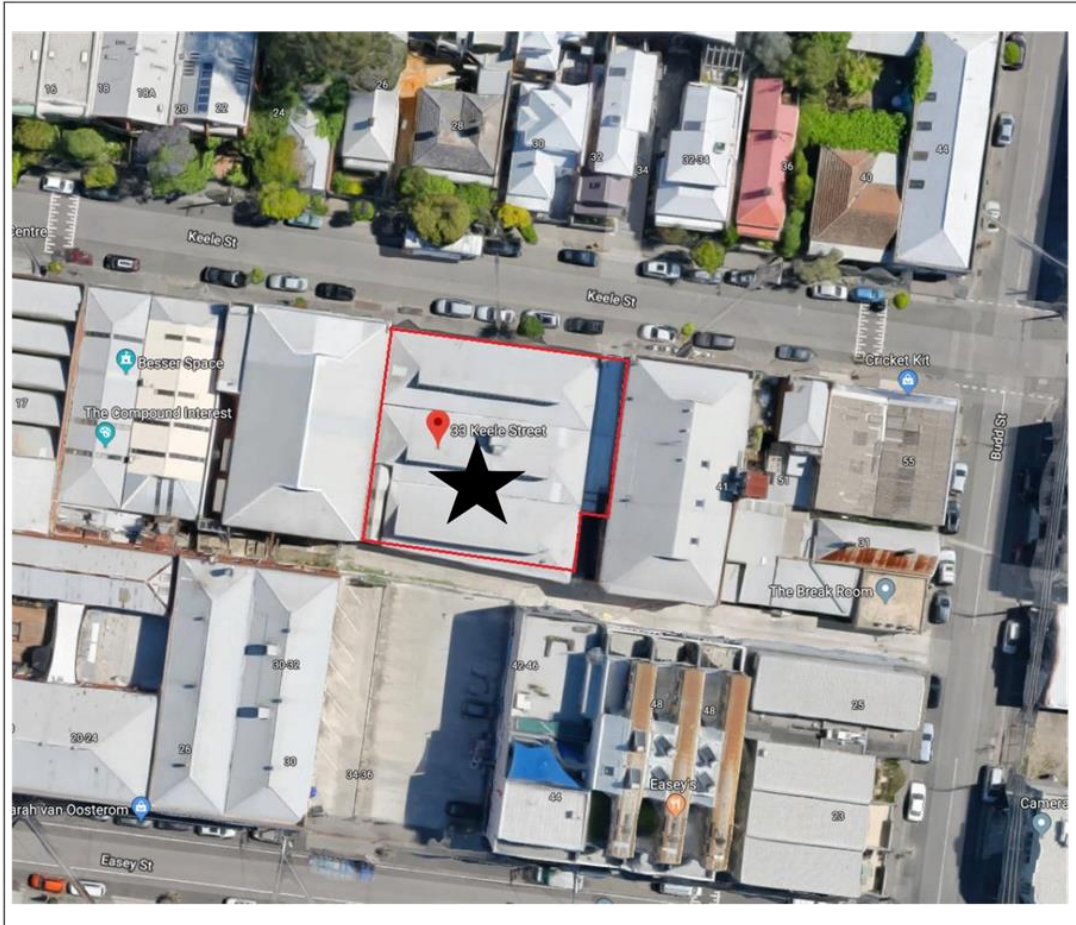


Attachment 1 - PLN17/1124.01 33 - 39 Keele Street - Site Map

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

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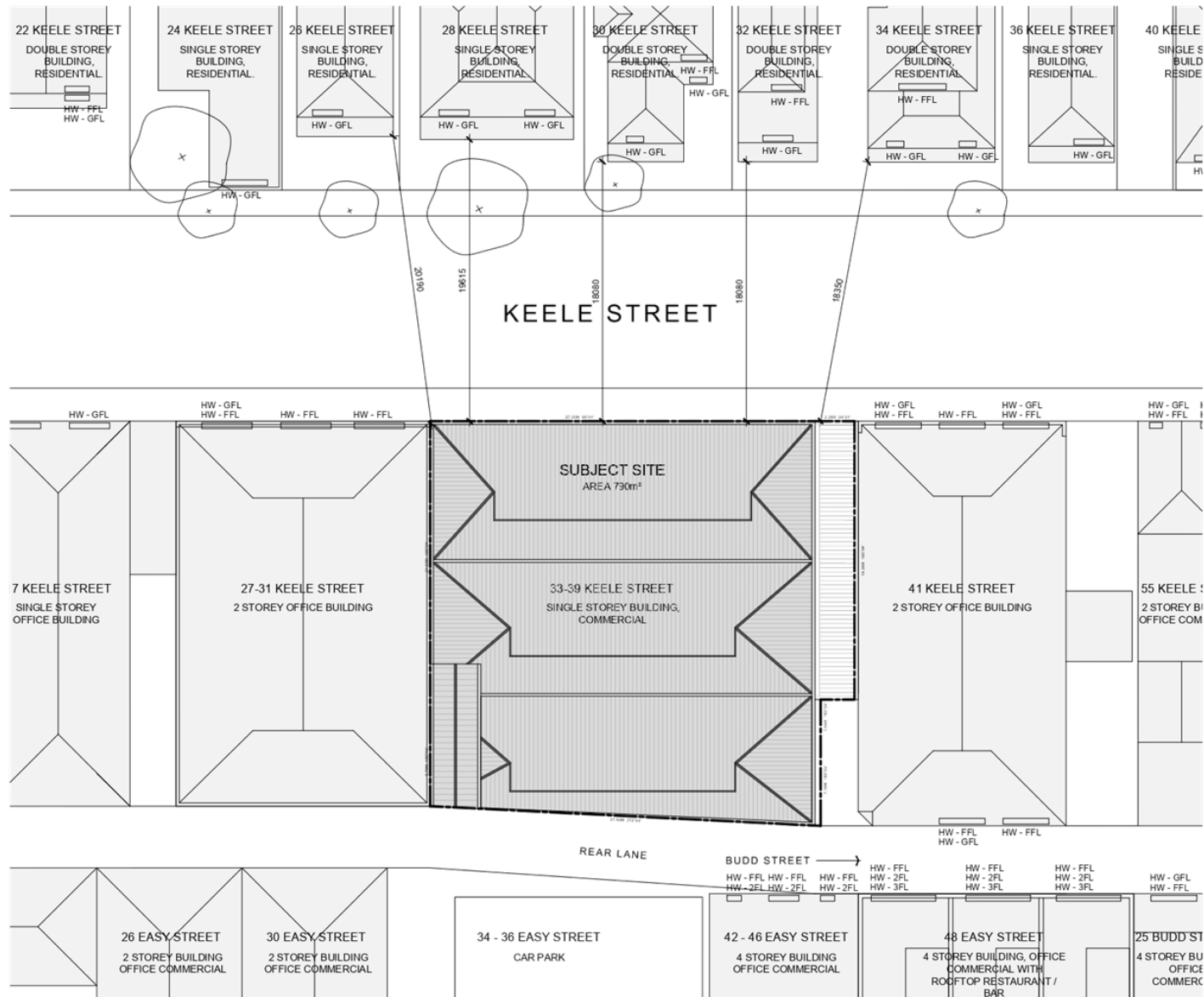
DATE	AMENDMENT	ISSUE
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33-39 KEELE ST COLLINGWOOD
LIQUOR LICENSE APPLICATION
JOB NO. 0125
CLIENT: CIBI
STAGE: PLANNING APPLICATION
