Planning Scheme Clause 37.01 Schedule 6.

*For  $L_{Aeq}$  noise levels, the less stringent of the following:*

*If noise is assessed external to a Noise Sensitive Building, noise emissions must comply with the following patron noise design targets:*

- *Day period (from 0700 to 1800) – 50 dB or background noise ( $L_{A90}$ ) + 10 dB, whichever is higher.*
- *Evening period (from 1800 to 2200) – 45 dB or background noise ( $L_{A90}$ ) + 10 dB, whichever is higher.*
- *Night period (from 2200 to 0700) – 40 dB or background noise ( $L_{A90}$ ) + 5 dB, whichever is higher.*

*If noise is assessed internal to a Noise Sensitive Building, noise emissions must achieve the lower of the design sound level range for (whichever is relevant) houses and apartments in inner city areas, entertainment districts, or near major roads, as provided in Australian Standard AS2107:2016 Acoustics— Recommended design sound levels and reverberation times for building interiors.*

*For  $L_{Amax}$  noise levels, during the hours of 10pm-7am:*

- *'Sleep Disturbance Criteria', being a noise level of 55 dB  $L_{Amax}$  assessed inside a habitable room of a Noise Sensitive Building normally used for the purpose of sleeping.*

*For the purpose of the Patron Noise Criteria, 'Noise Sensitive Building' means a building referred to in the definition of 'Noise sensitive area' in SEPP N-1, being a Dwelling, Residential Building, Caretaker's House, Hospital, Hotel, Institutional Home, Motel, Reformatory Institution, Tourist Establishment or Work Release Hostel.*

A 10 dB facade correction to account for an open window has been applied to the  $L_{Amax}$  criterion resulting in an external criterion of 65 dB  $L_{Amax}$ .

**Attachment 3 - PLN17/1124.01 33 - 39 Keele Street - Acoustic Report**



**APPENDIX D NOISE PREDICTION METHODOLOGY**

Predictions of operational noise from the subject site have been undertaken on the basis of:

- The music noise levels outlined in Table 7 and the patron noise data as outlined in Table 11
- A digital noise model of the site and surrounding environment
- International standard(s) used for the calculation of environmental noise propagation.

Details of the prediction methodology are summarised in Table 16 below.

**Table 16 - Noise prediction methodology**

<b>Detail</b>	<b>Description</b>
Software	Proprietary noise modelling software SoundPLAN v8.1
Method	International Standard ISO 9613-2:1996 <i>Acoustics – Attenuation of sound during propagation outdoors – Part 2: General method of calculation</i> (ISO 9613-2).
Ground conditions	Ground factor of G = 0 i.e. 100 % hard ground
Atmospheric conditions	Temperature 10 C and relative humidity 70% This represents conditions which result in relatively low levels of atmospheric sound absorption.
Receiver heights	1.5 m above floor level

**Attachment 3 - PLN17/1124.01 33 - 39 Keele Street - Acoustic Report**



**APPENDIX E PATRON NOISE DATA**

Patron noise levels vary based on the type of venue, patron numbers, alcohol consumption and the ambient noise environment.

The 1986 H. Lazarus paper *Prediction of Verbal Communication in Noise - A Review* is often referenced in terms of vocal effort and corresponding sound pressure levels. Table 17 provides the sound pressure levels of speech for different vocal efforts.

**Table 17 – Equivalent A-weighted sound pressure levels of speech for different vocal efforts**

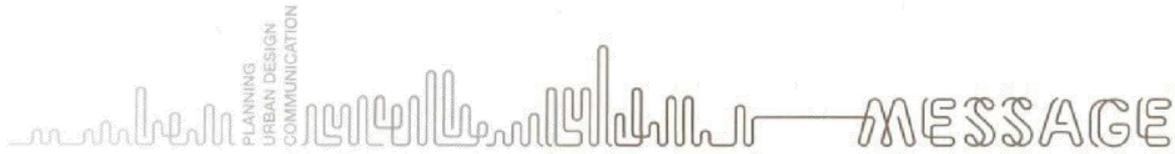
Vocal Effort	Speech Level at 1 m
Whispering	36 dB
Soft	42 dB
Relaxed	48 dB
Relaxed, normal	54 dB
Normal, raised	60 dB
Raised	66 dB
Loud	72 dB
Very loud	78 dB
Shouting	84 dB
Maximal shout	90 dB
Maximal shout (in individual cases)	96 dB

These sound pressure levels are further supported by the 2016 Zelem Etal paper *Analysis of the acoustic behaviour of people in a restaurant* which analyses patron numbers in a restaurant against sound pressure level. For the purpose of predicting noise levels from groups of patrons, Table 18 provides the patron sound power formulae derived from the H. Lazarus sound pressure levels for different vocal efforts.

**Table 18 – Patron sound power formulae**

Crowd type	Description of crowd type	Crowd $L_{Aeq}$ Sound Power Formula, dB	Individual Patron $L_{Amax}$ Sound Power, dB
Smokers	Focus on smoking rather than socialising – includes alcohol consumption	$L_{wAeq}=65+10*\log(N)$	98
Restaurant diners	Focus on eating, drinking, socialising – patrons seated	$L_{wAeq}=71+10*\log(N)$	98
Tavern patrons	Focus on drinking and socialising – patrons mostly seated	$L_{wAeq}=77+10*\log(N)$	104
Vertical drinkers	Focus on drinking and socialising – patrons mostly standing	$L_{wAeq}=83+10*\log(N)$	104

Attachment 4 - PLN17/1124.01 33 - 39 Keele Street - Town Planning Report



Jessica Sutherland  
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Richmond Vic 3023

By email: [Jessica.sutherland@yarracity.vic.gov.au](mailto:Jessica.sutherland@yarracity.vic.gov.au)

31 May 2019

Dear Sir/Madam

**Re: Planning Permit Application PLN19/0202  
33-39 Keele Street Collingwood**

We continue to act on behalf of Cibi Pty Ltd in relation to the above, and write in response to your request for further information letter dated 16 April, 2019.

In response to the first point in your letter, we confirm that we would like to withdraw the current application (Ref. PLN19/0202). In its place we hereby enclose an Application to Amend Planning Permit PLN17/1124.

This application seeks to amend the existing permit to allow the sale of liquor for on-site and off-site consumption and to vary Condition 2 (trading hours) to enable evening trading until 11pm (10pm at external tables).

The following are enclosed in support of this application:

- A completed Application to Amend a Planning Permit form;
- An updated Town Planning Report prepared by Message Consultants;
- An updated site plan and proposed ground floor plans (including the proposed red-line area) prepared by OLA Studio;
- An Acoustic Assessment prepared by Clarity Acoustics;
- A patron capacity and licensed premises assessment prepared by Red Textas Building Surveyors; and
- A recent copy of Certificate of Title for the premises.

We assume that the application fee for the withdrawn PLN19/0202 can be re-assigned to the amendment application. Please advise if this is not the case.



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**Attachment 4 - PLN17/1124.01 33 - 39 Keele Street - Town Planning Report**



In relation to the remaining items requested in your letter, we can respond as follows:

Item	Response
<p>2. Revised Floorplans removing the on street seating. On street seating and service of liquor outside the premises is not a planning consideration, rather a Foot Path Trading permit is required (please contact local laws on 9205 5585).</p>	<p>The on-street seating is removed in the revised floorplans prepared by OLA Studio.</p>
<p>3. A Site Analysis Plan detailing:</p> <p>a. The proximity of the licenses premises to residential properties and other sensitive land uses: and</p> <p>b. The nature and location of uses surrounding the proposed licence premises including the other types of licensed premises in the area, the hours of operation and patron numbers.</p>	<p>A revised site analysis plan is enclosed in the amended plan package accompanying this letter which shows the separation distances to residential properties on the north side of Keele Street and the nature of neighbouring land uses. The dwellings to the north are the only sensitive uses in proximity to the site, with land to the east, west and south comprising commercial and light industrial uses located within the Commercial 2 Zone.</p> <p>Further discussion of nearby land uses, as well details of the location of nearby licensed premises including the nature, hours and maximum patron numbers for each, is contained in the updated Town Planning Report enclosed with this letter (see pages 5-7 of report).</p>
<p>4. An assessment by a building surveyor detailing the patron capacity of the licenced premises.</p>	<p>An assessment prepared by Red Textas Building Surveyors is enclosed with this letter, which supports the proposed 200 patron capacity for the premises.</p>
<p>5. An Acoustic Report.</p>	<p>An Acoustic Report prepared by Clarity Acoustics is enclosed with this letter. This assessment concludes that with a maximum of 200 patrons and the inclusion of relevant management controls including:</p> <ul style="list-style-type: none"> <li>• Limiting amplified music to background levels only; and</li> </ul>

**Attachment 4 - PLN17/1124.01 33 - 39 Keele Street - Town Planning Report**



	<ul style="list-style-type: none"> <li>• Closing the roller doors to Keele Street from 10pm onwards;</li> </ul> <p>that the proposal is predicted to comply with relevant noise requirements.</p>

We trust that the above and enclosed satisfactorily addresses all of the information items sought in your letter. In the event that the attached information is not considered to provide all of the information sought, we request that the time to submit the required information be extended until such time as all of the information can be supplied to Council's satisfaction.

**Preliminary assessment**

We note the concerns raised in your letter in relation to the proposed patron number, given the site's location not on a main street and close to residential properties on the north side of Keele Street.

In response, we re-affirm that the proposal is intended as a low intensity licensed venue which is primarily focussed on food and drink, with provision for the sale of some takeaway liquor to complement CIBI's homeware offerings. The nature of the use and the proposed limitations on music noise and hours of operation will limit the potential for adverse amenity impacts.

More specifically, the proposal has been configured to meet all of the relevant requirements of Council's Licensed Premises Policy at Clause 22.09, noting that:

- The proposed patron number does not exceed 200, which is the number above which policy directs premises to main road locations.
- The site is located within a commercial zone and the proposed hours are limited to 11pm (and 10pm at external tables) which is in line with the policy requirement for sites within 30m of a residential zone.
- The patron numbers are supported by the capacity assessment prepared by Red Textas Building Surveyors.
- Amplified music is to be limited to defined background levels only.

A detailed assessment against the policy requirements at Clause 22.09 is included in the accompanying Town Planning Report.

In addition, whilst the policy states that an acoustic report is not required for an application for a packaged liquor outlet (any hours) or a restaurant (including a café) where the preferred hours of operation specified in this policy are met, an acoustic report has been prepared. The acoustic assessment is based on a patron capacity of 200 and concludes that with the proposed management controls (which can easily be achieved and can be required by permit condition) the

Attachment 4 - PLN17/1124.01 33 - 39 Keele Street - Town Planning Report



relevant noise requirements in relation to both music and patron noise are predicted to be met.

On this basis it is submitted that all potential amenity effects are satisfactorily managed by the proposal and we therefore look forward to your positive consideration of the application.

Should you have any questions regarding the above or enclosed information, please contact me on 9934 6500 or alternatively by email [mathew@messageconsultants.com](mailto:mathew@messageconsultants.com).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mathew Furness', written in a cursive style.

Mathew Furness  
Associate Director  
Message Consultants Australia Pty Ltd

Enc.

**Attachment 4 - PLN17/1124.01 33 - 39 Keele Street - Town Planning Report**



**Town Planning Report**

Amendment to Planning

Permit PLN17/1124

33-39 Keele Street, Collingwood

May 2019



**Contents**

<b>1 Introduction</b>	<b>1</b>
<b>2 The site and surrounds</b>	<b>2</b>
2.1 General context	2
2.2 Land use context	4
<b>3 Overview of existing operations</b>	<b>8</b>
<b>4 Description of the proposal</b>	<b>9</b>
4.1 Overview	9
4.2 Licensed Area	9
4.3 Patron numbers	9
4.4 Hours	9
4.5 Noise	10
4.6 Deliveries and waste disposal	10
4.7 Management	10
<b>5 Planning Scheme provisions</b>	<b>11</b>
5.1 Zone	11
5.2 Overlays	11
5.3 Particular Provisions	12
5.4 Planning Policies	12
<b>6 Assessment</b>	<b>13</b>
6.1 Strategic Policy Response	13
6.2 Management of potential impacts	13
<b>7 Conclusion</b>	<b>16</b>
<b>Appendix A – Clause 22.09 (Licenced Premises) assessment</b>	<b>17</b>

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## 1 Introduction

This report has been prepared on behalf of CIBI Pty Ltd and concerns an application to amend Planning Permit PLN17/1124 which was originally issued in June 2018 and allows:

*Buildings and works and a reduction in the car parking requirement associated with the use of the land for restricted retail (as of right use) and food and drinks (café) Monday – Sunday 7.00am to 7.00pm.*

The current application seeks to amend this permit to allow the supply of liquor for consumption on and off the premises and to extend trading hours.

More specifically the application seeks to amend what the permit allows to read:

*Buildings and works, a reduction in the car parking requirement, and the sale and consumption of liquor (for on-site and off-site consumption) associated with the use of the land for restricted retail (as of right use) and food and drinks (café).*

It also seeks to amend Condition 2 of the Permit to allow the following trading hours:

Food and drinks use:

- Monday-Sunday – 7.00am until 11.00pm.

Sale of alcohol for consumption on and off the premises:

- Monday-Saturday – 9.00am until 11.00pm internally (9.00am until 10.00pm external tables)
- Sunday – 10.00am until 11.00pm internally (10.00am until 10.00pm external tables)
- ANZAC Day and Good Friday - 12 noon until 11.00pm (12 noon until 10.00pm external tables).

The following restrictions are proposed in conjunction with these changes:

- A patron limit of 200 patrons; and
- Music limited to 'background music', as defined in s.9A of the Liquor Act, at all times.

CIBI is a concept store that combines homewares and café with a speciality in Japanese artisan design products, and local and Japanese foodstuffs.

This application seeks approval for the sale and consumption of liquor on the premises to complement the existing food offer as well as the sale of products such as sake and wine from Japanese and local producers for consumption off the premises.

This report provides a description of the site and surrounds, the proposal and the relevant planning controls and polices. It then provides a town planning assessment which concludes that the proposal is consistent with relevant provisions of the Yarra Planning Scheme, will contribute to the vitality of the Smith Street Activity Centre and ensures no unreasonable impacts on neighbouring properties or the surrounding area.

This report should read in conjunction with the site and floorplans, including red line area, prepared by OLA Studio; the acoustic report prepared by Clarity Acoustics and the patron capacity assessment prepared by Red Textas Building Surveyors.



## 2 The site and surrounds

### 2.1 General context

The subject site is located on the south side of Keele Street between Smith Street to the west and Budd Street to the west.



Figure 1: site location

It has frontage of approximately 29.1m to Keele Street, an average depth of approximately 26.6m and an overall area of approximately 774sqm.

The site is occupied by a single storey brick warehouse building used as a restricted retail premises and café. The premises has a main pedestrian entry door centrally located on the Keele Street frontage and two roller door entries, one to the east and one to the west.

Internally the building accommodates a café with open kitchen and serving area to the east, with the restricted retail elements to the west and storage areas and toilets to the south.

The site is located within a commercial precinct south of Keele Street which contains a range of light and creative industries. To the north across Keele Street, land is in residential use with a variety of single dwellings and medium density developments.

The site's immediate surround comprise:

- **To the north** is Keele Street a two way road with a width of approximately 15m and on-street parking and loading. Opposite the site to the north are a run of residential properties set behind relatively shallow front yards.
- **To the south** is an unnamed laneway. South of the laneway opposite the site is an at-grade car park at 34-36 Easey Street. Commercial properties are located to the east and west of this car park at No 44 and Nos 30-32 Easy Street respectively.
- **To the east** is 41-45 Keele Street which is developed with a two storey concrete

Attachment 4 - PLN17/1124.01 33 - 39 Keele Street - Town Planning Report



commercial building which was formerly occupied by CIBI prior to its relocation in October 2018 and now in predominantly office use.

- o **To the west** is 27-31 Keele Street which is developed with a two storey brick commercial building built to the site boundaries and used as offices for a recruitment business.

More generally the site is located to the east of the Smith Street Major Activity Centre. It is part of a vibrant area undergoing renewal and change as traditional light industrial uses and outlet retailers are being replaced by higher density residential development, creative industries and a broadening food and drink offer. In the immediate context, this includes an 8 storey apartment building now under construction at 6 Keele Street and the recent conversion of a former warehouse at 390 Smith Street into a restaurant, deli, event space and brewery/distillery (Craft & Co).

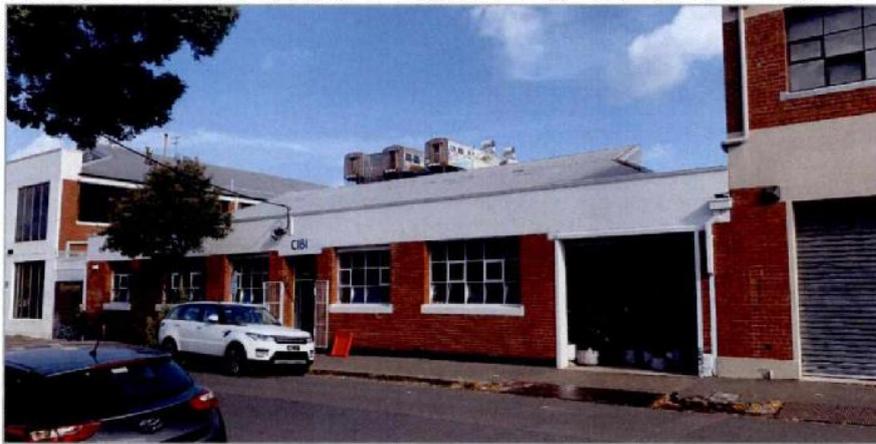


Figure 2 – view of subject site from the looking south-east in Keele Street



Figure 3 – view of subject site from the looking south-west in Keele Street

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**2.2 Land use context**

The subject site is located within an established commercial and light industrial precinct south of Keele Street, which extends southward as far as Johnston Street. This area is within the Commercial 2 Zone where dwellings are a prohibited use and as a consequence there are no sensitive residential properties to the south, east or west in proximity to the site.

In contrast, the area to the north of Keele Street is in residential use and residentially zoned. It contains a number of single dwellings and units fronting Keele Street, the closest of which at 30 and 32 Keele Street are approximately 18m from the site boundary, as shown on the site plan prepared by OLA.

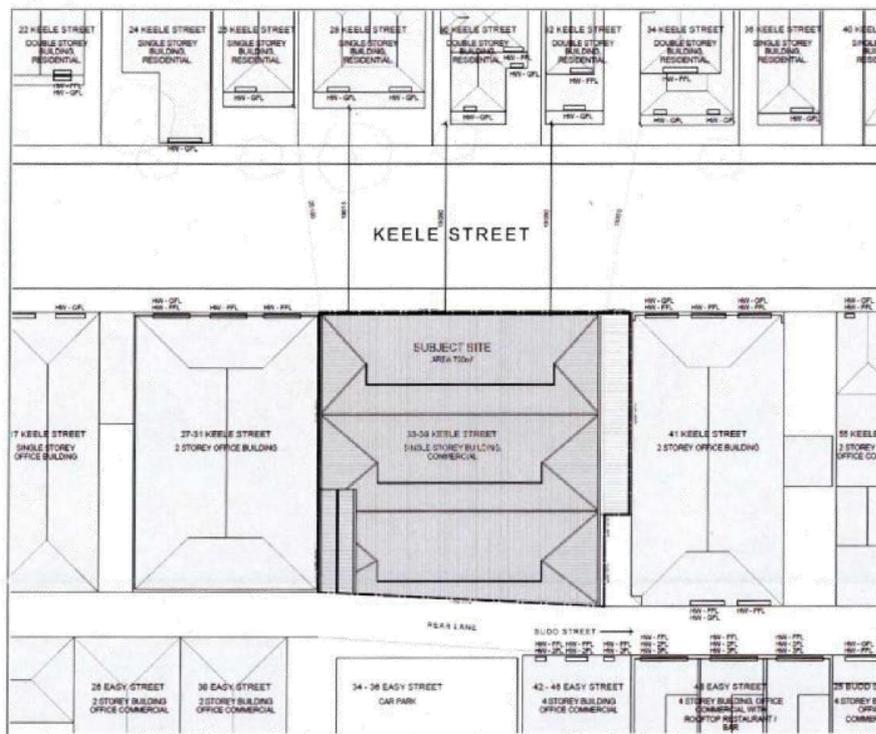


Figure 4 – Site context

Potential noise impacts on these properties are assessed in the accompanying acoustic report prepared by Clarity Acoustics.

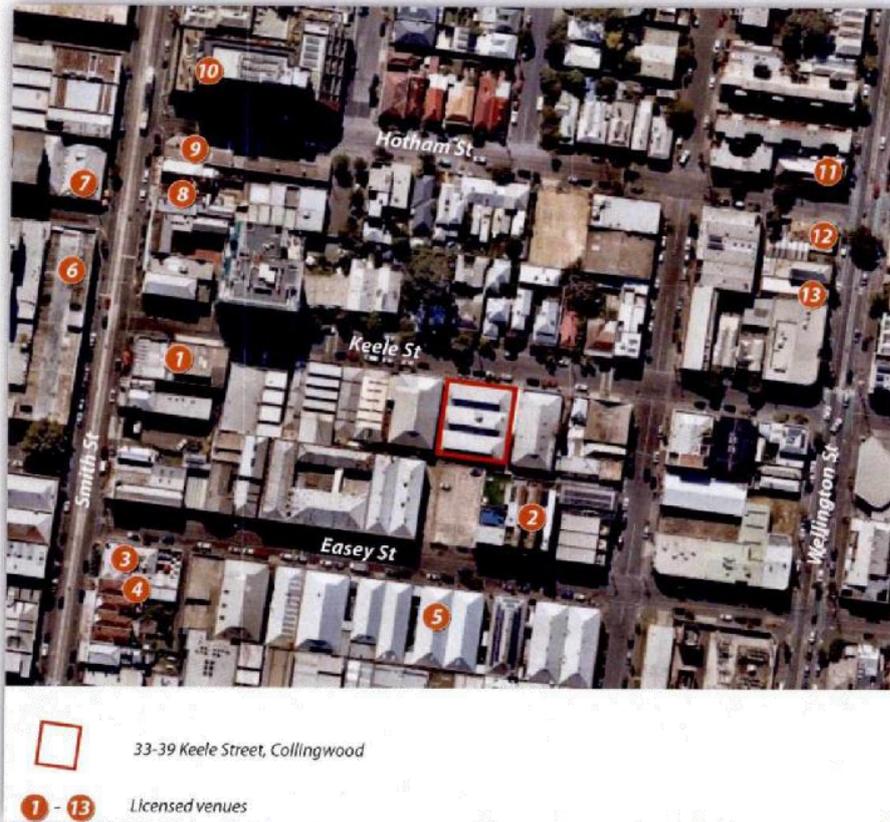
In terms of existing licensed venues in the area, the table that follows provides a summary of existing licensed premise, the type of license, licensed hours and maximum patron numbers (where relevant).

This demonstrates that there are a range of licensed premises in the surrounding area, with a

Attachment 4 - PLN17/1124.01 33 - 39 Keele Street - Town Planning Report



range of hours and capacities, including a number of venues licensed until midnight or 1.00am.



Venue	Licence	Hours	Patrons
1 The Craft & Co 390-394 Smith Street	General Licence	<p><u>FOR CONSUMPTION OFF THE PREMISES</u>                      Good Friday Between 12noon and 11pm                      Sunday Between 10am and 10pm                      Monday to Thursday Between 8am and 10pm                      Friday and Saturday Between 8am and 11pm  <u>FOR CONSUMPTION ON THE PREMISES</u>  <u>Internal areas -</u>                      Good Friday Between 12noon and 11pm                      Sunday to Thursday Between 8am and 10pm                      Friday and Saturday Between 8am and 11pm  <u>External areas -</u>                      Good Friday Between 12noon and 10pm                      Sunday to Thursday Between 8am and 10pm                      Friday and Saturday Between 8am and 10pm</p>	200

**Attachment 4 - PLN17/1124.01 33 - 39 Keele Street - Town Planning Report**

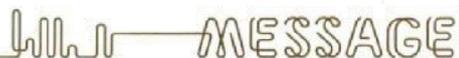


Venue	Licence	Hours	Patrons
2 Easey's Unit 3 & 4 48 Easey Street	On premises Licence	<u>Ground Floor Restaurant -</u> Sunday to Thursday Between 11am and 11pm Friday and Saturday Between 11am and 1am the following morning Good Friday Between 12noon and 1am the following morning <u>Levels 3 &amp; 4 Tavern -</u> Sunday Between 6pm and 11pm Monday to Thursday Between 11am and 11pm Friday and Saturday Between 11am and 1am the following morning Good Friday Between 12noon and 1am the following morning	Ground Floor Restaurant (43 patrons) Level 3 Tavern (53 patrons) Level 4 Tavern (104 patrons)
3 Robert Burns Hotel 376 Smith Street	General Licence	<u>FOR CONSUMPTION OFF THE LICENSED PREMISES</u> Sunday Between 10am and 11pm Good Friday & Anzac Day Between 12noon and 11pm On any other day Between 7am and 11pm <u>FOR CONSUMPTION ON THE LICENSED PREMISES</u> Sunday Between 10am and 11pm Good Friday Between 12noon and 11pm Anzac Day Between 12noon and 12 midnight On any other day Between 7am and 12 midnight	221
4 Phamily Chicken 374 Smith Street	Restaurant and Café Licence	Good Friday & ANZAC Day Between 12noon and 10pm On any other day Between 11am and 10pm	20
5 Paradise Alley 25 Easey Street	On-Premises Licence	<u>INTERNAL</u> Sunday Between 11am and 11pm ANZAC Day (Sunday) Between 12 noon and 11pm Monday to Saturday Between 12 noon and 1am the following morning. <u>EXTERNAL</u> Sunday Between 11am and 11pm ANZAC Day (Sunday) Between 12 noon and 11pm Monday to Thursday between 12 noon and 11pm Friday & Saturday between 12 noon and 12 midnight	150
6 The Bitters Lab Shop 9, 397 Smith Street	Limited Licence	Every day Between 10am and 8pm ANZAC Day Between 12 noon and 8pm Christmas Day & Good Friday No trade	15
7 Pavlov's Duck 401 Smith Street	Restaurant and Café Licence	Sunday Between 10am and 11pm Good Friday & ANZAC Day Between 12 noon and 11pm On any other day Between 7am and 11pm	47
8 Red Sparrow Pizza 404-406 Smith Street	Restaurant and Café Licence	Sunday Between 10am and 11pm Good Friday and ANZAC Day Between 12 noon and 11pm On any other day Between 7am and 11pm	96
9 Fixation Brewing 414 Smith Street	Producer's Licence	<u>FOR CONSUMPTION ON THE LICENSED PREMISES -</u>	N/A

Attachment 4 - PLN17/1124.01 33 - 39 Keele Street - Town Planning Report



Venue	Licence	Hours	Patrons
		Monday to Sunday Between 11am and 12 midnight ANZAC Day Between 12 noon and 12 midnight <u>FOR CONSUMPTION OFF THE LICENSED PREMISES -</u> Monday to Sunday Between 11am and 11pm ANZAC Day Between 12 noon and 11pm	
10 Dan Murphy's 416-422 Smith Street	Packaged Liquor Licence	Sunday Between 10am and 6pm ANZAC Day (Monday to Wednesday) Between 12noon and 8pm ANZAC Day (Thursday to Saturday) Between 12noon and 9pm ANZAC Day (Sunday) Between 12noon and 6pm Monday to Wednesday Between 9am and 8pm Thursday to Saturday Between 9am and 9pm Good Friday & Christmas Day No trade	N/A
11 The Gem Bar and Dining Room 289 Wellington Street	General Licence	<u>FOR CONSUMPTION OFF THE LICENSED PREMISES</u> Sunday Between 10am and 11pm Good Friday & ANZAC Day Between 12noon and 11pm  <u>On any other day Between 7am and 11pm</u> <u>FOR CONSUMPTION ON THE LICENSED PREMISES</u> Sunday Between 10am and 11pm Good Friday & ANZAC Day Between 12noon and 11pm Monday to Thursday Between 7am and 11pm Friday & Saturday Between 7am and 1am the following morning except for ANZAC morning.	N/A
12 Chotto Molto 287 Wellington Street	Restaurant and Café Licence	Sunday Between 10am and 11pm Good Friday and ANZAC Day Between 12 noon and 11pm On any other day Between 7am and 11pm	50
13 Molly Rose Brewing Company 279 Wellington Street	Producer's Licence	<u>FOR CONSUMPTION OFF THE LICENSED PREMISES -</u> Good Friday and ANZAC Day Between 12 noon and 11pm On any other day Between 11am and 11pm <u>FOR CONSUMPTION ON THE LICENSED PREMISES</u> Good Friday and ANZAC Day Between 12 noon and 11pm On any other day Between 10am and 11pm	N/A



### 3 Overview of existing operations

CIBI is a family-run 'concept store' which specialises in Japanese and locally sourced artisan homewares and design products alongside a Japanese-influenced food and drink offer within the café.

