



Agenda

Planning Decisions Committee

6.30pm, Wednesday 11 August 2021

MICROSOFT TEAMS

The Planning Decisions Committee

The Planning Decisions Committee is a delegated committee of Council with full authority to make decisions in relation to planning applications and certain heritage referrals. The committee is made up of three Councillors who are rostered on a quarterly basis.

Participating in the Meeting

Planning Decisions Committee meetings are decision-making forums and only Councillors have a formal role. However, Council is committed to ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered before the decision is made.

There is an opportunity for both applicants and objectors to make a submission to Council in relation to each matter presented for consideration at the meeting.

Before each item is considered, the meeting chair will ask people in attendance if they wish to make submission. Simply raise your hand and the chair will invite you to come forward, take a seat at the microphone, state your name clearly for the record and:

- Speak for a maximum of five minutes;
- direct your submission to the chair;
- confine your submission to the planning permit under consideration;
- If possible, explain your preferred decision in relation to a permit application (refusing, granting or granting with conditions) and set out any requested permit conditions
- avoid repetition and restating previous submitters;
- refrain from asking questions or seeking comments from the Councillors, applicants or other submitters;
- if speaking on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

Once you have made your submission, please remain silent unless called upon by the chair to make further comment or to clarify any aspects.

Following public submissions, the applicant or their representatives will be given a further opportunity of two minutes to exercise a right of reply in relation to matters raised by previous submitters. Applicants may not raise new matters during this right of reply.

Councillors will then have an opportunity to ask questions of submitters. Submitters may determine whether or not they wish to take these questions.

Once all submissions have been received, the formal debate may commence. Once the debate has commenced, no further submissions, questions or comments from submitters can be received.

Arrangements to ensure our meetings are accessible to the public

Planning Decisions Committee meetings are held at the Richmond Town Hall. The following arrangements are in place to ensure they are accessible to the public:

- Entrance ramps and lifts (via the entry foyer).
- Interpreting assistance is available by arrangement (tel. 9205 5110).
- Auslan interpreting is available by arrangement (tel. 9205 5110).
- A hearing loop and receiver accessory is available by arrangement (tel. 9205 5110).
- An electronic sound system amplifies Councillors' debate.
- Disability accessible toilet facilities are available.

1. Appointment of Chair

Councillors are required to appoint a meeting chair in accordance with the City of Yarra Governance Rules 2020.

2. Statement of recognition of Wurundjeri Woi-wurrung Land

“Yarra City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Owners and true sovereigns of the land now known as Yarra.

We acknowledge their creator spirit Bunjil, their ancestors and their Elders.

We acknowledge the strength and resilience of the Wurundjeri Woi Wurrung, who have never ceded sovereignty and retain their strong connections to family, clan and country despite the impacts of European invasion.

We also acknowledge the significant contributions made by other Aboriginal and Torres Strait Islander people to life in Yarra.

We pay our respects to Elders from all nations here today—and to their Elders past, present and future.”

3. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

Cr Stephen Jolly (substitute for Cr Anab Mohamud)

Cr Claudia Nguyen

Cr Amanda Stone

Council officers

Ally Huynh (Senior Co-ordinator Statutory Planning)

Jessica Sutherland (Senior Statutory Planner)

Rhys Thomas (Senior Governance Advisor)

Cindi Johnston (Governance Officer)

4. Declarations of conflict of interest

Any Councillor who has a conflict of interest in a matter being considered at this meeting is required to disclose that interest either by explaining the nature of the conflict of interest to those present or advising that they have disclosed the nature of the interest in writing to the Chief Executive Officer before the meeting commenced.

5. Confirmation of Minutes

RECOMMENDATION

That the minutes of the Planning Decisions Committee held on Wednesday 28 July 2021 be confirmed.

6. Committee business reports

Item		Page	Rec. Page
6.1	PLN21/0181 - 39 Delbridge Street Fitzroy North - Part demolition and construction of a two storey extension to the rear of the existing dwelling.	5	27
6.2	PLN20/0657 - 459 - 471 Church Street & 20-26 Brighton Street, Richmond	55	74
6.3	PLN21/0148 - 215 Swan Street Richmond & Lot 1 of TP321470H - Sale and consumption of liquor (General Licence), buildings and works (including partial demolition) and a waiver of the bicycle parking requirements associated with a hotel (as-of-right use) with live music.	134	173
6.4	PLN20/0834 - 608 Drummond Street Carlton North - Part demolition and construction of a two storey extension and roof terrace to the existing dwelling.	291	312
6.5	PLN21/0144 - 11 Darlington Parade Richmond - Part demolition and construction of a two storey extension with associated roof terrace to the rear of the existing dwelling.	351	368

6.1 PLN21/0181 - 39 Delbridge Street Fitzroy North - Part demolition and construction of a two storey extension to the rear of the existing dwelling.

Executive Summary

Purpose

1. This report provides Council with an assessment of the application at No. 39 Delbridge Street Fitzroy North, for part demolition and construction of a two storey extension to the rear of the existing dwelling.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 32.09 – Neighbourhood Residential Zone
 - (b) Clause 15.01 – Built Environment
 - (c) Clause 54 – One dwelling on a lot (ResCode)
 - (d) Clause 43.01 and Clause 22.02 – Heritage
 - (e) Clause 22.09 – Development abutting Laneways

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Clause 54 – One dwelling on a lot (ResCode)
 - (b) Heritage
 - (c) Development abutting laneways
 - (d) Objector concerns

Submissions Received

4. Thirteen (13) objections were received to the application, these can be summarised as:
 - (a) Overdevelopment of the site (height, scale, bulk)
 - (b) Overlooking
 - (c) Overshadowing, daylight restriction and energy efficiency impacts
 - (d) Shadow diagrams do not show actual impact
 - (e) Not in keeping with neighbourhood character
 - (f) Visual bulk impacts and loss of views to the city
 - (g) Non-compliance with ResCode standards
 - (h) Increased height of northern boundary fence is not supported
 - (i) Removal of vegetation
 - (j) Noise and amenity impact from 'service area'
 - (k) Noise from terrace
 - (l) Visibility of terrace from neighbouring properties and rear laneway
 - (m) Set precedent for development in the area
 - (n) Heritage impacts, including visibility from Delbridge Street and two storey terraces across Delbridge Street

Conclusion

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported subject to the following key recommendations:
- (a) The southern balustrade of the roof terrace in accordance with the sketch plans submitted 1 July 2021, which show a 1.7 metre high screen setback 1.5 metres from the southern title boundary where it is opposite the north-facing window of No. 37 Delbridge Street.
 - (b) The south elevation of the dining area set back 1 metre from the southern title boundary.
 - (c) The additional screening on the north boundary fence deleted, and the following design changes:
 - (i) The deck screened in accordance with the objective of Clause 54.04-6 (Overlooking Standard) of the Yarra Planning Scheme, with an Overlooking Diagram demonstrating compliance.
 - (ii) The windows on the north elevation of the dining area in accordance with the objective of the Clause 55.04-6 (Overlooking Standard) of the Yarra Planning Scheme and, if applicable, any additional screening measures required to demonstrate compliance.
 - (iii) The window on the north elevation of the bedroom 4 in accordance with the objective of the Clause 55.04-6 (Overlooking Standard) of the Yarra Planning Scheme and, if applicable, any additional screening measures required to demonstrate compliance
6. An Overlooking Diagram demonstrating views to No. 41 Delbridge Street's area of POS from the roof terrace in accordance with the objective of the Clause 55.04-6 (Overlooking Standard) of the Yarra Planning Scheme and, if applicable, any additional screening measures required to demonstrate compliance.
7. An Overlooking Diagram demonstrating views to No. 37 Delbridge Street's area of POS from the roof terrace in accordance with the objective of the Clause 55.04-6 (Overlooking Standard) of the Yarra Planning Scheme and, if applicable, any additional screening measures required to demonstrate compliance.
8. An Overlooking Diagram demonstrating views to No. 37 Delbridge Street's area of POS from the south-facing kitchen window in accordance with the objective of the Clause 55.04-6 (Overlooking Standard) of the Yarra Planning Scheme and, if applicable, any additional screening measures required to demonstrate compliance.

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

6.1 [PLN21/0181 - 39 Delbridge Street Fitzroy North - Part demolition and construction of a two storey extension to the rear of the existing dwelling.](#)

Reference	D21/74101
Author	Jessica Sutherland - Statutory Planner
Authoriser	Coordinator Statutory Planning

Ward:	Langridge Ward
Proposal:	Part demolition and construction of a two storey extension to the rear of the existing dwelling.
Existing use:	Single dwelling.
Applicant:	Studio Ester
Zoning / Overlays:	Neighbourhood Residential Zone (Schedule 1) Heritage Overlay (Schedule 327) Development Contributions Plan Overlay (Schedule 1)
Date of Application:	19 March 2021
Application Number:	PLN21/0181

Planning History

1. Planning Permit PL02/1087 was issued on 24 February 2003 for *partial demolition and construction of a ground and first floor garage*. The permit was acted on and works completed.

Background

2. The application was received by Council on 19 March 2021, with further information provided in May 2021. The application was advertised in May 2021, with thirteen (13) objections received.
3. The site frontage to Delbridge Street is orientated to the north-east, however for clarity, the front boundary will be referred to as the eastern boundary, the boundary to No. 37 Delbridge Street as the southern boundary, the rear boundary to the laneway as the western boundary and the boundary to No. 41 Delbridge Street as the northern boundary.

[Lodgement of S57A plans or sketch plans](#)

4. In response to an objection received and concerns raised by Council regarding a north-facing window, the Applicant submitted sketch plans on 1 July 2021 showing a 1.7 metre high screen associated with the roof terrace, set back 1.5 metres from the boundary where opposite the north-facing window of No. 37 Delbridge Street (in lieu of a 1.2 metre high balustrade constructed on the boundary).
5. The sketch plans are not the Decision Plans but will be discussed within the body of this report where relevant.
6. The Applicant also agreed to the south elevation of the dining wall being set back 1 metre from the boundary (email dated 19 July 2021).
7. No consultation meeting was held.

The Proposal

8. The application is for part demolition and construction of a two storey extension at the rear of the existing dwelling. Further details of the proposal are as follows:

Demolition

9. A portion of the western elevation of the dwelling and two west facing windows.
10. A portion of the rear roof of the dwelling.
11. The eastern elevation, the north facing window and portion of the northern elevation, roof and internal stairs of the outbuilding.
12. Vegetation and landscaping.
13. Internal walls and doors (*no permit required*).
14. *Extension*
15. The proposed extension is essentially connecting the rear of the existing dwelling and the two-storey garage at the rear by constructing the following:
 - (a) Construction of a basement, which due to the slope of the site is partially below natural ground level (**NGL**), and connects to the garage. This will be referenced as the lower ground floor.
 - (b) Construction of a dining and kitchen area above the basement footprint, which due to the slope of the site connects the ground floor of the original dwelling to the first floor of the garage. This will be referenced as ground floor.
 - (c) A roof terrace is constructed above the proposed dining and kitchen area and above the rear of the single storey retained dwelling. It is an area of 37.42sqm and is provided 1.2 metre balustrades. It is constructed above the retained ground floor southern wall, resulting in a 4.8 metre high boundary wall, and then set back 1 metre from the southern boundary for the remainder. A services area is provided to the western portion of the roof terrace.
 - (d) Stairs, which are located to abut the existing two storey garage, connect the levels. The roof of the stairs is a height of 7.12 metres above NGL.
 - (e) The lower ground floor and ground floor extension is constructed to the southern boundary for a length of 4.11 metres, creating a boundary wall with a maximum height of 4.72 metres above NGL.
 - (f) The lower ground and ground floor are then set back by 1 metre, where associated with the stairs and the kitchen, creating two lightwells along the southern boundary.
 - (g) The extension is set back 4.63 metres from the northern boundary.
16. The proposal is also altering/extending the partially retained two storey outbuilding as follows:
 - (a) Increasing the southern boundary wall height from a maximum height of 4.96 metres to 5.32 metres.
 - (b) Constructing a new gabled roof which increases the pitch of the roof from 5.2 metres to 6.52 metres.
 - (c) Installing windows on the west and north elevations associated with the proposed bedroom 4 above the garage.

General

17. Construction of a deck within the northern setback of the extension, which due to the natural slope of the site has a maximum height of 1.13 metres above NGL.
18. A 1.7sqm raingarden with a depth of 100mm.
19. Construction of a screen above the retained fence opposite the deck and on the northern boundary.

20. Materials and finishes include render walls with light coloured finish, light coloured battens to the stairwell, grey Colorbond roof sheeting and light coloured concrete tiles for the roof terrace flooring.

Existing Conditions

Subject Site

21. The subject site is located on the western side of Delbridge Street, 70 metres north of McKean Street, in Fitzroy North. The site has a frontage of 9.96 metres to Delbridge Street and a maximum site depth of 36.6 metres, yielding an overall site area of 369sqm. The site is bound by an unnamed public laneway at the rear (west) which is 3.66 metres wide and accessed via McKean Street to the south.
22. The site has falls from east to west so that the front title boundary to Delbridge Street is approximately 1.7 metres higher than the rear title boundary to the laneway.
23. The site is developed with a single storey, double fronted, Victorian/Edwardian-era dwelling with detailed brown and cream brickwork and a slate roof and is recognised as Contributory to the Fitzroy North Heritage Precinct. It is constructed to the southern boundary for its entire length and set back 900mm from the northern title boundary. It is noted that a window is provided on the southern title boundary and is an existing condition that is not proposed to be altered.



Image 1: the front of the subject site (source: Officer's site visit, July 2021)

24. A two storey garage is located in the south-west corner of the site abutting the laneway (as seen in the below image) which has a gabled roof and provides a roller door and on-site car parking spot.



Image 2: The rear outbuilding of the site as visible from the laneway. The abutting shed of No. 37 Delbridge Street visible to the right (source: Officer's site visit, July 2021)

Surrounding Land

25. The immediate area is characterised by residential dwellings from the Victorian/Edwardian-era and some modern infill development. The subject site and surrounds are located in the Fitzroy North Heritage Precinct (Schedule 327).



Image 3: aerial of the subject site and surrounds (source: NearMap, April 2021)

26. Immediately to the north is No. 41 Delbridge Street which is developed with a single storey, double fronted, red brick Victorian-era dwelling. The dwelling has a hip-and-valley slate roof, original verandah, fretwork and chimneys. It is constructed to the shared boundary with the subject site for its entire length with one (1) non-habitable window located on this boundary. A verandah is provided to the rear of the dwelling and beyond (west) is a large area of private open space (**POS**). A garage is constructed at the rear of the site, forming the end of the laneway, and providing a roller door for on-site vehicle access.
27. Immediately to the south is No. 37 Delbridge Street which is developed with a single storey, cream render and brick dwelling with a gabled roof. The dwelling has been altered, including through the construction of a car port and crossover on the southern side of the dwelling and the construction of a single storey extension and verandah at the rear. The front of the dwelling is set back 1.43 metres from the shared title boundary with the subject site. One (1) habitable room window (**HRW**) faces the existing boundary wall of the subject site from within this setback (this interface is shown in Image 4 below). The remainder of the dwelling is constructed to the shared boundary with the subject site for its length. A single storey shed is constructed to the shared boundary for the remaining length of the site (the rear of which is visible in Image 2). An area of POS is provided to the south-west of the site and is 37sqm in area.



Image 4: the existing boundary of the subject site to the right and HRW of No. 37 Delbridge Street located in the brick wall to the left (source: Officer's site visit, July 2021)

28. To the west, across the laneway is No. 153 McKean Street which is constructed with a single storey, double fronted, Victorian/Edwardian-era dwelling. The dwelling fronts south to McKean Street and is constructed to the laneway for a length. At the rear (north) of the site, where it is opposite the subject site, is a shed, a rainwater tank and an area of POS, which is approximately 300sqm in area.
29. Further west is No. 151 and 151a McKean Street, which together form a 'L-shaped' lot which connects to the laneway at the rear. The sites are developed with 'Dentonville', a two storey boom classical style dwelling fronting McKean Street, and 'Denton Hall', a single storey red brick dwelling situated at the rear (north) of the property. Access to Denton Hall, including vehicle access, is provided from the laneway opposite the rear boundary of the subject site.

Planning Scheme Provisions

Zoning

Neighbourhood Residential Zone (Schedule 1)

30. Pursuant to Clause 32.09-1 of the Yarra Planning Scheme (**the Scheme**), a permit is not required to use the land as a dwelling.
31. Pursuant to Clause 32.09-5, *a planning permit is required to construct or extend a dwelling on a lot less than 500sqm* (as specified in Schedule 1 of the Zone). The subject site is an area of 369sqm thus a permit is required to extend one dwelling on a lot.
32. Pursuant to Clause 32.09-4 of the Scheme, mandatory minimum garden area requirements applies to lots greater than 400sqm. As the subject site is a total area of 369sqm, the garden area requirements are not applicable.

33. Pursuant to Clause 32.09-10, *a building used as a dwelling or residential building must not exceed a height of 9 metres or two storeys at any point.*
34. The proposed extension which has a maximum height of 7.12 metres above NGL and is two storeys meets the requirements of the mandatory provision.

Overlays

Heritage Overlay (Schedule 327)

35. Pursuant to Clause 43.01-1, a planning permit is required to demolish or remove a building and to construct and carryout works.
36. Appendix 8 to the City of Yarra Review of Heritage Areas, 2007 – The site is identified as being Contributory to the *Fitzroy North Heritage Precinct* (Schedule 327).

Development Contribution Plan Overlay (Schedule 1)

37. Pursuant to Clause 45.06-1 a permit granted must:
 - (a) Be consistent with the provisions of the relevant development contributions plan.
 - (b) Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.
38. The proposal does not result in an increase in the number of dwellings; thus, the requirements of the Overlay do not apply.

Particular Provisions

Clause 54 – One dwelling on a lot (ResCode)

39. Pursuant to Clause 54 of the Scheme this provision applies to an application to construct a dwelling on a lot less than 500sqm. A development must meet the objectives of Clause 54.

General Provisions

40. The Decision Guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.
41. Amongst other things, the Responsible Authority must consider the relevant Municipal Planning Strategy and the Planning Policy Frameworks, as well as the purpose of the Zone, Overlay or any other Provision.

Planning Policy Framework (PPF)

Clause 11.02 – Managing growth

42. The clause includes several strategies to achieve this objective including *'planning for urban growth should consider opportunities for the consolidation, redevelopment and intensification of existing urban areas.*

Clause 15 – Built Environment and Heritage

Clause 15.01-1S – Urban design

43. The objective of this clause is *'to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity'.*

Clause 15.02-1S – Energy and resource efficiency

44. The objective of this clause is *'to encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions'.*

Clause 15.03-1S – Heritage conservation

45. The objective of this clause is *'to ensure the conservation of places of heritage significance'.*

Clause 16 – Housing

Clause 16.01-3S – Housing diversity

46. The objective of this clause is *'to provide for a range of housing types to meet diverse needs'*.

[Local Planning Policy Framework \(LPPF\)](#)

Clause 21 – Municipal Strategic Statement (MSS)

Clause 21.03 – Vision

47. Clause 21.03 of the Scheme outlines strategic objectives for land use, built form, transport and environmental sustainability within the City. Strategies to achieve the objectives are set out in the following clauses of the MSS.

Clause 21.04 – Land Use

Clause 21.04-1 – Accommodation and housing

48. The relevant objectives and strategies of this clause are *'to retain a diverse population and household structure'* and to *'encourage the retention of dwellings in established residential areas that are suitable for families with children'*.

Clause 21.05 – Built form

Clause 21.05-5 – Heritage

49. The principal objective of this clause are *'to protect and enhance Yarra's heritage places'*.

Clause 21.05-6 – Urban Design

50. This clause incorporates the following relevant objectives:

- (a) *Maintain and strengthen the preferred character of each Built Form Character Type within Yarra; and*
- (b) *Ensure development is designed having particular regards to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.*

Clause 21.08-8 – Fitzroy North

51. The subject site is identified as 'Heritage Overlay' on the *Figure 20 (Built Form Character Map)*. The objective for this area is to *'ensure that development does not adversely affect the significance of the heritage place'*.

[Relevant Local Policies](#)

Clause 22.02 – Development guidelines for sites under the heritage overlay

52. This policy applies to all land within a Heritage Overlay. The clause incorporates the following relevant objectives;

- (a) *To conserve Yarra's natural and cultural heritage;*
- (b) *To conserve the historic fabric and maintain the integrity of places of cultural heritage significance;*
- (c) *To preserve the scale and pattern of streetscapes in heritage places;*
- (d) *To ensure that additions and new works to a heritage place respect the significance of the place; and*
- (e) *To encourage the retention of 'individually significant' and 'contributory' heritage places.*

Clause 22.07 – Development abutting laneways

53. The policy applies to applications for development that is accessed from a laneway or has laneway abuttal. The clause incorporates the following relevant objectives;

- (a) *To provide an environment what has a feeling of safety for users of the laneway;*

- (b) *To ensure that development along a laneway acknowledges the unique character of the laneway; and*
- (c) *To ensure that development along a laneway is provided with safe pedestrian and vehicular access.*

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

54. This policy applies to extensions greater than 50sqm in area. The objective of this clause is:
- (a) *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*
- Incorporated Document
55. Appendix 8 to the City of Yarra Review of Heritage Areas, 2007 (revised May 2017) – The site is identified as being Contributory to the *Fitzroy North Heritage Precinct* (Schedule 327).

Advertising

56. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 9 letters sent to surrounding owners and occupiers and by a sign displayed on site. Council received 13 objections, the grounds of which are summarised as follows):
- (a) Overdevelopment of the site (height, scale, bulk)
 - (b) Overlooking
 - (c) Overshadowing, daylight restriction and energy efficiency impacts
 - (d) Shadow diagrams do not show actual impact
 - (e) Not in keeping with neighbourhood character
 - (f) Visual bulk impacts and loss of views to the city
 - (g) Non-compliance with ResCode standards
 - (h) Increased height of northern boundary fence is not supported
 - (i) Removal of vegetation
 - (j) Noise and amenity impact from 'service area'
 - (k) Noise from terrace
 - (l) Visibility of terrace from neighbouring properties and rear laneway
 - (m) Set precedent for development in the area
 - (n) Heritage impacts, including visibility from Delbridge Street and two storey terraces across Delbridge Street
57. A planning consultation meeting was not held as a result of the state of emergency declared in Victoria and the current health advice related to the Covid-19 pandemic.

Referrals

58. The application was not required to be referred to external parties.

Internal Referrals

59. The application was referred to the following units within Council:
- (a) Heritage Advisor
60. Referral comments have been included as attachments to this report.

OFFICER ASSESSMENT

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

- (a) Clause 54 – one dwelling on a lot (ResCode)
- (b) Heritage
- (c) Development abutting laneways
- (d) Objector concerns

Clause 54 – One dwelling on a lot (ResCode)

62. Clause 54 comprises design objectives and standards to guide the assessment of new residential development. Given the site's location within a built up inner city residential area, strict application of the standard is not always appropriate, whether the proposal meets the objective is the relevant test. The following objectives are not relevant to this application:

- (a) *Standard A2 Integration with the street objective* – no change from existing conditions
- (b) *Standard A3 Street setback objective* – no change from existing conditions
- (c) *Standard A8 Significant trees* – no significant trees to be removed
- (d) *Standard A19 Solar access to open space objective* – not applicable to extensions
- (e) *Standard 20 Front fences objective* – no change from existing

Standard A1 - Neighbourhood Character

63. The surrounding area is characterised by single and double storey, Victorian/Edwardian-era dwellings. High site coverage is a common characteristic due to an emerging pattern of rear extensions and existing pattern of outbuildings and garages constructed to rear laneways. Due to the pattern of subdivision and outbuildings located to the rear of sites, the area does not have a clear backyard character. Typically, dwellings are constructed to at least one title boundary, with two storey boundary walls apparent where associated with Victorian-era terraces and traditional outbuildings.
64. For these reasons, the proposal which connects the existing ground floor dwelling and outbuilding at the rear of the site, is generally in keeping with the existing and emerging pattern of development on the subject site and the surrounding area. The proposal has generally responded to the existing pattern of development of the site, the location of neighbouring built form and its sensitive interfaces and also the intact heritage streetscape.
65. Pursuant to the Figure 20 in Built Form Character Map of Clause 21.08-8 (Fitzroy North) the subject site is identified as being in a Heritage Overlay. The neighbourhood policy encourages that development within these areas *does not adversely affect the significance of the heritage place*.
66. The front of the dwelling, as visible from the street, is not being altered. The extension is located toward the rear of the site at a notable distance from the street frontage to respect the intact heritage elements of the streetscape. The extension, with the exception of the stairwell of the roof terrace, is lower in reduced level (**RL**) than the ridge of the existing roof line. Although the proposal will be assessed against the heritage policy of the Scheme later in this report, it is generally considered that the proposed scale and design will not adversely affect the significance of the heritage place.
67. For the reasons outlined, the proposal is considered to comply with the Neighbourhood Character Standard.

Standard A4 – Building Height

68. Standard A4 requires that *the maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land*. Schedule 1 of the Zone specifies that the maximum building height is 9 metres.

69. The extension which has a maximum height of 7.12 metres above NGL and therefore complies with the Standard.

Standard A5 – Site Coverage

70. As no minimum site coverage is specified in Schedule 1 of the Neighbourhood Residential Zone, the maximum site coverage under the Standard of 60% applies.
71. The proposal has an overall site coverage of 62.3% and therefore does not comply with the Standard; however, it is considered to meet the objectives of the Standard for the following reasons:
- (a) High site coverage is a prominent characteristic of the neighbourhood with higher site coverage visible on neighbouring lots, including No. 37 Delbridge Street and No. 151 McKean Street.
 - (b) A variation of 2.3% is marginal within the context and is unlikely to result in an unreasonable amenity impact associated with site coverage.

Standard A6 – Permeability

72. As no minimum permeability is specified in Schedule 1 of the Neighbourhood Residential Zone, pervious surfaces must cover at least 20% of the site. The proposed development will result in site permeability of 35.2% which exceeds the requirements of the Standard.
73. Local policy Clause 22.16 (Stormwater Management), which applies to an extension greater than 50sqm is an area, provides clear directive on how development can address stormwater run-off. A STORM Rating Report was submitted with the application which demonstrates a score of 101% through the inclusion of 1.7sqm of 100mm deep raingardens, which is shown in plans. The requirements of the Clause are met.

Standard A7 – Energy efficiency protection objective

74. The proposal meets the first objective of Standard A7 *to ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy* for the following reasons:
- (a) Generally, all habitable rooms are provided with good daylight access with extensive north-facing glazing provided to the open kitchen and dining and proposed bedroom 4.
 - (b) Light wells are provided along the southern boundary which will provide additional daylight to the ground floor habitable rooms and to the lower ground floor garage and basement which is partially below natural ground level.
 - (c) Skylights are provided to the existing laundry and ground floor bathroom for natural daylight access thereby reducing the dwellings reliance on artificial lighting.
 - (d) Sliding doors are provided to the open kitchen and dining room which will provide for natural ventilation. A condition will require that, unless required to be fixed for Overlooking purposes, windows should be operable to increase the natural cross ventilation of the dwelling and reduce the dwellings reliance on air-conditioning or mechanical ventilation systems.
75. The proposal meets the second objective of the Standard *to achieve and protect energy efficient dwellings* for the following reasons discussed below.
76. The only immediately abutting properties are to the south and north.
77. The extension has generally been designed to abut the existing dwelling to the south at No. 37 Delbridge Street along the rear of the shared boundary. As will be discussed, there will be no additional shadows cast to the POS of No. 37 Delbridge Street given that the proposed shadows fall within the existing shadows cast by the dwelling, dwelling's verandah and shed of No. 37 Delbridge Street.
78. However, there is one north-facing window located from within the 1.43 metre set back at the front of the site. The proposed roof terrace and associated balustrade will be located opposite the north-facing window. The Applicant submitted sketch plans to show the 1.7 metre balustrade setback 1.5 metres from the shared boundary, resulting in a 2.63 metre setback of the introduced built form the north-facing window. As will be discussed under Standard A13 (North-facing windows), this is considered an appropriate response which will not unreasonably reduce the solar access or energy efficiency to the habitable room.
-

79. Further, although the proposed boundary wall of the dining room will abut the verandah of No. 37 Delbridge Street, this verandah is open along the boundary and is notably high due to the natural lobe of the sites (visible in Image 5 below). The proposed boundary wall will cover this opening, limiting the daylight to the west facing windows of the dwelling at No. 37 Delbridge. Although it is generally accepted that dwellings should not rely on neighbouring properties for daylight access, the Applicant has agreed to this boundary wall being setback 1 metre from the boundary to avoid closing in the verandah at No. 37 Delbridge Street. This is considered a reasonable response in the context and will be discussed further under Standard A11 (Walls on boundaries).



Image 5: The high verandah of No. 37 Delbridge Street, with the shed to the left and west-facing bathroom window to the right (source: Officer's site visit, July 2021)

80. There are no solar panels located on the roof of No. 37 Delbridge Street. It is noted that solar panels exist at No. 35 Delbridge Street, however, these solar panels are too great a distance from the subject to be impacted.
81. The extension has been notably set back from northern boundary (4.45 metres) and is not opposite any windows which may be affected. As such, the proposal will not impact the energy efficiency of the northern abutting neighbour.
82. For the reasons outlined above, the extension is considered to meet the objectives of Standard A7.

Standard A10 – Side and rear setbacks and Standard A11 – Walls on boundaries

83. With regards to the walls on boundary heights, the following is proposed:
- The existing boundary wall of the outbuilding is increased in height from 4.96 metres to 5.32 metres.
 - The existing southern boundary wall of the dwelling is increased in height from 3.69 metres to 3.83 metres (4.8 metres including the roof terrace balustrade).

- (c) A proposed boundary wall (associated with the dining area) is proposed with a length of 4.11 metres and a height of 4.72 metres.

84. These walls exceed the maximum height of 3.6 metres as prescribed by Standard A11.

85. The proposed length of wall is assessed against Standard A11 (Walls on boundaries) in the below table. It is noted that there is 19.83 metres of existing boundary walls (associated with the dwelling and outbuilding) under existing conditions. Thus, the proposal which adds 4.11 metres of boundary wall continues to exceed the Standard.

Standard A11 tables

Wall on boundary	Length (m)	A11 Length (m)	Difference	Compliance
Southern wall	23.94	16.65	-7.59	No

86. The proposal is assessed against Standard A10 (Side and rear setbacks) in the below table.

Standard A10 Table

Proposed Wall	Wall height (m)	A10 Setback (m)	Proposed setback (m)	Difference	Compliance
North elevation of the roof terrace	5.48	1.56	4.45	2.89	Yes
North elevation of stairs	7.12	2.21	4.45	2.25	Yes
North elevation of Bed 4	5.32	1.52	4.45	2.93	Yes
South elevation of stairs and roof terrace	5.7	1.63	1.00	-0.63	No

87. In summary, the southern elevations do not comply with Standard A11 with regards to the prescribed length and height of boundary walls and Standard A10 with regards to the prescribed setbacks. Each aspect will be assessed against the objective of these Standards, which is to ensure the walls respect the existing and preferred neighbourhood character and limit the impact on the amenity of existing dwellings.

88. The increased height of the boundary wall of the garage/bedroom 4 is entirely abutting the existing shed of No. 37 Delbridge Street. As will be discussed under Standard A14, the increased height of the wall will not result in any additional shadows to the POS of No. 37 Delbridge Street. It is also considered that the shed will buffer any visual bulk impacts to the neighbouring dwelling and POS area. As is demonstrated in the below images, the wall (which will be increased between 360mm to 1.2 metre in height) is visible from the rear of the dwelling and from some areas of the POS but it will not be imposing in the context.



Image 6: the outlook from the verandah at No. 37 Delbridge Street, with the shed in the foreground and existing two storey garage of the subject site beyond (source: Officer's site visit, July 2021)

89. The majority of the walls are opposite/about the roof of the dwelling and shed of No. 37 Delbridge Street which are constructed on boundary. Further, the dwellings primary outlook is to the west where the windows look onto the verandah. As such, the neighbouring dwelling will have limited outlook to the proposed built form and any visual bulk impacts will be buffered by the verandah and shed.
90. The remainder of the extension will be opposite the shed, verandah and dwelling of No. 37 Delbridge Street, buffering visual impacts to the site. As will be discussed, the proposal does not cast any additional shadows the POS of No. 37 Delbridge. Furthermore, there are no windows facing the site which are protected by Standard A12 (Daylight to existing windows). The key consideration is the visibility of the extension from the opening in the verandah.
- As discussed, a boundary wall along this interface will restrict daylight under the verandah and result in a 'closed-in' feeling at No. 37 Delbridge Street. In response to this, the Applicant has agreed to set back the wall associated with the dining area by 1 metre, thereby creating a 1 metre setback for the entire length of the proposed extension. This setback will be required via condition.
91. Subject to this condition, and coupled with the light rendered finish and possibility of planting within the southern setback, the visual bulk impacts to the southern neighbour will be appropriately mitigated. It is noted that the principal outlook of the dwelling at No. 37 Delbridge Street is to the west, and that this outlook will remain unimpeded. Any visibility of the higher elements associated with the stairwell or roof terrace will be restricted by the verandah roof.

92. Finally, the balustrade opposite the north-facing window will be required by condition to be setback 1.5 metres from the title boundary (discussed under Standard A13). This exceeds the setback requirements of Standard A10 by 140mm. As such, the existing boundary wall will be increasing in height by only 140mm (required to flatten out the wall). This is considered to be an imperceptible change in the context where walls on boundaries are a common feature of the area.
93. For these reasons, and subject to conditions, the proposal meets the objectives of Standard A10 (Side and rear setbacks) and Standard A11 (Walls on boundaries) and is supported.

Standard A12 – Daylight to existing windows and A13 – North-facing windows

94. One north-facing habitable window faces the subject site from No. 37 Delbridge Street. The window faces an existing brick boundary wall under existing conditions which is 3.69 metres in height. A portion of the wall is proposed to be increased by 140mm so that it is the same height along the entire boundary. A 1.2 metre high balustrade is then proposed above the wall, associated with the roof terrace, resulting in a wall with a height of 4.8 metres.
95. Standard A13 (North-facing windows) is the more conservative standard in this context and specifically applies to north-facing windows which are within 3 metres of a site's boundary. The Standard requires that a wall with a height of 4.8 metres be set off the boundary by 1.72 metres.
96. In response to concerns raised by Council regarding the impact to the north-facing window, the Applicant submitted sketch diagrams on 1 July 2021 showing the balustrade set back from the title boundary by 1.5 metres. The diagram continues to show the 140mm increase in height to the retained boundary wall and has increased the height of the balustrade to 1.7 metres so that it meets the objectives of the Overlooking Standard.

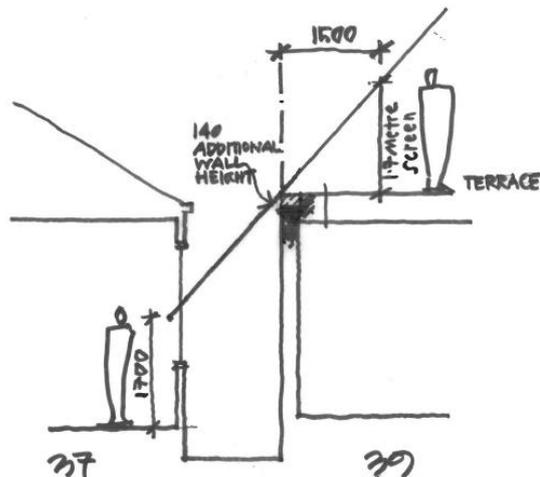


Image 7: Sketch plan of the north-facing window of No. 37 Delbridge Street and proposed roof terrace screen (submitted 1 July 2021)

97. This response, which requires a variation of 520mm from Standard A13, is considered acceptable. The window faces a 3.69 metre high boundary wall which would somewhat obstruct the solar access to the window under existing conditions. The outlook of the window to the wall is shown in Image 7 above; a 1.7 metre screen setback 1.5 metres beyond would be imperceptible given the existing outlook. The 140mm increase to a portion of the wall to match the height of the wall immediately opposite the window is considered reasonable given the existing condition.

98. The diagram demonstrates that the 1.7 metre balustrade would be below the view line of a person standing at the window. Although it is not expected that the balustrade will unreasonably impact solar access to the window in the context, a condition will require that the balustrade be constructed with obscure glazing to ensure that it will continue to allow for filtered light.



Image 8: The north-facing window of No. 37 Delbridge Street, currently associated with a dining room (source: Officer's site visit, July 2021)

Standard A14 – Overshadowing

99. Pursuant to Clause 54.04-5, (Standard A14), *where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.*
100. *If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.*
101. Due to the east-west orientation of the site, the proposal results in additional overshadowing to No. 153 McKean Street of 1sqm at 9am and 2.93sqm at 10am at the Equinox. However, the large POS area of No. 143 McKean (which is approximately 300sqm in area) continues to receive in excess of 40sqm of unshaded POS throughout the day and therefore the Standard is met.

102. Objections have queried the accuracy of the shadow diagrams, particularly in regard to the shadows cast to No. 37 Delbridge Street. The shadow diagrams have been checked by Council Officers and they are correct in that all shadows cast by the proposal fall within the existing shadows of the shed, verandah and dwelling of No. 37 Delbridge Street. An example of the 1pm shadows (red lines) is shown below.

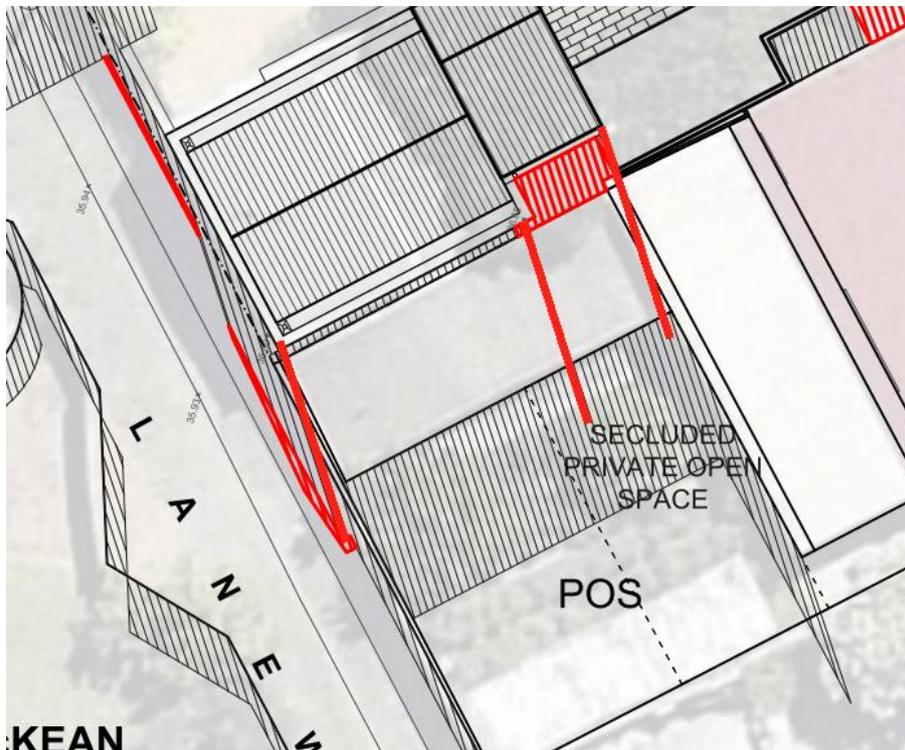


Image 9: The shadow diagrams as per the Decision Plans and annotated by Council Officers using Trapeze software to demonstrate that the length of the proposed shadows as shown in the Decision Plans is correct

Standard A15 – Overlooking

103. Pursuant to Clause 54.04-6, *the standard does not apply to a new habitable room window, which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room is less than 0.8 metres above ground level at the boundary.*
- Ground floor*
104. Given the slope of the site, the ground floor level of the dining area, bedroom 4 and deck level are greater than 800mm above NGL. As such, the windows associated with these rooms and deck must demonstrate compliance with Standard A15. The POS open space of No. 41 Delbridge Street is within a 9 metre radius of the windows and deck.
105. The extension has relied upon a proposed screen on the northern boundary fence. Council Officers are not satisfied with this screening method given it impacts the neighbouring property and objections have been received regarding this screening method. A condition will be included in the recommendation requiring that the screening be removed from the fence and that screening (or similar measures) should be included from the source of the overlooking (ie deck and window of Bed 4) to demonstrate compliance with Standard A15.
106. Council Officers anticipate that a 1.7 metre screen on the northern and western edge of the deck should limit views from the deck and dining room windows in accordance with the objective of Standard A15. However, Overlooking Diagrams will be required to demonstrate compliance. A 1.7 metre high screen on the northern edge of the deck would be set back 900mm from the existing fence to the No. 41 Delbridge Street and would not result in an unreasonable bulk to the neighbouring property.

107. Similarly, the south facing window of the kitchen is more than 800mm above NGL and is within 9 metres of No. 37 Delbridge Street's POS area. Although Council Officers anticipate that the shed and verandah roof of No. 37 Delbridge Street will restrict views to the POS area, a condition should require an Overlooking Diagram to demonstrate that the kitchen window demonstrates compliance with Standard A15.
108. Finally, the west facing windows of Bedroom 4, which are within 9 metres of the POS of No. 153 McKean Street have a sill height of 1.7 metres above floor level and therefore meet the requirements of Standard A15.
109. It is noted that stairs are not habitable and thus any windows associated with the stairs are not required to the comply with Standard A15.

Roof terrace

110. The roof terrace proposes a 1.2 metre high balustrade on the north and south elevations. Within 9 metres of the roof terrace is the POS areas of No. 41 Delbridge Street and No. 37 Delbridge Street and the HRW of No. 37 Delbridge Street.
111. The roof terrace has also relied upon the additional screening on the boundary fence to No. 41 Delbridge Street. As the screening has been required to be deleted, a condition will require that the roof terrace demonstrate compliance with Standard A15 and screening measures be included on the roof terrace where required.
112. An overlooking diagram has been provided to show the view line from the south-west corner of the roof terrace to the POS of No. 37 Delbridge Street. Although it is anticipated (when looking at the view line on the floorplan) that the verandah roof will restrict views to the POS are from the terrace, this has not been clearly demonstrated in the Overlooking Diagram provided. A condition will be included requiring a revised Sectional Overlooking Diagram which clearly demonstrates compliance with Standard A15 Overlooking, and that additional screening measures be provided if required.
113. Finally, a services area has been provided on the roof of the dining area. A condition will require a notation confirming that this area is to be non-trafficable.
114. Subject to condition, the requirements of Standard A15 are met.

Standard A16 - Daylight to existing windows

115. All new windows are located to face an outdoor space clear to sky, or a light court with a minimum area of 3sqm and minimum depth of 1 metre clear to sky.
116. The Standard is met.
117. The proposal complies with the Standard.

Standard A17 – Private open space objective

118. According to Standard A17, *a dwelling should have private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres. At least one part of the private open space should consist of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres at the side or rear of the dwelling with convenient access from a living room.*
119. The proposal has a principal area of secluded private open space at ground floor which is approximately 69sqm. Further, the extension provides a secondary area of SPOS at the roof terrace (47sqm in area). The proposal therefore exceeds the Standard.

Standard A19 – Design detail

120. The objective of the Design detail Standard is *to encourage design detail that respects the existing or preferred neighbourhood character.* The proposal incorporates light coloured render, light coloured cladding, and metal roof sheeting. These materials and colours are in keeping with materiality of the existing two storey garage as well as other contemporary development in the neighbourhood.

However, it is recommended that a condition be included on any permit issued requiring a more specific Materials and Finishes Schedule which should also confirm the materiality of Overlooking Screens and terrace balustrading.

121. Subject to these conditions, the proposal is considered to meet the objective of Standard A19 (Design detail) and is supported.

Heritage

Demolition

122. The site is recognised as Contributory to the *North Fitzroy Heritage Precinct* (Schedule 326). The front of the dwelling is being retained as is encouraged by Clause 22.02-5.1 of local heritage policy. The removal of the rear of the dwelling would not be visible from the Delbridge Street frontage and therefore would not detrimentally impact the appearance of the heritage place to this streetscape.
123. Council's Heritage Advisor raised no concern to scope of demolition.
124. A Roof Demolition Plan will be required via condition.
125. The demolition, subject to this condition, is supported.

Development

126. The proposed development is considered acceptable for the following reasons:
- (a) The extension is located within the sight line outlined at figure 2 of Clause 22.02-5.7.1 of the Scheme, and is generally lower than the ridge line of the existing roof. The exception to this is the roof of the stairs which is less than 1 metre higher than the roof ridge line and is setback in excess of 26 metres from the street frontage. As such it will generally appear as a single storey extension from Delbridge Street and will not dominate or detract from the heritage place or streetscape.
 - (b) The roof terrace is setback approximately 14 metres from the street frontage and will not be readily visible from oblique angles given it is located behind the roof of the existing dwelling.
 - (c) The rendered elevation and metal roof sheeting is clearly distinguishable from the original heritage fabric (exposed cream/brown/red bricks) but is simple in appearance so will not distract from the original heritage fabric as is encouraged by Clause 22.02-5.7.1 of the Yarra Planning Scheme.
 - (d) Council's heritage advisor supported the design, setback and scale of the extension.
127. In consideration of the above, the proposal is acceptable from a heritage perspective.

Development abutting laneways

128. The proposal will increase the height of the two storey garage in the laneway from 5.2 metres to 6.52 metres. No alterations to the existing vehicle access are proposed.
129. The proposal meets the policy objectives of Clause 22.07-3 for the following reasons:
- (a) The principal entry for the dwelling will continue to be off Delbridge Street.
 - (b) The two storey garage will continue to appear as two storeys, albeit 1.32 metres higher. It will continue to be in keeping with the character of the laneway which is developed with garages, high rear fences and a double storey building further south of the subject site (No. 31 Delbridge Street).

Objector concerns

130. *Overdevelopment of the site (height, scale, bulk)*

A two-storey extension and roof terrace is not considered out of character or an over development in the context of a residential area with a range of single to double storey dwellings. Particularly given that the lower ground floor of the extension is predominantly located below NGL, due to the slope of the site, and as such will likely appear as a tall single storey extension.

Any application is assessed against the relevant policy and the response to the individual site context, and in this instance the design response has been found to comply with the mandatory height provisions of the Neighbourhood Residential Zone, and more generally the policy located at Clause 54, the Heritage Overlay and the relevant local policies.

131. *Overlooking*

This aspect of the proposal has been discussed at paragraphs 103 - 114 of this report. Subject to various conditions relating to the screening of the deck, ground floor north-facing windows and roof terrace, the proposal complies with the provisions of Clause 54.04-6 (Overlooking Standard) of the Yarra Planning Scheme.

132. *Overshadowing, daylight restriction and energy efficiency impacts*

These matters have been discussed at 99 – 102, 94 - 98 and 74 - 82 of this report. The proposal fully complies with Standard A14 (overshadowing). Subject to the conditions requiring the dining wall be setback 1 metre from the southern boundary, and the balustrade setback 1.5 metres from the southern boundary where opposite the window of No. 37 Delbridge, the proposal is considered to meet the relevant energy efficiency and daylight objectives of Yarra Scheme.

133. *Shadow diagrams do not show actual impact*

This matter has been addressed at paragraph 102 of this report. The accuracy of the shadow diagrams have been checked by Council Officers and satisfactorily depict the proposed shadows at the Equinox (as required by Standard A14 -Overshadowing).

134. *Not in keeping with neighbourhood character*

This matter has been discussed at paragraphs 63 – 67 and it is considered that the rendered two storey extension is not out of keeping with the character of development in the area.

135. *Visual bulk impacts and loss of views to the city*

It is considered that the two storey extension, subject to conditions relating to setbacks from the southern title boundary, will not result in an unreasonable visual bulk impact to any neighbouring properties.

Although it is not expected to restrict views to the city given its relative height and location, the planning scheme does not give consideration to loss of views, including views to the city, across other private properties.

136. *Non-compliance with ResCode standards*

The ResCode standards (Clause 54 of the Yarra Planning Scheme) have been discussed through the body of this report. Given the site's location within a built up inner city residential area, strict application of the standard is not always appropriate, whether the proposal meets the objective is the relevant test.

Subject to various conditions outlined in the recommendation of this report, the proposal is considered to meet the relevant objectives of the ResCode provisions.

137. *Increased height of northern boundary fence is not supported*

A condition has been included in the recommendation requiring the additional overlooking screen to be deleted. However, boundary fences are primarily a civil matter.

138. *Removal of vegetation*

The removal of vegetation from the subject site does not require planning permission. It is likely that vegetation will be replanted to the POS area and light well along the southern boundary, however, abutting properties have no right to amenity obtained from neighbouring vegetation.

139. *Noise and amenity impact from 'service area'*

Services normal to a dwelling (which are not visible from the street) do not require planning permission and are thus not a planning consideration in this instance. The use of the land as a dwelling is an as-of-right use in this instance, so noise from residential services is not a planning consideration. Noise from services must comply with the relevant SEPP noise regulations which are enforced by the EPA.

140. *Noise from terrace*

As discussed, the use of the land as a dwelling is an as-of-right use in this instance, so domestic noise is not a planning consideration. Nevertheless, it is not expected that noise associated with a residential use of an outdoor area will not be unreasonable in the context.

141. *Visibility of terrace from neighbouring properties and rear laneway*

It is possible the roof terrace will be visible from various views from neighbouring land or the laneway; however, visible built form is a common occurrence in inner-city urban areas and not in itself unreasonable.

The views to the terrace from the rear laneway and neighbouring properties is accepted from a heritage perspective.

A condition has been included in the recommendation requiring the at the terrace be designed in accordance with the objectives of Standard A15 (Overlooking).

142. *Set precedent for development in the area*

All applications are assessed against the relevant policy and the response to the individual site context, and in this instance the design response has been found to comply with the mandatory height provisions of the Neighbourhood Residential Zone, and more generally the policy located at Clause 54, the Heritage Overlay and the relevant local policies.

143. *Heritage impacts, including visibility from Delbridge Street and two storey terraces across Delbridge Street*

This matter has been partially addressed at paragraphs 122 - 127 of this report. The heritage policies of the Yarra Planning Scheme do not consider the heritage view lines from neighbouring private properties, regardless, it is expected that views to the extension will be limited given that the terrace and extension is generally a lower RL than the existing roof of the heritage dwelling.

Conclusion

144. The proposal demonstrates an acceptable level of compliance with the policy requirements outlined in the Yarra Planning Scheme. Based on the report, the proposal is considered to generally comply with the relevant policies of the Yarra Planning Scheme and is recommended for approval subject to conditions.

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN21/0181 for part demolition and construction of a two storey extension and a roof terrace to the existing dwelling, at No. 39 Delbridge Street Fitzroy North, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Studio Esther, Drawings TP101, TP102, TP103A, TP104A, TP105A, TP106, TP107, TP108, TP109, TP110, TP200, TP201A, TP202A, TP203, TP204, and TP205 dated 16 December 2020, but modified to show:
 - (a) The southern balustrade of the roof terrace in accordance with the sketch plans submitted 1 July 2021, which show a 1.7 metre high screen setback 1.5 metres from the southern title boundary where it is opposite the north-facing window of No. 37 Delbridge Street.
 - (b) The balustrade constructed with obscure glazing where it is opposite the north-facing window of No. 37 Delbridge Street.
 - (c) The south elevation of the dining area set back 1 metre from the southern title boundary.
 - (d) The additional screening on the north boundary fence deleted, and the following design changes:
 - (i) The deck screened in accordance with the objective of Clause 54.04-6 (Overlooking Standard) of the Yarra Planning Scheme, with an Overlooking Diagram demonstrating compliance.
 - (ii) The windows on the north elevation of the dining area in accordance with the objective of the Clause 55.04-6 (Overlooking Standard) of the Yarra Planning Scheme and, if applicable, any additional screening measures required to demonstrate compliance.
 - (iii) The window on the north elevation of the bedroom 4 in accordance with the objective of the Clause 55.04-6 (Overlooking Standard) of the Yarra Planning Scheme and, if applicable, any additional screening measures required to demonstrate compliance
 - (e) An Overlooking Diagram demonstrating views to No. 41 Delbridge Street's area of POS from the roof terrace in accordance with the objective of the Clause 55.04-6 (Overlooking Standard) of the Yarra Planning Scheme and, if applicable, any additional screening measures required to demonstrate compliance.
 - (f) An Overlooking Diagram demonstrating views to No. 37 Delbridge Street's area of POS from the roof terrace in accordance with the objective of the Clause 55.04-6 (Overlooking Standard) of the Yarra Planning Scheme and, if applicable, any additional screening measures required to demonstrate compliance.
 - (g) An Overlooking Diagram demonstrating views to No. 37 Delbridge Street's area of POS from the south-facing kitchen window in accordance with the objective of the Clause 55.04-6 (Overlooking Standard) of the Yarra Planning Scheme and, if applicable, any additional screening measures required to demonstrate compliance.
 - (h) Windows as operable where they are not required to be fixed for overlooking purposes.
 - (i) A notation confirming the 'services area' is non-trafficable.
 - (j) A Materials and Finishes schedule to specify colours and the materiality of screens and balustrades.
 - (k) A Roof Demolition Plan.
2. The 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.
3. Before the building is occupied, 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.

4. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
5. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
6. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
7. This permit will expire if:
 - (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four 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:

This site is subject to a Heritage Overlay. A planning permit may be required for any further external works.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5555 for further information.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 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 5555 to confirm.

Attachments

- 1 PLN21/0181 - 39 Delbridge Street Fitzroy North - Decision Plans
- 2 PLN21/0181 - 39 Delbridge Street Fitzroy North - Survey Plan
- 3 PLN21/0181 - 39 Delbridge Street Fitzroy North - Sketch plan (North-facing window interface)
- 4 PLN21/0181 - 39 Delbridge Street Fitzroy North - Heritage advice

Attachment 1 - PLN21/0181 - 39 Delbridge Street Fitzroy North - Decision Plans



01 PROPOSED SITE PLAN

studioester
architecture and interior design

SITE INFORMATION	
SITE AREA:	369m ²
EXISTING SITE COVERAGE:	52%
PROPOSED SITE COVERAGE:	62.3%
EXISTING FIRM LAB AREA:	25.7%
PROPOSED FIRM LAB AREA:	25.2%
PROPOSED PRIVATE OPEN SPACE:	196.7m ²

LEGEND	
1	EXISTING WALL TO BE DEMOLISHED
2	EXISTING DOORS AND WINDOWS TO BE DEMOLISHED.
3	EXISTING STAIRS AND STEPS TO BE DEMOLISHED
4	EXISTING ROOF AND GUTTER TO BE DEMOLISHED.

-----	TO BE DEMOLISHED
=====	WALL TO BE RETAINED ABOVE/BELOW
-----	PROPERTY BOUNDARY

NOT FOR CONSTRUCTION

PROJECT 2015
PROPOSED ALTERATIONS & ADDITIONS TO
39 DELBRIDGE STREET
NORTH FITZROY VIC 3068

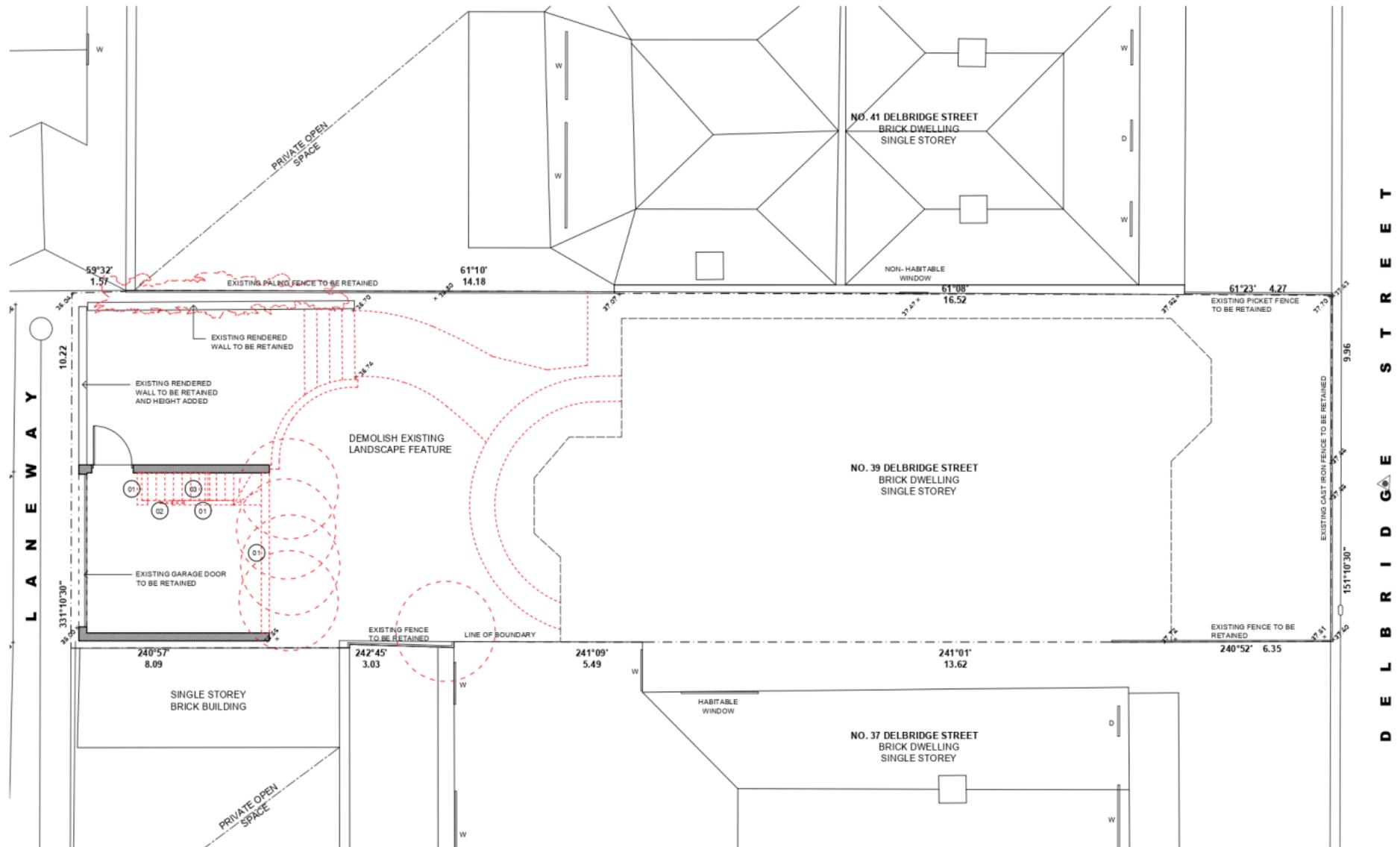
CLIENT
PIETRO AND ALESSANDRA

SCALE
N15 @A3

REVISION

PROPOSED DRAWINGS
TP100

Attachment 1 - PLN21/0181 - 39 Delbridge Street Fitzroy North - Decision Plans



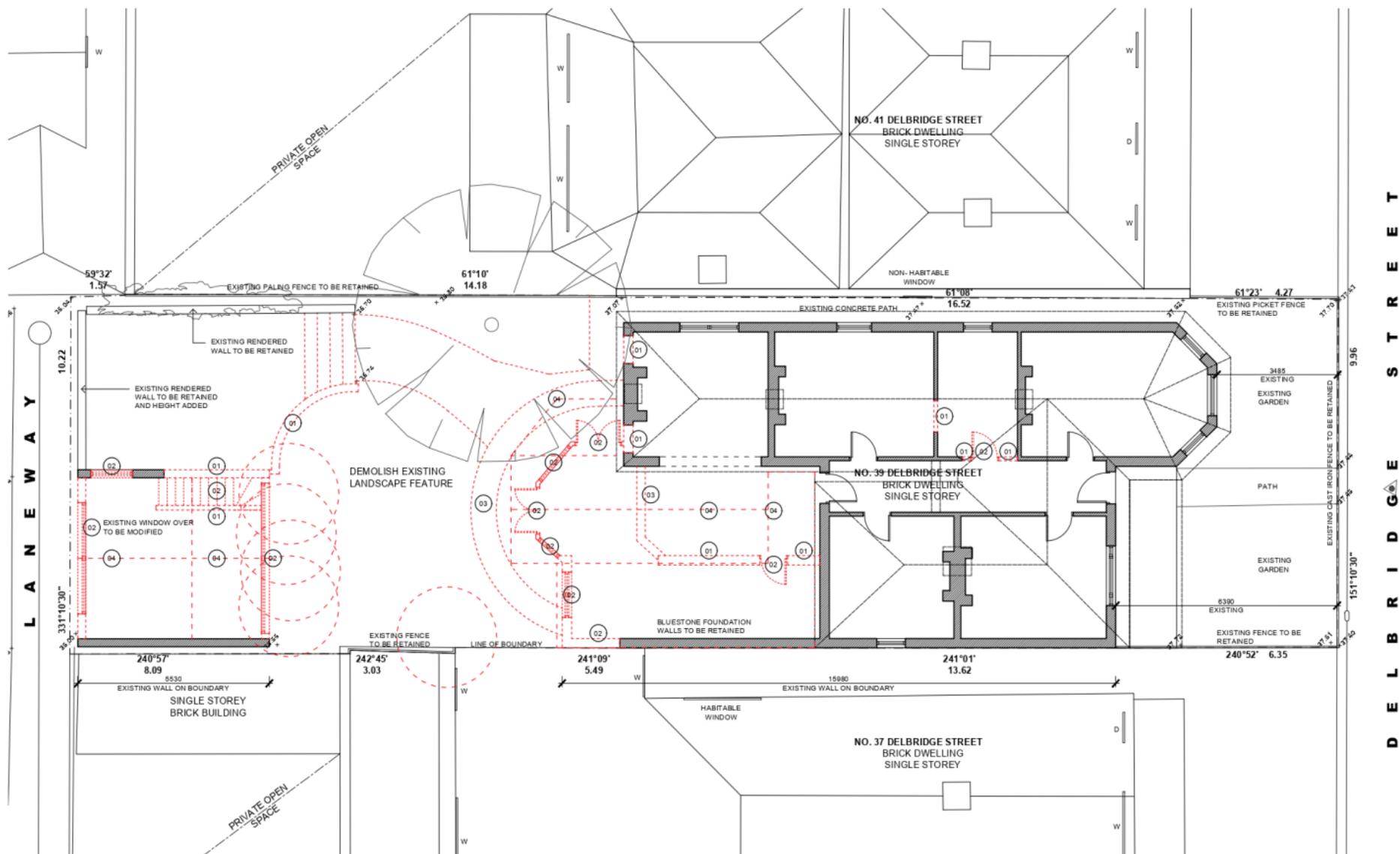
01 EXISTING / DEMOLITION PLAN - GARAGE

<p>SITE INFORMATION</p> <p>SITE AREA: 369m² EXISTING SITE COVERAGE: 52% PROPOSED SITE COVERAGE: 62.3% EXISTING FIRM LAB L/HT: 25.7% PROPOSED FIRM LAB L/HT: 25.2% PROPOSED PRIVATE OPEN SPACE: 196.7m²</p>	<p>LEGEND</p> <p>1 EXISTING WALL TO BE DEMOLISHED 2 EXISTING DOORS AND WINDOWS TO BE DEMOLISHED. 3 EXISTING STAIRS AND STEPS TO BE DEMOLISHED. 4 EXISTING ROOF AND GUTTER TO BE DEMOLISHED.</p>	<p>----- TO BE DEMOLISHED - - - - - WALL TO BE RETAINED - - - - - ABOVE/BELOW - - - - - PROPERTY BOUNDARY</p>
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<p>NOT FOR CONSTRUCTION</p>	<p>PROJECT 2015 PROPOSED ALTERATIONS & ADDITIONS TO 39 DELBRIDGE STREET NORTH FITZROY VIC 3068</p>	<p>CLIENT PIETRO AND ALESSANDRA</p>	<p>REVISION</p>	<p>EXISTING DRAWINGS TP101</p>
	<p>SCALE 1:100 @A3</p>	<p>DATE 16-12-20</p>		

Attachment 1 - PLN21/0181 - 39 Delbridge Street Fitzroy North - Decision Plans



01 EXISTING / DEMOLITION PLAN - GROUND FLOOR / FIRST FLOOR GARAGE

SITE INFORMATION SITE AREA: 369m ² EXISTING SITE COVERAGE: 52% PROPOSED SITE COVERAGE: 62.3% EXISTING FIRM LAB L/HT: 25.7% PROPOSED FIRM LAB L/HT: 25.2% PROPOSED PRIVATE OPEN SPACE: 196.7m ²	LEGEND 1 EXISTING WALL TO BE DEMOLISHED 2 EXISTING DOORS AND WINDOWS TO BE DEMOLISHED. 3 EXISTING STAIRS AND STEPS TO BE DEMOLISHED 4 EXISTING ROOF AND GUTTER TO BE DEMOLISHED.	TO BE DEMOLISHED WALL TO BE RETAINED ABOVE/BELOW PROPERTY BOUNDARY
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NOT FOR CONSTRUCTION

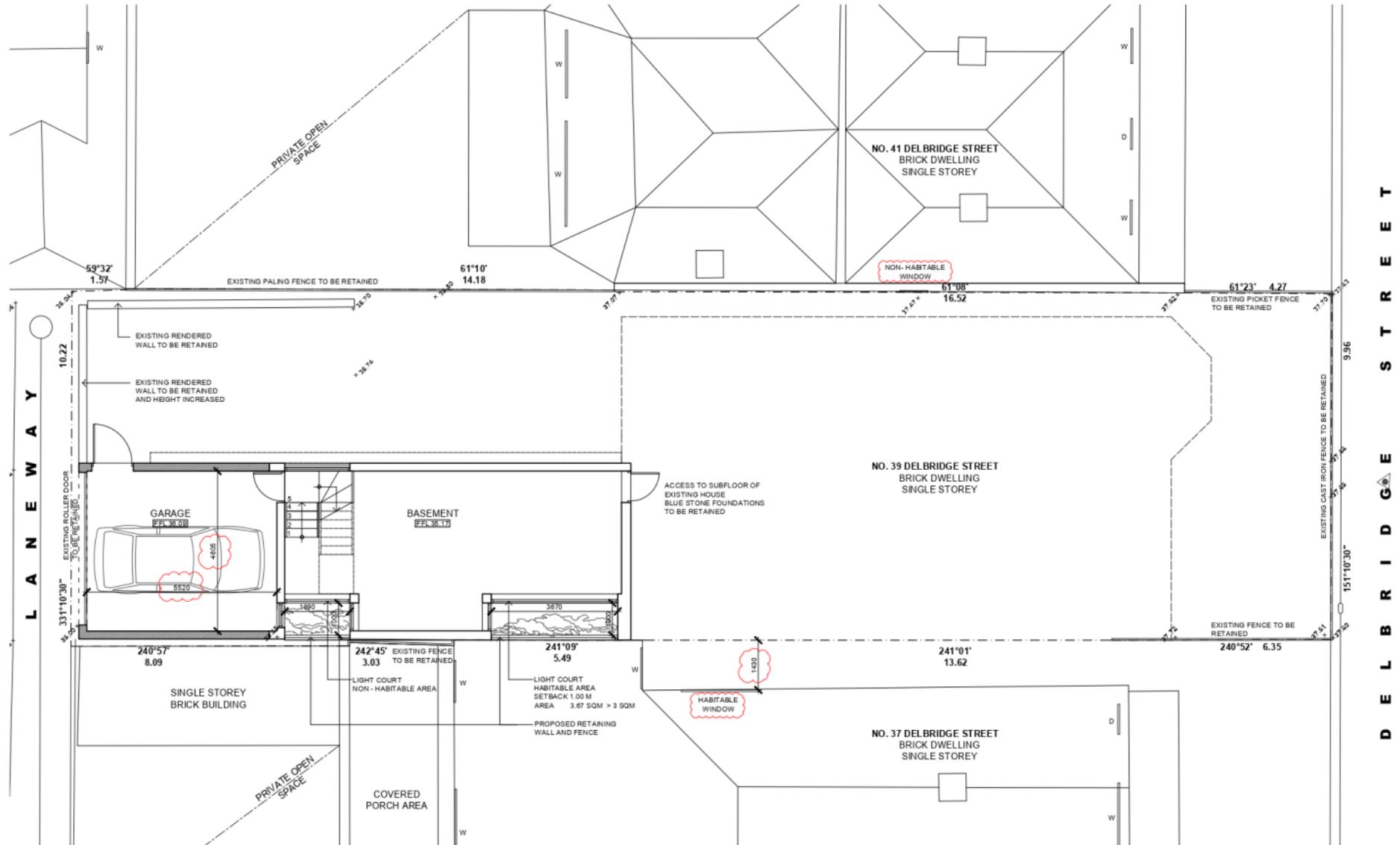
PROJECT 2015
PROPOSED ALTERATIONS & ADDITIONS TO
39 DELBRIDGE STREET
NORTH FITZROY VIC 3068

CLIENT
PIETRO AND ALESSANDRA
SCALE
1:100 @A3
DATE
16-12-20

REVISION

EXISTING DRAWINGS
TP102

Attachment 1 - PLN21/0181 - 39 Delbridge Street Fitzroy North - Decision Plans



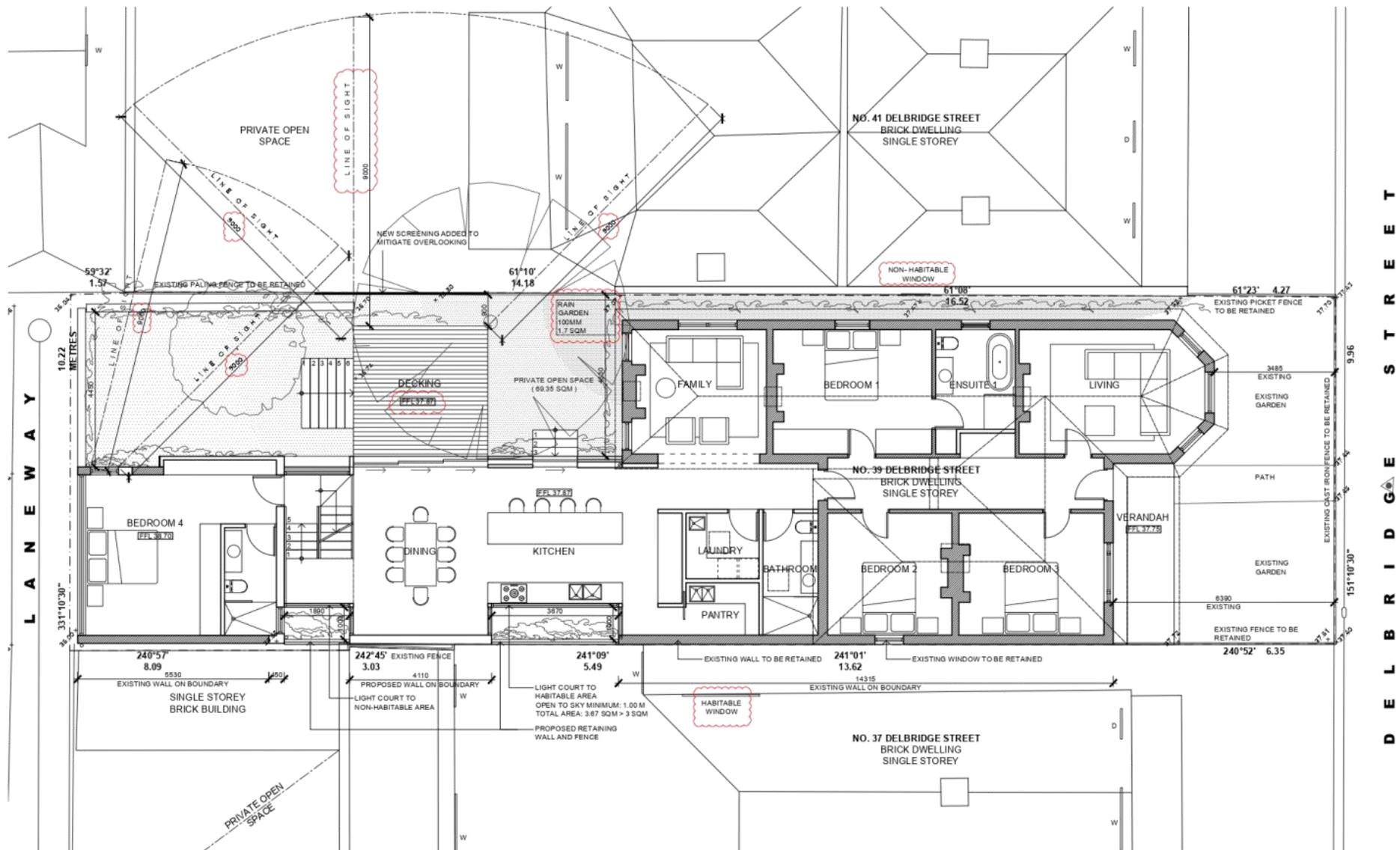
01 PROPOSED BASEMENT PLAN

<p>SITE INFORMATION</p> <p>SITE AREA: 369m² EXISTING SITE COVERAGE: 52% PROPOSED SITE COVERAGE: 62.3% EXISTING FIRM LAB L/TH: 25.7% PROPOSED FIRM LAB L/TH: 25.2% PROPOSED PRIVATE OPEN SPACE: 196.7m²</p>	<p>LEGEND</p> <p>1 EXISTING WALL TO BE DEMOLISHED 2 EXISTING DOORS AND WINDOWS TO BE DEMOLISHED. 3 EXISTING STAIRS AND STEPS TO BE DEMOLISHED 4 EXISTING ROOF AND GUTTER TO BE DEMOLISHED.</p>	<p>TO BE DEMOLISHED WALL TO BE RETAINED ABOVE/BELOW PROPERTY BOUNDARY</p>
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<p>NOT FOR CONSTRUCTION</p>	<p>PROJECT 2015 PROPOSED ALTERATIONS & ADDITIONS TO 39 DELBRIDGE STREET NORTH FITZROY VIC 3068</p>	<p>CLIENT PIETRO AND ALESSANDRA</p>	<p>REVISION A RESPONSE TO COUNCIL 29 - 24 - 21 RFI DATED 08.04.2021</p>	<p>PROPOSED DRAWINGS</p> <p>TP103A</p>
	<p>SCALE 1:100 @A3</p>	<p>DATE 16-12-20</p>		

Attachment 1 - PLN21/0181 - 39 Delbridge Street Fitzroy North - Decision Plans



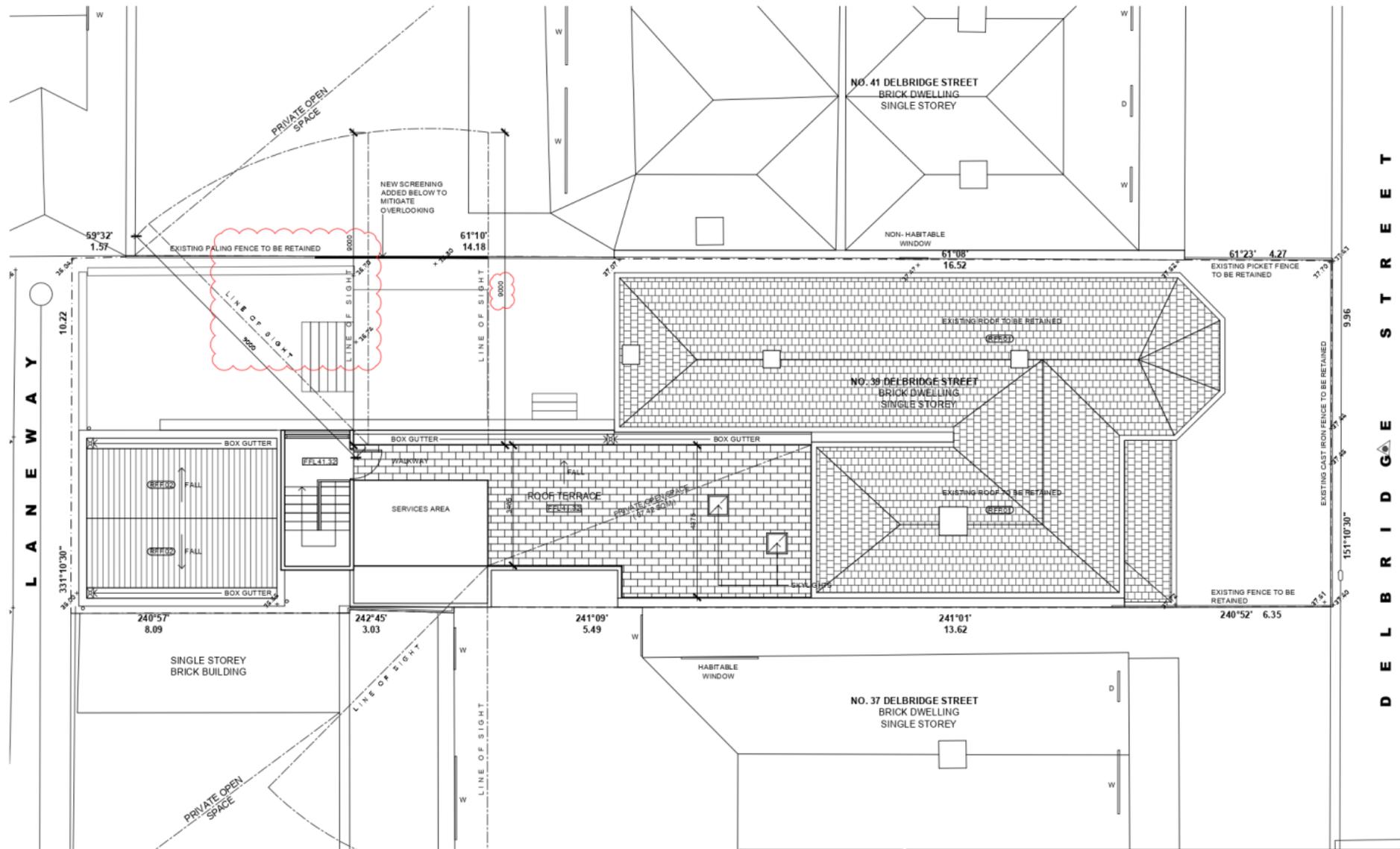
01 PROPOSED GROUND FLOOR PLAN

SITE INFORMATION		LEGEND	
SITE AREA:	369m ²	1	EXISTING WALL TO BE DEMOLISHED
EXISTING SITE COVERAGE:	52%	2	EXISTING DOORS AND WINDOWS TO BE DEMOLISHED.
PROPOSED SITE COVERAGE:	62.2%	3	EXISTING STAIRS AND STEPS TO BE DEMOLISHED
EXISTING FERN LAB AREA:	25.7%	4	EXISTING ROOF AND GUTTER TO BE DEMOLISHED.
PROPOSED FERN LAB AREA:	25.2%		
PROPOSED PRIVATE OPEN SPACE:	196.7m ²		



NOT FOR CONSTRUCTION	PROJECT 2015 PROPOSED ALTERATIONS & ADDITIONS TO 39 DELBRIDGE STREET NORTH FITZROY VIC 3068	CLIENT PIETRO AND ALESSANDRA	REVISION A RESPONSE TO COUNCIL RFV DATED 08.04.2021	PROPOSED DRAWINGS TP104A
	SCALE 1:100 @A3	DATE 16-12-20	29-24-21	

Attachment 1 - PLN21/0181 - 39 Delbridge Street Fitzroy North - Decision Plans



01 PROPOSED ROOF TERRACE FLOOR PLAN

<p>SITE INFORMATION</p> <p>SITE AREA: 369m² EXISTING SITE COVERAGE: 52% PROPOSED SITE COVERAGE: 62.3% EXISTING FIRM LAB LITH: 25.7% PROPOSED FIRM LAB LITH: 25.2% PROPOSED PRIVATE OPEN SPACE: 196.7m²</p>	<p>LEGEND</p> <p>1 EXISTING WALL TO BE DEMOLISHED 2 EXISTING DOORS AND WINDOWS TO BE DEMOLISHED. 3 EXISTING STAIRS AND STEPS TO BE DEMOLISHED 4 EXISTING ROOF AND GUTTER TO BE DEMOLISHED.</p>	<p>----- TO BE DEMOLISHED ===== WALL TO BE RETAINED ABOVE/BELOW - - - - - PROPERTY BOUNDARY</p>
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NOT FOR CONSTRUCTION

PROJECT 2015
PROPOSED ALTERATIONS & ADDITIONS TO
39 DELBRIDGE STREET
NORTH FITZROY VIC 3068

CLIENT
PIETRO AND ALESSANDRA

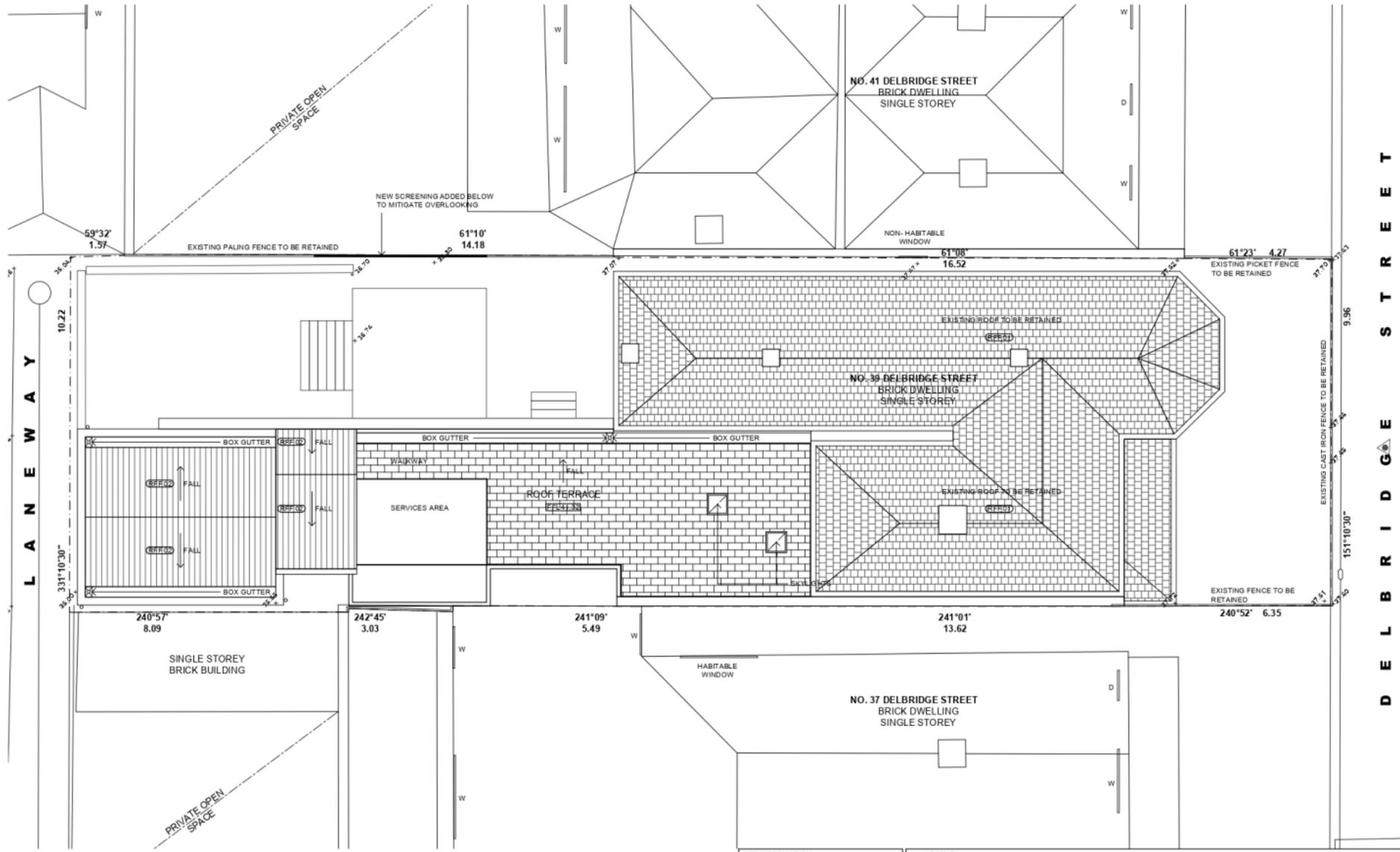
SCALE
1:100 @A3

DATE
16-12-20

REVISION
A RESPONSE TO COUNCIL 29-24-21
RFV DATED 08.04.2021

PROPOSED DRAWINGS
TP105A

Attachment 1 - PLN21/0181 - 39 Delbridge Street Fitzroy North - Decision Plans



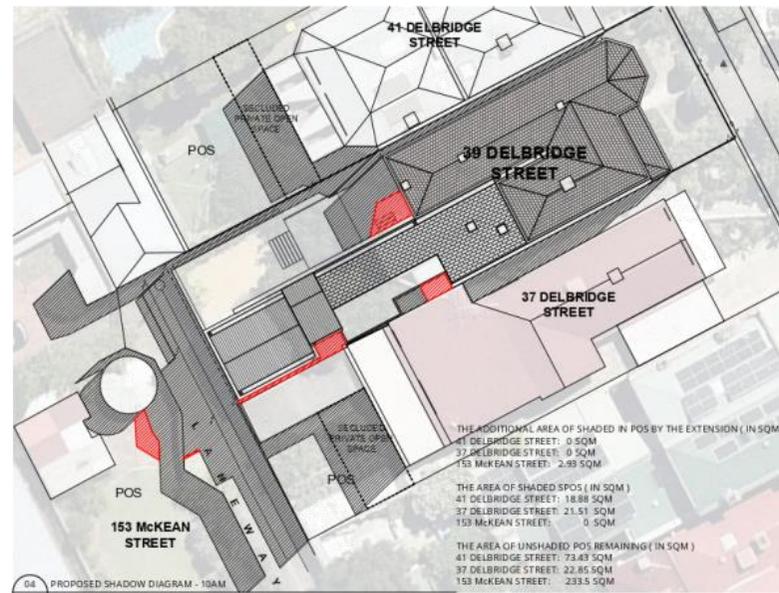
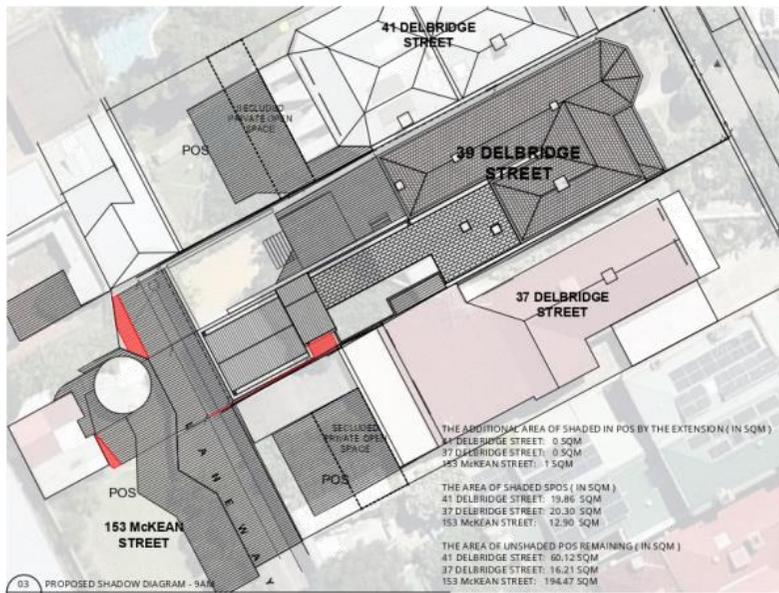
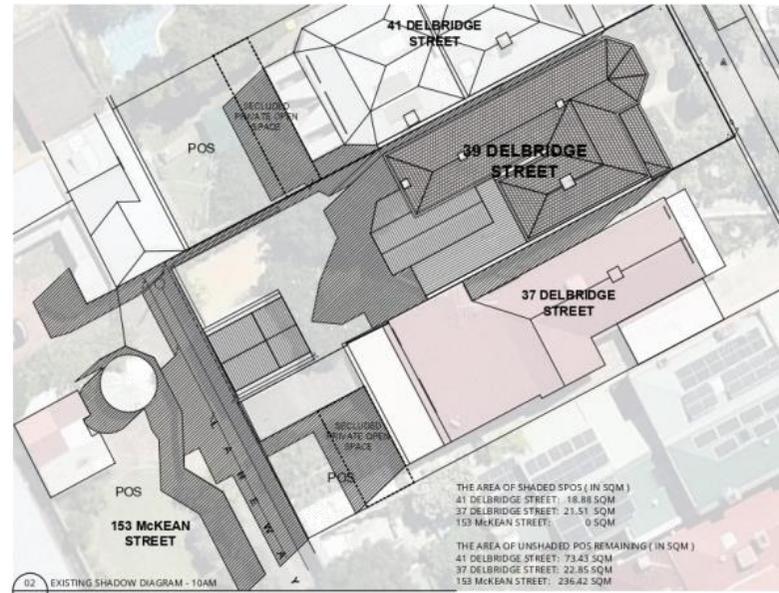
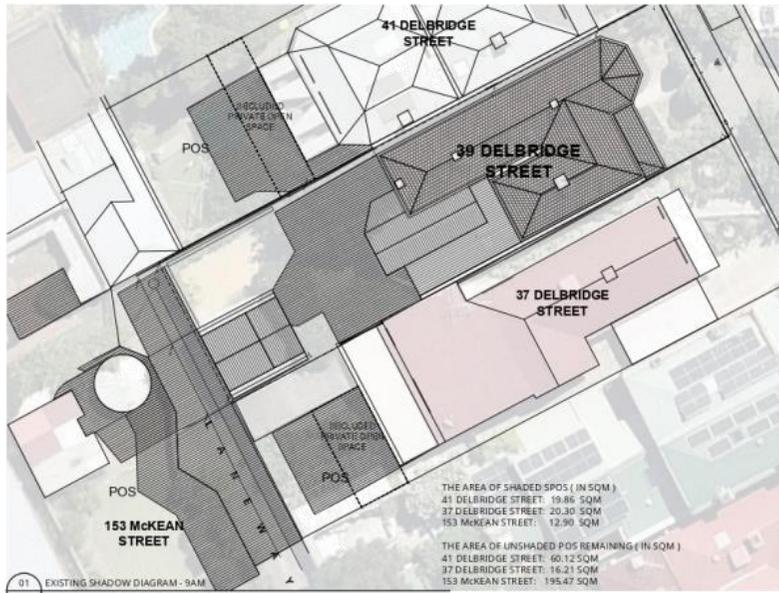
01 PROPOSED ROOF PLAN

<p>SITE INFORMATION</p> <p>SITE AREA: 369m² EXISTING SITE COVERAGE: 52% PROPOSED SITE COVERAGE: 62.3% EXISTING FIRM LAB L/HT: 25.7% PROPOSED FIRM LAB L/HT: 25.2% PROPOSED PRIVATE OPEN SPACE: 196.7m²</p>	<p>LEGEND</p> <p>1 EXISTING WALL TO BE DEMOLISHED 2 EXISTING DOORS AND WINDOWS TO BE DEMOLISHED. 3 EXISTING STAIRS AND STEPS TO BE DEMOLISHED 4 EXISTING ROOF AND GUTTER TO BE DEMOLISHED.</p>	<p>TO BE DEMOLISHED WALL TO BE RETAINED ABOVE/BELOW PROPERTY BOUNDARY</p>
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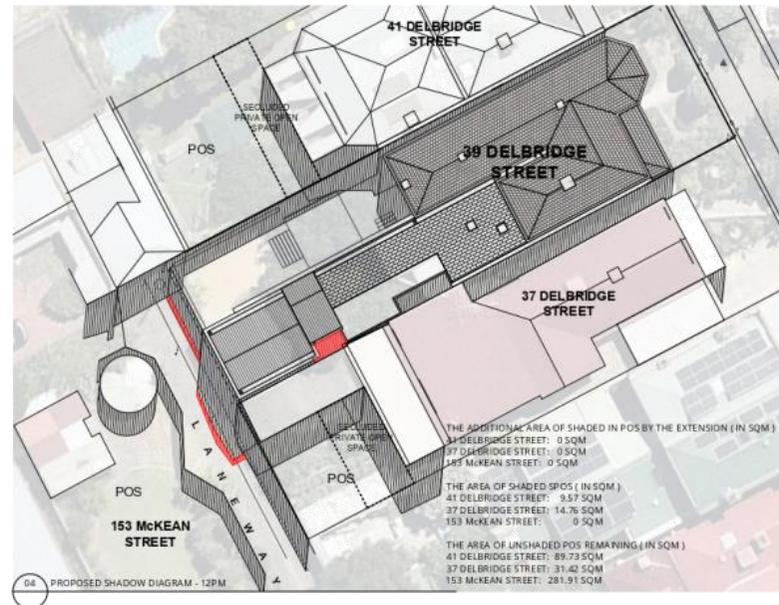
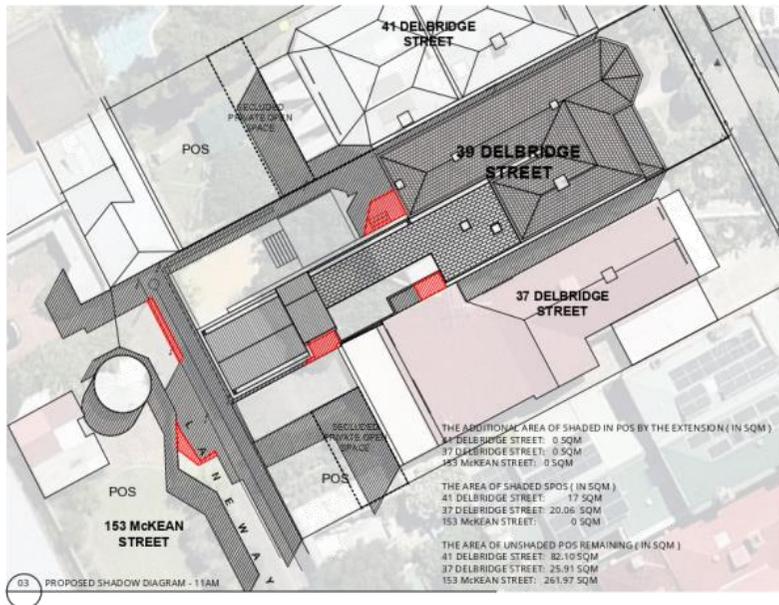
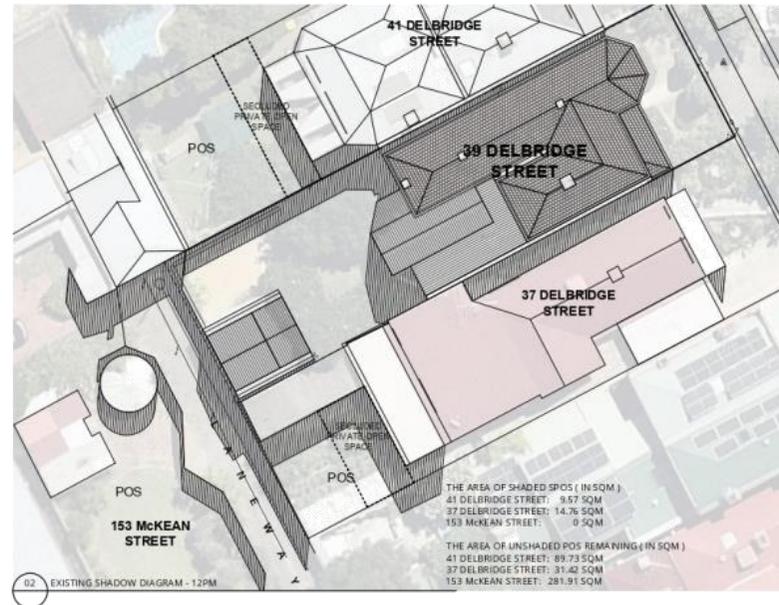
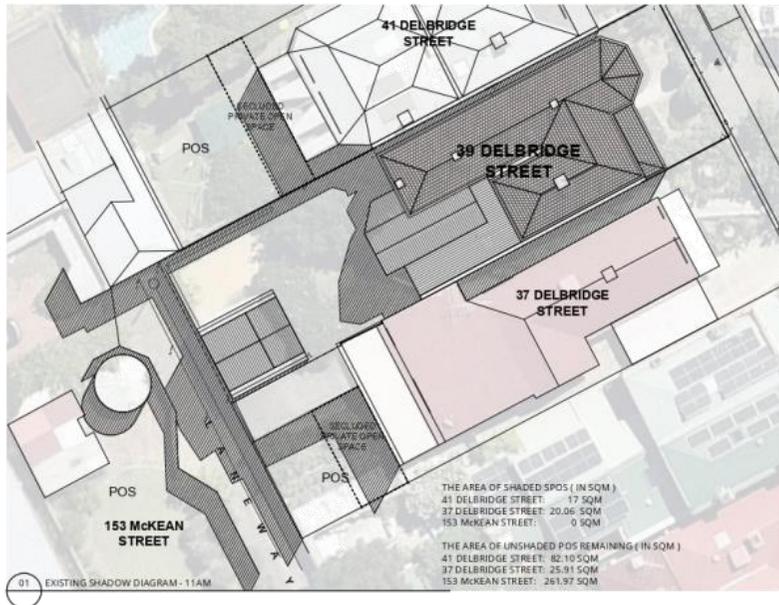
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architecture and interior design

<p>NOT FOR CONSTRUCTION</p>	<p>PROJECT 2015 PROPOSED ALTERATIONS & ADDITIONS TO 39 DELBRIDGE STREET NORTH FITZROY VIC 3068</p>	<p>CLIENT PIETRO AND ALESSANDRA</p>	<p>REVISION</p>
	<p>SCALE 1:100 @A3</p>	<p>DATE 16-12-20</p>	<p>PROPOSED DRAWINGS TP106</p>

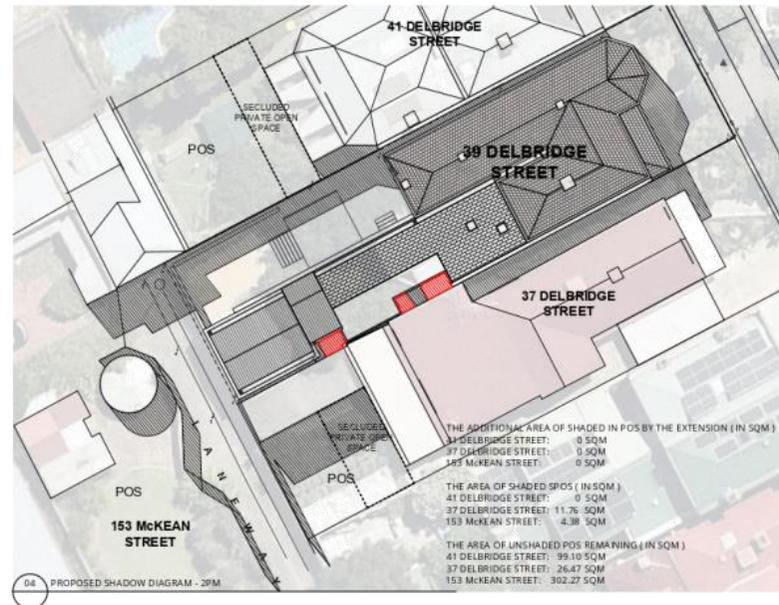
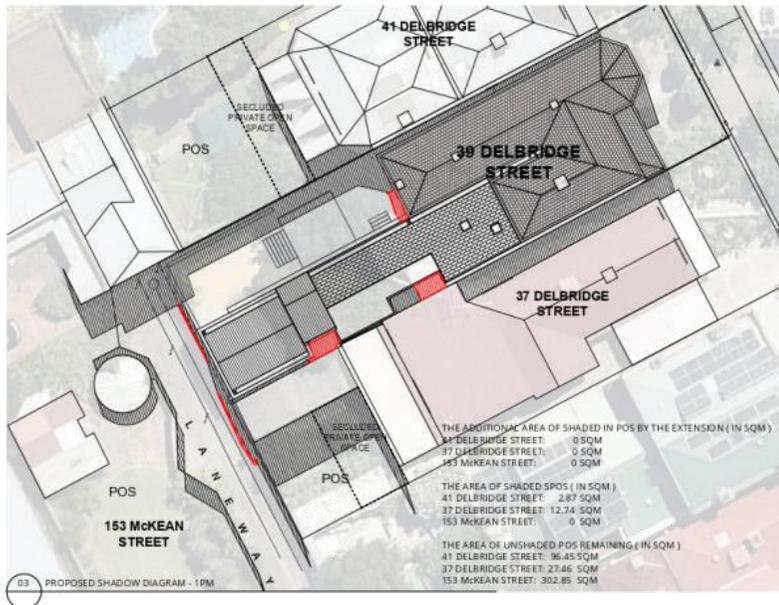
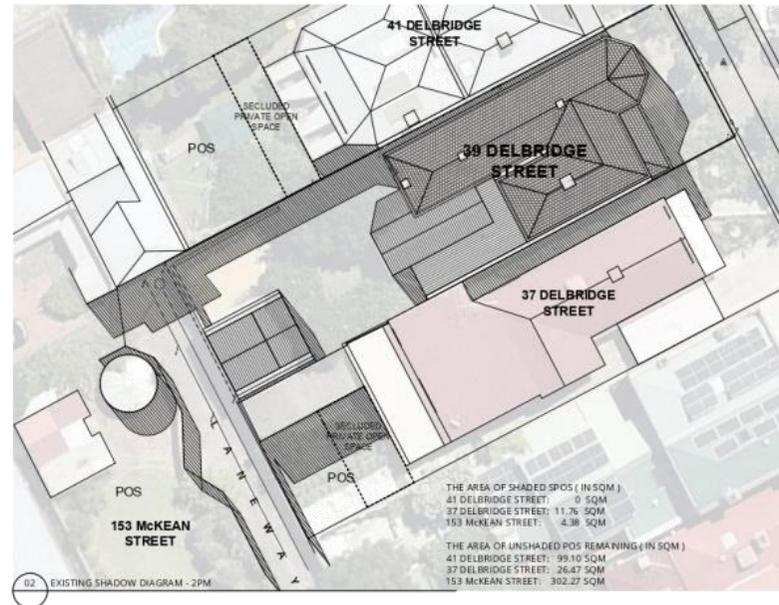
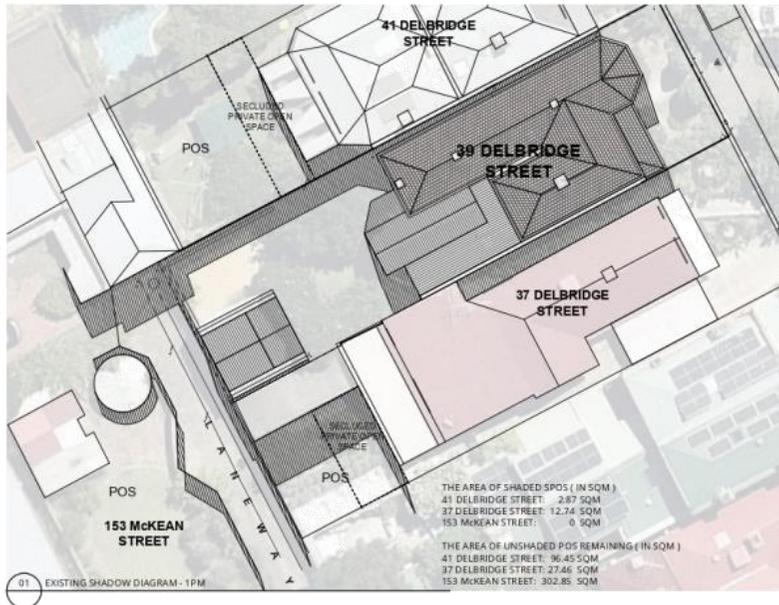
Attachment 1 - PLN21/0181 - 39 Delbridge Street Fitzroy North - Decision Plans