DATE: 05.04.2019
ISSUE: 1

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

TP 0.00 ○

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



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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

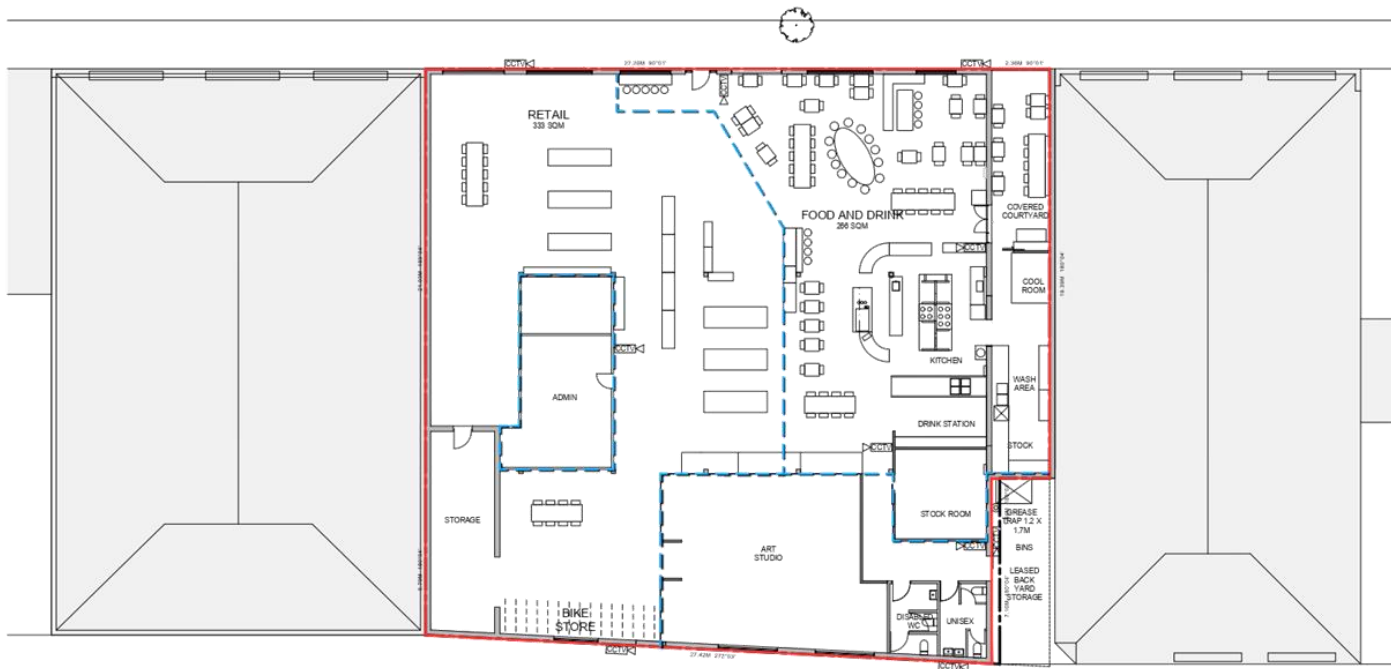
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 SCALE: 1:250 @ A3
 DRAWN: MML/PS
 CHECKED: MML/PS
TP 0.01