CIBI has been in Collingwood for over 10 years and was previously located at 45 Keele Street before moving to the larger premises at 33-39 Keele Street in October 2018 as part of a long term expansion plan.

The CIBI philosophy involves *'encouraging people to look at the world through the eyes of our younger selves approaching everything with the innocence and joy of discovering or learning something for the first time; making things fun and interesting as we go'*.

These fundamental elements and belief in providing good design, good food and good space are presented throughout the premises at 33-39 Keele Street Collingwood, which has built on the success of the operation in its previous premises to become a valued neighbourhood asset.

The existing restricted retail operation has a focus on crafted homewares including kitchen and glassware and textiles, as well as house plants.

The café offers an informal eating and drinking experience with a breakfast and lunch menu, as well as coffees and teas, with an element of take-away trade and sale of bread, pastries and packaged food (coffee beans, teas etc.) for consumption off-site. Seats and tables are arranged in the north-western part of the premises close to the open kitchen and servery, with additional tables out on the Keele Street footpath (approved under a Local Laws Permit).

Core to the CIBI operation is a real integration and complementarity between parts of the business so that the lines between activities are blurred and real synergies are forged between the food and drinks offer and the homewares and design products available for sale. These activities are supplemented by a range of workshops, classes and education events which are available to the local and wider community.



8

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## 4 Description of the proposal

### 4.1 Overview

This proposal seeks to expand on the activities summarised above to enable the sale of alcoholic drinks for on-premises consumption, as well as packaged liquor that complements the homeware products or the inspiration provided by the food menu.

In addition, it seeks to extend the food and drink offer into the evening to enable customers to enjoy a light evening meal or a drink whilst browsing the retail displays after work.

The proposal seeks approval for the sale and consumption of liquor both on and off the premises to facilitate a 'General License' application to the Victorian Commission for Gaming and Liquor Regulation (VCGLR).

A General License is sought in order to reflect the flexible nature of the premises and the integrated nature of CIBI's business.

The proposal has been prepared to accord with the requirements of the VCGLR and Council's Licensed Premises Policy at Clause 22.09 of the Yarra Planning Scheme, with key features described in turn below.

### 4.2 Licensed Area

The proposed red line area is shown in the accompanying plans prepared by OLA Studio.

The red line includes the whole of the premises which reflects the integrated nature of the CIBI operation. The reasons for this are twofold:

1. It enables flexibility to allow customers to enjoy a drink whilst browsing amongst homewares products or attending a product launch event or demonstration, in addition to the consumption of liquor in the seated café area; and
2. It enables packaged liquor to be available from different locations within the premises so as to emphasise the synergy between homewares and a particular packaged liquor product; or to allow beverages served in the café to be purchased for consumption at home.

### 4.3 Patron numbers

The application is accompanied by a patron numbers assessment and liquor license assessment prepared by Red Textas Building Surveyors.

This assessment concludes that the internal capacity of the premises based on the VCGLR's 0.75 patrons per 1sqm available to the public is 600 persons.

The assessment against relevant BCA is based on floorspace, toilet facilities and egress. Based on the lesser of these requirements (toilet facilities) the assessed capacity is 200 patrons.

The applicant is content to accept a permit condition limiting patrons to a maximum of 200.

### 4.4 Hours

The proposal seeks to extend the trading hours to enable evening meals to be served.

The proposed opening hours for the food and drinks use are:



- Monday-Sunday – 7.00am until 11.00pm.

The proposed hours for the sale and consumption of alcohol on and off the premises are

- Monday-Saturday – 9.00am until 11.00pm internally (9.00am until 10.00pm external tables)
- Sunday – 10.00am until 11.00pm internally (10.00am until 10.00pm external tables)
- ANZAC Day and Good Friday - 12 noon until 11.00pm (12 noon until 10.00pm external tables).

These hours are consistent with the ordinary trading hours for both a 'Restaurant and Café' and a 'Packaged Liquor' category licence under S.9A of the Liquor Act.

The applicant is agreeable to a permit condition limiting liquor supply to the proposed hours.

#### 4.5 Noise

It is proposed to limit music within the premises to background music only, in line with the standard definition that:

*"background music level", in relation to premises, means a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voices to a substantial degree."*

Music will be provided via wall mounted speakers projecting low level background music internally at a level that allows for patrons to hold conversations without raised voices. A Manager on Duty will monitor these music levels. No speakers will be installed outside and no live music is proposed.

In addition, the two roller doors onto Keele Street will be closed from 10pm each night in line with the recommendations in the Clarity Acoustics acoustic report.

#### 4.6 Deliveries and waste disposal

Deliveries and waste disposal will be managed so that:

- Deliveries to and waste collection will not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday. Waste collection will occur via the rear laneway which is accessed from Budd Street.
- Emptying bottles into bins in outdoor areas should not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday.

Staff will conduct regular walk-around outside the premises to check for and collect any litter, if required.

#### 4.7 Management

More generally, CIBI will ensure that a Manager on Duty will take all reasonable measures to ensure that the behaviour of staff and patrons when entering or leaving the premises does not detrimentally affect the amenity of the neighbourhood. The premises will also include a sign at the exit reminding patrons to be mindful of the neighbours and keep noise to a minimum.

CIBI takes its responsibility to its local community seriously and works hard to be a good neighbour. CIBI will ensure that the premises will at all times be operated in a manner that is considerate to the amenity of its neighbours and staff will take all reasonable measures to ensure that adverse impacts to the surrounding area do not occur.



## 5 Planning Scheme provisions

### 5.1 Zone

The site is located within a Commercial 2 Zone pursuant to Clause 34.02 of the Yarra Planning Scheme, as shown at **Figure 5** below.

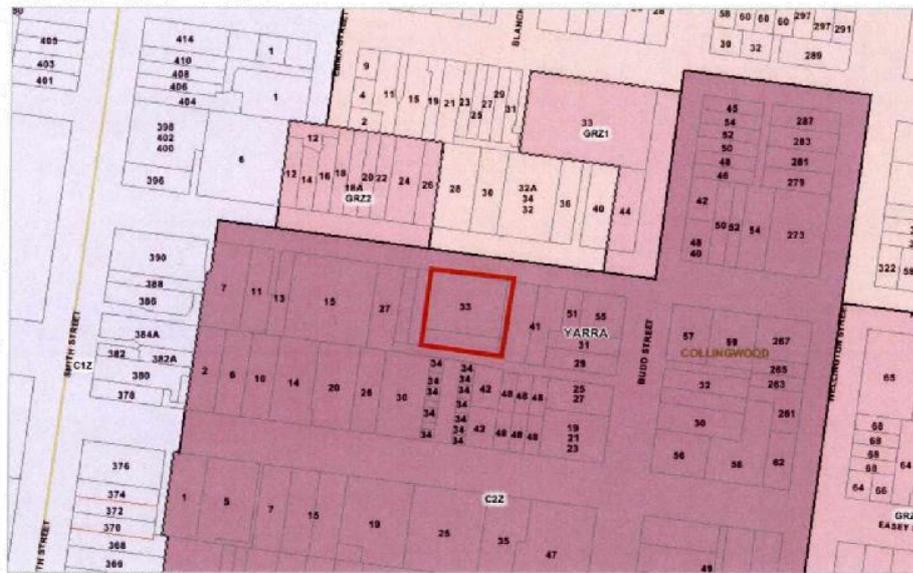


Figure 5: Zone map

Pursuant to the table at Clause 34.02-1:

- 'Food and Drink Premises' is a Section 1 – permit-not-required use provided it does not exceed 100sqm in area.
- Restricted Retail is a Section 1 – permit-not-required use.

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- *Transport of materials, goods or commodities to or from the land.*
- *Appearance of any building, works or materials.*
- *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*

### 5.2 Overlays

The site is not affected by any overlays within the Yarra Planning Scheme.



### 5.3 Particular Provisions

Licensed Premises provisions are at Clause 52.07 of the Yarra Planning Scheme, the purpose of which is:

- *To ensure that licensed premises are situated in appropriate locations.*
- *To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.*

A planning permit is required "to use land to sell or consume liquor if ... A licence is required under the Liquor Control Reform Act 1998" (Clause 52.27 - Licenced Premises).

The proposed use requires a liquor licence under the Liquor Act. Accordingly, a planning permit is required under clause 52.27 of the Planning Scheme.

Where a permit is required, the decision guidelines under clause 52.27 require consideration of:

- *"The Municipal Planning Strategy and the Planning Policy Framework.*
- *The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.*
- *The impact of the hours of operation on the amenity of the surrounding area.*
- *The impact of the number of patrons on the amenity of the surrounding area.*
- *The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area."*

### 5.4 Planning Policies

The following policies are of particular relevance to the proposal and have been considered in relation to the application.

#### State Planning Policy Framework:

- 11 Settlement
- 15 Built Environment and Heritage
- 17 Economic Development

#### Local Planning Policy Framework

- 21.03 Vision:
- 21.04 Land Use
- 21.05 Built Form
- 21.08 Neighbourhoods
- 22.05 Interface Uses Policy
- 22.09 Licensed Premises Policy



## 6 Assessment

### 6.1 Strategic Policy Response

The site is located within a commercial zone in close proximity to the Smith Street Major Activity Centre as defined at Clause 21.08-5 of Council's MSS.

It is in a highly accessible location in an area where a process of urban renewal is continuing with an increase in housing densities and local population and a broadening mix of uses, in line with State and local level strategic policy directions. In particular:

- Clause 11.01-1R – Settlement which seeks to create mixed-use neighbourhoods at varying densities, including through the development of urban-renewal precincts that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities.
- Clause 11.03-1S – Activity Centres which encourages the concentration of retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.
- Clause 17 - Economic Development – which recognises that all sectors of the economy are critical to economic prosperity, and that commercial facilities should be focused in existing or planned activity centres.
- Clause 21.04-2 – Activity Centres - which recognises that presence of service, retail and entertainment uses creates active and vibrant activity centres with good access to services and facilities, which is an important attribute of the municipality.
- Clause 21.08-5 – Collingwood – which recognises the presence of restaurants and cafes as part of the mix of activities within and around the Smith Street Major Activity Centre.

The site does not have direct abuttal to any residential properties and the proposal relates to an existing operation with a long history in Keele Street and a track record as a responsible operation and good neighbour.

In principle, the sale and service of alcohol from a converted warehouse now used for restricted retail and café purposes within a Commercial 2 Zone, together with evening trading, is considered to be entirely consistent with the strategic policy context that applies to the site.

### 6.2 Management of potential impacts

Of particular relevance to the consideration of proposals such as this and the management of amenity impacts are the state-wide provisions of Clause 52.27 and the local policies at:

- **Clause 22.05 Interface Uses Policy** which applies to applications for use or development within the Business (Commercial) Zones; and
- **Clause 22.09 Licensed Premises Policy.**

The interface policy at Clause 22.05 seeks to protect Yarra's diverse land use mix and built form, reducing conflict between commercial, industrial and residential activities, and supporting appropriate industrial and commercial activity.

The policy recognises that whilst the mix of land use creates a diverse and interesting inner city character, it also may create conflict at the interface between the land uses.

**Attachment 4 - PLN17/1124.01 33 - 39 Keele Street - Town Planning Report**



In order to maintain the viability of industrial and business areas there is a need to ensure that new residents do not have unrealistic expectations of the level of amenity that can be achieved. There is also a need to ensure that commercial and industrial activities are well managed having regard to their proximity to residential uses.

An objective set out at Clause 22.05-2 aims to ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.

The most salient policy for this application is the licensed premises policy at Clause 22.09, which:

- acknowledges the contribution licenced premises make to local activity and economy;
- highlights the need to manage off site amenity impacts by *"managing the location, size, operation and hours of licensed premises"*;
- notes that *"Licensed premises, including restaurants and cafes, which have a substantial food focus and a high proportion of seating have a lower risk of adverse amenity impacts"*; and
- Directs larger licensed premises with a capacity of more than 200 patrons to core entertainment precincts being Commercial 1 Zone areas with direct access from a main road.

An assessment of the proposal against the objectives and requirements of this policy is attached at **Appendix 1**.

Synthesising relevant directions in the Planning Scheme, the key issues for consideration are whether off-site amenity impacts are within reasonable limits having regard to:

- the physical context of the site and physical separation from nearby sensitive uses, being the established residential properties within the GRZ and NRZ north of Keele Street;
- the reasonable amenity expectations of nearby sensitive uses, informed by the relevant planning and policy context and their proximity to land in the Commercial 2 Zone; and
- the nature of the proposal including the proposed manner of trade (e.g. whether a 'vertical consumption' bar or night club offer compared with a food focused offer), proposed supply hours, patron numbers and operational controls, such as whether live music is proposed.

Having regard to the above factors, the current proposal is considered to be well within the limits of acceptability. In particular:

- The site is located within a commercial zone and physically separated from residentially zoned land to the north and with easy access to public transport on Smith Street.
- The site and abutting properties are within the Commercial 2 Zone, where a mix of commercial uses, including food and drink premises and retail are contemplated and encouraged.
- The proposed license is associated with an established food and drink and restricted retail business that proposes a low intensity of liquor trading to supplement and complement the existing operations on the site with a strong focus on food and drink.
- The proposal is not for a higher impact licensed premises such as a tavern, noting that the

**Attachment 4 - PLN17/1124.01 33 - 39 Keele Street - Town Planning Report**



premises could not be converted to such use in the future without separate planning approval.

- The proposal has been configured to minimise potential amenity impacts on neighbouring properties by:
  - Proposing a closing time of 11pm, consistent with the Clause 22.09 requirement for sites within 30m of a residential zone;
  - Restricting service to outside tables to 10pm;
  - Proposing no sale or consumption of liquor before 9am in line with the Clause 22.09 requirement;
  - Adopting the Clause 22.09 requirements in relation to collection of waste and emptying of bottles;
  - Limiting music to background levels, with no live music to be played.
- The potential noise impacts of the proposal has been assessed by qualified acoustic engineers, Clarity Acoustics. This assessment concludes that based on the proposed hours and patron numbers, and provided the roller doors to Keele Street are closed from 10pm onwards, noise associated with the extension of hours of the venue is predicted to comply with SEPP N-2 and the relevant patron noise criteria.

On this basis it is considered that the proposal sensitively manages potential amenity impacts and is entirely consistent with the guidance and direction provided by Yarra local policy framework.

The amenity of residents on the opposite side of Keele Street will be protected by the proposed management measures, noting also that reasonable amenity expectation for residents abutting a commercial zone is different than for properties within an entirely residential area.

More generally, it is noted that Clause 22.09 highlights the contribution that licensed premises can make stating:

*"Licensed premises contribute to the vibrancy and economic strength of the municipality, providing diverse opportunities for social interaction, artistic and cultural activity including live music, food and entertainment, as well as supporting other primary functions."*

The proposal is consistent with the spirit of this statement and is considered a well resolved response to policy.

It will expand and broaden the activities of an established and valued local business in a way that will contribute positively to leisure and cultural offer in this part of Collingwood.



## **7 Conclusion**

For the reasons outlined in this report it is concluded that the proposal enjoys strategic policy support and will contribute to the cultural and community life of the area, whilst ensuring that potential adverse amenity impacts are satisfactorily managed.

On this basis it is respectfully submitted that a planning permit should issue, subject to appropriate permit conditions.



**Appendix A – Clause 22.09 (Licenced Premises) assessment**

Policy directions

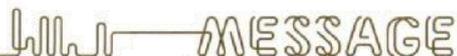
Clause	Policy content	Application / relevance
22.09-1 (Policy Basis)	<p>Licensed premises <u>contribute to the vibrancy and economic strength</u> of the municipality, providing diverse opportunities for social interaction, artistic and cultural activity including live music, food and entertainment, as well as supporting other primary functions.</p> <p>However, considerable tensions sometimes develop between licensed premises and residential and other commercial land uses. <u>These tensions relate to impacts on the amenity of the area including noise, patron behaviour off the premises and waste management.</u></p> <p>There is a higher risk of adverse amenity impacts from licensed premises which operate late at night and encourage vertical drinking by having a low proportion of seating and a limited food offering. <u>Licensed premises, including restaurants and cafes, which have a substantial food focus and a high proportion of seating have a lower risk of adverse amenity impacts.</u></p>	<ul style="list-style-type: none"> <li>▪ Licenced premises provide local benefits (vibrancy, economic activity)</li> <li>▪ Tensions include off site amenity impacts – noise and patron behaviour</li> <li>▪ Restaurants and cafes are lower risk venues compared with bars and night clubs</li> <li>▪ The proposal will contribute to local activity, which is appropriate in the Commercial 1 Zone. The proposal is for a low intensity of liquor supply, being associated with a café and retail operation and only proposing to supply liquor until 11pm.</li> </ul>

**Attachment 4 - PLN17/1124.01 33 - 39 Keele Street - Town Planning Report**



Clause	Policy content	Application / relevance
22.09-2 (Objectives)	<p>To protect the amenity of nearby properties and areas by effectively <u>managing the location, size, operation and hours of licensed premises</u>.</p> <p>To encourage best practice venue design and venue operation for licensed premises.</p> <p>To protect <u>residential and other commercial uses from excess noise, traffic and car parking issues</u>.</p> <p>To provide for daytime trade and active street frontages in retail strips, while providing reasonable commercial opportunities for the trading of licensed premises.</p>	<ul style="list-style-type: none"> <li>▪ Relevant planning considerations include the location, size, operation and hours of use</li> <li>▪ Objectives are to protect nearby uses from excess noise, traffic and car parking issues</li> <li>▪ No unreasonable off site amenity impacts are anticipated as the proposal is separated from sensitive land uses and the proposal is for a low intensity of liquor supply. An acoustic assessment concludes that relevant noise criteria are predicted to be achieved.</li> </ul>
22.09-3 (Policy - Hours of operation)	<p>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.</p>	<ul style="list-style-type: none"> <li>▪ The proposed operating hours are until 11pm which achieves this policy direction</li> </ul>

Attachment 4 - PLN17/1124.01 33 - 39 Keele Street - Town Planning Report



Clause	Policy content	Application / relevance
22.09-3 (Policy - Hours of operation)	<p>An assessment of the impact of the hours of operation on the amenity of nearby properties and the surrounding area must consider:</p> <ul style="list-style-type: none"> <li>▪ The proposed use and licence type.</li> <li>▪ The zoning of surrounding land.</li> <li>▪ The location of the premises, location of car parking and availability of public transport, taxi ranks and ride sharing.</li> <li>▪ The nature of surrounding uses and hours of operation.</li> <li>▪ Potential noise emissions from the premises.</li> <li>▪ The impact of patrons arriving and leaving the premises, including:                             <ul style="list-style-type: none"> <li>- for venues operating after 10pm, whether access from the licensed premises to public transport is likely to be through a residential area; and</li> <li>- Any cumulative impact on the amenity of the area.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ This policy lists the matters that should be considered in assessing the impact of proposed hours of operation on surrounding land</li> <li>▪ As noted above, no unreasonable off site amenity impacts are anticipated as the proposal is separated from sensitive land uses and the proposal is for a low intensity of liquor supply, and only proposing to supply liquor until 11pm. An acoustic assessment concludes that with the proposed management controls, relevant noise criteria are predicted to be achieved.</li> <li>▪ The site is approximately 100m from the tram on Smith Street, providing easy access to public transport without passing through a residential area.</li> </ul>

Attachment 4 - PLN17/1124.01 33 - 39 Keele Street - Town Planning Report



Clause	Policy content	Application / relevance
22.09-3 (Policy - Patron Numbers)	The number of patrons should not exceed the safe and amenable operating capacity of the premises. An assessment of the maximum number of patrons that can be physically accommodated within a venue should be based on the VCGLR Liquor Licensing Fact Sheet – Maximum Patron Capacity (2016).	<p>The Fact Sheet directs that maximum patron capacity be calculated based on:</p> <ul style="list-style-type: none"> <li>– <i>“the area in square metres available to the public for the whole of the internal premises (excluding toilets, passageways and the like) and (if applicable) for any external areas such as courtyards or decks, and</i></li> <li>– <i>the number of patrons that may be accommodated on the internal premises and (if applicable) on any external areas of the premises based on a ratio of one person per 0.75 square metres.”</i></li> </ul> <p>An assessment by a Licensed Building Surveyor supports a capacity of 200 patrons.</p>
22.09-3 (Policy - Noise)	<p>Noise from the operation of the licensed premises should not have an unreasonable impact on the amenity of the area.</p> <p>Noise emissions from licensed premises should comply with the standards specified in the State Environmental Protection Policy or any other relevant requirement such as accepted sleep disturbance criteria or relevant Australian Standards.</p>	<ul style="list-style-type: none"> <li>▪ The permit applicant will accept a permit condition requiring that the use comply with SEPP N-1.</li> </ul>

**Attachment 4 - PLN17/1124.01 33 - 39 Keele Street - Town Planning Report**



Clause 22.09-4 (Application requirements)		
Element	Content	Comment
Site analysis plan	<p>An application must be accompanied by the following information: A site analysis plan detailing:</p> <ul style="list-style-type: none"> <li>▪ The proximity of the licensed premises to residential properties and other sensitive land uses, including details of doors, windows and open space areas on all residential properties in close proximity to the site; and</li> <li>▪ The nature and location of uses surrounding the proposed licensed premises including the type of licensed premises in the area, the hours of operation and patron numbers.</li> <li>▪ The location of off street car parks within the locality of the subject site, including the nature of any time restrictions.</li> <li>▪ The location and hours of operation of any transport services including rail, tram, bus, taxis and ride sharing.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Refer to neighbourhood and site description provided in this report.</li> </ul>
Site and floor plans	<p>Site and floor plans detailing:</p> <ul style="list-style-type: none"> <li>▪ Existing floor plans of all levels of the building(s) and outdoor areas on the site.</li> <li>▪ Proposed floor plans of all levels of the building(s) and outdoor areas on the site including a calculation of floor areas in square metres, the use and patron capacity of all areas to be licensed, waste storage area, security lighting and any amplification or speaker system. Where applicable, the location of queuing areas, CCTV surveillance, areas where live performance is to occur, dance floor areas and smoking areas.</li> <li>▪ A 'red-line plan' showing the public areas where alcohol will be sold and consumed. For packaged liquor, a 'red-line plan' is required showing where alcohol will be displayed for sale and where it will be sold.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Refer attached site and floorplans and red-line area prepared by OLA Studio.</li> </ul>

**Attachment 4 - PLN17/1124.01 33 - 39 Keele Street - Town Planning Report**



Clause 22.09-4 (Application requirements)		
Element	Content	Comment
Written submission	<p>A written submission including the following information:</p> <ul style="list-style-type: none"> <li>▪ A description of the proposed use(s), the type of licence(s) sought, hours of operation, provision and hours of food service, seating ratios and the type of music and/or entertainment to be offered.</li> <li>▪ An assessment by a building surveyor detailing the patron capacity of the licensed premises where an application proposes an increase in patron numbers or a new licence.</li> <li>▪ Details of waste management (including storage and hours of collection for general rubbish and bottles associated with the licensed premise), bottle crushers, and delivery times associated with the licensed premise.</li> <li>▪ An assessment of all potential off-site impacts including identification of ways in which such impacts will be managed and mitigated.</li> <li>▪ Where relevant, the views of the Victoria Police</li> </ul>	<ul style="list-style-type: none"> <li>▪ Refer description of Proposed Use in section 2 of this report.</li> <li>▪ Maximum patron capacity has been assessed based on floor area available to customers and the patron to floor area ratio provided in the VCGLR Liquor Licensing Fact Sheet – Maximum Patron Capacity (2016) as well as a BCA assessment taking into account floor area, toilet facilities and egress..</li> <li>▪ An assessment of off-site impacts is provided in this report.</li> </ul>

**Attachment 4 - PLN17/1124.01 33 - 39 Keele Street - Town Planning Report**



Clause 22.09-4 (Application requirements)		
Element	Content	Comment
Noise and Amenity Action Plan	<p>Where required, A Noise and Amenity Plan (NAAP) which must include the following information:</p> <ul style="list-style-type: none"> <li>▪ Procedures to be undertaken by staff in the event of complaints by a member of the public, the Victoria Police, an 'authorised officer' of Council or the Victorian Commission for Gambling and Liquor Regulation.</li> <li>▪ The management and dispersal of patrons, including patrons loitering around the venue after the venue has closed.</li> <li>▪ The management of large group bookings.</li> <li>▪ The management of smokers and on and off-site smoking areas (particularly where liquor may not be allowed to be sold and consumed within the smoking area after a particular time).</li> <li>▪ The management of external queues.</li> <li>▪ How the movement and exit of patrons is to be managed, particularly where there is a requirement to close different sections of the venue at different times.</li> <li>▪ Details of the provision of music including the frequency and hours of entertainment provided by live bands and DJs.</li> <li>▪ Any other measures to be undertaken to ensure no unreasonable amenity impacts from the licensed premises.</li> <li>▪ A NAAP is not required for an application for a restaurant (including a café) or a packaged liquor outlet</li> </ul>	<ul style="list-style-type: none"> <li>▪ A NAAP is not required because the proposal relates to a café and to packaged liquor sales.</li> <li>▪ It is noted that no smoking will be permitted at the outdoor tables.</li> </ul>

**Attachment 4 - PLN17/1124.01 33 - 39 Keele Street - Town Planning Report**



Clause 22.09-4 (Application requirements)		
Element	Content	Comment
Acoustic Report	<p>Where required, an acoustic report prepared by a suitably qualified and experienced acoustician which must specify details of:</p> <p>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.</p> <p>An acoustic report is not required for an application for a packaged liquor outlet (any hours) or a restaurant (including a café) where the preferred hours of operation specified in this policy are met.</p>	<ul style="list-style-type: none"> <li>▪ An acoustic report is not technically required in this instance because the application relates to packaged liquor and a cafe where the preferred hours of operation specified in this policy are met.</li> <li>▪ Nevertheless an acoustic report is provided which concludes that with the proposed management controls, relevant noise criteria are predicted to be achieved</li> </ul>
Cumulative impact assessment	<p>A cumulative impact assessment is not required for an application for a restaurant (including a café) (any hours) or a packaged liquor outlet where the preferred hours of operation specified in this policy are met.</p>	<ul style="list-style-type: none"> <li>▪ A cumulative impact assessment is not required because the proposal is for a café and for packaged liquor sales and the preferred hours of operation are met.</li> </ul>

Attachment 4 - PLN17/1124.01 33 - 39 Keele Street - Town Planning Report

24 May 2019



To: Zenta Tanaka  
33-39 Keele Street  
COLLINGWOOD 3066  
Email: zenta@cibi.com.au  
Phone: 0411 295 796

428a New Street,  
Brighton, 3186  
Phone: 9530 6685  
Fax: 9530 6871  
Email: mike@redtextas.com.au  
ABN: 59 579 698 412  
ACN: 101 154 009  
**www.redtextas.com.au**

CC: phil@olastudio.com.au

**Re: 33-39 Keele Street COLLINGWOOD VIC 3066**  
Patron numbers assessment/liquor license assessment

**1) Floor area:**

The square metres available to the public (to patrons) on the internal premises is 450 m<sup>2</sup>.

The square metres available to the public on the external area (covered courtyard) is 22 m<sup>2</sup>.

**2) Liquor license "0.75" calculation:**

The maximum number of patrons that may be accommodated on the internal premises is 600 persons (= area / 0.75).