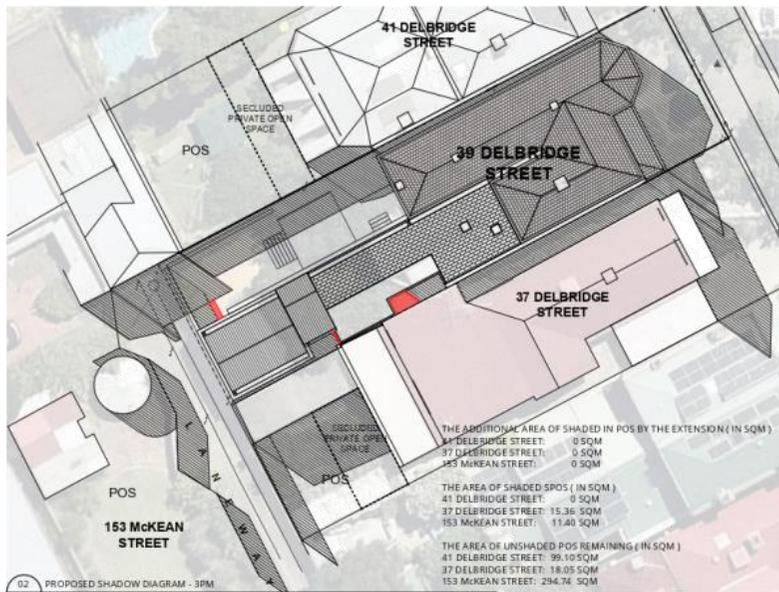
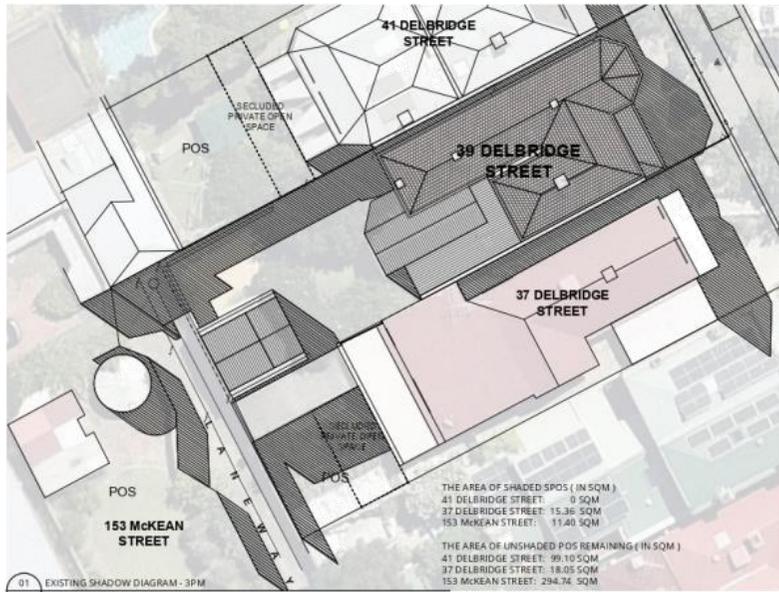
Attachment 1 - PLN21/0181 - 39 Delbridge Street Fitzroy North - Decision Plans



Attachment 1 - PLN21/0181 - 39 Delbridge Street Fitzroy North - Decision Plans



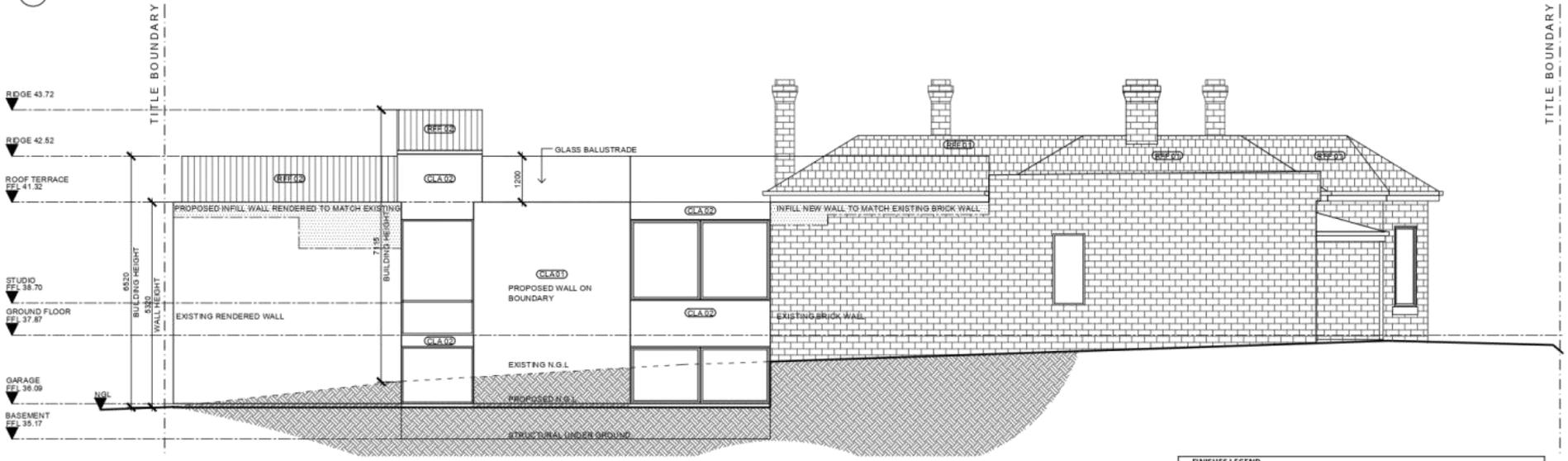
Attachment 1 - PLN21/0181 - 39 Delbridge Street Fitzroy North - Decision Plans



Attachment 1 - PLN21/0181 - 39 Delbridge Street Fitzroy North - Decision Plans



02 EXISTING NORTH EAST ELEVATION - STREET SCAPE



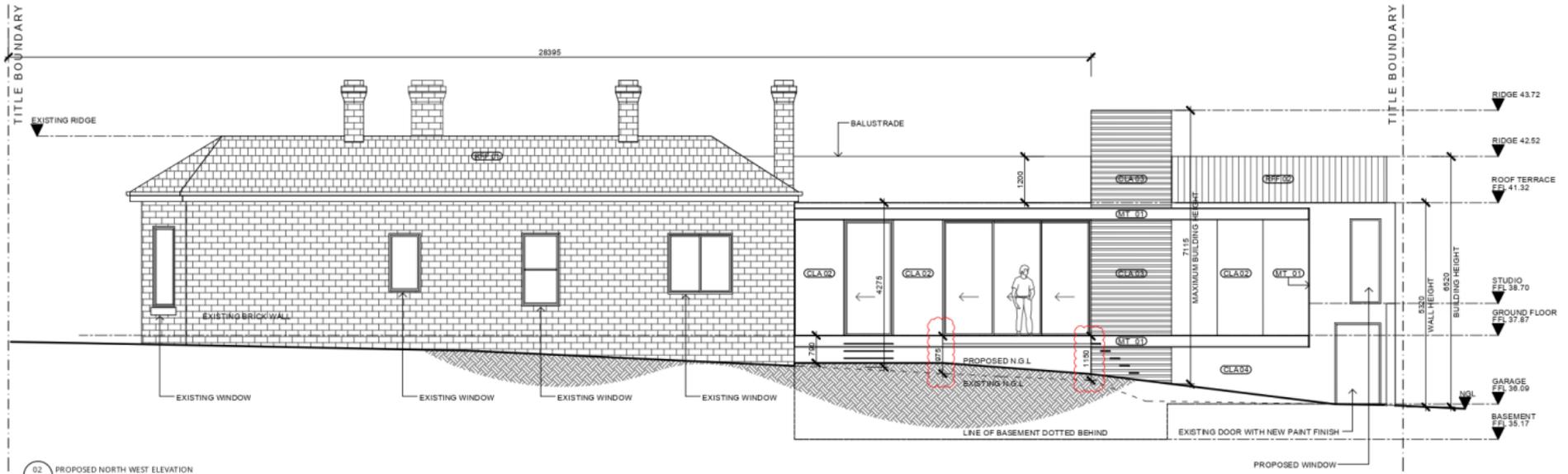
01 PROPOSED SOUTH EAST ELEVATION

FINISHES LEGEND	
CLA 01	RENDERED WALL WITH 60 / 60 / 60 FIRE RATING
CLA 02	RENDERED WALLS WITH LIGHT COLOURED PAINT FINISH
CLA 03	(STAIRWELL) LIGHT COLOURED BATTENS
CLA 04	RENDERED WALLS WITH LIGHT COLOURED PAINT FINISH
RFF 01	EXISTING TERRACOTTA TILE ROOF
RFF 02	PROPOSED MID GREY COLOURBOND CLADDING
MT 01	STEEL STRUCTURE FEATURE
NOTE:	ROOF TERRACE FINISHED WITH LIGHT COLOURED CONCRETE TILES

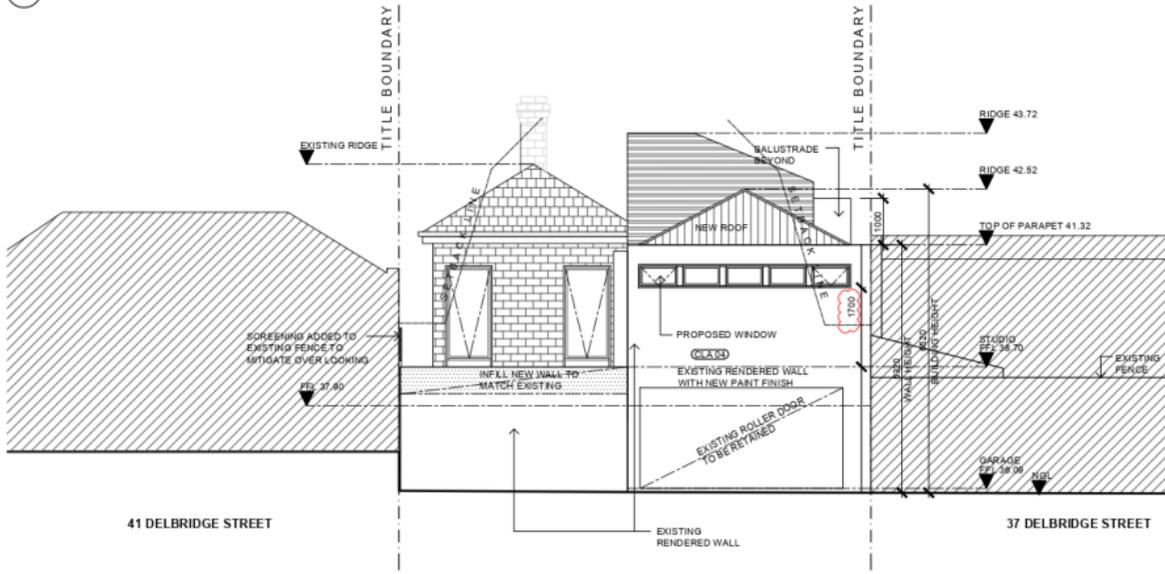


NOT FOR CONSTRUCTION	PROJECT 2015 PROPOSED ALTERATIONS & ADDITIONS TO 39 DELBRIDGE STREET NORTH FITZROY VIC 3068	CLIENT PIETRO AND ALESSANDRA	REVISION	PROPOSED DRAWINGS TP200
	SCALE 1:100 @A3	DATE 16-12-20		

Attachment 1 - PLN21/0181 - 39 Delbridge Street Fitzroy North - Decision Plans



02 PROPOSED NORTH WEST ELEVATION



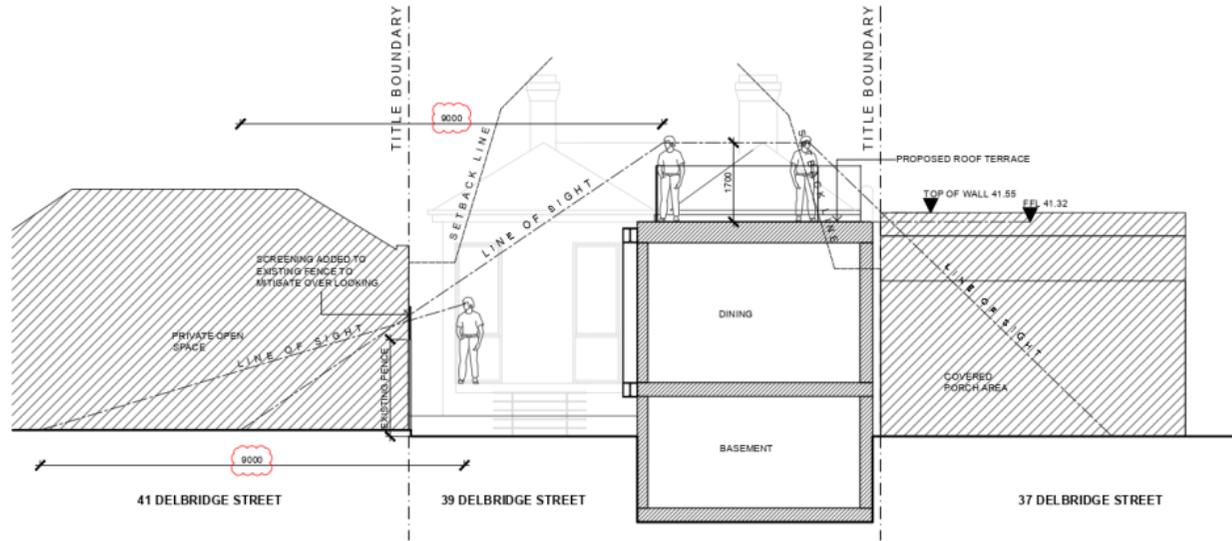
01 PROPOSED SOUTH WEST ELEVATION

FINISHES LEGEND	
CLA 01	RENDERED WALL WITH 60 / 60 / 60 FIRE RATING
CLA 02	RENDERED WALLS WITH LIGHT COLOURED PAINT FINISH
CLA 03	(STARVELL) LIGHT COLOURED BATTENS
CLA 04	RENDERED WALLS WITH LIGHT COLOURED PAINT FINISH
RFF 01	EXISTING TERRACOTTA TILE ROOF
RFF 02	PROPOSED MID GREY COLOURBOND CLADDING
MT 01	STEEL STRUCTURE FEATURE
NOTE	ROOF TERRACE FINISHED WITH LIGHT COLOURED CONCRETE TILES

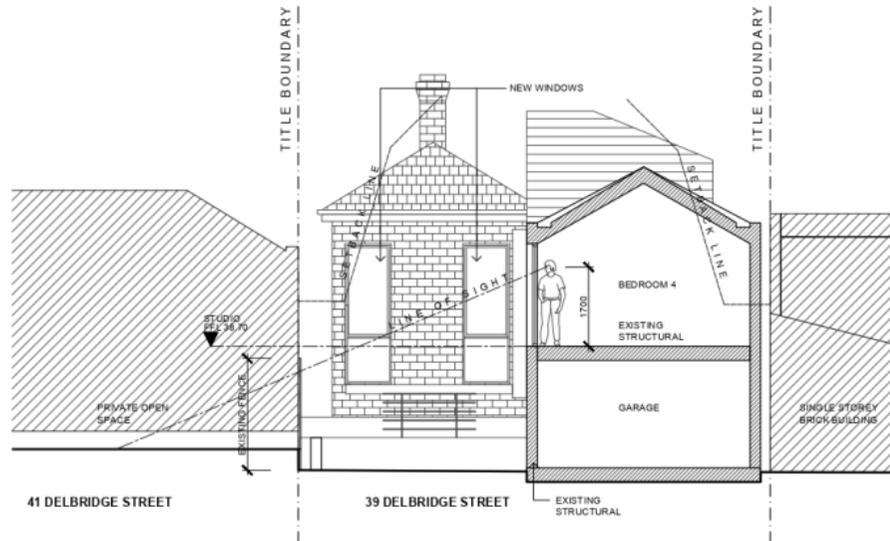
studioester
architecture and interior design

NOT FOR CONSTRUCTION	PROJECT 2015 PROPOSED ALTERATIONS & ADDITIONS TO 39 DELBRIDGE STREET NORTH FITZROY VIC 3068	CLIENT PIETRO AND ALESSANDRA	REVISION A RESPONSE TO COUNCIL 29 - 24 - 21 RFI DATED 08.04.2021	PROPOSED DRAWINGS TP201A
	SCALE 1:100 @A3	DATE 16-12-20		

Attachment 1 - PLN21/0181 - 39 Delbridge Street Fitzroy North - Decision Plans



02 OVERLOOKING DIAGRAM FROM ROOF TERRACE TO 41 DELBRIDGE STREET AND 37 DELBRIDGE STREET

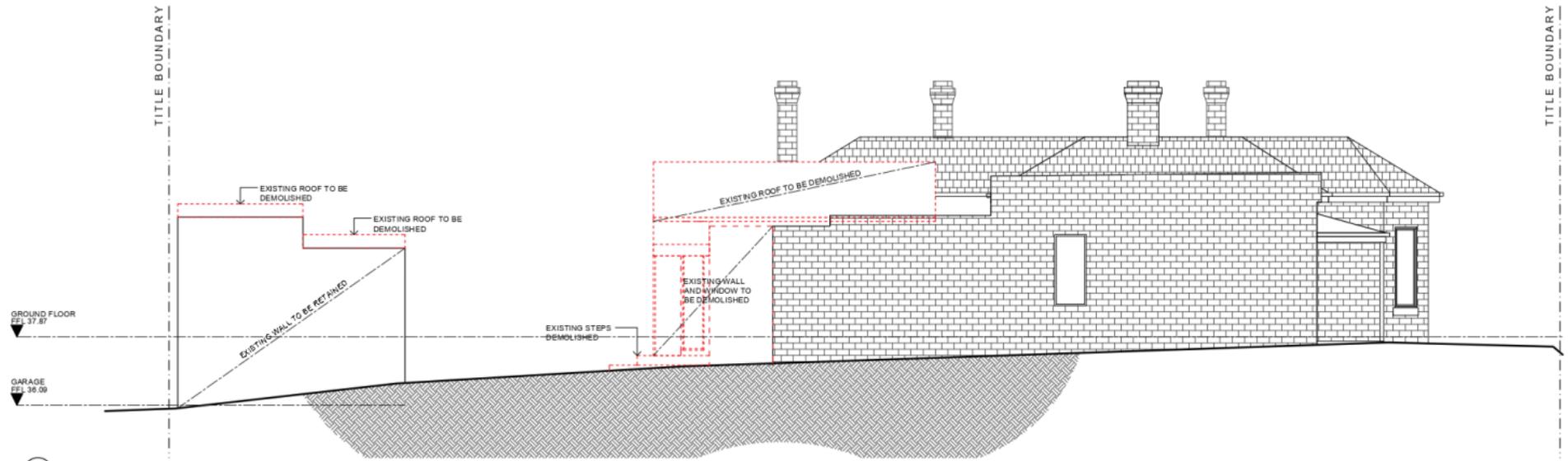


01 OVERLOOKING DIAGRAM FROM STUDIO WINDOW TO 41 DELBRIDGE STREET

Attachment 1 - PLN21/0181 - 39 Delbridge Street Fitzroy North - Decision Plans

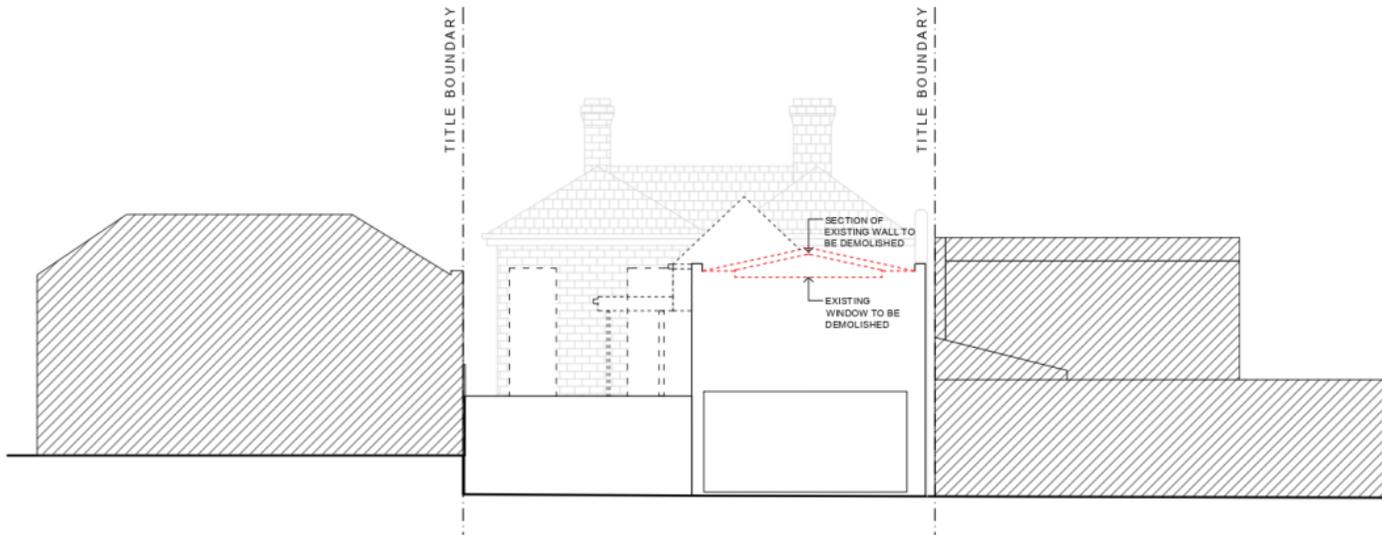


02 EXISTING NORTH EAST ELEVATION - STREET SCAPE

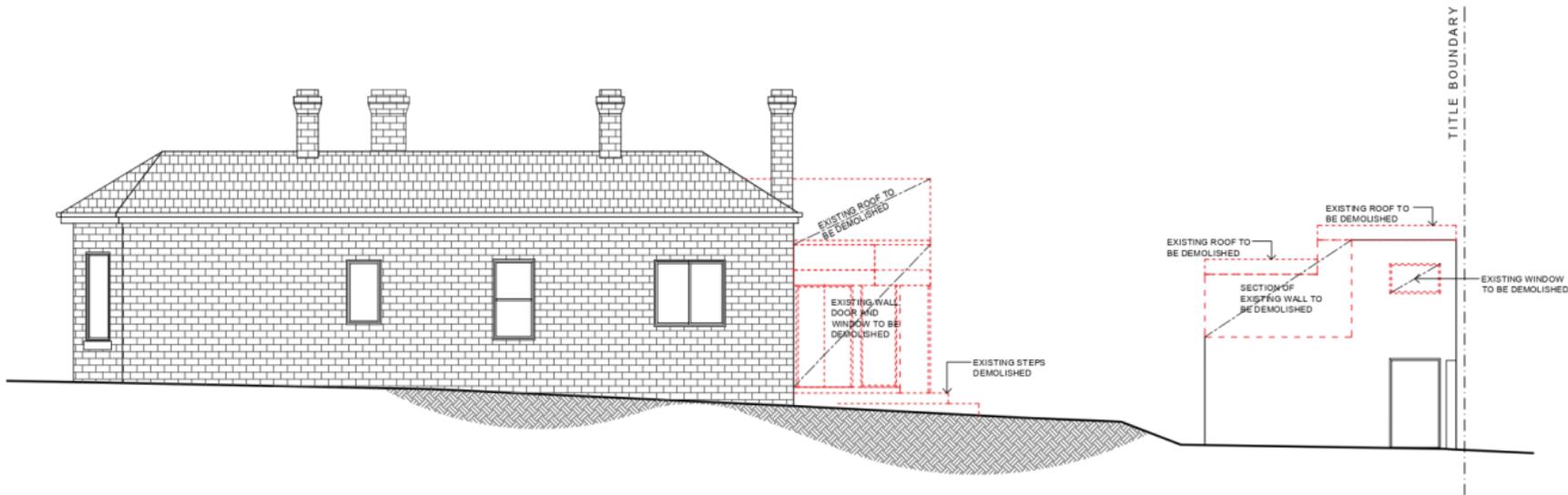


01 EXISTING / DEMOLITION SOUTH EAST ELEVATION

Attachment 1 - PLN21/0181 - 39 Delbridge Street Fitzroy North - Decision Plans

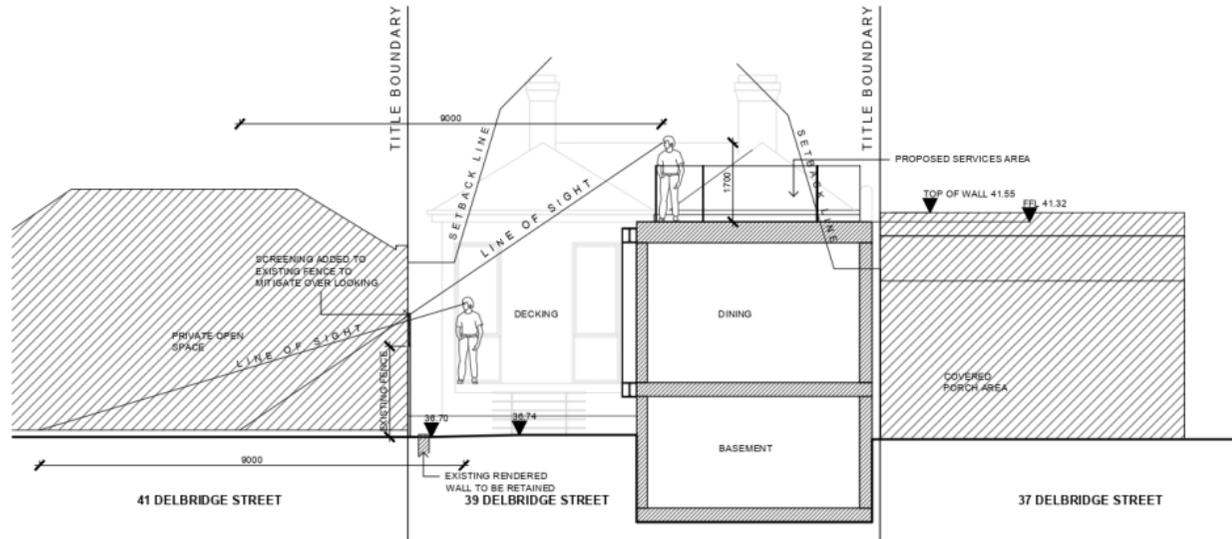


02 EXISTING / DEMOLITION NORTH WEST ELEVATION



01 EXISTING / DEMOLITION SOUTH WEST ELEVATION

Attachment 1 - PLN21/0181 - 39 Delbridge Street Fitzroy North - Decision Plans



01 OVERLOOKING DIAGRAM FROM ROOF TERRACE AND DECKING TO 41 DELBRIDGE STREET

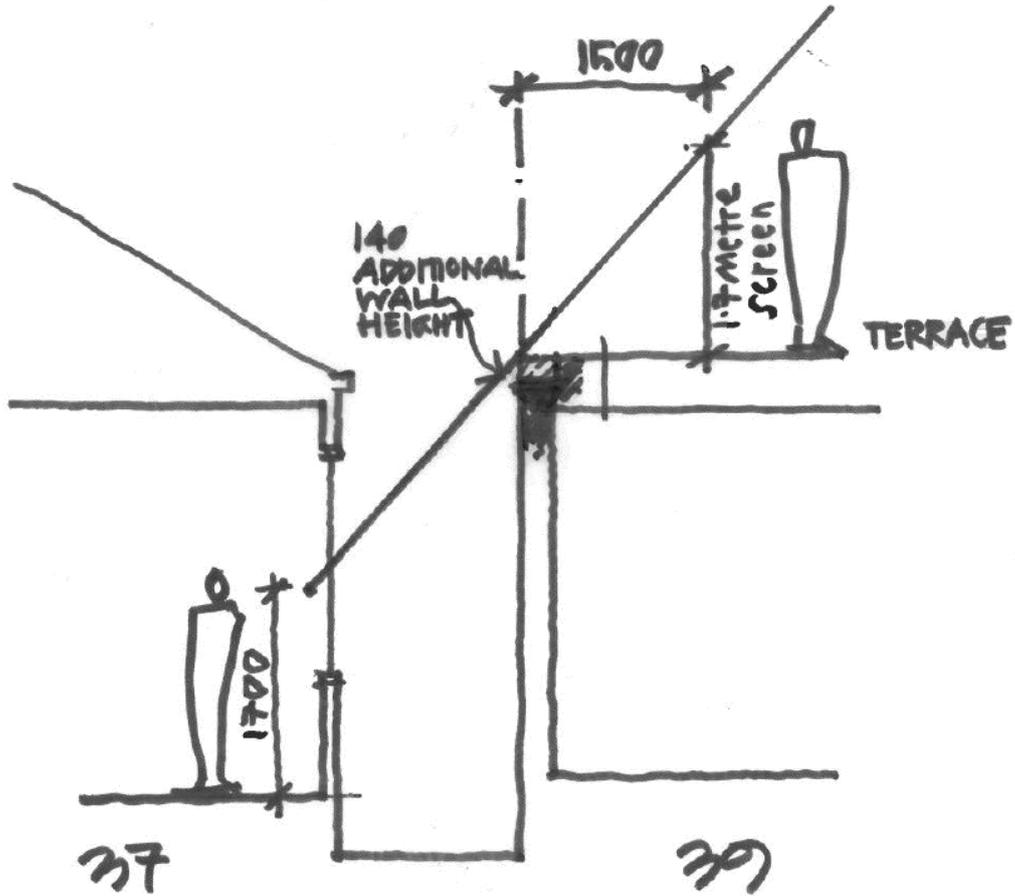
Attachment 2 - PLN21/0181 - 39 Delbridge Street Fitzroy North - Survey Plan



NOTATIONS		LEGEND		LEVEL DATUM	CONTOUR INT	ADAM O'HALLORAN & ASSOCIATES	
	PHOTO LOCATION AND DIRECTION		WINDOW (GROUND LEVEL)	AHD	0.10m	Land Surveyors	
	WINDOW (FIRST LEVEL)		GAS MAIN	VIA PM648 RL 36.70	PLAN DRAWN	PO Box 445 Always Inlet 3291	
	GAS MAIN		OVERHEAD COMMUNICATION LINES	SURVEY DATE	17/10/18	Ph. (03) 5289 0560 Fax. (03) 5289 0570	
	UNDERGROUND COMMUNICATION LINES		SEWER AND WATER RECORDS	DRAWING REF	1634 FEAT	DRAWN	CHECKED
	SEWER AND WATER RECORDS		SEWER AND WATER RECORDS	DRAWN	CB	A O'H	A O'HALLORAN
	SEWER AND WATER RECORDS		SEWER AND WATER RECORDS	SCALE	1:100	EDITOR	A1
	SEWER AND WATER RECORDS		SEWER AND WATER RECORDS	SURVEYOR	A O'HALLORAN	EDITOR	01

PLAN OF EXISTING CONDITIONS
39 DELBRIDGE STREET
FITZROY NORTH

Attachment 3 - PLN21/0181 - 39 Delbridge Street Fitzroy North - Sketch plan (North-facing window interface)



39 DELBRIDGE ST
OVERLOOKING
DIAGRAM

Attachment 4 - PLN21/0181 - 39 Delbridge Street Fitzroy North - Heritage advice

City of Yarra Heritage Advice

Application No.:	PLN21/0181
Address of Property:	39 Delbridge Street, Fitzroy North
Planner:	Jessica Sutherland
Yarra Planning Scheme References:	<ul style="list-style-type: none">• Clause 15.03 Heritage• Clause 21.05-1 Built Form (Heritage)• Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay• Clause 43.01 Heritage Overlay• Clause 59.07 Applications Under A Heritage Overlay
Heritage Overlay No. & Precinct:	HO327 North Fitzroy Precinct
Level of significance:	Contributory, constructed 1880-1890 (City of Yarra Review of Heritage Areas 2007 Appendix 8, as updated from time to time).
General description:	Part demolition and construction of a two storey extension to the rear of the existing dwelling.
Drawing Nos.:	Set of 17 drawings, entitled "Proposed alterations and additions to 39 Delridge Street, Fitzroy North Vic 3068", prepared by studio ester, received by Council and dated 16.12.2020

CONTEXT IMAGES



Figure 1. Overview of dwelling (centre) and immediate neighbours. Source: Google Streetview, dated April 2021.

Attachment 4 - PLN21/0181 - 39 Delbridge Street Fitzroy North - Heritage advice



Figure 2. Oblique view of the dwelling. Source: Google Streetview, dated April 2021.



Figure 3. Oblique aerial view showing the subject site identified with an orange pin. Source: NearMap.

Attachment 4 - PLN21/0181 - 39 Delbridge Street Fitzroy North - Heritage advice

ASSESSMENT OF PROPOSED WORKS

The Heritage Referral requests the following advice in relation to new development PLN21/0181:

Your comments on the application from a heritage perspective are requested on the following:

- *Extent of demolition*
- *Scale/location of extension*
- *Objector has raised issue to the views to the extension from the two-storey heritage dwellings across Delbridge Street.*

As identified on the Schedule to the Heritage Overlay, the Fitzroy North Precinct is not subject to paint, tree or internal controls.

Comments regarding proposed demolition:

The extent of demolition proposed by this application includes the demolition of a later rear addition, landscaping to the rear yard and the north eastern wall of the garage.

The key consideration for assessing this aspect of the works is whether the proposed demolition will adversely affect the significance of the heritage building or the broader heritage precinct.

Clause 22.02-5.1 of the Yarra Planning Scheme states (with relevant considerations underlined):

Removal of Part of a Heritage Place or Contributory Elements

- Encourage the removal of inappropriate alterations, additions and works that detract from the cultural significance of the place.
- Generally discourage the demolition of part of an individually significant or contributory building or removal of contributory elements unless:
 - That part of the heritage place has been changed beyond recognition of its original or subsequent contributory character(s).
 - For a contributory building:
 - that part is not visible from the street frontage (other than a laneway), abutting park or public open space, and the main building form including roof form is maintained; or
 - the removal of the part would not adversely affect the contribution of the building to the heritage place.

The proposed extent of demolition is acceptable with no elements visible from the public domain removed and the primary original dwelling retained.

Comments regarding new development, alterations and additions:

The extent of new works proposed by this application includes development of a basement level inclusive of a garage and basement space, single-storey extension of the dwelling on the ground floor to include a laundry, bathroom, pantry, dining and kitchen, new landscaping to the rear, conversion of the garage on the ground floor to a bedroom, and addition of a roof terrace with a services area above the new ground floor addition.

Regarding the remaining heritage building:

The existing façade, roof form and front fence will remain unchanged.

Attachment 4 - PLN21/0181 - 39 Delbridge Street Fitzroy North - Heritage advice

Regarding the new development:

The key consideration for assessing this aspect of the works is whether the proposed new development will adversely affect the significance, character or appearance of the heritage building or the broader heritage precinct.

Clause 22.02-5.7.1 of the Yarra Planning Scheme encourages the design of new development, alterations or additions to:

- *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
- *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
- *Be visually recessive and not dominate the heritage place.*
- *Be distinguishable from the original historic fabric.*
- *Not remove, cover, damage or change original historic fabric.*
- *Not obscure views of principal façades.*
- *Consider the architectural integrity and context of the heritage place or contributory element*

Setbacks

With respect to the building, Clause 22.02-5.7.1 of the Yarra Planning Scheme encourages:

setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply.

The proposed front setback at ground level remains unchanged.

The proposed setback of the services area above the ground floor is acceptable. There will be no visual impact as a result of this setback.

Scale/height

Clause 22.02-5.7.1 of the Yarra Planning Scheme encourages:

similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height.

The proposed overall height inclusive of the services area is acceptable.

Roof form

The proposed roof form remains unchanged.

Roof terrace

With respect to the roof terrace, Clause 22.02-5.7.1 of the Yarra Planning Scheme encourages:

Discourage elements which detract from the heritage fabric or are not contemporary with the era of the building such as unroofed or open upper level decks or balconies, reflective glass, glass balustrades and pedestrian entrance canopies.

Although the roof terrace is quite large, it is setback approximately 10m from the front boundary behind an intact, original hipped roof which is more than adequate to protect views and settings within the precinct. There will be no visual impact to views of the dwelling from the street as a result of this aspect of the proposal.

Attachment 4 - PLN21/0181 - 39 Delbridge Street Fitzroy North - Heritage advice

It is noted that there is a row of two-storey terraces opposite the property that may have views of the roof terrace from their upper floor windows. The North Fitzroy Precinct statement of significance does not identify views from upper floor levels as being of importance to the precinct; this would be a very unusual inclusion for a precinct statement of significance. Further, restrictions on the development of first floor levels that would not impact the streetscape setting of a precinct would be an unwarranted limitation to set on single-storey buildings.

Appearance

As the proposed new work will not be visible from the street, the appearance of the new work does not require assessment.

RECOMMENDATIONS

On heritage grounds the works proposed in this application may be approved.

SIGNED:



Corinne Softley

DATED: 23 June 2021

6.2 PLN20/0657 - 459 - 471 Church Street & 20-26 Brighton Street, Richmond

Executive Summary

Purpose

1. This report provides Council with an assessment of a planning permit application submitted for Nos. 459 – 471 Church Street & 20-26 Brighton Street Richmond, which seeks approval for the display of business identification signage including internally-illuminated and animated. The report recommends approval, subject to conditions.

Key Planning Considerations

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

Key Issues

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

Submissions Received

4. Nine objections were received to the application, these can be summarised as:
 - (a) Volume and number of signs is excessive; will result in visual disorder and clutter.
 - (b) The volume of signs will detract from the streetscape and heritage listed properties to the north (Shamrock Street)
 - (c) Signage plan does not provide adequate detail regarding the content of signs in shopfronts to Shamrock Street.
 - (d) Illuminated backlit neon signs will create adverse amenity impacts to residential properties located on the northern side of the street due to light spill.
 - (e) Proposed hours of illumination between 6am and 10.59pm will impose on resident's enjoyment of their homes, and dictate their waking hours.
 - (f) Proposed hand gesture signage creates unnecessary illumination (except the pointed finger).

Conclusion

5. Based on the following report, and a lighting report received by Council on the 28 April 2021 (included as an attachment), the proposal is considered to comply with the relevant planning policy and should therefore be supported, subject to the following key recommendations:
 - (a) The internally illuminated signs within retail windows to Shamrock Street (east of the loading bay) to operate only between 6am and 6pm.
 - (b) The neon light strip along Shamrock Street east of the loading bay must only operate between 6am and 11pm.
 - (c) The secondary site identification sign (ID3w-G-1BA) must only flash/scroll between 7am and 6pm.
 - (d) The secondary site identification sign (ID3w-G-1BA) must have only one hand sign illuminated, without flashing or scrolling, between 6pm and 7am.

CONTACT OFFICER: Alexandra Paraskevakis
TITLE: Statutory Planner
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6.2 **PLN20/0657 - 459 - 471 Church Street & 20-26 Brighton Street, Richmond**

Reference D21/70582
Author Alexandra Paraskevakis - Statutory Planner
Authoriser Senior Coordinator Statutory Planning

Ward: Melba Ward
Proposal: Construction and display of business identification signs, including neon and internally illuminated signs
Existing use: Nine storey building currently under construction with gym, and car parking at basement 1 level, food and drink premises, child care centre and office at ground floor, commercial spaces and childcare at levels 1, 2 and 3, and commercial premises at levels 4 -9.
Applicant: Human Habitats
Zoning / Overlays: General Residential Zone (Schedule 2) and Commercial 2 Zone Design and Development Overlay (Schedule 2 and 5)
 City Link Project Overlay
 Development Contributions Plan Overlay (Schedule 1)
Date of Application: 21 September 2020
Application Number: PLN20/0657

Planning History

1. Planning permit No. 981362 was issued for the land at No. 459 – 471 Church Street Richmond on 8 February 1999 for *building and works to an existing warehouse*.
2. Planning permit No. 990572 was issued for the land at No. 459 – 471 Church Street Richmond on 9 June 1999 for *business identification signage*.
3. Planning application PLN16/0379 was withdrawn on 19 July 2016 for a change of use to a place of assembly (exhibition and function centre), restaurant (greater than 100sqm), shop, studio and an office, and a reduction in associated car parking, bicycle and loading bay requirements of the Yarra Planning Scheme.
4. Planning Permit PLN18/0246 was for the land at No. 459 – 471 Church Street Richmond issued 6 September 2018 for *display of business identification signage*.
5. Planning Permit PLN18/0328 was issued for the land at No. 459 – 471 Church Street and No. 20 – 26 Brighton Street Richmond, at the direction of the VCAT on 15 May 2019 for:
 - *the use of the land for 'childcare centre' under clauses 32.08 and 34.02;*
 - *the construction of a building or the construction or carrying out works associated with a section 2 use under clause 32.08;*
 - *the construction of a building or construction or carrying out of works under clause 34.02 and 43.02;*
 - *alteration of access and building and works to a Road Zone Category 1 Road under clause 52.29; and*
 - *the reduction in the number of car parking spaces under clause 52.06-3.*

6. Amended Planning Permit PLN18/0328.01 was issued on 4 March 2020 for Section 72 amendment to *allow for an amendment to the wording of Condition 38 of planning permit No. PLN18/0328 to replace the words “Before the development commences” of Condition 38 with “Within 6 months of the commencement of development”.*
7. A Notice of Decision to Grant a Planning Permit PLN18/0328.02 was issued on 1 July 2021 for Section 72 Amendment to the permit and plans to *change the ground floor tenancies from restricted retail (as of right) to Food and Drinks Premises (permit required), introduce a restricted recreation premises (gym) in the basement (permit required use), introduce the sale and consumption of liquor (restaurant and cafe licence) for all Food and Drinks Premises, further reduce the car parking requirements of the Scheme and associated minor built form alterations.*
8. Amended Planning Permit PLN18/0328.03 was issued on 15 June 2021 following a Planning Decision Committee on 12 May 2021 for Section 72 amendment to the permit and plans to *allow for an increase in children (associated with the approved child centre) to 104 from 80, resulting in a further reduction in the car parking requirements and various built form changes to Building C.* No endorsed plans were issued with this amendment.

Planning Scheme Amendments

9. Amendment C238 was introduced into the Yarra Planning Scheme on 1 February 2021 and inserts Clause 45.06 (Development Contributions Plan Overlay) with Schedule 1 into the Scheme. This overlay applies to all land in the City of Yarra and it applies to new development where there is an increase in the number of dwellings and/or an increase in retail, commercial and industrial floor space. It requires a monetary contribution from the developer.
10. This application seeks to install signage and will not incur the levy in accordance with Clause 45.06 as there is no increase to the number of dwellings, or the area of commercial/retail units.

Background

11. On 28 April 2021, the applicant submitted a revised lighting report, which revises the reference to the relevant Australian Standard (AS4282:2019). A condition will require this detail is shown on a revised lighting report.

The Proposal

12. The application is for the display of business identification signage, including internally-illuminated and neon signage. Details of the proposed signage are as shown in the table below:

Sign Number	Type	Location	Area
ID1w-G-3A and ID1w-G-4A (pages 9 and 10)	Site identification (“Industry Lanes”) Neon tube lettering (yellow) over the painted number “459” (no permit required for painting business number)	Church Street façade, on south side of the main entry wall (3A) and north side of the main entry wall (4A). Minimum 5.68m above pavement level.	0.9sqm each. 0.32m wide, 2.81m high, 0.08m deep.
N1Aw-G-1A (page 17)	Tenant directory sign (non-illuminated)	Shamrock Street (west end near corner).	0.5m wide x 2.82m high; 1.41sqm area
N1Bw-G-3B and N1Cw-G-4A (pages 18 and 19)	1.2mm steel plate blackened finish with etched text. Fixed to	Church Street entryway on south	0.5m wide x 2.24m high;

N1Aw-G-2BD (page 17)	brick wall with screws. Office directory sign (non-illuminated)	side of retail (3B) and north side of retail (4A). Brighton Street carpark entry, north wall along vehicle entry ramp.	1.21sqm area (3B and 4A) 0.5m wide x 2.82m high; 1.41sqm area
ID5c-G-1BA ID5c-G-1G ID5c-G-1E ID5c-G-2G	Business Identification sign. Double-sided. Internally illuminated.	External wall to Shamrock Street, cantilevered from north wall, 2.7m above pavement. - West end of Retail 7 façade (1BA) - East end of Retail 5 façade (1G) - Centre of Retail 5 façade (1E) - External wall to internal courtyard, cantilevered from east wall, 2.7m above courtyard (2G)	0.74m wide x 0.40m high each; 0.29sqm
ID22w-G-A6 (pages 25 and 26)	Internally illuminated signs	Church Street Retail 2 façade (west windows). Displayed in 3 retail windows	North: 2.99sqm Centre: 1.84sqm South: 1.67sqm
ID22w-G-2A (pages 25 and 26)	Internally illuminated signs	Retail 1 façade (west windows). Displayed in 3 retail windows	North: 2.39sqm Centre: 2.52sqm South: 2.45sqm
ID22w-G-1A (pages 25 and 26)		Retail 1 façade (northwest window). Displayed in 1 retail window.	3.35sqm
ID22w-G-1B (pages 25 and 26)		Retail 1 façade (north-facing window). Displayed in 1 retail window.	2.34sqm
ID22w-G-1D (pages 25 and 26)	Internally illuminated sign. Opaque cladding to window.	Retail 5 façade (north-facing window/door). Displayed in retail window and entry door.	2.26sqm (window) 0.9sqm (door)
ID22w-G-1F (pages 25 and 26)		Retail 5 façade (north-facing windows) . Displayed in retail windows.	East: 2.1sqm West: 2.13sqm
ID22w-G-1BB (pages 25 and 26)	Internally illuminated signs	Retail 7 façade (north-facing windows).	East: 1.24sqm Centre: 1.24sqm West: 1.23sqm

ID22w-G-2BA (pages 25 and 26)		Displayed in retail windows. Retail 7 façade (west-facing window). Displayed in retail window.	3.35sqm
ID22w-G-4G (pages 25 and 26)	Internally illuminated sign	Retail 6 façade (north-facing window). Displayed in retail window.	3.8sqm
ID22w-G-2F	Internally illuminated sign	Retail 5 façade (east-facing windows). Displayed in retail window.	South: 2.81sqm Centre: 2.84sqm North: 2.29sqm
ID18w-G-1G (page 20)	Tenant listing Steel plate black Engraved text (tenant names)	West side of Shamrock Street main entrance. 0.82m above pavement level.	0.25m wide x 1.04m high; 0.26sqm.
ID18w-G-4A ID18w-G-4B (page 20)	Tenant listing Steel plate black Engraved text (tenant names)	North and south walls inside alcove main entry from Church Street. 0.82m above pavement level.	0.25m wide x 1.04m high; 0.26sqm
TOTAL SIGNAGE AREA:			53.5sqm

13. The neon strip light identified in the lighting report and on decision plans as A1w-G-2A and A1w-G-3B is an extension of sign ID1w-G-3A, with the neon strip underlining the words “Industry Lane” and continuing along the west and north facades of the building.

Existing Conditions

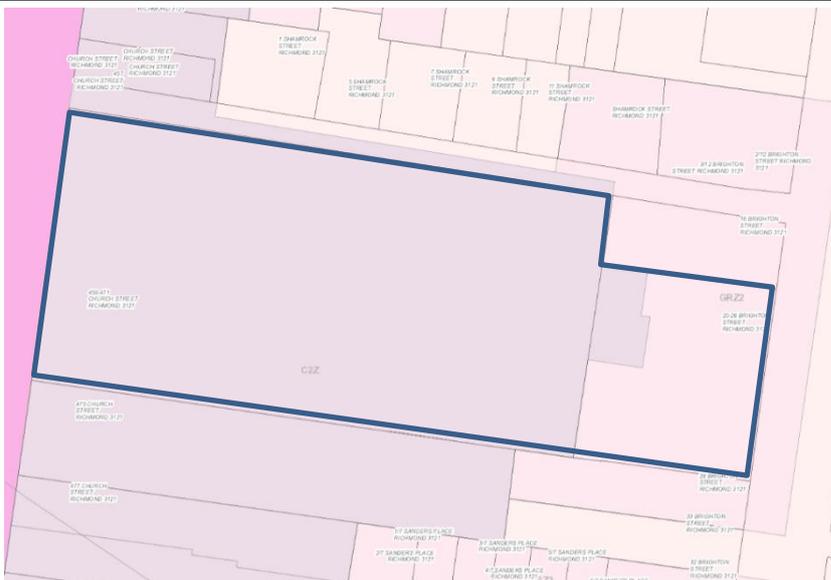
Subject Site

14. The subject site was described in the officer report for PLN18/0328.03 as follows:
15. *The subject site is located on the eastern side of Church Street and is bound by Shamrock Street to the north and Brighton Street in the east, in Richmond. The site is generally rectangular in shape, save for a cut-out in the north-eastern corner associated with No. 16 Brighton Street which is not part of the subject site.*
16. *The site has a frontage to Brighton Street of 32.84 metres.*
17. *The site is currently being developed in accordance with Planning Permit PLN18/0328 which approves:*
- (a) *Building A: a ten storey building constructed to the west to Church Street.*
 - (b) *Building B: a six storey building constructed central to the site and abutting Shamrock Street.*
 - (c) *Building C: a four storey building constructed to the east to Brighton Street.*
18. The title boundary is shown in dashed red on sheet 4 of the decision plans, as per Planning Permit PLN18/0328. A portion of the subject site to the north has been allocated to widen the Shamrock Street footpath adjoining the subject site. Therefore, the red dashed title boundary line is shown approximately 3.8m (varied) to the north of the building along Shamrock Street.

19. The building is constructed along the west boundary, to Church Street, and along the south and east boundaries.
20. Two main entrances are provided to the Church and Shamrock Street facades (one per façade). The Shamrock Street entrance can be closed off with a sliding gate. The Church Street entrance is via a large revolving door.
21. Decision plans show signs in the windows to Church and Shamrock Street for four retail tenancies (Nos. 1, 2, 5 and 7). A recent Notice of Decision to Grant a Planning Permit PLN18/0328.02 would allow use of these retail tenancies as Food and Drinks Premises (FDP), including liquor service. FDP1 and FDP2 are located along Church Street (shown as Retail 1 and Retail 2 on decision plans, respectively). FDP3 and FDP4 are located along Shamrock Street (shown as Retail 5 and Retail 7 on decision plans, respectively).
22. FDP1 is located on the north-west corner of the site (corner of Church Street and Shamrock Street), accessed from Church Street and 217sqm in area.
23. FDP2 is located on the south-west corner of the site, accessed from Church Street and 228sqm in area.
24. FDP3 is located on the northern side of the development and 378sqm in area. The principal entry is located on Shamrock Street, 51 metres east of Church Street. Two outdoor dining areas are provided for the premises, a 65sqm outdoor dining area located in the courtyard and a 25sqm area provided within the front setback of the building to Shamrock Street.
25. FDP4 is located on the northern side of the development and 172sqm in area. The principal entry is located to Shamrock Street, 68 metres east of Church Street. An outdoor seating area (55sqm) is provided in the courtyard.
26. Conditions relating to hours of operation, hours of liquor service, and access from Shamrock Street are outlined in the Notice of Decision to Grant a planning permit PLN18/0328.02 and will be further discussed in relation to operating hours for illuminated signs later in this report.

Surrounding Land

27. The surrounding land was described in the officer report for PLN18/0328.03 as follows:
 28. *The subject land is located within two zones – Commercial 2 and General Residential (Schedule 2). The existing development in the wider area is mixed and consists of residential, commercial and industrial uses, resulting in a diversity or built form. Land zoned residential is located to the east and partially to the south and north of the subject site. A map of the immediate zoning is provided below.*
 29. *Further north of the site is East Richmond Train Station and the Swan Street Major Activity Centre (MAC) which includes various commercial uses.*
- North*
30. *Shamrock Street is a one-way street (entering from Church Street and exiting onto Brighton Street. Along the northern side of Shamrock Street are commercial properties to the west end (occupied by furniture showroom, a bike shop, restaurant and pub) for a length of 28m and residential properties to the east, closest to Brighton Street. The dwellings, Nos 1 – 11 Shamrock Street and No. 12 Brighton Street display small front setbacks.*



31. *Immediately abutting the northern boundary of the subject site is No. 16 Brighton Street which is currently developed with a single storey dwelling with private open space at the rear (west). Planning Permit PLN11/0673 was issued on 21 May 2012 and allows for four, part-two, part-three storey townhouses (with basements).*
32. The works in accordance with PLN11/0673 have not yet commenced. However, a recent extension of time was issued (letter dated 11 May 2021) so that works must now commence no later than 21 May 2022.

East

33. *To the east, across Brighton Street which is 15 metres wide, are dwellings facing Brighton Street and the subject site. Generally, the dwellings and single storey, semi-attached and with narrow side setbacks. Typically, small private open space (**POS**) areas are provided to the rear (east). The dwellings are generally not provided on-site car parking.*

South

34. *Immediately to the south of the subject site, facing Brighton Street is No. 28 Brighton Street, which is developed with a single storey, double fronted dwelling graded as 'Contributory' to the Barkly Garden Heritage Precincts. The dwelling is constructed to the shared boundary for a length and is then setback approximately 1.5 metres for the remainder. Private open space is provided to the rear (west) and habitable room windows (associated with an open plan living room face west to the POS and highlight window facing north to the subject site.*
35. *Further south are dwellings fronting east to Brighton Street or south to Sanders Place.*

West

36. *To the west of the subject site is Church Street which is a Category 1 Road Zone with a tram route running north to south and parking either side. On the opposite side of Church Street are larger sites developed with commercial buildings.*
37. *Of relevance to signage and lighting, Church Street is a commercial zone which has a vast array of signage types; including large scale signs to the south, on properties directly adjoining the subject site (Nos. 475 and 477 Church Street), and neon strip lighting is visible within the windows of No. 484 Church Street, opposite the subject site to the northwest. Signage is generally located at ground floor, with signs also located above the verandah level.*
38. *Additionally, internally illuminated signs are prominent upon No. 522 Church Street (approx. 100m to the south of the subject site).*

Planning Scheme Provisions

Zoning

39. The site is partly zoned *General Residential Zone (Schedule 2)* to the east and *Commercial 2 Zone* to the west. The following is applicable to the proposal;

Commercial 2 Zone

40. Pursuant to Clause 34.02-8, sign requirements are at Clause 52.05. This zone is in Category 1.

General Residential Zone (Schedule 2)

41. Pursuant to Clause 32.08-15, sign requirements are at Clause 52.05. This zone is in Category 3. Only one sign is proposed within the area of land zoned *General Residential Zone – 2 (sign N1Aw-G-2BD)*.

Overlays

Design and Development Overlay (Schedules 2 and 5)

42. Pursuant to 43.02-2, a permit is required to construct a building or construct or carry out works, unless a schedule to this overlay specifically states that a permit is not required. There is no planning permit required under either *Design and Development Overlay* for the display of signs.
43. Pursuant to Clause 4.0 of Schedule 5, where a permit is required to use and or for the construction of a building or the construction or carrying out works under another provision in this scheme, notice must be given under section 52(1)(c) of the *Planning and Environment Act 1987* to the person or body to be notified in Clause 66.06 or schedule to the clause.
44. Clause 62.02-2 states the following:
(a) *Any requirement in this scheme relating to the construction of a building or carrying out of works, other than a requirement in the Public Conservation and Resource Zone does not apply to:*
(i) *The construction of or putting up for display a sign.*
45. Therefore, a planning permit is not required for the construction of the proposed signs; hence notice to the Environment Protection Authority, Transurban City Link Limited and the Roads Corporation (VicRoads) was not required.

Development Contributions Plan Overlay

46. Pursuant to Clause 45.06, all new development (where there is an increase in the number of dwellings and/or an increase in retail, commercial and industrial floor space) requires a monetary contribution from the developer in the form of a contributions levy.
47. This application seeks to install signage and will not incur the levy in accordance with Clause 45.06 as there is no increase to the number of dwellings, or the area of commercial/retail units.

Particular Provisions

Clause 52.05 Signs

48. Pursuant to Clause 52.05-11 (Category 1), no permit is required for business identification signs if the total display area of all sign to each premises does not exceed 8sqm. This does not include any sign with a display area not exceeding 1.5sqm that is below a verandah, or less than 3.7m above pavement level.
49. As the combined display area of business identification signs exceeds 8sqm, a permit is required under this provision.

50. As the combined display area of the internally-illuminated signs exceeds 1.5sqm, a permit is required under this provision. In addition, some of the signs are proposed to be located over 3.7m above pavement level, and are within 30m of a residential zone, therefore a permit is required under this provision.
51. Pursuant to Clause 52.05-11 (Category 1), a permit is required for any sign not listed in Section 1 of the table. High-wall signs and animated signs are not listed in Section 1 of the table; therefore a planning permit is required. No signs are prohibited under Clause 52.05-11 (Category 1).
52. Pursuant to Clause 52.05-11 (Category 3), the tenant directory sign located to the north wall of the vehicle entry ramp is a business identification sign, which requires a permit per Section 2 of the table.

General Provisions

Clause 65 – Decision Guidelines

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

Planning Policy Framework (PPF)

54. Relevant clauses to this application are as follows:

- (a) Clause 15.01 – Built Environment

Clause 15.01-1S – Urban Design

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

Local Planning Policy Framework (LPPF)

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

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

Clause 21.05-2 – Urban design

57. The relevant objectives and associated strategies of this clause are as follows:
 - (a) *Objective 16: To reinforce the existing urban framework of Yarra*
 - 16.2 *Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.*
 - (b) *Objective 20: To ensure that new development contributes positively to Yarra's urban fabric.*

20.1 Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.

Clause 21.08-2 – Burnley, Cremorne, South Richmond

58. This clause sets out the locally specific implementation of the objectives and strategies for Yarra's neighbourhoods. The subject site is located within the 'Burnley – Cremorne – South Richmond' neighbourhood, and is identified as having the 'Main Road' built form character. The specific objective for this built form character is to *ensure that development does not dominate the river.*
59. The clause also sets out that the implementation of built form strategies in Clause 21.05 includes:
- (a) *Supporting development that maintains and strengthens the preferred character of the relevant Built Form Character type.*
 - (b) *Creating a more active street frontage along Church Street.*

Relevant Local Policies

60. The only relevant local policy to this application is Clause 22.04 - *Advertising Signs Policy*. This policy applies to all permit applications for development that incorporate signage. The relevant objectives of this policy are:
- (a) *To ensure that signs contribute to and do not detract from the visual amenity of commercial precincts, activity centres and residential areas.*
 - (b) *To minimise visual clutter.*
 - (c) *To ensure that signs are not the dominant element in the streetscape.*
 - (d) *To protect and enhance the character and integrity of places of heritage significance.*
 - (e) *To maintain vehicular and pedestrian safety.*

Advertising

61. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 42 letters sent to surrounding owners and occupiers and by 3 signs displayed on site (to the north, east and west boundaries). Council received 9 objections, the grounds of which are summarised as follows):
- (a) Volume and number of signs is excessive; will result in visual disorder and clutter.
 - (b) The volume of signs will detract from the streetscape and heritage listed properties to the north (Shamrock Street).
 - (c) Signage plan does not provide adequate detail regarding the content of signs in shopfronts to Shamrock Street.
 - (d) Illuminated backlit neon signs will create adverse amenity impacts to residential properties located on the northern side of the street due to light spill.
 - (e) Proposed hours of illumination between 6am and 10.59pm will impose on resident's enjoyment of their homes, and dictate their waking hours.
 - (f) Proposed hand gesture signage creates unnecessary illumination (except the pointed finger).

62. No planning consultation meeting was held.

Referrals

63. The referral comments are based on the advertised plans, and the lighting report submitted 28 April 2021.

External Referrals

64. The application was not referred to external authorities.

Internal Referrals

65. The application was referred to the following units within Council:
(a) Engineering Unit

66. Referral comments have been included as attachments to this report.

OFFICER ASSESSMENT

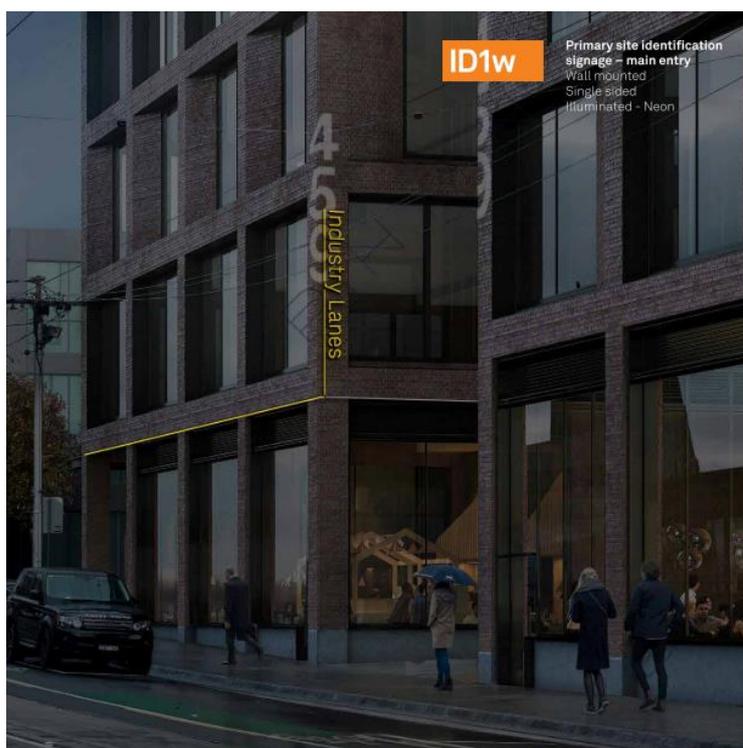
67. The primary considerations for this application are as follows:
(a) Signage; and
(b) Objector concerns.

Signage

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

Church Street Façade

69. Internally illuminated signs are proposed in each shop front window along Church Street at street level; total of 7 signs. These signs are to be displayed from within each shop, rather than affixed externally.
70. Additionally, two neon signs are proposed to either side of the main entrance alcove from Church Street, mounted 5.68m above pavement level. These signs are site identification signs, spelling out “Industry Lanes” in yellow neon lettering affixed directly to the brickwork (see image below).



Rendered image; excerpt from decision plans. View northeast along Church Street to subject site.

71. The dimensions of the neon writing (12mm tubing, 2.81m high x 0.32m wide each) provide for two large signs (nos. ID1w-G-3A and ID1w-G-4A), however the scale of the signs are well proportioned relative to the building on which they sit, which is approximately 43m wide and 17m high façade to Church Street (overall height approx. 43m).
72. The neon signs (nos. ID1w-G-3A and ID1w-G-4A) are located within the main entry alcove from Church Street; visible to passing traffic moving north and south along Church Street and will not be animated or flashing.

73. The neon sign to the north (no. ID1w-G-3A) also comprises a single strip of neon lighting, which underlines the wording, continues down to verandah level (approx. 4m above pavement), and then runs north, toward Shamrock Street. This neon strip then wraps around the northwest corner of the building, to continue down the north façade for approx. 19m (opposite commercially zoned land).
74. The neon strip light (12mm tubing, shown as A1w-G-2A and A1w-G-3B on decision plans) also continues along the north wall of the entrance alcove, and into the interior of the building as a continuation of signs ID1w-G-3A and IDw-G-4A.
75. Although internally illuminated signs to shop fronts are not uncommon in the context of Church Street and within a major activity centre; the number of internally illuminated signs proposed to each retail premises is excessive and will cause visual clutter. The number proposed is as follows;
- (a) Three internally-illuminated signs are proposed to Retail 2 (Church Street)
 - (b) Five internally-illuminated signs are proposed to Retail 1 (four signs to Church Street and one to Shamrock Street)
 - (c) Six internally-illuminated signs are proposed to Retail 5 (three signs to Shamrock Street and three to the internal courtyard)
 - (d) Four internally-illuminated signs are proposed to Retail 7 (three signs to Shamrock Street and one to the internal courtyard)
76. To reduce visual clutter to the site, a condition will reduce the signs to one sign per tenancy to Church Street, and one additional sign to the splay at the north-west corner Retail 1 (sign 1D22w-G-1A) which provides an opportunity for visitors to identify the business when travelling from the north. As such this sign can remain, however the northern sign (1D22w-G1B) must also be deleted as there is no requirement for an internally illuminated business identification sign in this location (given the pedestrian entrance is from Church Street). This condition provides a reasonable balance for identification of the two businesses without causing visual clutter.
77. Additionally, a condition will require Retail 5 and Retail 7 display only one internally-illuminated sign to Shamrock Street façade each.
78. The proposed internally-illuminated signs along Church Street will not be animated or flashing, and therefore these signs will not be a safety hazard or cause a nuisance to drivers. In addition, there is street lighting along Church Street (with the closest street lights out the front of the site as well as directly opposite) as well as other businesses which will be lit (including at night). The internally illuminated signs will not cause a nuisance in terms of light spill, especially as the lights face other commercial premises.
79. Most of the surrounding retail premises have large signs, with some also being internally illuminated. In this context (and subject to the conditions deleting additional signs), the proposed signs to Church Street will not create visual clutter, and are appropriate for a building of this scale and located in a commercial zone.

Streetscape

80. This section of Church Street contains a number of furniture, building material and interior design stores with a variety of signs. Due to the large scale nature of these stores, large signs (including illuminated signs) are common to the shop fronts facing Church Street.
81. The proposed signage to Church Street (and to the west end of Shamrock Street) must be considered in the Commercial 2 Zoning in which the host building sits. Signage, including illuminated signs are common along Church Street such as shown in the images below.



Neon strip lighting visible within the windows of No. 484 Church Street, opposite the subject site to the northwest. Source: <https://www.signorino.com.au/>. Date unknown.



Large scale signs on properties adjoining the subject site to the south. Source: Google Streetview. Date: June 2019.



Illuminated signage at No. 522 Church Street (approx. 100m south of the subject site). Source: <https://www.jardan.com.au/>. Date unknown.

82. Clause 22.04 states that signs should “*not obscure important views of vistas*”. A ten-storey building is currently under construction on the west end of the subject site. The proposed signs are to be affixed to the walls of the building at ground or first floor and will not obscure any important views or vistas.
83. The signage will be visible to drivers along Church Street and Shamrock Street, however given the relative size of the signage and the strong character of signage along Church Street, the signs will not result in a detrimental impact to this streetscape. The proposed internally-illuminated signage will not interfere with any traffic signals, directional signs or street signs as encouraged by Clause 22.04-3.2.

Shamrock Street Façade

84. To the Shamrock Street façade, three types of signs are proposed;
- (a) internally illuminated business identification signs within each retail window
 - (b) secondary site identification sign (an animated neon sign no. ID3w-G-1BA), and
 - (c) cantilevered, double-sided signs (internally illuminated) which protrude from the north wall over the footpath below (nos. ID5c-G-1BA, ID5c-G-1G and ID5c-G-1E)
 - (d) Sign 1D18W-G-1G is a wall-mounted (non-illuminated) tenant directory sign affixed to the interior courtyard wall, adjacent to the Shamrock Street entrance (0.82m above floor level, 1m high, 0.25m wide).
85. A neon strip light is also proposed at verandah level (4m above pavement) along the Shamrock Street façade. The neon strip light (No. A1w-G-2A) is proposed in two sections. The first section, along the west end of the Shamrock Street façade, runs for approx. 20m, from the north west corner, opposite the south wall of No. 457 Church Street. This section is an exposed neon 12mm yellow tube light.
86. Shamrock Street is approx. 5m wide, with a number of dwellings (located in a residential zone) facing south, toward the subject site. The west end of Shamrock Street is occupied by a commercial building (No. 457 Church Street) which faces Church Street (located in a commercial zone), and has a 28m (approx.) boundary along Shamrock Street. Nos 1 – 11 Shamrock Street are located to the east of this property, with each dwellings facing the subject site. No. 12 Brighton Street is located to the east end of Shamrock Street, and contains a number of units, which have south-facing windows along Shamrock Street.
87. Objections were received with regards to the potential impact of illumination from signs to dwellings along Shamrock Street. Despite the site’s residential interface, the subject site is located within the Commercial 2 Zone which encourages areas for commercial uses. The site is also on the periphery of the Swan Street MAC and associated Core Entertainment Precinct, within which active and vibrant commercial uses and retail activity is present and expected. As such, the amenity expectations of residents in the area need to be somewhat tempered in order to maintain the viability of industrial and business areas, as recognised in Clause 22.05 (Interface uses policy).
88. This position was confirmed at the VCAT, with the following statement included in the decision for *Goldfields Richmond Management Pty Ltd v Yarra CC* [2021] VCAT 528: [160] *We accept that residential uses adjacent to an activity centre (and in a commercial zone) must have a reduced expectation for amenity compared to residential uses adjacent to other residential zones. However, we find that this also operates in reverse: a commercial use adjacent to a residential zone must have some reduced expectation about what can be achieved*
89. In relation to the Shamrock Street tenancies (shown as Retail 5 and 7 on plans), a Notice of Decision to Grant a Planning Permit (PLN18/0328) was recently issued which includes the following conditions (12-15) in relation to FDP3 and FDP4 (Food and Drink Premises 3 & 4 which is the Retail 5 and 7 tenancies shown on these decision plans):

Condition 12

Except with the prior written consent of the Responsible Authority, the Food and drinks premises authorised by this permit may only operate as follows:

- (i) (b): *FDP3 and FDP4 between 6am and 10pm, seven days a week.*
- (ii) (c): *The outdoor dining areas associated with FDP3 and FDP4 between 7am and 6pm, seven days a week.*

Condition 13

The northern windows and doorways associated with the outdoor dining areas of FDP3 and FDP4 to remain closed at 6pm on every day.

Condition 14

Patron ingress/egress to FDP3 to be provided only from the entry to the central lobby after 8pm on any evening.

Condition 15

Speakers external to the building must not be erected or used.

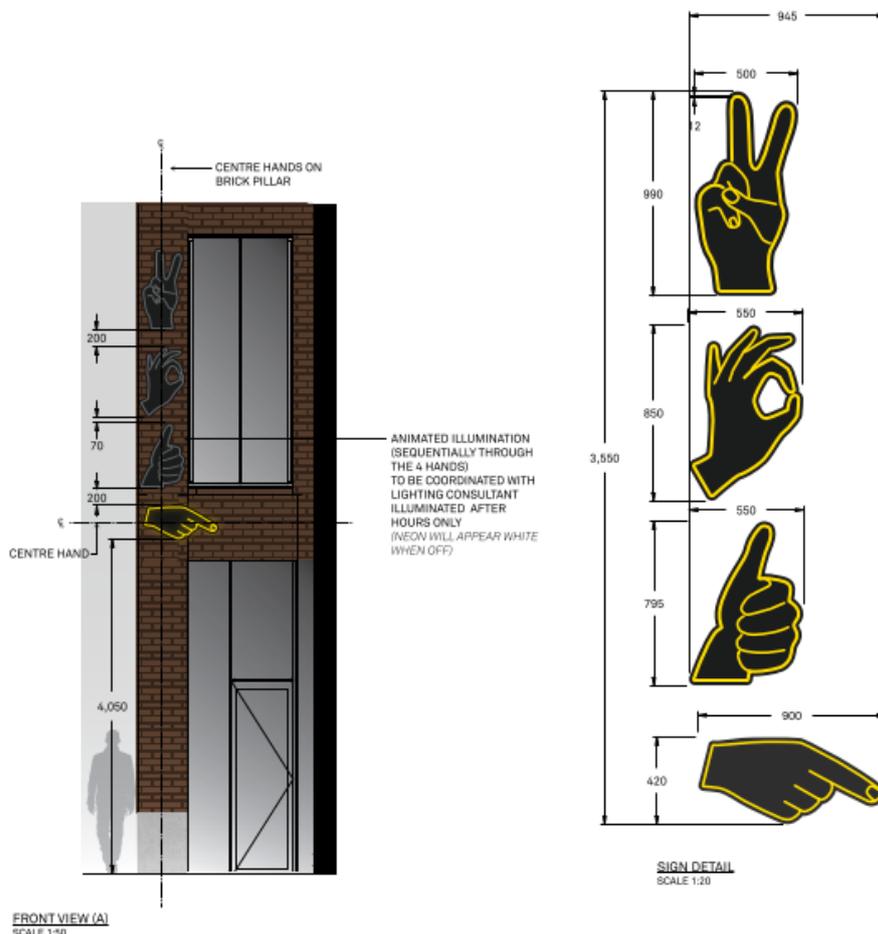
90. The officer report for PLN18/0328.02 outlines the following reasons for these conditions in paragraph No. 143 of their report:

It is considered that these conditions will reasonably limit any potential for off-site amenity impacts to the residents of Shamrock Street for the following reasons:

- (a) *The closure of the outdoor dining areas at 6pm will not only reduce the noise impacts from the premises but will also reduce the number of patrons in FDP3 and FDP4 by 88 for the evening period.*
- (b) *The closure of the windows and doors after 6pm will assist in achieving the evening noise targets recommended by SLR consultants.*
- (c) *The closure of the FDP3 entry to Shamrock Street after 8pm will redirect patrons from the larger premises (maximum of 130 patrons) towards Church Street, rather than Shamrock Street, to mitigate any disturbance relating to the movement of patrons in the street. It is recognised that the entry to FDP4, which allows for 80 patrons, will still be provided along Shamrock Street until 10pm, however on balance, this is considered to be a reasonable result for a commercial area.*
- (d) *The closure of the both premises by 10pm will ensure no disturbance to the nearby residential properties late into the evening and night-time.*

91. Three cantilevered, double-sided signs (internally illuminated) which protrude from the north wall, 2.7m over the footpath below (nos. ID5c-G-1BA, ID5c-G-1G and ID5c-G-1E) are proposed along Shamrock Street façade. These signs are 750mm wide x 440mm high (double-sided).
92. Council's Engineering Unit advised that *Building Regulations 2018, Regulation 107 – Signs* provides the requirements for signs on buildings. According to the regulation, a sign must be set back at least 750 mm from the kerb and have a height of at least 2.7 metres above the level of the street. The bottom of these signs is 2.7m above the Shamrock Street south footpath, and at least 1m from the kerb (varied); satisfying the regulations for setbacks and heights above street level.
93. These three signs are to be constructed of black steel, with the name of each tenancy (to be confirmed) cut out on each side. The internal illumination will show through the lettering of the tenant name only. The limited area of illumination from these signs (due to the design) and the orientation (with illuminated areas on the east and west of each sign) mean these signs will have minimal impact to residential properties opposite.

94. The secondary site identification sign (no. ID3w-G-1BA) is comprised of four hand gestures, which will each illuminate sequentially. Each hand shape is to be constructed of an aluminium tray (black finish) with the gesture outlined in yellow 12mm neon tubing (exposed) as shown below.



Details of animated sign ID3w-G-1BA; excerpt from page 16 of decision plans.

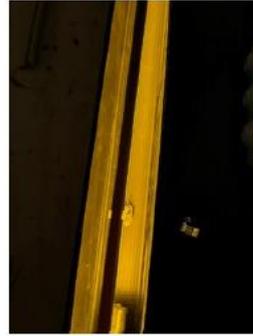
95. This sign (no. ID3w-G-1BA) is to be mounted on the west wall of the main Shamrock Street entryway, facing Church Street. The aluminium tray hand shapes are 80mm deep, and the 12mm neon light strip is concealed within, when viewed from the north. However, this animated sign will be visible when viewed from the west, including from Nos. 1, 5, and 7 Shamrock Street. Council's Engineering Unit have recommended a curfew for this sign between 6am and 7pm, due to the location opposite residential properties.
96. Taking into consideration the allowed operating hours of Food and Drinks Premises 3 and 4 (between 6am and 10pm), it is reasonable to allow the secondary site identification sign (no. ID3w-G-1BA) to operate during these same hours. Particularly as the Shamrock Street entrance for Food and Drink Premises 4 (at the east end, also known as Retail 7) remains open to patrons until 10pm. A condition will require sign no. ID3w-G-1BA be turned off between 10pm and 6am.
97. Internally illuminated signs are proposed in each north-facing shop front window along Shamrock Street at street level; total of 7 signs. These signs are to be displayed from within each shop, rather than affixed externally. The lighting report indicates the maximum luminance of the proposed internally illuminated signs to the shop windows will be 100lm/m. These signs are shown as ID22w-G-1BB, ID22w-G-1F, ID22w-G-1D and ID22w-G-1B on the decision plans.

98. Sign ID22w-G-1B is located to the west end of the Shamrock Street façade, opposite the side of a commercial property facing Church Street. This sign is over 20m from the nearest residential window (at No. 1 Shamrock Street) and is unlikely to cause amenity impacts as a result of illumination. However as discussed earlier in the report this sign will be deleted by condition as it creates visual clutter to the Church Street frontage and with two, internally illuminated business identification signs permitted to this tenancy (one to Church Street and one to the splay) this sign is not required.
99. The other six shopfront signs (ID22w-G-1BB, ID22w-G-1F, ID22w-G-1D) are located in the north windows of Retail 5 and 7, directly opposite dwellings to the north side of Shamrock Street, and collectively may impact the dwellings due to their luminance.
100. The proposed signs are likely to cause adverse amenity impacts to the dwellings opposite, due to their cumulative illumination. In addition, the number of signs will also add to visual clutter (there are 3 north-facing signs proposed to each tenancy in combination with the protruding tenant names along Shamrock Street). Given that each tenancy also has alternative signage locations (3 east-facing signs to the internal courtyard to Retail 5, and 1 west-facing sign to the internal courtyard to Retail 7), it is considered that there is excessive signage for each tenancy.
101. Given that the internal signs will face commercial premises these signs can supported. However a condition will require that each tenancy along Shamrock Street provides only one, north-facing internally illuminated sign (not 3). This is considered to be an appropriate identification of each premises while limiting the impact on nearby dwellings.
102. In relation to the lighting of signs along Shamrock Street, and having regard to the conditions as outlined for these two Food and Drink Premises along Shamrock Street within PLN18/0328.02; both restaurants would operate until 10pm, including the entry of patrons to FDP4 via Shamrock Street, with large windows to Shamrock Street allowing the internal lighting to spill onto Shamrock Street.
103. The proposed internally illuminated signs in the window of each of these premises (signs ID22w-G-1BB, ID22w-G-1F, ID22w-G-1D) will largely blend in with the internal lighting, and are unlikely to further impact the residential properties as a result of the illumination. However as these premises will close between 10pm and 6am, the internally illuminated signs (ID22w-G-1BB, ID22w-G-1F, ID22w-G-1D) should be turned off, to align with the operating hours and minimise disturbance to residential properties overnight. A condition will require this.
104. The neon strip light (No. A1w-G-2A) is proposed in two sections. The first section, along the west end of the Shamrock Street façade, runs for approx. 20m, from the north west corner, opposite the south wall of No. 457 Church Street. This section is an exposed neon 12mm yellow tube light.
105. Beyond this point, running a further 35m (approx.) from the east side of the Shamrock Street entrance, the neon strip will be contained within a tray (metal, powder coated finish in black with light reflectance value of 4%). The neon tube light will not be directly visible in this section, but rather the light from the neon will be reflected off the black powdercoated metal tray behind. An image of the backlit neon light within a tray (and a different backlit neon installation) is shown below, extracted from the lighting report.

Example of Backlit Neon installation



Backlit Neon within Channel



Details of backlit neon light A1w-G-2A, excerpt from page 5 of lighting report.

106. This section of the neon light is located opposite Nos. 1 – 11 Shamrock Street, and has been designed to provide diffuse light along the north façade of the building. There are no street lights along Shamrock Street and the intent of this neon strip is to provide illumination to patrons accessing the subject site (including retail at ground floor and offices above).
107. Given the design of the neon strip light opposite Nos. 1 – 11 Shamrock Street, and the context of the light upon a multi-storey commercial building, where tenants may leave internal lights on overnight, this neon lighting will not be intrusive to the dwellings, and no condition relating to the operation of this light is required.
108. It is considered that the amenity impacts of the illuminated signage proposed along Shamrock Street to surrounding dwellings, is managed by those conditions previously outlined above.
109. Additionally, while it is considered that these conditions are sufficient to prevent any amenity impacts to dwellings on the north of Shamrock Street, in *oOh! Media Assets Pty Ltd v Yarra CC [2016] VCAT 1670* the Tribunal contended:
- “residents retain the opportunity to draw blinds to avoid excessive distraction that may arise if sitting in a darkened room with the blinds open” and that “deciding to close blinds or not, and indeed the type of blinds residents use is their choice”.*
110. Subject to the earlier mentioned conditions relating to the operating hours of each of the illuminated signs and reduction in number of signs along Shamrock Street, it is considered this provides an appropriate balance between the amenity of the adjacent residential area whilst still allowing for the commercial viability of the Food and Drinks premises on site as is encouraged by Clause 22.05 (Interface uses policy).

Construction and support

111. All proposed signs are appropriate given they will be fixed to the walls of the building, and will therefore not impede the movement of pedestrians or vehicles. All electrical equipment and supports will be integrated into the overall structure and will be concealed from view from surrounding streets. The supporting structures and equipment will not result in any impact to important views or vistas, as encouraged by the policy.

Commercial and industrial areas

112. The proposed signage is generally consistent with the policy for commercial areas, and as previously discussed, the scale and type of all signs are appropriate and are similar to other signage found on adjoining sites and in the wider surrounding area.

113. The remaining internally illuminated sign (1D22w-G-4G) is located within the building proper and the illumination will form part of the overall building and will not impact residents along Shamrock Street. In relation to the other signs not already discussed in this report (namely the four, non-illuminated N1Aw signs) these signs provide tenant information and direction and are appropriately located at the main entry (2 signs), to the north-west corner of the building and to the driveway access from Brighton Street. As this last sign is non-illuminated and allows for the identification of businesses in the building this sign is considered appropriate and can be supported.
114. Overall, it is considered that the proposed signage is generally consistent with local advertising signs policy of Clause 22.04 and the decision guidelines of Clause 52.05.

Objector Concerns

115. *Volume and number of signs is excessive; will result in visual disorder and clutter.*
This matter has been addressed by permit condition as per paragraphs 75 -77.
116. *The volume of signs will detract from the streetscape and heritage listed properties to the north (Shamrock Street).*
The proposed signs are to be displayed upon a new (non-contributory) building within the heritage overlay. The streetscape of Shamrock Street as viewed facing north (toward the dwellings) will not be impacted by the display of signs as described herein.
117. *Signage plan does not provide adequate detail regarding the content of signs in shopfronts to Shamrock Street.*
The area and location of the signs in Shamrock Street has been outlined in decision plans and in this report at paragraph 12. The detailed content of the signs is dependant on the tenants occupying each premises, and will change as the occupant of each premises changes. The content of the sign is not relevant to the amenity impact considerations.
118. *Illuminated backlit neon signs will create adverse amenity impacts to residential properties located on the northern side of the street due to light spill.*
These signs, and the amenity impacts of these signs, has been discussed at paragraphs 71-74, and 105-107.
119. *Proposed hours of illumination between 6am and 10.59pm will impose on resident's enjoyment of their homes, and dictate their waking hours.*
Discussion relating to operational hours of signs is located at paragraphs 87-90 and 96.
120. *Proposed hand gesture signage creates unnecessary illumination (except the pointed finger).*
Discussion relation to the "hand gestures sign" is located at paragraphs 94 and 95.

Other Matters

121. The plans submitted include a notation "exact location to be verified on site by signage contractor". In addition to the conditions already mentioned, an additional condition will require this notation to be removed and all elevations to show the location of approved signs.
122. A condition will also require the lighting report to be updated to reflect current Australian lighting standards.

Conclusion

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

RECOMMENDATION

That a Notice of Decision to Grant a Planning Permit PLN20/0657 be issued for display of business identification signs, including internally illuminated and animated signs at 459 – 471 Church Street & 20-26 Brighton Street, Richmond generally in accordance with the plans noted previously as the “decision plans” and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and a digital copy must be provided. The plans must be generally in accordance with the architectural plans prepared by Diadem, dated 15 December 2020, but modified to show:
 - (a) Provision of only one internally illuminated sign (1D22w) to each tenancy fronting Church Street (the sign on the splay corner “1D22w-G-1A” may be retained).
 - (b) Provision of only one north-facing, internally illuminated sign (1D22w) to each tenancy fronting Shamrock Street.
 - (c) Deletion of notation “exact location to be verified on site by signage contractor”, and elevations to be updated to show all signs.
 - (d) The annotation relating to the secondary site identification sign (ID3w-G-1BA) on sheet 16 amended to refer to the operational hours as per condition 4.
2. The location and details of the signs, including the supporting structure, as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
4. Before the development commences, an amended Lighting Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Lighting Report will be endorsed and will form part of this permit. The amended Lighting Report must be generally in accordance with the *Industry Lanes Signage Lighting Report* by Glowing Structures but modified to include (or show, or address):
 - (a) Reference to Australian Standard updated to (AS4282:2019) as per lighting report received 28 April 2021.
 - (b) The internally illuminated signs within retail windows to Shamrock Street (east of the loading bay) to operate only between 6am and 10pm.
 - (c) The secondary site identification sign (ID3w-G-1BA) must only operate between 6am and 10pm.
5. The provisions, recommendations and requirements of the endorsed Lighting Report must be implemented and complied with to the satisfaction of the Responsible Authority.
6. The signs must not be flashing, scrolling or intermittent light, except the secondary site identification sign (ID3w-G-1BA).

7. The animated, secondary identification sign (1D3w-G-1BA) along Shamrock Street facing Church Street, must only operate between 6am and 10pm on any day.
8. All internally illuminated business identification signs along Shamrock Street façade to be turned off between 10pm and 6am each day.
9. The signs must not:
 - (a) Dazzle or distract drivers due to their colouring;
 - (b) Be able to be mistaken for a traffic signal because they have, for example, red circles, octagons, crosses or triangles;
 - (c) Be able to be mistaken as an instruction to drivers.
10. This permit will expire if the signs are not erected within 2 years of the date of this permit. The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or twelve months afterwards for completion.
11. This permit expires 15 years from the date of the permit.
12. On expiry of this permit the approved signs and structures built specifically to support or illuminate it must be removed.

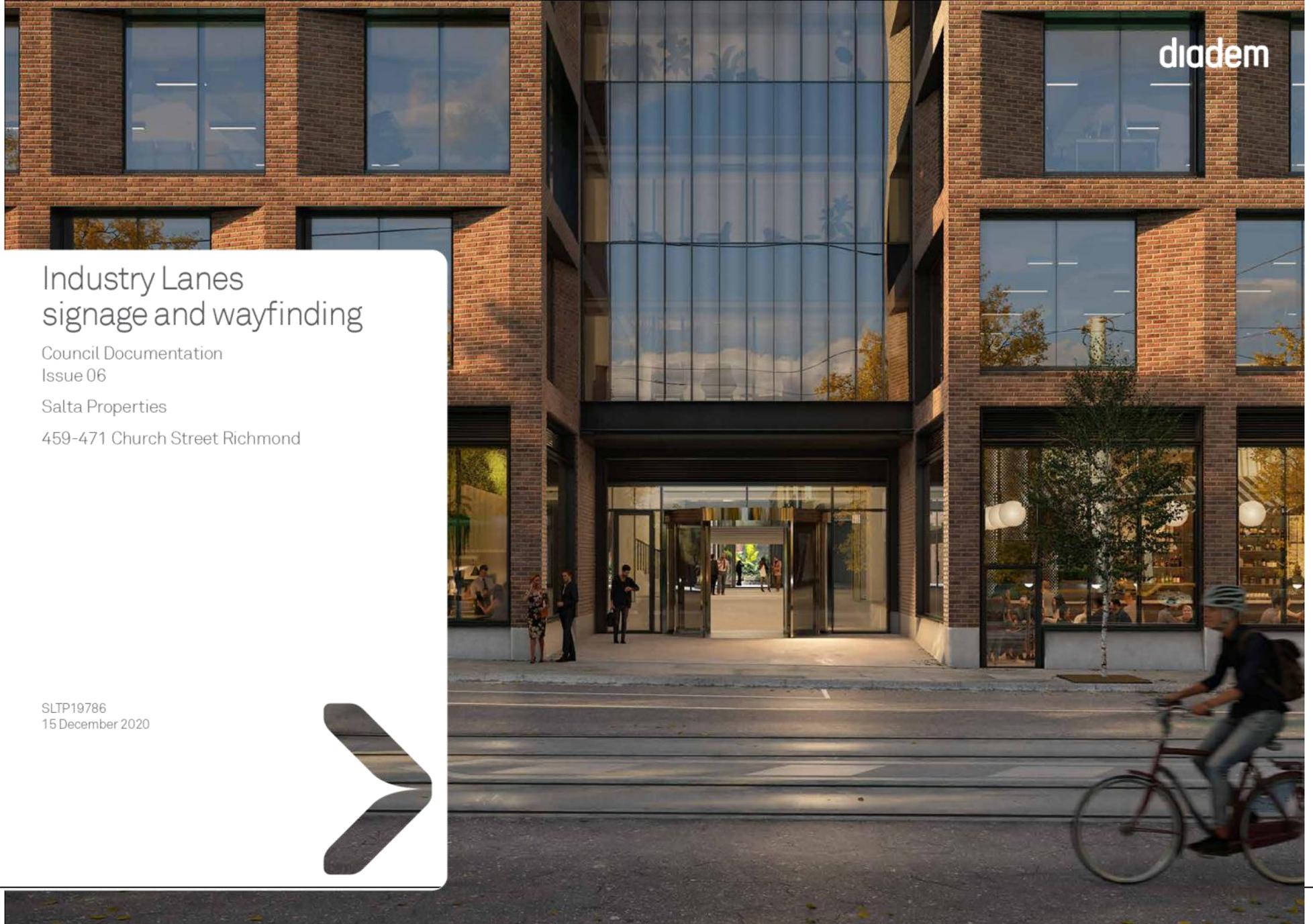
Notes:

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

Attachments

- 1 PLN20/0657 - 459 - 471 Church Street Richmond - DecisionPlans
- 2 PLN20/0657 - 459 - 471 Church Street Richmond - Lighting Report
- 3 PLN20/0657 - 459 - 471 Church Street Richmond - Revised lighting report received 28 April 2021
- 4 PLN20 0657 - 459 - 471 Church Street Richmond - Engineering referral comments 27 July 2021 pedestrians
- 5 PLN20 0657 - 459 - 471 Church Street Richmond - Engineering referral comments 21 July 2021 lighting
- 6 PLN20 0657 - 459 - 471 Church Street Richmond - Site location map

Attachment 1 - PLN20/0657 - 459 - 471 Church Street Richmond - DecisionPlans



Industry Lanes signage and wayfinding

Council Documentation
Issue 06

Salta Properties

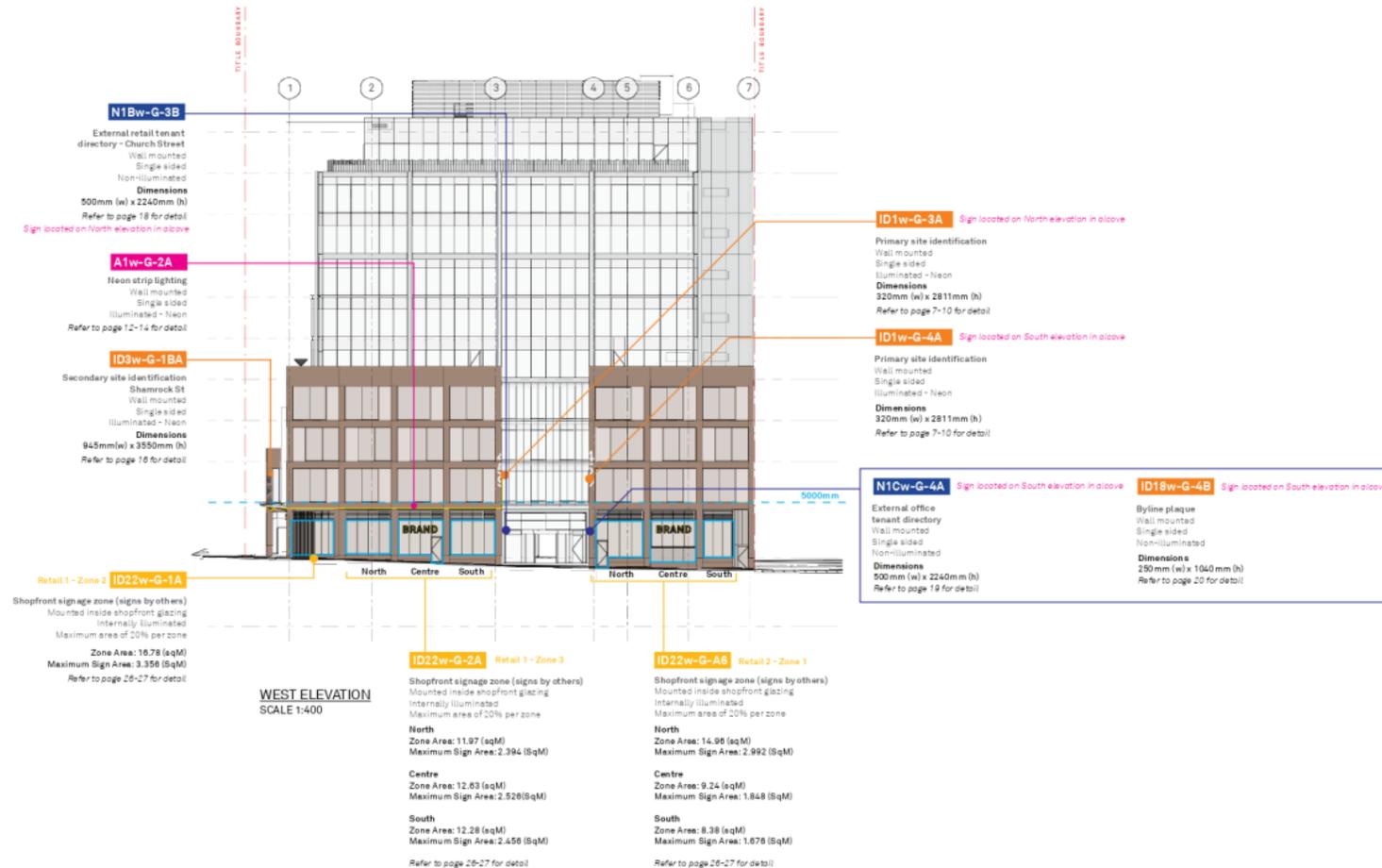
459-471 Church Street Richmond

SLTP19786
15 December 2020



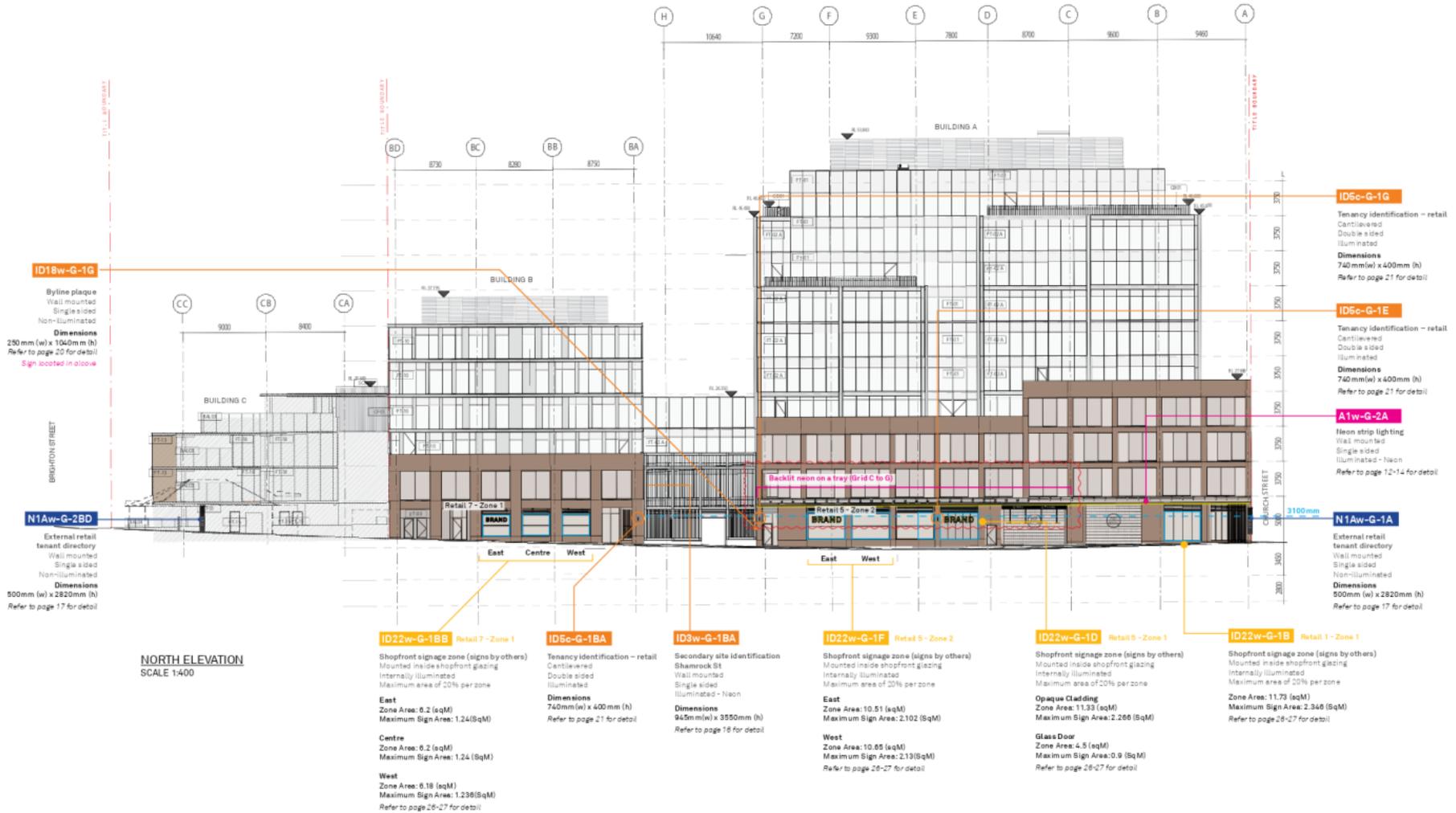
Attachment 1 - PLN20/0657 - 459 - 471 Church Street Richmond - Decision Plans

West elevation overview



Attachment 1 - PLN20/0657 - 459 - 471 Church Street Richmond - Decision Plans

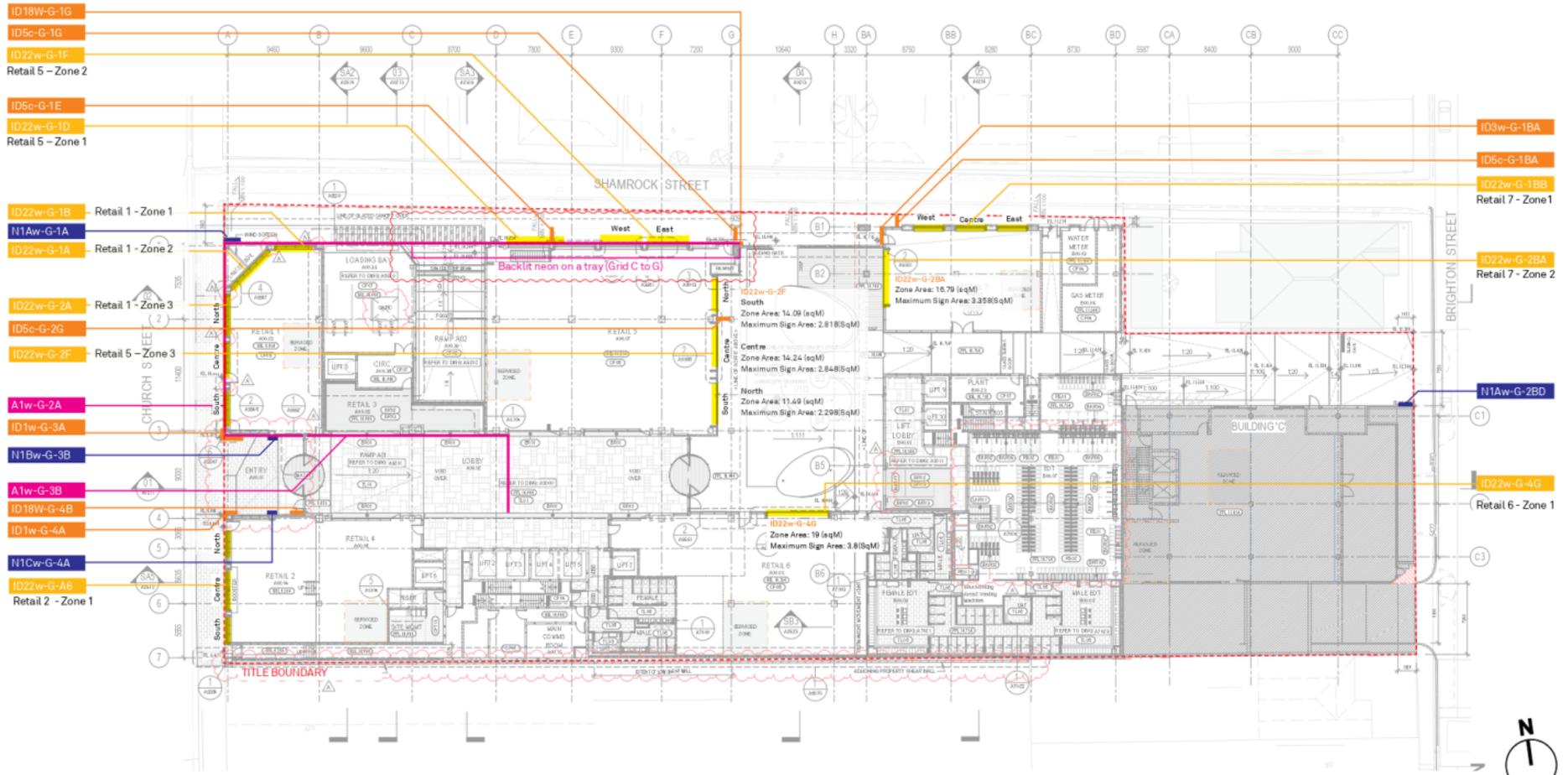
North elevation overview



Attachment 1 - PLN20/0657 - 459 - 471 Church Street Richmond - Decision Plans

Signage locations

Exact location to be verified on site by signage contractor.



