# YARRA CITY COUNCIL

## Internal Development Approvals Committee

# Agenda

## to be held on Wednesday 29 August 2018 at 6.30pm in Meeting Rooms 1 & 2 at the Richmond Town Hall

### Rostered Councillor membership

Councillor Stephen Jolly
Councillor James Searle
Councillor Mike McEvoy

**I. ATTENDANCE**

Chris Stathis (Senior Statutory Planner)
Amy Hodgen (Co-Ordinator Statutory Planning)
Cindi Johnston (Governance Officer)

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

**III. CONFIRMATION OF MINUTES**

**IV. COMMITTEE BUSINESS REPORTS**

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

# Guidelines for public participation at Internal Development Approval Committee meetings

## POLiCY

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

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

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

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

**Governance Branch**
**2008**

# 1. Committee business reports


| Item | | Page | Rec. Page |
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| 1.1 | PLN18/0021 - 1A/2 and 1E/4 Mansard Lane, Collingwood - The sale of liquor for the consumption on and off the premises in association with a food and drink premises (cafe) and a convenience shop (deli). | 5 | 22 |
| 1.2 | PLN17/0635 - 326-348 & 371 Church Street Richmond - Use and development of the land at No. 371 Church Street Richmond as a Childcare centre, including full demolition of the existing building, construction of a double-storey building, construction and display of direction signage, creation of access to a Category 1 Road Zone and associated reduction in the car parking requirement (with car parking for staff provided at No. 326 - 348 Church Street Richmond). | 95 | 128 |
| 1.3 | 69 - 73 Victoria Street, Fitzroy - PL07/0761.02 Section 72 Amendment to Planning Permit PL07/0761 to increase the patron numbers to 46 and licensed hours to 11pm in association with a Food and Drink premises (Café). | 171 | 188 |
| 1.4 | PLN17/0973 - 12-14 Green Street Cremorne - Demolition of the existing dwelling on 14 Green Street (including part of this dwelling located on 12 Green Street) and construction of one new dwelling on 14 Green Street | 201 | 223 |

## 1.1 PLN18/0021 - 1A/2 and 1E/4 Mansard Lane, Collingwood - The sale of liquor for the consumption on and off the premises in association with a food and drink premises (cafe) and a convenience shop (deli).

### Executive Summary

### Purpose

1. This report provides Council with an assessment of planning permit application PLN18/0021 and recommends approval, subject to conditions.

### Key Planning Considerations

2. Key planning considerations include:
   (a) Clause 13.05 – Noise
   (b) Clause 17.02 – Commercial.
   (c) Clause 21.03 – Vision.
   (d) Clause 21.04 – Land Use.
   (e) Clause 22.05 – Interface Uses.
   (f) Clause 22.09 – Licensed Premises.

### Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) Strategic justification.
   (b) Off-site amenity impacts (associated with the licenced premises).
   (c) Cumulative impacts from the licenced premises.
   (d) Objectors' concerns.

### Objectors' Concerns

4. A total of 41 objections were received to the application, these can be summarised as follows:
   (a) Off-site amenity impacts including loss of privacy, additional noise, additional smell, light spill.
   (b) Anti-social behaviour including increased litter, graffiti, reduced safety, security risk and property damage.
   (c) Numerous cafes already (cumulative impact).
   (d) Increased car parking pressures.
   (e) Reduction in property values.

### Conclusion

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

**CONTACT OFFICER:** **Nikolas Muhllechner**
**TITLE:** **Principal Planner**
**TEL:** **9205 5456**

## 1.1 PLN18/0021 - 1A/2 and 1E/4 Mansard Lane, Collingwood - The sale of liquor for the consumption on and off the premises in association with a food and drink premises (cafe) and a convenience shop (deli).

Trim Record Number: D18/122939
Responsible Officer: Senior Co-ordinator Statutory Planning

| | |
|---|---|
| **Proposal:** | The sale of liquor for the consumption on and off the premises in association with a food and drink premises (cafe) and a convenience shop (deli). |
| **Existing use:** | Vacant food and drink premises (cafe) and a convenience shop. |
| **Applicant:** | SJB Planning |
| **Zoning / Overlays:** | Mixed Use Zone<br>Design and Development Overlay (Schedule 2)<br>Environmental Audit Overlay<br>Heritage Overlay (Schedule 141) |
| **Date of Application:** | 10 January 2018 |
| **Application Number:** | PLN18/0021 |

### Planning History

Planning Permit PLN11/0750

1. This planning permit was issued in accordance a Victorian Civil and Administrative Tribunal (VCAT) order dated 27 March 2013. The permit allowed the following:
   (a) *The use and development of the land for buildings and works, use of the land as a food and drinks premises (café) and a convenience shop (deli), a reduction in the car parking requirement, a waiver of the loading bay requirement and a waiver of the bicycle change room requirement at 1-21 Robert Street, Collingwood*.

2. The planning permit was corrected on 15 May 2013 in accordance with a VCAT order relating to condition 20 requiring the applicant to enter into a Section 173 agreement to provide at least two car share vehicles and seven bicycle share spaces.

3. The planning permit was amended pursuant to Section 87A of the *Planning and Environment Act 1987* in accordance with a VCAT order dated 10 October 2013. The amendment sought approval for minor internal and external alterations to the approved development.

Amendment to Planning Permit

4. On 25 June 2014, Council received a Section 72 amendment to the planning permit to allow additional time to satisfy the requirements of condition 6 (design of shared zones) and condition 14 (integrated art plan) of the permit. An amended planning permit was issued on 5 August 2014 (a copy of which can be found in Attachment 1 of this report). The permit has been acted on.

### Background

5. This application for planning permit relates solely to the food and drink premises (cafe) and convenience shop (deli) approved under planning permit PLN11/0750. The following conditions of planning permit PLN11/0750 relate specifically to these two uses and are relevant to this application:

   *Food and drink premises (cafe)*

- Condition 42 restricts the hours of operation - *The food and drinks premise (café) may only operate between the hours of 7:00am and 11:00pm, seven days, unless with the prior written consent of the Responsible Authority*.
- Condition 43 restricts the use of the 86.9 square metre outdoor seating area - *The outdoor seating area (designated area within the 'neighbourhood square') must not be used beyond 10:00pm on any night, unless with the prior written consent of the Responsible Authority*.
- Condition 44 controls the number of staff associated with the use at any one time - *No more than 5 staff members may be on the site at any one time, unless with the prior written consent of the Responsible Authority.*
- Condition 45 controls the number of patrons allowed within the food and drink premises at any given time. The condition states - *No more than 40 patrons may be inside the food and drinks premises (café) at any one time, with an additional 40 patrons permitted within the designated area within the neighbourhood square, unless with the prior written consent of the Responsible Authority*.
- Condition 46 controls outdoor noise from the food and drink premises and states that - *Speakers must not be located outside the building*.
- Condition 47 controls deliveries to the premises - *Deliveries may only occur between 8:00am and 4:00pm, unless with the prior written consent of the Responsible Authority*.

*Convenience shop (deli)*

- Condition 48 restricts the hours of operation - *The convenience shop (deli) may only operate between the hours of 7:00am and 11:00pm, seven days, unless with the prior written consent of the Responsible Authority.*
- Condition 49 controls deliveries to the premises - *Deliveries may only occur between 8:00am and 4:00pm, unless with the prior written consent of the Responsible Authority*.

6. While this application for the sale and consumption of liquor associated with the food and drink premises and convenience shop approved as part of planning permit PLN11/0750 could have been lodged as a Section 72 amendment to that application, the applicant chose to lodge a new application instead. The food and drink premises and convenience shop would therefore continue to operate under planning permit PLN11/0750 and a liquor licence would operate and be controlled under a separate (this) planning permit.

7. The application was received by Council on 10 January 2018. Following the submission of further information the application was advertised and 41 objections were received.

8. A consultation meeting was held on 12 June 2018 and attended by objectors, the applicant and Council officers. No resolutions were reached at the meeting and no revisions to the submitted application were made.

**Existing Conditions**

<u>Subject Site</u>

9. The subject site (Attachment 2) forms part of the Yorkshire Brewery development site, which is located on the southern side of Robert Street in Collingwood. More broadly, the Yorkshire Brewery development is located 35 metres east of Wellington Street and approximately 365 metres west of Hoddle Street, in Collingwood. The Yorkshire Brewery development consists of retained heritage buildings and new multi-storey buildings up to seventeen stories in height containing multiple dwellings.

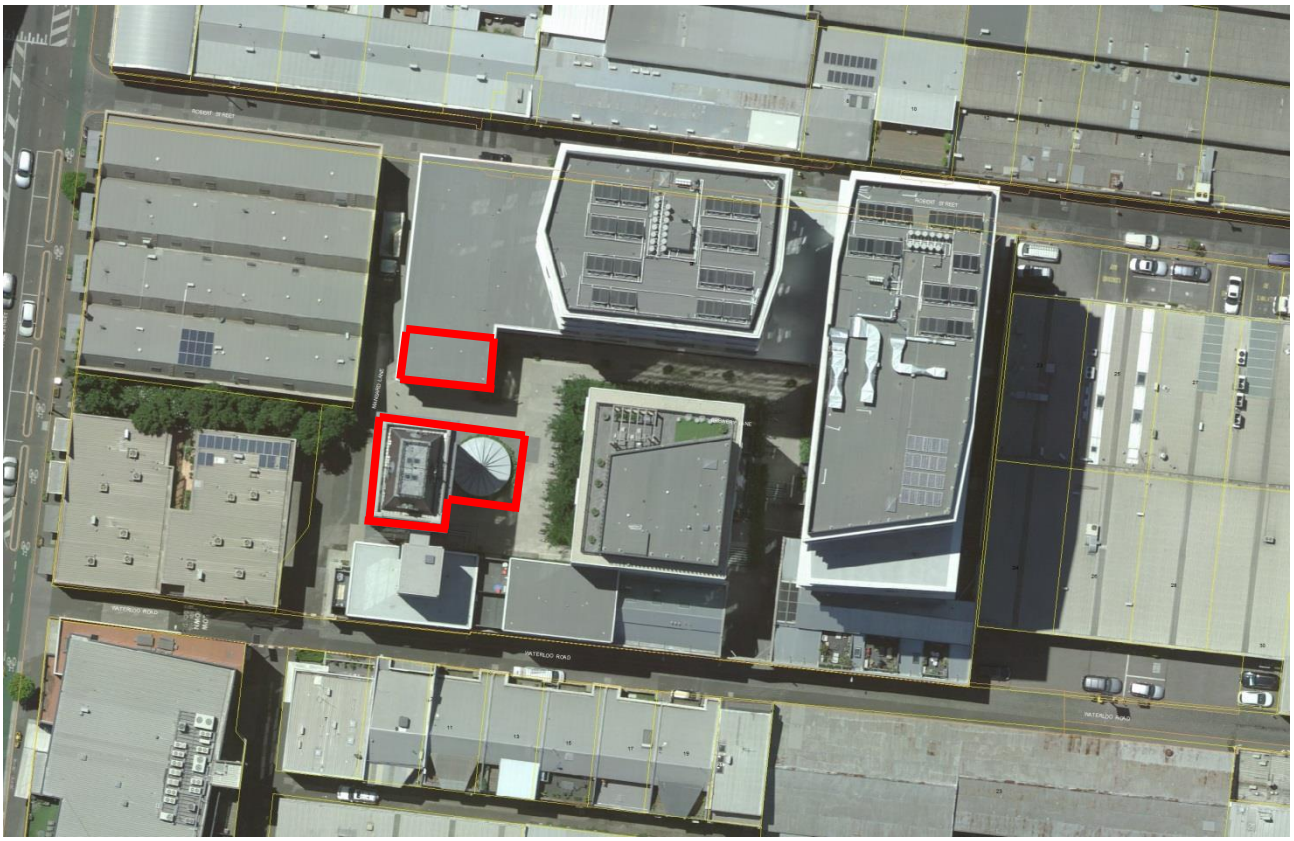
10. The subject site consists of two premises located on the ground floor of the Yorkshire Brewery development, namely the food and drink premises (cafe) and convenience shop (deli). Both premises front each other and are separated by a pedestrian link (Brewery Lane) 6.58 metres in width.

11. The food and drink premises (café) has an internal floor area of 62.4 square metres and is located within the former brew house, located on the south-east corner of Mansard Lane and Brewery Lane. Door and window openings are in the east, north and southern facades. A partly covered outdoor seating area (measuring an area of approximately 86.9 square metres) is accessed via a door from the eastern side of the premises. Tables and chairs for approximately 24 patrons are arranged under a rotunda structure which partly covers the outdoor seating area.

12. The convenience shop (deli) has an internal floor area of 37.4 square metres and is located within the northern building, on the north-east corner of Mansard Lane and Brewery Lane. A glazed façade presents to Mansard Lane (to the south) and the main entrance is through a lobby off Brewery Lane.

13. The food and drink premises (café) is legally described as Lot G01A and the convenience shop (deli) is legally described as Lot G01E, both on Plan of Subdivision 411166X. Neither allotment is affected by any easements or restrictive covenants.

14. Both allotments are affected by a Section 173 agreement that relates to the facilitation and management of a care share arrangement and a bicycle share arrangement as part of the Yorkshire Brewery development, the requirements of Heritage Victoria and the payment of a public open space contribution. The Section 173 agreement is not relevant to the assessment of this planning permit application.



Subject site, aerial imagery, January 2018.

Surrounding Land

15. The area surrounding the subject premises is dominated by the larger Yorkshire Brewery development. To the north, forming part of the building containing the convenience shop, is a four storey podium building containing dwellings on each floor, some of which have an outlook facing either south towards Brewery Lane or west towards Mansard Lane.

16. To the north-east of the subject premises, a residential tower rises up to fourteen stories from the four storey podium with dwellings facing each interface. Bordering the Yorkshire Brewery development site to the north is Robert Street, a one-way, east bound road connecting Wellington Street in the west to Rockeby Street in the east.

17. To the east of the subject premises and separated from the fourteen storey residential tower by Brewery Lane, is a ten storey residential building. This building includes dwellings with an outlook to the west towards the food and drink premises and its outdoor seating area. Further east, Brewery Lane makes a right angle turn in a southerly direction and separates the ten storey building from the main seventeen storey residential tower within the Yorkshire Brewery development.

18. Above the food and drink premises, the brew tower has been converted to residential uses with five dwellings in total located on the floors above the food and drink premises. To the south of the brew tower is a four storey building containing more dwellings, with some having an outlook and balconies to the north towards the food and drink premises and its associated outdoor seating area.

19. Further south, the Yorkshire Brewery development site is bordered by Waterloo Road, a one-way, east bound road connecting Wellington Street in the west to Rockeby Street in the east. The southern side of Waterloo Road opposite the Yorkshire Brewery development consists of two to four storey commercial buildings, which appear to be used as offices.

20. To the west of the subject site is Mansard Lane, a one-way, south bound road connecting Robert Street in the north with Waterloo Road in the south.

21. Further west, across Mansard Lane, is the rear of two buildings that front Wellington Street further west. The three storey building on the south-east corner of Wellington Street and Robert Street contains commercial uses and car parking on the ground floor and dwellings above. This building present a number of first and second floor habitable room windows and balconies towards the subject site. The three storey building on the north-east corner of Wellington Street and Waterloo Road contains entirely commercial uses. The buildings are separated from the food and drink premises and the convenience shop by Mansard Lane.

**The Proposal**

22. This application proposes the sale of liquor for the consumption on-premises in association with the food and drink premises (cafe), and the sale of liquor for the consumption off the premises in association with the convenience shop (deli), both of which are located on the ground floor of the Yorkshire Brewery development. Specifically, the proposal incorporates the following elements:

    *Food and drink premises (cafe)*
    (a) The sale of liquor for consumption on-premises between 7:00am and 11:00pm, seven days a week.
    (b) The serving of liquor in the outdoor area to cease at 10:00pm, seven days a week.
    (c) The ‘red line’ area includes the internal area (62.4 square metres) and the outdoor seating area (86.9 square metres) (Attachment 3).
    (d) Maximum of 50 patrons in the internal area and the outdoor seating area at any given time (it is noted that planning permit PLN11/0750 allows a maximum of 80 patrons in the food and drink premises - 40 internal and 40 external).

    *Convenience shop (deli)*
    (e) The sale of liquor for consumption off the premises between 7:00am and 11:00pm, seven days a week.
    (f) The ‘red line’ area includes the internal area of the convenience shop (37.4 square metres) (Attachment 3).

## Planning Scheme Provisions

Planning Scheme Amendment VC148

23. This amendment introduced changes to the Victorian Planning Provisions (VPP) and all Planning Schemes arising from the Victorian Government's Smart Planning program. The program aims to simplify and modernise Victoria's planning policy and rules to make planning more efficient, accessible and transparent.

24. Planning Scheme Amendment VC148 deletes the State Planning Policy Framework and replaces it with a new integrated Planning Policy Framework in Clauses 10 to 19, simplifies the VPP structure with VicSmart built in, improves the structure and operation of specific clauses and supports business by removing unnecessary regulation.

25. Planning Scheme Amendment VC148 was gazetted on 31 July 2018 and now forms part of the Yarra Planning Scheme (the Scheme).

Zoning

*Mixed Use Zone*

26. Pursuant to Clause 32.04-1 of the Scheme, a food and drink premises and a convenience shop are both section 1 uses within the Mixed Use Zone, provided the leasable floor area of both does not exceed 150 square metres. Neither the food and drink premises nor the convenience shop has a floor area greater than 150 square metres. Therefore, the use of the land for a food and drink premises and a convenience shop do not trigger a planning permit requirement under the zone provisions.

27. However, planning permission has already been granted for the use as a food and drink premises and convenience shop under planning permit PLN11/0750, as both a food and drink premises and a convenience shop were section 2 uses at the time that planning permit was issued, nested under a retail premises and shop, respectively, which were both section 2 uses at the time.

Zoning Map.

Overlays

*Heritage Overlay (Schedule 141)*

28. The subject site is affected by the Heritage Overlay. This application does not trigger a planning permit requirement under the Heritage Overlay provisions as no buildings or works are proposed.

*Environmental Audit Overlay*

29. The subject site is affected by the Environmental Audit Overlay. As a sensitive use is not proposed as part of this planning permit application, the provisions of this overlay do not apply.

*Design and Development Overlay (Schedule 2)*

30. The subject site is affected by the Design and Development Overlay (Schedule 2), which relates to main roads and boulevards. This application does not trigger a planning permit requirement under the Design and Development Overlay provisions as no buildings or works are proposed.

Particular Provisions

*Clause 52.27 – Licensed Premises*

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

General Provisions

*Clause 65 – Decision Guidelines*

32. 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)

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

*Clause 13.05 – Noise*

34. The objective of this clause is:

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

*Clause 17.01 – Employment*

35. The relevant objective of this clause is:
    (a) To strengthen and diversify the economy.

*Clause 17.02 – Commercial*

36. The relevant objective of this clause is:
    (a) To encourage development which meets the communities' needs for retail, entertainment, office and other commercial services.

<u>Local Planning Policy Framework (LPPF)</u>

*Clause 21 – Municipal Strategic Statement (MSS)*

*Clause 21.03 – Vision*

37. The relevant sections of this clause are:
    (a) Yarra will have increased opportunities for employment.
    (b) The complex land use mix characteristic of the inner City will provide for a range of activities to meet the needs of the community.

*Clause 21.04 – Land Use*

38. The relevant objectives of this clause are:
    (a) To reduce potential amenity conflicts between residential and other uses.
    (b) To increase the number and diversity of local employment opportunities.

*Clause 21.08 – Neighbourhoods*

39. Clause 21.08-5 describes Collingwood in the following way:
    (a) Much of Collingwood is industrial in character with the residential precincts surrounded by or interspersed with industrial buildings.

40. Within Figure 13 of Clause 21.08-5, the subject site is identified as being a strategic redevelopment site. Figure 14 of Clause 21.08-5 shows the site as being within a non-residential area where the guiding urban design principle is to *'improve the interface of development with the street'*.

<u>Relevant Local Policies</u>

*Clause 22.05 – Interface Uses Policy*

41. The objectives of this clause are:
    (a) To enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes.
    (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*

42. The objectives of this clause are:
    (a) To protect the amenity of nearby properties and areas by effectively managing the location, size, operation and hours of licensed premises.
    (b) To encourage best practice venue design and venue operation for licensed premises.

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

**Advertising**

43. The planning permit application was advertised in accordance with section 52 of the *Planning and Environment Act 1987* (the Act) by way of 575 letters sent to the surrounding property owners/occupiers and by two signs on the site, one on the convenience shop and one on the food and drink premises. A total of 41 objections and five letters of support were received. The concerns raised in the objections can be summarised as:
    (a) Off-site amenity impacts including loss of privacy, additional noise, additional smell, light spill.
    (b) Anti-social behaviour including increased litter, graffiti, reduced safety, security risk and property damage.
    (c) Numerous cafes already (cumulative impact).
    (d) Increased car parking pressures.
    (e) Reduction in property values.

44. Following the advertising period, a consultation meeting was held on 12 June 2018 and attended by residents, the applicant and Council officers. No resolutions were reached at the meeting, however the applicant submitted an acoustic report (Attachment 6) after the consultation meeting to address noise concerns raised by the objectors. Council's acoustic consultant reviewed the acoustic report (Attachment 5). The recommendations of both are discussed throughout this report.

**Referrals**

<u>External Referrals</u>

45. The application was not required to be referred to any external authorities under Section 66 of the Scheme.

<u>Internal Referrals</u>

46. The application was referred to the following areas within Council, with full referral comments attached to this report:
    (a) Social policy and research unit (Attachment 4).
    (b) Acoustic engineering consultant (SLR Consulting Australia) (Attachment 5).

## OFFICER ASSESSMENT

47. The primary considerations for this assessment are as follows:
    (a) Strategic justification.
    (b) Off-site amenity impacts (associated with the licenced premises).
    (c) Cumulative impacts from the licenced premises.
    (d) Objectors' concerns.

<u>Strategic Justification</u>

48. The subject site is located within the Mixed Use Zone, with the purpose of the zone including to provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality. The ongoing use of the land for the purpose of a food and drink premises and a convenience shop, including the provision of liquor, is generally consistent with the zone provisions and appropriate for the site in Mansard Lane, Collingwood.

49. The Planning Policy Framework and Local Planning Policy Frameworks encourage development which meets the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities, provided that a balance is achieved in relation to off-site amenity impacts.

50. Specifically, Clauses 13.05, 21.04-2 and 22.05 of the Scheme 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*... *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*' (Clause 21.04-2).

51. The relevant planning permit trigger in this instance is Clause 52.27, which together with the local policy at Clause 22.09, articulates the decision guidelines relating to cumulative impact, off-site amenity impacts and land use conflict considerations. These will be discussed in detail in the balance of this report.

52. The food and drink premises and convenience shop were both approved under the previous planning permit and having both uses now applying for liquor licence applications is not uncommon and is to be expected. The introduction of a licence to allow the sale of liquor for consumption on the food and drink premises and for consumption off the premises for the convenience shop will provide a contributory use within a residential zone where it is State policy to *'provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations'*.

53. In order to achieve the objectives of the Planning Policy Framework, Council policy seeks to *'provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres'*. It is considered that the ability to sell liquor for consumption on and off the premises will meet the needs of residents living in the surrounding area, while not unreasonably affecting the amenity of nearby residents, subject to appropriate conditions attached to any planning permit issued. This will be discussed in more detail later in this report.

54. Given the subject site's location within the large, mixed use development of the Yorkshire Brewery, the introduction of buying and consuming liquor associated with a food and drink premises and buying liquor from a convenience shop will provide a convenient service/facility that meets community needs and expectations while also allowing smaller businesses to grown and compete with each other.

55. Overall, the ability for a food and drink premises to sell liquor to patrons while eating food on the premises and the ability for a convenience shop (deli) to sell liquor for customers wanting to consume at home or elsewhere, is not uncommon and is considered reasonable.

56. The sale of liquor for consumption on and off the premises is considered to comply with Council's vision and neighbourhood strategies in the Scheme and will serve the needs of the local community without unreasonably impacting on adjoining properties or residential amenity. Off-site amenity impacts will be fully assessed in the following section of this report.

<u>Off-site Amenity Impacts (associated with the licenced premises)</u>

57. Clause 22.09 (Licensed Premises Policy) of the Scheme provides the relevant guidance in relation to considerations of the proposed sale and consumption of liquor on and off any premises, on off-site amenity impacts. Clause 22.09 of the Scheme is Council's local policy which guides the assessment of all new or extended licensed premises within the municipality and contains key elements that must be considered. This will be done in the following sections of this report.

*Location and Access*

58. The subject site forms part of the larger Yorkshire Brewery development which is within the Mixed Use Zone and close to the Smith Street activity centre, with a mix of both commercial and residential uses in close proximity. The location is considered appropriate for the sale of liquor for consumption on and off the premises given the zoning of the area, the transport modes available and for the (already approved) uses of the subject site for a food and drink premises and a convenience shop.

59. In relation to the food and drink premises, the main pedestrian entry is from either the western door onto Mansard Lane or the northern door onto Brewery Lane, with a secondary entrance provided from the outdoor seating area to the east. This layout is as approved by the previous planning permit and is considered appropriate for all patrons regardless of whether or not they have bought or consumed liquor with their food. Impacts from patrons of the food and drink premises entering and exiting the premises, and the dispersal of patrons evenly throughout the surrounding streets, will continue as per the use approved under the previous planning permit.

60. The use as a food and drink premises is already approved. It is the serving and consuming of liquor in the food and drink premises that is being assessed here. Given the size of the food and drink premises (62.4 square metres internally and an outdoor seating area of approximately 86.9 square metres) and tables and chairs for approximately 50 patrons, a relatively limited number of patrons are able to dine in the food and drink premise at any one time. The management of the venue and the queuing of patrons has not been raised as an issue by objectors, neither are there any complaints recorded on Council's records. It is therefore not anticipated to be any concern with the queuing patrons as a result of introducing a liquor licence.

61. The limited number of entries and the minimal number of patrons, combined with the windows facing both Mansard Lane and Brewery Lane, allows for a reasonable level of surveillance of patrons as they enter and leave the food and drink premises regardless of whether or not they will/have consumed liquor.

    Given the proximity and direction of public transport options, patrons departing the premises are more likely to head west, which allows patrons who have consumed liquor and do not wish to drive, easy access to catch trams or taxis. Given the surrounding land uses, this is the least sensitive direction of travel.

62. Toilet facilities located across Brewery Lane in the convenience shop will continue to be available for patrons of the food and drink premises. A designated smoking area is not shown on the plans endorsed under the previous permit or the plans submitted for this liquor licence application although it is likely that any patrons that wish to smoke, regardless of whether they have consumed liquor, will do so in Mansard Lane and Brewery Lane. The use of the areas immediately outside the premises (i.e. the laneways in this instance) is a common feature of food and drink premises and licenced premises within the municipality. Given the site location combined with the relatively limited number of patrons allowed on the premises, it is considered appropriate in this instance.

63. The primary entries and exits from the food and drink premises are located on Mansard Lane and Brewery Lane. The corner location of the main entrances offers patrons with multiple directions to disperse from the premises, providing the potential to disperse patrons more evenly as they leave the food and drink premises. This is the same practice as for the use approved under the previous planning permit and is considered appropriate with the introduction of a liquor licence.

64. In relation to the convenience shop selling liquor for consumption off the premises, its corner location, small floor area and single entrance to the premises provides an appropriate level of surveillance and no unreasonable impacts on the surrounding area as a result of customers being able to buy liquor.

*Venue Design*

65. The polices seek to ensure that the layout and design of licensed premises incorporates safe design principles, that entry and exit points and areas for queuing of patrons are located away from sensitive land uses and that waste management and storage is provided on-site and noise enclosures are provided where bottle crushers are to be used.

66. As this application does not seek to alter the layout or design of the food and drink premises or convenience shop approved under the previous planning permit, but merely introduce the ability for patrons to consume/purchase liquor respectively, these policies are largely extraneous to this application. However, entry and exit points to the food and drink premises and the convenience shop and queueing of patrons to food and drink premises have been discussed at paragraphs 59 to 65 of this report.

*Hours of Operation*

67. Relevant policies at Clause 22.09 call for licensed premises in a Mixed Use Zone to not provide for the sale and consumption of liquor beyond 10:00pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area. Additionally, for outdoor areas, including smoking areas, roof tops and open courtyards, the sale and consumption of liquor should not occur after 10:00pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.

68. Conditions on planning permit PLN11/0750 under which both premises are currently operating, allow the food and drink premises and the convenience shop to operate between 7:00am and 11:00pm, seven days a week. This application seeks to sell liquor for the consumption on and off the premises for the food and drink premises and the convenience shop respectively, between 7:00am and 11:00pm, seven days a week. These hours are therefore consistent with what planning permit PLN11/0750 allows and the current operating hours of both premises.

69. The approved operating hours under the planning permit PLN11/0750 for the food and drink premises and convenience shop exceed the recommended operating hours for a licenced premises as outlined at Clause 22.09-3 of the Scheme by one hour. Any extension to these prescribed hours is discretionary and the responsible authority must be satisfied that there will be no adverse impact on the amenity of the area. For liquor to be sold and consumed for an additional one hour between 10:00pm and 11:00pm (selling liquor from the convenience shop and patrons consuming liquor in the food and drink premises), it must be assessed against all of the following (which will be done in the following paragraphs):
    (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.
        (ii) Any cumulative impact on the amenity of the area.

70. In relation to the use, it is important to note that while the food and drink premises and convenience shop were approved as part of the Yorkshire Brewery development under planning permit PLN11/0750 the provisions of the Mixed Use Zone have been amended since the issue of the planning permit in 2013. Both the food and drink premises and the convenience shop would now not require a planning permit to operate given that they are both less than 150 square metres in size.

While both uses could now potentially operate without the restrictions/permit conditions of a planning permit, in this instance both uses are part of the planning permit which relates to the larger Yorkshire Brewery development and as such, the permit conditions restricting/controlling both uses are still valid.

71. In relation to the type of licence, Council's social policy and research unit noted that a *'general licence while appropriate for when alcohol is going to be supplied for consumption both on and off the premises is one of the least restrictive licence types'*. Further, *'adequate planning permit conditions regarding hours, patrons and management of the venue are required to ensure that the venue operates in an appropriate manner, and to ensure that any liquor licence reflects these conditions'*. Conditions to achieve this include ensuring that the predominant activity of the food and drink premises must be the preparation and serving of meals.

72. The 'noise and amenity action plan' submitted with this application acknowledges the importance of food for the food and drink premises as a measure to reduce alcohol intake and therefore reduce the risks of harm associated with the excessive consumption of alcohol. For a food and drink premises, there is a clear emphasis placed on patrons consuming food, however the noise and amenity action plan explicitly commits to having food available for consumption on the premises at all times that liquor is served. Council's social policy and research unit also noted that a *'planning permit for the café and deli uses has been granted previously and the provision of alcohol (limited onsite to 50 people) will not be the main focus of either. Instead, alcohol will complement and be secondary to the food offering'*.

73. The area surrounding the two premises contains a mix of zones, including commercially zoned land to the east, west and south. The Yorkshire Brewery site itself is located within the Mixed Use Zone and land to the west is similarly in the Mixed Use Zone and sensitive uses in the form of apartments in multi-storey buildings forming part of the Yorkshire Brewery development.

74. The location, size and nature of the food and drink premises and convenience shop would suggest that the majority of the patrons and customers would be from within the larger development and the local area. Indeed, the locational attributes of the surrounding area and the size of the overall Yorkshire Brewery development formed part of the reasons why a mix of uses within the development was approved in the first place.

75. This application (for the consumption of liquor on the food and drink premises) proposes liquor for a maximum of 50 patrons. The number of patrons allowed on the food and drink premises under planning permit PLN11/0750 is 80 (40 internal and 40 in the outdoor seating area) which therefore means that the venue operator will choose to have 30 patrons less on the premises during the times that liquor is sought to be sold and consumed.

76. Based on the objections received, there is clear frustration with the current noise transmission within the Yorkshire Brewery development, particularly in the semi-enclosed area where the outdoor seating area is located. The perceived feeling of liquor adding to this noise level is fully acknowledged and is a common concern of people buying and living within mixed use developments. The current and potential noise emissions from the outdoor seating area are exacerbated by the design and layout of the surrounding multi-storey apartment buildings that create a semi-enclosed environment.

77. Notwithstanding the operating hours of the outdoor seating area allowed under planning permit PLN11/0750, for this liquor licence application, full consideration must be given to appropriate hours for serving and consuming liquor in the outdoor seating area of the food and drink premises. Under planning permit PLN11/0750 the outdoor seating area has a maximum capacity of 40 patrons and condition 43 of the permit states that the outdoor seating area cannot be used beyond 10:00pm on any night.

78. As will be discussed in more detail later in this report, and as has been recommended by Council's acoustic consultant, given the mixed uses within the development and the design of the building, patrons consuming liquor in the outdoor seating area should cease at 8:00pm. This will go some way to reduce unreasonable noise impacts on surrounding residents due to liquor and alleviate the concerns that objectors have in relation to patrons consuming liquor in the outdoor area in the later hours of an evening. Restricting the hours that liquor can be consumed by patrons in the outdoor area by way of permit condition reflects the residential context of the development and aims to limit any unreasonable or potential off-site amenity impacts associated with noise from the food and drink premises as a result of patrons having liquor with their meal.

79. Otherwise, the proposed licensed hours for the internal area of the food and drink premises and the convenience shop are considered appropriate in the context of the zoning of the land and within the mixed use development.

80. Council's social policy and research unit recommend a closing time of 10:00pm for the food and drink premises based on the introduction of a liquor licence. This however is not achievable in this instance given that the planning permit under which the premises is lawfully operating under allows it to operate to 11:00pm. Notwithstanding, the proposed number of patrons able to consume liquor will be limited to 50 and (restricted by way of a permit condition) no patrons will be allowed to consume liquor in the outdoor seating area past 8:00pm. Overall, the restrictions that will be placed on the food and drink premises through any liquor licence permit approved, are considered relevant, reasonable and appropriate.

*Patron Numbers*

81. Policy at Clause 22.09 relating to patrons numbers aims to ensure that the number of patrons does 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.

82. Planning permit PLN11/0750 allows a maximum of 40 patrons in the internal part of the food and drink premises and a maximum of 40 patrons in the outdoor seating area, equating to a total of 80 patrons on premises at any given time. This application seeks to limit the number of patrons to 50 in order to consume liquor in the food and drink premises.

83. On review of the applicant's acoustic report, Council's acoustic consultant recommended limiting the number of patrons in the outdoor seating area to a maximum of 25 and having a total of 50 patrons in the food and drink premises in total. This restriction would aim to limit unreasonable noise impacts on the nearby sensitive uses. This places restrictions on the food and drink premises which are over and above the conditions on the planning permit that the food and drink premises is operating under. Where there is any conflict, the more restrictive condition applies.

*Noise*

84. An acoustic report (Attachment 6) was submitted by the applicant after the consultation meeting that details a noise assessment that considers music, mechanical plant equipment and patron noise levels from the sale and consumption of liquor on the food and drink premises. The recommendations outlined in the acoustic report, combined with the conditions already contained with planning permit PLN11/0750 that the food and drink premises and convenience shop can operate under, and relating to operating hours, patron numbers, staff numbers, deliveries and external speakers as set out at paragraph 5 of this report, are considered appropriate to minimise noise impacts originating from inside the food and drink premises. Recommendations of the acoustic report include:

(a) As much absorptive material as possible be added to the space to reduce patron noise levels.
(b) A suspended light steel grid be installed to the interface between apartment 201 and the premises with a 200 mm air gap, insulation and one layer of 16 mm fire rated plasterboard.
(c) A noise limiter should be installed and calibrated such that SEPP N-2 compliance is achieved.
(d) Windows and doors to the premises should be closed during the night.
(e) If it is not the case at present, all doors should be fitted with automatic closing mechanisms to prevent the escape of noise through them.

85. The acoustic report submitted by the applicant should therefore be endorsed to form part of any planning permit that issues and a condition contained within the recommendation section of this report requires the provisions, recommendations and requirements of the endorsed acoustic report to be implemented and complied with. Notwithstanding, Council's acoustic consultant reviewed the acoustic report submitted with the application and identified the *'main issues on the project relate to noise from the outdoor patron area'*.

86. Council's acoustic consultant noted that the acoustic report *'indicates that noise from the outdoor area is likely to exceed the nominated external and internal targets for patron noise'* and as such recommended *'that further controls on the use be implemented until such time as it can be demonstrated that the noise limits will be met'*. Specifically on the outdoor area of the food and drink premises, Council's acoustic consultant recommended:
*(a) Limitation on the patrons in the outdoor area to a number that can be comfortably seated. It is unclear what this number would be from the provided drawings, however as a guide, we would suggest about 25.*
*(b) Limitation on the use during the day and early evening period only (say, to 7:00pm or 8:00pm).*

87. The purpose of restricting the use of the outdoor area, as noted by Council's acoustic consultant, *'is to encourage patrons to behave in a manner more consistent with 'restaurant' diners, rather than 'tavern' diners as well to limit the number of people outdoors*'. Conditions contained within the recommendation section of this report therefore place restrictions on the use of the outdoor seating area associated with the food and drink premises during that time that liquor is served, including a maximum of 25 patrons in the outdoor area while liquor is served and limit the hours in which liquor can be served in the outdoor area until 8:00pm.

88. While restrictions on the number of patrons and the times during which they can consume liquor in the outdoor seating area will be placed on any planning permit issued, it is possible that further acoustic studies will be undertaken by the applicant's acoustic consultant in the future to assess noise levels associated with the consumption of liquor in the outdoor area.

*Noise and Amenity Action Plan*

89. At the time of lodgement (10 January 2018), Council's local policy at Clause 22.09 relating to licenced premises sought a noise and amenity action plan for all licenced premises. However, as of 1 February 2018, Planning Scheme Amendment C209 introduced an updated licenced premises policy at Clause 22.09 into the Yarra Planning Scheme. The updated policy specifically exempted a planning permit application for a liquor licence associated with a restaurant (including a cafe) or a packaged liquor outlet from submitting a 'noise and amenity action plan' as part of the application. Many of the requirements of Clause 22.09-4 of the Scheme, in relation to the provision of a noise and amenity action plan, are addressed in other sections of this report.

90. However, as part of this planning permit application, a noise and amenity action plan (Attachment 7) was submitted and it sets out measures that the food and drink premises will put into place to limit the impact of the sale and consumption of liquor on and off the premises to the residential amenity of the surrounding area.

The ‘measures’ include making sure food is available all times that liquor is served, signage requesting patrons to respect the amenity of the area, the responsible serving of liquor, the control of music noise, waste collection and the handling of complaints.

91. The measures are considered appropriate to manage the operation of the food and drink premises during its licenced hours, to limit unreasonable detriment on the amenity and safety of the surrounding area. Conditions contained in the recommendation section of this report, as discussed throughout this report, will also seek to do this. That said, a condition contained in the recommendation section of this report will require an updated ‘noise and amenity action plan’ to reflect the approved hours for the sale and consumption of liquor and approved patron numbers overall and in the outdoor seating area. The amended noise and amenity action plan will then be endorsed and form part of the planning permit.

*Summary of Restrictions for Food and Drink Premises*

92. The combination of the existing planning permit conditions for the food and drink premises and the conditions in the recommendation section of this report for the food and drink premises, results in the following:
    (a) Maximum of 50 patrons on the premises (internal and outdoor seating area) at any one time.
    (b) Maximum of 25 patrons allowed in the outdoor seating area at any one time.
    (c) The consumption of liquor in the outdoor seating area until 8:00pm.
    (d) The use of the outdoor seating area between 8:00pm and 10:00pm without the consumption of liquor (to comply with condition 43 of PLN11/0750).
    (e) A maximum of 40 patrons in the internal area at any one time (to comply with condition 45 of PLN11/0750).

<u>Cumulative Impacts</u>

93. The decision guidelines set out in Clause 52.27 of the Scheme require consideration of the following:
    (a) The Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
    (b) The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
    (c) The impact of the hours of operation on the amenity of the surrounding area.
    (d) The impact of the number of patrons on the amenity of the surrounding area.
    (e) The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

94. In addition to Clause 52.27 and Council’s licensed premises policy at Clause 22.09 of the Scheme, it is necessary to give consideration to potential cumulative impacts associated with a proposal for a new or expanded liquor licence. The ‘Swancom’ decision (*Swancom Pty Ltd T/as Corner Hotel v Yarra City Council & Ors*) provides a potential assessment methodology for considering applications that may result in cumulative impact. The decision also acknowledges that depending on the nature of the use (i.e. premises type, patron numbers and operating hours), the required level of assessment will vary.

95. Since the ‘Swancom’ decision, Council has developed an assessment tool to determine the likelihood of cumulative impacts occurring as a result of a proposal based on risk factors associated with the type of premises, size of premises and closing hours of the premises, to help determine what level of assessment is appropriate.

96. A cumulative impact assessment is not warranted for this application given that the proposed licencing has a total score of one in terms of risk factor. Applying the matrix of risk below, a reasonable consideration would suggest that a score of one to three would be no risk, but that a score higher than three would be a potential risk and require a cumulative impact assessment.

| Type of Premise | Risk Factor |
|---|---|
| **Café / Restaurant** | **0** |
| Bar / Restaurant / Café | 1 |
| Bar | 3 |
| Hotel / Tavern | 3 |
| Night Club | 3 |
| Place of Assembly | 2 |

| Size of Premise | Risk Factor |
|---|---|
| **0 – 49 patrons** | **1** |
| 50 – 99 patrons | 1 |
| 100 – 199 patrons | 2 |
| 200+ | 3 |

| Closing hours | Risk factor |
|---|---|
| **11pm** | **0** |
| 12am | 1 |
| 1am | 2 |
| 2am | 3 |
| 3am | 3 |
| After 3am | 4 |
| **Total** | **1** |

97. Overall, it is anticipated that the potential for the proposed licencing to contribute to a negative cumulative impact will be limited. And the conditions of permit discussed throughout this report are further aimed at minimising off-site amenity impacts.

Objectors' Concerns

98. The following issues, raised by objectors, have been addressed within this report, as outlined below:
    (a) Additional noise.
    It must be noted that any noise associated with the food and drink premises that falls outside of the parameters of this liquor licence application, is a body corporate issue. Residents within the Yorkshire Brewery development are urged to take this up with the Body Corporate and the operators of the food and drink premises.

99. Outstanding concerns raised by objectors are discussed below:
    *(a) Loss of privacy.*
    This planning permit application does not change the layout or design of the approved food and drink premises or the convenience shop within the Yorkshire Brewery development and this concern cannot be considered or dealt with under a liquor licence application. The food and drink premises can continue to operate under planning permit PLN11/0750 with or without a liquor licence and therefore, there will be no more or less loss of privacy as a result of this liquor licence application.
    *(b) Additional smell.*
    As mentioned above, the food and drink premises and convenience shop have already been approved under planning permit PLN11/0750 and are required to operate under the parameters (permit conditions) of that planning permit. The introduction of a liquor licence to the food and drink premises and convenience shop will not generate any additional odours or unreasonably impact on the amenity of the surrounding area from the emission of odours.

Any issues with odours from either the food and drink premises or the convenience shop is a consideration of the planning permit PLN11/0750 and residents must take that up with Council's compliance unit, the venue operator or through the Body Corporate.

(c) *Light spill.*
The noise and amenity action plan submitted with the application states that *'lighting within the premises will comprise of generally low voltage lights and does not propose any animated or flashing lights that will detrimentally affect the amenity of the surrounding area'*. Again, lighting of the existing food and drink premises and convenience shop is not technically a consideration of this liquor licence application as it is a consideration of the planning permit PLN11/0750.

(d) *Anti-social behaviour, including increased litter, graffiti, reduced safety, security risk and property damage.*
The food and drink premises is less than 150 square metres in size and was restricted to a maximum of 80 patrons under planning permit PLN11/0750. Given the relatively low number of patrons allowed and that can be accommodated on the site, and the fact that it is a food and drink premises that has a primary focus on serving food, there are not expected to be any unreasonable antisocial behaviour impacts as a result of patrons being able to consume liquor with their food. That said, the perceived feeling of anti-social behaviour associated with liquor is acknowledged and that is why conditions controlling the management and operation of the sale of liquor are contained in the recommendation section of this report.

(e) *Numerous cafes already.*
The food and drink premises is located in the Mixed Use Zone and the purpose of the zone encourages a range of land use activities. The fact that there are similar uses (food and drink and café venues) in the local area is not justification to refuse this application for a liquor licence associated with a use that has already been approved as part of planning permit PLN11/0750 and can therefore continue to operate without a liquor licence.

(f) *Increased car parking pressures.*
This application is for a liquor licence and does not propose an increase in the patron numbers allowed in the food and drink premises or an increase to the floor area of the approved convenience shop. Car parking is not a consideration of this planning permit application for the sale and consumption of liquor.

(g) *Reduction in property values.*
The Victorian Civil and Administrative Tribunal has consistently found that property values are speculative and not a planning matter. Fluctuations in property prices are not a relevant consideration in assessing an application under the provisions of the *Planning and Environment Act 1987* or the Scheme.

## Conclusion

100. Based on this report, the sale of liquor for consumption on the food and drink premises and off the premises for the convenience shop is considered to substantially comply with the relevant policies of the Yarra Planning Scheme and is recommended for approval, subject to conditions.

## RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN18/0021 for the sale of liquor for the consumption on premises in association with a food and drink premises (cafe) and for the sale of liquor for the consumption off the premises in association with a convenience shop (deli), at 1A/2 and 1E/4 Mansard Lane, Collingwood, subject to the following conditions:

**Amended Plans**

1. Before the 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 the following:
   (a) The recommendations of the acoustic report prepared by Marshal Day Acoustics, dated 3 July 2018 including the following:
      (i) As much absorptive materials as possible be added to the outdoor seating area to limit patron noise levels.
      (ii) A suspended light steel grid installed to the interface between apartment 201 and the premises with a 200mm air gap, insulation and one layer of 16mm fire rated plasterboard.
      (iii) A noise limiter installed and calibrated to comply with SEPP N-2.
      (iv) Windows and doors to the premises closed during the night.
      (v) All doors fitted with automatic closing mechanisms (to prevent the escape of noise through them).
   (b) The 'red line' plan drawn to a scale of 1:100.

2. The use(s) 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.

**Acoustic Report**

3. The provisions, recommendations and requirements of the endorsed acoustic report prepared by Marshall Day Acoustics dated 3 July 2018 must be implemented and complied with to the satisfaction of the Responsible Authority.

**Noise and Amenity Action Plan**

4. 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 planning permit. The amended noise and amenity and action plan must be generally in accordance with the noise and amenity action plan prepared by SJB Planning dated March 2018, but modified to reflect the liquor licence approved under this planning permit and include (or show, or address) the following:
   (a) The operating hours for the sale and consumption of liquor approved under this planning permit.
   (b) The patron numbers for the sale and consumption of liquor approved under this planning permit.

5. The provisions recommendation and requirements of the endorsed noise and amenity action plan must be implemented and complied with at all times to the satisfaction of the Responsible Authority.

**Food and Drink Premises (Café)**

6. The sale of liquor for consumption on the food and drink premises (café) must only occur between the hours of 7:00am and 11:00pm, seven days a week, unless with the prior written consent of the Responsible Authority.

7. Liquor must not be consumed within the outdoor seating area beyond 8:00pm on any night, unless with the prior written consent of the Responsible Authority.

8. No more than 50 patrons are permitted on the food and drink premises (cafe) at any one time, during the times that liquor is allowed to be sold and consumed under this permit.

9. No more than 25 patrons are permitted in the outdoor seating area at any one time, during the times that liquor is allowed to be sold and consumed under this permit.

10. The predominant activity in the food and drink premises (café), at all times, must be the preparation and serving of meals for consumption by patrons on the premises, during the times that liquor is allowed to be sold and consumed under this permit.

11. Speakers must not be located outside the building.

12. Deliveries associated with liquor may only occur between 8:00am and 4:00pm, unless with the prior written consent of the Responsible Authority.

**Convenience Shop (Deli)**

13. The sale of liquor for consumption off the premises must only occur between the hours of 7:00am and 11:00pm, seven days a week, unless with the prior written consent of the Responsible Authority.

14. Deliveries associated with liquor may only occur between 8:00am and 4:00pm, unless with the prior written consent of the Responsible Authority.

**General**

15. The sale and consumption of liquor must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).

16. The use(s) must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

17. Emptying of bottles and cans (associated with liquor) into bins may only occur between 7:00am and 10:00pm on any day.

18. 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(s) of the licensed premises advising patrons / customers to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.

19. The sale of liquor for consumption on and off the premises must be managed so that the amenity of the area is not detrimentally affected including through:
    (a) The transport of materials, goods or commodities to or from land;
    (b) The appearance of any buildings, works or materials; and
    (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or the presence of vermin.

**Permit Expiry**

20. This permit will expire if:
    (a) The use is not commenced within two years from the date of this permit; or
    (b) The use is discontinued for a period of two years.

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

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

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

**CONTACT OFFICER:** **Nikolas Muhllechner**
**TITLE:** **Principal Planner**
**TEL:** **9205 5456**

**Attachments**

1. PLN11/0750 - 1-21 Robert Street Collingwood - Planning Permit (Amended)
2. PLN18/0021 - 1A/2 and 1E/4 Mansard Lane Collingwood - Subject Land Map
3. PLN18/0021 - 1A/2 and 1E/4 Mansard Lane Collingwood - Floor Plan
4. PLN18/0021 - 1A/2 and 1E/4 Mansard Lane Collingwood - Referral Comments from Council's Social Policy and Research Unit
5. PLN18/0021 - 1A/2 and 1E/4 Mansard Lane Collingwood - Acoustic Referral Comments from SLR Consulting
6. PLN18/0021 - 1A/2 and 1E/4 Mansard Lane Collingwood - Acoustic Report Prepared by Marshall Day Acoustics
7. PLN18/0021 - 1A/2 and 1E/4 Mansard Lane Collingwood - Noise and Amenity Action Plan

**Attachment 1 - PLN11/0750 - 1-21 Robert Street Collingwood - Planning Permit (Amended)**

Helping you understand your planning needs

CITY OF YARRA

# PLANNING PERMIT (Amended)

**Permit No:** PLN11/0750

**Planning Scheme:** Yarra

**Responsible Authority:** City Of Yarra

**ADDRESS OF THE LAND:**

1-21 Robert St Collingwood VIC 3066

**THE PERMIT ALLOWS:**

**For the purpose of the following, in accordance with the endorsed plan(s).**

To use and develop the land for the construction of buildings and works; use of part of the land as a food and drinks premises (café) and a convenience shop (deli); reduction in the car parking requirements associated with dwellings, a food and drinks premises (café) and a convenience shop (deli), waiver of the loading bay requirement; waiver of the bicycle change room requirement at 1-21 Robert Street, Collingwood.

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

1 Before the development starts, 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 the 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 original decision plans (A12.02B-A12.10A, A6.02-A6.05A, , received by Council on 4 July 2012) and the Section 87A Amendment plans (A12.01, A12.02A, A6.06-A6.09 dated 26/06/2013, 27/06/2013 and 28/6/2013 and received by Council 12 July 2013) but modified to show:

Built form

(a) level 2 of the Robert Street building (dwellings NW 2.20 to NW 2.23) setback an additional 450mm from the west title boundary;

(b) where habitable room windows and private open space areas of the following may provide internal overlooking opportunities (within a 9m radius and 45 degree arc), they are to be treated with 1.7m high, fixed obscure glazing or fixed, minimum 1.7m high, maximum 25 per cent transparent screens or the like:

(i) central row of south facing dwellings within the 14 storey Robert Street building to the northernmost unit in the 10 storey building;

**Date: 27 March 2013**

Ally Huynh
Signature for the Responsible Authority

Planning and Environment Regulations 2005 No. 33 Form 4 Sections 63 and 86

(ii) easternmost dwellings in the cellar building and the westernmost dwellings in the stables building;
(iii) balconies at the first floor of the 17 storey building;
(iv) south apartments (closest exposed apartment) and the 10 storey building (closest apartment in the south-west corner);
(v) brew tower apartments and the adjacent Robert street building to the north (level 2 and above);
(vi) brew tower apartments and the south apartments (level 2 and above); and
(vii) 14 and 17 storey Robert Street buildings (levels 3 and above);

(c) where habitable room windows and private open space areas of the following may provide external overlooking opportunities (within a 9m radius and 45 degree arc), they are to be treated with 1.7m high, fixed obscure glazing or fixed, minimum 1.7m high, maximum 25 per cent transparent screens:
(i) NW G.10 – NW G.13;
(ii) HST G.09;
(iii) HST 1.13;
(iv) HST 2.12; and
(v) HST 3.10;

(d) details of all screening types proposed;
(e) identify all sliding shading louvers;
(f) the fences adjacent to Robert Street be a maximum 1.5m high and a minimum 75 per cent transparent;
(g) all elevations (internal and external) of the development, in colour;
(h) an updated schedule of all external materials and finishes (including materials samples, colours and coloured elevations/perspectives). The schedule must show the materials, colour, finish and application methods (where relevant) of all external walls, roof, fascias, window frames, glazing types, cladding, doors and fences;

General

(i) provision of an externally accessible storage cage (minimum 3m³) or above bonnet store where possible (a minimum of 304 storage cages);

Traffic, car parking and bicycle parking

(j) basement levels B1 and B2 generally as per sketch plan A12.01A prepared by Hayball Pty Ltd, dated 17/09/13, showing:
(i) except for small car spaces, tandem spaces with a minimum width of 2.6m or a minimum length of 10.8m;
(ii) column locations (excluding within car parking stackers) as per diagram 1 of clause 52.06-8 of the Yarra Planning Scheme;
(iii) columns within stackers correctly spaced to allow platforms to slide horizontally;
(iv) a maximum car stacker size of 30 spaces;
(v) the 29 car stacker bay located in basement level B2 to be accessed via remote;
(vi) repositioned car stacker bays in the south-west corner of each basement level to accommodate vehicular access and modified storage cage and motor cycle parking layouts;
(vii) increased car parking space lengths in the north-east corner of the basement (from 4.9m to 5.4m);
(viii) a minimum of 362 car parking spaces; and
(ix) the westernmost spaces in the basement level B2, 21 bay stacker (located in the south-west corner of the site) for small cars only.

**Date: 27 March 2013**

Ally Huynh
Signature for the Responsible Authority

(k) car parking spaces adjacent to walls or fixed objects (including those spaces within car stackers) provided with a minimum width of 2.7m, or 2.6m for small car spaces, in accordance with Australian Standard AS/NZS2890.1;

(l) at least 25 per cent of all car stacker spaces provided with a height clearance of at least 1.8m, in accordance with clause 52.06-8 (Design Standard 4) of the Yarra Planning Scheme;

(m) small car spaces are to be labelled on the plans;

(n) shared zone signage along Robert Street and Wellington Street, including details and location of signage;

(o) bicycle parking dimensions in accordance with clause 52.34-4 of the Yarra Planning Scheme, or otherwise to the satisfaction of the Responsible Authority;

(p) bicycle signage in accordance with clause 52.34-5 of the Yarra Planning Scheme;

(q) car parking spaces (except for small car spaces) must be a minimum 2.6m wide, or 2.4m wide with a minimum length of 5.4m;

(r) a pedestrian sight distance triangle at the property boundary on the west side of the accessway measuring 2.0m wide, 2.5m deep and be 50% clear of obstructions in accordance with clause 52.06-8 (Design Standard 1) of the Yarra Planning Scheme;

(s) the intercom at the entrance side of the driveway;

(t) a cross sectional drawing of the crossover, demonstrating that an 85$^{th}$ percentile vehicle profile as per AS/NZS 2890.1:2004 or similar can traverse the proposed vehicle crossing fronting Robert Street. The reduced levels within the road reserve must be actual levels and not interpolated levels from the architectural drawings (i.e. through a dumpy level survey [or similar method]);

(u) removable bollards adjacent to the Waterloo Road entrance, with a notation confirming they will only be removed by the Owners Corporation to facilitate residential loading (i.e. moving vehicles);

<u>Landscape plan</u>

(v) updated landscape plans generally in accordance with the Landscape Concept Plans (August and October 2011) prepared by Tract Consultants Pty Ltd and the evidence of Tract Consultants Pty Ltd dated 21 January 2013 to the satisfaction of the Responsible Authority must be prepared by a suitably qualified professional. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:

- (i) re-design of the neighbourhood square to include additional soft landscaping;
- (ii) deletion of landscaping proposed within the 'way' easement located outside the title boundaries;
- (iii) details of landscaping to level 9 (central building) roof terrace;
- (iv) detailed planting plan with plant schedule (common and botanical plant names, density, quantities, size at planting and maturity height;
- (v) cross sections demonstrating how landscaping will function above the basement;
- (vi) the location of all areas to be covered by lawn or other surface materials;
- (vii) the location of any permanent structures, furniture, public seating or other facilities;
- (viii) the location of all underground and overhead services;
- (ix) all public area footpaths, steps, ramps and crossings to comply with DDA – Tactile indicators, nosing's and handrails where necessary;
- (x) grades of all ramps shown on plan;
- (xi) grades of all footpaths shown on plan;
- (xii) details of street furniture, including bench seats and street tree planters;
- (xiii) existing and proposed levels including top wall and fence heights (where relevant);
- (xiv) ongoing maintenance and management details of all publically accessible spaces; and
- (xv) a schedule of 'way finding' signage;

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(xvi) * built form and associated landscaping changes as a result of the amended ground floor plan (A12.02A dated 26/06/2013 prepared by Hayball); and

(w) details of landscaping in front of dwellings G01D-G03D, adjacent to the Waterloo Road entry and the 10 storey building lobby (eastern access).

Lighting plan

(x) a detailed lighting plan, confirming:
- (i) * the car parking spaces, storage, rubbish bin, recycling bin, pedestrian walkways, stairwells, lift, dwelling entrances and entry foyer pedestrian and vehicular entries to the site from Robert Street and the carriageway easement will be illuminated (including the neighbourhood square, deli and café);
- (ii) street lighting for pedestrian areas will be designed in accordance to the requirements of AS1158.3.1;
- (iii) standard street lighting luminaries are as approved by Citi Power;
- (iv) street lighting luminaire are from the Energy Efficient list (Council's Engineering Services Unit); and
- (v) power supply to the proposed lighting poles will be underground;

Acoustic

(x) all works recommended in the report of the professional acoustic engineer referred to in condition 8;

ESD

(y) all works recommended in the ESD report referred to in condition 12;

Waste management

(z) all works recommended in the waste management plan referred to in condition 15;

(aa) removable bollards within the easternmost Waterloo Road entrance, with a notation confirming they will only be removed by the Body Corporate for residential loading (i.e. moving vans); and

Other

(bb) all required changes to the original decision plans as a result of the Section 87A Amendment plans.

Endorsed Plans

2 All development and use must accord with the endorsed plans. Any alterations must be approved in writing by the Responsible Authority.

3 Floor levels shown on the endorsed plans must not be altered or modified. Any alterations must be approved in writing by the Responsible Authority.

Section 173 agreement

4 The development approved under this permit must not commence until:

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(a) the section 173 agreement (Agreement) entered into on 3 August between the Responsible Authority, the Heritage Council and Treeline Pty Ltd and recorded against the title to the subject land is ended; and
(b) the owner enters into a new section 173 agreement with the Responsible Authority, the Heritage Council with respect to the development of the land in accordance with any requirements of Heritage Victoria; or alternatively:
(c) the Agreement entered into on 3 August between the Responsible Authority, the Heritage Council and Treeline Pty Ltd and recorded against the title to the subject land is amended to ensure the requirements of the Agreement are consistent with the development authorised under this permit;

Ongoing involvement of the architect

5 As part of the ongoing consultant team Hayball Pty Ltd or an architectural firm to the satisfaction of the Responsible Authority must be retained to complete the design and provide architectural oversight of the delivery of the detailed design as shown in the endorsed plans during the construction unless with the prior written approval of the Responsible Authority.

Road works

6 Within 12 months of the development commencing, the design of the Shared Zones in Robert Street (between Wellington and Rokeby Streets) and Waterloo Road (between Wellington and Rokeby Streets) must be prepared by an independent and suitably qualified professional to the satisfaction of the Responsible Authority and in consultation with the Responsible Authority. The design must be submitted to and approved by the Responsible Authority. Once approved, the design will then form part of the permit. The details of the design must include all dimensions, existing reduced levels, proposed kerb levels, surface treatments, line marking, kerb, channel and footpath works, positions and details of all signs (existing and proposed), accurate locations of any stormwater pits and underground services. The design of the Shared Zones must confirm:
(a) the roads (carriageways) will remain in bluestone;
(b) the full reconstruction of Robert Street between Wellington and Rokeby Streets to include the relaying of the bluestone;
(c) any extension to the south side of Robert Street ('footpath') is to be constructed in asphalt or a material to complement the bluestone;
(d) vehicular access to be maintained to the properties on the north side of Robert Street and south side of Waterloo Road;
(e) location and details of 'shared zone' signage;
(f) the re-setting of stones within the existing bluestone threshold treatment, demonstrating the threshold treatment is robust to accommodate vehicle loadings and repetitive movements, ensuring that stones are not dislodged;
(g) removal of parking restrictions and signs (as necessary); and
(h) any other works required recommended in the Road Safety Review prepared by GTA Consultants dated 24 July 2012.

7 Before the issue of a certificate of occupancy for the final stage of development, all works associated with providing the Shared Zones in Robert Street (between Wellington and Rokeby Streets) and Waterloo Road (between Wellington and Rokeby Streets) as set out in condition 6 must be undertaken and completed at the cost of the permit holder unless with the prior written consent of the Responsible Authority and all to the satisfaction of the Responsible Authority.

Acoustic report

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8 Before the plans are endorsed, an updated acoustic report generally in accordance with the report dated November 2011 to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The report must be amended to reflect the plans referenced in condition 1 of the permit. Once approved, the acoustic report will be endorsed and will then form part of the permit.
The report must be prepared by a suitably qualified acoustic engineer and include an assessment of how the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1, the State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2 and relevant Australian Standards will be met and must prescribe the form of acoustic treatment to:

(a) protect all dwelling occupants and nearby occupants from noise generated from the mechanical plant equipment and ventilation mechanisms installed or constructed as part of the development (including the lift, residential air conditioner units and commercial plant and equipment);
(b) protect all dwelling occupants and nearby occupants from music noise generated by the café and deli;
(c) protect all dwelling occupants from music noise, vibrations and 'weight dropping' within the level 9 gymnasium;
(d) protect all dwellings within the development from noise generated from use of the bin chutes; and
(e) protect all dwelling occupants within the development from noise generated by the Wellington Street Workshop and Robert Street seafood processing plant and surrounding commercial activities.

9 If the development of any stage of the development has not started within 12 months of the date of the approved acoustic report referred to in condition 8, a further acoustic report prepared by a suitably qualified acoustic consultant to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The further acoustic report must demonstrate that the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1, the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 amenity levels as assessed in the acoustic report submitted and approved under condition 7 will still be achieved.
In the event that non-compliance with the State Environment Protection Policy N-1, N-2 levels is demonstrated, the further report must recommend additional measures necessary to achieve compliance to the satisfaction of the Responsible Authority.

10 On the completion of any works required by the endorsed acoustic report (under conditions 8 or 9) above and before the residential use commences of any stage of the development, an updated acoustic report prepared by a suitably qualified acoustic consultant to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority demonstrating that the required level of noise attenuation has been achieved. The report must:

(a) confirm compliance with conditions 8 and 9 of the permit; and
(b) provide measurement data taken from inside the dwellings of the development, demonstrating compliance with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1 and the State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2.

11 The recommendations and any works contained in the approved acoustic reports under conditions 8, 9 and 10 (as applicable) must be implemented and completed and where there are recommendations of an ongoing nature must be maintained all to the satisfaction of the Responsible Authority.

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ESD report

12 Before the plans are endorsed, an amended Environmentally Sustainable Report prepared by a suitably qualified person to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the report will then form part of this permit. The Report must be generally in accordance with the report prepared by Ark Resources (dated 22 August 2011) but modified to include:
(a) * amendments as a result of the plans referenced in condition 1;
(b) information about the provision of hot water for town houses and the central building;
(c) details regarding sliding shading louvers; and
(d) confirmation that rainwater tanks will be a minimum 75,000L.

13 Within 18 months of the occupation of the development, documentation demonstrating that the development has complied with a 4 Star Green Star Multi Residential As Built rating must be submitted to and approved by the Responsible Authority.

Integrated Art Plan

14 Within 12 months of the commencement of the development, or at some other time agreed to be the responsible authority, details of the public artwork to be provided in the locations shown on the endorsed plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the details of the public artwork will be endorsed and will then form part of the permit. The cost of the public artwork is to be borne by the owner or occupier of the land. The artwork must be installed before any part of the development is occupied except with the prior written consent of the Responsible Authority all the satisfaction of the Responsible Authority. The public artwork as approved must then maintained to the satisfaction of the Responsible Authority.

Waste management plan

15 Before the plans are endorsed, a Waste Management Plan prepared by a suitably qualified person to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the report will then form part of this permit. The Report must be generally in accordance with the report prepared by Leigh Design (dated 17 June 2013).

16 Residential waste collections and bin transfers may only be carried-out between the hours of 10.00 am and 2.00 pm, unless with the prior written consent of the Responsible Authority.

17 The collection of all waste must be in accordance with the approved Waste Management Plan. Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view and be managed to the satisfaction of the Responsible Authority in accordance with the approved Waste Management Plan.

18 No emptying of bottles into garbage bins (associated with the café and deli uses) is permitted after 10.00 pm on any night, or before 7.00 am on any day.

19 All waste must be collected by private collection service to the satisfaction of the Responsible Authority.

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Car and bicycle share

20 Before the development starts the owner must enter into an agreement pursuant to Section 173 of the *Planning and Environment Act* 1987 with and to the satisfaction of the Responsible Authority. The agreement must be registered on the title to each lot. By the agreement, the owner must covenant with the Responsible Authority that provision will be made for at least 2 car share vehicles on-site and 7 bicycle share spaces (provision may be staged) by way of arrangement with a car share operator and/or the future Owners Corporation for a minimum period of 10 years. The agreement will reflect that any costs which may be associated with ensuring ongoing availability of at least 2 car share vehicles on site will be borne by the owner. All costs of preparation and registration of such agreement must be borne by the owner of the land, or the future Owners Corporation, including those incurred by the Responsible Authority.

Transport Management Plan

21 Before the development starts, a Transport Management Plan prepared by a suitably qualified professional to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Transport Management Plan will be endorsed and will then form part of the permit. The Transport Management Plan may be amended from time to time to the satisfaction of the responsible authority. The Transport Management Plan must address the following:

General

(a) an internal signage/line marking plan:
  (i) distinguishing resident, retail and multi-use parking spaces, with directional arrows and signage;
  (ii) detailing information signs indicating the location of disabled bays, small parking bays, bicycle parking and exits;
  (iii) detailing line marking and signage to the entry and exit lanes to all car parking areas and exits (including at the Robert Street frontage);
  (iv) confirming 'give way' signs will be installed facing motorists on both legs of the north-south carriageway easement at the intersection with Waterloo Road;
(b) security arrangements;

Car Parking

(c) a minimum 349 residential car parking spaces;
(d) residential car parking must be allocated such that all two and three bedroom dwellings are provided with at least one on-site car parking space;
(e) other car parking must be allocated as follows:
  (i) deli/café – 2
  (ii) multi-use – 9 (inclusive of one disabled bay);
(f) a minimum of 18 motorcycle parking bays;
(g) a minimum of 2 car spaces for a car share programme;
(h) management details of the car share programme provided;
(i) allocation, signage and management of the small car spaces shown within the car parking areas;
(j) how all residents will be informed of the waste collection times (and associated restricted access to the car park);
(k) the 29 vehicle stacker within basement level B2 will be accessed via remote;

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Bicycle spaces

(l) a minimum of 135 bicycle parking spaces as follows:
  (i) dwelling – 88;
  (ii) visitor – 40; and
  (iii) bicycle share – 7;

Loading and Deliveries

(m) details regarding management of loading and unloading of goods in compliance with any other condition(s) of this permit; and
(n) management arrangements for resident loading (i.e. moving vans), including:
  (i) safety procedures for vehicles reversing onto Waterloo Road; and
  (ii) the maximum permitted vehicle size within the Waterloo residential loading bay, based on the archway size.

22 Except with the further written consent of the Responsible Authority, the management of the car park must, at all times, comply with the approved Transport Management Plan.

Car parking, crossovers and footpaths

23 Before the occupation of the development, the area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan must:
(a) be constructed and completed;
(b) thereafter maintained;
(c) be made available for such use at all times and not used for any other purpose;
(d) be properly formed to such levels that it can be used in accordance with the endorsed plan; and
(e) be drained and sealed with an all-weather seal coat,
all to the satisfaction on the Responsible Authority.

24 Any redundant vehicle crossings must be broken out and reinstated with paving, kerb and channel of the surrounding area to the satisfaction of the Responsible Authority. The cost of these reinstatement works must be borne by the Permit Holder.

25 Any damaged road(s) and footpath(s) adjacent to the development site as a result of the development (including as a result of trenching and excavation for underground utility service connections) must be reinstated to the satisfaction of the Responsible Authority and at the expense of the Permit Holder.

26 All vehicle crossings must be constructed to the satisfaction of the Responsible Authority.

27 The development's finished floor levels relative to the existing footpath and road levels must be such that pedestrian and vehicular access accord with the Australian/New Zealand Standard AS/NZS 2890.1:2004.

28 All existing kerb and channel, and road pavement surface levels must not be altered, unless with the prior written approval of the Responsible Authority. Council may permit the adjustment of Building Line levels to provide access in accordance with AS/NZS 2890.1:2004.

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Amenity

29 Alarms associated with the commercial premises must be directly connected to a security service and must not produce unreasonable noise beyond the premises.

30 The development and use of the café and deli must be managed so that the amenity of the area is not detrimentally affected including through:
(a) the transport of materials, goods or commodities to or from land;
(b) the appearance of any buildings, works or materials; and
(c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or the presence of vermin.

31 All buildings must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

32 Noise levels emanating from the development, including plant and other equipment, must comply with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 to the satisfaction of the Responsible Authority.

33 Noise levels emanating from the commercial uses within the development must comply with the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.

Landscaping

34 Before the occupation of the final stage of development or by such later date as is approved by the Responsible Authority, the landscaping works shown on the endorsed landscaping plans must be carried out and completed to the satisfaction of the Responsible Authority.

35 The landscaping shown on the endorsed landscaping plans must be maintained to the satisfaction of the Responsible Authority including that any dead or diseased or damaged plants are to be replaced.

36 Unfettered public access must be maintained through the central open space area.

Lighting

37 External lighting must be designed, baffled and located so as to prevent any adverse amenity or impact to any person within and beyond the site, to the satisfaction of the Responsible Authority.

38 Within 6 months of the development commencing, a public lighting plan for Waterloo Road to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved the plan will be endorsed and will then form part of the permit. The plan must detail:
(a) the level of lighting complying with level "P4" ( or higher) as per Australian Standard AS1158.3.1;
(b) use of standard Citi Power energy efficient luminaries;
(c) no light spillage occurring into windows of the proposed residential properties and should comply with the requirements of Australian Standard AS 4282;
(d) a consultation plan detailing consultation with the existing occupiers regarding the proposed location for the new street lighting poles; and

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(e) the process of the implementation of new scheme must not cause any disruption to the existing public lighting -ensure continuity of public lighting during the installation process.

The cost of the design/consultation and installation of lighting scheme will be borne by the permit holder.

General

39 Before any stage of the development is occupied, privacy screens for that stage as required in accordance with the endorsed plans must be installed to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter.

40 All new on boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

41 All piping and ducting, other than for drainage above the ground floor storey of the building must be concealed.

Food and drinks premises (café)

42 The food and drinks premise (café) may only operate between the hours of 7.00 am and 11.00 pm, seven days, unless with the prior written consent of the Responsible Authority.

43 The outdoor seating area (designated area within the 'neighbourhood square') must not be used beyond 10.00 pm on any night, unless with the prior written consent of the Responsible Authority.

44 No more than 5 staff members may be on the site at any one time, unless with the prior written consent of the Responsible Authority.

45 No more than 40 patrons may be inside the food and drinks premises (café) at any one time, with an additional 40 patrons permitted within the designated area within the neighbourhood square', unless with the prior written consent of the Responsible Authority.

46 Speakers must not be located outside the building.

47 Deliveries may only occur between 8.00 am and 4.00 pm, unless with the prior written consent of the Responsible Authority.

Convenience shop (deli)

48 The convenience shop (deli) may only operate between the hours of 7.00 am and 11.00 pm, seven days, unless with the prior written consent of the Responsible Authority.

49 Deliveries may only occur between 8.00 am and 4.00 pm, unless with the prior written consent of the Responsible Authority.

Public Transport Victoria Conditions (50 to 52)

50 Before the development is occupied, a Green Travel Plan prepared by a suitably qualified person to the satisfaction of the Responsible Authority following consultation with the Department of Transport (Public Transport Division) must be submitted to and approved by the Responsible Authority. Once approved, the plan will then form part of the permit. The Plan

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must encourage the use of non-private vehicle transport modes by the occupiers of the land. The Plan must include:

(a) a description of the location in the context of alternate modes of transport and objectives for the Green Travel Plan;

(b) outline Green Travel Plan measures for the development including, but not limited to:

  (i) household welcome packs – tram, train and bus timetables relevant to the local area must be included in the pack of information provided to purchaser's upon a purchasers occupation of an apartment;

  (ii) include a minimum to 10 by 2 hour Metcard (zone one / two) within the household welcome pack or a Myki pass (of equivalent value) and registration information;

  (iii) bicycle parking and facilities available on the land; and

  (iv) pedestrian routes to key destinations.

51 The Green Travel Plan must not be amended without the written consent of the Responsible Authority following consultation with the Department of Transport (Public Transport Division).

52 The permit holder must ensure that the undertakings outlined in the approved Green Travel Plan (and any ongoing obligations) are complied with at all times, to the satisfaction of the Responsible Authority.

Construction Management Plan

53 Before any development starts, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Construction must be carried out in accordance with the endorsed plan to the satisfaction of the Responsible Authority. The plan must provide:

(a) a pre-conditions survey (dilapidation report) of the subject site and all adjacent Council roads frontages and nearby road infrastructure;

(b) protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);

(c) remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site);

(d) containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site;

(e) on-site facilities for vehicle washing;

(f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;

(g) site security;

(h) management of any environmental hazards that the activities on-site pose including but not limited to: contaminated soil, materials and waste, dust, stormwater contamination from run-off and wash-waters, sediment from the site on roads, washing of concrete trucks and other vehicles and machinery, spillage from refuelling cranes and other vehicles and machinery;

(i) construction program;

(j) preferred arrangements for trucks delivering to the site including delivery and unloading points and expected frequency;

(k) parking facilities for construction workers;

(l) measures to ensure that sub-contractors/tradespersons operate in accordance with the Construction Management Plan;

(m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;

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(n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;

(o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;

(p) a noise and vibration management plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008, to the satisfaction of the Responsible Authority. In this regard, consideration (amongst other matters) may be given to:

(i) using lower noise work practice and equipment;

(ii) the suitability of the site for the use of an electric crane;

(iii) mitigating noise from all mechanical plant by the best practical means using current technology; and

(iv) fitting all pneumatic tools operated near a residential area with an effective silencer on their air exhaust port.

54 During the construction, the following must occur:

(a) any stormwater discharged into the stormwater drainage system to comply with EPA guidelines;

(b) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;

(c) vehicle borne material must not accumulate on the roads abutting the site;

(d) the cleaning of machinery and equipment must take place on site and not on adjacent footpaths or roads;

(e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and

(f) all site operations must comply with the EPA Publication TG302/92.

55 The development once commenced, must be completed to the satisfaction of the Responsible Authority.

Expiry

56 This permit will expire if one of the following circumstances applies:

(a) the development is not started within two years of the date of this permit;

(b) the development is not completed within four years of the date of commencement.

The Responsible Authority may approve extensions to these time limits if requests are made before the permit expires or within 3 months afterwards.

NOTE: The site is located within an Environmental Audit Overlay. Pursuant to clause 45.03 of the Yarra Planning Scheme, the requirements of the Environmental Audit Overlay must be met prior to the commencement of works permitted under the permit.

NOTE: The site is listed on the Victorian Heritage Register. Please contact Heritage Victoria to ascertain permit requirements.

NOTE: The proposal includes construction over a carriageway easement. As easements are not strictly planning matters in this regard, the Permit Holder is required to consider this obligation.

NOTE: A building permit maybe required before development is commenced. Please contact Council's Building Department on PH 9205 5351 to confirm.

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NOTE: In accordance with the Yarra Planning Scheme, a 4.5 per cent public open space contribution may apply in the event of the subdivision of the land.

NOTE: The design and construction of the vehicle crossing must also satisfy the requirements of Council's Community Amenity unit's Vehicular Access into Properties (Info Sheet and Application Form) before a vehicle crossing permit can be issued.

NOTE: The Permit Holder must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the Building Regulations 2006 from Yarra Building Services Unit.

NOTE: Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 610.

NOTE: Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

NOTE: The Permit Holder is required to identify any overflow paths surrounding the site and ensure that they are not obstructed. Please contact Council's Engineering Services Unit on 9205 5555 to discuss.

NOTE: The site must be drained to the legal point of discharge to the satisfaction of the Responsible Authority.

NOTE: All future residents, employees and occupiers residing within the development approved under this permit will not be permitted to obtain resident, employee or visitor parking permits.

NOTE: A copy of this permit and the endorsed plan (and any subsequent variation) must form part of the document to any Contract of Sale or Lease for any part of the site after the date of the permit.

NOTE: The food premises are required to comply with health and food safety regulations before commencing operation. Please contact Council's Public Health Unit on 9205 5166.

**THIS PERMIT WAS ISSUED AT THE DIRECTION OF VCAT AS FOLLOWS:**

| Date of Order | |
|---|---|
| 27 March 2013 | Planning Permit PLN11/0750 was issued in accordance with the order of the Victorian Civil and Administrative Tribunal, reference: P2985/2012. |
| 10 October 2013 | Planning Permit PLN11/0750 was amended in accordance with the order of the Victorian Civil and Administrative Tribunal, reference: P1621/2013. |

**THIS PERMIT HAS BEEN CORRECTED AS FOLLOWS**

| Date of Correction Order | |
|---|---|
| 15 May 2013 | Planning Permit PLN11/0750 was corrected in accordance with the order of the Victorian Civil and Administrative Tribunal, reference: P2985/2012. In particular, condition 20 was corrected. |

**THIS PERMIT HAS BEEN AMENDED AS FOLLOWS**

| Date of Amendment | |
|---|---|
| 5 August 2014 | Pursuant to Sections 73 and 74 of the Planning and Environment Act 1987, amendment to allow additional time to satisfy the requirements of conditions 6 and 14 of the permit. |

**Date: 27 March 2013**

Ally Huynh
Signature for the Responsible Authority

Planning and Environment Regulations 2005 No. 33 Form 4 Sections 63 and 86

**Attachment 1 - PLN11/0750 - 1-21 Robert Street Collingwood - Planning Permit (Amended)**

# PLANNING PERMIT

## IMPORTANT INFORMATION ABOUT THIS PERMIT

### WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

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

### WHEN DOES A PERMIT BEGIN?

A permit operates:

* from the date specified in the permit; or

* if no date is specified, from—

(i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or

(ii) the date on which it was issued, in any other case.

### WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—

* the development or any stage of it does not start within the time specified in the permit; or

* the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or

* the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.

2. A permit for the use of land expires if—

* the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or

* the use is discontinued for a period of two years.

3. A permit for the development and use of land expires if—

* the development or any stage of it does not start within the time specified in the permit; or

* the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or

* the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or

* the use is discontinued for a period of two years.

4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—

* the use or development of any stage is to be taken to have started when the plan is certified; and

* the permit expires if the plan is not certified within two years of the issue of the permit.

5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

### WHAT ABOUT APPEALS?

* The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.

* An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.

* An application for review is lodged with the Victorian Civil and Administrative Tribunal.

* An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.

* An application for review must state the grounds upon which it is based.