The maximum number of patrons that may be accommodated on the external area (covered courtyard) is 29 persons (=area / 0.75).

Total maximum number of patrons that may be accommodated on the internal premises and external areas is **629 persons**.

**3) Building Code of Australia (BCA) requirements, based on (a) floor space; (b) toilet facilities; and (c) egress:**

**(a) Floor space:**

Number of persons accommodated as per Building Code of Australia 2019 Part D1.13 requirements (based on the classification of a restaurant/cafe/bar allowing 1 m<sup>2</sup> per person):

The maximum number of patrons that may be accommodated on the internal premises is 450 persons (= area / 1).

The maximum number of patrons that may be accommodated on the external areas is 22 persons (= total area / 1).

Total number of patrons that may be accommodated on the internal premises and on any external areas is **472 persons**.

**Attachment 5 - PLN17/1124.01 33 - 39 Keele Street - Existing Permit**

Helping you understand your planning needs



**PLANNING PERMIT**

**Permit No:** PLN17/1124

**Planning Scheme:** Yarra

**Responsible Authority:** City Of Yarra

**ADDRESS OF THE LAND:**

33-39 Keele St Collingwood VIC 3066

**THE PERMIT ALLOWS:**

Buildings and works and reduction in the car parking requirement associated with the use of the land for restricted retail (as of right use) and food and drinks (cafe) Monday - Sunday 7.00am - 7.00pm

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

1. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Use – food and drinks premise (café)

2. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
  - a. Monday to Sunday 7.00am – 7.00pm
3. The loading and unloading of vehicles and the delivery of goods to and from the land associated with the use must be conducted entirely within the land, to the satisfaction of the Responsible Authority.
4. There must be no speakers external to the building erected or used.
5. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
6. The amenity of the area must not be detrimentally affected by the use or development, including through:
  - (a) the transport of materials, goods or commodities to or from land;

**Date:** 13 June 2018

  
 Sarah Griffiths  
 Signature for the Responsible Authority

*Planning and Environment Regulations 2015 No. 33/2015 Form 4 Sections 63, 64 64A and 86*

Page 1 of 3

For more information call 9205 5555 or visit [www.yarracity.vic.gov.au](http://www.yarracity.vic.gov.au)

**Attachment 5 - PLN17/1124.01 33 - 39 Keele Street - Existing Permit**

- (b) the appearance of any buildings, works or materials;
- (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
- (d) the presence of vermin;

to the satisfaction of the Responsible Authority.

7. Except with the prior written consent of the Responsible Authority, delivery and collection of all goods to and from the land associated with the use approved under this permit may only occur between 7.00am and 7.00pm Monday to Sunday.

Buildings and works

8. Before the building is occupied by the use approved under this permit, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:

- (a) at the permit holder's cost; and
- (b) to the satisfaction of the Responsible Authority.

9. Except with the prior written consent of the Responsible Authority, demolition or construction works approved under this permit must not be carried out:

- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm,;
- (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
- (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Expiry conditions

10. This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit;
- (b) the development is not completed within four years of the date of this permit; or
- (c) the food and drinks (café) use is not commenced within five years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

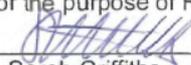
Notes:

The food and drink (café) premises will be required to comply with the Food Act 1984. The use must not commence until registration, or other approval, has been granted by Council's Health Protection Unit.

All future property owners, business owners and employees within the development approved under this permit will not be permitted to obtain employee or visitor parking permits.

The use of the site for Restricted Retail does not require a planning permit pursuant to Clause 34.02-1 of the Yarra Planning Scheme using the definition set out at Clause 74 (Definitions) of the Yarra Planning Scheme. A planning permit may be required to use the land for the purpose of Retail.

**Date: 13 June 2018**

  
\_\_\_\_\_  
Sarah Griffiths  
Signature for the Responsible Authority

**Attachment 5 - PLN17/1124.01 33 - 39 Keele Street - Existing Permit**

This application does not include a liquor licence and was therefore not assessed against Clause 52.27 of the Yarra Planning Scheme (Licensed Premises). A planning permit is required for the sale and consumption of alcohol on and off the premises and will need to be applied for under a separate application.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

The signage shown on plans for this application does not require a planning permit pursuant to Clause 52.05-7 (Advertising signs) of the Yarra Planning Scheme and was therefore not assessed under this policy.

The two on-site car parking spaces shown on plans submitted for this application do not comply with dimensions prescribed at Clause 52.06-9 (Design Standard 2) of the Yarra Planning Scheme and were therefore considered as 'informal' car parking spaces only as part of this application.

**Date: 13 June 2018**



\_\_\_\_\_  
Sarah Griffiths  
Signature for the Responsible Authority

**Attachment 5 - PLN17/1124.01 33 - 39 Keele Street - Existing Permit**

**PLANNING PERMIT**

**IMPORTANT INFORMATION ABOUT THIS PERMIT**

**WHAT HAS BEEN DECIDED?**

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

**WHEN DOES A PERMIT BEGIN?**

A permit operates:

- from the date specified in the permit; or
- if no date is specified, from—
  - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
  - (ii) the date on which it was issued, in any other case.

**WHEN DOES A PERMIT EXPIRE?**

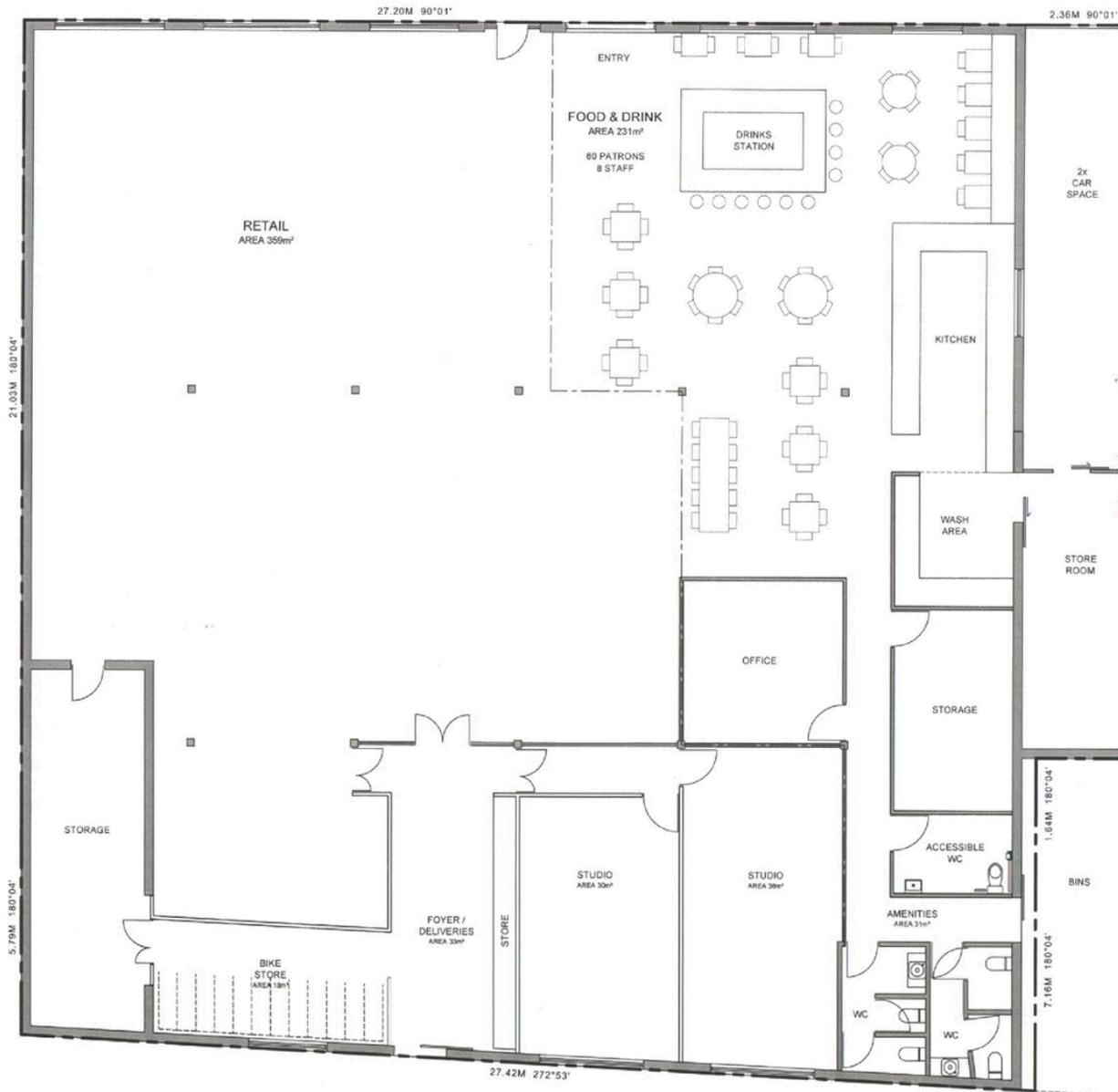
1. A permit for the development of land expires if—
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
  - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
  - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
  - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
  - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
  - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
  - the use or development of any stage is to be taken to have started when the plan is certified; and
  - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

**WHAT ABOUT REVIEWS?**

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

*Planning and Environment Regulations 2015 No. 33/2015 Form 4 Sections 63, 64, 64A and 86*

Attachment 6 - PLN17/1124.01 33 - 39 Keele Street - Endorsed Plans



**OLA**  
 OLA ARCHITECTURE STUDIO  
 107 / 74-76 ROBEY STREET  
 COLLINGWOOD VIC 3066  
 WWW.OLASTUDIO.COM.AU  
 P: 03 9447 0817

PLANNING & ENVIRONMENTAL  
**YARRA PLANNING**  
 Plan referred to in Permit **PLN17/1124**  
 relating to use/development of land.  
 For and on behalf of the responsible Authority  
 DATE **17/6/18** PLAN **1** of **2**  
 This is NOT a Building Permit

DATE	AMENDMENT	ISSUE
21.12.2017	PLANNING PERMIT APPLICATION	1

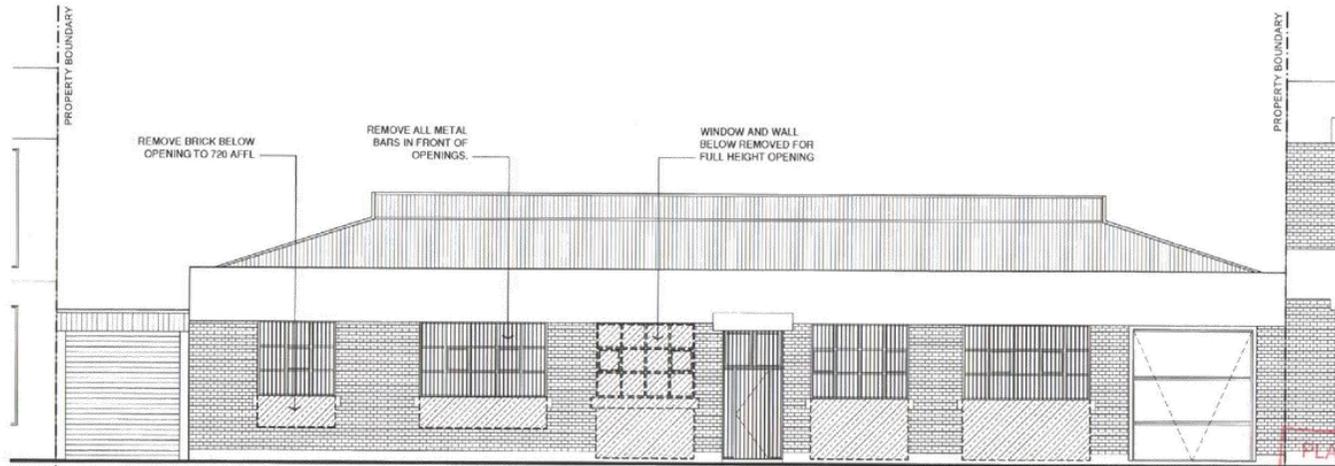
**33-39 KEELE ST COLLINGWOOD**  
 PROPOSED COMMERCIAL ALTERATIONS  
 PSN NO: 0125  
 CLIENT: CBE  
 SCALE: TOWN PLANNING APPLICATION  
 DATE: 16.01.2018  
 ISSUE: 1

PROPOSED GROUND FLOORPLAN  
 SCALE: 1:100 @ A3  
 DRAWN: PMS, PS  
 CHECKED: PMS, PS

TP 2.01

Attachment 6 - PLN17/1124.01 33 - 39 Keele Street - Endorsed Plans

**OLA**  
 OLA ARCHITECTURE STUDIO  
 107 / 24-38 BOREBY STREET  
 COLLINGWOOD VIC 3066  
 WWW.OLASTUDIO.COM.AU  
 P. 03 9442 0812



EXISTING NORTH (KEELE STREET) ELEVATION



PROPOSED NORTH (KEELE STREET) ELEVATION

PLANNING & ENVIRONMENT  
 YARRA PLANNING SCHEME  
 Plan referred to in Permit No. PLN17/1124.  
 relating to use/development of land.  
 For and on behalf of the responsible Authority  
 DATE 18/6/18 PLAN 2 of 2  
 This is NOT a Building Permit

DATE	AMENDMENT	ISSUE
2-12-2017	PLANNING PERMIT APPLICATION	1

33-39 KEELE ST COLLINGWOOD  
 PROPOSED COMMERCIAL ALTERATIONS  
 JOB NO: 0175  
 CLIENT: CIBI  
 STAGE: TOWN PLANNING APPLICATION  
 DATE: 16.01.2018  
 ISSUE: 1

ELEVATIONS  
 SCALE: 1:100 @ A3  
 DRAWN: MML/PS  
 CHECKED: MML/PS

TP 3.01 ○



26 July 2019

640.10090.06060 33-39 Keele St Collingwood 20190726.docx

Yarra City Council  
PO Box 168  
RICHMOND 3121

**Attention: Vicky Grillakis**

Dear Vicky

**33-39 Keele Street, Collingwood  
Development Application Acoustic Review  
PLN 17/1124.01**

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 a commercial food and beverage premises at 33-39 Keele Street, Collingwood.

Details of the report are as follows.

- Title: 33-39 Keel Street, Collingwood, Extension of Hours Application – Acoustic Assessment
- Date: 28 May 2019
- Reference: R01 19055
- Prepared for: CIBI
- Prepared by: Clarity Acoustics

The report has been prepared to support the application for an extension of hours for the existing café and shop at the subject site.

## **1 Background Information**

*(Sections 1, 4 and 5 of the acoustic report)*

The proposal is for an extension of hours of the existing café. The acoustically significant aspects of the proposal are identified as:

- The café includes a large indoor dining area and a small covered courtyard.
- The proposed extension of hours relate to closing times only, and are:
  - 11 pm, 7 days a week for the indoor dining area (currently open until 7 pm), and
  - 10 pm, 7 days a week for the outdoor dining area (currently open until 7 pm).
- The application is for 200 patrons (to our understanding there is currently no permit limit on the number of patrons).

## Attachment 7 - PLN17/1124.01 33 - 39 Keele Street - Acoustic Referral comments

Yarra City Council  
33-39 Keele Street, Collingwood  
Development Application Acoustic Review  
PLN 17/1124.01

SLR Ref: 640.10090.06060 33-39 Keele St Collingwood  
20190726.docx  
Date: 26 July 2019

- The application is for up to 10 people within the outdoor space and the remainder indoors.
- Music is proposed to be played at background levels inside the cafe only. Loudspeakers are not proposed to be installed externally.
- Potential noise impacts from the proposal are identified in subsequent sections of the report as:
  - Patron noise from outdoor areas
  - Music noise
- The nearest noise sensitive receivers are identified as 28 to 34 Keele Street, on the northern side of Keele Street, directly opposite the subject premises.

**SLR Comments:** *The proposal, potential noise impacts and the nearest noise sensitive receivers have been identified.*

*Details of the building construction are not provided in the introductory sections of the report, however later sections clarify that there are two roller doors in the northern façade.*

*We note that plans for the outdoor dining area appear to show seating for 20 patrons, rather than the 10 considered in the assessment.*

*Consideration is not given in the report to noise impacts from existing mechanical plant. This equipment, including kitchen exhaust fans and air conditioning plant, will operate for longer periods, and at times when more onerous SEPP N-1 noise limits may apply.*

## 2 Background Noise Levels

*(Section 4 of the report)*

Attended measurements of background noise were conducted on Monday 27 May 2019 in front of the subject site. The measured levels were:

- 43 dBA  $L_{90,15 \text{ mins}}$ , from 9:30 pm (evening), and
- 41 dBA  $L_{90,15 \text{ mins}}$ , from 10:30 pm (night)

**SLR Comments:** *The background noise measurements were undertaken at appropriate locations and times and the results look reasonable.*

## 3 Patron Noise

### 3.1 Noise Targets

*(Section 8.1 of the report)*

Patron noise is proposed to be assessed to targets of 'background +10 dB' during the evening period and 'background + 5 dB' at night. The identified targets are 53 dBA  $L_{eq}$  (evening) and 46 dBA  $L_{eq}$  (night).  $L_{max}$  targets of 65 dBA  $L_{max}$  are also proposed.

**SLR Comments:** *The design targets are appropriate.*

## Attachment 7 - PLN17/1124.01 33 - 39 Keele Street - Acoustic Referral comments

### 3.2 Patron Noise Levels

*(Section 8.2 of the report)*

Patron noise data is presented as sound power levels for both the indoor and outdoor spaces. The levels used are based on theory for restaurant dining, and are equal to:

- 94 dBA  $L_{eq}$  for 190 patrons indoors, and
- 81 dBA  $L_{eq}$  for 10 patrons outdoors

Clarity have also measured patron noise within the restaurant and state that the measured levels were 2 dB lower than they would have predicted using the 'restaurant dining' data scaled for patron numbers (only 35 patrons were dining when they undertook their measurement).

**SLR Comments:** *The sound power data for patrons both within the café/restaurant and in the court yard is on the low side. For information, the hierarchy of patron noise emissions is generally accepted as:*

- Restaurant dining: i.e. all patrons seated and in an environment where raised voice is not required for conversation. These are the lowest patron noise levels used in assessments, and we would typically only apply them to smaller groups in spacious seated environments with short reverberation times.
- Taverns with significant food offerings: most patrons seated, food being served. This data is representative of mid-level patron noise, and would typically be applied to large crowds or smaller crowds in reasonably reverberant environments, during the period when meals were served.
- Vertical consumption: many patrons standing – focus on alcohol rather than food. This data is typically applied to hotels and outdoor patron areas that are densely packed (e.g. 1 person or more per square meter).

*In our opinion the 'restaurant dining' data may provide a conservative prediction of patron noise when modelling 35 patrons in this large space, however voice levels generally increase in fully occupied / crowded spaces. We would recommend using levels more in line with 'taverns', which are effectively about 7 dB higher than Clarity have assumed.*

*Our preference would also be to nominate a reverberant noise level within the restaurant, rather than an overall sound level. The reverberant noise level will vary depending on the internal furnishings, whereas the sound power level does not take into consideration the room characteristics.*

*The patron sound power data for patrons outdoors is based on 10 patrons, whereas there is seating shown for 20.*

### 3.3 Patron Noise Predictions

*(Section 8.3 of the report)*

Predictions of patron noise have been conducted for the day/evening period, during which time the roller doors are assumed to be open and the outdoor area is in use, and for the night period. During the night period the roller doors are assumed to be closed and the outdoor area is unoccupied.

The predicted noise levels comply with the nominated limits.

**SLR Comments:** *Our indicative calculations of patron noise to the potentially most impacted receivers agree with Clarity's.*

**Attachment 7 - PLN17/1124.01 33 - 39 Keele Street - Acoustic Referral comments**

Yarra City Council  
33-39 Keele Street, Collingwood  
Development Application Acoustic Review  
PLN 17/1124.01

SLR Ref: 640.10090.06060 33-39 Keele St Collingwood  
20190726.docx  
Date: 26 July 2019

*However, the calculations assume that doors and windows of the venue are closed during the night period, and they do not take into consideration any noise emitted from the restaurant when the doors are open for egress. As the venue does not include a sound lock, noise levels at receiver location will increase at night (when doors are otherwise closed), whenever patrons arrive or depart from the venue.*

*We note that the predicted day/evening levels are within 1 dB of the noise targets using the restaurant dining data. The predicted night levels are at least 7 dB below the targets.*

## **4 Music Noise**

### **4.1 Music Noise Criteria**

*(Section 7.1 of the report)*

Music noise is proposed to be assessed to SEPP N-2.

The SEPP N-2 day/evening limit is equal to the background noise level + 5 dB. The identified evening limits are 48 dBA for dwellings on the north side of Keele Street. The octave band night noise limits are provided in Table 6.

The SEPP N-2 night noise limit applies after 10 pm Monday to Saturdays, before midday and after 9 pm Sundays.

**SLR Comments:** *The identified limits are reasonable.*

### **4.2 Music Noise Controls and Assessment**

*(Sections 7.2 of the report)*

Background music only is proposed to be played within the venue. The recommended maximum octave band reverberant levels are provided in Table 7 of the report. The proposed overall level is 70 dBA  $L_{10}$  / 67 dBA  $L_{eq}$ .

These levels are commensurate with the levels measured by Clarity when the venue was operating and occupied by 35 patrons.

Music noise has been calculated to the nearest residences assuming the roller doors are open, for the day and evening periods, and assuming they are closed for the night period. The predicted levels comply with SEPP N-2.

**SLR Comments:** *The proposed levels of music are very low, and we agree that they are likely to comply with SEPP N-2. Our main concern is that music may be increased during the late evening / night periods, particularly if the restaurant is full. For this reason we recommend that the in-house system incorporate spectrum shaping capabilities, and the music levels are set by a suitably qualified acoustical consultant for SEPP N-2 compliance. The sound system should be labelled or limited to clearly indicate the maximum allowable amplifier settings.*

*More onerous controls, such as a music noise limiter with locked controls, are recommended if there is a perceived risk of SEPP N-2 non-compliance.*

**Attachment 7 - PLN17/1124.01 33 - 39 Keele Street - Acoustic Referral comments**

## 5 Summary

A review of the acoustic report prepared to address noise from the proposed extension of hours of the restaurant / shop at 33-39 Keele Street has been conducted. The report addresses patron and music noise. A summary of our findings and recommendations is provided below.

### Patron Noise

The patron noise assessment is based on the assumption that patrons will converse at 'restaurant dining' style levels. This assumption may be reasonable for much of the operating period, however our concern is that when the venue is at capacity, patron noise levels may be in the order of 7 dB louder than Clarity have assumed. Due to the setback of the site from Smith Street, background noise levels and therefore noise limits, are reasonably low. The nearest residential receivers are also in close proximity to the site.

It is also of concern that predictions from the outdoor area are based on an assumption of 10 patrons only when the plans show seating for 20.

Due to the fact that Clarity are predicting marginal compliance during the day/evening periods, any increase in patron noise due to more elevated voice levels or to greater occupancy of the outdoor area, will result in non-compliant levels at residential receiver locations.

For this reason we recommend greater restrictions to operations with the roller doors open, and to use of the outdoor area until such time that compliance with the nominated targets can be demonstrated with a fully occupied space. It may be appropriate to require the roller door to the restaurant to be closed, and to limit use of the outdoor area to smoking only, from 8 pm Sunday to Thursday nights.

Noise from within the venue when patrons enter or leave the premises is not explicitly assessed, and this activity is likely to result in increased noise levels during the night period, when the doors are otherwise closed. Installation of a sound lock would be desirable given the proximity to a residential interface, and given the large number of patrons proposed. Alternatively, impacts could be managed by permitting operation during the 10 pm and 11 pm period to Friday and Saturday nights only.

In summary, we suggest that if further noise controls are not implemented, operations be restricted to:

- Café opening hours to be restricted to 10 pm Sunday to Thursday (or earlier to allow for patron departure before 10 pm) and 11 pm Friday and Saturday.
- Roller doors to be closed from 8 pm Sunday to Thursday and from 10 pm Friday and Saturday.
- Up to 10 patrons only in the outdoor area.

### Music Noise

Music is proposed to be played at very low background levels only. If this assumption is correct, we agree that music will comply with SEPP N-2. However, there is a risk that levels will be increased when the restaurant is operating at capacity. For this reason it is recommended that, as a minimum, the restaurant sound system incorporate spectrum shaping capabilities, and the music levels are set by a suitably qualified acoustical consultant to ensure SEPP N-2 compliance. The sound system should be labelled to clearly indicate the maximum allowable amplifier settings.

More onerous controls, such as a music noise limiter with locked controls, are recommended if there is a perceived risk of SEPP N-2 non-compliance.

**Attachment 7 - PLN17/1124.01 33 - 39 Keele Street - Acoustic Referral comments**

Yarra City Council  
33-39 Keele Street, Collingwood  
Development Application Acoustic Review  
PLN 17/1124.01

SLR Ref: 640.10090.06060 33-39 Keele St Collingwood  
20190726.docx  
Date: 26 July 2019

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**Mechanical Plant**

Noise from existing mechanical plant has not been assessed to SEPP N-1. This equipment will potential operate at times when more onerous noise limits apply. This may be a low risk issue on this project, however it should nevertheless be addressed.

**Other Matters – Street Noise**

Due to the large patron capacity and the location of the café/restaurant at a residential interface, the proposed extension of operating hours is likely to result in an appreciable increase in noise from patrons on the street, as they arrive at or depart from the restaurant during the late evening / night periods. This is not an issue that can be addressed by the acoustical consultant, however it is nevertheless a consideration in the granting of extending operating hours, particularly early in the week.

Regards,



Dianne Williams  
Associate – Acoustics

Checked/Authorised by: JA

**Attachment 8 - PLN17/1124.01 33 - 39 Keele Street - Referral comments**



TO: Jessica Sutherland, Statutory Planning Officer

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

DATE: 7 August 2019

ADDRESS: 33-39 Keele St Collingwood, VIC 3066

APPLICATION NO: PLN17/1124.01

DESCRIPTION: S72 Amendment to the permit to include the sale and consumption of liquor (on and off the premises) and an increase to the approved hours to be Monday to Sunday 7.00am - 11.00pm, as associated with the use of the land for a food and drinks premises (approved) and restricted retail (as of right), and to amend the plans to show internal alterations.

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 2 Zone (C2Z).
- Directly north of the site, less than 30 metres away (across Keele Street) is a Neighbourhood Residential Zone with a number of residential properties fronting Keele Street (and the subject site).
- The subject site appears to be partly affected by the Special Building Overlay (SBO).
- The site continues to be used as a food and drink premises (cafe) and restricted retail (as-of-right use).
- The application seeks to allow the sale and consumption of liquor on and off the premises to complement the existing uses.
- The existing operating hours are also proposed to be increased for the food and drink premises (cafe) to enable evening meals to be served.
- The proposed opening hours for the food and drink premises use is to be increased from 7am-7pm Monday-Sunday to the following:
  - Monday-Sunday — 7.00am until 11.00pm.
- The proposed hours for the sale and consumption of alcohol on and off the premises are:
  - Monday-Saturday — 9am until 11pm internally (9am until 10pm external tables)
  - Sunday — 10am until 11pm internally (10am until 10pm external tables)
  - ANZAC Day and Good Friday - 12 noon until 11pm (12 noon until 10pm external tables).
- It is proposed to limit music within the premises to background music only, in line with the standard definition that:

**Attachment 8 - PLN17/1124.01 33 - 39 Keele Street - Referral comments**

- Clause 22.09-4 states that a cumulative impact assessment is not required for an application for a restaurant (including a café) (any hours) or a packaged liquor outlet where the preferred hours of operation specified in this policy are met. This is satisfied.
- Clause 22.09 states that for outdoor areas, including smoking areas, rooftops and open courtyards, the sale and consumption of liquor should not occur after 10pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area. It remains inconclusive as to whether the outdoor area is entirely covered, but the application states that the two roller doors onto Keele Street will be closed from 10pm each night in line with the recommendations in the Clarity Acoustics acoustic report. This is supported. It is recommended that an independent review of the acoustic report should be conducted by a suitably qualified person to ensure appropriateness.
- Other relevant conditions for amenity related matters must also be included as part of any approval, as it is important that such conditions remain on any liquor licence particularly given the sensitive interface the venue has with the residential area to the north.

