



YARRA CITY COUNCIL

Internal Development Approvals Committee

Agenda

**to be held on Wednesday 26 June 2019 at 6.30pm
in Meeting Rooms 1 & 2 at the Richmond Town Hall**

Rostered Councillor membership

Councillor Stephen Jolly
Councillor Bridgid O'Brien
Councillor James Searle

- I. ATTENDANCE**
Chris Stathis (Senior Planner)
Ally Huynh (Senior 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
1.1	PLN18/0873 - 571-573 Victoria Street, Abbotsford - Use of the land for a Restricted Recreation Facility (Gymnasium) and the display of business identification signage	5	21

1.1 PLN18/0873 - 571-573 Victoria Street, Abbotsford - Use of the land for a Restricted Recreation Facility (Gymnasium) and the display of business identification signage

Executive Summary

Purpose

1. This report provides Council with an assessment of planning application PLN18/0873 at 571-573 Victoria Street, Abbotsford for the use of the land for a Restricted Recreation Facility (gymnasium) and the display of signage; and recommends approval subject to conditions

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 13.05 –Noise;
 - (b) Clause 22.04 – Advertising Signs Policy
 - (c) Clause 21.04-2 – Activity Centres
 - (d) Clause 34.02 – Commercial 2 Zone
 - (e) Clause 52.06 – Car Parking

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Land use;
 - (b) Off-site amenity impacts;
 - (c) Signage
 - (d) Car parking, traffic and bicycle facilities and;
 - (e) Objector Concerns

Objector Concerns

4. 25 objections were received to the application, these can be summarised as:
 - (a) Car parking and traffic impacts;
 - (b) Noise
 - (c) Oversupply of gyms.
5. 25 letters of support were received to the application.

Conclusion

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

CONTACT OFFICER: Robert Galpin
TITLE: Statutory Planner
TEL: 9205 5139

1.1 PLN18/0873 - 571-573 Victoria Street, Abbotsford - Use of the land for a Restricted Recreation Facility (Gymnasium) and the display of business identification signage

Trim Record Number: D19/104707

Responsible Officer: Coordinator Statutory Planning

Proposal:	Use of the land for a Restricted Recreation Facility (24 hour Gym) and the display of business identification signage.
Existing use:	Vacant (previously bathroom supplies)
Applicant:	CS Town Planning Services
Zoning / Overlays:	Commercial 2 Zone Design and Development Overlay (Schedule 2) Design and Development Overlay (Schedule 22)
Date of Application:	19 November 2018
Application Number:	PLN18/0873

Background

Internal Works

7. Council Planning Officers are aware that internal fitout works on the premises have occurred. Internal works are exempt from the requirements of a planning permit (provided there is no increase in gross floor area), pursuant to Clause 62.02-2 of the Yarra Planning Scheme

Planning History

8. The following paragraphs outline the planning permit history relevant to the subject building.
9. Planning Permit PL03/0741 was issued on 9 March 2004 for the use of the site for motor vehicle repairs.
10. Planning Permit PL02/0235 was issued on 17 May 2002 for the use of the site for a motor vehicle showroom.

The Proposal

11. The application is for the use of the land for a Restricted Recreation Facility (Gymnasium), and the display of business identification signage. More specifically, the application includes;

Use

- (a) Restricted Recreational Facility (Gym)
- (b) Approximately 940sqm of floor area over two levels of the existing building;
- (c) Open 24 hours, seven days per week
- (d) No classes
- (e) Maximum of 50 patrons on premises at any one time.
- (f) Maximum of two staff members at any one time.
- (g) Music at background level only.

Signage

- (h) The display of eight (8) business identification signs (total area of 15.63sqm – refer figure below) with the following specifications:

<u>Sign</u>	<u>Type</u>	<u>Location</u>	<u>Size</u>
Sign 1	Steel framed PVC Banner Business Identification Sign "Dukes Gym"	First floor top north corner of the building fronting Victoria Street	2.13sqm (4.382m x 0.486m)
Sign 2	Window Vinyl Business Identification Sign "24 hour access"	First floor western window fronting Victoria Street	1.8sqm (2.775m x 0.65m)
Sign 3	Window Vinyl Business Identification "Women's only section"	First floor central window fronting Victoria Street	1.57sqm (2.352m x 1.7m)
Sign 4	Window Vinyl Business Identification Sign "Infrared Sauna"	First floor eastern window fronting Victoria Street	1.8sqm (2.775m x 0.65m)
Sign 5	Window Vinyl Business Identification Sign "Dukes Gym"	Ground floor eastern window fronting Victoria Street	4sqm (2.352m x 1.7m)
Sign 6	Window Vinyl Business Identification Sign	Ground floor eastern window fronting Victoria Street	2.40sqm (3.7m' x 0.65m)
Sign 7	Steel framed PVC Banner Business Identification Sign "Dukes Gym"	First floor top south corner of the building fronting Duke Street	1.98sqm (4.23m x 0.48m)
Sign 8	Illuminated light box business identification sign	Projecting lightbox sign perpendicular to Victoria Street. 2.68m above the footpath.	0.825sqm (1.1m x 0.75m)
Total			16.50sqm

Car and Bicycle Facilities

- (i) One disabled car parking space to be provided accessed via Duke Street.
- (j) Six bicycle parking racks located internally (number not shown on the plans).

Existing Conditions

Subject Site

12. The subject site is located on the north side of Victoria Street, Abbotsford, on the eastern corner of Duke Street and 60m west of Grosvenor Street. The site has a frontage to Victoria Street of 15.4m and frontage to Duke Street of 31.92m and an area of approximately 491sqm. There is no appreciable fall across the site.

13. The subject site contains a double storey commercial building fronting Victoria Street. The building is constructed to all site boundaries with a pedestrian entrance and a total of 5 window openings to the Victoria Street façade. The western interface to Duke Street incorporates an open undercroft parking area accommodating two cars, two roller doors and a series of west facing windows. The northern boundary wall interfaces with a Right of Way (ROW) with a pedestrian door and a series of windows. The eastern interface is a solid boundary constructed wall to the adjoining property to the east.
14. The proposal seeks to use both the ground and first floors constituting approximately 940sqm of internal floor space.

Restrictive Covenants/Easements

15. The title shows no restrictive covenants. An easement is located adjacent the eastern title boundary requiring that an eave be maintained to benefit the property to the east. This is will not be affected by the proposal



Image 1: The Subject site viewed from Victoria Street (July 2017)

Surrounding Land

16. The surrounding land is characterised by the commercial spine of Victoria Street Major Activity Centre. Uses within the immediate surrounds consist of predominantly commercial on the northern side of Victoria Street with residential dwellings located on the southern side.
17. Victoria Street is classified as a Major Activity Centre pursuant to Clause 21.08-1 (Neighbourhoods – Abbotsford). The predominant land uses along Victoria Street varies with retail and hospitality businesses the dominant land use towards the western end. The western side of Victoria Street is more varied with larger buildings and the Commercial 2 Zone encouraging restricted retail, office and semi industrial uses.

There is also a number of newer mixed use developments containing commercial shop fronts at ground floor with residential above.

18. To the north, land is zoned Industrial 1 with manufacturing and industrial uses reflecting this zoning. Residential areas are located on the southern side of Victoria Street west of Johnston Street. There are also residential apartments located to the east, approximately 60m away on Grosvenor and Flockhart Streets.

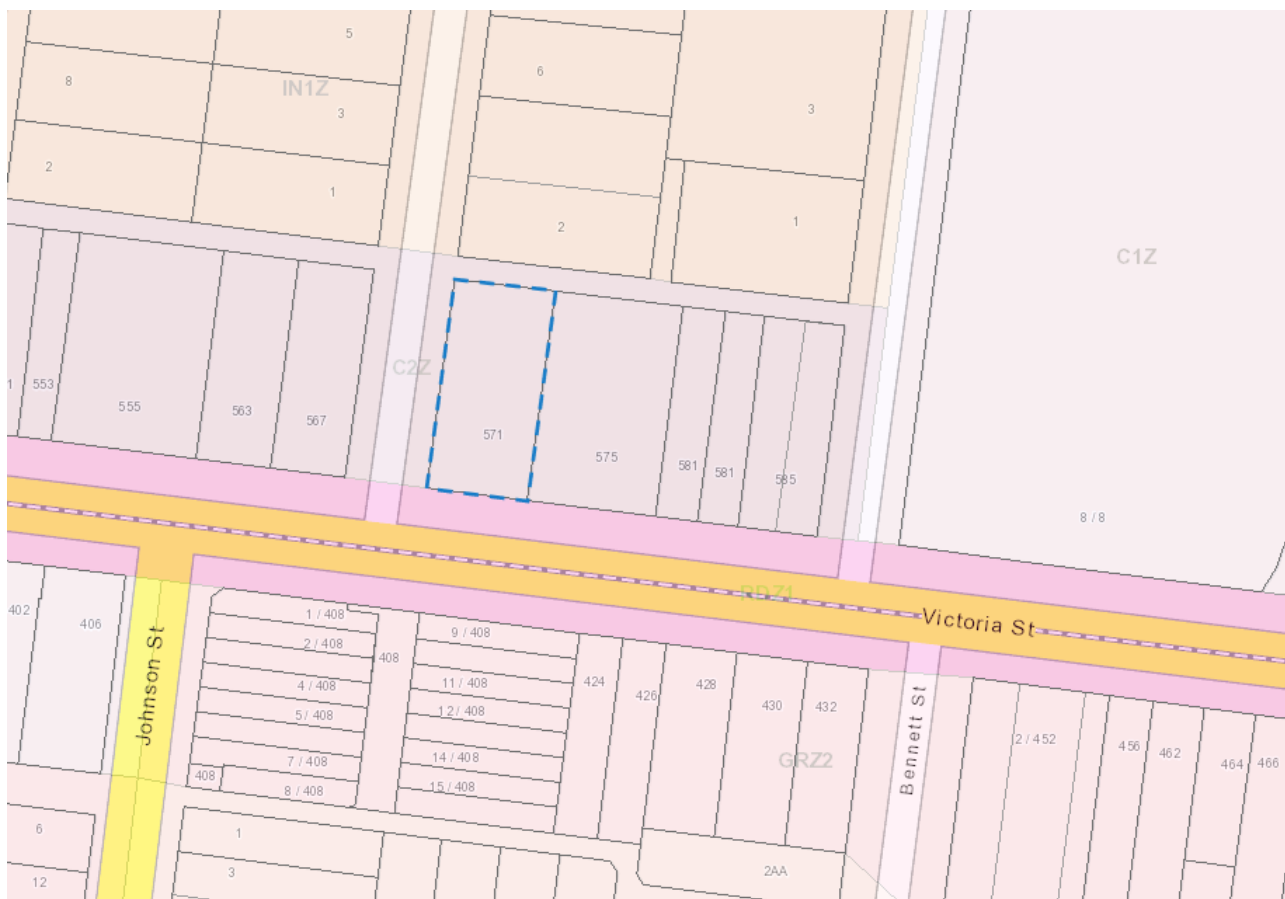


Image 2: The subject site and surrounding zoning

Nearby properties

19. To the west of the subject site on the other side of Duke Street is a double storey commercial building. The building houses an art gallery within the most eastern tenancy and a 24 Hour Gym within the most western tenancy. The gym was granted planning permit PLN16/0948 on 3 February 2017 allowing for 24 hour trading and a maximum of 40 patrons at any one time.
20. To the east of the site is a double storey commercial building housing a carpet store. The building shares a boundary wall with the subject site for its entire length. The building is purpose built for restricted retailing with a double width crossover and roller door fronting Victoria Street.
21. To the north of the subject site on the other side of the ROW is an automotive repair centre and panel beater. The two storey building has a series of roller doors fronting Duke Street with the ground floor containing a workshop and offices located first floor.

22. To the south of the site on the opposite side of Victoria Street is a townhouse development containing 16 townhouses and an internal garden/car park.

Planning Scheme Provisions

Zoning

23. The subject site is located within the Commercial 2 Zone. The following provisions apply:
- (a) Pursuant to Clause 34.02-1 of the Yarra Planning Scheme (the Scheme), a permit is required to use the land for Leisure and Recreation (including Restricted Recreation Facility).
 - (b) Pursuant to Clause 34.02-8 of the Scheme, advertising sign requirements are at Clause 52.05. This zone is in Category 1.

Overlays

24. The subject site is located within the Design and Development Overlay (Schedules 2 and 22). The following provisions apply.
- (a) Pursuant to Clause 43.02-2 of the Scheme, a permit is required to construct a building or construct or carry out works. However, given this provision does not specifically require a permit for internal rearrangement, the proposed internal rearrangement does not require a permit as it satisfied the requirements of Clause 62.02-2 of the Scheme.
 - (b) Pursuant to Clause 43.02-4 of the Scheme, advertising sign controls are at Clause 52.05 unless otherwise specified in a schedule to this overlay.

Particular Provisions

Clause 52.05 – Advertising Signs

25. The subject site is located within the Commercial 2 Zone and as such is classified as Category 1 – Commercial area (minimum limitation). The 8 proposed signs require a planning permit as together they result in greater than 8sqm of total advertisement area. A planning permit is also triggered for the internally illuminated sign as it located less than 30m from the nearest residentially zoned land.

Clause 52.06 – Car parking

26. Clause 52.06-1 requires that a new use must not commence or the floor area of an existing use must not be increased until the required car spaces pursuant to Table 1 have been provided on the land.
27. Pursuant to clause 52.06-6, where a use of land is not specified in Table 1, car parking spaces must be provided to the satisfaction of the responsible authority prior to a new use commencing. Neither 'Restricted recreation facility', nor its parent use 'Minor sports and recreation facility', is listed within Table 1 of Clause 52.06-5, therefore car parking must be provided to the satisfaction of the Responsible Authority.
28. Pursuant to Clause 52.06-9 disabled car parking spaces must be designed in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia. Disabled car parking spaces may encroach into an accessway width specified in Table 2 by 500mm.

Clause 52.34 – Bicycle Facilities

29. A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land. The table below outlines the bicycle parking requirements for the proposed use pursuant to clause 52.34-3:

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
Minor sports and recreation facilities	2 staff max.	1 space to each 4 employees.	0	6	0
	874m ² net floor area	1 visitor space to each 200m ² of net floor area.	4 (4.37)		

30. Given that no employee spaces are required by the proposed use, the provision of change room/ shower facilities (pursuant to Clause 52.34-3) is not required for this application.

General Provisions

Clause 65 – Decision Guidelines

31. The decision guidelines outlined at clause 65 of the Scheme are relevant to all applications. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant sections of Planning Policy Framework, Local Planning Policy Framework and any local policy, as well as the purpose of the Zone, Overlay or any other provision.