* An application for review must also be served on the Responsible Authority. Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

*Planning and Environment Regulations 2005 No. 33 Form 4 Sections 63 and 86*

**Attachment 2 - PLN18/0021 - 1A/2 and 1E/4 Mansard Lane Collingwood - Subject Land Map**

## SUBJECT LAND:

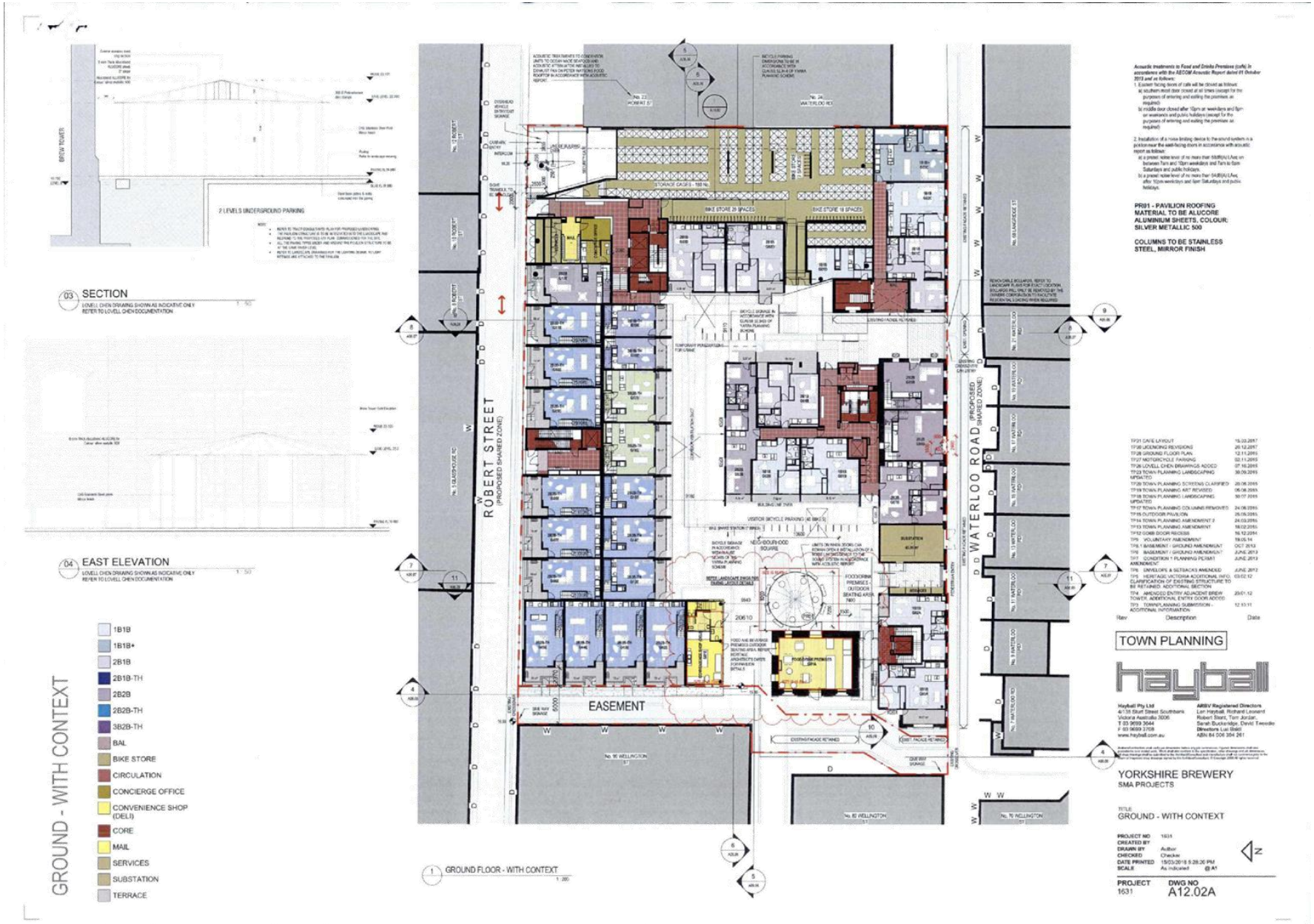
## Property Map

## Zoning Map

⇧ **North**

★ **Subject Site**

## Attachment 3 - PLN18/0021 - 1A/2 and 1E/4 Mansard Lane Collingwood - Floor Plan



**Attachment 4 - PLN18/0021 - 1A/2 and 1E/4 Mansard Lane Collingwood - Referral Comments from Council's Social Policy and Research Unit**

CITY OF YaRRA

# MeMO

| | |
|---|---|
| TO: | Nikolas Muhllechner, Principal Statutory Planner |
| FROM: | Erika Russell, Senior Planner (Community Health and Safety) |
| DATE: | 4 May 2018 |
| ADDRESS: | 2-4 Mansard Lane, Collingwood |
| APPLICATION NO: | PLN18/0021 |
| DESCRIPTION: | THE SALE OF LIQUOR FOR THE CONSUMPTION ON AND OFF THE PREMISES IN ASSOCIATION WITH A FOOD AND DRINK PREMISES (CAFE) AND A CONVENIENCE SHOP (DELI). |

Social Policy and Research 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 Mixed Use Zone and forms part of the Yorkshire Brewery redevelopment that was permitted under planning permit PLN11/0750. As part of the broader development this permit allowed for a food and drinks premises (café) with operating hours of between 7am and 11pm seven days a week, with the outdoor area restricted to 10pm. The permit also stated that *No more than 40 patrons may be inside the food and drinks premises (café) at any one time, with an additional 40 patrons permitted within the designated area within the neighbourhood square'.* The permit also allowed for a nearby (separated by part of the neighbourhood square) convenience shop (deli) with hours also between 7am and 11pm seven days a week.
- The onsite liquor consumption relates to the café and the offsite relates to the deli. The application suggests that the site will operate under a Restaurant and Café liquor licence, however a General licence is typically utilised for both onsite and offsite consumption. Additionally, this would appear to be the logical choice of licence given that it appears that both parts of the site will be managed together and not independently. The other less likely option (given the physical separation of the uses) is a separate Restaurant and Café liquor licence and Packaged Liquor licence.
- It appears that the original proposal under consideration sought to extend the hours permitted for the outdoor area to 11pm, however 10pm as per PLN11/0750 is now sought. Therefore consideration is limited to the sale and consumption of alcohol within the existing hours approved for the use, and an additional 10 patrons for the café.

**Attachment 4 - PLN18/0021 - 1A/2 and 1E/4 Mansard Lane Collingwood - Referral Comments from Council's Social Policy and Research Unit**

## COMMENTS / RECOMMENDATIONS

- A General licence while appropriate for when alcohol is going to be supplied for consumption both on and off the premises is one of the least restrictive licence types. Therefore adequate planning permit conditions regarding hours, patrons and management of the venue are required to ensure that the venue operates in an appropriate manner, and to ensure that any liquor licence reflects these conditions.
- At a minimum the same conditions for a Restaurant and Café licence should be ensured for the cafe. A Restaurant and Café liquor licence requires the predominant activity, at all times, to be the preparation and serving of meals for consumption on the premises. It also requires tables and chairs to be available for at least 75% of patrons attending the premises at any one time. It is unclear what proportion of seating is being provided for the 50 patrons but a condition should ensure that at a minimum the 75% requirement is met (and this calculation should not include the outdoor seating as this will not be available for use in inclement weather). Given the context of the site (i.e. surrounded by and within the same overall development as residential uses), it would not be unreasonable to expect a higher amount of seating to further ensure the food focus. There are ongoing compliance issues with restaurants and cafes morphing into bars later in the evening, as alcohol rather than food becomes the focus. Clause 22.09 acknowledges that: *Higher risk venues which operate late at night and encourage vertical drinking through having a low proportion of seating and a limited food offering have a greater capacity to cause adverse impacts compared to lower risk venues including restaurants and cafes which have a substantial food focus and a high proportion of seating.*
- A planning permit for the café and deli uses has been granted previously and the provision of alcohol (limited onsite to 50 people) will not be the main focus of either. Instead, alcohol will complement and be secondary to the food offering. While 11pm is currently permitted for the uses, 10pm may be appropriate now that a liquor licence is being added. This would be in accordance with clause 22.09 which states *Licensed premises in a Mixed Use Zone should not provide for the sale and consumption of liquor beyond 10pm*. 10pm for the use and sale and consumption of alcohol (on and offsite) in addition to a high proportion of seating would ensure that the commercial operation (and any associated amenity impacts) of the site would be similar to that facilitated under the existing planning permit.
- Clause 22.09 also states that licensed premises should not commence the sale and consumption of liquor before 9am. Consideration should therefore be given to enforcing commencement hours of 9am, rather than 7am as proposed.

**Attachment 5 - PLN18/0021 - 1A/2 and 1E/4 Mansard Lane Collingwood - Acoustic Referral Comments from SLR Consulting**

13 July 2018

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City of Yarra
P.O. Box 168
Richmond VIC 3121

**Attention: Nikolas Muhllechner**

Dear Nikolas

## 1A/2 and 1E/4 Mansard Lane, Collingwood
## Development Application Acoustical Review

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the acoustic assessment report for the food and beverage premises proposed for 1A/2 and 1E/4 Mansard Lane, Collingwood.

Details of the report are as follows:

- Title: 1A and 1E Mansard Lane, Collingwood, Environmental Noise Assessment
- Reference: Tp 001 R03 20180616
- Date: 3 July 2018
- Prepared by: Marshall Day Acoustics Pty Ltd

The report was prepared to address noise impacts from the proposed use.

## 1 Background Information

*(Sections 1 and 2 of the report)*

The acoustically significant aspects of the proposal are described below:

- The project is a ground floor pizza restaurant and associated outdoor patron area.
- The outdoor patron area is located in a neighbourhood square, and is overlooked by a number of residential towers.
- The proposed hours of operation are midday to 11 pm, 7 days a week.
- The outdoor patron area is subject to Condition 43 of PLN11/750 which requires the area to be closed after 10 pm unless written consent to operate beyond this time is provided by the Responsible Authority.
- The nearest noise sensitive receivers are the occupants of the surrounding residential towers. There is also a residence directly above the food and drink premises.

The report has been prepared to address music, mechanical plant and patron noise impacts.

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T: +61 3 9249 9400 F: +61 3 9249 9499 E: melbourne@slrconsulting.com
www.slrconsulting.com ABN 29 001 584 612

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

## 2 Background Noise Monitoring

*(Section 4 and Appendix D of the report)*

Environmental noise limits typically take into consideration existing background noise levels. MDA have monitored existing background noise levels on the roof of a nearby four storey building. The monitor location is shown in Figures 8 and 9.

Monitoring results are summarised in Table 3 and full graphical data is provided in Appendix E. The summary results are the lowest calculated day / evening or night average levels and are equal to 48 dBA (day), 46 dBA (evening) and 41 dBA (night).

***SLR Comments:*** *The monitoring location is appropriate for quantifying ambient noise at similarly elevated locations. Lower levels may be measured at ground and first level apartments.*

*We do not recommend averaging noise data to obtain background noise levels for the setting of SEPP N-2 or patron noise limits (our approach is to use the lowest measured noise level), however the results obtained by MDA are close to those we would identify using the monitoring data presented in the report.*

## 3 Patron Noise (Outdoor Area)

### 3.1 Assessment Criteria

*(Sections 3.2, 7.1 and Appendix C7 of the report)*

Patron noise is proposed to be assessed to MDA design targets based on measured background noise levels. The targets are: 'background + 10 dB' for the day and evening periods and 'background + 5 dB' for the night period. The MDA targets and guidelines for using them are provided in Appendix C7.

Noise limits are provided in Table 8 and are equal to: 58 dBA (day), 56 dBA (evening) and 46 dBA (night).

***SLR Comments:*** *The proposed assessment criteria are considered reasonable. Lower limits may be applicable to apartments at lower levels, which may be more shielded from ambient noise.*

### 3.2 Prediction of Impacts

*(Section 7 of the report)*

Patron noise has been modelled using sound power data developed for representing 'taverns with significant food offerings'. A level of 90 dBA Leq has been used for both patrons within the restaurant and patrons in the outdoor area. The data in Table 9 suggests that 40 patrons are assumed to be located in both areas (this number is consistent with Condition 45 of PLN11/0750).

Predictions to residential receivers have been conducted using a 3-D noise modelling package. Information about the noise model is provided in Section 5.

The predicted patron noise levels at representative locations on the façade of overlooking buildings range from 61 dBA to 66 dBA Leq.

***SLR Comments:*** *The noise data used in the report appears low for 40 people outdoors, and is closer to the level MDA propose for 'Restaurant dining' (given as 89 dBA for 40 people in Table 10) than for taverns (94 dBA for 40 people).*

*Our indicative calculations of patron noise to residential receivers, assuming a sound power level of 90 dBA Leq, is reasonably consistent with MDA's predicted levels.*

### 3.3 Assessment

*(Section 7.4 of the report)*

The predicted patron noise levels exceeded the identified noise limits by up to 8 dBA during the day period, and by up to 10 dBA during the evening period. MDA do not provide an assessment of patron noise from the outdoor area for the night period on the grounds that the area is not proposed to be used after 10 pm.

MDA also consider noise impacts from the outdoor patron area to inside apartments, assuming that apartment windows are closed. The windows are assumed to comprise double glazed units of 6 mm glass / 12 mm airgap / 6 mm glass. The predicted internal level is 44 dBA Leq.

The internal noise levels are compared with the AS/NZS2107 design noise targets of 35 to 40 dBA for living rooms, which they exceed by up to 4 dB. MDA observe that levels at bedrooms need not be considered given that day/evening operation only is proposed. The internal targets referred to by MDA were nominated in the endorsed acoustic report for the residential development prepared by AECOM.

***SLR Comments:*** *The assessment provided indicates that use of the outdoor patron area in the manner proposed will not achieve the identified external noise limits or the internal targets of 35 to 40 dB nominated in the original AECOM report for the site. The external exceedances are in the range that MDA indicate could be expected to cause noise impacts.*

*The internal exceedances are up to 4 dB if the upper end of the design range is considered (40 dBA), however these targets were not explicitly nominated in the AECOM report for patron noise, which is a particularly characteristic, and potentially annoying, source. In our opinion the lower end of the range (35 dBA) should be targeted for voice noise in living rooms for voice noise. This would result in internal exceedances of up to 9 dB.*

*The application of internal targets for voice noise is unusual on projects where the residences are existing, and the outdoor patron area is the subject of the application. Internal targets for patron noise are generally only applied to new residential developments in the vicinity of an existing outdoor patron area. However, it is understood that this is a unique situation, where the dwellings and the restaurant / outdoor patron were developed concurrently, and the dwellings were required to be constructed to take noise from the food and drinks tenancy into consideration. On these grounds consideration of internal targets is reasonable. However, as indicated above, in our opinion the lower internal target of 35 dBA should be met in habitable rooms.*

*The predicted nuisance is also potentially greater than MDA indicate due to the fact that lower external limits may apply to some apartments (due to the possibility of lower background noise levels), and because the patron sound power data used to predict impacts may be several decibels lower than could be expected from a 'tavern' crowd.*

*On the basis of the above, more controls surrounding the use of the outdoor area would be appropriate. The following could be considered:*

- *Limitation on the patrons in the outdoor area to a number that can be comfortably seated. It is unclear what this number would be from the provided drawings, however as a guide, we would suggest about 25. The object of this limitation is to encourage patrons to behave in a manner more consistent with 'restaurant' diners, rather than 'tavern' diners, as well as to limit the number of people outdoors.*

  *AND*

- *Limitation on the use during the day and early evening period only (say, to 7 or 8 pm).*

*The above restrictions are recommended until such time that compliance with the MDA external targets can be demonstrated, taking into consideration lower background noise levels if they are found to apply.*

# 4 Music Noise to Residents of Adjacent Buildings

## 4.1 Noise Limits

*(Section 8.1 of the acoustic report)*

Music emissions are proposed to be assessed to SEPP N-2. Day and evening limits are provided in Tables 11 of the report and night limits are provided in Table 12. The limits are based on the background noise data discussed in Section 2 of this review.

***SLR Comments:*** *The identified limits are reasonable provided that lower background noise levels do not apply to some (less elevated) receivers.*

## 4.2 Assessment

*(Sections 8.2 to 8.7 of the acoustic report)*

Music is not proposed to be played outside the subject building. Music indoors is proposed to be played at 'background' levels only. A typical background level and spectrum is provided in the report. The level is 67 dBA $L_{10}$.

Predictions of music to nearby receivers is provided for the day/evening period assuming all doors and windows are open, and for the night period assuming all doors and windows are closed. The predicted levels comply with the identified limits for all scenarios.

MDA recommend a music noise limiter or noise monitor be installed and set up by a suitably qualified person to ensure that the nominated levels are not exceeded. They also recommend that all external doors be fitted with automatic door closes to limit noise transfer to the environment at night.

***SLR Comments:*** *The proposed levels of music are low and are likely to comply with SEPP N-2. The recommended controls are appropriate.*

## 5 Music and Patron Noise to Apartment 201

*(Section 9 of the report)*

Apartment 201 is directly above the food and drink tenancy and is separated from the tenancy by a 120 mm thick concrete slab. MDA propose to assess music and patron noise to SEPP N-2 base noise limits.

An internal level (music and patron noise combined) of 80 dBA $L_{10}$ has been assumed, and noise to the apartment above has been calculated. The calculated level exceeds the SEPP N-2 base noise limit in the 250 Hz and 500 Hz octave bands by 9 and 10 dB respectively.

MDA recommend installation of 16 mm thick suspended plasterboard ceiling in the venue, with insulation to the cavity. They also propose adding absorptive treatments within the venue to reduce the reverberant noise level.

***SLR Comments:*** *Music and patron noise to the apartment above has been appropriately assessed and the advice for noise control provided can be expected to achieve compliance with the nominated noise targets.*

## 6 Mechanical Plant Noise

*(Section 6 of the report)*

A new extraction fan is proposed to be installed on the project. The fan will be ducted from the pizza oven to a ground level vent.

Mechanical plant noise is proposed to be assessed to SEPP N-1. SEPP N-1 limits are presented in Table 5 with details of their derivation provided in Appendix C1.3. The limits are based on 'neutral' background noise levels and the critical limit, which applies at night, is 48 dBA Leq. The equipment is proposed to be designed to comply with the night noise limit.

A noise level of 46 dBA is predicted at the potentially most impacted dwelling, taking into consideration the details of the duct configuration, and sound power data for a typical pizza oven fan.

***SLR Comments:*** *The assessment provided addresses the issue of the proposed new plant.*

**Attachment 5 - PLN18/0021 - 1A/2 and 1E/4 Mansard Lane Collingwood - Acoustic Referral Comments from SLR Consulting**



## 7 SLR Summary

SLR has reviewed the acoustic report for the food and drink tenancy proposed for 1A/2 and 1E/4 Mansard Lane, Collingwood. The main issues on the project relate to noise from the outdoor patron area.

The assessment provided indicates that noise from the outdoor area is likely to exceed the nominated external and internal targets for patron noise. Given this, it is recommended that further controls on the use be implemented until such time as it can be demonstrated that the noise limits will be met:

- Limitation on the patrons in the outdoor area to a number that can be comfortably seated. It is unclear what this number would be from the provided drawings, however as a guide, we would suggest about 25. The object of this limitation is to encourage patrons to behave in a manner more consistent with 'restaurant' diners, rather than 'tavern' diners as well to limit the number of people outdoors.

  AND

- Limitation on the use during the day and early evening period only (say, to 7 or 8 pm).

A revised assessment, if provided, should demonstrate that the measured background noise levels on the roof of nearby building are applicable to lower level receivers.

Regards,

Dianne Williams
Associate - Acoustics

Checked/
Authorised by: JA

**Attachment 6 - PLN18/0021 - 1A/2 and 1E/4 Mansard Lane Collingwood - Acoustic Report Prepared by Marshall Day Acoustics**

MARSHALL DAY Acoustics

# 1A & 1E, 2 MANSARD LANE, COLLINGWOOD ENVIRONMENTAL NOISE ASSESSMENT

Rp 001 R03 20180616 | 3 July 2018

**Attachment 6 - PLN18/0021 - 1A/2 and 1E/4 Mansard Lane Collingwood - Acoustic Report Prepared by Marshall Day Acoustics**

MARSHALL DAY Acoustics

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Prepared for: **SMA No 14 Pty Ltd**
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**51-65 Clarke Street**
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**VIC 3006**

Attention: **Mr Robert Murphy**

Report No.: **Rp 001 R03 20180616**

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| Final | 3 | Minor amendments | 03/07/2018 | SJM | GL |

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**Attachment 6 - PLN18/0021 - 1A/2 and 1E/4 Mansard Lane Collingwood - Acoustic Report Prepared by Marshall Day Acoustics**

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**Attachment 6 - PLN18/0021 - 1A/2 and 1E/4 Mansard Lane Collingwood - Acoustic Report Prepared by Marshall Day Acoustics**

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## 1.0 INTRODUCTION

It is proposed to operate an existing food and beverage space within the "Brew Tower" of the Yorkshire Brewery development which is located at 1A & 1E, 2 Mansard Lane in Collingwood.

AECOM prepared a town planning stage acoustic report, "*Town Planning Submission Report –1-21 Robert Street Collingwood*" 60216961, dated 1st August 2013 which addressed external noise ingress to the buildings as well as noise produced by uses within the development, such as the Gym.

The AECOM report did not specifically address noise from the food and drinks premises and therefore Marshall Day Acoustics Pty Ltd (MDA) has been commissioned to undertake a noise assessment to consider music, mechanical plant and patron noise levels from the proposal.

A glossary of acoustic terms used within this report is provided in Appendix A.

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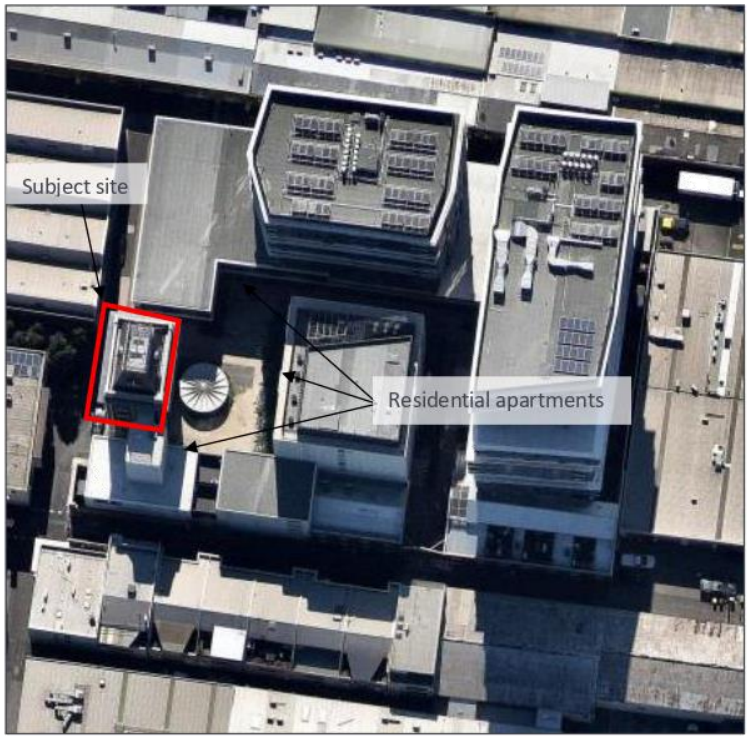
## 2.0 SITE DESCRIPTION

The food and drink premises is on the ground floor of the existing brew tower structure and is bounded by the following:

- Mansard Lane to north with commercial uses beyond at ground and first floor level and residences above
- A shared courtyard to the east with residential dwellings beyond
- Residential dwellings to the immediate south
- Mansard Lane to the west with commercial buildings beyond.
- There is a residential dwelling within the building directly above.

An aerial photograph of the subject site and its surrounds is provided in Figure 1.

**Figure 1: Site location and surrounds (Image: Nearmap)**




The subject site is located in a Mixed Use Zone (MUZ) with Commercial 2 Zone (C2Z) in the immediate environs.

A map of the land uses in the vicinity of the site is presented in Appendix B.

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## 2.1 Project description

It is understood that the proposal will refurbish the ground floor space as a pizza restaurant. The existing outdoor seating area will be utilised.

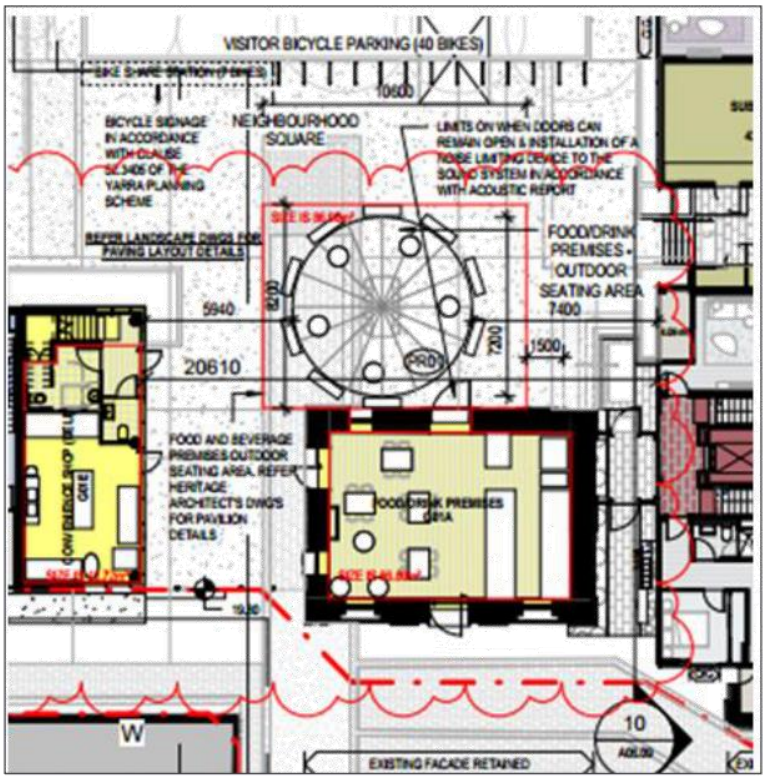
The proposed hours of operation are as follows:

- 1200 hrs – 2300 hrs, Wednesday to Saturday
- 1200 hrs – 2300 hrs, Sunday to Monday
- 1200 hrs– 2300 hrs, Good Friday
- 1200 hrs– 2300 hrs, Anzac Day.

In addition, it is understood that the outdoor area will close at 2200 hrs on any day as required by Condition 43 of Planning Permit PLN11/750.

The proposed food and drinks premises is shown in Figure 2.

**Figure 2: proposed layout**



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## 3.0 LEGISLATION AND GUIDELINES

A range of guidelines and legislation are used in Victoria to assess and control environmental noise. This section provides an overview of the key documents and guidelines that are applicable to the premises.

### 3.1 Victorian Legislation

A summary of the relevant Victorian legislation is provided in Table 1. Refer to Appendix C for further details.

**Table 1: Relevant Victorian noise legislation**

| Document | Overview |
|---|---|
| Environment Protection Act 1970 (the Act) | The Act provides the overarching legislative framework for the protection of the environment in Victoria. It establishes obligations for the control of environmental noise and applies to all types of noise sources except rail operations. The legislation does not specify noise limit values, but sets out legal requirements to comply with State environment protection policies and prescribed standards. |
| State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 (SEPP N-1) | SEPP N-1 defines mandatory noise limits for commercial, industrial or trade premises in the Metropolitan Region of Melbourne.<br>The limits apply to the level of noise occurring at neighbouring sensitive receivers.<br>The noise limits are determined on the basis of land zoning and background noise levels, and are separately defined for day, evening and night periods.<br>Refer to Appendix C1 for further detail and noise limit derivation |
| State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2) | SEPP N-2 defines mandatory noise limits for music associated with public premises in the State of Victoria, including indoor and outdoor venues.<br>The limits apply to the level of noise occurring at neighbouring sensitive receivers.<br>Noise limits are determined on the basis of background noise levels, and are separately defined for day, evening and night periods.<br>Refer to Appendix C2 for further detail and noise limit derivation. |

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## 3.2 Guidelines

A summary of relevant guidelines referenced in Victorian noise assessments is presented in Table 2.

**Table 2: Relevant Victorian references and guidelines**

| Reference | Overview |
|---|---|
| EPA Publication 1254 *Noise Control Guidelines*<br>(EPA Guidelines) | Provides an overview of noise policies and legislation in Victoria for a range of different noise sources, and provides supplementary guidance for situations where there is no policy or legislation.<br>Refer to Appendices C3 and C4 for further detail. |
| Sleep disturbance criteria sourced from NSW Road Noise Policy 2011<br>(Sleep disturbance criteria) | The provisions of this document are often referred to in Victoria for general guidance on potential sleep disturbance.<br>Based on a review of research into sleep disturbance, the NSW policy nominates maximum external night-time noise levels at noise sensitive locations which are unlikely to disturb sleep.<br>Refer to Appendix C5 for further detail. |
| Australian/New Zealand Standard AS/NZS 2107:2016 *"Acoustics - Recommended design sound levels and reverberation times for building interiors"* (AS 2107) | Provides recommendations for acceptable internal noise levels. Table 1 of AS 2107 presents the recommended internal noise levels for "houses and apartments near major roads", which is considered to be applicable to the development site.<br>Refer to Appendix C6 for further detail. |
| Marshall Day Acoustics patron noise assessment methodology<br>(MDA design targets) | Noise predominantly related to voices of patrons in outdoor areas is not covered under any State Environment Protection Policy or general Victorian guideline.<br>In lieu of an established state policy or criterion, MDA has developed a set of design targets which have been referenced as part of numerous planning applications and VCAT hearings for proposed external patron noise areas. The design targets are defined separately for day, evening and night periods and are determined on the basis of background noise levels.<br>Refer to Appendix C7 for further detail. |

## 3.3 City of Yarra Amendment C209

The City of Yarra is proposing to change its Licensed Premises Policy to improve the way licensed venues are managed. Amendment C209 to the City of Yarra Planning Scheme states the following with respect to noise:

***Noise***

- *The operation of licensed premises have minimal impact on the amenity of the area, in relation to noise.*
- *Noise emissions from licensed premises comply with the standards specified in the State Environmental Protection Policy or any other requirement such as accepted sleep disturbance criteria or relevant Australian Standards.*
- *On-site noise attenuation measures be considered for licensed premises where amenity impacts on the surrounding area may result from the proposed activities. A licensed premises must be designed and managed in accordance with an acoustic report approved by the responsible authority, where required.*

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## 4.0 EXISTING NOISE ENVIRONMENT

The assessment criteria presented in Section 3.0 include noise limits that are defined on the basis of background noise levels in the absence of noise associated with the operation of the venue.

Measurements have therefore been undertaken in the vicinity of the subject site to enable appropriate criteria to be defined.

### 4.1 Background noise

Measured noise levels are summarised in Table 3 and Appendix D presents further detail on the monitoring position and methodology.

**Table 3: Measured background noise levels**

| Description | Day | Evening | Night |
|---|---|---|---|
| Background noise level, dB $L_{A90}$ | 48 | 46 | 41 |

The lowest measured spectral background levels, taken during the period when the premises is closed at present but is proposed to operate in the future, expressed as a 15-minute measurement, are presented in Table 4.

**Table 4: Measured background noise spectrum**

| Description | Octave Band Centre Frequency (Hz) | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | 63 | 125 | 250 | 500 | 1000 | 2000 | 4000 | A |
| Background noise level, dB $L_{90}$ | 46 | 44 | 40 | 36 | 35 | 29 | 22 | 39 |

## 5.0 NOISE PREDICTION METHOD

To predict noise levels to nearby neighbouring residences, the following factors have been considered:

- The amount of noise being generated within the premises
- The distance between the sources and receivers
- The presence of obstacles such as buildings or screens that obstruct the noise path
- The ground between the source and receiver
- The presence of hard reflective surfaces that may enable additional noise paths.

The following sections describe the modelling used to extrapolate that data to surrounding receiver locations, accounting for the above factors.

### 5.1 Calculation Method

A 3-dimensional digital model of the premises and surrounding built environment has been created using SoundPLAN proprietary modelling software (version 7.4).

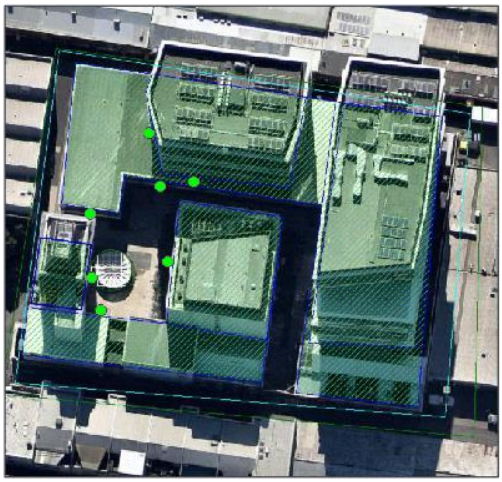
Geometry data for the model has been sourced from public aerial photography, visual inspections of the area, and building heights defined on the basis of standard assumed heights per floor level. The geometries in the model are simplified representations of the built environment that have been configured to a level of detail that is appropriate for noise calculation purposes.

The SoundPLAN digital model has been used to calculate noise levels using the International Standard *ISO 9613-2: 1996 Acoustics – Attenuation of sound during propagation outdoors – Part 2: General method of calculation* (ISO 9613). ISO 9613 is a general environmental noise calculation standard that has been used extensively throughout Australia, New Zealand, and Europe since its publication in 1996.

The implementation of ISO 9613 within proprietary noise modelling software enables multiple sound transmission paths, including reflected and screened paths, to be accounted for in the calculated noise levels. While atmospheric effects are expected to have a negligible effect on the transmission of sound from the premises to neighbouring sensitive receiver locations, it is noted that the ISO 9613 predicts noise levels for conditions which favour the propagation of noise.

A screen shot of the noise model are presented below as Figure 3.

**Figure 3: Screenshot of the noise model – plan view**



## 6.0 MECHANICAL PLANT ASSESSMENT

The following sections provide the predicted noise levels from the sources covered under SEPP N-1.

### 6.1 SEPP N-1 Limits

Table 5 details the SEPP N-1 day, evening and night noise limit for each period. A full derivation is provided in Appendix C1.3.

**Table 5: SEPP N-1 time periods and noise limits**

| Period | Noise limit, dB $L_{eff}$ |
|---|---|
| Day | 59 |
| Evening | 53 |
| Night | 48 |

On the basis that plant and equipment may operate at any time, noise from the site must comply with the SEPP N-1 night-time noise limits in Table 5.

### 6.2 Mechanical services equipment

It is understood that the only new plant relating to the proposed food and drink premises will be an extract fan for the pizza oven. The extract air will be ducted out of the building via the basement car park to a vent in the courtyard.

Figure 4 shows the path of the duct through the premises and Figure 5 and Figure 6 show the vent in the courtyard.

**Figure 4: pizza oven extract fan**

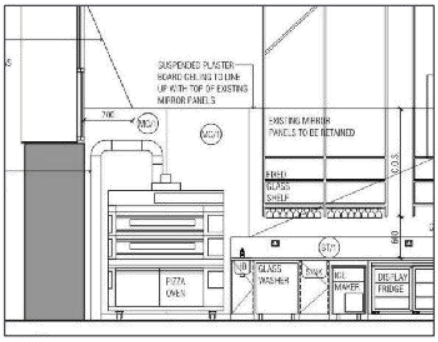



**Figure 5: Extract vent**

**Figure 6: Extract vent**

A rectangular duct penetrates the basement level and goes through multiple bends before turning back up through the slab to the grille in the court yard. The duct is about 350 x 200mm (by visual estimation) and is approximately 10 m long with 3 radius bends.

For estimating fan/oven noise, calculations have been based on the level of a backward curved inline fan that would be slightly louder than the oven (400 mm Box centrifugal fan).

Table 6 provides indicative noise levels for the pizza oven extract fan.

**Table 6: Typical fan sound power level**

| | Octave Band Centre Frequency (Hz) | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| **Description** | **63** | **125** | **250** | **500** | **1000** | **2000** | **4000** | **A** |
| Backward curved inline fan | 83 | 81 | 76 | 66 | 67 | 67 | 60 | 74 |

## 6.3 Predicted mechanical services noise

Table 7 provides predicted mechanical services noise levels at the worst affected receptor for the indicative equipment selection detailed in Section 6.2. It should be noted that the predictions assume that the fan operates continuously for the full 30 minute assessment period. No adjustments have been applied for tonal or impulsive characteristics of the noise.

**Table 7: Predicted mechanical services noise**

| Period | Predicted mechanical services noise levels, dB $L_{eff}$ | Noise limit, dB |
|---|---|---|
| Day | 46 | 59 |
| Evening | 46 | 53 |
| Night | 46 | 48 |

The mechanical services equipment is predicted to comply with the relevant SEPP N-1 noise limits.

## 6.4 Deliveries and waste collection

Deliveries and waste collection should be limited to the recommended time outlined in EPA (Vic) publication no.: 1254, *Noise Control Guidelines* (Guidelines) (Appendices C3 and C4).

It is note that this is also addressed by Conditions 15-19 of Planning Permit PLN11/750.

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## 7.0 PATRON ASSESSMENT

MDA has extensive experience in the assessment of patron noise and has developed a set of proposed guidelines. These guidelines have been implemented on many projects to date.

This section presents a summary of the patron noise assessment as follows:

- The design target applicable to the use of the outdoor areas
- Noise data used to represent the behaviour of patrons in the outdoor areas
- Conceptual noise mitigation measures to control patron noise
- Predicted noise levels from the proposed arrangement of the outdoor areas.

As outlined Appendix F, noise levels of patrons within dining and licensed premises are highly variable according to a wide range of factors including:

- The type of premises
- The function of the space within the premises (i.e. seated areas for dining or standing areas with a focus on alcohol consumption)
- Total crowd numbers
- The composition of the total patron numbers in terms of demographics and group sizes
- Weather
- Alcohol consumption
- Background noise levels
- The acoustic properties of the space.

Total patron noise will vary significantly between different premises and from day to day depending upon the influence of these factors.

### 7.1 Design Targets

The applicable semi-steady design targets for patron noise are summarised in Table 8, based on the method defined in Appendix C6 and the background noise data presented in Section 4.1.

**Table 8: Patron noise design targets**

| Property | Patron noise target, dB $L_{Aeq,\ 15\ min}$ | | |
|---|---|---|---|
| | Day | Evening | Night |
| Residents overlooking the courtyard | 58 | 56 | 46 |

In addition to the night-time semi-steady design target it is noted that a design target of 60-65 dB $L_{Amax}$ also applies to address sleep disturbance considerations.

### 7.2 Derived Sound Power Data

The number of patrons assumed for each space has been based on the maximum allowable under the liquor licence or one patron per square metre of floor space, whichever is the higher.

The empirical data for taverns with significant food offerings has been adjusted accordingly to account for the maximum number of patrons utilising the space. Refer to Appendix F for further detail.

The sound power level used for both internal and external spaces during all periods is provided in Table 9.

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**Table 9: Patron sound power level data**

| | Octave Band Centre Frequency (Hz) | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| **Area (Patrons)** | **63** | **125** | **250** | **500** | **1k** | **2k** | **4k** | **A** |
| **Interior (40)** | | | | | | | | |
| Semi-steady state component, dB $L_{eq}$ | 78 | 80 | 81 | 88 | 86 | 82 | 75 | 90 |
| Maximum noise level, dB $L_{max}$ | 89 | 91 | 92 | 99 | 97 | 93 | 86 | 101 |
| **Outdoor (40)** | | | | | | | | |
| Semi-steady state component, dB $L_{eq}$ | 78 | 80 | 81 | 88 | 86 | 82 | 75 | 90 |
| Maximum noise level, dB $L_{max}$ | 89 | 91 | 92 | 99 | 97 | 93 | 86 | 101 |

## 7.3 Calculation Method

The calculation method employs the same procedure for plant noise and is outlined in Section 5.1.

## 7.4 Predicted Patron Levels - external

Residential dwellings have been identified to all sides of the courtyard. A summary of the predicted semi-steady noise levels at the worst-case floor is provided in Table 10. The objective of the predictions was to establish if patron noise levels could achieve the design target detailed in Section 7.1.

It should be note that the outdoor area will close at 2200 hrs and therefore that the night period is not relevant.

**Table 10: Predicted quasi-steady state worst-case patron noise levels**

| Receiver | Predicted Noise Level, dB $L_{Aeq,\ 15\ minute}$ | Margin to design target, dB | | |
|---|---|---|---|---|
| | | Day | Evening | Night |
| North | 63 | +5 | +7 | N/a |
| East | 61 | +3 | +5 | N/a |
| South | 66 | +8 | +10 | N/a |

The predicted worst-case quasi-steady state patron noise level is up to 10 dB above the design target at the nearest apartment to the south.

According to the interpretation matrix included in Appendix C6, an exceedance of the design target of 10 dB indicates that there will be a noise impact.

In addition, the predictions indicate that short term maximum noise levels could be above upper range of the design target of 60-65 dB $L_{Amax}$. Predicted Patron Levels - internal

The MDA patron noise criteria is designed as a risk assessment tool with respect to external noise levels. It is considered appropriate, since the outdoor patron area and the apartments in the vicinity exist at present and no physical changes to either are proposed, to compare the predicted patron noise levels to an internal criterion.

It is understood that the apartments in the building are fitted with 6/12/6 mm double glazing. This is also the level of glazing that AECOM specified in their planning stage noise report.

The AECOM report nominated internal noise targets for other external sources (e.g. traffic) of 35-40 dB in living rooms. Criteria for bedrooms is not relevant as the outdoor area will not operate at night. AECOM has taken these criteria from AS2107:2000. A standard approach.

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On the basis of the predicted external patron noise levels and the apartment layouts provided it is estimated that the worst case internal level due to patron noise coming through the windows (as opposed to through the floor, as in the case of Apartment 201, refer Section 9) would be of the order of 44 dB $L_{Aeq}$.

An average case would be in range of 40-44 dB $L_{Aeq}$ within apartments on the lower floors of the building which have direct line of sight to the outdoor area.

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## 8.0 MUSIC ASSESSMENT

The following sections present a summary of the music assessment as follows:

- Noise limits applicable to music from the premises
- Data used to represent music levels at the premises
- Conceptual mitigation measures to control music from the premises.

### 8.1 SEPP N-2 Limits

Table 11 and Table 12 detail the SEPP N-2 day, evening and night noise limit for the refurbishment. A full derivation is provided in Appendix C2.

**Table 11: SEPP N-2 day and evening period noise limits**

| Period | Noise limit, dB $L_{eff}$ |
|---|---|
| Day | 53 |
| Evening | 51 |

**Table 12: SEPP N-2 derived night-time noise limit, dB**

| | Octave Band Centre Frequency (Hz) | | | | | | |
|---|---|---|---|---|---|---|---|
| | 63 | 125 | 250 | 500 | 1000 | 2000 | 4000 |
| Night-time noise limit, $L_{10}$ | 54 | 52 | 48 | 44 | 43 | 37 | 30 |

### 8.2 Music data – Exterior spaces

Condition 46 of PLN11/0750 prohibits speakers located outside of the building. Therefore, there will be no music in the outdoor area.

### 8.3 Music data – Interior spaces

It is understood that music within the redeveloped internal area will be limited to background levels only.

The term "background music" was defined in a VCAT decision (Ref B2/2005 Whiting v Hosier Bar Pty Ltd). In this decision, which is reproduced in the Liquor Control Reform Act, a background level requires that music be played at a level enabling normal voice level conversation at a distance of 600 mm.

This is equivalent to a music noise level of approximately 67 dB $L_{A10}$, as detailed below in Table 13.

**Table 13: Typical background music levels**

| Description | Octave Band Centre Frequency (Hz) | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | 63 | 125 | 250 | 500 | 1000 | 2000 | 4000 | A |
| Background music, $L_{OCT10}$ dB | 65 | 65 | 65 | 60 | 60 | 60 | 60 | 67 |

### 8.4 Construction assumptions

Inspections undertaken on site indicate that the existing structure is masonry.

The calculations have been based on the following construction:

- 110 mm brick walls
- 6 mm single glazing to existing windows and doors.

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### 8.4.1 Ingress and egress points

It is recommended that, if it is not the case at present, all swing doors should be fitted with automatic closing mechanisms to prevent the escape of noise through open doors.

## 8.5 Predicted Pre-recorded Music Levels - day/evening

The predicted pre-recorded music noise levels from the premises presented in Table 14 have been based upon the music levels detailed in Table 13 and the music noise controls outlined below in Sections 8.8.1 and 8.8.2.

The following has been assumed:

- Background music internally
- All windows and doors open
- Music as per the levels in Table 13
- No music outdoors.

**Table 14: Predicted pre-recorded music levels – day/evening**

| Receiver | Predicted Noise Level, dB $L_{Aeq,\,15\,minute}$ | Noise limit, dB (D/E) |
|---|---|---|
| North | 38 | 53/51 |
| East | 37 | 53/51 |
| South | 47 | 53/51 |

Pre-recorded music is predicted to be in compliance with the applicable SEPP N-2 noise limit during the day and evening with windows and doors open.

## 8.6 Predicted Music Levels – night

The predicted music noise levels from the proposal are presented Table 15 have been based upon the music levels detailed in Table 13 and the music noise controls outlined below in Sections 8.7.1 and 8.7.2.

The following has been assumed:

- Background music internally
- All windows and doors closed
- Music as per the levels in Table 13
- No music outdoors.

**Table 15: Predicted pre-recorded music levels – night – windows closed**

| | Octave Band Centre Frequency (Hz) | | | | | | |
|---|---|---|---|---|---|---|---|
| **Description** | **63** | **125** | **250** | **500** | **1000** | **2000** | **4000** |
| North | <30 | <30 | <30 | <30 | <30 | <30 | <30 |
| East | <30 | <30 | <30 | <30 | <30 | <30 | <30 |
| South | <30 | <30 | <30 | <30 | <30 | <30 | <30 |
| Night-time noise limit, dB $L_{10}$ | 54 | 52 | 48 | 44 | 43 | 37 | 30 |
| **Compliance?** | **Yes** | **Yes** | **Yes** | **Yes** | **Yes** | **Yes** | **Yes** |

Music noise from the refurbishment is predicted to be in compliance with the applicable SEPP N-2 noise limit during the night with windows and doors to the premises closed.

## 8.7 Music noise controls

### 8.7.1 Limiting devices

It is recommended that music levels are managed by installing and calibrating a suitable noise limiter system.

Two main types of internal music controllers are currently available, a limiting device and a monitoring device.

A limiting device automatically limits the sound system volume by compressing the signal to ensure that the music noise does not exceed a preset internal level, even if the volume is turned up by the sound system operator.

A monitoring system continually measures the music noise in a space and has warning lights which indicate when the volume is excessive. The unit can be set to cut power to amplification equipment if the music noise level exceeds the predetermined music noise limit. Power will be reinstated after a short time delay.

Either system should be installed in a tamper proof enclosure. Music volumes should be set by a suitably qualified person.

The internal music levels detailed in Table 13 are considered to be appropriate settings for the limiter.

### 8.7.2 Windows and doors

To allow compliance with SEPP N-2, Table 16 provides a schedule detailing when windows and doors to the premises must be closed.

**Table 16: Managerial controls – Windows and doors**

| Period | Location | Type of music | Windows and doors |
|---|---|---|---|
| Day/Evening | Ground Floor | Background | Open |
| | Outdoor | None | N/A |
| Night | Ground Floor | Background | Closed |
| | Outdoor | None | N/A |

If it is not the case at present, all swing doors should be fitted with automatic closing mechanisms to prevent the escape of noise through open them.

## 9.0 INTERNAL TRANSFER OF MUSIC AND PATRON NOISE

The assessments presented in Sections 7 and 8 are concerned with external noise since the applicable criteria are based on an external assessment point.

However, the nearest residential apartment is directly above the premises.

### 9.1 Interface with Apartment 201

The calculations have been based on the following construction:

- 110 mm brick walls
- 6/12/6 mm double glazing to the apartment windows
- The slab between the premises and Apartment 201 is 120 mm thick concrete.

### 9.2 Music and patron noise criteria - internal

In the absence of internal background noise measurements, comparison has been made to the SEPP N-2 "base" noise limits which are outlined in Section B3 of the document and are reproduced Table 17.

**Table 17: SEPP N-2 base night-time noise limit, dB**

| | Octave Band Centre Frequency (Hz) | | | | | | |
|---|---|---|---|---|---|---|---|
| | 63 | 125 | 250 | 500 | 1000 | 2000 | 4000 |
| Base noise limit, $L_{10}$ | 40 | 30 | 20 | 20 | 15 | 10 | 10 |

The predicted music noise levels from internal areas of Apartment 201 presented in Table 18 have been based upon the following assumptions

- All windows and doors to the premises are closed
- Patrons as per Table 9
- Music as per Table 13.

**Table 18: Predicted pre-recorded music and patron levels – night – internal**

| | Octave Band Centre Frequency (Hz) | | | | | | |
|---|---|---|---|---|---|---|---|
| **Bedroom** | **63** | **125** | **250** | **500** | **1000** | **2000** | **4000** |
| Reverberant sound pressure level – music and patrons, dB $L_{10}$ | 68 | 69 | 70 | 76 | 74 | 70 | 74 |
| Calculated sound insulation performance of the slab, dB | -40 | -43 | -41 | -46 | -54 | -60 | -65 |
| Apt 201–predicted internal level, dB $L_{10}$ | 29 | 27 | 29 | 30 | <20 | <20 | <20 |
| SEPP N-2 base limit, dB $L_{10}$ | 40 | 30 | 20 | 20 | 15 | 10 | 10 |
| **Compliance?** | **Yes** | **Yes** | **No** | **No** | **Yes** | **Yes** | **Yes** |

It can be seen that the predicted noise level due internal transfer of patron noise to Apartment 201 is above the SEPP N-2 base limits in the 250 Hz and 500 Hz bands. Music noise is predicted to be within the SEPP N-2 base limit.

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It should be noted that in reality, the background level in the apartment is likely to be higher than the SEPP N-2 base limits. Therefore, this represents a conservative approach.

The predicted noise level is driven by patrons on the basis of 40 patrons indoors. Given that the maximum number of patrons allowed, indoors and outdoors combined, is 50, this is considered to be a conservative approach.

Notwithstanding the above it is recommended that a suspended light steel grid be installed underneath the slab with a 200 mm air gap, insulation and one layer of 16 mm fire rated plasterboard. A structure of this nature is anticipated to increase the noise insulation performance of the interface between Apt 201 and the premises by at least 10 dB.

In addition, as much absorptive material as possible should be added to the space to reduce patron noise levels. As a guide the target minimum area of absorption should be equivalent to the area of the ceiling with a Noise Reduction Coefficient (NRC) of at least 0.7.

An efficient way to introduce absorption to the space could be to hang baffles from the ceiling, as shown in Figure 7.

**Figure 7: Baffles hung from the ceiling.**

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## 10.0 SUMMARY

It is proposed to operate an existing food and beverage space within the "Brew Tower" of the Yorkshire Brewery development which is located at 1A & 1E, 2 Mansard Lane in Collingwood.

The AECOM town planning acoustic report did not specifically address noise from the food and drinks premises and therefore Marshall Day Acoustics Pty Ltd (MDA) has been commissioned to undertake a noise assessment to consider music, mechanical plant and patron noise levels from the proposal.

MDA has carried out an environmental noise assessment of the proposed renovation in accordance with the relevant Victorian EPA legislation, guidelines and accepted industry practice.

This assessment has been based on:

- Existing noise conditions determined from measurement surveys at the site;
- Limits determined in accordance with the relevant Victorian EPA legislation, guidelines and accepted industry practice; and
- Detailed 3-dimensional modelling of the site and surrounding environment, accounting for typical worst case atmospheric conditions which favour the propagation of noise.

The proposed mechanical services equipment noise is predicted to comply with the relevant SEPP N-1 limits.

In addition, a level has been provided that would allow the premises to play pre-recorded music during the day and evening periods with windows and doors open. Windows and doors to the premises must be closed during the night.

The predicted worst-case quasi-steady state patron noise level from activity in the outdoor area is up to 10 dB above the design target at the nearest residents.

According to the interpretation matrix included in Appendix C6, an exceedance of the design target of 10 dB indicates that there will be a noise impact.

In addition, the predictions indicate that short term maximum noise levels could be close to the upper range of the design target of 60-65 dB $L_{Amax}$.

It is recommended that:

- As much absorptive material as possible be added to the space to reduce patron noise levels
- A suspended light steel grid be installed to the interface between Apt 201 and the premises with a 200 mm air gap, insulation and one layer of 16 mm fire rated plasterboard
- A noise limiter, as described in Section 8.7.1, should be installed and calibrated such that SEPP N-2 compliance is achieved
- Windows and doors to the premises should be closed during the night
- If it is not the case at present, all doors should be fitted with automatic closing mechanisms to prevent the escape of noise through them.

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## APPENDIX A GLOSSARY OF TERMINOLOGY

| | |
|---|---|
| **Ambient** | The ambient noise level is the noise level measured in the absence of the intrusive noise or the noise requiring control. Ambient noise levels are frequently measured to determine the situation prior to the addition of a new noise source. |
| **A-weighting** | The process by which noise levels are corrected to account for the non-linear frequency response of the human ear. |
| **dB** | Decibel. The unit of sound level. |
| **Frequency** | The number of pressure fluctuation cycles per second of a sound wave. Measured in units of Hertz (Hz). |
| **Hertz (Hz)** | Hertz is the unit of frequency. One hertz is one cycle per second.<br>One thousand hertz is a kilohertz (kHz). |
| $L_{A90\,(t)}$ | The A-weighted noise level equalled or exceeded for 90% of the measurement period. This is commonly referred to as the background noise level. |
| $L_{Aeq\,(t)}$ | The A-weighted equivalent continuous sound level. This is commonly referred to as the average noise level and is measured in dB. |
| $L_{Amax}$ | The A-weighted maximum noise level. The highest noise level which occurs during the measurement period. |
| $L_{OCT10}$ | The noise level exceeded for 10% of the measurement period in the octave bands 63Hz-4kHz. Commonly referred to as the average maximum noise level. |
| $L_{OCT90}$ | The noise level exceeded for 90% of the measurement period in the octave bands 63Hz-4kHz. Commonly referred to as the background noise level. |
| **Octave Band** | A range of frequencies where the highest frequency included is twice the lowest frequency. Octave bands are referred to by their logarithmic centre frequencies, these being 31.5 Hz, 63 Hz, 125 Hz, 250 Hz, 500 Hz, 1 kHz, 2 kHz, 4 kHz, 8 kHz, and 16 kHz for the audible range of sound. |
| **SWL or $L_W$** | Sound Power Level<br>A logarithmic ratio of the acoustic power output of a source relative to $10^{-12}$ watts and expressed in decibels. Sound power level is calculated from measured sound pressure levels and represents the level of total sound power radiated by a sound source. |
| **Sound Insulation** | When sound hits a surface, some of the sound energy travels through the material. 'Sound insulation' refers to ability of a material to stop sound travelling through it. |

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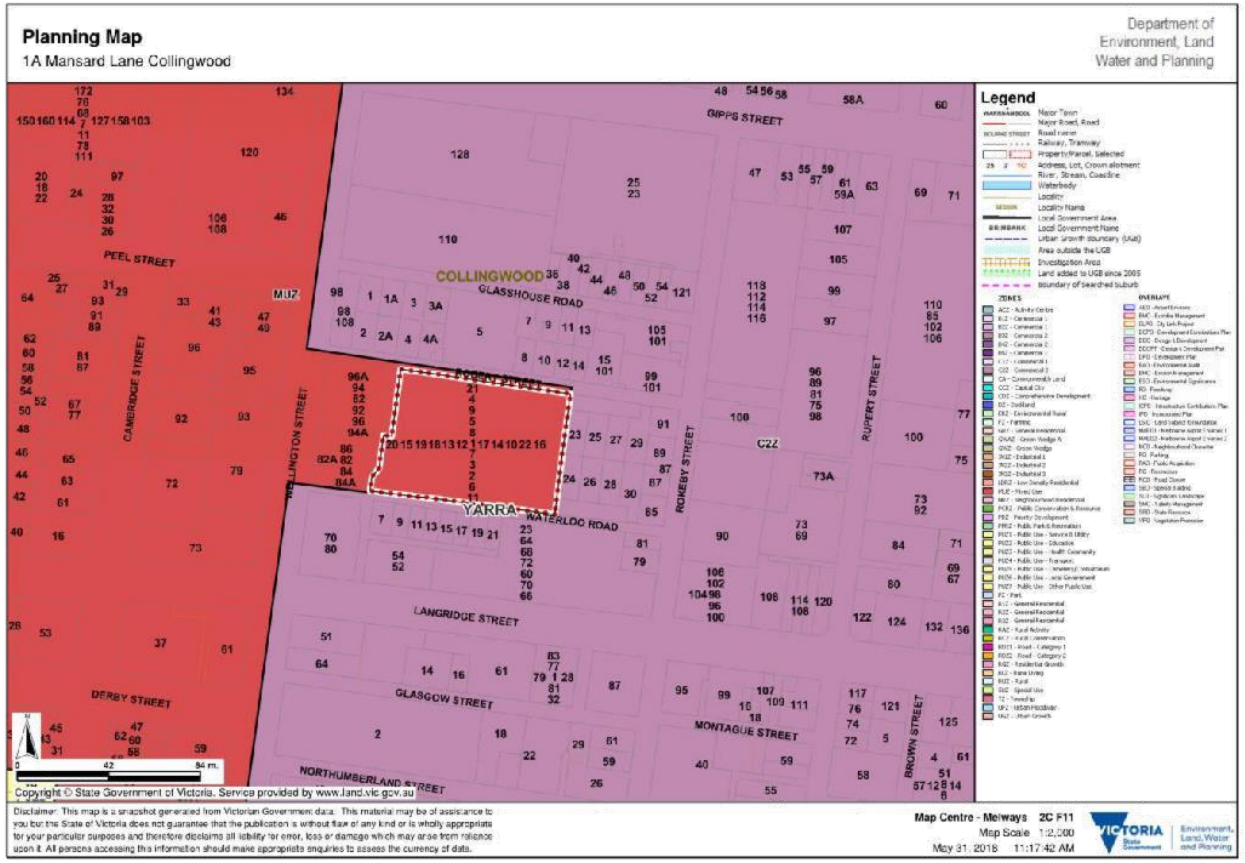
## APPENDIX B PLANNING MAP



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## APPENDIX C LEGISLATION AND GUIDELINES

### C1 SEPP N-1

#### C1.1 Application

*State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1* (SEPP N-1) sets noise limits that apply to commercial, industrial and trade premises within the Melbourne metropolitan region. Compliance with SEPP N-1 is mandatory under section 46 of the Environment Protection Act 1970.

SEPP N-1 defines a 'commercial, industrial and trade premises' as:

> *any premises except:*
>
> *(a) residential premises as defined in section 48A of the [Environment Protection] Act;*
>
> *(b) a street or road, including every carriageway, footpath, reservation and traffic island on any street or road;*
>
> *(c) a tram, light rail or railway line not being a siding, marshalling yard or maintenance depot of any tram, light rail or railway line; and*
>
> *(d) [land situated at Luna Park, St Kilda].*
>
> *Section 48A of the Act defines residential premises as:*
>
> *any building or part of a building used as or for the purposes of a private residence or residential flat.*

#### C1.2 Assessment methodology

SEPP N-1 is a policy and technical document. The Policy prescribes the methodology and measurement procedure used to determine applicable noise limits and assessment of compliance.

The Policy requires that proposed commercial premises be designed to comply with SEPP N-1 noise limits. Clause 16 of the Policy states:

> *Where it is planned to develop new commercial, industrial or trade premises, the premises shall be designed so that the noise emissions do not exceed the noise limits*

Further, the occupier of commercial, industrial or trade premises has an ongoing obligation to meet the SEPP N-1 noise limits. Clause 15 of the Policy states:

> *where noise emissions from existing commercial, industrial or trade premises exceed the requirements set out in the Policy, steps shall be taken by the occupier to reduce the level of these noise emissions to, or below, the relevant Policy noise limits.*

SEPP N-1 defines a 'noise sensitive area' as an area of land within 10m outside the external walls of:

> *a dwelling or residential building*
>
> *a dormitory, ward or bedroom of a caretaker's house, hospital, hotel, institutional home, motel, reformative institution, tourist establishment or work release hostel.*

The assessment of noise from the subject site under SEPP N-1 is based on the calculation of a noise limit at a receiver position, taking into account a zoning noise level derived from the land zoning types in the surrounding area and the background noise level.

Once a noise limit is established, the noise level ($L_{Aeq}$) due to the commercial premises is measured or predicted. If necessary, the $L_{Aeq}$ noise level is adjusted for noise character and duration to give the effective noise level ($L_{eff}$). If the $L_{eff}$ level exceeds the noise limit, then remedial action is required.

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## C1.3 Calculation of noise limits

SEPP N-1 noise limits are calculated taking into account land 'zoning types' within a 70 m and 200 m radius of a noise sensitive building. Zoning types are categorised as type 1, 2 or 3.[1] A prescribed formula is used to calculate a corresponding Zoning Level. In general, zone type designations are as follows.

- areas such as residential, rural and open space are type 1;
- areas such as commercial, business and light industry are type 2; and
- areas such as general industry and major roads are type 3.

Greater areas of type 2 and 3 land within a 200 m radius of a noise sensitive site result in higher Zoning Levels than a site with respectively larger areas of type 1 land.

The SEPP N-1 Noise Limit is equal to the 'zoning level' unless the background level at the noise sensitive site is categorised as low or high according to Clause B3 of the Policy. If the background level is low or high, the Noise Limit is calculated from a formula taking into account the Zoning Level and the Background Level.

The limits are separately defined for the day, evening and night periods as defined in Table 19. The measured background noise levels have been based on the lowest of the day and night periods collected during the unattended survey. The evening background level has been based on the lower, attended measurements to enable a conservative assessment.

**Table 19: SEPP N-1 time periods and noise limits**

| Period | Day of week | Start time | End time | Measured background, $L_{A90}$ dB | Zoning level, dB | Background relative to zoning level | Noise limit, $L_{eff}$ dB |
|---|---|---|---|---|---|---|---|
| Day | Monday-Friday | 0700 hrs | 1800 hrs | 48 | 59 | Neutral | 59 |
| | Saturday | 0700 hrs | 1300 hrs | | | | |
| Evening | Monday-Friday | 1800 hrs | 2200 hrs | 46 | 53 | Neutral | 53 |
| | Saturday | 1300 hrs | 2200 hrs | | | | |
| | Sunday, Public holidays | 0700 hrs | 2200 hrs | | | | |
| Night | Monday-Sunday | 2200 hrs | 0700 hrs | 41 | 48 | Neutral | 48 |

[1] EPA Publication no.: 316a, 17 February 2000, *Designation of Types of Zones and Reservations in the Metropolitan Region Planning Schemes for the Purposes of State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1* <http://www.epa.vic.gov.au/our-work/publications/publication/2000/february/316a>

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## C2 SEPP N-2

Music noise from entertainment venues is controlled by *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2* (SEPP N-2). Compliance with SEPP N-2 is mandatory under section 46 of the Environment Protection Act 1970.

Clause 20 of SEPP N-2 provides that:

> *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 sets noise limits that must be achieved in a 'noise sensitive area'. The Policy 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, Reformative Institution, Tourist Establishment, Work Release Hostel.*

For indoor venues, SEPP N-2 sets noise limits as shown in Table 20.

**Table 20: SEPP N-2 criteria (music on more than 3 nights per week)**

| Time period | | Noise limit |
|---|---|---|
| Day/Evening | Saturday 1000 - 2200hrs<br>Sunday 1200 - 2100hrs<br>Other 0900 - 2200hrs | Music noise ($L_{Aeq}$) not permitted to exceed background noise ($L_{A90}$) plus 5dB |
| Night | Saturday 2200 - 1200hrs<br>Sunday 2100 - 0900hrs<br>Other 2200 - 0900hrs | Music noise ($L_{OCT10}$) is not permitted to exceed the background noise level ($L_{OCT90}$) by more than 8dB in any octave band (63Hz-4kHz) at a noise-sensitive area |

The derived SEPP N-2 night-time music noise limits are outlined in Table 21.

**Table 21: SEPP N-2 derived night-time noise limit, dB**

| | Octave Band Centre Frequency (Hz) | | | | | | |
|---|---|---|---|---|---|---|---|
| | 63 | 125 | 250 | 500 | 1000 | 2000 | 4000 |
| Measured background noise level, $L_{90}$ | 46 | 44 | 40 | 36 | 35 | 29 | 22 |
| | +8 | +8 | +8 | +8 | +8 | +8 | +8 |
| Night-time noise limit, $L_{10}$ | 54 | 52 | 48 | 44 | 43 | 37 | 30 |

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### C3 Industrial Waste Collection

EPA (Vic) publication no.: 1254, *Noise Control Guidelines* (Guidelines) provides the following recommendations for industrial waste collections:

- Refuse bins should be located at sites that provide minimal annoyance to residential premises
- Compaction should be carried out while the vehicle is moving
- Bottles should not be broken up at the collection site
- Routes which service predominantly residential areas should be altered regularly to reduce early morning disturbances
- Noisy verbal communication between operators should be avoided where possible.

The Guidelines recommend that collections should be restricted to the following times:

<u>One collection per week</u>

6:30am-8pm Monday to Saturday

9am-8pm Sunday and Public Holidays

<u>Two or more collections per week</u>

7am-8pm Monday to Saturday

9am-8pm Sunday and Public Holidays.

### C4 Deliveries

EPA (Vic) publication no.: 1254, *Noise Control Guidelines* states the following concerning store deliveries:

> *Where a residential area will be impacted by noise from deliveries, the deliveries should be inaudible in a habitable room of any residential premises (regardless of whether any door or window giving access to the room is open) outside the hours contained in the schedule*
>
> *Schedule: Deliveries to shops, supermarkets & service stations*
>
> *7am-10pm Monday to Saturday*
>
> *9am-10pm Sunday and Public Holidays.*

### C5 Sleep Disturbance

The NSW Road Noise Policy 2011 produced by the NSW EPA, provides guidance on potential for sleep disturbance. While the Policy applies strictly only in NSW, the provisions of the document are often referred to in Victoria for general guidance on potential sleep disturbance.

The NSW policy notes that from the research on sleep disturbance to date it can be 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.*

### C6 Internal noise levels – AS2107

Australian Standard 2107-2016 *Acoustics - Recommended design sound levels and reverberation times for building interiors* provides recommendations for acceptable internal noise levels. Table 21 shows the recommended internal design sound levels stated in AS2107 for "*houses and apartments in inner city areas or entertainment districts or near major roads*", which is considered to be applicable to the proposed development.

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**Table 22: AS2107 recommended internal noise levels**

| Area | Recommended design sound level range, dB $L_{Aeq}$ |
|---|---|
| Living areas | 35-45 |
| Sleeping areas | 35-40 |
| Work areas | 35-45 |

Compliance with the lower level is preferred, but compliance with the maximum noise level is considered to be acceptable.

AS2107 does not specify the measurement procedure to determine whether compliance has been achieved but does state the following:

> *In situations where traffic (or other) noise levels may vary widely over a 24-hour period, measurements to assess compliance with this Standard should be taken at the relevant time according to the area of occupancy or activity in the building.*

Given the above, it could be argued that compliance measurements for bedrooms should be made during the period between 2200-0700 hrs (commonly referred to as the night period), although this does not allow for those occupants who may be shift workers or such like that may have a requirement to sleep during the day. For living and dining rooms, the compliance measurement should be made during the period between 0700-2200 hrs (commonly referred to as the day/evening period).

Further, AS2107 does not specify the noise measurement duration. It is recommended that compliance generally be assessed based on the typical worst-case 15-minute $L_{Aeq}$ noise level throughout the relevant time period (eg, night-time for bedrooms).

## C7 Patron Noise

Noise from voices of patrons outdoors is not covered under any State Environment Protection Policy or general Victorian guideline.

There has been extensive discussion between members of the Association of Australian Acoustical Consultants (AAAC) in regards to suitable criteria but consensus between members has not yet been reached.

In lieu of an established state policy or criterion, MDA has developed a set of design targets which have been referenced as part of numerous planning applications and VCAT hearings for proposed external patron noise areas.

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The structure of the patron noise design targets is summarised in Table 23.

**Table 23: Recommended design targets for night-time patron noise**

| Description | Design Target | Purpose |
|---|---|---|
| Semi-steady noise levels - $L_{Aeq}$ | Day Period - 50 dB or background noise ($L_{A90}$) + 10 dB, whichever is higher<br>Evening Period - 45 dB or background noise ($L_{A90}$) + 10 dB, whichever is higher<br>Night Period - 40 dB or background noise ($L_{A90}$) + 5 dB, whichever is higher | Amenity protection |
| Short-term maximum noise levels $L_{Amax}$ | 60-65 dB (refer to Appendix C5 ) | Sleep disturbance protection |

For a theoretical assessment of a venue, the purpose of the proposed patron noise criteria is not to provide an absolute limit but to provide an indication of whether a venue has the potential to cause an unreasonable impact.

It is difficult to propose an absolute limit because unlike other noise sources (e.g. mechanical equipment), there is a large variation in patron noise and this variation is not always linked to the number of patrons.

The results of the analysis are interpreted as follows:

**Table 19: Interpretation of patron noise assessment results**

| Predicted noise level | Likely impact |
|---|---|
| Meets the proposed criteria | No impact likely |
| Exceeds the proposed criteria by up to 2 dB | No impact likely |
| Exceeds the criteria by 3-5 dB | There is a possibility of impact and the proposal should be assessed with measurements once it is operational to determine typical crowd noise levels from the venue. Provision should be made to adopt managerial controls and retrofit engineering controls if deemed necessary |
| Exceeds the criteria by 5-8 dB | There is a strong possibility of impact and engineering controls should be incorporated. Managerial controls should also be considered at the planning stage. Further measurements will be required once the development is operational to determine appropriate managerial controls |
| Exceeds the criteria by more than 8 dB | There will be noise impact and major changes to the design and/or operation of the proposed outdoor area will be required |

**Attachment 6 - PLN18/0021 - 1A/2 and 1E/4 Mansard Lane Collingwood - Acoustic Report Prepared by Marshall Day Acoustics**

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## APPENDIX D UNATTENDED BACKGROUND MEASUREMENTS

Background noise levels at the site were measured on the roof of an existing building using a 01dB Duo precision integrating sound level meter fitted with a windshield.

The microphone was mounted on a tripod at a height of approximately 1.5 m above ground level under freefield conditions.

Measurements were obtained using the 'F' response time and A-weighting frequency network. The equipment was checked before and after the survey and no significant calibration drifts were observed.

Consecutive measurements were obtained between 1600 hrs on Tuesday 22 and 1300 hrs on Tuesday 29 May 2018.

The prevailing noise environment when consultants attended site to install and collect the equipment was dominated by road traffic on surrounding roads.

**Figure 8: Unattended noise monitoring location**

Figure 8 provides an aerial view of the monitoring location.

**Figure 9: Monitoring location**

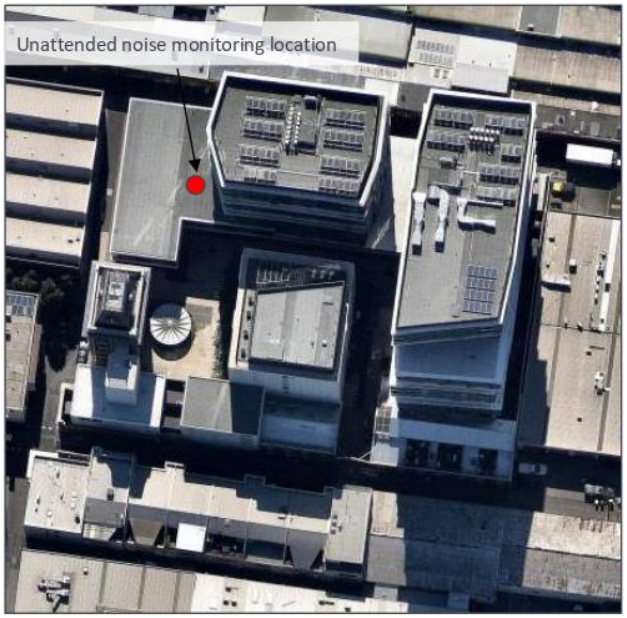


Table 24 provides a summary of the measured noise levels.

**Table 24: Measured background noise levels**

| Description | Average Background Noise Level, dB $L_{A90}$ | | |
|---|---|---|---|
| | Day | Evening | Night |
| Tuesday, 22 May 2018 | - | 49 | 44 |
| Wednesday, 23 May 2018 | 53 | 47 | 43 |
| Thursday, 24 May 2018 | 53 | 46 | 41 |
| Friday, 25 May 2018 | 51 | 47 | 46 |
| Saturday, 26 May 2018 | 50 | 49 | 47 |
| Sunday, 27 May 2018 | 48 | 46 | 44 |
| Monday, 28 May 2018 | 51 | 48 | 45 |
| Tuesday, 29 May 2018 | 54 | - | - |
| **Minimum** | **48** | **46** | **41** |

**Attachment 6 - PLN18/0021 - 1A/2 and 1E/4 Mansard Lane Collingwood - Acoustic Report Prepared by Marshall Day Acoustics**

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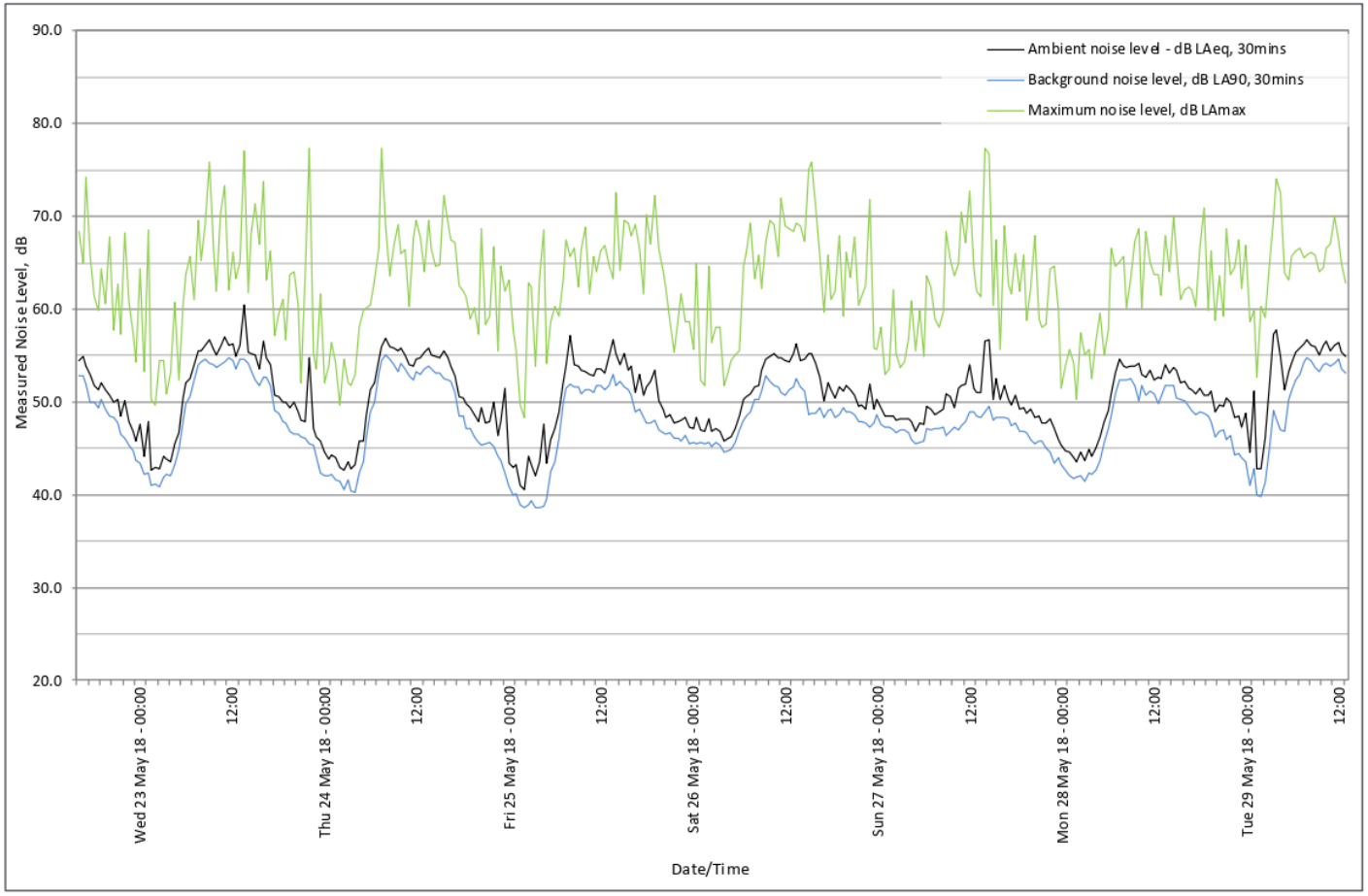
## APPENDIX E UNATTENDED BACKGROUND NOISE MONITORING RESULTS



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## APPENDIX F PATRON NOISE DATA

The noise of patron areas associated with dining and licensed venues is highly variable according to a wide range of factors including:

- The type of venue
- The function of the space within the venue (i.e. seated areas for dining or standing areas with a focus on alcohol consumption)
- Total crowd numbers
- The composition of the total patron numbers in terms of demographics and group sizes
- Weather
- Alcohol consumption
- Background noise levels
- The acoustic properties of the space

Based on the above considerations, total patron noise emissions will vary significantly between different venues. Further, for a given venue patron noise emissions will vary from day to day and hour to hour according to these types of factors.

The individual and cumulative effect of these factors cannot be precisely calculated. Accordingly, to provide a practical basis for assessing the noise from proposed external areas, a simplified method has been developed to characterise the noise emissions of four broad categories of venue type for different number of patrons. The method is based on a single representative vocal effort to characterise the range of emissions of all individuals within the crowd.

It is assumed that a portion of the crowd may be speaking at any given point in time.

In practice, the vocal effort of each individual will vary across the crowd and throughout the assessment period. The portion of the crowd will also vary. The selected values are therefore not considered exact representations of a crowd's patterns. The values have been chosen to enable a simple relationship to be formulated which provides close agreement with patron noise measurements conducted at a range of venues.

Marshall Day Acoustics and other acoustic consultants in Melbourne have measured patron noise from several different venues. These measurements indicate a large variation in the noise levels of crowds. Variations are due to a number of factors including the situational context of the crowd.

For the purpose of predicting noise levels from a venue, external patron areas are categorised according to the descriptions outlined in Table 25. Reference sound power data for one person is detailed in the 2011 Hayne paper[2].

**Table 25: Patron area use categories**

| Area use category | Reference sound power data per one person | | Area use definition |
|---|---|---|---|
| | Equivalent | Maximum | |
| Vertical drinking ('worst-case' crowd) | 88 dB $L_{AW}$ | 104 dB $L_{AW}$ | Standing patrons drinking and talking<br>Focus of activity on drinking and socialising |
| Taverns with significant food offerings | 83 dB $L_{AW}$ | 104 dB $L_{AW}$ | Predominantly seated patrons, drinking, dining and talking<br>Focus of activity on drinking, whilst dining and socialising |
| Restaurant dining | 78 dB $L_{AW}$ | 98 dB $L_{AW}$ | Seated patrons, drinking, dining and talking<br>Focus of activity on dining and socialising |
| Small smoking areas (<40 patrons) | 73 dB $L_{AW}$ | 98 dB $L_{AW}$ | Patrons using area for smoking<br>Focus of activity on smoking rather than socialising (data also includes outdoor areas with alcohol consumption) |

Based on the above reference sound power data and measurements by Marshall Day Acoustics, a simplified empirical relationship to represent the total sound power level for which crowd numbers and character were varied has been derived for determining design equivalent and maximum sound power level as follows:

- Design equivalent sound power level - derived by assuming that one third of the total crowd speaks continuously over the duration of the assessment period, and each of these speakers emit a constant total sound power level over the duration of the assessment period. In practice, the actual number of individuals speaking, the sound power emitted by each individual, and the temporal characteristics of each speaker will vary considerably over the assessment period. The derived values therefore do not represent the actual percentage of patrons speaking, or the emission of each patron, but simply represent the total sound power level for the number of patrons

- Design maximum sound power level - derived by assuming that the maximum noise level occurs as a result of two (2) individuals simultaneously producing a maximum level. Smoking areas and restaurants are considered to have the same maximum sound power level characteristics, as are taverns with significant food offerings and vertical consumption crowds.

[2] Hayne et al 2011, 'Prediction of noise from small to medium sized crowds', in *Acoustics 2011: Breaking New Ground, Proceedings of the Annual Conference of the Australian Acoustical Society*, AAS Queensland Division 2011, Gold Coast, paper number 133.

Figure 10 provides the total equivalent sound power based on patron numbers.