**Attachment 8 - PLN17/1124.01 33 - 39 Keele Street - Referral comments**

---

**TO:** Jessica SUTHERLAND  
**cc:**  
**FROM:** Brad Speechley  
**DATE:** 22 July 2019  
**APPLICATION:** PLN17/1124  
**SUBJECT:** Amenity Enforcement Referral

---

Dear Jessica,

Thank you for your referral dated 19 July 2019, in relation to 33-39 Keele Street COLLINGWOOD.

Planning Enforcement has received no complaints in relation to the 'use' of the land. I have reviewed the documentation supplied and given the proposed change of condition 2 of the Permit to allow for an increase of the operational hours from 07:00am to 11:00pm, and for the sale of alcohol for consumption on and of the premises, this proposal poses a low amenity risk.

However, I also note that amplified music will be limited to 'background music' only with the closest residential property being 18m from the site boundary.

The Compliance branch does not have any concern with the application to allow for the sale and consumption of liquor.

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

Regards,



**Brad Speechley**  
**Senior Team Leader – Civic Compliance**

# SPOKE INFORMALLY TO BRAD (29/7/19) - HE RECOMMENDED  
~~ADDED~~ ADDING A CONDITION FOR THE ROLLER DOOR TO  
 BE CLOSED LATER IN NIGHTS TO ADDRESS NOISE.  
 EASILY ENFORCEABLE.



- 
- 1.3 PLN17/1016.01 - 221 Swan Street, Richmond - Section 72 Amendment to the plans to increase the floor area to include a basement (for sale and consumption of liquor) and further reduce the car parking requirement of the Yarra Planning Scheme**
- 

## **Executive Summary**

### **Purpose**

1. This report provides Council with an assessment of an application at No. 221 Swan Street Richmond to amend the endorsed plans and increase the floor area of the approved development to include a basement level, extend the red line for the sale and consumption of liquor to the basement level and further reduce the car parking requirement of the Yarra Planning Scheme.

### **Key Planning Considerations**

2. Key planning considerations include:
  - (a) clause 22.09 and 52.27– Licensed premises policy; and
  - (b) clause 52.06 – Car parking

### **Key Issues**

3. The key issues for Council in considering the proposal relate to:
  - (a) Built Form;
  - (b) Sale and Consumption of Liquor;
  - (c) Car Parking; and
  - (d) Objector Concerns.

### **Submissions Received**

4. Eight (8) objections were received to the application, these can be summarised as:
  - (a) Off-site amenity associated with the sale and consumption of liquor, including noise and antisocial behaviour;
  - (b) Car parking and traffic impacts;
  - (c) Overdevelopment of the site;
  - (d) Potential for future expansion to the business; and
  - (e) Construction impacts.

### **Conclusion**

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported.

**CONTACT OFFICER:** Jessica Sutherland  
**TITLE:** Statutory Planner  
**TEL:** 9205 5365

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**1.3 PLN17/1016.01 - 221 Swan Street, Richmond - Section 72 Amendment to the plans to increase the floor area to include a basement (for sale and consumption of liquor) and further reduce the car parking requirement of the Yarra Planning Scheme**

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Reference: D19/139447  
 Authoriser: Coordinator Statutory Planning

**Proposal:** Section 72 Amendment to the plans to increase the floor area to include basement for the sale and consumption of liquor) and further reduce the car parking requirement of the Yarra Planning Scheme

**Existing use:** Restaurant

**Applicant:** Metropol Planning Solutions

**Zoning / Overlays:** Commercial 1 Zone, Design and Development Overlay (Schedule 5 and Schedule 17-2), Heritage Overlay (Schedule 335)

**Date of Application:** 8 March 2019

**Application Number:** PLN17/1016.01

**Planning History**

1. Planning Permit PLN17/1016 was issued on 11 January 2019 for *full demolition of the existing building and construction of a multi-storey building with roof terraces, display of an internally-illuminated sign, use of the land for sale and consumption of liquor (restaurant and café licence) and reduction in car parking and bicycle parking requirements associated with a restaurant (as-of-right-use).*
2. Plans were endorsed on 18 April 2019.
3. The plans and reports required through Condition 9 (Acoustic Report), Condition 13 (Waste Management Plan), Condition 15 (Sustainable Management Plan), Condition 17 (Landscaping Plan), Condition 19 (Arborist Report) and Condition 25 (Construction Management Report) have not yet been submitted.
4. Relevant to this application Planning Permit PLN17/1016 allowed the sale and consumption of liquor subject to the following conditions:
  - (a) Must only occur between the hours of 11.00am and 11.00pm, seven days a week; and
  - (b) No more than 192 restaurant patrons are permitted on the land at any time liquor is being sold or consumed.
5. The application does not propose to amend these conditions (regarding hours of operations or number of patrons).

**Background**

6. The application was received by Council on 8 March 2019. Following the submission of further information on 17 May 2019, the application was advertised and seven (7) objections were received.
7. A consultation meeting was held on 6 August 2019 and was attended by the Applicant, five (5) objectors and Council Officers to discuss all issues and concerns raised in the letters of objection.
8. The Applicant did not make any commitments to make changes, thus the proposal as originally submitted to Council forms the basis of the assessment and decision.

## The Proposal

9. The amendment seeks to make the following changes to plans associated with Planning Permit PLN17/1016.

### *Buildings and works*

10. Construction of a basement level, comprising of a seating, wine cellar, underground water tank, storage and stairs, with the following details:
  - (a) A maximum length of 27 metres and maximum width of 7.5 metres, resulting in an overall floor area of approximately 200sqm;
  - (b) To a maximum depth of 4.37 metres below NGL.

### *Sale and Consumption of liquor*

11. The 'red line' area extended to the entire basement level.
12. No change to the approved hours of operation or patron numbers which have previously been permitted.

### Subject Site

13. The permit has not yet been acted upon and works have not begun; thus, the subject site has not substantially changed since the time of writing the report for the original application. The following description of the subject site has been taken from the original IDAC report:
14. *The subject site is located on the north side of Swan Street, approximately 100m east of Church Street and 120m west of Mary Street, in Richmond.*
15. *The subject site is rectangular in shape and has a frontage to Swan Street of 7.62m, a depth of 27.43m and overall area of approximately 209sqm.*
16. *The subject site is occupied by a single-storey commercial building with shopfront windows, central double doors fronting the street and it appears to have been unsympathetically altered by the addition of a high metal parapet. The building is constructed to the street frontage and western boundary and setback approximately 1m from the eastern site boundary and 8m from the northern (rear) boundary. Open space is located to the rear of the building and includes four mature Tree of Heaven (*Ailanthus altissima*) trees.*
17. *The building on the subject site is currently vacant. Based on a 2016 Google street view image, it was formally used a shop (flooring specialists).*



Image 1: Photo of the subject site facing north (taken 14 August 2019)

### Surrounding Land

18. An assessment of the surrounding land indicates that the area has not substantially changed since the time of writing the report for the original application. The following description of the surrounds has been taken from the original recommendation:
19. *The subject site is located within the Swan Street Major Activity Centre (MAC). It is surrounded by other commercial uses concentrated along Swan Street and residences to the north fronting Charlotte Street. The area is well serviced by public transport with trams running along Swan Street, between Burwood and the CBD, and along Church Street (100m west of the site), between North Richmond and Prahran. The subject site is also within 300m from the East Richmond Station which is serviced by multiple train lines (i.e. Alamein, Glen Waverly, Lilydale and Belgrave Lines).*
20. *Surrounding built form is predominantly single- and double-storey in scale, with commercial buildings constructed hard edge to Swan Street. The immediate area is characterised by Commercial buildings of mixed appearance – some of which are Victorian-style while others are more contemporary.*

High site coverage and on-boundary construction are common in the street, with the majority of buildings constructed on or in close proximity to at least one side boundary (as shown in the image below).



Image 2: Aerial photo of the subject surrounding area (taken from the original IDAC report)

21. *Within the Swan Street MAC, there are a number of existing licensed premises, particularly further west towards Church Street. The majority of these premises are licensed restaurant and cafes which trade until 11pm. Others are pubs and bars, which have on-premises or general licences and are predominantly located at street intersections.*
22. *The direct abutments of the subject site are as follows:*
  - (a) *To the east (No. 233 Swan Street) is commercial 1 Zoned land occupied by a single storey commercial building constructed to both side boundaries, which is graded as 'non-contributory' to the Swan Street Heritage Precinct. The building has a high metal parapet similar to that on the subject site, a recessed front entry with non-illuminated sign above and an outdoor dining area to the front. The building is currently used as a food and drinks premises (café).*
  - (b) *To the west (No. 219 Swan Street) is Commercial 1 Zoned land occupied by a double storey Victorian-era commercial building, which is graded as 'Individually Significant' to the Swan Street Heritage Precinct. The building is constructed to the street frontage with a verandah projecting onto the footpath and is constructed to its eastern (shared) boundary with a first floor window facing the subject site. It is currently used as a hairdresser at ground floor and a dwelling at first floor. Since the subject permit was issued, Planning Permit PLN18/0227 was issued for the land at No. 219 Swan Street for the development of the land for the construction of a first floor balcony, including part demolition on 7 September 2018. Works have not commenced; however, the permit is still live.*

- (c) *To the north (No. 26-30 Charlotte Street) is General Residential Zoned land occupied by a detached, double-storey brick residential building fronting Charlotte Street. The building contains 8 dwellings and has habitable room windows facing the subject site. The building has communal open space to the rear with a single-storey shed constructed abutting the subject site.*
- (d) *To the south, across Swan Street (No. 274-282 Swan Street), is Commercial 1 Zoned land occupied by a petrol station and car wash. To the south-west (at the corner of Swan Street and Brighton Streets) is the Union House Hotel, which has an On-premises Licence allowing the sale and consumption of liquor on the premises until 1am on any day with a maximum of 228 patrons (as approved by Planning Permit PLN17/0359 on 10 November 2017). Since the time of the subject permit being issued, Planning Permit PLN17/0359 was amended pursuant to Section 72 of the Act to increase the overall patron numbers to 328, to increase the patrons permitted within the first-floor deck to 100 and to delete condition 9 which allowed amplified music.*

### Legislation Provisions

- 23. *The amendment has been requested pursuant to Section 72 of the Planning and Environment Act 1987 (the Act). Section 72 of the Act states:*
  - (1) *A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.*
  - (2) *This section does not apply to—*
    - (a) *a permit or a part of a permit issued at the direction of the Tribunal, if the Tribunal has directed under section 85 that the responsible authority must not amend that permit or that part of the permit (as the case requires); or*
    - (b) *a permit issued under Division 6.*
- 24. *Planning Permit PLN17/1016 was issued on 11 January 2019. The Tribunal has not directed that the responsible authority must not amend the permit, nor was the permit issued under Division 6 of the Act.*
- 25. *Section 73 of the Act states that Sections 47 to 62 of the Act apply to the amendment application. This allows the Responsible Authority to apply the abovementioned sections of the Act to the amendment application as if it was an application for a permit.*

### Planning Scheme Provisions

#### Zoning

##### *Commercial 1 Zone*

- 26. *Pursuant to Clause 34.01-1 of the Yarra Planning Scheme (**the Scheme**), a permit is not required to use the land for a Food and Drinks Premises (nested under Retail Premises which is a Section 1 use).*
- 27. *Pursuant to Clause 34.01-4 of the Scheme, a permit is required to construct a building or construct and carry out works.*

#### Overlays

##### *Heritage Overlay (Schedule 335)*

- 28. *The subject site is located under the Heritage Overlay (Schedule 335). The following provisions apply:*
- 29. *Pursuant to Clause 43.01-1, a permit is required to construct or carry out works.*

##### *Design and Development Overlay*

- 30. *Pursuant to Clause 43.02-2 of the Scheme, a permit is required to construct a building or to construct and carry out works, unless otherwise stated in a schedule to the overlay. Schedule 5 and Schedule 17 relate to the subject site.*

*Schedule 5*

31. Schedule 5 (City Link Exhaust Stack Environs) specifically exempts buildings and works from requiring a planning permit.
32. Pursuant to Clause 4 of Schedule 5 to the Overlay, where a permit is required to use the land or for the construction of works under the provision of this scheme, notice must be given under section 52(1)(c) of the *Planning and Environment Act 1987* to the person or body specified as a person to be notified in Clause 66.06 or a schedule to that clause.
33. A permit is required under the zone and overlays, thus notice of the application must be given to the Environmental Protection Authority, Transurban City Link Limited and the Roads Corporation (VicRoads) pursuant to Clause 66.06.

*Schedule 17*

34. Schedule 17 (Swan Street Activity Centre) of the Design and Development Overlay is silent on the permit requirements, thus the controls of the Overlay apply and a permit is required to construct and carry out works.
35. The subject site is identified to be located in Precinct 2 and is a Type B in Plan 3 (Height and Interface Plan). Table 2 (Street Wall Heights and Setbacks for Precinct 2) applies the following mandatory and preferred provisions to the subject site:
  - (a) A mandatory street wall with:
    - (i) a maximum height of 11 metres or the parapet height of the adjoining individually significant or contributory building if higher than 11 metres; and
    - (ii) a minimum height of 8 metres.
  - (b) A mandatory provision of no street wall setback.
  - (c) A mandatory upper level setback greater than 5 metres.
36. The original IDAC report considered these controls. The controls are not relevant to the amendment to construct a basement level. Further, none of the Precinct Design Requirements are relevant to the amendment proposal.

Particular Provisions

*Clause 52.06 Car Parking*

37. Pursuant to Clause 52.06-1, the clause applies to a new use or an increase in the floor area of an existing use; thus, the clause applies to proposal to use the site as a restaurant in a new building.
38. Pursuant to Clause 52.06-2, before a new use commences or the floor area of an existing use is increased, the number of car spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority.
39. Pursuant to Clause 52.06-3, a permit is required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5.
40. The subject site is located under the Principal Public Transport Network (PPTN) Area, thus Column B of table 1 of Clause 52.06-5 applies to the application.
41. The original planning permit approved no on-site car parking for the restaurant use and a reduction of the 14 car parking spaces required to be provided pursuant to Clause 52.06-5 of the Scheme. Under this amendment application the floor area of the proposed development is increased by 199.7sqm and continues to provide no on-site car parking spaces. The following table outlines the car parking requirements of the amended proposal.

Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required by the Scheme	No. of Spaces Allocated	Reduction Required
<b>Permitted</b>					
Restaurant	423.3sqm of leasable floor area	3.5 spaces to each 100sqm of leasable floor area	14	0	14
<b>Overall application including amendment (which increases the floor area by 199.7sqm)</b>					
Restaurant	623sqm of leasable floor area	3.5 spaces to each 100sqm of leasable floor area	21	0	21
<b>Additional Car Park reduction required from the amendment</b>					7

*Clause 52.34 Bicycle facilities*

42. Pursuant to Clause 52.34-1, a new use must not commence of the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.
43. The permitted development provided one bicycle rack on the kerbside footpath, however as it is not located within the title boundaries of the subject site, it was not considered within the original assessment to contribute to the bicycle facility requirements of the Scheme. This amendment retains the kerbside spaces and includes two additional bicycle spaces on-site.
44. The following table outlines the bicycle requirements of the amended proposal.

Use	Floor Area	Rate	No. required
<b>Permitted</b>			
Restaurant	423.3sqm (327.3sqm available to the public)	1 employee space to each 100sqm of leasable floor area, and 2 visitor spaces plus 1 visitor space to each 200sqm of floor area available to the public if the floor area available to the public exceeds 400sqm.	4 employee spaces and 2 visitor spaces
<b>Overall development (increases the floor area by 199.7sqm)</b>			
Restaurant	623sqm (379.5sqm available to the public)	1 employee space to each 100sqm of leasable floor area, and 2 visitor spaces plus 1 visitor space to each 200sqm of floor area available to the public if the floor area available to the public exceeds 400sqm.	6 employee spaces and 2 visitor spaces
<b>Additional Bicycle requirements (No. of spaces) of the amendment</b>			2

45. As two bicycle facilities are proposed under the amendment, the requirements of the Scheme associated with the amendment are met, pursuant to Clause 52.34-2 of the Scheme. The spaces are not specifically allocated to staff or visitors; however, the proposed location within the front entry would make them easily accessible to either.

*Clause 52.27 Licensed Premises*

46. Pursuant to Clause 52.27 of the Scheme, a planning permit is required to use land to sell or consume liquor if a licence is required under the *Liquor Control Reform Act 1998* and to increase the area that liquor is allowed to be consumed or supplied under a licence. As this amendment proposes to extend the 'red line' to the basement to allow for the sale and consumption of liquor in this area, a planning permit is triggered.
47. The amendment does not propose to increase the hours and patron numbers associated with the sale and consumption of liquor from what is already permitted.
48. Decision Guidelines of Clause 52.27 relevantly include:
- (a) *The Municipal Planning strategy and the Planning Policy Framework.*
  - (b) *The impact of the sale and consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.*
  - (c) *The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.*

General Provisions

*Clause 65 – Decision Guidelines*

49. The decision guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant State and Local Planning Policy Frameworks, as well as the purpose of the zone, overlay or any provision.

Planning Policy Framework (PPF)

50. The following PPF provisions of the Scheme are relevant:

*Clause 11.03-1S Activity Centres*

51. The relevant objectives of this clause include:

- (a) *To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.*

*Clause 13.05-1S Noise abatement*

52. The relevant objective of this clause is:

- (a) *To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.*

*Clause 15.01-2S Building Design*

53. The relevant objective of the clause is:

- (a) *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*

*Clause 15.01-5S Neighbourhood Character*

54. The relevant objective of this clause is:

- (a) *To recognise, support and protect neighbourhood character, cultural identity and sense of place.*

*Clause 15.02-1S Energy and Resource Efficiency*

55. The objective of this clause is:

- (a) *To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises gas emissions.*

*Clause 17.02-1S Business*

56. The objective of this clause is:

- (a) *To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.*

*Clause 18.02-2S Public Transport*

57. The objective of this clause is:

- (a) *To facilitate greater use of public transport and promote increased development close to high-quality public transport routes.*

Local Planning Policy Framework (LPPF)

*Clause 21.04-2 Activity Centres*

58. The relevant objectives of this clause are:

- (a) *To increase the range of retail, personal and business services, community facilities and recreation activities, within individual centres.*
- (b) *To maintain the long term viability of activity centres.*

*Clause 21.04-3 Industry, Office and Commercial*

59. The objective of this clause is:

- (a) *To increase the number and diversity of local employment opportunities.*

*Clause 21.06 Transport*

60. The intention of the Clause is identified to be as follows:

- (a) *Yarra needs to reduce car dependence by promoting walking, cycling and public transport use as viable and preferable alternatives. This a key message of Melbourne 2030 and fundamental to the health and well-being of the community.*

*Clause 21.08-2 Neighbourhoods (Burnley, Cremorne, South Richmond)*

61. Relevant to the application, Clause 21.08-2 describes Swan Street west (where the subject site is located) as a precinct which *'incorporates the core retail area of Swan Street and includes East Richmond Station. Swan Street, unlike the other major activity centres within Yarra, has smaller pool of non-local visitors, reflecting its stronger orientation towards servicing the needs of local residents'*.

62. The Figure 8 (Built Form Character Map) identifies the subject site as a main road interface. The figure recognizes the objective of these areas is to *maintain the hard edge of the strip.*

Relevant Local Policies

*Clause 22.05 Interface Uses Policy*

63. This policy applies to applications for use or development within Commercial 1 Zones (amongst others). The objectives of this clause are to enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes and to ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.

*Clause 22.09 Licensed Premises*

64. This policy applies to applications under Clause 52.27 (Licensed Premises). The objectives of this clause are:
- (a) *To protect the amenity of nearby properties and areas by effectively managing the location, size, operation and hours of licensed premises.*
  - (b) *To encourage best practice venue design and venue operation for licensed premises.*
  - (c) *To protect residential and other commercial uses from excess noise, traffic and car parking issues.*

### **Advertising**

65. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 62 letters sent to surrounding owners and occupiers and by a sign displayed on site. Council received eight (8) objections, the grounds of which are summarised as follows:
- (a) Off-site amenity impacts associated with the sale and consumption of liquor, including noise;
  - (b) Car parking and traffic impacts;
  - (c) Overdevelopment of the site;
  - (d) Potential for future expansion to the business; and
  - (e) Construction impacts.
66. A planning consultation meeting was held on 6 August 2019 and attended by five objectors, the Applicant and Council Officers to discuss all issues and concerns raised in the letters of objection. The issue of anti-social behaviour was also discussed at the Consultation, though not specifically raised in the written objections. The Applicant did not make any commitments to make changes.

### **Referrals**

67. The referral comments are based on the decision plans, advertised in May.

#### External Referrals

68. The application was referred to the following authorities:
- (a) VicRoads (no objection to the proposal);
  - (b) Transurban (no comments received); and
  - (c) EPA (no comments received).

#### Internal Referrals

69. The application was referred to the following units within Council:
- (a) Compliance (Community Amenity)
  - (b) Engineering Services Unit
70. The referral comments have been included as attachments to this report.

## **OFFICER ASSESSMENT**

71. The primary considerations for this application are as follows:
- (a) Built form and design;
  - (b) Sale and consumption of liquor;
  - (c) Car parking; and
  - (d) Objector concerns.

#### Built form and design

72. In considering the design and built form of the proposed development, the most relevant aspects of the Scheme are provided at Clause 15 (Built Environment and Heritage), Clause 21.05 (Built Form) and Clause 22.02 (Development Guidelines for the Sites Subject to the Heritage Overlay) as well as the decision guidelines associated with the Commercial 1 Zone and Heritage Overlay.
73. Most of the heritage, urban design and built form policies of the scheme are not relevant to the amendment application due to the limited nature of the amendment works, that being confined to a basement level which is completely constructed below ground level. The proposed amendment will not be visible from or have a perceptible impact to the street interface. As such, the inclusion of the basement is accepted from a built form and heritage perspective.
74. Further, although the objections raised concerns regarding the impacts of construction on immediately abutting neighbours, this is not a planning consideration and will be dealt with at the building permit stage. A basement will have no impact on the amenity of neighbouring properties, particularly with regards to overlooking, overshadowing or visual bulk as is encouraged for non-residential development near residential properties by Clause 22.05-4.2 (Interface Uses Policy).
75. Finally, although the basement is not provided any natural daylight or cross-ventilation, this is an acceptable response when considering the commercial nature of the use and the intention to use the basement as a cellar with associated dining and for storage.
76. In consideration of the above, the amended proposal is supported from a built form and design perspective.

Sale and consumption of liquor

77. Clause 22.09 (Licensed Premises Policy) of the Scheme provides the relevant guidance in relation to off-site amenity impacts associated with the proposed sale and consumption of liquor on premises. Clause 22.09 of the Scheme is Council's local policy which guides the assessment of all new or extended licensed premises within the municipality and contains key elements that must be considered. It contains six key elements that will be considered below.

*Location and access*

78. The sale and consumption of liquor is already approved through the existing permit as it was determined that the location of the premises substantially complied with the relevant policy of Clause 22.09 and other relevant Local and State Planning Policy (including Clause 11.03-1S, 17.02 and 18.02-2R).
79. The amendment proposes to include the sale and consumption of liquor to the basement level. However, no increase to patron numbers or hours of operation is proposed and as such, the amendment will not result in an intensification of the sale and consumption of liquor or off-site amenity impacts. As such, the inclusion of the basement level would not result in a cumulative impact on the amenity of the surrounding area as is encouraged by Clause 22.09-3.

*Venue Design*

80. The relevant policies seek to ensure that the layout and design of licensed premises incorporates safe design principles, that entry and exit points and areas for queuing of patrons are located away from sensitive land uses, waste management and storage is provided on-site and noise enclosures are provided where bottle crushers are to be used.
81. The proposed basement level can only be accessed from the ground floor of the restaurant, and as such, will not impact the flow of people into or out of the building. Patron ingress and egress will remain to Swan Street, via the ground floor entry, as per the original permit. Although allowing for dining (in association with the cellar) at the basement level, the proposed amendment will not result in an increase in patrons. The basement will also allow for additional storage for the premises, without impacting the management of waste.

*Licensed hours*

82. No change from the approved hours is proposed.

*Patron numbers*

83. No change from the approved patron number is proposed.

*Noise*

84. The basement will provide dining opportunities, with the cellar also intended to be used for group bookings. However, the nature of a basement, being completely underground, negates concerns of noise as there are no proposed windows or openings facing sensitive areas. As the amendment application does not propose to increase the number of permitted patrons on the premise at any one time, the inclusion of the basement will not impact the intensity of the sale and consumption of liquor.

85. Nonetheless, the conditions of permit relating to the sale and consumption of liquor, patron numbers, operating hours and noise limits will be carried over to any amended permit to ensure the sale and consumption of liquor within the basement does not result in an unreasonable off-site amenity. These conditions include an Acoustic Report, generally in accordance with the report prepared by Cogent Acoustics and dated 2 July 2018, but modified to include (amongst other things) compliance with SEPP N-2 noise limits in the evening.

86. Concerns of antisocial behaviour were raised in the objection letters received and at the consultation meeting. It is not considered that the inclusion of the sale and consumption of liquor to the basement level will directly impact patron behaviour, particularly given no change is proposed to patron numbers or operating hours. Nonetheless, the condition of permit relating to the primary activity of the restaurant to be for the service of food will be carried over to the any amended permit. This will ensure that liquor is mostly consumed with a meal and that the use will not transform into a bar, which is traditionally associated with the higher levels of liquor consumption and the potential for anti-social behaviour. Further, an existing condition of the original permit will be carried over to any amended permit issued, requiring that the *sale of liquor for consumption on the premises must be managed so that the amenity of the area is not detrimentally affected.*

87. Further to this, Council's Compliance Team raised no objection to the amended proposal.

*Noise and Amenity Action Plan (NAAP)*

88. The policy stipulates that a NAAP is not required for a restaurant or a packaged liquor outlet and as such was not required for this application.

*Conclusion*

89. Overall, it is considered that the amendment proposal to include the sale and consumption of liquor to the proposed basement will meet the objective of Clause 22.05 (Interface Uses Policy) to *ensure that residential uses located within or near commercial centres enjoy a reasonable level of amenity.*

Car parking

90. The original permit approved a reduction of 14 car parking spaces for a restaurant. Pursuant to clause 52.06-5 of the Scheme, the proposed basement level which has a leasable floor area of 199.7sqm, generates an additional statutory car parking requirement of seven (7) spaces. As there are no car parking spaces proposed on site, a further reduction of 7 spaces is being sought through this amendment, resulting in an overall reduction of 21 car parking spaces.

91. The proposed a car parking reduction of 7 spaces is considered acceptable for the following reasons:

- (a) The site has good access to public transport, with tram route 70 available along Swan Street, tram route 78 along Church Street (within 200 metres of the subject site) and multiple train lines available from East Richmond Station which is within 300 metres of the subject site. These methods of transport provide alternatives to car use and ultimately the need for car parking near the venue.
  - (b) Given the site's location in the Swan Street MAC, and within a dense, mixed use, inner city suburb, it is likely that patrons will reside or work within walking distance of the site or already be visiting the area for multi-purpose trips.
  - (c) The nature of a licenced premises (albeit, a restaurant) implies that visitors may consume liquor and will opt not drive to the venue and rather rely on public transport, ride sharing or taxis.
  - (d) Policy within the Scheme seeks to facilitate public transport use (Clause 21.06-2 Transport and Clause 18.02-2S Public Transport).
  - (e) It is not practical to provide the additional car parking spaces on site given it has no existing vehicle cross-over and Schedule 17 to the Design and Development Overlay discourages the construction of new cross-overs to Swan Street. Moreover, the site is notably narrow and small, thus, the provision of car parking spaces is not practical.
  - (f) It would be difficult to detect any noticeable impact of on-street parking associated with the operation of the restaurant alone. Throughout the entire municipality, on-street car parking (a public asset) is shared by a multitude of different users. Moreover, no parking permits or visitor permits will be permitted to the owners, staff or visitors of the premises.
  - (g) Although the car parking rate is measured by leasable floor area (thus the increased requirement resulting from the extension), the patron numbers will not be increased from what is approved. As such, the amendment does not result in an actual increase to the car parking demand expected from the permitted use.
  - (h) Council's Engineering Services Unit support the further car parking reduction and state that it *is considered appropriate in the context of the development and the surrounding area*.
92. Based on all of the above, it is considered that the lack of on-site car parking due to the site context and the availability of public transport are sufficient to support a car parking reduction of an additional seven (7) spaces in this instance.