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



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KEELE STREET



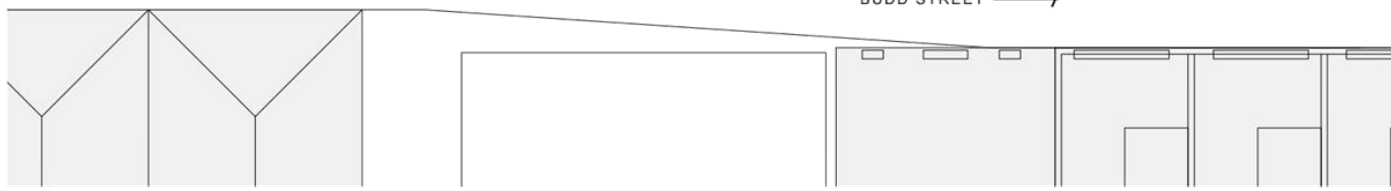
DATE	AMENDMENT	ISSUE

33-39 KEELE ST COLLINGWOOD
LIQUOR LICENSE APPLICATION
JOB NO: 0125
CLIENT: CBB

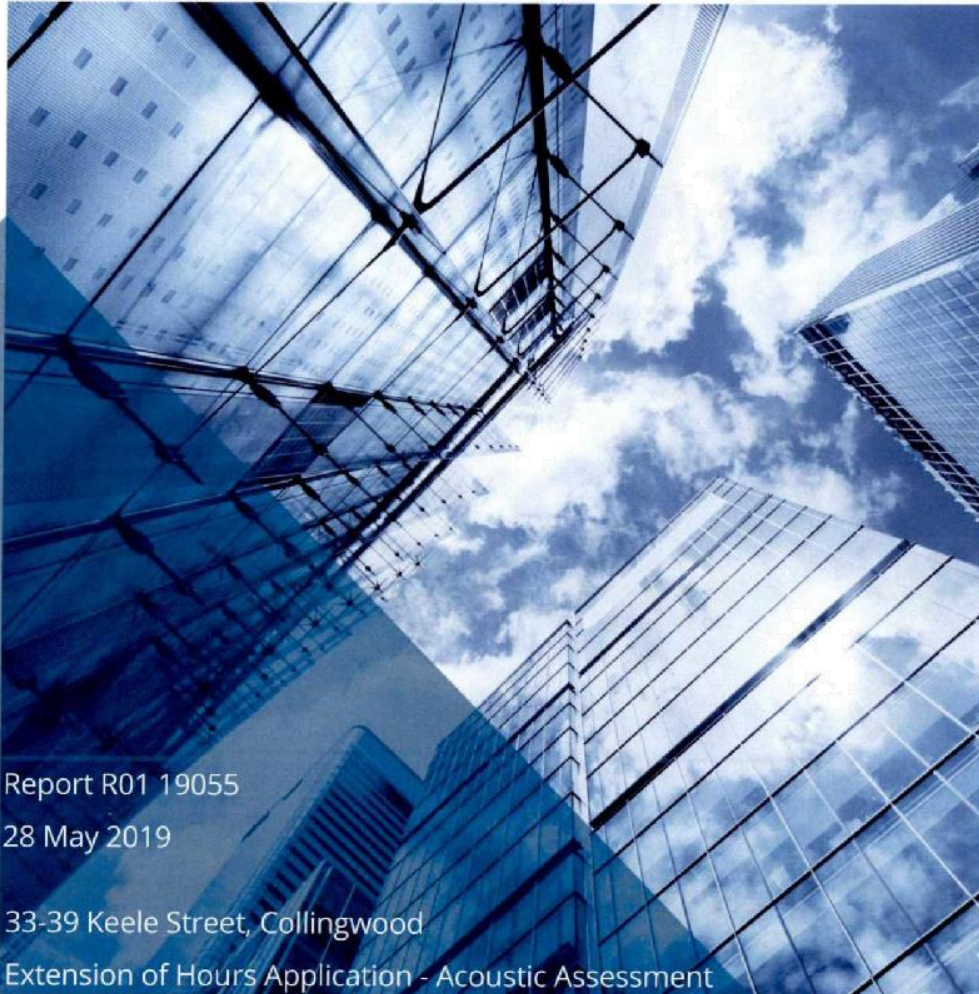
STAGE: PLANNING APPLICATION
DATE: 05.04.2019
ISSUE: 1