KEY		
Type	Level	Grid Ref
D1s	-	1 - 0000

LE/405 Collins Street Melbourne 3000 VIC Australia T/ 03 9670 6767 F/ 03 9670 6769 diadem.co	diadem NOT FOR CONSTRUCTION	REVISION DESCRIPTION DATE DRAWN A N11Cw and ID5C-G-1G added + signs removed 23.11.20 CK	CLIENT SALTA PROPERTIES	ISSUE NO 06 ISSUE DATE 24.11.2020 SCALE 1:400 @ A3	DRAWING NO - DRAWING REVISION A
		CLIENT APPROVAL SIGNATURE NAME DATE	PROJECT INDUSTRY LANES SIGNAGE AND WAYFINDING	DRAWING TITLE EXTERNAL SIGNAGE LOCATIONS (GROUND) FILE NAME 19786-DD-INDUSTRY_LANES-WAYFINDING_DESIGN_COUNCIL-06	CHECKER SL CHECKER CK

Signage suite overview

Key - Sign Codes	
ID	Identification
D	Directional
N	Information
R	Regulatory
A	Art / Non-messaging



ID1w

Primary site identification
Wall mounted
Single sided
Illuminated - Neon



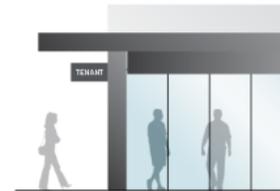
ID3w

Secondary site identification
Shamrock St
Wall mounted
Single sided
Illuminated - Neon



A1w

Neon strip lighting
Wall mounted
Single sided
Illuminated - Neon



ID5c

Tenancy identification - retail
Cantilevered
Double sided
Illuminated



N1Aw

External retail tenancy directory
Wall mounted
Single sided
Non-illuminated



N1Bw

External retail tenancy directory - Church St
Wall mounted
Single sided
Non-illuminated



N1Cw

External office tenancy directory
Wall mounted
Single sided
Non-illuminated



ID18w

Byline plaque
Wall mounted
Single sided
Non-illuminated



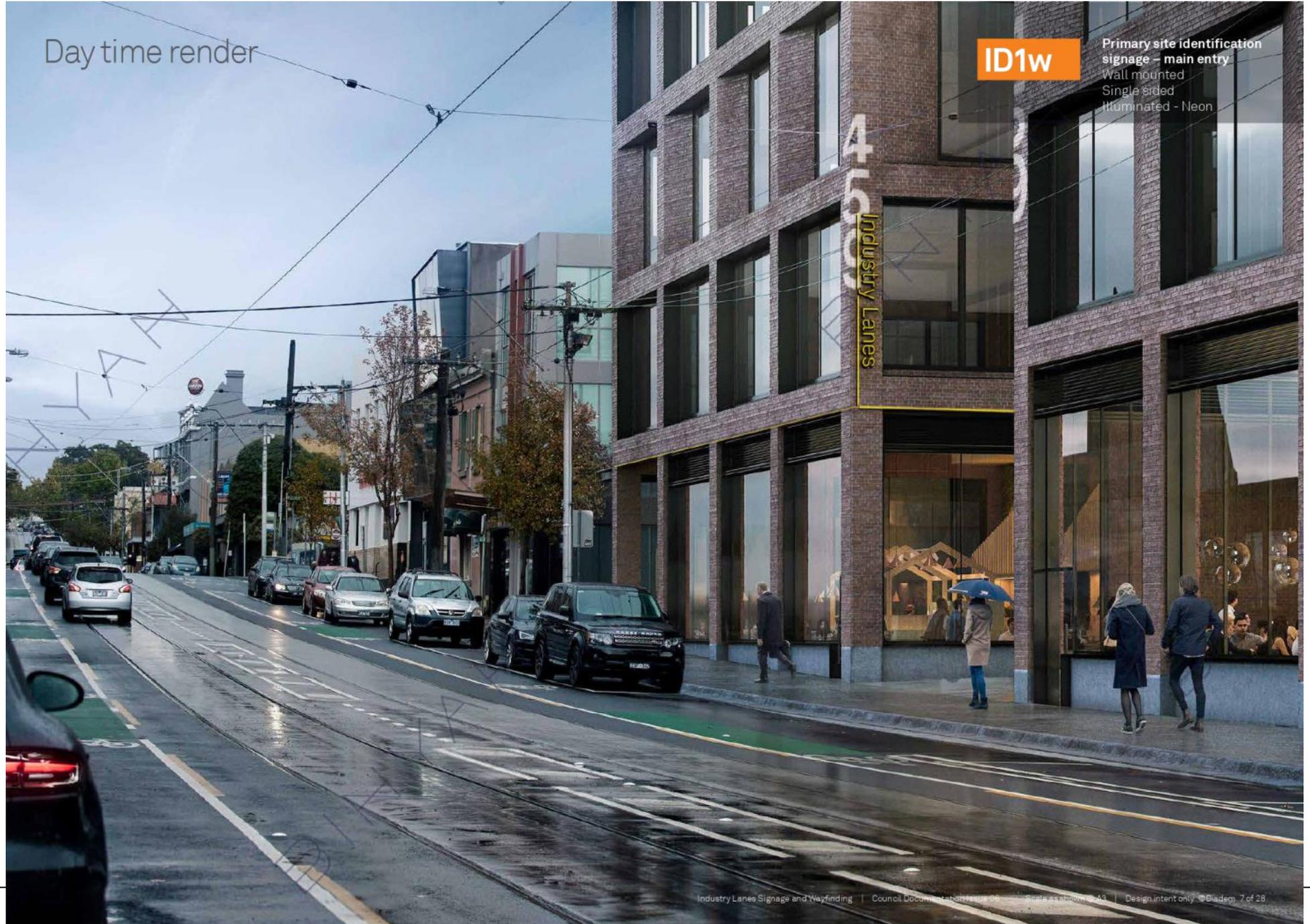
ID22w

Shopfront signage zone (signs by others)
Mounted inside shopfront glazing
Internally illuminated
Maximum area of 20% per zone

Attachment 1 - PLN20/0657 - 459 - 471 Church Street Richmond - DecisionPlans

Sign types

Attachment 1 - PLN20/0657 - 459 - 471 Church Street Richmond - Decision Plans

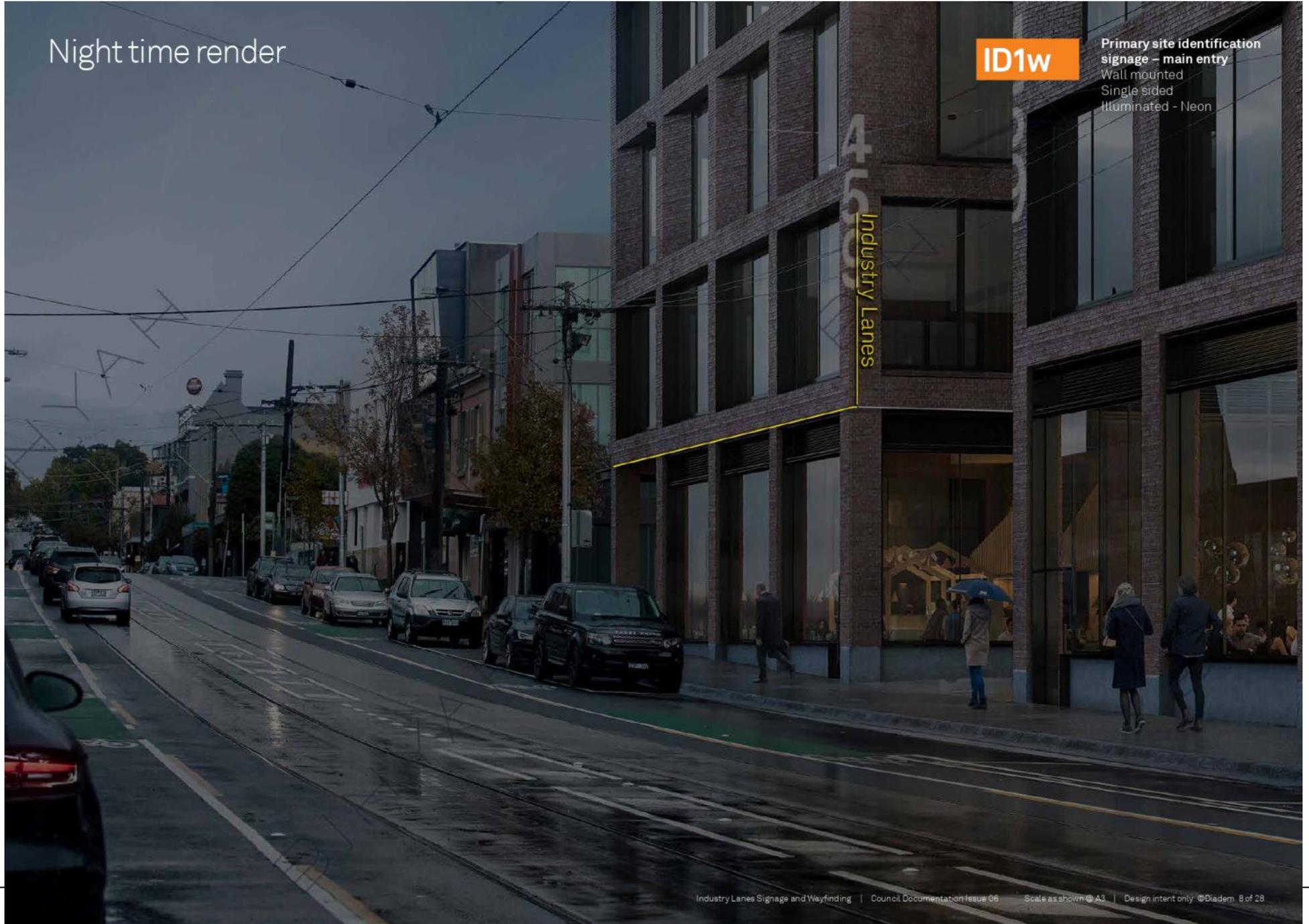


Day time render

ID1w

Primary site identification signage - main entry
Wall mounted
Single sided
Illuminated - Neon

Attachment 1 - PLN20/0657 - 459 - 471 Church Street Richmond - Decision Plans



Night time render

ID1w

Primary site identification signage - main entry
Wall mounted
Single sided
Illuminated - Neon

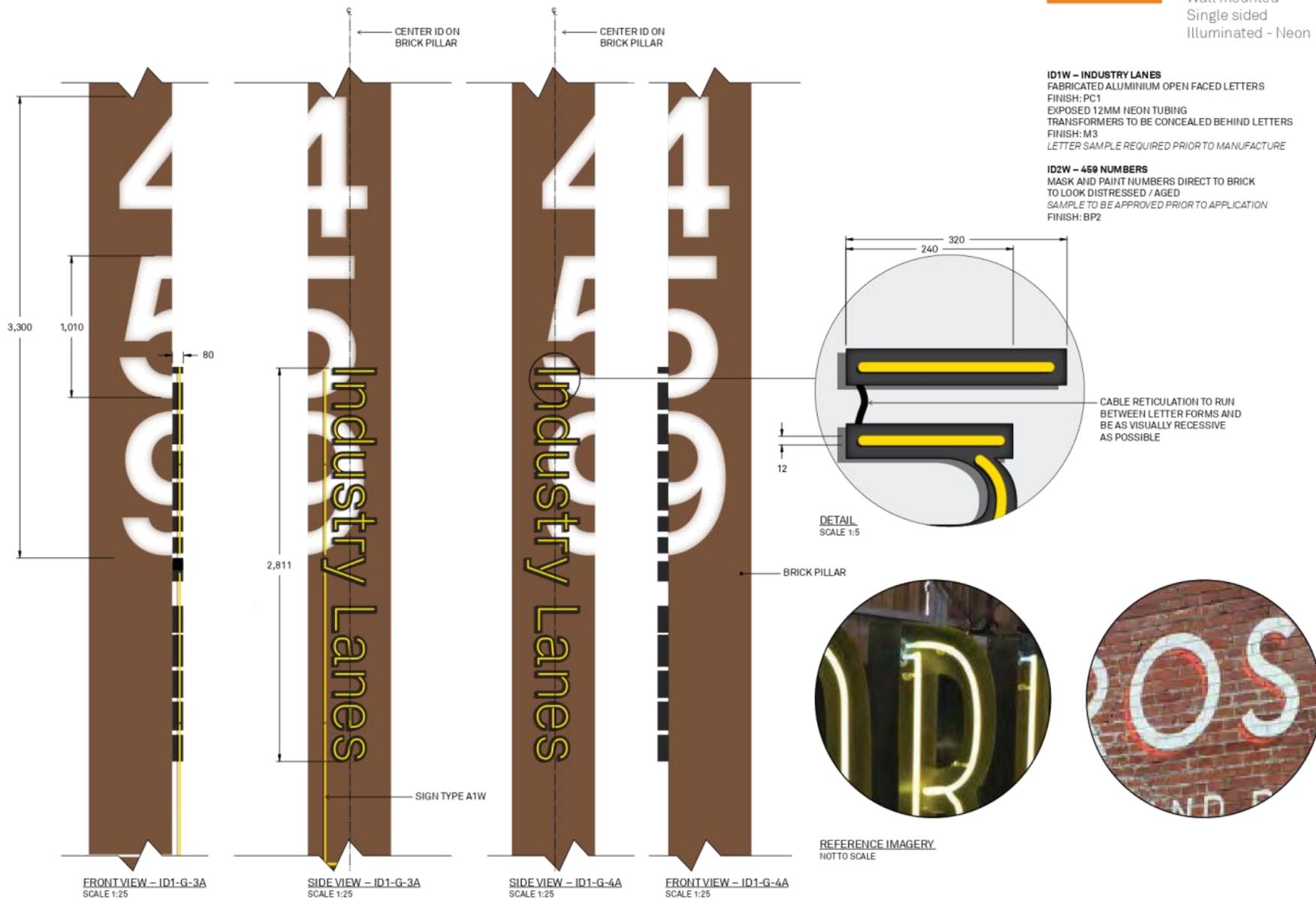
Attachment 1 - PLN20/0657 - 459 - 471 Church Street Richmond - DecisionPlans

ID1w

Primary site identification signage – main entry
 Wall mounted
 Single sided
 Illuminated - Neon

ID1W – INDUSTRY LANES
 FABRICATED ALUMINIUM OPEN FACED LETTERS
 FINISH: PC1
 EXPOSED 12MM NEON TUBING
 TRANSFORMERS TO BE CONCEALED BEHIND LETTERS
 FINISH: M3
 LETTER SAMPLE REQUIRED PRIOR TO MANUFACTURE

ID2W – 459 NUMBERS
 MASK AND PAINT NUMBERS DIRECT TO BRICK
 TO LOOK DISTRESSED / AGED
 SAMPLE TO BE APPROVED PRIOR TO APPLICATION
 FINISH: BP2



Attachment 1 - PLN20/0657 - 459 - 471 Church Street Richmond - Decision Plans

ID1w

Primary site identification signage – main entry
Wall mounted
Single sided
Illuminated - Neon



Attachment 1 - PLN20/0657 - 459 - 471 Church Street Richmond - Decision Plans



A1w

Neon strip lighting
- Wall mounted
- Single sided
- Illuminated - Neon

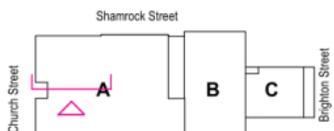
Attachment 1 - PLN20/0657 - 459 - 471 Church Street Richmond - DecisionPlans

A1w

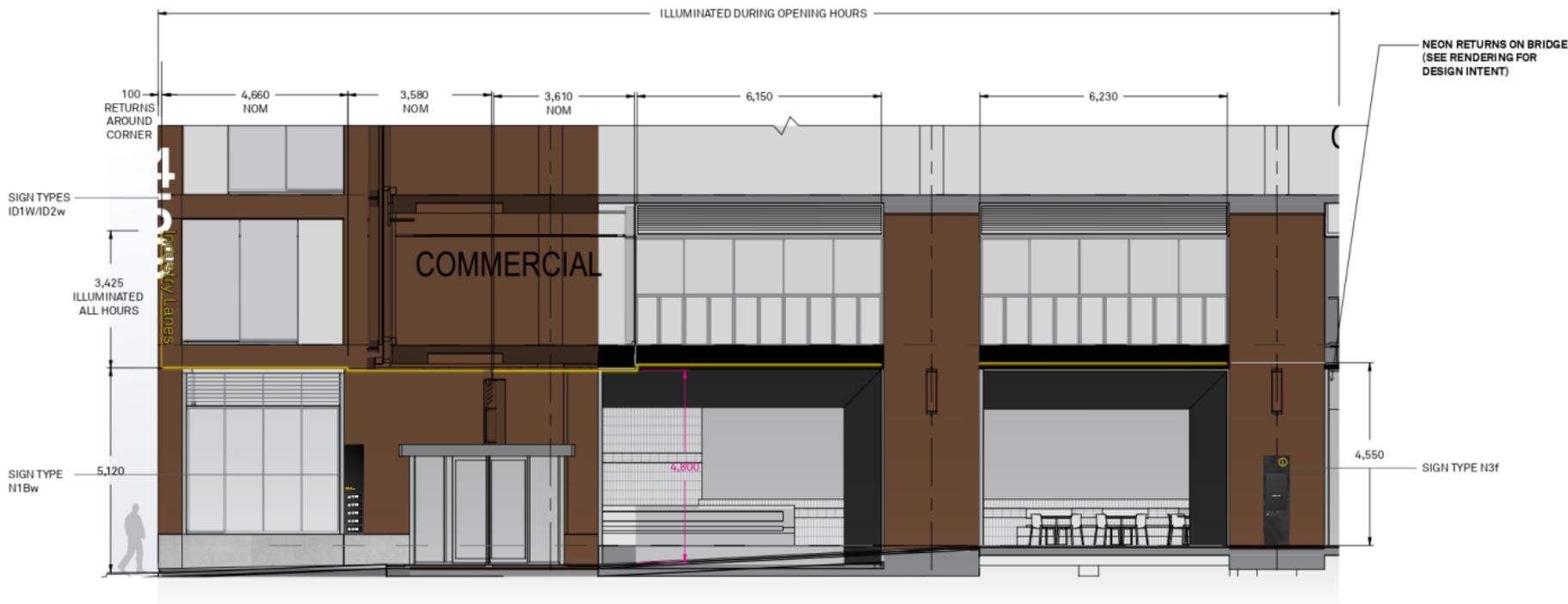
Neon strip lighting
 Wall mounted
 Single sided
 Illuminated - Neon

NEON LIGHTING
 EXPOSED 12MM NEON TUBING
 - EXTENDED NEON LENGTHS PREFERRED WITH DISCREET JOINS
 - COORDINATION REQUIRED WITH BUILDER AND ARCHITECT TO CONCEAL TRANSFORMERS AND WIRING WITHIN ARCHITECTURE
 - NEON TO SIT AS CLOSE TO BRICK FACADE AS POSSIBLE
 - NEON WILL APPEAR AS YELLOW WHEN OFF
 FINISH: M3

NOTE:
 COORDINATION AND FINAL POSITIONING OF NEON TO BE CONFIRMED DURING IMPLEMENTATION PHASE



PLAN VIEW - KEY
 NOT TO SCALE



SOUTH ELEVATION
 SCALE 1:100

Attachment 1 - PLN20/0657 - 459 - 471 Church Street Richmond - DecisionPlans

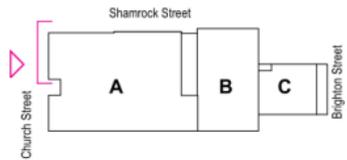
A1w

Neon strip lighting
 Wall mounted
 Single sided
 Illuminated - Neon

NEON LIGHTING

- EXPOSED 12MM NEON TUBING
- EXTENDED NEON LENGTHS PREFERRED WITH DISCREET JOINS
- COORDINATION REQUIRED WITH BUILDER AND ARCHITECT TO CONCEAL TRANSFORMERS AND WIRING WITHIN ARCHITECTURE
- NEON TO SIT AS CLOSE TO BRICK FACADE AS POSSIBLE
- NEON WILL APPEAR AS YELLOW WHEN OFF
- FINISH: M3

NOTE:
 COORDINATION AND FINAL POSITIONING OF NEON TO BE CONFIRMED DURING IMPLEMENTATION PHASE



PLAN VIEW - KEY
 NOT TO SCALE



WEST ELEVATION
 SCALE 1:100

Attachment 1 - PLN20/0657 - 459 - 471 Church Street Richmond - DecisionPlans

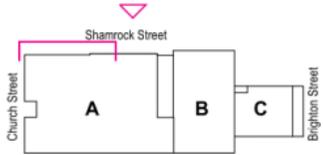
A1w

Neon strip lighting
Wall mounted
Single sided
Illuminated - Neon

NEON LIGHTING

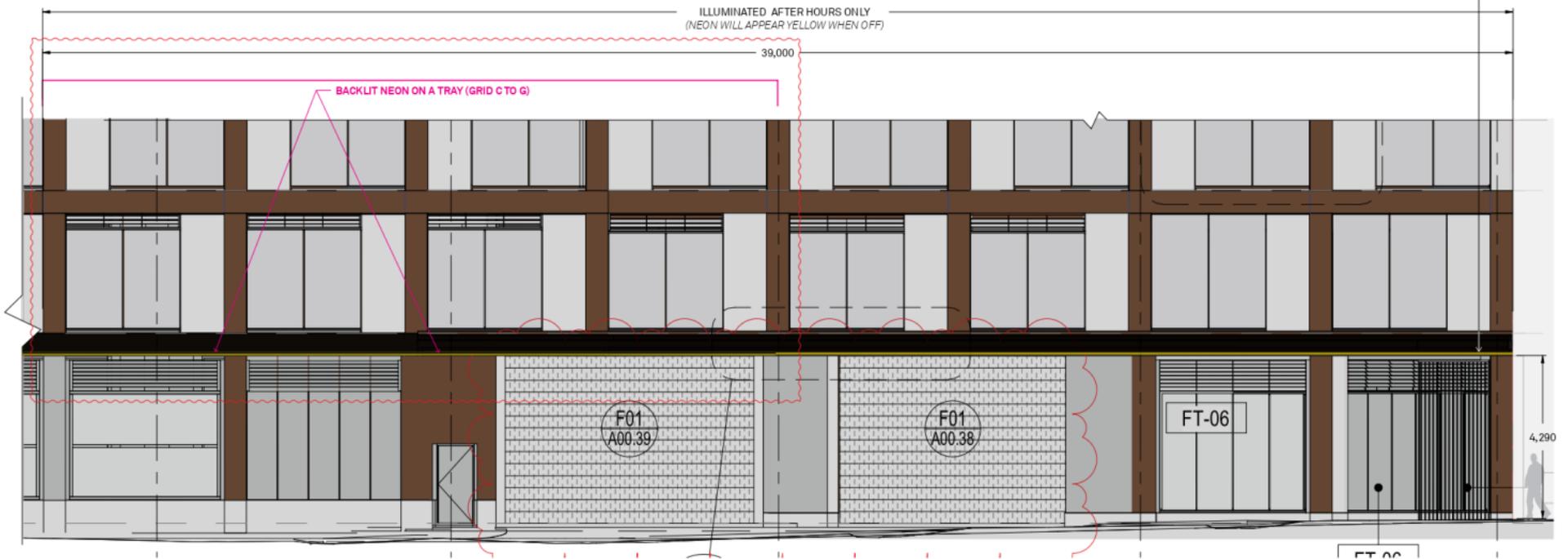
- EXPOSED 12MM NEON TUBING
- EXTENDED NEON LENGTHS PREFERRED WITH DISCREET JOINS
- COORDINATION REQUIRED WITH BUILDER AND ARCHITECT TO CONCEAL TRANSFORMERS AND WIRING WITHIN ARCHITECTURE
- NEON TO SIT AS CLOSE TO BRICK FACADE AS POSSIBLE
- NEON WILL APPEAR AS YELLOW WHEN OFF
- FINISH: M3

NOTE:
COORDINATION AND FINAL POSITIONING OF NEON TO BE CONFIRMED DURING IMPLEMENTATION PHASE



PLAN VIEW - KEY
NOT TO SCALE

NOTE: NEON TO CONTINUE UNDER CANOPY TO ALIGN WITH NEON ON CHURCH STREET



NORTH ELEVATION
SCALE 1:100

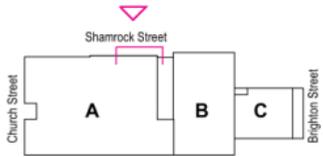
Attachment 1 - PLN20/0657 - 459 - 471 Church Street Richmond - DecisionPlans

A1w

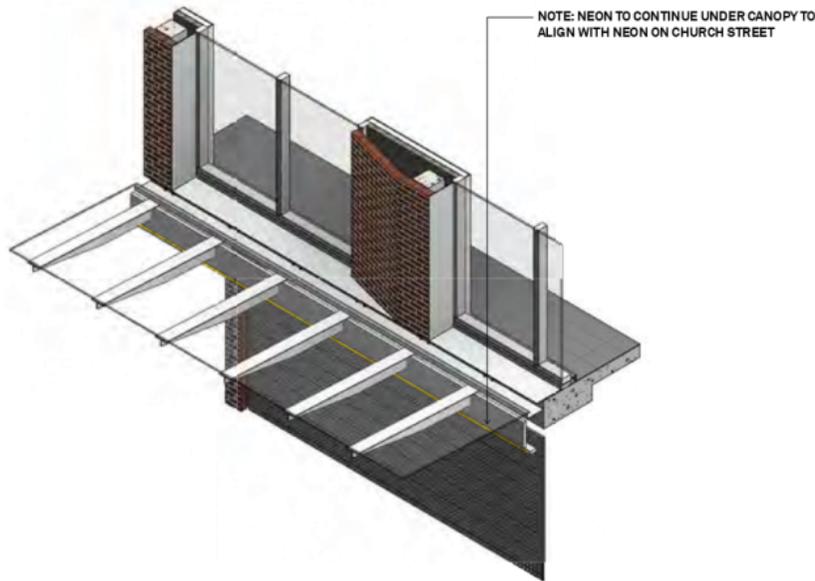
Neon strip lighting
Wall mounted
Single sided
Illuminated - Neon

NEON LIGHTING
EXPOSED 12MM NEON TUBING
- EXTENDED NEON LENGTHS PREFERRED WITH DISCREET JOINS
- COORDINATION REQUIRED WITH BUILDER AND ARCHITECT TO CONCEAL TRANSFORMERS AND WIRING WITHIN ARCHITECTURE
- NEON TO SIT AS CLOSE TO BRICK FACADE AS POSSIBLE
NEON WILL APPEAR AS YELLOW WHEN OFF
FINISH: M3

NOTE:
COORDINATION AND FINAL POSITIONING OF NEON TO BE CONFIRMED DURING IMPLEMENTATION PHASE



PLAN VIEW - KEY
NOT TO SCALE



NORTH RENDERING
NOT TO SCALE



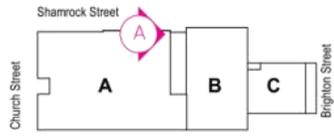
NORTH ELEVATION
SCALE 1:100

Attachment 1 - PLN20/0657 - 459 - 471 Church Street Richmond - DecisionPlans

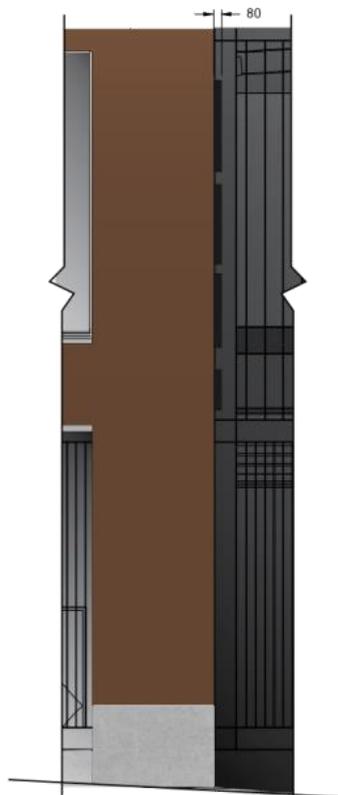


Secondary site identification –
Shamrock Street
Wall mounted
Single sided
Illuminated - Neon

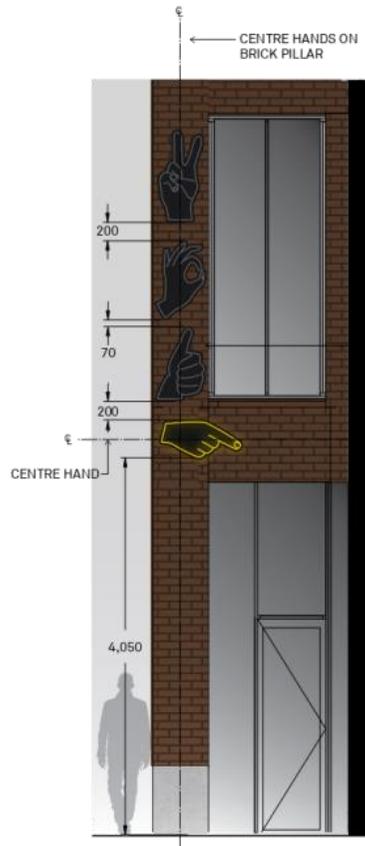
GRAPHICS
FABRICATED ALUMINIUM OPEN FACED SHAPES
FINISH: PC1
EXPOSED 12MM NEON TUBING
TRANSFORMERS TO BE CONCEALED BEHIND LETTERS
FINISH: M3
SAMPLE REQUIRED PRIOR TO MANUFACTURE



PLAN VIEW - KEY
NOT TO SCALE

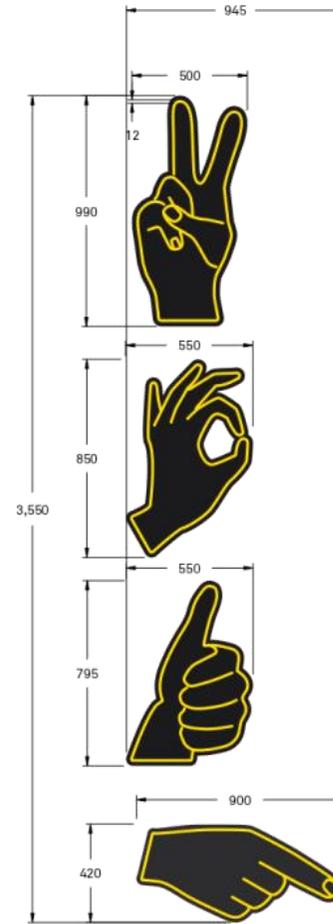


SIDE VIEW
SCALE 1:50



FRONT VIEW (A)
SCALE 1:50

ANIMATED ILLUMINATION
(SEQUENTIALLY THROUGH
THE 4 HANDS)
TO BE COORDINATED WITH
LIGHTING CONSULTANT
ILLUMINATED AFTER
HOURS ONLY
(NEON WILL APPEAR WHITE
WHEN OFF)



SIGN DETAIL
SCALE 1:20

Attachment 1 - PLN20/0657 - 459 - 471 Church Street Richmond - DecisionPlans

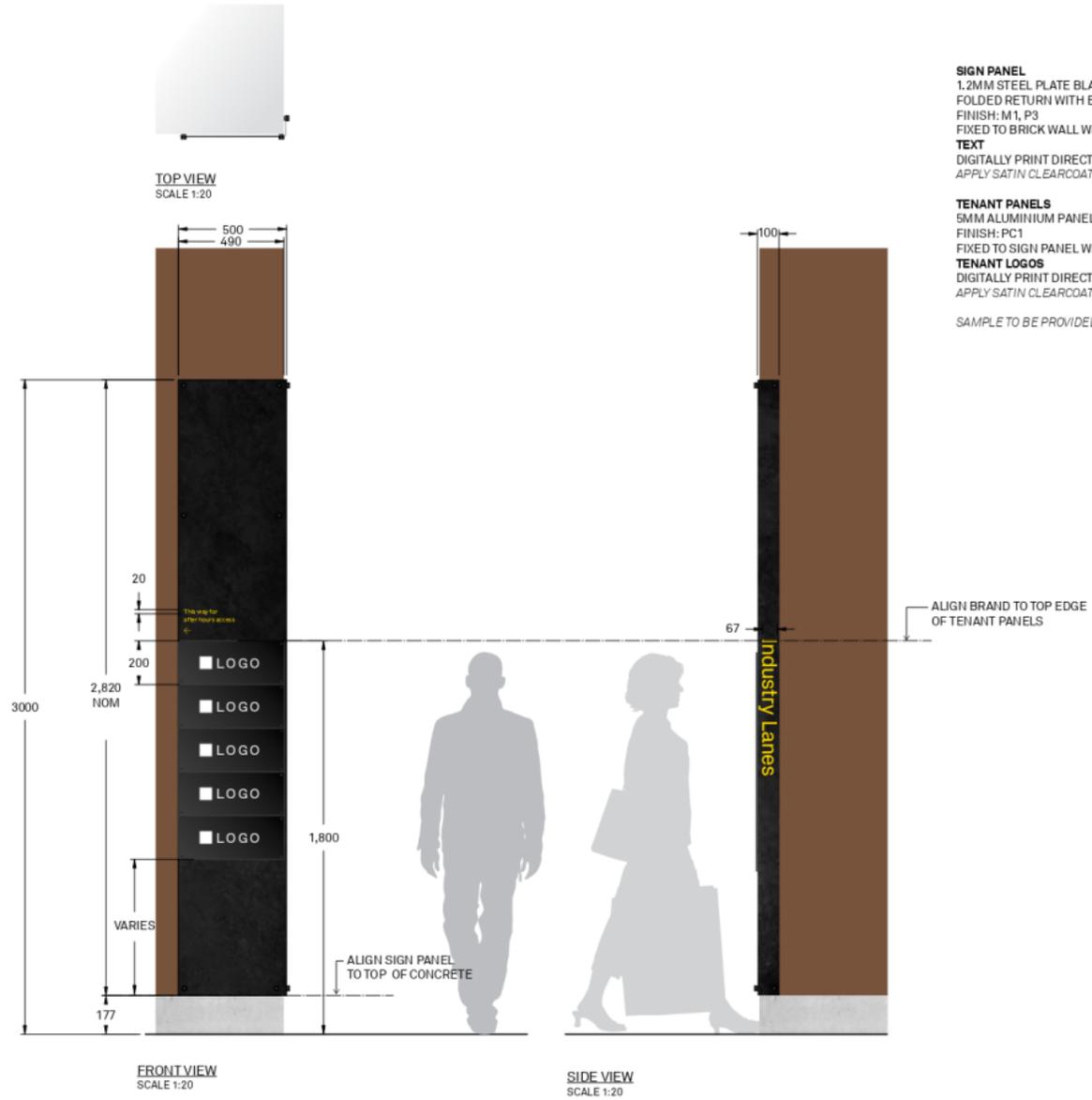


External retail tenant directory
 Wall mounted
 Single sided
 Non-illuminated

SIGN PANEL
 1.2MM STEEL PLATE BLACKENED FINISH
 FOLDED RETURN WITH ETCH AND INFILL TEXT
 FINISH: M1, P3
 FIXED TO BRICK WALL WITH UNBRAKO SOCKET HEAD SCREWS
TEXT
 DIGITALLY PRINT DIRECT TO SIGN PANEL
 APPLY SATIN CLEARCOAT 30% SHEEN ALL SIDES

TENANT PANELS
 5MM ALUMINIUM PANELS
 FINISH: PC1
 FIXED TO SIGN PANEL WITH FLAT HEAD CSK UNBRAKO SCREWS
TENANT LOGOS
 DIGITALLY PRINT DIRECT TO TENANT PANEL
 APPLY SATIN CLEARCOAT 30% SHEEN ALL SIDES

SAMPLE TO BE PROVIDED PRIOR TO MANUFACTURE



Attachment 1 - PLN20/0657 - 459 - 471 Church Street Richmond - DecisionPlans

N1Bw

External retail tenant directory – Church Street
 Wall mounted
 Single sided
 Non-illuminated

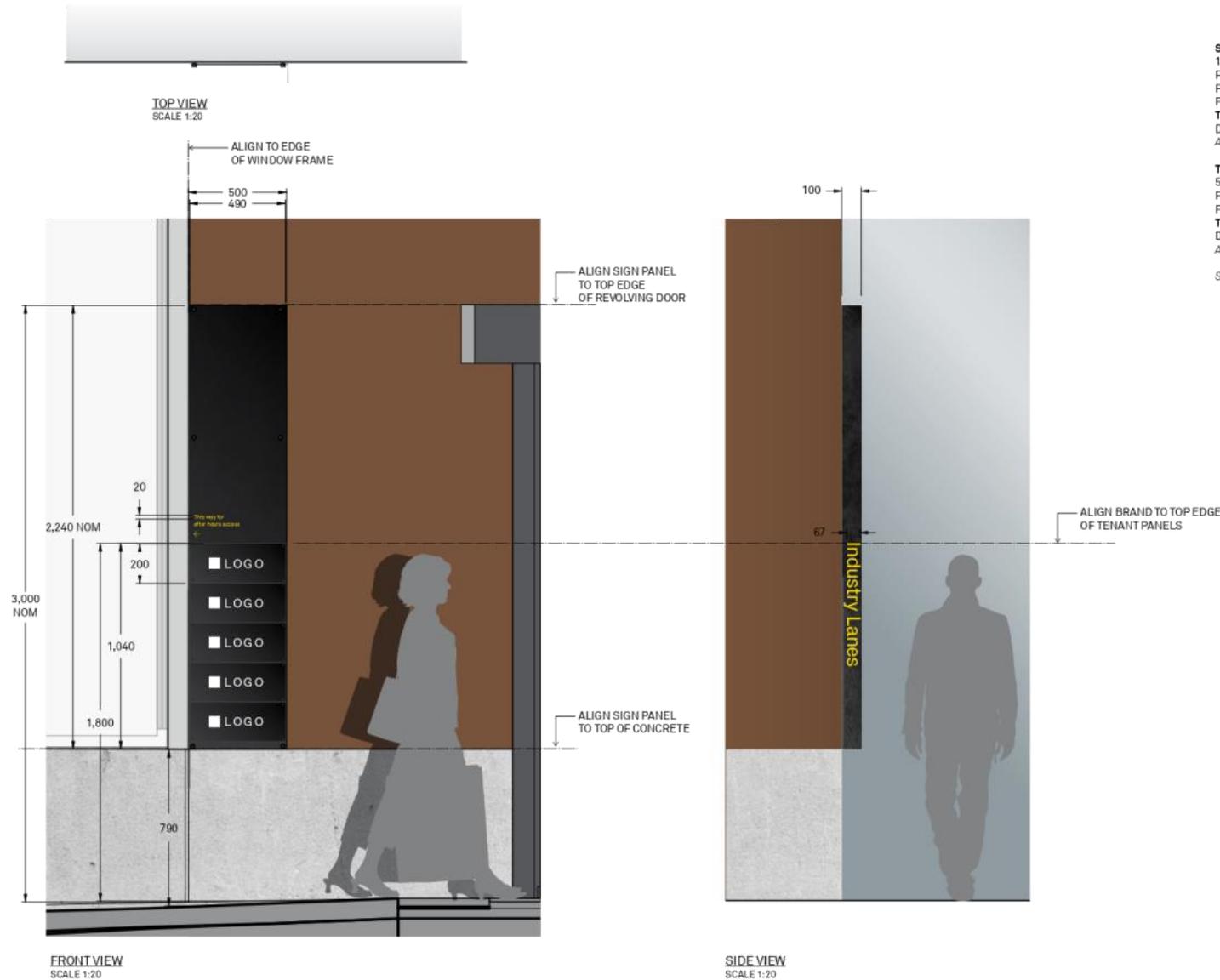
SIGN PANEL
 1.2MM STEEL PLATE BLACKENED FINISH
 FOLDED RETURN WITH ETCH AND INFILL TEXT
 FINISH: M1, P3
 FIXED TO BRICK WALL WITH UNBRAKO SOCKET HEAD SCREWS

TEXT
 DIGITALLY PRINT DIRECT TO SIGN PANEL
 APPLY SATIN CLEARCOAT 30% SHEEN ALL SIDES

TENANT PANELS
 5MM ALUMINIUM PANELS
 FINISH: PC1
 FIXED TO SIGN PANEL WITH FLAT HEAD CSK UNBRAKO SCREWS

TENANT LOGOS
 DIGITALLY PRINT DIRECT TO TENANT PANEL
 APPLY SATIN CLEARCOAT 30% SHEEN ALL SIDES

SAMPLE TO BE PROVIDED PRIOR TO MANUFACTURE



Attachment 1 - PLN20/0657 - 459 - 471 Church Street Richmond - DecisionPlans

ID18W

Byline plaque
 Wall mounted
 Single sided
 Non-illuminated

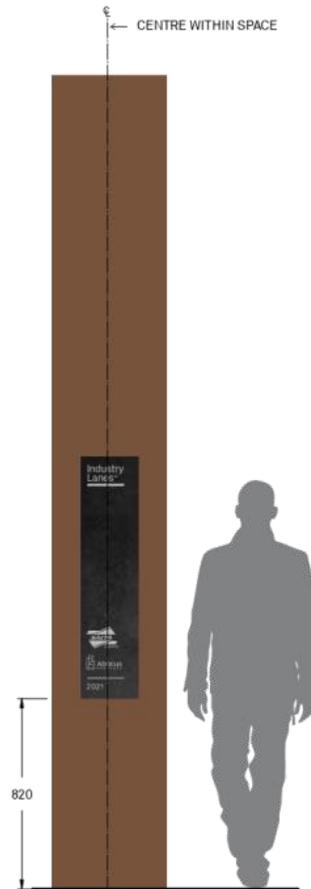
SIGN PANEL
 1.2MM STEEL PLATE BLACKENED FINISH
 FIXED TO WALL
 NO VISIBLE FIXINGS
 FINISH: M1

TEXT/LOGOS
 ENGRAVE AND INFILL TEXT AND LOGOS
 FINISH: P4

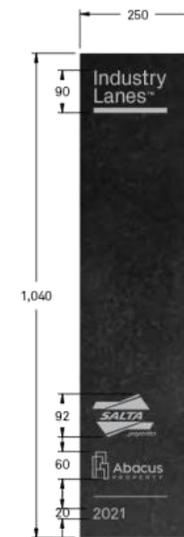
APPLY SATIN CLEARCOAT 30% SHEEN ALL SIDES



ELEVATION – CHURCH ST ENTRANCE
 SCALE 1:20



ELEVATION – BRIGHTON/SHAMROCK ENTRANCES
 SCALE 1:20



SIGN DETAIL
 SCALE 1:10

Attachment 1 - PLN20/0657 - 459 - 471 Church Street Richmond - DecisionPlans

ID5c

Tenancy identification – retail
 Cantilevered
 Double sided
 Internally illuminated

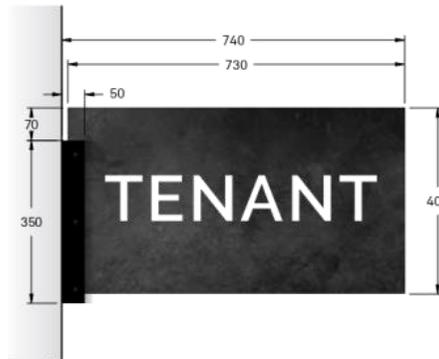
MAIN BODY
 0.55MM MILD STEEL FACES WITH BLACKENED FINISH
 FIXED TO STEEL SUB FRAME
 FINISH: M1 (FACES), PC1 (SUB FRAME)
 APPLY SATIN CLEARCOAT 30% SHEEN ALL SIDES

MOUNTING BRACKET
 FABRICATED MILD STEEL MOUNTING CHANNEL
 WITH EXPOSED UNBRAKO ALLEN KEY FIXINGS (OR SIMILAR)
 IN BLACK FINISH.
 FINISH: PC1

LOGO/GRAPHICS
 LASER CUT TENANT LOGO FLUSH TO FACE
 INTERNALLY ILLUMINATED
 TENANT LOGOS IN WHITE ONLY



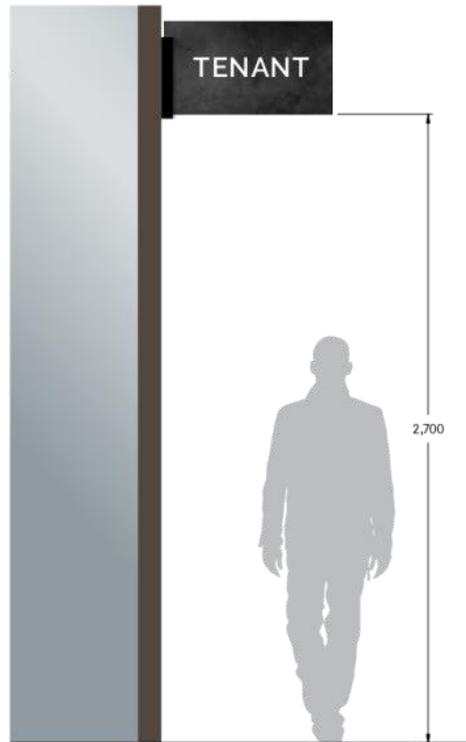
TOP VIEW
 SCALE 1:10



FRONT VIEW
 SCALE 1:10



SIDE VIEW
 SCALE 1:10



ELEVATION
 SCALE 1:20

Attachment 1 - PLN20/0657 - 459 - 471 Church Street Richmond - Decision Plans

Finishes schedule

Attachment 1 - PLN20/0657 - 459 - 471 Church Street Richmond - DecisionPlans

Finishes schedule

COLOUR	PANTONE®	POWDERCOAT (PC)	PAINT 2 PAC POLYURETHANE (P) <small>ALL 2 PAC TO HAVE AUTO CLEAR MIX 3 MATT M3 CLEAR COAT</small>	BUILDING PAINT (BP)	VINYLOPAQUE (VO)	VINYL REFLECTIVE (VR)	MATERIAL (M)
	BLACK PANTONE® BLACK C	PC1 DULUX® ELECTRO POWDERCOAT BLACK ACE- FLAT 9069116F	P1 TO MATCH DULUX® ELECTRO POWDERCOAT BLACK ACE- FLAT (SHEEN LEVEL 30%)	BP1 TO MATCH DULUX® ELECTRO POWDERCOAT BLACK ACE- FLAT (SHEEN LEVEL 30%)	VO1 AVERY SUPER CAST 900 MATT BLACK 921	VR1 -	M1 BLACKENED STEEL TO MATCH ARCHITECT'S SPECIFICATION
	WHITE	PC2 -	P2 -	BP2 DULUX LEXICON (SHEEN LEVEL 30%)	VO2 AVERY SUPER CAST 900 MATT WHITE	VR2 AVERY HV 1200 REFLECTIVE WHITE	M2 -
	YELLOW PANTONE® 116C CMYK: 0, 14, 100, 0	PC3 -	P3 PAINT TO MATCH PANTONE 116 (SHEEN LEVEL 30%)	BP3 PAINT TO MATCH PANTONE 116 (SHEEN LEVEL 30%)	VO3 AVERY 700 SERIES 706 SUNFLOWER YELLOW	VR3 -	M3 12MM NEON TUBE LIGHTING
	GREY PANTONE® COOL GREY 1 CMYK: 1, 1, 0, 14	PC4 -	P4 -	BP4 -	VO4 -	VR4 -	M4 -
	ACCESSIBLE AS2700 TO MATCH B21 Ultramarine	PC4 -	P4 -	BP4 -	VO4 -	VR4 -	M4 -

HARDWARE

(ALL FIXINGS TO BE AS NOTED BELOW UNLESS OTHERWISE SPECIFIED)



UNBRAKO 0.75" SOCKET HEAD CAP SCREWS 1960 SERIES (BLACK)

1.125" HEAD DIAMETER
0.75" HEAD HEIGHT
(PROTRUDING)



UNBRAKO 0.114" FLAT HEAD CSK SOCKET SCREWS (BLACK)

0.255" HEAD DIAMETER

Attachment 1 - PLN20/0657 - 459 - 471 Church Street Richmond - DecisionPlans

Shopfront signage

Attachment 1 - PLN20/0657 - 459 - 471 Church Street Richmond - DecisionPlans

Shopfront signage vision Benchmarks

Guidelines:

- Shopfront signage should be installed behind glazing.
- Signage should complement the architecture and other signage within the development. Use of neon or neon look signage is encouraged.
- Approximately 80% of the shopfront must remain clear of all signage and window graphics.
- Window graphics can be used to enhance the shopfront design or provide opening hours, however advertising is prohibited.
- Use of brand colours will be accepted.
- All shopfront signage must have approval from Salta Properties and City of Yarra (if relevant) prior to manufacture.

ID22w

Shopfront signage zone (signs by others)
 Mounted inside
 shopfront glazing
 Internally illuminated
 Maximum area of 20% per zone

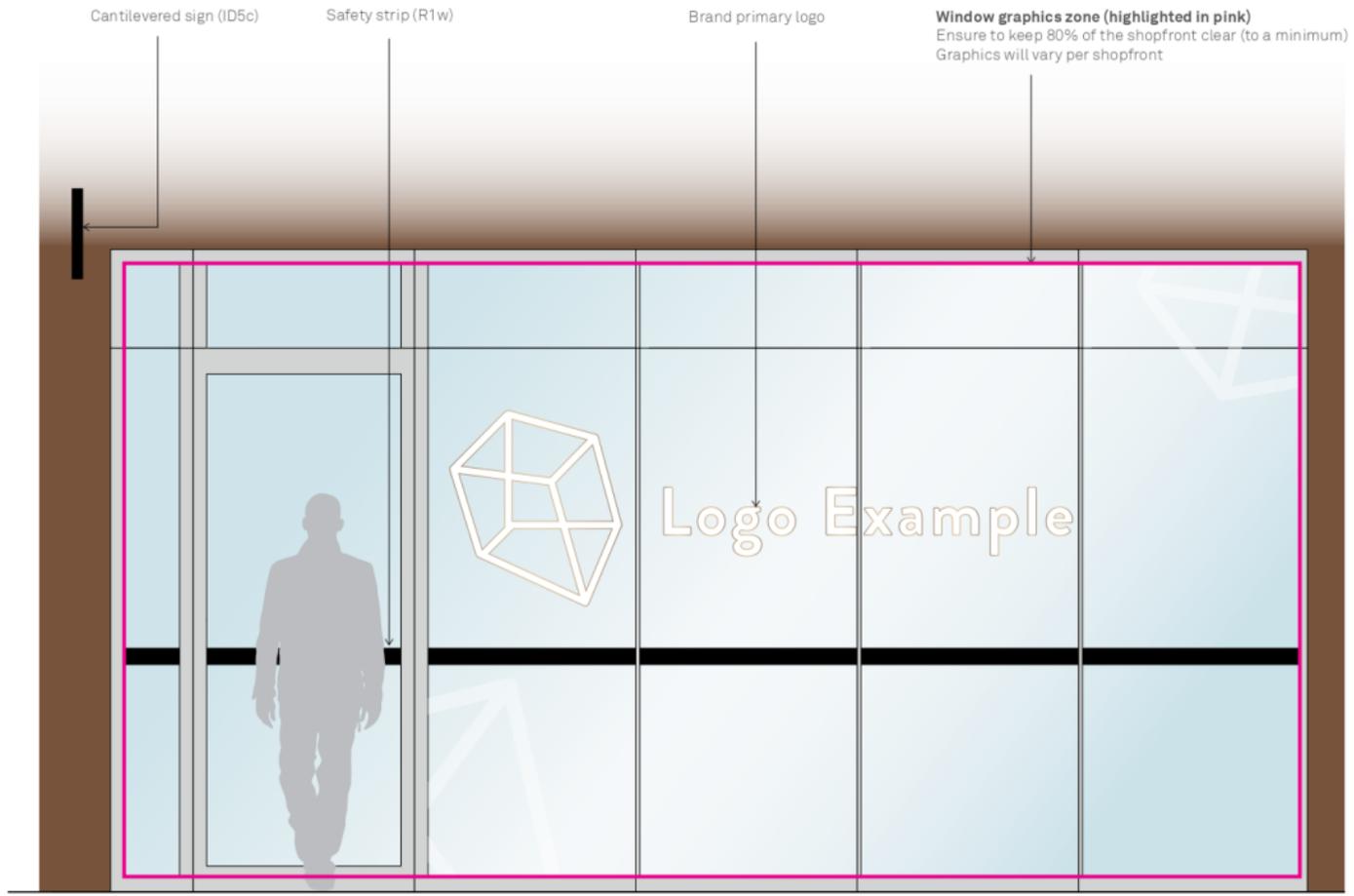


Shopfront signage

ID22w

Shopfront signage zone (signs by others)
Mounted inside shopfront glazing
Internally illuminated
Maximum area of 20% per zone

Example shopfront
Design is indicative only and does not represent how tenant's design should appear



TYPICAL SHOP FRONT
1:20

Attachment 1 - PLN20/0657 - 459 - 471 Church Street Richmond - DecisionPlans

Shopfront signage zones

Zone	Window/Door Panel	Zone Area (SqM)	Maximum Sign Area (SqM)
ID22w-G-1A		16.78	3.356
ID22w-G-1B		11.73	2.346
ID22w-G-1D	Opaque Cladding	11.33	2.266
	Glass Door	4.5	0.9
ID22w-G-1F	East	10.51	2.102
	West	10.65	2.13
ID22w-G-1BB	East	6.2	1.24
	Centre	6.2	1.24
	West	6.18	1.236
ID22w-G-2A	North	11.97	2.394
	Centre	12.63	2.526
	South	12.28	2.456
ID22w-G-2BA		16.79	3.358
ID22w-G-2BB		N/A - Exclude from Package	
ID22w-G-2D		N/A - Exclude from Package	
ID22w-G-2F	South	14.09	2.818
	Centre	14.24	2.848
	North	11.49	2.298
ID22w-G-A6	North	14.96	2.992
	Centre	9.24	1.848
	South	8.38	1.676
ID22w-G-4G		19	3.8

Attachment 1 - PLN20/0657 - 459 - 471 Church Street Richmond - Decision Plans



Melbourne
Sydney
Brisbane
Adelaide
Auckland
Hong Kong

diadem.co



Industry Lanes

Signage Lighting Report



Table of Contents:

1. Project definition
2. Australian Standards – Neon Signage Lighting
3. Proposed Neon Signage Lighting Locations & Types
4. Calculations by Area
5. Summary
6. Lighting Calculations and 3D visualizations
7. Calculation Plot

Attachment 2 - PLN20/0657 - 459 - 471 Church Street Richmond - Lighting Report

1

1. Project Definition:

Diadem have designed the neon lighting methodology for the Industry Lanes building façade has been strategically approached to ensure it provides “signage” that is relevant to the buildings identity while being sympathetic to the properties adjacent. The design has been carefully considered to reduce obtrusive light in order to minimise any impact on to the neighbouring properties adjacent to the site. While the Church Street façade features neon lighting & signage, backlit neon has been implemented on Shamrock Street side to maintain a cohesive design language without it being too prominent around the residential areas.



“By day iconic towers were erected, neon lights became night beacons, Romanesque and Edwardian styles transformed alienating façades to humanistic street elevations.”

Architecture - DA Architectural Design Planning Report

Attachment 2 - PLN20/0657 - 459 - 471 Church Street Richmond - Lighting Report

2. Australian Standards – Neon Signage Lighting

- Glowing Structures advises that the lighting calculations for the proposed neon lighting & signage on Church Street & Shamrock Street Facades have been carried out in accordance with the below standards:
- Lighting Calculations are based on Diadem’s Signage and Wayfinding Council Documentation (issue 06) & luminaire data as supplied by Diadem:

Relevant Extracts from S4282.1997: (for Control of the Otrusive Effect of Outdoor Lighting)

TABLE 2.1
RECOMMENDED MAXIMUM VALUES OF LIGHT TECHNICAL PARAMETERS
FOR THE CONTROL OF OTRUSIVE LIGHT
(See Clause 2.7)

1 Light technical parameter	2 Application or calculation conditions: (see also Figure 2.1 and Section 4)	3 Recommended maximum values:		
		In commercial areas or at boundary of commercial and residential areas*	Residential areas:	
			Light surrounds†	Dark surrounds‡
Illuminance in vertical plane (E _v)	<i>Pre-curfew:</i> Limits apply at relevant boundaries of nearby residential properties, in a vertical plane parallel to the relevant boundary, to a height commensurate with the height of the potentially affected dwellings. Values given are for the direct component of illuminance	25 lx	10 lx	10 lx
	<i>Curfewed hours:</i> Limits apply in the plane of the windows of habitable rooms of dwellings on nearby residential properties. In the absence of development (i.e. vacant sites), the limits apply on the potentially affected property, in a vertical plane parallel to the relevant boundary, at the minimum setback permitted for a dwelling, to a height commensurate with land use zoning provisions. Values given are for the direct component of illuminance	4 lx	2 lx	1 lx
Luminous intensity emitted by luminaires (I _v)	<i>Pre-curfew:</i> Limits apply to each luminaire (irrespective of the number on a head frame) in the principal plane, for all angles at and above the control direction, when aimed in accordance with the installation design	Limits as determined from Table 2.2. Alternatively, the limits and method of assessment associated with curfewed hours may be applied, at the discretion of the designer (see Clauses 2.7.1 and 2.7.2)		
	<i>Curfewed hours:</i> Limits apply in directions where views of bright surfaces of luminaires are likely to be troublesome to residents, from positions where such views are likely to be maintained, i.e. not where momentary or short-term viewing is involved	2 500 cd	1 000 cd	500 cd
Threshold increment (TI)	Limits apply at all times where users of transport systems are subject to a reduction in the ability to see essential information. Values given are for relevant positions and viewing directions in the path of travel	20% based on adaptation luminance (L _a) of 10 cd/m ²	20% based on adaptation luminance (L _a) of 1 cd/m ²	20% based on adaptation luminance (L _a) of 0.1 cd/m ²

* Applies to residential accommodation in commercial areas or at the boundary between commercial and residential areas. The term 'commercial' is used as a generic description for zoning which provides for urban uses other than residential.
 † Where the affected property abuts roads that are lit to Category V3 or higher in accordance with AS/NZS 1158.1.1.
 ‡ Where the affected property abuts roads that are lit to Category B1 or lower in accordance with AS 1158.1, or where there is no lighting.

TABLE 2.2
MAXIMUM LUMINOUS INTENSITY PER LUMINAIRE
FOR PRE-CURFEW OPERATING TIMES
(See Table 2.1)

1 Area description	2 Controlling dimension (Figure 6.1)	3 Maximum luminous intensity from each luminaire*	
		Level 1 control (Note 1)	Level 2 control (Note 2)
Size of area			
Large	>75 m	7 500 cd	100 000 cd
Medium	≥25 m & 75 m	7 500 cd	50 000 cd
Small	<25 m	2 500 cd	25 000 cd

* Limits apply to each luminaire (irrespective of the number on a head frame) in the principle plane, for all angles at and above the control direction, when aimed in accordance with the installation design (see Clause 2.3.2.1).

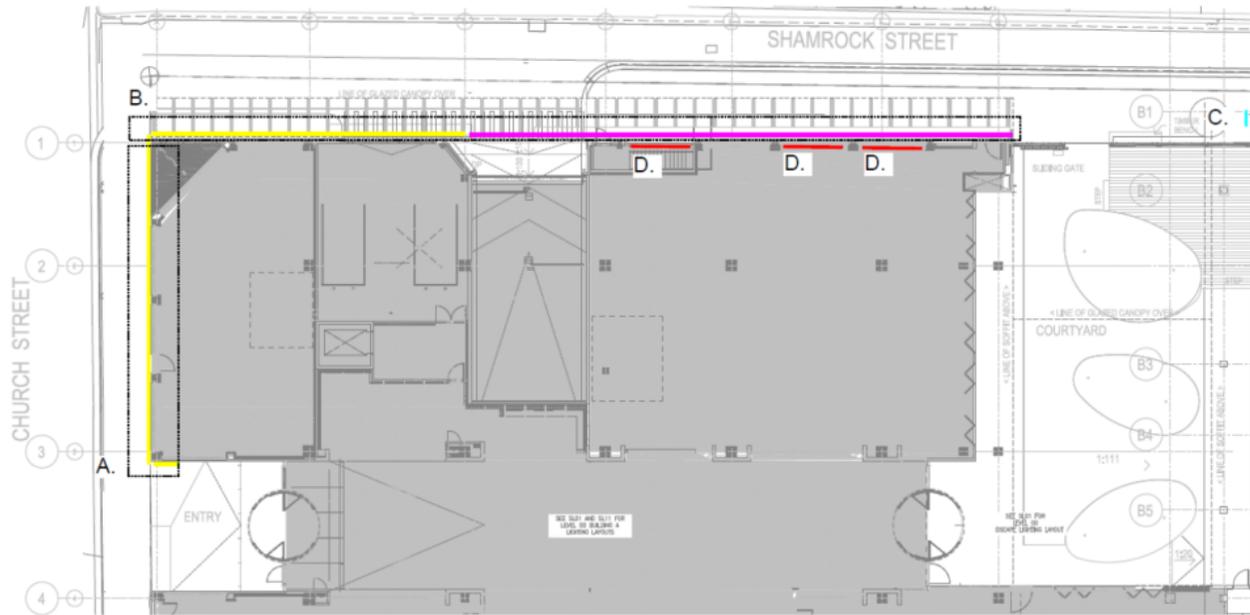
NOTES:
 1 Level 1 control is appropriate for development control of environmentally sensitive areas, i.e. where the existing environment is of high quality, where abutting properties are close to the installation, where they are residential in nature, where the existing ambient light levels are low and where the community requires the best available environmental safeguards to be applied.
 As the use of Type C cut-off luminaires† is likely to be necessary for Level 1 control, the implementation of this level of control will normally be possible only for lighting applications that require relatively high illuminances over areas that are small to medium in size, e.g. lighting for tennis courts or hockey fields. However, Level 1 control may also be suitable for larger areas where lower illuminances are appropriate, e.g. for car parks and outdoor storage areas.
 2 Level 2 control will permit the use of a wide range of currently used lighting techniques but will limit intensities in the control direction to what might reasonably be expected by careful attention to design and the selection and aiming of luminaires, especially for applications involving Type A luminaires†.



Attachment 2 - PLN20/0657 - 459 - 471 Church Street Richmond - Lighting Report

3

3. Proposed Neon Signage Lighting Locations & Types:



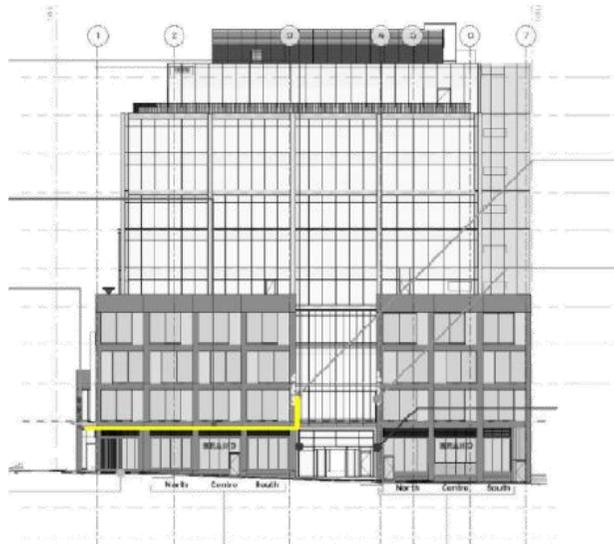
- Fully illuminated Neon
 - Back-lit Neon
 - Shamrock Entry Hand Signage
 - Shop Front Signage Lighting
- A = Church Street Entry Signage & Neon Lighting
B = Shamrock Street
C = Shamrock Street Entry
D = Shop Front Windows

Attachment 2 - PLN20/0657 - 459 - 471 Church Street Richmond - Lighting Report

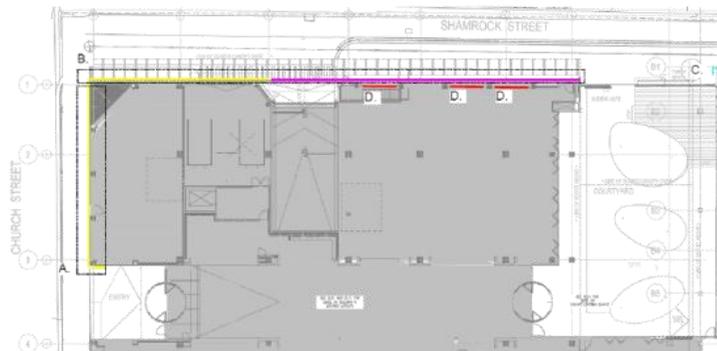
4. Calculations Result by Area:

A. Vertical Signage & Horizontal Neon Lighting to the Church street building façade:

- Vertical signage & horizontal fully illuminated neon lighting along Church Street (A) is compliant with the Australian Standards (AS4282 table 2.1 & 2.2)
- The lighting will operate during both curfew (11:00pm-6:00am) & pre-curfew hours (6:01am-10:59pm)



Church Street Façade



Key Plan

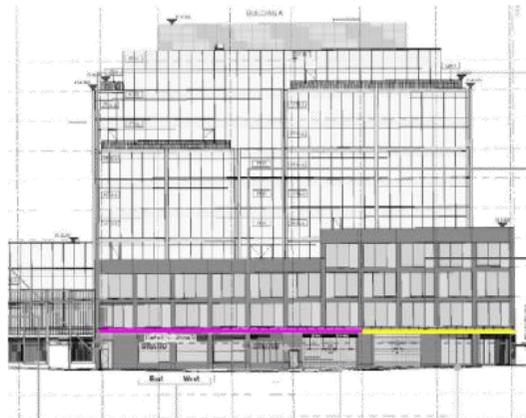
- Fully illuminated Neon
 - Back-lit Neon
 - Shamrock Entry Hand Signage
 - Shop Front Signage Lighting
- A = Church Street Entry Signage & Neon Lighting
 B = Shamrock Street
 C = Shamrock Street Entry
 D = Shop Front Windows

Attachment 2 - PLN20/0657 - 459 - 471 Church Street Richmond - Lighting Report

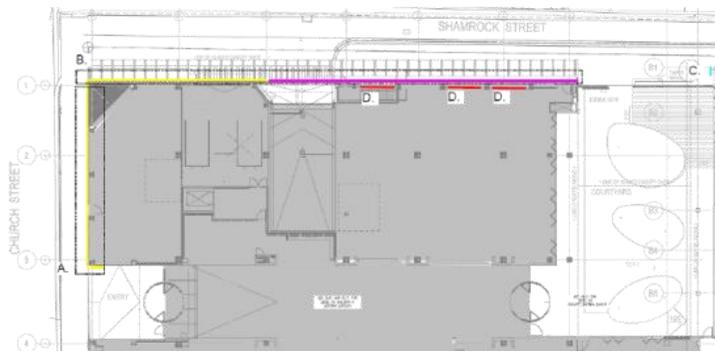
4. Calculation Result by Area :

B. Shamrock Street neon lighting:

- The fully illuminated horizontal neon lighting along Shamrock Street (B) is compliant with the Australian Standards (AS4282 table 2.1 & 2.2)
 - Shamrock Street uses a combination of fully illuminated neon & a backlit neon solution for the extent of Shamrock street which minimises the light spill onto neighbouring properties.
 - The back lit neon light source is mounted onto a tray with reflectance value of 10% or less. DIADEM have confirmed powder coat finish has been nominated in *Dulux Electro Black Ace with light reflectance value of 4%*
 - The lighting will operate during pre-curfew hours only (6:00am – 10:59pm)
- Extent of neon & backlit neon highlighted below



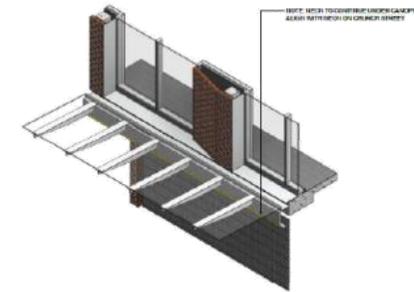
Shamrock Street Façade



Key Plan



Example of Backlit Neon



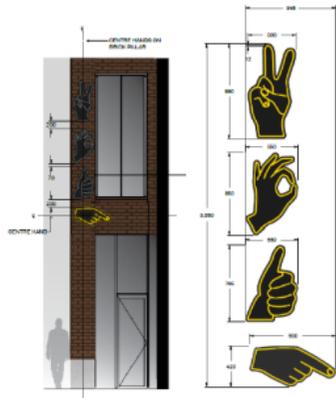
- Fully Illuminated Neon
 - Back-lit Neon
 - Shamrock Entry Hand Signage
 - Shop Front Signage Lighting
- A = Church Street Entry Signage & Neon Lighting
 B = Shamrock Street
 C = Shamrock Street Entry
 D = Shop Front Windows

Attachment 2 - PLN20/0657 - 459 - 471 Church Street Richmond - Lighting Report

4. Calculation Result by Area :

C. Shamrock Street Entry Signage:

- The vertical fully illuminated neon signage lighting on Shamrock Street is compliant with the relevant standards (AS4282 table 2.1 & 2.2) .
- The back lit neon light source is mounted onto a tray with reflectance value of 10% or less. DIADEM have confirmed powder coat finish has been nominated in *Dulux Electro Black Ace with light reflectance value of 4%*
- The lighting will operate during both curfew (11:00pm-6:00am) & pre-curfew hours (6:01am-10:59pm)
- One hand only will be illuminated at a time.



Key Plan

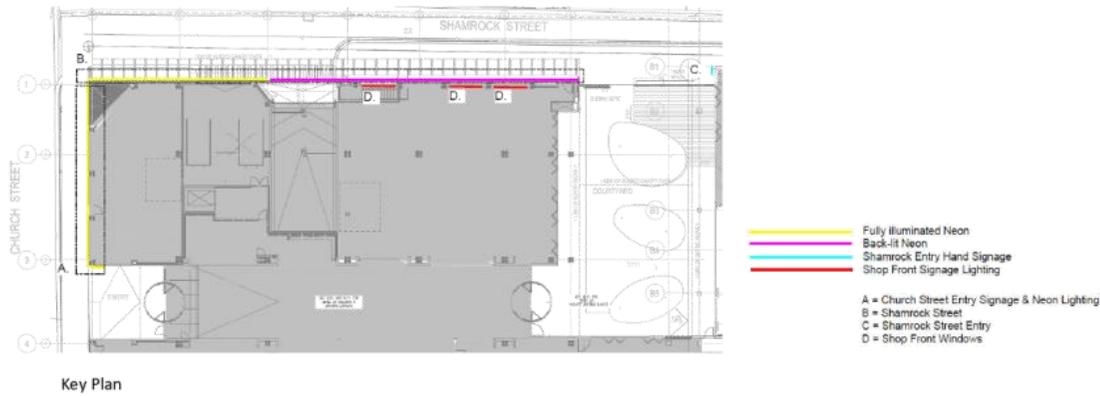
- Fully illuminated Neon
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- A = Church Street Entry Signage & Neon Lighting
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 C = Shamrock Street Entry
 D = Shop Front Windows

Attachment 2 - PLN20/0657 - 459 - 471 Church Street Richmond - Lighting Report

4. Calculation Result by Area :

D. Shop Front Signage

- Glowing Structures Recommendation: The lighting for window shopfront display will be required to use a light source of 100lm/m (maximum of 2m total run per shop front)
- Lighting to operate pre-curfew hours only (6:01am – 10:59pm)



Attachment 2 - PLN20/0657 - 459 - 471 Church Street Richmond - Lighting Report

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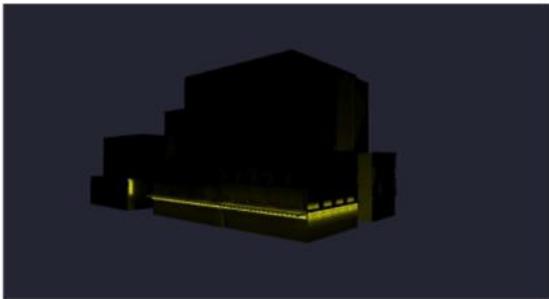
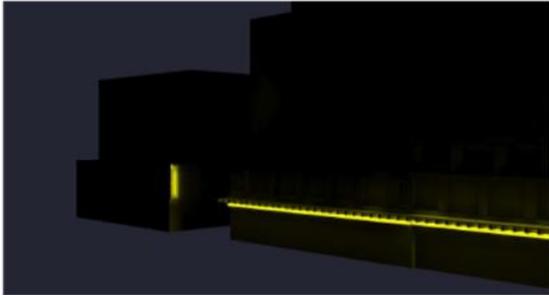
5. Summary:

The proposed neon lighting design as documented is compliant with Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting.

Glowing structures can confirm that The proposed maximum lux levels of the all neon signs/lights & light levels from the animated neon hand signs will not be a nuisance to residential properties opposite.

Attachment 2 - PLN20/0657 - 459 - 471 Church Street Richmond - Lighting Report

6. Lighting Calculations & 3D Visualization:


Luminaire Schedule					
Symbol	Qty	Tag	Lum. Watts	LLF	Description
	8	NEON 1M	24.48	0.500	100% Brightness - V1 1000mm length
	41	NEON 2M	24.48	1.000	100% Brightness - V1 2000mm length

Calculation Summary						
Label	CalcType	Units	Avg	Max	Min	
ObtrusiveLight_2_Cd_Seg1	Obtrusive - Cd	N.A.	N.A.	6	0	
ObtrusiveLight_2_Cd_Seg2	Obtrusive - Cd	N.A.	N.A.	3	0	
ObtrusiveLight_2_Cd_Seg3	Obtrusive - Cd	N.A.	N.A.	0	0	
ObtrusiveLight_2_Cd_Seg4	Obtrusive - Cd	N.A.	N.A.	1	0	
ObtrusiveLight_2_Cd_Seg5	Obtrusive - Cd	N.A.	N.A.	7	0	
ObtrusiveLight_2_Cd_Seg6	Obtrusive - Cd	N.A.	N.A.	2	1	
ObtrusiveLight_2_Cd_Seg7	Obtrusive - Cd	N.A.	N.A.	2	1	
ObtrusiveLight_2_Cd_Seg8	Obtrusive - Cd	N.A.	N.A.	2	0	
ObtrusiveLight_2_Ill_Seg1	Obtrusive - Ill	Lux	N.A.	0.1	0.0	
ObtrusiveLight_2_Ill_Seg2	Obtrusive - Ill	Lux	N.A.	0.2	0.0	
ObtrusiveLight_2_Ill_Seg3	Obtrusive - Ill	Lux	N.A.	0.0	0.0	
ObtrusiveLight_2_Ill_Seg4	Obtrusive - Ill	Lux	N.A.	0.1	0.0	
ObtrusiveLight_2_Ill_Seg5	Obtrusive - Ill	Lux	N.A.	0.1	0.0	
ObtrusiveLight_2_Ill_Seg6	Obtrusive - Ill	Lux	N.A.	0.0	0.0	
ObtrusiveLight_2_Ill_Seg7	Obtrusive - Ill	Lux	N.A.	0.0	0.0	
ObtrusiveLight_2_Ill_Seg8	Obtrusive - Ill	Lux	N.A.	0.0	0.0	

Obtrusive Light - Compliance Report
AS/NZS 4282:2019, A3 - Medium Density Digits, Carlen
 Filename: A3I.f3d.rpt - Rev: 1
 17/12/2024 2:45:01 PM

Illuminance
 Maximum Allowable Value: 2 Lux

Calculation Label	Test Results	Max. Num.
ObtrusiveLight_2_Ill_Seg1	PASS	0.1
ObtrusiveLight_2_Ill_Seg2	PASS	0.2
ObtrusiveLight_2_Ill_Seg3	PASS	0.0
ObtrusiveLight_2_Ill_Seg4	PASS	0.1
ObtrusiveLight_2_Ill_Seg5	PASS	0.1
ObtrusiveLight_2_Ill_Seg6	PASS	0.0
ObtrusiveLight_2_Ill_Seg7	PASS	0.0
ObtrusiveLight_2_Ill_Seg8	PASS	0.0

Luminous Intensity (Cd) At Vertical Planes
 Maximum Allowable Value: 2500 Cd

Calculation Label	Test Results
ObtrusiveLight_2_Cd_Seg1	PASS
ObtrusiveLight_2_Cd_Seg2	PASS
ObtrusiveLight_2_Cd_Seg3	PASS
ObtrusiveLight_2_Cd_Seg4	PASS
ObtrusiveLight_2_Cd_Seg5	PASS
ObtrusiveLight_2_Cd_Seg6	PASS
ObtrusiveLight_2_Cd_Seg7	PASS
ObtrusiveLight_2_Cd_Seg8	PASS

Attachment 2 - PLN20/0657 - 459 - 471 Church Street Richmond - Lighting Report

7. Calculation Plot:



Attachment 2 - PLN20/0657 - 459 - 471 Church Street Richmond - Lighting Report

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Notes:

- This document is not a 'compliance certificate' and will not remove from any other contracted party any contractual obligations, liabilities or any other requirements to be provided for the project
- Calculations are based on lamp information provided to Glowing Structure by the signage consultants - Diadem
- These calculations do not take any other lighting (existing, street or proposed lighting) into consideration

Industry Lanes

Signage Lighting Report



Table of Contents:

1. Project definition
2. Australian Standards – Neon Signage Lighting
3. Proposed Neon Signage Lighting Locations & Types
4. Calculations by Area
5. Summary
6. Lighting Calculations and 3D visualizations
7. Calculation Plot

Attachment 3 - PLN20/0657 - 459 - 471 Church Street Richmond - Revised lighting report received 28 April 2021

1

1. Project Definition:

Diadem have designed the neon lighting methodology for the Industry Lanes building façade has been strategically approached to ensure it provides “signage” that is relevant to the buildings identity while being sympathetic to the properties adjacent. The design has been carefully considered to reduce obtrusive light in order to minimise any impact on to the neighbouring properties adjacent to the site.

While the Church Street façade features neon lighting & signage, backlit neon has been implemented on Shamrock Street side to maintain a cohesive design language without it being too prominent around the residential areas.



“By day iconic towers were erected, neon lights became night beacons, Romanesque and Edwardian styles transformed alienating façades to humanistic street elevations.”

Architecture - DA Architectural Design Planning Report

Attachment 3 - PLN20/0657 - 459 - 471 Church Street Richmond - Revised lighting report received 28 April 2021

2. **Australian Standards – Neon Signage Lighting**

- Glowing Structures advises that the lighting calculations for the proposed neon lighting & signage on Church Street & Shamrock Street Facades have been carried out in accordance with the below standards:
- Lighting Calculations are based on Diadem’s Signage and Wayfinding Council Documentation (issue 06) & luminaire data as supplied by Diadem:

Relevant Extracts from AS/NZS 4282:2019 (for Control of the Obtrusive Effect of Outdoor Lighting)

TABLE 3.2
MAXIMUM VALUES OF LIGHT TECHNICAL PARAMETERS

Zones	Vertical illuminance levels (E _v) lx		Threshold increment (TI)		Sky glow
	Non-curfew	Curfew	%	Default adaptation level (L _{ad})	Upward light ratio
A0	See Note 1	0	N/A	N/A	0
A1	2	0.1	N/A	N/A	0
A2	5	1	20%	0.2	0.01
A3	10	2	20%	1	0.02
A4	25	5	20%	5	0.03
TV	See Table 3.4	N/A	20%	10	0.08
V	N/A	4	Note 2	Note 2	Note 2
R1	N/A	1	20%	0.1	Note 3
R2	N/A	2	20%	0.1	Note 3
R3	N/A	4	20%	0.1	Note 3
RX	N/A	4	20%	5	Note 4

NOTES:

- 1 For A0, E_v shall be as close to zero as practicable without impacting safety considerations.
- 2 Refer to AS/NZS 1158.1.1.
- 3 Refer to AS/NZS 1158.3.1.
- 4 Refer to AS/NZS 1158.4.
- 5 N/A means 'Not Applicable'.
- 6 For an internally illuminated sign in an A2 zone, L_{ad} ≤ 0.25 cd/m².

TABLE 3.3
MAXIMUM LUMINOUS INTENSITIES PER LUMINAIRE

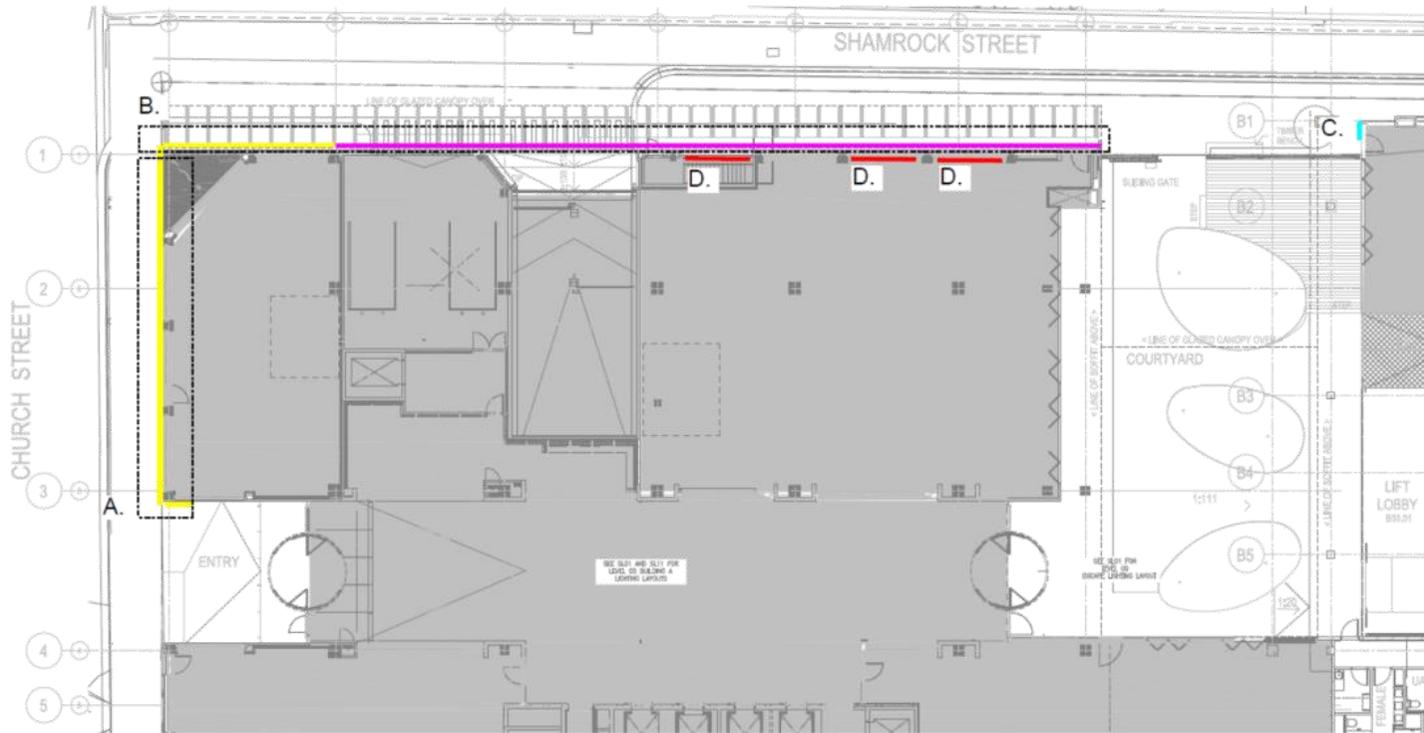
Zone	Luminous intensity (I), cd		
	Non-curfew L1	Non-curfew L2	Curfew
A0	See Note	See Note	0
A1	2 500	5 000	500
A2	7 500	12 500	1 000
A3	12 500	25 000	2 500
A4	25 000	50 000	2 500
TV	100 000	150 000	0

NOTE: For A0, I shall be as close to zero as practicable without impacting safety considerations.



Attachment 3 - PLN20/0657 - 459 - 471 Church Street Richmond - Revised lighting report received 28 April 2021

3. Proposed Neon Signage Lighting Locations & Types:



- Fully illuminated Neon
- Back-lit Neon
- Shamrock Entry Hand Signage
- Shop Front Signage Lighting

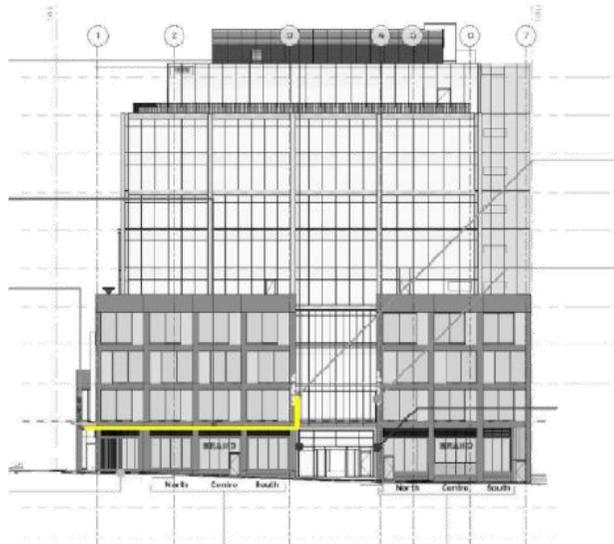
- A = Church Street Entry Signage & Neon Lighting
- B = Shamrock Street
- C = Shamrock Street Entry
- D = Shop Front Windows

Attachment 3 - PLN20/0657 - 459 - 471 Church Street Richmond - Revised lighting report received 28 April 2021

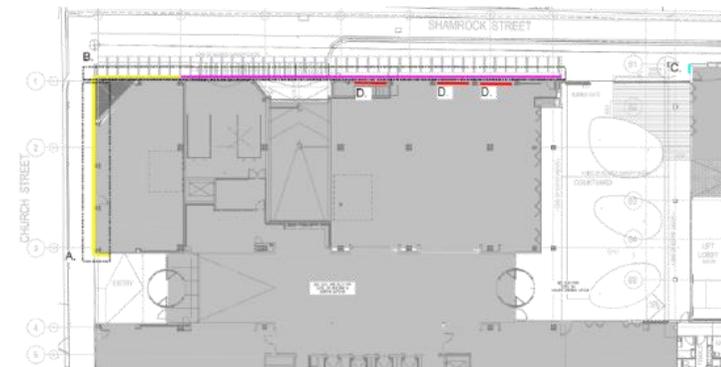
4. **Calculations Result by Area:**

A. Vertical Signage & Horizontal Neon Lighting to the Church street building façade:

- Vertical signage & horizontal fully illuminated neon lighting along Church Street (A) is compliant with the Australian Standards (AS4282:2019 table 3.2 & 3.3)
- The lighting will operate during both curfew (11:00pm-6:00am) & pre-curfew hours (6:01am-10:59pm)



Church Street Façade



Key Plan

- Fully Illuminated Neon
 - Back-lit Neon
 - Shamrock Entry Hand Signage
 - Shop Front Signage Lighting
-
- A = Church Street Entry Signage & Neon Lighting
 - B = Shamrock Street Entry
 - C = Shamrock Street Entry
 - D = Shop Front Windows



Industry Lanes

GLOWING STRUCTURES
architectural lighting design consultancy
ABN 29 130 012 083

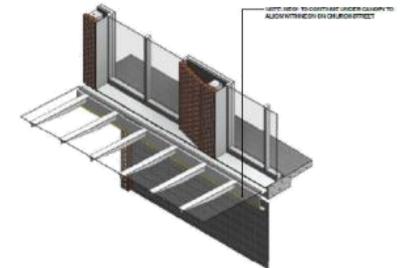
studio 806, 289 flinders lane Melbourne VIC 3000
Ph. 1300 813 546

Attachment 3 - PLN20/0657 - 459 - 471 Church Street Richmond - Revised lighting report received 28 April 2021

4. Calculation Result by Area :

B. Shamrock Street neon lighting:

- The fully illuminated horizontal neon lighting along Shamrock Street (B) is compliant with the Australian Standards (AS4282:2019 table 3.2 & 3.3)
 - Shamrock Street uses a combination of fully illuminated neon & a backlit neon solution for the extent of Shamrock street which minimises the light spill onto neighbouring properties.
 - The back lit neon light source is mounted onto a tray with reflectance value of 10% or less. DIADEM have confirmed powder coat finish has been nominated in *Dulux Electro Black Ace with light reflectance value of 4%*
 - The lighting will operate during pre-curfew hours only (6:00am – 10:59pm)
- Extent of neon & backlit neon highlighted below



Shamrock Street Façade



Key Plan

Example of Backlit Neon installation



Backlit Neon within Channel



- Fully Illuminated Neon
- Backlit Neon
- Shamrock Entry Hand Signage
- Shop Front Signage Lighting

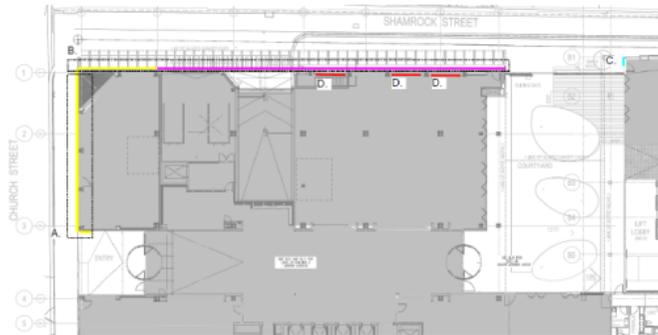
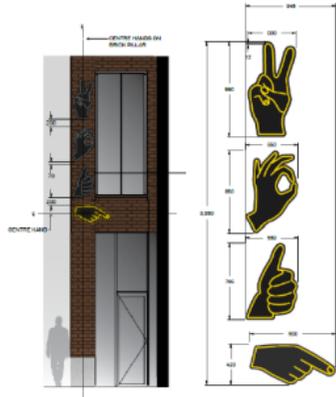
- A = Church Street Entry Signage & Neon Lighting
- B = Shamrock Street
- C = Shamrock Street Entry
- D = Shop Front Windows

Attachment 3 - PLN20/0657 - 459 - 471 Church Street Richmond - Revised lighting report received 28 April 2021

4. Calculation Result by Area :

C. Shamrock Street Entry Signage:

- The vertical fully illuminated neon signage lighting on Shamrock Street is compliant with the relevant standards (AS4282:2019 table 3.2 & 3.3) .
- The back lit neon light source is mounted onto a tray with reflectance value of 10% or less. DIADEM have confirmed powder coat finish has been nominated in *Dulux Electro Black Ace with light reflectance value of 4%*
- The lighting will operate during both curfew (11:00pm-6:00am) & pre-curfew hours (6:01am-10:59pm)
- One hand only will be illuminated at a time.



Key Plan

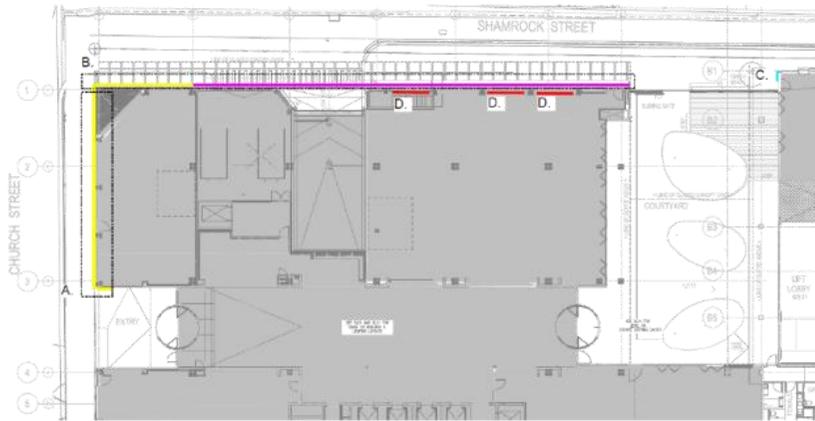
- Fully Illuminated Neon
 - Back-lit Neon
 - Shamrock Entry Hand Signage
 - Shop Front Signage Lighting
- A = Church Street Entry Signage & Neon Lighting
 B = Shamrock Street
 C = Shamrock Street Entry
 D = Shop Front Windows

Attachment 3 - PLN20/0657 - 459 - 471 Church Street Richmond - Revised lighting report received 28 April 2021

4. Calculation Result by Area :

D. Shop Front Signage

- Glowing Structures Recommendation: The lighting for window shopfront display will be required to use a light source of 100lm/m (maximum of 2m total run per shop front)
- Lighting to operate pre-curfew hours only (6:01am – 10:59pm)



Key Plan

- Fully Illuminated Neon
 - Backlit Neon
 - Shamrock Entry Hand Signage
 - Shop Front Signage Lighting
- A = Church Street Entry Signage & Neon Lighting
B = Shamrock Street
C = Shamrock Street Entry
D = Shop Front Windows

Attachment 3 - PLN20/0657 - 459 - 471 Church Street Richmond - Revised lighting report received 28 April 2021

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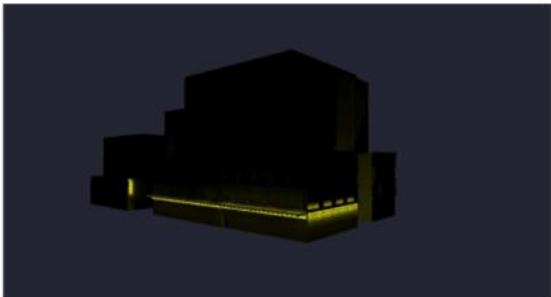
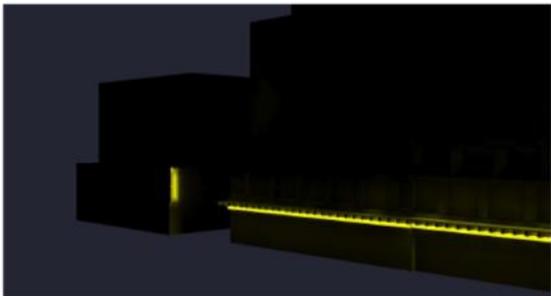
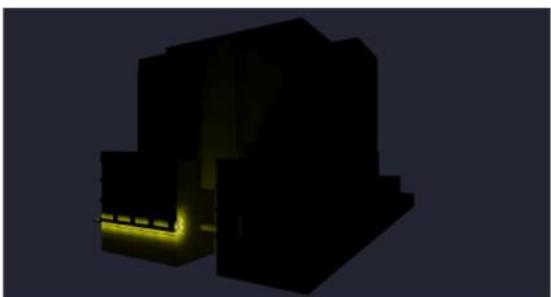
5. Summary:

The proposed neon lighting design as documented is compliant with Australian Standard AS/NZS 4282:2019 - Control of the Obtrusive Effects of Outdoor Lighting.

Glowing structures can confirm that The proposed maximum lux levels of the all neon signs/lights & light levels from the animated neon hand signs will not be a nuisance to residential properties opposite.

Attachment 3 - PLN20/0657 - 459 - 471 Church Street Richmond - Revised lighting report received 28 April 2021

6. Lighting Calculations & 3D Visualization:

Luminaire Schedule					
Symbol	Qty	Tag	Lum. Watts	LLF	Description
	8	NEON 1M	24.48	0.500	100% Brightness - V1 1000mm length
	41	NEON 2M	24.48	1.000	100% Brightness - V1 2000mm length

Calculation Summary						
Label	CalcType	Units	Avg	Max	Min	
ObtrusiveLight_2_Cd_Seg1	Obtrusive - Cd	N.A.	N.A.	6	0	
ObtrusiveLight_2_Cd_Seg2	Obtrusive - Cd	N.A.	N.A.	3	0	
ObtrusiveLight_2_Cd_Seg3	Obtrusive - Cd	N.A.	N.A.	0	0	
ObtrusiveLight_2_Cd_Seg4	Obtrusive - Cd	N.A.	N.A.	1	0	
ObtrusiveLight_2_Cd_Seg5	Obtrusive - Cd	N.A.	N.A.	7	0	
ObtrusiveLight_2_Cd_Seg6	Obtrusive - Cd	N.A.	N.A.	2	1	
ObtrusiveLight_2_Cd_Seg7	Obtrusive - Cd	N.A.	N.A.	2	1	
ObtrusiveLight_2_Cd_Seg8	Obtrusive - Cd	N.A.	N.A.	2	0	
ObtrusiveLight_2_Ill_Seg1	Obtrusive - Ill	Lux	N.A.	0.1	0.0	
ObtrusiveLight_2_Ill_Seg2	Obtrusive - Ill	Lux	N.A.	0.2	0.0	
ObtrusiveLight_2_Ill_Seg3	Obtrusive - Ill	Lux	N.A.	0.0	0.0	
ObtrusiveLight_2_Ill_Seg4	Obtrusive - Ill	Lux	N.A.	0.1	0.0	
ObtrusiveLight_2_Ill_Seg5	Obtrusive - Ill	Lux	N.A.	0.1	0.0	
ObtrusiveLight_2_Ill_Seg6	Obtrusive - Ill	Lux	N.A.	0.0	0.0	
ObtrusiveLight_2_Ill_Seg7	Obtrusive - Ill	Lux	N.A.	0.0	0.0	
ObtrusiveLight_2_Ill_Seg8	Obtrusive - Ill	Lux	N.A.	0.0	0.0	

Obtrusive Light - Compliance Report
AS/NZS 4282:2019, A3 - Medium Density Ductless, Catenary
 File Name: A3I Model - Rev.1
 17/12/2020 2:45:01 PM

Illuminance
 Maximum Allowable Value: 2 Lux

Calculation Label	Test Results	Max. Num.
ObtrusiveLight_2_Ill_Seg1	PASS	0.1
ObtrusiveLight_2_Ill_Seg2	PASS	0.2
ObtrusiveLight_2_Ill_Seg3	PASS	0.0
ObtrusiveLight_2_Ill_Seg4	PASS	0.1
ObtrusiveLight_2_Ill_Seg5	PASS	0.1
ObtrusiveLight_2_Ill_Seg6	PASS	0.0
ObtrusiveLight_2_Ill_Seg7	PASS	0.0
ObtrusiveLight_2_Ill_Seg8	PASS	0.0

Luminous Intensity (Cd) At Vertical Planes
 Maximum Allowable Value: 2500 Cd

Calculation Label	Test Results
ObtrusiveLight_2_Cd_Seg1	PASS
ObtrusiveLight_2_Cd_Seg2	PASS
ObtrusiveLight_2_Cd_Seg3	PASS
ObtrusiveLight_2_Cd_Seg4	PASS
ObtrusiveLight_2_Cd_Seg5	PASS
ObtrusiveLight_2_Cd_Seg6	PASS
ObtrusiveLight_2_Cd_Seg7	PASS
ObtrusiveLight_2_Cd_Seg8	PASS

Attachment 3 - PLN20/0657 - 459 - 471 Church Street Richmond - Revised lighting report received 28 April 2021

7. Calculation Plot:



Attachment 3 - PLN20/0657 - 459 - 471 Church Street Richmond - Revised lighting report received 28 April 2021

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Notes:

- This document is not a 'compliance certificate' and will not remove from any other contracted party any contractual obligations, liabilities or any other requirements to be provided for the project
- Calculations are based on lamp information provided to Glowing Structure by the signage consultants - Diadem
- These calculations do not take any other lighting (existing, street or proposed lighting) into consideration

Attachment 4 - PLN20 0657 - 459 - 471 Church Street Richmond - Engineering referral comments 27 July 2021 pedestrians



MEMO

To: Alexandra Paraskevakis
From: Artemis Bacani
Date: 27 July 2021
Subject: Application No: PLN20/0657
 Description: Proposed Sign Over a Footpath
 Site Address: 459-471 Church Street, Richmond

I refer to the above Planning Application received on 8 July 2021 in relation to the proposed development at 459-471 Church Street, Richmond. Council's Civil Engineering team provides the following information:

Drawings and Documents Reviewed

Drawing No. or Document	Revision	Dated
Diadem <i>Industry Lanes, Signage and Wayfinding</i>		15 December 2020

Design Assessment

Item	Assessment
Proposal	
Sign ID1w-G-3A	The proposed sign ID1w-G-3A would be mounted onto the building's western wall facing Church Street. The sign has a clearance height above the level of the street of 5.68 metres.
Assessment	
Sign ID1w-G-3A	To assess the appropriateness of the sign and determine if the protrusion over the street alignment would pose a safety risk for both motorists and pedestrians, the <i>Building Regulations 2018, Regulation 107 – Signs</i> has been referenced for guidance. <i>Regulation 107</i> provides the requirements for signs on buildings. According to the regulation, a sign must be set back at least 750 mm from the kerb and have a height of at least 2.7 metres above the level of the street. With the exception of sign ID1w-G-3A, all of the other signs are located inside the property line.
Recommendation	
Sign ID1w-G-3A	Given the proposed sign ID1w-G-3A would be mounted at 5.68 metres above the level of the street and setback more than 750 millimetres from the kerb, the Civil Engineering team has no objection to the installation of the proposed sign along the western wall of the building at 459-471 Church Street, Richmond.