#### Objector Concerns

*Off-site amenity impacts associated with the sale and consumption of liquor, including noise and antisocial behaviour*

93. This concern has been discussed at paragraphs 75 - 77 of this report.

*Car parking and traffic impacts*

94. This concern has been discussed at paragraphs 78 - 80 of this report.

*Overdevelopment of the site*

95. The proposal satisfies the substantive provisions of the Zone, the Heritage Overlay and Built Form policy, thus, the proposal is not considered an overdevelopment of the site.

96. State Government Policy, as well as Council Policy supports higher density areas that are within an Activity Centre, or within areas with good access to public transport and other services, such as the subject site.

*Potential for future expansion to the business*

97. The existing permit restricts the hours, sale and consumption of liquor, use and patron numbers. Should this wish to be altered or increased in the future, this will need to form the basis of a separate amendment application which will be assessed against its merits.

98. Any breach of the conditions of this permit is an enforcement matter and will be dealt with by Council's Compliance Team.

*Construction impacts*

99. This is not a planning consideration and will be covered during the building permit stage.

Other matters

100. If an amended permit were to issue, the following is noted:

- (a) The permit preamble will not be amended.
- (b) No conditional changes to the plans would be required.
- (c) The Decision Plans prepared by YBL Remmus and dated April 2019 (TP-05, TP-06, TP-11, TP-12) will be endorsed and the previous versions of these plans be superseded.
- (d) The endorsed set will become TP05 – TP12 (dated April 2019).
- (e) An amended Landscape Plan (LA01) prepared by Thai Tongue and dated October 2018 was submitted with the amendment application to reflect the inclusion of the basement. As such, this amended plan will be endorsed to form part of the permit. Condition 17 will be amended to reflect this change, so that the sectional diagrams within the report correspond with the endorsed plans.
- (f) The expiry conditions incorrectly omitted the following:
  - (i) *the sale and consumption of liquor is discontinued for a period of two years.*This is a requirement of Section 68(1)(b) of the *Planning and Environment Act 1987* and as such, the condition will be included on any amended permit issued.

**Conclusion**

101. Based on the report, the proposal is considered to generally comply with the relevant policies of the Yarra Planning Scheme and is recommended for approval with the original permit conditions carried over and no new conditions included.

**RECOMMENDATION**

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Amend a Planning Permit PLN17/1016 which approved *full demolition of the existing building and construction of a multi-storey building with roof terraces, display of an internally-illuminated sign, use of the land for sale and consumption of liquor (Restaurant and Café Licence) and reduction in car parking and bicycle parking requirements associated with a restaurant (as-of-right use)*, at 221 Swan Street, Richmond, with no change to the permit preamble but with amendments to permit conditions.

**Conditions (amended and new conditions in bold):**

Amended Plans

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans (prepared by YBL Remmus, Job No. 17062, Drawing Nos. TP-05 to TP-12 and TP-21, Rev. No. C, received by Council on 10 July 2018) but modified to show the following:
  - (a) Details depicted on the sketch plans prepared by YBL Remmus received by Council on 12 October 2018, as follows:

- (i) A vent and duct system running from the void (located adjacent to the boundary window of the western adjoining property) to the Swan Street façade;
    - (ii) Two canopy trees and planters on the second floor, lower level and upper level roof terraces.
  - (b) Clear transparent glazing to the ground floor front façade.
  - (c) The solar PV array on the roof plan in accordance with the commitments in the Sustainable Management Plan (referenced at condition 15 of this planning permit).
  - (d) The notation "*bins to be placed here for Council pick up*" deleted from the ground floor plan.
  - (e) The height of the acoustic barriers to the mechanical plant.
  - (f) The installation of one bicycle hoop on the footpath in accordance with condition 21 and deletion of all plan notations referencing 6 bicycle hoops.
  - (g) All buildings, works and licensed area within the title boundaries of the subject site; and
  - (h) The provision of at least 2 on-site bicycle spaces for staff.
2. The development and sale and consumption of liquor as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
  3. The development and sale and consumption of liquor as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

#### Restaurant and Café Liquor Licence

4. The sale and consumption of liquor on the premises must only occur between the hours of 11:00am and 11:00pm, seven days a week.
5. No more than 192 restaurant patrons are permitted on the land at any time liquor is being sold or consumed, and further restricted as follows:
  - (a) From 10pm to 11pm, patron numbers within the lower level roof terrace reduced from 48 to 22.
6. No patrons are permitted within the upper level roof terrace beyond 10:00pm on any night, as per the commitment reference in the correspondence from Metropool Planning Solutions dated 4 July 2018.
7. The predominant activity in the restaurant, at all times, must be the preparation and serving of meals for consumption by patrons on the premises, during the times that liquor is allowed to be sold and consumed under this permit.
8. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons / customers to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
9. Deliveries associated with liquor may only occur between 8:00am and 4:00pm, unless with the prior written consent of the Responsible Authority.

#### Acoustic Report

10. Before the use and development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit.

The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Cogent Acoustics and dated 02 July 2018, but modified to include (or show, or address) the following:

- (a) The evening period SEPP N-1 noise limits (used for the mechanical services noise assessment and patron noise assessment) revert to the zoning levels (based on neutral background levels), making the evening targets 2dBA lower than currently shown in the report.
  - (b) The operator to undertake a full acoustical review of the mechanical plant (by an acoustic consultant) to ensure the final selected equipment and acoustic treatments will be sufficient to ensure SEPP N-1 compliance.
  - (c) The lowest 15 minute background level collected for the day/evening period be used for setting the day/evening period SEPP N-2 noise limits.
  - (d) The provision of electronic noise limiters/compressors on the amplifiers/speakers within the indoor and outdoor dining areas of the venue with setup guided by an acoustic consultant prior to operations commencing.
  - (e) The music levels to have minimal bass content during the SEPP N-2 Night period.
  - (f) The ventilation duct system running along the void (located adjacent to the boundary window of the western adjoining property) to the Swan Street frontage in accordance with the architectural drawings.
  - (g) The setbacks of the mechanical plant acoustic barriers from the boundaries in accordance with the architectural drawings.
11. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
  12. The provision of music and entertainment on the land must be at a background noise level.
  13. The sound system on the premises must not consist of bass speakers.

#### Waste Management Plan

14. Before the use and development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 10 January 2018, but modified to include the following:
  - (a) The collection times for the bins rather than saying outside of peak hours.
  - (b) How the private collection contractor will avoid double parking in Swan Street during collection.
  - (c) How the private collection contractor will avoid causing delays to trams operating along Swan Street during collection.
15. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Sustainable Management Plan

16. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan (prepared by Sustainable Development Consultants, dated December 2017) must be implemented and complied with at all times to the satisfaction of the Responsible Authority.

17. Before the building is occupied, a completed JV3 energy modelling report must be prepared by a suitably qualified person and submitted to the Responsible Authority demonstrating that the 10% energy efficiency target committed to in endorsed Sustainable Management Plan will be reached.

#### Landscaping Plan Required

18. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
  - (a) be in accordance with the draft landscape plan prepared by TT Design, dated 01/10/2018 showing two trees and planters on the second floor and lower level and upper level roof terraces, including details of species, size, irrigation method and plant spacing; **and**
  - (b) show the basement level in sectional diagrams.**
19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
  - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) replacing any dead, diseased, dying or damaged plants,to the satisfaction of the Responsible Authority.

#### Arborist Report

20. Before the development commences, an amended Arborist Report prepared by a suitably qualified Arborist must be submitted to and approved by the Responsible Authority. When approved the Arborist Report will be endorsed and will form part of this permit. The Arborist Report must:
  - (a) be in accordance with the draft arborist report prepared by Bluegum, dated 13 February 2018 & 11 October 2018, identifying Trees 6 and 7 consistently throughout the report and showing additional tree protection measures for Tree 7.

#### Street Trees

21. Before the development starts, the permit holder must provide an Asset Protection Bond of \$2,193.45 (or an amount as agreed with Council's Streetscapes and Natural Values Unit) for the street tree to the Responsible Authority. The bond:
  - (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
  - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
  - (c) in accordance with the requirements of this permit; or
  - (d) otherwise, to the satisfaction of the Responsible Authority.

#### Bicycle hoop provision

22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, one (1) bicycle hoop must be installed:
- (a) on the footpath, aligned with the awning post of the western adjoining property, between the awning post and the existing parking sign pole;
  - (b) at the permit holder's cost and all costs borne by the permit holder; and
  - (c) in a location and manner, all to the satisfaction of the Responsible Authority.

### Sign

23. The location and details of the sign as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
24. The sign must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
25. The sign must not include any flashing or intermittent light.

### Construction Management Required

26. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) works necessary to protect road and other infrastructure;
  - (c) remediation of any damage to road and other infrastructure;
  - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
  - (e) facilities for vehicle washing, which must be located on the land;
  - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) site security;
  - (h) management of any environmental hazards including, but not limited to,:
    - (i) contaminated soil;
    - (ii) materials and waste;
    - (iii) dust;
    - (iv) stormwater contamination from run-off and wash-waters;
    - (v) sediment from the land on roads;
    - (vi) washing of concrete trucks and other vehicles and machinery; and
    - (vii) spillage from refuelling cranes and other vehicles and machinery;
  - (i) the construction program;
  - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (k) parking facilities for construction workers;
  - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
  - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;

- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;

If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.

- 27. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### General

- 28. The sale and consumption of liquor must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 29. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
- 30. Emptying of bottles and cans (associated with liquor) into bins may only occur between 7:00am and 10:00pm on any day.
- 31. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 32. The sale of liquor for consumption on the premises must be managed so that the amenity of the area is not detrimentally affected including through:
  - (a) The transport of materials, goods or commodities to or from land;
  - (b) The appearance of any buildings, works or materials; and
  - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or the presence of vermin.
- 33. Within two months of the completion of development, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
- 34. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
  - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

### Permit Expiry

- 35. This permit will expire if:
  - (a) the development is not commenced within two years of the date of this permit;
  - (b) the development is not completed within four years of the date of this permit; or

- (c) the sale and consumption of liquor is not commenced within five years of the date of this permit; or
- (d) the sale and consumption of liquor is discontinued for a period of two years.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards for commencement.

36. The signage approved under this permit expires 15 years from the date of the permit.

**NOTES:**

A building permit may be required before development is commenced. Please contact Council's Building Department on 9205 5585 to confirm.

The site is subject to a Heritage Overlay. A planning permit may be required for any external works or advertising signage.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

All future business owners and employees within the development approved under this permit will not be permitted to obtain employee or visitor parking permits.

**CONTACT OFFICER:** Jessica Sutherland  
**TITLE:** Statutory Planner  
**TEL:** 9205 5365

**Attachments**

- 1 PLN17/1016.01 221 Swan Street Richmond - Site Map
- 2 PLN17/1016.01 221 Swan Street Richmond - Decision Plans
- 3 PLN17/1016.01 221 Swan Street Richmond - Applicant Traffic Assessment
- 4 PLN17/1016.01 221 Swan Street Richmond - Permit
- 5 PLN17/1016.01 221 Swan Street Richmond - Endorsed Plans
- 6 PLN17/1016.01 221 Swan Street Richmond - Referral Comments

**Attachment 1 - PLN17/1016.01 221 Swan Street Richmond - Site Map**

**SUBJECT LAND: 221 Swan Street, Richmond**



↑ North

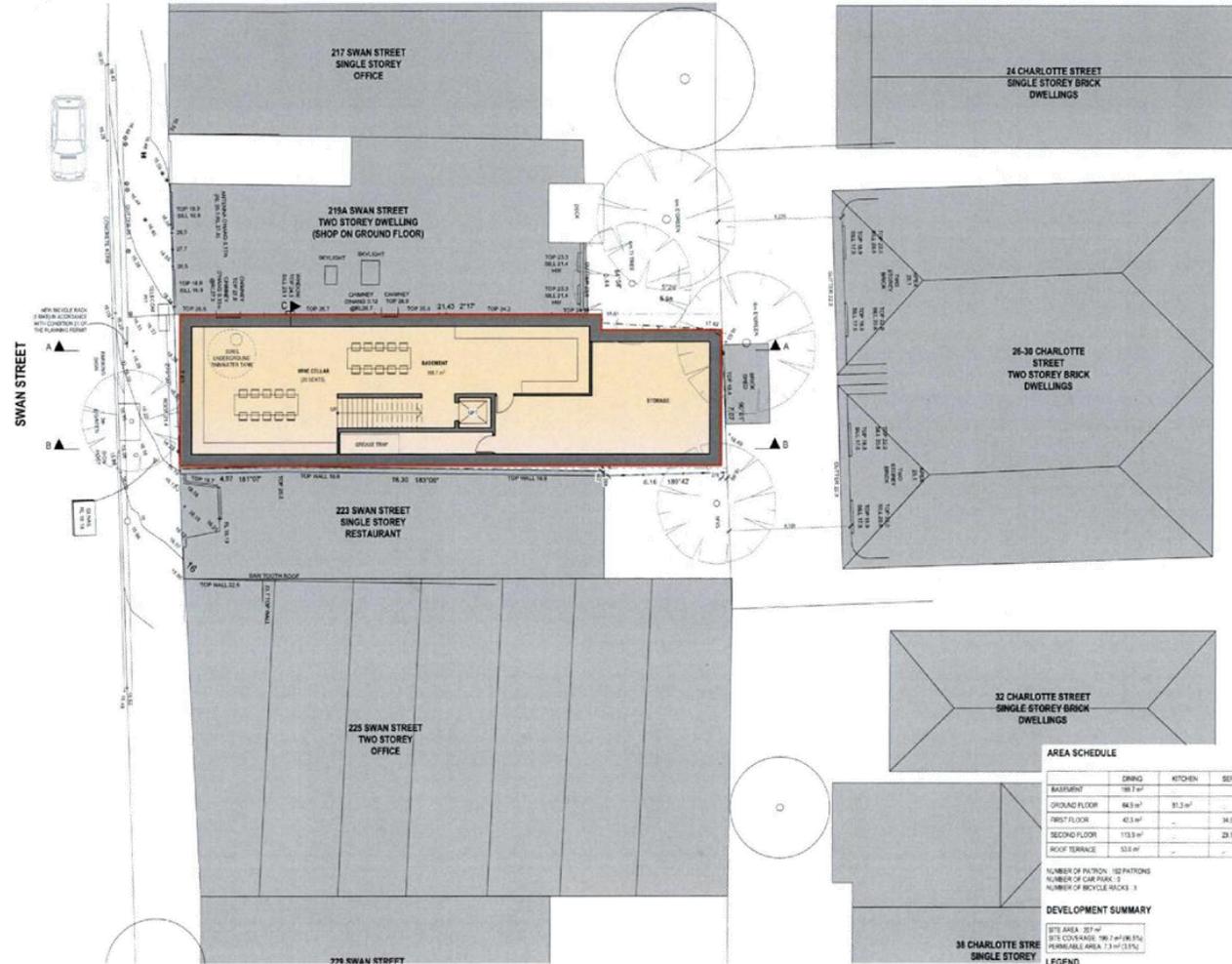
★ Subject Site

Attachment 2 - PLN17/1016.01 221 Swan Street Richmond - Decision Plans

**NOTE 1**  
THE CANOPY AND WALLS / NOISE BARRIER SHOULD BE CONSTRUCTED TO ACHIEVE A MINIMUM SOUND TRANSMISSION LOSS RATING OF R<sub>w</sub> 30. ACOUSTICALLY ACCEPTABLE MATERIAL FOR CONSTRUCTION INCLUDE 1.6mm THICK STEEL, 9mm THICK FIBRE CEMENT SHEET, MINIMUM 10mm THICK POLYCARBONATE, MINIMUM 6mm THICK GLASS OR OTHER MATERIAL WITH A MINIMUM MASS OF 12KG/M<sup>2</sup>.

**NOTE 2**  
THE DUCT SHOULD BE OF RIGID CONSTRUCTION (E.G. GALVANISED STEEL DUCTING).  
THE DUCT SHOULD BE INTERNALLY LINED WITH MINIMUM 50mm THICK 32KG/M<sup>2</sup> ACOUSTIC INSULATION TO MINIMISE POTENTIAL TRAFFIC NOISE INGRESS.  
THE NATURAL VENTILATION DUCT SHOULD BE NO LESS THAN 3 METRES IN LENGTH AND SHOULD ONLY BE MOUNTED TO THE BUILDING STRUCTURE VIA RESILIENT HANGERS OR OTHER FLEXIBLE CONNECTION TYPE.

**NOTE 3**  
- BLUE LINE DENOTES TITLE BOUNDARY AS PER ORIGINAL CERTIFICATE OF TITLE  
- ORANGE LINE DENOTES TITLE BOUNDARY AS PER LAND SURVEYOR DRAWINGS



**AREA SCHEDULE**

	DWING	KITCHEN	SERVICES
BASEMENT	189.72M <sup>2</sup>		
GROUND FLOOR	84.9M <sup>2</sup>	93.5M <sup>2</sup>	
FIRST FLOOR	42.3M <sup>2</sup>		38.0M <sup>2</sup>
SECOND FLOOR	112.9M <sup>2</sup>		22.1M <sup>2</sup>
ROOF TERRACE	52.8M <sup>2</sup>		

NUMBER OF PATRONS: 122 PATRONS  
NUMBER OF CAR SPACES: 3  
NUMBER OF BICYCLE RACKS: 3

**DEVELOPMENT SUMMARY**

SITE AREA: 287 M<sup>2</sup>  
SITE COVERAGE: 196.7 M<sup>2</sup> (68.5%)  
DEVELOPABLE AREA: 7.3 M<sup>2</sup> (2.5%)

**LEGEND**

— LIGHT POLLUCENCE AREA

PROPOSED BASEMENT PLAN

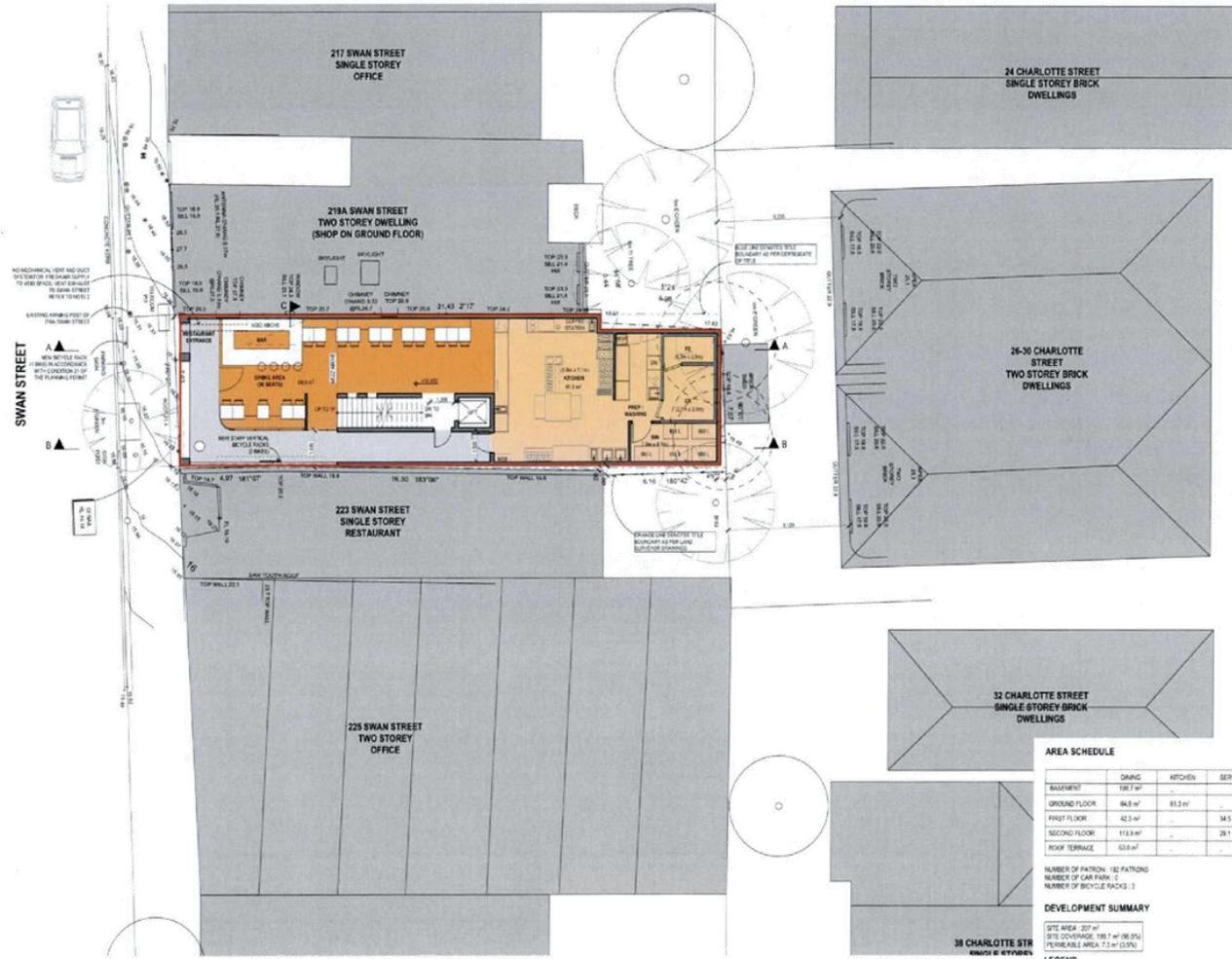
<p><b>YBL REMMUS</b> 148-163/111 181 A: 29374-291 Upper Street (Strawfield East) 3007 T: 015038 28931 + 015038 2891 E: yblremmus@yblremmus.com.au</p>	<p>PROJECT PROPOSED COMMERCIAL BUILDING 221 SWAN STREET RICHMOND VIC 3121</p> <p>CLIENT</p>		<p>3. 02/19/19 ACQUISITION ENGINEER'S RECOMMENDATION Y</p> <p>4. 02/19/19 IDENTIFICATION OF STATE TITLE BOUNDARY ADDED Y</p> <p>5. 02/19/19 ENVIRONMENTAL ASSESSMENT Y</p> <p>6. 02/19/19 INSULATION RECOMMENDATION ADDED Y</p> <p>7. 02/19/19 DRAWING REVISED TO MATCH TITLE BOUNDARY Y</p> <p>8. 02/19/19 BASEMENT PLAN ADDED Y</p>	<p>DRAWING PROPOSED BASEMENT</p>	<p>SCALE 1:100(A) : 1:200(B)</p>	<p>DATE APRIL 2019</p>
					<p>PROJECT STATUS PA</p>	<p>JOB NO. 17062</p>
<p>TOWN PLANNING</p>				<p>TP-05</p>		

Attachment 2 - PLN17/1016.01 221 Swan Street Richmond - Decision Plans

**NOTE 1**  
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**NOTE 2**  
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THE DUCT SHOULD BE INTERNALLY LINED WITH MINIMUM 50mm THICK 32KG/M<sup>2</sup> ACOUSTIC INSULATION TO MINIMISE POTENTIAL TRAFFIC NOISE INGRESS.  
THE NATURAL VENTILATION DUCT SHOULD BE NO LESS THAN 3 METRES IN LENGTH AND SHOULD ONLY BE MOUNTED TO THE BUILDING STRUCTURE VIA RESILIENT HANGERS OR OTHER FLEXIBLE CONNECTION TYPE.

**NOTE 3**  
- BLUE LINE DENOTES TITLE BOUNDARY AS PER ORIGINAL CERTIFICATE OF TITLE  
- ORANGE LINE DENOTES TITLE BOUNDARY AS PER LAND SURVEYOR DRAWINGS



**AREA SCHEDULE**

	DWING	KITCHEN	SERVICES
BASEMENT	108.1 m <sup>2</sup>	-	-
GROUND FLOOR	86.0 m <sup>2</sup>	81.3 m <sup>2</sup>	-
FIRST FLOOR	42.3 m <sup>2</sup>	-	34.5 m <sup>2</sup>
SECOND FLOOR	113.9 m <sup>2</sup>	-	28.1 m <sup>2</sup>
ROOF TERRACE	63.8 m <sup>2</sup>	-	-

NUMBER OF PATRONS: 162 PATRONS  
NUMBER OF CAR PARK: 2  
NUMBER OF BICYCLE RACKS: 3

**DEVELOPMENT SUMMARY**

SITE AREA: 327 m<sup>2</sup>  
SITE COVERAGE: 198.7 m<sup>2</sup> (60.7%)  
PERMEABLE AREA: 7.3 m<sup>2</sup> (2.2%)

**LEGEND**

LIQUOR LICENCE AREA

PROPOSED GROUND FLOOR PLAN

**YBL REMMUS**  
ARCHITECTS  
A 20/21-21/11 Upper Street Brunswick East 30507  
T + 613 9558 2897 F + 613 9558 2800  
E yblremmus@yblremmus.com.au

PROPOSED COMMERCIAL BUILDING  
221 SWAN STREET  
RICHMOND VIC 3121

CLIENT

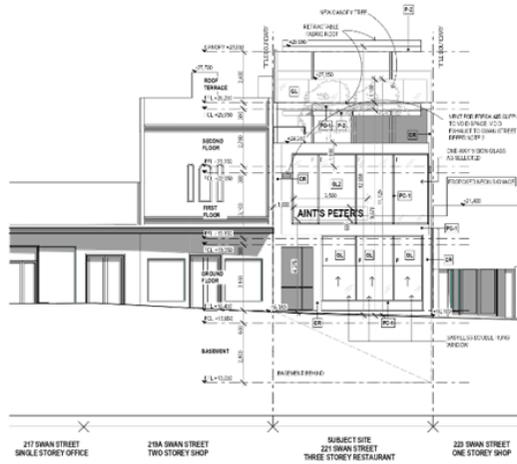


REV	NO	DATE	AMENDMENTS/ISSUE	BY	CHECKED
1	1	17/09/2019	ISSUE FOR APPROVAL	YBL	YBL

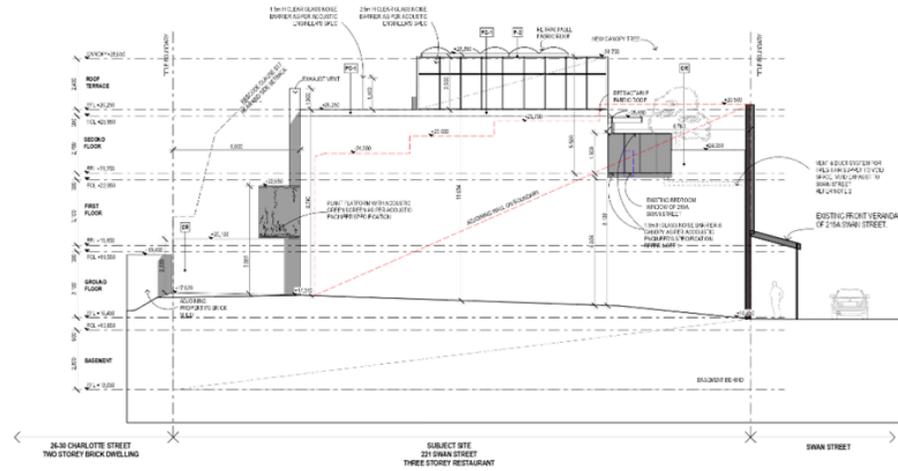
PROPOSED GROUND FLOOR PLAN

SCALE	SITE
1:1000 (A1 - 1:2000 (A2))	APRIL 2019
DATE	JOB NO.
17/09/2019	17062
PROJECT STATUS	APPROVAL NO.
TOWN PLANNING	TP-06
	I

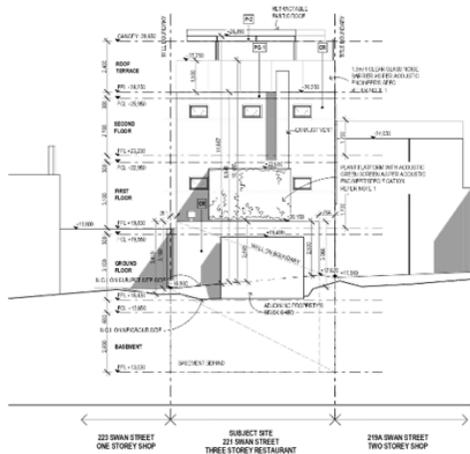
Attachment 2 - PLN17/1016.01 221 Swan Street Richmond - Decision Plans



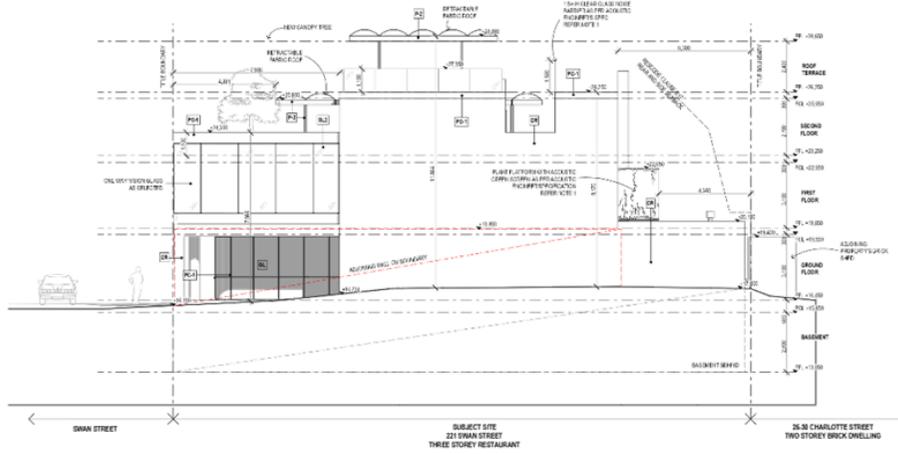
PROPOSED SOUTH ELEVATION



PROPOSED WEST ELEVATION



PROPOSED NORTH ELEVATION



PROPOSED EAST ELEVATION

**FINISHES LEGEND**

BUILDINGS (RETRATE & FINISH)	
1	CLOUR (WHERE APPLICABLE)
PC1	NATURAL CONCRETE FINISH
PC2	CLEAR GLASS
PC3	ONE-WAY VISION GLASS
PC4	POWDER COATED PAINT FINISH
PC5	PAINT FINISH
1. COLOUR 1 - MONUMENT	
2. COLOUR 2 - WHITE	

**NOTE 1**  
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**NOTE 2**  
THE DUCT SHOULD BE OF RIGID CONSTRUCTION (E.G. GALVANISED STEEL DUCTING).  
THE DUCT SHOULD BE INTERNALLY LINED WITH MINIMUM 50mm THICK, 32KG/M<sup>2</sup> ACOUSTIC INSULATION TO MINIMISE POTENTIAL TRAFFIC NOISE INGRESS.