Planning Policy Framework (PPF)

Clause 11.03-1S – Activity Centres

32. The objective of this policy is: *‘To build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres.’*

Clause 11.03-1R – Activity Centres - Metropolitan Melbourne

33. The vision outlined under this policy seeks to support the development and growth of Metropolitan Activity Centres by ensuring they: *“Locate significant new education, justice, community, administrative and health facilities that attract users from large geographic areas in or on the edge of Metropolitan Activity Centres or Major Activity Centres with good public transport”*

Clause 13.05-1S – Noise abatement

34. The objective of this clause is: *‘To assist the control of noise effects on sensitive land uses.’*

Clause 17.02-1S – Business

35. 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.’*

Clause 18.02-1S - Sustainable personal transport

36. The objective of this clause is: *‘To promote the use of sustainable personal transport.’*

Clause 18.02-4S – Car parking

37. The objective of this clause is: *‘To ensure an adequate supply of car parking that is appropriately designed and located.’*

Local Planning Policy Framework (LPPF)

Municipal Strategic Statement

38. The MSS provides a broad demographic overview of the municipality and is structured into four themes at Clause 21.01 consisting of 'land use', 'built form' 'transport' and 'environmental sustainability'. Relevant clauses are as follows:

Clause 21.04-3 – Industry, office and commercial

39. *'Within Yarra the volume of commercial and associated uses is so significant that they form clusters of interrelated activity. The commercial and industrial sectors underpin a sustainable economy and provide employment. Yarra plans to retain and foster a diverse and viable economic base.'* The objective of this clause is: *'To increase the number and diversity of local employment opportunities.'*

Clause 21.06-3 – The road system and parking

40. The relevant objectives and strategies of this clause are:

- (a) *'To reduce the reliance on the private motor car.'*
- (b) *'To reduce the impact of traffic.'*
- (c) *'Ensure access arrangements maintain the safety and efficiency of the arterial and local road networks.'*

Clause 21.08-1 – Abbotsford and Clause 21.08-9 – North Richmond (area north of Bridge Road

41. The subject site is at the southern end of the Abbotsford suburb and within the Victoria Street link precinct, which is described in Clause 21.08-9 as:

"This precinct spans the area between Church Street and Grosvenor Street. This linking area includes residential and commercial development and a wide range of land uses. New development in this part of the precinct must include active frontages."

Relevant Local Policies

Clause 22.04 – Advertising Signs Policy

42. This Policy applies to all permit applications for advertising signs or for development which incorporates an advertising sign.

The objectives of this clause are:

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

Clause 22.05 – Interface Uses Policy

43. Pursuant to Clause 22.05 of the Scheme, this policy applies to applications for use or development within Mixed Use, Commercial and Industrial Zones (amongst others). The policy contains the following relevant objective and policy:

- (a) *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.'*
- (b) *'New non-residential use and development within Business [i.e. Commercial] and Mixed Use and Industrial Zones are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties.'*

Advertising

44. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 73 letters sent to surrounding owners and occupiers and by two signs displayed on site. Council received 25 objections and 25 letters of support, the grounds of which are summarised as follows):
- (a) Car parking and traffic impacts;
 - (b) Noise;
 - (c) Over supply of gyms.
45. A planning consultation meeting was held on 12 March 2019 and attended by 15 persons including objectors, the Applicant, and Council Officers to discuss all issues and concerns raised in the letters of objection. The Applicant did not make any commitments to make changes, moreover the proposal, as originally submitted to Council, forms the basis of assessment and decision.

Referrals

46. The referral comments are based on the advertised plans dated 31 January 2019 and the Acoustic report dated 27 February 2019.

External Referrals

47. No external referrals were required for this application under Clause 66 of the Scheme. The application, however, was referred externally to SLR Acoustic Consulting for peer review of the applicant's submitted acoustic report. The peer-review was generally supportive of the proposed use subject to greater detail on window operability. The peer review advice is discussed in further detail throughout the report and included in the appendices to the report.

Internal Referrals

48. The application was referred to Council's Traffic Engineering Unit. Advice received is supportive of the proposal however noted that the proposed DDA compliance car space is not appropriately dimensioned. This advice is included within the appendices to this report and discussed in the officer assessment as relevant.

OFFICER ASSESSMENT

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

- (a) Land- use and strategic justification;
- (b) Off-site amenity
- (c) Signage
- (d) Car parking and traffic
- (e) Objector concerns

Land-use and strategic justification

50. The subject site is located within the Commercial 2 Zone, where a purpose is;
- "To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services"*
51. The site is also located within the Victoria Street Major Activity Centre, which Clause 21.08-9 (Neighbourhoods – North Richmond) identifies it as having:
- "A variety of land uses along its length – some vibrant and others more dormant in terms of activity and street frontage."*
52. Clause 21.08-1 also provides a general description for the neighbourhood of Abbotsford and acknowledges that;

“Abbotsford is a highly varied neighbourhood with a substantial number of industrial and commercial buildings of various types and eras. The residential precincts are surrounded by industrial development”

53. Clause 21.04-2 (Activity Centres) outlines the need for *“the presence of service, retail and entertainment uses creates active and vibrant activity centres with good access to services and facilities, which is an important attribute of the municipality”*. This Clause also seeks to *“Support land use change and development that contributes to the adaptation, development and economic growth of existing activity centres.”*
54. The proposed ‘restricted recreation facility’ (gym) supports the aforementioned purpose of the zone purpose given that it would provide additional employment opportunities and economic activity within the centre. The proposed use as a gym caters predominantly to the local area and is therefore considered to be appropriate for the Victoria Street Major Activity Centre.
55. The impact of the use on the demand for on-street car parking will be discussed later in this assessment. However given patrons are likely to be from nearby residential and commercial areas, the use is unlikely to noticeably impact the availability of on-street car parking. Given the nature of the use, it will not require frequent deliveries to the site and so will not compete with local business for access to on-street loading bays. For all of these reasons, the proposed use would not have an unreasonable impact on surrounding commercial uses as encouraged by the Commercial 2 Zone.
56. The proposal seeks approval for a maximum of 50 patrons at any one time with 24 hour access. Staffed hours are proposed between 6am-7am and 6:30pm and 8pm. The application package notes that members will have access to the gym by a member only key fob swipe. No further details have been provided as to how the maximum number of patrons will be managed. As discussed within the submitted acoustic report management strategies are also proposed to limit noise impacts (such as preventing patrons from dropping weights). Given that there will be no staff on site for much of the day/evening it is recommended that if a permit is granted, an operational management plan be submitted detailing how these aspects of the proposal will be enforced.
57. The Operational Management Plan should detail the following;
- (a) *How the maximum patron numbers will be monitored during unstaffed hours*
 - (b) *Details of security, safety measures/emergency contact when facility is unstaffed.*
 - (c) *How music levels will be maintained*
 - (d) *How doors and windows remain closed during evening/night time hours*
 - (e) *How patron behaviour will be managed (e.g prevention of dropping weights)*
- The management plan would ultimately be endorsed to form part of the permit, should a permit issue.
58. Given the patron numbers proposed (maximum of 50 at any one time), the location within a Major Activity Centre it is not considered that the proposed use would affect the amenity of adjacent, more sensitive uses in accordance with the Commercial 2 Zone decision guidelines.

Off-site amenity

59. State and local policies encourage the concentration of commercial uses within and around activity centres whilst providing adequate protection against off-site amenity impacts. Specifically, Clauses 13.05-1S (Noise abatement), 21.04-2 (Activity centres) and 22.05 (Interface Uses Policy) 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). The proposed use is located within the Commercial 2 Zone with residential uses located 20m away on the southern side of Victoria Street. Therefore careful consideration of amenity impacts is warranted. The critical amenity consideration for this application is noise impacts. Waste impacts and light spill will also be discussed.
60. The application package submitted 19 November 2018 and subsequent letter (dated 22 January 2019) states the following with regards to noise:
- (a) Music will be limited to background level and comply with SEPP N-2
 - (b) no group classes would take place on site;
61. As part of the planning application, the applicant was required to submit an acoustic report produced by a suitable qualified consultant. A report by Acoustic Dynamics, dated 27 February 2019 was submitted to Council (refer to relevant attachment). The acoustic report identified the most sensitive noise receivers as being the dwellings at No. 408-428 Victoria Street (to the south), and dwellings at 609 Victoria Street to the east.
62. The submitted acoustic report assessed the following potential noise sources:
- (a) mechanical plant noise
 - (b) gym activity noise
 - (c) patron arrival and departure;
 - (d) car movements
63. The submitted acoustic report found that the proposed use would result in noise at an acceptable level for nearby dwellings subject to the inclusion of the following measures
- (a) *Ensuring the doors and roller doors of the proposed gym are kept closed at all times (other than when patrons enter and exit the premises);*
 - (b) *If operable windows are installed along the southern façade, they should be kept closed during night time hours 10:00pm to 7:00am;*
 - (c) *All doors on the external façade should have an appropriate acoustic seal installed around the door frame and door bottom;*
 - (d) *The erection of clear signage at all studio entries and exits advising patrons that they must not generate excessive noise when entering and leaving the premises;*
 - (e) *Staff monitoring the behaviour of patrons within the subject premises and as patrons egress to ensure noise emission of patrons is kept to a minimum when entering and leaving the premises;*
 - (f) *Restricting the use of low frequency speakers (sub-woofer) and ensuring any full range speakers are isolated from building services;*

- (g) *The noise level of background music within the gym should be kept to a level below LA_{max} 80 dB(A) at all times to enable speech intelligibility within the gym and to ensure patrons are not required to raise their voices while at the gym. Note is made that the maximum internal reverberant sound pressure level can be set to ensure the adjacent receivers are not adversely affected by the operation of the subject gym, following the sit-out of the premises and installation of the speaker system.*
 - (h) *The installation of impact sound absorbing flooring to reduce the regenerated noise and vibration throughout the building;*
 - (i) *The implementation of an appropriate management policy regarding the dropping of weights, including:*
 - (i) *Education of staff and all patrons instructing how to place weights without dropping;*
 - (ii) *Erection of clearly visible signage throughout the gym advising patrons they must not drop weights or allow weights to the drop on the floor, or use weights outside the designated weights areas;*
 - (iii) *Imposition of penalties (patron warnings, suspensions or lockout warnings on patrons identified dropping weights; and*
 - (j) *Instruct patrons and staff not to park along Victoria Street during night-time hours (10:00pm to 7:00am) to reduce the likelihood of sleep disturbance due to car doors closing.*
64. The acoustic report was peer reviewed by an independent acoustic engineer at the direction of Council Officers. The peer review found that the proposed use would be low risk from an acoustic perspective and that the submitted acoustic report had adequately addressed the potential noise impacts. The independent acoustic report recommended that if operable windows are installed to the façade that these are kept closed during evening and night periods or an updated acoustic report addressing a 'windows open' scenario is provided.
65. The applicant has since confirmed that all windows will be closed during the evening/night time hours as prescribed by SEPP N-1 periods. It is recommended that this form a condition of any permit granted. As previously discussed within paragraph 57, it is also recommended that the specifics as to how this will be managed be detailed within the requested Operational Management Plan.
66. Given findings of the peer review, it is recommended that the submitted acoustic report (including all operational recommendations/commitments) be endorsed to form part of the permit, should a permit issue. In light of the above considerations and subject to the inclusion of recommended conditions, it is considered that the proposal will not result in unreasonable noise impacts for nearby dwellings.
67. Further to the above, compliance with SEPP N-1 and N-2 noise requirements will be included as permit conditions, should a permit issue. This will ensure that the use complies with these provision at all times, thereby ensuring further noise protection for nearby residential uses.
68. With regards to waste, the proposed use is not anticipated to generate significant waste and therefore would be expected to utilise Council's waste collection services. Sufficient area appears to be available within the back of house area to store bins concealed from view. However to ensure this occurs, a condition of the permit will require the location of bin storage to be shown on the plans, concealed from the public realm. As such, a Waste Management Plan is not required for this application.
69. The proposal is unlikely to impact nearby residentially-zoned dwellings via light spill. The nearest dwellings are located 20m away and on the other side of a major arterial road (Victoria Street). Under the existing conditions the four lane road is illuminated by traffic and street lighting situated on both sides of the street.

While there are windows facing Victoria Street, it is not anticipated that there would be a sufficient increase in light spill from the proposed restricted recreation facility.

70. The proposal does not incorporate any new windows and there are no residential dwellings within 9m of the subject site under the existing circumstances. As such the proposed use would not result in any new overlooking opportunities, thereby in accordance with overlooking policy at Clause 22.05.

Signage

71. The application proposes to display a total of eight (8) signs along the Victoria Street and Duke Street frontages, as shown at figures 3 and 4 below.

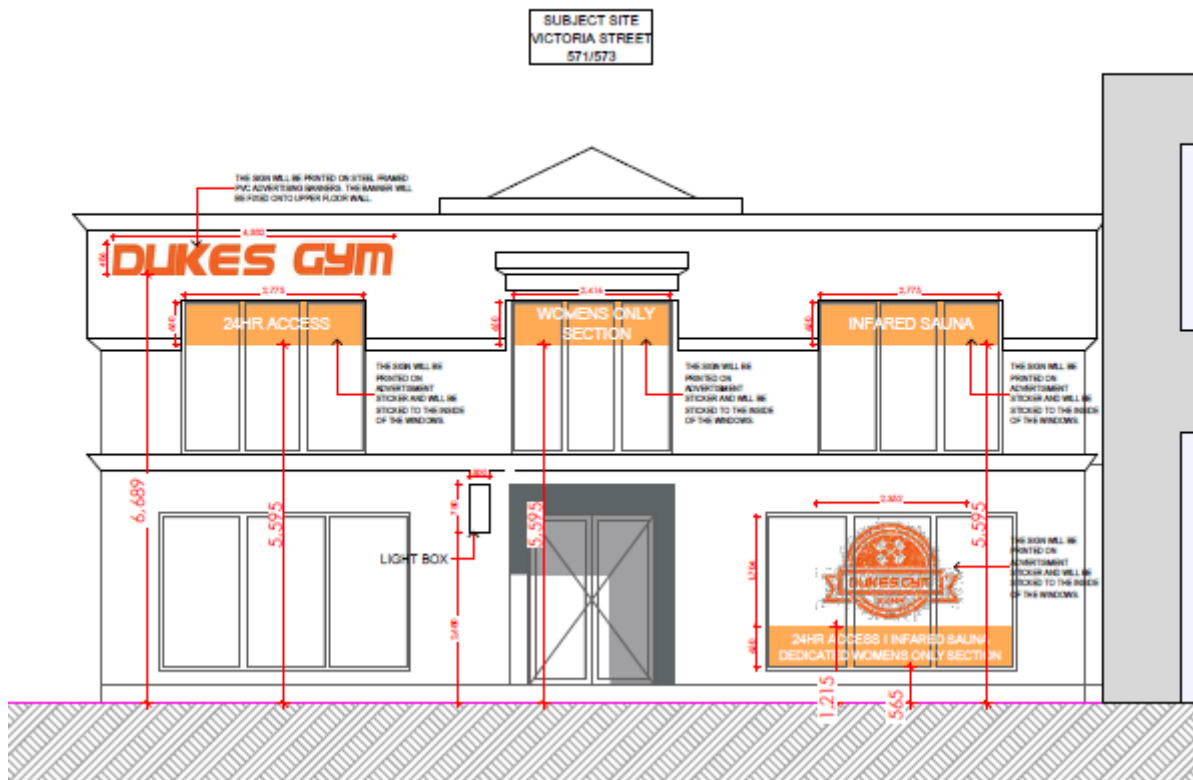


Figure 3: Proposed signage on the Victoria Street façade.

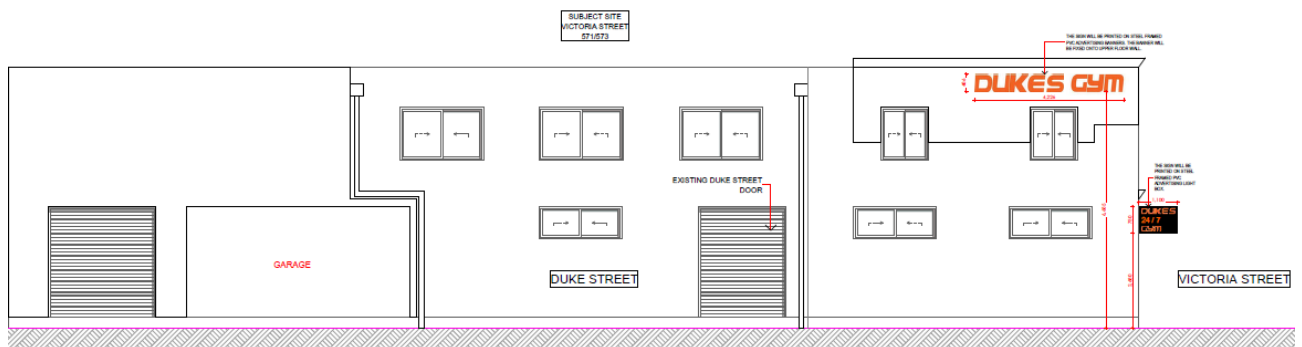


Figure 4: Proposed signage on the Duke Street façade

72. Clause 52.05-3 (Advertising Signs) and clause 22.04 (Advertising Signs Policy) of the Scheme provides the relevant decision guidelines for signage, and can be assessed under the following categories:

The character of the area

73. Business identification signage and illuminated signs are a common feature on commercial buildings within the immediate environs. In this sense, the proposed signs are considered an acceptable addition to the existing building and located in a reasonable location in front of the commercial premises fronting Victoria and Duke Streets. As such, it is considered that the proposed sign will be *compatible with the existing or desired future character of the area* which meets the objective of clause 52.05-3 of the Scheme.