**Figure 10: Total equivalent sound power based on patron number**

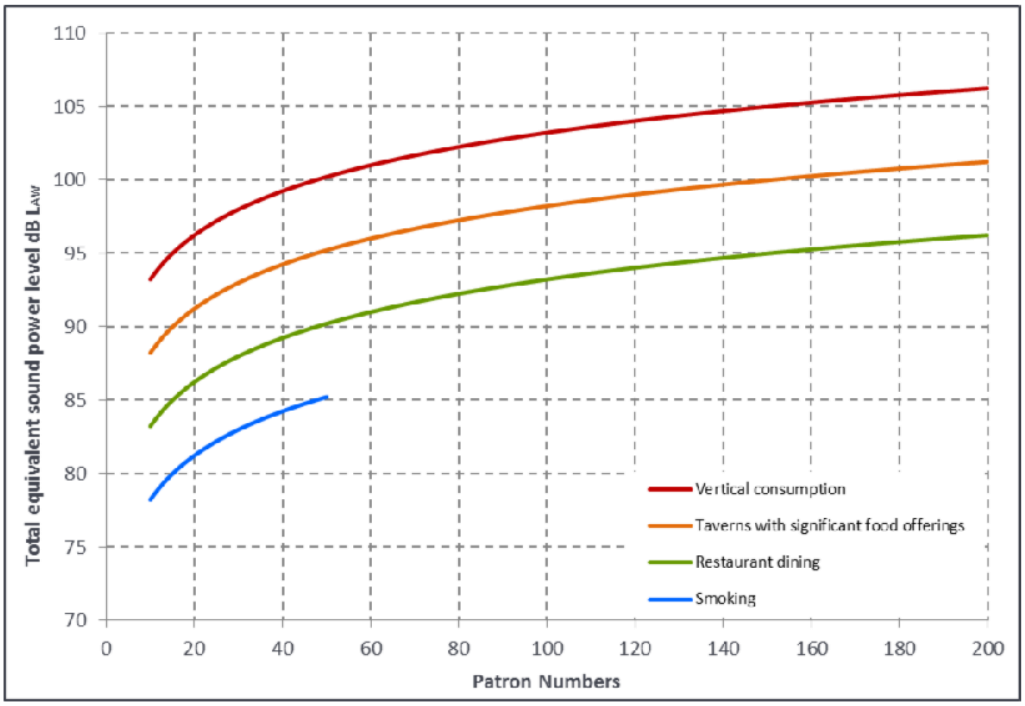


Table 26 provides the octave band spectral correction applied to the calculated patron sound power.

**Table 26: Octave band spectral correction**

| | Octave Band Centre Frequency (Hz) | | | | | | |
|---|---|---|---|---|---|---|---|
| **Source** | **63** | **125** | **250** | **500** | **1000** | **2000** | **4000** |
| Spectral Correction | -12 | -10 | -9 | -2 | -4 | -8 | -15 |

**Attachment 7 - PLN18/0021 - 1A/2 and 1E/4 Mansard Lane Collingwood - Noise and Amenity Action Plan**

SJB Planning

# Noise and Amenity Action Plan (NAAP)

21 Robert Street
Collingwood

March 2018

**Attachment 7 - PLN18/0021 - 1A/2 and 1E/4 Mansard Lane Collingwood - Noise and Amenity Action Plan**

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**Attachment 7 - PLN18/0021 - 1A/2 and 1E/4 Mansard Lane Collingwood - Noise and Amenity Action Plan**

## Executive Summary

This Noise and Amenity Action Plan has been prepared by SJB Planning in conjunction with a Liquor License planning application at the food and drink premises (café) and convenience shop (deli) at No. 21 Robert Street, Collingwood.

This Noise and Amenity Action Plan has been prepared pursuant to Clause 22.09-4.2 to the Yarra Planning Scheme. The objective of this Noise and Amenity Action Plan is to ensure that the proposed operation of the premises with a Restaurant and Café liquor license does not unreasonably affect the amenity of the surrounding area.

NAAP (RF)

**Attachment 7 - PLN18/0021 - 1A/2 and 1E/4 Mansard Lane Collingwood - Noise and Amenity Action Plan**

# 1.0 Location and Surrounds

The proposed liquor license application is in relation to a food and drink premises and convenience shop (deli) located on the ground floor of the Yorkshire Brewery, at 1-21 Robert Street, Collingwood, approved under Planning Permit PLN11/0750. Surrounding the subject site (within a 500 metre radius), there are approximately 55 other licensed premises in the immediate area. We note that 19 of the licensed premises proximate to the subject site operate under an on-premises restaurant and café license.

The café and deli will both be accessible from the public, pedestrian link.

The café and deli will operate within the standard Restaurant and Café trading hours of:

7am – 11pm, Monday to Saturday (excluding ANZAC Day and Good Friday)
7am – 11pm on Sunday
7am – 11pm, ANZAC Day and Good Friday

## 1.1 Identification of Noise Sources Associated with Restaurant and Café License

The following noise sources are associated with the applications proposal:

- Patron Noise
- Background Music
- Deliveries; and
- Waste Management

### 1.1.1 Patron Noise

As identified by the correspondence dated 21 December 2017 from Phillip Chun Pty Ltd, the maximum patron capacity for the cafe is 50 patrons. It is considered that the maximum number of patrons will not unreasonably impact the residential amenity of the apartments above and surrounding area, as patrons will be contained within the café and deli.

Patrons who wish to smoke or leave will be required to exit the café utilising the public, pedestrian link.

In the event of noise complaints by members of the public, either the manager or authorised manager on duty will co-operate with the relevant authorities and parties to resolve the issues. In the event of any incidents or complaints that are unable to be resolved immediately, a written record of the complaint will be logged and the appropriate action by the proprietor, manager or manager or duty will achieve the appropriate resolution.

**Attachment 7 - PLN18/0021 - 1A/2 and 1E/4 Mansard Lane Collingwood - Noise and Amenity Action Plan**

### 1.1.2 Background Music

The café and deli will not operate any form of live music or entertainment and will strictly be limited to background music contained within the café. To ensure minimal impact to the amenity of the surrounding area, the manager or authorised manager on duty will passively monitor the noise emissions generated by the café. It is considered that the background music and operation noise of the premises will comply with the State Environment Protection Policy (SEPP N-2) Control of Music Noise from Public Premises at all times.

Any complaints in relation to the premises' operations that are unable to be resolved immediately will be logged and recorded. The proprietor, manager or manager on duty will then co-operate with the relevant authorities and parties to resolve any disputes or complaints where necessary.

### 1.1.3 Deliveries

Deliveries to the café and deli will only operate during trading hours of 8am – 4pm (as detailed in Planning Permit PLN11/0750 Condition 47 and 49) and will not detrimentally impact the amenity to the surrounding community. Deliveries will be scheduled in advance to avoid deliveries at inappropriate hours and made from using the proposed entry point.

In the event of noise complaints by members of the public, either the manager or authorised manager on duty will co-operate with the relevant authorities and parties to resolve the issues. In the event of any incidents or complaints that are unable to be resolved immediately, a written record of the complaint will be logged and the appropriate action by the proprietor, manager or manager or duty will achieve the appropriate resolution.

### 1.1.4 Waste Management

All waste generated by the café and deli will be in accordance with the Waste Management Plan endorsed by Council in accordance with Planning Permit PLN11/0750.

Waste will be disposed of in the appropriate bins and recycling bins at the close of business each night the premises are in use. Recycling of bottles will be disposed of as quietly as possible to ensure minimal loss of amenity to the surrounding area.

As specified in Council's Local Law No.3, waste shall not be collected between: 8pm Sunday and 7am the following Monday; 8pm on any day between Monday and Friday inclusive and 7am on the following day; or 8pm any Saturday and 9am the following Sunday. Also, the waste collector shall protect the acoustic amenity by minimising the noise during collection.

Accordingly, the noise associated with waste collection is proposed at appropriate hours to ensure minimal amenity impacts to the residential apartments above the café. In the event of noise or amenity complaints by members of the public, a written record of the complaint will be logged and the appropriate action by the proprietor, manager or manager on duty will achieve the appropriate resolution, cooperating with the relevant authorities when necessary.

**Attachment 7 - PLN18/0021 - 1A/2 and 1E/4 Mansard Lane Collingwood - Noise and Amenity Action Plan**

## 2.0 Staff Management and Premises

A manager or authorised manager on duty will always be present during trading hours to supervise and monitor the café. An authorised manager on duty will also ensure that the service of alcohol will only be handled by qualified staff members. The proprietor, manager or manager on duty will also be responsible for communication and management of complaints in relation to amenity impacts.

All complaints in relation to the deli and café's liquor license operations that cannot be resolved immediately are to be referred to the manager or authorised manager on duty for appropriate attention. Complaints will be handled by Management in a timely and efficient manner. Any complaint and action taken will be recorded in a complaints log, which will retain and detail the actions undertaken to resolve the issues.

All details of the complaint and action taken will be recorded in the security register and /or the venue management communications log.

### 2.1 Responsible Serving of Alcohol

All staff working at the premises engaged in the service of alcohol are required to have completed Responsible Service of Alcohol (RSA) training and be of at least eighteen (18) years of age by law. The RSA training will ensure that the service of alcohol to patrons will be lawfully served and consumed within the designated areas. The RSA training will ensure liquor is consumed and contained within the designated areas on the premises to minimise the amenity impact to the surrounding area.

A register of RSA certificates, and completed RSA refresher courses, for all staff engaged in the serving of alcohol will be maintained on premises to ensure the lawful service of alcohol.

### 2.2 Display of Liquor License

As mandated by the *Liquor Control Reform Act 1998*, the liquor license will be displayed at all times. The display of the liquor license to the public will ensure that the service and consumption of alcohol will be lawful.

Management will also undertake to display signage requesting patrons to respect the amenity of the neighbourhood and amenity of the area.

### 2.3 Service of food

The service of food must be made available at all times liquor is served.

### 2.4 Lighting

Lighting within the premises will comprise of generally low voltage lights and does not propose any animated or flashing lights that will detrimentally affect the amenity of the surrounding area.

**Attachment 7 - PLN18/0021 - 1A/2 and 1E/4 Mansard Lane Collingwood - Noise and Amenity Action Plan**

## 2.5 Security

Security staff are not required for the operation of the deli and café. The manager or authorised manager on duty will take responsibility and perform the necessary security measures when required. In addition, the manager or authorised manager on shift will passively monitor the café space.

Should any disturbance arise on the premises that cannot be resolved by management, management shall contact law enforcement for assistance when deemed necessary to resolve such incidents.

**Attachment 7 - PLN18/0021 - 1A/2 and 1E/4 Mansard Lane Collingwood - Noise and Amenity Action Plan**

## 3.0 Implementation

The implementation of the Noise and Amenity Action Plan will be implemented upon the commencement of the use of the café and deli operating under a Restaurant and Café license. This Noise and Amenity Action plan relates to the operation and use of the deli and café and should be read in conjunction with PLN11/0750 and any other planning permit and/or liquor license issued in relation to the premises.

It is considered that the statements above will minimise any amenity loss and will not result in an unreasonable loss of amenity to the surrounding area.

| | |
|---|---|
| **1.2** | **PLN17/0635 - 326-348 & 371 Church Street Richmond - Use and development of the land at No. 371 Church Street Richmond as a Childcare centre, including full demolition of the existing building, construction of a double-storey building, construction and display of direction signage, creation of access to a Category 1 Road Zone and associated reduction in the car parking requirement (with car parking for staff provided at No. 326 - 348 Church Street Richmond).** |

## Executive Summary

### Purpose

1. This report provides Council with an assessment of a planning permit application submitted for 326 – 348 & 371 Church Street Richmond, which seeks approval for the use and development of the land at No. 371 Church Street Richmond as a Childcare centre including full demolition of the existing building, construction of a double-storey building, construction and display of direction signage, creation of access to a Category 1 Road Zone and associated reduction in the car parking requirement (with car parking for staff provided at No. 326 - 348 Church Street Richmond). The report recommends approval, subject to conditions.

### Key Planning Considerations

2. Key planning considerations include:

   (a) Clause 15.01 – Built environment;
   (b) Clause 15.03 – Heritage;
   (c) Clause 22.01 – Discretionary uses in the Residential 1 Zone;
   (d) Clause 22.02 – Development guidelines for sites subject to the heritage overlay;
   (e) Clause 22.04 – Advertising signs policy;
   (f) Clause 22.05 – Interface Uses Policy;
   (g) Clause 32.09 – Neighbourhood Residential Zone (Schedule 1);
   (h) Clause 43.01 – Heritage overlay;
   (i) Clause 52.05 – Signs; and
   (j) Clause 52.06 – Car Parking.

### Key Issues

3. The key issues for Council in considering the proposal relate to:

   (a) Use of land for a childcare centre;
   (b) Amenity Impacts;
   (c) Heritage;
   (d) Car parking and Traffic; and
   (e) Objector concerns.

### Objector Concerns

4. Seventeen (17) objections were received to the application by residents/occupiers, which can be summarised as:

   (a) Design, including inappropriate materials with regard to the existing neighbourhood character;
   (b) Overdevelopment of the site (height, site coverage);
   (c) Amenity impacts (overshadowing, overlooking);
   (d) Increase in noise impacts on residential uses;
   (e) Excessive hours of operation;
   (f) Safety concerns (location of the childcare centre);
   (g) Heritage concerns;

(h) Impact on existing car parking, increased traffic and creation of access to Church Street; and
(i) Congestion during the construction phase.

**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 standard conditions.

**CONTACT OFFICER:** **Nish Goonetilleke**
**TITLE:** **Senior Statutory Planner**
**TEL:** **9205 5005**

**1.2 PLN17/0635 - 326-348 & 371 Church Street Richmond - Use and development of the land at No. 371 Church Street Richmond as a Childcare centre, including full demolition of the existing building, construction of a double-storey building, construction and display of direction signage, creation of access to a Category 1 Road Zone and associated reduction in the car parking requirement (with car parking for staff provided at No. 326 - 348 Church Street Richmond).**

Trim Record Number: D18/135217
Responsible Officer: Senior Coordinator Statutory Planning

| | |
|---|---|
| **Proposal:** | Use and development of the land at No. 371 Church Street Richmond as a Child care including full demolition of the existing building, construction of a double-storey building, creation of access to a Category 1 Road Zone and associated reduction in the car parking requirement (with car parking for staff provided at No. 326 - 348 Church Street Richmond). |
| **Existing use:** | Office building |
| **Applicant:** | ARG Planning |
| **Zoning / Overlays:** | Neighbourhood Residential Zone (Schedule 1)<br>Design and Development Overlay (Schedule 5)<br>Heritage Overlay (Schedule 315) |
| **Date of Application:** | 08 August 2017 |
| **Application Number:** | PLN17/0635 |

**Planning History**

*No. 371 Church Street Richmond*

1. No previous planning applications have been lodged with Council for this site.

*Church School, No. 326 – 348 Church Street Richmond*

2. Planning Permit PL09/0297 was issued by Council on 23 September 2009 to use the ground and first floors of the existing school building within the Catholic Parish Complex for offices.

3. Planning Permit PLN11/0749 was issued by Council on 26 September 2011 for buildings and works associated with new doors.

4. Planning Permit PLN12/1110 was issued by Council on 26 July 2013 to use the ground and first floors of the existing school building within the Catholica Parish Complex for offices and buildings and works for the construction of a canopy, new entry door and installation of obscured glazing. This planning permit has been acted on.

**Background**

5. The application was received by Council on 08 August 2017, with the final piece of additional information received on 17 November 2017. The application was advertised on 24 November 2017, with seventeen (17) objections received.

6. A planning consultation meeting was held on 27 February 2018, attended by the applicant, owners, objectors and Council officers. No resolutions transpired as a result of the meeting.

<u>Sketch Plans</u>

*Turning bay*

7. In response to the concerns raised by VicRoads and objectors, the Applicant submitted a revised sketch plan on 05 June 2018 for consideration. This plan incorporated the following changes:

   (a) Removal of one car parking space on-site and converting the space to a formal turning bay. The proposal will now provide 5 on-site car parking spaces, including one disabled car space, which accumulates to 6 car parking spaces on-site (previously 7 car parking spaces on-site).

8. In light of this change, VicRoads withdrew their objection and recommended conditions as part of their support for the application.

9. The sketch plan was circulated to all objectors prior to the meeting, with their IDAC invitation letter.

10. While not part of the decision plans, this plan will be considered in the report.

*Signage*

11. Whilst not included as part of the proposed works, the Applicant's traffic consultants have recommended the installation of non-illuminated direction signage (left-in/left-out and no-right-turn) and a dynamic, electronic sign (car park full) to guide vehicle movement to and from the site.

12. The Applicant has confirmed that the dynamic sign is no longer required as a result of the provision of a turning bay on site (as per sketch plans). However, the proposal will continue to include the direction signs.

13. The Applicant submitted sketch plans on 17 August 2018, showing the location of the left-in/left-out and no-right turn. While not part of the decision plans, this plan will be considered in the report.

<u>Policy Amendment</u>

14. The following policy changes have occurred since the lodgement of this planning application on 08 August 2017.

*Amendment VC142*

15. Amendment VC142 was gazetted on 16 January 2018 and changes the Victorian Planning Provisions (VPP) and all Planning Schemes in Victoria by removing excessive provisions and permit requirements, clarification of unclear provisions, updated planning provisions and use of contemporary land use terms. This amendment does not impact this application.

*Amendment VC148*

16. Amendment VC148 was gazetted on 31 July 2018, introducing a suite of changes to the Victorian Planning Provisions (VPP) and all Planning Schemes in Victoria. There are two aspects to the amendment:

   (a) Changes to the zones, overlays and particular provisions to reduce the number of permit triggers; and
   (b) Reordering and restructuring a number of provisions without changing the content; i.e. most significantly, combining the State Planning Policy Framework (SPPF) and sections of the Local Planning Policy Framework (LPPF) into a new integrated Planning Policy Framework (PPF).

17. The majority of the changes have no bearing on the subject application. However, throughout this report, the revised State planning policy clause numbers have been referred to.

## Existing Conditions

18. The subject sites are over two separate lots, with No. 371 Church Street being the actual site where the childcare centre is to be located, and No. 326 – 348 Church Street will provide car parking spaces for staff.

Subject Sites

*No. 371 Church Street Richmond*

19. This site is situated on the eastern side of Church Street, with a frontage of 34.71m and a maximum depth of 35.63m. The overall site area is approximately 1,237sqm.

20. The land slopes in a downward direction from north to south. There is a 1.83m wide 'way and drainage' easement which extends along the site's northern boundary, providing pedestrian access to McGrath Court, further east of the site.

21. The site is developed with a single-storey, rendered brick and weatherboard building with varied roof forms. Two outbuildings are located on either side of the building, with the remainder of the site consisting of either lawn or concrete paving. The building is setback a minimum of 11.5m from the western (front) boundary, with varied setbacks between 3.5m to 12m from the remaining title boundaries. Along the front boundary of the subject site is a cast-iron palisade fence set in a large bluestone plinth which steps down toward the south.

22. There are no restrictions listed on the certificate of title for the subject site.

***Figure 1**: Aerial view of No. 371 Church Street Richmond*

*Church School, No. 326 – 348 Church Street Richmond*

23. The site is located on the western side of Church Street and is known as the St Ignatius Church, with the St Ignatius Primary School located behind the church. The site is located with the south-western corner of this overall site. Given that the proposal incorporates the provision of car parking spaces for staff on this site, and no development or use proposed a detailed description of this site is not required.
Car parking for the overall site is located centrally between the school and the church and along the northern, southern and western setbacks. The car parking are can be accessed via The Vaucluse; the street to the north of the site or via Richmond Terrace; the street to the south-western corner of the site.

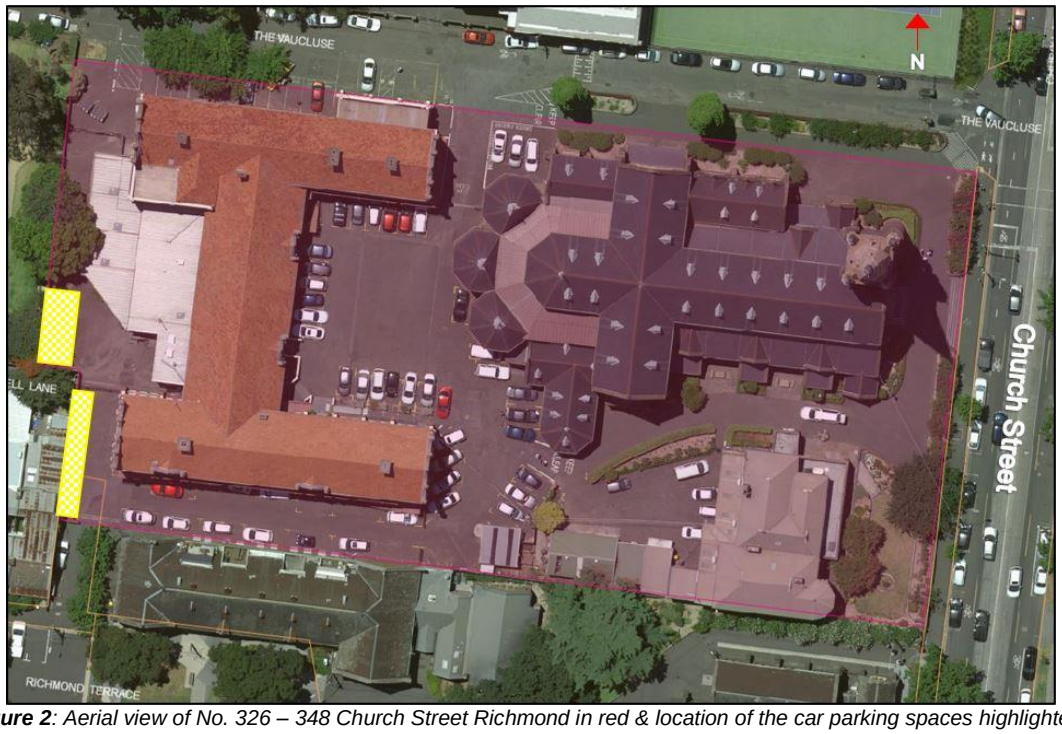



***Figure 2**: Aerial view of No. 326 – 348 Church Street Richmond in red & location of the car parking spaces highlighted in yellow*

24. There are no restrictions listed on the certificate of title for the subject site.

<u>Surrounding Land</u>

25. Given that both sites are located within proximity to each other and the main development is proposed at No. 371 Church Street (principal subject site), with only car parking provided at No. 326 – 348 Church Street, the land surrounding the principal subject site will be discussed in detail. Nevertheless, both sites are is surrounded by a mixture of commercial and residential uses, with built form being predominantly double and triple-storey.

26. The main subject site is located within Neighbourhood Residential Zone (Schedule 1), with the sites adjacent and nearby located in a General Residential Zone (Schedule 2). The surrounding area can be described as follows:

    (a) Church Street is a two-way street with tram lines and on-street parallel parking on either side, and consists of a mix of residential and commercial uses;
    (b) 540m to the north is Bridge Road, an Activity Centre (AC) located within a Commercial 1 Zone, with a focus on retailing, community facilities, banks, supermarkets, cafes, bars and restaurants, including a tram route;
    (c) 195m to the south is Swan Street, an Activity Centre (AC) located within a Commercial 1 Zone, with uses ranging from offices, restaurants, cafes and licensed premises, including a tram route;
    (d) 270m to the south-east is East Richmond Train Station; and
    (e) 800m to the west is Punt Road, a major arterial road.

27. Below is a description of the surrounding properties to the main subject site; No. 371 Church Street Richmond.

*North*

28. To the north of the subject site, across the easement, is a three-storey apartment building which contains 18 residential units and a medical centre. The building is setback a minimum 4m from the western and southern boundaries. Vehicle access runs east-to-west through the site adjacent to the northern and southern boundaries, providing vehicle access around the perimeter of the site.

*South*

29. To the south of the subject site is a double-storey, Victorian-era terrace, with a double-storey garage located to the rear of the site. The front verandah and balcony of the dwelling is setback a minimum of 2.8 metres from Church Street. The dwelling is constructed to the northern boundary for a length of approximately 14m before being setback 2m. The dwelling is setback approximately 7m from the double-storey garage which is constructed on the rear (eastern) boundary and to both side boundaries for a length of approximately 4m. Vehicle access to the garage is via a north-south laneway which connects to Elm Grove; located further to the south. Secluded private open space (SPOS) is located between the dwelling and the garage. The front boundary consists of a cast-iron fence with a plinth below.

30. Planning Permit PLN15/1272 was issued by Council on 03 May 2016 for the part demolition of the existing dwelling and construction of an extension. This permit was subsequently amended on 15 March 2018 for a reduction of built form, alterations and additions to the existing dwelling, including the construction of a pergola at the rear of the dwelling. The works are yet to commence.

*East*

31. To the east (rear) of the subject site is a triple-storey apartment building with a frontage to McGrath Court further east. Car parking is provided within their western setbacks, which is 2.5m from the shared boundary with the subject site.

*West*

32. To the west of the subject site, at the corner of Church Street and Gipps Street is a single-storey Victorian-era, rendered brick dwelling. The dwelling is set behind a low brick fence with mature hedges along the Church Street boundary. Vehicle access to the site is via the existing driveway along the western boundary with a crossover to Gipps Street.

33. Further north, across Church Street are three double-storey, brick buildings containing five residential units. Two of these buildings face Church Street and the third building is accessible via the rear laneway to the west.

*Church School, No. 326 – 348 Church Street Richmond*

34. To the north of the site, beyond 'The Vaucluse' is the Vaucluse College.

35. The subject site abuts several residential properties at the south-west corner which front onto Richmond Terrace, as well as to the immediate south of St Ignatius Church.

**The Proposal**

36. The proposal is for the use and development of the land at No. 371 Church Street Richmond as a Childcare centre, including full demolition of the existing building, construction of a double-storey building, construction and display of direction signs, creation of access to a Category 1 Road Zone and associated reduction in the car parking requirement (with car parking for staff provided at No. 326 - 348 Church Street Richmond). A summary of the proposal is provided as follows:

*Use*

(a) The childcare centre will operate Monday to Friday from 6:30am to 7:00pm
(b) The centre will accommodate 87 children
(c) A maximum of 16 staff

*Buildings and works*

(d) Demolition of all structures on site, with the exception of the majority of the front fence (length of 30.61m) and construction of a new double-storey building;

(e) Construction of a new two-storey purpose built childcare centre building. The new building is to contain three activity rooms at ground floor, including a reception, meeting room, staff room, toilet facilities, cot room, laundry, and nappy change rooms. Two additional activity rooms will be provided at first floor including a kitchen, dining area and toilet facilities;

(f) At ground floor, the new building is:
   (i) setback a minimum 7.83m from the front boundary;
   (ii) built along the northern boundary for a length of 17.85m;
   (iii) setback 14m from the southern boundary, followed by an 8.34m long wall along this boundary; and
   (iv) largely constructed along the eastern boundary, aside from a 2.51m setback;

(g) The front setback will consist of an outdoor play area (216sqm), including a bin store, which is to be setback 1.9m from the front boundary. A secondary outdoor play area (89sqm) is located within the south-eastern corner of the site;

(h) The first floor will be:
   (i) setback 7.68m from the front boundary to a terrace area;
   (ii) setback between 1.39m to 3.1m from the northern boundary;
   (iii) setback between 6.56m to 13.2m from the southern boundary to a terrace area; and
   (iv) setback a minimum 2.46m from the rear boundary;

(i) The first floor will cantilever over the western and southern facades of the ground floor, with the terrace areas utilised as outdoor play areas (a total of 314sqm);

(j) 7.83m long x 2.5m high acoustic timber fence is to be provided along the northern boundary of the site including a new 2m high timber fence and a pedestrian gate. The southern (not shown on plans) and sections of the eastern boundary will also be provided with a 2m high acoustic timber fence;

(k) Construction of a 1.8m high, clear Perspex screen, supported on steel columns and setback approximately 0.3m behind a section of the existing front fence (central and northern half of the subject site);

(l) A storage shed and a 7,000Ltr rain-water tank will be located in the south-eastern corner of the site;

(m) A number of skylights is proposed on both floors;

(n) The overall height of the building is 7.8m above natural ground level (NGL);

(o) Materials proposed include:
   (i) Walls – Render finish (light grey) and Timber battens (natural),
   (ii) Balustrades – Timber (natural);
   (iii) Awning – Aluminium cladding (copper);
   (iv) Doors and windows – Powdercoated Aluminium (Monument);
   (v) Roof – Colorbond (Monument);

*Car parking*

(p) Car parking is provided within the southern setback within an undercroft created by the extended outdoor play areas at first floor. The undercroft has a minimum clearance of 3m above NGL;

(q) A total of seven (7) car spaces are proposed on site, inclusive of one disabled car space. A shared space is provided between the disabled car space and the outdoor play area, for wheelchair clearance;

(r) The construction of a 4.1m wide vehicle crossover to Church Street, providing access to the on-site car parking spaces to parents or visitors;

(s) Vehicle access to the site will be restricted to left in / left out movements;

(t) A total of four (4) bicycle spaces are proposed on site, near the bin storage area at ground floor; and

(u) Eight (8) car parking spaces allocated to staff are proposed at No. 326 – 348 Church Street.

*Signage*

(v) Non-illuminated, direction signage proposed to be installed; one 'Left Turn Only' sign to the south of the proposed crossover as well as one 'No Right Turn' sign at the site's exit point, outside of the subject site's title boundaries (not shown on plans).

**Planning Scheme Provisions**

Zoning

*Clause 32.09 Neighbourhood Residential Zone (Schedule 1)*

37. The use of the land as a child-care centre is not specifically listed in the table at *Clause 32.09-2* of the Yarra Planning Scheme (the Scheme); on this basis, a child-care centre is a 'Section 2' use and as such, a planning permit is required.

38. Pursuant to *Clause 32.09-8* of the Scheme, a planning permit is required to *construct a building or construct or carry out works for a use in Section 2 of Clause 32.09-2*.

39. Pursuant to *Clause 32.09-13* of the Scheme, advertising sign requirements are at *Clause 52.05*. This zone is in Category 3.

Overlays

*Heritage Overlay (Schedule 315)*

40. Pursuant to *Clause 43.01-1* of the Scheme, a planning permit is required to *demolish or remove a* building and construct *a building or construct or carry out works, including construct or display a sign*.

41. Pursuant to *Clause 43.01-3* of the Scheme, *the construction or display of a sign* is exempt from the notice requirements of Section 52(1) (a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Planning and Environment Act 1987 (the Act).

42. Appendix 8 of the "Incorporated document (City of Yarra Review of Heritage Overlay Areas 2007)", identifies the level of significance for all buildings/sites within the Heritage Overlay. Specifically, the subject site is nominated as being 'Not-contributory' to the Church Street Precinct, Richmond.

*Design and Development Overlay (Schedule 5)*

43. Pursuant to *Clause 43.02-2* of the Scheme, *a permit is required to construct a building or to construct or carry out works*. *This does not apply if a schedule to this overlay specifically states that a permit is not required.*

44. Schedule 5 specifically states that a permit is not required for buildings and works. Notice however must be given to the Environment Protection Authority (EPA), Transurban City Link, and VicRoads in the event that a planning permit is triggered under another provision within the Scheme.

Particular Provisions

*Clause 52.05 Signs*

45. Category 3 – High amenity areas at *Clause 52.05-13* of the Scheme states that a direction sign is a 'Section 1' sign and as such, a planning permit is not required under the zone.

*Clause 52.06 Car parking*

46. Pursuant to *Clause 52.06* of the Scheme, this clause applies to a new use, amongst other things.

47. *Clause 52.06-5* specifies a requirement of 0.22 spaces to each child. The proposal is to include 87 children, which generates a requirement for 19 car spaces The proposal provides 7 car spaces on site and 8 car spaces at No. 326 – 348 Church Street, therefore a reduction of 4 car spaces is sought.

48. As highlighted earlier, the Applicant submitted a revised sketch plan on 05 June 2018, removing one car parking space on-site and converting it to a formal turning bay. The proposal will now provide 6 car parking spaces on-site, with an increase in the total reduction in car parking required from 4 to 5 car spaces.

49. Other matters relevant to the consideration of car parking at *Clause 52.06* of the Scheme relate to the design and layout of car parking at *Clause 52.06-8*.

*Clause 52.29 – Land Adjacent to a Road zone, Category 1*

50. A permit is required to create or alter access to a road in a Road Zone, Category 1 road.

51. An application under this clause must be referred to the Roads Corporation under Section 55 of the *Planning and Environment Act 1987* (the Act).

*Clause 52.34 – Bicycle Facilities*

52. Pursuant to *Clause 52.34* of the Scheme, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land.

53. There is no specified bicycle rate in *Clause 52.34-3* of the Scheme for a childcare centre. Nevertheless, 4 bicycle parking spaces are proposed to be provided on-site.

<u>General Provisions</u>

*Clause 65 Decision guidelines*

54. 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.

<u>Planning Policy Framework (PPF)</u>

55. Relevant clauses are as follows:

*Clause 13.05 – Noise*

*Clause 13.05-1S Noise abatement*

56. The objective of this clause is '*to assist the control of noise effects on sensitive land uses.'*

57. The strategy of this clause is to*: ensure that development is not prejudiced and community amenity is not reduced 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.*

58. *Planning must consider as relevant:*

(a) *State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 in metropolitan Melbourne*
(b) *Interim Guidelines for Control of Noise from Industry in Country Victoria (Environment Protection Authority, 1989)*
(c) *A Guide to the Reduction of Traffic Noise (VicRoads 2003)*

*Clause 15 – Built Form and Heritage*

59. The provisions of clause 15 of the Scheme contain a series of objectives and strategies that seek to ensure that land use and development planning responds to the special characteristics of the place; creates environments that support the sustainable wellbeing of communities; and provides for safe physical and social environments through appropriate location of uses and quality of urban design. In particular, planning should promote excellence in the built environment and create places that:

(a) *Are enjoyable, engaging and comfortable to be in.*
(b) *Accommodate people of all abilities, ages and cultures.*
(c) *Contribute positively to local character and sense of place.*
(d) *Reflect the particular characteristics and cultural identity of the community.*
(e) *Enhance the function, amenity and safety of the public realm.*

*Clause 15.01-1S – Urban Design*

60. 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 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 development supports public realm amenity and safe access to walking and cycling environments and public transport.*
(d) *Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.*
(e) *Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.*
(f) *Promote good urban design along and abutting transport corridors.*

*Clause 15.01-2S – Building design*

61. The objective of this clause is '*to achieve building design outcomes that contribute positively to the local context and enhance the public realm'*. The relevant strategies are as follows:

(a) *Ensure development responds and contributes to the strategic and cultural context of its location.*
(b) *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
(c) *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
(d) *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
(e) *Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.*
(f) *Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.*

(g) *Encourage development to retain existing vegetation.*

*Clause 15.02-1S – Energy and resource efficiency*

62. 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'*. The relevant strategies are as follows:

(a) *Improve efficiency in energy use through greater use of renewable energy technologies and other energy efficiency upgrades.*
(b) *Support low energy forms of transport such as walking and cycling.*
(c) *Encourage retention of existing vegetation and planting of new vegetation as part of development and subdivision proposals.*

*Clause 15.03-1S – Heritage conservation*

63. The objective of this clause is *'to ensure the conservation of places of heritage significance'*. The relevant strategies are as follows:

(a) *Encourage appropriate development that respects places with identified heritage values.*
(b) *Retain those elements that contribute to the importance of the heritage place.*
(c) *Encourage the conservation and restoration of contributory elements of a heritage place.*
(d) *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*

*Clause 17.02-1S – Commercial*

64. The objective is '*to encourage development that meets the communities' needs for retail, entertainment, office and other commercial activities'.* The relevant strategy is as follows:

(a) *Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.*

*Clause 18.01-1 – Land Use and transport planning*

65. The objective of this clause is *'to create a safe and sustainable transport system by integrating land-use and transport'*. The relevant strategy is as follows:

(a) *Plan urban development to make jobs and services more accessible by:*

(i) *Ensuring equitable access is provided to developments in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding areas.*

*Clause 18.02-1S Sustainable Personal Transport*

66. The objective of this clause is *'to promote the use of sustainable personal transport'.* The relevant strategies are as follows:
(a) *Encourage the use of walking and cycling by creating environments that are safe and attractive.*
(b) *Require the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, transport, shopping and community facilities and other major attractions when issuing planning approvals.*

*Clause 19.02-2S Education facilities*

67. The objective of this clause is *'to assist the integration of education and early childhood facilities with local and regional communities'.* The relevant strategies are as follows:

(a) *Locate childcare, kindergarten and primary school facilities to maximise access by public transport and safe walking and cycling routes.*
(b) *Ensure childcare, kindergarten and primary school facilities provide safe vehicular drop off zones.*
(c) *Ensure streets and accessways adjoining education and early childhood facilities are designed to encourage safe bicycle and pedestrian access.*

Local Planning Policy Framework (LPPF)

68. The following provisions of the LPPF are the most relevant to this application:

(a) Clause 21: Municipal Strategic Statement [MSS]; and
(b) Clause 22: Local Planning Policies

*Municipal Strategic Statement [MSS]*

69. The MSS provides a broad demographic overview of the municipality and is structured into four themes at clause 21.04 consisting of 'land use', 'built form', 'transport' and 'environmental sustainability'.

Clause 21.05-1 – Heritage

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

(a) *Objective 14 - To protect and enhance Yarra's heritage places.*
  (i) *Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.*
  (ii) *Strategy 14.8 Apply the Development Guidelines for sites subject to a Heritage Overlay policy at clause 22.02*

Clause 21.05-2 – Urban design

71. The relevant objective and strategies of this clause are as follows:

(a) *Objective 16 To reinforce the existing urban framework of Yarra.*
  (i) *Strategy 16.2 Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.*
(b) *Objective 17 To retain Yarra's identity as a low-rise urban form with pockets of higher development.*
  (i) *Strategy 17.1 Ensure that development outside activity centres and not on Strategic Redevelopment Sites reflects the prevailing low-rise urban form.*
(c) *Objective 18 To retain, enhance and extend Yarra's fine grain street pattern.*
  (i) *Strategy 18.2 Enhance the amenity of laneways by applying the Development Abutting Laneway policy at Clause 22.07.*
(d) *Objective 19 To create an inner city environment with landscaped beauty.*
  (i) *Strategy 19.1 Require well resolved landscape plans for all new development.*
  (ii) *Strategy 19.2 Encourage opportunities for planting suitable trees and landscape areas in new development.*
  (iii) *Strategy 19.3 Encourage the retention of mature vegetation.*

(e) *Objective 20 To ensure that new development contributes positively to Yarra's urban fabric.*
  (i) *Strategy 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 21.05-3 – Built form character

72. *New development must respond to Yarra's built and cultural character, its distinct residential 'neighbourhoods' and individualised shopping strips, which combine to create a strong local identity*.

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

    *(a) Objective 23: To maintain and strengthen the identified character of each type of identified built form within Yarra.*
        (i) *Strategy 23.1 Require applicants for planning permits to identify the Built Form Character Types in which the subject site is located by reference to Maps in clause 21.08 Neighbourhoods and to identify how the proposed development responds to the Built Form Character Type.*
    *(b) Objective 24: To maintain and reinforce preferred character.*

    Clause 21.6 – Transport

74. *Yarra needs to reduce car dependence by promoting walking, cycling and public transport use as viable and preferable alternatives. Parking availability is important for many people, however in Yarra unrestricted car use and parking is neither practical nor achievable. Car parking will be managed to optimise its use and to encourage sustainable transport options.*

75. Clause 21.06-1 Walking and cycling

76. The relevant objectives and strategies of this clause are as follows:
    (a) *Objective 30 To provide safe and convenient pedestrian and bicycle environments.*
        (i) *Strategy 30.1 Improve pedestrian and cycling links in association with new development where possible.*
        (ii) *Strategy 30.2 Minimise vehicle crossovers on street frontages.*

77. Clause 21.06-2 Public transport

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

    (a) *Objective 31 To facilitate public transport usage.*
        (i) *Strategy 31.1 Require new development that generates high numbers of trips to be easily accessible by public transport.*

79. Clause 21.06-3 The road system and parking

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

    (a) *Objective 33 To reduce the impact of traffic.*
        (i) *Strategy 33.1 Ensure access arrangements maintain the safety and efficiency of the arterial and local road networks.*

    *Clause 21.07-1 – Ecological sustainable development*

81. The relevant objective and strategies of this clause is as follows:

    (a) *Objective 34 – To promote environmentally sustainable development.*
        (i) *Strategy 34.1 Encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation.*
        (ii) *Strategy 34.3 Apply the Environmentally Sustainable Development policy at clause 22.17*

Clause 21.08 – Neighbourhoods

82. The following statement has been extracted from the description of Central Richmond (between Swan Street and Bridge Road) at clause 21.08-10 of the Scheme:

    (a) *The land use character of this neighbourhood is predominantly residential, with the area closest to Punt Road comprising early to mid-Victorian cottages and terraces, and an increasing amount of Edwardian dwellings towards the east of the neighbourhood.*

Relevant Local Planning Policies

*Clause 22.01 – Discretionary uses in the Residential 1 Zone*

83. This policy applies to land in the Residential 1 Zone. The relevant objectives of this policy are:

    (a) *To ensure that residential amenity is not adversely affected by non-residential uses.*

84. This policy contains guidelines for non-residential development near residential properties, such as:

    (a) *Except on land adjoining and gaining direct access from a road in a Road Zone:*
        (i) *all required car parking should be on-site.*
        (ii) *the scale of the proposed use should be compatible with providing service to the local residential community.*
    (b) *Hours of operation should be limited to 8am to 8pm except for convenience shop.*
    (c) *New buildings and works should be consistent with the scale, bulk and character of the area.*
    (d) *Noise emissions should be compatible with a residential environment.*

*Clause 22.02 – Development guidelines for sites subject to the heritage overlay*

85. This policy applies to all development where a planning permit is required under the Heritage Overlay. The relevant objectives of the policy include:

    (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 ensure that additions and new works to a heritage place respect the significance of the place.*

86. *Clause 22.02-5.1* generally encourages the retention of a building in a heritage place, unless the building is identified as being not-contributory.
87. *Clause 22.02-5.7 New Development, Alterations or Additions*

88. The relevant policies of *Clause 22.02-5.7.1*, in relation to the development subject of this application are as follows:

    (a) *Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to*:
        (i) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
        (ii) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
        (iii) *Be visually recessive and not dominate the heritage place.*

(iv) *Be distinguishable from the original historic fabric.*
(v) *Not remove, cover, damage or change original historic fabric.*
(vi) *Not obscure views of principle façades.*
(vii) *Consider the architectural integrity and context of the heritage place or contributory element.*

(b) *Encourage 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.*
(c) *Encourage similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height.*

89. *Clause 22.02-5.7.2 Specific Requirements (where there is a conflict or inconsistency between the general and specific requirements, the specific requirements prevail)*

90. The relevant policies in relation to an *industrial, Commercial and Retail Heritage Place or Contributory Elements* are as follows:

(a) *Encourage new upper level additions and works to:*
(i) *Incorporate treatments which make them less apparent.*

91. The relevant policies in relation to *carports, car spaces, garages, and outbuildings* are as follows:

(a) *Encourage carports, car spaces, garages and outbuildings to be set back behind the front building line;*
(b) *Discourage:*
(i) *new vehicle crossovers in streets with few or no crossovers*
(ii) *high fencing, doors and boundary treatments associated with car parking that are unrelated to the historic character of the area*
(iii) *new vehicle crossovers in excess of 3 metres wide in residential streets.*

92. The relevant policies in relation to *front fences and gates* are as follows:

(a) *encourage front fences and gates to be designed to:*
(i) *allow views to heritage places or contributory elements from surrounding streets;*
(ii) *be a maximum of 1.2 metres high if solid or 1.5 metres high if more than 50% transparent (excluding fence posts);*
(iii) *be consistent with the architectural period of the heritage place or contributory element to the heritage place.*

*Clause 22.04 – Advertising Signs Policy*

93. This policy applies to all permit applications for development which incorporates an advertising sign. 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.*

*Clause 22.05 – Interface Uses Policy*

94. This policy applies to *applications for use or development within:*

(a) *Mixed Use, Business and Industrial Zones;*

(b) *a Residential 1 Zone where the subject site is within 30 metres of a Business or Industrial Zone;*
(c) *a Residential 1 Zone where the subject site is within 30 metres of an existing business or industrial use.*

95. Whilst the subject site is located within a Neighbourhood Residential Zone (Schedule 1), the proposed use and development is associated with a childcare centre. This policy contains guidelines for non-residential development near residential properties.

96. At *Clause 22.05-4.2 new non-residential development is to be designed to / so that:*

(a) *Minimise the potential for unreasonable overlooking of private open space areas and into habitable room windows of adjoining residential properties, through the use of appropriate siting, setbacks, articulation and possibly screens.*
(b) *The location, length and height of any wall built to a boundary not adversely impact on the amenity of any adjoining residential properties in terms of unreasonable overshadowing of private open space, visual bulk or loss of day light to habitable room windows.*
(c) *Where private open space and/or windows to adjoining residential properties are unreasonably affected, appropriate setbacks from boundaries are to be provided to address loss of daylight, overshadowing and visual bulk impacts.*
(d) *Provide for a high level of acoustic protection to adjoining residential properties by:*
    (i) *Building in effective acoustic insulation.*
(e) *Minimise the opportunity for views from adjoining residential properties into the site, especially where the storage, preparation, business or industrial activity could present an unsightly appearance.*
(f) *Minimise the opportunity for light spill due to fixed or vehicular lights, outside the perimeter of the site and on to habitable room windows of nearby residential properties.*

*Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)*

97. This policy applies to applications for (of relevance) new buildings. The objectives of this clause are as follows:

(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). Currently, these water quality performance objectives require:*
    (i) *Suspended Solids - 80% retention of typical urban annual load*
    (ii) *Total Nitrogen - 45% retention of typical urban annual load*
    (iii) *Total Phosphorus - 45% retention of typical urban annual load*
    (iv) *Litter - 70% reduction of typical urban annual load*
(b) *To promote the use of water sensitive urban design, including stormwater re-use.*
(c) *To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development.*
(d) *To minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays.*
(e) *To reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and well-being.*

98. At *Clause 22.16-3* of the Scheme, it is policy to:

(a) *Require that development applications provide for the achievement of the best practice performance objectives for suspended solids, total phosphorus and total nitrogen, as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*

(b) *Require the use of stormwater treatment measures that improve the quality and reduce the flow of water discharged to waterways. This can include but is not limited to:*
   (i) *collection and reuse of rainwater and stormwater on site,*
   (ii) *vegetated swales and buffer strips,*
   (iii) *rain gardens,*
   (iv) *installation of water recycling systems,*
   (v) *multiple uses of water within a single manufacturing site,*
   (vi) *direction of flow from impervious ground surfaces to landscaped areas*

(c) *Encourage the use of measures to prevent litter being carried off-site in stormwater flows, including*
   (i) *(appropriately designed waste enclosures and storage bins, and*
   (ii) *the use of litter traps for developments with the potential to generate significant amounts of litter.*

(d) *Encourage the use of green roofs, walls and facades on buildings where practicable (to be irrigated with rainwater/stormwater) to enhance the role of vegetation on buildings in managing the quality and quantity of stormwater.*

*Clause 22.17 – Environmentally Sustainable Development*

99. This policy applies to all land within the City of Yarra, and provides policy objectives and application requirements for residential, mixed use and non-residential development to further implement environmentally sustainable design policy contained within the SPPF and the MSS. The policy requires applications to be considered against the following objectives (where applicable):

(a) *Energy performance;*
(b) *Water resources;*
(c) *Indoor environment quality;*
(d) *Stormwater management;*
(e) *Transport;*
(f) *Waste management;* and
(g) *Urban ecology.*

100. A SDA report was submitted with the application.

**Advertising**

101. The application was advertised pursuant to Section 52 of the Act, by way of 309 letters sent to adjoining and neighbouring owners and occupiers and a notice displayed on the frontage of No. 371 Church Street.

102. Seventeen (17) objections were received to the application by residents/occupiers, which can be summarised as:

(a) Design, including inappropriate materials with regard to the existing neighbourhood character;
(b) Overdevelopment of the site (height, site coverage);
(c) Amenity impacts (overshadowing, overlooking);
(d) Increase in noise impacts on residential uses;
(e) Excessive hours of operation;
(f) Safety concerns (location of the childcare centre);
(g) Heritage concerns;
(h) Impact on existing car parking, increased traffic and creation of access to Church Street; and
(i) Congestion during the construction phase.

103. These issues will be discussed later within this report.

**Referrals**

External Referrals

104. The application was referred to City Link Authority, VicRoads and EPA under Section 52 of the Act based on the requirements of the DDO5. There was no objection to the application from the EPA. CityLink authority did not provide a response.

105. The application was referred to VicRoads under *Clause 66.03* of the Scheme.

106. VicRoads objected to the proposed vehicle access based on the advertised plans, stating that the *proposed vehicular access is incompatible with the operation of Church Street and public safety*.

107. As stated previously, the Applicant lodged sketch plans on 05 June 2018, removing one car parking space and converting it to a formal turning bay, as recommended by VicRoads. The proposal will now provide 6 car parking spaces on-site. Subsequently, VicRoads withdraw the objection; subject to conditions.

108. The comments are located in the Appendix to this report.

Internal Referrals

109. The application was referred to Council's Engineering Department, Heritage, City Works Department and the Open Space Planning and Design Unit. The comments are located in the Appendix to this report.

## OFFICER ASSESSMENT

110. The key planning considerations for Council in considering the proposal are:

(a) Policy and strategic support/land use;
(b) Built form and design;
(c) On-site amenity;
(d) Off- site amenity;
(e) Car Parking and Traffic;
(f) Signage;
(g) Development abutting a laneway; and
(h) Objector concerns.

Policy and strategic support/land use

111. It is considered that the proposed development of the site achieves compliance with relevant planning policy framework and local planning policies applicable to the use and redevelopment of sites within areas such as this. Prior to determining an application for a new use, the decision guidelines contained within *Clause 32.09-12* (Neighbourhood Residential Zone), *Clause 22.01* (Discretionary uses in the residential 1 zone), *Clause 22.05* (Interface uses policy) and *Clause 65* of the Scheme must be considered. An assessment of these guidelines is provided below.

112. The subject site and the majority of the surrounding area are located within a residential zone. The purpose of the Neighbourhood Residential Zone is *to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations*. As such, this zone directs a limited number of non-residential uses to be located in this area. The childcare centre is to operate with 16 staff.

The proposed childcare centre will support the demand for childcare services in the local community and increase employment opportunities within the area. This is consistent with the objectives contained within *Clause 17.02-1S* (Commercial) of the Scheme.

113. *Clause 11* (*Settlement*) of the Scheme states *planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.* As the subject site is within proximity to a range of public transport options, this location provides an excellent opportunity for existing and future uses of this site to benefit from existing settlement within the area and to utilise existing infrastructure within a well-established neighbourhood.

114. *Clause 15.01-1S* (Urban Design) and *21.05-2* (Built form, Urban Design) seek to ensure that new development is of a high quality and contributes positively to the surrounding area. These objectives are considered to generally be met. Further discussion regarding the built form and design is contained later within the report.

115. *Clause 22.05* (Interface uses policy) of the Scheme considers amenity impacts on surrounding sensitive uses from such proposed uses. Whilst the proposed childcare centre will be located within a residential zone, it will not adversely affect the amenity of any nearby residential properties for a number of reasons. The activities associated with the childcare centre will be accommodated within the proposed double-storey building, with a maximum of 87 children and 16 staff on site at any one time. A detailed assessment of *Clause 22.05* will be provided later in the report.

116. In terms of the operating hours, it is policy under *Clause 22.01-3* of the Scheme that the *hours of operation should be limited to 8am to 8pm*. The proposed hours of operation for the childcare centre is Monday to Friday between 6:30am to 7:00pm. These limited hours, including starting 1.5 hours earlier than the recommended 8am start under *Clause 22.01-3*, are considered to be appropriate given the proximity to commercially zoned land to the north and south and generally fit within the hours of operation of surrounding commercial uses, as well as the hours set by policy under *Clause 22.01-3* of the Scheme. In the event a planning permit is to be issued, conditions will control the hours of operation and maximum number of children on the site at any one time. Further discussions on any potential off-site amenity impacts will be provided later in the report.

117. A reduction in the car parking provision will encourage other more sustainable transport options such as walking, cycling and public transport, which is supported by *Clause 18.02-1S* of the Scheme. Further discussion regarding the car parking reduction is provided later within the report.

118. Strategically, it is considered that the site provides a good location for a redevelopment of this scale and type, being within proximity to major thoroughfares, good public transport links, and local infrastructure, as well as community services. Overall, the proposed use of the land has good strategic support, with the site already connected to all necessary infrastructure and services.

<u>Built form and design</u>

119. The built form assessment for this proposal is principally guided by:

    (a) Clause 15.03-1 (Heritage conservation);
    (b) Clause 21.05-1 (Heritage);
    (c) Clause 22.02 (Development guidelines for sites subject to the Heritage Overlay); and
    (d) Neighbourhood Residential Zone (Schedule 1).

120. The subject site is located in the Church Street Heritage Precinct. The site and immediately surrounding built form are predominantly double-storey in scale, with the subject site graded as 'not contributory' to the precinct. The building to the north is graded as not-contributory, with the row of terraces immediately to the south graded as individually-significant.

*Demolition*

121. The proposal to demolish the entire building, shed and boundary fencing, aside from the majority of the front fence is therefore acceptable due to the non-contributory grading of the site and is consistent with the directions provided under *Clause 22.02-5.1* of the Scheme which states *generally encourage the retention of a building in a heritage place, unless the building is identified as being not contributory*. Council's Heritage Advisors have confirmed that *apart from the fence, it appears that much of the main building has been so unsympathetically altered that its original character is beyond recognition from Church Street.* Therefore, full demolition of the existing building is supported.

122. The proposal requires partial demolition of the existing front fence to allow vehicular access to the site. Council's Heritage Advisors have confirmed that *the original access point for vehicles to the property was along the northern boundary of the site*, which is now located outside of the subject site's title boundaries. From a heritage perspective, the most appropriate location for an opening to provide vehicle access would be at either end of the existing fence. As such, Council's Heritage Advisor has confirmed that the proposal to remove a section of the palisade fencing at the southern end of the subject site is acceptable. However, it has been recommended by Council's Heritage Advisor that the section of fencing removed should be retained and reused on site. The Applicant has agreed to this by way of condition on any permit issued.

123. The proposed built form is also considered appropriate in the context of the surrounding development and respects the character of the area. The property's scale, street setbacks and site coverage will be similar to that of the existing building. The proposed front setback of the double-storey building will range between approximately 7m to the terrace at first floor and 16.8m to the building facade, which is greater than the setback of the existing double-storey building on the subject site. In addition, the proposed development will continue to be setback further from the front boundary, compared to the street setback of the apartment block to the north and the double-storey, terrace houses to the south Therefore, the proposed setback would allow the individually-significant buildings to the south to remain prominent in this section of Church Street, and would maintain a significant garden setback as originally designed. As such, the proposed front setbacks meet the heritage policy which *encourages setbacks from the principal street frontage to be similar to those of adjoining contributory buildings.* Council's Heritage Advisor is also supportive of the proposed front setbacks at both floors.

124. The proposed double-storey development will be partly built along the northern, southern and eastern boundaries, and setback 1.39m from the northern boundary and over 5.9m from the southern boundary (to allow for a driveway and car parking). Similar to the front setbacks, the proposed side setbacks will ensure the new building is sufficiently setback from the adjacent individually-significant heritage dwellings. Furthermore, given the side setbacks, the façade width of the new development will be further reduced, ensuring the new built form would not dominate the surrounding heritage fabric and streetscape. However, Council's Heritage Advisors have stated that *the wide setback will create a new 'void' which was traditionally landscaped area contained behind a traditional fence*. Therefore, it has been recommended that *the driveway be constructed using a permeable material to help reduce the amount of bare concrete in this zone*. The Applicant has agreed to this by way of condition on any permit to issue.

125. The proposed façade height for the new development will be 6.3m, with the immediately surrounding individually-significant dwellings consisting of façade heights ranging between 6m to 9m, with the church further north of the site, at No. 326 – 348 Church Street, being much larger. Council's Heritage Advisor is supportive of the overall height of the building as the scale of the new development will continue to be *recessive within the historic context*.

126. Contemporary design materials such as grey rendered walls, glass and timber batten balustrades and Aluminium copper feature awnings have been adopted for the proposed new building, including a flat, Colorbond roof form. The surrounding contributory buildings generally consist of masonry walls with painted or rendered finish, bluestone walls, slate/metal roofing, timber windows and doors, cast-iron balustrades, cast-iron and bluestone palisade, or timber picket, fences, including well established gardens. Overall the proposed material palette is considered light, earthy and recessive, with the Aluminium clad awning in copper, setback over 14m from the front title boundary. Therefore, the proposed development will not overly detract from the existing heritage streetscape. Council's Heritage Advisor is supportive of the proposed material palette.

127. The proposal incorporates a garden area within the front and southern setbacks which maintains the existing deep garden setback found within the subject site and surrounding sites. The pedestrian entrance to the site will continue to be from the existing pedestrian gate, off Church Street. The existing transparent front fencing, with the Perspex fencing and landscaped/outdoor play area within the western and southern setbacks, combined with the proposed material palette, will soften the appearance of the double-storey building and provide a positive interface to the heritage streetscape.

128. Council's Heritage Advisor has recommended that the proposed Perspex fencing behind a section of the existing palisade fencing be setback from the original fence, in order to provide a space in between for planting, which would eventually conceal the appearance of the new fence. The plans already show a setback of 0.3m from the original fence, and therefore has opportunity to provide landscaping within this setback. Furthermore, the Applicant has advised that it would not be possible to set back the secondary fence further as the outdoor play to children ratio currently marginally meets the required ratio set by the *Children's Services Regulations 2009*. Therefore, this recommendation by Council's Heritage Advisor will not be pursued.

129. Council's Heritage Advisor has stated that the location of the proposed bin store within the front setback is not considered an appropriate location for such a structure as *front setbacks within this part of Church Street were traditional reserved for garden landscaping*. *Clause 22.02.5-7.2* of the Scheme recommends that outbuildings and ancillaries be located behind the front building line. As the proposed bin store will be clearly visible from Church Street, it has been recommended that *the location of the proposed bins store setback behind the alignment of the main building at ground level*. However, relocating the bin store to a different location or setting it back behind the proposed building, would either reduce the outdoor play area ratio as stated above or impact the proposed number of car spaces on-site.

    The proposed location is the most convenient and practical location for the bin store. *Clause 22.02.5-7.2* of the Scheme *encourages ancillaries or services in new development to be concealed or incorporated into the design of the building.* The proposed bin store will consist of a rendered masonry and timber batten enclosure which is in keeping with the palette of the main building and materials found within the existing heritage streetscape. Therefore, it is considered that the bin store has been sensitively designed, to ensure that it will remain recessive, compared to the main building. Therefore, a condition will not require the bin store to be relocated.

    *Landscape architecture*

130. The proposal incorporates the retention of a number of existing trees on site, as well as, new vegetation, trees and grass proposed within the front setback and a section of the southern setback. The degree of landscaping proposed will provide a visually interesting and appropriate setting for a childcare centre. The retained canopy trees will soften the appearance of the building when viewed from Church Street.

131. The landscape plan was referred to Council's Open Space Planning and Design Unit, who advised that the proposed species selection is appropriate for the use of a childcare centre. The following recommendations were made:

    (a) information on the pavement materials to be provided; and
    (b) details of the raised planters, including drainage method.

132. These suggestions as well as other standard landscaping conditions will be imposed on any planning permit to issue, to ensure that these landscaped areas are maintained and appropriate for the childcare centre.

133. Council's Open Space Planning and Design Unit also advised that the playground design needs to comply with the current Australian Standards, and that the playground equipment has not been assessed as part of the review of the landscape plans. It has been recommended that an independent assessment would need to be undertaken by an appropriately qualified professional prior to its construction. Given that these requirements are outside of the realm of planning considerations, these recommendations will not be pursued.

134. As stated previously, the proposal incorporates the retention of a number of existing trees on site. The Arboricultural Assessment & Report prepared by Glenn Waters, dated 22 May 2017 captured data on 10 individual trees located within the main subject site, including 4 street trees nearby, with no neighbouring property trees within 3m of the subject site's title boundaries. The findings showed that there were no high value trees on-site, aside from the Dutch Elm tree which was suggested worthy of retention during the development of the site. It has been recommended that the Dutch Elm tree and the street trees be allocated within the Tree Protection Zone (TPZ) distances as per the *Australian Standard AS 4970-2009 Protection of trees on development sites*. The report details a number of mechanisms to be implemented in order to minimise the impact of the proposed construction works on the retained trees. This report was referred to Council's Arborists, who determined the report is satisfactory, provided that the tree protection recommendations are enforced. In the event a permit is issued, this arborist report will be endorsed.

*Site coverage*

135. The proposed development has a 68% site coverage. Given that the immediately surrounding buildings to the north, south and east typically have close to 80% site coverage, the proposed site coverage is considered acceptable.

*ESD principles*

136. Having regard to the design of the development, the proposal meets Council's Environmental Sustainable Design (ESD) standards, with the proposed development achieving a BESS score of 54% as indicated in the submitted Sustainable Development Assessment (SDA). This report proposes a number of initiatives to improve the sustainability of the development, including:

    (a) High performance building fabric with good levels of insulation;
    (b) Double-glazed windows;
    (c) Natural ventilation;
    (d) Addition of skylights, reducing the reliance on artificial lighting;
    (e) Energy efficient LED lighting;
    (f) 7,000L rainwater tank for sanitary purposes and two x 2.2sqm x 300mm deep raingardens which would achieve a STORM rating of 100%;

(g) Two x staff bicycle spaces;
(h) Operational recycling facility on-site; and
(i) Approximately 17% of the site area covered in vegetation.

137. Having regard to the aforementioned ESD initiatives, it is recommended that the plans are updated to show the location of the proposed raingardens.

138. Subject to the above conditions, it is considered that the proposal will achieve an acceptable level of environmentally sustainable design and satisfy a number of objectives at *Clauses 15.02-1S*, *21.06*, *21.07*, *22.16* and *22.17* of the Scheme.

<u>On-site Amenity</u>

139. The on-site amenity assessment is guided by *Clause 22.05* (Interface uses policy) and indoor environment quality objectives of *Clause 22.17* of the Scheme.

140. The proposed childcare centre has been designed to provide appropriate levels of internal amenity. The principal internal spaces of the centre will receive good access to daylight and ventilation, with a significant degree of operable glazing along the western elevation at both floors, including skylights to both floors.

141. The children's rooms will have direct access to the outdoor play areas at ground and first floor levels. This will allow for good indoor/outdoor connectivity within the centre. Also, all of the outdoor play areas are large in scale, with varying locations within the site ensuring that a mix of direct sunlight and shading is available to these external spaces.

142. As will be discussed in the noise assessment in this report, noise impacts from road sources to the internal spaces of the centre will be minimised, with attenuation measures installed around the outdoor play areas to ensure that these noise levels are reasonable.

143. The layout of car parking and access for traffic within the site was assessed by Council's Engineers and VicRoads, and deemed satisfactory; subject to conditions. Traffic and vehicle access within the site will be discussed in detail within the traffic assessment below.

<u>Off-site amenity</u>

144. There is no trigger for assessment of the proposed buildings and works against the ResCode provisions under clause 54 of the Scheme (as would be done for a new dwelling). While ResCode is not applicable to the current application, it is a useful measure for assessing amenity impacts. Furthermore, the policy framework for amenity considerations is contained within *Clause 22.05* – Interface uses policy of the Scheme.

145. *Clause 22.05* requires new non-residential use and development within a residential zones to be designed to minimise impacts upon nearby existing residential properties relating to visual amenity, noise, odour and air emissions, light spill, loading and unloading, rubbish removal and storage, and construction noise and other disruptions. The site is surrounded by residential properties. Relevant issues are as follows:

*Visual bulk*

146. Whilst not strictly applicable, Rescode Standards A10 and A11 recommends a *new building not on or within 200mm of a boundary should be set back from side or rear boundaries.* In addition,

(a) The total length of walls along the northern and southern boundaries should not exceed 16.21m, *unless abutting an existing or simultaneously constructed wall*;
(b) The total length of wall along the eastern boundary should not exceed 15.95m, *unless abutting an existing or simultaneously constructed wall*; and

(c) *The maximum height of all boundary walls should not exceed an average 3.2m height, with no part higher than 3.6m unless abutting a higher existing or simultaneously constructed wall on an adjoining lot*.

147. The proposal seeks to construct a 17.85m long x 2.4m to 2.7m high wall along the northern boundary, which would abut the existing ROW, followed by the concrete driveway and habitable room windows of the apartment block to the north. Whilst the height meets the requirements of the standard, the length of this wall does not. However, based on the proposed northern boundary wall having a direct interface with a ROW and a driveway, which provides a 6.25m buffer from the adjacent property to the north, there will be no unreasonable visual bulk impacts when viewed from their habitable room windows. Therefore the variation to this standard is acceptable.

148. The proposal seeks to construct an 8.34m long x 2.3m to 2.6m high wall along the southern boundary, partially abutting the SPOS of the dwelling to the south. The length and height meets the required length and height set by the standard.

149. The proposal incorporates the construction of a 15.15m long x 3.69m high wall along the eastern boundary at ground floor. The height does not meet the average 3.2m height recommended by the standard. However, the proposed wall will be adjacent to the car park of the apartment block to the east, at No. 2 McGrath Court, followed by non-habitable room windows. Therefore, this wall along the eastern boundary at ground floor is acceptable.

150. The first floor is proposed to be setback from the northern, southern and rear boundaries. The following table compares the proposed building setbacks with those required by the standard.

| **Wall location** | **Wall height** | **Setback required** | **Setback provided** | **Complies?** |
|---|---|---|---|---|
| Northern wall<br>First floor | 6m to 6.4m | 1.72m to 1.84m | 1.39m to 2.85m | Variation required (-0.33m) |
| Southern wall<br>First floor | 6.8m to 7.8m | 1.96m to 2.89m | 13.2m | Complies |
| Eastern wall<br>First floor | 6.5m to 6.9m | 1.87m to 1.99m | 2.46m – 3.3m | Complies |

151. As demonstrated above, all setbacks comply with the standard; with the exception of the first floor northern wall. Based on the proposed northern walls having a direct interface with the easement, followed by a concrete driveway, which provides a 6m separation from the adjacent property to the north, there will be no impact on any sensitive interfaces such as the one habitable room windows of the apartment building. Furthermore, the section of the northern wall at first floor which does not meet the setback suggested by the standard is located directly adjacent to the driveway and a non-habitable room window. Therefore the variation to this standard is acceptable.

152. It is noted that the eastern elevation does not show all heights above natural ground level and as such will be included as a condition.

*Overshadowing*

153. Given the east-west orientation of the subject site, shadows will fall on the abutting site to the south. The SPOS of No. 377 Church Street is located with their eastern setback and is approximately 54sqm in area. The existing shadows are caused by 2m high boundary fencing which straddles along the shared boundary with the subject site. The majority of the shadows fall on the existing northern setback of this site, which appears to be a side walkway.

154. Between 9am to 12noon, this SPOS will be impacted marginally (approximately 1sqm) by the proposed 2.6m high southern boundary wall at ground floor, with the majority of the additional shadows falling on the northern setback of the abutting site to the south. Therefore, given the limited increase in shadows, the extent of shadows is acceptable.

155. Between 1pm to 3pm, there will be additional shadows cast on the SPOS of No. 377 Church Street. However, the increase will be limited to approximately 2sqm, and as such the additional shadowing is considered acceptable in this particular instance with the additional shadows not significantly altering the use of the neighbouring SPOS.

156. The additional shadows at 3pm will also fall within the car park area of the properties to the east; which is not a sensitive interface.

*Overlooking*

157. In regards to overlooking, ResCode Standard A15 stipulates views within a horizontal distance of 9m from a habitable window, balcony, terrace, deck or patio should be screened.

158. Overlooking opportunities at ground level would be suitably limited by proposed boundary walls/fencing that are over 2m in height (and given that floor levels are less than 800mm above natural ground).

159. However, there are two windows proposed along the northern boundary at ground floor. Whilst they are located on the boundary, they will abut the existing ROW and therefore, is acceptable to be located on the boundary. The plans indicate that these windows will consist of security screening; however, does not clarify any measures used to prevent overlooking into the ground floor, habitable room windows of the apartment block to the north, which is located less than 7m from the subject site. Therefore, a condition on any permit issued will require these widows to be provided with appropriate screening.

160. The outdoor play areas at first floor will consist of 1.8m high timber and glass balustrades along the western and southern perimeters. The residential properties to the west are over 20m from the subject site and separated by Church Street. Therefore views of these dwellings will be distant and limited to windows and open space areas already visible to the street. The residential properties to the south are over 13m from the subject site and therefore, the southern perimeter of the outdoor play area at first floor does not require screening measures.

161. The northern perimeter of the first floor outdoor play area will consist of a 2.4m high acoustic balustrade with timber and glass. However, the proposed screening would not restrict overlooking into habitable room windows of the apartment block to the north. Furthermore, there are a two habitable room windows along the northern side of the first floor (associated with Group 5 room); none provided with measures to prevent overlooking into the habitable room windows of No. 361 Church Street. Therefore, a condition will require the northern side of the outdoor play area and habitable room windows at first floor to be provided with appropriate screening to prevent overlooking into these sensitive areas.

162. The east-facing habitable room windows associated with the kitchen and children's dining area does not require screening as there are no habitable room windows or SPOS within the 9m overlooking arch.

*Noise*

163. An acoustic report (dated 05.10.2017) was undertaken by Vipac Engineering & Scientists (Vipac) on behalf of the Applicant, with a peer review of this report carried out by SLR Consulting. This report assessed potential noise impacts on nearby residential sites from the outdoor play areas; during two scenarios; i.e. all children playing outside (assessed to 'background + 10db') and 50% of children outside (assessed to 'background + 5db').

164. With regards to the external spaces; the outdoor play areas at ground and first floor levels will consist of the following acoustic barriers:

    (a) 2.5m high timber fence/sealed glass balustrade along the northern boundary (both ground floor and first floor). As the proposed first floor plan shows a height of 2.4m for the balustrade of the outdoor play area, a condition will require the proposed plans to be amended to match the height recommended in the acoustic report;
    (b) 1.8m high timber fence/sealed glass balustrade around the first floor outdoor play area;
    (c) 2m high timber fence/sealed glass balustrade along the eastern boundary, adjacent to the small ground floor outdoor play area; and
    (d) 1.8m high Perspex screen supported on steel columns along the western side of the large ground floor outdoor play area.

165. These measures have been incorporated into the design and shown on the plans.

166. The acoustic report states that the abovementioned measures will control noise emissions to nearby residential sites. The acoustic report also suggests that noise impacts from outdoor play areas would be further reduced if play times were limited to between 9am to 5pm, whilst most residents are at work. This will be included as a condition on any permit to be issued.

167. In review, SLR Consulting stated that the acoustic report prepared for the childcare centre generally addresses the issues of noise from the proposed use with moderately high noise barriers being proposed. However, SLR Consulting raised several issues with respect to the report and recommended these issues to be addressed, as follows:

    (a) *The background noise levels used to set noise limits are inappropriate for receivers that are more distant or more shielded from Church Street than the measurement location.*
    (b) *The 'background + 5 dB' target proposed, while in accordance with the AAAC guideline document for voice noise from childcare centres, is more stringent than we have accepted on other City of Yarra projects. We have approved targets of 'background + 10 dB' for extended use of outdoor play areas in recognition that outdoor play is important to children's health, and that the 'background + 5 dB' target cannot practically be met in many situations.*
    (c) *The mid-point (rather than the upper level) of the AAAC voice level range for children has been used by Vipac in the assessment. This approach removes a level of conservatism from the assessment. This approach would, for example be reasonable from our perspective provided that noise limits were predicted to be met for at least 80% of children playing outside.*
    (d) *Assessment should also be conducted to the fourth floor receivers at 361 Church Street.*
    (e) *The report does not address noise impacts from mechanical plant equipment (e.g. air conditioning plant and kitchen exhaust fans).*

168. In summary, it has been recommended that compliance with 'background + 10 dB' targets to be demonstrated with noise limits based on revised background noise levels at more shielded locations, with the assumption that at least 80% of children are playing outside. In addition, an indicative assessment addressing mechanical plant noise has also been requested.

169. In response, the Applicant provided a revised acoustic report dated 21 February 2018, which takes into account the items raised by SLR Consulting. With respect to noise emissions from mechanical services, the acoustic report indicates that air-conditioning units and exhaust fans be located to face Church Street as noise limits are higher due to increased background noise levels. Nonetheless, the mechanical plant equipment is expected to present a low risk of SEPP N-1 limit, given the building is provided with acoustic screens at ground and first floor levels. It is considered that these screens would minimise noise emissions from mechanical services. SLR Consulting has reviewed the amended acoustic report and have advised that this report is now acceptable. In the event a permit is issued, the amended acoustic report will be endorsed.

170. As stated previously, the proposed childcare centre is to open at 6:30am Monday to Friday; which is 1.5 hours earlier than the recommended 8:00am start under *Clause 22.01* of the Scheme. A review of existing child care centres in the immediate surrounds revealed the following typical hours:

(a) Petite Early Learning Centre (27 Church Street, Richmond) – 6:30AM to 6:30PM;
(b) Goodstart Early Learning Richmond (319 Church Street, Richmond East) – 7:30AM to 6:30PM;
(c) Richmond Crèche & Kindergarten (14 Abinger Street Richmond) – 7:30am to 6:00pm;
(d) Camelot Early Leaning Centre (3/173 Lennox Street Richmond) – 6:45am to 6:00pm;
(e) Alpha Children's Centre (8 Corsair Street, Richmond) – 7AM to 6PM; and
(f) Acacia Children's Centre (13 Belgium Avenue, Richmond) 7:30AM to 6PM.

171. As demonstrated above, it is common for the opening hours to occur between 6:30AM and 7:30AM. This would be in order to accommodate drop-off periods outside of standard business hours as parents would then continue their travel to work. Pursuant to *Clause 17.01-1* (Business) and *Clause 21.04-3* (Industry, office and commercial) of the Scheme the proposed childcare centre will contribute to meeting the needs of the community as well as providing local employment opportunity for the earlier starting time. Nevertheless, whilst it is understood that most children and staff would not arrive at the earliest time available and at the same time, the noise from traffic movements prior to 7AM and the impact on sleep disturbance for neighbouring residential buildings are required to be assessed.

172. The noise generated during the drop-off times in the morning will be limited to the southern portion of the site, where the dedicated on-site car parking is located. The acoustic report prepared by Vipac Engineering & Scientists does not address the noise from vehicles and voices as children are dropped off at the centre. However, SLR Consulting has stated that given the car park on-site is accessed from Church Street, which is a major road with a tram line, the existing ambient noise levels are currently high, and therefore noise impacts from use of the carpark to existing dwellings would seem unlikely.

Furthermore, as the arrival times of children during the morning hours will be sporadic, the traffic generation along Church Street and within the site will be limited, and therefore the noise generated will be moderate.

173. On this basis it is considered that 6:30am is a reasonable time for the commencement of the use.

174. Based on the above, the proposal is not expected to adversely affect the amenity of surrounding and nearby land and will be consistent with relevant objectives outlined in *Clause 22.05* of the Scheme.

*Odour and air emissions*

175. The proposed childcare centre is not associated with any activities that produce harmful odour and air emissions. It is not an industrial use.

*Light spill*

176. The plans do not show any external lighting proposed for the childcare centre. A standard condition will be included on any permit to issue to ensure any external lighting is baffled and located appropriately so that they do not cause light spill to nearby residential properties.

*Waste disposal and storage*

177. The proposal provides a dedicated internal waste storage area within the front setback to the west. Waste will be collected by a private contractor within this space, between 7am to 8pm Monday – Friday and between 9am to 8pm, weekends and public holidays.

178. The Waste Management Plan (WMP) prepared by Ratio Consultants, dated 05.10.2017, outlines all management procedures to be undertaken with regards to waste storage and collection. This plan was referred to Council's City Works Unit, who determined the WMP is satisfactory from the City Works Branch's perspective. In the event a permit is issued, this Waste Management Plan will be endorsed.

Car parking and Traffic

*Reduction in the car parking requirements*

179. Pursuant to *Clause 52.06-5* of the Scheme, a childcare centre generates a statutory car parking requirement of 0.22 car spaces to each child, resulting in a requirement of 19 spaces (based on 87 children). As the original proposal provides 7 on-site spaces and 8 off-site at No. 326 – 348 Church Street, a reduction of 4 spaces is being sought.

180. However, as a result of the addition of a turning bay (sketch plans dated 05.06.2018) as recommended by VicRoads, the number of car parking spaces on-site will be reduced from 7 to 6 spaces, further increasing the required reduction in car parking spaces from 4 to 5 spaces.

181. The permit Applicant has provided a detailed traffic engineering assessment undertaken by Ratio Consultants. The applicant's traffic consultant commissioned car parking occupancy surveys in the vicinity of the subject site on Wednesday 7 November 2016 between 7:00am to 10:00am and 3:00pm to 6:30pm. A total of 153 publicly available parking spaces were found in the area, out of which a minimum of 26 spaces were available during the morning; i.e. the overall demand for parking during the morning period being reasonably moderate to strong, ranging between 61% and 83%. The demand for parking during the evening hours was found to be higher than the morning peak hours, with a minimum of 17 publicly available car parking spaces, which equates to an occupancy range of 76% to 89%.

The survey suggests that the parking demand within the immediate area is high during the evening hours and this would encourage parents and staff to commute to the site by using alternative transportation modes. Nevertheless, the surveys indicated that there is still capacity to cater for any short term, off-site car parking demands generated by the proposed use.

182. For the empirical rate of a childcare centre use, the *Traffic Impact Assessment* report for a similar development in Vermont and Box Hill South has been referenced by Ratio Consultants. Based on the survey results, Ratio Consultants adopted a car parking rate of 0.12 parent spaces per child and 0.08 staff spaces per child. Applying this rate for the proposed development would generate a parking demand of 10 parent spaces per child and six staff spaces per child. Council's Engineering Department have confirmed that the rates adopted by Ratio Consultants are consistent with the rates generated by other traffic consultants ranging between 0.19 to 0.21 spaces per child. It is therefore considered that the traffic generated by the proposal could be accommodated on the local road network without adversely impacting on its operation.

183. The development's short-term parking for drop-off/pick-up of children would be accommodated in the 6 on-site spaces, with 8 spaces for staff provided at No. 326 – 348 Church Street. Any overflow with the development's short-term parking would be accommodated in the surrounding road network.

184. Furthermore, having regard to policy at *Clause 52.06-7*, the proposed car parking reduction of 5 spaces associated with the childcare centre is considered acceptable for the following reasons:

(a) *Clause 21.06-3* of the Scheme encourages the reduction in the reliance on private motor cars. One approach to achieving this is by reducing the number of car spaces provided on-site in areas with good alternative modes of transport.

(b) The site has good access to public transport, with tram route 78 available along Church Street, tram routes 75 and 48 along Bridge Road (which is 540m to the north), tram routes 11, 70 and 57 along Swan Street (which is 195m to the south) and East Richmond Train Station approximately 270m south-east of the site. These provide alternatives to car use and the need for car parking.

(c) The site has a large residential catchment with a number of existing and proposed apartment developments within close proximity. It is likely that parents/guardians could already be residing within walking distance of the site.

(d) The site has good connectivity to the on-road bicycle network and will be provided with 4 on-site bicycle spaces, which will be available for parents, visitors and staff travelling to the site.

(e) There is a wide range of both restricted and unrestricted car parking available along both sides of Church Street, Bridge Road, Swan Street and Gipps Street, as well as in the surrounding local street network.

(f) Long-stay parking by staff would be accommodated within the 8 off-site car parking spaces provided at No. 326 – 348 Church Street. The remaining staff who are unable to park within this off-site car park will be fully aware of any shortage in long-stay parking, which will encourage them to engage in alternative modes of transport.

(g) With the reinstatement of the vehicle crossover on Church Street, the application will remove two on-street parking spaces, however will provide 4 additional on-site parking spaces available to the users of the childcare centre. This compensates for the loss of on-street parking.

(h) Council's Engineering Services Unit has reviewed the car parking reduction associated with the proposed childcare centre and commented that it would not unreasonably impact on car parking in the area.

185. Policy at *Clause 52.06-7* of the Scheme provides a number of decision guidelines to assess car parking spaces provided on another site (No. 326 – 348 Church Street), to be utilised in conjunction with the proposed use on the main subject site (No. 371 Church Street). There is a need to tie the car parking on the other site to the permit to ensure that the off-site car parking provision will be available to the proposed use on a continual basis. The off-site car parking area is part of an existing car park that is owned by the St Ignatius Church and will not result in any additional impact on the surrounding road network. The proposed 8 car parking spaces at No. 326 – 348 Church Street is within walking distance (approximately 220m further north) of the childcare centre. Given that the Applicant has signed a lease agreement with the relevant authority of these car parking spaces, the use of these car parking spaces will be limited to the staff members of the childcare centre. Therefore, these car parking spaces will only be available for 8 of the 16 staff members working at the childcare centre. Given that the proposed car parking spaces at No. 326 – 348 Church Street is located close to the childcare centre, the staff will be less inclined to use existing on-street car parking.

186. It is therefore considered that the availability of public transport, local parking options and provision of 6 on-site car spaces, 8 off-site car spaces and 4 on-site bicycle spaces are sufficient for the proposed use of the site.