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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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



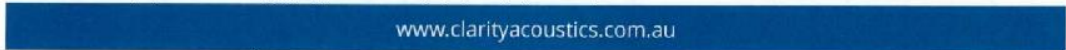
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Attachment 3 - PLN17/1124.01 33 - 39 Keele Street - Acoustic Report**Contents**

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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
SEPP N-2 day/evening noise limit, L_{Aeq}	48

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
SEPP N-2 night time noise limit, L_{10}	57	53	48	46	44	37	31

7.2 Music levels within the venue

Music within the venue is currently limited to background music¹ 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							
	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	A
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

¹ 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.

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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 L₁₀

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
SEPP N-2 night time noise limit	57	53	48	46	44	37	31
Compliance?	Yes	Yes	Yes	Yes	Yes	Yes	Yes

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 _{Aeq}	Maximum patron noise level, L _{Amax}
Evening	53	-
Night	46	65



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. Lazarus² 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 minute}	Equivalent average noise level criteria, L _{Aeq, 15 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.

² 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



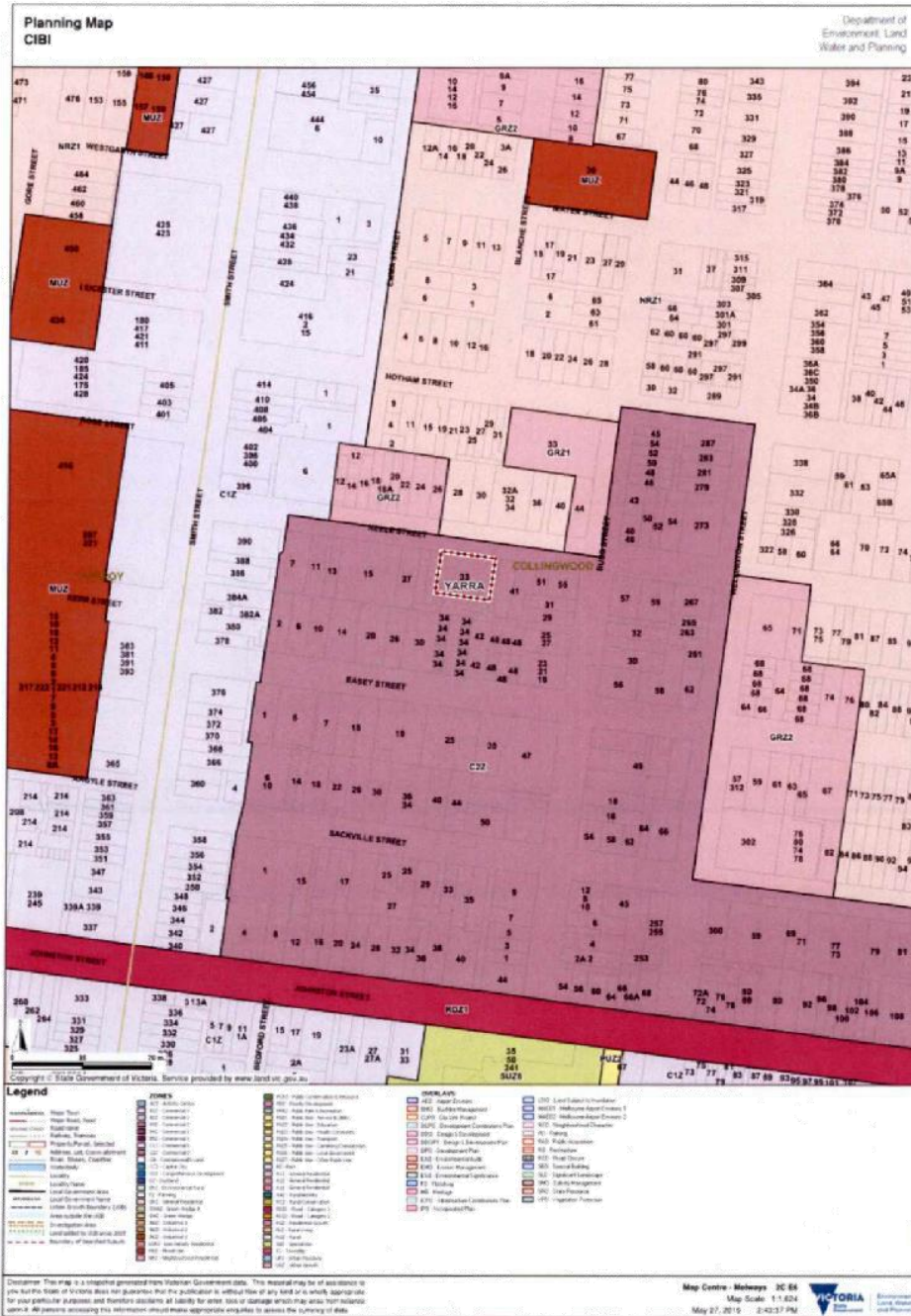
APPENDIX A GLOSSARY OF TERMINOLOGY

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 _{A10(t)}	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 _{A90(t)}	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 _{Aeq(t)}	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 _{Amax}	The A-weighted maximum noise level. The highest sound level which occurs during the measurement period or a noise event.

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



APPENDIX B PLANNING MAP





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

Detail	Description
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

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Jessica Sutherland
Statutory Planning
City of Yarra
Richmond Town Hall
333 Bridge Road
Richmond Vic 3023

By email: 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"> • Limiting amplified music to background levels only; and

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



	<ul style="list-style-type: none"> Closing the roller doors to Keele Street from 10pm onwards; <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

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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 at email 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



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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

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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).

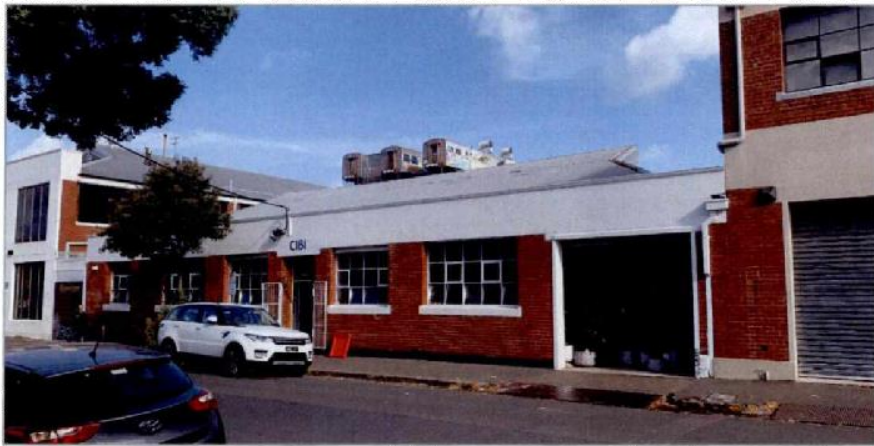


Figure 2 – view of subject site from the looking south-east in Keele Street



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.