Attachment 4 - PLN20 0657 - 459 - 471 Church Street Richmond - Engineering referral comments 27 July 2021 pedestrians

Attachment 5 - PLN20 0657 - 459 - 471 Church Street Richmond - Engineering referral comments 21 July 2021 lighting



Referral Memo

To: Alexandra Paraskevakis
From: Lev Shinkarsky
Date: 24 June 2021
Subject: Application No: PLN20/0657
Description: Illuminated sign and neon signs
Site Address: 459 – 471 Church Street Richmond

I refer to the above Planning Application received on 22 September 2020 in relation to the proposed development at 459 – 471 Church Street Richmond. Council's Engineering Referral team provides the following information:

Drawings and Documents Reviewed

Author	Document name	Link	Dated/Received
Glowing Structures	<i>Signage Lighting Report</i>	D21/65211 - PLN20/0657 - 459 - 471 Church Street Richmond - Revised lighting report received 28 April 2021	28 April 2021
Glowing Structures	<i>Advertised Signage Lighting Report</i>	D21/7975 - PLN20/0657 - 459 - 471 Church Street Richmond - Advertising S52 - Lighting Report	21 December 2020
Diadem	<i>Advertised plans</i>	D21/7977 - PLN20/0657 - 459 - 471 Church Street Richmond - Advertising S52 - Plans	15 December 2020
Human Habitats	<i>Town planning report</i>	D21/7978 - PLN20/0657 - 459 - 471 Church Street Richmond - Advertising S52 - Town Planning Report	19 September 2020

Planning application PLN20/0657 proposes illuminated signage and neon signage to the Church Street and Shamrock Street facades of the building at 459 – 471 Church Street Richmond.

Following advertising (during which nine objections were received), the applicant submitted a revised lighting report (document number D21/65211) which makes a number of changes to shield and reduce the neon strip lighting as shown in the advertised plans and lighting report.

The comments below refer to the revised lighting report (document number D21/65211).

Proposed Signage

Under the provisions of Clause 34.02-8 of the Yarra Planning Scheme, the sign requirements are in Category 1 of Clause 52.05-11.

The proposed illuminated/neon signs are as follows;

Attachment 5 - PLN20 0657 - 459 - 471 Church Street Richmond - Engineering referral comments 21 July 2021 lighting

Proposed Sign Number	Illuminated / Non-illuminated	Comments
Vertical Signage and Horizontal Neon Lighting to the Church street building façade - A1w-G-2A and A1w-G-3B - ID1w-G-3A and ID1w-G-4A	Illuminated neon writing and light strip	No objection to the proposed signage subject to DOT(VicRoads) approval to ensure that the proposed signage does not interfere with the traffic lights along Church Street (Declared Road)
Proposed Neon signage In Shamrock street. Fully illuminated Horizontal Neon light strip. - A1w-G-2A	Illuminated	These neon signs should not be installed opposite existing residential properties for both fully illuminated and backlit neon solution lights and should operate only during pre-curfew hours (between 6.01a.m and 10.59p.m.)
Shamrock Street Site Identification Sign - ID3w-G-1BA	Illuminated hand neon signs	These lights should operate only business hours (day times) between 7a.m. and 6p.m. as they are located opposite residential properties
- ID5c-G-1BA - ID5c-G-1G - ID5c-G-1E	Internally illuminated signs projecting from building (north wall) over Shamrock Street footpath. No illumination details provided. Each sign 0.29sqm area (per side).	These lights will not generate light above AS4282 requirements, nevertheless they could be considered as nuisance in residential street outside curfew hours (between 7a.m. and 6p.m.).
- ID22w-G-A6 - ID22w-G-2A - ID22w-G-1A - ID22w-G-1B - ID22w-G-1D - ID22w-G-1F - ID22w-G-1BB - ID22w-G-4G	Internally illuminated signs in shop front windows along both Church Street and Shamrock Street. Each sign proposed to "use a light source of 100lm/m". Area of individual signs between 0.9sqm and 3.8sqm.	In Church Street I am not aware of any restrictions- possibly comment from VicRoads is required on the affect of these signs on motorist. In Shamrock Street these signs should operate only business hours (day times) between 7a.m. and 6p.m. as some of them are located opposite residential properties. There is no reason why shop front signage should operate in residential street outside business hours

Under Clause 52.05-6, the application for the illuminated signs must provide details of any form of illumination, including details of baffles and the times at which the sign would be illuminated.

Under Clause 52.05-8, the responsible authority must consider;

- The impact of any illumination:
 - The impact of glare and illumination on the safety of pedestrians and vehicles.
 - The impact of illumination on the amenity of nearby residents and the amenity of the area.
 - The potential to control illumination temporarily or in terms of intensity.
- The impact on road safety. A sign is a safety hazard if the sign:
 - Obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property.
 - Obstructs a driver's view of a traffic control device, or is likely to create a confusing or dominating background that may reduce the clarity or effectiveness of a traffic control device.

Attachment 5 - PLN20 0657 - 459 - 471 Church Street Richmond - Engineering referral comments 21 July 2021 lighting

- Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.
- Is at a location where particular concentration is required, such as a high pedestrian volume intersection.
- Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows.

Concern	Suggested planning permit condition
1. Effects on transport system and signalling system users including tram drivers, motorists and pedestrians	DOT(VicRoads) approval to be submitted to Council prior endorsement of the lighting plan
2. Effects on residents generally involve the illumination from the spill light particularly where light enters habitable rooms, the direct view of the external light installations. These aspects could be eliminated by not installing neon sign opposite residential properties.	The neon sign must not be installed opposite residential properties and should operate only during pre-curfew hours (between 6.01a.m and 10.59p.m.)
3. The neon signs are not so much intensity issue but mainly amenity issue such as disability glare and discomfort glare, changes in luminance in the peripheral vision due to effects such as variable content in signage or trees moving across bright lights These aspects could be minimised using control of direction and the times that the proposed light is to operate. The aim is to resolve the issues for residents who experience discomfort or annoyance from the proposed nearby external lighting installations	These lights must operate only business hours (day times) between 7a.m. and 6p.m. as some of them are located opposite residential properties

Notes:

1. *Generally, the neon signs are not so much intensity issue but mainly amenity issue such as disability glare and discomfort glare. These aspects could be minimised using control of direction and the times that the proposed light is to operate. The aim is to resolve the issues for residents who experience discomfort or annoyance from the proposed nearby external lighting installations.*
2. *Effects on residents generally involve the illumination from the spill light particularly where light enters habitable rooms, the direct view of the external light installations, changes in luminance in the peripheral vision due to effects such as variable content in signage (which is a case in this instance with the pointing hands) or trees moving across bright lights.*
3. *Consideration need to be given to specific effects of external lighting such as effects on transport system and signalling system users including tram drivers, motorists and pedestrians. This particularly important for Church Street. Church Street is a Declared Road and is under DOT (VicRoads) jurisdiction. Respectively assessment of the external light in Church Street need to be referred to DOT (VicRoads) for their approval.*

The Engineering Referral team supports the proposed illuminated and neon lighting subject to the conditions as outlined above.

Attachment 6 - PLN20 0657 - 459 - 471 Church Street Richmond - Site location map

SUBJECT LAND: 459 – 471 Church Street and 20 – 26 Brighton Street Richmond



↑ North

★ Subject Site

- 6.3 PLN21/0148 - 215 Swan Street Richmond & Lot 1 of TP321470H - Sale and consumption of liquor (General Licence), buildings and works (including partial demolition) and a waiver of the bicycle parking requirements associated with a hotel (as-of-right use) with live music.**
-

Executive Summary

Purpose

1. This report provides Council with an assessment of Planning Permit Application PLN21/0148 at No.215 Swan Street Richmond & Lot 1 of TP321470H which seeks permission for the sale and consumption of liquor (General Licence), buildings and works (including partial demolition) and a waiver in bicycle parking requirements associated with a hotel (as-of-right use) with live music.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 22.02 and Clause 43.01 – Heritage
 - (b) Clause 22.05 – Interface Uses Policy
 - (c) Clause 22.09 and Clause 52.27 – Licensed Premises
 - (d) Clause 34.01 and Clause 43.02 – Buildings and Works
 - (e) Clause 53.06 – Live Music Entertainment Venues
 - (f) Clause 52.34 – Bicycle Facilities

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Sale and Consumption of Liquor;
 - (b) Live Music
 - (c) Buildings and Works/ Heritage;
 - (d) Bicycle Facilities; and
 - (e) Objector Concerns

Submissions Received

4. Seven (7) objections were received to the application, these can be summarised as:
 - (a) Amenity impacts (patron and music noise)
 - (b) Proposed licensed hours are excessive
 - (c) Patrons loitering and smoking in Yan Lane and;
 - (d) Lack of car parking

Conclusion

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported subject to the conditions as detailed within the 'recommendation' section of the report.

CONTACT OFFICER: Samantha Tham
TITLE: Acting Senior Statutory Planner
TEL: 9205 5083

6.3 **PLN21/0148 - 215 Swan Street Richmond & Lot 1 of TP321470H - Sale and consumption of liquor (General Licence), buildings and works (including partial demolition) and a waiver of the bicycle parking requirements associated with a hotel (as-of-right use) with live music.**

Reference D21/70827
Author Samantha Tham - Statutory Planner
Authoriser Senior Coordinator Statutory Planning

Ward: Melba Ward
Proposal: Sale and consumption of liquor (General Licence), buildings and works (including partial demolition) and a waiver in bicycle parking requirements associated with a hotel (as-of-right use) with live music.
Existing use: Ground Floor – Vacant Tenancy and Open Car Park
 First Floor - Office
Applicant: Dan Goff Associates
Zoning / Overlays: Commercial 1 Zone (C1Z)
 Heritage Overlay – Schedule 335 (HO335)
 Design and Development Overlay – Schedule 5 (DDO5)
 Design and Development Overlay - Schedule 17-2 (DDO17-2)
 Development Contributions Plan overlay – Schedule 1 (DCPO1)
Date of Application: 04 March 2021
Application Number: PLN21/0148

Planning History

6. The subject site has no planning permit history of relevance to this application.

Background

7. The application was received by Council on 04 March 2021. Planning officers subsequently requested further information from the applicant on 22 March 2021.
8. Additional information from the applicant was received by Council on 20 April 2021; however, the information was found to be unsatisfactory.
9. The applicant amended the application, pursuant to Section 50 of Act on 03 May 2021. The amended application included the following changes to the proposal:
 - (a) Re-location of the entrance to the licensed premises from Yan Lane to Swan Street.
 - (b) Demolish the front doorstep along Swan Street and construct a threshold ramp to provide disability access.
 - (c) Acoustic attenuation measures as recommended in the Acoustic Report, prepared by Clarity Acoustics (dated 11 May 2021) including blocking up the glass doors along Yan Lane.
10. The applicant submitted further information to support to the satisfaction of Council officers on 11 May 2021.

11. The application was advertised to the public on 19 May 2021 and a total of seven (7) objections have been received by Council.
12. Following the advertising of the application on 19 May 2021, the applicant submitted two (2) revised Acoustic Reports prepared by Clarity Acoustics (dated 02 June 2021 and 18 June 2021). The Acoustic Report dated 02 June 2021 was revised to address the first floor of No.219 Swan Street as a noise sensitive receiver. The Acoustic Report dated 18 June 2021 was further revised to address matters raised in the peer review carried out by SLR Consulting.
13. The Acoustic Report dated 18 June 2021 supersedes all previous versions and has been sent to all objectors with the invitations to this PDC meeting as it informs the officer's recommendations.
14. On 1 July 2021, the *Environment Protection Amendment Act 2017* and subordinate legislation came into effect. New protocols which replace SEPP N-1 and SEPP N-2 are now in place. The implications of this new legislation on this application will be discussed at paragraphs Nos.195 to 196.
15. The application was amended pursuant to Section 57a of the *Planning and Environment Act 1987* on 22 July 2021. The amendment formally includes the northern parcel of land abutting the hard-stand area located within No.215 Swan Street. Although the parcel of land is registered under the same ownership as No.215 Swan Street, it is contained under a separate title with the land known as 'Lot 1 of TP321470H'. The land contains the northern part of the hard-stand area where car spaces allocated to 'Hotel' staff are located, as reflected on the advertised plans. The amended application was not re-advertised as it does not result in increased material detriment.
16. Council officers have sought and received advice from internal departments and external consultants (SLR Consulting) which are included as attachments to this report.

The Proposal

17. The proposal is for the sale and consumption of liquor (General Licence), buildings and works (including partial demolition) and a waiver in bicycle parking requirements associated with a Hotel (as-of-right use) with live music. Specific details of the proposal are below:

Sale and Consumption of Liquor
18. A General Liquor Licence is proposed for a 'cocktail and wine bar' to operate within the ground floor of the subject building. As it is proposed to sell liquor for consumption on the premises and packaged liquor for consumption off the premises; the land use defined as a 'Hotel' pursuant to Clause 73.03 (Land Use Terms) of the Scheme.
19. The proposed licensed 'red line' areas are limited to 72sqm of internal floor areas towards the front of the building. Patron access is limited to the proposed entry on Swan Street. Refer to the 'redline plan' in Figure 1 below.

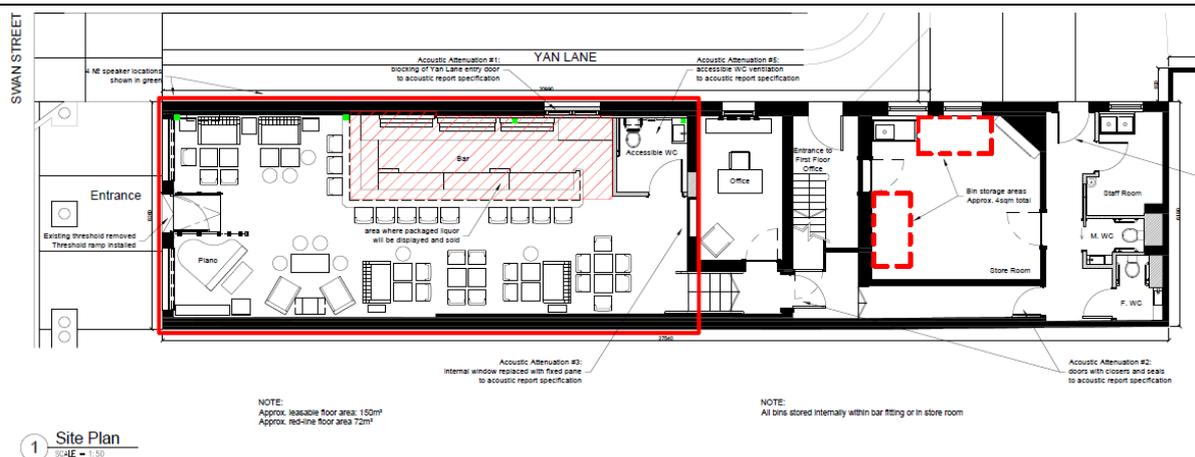


Fig.1 above shows the internal layout of the proposed licensed hotel and the licensed areas in highlighted in a bold red line.

20. Licensed hours for the sale and consumption of liquor **on-premises:**

- Monday to Saturday: 9am to 1am (the following day)
- Sunday: 10am to 11pm

21. Licensed hours for the sale and consumption of liquor **off-premises:**

- Monday to Saturday: 9am to 11pm
- Sunday: 10am to 11pm

22. A maximum of 94 patrons at any one time, with a 50% seating ratio.

23. All toilets and bin storage area located within the building.

Music

24. Live music provided 'generally' between 10am and 11pm, with the intended music genre being 'Jazz and Classical' to be performed by a 2 to 3 piece band (which may include a live pianist, acoustic guitar and vocalist). Occasional amplification of vocals and/or individual music instruments is proposed.

25. A total of four (4) speakers located internally, along the western side of the building.

Demolition

26. Demolish the existing bluestone doorstep to the ground floor entry along Swan Street.

Buildings and Works

27. Internal alterations to provide for the Hotel 'fit out' at ground floor and to implement acoustic attenuation measures to the specifications reflected in Section 5 the Acoustic Report dated 18 June 2021 (labelled as Acoustic Attenuation Nos.1, 2, 3 4 and 5 on decision plans).

28. Seal and block-up existing set of glazed doors along Yan Lane located closest to Swan Street as per specification in Section 5 of the Acoustic Report dated 18 June 2021 (labelled as Acoustic Attenuation #1 on decision plans).

29. The northern-most door along Yan Lane fitted with seals and an automatic closing device to the specifications reflected in Section 5 the Acoustic Report dated 18 June 2021 (labelled as Acoustic Attenuation #4 on decision plans). The door will be used as an emergency exit and back-of-house access point.
30. Construct a threshold ramp (1:8 gradient) to provide disability access from the Swan Street footpath into the building (to be constructed in concrete). The existing glass panel front door will be retained and fitted with an extension to suit the enlarged opening.

Car/Bicycle Parking

31. No bicycle parking provided on site.
32. A total of three (6) car spaces within the open hard-stand area on the west side of the building (to be dedicated to hotel staff. Only, three (3) of six (6) these spaces are located within the boundaries of No.215 Swan Street.

Existing Conditions

Subject Site

33. The subject land is located along the Swan Street Major Activity Centre (SMAC), approximately 115m east of the intersection of Swan Street and Church Street, within the suburb of Richmond. The subject land is situated on the northern side of Swan Street, and comprises two (2) lots under the same ownership:
 - (a) Lot 1 of Plan of Subdivision 413209V (otherwise known as No.215 Swan Street); and
 - (b) Lot 1 of Title Plan TP321470H
34. For clarity, 'subject land' as referred to in this report includes the allotments above, 'subject building' refers to the building occupying the land and the 'subject site' refers to the ground floor tenancy of the subject building.
35. The shape of the land at No.215 Swan Street, is irregular, with the rear portions extending west to form a 'dog leg' as seen in Figure 2 below. The frontage to Swan Street of 6.26m, a maximum depth of 27.54m and overall area of 224sqm. The majority of the land is occupied by a double-storey, Victorian-era building, with both levels constructed up to Swan Street, the eastern boundary and parts of the northern and western boundaries.

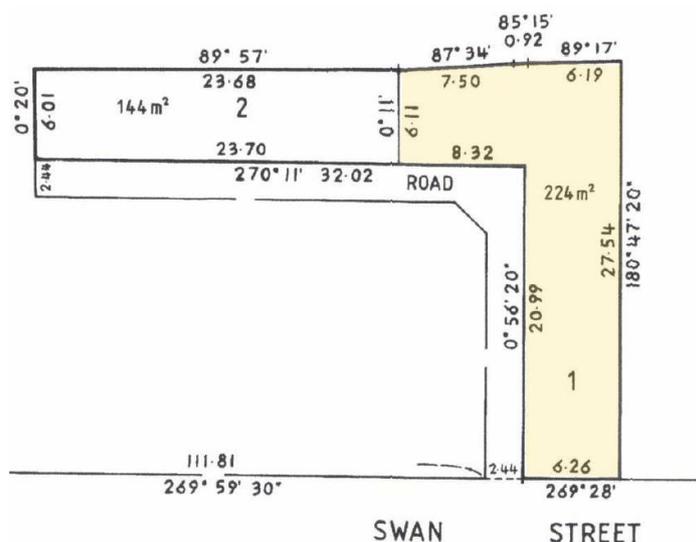


Fig.2 shows the subject land (Lot 1 of Plan of Subdivision 413209V) highlighted.

36. The western-most portion of the land, towards the rear, contains a hard-stand area where building services, bins and car parking are located. The northern portion of the hard-stand area is legally known as Lot 1 of Title Plan TP321470H. The parcel of land is rectangular in shape as seen in Figure 3 below, with a width of 7.6m and a depth of 8.8m, yielding an overall area of 66.9sqm. The entire hard-stand area provides a total of four (4) line-marked car spaces, although it is noted that the decision plans incorrectly show a total of (6) car spaces.

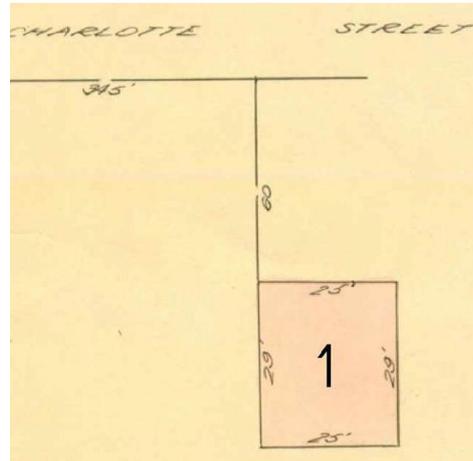


Fig.3 shows part of the subject land for this application (Lot 1 of Title Plan TP321470H).

37. The subject land abuts an 'L-shaped' Right-of-Way (ROW) named Yan Lane to its west, which provides access to these car spaces and to the garages of two (2) dwellings within Yan Lane.
38. The subject site is currently vacant and is accessible via a glazed doorway centred along the glazed shopfront to Swan Street and two (2) separate entrances along Yan Lane. A verandah extends over the shopfront windows at ground floor and a bluestone plinth and doorstep are featured below the shopfront windows/door.
39. The first floor of the subject building is currently used as an office and is only accessible from Yan Lane via a stairwell that is sectioned off from the subject site.
40. Within Figures 4 to 9 below, are a series of photographs of the subject land and building.



Fig.4 shows the subject land and building as seen from the southern side of Swan Street (Officer Photo, July 2021)



Fig.5 shows the bluestone footing and doorstep below the ground floor shopfront along Swan Street (Officer Photo, July 2021)



Fig.6 shows the hard-stand area on the western side of the subject building contains four (4) line marked car spaces (Officer Photo, July 2021).



Fig.7 shows the portion of Yan Lane along the western side of the building, looking north-east. (Officer Photo, July 2021).



Fig.8 shows the entrance to the office on the first floor of the subject building located along Yan Lane, looking north-east (Officer Photo, July 2021).



Fig.9 shows two (2) three-storey dwellings located along Yan Lane, to the west side of the hard-stand area (Officer Photo, July 2021).

Surrounding Land

General Surrounds

41. The subject land is zoned Commercial 1 Zone and forms part of the SMAC, which is one of the five (5) Major Activity Centres in the City of Yarra. The SMAC is characterised by commercial uses including offices, retail and food and drinks premises. The SMAC is also a well-known destination for dining and entertainment with licensed premises and live music venues that operate into the night time concentrated within the precinct.
42. Like most activity centres within the City of Yarra, residential zoned land is found directly beyond the commercial strip. Notwithstanding, there are also numerous 'shop-top' dwellings and apartment developments that can be found along the activity centre itself.
43. The surrounding area is well serviced by public transport services, including tram route No.70 along Swan Street, as well as tram route No.78 along Church Street. The subject land is located approximately 260m east of the East Richmond Railway Station which provides train services connecting Melbourne's eastern suburbs to the CBD.
44. The built form character along the SMAC is informed by both contemporary and historic buildings featuring activated shopfronts that support the commercial function of the precinct.

North

45. To the north of the subject land are the rear areas of residential properties fronting Charlotte Street, within residential zoned land.
46. Immediately abutting the subject building to the north are the rear areas of No.22 Charlotte Street. The property is occupied by a single-storey dwelling that occupies the majority of the site with walls constructed along the entire western boundary and along the rear wall of the subject building. Outdoor areas appear to be located on the eastern side of the dwelling; however, these areas are covered with solid and translucent roofing.
47. To the immediate north of the hard-stand area within the subject land is the remainder of the hard-stand area (within the residential zone). Further north of this, are the rear areas of No.20 Charlotte Street. The property is occupied by a double-storey dwelling constructed in accordance with Planning Permit PLN17/1106. A 2m high paling fence and 5.7m high wall extends along the southern boundary of the property, facing the hard-stand area. Beyond the 2m high fence is private open space accessible from bedrooms at ground floor.

East

48. To the immediate east of the subject land is No.217 Swan Street, which is occupied by a single-storey building constructed along Swan Street and the eastern and western boundaries of the site. An open courtyard is located towards the rear of the building. The building is currently used as an office.
49. Further to the east, is No.219 Swan Street, which is occupied by a double-storey Victorian-era building. The building is constructed along the eastern boundary for its entire length with the rear portion constructed along the western boundary. Towards the rear end of the site is an open courtyard. A first floor balcony is located above the courtyard, along the rear wall. The ground floor of the building is currently used as a hair salon and the first floor is occupied as a dwelling.

50. Further beyond, is No.221 Swan Street, a construction site undergoing development for a multi-storey commercial building with a basement and roof terrace, in accordance with Planning Permit PLN17/1016. The permit allows for a Restaurant and Café Licence at all levels of the building, with a maximum of 192 patrons and licensed hours of 11am to 11pm, seven days a week. Council is currently considering a Section 72 Amendment to this permit to increase the red line area (amongst other changes).

South

51. To the immediate south of the subject land is Swan Street, which provides restricted short-stay (2P) parking on either side. Further south beyond Swan Street, are a row of double-storey, Victorian-era buildings occupied by various commercial tenancies. Council's records confirm that No.10 Wiltshire Street, a property located behind and above No.264 Swan Street as a dwelling.
52. Directly opposite the subject land, to the south is a two-storey heritage building occupied by a 328-patron bar "Union House" operating with an On-premises licence (Licence No.323452236). The bar is licensed until 11pm between Sunday and Wednesday and until 1am the following morning, between Thursday and Saturday as approved under Planning Permit PLN17/0359.

West

53. To the west of the subject building, beyond Yan Lane is No.213 Swan Street, which is occupied by a single-storey building constructed over the full extent of the site. The premises had been operating as a restaurant "Saint Urban" with a Restaurant and Cafe Licence (Licence No. 31959862) dating back to 1993 until Planning Permit PLN20/0467 was approved by Council on 23 March 2021.
54. Planning Permit PLN20/0467 approves the licence category to be changed to a General Liquor Licence associated with a 'Hotel', allowing for consumption of liquor off the premises. The hotel is licensed until 11pm on Sunday and until 1am from Monday to Friday with a maximum of 76 patrons. The endorsed plans for Planning Permit PLN20/0467 show the main entry to the premises is Swan Street and a secondary entrance is along Yan Lane.
55. To the west of the hard-stand area are two (2) three-storey townhouses addressing Yan Lane and the rear areas of No.18 Charlotte Street. The three-storey townhouses are constructed in accordance with Planning Permit PL04/0137. The endorsed plans show private open space areas at the first and second floor of the dwelling are located on the north side of the buildings and two bedrooms at second floor. The property at No.18 Charlotte Street is occupied by a single-storey dwelling with SPOS areas at the rear. The high eastern wall of the dwelling at No.3 Yan Lane and the boundary fence along the SPOS at No.18 Charlotte Street faces the hard-stand area.

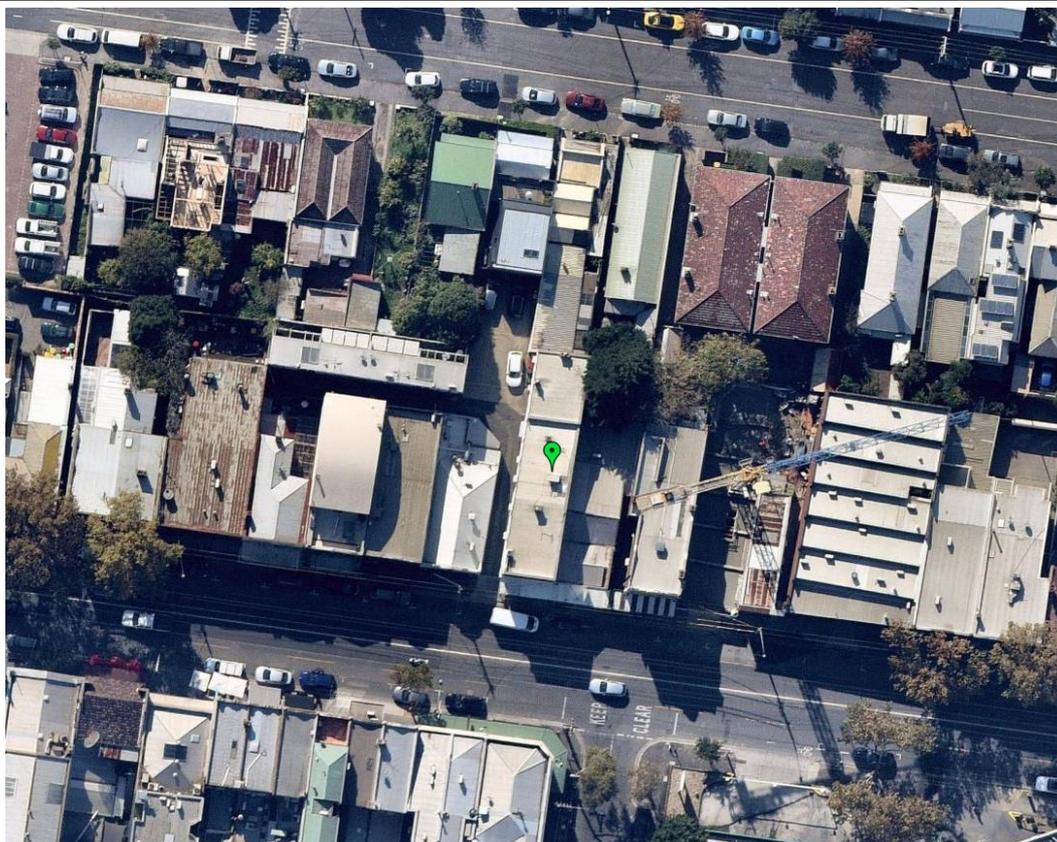


Fig.10 shows the subject site and surrounds (Nearmaps, 29 April 2021)

Planning Scheme Provisions

Zoning

Commercial 1 Zone

56. The subject site is zoned Commercial 1 Zone (C1Z). The following provisions apply:
57. Pursuant to Clause 34.01-1 of the Scheme, a planning permit is **not** required to use the land as a 'Retail premises (other than Shop)'. The cocktail and wine bar proposed meets the definition of a 'Hotel' at Clause 73.03 of the Scheme. The 'Hotel' land use is classified as a 'Food and Drink Premises' which is nested under the broader 'Retail Premises' land use group. Therefore, the 'Hotel' use in this application is an 'as-of-right use' in the Commercial 1 Zone.
58. Pursuant to Clause 34.01-4 of the Scheme, a planning permit is required to construct a building or construct or carry out works. This does not apply to an alteration to an existing building façade provided:
 - (a) *The alteration does not include the installation of an external roller shutter.*
 - (b) *At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.*
59. The external alterations proposed along the front façade do not include the installation of an external roller shutter. However, it cannot be confirmed from the decision plans whether at least 80% of the building facade at ground floor level is maintained as an entry or window with clear glazing. A permit is required for external alterations along the western wall and front façade.
60. Pursuant to Clause 62.02 (General Exemptions), the internal rearrangement of a building or works provided the gross floor area of the building, or the size of the works, is not increased

and the number of dwellings is not increased. Therefore, the proposed internal alterations proposed are exempt from a permit

Overlays

Heritage Overlay – Schedule 335

61. The site is affected by a Heritage Overlay (HO335). The following provisions apply:
62. Pursuant to Clause 43.01-1 of the Scheme, a permit is required to:
 - (a) *Demolish or remove a building*
 - (b) *Construct a building or construct or carry out works.*
 - (c) *Externally alter a building by structural work, rendering, sandblasting or in any other way.*
 - (d) *Non-domestic disabled access, excluding a non-domestic disabled access ramp if the ramp is not visible from a street (other than a lane) or public park.*
 - (e) *Internally alter a building if the schedule to this overlay specifies the heritage place as one where internal alteration controls apply.*
63. A permit is required to demolish the front doorstep along Swan Street, construct a threshold ramp in place (to provide DDA access) and block-up the glazed doors along the western wall to Yan Lane.
64. A permit is **not** required to internally alter the building as the Schedule 335 does not contain internal alteration controls.

Design and Development Overlay – Schedules 5 and 17-2

65. The site is affected by a Design and Development Overlay (DDO5 and DDO17-2). The following provisions apply:
66. Pursuant to Clause 43.02-2 of the Scheme, a permit is required to construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.

Schedule 5 (City Link Exhaust Stack Environs)

67. Section 2.0 of Schedule 5 states that a permit is **not** required to construct a building or construct or carry out works.
68. Section 4.0 of Schedule 5, states that notice of the application must be given to VicRoads, the CityLink Authority, and the Environment Protection Authority (EPA) under Section 52 of the Act.
 - (a) Following an agreement between the City of Yarra and EPA Victoria, the requirement for notice to be given to the EPA under Clause 43.02, Schedule 5 – City Link Exhaust Stack Environs does not apply to applications where:
 - (i) *The title boundary of the subject site is more than 50 metres from the centre of the Burnley Tunnel exhaust stack (located at Barclay Ave. Richmond. Latitude - 37.8295434, Longitude 145.0018514); and*
 - (ii) *The proposed building height is less than 10 stories or 30 metres, whichever is lesser.*

Schedule 17-2 (Precinct 2 – Swan Street Activity Centre)

69. The general design objective of the schedule is:

- (a) *To recognise and respond to the distinct character and varying development opportunities defined by the four precincts along Swan Street.*
 - (b) *To support a new mid-rise scale built form character with lower built form at the interfaces with streets and the adjoining low rise residential areas that maintains an active, high quality and pedestrian friendly environment.*
 - (c) *To ensure development maintains the prominence of the heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscapes.*
 - (d) *To minimise the amenity impacts on residential properties adjoining the Swan Street Activity Centre including overlooking, overshadowing and visual bulk impacts.*
 - (e) *To ensure that vehicular access to development does not adversely impact the level of service, efficiency and safety of the arterial and tram network.*
70. Schedule 17 does not specify that a permit is not required for buildings and works and contains general and precinct specific design requirements which include mandatory and preferred building height, street wall heights and setback and upper level setback requirements.
71. The precinct specific requirements are set out in relevant 'Precinct Height and Interface Plans'. The site is located within Precinct 2 (Swan Street Activity Centre).
72. Plan 3 (Height and Interface Plan) of the Schedule contains details on mandatory height and setback requirements that are specific to the subject site.
73. A permit is required for the buildings and works comprising external alterations to the front façade and western wall of the existing building.

Development Contributions Plan Overlay – Schedule 1

74. The site is affected by the Development Contributions Plan Overlay (DCPO1). The following provisions apply:
75. Pursuant to Clause 45.06-1 of the Scheme, a permit must not be granted to subdivide land, construct a building or construct or carry out works until a development contributions plan has been incorporated into this scheme.
76. A permit granted must be:
- (a) *Consistent with the provisions of the relevant development contributions plan.*
 - (b) *Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.*
77. Section 4.0 of Schedule 1 to the DCPO states that the construction of a building or carrying out of works that does not generate a net increase in additional demand units, including renovations or alterations to an existing building is excluded from development contributions plan.
78. A development contributions plan has been incorporated into this scheme. The requirements of the DCPO do **not** apply to the proposal as it constitutes renovations to an existing building that does not generate a net increase in additional demand units (commercial floor space).

Particular Provisions

Clause 52.06 – Car parking

79. Pursuant 52.06-2 of the Scheme, before a new use commences, the number of car spaces required under Clause 52.06-5 must be provided on the land to the satisfaction of the Responsible Authority.
80. The applicable statutory car parking rate for a 'Hotel' as in Table 1 at Clause 52.06-5 of the Scheme is summarised in the table below. Column B applies as the land is identified as being within the Principal Public Transport Network Area as shown on the Principal Public Transport Network Area Maps (State Government of Victoria, August 2018).

Land Use	Statutory Requirement	On-site Provision	Reduction required
Hotel (150sqm of leasable floor area)	3.5 spaces to each 100 sqm of leasable floor area	4 line-marked spaces for staff	1 space
Total	5 spaces	4 spaces	1 space

81. Pursuant to Clause 52.06-3 of the Scheme, a permit is required to reduce (including reduce to zero) the number of car spaces required under Clause 52.06-5. However, a permit is not required to reduce the required number of car parking spaces for a new use of an existing building if the following requirements are met:
- The building is in the Commercial 1 Zone, Commercial 2 Zone, Commercial 3 Zone or Activity Centre Zone.
 - The gross floor area of the building is not increased.
 - The reduction does not exceed 10 car parking spaces.
 - The building is not in a Parking Overlay with a schedule that allows a financial contribution to be paid in lieu of the provision of the required car parking spaces for the use.
82. A permit is **not** required to reduce a total of one (1) space for the 'Hotel' use as the building is in the Commercial 1 Zone, the gross floor area of the building is not increased, the reduction is less than 10 spaces and the building is not affected by a Parking Overlay.

Clause 52.34 - Bicycle facilities

83. Pursuant to Clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage are provided on the land.
84. The applicable statutory bicycle parking requirement for a 'Hotel' as in Table 1 at Clause 52.34-5 of the Scheme is summarised in the table below. If in calculating the number of bicycle facilities the result is not a whole number, the required number of bicycle facilities is the nearest whole number. If the fraction is one-half, the requirement is the next whole number

Land Use	Statutory Requirement	On-site Provision	Reduction required
Hotel <ul style="list-style-type: none"> 10sqm bar floor area and; 46sqm lounge floor area (open to the public). 	<u>Employee:</u> 1 to each 25sqm of bar floor area available to the public, plus 1 to each 100sqm of lounge floor area available to the public <u>Patron:</u>	None	1 employee bicycle space and 1 patron bicycle space

	1 to each 25sqm of bar floor area available to the public, plus 1 to each 100sqm of lounge floor area available to the public		
Total	2 spaces	None	2 spaces

85. Clause 52.34-2 states that a permit may be granted to reduce or waive this requirement.
86. The application seeks a waiver of 2 bicycle parking spaces (1 for employees and 1 for patrons).

Clause 53.06 – Live music entertainment noise

87. This clause applies to an application required under any zone of this scheme to use land for, or to construct a building or construct or carry out works associated with a live music entertainment venue.
88. The purpose of this provision is:
- (a) *To recognise that live music is an important part of the State’s culture and economy.*
 - (b) *To encourage the retention of existing and the development of new live music entertainment venues.*
 - (c) *To protect live music entertainment venues from the encroachment of noise sensitive residential uses.*
 - (d) *To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise.*
 - (e) *To ensure that the primary responsibility for noise attenuation rests with the agent of change.*
89. Clause 53.06-3 of the Scheme requires a live music entertainment venue to be designed, constructed and managed to minimise noise emissions from the premises and provide acoustic attenuation measures that would protect a noise sensitive residential use within 50 metres of the venue.
90. A permit may be granted to reduce or waive these requirements if the responsible authority is satisfied that an alternative measure meets the purpose of this clause. The decision guidelines at Clause 53.06-5 of the Scheme apply.

General Provisions

Clause 62 – Buildings and Works

91. Clauses 62.02-1 and 62.02-2 of the Scheme set out exemptions from permit requirements in this scheme relating to the construction of a building or the construction or carrying out of works.
92. Pursuant to Clause 62.02-2 of the Scheme a permit is not required for the internal rearrangement of a building or works provided the gross floor area of the building, or the size of the works, is not increased and the number of dwellings is not increased.

Clause 65 – Decision Guidelines

93. The decision guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters.

Amongst other things, the Responsible Authority must consider the relevant State and Local Planning Policy Frameworks, as well as the purpose of the zone, overlay or any other provision.

Operational Provisions

Clause 73.03 – Land Use Terms

94. A 'Hotel' is defined as '*Land used to sell liquor for consumption on and off the premises. It may include Hotel accommodation, food for consumption on the premises, entertainment, dancing, amusement machines, and gambling.*'

Planning Policy Framework (PPF)

Clause 11.03-1S – Activity centres

95. The objective of this clause is "*To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community*"
96. Relevant strategies to achieve this objective include:
- (a) *Support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies.*
 - (b) *Encourage economic activity and business synergies.*

Clause 13.05-1S – Noise Abatement

97. The objective of this clause is "*To assist the control of noise effects on sensitive land uses*"
98. The strategy to achieve this objective is "*To ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.*"

Clause 13.07-3S – Live Music

99. The objective of this clause is "*To encourage, create and protect opportunities for the enjoyment of live music*".
100. Relevant strategies to achieve this objective are:
- (a) *Identify areas where live music venues are encouraged or where there are high concentrations of licensed premises or clusters of live music venues.*
 - (b) *Implement measures to ensure live music venues can co-exist with nearby residential and other noise sensitive land uses.*

Clause 15.01-2S – Building Design

101. The objective of this clause is "*To achieve building outcomes that contribute positively to the local context and enhance the public realm.*"
102. Relevant strategies to achieve this objective include:
- (a) *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm*
 - (b) *Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.*

Clause 15.03-1S – Heritage conservation

103. The objective of this clause is “*To ensure the conservation of places of heritage significance*”.

104. Relevant strategies to achieve this objective include:

- (a) *Encourage appropriate development that respects places with identified heritage values.*
- (b) *Retain those elements that contribute to the importance of the heritage place.*

Clause 17.01-1S – Diversified economy

105. The objective of this clause is:

- (a) *To strengthen and diversify the economy.*

Clause 17.02-1S – Business

106. The objective of this clause is:

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

107. A relevant strategy to achieve this objective include:

- (a) *Locate commercial facilities in existing or planned activity centres.*

[Local Planning Policy Framework \(LPPF\)](#)

Clause 21.03 – Vision

108. A key vision for the city of Yarra is to include land use that:

- (a) *Will accommodate a diverse range of people, including families, the aged, the disabled, and those who are socially or economically disadvantaged.*

Clause 21.04-1 – Accommodation and housing

109. This clause identifies that “*Due to the historic mixed land use pattern of Yarra the interface of residential land use and commercial and industrial activities must be managed to provide reasonable amenity for residents*”

110. Objective 3 of this policy is “*To reduce potential amenity conflicts between residential and other uses.*” and the relevant strategy is to “*Apply the Licensed Premises policy at clause 22.09*”.

Clause 21.04-2 – Activity centres

111. This clause identifies that:

- (a) *Activity centres are almost all centred around elongated commercial strips stretched out along Yarra’s main roads and feeder roads. Abutting uses along the length of the strips are generally residential, creating interface conflicts where some uses are not well managed or inappropriate uses are permitted.*
- (b) *Music venues, arts and cultural facilities also contribute to Yarra’s character and cultural life, and to its activity centres*

112. Objective 4 of this policy is *“To maintain a balance between local convenience and regional retail roles in Yarra’s activity centres.”* and a relevant strategy includes *“Support the regional role of the Major Activity Centres as an important component of Yarra’s economy and as a metropolitan destination.”*
113. Objective 7 of this policy is *“To encourage the arts and arts venues”* and the strategy include is to *“Support a diversity of arts uses such as live music venues, performance spaces, galleries and artist studios in appropriate and accessible locations.”*

Clause 21.05-1 – Heritage

114. This clause identifies that *“In conserving areas of heritage significance there is also a need to provide for adaptive reuse and change of buildings.”*
115. Objective 14 of this policy is *“To protect and enhance Yarra’s heritage places.”* and a relevant strategy includes *“Apply the Development Guidelines for sites subject to a Heritage Overlay policy at clause 22.02.”*

Clause 21.05-4 – Public environment

116. This clause identifies that *“There is a need to ensure that, as development occurs, Yarra’s public environment, buildings and transport infrastructure are accessible to all people.”*
117. Objective 28 of this policy is *“To a provide a public environment that encourages community interaction and activity.”* and a relevant strategy includes *“Encourage universal access to all new public spaces and buildings.”*

Clause 21.08 – Neighbourhoods (Burnley, Cremorne, South Richmond)

118. Clause 21.08-2 identifies the location of the Swan Street major activity centre along the northern boundary of the neighbourhood and describes *“The precinct incorporates the core retail area of Swan Street and includes East Richmond Station. Swan Street, unlike the other major activity centres within Yarra, has a smaller pool of non-local visitors, reflecting its stronger orientation towards servicing the needs of local residents.”*

[Relevant Local Policies](#)

Clause 22.02 – Development guidelines for sites subject to the Heritage Overlay

119. This policy provides guidance for the protection and enhancement of the City’s identified places of cultural and natural heritage significance. The relevant objectives of this clause are:
- (a) *To conserve Yarra’s natural and cultural heritage;*
 - (b) *To conserve the historic fabric and maintain the integrity of places of cultural heritage significance;*
 - (c) *To retain significant view lines to, and vistas of, heritage places;*
 - (d) *To preserve the scale and pattern of streetscapes in heritage places;*
 - (e) *To encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places;*
 - (f) *To ensure the adaptation of heritage places is consistent with the principles of good conservation practice;*
 - (g) *To ensure that additions and new works to a heritage place respect the significance of the place.*

Clause 22.05 – Interface Uses

120. This policy applies to applications for use or development within the Business (Commercial) Zone. The relevant objectives of this clause are:
- (a) *To enable the development of new residential uses within and close to shopping centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes.*
 - (b) *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.*

Clause 22.09 – Licensed Premises

121. This policy applies to an application under Clause 52.27 (Licensed Premises). The objectives of this clause are:
- (a) *To protect the amenity of nearby properties and areas by effectively managing the*
 - (b) *location, size, operation and hours of licensed premises.*
 - (c) *To encourage best practice venue design and venue operation for licensed premises.*
 - (d) *To protect residential and other commercial uses from excess noise, traffic and car*
 - (e) *parking issues.*
 - (f) *To provide for daytime trade and active street frontages in retail strips, while providing*
 - (g) *the reasonable commercial opportunities for the trading of licensed premises.*

Advertising

122. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* with 59 letters sent to surrounding owners and occupiers and two (2) signs displayed on site. Council received a total of seven (7) objections, the grounds of which are summarised as follows:
- (a) Amenity Impacts (Patron and Music Noise)
 - (b) Proposed licensed hours are excessive
 - (c) Patrons loitering and smoking in Yan Lane
 - (d) Lack of car parking
123. Following the advertising of the application, the applicant submitted two (2) revised Acoustic Reports to Council (dated 02 June 2021 and 18 June 2021). The Acoustic Report dated 02 June 2021 was revised to address the first floor dwelling at No.219 Swan Street as a noise sensitive receiver and the amended report dated 18 June 2021 was revised to address matters raised by SLR Consulting and supersedes all previous reports.
124. The application was not re-advertised as the submission of revised acoustic reports do not materially change the nature of the proposal as advertised. The acoustic report dated 18 June 2021 has been sent to the objectors with the invitations to this PDC meeting for their reference as this acoustic report informs the officer's recommendations.
125. Following advertising, a Section 57A amendment was lodged to include the land known as 'Lot 1 of TP321470H' to the subject site for this application as it contains the northern part of the hard-stand area at No.215 Swan Street where car spaces for staff are located. The amended application was not re-advertised as it does not result in increased material detriment. The amended application was not re-advertised under the provisions of Section 57B of the Act as the it does not result in increased material detriment.
126. A planning consultation meeting was not held.

Referrals

127. The referral comments received by parties the listed in paragraphs No.129 to 132 below, are based on the documents and plans advertised.
128. The referral comments addressed in paragraph No.133 to 135 below, are based on the advertised documents and plans and the revised Acoustic Reports prepared by Clarity Acoustics (dated 02 June 2021 and 18 June 2021).

External Referrals

129. Notice of the application was provided to the following authorities pursuant to Section 52 of the Act:
- (a) Department of Transport (formerly VicRoads) and;
 - (b) Transurban
130. The responses/comments received have been included as attachments to this report.

Internal Referrals

131. The application was referred to the following units within Council:
- (a) Community Amenity
 - (b) Social Policy Unit
 - (c) Strategic Transport Unit
 - (d) Heritage Advisor
132. The responses/comments received are included as attachments to this report.

External Consultant

133. The advertised Acoustic Report dated 11 May 2021 and the revised Acoustic Reports dated 02 June 2021 and 18 June 2021 (all prepared by Clarity Acoustics) were referred to SLR Consulting (Acoustic Engineers) for review.
134. Referral comments provided SLR Consulting are based on a review of the revised Acoustic Reports dated 02 June 2021 and 18 June 2021.
135. The Acoustic report dated 18 June 2021 and all referral comments from SLR Consulting have been included as attachments to this report. The Acoustic Report dated 18 June 2021 supersedes all previous versions and will form the basis of the assessment and decision.

OFFICER ASSESSMENT

136. The primary considerations for this application are as follows:
- (a) Policy and strategic support;
 - (b) Sale and consumption of liquor;
 - (c) Buildings and works / Heritage;

- (d) Bicycle facilities; and
- (e) Objector concerns.

Policy and Strategic Support

- 137. There is broad strategic support for the proposal within the state and local Planning Policy Framework.
- 138. Clauses 11.03-1S, 17.02-1S and 21.04-2 of the Scheme encourage the concentration of commercial and entertainment development and uses in established Major Activity Centres, including the SMAC, as these areas are highly accessible to the community and benefit from existing infrastructure and public transport.
- 139. This is also consistent with the purpose of the Commercial 1 Zone which is to create vibrant mixed-use commercial centres for retail, office, business, entertainment and community uses. This is reflected in the proposed 'Hotel' use on the subject land being an 'as-of-right' use.
- 140. Further to this, Clauses 13.07-3S and 21.04-2 of the Scheme specify that licensed and live music venues should be supported in appropriate and accessible locations where there are high concentrations of licensed premises or clusters of live music venues. The SMAC comprises an existing and established entertainment precinct that fuels Yarra's night time economy. There are numerous existing licensed premises including some live music venues that can be found along Swan Street.
- 141. The proposed sale and consumption of liquor and live music provision associated with the 'as-of-right' hotel use within the Swan Street Major Activity Centre is consistent with the objectives of the above policies.
- 142. Notwithstanding, abutting uses located along the activity centre spine are generally residential, creating interface conflicts where uses are not well managed. Planning Policy Framework at Clauses 13.05-1S and 13.07-3S and 21.04-2 of the Scheme also identify that noise and the interface between uses must be managed appropriately, particularly in a municipality such as Yarra where almost all residents are within 400m of an activity centre.
- 143. Whilst there is strong strategic support for the proposal, the implications specific to the sale and consumption of liquor and live music proposed in association with the 'as-of-right' 'Hotel' use, on the dwellings in proximity to the site requires a detailed assessment. The proposal is subject to the policies and decision guidelines at Clauses 22.09, 53.06 and 52.27 of the Scheme, which will be discussed in detail below. Overall, the proposed licensed venue will contribute to the vibrancy of the SMAC, where entertainment uses are specifically encouraged, provided that a balance is achieved in relation to off-site amenity impacts.

Sale and Consumption of Liquor

- 144. The application proposes the sale of liquor for consumption on and off-premises (General Licence).
- 145. The decision guidelines at Clause 52.27 of the Scheme, include *the consideration of the impact of the sale or consumption of liquor on the amenity of the surrounding area, the impact of the hours of operation and number of patrons on the amenity of the surrounding area and the cumulative impact of any existing licensed premises and the proposed licensed premises.*
- 146. Clause 22.09 (Licensed premises policy) of the Scheme contains Council's local policy which guides assessments of new or extended licensed premises within the municipality. It contains six key elements that will be considered below.

Location and Access

147. Policy indicates that licensed premises should be located where the land is not zoned Residential (excluding the Mixed-Use Zone). As discussed above, the subject land is located within the Commercial 1 Zone and SMAC which has excellent access to public transport. The No.70 and No.78 tram routes and train services provided at the East Richmond Train Station are within walking distance from the subject site. It is also anticipated that being within an established activity centre, taxis and rideshare services would be readily available to patrons of the proposed licensed 'Hotel'.
148. Premises should also be located where there will not be an unreasonable cumulative impact on the amenity of the surrounding area. Despite its location within the SMAC, the subject site is situated outside the Core Entertainment Precinct (west of Church Street) and within an area containing 'lower-intensity' licensed premises. There are only four (4) other premises with General and On-Premises licences within 100m, all of which trade until 1am. Amongst the four (4) other licensed premises, and with appropriate management procedures in place, the proposal will not result in an unreasonable cumulative impact on the amenity of the surrounding area. Cumulative impacts will be discussed in more detail at paragraphs No.177 to 188.
149. Policy requires the location and access arrangements of a licensed premises to have regard for potential amenity impacts from (but not limited to) patron noise, ingress and egress of patrons, queuing of patrons, and dispersal of patrons from the site with these impacts appropriately managed or buffered.
150. The sole access point for patrons of the premises is the existing doorway on Swan Street. The existing glazed door along Yan Lane (closest to Swan Street) will be 'blocked-up' and the door further toward the rear of the building will be used by staff only, otherwise as an emergency exit. Therefore, movement of patrons to and from the site will be confined along Swan Street and away from the rear areas in proximity to residential zoned land and the dwellings within Yan Lane. Upon exiting the premises, patrons are likely to disperse in a westerly direction along Swan Street or along Church Street instead of travelling through the smaller residential streets.
151. Given that Yan Lane is a 'dead-end' lane and none of the car parking spaces on site will be available to patrons, the proposal does not incentivise patrons to traffic or loiter within Yan Lane.
152. Overall, the location of the premises within the SMAC and the restricted patron access to Swan Street, is supported by policy at Clause 22.09.

Venue Design

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

154. The 'active' licensed areas are limited to the internal floor area at the front of the building. These areas are physically separated from residential zoned land and known dwellings within Yan Lane and No.219 Swan Street. Save for the accessible WC adjacent to the bar and lounge room, all ancillary/service areas will be unlicensed areas which will limit the sale and consumption of liquor to a single zone at the front of the building. Council's Social Policy Unit has recommended the accessible WC be removed from the licensed area to avoid breakage of glass within the toilet. The recommendation will be adopted as a permit condition which ensures all licensed areas are supervised by staff.
155. A total of three (3) toilets are provided within the building (accessible, male and female). The male and female toilets are located at the rear end of the building and accessible via a long hallway. This is supported as patrons will be able to make use of facilities without having to exit the subject building. The long hallway will be sectioned off from the lounge by two doors (fitted with automatic closers and acoustic seals) which will limit the escape of noise emissions from the licensed areas when the male/female toilets and ancillary areas are accessed. The applicant's Noise and Amenity Action Plan (NAAP) commits to displaying a sign on the northern-most door to Yan Lane to make clear to patrons that the door is an emergency exit only. Apart from the arrival and departure of patrons via Swan Street, it is envisaged that all patron activity will be contained within the building envelope.
156. The design of the venue provides opportunities for a high level of public safety and surveillance of patrons as they enter and leave the subject site. The glazed shopfront and entry door will be maintained, allowing for passive surveillance of the venue from the public realm. Furthermore, patrons exiting the premises must pass through seating areas under the observation of 'Hotel' staff and other patrons.
157. It is also noted that seating will be available for 50% of the maximum patron capacity (48 seats) within the bar and lounge area which is supported as this will reduce the risk of excessive alcohol consumption through vertical drinking.
158. There are no dedicated queuing or smoking areas provided along Swan Street, and this is reasonably limited by the heritage status of the existing building. The NAAP submitted states that patrons will generally either be admitted straight away or turned away when the maximum 96 patrons are reached. Should the unexpected necessity for queuing arise, this will occur on Swan Street with patrons directed to queue to the east of the front entrance (away from Yan Lane). The NAAP also states that patrons who wish to smoke will be restricted along Swan Street. Given the width of the Swan Street footpath, this is considered an acceptable arrangement adopted by several other premises within the SMAC. However, the NAAP does not elaborate on specific procedures (staff supervision, bollard ropes etc.) in place to ensure that patrons queuing, and smoking do not obstruct the footpath along Swan Street. These details will be required to form part of an amended NAAP by way of a condition on any permit to issue.
159. The waste bins for the licensed premises will be stored internally, towards the rear end of the subject site. This is supported over the existing location of bins within the hard-stand area as noise generated from the emptying of bottles and cans into bins will be contained within the store room and overall building envelope.

Hours of Operation

160. Clause 22.09 (Licensed premises policy) provides the following guidelines, as relevant to the proposal:

- (a) *Licensed premises in a Commercial or Industrial zone should not provide for the sale and consumption of liquor beyond 1am, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.*
- (b) *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.*
- (c) *Packaged liquor outlets should not provide for the sale of liquor after 11pm.*
- (d) *Licensed premises (including packaged liquor outlets) should not commence the sale and consumption of liquor before 9am.*

(i) The proposed licensed hours for the sale and consumption of liquor **on-premises** is:

- Monday to Saturday: 9am to 1am (the following day)
- Sunday: 10am to 11pm

161. The proposed 9am commencement time for the sale and consumption of liquor complies with the policy requirements as it will not commence prior to 9am.

162. Whilst the proposed conclusion of licensed hours aligns with expectations for premises within a Commercial Zone, to not operate beyond 1am, the subject site is located within 30m of a residential zone. Therefore, the proposed 1am close for the sale and consumption of liquor from Monday to Saturday does not comply with the policy guidelines, exceeding the 11pm close time recommended by policy by 2 hours.

163. Officers must therefore be satisfied that there will be no adverse impact on the amenity of the surrounding area from the proposed 1am closing time from Monday to Saturday. Policy requires an assessment of the impact of the hours of operation on the amenity of nearby properties to consider:

- (a) *The proposed use and licence type.*
- (b) *The zoning of surrounding land.*
- (c) *The location of the premises, location of car parking and availability of public transport, taxi ranks and ride sharing.*
- (d) *The nature of surrounding uses and hours of operation.*
- (e) *Potential noise emissions from the premises.*
- (f) *The impact of patrons arriving and leaving the premises, including:*
 - (i) *for venues operating after 10pm, whether access from the licensed premises to public transport is likely to be through a residential area; and*
 - (ii) *any cumulative impact on the amenity of the area.*

164. The site is located within the SMAC, in proximity to the Core Entertainment Precinct (west of Church Street) which contains with various licensed premises operating until late night. The proposed General Licence for the 'Hotel' use is considered to be characteristic within the context of the SMAC.

165. As stated earlier, the proposed licensing hours correspond with the licensing hours of other licensed premises within this portion of Swan Street, including:

- "Union House" (On-Premises Licence) at No.270-272 Swan Street (south of Swan Street)

- “Saint Urban” (General Licence) at No.213 Swan Street and;
- “IOS Bar” (On-Premises Licence) at No.209 Swan Street.
- “One of Nine” (On-Premises Licence) on the 1st Floor at No. 203 Swan Street.

all of which provide for the sale and consumption of liquor until 1am.

166. As established earlier, the surrounding area is serviced by public transport including the East Richmond Train Station, located 260m west of the subject site and is within walking distance. The following tram and bus services generally coincide with the close time proposed, noting that not all patrons necessarily wait until after “last drinks” before leaving a premises:
- Last outward-bound (non-Night Network) services along Swan Street (Tram 70) near the site depart about 12.30am Sunday-Thursday, about 1.30am Friday and Saturday;
 - Last outward-bound (non-Night Network) service along Church Street (Tram 78) runs until about 1.30am, Monday-Saturday and until 12.00am Sunday.
 - Night Network tram route No.75 runs along Bridge Road (800m north of subject site) each day.
167. Patrons exiting the premises are likely to head west along Swan Street, to the intersection of Swan Street and Church Street where the closest tram stops and the East Richmond Station are located, and will not need to pass through any residential areas to the north, in order to disperse from the subject site. This is further reinforced by the fact that Yan Lane is a ‘dead-end’ lane and there is no direct thoroughfare through from the vicinity of the subject site through to Charlotte Street.
168. Council’s Social Policy Unit and Community Amenity Unit (Compliance) have advised that the proposed hours are acceptable subject to conditions controlling the provision of music on the premises and implementation of appropriate acoustic measures.
169. In light of all the above, the acceptability of the proposed 1am close time from Monday to Saturday is linked to whether the noise generated from the premises will adversely impact the amenity of the area. This will be discussed from paragraph No.189 to 214 in the below.
170. Licensed hours for the sale and consumption of liquor **off-premises** is:
- (a) Monday to Saturday: 9am to 11pm
 - (b) Sunday: 10am to 11pm
171. The proposed hours for the sale and consumption of liquor off-premises complies with the relevant local policy guidelines and thus, it is considered that the sale of liquor for consumption off-premises will not adversely affect the amenity of the area.

Patron Numbers

172. Policy at Clause 22.09 relating to patron numbers aims to ensure that the number of patrons do not exceed the safe and amenable operating capacity of the premises. Additionally, the number of patrons should reflect the strategic and physical context of the site and should not adversely affect the amenity of nearby properties or the surrounding area, including by any unreasonable cumulative impact.
173. Based on VCGLR’s guidelines for maximum patron numbers, a ratio of one (1) person per 0.75sqm should be achieved to prevent overcrowding inside a venue. The application proposes 96 patrons on the land at any one time, to occupy 72sqm of licensed floor areas, in line with this requirement.

As such the proposed 96 patron maximum is well within the maximum capacity of the venue and the proposal will not exceed the safe and amenable operating capacity of the premises. Council's Social Strategy Unit has confirmed the patron numbers are supported. A condition of any permit to issue will enforce maximum patron restrictions.

174. The number of patrons proposed is unlikely to adversely affect the amenity of nearby properties and the surrounding area, including by any unreasonable cumulative impact. As stated earlier, the premises does not constitute a 'large scale licensed premises' (identified at Clause 22.09 to be venues with a patron capacity of more than 200) which is appropriate for this portion of Swan Street given it contains 'less intensive' licensed premises (compared to larger scale venues within the Core Entertainment Precinct).
175. Whilst there are four (4) other venues that conclude trade at 1am, these are located west of the subject site, with the largest venue 'Union House' (328 patrons) located on the south side of Swan Street. The proposal is unlikely to contribute to patron dispersal problems as patrons from the proposed and surrounding premises will either disperse from the SMAC or head towards the Core Entertainment Precinct (where several venues trade until 3am) in a westerly direction after trade concludes at 1am.

Cumulative Impact

176. The subject site is located within SMAC where commercial uses, licensed premises and live music venues are encouraged to be located and is within a 'cluster' of licenced premises (as there are three or more including the proposed premises) within a radius of 100 metres of the subject site.
177. In the absence of any benchmarks within the Scheme to measure cumulative impact, Council relies on the assessment methodology for cumulative impact in the VCAT decision [Swancom Pty Ltd v Yarra CC \(Red Dot\) \[2009\] VCAT 923](#) as an appropriate methodology for the assessment of this proposal.
178. A number factors such as policy context and land mix of the surrounding area have been discussed previously earlier in the report, with anticipated amenity impacts also considered in detail. An assessment including the mix of licensed premises and potential impact mitigation will need to be undertaken.
179. The applicant has provided a Cumulative Impact Assessment which confirms 72 licensed premises located within a 500 metres radius of the subject site, the locations of which are seen in Figure 11 below.

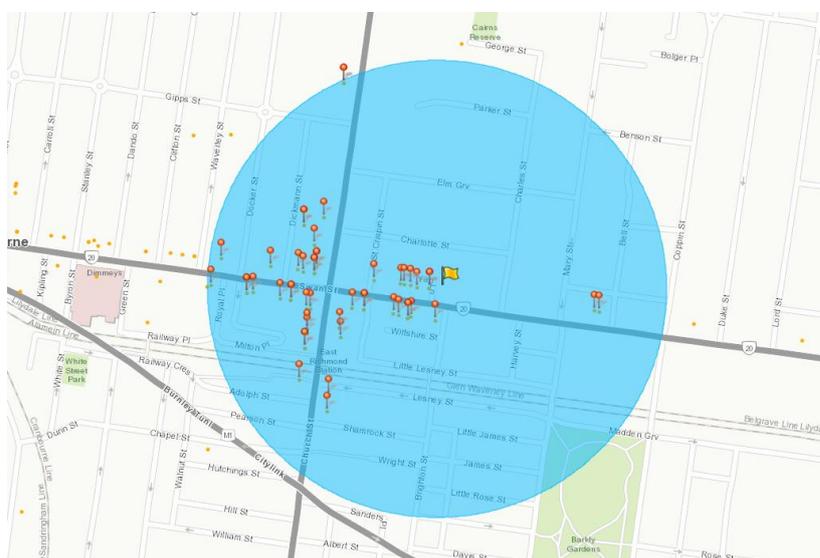


Fig 11 shows the location of licensed premises within a 500m radius of the subject land (flag). Source: VCGLR Maps

180. There is a good mix of licensed premises within a 500m radius area including:

- 1 BYO Permit
- 36 Restaurant and café;
- 9 On-premises,
- 6 General,
- 3 Late night (general) Licences,
- 4 Late night on-premises,
- 2 Packaged liquor, and
- 20 Limited licences

181. The Cumulative Impact Assessment submitted confirms a total of fifteen (15) existing licences are located within a 100m radius of the subject site, the locations of which are marked in Figure 12 below. It is relevant for the purpose of the cumulative impact assessment, to consider On-Premises and General Licences, as these premises are likely to serve liquor at least sometimes without substantial food being available and have generally high patron capacities and later trading times.

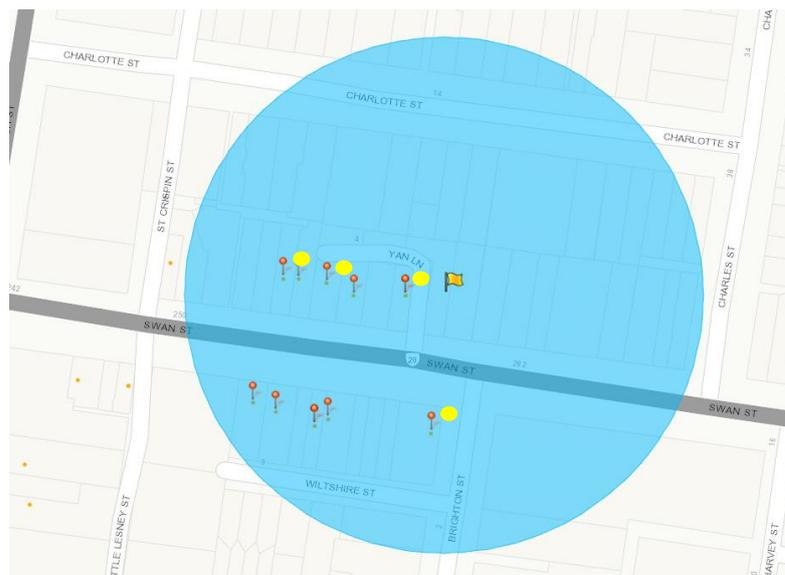


Fig 12 shows the location of licensed premises within a 100m radius of the subject land (flag) The yellow pins represent properties registered with an On-Premises and General Licence. Source: VCGLR Maps

182. As discussed earlier in the report, four (4) sites, within 100m of the site are registered with On-Premises or General Liquor Licence. The location of these premises are marked as yellow pins in Figure 12 above. A summary of details of these premises (as per the submitted Cumulative Impact Assessment) are provided in the table at Figure 13 below.

183. The first floor at No.203 Swan Street was more recently occupied by a venue named 'Bowery Locksmith' instead of 'One of Nine'; however, 'Bowery Locksmith' appears to be permanently closed at the time of writing this report. Similarly, the licensed premises at No.209 Swan Street (IOS Bar), does not appear to be active as the building is currently vacant. Only one (1) of the four (4) premises has a maximum capacity exceeding 200 patrons (large licensed premises), being 'Union House' on the south side of Swan Street.

Licence No.	Licence	Premises name	Street Address	Latest operating time according to licence (absolutely latest times)	Maximum capacity according to licence
32265169	On-Premises Licence	UNION HOUSE HOTEL	270-272 SWAN STREET	1:00 AM	328
31959862	General Licence	SAINTURBAN	213 SWAN ST	1:00 AM	76
31850262	On-Premises Licence	IOS BAR	209 SWAN ST	1:00 AM	NA
31821823	On-Premises Licence	ONE OF NINE	1ST FLOOR 203 SWAN STREET	1:00 AM	140

Fig 13 shows details of venues within 100m of the site with an 'On Premises Licence' or General Licence'

184. Although the proposal and the licences above, conclude trade at 1am, it is important to note these existing premises are located west of the subject site (towards Church Street), or in the case of Union House, on the other side of Swan Street. There are no premises within this portion of Swan Street that operates later than 1am. It can be expected that the primary modes of dispersal would be by foot, public transport or ride-share/taxi. Therefore, patrons will either disperse from the site via taxi/ride share, or head west towards Church Street to access public transport or into the Core Entertainment Precinct where several premises trade until 3am. Patrons dispersing from these existing premises are unlikely to congregate outside the subject site.
185. A maximum capacity of 96 patrons is proposed, which is on the lower end compared to 328 patrons at 'Union House', 140 patrons at the former 'Bowery Locksmith' and unrestricted patron numbers at the former 'IOS Bar'. Patrons dispersing from the proposed licensed premises at 1am are unlikely to result in significant impacts on the streetscape. Patrons of the proposed licensed premises would exit and disperse from the premises along Swan Street instead of heading into Yan Lane or residential areas to the north. The NAAP states that upon the venue closing, a member of staff/manager/security will be assigned to the front of the property to ensure efficient and quiet dispersal of patrons. In addition, it is likely that the number patrons departing from the proposed and existing premises would be staggered throughout the night, as opposed to the maximum patrons numbers leaving at the same time.
186. The proposal will contribute to the diversity of licensed premises found within this portion of the SMAC and does not create an imbalance of a particular type of licensed premises. The proposal is to operate as a cocktail and wine bar providing Jazz/Classical music as opposed to a pub where drinking promotions are common. Furthermore, it is expected that the nature and scale of the proposal will attract different user groups from the other four (4) premises within the area. Notably, a 50% seating ratio is proposed which will reduce the likelihood of 'vertical drinking'. Council's Social Policy has also requested clarification on whether food will be served along with alcohol provision as an adequate food offering is considered an effective measure for reducing alcohol intake and the risks associated with the excessive consumption of alcohol. The applicant has confirmed with officers that the intention is to offer a small range of food to patrons. Specific details on food provision are not captured in the NAAP and will be required be way of a condition of any permit to issue.
187. Based on the location of the subject site within an activity centre, the nature of the venue and the likely dispersal routes to be used, it is not considered that the proposal will create unreasonable impacts within the surrounding area.

Noise and Amenity

188. Residential zoned land directly abuts the subject land to the north and there are several known dwellings located in proximity (within the Commercial 1 Zone) creating several interface zones to consider. However, it is long held by VCAT that residentially zoned land near, or abutting, Activity Centres cannot expect the same level of amenity as would be afforded within a purely residential zone. Notably, in VCAT decision [Robertson v Yarra CC \(2014\)](#), where the review application considered an increase in patron numbers and extension of licensed hours for a cafe located within a Mixed Use Zone. The Tribunal Member relevantly stated the following:

[24] Living in close proximity to a Major Activity Centre and within a Mixed Use Zone it should be expected that there will be some level of noise over and above what might be expected in a purely residential area. The nearby residents therefore cannot expect their amenity will not be impacted to a certain extent by some level of noise from other uses within the Mixed Use Zone.

189. Hence, it is understood that considerations to residential amenity must be afforded for residential properties in proximity to the subject site. However, residential amenity expectations within interface zones, particularly to an established Major Activity Centre must be tempered.

190. Clause 22.09-3 specifies the following guidelines for assessing noise impacts from licensed premises:

- (a) *Noise from the operation of the licensed premises should not have an unreasonable impact on the amenity of the area.*
- (b) *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.*
- (c) *On-site noise attenuation measures should be applied for licensed premises where unreasonable amenity impacts on the surrounding area may result from the proposed*
- (d) *activities.*
- (e) *Where required, a licensed premise must be designed and managed in accordance with an acoustic report approved by the responsible authority.*

Music Noise

191. The proposal includes live Jazz/Classical music performances in the form of a 2 or 3-piece band (which may include a live pianist, acoustic guitar and vocalist) anytime between 10am and 11pm (although not continuously). Occasional amplification of vocals and/or individual music instruments is proposed. The decision plans show a total of four (4) speakers located internally, along the western side of the building and the live performance area within the south-eastern corner of the lounge area, next to the entry door. The NAAP confirms there will be no speakers erected externally; therefore, this will be enforced by a condition of any permit to issue.

192. The applicant has commissioned an acoustic report, prepared by Clarity Acoustics (the most current revision dated 18 June 2021) to address music noise impacts from the premises and the requirements of Clause 53.06-3 (Live Music Entertainment Venues).

193. The report recommends a number of acoustic attenuation measures for the proposal to achieve compliance with *State Environment Protection Policy No. N-2 (Control of Music Noise from Public Premises)* SEPP N-2 noise limits at the nearest affected noise receivers being:

- (a) The dwellings from Nos.18 to 24 Charlotte Street;

- (b) The dwellings at No.1 and 2 Yan Lane; and
 - (c) Shop-top dwelling on the first floor of No.219 Swan Street.
194. It is important to note that as of 1 July 2021, the *Environment Protection Amendment Act 2017* and subordinate legislation including the *Environment Protection Regulations (Regulations) and Environment Reference Standard' (ERS)* came into effect. The regulations incorporate a new noise protocol ['Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues', Publication 1826 \(the Noise Protocol\)](#) which effectively replaces:
- (a) *State Environment Protection Policy No. N-1 (Control of Noise from Commerce, Industry and Trade)', (SEPP N-1),*
 - (b) *'State Environment Protection Policy No. N-2 (Control of Music Noise from Public Premises)', (SEPP N-2) and;*
 - (c) *'Noise from Industry in Regional Victoria' (NIRV).*
195. The acoustic report submitted by Clarity Acoustics, dated 18 June 2021 makes the music noise assessment against the former SEPP N-2 day/evening and night limits. However, the change in legislation and its implication on the accuracy of the assessment conducted by Clarity Acoustics has been taken into account in the peer review conducted by SLR Consulting. SLR has confirmed that the setting of noise limits and assessment methodologies in the new Noise Protocol are the same as those in SEPP N-2 in most instances. The classifications of 'day/evening' and 'night' periods have changed slightly in the new protocol; however, the changes do not have implications for this project because music is proposed to be played until 1am (night period under both SEPP N-2 and the new protocol).
196. The acoustic attenuation measures proposed in the report dated 18 June 2021 are based on an assessment of:
- (a) Existing background noise levels during the day/evening (recorded on Tuesday, 30 March 2021 and Friday, 9 April 2021) and night time (recorded on Wednesday, 31 March 2021). The measured noise levels as seen in Figure 14 below.

Table 2 – Measured background noise levels dB

Date	Measurement period	Measured background noise level, $L_{A90, 15 \text{ minute}}$
Tuesday, 30 March 2021	1435-1506 hours	53
Tuesday, 30 March 2021	2135-2205 hours	49
Friday, 9 April 2021	2110-2200 hours	53

Figure 14a shows the day/evening time background noise levels measured.

Table 3 – Measured night time background noise levels, dB L_{90} (15 minute)

Description	Octave Band Centre Frequency							
	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	A
Night-time background noise level (31/03/21 – 0030-0100 hours)	46	40	37	35	32	26	17	37

Figure 14b shows the night- time background noise levels measured.

- (b) The predicted operational music noise from the premises seen in Figure 15 below, calculated considering:
- (i) Typical music levels included in the noise model for live music, background music and moderately amplified music.
 - (ii) A digital noise model of the site and surrounding environment
 - (iii) International standard(s) used for the calculation of environmental noise propagation.

Description	Octave Band Centre Frequency							
	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	A
Reverberant music noise level during live music	92	93	92	91	88	83	82	93
Reverberant music noise level during typical office hours	72	72	72	70	68	65	62	73
Reverberant moderately amplified music noise level	90	90	90	87	85	80	80	90

Figure 15 shows the typical music levels included in the noise model for live music, background music and moderately amplified music.

- (c) SEPP N-2 Noise limits for the subject site calculated in accordance with methodologies prescribed in SEPP N-2 as seen in Figure 16 below.

Description	Noise Limit, L _{Aeq} , 15 minute
SEPP N-2 day/evening noise limit	58/54

Description	Octave Band Centre Frequency							
	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	
SEPP N-2 night noise limit	54	48	45	43	40	34	25	

Figure 16 shows the SEPP N-2 noise limits for the subject site for the day/evening and night period.

197. There are six (6) acoustic attenuation measures recommended in the acoustic report to achieve compliance with SEPP N-2 at the sensitive noise receivers being:
- (a) The existing door to Yan Lane to be blocked up as per specifications at Section 5.1 of the report (Attenuation #1 on decision plans).
 - (b) The doors to the passage to be constructed as per Section 5.2 of the report (i.e., solid core doors with seals and automatic closing mechanisms) (Attenuation #2 on decision plans).

- (c) The existing window between the office and the main bar area to be fixed and be constructed of a minimum of 10mm thick glass and existing door to include seals and an automatic closing mechanism (Attenuation #3 on decision plans; treatment to office door is not indicated).
- (d) The door to the rear emergency door to include seals and an automatic closing mechanism (Attenuation #4 on decision plans).
- (e) Any penetration through the existing building fabric for ventilation of the accessible WC will need to be designed to not de-rate the overall performance of the existing building fabric. (Attenuation #5 on decision plans).
- (f) The venue’s front door should remain closed except for patron ingress and egress.

198. Using the highest predicted music levels for the premises as the standard, the report concludes that levels at all noise sensitive receivers will comply with SEPP N-2 limits during the day/evening and night period, with the recommended measures above implemented. Details of compliance with SEPP N-2 limits is seen in Figure 17 below:

Table 7 - Predicted day and evening period music noise levels, dB

Receiver	Predicted day and evening music noise level, L_{Aeq}	SEPP N-2 noise limit, L_{Aeq}	Compliance
3 Yan Lane	36	58/54	Yes
1 Yan Lane	26	58/54	Yes
18 Charlotte Street	26	58/54	Yes
20 Charlotte Street	26	58/54	Yes
22 Charlotte Street	17	58/54	Yes
24 Charlotte Street	17	58/54	Yes
219 Swan Street	37	58/54	Yes

Figure 17a shows the predicted music noise level compliance with SEPP N-2 at the noise receivers during the day/evening period.

Receiver	Octave Band Centre Frequency						
	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz
3 Yan Lane	51	46	41	37	32	27	22
1 Yan Lane	43	37	31	28	22	19	15
18 Charlotte Street	42	37	31	28	22	17	<15
20 Charlotte Street	44	39	32	25	19	<15	<15
22 Charlotte Street	35	30	22	18	<15	<15	<15
24 Charlotte Street	35	30	23	17	11	<15	<15
219 Swan Street	50	47	42	38	33	27	23
SEPP N-2 night time noise limit	54	48	45	44	40	34	25
Compliance?	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Figure 17b shows the predicted music noise level compliance with SEPP N-2 at the noise receivers during the night period.

199. In summary, the acoustic report prepared by Clarity Acoustics, dated 18 June 2021 demonstrates that all noise sensitive receivers will comply with SEPP N-2 during the day/evening and night period provided the acoustic attenuation measures are implemented.
200. The report has been peer reviewed by SLR Consulting and found to be adequate with no further testing and assessments requested. However, officers have noted that the acoustic report requires “the design for the ventilation of the accessible WC to not de-rate the overall performance of the existing building fabric” as a measure for compliance with SEPP N-2. This is too open-ended and officers consider it prudent to request that the design for the ventilation be finalised and the acoustic report subsequently amended to confirm the ventilation system will not de-rate the performance of the existing building fabric as compliance with SEPP N-2 is dependent of this. A condition of any permit will require an amended acoustic report to confirm this the ventilation system will not impact SEPP N-2 compliance at any of the noise sensitive receivers.
201. Given that the music noise assessment in the Acoustic Report dated 18 June 2021 is based on predicted levels for a specific genre of music, being Jazz/Classical music performed by a 2 or 3-piece band (including piano), a condition of any permit to issue will restrict the scale and type of live music provision on the premises accordingly.
202. A permit condition will also require a notation on the plan to confirm that the front door of the premises will remain closed at all times except for egress and ingress.
203. It is noted that the acoustic report considers potential music noise impacts to the first floor office of the subject land and states that music will be limited to background noise levels during ‘typical business hours’. This is not specified within the applicant’s written assessment. Both ‘Hotel’ and ‘Office’ are as-of-right uses in the Commercial 1 Zone, therefore business hours are not strictly defined or nor restricted. Given the commercial nature of SMAC, the imposition of a condition requiring music to be limited during typical business hours is not justified. A standard condition on the permit will require that the use comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

Patron Noise

204. As stated earlier in this report, the 'active' licensed areas of the 'Hotel' are contained within the front portion of the subject building along Swan Street. Furthermore, all toilet facilities are accessible from within the building. Patron activity associated with the consumption of liquor on the premises will be contained within the building envelope which is well-separated from residential areas to the north, the dwellings within Yan Lane and the first-floor dwelling at No.219 Swan Street.
205. For the reasons above, a specific patron noise assessment does not form part of the Acoustic Report dated 18 June 2021 and SLR Consulting have confirmed that a patron noise assessment is not required in this instance.
206. It has been discussed that patrons leaving the premises will likely disperse from the subject site in a westward direction, towards Church Street and away from known residences in proximity to the subject site. Noise from patron activities that occur outside of the premises, including smoking and queuing along Swan Street is unlikely to significantly impact the acoustic and amenity of the area provided the licensed premises operates in accordance with a NAAP which contains patron management protocols. The contents of the NAAP submitted with the application and will be discussed in detail later at paragraphs No.214 to 217.
207. It is noted that Section 7 of the acoustic report contains a sleep disturbance assessment in relation to use of the car spaces within the hard-stand area by staff during the night period. The predicted maximum noise levels would comply with the sleep disturbance criterion at the nearest affected receivers except for the dwelling at 3 Yan Lane where a 3dB exceedance is predicted (the table incorrectly refers to compliance at 3 Yan Lane). The report also makes note that the night period noise measurements obtained on Wednesday, 31 March 2021 included maximum noise events of up to 75dB LA_{max} due to traffic on Swan Street.
208. The endorsed plans for the dwellings along Yan Lane show the bedrooms of the dwellings are located on the second floor with windows facing north, away from Swan Street and the hard-stand. It is important to reiterate that the 'Hotel' is an 'as-of-right' use. Therefore, officers cannot enforce or limit how the car park is used, which is considered independent of whether liquor is sold or consumed on the premises. SLR Consulting have stated that the exceedance is reasonable in the context of staff use only, the existing noise impacts from Swan Street, and given the 'as of right' Hotel use.
209. Nevertheless, given the hard-stand directly abuts residential land and will only be utilised by hotel staff, it would be appropriate for the NAAP to acknowledge this interface. The applicant has agreed to make hotel staff aware of the interface and propose measures in the NAAP so the use of this area by hotel staff is appropriately managed to minimise disturbance. This along with the correction to the inconsistency in the table at Section 7 of the report will be required by a condition of any permit to issue.
210. Council's Community Amenity Unit have reviewed the proposal and have advised officers that live music is not supported after 11pm due to proximity of the subject site to residences. It is recommended that a condition be imposed requiring live music and vocals to cease at 11pm on all days with any music provided after 11pm being background level music only. This requirement is consistent with the applicant's submission and the applicant has agreed to these conditions being imposed.
211. Given that the bin storage areas of the premises are located within the building, emptying of bottles and cans are not expected to create significant noise impacts. The applicant's submission state that bins will be rolled out to the Swan Street kerbside for collection 'between 7am and 10pm'.

There is limited detail on the type of waste streams, waste volumes generated, pathway and frequency of collection throughout the week, how bins will be washed etc. for consideration. Given the proposal is a licensed venue with a capacity of 96 patrons, it is appropriate that a Waste Management Plan form a condition of any permit approved to ensure the general amenity of the area is protected.

212. Overall, and subject to conditions, noise generated from the operation of the proposed licensed premises will not have an unreasonable impact on the amenity of the area as required by Clause 22.09.

Noise and Amenity Action Plan (NAAP)

213. To ensure a venue is managed appropriately, policy at Clause 22.09 requires submission of a NAAP which outlines management procedures aimed at ensuring good patron management. If endorsed the NAAP becomes a legal document that can be enforced if the premises operates outside of specified parameters.

214. The NAAP submitted to Council outlines the specific management procedures to be followed at all times, and includes details relating to staffing, responsible service of alcohol and complaint management procedures for minimising amenity impacts. The measures indicated in the NAAP that have not been addressed elsewhere in this report include:

- (a) A manager or authorised staff member will be onsite at all times during trading hours to receive and address complaints. A logbook will be kept of any complaints and steps and measures undertaken to address or resolve issues raised. The logbook will be made available for Council, Police and VCGLR inspectors.
- (b) In the event of a large group attending the venue, their departure will be closely monitored, and all patrons encouraged to leave the area quickly and quietly. A member of staff will be assigned to the front of the property during the departure of any large groups.
- (c) Smoking patrons will be restricted to the area directly in front of the venue.
- (d) Patrons will be given ten minute's advanced notice of venue closure. Upon the venue closing at the cessation of trading, a member of staff/manager/security will be assigned to the front of the property to ensure efficient and quiet dispersal of patrons.
- (e) Staff will endeavour to ensure patrons leave the premises in a quiet and orderly manner.

215. However, the following matters have not been adequately addressed in the NAAP and must be addressed through a condition of any permit to issue:

- (a) Details of food offering for the duration of proposed licensed hours
- (b) Responsible Service of Alcohol (RSA) training for hotel staff
- (c) Prevention of patrons smoking and loitering in Yan Lane
- (d) Measures to prevent the obstruction of the footpath along Swan Street.
- (e) The shared interface between residential uses and the staff car park and proposed measures to limit noise disturbance.
- (f) Remove reference to patrons leaving 'gradually over 30 minutes from cessation of trade' (as this indicates that patrons will be able to continue drinking after 1am).
- (g) Confirm the hours for provision of live music instead of a 'general indication'.
- (h) Confirm collection of waste and deliveries to occur within hours allowed under Council's local laws.

216. A condition of any permit will require the business to operate in strict adherence to the amended NAAP to be endorsed.
217. In conclusion, subject to conditions, the proposal will achieve a balanced outcome in generating employment and enhancing hospitality and entertainment services within the SMAC, without significantly impact upon the general amenity of the area.

Buildings and works/Heritage

218. The proposal seeks to demolish the existing bluestone step below the front door to Swan Street to provide for the installation of a threshold ramp for disability access and to carry out alterations along the western wall to implement acoustic attenuation measures recommended in the Acoustic Report dated 18 June 2021.

Demolition

219. The relevant planning consideration for the demolition proposed to the existing front doorstep of the building pertains to heritage. The decision guidelines for the demolition of the bluestone step are found at Clause 22.02-5.1 of the Scheme which states the removal of part of a contributory graded heritage building is acceptable provided it does not adversely affect the contribution of the building to the heritage place.
220. The existing front doorstep is constructed of bluestone and its demolition will be visible from Swan Street. However, the doorstep is an element that forms a small portion of the heritage façade and its removal is balanced with the need to construct a disability ramp for the sole access point to the 'Hotel'.

The removal of the doorstep is unlikely to significantly impact the significance and contribution of the double-storey Victorian-era building to the heritage precinct as the building remains intact. Council's Heritage Advisor has not raised concerns with the demolition proposed.

Buildings and Works

221. The buildings and works require consideration in terms of heritage impacts (Clauses 22.02 and 43.01), general off-site amenity (Clauses 34.01-4 and 22.05) design requirements of DDO17 (Clause 43.01).
222. The existing ground floor façade of the building has been heavily modified to provide for a modern shopfront reflective of most commercial buildings within the SMAC. The works proposed along the ground floor façade include the construction of a disability access ramp and subsequently fitting the existing front door with an extension to suit the enlarged opening. The works occur below the pedestrian eyeline and would not be immediately noticeable unless looking directly to the ground.
223. The applicant has advised that the proposed ramp will likely be constructed of concrete and will be distinct from the asphalt footpath on Swan Street. The modifications along Swan Street will facilitate universal access for patrons from Swan Street and will not significantly impact the appearance and character of the existing heritage building as seen from Swan Street. The works can also be undertaken in a timely manner and will not result in off-site amenity impacts.
224. The modifications proposed along the western wall of the building are at ground floor and include blocking up the existing glazed door closest to Swan Street and fitting the northernmost rear door with an automatic closer and acoustic seals. The alterations proposed are required by the Acoustic Report prepared by Clarity Acoustics in order for the premises to comply with SEPP N-2 noise limits.

225. The acoustic report specifies the glazed doors will be blocked externally with “*A mass layer externally with a density of at least 22 kg/m² such as 12 mm thick compressed fibre cement sheet*”. The decision plans show the infill will be appropriately painted to match the colour of the surrounding brick wall. Given the door and associated alterations are set back more than 10m from Swan Street, the modifications will not be visible from Swan Street and will only be seen from within Yan Lane. Given that several other windows are retained along the western elevation of the building, there will continue to be passive surveillance of the laneway from the subject site (staff room, storage room and office).
226. There will be no perceptible change to the northern-most door, given the existing door remains in place, albeit with additional fittings. Furthermore, this door is not visible from Swan Street and the modifications will not impact the presentation of the building.
227. Overall, the building envelope will remain unchanged, the works do not result in any off-site amenity impacts and the appearance of the building will not be significantly altered from the existing.

Bicycle Facilities

228. The proposal seeks a waiver of two (2) bicycle spaces (1 for staff and 1 for patron) in association with the ‘Hotel’ use.
229. The waiver sought is considered appropriate by Council’s Strategic Transport Unit and found to be acceptable by officers for the following reasons:
- (a) The existing façade is heritage, and therefore it is not suitable to provide a ground-floor setback for visitor parking.
 - (b) The adjoining footpath is currently cluttered with awning posts, underground assets, signage and a fire hydrant – therefore there are no practical locations for bike hoops immediately outside the venue.
 - (c) The location has very good access to public transport and is within a major activity centre with multi-use trips highly likely.
 - (d) There are a number of nearby places where formal and informal bike parking can take place. Notably, there are two (2) bicycle hoops located on the footpath at the south-eastern corner of the intersection of Brighton and Swan Street which are less than 100m from the premises.

Objector Concerns

230. Objector concerns have been addressed throughout the report as follows:

(a) *Amenity Impacts (Patron and Music Noise) –*

Discussed in paragraphs 189 to 213

(b) *Proposed licensed hours are excessive-*

Discussed in paragraphs 160 to 172

(c) *Patrons loitering and smoking in Yan Lane –*

Discussed in paragraphs 215 to 217. The NAAP must be amended to specify how management will prevent patrons from loitering and smoking within Yan Lane.

(d) *Lack of Car Parking –*

Discussed in paragraphs 79 to 82. A permit is not required to reduce one (1) car parking space associated with the 'Hotel' under Clause 52.06 of the Scheme.

Conclusion

231. Based on the report, the amended proposal is considered to comply with the relevant policies of the Yarra Planning Scheme and is recommended for approval, subject to conditions.

RECOMMENDATION

Amended Plans

1. Before the development or sale and consumption of liquor commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans but modified to show:
 - (a) Title boundaries of the subject site to correspond with Plan of Subdivision 413209V and Title Plan 321470H.
 - (b) Annotation to confirm the front door along Swan Street will remain closed at all times (except for egress and ingress).
 - (c) A total of four (4) car spaces within the hard-stand area.
 - (d) The accessible WC toilet removed from the red line area.
 - (e) Material and finish of the accessible ramp along Swan Street.
 - (f) Annotations outlining acoustic attenuation measures to reference specifications within relevant sections of the amended Acoustic Report required by Condition 14.
 - (g) Details of acoustic attenuation for the office door of the hotel (i.e. acoustic seals and an automatic closing mechanism) as required by Section 5.3 of the Acoustic Report prepared by Clarity Acoustics and dated 18 June 2021.
2. The development and sale and consumption of liquor as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Sale and consumption of liquor

3. Except with the prior written consent of the Responsible Authority, the sale of liquor for consumption **on premises** may only occur:
 - (a) Monday to Saturday: 9am to 1am (the following day)
 - (b) Sunday: 10am to 11pm
4. Except with the prior written consent of the Responsible Authority, the sale of liquor for consumption **off premises** may only occur:
 - (a) Monday to Saturday: 9am to 11pm
 - (b) Sunday: 10am to 11pm

5. Except with the prior written consent of the Responsible Authority, no more than 96 patrons are permitted on the land at any one time.
6. The provision of live music on the land is limited to a 2 or 3-piece band (Jazz/Classical music) and must cease at 11pm, after which, only background level music is permitted.
7. The use and development must comply at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021).
8. Speakers external to the building must not be erected or used.
9. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
10. Emptying of bottles and cans into bins may only occur between 7am and 10pm on Monday to Saturday or after 9am on a Sunday or public holiday.
11. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
12. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.
13. The amenity of the area must not be detrimentally affected by the use, development or sale and consumption of liquor, including through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.

to the satisfaction of the Responsible Authority.

Amended Acoustic Report

14. Before the sale and consumption of liquor commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Clarity Acoustics and dated 18 June 2021, but modified to include (or show, or address):
 - (a) Confirmation that the proposed ventilation system for the accessible WC does not impact music noise compliance at all noise sensitive receivers.
 - (b) Table at Section 7 corrected to reflect exceedance of criteria at No.3 Yan Lane.
15. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Amended Noise and Amenity Action Plan

16. Before the sale and consumption of liquor commences, an amended Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Noise and Amenity Action Plan will be endorsed and will form part of this permit. The amended Noise and Amenity Action Plan must be generally in accordance with the Noise and Amenity Action Plan prepared by Goff Associates Hospitality Design & Interior Architecture, but modified to address:
 - (a) Measures to prevent patrons smoking and loitering within Yan Lane.
 - (b) Measures to prevent the obstruction of the footpath along Swan Street.
 - (c) Confirmation of food offering to patrons during the proposed licensed hours.
 - (d) Confirmation of the hours within which live music performances may occur instead of a general indication.
 - (e) Remove reference to patrons 'leaving gradually over 30 minutes from cessation of trade'.
 - (f) The shared interface between residential uses and the staff car park and proposed measures to limit noise disturbance.
 - (g) Collection of waste from the premises to occur within the hours permitted under Council's local laws.
 - (h) Responsible Service of Alcohol (RSA) training for staff to ensure the safe and responsible licensed premises.
17. The provisions recommendation and requirements of the endorsed Venue Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

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

General

20. Within 2 months of completion of the development, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
21. Within 2 months of completion of the development, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
22. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm,;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time

Permit Expiry

23. This permit will expire if:

- (a) the development or sale and consumption of liquor 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
- (c) the sale and consumption of liquor is discontinued for a period of two years.

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

Notes

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 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 5555 to confirm.

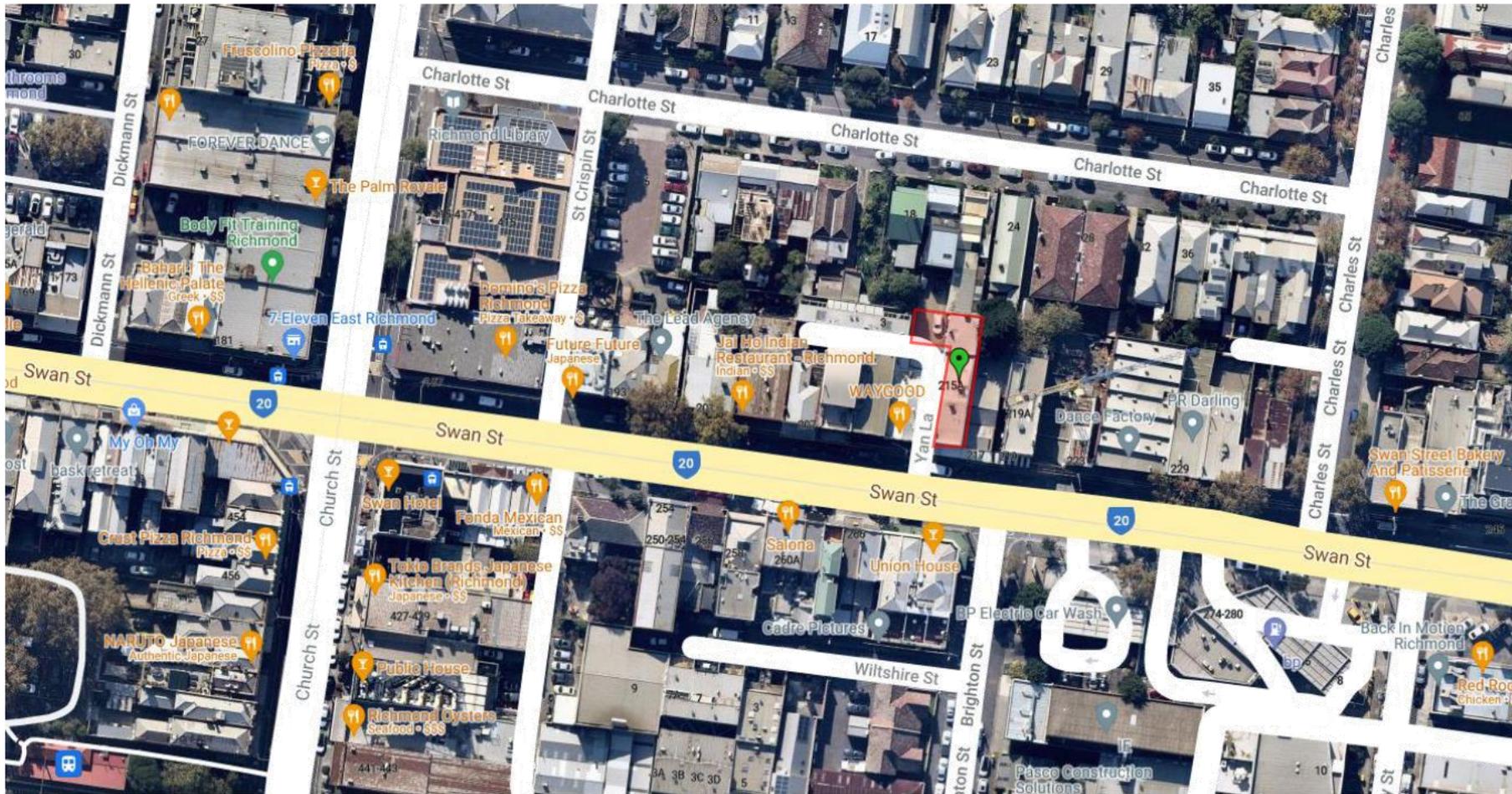
The site is subject to a Heritage Overlay. A planning permit may be required for any further external works.