*Traffic*

187. The traffic assessment undertaken by Ratio Consultants specified that the proposed use would generate 70 traffic movements in the peak hours during morning (AM) and evenings (PM). These figures are based on the empirical assessment undertaken of an existing childcare centre at Geelong by Ratio Consultants, specifying a peak hour traffic generation rate of 0.8 vehicle movements per child. The staff car parking accommodated within No. 326 – 348 Church Street will generate 8 inbound and 8 outbound vehicle movements between AM to PM. Council's Traffic Engineers agreed that these findings are similar to other suburban childcare centres and that, given the site's inner-city location and proximity to public transport, the traffic generation rate for the proposed childcare centre is expected to be lower. It is therefore considered that the traffic generated by the proposal could be accommodated on the local road network without adversely impacting on its operation.

188. Ratio Consultants have advised that the provision of a two-way vehicle crossover to and from No. 371 Church Street was initially investigated, however it was determined that it would not be feasible without removing an established street tree on Church Street. In order to minimise conflict at the access, it has been proposed to restrict vehicle access to left-in/left-out movements only. As per the sketch plans submitted by the Applicant on 17 August 2018, it has been recommended that a 'Left Turn Only' sign be installed to the south of the proposed crossover, as well as a 'No Right Turn' sign at the site's exit point (outside of the front title boundary), in order to prohibit right turn movements into and out of the site. These recommendations will be discussed under the 'access and layout' section of this report.

189. Left-in/left-out has been considered a safe access arrangement which would assist to minimise conflicts between the users of the childcare centre, and other road users; such as trams and other vehicles. Ratio Consultants has stated that *in the event that an inbound vehicle conflicts with an outbound vehicle at the vehicle crossover, the inbound vehicle will momentarily give way to the outbound vehicle and create a gap in traffic for the outbound left turning vehicle to enter Church Street*. Ratio Consultants originally recommended the installation of a dynamic sign (electronic sign), advising the users of the childcare centre when the car park on-site is full. However, this sign is no longer required as a result of the provision of a turning bay on site (as per sketch plans). In the event the car park is full, the turning bay would provide parents an opportunity to swiftly leave the site without causing unreasonable queueing within the subject site. Furthermore, given the moderate level of traffic generated by the childcare centre, combined with the creation of a left-in/left-out access arrangement and the provision of a turning bay on-site, Church Street would not be unreasonably impeded by vehicle queueing during peak periods.

*Access and layout*

190. According to Council Engineers, the dimensions of the majority of car parking spaces throughout the site, including the disabled space in the on-site carpark, satisfy the relevant Australian/New Zealand Standards, with turning movements within the site considered satisfactory.

191. Only a few deficiencies were identified with the design of the car parking spaces and access. These can be readily addressed by conditions on any permit to issue, which include the following:

    (a) A minimum clearance of 300mm to be provided for car spaces adjacent to walls;
    (b) Column depths and walls to be dimensioned on plans; and
    (c) The visibility triangle dimension on the relevant plans.

192. Council's Engineering Unit has recommended a Construction Management Plan (CMP) to be provided, detailing the existing and post construction conditions of surrounding road infrastructure and adjoining private properties. After further discussion and given the overall scale of the development; i.e. double-storey building, it has been agreed that a CMP is not required for the proposed development.

193. The Applicant has also agreed to all other remaining notes recommended by the Engineering Unit.

194. Council's Engineering Department have advised that *the applicant must liaise with VicRoads regarding the proposed crossing in Church Street* and that *the crossing must satisfy Council's engineering requirements and VicRoads' geometric requirements*.

195. VicRoads was not supportive of the original car parking layout and access creation to Church Street, siting that the *safety and operational implications associated with the vehicular access, from and to Church Street as unsatisfactory due to the absence of a turning area on the property*.

Furthermore, *the concern is exacerbated by the physical constraints limiting sight distances for vehicles existing the site as a result of the large street tree, the wall/fence of the adjoining property, narrow nature strip/footpath, proximity of the tram stop and street parking bays*.

196. As a response to this objection, the Applicant removed one car parking space and provided a turning bay on-site (sketch plans dated 05.06.2018). VicRoads subsequently withdrew their objection, subject to the following conditions and note being placed on any planning permit to issue:

    (a) *Before the use approved by this permit commences the following roadworks on Church Street, Richmond must be completed at no cost to and to the satisfaction of the Responsible Authority and or the Roads Corporation:*

        (i) *The installation of signs, line marking, a left painted arrow out and associated road works permitting only "left turn in" and "left turn out" vehicular access from Church Street.*
        (ii) *Modification or removal of any existing car parking spaces and associated road works on the east side of Church Street to accommodate the new vehicular access arrangement.*

    *Note: Separate consent may be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for buildings and works (i.e. canopies and architectural features/ projections) undertaken outside the title boundary within a Road Zone Category 1 (i.e. Church Street). Please contact VicRoads prior to commencing any works.*

197. Further to the above, VicRoads has suggested that Council consider the potential for the remaining single on street car space located between the vehicle crossover and the tram stop to be converted into a short stay car space during the operating hours of the childcare centre to assist with the drop off/pick up arrangement on the site. Council's Engineering Unit is not supportive of converting the remaining 2P car parking space to a short-stay parking as it is not considered a suitable location for the purpose of assisting drop off/pickup. Church Street is a busy arterial road with trams and cyclists travelling immediately adjacent to this car parking space. Therefore, this recommendation by VicRoads will not be pursued.

198. Council's Engineering Unit is supportive of the addition of the turning bay and removal of one car space, stating that the swept path assessment turning bay diagram (sketch plan dated 05.06.2018) demonstrates adequate access for a B85 design vehicle into and out of the turning bay. It has been requested that the wheelchair symbol and wheel stop are removed from the turning bay.

199. In order to assist in traffic management associated with the proposed use, the Applicant's Traffic Engineers have recommended that should a planning permit is issued, a 'Parking Management Plan' be prepared, prior to the commencement of operation of the centre. This would ensure the parking operations of the childcare centre are conducted in a safe and orderly manner and *all staff and parents would need to be made aware of the adopted Parking Management Plan*. As stated earlier in the report, the location of the proposed signage; 'No Right Turn' and 'Left Turn Only' are recommended to be detailed on this report. These conditions will be incorporated in the event a planning permit is issued.

<u>Signage</u>

200. It is important to note that this application does not propose signage for the actual use of the site; i.e. business identification sign, etc.; rather direction signage to guide vehicle movements to and from the site (as recommended by the Applicant's traffic consultants and VicRoads). Given that only a sketch plan has been provided, showing the location of the proposed signs, a condition on any permit issued will require the location and dimensions of the signs to be provided.

201. The sketch plan provided on 17 August 2018 shows a 'Left Turn Only' sign to be provided south of the proposed crossover, and a 'No Right Turn' sign at the site's exit point (outside of the subject site's front title boundary). Given the 'No Right Turn' sign will be located outside of the subject site's title boundaries; this sign does not form part of any planning considerations, and approval will need to be obtained through another unit within Council. Nevertheless, both signs were referred to Council's Traffic Engineering Unit who advised they are supportive of the placement of these signs.

202. *Clause 22.04* (*Advertising signs policy*) of the Scheme provides the relevant decision guidelines for assessing advertising signs, and can be assessed under the following categories:

*Design*

203. The decision guidelines at *Clause 22.04* encourage signage to not form a dominant visual element within the streetscape and cause visual clutter.

204. The proposed non-illuminated, direction signs would be relatively small in scale; given its purpose. In addition, the proposed 'Left Turn Only' sign will be limited to the southern portion of the subject site, near the crossover. As such, the scale and form of the sign complies with *Clause 22.04-3.1* of the Scheme and will not dominate the proposed double-storey development on site or surrounding dwellings.

*Streetscape*

205. The sign will not obscure important views or vistas as it will be located on the ground floor. The sign will be located over 30m north and south of traffic lights, and as such will not interfere with traffic signals or street signs. As stated previously, the proposed sign has been recommended in order to eliminate any conflict between the users of the childcare centre and other vehicles which use Church Street.

*Residential and Heritage areas*

206. As the scale, type and location of the sign is limited and small compared to the size of the new building on-site as well as the adjacent individually-significant dwellings to the south, the proposed sign will not dominate these buildings, or obscure any important heritage features. Therefore, the proposed sign is acceptable.

207. Overall, it is considered that the proposed signage is generally consistent with policy at *Clause 22.04* of the Scheme.

<u>Development abutting a laneway</u>

208. Whilst built form along the northern boundary is proposed, all plans show that the works will be within the title boundaries of the subject site. In addition, the mix of materials proposed, i.e. rendered brick and timber battens, etc. will respect the mix of built form along the ROWs.
209. The main pedestrian access continues to be from Church Street and not the ROW. Whilst a pedestrian door is shown from the ROW, a notation confirms that this gate will be locked from outside and restricts the public from using it.

210. The laneway will not be used for any form of storage. A dedicated 'store' area is shown within the proposed childcare centre.

211. The proposed development complies with the requirements of *Clause 22.07* of the Scheme.

<u>Objector Concerns</u>

212. The majority of concerns raised by the objectors have been addressed in the above assessment. A summary of the response to objector concerns is provided as follows:

213. *Design, including inappropriate materials with regard to the existing neighbourhood character.*

The overall design, materials and impacts on the existing neighbourhood has been discussed in paragraphs 123 to 129.

214. *Over development of the site (height, site coverage).*
The site coverage is discussed in paragraph 135, and the height of the proposal is discussed in paragraph 125.

215. *Increase in noise impacts on residential uses.*
Noise impacts have been discussed in paragraphs 163 to 174.

216. *Excessive hours of operation.*
Hours of operation have been discussed in paragraph 116 and paragraphs 170 to 173.

217. *Safety concerns (location of the childcare centre).*
This is not a planning consideration and will be managed by the staff at the childcare centre.

218. *Amenity impacts (overshadowing, overlooking).*
Shadows impacts have been discussed in paragraph 153 to 156 and overlooking has been discussed in paragraphs 157 to 162.

219. *Heritage concerns*.
Heritage concerns have been discussed in paragraphs 121 to 129.

220. *Impact on existing car parking, increased traffic and creation of access to Church Street.*
Impacts on existing car parking and traffic have been discussed in paragraphs 179 to 199.

221. *Congestion during the construction phase.*
This will be managed by Council's Construction Department.

**Conclusion**

The proposal demonstrates an acceptable level of compliance with the policy requirements outlined in the Yarra Planning Scheme. Based on the above report, the proposal is considered to comply with relevant planning policy and is supported, subject to conditions.

**RECOMMENDATION**

That a Notice of Decision to Grant a Planning Permit PLN17/0635 be issued for use and development of the land at No. 371 Church Street Richmond as a Childcare centre, including full demolition of the existing building, construction of a double-storey building, construction and display of direction signage, creation of access to a Category 1 Road Zone and associated reduction in the car parking requirement (with car parking for staff provided at No. 326 - 348 Church Street Richmond), generally in accordance with the plans and reports stamped as the "decision plans" and subject to the following conditions:

**Amended plans**

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by InSite Architects (Rev.02: TP03, TP02, TP04, TP05, TP06, TP07 - dated 04.10.2017; and materials and finishes schedule), but modified to show:

(a) The removal of one car space to accommodate a turning bay and subsequent changes to the parking layout as per sketch plans; SK01 (prepared by Ratio Consultants and dated 05.06.2018), including the removal of the disabled sign from the proposed turning bay.
(b) Location of the proposed 300mm deep raingardens.
(c) Location and dimensions of the proposed direction signage as per sketch plans (prepared by Ratio Consultants dated 17.08.2018).
(d) Details of proposed fencing on all elevations.
(e) Dimensions of all proposed works above natural ground level on all elevations.
(f) The following to demonstrate no unreasonable overlooking into adjoining sensitive areas:
    (i) North-facing, habitable room windows at ground floor and first floor;
    (ii) Northern perimeter of the outdoor play areas at first floor.
(g) Section of the original fencing to be removed, reused on site.
(h) The location and heights of all acoustic fences/barriers to match the locations and heights recommended in the Acoustic Report, prepared by Vipac Engineers & Scientists, dated 21.02.2018.
(i) The proposed driveway and car park be constructed using a permeable material.
(j) A minimum clearance of 300mm to be provided for car spaces adjacent to walls.
(k) Column depths and walls to be dimensioned on plans.
(l) Dimensions of the visibility triangle on the relevant plans.

**Childcare centre use**

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

3. No more than 87 children are permitted on the land at any one time.

4. No more than 16 staff is permitted on the land at any one time.

5. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the hours of 6:30am and 7:00pm, Monday to Friday.

6. Except with the prior written consent of the Responsible Authority, the use of the outdoor play areas authorised by this permit may only operate between the hours of 9:00am and 5:00pm, Monday to Friday.

**Off-site car parking**

7. Prior to the commencement of the approved use and at all times during the approved use, the eight (8) car parking spaces on the land at 326 – 348 Church Street Richmond must be made available for the approved use at 371 Church Street Richmond, to the satisfaction of the Responsible Authority.

**General amenity**

8. The amenity of the area must not be detrimentally affected by the use or development, including through:

    (a) the transport of materials, goods or commodities to or from land;
    (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.

9. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).

10. Before the use commences, 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.

11. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm on any day.

12. Before the use commences, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the car park, pedestrian walkway and building entrances must be provided within the property boundary. Lighting must be:

    (a) located;
    (b) directed;
    (c) shielded; and
    (d) of limited intensity,

    to the satisfaction of the Responsible Authority.

13. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:

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

**Acoustic Report**

14. The provisions, recommendations and requirements of the endorsed Acoustic Report prepared by Vicpac Engineers & Scientists and dated 28.02.2018 must be implemented and complied with to the satisfaction of the Responsible Authority.

**Sustainable Development Assessment**

15. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment prepared by Sustainability House dated 01.11.2017, must be implemented and complied with to the satisfaction of the Responsible Authority.

**Waste Management Plan**

16. The provisions, recommendations and requirements of the endorsed Waste Management Plan prepared by Ratio Consultants dated 05.10.2017, must be implemented and complied with to the satisfaction of the Responsible Authority.

**Landscape Plan**

17. Before the use commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Nature Playgrounds dated 02/08/2017, but modified to include (or meet):

    (a) Information on the proposed pavement materials.
    (b) Details of the raised planters, including drainage method.

18. Before the use commences, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

    (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
    (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
    (c) replacing any dead, diseased, dying or damaged plants,

    to the satisfaction of the Responsible Authority.

**Tree Management Plan**

19. The provisions, recommendations and requirements of the endorsed Tree Management Plan prepared by Glenn Waters and dated 22.05.2017 must be complied with and implemented to the satisfaction of the Responsible Authority.

**Car Parking Management Plan**

20. Before the use commences, a Car Parking Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Traffic Management Plan will be endorsed and will form part of this permit. The Car Parking Management Plan must address, but not be limited to, the following:

    (a) the number and location of car parking spaces allocated to employees and visitors;
    (b) the management of on-site car parking spaces; and
    (c) a schedule of all proposed signage including direction arrows and signage, informative signs indicating location of bicycle parking, exits, restrictions, etc.,

    to the satisfaction of the Responsible Authority.

21. The provisions, recommendations and requirements of the endorsed Car Parking Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

**Signage**

22. 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.

23. The signs must not be illuminated by external or internal light.

24. The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.

25. 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.

26. The signage component of this permit expires 15 years from the date of the permit.

**Infrastructure**

27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing(s) must be constructed:

(a) in accordance with any requirements or conditions imposed by Council;
(b) at the permit holder's cost; and
(c) to the satisfaction of the Responsible Authority.

28. Before the use commences, 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.

29. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

30. Before the use commences, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works at 371 Church Street Richmond must be:

    (a) constructed and available for use in accordance with the endorsed plans;
    (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
    (c) treated with an all-weather seal or some other durable surface; and
    (d) line-marked or provided with some adequate means of showing the car parking spaces

    to the satisfaction of the Responsible Authority.

**VicRoads Conditions (condition 31)**

31. Before the use approved by this permit commences the following roadworks on Church Street, Richmond must be completed at no cost to and to the satisfaction of the Responsible Authority and or the Roads Corporation:

    (a) The installation of signs, line marking, a left painted arrow out and associated road works permitting only “left turn in” and “left turn out” vehicular access from Church Street.
    (b) Modification or removal of any existing car parking spaces and associated road works on the east side of Church Street to accommodate the new vehicular access arrangement.

**Expiry**

32. This permit will expire if:

    (a) the development is not commenced within two years of the date of this permit;
    (b) the development is not completed within four years of the date of this permit; and
    (c) the use is not commenced within five years from 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 external works.

A building permit maybe required before development is commenced. Please contact Council’s Building Services on 9205 5095 to confirm.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council’s Building Services on 9205 5095 for further information.

All future employees within the development approved under this permit will not be permitted to obtain employee parking permits.

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

A local law permit may be required for tree removal. Please contact Council's Compliance Branch on 9205 5063.

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5585 for further information.

Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority.

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

VicRoads Note:

Separate consent may be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for buildings and works (i.e. canopies and architectural features/ projections) undertaken outside the title boundary within a Road Zone Category 1 (i.e. Church Street). Please contact VicRoads prior to commencing any works.

**CONTACT OFFICER:** **Nish Goonetilleke**
**TITLE:** **Senior Statutory Planner**
**TEL:** **9205 5005**

**Attachments**

**1** PLN17/0635 - 317 & 326 - 348 Church Street Richmond - Site Location Plan
**2** PLN17/0635 - 371 & 326 - 348 Church Street Richmond - Heritage advice
**3** PLN17/0635 - 371 & 326 - 348 Church Street Richmond - SLR Comments
**4** PLN17/0635 - 371 & 326 - 348 Church Street Richmond - Engineering comments
**5** PLN17/0635 - 317 & 326 - 348 Church Street Richmond - VicRoads Comments
**6** PLN17/0635 - 371 and 326 - 348 Church Street Richmond - Decision Plans
**7** PLN17/0635 - 317 & 326 - 348 Church Street Richmond - Sketch Plan 05.06.2018

# Attachment 1 - PLN17/0635 - 317 & 326 - 348 Church Street Richmond - Site Location Plan

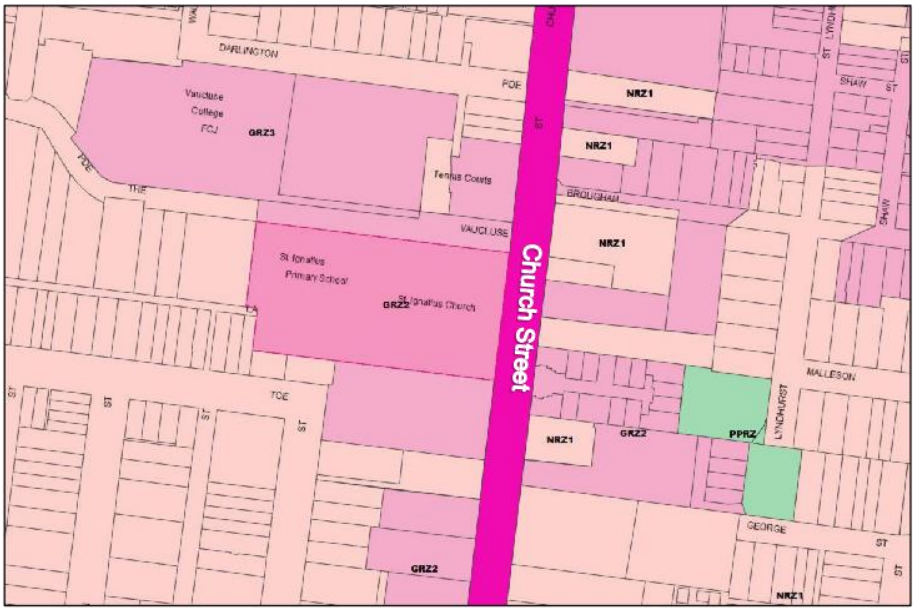
**SUBJECT LAND: 371 Church Street Richmond** ⇧ North Subject Site

**Location of Proposed Childcare Centre**

# Attachment 1 - PLN17/0635 - 317 & 326 - 348 Church Street Richmond - Site Location Plan

**SUBJECT LAND: 326 – 348 Church Street Richmond** ⇧ **North** **Subject Site**

**Location of Proposed Car Parking Spaces**



*Aerial view of No. 326 – 348 Church Street Richmond - car parking spaces highlighted in yellow*

**Attachment 2 - PLN17/0635 - 371 & 326 - 348 Church Street Richmond - Heritage advice**

# City of Yarra
# Heritage Advice

| | |
|---|---|
| ***Application No.:*** | *PLN17/0635* |
| ***Address of Property:*** | ***371 Church Street, Richmond*** |
| ***Planner:*** | *Nish Goonetilleke* |
| ***Yarra Planning Scheme References:*** | *STATE POLICY:*<br>• *Clause 15.03 Heritage*<br>*LOCAL POLICY:*<br>• *Clause 21.05-1 Built Form (Heritage)*<br>• *Clause 43.01 Heritage Overlay*<br>• *Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay* |
| ***Heritage Overlay No. & Precinct:*** | *HO315 – Church Street Precinct*<br>*Schedule to the heritage overlay: Paint controls* |
| ***Level of significance:*** | *Non-contributory (Appendix 8, City of Yarra Review of Heritage Overlay Areas 2007- updated Feb 2017)* |
| ***General description:*** | *Full demolition for the construction of a two storey childcare centre including new crossover and new fence treatment.* |
| ***Drawing Nos.:*** | *Set of 9 x A1 drawings prepared by InSite Architects, received by Council and date stamped 10 November 2017* |

**DESCRIPTION OF THE HO315 AREA**

The precinct is historically significant as one of the first parts of Richmond to be subdivided and developed, as expressed by early buildings like Messenger House 333 Church Street, from the 1840s. It is also historically significant as the chosen site for a high number of important 19th and early 20th century ecclesiastical and civic buildings, and some Melbourne landmarks, as well as substantial residential buildings that were attracted to the area by its elevated topography, high amenity and proximity to churches. (Criterion A)

The precinct is also historically and socially significant, as the site of key civic or institutional buildings in Richmond from the 19th century through to the 1920s (i.e. The Richmond RSL Hall), and the commercial development extending up Church Street from the Swan Street and Bridge Road shopping areas with shops dating from the late 19th and early 20th centuries, as part of the cultural context of Victorian and Edwardian-era life on the hill. (Criterion A)

The precinct is aesthetically significant for its impressive collection of architecture from the late nineteenth and early twentieth century such as the William Wardell-designed St Ignatius Roman Catholic Church, which is a well-known and prominent landmark across the metropolitan area. (Criterion E)

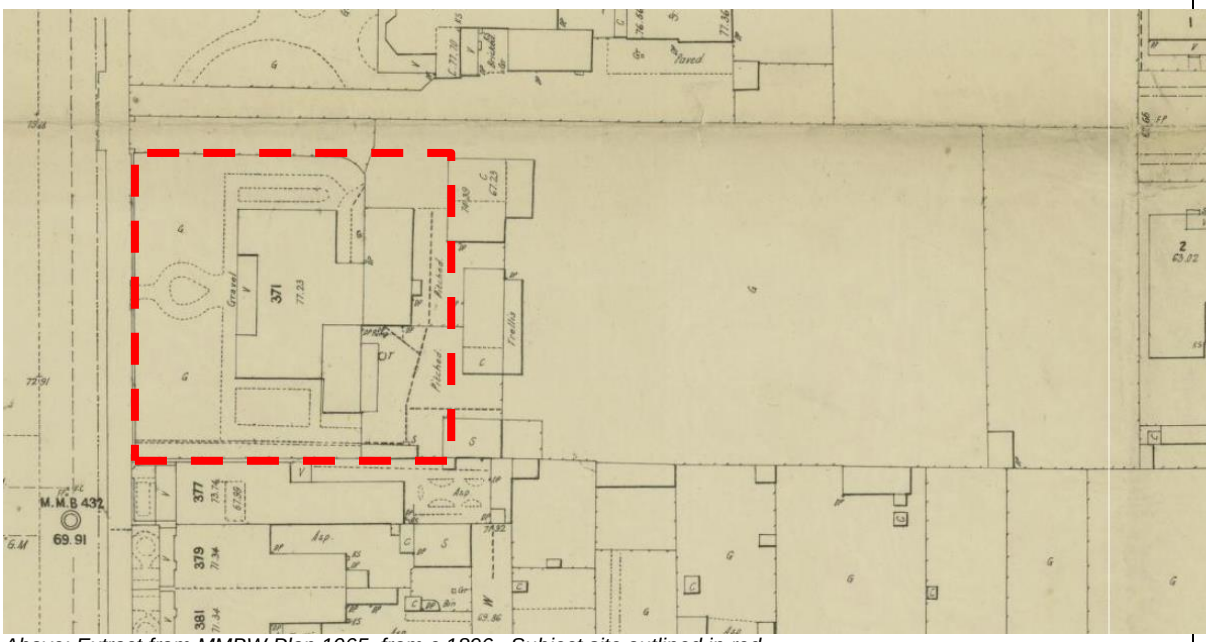
**CONTEXT DESCRIPTION:**

The subject site is a square allotment with principal frontage to Church Street and no rear or side access. There is a walkway to the north which allows views to the property from No.361 Church Street. It is located on the eastern side of the street, between Elm Grove to the south and Brougham Street to the north.

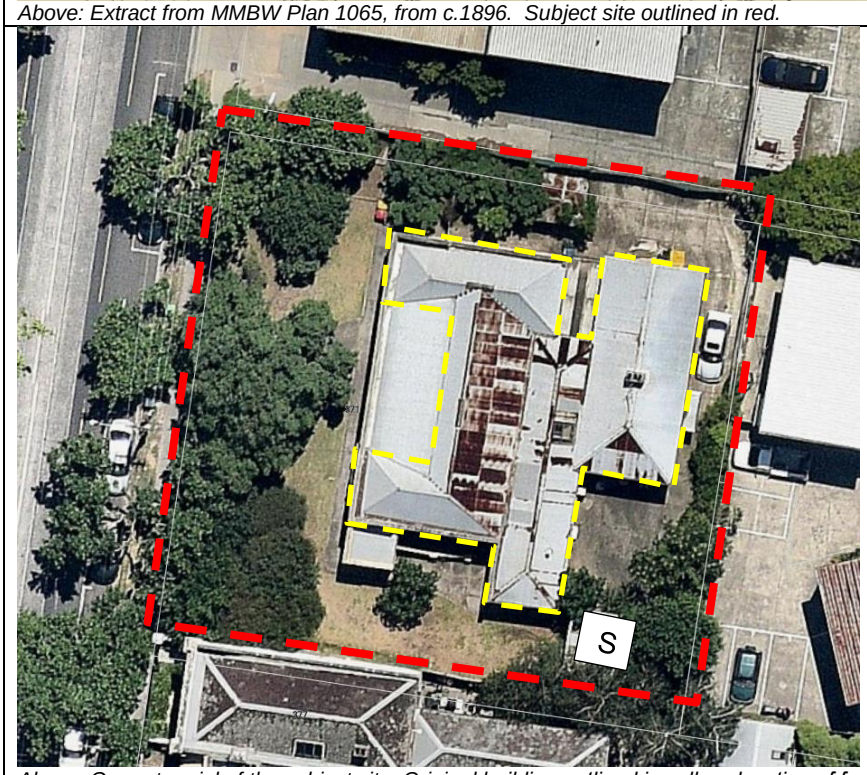
Historically the site appears to have originally been a Victorian-era villa. The MMBW shows a building footprint which is still extant today, although the original building has been substantially altered and is barely recognisable. The site is contained by a cast iron palisade fence set in a large bluestone base which steps down toward the south.

## Attachment 2 - PLN17/0635 - 371 & 326 - 348 Church Street Richmond - Heritage advice

Immediately adjoining the subject site to the south is a row of four two-storey Victorian-era terrace houses which are all individually significant. To the north is a block of two-storey apartment buildings which are non-contributory. Despite the high number of individually significant properties in the area, immediately across from the subject site are a number of non-contributory apartment buildings. Large and well established trees help to conceal non-contributory properties in the summer.



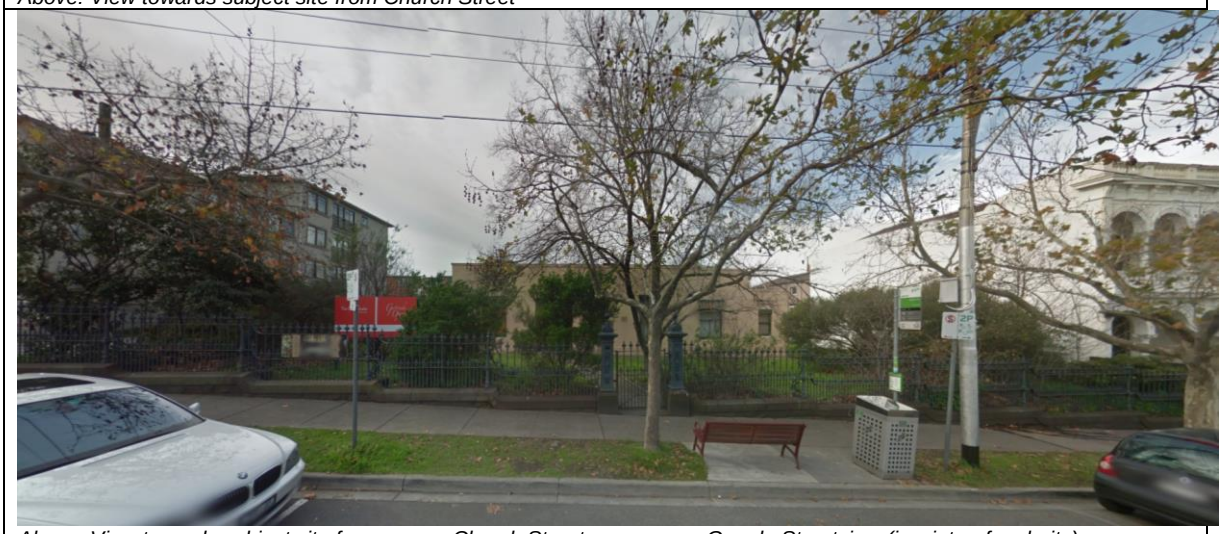

*Above: Extract from MMBW Plan 1065, from c.1896. Subject site outlined in red.*




*Above: Current aerial of the subject site. Original building outlined in yellow, location of former stables denoted by 'S'.*

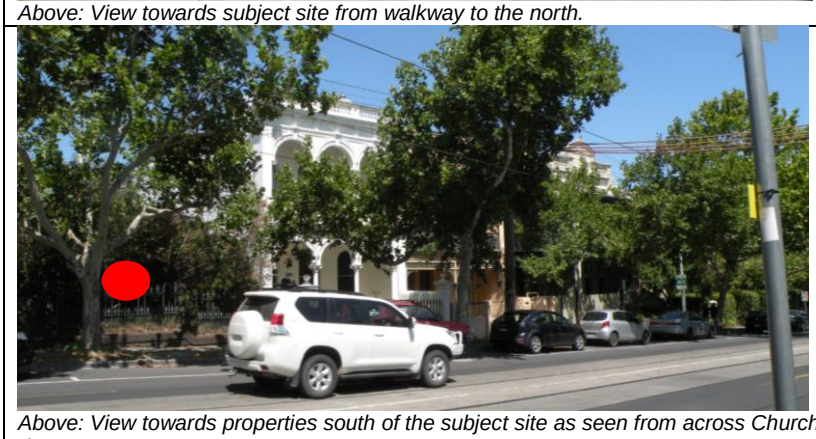
## Attachment 2 - PLN17/0635 - 371 & 326 - 348 Church Street Richmond - Heritage advice

*Above: View towards subject site from Church Street*



*Above: View towards subject site from across Church Street, as seen on Google Streetview (in winter, for clarity).*

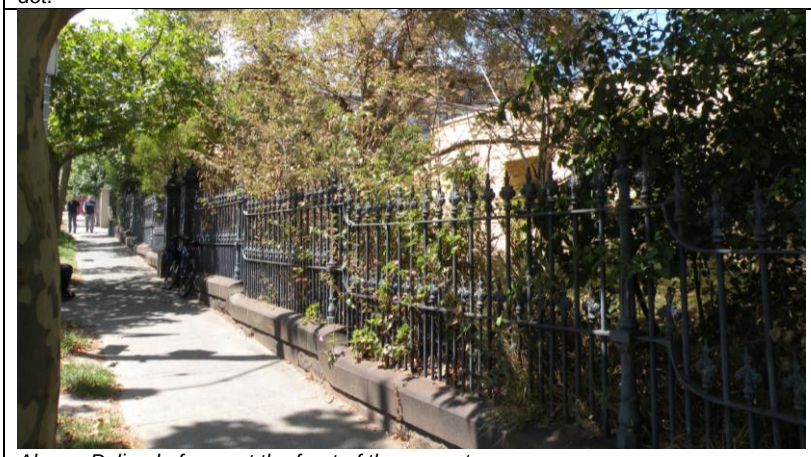
*Above: View towards subject site from walkway to the north.*



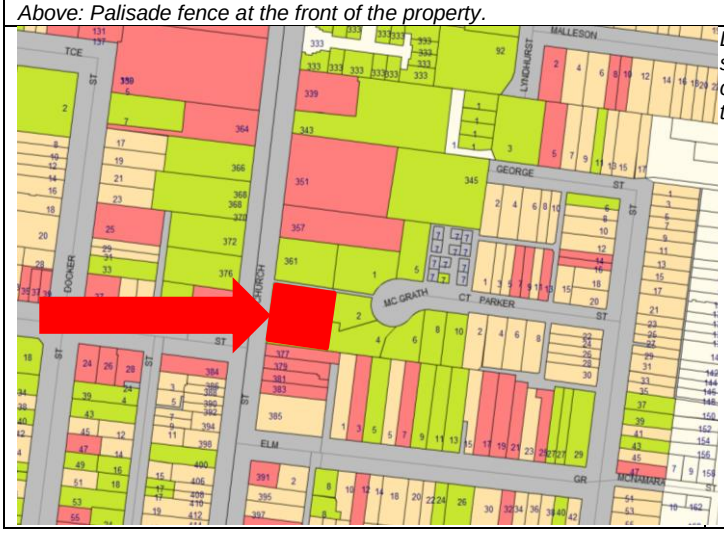
*Above: View towards properties south of the subject site as seen from across Church Street. Subject site denoted by red dot.*

## Attachment 2 - PLN17/0635 - 371 & 326 - 348 Church Street Richmond - Heritage advice

*Above: View towards properties north of the subject site as seen from across Church Street. Subject site denoted by red dot.*



*Above: Palisade fence at the front of the property.*




*Left: Extract from Yarra GIS showing individually significant (pink), contributory (cream) and non-contributory (green) buildings within the vicinity of the subject site (red).*

**ASSESSMENT OF PROPOSED WORKS:**

<u>Comments regarding proposed demolition:</u>

The extent of demolition proposed by this application includes full demolition of all structures on the site, excluding the palisade fence.

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 generally encourages the retention of a building in a heritage place, unless

- The building is identified as being **not contributory**.

## Attachment 2 - PLN17/0635 - 371 & 326 - 348 Church Street Richmond - Heritage advice

No new evidence has been produced to suggest that the property's status should be changed to contributory. Apart from the fence, it appears that much of the main building has been so unsympathetically altered that that its original character is beyond recognition from Church Street.

Although restoration of a heritage place is encouraged by Clause 22.02-5.3, this is dependent on evidence to support its accuracy. It is believed that despite a number of period features scattered within the building, evidence to support the accuracy of any restoration or reconstruction of the original building is not known to exist.

**Full demolition of the existing building is supported as it will not adversely affect the broader heritage precinct.**

*Palisade fencing:*

The proposal requires partial demolition of the existing front fence to allow vehicular access to the site. The original access point for vehicles to the property was along the northern boundary of the site. This area is now outside of the title boundaries. The request for a point of vehicular access to the site is not considered unreasonable. The most appropriate location for an opening would be at either end of existing fence. The proposal to remove a section of palisade fencing at the southern end is therefore considered acceptable. The section of fencing removed should however be retained on site in a meaningful location shown on the approved drawings.

<u>Comments regarding new development, alterations and additions:</u>

The extent of new works proposed by this application includes development of a two-storey childcare facility.

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

*Setbacks:*

The proposed front setback for the new development will be 7.8 metres from the front title boundary, which is approximately 2metres behind the verandah of immediately adjoining individually significant buildings. The setback is for an open outdoor plan area (deck). The façade is setback over 14.5metres from the front title boundary.

The proposed setback would allow individually significant buildings to dominate in this section of Church Street, and would maintain a significant garden setback as originally designed. **The proposed front setback is supported.**

The proposed side setbacks for the new development will be 1.8 metres from the northern boundary and over 5.9 metres from the southern boundary (to allow for a driveway to car parking). **The proposed side setbacks are supported** as ensuring new fabric is sufficiently setback from individually significant fabric; and for reducing the width of the new development.

However the wide setback will create a new 'void' which was traditionally landscaped area contained behind a traditional fence (which needs to be demolished in this zone to allow access). **It is strongly recommended that the driveway be constructed using a permeable driveway** (see image below) to help reduce the amount of bare concrete in this zone. A permeable driveway will also help to assist with stormwater management on the site.

## Attachment 2 - PLN17/0635 - 371 & 326 - 348 Church Street Richmond - Heritage advice

*Above: examples of permeable driveway that would reduce the visual impact of a large hard standing area for cars on the streetscape*

*Scale/height:*

The proposed facade height for the new development will be 6.3metres. Immediately surrounding individually significant properties are between 6metres and 9metres tall, not including the churches which are much larger. **The scale of the new development is supported** as being appropriate for, and recessive within the historic context.

*Appearance:*

Clause 22.02-5.7.1 of the Yarra Planning Scheme encourages the design of new development 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 principle façades.
- Consider the architectural integrity and context of the heritage place or contributory element

A contemporary design approach has been adopted for the proposed new building. This approach is not unacceptable provided that adequate respect is given to the heritage character of the surrounding area.

Surrounding contributory properties are generally:

- Masonry with painted or rendered finish; or bluestone walls
- Slate or sheet metal roofing
- Timber windows and doors
- Cast iron balustrades
- Cast iron and bluestone palisade, or timber picket, fences
- Have well established gardens.

The proposed external materials for the new development will be: grey rendered walls, glass and timber batten balustrades, aluminium copper feature awnings and dark coloured windows and roof. Overall the material palette is light and recessive and the feature aluminium cladding will be setback over 14.5metres from the front title boundary, so won't overly detract from the HO area. **The material palette is supported.**

The plans note that there is a landscape plan for the outdoor play area at the front of the property. A landscaped area in this zone is supported for maintaining a deep garden setback, and for detracting from contemporary materials behind.

**Regarding new secondary fence:**

New fences are required around the site, as it is a childcare centre. The plans note that a new fence constructed of clear Perspex on steel posts is to be built behind the existing palisade fence. It is strongly recommended that the new fence be setback from the original fence so that the space between the two can be planted out and eventually conceal the appearance of the secondary fence.

**Regarding the proposed bin store:**

The location of the proposed bin store will be forward of the main building, i.e. within the front setback of the property. This is not considered an appropriate location for such a built structure as front setbacks

## Attachment 2 - PLN17/0635 - 371 & 326 - 348 Church Street Richmond - Heritage advice

within this part of Church Street were traditional reserved for garden landscaping. The proposed bin store will be clearly visible from the street and not in character with the street where such structures are usually setback either to the side or rear of the main building.

The location of the proposed bins tore must be setback behind the alignment of the main building at ground level.

**RECOMMENDATIONS:**

On heritage grounds the works proposed in this application may be approved subject to the following conditions:

1) That the section of original fencing to be removed must be retained on site in a meaningful location shown on the approved drawings;
2) That the proposed new front fence be setback from the original palisade fence so that the space between the two can be planted out and eventually conceal the appearance of the secondary fence;
3) That that the proposed driveway and car park be constructed using a permeable material that softens the visual impact of the hard standing area from the street;
4) That the location of the proposed bin store must be setback behind the alignment of the main building at ground level.

**SIGNED:**

Ruth Redden

**DATED: 31 January 2018**

**Attachment 3 - PLN17/0635 - 371 & 326 - 348 Church Street Richmond - SLR Comments**

23 January 2018

640.10090.05140 371 and 326-348 Church St Richmond 201701.docx

City of Yarra
PO Box 168
Richmond VIC 3121

**Attention: Nish Goonetilleke**

Dear Nish

**371 & 326-348 Church Street, Richmond**
**Planning Assessment Acoustical Review**
**PLN 17/0635**

SLR Consulting Australia Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the acoustic assessment report for the childcare centre proposed for 371 & 326-348 Church Street, Richmond.

Details of the report are as follows:

- Title: Proposed childcare Centre – 371 Church Street, Richmond
- Reference: 3OU-17-0133-DRP-633253-1
- Date: 5 October 2017
- Prepared by: Vipac Engineering and Scientists (Vipac)

## 1 Project Details

*(Sections 1 to 4 of the acoustic report)*

The proposal is for a new 87 placement, two level childcare centre to be constructed at 371 Church Street Richmond.

The breakdown of children numbers into age groups is provided.

Noise sensitive receivers are identified, and the receiver height (number of storeys) is provided.

The report has been prepared to address voice noise impacts from outdoor play areas of the childcare centre.

The locations of the outdoor play areas are shown in the drawings referred to in the acoustic report. The proposal includes:

- A large (216 m²) ground floor outdoor play area adjacent to Church Street
- A smaller (89 m²) ground floor outdoor play area in the south east corner of the site

**SLR Consulting Australia Pty Ltd** Suite 2, 2 Domville Avenue Hawthorn VIC 3122 Australia
+61 3 9249 9400 +61 3 9249 9499
E: melbourne@slrconsulting.com www.slrconsulting.com
ABN 29 001 584 612

- A large (314 m²) first floor outdoor play area wrapping around the western and southern sides of the building.

***SLR Comment:***

*The site, the proposed use and the development is adequately described and the nearest noise sensitive receivers have been clearly identified. We note, however, that the building at 361 Church Street is four levels high to the eastern end of the site (the report identifies the building at this address as being 3 storey).*

*The proposed hours of operation for the childcare centre are not stated, although Vipac recommend that outdoor play be restricted to the hours of 9 am to 5 pm. The planning report for the project indicates that the application is for 6:30 am to 7 pm Monday to Friday.*

*Noise impacts to and from the site are not explicitly identified, however the report has been prepared to address impacts from children's voice noise.*

*Noise impacts from vehicle movements (particularly during the early morning drop off period), and from mechanical plant (e.g. air conditioning plant and kitchen exhaust fans), are typically also addressed in assessments of noise from childcare centres. Noise impacts to the centre from ambient sources such as road traffic are also usually considered.*

## 2 Background Noise Monitoring

*(Section 5 of the acoustic report)*

An attended measurement of background noise was conducted on 19 September 2017 between 10 am and 11 am in the front garden of the subject site at 371 Church Street. The measured background noise level was 51 dBA $L_{90}$.

***SLR Comment:***

*The noise measurement was undertaken outside peak hour, during a time when impacts from voice noise are likely to be greatest. Consequently the limited attended measurement (as opposed to an extended period of unattended noise monitoring) is a reasonable approach to quantifying background noise levels for the purpose of setting noise limits.*

*This location appears reasonable for the setting of noise limits to locations equally exposed to road traffic noise. However, dwellings to the rear of the site, e.g. R3 and R4, and to a lesser extent R2 and the rear of R6, are not as exposed to Church Street, and consequently the background levels at these locations may be lower. Additional attended measurements towards the rear of the subject site would have assisted in determining the background noise levels at receiver locations more distant and/or more shielded from Church Street.*

## 3 Childcare Centre Assessment Standards and Noise Limits

*(Section 6 of the acoustic report)*

Children's voice noise is proposed to be assessed to an $L_{eq}$ target of 'background + 5 dB' for extended periods of outdoor play, and 'background + 10 dB' for up to two hours of outdoor play. This approach is consistent with the Association of Australian Acoustical Consultants (AAAC) 'Guideline for Childcare Care Centre Acoustic Assessment (2013).

The identified noise limits are 56 dBA $L_{eq}$ for extended periods of play, and 61 dBA $L_{eq}$ if the outdoor areas are used less than 2 hours per day.

***SLR Comment:***

*There is some consensus among acoustical consultants that the AAAC guideline noise limit for extended periods of outdoor play is inappropriately stringent. The resultant noise limits can be extremely difficult to meet and can effectively preclude outdoor play in some instances. They can also be lower than the limits applied to commercial noise. In our reviews of childcare centres for the City of Yarra we have approved noise limits of 'background + 10 dB' and SEPP N-1 limits for daytime use of outdoor play areas. However, as indicated above, lower background noise levels are likely to be relevant for a number of receivers. These may offset the less stringent criteria we have proposed.*

## 4 Voice Noise Assessment

*(Sections 6 and 7 of the acoustic report)*

Noise from the outdoor play area has been modelled using the SoundPlan noise modelling package.

Noise data for children in the outdoor play area has been sourced from the AAAC guideline for childcare centres. The mid-point in the AAAC recommended range of noise levels has been used in the modelling.

The following acoustic barriers have been incorporated in the model:

- 2.5 m high along the northern boundary (both ground floor and first floor)
- 1.8 m around the first floor outdoor play area
- 2.0 m high along the eastern boundary, adjacent to the small ground floor outdoor play area
- 1.8 m high along the western side of the large ground floor outdoor play area.

A 3-D image of the noise model, showing the sources as extended area sources, is included in Appendix B.

Modelling has been undertaken for two scenarios:

- All children playing outside (assessed to 'background + 10 dB'), and
- 50% of children outside (assessed to 'background + 5 dB').

The predicted noise levels at receiver locations are up to 60 dBA $L_{eq}$ for all children playing outside, and 57 dBA $L_{eq}$ for 50% of children. The predicted levels comply with the identified noise limits for the scenarios modelled, however Vipac note that an exceedance of 4 dB may occur if all children are outside for extended periods.

***SLR Comment:***

*The child voice noise data used by Vipac is not representative of 'worst case'. This approach is reasonable provided that the assessment is moderately conservative in other areas, such as in the identification of noise limits, prediction methodology, modelling scenarios and compliance margin.*

*Our indicative calculations suggest similar voice noise levels at receiver locations to those presented by Vipac.*

## 5 Other Matters

### 5.1 Road Traffic Noise to the Childcare Centre

Noise to the outdoor play areas of the childcare centre is not directly addressed in the acoustic report. The AAAC guideline recommends that traffic noise in outdoor play areas should not exceed 55 dBA $L_{eq,1hr}$. While an explicit assessment of noise impacts to the childcare outdoor play areas has not been conducted, it would appear unlikely that the levels would exceed 55 dBA $L_{eq,1hr}$ given the noise barriers proposed by Vipac. As such, further consideration of this issue is not necessary from our perspective.

### 5.2 Vehicle Noise from the Childcare Centre

Noise from vehicles and voice as children are dropped off at the centre is not assessed. For this centre, which proposes to operate during the 6:30 am to 7 am period, consideration should be given to the issue of sleep disturbance.

However, the child drop off carpark will be accessed via Church Street, and the carpark itself is in close proximity to this major road and tram line. Given that ambient noise levels are currently high, noise impacts from use of the carpark to existing dwellings would seem unlikely. As such, further consideration of this issue is not necessary from our perspective.

### 5.3 Mechanical Services Noise

Noise from mechanical services associated with the project should meet SEPP N-1 limits at all existing dwellings. The project is likely to include a number of air conditioning condenser units and a kitchen exhaust fan. Given that the site is surrounded by overlooking dwellings, there is potential for equipment to be located such that SEPP N-1 limits are exceeded. We recommend that the noise limits be identified in the report and that indicative advice is provided regarding management of noise. The SEPP N-1 zoning levels could be used to provide an adequate indication of noise limits, or the limits could be based on further background noise monitoring (the current background noise monitoring conducted at the front of the site is not sufficient for determining SEPP N-1 noise limits to other receiver locations).

## 6 SLR Summary

The acoustic report prepared for the childcare centre proposed for 371 Church Street generally addresses the issues of noise from the proposed use. Moderately high noise barriers have been proposed, and Vipac recommend that the outdoor areas are only used between the hours of 9 am and 5 pm. We have raised several issues with respect to the report and these should ideally be addressed. However the issues raised may not have significant implications for the overall design. A summary of the items we have raised is provided below:

- The background noise levels used to set noise limits are, in our opinion, inappropriate for receivers that are more distant or more shielded from Church Street than the measurement location. Measurements relative to these receivers should ideally be undertaken. This may involve measuring closer to the eastern boundary of the site with the microphone on a pole, or measuring at ground level, set as far back from Church Street as far as possible, but still with a limited line of sight to the road (the more critical elevated receivers all have some exposure to traffic noise from Church Street).
- The 'background + 5 dB' target proposed, while in accordance with the AAAC guideline document for voice noise from childcare centres, is more stringent than we have accepted on other City of Yarra projects. We have approved targets of 'background + 10 dB' for extended use of outdoor play areas in recognition that outdoor play is important to children's health, and that the 'background + 5 dB' target cannot practically be met in many situations. We have also accepted assessment of noise from outdoor play areas to SEPP N-1 based noise limits.

**Attachment 3 - PLN17/0635 - 371 & 326 - 348 Church Street Richmond - SLR Comments**



- The mid-point (rather than the upper level) of the AAAC voice level range for children has been used by Vipac in the assessment (many consultants use the upper level). This approach removes a level of conservatism from the assessment. It is acceptable provided that the assessment is not overly optimistic in other areas. This approach would, for example be reasonable from our perspective provided that noise limits were predicted to be met for at least 80% of children playing outside.
- Assessment should also be conducted to the fourth floor receivers at 361 Church Street.

In summary, we recommend that compliance with 'background + 10 dB' targets to be demonstrated with noise limits based on revised background noise levels at more shielded locations, assuming at least 80% of children are playing outside. The use of the mid-point for the sound power levels is considered reasonable if this approach is adopted.

An indicative assessment should also be provided in the report for mechanical plant noise. This assessment should include identification of noise limits and general guidance for achieving those limits, such as an indication of suitable locations for plant and equipment, and the potential for noise barriers to be required. We recognise that a full assessment of plant and equipment is unlikely to be able to be conducted during this stage of the design.

Yours faithfully,

Dianne Williams
Associate – Acoustics

Checked by: JA

**Attachment 4 - PLN17/0635 - 371 & 326 - 348 Church Street Richmond - Engineering comments**

CITY OF YARRA

# MEMO

| | | |
|---|---|---|
| **To:** | **Artemis Bacani** | |
| **From:** | **Nish Goonetilleke** | |
| **Date:** | **28 February 2018** | |
| **Subject:** | **Application No:** | **PLN17/0635** |
| | **Description:** | **Child Care Centre** |
| | **Site Address:** | **371 Church Street, Richmond** |

I refer to the above Planning Application received on 1 December 2017 and the accompanying Traffic Impact report prepared by Ratio Consultants in relation to the proposed development at 371 Church Street, Richmond. Council's Engineering Services unit provides the following information:

## CAR PARKING PROVISION

### Proposed Development

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

| Proposed Use | Quantity/ Size | Statutory Parking Rate | No. of Spaces Required | No. of Spaces Allocated |
|---|---|---|---|---|
| Child Care Centre | 87 Children | 0.22 spaces to each child | 19 | 15 |

The development has a parking shortfall of four spaces. To reduce the number of car parking spaces required under Clause 52.06-5 (including to reduce to zero spaces), the application for the car parking reduction must be accompanied by a Car Parking Demand Assessment.

### Car Parking Demand Assessment

In reducing the number of parking spaces required for the proposed development, the Car Parking Demand Assessment would assess the following:

- *Car Parking Demand*.
  Car parking associated with child care centres is generally long-stay parking for employees and short-stay/drop-off and pick-up parking for parents/guardians. It is agreed that the majority of parents would drop their children off at a childcare centre between 7.00am and 9:30am and collect their children between 3:00pm and 6pm.

- *Empirical Rates for Child Care Centres*.
  For the empirical rate of a child care centre use, the *Traffic Impact Assessment* report for a similar development at 186 Esplanade West and 85 Liardet Street, Port Melbourne has been referenced. The development consists of a Family and Children's Centre for 135 children. Ratio Consultants had conducted a number of parking and questionnaire surveys at various childcare facilities in Vermont, Nunawading, and Box Hill South. Based on the survey results, Ratio Consultants adopted a car parking rate of 0.12 parent spaces per child and 0.08 staff spaces per child. Applying this rate for the proposed development would generate a parking demand of 10 parent spaces per child and six staff spaces per child. The rates adopted by

**Attachment 4 - PLN17/0635 - 371 & 326 - 348 Church Street Richmond - Engineering comments**

Ratio Consultants are consistent with the rates generated by other traffic consultants ranging between 0.19 to 0.21 spaces per child.

The development's short-term parking for drop-off/pick-up of children would be accommodated in the seven on-site spaces. Any overflow with the development's short-term parking would be accommodated in the surrounding road network. The long-stay parking demand would be accommodated at an off-site facility within the grounds of St Ignatius Church. A total of seven spaces are provided. Staff would be fully aware with the lack of all-day parking in the Richmond area. This would be a disincentive for some staff to drive to the site. The site's proximity to public transport nodes would encourage some staff to catch public transport to the site.

- *Availability of Public Transport in the Locality of the Land*.
  The site is within walking distance of tram services along Church Street, Bridge Road and Swan Street. Train services can be obtained from East Richmond and Richmond railway stations.

**Appropriateness of Providing Fewer Spaces than the Likely Parking Demand**
Clause 52.06 lists a number of considerations for deciding whether the required number of spaces should be reduced. For the subject site, the following considerations are as follows:

- *Availability of Car Parking*.
  Ratio Consultants has commissioned car parking surveys on Wednesday 7 November 2016 between 7.00am and 10.00am, and 3.00pm and 6.30pm.The survey encompassed all suitable public car parking spaces near the site and includes sections of Church Street, Gipps Street, Elm Grove, and Charlotte Street. The times and extent of the survey is considered appropriate. A parking inventory of 153 spaces was identified. The survey results indicate that the peak parking occupancy during the AM survey was observed at 10.00am with 127 spaces occupied or 26 spaces vacant. During the PM survey, the peak parking occupancy occurred at 3.30pm with 16 spaces occupied or 17 vacant spaces. The data suggests that the shortfall of four spaces for the development could be accommodated in the surrounding streets.

- *Relevant Local Policy or Incorporated Document*.
  The proposed development is considered to be in line with the objectives contained in Council's *Strategic Transport Statement*. The site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site car parking would potentially discourage staff and visitors to commute to the site by motor vehicle.

**Adequacy of Car Parking**
From a traffic engineering perspective, the waiver of four spaces is considered appropriate in the context of the development and the surrounding area. Any shortfall with the developments short-term parking could be accommodated in the surrounding streets.

Engineering Services has no objection to the waiver of car parking.

**Attachment 4 - PLN17/0635 - 371 & 326 - 348 Church Street Richmond - Engineering comments**

## TRAFFIC GENERATION

The traffic generation for the site adopted by Ratio Consultants is as follows:

| Proposed Use | Adopted Traffic Generation Rate | Daily Traffic | Peak Period | |
|---|---|---|---|---|
| | | | AM | PM |
| 371 Church Street (Child Car Centre Car Park) | AM Peak is 0.43 trips per child<br>PM Peak is 0.40 trips per child | Not Provided | 62 | 62 |
| 326 Church Street (St Ignatius Church Car Park) | AM Peak is 1.0 trip per space<br>PM Peak is 1.0 trip per space | Not Provided | 8 | 8 |
| | **Total** | **-** | **70** | **70** |

The development would have 70 vehicle trips per peak hour (an average of one vehicle trip every 51 seconds).

The volume of traffic generated by the development during the peak AM and PM periods are not unduly high and could be accommodated on the local road network without adversely impacting on its operation.

There is no objection to the provision of a left-in/left-out access arrangement.

## DEVELOPMENT LAYOUT DESIGN

### Layout Design Assessment

| Item | Assessment |
|---|---|
| **Access Arrangements** | |
| Development Entrance | The proposed 3.1 metre wide entrance satisfies the Australian/New Zealand Standard AS/NZS 2890.1:2004. |
| Vehicle Crossing | Open Space have provided comments regarding the removal of the street tree to accommodate the proposed vehicle crossing. An arborist report is required for the removal of the street tree prior to the construction of the vehicle crossing. |
| Visibility | A visibility triangle has been provided on the north side of the entrance. The applicant has proposed a convex mirror on the north side of the entrance to improve visibility of pedestrians along the footpath. |
| **Car Parking Modules** | |
| Regular Car Spaces | The regular spaces measure 2.6 metres by 4.9 metres to satisfy AS/NZS 2890.1:2004. |
| Accessible Car Space | The accessible car space and associated shared area comply with AS/NZS 2890.6:2009. |

**Attachment 4 - PLN17/0635 - 371 & 326 - 348 Church Street Richmond - Engineering comments**

| | |
|---|---|
| Aisle Width | A minimum aisle width of 6.5 metres has been provided to also satisfy AS/NZS 2890.1:2004. |
| Clearance to Walls | A minimum clearance of 300 mm to be provided for car spaces adjacent to walls. To be dimensioned on the plans. |

**Layout Design Assessment**

| Item | Assessment |
|---|---|
| **Access Arrangements** | |
| Column Depths and Setbacks | Not dimensioned on the plans. |
| Floor to Ceiling Clearance Height | A minimum floor to ceiling height of 2.89 metres has been provided for the undercroft parking spaces to satisfy *Design standard 1 – Accessways*. |
| Swept Path Diagram – Car Spaces | The swept path diagrams for the B85 design vehicle entering and exiting the car spaces are considered satisfactory. |

**Design Items to be Addressed**

| Item | Details |
|---|---|
| Vehicle Crossing | The applicant must liaise with VicRoads regarding the proposed crossing in Church Street.<br><br>The crossing must satisfy Council's engineering requirements and VicRoads' geometric requirements. |
| Visibility | The visibility triangle is to be dimensioned on the drawings.<br><br>Any plants/shrubs along the north side of the entrance must be kept at a reasonable height to maintain sight visibility. |
| Clearance to Walls | To be dimensioned on the drawings. |
| Column Depths and Setbacks | To be dimensioned on the plans. |

**IMPACT ON COUNCIL ROAD ASSETS**

The construction of the new buildings, the provision of underground utilities and construction traffic servicing and transporting materials to the site will impact on Council assets. Trenching and areas of excavation for underground services invariably deteriorates the condition and integrity of footpaths, kerb and channel, laneways and road pavements of the adjacent roads to the site.

It is essential that the developer rehabilitates/restores laneways, footpaths, kerbing and other road related items, as recommended by Council, to ensure that the Council infrastructure surrounding the site has a high level of serviceability for residents, employees, visitors and other users of the site.

**ENGINEERING CONDITIONS**

**Vehicle Crossing**

**Attachment 4 - PLN17/0635 - 371 & 326 - 348 Church Street Richmond - Engineering comments**

- The vehicle crossing on the east side of Church Street must be constructed to Council's current standards and VicRoads' geometric requirements, and at the Permit Holder's cost.
- The applicant must undertake a ground clearance check of the proposed vehicle crossing using the B99 design vehicle. The ground clearance check must be submitted to Council's Construction Management unit for assessment and approval.

**Road Asset Protection**

- Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.

**Construction Management Plan**

- A Construction Management Plan must be prepared and submitted to Council. The Plan must be approved by Council prior to the commencement of works. A detailed dilapidation report should detail and document the existing and post construction conditions of surrounding road infrastructure and adjoining private properties.

**Impact of Assets on Proposed Development**

- Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority.
- Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

**NON-PLANNING ADVICE FOR THE APPLICANT**

**Legal Point of Discharge**

The applicant must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the *Building Regulations 2006* from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the *Local Government Act 1989* and Regulation 610.

**Clearances from Electrical Assets**

Overhead power lines run along the east side of Church Street, close to the property line.

The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or and other electrical assets where applicable. Energy Safe Victoria has published an information brochure, *Building Design Near Powerlines*, which can be obtained from their website:

http://www.esv.vic.gov.ar/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs

Regards

Artemis Bacani
Roads Development Engineer
Engineering Services Unit

**Attachment 5 - PLN17/0635 - 317 & 326 - 348 Church Street Richmond - VicRoads Comments**

vicroads
ABN 61 760 960 480

25 June 2018

Yarra City Council
PO Box 168
RICHMOND VIC 3121
Attention: Nish Goonetilleke

Dear Ms Goonetilleke,

**PLANNING APPLICATION NO.: PLN17/0635**
**VICROADS REFERENCE NO: 23829/17**
**PROPERTY ADDRESS: 371 CHURCH STREET, RICHMOND**

**Section 55 – No objection subject to conditions**

Further to our response dated 29 March 2018 in relation to the above application VicRoads have received amended plans (refer copy). Subsequentially VicRoads wish to withdraw their objection to this proposal.

If Council regards the proposed development favourably, VicRoads would require that the following conditions be included in any Notice of Decision to issue a Planning Permit or Planning Permit:

1. *Before the use approved by this permit commences the following roadworks on Church Street, Richmond must be completed at no cost to and to the satisfaction of the Responsible Authority and or the Roads Corporation:*

   a. *The installation of signs, line marking, a left painted arrow out and associated road works permitting only "left turn in" and "left turn out" vehicular access from Church Street.*
   b. *Modification or removal of any existing car parking spaces and associated road works on the east side of Church Street to accommodate the new vehicular access arrangement.*

   *Note: Separate consent may be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for buildings and works (i.e. canopies and architectural features/ projections) undertaken outside the title boundary within a Road Zone Category 1 (i.e. Church Street). Please contact VicRoads prior to commencing any works.*

Notwithstanding the above, the VicRoads would encourage Council to consider the potential for the remaining single on street car space located between the vehicle crossover and the tram stop to be converted to a short stay car space during the operating hours of the child care centre to compliment the drop off/pick up arrangement on the site.

Once Council makes its decision, please forward a copy of the decision to VicRoads as required under Section 66 of the Planning and Environment Act 1987.

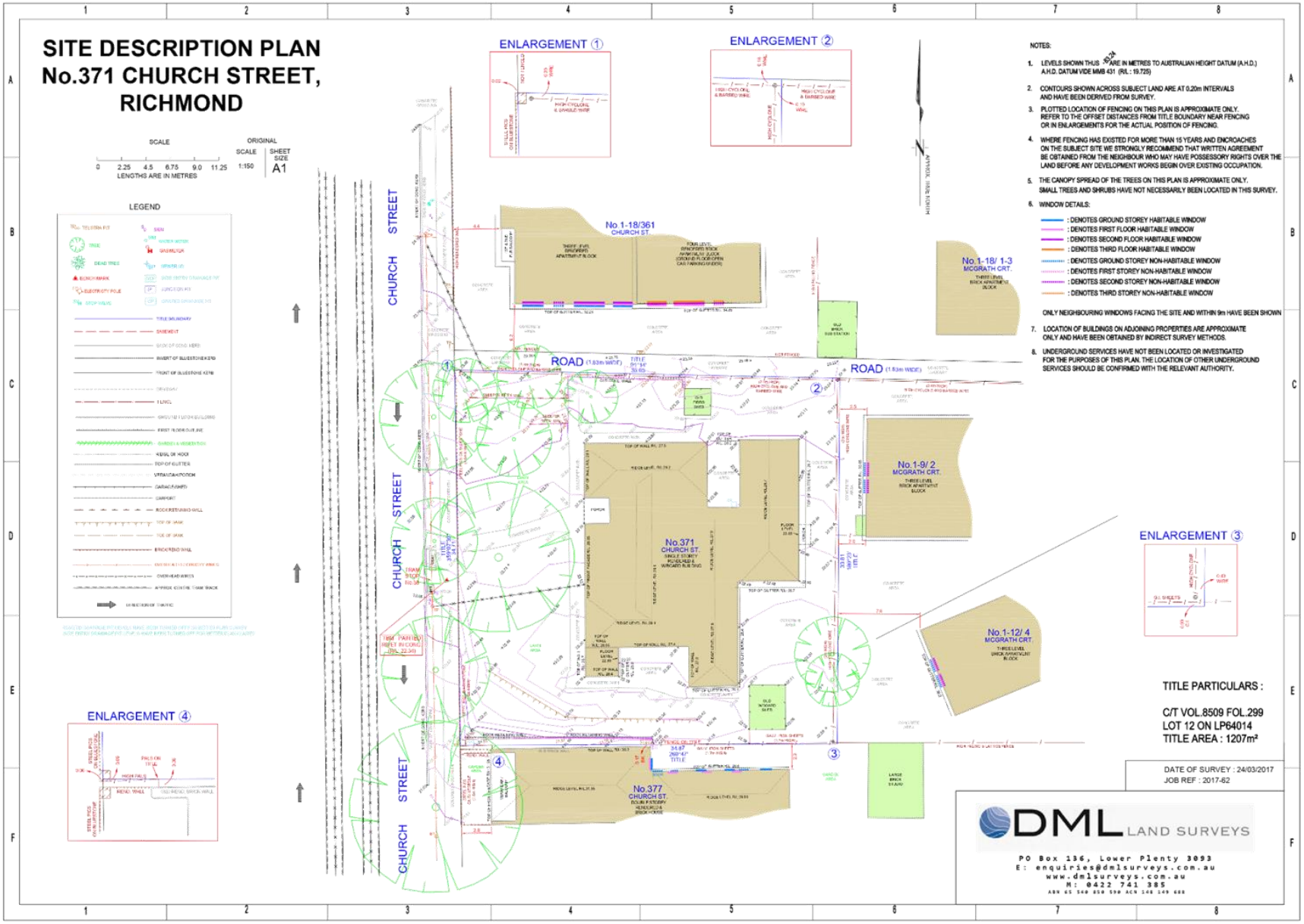
**Attachment 5 - PLN17/0635 - 317 & 326 - 348 Church Street Richmond - VicRoads Comments**

Should you have any enquiries regarding this matter, please contact me on 03 9313 1148 or Gillian.Menegas@roads.vic.gov.au

Yours sincerely

**GILLIAN MENEGAS**
Principal Planner- Statutory Planning Department (Central)

## Attachment 6 - PLN17/0635 - 371 and 326 - 348 Church Street Richmond - Decision Plans



**Attachment 6 - PLN17/0635 - 371 and 326 - 348 Church Street Richmond - Decision Plans**

01 Site Context Plan 1:400 @ A1

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TOWN PLANNING SUBMISSION

| | |
|---|---|
| DRAWING TITLE: | SITE CONTEXT PLAN |
| PROJECT: | Proposed Childcare Centre (87 places) |
| ADDRESS: | 371 Church Street, Richmond, Victoria |
| CLIENT: | Christina Matthews |
| FILE: NOTE: | [illegible] |

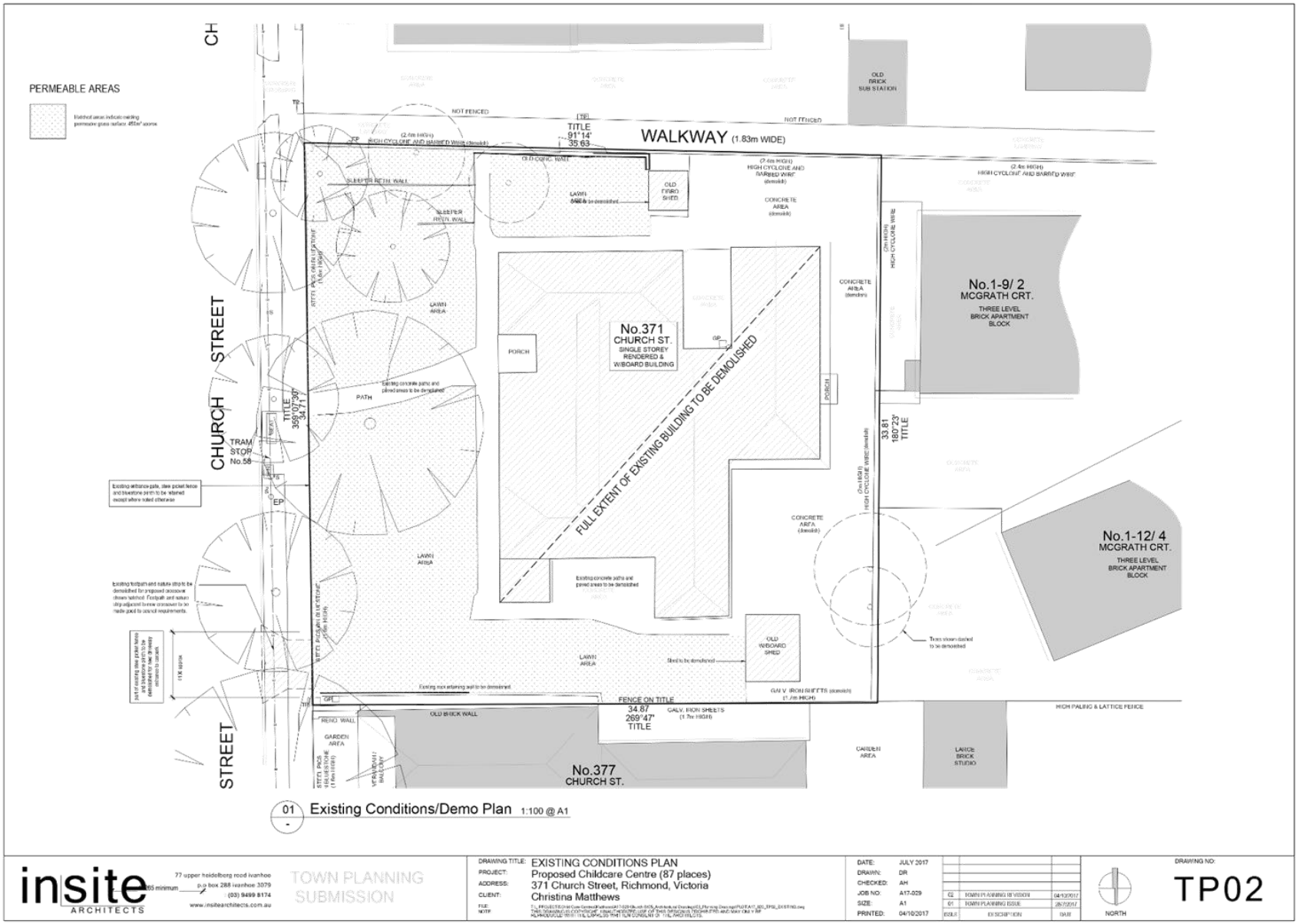
| | |
|---|---|
| DATE: | JULY 2017 |
| DRAWN: | DR |
| CHECKED: | AH |
| JOB NO: | A17-029 |
| SIZE: | A1 |
| PRINTED: | 04/10/2017 |

| ISSUE | DESCRIPTION | DATE |
|---|---|---|
| 02 | TOWN PLANNING REVISION | 04/10/2017 |
| 01 | TOWN PLANNING ISSUE | 28/6/2017 |

NORTH

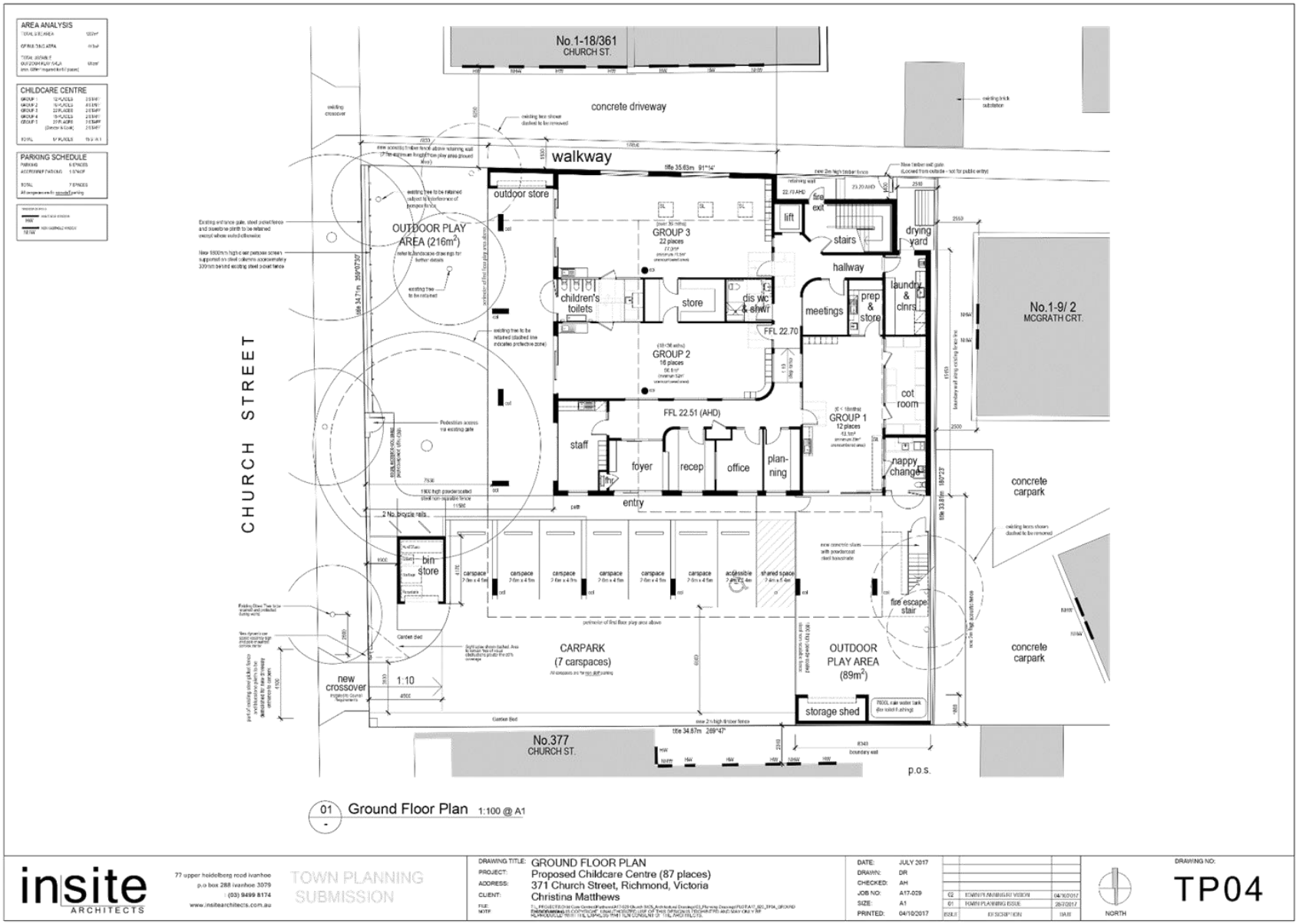
DRAWING NO: TP01

## Attachment 6 - PLN17/0635 - 371 and 326 - 348 Church Street Richmond - Decision Plans

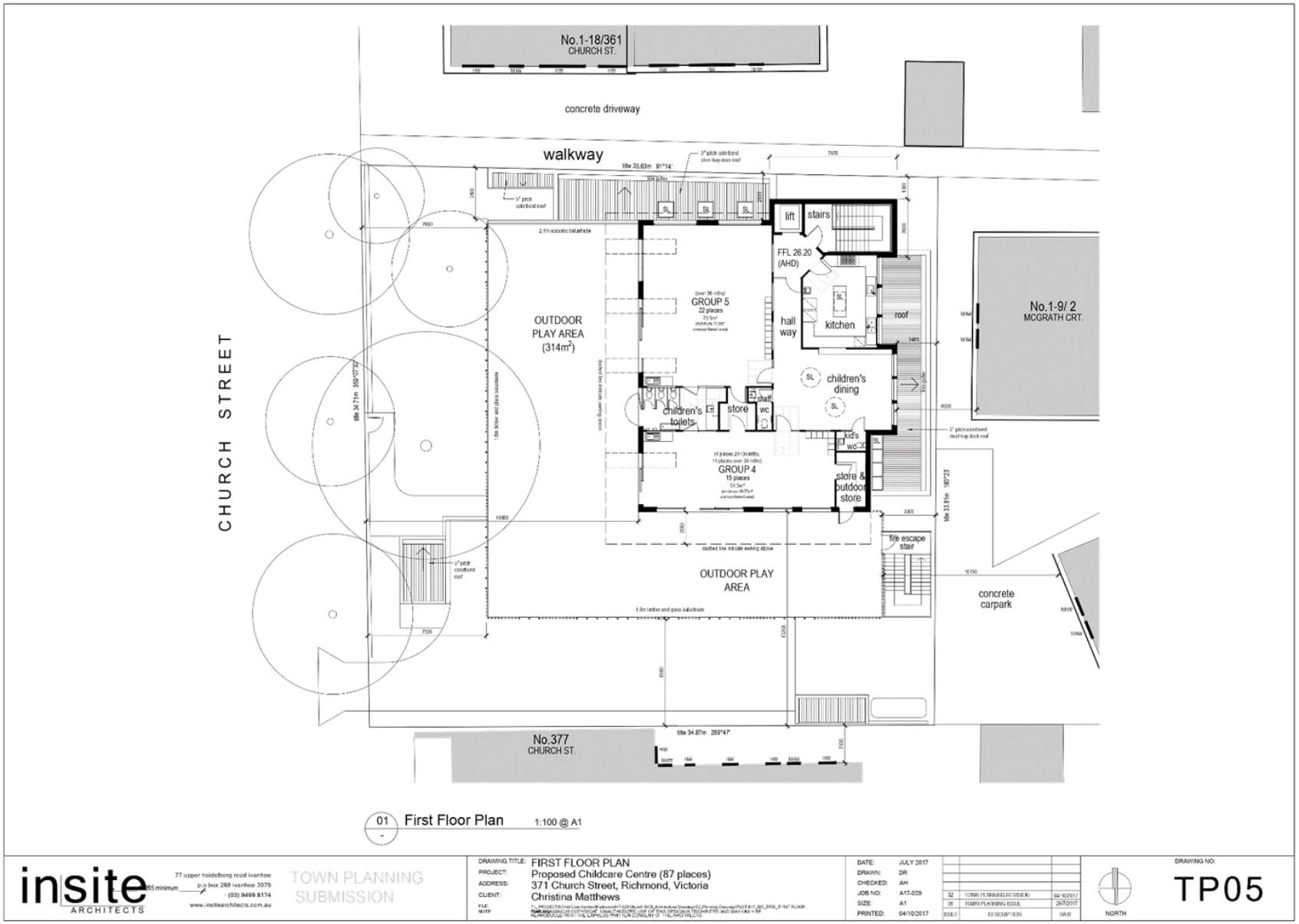


# Attachment 6 - PLN17/0635 - 371 and 326 - 348 Church Street Richmond - Decision Plans

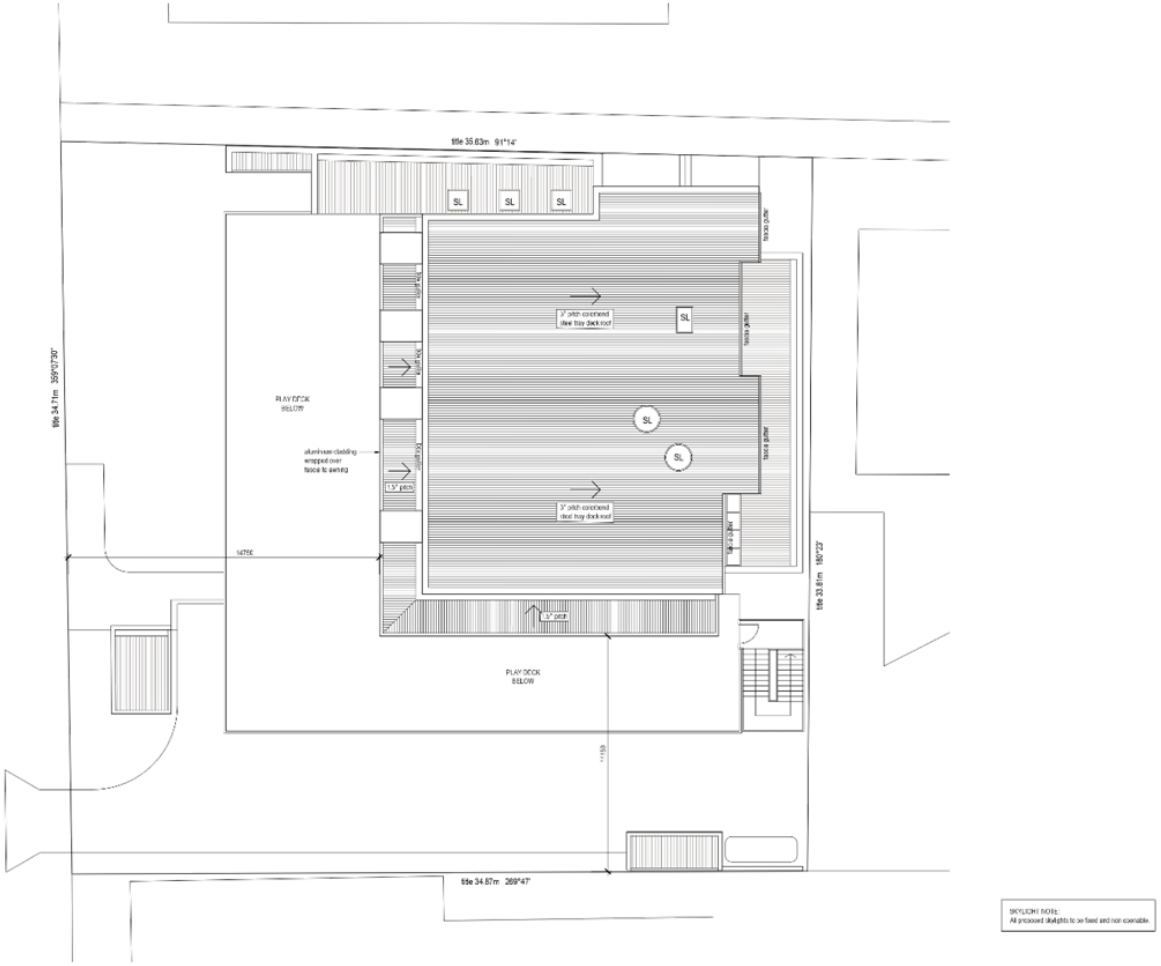
# Attachment 6 - PLN17/0635 - 371 and 326 - 348 Church Street Richmond - Decision Plans



## Attachment 6 - PLN17/0635 - 371 and 326 - 348 Church Street Richmond - Decision Plans



## Attachment 6 - PLN17/0635 - 371 and 326 - 348 Church Street Richmond - Decision Plans




SKYLIGHT NOTE:
All proposed skylights to be fixed and non openable.