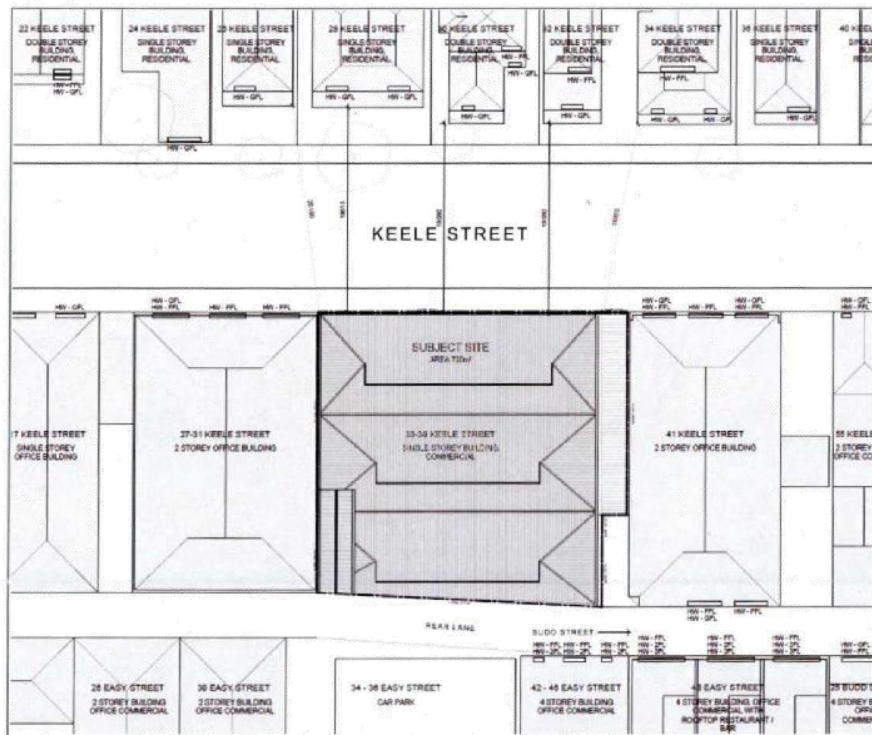


Figure 4 – Site context

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

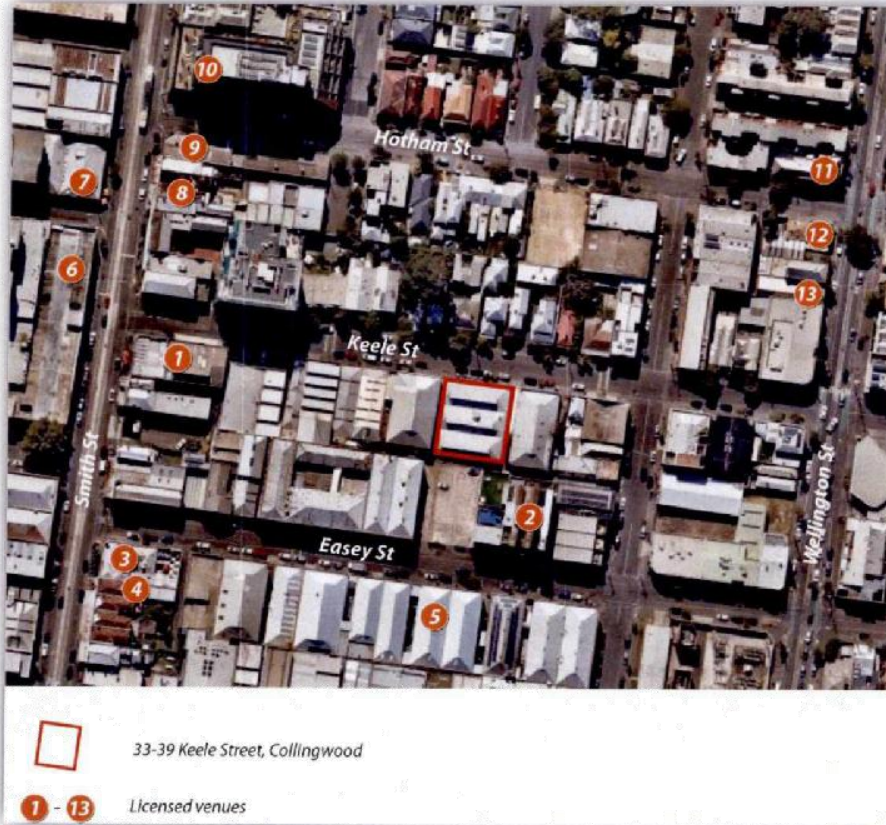
In terms of existing licensed venues in the area, the table that follows provides a summary of existing licensed premise, the type of license, licensed hours and maximum patron numbers (where relevant).

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

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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></p> <p>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</p> <p><u>FOR CONSUMPTION ON THE PREMISES</u></p> <p><u>Internal areas -</u> Good Friday Between 12noon and 11pm Sunday to Thursday Between 8am and 10pm Friday and Saturday Between 8am and 11pm</p> <p><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