Impacts on views and vistas

74. The proposed signs sit flush with the façade of the building with the exception of the illuminated sign, which is to be located relatively central to the building, and positioned at a height of 2.68m above ground level, perpendicular to the façade over Victoria Street. The sign will not *obscure any important views or vistas*; is relatively small in size and restrained in design, and is therefore consistent with the decision guidelines.

The relationship to the site and building

75. The proposed signage is appropriate in terms of its scale and form. The combined total area of the eight signs (16.5sqm) is considered proportionate to the building and appropriate in the commercial context. The signs whilst affixed to the existing windows will continue to allow for passive surveillance of the street. The proposed decals are located to the topmost portion of the first floor windows and only affect one of the two ground floor windows. The affected ground floor window will still allow for activation as the proposed decal does not cover the entire window.

The relationship to the streetscape, setting or landscape

76. The signage proposed is compatible with the existing streetscape. As previously stated signage and illuminated signage is common for commercial buildings in close proximity to the site. There is an existing illuminated lightbox sign associated with another 24 hour gym two sites down on Victoria Street. The number of signs proposed at 8 are clearly distinguishable signs serving different purposes and spread over two frontages. The design is simple and uniform, which is supportive of the objective specified at clause 52.05-3 of the Scheme; *"the ability to reduce the number of signs by rationalising or simplifying signs"*.

The impact of any illumination

77. The proposed illuminated signage is to be internally illuminated business identification lightbox sign. The sign is a total of 0.825sqm in area. The sign fronts Victoria Street, a busy arterial road containing a high volume of traffic and illumination through, street lights, traffic lights, passing traffic and existing illuminated signage. As such it is considered that within the context of the immediate area the proposed illuminated sign is considered acceptable and consistent with the decision guidelines of clause 52.05-3 of the Scheme.

Design and relationship of the sign(s) on the building/Opportunities and need for identification of the site.

78. The advertising signs identify the business and provide relevant information about facility. The design and function of the signage is reflective of the commercial business (24 hour gym) that operates on site.

Construction and Support

79. The proposed signage is to be applied to the existing building façade in various manners; the logo (signs 1 and 7) will be affixed flush to the façade. Signs 2,3,4,5 and 6 will be vinyl stickers adhered to the inside of the existing windows. Sign 8, the illuminated sign, will sit perpendicular to the façade projecting above the Victoria Street footpath. The sign will protrude 1.1m from the façade at a height of 2.68m above the footpath. Whilst the proposed height from the kerb is 20mm short of the 2.7m prescribed within Clause 22.04-3.4 this is not considered unreasonable given the minimal variation. Annotations confirming the distance from the kerb have not been included on the plans provided. The kerb however appears to be approximately 3m wide ensuring that the 750mm minimum clearance will be met. It is recommended that a condition of the permit require that this distance is annotated on the plans. Overall the proposed signage will not result in any adverse impacts on vehicular and pedestrian safety, pursuant to the requirements of clause 22.04-2 of the Scheme.

Car parking, traffic and bicycle facilities

Car parking

80. This section of the assessment will be guided by clause 52.06 of the Scheme. As outlined earlier, car parking for the proposed use must be provided to the satisfaction of the Responsible Authority.
81. The proposed use would provide one disabled car parking space on site. This is supported given the following:
- (a) the subject site enjoys excellent access to public transport, including:
 - (i) direct access to the route 109 and 12 tram service which connects the site to the CBD, Docklands, St Kilda and through to the eastern suburbs of Melbourne;
 - (ii) tram services along Church Street (450m south) which connect the site to the Richmond, South Yarra and Prahran;
 - (b) the provision of cycling infrastructure including dedicated bike lanes on Burnley Street which is a highly utilised north-south route for cyclists;
 - (c) the subject site's proximity to both the Victoria Street Major Activity Centre and the Victoria Garden Shopping centre will enable multi-purpose trips for patrons who arrive by private vehicle;
 - (d) residentially-zoned properties to the south are largely protected by parking permit restrictions, which would ensure that patrons arriving by private vehicle would not unduly affect these streets. Both Victoria and Duke Streets provide some 1 hour parking during the day, which are transient spaces that would provide for patrons arriving by private vehicle during the day;
 - (e) there is limited parking within the centre during daytime hours which would likely discourage people from driving. After hours parking would likely be freed up (when people are more likely to drive) given the surrounding commercial area to the north largely operates during the daytime hours only.
 - (f) the previous use - a restricted retail shop - did not provide for additional car parking on the land. The shortfall in the existing car parking provision (21 spaces) is considered transferrable to the subject application, and;
 - (g) Council's Engineering Unit raised no objection to car parking provision stating that "*the waiver of car spaces for the proposed gymnasium is considered appropriate in the context of the development and the surrounding area. The site can easily be reached by public transport services.*"
 - (h) In addition to the above, evidence of recent approvals of car parking provision associated with Restricted Recreation Facilities, as shown in the table below. The majority have zero provision of car parking, including for facilities with patron numbers similar to that of the subject application.

Development Site	Approved Parking
Fitzroy	
Gymnasium (24 hour) 224 Brunswick Street PLN14/0892 issued 14 January 2015	No on-site car parking (40 patrons)
Gymnasium (24 hour) 188 - 196 Gertrude Street PLN17/1070 issued 16 august 2018	No on-site car parking (30 patrons)
Collingwood	
Fitness Studio 157-159 Langridge Street PLN16/0019 issued 20 March 2017	1 on-site space (20 patrons)
Gymnasium (24 hour) 436 Smith St PLN17/0799 issued 07 February 2018	No on-site car parking (30 patrons)
Richmond	
Gymnasium 377-379 Bridge Road PLN17/0568 issued 12 October 2017	No on-site car parking (16 patrons)
Personal Training Studio Floor 1, 446 Church Street PLN14/0397 issued 8 August 2014	No on-site car parking (25 patrons)
Gymnasium 66-68 Blazey Street PLN16/0211 issued 28 June 2016	3 on-site spaces (50 patrons)
Gymnasium and Personal Training Studio 9-11 Rooney Street PLN15/0810 issued 5 March 2016	No on-site car parking (45 patrons)
Gymnasium (24 hour) 509-511 Bridge Road PLN14/0278 issued 15 September 2014	No on-site car parking (50 patrons)
Abbotsford	
Gymnasium (24 hour) 563 Victoria Street PLN16/0948 issued 3 February 2017	No on-site car parking (40 patrons)

82. The dimensions of the single disabled access space provided on-site has been reviewed by Council Traffic Engineers and deemed unsatisfactory as the depth is too short, stating; *“the depth of the on-site car space is considered too short for an accessible parking space or as a regular car space. A minimum depth of 5.4 metres is required to prevent the rear of a vehicle from overhanging the footpath. The depth of the car space must be increased to a minimum of 5.4 metres to satisfy AS/NZS 2890.6:2009 or AS/NZS 2890.1:2004”*. Given that the car parking area is an existing condition and no external works are proposed to the building as part of the proposal, it is considered unreasonable to require that the car space be modified to comply. As such it is recommended that a condition of any permit should require plans to remove reference to the disabled access space.
83. Given all of the above, the omission of on-site car parking is appropriate.

Traffic

84. The traffic volumes associated with the proposal are also unlikely to result in any significant impact to traffic flows given the capacity of the gym is limited to 50 people at any one time. Also for the reasons outlined in the car parking assessment, it is expected that many of the members would already be in the area, or travel to the site by foot or bike.
85. Given that no classes are proposed it is also acknowledged that patrons would likely arrive and leave intermittently rather than in large groups.
86. In addition to support for the proposal offered by Council's Traffic Engineering Unit, it is noted that State policies found at Clause 18 (Transport) encourages the clustering of trip generators in and around activity centres in order to encourage the use of sustainable transport modes. Further, clause 21.06 of the Scheme outlines objectives to promote walking, cycling and public transport use in order to reduce car dependency.

Bicycle facilities

87. Whilst the decision plans show an area set aside internally for bicycle parking the number of spaces is not noted on the plans. The application package confirms that six (6) spaces are proposed. As such a permit condition is recommended for the number of bicycle spaces to be annotated on the plans, should a permit issue.

Objector Concerns

88. The following objector concerns have been addressed within this report:
 - (a) *Amenity impacts from noise and vibrations associated with the use* – paragraphs 59-70;
 - (b) *Car parking and traffic impacts* – paragraphs 80-86.
89. Outstanding issues raised are as follows:

Oversupply of gyms

90. The presence of other existing gym uses nearby is not a relevant planning consideration when determining the appropriateness of the proposed use.

Conclusion

91. The proposal is considered to be acceptable having regard to the relevant State and Local Policies, the Commercial 2 Zone and relevant signage policy outlined in the above assessment and should therefore, be approved, subject to conditions.

RECOMMENDATION

That having considered all relevant planning controls and policies, it is recommended that a Notice of Decision to Grant a Planning Permit (PLN18/0873) be issued for use of the land for a Restricted Recreation Facility (Gymnasium) and the display of business signage at 571 – 573 Victoria Street, Abbotsford, generally in accordance with the decision plans and subject to the following conditions:

1. Before the use commences or signage is displayed, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans but modified to show:
 - (a) Deletion of reference to the disabled parking spot;
 - (b) An annotation confirming 6 bicycles spaces will be located within the internal bicycle storage area;
 - (c) The bin storage location concealed from the public realm;

- (d) An annotation confirming a minimum 750mm distance of the internally illuminated sign to the edge of the kerb.
- 2. The use, and the location and details of signage as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
- 3. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
- 4. Prior to the commencement of the use, an Operational Management Plan must be submitted to and approved to the satisfaction of the Responsible Authority. Once approved, the management plan must not be altered without the prior written consent of the responsible authority. The Management Plan must show:
 - (a) How the maximum patron numbers will be monitored during unstaffed hours
 - (b) Details of security, safety measures/emergency contact when the facility is unstaffed.
 - (c) How music levels will be maintained
 - (d) How doors and windows remain closed during evening/night time hours
 - (e) How patron behaviour will be managed (e.g. prevention of dropping weights)
- 5. The provisions, recommendations and requirements of the endorsed Operational Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Use conditions (6 -15)

- 6. A maximum of 50 patrons are permitted on the land at any one time.
- 7. Except with the prior written consent of the Responsible Authority, a maximum of 2 staff are permitted on the land at any one time.
- 8. Except with the prior written consent of the Responsible Authority, no group classes are to be held on site.
- 9. All windows to be closed during the evening/night time periods
- 10. The provision of music on the land must be at a background noise level.
- 11. Speakers external to the building must not be erected or used.
- 12. The amenity of the area must not be detrimentally affected by the use, including through:
- 13. the transport of materials, goods or commodities to or from land;
 - (a) the appearance of any buildings, works or materials;
 - (b) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (c) the presence of vermin.to the satisfaction of the Responsible Authority.
- 14. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 15. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

Signage Conditions (16-19)

16. The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
17. The signs must not be illuminated by external or internal light unless otherwise shown.
18. The signs must not include any flashing or intermittent light
19. The signage component of this permit expires 15 years from the date of the permit.

Permit Expiry

20. This permit will expire if:
 - (a) the use is not commenced within two years of the date of this permit;
 - (b) the signs are not erected within two 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.

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.

CONTACT OFFICER: Robert Galpin
TITLE: Statutory Planner
TEL: 9205 5139

Attachments

- 1 PLN18 0873 - 571 - 573 Victoria Street Abbotsford - S52 Advertising Plans
- 2 PLN18/0873 - 571 - 573 Victoria Street Abbotsford - Advertising Town Planning Report
- 3 PLN18/0873 - 571 - 573 Victoria Street Abbotsford - Advertising Traffic Assessment Report
- 4 PLN18/0873 - 571 - 573 Victoria Street Abbotsford - Engineering comments
- 5 PLN18/0873 - 571 - 573 Victoria Street Abbotsford - Supplied Acoustic Report
- 6 PLN18/0873 - 571 - 573 Victoria Street Abbotsford - SLR Report

Attachment 1 - PLN18 0873 - 571 - 573 Victoria Street Abbotsford - S52 Advertising Plans

RETAIL INTERNAL AND EXTERNAL FITOUT

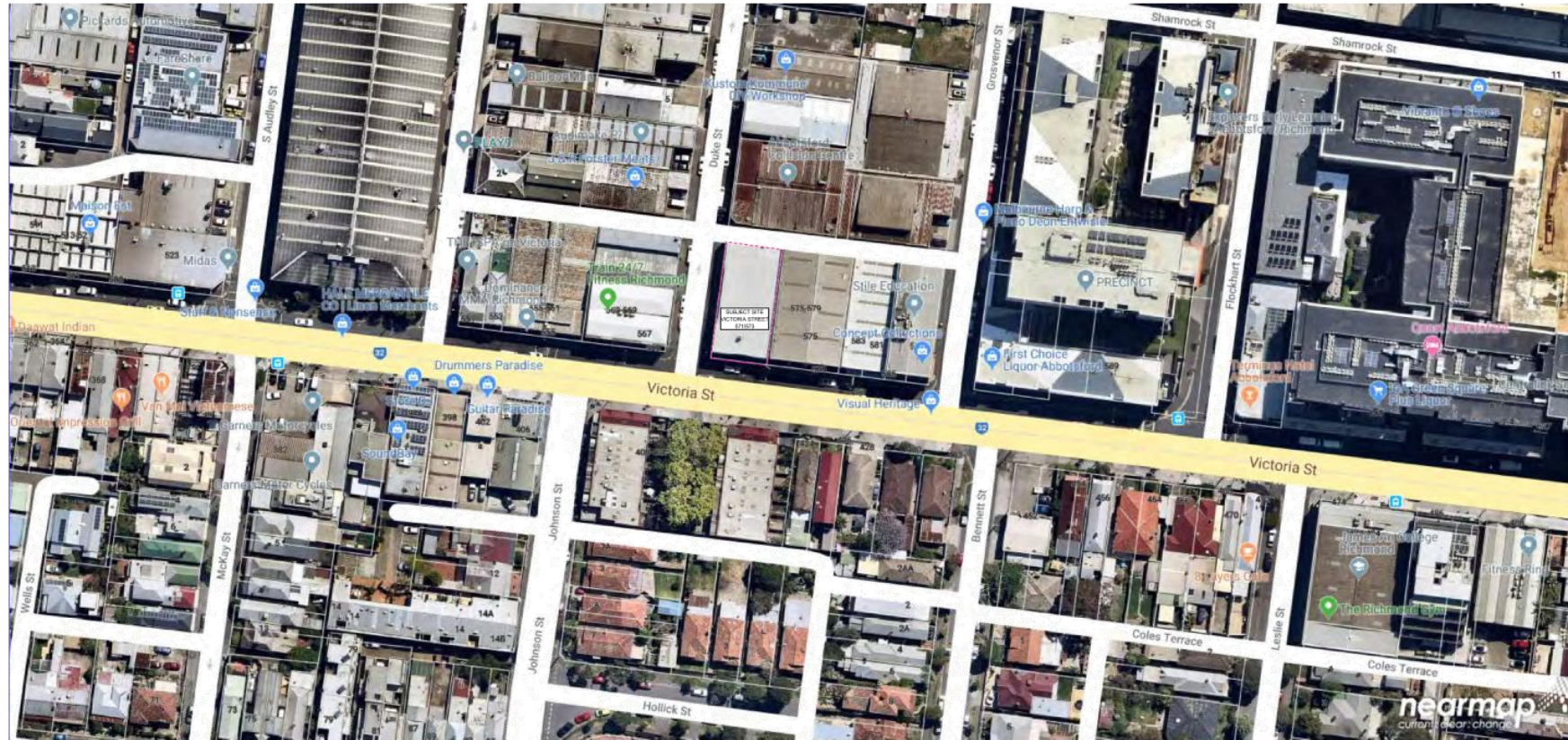
571, Victoria Street Abbotsford VIC 3067 AUSTRALIA