Attachments

- 1 PLN21/0148 - 215 Swan Street Richmond - Site Location Map
- 2 PLN21/0148 - 215 Swan Street Richmond - Advertised Materials (Written Documentation)
- 3 PLN21/0148 - 215 Swan Street Richmond - Advertised Materials (Plans)
- 4 PLN21/0148 - 215 Swan Street Richmond - Amended Acoustic Report (18 June 2021)
- 5 PLN21/0148 - 215 Swan Street Richmond - Internal Referral Comments
- 6 PLN21/0148 - 215 Swan Street Richmond - External Referral Responses

Attachment 1 - PLN21/0148 - 215 Swan Street Richmond - Site Location Map

ATTACHMENT 1



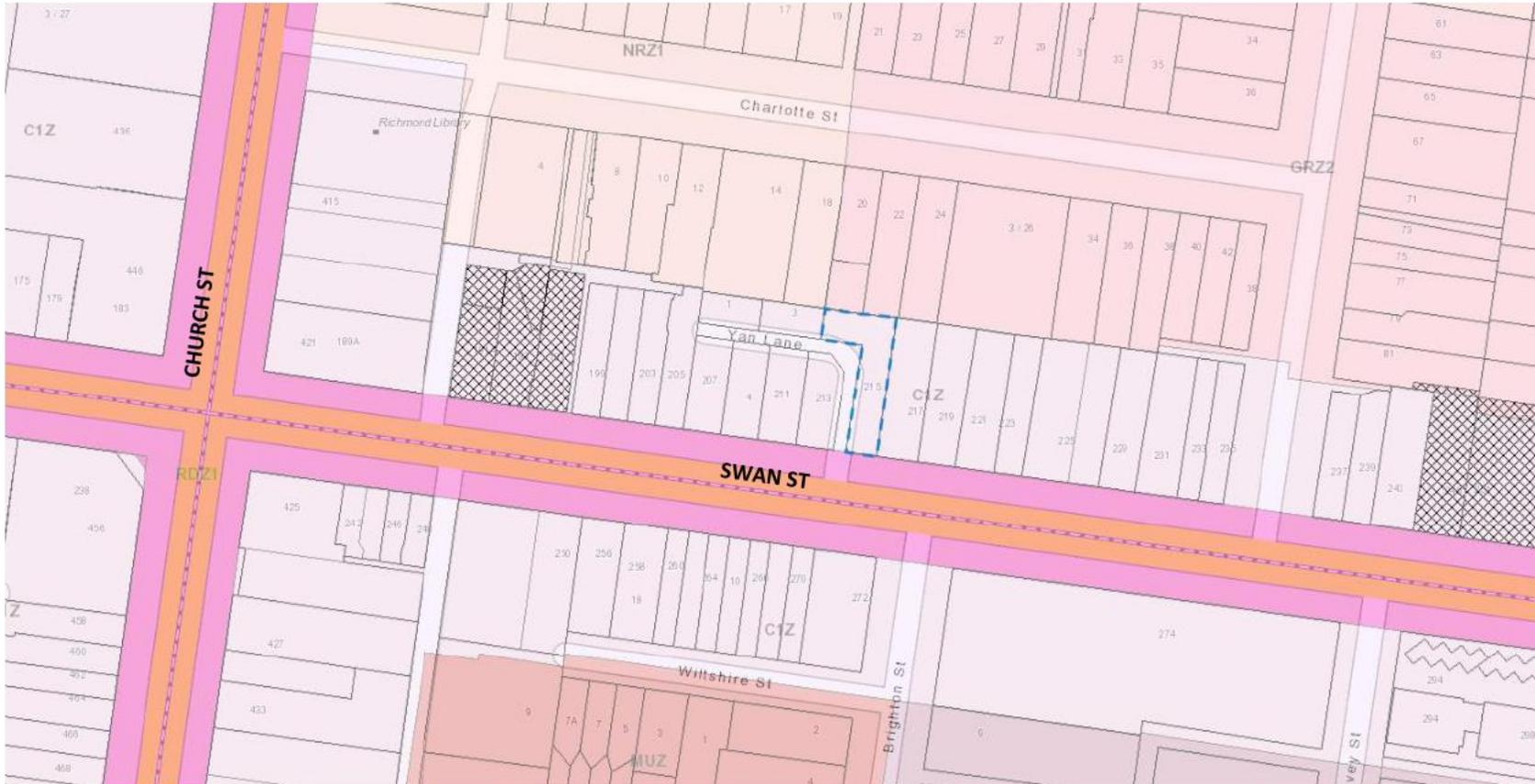
SITE LOCATION MAP (AERIAL)

Subject Site No.215 Swan Street Richmond shown pin-marked

Source: Near Map, 29 April 2021



Attachment 1 - PLN21/0148 - 215 Swan Street Richmond - Site Location Map



SITE LOCATION MAP (ZONING)

Subject Site No.215 Swan Street Richmond shown outlined ; GRZ2 and NRZ1 to the north of the site

Source: DELWP VicPlan, [Mapshare](#)



Attachment 2 - PLN21/0148 - 215 Swan Street Richmond - Advertised Materials (Written Documentation)



Samantha Tham
Statutory Planner
City of Yarra
Planning Department
P.O Box 168
Richmond VIC 3121

14th May 2021

PLANNING APPLICATION WRITTEN ASSESSMENT 215 SWAN ST - APPLICATION FOR CHANGE OF USE & FOR ON AND OFF PREMISES LIQUOR LICENCE

Planning application No: PLN21/0148
Address: 215 Swan St Richmond VIC 3121

Type of License Sought: General Licence **Maximum number of patrons:** 96

Description of Proposed Use:

Licensed Premises (Hotel) as identified in TheYarra Planning Scheme.

The intention is to use the venue as a Cocktail/Wine Bar with a live pianist, occasionally accompanied by other instrumentalists/vocalists. The venue will provide seating to a minimum of 50% of patrons.

Alcohol will be displayed in the bar, with payment made at the bar.

Packaged alcohol will also be available for purchase online for collection or delivery.

The venue will have a maximum of 8 staff on a shift, usually between 2 and 5 at any one time.

The first floor is to be used as offices (existing use) and does not form part of this application.

Some minor external building works will be the blocking up of the existing entry door from Yan Lan into the main bar, as per Acoustic Report Attenuation Measure #1, and the removal of the existing threshold at the main entrance, replaced by a threshold ramp.

Requested trading hours for the sale of alcohol for on-site consumption:

Sunday Between 10 a.m. and 11 p.m.

Good Friday & Anzac Day Between 12 noon and 11 p.m.

On any other day Between 9 a.m. and 1 a.m. the following day.

Requested trading hours for Take-away packaged alcohol:

Sunday Between 10 a.m. and 11 p.m.

Good Friday & Anzac Day Between 12 noon and 11 p.m.

On any other day Between 9 a.m. and 11 p.m.

It is expected that most sales before midday will be from the bottle shop element, although brunches and champagne breakfasts are likely occasional features. Although the intention is to trade to 1am, it is highly likely that patron numbers will not support this during the week, so midnight closure is far more likely Mon – Wed.

Attachment 2 - PLN21/0148 - 215 Swan Street Richmond - Advertised Materials (Written Documentation)



The venue has a capacity below 200 and is in an area generally populated by hospitality offerings, so falls within the council policies at Clause 22.09. While the policy prefers licenced properties within 30 metres of residences to close at 11pm, it does allow for 1am licences subject to impact assessment. The layout keeps patron ingress/egress to the Swan St elevation which, along with the Acoustic Report and implementation of its recommendations, and the location of the property among other similarly licenced offerings, should give confidence that a 1am licence is appropriate for this venue.

As such, we feel that the design meets the expectations of Clause 53.06-5.

Type of music / entertainment to be offered:

Live music is planned to be provided generally between 10am and 11pm, although not continuously for the duration. The style of music will generally be jazz or classical and is intended to be more 'incidental' rather than a full gig space. For example, there is no intention to sell tickets to see acts. An acoustic report has been commissioned, the recommendations of which have been adopted into the design of the venue.

The property is in a retail/business/hospitality strip of Swan Street with several retail, cafes, bars, and other licenced premises (refer to accompanying Goff Associates Drawing G001-1011-P1 Site Context Plan).

Licensed premises in the vicinity of 215 Swan St include:

- Jimmy Hornet, 269 Swan St, Richmond VIC 3121 (Live Music Bar)
Opening Hours: Tues – Thurs 5pm - 11pm, Fri / Sat 5pm - 12pm, Sun 5pm - 11pm
Capacity: (unknown)
- Union House, 270-272 Swan St (Bar)
Opening Hours: Mon / Tues / Wed 5pm - 11pm, Thurs / Sun 12pm - 12am, Fri/ Sat 12pm - 1am
Capacity: 120
- Agapi, 262 Swan St (Licenced Restaurant).
Opening Hours: Mon- Sunday 12pm - 12am.
Capacity: 40
- Solona 260A Swan St (Licenced Restaurant).
Opening Hours: Mon - Sun 4pm - 12am.
Capacity: 45
- Cochin Wine Bar & Restaurant, 258 Swan Street (Wine Bar).
Opening Hours: Tues-Sat 4pm - 11pm.
Capacity: 45
- Jai Ho Indian Restaurant, 205 Swan Street (Licenced Restaurant).
Opening Hours: Mon - Sunday 5pm - 11pm.
Capacity: 65
- The Bowery Locksmith, Level 1/203 Swan St Richmond (Licenced Function Space/Bar).
Opening Hours: Mon - Sun 5pm -1am.
- Fonda Mexican 248 Swan St (Licenced Restaurant).
Opening Hours 11.30am -9pm.
Capacity: 20
- Future Future, 191 Swan St (Licenced Restaurant).
Opening Hours: Tues /Wed / Thurs 6pm - 11pm, Fri/Sat 12pm - 11pm.

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- Capacity: 25
- Swan Hotel, 425 Church St (Bar).
Opening Hours: Sun/ Mon/Tues/Wed 12pm -12am, Thurs 12pm - 1am, Fri/Say 12pm - 3am.
Capacity: 80
- Ugly Duckling Bar 238 Swan Street (Cocktail and Wine Bar)
Opening Hours: Tues 5-11pm, Wed 5-12am, Thurs 5-1am, Fri 5- 3am, Sat 4pm-3am, Sun 2pm -11pm.
Capacity: (unknown)
- Noir 175 Swan Street (Licensed Restaurant)
Opening Hours: Tues- Sat 5pm – 10pm, Sun 12 – 3pm.
Capacity: (unknown)
- Palm Royale, 438 Church Street (Cocktail Bar)
Opening Hours: Tues-Fri 5pm – 1am, Sat 5pm – 12am.
Capacity: (unknown)

Local Transport Provision:

There are 6 off-street car parking bays off Yan Lane to the rear of the property (Staff Use).

There is a public 24hr off street carpark at 6 Charlotte St with restricted parking (2 hours).

East Richmond Train Station, located off Church Street, is a 3-minute walk.

Richmond Train Station is a 10-minute walk along Swan Street.

The no. 70 Tram travels along Swan St. The closest tram stop is on the corner of Church and Swan Streets.

The no. 78 Tram travels along Church St, the closest stops are also at the corner of Church Street and Swan St.

Taxis, Uber and Didi ride share services are all readily available in the area.

Car parking will be provided solely for staff, as patron parking in Yan Lane is considered to be a high potential for noise.

Given the nature of the property and the desire to avoid patrons accessing Yan Lane towards sensitive land uses, we feel it is unrealistic to include the statutory bicycle parking provision. We would therefore request this be waived.

Details of Waste Management:

While bins are currently located in the car park, we feel that moving all bins to internal locations will help to preserve the amenity of the area and reduce impact on sensitive land uses. Collection of bins will be restricted to the hours after 7am and before 10pm and all collections will occur from the kerbside on Swan St.

Delivery times associated with the licensed premises:

Generally between the hours of 9 a.m. and 5 p.m.

Kind regards,

DAN GOFF

Managing Director

Goff Associates Hospitality Design & Interior Architecture

Attachment 2 - PLN21/0148 - 215 Swan Street Richmond - Advertised Materials (Written Documentation)

16 April 2021

Goff's Richmond
215 Swan Street
RICHMOND VIC 3121

Attention: Dan Goff



Dear Dan,

LIQUOR LICENSE PATRON NUMBER DETERMINATION

TENANCY NAME: **Goff's Richmond**

ADDRESS: **Ground Level, 215 Swan Street, Richmond Vic 3121**

Thank you for your instructions to act regarding this matter.

We confirm the nature of the engagement as follows:

- (i) *To determine the usable/occupied floor areas available to members of the public based on:*
 - *drawing no. G001/1000 Rev P3 prepared by Goff Associates Hospitality Design and Interior Architecture dated January 2021 – Refer to Appendix A ;*
- (ii) *To determine the maximum number of occupants which can be accommodated on the premises based on an occupant density of 0.75m² / person as required by the Director of Liquor Licensing (in accordance with the Victorian Commission for Gambling and Liquor Regulation (VCGLR) Liquor Licensing Fact Sheet dated September 2018;*

No Occupancy Permit or Planning Permit were made available as part of this assessment. The calculations of this report are solely based on a 'desk top' review and scaling the provided drawing only.

Victorian Commission for Liquor & Gambling (VCGLR) - Ratio Calculation

Public Area

This analysis will use the occupant density of 0.75m² per person throughout (available public areas) as required by the Director of Liquor Licensing (as per VCGLR Liquor Licensing Fact Sheet – September 2018).

Usable/Occupied Area	Floor Area (Within Red Line Plan)	LLV Population Ratio (m ² /person)	Number of Patrons
Internal Area			
Dining /Bar	72m ²	0.75m ²	96 Patrons
Total maximum number of persons permitted			96 Patrons

*The maximum number of occupants which can be accommodated on the premises based on an occupant density of 0.75m² / person as required by the Director of Liquor Licensing (in accordance with the Victorian Commission for Gambling and Liquor Regulation (VCGLR) Liquor Licensing Fact Sheet is **96 people (Internal area).***

Alexander Group Building Surveyors | PO Box 3315, Doncaster East, VIC 3109 | Mob: 0417 211 758

Attachment 2 - PLN21/0148 - 215 Swan Street Richmond - Advertised Materials (Written Documentation)

IMPORTANT NOTES

This theoretical assessment has been undertaken strictly to provide information to the Director of Liquor Licensing for the sole purpose of liquor licensing only in accordance with the Liquor Licensing Fact Sheet & Maximum Patron Capacity.

*These calculations shall **NOT** be considered, nor substitute, used or construed as the determined total number of persons deemed accommodated or permitted to be accommodated under the provisions of the Building Act 1993 and Building Regulations 2018 for Occupancy Permit purposes or any planning permit approval purposes.*

Please do hesitate to contact our office should you have any queries.

Yours faithfully,



**Alexander Kelpezidis BS-U 16737
Director
Alexander Group Building Surveyors**

Attachment 2 - PLN21/0148 - 215 Swan Street Richmond - Advertised Materials (Written Documentation)



Samantha Tham
City of Yarra
Planning Department
P.O Box 168
Richmond VIC 3121

16th April 2021
Revised 30th April 2021

215 SWAN ST - NOISE AND AMENITY ACTION PLAN

1.0 Proposal

Goff's Richmond seeks to allow for the use of the land as a bar with ancillary bottle shop and associated General liquor license. Goff's Richmond is applying for a General liquor licence which authorises the licensee to supply alcohol to patrons within the licensed (red line) area, including packaged alcohol for consumption off-premises. The venue will principally be a cocktail and wine bar, with some largely acoustic live music.

Patrons will be greeted upon arrival and table service will be in place for the majority of trading hours.

The venue will cater to a maximum of 96 patrons and up to 8 staff members on site at any given time, with seating capacity provided for 48 patrons.

Goff Associates drawing G001-1000 indicates where alcohol will be served as part of the proposed bar and ancillary bottle shop, as well as the potential noise sources. As shown on the plan, seating is located internally towards the front of the building, away from sensitive land uses in the locality.

The operating hours of the proposed bar will at all times accord with the relevant liquor licence.

The intended hours for sale of alcohol are:

- Monday to Saturday: 9am-1:00am the following day
- Sunday: 10am-11pm

2.0 Noise & Amenity Impact

A number of measures will be implemented to restrict the impact of venue noise on the amenity of the area.

The most effective way to manage the amenity impact of the venue is to have well trained and effective staff.

There will be up to eight staff members working in the venue at any given time. All staff to be engaged to serve liquor at the premises will be 18 years or older and will have undertaken a Responsible Service of Alcohol program through the Victorian Commission of Gambling and Liquor. All staff will be provided a copy of the Noise and Amenity Action Plan to familiarise themselves with the procedures. Goff Associates drawing G001-1000 indicates internal sources of noise and the attenuations proposed to limit their impact on the locality.

Potential noise sources and other potential amenity impacts associated with the venue comprise:

- 2.1 Complaint handling
- 2.2 Patrons entering/exiting the venue.
- 2.3 Large patron group bookings.
- 2.4 Patrons who smoke outside the venue.
- 2.5 Patrons queuing to enter the venue.
- 2.6 Patrons exiting en masse when the venue is closing.
- 2.7 Recorded and live music in the venue.
- 2.8 Deliveries.
- 2.9 Waste collection and disposal.
- 2.10 External Lighting

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2.1 Complaints

A manager or authorised staff member will be onsite at all times during trading hours to receive and address complaints. In the event a complaint is received from any external party as to activities at the site, an investigation will be carried out by the manager and related management procedures will be reviewed to reduce the likelihood of re-occurring issues. A logbook of any complaints will be maintained including the time and date, names and addresses of the complainants, and the steps and measures undertaken to address or resolve issues raised. The logbook will always be kept in a nominated position and made available for Council, and Police at all times during the hours of operating, as well as for VCGLR inspectors.

A phone number of the manager will be provided upon request to any resident or relevant officer at any time during or after hours.

2.2 Ingress and Egress

Patron noise will be mitigated by the use of an ingress/egress point at the front of the property, on the main road and away from sensitive land uses in the locality.

Staff members will endeavour to ensure that patrons leave the bar in an orderly and quiet manner, respectful of the locality.

The rear door is an emergency exit only and will otherwise remain closed. A sign shall be placed on the rear door advising patrons that the door is an Emergency Exit only.

Sound that escapes from the front (patron) entrance will not impact the amenity of Swan Street which is commercial in nature.

2.3 Group Bookings

In the event of a large group attending the venue, their departure will be closely monitored and all patrons encouraged to leave the area quickly and quietly. A member of staff will be assigned to the front of the property during the departure of any large groups.

2.4 Smokers

Smoking patrons will be restricted to the area directly in front of the venue.

2.5 Queuing

Should the unexpected necessity for queuing arise, this will occur on Swan Street and be directed to the east of the front entrance. However, patrons will generally either be admitted straight away or turned away when the maximum 96 patrons are reached.

2.6 Venue Closing

Upon the venue closing at the cessation of trading, a member of staff/manager/security will be assigned to the front of the property to ensure efficient and quiet dispersal of patrons.

Patrons will be given ten minute's advanced notice of venue closure. Patrons will be encouraged to leave gradually over 30 minutes from cessation of trade, which will reduce the risk of large numbers of people on the street.

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2.7 Music

The internalised nature of the bar will ensure that any excess noise will be generally confined within the building and absorbed by the building. Background music levels will be controlled by management staff.

There will be live music on site, which will be generally acoustic with occasional amplification required for vocals and/or individual instruments.

Live music will generally be limited to the hours between 10am and 11pm.

Speaker locations are indicated on Goff Associates drawing G001-1000.

No speakers will be installed outside of the building.

2.8 Deliveries

No incoming deliveries will occur before 7am or after 10pm on any day.

2.9 Waste Management

All bins will be stored internally at the property and collections of will occur after 7am and before 10pm.

2.10 Lighting

External lighting will be limited to the front of the building. Internal lighting will not be directed out into the public realm.

Security lighting outside the premises is not planned as there is adequate public street lighting.

3.0 Conclusion

We submit that given the context of the site and surrounding areas, this Noise and Amenity Plan is responsive to the site context and that the proposal will not impact upon the amenity of its surrounds.

Yours sincerely,

DAN GOFF
Managing Director
Goff Associates Hospitality Design & Interior Architecture

Attachment 2 - PLN21/0148 - 215 Swan Street Richmond - Advertised Materials (Written Documentation)



Report R01 Rev2 21042

11 May 2021

215 Swan Street, Richmond
Planning Application Acoustic Assessment

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Attachment 2 - PLN21/0148 - 215 Swan Street Richmond - Advertised Materials (Written Documentation)



PROJECT SUMMARY:
 R01 Rev2 21042
 215 Swan Street, Richmond
 Planning Application Acoustic Assessment

PREPARED FOR:
 Goff Associates
 215 Swan Street
 Richmond VIC 3121

ATTENTION:
 Mr Dan Goff

REFERENCE	REV	STATUS	DATE	AUTHOR	REVIEWER
R01 21042	-	DRAFT	15 APR 2021	R LEO	A CHANDHOK
R01 21042	-	ISSUED	15 APR 2021	R LEO	A CHANDHOK
R01 21042	Rev1	FINAL	16 APR 2021	R LEO	A CHANDHOK
R01 21042	Rev2	FINAL	11 MAY 2021	R LEO	A CHANDHOK

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1.0 INTRODUCTION

It is proposed to develop a new licensed venue at 215 Swan Street in Richmond. The proposed venue will occupy the ground floor of the existing building on the site.

Music within the venue is to be limited to moderately amplified music with the exception of periods when the venue will have live music inside the main bar area.

Clarity Acoustics Pty Ltd (Clarity Acoustics) has been engaged by Goff Associates to assess music noise associated with the proposed venue. This report provides details of noise measurements, relevant noise criteria and an assessment of music noise against the relevant criteria. It should be noted that external patron areas are not proposed and, as such, this report is limited to the assessment of music only.

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 215 Swan Street in Richmond and is bounded by:

- Residences on Charlotte Street to the north
- Commercial properties on Swan Street to the east
- Swan Street to the south with commercial premises beyond
- Commercial properties on Swan Street and residences on Yan Lane to the west.

The nearest affected noise sensitive receivers are on Yan Lane to the west and on Charlotte Street to the north.

The subject site is located in a Commercial 1 Zone (C1Z) with General Residential Zone 2 (GRZ2), Neighbourhood Residential Zone (NRZ1) and Road Zone – Category 1 (RDZ1) in the immediate environs. The relevant planning map for the subject site is provided in APPENDIX B.

2.2 Nearest affected residences

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 affected noise sensitive receivers

ID	Address	Description
R1	3 Yan Lane	Three storey dwelling to the west of the subject site
R2	1 Yan Lane	Three storey dwelling to the west of the subject site
R3	18 Charlotte Street	Single storey dwelling to the north-west of the subject site
R4	20 Charlotte Street	Double storey dwelling to the north of the subject site
R5	22 Charlotte Street	Single storey dwelling to the north of the subject site
R6	24 Charlotte Street	Single storey dwelling to the north-east of the subject site

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

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



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2.3 Proposed site operations

It is proposed that the venue will operate until 0100 hours the following day, Monday to Saturday and until 2300 hours on Sundays.

The main entrance to the venue is at the front of the building with access from Swan Street. There is an emergency/back-of-house entrance also located on the western side of the building toward the rear, however, this will only be used for patron ingress and egress during emergencies.

No additional mechanical plant is proposed as part of the development of the venue.

Drawings outlining the proposed venue layout are provided in APPENDIX C.

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 in relation to music noise.

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 *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2* (SEPP N-2) sets out noise limits applicable to music produced at indoor and outdoor entertainment venues in Victoria. The goal of 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 D for further detail on SEPP N-2.

3.3 City of Yarra's Planning Provisions Clause 53.06

Clause 53.06 of City of Yarra's planning provisions is intended to protect live music entertainment venues from the encroachment of noise sensitive residential uses and protect noise sensitive uses from unreasonable levels of live music and entertainment noise.

For new live music venues, Clause 53.06 places the onus on the developer to include appropriate noise attenuation measures to protect against unreasonable levels of live music noise at any existing residence within 50 m of the proposed venue. In this scenario, the venue must be designed, constructed and managed to comply with SEPP N-2 at existing residences.

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4.0 EXISTING NOISE ENVIRONMENT

The SEPP N-2 noise limits for the proposed venue are set accounting for existing background noise levels in the vicinity of the nearby properties. A secure location was not able to be identified to install a noise monitor in the vicinity of the subject site to undertake long-term noise monitoring. As such, attended noise monitoring was conducted at the subject site to quantify the background noise levels over time periods relevant to the proposed operation of venue.

The attended background noise measurements were conducted using a Class 1 sound level meter (Svantek 977C Class 1 Sound level meter - serial number 92629), on 30 March 2021 and 9 April 2021. The measurements were undertaken within the car park area to the west of the venue building with the microphone set at a height of 1.5 m above ground level. The measurement position was shielded from traffic on Swan Street. Mechanical plant associated with the venue at 213 Swan Street was not operational during the attended measurements.

The noise measurement location is provided in APPENDIX E.

The equipment was checked before and after the survey using a Class 1 calibrator (Svantek SV35 – serial number 58085) and no significant calibration drifts were observed.

Table 2 provides the measured day and evening period background noise levels.

Table 2 – Measured background noise levels dB

Date	Measurement period	Measured background noise level, L _{A90, 15 minute}
Tuesday, 30 March 2021	1435-1506 hours	53
Tuesday, 30 March 2021	2135-2205 hours	49
Friday, 9 April 2021	2110-2200 hours	53

For the purpose of our assessment, we have used the lowest measured 15-minute background noise levels for each SEPP N-2 period for the derivation of the relevant noise limit.

Table 3 provides the lowest 15-minute background noise level (L_{A90}) spectrum measured in accordance with SEPP N-2 during the night time period.

Table 3 – Measured night time background noise levels, dB L₉₀ (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 (31/03/21 – 0030-0100 hours)	46	40	37	35	32	26	17	37

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5.0 RECOMMENDED NOISE MITIGATION MEASURES

A 3-D noise model of the subject site and surrounding area has been created to predict music noise from the operation of the proposed venue at the nearest affected residences. Outcomes of the noise modelling and measurements indicate that the following noise controls are required.

5.1 Existing door from main bar to Yan Lane

There is currently a glazed set of doors leading from the main bar area to Yan Lane which are proposed to be blocked up. The doors to Yan Lane are shown in Figure 2 below.

Figure 2 - Door leading from main bar to Yan Lane



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It is recommended that the door set be blocked as per the following:

- A mass layer externally with a density of at least 22 kg/m² such as 12 mm thick compressed fibre cement sheet
- The existing door set with the base sealed by reducing the gap to less than 2 mm using a 9 mm thick plywood strip or similar that is sealed using a sealant to both the door set and the threshold (the existing door set to be retained in place)
- A minimum 50 mm thick cavity with 50 mm thick polyester, fibreglass or rockwool cavity insulation
- A mass layer internally with a surface density of at least 40 kg/m² such as 2 by 12 mm thick compressed fibre cement sheet or 2 by 25 mm thick shaftliner plasterboard.

5.2 Doors between main bar area and bathrooms

It is proposed that there will be two doors at each end of the corridor linking the main bar area to the bathrooms at the rear of the venue. It is recommended that these doors be 35 mm thick solid core doors with acoustic perimeter and drop seals and automatic closing devices. Suitable acoustic seals include the following:

- Drop seals - Raven RP38, Kilargo IS8011si or Lorient LAS8006si
- Perimeter seals - Raven RP10, Kilargo IS7080 or Lorient LAS7001.

5.3 Window and door to office

It is proposed that the existing sliding window between the office and the main bar area is to be replaced with a fixed window. It is recommended that the new glazing be constructed of a minimum 10 mm thick glass.

In addition, it is recommended that the existing office door be fitted with an automatic closing device and acoustic seals as per Section 5.2 above.

5.4 Rear emergency/back-of-house door

The rear emergency/back-of-house door should be fitted with seals and an automatic closing device as per the recommendations for the corridor doors provided in Section 5.2 above.

5.5 Accessible WC

The accessible WC is located within the main bar area. At this stage, ventilation details for the accessible WC are not available, however, any penetration through the existing building fabric for ventilation of the accessible WC will need to be designed to not de-rate the overall performance of the existing building fabric.

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6.0 SEPP N-2 ASSESSMENT

As outlined in Section 3.2, music noise from the proposed venue must comply with the SEPP N-2 noise limits at the nearest affected receivers. A 3-D noise model of the site and surrounding area has been created to predict music noise from the proposed operation of the venue at the nearest affected receivers.

The following sections outline SEPP N-2 noise limits applicable to the venue, detail the noise assessment methodology use to predict noise levels from the operation of the venue, 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.

6.1 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 4 and Table 5.

Table 4 - SEPP N-2 day/evening period noise limits, dB

Description	Noise Limit, $L_{Aeq, 15 \text{ minute}}$
SEPP N-2 day/evening noise limit	58/54

Table 5 - SEPP N-2 night period noise limit, dB $L_{10, 15 \text{ minute}}$

Description	Octave Band Centre Frequency						
	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz
SEPP N-2 noise limit (2200-0000 hours)	54	48	45	43	40	34	25

Refer to APPENDIX D for further detail on the SEPP N-2 noise limit derivation.

6.2 Noise assessment methodology

Music levels from the proposed venue have been calculated at the nearest affected receivers using the proprietary noise modelling software SoundPLAN v8.2 which implements International Standard ISO 9613-2:1996 *Acoustics – Attenuation of sound during propagation outdoors – Part 2: General method of calculation* (ISO 9613-2).

Music noise levels from subject site are calculated considering the following:

- The noise prediction methodology outlined in APPENDIX F
- Reverberant music levels for the venue as outlined in Table 6
- Attenuation of noise provided by the built form of the subject site, distance between the source and receiver and any intervening screening structures
- Attenuation of noise provided by the recommended mitigation measures outlined in Section 5.0
- Reflections from built form, adjacent buildings, screening structures and the ground surface.

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6.3 Music levels within the proposed venue

The venue is proposing to include live music in the form of a 2 or 3-piece band with amplified vocals or unamplified music (i.e., an acoustic guitar and unamplified vocals). The proposed live music may include piano. At all other times, moderately amplified music is proposed.

Table 6 provides the typical music levels included in the noise model for live music and moderately amplified music.

Table 6 – Reverberant music levels, dB L_{10, 15 minute}

Description	Octave Band Centre Frequency							A
	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	
Reverberant music noise level during live music	92	93	92	91	88	83	82	93
Reverberant moderately amplified music noise level	90	90	90	87	85	80	80	90

For the purpose of this assessment the L_{eq} music levels are taken to be 3 dB lower than the L₁₀ music levels. The assessment in subsequent sections is based on the highest music level outlined in Table 6.

6.4 Music noise assessment

Table 7 provides the predicted day and evening period music noise levels from the proposed operation of the venue at the nearest affected residences and compares the predicted noise levels with the relevant SEPP N-2 noise limit.

Table 7 – Predicted day and evening period music noise levels, dB

Receiver	Predicted day and evening music noise level, L _{Aeq}	SEPP N-2 noise limit, L _{Aeq}	Compliance
3 Yan Lane	36	58/54	Yes
1 Yan Lane	26	58/54	Yes
18 Charlotte Street	26	58/54	Yes
20 Charlotte Street	26	58/54	Yes
22 Charlotte Street	17	58/54	Yes
24 Charlotte Street	17	58/54	Yes

It can be seen from Table 7 that the day and evening period music noise levels associated with the venue are predicted to comply with the relevant SEPP N-2 noise limits at the nearest affected residences with the recommended noise mitigation incorporated into the design.

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Table 8 provides the predicted night-time music noise levels at the nearest affected residences and compares the predicted noise levels with the SEPP N-2 night time noise limit.

Table 8 – Predicted night-time music noise, dB

Receiver	Octave Band Centre Frequency						
	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz
3 Yan Lane	51	46	41	37	32	27	22
1 Yan Lane	43	37	31	28	22	19	15
18 Charlotte Street	42	37	31	28	22	17	<15
20 Charlotte Street	44	39	32	25	19	<15	<15
22 Charlotte Street	35	30	22	18	<15	<15	<15
24 Charlotte Street	35	30	23	17	11	<15	<15
SEPP N-2 night time noise limit	54	48	45	44	40	34	25
Compliance?	Yes	Yes	Yes	Yes	Yes	Yes	Yes

It can be seen from Table 8 that the music noise levels associated with the venue are predicted to comply with the SEPP N-2 night-time noise limits at the nearest affected residences with the recommended noise mitigation incorporated into the design.

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7.0 SUMMARY

It is proposed to develop a new licensed venue at 215 Swan Street in Richmond. The venue is proposing to have live acoustic music.

Clarity Acoustics has carried out an assessment of music levels from the operation of the proposed venue considering the SEPP N-2 noise limits outlined in Section 6.1. The noise assessment is based on the following:

- Operation of the main bar area up to 0100 hours
- Live acoustic music levels and moderately amplified music levels as outlined in Table 6.

It is recommended that the following noise controls are implemented into the venue design:

- The existing door to Yan Lane to be blocked up as per Section 5.1 of this report
- The doors to the passage to be constructed as per Section 5.2 (i.e., solid core doors with seals and automatic closing mechanisms)
- The door to the office and rear emergency door to include seals and an automatic closing mechanism
- The window from the main bar to the office to be fixed and be constructed of a minimum of 10 mm thick glass
- Any penetration through the existing building fabric for ventilation of the accessible WC will need to be designed to not de-rate the overall performance of the existing building fabric.

Based on the above noise controls and the proposed design of the venue, compliance with SEPP N-2 can be achieved.

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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.
R_w	Weighted Sound Reduction Index - A single number rating of airborne sound insulation between rooms, over a range of frequencies - laboratory measurement.

Attachment 2 - PLN21/0148 - 215 Swan Street Richmond - Advertised Materials (Written Documentation)



APPENDIX B PLANNING MAP



Attachment 2 - PLN21/0148 - 215 Swan Street Richmond - Advertised Materials (Written Documentation)



APPENDIX D 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 9 provides the SEPP N-2 criteria for the Day/Evening and Night-time periods.

Table 9 - 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_{OCT10}) is not to exceed the background noise level (L_{OCT90}) by more than 8 dB in any octave band (63 Hz-4 Hz) at a noise-sensitive area

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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 10 provides the operating periods for indoor venues.

Table 10 - 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	[Night]												[Day/Evening]											
	Saturday	[Night]												[Day/Evening]											
	Sunday	[Night]												[Day/Evening]											
	Other	[Day/Evening]												[Day/Evening]											
Two or three	Thursday	[Night]												[Day/Evening]											
	Friday	[Night]												[Day/Evening]											
	Saturday	[Night]												[Day/Evening]											
	Sunday	[Night]												[Day/Evening]											
	Other	[Day/Evening]												[Day/Evening]											
More than three	Saturday	[Night]												[Day/Evening]											
	Sunday	[Night]												[Day/Evening]											
	Other	[Day/Evening]												[Day/Evening]											

Operating Periods
 Night
 Day/Evening

Attachment 2 - PLN21/0148 - 215 Swan Street Richmond - Advertised Materials (Written Documentation)



APPENDIX E BACKGROUND NOISE MEASUREMENT LOCATION



Attachment 2 - PLN21/0148 - 215 Swan Street Richmond - Advertised Materials (Written Documentation)



APPENDIX F 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 6
- 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 11 below.

Table 11 - Noise prediction methodology

Detail	Description
Software	Proprietary noise modelling software SoundPLAN v8.2
Method	International Standard ISO 9613-2:1996 Acoustics – Attenuation of sound during propagation outdoors – Part 2: General method of calculation (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

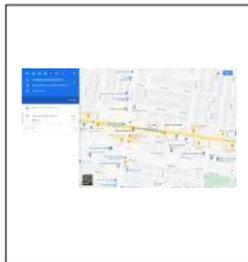
Attachment 2 - PLN21/0148 - 215 Swan Street Richmond - Advertised Materials (Written Documentation)



215 Swan Street Richmond

Use of land for the sale of liquor for consumption on or off the premises pursuant to a General licence

Cumulative Impact Assessment for Licensed premises



Priority Planning Pty Ltd
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Licensed premises: Assessing cumulative impact

Planning Practice Note | 61 JUNE 2015

The purpose of this practice note is to:

1. Explain cumulative impact in relation to licensed premises in the planning system;
2. Provide guidelines that:
 - assist a permit applicant when considering and responding to the potential cumulative impact of their proposal
 - support a council when assessing the cumulative impact of licensed premises as part of a planning permit application.

This practice note provides guidance on preparing and assessing an application under

Cumulative impact

Cumulative impact refers to both positive and negative impacts that can result from clustering a particular land use or type of land use. Potential cumulative impact from a cluster of licensed premises will vary between locations, depending on the mix and number of venues and whether the area is a destination for activities associated with the supply of alcohol. Cumulative impact is a product of the number and type of venues present, the way they are managed, and the capacity of the local area to accommodate those venues.

- Negative cumulative impacts can include increased occurrences of:
- nuisance including noise and/or social behaviour from intoxicated persons;
 - infrastructure capacity problems including limited availability of transport and car parking for patrons and local residents;
 - violence and perceived threats to safety;
 - crime including vandalism, trespass and property damage.

Positive cumulative impact can include:

- the creation of a local 'identity' or status as an entertainment or tourism destination.

Attachment 2 - PLN21/0148 - 215 Swan Street Richmond - Advertised Materials (Written Documentation)

Cumulative Impact Assessment
215 Swan Street Richmond

Cumulative Impact Assessment

Proposed licensed premises at 215 Swan Street Richmond

Introduction

This Cumulative Impact Assessment ("Assessment") has been prepared in accordance with point 6 of Council's further information letter of 24 March 2021 and is designed to assess the impacts of the proposed licensed premises (the "proposal") at 215 Swan Street, Richmond (the "site" or "subject site") in the context of existing licensed premises within a 500m radius (the "Study Area") of the site.

This Assessment is based on the criteria in Planning Practice Note 61, "Licensed premises: Assessing cumulative impact", Department of Planning and Community Development, June 2015 ("PPN61").

Specifically, a Cumulative Impact Assessment is required as the proposal involves licensed trading within a "cluster" of licensed premises and after 11pm.

The proposal, which involves the sale of liquor for consumption on or off the premises (Hotel), is well-supported by the Yarra Planning Scheme, with amongst other things, the site being located in the Swan Street Major Activity Centre, in which state and local policy both encourage retail entertainment uses.

While the site is not on Swan Street west of Church Street (a designated Core Entertainment Precinct) where Council policy encourages licensed premises with a capacity of more than 200 patrons to locate, it is nonetheless in a Commercial 1 Zone and the proposal involves a capacity of only 96 patrons.

The area within 100m of the site is characterised by less intensive licensed premises than elsewhere in the Activity Centre, a context into which the proposal will sit comfortably.

The Study Area can accommodate the proposed licensed premises without significant negative amenity impacts having regard to the following considerations:

- It has excellent access to the Principal Public Transport Network (including trains and trams), the Night Network, on-street and off-street parking and taxis;
- Appropriate separation from the nearest dwellings and other sensitive uses to meet noise minimisation standards;
- A built form reflecting many contemporary public safety principles (including active frontages, good street lighting etc); and
- Excellent pedestrian circulation.

All likely patron dispersal routes will be away from residential areas.

The proposal will provide a new licensed premises use while also achieving appropriate amenity protection outcomes.

Existing conditions

The site is a small "L-shaped" commercial lot that abuts the north side of Swan Street and the east side of Yan Lane in the Swan Street Major Activity Centre, Richmond.

Refer to location map.

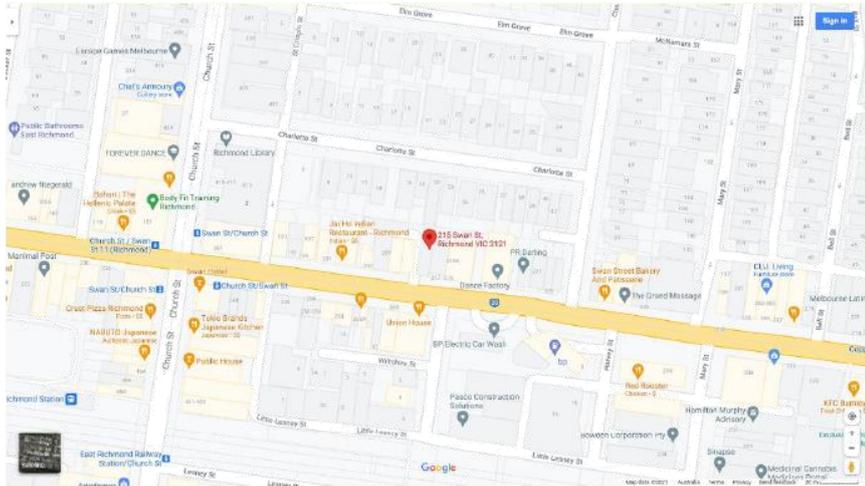
The site contains an existing double-storey Victorian commercial building which is currently vacant having previously been used as a photography studio.

A car park is located on the north-west corner of the site.

Attachment 2 - PLN21/0148 - 215 Swan Street Richmond - Advertised Materials (Written Documentation)

Cumulative Impact Assessment
215 Swan Street Richmond

Location Map



Locality plan with site marked with red peg



Oblique aerial photo showing site (marked with red peg) in context of adjoining land. This shows Swan Street (in the foreground), Charlotte Street (in the background) and the on-site car park at the end of the lane.

Attachment 2 - PLN21/0148 - 215 Swan Street Richmond - Advertised Materials (Written Documentation)

Cumulative Impact Assessment
215 Swan Street Richmond

The site



The site (ground level in centre) in its Swan Street streetscape context



Commercial buildings to east of site



View looking east along Swan Street



Commercial buildings to west of Yan Lane. This includes the St Urban licensed premises

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Cumulative Impact Assessment
215 Swan Street Richmond



Commercial buildings including possible upper level dwelling fronting north side of Swan Street west of site



Union House (licensed premises) located directly opposite site, on north-west corner of Swan Street and Brighton Street.



Shops and restaurants further west along the south side of Swan Street



View looking west along Swan Street from near site



View looking north along Yan Lane (site on right of photo)



Two dwellings directly opposite the rear of site, to its west

Attachment 2 - PLN21/0148 - 215 Swan Street Richmond - Advertised Materials (Written Documentation)

Cumulative Impact Assessment
215 Swan Street Richmond



Car parking at rear of site (off end of Yan Lane)



Side of subject building looking south towards Swan Street



Looking south across Swan Street and along Brighton Street



Car wash on north-east corner of Swan and Brighton Street's



BP petrol station further east

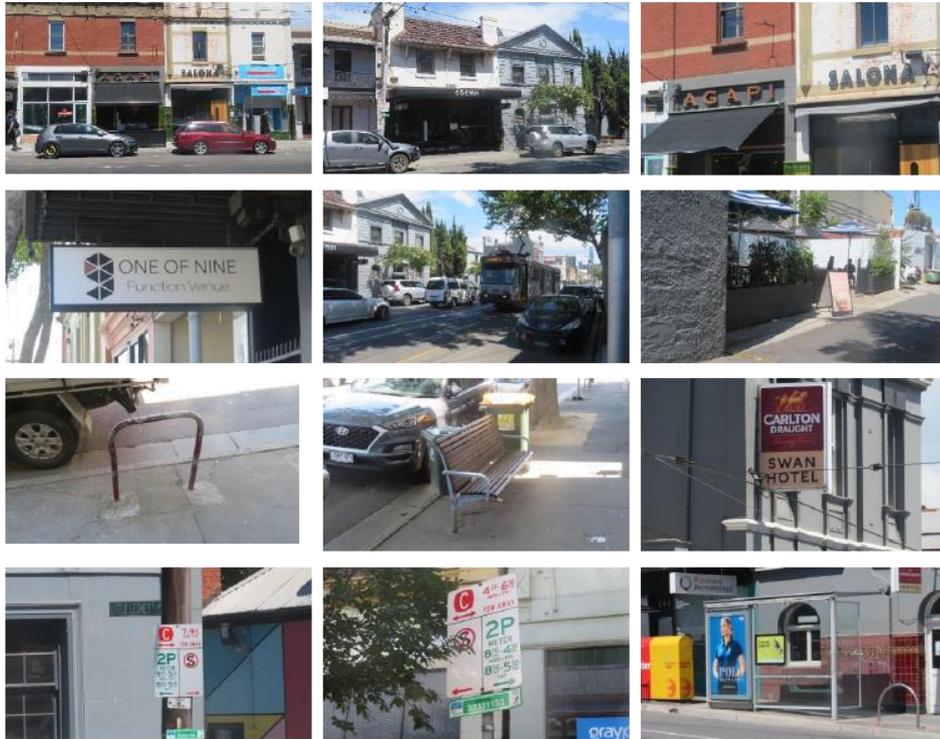


View looking east along Swan Street from near site



Attachment 2 - PLN21/0148 - 215 Swan Street Richmond - Advertised Materials (Written Documentation)

Cumulative Impact Assessment
215 Swan Street Richmond



Swan Street between Brighton Street and Church Street



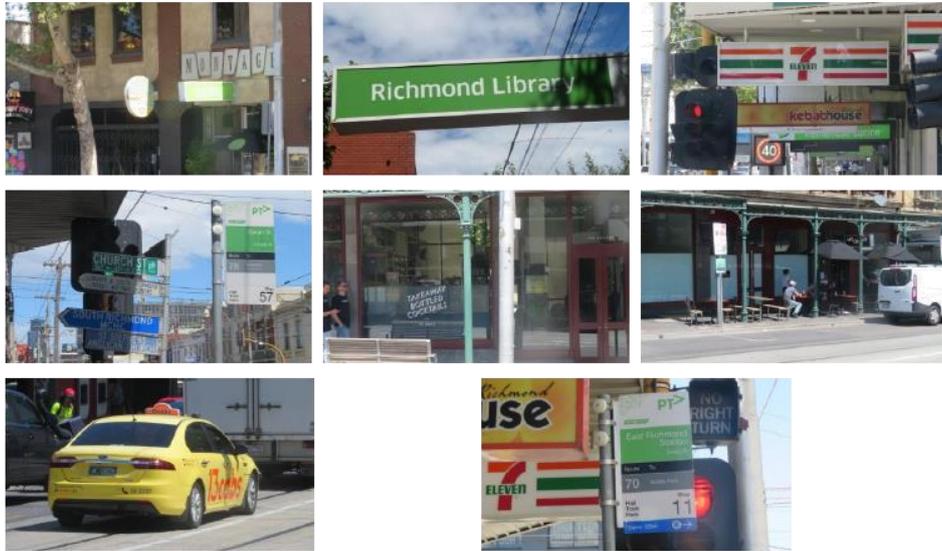
Charlotte Street carpark (accessible directly from Swan Street via St Crispin Street)



Charlotte Street

Attachment 2 - PLN21/0148 - 215 Swan Street Richmond - Advertised Materials (Written Documentation)

Cumulative Impact Assessment
215 Swan Street Richmond



Church Street north of Swan Street and Swan Street west of Church Street



Intersection of Swan Street and Church Street, looking (clockwise from top left) north, south, east and west



Church Street south of Swan Street

Attachment 2 - PLN21/0148 - 215 Swan Street Richmond - Advertised Materials (Written Documentation)

Cumulative Impact Assessment
215 Swan Street Richmond



Swan Street east of Brighton Street



Public toilet and public parking between Dickman Street and Docker Street

The proposal

The proposal is described in the original Planning Application Statement by Goff Associates Pty Ltd:

The intention is to use the venue as a Cocktail/Wine Bar with a live pianist, occasionally accompanied by other instrumentalists/vocalists.

The venue will provide maximum seating to at least 50% of patrons.

Alcohol will be displayed in the bar, with payment made at the bar.

Packaged alcohol will also be available for purchase online for collection or delivery.

The venue will have a maximum of 8 staff on a shift, usually between 2 and 5 at any one time.

Type of License Sought: General Licence

Trading hours:

- *Sunday Between 10 a.m. and 11 p.m.*
- *Good Friday & Anzac Day Between 12 noon and 11 p.m.*
- *On any other day Between 9 a.m. and 1 a.m. the day following.*

Requested trading hours for Take-away packaged alcohol:

- *Mon - Sat 9am - 11pm,*
- *Sunday 10am - 11pm,*
- *Good Friday/ Anzac Day 12noon - 11pm*
- *Maximum number of patrons: 96.*

Type of music / entertainment to be offered:

- *Generally recorded musical works during trading hours. Some live musical performance, generally acoustic but occasional amplification required for vocals and specific instrument types. No playing of recorded musical works on the premises higher than background music at any time outside ordinary trading hours.*

Details of Waste Management:

- *Storage of waste on private property to the rear of the existing premises (noted on plan as 215 External Area).*
- *Collection with the hours of 9am - 5pm, Mon - Fri.*

Delivery times associated with the licensed premises:

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Cumulative Impact Assessment
215 Swan Street Richmond

- Generally within the hours of 9am - 5pm, Mon - Fri.

Potential off-site impacts, including identification of ways in which such impacts will be managed:

- The proposed operation is similar to that of the neighbouring property (213 Swan St), as well as a number of other existing and approved businesses in the immediate local area. As such, the impact on the area is anticipated to be minimal.
- The premises will have emergency procedures in place standard for any license premises, in accordance with the applicable local, State and Federal law and in accordance with all applicable conditions.

Procedures undertaken by staff in the event of a complaint by a member of public:

- Procedures to handle complaints will be handled by experienced senior staff. An authorised manager will be on the premises during all hours of operation. All complaints will be recorded and retained for owner/manager to review and action in consultation with relevant authorities as required.

Management of Patrons:

- Arrival and exit through the main entrance on Yan Lane, as 213 Swan St. Patrons will generally be greeted upon arrival, regardless of whether or not they have a reservation, unless there is no available capacity. Those patrons collecting packaged alcohol will be greeted and referred to the bar area for collection OR purchases will be delivered to the patron's address. Loitering will not be permitted inside or outside the property or premise.

By letter to the Council dated 16th April 2021 Goff Associates Pty Ltd now states:

Further to your letter of 24th March 2021, we have now reviewed and revised our designs to address the items council have raised. We understand the concerns of officers and have elected to redesign the venue so as to keep all activity away from the rear of the building and, therefore, remove the impact on the nearby residences. Below I have responded sequentially to each item raised in your letter.

...

Written Assessment

3. Revisions to the written assessment:

a) The proposed hours for sale and consumption of liquor are 9am – 1am the next day Mon – Sat and 10am – 11pm Sunday. It is expected that most sales before midday will be from the bottle shop element, although brunches and champagne breakfasts are likely occasional features. Although the intention is to trade to 1am, it is highly likely that patron numbers will not support this during the week, so midnight closure is far more likely Mon – Wed.

b) Details on waste management can be found in the attached NAAP and Cumulative Impact Assessment. In summary, the intention is to store external bins in the private car park and to only allow access to them between 7am and 10pm, with no collections occurring at weekends.

c) The external area of the site is a private carpark with space for six cars. The full space is owned by 215 Swan St.

d) The first floor is to be used as offices (existing use) and does not form part of this application.

e) Live music is planned to be provided generally between 10am and 11pm, although not continuously for the duration. The style of music will generally be jazz or classical and is intended to be more 'incidental' rather than a full gig space. For example, there is no intention to sell tickets to see acts. An acoustic report has been commissioned, the recommendations of which have been adopted into the design of the venue.

f) Car parking will be provided solely for staff, as patron parking in Yan Lane is considered to be a high potential for noise.

g) The new layout now conforms more conventionally to the VCGLR Design Guidelines and the removal of the entrance from Yan Lane has mitigated the necessity for an assessment of its acceptability.

h) The venue has a capacity below 200 and is in an area generally populated by hospitality offerings, so falls within the council policies at Clause 22.09. While the policy prefers licenced properties within 30 metres of residences to close at 11pm, it does allow for 1am licences subject to impact assessment. The redesigning of the layout to keep patron ingress/egress to the Swan St elevation, along with the Acoustic Report and implementation of its recommendations, and the location of the property among other similarly licenced offerings, should give confidence that a 1am licence is appropriate for this venue.

Live music at this venue is not intended to be the main draw and, therefore, will not be of high impact to the amenity of the area. It is not intended that the venue be a loud gig space. Rather, live music is intended to be a backdrop to patrons' drinking and dining experience.

The Acoustic Report has taken into account the live music element of the venue and we have implemented the recommendations contained within it.

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Cumulative Impact Assessment
215 Swan Street Richmond

As such, we feel that the design now meets the expectations of Clause 53.06-5.

The proposal will operate under a Noise and Amenity Action Plan and an Acoustic Report, both of which will be submitted concurrent with this Assessment.

Introduction to PPN61

Practice Note 61 follows the decision of the Victorian Civil and Administrative Tribunal known as *Swancom Pty Ltd v Yarra CC (Red Dot)* [2009] VCAT 923 (10 June 2009) ("Swancom"), which in turn led to the relevant decision guideline at Clause 52.27 Licensed Premises, which now reads:

The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

Another relevant document, the Statement of Policy on "Assessment of the cumulative impact of licensed premises" pursuant to the Liquor Control Reform Act 1998, Victorian Government, 5 October 2010, states:

Cumulative Impact refers to the impacts that result from a concentration of licensed premises in a defined area. Evidence has identified that cumulative impact is associated with a range of positive and negative outcomes that arise from the combination of many factors such as physical and environmental setting, the mix of premises and their operating conditions.

The positive outcomes can include the creation of a local 'identity' or status as an entertainment destination, enhanced vitality, economic benefits, and an increase in consumer choice. The negative outcomes of cumulative impact can include crime, a loss of amenity, and anti-social behaviours.

Potential cumulative impacts vary between locations, depending on the number and type of licensed premises, and the capacity of the local area to accommodate the concentration e.g. the availability of late night transport.

As stated in the Introduction to this Assessment the full name of PPN61 is Practice Note 61, "Licensed premises: Assessing cumulative impact", Department of Environment Land Water and Planning, June 2015.

PPN61 includes the following of relevance to the Assessment:

The purpose of this practice note is to:

1. Explain cumulative impact in relation to licensed premises in the planning system.
2. Provide guidelines that:

- Assist a permit applicant when considering and responding to the potential cumulative impact of their proposal
- Support a council when assessing the cumulative impact of licensed premises as part of a planning permit application.

This practice note provides guidance on preparing and assessing an application under Clause 52.27 of the planning scheme. Land uses likely to require a permit under Clause 52.27 include a Bottle shop, Nightclub, Restricted place of assembly, Food and drink premises, Restricted recreation facility and certain other premises that may be licensed to sell or consume liquor. Food and drink premises include Tavern, Hotel, Restaurant, Convenience restaurant and Take-away food premises.

Cumulative impact

Cumulative impact refers to both positive and negative impacts that can result from clustering a particular land use or type of land use. Potential cumulative impact from a cluster of licensed premises will vary between locations, depending on the mix and number of venues and whether the area is a destination for activities associated with the supply of alcohol. Cumulative impact is a product of the number and type of venues present, the way they are managed, and the capacity of the local area to accommodate those venues.

Negative cumulative impacts can include increased occurrences of:

- nuisance including noise and anti-social behaviour from intoxicated persons
- infrastructure capacity problems including limited availability of transport and car parking for patrons and local residents
- violence and perceived threats to safety

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Cumulative Impact Assessment
215 Swan Street Richmond

- *crime including vandalism, trespass and property damage.*

Positive cumulative impact can include:

- *the creation of a local 'identity' or status as an entertainment or tourism destination*
- *enhanced vitality of an area*
- *economic benefits*
- *increase in consumer choice*
- *increased ability to manage impacts, for example by concentrating venues around transport to aid dispersal of patrons.*

The clustering of licensed premises may lead to a negative impact even though any given venue in the cluster may be well run and have minimal impact. An area might reach a 'saturation point' where an additional licensed premises or a particular type of licensed premises is likely to impact negatively on the surrounding area. Alternatively, there may be a positive cumulative impact where an additional premises will enhance the character or vibrancy of an area.

Cumulative impact of licensed premises

The cumulative impact of licensed premises is referenced in the Victoria Planning Provisions at the decision guidelines of Clause 52.27 Licensed Premises. The relevant decision guideline requires a council to consider:

The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

Although this decision guideline needs to be considered for any application required under Clause 52.27, the extent of the assessment should be proportional to the likely impact of the proposal. A modest proposal would not require a detailed analysis, but there are instances where a more robust assessment of cumulative impact is required.

The following guidelines can assist a council when assessing the extent that a proposed licensed premises will contribute to an overall cumulative impact within an area. A permit applicant should use the guidelines so that a proposal includes appropriate measures to address and manage any identified negative cumulative impact.

When to use the guidelines

These guidelines can assist a council and a permit applicant to identify and address the extent to which a proposal for a new or modified licensed premises is likely to contribute to a cumulative impact within an area. A permit applicant should check if the relevant council has an alternative or an additional set of guidelines or requirements to consider.

The guidelines may be used for any planning application that would benefit from their use; however they should be used for all applications for a new or expanded licensed premises that:

1. *will be licensed and open after 11pm; and*
2. *is in an area where there is a cluster of licensed premises.*

What is a cluster?

Determining whether a cluster of licensed premises exists is a matter of common sense that should take into account the number and type of licensed premises in an area, their distance from the subject land, and whether they can be easily accessed from the subject land. As a general guide, a cluster would occur where there are:

- *three or more licensed premises (including the proposed premises) within a radius of 100 metres from the subject land; or*
- *15 or more licensed premises (including the proposed premises) within a radius of 500 metres from the subject land.*

...

What is the relevant cumulative impact assessment area?

The area to be included in a cumulative impact assessment should be all land within a 500 metre radius of the proposed venue, unless there is another logical boundary that takes into account relevant features – these might include a major impassable physical barrier (for example, a freeway or watercourse) or another nearby cluster of licensed premises.

...

The Study Area

There are both more than three existing licensed premises within a 100m radius of the site and fifteen existing licensed premises within a 500m radius.

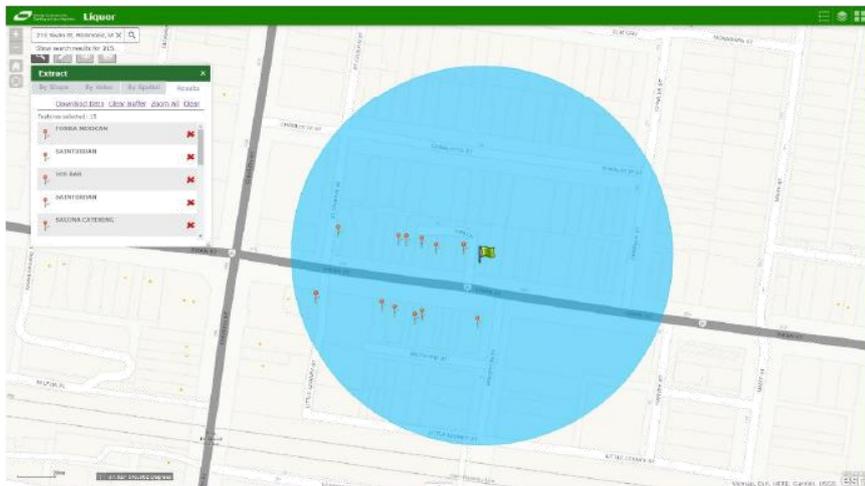
In terms of the Study Area, there is no freeway, watercourse, other major impassable physical barrier or "another nearby cluster of licensed premises" to require a departure from the general rule that "all land within a 500m radius of the proposed venue" should be included.

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While there are also many licensed premises that are more than 500m from the site, PPN61 recognises a reasonable limit must apply to the Study Area.



Map from VCGLR website, with circle representing a 500m radius around the site (shown with flag) and the pins or dots showing location of existing licensed premises in and around this area. Some pins may represent more than one licensed premises on the same larger site.



Detail of location of licensed premises with circle representing a 100m radius around the site (shown with flag) and the pins or dots showing location of existing licensed premises in and around this area.

Gathering of licensed premises data

In terms of gathering the details of all licensed premises within the Study Area, all relevant licences listed as applying to land in *Richmond* were identified in May 21 using data from the Victorian Commission for Gambling and Liquor Regulation (VCGLR) website.

The relevant details were then tabulated, with the results included in Attachment 1.

The requirements of PPN61

Attachment 2 - PLN21/0148 - 215 Swan Street Richmond - Advertised Materials (Written Documentation)

Cumulative Impact Assessment
215 Swan Street Richmond

PPN61 goes on to state:

Assessing the cumulative impact

The following matters should be considered when assessing the cumulative impact of licensed premises:

1. *Planning policy context*
2. *Surrounding land use mix and amenity*
3. *The mix of licensed premises*
4. *Transport and dispersal*
5. *Impact mitigation*

Each element is covered in detail in the following sections. They include background information explaining how the topic is relevant and a series of questions to guide the assessment of a planning application.

An applicant should answer each question as part of the application to demonstrate that a proposed cumulative impact is either reasonable or can be appropriately managed. A council should also answer each question as part of their assessment process.

A response against each question may not always be necessary where a matter is not relevant to an application. If a question is not relevant, a brief explanation should be provided.

The level of detail required for each response should be proportional to the potential impact and cumulative impact the proposed venue may have. For example, an application for a smaller venue with limited or no potential to contribute to a cumulative impact will not require a detailed response. Conversely, a permit application for a larger venue that has potential for greater impact should be accompanied with a detailed study or report prepared by a suitably qualified person that explains how any cumulative impact will be managed or mitigated. An applicant can consult with the relevant council for a full list of information to be submitted with a planning application.

The Practice Note then sets out details relating to the above five listed matters, each of which is set out and then addressed in turn in the following section.

Assessment of the proposal against the matters to be considered under PPN61

The five headings of each set of requirements are listed in the immediately preceding section under "Assessing the cumulative impact".

PPN61 Requirements	How the proposal responds
<p>1. Planning policy context</p> <p><i>State and local policy, zoning and other planning controls can provide guidance about appropriate and preferred amenity and land use outcomes for an area.</i></p> <p><i>These controls may relate to the role of an activity centre, mix of uses in an area, and appropriate locations for entertainment uses, or may inform assessments about reasonable amenity for a particular area.</i></p>	<p>Please refer to the responses below to each individual requirement.</p>
<p>Existing context</p> <p><i>What are the policy, zoning and other planning controls that are relevant to the surrounding area?</i></p>	
<p><i>Is the proposal consistent with the planning outcomes encouraged in the policy, zoning and other planning controls for the area?</i></p>	

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Zoning map with site highlighted in red in centre. The Commercial 1 Zone in which the site is located extends about 600m to its west and 270m to its east

Clause 52.27 Licensed premises of the Yarra Planning Scheme provides that a planning permit is required to use land for the sale or consumption of liquor where a licence is required under the Liquor Control Reform Act.

There are several relevant state policies:

11.03-1S Activity centres
Objective
To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community

13.05-1S Noise abatement
Objective
To assist the control of noise effects on sensitive land uses.

13.07-1S Land use compatibility
Objective
To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.

17.01-1S Diversified economy
Objective
To strengthen and diversify the economy.

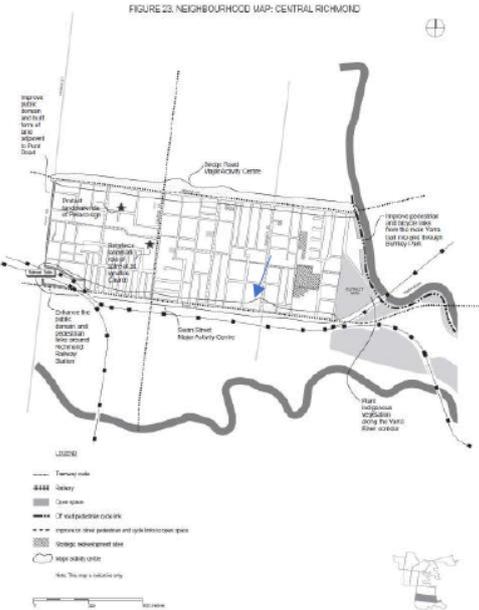
17.02-1S Business
Objective
To encourage development that meets the communities' needs for retail, entertainment, office and other commercial services.

18.02-1S Sustainable personal transport
Objective
To promote the use of sustainable personal transport.

19.02-3S Cultural facilities
Objective
To develop a strong cultural environment and increase access to arts, recreation and other cultural facilities.

These policies are satisfied largely by the proposal involving a retail/hospitality use in an Activity Centre but also by achieving

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	<p>appropriate noise outcomes as specified in the submitted Acoustic Report.</p> <p>Under Clause 21.03 Vision, the site is in the Swan Street Major Activity Centre.</p>  <p>Neighbourhood Map in Clause 21.08-10 Central Richmond, with the site location marked with an arrow. This site is well inside the Swan Street Major Activity Centre boundary</p> <p>The key section of the Municipal Strategic Statement (MSS) is: 21.04-2 Activity centres.</p> <p>There are two relevant local policies: 22.05 Interface Uses Policy and 22.09 Licensed Premises Policy.</p> <p>Being a hospitality use located in a Commercial 1 Zone that in turn is located in both the Swan Street Major Activity Centre and the Principal Public Transport Network Area (PPTNA) and supported by the submitted Acoustic Report, the proposal is appropriate.</p>
<p>Assessment</p> <p><i>What amenity, land use and other planning outcomes do these controls encourage?</i></p>	<p>The Yarra Planning Scheme encourages licensed hospitality business uses in appropriate locations which, in this case, includes Commercial 1 Zones and Major Activity Centres.</p> <p>This policy support also partly explains the relatively large number of licensed premises in the Study Area.</p> <p>However, the Scheme also requires that any such uses be appropriately limited so as to be respectful of the amenity of adjoining sensitive land uses.</p>

	<p>This is reflected in the Policy Basis of Clause 22.09 Licensed Premises:</p> <p><i>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.</i></p> <p><i>However, considerable tensions sometimes develop between licensed premises and residential and other commercial land uses. These tensions relate to impacts on the amenity of the area including noise, patron behaviour off the premises and waste management.</i></p> <p>In response, Clause 22.09 includes that it is policy that:</p> <p>Location and Access</p> <ul style="list-style-type: none"> • <i>Licensed premises with a capacity of more than 200 patrons should locate in the following Core Entertainment Precincts (defined by the Commercial 1 Zone and limited to properties fronting (and with pedestrian access) from the listed main streets.):</i> <ul style="list-style-type: none"> – <i>Swan Street west of Church Street ...</i> • <i>Licensed premises should be located where:</i> <ul style="list-style-type: none"> – <i>The land is not zoned Residential (excluding the Mixed Use Zone).</i> – <i>Potential amenity impacts from (but not limited to) patron noise, ingress and egress of patrons, queuing of patrons, smoking areas for patrons, and dispersal of patrons from the site can be appropriately managed or buffered.</i> – <i>There is opportunity for a high level of public safety and surveillance of patrons as they enter and leave the premises.</i> – <i>The premises would not result in an unreasonable cumulative impact on the amenity of the surrounding area.</i> <p>The first requirement is relevant by way of background: while the proposal will not involve more than 200 patrons, it is still useful to know that it will be located within about 120m of a Core Entertainment Precinct.</p> <p>The next four requirements are met as the site is not in a residential zone but in a Commercial 1 Zone; all potential amenity impacts can be appropriately managed or buffered; there is good opportunity for a high level of public safety and surveillance of patrons as they enter and leave the premises.; and (as per this Assessment) the proposal will not result in an unreasonable cumulative impact on the amenity of the surrounding area.</p> <p>In relation to Hours of Operation, Clause 22.09 requires that:</p> <ul style="list-style-type: none"> • <i>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.</i> • <i>Licensed premises in a Commercial or Industrial zone should not provide for the sale and consumption of liquor beyond 1am, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.</i> • <i>Packaged liquor outlets should not provide for the sale of liquor after 11pm.</i> • <i>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.</i> • <i>Licensed premises (including packaged liquor outlets) should not commence the sale and consumption of liquor before 9am.</i> • <i>Deliveries to and waste collection from a licensed premises should not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday except for those allowed under any relevant local law.</i>
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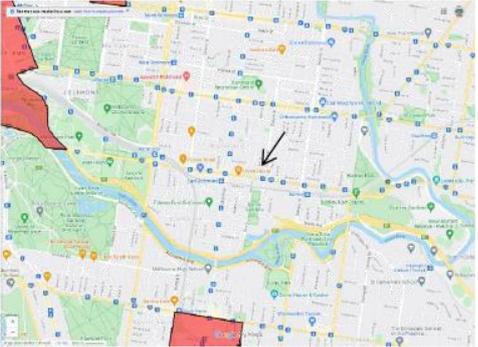
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	<ul style="list-style-type: none"> Emptying bottles into bins in outdoor areas should not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday. <p>All these requirements are met.</p> <p>Council can be satisfied that trading to 1am it will not adversely affect the amenity of the area for the following reasons:</p> <p>(1) the submitted Acoustic Report indicates the proposal will achieve compliance with EPA noise requirements; and</p> <p>(2) it has a range of locational characteristics (eg few dwellings along its main patron dispersal routes, which are also mainly in the C1Z too) that make it appropriate.</p> <p>There is therefore a high degree of policy support for the proposal.</p>
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PPN61 Requirements	How the proposal responds
<p>2. Surrounding land use mix and amenity</p> <p><i>Existing amenity levels provide a basis to assess the potential cumulative impact of a proposal, but the assessment should also weigh this against the planning policy context.</i></p> <p><i>The mix of land uses is important in determining the existing amenity level of an area. For example, a mix of entertainment and other uses can lead to an area being perceived as an entertainment or tourism destination. However, the location of sensitive uses, such as houses, schools or community and medical facilities, can increase amenity expectations for an area.</i></p> <p><i>A diversity of uses and activities can add to the vibrancy and amenity of an area. This may help mitigate potential harms and reduce the potential for unreasonable negative cumulative impact. Late night uses that do not focus on serving alcohol provide alternative activities for visitors, resulting in better patron behaviour in an area.</i></p> <p><i>Data to determine existing licensed premises' impacts can be sourced from the council complaints database and site observations.</i></p>	<p>See below responses to each individual requirement in turn.</p>
<p>Existing context</p> <ul style="list-style-type: none"> Does the subject land adjoin sensitive uses? 	<p>The neighbourhood along both sides of Swan Street especially east of the site contains mainly commercial uses in traditional shop buildings - shops, restaurants/cafes, convenience restaurants and offices.</p>

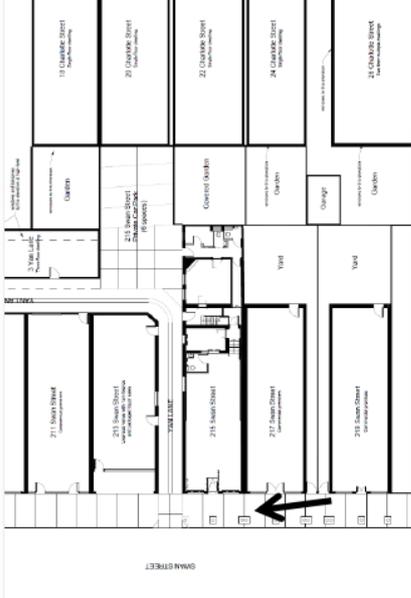
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	<p>The nearest dwellings in a residential area/zone area along the south side of Charlotte Street immediately to the site's north.</p> <p>There are also some residential uses along Swan Street and Yan Lane but these are in the Commercial 1 Zone.</p> <p>Both the Acoustic Report and the Site Context Plan identify the locations of the nearest dwellings.</p>
<ul style="list-style-type: none"> • <i>What is the relationship between licensed premises and other uses in the area?</i> • <i>What are the local crime statistics related to licensed premises?</i> 	<p>There are several main types of uses in the Study Area including retail, restaurants, cafes, hotels, taverns, shops and miscellaneous retail uses.</p> <p>Local crime statistics related to licensed premises themselves and/or in the Study area are difficult for the public to obtain: www.crimestatistics.vic.gov.au only includes statistics for all crimes or criminal incidents in the whole of the City of Yarra.</p> <p>While there are more incidents per 100,000 people in Yarra than the Victorian average, as can be seen in the attachments, the rate of Criminal Incidents in Victoria is rising, that of Yarra is in decline (please refer to the attachments).</p> <p>A study by VicHealth 2014, "Young adults and alcohol: developing local government policy responses in inner and outer-urban settings" (developed with assistance from the City of Yarra) says on its page 17:</p> <p><i>Young people from the inner suburbs generally felt that inner-fringe entertainment precincts ... were safer places to be at night than the CBD. Where relevant, inner-urban local government should work to maintain the existing range of small bars and pubs.</i></p> <p>Finally, two key factors understood to influence alcohol-related violence or anti-social behaviour, a large patron capacity and trading after 1am do not form part of this application.</p>  <p>Map from VCGLR website, with the site marked with an arrow and a dot and the nearest Designated Areas shown in red</p>
<ul style="list-style-type: none"> • <i>Are there other premises open after 11pm?</i> 	<p>There are 33 licences (or about 40% of total licences) in the Study Area that allow trade after 11pm on at least one day per week.</p>
<ul style="list-style-type: none"> • <i>What is the existing level of amenity in the area?</i> 	<p>The level of amenity in the Study Area is that of an inner-suburban Major Activity Centre and its hinterland. A positive aspect of the amenity of the Study Area is its excellent access to retail premises</p>

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	<p>including licensed ones, as well as its variety of public transport, pedestrian and bicycle options.</p> <p>There is ambient noise from trains, trams, cars, trucks and other delivery vehicles; pedestrians; shops and other businesses.</p> <p>There is also some noise in the wider area from existing licensed premises.</p>
<ul style="list-style-type: none"> • <i>What are the reasonable amenity expectations in the area?</i> 	<p>It is a general planning principle that for land in or near commercial areas, and in particular inner suburban ones such as in this case, it is reasonable to expect a similar level of peace and quiet, not one that would be applicable to a more remote, residential location.</p> <p>Reasonable amenity expectations should take into account the fact that the Study Area is dominated by commercial uses including hospitality uses.</p>
<p>Assessment</p>	
<ul style="list-style-type: none"> • <i>Will the proposal significantly increase the number of patrons near sensitive uses at any time?</i> 	 <p>Excerpt from the submitted Site Context Plan. As can be seen there are dwellings near the rear of the site and along Yan Lane, however the arrow shows the main dispersal direction (via the Swan Street Major Activity Centre itself) of most patrons when leaving the site. This is because two railway stations, stops for two nearby tram routes, two public off-street car parks and the best crossroads for hailing taxis are all in this direction by shortest route.</p> <p>Pedestrian access to the licensed premises will be only via the entry from Swan Street. Patrons will disperse via the same point to Swan Street along or near which are located trains, trams, taxis, and bicycle and car parking.</p> <p>Thus the initial dispersal point from the site will be away from the nearest sensitive uses, which are located away from Swan Street.</p>

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	<p>There is no reason for patrons to walk up Yan Lane as this is a no-through-road.</p> <p>Dispersal routes are shown in more detail in the maps in the Transport and dispersal section below.</p>
<ul style="list-style-type: none"> <i>Given the location and planning policy context, will the proposal generate amenity impacts beyond what is reasonable?</i> 	<p>The proposal will not generate amenity impacts beyond what is reasonable for this part of the Swan Street Major Activity Centre.</p> <p>The applicable zoning and the state and local policy support the proposal.</p> <p>As per the Acoustic Report, noise emissions will be within EPA limits.</p>

PPN61 Requirements	How the proposal responds
<p>3. The mix of licensed premises</p> <p><i>The mix of licensed premises in an area can influence potential cumulative impacts. For example, an area with a mix of restaurants, cinemas and small bars may have fewer impacts than an area with primarily large bars and nightclubs.</i></p> <p><i>Late-night trading hours for licensed premises have been associated with increased harm including violence. Licensed premises open after 11pm are considered a greater risk to the surrounding area. Reduced trading hours may therefore reduce the risks of late-night alcohol-related harm.</i></p> <p><i>Licensed premises with a patron capacity over 200 may pose a greater risk of alcohol-related harm and result in a negative cumulative impact.</i></p> <p><i>A packaged liquor outlet located within the surrounding area provides an opportunity for patrons to purchase and consume alcohol before, in between, or after entering licensed premises. These activities, particularly in excessive quantities, can increase the likelihood of anti-social behaviour and public disturbances in some areas.</i></p>	<p>Please refer to the responses below to each individual requirement.</p>
<p>Existing context</p> <ul style="list-style-type: none"> <i>What is the mix of licensed premises in the area?</i> 	<p>There are 82 existing licences applying to land in the Study Area however as some premises have more than one licence, there are only 72 actual licensed premises.</p> <p>This includes: 1 BYO Permit plus 36 Restaurant and café; 9 On-premises, 6 General, 3 Late night (general) Licences, 4 Late night</p>

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	<p>(on-premises), 2 Packaged liquor, and 20 Limited licences¹. There is thus a good mix of licensed premises in the Study Area.</p> <p>Of note is the proportion of Restaurant and café licences in the Study Area (43% of total licences and BYO permits therein) is significantly higher than the proportion (23%) of such licences of all licences in Victoria.</p> <p>The proportion of Limited licences is also high but not unexpected given that in general many of these licences relate to licensed premises that also have Restaurant and café licences.</p>																																																
<ul style="list-style-type: none"> Do any licensed premises cater for more than 200 patrons? 	<p>Where a relevant licence condition exists – not all licences have a patron capacity condition - there are 13 licences that allow more than 200 patrons on the premises.</p> <p>Of these, the average maximum capacity is 322 patrons (the average patron capacity for all licensed premises with a designated patron capacity in the Study Areas is 134).</p>																																																
<ul style="list-style-type: none"> How many and what type of licensed premises (especially high capacity venues and packaged liquor outlets) operate after 11pm? 	<p>The same 13 licences that allow more than 200 patrons on the premises also allow trade after 11pm on at least one day per week.</p> <p>Details of these late-night high-capacity venues are in the following table (with those within 100m of the site shown in bold):</p> <table border="1" data-bbox="647 1021 1307 1720"> <thead> <tr> <th>Licence No.</th> <th>Licence</th> <th>Premises name</th> <th>Street Address</th> <th>Latest operating time according to licence (absolutely latest times)</th> <th>Maximum capacity according to licence</th> </tr> </thead> <tbody> <tr> <td>31902386</td> <td>General Licence</td> <td>CENTRAL CLUB HOTEL</td> <td>293 SWAN STREET</td> <td>1:00 AM</td> <td>300</td> </tr> <tr> <td>31913052</td> <td>General Licence</td> <td>ROYAL SAXON HOTEL</td> <td>545 CHURCH STREET</td> <td>1:00 AM</td> <td>385</td> </tr> <tr> <td>31959066</td> <td>General Licence</td> <td>PALACE OF MAGNIFICENT EXPERIENCES</td> <td>267 SWAN STREET</td> <td>1:00 AM</td> <td>213</td> </tr> <tr> <td>31906623</td> <td>Late night (general) Licence</td> <td>HARLOW HOTEL</td> <td>447 CHURCH STREET</td> <td>3:00 AM</td> <td>540</td> </tr> <tr> <td>31914202</td> <td>Late night (general) Licence</td> <td>SWAN HOTEL</td> <td>CNR SWAN & CHURCH STREETS</td> <td>3:00 AM</td> <td>300</td> </tr> <tr> <td>31915185</td> <td>Late night (general) Licence</td> <td>RICHMOND SOCIAL</td> <td>157 SWAN STREET</td> <td>Any time for gaming, otherwise 1:00 AM</td> <td>360</td> </tr> <tr> <td>31820990</td> <td>Late night (on-premises) Licence</td> <td>THE PUBLIC HOUSE RICHMOND</td> <td>433-435 CHURCH STREET</td> <td>2:00 AM</td> <td>225</td> </tr> </tbody> </table>	Licence No.	Licence	Premises name	Street Address	Latest operating time according to licence (absolutely latest times)	Maximum capacity according to licence	31902386	General Licence	CENTRAL CLUB HOTEL	293 SWAN STREET	1:00 AM	300	31913052	General Licence	ROYAL SAXON HOTEL	545 CHURCH STREET	1:00 AM	385	31959066	General Licence	PALACE OF MAGNIFICENT EXPERIENCES	267 SWAN STREET	1:00 AM	213	31906623	Late night (general) Licence	HARLOW HOTEL	447 CHURCH STREET	3:00 AM	540	31914202	Late night (general) Licence	SWAN HOTEL	CNR SWAN & CHURCH STREETS	3:00 AM	300	31915185	Late night (general) Licence	RICHMOND SOCIAL	157 SWAN STREET	Any time for gaming, otherwise 1:00 AM	360	31820990	Late night (on-premises) Licence	THE PUBLIC HOUSE RICHMOND	433-435 CHURCH STREET	2:00 AM	225
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¹ There are no BYO permits or Full club or Restricted club, Pre-retail or Wine and beer producers licences in this case

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3225157 6	Late night (on-premises) Licence	AREA 3 RECEPTION & FUNCTION CENTRE	560 CHURCH STREET	3:00 AM	300
3228281 0	On-Premises Licence	TANGO ESENCIA	327 SWAN STREET	1:00 AM	240
3233583 3	On-Premises Licence	FARGO & CO	214-216 SWAN STREET	1:00 AM	450
323452 36	On-Premises Licence	UNION HOUSE HOTEL	270-272 SWAN STREET	1:00 AM	328
3225086 3	Restaurant and cafe Licence	THE MEATBALL & WINE BAR	105 SWAN STREET	1:00 AM	215

As can be seen only two of these are within 100m of the site.

There is a total of 15 existing licences applying to land within 100m of the site, of which there is: 1 General licence; 3 Limited licences; 3 On-premises licences; 8 Restaurant and café licences².

Of these, it is relevant to look more closely at the On-Premises and General Licences as these are ones likely to serve liquor at least sometimes without substantial food being available and have generally high patron capacities and later trading times³.

These are detailed below:

Licence No.	Licence	Premises name	Street Address	Latest operating time according to licence (absolutely latest times)	Maximum capacity according to licence
32265169	On-Premises Licence	UNION HOUSE HOTEL	270-272 SWAN STREET	1:00 AM	328
31959862	General Licence	SAINTURBAN	213 SWAN ST	1:00 AM	76
31850262	On-Premises Licence	IOS BAR	209 SWAN ST	1:00 AM	NA
31821823	On-Premises Licence	ONE OF NINE	1ST FLOOR 203 SWAN STREET	1:00 AM	140

As can be seen, while all five of these premises trade until 1am or 3am, only *one has* a licensed capacity of more than 200 patrons (IOS Bar does not have a formal patron capacity and while it appears to be closed at the moment, it seems to be a small Restaurant rather than a large bar).

The average capacity of the three General and On-premises licences that have a formal licensed patron capacity is 181.

This contrasts favourably with the average licensed patron capacities (where formal patron capacity exist) for both (collectively) General and On-premises licences (203 patrons) and (collectively) Late night (general) and Late night (on-premises) Licences (285 patrons) for the entire Study Area.

² Abutting the south-east corner of Swan and Church Streets, the Swan Hotel, whose Late night (General) Licence allows it to serve liquor to 300 patrons to 3am at the latest is just beyond the 100m radius

³ There is also a current planning application to allow a Restaurant and café licence at 258 Swan Street (diagonally across the road from the site) to be varied to a General Licence, however this will involve a maximum capacity of 117 patrons and a latest trading time of 11pm

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	<p>There is also no licensed premises with a 3am closing time within 100m of site.</p> <p>This indicates that the immediate site context (along Swan Street east of Church Street) is of lower-intensity licensed premises than in the designated Core Entertainment Precinct along Swan Street west of Church Street.</p>
<ul style="list-style-type: none"> • <i>Do licensed premises commonly operate at capacity and is queuing outside common?</i> 	<p>While some licensed premises (mainly larger ones) would, at times, trade to capacity and/or have queuing outside, this would not happen for most of the time and/or for most of the licensed premises.</p>
<ul style="list-style-type: none"> • <i>Do many licensed premises in the area show a high ratio of standing to seating?</i> 	<p>As above a very high proportion (49%) of licensed premises in the Study Area operate under a Restaurant and café licence, which requires the provision of tables and chairs for 75% of patrons at all times.</p> <p>Of the other licensed premises, while their licences generally do not have this type of "restaurant condition", most would serve food at least at some time during the day, with most licensed premises in the Study Area offering a range of services to patrons, including sit-down meals.</p> <p>Even for venues whose primary focus is the sale of liquor rather than food, there is a proportion of traditional hotels and/or more relaxed "lounge type venues" with substantial seating rather than for instance nightclubs.</p> <p>While it is be expected that many, if not most, licensed premises operating under General or On-premises licences (or their "Late-night" equivalents) would not serve meals after say 10pm, the fact that many would do so before that time is a positive factor in limiting the intoxicating effects of liquor, and more broadly attracting people who wish to consume liquor with food (ie not just liquor on its own).</p>
<ul style="list-style-type: none"> • <i>Are there any local laws regulating consumption of liquor in public spaces?</i> 	<p>Drinking liquor in public is generally prohibited under a local law in Yarra.</p>
<ul style="list-style-type: none"> • <i>Is there any evidence of problems apparent in the area, such as property damage or littering, that may be attributed to alcohol related incidences?</i> 	<p>It is known that there are various amenity problems associated with liquor consumption at licensed premises. For example, page 1 of the Yarra Night Time Economy Strategy 2014-2018 refers to such problems including:</p> <ul style="list-style-type: none"> • <i>traffic congestion, inadequate public transport and private taxis and contested car parking,</i> • <i>reduced amenity in public spaces impacted by noise levels, increased volumes of rubbish and on occasion, public urination and vomiting, and</i> • <i>problems with anti-social behaviour specifically associated with night activities and the negative impacts this has upon perceptions of community safety and general quality of life.</i> <p>However, it needs to be recognised, that while licensed premises impose a cost to the community, state government and local government in particular, through policing, litter collection, street cleansing etc, the same document states: "The Yarra's Night Time Economy (NTE) contributes 8.4% of jobs to Yarra (2,976 jobs), with the economic benefits of the NTE estimated to outweigh costs at a ratio of 2:1 (REMPAN 2013)".</p>

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	<p>This is relevant because some of these economic benefits would go toward paying government taxes as well as Council rates and other charges, which would in turn pay for the services required to ameliorate some of the negative impacts of licensed premises.</p>
<ul style="list-style-type: none"> • Are complaints (for example, to council or Victoria Police) about licensed premises already being generated in the area? 	<p>There is also a difficulty of obtaining relevant information. Given the number of licensed premises in the Study Area it would be unlikely if there have never been complaints or enforcement proceedings against any.</p>
<ul style="list-style-type: none"> • Are there any known enforcement proceedings against licensed premises in the surrounding area? 	<p>However, it is also assumed that there would be a much larger number against which no enforcement proceedings have ever been taken.</p>
	<div data-bbox="635 701 1262 1330" data-label="Image"> </div> <p>Details of screenshots from VCGLR website showing star ratings for all Late night (General) or Late night (On-premises) licences for the entire suburb of Richmond</p> <p>In addition, according to https://liquor.vcglr.vic.gov.au, the vast majority of the Late night licences (where one would expect to find the most problems) have a five-star rating indicating good management over at least the last three years. Please refer to the attachments for details of the five star rating system.</p>
<p>Assessment</p>	
<ul style="list-style-type: none"> • Does the proposal contribute to the diversity of activities and vibrancy in the area? 	<p>The proposal will contribute to the diversity of activities and vibrancy in the area by allowing the sale of liquor for consumption on or off the premises and by providing live music entertainment.</p>
<ul style="list-style-type: none"> • Will the proposal reinforce any existing or create any new impacts arising from the mix of uses in the area? 	<p>The proposal will not reinforce any existing impacts. The site is appropriately separated from the nearest residential areas (which are located away from Swan Street) with smaller-</p>

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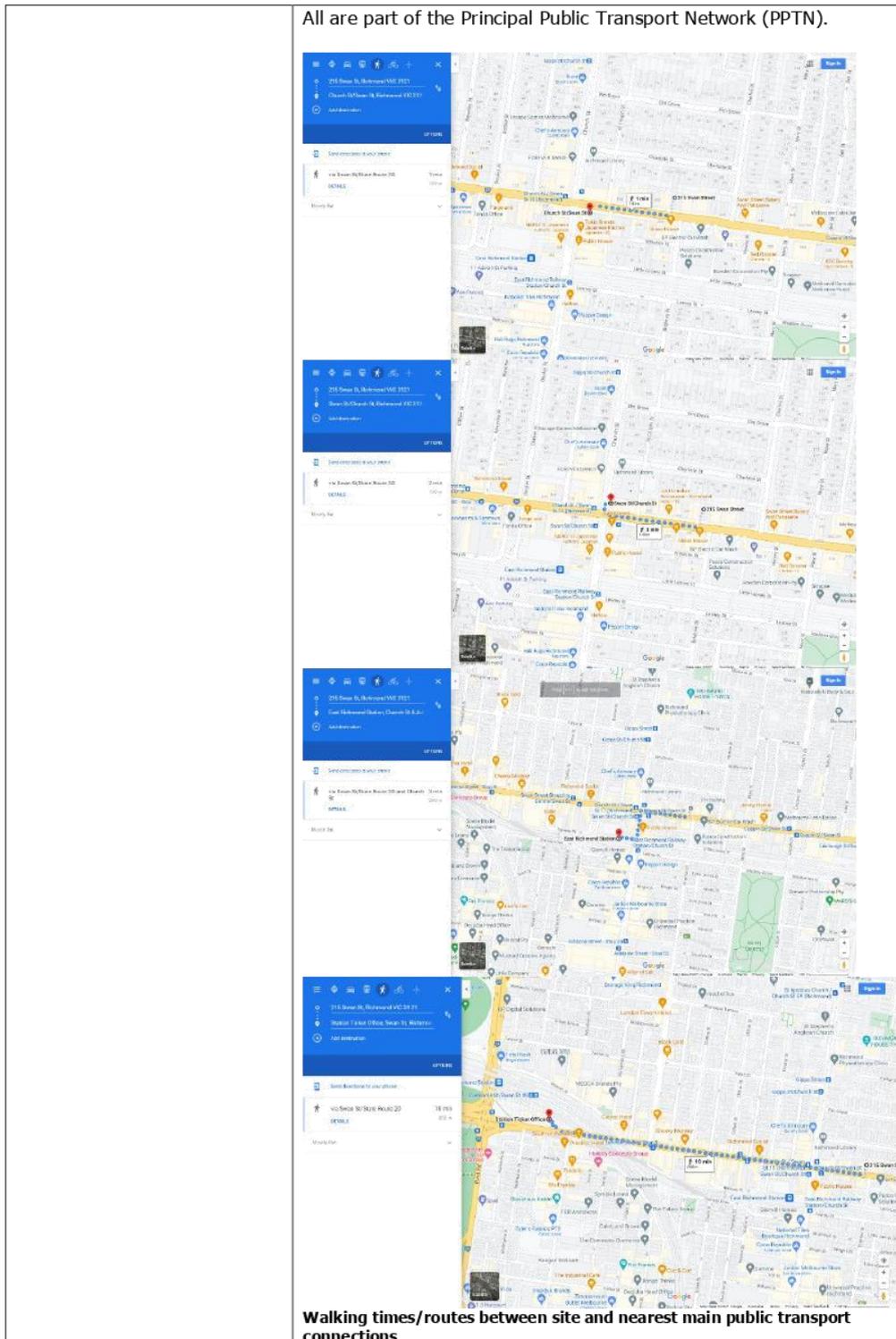
Cumulative Impact Assessment
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	capacity-earlier-closing licensed premises than elsewhere in the Study Area.
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PPN61 Requirements	How the proposal responds
<p>4. Transport and dispersal</p> <p><i>Whether patrons leaving or moving between licensed premises are likely to pass through areas with sensitive uses is an important consideration.</i></p> <p><i>How patrons leave the licensed premises at closing time can have a significant impact on the amenity of an area. Consider how patrons will leave the area and the routes they will take, including the location and availability of taxi ranks, car parks and public transport services. The quality and frequency of services is a factor because it will influence the length and time that patrons spend in an area. Patrons generally maintain better behaviour when they are not delayed in travelling home.</i></p> <p><i>A concentration of high risk licensed premises closing at similar times may lead to difficulties in safe and orderly patron dispersal. This can be addressed by staggering the operating hours because there will be fewer people on the street trying to leave the area at one time.</i></p>	<p>Please refer to the responses below to each individual requirement.</p>
<p>Existing context</p>	
<ul style="list-style-type: none"> <i>Do closing hours between venues coincide closely or is there a spread of closing hours?</i> 	<p>While there are three main peaks for closing time in the Study area (11pm, 1am and 3am, applying to 36, 24 and 5 licences respectively), there is still a wide spread of closing hours, indicating there would be an orderly departure of patrons.</p> <p>It is also noted that not all licensed premises patrons necessarily wait until after "last drinks" before leaving a premises.</p> <p>There would be a spread of departures before the premises actually closed.</p>
<ul style="list-style-type: none"> <i>Is there a high number of patrons on the streets after 11pm?</i> 	<p>This would vary from day to day and season to season, but given the number of late night licensed premises, the proximity of the Study Area to the major sporting precincts west of Church Street and the availability of public transport, there would often be a high number of patrons (or at least people generally), particularly on Swan Street after 11pm.</p>
<ul style="list-style-type: none"> <i>What public transport is available to patrons leaving the licensed premises at closing time?</i> 	<p>Public transport near the site includes: trams along Swan Street and Church Street; Richmond Railway Station, 800m to the site's west; and East Richmond Railway Station, 260m to the site's south-west.</p>

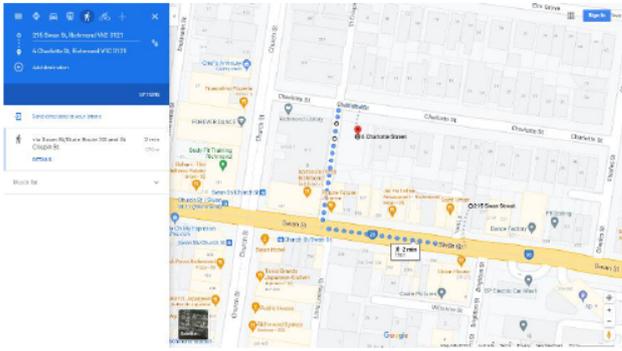
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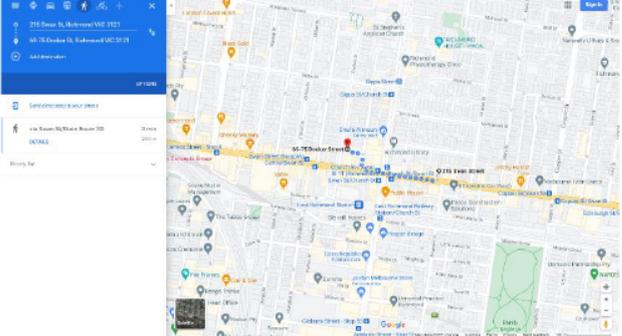
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	<p>The last outward-bound non-Night Network services along Swan Street (Tram 70) near the site depart about 12.30am Sunday-Thursday, about 1.30am Friday and Saturday; along Church Street Tram 78 runs until about 1.30am, Monday-Saturday and until 12.00am Sunday.</p> <p>The trains are part of the now-permanent Night Network and run all night on Friday and Saturday, and (still within a reasonable walking distance) Night Network Trams 75 runs along Bridge Road (800m away) and Night Network Bus Route 969, to Ringwood via Caulfield, has a stop near Richmond Railway Station.</p> <p>These generally coincide with the trading times of the proposal.</p> <p>While leaving the premises by public transport would not be possible at the latest (1am) closing time on Monday-Thursday (the last public transport services stop running before 1am on those days):</p> <ul style="list-style-type: none"> • These days would tend to be the less busy ones overall and (for the same reason, due to less demand) when taxis are more readily available; • Some patrons would leave before closing time with the intention of catching public transport; and • Some patrons would drive, walk or cycle home.
<ul style="list-style-type: none"> • <i>Are taxi ranks conveniently available to patrons leaving the licensed premises at closing time?</i> 	<p>While there is no apparent taxi rank in the neighbourhood, taxis are usually easily found along both Swan Street and Church Street.</p>
<ul style="list-style-type: none"> • <i>Is there car parking available and where is it located?</i> 	<p>Restricted on-street parking is available near the site along Swan Street (clearways apply) and other parts of the adjoining road network.</p> <p>Off-street unmetered parking is located on the south side of Charlotte Street.</p> <p>This has 2-hour restrictions (daytime, Mon-Sat; unrestricted otherwise).</p> <p>Additional off-street parking also with 2-hour restrictions (evenings; unrestricted otherwise) is located in the carpark between Docker and Dickman Street's.</p> 

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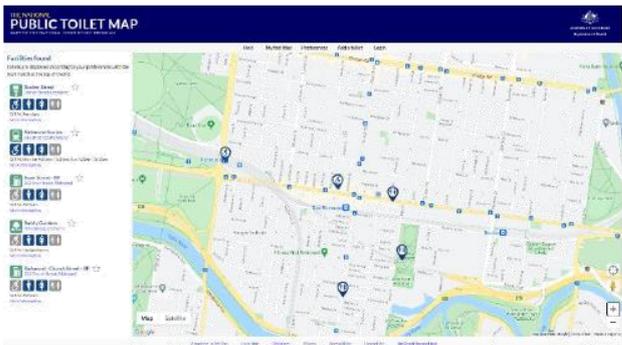
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	 <p>Walking times/routes between site and nearest main off-street carparks. The actual times would be slightly less given that shortcuts can be made across both car parks. As with the routes between the site and public transport, neither route goes through a residential area</p>
<ul style="list-style-type: none"> How do people disperse from the area after leaving a licensed premises? 	<p>People leaving licensed premises in the Study Area would do so mainly by foot, bicycle, private car, taxi, or public transport</p>
<ul style="list-style-type: none"> Is the movement of patrons through the area known to be an existing problem? 	<p>There are no apparent patron movement problems.</p> <p>The Study Area has a dispersed street pattern with wide footpaths, good pedestrian connectivity and no major bottle-necks such as narrow bridges.</p>
<ul style="list-style-type: none"> Are there any identified issues with accessing public transport such as frequency or capacity of services? 	<p>The relatively central location of the Study Area to the public transport network means that trains, trams (and buses) would be readily available at most times, and taxis at all times.</p>
<p>Assessment</p>	
<ul style="list-style-type: none"> Is the proposed licensed premises' location or characteristics such as operating hours likely to contribute to any problems for patron dispersal? 	<p>The Study Area is well-connected by public transport (including the Night Network) and road to other parts of Melbourne.</p> <p>There are a number of dispersal options available to patrons leaving the proposed licensed premises whether by road, foot, taxi or public transport.</p> <p>Footpaths are wide, facilitating good dispersal; there are no major bottle-necks.</p> <p>The location and characteristics of the proposed licensed premises (including both its 96-patron capacity and its 1am closing time) are unlikely to contribute to patron dispersal problems.</p>
<ul style="list-style-type: none"> Will the proposal reinforce any existing or create any new impacts arising from licensed premises closing times and patron dispersal within the area? 	<p>The proposal is appropriate as the site is well-separated from the nearest residential area and well-served by parking, public transport and taxis.</p> <p>It will not reinforce any existing or create any new impacts arising from licensed premises closing times and patron dispersal within the area.</p>

PPN61 Requirements	How the proposal responds
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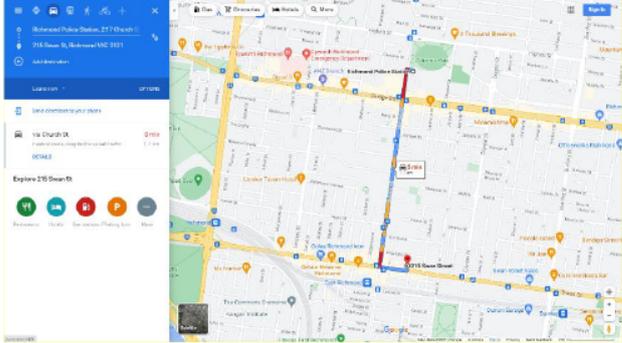
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<p>5. Impact mitigation</p> <p><i>A proposal may include impact mitigation measures to reduce a potential negative cumulative impact. Impact mitigation measures can include:</i></p> <ul style="list-style-type: none"> • <i>Providing patron transport or parking.</i> • <i>Layout and design of buildings and any new public space in accordance with good urban design and safe design principles.</i> • <i>Involving licensed premises in a liquor accord or forum.</i> • <i>Providing public toilets and rubbish facilities in the area.</i> • <i>Reducing operating hours of the venue.</i> • <i>Limiting outdoor seating and reducing patron numbers after 11pm.</i> • <i>Improving venue management measures.</i> <p><i>A venue incorporating good urban design and safe design principles is more likely to successfully manage potential amenity impacts from venue patrons on an area, improve perceptions of safety and provide a positive cumulative impact.</i></p>	<p>Please refer to the responses below to each individual requirement.</p>
<p>Existing context</p>	
<ul style="list-style-type: none"> • <i>Are there sufficient public amenities available for patron use, including toilets and rubbish disposal?</i> 	<p>According to the National Public Toilet Map website, there are public toilets in the Study Area, including ones open 24 hours per day.</p>  <p>Public toilet map, with site identified with small blue dot in centre. Toilets are/will also be provided on the site itself.</p> <p>There are numerous public rubbish bins and other items of street furniture throughout the Study Area.</p>
<ul style="list-style-type: none"> • <i>Are there any relevant public safety or enforcement initiatives in the area?</i> 	<p>Richmond Police Station is located at 217 Church Street, which is about 1km north of the site.</p>

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	 <p>Driving route/time to the site from nearest major police station as identified on https://www.police.vic.gov.au/location</p>
<ul style="list-style-type: none"> • <i>Has the area been developed according to principles of good urban design and safe design?</i> 	<p>Sites in the Study Area generally have "active frontages".</p> <p>While the Study Area was not specifically developed with (contemporary) "principles of good urban design and safe design" in mind, ironically many of these principles are based on a return to older urban design principles such as in the Study Area.</p> <p>That is, where they exist, traditional dwellings and shop buildings in the Study Area have a direct interface with "the street".</p>
<p>Assessment</p>	
<ul style="list-style-type: none"> • <i>Will the proposal provide mitigation measures to address any negative cumulative impacts?</i> 	<p>The proposal will provide impact mitigation measures by:</p> <ul style="list-style-type: none"> • Location in a Major Activity Centre with excellent access to public transport facilities, taxis, on-street and off-street car parking, a variety of other retail uses including hospitality uses, bicycle parking, public toilets, rubbish bins, police presence etc; • Being in a building that is substantial in terms of its built form and noise attenuation, which was purpose-built for a non-residential use and in which all the licensed area/patrons will be contained, and with a single entry/exit point to Swan Street only; • Having a maximum capacity of less than 100 patrons (much of the relevant policy and other documents acknowledge that licensed premises with less than 200 patron) have generally positive impacts by providing diversity and intimacy, and minimising alcohol-related risks); • Operating within the relevant trading hours deemed appropriate in the Council's Licensed Premises Policy; • Having a seating/patron ratio (48 seats/96 patrons) and a staff/patron ratio (up to 8 staff/96 patrons) that will allow for a relaxed atmosphere and good patron management; • Providing music that would comply with State Environment Protection Policy No. N-2 (Control of Music Noise from Public Premises) ("SEPP N-2"), in accordance with the submitted Acoustic Report; • Operating under the submitted Noise and Amenity Action Plan; and • Operating under any licence or permit conditions required to protect the amenity of the neighbourhood.