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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 & 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

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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.

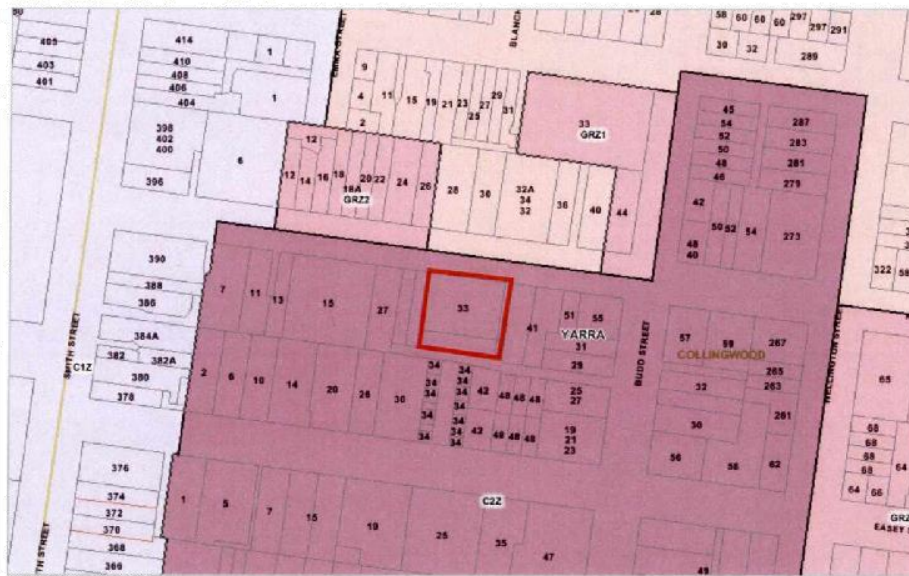


Figure 5: Zone map

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.

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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

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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"> ▪ Licenced premises provide local benefits (vibrancy, economic activity) ▪ Tensions include off site amenity impacts – noise and patron behaviour ▪ Restaurants and cafes are lower risk venues compared with bars and night clubs ▪ 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.