CS 1473: RETAIL INTERNAL AND EXTERNAL FITOUT

TP DRAWING SCHEDULE

ID	Drawing Name	Scales	Rev
TP01	COVER PAGE		
TP02	NEIGHBOURHOOD CHARACTER PLAN		
TP03	SITE PLAN	1:200	
TP04	EXISTING FLOOR PLAN	1:100	
TP05	PROPOSED FLOOR PLAN	1:100	
TP06	PROPOSED ELEVATION	1:50	

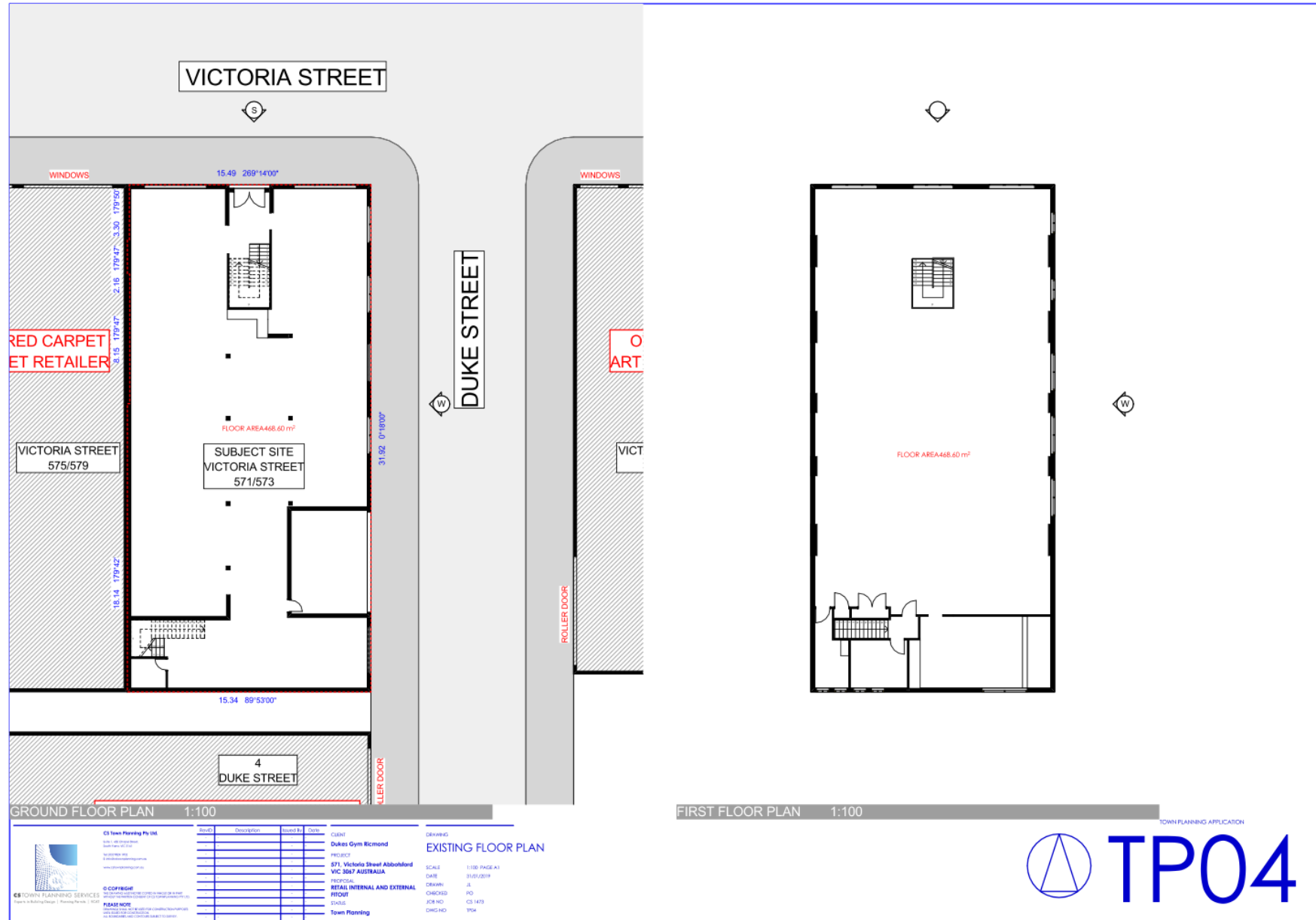
Attachment 1 - PLN18 0873 - 571 - 573 Victoria Street Abbotsford - S52 Advertising Plans



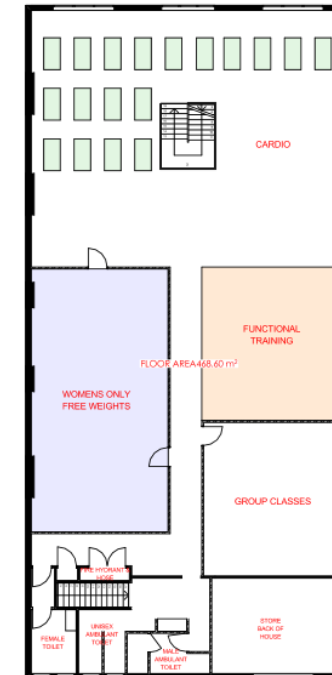
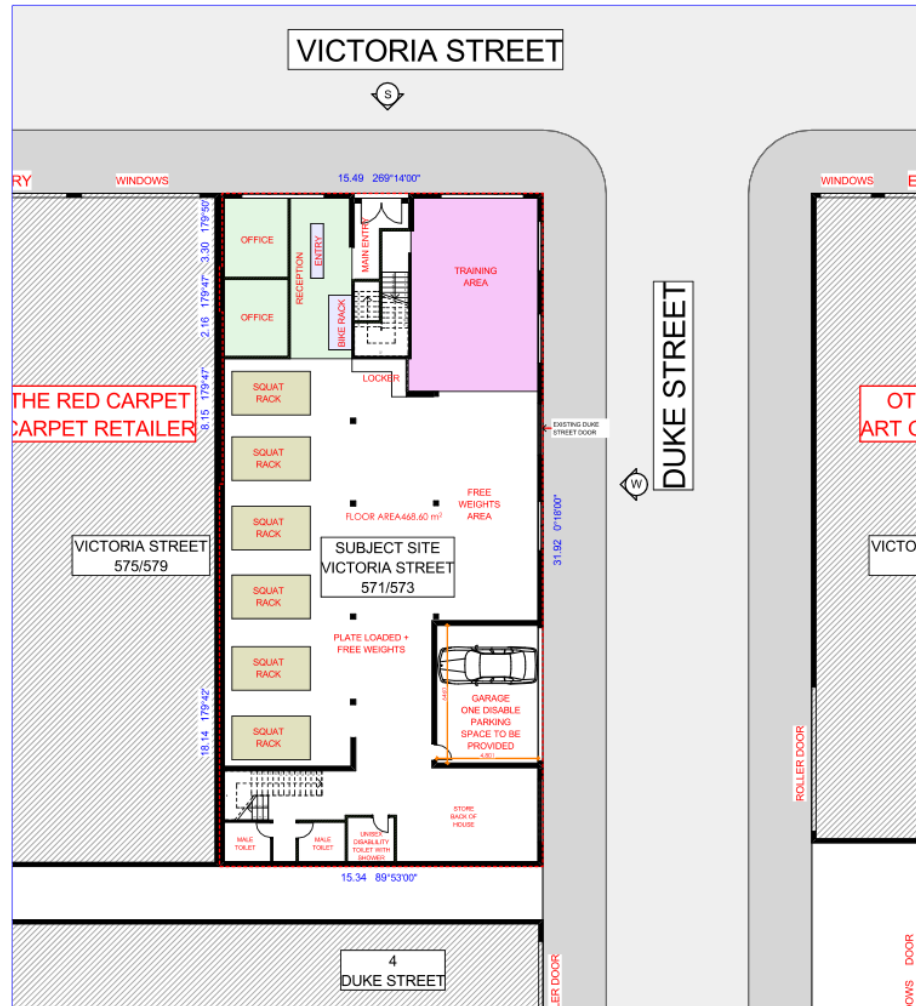
Attachment 1 - PLN18 0873 - 571 - 573 Victoria Street Abbotsford - S52 Advertising Plans



Attachment 1 - PLN18 0873 - 571 - 573 Victoria Street Abbotsford - S52 Advertising Plans



Attachment 1 - PLN18 0873 - 571 - 573 Victoria Street Abbotsford - S52 Advertising Plans



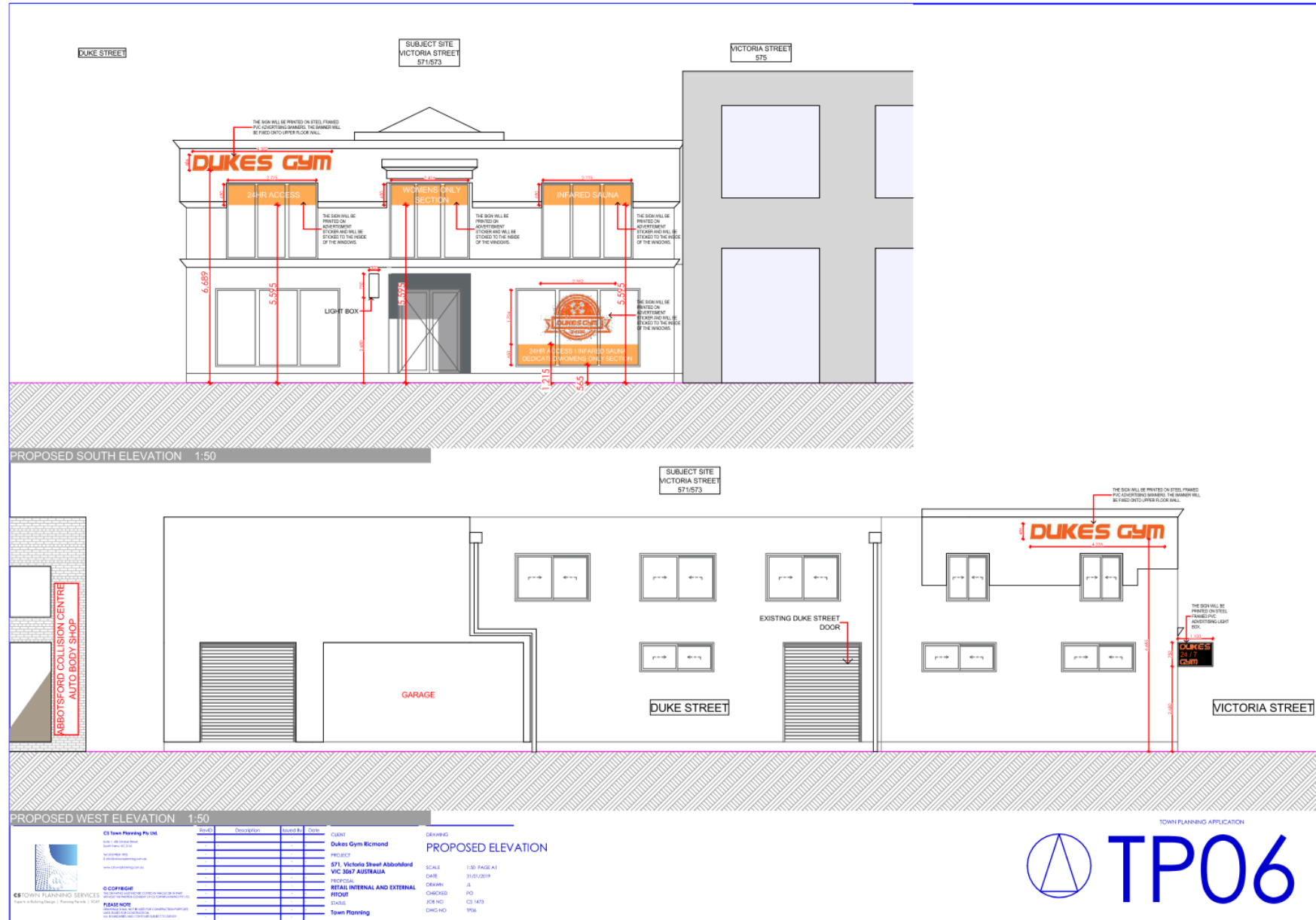
GROUND FLOOR PLAN 1:100

FIRST FLOOR PLAN 1:100

 <p>CS Town Planning Pty Ltd Suite 100, 100 Phillip Road, North Sydney, NSW 1585 Tel: 02 9439 6200 Fax: 02 9439 6201 Email: info@townplanning.com.au www.townplanning.com.au</p>	<p>Client</p> <p>Duke Gym Richmond</p> <p>Project</p> <p>571, Victoria Street Abbotsford VIC 3067 AUSTRALIA</p> <p>Proposed</p> <p>RETAIL INTERNAL AND EXTERNAL REFOOT</p> <p>Drawn</p> <p>CHRG</p> <p>Town Planning</p>				<p>Drawing</p> <p>PROPOSED FLOOR PLAN</p> <p>Scale</p> <p>1:100 PAGE 1/1</p> <p>Date</p> <p>31/01/2014</p> <p>Drawn</p> <p>JA</p> <p>Checked</p> <p>HO</p> <p>Reviewed</p> <p>CS 1473</p> <p>CHRG</p> <p>3905</p>	
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	<p>PEABODY</p> <p>PEABODY AND ASSOCIATES, a division of Town Planning Pty Ltd, is a registered professional services company under the Professional Services Act 2004 (NSW) and is a member of the Professional Services Institute (PSI) of Australia.</p>					



Attachment 1 - PLN18 0873 - 571 - 573 Victoria Street Abbotsford - S52 Advertising Plans



Attachment 2 - PLN18/0873 - 571 - 573 Victoria Street Abbotsford - Advertising Town Planning Report



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571 - 573 Victoria Street, Abbotsford.

APPLICATION

Change of use of land for a leisure and recreational facility, and display of business identification signage.

SUBMISSION DATE

15th November 2018

www.cstownplanning.com.au

Attachment 2 - PLN18/0873 - 571 - 573 Victoria Street Abbotsford - Advertising Town Planning Report

CS TOWN PLANNING SERVICES

ENQUIRIES

Paul O'Shea

REFERENCE

CS 1473

OFFICE

(03) 9824 1902

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Attachment 2 - PLN18/0873 - 571 - 573 Victoria Street Abbotsford - Advertising Town Planning Report

CS TOWN PLANNING SERVICES

1. Introduction

CS Town Planning has been engaged to submit this planning application to obtain a permit for a change of use of a land for a leisure and recreational facility, and display of business identification signage.