01 - Roof Plan 1:100 @ A1

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TOWN PLANNING SUBMISSION

DRAWING TITLE: PROPOSED ROOF PLAN
PROJECT: Proposed Childcare Centre (87 places)
ADDRESS: 371 Church Street, Richmond, Victoria
CLIENT: Christina Matthews
FILE:
NOTE:

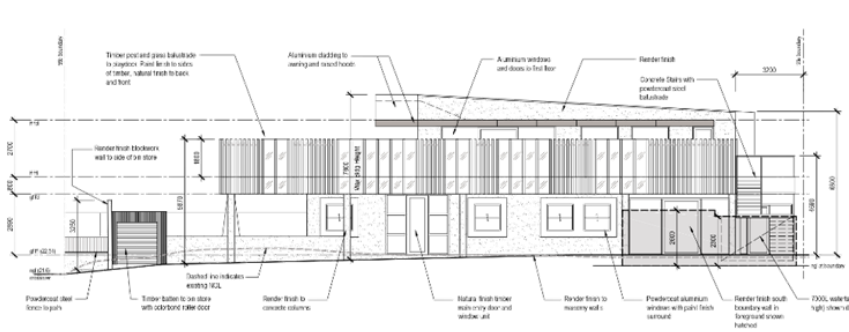
DATE: JULY 2017
DRAWN: DR
CHECKED: AH
JOB NO: A17-029
SIZE: A1
PRINTED: 04/10/2017

| ISSUE | DESCRIPTION | DATE |
|---|---|---|
| 02 | TOWN PLANNING REVISION | 04/10/2017 |
| 01 | TOWN PLANNING ISSUE | 28/7/2017 |

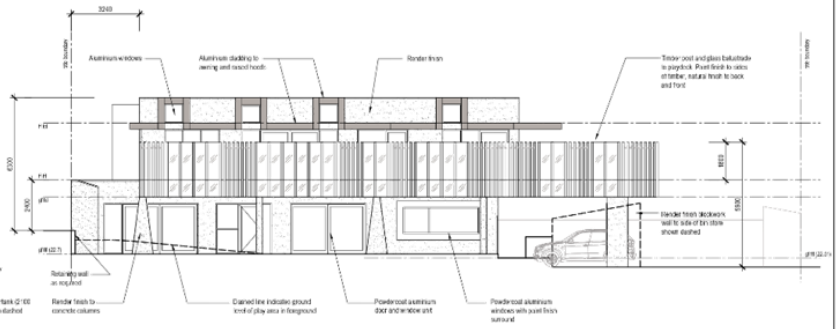
NORTH

DRAWING NO: TP06

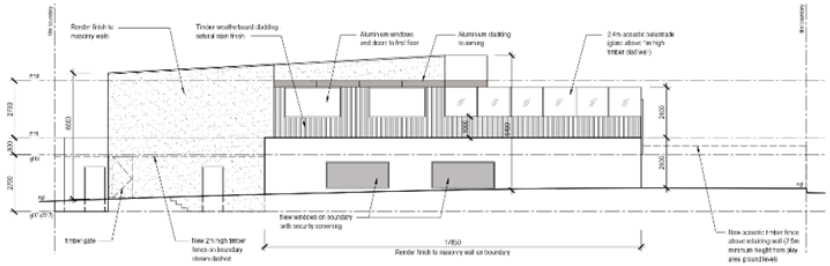
# Attachment 6 - PLN17/0635 - 371 and 326 - 348 Church Street Richmond - Decision Plans



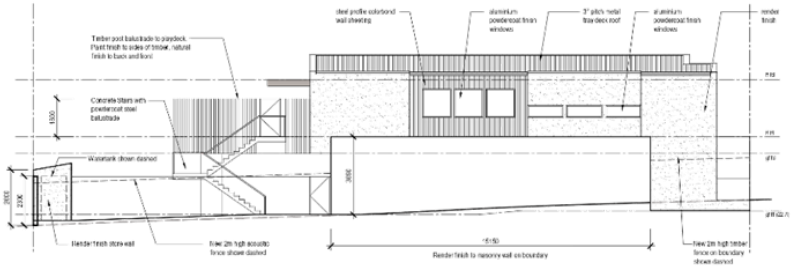
01 South Elevation 1:100 @ A1



02 West Elevation 1:100 @ A1



03 North Elevation 1:100 @ A1



04 East Elevation 1:100 @ A1

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TOWN PLANNING SUBMISSION

DRAWING TITLE: PROPOSED ELEVATIONS
PROJECT: Proposed Childcare Centre (87 places)
ADDRESS: 371 Church Street, Richmond, Victoria
CLIENT: Christina Matthews
FILE:
NOTE:

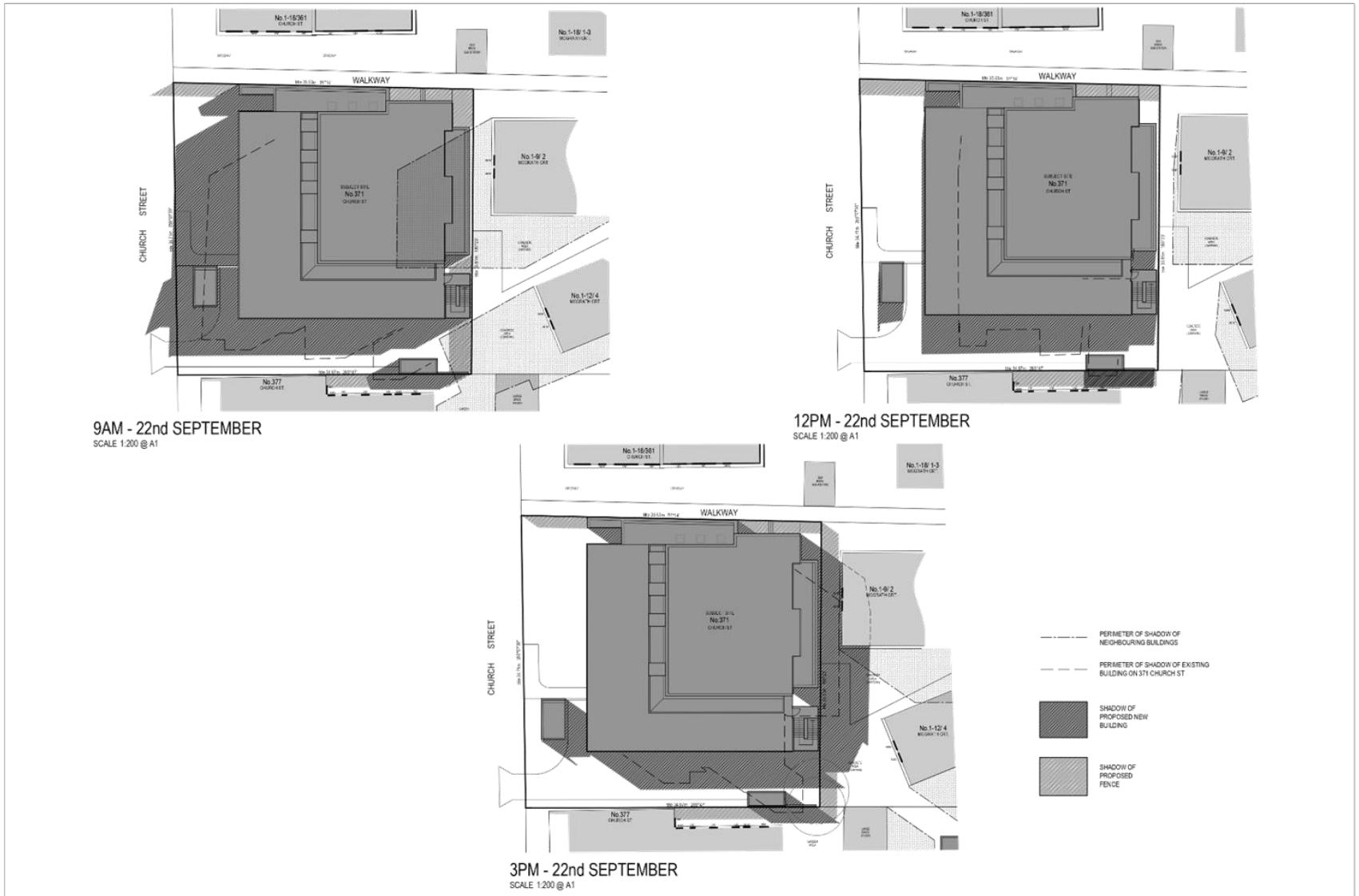
| | |
|---|---|
| DATE: | JULY 2017 |
| DRAWN: | DR |
| CHECKED: | AH |
| JOB NO: | A17-029 |
| SIZE: | A1 |
| PRINTED: | 04/10/2017 |

| ISSUE | DESCRIPTION | DATE |
|---|---|---|
| 02 | TOWN PLANNING REVISION | 04/10/2017 |
| 01 | TOWN PLANNING ISSUE | 26/7/2017 |

NORTH

DRAWING NO: TP07

# Attachment 6 - PLN17/0635 - 371 and 326 - 348 Church Street Richmond - Decision Plans

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TOWN PLANNING SUBMISSION

DRAWING TITLE: SHADOW DIAGRAMS
PROJECT: Proposed Childcare Centre (87 places)
ADDRESS: 371 Church Street, Richmond, Victoria
CLIENT: Christina Matthews

DATE: JULY 2017
DRAWN: DR
CHECKED: AH
JOB NO: A17-029
SCALE: A1
PRINTED: 08/09/2017

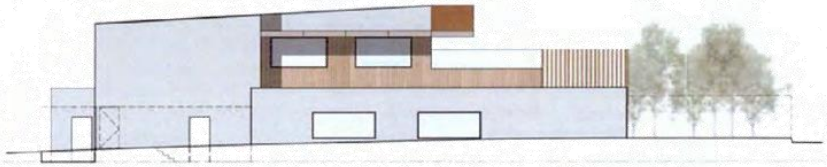
| ISSUE | DESCRIPTION | DATE |
|---|---|---|
| 02 | TOWN PLANNING REVISION | 04/09/2017 |
| 01 | TOWN PLANNING ISSUE | 28/07/2017 |

NORTH

DRAWING NO: TP08

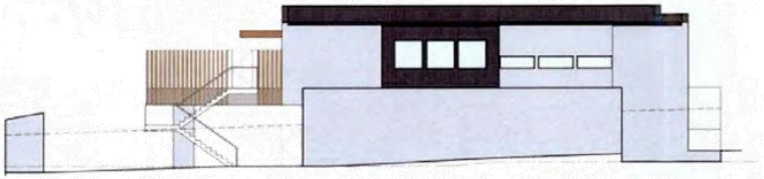
**Attachment 6 - PLN17/0635 - 371 and 326 - 348 Church Street Richmond - Decision Plans**

Proposed West Elevation



Proposed North Elevation

Proposed South Elevation



Proposed East Elevation

RENDER FINISH
- DULUX 'SILVER CITY'

TIMBER BALUSTRADE POSTS
NATURAL TO BACK AND FRONT
PAINT FINISH TO SIDE FACES

TIMBER BATTEN WALL CLADDING
NATURAL FINISH

ALUUMINIUM CLADDING - 'COPPER'

POWDERCOAT ALUMINIUM DOORS
AND WINDOWS
- DULUX 'MONUMENT'

FEATURE WINDOW REVEALS
DULUX 'CORAL BLOSSOM' &
'MISTY MOSS'

COLORBOND ROOFING, GUTTERS
AND CAPPING - 'MONUMENT'

## Proposed Childcare Centre Exterior Materials, Finishes & Colours

371 CHURCH ST, RICHMOND VICTORIA

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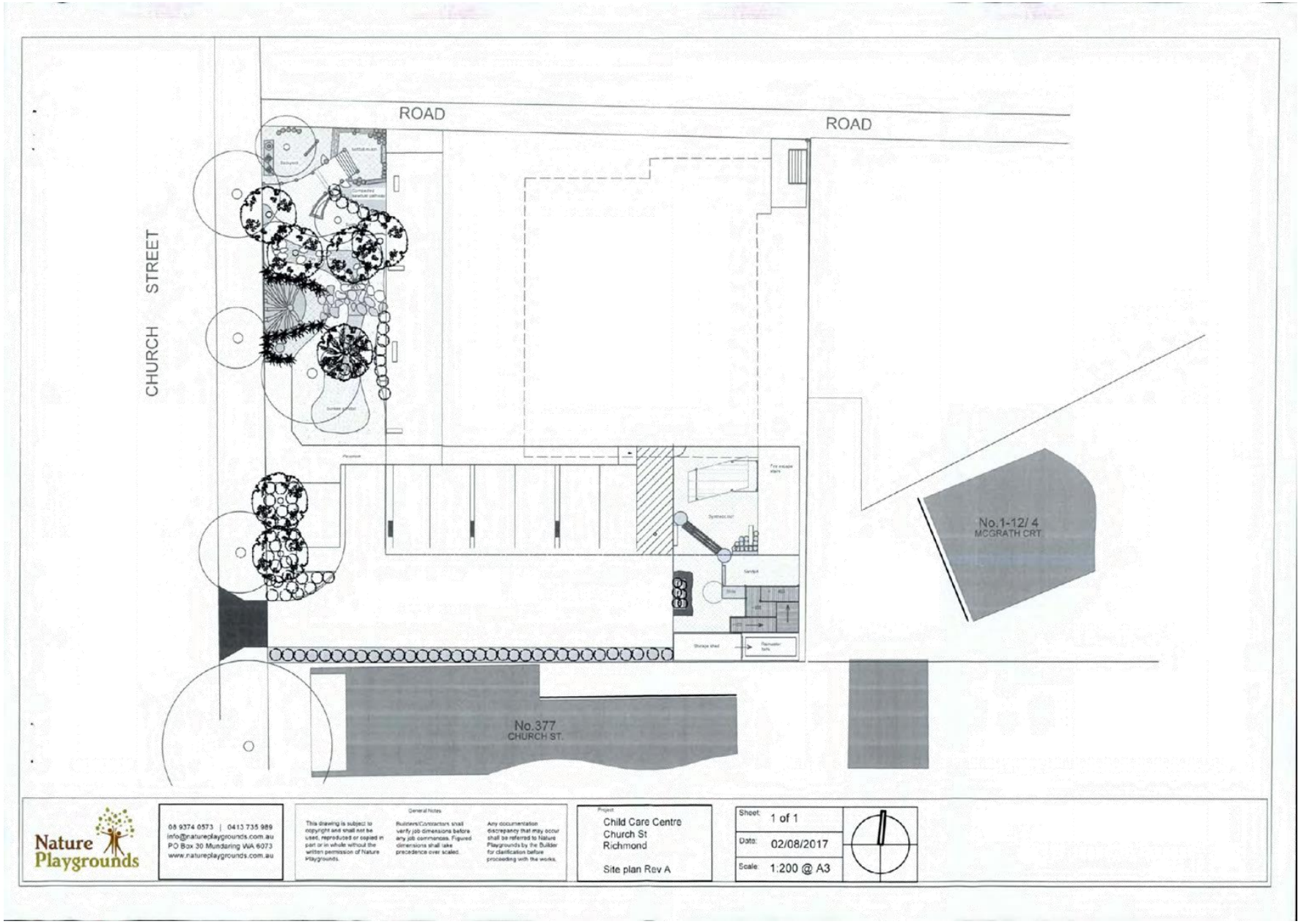
ARCHITECTS

**Attachment 6 - PLN17/0635 - 371 and 326 - 348 Church Street Richmond - Decision Plans**



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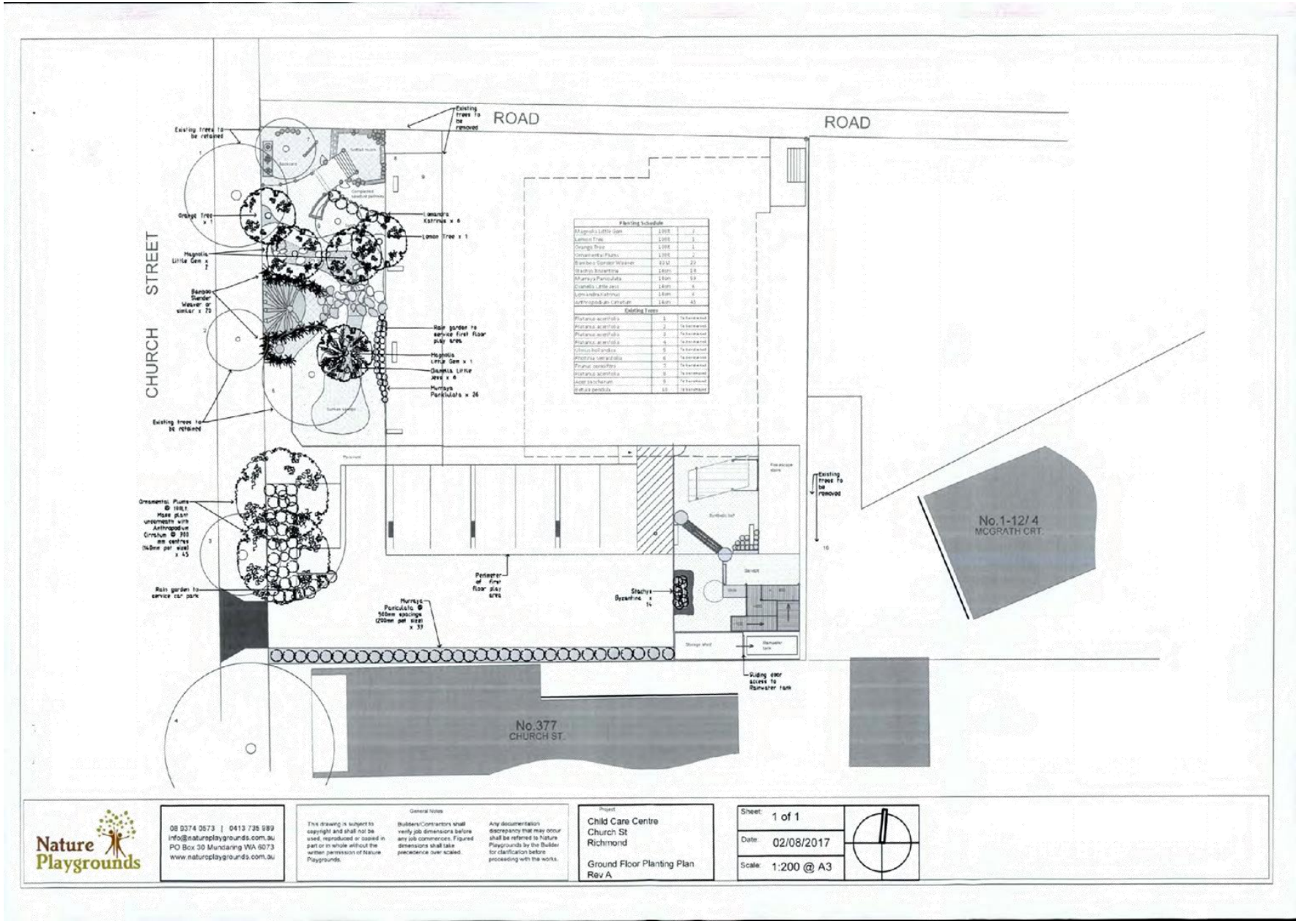

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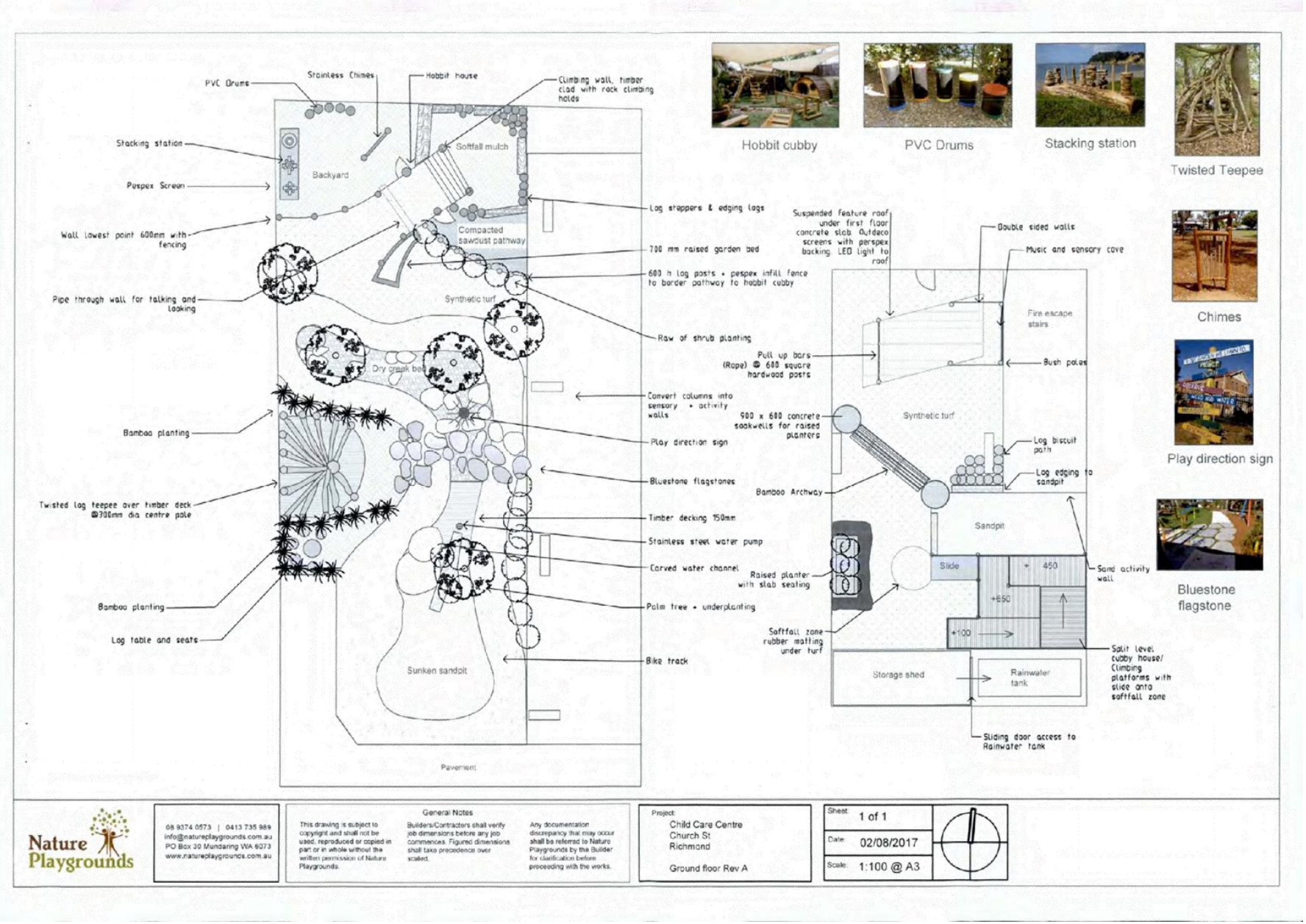

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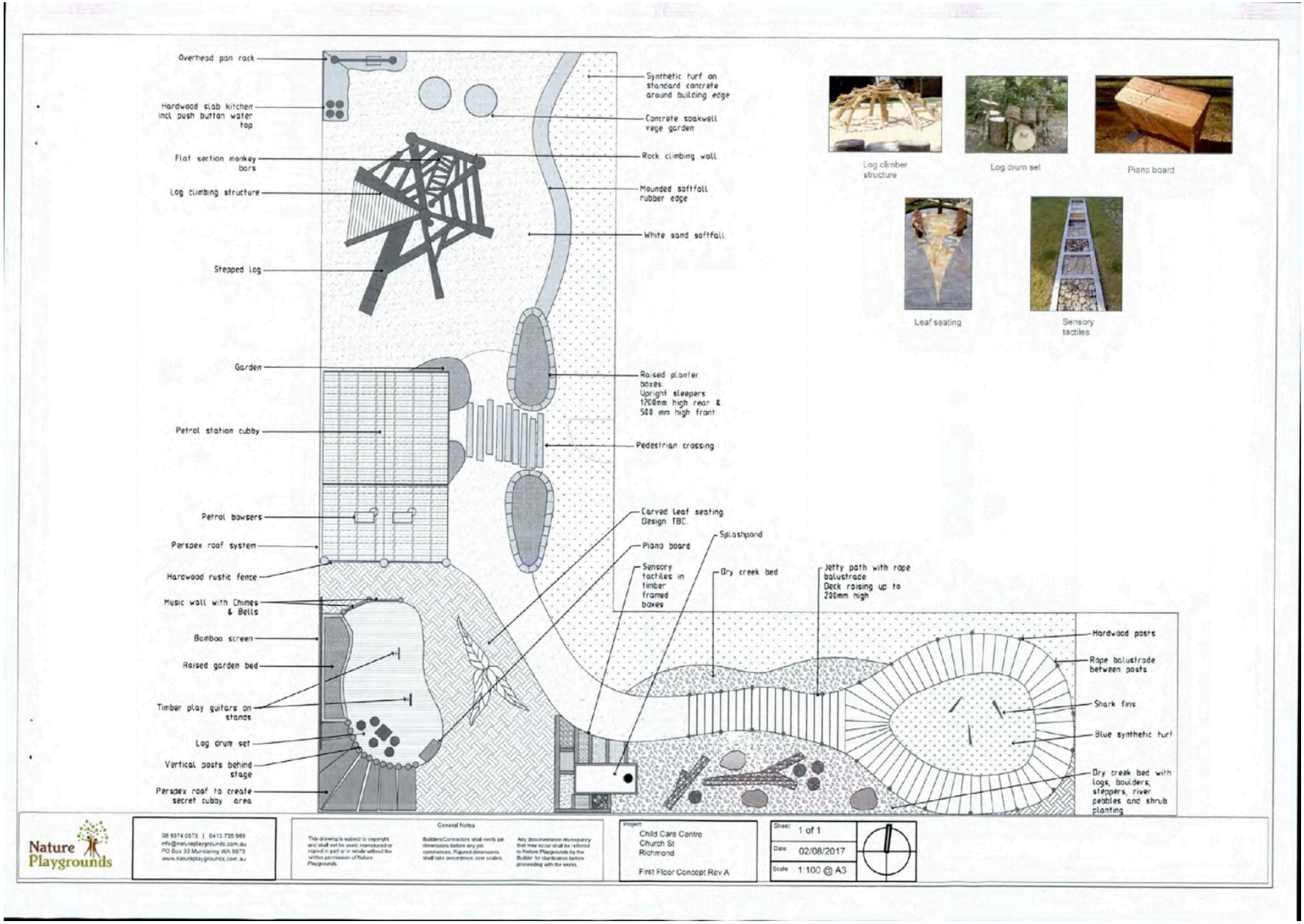

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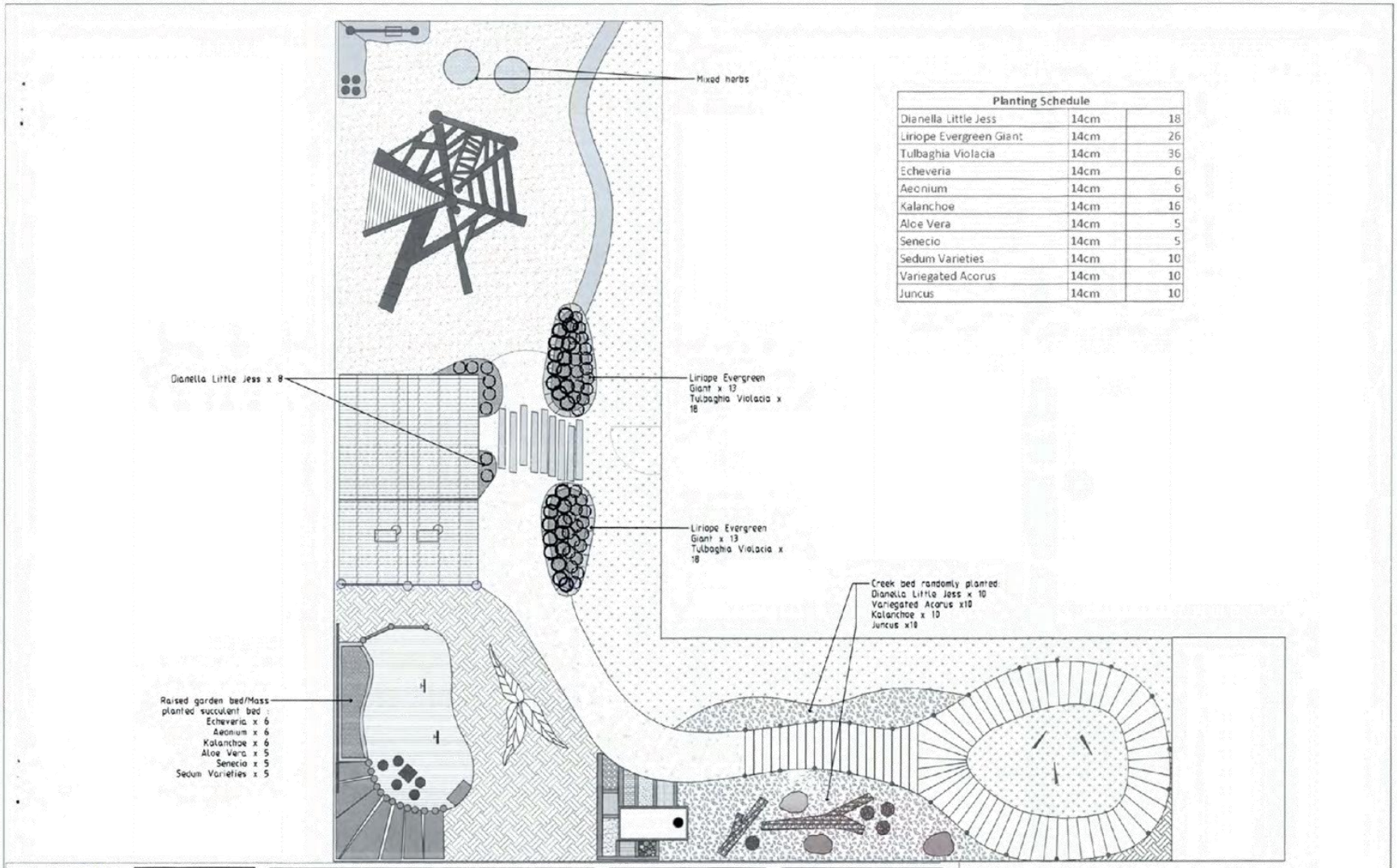
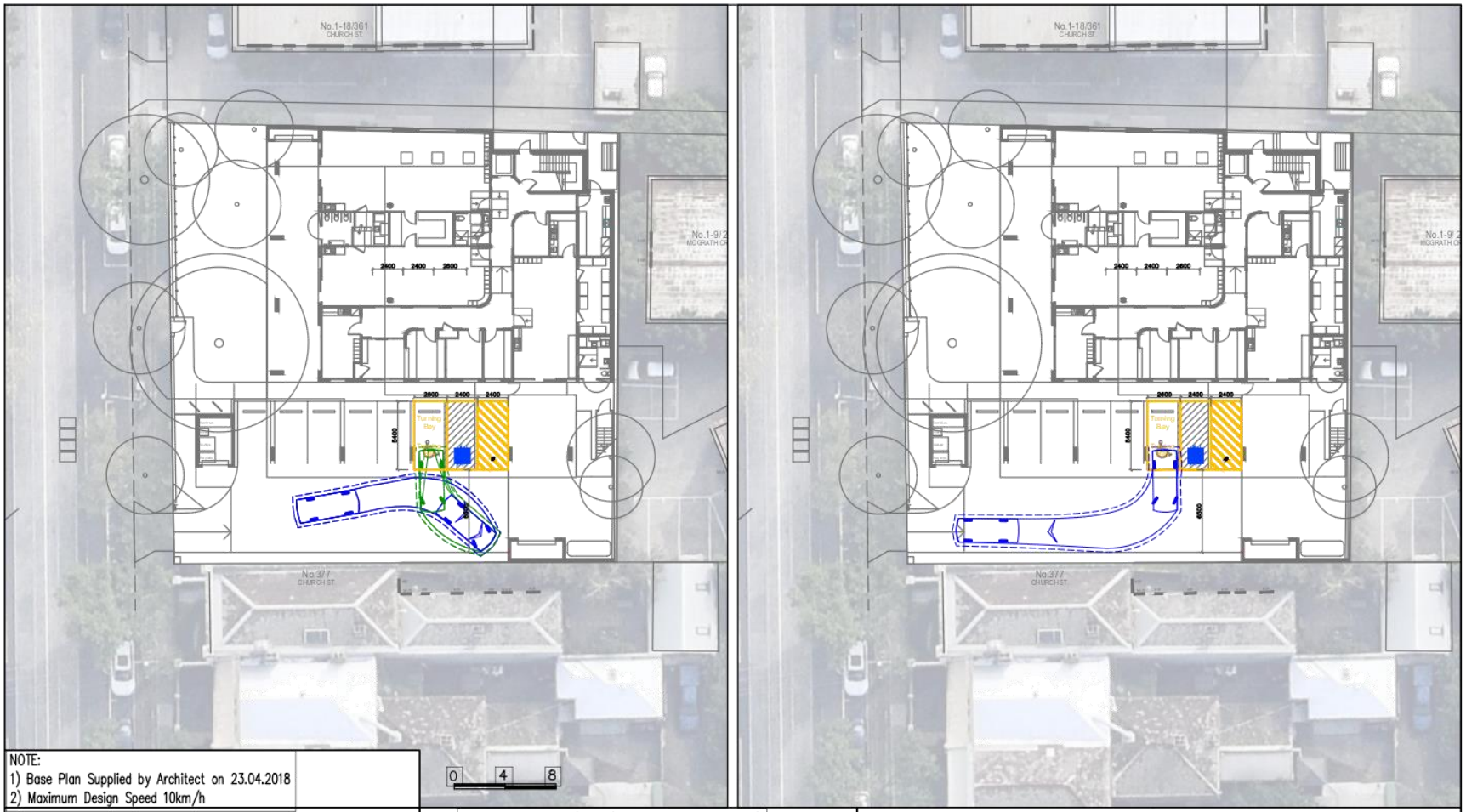



| Planting Schedule | | |
|---|---|---|
| Dianella Little Jess | 14cm | 18 |
| Liriope Evergreen Giant | 14cm | 26 |
| Tulbaghia Violacia | 14cm | 36 |
| Echeveria | 14cm | 6 |
| Aeonium | 14cm | 6 |
| Kalanchoe | 14cm | 16 |
| Aloe Vera | 14cm | 5 |
| Senecio | 14cm | 5 |
| Sedum Varieties | 14cm | 10 |
| Variegated Acorus | 14cm | 10 |
| Juncus | 14cm | 10 |

**Attachment 7 - PLN17/0635 - 317 & 326 - 348 Church Street Richmond - Sketch Plan 05.06.2018**

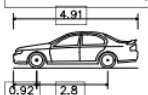



NOTE:
1) Base Plan Supplied by Architect on 23.04.2018
2) Maximum Design Speed 10km/h

ratio:

RATIO CONSULTANTS PTY LTD
ABN 005 422 104
9 CLIFTON STREET
RICHMOND, VICTORIA 3121
TELEPHONE (03)9429 3111
FACSIMILE (03)9429 3011

B85 Vehicle (AS/NZS2890.1:2004)




| | |
|---|---|
| VEHICLE ENVELOPE (FORWARD) | |
| 300mm CLEARANCE (FORWARD) | |
| VEHICLE ENVELOPE (REVERSE) | |
| 300mm CLEARANCE (REVERSE) | |
| Overall Length | 4.910m |
| Overall Width | 1.870m |
| Overall Body Height | 1.421m |
| Min Body Ground Clearance | 0.159m |
| Track Width | 1.770m |
| Lock to Lock Time | 4.00 sec |
| Curb to Curb Turning Radius | 5.80m |

Proposed Childcare Development
371 Church Street, Richmond
Swept Path Assessment Turning Bay

| RATIO REFERENCE | SHEET No. | SCALE | DATE |
|---|---|---|---|
| 13964 AT07/JA | SK01 | 1:400@A4 | 05/06/2018 |

## 1.3 69 - 73 Victoria Street, Fitzroy - PL07/0761.02 Section 72 Amendment to Planning Permit PL07/0761 to increase the patron numbers to 46 and licensed hours to 11pm in association with a Food and Drink premises (Café).

### Executive Summary

### Purpose

1. This report provides Council with an assessment of an application to amend Planning Permit PL07/0761 and recommends approval subject to conditions.

### Key Planning Considerations

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

### Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) Strategic context;
   (b) The sale and consumption of liquor from the land;
   (c) Objector concerns; and
   (d) Other matters.

### Objector Concerns

4. Eleven objections were received to the application, these can be summarised as:
   (a) Off-site amenity impacts (noise, traffic, anti-social behaviour, potential outdoor street trading;
   (b) Concern with the liquor licence regarding the Food and Drink Premises:
      (i) Patron numbers;
      (ii) Insufficient patron seating/Functionality of the venue (may operate as a bar rather than a food and drink premises);
      (iii) Exit routes on Victoria Street;
   (c) Car parking and traffic;
   (d) Proposed Commercial Premises out of character with area;
   (e) Integrity of the applicants acoustic report;
   (f) Too many licenced premises in the area

5. One letter of support was also received supporting the relatively small scale proposal, when compared to larger venues nearby.

### Conclusion

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

**CONTACT OFFICER:** **Robert Galpin**
**TITLE:** **Statutory Planner**
**TEL:** **9205 5139**

## 1.3 69 - 73 Victoria Street, Fitzroy - PL07/0761.02 Section 72 Amendment to Planning Permit PL07/0761 to increase the patron numbers to 46 and licensed hours to 11pm in association with a Food and Drink premises (Café).

Trim Record Number: D18/136721
Responsible Officer: Senior Coordinator Statutory Planning

| | |
|---|---|
| **Proposal:** | **69 - 73 Victoria Street, Fitzroy - PL07/0761.02 Section 72 Amendment to Planning Permit PL07/0761 to increase the patron numbers to 46 and licensed hours to 11pm in association with a Food and Drink premises (Café).** |
| **Existing use:** | Convenience Restaurant in accordance with Planning Permit PL07/0761 |
| **Applicant:** | Ted Hart |
| **Zoning / Overlays:** | Mixed Use Zone, Environmental Audit Overlay, Heritage Overlay – Schedule 334 |
| **Date of Application:** | 05 February 2018 |
| **Application Number:** | PL07/0671.02 |

**Planning History**

7. Planning Permit PL02/1149 was issued on 3 December 2003 in accordance with the order of the Victorian Civil and Administrative Tribunal (VCAT) for the 'demolition of the existing building. Construction of a multi-level residential development comprising 35 dwellings and ancillary car parking in accordance with the endorsed plans and elevation. A small licensed, convenience restaurant at ground floor level.' Plans were endorsed on 6 May 2005

8. On 20 January 2006, an application to amend the Permit was lodged, to allow for an increase in the cage storage area associated with apartment 106 and to change the traffic condition of the car parking area (induction loops, mirrors and traffic lights). On 10 March 2006 this request was approved by Council and revised plans were endorsed.

9. On 14 May 2006, a Secondary Consent request was received by Council, which sought to delete a car space and internally reconfigure the convenience restaurant (relocation of toilet and reconfiguration of kitchen area). Council consented to this request on 12 July 2007 and approved revised plans.

10. On 8 July 2004, Planning Permit PL04/0407 was issued to paint a building and display temporary real estate signage.

11. Planning Permit PL07/0761 was issued on 23 April 2008 in accordance with the order of VCAT for the 'Use of a portion of the ground floor of the site as a convenience restaurant, use of the land for the sale and consumption of liquor (On-Premises License), part demolition, buildings and works, the construction and display of business identification signage'. Plans were endorsed on 27 June 2008.

12. On 20 October 2014, an application to amend Planning Permit PL07/0761 was lodged to change the licence from an 'On-Premises License' to a 'Café and Restaurant Licence'. On 29 December 2014 this request was approved by Council and revised plans were endorsed on 25 March 2015.

13. Relevant to this application Planning Permit PL07/0761 endorsed the use of the ground floor tenancy as a Convenience Restaurant. The permit restricts licensed hours to 7:00am – 10:00pm and patron numbers to a maximum of 35 patrons.

## Background

14. The application was received by Council on 05 February 2018. Following the submission of further information, the application was advertised and eleven (11) objections and one (1) letter of support) were received.

15. A consultation meeting was held on 12 June 2018 and attended by the applicant, Council officers and three (3) objectors. No resolutions were reached.

16. Planning Scheme Amendment VC148 gazetted on 31 July 2018, Amendment VC148 implemented changes to the VPP and planning schemes. The amendment mostly restructures the existing planning scheme improving operation and function. Among the changes are revised car parking requirements for areas noted within the Principal Public Transport Network Area.

## Existing Conditions

*Subject Site*

17. The site is the ground floor tenancy constructed in accordance with PL02/1149 issued for the 'demolition of the existing building. Construction of a multi-level residential development comprising 35 dwellings and ancillary car parking in accordance with the endorsed plans and elevation. A small licensed, convenience restaurant at ground floor level.'

18. The subject site is located on the north-west corner of Victoria and Fitzroy Streets, Fitzroy. The site is an irregular shaped lot, with a frontage of approximately 15m to Victoria Street and a maximum depth of 8.3m (including toilet area). The site is a "U" shape, with the south frontage being broken up by a common stairway. The Tenancy constitutes an area of approximately 78m². The tenancy has primary access off Victoria Street as well as rear access to the ROW via a service door from the kitchen. The Ednis Café previously occupied the tenancy holding a 'Café and Restaurant Licence'. The current permit conditions of Planning Permit PL07/0761 restrict operating hours to 7:00am – 10:00pm, the hours in which alcohol can be served and consumed between 10:00am and 10:00pm and the maximum number of patrons to 35.

*Restrictive Covenants*

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

*Surrounding land*

20. Victoria Street and the immediate surrounding area comprise a mixture of residential and office / commercial type land uses, as well as, a number of high heritage regarded buildings. The northern side of Victoria Street is zoned for Mixed Use with the southern side zoned Residential (Neighbourhood Residential and General Residential). Subsequently the northern and southern sides of Victoria Street predominantly offer different uses accordingly.

21. The site is located near to the following public transport services:
    - The 96 tram route (servicing St Kilda Beach, the CBD and East Brunswick) on Nicholson Street 185m to the west;
    - The 112 tram route (servicing West Preston, the CBD and St Kilda) on Brunswick Street 90m to the east,
    - Numerous bus routes (servicing Melbourne University and Kew Junction) along Johnston Street 60m to the north.

*North*

22. The north side of Victoria Street contains a number of commercial and residential land uses, which reflects the Mixed Use Zoning of the land. The Mixed Use Zone extends only for the north section of Victoria Street, west of the rear of 277-291 Brunswick Street and to the laneway east of Nicholson Street. The northern side of Victoria St, has a mix of commercial premises, with offices, the Southern School of Natural Therapies, as well as remnant wholesale/warehouse type uses. Construction is a mixture of heritage and modern multi storey commercial buildings, many with vehicle access/loading areas at ground floor. Further to the north to the rear of the subject site is a bluestone laneway servicing the back of house operations such as vehicle access, storage and waste collection associated with the buildings fronting both Victoria and Johnston streets.

*East*

23. To the east of the site is Fitzroy Street and beyond this is the intersection of Victoria and Brunswick Streets. The commerical buidlings to the east on victoria Street house commercial office type opperations, whilst 277 – 281 Brunswick Street on the corner of Vicotria and Brunswick streets consists of a mixed use heritage building comprising; retail and a tavern at ground level with commerical space above and an open roof top tavern.

24. Brunswick Street is approximately 90 metres to the east of the subject site. It contains a broad range of shops, cafes, restaurants and bars. Trams run north and south along Brunswick Street.

*West*

25. Directly to the west of the site is a four storey commercial office building. Further west are a number of warehouse style buildings with the saw tooth style rooves. Further west is the Southern School of Natural Therapies.

26. Nicholson Street is approximately 185 metres to the west of the subject site. It contains a mix of residential buildings and varied range of commercial uses including a tavern, service station and retail shops. Trams run north and south along Nicholson Street.

*South*

27. To the south of the site on the southern side of Victoria Street uses are consistently residential with mostly single and double storey dwellings from varying eras, with the exception being three and four storey apartment developments further to the west towards Nicholson Street.

28. Directly opposite the subject site is a row of single storey Victorian-era terrace dwellings some with first floor additions. Dwellings are generally designed to front Victoria Street with secluded private open space (SPOS) to the rear however many developments have porches, balconies and terraces fronting Victoria Street also**.**

**The Proposal**

29. The application seeks to amend Planning Permit PL07/0761 in the following way.

    (a) A change of use from the existing ‘Convenience Restaurant’ to a ‘Food and Drink Premises’;

    (b) Increase the maximum number of patrons from 35 to 46; and

    (c) Extend the licensed hours as follows;

| **Existing** | **Proposed** |
|---|---|
| Monday to Sunday: 10am to 10pm. | Monday to Sunday: 10am to 11pm. |

30. The type of licence 'Restaurant and Café licence' is not proposed to be changed. In accordance with the Victorian Commission for Gambling and Liquor Regulation (VCGLR) this type of licence is for uses where the predominant activity carried out on the premises is the preparation and serving of meals to be consumed on the licensed premises.

31. The red line plan for the liquor licence shows that liquor will be served within the internal areas of the tenancy. No change to the previously endorsed red line plans is proposed to as part of the amendment application.

32. Waste will be collected by a private waste contractor from the rear ROW as per the requirements of the original permit.

**Legislation Provisions**

33. *The* amendment has been requested pursuant to Section 72 of the *Planning and Environment Act* 1987 (the Act). Section 72 of the Act states:

    *(1) A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.*

    *(2) This section does not apply to—*
    *(a) a permit or a part of a permit issued at the direction of the Tribunal, if the Tribunal has directed under section 85 that the responsible authority must not amend that permit or that part of the permit (as the case requires); or*
    *(b) a permit issued under Division 6.*

34. Planning Permit PLN14/0419 was issued on 23 April 2008 by the Victorian and Civil Administrative Tribunal (VCAT) and was not issued under Division 6 of the Act.

35. Section 73 of the Act states that Sections 47 to 62 of the Act apply to the amendment application. This allows the Responsible Authority to apply the abovementioned sections of the Act to the amendment application as if it was an application for a permit

**Planning Scheme Provisions**

<u>Zoning</u>

*Mixed Use Zone*

36. Pursuant to the requirements of Clause 34.01-1 a planning permit is not required to use the land for a 'Food and Drinks Premises' provided that the leasable floor area is less than 150 square metres. The subject site has a leasable floor area of 78 square metres therefore there is <u>no planning permit requirement for the proposed use</u> pursuant to the zone.

37. There is no planning permit requirement for the sale and consumption of liquor pursuant to the zone.

<u>Overlays</u>

*Heritage Overlay – Schedule 334*

38. The application does not propose any buildings and works and therefore the provisions of this overlay are not triggered.

39. There is no planning permit requirement for the sale and consumption of liquor pursuant to the overlay.

*Environmental Audit Overlay*

40. Pursuant to *Clause 45.03-1* of the Yarra Planning Scheme, *before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:*

- *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*
- *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*

As the proposed use is not a sensitive use, the requirements of the EAO do not apply

Particular Provisions

*Clause 52.06 – Car Parking*

41. The purpose of this clause is:

(a) *To ensure car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.*
(b) *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality*
(c) *To support sustainable transport alternatives to the motor car.*
(d) *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
(e) *To ensure that car parking does not adversely affect the amenity of the locality.*
(f) *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

42. Pursuant to clause 52.06-3 a planning permit is not required if:

- A schedule to the Parking Overlay specifies that a permit is not required under this Clause.
- The number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay for a new use of land is less than or equal to the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay for the existing use of the land; and
- The number of car parking spaces currently provided in connection with the existing use is not reduced after the new use commences.

As demonstrated below a planning permit is not required for proposed use, given that the number of car parking spaces required for a 'Food and Drink Premises' under Clause 52.06-5 (3) is less than the number of car parking spaces required for the existing use of a 'Convenience Restaurant' (10).

| Use | Statutory Rate | Total Carparks Required |
|---|---|---|
| Convenience Restaurant (36 Patrons) | 0.3 spaces per patron | 10.8 |
| Food and Drink Premises (leasable floor area of 78 square metres) | 0.4 per 100sqm of leasable floor area | 3.12 |

*Clause 52.27 – Licensed premises*

43. The purpose of this clause is:

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

44. A permit is required to use land to sell or consume liquor if (relevantly):

*(a) The hours of trading allowed under a licence are to be extended.*
*(b) The number of patrons allowed under a licence is to be increased.*

45. Decision guidelines at clause 52.27 include:

(a) *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
(b) *The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.*
(c) *The impact of the hours of operation on the amenity of the surrounding area.*
(d) *The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.*

General Provisions

*Clause 65 – Decision Guidelines*

46. 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.

State Planning Policy Framework (SPPF)

47. Clause 13.05-1S (Noise abatement) objective is:

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

48. Noise abatement issues are measured against relevant State Environmental Protection Policy (SEPP) and other Environmental Protection Authority (EPA) regulations.

*Clause 17 – Economic development*

*Clause 17.02-1S – (Business)*

49. The objective of this clause is '*to encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities*'.

Local Planning Policy Framework (LPPF)

50. *Clause 21.03 Vision* sets out Yarra's plan for the land use, built form, transport and environmental sustainability in the year 2020. Relevant visions are:

*(a) The City will accommodate a diverse range of people, including families, the aged, the disabled, and those who are socially or economically disadvantaged*
*(b) The complex land use mix characteristic of the inner City will provide for a range of activities to meet the needs of the community*

(c) *Yarra's exciting retail strip shopping centres will provide for the needs of local residents, and attract people from across Melbourne*

51. The Strategic Framework Plan shows the subject site as being within proximity to the Brunswick Street Major Activity Centre.

*Clause 21.04-2 – Activity Centres*

52. The site is located within proximity (60m) to the Brunswick Street Major Activity Centre. The relevant objectives and strategies of this clause are:

(a) *Objective 4 - To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.*

(i) *Strategy 4.1 Increase the range of retail, personal and business services, community facilities, and recreation activities, within individual centres.*
(ii) *Strategy 4.3 Support the role of all activity centres, including Neighbourhood Activity Centres, in providing local day to day needs of residents of all abilities.*

(b) *Objective 5 To maintain the long term viability of activity centres.*

*(i) Strategy 5.2. Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.*

*Clause 21.04-3 – Industry, office and commercial*

53. The relevant objective of this clause is '*To increase the number and diversity of local employment opportunities*'.

*Clause 21.08-7 Neighbourhoods (Fitzroy)*

54. *Clause 21.08-7 Fitzroy* identifies the suburb as *"a mixed commercial and residential neighbourhood notable for the consistency of its Victorian streetscapes. It comprises a dense combination of residential areas, shopping precincts and commercial/industrial activities."*

55. Notable mention is given to the Brunswick Street Major Activity Centre which runs north south through the middle of the neighbourhood, stating; *"The role of the Brunswick Street centre can be characterised as hospitality, entertainment, clothing and footwear, art galleries and studios, and non-government community services, all with a metropolitan focus."*

<u>Relevant Local Policies</u>

*Clause 22.05 – Interface Uses Policy*

56. This policy applies to applications for use and development within a Mixed Use Zone. The policy comprises various considerations and decision guidelines for non-residential use and development located near residential properties relating to overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances that may cause unreasonable detriment to the amenity of nearby residential properties.

*Clause 22.09 – Licenced premises*

57. This policy applies to all applications for new licensed premises.

58. The objectives of this clause are:

(a) *To protect the amenity of nearby properties and areas by effectively managing the location, size, operation and hours of licensed premises.*
(b) *To encourage best practice venue design and venue operation for licensed premises.*
(c) *To protect residential and other commercial uses from excess noise, traffic and car parking issues.*
(d) *To provide for daytime trade and active street frontages in retail strips, while providing reasonable commercial opportunities for the trading of licensed premises*.

59. This policy outlines a range of guidance at clause 22.09-3 (including location and access, patron numbers and hours of operation).

**Advertising**

60. The application was advertised in accordance with Section 52 of the *Planning and Environment Act* 1987 [**the Act**] by way of 96 letters sent to the surrounding property owners/occupiers and by sign (fronting to Victoria Street).

61. Eleven (11) objections were received to the application and one letter of support. Objections these can be summarised as:
(a) Off-site amenity impacts (noise/anti-social behaviour/potential outdoor street trading).
(b) Patron numbers;
(c) Insufficient patron seating/Functionality of the venue;
(d) Exit routes on Victoria Street;
(e) Car parking;
(f) Number of existing licenced premises in the area;

62. One letter of support was also received supporting the relatively small scale proposal, when compared to larger venues nearby.

**Referrals**

<u>External Referrals</u>

63. SLR Consulting Australia (Acoustic Consultants).

<u>Internal Referrals</u>

64. Community Amenity Unit.

## Officer Assessment

65. In assessing this application, the primary planning considerations are:

(a) Strategic context
(b) Sale and consumption of liquor;
(c) Objector concerns.
(d) Changes required to permit conditions

<u>Strategic context</u>

66. The State and Local Planning Policy Frameworks encourage the sustainability of commercial uses. These policies seek to encourage development which meets the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities, provided that a balance is achieved in relation to off-site amenity impacts.

67. Specifically, Clauses 13.04-1, 21.04-2 and 22.05 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*... *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*' (Clause 21.04-2).

68. The subject site is located within a Mixed Use Zone but is also proximate to the Commercial 1 Zone (which is located directly to the north of the subject site and approximately 60m to the east). Refer to figure 1 below.

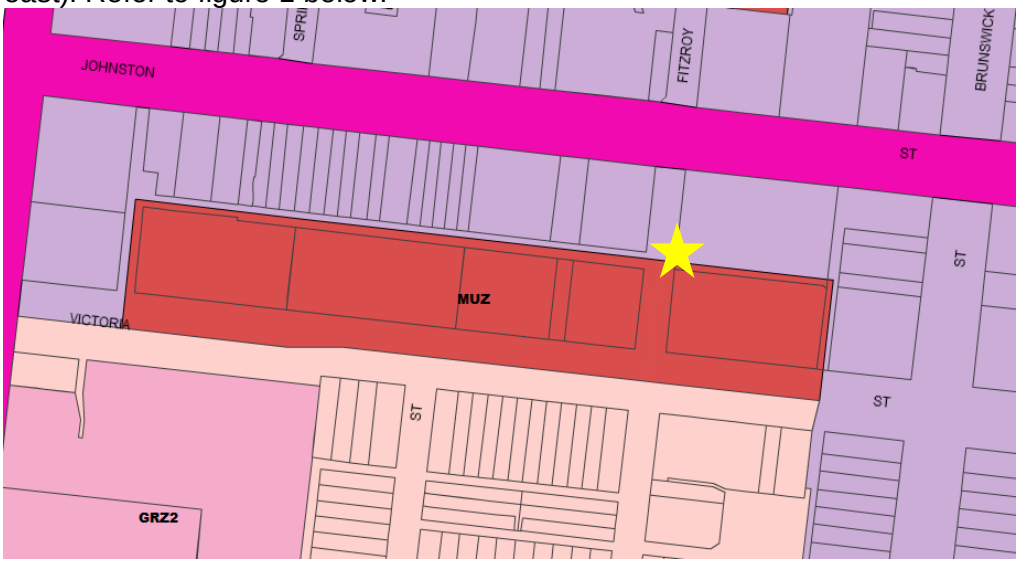



Figure 1: Zoning map of the subject site and surrounding land

69. Given the Mixed Use zoning and the subject site's proximity to both the Commercial 1 Zone and the Brunswick Street Major Activity Centre and the sensitive residential zoning, a balanced assessment of the proposal is required.

70. Nearby residential properties are within proximity to both mixed use and commercially-zoned land as well as the Brunswick Street Major Activity Centre. As such, these properties are not considered to have the same amenity expectations as would properties in the residential hinterland. Using the same logic, commercial uses within the Mixed Use Zone must respect the reasonable amenity of nearby residential uses and cannot expect to have the same operating capacity as a commercial use within a commercial zone.

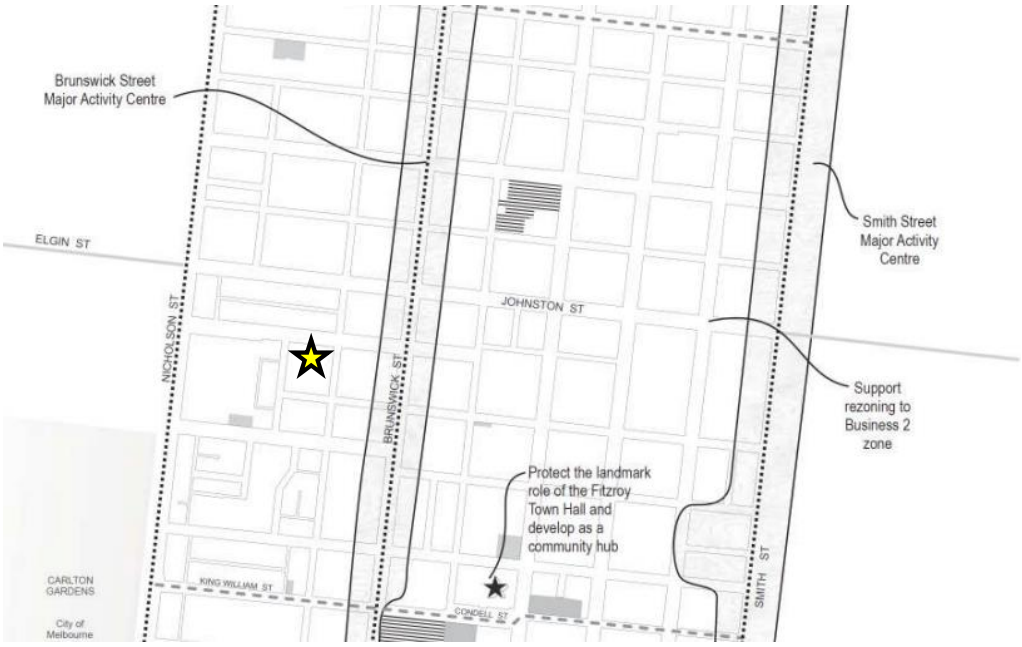



Figure 2: The subject site in relation to the Brunswick Street Major Activity Centre

71. The relevant planning permit triggers in this instance are Clause 52.27, which together with the local policy at Clause 22.09, articulates the decision guidelines relating to cumulative impact, off-site amenity impacts and land use conflict considerations. These issues will be discussed in detail in the balance of this report.

72. It is noted the applicant seeks to commence a new use as a Food and Drink Premises (Café). This is a Section 1 use within the Mixed Use Zone with no planning permit required for the use. The use of the land for the purpose of a '*Convenience Restaurant'* is listed in the existing permit preamble, should an amended permit be granted this will subsequently be deleted, along with other references to *'Convenience Restaurant'* within the existing permit conditions.

73. The service of alcohol will continue to be in association with food, and is ancillary and complementary to the food focus of the existing tenancy. The applicant confirmed in the application package that the licence type for the sale and consumption of liquor is a 'café and restaurant licence.'

74. Council's Community Amenity Unit was supportive of the licence type and increased hours sought, noting that a restaurant and café licence requires the predominant activity, at all times, to be the preparation and serving of meals for consumption on the premises. This reduces the prevalence for adverse off-site amenity impacts, such as alcohol related anti-social behaviour, due to the food focus of the licence type, as opposed to a licence that encourages 'vertical drinking.'

75. Given the proposed hours and nature of a use, the extended hours for the sale and consumption of liquor in associated with the service of food is unlikely to result in additional off-site amenity impacts such as noise and smells beyond what would already be expected.

76. The use will contribute to the continued vibrancy and growth of the surrounding precinct as encouraged by the policies outlined above. Significantly, the use of land within the Mixed Use Zone as a food and drink premises, does not trigger the need for a planning permit.

77. From a policy context, it is considered that the proposal is generally consistent with relevant provisions of the State and local planning policy frameworks in relation to economic development and, subject to conditions, will not unreasonably impact on the orderly planning or amenity of the surrounding area, as outlined in further detail in the following sections of this report.

<u>Sale and consumption of liquor</u>

78. 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 on the amenity of the surrounding area.

79. Clause 22.09 (Licensed premises policy) of the Scheme is Council's local policy to guide the assessment of new or extended licensed premises within the municipality. It contains seven key elements that will be considered in the following section.

*Clause 22.09-3.1 – Location and access*

80. As previously discussed the use of the land for a food and drink premises has strong strategic support in the subject location. The site is located within the proximity to the Brunswick Street Major Activity Centre; a consolidated urban neighbourhood with good access to services, infrastructure and public transport. The site is within proximity to, Brunswick Street, Johnston Street and the major thoroughfares of Victoria Parade and Nicholson Street.

81. It is important to note that whilst in proximity to residential uses (ie. in the apartments above and dwellings across the street) the subject site is located wholly within the Mixed Use Zone with direct access street to Victoria Street. The subject site is totally separated from the upstairs residential uses with its own dedicated entry and rear service activity access to the ROW.

82. In addition, the Food and Drink Premises is located within a commercial tenancy and is already operating under the existing Planning Permit PL07/0761. The existing convenience restaurant with the sale and consumption of liquor has been operating for a number of years (albeit under a different business); with no complaints on record with Council's Compliance branch.

The existing business model operates primarily as a local venue serving meals and catering for the local community. With the one hour extension of the licensed hours (from 10:00pm to 11:00pm), liquor is anticipated to complement the proposed food and drink use rather than change the venue to a bar or night club.

83. The provision of rear access to the ROW will allow service activities to be undertaken with direct access to the laneway which as noted previously serves exclusively as back of house operations for both businesses fronting Victoria Street and those within the Commercial 1 Zoned land fronting Johnston Street. This interface with the laneway is considered to have low amenity and aside from the apartment dwellings constructed above the subject site, no obvious residential interfaces.

84. It is considered that upon leaving the premises people are likely to disperse to either Nicholson Street to access public transport, taxis or rideshare directly or towards Brunswick Street to access other licensed venues within the area that are open until later hours. There is no need for patrons to pass through the residential areas to the south across the other side of Victoria Street in order to access these services (other than local residences who may visit the premises).

85. In addition, given the nature of the use, the dispersal of patrons from the venue is likely to be staggered, with patrons coming and going at various times throughout the day, evening and night. Further to this point it is noted in the supplied Noise and Amenity Action Plan and a condition of the existing permit that a sign be erected at the exit of the venue to advise patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.

86. At present it is noted that the variety of commercial uses normally associated with a mixed use area is not overwhelmingly present; specifically in the form of retail and hospitality. However the zoning of the land encourages such uses on the northern side of Victoria Street.

87. It is unlikely that the approval of the additional patrons (by 11) and extended hours of the sale and consumption of liquor (by one hour) would alter the use of the tenancy beyond what is proposed in that of a Food and Drink Premises.

*Venue Design*

88. The decision plans do not show any changes to the built form of the subject site. The applicant's acoustic report recommends the following;

- 3mm rubber underlay shall be laid underneath the proposed tile flooring to all areas.
- 3mm rubber pads shall be applied between the floor, wall and food preparation/cleaning joinery.
- Soft rubber feet affixed to all unfixed chairs and tables.
- Non-slip rubber matting be provided to food preparation areas.

Should an amended planning permit be granted the inclusion of these upgrades will form a condition of the permit.

89. A smoking area cannot be provided on-site given the lack of an external area. Regardless, smoking at the site will not be possible due to the Restaurant/ Café licence type, which prescribes that liquor be served in conjunction with meals only. With current smoking laws, this will prevent patrons from smoking on the premises, including any potential footpath trading area along Victoria Street (separate Council application).

90. Toilet facilities are located internally adjacent to the kitchen, no unreasonable amenity impacts are anticipated in association with access to the toilets.

91. The attached submission indicates that the bin store will continue to be stored at the rear of the premises with waste to be stored internally until daylight hours (after 7am) when it will be placed in the bins in the waste storage area at the rear of the premises. Rubbish is to be collected via private contractor along the rear ROW of the site, accessible from Fitzroy Street. This is consistent with the existing conditions on the Planning Permit PL07/0761.

*Hours of Operation*

92. The sale and consumption of liquor is proposed to be extended for an additional hour occurring between 10pm and 11pm.

93. Council's Licensed Premises policy Clause 22.09 recommended hours for the sale and consumption of liquor below;

    - *Licensed premises in a Mixed Use Zone should not provide for the sale and consumption of liquor beyond 10pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.*
    - *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.*
    - *Licensed premises (including packaged liquor outlets) should not commence the sale and consumption of liquor before 9am.*

94. The recommended hours shown above are based primarily on the potential for noise impacts, and as such, the large part of noise-impact discussion is contained within this section of assessment.

95. Council's Community Amenity Unit has raised no concern with the proposed hours for the service of alcohol.

96. Noise impacts form a critical part of the application's assessment. The applicant's submitted acoustic report prepared by Renzo Tonin Associates, dated 3 April 2018, identifies the apartments directly above the tenancy as the most sensitive noise receivers.

97. Council's independent acoustic peer review conducted by SLR Consulting Australia concurred that the apartments above would be the most sensate noise receivers, as well as, the single and double storey dwellings to the south on the opposite side of Victoria Street.

98. The applicant's acoustic report found that the proposed hours of operation/licensed hours would be appropriate on the condition of the following:

    *(a) External doors and windows shall be kept closed after 10pm except where providing access/egress. (It is permissible for the back-of-house door to the enclosed car park area to be open at all hours of operation)*
    *(b) Music to be provided at background music levels, ie:- "a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voices to a substantial degree." (Liquor Control Reform Act 1998) - Nominally Leq 67 dB(A) or less, however this is expected to be conservative.*
    *(c) 3mm rubber underlay shall laid be underneath proposed tile flooring to all areas and 3mm rubber pads shall be applied between the floor, wall and food preparation/cleaning joinery.*
    *(d) Soft rubber feet shall be provided for all unfixed chairs and tables and non-slip rubber matting shall be provided to food preparation areas.*
    *(e) The Subject Restaurant shall limit Waste Collection and deliveries to the times set out in EPA Victoria Publication 1254 Noise Control Guidelines (per Section 5.2, to the extent that it is controlled by the Subject Restaurant and not the Body Corporate)*

99. It is noted that Condition 4 of the existing permit requires that the servery window and bi-fold doors must be closed from 9:00pm (other than for ingress and egress). It is recommended that this condition be retained as it.

100. Council's independent peer-review of the submitted acoustic report found that internal patron noise had been adequately addressed within the supplied consultant report however identified the following issues;

    *(a) Noise from patrons and staff departing the restaurant has not been addressed. Given that the proposed extension of operating hours introduces additional patron movement during the 'night' period, there is potential for nuisance from this activity. The main issue is noise from people leaving to the apartments directly above.*

(b) *An assessment of noise from mechanical plant has not been conducted because the plant is considered unlikely to cause nuisance. We would like further assurance on this matter, and particularly with respect to noise from the kitchen exhaust fan, given that the equipment is proposed to operate at a time when lower noise limits apply.*

101. In summary, the peer review did not raise issues with the proposed increased patron numbers or extended licenced hours within the building to 11pm. The main area of concern was patrons and staff departing the restaurant and the potential impacts of noise associated with the kitchen exhaust fan to the apartment above.

102. Given the limited concerns arising from the peer review of the submitted acoustic report, it is recommended that should a permit be granted an updated acoustic report specifically addressing noise associated with the fan exhaust be submitted and endorsed to form part of the amended permit.

103. SLR Consulting Australia noted in their assessment that the issue of noise associated with patrons and staff leaving the premises can only be controlled through management strategies and /or via permitted operating hours. In assessing the whether the egress of patrons will affect the amenity of the area Council must also consider the nature of the proposed business and whether there is an unreasonable element of risk.

104. It has already been established that the proposed sale and consumption of liquor will be serviced via a restaurant and café licence in which the consumption of alcohol is undertaken as an ancillary activity to the service of food. It is commonly accepted this reduces the prevalence for adverse off-site amenity impacts, such as alcohol related anti-social behaviour, due to the food focus of the licence type as opposed to a licence that encourages 'vertical drinking.'

105. Furthermore as a Food and Drink Premises (Café), it is anticipated that patrons will leave the venue upon finishing their meal. This will result in a sporadic filtered exit of patrons over a period of time throughout the course of the evening. Unlike that of a tavern where a large volume of patrons may be required to exit all at once upon closing.

106. It is also considered that Victoria Street is already susceptible to late night patron noise given its proximity to the Brunswick Street Major Activity Centre.

107. Clause 22.09-3 of the scheme recommends that licensed premises not provide for the sale and consumption of liquor beyond 10pm for venues in a Mixed Use Zone, unless the Responsible Authority is satisfied that it will not adversely affect the amenity of the area. It has been identified in both the applicants' acoustic report and confirmed via Council's peer-review that internal noise has been adequately addressed and deemed that it will not to adversely impact the amenity of the area. When considering the nature of the proposed business it is considered that large groups of patrons or unruly patrons departing the venue late at night is unlikely given the nature of the proposed venue as a Food and Drink Premises (Café).

108. With regard to the location of the food and drinks premises, the hours are considered appropriate. The site is within a Mixed Use Zone and within proximity to the Brunswick Street Major Activity Centre. It is considered that the extended sale and consumption of liquor would have limited opportunity to cause undue detriment to the surrounding properties, with particular regard to the residential properties located directly above to the south, for the following reasons:

(a) The operable windows and doors fronting Victoria Street will be closed post 9:00pm;
(b) The activity is wholly contained inside the premises;
(c) The nature of the food and drink premises (café) use associated primarily with the service of food

109. If an amended permit were to be issued Conditions 3 and 7 is recommended to be updated to reflect the modified hours and a new condition requiring an updated acoustic report to be submitted addressing noise associated with the fan exhaust.

*Patron Numbers*

110. This section of Clause 22.09 states:

*The number of patrons should not exceed the safe and amenable operating capacity of the premises. An assessment of the maximum number of patrons that can be physically accommodated within a venue should be based on the VCGLR Liquor Licensing Fact Sheet – Maximum Patron Capacity (2016).*

111. The application seeks to provide the sale and consumption of liquor to a maximum of 46 patrons, increasing from the existing 35 maximum patrons.

112. In accordance with the aforementioned VCGLR Factsheet, a Café and Restaurant Licence must ensure that 75% of patrons have access to a table and seat at any given time. The plans show a total of 36 seats within the title boundaries of the site. On this basis, a maximum of 46 patrons would mean that 78% of patrons have access to a seat and table, compliant with the requirements for a Café/ Restaurant Licence.

113. A condition requiring 75% of patrons to have access to a table and seat at any given time is not present on the current planning permit, should an amended permit be issued it is recommended that such a condition is included.

114. The proposed maximum of 46 patrons would comply with both the relevant Building Regulations and Liquor Licence regulations, which and is therefore considered appropriate for the site and context.

115. Council's Community Amenity Unit was supportive of the proposed increased patron numbers as proposed (35 to 46).

116. Internal patron noise has been adequately addressed in both the applicants' acoustic report and Council's peer review and deemed to present no increased risk to the amenity of the area.

117. Given the nature of the use with a primary food focus and 78% of patrons provided with seating, it is considered that the number of patrons will be manageable on site and not adversely affect the amenity of the surrounding area. If an amended permit were to issue, a revised Condition 5 should stipulate the revised maximum patron numbers (46) and a new condition stipulating that a minimum of 75% of patrons should have should access to a seat and table at any given time.

*Clause 22.09-3.4 Noise*

118. Noise considerations have been largely assessed in the *Hours of Operation* section of this assessment so as to provide a basis for the recommended operating/licensed hours. In summary, Council's independent peer-review of the Applicant's acoustic report found limited concerns with the internal operations of the proposal.

119. The submission prepared by the applicant outlines that no live entertainment is proposed, nor is a dance floor or stage area, with music proposed at background level only.

120. It is considered an existing condition of the permit (Condition 12) which currently stipulates *"No music other than ambient background music shall be played within the premises. Speakers must not be located outside the building. No music must be audible external to the convenience restaurant*". Should an amended permit be issued it is recommended that the condition is to remain in place with reference to the *'convenience restaurant'* amended to prescribe the *'the Food and Drink Premises'*.

121. It is also noted that existing Condition 13 of the existing planning permit requires the following:

*The use of the convenience restaurant must not, adversely affect the* amenity *of the area through the:*

*(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.*

Again it is recommended that this condition is to remain in place with reference to the *'convenience restaurant'* amended to prescribe the *'the Food and Drink Premises'*.

122. The above condition is a mechanism to ensure the ongoing amenity of the surrounding area is protected. If verified amenity issues around noise occur then corrective works can be required by the responsible authority to ensure they are resolved and amenity restored. The condition would apply to the use of the food and drink premises.

123. Existing condition 17 requires *'no emptying of bottles into garbage bins is permitted after 10pm on any night, or before 7:00am on any day" this* condition is recommended to be updated in accordance with requirements of Clause 22.09; *"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."*

124. Condition 16 of the existing permit requires *compliance with the State Environment Protection Policy or any other standard recommended by the Environmental Protection Authority*. Specific reference to State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1) and State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2). Is omitted from the original permit. Whilst compliance with both SEPP N-1 and SEPP N-2 is anticipated within the supplied and peer reviewed acoustic reports. These standard conditions can inserted as additional conditions of the permit.

125. It is noted that compliance with both SEPP N-1 and SEPP N-2 is anticipated as part of the supplied Acoustic Report. As previously discussed should an amended permit be granted a condition requiring an updated acoustic report addressing the noise emanating from the fan exhaust be submitted to be endorsed as part of the planning permit, as well as, a condition requiring the endorsed Acoustic Report to be implemented and complied with to the satisfaction of the Responsible Authority.

126. With the inclusion of the recommended conditions it is considered that the proposal provides an adequate response to the Mixed Use Zone, adjoining residential land uses and location in proximity to a Brunswick Street Major Activity Centre

*Noise and Amenity Action Plan*

127. Clause 22.09-4 states the requirement for a NAAP does not apply to a permit application for a café or restaurant. Given that that under the previous planning permit a NAAP was endorsed as part of the permit an updated detailed NAAP has been provided by the applicant as part of the application documents.

128. The revised NAAP is considered to be satisfactory in mitigating negative anti-social behaviours associated with the venue. It is however noted that there are some inconsistencies with regard to the venue name referencing the previous business operator "Endis Café" and stipulating that waste is to be collected by council's collection.
It has previously been discussed that existing permit condition 19 requires waste to be undertaken by private contractors.

129. A NAAP, if endorsed, becomes a legal document that can be enforced if the use operates outside of the parameters stated within the NAAP. A NAAP creates certainty with the operation of the venue including key aspects that could impact on the surrounds including complaints handling. As such whilst not specifically required pursuant to Clause 22.09-4 given that a NAAP has been provided by the applicant it is recommended that if an amended permit is granted that a revised NAAP correctly referencing the business operator and deleting reference to council waste collection be endorsed and form part of the planning permit.

130. In addition to these measures, Council's Community Amenity Unit and Victoria Police are charged with ensuring these venues operate in an appropriate manner. Victoria Police generally focus on patron behaviour on the street and Council's Community Amenity Unit generally deals with issues of noise from within premises

*Cumulative impact*

131. It is necessary to give consideration to potential cumulative impacts associated with a proposal for a new or expanded liquor licence as outlined at both Clauses 22.09 and 52.27. The 'Corner Hotel' decision (Swancom Pty Ltd T/as Corner Hotel v Yarra City Council & Ors) provides a potential assessment methodology for considering applications that may result in cumulative impact. The decision also acknowledges that depending on the nature of the use (i.e. premise type, patron numbers and operating hours), the required level of assessment will vary.

132. Since the 'Corner Hotel' decision, Council has developed an assessment tool to determine the likelihood of cumulative impacts occurring as a result of a proposal based on risk factors associated with the type of premises, size of premises and closing hours of the premises, to help determine what level of assessment is appropriate.

133. It is considered that a cumulative impact assessment is not warranted for this application, as the proposal scores a total of one on the determinative risk factors. Applying the matrix of risk below, a reasonable consideration would suggest that a score of one to three would be no risk, but that a score higher than three would be a potential risk and require a cumulative impact assessment.

| Type of Premise | Risk Factor |
|---|---|
| **Café / Restaurant** | **0** |
| Bar / Restaurant / Café | 1 |
| Bar | 3 |
| Hotel / Tavern | 3 |
| Night Club | 3 |
| Place of Assembly | 2 |

| Size of Premise | Risk Factor |
|---|---|
| **0 – 49 patrons** | **1** |
| 50 – 99 patrons | 1 |
| 100 – 199 patrons | 2 |
| 200+ | 3 |

| Closing hours | Risk factor |
|---|---|
| **11pm** | **0** |
| 12am | 1 |
| 1am | 2 |
| 2am | 3 |
| 3am | 3 |
| After 3am | 4 |

134. Overall, it is anticipated that the venue's potential to contribute to a negative cumulative impact will be limited (score of 1), provided that the conditions discussed throughout this report aimed at minimising any off-site amenity impacts are applied to any amended planning permit that issues and the recommendations contained within this report are complied with.

<u>Objector Concerns</u>

135. *Off-site amenity impacts (noise/anti-social behaviour).*
This concern has been discussed at paragraphs 66 – 134 of this report.

136. *Patron numbers*:
This concern has been discussed at paragraphs 110 – 118 of this report.

137. *Insufficient patron seating/functionality of venue:*
This concern has been discussed at paragraphs 72 – 74, 104 and 112 – 117 of this report.

138. *Exit routes along Victoria Street:*
This concern has been discussed at paragraphs 80 – 87 and 101 – 108 of this report.

139. *Potential outdoor street trading;*

It has been identified previously within the report (paragraph 89) that Street Trading is subject to a separate Council application. Any application for street trading will be assessed on its merits by Council's Local Laws and Community Amenity Unit.

140. *Car parking*

As previously mentioned in the report (paragraph 44), car parking does not form a planning permit trigger as part of the proposal.

141. *Number of existing licence premises in the area*
This concern has been discussed at paragraphs 131-133 of this report

<u>Changes required to permit conditions</u>

142. If an amended permit were to issue, the following changes to the permit would be required;

(a) The permit preamble would be required to be updated to acknowledge that the revised use of the land for a 'Food and Drink Premises' does not require a planning permit. Existing use related conditions will be deleted or reordered under sale and consumption of liquor.

(b) Permit conditions will be renumbered accordingly.

(c) Deletion of existing Conditions 1(e) and 1(i) requiring; "*a Noise and Amenity Action Plan, in accordance with Clause 22.09 of the Yarra Planning Scheme;"* and *"*An updated Noise and Amenity Action Plan with reference to "Shire Café" removed and clearly stating that the premises has a "Café and Restaurant Liquor licence".* As discussed in Paragraph 129 a NAPP condition will be moved to standalone condition.

**Conclusion**

143. The proposal, subject to conditions outlined in the recommendation below, is an acceptable planning outcome that demonstrates compliance with the relevant Council policies. Based on the above report, the proposal complies with the relevant Planning Scheme provisions and planning policy and is therefore supported.