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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"> ▪ Relevant planning considerations include the location, size, operation and hours of use ▪ Objectives are to protect nearby uses from excess noise, traffic and car parking issues ▪ 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.
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"> ▪ The proposed operating hours are until 11pm which achieves this policy direction

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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"> ▪ The proposed use and licence type. ▪ The zoning of surrounding land. ▪ The location of the premises, location of car parking and availability of public transport, taxi ranks and ride sharing. ▪ The nature of surrounding uses and hours of operation. ▪ Potential noise emissions from the premises. ▪ The impact of patrons arriving and leaving the premises, including: <ul style="list-style-type: none"> – for venues operating after 10pm, whether access from the licensed premises to public transport is likely to be through a residential area; and – Any cumulative impact on the amenity of the area. 	<ul style="list-style-type: none"> ▪ This policy lists the matters that should be considered in assessing the impact of proposed hours of operation on surrounding land ▪ 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. ▪ The site is approximately 100m from the tram on Smith Street, providing easy access to public transport without passing through a residential area.

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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"> – <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> – <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> <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"> ▪ The permit applicant will accept a permit condition requiring that the use comply with SEPP N-1.

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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"> ▪ 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 ▪ 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. ▪ The location of off street car parks within the locality of the subject site, including the nature of any time restrictions. ▪ The location and hours of operation of any transport services including rail, tram, bus, taxis and ride sharing. 	<ul style="list-style-type: none"> ▪ Refer to neighbourhood and site description provided in this report.
Site and floor plans	<p>Site and floor plans detailing:</p> <ul style="list-style-type: none"> ▪ Existing floor plans of all levels of the building(s) and outdoor areas on the site. ▪ 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. ▪ 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. 	<ul style="list-style-type: none"> ▪ Refer attached site and floorplans and red-line area prepared by OLA Studio.

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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"> ▪ 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. ▪ 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. ▪ 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. ▪ An assessment of all potential off-site impacts including identification of ways in which such impacts will be managed and mitigated. ▪ Where relevant, the views of the Victoria Police 	<ul style="list-style-type: none"> ▪ Refer description of Proposed Use in section 2 of this report. ▪ 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.. ▪ An assessment of off-site impacts is provided in this report.

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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"> ▪ 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. ▪ The management and dispersal of patrons, including patrons loitering around the venue after the venue has closed. ▪ The management of large group bookings. ▪ 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). ▪ The management of external queues. ▪ 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. ▪ Details of the provision of music including the frequency and hours of entertainment provided by live bands and DJs. ▪ Any other measures to be undertaken to ensure no unreasonable amenity impacts from the licensed premises. ▪ A NAAP is not required for an application for a restaurant (including a café) or a packaged liquor outlet 	<ul style="list-style-type: none"> ▪ A NAAP is not required because the proposal relates to a café and to packaged liquor sales. ▪ It is noted that no smoking will be permitted at the outdoor tables.

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"> ▪ 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. ▪ Nevertheless an acoustic report is provided which concludes that with the proposed management controls, relevant noise criteria are predicted to be achieved
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"> ▪ 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.

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 m².

The square metres available to the public on the external area (covered courtyard) is 22 m².

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 m² 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

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For more information call 9205 5555 or visit 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 (cafe) 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.

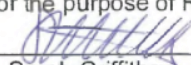
Notes:

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

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?