The site falls within the a Commercial 2 zone (IN1Z), the site is affected by a design and development overlay (schedule 2).

This statement provides details of the site and the proposal; summarises the planning controls and policies which apply and, provides an assessment of the proposal against those controls and policies.

1.1. SUPPORTING DOCUMENTS

- Architectural plans;
- Full property title less than one hundred (100) days old;
- Traffic assessment report; and,
- Technical town planning report with specific focus on the State and Municipal policy and the Local planning policy of City of Yarra Council.

1.2. SITE AND LOCATION

The subject site is located on Victoria Street, and is situated approximately five (5) kilometers east of Melbourne CBD. The street is occupied by a variety of business, commercial and industrial uses.

1.3. VEHICLE ACCESS

The existing building was once occupied by a trade supplies shop. There are two undercroft car parking spaces accessible via Duke Street.



Subject site

Attachment 2 - PLN18/0873 - 571 - 573 Victoria Street Abbotsford - Advertising Town Planning Report

CS TOWN PLANNING SERVICES

2. The Proposal

2.1. DEVELOPMENT SUMMARY

Proposal:

Dukes is a 24 hour gym that specialises in providing an establishment for personal use & exercising. The gym area is proposed to consist of a ladies only fitness area with shared weights & cardio areas. The gym will have separate male and female toilets and change room areas in a central location to the gym for all patrons to use. A reception area with office space and consulting rooms are proposed, please refer to drawings enclosed.

Opening Hours:

The proposed gym will be operational on a 24 hour basis. The gym is expected to experience peak periods between 6am – 7am & 6.30pm - 8pm on any given day.

Staff Numbers:

The maximum number of staff is not expected to exceed two (2), the gym will be staffed during peak periods.

Patron Numbers:

The maximum number of patrons expected during peak period is fifty (50), non peak periods are expected to be exceptionally lower.

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3. Planning Policy Framework

The following is an outline of the planning policy framework relevant to the site. A comprehensive analysis of the proposal against this matrix of applicable policy is provided below.

3.1.1. CLAUSE 21.03 VISION

The subject site falls within the 'Major Activity Centre' of Council's Strategic Framework Plan. 571 - 573 Victoria Street is located in an



Strategic Framework Plan

established mix-used area with good access to roads, shops, public transport and services. The proposal envisions to provide fitness services and convenience for the local community.



- *Support rezonings, as identified on the relevant Neighbourhood plan, to permit increased commercial and office use in existing industrial areas.*
- *Support home-based businesses.*
- *Encourage residential and business land use within the Mixed Use Zone to locate on the same site.*
- *Discourage Business 2 Zones becoming de facto residential zones whilst at the same time recognising that some residential opportunities can be accommodated in these zones.*
- *Support opportunities for new uses on isolated industrial sites provided they reflect the predominant surrounding uses.*
- *Apply the Caretakers' Houses policy at clause 22.06.*

Attachment 2 - PLN18/0873 - 571 - 573 Victoria Street Abbotsford - Advertising Town Planning Report

CS TOWN PLANNING SERVICES

The subject site is located within an activity centre. The proposed leisure use will provide employment opportunities and community meeting places whilst respecting the adjoining land uses.

The new leisure and recreational facility seeks to implement council's vision for economic development and employment as well as cultural diversity.

3.1.3. CLAUSE 21.05 BUILT FORM

The subject site is not affected by a heritage overlay. This change of use does not intend to do any building and works to the existing facades of the building. The only alteration will be to re-paint the external walls, and replace the existing signage to the new company logos seeking to occupy the building.

The new wall finish and logos will integrate well with the adjoining land uses.

3.1.4. CLAUSE 21.06 TRANSPORT

There are two (2) allocated parking spaces for staff and members are expected to travel via public transport. Street parking is available within close proximity to the subject site.

Train and tram stations are within walking distance from the subject site. Please see enclosed traffic assessment report for further details.

3.1.5. CLAUSE 22.04 ADVERTISING SIGNS POLICY

This clause is made up of seven (7) objectives, and they are:

- To allow for the promotion of goods and services.
- To ensure that signs contribute to and do not detract from the visual amenity of commercial precincts, activity centres and residential areas.
- To minimise visual clutter.
- To ensure that signs are not the dominant element in the streetscape.
- To protect and enhance the character and integrity of places of heritage significance.
- To protect major view corridors and vistas.
- To maintain vehicular and pedestrian safety.

The proposal seeks to apply two (2) new advertising signs to the external facades of the existing building. These are comparable and consistent with signage of neighbouring tenancies.

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3.1.6. CLAUSE 22.05 INTERFACE USES POLICY

The subject site is surrounded by industrial uses. The majority of the industrial uses are occupied by commercial businesses located along Victoria Street. Victoria Street consists of some residential apartments.

The proposed change of use will not create conflict at the interface between the land uses.

The proposal will promote and provide for many local convenience needs. In addition, it will also provide community, leisure, recreation and entertainment facilities, and provide a focal point for community and social interaction.

3.2. ZONES

3.2.1. CLAUSE 33.03 INDUSTRIAL 1 ZONE

The purpose of the Commercial 2 Zone, in conjunction with implementing state and local planning policy is:

- *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses*

A permit is required under Section 2 for the change of use to a leisure and recreation facility.

3.3. OVERLAYS

The DDO affecting the site largely relates to built form outcomes for new development within the Activity Centre. There is little direct relevance to the application but the proposal is consistent with the intention of the DDO.

3.4 PARTICULAR PROVISIONS

3.4.1 CLAUSE 52.05 ADVERTISING SIGNS

The purpose of Advertising signs, along with implementing state and local planning policy is:

- To regulate the display of signs and associated structures.
- To provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character.
- To ensure signs do not contribute to excessive visual clutter or visual disorder.
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

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There are new advertising signs proposed. See elevation drawings for further details.

3.4.2. CLAUSE 52.06 CAR PARKING

The purpose of this clause, along with implementing state and local planning policy is:

- 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.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- 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.

As mentioned above, there are two (2) allocated parking spaces for staff and members are expected to travel via public transport. Street parking is available within close proximity to the subject site.

Train and tram stations are within walking distance from the subject site. Please see enclosed traffic assessment report for further details.

Attachment 2 - PLN18/0873 - 571 - 573 Victoria Street Abbotsford - Advertising Town Planning Report

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4. Conclusion

The proposed leisure and recreation facility use has demonstrated compliance with City of Yarra's Planning Scheme.

It is submitted that this proposal is designed in a manner which will make efficient use of the site and will impact positively on the future surrounding businesses. Given the nature of the application and its compliance with the Commercial 2 zone, we respectfully request that this application be supported by Council and proceeds assessment at the earliest convenience.

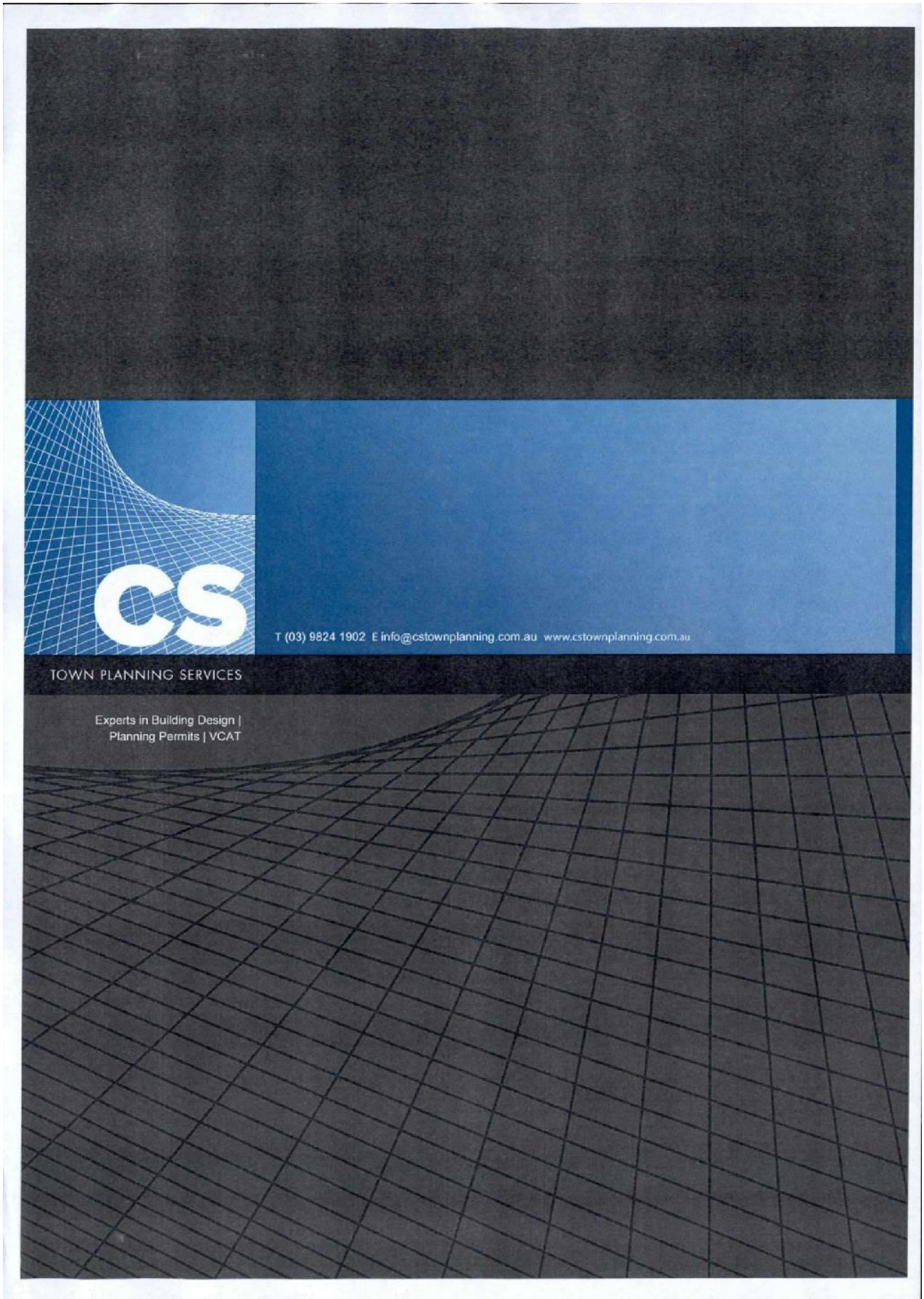
For any queries or further clarification, please contact directly on 9824 1902 or via email paul@cstownplanning.com.au.

Sincerely

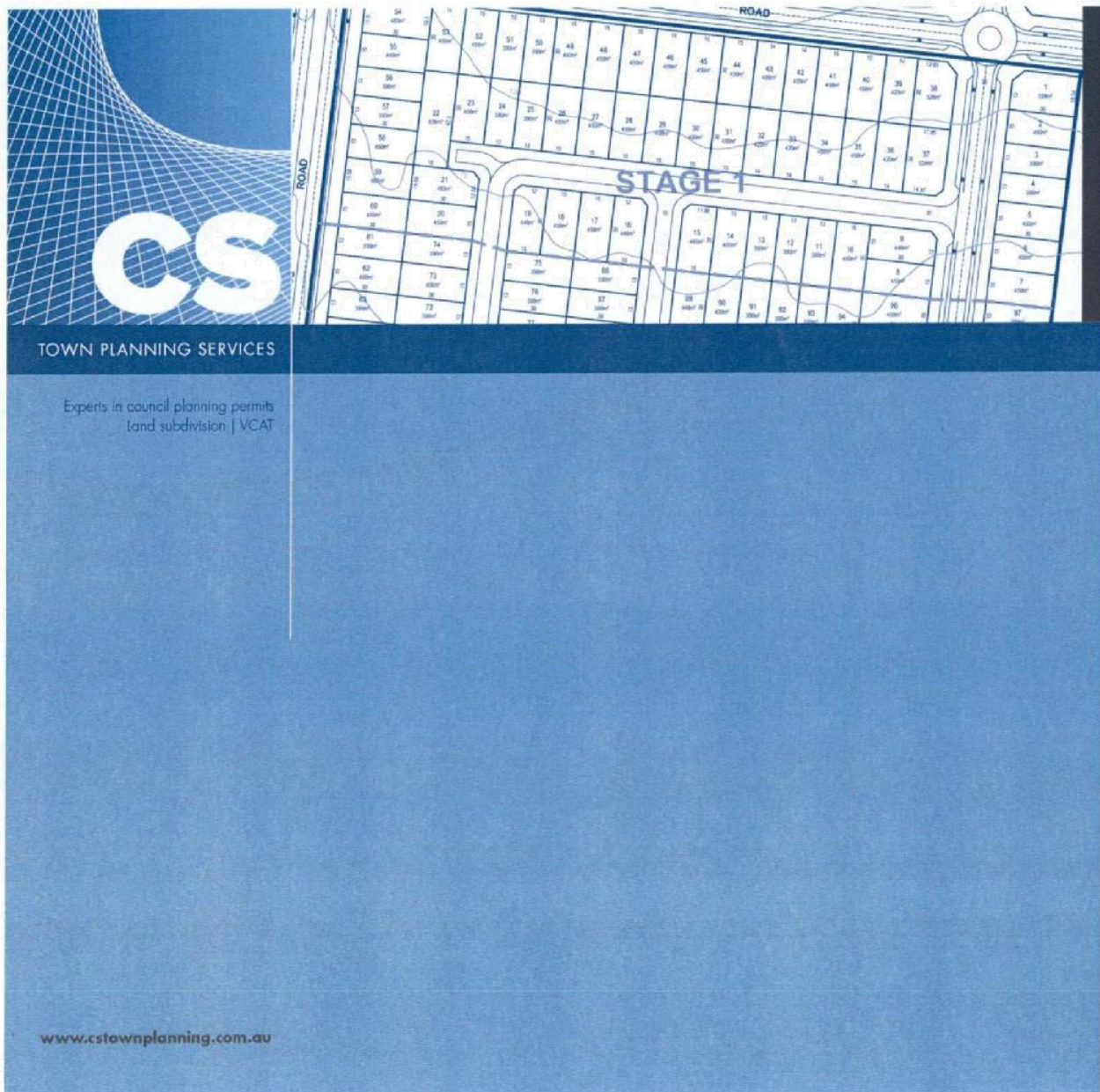


Paul O'Shea
Principal of Operations.

Attachment 2 - PLN18/0873 - 571 - 573 Victoria Street Abbotsford - Advertising Town Planning Report



Attachment 3 - PLN18/0873 - 571 - 573 Victoria Street Abbotsford - Advertising Traffic Assessment Report



Attachment 3 - PLN18/0873 - 571 - 573 Victoria Street Abbotsford - Advertising Traffic Assessment Report



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Enquires: Sherif Samuel
Ref: CS 1473
Office: 9824 1902
Date: 14/11/18

1.1 Introduction

My name is Sherrif Samuel and I am consultant traffic engineer practicing with CS Town Planning Services Pty Ltd.

As per the requirements of Yarra City Council and on behalf of the permit applicant, I have prepared a traffic assessment report for the proposed leisure and recreation facility (gymnasium) at 571 - 573 Victoria Street, Abbotsford.

In the course of the report preparation a site visit was conducted, a traffic survey was undertaken on three days, a modal survey was undertaken and the proposed floor layout plans and maximum number of people on site were considered.

Before forming an opinion on the implications of this application on the traffic and car parking in the area the data gathered will be presented.

1.2 Methodology

A preliminary desktop review of the site was undertaken prior to site inspection. This involved:

1. A review of the public transport modes servicing the site;
2. A review of the frequency of services;
3. A scope of survey was established within one hundred metres of the site;
4. A review of the Yarra Planning Scheme to identify the car parking requirements generated by the proposed use.
5. Consideration of the information provided by the project coordinator.