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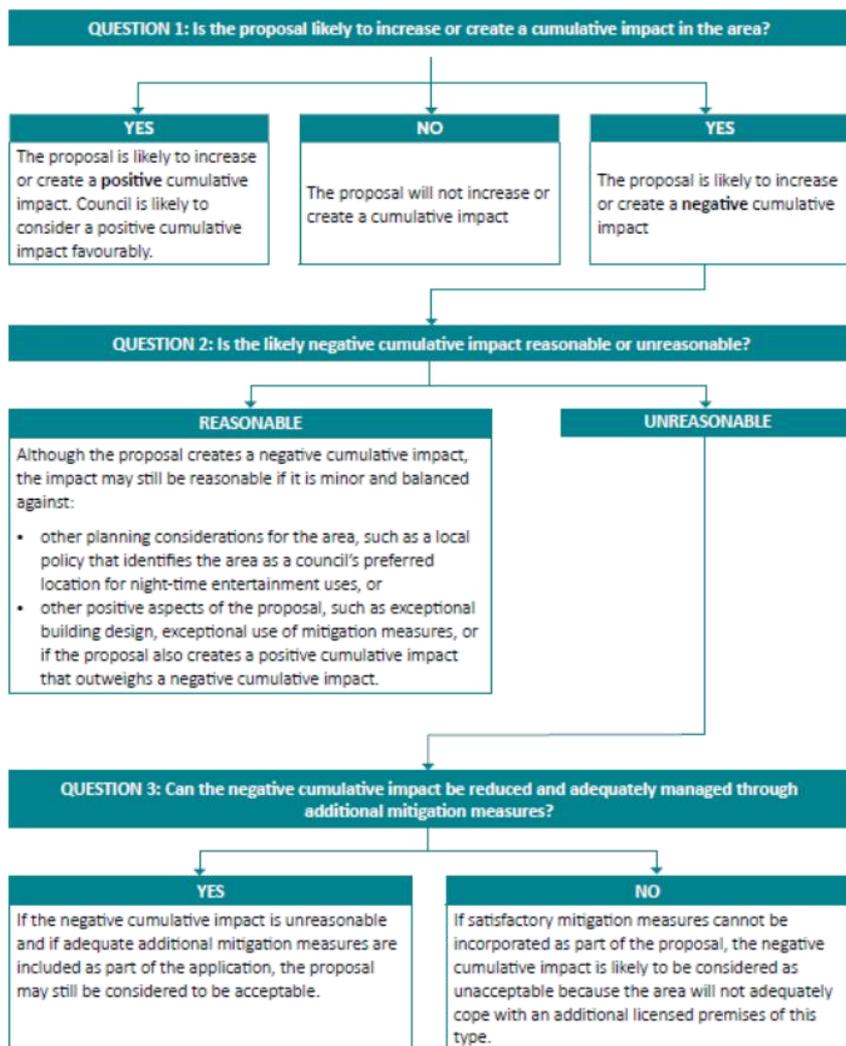
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<ul style="list-style-type: none"> Can any identified negative cumulative impact be satisfactorily reduced by changes to the proposal? 	<p>The proposal involves a new licensed premises that will be subject to the requirements of the planning and licensing systems as they currently apply.</p> <p>There are no inappropriate aspects of the use that could be "traded off" or improved upon to ameliorate any impact of the proposal.</p>
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Final cumulative impact assessment

This section is for councils.

Having regard to the assessment elements in the previous section, use the following questions to complete your assessment:



Final assessment flow chart from PPN61

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Conclusion

The proposal, which involves the sale of liquor for consumption on or off the premises (hotel) is well-supported by the Yarra Planning Scheme, with amongst other things the site being in the Swan Street Major Activity Centre, in which state and local policy encourage the establishment of retail entertainment uses.

While the site is not in Swan Street, west of Church Street (a designated Core Entertainment Precinct) where Council policy encourages licensed premises with a capacity of more than 200 patrons to locate, it is nonetheless in a Commercial 1 Zone and the proposal involves a capacity of only 96 patrons.

The area within 100m of the site is characterised by less intensive licensed premises than elsewhere in the Activity Centre, a context into which the proposal will fit in nicely.

The Study Area can thus accommodate without significant negative amenity impacts the proposed extended hours for the existing licensed premises as it has:

- Excellent access to the principal public transport network, the Night Network and taxis;
- Appropriate separation from the nearest dwellings and other significant sensitive uses (including to meet noise minimisation standards);
- A built form reflecting many contemporary public safety principles; and
- Excellent pedestrian circulation.
- All main likely patron dispersal routes will be away from residential areas.

The proposal will provide a new licensed premises use while also achieving appropriate amenity protection outcomes.

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Attachment 1: Details of all licences or BYO permit applying to premises within the Study Area

Licence No.	Licence	Premises name	Street Address	Latest operating time according to licence (absolutely latest times)	Licensed to trade after 11:00 PM	Maximum capacity according to licence	More than 200 patrons according to licence (where applicable)	More than 200 patrons according to licence and trading after 11:00 PM	Can sell (takeaway) liquor for consumption off the premises, with latest closing time for such sales
31288766	BYO Permit	THAI AYOTHAYA MELBOURNE	468 CHURCH STREET	10:30 PM	No	NA	No	No	No
31902386	General Licence	CENTRAL CLUB HOTEL	293 SWAN STREET	1:00 AM	Yes	300	Yes	Yes	11:00 PM
31913052	General Licence	ROYAL SAXON HOTEL	545 CHURCH STREET	1:00 AM	Yes	385	Yes	Yes	10:00 PM
31959066	General Licence	PALACE OF MAGNIFICENT EXPERIENCES	267 SWAN STREET	1:00 AM	Yes	213	Yes	Yes	No
31959862	General Licence	SAINTURBAN	213 SWAN ST	1:00 AM	Yes	76	No	No	No
31960130	General Licence	ATTRIA WINE	SHOP 1 & 2 107-109 SWAN STREET	1:00 AM	Yes	71	No	No	No
33121897	General Licence	RICHMOND HILL HOTEL	345-355 CHURCH STREET	At any time (resident/ resident's quest only)	Yes	NA	NA	No	No
31906623	Late night (general) Licence	HARLOW HOTEL	447 CHURCH STREET	3:00 AM	Yes	540	Yes	Yes	11:00 PM
31914202	Late night (general) Licence	SWAN HOTEL	ONR SWAN & CHURCH STREETS	3:00 AM	Yes	300	Yes	Yes	11:00 PM
31915185	Late night (general) Licence	RICHMOND SOCIAL	157 SWAN STREET	Any time 1:00 AM	Yes	360	Yes	Yes	12:00 AM
31820990	Late night (on-premises) Licence	THE PUBLIC HOUSE RICHMOND	433-435 CHURCH STREET	2:00 AM	Yes	225	Yes	Yes	No
32251576	Late night (on-premises) Licence	AREA 3 RECEPTION & FUNCTION CENTRE	560 CHURCH STREET	3:00 AM	Yes	300	Yes	Yes	No
32259207	Late night (on-premises) Licence	MAEVE FOX	472 CHURCH STREET	3:00 AM	Yes	191	No	No	No
32339243	Late night (on-premises) Licence	THE UGLY DUCKLING WINE BAR	238 SWAN ST	3:00 AM	Yes	76	No	No	No
36094714	Limited Licence	SIX ACRES	3 WAVERLEY STREET	11:00 PM	No	NA	NA	No	No
36103288	Limited Licence	POWLETT NOMINEES	19 CLIFTON STREET	11:00 PM	No	NA	NA	No	No
36113720	Limited Licence	HYDE PARK WINES	8 CHAPEL STREET	6:00 PM	No	NA	NA	No	No
36123123	Limited Licence	FRUSCOLINO CAFE	1/424 CHURCH STREET	11:00 PM	No	NA	NA	No	No
36126341	Limited Licence	POLE DIVAS RICHMOND	252 CHURCH STREET	10:00 PM	No	25	No	No	No
36129161	Limited Licence	CHEF'S ARMOURY	422 CHURCH STREET	6:00 PM	No	NA	NA	No	No
36129404	Limited Licence	DEVINE WINE ONLINE	4 DAVIS STREET	11:00 PM	No	NA	NA	No	No
36129585	Limited Licence	WORLD ONLINE WINE	28-34 ROONEY STREET	11:00 PM	No	NA	NA	No	No
36130502	Limited Licence	THE MEATBALL & WINE BAR	105 SWAN STREET	11:00 PM	No	NA	NA	No	No
36136980	Limited Licence	GRASS ROOTS PERFORMANCE SOLUTIONS	LEVEL 2 534 CHURCH STREET	11:00 PM	No	NA	NA	No	No
36139899	Limited Licence	SMOKIN JOE'S PIZZA & GRILL	440 CHURCH ST	10:30 PM	No	NA	NA	No	No
36141642	Limited Licence	SUNDAY WINE CO	LEVEL 3 534 CHURCH STREET	Any time	Internet sales	NA	NA	No	No
36144967	Limited Licence	CRUST GOURMET PIZZA	6/456 CHURCH STREET	10:30 PM	Delivery only	NA	NA	No	No
36145191	Limited Licence	GRILL'D	GROUND FLOOR, 127-133 SWAN ST	11:00 PM	Delivery only	NA	NA	No	No
36145866	Limited Licence	FONDA MEXICAN	248 SWAN ST	11:00 PM	Delivery only	NA	NA	No	No
36147779	Limited Licence	LOCALIZED	114 SWAN ST	8: 00 PM	Sale of packaged organic wine and beer	NA	NA	No	No
36154637	Limited Licence	FARGO & CO	214-216 SWAN STREET	11:00 PM	Delivery only	NA	NA	No	No
36155853	Limited Licence	MR ROMAN	147 SWAN ST	11:00 PM	Delivery only	NA	NA	No	No
36157499	Limited Licence	THE VEGAN SHACK	264 SWAN ST	11:00 PM	Sale of packaged organic/vegan wine and beer	NA	NA	No	No

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36161846	Limited Licence	SALONA CATERING	260A SWAN ST	1:00 AM	Pre-booked functions only	NA	NA	No	No
31821823	On-Premises Licence	ONE OF NINE	1ST FLOOR 203 SWAN STREET	1:00 AM	Yes	140	No	No	No
31850262	On-Premises Licence	IOS BAR	209 SWAN ST	1:00 AM	Yes	NA	NA	No	No
32236178	On-Premises Licence	THE PALM ROYALE	GROUND FLOOR 438 CHURCH STREET	1:00 AM	Yes	85	No	No	No
32262315	On-Premises Licence	CADDIE RESTAURANT AND BAR	167 SWAN STREET	11:00 PM	No	50	No	No	No
32266131	On-Premises Licence	DEMITRIS FEAST	141 SWAN STREET	11:00 PM	No	NA	NA	No	No
32282810	On-Premises Licence	TANGO ESENCIA	327 SWAN STREET	1:00 AM	Yes	240	Yes	Yes	No
32335833	On-Premises Licence	FARGO & CO	214-216 SWAN STREET	1:00 AM	Yes	450	Yes	Yes	No
32345236	On-Premises Licence	UNION HOUSE HOTEL	270-272 SWAN STREET	1:00 AM	Yes	328	Yes	Yes	No
32347254	On-Premises Licence	JIMMY HORNET	GROUND FLOOR 269 SWAN STREET	1:00 AM	Yes	70	No	No	No
32060959	Packaged Liquor Licence	BWIS	132-134 SWAN STREET	11:00 PM	No	NA	NA	No	11:00 PM
32064953	Packaged Liquor Licence	BLACKHEART'S AND SPARROWS WINE PURVEYORS	202 SWAN STREET	11:00 PM	No	NA	NA	No	11:00 PM
32065357	Packaged Liquor Licence	LIQUORLAND	140-160 SWAN STREET	11:00 PM	No	NA	NA	No	11:00 PM
32223515	Restaurant and cafe Licence	SAINTURBAN	213 SWAN STREET	1:00 AM	No	76	No	No	No
32229503	Restaurant and cafe Licence	THAI STYLE RESTAURANT	455 CHURCH STREET	11:00 PM	No	NA	NA	No	No
32232530	Restaurant and cafe Licence	GRAPESHOTS & CO	258 SWAN STREET	11:00 PM	No	117	No	No	No
32242616	Restaurant and cafe Licence	JAI HO INDIAN RESTAURANT	205 SWAN STREET	11:00 PM	No	124	No	No	No
32244977	Restaurant and cafe Licence	CAFE DE COCHIN	256 SWAN STREET	1:00 AM	Yes	101	NA	No	No
32245680	Restaurant and cafe Licence	SALONA RESTAURANT	260A SWAN STREET	1:00 AM	Yes	NA	NA	No	No
32246610	Restaurant and cafe Licence	CHEEKY MONKEY (RICHMOND)	103 SWAN STREET	11:00 PM	No	148	No	No	No
32250863	Restaurant and cafe Licence	THE MEATBALL & WINE BAR	105 SWAN STREET	1:00 AM	Yes	215	Yes	Yes	No
32267137	Restaurant and cafe Licence	FRUSCOLINO CAFE	1 / 424 CHURCH STREET	11:00 PM	No	22	No	No	No
32267763	Restaurant and cafe Licence	FEAST OF MERIT	115-117 SWAN STREET	1:00 AM	Yes	100	No	No	No
32292522	Restaurant and cafe Licence	RICHMOND OYSTERS CAFE/BAR	437-439 CHURCH STREET	1:00 AM	Yes	NA	NA	No	No
32293235	Restaurant and cafe Licence	LOVE PHO	181 SWAN STREET	11:00 PM	No	46	No	No	No
32304387	Restaurant and cafe Licence		541 CHURCH STREET	11:00 PM	No	125	No	No	No
32305202	Restaurant and cafe Licence	NOIR RESTAURANT	175 SWAN STREET	1:00 AM	Yes	70	No	No	No
32307084	Restaurant and cafe Licence	FONDA MEXICAN	248 SWAN STREET	12:00 AM	Yes	92	No	No	No
32309002	Restaurant and cafe Licence	SABAI AT RICHMOND	460 CHURCH STREET	11:00 PM	No	60	No	No	No
32314104	Restaurant and cafe Licence	BAHARI GREEK RESTAURANT CAFE	179 SWAN STREET	12:00 AM	Yes	40	No	No	No
32315273	Restaurant and cafe Licence	KOKORO JAPANESE	204 SWAN STREET	10:00 PM	No	20	No	No	No
32319324	Restaurant and cafe Licence	BERTIES BUTCHER	REAR OF 218 SWAN STREET	11:00 PM	No	50	No	No	No

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32322694	Restaurant and cafe Licence	HUNKY DORY	137 SWAN STREET	11:00 PM	No	24	No	No	No
32326397	Restaurant and cafe Licence		427-429 CHURCH STREET	11:00 PM	No	90	No	No	No
32327694	Restaurant and cafe Licence	GAOCHI KING CREMORNE	228 SWAN STREET	12:00 AM	Yes	50	No	No	No
32330053	Restaurant and cafe Licence	GRILL'D	GROUND FLOOR, 127-133 SWAN STREET	11:00 PM	No	100	No	No	No
32330702	Restaurant and cafe Licence	ATTRIA WINE	SHOP 1 & 2, 107-109 SWAN STREET	1:00 AM	Yes	71	No	No	No
32331465	Restaurant and cafe Licence	SMOKIN JOE'S PIZZA & GRILL	440 CHURCH STREET	10:30 PM	No	12	No	No	No
32332233	Restaurant and cafe Licence	1090BURGER	181A SWAN STREET	11:00 PM	No	20	No	No	No
32335508	Restaurant and cafe Licence	MATHESON WINE BAR	207 SWAN STREET	10:00 PM	No	45	No	No	No
32340529	Restaurant and cafe Licence	THE MODERN EATERY RICHMOND	176 SWAN STREET	11:00 PM	No	82	No	No	No
32345765	Restaurant and cafe Licence	FUTURE FUTURE	191 SWAN STREET	11:00 PM	No	180	No	No	No
32346907	Restaurant and cafe Licence	MY OH MY ESPRESSO	232 SWAN STREET	1:00 AM	Yes	40	No	No	No
32349426	Restaurant and cafe Licence	SABLE DELI	SHOP 1, 3 RAILWAY PLACE	11:00 PM	No	30	No	No	No
32353580	Restaurant and cafe Licence	MR ROMAN	147 SWAN STREET	1:00 AM	Yes	42	No	No	No
32357990	Restaurant and cafe Licence	THAI AYOTHAYA	468 CHURCH STREET	11:00 PM	No	40	No	No	No
32359007	Restaurant and cafe Licence	NARUTO JAPANESE RESTAURANT RICHMOND	462 CHURCH ST	10:00 PM	No	43	No	No	No
32360553	Restaurant and cafe Licence	RICKSHAW BAR	GROUND FLOOR, 95 SWAN STREET	11:00 PM	No	60	No	No	No
32362123	Restaurant and cafe Licence	UNTITLED RICHMOND	236 SWAN ST	11:00 PM	No	187	No	No	No

Attachment 2 - PLN21/0148 - 215 Swan Street Richmond - Advertised Materials (Written Documentation)

Cumulative Impact Assessment
215 Swan Street Richmond

Attachment 2: Media Release re (now-permanent) weekend 24 hour public transport

Media Release

The Hon Jacinta Allan MP
Minister for Public Transport
Minister for Employment



Thursday, 6 August, 2015

24 HOUR PUBLIC TRANSPORT TO GET YOU *HOMESAFE*

24 hour public transport is coming to Victoria. From 1 January 2016, the Andrews Labor Government will trial all-night public transport on weekends – delivering a key election commitment.

Minister for Public Transport Jacinta Allan and Minister for Police Wade Noonan outlined details of the one-year *Homesafe* trial, which will get people home safe on public transport to the suburbs and regional areas.

During the trial, metro trains will depart from Flinders Street Station every 60 minutes on all lines except Stony Point and Flemington Racecourse.

Trams will also operate every 30 minutes on six key routes – the 19, 67, 75, 86, 96 and 109 – providing services to St Kilda, Coburg, Bundoora, Port Melbourne, Carnegie, Box Hill, Vermont South and Brunswick, as well as within the CBD.

A revamped and improved night bus network will include 20 routes, with a mix of routes operating from the city and others providing suburban connections from train stations and from suburban night-time hubs including Dandenong and Frankston.

V/Line coaches will depart from Southern Cross Station at around 2am, bound for Bendigo, Ballarat, Traralgon, and Geelong. The coaches will provide a mix of express and stopping services.

To support *Homesafe*, the Government has given Victoria Police funding for 171 extra transport security officers - 109 Protective Services Officers and 62 transit police.

The roving transit police will patrol all train lines through the night on weekends and use divisional vans to transport alleged offenders or travel quickly to where they are needed.

If successful, 24-hour weekend public transport trial will be continued and expanded where necessary.

Quotes to be attributed to Minister for Public Transport Jacinta Allan

"A world-class city deserves 24-hour public transport. It's good for our economy, for shift workers and for people who want to get home safe after a night out."

"People who live in the outer suburbs and regional areas shouldn't have to miss out on Melbourne's vibrant night life. This trial is about giving them a safe and affordable way to get home."

Quotes to be attributed to Minister for Police Wade Noonan

"Our PSO's and transit police will work throughout the night to help keep the travelling public safe."

"People should be able to go out and enjoy themselves or end a late-night shift and be able to catch safe and reliable public transport home."

Media Contact: Sacha Fenton 0467 784 528 | sacha.fenton@minstaff.vic.gov.au

Attachment 2 - PLN21/0148 - 215 Swan Street Richmond - Advertised Materials (Written Documentation)

Cumulative Impact Assessment
215 Swan Street Richmond

Attachment 3 Information from PTV website about Night Network

Night Network lets you explore Melbourne's vibrant nightlife safely and conveniently with public transport running all night on weekdays.

Whether you're out dining, dancing or discovering the city, we'll help you get around and back home with all-night services every Friday and Saturday on metro and train, tram and bus, and regional coaches.

Learn more about our all-night weekend services:

Night Train

Night Trains run every 60 minutes on all lines, except Stoney Point and Flemington Racecourse. Some stations have more frequent trains, including Richmond, South Yarra, North Melbourne, Footscray, Caulfield, Clifton Hill and Burnley.

After 1am, all trains run direct to and from Flinders Street Station, Parliament, Melbourne Central and Flagstaff stations close just after midnight. Southern Cross Station closes just after 1am. [Tram stations](#) are staffed all night.

Shuttle trains run on the Williamstown Line between Newport and Williamstown, the Alamein Line between Carletonville and Alamein, and the Cranbourne Line between Dandenong and Cranbourne. Shuttle trains also operate between Ringwood and Baginbun Lydiate.

All services pick up passengers in both directions.

Plan your journey [now](#).

Night Tram

Night Trams run every 30 minutes on routes 19, 67, 75, 86, 96 and 109. You can travel between the city and St Kilda, Coburg, Bundoora, Port Melbourne, Carnegie, Box Hill, Vermont South and Brunswick.

Your trip is free if you're just travelling in the city's Free Tram Zone. View the [Free Tram Zone map](#).

Please note you cannot top up or buy a myki on board a tram or bus.

- Route 982: Dandenong, Ecclesbourne Hills, Hampton Park, Cranbourne

Plan your journey [now](#).

Night Coach

You can catch Night Coaches from the city to Ballarat, Bendigo, Geelong, Seymour and Traralgon. Each coach has a toilet and space for one wheelchair.

Most stops are by request only – let your driver know your destination when you board.

Ballarat Line

Coaches travel from the city to Ballarat at 11:00am and 2:00am.

View your [Ballarat Line timetable](#).

Bendigo Line

Coaches travel from Bendigo to the city at 10:20pm. Coaches also travel from the city to Bendigo at 10:50am and 2:05am.

Night Bus

There are 21 Night Bus routes, running every 30 to 60 minutes. Many routes run every hour to connect with trains at suburban stations.

You can get on and off at Night Bus stops. You can also be dropped off at kerbside tram stops and any bus stops along the route.

Buses wait for up to 30 minutes at Broadmeadows, Carrum, Croydon, Dandenong, Elsternwick, Frankston, Glen Waverley, Lydiate, Ringwood and Watergardens stations.

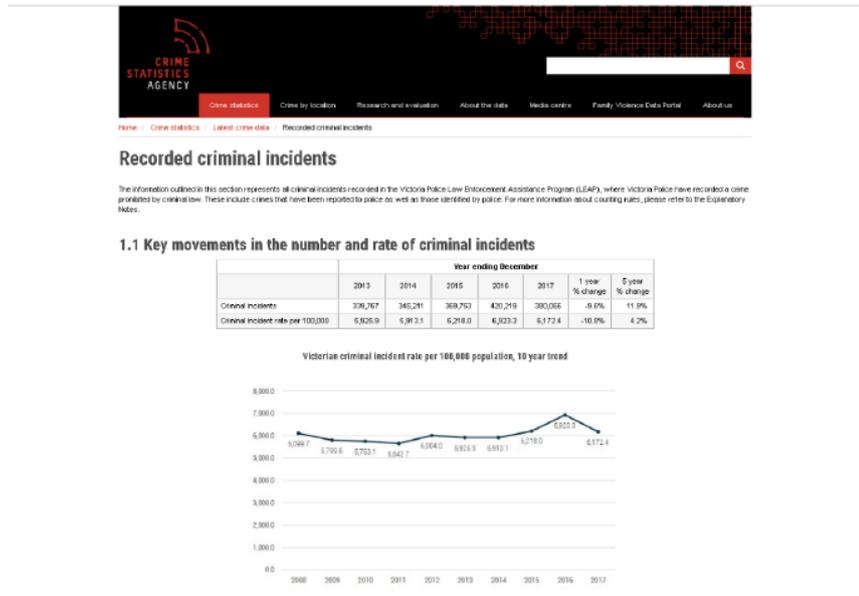
Buses wait for five minutes at Bayswater, Caulfield, South Moreang and Ringwood stations.

Please note you cannot buy or top up a myki on board a tram or bus.

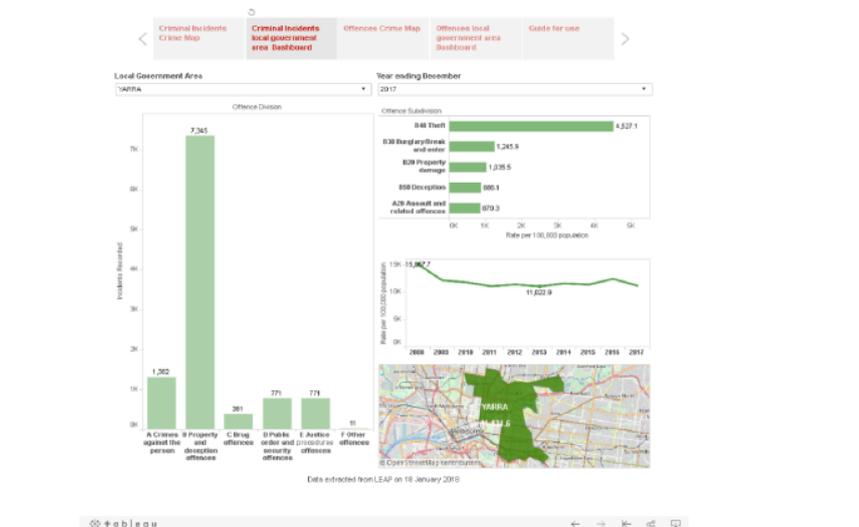
Night Bus routes are:

- Route 941: City, Footscray, Sunshine North, Taylor Lakes, Watergardens
- Route 942: City, Footscray, Sunshine, Deer Park, St Albans
- Route 943: Watergardens, Caroline Springs, Melton
- Route 944: City, Newport, Altona, Altona Meadows, Point Cook
- Route 945: City, Geelong East, Tarneit, Higgins Crossing, Wertheim, Wyndham Vale
- Route 953: City, Moonee Ponds, Sharnbrook West, Pascoe Vale, Glenroy
- Route 952: City, Footscray, Parkynong, Airport West, Gladstone Park, Broadmeadows
- Route 954: Broadmeadows, Heide, Heide Heights, Bayswater Park, Craigieburn
- Route 955: City, Brunswick, Ingliston, Bundoora, Mt Park, South Morang, Hemlock
- Route 963: City, Collingwood, Eastern Creek, Templestowe, Doncaster
- Route 963: Ringwood, Moorabbin, Lydiate
- Route 964: Croydon, Kaysville, Evelyn, Lydiate
- Route 965: Lydiate, Wood Yallock, Healesville Road
- Route 966: City, Kew, Doncaster Road, Box Hill
- Route 967: Glen Waverley, Burwood Highway, Bayswater (returns via Bayswater North, Ferntree Gully)
- Route 969: City, Caulfield, Forthton Gully Road, Rowville, Warrnambool, Ringwood

Attachment 4: Crime statistics



Please note: For geographical location tables (LGA and postcode or town/suburb), please refer to the visualisations in the Recorded criminal incidents and Recorded offences pages. The visualisations are located at the bottom of each page.



Screenshots from Crime Statistic Agency Victoria website showing criminal incident rates in Victoria and Yarra respectively. As can be seen in the graphs, the rate per 100,000 population of all criminal incidents in Yarra is higher than for Victoria but whereas the criminal incidents rate in Victoria has been (slightly) increasing for the last ten years, the rate in Yarra has been (slightly) decreasing

Attachment 5: Information about the five star licence rating system

NOVEMBER 2014



**Victorian Commission for
Gambling and Liquor Regulation**

Liquor Licensing Fact Sheet Star rating system

The star rating system supports the regulation of liquor licensing in Victoria. This system operates in addition to the compliance history risk fee system to encourage good business practices in licensed premises.

The star rating system provides greater incentives for licensees to comply with Victoria's liquor licensing laws. Under the star rating system, responsible licensees will receive a discount on their annual liquor licence renewal fees.

What is the star rating system?

A star rating is calculated on the basis of whether a non-compliance incident has occurred in respect of the licensed premises. Licensees will receive a discount on their annual licence renewal fees where they have had two or more consecutive years without recording a non-compliance incident. This is calculated on 1 October of each year.

All new liquor licences begin at the three star level. They will then receive a star rating based on the following criteria:

- One star – Three or more non-compliance incidents in the previous 12 months
- Two star – One to two non-compliance incidents in the previous 12 months
- Three star – No non-compliance incidents in the previous 12 months
- Four star – No non-compliance incidents in the previous 24 months
- Five star – No non-compliance incidents in the previous 36 months.

The star rating system applies to licensees (excluding sexually explicit entertainment venues) and rewards responsible licensees. Star ratings are published on Licences and Applications Online and can be accessed at www.vcglr.vic.gov.au. Licensees are not required to display their star rating at their premises.

What is a non-compliance incident?

A non-compliance incident relates to the following offences.

Offences	Section of the Liquor Control Reform Act 1998
Supply liquor to intoxicated person	108(4)(a)
Permit drunk/disorderly person on licensed premises	108(4)(b)
Supply liquor to underage person, other than as permitted (licensee/permittee offence)	119(1)(a)
Permit liquor to be supplied to underage person, other than as permitted (licensee/permittee offence)	119(1)(b)
Liquor is supplied to underage person on licensed premises, other than permitted	119(2)
Permit underage person on licensed premises, other than as permitted	120(1)

A non-compliance incident occurs when one of these offences is detected, and:

- an infringement notice for the offence has been paid in full or partially paid; or
- an infringement in respect of one of these offences has been lodged at the Infringements Court and an Enforcement Order has been issued; or
- the offence has been successfully prosecuted.

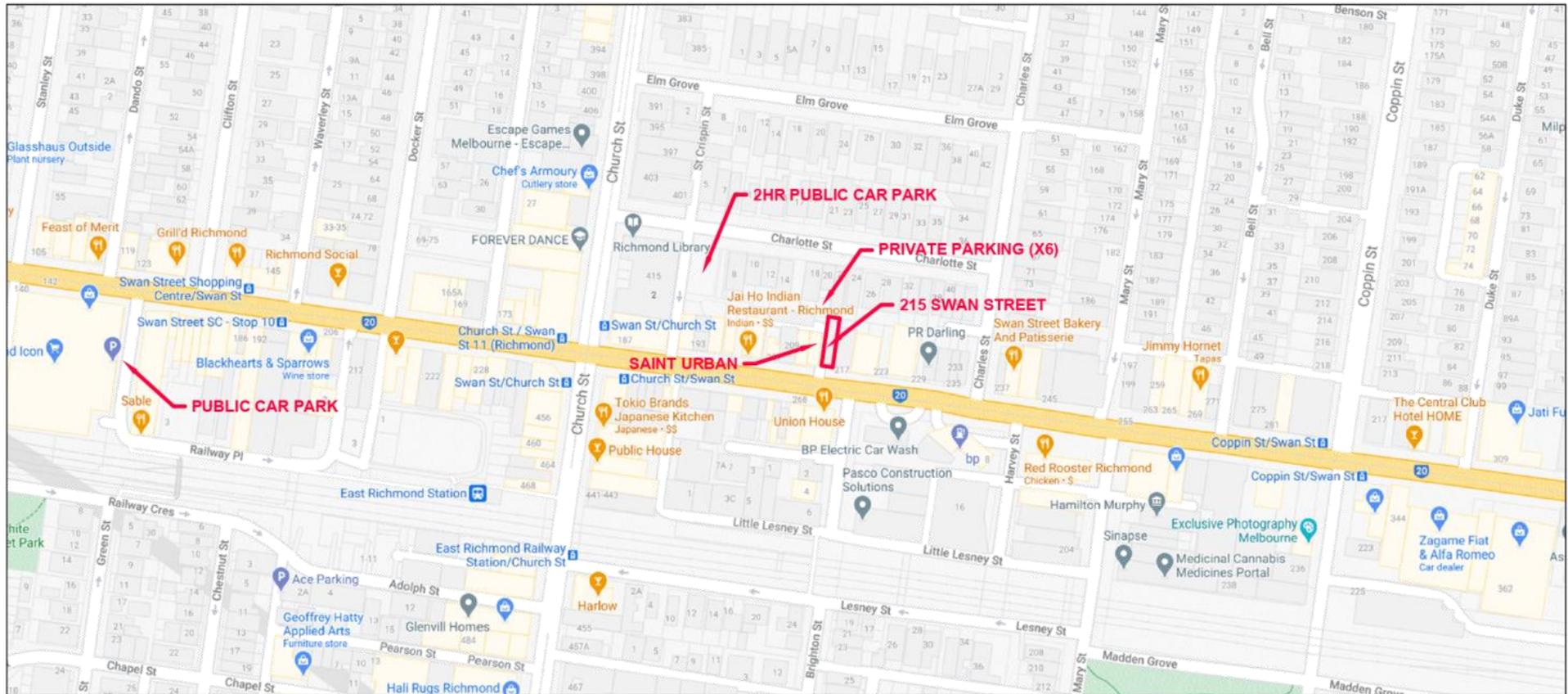
This publication avoids the use of legal language. Information about the law may have been summarised or expressed in general statements. This information should not be relied upon as a substitute for professional legal advice or reference to the actual legislation. Authorised by the Victorian Government.

Victorian Commission for Gambling and Liquor Regulation



49 Elizabeth Street, Richmond VIC 3121
1300 182 457 www.vcglr.vic.gov.au
contact@vcglr.vic.gov.au

Attachment 3 - PLN21/0148 - 215 Swan Street Richmond - Advertised Materials (Plans)



LOCAL TRANSPORT

- East Richmond Railway Station
- Richmond Railway Station
- Burnley Railway Station
- Swan Street Trams
- Church Street Trams
- Rideshare Coverage
- Multiple Local Public Car Parking Locations

Do not scale.
Verify all dimensions on site before commencing any work or preparing shop drawings.
Report any anomalies or omissions to the Designer.

REVISIONS

REV.	DETAILS	DATE	BY

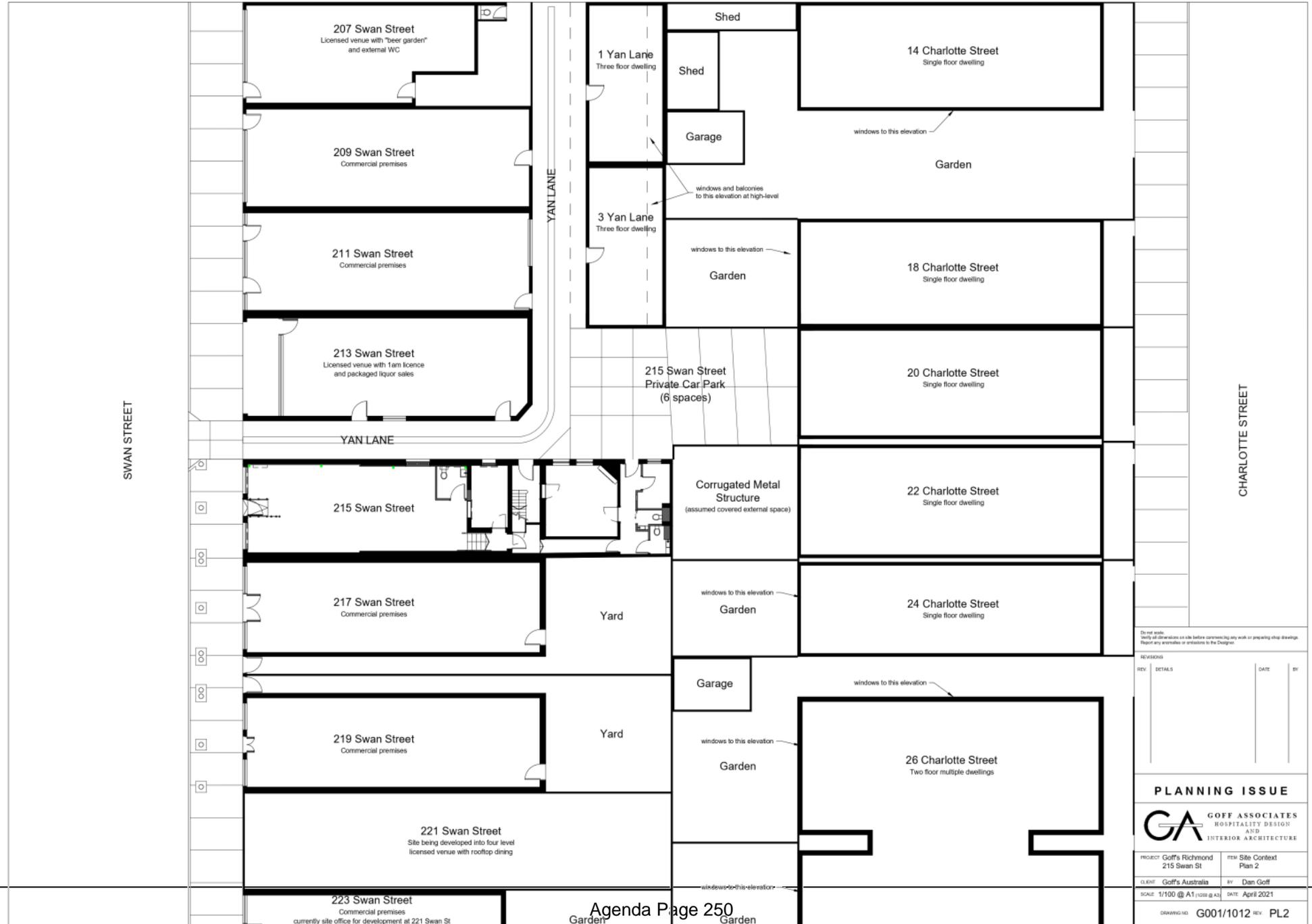
PLANNING ISSUE



PROJECT Goff's Richmond 215 Swan St	ITEM Site Context Plan 1 (Map)
CLIENT Goff's Australia	BY Dan Goff
SCALE Not to Scale @ A3	DATE February 2021

DRAWING NO. G001/1011 REV. PL1

Attachment 3 - PLN21/0148 - 215 Swan Street Richmond - Advertised Materials (Plans)



Do not scale.
Verify all dimensions on site before commencing any work or preparing shop drawings.
Report any anomalies or omissions to the Designer.

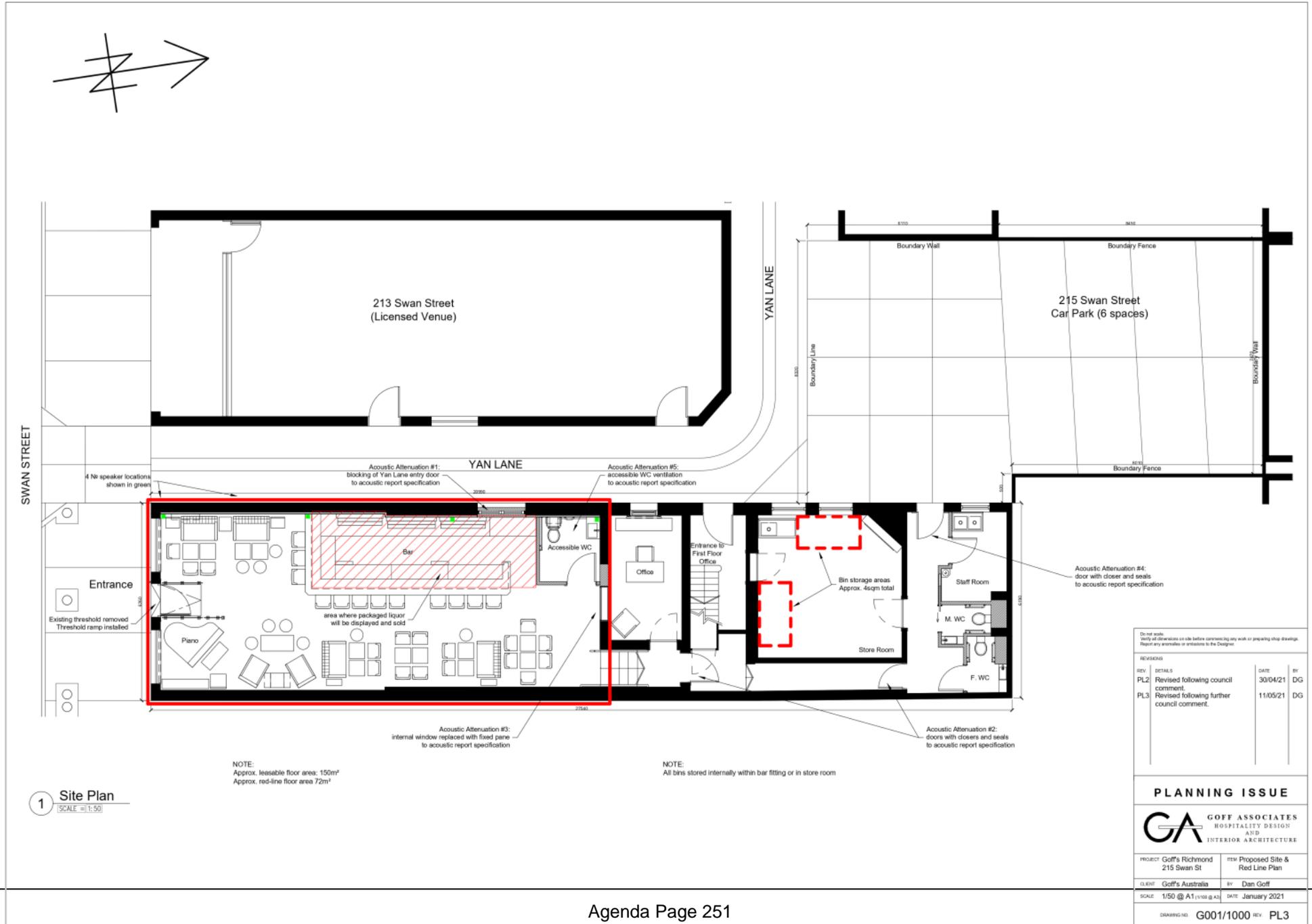
REVISIONS			
REV	DETAILS	DATE	BY

PLANNING ISSUE



PROJECT	Goff's Richmond 215 Swan St	REV	Site Context Plan 2
CLIENT	Goff's Australia	BY	Dan Goff
SCALE	1/100 @ A1 (1:200 @ A2)	DATE	April 2021
DRAWING NO.	G001/1012 REV. PL2		

Attachment 3 - PLN21/0148 - 215 Swan Street Richmond - Advertised Materials (Plans)



Do not scale.
Verify all dimensions on site before commencing any work or preparing shop drawings.
Report any anomalies or omissions to the Designer.

REV	DETAILS	DATE	BY
PL2	Revised following council comment.	30/04/21	DG
PL3	Revised following further council comment.	11/05/21	DG

PLANNING ISSUE



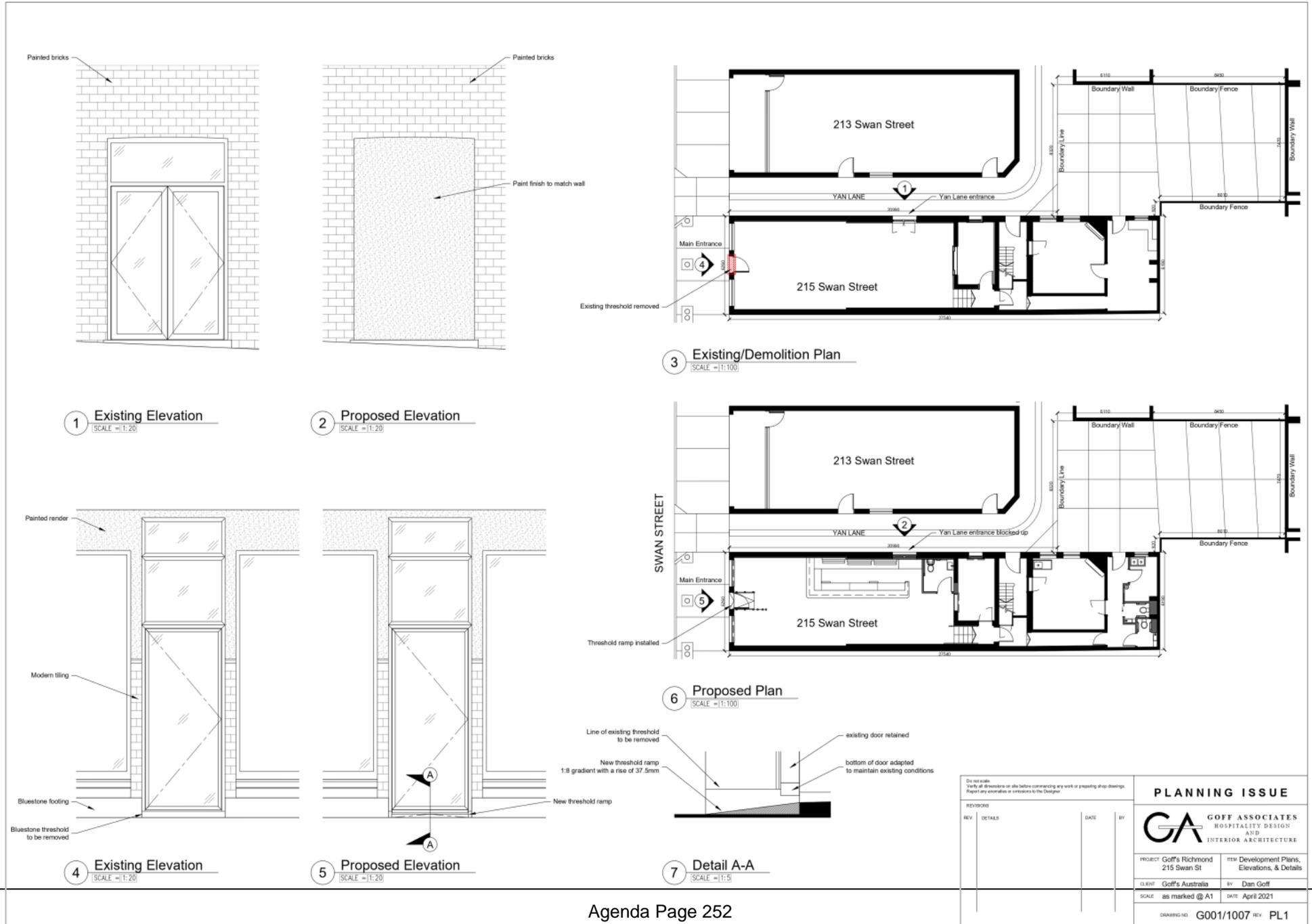
PROJECT	Goff's Richmond 215 Swan St	REV	Proposed Site & Red Line Plan
CLIENT	Goff's Australia	BY	Dan Goff
SCALE	1/50 @ A1 (1:100 @ A2)	DATE	January 2021
DRAWING NO.	G001/1000	REV	PL3

1 Site Plan
SCALE = 1:50

NOTE:
Approx. leasable floor area: 150m²
Approx. red-line floor area 72m²

NOTE:
All bins stored internally within bar fitting or in store room

Attachment 3 - PLN21/0148 - 215 Swan Street Richmond - Advertised Materials (Plans)



Do not scale.
Verify all dimensions on site before commencing any work or preparing shop drawings.
Report any anomalies or omissions to the Designer.

REVISIONS		DATE	BY
REV	DETAILS		

PLANNING ISSUE



GOFF ASSOCIATES
HOSPITALITY DESIGN
AND
INTERIOR ARCHITECTURE

PROJECT: Goff's Richmond 215 Swan St
CLIENT: Goff's Australia
SCALE: as marked @ A1

DESIGN: Dan Goff
DATE: April 2021
REV: PL1

DRAWING NO: G001/1007

Attachment 4 - PLN21/0148 - 215 Swan Street Richmond - Amended Acoustic Report (18 June 2021)



Report R02 21042

18 June 2021

215 Swan Street, Richmond
Planning Application Acoustic Assessment

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PO Box 2433, Kew Vic 3101
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ABN 86 301 701 872

Attachment 4 - PLN21/0148 - 215 Swan Street Richmond - Amended Acoustic Report (18 June 2021)



PROJECT SUMMARY:
R02 21042
215 Swan Street, Richmond
Planning Application Acoustic Assessment

PREPARED FOR:
Goff Associates
215 Swan Street
Richmond VIC 3121

ATTENTION:
Mr Dan Goff



REFERENCE	REV	STATUS	DATE	AUTHOR	REVIEWER
R02 21042	-	ISSUED	18 JUN 2021	R LEO	A CHANDHOK



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www.clarityacoustics.com.au

Attachment 4 - PLN21/0148 - 215 Swan Street Richmond - Amended Acoustic Report (18 June 2021)



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Attachment 4 - PLN21/0148 - 215 Swan Street Richmond - Amended Acoustic Report (18 June 2021)



APPENDIX A	GLOSSARY OF TERMINOLOGY
APPENDIX B	PLANNING MAP
APPENDIX C	PROPOSED DEVELOPMENT DRAWINGS
APPENDIX D	SEPP N-2
APPENDIX E	BACKGROUND NOISE MEASUREMENT LOCATION
APPENDIX F	NOISE PREDICTION METHODOLOGY

Attachment 4 - PLN21/0148 - 215 Swan Street Richmond - Amended Acoustic Report (18 June 2021)



1.0 INTRODUCTION

It is proposed to develop a new licensed venue at 215 Swan Street in Richmond. The proposed venue will occupy the ground floor of the existing building on the site.

Music within the venue is to be limited to moderately amplified music with the exception of periods when the venue will have live music inside the main bar area.

Clarity Acoustics Pty Ltd (Clarity Acoustics) has been engaged by Goff Associates to assess music noise associated with the proposed venue (Report R01 Rev3 21042 titled *215 Swan Street, Richmond – Planning Application Acoustic Report* dated 2 June 2021). SLR Consulting Australia Pty Ltd (SLR) have conducted a review of the above report for City of Yarra (SLR Ref: 640.10090.06910-L01-v0.1-20210610 dated 10 June 2021). This report provides updated information addressing the SLR review comments.

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 215 Swan Street in Richmond and is bounded by:

- Residences on Charlotte Street to the north
- Commercial properties on Swan Street to the east
- Swan Street to the south with commercial premises beyond
- Commercial properties on Swan Street and residences on Yan Lane to the west.

The subject site is located in a Commercial 1 Zone (C1Z) with General Residential Zone 2 (GRZ2), Neighbourhood Residential Zone (NRZ1) and Road Zone – Category 1 (RDZ1) in the immediate environs. The relevant planning map for the subject site is provided in APPENDIX B.

2.2 Nearest affected residences

The nearest affected noise sensitive receivers are on Yan Lane to the west and on Charlotte Street to the north and on Swan Street to the east. 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 affected noise sensitive receivers

ID	Address	Description
R1	3 Yan Lane	Three storey dwelling to the west of the subject site
R2	1 Yan Lane	Three storey dwelling to the west of the subject site
R3	18 Charlotte Street	Single storey dwelling to the north-west of the subject site
R4	20 Charlotte Street	Double storey dwelling to the north of the subject site
R5	22 Charlotte Street	Single storey dwelling to the north of the subject site
R6	24 Charlotte Street	Single storey dwelling to the north-east of the subject site
R7	219 Swan Street	First floor dwelling above shop to the east of the subject site

Attachment 4 - PLN21/0148 - 215 Swan Street Richmond - Amended Acoustic Report (18 June 2021)



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 4 - PLN21/0148 - 215 Swan Street Richmond - Amended Acoustic Report (18 June 2021)



2.3 Proposed site operations

It is proposed that the venue will operate until 0100 hours the following day, Monday to Saturday and until 2300 hours on Sundays.

The main entrance to the venue is at the front of the building with access from Swan Street. There is an emergency/back-of-house entrance also located on the western side of the building toward the rear, however, this will only be used for patron ingress and egress during emergencies.

No additional mechanical plant is proposed as part of the development of the venue.

Drawings outlining the proposed venue layout are provided in APPENDIX C.

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 in relation to music noise.

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 *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2* (SEPP N-2) sets out noise limits applicable to music produced at indoor and outdoor entertainment venues in Victoria. The goal of 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 D for further detail on SEPP N-2.

3.3 City of Yarra's Planning Provisions Clause 53.06

Clause 53.06 of City of Yarra's planning provisions is intended to protect live music entertainment venues from the encroachment of noise sensitive residential uses and protect noise sensitive uses from unreasonable levels of live music and entertainment noise.

For new live music venues, Clause 53.06 places the onus on the developer to include appropriate noise attenuation measures to protect against unreasonable levels of live music noise at any existing residence within 50 m of the proposed venue. In this scenario, the venue must be designed, constructed and managed to comply with SEPP N-2 at existing residences.

3.4 EPA Publication 1826-4

As of 1 July 2021, SEPP N-2 will be replaced by EPA publication 1826-4 Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues (Noise Protocol). Under the Noise Protocol, the assessment procedure for music noise will generally not change with the exception of the introduction of kindergartens, child care centres and schools as noise sensitive receivers, the inclusion of an agent of change clause (Clause 53.06-3), changes to the indoor assessment correction and the standardisations of day, evening and night assessment periods i.e., no longer dependent on the number of operations per week.

Attachment 4 - PLN21/0148 - 215 Swan Street Richmond - Amended Acoustic Report (18 June 2021)



3.5 NSW Road Noise Policy 2011

The NSW Environmental Protection Authority (EPA) conducted a review of sleep disturbance studies the results of which are outlined in the NSW EPA's *Road Noise Policy* (RNP). The NSW EPA concluded that:

- *maximum internal noise levels below 50-55 dB L_{Amax} are unlikely to awaken people from sleep*
- *one or two noise events per night, with maximum internal noise levels of 65-70 dB L_{Amax} are not likely to affect health and wellbeing significantly.*

An open window provides an approximate noise reduction of 10-15 dB from outside to inside (refer to World Health Organisation guidelines and RNP). Therefore, night-time maximum noise levels from the use of the car park should not exceed 65 dB L_{Amax} outside an openable window of nearby residential dwellings.

4.0 EXISTING NOISE ENVIRONMENT

The SEPP N-2 noise limits for the proposed venue are set accounting for existing background noise levels in the vicinity of the nearby properties. A secure location was not able to be identified to install a noise monitor in the vicinity of the subject site to undertake long-term noise monitoring. As such, attended noise monitoring was conducted at the subject site to quantify the background noise levels over time periods relevant to the proposed operation of venue.

The attended background noise measurements were conducted using a Class 1 sound level meter (Svantek 977C Class 1 Sound level meter - serial number 92629), on 30 March 2021 and 9 April 2021. The measurements were undertaken within the car park area to the west of the venue building with the microphone set at a height of 1.5 m above ground level. The measurement position was shielded from traffic on Swan Street. Mechanical plant associated with the venue at 213 Swan Street was not operational during the attended measurements.

The noise measurement location is provided in APPENDIX E.

The equipment was checked before and after the survey using a Class 1 calibrator (Svantek SV35 – serial number 58085) and no significant calibration drifts were observed.

Table 2 provides the measured day and evening period background noise levels.

Table 2 – Measured background noise levels dB

Date	Measurement period	Measured background noise level, $L_{A90, 15 \text{ minute}}$
Tuesday, 30 March 2021	1435-1506 hours	53
Tuesday, 30 March 2021	2135-2205 hours	49
Friday, 9 April 2021	2110-2200 hours	53

For the purpose of our assessment, we have used the lowest measured 15-minute background noise levels for each SEPP N-2 period for the derivation of the relevant noise limit.

Attachment 4 - PLN21/0148 - 215 Swan Street Richmond - Amended Acoustic Report (18 June 2021)



Table 3 provides the lowest 15-minute background noise level (L_{A90}) spectrum measured in accordance with SEPP N-2 during the night time period.

Table 3 - Measured night time background noise levels, dB L_{90} (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 (31/03/21 – 0030-0100 hours)	46	40	37	35	32	26	17	37

It should be noted that the night period noise measurements included maximum noise events of up to 75 dB L_{Amax} due to traffic on Swan Street.



5.0 RECOMMENDED NOISE CONTROL/MITIGATION MEASURES

A 3-D noise model of the subject site and surrounding area has been created to predict music noise from the operation of the proposed venue at the nearest affected residences. Outcomes of the noise modelling and measurements indicate that the following noise controls are required.

5.1 Existing door from main bar to Yan Lane

There is currently a glazed set of doors leading from the main bar area to Yan Lane which are proposed to be blocked up. The doors to Yan Lane are shown in Figure 2 below.

Figure 2 – Door leading from main bar to Yan Lane



Attachment 4 - PLN21/0148 - 215 Swan Street Richmond - Amended Acoustic Report (18 June 2021)



It is recommended that the door set be blocked as per the following:

- A mass layer externally with a density of at least 22 kg/m² such as 12 mm thick compressed fibre cement sheet
- The existing door set with the base sealed by reducing the gap to less than 2 mm using a 9 mm thick plywood strip or similar that is sealed using a sealant to both the door set and the threshold (the existing door set to be retained in place)
- A minimum 50 mm thick cavity with 50 mm thick polyester, fibreglass or rockwool cavity insulation
- A mass layer internally with a surface density of at least 40 kg/m² such as 2 by 12 mm thick compressed fibre cement sheet or 2 by 25 mm thick shaftliner plasterboard.

5.2 Doors between main bar area and bathrooms

It is proposed that there will be two doors at each end of the corridor linking the main bar area to the bathrooms at the rear of the venue. It is recommended that these doors be 35 mm thick solid core doors with acoustic perimeter and drop seals and automatic closing devices. Suitable acoustic seals include the following:

- Drop seals - Raven RP38, Kilargo IS8011si or Lorient LAS8006si
- Perimeter seals - Raven RP10, Kilargo IS7080 or Lorient LAS7001.

5.3 Window and door to office

It is proposed that the existing sliding window between the office and the main bar area is to be replaced with a fixed window. It is recommended that the new glazing be constructed of a minimum 10 mm thick glass.

In addition, it is recommended that the existing office door be fitted with an automatic closing device and acoustic seals as per Section 5.2 above.

5.4 Rear emergency/back-of-house door

The rear emergency/back-of-house door should be fitted with seals and an automatic closing device as per the recommendations for the corridor doors provided in Section 5.2 above.

5.5 Accessible WC

The accessible WC is located within the main bar area. At this stage, ventilation details for the accessible WC are not available, however, any penetration through the existing building fabric for ventilation of the accessible WC will need to be designed to not de-rate the overall performance of the existing building fabric.

5.6 Venue front door

The venue's front door should remain closed except for patron ingress and egress.

5.7 Monitoring of music levels associated with the venue

The venue operator is proposing to purchase a sound level meter and have management undertake regular checks of music levels within the venue and at positions representative of nearby residences. If required, it is proposed that the venue's noise and amenity plan be updated to include music noise measurement procedures. The procedures should include the measurement times, location and noise levels (both A-weighted and C-weighted).

Attachment 4 - PLN21/0148 - 215 Swan Street Richmond - Amended Acoustic Report (18 June 2021)



6.0 SEPP N-2 ASSESSMENT

As outlined in Section 3.2, music noise from the proposed venue must comply with the SEPP N-2 noise limits at the nearest affected receivers. A 3-D noise model of the site and surrounding area has been created to predict music noise from the proposed operation of the venue at the nearest affected receivers.

The following sections outline SEPP N-2 noise limits applicable to the venue, detail the noise assessment methodology used to predict noise levels from the operation of the venue, 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.

6.1 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 4 and Table 5.

Table 4 - SEPP N-2 day/evening period noise limits, dB

Description	Noise Limit, $L_{Aeq, 15 \text{ minute}}$
SEPP N-2 day/evening noise limit	58/54

Table 5 - SEPP N-2 night period noise limit, dB $L_{10, 15 \text{ minute}}$

Description	Octave Band Centre Frequency						
	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz
SEPP N-2 night noise limit	54	48	45	43	40	34	25

Refer to APPENDIX D for further detail on the SEPP N-2 noise limit derivation.

6.2 Noise assessment methodology

Music levels from the proposed venue have been calculated at the nearest affected receivers using the proprietary noise modelling software SoundPLAN v8.2 which implements International Standard ISO 9613-2:1996 *Acoustics – Attenuation of sound during propagation outdoors – Part 2: General method of calculation* (ISO 9613-2).

Music noise levels from subject site are calculated considering the following:

- The noise prediction methodology outlined in APPENDIX F
- Reverberant music levels for the venue as outlined in Table 6
- Attenuation of noise provided by the built form of the subject site, distance between the source and receiver and any intervening screening structures
- Attenuation of noise provided by the recommended mitigation measures outlined in Section 0
- Reflections from built form, adjacent buildings, screening structures and the ground surface.

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6.3 Music levels within the proposed venue

The venue is proposing to include live music in the form of a 2 or 3-piece band with amplified vocals or unamplified music (i.e., an acoustic guitar and unamplified vocals). The proposed live music may include piano. In addition, during typical office hours (0800 to 1800 hours, Monday to Friday) music within the venue will be limited to background music only. At all other times, moderately amplified music is proposed.

Table 6 provides the typical music levels included in the noise model for live music, background music and moderately amplified music.

Table 6 – Reverberant music levels, dB L_{10, 15 minute}

Description	Octave Band Centre Frequency							A
	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	
Reverberant music noise level during live music	92	93	92	91	88	83	82	93
Reverberant music noise level during typical office hours	72	72	72	70	68	65	62	73
Reverberant moderately amplified music noise level	90	90	90	87	85	80	80	90

For the purpose of this assessment the L_{eq} music levels are taken to be 3 dB lower than the L₁₀ music levels. The assessment in subsequent sections is based on the highest music level outlined in Table 6.

6.4 Music noise assessment

Table 7 provides the predicted day and evening period music noise levels from the proposed operation of the venue at the nearest affected residences and compares the predicted noise levels with the relevant SEPP N-2 noise limit.

Table 7 – Predicted day and evening period music noise levels, dB

Receiver	Predicted day and evening music noise level, L _{Aeq}	SEPP N-2 noise limit, L _{Aeq}	Compliance
3 Yan Lane	36	58/54	Yes
1 Yan Lane	26	58/54	Yes
18 Charlotte Street	26	58/54	Yes
20 Charlotte Street	26	58/54	Yes
22 Charlotte Street	17	58/54	Yes
24 Charlotte Street	17	58/54	Yes
219 Swan Street	37	58/54	Yes

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It can be seen from Table 7 that the day and evening period music noise levels associated with the venue are predicted to comply with the relevant SEPP N-2 noise limits at the nearest affected residences with the recommended noise mitigation incorporated into the design.

Table 8 provides the predicted night-time music noise levels at the nearest affected residences and compares the predicted noise levels with the SEPP N-2 night time noise limit.

Table 8 – Predicted night-time music noise, dB

Receiver	Octave Band Centre Frequency						
	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz
3 Yan Lane	51	46	41	37	32	27	22
1 Yan Lane	43	37	31	28	22	19	15
18 Charlotte Street	42	37	31	28	22	17	<15
20 Charlotte Street	44	39	32	25	19	<15	<15
22 Charlotte Street	35	30	22	18	<15	<15	<15
24 Charlotte Street	35	30	23	17	11	<15	<15
219 Swan Street	50	47	42	38	33	27	23
SEPP N-2 night time noise limit	54	48	45	44	40	34	25
Compliance?	Yes	Yes	Yes	Yes	Yes	Yes	Yes

It can be seen from Table 8 that the music noise levels associated with the venue are predicted to comply with the SEPP N-2 night-time noise limits at the nearest affected residences with the recommended noise mitigation incorporated into the design.

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7.0 SLEEP DISTURBANCE ASSESSMENT

Noise from night time activity associated with staff use of the car park should be assessed against the sleep disturbance criterion at the nearest affected dwellings.

Table 9 provides the predicted maximum noise levels from the a 'normal' car in the car park based on a maximum sound power level of 94 dB L_{WA}.

Table 9 - Predicted maximum noise levels from night-time use of the car park, dB L_{Amax}

Receiver	'Normal' car	Compliance with 65 dB L _{Amax} ?
3 Yan Lane	68	Yes
1 Yan Lane	61	Yes
18 Charlotte Street	58	Yes
20 Charlotte Street	55	Yes
22 Charlotte Street	52	Yes
24 Charlotte Street	49	Yes
219 Swan Street	38	Yes

It can be seen from Table 9 that the night-time maximum noise levels from staff vehicle movements in the carpark comply with the sleep disturbance criterion at the nearest affected receivers with the exception of 3 Yan Lane where a 3 dB exceedance is predicted. As noted in Section 4.0, the night period noise measurements included maximum noise events of up to 75 dB L_{Amax} due to traffic on Swan Street.

Attachment 4 - PLN21/0148 - 215 Swan Street Richmond - Amended Acoustic Report (18 June 2021)



8.0 SUMMARY

It is proposed to develop a new licensed venue at 215 Swan Street in Richmond. The venue is proposing to have live acoustic music.

Clarity Acoustics has carried out an assessment of music levels from the operation of the proposed venue considering the SEPP N-2 noise limits outlined in Section 6.1. The noise assessment is based on the following:

- Operation of the main bar area up to 0100 hours
- Live acoustic music levels and moderately amplified music levels as outlined in Table 6.

It is recommended that the following noise controls are implemented into the venue design:

- The existing door to Yan Lane to be blocked up as per Section 5.1 of this report
- The doors to the passage to be constructed as per Section 5.2 (i.e., solid core doors with seals and automatic closing mechanisms)
- The door to the office and rear emergency door to include seals and an automatic closing mechanism
- The window from the main bar to the office to be fixed and be constructed of a minimum of 10 mm thick glass
- Any penetration through the existing building fabric for ventilation of the accessible WC will need to be designed to not de-rate the overall performance of the existing building fabric
- The venue's front door should remain closed except for patron ingress and egress.

Based on the above noise controls and the proposed design of the venue, compliance with SEPP N-2 can be achieved.

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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.
R_w	Weighted Sound Reduction Index - A single number rating of airborne sound insulation between rooms, over a range of frequencies - laboratory measurement.

Attachment 4 - PLN21/0148 - 215 Swan Street Richmond - Amended Acoustic Report (18 June 2021)



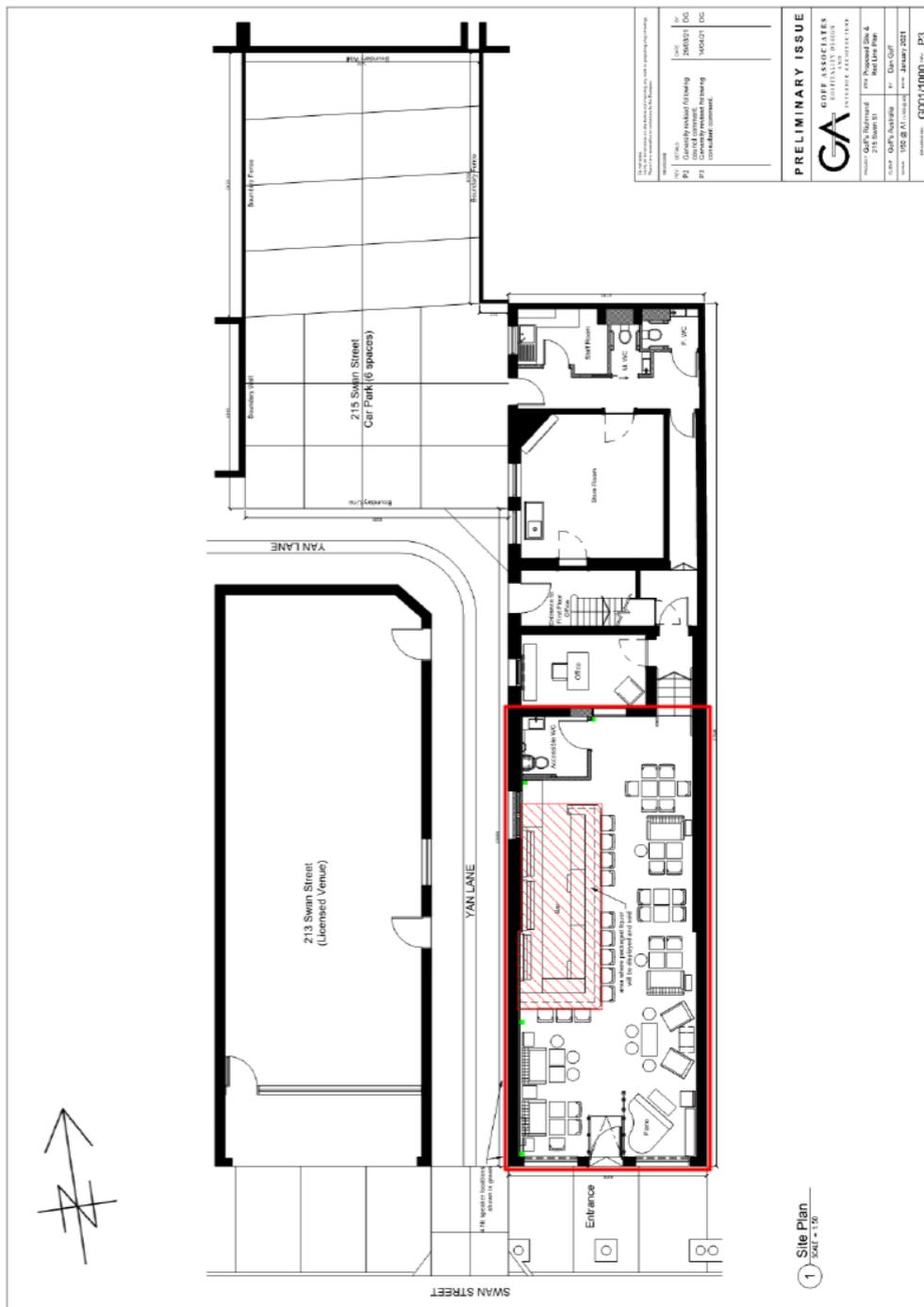
APPENDIX B PLANNING MAP



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APPENDIX C PROPOSED DEVELOPMENT DRAWINGS



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APPENDIX D 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 10 provides the SEPP N-2 criteria for the Day/Evening and Night-time periods.

Table 10 - 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_{OCT10}) is not to exceed the background noise level (L_{OCT90}) by more than 8 dB in any octave band (63 Hz-4 Hz) at a noise-sensitive area

Attachment 4 - PLN21/0148 - 215 Swan Street Richmond - Amended Acoustic Report (18 June 2021)



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 11 provides the operating periods for indoor venues.

Table 11 - 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	[Operating]												[Operating]											
	Saturday	[Operating]												[Operating]											
	Sunday	[Operating]												[Operating]											
	Other	[Operating]												[Operating]											
Two or three	Thursday	[Operating]												[Operating]											
	Friday	[Operating]												[Operating]											
	Saturday	[Operating]												[Operating]											
	Sunday	[Operating]												[Operating]											
	Other	[Operating]												[Operating]											
More than three	Saturday	[Operating]												[Operating]											
	Sunday	[Operating]												[Operating]											
	Other	[Operating]												[Operating]											

Operating Periods
 Night
 Day/Evening

It should be noted that, as of 1 July 2021, under EPA Publication, the night period hours for indoor venues will begin at 2300 hours Monday to Saturday and 2200 hours Sundays.



APPENDIX E BACKGROUND NOISE MEASUREMENT LOCATION



Attachment 4 - PLN21/0148 - 215 Swan Street Richmond - Amended Acoustic Report (18 June 2021)



APPENDIX F 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 6
- 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 12 below.

Table 12 - Noise prediction methodology

Detail	Description
Software	Proprietary noise modelling software SoundPLAN v8.2
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



23 June 2021

640.10090.06910 2015 Swan St Richmond 20210623.docx

Yarra City Council
PO Box 168
RICHMOND 3121

Attention: Samantha Tham

Dear Samantha

**215 Swan Street, Richmond
Development Application Acoustic Review
PLN 21/0148**

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the revised acoustic assessment report prepared the bar proposed for 215 Swan Street, Richmond.

Details of the report are as follows:

- Title: 215 Swan Street, Richmond, Planning Application Acoustic Assessment
- Reference: R02 21042
- Date: 18 June 2021
- Prepared for: Goff Associates
- Prepared by: Clarity Acoustics Pty Ltd

The report was updated address issues raised by SLR in our review dated 7 June 2021.

1 SLR Summary Comments (review dated 7 June 2021)

SLR's review comments are reproduced in dot points below, along with commentary on the extent that they have been addressed in the revised report (in red).

- Confirmation to be provided that noise from the proposed use to the offices above has been appropriately considered / addressed. *SLR Comment: addressed in Section 6.3 through proposed limit on music levels during business hours.*
- Unless it is demonstrated that compliance with night noise limits for music will be achieved with doors /windows to the venue in the Swan Street façade open, these should be closed after 11 pm Monday to Saturday and after 10 pm Sunday unless used for access / egress. *SLR Comment: addressed. Doors are proposed to be closed unless used for access / egress.*

Attachment 5 - PLN21/0148 - 215 Swan Street Richmond - Internal Referral Comments

Yarra City Council
215 Swan Street, Richmond
Development Application Acoustic Review
PLN 21/0148

SLR Ref: 640.10090.06910 2015 Swan St Richmond
20210623.docx
Date: 23 June 2021

- There is some potential for cumulative impacts from this venue and the one proposed for 221 Swan Street, to the south façade of the dwelling at 219 Swan Street. If venue doors and windows are not proposed to be kept closed at night unless in use, we recommend that an assessment of cumulative impacts be provided by both venues. *SLR Comment: not required – doors are proposed to be kept closed.*
- A sleep disturbance assessment should be provided demonstrating that noise from the carpark will not exceed sleep disturbance levels, or a commitment be made not to use the carpark on weeknights (i.e. after 10 pm Sunday to Thursday inclusive). *SLR Comment: provided, however there is an inconsistency in Table 9, where the predicted exceedance a 3 Yan Street is noted to comply with the noise limit.*
- A music noise limiter has not been specified by Clarity and has not been recommended by SLR. The assumed levels of music noise are reasonably loud for this relatively small space and appear to be in line with the applicant's proposed operations. However, if there is a perceived risk of the nominated levels being exceeded we suggest that all amplified music be played through a music limiter, and that live music not take place after 11 pm Monday to Saturday, or after 10 pm Sundays (as is currently proposed by the operator). *SLR Comment: Advice for managing impacts is provided in Section 5.7. The advice is considered adequate in the context of this reasonably low risk application, and given that Council proposes to limit live music to 11 pm.*

2 Summary

In summary, the revised report addresses our concerns.

I note there is an inconsistency in Table 9, where a calculated exceedance is stated to comply with the noise limit. The commentary below the table acknowledges and discusses the exceedance, and we accept that it is reasonable in the context of limited, staff only, use, the existing noise impacts from Swan Street, and given the 'as of right' use. However, it would be best for the table to be amended for consistency.

Regards,



Dianne Williams
Principal – Acoustics



10 June 2021

640.10090.06910-L01-v0.1-20210610.docx

Yarra City Council
PO Box 168
RICHMOND 3121

Attention: Samantha Tham

Dear Samantha

**215 Swan Street, Richmond
Development Application Acoustic Review
PLN 21/0148**

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the acoustic assessment report prepared for the bar proposed for 215 Swan Street, Richmond.

Details of the report are as follows:

- Title: 215 swan Street, Richmond, Planning Application Acoustic Assessment
- Reference: R01 21042 Rev 3
- Date: 2 June 2021
- Prepared for: Goff Associates
- Prepared by: Clarity Acoustics Pty Ltd

The report was prepared to address potential noise impacts from the proposal.

1 Project Background

(Sections 1 and 2 and Appendix C of the acoustic report)

The project and the location of the nearest noise sensitive receivers are described/identified in the report. The application is for a bar with:

- Operational hours:
 - Monday to Saturday nights: opening (9 am) until 1 am the following morning
 - Sunday: opening (10 am) to 11 pm
- Live acoustic and moderately amplified pre-recorded music
- No additional mechanical plant
- Access and egress via Swan Street typically
- Staff and emergency access via rear door to carpark

Attachment 5 - PLN21/0148 - 215 Swan Street Richmond - Internal Referral Comments

- No outdoor patron area

The nearest noise sensitive receivers are identified in Table 1 and Figure 1 and are located to the north, east and west of the subject site.

A plan of the venue is provided in Appendix C and shows the bar at the front of the venue, and back of house areas in the rear of the building.

Potential noise impacts from the use are identified as music only, due to the fact that no outdoor patron areas are proposed.

SLR Comment: *The proposed use and nearest receivers have been described / identified.*

Given that there is no outdoor patron area and moderately high levels of music are part of this application, we agree that a specific patron noise assessment is not required.

Additional information potentially relevant to acoustics is also provided in the 'written statement' prepared by Goff Associates, where it is noted that:

- *Live music is not proposed to be played after 11 pm*
- *The building has a first floor which will continue to be used as offices*
- *Carparking at the rear of the site will be available for staff only*

We also note that there is a concurrent application for a three level bar at 221 Swan Street, Richmond, approximately 20 m (three buildings) east of the subject site. Two of the sensitive receivers identified in relation to the proposal for 215 Swan Street (i.e. 217 Swan Street and 24 Charlotte Street) are also identified as sensitive receivers in the report for that application.

2 Criteria

(Section 3.2 of the report)

Music is proposed to be assessed to SEPP N-2. SEPP N-2 day/evening and night limits are identified as being relevant to the project, given the proposed operating hours.

SLR Comment: *The identified criteria are appropriate.*

We note that Victoria is currently in a transitional period in relation to noise legislation, with the new Environment Protection Act 2017 intended to come into effect in July 2021. The General Environmental Duty (GED) is a centrepiece of the new laws and requires all Victorians to reduce the risk of activities potentially harming the environment or human health through pollution or waste.

Subordinate legislation – the 'Environment Protection Regulations (Regulations) and Environment Reference Standard' (ERS) – have been released to support the new environment protection laws.

The Regulations will incorporate the new 'Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues', Publication 1826 (the Noise Protocol). This will effectively replace 'State Environment Protection Policy No. N-1 (Control of Noise from Commerce, Industry and Trade)', (SEPP N-1), 'State Environment Protection Policy No. N-2 (Control of Music Noise from Public Premises)', (SEPP N-2) and the 'Noise from Industry in Regional Victoria' (NIRV).

Attachment 5 - PLN21/0148 - 215 Swan Street Richmond - Internal Referral Comments

Yarra City Council
215 Swan Street, Richmond
Development Application Acoustic Review
PLN 21/0148

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Date: 10 June 2021

*The setting of noise limits and assessment methodologies in the new Noise Protocol are the same as those in the current SEPPs and NIRV in most instances, however the classifications of 'day/evening' and 'night' have changed slightly. Refer to **Table 1** for further detail. The changes do not appear to have any implications for this project because music is proposed to be played until 1 am, and the more onerous night period noise limits (which are unchanged) will drive the assessment.*

Table 1 Definitions of day/evening and night periods for music noise (Regulation 123, EPR 2021)

Day	Day/Evening	Night
Monday to Saturday	7 am to 11 pm	
Saturday or any day preceding a public holiday	7 am to 11 pm	
Sunday and public holidays	9 am to 10 pm	
Monday to Friday		11 pm to 7 am the following day
Saturday or any day preceding a public holiday		11 pm to 9 am the following day
Sunday and public holidays (if either is preceding a public holiday)		10 pm to 7 am the following day

3 Background noise monitoring and noise limits

(Sections 4 and 6.1 and Appendix E of the report)

Attended measurements of background noise were conducted in the carpark towards the rear of the venue during the day, evening and night periods.

Measurements were undertaken between:

- Tuesday 30 March 2021, 2:30 pm to 3 pm approx. (representative of the day period) – 53 dBA L₉₀
- Tuesday 30 March 2021, 9:30 to 10 pm approx. (representative of the evening period) – 49 dBA L₉₀
- Friday 9 April 2021, 9:10 pm to 10 pm approx. (representative of the evening period) – 53 dBA L₉₀
- Wednesday 31 March 2021, 12:30 am to 1 am (Tuesday night, representative of the night period) – 37 dBA L₉₀ – octave band levels provided.

The report states that the mechanical plant at the rear of 213 Swan Street (a restaurant) was not operating at the time of the measurements.

SEPP N-2 noise limits have been calculated from the measured background noise levels and are presented in Tables 4 and 5 of the report.

SLR Comments: *The measurements were undertaken at appropriate times and in a suitable location. The measured levels and the identified noise limits appear reasonable. We note that the façade upgrade treatments to control music noise on this project will be driven by the octave band night noise limits, which are reasonably low.*

Attachment 5 - PLN21/0148 - 215 Swan Street Richmond - Internal Referral Comments

4 Proposed Building Works

(Section 5 of the report)

Clarity Acoustics detail building upgrades for controlling music noise in this section of the report. The works include:

- Sealing the door from the bar area to the lane
- Fitting solid core doors with acoustic seals to the doors at both ends of the corridor linking the bar to the bathrooms.
- Upgrading the glazing between the bar and the office
- Fitting the emergency rear door with seals and a self closing device
- Address any noise leakage that may be introduced through the provision of ventilation to the accessible WC (which is located directly off the bar)

SLR Comments: *The provided advice is practical and detailed.*

5 Proposed music levels

(Section 6.3 of the report)

The proposed levels of live and amplified music are presented in Table 6 of the report.

SLR Comments: *The presented levels appear consistent with the style of music proposed to be played within the venue.*

6 Assessment

(Sections 6.2 and 6.4 of the report)

Music noise from the bar room has been modelled to the nearest sensitive receivers taking into consideration:

- Reverberant music levels as identified in Table 6
- The building upgrades described in Section 5.0
- Attenuation, shielding, reflections as appropriate.
- Front door to the venue assumed to be closed unless used for access / egress. Any windows assumed to be closed (not stated in the report, but confirmed by Clarity in conversation with SLR).

The predicted music levels are presented and assessed to the identified limits in Tables 7 and 8.

Music is predicted to comply with SEPP N-2 limits at all sensitive receiver locations for all assessment periods.

SLR Comments: *The provided assessment looks reasonable.*

Advice for managing music levels within the venue is not included in the report. Some means for ensuring that the nominated levels are not exceeded should be provided.

Attachment 5 - PLN21/0148 - 215 Swan Street Richmond - Internal Referral Comments

7 Other matters

The following potential noise issues have not been addressed in the report.

7.1 Vehicle and staff noise

The staff car park is located in close proximity to dwellings. In particular, the three storey dwelling at 1 Yan Lane overlooks the parking area. A sleep disturbance assessment of noise impacts from use of the carpark should be provided and if appropriate noise limits cannot be complied with, advice should be included for limiting use of the carpark at night, especially on week nights (e.g. Sunday to Thursday inclusive). Given the commercial nature of the area it may be reasonable to assume some use of the carpark Friday and Saturday nights, even if sleep disturbance criteria are exceeded.

7.2 Cumulative impacts

This project has several sensitive receivers in common with the bar proposed for 221 Swan Street and as such, there is potential for cumulative impacts. However, based on our understanding of the two applications, cumulative impacts from noise within the venues are unlikely. This is in part due to the differences in the applications – whereas the proposal for 215 Swan Street is a small bar with no outdoor area and a focus on music, the proposal for 221 Swan Street is for a three level bar with several outdoor patron areas and background music only.

7.3 First floor offices

The acoustic report does not consider music noise to the first floor office space. Ideally an assessment would be conducted and advice provided to ensure that noise impacts to the offices are reasonably managed. Clarity have reported difficulties accessing the first floor, and suggested in conversation with SLR that impacts may be managed by restricting music to background levels only during business hours. This approach is reasonable from our perspective.

However, 'background' level music does not have a fixed definition. The music should be set to a level and spectrum shape that is unlikely to cause nuisance in the first floor offices. This will probably be lower than the level described as 'background' in the context of most bars. The acoustic report should provide guidance on this matter and on how the levels will be managed.

8 Summary

SLR has undertaken a review of the acoustic report prepared to support the application for a bar at 215 Swan Street, Richmond. The report generally addresses music noise impacts from the application to residential receivers. We recommend that the following items are further addressed:

- Noise impacts to the first floor offices. In the absence of a full investigation into the building properties we accept that impacts should be reasonably managed through a restriction to play background level music only during the day period. The revised report should provide recommendations for suitable background levels and strategies for ensuring that they are not exceeded.
- The report should also provide guidance for managing music levels during the evening and night periods to ensure that the identified limits are not exceeded.

Attachment 5 - PLN21/0148 - 215 Swan Street Richmond - Internal Referral Comments

Yarra City Council
215 Swan Street, Richmond
Development Application Acoustic Review
PLN 21/0148

SLR Ref: 640.10090.06910-L01-v0.1-20210610.docx
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-
- Unless it is demonstrated that compliance with music noise limits will be achieved with doors /windows to the venue in the Swan Street façade open, these should be closed unless used for access / egress.
 - A sleep disturbance assessment should be provided demonstrating that noise from the carpark will not exceed sleep disturbance levels, or a commitment made not to use the carpark at night, particularly on weeknights (i.e. after 10 pm Sunday to Thursday inclusive).

Regards,



Dianne Williams
Principal – Acoustics

Checked/Authorised by: JA

Attachment 5 - PLN21/0148 - 215 Swan Street Richmond - Internal Referral Comments



MEMO

TO: Samantha Tham, Statutory Planner
FROM: Steph Ashby, Senior Planner (Community Health and Safety)
DATE: 31 May 2021
ADDRESS: 215 Swan Street, Richmond VIC 3121
APPLICATION NO: PLN21/0148
DESCRIPTION: Sale and consumption of liquor (General Licence) and buildings and works (including partial demolition) associated with a hotel (as-of-right use) with the provision of live music. A maximum of 96 patrons, and the following hours for sale and consumption of liquor are proposed:

- On-Premises: 9:00AM to 1:00AM (the following day) from Monday to Saturday; 10:00AM to 11:00PM on Sunday
- Off-Premises: 9:00AM to 11:00PM from Monday to Saturday; 10:00AM to 11:00PM on Sunday

Social Strategy has been requested to make comments on the proposal from a social planning perspective.

PROPOSAL

Key aspects of the site and proposal include:

- The site is located in the Commercial 1 Zone.
- The site is in the design and development overlay schedule 17-2 (DDO17-2), design and development overlay schedule 5 (DDO5), development contributions plan overlay schedule 1 (DCP01) and the heritage overlay (HO335).
- The site adjoins a Commercial 1 Zone to the east and west, a Neighbourhood Residential Zoon to the north and Swan Street to the south.
- The proposed hours for sale and consumption of liquor onsite are:
 - **Monday – Saturday:** 9am-1am the following day;
 - **Sunday:** 10am – 11pm;
 - **Good Friday and ANZAC Day:** 12noon – 11pm.
- The proposed hours for sale and consumption of liquor offsite (packaged liquor) are:
 - **Monday – Saturday:** 9am-11pm;
 - **Sunday:** 10am – 11pm;
 - **Good Friday and ANZAC Day:** 12noon – 11pm
- The applicant proposes catering to a maximum of **96 patrons**, with seating capacity provided for 48 patrons.
- The site will occasionally have live music on site, which will be acoustic with occasional amplification required for vocals and/or individual instruments. Live music will generally be limited to the hours between 10am and 11pm.

Attachment 5 - PLN21/0148 - 215 Swan Street Richmond - Internal Referral Comments

- Storage of waste on private property to the rear of the existing premises, with collection within the hours of 9am - 5pm, Monday to Friday.

COMMENTS / RECOMMENDATIONS

- There are 12 licenced premises within 100 meters of the subject site, concentrated along Swan Street, mostly to the west of the subject site. As per Planning Practice Note 61, Licenced Premises: Assessing Cumulative Impact, this is considered a cluster of licenced premises. A cumulative impact assessment and an NAAP is required, which have been provided by the applicant.
- It is noted that crime statistics and conversations with Victoria Police and other Council units indicate ongoing concerns relating to alcohol-related issues occurring on Swan Street and its surrounds. In general, Swan Street has a high proportion of on-premises or general licences that trade to 1am or later with a patron capacity exceeding 200 people. In addition to a high concentration of drinking venues, there are also a high proportion of fast-food/take-away places where intoxicated patrons commonly congregate.
- The patron numbers are proposed to be a maximum of 96 patrons. In accordance with Clause 22.09, an assessment of the maximum number of patrons that can be physically accommodated within a venue should be based on the VCGLR *Maximum Patron Capacity*. The maximum number of patrons that may be accommodated on the premises could be based on a ratio of 0.75 square metres per person, as per the *Victorian Commission for Gambling and Liquor Regulation (2018) Liquor Licensing Fact Sheet - Maximum Patron Capacity*. Based on this guideline the following table sets out a maximum number of patrons per tenancy:

Area	Floor area	Proposed no. of patrons	Allowable max. no. of patrons
Internal space	72m ²	96	72/0.75 = 96
TOTAL			96

- Therefore, the proposed number of patrons to 96 is acceptable on these grounds alone.
- It is noted that the proposed hours of sale of liquor for offsite consumption 9am to 11pm. This is in line with clause 22.09 which states that packaged liquor outlets should not provide for the sale of liquor after 11pm or before 9am. This is acceptable.
- It is also noted that the proposed hours of sale of liquor for onsite consumption is, at the latest, proposed to be to 1am. This is in line with clause 22.09 which states that Licensed premises in a Commercial zone should not provide for the sale and consumption of liquor beyond 1am. This is acceptable.
- It is recommended that the red line should be revised to exclude amenity areas, such as the accessible WC. This is to contain the service and consumption of alcohol to 'zones' throughout the building and reduce risk of glass breakage in toileting areas.
- The area is well served with access to transport, including Richmond train station and East Richmond train station, as well as trams, buses and taxis. There are a number of late-night options available, including the train and tram night network (in operation on Friday's and Saturday's). In addition, taxis and ride share options are usually available at most times of the evening in this area.
- The floor plan shows that patrons will enter and exit the premises from Swan Street only. This is supported.
- It is unclear from the application whether food will be served on the premises alongside alcohol. It is recommended that provision for food service is included, as per Planning Practice Note 61: Licensed premises: Assessing cumulative impact, which states that: '*Venues that serve food or meals are shown to be less at risk of excessive alcohol consumption*'.

Attachment 5 - PLN21/0148 - 215 Swan Street Richmond - Internal Referral Comments

- It is noted from the plans that there is good provision of seating proposed in the site (which will reduce the risk of excessive alcohol consumption through vertical drinking). This is supported.
- As part of the application, the applicant submitted an acoustic report prepared by Clarity Acoustics. It is recommended that this be independently assessed by a suitably qualified acoustic engineer.
- Additionally, music on the premises is required to comply with standards set out in the State Environment Protection Policy (SEPP N-2) – Control of Music Noise from Public Premises. The submitted acoustic report details changes to be made to the venue design, to control noise within SEPP N-2 limits. If these changes are made as per the acoustic report, this will be acceptable.
- Deliveries to and waste collection from a licensed premise should not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday except for those allowed under any relevant local law. 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. This should be included as a condition of any approval.

Attachment 5 - PLN21/0148 - 215 Swan Street Richmond - Internal Referral Comments**Tham, Samantha**

From: Alexander, Steve
Sent: Thursday, 20 May 2021 1:24 PM
To: Tham, Samantha
Subject: THAM - PLN21/0148 - 215 Swan Street Richmond
Attachments: Planning PlnPCAEMem 16413418.pdf

Dear Samantha,

I've had an opportunity to review the proposal and I note the total number being 96 with proposed 'live music' until 1am Monday to Saturday. Overall the proposal is supported however:

In consultation with the planning enforcement team, I don't support the proposal to allow 'live music' as per the proposed hours due to the proximity of residential premises and recommend the following conditions:

1. No amplified 'live music or vocals' after 11pm on all days.
2. On the approval date of the permit, the Permit Operator must have or install and maintain a Noise Limiter ("the Device"), set at a level by a qualified acoustic engineer, to ensure the escape of amplified music does not exceed the requirements of SEPP N-2, to the satisfaction of the Responsible Authority.
3. Within 14 days of the operation of the noise limiter a report to the satisfaction of the Responsible Authority prepared by a suitably qualified Acoustic Consultant must be submitted to the responsible authority and shall confirm that a Noise Monitor and Limiter ("the Device") is operating and has each and every of the following characteristics which are also operating:
 - a. The Device limits internal noise levels so as to ensure compliance with the music noise limits according to State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2).
 - b. The Device monitors noise levels at frequencies between 50Hz and 100Hz and is wired so as to ensure that the limiter governs all power points potentially accessible for amplification;
 - c. The Device controls are in a locked metal case that is not accessible by personnel other than a qualified acoustic engineer or technician nominated by the licensee or occupier of the land and notified to the Responsible Authority;
 - d. The Device is installed to control all amplification equipment;
4. The report must demonstrate compliance with the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2) noise limits.
5. Amplified music and vocals are not permitted to be played other than through the Permanently Installed Sound System and when the Device is installed and operating to ensure compliance with State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2).
6. That within 3 months a further acoustic report is provided to demonstrate compliance with SEPP N-2.

OR the following conditions are recommended:

1. No amplified 'live music or vocals' after 11pm on all days.
2. Background music only after 11pm on all days.

Feel free to contact me if you wish to discuss further, thank you.

Steve Alexander

Coordinator Compliance and Construction Enforcement

Corporate Business and Finance

PO BOX 168 Richmond VIC 3121

T (03) 9205 5166

E steve.alexander@yarracity.vic.gov.au

W yarracity.vic.gov.au

Attachment 5 - PLN21/0148 - 215 Swan Street Richmond - Internal Referral Comments

Tham, Samantha

From: Wearne, Julian
Sent: Thursday, 3 June 2021 3:25 PM
To: Tham, Samantha
Cc: Wright, Chloe
Subject: RE: [REFERRAL] PLN21/0148 - 215 Swan Street Richmond

Hi Samantha

I had a quick look at this set of plans and I'm comfortable with a waiver of bike parking in this instance. My rationale is as follows:

- The existing façade is heritage, and therefore it is not suitable to provide a ground-floor setback for visitor parking
- The footpath is already cluttered with awning posts, underground assets, signage and a fire hydrant – therefore there aren't going to be any good locations for bike hoops immediately outside the venue.
- The location has very good access to public transport, and is within a major activity centre with multi-use trips highly likely.
- There are a number of nearby places where formal and informal bike parking can take place.

Kind regards,

Julian Wearne
Senior Transport Planner
T (03) 9205 5737
M 0431 230 006

From: Tham, Samantha <Samantha.Tham@yarracity.vic.gov.au>
Sent: Thursday, 20 May 2021 9:00 AM
To: Strategic Transport Referrals <StrategicTransportReferrals@yarracity.vic.gov.au>
Subject: [REFERRAL] PLN21/0148 - 215 Swan Street Richmond

Hi,

Please find attached a referral for a waiver in the application above which seeks a waiver in the bicycle parking requirement associated with a hotel.

Should you require further information please feel free to contact me.

Kind Regards,

Samantha Tham
Statutory Planner
Planning and Placemaking Division
City of Yarra PO BOX 168 Richmond VIC
ABN 98 394 086 520
T (03) 9205 5083
E Samantha.Tham@yarracity.vic.gov.au
W yarracity.vic.gov.au

Attachment 5 - PLN21/0148 - 215 Swan Street Richmond - Internal Referral Comments



Informal referral advice

Type of advice:	Heritage
Application Number:	PLN21/0148
Stage of application process:	Pre-Advertising
Subject Address:	205 Scotchmer Street Fitzroy North
Date of informal meeting:	06 April 2021
Planner Name:	Samantha Tham
Attendees of this informal meeting:	Diahnn McIntosh
Proposal (relevant to the referral):	Removal of front doorstep and provision of DDA ramp.
Relevant photographs or links to TRIM documents:	
Advice:	<p>The removal of the existing front doorstep for the purpose of providing DDA compliant access is an acceptable heritage outcome.</p> <p>However, it is unclear whether this will in turn result in the replacement of the existing front door.</p> <p>Given the existing front door is not original and a longer ramp would be required for a single leaf pivot door, it is recommended that any new door be double leaf, timber doors which would enhance the appearance of the building as well as reduce the length of any ramp internally.</p>

Attachment 6 - PLN21/0148 - 215 Swan Street Richmond - External Referral Responses



Department of Transport

GPO Box 2392
Melbourne, VIC 3001 Australia
Telephone: +61 3 9651 9999
www.transport.vic.gov.au
DX 201292

Samantha Tham
Yarra City Council
PO BOX 168
RICHMOND VIC 3121

Dear Samantha Tham

PLANNING APPLICATION NO.: PLN21/0148
DEPARTMENT REFERENCE NO: PPR 36360/21
PROPERTY ADDRESS: 215 SWAN STREET, RICHMOND VIC 3121

Section 52 – No objection

Thank you for forwarding planning permit application PLN21/0148 pursuant to Section 52 of the Planning and Environment Act 1987.

In consultation with Transurban, the Head, Transport for Victoria has considered the application and has no objection to the proposal

Should you have any enquiries regarding this matter, please contact Ewa Fiebelkorn on 9313-1187 or Ewa.Fiebelkorn@roads.vic.gov.au.

Yours sincerely

Gillian Menegas

Gillian Menegas
Senior Statutory Referrals Officer
Under delegation from the Head, Transport for Victoria

3/06/2021

Cc: permit applicant



6.4 PLN20/0834 - 608 Drummond Street Carlton North - Part demolition and construction of a two storey extension and roof terrace to the existing dwelling.

Executive Summary

Purpose

1. This report provides Council with an assessment of the application at No. 608 Drummond Street Carlton North, for part demolition and construction of a two-storey extension and roof terrace the existing dwelling.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 32.09 – Neighbourhood Residential Zone
 - (b) Clause 15.01 – Built Environment
 - (c) Clause 54 – One dwelling on a lot (ResCode)
 - (d) Clause 43.01 and Clause 22.02 – Heritage

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Clause 54 – One dwelling on a lot (ResCode)
 - (b) Heritage
 - (c) Objector concerns
 - (d) Other matters

Submissions Received

4. Six (6) objections were received to the application, these can be summarised as:
 - (a) Overdevelopment of the site
 - (b) Overlooking
 - (c) Overshadowing
 - (d) Loss of daylight to windows
 - (e) Loss of daylight to light well
 - (f) Non-compliance with Standard A5 (Site coverage) and Standard A6 (Permeability)
 - (g) Smoke pollution from flue
 - (h) Inaccuracies in plans including omission of light well at No. 606 Drummond Street
 - (i) Fire protection of proposed skylights
 - (j) Location of proposed services
 - (k) Structural integrity of the existing boundary walls
 - (l) Damage to neighbouring properties
 - (m) Not supportive of proposed blockwork colour
 - (n) Concerns regarding the “buildability” of the proposal
 - (o) Roof terrace will impact installation and efficiency of solar panels in the future
 - (p) Drainage and rainwater runoff impacts

- (q) Safety of roof terrace (ie falling)

Conclusion

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported subject to the following key recommendations:
- (a) The retention of the original roof for a depth of one room which is approximately 4.5 metres deep.
 - (b) The fins along the southern elevation of the roof terrace angled in accordance with angle of the retained roof and the depth of the fins increased to 1 metre.
 - (c) The hit-and-miss brickwork of the terrace with a maximum transparency of 25%.
 - (d) The built-in seat on the roof terrace replaced with a planterbox (or similar non-trafficable item) and the depth dimensioned.

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

6.4 **PLN20/0834 - 608 Drummond Street Carlton North - Part demolition and construction of a two storey extension and roof terrace to the existing dwelling.**

Reference D21/75188
Author Jessica Sutherland - Statutory Planner
Authoriser Coordinator Statutory Planning

Ward: Langridge Ward
Proposal: Part demolition and construction of a two storey extension and roof terrace to the existing dwelling.
Existing use: Single dwelling
Applicant: DD Planning
Zoning / Overlays: Neighbourhood Residential Zone (Schedule 1)
 Heritage Overlay (Schedule 326)
 Development Contributions Plan Overlay (Schedule 1)
Date of Application: 18 November 2020
Application Number: PLN20/0834

Background

1. The application was received by Council on 18 November 2020, with further information provided in February 2021. The application was advertised in February 2021, with six (6) objections received.

Planning Scheme Amendments

2. Amendment C238 was introduced into the Yarra Planning Scheme on 01 February 2021 and inserts Clause 45.06 (Development Contributions Plan Overlay) with Schedule 1 into the Scheme. This overlay applies to all land in the City of Yarra (note: there are some exempted sites including schools DHHS properties and public hospitals) and it applies to development where there is an increase in the number of dwellings and/or an increase in retail, commercial and industrial floor space. It requires a monetary contribution from the developer.
3. The subject application is for an extension to an existing dwelling, thus the requirements of Clause 45.06 do not apply.

Lodgement of S57A plans

4. In response to objections received, the application was formally amended pursuant to Section 57A of the *Planning and Environment Act 1987 (the Act)* on 27 May 2021. The plans showed the following changes:
 - (a) the height of the pitched roof of the first-floor extension reduced from 7.6 to 7.07 metres above NGL;
 - (b) the rear (east) setback of the first floor increased from 5.2 to 6.14 metres;
 - (c) the northern setback of the first floor reduced from 1 metre to 700mm;
 - (d) correction to the northern orientation point on the plans;
 - (e) the shadows to the southern area of POS (No. 606 Drummond Street) reduced/revised accordingly;
 - (f) the light court of No. 606 Drummond Street shown and a light court added to the ground and first floor of the proposal, along the southern boundary with a length of 1.54 metres and depth of 690mm;

- (g) alterations to the materiality of the eastern elevation and the inclusion of a flue;
 - (h) the floor level of the roof terrace reduced from 36.97AHD to 36.67AHD with an angled, galvanised steel fin balustrade and a 1.3 metre high brick wall with associated built in seat;
 - (i) inclusion of a timber framed, heritage profile window on the front facade.
5. The Section 57A amendment plans were advertised in June 2021 with further comments received from a number of the objectors.
 6. The Section 57A amendment plans are the Decision Plans.
 7. No consultation meeting was held.