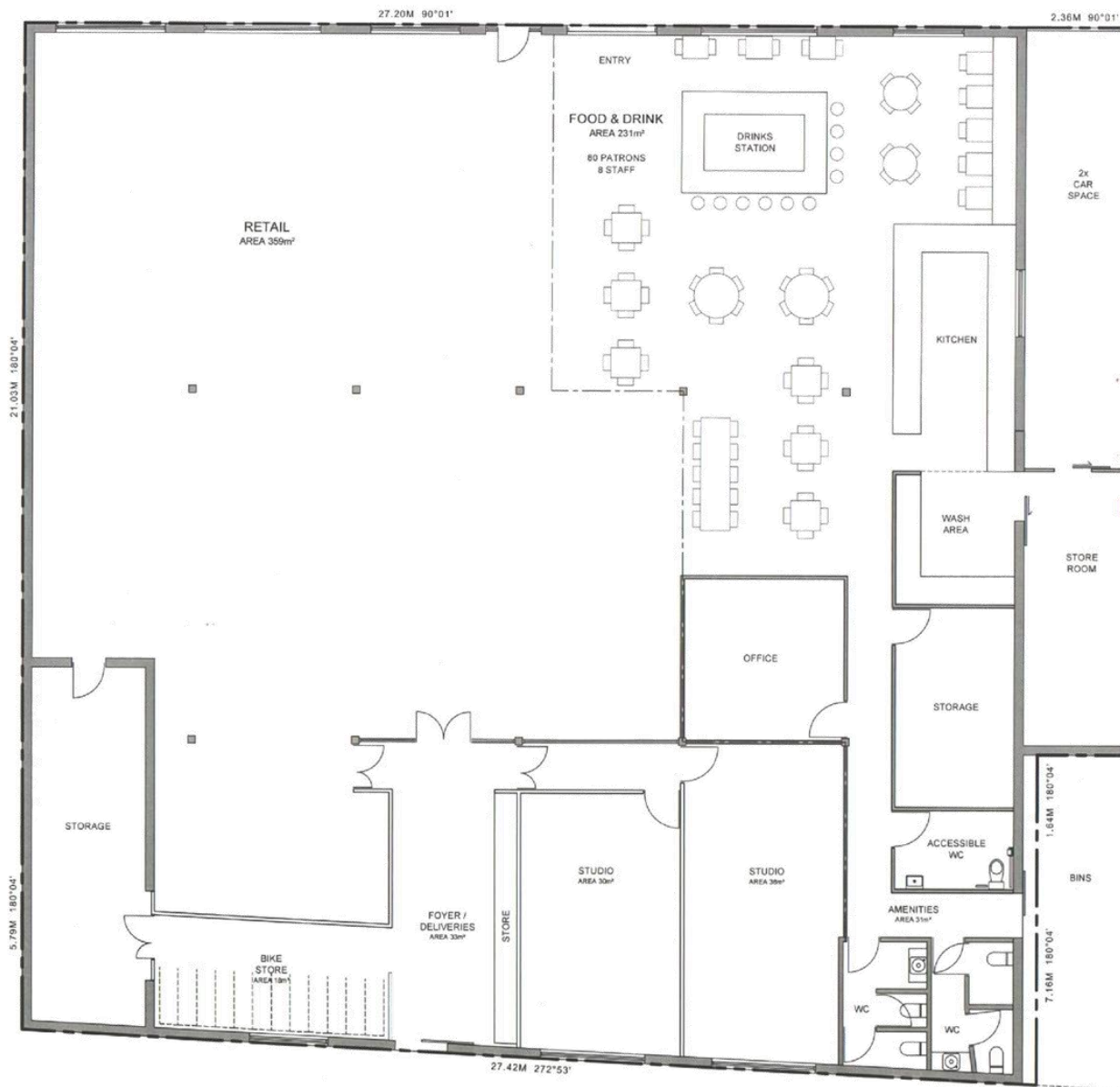
1. A permit for the development of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified 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
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 COLLINGWOOD VIC 3066
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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

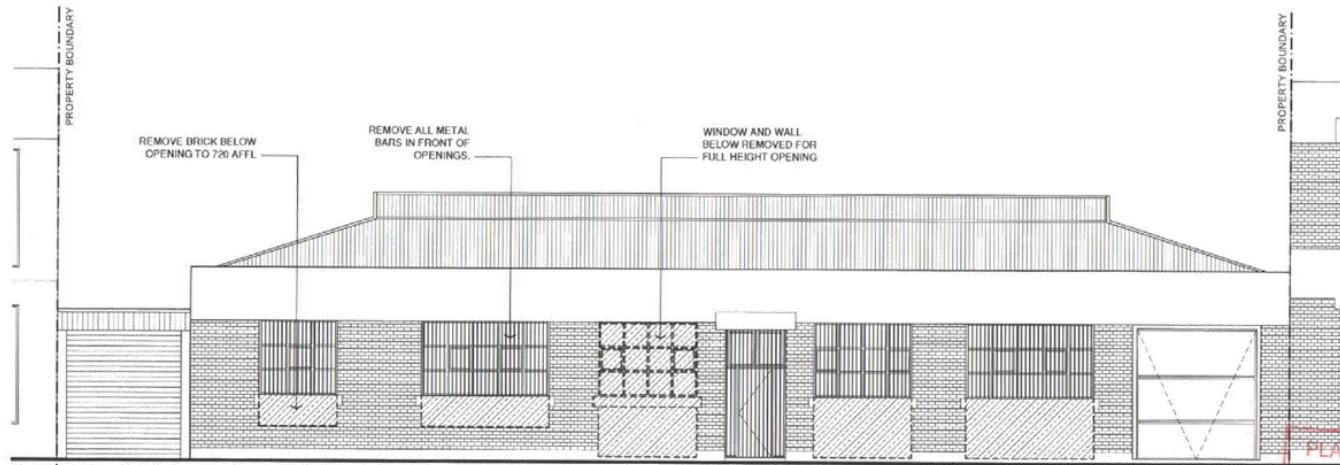
33-39 KEELE ST COLLINGWOOD
 PROPOSED COMMERCIAL ALTERATIONS
 P/S NO 0125
 CLIENT: CBE
 SCALE: TOWN PLANNING APPLICATION
 DATE: 14.01.2018
 ISSUE: 1

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
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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 13/6/18 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: CIB
 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
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- 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). Lmax targets of 65 dBA L_{max} are also proposed.

SLR Comments: *The design targets are appropriate.*

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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.*

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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.

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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:

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- 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.