**RECOMMENDATION**

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit PL07/0761 to increase the patron numbers to 46 and licensed hours to 11pm in association with a Food and Drink premises (Café) at 69-71 Victoria Street, Fitzroy, subject to the following amended permit preamble and conditions:

**Permit Preamble and conditions amended as follows:**

**Use of a portion of the ground floor for the sale and consumption of liquor (Restaurant and Café Licence), part demolition, buildings and works and the construction and display of business identification signage.**

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

1 Before the use and/or development starts, 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 pact of the 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 application plans, but modified to show:

(a) deletion of all references to footpath seating and barriers;

(b) a revised proposed floor plan showing no more than 35 seats;

(c) an area for the storage of garbage bins and recycling services. Rubbish including bottles and packaging material, must at all times be stored within the building and screened from external view;

(d) the awning projecting a maximum 2.4m from the façade of the building;

**(e) *Deleted***

(f) a revised, site plan, showing the location of associated car parking and amenity facilities for the convenience restaurant;

(g) a ‘red line’ plan confirming areas available for the sale and consumption of alcohol; and

(h) a ‘keep clear, staff use only sign’ displayed at the servery window.

**(i) *Deleted***

2 ***The use and development (including the 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**

**<u>Sale and Consumption of Liquor</u>**

3 The servery window and all bi-fold doors must be closed from 9.00 pm (other than for ingress and egress), without the further written consent of the responsible authority.

**4 *Liquor may only be sold or consumed between 10.00 am and 11.00 pm, Monday to Sunday.**

**5 *No more than 46 patrons are permitted on the land at any time liquor is being sold or consumed.**

**6 *Seating for a minimum of 75% of patrons must be provided at all times liquor is made available for sale and consumption.**

**<u>Noise and Amenity Action Plan</u>**

**7 *Before the sale and consumption of liquor until 11:00pm 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 and Action Plan must be generally in accordance with the Noise and Amenity Action Plan prepared by the applicant and submitted to Council on 8 March 2018 but modified to include;**

**(a) The correct business name.**

**(b) Waste collection to be carried out by private contractor.**

8 The premises must be managed in accordance with the Noise and Amenity Action Plan, without the further written consent of the responsible authority.

9 During all hours (whether or not liquor is served) in which the business is open to the public, entry must be made freely available to any authorised officer(s) of the responsible authority for the carrying out of any investigations associated with the sale or consumption of alcohol on the site.

10 During all hours (whether or not liquor is served) in which the business is open to the public, there must be present on the premises, a person above the age of 18 years, responsible for the good conduct of the premises ("the Manager").

11 The Manager must at all times be authorised by the occupier of the premises to make statements and admissions on their behalf to any authorised officer of the Responsible Authority regarding the conduct of the premises for the use hereby authorised.

**Amenity**

**12 *No music other than ambient background music shall be played within the premises. Speakers must not be located outside the building.**

**13 *The use must not, adversely affect the amenity of the neighbourhood, including through the;**

(a) transport of materials, goods or commodities to or from land;
(b) appearance of any buildings, works or materials;
(c) emission of-noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
(d) noise or other disturbances associated with the arrival or departure of customers; or
(e) the presence of vermin.

14 Alarms must be directly connected to a security service and must not produce noise beyond the premises.

15 The operator must request patrons, either by leaflets or a prominent notices to take account of the needs of local residents for peace and quiet during normal sleeping hours, when exiting the premises.

**16 *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.**

17 All delivery and collection of goods associated with the business must be conducted between 8am and 6pm Monday to Friday.

18 All waste collection is to be undertaken by private, contractors.

**19 *The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).**

**20 *The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).**

**Acoustic**

**21 *Before the extended service 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 Renzo Tonin Associates, dated 3 April 2018, but modified to address:**

**(a) The impact of the kitchen fan exhaust to the apartment above.**

**22 *The Provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.**

**Advertising Signage**

23 The location and details of the sign (including advertisement) must accord with the attached endorsed plans. Any alterations must be approved by the Responsible Authority.

24 The sign must be constructed and maintained to the satisfaction of the Responsible Authority.

25 The advertising sign must not be animated, flashing, dynamic or reflective.

**Car Parking**

26 The car parking space must be maintained at all times to the satisfaction to the Responsible Authority and must not be used for any other purpose, except with the written consent of the Responsible Authority.

**Construction**

27 Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between; 7.00 am – 6.00 pm, Monday-Friday (excluding public holidays) and 9.00 am - 3.00 pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.

**Expiry Conditions**

**28 *This permit will expire if:**

**(a) the extended hours for the sale and consumption of liquor is not commenced within two years of the date of the amended 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.**

29 The approval granted for the advertising signs will lapse fifteen (15) years from the date of this permit.

**NOTES:**

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

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

**CONTACT OFFICER:** **Robert Galpin**
**TITLE:** **Statutory Planner**
**TEL:** **9205 5139**

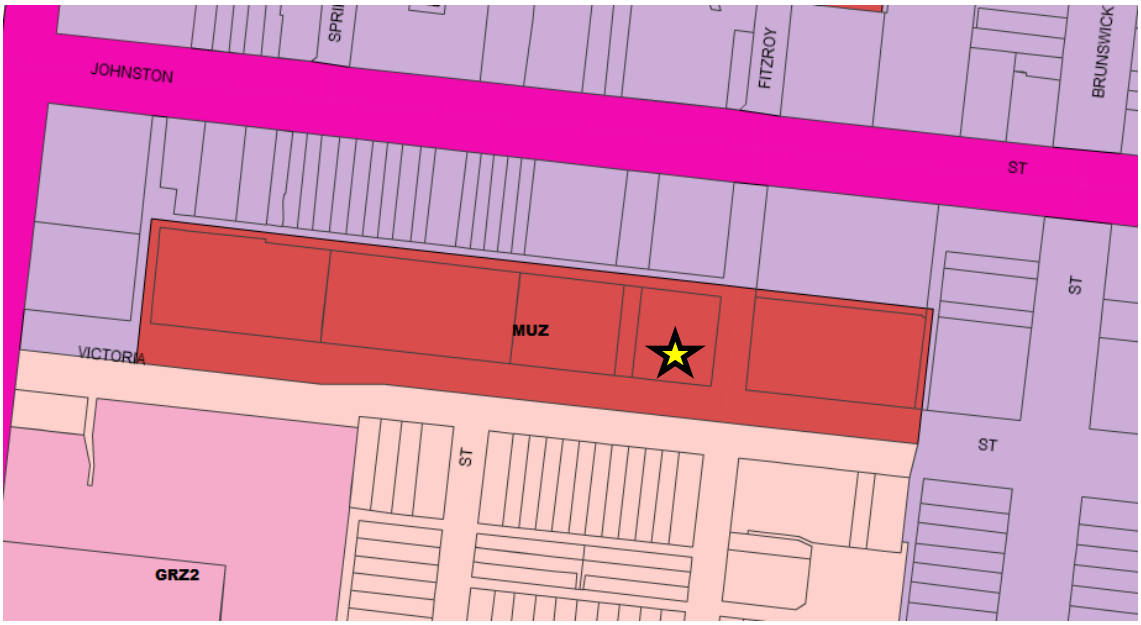
**Attachments**

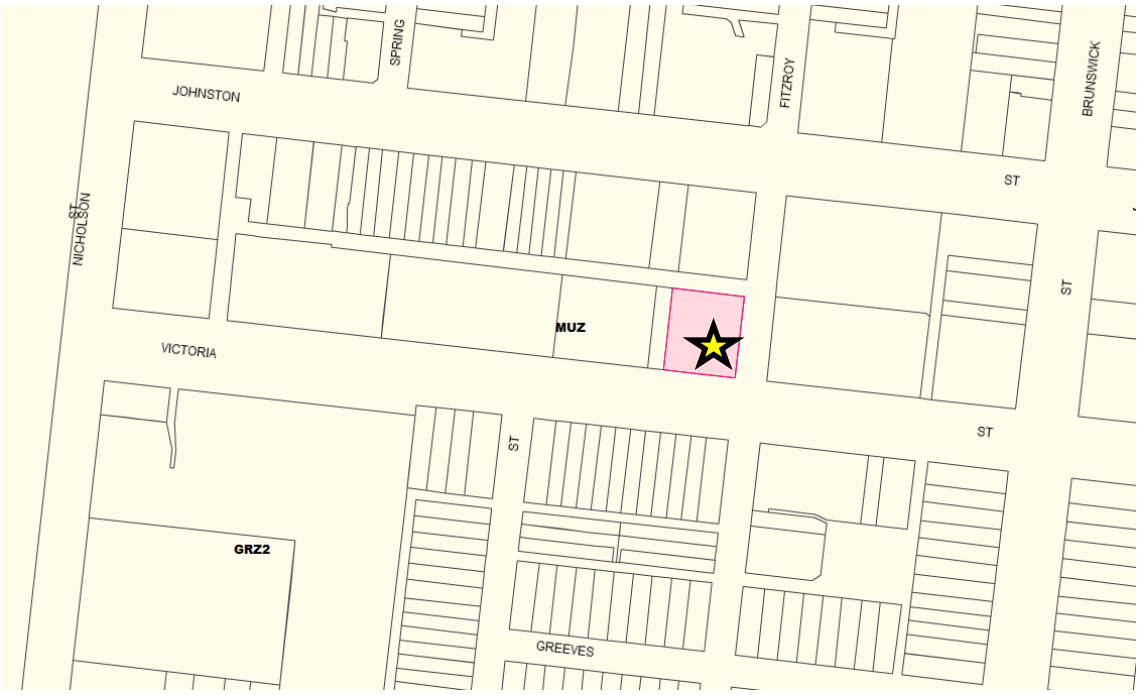
1. PL07/0761.02 - 69 - 73 Victoria Street Fitzroy - ATTACHMENT 1 - Site plan 69 - 73 Victoria Street Fitzroy
2. PL07/0761.02 - 69 - 73 Victoria Street Fitzroy - Acoustic consultant Report
3. 69 - 71 Victoria Street Fitzroy - Community Amenity Referal

**Attachment 1 - PL07/0761.02 - 69 - 73 Victoria Street Fitzroy - ATTACHMENT 1 - Site plan 69 - 73 Victoria Street Fitzroy**

# ATTACHMENT 1

## SUBJECT LAND: 69–73 Victoria Street, Fitzroy




**North**

**Subject Site**

22 May 2018

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City of Yarra
P.O. Box 168
Richmond VIC 3121

**Attention: Robert Galpin**

Dear Robert

## 79-73 Victoria Street, Fitzroy
## Development Application Acoustic Review
## PLN07/076

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the acoustic assessment report for the existing restaurant at 79-73 Victoria Street, Fitzroy.

Details of the report are as follows:

- Title: Wa Kenbo: 69-71 Victoria Street, Fitzroy – Town Planning Response
- Date: 3 April 2018
- Prepared for: Wa Kenbo
- Prepared by: Renzo Tonin & Associates Pty Ltd (RTA)

The report has been prepared to support the application for an extension of operating hours.

## 1 Background Information

*(Sections 2 to 3 of the acoustic report)*

The acoustically significant aspects of the venue and proposed changes are summarised below:

- The venue is a licensed restaurant that has apartments directly above.
- The existing and proposed operating hours are:
  - Existing: to 10 pm all nights
  - Proposed: to 11 pm all nights
- The existing and proposed patron numbers are:
  - Existing: 35 indoors and 14 outdoors (pavement dining)
  - Proposed: 46 indoors, outdoor tables not proposed to be used after 10 pm
- Background music is played within the venue.
- There are no outdoor areas apart from the pavement associated with the use.

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- The nearest noise sensitive receivers are identified as apartments directly above the restaurant and single and two storey dwellings to the south.

***SLR Comments:*** *The proposed use and context is generally well described and the noise sensitive receivers have been identified.*

*Potential noise impacts from the use are not given in this section of the report, however the following sources have been considered: mechanical plant; music; patrons within the restaurant; impact noise from within the restaurant (e.g. furniture scraping along floors) and deliveries and waste collection.*

*Noise from patrons and staff departing the restaurant has not been considered. As this is proposed to take place during the night period, impacts from this source should be considered.*

*From discussion with RTA we understand that the restaurant has changed hands, and that the new owners are in the process of renovating that space. As part of those works a suspended plasterboard ceiling is being installed, and the floor finish upgraded.*

## 2 Background Noise Levels

*(Section 4 of the report)*

Background noise logging undertaken as part of a different application has been used to characterise the acoustic environment. The logger location was on the roof of the building at 105 Victoria Street, approximately 26.5 m above ground level.

The measured background noise level during the night period was 51 dBA $L_{90}$.

***SLR Comments:*** *The measurement location is unlikely to be representative of the noise environment at noise sensitive receivers closest to the restaurant, which are at the ground level (stand-alone dwellings) and on level 1 (apartments within the development).*

*As the application is for operation during the 10 pm to 11 pm period all nights of the week, it would be appropriate to measure background noise levels between those hours, one night early in the week, in order to characterise the acoustic environment at times when background levels are at their lowest and the use may cause the greatest nuisance.*

*The measured background noise levels have not, however, been used to determine noise limits for the use.*

## 3 SEPP N-1 Noise Limits

*(Section 5.1 of the acoustic report)*

The SEPP N-1 limits for the area have been calculated taking into consideration land use zoning. The high measured background noise levels have not been used to establish high noise limits.

The critical limit for this assessment is the 'night' limit, which is identified as 46 dB Leq.

***SLR Comments:*** *Our calculations or SEPP N-1 limits for apartments within the development are comparable to RTA's. Lower zoning levels would apply to receivers on the southern side of 72 Victoria Street, however this receiver location is unlikely to drive the assessment.*

# 4 Patron Noise Impacts

## 4.1 Assessment Criteria

*(Section 5.1.3 of the acoustic report)*

Patron noise is proposed to be assessed to SEPP N-1 and to sleep disturbance targets of 50-55 dBA internally with windows partially open. This is noted to equate to approximately 60-65 externally.

***SLR Comments:*** *We agree that assessment of patron noise to SEPP N-1 externally can provide a reasonable amenity outcome. The nominated Lmax targets are also reasonable.*

## 4.2 Patron Assessment

*(Sections 5.2 and 5.3 of the acoustic report)*

A numerical assessment of patron noise impacts is not provided. RTA state that impacts to stand alone dwellings will be minimal due to the high background noise levels in the area, and the distance between the restaurant and the nearest homes (at least 20 m).

Impacts to dwellings within the building is noted to be mitigated by the building floor / ceiling construction (described as concrete with a suspended plasterboard ceiling); by the small windows to apartments, and the proposed noise management plan which will require doors to be kept closed after 10 pm.

RTA also observe that the purpose of the extended patron hours is to allow later dining rather than to move the venue into tavern style operations.

***SLR Comments:*** *We agree that patron noise from within the venue is unlikely to exceed SEPP N-1 limits provided doors are closed, as proposed.*

*Noise from patrons and staff leaving the restaurant has not been considered and, given that the application will potentially move this noise source later into the night period, consideration of impacts should be provided. By our calculations noise from patrons departing has potential to exceed the external target of 65 dBA Lmax outside openable windows of the apartments above the restaurant.*

*It is of consideration that the restaurant is not on a main road, and that background noise levels are likely to be lower than RTA have measured. In this environment, noise from patrons departing during the later closing hours may cause nuisance.*

*We note that patron noise on the street can only be controlled through management strategies and / or via permitted operating hours.*

# 5 Music Noise

## 5.1 Criteria

*(Section 5.1.2 of the acoustic report)*

Music noise is proposed to be assessed to SEPP N-2. SEPP N-2 A-weighted and octave band base noise limits are provided in Tables 7 and 8 of the report. The limits are based on the background noise data obtained at 26 m above ground level.

Any music noise transmitted through the common floor / ceiling to the apartment above is proposed to be assessed to SEPP N-2 base noise limits until such time as background noise levels are measured within the apartment.

***SLR Comments:*** *We agree that music is assessable to SEPP N-2 but do not agree with the background based noise limits nominated in the report. Lower limits are likely to apply if background noise measurements were conducted at the locations of the potentially most impacted receivers.*

### 5.2 Music Assessment

*(Section 6 of the report)*

A numerical assessment of music noise is not provided. Recorded music is proposed to be played at background levels only, and RTA state that music within the restaurant should not exceed 67 dBA Leq.

The specified level of music is predicted to comply with SEPP N-2 limits at all locations.

***SLR Comments:*** *Given that the restaurant is currently operating it would have been preferable to measure existing music levels to demonstrate that they are consistent with the level specified by RTA. However, we agree that music played at the proposed level will comply with SEPP N-2 at all noise sensitive locations provided doors and windows are kept closed, and the proposal to play background level music only does not appear inconsistent with the use.*

## 6 Mechanical Plant Noise

*(Sections 5.1.1 and 6 of the report)*

Noise from mechanical plant is proposed to be assessed to SEPP N-1.

Potential sources of plant noise are identified as the air conditioning condenser units, which are located in the carpark, and the kitchen exhaust fan, which is ducted to the roof.

The condenser units are not considered in any detail by RTA due to their shielded location.

Regarding the kitchen exhaust fan, RTA observe that the fan is ducted through the building, is not overlooked by any apartments and has not, to their knowledge, generated complaints about noise. On these grounds an assessment of noise from the unit has been determined unnecessary.

***SLR Comments:*** *The proposed extension of operating hours pushes operation of mechanical plant from the 'evening' period, into the 'night' period, when more stringent noise limits apply. Typically we would expect a full assessment of any plant and equipment if the noise limits change as part of the application.*

*In this instance, the critical assessment location appears to be apartments below the fan discharge and the private open spaces of upper level apartments. Our indicative calculations suggest that there is potential for noise from a kitchen exhaust fan to be non-compliant with the identified noise limit on the closest balcony and within the apartment below the fan (assuming a lightweight roof / ceiling construction).*

*We would like further assurance that noise from the fan will comply with the SEPP N-1 night limits. Possible approaches include:*

- *Measurement of fan noise both in an apartment below the installation and in the nearest private open space (preferred method), or*
- *Measurement of fan noise on the roof of the building, and calculation of noise to the receiver, or*
- *Sourcing the sound power data for the specific fan and calculation of noise to the most sensitive receiver locations, or*
- *Written feedback from the Body Corporate stating that there noise from the fan does not cause nuisance.*

## 7 Floor Impact Noise

*(Section 6 of the report)*

Structureborne noise from impacts to the floor of the restaurant, transferred to apartments above, is addressed through the following:

- Installation of a 3 mm thick rubber underlay below the proposed tiled flooring.
- Installation of 3 mm thick rubber pads between any food preparation joinery and the building walls and floor
- Soft rubber feet to all moveable chairs and tables

***SLR Comments:*** *The above advice addresses the issue of impact noise apartments above.*

## 8 Deliveries and Waste Collection

*(Section 6 of the report)*

It is proposed that deliveries and waste collection be carried out within the times set out in the EPA Victoria Publication 1254.

***SLR Comments:*** *Agreed. In addition to the above bottles should not be deposited in external bins after 10 pm.*

## 9 Summary

A summary of our findings and recommendations with respect to the acoustic report provided for 69-71 Victoria Street, Fitzroy is provided below:

- Patron noise from within the venue is adequately addressed in the report.
- Noise from patrons and staff departing the restaurant has not been addressed. Given that the proposed extension of operating hours introduces additional patron movement during the 'night' period, there is potential for nuisance from this activity. The main issue is noise from people leaving to the apartments directly above. Later opening hours during the weekend period only, may be a reasonable compromise unless strategies can be put in place for managing impacts.
- Low levels of recorded music are proposed to be played within the restaurant and, while music has not been measured by the consultant, the proposed levels appear consistent with the operation, and compliance with SEPP N-2 appears likely.

- The actual SEPP N-2 limits presented in the report are based on background noise levels measured at a more exposed location than the noise sensitive receivers. Whilst music noise is unlikely to be an issue on this application, we nevertheless recommend that these limits are removed from the report, as they are potentially misleading.
- An assessment of noise from mechanical plant has not been conducted because the plant is considered unlikely to cause nuisance. We would like further assurance on this matter, and particularly with respect to noise from the kitchen exhaust fan, given that the equipment is proposed to operate at a time when lower noise limits apply. Some options for addressing this issue include:
  - Assessment by measurement at the potentially most impacted receiver location (preferred option), or
  - Measurement on the roof and calculation to receiver locations, taking into consideration the building construction, or
  - Calculation from sound power data for the actual installed fan, or
  - Written statement from the Body Corporate that noise from the fan does not cause nuisance.
- Bottles should not be placed in externally located rubbish bins after 10 pm.

Yours faithfully,

Dianne Williams
Associate - Acoustics

Checked/
Authorised by: JA

**Attachment 3 - 69 - 71 Victoria Street Fitzroy - Community Amenity Referal**

CITY OF YARRA

# MeMO

| | |
|---|---|
| **TO:** | **Robert Galpin** |
| **cc:** | |
| **FROM:** | **Steve Alexander** |
| **DATE:** | **18/04/18** |
| **APPLICATION:** | **PL07/0761.02** |
| **SUBJECT:** | **Amenity Enforcement Referral** |

Dear Robert,

Thank you for your referral dated 18 April 2018 in relation to 69-71 Victoria Street Fitzroy.

I note this application is for an increase in patron numbers to 46 and a change of operating hours from 10pm to 11pm. I also note the proposed 'use' change.

The Compliance branch has not received any amenity related complaints and given the hours proposed are no later than 11pm the Compliance branch doesn't have concern in relation to the proposal.

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

Regards,

**Steve Alexander**
**Coordinator – Civic Compliance**

## 1.4 PLN17/0973 - 12-14 Green Street Cremorne - Demolition of the existing dwelling on 14 Green Street (including part of this dwelling located on 12 Green Street) and construction of one new dwelling on 14 Green Street

### Executive Summary

### Purpose

1. This report provides Council with an assessment of an application at 12-14 Green Street, Cremorne, for the demolition of the existing dwelling on 14 Green Street (including part of this dwelling located on 12 Green Street) and construction of one new dwelling on 14 Green Street. The report recommends approval of the application subject to a number of conditions.

### Key Planning Considerations

2. Key planning considerations include:
   (a) Built Form and Heritage
   (b) On and Off-site Amenity impacts

### Key Issues

3. The key issues for Council in considering the proposal relate to:
   (a) Clause 54 Assessment
   (b) Heritage
   (c) Objector Concerns

### Objector Concerns

4. Ten objections were received to the application, these can be summarised as:
   (a) Off-site amenity impacts
      (i) Overlooking
      (ii) Walls on boundary
      (iii) Overshadowing and energy efficiency of surrounding properties
      (iv) Non-compliance with ResCode Standards
   (b) Neighbourhood Character and Heritage
      (i) Proposal will result in a high level of visual bulk to the street
      (ii) Proposal at odds with the heritage character of the street
   (c) Non-planning matters
      (i) Construction damage and construction nuisance

### 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 conditions primarily regarding heritage and amenity impacts.

**CONTACT OFFICER:** **Michelle King**
**TITLE:** **Senior Statutory Planner**
**TEL:** **9205 5333**

## 1.4 PLN17/0973 - 12-14 Green Street Cremorne - Demolition of the existing dwelling on 14 Green Street (including part of this dwelling located on 12 Green Street) and construction of one new dwelling on 14 Green Street

Trim Record Number: D18/129992
Responsible Officer: Senior Coordinator Statutory Planning

| | |
|---|---|
| **Proposal:** | Demolition of the existing dwelling on 14 Green Street (including part of this dwelling located on 12 Green Street) and construction of one new dwelling on 14 Green Street |
| **Existing use:** | Single dwelling on a lot |
| **Applicant:** | Rauhous |
| **Zoning / Overlays:** | Neighbourhood Residential Zone – Schedule 1<br>City Link Project Overlay<br>Design and Development Overlay – Schedule 5<br>Heritage Overlay – Schedule 323 |
| **Date of Application:** | 13 November 2017 |
| **Application Number:** | PLN17/0973 |

### Planning History

1. There is no relevant planning history concerning the subject site.

### Background

Application Process

2. The application was received by Council on 13 November 2017. Following the submission of further information, the application was advertised and nine (9) objections were received.

3. In response to the objections received and concerns raised, sketch plans were received on 5 April 2018 and a formal amendment pursuant to Section 57A of the *Planning and Environment Act* 1987 **(the Act)** was made on 3 May 2018 to modify the overall design, height and setbacks of the new dwelling.

4. The Section 57A amendment application proposed the following key changes to the design:

   (a) Rectangular form of the new dwelling amended to an asymmetrical pitched roof form with overall height increasing from 6.2 metres to 7.5 metres;
   (b) Extent of basement increased;
   (c) Northern ground floor wall on boundary setback increased from 9.78 metres to 13 metres from the street;
   (d) Southern wall on boundary reduced in height by 400mm;
   (e) First floor setback to the south increased from 2 metres to 2.3 metres;
   (f) Southern walk in wardrobe built form at first floor located 500mm closer to the street;
   (g) First floor façade setback further from the street, from 3.3 metres to 4.1 metres;
   (h) Juliette balconies included to the east of the street facing first floor bedrooms;
   (i) Juliette balcony added to the rear west facing bedroom.

5. The amendment was advertised and further comments were received from three registered objectors and one additional objection was received. A consultation meeting was held on 24 July 2018 and attended by the applicant, Council officers and two objectors.

6. Two sets of sketch plans were also received following the lodgement of Section 57A plans, with details as follows:

*23 July 2018*

7. Sketch plans were received on 23 July 2018 in response to Council's Heritage Advice dated 2 July 2018. The plans made the following changes:
   (a) The garage material modified to sheeted zinc to match the concrete colour.
   (b) The horizontal lines within the textured concrete façade exaggerated with grooves that will be nominally 15mm to 20mm
   (c) Upper level glazing modified to solid panels.

*31 July 2018*

8. Sketch plans were received on 31 July 2018 in response to concerns regarding overshadowing. The plans made the following changes:
   (a) The ground floor wall on boundary has been reduced in height, from between 3.055-3.2 metres to 2.65-2.8 metres.
   (b) The first floor 5.5m high wall setback further from the south, from 2.31 metres to 2.6 metres with a 6.8 metre wide and 4.7 metre high 'pop-out' protruding within this setback, 2.2 metres from the boundary.

9. Following the assessment of the overshadowing concern was raised regarding the accuracy of the overshadowing diagrams. Upon review the applicant advised that the shadow diagrams were showing the shadows within daylight savings time and therefore the shadows as advertised were incorrect, resulting in longer shadows and greater overshadowing impacts.

10. Additional shadow diagrams were provided on 9 August 2018 that show the proposed shadow from the sketch plans received 31 July 2018 and the previous shadow cast by the advertised proposal.

11. The revised shadow diagrams are attached to this report and are based on the requirement of Clause 54.04-5 – Overshadowing (Standard A14) i.e. generated at 22 September and not during daylight savings time. It is noted that the corrected shadow plans show a reduction in the extent of shadowing cast by the development and therefore re-advertising was not required.

<u>Planning Scheme Amendment</u>

*Amendment VC148*

12. Amendment VC148 was gazetted on 31 July 2018, introducing a suite of changes to the Victorian Planning Provisions (VPP) and all Planning Schemes in Victoria. There are two aspects to the amendment:

    (a) Changes to the zones, overlays and particular provisions to reduce the number of permit triggers; and

    (b) Reordering and restructuring a number of provisions without changing the content; i.e. most significantly, combining the State Planning Policy Framework (SPPF) and sections of the Local Planning Policy Framework (LPPF) into a new integrated Planning Policy Framework (PPF).

13. The majority of the changes have no bearing on the subject application. However, throughout this report, the revised State planning policy clause numbers have been referred to.

**Existing Conditions**

<u>Subject Site</u>

14. Whilst the subject site is both No. 12 and No. 14 Green Street it is considered that due to the proposed demolition and development works primarily pertaining to No. 14 Green Street description of this allotment will be undertaken only. No. 12 is directly adjoining to the north and no changes are proposed to this dwelling.

15. The subject site is located on the west side of Green Street, approximately 40m north of Chapel Street and 30m south of Railway Crescent in Cremorne. The subject site is rectangular in shape with a width of 12.19m, depth of 26.82m, and a total site area of approximately 326sqm.

16. The subject site is developed with a single-storey brick dwelling. The existing dwelling is generally setback 3 metres to the verandah and 4.4 metres to the façade from Green Street. The dwelling is setback 7.6 metres from the rear boundary fence.

17. The dwelling is setback 500mm from the northern boundary and 800mm from the northern fence with the exception of a 7 metre length of wall constructed at the rear and "to the boundary," technically this part of the dwelling is located on the adjoining property's land to the north. The dwelling is setback between 1500mm and 2700mm from the southern title boundary, or 1300mm to 2500mm from the southern fence line.

18. There are two existing outbuildings positioned in the rear yard, one along the northern and western boundaries and a smaller one located to the south.

*Title*

19. The title submitted with the application for No. 14 Green Street does not show any covenants, restrictions or easements registered.

20. The title submitted with the application for No. 12 does not show any covenants or restrictions registered, however, there is an easement located along the northern boundary associated with a party wall. This easement will have no bearing on the application.

<u>Surrounding Land</u>

21. In general terms the immediate area is residential in nature with a small park directly abutting the site to the west. Development is predominately low scale (between one and two storeys) on small lots less than 500sqm on land covered by the Heritage Overlay. There is evidence of recent development in the area, which is predominately two storey in scale.

22. Characteristics of the area include walls on boundaries typically located behind the front façade, limited side setbacks, small areas of secluded private open space (SPOS) to the rear, high site coverages and low percentages of permeable areas. Vehicle access to properties, where provided, is typically located to one side with garages setback from the dwelling façade.

23. To the north is No. 12 Green Street, this site is a semi-attached single storey weatherboard Victorian-era dwelling graded 'contributory' to the Green Street Heritage precinct. The dwelling is built to the northern boundary and is setback 1m from the southern boundary for a length of 12 metres and within proximity to the boundary for a length of 9 metres. The dwelling has a 3.1 metre setback to the front façade and 6.2 metre setback from the rear boundary. The primary secluded private open space area is to the rear the dwelling and comprises 40sqm.

24. To the south is No. 16 Green Street, this site is developed with a single-storey, weatherboard Victorian-era dwelling graded as 'individually significant' to the Green Street Heritage precinct, with an extension at the rear. The dwelling is generally setback between 1.41m (retained dwelling) and 5 metres (extension) from the northern boundary, 1.05m from the southern boundary, and 1.3m from the western (rear) boundary. The dwelling has a 3.3 metre setback from the street to the façade. The primary secluded private open space area is to the rear of the retained dwelling and to the north of the dwelling extension and comprises 70sqm.

25. To the east is Green Street - a local road - and directly opposite are single storey contributory dwellings, some with rear upper level extensions, providing minimal front setbacks to the street and appearing as freestanding to the street but with some walls on boundaries located to the rear.

26. To the west the subject site shares a common boundary with White Street Park. A local park on the corner of White Street and Railway Crescent. The park has a shaded playground, garden beds, trees and a large open grassed area.

**The Proposal**

27. The application is for the demolition of the existing dwelling on 14 Green Street (including part of this dwelling located on 12 Green Street) and construction of one new dwelling on 14 Green Street. Further details of the proposal are as follows:

<u>Demolition</u>

28. Demolition of the existing house and shed structures associated with 14 Green Street, including part of the dwelling and shed located on 12 Green Street;

29. Demolition of the front, side and rear fencing.

<u>Construction</u>

30. The proposed dwelling is double storey in built form and consists of the following:

(a) At basement level: Media room, cellar, gym, bathroom, laundry, storage and guest bed with light court.
(b) At Ground Floor: A single car garage with car space in front, entrance, gallery, powder room, kids lounge, living/dining/kitchen and butler's pantry.
(c) At First Floor: A master suite, two bedrooms and bathroom.

31. The dwelling is setback 3.1 metres to the architectural framing (front setback), 3.3 metres to the first floor balconies and 4.1 metres to the façade of the dwelling. The dwelling will be setback 5.74 metres from the rear boundary.

32. The ground floor is setback 1.98 metres from the northern boundary for 10 metres and is then constructed on the boundary for 8 metres. The first floor maintains a 1.98 metre setback from this boundary.

33. The ground floor is built to the southern boundary for a length of 15.58 metres, setback 5.5 metres from the street. At first floor the proposal is generally setback 2.31 metres from the boundary with the street facing bedroom setback 3.61 metres.

34. The maximum building height is 7.5m.

35. The dwelling will provide approximately 144sqm of private open space, 70sqm is provided to the rear as the dwelling's principal SPOS.

36. A 1.5m high timber picket fence, and gates, are proposed at the street frontage.

**Planning Scheme Provisions**

Zoning

37. The subject site is zoned Neighbourhood Residential Zone, Schedule 1. The following provisions apply:

(a) Pursuant to Clause 32.09-4, a permit is required to construct or extend one dwelling on a lot of less than 500 square metres.
(b) Pursuant to clause 32.09-4 of the Scheme a mandatory minimum garden area requirement for lots greater than 400 square metres is applicable. The site area is below 400 aquare metres and therefore this requirement does not apply.
(c) In accordance with clause 32.09-8 a building used as a dwelling or residential building must not exceed a height of 9 metres or two storeys. The dwelling meets these requirements.

Overlays

*Heritage Overlay (HO323 – Green Street Precinct)*

38. Pursuant to Clause 43.01-1 of the Scheme a planning permit is required to demolish or remove a building and to construct a building or construct or carry out works.

39. Appendix 8 to the *Incorporated Document 'City of Yarra Review of Heritage Areas, 2007'* identifies the site as being 'not contributory' to the Green Street Precinct.

*Clause 43.02 – Design and Development Overlay (Schedule 5 – City Link Exhaust Stack Environs)*

40. Pursuant to Clause 43.02 of the Scheme a permit is not required to construct a building or construct or carry out works. Section 4.0 of Schedule 5 states that "where a permit is required to use land or for the construction of a building or the construction or carrying out of 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 specified as a person or body to be notified in Clause 66.06 or a schedule to that clause."

*Clause 45.07 – City Link Project Overlay*

41. Clause 45.07 of the Scheme does not contain any permit triggers for construction of buildings and works associated with a dwelling. However, Clause 45.07-6 requires an application within the overlay to be referred under Section 55 of the Act to the Roads Corporation.

Particular Provisions

*Clause 54 – One dwelling on a lot*

42. Pursuant to clause 54 of the Scheme this provision applies to an application to construct a dwelling within the Neighbourhood Residential Zone. A development must meet the objectives of Clause 54 but does not need to meet the standard.

*Clause 52.06 – Car Parking*

43. Pursuant to Column B of Clause 52.06-5 (applicable to the development as it is identified as being within the Principal Public Network Area as shown on the Principal Public Transport Network Area Maps, State Government of Victoria, 2018) a dwelling with 3 or more bedrooms is required to provide 2 car parking spaces. The development satisfies this requirement.

44. Pursuant to Clause 52.06-9 a single car garage must be 6m long and 3.5m wide, an open car space must be 4.9m long and 2.6m wide and where provided in tandem include and additional 500mm between spaces.

45. The proposed single car garage with dimensions of 6m x 3.5m and the car space in front with dimensions of 5.5m x 3.6m satisfy the above requirements.

General Provisions

*Clause 65 – Decision guidelines*

46. 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.

47. Amongst other things, the Responsible Authority must consider the relevant Planning Policy Frameworks, Local Planning Policy Frameworks and any Local Policy, as well as the purpose of the Zone, Overlay or any other Provision.

Planning Policy Framework (PPF)

*Clause 15.01 – Built environment*

*Clause 15.01-1S – Urban design*

48. 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.*'

*Clause 15.01-1R – Urban design – Metropolitan Melbourne*

49. The objective of this clause is *'To create a distinctive and liveable city with quality design and amenity.'*

*Clause 15.01-2S – Building Design*

50. The objective of this clause is '*To achieve building design outcomes that contribute positively to the local context and enhance the public realm'*.

*Clause 15.01-5S – Neighbourhood character*

51. The objective of this clause is to '*To recognise, support and protect neighbourhood character, cultural identity, and sense of place'*.

52. Strategies in place to achieve the objective are as follows:

    *(a) Ensure development responds to cultural identity and contributes to existing or preferred neighbourhood character.*
    *(b) Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:*
        *(i) Pattern of local urban structure and subdivision.*
        *(ii) Underlying natural landscape character and significant vegetation.*
        *(iii) Heritage values and built form that reflect community identity.*

*Clause 15.02-1S – Energy and resource efficiency*

53. 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 – Heritage*

Clause 15.03-1S – Heritage Conservation

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

55. Relevant strategies in place to achieve the objective are as follows:

    *(a) Encourage appropriate development that respects places with identified heritage values.*
    *(b) Retain those elements that contribute to the importance of the heritage place.*
    *(c) Encourage the conservation and restoration of contributory elements of a heritage place.*
    *(d) Ensure an appropriate setting and context for heritage places is maintained or enhanced.*

*Clause 16.01 – Residential development*

*Clause 16.01-1S – Integrated housing*

56. The objective of this clause is '*to promote a housing market that meets community needs*'.

*Clause 16.01-2S – Location of residential development*

57. The objective of this clause is *'to locate new housing in designated locations that offer good access to jobs, services and transport*'.

*Clause 16.01-3S – Housing diversity*

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

*Clause 16.01-3R Housing Diversity – Metropolitan Melbourne*

59. The objective of this clause is '*to create mixed-use neighbourhoods at varying densities that offer more choice in housing'*.

Local Planning Policy Framework

*Clause 21 – Municipal Strategic Statement (MSS)*

*Clause 21.03 – Vision*

60. 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*

61. The relevant objectives and strategies of this clause are '*to accommodate forecast* increases *in population'* and to *'support residual population increases in established neighbourhoods'.*

*Clause 21.05 Built form*

*Clause 21.05-1 Heritage*

62. The objective of this clause is '*To protect and enhance Yarra's heritage places.*'

*Clause 21.05-2 – Urban design*

63. This clause incorporates the following relevant objectives:

    *(a) Objective 16 - To reinforce the existing urban framework of Yarra; and*

    *(b) Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric.*

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

*64.* This policy describes the area as: "*the Cremorne area has a truly mixed use character with Victorian cottages, apartments and warehouse conversions intermingled with commercial and industrial uses. This mix of uses is valued by the local community and must be fostered".*

Relevant Local Policies

*Clause 22.02 – Development guidelines for sites subject to the heritage overlay*

65. Clause 22.02 of the Scheme applies to all development where a planning permit is required under the Heritage Overlay.

*Clause 22.02-5.1 Demolition.*

66. Pursuant to the policy direction contained within this clause, An application for demolition is to be accompanied by an application for new development.

*Clause 22.02-5.7 New Development, Alterations and Additions.*

67. Relevant policies are as follows:

(a) *Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:*
   - (i) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
   - (ii) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
   - (iii) *Be visually recessive and not dominate the heritage place.*
   - (iv) *Be distinguishable from the original historic fabric.*
   - (v) *Not remove, cover, damage or change original historic fabric.*
   - (vi) *Not obscure views of principle façades.*
   - (vii) *Consider the architectural integrity and context of the heritage place or contributory element.*

(b) *Encourage 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.*

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

(d) *Encourage carports, car spaces, garages and outbuildings to be set back behind the front building line (excluding verandahs, porches, bay windows or similar projecting features) of the heritage place or contributory element or to be reasonably obscured. New works should be sited within the 'envelope' shown in Figure 1 of 22.02-5.7.1.*

(e) *Discourage:*
   - (i) *new vehicle crossovers in streets with few or no crossovers*
   - (ii) *high fencing, doors and boundary treatments associated with car parking that are unrelated to the historic character of the area*
   - (iii) *new vehicle crossovers in excess of 3 metres wide in residential streets.*

(f) *Encourage front fences and gates to be designed to*
   - (i) *allow views to heritage places or contributory elements from surrounding streets*
   - (ii) *be a maximum of 1.2 metres high if solid or 1.5 metres high if more than 50% transparent (excluding fence posts)*
   - (iii) *be consistent with the architectural period of the heritage place or contributory element to the heritage place.*

*Clause 22.16 – Stormwater management (water sensitive urban design)*

68. This policy applies to new buildings. The objective of this clause is '*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)'.*

**Advertising**

69. The application was advertised under the provisions of Section 52 of the Act with fifteen letters sent to surrounding owners and occupiers and one sign displayed on site.

70. Council received a total of 9 objections to the application. The grounds of objection are summarised as follows:

(a) Off-site amenity impacts
   - (i) Overlooking
   - (ii) Walls on boundary
   - (iii) Overshadowing and energy efficiency of surrounding properties
   - (iv) Non-compliance with ResCode Standards

(b) Neighbourhood Character and Heritage

(i) Proposal will result in a high level of visual bulk to the street

(ii) Proposal at odds with the heritage character of the street

(c) Non-planning matters

(i) Construction damage and construction nuisance

71. Amended plans were submitted under Section 57A of the Act on 3 May 2018. The changes included in these plans are outlined in paragraph 4 of this report.

72. The amended plans were advertised pursuant to the requirements of Section 57B of the Act, with additional comments from three existing objectors received and one new objection lodged. The grounds of the additional objection, and additional comments, align with those previously raised.

73. A total of 10 objections have been received against the application.

**Referrals**

External Referrals

*Clause 43.02 – Design and Development Overlay (Schedule 5)*

74. In accordance with the requirements of Clause 66.06 this application, both the original and amended scheme, were advertised to the City Link Authority, Environmental Protection Authority and VicRoads.

75. The Environmental Protection Authority was the only authority to respond to the first notification. They advised they had no concern with the proposal. No authorities responded to the second notification.

*Clause 45.07 – City Link Project Overlay*

76. The application was referred to VicRoads in accordance with Clause 45.06-7 and Section 55 of the *Planning and Environment Act* 1987. Both the original and amended scheme were referred to VicRoads.

77. VicRoads provided a response on 20 June 2018 to the amended plans stating:

*In consultation with CityLink, VicRoads has considered the application and has no comments to make in relation to the proposal.*

Internal Referrals

78. The original and amended application was referred to Council's Heritage Advisor. A copy of the most recent referral advice based on the decision plans is attached to this report.

## OFFICER ASSESSMENT

79. The considerations for this application are as follows:
(a) Clause 54;
(b) Heritage;
(c) Objector concerns

Clause 54 of the Yarra Planning Scheme (Rescode)

80. This particular provision comprises 19 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.

*Neighbourhood Character*

*Clause 54.02-1 Neighbourhood character (Standard A1)*

81. The proposed development is generally compliant with the neighbourhood character Standard and Objective, with the proposed design respectful of the existing streetscape character and responsive to the features of the site and the surrounding area.

82. The site is within the Green Street Heritage Precinct where there is a mixed character of dwellings. Whilst single storey Victorian-era dwellings, some with upper level extensions prevail there are several examples of infill development, majority being double storey, within the precinct and within proximity to the site, as the following images demonstrate:

*No. 23 Green Street*

*No. 5 Green Street*

*No. 46 Green Street*

*No. 37 Green Street*

83. Whilst dwelling setbacks are minimal, generally 3 metres from the street to the façade, dwellings typically include a front setback containing a small garden.

84. Dwellings typically appear to the street as freestanding or built to one side boundary. Where dwellings are located on the boundary the wall is typically setback further than the primary front façade, providing a recessive appearance to on boundary forms. This is also adopted for garages, where present in the street the garage structures are setback from the principal façade to ensure they are not a dominant feature within the street.

85. This is emulated within the proposed design, the northern on boundary wall is setback 13 metres from Green Street and therefore will not be appreciable in the street. This will ensure that the dwelling appear within a garden setting, similar to adjoining properties, and will also reduce the visual bulk impacts associated with a double storey dwelling due to the limited breadth of the built form across the site.

86. The proposed garage also appears as a recessive element given the proposed 5.5 metre setback from the street and 2.3 metre setback behind the ground floor architectural frame.

87. Given the mixed character of the surrounding area, in which buildings of varied heights and architectural styles exist, the proposed dwelling at two storeys in height is considered acceptable.

88. The design response is also considered appropriate for the site and context, with the extruded and asymmetrical gable roof form and vertically-orientated window panes at the front of the dwelling referencing more traditional styles which characterise much of the surrounding area.

*Clause 54.02-2 Integration with the street (Standard A2)*

89. The dwelling is designed to front Green Street with habitable room windows facing the street, providing opportunities for passive surveillance. The proposed timber picket fencing at 1.5 metres in height is consistent with the heights of fencing in the street and would allow views between the site and the street.

90. The applicant has indicated in a letter received 23 July 2018 that the front fence has a minimum transparency of 50%. This will form a condition of permit that this be noted on the plans to ensure this is clear.

<u>Site Layout and Building Massing</u>

*Clause 54.03-1 Street setback (Standard A3)*

91. The Standard requires a minimum front setback of 3.19 metres based on the setbacks of the adjoining properties – 3.3 metres (No. 16 Green Street) and 3.08 metres (No. 12 Green Street).

92. The proposal adopts a 3.1 metre setback to the architectural framing (exceeding a height of 3.6 metres and projecting 1 metre further forward than the front façade) and therefore requires a minor dispensation from the requirement of the Standard.

93. Due to the marginal non-compliance and setbacks provided it is considered that the front setback would not be a dominant element in the street with the façade of the building setback to 4 metres. It is also noted that the Juliette balconies at first floor are setback 3.3 metres, behind the required 3.19 metres.

94. It is considered that the marginal non-compliance by 90mm it acceptable in this instance. The two-storey architectural frame is setback 1.98 metres from the northern boundary and 3.6 metres from the southern boundary providing an adequate setback and transition to the adjoining properties.

*95.* A notation on the ground floor and first floor plan indicate that a ‘canopy over’ the pedestrian entry will be provided. The canopy is shown on the roof plan and is proposed to be setback 2.1 metres from the front façade and be 3.3 metres in height. In accordance with this Standard *porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.*

96. The canopy is therefore considered an allowable encroachment and will provide weather protection and a sense of identity to the front entrance of the dwelling.

*Clause 54.03-2 Building height (Standard A4)*

97. The maximum height of the extension is to be 7.5 metres in height which is below the 9 metre height limit required by the Standard.

*Clause 54.03-3 Site coverage (Standard A5) and Clause 54.03-4 Permeability (Standard A6)*

98. The proposal would result in site coverage of approximately 58% and 22% of the site remaining permeable. The permeability exceeds the Standard requirement for a minimum 20% and the site coverage meets the maximum requirement under the Standard (60%).

99. Clause 22.16 (Stormwater Management [Water Sensitive Urban Design]) applies to new buildings.

100. A STORM Rating Report was submitted with the original application documents demonstrating the proposal achieved a storm rating of 102% through the implementation of a 5000 litre rainwater tank. The 5000 litre water tank is provided underneath the car space in the frontage.

101. A revised STORM Rating Report was not submitted with the amended plans and the amendments may result in modifications to the outcome.

102. It will therefore form a condition of permit that a revised STORM Rating demonstrating best practice in stormwater management (minimum score of 100%) be provided and any measures required to achieve compliance be shown on the plans.

*Clause 54.03-5 Energy efficiency protection (Standard A7)*

103. The proposal provides an appropriate level of energy efficiency opportunities for cross ventilation and daylight to the new dwelling.

104. The provision of primarily eastern and western windows for solar access and daylight into the main living areas is acceptable given the constraints of the site. The proposed meals and living area is also provided with convenient access to outdoor living spaces.

105. The siting and orientation of the dwellings ensures that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.

106. The eastern and western elevations are afforded with sliding or folding louvres to assist with shading and mitigate potential impacts of solar heat gain while still allowing daylight access when required.

*Clause 54.03-6 Significant trees objectives (Standard A8)*

107. There are no significant trees located on site.

*Amenity Impacts*

*Clause 54.04-1 Side and rear setbacks (Standard A10)*

*Setback to west (rear)*

| Room | Setback provided | Height | Required setback | Complies? |
|---|---|---|---|---|
| Ground and first floor | 5.7m | Maximum 7.5m | 2.59m | Y |

108. The setbacks to the rear comply and are considered acceptable.

*Setback to north*

| Room | Setback provided | Height | Required setback | Complies? |
|---|---|---|---|---|
| Ground floor kids lounge/entrance | 1.98m | Maximum 6m | 1.72m | Y |
| First floor | 1.98m | Maximum 6m | 1.72m | Y |

109. The setbacks to the north comply and are considered acceptable.

*Setback to south*

| Room | Setback provided | Height | Required setback | Complies? |
|---|---|---|---|---|
| Ground floor gallery | 3.6m | Maximum 6m | 1.72 | Y |
| First floor bedroom | 3.6m | Maximum 6m | 1.72 | Y |
| First floor ensuite/ walk in robe | 2.31m | Maximum 5.5m | 1.57m | Y |

110. In regards to the Objective of this Standard, to ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings it is considered that the design achieves a high level of compliance. Issues regarding overshadowing will be discussed further, later in the report.

*Clause 54.04-2 Walls on boundaries (Standard A11)*

111. To meet the standard, any new wall constructed on the boundary should not abut the boundary for a length more than 10m plus 25 per cent of the remaining length of the boundary of an adjoining lot or where there are existing or simultaneously constructed walls abutting the boundary on an abutting lot, the length of those walls.

112. In regards to height any proposed wall on boundary should not exceed 3.2m in height with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

*North*

113. The northern wall of the family room is proposed to be constructed along the northern title boundary for a length of 8.08 metres. The standard would allow for a wall 14.2 metres in length along this boundary and therefore the standard in regards to length is satisfied.

114. The wall is proposed to be 3.095 metres in height and therefore the standard in regards to height is satisfied. Where proposed, the wall is opposite existing built form associated with No. 12 Green Street and is therefore considered acceptable in its siting.

*South*

115. The ground floor southern wall is proposed to be constructed along the title boundary for a length of 15.58 metres. The standard would allow for a wall 14.2 metres in length along this boundary and therefore a variation is required for the length of on boundary wall.

116. It is considered that the marginal increase in length would not be perceptible in the street and therefore considered to be acceptable in that respect. In regards to the amenity of the neighbouring property this will be discussed further in the report under *Clause 54.04-5 Overshadowing open space.* From a visual bulk perspective due to the compliant height of the wall it is considered visual bulk impacts would be limited.

117. The wall is proposed to be between 3.055 metres to 3.2 metres in height and therefore the standard in regards to height is satisfied. It is noted that the sketch plans received on 31 July 2018 further reduced the height to between 2.65 metres and 2.8 metres, maintaining compliance with the Standard.

118. Where proposed, the wall is opposite existing the side setback and secluded private open space area of No. 16 Green Street. Given the wall height below the allowable 3.2 metres where opposite the more sensitive secluded private open space area, the wall is considered acceptable in its siting.

*Clause 54.04-3 Daylight to existing windows (Standard A12)*

119. All new habitable room windows will be located to face an outdoor space clear to the sky with a minimum area of 3sqm and minimum dimension of 1 metre. This will ensure that all windows will have good access to natural daylight and the objective of the standard is met.

*Clause 54.04-5 Overshadowing open space (Standard A14)*

120. As previously noted the shadow diagrams advertised with the application were incorrect. Due to an error made on the computer program the shadow diagrams provided, and advertised, cast longer shadows as the 'daylight savings option' was generated.

121. The updated shadow diagrams are provided without the 'daylight savings option,' in accordance with the requirements of this clause between 9 am and 3 pm on 22 September (dated 03.08.18). The following assessment is therefore based on the corrected shadow diagrams as they are provided in accordance with the requirement of this clause.

122. The proposal will cause additional overshadowing to 9 Dunn Street and 16 Green Street. The overshadowing to 9 Dunn Street will be confined to 9AM and will be an additional 0.8sqm of shadow to the 19sqm SPOS area. The overshadowing to the 56sqm SPOS area of 16 Green Street is as follows:

| Time | Additional Area Shadowed | Area of SPOS remaining unshadowed |
|---|---|---|
| 9AM | 14.5sqm | 19.5sqm |
| 10AM | 10.8sqm | 26.37sqm |
| 11AM | 7.52sqm | 31.16sqm |
| 12PM | 6sqm | 34.16sqm |
| 1PM | 4.9sqm | 33.9sqm |
| 2PM | 3.9sqm | 33.85sqm |
| 3PM | 2.5sqm | 32.9sqm |

123. With regard to the above it is considered that the overshadowing to 9 Dunn Street is minor in duration and therefore considered acceptable.

124. There is some concern with the extent of overshadowing to No. 16 Green Street at 9AM and 10AM due to the depth of the shadows. The applicant provided sketch plans on 31 July 2018 to address this concern by reducing the height of the southern wall on boundary and increasing the setback of the balance of the first floor from the southern boundary. This resulted in the following overshadowing:

| Time | Additional Area Shadowed | Area of SPOS remaining unshadowed |
|---|---|---|
| 9AM | 12.32sqm | 21.68sqm |

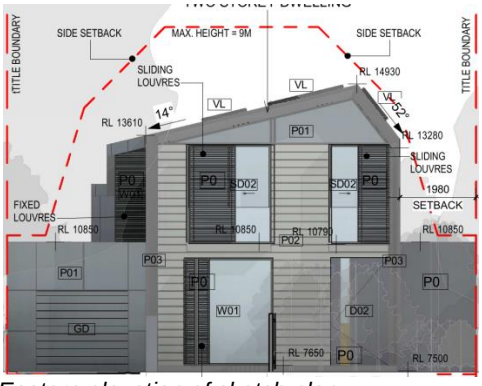
| | | |
|---|---|---|
| 10AM | 9.15sqm | 28.02sqm |
| 11AM | 6.4sqm | 32.27sqm |
| 12PM | 5sqm | 35.16sqm |
| 1PM | 4.15sqm | 34.85sqm |
| 2PM | 3.45sqm | 34.3sqm |
| 3PM | 2.29sqm | 33.11sqm |

125. Given the small lot sizes, high level of built form in the area and the site's orientation; it is common to see increased overshadowing as a result of any development. The adjoining property has also recently been developed to orient their primary SPOS area along the northern side boundary of the property, rather than to the rear in a typical configuration.

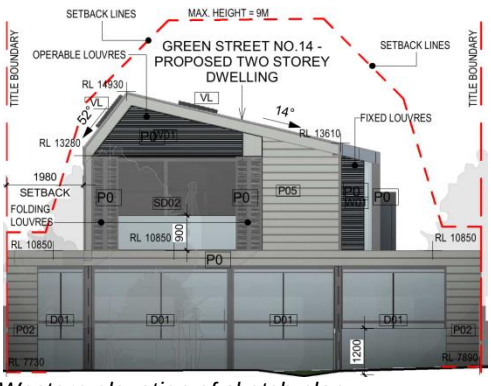
126. The impact of the additional overshadowing on the SPOS area of the adjoining dwelling is reasonable, subject to a condition requiring the ground floor on boundary and first floor siting and form be amended in accordance with the sketch plans received on 31 July 2018. The more substantial overshadowing will be limited to the morning hours and to the northern portion of the SPOS area. This will continue to allow solar access generally in accordance with the objective of this clause to No. 16 Green Street, within the southern half of the SPOS area at 9AM where the direct interface between the habitable rooms and SPOS area occurs.

127. It is noted that the sketch plans propose a 4.7 metre high 'pop-out' protruding within the increased setback to the first floor. The 'pop-out' is 2.2 metres from the boundary and whilst the wall will be 100mm closer to the boundary it is considered this shift is inconsequential, particularly with regard to the immense difference the design change has on the overshadowing impacts to the southern property. The area of the 'pop-out' will not be opposite the area of secluded private open space but will be located to align with the built form of the adjoining dwelling.

128. The sketch plan proposal would continue to comply with Clause 54.04-1 Side and rear setbacks (Standard A10) with the modified design in respect of the southern interface. This is clearly demonstrated through the below diagrams:



*Eastern elevation of sketch plan*



*Western elevation of sketch plan*

*Clause 54.04-6 Overlooking (Standard A15)*

*Ground floor*

129. This Standard does not apply to a new habitable room window, balcony, terrace, deck or patio 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, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

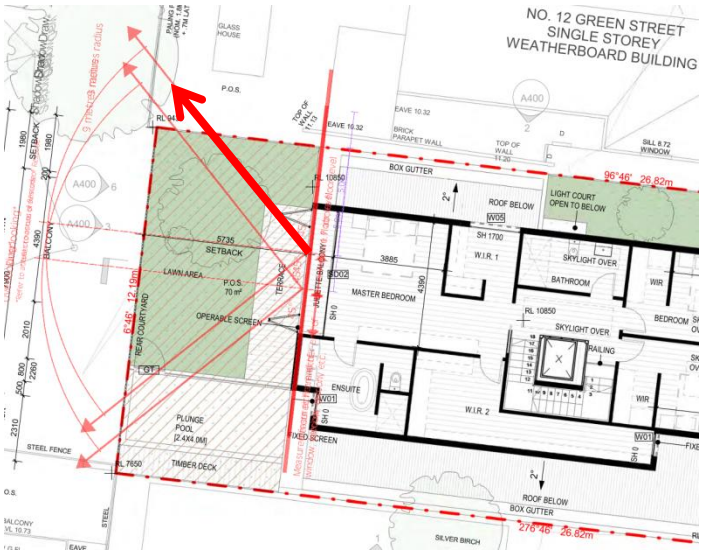
130. The ground floor of the dwelling is less than 0.8 metres above ground level and will be screened from the southern and northern adjoining properties through the implementation of 2 metre high proposed boundary fencing along the northern and southern boundaries, and 1.8 metre fencing along the rear boundary.

131. The north facing window of the kids lounge appears to have a direct view into the adjoining properties window, due to the low 1.3 metre fence proposed on the boundary. It will therefore form a condition of permit that the fence be 1.8 metres in height to screen views from this window where required pursuant to the requirements of this clause.

*First floor*

132. There are no habitable room windows facing north or south at first floor. The east facing windows and Juliette balconies are oriented to face east, Green Street and therefore are not required to be screened.

133. Operable screens are proposed to the west facing first floor balcony. The screen is at a length that would screen views to the southern SPOS area. Whilst the majority of views to the northern SPOS area are also screened, there is part of the view line that would fall within the neighbouring property as the below diagram indicates:




134. To ensure the material of the screen will appropriately screen views and that there are no unreasonable views to the northern property, the following will form as conditions of any permit to issue:
   (a) the operation and materiality of the screen to the balcony be notated on the plans demonstrating compliance with the Objective of this clause; and
   (b) detailed diagrams demonstrating compliance with the Objective of this clause from the west facing balcony of the master suite into the secluded private open space areas within 9 metres be provided. Any additional screening measures used to achieve compliance are to be shown.

*Clause 54.04-4 North facing windows objectives (Standard A13)*

135. There are no north facing windows located within three metres of the southern site boundary.

<u>*On-Site Amenity and Facilities*</u>

*Clause 54.05-1 Daylight to new windows (Standard A16)*

136. All of the new windows will face an area with a minimum space of 3sqm and minimum dimension of 1m clear to the sky, thereby complying with the standard.

137. It is noted within the northern setback of the dwelling there is a 'light court open to below' shown on the plans. This light court is serving no purpose and appears to be an error. It will therefore form a condition of permit that the light court be deleted.

*Clause 54.05-2 Private open space (Standard A17)*

138. The Standard requires 20% of the site area to be provided as private open space for the development, with at least 25 square metres being secluded private open space (SPOS) with a minimum dimension of 3 metres.

139. The development provides approximately 144sqm of private open space, far exceeding the required 20% of the site area which would equate to 66sqm. The secluded private open space at the rear has an approximate area of 70sqm with minimum dimensions of 5.7 metres meeting the Standard requirement for SPOS.

140. The proposal provides adequate private and secluded open space, meeting the Standard and Objective.

*Clause 54.05-3 Solar access to open space (Standard A18)*

141. The main area of useable open space is located to the west of the dwelling where it will receive adequate solar access from the north. There are no walls located on the northern boundary of the open space and therefore no depth dimension is required.

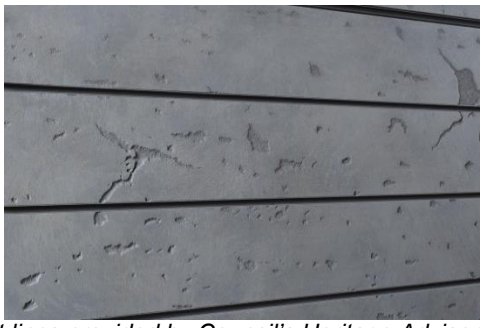
*Detailed Design*

*Clause 54.06-1 Detailed design (Standard A19)*

142. The new dwelling will have an asymmetrical roof form angled away from the 'individually significant' dwelling to the south. The angled roof form also provides a graduation in height to the dwelling to the north. This roof form is supported as it will integrate well with the surrounding dwellings, providing a modern interpretation of typical heritage roof forms.

143. Whilst the material proposed for the garage, brass panels, is felt to be discordant with the prevailing character this will be discussed further under the heritage assessment of this report. It is considered that generally the materials to be used will respect the existing heritage materials within the streetscape, being a modern interpretation of this materiality.

144. The predominant façade material will be exposed concrete with a timber finish texture with the use of exposed concrete for the extruded gable feature. The timber finish texture is a modern interpretation of the weatherboard materiality the adjoining homes are constructed of. The horizontal expression of the timber finish texture will ensure the façade integrates with the surrounding dwellings rather than proposing a material which would be at odds with the prevailing façade materiality.



*Examples of concrete walls with horizontal joint lines provided by Council's Heritage Advisor*

145. It is therefore considered that the overall design response is acceptable within the neighbourhood setting.

*Clause 54.06-2 Front fences (Standard A20)*

146. The proposed front fence, with an overall height of 1.5 metres, meets the maximum height required by Table A2 of the Standard as it does not exceed 1.5 metres as prescribed for dwellings located in streets other than a Road Zone, Category 1.

147. The ground floor plan show that there is a 'landscape screen' to the front fencing where adjacent to the light court to the basement. It is noted that the front fence materiality is not clear and that the plans show the gate within the fence is timber. As previously identified the applicant has confirmed that the front fence has a permeability of 50%, this is not stated on the plans.

148. To ensure that the front fencing materiality and permeability is clear a condition of permit can be included to require detailed be provided on the landscape screen and that the materiality of the front fence be made clear in the materials schedule, consistent with the timber picket front gate. A condition will also require the 50% permeability to be included as a notation on the plans.

<u>Heritage</u>

149. The proposed demolition and works within the heritage overlay have been assessed against the decision guidelines of Clause 43.01-4 and relevant policies of Clause 22.02 of the Yarra Planning Scheme, as follows:

*Demolition*

150. The extent of demolition proposed by this application includes demolition of all structures (including the front, side and rear fencing) on the site. The key consideration for assessing this aspect of the works is whether the proposed demolition will adversely affect the significance of the broader heritage precinct.

151. Clause 22.02-5.1 of the Scheme generally encourages the retention of a building in a heritage place, unless the building is identified as being 'not-contributory'. In this instance, as the dwelling is classified as 'non-contributory' to the Green Street precinct, it is considered that the proposed extent of demolition will not adversely affect the significance of the broader heritage precinct and is an acceptable heritage outcome, subject to an appropriate replacement building.

*Proposed dwelling*

152. Clause 22.02-5.7.1 seeks to encourage the design of new development to a heritage place to respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape. The policy also seeks designs that are articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place, is visually recessive and does not dominate the heritage place, and is distinguishable from original historic fabric.

153. In accordance with Clause 22.02-5.7.1, it is policy to encourage setbacks from the principal street frontage to be similar to those of adjoining contributory buildings and, where there are differing adjoining setbacks, the greater setback should apply. Council's Heritage Advisor has noted that the provided setback is appropriate as it is consistent with the adjoining dwellings setbacks of 3.3 metres (No. 16 Green Street) and 3.08 metres (No. 12 Green Street) and with the predominate 3 metre setbacks provided in the street.

154. The Section 57A Amendment plans addressed the neighbourhood character and heritage concerns in regards to the attached built form across the width of the site being uncharacteristic of the surrounding area. The greater setback of the northern on boundary element 13 metres from the street provides a sense of openness akin to the freestanding nature of contributory dwellings within the precinct. The deep setback will ensure that when viewed from the street, and on oblique angles, the dwelling will be viewed as being set back from the northern boundary.

155. Whilst the garage is located against the southern boundary its location is considered acceptable as it is set back behind the front building line of the heritage place. It is also noted that the site benefits from the provision of an existing crossover. Council's Heritage Advisor did raise concern with the brass panelling to the garage façade only as this may draw attention to the garage element, rather than assisting the structure to be viewed as a recessive feature in the street. Council's Heritage Advisor has recommended the garage be amended to be a similar colour to the proposed concrete, or darker, but not black.

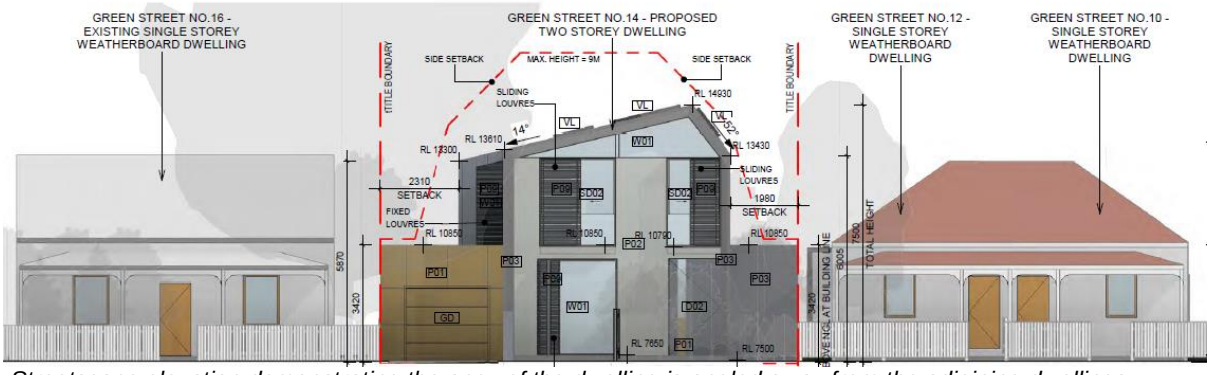
156. To ensure that the garage integrates well with the adjoining heritage dwellings, particularly noting the 'individually significant' status of the adjoining property to the south, the applicant has revised the material to a sheeted zinc to match the colour of the concrete as seen on the sketch plans received 23 July 2018 and shown below:

*Render of the proposed dwelling with the garage material modified to sheeted zinc to match the dwelling*

157. This is considered to address concerns raised in regards to heritage and will form a condition of permit that the material be updated to accord with this plan.

158. In regards to height, Clause 22.05-5.7.1 of the 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. This is clearly not met in the proposed development. Council's Heritage Advisor notes that the overall height (including roof) of the adjoining properties are 6 metres for No. 12 Green Street (Contributory) and 5.8 metres for No. 16 Green Street (individually significant)

159. With regard to this the height of the building at 5.9 metres rising to a maximum 7.5 metres in an asymmetrical form.




*Streetscape elevation demonstrating the apex of the dwelling is angled away from the adjoining dwellings*

160. Whilst the overall height would be higher than the adjoining properties the design of the asymmetrical roof and generous side setbacks at the first floor appropriately manage the transition in heights to neighbouring properties. Notwithstanding this, Council's Heritage Advisor has recommended that the height be lowered to 7 metres.

161. The applicant has provided diagrams demonstrating that if adopted the 500mm loss of height internally would result in floor to ceiling heights that are below legal requirements for the majority of the upper level. It is considered that on balance the height at 7.5 metres is appropriate due to the design of the roof and apex appropriately setback from the sensitive adjoining properties.

    A 500mm reduction in the overall height will not be perceptible within the street, particularly due to the position of the roof apex and roof pitch providing a transition to adjoining properties.

162. A contemporary design approach has been adopted for the proposed dwelling. Council's Heritage Advisor notes that this approach is not unacceptable provided that adequate respect is given to the heritage character of the surrounding area through details such as external materials, proportions and fenestration.

163. Concern was raised with the glazing provided within the gable end and Councils' Heritage Advisor recommended deletion of this window. The sketch plans received 23 July 2018 remove the glazing; replacing it with solid panels. This is considered appropriate and will form a condition of permit.

164. Further recommendations in regards to the materiality of the front façade and permeability of the fence were made by Council's Heritage Advisor. It was recommended that the textured concrete finish to the façade include strong horizontal 'joint' lines to reinforce the character of weatherboards found within the street. As shown on the sketch plans received 23 July 2018 the applicant has updated the material to provide exaggerated grooves that will nominally be 15mm to 20mm. This is considered appropriate and will form a condition of permit.

165. The fence has been confirmed to have a minimum transparency of 50%, consistent with the recommendation of Council's Heritage Advisor. This will form a condition of permit to ensure that it is clearly annotated on the plans.

166. The proposal appropriately responds to the particular requirements contained within *Clause 22.02* and *Clause 43.01* of the Scheme, and therefore is considered acceptable in relation to the heritage context of the street.

<u>Objector Concerns</u>

167. Many of the objector issues have been discussed within the body of the report. Outstanding issues raised are as follows:

*Construction noise*

168. As construction impacts generally fall outside the scope of planning and given that the scale of development does not warrant a construction management plan, no further consideration of construction issues is necessary. It is noted, however, that in the event of construction, there are various local laws and permits required that mitigate construction impacts.

169. Structural considerations and dilapidation of adjoining properties during construction are appropriately dealt with at the building permit stage.

**RECOMMENDATION**

1. Before the development starts, 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 the 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 plans prepared by Rauhaus, dated 30.05.18, but modified to show:

   (a) The ground floor southern on boundary wall and the first floor southern setback siting and form be amended in accordance with the sketch plans received on 31 July 2018.
   (b) The fence where opposite the north-facing window of the kids lounge to be 1.8 metres in height in accordance with the requirements of Clause 54.04-6 Overlooking (Standard A15).
   (c) Details of the operation and materiality of the screen to the west facing master suite balcony be notated on the plans demonstrating compliance with Clause 54.04-6 Overlooking (Standard A15).
   (d) Detailed diagrams demonstrating compliance with Clause 54.04-6 Overlooking (Standard A15) from the west facing balcony of the master suite into the secluded private open space areas within 9 metres. Any additional screening measures used to achieve compliance are to be shown.
   (e) Materials schedule updated to reference the 1.5 metre high, and minimum 50% transparent, front fence. The fence is to be consistent with the timber picket gate with details of the landscape screen provided.
   (f) The following changes in accordance with the sketch plans received on 23 July 2018:
      (i) Garage material to be sheeted zinc to match the colour of the concrete.
      (ii) Removal of the glazing within the street facing gable and replacement with solid panels.
      (iii) The material “PO2” where it applies to the façade is to provide exaggerated grooves that will nominally be 15mm to 20mm.
   (g) Deletion of the notation on the basement, ground and first floor plan indicating that a ‘light court’ will be provided within the northern setback.
   (h) A revised STORM Rating demonstrating best practice in stormwater management (minimum score of 100%) be provided and any measures required to achieve compliance be shown on the plans.

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 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.

4. 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.

5. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of the any assets necessary to facilitate the development must be undertaken:

   (a) in accordance with any requirements or conditions imposed by the relevant authority;
   (b) at the permit holder's cost; and
   (c) to the satisfaction of the Responsible Authority.

6. 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.

7. 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.

8. 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:

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

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and metres. No private pits, valves or meters on Council property will be accepted.

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

**CONTACT OFFICER:** **Michelle King**
**TITLE:** **Senior Statutory Planner**
**TEL:** **9205 5333**

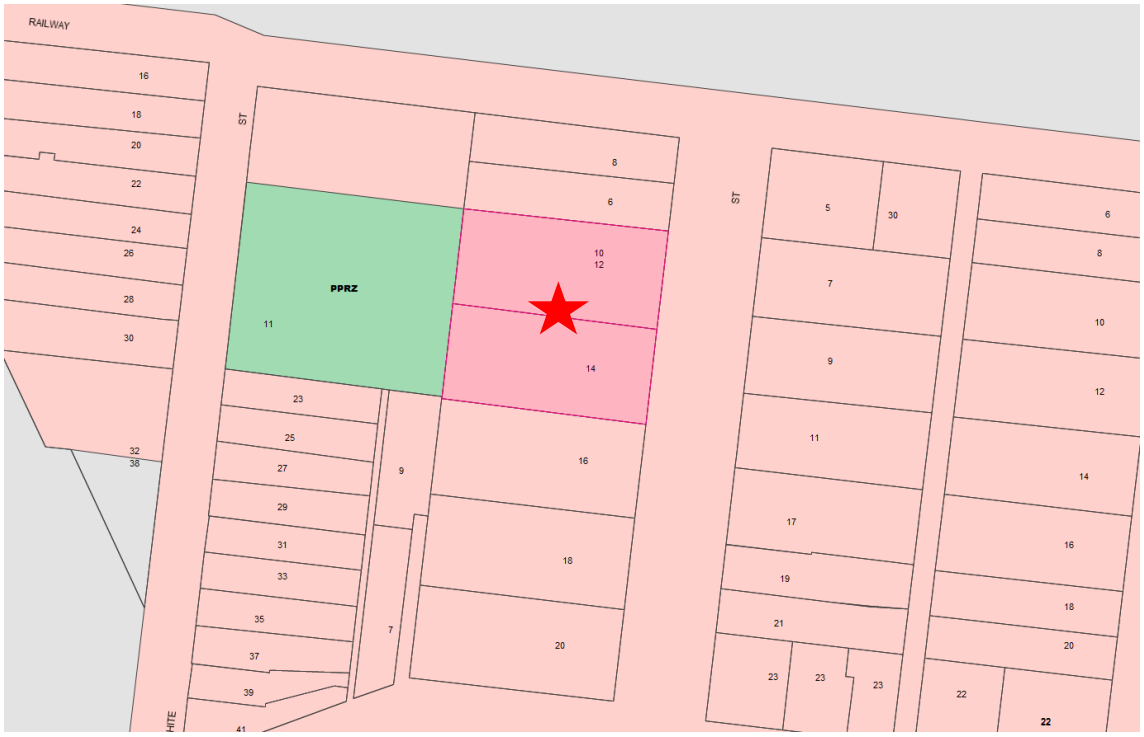
**Attachments**

**1** PLN17/0973 - Attachment 1 - Site Plan
**2** PLN17/0973 - Attachment 2 - Decision Plans
**3** PLN17/0973 - Attachment 3 - Sketch Plans (31.07.18)
**4** PLN17/0973 - Attachment 4 - Corrected Shadows for Decision Plans and Sketch Plans (31.07.18)
**5** PLN17/0973 - Attachment 5 - Heritage advice on decision plans

**Attachment 1 - PLN17/0973 - Attachment 1 - Site Plan**

# ATTACHMENT 1

## SUBJECT LAND: 12-14 Green Street, Cremorne



**North**

**Subject Site**

## Attachment 2 - PLN17/0973 - Attachment 2 - Decision Plans

| NOTICE OF AN APPLICATION FOR A PLANNING PERMIT<br>Pursuant To Section 57B Of The Planning And Environment Act 1987 | |
|---|---|
| **The land affected by the application is located at:** | **14 GREEN ST CREMORNE VIC 3121** |
| **The application is for a permit to:** | **DEMOLITION OF THE EXISTING DWELLING ON 14 GREEN STREET (INCLUDING PART OF THIS DWELLING LOCATED ON 12 GREEN STREET) AND CONSTRUCTION OF ONE NEW DWELLING ON 14 GREEN STREET. PLEASE BE ADVISED THAT THIS APPLICATION IS BEING RE-ADVERTISED AS AMENDED PLANS HAVE BEEN SUBMITTED UNDER SECTION 57(A) OF THE PLANNING AND ENVIRONMENT ACT, 1987, TO MODIFY THE OVERALL DESIGN, HEIGHT AND SETBACKS OF THE NEW DWELLING** |
| **The applicant for the permit is:** | **STEWART KOZIORA<br>RAUHOUS** |
| **The application reference number is:** | **PLN17/0973** |
| **You may look at the application and any documents that support the application at the office of the responsible authority or alternatively at**<br><br>**http://www.yarracity.vic.gov.au/planning--building/advertised-planning-applications/** | **Statutory Planning Department<br>City Of Yarra<br>Richmond Town Hall<br>333 Bridge Road<br>Richmond 3121**<br><br>*Office Hours: 8.30 am - 5.00 pm Weekdays* |
| This can be done during office hours and is free of charge.<br><br>Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.<br><br>The responsible authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application. | |
| **An objection must:** | • **Be sent to the responsible authority in writing**<br>• **Include the reasons for the objection, and**<br>• **State how the objector would be affected** |
| **The responsible authority will not decide on the application before:** | **26 Jun 2018** |
| If you make a submission, the Responsible Authority will tell you its decision. | |

## Attachment 2 - PLN17/0973 - Attachment 2 - Decision Plans

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING

| SHEET LIST | |
|---|---|
| SHEET NUMBER | SHEET NAME |
| A000 | COVER |
| A005 | PERSPECTIVE VIEWS 1 |
| A006 | PERSPECTIVE VIEWS 2 |
| A010 | EXISTING SITE PLAN |
| A020 | NEIGHBOURHOOD CONTEXT |
| A050 | EXISTING/ DEMOLITION PLAN |
| A070 | EXISTING ELEVATIONS |
| A080 | DESIGN RESPONSE PLAN |
| A100 | PROPOSED BASEMENT PLAN |
| A101 | PROPOSED GROUND FLOOR PLAN |
| A102 | PROPOSED FIRST FLOOR PLAN |
| A103 | PROPOSED ROOF PLAN |
| A400 | PROPOSED ELEVATIONS |
| A420 | PROPOSED SECTIONS |
| A700 | SUN DIAGRAMS |
| A701 | SUN DIAGRAMS |
| A702 | SUN DIAGRAMS |
| A703 | SUN DIAGRAMS |

SITE LOCATION

GREEN STREET VIEW 1 - OPEN LOUVRES

GREEN STREET VIEW 2 - OPEN LOUVRES

PROJECT 14 GREEN STREET, CREMORNE VIC 3121

TP2-1 TOWN PLANNING SUBMISSION

rauhous residential commercial retail hospitality

| NO. | DESCRIPTION | DATE |
|---|---|---|
| 5 | P6 | 30.03.2018 |
| 6 | P7 | 10.04.2018 |
| 7 | TP2-1 | 30.05.2018 |

TITLE COVER

ADDRESS 14 GREEN STREET, CREMORNE

CLIENT Owner

JOB NO 18019

@ A1

DATE 30.05.2018

DWG NO A000

TP2-1

## Attachment 2 - PLN17/0973 - Attachment 2 - Decision Plans

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING

1 STREET VIEW 4

2 BACK YARD VIEW 1

GREEN STREET VIEW - CLOSED LOUVRES

BACK YARD VIEW - OPEN LOUVRES

PROJECT 14 GREEN STREET, CREMORNE VIC 3121

TP2-1 TOWN PLANNING SUBMISSION

rauhous

| NO. | DESCRIPTION | DATE |
|---|---|---|
| 7 | TP2-1 | 30.05.2018 |

TITLE PERSPECTIVE VIEWS 1

ADDRESS 14 GREEN STREET, CREMORNE

CLIENT Owner

JOB NO. 18019

REV. @ A1

DATE 30.05.2018

REV. NO. A005

TP2-1

## Attachment 2 - PLN17/0973 - Attachment 2 - Decision Plans

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING

STREET VIEW 1

ENTRANCE VIEW

STREET VIEW - NIGHT VIEW

PROJECT 14 GREEN STREET, CREMORNE VIC 3121

TP2-1 TOWN PLANNING SUBMISSION

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| NO. | DESCRIPTION | DATE |
|---|---|---|
| 5 | P6 | 30.03.2018 |
| 6 | P7 | 10.04.2018 |
| 7 | TP2-1 | 30.05.2018 |

TITLE PERSPECTIVE VIEWS 2

ADDRESS 14 GREEN STREET, CREMORNE

CLIENT Owner

JOB NO. 18019

SCALE @ A1

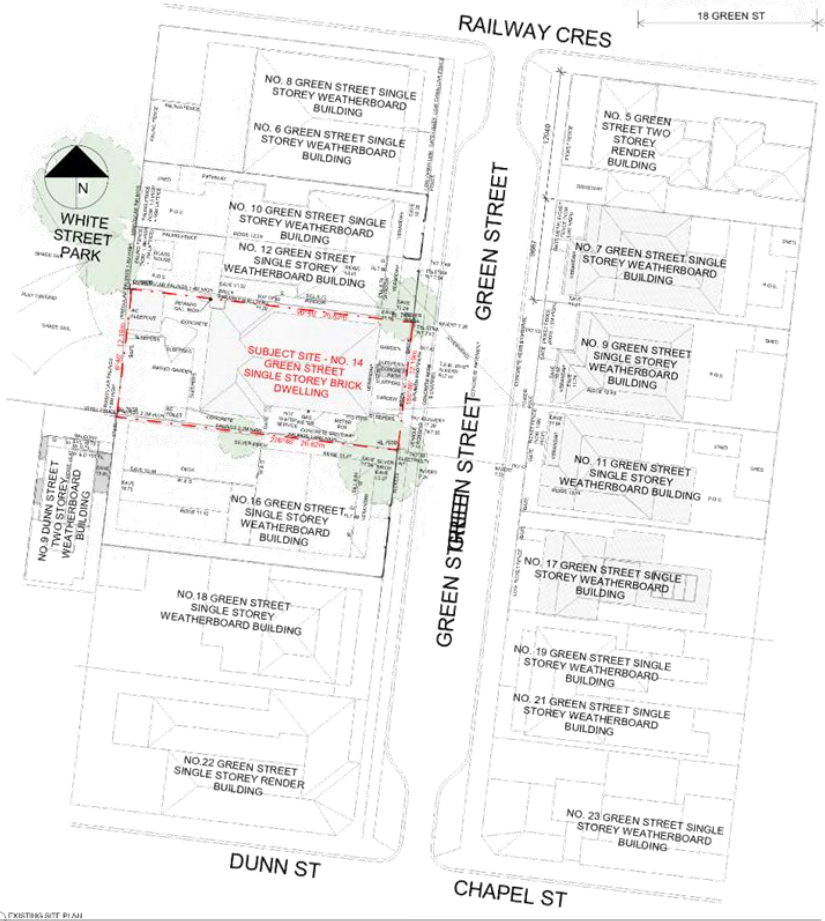
DATE 30.05.2018

DWG NO. A006

TP2-1

# Attachment 2 - PLN17/0973 - Attachment 2 - Decision Plans

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING




EXISTING SITE PLAN
1 : 200

PROJECT 14 GREEN STREET, CREMORNE VIC 3121

TP2-1 TOWN PLANNING SUBMISSION

rauhous

| NO. | DESCRIPTION | DATE |
|---|---|---|
| 4 | P5 | 27.03.2018 |
| 5 | P6 | 30.03.2018 |
| 7 | TP2-1 | 30.05.2018 |

TITLE EXISTING SITE PLAN
ADDRESS 14 GREEN STREET, CREMORNE
CLIENT Owner
JOB NO. 18019
SCALE 1 : 200@ A1
DATE 30.05.2018
REV. NO. A010
TP2-1

# Attachment 2 - PLN17/0973 - Attachment 2 - Decision Plans

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING

SIMILAR SOLUTIONS PLAN
1 : 1000

STREETVIEW TOWARDS DWELLINGS 12 & 10 GREEN ST.