THE NATURAL VENTILATION DUCT SHOULD BE NO LESS THAN 3 METRES IN LENGTH AND SHOULD ONLY BE MOUNTED TO THE BUILDING STRUCTURE VIA RESILIENT HANGERS OR OTHER FLEXIBLE CONNECTION TYPE.



**YBL REMMUS**  
480 WILSON STREET  
RICHMOND VIC 3121  
T: 03 9439 2000 F: 03 958 2000  
E: remmus@yblremmus.com.au

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PROJECT	PROPOSED COMMERCIAL BUILDING 221 SWAN STREET RICHMOND VIC 3121
CLIENT	

NO.	010016	ACOUSTIC REQUIREMENTS FOR CONSTRUCTION	VT
E.	020116	GENERAL NOTE OF 'RULES' TO BE OBSERVED	VT
A.	030016	ROOFING REQUIREMENTS	VT
G.	040016	ENVIRONMENTAL REQUIREMENTS	VT
H.	050016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
I.	060016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
J.	070016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
K.	080016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
L.	090016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
M.	100016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
N.	110016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
O.	120016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
P.	130016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
Q.	140016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
R.	150016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
S.	160016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
T.	170016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
U.	180016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
V.	190016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
W.	200016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
X.	210016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
Y.	220016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
Z.	230016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
AA.	240016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
AB.	250016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
AC.	260016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
AD.	270016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
AE.	280016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
AF.	290016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
AG.	300016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
AH.	310016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
AI.	320016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
AJ.	330016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
AK.	340016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
AL.	350016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
AM.	360016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
AN.	370016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
AO.	380016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
AP.	390016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
AQ.	400016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
AR.	410016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
AS.	420016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
AT.	430016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
AU.	440016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
AV.	450016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
AW.	460016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
AX.	470016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
AY.	480016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
AZ.	490016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
BA.	500016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
BB.	510016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
BC.	520016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
BD.	530016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
BE.	540016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
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BG.	560016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
BH.	570016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
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BJ.	590016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
BK.	600016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
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CA.	990016	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT
CB.	000017	ENVIRONMENTAL REQUIREMENTS FOR TOTAL JOINTS	VT

REV	DATE	BY
1	11/09/2019	1288846
DATE	ISSUED	DATE
11/09/2019	PA	17/06/2019
PROJECT STATUS	CONTRACT NO.	REV NO.
TOWN PLANNING		
TP-11		





**Attachment 2 - PLN17/1016.01 221 Swan Street Richmond - Decision Plans**

# Metropol

Advisory — Advocacy — Approval

metropolplanning.com.au

**Metropol Ref. 0789**

17 May 2019

Jessica Sutherland  
Senior Statutory Planner  
Yarra City Council  
333 Bridge Road  
Richmond VIC 3124

**By courier**

Dear Jessica,

**Planning Permit PLN17/1016.01 - Construction of a building in the Commercial 1 Zone, demolish and construct a building within the Heritage Overlay, the erection and display of an internally illuminated business identification sign, the sale and consumption of liquor and reduction of the car parking and bicycle requirements associated with a restaurant – 221 Swan Street, Richmond**

We write in response to your email correspondence dated 16 May 2019 regarding the abovementioned application (to amend a planning permit).

Amended elevation and sectional architectural drawings (TP-11 & TP-12) have been prepared by the project architects, YBL Remmus Architecture, to depict the basement level including a notation of the overall depth of the basement below natural ground level.

An amended landscape plan prepared by Thai Tongue has also been prepared to include a notation to the basement level.

We also write to provide a brief statement in regards to the car parking requirements. The subject site is within the Principal Public Transport Network Area, and thus Column B rates apply under Clause 52.06-5. The nominated Column B rate for a Restaurant use is 3.5 spaces to each 100m<sup>2</sup> of leasable floor area.

With the addition of the basement adding 199.7m<sup>2</sup> of leasable floor area to the Restaurant, this increases the car parking requirements from 14 spaces to 21 spaces (given that the total leasable floor area increases from 419m<sup>2</sup> to 618.7m<sup>2</sup>), which constitutes a car parking reduction of an additional seven spaces from what was approved under the planning permit.

A Parking Assessment prepared by BVY Traffic Survey was submitted to Council on 24 July 2018, to support the application for the planning permit. The Parking Assessment concluded that there was sufficient car parking in the area to accommodate the proposed use. We submit that the addition of the basement to the proposed development will not impact car parking and traffic in the local area given that there is no change to the patron cap or intensity of the activity of the approved use arising from the introduction of the basement. The existing permit (Condition 4) places a patron cap of 192 patrons, and we do not seek to increase this limit.

Please find enclosed 3xA1 sets (1:00 scale) and 1xA3 set of architectural and landscape plans prepared by YBL Remmus Architecture and Thai Tongue respectively.

---

	COLLINGWOOD	CAMBERWELL	
Metropol Planning Solutions Pty Ltd	8 Gold Street, Collingwood	Second floor,	T 03 9882 3900
info@metropolplanning.com.au	PO Box 6081 Collingwood North VIC 3066	555 Riversdale Road, Camberwell	ABN 26 546 482 534

**Attachment 2 - PLN17/1016.01 221 Swan Street Richmond - Decision Plans**

# Metropol

Should you have any queries regarding this matter please do not hesitate to contact us on 9882 3900 or via email: [info@metropolplanning.com.au](mailto:info@metropolplanning.com.au).

Yours sincerely,



Michael Dunn

Director

**Enc:** Amended architectural plans prepared by YBL Remmus Architecture (Rev I)

- TP-11 - Elevations
- TP-12 - Sections

Landscape plan prepared by Thai Tongue

**cc:** File

Attachment 3 - PLN17/1016.01 221 Swan Street Richmond - Applicant Traffic Assessment

# Metropol

Advisory — Advocacy — Approval

metropolplanning.com.au

Metropol Ref. 0789  
17 May 2019

Jessica Sutherland  
Senior Statutory Planner  
Yarra City Council  
333 Bridge Road  
Richmond VIC 3124

By courier

Dear Jessica,

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With the addition of the basement adding 199.7m<sup>2</sup> of leasable floor area to the Restaurant, this increases the car parking requirements from 14 spaces to 21 spaces (given that the total leasable floor area increases from 419m<sup>2</sup> to 618.7m<sup>2</sup>), which constitutes a car parking reduction of an additional seven spaces from what was approved under the planning permit.

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Please find enclosed 3xA1 sets (1:00 scale) and 1xA3 set of architectural and landscape plans prepared by YBL Remmus Architecture and Thai Tongue respectively.

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17 MAY 2019

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Metropol Planning Solutions Pty Ltd  
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ABN 26 546 482 534

**Attachment 3 - PLN17/1016.01 221 Swan Street Richmond - Applicant Traffic Assessment**

# Metropol

Should you have any queries regarding this matter please do not hesitate to contact us on 9882 3900 or via email: [info@metropolplanning.com.au](mailto:info@metropolplanning.com.au).

Yours sincerely,



Michael Dunn

Director

**Enc:** Amended architectural plans prepared by YBL Remmus Architecture (Rev I)  
• TP-11 - Elevations  
• TP-12 - Sections  
Landscape plan prepared by Thai Tongue

**cc:** File

## Attachment 4 - PLN17/1016.01 221 Swan Street Richmond - Permit

Helping you understand your planning needs



## PLANNING PERMIT

**Permit No:** PLN17/1016

**Planning Scheme:** Yarra

**Responsible Authority:** City Of Yarra

**ADDRESS OF THE LAND:**

221 Swan St Richmond VIC 3121

**THE PERMIT ALLOWS:**

**Full demolition of the existing building and construction of a multi-storey building with roof terraces, display of an internally-illuminated sign, use of the land for sale and consumption of liquor (Restaurant and Café Licence) and reduction in car parking and bicycle parking requirements associated with a restaurant (as-of-right use)**

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

**Amended Plans**

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans (prepared by YBL Remmus, Job No. 17062, Drawing Nos. TP-05 to TP-12 and TP-21, Rev. No. C, received by Council on 10 July 2018) but modified to show the following:
  - (a) Details depicted on the sketch plans prepared by YBL Remmus received by Council on 12 October 2018, as follows:
    - (i) A vent and duct system running from the void (located adjacent to the boundary window of the western adjoining property) to the Swan Street façade;
    - (ii) Two canopy trees and planters on the second floor, lower level and upper level roof terraces.
  - (b) Clear transparent glazing to the ground floor front façade.
  - (c) The solar PV array on the roof plan in accordance with the commitments in the Sustainable Management Plan (referenced at condition 15 of this planning permit).
  - (d) The notation "*bins to be placed here for Council pick up*" deleted from the ground floor plan.
  - (e) The height of the acoustic barriers to the mechanical plant.

Sarah Griffiths  
Signature for the Responsible Authority

**Date:** 11 January 2019

Planning and Environment Regulations 2015 No. 33/2015 Form 4 Sections 63, 64 64A and 86

Page 1 of 7

For more information call 9205 5555 or visit [www.yarracity.vic.gov.au](http://www.yarracity.vic.gov.au)

**Attachment 4 - PLN17/1016.01 221 Swan Street Richmond - Permit**

- (f) The installation of one bicycle hoop on the footpath in accordance with condition 21 and deletion of all plan notations referencing 6 bicycle hoops.
  - (g) All buildings, works and licensed area within the title boundaries of the subject site; and
  - (h) The provision of at least 2 on-site bicycle spaces for staff.
2. The development and sale and consumption of liquor as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

**Restaurant and Café Liquor Licence**

3. The sale and consumption of liquor on the premises must only occur between the hours of 11:00am and 11:00pm, seven days a week.
4. No more than 192 restaurant patrons are permitted on the land at any time liquor is being sold or consumed, and further restricted as follows:
- (a) From 10pm to 11pm, patron numbers within the lower level roof terrace reduced from 48 to 22.
5. No patrons are permitted within the upper level roof terrace beyond 10:00pm on any night, as per the commitment reference in the correspondence from Metropol Planning Solutions dated 4 July 2018.
6. The predominant activity in the restaurant, at all times, must be the preparation and serving of meals for consumption by patrons on the premises, during the times that liquor is allowed to be sold and consumed under this permit.
7. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons / customers to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
8. Deliveries associated with liquor may only occur between 8:00am and 4:00pm, unless with the prior written consent of the Responsible Authority.

**Acoustic Report**

9. Before the use and development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Cogent Acoustics and dated 02 July 2018, but modified to include (or show, or address) the following:
- (a) The evening period SEPP N-1 noise limits (used for the mechanical services noise assessment and patron noise assessment) revert to the zoning levels (based on neutral background levels), making the evening targets 2dBA lower than currently shown in the report.
  - (b) The operator to undertake a full acoustical review of the mechanical plant (by an acoustic consultant) to ensure the final selected equipment and acoustic treatments will be sufficient to ensure SEPP N-1 compliance.
  - (c) The lowest 15 minute background level collected for the day/evening period be used for setting the day/evening period SEPP N-2 noise limits.

**Date: 11 January 2019**

  
\_\_\_\_\_  
Sarah Griffiths  
Signature for the Responsible Authority

**Attachment 4 - PLN17/1016.01 221 Swan Street Richmond - Permit**

- (d) The provision of electronic noise limiters/compressors on the amplifiers/speakers within the indoor and outdoor dining areas of the venue with setup guided by an acoustic consultant prior to operations commencing.
  - (e) The music levels to have minimal bass content during the SEPP N-2 Night period.
  - (f) The ventilation duct system running along the void (located adjacent to the boundary window of the western adjoining property) to the Swan Street frontage in accordance with the architectural drawings.
  - (g) The setbacks of the mechanical plant acoustic barriers from the boundaries in accordance with the architectural drawings.
10. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
11. The provision of music and entertainment on the land must be at a background noise level.
12. The sound system on the premises must not consist of bass speakers.

**Waste Management Plan**

13. Before the use and development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 10 January 2018, but modified to include the following:
- (a) The collection times for the bins rather than saying outside of peak hours.
  - (b) How the private collection contractor will avoid double parking in Swan Street during collection.
  - (c) How the private collection contractor will avoid causing delays to trams operating along Swan Street during collection.
  - (d) An organic waste collection or a composting system.
14. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

**Sustainable Management Plan**

15. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan (prepared by Sustainable Development Consultants, dated December 2017) must be implemented and complied with at all times to the satisfaction of the Responsible Authority.
16. Before the building is occupied, a completed JV3 energy modelling report must be prepared by a suitably qualified person and submitted to the Responsible Authority demonstrating that the 10% energy efficiency target committed to in endorsed Sustainable Management Plan will be reached.

**Date: 11 January 2019**

  
\_\_\_\_\_  
Sarah Griffiths  
Signature for the Responsible Authority

**Attachment 4 - PLN17/1016.01 221 Swan Street Richmond - Permit**

**Landscaping Plan Required**

17. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
- (a) be in accordance with the draft landscape plan prepared by TT Design, dated 01/10/2018 showing two trees and planters on the second floor and lower level and upper level roof terraces, including details of species, size, irrigation method and plant spacing.
18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) replacing any dead, diseased, dying or damaged plants,
- to the satisfaction of the Responsible Authority.

**Arborist Report**

19. Before the development commences, an amended Arborist Report prepared by a suitably qualified Arborist must be submitted to and approved by the Responsible Authority. When approved the Arborist Report will be endorsed and will form part of this permit. The Arborist Report must:
- (a) be in accordance with the draft arborist report prepared by Bluegum, dated 13 February 2018 & 11 October 2018, identifying Trees 6 and 7 consistently throughout the report and showing additional tree protection measures for Tree 7.

**Street Trees**

20. Before the development starts, the permit holder must provide an Asset Protection Bond of \$2,193.45 (or an amount as agreed with Council's Streetscapes and Natural Values Unit) for the street tree to the Responsible Authority. The bond:
- (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
  - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
  - (c) in accordance with the requirements of this permit; or
  - (d) otherwise, to the satisfaction of the Responsible Authority.

**Date: 11 January 2019**

  
 \_\_\_\_\_  
 Sarah Griffiths  
 Signature for the Responsible Authority

**Attachment 4 - PLN17/1016.01 221 Swan Street Richmond - Permit**

**Bicycle hoop provision**

21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, one (1) bicycle hoop must be installed:
- (a) on the footpath, aligned with the awning post of the western adjoining property, between the awning post and the existing parking sign pole;
  - (b) at the permit holder's cost and all costs borne by the permit holder; and
  - (c) in a location and manner, all to the satisfaction of the Responsible Authority.

**Sign**

22. The location and details of the sign as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
23. The sign must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
24. The sign must not include any flashing or intermittent light.

**Construction Management Required**

25. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) works necessary to protect road and other infrastructure;
  - (c) remediation of any damage to road and other infrastructure;
  - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
  - (e) facilities for vehicle washing, which must be located on the land;
  - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) site security;
  - (h) management of any environmental hazards including, but not limited to,;
    - (i) contaminated soil;
    - (ii) materials and waste;
    - (iii) dust;
    - (iv) stormwater contamination from run-off and wash-waters;
    - (v) sediment from the land on roads;
    - (vi) washing of concrete trucks and other vehicles and machinery; and
    - (vii) spillage from refuelling cranes and other vehicles and machinery;
  - (i) the construction program;
  - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (k) parking facilities for construction workers;
  - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;

**Date: 11 January 2019**

  
 \_\_\_\_\_  
 Sarah Griffiths  
 Signature for the Responsible Authority

**Attachment 4 - PLN17/1016.01 221 Swan Street Richmond - Permit**

- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;

If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.

26. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

**General**

27. The sale and consumption of liquor must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
28. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
29. Emptying of bottles and cans (associated with liquor) into bins may only occur between 7:00am and 10:00pm on any day.
30. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
31. The sale of liquor for consumption on the premises must be managed so that the amenity of the area is not detrimentally affected including through:
- (a) The transport of materials, goods or commodities to or from land;
  - (b) The appearance of any buildings, works or materials; and
  - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or the presence of vermin.
32. Within two months of the completion of development, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
33. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

**Date: 11 January 2019**

  
 Sarah Griffiths  
 Signature for the Responsible Authority

**Attachment 4 - PLN17/1016.01 221 Swan Street Richmond - Permit**

**Permit Expiry**

34. This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit;
- (b) the development is not completed within four years of the date of this permit; or
- (c) the sale and consumption of liquor is not commenced within five years of the date of this permit.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards for commencement.

35. The signage approved under this permit expires 15 years from the date of the permit.

**NOTES:**

A building permit may be required before development is commenced. Please contact Council's Building Department on 9205 5428 to confirm.

The site is subject to a Heritage Overlay. A planning permit may be required for any external works or advertising signage.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5428 for further information.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

All future business owners and employees within the development approved under this permit will not be permitted to obtain employee or visitor parking permits.

**Date: 11 January 2019**



Sarah Griffiths  
Signature for the Responsible Authority

**Attachment 4 - PLN17/1016.01 221 Swan Street Richmond - Permit**

**PLANNING PERMIT**

**IMPORTANT INFORMATION ABOUT THIS PERMIT**

**WHAT HAS BEEN DECIDED?**

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

**WHEN DOES A PERMIT BEGIN?**

A permit operates:

- from the date specified in the permit; or
- if no date is specified, from—
  - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
  - (ii) the date on which it was issued, in any other case.

**WHEN DOES A PERMIT EXPIRE?**

1. A permit for the development of land expires if—
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
  - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
  - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
  - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
  - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
  - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
  - the use or development of any stage is to be taken to have started when the plan is certified; and
  - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

**WHAT ABOUT REVIEWS?**

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

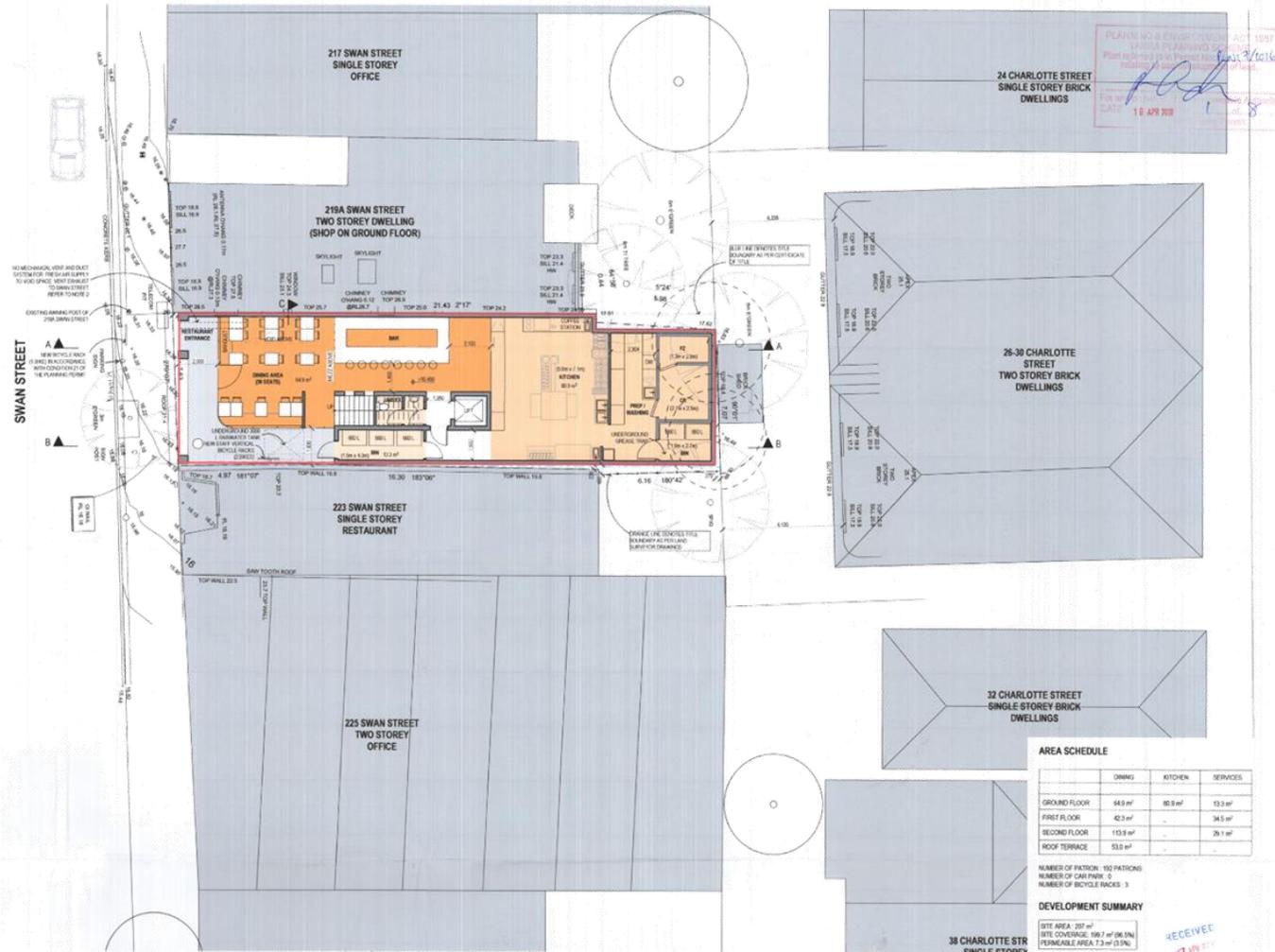
*Planning and Environment Regulations 2015 No. 33/2015 Form 4 Sections 63, 64, 64A and 86*

Attachment 5 - PLN17/1016.01 221 Swan Street Richmond - Endorsed Plans

**NOTE 1**  
 THE CANOPY AND WALLS / NOISE BARRIER SHOULD BE CONSTRUCTED TO ACHIEVE A MINIMUM SOUND TRANSMISSION LOSS RATING OF  $R_w$  30. ACOUSTICALLY ACCEPTABLE MATERIAL FOR CONSTRUCTION INCLUDE 1.6mm THICK STEEL, 9mm THICK FIBRE CEMENT SHEET, MINIMUM 15mm THICK POLYCARBONATE, MINIMUM 6mm THICK GLASS, OR OTHER MATERIAL WITH A MINIMUM MASS OF 12KG/M<sup>2</sup>.

**NOTE 2**  
 THE DUCT SHOULD BE OF RIGID CONSTRUCTION (E.G. GALVANISED STEEL DUCTING).  
 THE DUCT SHOULD BE INTERNALLY LINED WITH MINIMUM 50mm THICK, 32KG/M<sup>2</sup> ACOUSTIC INSULATION TO MINIMISE POTENTIAL TRAFFIC NOISE INGRESS.  
 THE NATURAL VENTILATION DUCT SHOULD BE NO LESS THAN 3 METRES IN LENGTH AND SHOULD ONLY BE MOUNTED TO THE BUILDING STRUCTURE VIA RESILIENT HANGERS OR OTHER FLEXIBLE CONNECTION TYPE.