The Proposal

8. The application is for part demolition and construction of a two-storey extension and roof terrace to the existing dwelling. Further details of the proposal are as follows:

Demolition

9. The rear lean-to single storey extension, with the exception of the northern boundary wall.
10. The entire roof structure and sheeting.
11. A window constructed on the northern boundary.
12. The ground floor window to the front façade.
13. Internal walls and doors (*no permit required*).
14. The northern retaining wall and concrete paving of the POS.
15. The rear roller door to the laneway

Extension

16. The rear extension is set back from the retained two storey dwelling by 1.54 metres and is connected by a walkway at both the ground and first floors. The walkway is set back 690mm from the southern boundary and 3.19 metres from the northern boundary creating a courtyard to the north and a lightwell to the south, both of which continue at first floor.
17. The ground floor of the extension (comprising a kitchen and meals area) is constructed to the north and south boundaries for a length of 6.56 metres and is set back from the rear (east) boundary by 5.19 metres, providing for an area of POS 20sqm in area.
18. The first floor of the extension (comprising a bedroom and ensuite) is constructed to the south boundary for 5.61 metres and is set back 70mm from the northern boundary and 6.14 metres from the east (rear) boundary).
19. The extension has a southern boundary wall with a maximum height of 2.36 metres and a northern boundary wall with a maximum height of 5.44 metres.
20. The extension has a pitched roof with a maximum height of 7.07 metres above NGL.

Roof terrace

21. The roof terrace is located on the roof of the existing two storey terrace and is non-trafficable for a depth of 830mm along the northern boundary. Skylights are proposed along the northern boundary providing light to the first-floor bedroom and landing below.
22. The roof terrace has a non-trafficable storage area abutting the retained façade parapet, a 600mm deep galvanised fin along the southern boundary and a built-in-seat and 1.3 metre high hit and miss brickwork located at the rear (east) for a depth of 2.1 metres.
23. The terrace is accessed via stairs and provides for 35.8sqm of POS area.

General

24. Installation of five (5) solar panels on the northern hip.

25. Construction of a fence and gate to the rear laneway.
26. Construction of a store (max height of 2.2 metres) along the northern boundary of the POS.
27. Materials and finishes include:
 - (a) Concrete blockwork with an ivory sandblast finish for boundary walls and first floor elevations.
 - (b) Face brickwork in a light brown/cream for back fence.
 - (c) Bagged brickwork in a light finish (off-white) to ground floor.
 - (d) Hit and miss brickwork with a white finish for rear of roof terrace.
 - (e) Galvanised steel fin balustrade to the roof terrace.
 - (f) Vertical steel screen with maximum 25% transparency.
 - (g) Metal roof sheeting and metal cladding to the walkway to match the roof sheeting.

Existing Conditions

Subject Site

28. The subject site is located on the eastern side of Drummond Street, 20 metres north of Lees Street, in Carlton North. The site has a frontage of 4.99 metres and a site depth of 22.86 metres, yielding an overall site area of 114sqm. The site is bound by an unnamed laneway, 2.7 metres wide, to the rear (east) which is accessed from Lees Street to the south.
29. The site is developed with a white rendered, two storey Victorian-era dwelling with a single storey lean-to at the rear. The dwelling is recognised as Contributory to the Carlton North Heritage Precinct (Schedule 326), with an original front parapet and traditional hipped metal roof. The dwelling is constructed flush to Drummond Street and to both side boundaries for its entire length, providing for an area of private open space (**POS**) at the rear (east) where it abuts the laneway.



Image 1: the subject site (centre) from Drummond Street (source: Officers site visit, July 2021)

Surrounding Land

30. The immediate area is characterised by residential dwellings from the Victorian/Edwardian-era and some inter-war and modern infill development. The subject site and surrounds are located in the Carlton North Heritage Precinct.

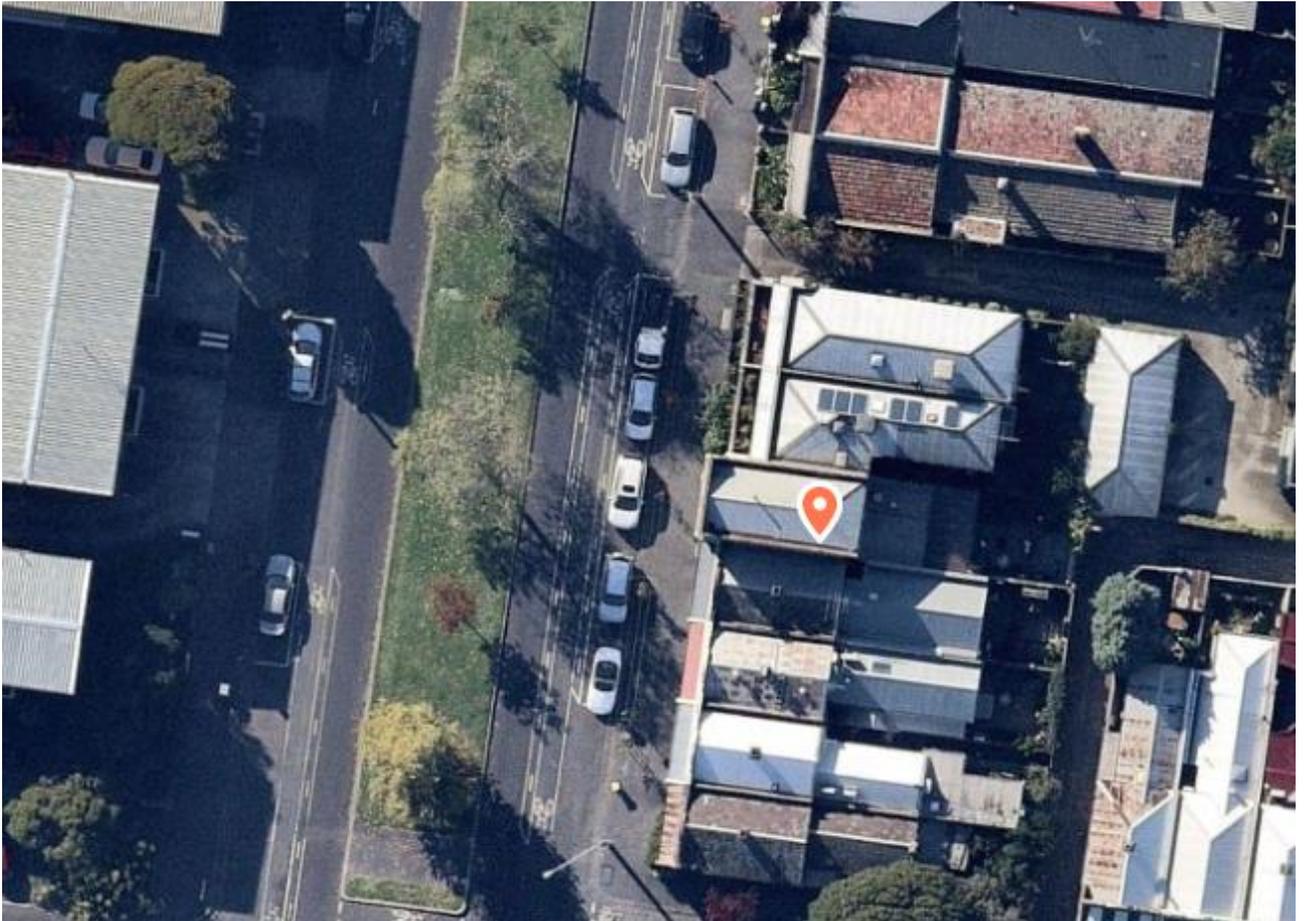


Image 2: Aerial of the subject site and surrounds (source: NearMap, April 2021)

31. Immediately to the north is No. 610B and 612B Drummond Street which are developed with matching and attached, two storey modern dwellings. The dwellings are provided garages at the rear of the site which can be accessed by a driveway along the northern boundary of No. 612B Drummond Street. Areas of POS (35sqm in area) are provided between the dwellings and the garages. No. 610B Drummond Street, the southern dwelling which abuts the subject site, is constructed to the shared boundary with the subject site for a length and is then set back by 1.51 metres for the remainder. Two (2) habitable room windows (HRW) face the subject site from within this setback, one at ground and one at first floor. No. 610 Drummond Street has 6 solar panels on the northern hip of the roof.
32. Immediately to the south of the subject site is No. 606 Drummond Street which is developed with an attached, single storey, Victorian/Edwardian-era dwelling. The dwelling is generally constructed to both side boundaries, with the exception of a light court (1.2 metres by 1.2 metres) provided along the northern title boundary. The light court partially abuts the existing 8.8 metre high boundary wall of the subject site and provides daylight to a bedroom and a bathroom. An area of POS, 25.6sqm in area, is provided to the rear (east) of the subject site where it abuts the laneway. No HRWs face the subject site from this dwelling.



Image 3: aerial showing the location of the light court at No. 606 Drummond Street partially abutting the two storey form of the subject site (source: NearMap, April 2021)

33. Further south is No. 604 Drummond Street which is also developed with a single storey, attached, Victorian/Edwardian-era dwelling generally constructed to both side boundaries and provides for an area of POS at the rear. No HRW face the subject site from this dwelling.
34. Further south again is No. 602 Drummond Street which is also developed with a single storey, attached, Victorian/Edwardian-era dwelling with a single storey extension at the rear and has notably high site coverage. The dwelling is provided HRWs along the northern elevation which face into the small side setback of the dwelling. These windows are a distance of approximately 11 metres from the subject site.
35. To the east of the site, across the laneway, is the POS of No. 138 Lees Street, which is associated with a single storey dwelling fronting Lees Street.
36. To the west is Drummond Street, a 23 metre wide road which is provided parking and bicycle lanes in either direction and has a landscaped strip in the middle. Beyond Drummond Street is a complex of three-storey walk-up flats.

Planning Scheme Provisions

Zoning

Neighbourhood Residential Zone (Schedule 1)

37. Pursuant to Clause 32.09-1 of the Yarra Planning Scheme (**the Scheme**), a permit is not required to use the land as a dwelling.
38. Pursuant to Clause 32.09-5, *a planning permit is required to construct or extend a dwelling on a lot less than 500sqm* (as specified in Schedule 1 of the Zone). The subject site is an area of 114sqm thus a permit is required to extend one dwelling on a lot.
39. Pursuant to Clause 32.09-4 of the Scheme, mandatory minimum garden area requirements applies to lots greater than 400sqm. As the subject site is a total area of 114sqm, the garden area requirements are not applicable.
40. Pursuant to Clause 32.09-10, *a building used as a dwelling or residential building must not exceed a height of 9 metres or two storeys at any point.*
41. The proposed extension has a maximum height of 8.46 metres above NGL (top of the terrace balustrade) and is two storeys and therefore meets the requirements of the mandatory provision.

Overlays

Heritage Overlay (Schedule 326)

42. Pursuant to Clause 43.01-1, a planning permit is required to demolish or remove a building and to construct and carryout works.
43. Appendix 8 to the City of Yarra Review of Heritage Areas, 2007 – The site is identified as being Contributory to the *Carlton North Heritage Precinct* (Schedule 326).

Development Contribution Plan Overlay (Schedule 1)

44. Pursuant to Clause 45.06-1 a permit granted must:
 - (a) Be consistent with the provisions of the relevant development contributions plan.
 - (b) Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.
45. The proposal does not result in an increase in the number of dwellings; thus, the requirements of the Overlay do not apply.

Particular Provisions

Clause 54 – One dwelling on a lot (ResCode)

46. Pursuant to Clause 54 of the Scheme this provision applies to an application to construct a dwelling on a lot less than 500sqm. A development must meet the objectives of Clause 54.

General Provisions

47. The Decision Guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.
48. Amongst other things, the Responsible Authority must consider the relevant Municipal Planning Strategy and the Planning Policy Frameworks, as well as the purpose of the Zone, Overlay or any other Provision.

Planning Policy Framework (PPF)

Clause 11.02 – Managing growth

49. The clause includes several strategies to achieve this objective including '*planning for urban growth should consider opportunities for the consolidation, redevelopment and intensification of existing urban areas.*'

Clause 15 – Built Environment and Heritage

Clause 15.01-1S – Urban design

50. The objective of this clause is '*to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*'

Clause 15.02-1S – Energy and resource efficiency

51. The objective of this clause is '*to encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.*'

Clause 15.03-1S – Heritage conservation

52. The objective of this clause is '*to ensure the conservation of places of heritage significance.*'

Clause 16 – Housing

Clause 16.01-3S – Housing diversity

53. The objective of this clause is '*to provide for a range of housing types to meet diverse needs.*'

Local Planning Policy Framework (LPPF)

Clause 21 – Municipal Strategic Statement (MSS)

Clause 21.03 – Vision

54. Clause 21.03 of the Scheme outlines strategic objectives for land use, built form, transport and environmental sustainability within the City. Strategies to achieve the objectives are set out in the following clauses of the MSS.

Clause 21.04 – Land Use

Clause 21.04-1 – Accommodation and housing

55. The relevant objectives and strategies of this clause are *'to retain a diverse population and household structure'* and to *'encourage the retention of dwellings in established residential areas that are suitable for families with children'*.

Clause 21.05 – Built form

Clause 21.05-5 – Heritage

56. The principal objective of this clause are *'to protect and enhance Yarra's heritage places'*.

Clause 21.05-6 – Urban Design

57. This clause incorporates the following relevant objectives:

- (a) *Maintain and strengthen the preferred character of each Built Form Character Type within Yarra; and*
- (b) *Ensure development is designed having particular regards to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.*

Clause 21.08-3 – Carlton North

58. The subject site is identified as 'Heritage Overlay' on the *Figure 10 (Built Form Character Map)*. The objective for this area is to *'ensure that development does not adversely affect the significance of the heritage place'*.

Relevant Local Policies

Clause 22.02 – Development guidelines for sites under the heritage overlay

59. This policy applies to all land within a Heritage Overlay. The clause incorporates the following relevant objectives;

- (a) *To conserve Yarra's natural and cultural heritage;*
- (b) *To conserve the historic fabric and maintain the integrity of places of cultural heritage significance;*
- (c) *To preserve the scale and pattern of streetscapes in heritage places;*
- (d) *To ensure that additions and new works to a heritage place respect the significance of the place; and*
- (e) *To encourage the retention of 'individually significant' and 'contributory' heritage places.*

Clause 22.07 – Development abutting laneways

60. The policy applies to applications for development that is accessed from a laneway or has laneway abuttal. The clause incorporates the following relevant objectives;

- (a) *To provide an environment what has a feeling of safety for users of the laneway;*
- (b) *To ensure that development along a laneway acknowledges the unique character of the laneway; and*
- (c) *To ensure that development along a laneway is provided with safe pedestrian and vehicular access.*

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

61. This policy applies to extensions greater than 50sqm in area. The objective of this clause is:

- (a) *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*

Incorporated Document

62. Appendix 8 to the City of Yarra Review of Heritage Areas, 2007 (revised May 2017) – The site is identified as being Contributory to the *Carlton North Heritage Precinct* (Schedule 326).

Advertising

63. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 17 letters sent to surrounding owners and occupiers and by a sign displayed on site.
64. Following the submission of amended plans, pursuant to Section 57a of the Act, the application was advertised under the provisions of Section 57B by letters sent to objectors and abutting properties. Council received six (6) objections overall, the grounds of which are summarised as follows:
- (a) Overdevelopment of the site
 - (b) Overlooking
 - (c) Overshadowing
 - (d) Loss of daylight to windows
 - (e) Loss of daylight to light well
 - (f) Non-compliance with Standard A5 (Site coverage) and Standard A6 (Permeability)
 - (g) Smoke pollution from flue
 - (h) Inaccuracies in plans including omission of light well at No. 606 Drummond Street
 - (i) Fire protection of proposed skylights
 - (j) Location of proposed services
 - (k) Structural integrity of the existing boundary walls
 - (l) Damage to neighbouring properties
 - (m) Not supportive of proposed blockwork colour
 - (n) Concerns regarding the “buildability” of the proposal
 - (o) Roof terrace will impact installation and efficiency of solar panels in the future
 - (p) Drainage and rainwater runoff impacts
 - (q) Safety of roof terrace (ie falling)
65. A planning consultation meeting was not held.

Referrals

66. The application was not required to be referred to external parties.

Internal Referrals

67. The application was referred to the following units within Council:
- (a) Heritage Advisor (comments provided for both sets of advertised plans).
68. Referral comments have been included as attachments to this report.

OFFICER ASSESSMENT

69. The primary considerations for this application are as follows:
- (a) Clause 54 – one dwelling on a lot (ResCode)
 - (b) Heritage
 - (c) Objector concerns

Clause 54 – One dwelling on a lot (ResCode)

70. Clause 54 comprises design objectives and standards to guide the assessment of new residential development. Given the site's location within a built up inner city residential area, strict application of the standard is not always appropriate, whether the proposal meets the objective is the relevant test. The following objectives are not relevant to this application:
- (a) *Standard A2 Integration with the street objective* – no change from existing conditions
 - (b) *Standard A3 Street setback objective* – no change from existing conditions
 - (c) *Standard A8 Significant trees objective* – none removed or affected by the proposal
 - (d) *Standard A13 North facing windows objective* – none within 3 metres of the site
 - (e) *Standard A19 Solar access to open space objective* – not applicable to extensions
 - (f) *Standard 20 Front fences objective* – no change from existing

Standard A1 - Neighbourhood Character

71. The surrounding area is characterised by single and double storey, Victorian/Edwardian-era dwellings. High site coverage is a common characteristic of the area given the smaller lots sizes with the majority of neighbouring sites displaying site coverage of between 80-90%. Development in Carlton North, including along Drummond Street, is typically constructed to both side boundaries. Considering this context, the design response, which has walls on boundaries and a high site coverage, is appropriate.
72. Pursuant to the Figure 10 in Built Form Character Map of Clause 21.08-3 (Carlton North) the subject site is identified as being in a Heritage Overlay. The neighbourhood policy encourages that development within these areas *does not adversely affect the significance of the heritage place*.
73. The front of the dwelling, as visible from the street, is generally not being altered. The extension is located toward the rear of the site at a notable distance from the street frontage to respect the intact heritage elements of the streetscape. Although the proposal will be assessed against the heritage policy of the Scheme later in this report, with a particular focus on the proposed roof terrace, it is generally considered that the proposed scale and design of the extension will not adversely affect the significance of the heritage place.
74. For the reasons outlined, the proposal is considered to comply with the Neighbourhood Character Standard.

Standard A4 – Building Height

75. Standard A4 requires that *the maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land*. Schedule 1 of the Zone specifies that the maximum building height is 9 metres.
76. The extension has a maximum height of 8.46 metres above NGL and therefore complies with the Standard.

Standard A5 – Site Coverage

77. As no minimum site coverage is specified in Schedule 1 of the Neighbourhood Residential Zone, the maximum site coverage under the Standard of 60% applies.
78. The proposal has an overall site coverage of 77.7% and therefore does not comply with the Standard; however, it is considered to meet the objectives of the Standard for the following reasons:
- (a) High site coverage is a prominent characteristic of the neighbourhood with higher site coverage visible on neighbouring lots. Of note, the terraces to the south and east of the subject site display site coverage of between 80-90%.

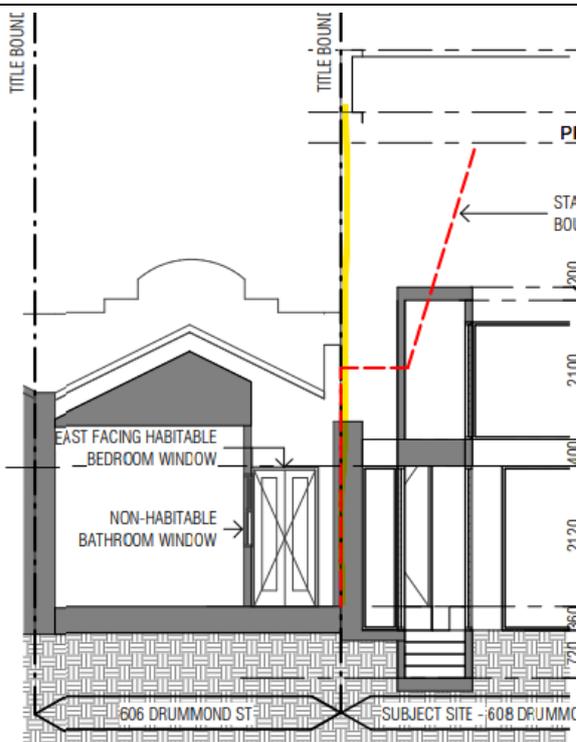
- (b) The proposal responds to the rear setbacks of the neighbouring terraces and also provides for a reasonable internal courtyard and lightwell. As such, the proposed variation to the standard will not result in an unreasonable amenity impact associated with site coverage.

Standard A6 – Permeability

- 79. As no minimum permeability is specified in Schedule 1 of the Neighbourhood Residential Zone, pervious surfaces must cover at least 20% of the site. The proposed development will result in site permeability of 30.14% which meets the requirements of the Standard.
- 80. Local policy Clause 22.16 (Stormwater Management), which applies to an extension greater than 50sqm is an area, provides clear directive on how development can address stormwater run-off. A STORM Rating Report was submitted with the application which demonstrates a score of 134% through the inclusion of 8.4sqm of 100mm deep raingardens.
- 81. A condition will be included requiring that the raingardens be shown in plans and the depth and area notated. Similarly a condition will be included requiring that the rear POS be notated as permeable.

Standard A7 – Energy efficiency protection objective

- 82. The proposal meets the first objective of Standard A7 *to ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy* for the following reasons:
 - (a) Generally, all habitable rooms are provided with good daylight access with east and west-facing glazing provided to the retained dwelling and proposed extension.
 - (b) A skylight has been provided to the first-floor bedroom which is not provided a window due to the constraints of the site.
 - (c) Sliding doors are provided to the kitchen area which will provide for natural ventilation. A condition will require that, unless required to be fixed for Overlooking purposes, windows should be operable to increase the natural cross ventilation of the dwelling and reduce the dwellings reliance on air-conditioning or mechanical ventilation systems.
 - (d) Solar panels are provided on the northern hip of the extension.
- 83. The proposal meets the second objective of the Standard *to achieve and protect energy efficient dwellings* for the following reasons discussed below.
- 84. The only immediately abutting properties are to the south and north.
- 85. The extension has been designed to abut the existing dwelling to the south at No. 606 Drummond Street which is generally constructed to the shared boundary with the subject site for rear length of the site. A light well, 1.2 metres by 1.2 metres, is located along the northern boundary to the subject site and provides daylight to a bedroom and bathroom. No HRWs face the subject site and as such the light well is not assessed against Standard A12 (Daylight to windows objective), however, the daylight to the lightwell needs to be considered with regards to the energy efficiency.
- 86. As discussed, the light well abuts the existing 8.8 metres boundary wall and the ground floor boundary wall of the existing dwelling. As such, daylight to the light well is compromised under existing conditions.
- 87. The proposal is retaining the 8.8 metre boundary wall opposite the lightwell and is constructing a walkway (with a maximum height of 5.18 metres) a distance of 690mm from the shared boundary and partially opposite the light well. This interface is shown in the below diagram with the existing boundary wall highlighted in yellow.



3 LIGHT WELL SECTION
1:100

Image 4: a section of the light well at No. 606 Drummond Street and the proposed walkway (Source: Decision Plans)

88. Moreover, the proposal is a distance of 2.21 metres from the windows of No. 610B Drummond Street.
89. It is considered that the proposal will not unreasonably reduce the energy efficiency of the lightwell at No. 606 Drummond Street or the windows of No. 610B Drummond Street for the following reasons:
- Daylight to the lightwell is already notably compromised by the abutting 8.8 metre high boundary wall located on the northern boundary of the light well.
 - The proposed walkway opposite the lightwell of No. 610B Drummond Street has reduced the internal ceiling heights as much as allowable under Victorian building regulations. Moreover, the first floor has incorporated a pitched roof to allow for lower internal ceiling heights at first floor and the ground floor extension has been excavated below NGL. All of these design aspects ensure lower than typical wall heights in an attempt to limit the off-site amenity impacts to abutting properties.
 - The first-floor walkway is finished in a light coloured metal sheeting and as such may reflect light into the southern light well. Similarly, the elevations of the extension are to be finished in light brickwork to reflect light to the south-facing windows of No. 610B Drummond Street.
 - The proposal, which is located on a small and narrow site (only 114sqm in area) has had to respond to two abutting areas of POS, the south-facing windows of No. 610B Drummond Street and the lightwell of No. 606 Drummond Street. In this context, the proposal has positively responded to a small central light well which has limited access to light under existing conditions.
90. For these reasons, Council Officers consider that the proposal has reasonably responded to this light well and windows of the neighbouring properties, given the existing conditions and constraints of the small site.

91. Finally, there are no solar panels located on the southern rooves under existing conditions which may be impacted by any development. The solar panels on the roof of No. 610B Drummond Street are to the north of the subject and therefore will not be impacted.
92. For the reasons outlined above, the extension is considered to meet the objectives of Standard A7.

Standard A10 – Side and rear setbacks and Standard A11 – Walls on boundaries

93. The following tables provide an assessment against Standards A10 and A11.

Standard A10 Table

Proposed Wall	Wall height (m)	A10 Setback (m)	Proposed setback (m)	Difference	Compliance
South elevation of walkway	5.18	1.47	0.69	-0.78	No
North elevation of walkway	5.18	1.47	1.47	1.71	Yes
North Elevation of FF	5.44	1.55	0.7	-0.85	No
East elevation of GF	4.4	1.24	5.19	3.95	Yes
East elevation of FF	7.07	2.16	6.14	3.98	Yes
East elevation of RT	8.46	3.55	13.29	9.74	Yes

Standard A11 tables

Wall on boundary	Length (m)	A11 Length (m)	Difference	Compliance
Southern wall	15.21	13.22	-2.00	No
Northern wall	15.21	13.22	-2.00	No

Wall on boundary	Height (m)	A11 Max. Height (m)	Difference	Compliance
Southern wall	5.44	3.60	-1.84	No
Northern wall	2.40	3.60	1.20	Yes

94. As shown in the above tables, the proposal does not comply with Standard A10 with regards to the first floor setback from the northern boundary and the setback of the walkway from the southern boundary. The proposal also does not comply with Standard A11 with regards to the length of boundary walls and height of the southern boundary wall. Each elevation will be discussed in turn.

South elevation

95. The southern elevation of the walkway requires a variation of 780mm from Standard A10 (Side and rear setbacks) and the southern boundary wall exceeds the height prescribed by Standard A11 by 1.84 metres and the length prescribed by 2 metres. These variations are considered to meet the objective of the Standards, which is to ensure the walls respect the existing and preferred neighbourhood character and limit the impact on the amenity of existing dwellings, for the following reasons:

- (a) As discussed under Standard A7, the design of the proposed walkway appropriately responds to the location of the lightwell at No. 606 Drummond Street so that it is not unreasonably impacted.
- (b) The wall on boundary is constructed to abut the roof of No. 606 Drummond Street for its entire length so that it will not result in an unreasonable visual bulk to the neighbouring property.
- (c) The boundary wall, with a maximum height of 5.44 metres, is notably low for a two-storey wall. Further, the first-floor portion of the boundary wall is setback an additional 950mm from the rear (east) to limit the overshadowing impacts of POS to the south-east (to be discussed under Standard A14).
- (d) Boundary walls are a common characteristic of the area with most properties being constructed to one or both side boundaries and typically exceeding the boundary wall length of the Standard. The boundary wall is the same length as the boundary wall of No. 606 Drummond Street, albeit higher in part.

North elevation

96. The first-floor north elevation requires a variation of 850mm from Standard A10 and the length of the boundary wall requires a variation of 2 metres from the prescribed length of Standard A11. These variations are accepted for the following reasons:
- (a) As discussed, boundary walls are a common characteristic of the area and a variation of only 2 metres is reasonable in the context. Further, the boundary wall is contained to a maximum height of 2.4 metres (achieved through excavation) which is notably lower than a typical wall height and will not result in any unreasonable visual bulk impacts to the northern property.
 - (b) A variation to the setback prescribed by Standard A10 is reasonable given that full compliance (a setback of 1.55 metres) is difficult to achieve on a narrow site (4.99 metres). Moreover, smaller side setbacks is common characteristic of the area given the narrow abutting and nearby sites.
 - (c) As discussed, the extension has had to respond to a number of sensitive interfaces and has reasonably done so by excavating and incorporating internal ceiling heights and a pitched roof. This results in the extension being notably lower than the two-storey terrace at the front of the site as well as the two storey dwellings at No. 610B and No. 612B Drummond Street.
 - (d) The northern elevation will not overshadow the abutting property due to its orientation.
 - (e) The northern elevations will not unreasonably impact daylight to No. 610B Drummond Street windows (as will be discussed under Standard A12).

Standard A12 – Daylight to existing windows

97. Two (2) habitable room window face the subject site from No. 610B Drummond Street. The below table assesses the extension (as per the decision plans) against Standard A12.
-

Standard A12 Table

Proposed Wall	Wall height (m)	A12 Setback (m)	Proposed setback (m)	Difference	Compliance
GF window from GF wall	2.40	1.20	1.53	0.33	Yes
GF window from FF wall	5.40	2.70	2.21	-0.49	No
FF window from FF wall	1.60 [^]	0.80	2.21	1.41	Yes

[^] 1.6 metres being the height of the wall above the first-floor level of No. 610B Drummond Street

98. As shown in the above table the first-floor north elevation does not meet the setback required from the ground floor window of No. 610B Drummond Street and requires a variation of 490mm. The variation is acceptable for the following reasons:

- (a) The window is a secondary window to a room which has a primary outlook to the east. As such, any daylight impacts to the south-facing window will not unreasonably impact the amenity of the room.
- (b) The extension has been reasonably designed through excavation and low internal ceilings heights to limit impacts to neighbouring properties.
- (c) A variation of 490mm is reasonable given the narrowness of the subject site.

Standard A14 – Overshadowing

99. Pursuant to Clause 54.04-5 (Standard A14), *where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.*

100. *If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.*

101. Due to the orientation of the subject site, the proposal will overshadow the POS of the southern adjoining property at No. 606 Drummond Street from 1pm to 3pm at the Equinox.

102. The impacts of the extension on No. 606 Drummond Street, which is an area of 25.6sqm, is as follows:

	9am	10am	11am	12noon	1pm	2pm	3pm
Additional shadows	0	0	0	0	0.76sqm	2.91sqm	1.7sqm
Unshaded area	7.5sqm	12.6sqm	15.2sqm	16.7sqm	13.1sqm	7.2sqm	0sqm

103. The neighbouring area of POS will not receive 75% of unshaded area (17.9sqm) for five hours of the day under existing conditions, thus the proposal which further reduces sunlight does not meet the Standard. However, the test is whether the shadows are reasonable for the site context and whether the policy objective (which is *to ensure buildings do not unreasonably overshadow existing secluded private open space*) is achieved.

104. Given the notably small lots sizes and east-west orientation, shadowing impacts can be expected from development. Nevertheless, it is considered, for the reasons substantiated throughout this report, that the design response has been considered in the context and has gone as far as reasonably practical to limit the off-site amenity impacts to neighbouring properties. The POS of No. 606 Drummond Street will be unimpeded throughout the morning and midday and the impacts at 1pm (of less than 1sqm) are considered negligible.

Under existing conditions, there is a small area (1.7sqm) of sunlight at 3pm. This will be removed by the proposal, however, the removal of 1.7sqm of sunlight will not have a perceptible impact on the usability or amenity of the space at this hour.

105. In light of the above, the proposal is considered to meet the objective of Standard A14 and is supported.

Standard A15 – Overlooking

106. The following first floor habitable windows are proposed:

(a) The east-facing windows of the bedroom with a screen with maximum transparency of 25% for its full height.

107. The remainder of the rooms are non-habitable or are existing. As such, the extension complies with Standard A15 (Overlooking).
108. Within 9 metres of the roof terrace is the HRW a small portion of POS associated with No. 610B Drummond Street. The POS area of No. 606 Drummond Street is beyond 9 metres and views to this area would be restricted by the existing dwelling on the site.
109. The north-facing windows of No. 602 Drummond Street are not within 9 metres of the site. Nevertheless, the views to these windows, which are located within the side setback of the dwelling, would be reasonably restricted by the dwellings between the sites.
110. The roof terrace has also relied upon 1.3 metre high hit-and-miss brickwork and an associated seat, constructed on the east and west elevation and for a depth of 2.1 metres, to limit views to No. 610B Drummond Street. The Overlooking Diagram demonstrates that this would acceptably limit the views to above the windows and area of POS, however, conditions should be included requiring that the hit-and-miss brickwork be a maximum transparency of 25% and that the seat be replaced with a non-trafficable element such as a planter box, the depth and height of which should be notated on the plans.
111. Subject to condition, the proposal is designed in accordance with the objectives of Standard A15 (Overlooking).

Standard A16 - Daylight to new windows

112. All new windows are located to face an outdoor space clear to sky, with a minimum light court of 3 metres and minimum dimension of 1 metre clear to sky.

113. The proposal complies with the Standard.

Standard A17 – Private open space objective

114. According to Standard A17, *a dwelling should have private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres. At least one part of the private open space should consist of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres at the side or rear of the dwelling with convenient access from a living room.*
115. The proposal has a principal area of secluded private open space at ground floor which is 20sqm. Further, the extension provides a secondary area of SPOS including a roof terrace (35.8sqm in area). The proposal therefore exceeds the Standard.
116. It is noted that the roof terrace will be required to be redesigned for heritage reasons, however, the dwelling will continue to be provided a reasonable level of POS area which is easily accessed from living spaces.
-

Standard A19 – Design detail

117. The objective of the Design detail Standard is *to encourage design detail that respects the existing or preferred neighbourhood character*. The proposal incorporates concrete blockwork (ivory sandblast finish), face brickwork and bagged brick work with lighter finishes. These materials are in keeping with the white render of the heritage dwelling.
- Moreover, the metal cladding which is incorporated in the roof, roof terrace balustrade and walkway is in keeping with the pattern of contemporary infill development in the neighbourhood.
118. The proposal is therefore considered to meet the objective of Standard A19 (Design detail) and is supported.

Heritage

119. The site is recognised as Contributory to the *Carlton North Heritage Precinct* (Schedule 327). The front of the dwelling is generally being retained as is encouraged by Clause 22.02-5.1 of local heritage policy. The removal of the non-original front window, to allow for a more traditional window frame, was encouraged by Council's Heritage Advisor and is supported.
120. The removal of the rear lean-to and rear portion of the terrace is accepted as these elements would not be visible from the Drummond Street frontage and therefore would not detrimentally impact the appearance of the heritage place to this streetscape.
121. A condition will require that the notation confirming that the front window will be removed and replaced "like-for-like" be deleted from the Demolition Floorplan given that the window will now be replaced with a more traditional style. Moreover, a condition will require that a Demolition Front Elevation be provided.
122. The proposed two storey extension is considered acceptable for the following reasons:
- (a) The extension is located within the sight line outlined at figure 2 of Clause 22.02-5.7.1 of the Scheme, and is notably lower than the existing two storey form at the front of the site. As such it will not dominate or detract from the value of the heritage place or streetscape.
 - (b) The extension is setback and separated from the retained dwelling, connected only by a walkway, creating a clear distinction between old and new.
 - (c) The contemporary blockwork and brickwork with light finishes will distinguishable from the original heritage fabric (rendered white brick) but is responsive and sympathetic to the materiality of the original as is encouraged by Clause 22.02-5.7.1 of the Yarra Planning Scheme. Similarly, the incorporation of metal sheeting into the screening and walkway is reflective of the use of metal sheeting throughout the precinct.
 - (d) Council's heritage advisor supported the design, setback and scale of the extension.
123. Lastly, the full demolition of the roof and construction of a roof terrace is proposed. Clause 22.02-5.1 of local heritage policy encourages that the main building form, including the roof form is maintained for Contributory buildings. Moreover, Clause 22.02-5.7.1 discourages elements which detract from the heritage fabric or are not contemporary with the era of the building such as unroofed or open upper level decks or balconies.
124. Although any views to the existing roof are from oblique angles and from a notable distance (as shown in the image below), Council's heritage advisor was not supportive of the demolition of the roof and encouraged that the roof terrace be provided at the rear of the site.



Image 5: view to the subject site from the south along Drummond Street, approximate eye level of 1.6 metres and no visibility of the roof (source: Officers site visit, July 2021)

125. In response to these concerns, the Applicant submitted Section 57A amended plans which incorporate a 600mm deep metal fin balustrade along the southern elevation that is angled to appear like an original roof form. The balustrade was included in an attempt to conceal views to the roof terrace and its associated activity by reducing the movement of people close to the edge. The terrace is set off from the north elevation by 830mm to allow for skylights.
126. Council's Heritage Advisor was generally supportive of this response, however, recommended that the original roof be retained for a depth of one room (approximately 4.5 metres), that the fins be angled at the same degree as the retained roof and that the fins be increased in depth to be closer to 1 metre to ensure visibility to the area is limited. This would allow for a roof terrace area shown in the below diagram.

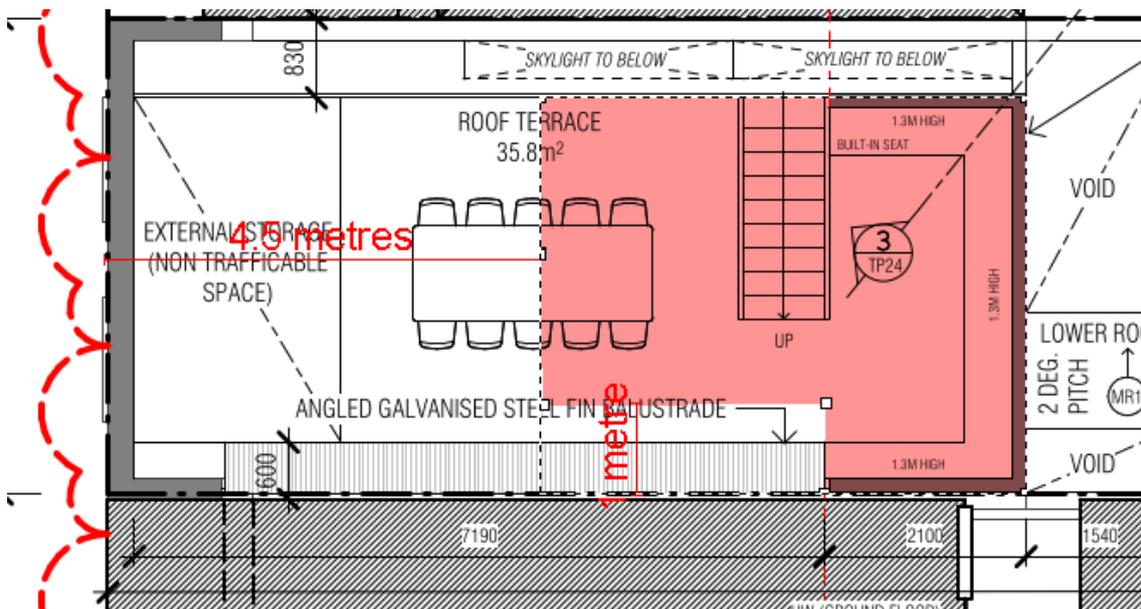


Image 6: The roof terrace subject to recommended condition (source: Decision Plans, edited by Council Officers)

127. The subject site is an anomaly in this section of Drummond Street in that it is a lone two-storey terrace abutted by single storey terraces to the south and non-contributory two-storey dwellings to the north. As such, visibility of the roof space is a key concern for the application. However, as the dwelling does not form part of a cohesive streetscape in this section of Drummond Street, Council Officers consider that some alterations to the rear of original roof can be supportable. Consideration must also be given to the on-site amenity benefits of providing POS areas with good solar access and to the site specific context that means a terrace or balcony could not be provided to the rear extension due to the numerous sensitive interfaces at the rear of the site that were required to be responded to.
128. On balance, Council Officers consider that the roof terrace subject to these conditions would achieve a reasonable heritage response whilst still allowing for a usable POS area for the dwelling.
129. In consideration of the above, the proposal is acceptable from a heritage perspective subject to the conditions relating to the roof terrace.

Objector concerns

130. *Overdevelopment of the site*

A two-storey extension and roof terrace is not considered out of character or an over development in the context of a residential area with a range of single to triple storey dwellings.

Any application is assessed against the relevant policy and the response to the individual site context, and in this instance the design response, subject to conditions, has been found to comply with the mandatory height provisions of the Neighbourhood Residential Zone, and more generally the policy located at Clause 54, the Heritage Overlay and the relevant local policies.

131. *Overlooking*

This aspect of the proposal has been discussed at paragraphs 106 -111 of this report. Subject to conditions relating to the transparency of the hit-and-miss bricks and planter boxes /non-trafficable element being employed in lieu of seats, the proposal complies with the provisions of Clause 54.04-6 (Overlooking Standard) of the Yarra Planning Scheme.

132. *Overshadowing*

This matter has been discussed at paragraphs 99 – 105 of this report and it is considered that the proposed extension has been appropriately designed to limit overshadowing to neighbouring properties.

133. *Loss of daylight to windows*

This matter has been discussed at paragraphs 97 – 98 of this report and it is considered that the location of windows has been appropriately responded to by the proposed extension.

134. *Loss of daylight to light well*

This matter has been discussed at paragraphs 85 - 89 and it is considered that the response to this lightwell is appropriate.

135. *Non-compliance with Standard A5 (Site coverage) and Standard A6 (Permeability)*

These matters have been discussed at paragraphs 77 - 81 of this report. Standard A6 (Permeability) is complied with and the variation to Standard A5 is supported given it is in keeping with the pattern of site coverage in the immediate area.

136. *Smoke pollution from flue*

This is not a planning consideration. The use of the land for residential use is as-of-right in the Neighbourhood Residential Zone and as such, amenity impacts relating to the use (ie fumes or noise) are not a planning matter in this instance. Regardless, smoke associated with a residential use is not likely to be excessive.

137. *Inaccuracies in plans including omission of light well at No. 606 Drummond Street*

These inaccuracies were satisfactorily corrected in the Section 57A Amended plans.

138. *Fire protection of proposed skylights*

This matter is addressed at the building stage and is not a planning consideration.

139. *Location of proposed services*

Services normal to a dwelling (which are not visible from the street) do not require planning permission and are thus not a planning consideration in this instance. As discussed, the use of the land as a dwelling is an as-of-right use in this instance so noise from residential services is not a planning consideration. Noise from services must comply with SEPP noise regulations which are enforced by the EPA.

140. *Structural integrity of the existing boundary walls*

This will be considered at the building permit stage and is not a planning consideration. If the scope of demolition has to be increased from what is shown for structural reasons an amended planning application will have to be submitted.

141. *Damage to neighbouring properties*

This is not a planning consideration but will be addressed at the building permit stage.

142. *Not supportive of proposed blockwork colour*

The proposed materiality of the extension is considered to meet the objectives of Standard A19 (Design detail) and is supported from a heritage perspective.

143. *Concerns regarding the “buildability” of the proposal*

This is not a planning consideration. Construction matters will be addressed at the building permit stage. The expected budget is a consideration of the owner only. Council consider the cost of works (which are considered for administration purposes only) to be appropriate for a development of this size.

144. *Roof terrace will impact installation and efficiency of solar panels in the future*

Council can only consider the existing site context. There are currently no solar panels on the southern properties that may be impacted. Nevertheless, given the modest height of the extension it is not expected that solar panels would be unreasonably impacted on neighbouring sites should they be installed in the future.

145. *Drainage and rainwater runoff impacts*

Drains and water run-off is not a planning consideration but will be addressed at the building permit stage. The application has met the requirements of Clause 22.16 (Stormwater management) of the Yarra Planning Scheme. This is the only relevant consideration in the Scheme.

146. *Safety of roof terrace (ie falling)*

This is not a planning consideration. Nevertheless, balustrades have been provided, the depth of which has been required to be increased for heritage reasons.

Conclusion

147. The proposal demonstrates an acceptable level of compliance with the policy requirements outlined in the Yarra Planning Scheme. Based on the report, the proposal is considered to generally comply with the relevant policies of the Yarra Planning Scheme and is recommended for approval subject to conditions.

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN20/0834 for part demolition and construction of a two storey extension and a roof terrace to the existing dwelling, at No. 608 Drummond Street, Carlton North, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans as lodged pursuant to Section 57a of the *Planning and Environment Act (1987)* on 27 May 2021 and prepared by Architecture Jack, Drawings TP01-TP24 and date 26 May 2021 but modified to show:
 - (a) The retention of the original roof for a depth of one room which is a minimum of 4.5 metres deep.
 - (b) The fins along the southern elevation of the roof terrace angled in accordance with the angle of the retained roof and the depth of the fins increased to 1 metre.
 - (c) The raingardens in accordance with the STORM report submitted, with the area and depth notated.
 - (d) The rear area of POS with a permeable surface.
 - (e) All windows, unless required to be fixed for overlooking purposes, as operable.
 - (f) The hit-and-miss brickwork of the terrace with a maximum transparency of 25%.
 - (g) The built-in seat on the roof terrace replaced with a planterbox (or similar non-trafficable item) and the depth dimensioned.
 - (h) Removal of the “like-for-like” notation from the Demolition Floorplan in association with the replacement of the front window.
 - (i) A Demolition Front Elevation.
2. The 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.
3. Before the building is occupied, 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.
4. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
5. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
6. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;

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

7. This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit; or
- (b) the development is not completed within four 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:

This site is subject to a Heritage Overlay. A planning permit may be required for any further external works.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5555 for further information.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 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 5555 to confirm.

Attachments

- 1 PLN20/0834 - 608 Drummond Street Carlton North - Decision Plans (section 57A)
- 2 PLN20/0834 - 608 Drummond Street Carlton North - Heritage advice (on superseded advertised plans)
- 3 PLN20/0834 - 608 Drummond Street Carlton North - Heritage Advice (section 57A)

Attachment 1 - PLN20/0834 - 608 Drummond Street Carlton North - Decision Plans (section 57A)

608 DRUMMOND STREET, CARLTON NORTH

SHEET NUMBER	SHEET NAME
TP01	COVER SHEET
TP02	EXISTING SITE ANALYSIS
TP03	DEMOLITION PLANS
TP04	PROPOSED GROUND FLOOR PLAN
TP05	PROPOSED FIRST FLOOR PLAN
TP06	PROPOSED ROOF TERRACE PLAN
TP07	EXISTING ELEVATIONS 01
TP08	EXISTING ELEVATIONS 02
TP09	PROPOSED ELEVATIONS 01
TP10	PROPOSED ELEVATIONS 02
TP11	PROPOSED SECTIONS
TP12	MATERIALS SCHEDULE
TP13	SHADOW DIAGRAMS 01
TP14	SHADOW DIAGRAMS 02
TP15	SHADOW DIAGRAMS 03
TP16	SHADOW DIAGRAMS 04
TP17	SHADOW DIAGRAMS 05
TP18	SHADOW DIAGRAMS 06
TP19	SHADOW DIAGRAMS 07
TP20	OBLIQUE VIEW DIAGRAMS
TP21	PROPOSED ELEVATIONS 03
TP22	WSUD PLAN
TP23	ROOF TERRACE LINE OF SIGHT DIAGRAM
TP24	ROOF TERRACE DETAIL PLAN



610A DRUMMOND STREET 610B DRUMMOND STREET **SUBJECT SITE - 608 DRUMMOND STREET** 606 DRUMMOND STREET 604 DRUMMOND STREET

DEVELOPMENT SUMMARY

SITE AREA	114.15m ²
EXISTING BUILDINGS FOOTPRINT	65.46m ²
PROPOSED BUILDING FOOTPRINT (GROUND)	88.2m ²
EXISTING SITE COVERAGE	57.3%
PROPOSED SITE COVERAGE	77.3%
EXISTING GROUND FLOOR INTERNAL AREA	60.01m ²
PROPOSED GROUND FLOOR INTERNAL AREA	72.32m ²
EXISTING FIRST FLOOR INTERNAL FLOOR AREA	42.04m ²
PROPOSED FIRST FLOOR INTERNAL FLOOR AREA	66.51m ²
EXISTING PAVED AREA	36.84m ²
PROPOSED PAVED AREA	49.96m ²
EXISTING PERMEABLE AREA	11.71m ²
PROPOSED PERMEABLE AREA	20.14m ²
EXISTING OPEN SPACE AREA	84.04m ²
PROPOSED OPEN SPACE AREA	58.68m ²

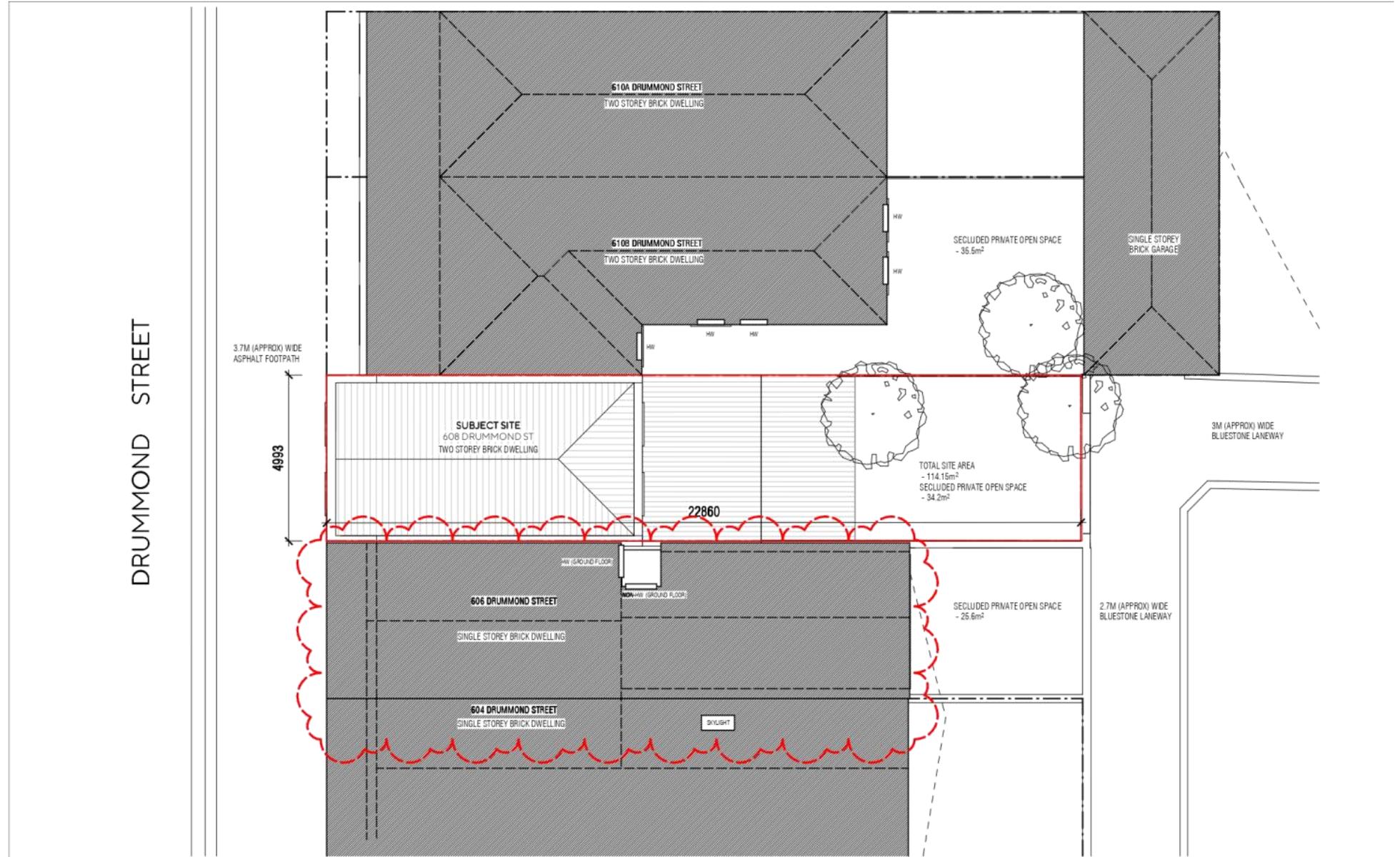
ARCHITECTURE JACK

608 DRUMMOND STREET, CARLTON NORTH
TOWN PLANNING

COVER SHEET

TP01

Attachment 1 - PLN20/0834 - 608 Drummond Street Carlton North - Decision Plans (section 57A)



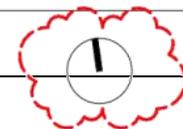
1 EXISTING SITE PLAN
1:100

ARCHITECTURE JACK

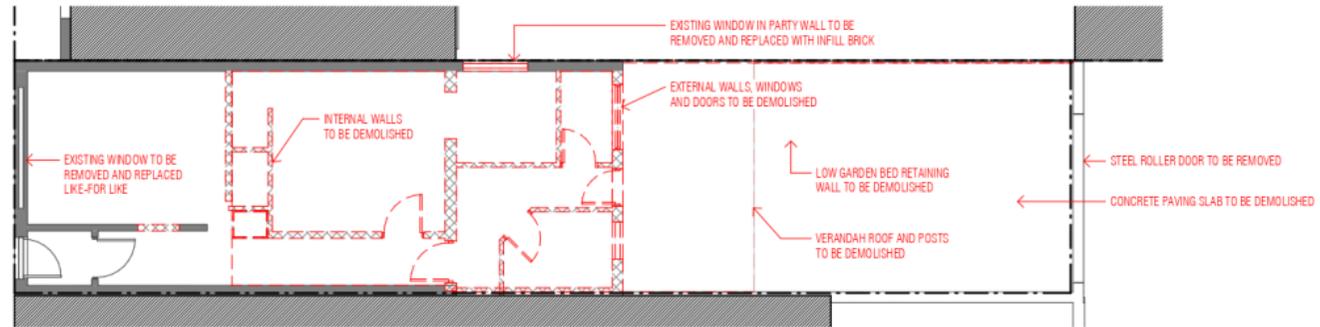
608 DRUMMOND STREET, CARLTON NORTH
TOWN PLANNING

EXISTING SITE ANALYSIS
H.A. - 1.02.2020

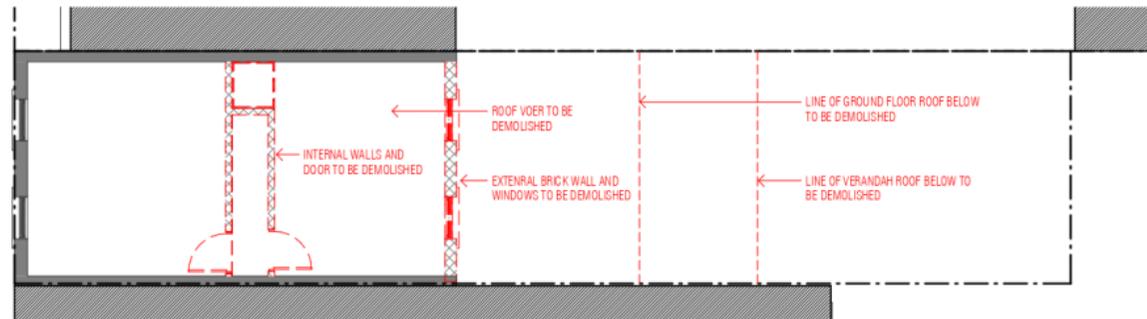
TP02



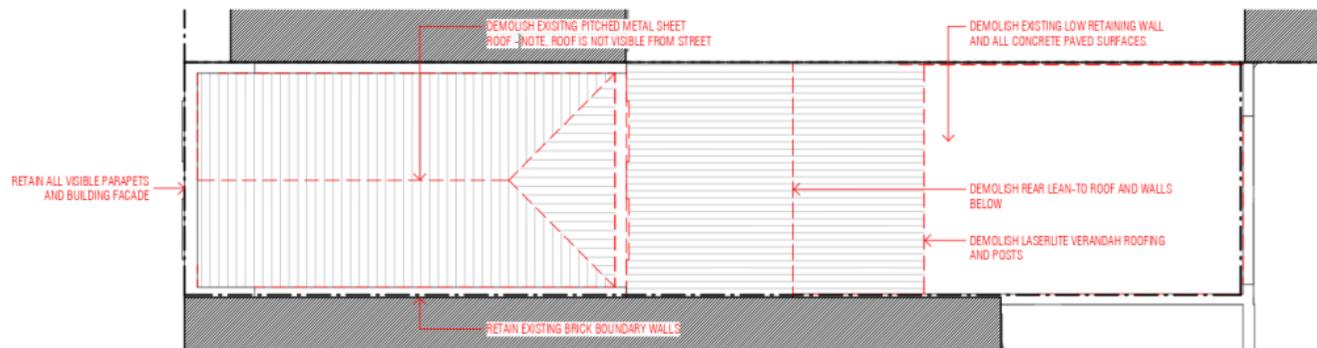
Attachment 1 - PLN20/0834 - 608 Drummond Street Carlton North - Decision Plans (section 57A)



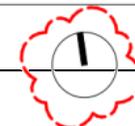
1 GROUND FLOOR DEMOLITION PLAN
TP07 1:100



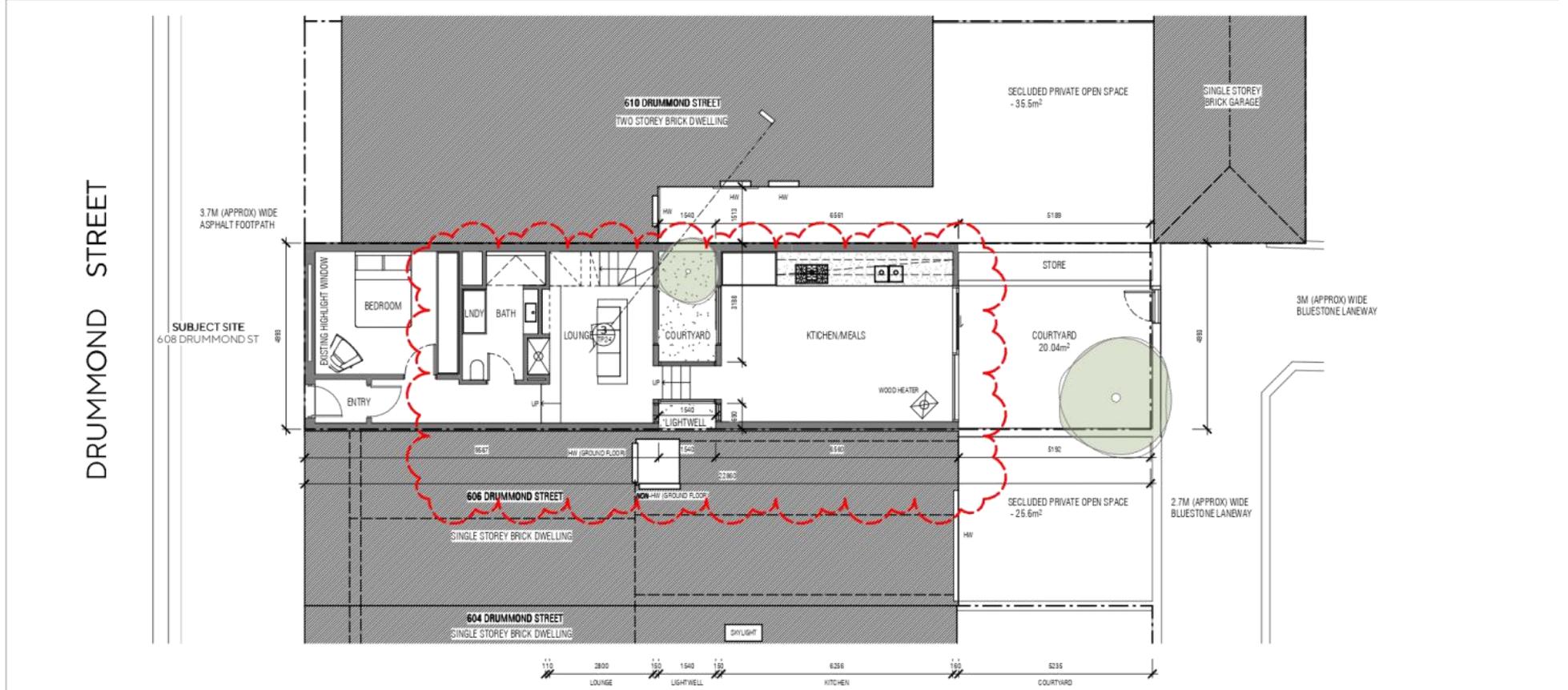
2 FIRST FLOOR DEMOLITION PLAN
TP07 1:100



3 ROOF DEMOLITION PLAN
1:100



Attachment 1 - PLN20/0834 - 608 Drummond Street Carlton North - Decision Plans (section 57A)



1 PROPOSED GROUND FLOOR PLAN
TP09 1:100

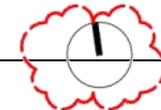
DEVELOPMENT SUMMARY	
SITE AREA	114.15m ²
EXISTING BUILDING FOOTPRINT	65.46m ²
PROPOSED BUILDING FOOTPRINT (GROUND)	88.2m ²
EXISTING SITE COVERAGE	57.3%
PROPOSED SITE COVERAGE	77.3%
EXISTING GROUND FLOOR INTERNAL AREA	60.01m ²
PROPOSED GROUND FLOOR INTERNAL AREA	72.32m ²
EXISTING FIRST FLOOR INTERNAL FLOOR AREA	42.04m ²
PROPOSED FIRST FLOOR INTERNAL FLOOR AREA	66.51m ²
EXISTING PAVED AREA	36.84m ²
PROPOSED PAVED AREA	19.98m ²
EXISTING PERMEABLE AREA	11.71m ²
PROPOSED PERMEABLE AREA	20.14m ²
EXISTING OPEN SPACE AREA	34.04m ²
PROPOSED OPEN SPACE AREA	58.68m ²

ARCHITECTURE JACK

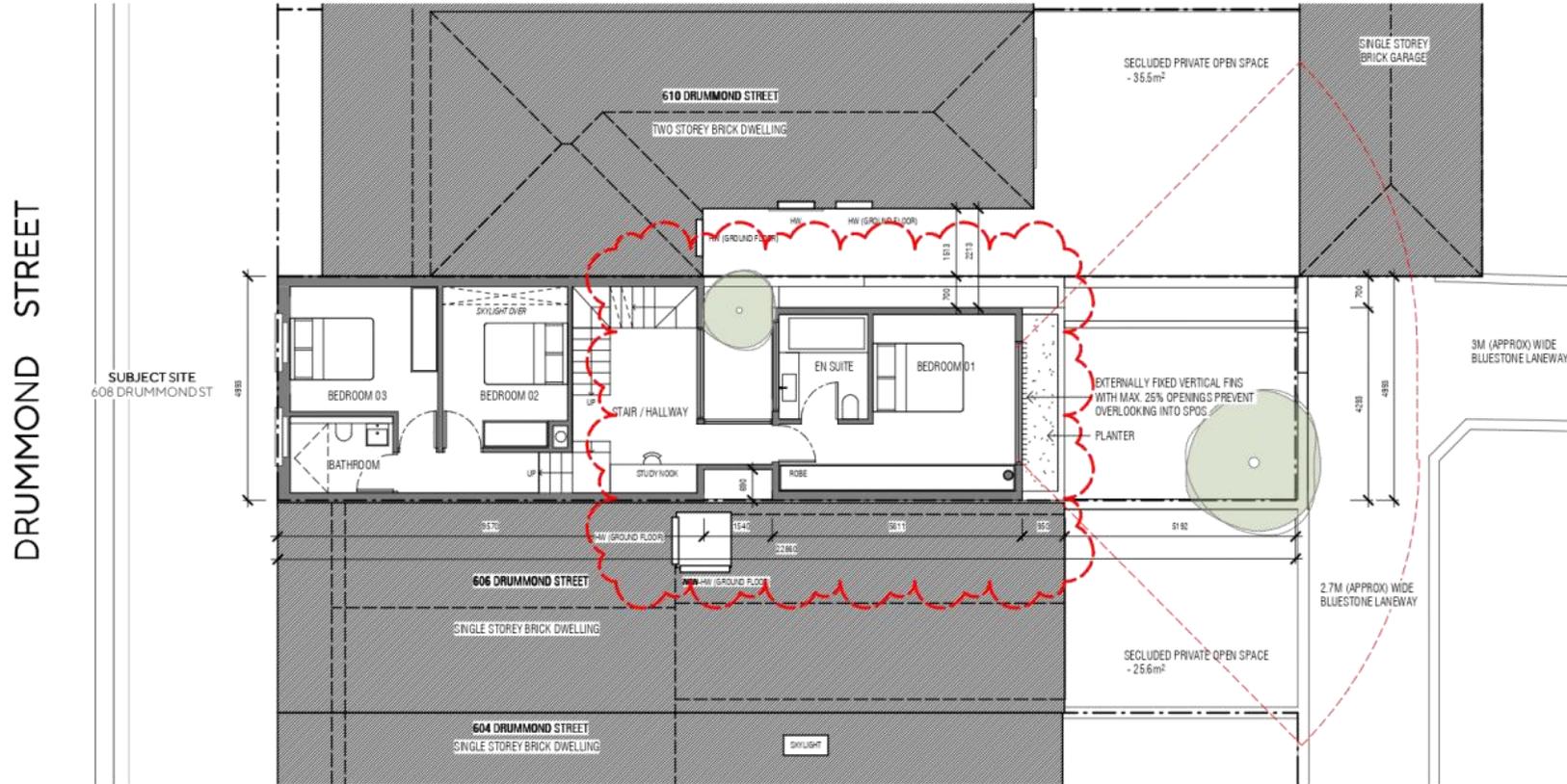
608 DRUMMOND STREET, CARLTON NORTH
TOWN PLANNING

PROPOSED GROUND FLOOR PLAN

TP04



Attachment 1 - PLN20/0834 - 608 Drummond Street Carlton North - Decision Plans (section 57A)



1 PROPOSED FIRST FLOOR PLAN
TP05 1:100

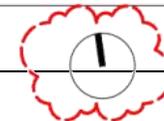
DEVELOPMENT SUMMARY	
SITE AREA	114.15m ²
EXISTING BUILDING FOOTPRINT	65.46m ²
PROPOSED BUILDING FOOTPRINT (GROUND)	88.2m ²
EXISTING SITE COVERAGE	57.3%
PROPOSED SITE COVERAGE	77.3%
EXISTING GROUND FLOOR INTERNAL AREA	60.01m ²
PROPOSED GROUND FLOOR INTERNAL AREA	72.32m ²
EXISTING FIRST FLOOR INTERNAL FLOOR AREA	42.04m ²
PROPOSED FIRST FLOOR INTERNAL FLOOR AREA	66.51m ²
EXISTING PAVED AREA	36.84m ²
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PROPOSED PERMEABLE AREA	20.14m ²
EXISTING OPEN SPACE AREA	34.04m ²
PROPOSED OPEN SPACE AREA	58.68m ²

ARCHITECTURE JACK

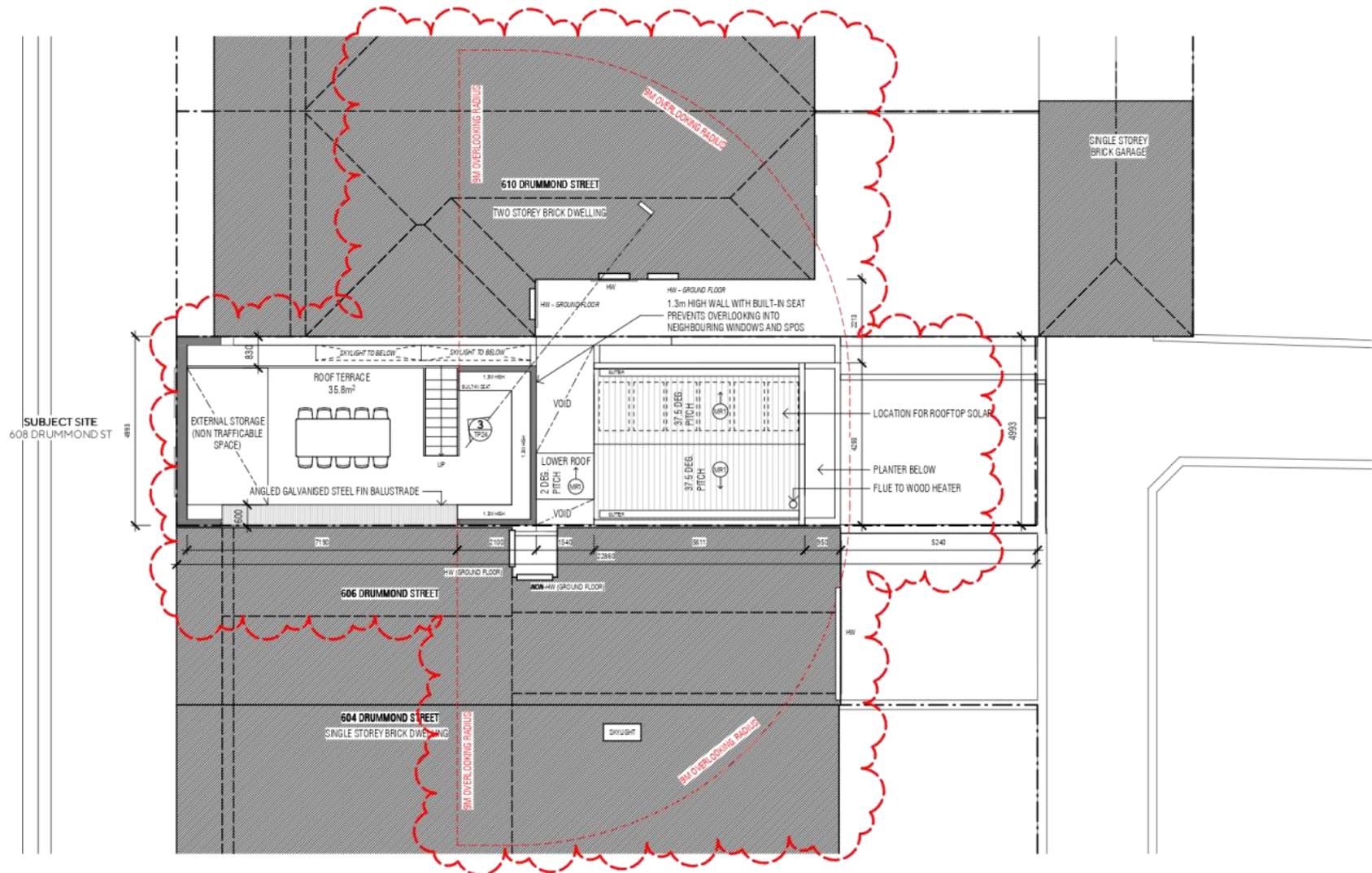
608 DRUMMOND STREET, CARLTON NORTH
TOWN PLANNING

PROPOSED FIRST FLOOR PLAN

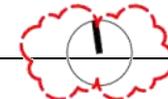
TP05



Attachment 1 - PLN20/0834 - 608 Drummond Street Carlton North - Decision Plans (section 57A)



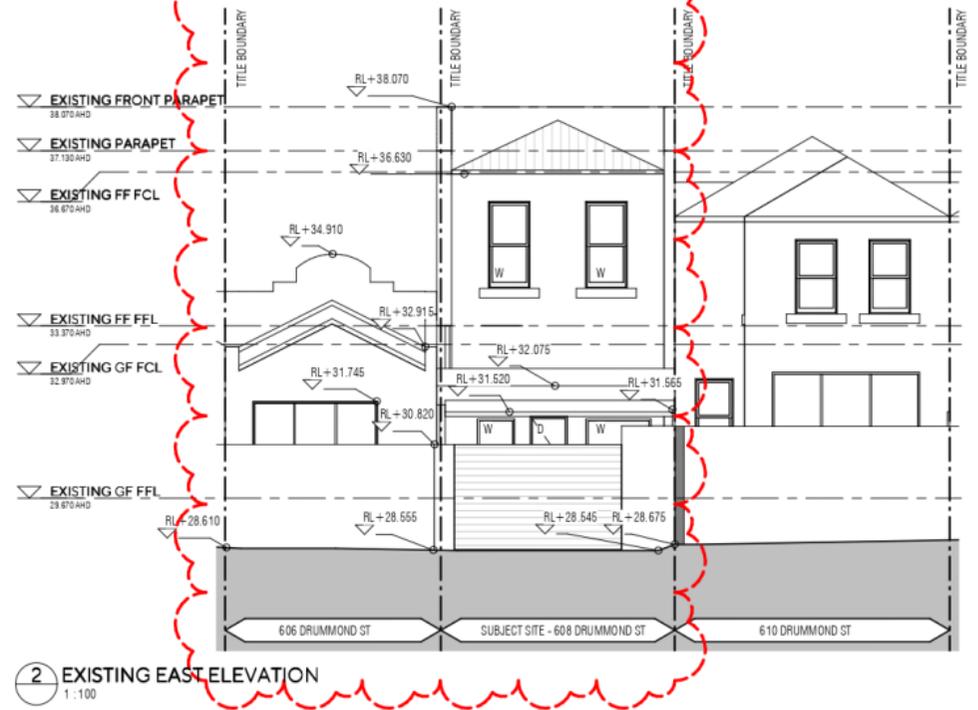
1 ROOF/ROOF TERRACE PLAN
TP09 1:100



Attachment 1 - PLN20/0834 - 608 Drummond Street Carlton North - Decision Plans (section 57A)

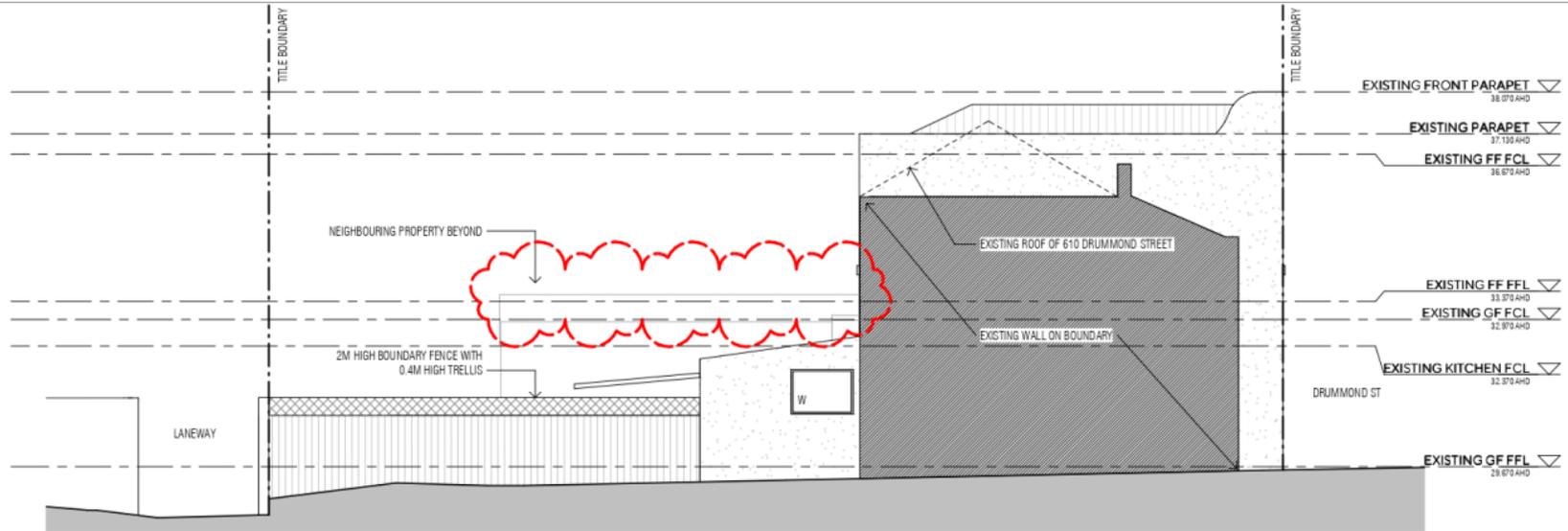


1 EXISTING WEST ELEVATION
1:100

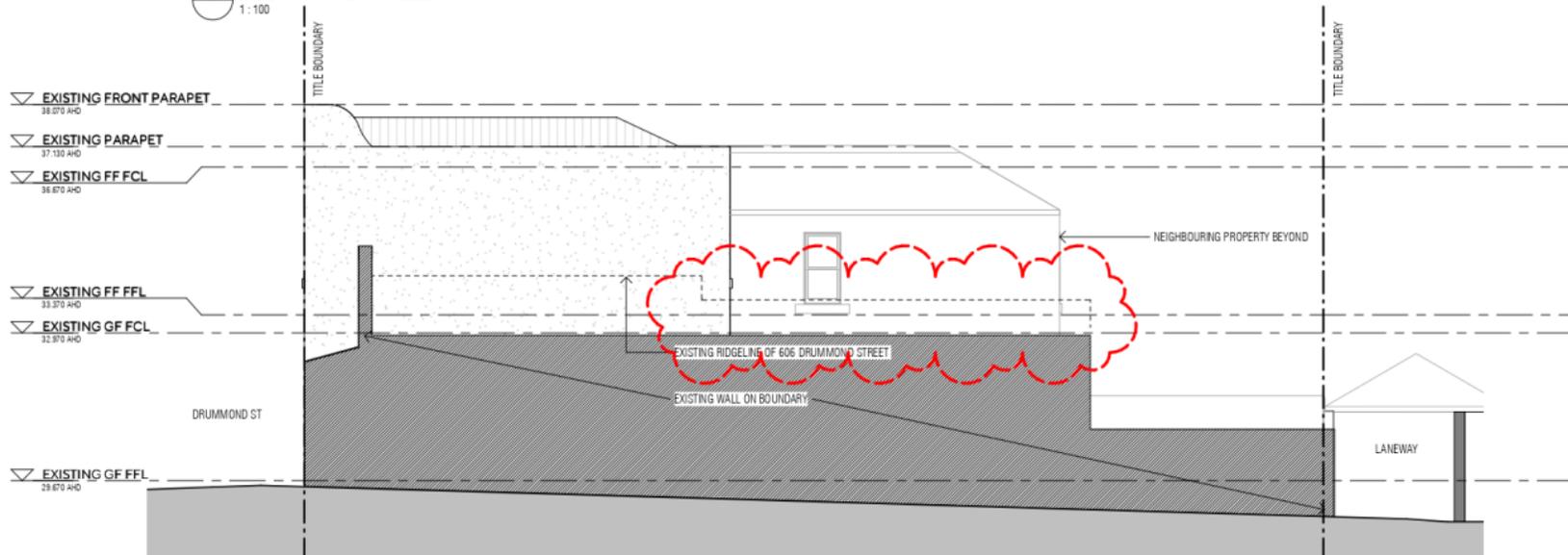


2 EXISTING EAST ELEVATION
1:100

Attachment 1 - PLN20/0834 - 608 Drummond Street Carlton North - Decision Plans (section 57A)



1 EXISTING NORTH ELEVATION
1:100

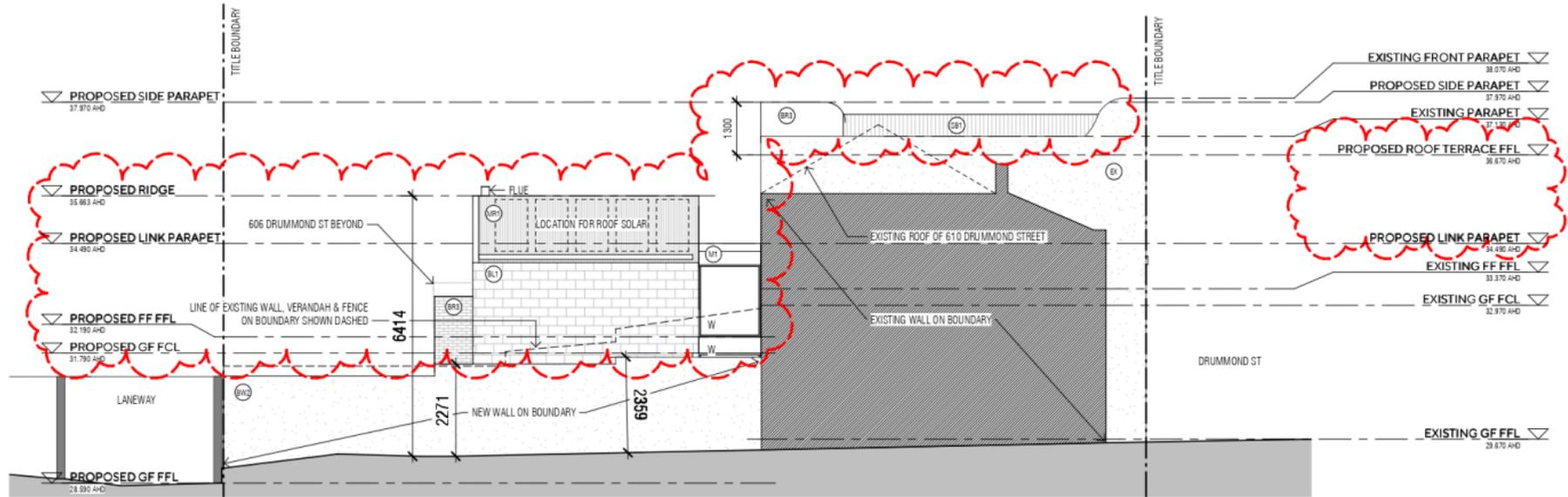


2 EXISTING SOUTH ELEVATION
1:100

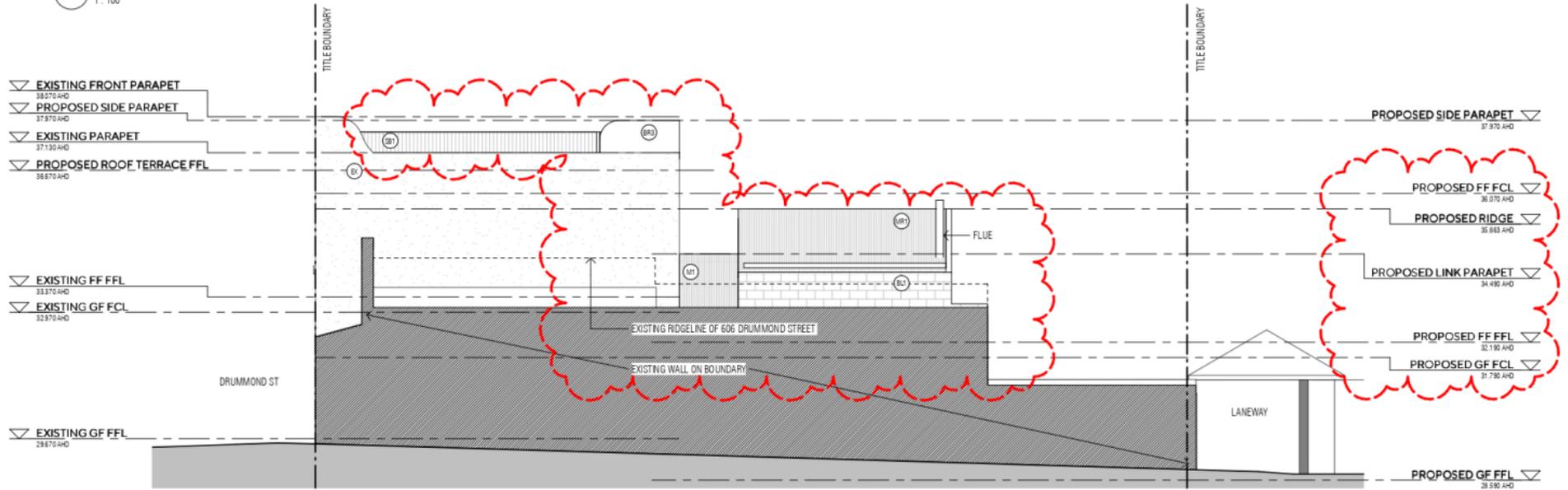
Attachment 1 - PLN20/0834 - 608 Drummond Street Carlton North - Decision Plans (section 57A)



Attachment 1 - PLN20/0834 - 608 Drummond Street Carlton North - Decision Plans (section 57A)



1 PROPOSED NORTH ELEVATION
1:100



2 PROPOSED SOUTH ELEVATION
1:100

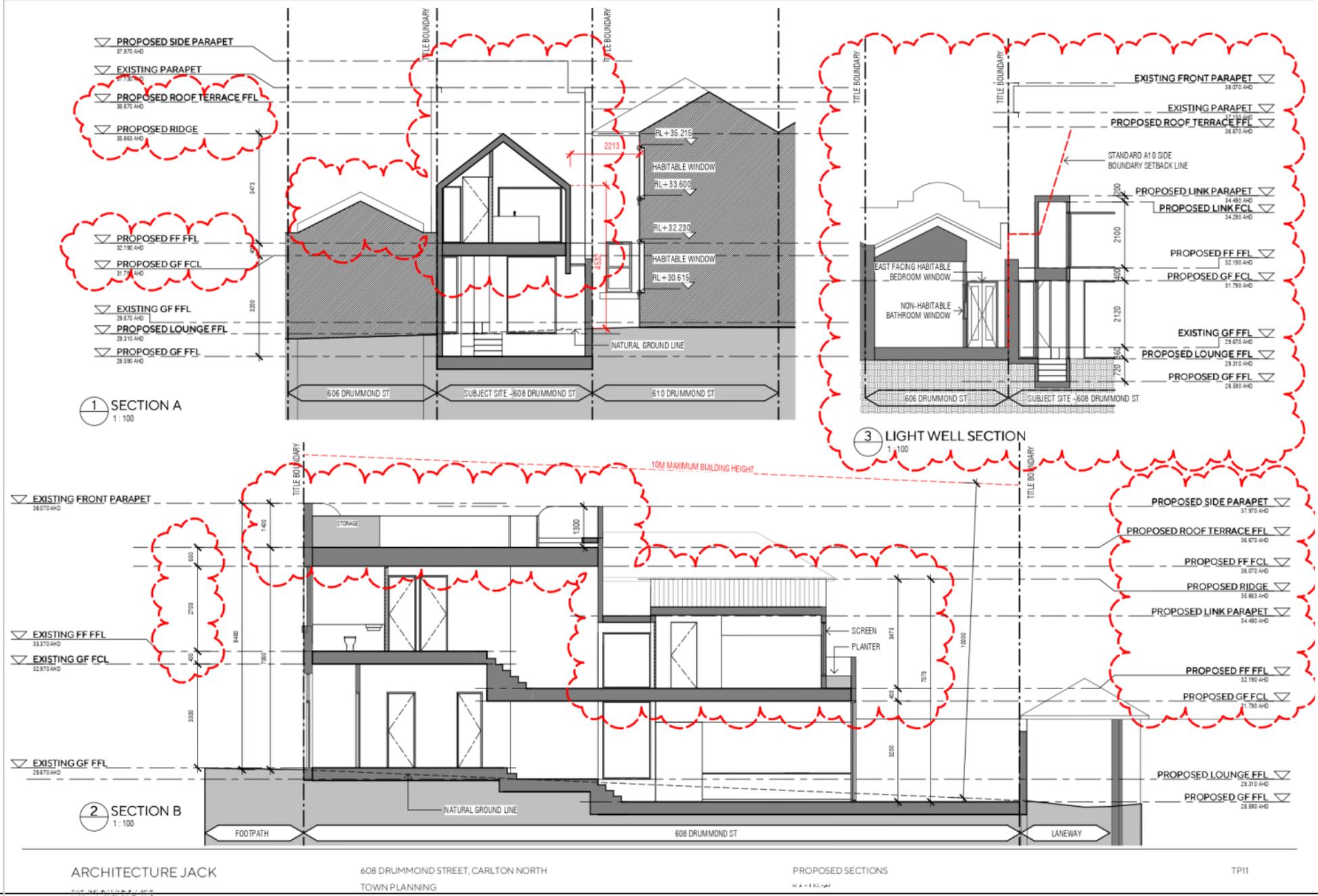
ARCHITECTURE JACK

608 DRUMMOND STREET, CARLTON NORTH
TOWN PLANNING

PROPOSED ELEVATIONS 02
N.A. - 1.02.2020

TP10

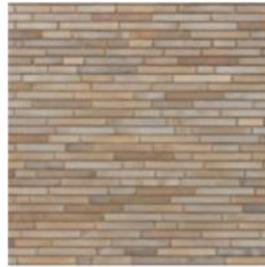
Attachment 1 - PLN20/0834 - 608 Drummond Street Carlton North - Decision Plans (section 57A)



Attachment 1 - PLN20/0834 - 608 Drummond Street Carlton North - Decision Plans (section 57A)



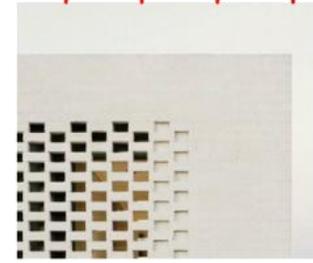
'BL1' CONCRETE BLOCK - IVORY WITH SANDBLAST FINISH



'BR1' FACE BRICKWORK



'BR2' BAGGED BRICKWORK



'BR3' HIT & MISS FACE BRICKWORK



'SB1' GALVANISED STEEL FIN BALUSTRADE



'SB2' VERTICAL STEEL SCREEN - NO MORE THAN 25% TRANSPARENT



'MR1' SHEET METAL ROOF



'M1' METAL CLADDING - VERTICAL - TO MATCH 'MR1' ROOFING

Attachment 1 - PLN20/0834 - 608 Drummond Street Carlton North - Decision Plans (section 57A)

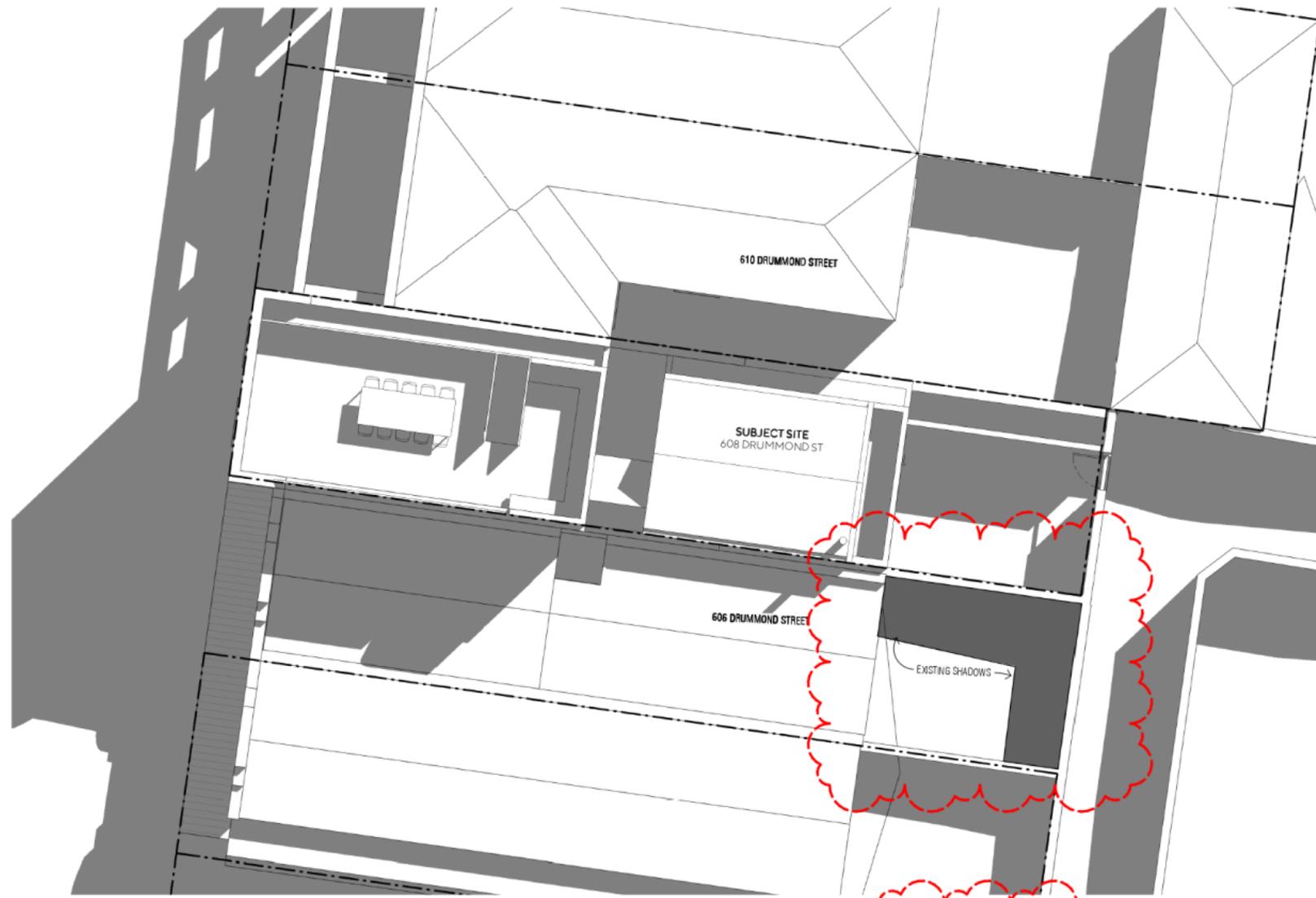


1 SHADOWS 9AM - 22 SEPT
1:100

- NO SHADOWS
- EXISTING SHADOWS
- ADDITIONAL SHADOWS

TOTAL SPOS AREA = 25.6M²
EXISTING SHADOW AREA = 18.11M²
EXISTING SUNLIGHT AREA = 7.49M²
NOTE: NO ADDITIONAL PROPOSED SHADOWS

Attachment 1 - PLN20/0834 - 608 Drummond Street Carlton North - Decision Plans (section 57A)



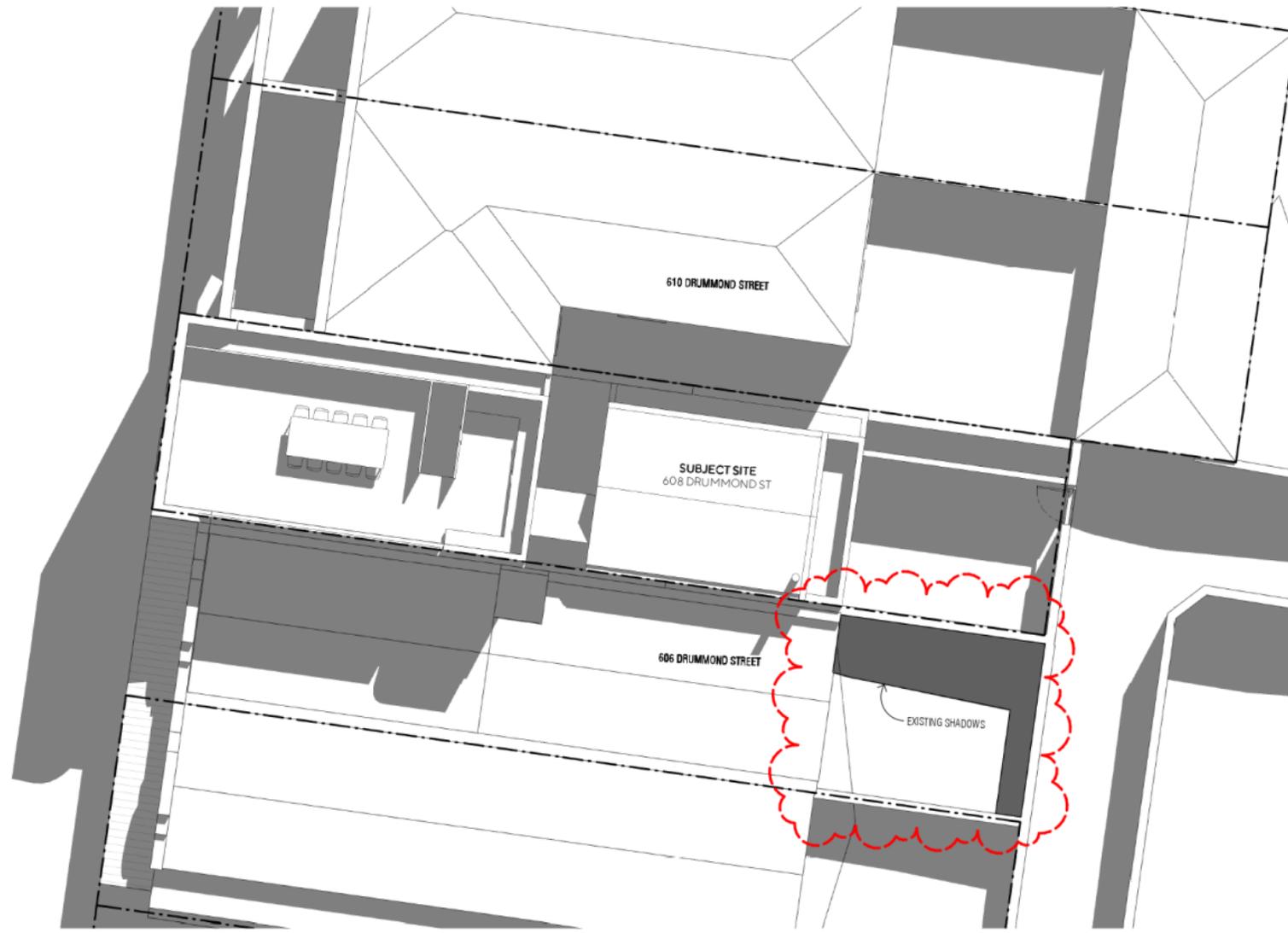
1 SHADOWS 10AM - 22 SEPT
1:100

NO SHADOWS EXISTING SHADOWS ADDITIONAL SHADOWS

TOTAL SPDS AREA = 25.6M²
EXISTING SHADOW AREA = 13.02M²
EXISTING SUNLIGHT AREA = 12.58M²

NOTE: NO ADDITIONAL PROPOSED SHADOWS

Attachment 1 - PLN20/0834 - 608 Drummond Street Carlton North - Decision Plans (section 57A)



1 SHADOWS 11AM - 22 SEPT
1:100

□ NO SHADOWS ■ EXISTING SHADOWS ■ ADDITIONAL SHADOWS

TOTAL SPDS AREA = 25.6M²
EXISTING SHADOW AREA = 10.42M²
EXISTING SUNLIGHT AREA = 15.18M²
NOTE: NO ADDITIONAL PROPOSED SHADOWS

Attachment 1 - PLN20/0834 - 608 Drummond Street Carlton North - Decision Plans (section 57A)

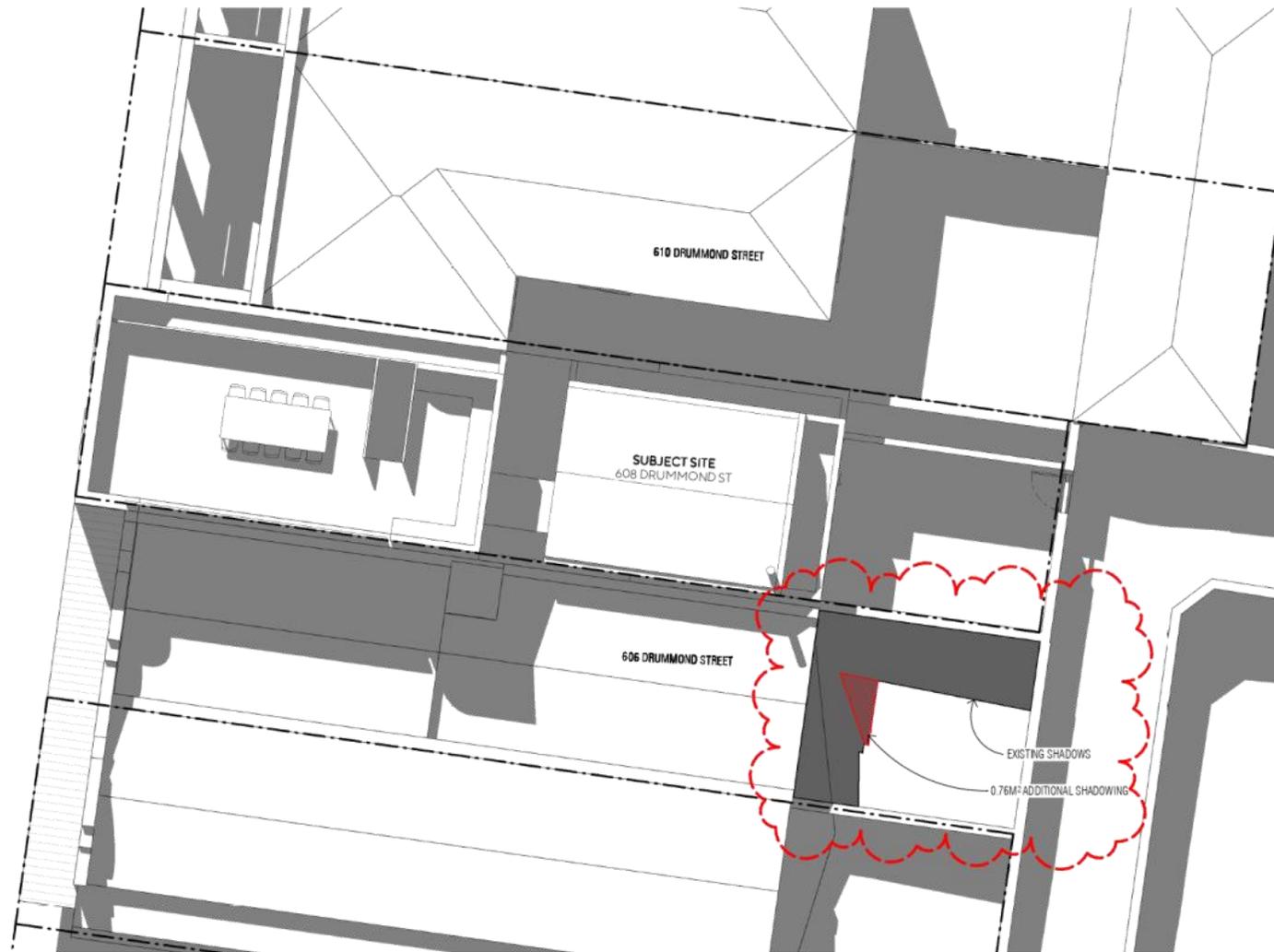


1 SHADOWS 12PM - 22 SEPT
1:100

□ NO SHADOWS ■ EXISTING SHADOWS ■ ADDITIONAL SHADOWS

TOTAL SPOS AREA = 25.6M²
EXISTING SHADOW AREA = 8.9M²
EXISTING SUNLIGHT AREA = 16.7M²
NOTE: NO ADDITIONAL PROPOSED SHADOWS