Following completion of the desktop review survey visits were undertaken across three days. The first survey was carried out between the hours of 7.00am - 11.00am on Monday November 12th, the second was carried out on the evening of the same day between 5.00pm and 8.00pm. The survey was repeated on Wednesday, November 14th. The reasons these times were selected was because these were identified as the most likely peak hours of demand for the facility. A third day of survey was undertaken on the morning of Saturday November 10th between 7.00am and 10.00am.

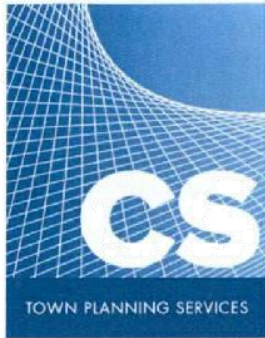
1.3 Background & Preliminary Matters

The information provided by the client is that this gymnasium is typical in operation and layout. There will be no formal classes within the gym and patrons will visit the gym to exercise individually or in private groups. Classes run for

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approximately one hour and there will be six hours of classes per week. There will be a maximum of 50 patrons on site at any one time. The peak times of operation when this capacity is expected to be reached are 6am – 7am on weekdays and 6.30pm – 8pm in the evening time. There will be a maximum of 2 staff on site at any time. There are two designated car parks within the site (shown on plans) and these will be reserved for staff use. The owner is expected to have a membership base of 500 members. Access to the gym for members will be available on a 24 hour basis. The facility will be staffed between the hours of 11am – 7pm during the week and 10am – 4pm on weekends.

Based on the information provided it is possible to assess the cumulative impacts of this proposal on the overall traffic and car parking within the immediate site surrounds.

There are two car parks on site to the rear of the building. These will be reserved for staff. Historically the site has been occupied by a bathroom showroom. This would be considered a 'shop' or 'trade supplies' under Clause 52.06 for the purposes of calculating car parking demand. For the purposes of this report I have considered the former use as 'trade supplies'.

It is favorable that the peak hours of the facility are outside typical business hours. Based on the review of the site it is reasonable to conclude these factors as common ground:

- Members to this facility will likely live or work in the immediate site surrounds and therefore be in the area regardless of the presence of this facility;
- The catchment of this facility is likely to be less than two kilometers. It is reasonably concluded that in a highly urbanised area, such as this there will be other gymnasiums outside this catchment.
- The previous use of the site was for a retail or trade supplies premises. The site therefore has historically been reliant on the street shared car parking for visitors.

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The below table specifies two active Gyms in Victoria with similar sized sites and training areas than subject site:

Location	Active Members	Average Number of Visits per day (across a month)	Average Peak Hour (in a month)	Peak Hour Attend: (on a weekday)	Second Peak Hour (in a month)	Second Peak Hour Attend.: (on a weekday)
Diamond Creek	300	171	5-6pm	19	4-5pm	17
Heidelberg	475	166	6-7pm	24	5-6pm	20

Table 2: Weekday Usage of Gymnasiums at Diamond Creek and Heidelberg

As can be seen above the gym in Heidelberg has a member base of 475 members and at the busiest time throughout the day had 24 members onsite. The Diamond Creek outlet has a member base of 300 and at the busiest time had 19 members onsite. The table below sets out the busiest times on a Saturday.

Location	Active Members	Number of Visits (Saturday)	Peak Hour	Peak Hour Attend:	Second Peak Hour	Second peak Hour Attend:
Diamond Creek	300	92	8-9am 4-5pm	10	3-4pm	8
Heidelberg	475	162	3-4pm	19	5-6pm	14

1.4 Parking Credits

The existing 'trade supplies' use on the site would have a requirement to provide 10% of the site area for car parking. The site is approximately 838 square meters in area. This would equate to a requirement of 84 square metres set aside for car parking. This would provide between five and six car spaces onsite. Currently there are two car parks onsite attached to the tenancy.

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1.5 Planning Scheme Requirements

The car parking requirements associated with any use are specified in Clause 52.06 of the planning scheme.

No specific provision is made for a gymnasium a restricted recreational facility or a recreational facility.

Therefore the Responsible Authority needs to be satisfied that adequate provision for car parking is provided. It is noted that a car parking dispensation is not required as part of the application. The proposed use operates outside typical business hours. This is a very favorable aspect of the application when compared with the previous 'retail or trade supply' use which would operate during typical hours.

The planning scheme at Clause 52.06-1 allows reductions to the rate required by the Responsible Authority in consideration of:

- Any relevant parking precinct plan.
- The availability of car parking in the locality.
- The availability of public transport in the locality.
- Any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces.
- Any car parking deficiency or surplus associated with the existing use of the land.
- Any credit, which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement.
- Local traffic management.
- Local amenity including pedestrian amenity.
- An empirical assessment of car parking demand.
- Any other relevant consideration.

Referring to the survey results in figure two of this report it is apparent that this is an area where car parking demand is high and supply is good.

1.6 Empirical Assessment of parking demand

CS Town Planning undertook a mode of travel survey for a gymnasium at 18 – 24 Clyde Road, Berwick. This survey is thought to be indicative and typical of most gymnasium and accounts for a eight hundred and eighty six member gymnasium. The similarities with the subject site mean there is merit in considering the findings.

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Mode of travel	Number	Percentage of total
Car as driver	747	84.3%
Car as passenger	70	7.9%
Walk	45	5.0%
Drop Off	6	0.6%
Pick up	5	0.5%
Cycle	13	2.5%
Total	886	100%

The mode of travel survey information indicated the car parking demand generated by the use is expected to be in the order of 0.84 spaces per persons present.

The peak weekday visitation, based on membership of 500 people and a comparison with the Diamond Creek and Heidelberg gyms in Section 1.3 was conservatively estimated at between 25 and 30 members.

In a worst case scenario (i.e. 1 car space for each member and the two staff members) the required parking would equate to between 29 and 34 car spaces.) It is acknowledged that a high proportion of members would likely drive to the gymnasium. At peak times it is likely that some members would go to the gym directly before / after work.

It is considered that in an absolute worst case scenario where every member drives, a peak of between 25 and 35 parking spaces would be required by members of the proposed gym during the evening peak before allowances for parking credits and on-site parking are made.

1.7 Scope of Survey

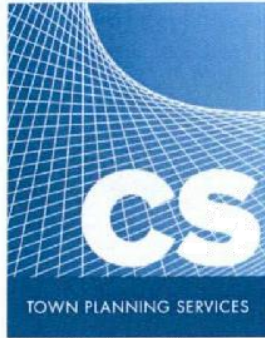
As a part of this study, a parking utilisation survey was undertaken on Monday November 12th, Wednesday November 13th and Saturday November 10th, at the assumed peak time for the gymnasium. The circuits of the parking were undertaken to show how parking differed across the evening and on a Saturday morning.

The area comprises many retail and light industry based businesses with typical working hours between 8am and 5pm. There area is predominately commercial in character when you move away from Victoria Street. There are a number of panel beating shops, commercial kitchens and wholesale furniture retailers along nearby Duke Street.

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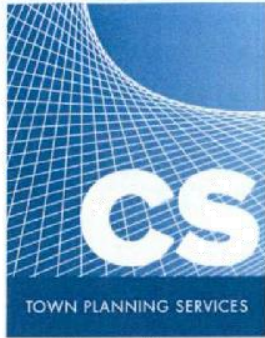
Figure 1 – Subject site marked and showing a 150metre walking distance around the subject site.

Within the survey area shown above the below table sets out which streets were considered and how many parks were available within that particular street as defined within easy walking distance in the survey area of Figure 1 above. The table also sets out the parking restrictions in effect on that street.

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Street Name	Side	Number of parks	Restriction
Victoria Street	Northern	10 parks	Clearway 4.30pm – 6.30pm Mon – Friday 1P 7.30am – 4.30pm Mon – Fri 7.30am – 12pm Saturday
		8 parks	Clearway 4.30pm – 6.30pm Mon – Fri. 1P 7.30am – 4.30pm Monday – Friday. 7.30am – 12.30pm Saturday,
	Southern	9 parks	Clearway 7am – 9.15am Mon – Fri 1P 9.30am – 5.30pm Mon – Fri 8.15am – 12pm Saturday
		8 parks	Clearway 7am – 9.15am Mon – Fri 1P 9.15am – 5.30pm Mon – Fri 8.30am – 12.30pm Saturday
Grosvenor Street	Eastern	13 parks	2P 7am – 7pm Mon – Fri
	Western		No standing or loading zone.
Duke Street	Eastern	2 parks	2P 7am – 7pm Mon – Sat
		13 parks	Unrestricted

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	Western	2 parks	1P Monday – Saturday 7am – 7pm.
		5 parks	2P 7am – 7pm Mon – Sat
		9 parks	Unrestricted

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Restriction	Parking Spaces Recorded	Spaces Occupied between 7am-11am at maximum.	Percentage Occupancy
Clearway parks (AM)	17	0 (NA)	0% (NA)
Clearway parks (PM)	18	9	50%
2P	20	12	40%
1P (not including Vic st)	2	0	4100%
Other* (Loading Zone / Permit / L2P)	0	0	0%
Unrestricted	22	10	54%
TOTAL	79	48 (figure includes the 17 clearway parks as unavailable)	39%
		31 (available)	

Figure 3: Monday (am) car parking availability within the survey area.

Restriction	Parking Spaces Recorded	Spaces Occupied between 5pm – 8pm at maximum.	Percentage Occupancy
Clearway parks (AM)	17	11	35%
Clearway parks (PM)	18	0 (NA)	0% (NA)
2P	20	15	25%
1P(not including Vic St)	2	2	0%
Other* (Loading Zone / Permit / L2P)	0	0	0%
Unrestricted	22	17	22%
TOTAL	79	63 (Figure includes the 18 clearway parks as unavailable)	29%
		23 (available)	

Figure 4 : Monday (pm) car parking availability within the survey area.

Restriction	Parking Spaces Recorded	Spaces Occupied between 7am-11am at maximum.	Percentage Occupancy
Clearway parks (AM)	17	0 (NA)	0% (NA)
Clearway parks (PM)	18	10	44%
2P	20	9	55%
1P (not including Vic St)	2	1	50%
Other* (Loading Zone / Permit / L2P)	0	0	0%
Unrestricted	22	11	50%
TOTAL	79	48 (figure includes the 17 clearway parks as unavailable)	39%
		31 (available)	

Figure 5: Wednesday (am) car parking availability within the survey area.

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Restriction	Parking Spaces Recorded	Spaces Occupied between 5pm – 8pm at maximum.	Percentage Occupancy
Clearway parks (AM)	17	13	23%
Clearway parks (PM)	18	0 (NA)	0% (NA)
2P	20	13	35%
1P (not including Vic St)	2	2	0%
Other* (Loading Zone / Permit / L2P)	0	0	0%
Unrestricted	22	17	22%
TOTAL	79	63 (Figure includes the 18 clearway parks as unavailable)	20%
		16 (available)	

Figure 6 : Wednesday (pm) car parking availability within the survey area.

Restriction	Parking Spaces Recorded	Spaces Occupied between 7am – 10am at maximum.	Percentage Occupancy
Clearway parks (AM)	17	6 (included on Sat.)	64%
Clearway parks (PM)	18	9	50%
2P	20	12	40%
1P (not including Vic St)	2	1	50%
Other* (Loading Zone / Permit / L2P)	0	0	0%
Unrestricted	22	14	36%
TOTAL	79	42	46%
		37 (available)	

Figure 7 : Saturday (am) car parking availability within the survey area.

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Adopting a centre-based approach to car parking and examining the data above there is no ambiguity over the fact that this centre is an area where car parking demand is high but there are existing robust restrictions in place within the survey area.

Assessing the situation empirically, a conservative estimate of the number of vehicular trips can be obtained by assuming all the members driving to the gymnasium during the PM peak hour and requiring parking, noting that staff vehicles are catered for on-site. This indicates 15 to 20 vehicles during the period between 5-7pm on a weekday. Assessing the situation either way (using the RTA Guide or empirically), it is evident that the vehicular traffic generation for the proposed development (approximately 15 to 20 vehicles) assumes that a high percentage of gym members will arrive by driving and none by public transport.

It must be pointed out that there are two existing leisure and recreation facilities in close proximity to this site. Those are at 567 and 555 Victoria Street.

2.0 Conclusion

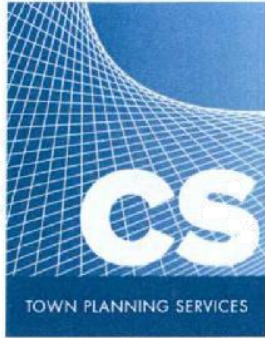
There is no prescribed car parking requirement for a gymnasium use at Clause 52.06 of the planning scheme. Empirical data specified in section 1.6 and 1.7 of this report indicated that the likely car parking demand generated from the use is 0.84 spaces. Parking inventory survey results are specified in section 1.7 of this report. From analysis of this data, together with consideration of the application under review the following conclusions are drawn:

- The use, as such will generate a minimal amount of extra traffic to the area, with most members already being in the area;
- Historically the site has relied on shared on street car parking as its chief means of accommodating visitors;
- Given this is a gymnasium use it is entirely likely that members will be performing multi – purpose trips within the area;
- There is likely to be a high demand for short stay car parking associated with the use (1 hour). This is compatible with the existing restrictions in effect in the survey area which encourage short stay visitors. From this perspective, the proposed occupation and use is ideal based on the existing restrictions.
- The fact that no complaints about the previous trade supplies use, in respect to traffic have been made in the past is demonstrative that this is an area where business' rely on shared car parking;
- The scale of the proposed use will have a negligible impact on the existing shared facilities;

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- The peak period of demand is outside the main business hours which may result in the site generating less demand on car parking supply during normal business hours than it currently does.

For these reasons outlined it is respectfully submitted that the application would have no detriment in respects to traffic movements or car parking.