**NOTE 3**  
 - BLUE LINE DENOTES TITLE BOUNDARY AS PER ORIGINAL CERTIFICATE OF TITLE  
 - ORANGE LINE DENOTES TITLE BOUNDARY AS PER LAND SURVEYOR DRAWINGS



PLAN NO. 8 ENDS (CONTRACT) 17/1016  
 TOWN PLANNING DEPARTMENT  
 RECEIVED  
 18 APR 2019

PROPOSED GROUND FLOOR PLAN

**AREA SCHEDULE**

	DRINK	KITCHEN	SERVICES
GROUND FLOOR	54.9 m <sup>2</sup>	80.8 m <sup>2</sup>	13.3 m <sup>2</sup>
FIRST FLOOR	42.3 m <sup>2</sup>	-	34.5 m <sup>2</sup>
SECOND FLOOR	113.9 m <sup>2</sup>	-	26.1 m <sup>2</sup>
ROOF TERRACE	53.9 m <sup>2</sup>	-	-

NUMBER OF PAVINGS: 160 PAVINGS  
 NUMBER OF CAR PARKS: 0  
 NUMBER OF BICYCLE PARKS: 3

**DEVELOPMENT SUMMARY**

SITE AREA: 307 m<sup>2</sup>  
 SITE COVERAGE: 190.7 m<sup>2</sup> (62.1%)  
 PERMISSIBLE AREA: 7.3 m<sup>2</sup> (2.3%)

**LEGEND**

LIQUOR LICENCE AREA

**YBL REMMUS**  
 ARCHITECTS  
 A: 20/21 & 21/22 Lygon Street (Richmond) East 3007  
 T: +61 3 9368 2000 F: +61 3 9368 2000  
 E: remmus.architects@yblremmus.com.au

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PROJECT  
 PROPOSED COMMERCIAL BUILDING  
 221 SWAN STREET  
 RICHMOND VIC 3121

CLIENT



REV NO.	DATE	REVISIONS / ISSUE	ORIGIN
D.	18/09/18	ARCHITECT'S RECOMMENDATION	VT
E.	20/10/18	CERTIFICATE OF TITLE'S TITLE BOUNDARY ASSESS	VT
F.	18/09/18	STRUCTURAL ENGINEER	VT
G.	20/09/18	PRELIMINARY ARCHITECTURAL DESIGN	VT
H.	20/09/18	ORANGE LINE REVISED TO MATCH TITLE BOUNDARY	VT

DRAWING  
 PROPOSED GROUND FLOOR PLAN

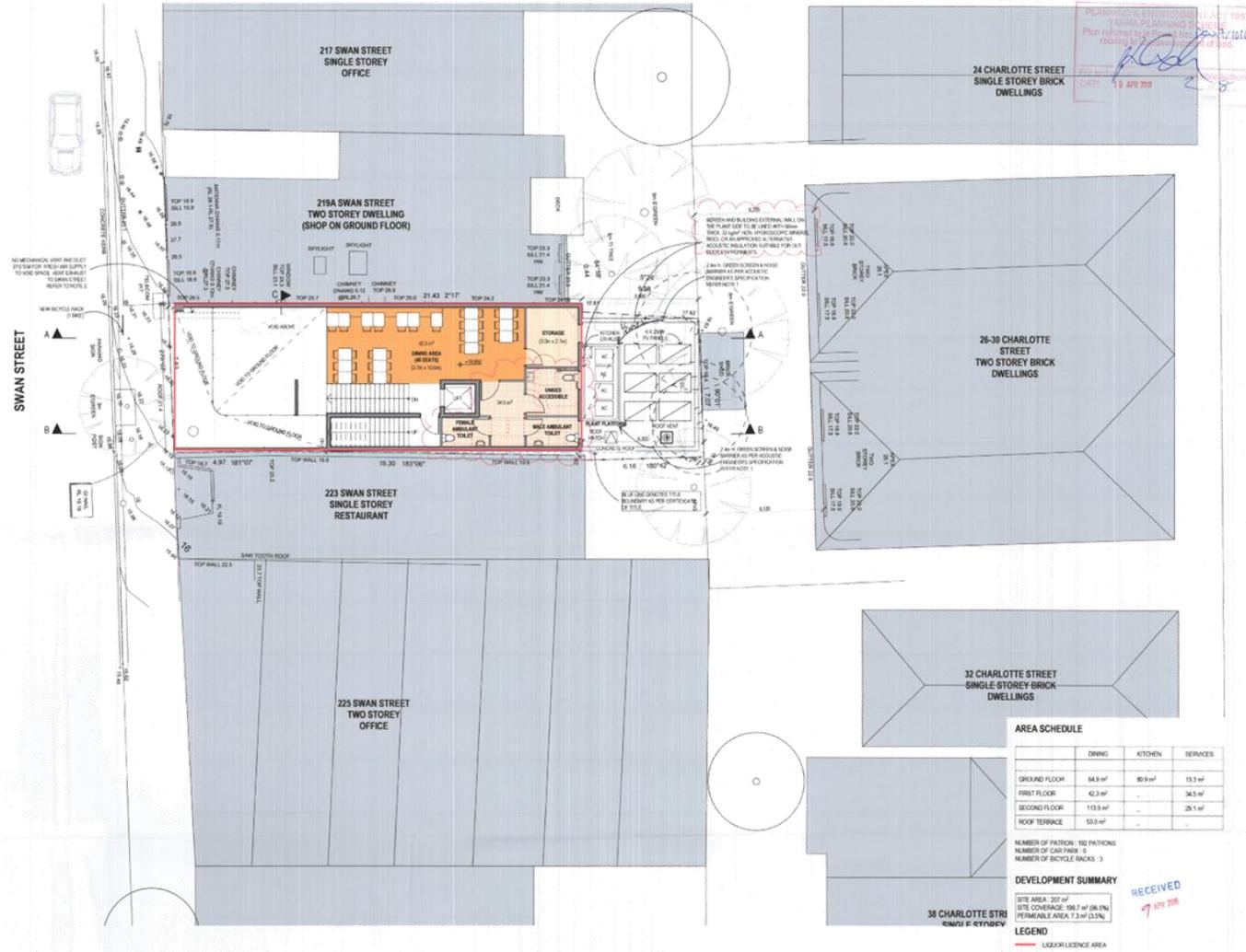
SCALE	DATE
1:100 @ A1, 1:200 @ A3	APRIL 2019
DRAWN	CHECKED
VT	PA
PROJECT STATUS	DRAWING NO.
TOWN PLANNING	TP-06
	REV. NO.
	H

Attachment 5 - PLN17/1016.01 221 Swan Street Richmond - Endorsed Plans

**NOTE 1**  
THE CANOPY AND WALLS / NOISE BARRIER SHOULD BE CONSTRUCTED TO ACHIEVE A MINIMUM SOUND TRANSMISSION LOSS RATING OF  $R_{wT}$  30. ACOUSTICALLY ACCEPTABLE MATERIAL FOR CONSTRUCTION INCLUDE 16mm THICK STEEL, 9mm THICK FIBRE CEMENT SHEET, MINIMUM 10mm THICK POLYCARBONATE, MINIMUM 6mm THICK GLASS, OR OTHER MATERIAL WITH A MINIMUM MASS OF 12KG/M<sup>2</sup>.

**NOTE 2**  
THE DUCT SHOULD BE OF RIGID CONSTRUCTION (E.G. GALVANISED STEEL DUCTING).  
THE DUCT SHOULD BE INTERNALLY LINED WITH MINIMUM 50mm THICK, 32KG/M<sup>2</sup> ACOUSTIC INSULATION TO MINIMISE POTENTIAL TRAFFIC NOISE INGRESS.  
THE NATURAL VENTILATION DUCT SHOULD BE NO LESS THAN 3 METRES IN LENGTH AND SHOULD ONLY BE MOUNTED TO THE BUILDING STRUCTURE VIA RESILIENT HANGERS OR OTHER FLEXIBLE CONNECTION TYPE.

**NOTE 3**  
- BLUE LINE DENOTES TITLE BOUNDARY AS PER ORIGINAL CERTIFICATE OF TITLE  
- ORANGE LINE DENOTES TITLE BOUNDARY AS PER LAND SURVEYOR DRAWINGS



**AREA SCHEDULE**

	DINING	KITCHEN	SERVICES
GROUND FLOOR	54.9 m <sup>2</sup>	30.9 m <sup>2</sup>	13.3 m <sup>2</sup>
FIRST FLOOR	42.3 m <sup>2</sup>	-	34.5 m <sup>2</sup>
SECOND FLOOR	113.9 m <sup>2</sup>	-	29.1 m <sup>2</sup>
ROOF TERRACE	53.0 m <sup>2</sup>	-	-

NUMBER OF PATRONS: 100 PATRONS  
NUMBER OF CAR PARKS: 5  
NUMBER OF BICYCLE PARKS: 3

**DEVELOPMENT SUMMARY**

SITE AREA: 207 m<sup>2</sup>  
SITE COVERAGE: 198.7 m<sup>2</sup> (96.0%)  
PERMISSIBLE AREA: 7.3 m<sup>2</sup> (3.5%)

**LEGEND**

LIQUOR LICENCE AREA

PROPOSED MEZZANINE PLAN

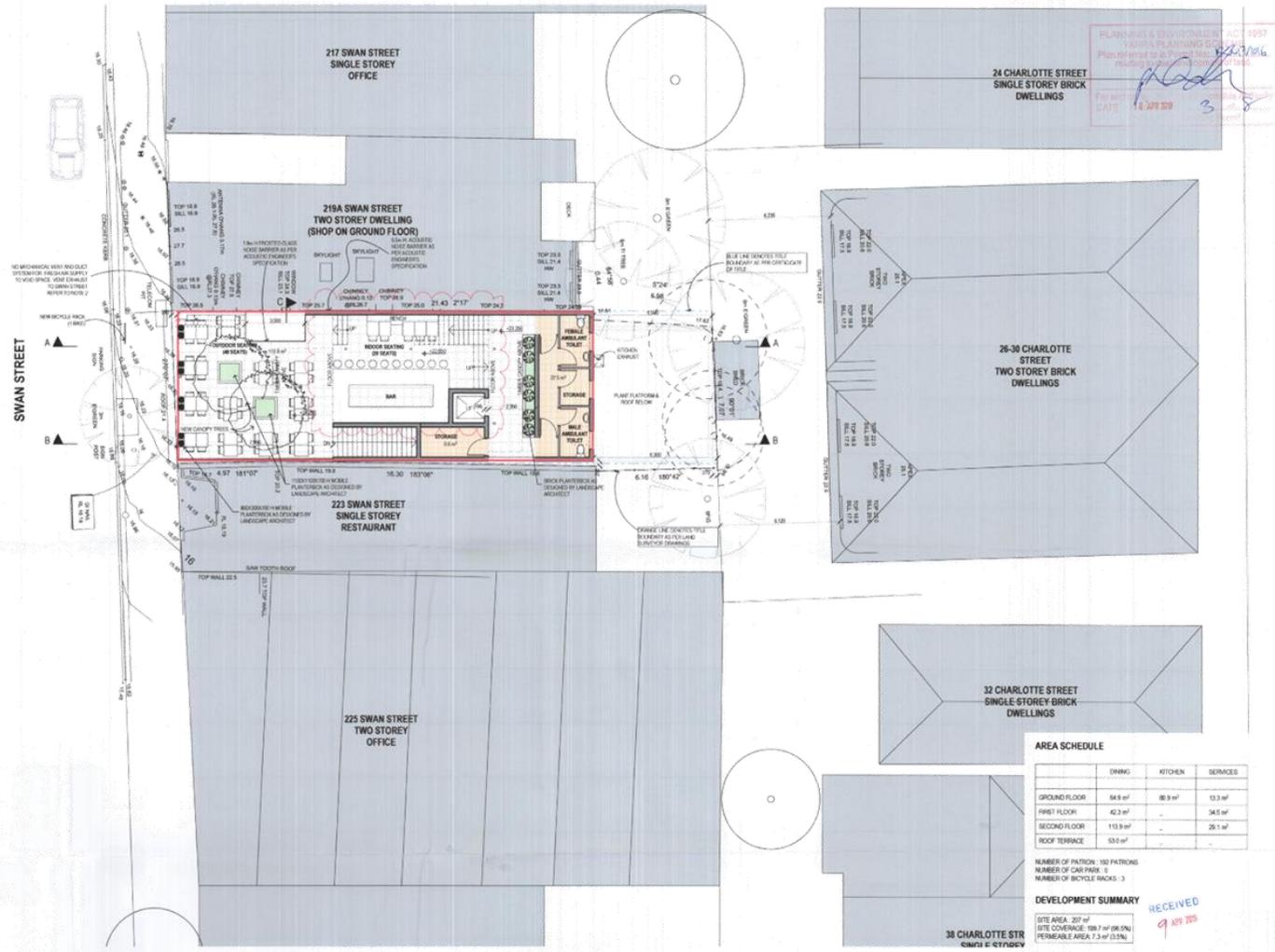
<p><b>YBL REMMUS</b> 140-142 COLLEGE ST A: 26274 316 Logan Street Brunswick East 3057 T: +61 3 9338 2889 F: +61 3 9338 2900 E: info@yblremmus.com.au</p>	<p>PROJECT PROPOSED COMMERCIAL BUILDING 221 SWAN STREET RICHMOND VIC 3121</p>		<p>D. 02/18 ACOUSTIC ENGINEERS RECOMMENDATION VT</p>	<p>DRAWN PROPOSED FIRST FLOOR PLAN</p>	<p>SCALE 1:100 @ A1, 1:200 @ A3</p>	<p>DATE APRIL 2019</p>
			<p>E. 22/18 IDENTIFIERS OF TITLE'S FULL BOUNDARY ADDED VT</p>		<p>DATE 17/06/2019</p>	<p>PROJECT STATUS DRAWING NO. TP-07</p>
<p>CLIENT</p>			<p>F. 18/18 BENCHMARK ISSUE VT</p>	<p>DATE 17/06/2019</p>	<p>PROJECT STATUS DRAWING NO. TP-07</p>	<p>DATE 17/06/2019</p>
<p>CLIENT</p>			<p>G. 22/18 BENCHMARK AMENDMENT ISSUE VT</p>	<p>DATE 17/06/2019</p>	<p>PROJECT STATUS DRAWING NO. TP-07</p>	<p>DATE 17/06/2019</p>
<p>CLIENT</p>			<p>H. 18/18 BENCHMARK REVISED TO MATCH FULL BOUNDARY VT</p>	<p>DATE 17/06/2019</p>	<p>PROJECT STATUS DRAWING NO. TP-07</p>	<p>DATE 17/06/2019</p>
<p>CLIENT</p>			<p>I. 18/18 BENCHMARK ISSUE VT</p>	<p>DATE 17/06/2019</p>	<p>PROJECT STATUS DRAWING NO. TP-07</p>	<p>DATE 17/06/2019</p>

Attachment 5 - PLN17/1016.01 221 Swan Street Richmond - Endorsed Plans

**NOTE 1**  
THE CANOPY AND WALLS / NOISE BARRIER SHOULD BE CONSTRUCTED TO ACHIEVE A MINIMUM SOUND TRANSMISSION LOSS RATING OF  $R_w$  30. ACoustically ACCEPTABLE MATERIAL FOR CONSTRUCTION INCLUDE 1.6mm THICK STEEL, 9mm THICK FIBRE CEMENT SHEET, MINIMUM 10mm THICK POLYCARBONATE, MINIMUM 6mm THICK GLASS, OR OTHER MATERIAL WITH A MINIMUM MASS OF 12KG/M<sup>2</sup>.

**NOTE 2**  
THE DUCT SHOULD BE OF RIGID CONSTRUCTION (E.G. GALVANISED STEEL DUCTING).  
THE DUCT SHOULD BE INTERNALLY LINED WITH MINIMUM 50mm THICK 20KG/M<sup>2</sup> ACOUSTIC INSULATION TO MINIMISE POTENTIAL TRAFFIC NOISE INGRESS.  
THE NATURAL VENTILATION DUCT SHOULD BE NO LESS THAN 3 METRES IN LENGTH AND SHOULD ONLY BE MOUNTED TO THE BUILDING STRUCTURE VIA RESILIENT HANGERS OR OTHER FLEXIBLE CONNECTION TYPE.

**NOTE 3**  
- BLUE LINE DENOTES TITLE BOUNDARY AS PER ORIGINAL CERTIFICATE OF TITLE  
- ORANGE LINE DENOTES TITLE BOUNDARY AS PER LAND SURVEYOR DRAWINGS



PLANNING & ENVIRONMENTAL  
11000041 - 13006040  
Plan referred to & Proposed  
referred to & Proposed  
17/09/2019  
17/09/2019  
3

PROPOSED ROOF TERRACE PLAN

**AREA SCHEDULE**

	DINING	KITCHEN	SERVICES
GROUND FLOOR	66.8 m <sup>2</sup>	88.9 m <sup>2</sup>	13.3 m <sup>2</sup>
FIRST FLOOR	42.3 m <sup>2</sup>	-	34.5 m <sup>2</sup>
SECOND FLOOR	113.9 m <sup>2</sup>	-	28.1 m <sup>2</sup>
ROOF TERRACE	53.0 m <sup>2</sup>	-	-

NUMBER OF PATRONS: 100 PATRONS  
NUMBER OF CAR PARK: 0  
NUMBER OF BICYCLE PARKS: 3

**DEVELOPMENT SUMMARY**

SITE AREA: 207 m<sup>2</sup>  
SITE COVERAGE: 199.7 m<sup>2</sup> (96.5%)  
PERMISSIBLE AREA: 7.3 m<sup>2</sup> (3.5%)



Do not scale from these drawings. Treat all dimensions on site before commencing construction or shop drawings.  
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PROJECT  
PROPOSED COMMERCIAL BUILDING  
221 SWAN STREET  
RICHMOND VIC 3121

CLIENT



DATE: 08/09/19  
BY: JG  
CHECKED: JG  
DATE: 08/09/19  
BY: JG  
CHECKED: JG  
DATE: 08/09/19  
BY: JG  
CHECKED: JG

PROJECT: PROPOSED SECOND FLOOR PLAN

SCALE: 1:1000 @ A1, 1:2000 @ A0

DATE: APRIL 2019

PROJECT STATUS: TOWN PLANNING

REVISIONS:

NO.	DATE	MEMORANDUM ISSUE	BY
1			

DATE: APRIL 2019

PROJECT NO: 17062

REVISIONS:

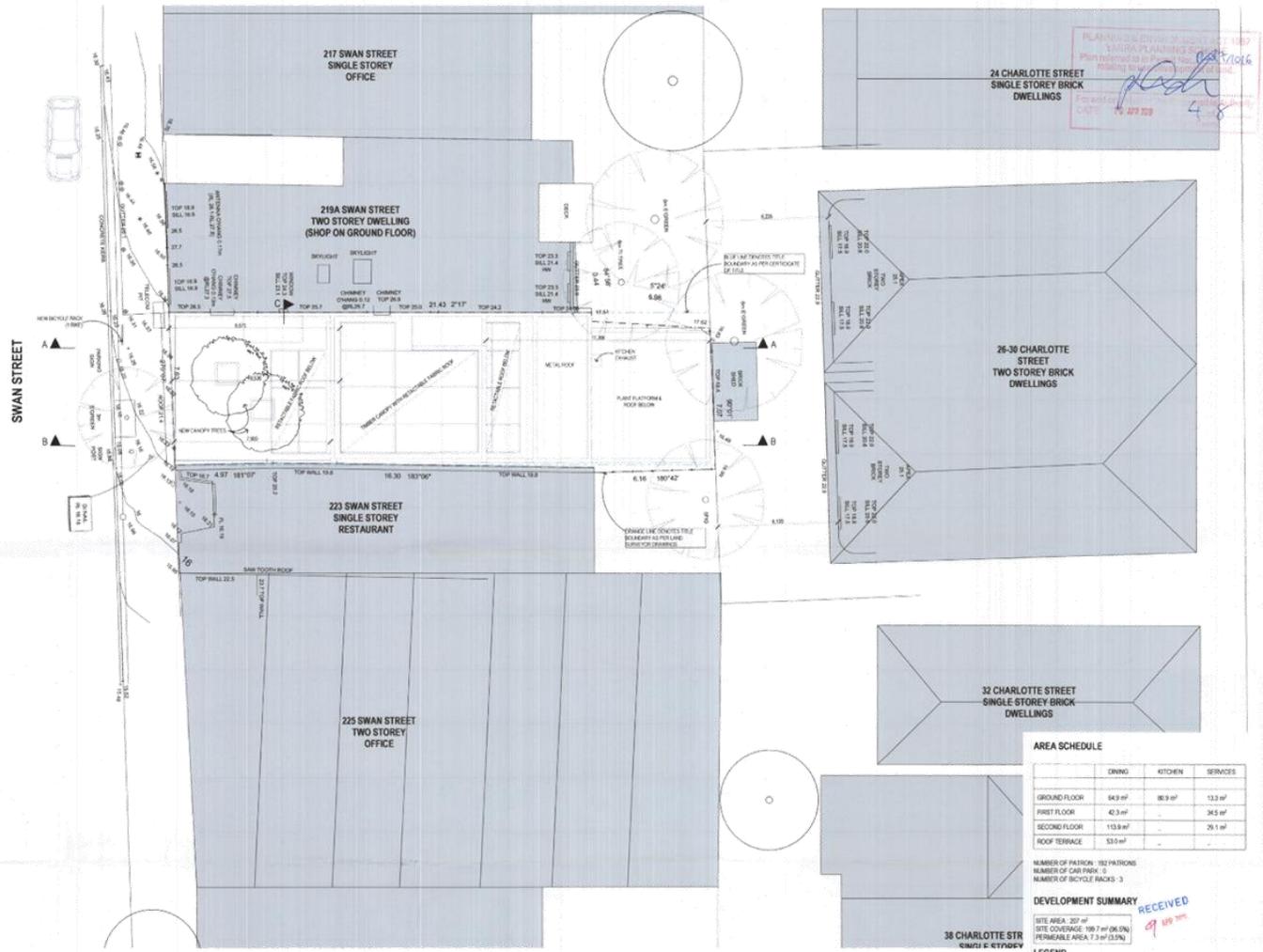
NO.	DATE	MEMORANDUM ISSUE	BY
1			

Attachment 5 - PLN17/1016.01 221 Swan Street Richmond - Endorsed Plans

**NOTE 1**  
 THE CANOPY AND WALLS / NOISE BARRIER SHOULD BE CONSTRUCTED TO ACHIEVE A MINIMUM SOUND TRANSMISSION LOSS RATING OF  $R_w$  30. ACOUSTICALLY ACCEPTABLE MATERIAL FOR CONSTRUCTION INCLUDE 1.6mm THICK STEEL, 9mm THICK FIBRE CEMENT SHEET, MINIMUM 12mm THICK POLYCARBONATE, MINIMUM 6mm THICK GLASS, OR OTHER MATERIAL WITH A MINIMUM MASS OF 12KG/M<sup>2</sup>.

**NOTE 2**  
 THE DUCT SHOULD BE OF RIGID CONSTRUCTION (E.G. GALVANISED STEEL DUCTING).  
 THE DUCT SHOULD BE INTERNALLY LINED WITH MINIMUM 50mm THICK, 32KG/M<sup>2</sup> ACOUSTIC INSULATION TO MINIMISE POTENTIAL TRAFFIC NOISE INGRESS.  
 THE NATURAL VENTILATION DUCT SHOULD BE NO LESS THAN 3 METRES IN LENGTH AND SHOULD ONLY BE MOUNTED TO THE BUILDING STRUCTURE VIA RESILIENT HANGERS OR OTHER FLEXIBLE CONNECTION TYPE.

**NOTE 3**  
 - BLUE LINE DENOTES TITLE BOUNDARY AS PER ORIGINAL CERTIFICATE OF TITLE  
 - ORANGE LINE DENOTES TITLE BOUNDARY AS PER LAND SURVEYOR DRAWINGS



**AREA SCHEDULE**

	DRIVING	KITCHEN	SERVICES
GROUND FLOOR	64.9 m <sup>2</sup>	88.9 m <sup>2</sup>	13.3 m <sup>2</sup>
FIRST FLOOR	42.3 m <sup>2</sup>	-	34.5 m <sup>2</sup>
SECOND FLOOR	113.9 m <sup>2</sup>	-	29.1 m <sup>2</sup>
ROOF TERRACE	53.0 m <sup>2</sup>	-	-

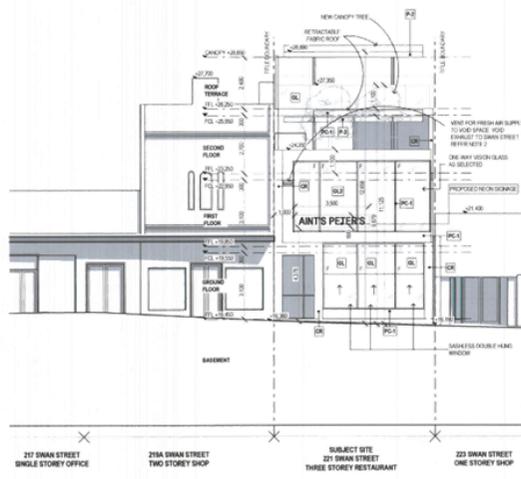
NUMBER OF PAVILION: 102 PAVILIONS  
 NUMBER OF CAR PARK: 0  
 NUMBER OF BICYCLE RACKS: 3

**DEVELOPMENT SUMMARY**  
 SITE AREA: 207 m<sup>2</sup>  
 SITE COVERAGE: 109.7% (54.3%)  
 PERMISSIBLE AREA: 7.3 m<sup>2</sup> (3.5%)

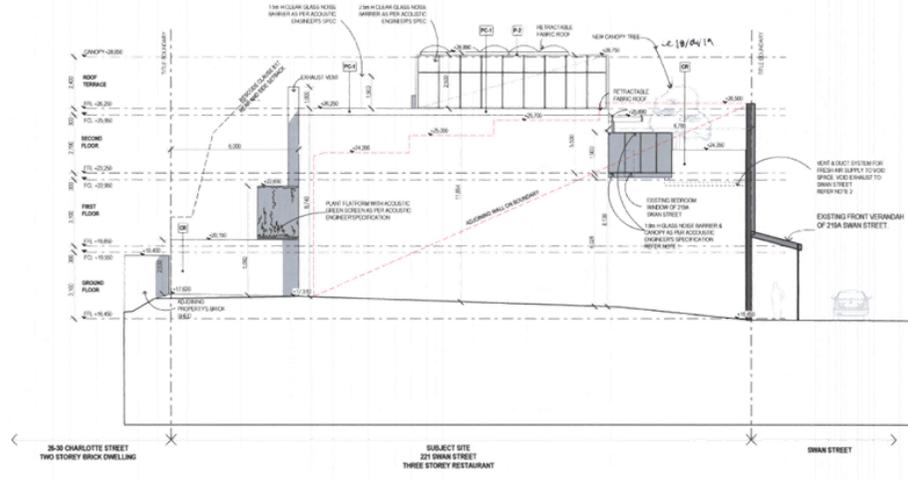
**LEGEND**  
 LIQUOR LICENCE AREA

<p><b>YBL REMMUS</b>                  404-405/111/112                  A: 24/274-278 Ligon Street Brunswick East 3057                  T: +61 3 9338 2018 F: +61 3 9338 2000                  E: hannah.architectural@yblremmus.com.au</p>	PROJECT: PROPOSED COMMERCIAL BUILDING 221 SWAN STREET RICHMOND VIC 3121	D: 109918 ACOUSTIC ENGINEER'S RECOMMENDATION YT E: 221176 CERTIFICATE OF TITLE'S BOUNDARY ADDED YF F: 106219 RECONSTRUCTION ISSUE YF G: 106219 BOUNDARY MATCHMENT ISSUE YF H: 016479 DRAWING REVISED TO MATCH TITLE BOUNDARY YF	DRAWING: ROOF TERRACE CANOPY LEVEL	SCALE: NONE DATE: APRIL 2019
	CLIENT:	REV: 102 DATE: 10/09/2019 DRAWN:	DRAWN:	DRAWN:

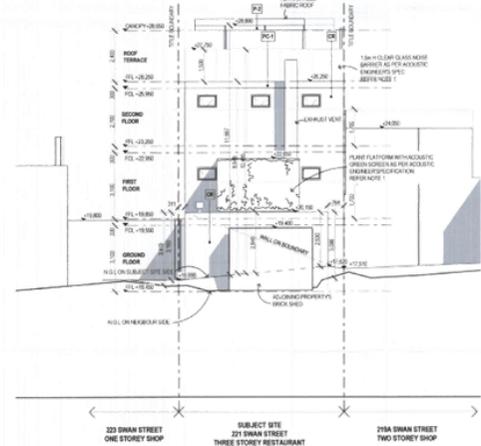
Attachment 5 - PLN17/1016.01 221 Swan Street Richmond - Endorsed Plans



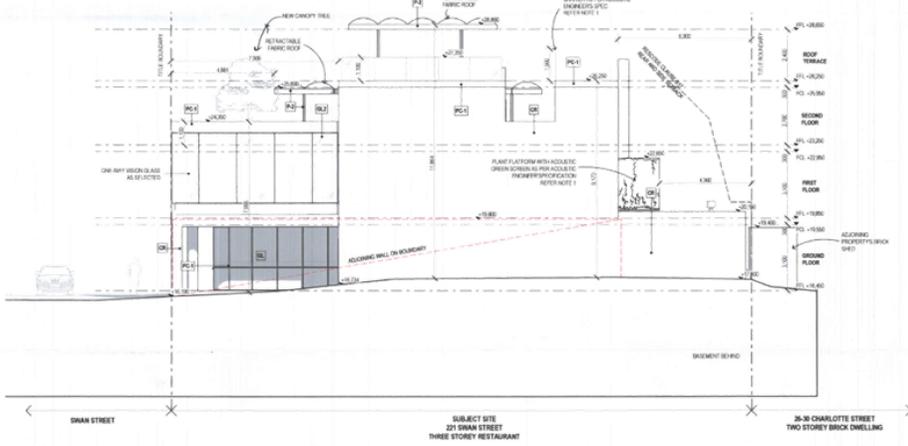
PROPOSED SOUTH ELEVATION



PROPOSED WEST ELEVATION



PROPOSED NORTH ELEVATION



PROPOSED EAST ELEVATION

**FINISHES LEGEND**

1	PAINT FINISH
2	COLOUR 1 - MONUMENT
3	COLOUR 2 - WHITE
4	NATURAL CONCRETE FINISH
5	POWDER COATED PAINT FINISH
6	ONE-WAY VISION GLASS
7	CLEAR GLASS
8	COLOURING (WHERE APPROPRIATE)
9	PAINT FINISH

**NOTE 1**  
THE CANOPY AND WALLS / NOISE BARRIER SHOULD BE CONSTRUCTED TO ACHIEVE A MINIMUM SOUND TRANSMISSION LOSS RATING OF  $R_w$  30. ACOUSTICALLY ACCEPTABLE MATERIAL FOR CONSTRUCTION INCLUDE 1.6mm THICK STEEL, 9mm THICK FIBRE CEMENT SHEET, MINIMUM 10mm THICK POLYCARBONATE, MINIMUM 6mm THICK GLASS, OR OTHER MATERIAL WITH A MINIMUM MASS OF 12KG/M<sup>2</sup>.