STREETVIEW TOWARDS DWELLINGS 8 & 6 GREEN ST.

STREETVIEW TOWARDS DWELLINGS 18 & 16 GREEN ST.

STREETVIEW TOWARDS DWELLINGS 17 & 19 GREEN ST.

STREETVIEW TOWARDS DWELLINGS 13 & 15 GREEN ST.

STREETVIEW TOWARDS DWELLING 11 GREEN ST.

PROJECT 14 GREEN STREET, CREMORNE VIC 3121

TP2-1 TOWN PLANNING SUBMISSION

rauhous

| NO. | DESCRIPTION | DATE |
|---|---|---|
| 4 | PS | 27.03.2018 |
| 5 | P6 | 30.03.2018 |
| 7 | TP2-1 | 30.05.2018 |

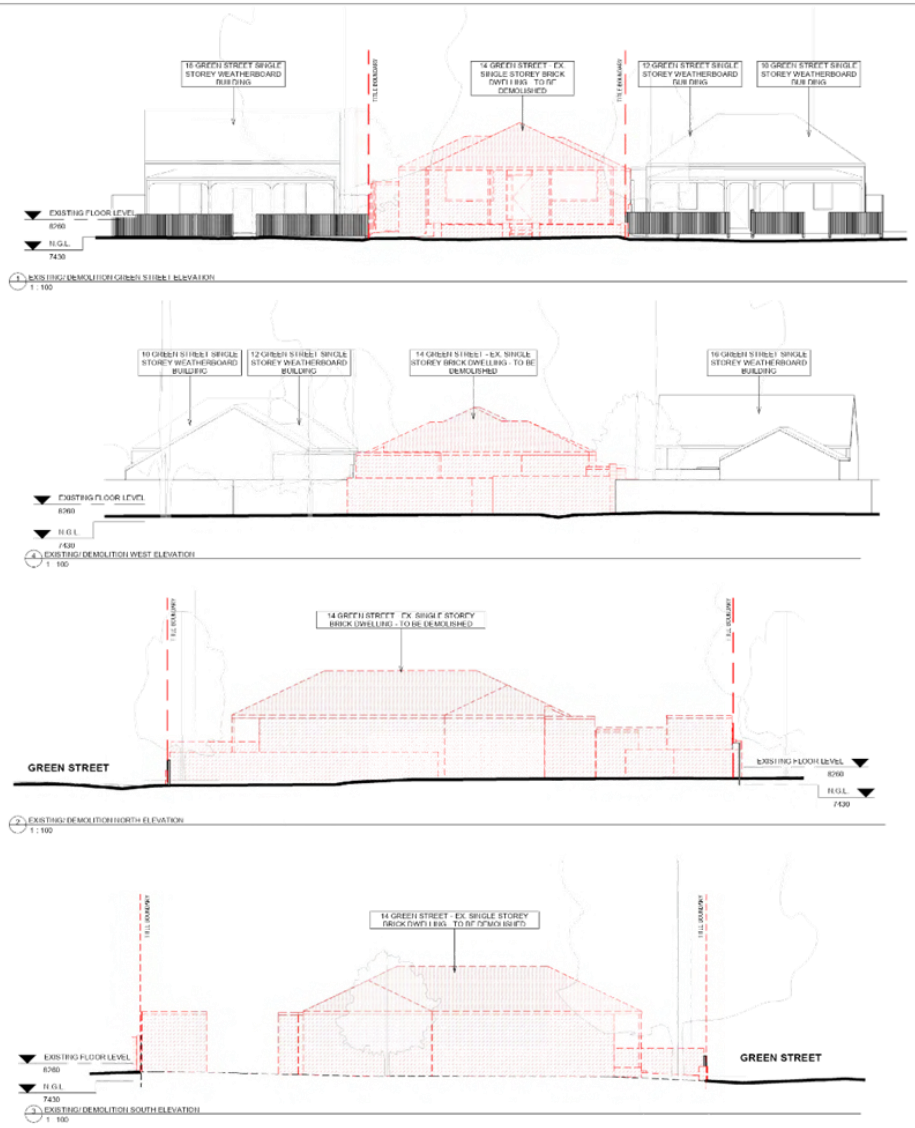
TITLE NEIGHBOURHOOD CONTEXT
ADDRESS 14 GREEN STREET, CREMORNE
CLIENT Owner
JOB NO. 18019
SCALE 1 : 1000@ A1
DATE 30.05.2018
REV. NO. A020
TP2-1

## Attachment 2 - PLN17/0973 - Attachment 2 - Decision Plans

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING

## Attachment 2 - PLN17/0973 - Attachment 2 - Decision Plans

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING

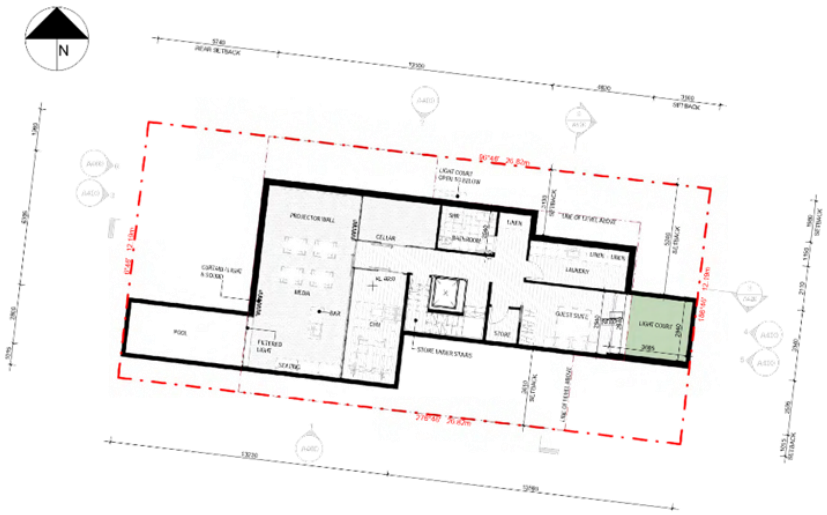


# Attachment 2 - PLN17/0973 - Attachment 2 - Decision Plans

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING

# Attachment 2 - PLN17/0973 - Attachment 2 - Decision Plans

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING




DEVELOPMENT SUMMARY - PROPOSED DESIGN RESPONSE

| SITE AREA ANALYSIS (GFA) | | PROPOSED DWELLING (GFA) | | PARKING PROVISIONS | |
|---|---|---|---|---|---|
| SITE AREA | 326.53 SQM | GROUND FLOOR AREA | 198.73 SQM 51.61% | TYPE | QTY. |
| TOTAL BUILDING AREA | 192.42 SQM | FIRST FLOOR AREA (A) | 134.55 SQM 41.59% | RESIDENTS PARKINGS | 2 |
| SITE COVERAGE | 58.89% | GARAGE AREA | 22.25 SQM 6.88% | | |
| PERMEABLE SURFACE AREA | 71.93 SQM 21.97% | GROUND FLOOR + GARAGE AREA (B) | 190.58 SQM 58.92% | | |
| GARDEN AREA | 119.43 SQM 36.31% | BASEMENT AREA | 158.78 SQM 49.09% | BICYCLE PROVISIONS | |
| TOTAL PRIVATE OPEN SPACE | 70 SQM 21.41% | PLOT RATIO (A/B) | 0.76 | GARAGE CAN BE USED FOR BICYCLE STORAGE | |

WINDOWS & DOORS LEGEND

| | |
|---|---|
| WW | WINDOW WITH OPENABLE SASHES |
| WO | WINDOW WITH OPENABLE AWNING |
| SL | SLIDER SASHES |
| WT | WALL POURED, 3 FOLD DOOR |
| WD | CONCRETE FINS FRAMED DOOR |
| WD | BRUSHED TIMBER FRAMED DOOR - SWING COLLAPSIBLE / FOLDING |
| WD | SINGLE PANEL GLAZED SLIDING DOOR |
| WD | 2 PANEL GLAZED SLIDING DOOR |
| SD | GARAGE DOOR |
| TG | TIMBER GATE |
| SD | SLIDING GATE |

PROJECT 14 GREEN STREET, CREMORNE VIC 3121

TP2-1 TOWN PLANNING SUBMISSION

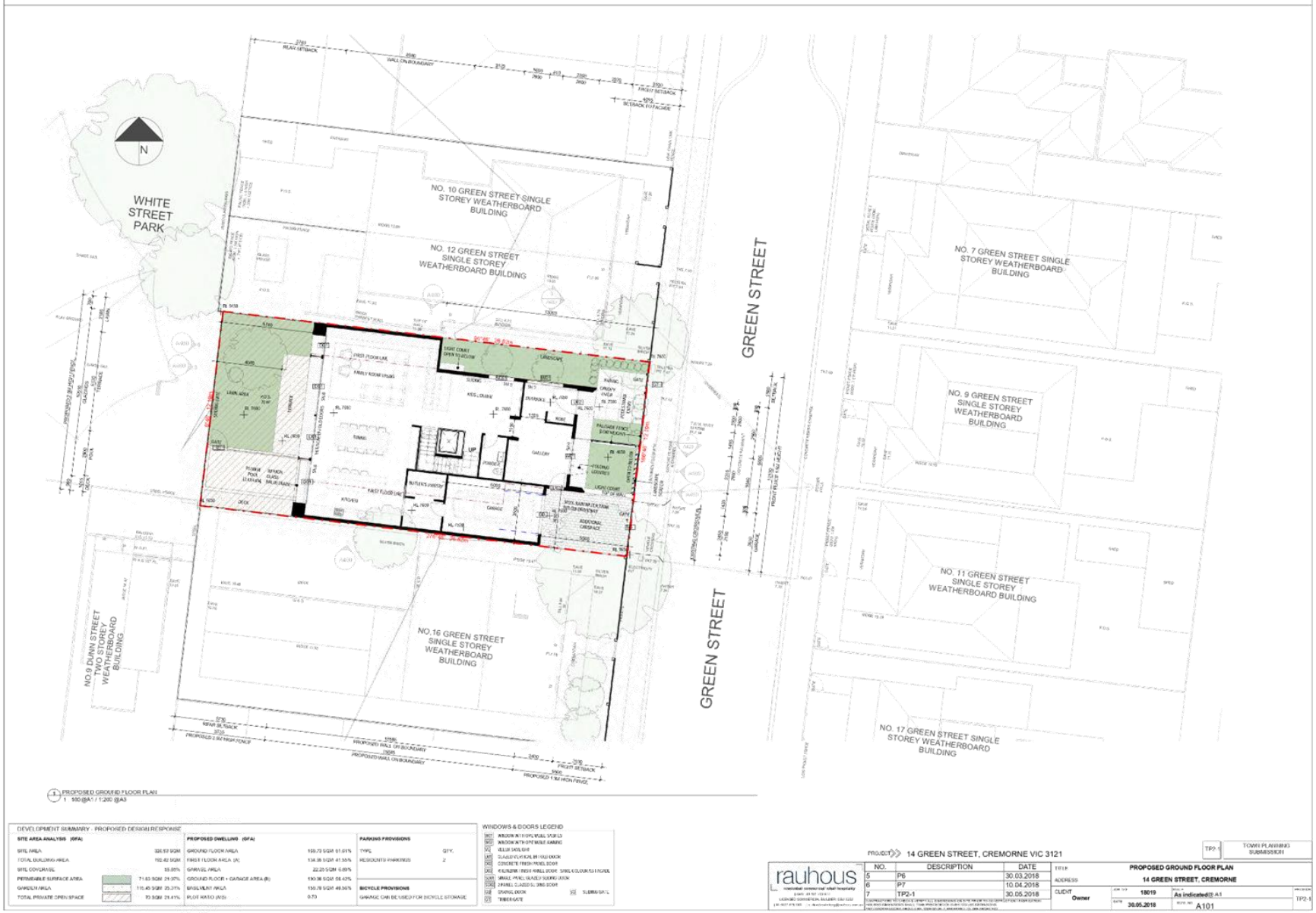
rauhous residential commercial retail hospitality

| NO. | DESCRIPTION | DATE |
|---|---|---|
| 2 | P3 | 16.03.2018 |
| 6 | P7 | 10.04.2018 |
| 7 | TP2-1 | 30.05.2018 |

TITLE: PROPOSED BASEMENT PLAN
ADDRESS: 14 GREEN STREET, CREMORNE
CLIENT: Owner
JOB NO. 18019
SCALE: As indicated@ A1
DATE: 30.05.2018
DWG NO. A100
TP2-1

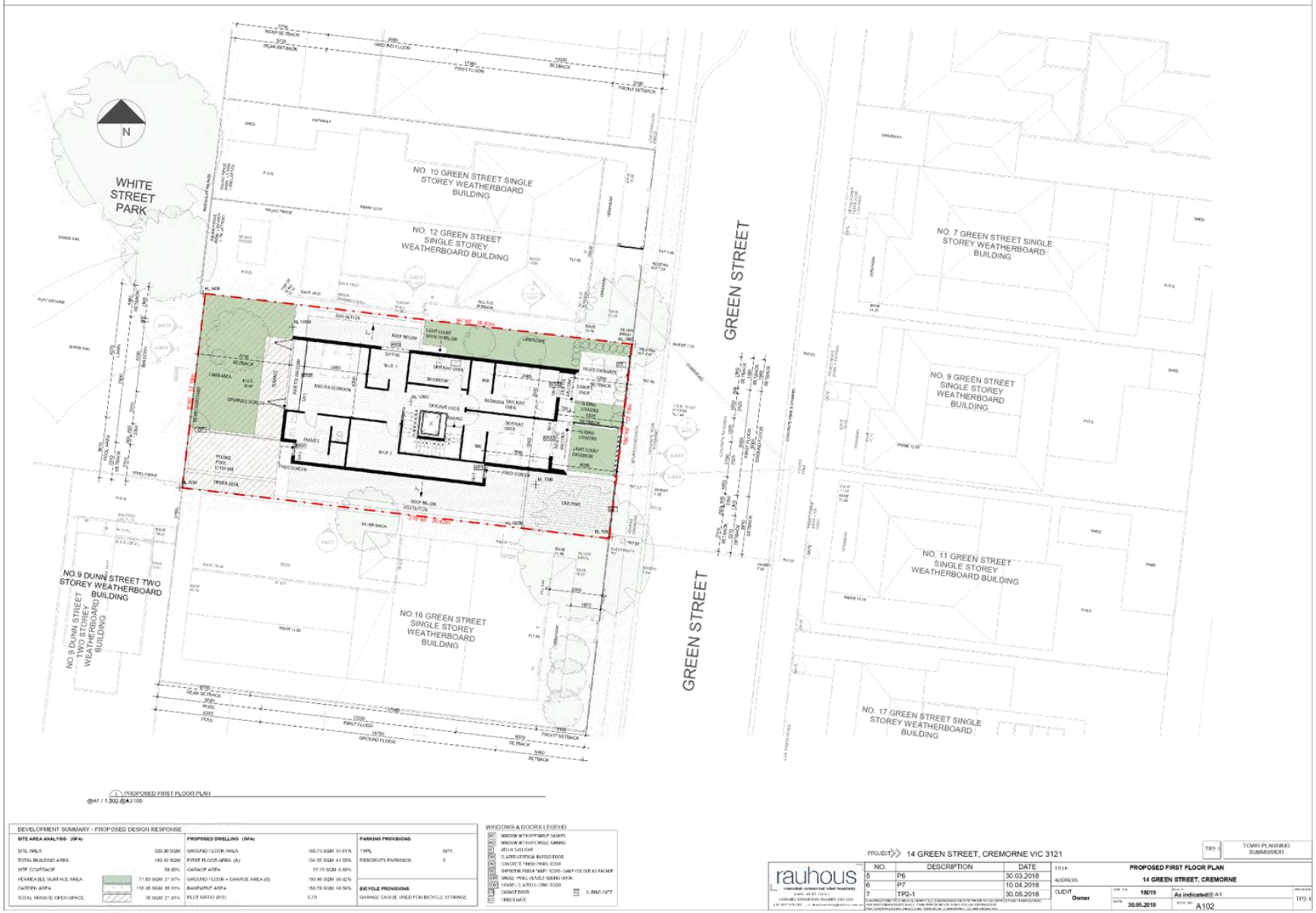
# Attachment 2 - PLN17/0973 - Attachment 2 - Decision Plans

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING



# Attachment 2 - PLN17/0973 - Attachment 2 - Decision Plans

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING



# Attachment 2 - PLN17/0973 - Attachment 2 - Decision Plans

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING

# Attachment 2 - PLN17/0973 - Attachment 2 - Decision Plans

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING

# Attachment 2 - PLN17/0973 - Attachment 2 - Decision Plans

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING

2 PROPOSED SECTION 2
1 : 100

3 PROPOSED SECTION 3
1 : 100

PROJECT 14 GREEN STREET, CREMORNE VIC 3121

TP2-1 TOWN PLANNING SUBMISSION

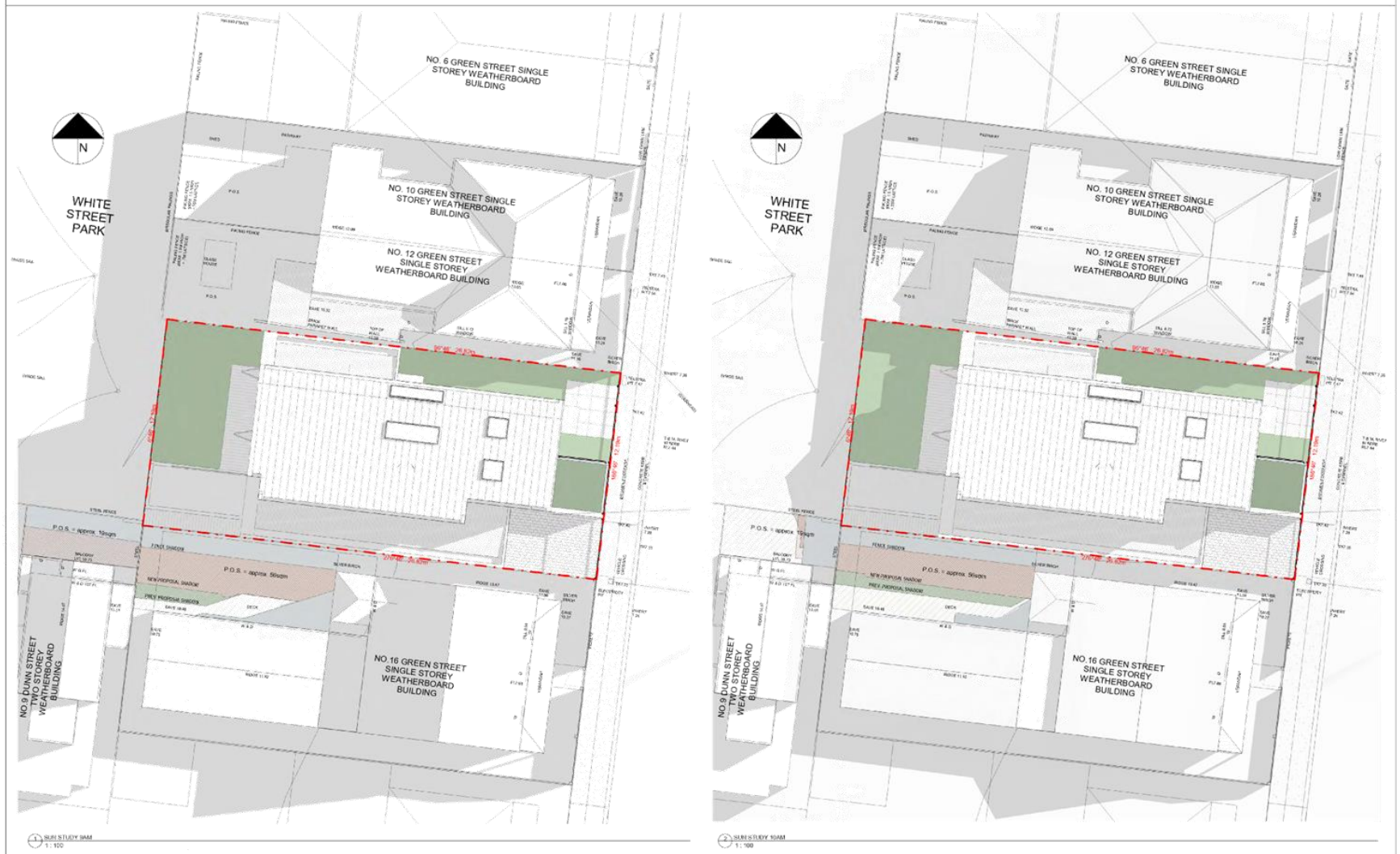
rauhous residential commercial retail hospitality

| NO. | DESCRIPTION | DATE |
|---|---|---|
| 5 | P6 | 30.03.2018 |
| 6 | P7 | 10.04.2018 |
| 7 | TP2-1 | 30.05.2018 |

TITLE PROPOSED SECTIONS
ADDRESS 14 GREEN STREET, CREMORNE
CLIENT Owner
JOB NO. 18019
SCALE 1 : 100@ A1
DATE 30.05.2018
SIZE A420
TP2-1

# Attachment 2 - PLN17/0973 - Attachment 2 - Decision Plans

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING




GREEN STREET NO. 16 - SINGLE STOREY WEATHERBOARD BUILDING
P.O.S. = approx. 16sqm

| TIME | FENCE & EXISTING BUILDINGS SHADOWS | EXISTING SHADOW TO TOTAL P.O.S. | PREVIOUS PROPOSAL SHADOW | PREVIOUS PROPOSED SUN IDENT TO TOTAL P.O.S. | CURRENT PROPOSAL SHADOW | CURRENT PROPOSED SUN IDENT TO TOTAL P.O.S. | IMPROVEMENT FROM PREVIOUS SUN IDENT - AREA | IMPROVEMENT FROM PREVIOUS SOLUTION - PROPORTION TO P.O.S. |
|---|---|---|---|---|---|---|---|---|
| 9AM | 23.7 sqm | 14.3 sqm | 27.9 sqm | 6.4 sqm | 23.8 sqm | 10.6 sqm | 4.2 sqm | 7.9% |
| 10AM | 15.8 sqm | 18.1 sqm | 28 sqm | 12.1 sqm | 20.9 sqm | 15.2 sqm | 2.7 sqm | 12.6% |
| 11AM | 18.4 sqm | 12.6 sqm | 16.7 sqm | 20.9 sqm | 11.2 sqm | 26.1 sqm | 5.3 sqm | 9.8% |
| 12PM | 21.0 sqm | 10.1 sqm | 19.3 sqm | 23.1 sqm | 2.4 sqm | 31 sqm | 2.0 sqm | 3.7% |
| 1PM | 15.9 sqm | 16.1 sqm | 1 sqm | 33.1 sqm | 0 sqm | 34.1 sqm | 1 sqm | 1.9% |
| 2PM | 1.1 sqm | 30 sqm | 1.7 sqm | 33.1 sqm | 0 sqm | 34 sqm | 0.9 sqm | 0.2% |
| 3PM | 16.6 sqm | 12.4 sqm | 3.7 sqm | 31.7 sqm | 3.7 sqm | 33.7 sqm | 0 sqm | 0% |

PROJECT 14 GREEN STREET, CREMORNE VIC 3121

TP2-1 TOWN PLANNING SUBMISSION

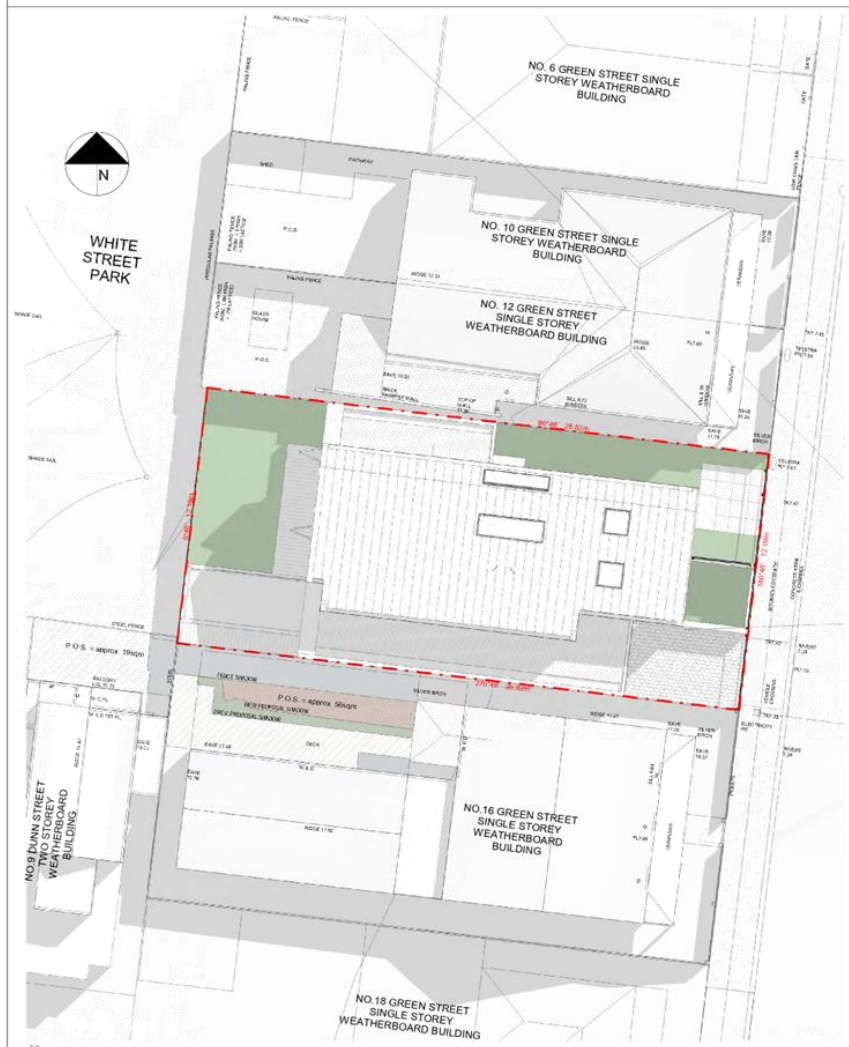
rauhous residential commercial retail hospitality
LICENSED COMMERCIAL BUILDER: CBU 5232

| NO. | DESCRIPTION | DATE |
|---|---|---|
| 4 | P5 | 27.03.2018 |
| 5 | P6 | 30.03.2018 |
| 7 | TP2-1 | 30.05.2018 |

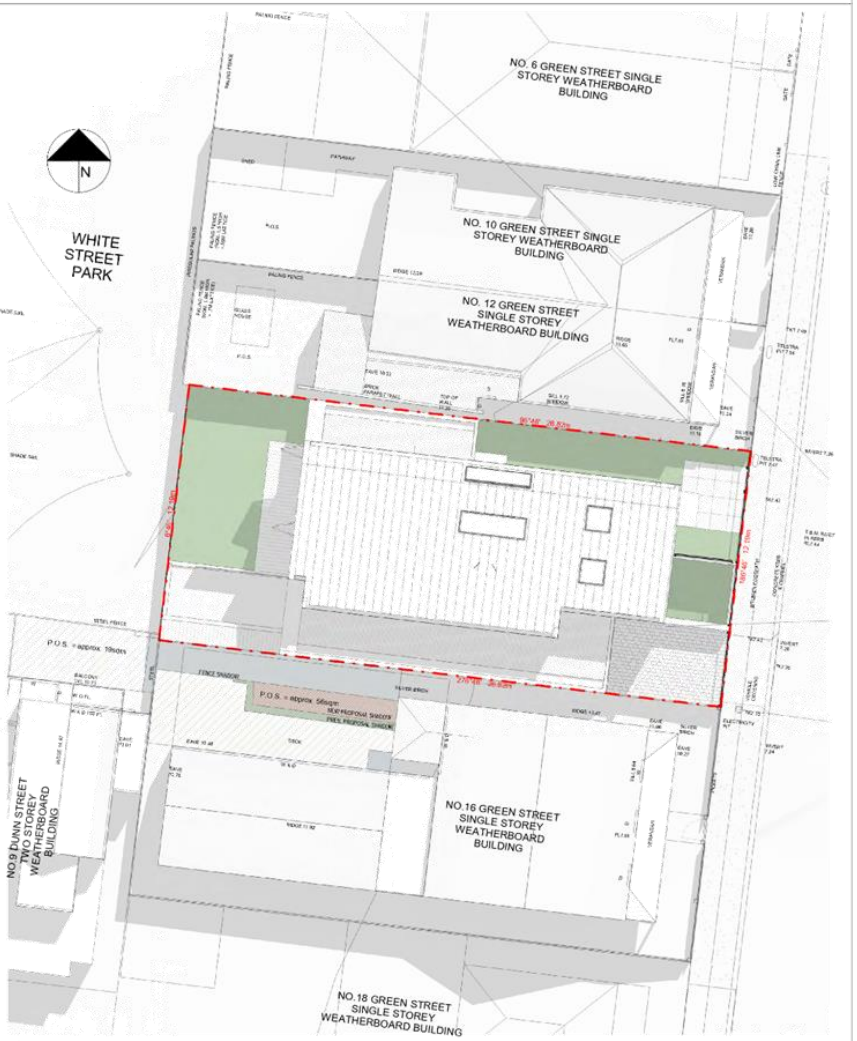
TITLE: SUN DIAGRAMS
ADDRESS: 14 GREEN STREET, CREMORNE
CLIENT: Owner
JOB NO. 18019
SCALE: As indicated@ A1
DATE: 30.05.2018
DWG NO. A700
REVISION: TP2-1

# Attachment 2 - PLN17/0973 - Attachment 2 - Decision Plans

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING




SUN STUDY 11AM
1 : 100




SUN STUDY 12AM
1 : 100

GREEN STREET NO. 16 - SINGLE STOREY WEATHERBOARD BUILDING
P.O.S. = approx. 56sqm

| TIME | FENCE & EXISTING BUILDINGS SHADOWS | EXISTING SHADOW TO TOTAL P.O.S. | PREVIOUS PROPOSAL SHADOW | PREVIOUS PROPOSED SUNLIGHT TO TOTAL P.O.S. | CURRENT PROPOSAL SHADOW | CURRENT PROPOSED SUNLIGHT TO TOTAL P.O.S. | IMPROVEMENT FROM PREVIOUS SOLUTION - AREA | IMPROVEMENT FROM PREVIOUS SOLUTION - PROPORTION TO P.O.S. |
|---|---|---|---|---|---|---|---|---|
| 9AM | 21.7 sqm | 34.3 sqm | 29.0 sqm | 6.4 sqm | 25.8 sqm | 10.6 sqm | 4.2 sqm | 7.5% |
| 10AM | 15.5 sqm | 40.5 sqm | 28 sqm | 12.5 sqm | 20.3 sqm | 15.7 sqm | 3.2 sqm | 12.6 % |
| 11AM | 10.4 sqm | 45.6 sqm | 16.7 sqm | 39.9 sqm | 11.2 sqm | 45.1 sqm | 5.3 sqm | 9.8 % |
| 12PM | 12.6 sqm | 43.4 sqm | 18.3 sqm | 38.1 sqm | 7.4 sqm | 51 sqm | 3.3 sqm | 6.1% |
| 1PM | 13.5 sqm | 42.5 sqm | 7 sqm | 53.5 sqm | 6 sqm | 54.1 sqm | 1 sqm | 1.8 % |
| 2PM | 17 sqm | 39 sqm | 0.3 sqm | 55.7 sqm | 5 sqm | 54 sqm | 0.3 sqm | 0.5 % |
| 3PM | 18.6 sqm | 37.4 sqm | 0.7 sqm | 55.7 sqm | 0.7 sqm | 55.7 sqm | 0 sqm | 0% |

PROJECT 14 GREEN STREET, CREMORNE VIC 3121

TP2-1 TOWN PLANNING SUBMISSION

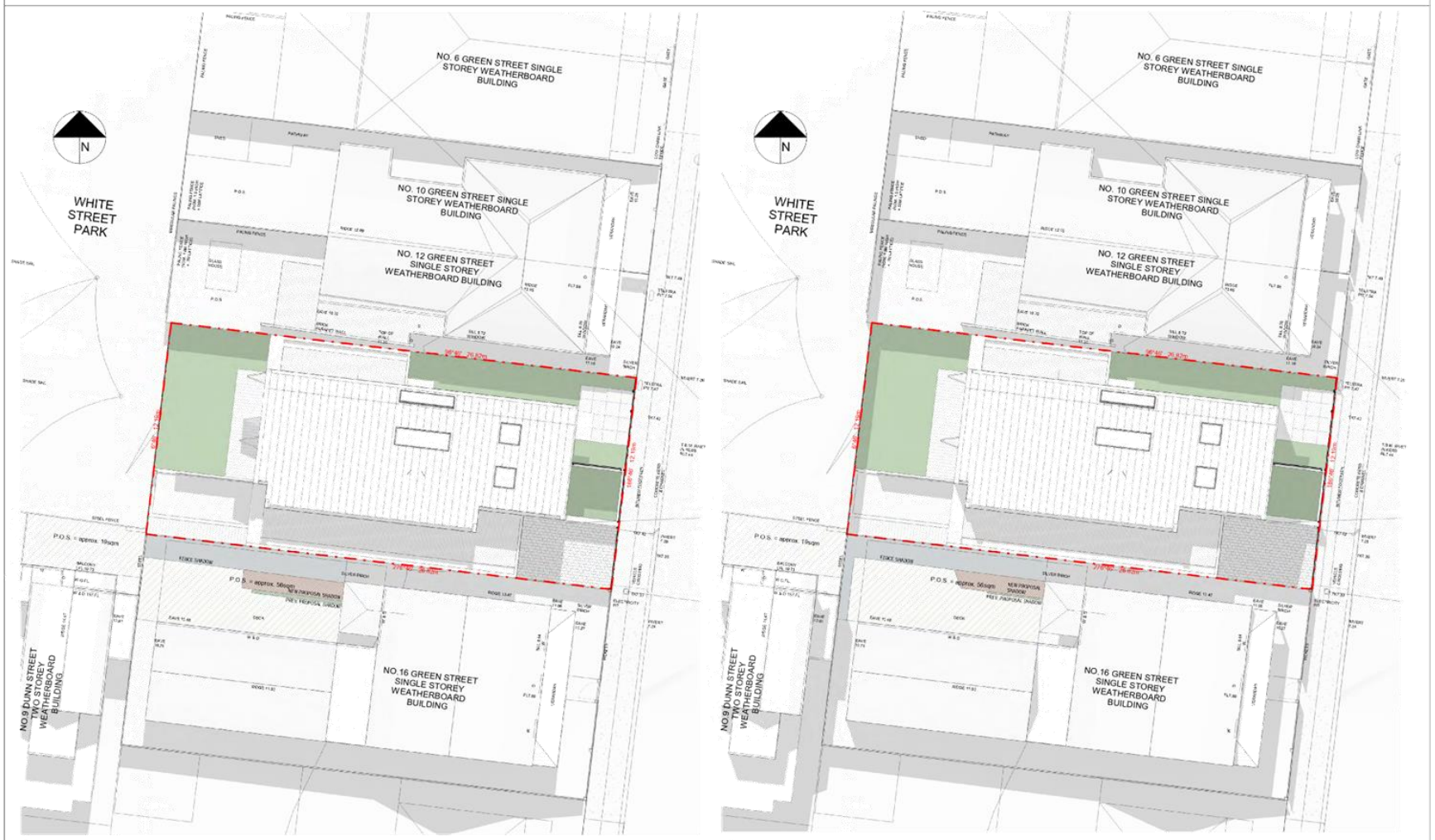
rauhous residential commercial retail hospitality
LICENSED COMMERCIAL BUILDER CBU 5202

| NO. | DESCRIPTION | DATE |
|---|---|---|
| 4 | P5 | 27.03.2018 |
| 5 | P6 | 30.03.2018 |
| 7 | TP2-1 | 30.05.2018 |

TITLE SUN DIAGRAMS
ADDRESS 14 GREEN STREET, CREMORNE
CLIENT Owner
JOB NO. 18019
SCALE As indicated@ A1
DATE 30.05.2018
DWG NO. A701
REVISION TP2-1

# Attachment 2 - PLN17/0973 - Attachment 2 - Decision Plans

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING




GREEN STREET NO. 16 - SINGLE STOREY WEATHERBOARD BUILDING
P.O.S. = approx. 56sqm

| TIME | FENCE & EXISTING SHADOWS | EXISTING SUN & HT TO TOTAL P.O.S. | PREVIOUS PROPOSAL SHADOW | PREVIOUS PROPOSED SUN & HT TO TOTAL P.O.S. | CURRENT PROPOSAL SHADOW | CURRENT PROPOSED SUN & HT TO TOTAL P.O.S. | IMPROVEMENT FROM PREVIOUS SOLUTION - AREA | IMPROVEMENT FROM PREVIOUS SOLUTION - PROPORTION TO P.O.S. |
|---|---|---|---|---|---|---|---|---|
| 9AM | 21.7 sqm | 34.3 sqm | 27.8 sqm | 6.4 sqm | 25.8 sqm | 10.5 sqm | 4.2 sqm | 7.5% |
| 10AM | 13.9 sqm | 42.1 sqm | 20 sqm | 12.1 sqm | 20.9 sqm | 19.2 sqm | 7.1 sqm | 12.6% |
| 11AM | 18.4 sqm | 37.6 sqm | 16.7 sqm | 20.9 sqm | 15.2 sqm | 25.4 sqm | 5.5 sqm | 9.8% |
| 12PM | 11.6 sqm | 44.4 sqm | 16.3 sqm | 28.1 sqm | 7.4 sqm | 37 sqm | 2.9 sqm | 5.1% |
| 13PM | 13.6 sqm | 42.4 sqm | 7 sqm | 35.4 sqm | 4 sqm | 34.1 sqm | 1 sqm | 1.7% |
| 14PM | 5.1 sqm | 50 sqm | 1.3 sqm | 37.7 sqm | 1 sqm | 37 sqm | 0.3 sqm | 0.5 % |
| 15PM | 18.4 sqm | 37.6 sqm | 3.7 sqm | 33.9 sqm | 3.7 sqm | 33.9 sqm | 0 sqm | 0 % |

PROJECT 14 GREEN STREET, CREMORNE VIC 3121

TP2-1 TOWN PLANNING SUBMISSION

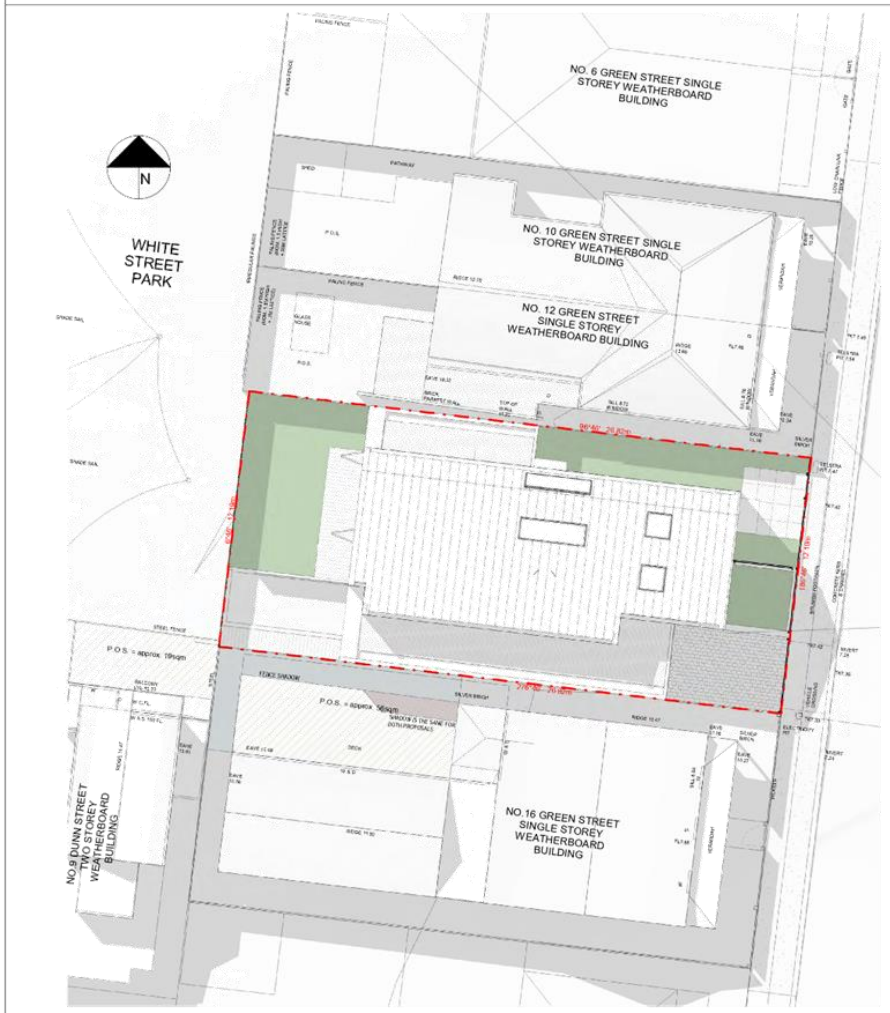
rauhous residential commercial retail hospitality
LICENSED COMMERCIAL BUILDER CBU 5202

| NO. | DESCRIPTION | DATE |
|---|---|---|
| 4 | P5 | 27.03.2018 |
| 5 | P6 | 30.03.2018 |
| 7 | TP2-1 | 30.05.2018 |

TITLE SUN DIAGRAMS
ADDRESS 14 GREEN STREET, CREMORNE
CLIENT Owner
JOB NO. 18019
SCALE As indicated@ A1
DATE 30.05.2018
DRW. NO. A702
REVISION TP2-1

# Attachment 2 - PLN17/0973 - Attachment 2 - Decision Plans

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING




1 SUN STUDY 15AM
1 : 100

GREEN STREET NO. 16 - SINGLE STOREY WEATHERBOARD BUILDING
P.O.S. = approx. 36sqm

| ITEL | | LINEAL BUILDING SHADOWS | LIKELIHOOD SUNLIGHT TO TOTAL P.O.S. | PREVIOUS PROPOSAL SHADOW | PREVIOUS PROPOSAL SUNLIGHT TO TOTAL P.O.S. | CURRENT PROPOSAL SHADOW | CURRENT PROPOSAL SUNLIGHT TO TOTAL P.O.S. | IMPROVEMENT FROM PREVIOUS SOLUTION - AREA | IMPROVEMENT FROM PREVIOUS SOLUTION - PROPORTION TO P.O.S. |
|---|---|---|---|---|---|---|---|---|---|
| 9AM | | 28.1 sqm | 31.5 sqm | 23.9 sqm | 0.4 sqm | 23.8 sqm | 16.6 sqm | 4.2 sqm | 7.0% |
| 10AM | | 15.9 sqm | 49.5 sqm | 28 sqm | 13.5 sqm | 20.5 sqm | 19.2 sqm | 7.1 sqm | 12.6% |
| 11AM | | 18.4 sqm | 34.6 sqm | 16.7 sqm | 29.9 sqm | 19.2 sqm | 25.1 sqm | 5.5 sqm | 9.8% |
| 12PM | | 13.6 sqm | 38.4 sqm | 16.3 sqm | 36.1 sqm | 2.4 sqm | 39 sqm | 2.9 sqm | 5.1% |
| 1PM | | 15.9 sqm | 49.5 sqm | 7 sqm | 35.5 sqm | 6 sqm | 34.5 sqm | 1 sqm | 1.8% |
| 2PM | | 17 sqm | 35 sqm | 5.3 sqm | 35.5 sqm | 1 sqm | 34 sqm | 0.5 sqm | 0.9% |
| 3PM | | 18.6 sqm | 31.4 sqm | 3.7 sqm | 35.5 sqm | 3.7 sqm | 35.5 sqm | 0 sqm | 0% |

PROJECT 14 GREEN STREET, CREMORNE VIC 3121

TP2-1 TOWN PLANNING SUBMISSION

rauhous residential commercial retail hospitality
p.(03) 9417 1311
LICENSED COMMERCIAL BUILDER CBU 5232
LIC-0027 474 183 e. rauhousdesign@yahoo.com.au

| NO. | DESCRIPTION | DATE |
|---|---|---|
| 4 | P5 | 27.03.2018 |
| 5 | P6 | 30.03.2018 |
| 7 | TP2-1 | 30.05.2018 |

TITLE SUN DIAGRAMS
ADDRESS 14 GREEN STREET, CREMORNE
CLIENT Owner
JOB NO. 18019
SCALE As indicated@ A1
DATE 30.05.2018
DWG NO. A703
REVISION TP2-1

# Attachment 3 - PLN17/0973 - Attachment 3 - Sketch Plans (31.07.18)

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING

| SHEET LIST | |
|---|---|
| SHEET NUMBER | SHEET NAME |
| A000 | COVER |
| A005 | PERSPECTIVE VIEWS 1 |
| A006 | PERSPECTIVE VIEWS 2 |
| A010 | EXISTING SITE PLAN |
| A020 | NEIGHBOURHOOD CONTEXT |
| A050 | EXISTING/ DEMOLITION PLAN |
| A070 | EXISTING ELEVATIONS |
| A080 | DESIGN RESPONSE PLAN |
| A100 | PROPOSED BASEMENT PLAN |
| A101 | PROPOSED GROUND FLOOR PLAN |
| A102 | PROPOSED FIRST FLOOR PLAN |
| A103 | PROPOSED ROOF PLAN |
| A400 | PROPOSED ELEVATIONS |
| A401 | PROPOSED ELEVATIONS |
| A402 | PROPOSED ELEVATIONS |
| A420 | PROPOSED SECTIONS |
| A421 | PROPOSED SECTION |
| A422 | PROPOSED SECTION |
| A423 | PROPOSED SECTION |
| A700 | SUN DIAGRAMS |
| A701 | SUN DIAGRAMS |
| A702 | SUN DIAGRAMS |
| A703 | SUN DIAGRAMS |

GREEN STREET VIEW 1 - OPEN LOUVRES

GREEN STREET VIEW 2 - OPEN LOUVRES

PROJECT 14 GREEN STREET, CREMORNE VIC 3121

TP2.2 TOWN PLANNING SUBMISSION

rauhous

| NO. | DESCRIPTION | DATE |
|---|---|---|
| 6 | P7 | 10.04.2018 |
| 7 | TP2-1 | 30.05.2018 |
| 8 | TP2-2 | 31.07.2018 |

TITLE COVER

ADDRESS 14 GREEN STREET, CREMORNE

CLIENT Owner

JOB NO. 18019

DATE 31.07.2018

SCALE 1:1@

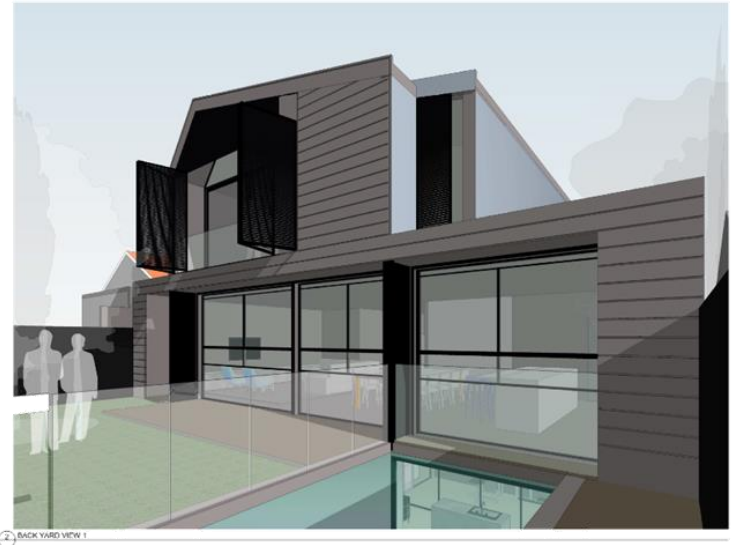
TOTAL SHT A000

REVISION TP2-2

## Attachment 3 - PLN17/0973 - Attachment 3 - Sketch Plans (31.07.18)

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING

1 STREET VIEW 4



2 BACK YARD VIEW 1

GREEN STREET VIEW - CLOSED LOUVRES

BACK YARD VIEW - OPEN LOUVRES

PROJECT 14 GREEN STREET, CREMORNE VIC 3121

TP2-2 TOWN PLANNING SUBMISSION

rauhous residential commercial retail hospitality

| NO. | DESCRIPTION | DATE |
|---|---|---|
| 7 | TP2-1 | 30.05.2018 |
| 8 | TP2-2 | 31.07.2018 |

TITLE PERSPECTIVE VIEWS 1

ADDRESS 14 GREEN STREET, CREMORNE

CLIENT Owner

JOB NO. 18019

SCALE 1:1@

DATE 31.07.2018

DWG NO. A005

REVISION TP2-2

## Attachment 3 - PLN17/0973 - Attachment 3 - Sketch Plans (31.07.18)

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING

STREET VIEW 1

ENTRANCE VIEW

STREET VIEW 1_1
1 : 1

PROJECT 14 GREEN STREET, CREMORNE VIC 3121

TP2-2 TOWN PLANNING SUBMISSION

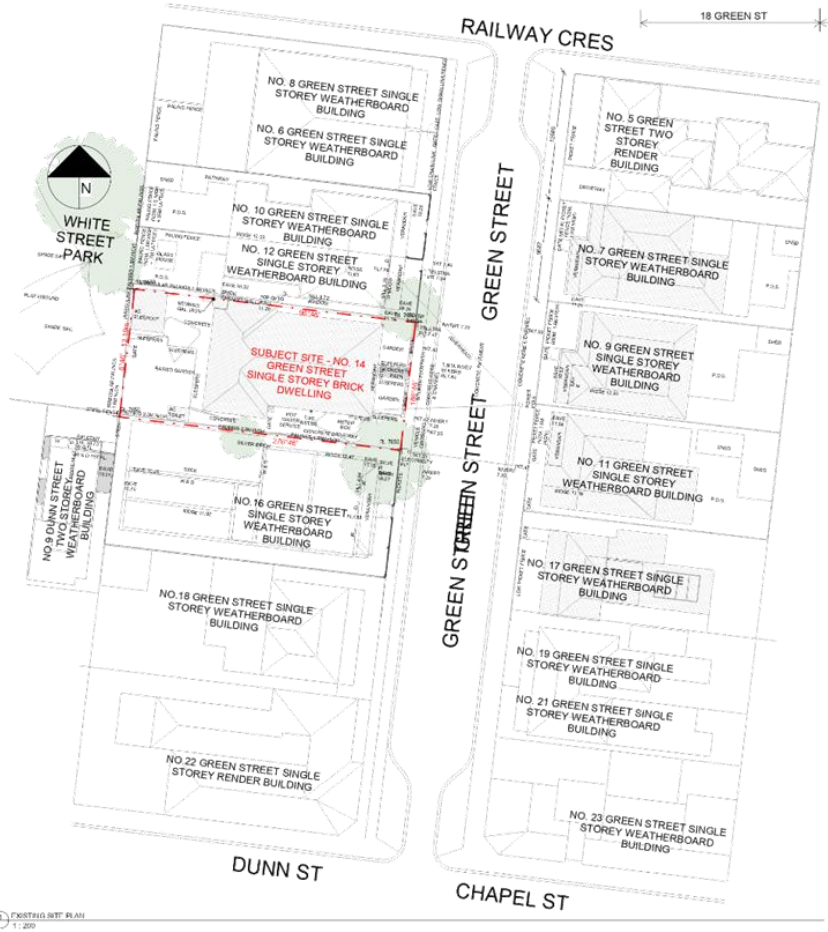
rauhous

| NO. | DESCRIPTION | DATE |
|---|---|---|
| 6 | P7 | 10.04.2018 |
| 7 | TP2-1 | 30.05.2018 |
| 8 | TP2-2 | 31.07.2018 |

TITLE PERSPECTIVE VIEWS 2
ADDRESS 14 GREEN STREET, CREMORNE
CLIENT Owner
JOB NO. 18019
SCALE 1:1@
DATE 31.07.2018
DWG NO. A006
REVISION TP2-2

# Attachment 3 - PLN17/0973 - Attachment 3 - Sketch Plans (31.07.18)

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING



PROJECT 14 GREEN STREET, CREMORNE VIC 3121

TP2-2 TOWN PLANNING SUBMISSION

rauhous

| NO. | DESCRIPTION | DATE |
|---|---|---|
| 5 | P6 | 30.03.2018 |
| 7 | TP2-1 | 30.05.2018 |
| 8 | TP2-2 | 31.07.2018 |

TITLE: EXISTING SITE PLAN
ADDRESS: 14 GREEN STREET, CREMORNE
CLIENT: Owner
JOB NO. 18019
SCALE 1 : 200@
DATE 31.07.2018
TP2-2 A010

# Attachment 3 - PLN17/0973 - Attachment 3 - Sketch Plans (31.07.18)

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING

SIMILAR SOLUTIONS PLAN
1 : 1000

STREETVIEW TOWARDS DWELLINGS 12 & 10 GREEN ST.

STREETVIEW TOWARDS DWELLINGS 8 & 6 GREEN ST.

STREETVIEW TOWARDS DWELLINGS 18 & 16 GREEN ST.

STREETVIEW TOWARDS DWELLINGS 17 & 19 GREEN ST.

STREETVIEW TOWARDS DWELLINGS 13 & 15 GREEN ST.

STREETVIEW TOWARDS DWELLING 11 GREEN ST.

PROJECT 14 GREEN STREET, CREMORNE VIC 3121

TP2-2 TOWN PLANNING SUBMISSION

rauhous

| NO. | DESCRIPTION | DATE |
|---|---|---|
| 5 | P6 | 30.03.2018 |
| 7 | TP2-1 | 30.05.2018 |
| 8 | TP2-2 | 31.07.2018 |

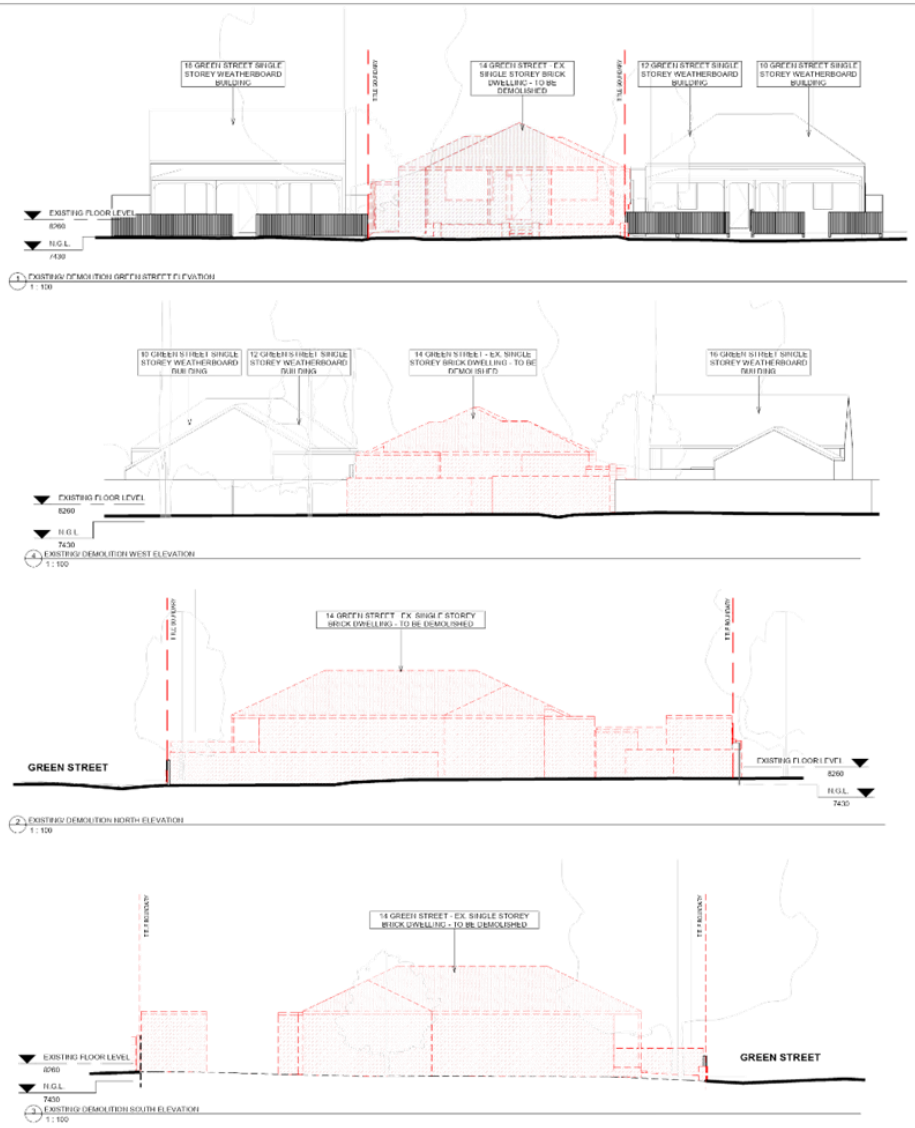
TITLE NEIGHBOURHOOD CONTEXT
ADDRESS 14 GREEN STREET, CREMORNE
CLIENT Owner
JOB NO. 18019
SCALE 1 : 1000@
DATE 31.07.2018
REVISION A020
TP2-2

# Attachment 3 - PLN17/0973 - Attachment 3 - Sketch Plans (31.07.18)

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING

# Attachment 3 - PLN17/0973 - Attachment 3 - Sketch Plans (31.07.18)

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING




PROJECT 14 GREEN STREET, CREMORNE VIC 3121

TP2-2 TOWN PLANNING SUBMISSION

rauhous

| NO. | DESCRIPTION | DATE |
|---|---|---|
| 5 | P6 | 30.03.2018 |
| 7 | TP2-1 | 30.05.2018 |
| 8 | TP2-2 | 31.07.2018 |

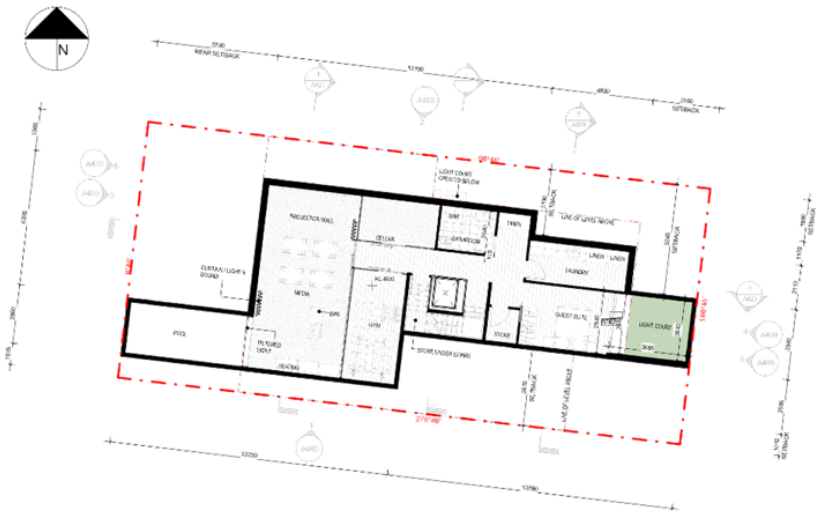
TITLE: EXISTING ELEVATIONS
ADDRESS: 14 GREEN STREET, CREMORNE
CLIENT: Owner
JOB NO. 18019
SCALE 1 : 100@
DATE 31.07.2018
A070
TP2-2

# Attachment 3 - PLN17/0973 - Attachment 3 - Sketch Plans (31.07.18)

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING

# Attachment 3 - PLN17/0973 - Attachment 3 - Sketch Plans (31.07.18)

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING




1 PROPOSED BASEMENT PLAN
1 100 @A1 / 1:200 @A3

DEVELOPMENT SUMMARY - PROPOSED DESIGN

| RESPONSES (SPA) | | |
|---|---|---|
| SITE AREA | 326.53 SQM | |
| TOTAL BUILDING AREA | 192.40 SQM | |
| SITE COVERAGE | 58.89% | |
| PERMEABLE SURFACE AREA | 71.93 SQM | 21.97% |
| CARSPACE AREA | 115.45 SQM | 35.91% |
| TOTAL PRIVATE OPEN SPACE | 76 SQM | 24.41% |

| PROPOSED DWELLING (SPA) | | |
|---|---|---|
| GROUND FLOOR AREA | 169.73 SQM | 51.61% |
| FIRST FLOOR AREA (A) | 134.55 SQM | 41.55% |
| GARAGE AREA | 22.05 SQM | 6.89% |
| GROUND FLOOR + GARAGE AREA (B) | 153.36 SQM | 58.42% |
| RAMP/PIT AREA | 159.78 SQM | 48.94% |
| PLOT RATIO (A/B) | 0.76 | |

| PARKING PROVISIONS | |
|---|---|
| TYPE | QTY. |
| RESIDENTS PARKINGS | 2 |

| BICYCLE PROVISIONS |
|---|
| GARAGE CAN BE USED FOR BICYCLE STORAGE |

WINDOWS & DOORS

| | |
|---|---|
| WD | WINDOW WITH OPENABLE SHUTTERS |
| WD | WINDOW WITH OPENABLE AWNING |
| LV | OPEN WOOD VIVE |
| LV | SCALLOP WALKWAY FOLD DOOR |
| WD | CONCRETE FINISH PANEL DOOR |
| WD | TIMBER FRAME TIMBER DOOR - SAMP CO OUTSIDE FACADE |
| SLIV | SMALL PANEL SLIDING SLIDING DOOR |
| DOO | 2 PANEL GLAZED SLIDING DOOR |
| CD | GARAGE DOOR |
| TG | TIMBER GATE |

PROJECT 14 GREEN STREET, CREMORNE VIC 3121

TP2-2 TOWN PLANNING SUBMISSION

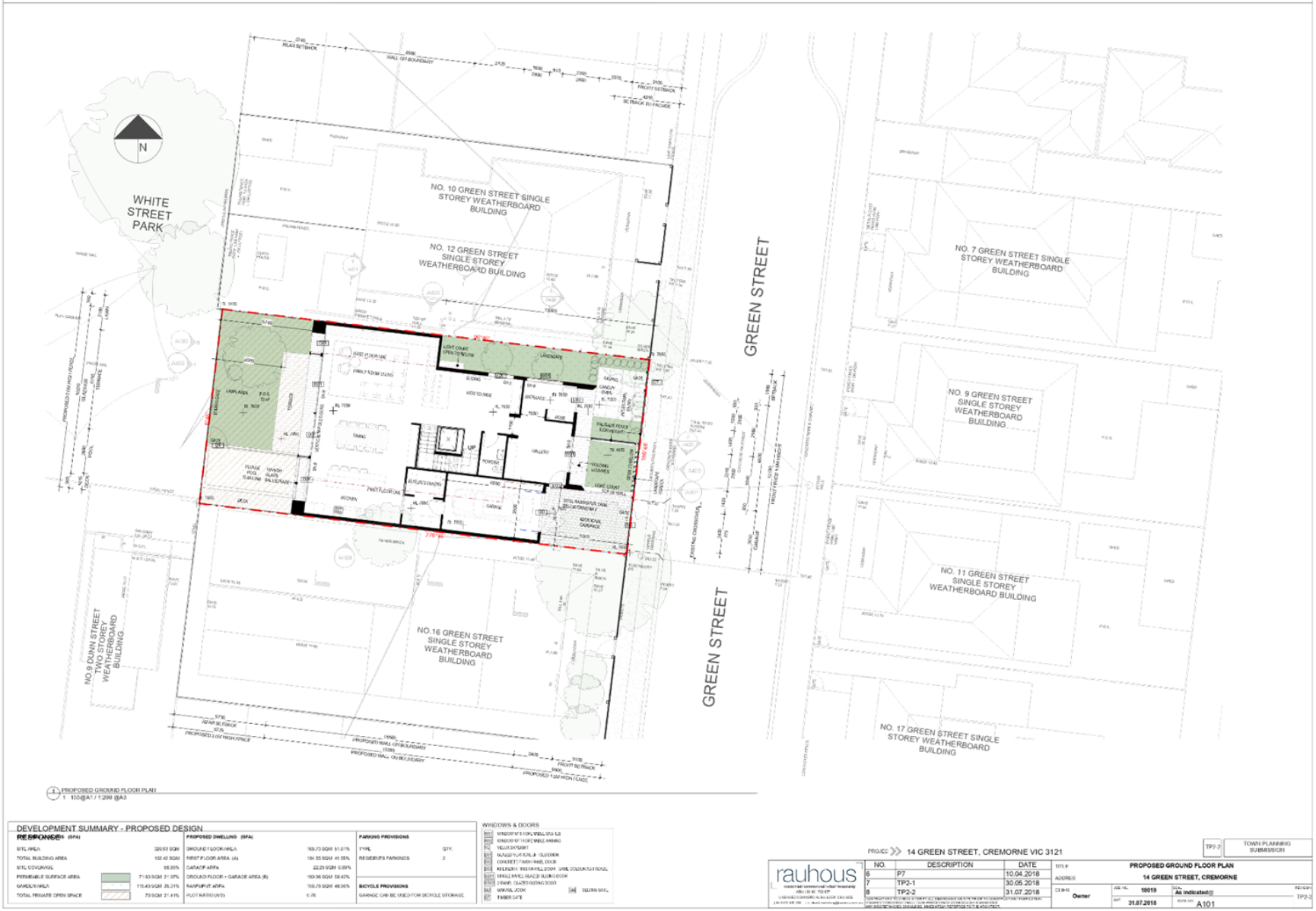
rauhous

| NO. | DESCRIPTION | DATE |
|---|---|---|
| 6 | P7 | 10.04.2018 |
| 7 | TP2-1 | 30.05.2018 |
| 8 | TP2-2 | 31.07.2018 |

TITLE PROPOSED BASEMENT PLAN
ADDRESS 14 GREEN STREET, CREMORNE
CLIENT Owner
JOB NO. 18019
SCALE As indicated@
DATE 31.07.2018
DWG NO. A100
REVISION TP2-2

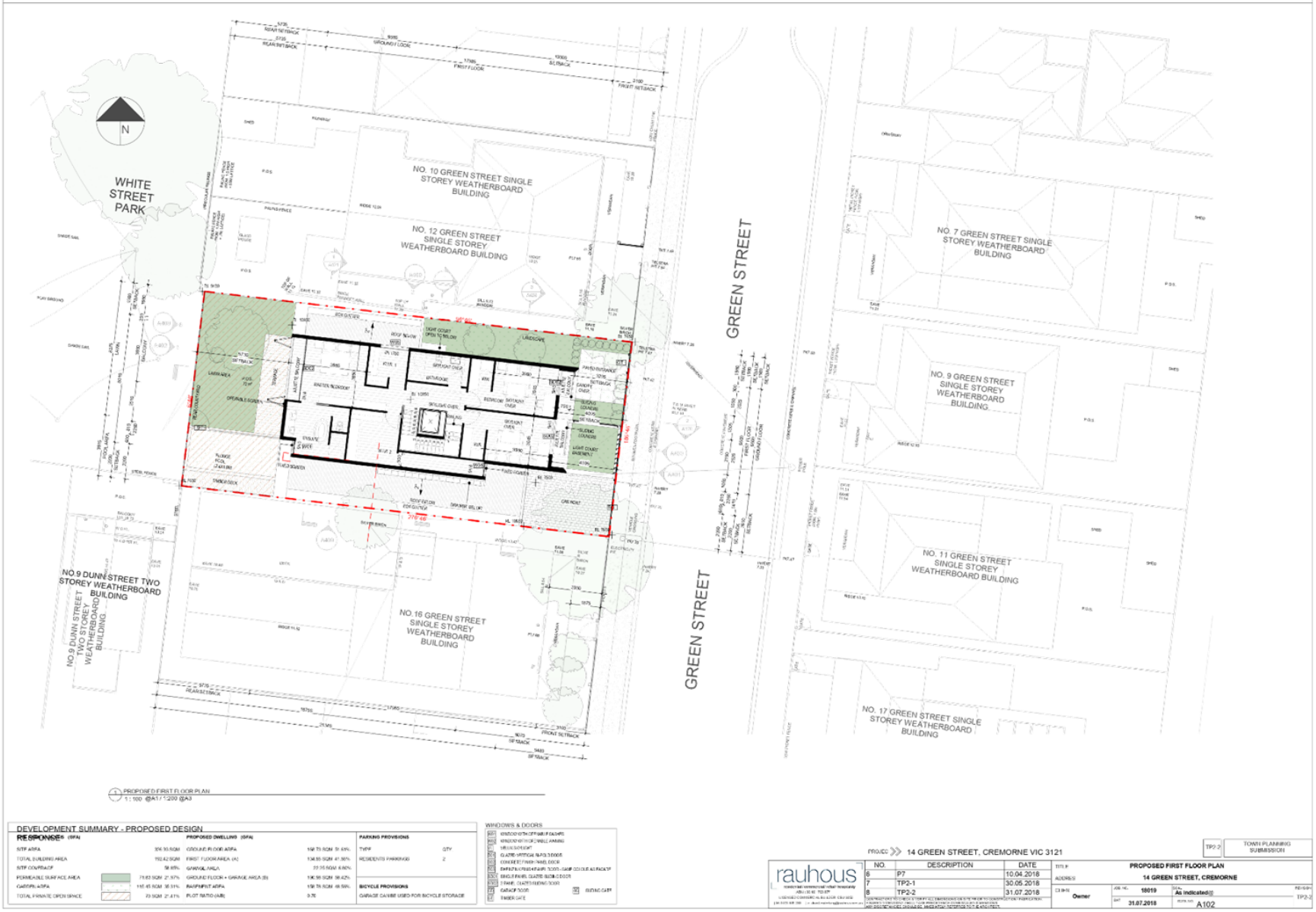
# Attachment 3 - PLN17/0973 - Attachment 3 - Sketch Plans (31.07.18)

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING



# Attachment 3 - PLN17/0973 - Attachment 3 - Sketch Plans (31.07.18)

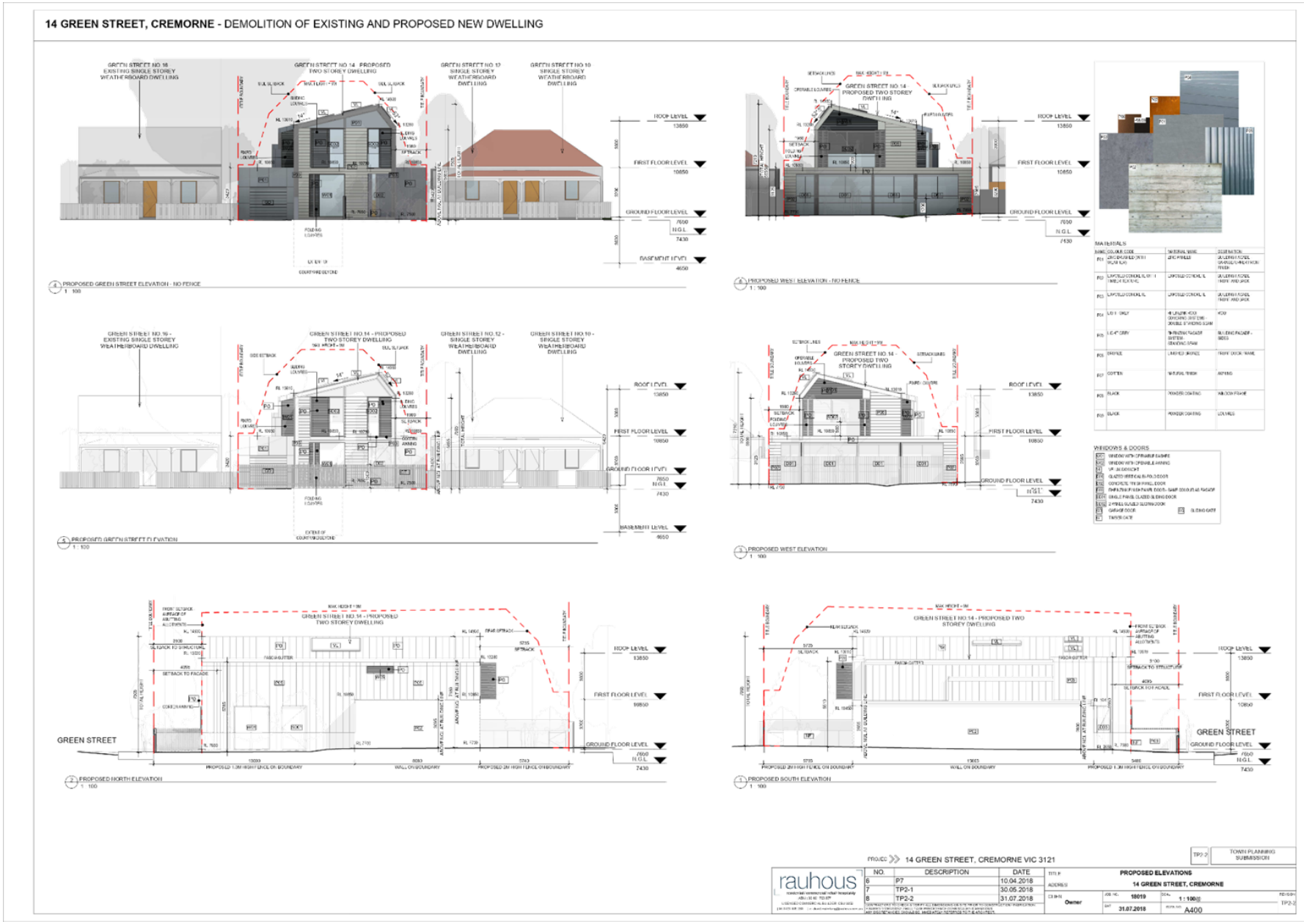
**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING



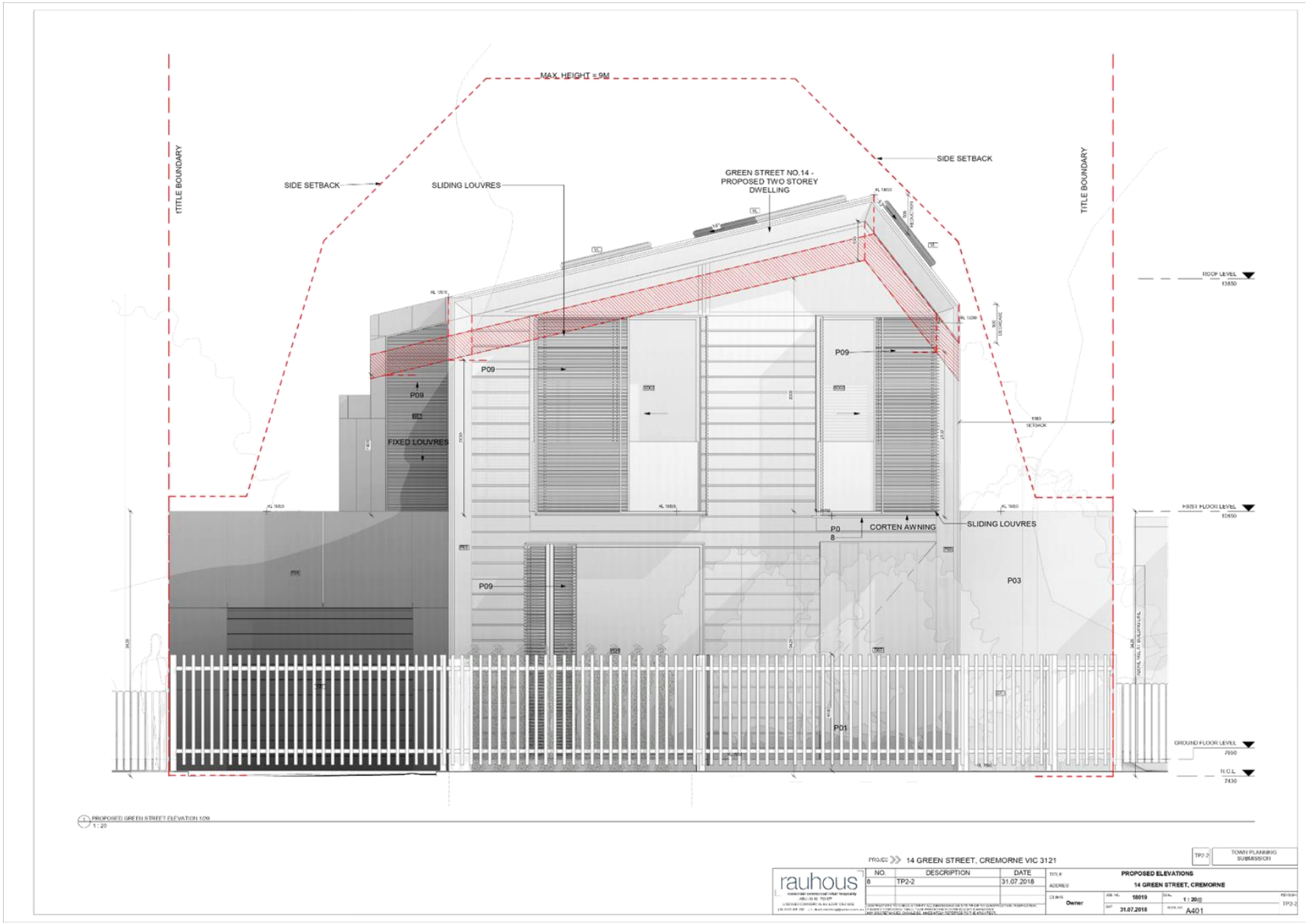
# Attachment 3 - PLN17/0973 - Attachment 3 - Sketch Plans (31.07.18)