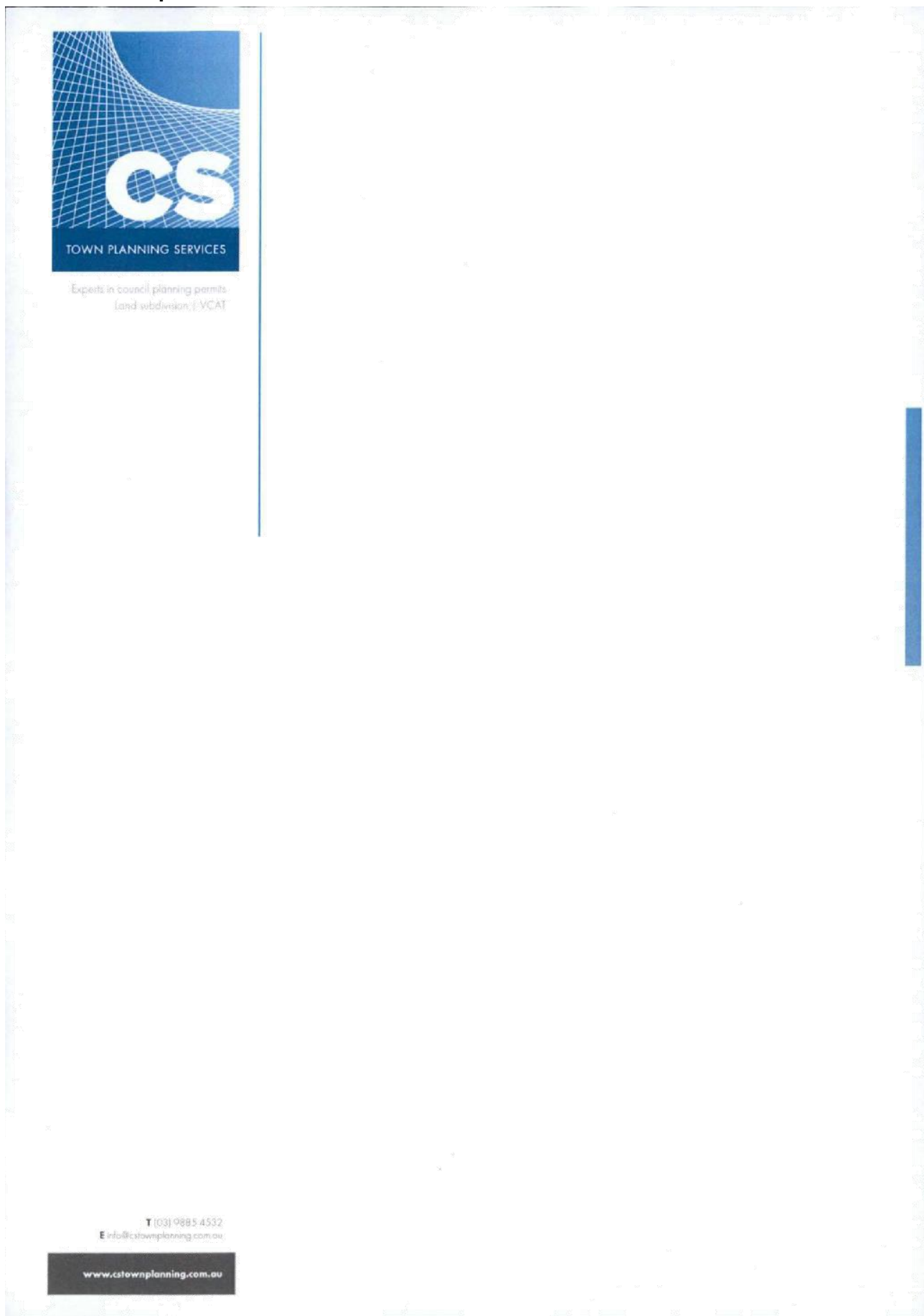
Yours faithfully,

Sherif Samuel – *Consultant Traffic Engineer (BSc) - CS Town Planning Services*

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Attachment 4 - PLN18/0873 - 571 - 573 Victoria Street Abbotsford - Engineering comments



MEMO

To: Robert Galpin
From: Artemis Bacani
Date: 15 March 2019
Subject: Application No: PLN18/0873
 Description: Change of Use - Restricted Recreation Facility (Gymnasium)
 Site Address: 571-573 Victoria Street, Abbotsford

I refer to the above Planning Application received on 7 February 2019 and the accompanying Traffic Assessment report prepared by CS Town Planning Services in relation to the proposed development at 571-573 Victoria Street, Abbotsford. Council's Civil Engineering unit provides the following information:

CAR PARKING PROVISION**Proposed Amendment**

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
Restricted Recreation Facility (Gymnasium)	50 Patrons 874 m ²	Not Specified in 52.06-5	To the satisfaction of the Responsible Authority	1*

* Garage to accommodate one accessible parking space – CS Town Planning Services Drawing No. TP05 dated 31 January 2019

The car parking assessment for the proposed gymnasium will be to Council's satisfaction as there is no specific parking rate for this particular use in the Planning Scheme. 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:

- *Parking Demand for Gymnasium Use.*
 To assess the car parking demand for the gymnasium, traffic impact assessment reports we have reviewed in the past have sourced the NSW Road & Maritime Services' Guide to Traffic Generating Developments which provides a gymnasium parking rate of 4.5 spaces per 100 square metres of gross floor area. Applying this rate for the gymnasium's floor area of 874 square metres would equate to 39 spaces. The actual parking demand for the gymnasium may be lower as some of the patronage to the gymnasium would be drawn from the businesses and residences in the local area. The provision of four bicycle spaces will encourage staff and patrons to ride a bicycle to and from the site.

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Attachment 4 - PLN18/0873 - 571 - 573 Victoria Street Abbotsford - Engineering comments

- *Availability of Public Transport in the Locality of the Land.*
The site is within walking distance of tram services operating along Victoria and Church Street.
- *Convenience of Pedestrian and Cyclist Access.*
The site has very good walking accessibility to public transport nodes and is within walking distance of shops, businesses, essential facilities and amenities. The site also has good connectivity to the on-road bicycle network.

Appropriateness of Providing Fewer Spaces than the Likely Parking Demand

Clause 52.06 lists a number of considerations for deciding whether the required number of spaces should be reduced. For the subject site, the following considerations are as follows:

- *Availability of Car Parking.*
CS Town Planning Services had undertaken on-street parking occupancy surveys of the surrounding area on Monday 12 November 2018 and Wednesday 14 November 2018 between 7:00am and 11:00am, and 5:00pm and 8:00pm, and Saturday 10 November 2018 between 7:00am and 10:00am. The survey area included sections of Victoria Street, Grosvenor Street, and Duke Street. The times and extent of the survey are considered appropriate. An inventory of 79 publicly available parking spaces were identified. The results of the survey indicate that the peak parking occupancy in the study area had occurred on Wednesday evening with 80 % of spaces occupied or 16 vacant spaces. The on-street parking demand in the immediate area of the site is moderate to high. The limited opportunity to park on-street would encourage both employees and visitors to use more sustainable forms for transportation to commute to the site.
- *Access to or Provision of Alternative Transport Modes.*
The site has very good accessibility to public transport and connectivity to the on-road bicycle network. The site is also in proximity to on-street car share pods. A GoGet car share pod is located in Shamrock Street, approximately 100 metres north-east of the site.
- *Relevant Local Policy or Incorporated Document.*
The proposed development is considered to be in line with the objectives contained in Council's *Strategic Transport Statement*. The site is ideally located with regard to sustainable transport alternatives and the lack of on-site car parking would discourage private motor vehicle use.

Adequacy of Car Parking

From a traffic engineering perspective, the waiver of car spaces for the proposed gymnasium is considered appropriate in the context of the development and the surrounding area. The site can easily be reached by public transport services.

The Civil Engineering Unit has no objections to the reduction in the car parking requirement for this site.

Attachment 4 - PLN18/0873 - 571 - 573 Victoria Street Abbotsford - Engineering comments**DEVELOPMENT LAYOUT DESIGN**

CS Town Planning Pt Ltd Drawing No.TP05 dated 31 January 2019

Layout Design Assessment

Item	Assessment
Car Parking Modules	
Accessible Parking Space	The proposed on-site car space has a depth of 4.80 metres.

Design Items to be Addressed

Item	Details
Accessible Parking Space	The depth of the on-site car space is considered too short for an accessible parking space or as a regular car space. A minimum depth of 5.4 metres is required to prevent the rear of a vehicle from overhanging the footpath. The depth of the car space must be increased to a minimum of 5.4 metres to satisfy AS/NZS 2890.6:2009 or AS/NZS 2890.1:2004.

Capital Works Programme

A check of the Capital Works Programme for 2018/19 indicates that no infrastructure works have been approved or proposed within the area of the site at this time.



Noise Emission Assessment Dukes Gym Abbotsford 571-573 Victoria Street Abbotsford, Victoria



Client:
Dukes Gym Abbotsford



27 February 2019

Attachment 5 - PLN18/0873 - 571 - 573 Victoria Street Abbotsford - Supplied Acoustic Report**Head Office**

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Document	Revision	Date	Prepared	Checked	Approved
4547R001.LB.190225	0	27 February 2019	LB	RH	

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GLOSSARY

NOISE

Noise is produced through rapid variations in air pressure at audible frequencies (20 Hz – 20 kHz). Most noise sources vary with time. The measurement of a variable noise source requires the ability to describe the sound over a particular duration of time. A series of industry standard statistical descriptors have been developed to describe variable noise, as outlined in Section 2 below.

NOISE DESCRIPTORS

dB – Decibels. The fundamental unit of sound, a Bell is defined as the logarithm of the ratio of the sound pressure squared over the reference pressure squared. A Decibel is one-tenth of a Bell. Probably the most common usage of the Decibel in reference to sound loudness is dB sound pressure level (SPL), referenced to the nominal threshold of human hearing. For sound in air and other gases, dB(SPL) is relative to 20 micropascals (μPa) = 2×10^{-5} Pa, the quietest sound a human can hear.

L_{Aeq} – The A-weighted sound pressure level averaged over the measurement period. It can be considered as the equivalent continuous steady-state sound pressure level, which would have the same total acoustic energy as the real fluctuating noise over the same time period. Measured in dB.

L_{Amax} – The maximum or peak A-weighted noise level that occurs over the measurement period. Measured in dB.

Indoor Design Level – The recommended maximum level in dB(A) inside a building from external noise sources.

A-WEIGHTING

"A-weighting" refers to a prescribed amplitude versus frequency curve used to "weight" noise measurements in order to represent the frequency response of the human ear. Simply, the human ear is less sensitive to noise at some frequencies and more sensitive to noise at other frequencies. The A-weighting is a method to present a measurement or calculation result with a number representing how humans subjectively hear different frequencies at different levels.

NOISE CHARACTER, NOISE LEVEL AND ANNOYANCE

The perception of a given sound to be deemed annoying or acceptable is greatly influenced by the character of the sound and how it contrasts with the character of the background noise. A noise source may be measured to have only a marginal difference to the background noise level, but may be perceived as annoying due to the character of the noise.

Acoustic Dynamics' analysis of noise considers both the noise level and sound character in the assessment of annoyance and impact on amenity.

Attachment 5 - PLN18/0873 - 571 - 573 Victoria Street Abbotsford - Supplied Acoustic Report**1 INTRODUCTION****1.1 SUMMARY**

Acoustic Dynamics is engaged by **Dukes Gym Abbotsford** to assess noise emission resulting from operation of the proposed gym located at 571-573 Victoria Street, Abbotsford Victoria in accordance with the requirements of Yarra City Council.

This document provides an assessment of noise emission levels at nearby sensitive receivers resulting from various noise sources associated with the gym. This assessment is prepared in accordance with the various acoustic requirements of Yarra City Council, Environment Protection Authority Victoria (EPA) and relevant Australian Standards.

1.2 LOCATION & DESCRIPTION OF DEVELOPMENT

The proposed gym is to be located within a freestanding, two storey commercial development at 571-573 Victoria Street, Abbotsford within a Commercial 2 Zone (C2Z) land zone. The subject commercial tenancy has two road frontages with the southern boundary direct to Victoria Street, the western boundary to Duke Street, the northern boundary direct to a laneway whilst the eastern boundary is shared with a commercial tenancy.

The local noise environment is dominated by noise from trams and traffic along Victoria Street and mechanical noise emission associated with commercial operations located adjacent and within close proximity to the subject development site.

The various noise sources associated with the gym include items of exercise equipment which will be located within the gym, such as cardio equipment, weight machines and a free weights area. Further, Acoustic Dynamics understands the proponent has applied for a maximum patronage of 50 with approximately 40 patrons expected during peak hours. Acoustic Dynamics advises that we have assessed up to 60 patrons using the gym simultaneously to conservatively demonstrate compliance with the relevant criteria. Light music will be provided within the internal areas of the gym.

Acoustic Dynamics understands that the subject gym is proposed to operate 24 hours per day, 7 days a week.

With regard to acoustical assessment, the nearest receivers are as follows:

- Sensitive receivers located at 408 Victoria Street;
- Sensitive receivers located at 424-428 Victoria Street;
- Sensitive receivers located at 609 Victoria Street;
- Commercial receivers located at 567-569 Victoria Street; and
- Commercial receivers located at 575 Victoria Street.

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The assessment of the noise emission from the subject premises to the nearest receivers are considered to be the worst-case scenario. Compliance at the assessed locations will ensure compliance at all other receivers.

Acoustic Dynamics understands that patrons will either arrive at the gym by foot or public transport or utilize parking on the surrounding local streets. Accordingly, noise emission due to patron ingress/egress and vehicle activity has been at the nearest receivers.

The proposed gym will be utilising existing mechanical plant associated with the subject building (located on the rooftop) to provide ventilation to the subject commercial tenancy. The items of mechanical plant are three VRF outdoor units with the following specification:

- Toshiba VRF: SWL = 82 dB(A) each unit.

NB. Acoustic Dynamics advises the units were not operating during the long-term unattended noise logging period.

The subject building and surrounding area is shown in the Location Map, Aerial Photo and Planning Map presented within **Appendix A**.

1.3 SCOPE

Acoustic Dynamics has been engaged to provide an acoustic assessment suitable for submission to Yarra City Council.

The scope of the assessment is to include the following:

- Review of legislation, Council criteria and Australian Standards relevant to the internal noise emission at the proposed development;
- Travel to site to conduct inspections and testing;
- Conduct noise monitoring to establish ambient noise levels within the development site;
- Examination of architectural drawings (dated 21 January 2019); and
- Prediction of likely noise emission associated with the development.

2 ASSESSMENT CRITERIA AND STANDARDS

Acoustic Dynamics has conducted a review of the local council, state government and federal legislation that is applicable to noise assessment for the proposed development. The relevant sections of the legislation are presented below. The most stringent criteria which have been used in the assessment of the proposed development are summarised below.



2.1 YARRA CITY COUNCIL CRITERIA

2.1.1 YARRA PLANNING SCHEME – CLAUSE 13.05

“13.05 NOISE

13.05-1S Noise abatement

Objective

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

Strategy

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.

Policy guidelines

Planning must consider as relevant:

- *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.*
- *State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 (in metropolitan Melbourne).*
- *Interim Guidelines for Control of Noise from Industry in Country Victoria (Environment Protection Authority, 1989).*
- *A Guide to the Reduction of Traffic Noise (VicRoads 2003)."*

2.2 ENVIRONMENTAL PROTECTION ACT

2.2.1 STATE ENVIRONMENT PROTECTION POLICY – NO. N-1

In the Melbourne metropolitan area, industry compliance with the noise limits is set by the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 (SEPP N-1) and is mandatory under Section 46 of the Environment Protection Act 1970 (EPA). The limits are determined based on the purpose of the local land zones as well the existing ambient background noise levels at a given noise sensitive receiver and are used to exemplify the reasonable amenity expectations for the area.

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To establish the acoustic environment at the subject site in accordance with the guidelines of EPA Victoria and Yarra City Council, unattended long-term noise monitoring was conducted from the southern roof top of subject development site, between Monday 18 February and Monday 25 February 2019. This data was supplemented and correlated with short-term operator attended measurements conducted in front of the nearest residential receivers along Victoria Street, at ground level.

Acoustic Dynamics advises the measurement locations are representative of the existing noise environment at the nearest sensitive receivers. The prevailing weather conditions during the short-term operator attended noise monitoring were generally calm and did not influence the noise measurements taken.

Following the general procedures outlined in the SEPP N-1, a summary of the established noise environment, and relevant noise objectives is presented in **Table 2.1** below.

Table 2.1 SEPP N-1 Measured & Calculated Noise Levels and Noise Limits for Nearest Sensitive Receiver

Location	Assessment Period	Day of the Week	Time	Measured L_{A90} Background Noise Level [dB]	Zoning Level [dB]	Background Relative to Zoning Level	Noise Limit [dB]
Nearest Sensitive Receivers 408 Victoria St	Day	Mon to Fri	7am - 6pm	53	56	High	59
		Sat	7am - 1pm				
	Evening	Mon to Fri	6pm - 10pm	50	49	High	53
		Sat	1pm - 10pm				
		Sun & P/Hols	7am - 10pm				
	Night	Mon to Sun	10pm - 7am	44	44	High	47

In addition, the SEPP N-1 policy states that the measured or predicted noise level associated with the operation of the subject development shall be presented as an L_{Aeq} noise level. Where required, the emitted noise level is to be adjusted for noise character, tonality and duration and is to be presented as the effective noise level (L_{eff}).