Attachment 1 - PLN20/0834 - 608 Drummond Street Carlton North - Decision Plans (section 57A)



1 SHADOWS 1PM - 22 SEPT
1:100

NO SHADOWS EXISTING SHADOWS ADDITIONAL SHADOWS

TOTAL SPOS AREA = 25.6M²
EXISTING SHADOW AREA = 11.66M²
EXISTING SUNLIGHT AREA = 13.94M²
ADDITIONAL SHADOWS = 0.76M²

Attachment 1 - PLN20/0834 - 608 Drummond Street Carlton North - Decision Plans (section 57A)



1 SHADOWS 2PM - 22 SEPT
1:100

NO SHADOWS

EXISTING SHADOWS

ADDITIONAL SHADOWS

TOTAL SPOS AREA = 25.6M²
EXISTING SHADOW AREA = 15.5M²
EXISTING SUNLIGHT AREA = 10.1M²
ADDITIONAL SHADOWS = 2.91M²

Attachment 1 - PLN20/0834 - 608 Drummond Street Carlton North - Decision Plans (section 57A)



1 SHADOWS 3PM - 22 SEPT
1:100

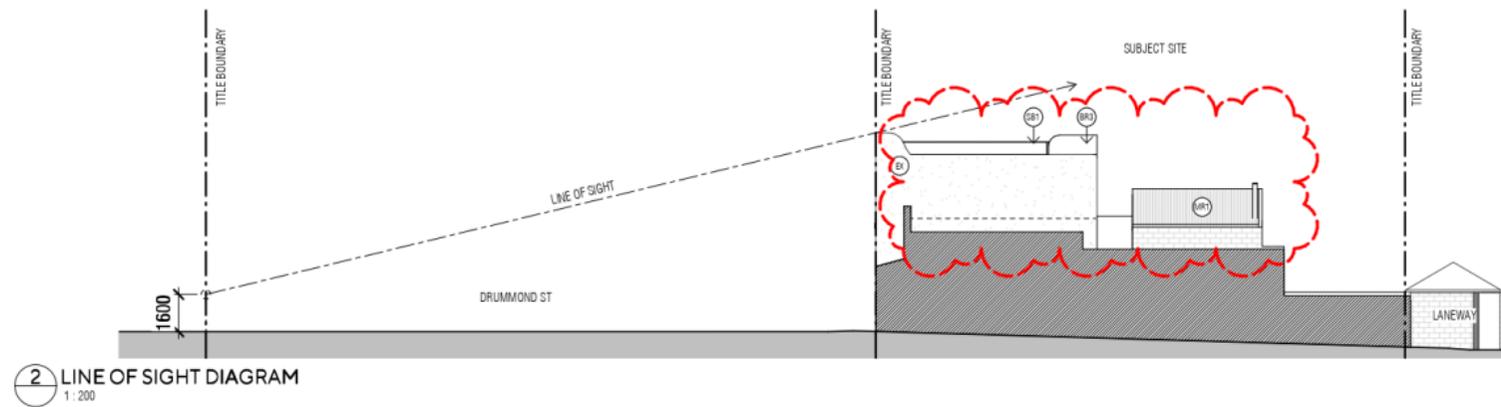
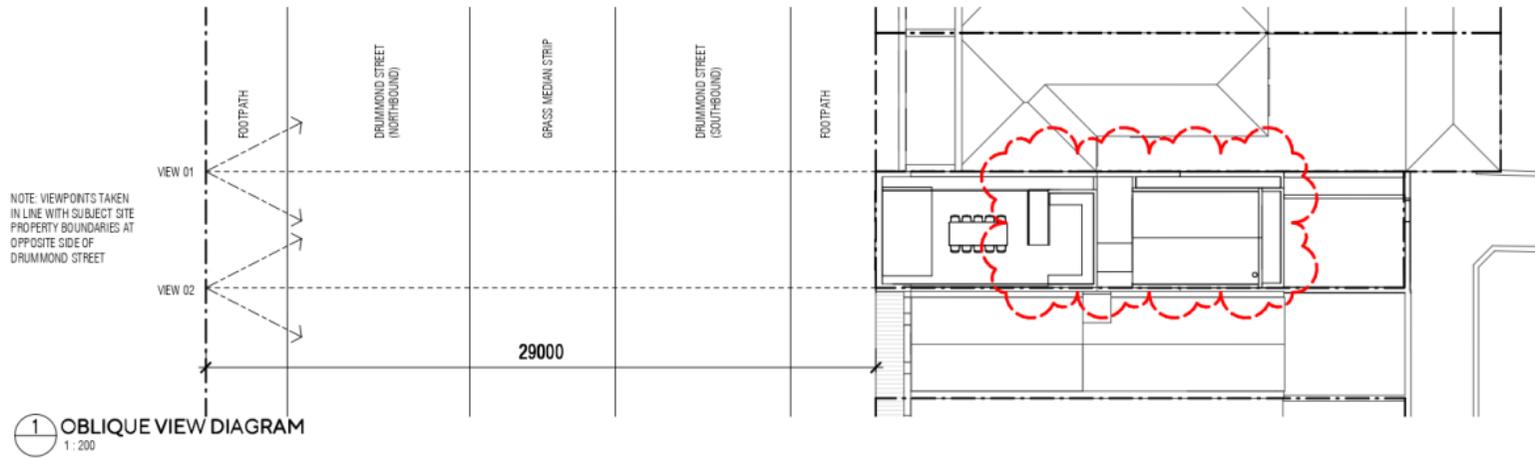
NO SHADOWS

EXISTING SHADOWS

ADDITIONAL SHADOWS

TOTAL SPOS AREA = 25.6M²
EXISTING SHADOW AREA = 21.34M²
EXISTING SUNLIGHT AREA = 4.26M²
ADDITIONAL SHADOWS = 1.70M²

Attachment 1 - PLN20/0834 - 608 Drummond Street Carlton North - Decision Plans (section 57A)

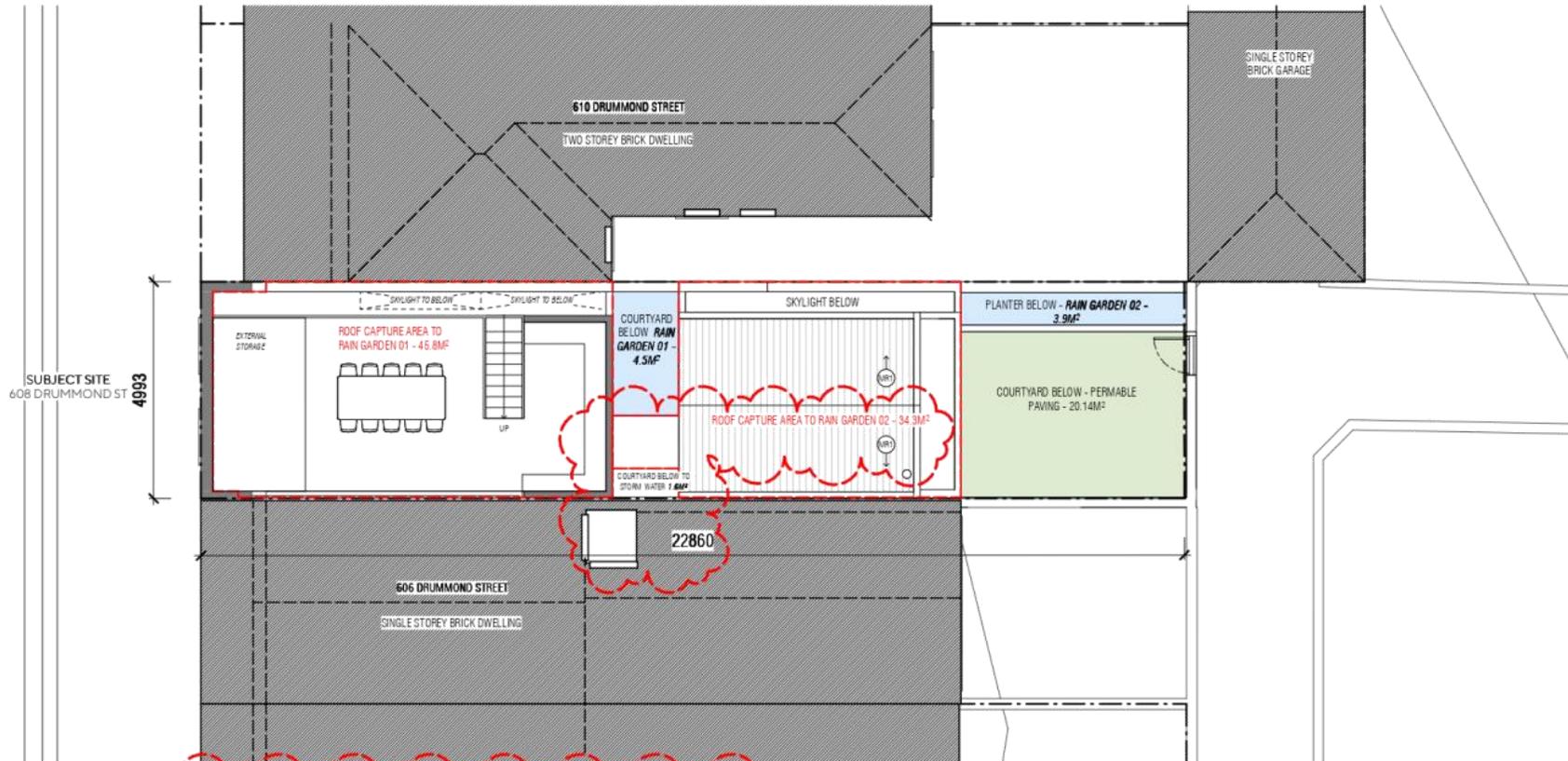


Attachment 1 - PLN20/0834 - 608 Drummond Street Carlton North - Decision Plans (section 57A)



1 PROPOSED EAST ELEVATION
1:100

Attachment 1 - PLN20/0834 - 608 Drummond Street Carlton North - Decision Plans (section 57A)



1 WSUD PLAN
TP09 1:100

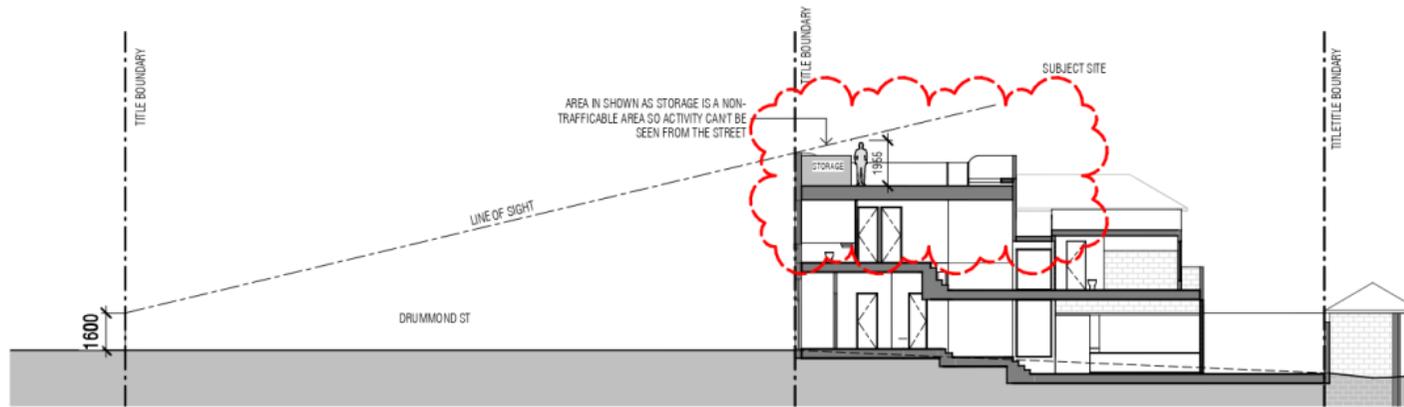
Melbourne Water STORM Rating Report

TransactionID: 1138154
 Municipality: YARRA
 Rainfall Station: YARRA
 Address: 608 DRUMMOND ST
 CARLTON NORTH
 VIC
 Assessor: JACK CAROLANE
 Development Type: Residential - Extension
 Allotment Site (m2): 114.15
 STORM Rating %: 131

Description	Impervious Area (m2)	Treatment Type	Treatment Area/Volume (m2 or L)	Occupants/ Number Of Bedrooms	Treatment %	Tank Water Supply Reliability (%)
ROOF CAPTURE 01	45.80	Raingarden 100mm	4.50	0	134.00	0.00
ROOF CAPTURE 02	34.30	Raingarden 100mm	3.90	0	134.00	0.00
LIGHT WELL	1.60	None	0.00	0	0.00	0.00

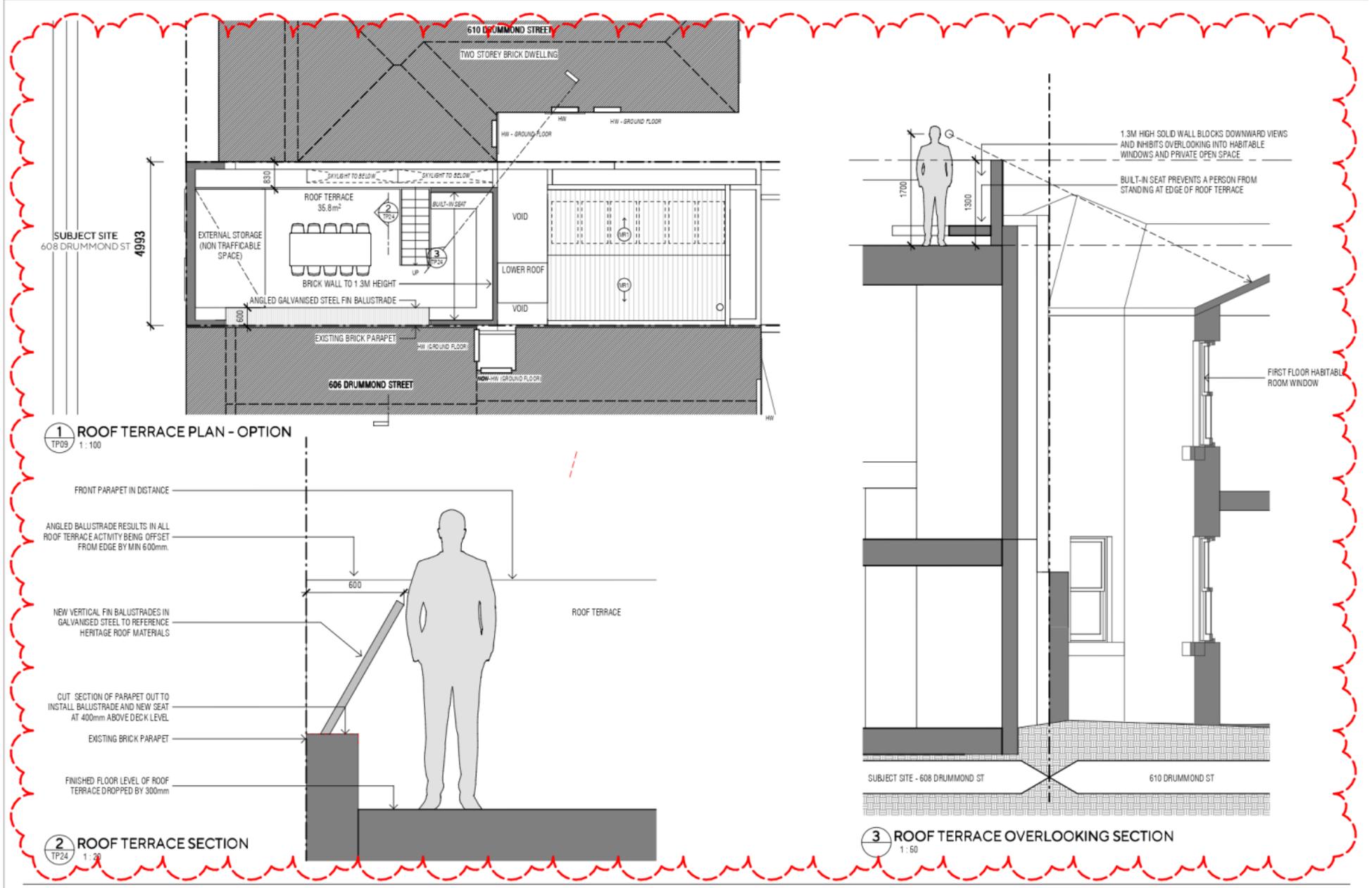


Attachment 1 - PLN20/0834 - 608 Drummond Street Carlton North - Decision Plans (section 57A)



1 Roof Terrace Line of Sight
1:200

Attachment 1 - PLN20/0834 - 608 Drummond Street Carlton North - Decision Plans (section 57A)



ARCHITECTURE JACK

608 DRUMMOND STREET, CARLTON NORTH
TOWN PLANNING

ROOF TERRACE DETAIL PLAN

TP24



Attachment 1 - PLN20/0834 - 608 Drummond Street Carlton North - Decision Plans (section 57A)



Attachment 1 - PLN20/0834 - 608 Drummond Street Carlton North - Decision Plans (section 57A)



Attachment 1 - PLN20/0834 - 608 Drummond Street Carlton North - Decision Plans (section 57A)



Attachment 1 - PLN20/0834 - 608 Drummond Street Carlton North - Decision Plans (section 57A)



Attachment 2 - PLN20/0834 - 608 Drummond Street Carlton North - Heritage advice (on superseded advertised plans)

City of Yarra Heritage Advice

Application No.:	<i>PLN20/0834</i>
Address of Property:	608 Drummond Street, Carlton North
Planner:	<i>Jessica Sutherland</i>
Yarra Planning Scheme References:	<ul style="list-style-type: none">• <i>Clause 15.03 Heritage</i>• <i>Clause 21.05-1 Built Form (Heritage)</i>• <i>Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay</i>• <i>Clause 43.01 Heritage Overlay</i>• <i>Clause 59.07 Applications Under A Heritage Overlay</i>
Heritage Overlay No. & Precinct:	<i>HO326 North Carlton Precinct</i>
Level of significance:	<i>Contributory, constructed 1870-1890 (City of Yarra Review of Heritage Areas 2007 Appendix 8, as updated from time to time).</i>
General description:	<i>Partial demolition and construction of a two-storey extension and roof terrace to the existing dwelling</i>
Drawing Nos.:	<i>Set of 23 drawings, entitled "608 Drummond Street, Carlton North", prepared by Architecture Jack, received by Council and dated 01.02.2021</i>

CONTEXT IMAGES



Figure 1. Front façade. Source: Extent Heritage Pty Ltd, 2021.

Attachment 2 - PLN20/0834 - 608 Drummond Street Carlton North - Heritage advice (on superseded advertised plans)



Figure 2. Oblique view looking south east. Source: Extent Heritage Pty Ltd, 2021.



Figure 3. Oblique view looking north east. Source: Extent Heritage Pty Ltd, 2021.

Attachment 2 - PLN20/0834 - 608 Drummond Street Carlton North - Heritage advice (on superseded advertised plans)



Figure 4. Current aerial view showing the site identified with a green pin. Source: NearMap, Jan 2021.

ASSESSMENT OF PROPOSED WORKS

The Heritage Referral requests the following advice in relation to new development PLN20/0834:

Your comments on the application from a heritage perspective are requested on the following:

- *The extent of demolition*
- *The proposed roof terrace*
- *The proposed extension*

There are no internal controls or paint controls set out by the Schedule to the Heritage Overlay for this property.

Comments regarding proposed demolition:

The extent of demolition proposed by this application includes the demolition of a non-original ground floor front window, interior walls to the ground and first floors, rear external wall, verandah to the rear, gardens beds to the rear, hipped corrugated iron roof and skillion roofs to the rear.

The key consideration for assessing this aspect of the works is whether the proposed demolition will adversely affect the significance of the heritage building or the broader heritage precinct.

Clause 22.02-5.1 of the Yarra Planning Scheme states (with relevant considerations underlined):

Attachment 2 - PLN20/0834 - 608 Drummond Street Carlton North - Heritage advice (on superseded advertised plans)

Removal of Part of a Heritage Place or Contributory Elements

- Encourage the removal of inappropriate alterations, additions and works that detract from the cultural significance of the place.
- Generally discourage the demolition of part of an individually significant or contributory building or removal of contributory elements unless:
 - That part of the heritage place has been changed beyond recognition of its original or subsequent contributory character(s).
 - For a contributory building:
 - that part is not visible from the street frontage (other than a laneway), abutting park or public open space, and the main building form including roof form is maintained; or
 - the removal of the part would not adversely affect the contribution of the building to the heritage place.

Further, as per Clause 22.02-5.7.2 for Residential Upper Storey Additions:

Encourage new upper storey additions to residential heritage places or contributory elements to heritage places to:

- *Preserve the existing roof line, chimney(s) and contributory architectural features that are essential components of the architectural character of the heritage place or contributory elements to the heritage place.*

The proposed extent of demolition is acceptable, except for the removal of the hipped metal roof behind the parapet. Although this area of the roof cannot be seen when viewing the building front-on, the roof is visible from oblique angles within the streetscape. As per the statement of significance for the precinct, "pitched gabled or hipped roofs, mainly set behind facade parapets" form part of the contributory fabric of the precinct. As a result, the removal of the original pitched roof would have an adverse heritage impact.

It appears as if the window replacement proposal seeks to provide a larger window than what is currently present. The work would remove contributory wall fabric. As per the statement of significance for the precinct, "Less than 40% of the street wall face comprised with openings such as windows and doors". Window widening works are not supported.

Comments regarding new development, alterations and additions:

The extent of new works proposed by this application includes replacement of the front window with an aluminium window, a new interior layout to the ground and first floors, two-storey rear extension, new courtyard to the rear, roof terrace and solar panels.

Regarding the remaining heritage building:

Clause 15.03-1S of the planning scheme states that it is policy to:

Encourage the conservation and restoration of contributory elements of a heritage place.

Clause 21.05-1 'Built Form – Heritage' of the planning scheme also states that the objective to protect and enhance Yarra's heritage places will be achieved by supporting the restoration of heritage places (Strategy 14.2).

Clause 22.02-4 states that one of the objectives of the heritage policy is:

To encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places

Most specifically, Clause 22.02-5.3 encourages restoration of a heritage place or contributory element if evidence exists to support its accuracy. In regard to reconstruction, the policy encourages works if:

Attachment 2 - PLN20/0834 - 608 Drummond Street Carlton North - Heritage advice (on superseded advertised plans)

The reconstruction will enhance the heritage significance of the heritage place

Evidence exists to support the accuracy of the reconstruction.

This clause encourages the reconstruction of original or contributory elements where they have been removed. These elements include, but are not limited to, chimneys, fences, verandahs, roofs and roof elements, wall openings and fitting (including windows and doors), shopfronts and other architectural details and features.

The proposed window replacement is supported principle, however the materiality, style and the size require revision. Although the current window is not timber, the use of metal is intrusive on the aesthetic values of the building and should not be replicated. To ensure the new work supports the character of the historic building, it is recommended that the new window be provided in timber. Further, the scale of the glazing should align more closely with traditional proportions by dividing it into two window panes with a central mullion. Finally, as mentioned above, the new window should fit the existing opening.

Regarding the new development:

The key consideration for assessing this aspect of the works is whether the proposed new development will adversely affect the significance, character or appearance of the heritage building or the broader heritage precinct.

Clause 22.02-5.7.1 of the Yarra Planning Scheme encourages the design of new development, alterations or additions to:

- *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
- *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
- *Be visually recessive and not dominate the heritage place.*
- *Be distinguishable from the original historic fabric.*
- *Not remove, cover, damage or change original historic fabric.*
- *Not obscure views of principal façades.*
- *Consider the architectural integrity and context of the heritage place or contributory element*

Setbacks

With respect to the building, Clause 22.02-5.7.1 of the Yarra Planning Scheme encourages:

setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply.

The proposed front setback at both the ground and upper floor levels remain unchanged.

The proposed side setbacks remain unchanged.

Scale/height

Clause 22.02-5.7.1 of the Yarra Planning Scheme encourages:

similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height.

The proposed façade and overall height remains unchanged.

Roof form

The proposed roof form on the rear addition is supported.

Attachment 2 - PLN20/0834 - 608 Drummond Street Carlton North - Heritage advice (on superseded advertised plans)

The proposed roof form on the existing two-storey section of the building is not acceptable given that the original roof is proposed to be demolished. Further, the proposed roof terrace balustrade would be visible from oblique views in the street and is not characteristic of roofs on this type of building in the precinct. It is recommended that the hipped roof is retained and the terrace is relocated to the proposed new rear extension.

Solar panels

Clause 22.02-5.7.2 of the Yarra Planning Scheme states:

Where there is no reasonable alternative location, ancillaries and services which will reduce green house gas emissions or reduce water consumption, such as solar panels or water storage tanks, provide universal access (such as wheel chair ramps), may be visible but should be sensitively designed.

The proposed placement of the solar panels is supported, however it is noted that the potential relocation of the terrace could have an impact on the placement of these elements. Solar panels must be sensitively located if they are to be moved.

Appearance

A conservative design approach has been adopted for the proposed rear addition. The proposed new extension is hidden from the street. The materials, colours and fenestration as related to the rear extension are supported.

RECOMMENDATIONS

On heritage grounds the works proposed in this application should be modified as follows prior to further considerations:

	Suggested condition	Explanation
1.	Revise the design to retain the hipped roof behind the parapet. Revise the location of the roof terrace.	<i>Although this area of the roof cannot be seen when viewing the building front-on, the roof is visible from oblique angles within the streetscape. As per the statement of significance for the precinct, "pitched gabled or hipped roofs, mainly set behind facade parapets" form part of the contributory fabric of the precinct. As a result, the removal of the original hipped roof would have an adverse visual impact.</i>
2.	Utilise the existing window opening in the façade as opposed to widening it.	<i>The work would remove contributory wall fabric. As per the statement of significance for the precinct, "Less than 40% of the street wall face comprised with openings such as windows and doors".</i>
3.	Provide a timber window to the front façade. In addition, align the style more closely with traditional proportions rather than providing one large piece of glazing. It is suggested to divide the window into two window panes with a central mullion.	<i>Although the current window is not timber, the use of aluminium is intrusive on the aesthetic values of the building and should not be replicated. The proposed proportion is contemporary.</i>

Attachment 2 - PLN20/0834 - 608 Drummond Street Carlton North - Heritage advice (on superseded advertised plans)

SIGNED:



Corinne Softley

DATED:

12 February 2021

Attachment 3 - PLN20/0834 - 608 Drummond Street Carlton North - Heritage Advice (section 57A)

Sutherland, Jessica

From: McIntosh, Diahnn
Sent: Monday, 19 July 2021 11:11 AM
To: Sutherland, Jessica
Subject: Re: 608 Drummond Street referral comments

Dear Jess

I confirm that your annotated drawing is reflective of my advice.

The objective to the ensure that at least part of the original roof structure will be retained at the front and the along the sides, that enough roof structure will be retained that there will be no need for additional balustrading above the adjacent roof line.

Don't hesitate to contact me if you require any further advice in regard to this referral.

Kind regards,

DIAHNN McINTOSH
Heritage Advisor

From: Sutherland, Jessica <Jessica.Sutherland@yarracity.vic.gov.au>
Sent: Monday, 19 July 2021 10:44
To: McIntosh, Diahnn <Diahnn.McIntosh@yarracity.vic.gov.au>
Subject: 608 Drummond Street referral comments

Hi Diahnn,

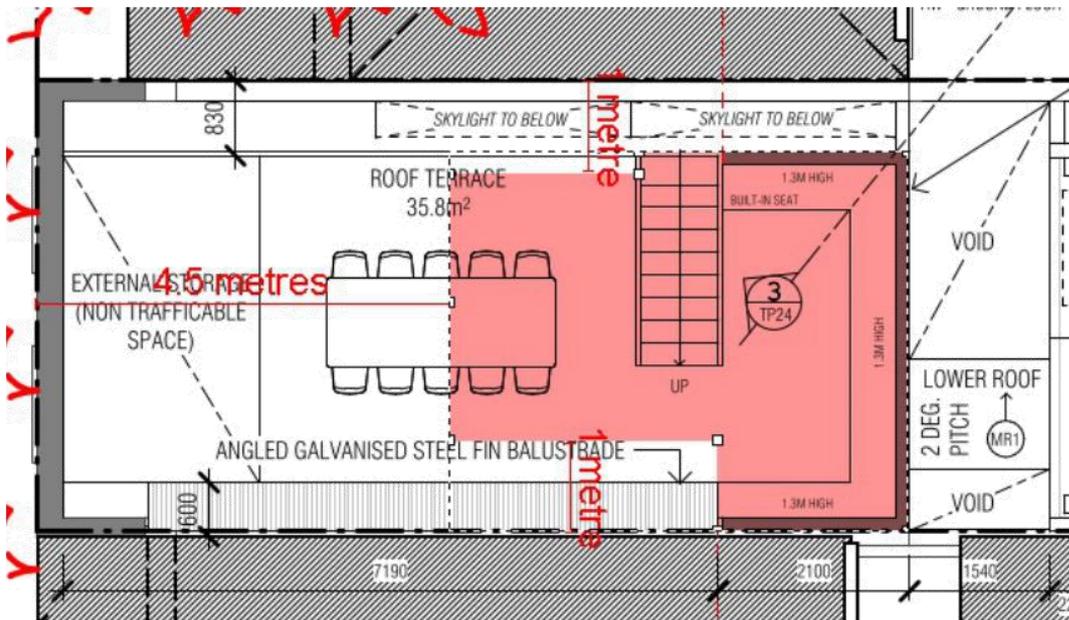
Hope you are well. I am just following up on our informal discussion last week as this application is now going to PDC so I require a hard copy of comments.

With regards to the proposed roof terrace, I just want to confirm that you were generally supportive of an open terrace located further to the rear:

- a. The roof was retained for a depth of one room (in this instance, 4.5 metres)
- b. The fins/retained roof were increased in depth on the side (I have shown a depth of 1 metre) and are to be angled in accordance with the existing roof angle.

I have shown a roof indication of the roof area that would leave – please let me know what you think about this result.

Attachment 3 - PLN20/0834 - 608 Drummond Street Carlton North - Heritage Advice (section 57A)



Many thanks!

Jess



Jessica Sutherland
Acting Senior Statutory Planner

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ABN 98 394 086 520

E Jessica.Sutherland@yarracity.vic.gov.au

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6.5 PLN21/0144 - 11 Darlington Parade Richmond - Part demolition and construction of a two storey extension with associated roof terrace to the rear of the existing dwelling.

Executive Summary

Purpose

1. This report provides Council with an assessment of the application at No. 11 Darlington Parade Richmond, for part demolition and construction of a two storey extension with associated roof terrace to the rear of the existing dwelling.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 32.09 – Neighbourhood Residential Zone
 - (b) Clause 15.01 – Built Environment
 - (c) Clause 54 – One dwelling on a lot (ResCode)
 - (d) Clause 43.01 and Clause 22.02 – Heritage

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Clause 54 – One dwelling on a lot (ResCode)
 - (b) Heritage
 - (c) Objector concerns

Submissions Received

4. Six (6) objections were received to the application, these can be summarised as:
 - (a) Overdevelopment of the site, including excessive height
 - (b) Visual bulk impacts
 - (c) Overshadowing
 - (d) Daylight to windows impacts
 - (e) Overlooking
 - (f) Not in keeping with rear setback and backyard character
 - (g) Location of neighbouring window not shown correctly
 - (h) Non-compliance with Standard A11 (Walls on boundary) and Standard A10 (Side and rear setbacks)

Conclusion

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported subject to the following key recommendations:
 - (a) The eastern boundary wall of the garage designed in accordance with Standard A12 (Daylight to existing windows).
 - (b) The east-facing window of Bed 4 designed in accordance with the objectives of Clause 54.04-6 (Overlooking) of the Yarra Planning Scheme.

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

6.5 [PLN21/0144 - 11 Darlington Parade Richmond - Part demolition and construction of a two storey extension with associated roof terrace to the rear of the existing dwelling.](#)

Reference	D21/75175
Author	Jessica Sutherland - Statutory Planner
Authoriser	Coordinator Statutory Planning

Ward:	Melba Ward
Proposal:	Part demolition and construction of a two storey extension with associated roof terrace to the rear of the existing dwelling
Existing use:	Single dwelling
Applicant:	Maison Co
Zoning / Overlays:	Neighbourhood Residential Zone (Schedule 1) Heritage Overlay (Schedule 332) Development Contributions Plan Overlay (Schedule 1)
Date of Application:	4 March 2021
Application Number:	PLN21/0144

Planning History

1. Planning Permit No. 3498 was issued on 22 July 1986 by the City of Richmond to *construct alterations and additions to a detached house.*
2. Planning Permit No. 5904 was issued by the City of Richmond on 14 March 1991 *for the purpose of constructing a timber structure with corrugated iron roof over existing open space.*
3. Planning Application No. 98/125 for the *development and use as three attached dwellings* was refused by Council on 2 June 1998.

Background

4. The application was received by Council on 4 March 2021, with further information provided in April 2021. The application was advertised in May 2021, with six (6) objections received.
5. In response to objections received, sketch plans were submitted on 5 July 2021 which show the corrected location of No. 13 Darlington Parade's window (a marginal shift from the Decision Plans) and an Overlooking Diagrams from the roof terrace to the neighbouring POS areas to the east (over the stairwell).
6. No consultation meeting was held.

The Proposal

7. The application is for part demolition and construction of a two storey extension and associated roof terrace at the rear of the existing dwelling. Further details are as follows:
Demolition
 8. The rear of the dwelling, landscaping and shed.
 9. A window on the west elevation.
 10. Decking and stairs along the eastern elevation.
 11. A portion of the wall, window and a door on the east elevation.
 12. A portion of the front fence adjacent to the driveway.
-

13. The roof sheeting, gutters and downpipes.
14. Internal walls and doors (*no permit required*).
Development
15. Construction of a two storey extension with, a tandem garage and roof terrace:
 - (a) The ground floor, and tandem garage along the eastern boundary, is constructed to the western title boundary for a length of 4.59 metres, to the northern boundary for a length of 8.97 metres and the eastern boundary for a length of 3.59 metres. A courtyard and alfresco is provided in the north-west corner of the site and the garage is set back 1 metre from the eastern boundary, providing an area for clotheslines and rainwater tanks.
 - (b) A driveway, which is 3.36 metres wide, is provided along the western boundary, providing vehicle access from Darlington Parade to the garage at the rear of the site.
 - (c) The first floor, and roof terrace above, is setback 2.76 metres from the western title boundary, 2.03 metres from the northern boundary and 4.78 metres from the eastern boundary. The roof terrace has raised planterboxes along the east and west elevation and a 1.7 metre screen along the north elevation. The screen results in a maximum building height of 8.65 metres.
 - (d) Materials and finishes include face brickwork (white finish), rendered white elevations, timber cladding with 'charred' finish, black aluminium window/door frames and aluminium reeded glass screens in black.
16. Alterations to the existing dwelling to infill a window on the western boundary and to construct a window on the eastern elevation to the driveway.
17. Construction of a paling gate over the driveway, with a maximum height of 2.1 metres.

Existing Conditions

Subject Site

18. The subject site is located on the north side of Darlington Parade, 70 metres west of Church Street, in Richmond. The site has a frontage of 14.33 metres and a site depth of 24.23 metres, yielding an overall site area of 347sqm. The site is bound by a drainage easement (functioning as a walkway) at the rear (north), which is 1.45 metres wide and accessed from Waltham Place to the north.
19. The site falls from south to north so that the front (south) boundary to Darlington Parade is 1.2 metres higher than the rear title boundary.
20. The site is developed with a single storey, double fronted, Victorian/Edwardian-era dwelling with a white render finish, verandah and galvanised hipped roof. The dwelling has a single storey extension with a large attached pergola/shed at the rear, resulting in built form constructed to the entire western boundary and a majority of the rear (north boundary). The dwelling is setback from the eastern boundary providing for open space and a driveway which is accessed from the existing crossover to Darlington Parade. The existing front fence is a maximum height of 2.1 metres and is constructed of a stone plinth base (white) and a timber picket top (black).



Image 1: the subject site as seen from Darlington Parade (source: Officers site visit, July 2021)

Surrounding Land

21. The surrounding area is characterised as primarily residential, with the exclusion of the land to the south which is occupied by a school, church and civic uses. Built form is notably mixed with some detached Victorian/Edwardian-era dwellings, churches, contemporary infill development and heritage conversions. Sub-division and the siting of built form is generally irregular in the immediate area. The subject site is located approximately 200 metres south of the Bridge Road Major Activity Centre (**MAC**). The site is located in the Richmond Hill Heritage Precinct.
22. To the east of the site is No. 13 Darlington Parade which is developed with a single storey, Victorian-era dwelling with a verandah, white render and corrugated roof. A two storey extension has been constructed at the rear (as approved under PLN18/0936). The dwelling and extension is generally setback between 1.2 and 4.31 metres from the shared boundary with the subject site. Four (4) habitable room windows (HRW) face the subject site from within this setback. The site's principal area of private open space (**POS**) is a courtyard (13sqm in area) located on the western boundary, abutting the subject site. The extension has a small rear setback (1.27 metres), a maximum height of 6.94 metres and is constructed with black contemporary cladding. The site is recognised as Contributory to the heritage precinct.
23. To the west of the subject site is No. 9 Darlington Parade which is developed with a single storey weatherboard dwelling. The dwelling is setback 1.79 metres from the shared boundary with the subject site and as two (2) HRW facing the subject site from within that setback. An area of POS is provided at the rear, with a shed located on the north-east corner abutting the site. Further west are two storey contemporary dwellings constructed with white and dark grey render, and black metal cladding and screening (visible in Image 2 below).



Image 2: the development to the west of the subject site (source: Officer site visit, July 2021)

24. To the north, across the drainage easement is the rear boundaries of No. 14, 16 and 18 Waltham Place, each of which is developed with an attached, two storey, redbrick Victorian-era dwelling. No. 14 and No. 16 Waltham Place have single storey extensions which are constructed for the entire length of one side boundary, with their areas of POS located adjacent. No. 18 Waltham Place has a larger area of POS at the rear. All three of the dwellings have windows facing the subject from ground and first floor, setback in excess of .44 metres from the rear boundary of the subject site.
25. To the south, across Darlington Parade, is St. Kevin's school grounds and associated buildings and recreation areas.

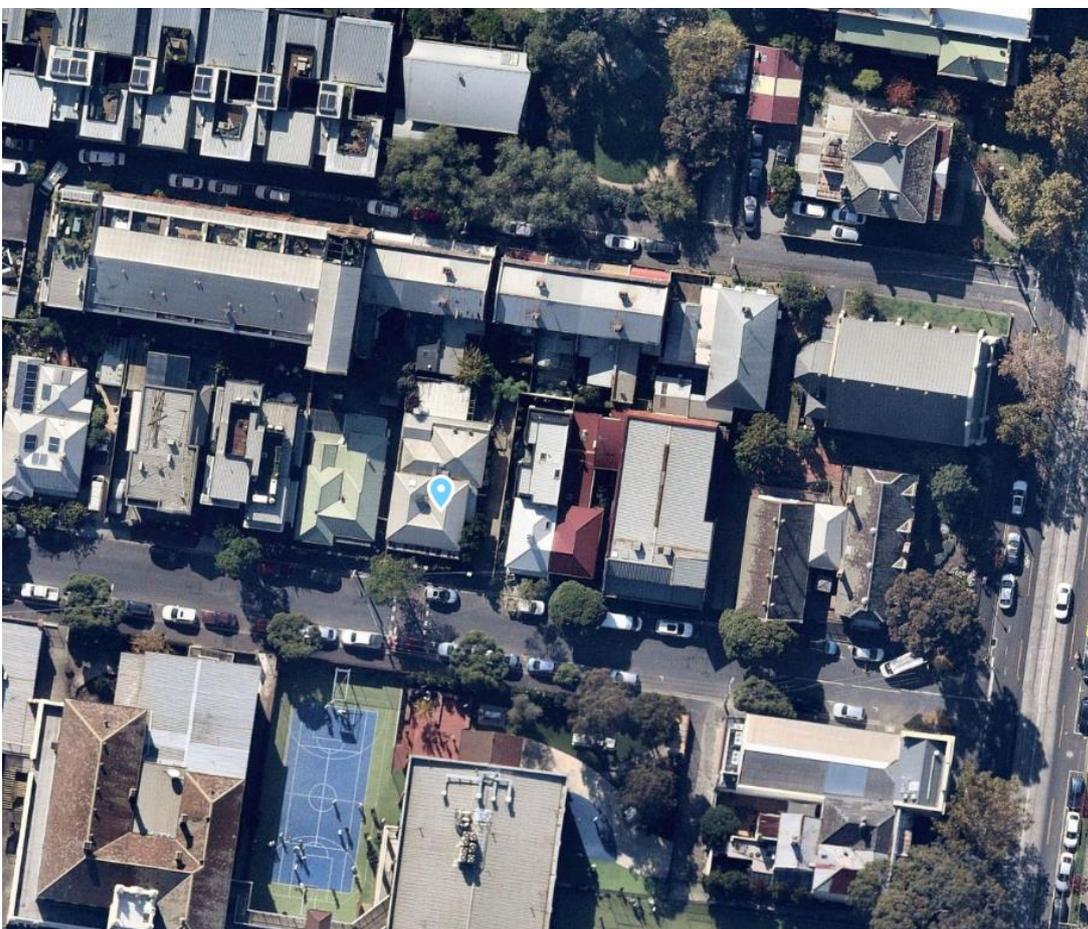


Image 3: the subject site and surrounds (source: NearMap, April 2021)

Planning Scheme Provisions

Zoning

Neighbourhood Residential Zone (Schedule 1)

1. Pursuant to Clause 32.09-1 of the Yarra Planning Scheme (**the Scheme**), a permit is not required to use the land as a dwelling.
2. Pursuant to Clause 32.09-5, *a planning permit is required to construct or extend a dwelling on a lot less than 500sqm* (as specified in Schedule 1 of the Zone). The subject site is an area of 347sqm thus a permit is required to extend one dwelling on a lot.
3. Pursuant to Clause 32.09-4 of the Scheme, mandatory minimum garden area requirements applies to lots greater than 400sqm. As the subject site is a total area of 347sqm, the garden area requirements are not applicable.
4. Pursuant to Clause 32.09-10, *a building used as a dwelling or residential building must not exceed a height of 9 metres or two storeys at any point.*
5. The proposed extension which has a maximum height of 8.65 metres above NGL and is two storeys meets the requirements of the mandatory provision.

Overlays

Heritage Overlay (Schedule 332)

6. Pursuant to Clause 43.01-1, a planning permit is required to demolish or remove a building and to construct and carryout works.
7. Appendix 8 to the City of Yarra Review of Heritage Areas, 2007 – The site is identified as being Contributory to the *Richmond Hill Heritage Precinct* (Schedule 332).

Development Contribution Plan Overlay (Schedule 1)

8. Pursuant to Clause 45.06-1 a permit granted must:
 - (a) Be consistent with the provisions of the relevant development contributions plan.
 - (b) Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.
9. The proposal does not result in an increase in the number of dwellings; thus, the requirements of the Overlay do not apply.

Particular Provisions

Clause 54 – One dwelling on a lot (ResCode)

10. Pursuant to Clause 54 of the Scheme this provision applies to an application to construct a dwelling on a lot less than 500sqm. A development must meet the objectives of Clause 54.

General Provisions

11. The Decision Guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.
12. Amongst other things, the Responsible Authority must consider the relevant Municipal Planning Strategy and the Planning Policy Frameworks, as well as the purpose of the Zone, Overlay or any other Provision.

Planning Policy Framework (PPF)

Clause 11.02 – Managing growth

13. The clause includes several strategies to achieve this objective including *'planning for urban growth should consider opportunities for the consolidation, redevelopment and intensification of existing urban areas.*

Clause 15 – Built Environment and Heritage

Clause 15.01-1S – Urban design

14. The objective of this clause is *'to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity'*.

Clause 15.02-1S – Energy and resource efficiency

15. The objective of this clause is *'to encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions'*.

Clause 15.03-1S – Heritage conservation

16. The objective of this clause is *'to ensure the conservation of places of heritage significance'*.

Clause 16 – Housing

Clause 16.01-3S – Housing diversity

17. The objective of this clause is *'to provide for a range of housing types to meet diverse needs'*.

[Local Planning Policy Framework \(LPPF\)](#)

Clause 21 – Municipal Strategic Statement (MSS)

Clause 21.03 – Vision

18. Clause 21.03 of the Scheme outlines strategic objectives for land use, built form, transport and environmental sustainability within the City. Strategies to achieve the objectives are set out in the following clauses of the MSS.

Clause 21.04 – Land Use

Clause 21.04-1 – Accommodation and housing

19. The relevant objectives and strategies of this clause are *'to retain a diverse population and household structure'* and to *'encourage the retention of dwellings in established residential areas that are suitable for families with children'*.

Clause 21.05 – Built form

Clause 21.05-5 – Heritage

20. The principal objective of this clause are *'to protect and enhance Yarra's heritage places'*.

Clause 21.05-6 – Urban Design

21. This clause incorporates the following relevant objectives:

- (a) *Maintain and strengthen the preferred character of each Built Form Character Type within Yarra; and*
- (b) *Ensure development is designed having particular regards to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.*

Clause 21.08-10 – Central Richmond

22. The subject site is identified as 'Heritage Overlay' on the *Figure 24 (Built Form Character Map)*. The objective for this area is to *'ensure that development does not adversely affect the significance of the heritage place'*.

[Relevant Local Policies](#)

Clause 22.02 – Development guidelines for sites under the heritage overlay

23. This policy applies to all land within a Heritage Overlay. The clause incorporates the following relevant objectives;

- (a) *To conserve Yarra's natural and cultural heritage;*

- (b) *To conserve the historic fabric and maintain the integrity of places of cultural heritage significance;*
- (c) *To preserve the scale and pattern of streetscapes in heritage places;*
- (d) *To ensure that additions and new works to a heritage place respect the significance of the place; and*
- (e) *To encourage the retention of 'individually significant' and 'contributory' heritage places.*

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

24. This policy applies to extensions greater than 50sqm in area. The objective of this clause is:
- (a) *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*
- Incorporated Document
25. Appendix 8 to the City of Yarra Review of Heritage Areas, 2007 (revised May 2017) – The site is identified as being Contributory to the *Richmond Hill Heritage Precinct* (Schedule 332).

Advertising

26. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 22 letters sent to surrounding owners and occupiers and by a sign displayed on site. Council received six (6) objections, the grounds of which are summarised as follows):
- (a) Overdevelopment of the site, including excessive height
 - (b) Visual bulk impacts
 - (c) Overshadowing
 - (d) Daylight to windows impacts
 - (e) Overlooking
 - (f) Not in keeping with rear setback and backyard character
 - (g) Location of neighbouring window not shown correctly
 - (h) Non-compliance with Standard A11 (Walls on boundary) and Standard A10 (Side and rear setbacks)
27. A planning consultation meeting was not held.

Referrals

28. The application was informally referred to Council's Heritage Advisor who considered the proposal supportable subject to the following recommendations:
- (a) The extension to be fully within the envelope created by the sight line as encouraged by Clause 22.02-5.7.1 of the Scheme.
 - (b) The proposed gate with a height not higher than 1.5 metres.

OFFICER ASSESSMENT

29. The primary considerations for this application are as follows:
- (a) Clause 54 – ResCode
 - (b) Heritage
 - (c) objector concerns
 - (d) Other matters

[Clause 54 - ResCode](#)

30. Clause 54 comprises design objectives and standards to guide the assessment of new residential development. Given the site's location within a built up inner city residential area, strict application of the standard is not always appropriate, whether the proposal meets the objective is the relevant test. The following objectives are not relevant to this application:
- (a) *Standard A2 Integration with the street objective* – no change from existing conditions
 - (b) *Standard A3 Street setback objective* – no change from existing conditions
 - (c) *Standard A8 Significant trees objective* – no trees are to be removed or will be affected by the proposal
 - (d) *A13 North facing windows objective* – no north-facing windows are within 3 metres of the subject site
 - (e) *Standard A19 Solar access to open space objective* – not applicable to extensions

Standard A1 - Neighbourhood Character

31. The subject site is situated in an established residential area. Whilst the immediately neighbouring dwellings are predominantly from the Victorian-era, there is a pattern of contemporary infill development, heritage conversions, and church/civic style buildings within the surrounding area. The built form pattern is fairly irregular and high site coverage is a common characteristic. Considering this context, the design response, which is similar in siting and design to other contemporary infill, is appropriate.
32. Further, pursuant to the Figure 24 in Built Form Character Map of Clause 21.08-10 (Central Richmond) the subject site is identified as being in a Heritage Overlay. The neighbourhood policy encourages that development within these areas *does not adversely affect the significance of the heritage place*.
33. The front of the dwelling, as visible from the street, is not being altered. The extension is located toward the rear of the site at a reasonable distance from the street frontage to respect the intact heritage elements of the streetscape. The proposal will be assessed against the relevant heritage policy of the Scheme later in this report, but generally, it is considered that the proposed scale and design will not adversely affect the significance of the heritage place.
34. For the reasons outlined, the proposal is considered to comply with the Neighbourhood Character Standard.

Standard A4 – Building Height

35. Standard A4 requires that *the maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land*.
36. The building height must not exceed 9 metres (as specified in Schedule 1 of the Neighbourhood Residential Zone). The maximum height of the proposal is 8.65 metres and therefore complies with the Standard.

Standard A5 – Site Coverage

37. As no minimum site coverage is specified in Schedule 1 of the Neighbourhood Residential Zone, the maximum site coverage under the Standard of 60% applies.
38. The proposal has an overall site coverage of 71% and therefore does not comply with the Standard; however, it is considered to meet the objectives of the Standard for the following reasons:
- (a) Within the inner city area where smaller lot sizes are prevalent, high site coverage is a prominent characteristic of the neighbourhood. Higher site coverage is visible on most neighbouring lots, particularly to the north and east.

- (b) The existing site coverage is 65%, thus an increase of only 6% is marginal within the context and is unlikely to result in an unreasonable amenity impact associated with site coverage.

Standard A6 – Permeability

39. As no minimum permeability is specified in Schedule 1 of the Neighbourhood Residential Zone, pervious surfaces must cover at least 20% of the site. The proposed development will result in site permeability of 9%, and as such the Standard is not met. It considered that the standard could reasonably be met by incorporating permeable pavers into the proposed driveway. As such, a condition will be included in the recommendation for the driveway to be permeable.
40. Further, the objectives of the Standard A6 is *to reduce the impact of increased stormwater run-off on the drainage system and to facilitate on-site stormwater infiltration*. Local policy Clause 22.16 (Stormwater Management), which applies to an extension greater than 50sqm is an area, provides clear directive on how development can address stormwater run-off. A STORM Rating report was provided with the application, demonstrating a score of 100% through the inclusion of 3000Lt rainwater tank. Two 1500Lt rainwater tanks are shown in plans, however, a condition will require that a notation be included on plans confirming that that are to be connected to irrigation systems or toilet flushing. The rainwater tanks will assist in reducing the stormwater run-off and to meet the objectives of Standard A6 (Permeability).

Standard A7 – Energy efficiency protection objective

41. The proposal meets the first objective of Standard A7 *to ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy* for the following reasons:
- (a) Generally, all habitable rooms are provided with good daylight access, through either north, east or west facing windows thereby reducing the dwellings reliance on artificial lighting.
- (b) All proposed glazing that is not required to be fixed for overlooking purposes is shown as operable to allow for natural cross ventilation for the dwelling; thereby reducing the dwellings reliance on air-conditioning or mechanical ventilation systems.
- (c) Operable screens (not required for overlooking purposes) have been employed on the north elevation of the master bedroom, allowing for the direct daylight to the habitable room to be adjusted throughout the year, and allowing for direct northern sunlight in winter months for natural heating and shade in summer to reduce reliance on air-conditioning.
- (d) A clothesline is shown in the eastern setback of the garage, reducing the dwellings reliance on clothes dryers.
42. The proposal meets the second objective of the Standard *to achieve and protect energy efficient dwellings* for the following reasons discussed below.
43. The only immediately abutting properties are to the east and west. The extension has been designed to fully comply with, or exceed, the requirements of Standards 10 (Side and rear setbacks) and Standard A11 (Walls on boundaries) to the east and west elevations thereby limiting any daylight restriction to the immediately abutting properties. The proposal also fully complies with Standard A12 (Daylight to existing windows), with the exception of the 3.08 metre high boundary wall of the garage which is opposite No. 13 Darlington Parade's kitchen window. However, this will be required by condition to comply with Standard A12 to ensure that the proposal will not unreasonably reduce daylight to the neighbouring dwelling. There are no solar panels on neighbouring properties that may be impacted by the proposal.
44. Subject to condition, the proposal meets the objectives of Standard A17.

Standard A10 – Side and rear setbacks and Standard A11 – Walls on boundaries

Standard A11 tables

Wall on boundary	Length (m)	A11 Length (m)	Difference	Compliance
Western wall	13.11	13.56	0.45	Yes
Eastern wall	3.59	13.56	9.97	Yes
Northern wall	5.8.97	11.08	2.12	Yes
Wall on boundary	Max. Height (m)	A11 Max. Height (m)	Difference	Compliance
Western wall	3.60	3.60	0.00	Yes
Eastern wall	3.08	3.60	0.52	Yes
Northern wall	4.10	3.60	-0.50	No

Standard A10 Table

Proposed Wall	Wall height (m)	A10 Setback (m)	Proposed setback (m)	Difference	Compliance
GF east wall of garage	3.60	1.00	1.00	0.00	Yes
FF/T east wall of bed	8.25	3.34	5.70	2.36	Yes
FF/T east wall of stairs	8.10	3.19	4.78	1.59	Yes
FF/T north wall	8.65	3.74	2.03	-1.71	No
FF/T west wall	7.56	2.65	2.87	0.22	Yes

45. As is evident from the above table, the east and west elevations demonstrate full compliance with both Standard A10 (Side and rear setbacks) and Standard A11 (Walls on boundary). The north elevation, however, does not meet the prescribed setback of Standard A10 and exceeds the maximum boundary wall height prescribed by Standard A11. However, the variations to the standards are supported for the following reasons:

- (a) The walls are adjacent to the 1.45 metre wide drainage easement (which functions as a walkway between the subject site and properties opposite), buffering any visual bulk impacts to neighbouring properties.
- (b) As northern walls, they will not result in any shadows to the properties to the north.
- (c) The boundary wall and first floor are directly the opposite the blank walls of the ground floor extensions at No. 14 and No. 16 Waltham Place, further buffering their POS areas from the proposal.
- (d) There are no windows near to the subject site (nearest is 4.4 metres from the rear boundary) that would be unreasonably impacted by the proposal.
- (e) Although the wall may be visible from the properties to the north, visibility of built form is expected in inner city locations and, two storey walls on or near to boundaries is a typical feature of the immediate area.
- (f) The first floor and terrace incorporate white render and obscure glazing screening which will soften the appearance of the extension and may assist in reflecting light back to the northern properties.
- (g) Small, to no, rear setbacks is a common feature of the immediate area. As discussed, the properties to the north have built form constructed along a side boundary to the rear fence and the extension immediately to the east (No. 13 Darlington Parade) has a setback of 1.27 metres from the rear fence. The proposal is therefore consistent with the character of development in this context.

Standard - A12 Daylight to existing windows

Standard A12 Table

Proposed Wall	Wall height (m)	A12 Setback (m)	Proposed setback (m)	Difference	Compliance
No. 9 Darlington W From GF wall	3.30	1.65	1.79	0.14	Yes
No. 9 Darlington W From FF wall	7.65	3.83	4.55	0.73	Yes
No. 13 Darlington W (kitchen) From FF wall	8.10	4.05	6.09	2.04	Yes
No. 13 Darlington W (kitchen) From GF wall	3.08	1.54	1.31	-0.23	No
No. 13 Darlington W (living)	825	4.13	6.54	2.41	Yes

- 46. There is one (1) HRW facing the proposal from No. 9 Darlington Parade, and four (4) HRW facing the proposal from No. 13 Darlington Parade. Only the ground floor windows closest to the boundary (kitchen and living room) of No. 13 Darlington Parade have been assessed as the remainder of the windows notably exceed the setbacks required.
- 47. As shown in the above table, the proposal complies with Standard A12, with the exception of the ground floor wall on boundary opposite the kitchen window. The wall is associated with a bin area and requires a variation of 230mm from the standard.

Although the window opposite is associated with a kitchen which has a principal outlook to the north, full compliance with the Standard is reasonable in this instance given that the wall is associated with a bin area of the garage and the standard would only require that the boundary wall be lowered to a maximum height of 2.85 metres (or otherwise setback off the boundary). This condition will not have an unreasonable impact on the internal amenity of the proposed dwelling.

48. Subject to condition, the proposal complies with Standard A12 (Daylight to existing windows).

Standard A14 – Overshadowing

49. Pursuant to Clause 54.04-5, (Standard A14), *where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.*
50. *If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.*
51. Due to the north-south orientation of the subject site, the proposal will overshadow the principal courtyard of No. 13 Darlington Parade (which is 13sqm in area), at 3pm only. Under the existing conditions the SPOS does not receive 75% of unshaded SPOS for five hours at the Equinox. Thus, the Standard requires that the proposal should not further reduce the sunlight provided to this area.
52. However, the proposal results in only 0.75sqm of additional shadow at 3pm which is considered a negligible amount in an inner city area, where lots are smaller and compliance with this Standard is not always achieved. An increase of less than 1sqm in the afternoon will not unreasonably impact the amenity of this courtyard. Further, the extension has been designed to comply, or notably exceed, the setback requirements of Standard A10 from the eastern boundary to respond to the eastern area of POS, ensuring shadow impacts have appropriately been mitigated.
53. The objective of Standard A14 (Overshadowing) is met.

Standard A15 – Overlooking

54. Pursuant to Clause 54.04-6, *the standard does not apply to a new habitable room window, which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room is less than 0.8 metres above ground level at the boundary.*
55. Given the slope of the site, the proposed window located on the eastern elevation of the retained dwelling is higher than 800mm above NGL. As such, the overlooking standard applies to this window. The window is directly opposite a window associated with a study at No. 13 Darlington Parade and therefore must be designed to demonstrate compliance with the objectives of Standard A15 (Overlooking). A condition will be included in the recommendation requiring this.
56. Pursuant to Clause 54.04-6, *a habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.*
57. The first-floor habitable windows are designed as follows:
- (a) The west, north and east facing windows of the master bedroom with fixed obscure glazing to a height of 1.7 metres above first floor level.
58. The roof terrace is designed as follows:
-

- (a) A 1.7 metre high screen (aluminium reeded glass 'black' with a maximum transparency of 25%) on the northern elevation.
- (b) 1.38 metre wide planter boxes, with a height of 1.2 metres on the east and west elevations. An Overlooking Diagram has been submitted (with the Decision Plans) to demonstrate the planterboxes appropriately limit the views downwards in accordance with the objective of Standard A15.
- (c) An Overlooking Diagram was also submitted (sketch plans received 5 July 2021) to demonstrate that views from the roof terrace over the stairwell to No. 13 Darlington Parade (east) are appropriately limited in accordance with the Standard. A condition will require that this section be included in the plans for endorsement.

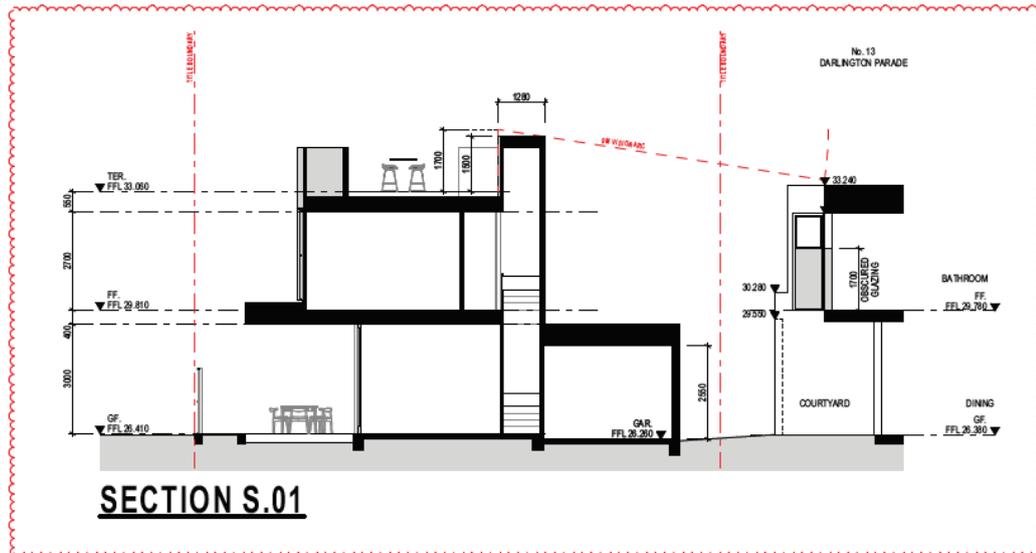


Image 4: Overlooking diagram (submitted as a sketch plan on 5 July 2021)

- 59. Subject to condition, the requirements of Standard A15 are met.

Standard A16 - Daylight to existing windows

- 60. All new windows are located to face an outdoor space clear to sky, with a minimum light court of 3 metres and minimum dimension of 1 metre clear to sky.
- 61. The proposal complies with the Standard.

Standard A17 – Private open space objective

- 62. According to Standard A17, a dwelling should have private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres. At least one part of the private open space should consist of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres at the side or rear of the dwelling with convenient access from a living room.
- 63. The proposal has a principal area of secluded private open space at ground floor which is approximately 32sqm with a minimum dimension of 4.4 metres. Further, the extension provides secondary area of POS at the roof terrace (43sqm in area). The proposal therefore exceeds the Standard.

Standard A19 – Design detail

- 64. The objective of the Design detail Standard is *to encourage design detail that respects the existing or preferred neighbourhood character*. The proposal incorporates face brickwork (white finish), rendered white elevations, timber cladding with 'charred' finish, black aluminium window/door frames and aluminium reeded glass screens in black.

These materials and colours are notably prominent in emerging contemporary development in the area, and is also responsive to the heritage fabric (largely brick and render) in the area (as discussed further in the *Heritage* section of this report).

65. The proposal is considered to meet the objective of Standard A19 (Design detail) and is supported.

Standard A20 – Front fence

66. Standard A20 prescribes a maximum height of 1.5 metres for front fences, therefore the proposed gate which is a height of 2.1 metres does not meet the provisions of the standard. It is acknowledged that the existing front fence is a height of 2.1 metres, however, there is no record of planning approval for this fence and it is generally not in keeping with the pattern and height of front fences along the street. As such, a condition will require that the proposed gate be no higher than 1.5 metres in accordance with the provisions of Standard A20.

Heritage

67. Demolition

68. The site is recognised as Contributory to the *Richmond Hill Heritage Precinct* (Schedule 332). The front of the dwelling is being retained as is encouraged by Clause 22.02-5.1 of local heritage policy. The removal of the rear of the dwelling would not be visible from the Darlington Parade frontage and therefore would not detrimentally impact the appearance of the heritage place to this streetscape.

69. The removal of a portion of the fence is accepted as the fence is not original fabric.
70. The removal of the roof sheeting is accepted subject to a condition requiring that the replacement sheeting be galvanised heritage grade Z600.
71. Council's Heritage Advisor raised no concern to the scope of demolition.
72. The demolition, subject to condition, is therefore supported.

Development

73. The extension has been appropriately setback from the street frontage, creating a separation between the retained heritage dwelling and the proposed extension. The extension protrudes marginally over the envelope created by the sight line as encouraged by Clause 22.02-5.7.1 of the Scheme. Council's Heritage Advisor did not support this and considered that the extension should be reduced in height or scale to demonstrate compliance with the local heritage policy.
74. However, it is considered by Council Officers that the extension is appropriately set back and designed to be recessive to the heritage dwelling (as is also encouraged by Clause 22.02-5.7.1). The setback of the southern elevation from the street frontage is 12.6 metres, which is considered generous for a site that is a depth of 24.23 metres. Moreover, the south elevation of the extension, which fronts the street, is designed to be a blank rendered (white) wall and as such, any visibility of this elevation will not dominate or detract from the heritage place or wider streetscape.
75. Moreover, the streetscape itself is notably varied, with all of the properties immediately west of the subject site graded as not contributory to the heritage precinct. Given the mixture of built forms in the area which include churches and heritage building conversions, it is typical to have some visibility of higher built form in the background of heritage streetscapes. In light of this context, some visibility of the new extension would not detrimentally impact the heritage precinct.
76. Despite not demonstrating full compliance with the local heritage sight line provision, the extension is considered to meet the objective of Clause 43.01 (Heritage Overlay) to not adversely affect the significance of the heritage place. Due to the separation of the contemporary form from the original dwelling and simplicity and quality of the design, the proposed extension will read as its own separated recessive form beyond the dwelling, retaining the prominence of the heritage fabric and heritage streetscape.

77. Council's Heritage Advisor also recommended that the proposed paling gate be no higher than 1.5 metres, as is encouraged by Clause 22.02-5.7.2 of the Scheme. This has already been included as a condition in the recommendation.
78. In consideration of the above, the proposal is acceptable from a heritage perspective subject to condition.

Objector concerns

79. *Overdevelopment of the site, including excessive height*

A two storey extension with a roof terrace is not considered out of character or an over development in the context of a residential area, particularly in a context of larger scale church and civic buildings.

Any application is assessed against the relevant policy and the response to the individual site context, and in this instance the design response has been found to comply with the mandatory height provisions of the Neighbourhood Residential Zone, and more generally with the policy located at Clause 54, the Heritage Overlay and the relevant local policies.

The extension has generally responded to the surrounding properties and demonstrates a high level of compliance with the Clause 54 provisions of the Scheme.

80. *Visual bulk impacts*

The extension will be visible from neighbouring properties, however, it appropriately responds to sensitive interfaces (POS areas and dwelling windows) to ensure that it is not overbearing or imposing to neighbouring dwellings. The proposal has been setback to comply with Standard A10 (Side and rear setbacks) with the exception of the northern elevation which is buffered from neighbouring dwellings by the drainage easement.

81. *Overshadowing*

This concern is discussed at paragraphs 49 – 53, and the 0.75sqm of additional shadow to the courtyard of No. 13 Darlington Parade at 3pm only is considered a negligible impact in the context.

82. *Daylight to windows impacts*

This matter is discussed at paragraphs 46 - 48, and subject to condition, the proposal fully complies with Standard A12 (Daylight to existing windows objective).

83. *Overlooking*

This aspect of the proposal has been discussed at paragraphs 54 - 59 of this report. Subject to condition, the proposal complies with the provisions of Clause 54.04-6 (Overlooking Standard) of the Yarra Planning Scheme.

84. *Not in keeping with rear setback and backyard character*

Built form and subdivision in the immediate area is somewhat irregular and a clear backyard character does not exist. It is common for built form to be built near to, or on, rear boundaries as is visible on neighbouring properties. For these reasons, the siting of the proposed extension is not out of keeping with the character of the area.

85. *Location of neighbouring window not shown correctly*

Sketch plans were submitted to show the correct location of a window at No. 13 Darlington Parade. The location of the window does not have a notable bearing on the assessment in this instance given that the proposal exceeded the setback requirements of Standard A12 (Daylight to existing windows). The objector raised concern to overlooking to this window, however, the proposal has been screened in accordance with Standard A15 and will not allow for views into this window regardless of the location.

86. *Non-compliance with Standard A11 (Walls on boundary) and Standard A10 (Side and rear setbacks)*

These matters have been discussed at paragraph 45. Only the north elevation is non-compliant with these standards, however, the north elevation will not unreasonably impact the amenity of any properties to the north.

Other matters

87. A portion of a shed located in the north-east corner protrudes outside of the subject site's title boundaries and into the title boundary of No. 13 Darlington Parade. The demolition of the portion of shed outside of the subject site's title boundaries (that being No. 11 Darlington Parade) cannot be considered in this application.
88. As such, a condition will require that no works be shown outside the title boundary and a separate application will need to be lodged to apply for the demolition of the shed. The application will need to include both No. 11 and No. 13 Darlington Parade as the subject sites. The applicant has agreed to this process.

Conclusion

89. The proposal demonstrates an acceptable level of compliance with the policy requirements outlined in the Yarra Planning Scheme. Based on the report, the proposal is considered to generally comply with the relevant policies of the Yarra Planning Scheme and is recommended for approval subject to conditions.

RECOMMENDATION

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Maison Co Architects, Drawings TP01, TP02, TP03, TP04, TP05, TP06 and TP07, rev A, dated 20 April 2021, but modified to show:
 - (a) The eastern boundary wall of the garage designed in accordance with Standard A12 (Daylight to existing windows objective) of Clause 54 of the Yarra Planning Scheme.
 - (b) The east-facing window of Bed 4 designed in accordance with the objectives of Clause 54.04-6 (Overlooking) of the Yarra Planning Scheme.
 - (c) The driveway as permeable.
 - (d) A notation confirming rainwater tanks are connected to toilet flushing or irrigation systems.
 - (e) Section S.01 (as submitted in sketch plans on 5 July 2021)
 - (f) The proposed paling gate with a maximum height of 1.5 metres.
 - (g) The roof sheeting to be galvanised iron heritage grade z600.
2. The 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.
3. Before the building is occupied, 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.
4. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.

5. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
6. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
7. This permit will expire if:
 - (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four 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:

This site is subject to a Heritage Overlay. A planning permit may be required for any further external works.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5555 for further information.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 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 5555 to confirm.

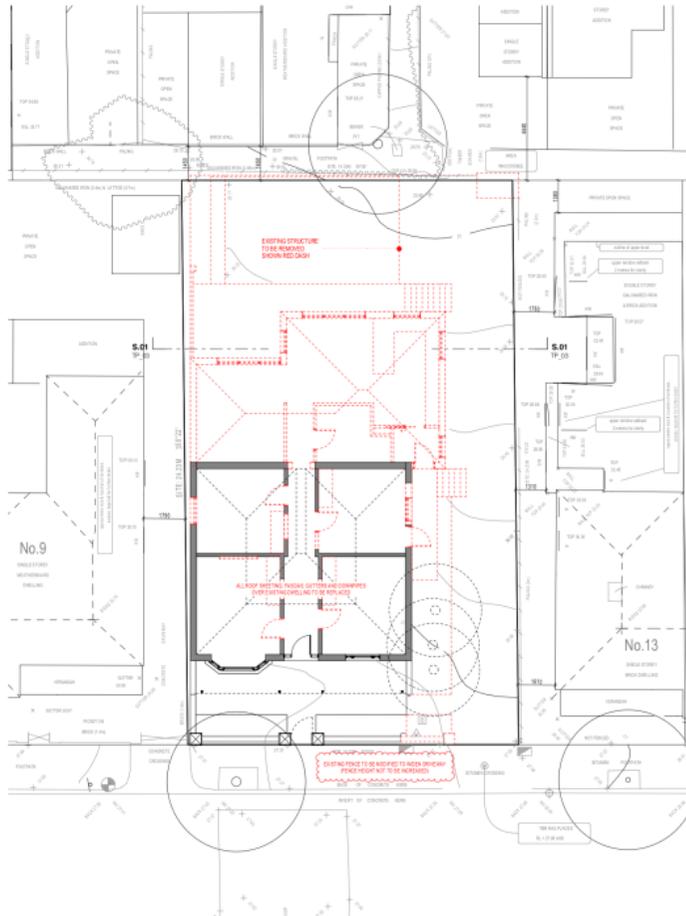
Attachments

- 1 PLN21/0144 - 11 Darlington Parade Richmond - Plans
- 2 PLN21/0144 - 11 Darlington Parade Richmond - Heritage advice

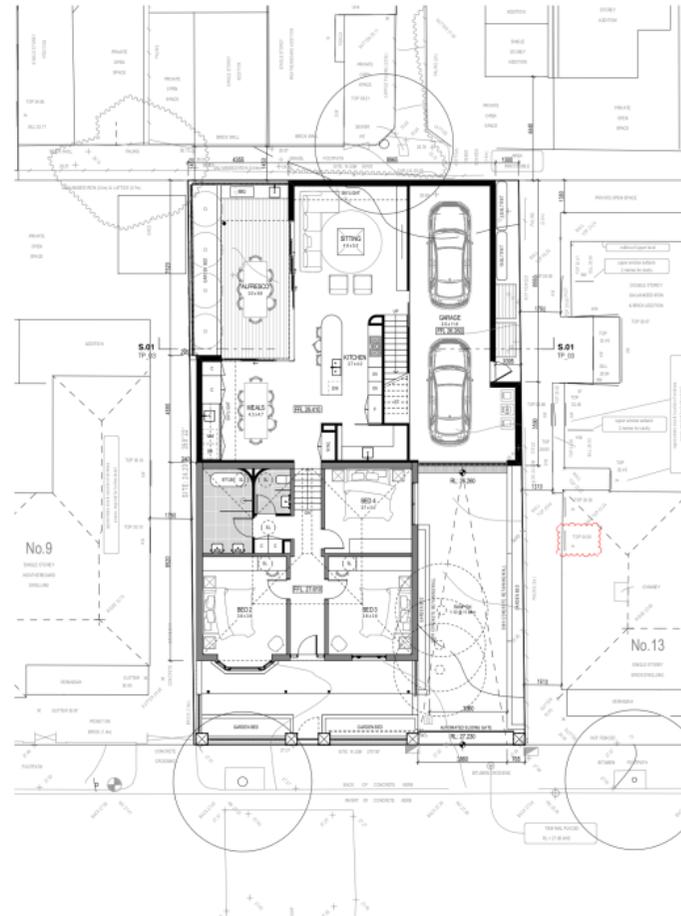
Attachment 1 - PLN21/0144 - 11 Darlington Parade Richmond - Plans

MAISON CO

AREA ANALYSIS		
AREA	M ² SQUARES	PERCENTAGE
AREA	247.11	
SITE COVERAGE (PROP.)	100.04	7%
SITE COVERAGE (EXT.)	225.03	91%
PERMEABLE (EXT.)	32.33	13%
PERMEABLE (PROP.)	39.98	16%
EXISTING		
GROUND FLOOR	147.11	
VERANDA	43.34	
P.S.S.	200.02	
EXISTING		
GROUND FLOOR (PROP.)	81.86	
GROUND FLOOR (EXT.)	63.84	
GARAGE	45.37	
LEVEL 1	37.00	
LEVEL 2	10.00	
ROOF SWIMMA	40.37	
P.P.S.S.	31.84	
P.S.S.	130.00	
TOTAL BUILDING	198.21	80%
LAND TERMINAL		



DEMOLITION PLAN



GROUND FLOOR PLAN

Project	11 DARLINGTON PDE	Date	08.27.2021
Location	RICHMOND VIC 3121	Project Stage	Town Planning
Project No.		Drawn	MH
Drawing Name	Floor Plans	Revision	C
Scale	1:50 @ A1	North	

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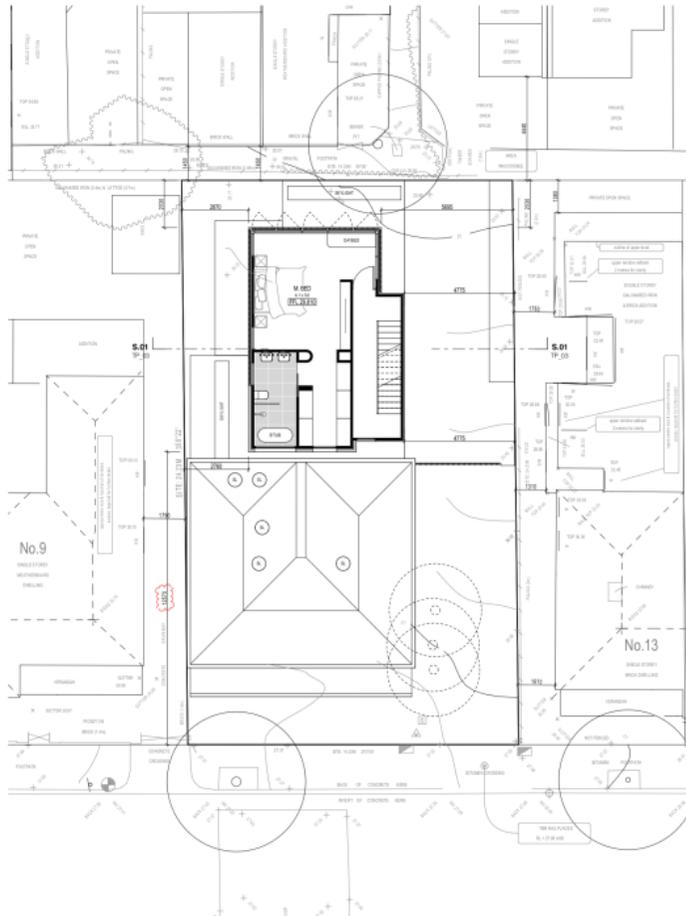
Attachment 1 - PLN21/0144 - 11 Darlington Parade Richmond - Plans

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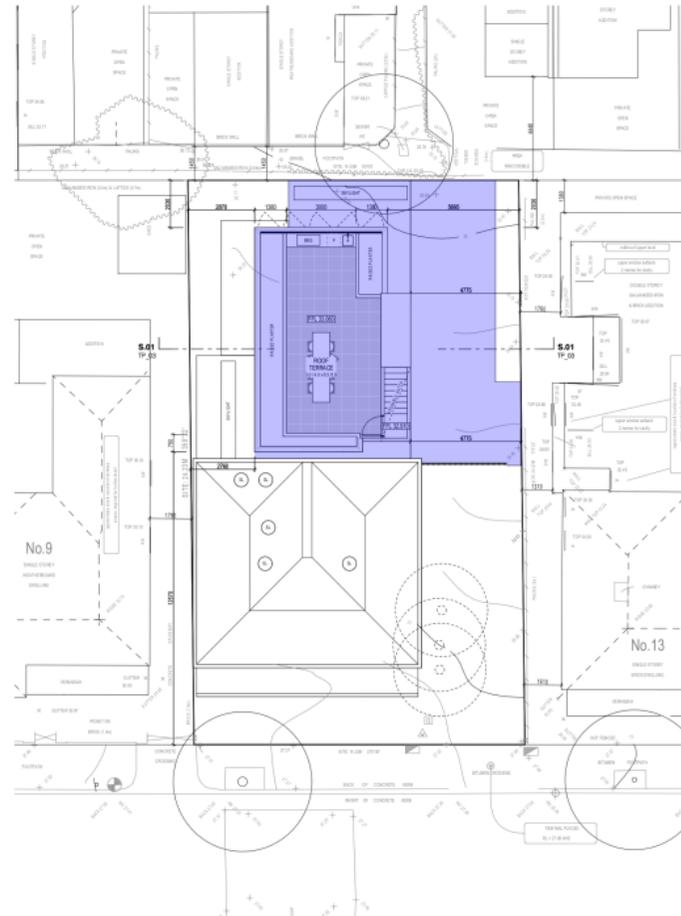
WATER SENSITIVE URBAN DESIGN

NUMBER OF OVERLAND FLOW DIVERTERS TO RAINWATER TANK

NOTE:
 THE RAINWATER CAPACITY WILL BE DIVIDED TO 2 RAINWATERS
 THE OVERLAND FLOW DIVERTER SHALL BE CAPABLE OF TREATING
 THE RAINWATER COLLECTED SHALL BE USED FOR TOILET FLUSHING
 AND LAUNDRY
 A FILTERING SYSTEM IS TO BE INSTALLED TO TREAT THE
 RAINWATER COLLECTED FROM THE TERRACE TERRACE LANDS



LEVEL 1 FLOOR PLAN



LEVEL 2 FLOOR PLAN

Project	11 DARLINGTON PDE	Date	08.27.2021
Location	RICHMOND VIC 3121	Project Stage	Town Planning
Project No.		Drawn	MN
		Revision	C
Scale	1:500 @ A1	North	

Drawing Name: Floor Plans
 Drawn: MN
 Revision: C

Scale: 1:500 @ A1
 North:

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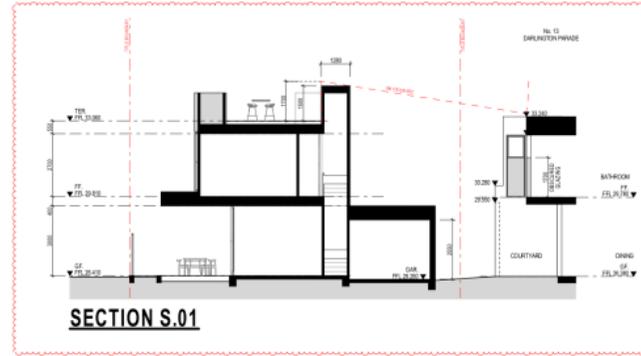
Email: info@maisonco.com.au
 Telephone: 03 9013 8312
 1004 Lincoln Street Melbourne VIC 3005
 PO Box 87 Carlton South 3054
 maisonco.com.au

Attachment 1 - PLN21/0144 - 11 Darlington Parade Richmond - Plans

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FRONT FENCE ELEVATION



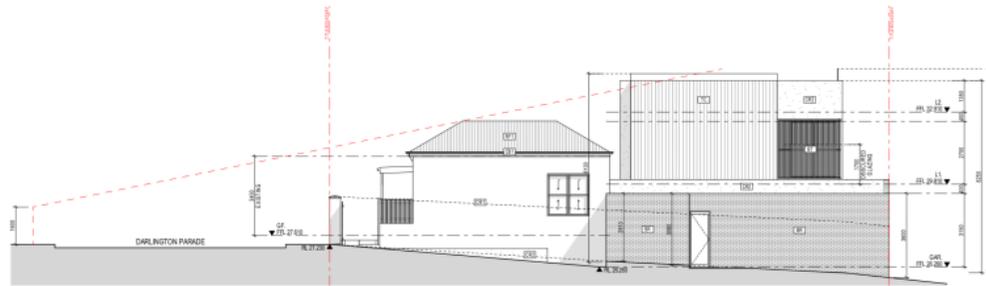
SECTION S.01

MATERIAL SCHEDULE

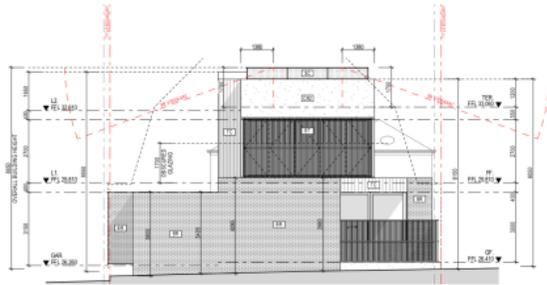
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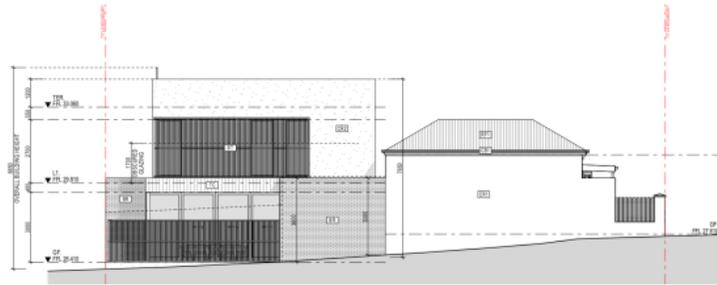
SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION

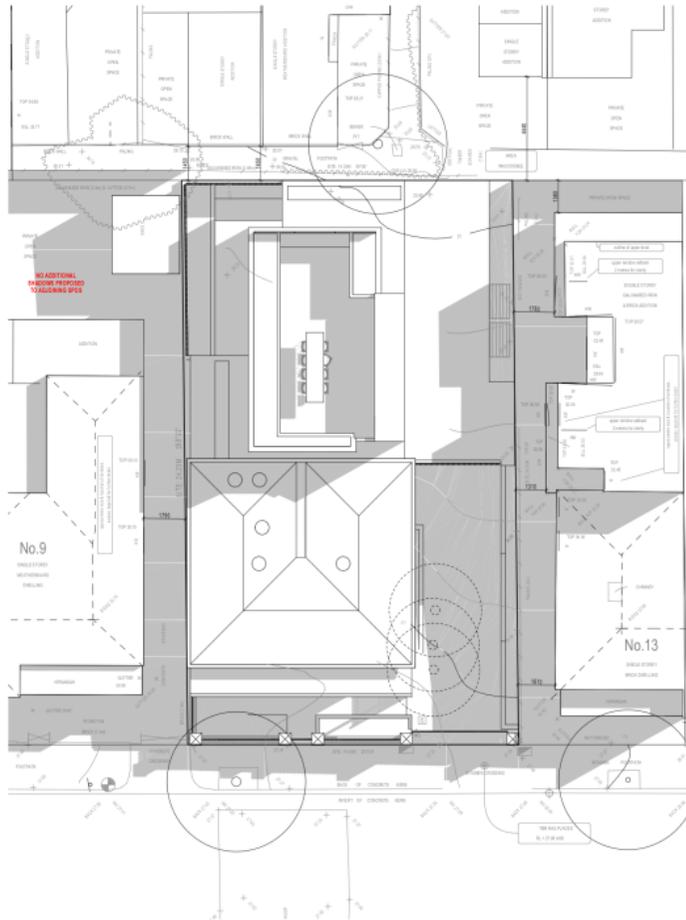
Project	11 DARLINGTON PDE	Date	08.27.2021
Location	RICHMOND VIC 3121	Project Stage	Town Planning
Drawing Name	Elevation	Drawn	MN
Drawing No.	TP_03	Revision	C
Scale	1:50 @ A1	North	

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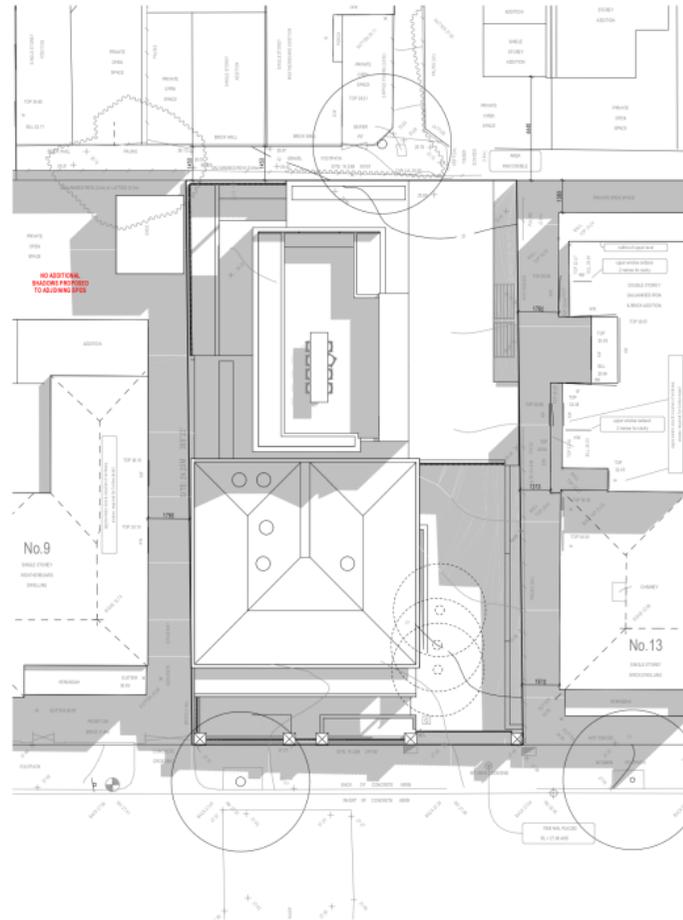
Attachment 1 - PLN21/0144 - 11 Darlington Parade Richmond - Plans

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9:00 AM

SHADOW DIAGRAM ANALYSIS



10:00 AM

Project: 11 DARLINGTON PDE
 RICHMOND VIC 3121
 Project No.:
 Date: 08.27.2021
 Project Stage: Town Planning

Drawing Name: Shadow Diagram Analysis
 Drawn: Mh

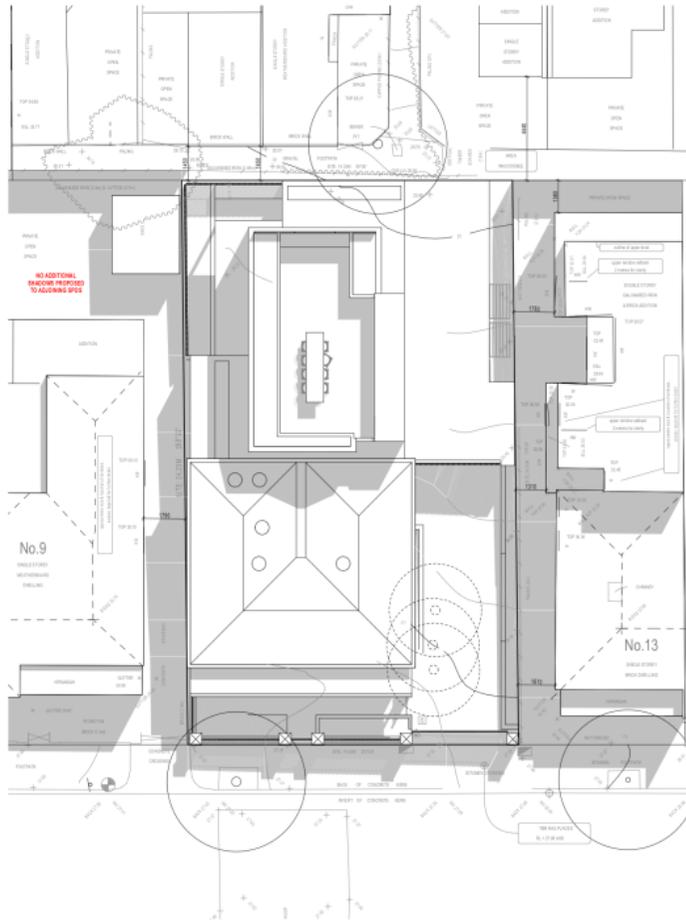
Drawing No.: TP_04
 Revision: C

Scale: 1:500 @ A1
 North: [North Arrow]

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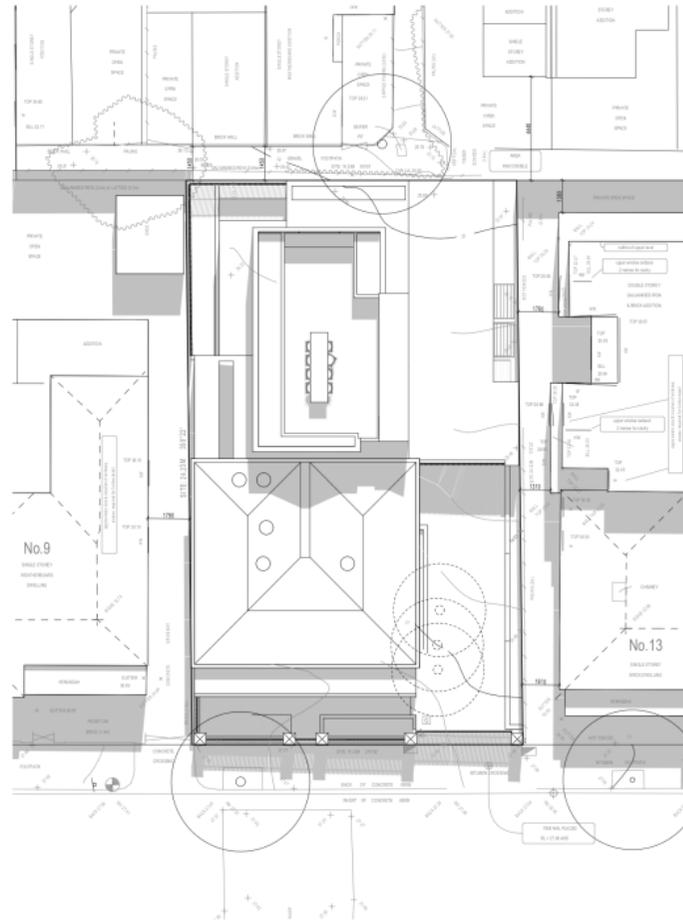
Attachment 1 - PLN21/0144 - 11 Darlington Parade Richmond - Plans

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11:00 AM

SHADOW DIAGRAM ANALYSIS



12:00 PM

Project	11 DARLINGTON PDE	Date	08.27.2021
	RICHMOND VIC 3121		
Project No.		Project Stage	Town Planning

Drawing Name	Shadow Diagram Analysis	Drawn	MN
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Drawing No.	TP_06	Revision	C
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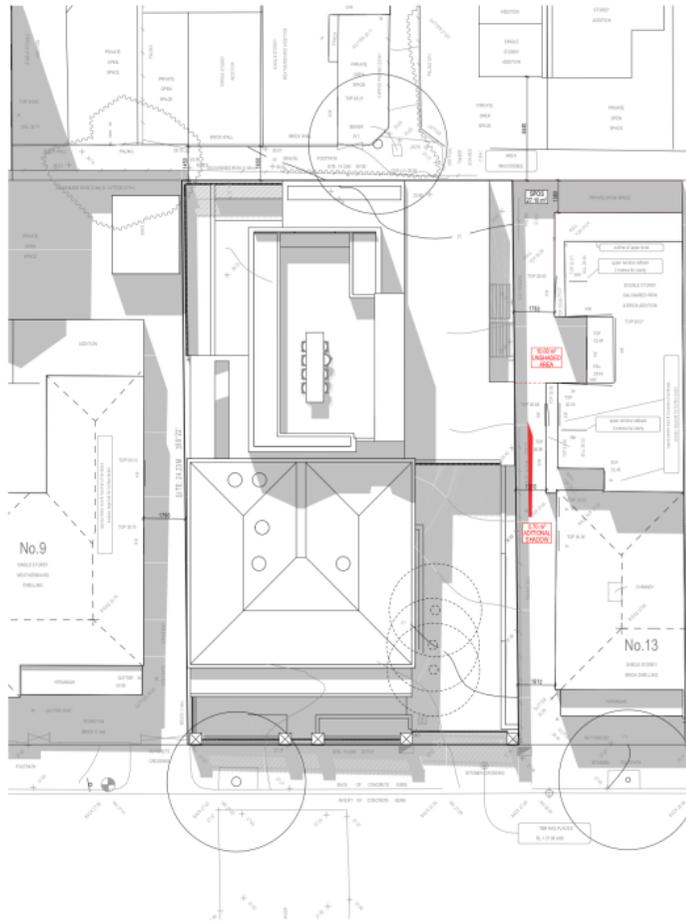
Scale	1:500 @ A1	North	
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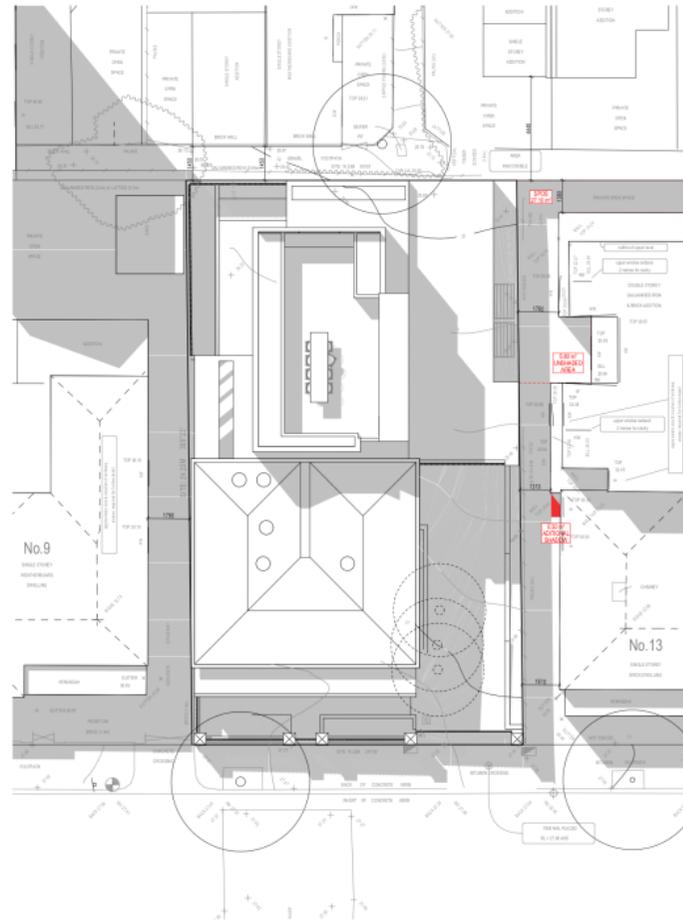
Attachment 1 - PLN21/0144 - 11 Darlington Parade Richmond - Plans

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1:00 PM

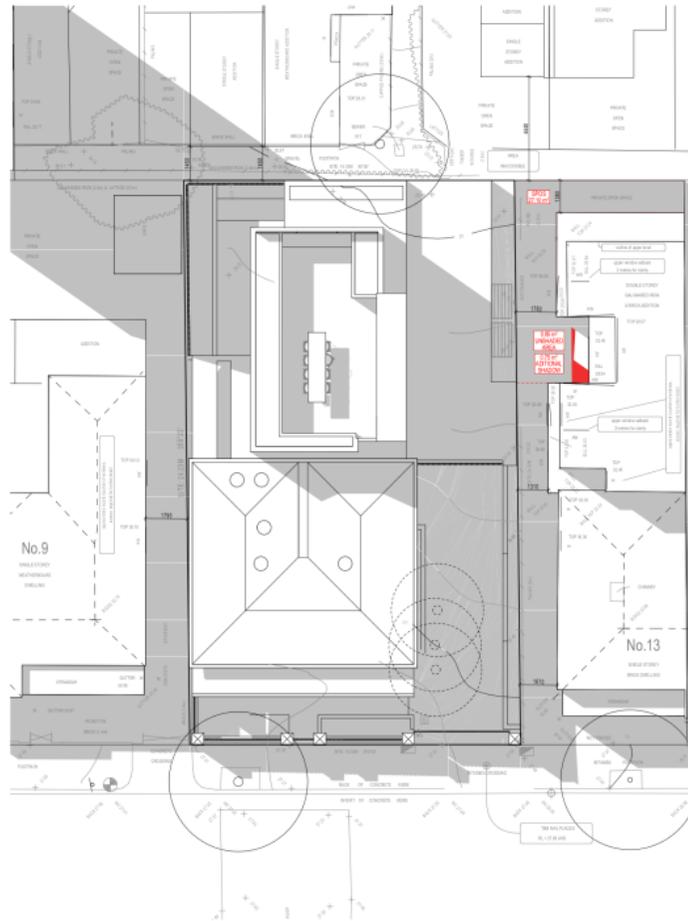
SHADOW DIAGRAM ANALYSIS



2:00 PM

Project 11 DARLINGTON PDE RICHMOND VIC 3121	Date 08.27.2021
Project No. -	Project Stage Town Planning
Drawing Name Shadow Diagram Analysis	Drawn Mh
Drawing No. TP_06	Revision C
Scale 1:500 @ A1	North ⊕
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Attachment 1 - PLN21/0144 - 11 Darlington Parade Richmond - Plans



3:00 PM

SHADOW DIAGRAM ANALYSIS

Project	11 DARLINGTON PDE	Date	08.27.2021
	RICHMOND VIC 3121		
Project No.	-	Project Stage	Town Planning
Drawing Name	Shadow Diagram Analysis	Drawn	MN
Drawing No.	TP_07	Revision	C
Scale	1:500 @ A1	North	

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Attachment 2 - PLN21/0144 - 11 Darlington Parade Richmond - Heritage advice

Sutherland, Jessica

From: McIntosh, Diahnn
Sent: Monday, 2 August 2021 11:56 AM
To: Sutherland, Jessica
Subject: Re: 11 Darlington Parade Richmond

Dear Jess

The proposal for 11 Darlington Parade is generally supportable subject to the following recommended conditions:

- That the sight line must be met, by either through the lowering of internal ceiling heights (ground and/or upper levels) or setting the roof terrace further back from the front so that the balustrading is within the sightline test.
- That the height of the proposed front gate must be in accordance with the Heritage Policy which allows a height of no greater than 1.5 metres.. The style and construction of the gate (timber palings) is acceptable.

Don't hesitate to contact me if you require any further advice in regard to this referral.

Kind regards,

DIAHNN McINTOSH
Heritage Advisor