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING

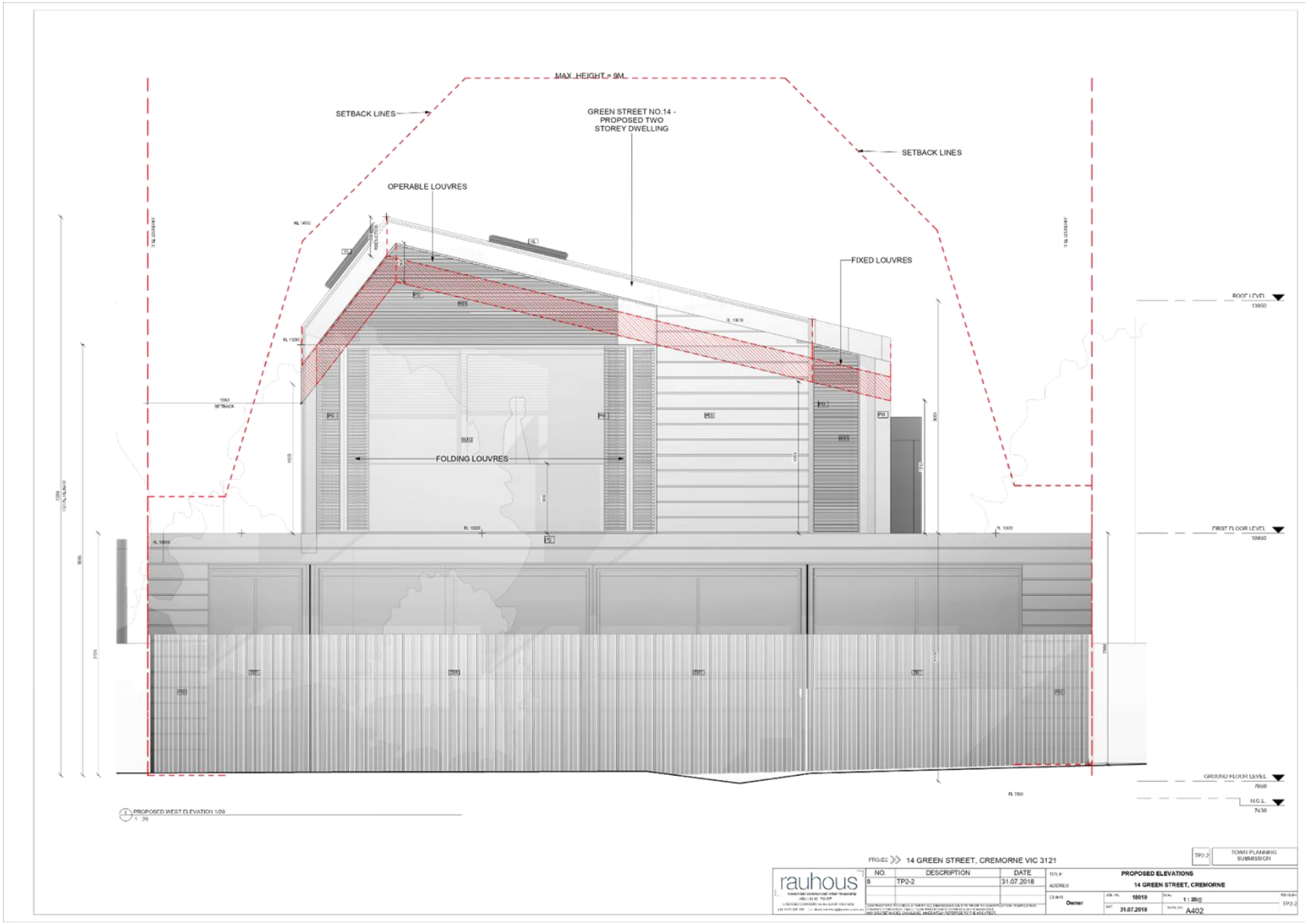
# Attachment 3 - PLN17/0973 - Attachment 3 - Sketch Plans (31.07.18)



## Attachment 3 - PLN17/0973 - Attachment 3 - Sketch Plans (31.07.18)



## Attachment 3 - PLN17/0973 - Attachment 3 - Sketch Plans (31.07.18)



# Attachment 3 - PLN17/0973 - Attachment 3 - Sketch Plans (31.07.18)

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING

2 PROPOSED SECTION 2
1 : 100

3 PROPOSED SECTION 3
1 : 100

PROJECT 14 GREEN STREET, CREMORNE VIC 3121

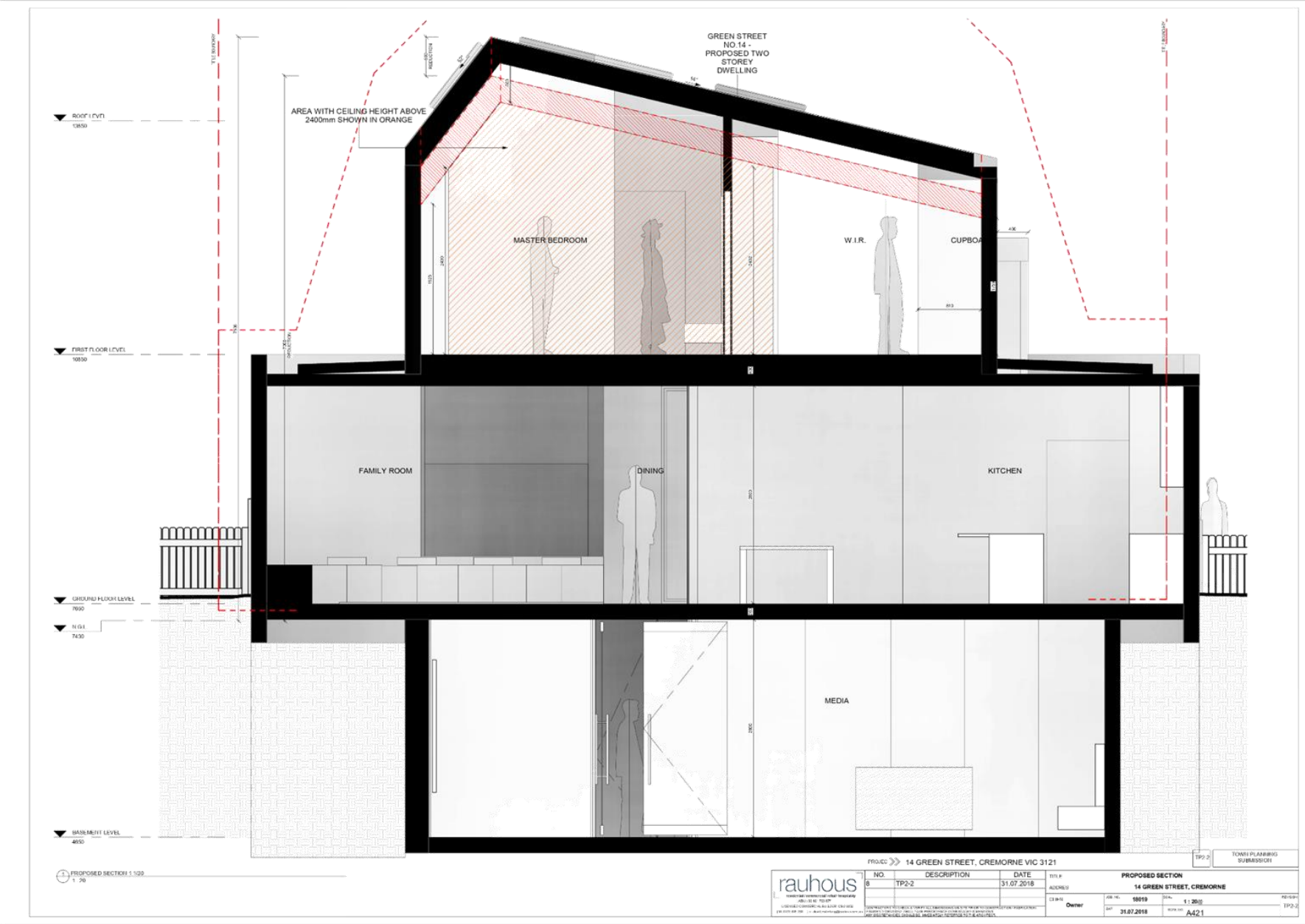
TP2-2 TOWN PLANNING SUBMISSION

rauhous

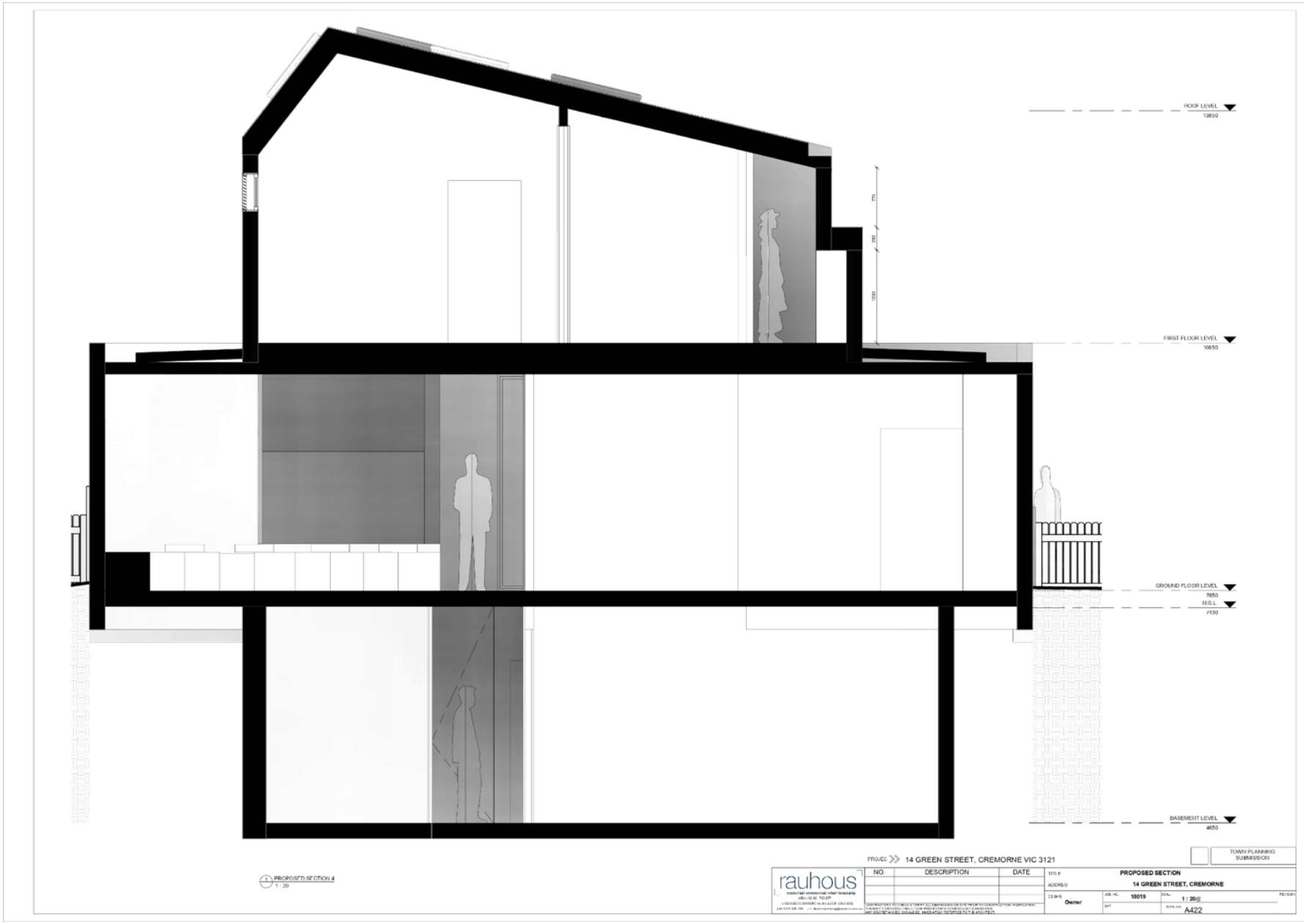
| NO. | DESCRIPTION | DATE |
|---|---|---|
| 6 | P7 | 10.04.2018 |
| 7 | TP2-1 | 30.05.2018 |
| 8 | TP2-2 | 31.07.2018 |

TITLE PROPOSED SECTIONS
ADDRESS 14 GREEN STREET, CREMORNE
CLIENT Owner
JOB NO. 18019
SCALE 1 : 100@
DATE 31.07.2018
PAPER SIZE A420
REVISION TP2-2

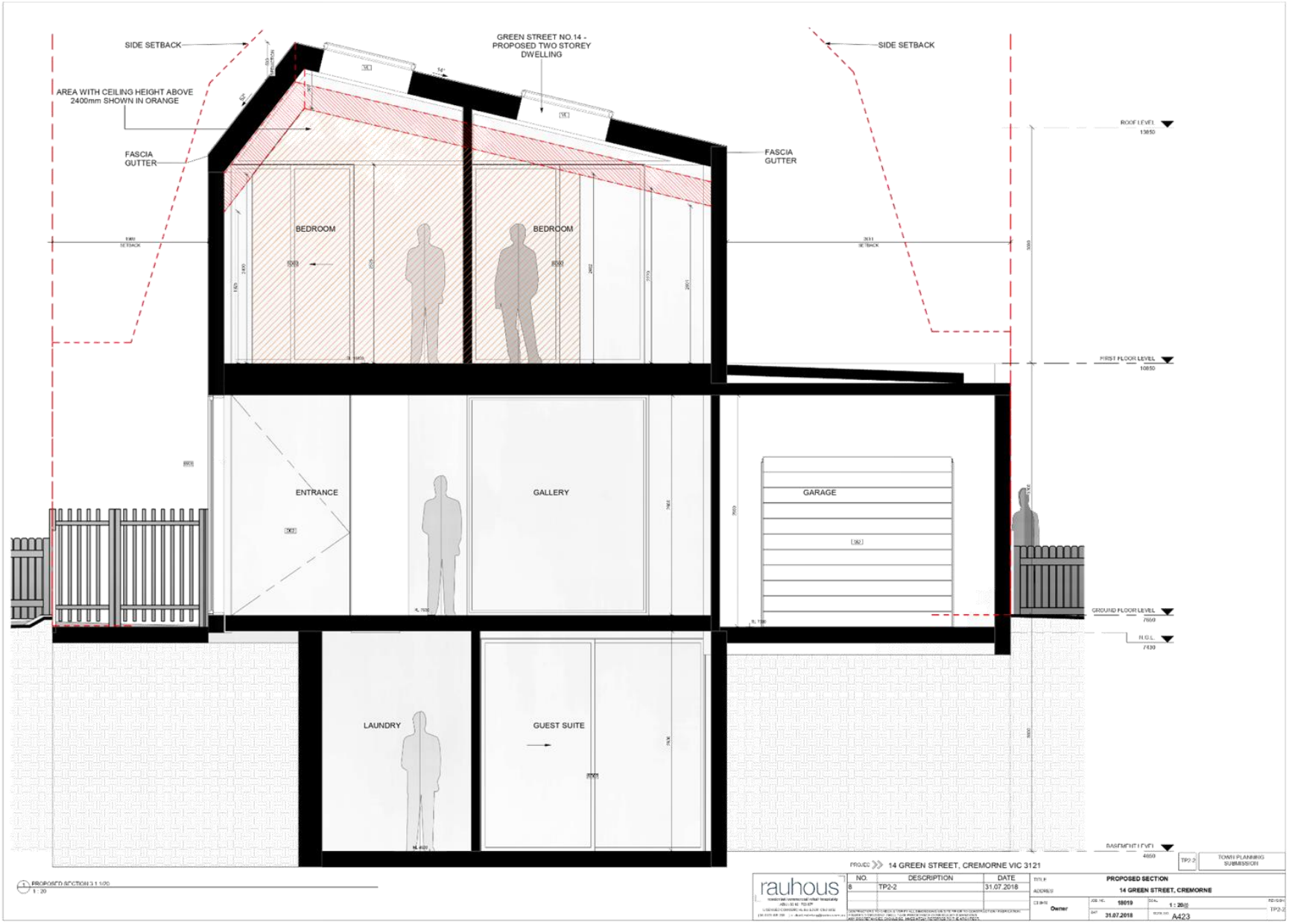
## Attachment 3 - PLN17/0973 - Attachment 3 - Sketch Plans (31.07.18)



## Attachment 3 - PLN17/0973 - Attachment 3 - Sketch Plans (31.07.18)

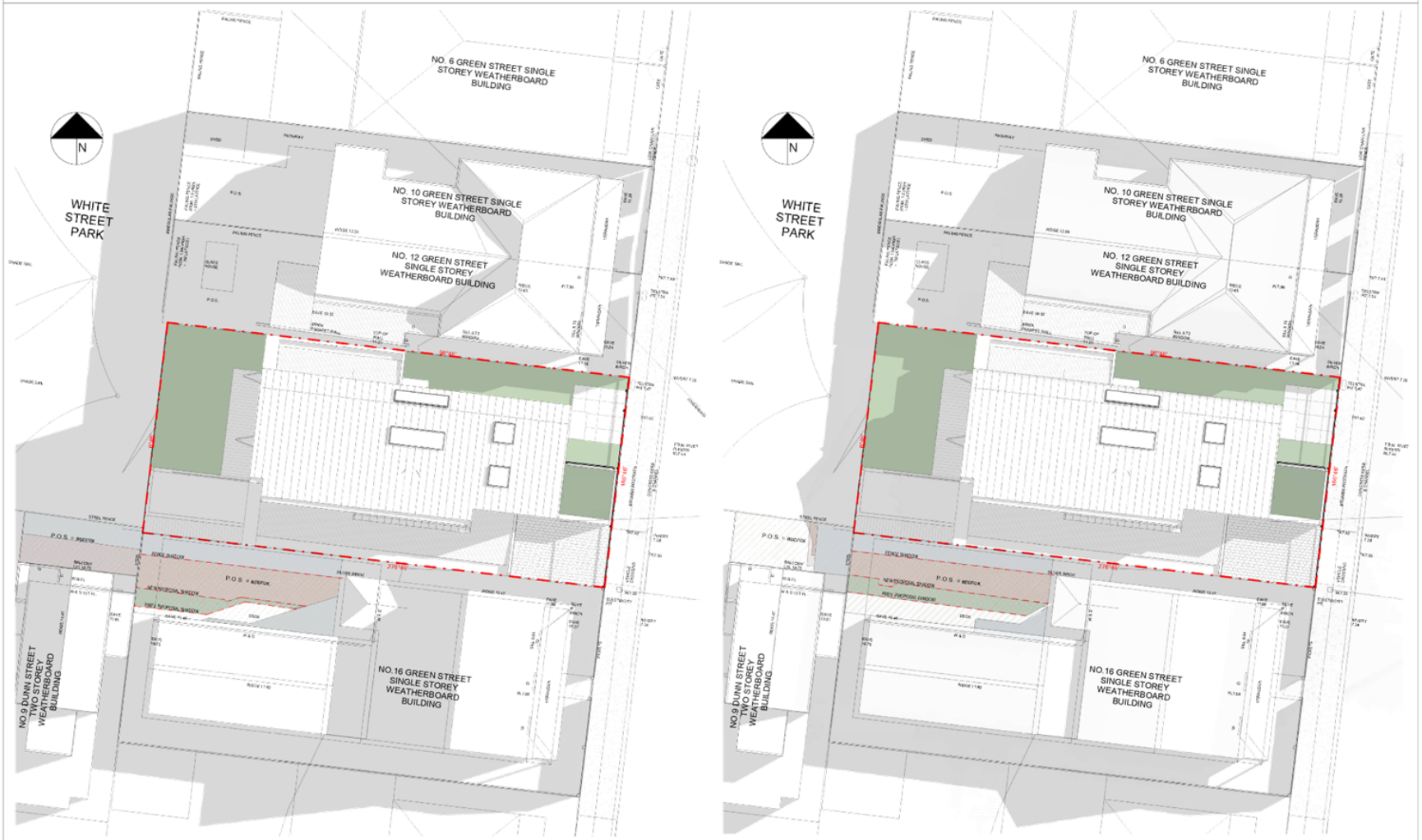


## Attachment 3 - PLN17/0973 - Attachment 3 - Sketch Plans (31.07.18)



# Attachment 3 - PLN17/0973 - Attachment 3 - Sketch Plans (31.07.18)

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING




GREEN STREET NO. 16 - SINGLE STOREY WEATHERBOARD BUILDING
P.O.S. = approx. 96sqm

| TIME | FENCE & EXISTING BUILDINGS SHADOWS | EXISTING SUNLIGHT TO TOTAL P.O.S. | PREVIOUS PROPOSAL SHADOW | REVISED PROPOSED SUNLIGHT TO TOTAL P.O.S. | CURRENT PROPOSAL SHADOW 01 | CURRENT PROPOSED SUNLIGHT TO TOTAL P.O.S. | CURRENT PROPOSAL SHADOW 02 | CURRENT PROPOSED SUNLIGHT TO TOTAL P.O.S. | IMPROVEMENT FROM PREVIOUS SOLUTION - +ERF+ | IMPROVEMENT FROM PREVIOUS SOLUTION - PROPORTION TO P.O.S. |
|---|---|---|---|---|---|---|---|---|---|---|
| 9AM | 21.7 sqm | 34.3 sqm | 27.2 sqm | 6.6 sqm | 23.6 sqm | 10.0 sqm | 21.4 sqm | 12 sqm | 1.8 sqm | 3.2% |
| 10AM | 13.0 sqm | 43.1 sqm | 25 sqm | 12.1 sqm | 20.9 sqm | 15.2 sqm | 18.0 sqm | 21.0 sqm | 5.1 sqm | 18.3 % |
| 11AM | 10.6 sqm | 37.6 sqm | 16.7 sqm | 20.3 sqm | 11.2 sqm | 26.6 sqm | 9.2 sqm | 28.0 sqm | 7.3 sqm | 27 % |
| 12PM | 11.0 sqm | 34.4 sqm | 15.3 sqm | 25.1 sqm | 7.6 sqm | 31 sqm | 6.2 sqm | 29.8 sqm | 5.2 sqm | 2.9 % |
| 1PM | 10.7 sqm | 40.1 sqm | 7 sqm | 33.1 sqm | 6 sqm | 34.1 sqm | 6 sqm | 34.1 sqm | 1 sqm | 1.16 % |
| 2PM | 11 sqm | 39 sqm | 6.3 sqm | 32.7 sqm | 6 sqm | 34 sqm | 6 sqm | 34 sqm | 0.3 sqm | 0.3 % |
| 3PM | 10.6 sqm | 37.4 sqm | 3.7 sqm | 33.7 sqm | 3.7 sqm | 33.7 sqm | 3.7 sqm | 33.7 sqm | 0 sqm | 0 % |

PROJECT 14 GREEN STREET, CREMORNE VIC 3121

TP2-2 TOWN PLANNING SUBMISSION

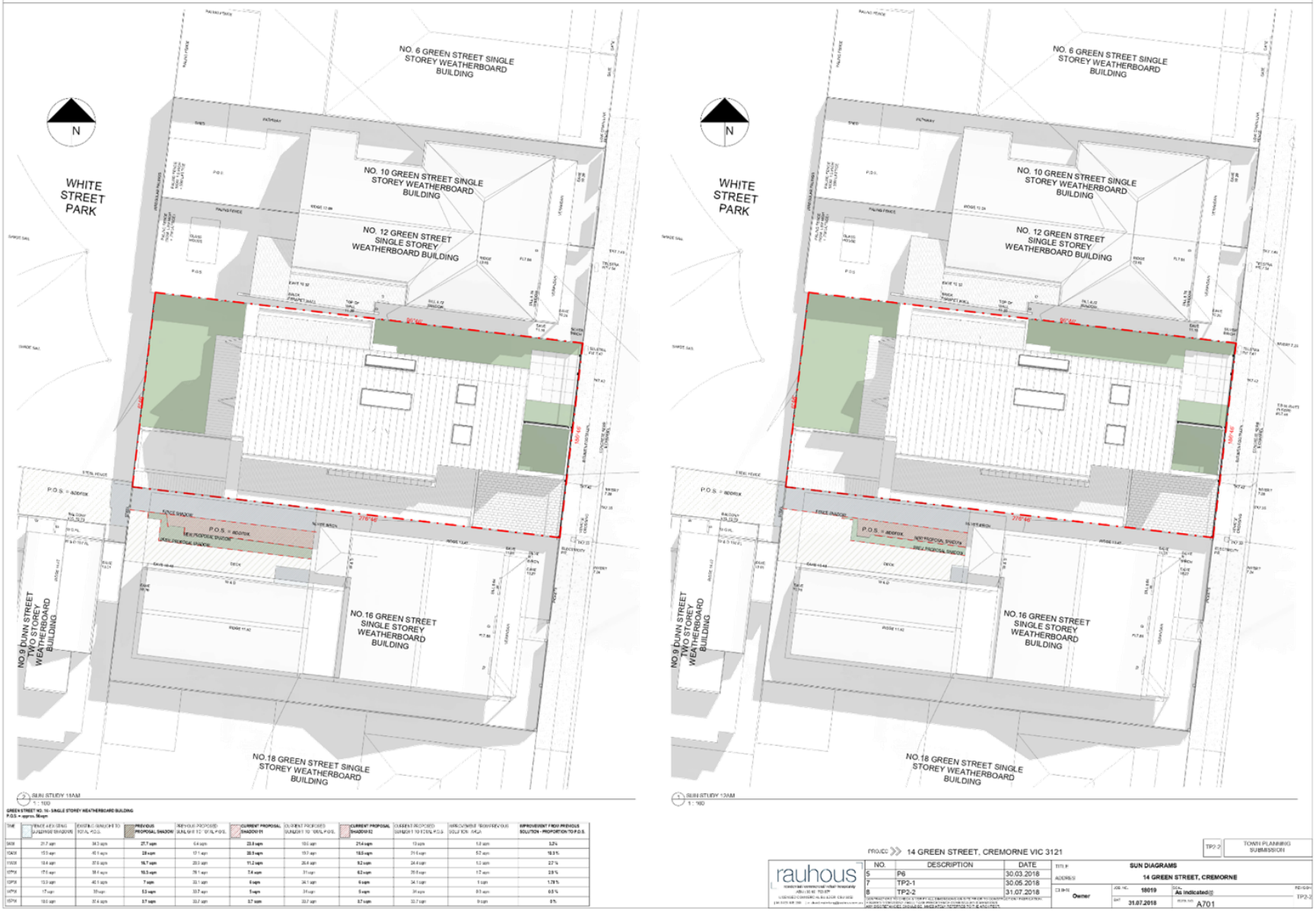
rauhous residential commercial retail hospitality
ABN 18 082 703 277
LICENSED CARPENTER No 6U 6208 CIV 3032
(M) 0419 488 396 | e: david.rauhous@bigpond.com.au

| NO. | DESCRIPTION | DATE |
|---|---|---|
| 5 | P6 | 30.03.2018 |
| 7 | TP2-1 | 30.05.2018 |
| 8 | TP2-2 | 31.07.2018 |

TITLE: SUN DIAGRAMS
ADDRESS: 14 GREEN STREET, CREMORNE
CLIENT: Owner
JOB NO. 18019
DATE 31.07.2018
SCALE As indicated@
REVISION TP2-2
DWG NO. A700

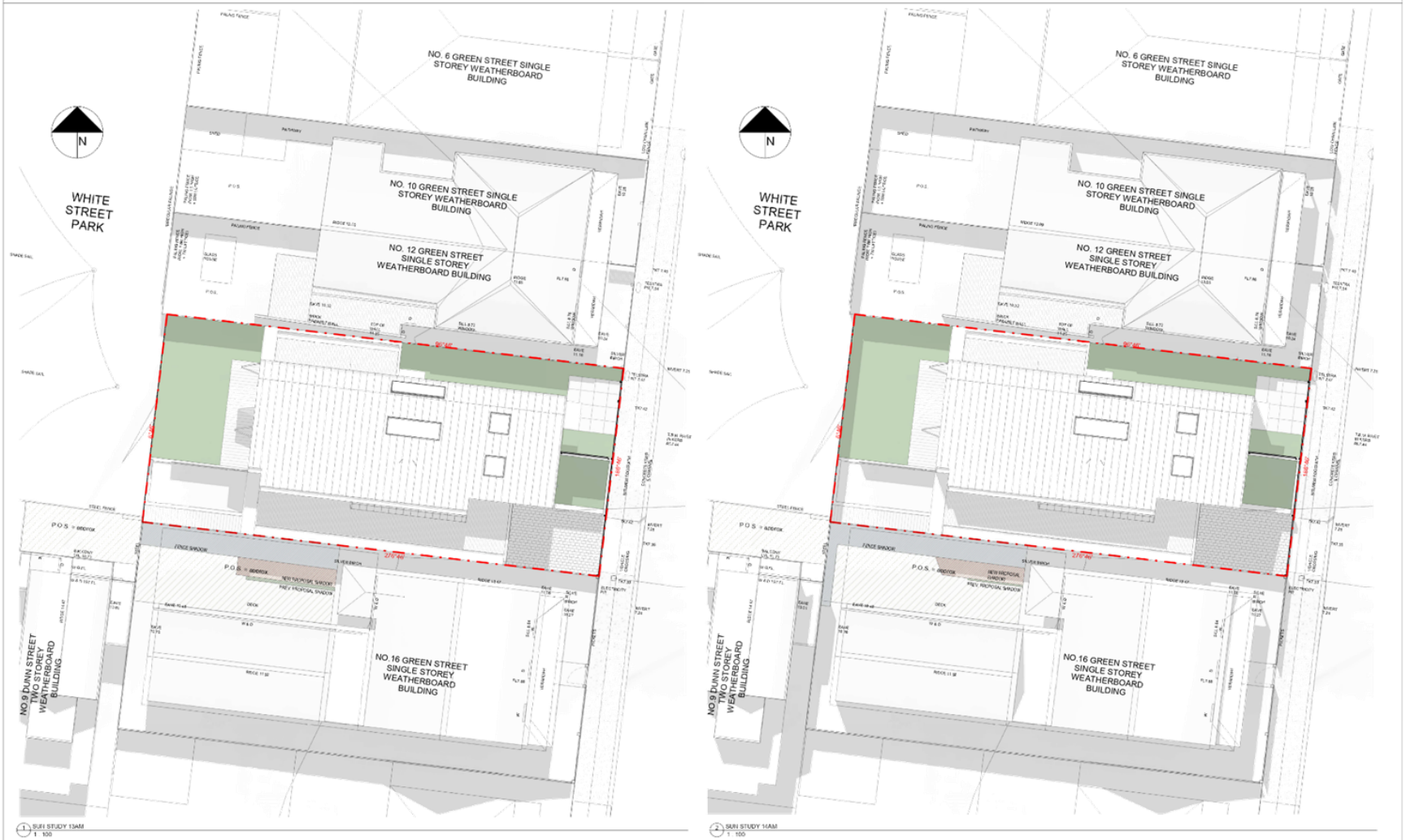
# Attachment 3 - PLN17/0973 - Attachment 3 - Sketch Plans (31.07.18)

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING



# Attachment 3 - PLN17/0973 - Attachment 3 - Sketch Plans (31.07.18)

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING




GREEN STREET NO. 16 - SINGLE STOREY WEATHERBOARD BUILDING
P.O.S. = approx. 35sqm

| TIME | P.O.S. & DIRECT SUN EXISTING SHADOW | EXISTING SUN & DIRECT TO TOTAL P.O.S. | PREVIOUS PROPOSAL SHADOW | PREVIOUS PROPOSED SUN & DIRECT TO TOTAL P.O.S. | CURRENT PROPOSAL SHADOW 01 | CURRENT PROPOSED SUN & DIRECT TO TOTAL P.O.S. | CURRENT PROPOSAL SHADOW 02 | CURRENT PROPOSED SUN & DIRECT TO TOTAL P.O.S. | IMPROVEMENT FROM PREVIOUS SOLUTION - AREA | IMPROVEMENT FROM PREVIOUS SOLUTION - PROPORTION TO P.O.S. |
|---|---|---|---|---|---|---|---|---|---|---|
| 9AM | 21.7 sqm | 34.3 sqm | 27.7 sqm | 6.6 sqm | 23.8 sqm | 10.6 sqm | 21.4 sqm | 13 sqm | 1.6 sqm | 3.2% |
| 10AM | 15.9 sqm | 42.1 sqm | 28 sqm | 12.1 sqm | 20.9 sqm | 19.2 sqm | 18.5 sqm | 21.5 sqm | 2.7 sqm | 10.8 % |
| 11AM | 10.4 sqm | 37.6 sqm | 16.7 sqm | 20.9 sqm | 15.2 sqm | 22.4 sqm | 9.2 sqm | 28.4 sqm | 1.5 sqm | 2.7 % |
| 12PM | 1.0 sqm | 26.4 sqm | 10.3 sqm | 25.9 sqm | 7.4 sqm | 31 sqm | 6.2 sqm | 29.5 sqm | 1.1 sqm | 2.9 % |
| 13PM | 0.0 sqm | 0.0 sqm | 7 sqm | 33.5 sqm | 6 sqm | 34.1 sqm | 6 sqm | 34.1 sqm | 1 sqm | 1.75 % |
| 14PM | 0 sqm | 35 sqm | 5.3 sqm | 33.7 sqm | 5 sqm | 34 sqm | 5 sqm | 34 sqm | 0.3 sqm | 0.8 % |
| 15PM | 18.6 sqm | 27.4 sqm | 3.7 sqm | 33.7 sqm | 3.7 sqm | 33.7 sqm | 3.7 sqm | 33.7 sqm | 0 sqm | 0 % |

PROJECT 14 GREEN STREET, CREMORNE VIC 3121

TP2-2 TOWN PLANNING SUBMISSION

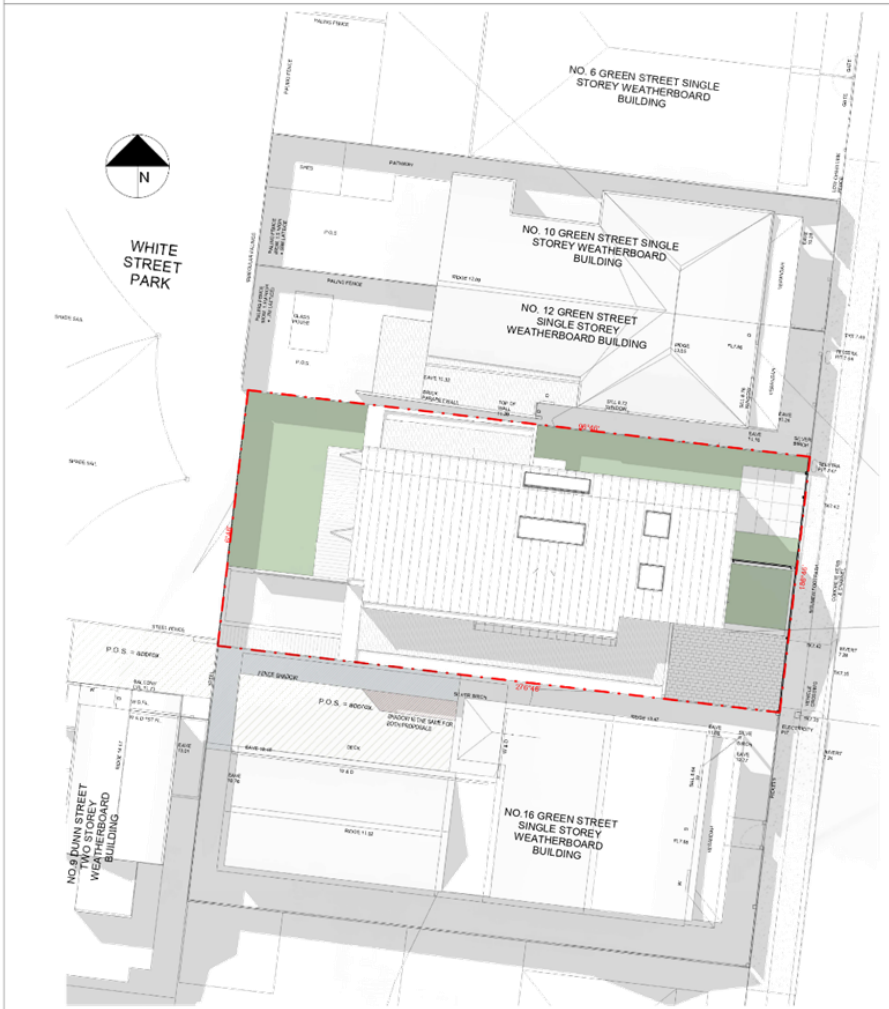
rauhous residential commercial retail hospitality
ABN 38 082 703 677
LICENSED CONSTRUCTION BUILDER CBU 8002

| NO. | DESCRIPTION | DATE |
|---|---|---|
| 5 | P6 | 30.03.2018 |
| 7 | TP2-1 | 30.05.2018 |
| 8 | TP2-2 | 31.07.2018 |

TITLE SUN DIAGRAMS
ADDRESS 14 GREEN STREET, CREMORNE
CLIENT Owner
JOB NO. 18019
SCALE As indicated@
DATE 31.07.2018
DWG NO. A702
REVISION TP2-2

# Attachment 3 - PLN17/0973 - Attachment 3 - Sketch Plans (31.07.18)

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING




1 SUN STUDY 10AM
1 : 100

GREEN STREET NO. 14 - SINGLE STOREY WEATHERBOARD BUILDING
P.O.S. = approx. 55sqm

| TIME | PREVIOUS EXISTING BUILDINGS SHADOWS | PREVIOUS % HEIGHT TO TOTAL P.O.S. | PREVIOUS PROPOSAL SHADOW | PREVIOUS % SUNLIGHT TO TOTAL P.O.S. | CURRENT PROPOSAL SHADOW 01 | CURRENT % SUNLIGHT TO TOTAL P.O.S. | CURRENT PROPOSAL SHADOW 02 | CURRENT % SUNLIGHT TO TOTAL P.O.S. | IMPROVEMENT FROM PREVIOUS SOLUTION - AREA | IMPROVEMENT FROM PREVIOUS SOLUTION - PROPORTION TO P.O.S. |
|---|---|---|---|---|---|---|---|---|---|---|
| 9AM | 29.7 sqm | 54.5 sqm | 27.7 sqm | 4.4 sqm | 23.8 sqm | 10.6 sqm | 21.4 sqm | 10 sqm | 1.6 sqm | 3.2% |
| 10AM | 15.5 sqm | 48.1 sqm | 28 sqm | 10.1 sqm | 20.9 sqm | 19.2 sqm | 19.8 sqm | 21.6 sqm | 5.7 sqm | 10.3% |
| 11AM | 18.4 sqm | 37.6 sqm | 16.7 sqm | 20.9 sqm | 11.2 sqm | 36.4 sqm | 5.2 sqm | 34.4 sqm | 1.5 sqm | 2.7% |
| 12PM | 17.6 sqm | 36.4 sqm | 18.3 sqm | 28.1 sqm | 7.4 sqm | 34 sqm | 6.2 sqm | 35.8 sqm | 1.7 sqm | 2.9% |
| 1PM | 15.5 sqm | 48.1 sqm | 7 sqm | 33.1 sqm | 4 sqm | 34.1 sqm | 4 sqm | 34.1 sqm | 1 sqm | 1.7% |
| 2PM | 17 sqm | 38 sqm | 5.3 sqm | 32.2 sqm | 3 sqm | 34 sqm | 4 sqm | 34 sqm | 0.3 sqm | 0.5% |
| 3PM | 18.4 sqm | 37.6 sqm | 3.7 sqm | 33.7 sqm | 3.7 sqm | 33.7 sqm | 3.7 sqm | 33.7 sqm | 0 sqm | 0% |

PROJECT 14 GREEN STREET, CREMORNE VIC 3121

TP2-2 TOWN PLANNING SUBMISSION

rauhous
residential/commercial/retail/hospitality
ABN 18 082 703 277
LICENSED CONTRACTOR No 6U-6208 Cbr 2602
PH 0419 488 386 e: dean@rauhous.com.au

| NO. | DESCRIPTION | DATE |
|---|---|---|
| 5 | P6 | 30.03.2018 |
| 7 | TP2-1 | 30.05.2018 |
| 8 | TP2-2 | 31.07.2018 |

TITLE: SUN DIAGRAMS
ADDRESS: 14 GREEN STREET, CREMORNE
CLIENT: Owner
JOB NO.: 18019
SCALE: As indicated@
DATE: 31.07.2018
DWG NO.: A703
REVISION: TP2-2

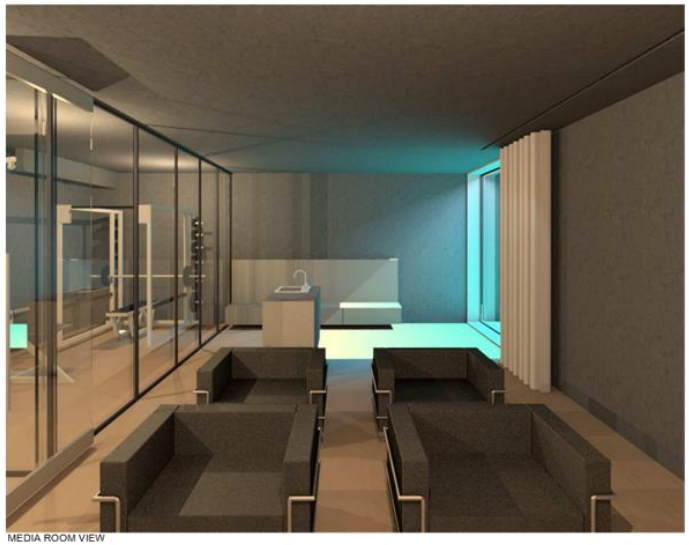
## Attachment 3 - PLN17/0973 - Attachment 3 - Sketch Plans (31.07.18)

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING

FIRST FLOOR MASTER BEDROOM VIEW

FIRST FLOOR HALLWAY VIEW

BEDROOM VIEW



MEDIA ROOM VIEW

PROJECT 14 GREEN STREET, CREMORNE VIC 3121

TP2-1 TOWN PLANNING SUBMISSION

rauhous

| NO. | DESCRIPTION | DATE |
|---|---|---|
| 6 | P7 | 10.04.2018 |
| 7 | TP2-1 | 30.05.2018 |

TITLE PERSPECTIVE VIEWS 3

ADDRESS 14 GREEN STREET, CREMORNE

CLIENT Owner

JOB NO. 18019

DATE 30.05.2018

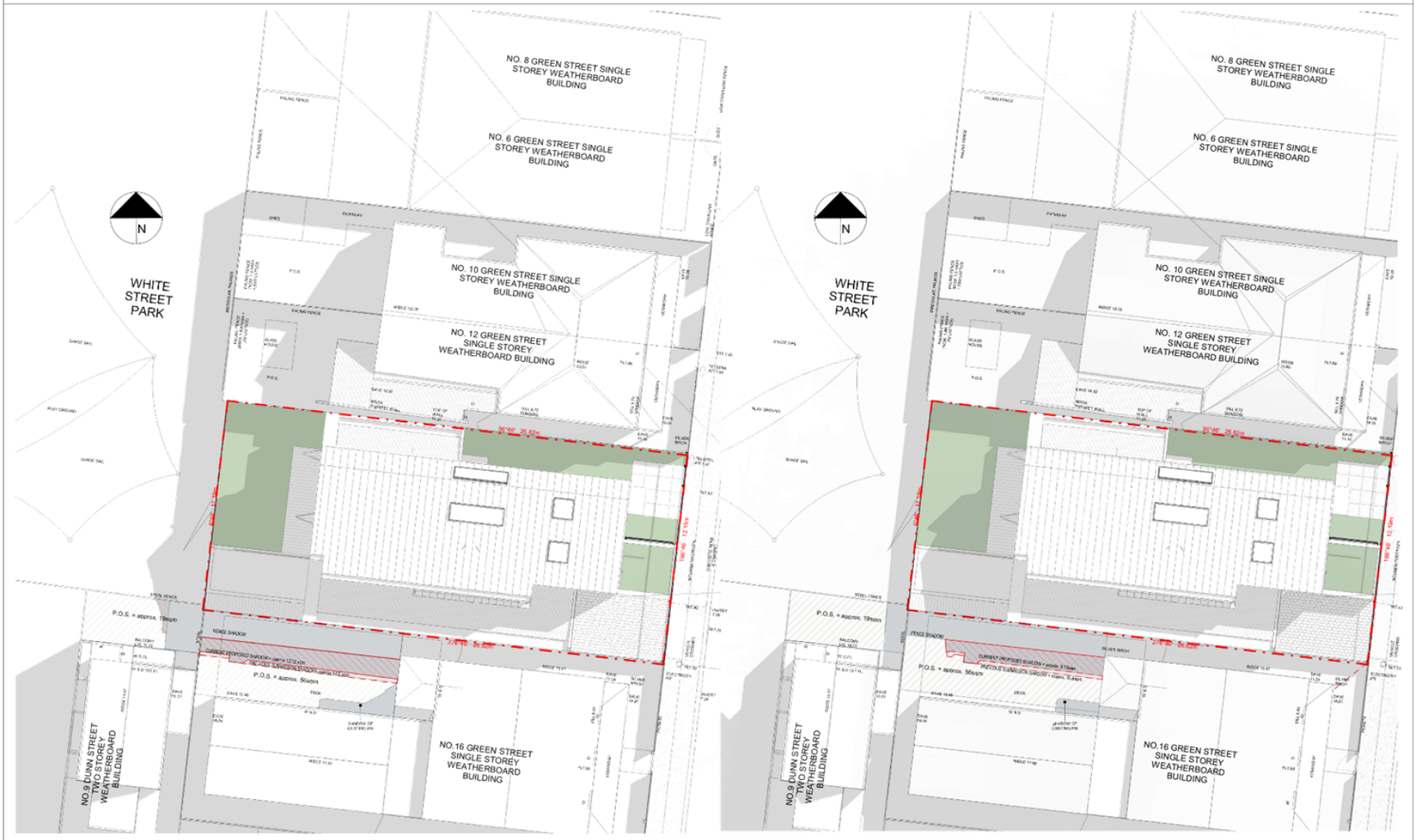
SCALE @

TEMPLATE zA007

REVISION TP2-1

# Attachment 4 - PLN17/0973 - Attachment 4 - Corrected Shadows for Decision Plans and Sketch Plans (31.07.18)

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING




GREEN STREET NO. 16 - SINGLE STOREY WEATHERBOARD BUILDING
P.O.S. = approx. 56sqm

| TIME | FENCE ELEV (STNG BUILDINGS SHADOW) | EXIST AG SUNLIGHT TO TOTAL P.O.S. | PREVIOUS SUBMISSION PROPOSED BUILDING SHADOW | PREVIOUS SUBMISSION SUNLIGHT TO TOTAL P.O.S. | PREVIOUS SUBMISSION PERCENTAGE | CURRENT PROPOSED BUILDING SHADOW | CURRENT PROPOSED SUNLIGHT TO TOTAL P.O.S. | CURRENT PROPOSED SUNLIGHT TO TOTAL P.O.S. - PERCENTAGE | IMPROVEMENT OF SUNLIGHT TO TOTAL P.O.S. - PERCENTAGE |
|---|---|---|---|---|---|---|---|---|---|
| 9AM | 22.0 sqm | 34.0 sqm | 14.5 sqm | 19.5 sqm | 34.82% | 12.32 sqm | 21.68 sqm | 38.71% | 3.89% |
| 10AM | 18.83 sqm | 37.17 sqm | 10.0 sqm | 26.37 sqm | 47.06% | 9.15 sqm | 28.02 sqm | 50.03% | 2.97% |
| 11AM | 17.22 sqm | 38.68 sqm | 7.32 sqm | 31.16 sqm | 55.64% | 6.41 sqm | 32.27 sqm | 57.62% | 1.98% |
| 12PM | 15.94 sqm | 40.16 sqm | 0 sqm | 34.16 sqm | 61% | 5 sqm | 35.16 sqm | 62.78% | 1.78% |
| 1PM | 17.2 sqm | 34.0 sqm | 4.9 sqm | 33.9 sqm | 60.53% | 4.15 sqm | 34.85 sqm | 62.27% | 1.34% |
| 2PM | 18.35 sqm | 37.79 sqm | 3.9 sqm | 33.89 sqm | 60.54% | 3.45 sqm | 34.34 sqm | 61.35% | 0.81% |
| 3PM | 20.68 sqm | 38.4 sqm | 2.5 sqm | 32.9 sqm | 58.75% | 2.25 sqm | 35.15 sqm | 62.77% | 0.37% |

PROJECT 14 GREEN STREET, CREMORNE VIC 3121

TP2-2 TOWN PLANNING SUBMISSION

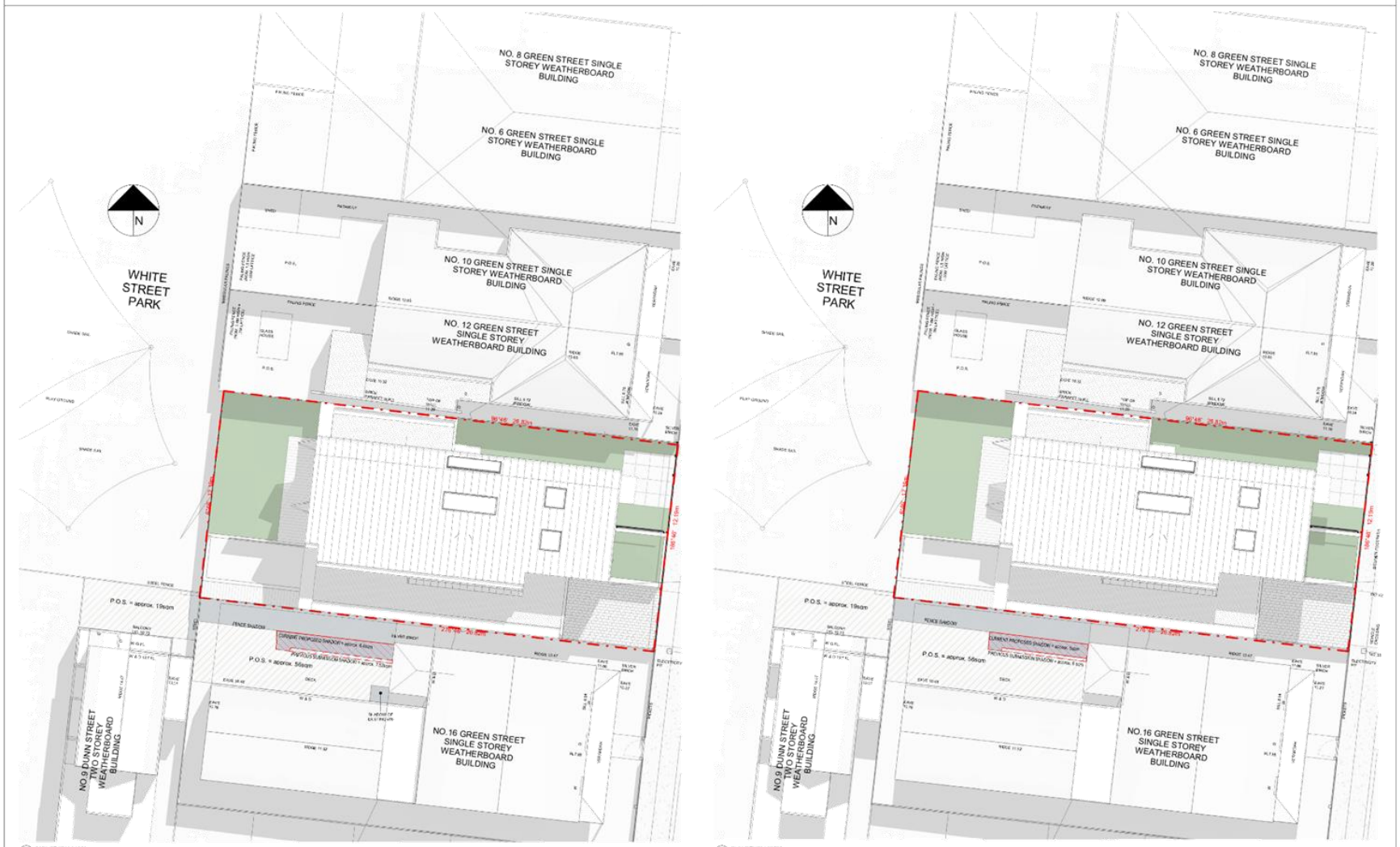
rauhous

| NO. | DESCRIPTION | DATE |
|---|---|---|
| 5 | P6 | 30.03.2018 |
| 7 | TP2-1 | 30.05.2018 |
| 8 | TP2-2 | 03.08.2018 |

TITLE SUN DIAGRAMS
ADDRESS 14 GREEN STREET, CREMORNE
CLIENT Owner
JOB NO. 18019
SCALE As indicated@ A1
DATE 03.08.2018
DWG NO. A700
REVISION TP2-2

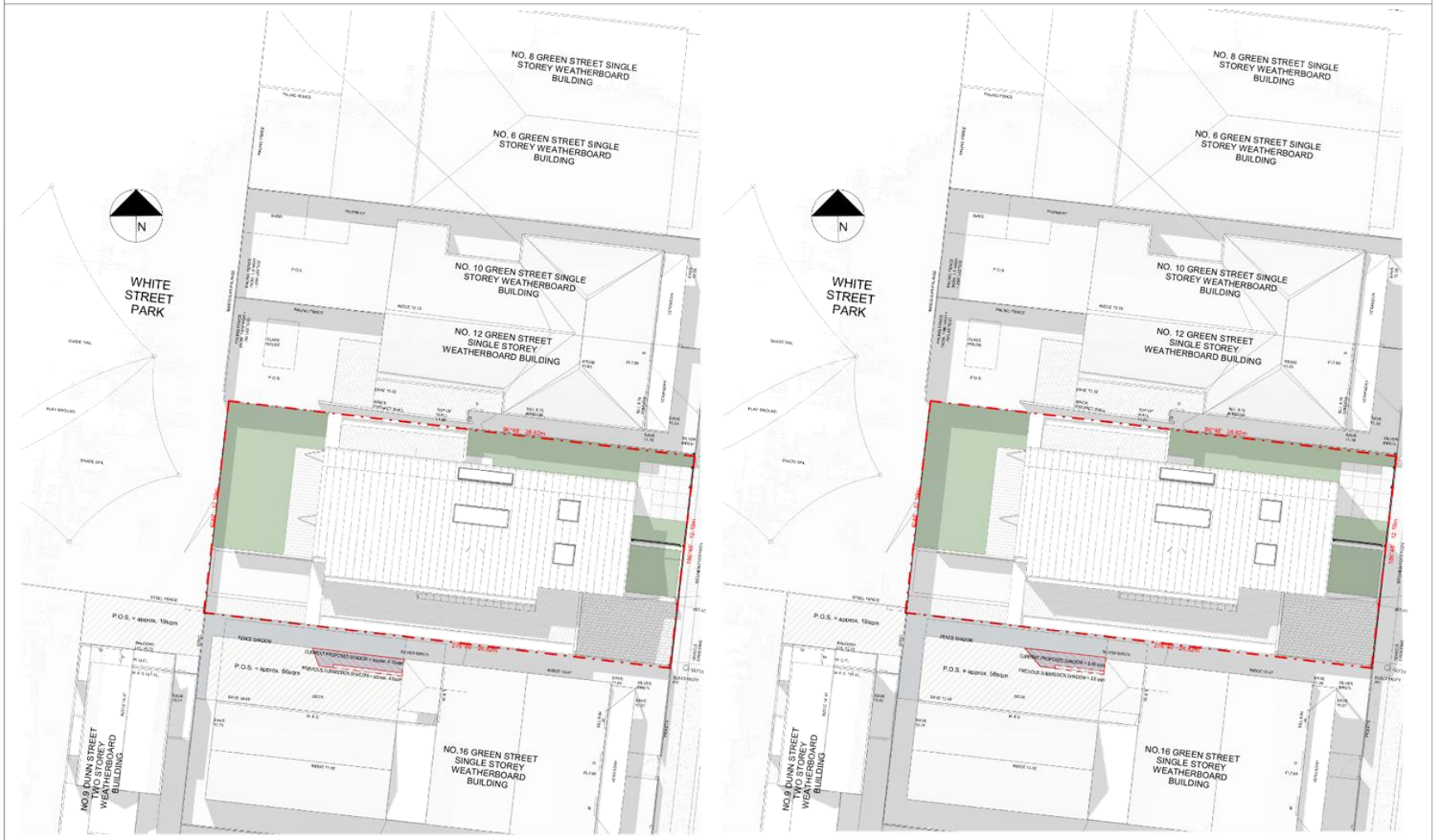
# Attachment 4 - PLN17/0973 - Attachment 4 - Corrected Shadows for Decision Plans and Sketch Plans (31.07.18)

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING



# Attachment 4 - PLN17/0973 - Attachment 4 - Corrected Shadows for Decision Plans and Sketch Plans (31.07.18)

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING




GREEN STREET NO. 16 - SINGLE STOREY WEATHERBOARD BUILDING
P.O.S. = approx. 56sqm

| TIME | FENCE & EXISTING BUILDINGS SHADING | EXISTING SUNLIGHT TO TOTAL P.O.S. | PREVIOUS SUBMISSION PROPOSED BUILDING SHADOW | PREVIOUS SUBMISSION SUNLIGHT TO TOTAL P.O.S. | CURRENT PROPOSED SUN. SHT TO TOTAL P.O.S. PERCENTAGE | CURRENT PROPOSED BUILDING SHADOW | CURRENT PROPOSED SUNLIGHT TO TOTAL P.O.S. | CURRENT PROPOSED SUNLIGHT TO TOTAL P.O.S. PERCENTAGE | IMPROVEMENT OF SUNLIGHT TO TOTAL P.O.S. PERCENTAGE |
|---|---|---|---|---|---|---|---|---|---|
| 9AM | 22.0 sqm | 34.0 sqm | 14.5 sqm | 19.5 sqm | 34.82% | 12.32 sqm | 21.68 sqm | 38.71% | 3.89% |
| 10AM | 16.85 sqm | 37.17 sqm | 10.0 sqm | 26.17 sqm | 47.18% | 9.15 sqm | 28.02 sqm | 50.03% | 2.85% |
| 11AM | 17.32 sqm | 34.68 sqm | 7.52 sqm | 31.16 sqm | 55.64% | 6.41 sqm | 32.27 sqm | 57.62% | 1.98% |
| 12PM | 15.84sqm | 40.16 sqm | 6 sqm | 34.16 sqm | 61% | 5 sqm | 35.16 sqm | 62.78% | 1.78% |
| 13PM | 17.2 sqm | 38.8 sqm | 4.5 sqm | 33.3 sqm | 60.53% | 4.15 sqm | 34.65 sqm | 61.87% | 1.34% |
| 14PM | 18.35 sqm | 37.75 sqm | 3.5 sqm | 33.85sqm | 60.44% | 3.45 sqm | 34.3 sqm | 61.25% | 0.81% |
| 15PM | 20.62 sqm | 35.4 sqm | 2.5 sqm | 32.9 sqm | 58.73% | 2.29 sqm | 33.11 sqm | 59.12% | 0.37% |

PROJECT 14 GREEN STREET, CREMORNE VIC 3121

TP2-2 TOWN PLANNING SUBMISSION

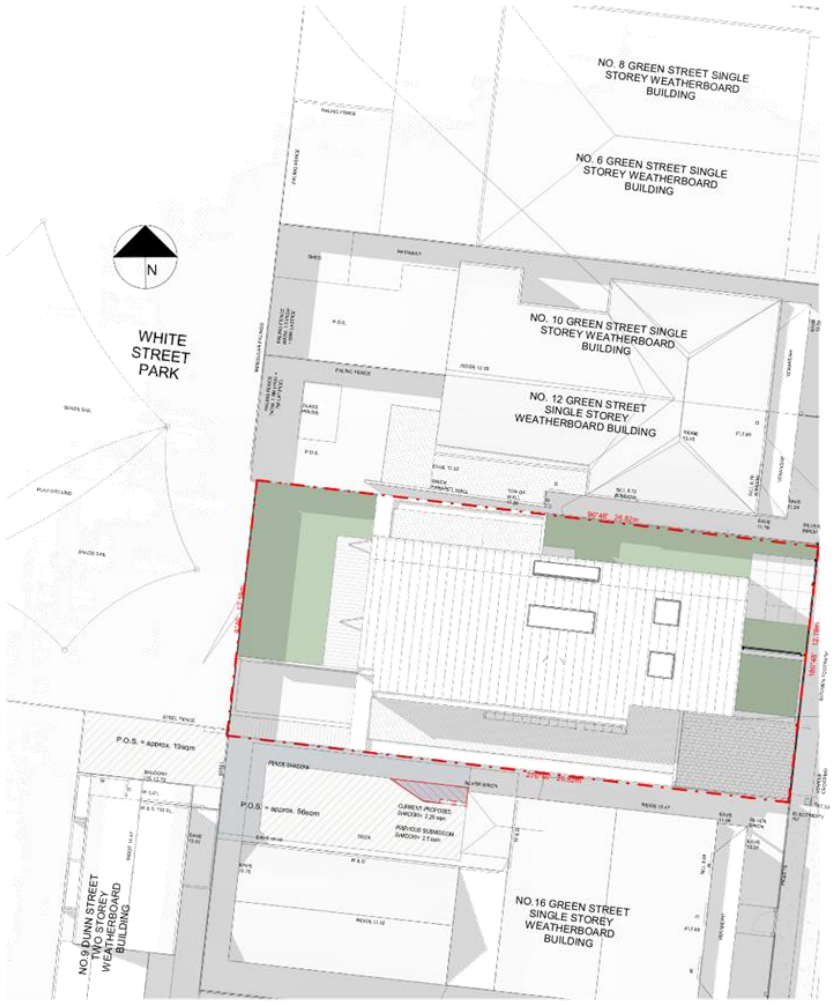
rauhous

| NO. | DESCRIPTION | DATE |
|---|---|---|
| 5 | P6 | 30.03.2018 |
| 7 | TP2-1 | 30.05.2018 |
| 8 | TP2-2 | 03.08.2018 |

TITLE SUN DIAGRAMS
ADDRESS 14 GREEN STREET, CREMORNE
CLIENT Owner
JOB NO. 18019
SCALE As indicated@ A1
DATE 03.08.2018
DWG NO. A702
REVISION TP2-2

# Attachment 4 - PLN17/0973 - Attachment 4 - Corrected Shadows for Decision Plans and Sketch Plans (31.07.18)

**14 GREEN STREET, CREMORNE** - DEMOLITION OF EXISTING AND PROPOSED NEW DWELLING




GREEN STREET NO. 16 - SINGLE STOREY WEATHERBOARD BUILDING
P.O.S. = approx. 56sqm

| TIME | PREVIOUS SUBMISSION BUILDING SHADOWS | EXISTING SUNLIGHT TO TOTAL P.O.S. | PREVIOUS SUBMISSION PROPOSED BUILDING SHADOW | PREVIOUS SUBMISSION SUNLIGHT TO TOTAL P.O.S. | CURRENT PROPOSED SUNLIGHT TO TOTAL P.O.S. - PERCENTAGE | CURRENT PROPOSED BUILDING SHADOW | CURRENT PROVIDED SUNLIGHT TO TOTAL P.O.S. | CURRENT PROVIDED SUNLIGHT TO TOTAL P.O.S. - PERCENTAGE | IMPROVEMENT OF SUNLIGHT TO TOTAL P.O.S. - PERCENTAGE |
|---|---|---|---|---|---|---|---|---|---|
| 9AM | 22.0 sqm | 24.9 sqm | 14.5 sqm | 19.5 sqm | 34.82% | 12.32 sqm | 21.05 sqm | 36.79% | 3.89% |
| 10AM | 16.63 sqm | 37.17 sqm | 10.8 sqm | 26.37 sqm | 47.08 % | 9.95 sqm | 26.22 sqm | 46.83 % | 2.99% |
| 11AM | 17.32 sqm | 38.08 sqm | 7.52 sqm | 31.10 sqm | 55.54 % | 6.41 sqm | 32.27 sqm | 57.62 % | 1.98% |
| 12PM | 15.64sqm | 40.16 sqm | 6 sqm | 34.16 sqm | 61 % | 5 sqm | 35.16 sqm | 62.79 % | 1.79% |
| 13PM | 11.2 sqm | 35.6 sqm | 4.8 sqm | 30.8 sqm | 55.03 % | 4.15 sqm | 34.45 sqm | 61.57 % | 1.34% |
| 14PM | 10.35 sqm | 32.23 sqm | 3.9 sqm | 28.33 sqm | 50.64 % | 3.45 sqm | 34.3 sqm | 61.25 % | 0.61% |
| 15PM | 28.50 sqm | 35.4 sqm | 2.5 sqm | 32.9 sqm | 58.75 % | 2.25 sqm | 33.15 sqm | 59.12 % | 0.37% |

PROJECT 14 GREEN STREET, CREMORNE VIC 3121

TP2-2 TOWN PLANNING SUBMISSION

rauhous residential commercial (and hospitality) ABN 38 141 131 877 LICENSED COMMERCIAL BUILDER CBU 10302 PH: (03) 9573 3383 E: nick.martin@rauhous.com.au

| NO. | DESCRIPTION | DATE |
|---|---|---|
| 5 | P6 | 30.03.2018 |
| 7 | TP2-1 | 30.05.2018 |
| 8 | TP2-2 | 03.08.2018 |

TITLE: SUN DIAGRAMS
ADDRESS: 14 GREEN STREET, CREMORNE
CLIENT: Owner
JOB NO.: 18019
SCALE: As indicated@ A1
DATE: 03.08.2018
DWG NO.: A703
REVISION: TP2-2

**Attachment 5 - PLN17/0973 - Attachment 5 - Heritage advice on decision plans**

# City of Yarra

# Heritage Advice on S57 Amendment

| | |
|---|---|
| ***Application No.:*** | *PLN17/0973 (2)* |
| ***Address of Property:*** | ***14 Green Street, Cremorne*** |
| ***Planner:*** | *Michelle King* |
| ***Yarra Planning Scheme References:*** | *STATE POLICY:*<br>• *Clause 15.03 Heritage*<br>*LOCAL POLICY:*<br>• *Clause 21.05-1 Built Form (Heritage)*<br>• *Clause 43.01 Heritage Overlay*<br>• *Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay* |
| ***Heritage Overlay No. & Precinct:*** | *HO323- Green Street Precinct* |
| ***Level of significance:*** | *Not contributory, constructed 1970-1980 (Appendix 8, City of Yarra Review of Heritage Overlay Areas 2007- updated Feb 2017)* |
| ***General description:*** | *Full demolition of existing building for construction of two-storey building including basement, garage and front fence.* |
| ***Drawing Nos.:*** | *Set of 17 x A3 drawings prepared by RAUHOUS, date stamped 30 May 2018.* |

***NOTE: PREVIOUS ADVICE WAS PROVIDED FOR THIS PROPERTY ON 21 FEBRUARY 2018***

**DESCRIPTION OF THE HO323 GREEN STREET PRECINCT AREA**

The Green Street Heritage Overlay Area is significant:

- As a relatively intact cluster of modest mainly late 19th century and some early 20th century housing that forms an island of residential buildings in an otherwise industrial area;
- For the early bluestone kerbs, channels, and laneways and the asphalt paved footpaths that, together, enhance the Victorian-era expression of the area;
- For the area‘s historical link with highly significant industrial complexes, such as Rosella and Bryant and May, adjacent to the area; and
- For the views from within the area to significant icons such as Dimmey‘s tower and the Bryant and May factory - key landmarks adjoining the precinct for many years and visual reminders of its island nature and historic context.

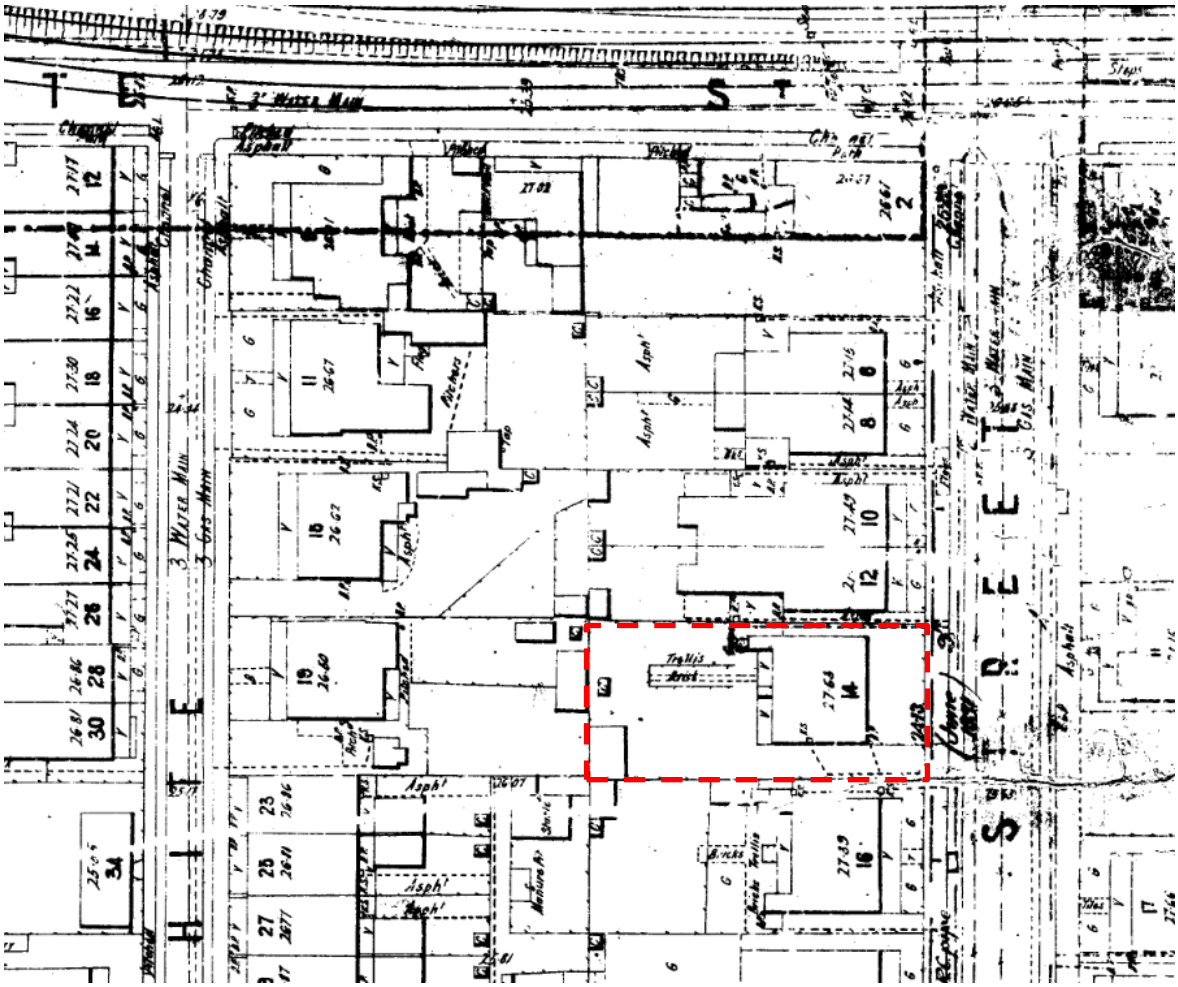
**CONTEXT DESCRIPTION:**

The subject site is a rectangular allotment with principal frontage to Green Street and no rear access. It is located on the western side of the street, between Railway Crescent to the north and Chapel Street to the south. Green Street has a relatively standard width, measuring 11metres footpath to footpath.

Historically the site appears to have been a double fronted Victorian-era dwelling, with a slightly larger front setback than the existing building. The side setbacks were similar to what exists and there was an outbuilding at the rear of the site, accessed from the southern side setback.

The immediate area is characterised by mostly single storey, weatherboard dwelling with masonry Victorian-era properties further south. There are a small number of non-contributory buildings in the street and as per the statement of significance, the site is viewed against a backdrop of industrial and commercial heritage character.

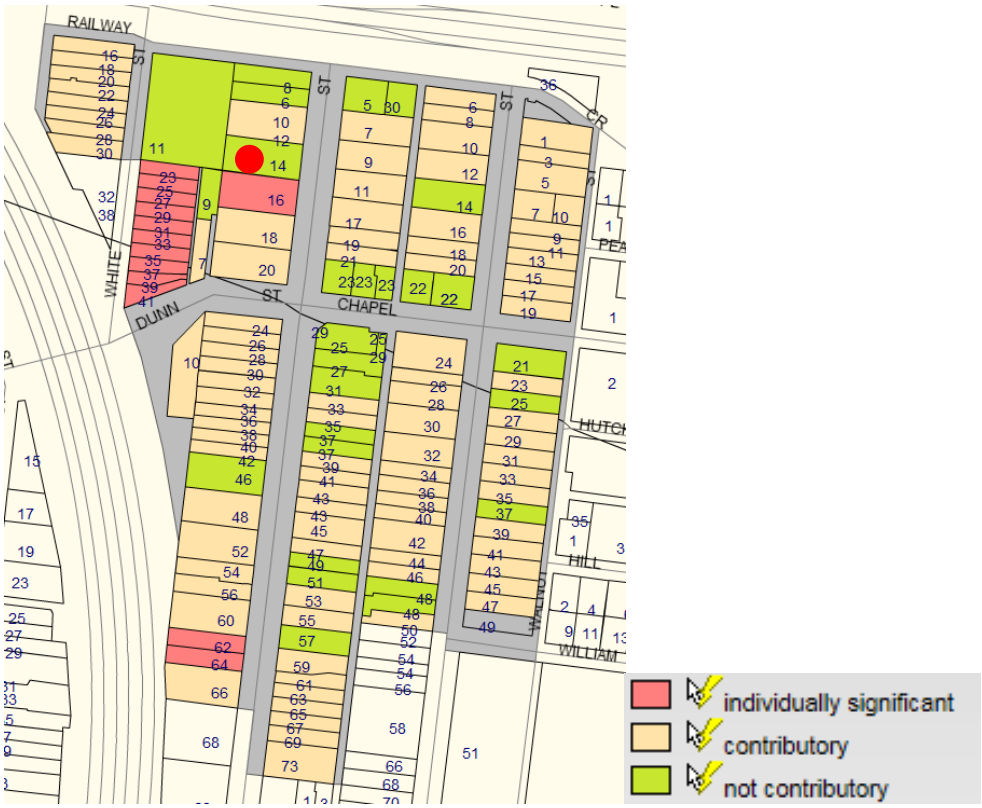
## Attachment 5 - PLN17/0973 - Attachment 5 - Heritage advice on decision plans



*Above: Extract from MMBW Plan 912 from c.1895 Subject site outlined in red.*

*Above: Current aerial of the subject site*

## Attachment 5 - PLN17/0973 - Attachment 5 - Heritage advice on decision plans




*Above: Extract from GIS showing relevant heritage overlay area Subject site shown with a red dot*

*Above: Recent photo of the subject site*

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*Above: Adjacent Individually significant property at no. 16 Green Street*

*Above: Properties to the south of the subject site*

*Above: Properties to the north of the subject site*

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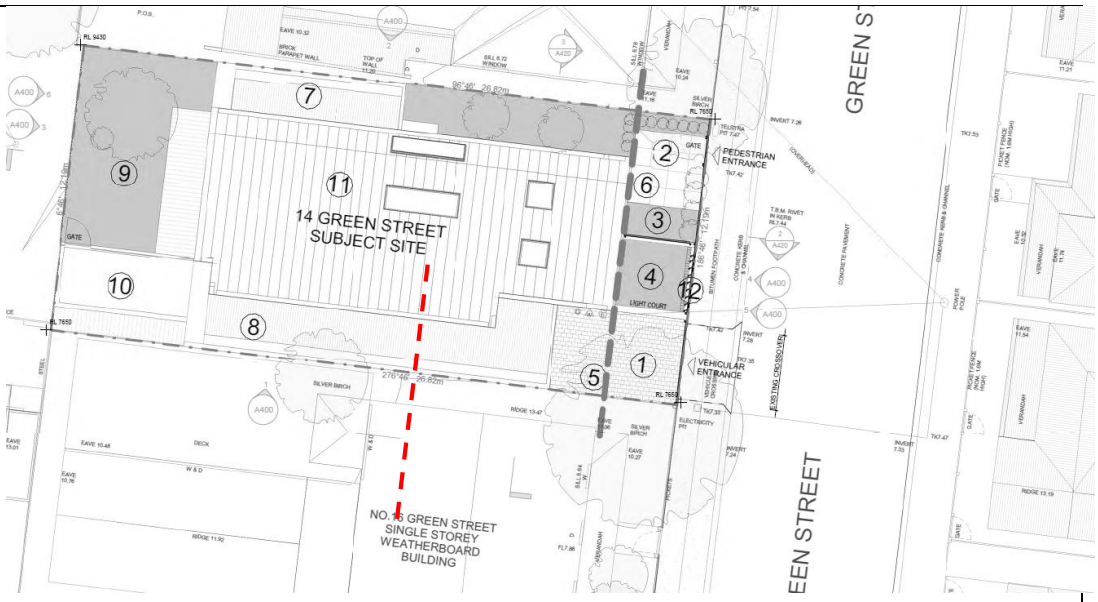
**PREVIOUSLY ISSUED RECOMMENDATIONS ON THIS APPLICATION:**

Previous recommendations for the proposal are included below, with comments in response to current amended drawings:

***i.*** *Reduce the breadth of the new building by modifying the currently proposed side setback of about 2 metres at ground level along the northern boundary of the site to a depth of at least 13 metres from the front boundary (which matches the depth of the side setback for no. 12 Green Street);*

1. The above recommended northern side and front setbacks have been achieved with the new proposal.

2. The southernmost portion of the upper level has a *decreased* setback from street front, by about 500mm. The setback is in line with ridge peak of No.16 Green Street and is supported.




3.

*4. Above: revised roof plan showing southernmost upper level setback, in line with ridge park of No.16 Green Street*

5.

***ii.*** *Change the proposed roof form to be respectful of the prevailing and predominant character of traditional gabled and hipped forms in the immediate area;*

6. The revised roof form is an asymmetrically pitched roof, which is supported.

7. As a result of the new form, the overall height of the development is now however between 6metres and 7.5metres tall.

8. The internal ceiling heights for the upper level are between 2.4metres and 3.6metres. Accordingly the overall height of the development can be reduced by 500mm without unreasonably impacting internal ceiling heights.

9. The revised pitch of the roof must be maintained, whilst <u>reducing the overall height of the development to 7metres max.</u>

***iii.*** *Change the articulation of the proposed façade to be respectful of the prevailing and predominant character of contributory buildings in the immediate area (i.e. openings that are vertically oriented, rectangular proportions and do not occupy more than 40% of the façade);*

10. The above recommendation has been achieved, except for the glass window in the gable end. The newly proposed appearance of the development is supported only with deletion of this window.

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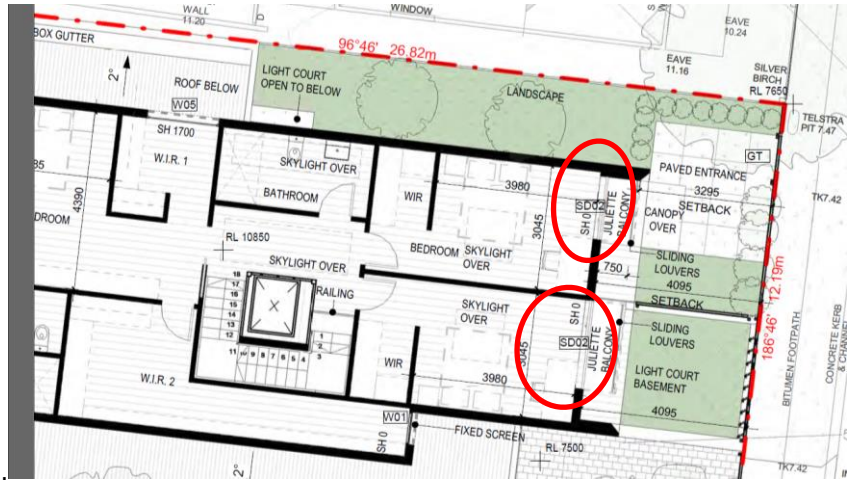
11.
*Above: proposed elevation showing unsupported window in gable end hatched in red*

12.When open, it is noted that the proposed folding louvres at the front will project forward of adjoining contributory buildings, and expose balconies on the front façade (refer to image below). As a new contemporary infill building, it is considered that this detail is acceptable, as the projecting louvres are not indicative of additional floor space.

13. 


***iv.*** *Change the external material palette of the proposed façade to be respectful of the prevailing and predominant character of weatherboard, face brick (red, bichrome and polychrome), and stucco wall materials in the immediate area;*

14.As previously advised, the external materials that characterise this heritage precinct are:

15. Weatherboard, face brick (red, bichrome and polychrome), or stucco walls;

16.The amended external materials are:

- Burnished brass panelling (garage façade only)
- Exposed concrete (with timber texture)
- Exposed concrete (no texture)
- Black metal louvres

17.The brass panelling to the garage façade only serves to draw visual attention to a feature (that being a garage) that is not characteristic of the heritage area. The aim should be to avoid drawing attention to the garage – not draw attention to it (refer to image below). The colour of the garage facade should be similar to the proposed concrete finish of the front walls, or perhaps slightly darker – not black.

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18.

19. In regard to the appearance of the principal façade, it is considered that the textured finish to the concrete would be acceptable however, there are concerns that the texture may only be evident on close inspection, leaving the building to look like a plain concrete building from the street. It is suggested therefore that the textured finish to the façade should include strong horizontal 'joint' lines to reinforce the character of the nearby weatherboard dwellings.

20.

*Above: Examples of concrete walls with horizontal joint lines*

***v.*** *Change the proposed front fence to be consistent with Clause 22.02-5.7.2.*

The above recommendation appears to have been met, although confirmation should be made on the drawings by adding the following note: "fence to be minimum 50% transparent"

**RECOMMENDATIONS:**

On heritage ground the application may be supported with the following recommendations:

1) That the overall height of the new development must be reduced to a maximum height of 7metres while maintaining the modified pitched roof;

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2) That the colour of the garage facade should be similar to the proposed concrete finish of the front wall, or perhaps slightly darker – not black;
3) That the textured concrete finish to the façade must include strong horizontal 'joint' lines to reinforce the character of the nearby weatherboard dwellings
4) That the proposed upper level window in gable end of façade must be deleted;
5) That the front fence must have a minimum transparency of 50%.

**SIGNED:**

Diahnn McIntosh

**DATED: 2 July 2018**