**NOTE 2**  
THE DUCT SHOULD BE OF RIGID CONSTRUCTION (E.G. GALVANISED STEEL DUCTING).

THE DUCT SHOULD BE INTERNALLY LINED WITH MINIMUM 50mm THICK 32KG/M<sup>2</sup> ACOUSTIC INSULATION TO MINIMISE POTENTIAL TRAFFIC NOISE INGRESS.

THE NATURAL VENTILATION DUCT SHOULD BE NO LESS THAN 3 METRES IN LENGTH AND SHOULD ONLY BE MOUNTED TO THE BUILDING STRUCTURE VIA RESILIENT HANGERS OR OTHER FLEXIBLE CONNECTION TYPE.

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9 APR 2019

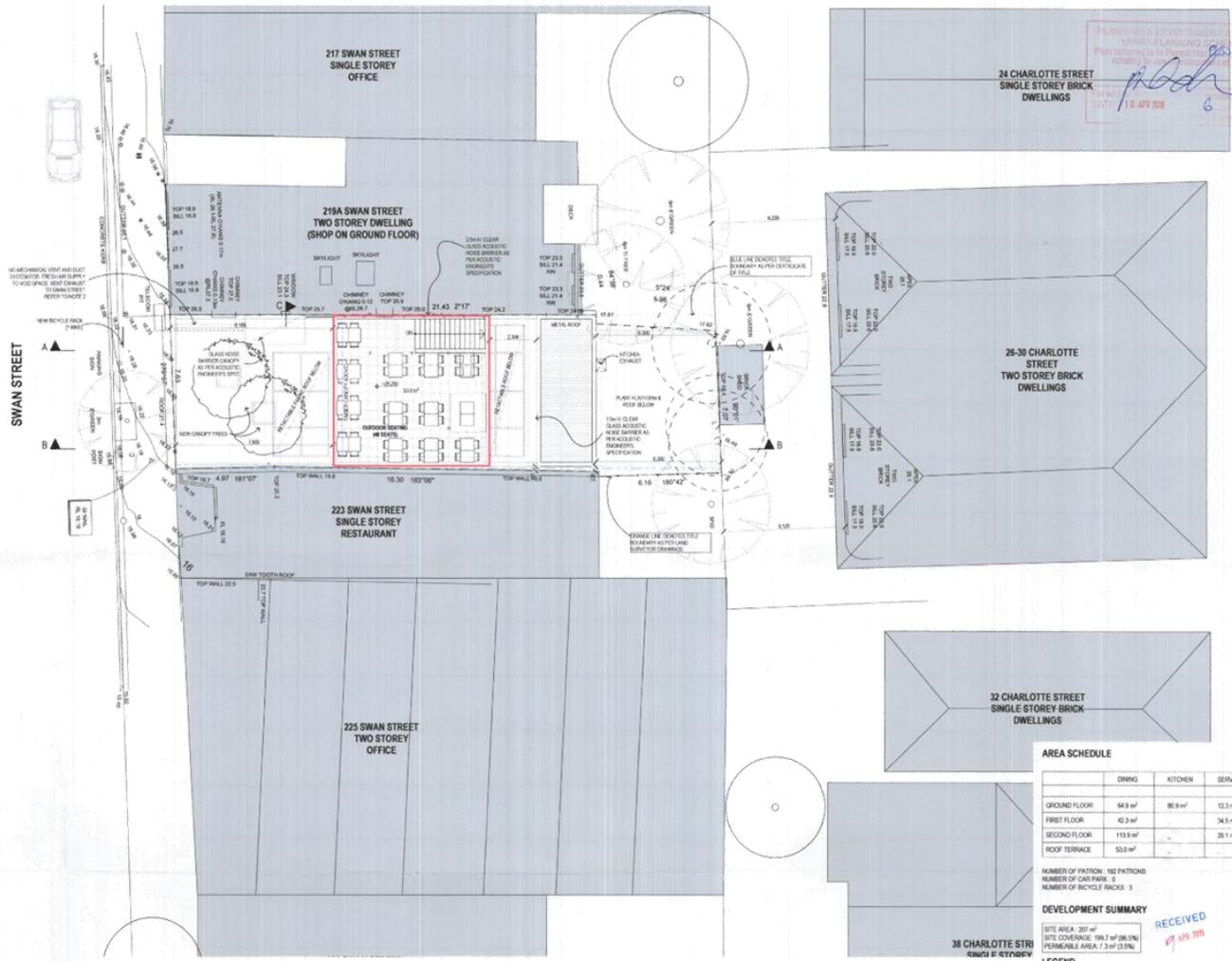
<p><b>YBL REMMUS</b> ARCHITECTS 1/205/4 SWAN STREET RICHMOND VIC 3121 T: +613 8538 2999 F: +613 8538 2900 E: remmus.architects@yblgroup.com.au</p>	<p>PROJECT <b>PROPOSED COMMERCIAL BUILDING 221 SWAN STREET RICHMOND VIC 3121</b></p> <p>CLIENT</p>	<p>D. 10/09/19 ACOUSTIC ENGINEERS RECOMMENDATION VT</p> <p>E. 20/11/19 DETERMINATION OF TITLE'S TITLE BOUNDARY ADDED VT</p> <p>F. 28/01/20 ENCUMBRANCE GULF. VT</p> <p>G. 28/01/20 BULKING AMENDMENT GULF. VT</p> <p>H. 02/02/20 DRAWING REVISED TO MATCH TITLE BULKING. VT</p>	<p>DRAWING <b>ELEVATIONS</b></p>	<p>SCALE 1:100 @ A1 1200x900</p> <p>DRAWN: VT CHECKED: PA</p> <p>PROJECT STATUS <b>TOWN PLANNING</b></p>	<p>DATE APRIL 2019</p> <p>APP NO. 17062</p> <p>DRAWING NO. <b>TP-11</b></p> <p>REV NO. H</p>
	<p>Do not scale from these drawings. Verify all dimensions on site before commencing construction or site works. This drawing is copyright. It may not be reproduced or otherwise dealt with without the permission of the Architect.</p>		<p>REV NO. DATE MODIFICATIONS/ISSUE DRAWN</p>		

Attachment 5 - PLN17/1016.01 221 Swan Street Richmond - Endorsed Plans

**NOTE 1**  
 THE CANOPY AND WALLS / NOISE BARRIER SHOULD BE CONSTRUCTED TO ACHIEVE A MINIMUM SOUND TRANSMISSION LOSS RATING OF  $R_w$  30. ACOUSTICALLY ACCEPTABLE MATERIAL FOR CONSTRUCTION INCLUDE 16mm THICK STEEL, 9mm THICK FIBRE CEMENT SHEET, MINIMUM 12mm THICK POLYCARBONATE, MINIMUM 6mm THICK GLASS, OR OTHER MATERIAL WITH A MINIMUM MASS OF 12KG/M<sup>2</sup>.

**NOTE 2**  
 THE DUCT SHOULD BE OF RIGID CONSTRUCTION (E.G. GALVANISED STEEL DUCTING).  
 THE DUCT SHOULD BE INTERNALLY LINED WITH MINIMUM 50mm THICK, 30KG/M<sup>2</sup> ACOUSTIC INSULATION TO MINIMISE POTENTIAL TRAFFIC NOISE INGRESS.  
 THE NATURAL VENTILATION DUCT SHOULD BE NO LESS THAN 3 METRES IN LENGTH AND SHOULD ONLY BE MOUNTED TO THE BUILDING STRUCTURE VIA RESILIENT HANGERS OR OTHER FLEXIBLE CONNECTION TYPE.

**NOTE 3**  
 - BLUE LINE DENOTES TITLE BOUNDARY AS PER ORIGINAL CERTIFICATE OF TITLE  
 - ORANGE LINE DENOTES TITLE BOUNDARY AS PER LAND SURVEYOR DRAWINGS



PLANNING & ENVIRONMENTAL CONSULTANTS  
 YARRA PLANNING CONSULTANTS  
 10 APT 208  
 10 APR 2019

**AREA SCHEDULE**

	DWING	KITCHEN	SERVICES
GROUND FLOOR:	64.9 m <sup>2</sup>	86.9 m <sup>2</sup>	13.3 m <sup>2</sup>
FIRST FLOOR:	42.3 m <sup>2</sup>	-	34.5 m <sup>2</sup>
SECOND FLOOR:	113.9 m <sup>2</sup>	-	28.1 m <sup>2</sup>
ROOF TERRACE:	53.0 m <sup>2</sup>	-	-

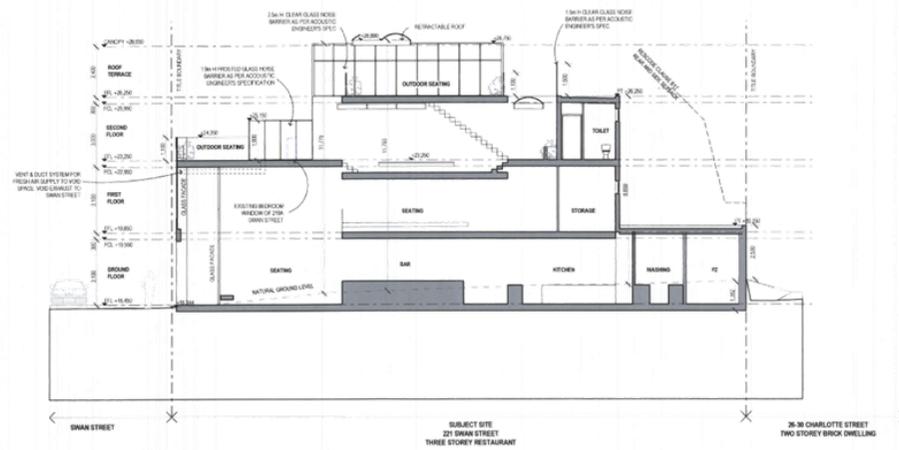
DEVELOPMENT SUMMARY  
 SITE AREA: 207 m<sup>2</sup>  
 SITE COVERAGE: 199.7 m<sup>2</sup> (96.5%)  
 PERMISSIBLE AREA: 7.3 m<sup>2</sup> (3.5%)

LEGEND  
 LIQUOR LICENCE AREA

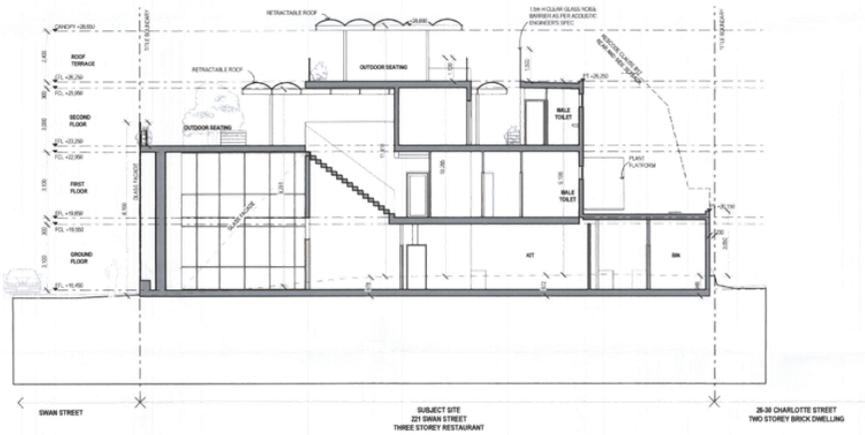
PROPOSED ROOF PLAN

 <b>YBL REMMUS</b> 404-405 LYNNE ST A 26274 378 Lygon Street Brunswick East 3057 T +61 3 9358 2081 F +61 3 9358 2050 E remmus.architects@bigpond.com.au	PROJECT PROPOSED COMMERCIAL BUILDING 221 SWAN STREET RICHMOND VIC 3121		DRAWING PROPOSED ROOF TERRACE PLAN	SCALE 1:1000 (A1), 1:2000 (A0)	DATE APRIL 2019
	CLIENT G.P.H.		CHECKED BY PA	DRAWING NO. 17062	PROJECT STATUS TOWN PLANNING

Attachment 5 - PLN17/1016.01 221 Swan Street Richmond - Endorsed Plans



SECTION A-A



SECTION B-B

PLANNING & ENVIRONMENT ACT 1987  
 YARRA PLANNING BOARD  
 Plan referred to in Permit No. PLN17/1016  
 Position of easement on lot of land  
 [Signature]  
 1 APR 2019

**YBL REMMUS**  
 ARCHITECTS  
 A 20274 2751 Lynn Street Brunswick East 3087  
 T +61 3 9336 2888 F +61 3 9336 2900  
 E remmus.architects@yblgroup.com.au

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PROJECT:  
 PROPOSED COMMERCIAL BUILDING  
 221 SWAN STREET  
 RICHMOND VIC 3121

CLIENT:

D.	12/18/16	ACOUSTIC ENGINEER'S RECOMMENDATION	VT
E.	20/11/16	CERTIFICATE OF TITLE'S TITLE BOUNDARY ADDED	VT
F.	15/01/17	INCORPORATE SEAL	VT
G.	25/01/17	INCORPORATE AMENDMENT ISSUE	VT
H.	21/01/17	DRAWING REVISED TO MATCH TITLE BOUNDARY	VT
REV NO	DATE	AMENDMENT/ISSUE	DRAWN

DRAWN:  
 SECTIONS

SCALE 1:100@A1, 1:200@A3	DATE APRIL 2019
DRAWN VT	CHECKED PA
PROJECT STATUS TOWN PLANNING	DRAWING NO. TP-12
PERM NO. 17062	REV. NO. H

RECEIVED  
 19 APR 2019



Attachment 6 - PLN17/1016.01 221 Swan Street Richmond - Referral Comments



26 June 2019

Yarra City Council  
PO Box 168  
RICHMOND VIC 3121  
Attention: Jessica Sutherland

Dear Jessica Sutherland,

**PLANNING APPLICATION No.:** PLN17/1016.01  
**VicROADS REFERENCE NO:** 24911/18  
**PROPERTY ADDRESS:** 221 SWAN STREET, RICHMOND

**Section 52 - No objection**

Thank you for forwarding planning permit application PLN17/1016.01 pursuant to Section 52 of the Planning and Environment Act 1987.

In consultation with CityLink, VicRoads has considered the application and has no objection to the proposal.

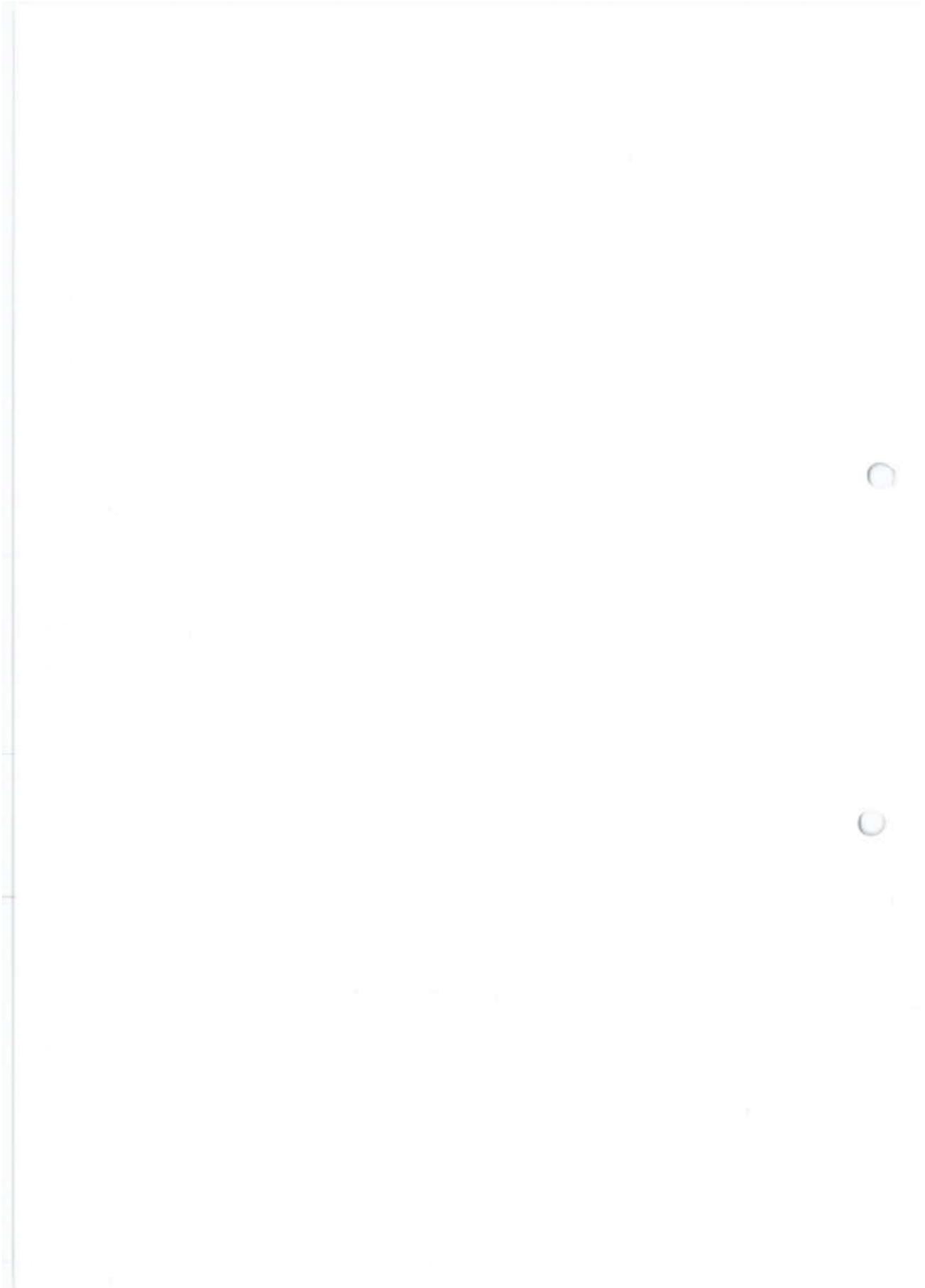
Should you have any enquiries regarding this matter, please contact our Planning Department on (03) 9313 1187 or [MNWPlanning@roads.vic.gov.au](mailto:MNWPlanning@roads.vic.gov.au)

Yours sincerely

A handwritten signature in black ink that reads 'Ewa Fiebelkorn'.

**EWA FIEBELKORN**  
STATUTORY PLANNING SUPPORT OFFICER

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**Sutherland, Jessica**

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**From:** Alexander, Steve  
**Sent:** Friday, 7 June 2019 3:47 PM  
**To:** Sutherland, Jessica  
**Subject:** RE: Amendment to a Liquor License PLN17/1016.01

Dear Jessica, thank you for your referral. I've had a chance to look at the application and given there is no change to patron numbers, 'use' or hours the Compliance branch does not have any concern with the basement being licenced.

Feel free to contact me on 9205-5166 if you have questions.

**Steve Alexander**  
Coordinator Compliance & Prosecutions



**Phone:** (03) 9205 5166 **Fax:** (03) 8417 6666  
**Website:** [www.yarracity.vic.gov.au](http://www.yarracity.vic.gov.au)

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**From:** Sutherland, Jessica  
**Sent:** Friday, 7 June 2019 11:54 AM  
**To:** Alexander, Steve <Steve.Alexander@yarracity.vic.gov.au>  
**Subject:** Amendment to a Liquor License PLN17/1016.01

Hi Steve,

Hope you are well!

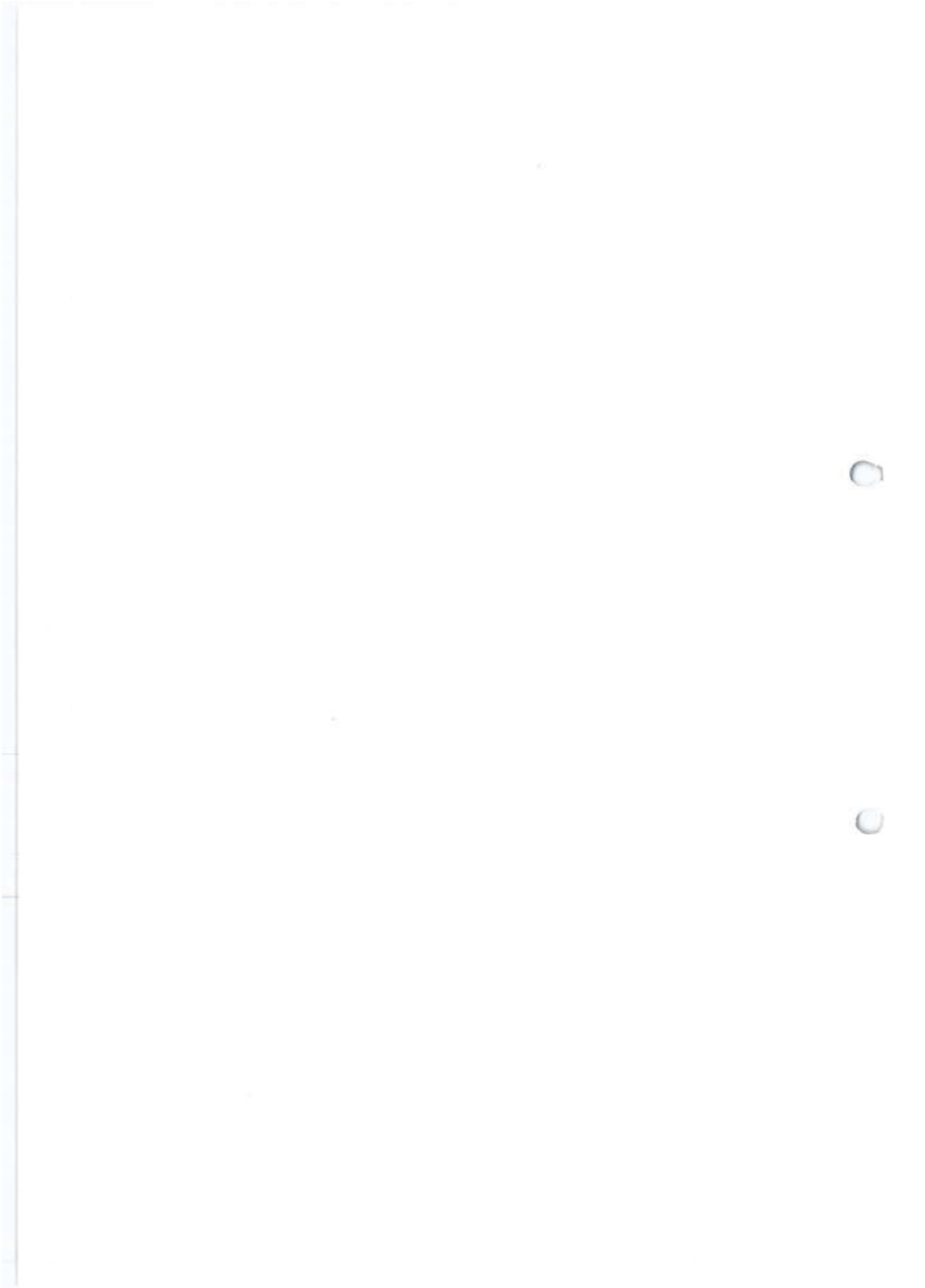
I'm seeking comments for an application to amend a liquor license (associated with a restaurant). Please see all relevant documentation attached.

The site already has a permit for sale and consumption of liquor but are amending the application to include a basement level (including an extension to the red line to cover this level). They have not applied for an increase to the patron numbers from currently approved.

Thank you so much for your assistance,

Jess

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## Attachment 6 - PLN17/1016.01 221 Swan Street Richmond - Referral Comments



## MEMO

**To:** Jessica Sutherland  
**From:** Artemis Bacani  
**Date:** 31 July 2019  
**Subject:** Application No: PLN17/1016  
 Description: Additional Floor Area - Restaurant  
 Site Address: 221 Swan Street, Richmond

I refer to the above Planning Application received on 18 July 2019 in relation to the proposed development at 221 Swan Street, Richmond. Council's Engineering Services unit provides the following information:

**CAR PARKING PROVISION****Proposed Development**

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

Proposed Use	Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Restaurant (Additional Floor Area)	199.7 m <sup>2</sup>	3.5 spaces to each 100 m <sup>2</sup> of leasable floor area	6	0

\* Since the site is located within the Principal Public Transport Network Area, the parking rates in Column B of Clause 52.06-5 now apply.

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

- *Parking Demand for Restaurant Use.*

The original BVY Pt Ltd report had indicated that peak parking rates for the restaurant would be in the order of 0.15 to 0.30 spaces per patron. The number of patrons for the revised proposal would be the same as the original proposal of 192 patrons. Adopting the more conservative rate of 0.30 spaces per patron would equate to 57 spaces (on the assumption that the venue was operating at full capacity). Patrons would be drawn from local businesses and residences (walk-up trade).

*Availability of Public Transport in the Locality of the Land.*

The site is within walking distance of tram services operating along Swan Street and Church Street. The East Richmond and Richmond railway stations and bus services operating along Punt Road are also within walking distance of the site.

- *Multi-Purpose Trips within the Area.*

Patrons to the site who choose to drive might combine their visit by engaging in other business or activities whilst in the area.

**Attachment 6 - PLN17/1016.01 221 Swan Street Richmond - Referral Comments**

- *Convenience of Pedestrian and Cyclist Access.*  
The site is within walking distance of shops, businesses, essential facilities and public transport services. The site also has very good connectivity to the Principal Bicycle Network.

**Appropriateness of Providing Fewer Spaces than the Likely Parking Demand**

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

- *Availability of Car Parking.*  
BVY Pty Ltd had conducted on-street parking occupancy surveys in the surrounding area on Wednesday 1 November 2017 and Saturday 4 November 2017 between 10:00am and 8:00pm. The survey area encompassed sections of Swan Street, Church Street, Charles Street, Mary Street, Harvey Street, and Brighton Street. The times and extent of the survey is considered appropriate for this development. A parking inventory ranging between 137 and 199 spaces was identified. The survey results indicate that the peak occupancy was observed at 5.00pm on Wednesday with 104 spaces occupied or 33 spaces vacant. The data suggests that the parking demand in the surrounding area is moderate to high. Patrons would be fully aware of the lack of parking near the site and consider catching public transport which are conveniently located near the site.
- *Access to or Provision of Alternative Transport Modes.*  
The site has very good access to public transport and the on-road bicycle network. Car share pods are located within walking distance of the site and provide an alternative option of transport for staff and patrons. A Flexicar car share pod is located in Church Street, approximately 160 metres west of the site.
- *Relevant Local Policy or Incorporated Document.*  
The proposed development is considered to be in line with the objectives contained in Council's *Strategic Transport Statement*. The site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site car parking would potentially discourage private motor vehicle ownership and use.
- *The Future Growth and Development of an Activity Centre.*  
Practice Note 22 – *Using the Car Parking Provisions* indicates that car parking should be considered on a centre-basis rather than on a site/individual basis. This is applicable to activity centres, such as Swan Street, where spare on-street car parking capacity would be shared amongst sites within the activity centre.

**Adequacy of Car Parking**

From a traffic engineering perspective, the waiver of parking for the additional floor area of the restaurant is considered appropriate in the context of the development and the surrounding area. The limited opportunity to park on-street would encourage patrons and employees to use more sustainable forms of transport.

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