2.2.2 STATE ENVIRONMENTAL PROTECTION POLICY NO. N-2

The State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2) sets mandatory noise limits and noise objectives for controlling noise pollution from music produced at indoor and outdoor venues. The purpose of the limits is to protect sensitive receivers from unreasonable interference from music produced by venues. Compliance with SEPP N-2 is mandatory under section 46 of the Environment Protection Act 1970.

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The SEPP N-2 establishes noise limits that are to be complied with in a noise sensitive area. The policy defines the times for day, evening and night which can vary according to the number of operations per week and the days of the week in which they occur.

Acoustic Dynamics understands that the proponent intends to operate 24 hours per day, seven days a week. **Table 2.2** below presents the derivation of SEPP N-2 criteria for the subject development. **Table 2.3** and **Table 2.4** present a summary of the SEPP N-2 derived noise limits for the day and night assessment periods.

Table 2.2 SEPP N-2 Noise Criteria for Nearest Sensitive Receiver

Assessment Period	Day	SEPP N-2 Noise Limit [dB]
Day/Evening	Saturday 10am – 10pm	Music Noise (L_{Aeq}) $\leq L_{A90} + 5dB$ at the Nearest Sensitive Receiver
	Sunday 12pm – 9pm	
	Other 9am – 10pm	
Night	Saturday 10pm – Midnight	Music Noise (L_{A10}) $\leq L_{AOC90} + 8dB$ at the Nearest Sensitive Receiver
	Sunday 9pm – 9am	
	Other 10pm – 9am	

Table 2.3 SEPP N-2 Determined Daytime/Evening Noise Limits for Nearest Sensitive Receiver

Location	Assessment Period	Measured L_{A90} External Noise Emission	L_{Aeq} Noise Limit [dB]
Nearest Sensitive Receiver 408 Victoria St	Daytime/Evening	44	49

Table 2.4 SEPP N-2 Determined Night-time Noise Limits for Nearest Sensitive Receiver

Location	Assessment Period	Measured L_{A90} External Noise Emission and L_{AOC10} Criteria[dB]							
		Octave Band Centre Frequency [Hz]							
		63	125	250	500	1K	2K	4K	O/A
Nearest Sensitive Receiver 408 Victoria St	Night-time	9	21	33	36	40	39	28	44
		+8	+8	+8	+8	+8	+8	+8	-
		17	29	41	44	48	47	36	52

2.2.3 SLEEP DISTURBANCE CRITERION

Acoustic Dynamics advises that sleep disturbance is a complex issue, and the potential for sleep disturbance to occur depends on both the level of noise at a sensitive receiver, and the number of events that occur. For guidance on the impact of sleep disturbance, the NSW Environmental Protection Agency's document "*Noise Guide for Local Government*" can be referred to in Victoria, although it is not an enforceable policy.

The NSW EPA has in the past investigated overseas and Australian research on sleep disturbance. The method of assessing noise for sleep disturbance relies on the application of

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a screening that indicates the potential for this to occur. The EPA's Noise Guide for Local Government, provides the following guidance for such a screening test:

"Currently, there is no definitive guideline to indicate a noise level that causes sleep disturbance and more research is needed to better define this relationship. Where likely disturbance to sleep is being assessed, a screening test can be applied that indicates the potential for this to occur. For example, this could be where the subject noise exceeds the background noise level by more than 15 dB(A). The most appropriate descriptors for a source relating to sleep disturbance would be $L_{A1(1 \text{ minute})}$ (the level exceeded for 1% of the specified time period of 1 minute) or L_{Amax} (the maximum level during the specified time period) with measurement outside the bedroom window."

Further to the above information, the following summarizes the sleep disturbance criterion:

$$L_{Amax} \text{ or } L_{A1(1 \text{ minute})} < L_{A90} + 15 \text{ dB(A)}$$

In addition to the above, the NSW EPA has previously published the following additional information relating to findings of significant research carried out for sleep disturbance:

"Maximum internal noise levels below 50-55 dBA are unlikely to cause awakening reactions... One or more noise events per night, with maximum internal noise levels of 65-70 dBA, are not likely to affect health and wellbeing significantly."

Based on the measured external ambient background noise level, the following sleep disturbance screening criterion was determined:

$$\text{Sleep Disturbance Criterion} = 44 \text{ dB(A)} (L_{A90}) + 15 \text{ dB(A)} = \mathbf{59 \text{ dB(A)}}$$

2.3 RELEVANT AUSTRALIAN STANDARDS

2.3.1 AS 2107 – "ACOUSTICS – RECOMMENDED DESIGN SOUND LEVELS ...FOR BUILDINGS"

Australian Standard 2107:2016 recommends satisfactory and maximum design sound levels for various types of occupancy within buildings. AS 2107 recommends the following satisfactory and maximum design sound levels for the relevant types of occupancies and areas which are located adjacent and within close proximity to the proposed gym.

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Table 2.5 – Recommended Design Sound Levels for Different Areas of Occupancy in Buildings
(Extract from Australian Standard 2107 Table 1)

Type of occupancy / activity	Design sound level, ($L_{Aeq,T}$) range
5 OFFICE BUILDINGS General office area	40 to 45
7 RESIDENTIAL BUILDINGS Houses and apartments in inner city areas or entertainment districts or near major roads- Apartment common areas (e.g. foyer, lift lobby)	45 to 50
Living areas	35 to 45
Sleeping areas (night time)	35 to 40
Work areas	35 to 45
8 SHOP BUILDINGS Small retail stores (general)	< 50
Show rooms	< 50

Acoustic Dynamics advises that any levels of airborne noise or regenerated noise transmitted into the tenancies adjacent and within close proximity to the proposed gym should not exceed the relevant maximum design sound levels presented in **Table 2.5** above. By ensuring the noise levels from the proposed gym received within the nearby tenancies do not exceed the above recommended maximum internal design level, it is likely to ensure occupants of the nearby tenancies are not adversely affected by the use and operation of the proposed gym.

2.4 INSTRUMENTATION & MEASUREMENT STANDARDS

All measurements were conducted in general accordance with Australian Standard 1055.1-1997, "Acoustics - Description and Measurement of Environmental Noise Part 1: General Procedures". Acoustic Dynamics' sound measurements were carried out using precision sound level meters conforming to the requirements of IEC 61672-2002 "Electroacoustics: Sound Level Meters – Part 1: Specifications". The survey instrumentation used during the survey is set out in **Table 2.6**.

Table 2.6 – Noise Survey Instrumentation

Type	Serial Number	Instrument Description
2270	2664115	Brüel & Kjaer Modular Precision Sound Level Meter
4189	2385698	Brüel & Kjaer 12.5 mm Prepolarised Condenser Microphone
4230	623588	Brüel & Kjaer Acoustic Calibrator
NGARA	878068	ARL Environmental Noise Logger

The reference sound pressure level was checked prior to and after the measurements using the acoustic calibrator and remained within acceptable limits.



3 ASSESSMENT

The following subsections provide an assessment of the proposed gym against the various noise emission criteria and objectives outlined in **Section 2** above.

3.1 OPERATIONAL NOISE EMISSION TO RECEIVERS

Based on previous experience and the drawings and information provided by the proponent, Acoustic Dynamics has conservatively undertaken modelling and calculations to predict the likely **maximum** $L_{Aeq,15min}$ noise emission levels at the nearest receiver locations during the **quietest time** of the operation being the night-time period, resulting from the following noise sources and activities:

- ❑ The provision of background music within the gym and maximum capacity use of the various items of fitness equipment (including exercise machines, weight machines and free weights);
- ❑ The egress of patrons (calculations based on the conservative assumption of a maximum of 25 patrons in a 15-minute period during the daytime, evening and night-time hours);
- ❑ A typical maximum number of 40 patrons concurrently using the proposed gym and its equipment within any 15-minute assessment period;
- ❑ Acoustic Dynamics understands that the existing tenancy will be serviced by the existing rooftop mechanical plant; and
- ❑ The arrival and departure of patron vehicles along Victoria, utilising the street parking on the surrounding roads. A maximum of 25 vehicle movements within a 1-hour period is conservatively assumed, during the operation of the proposed gym.

We advise that the above scenario is very unlikely to occur during the night-time period. However, we assess the above scenario to ensure the **worst-case** scenario achieves compliance during the most-sensitive time of operation, being the night-time period.

The calculated maximum noise emission levels at the nearest external receiver locations and the relevant noise emission criteria are presented in **Table 3.1** and **Table 3.2** below. It is advised that by achieving compliance with the nearest receiver locations, compliance will also be achieved at all other receiver locations further away.

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Table 3.1 – Max Noise Emission Levels & Criteria – Nearest External Sensitive Receivers (SEPP N-1)

Receiver Location	Noise Source	Assessment Period	Maximum $L_{Aeq(15min)}$ Noise Emission Level [dB]	Overall $L_{Aeq(15min)}$ Noise Contribution [dB]	Noise Limit $L_{Aeq(15min)}$ [dB]	Complies ?
Sensitive Receiver(s) at 408 Victoria St	Mechanical Plant	Night-time (10pm to 7am) ¹	41	42	47	Yes
	Use and Operation of Gym		28			
	Access / Egress of Patrons		26			
	Car Movements		28			
Sensitive Receiver(s) at 424-428 Victoria St	Mechanical Plant	Night-time (10pm to 7am) ¹	39	39	47	Yes
	Use and Operation of Gym		18			
	Access / Egress of Patrons		24			
	Car Movements		27			
Sensitive Receiver(s) 609 Victoria St	Mechanical Plant	Night-time (10pm to 7am) ¹	39	40	47	Yes
	Use and Operation of Gym		< 0			
	Access / Egress of Patrons		24			
	Car Movements		29			

Note: 1) Acoustic Dynamics advises that by achieving compliance with the more stringent night time criteria, compliance will also be achieved with the less stringent daytime criteria.

Table 3.2 – Max L_{Aeq} Road Traffic Noise Emission Levels & Criteria for Sensitive Receivers

Receiver Location	Noise Source	Assessment Period	Calculated Maximum $L_{Aeq(1Hr)}$ Noise Level [dB]	Noise Limit $L_{Aeq(1Hr)}$ [dB]	Complies ?
Nearby Sensitive Receivers	Off-site Car Movements	Night-time (10pm to 7am) ¹	41	47	Yes

Note: 1) Acoustic Dynamics advises that by achieving compliance with the more stringent night time criteria, compliance will also be achieved with the less stringent daytime criteria.

2) Calculated on the basis of 25 cars per hour utilising adjacent roads at an average distance of 15 metres, which is deemed to be a highly conservative estimate.

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Table 3.3 Predicted External L_{A10} Night-time Emission Levels for Nearest Sensitive Receiver (SEPP N-2)

Location	Assessment Period	Method for Calculation of Criteria	Octave Band Centre Frequency [Hz]								Complies ?
			63	125	250	500	1K	2K	4K	O/A	
Sensitive Receiver(s) at 408 Victoria St	Night-time (10pm to 7am) ¹	Octave Band $L_{A90} + 8\text{dB}$	17	29	41	44	48	47	36	52	-
		Predicted Max L_{A10} Emission Levels	8	5	3	1	< 0	< 0	3	15	Yes
Sensitive Receiver(s) at 424-428 Victoria St	Night-time (10pm to 7am) ¹	Predicted Max L_{A10} Emission Levels	2	1	< 0	< 0	< 0	< 0	< 0	5	Yes
Sensitive Receiver(s) 609 Victoria St	Night-time (10pm to 7am) ¹	Predicted Max L_{A10} Emission Levels	< 0	< 0	< 0	< 0	< 0	< 0	< 0	< 0	Yes

Note: 1) Acoustic Dynamics advises that by achieving compliance with the more stringent night time criteria, compliance will also be achieved with the less stringent daytime criteria.

The predicted noise emission levels presented above in Table 3.1, Table 3.2, and Table 3.3 include allowances for relevant distance, direction and shielding losses, along with the incorporation of the acoustic mitigation provided by the recommendations presented in Section 7 of this report.

3.1.1 SLEEP DISTURBANCE

Acoustic Dynamics has also determined the potential maximum $L_{A1(60\text{ Sec})}$ noise emission from the proposed gym to be **41 dB** from the activities within the gym at the nearest potential sensitive receivers, during night-time hours. We advise that the calculated L_{A1} noise emission from all gym-related activities achieves compliance with the NSW EPA sleep disturbance screening criterion during night-time hours of $L_{A1(60\text{ sec})} \leq 58 \text{ dB}$. It is advised that by achieving compliance with the nearest sensitive receivers, compliance will also be achieved at all other sensitive receiver locations further away.

Acoustic Dynamics has determined the potential maximum $L_{A1(60\text{ Sec})}$ noise emission from the closing of car doors along the surrounding local roads to be **64 dB** at the adjacent sensitive receivers during night-time hours. We advise that to achieve compliance with the NSW EPA sleep disturbance criterion during night-time hours the proponent adopt the following management policy:

- Acoustic Dynamics recommends the proponent adopt a management policy requiring that patrons and staff **do not** park along Victoria Street during the night-time hours (10:00pm to 7:00am). The likelihood of sleep disturbance being exceeded would then be minimized with predicted $L_{A1(60\text{ sec})}$ noise levels typically ≤ 55 .

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Acoustic Dynamics advises that the above calculated noise emission levels are conservatively based on the maximum source noise levels and maximum capacity operations (i.e. **worst-case scenario**) at the proposed gym. Acoustic Dynamics advises that such a scenario is unlikely to occur for the majority of the time.

3.2 OPERATIONAL NOISE EMISSION TO COMMERCIAL RECEIVERS (INT)

Acoustic Dynamics has conservatively undertaken modelling and calculations to predict the potential **maximum** L_{Aeq} internal reverberant noise level within the immediately adjacent commercial tenancies resulting from the following noise sources and activities:

- The provision of background music within the gym – Internal Reverberant Sound Pressure Level of **80 dB(A)**; and
- Use of barbells and fitness equipment – Internal Reverberant Sound Pressure Level of **83 dB(A)**

Acoustic Dynamics assumes that the wall currently separating the proposed gym from the adjacent commercial premises (to the east) is likely to achieve a minimum $R_w + C_{tr} = 45$, whilst the construction of the external facade of the premises to the west is likely to achieve a minimum $R_w + C_{tr} = 40$.

The noise levels within the commercial tenancies due to the gym activity after the recommendations outlined in **Section 4** are presented below in **Table 3.4**.

Table 3.4 Max Noise Emission Levels & Criteria – Nearest Internal Commercial Receivers (AS2107)

Receiver Location	Noise Source	Assessment Period	Maximum $L_{Aeq(15min)}$ Noise Emission Level [dB]	Overall $L_{Aeq(15min)}$ Noise Contribution [dB] ¹	AS210 Internal Design Levels $L_{Aeq(15min)}$ [dB]	Complies ?
Commercial Receiver(s) at 567-569 Victoria St	Mechanical Plant	Anytime	50	34 ¹	40 to 45	Yes
	Use and Operation of Gym		64			
	Music		46			
	Access / Egress of Patrons		32			
	Car Movements		29			

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Receiver Location	Noise Source	Assessment Period	Maximum $L_{Aeq(15min)}$ Noise Emission Level [dB]	Overall $L_{Aeq(15min)}$ Noise Contribution [dB] ¹	AS210 Internal Design Levels $L_{Aeq(15min)}$ [dB]	Complies ?
Commercial Receiver(s) at 575 Victoria St	Mechanical Plant	Anytime	37	13 ¹	40 to 45	Yes
	Use and Operation of Gym		41			
	Music		24			
	Access / Egress of Patrons		27			
	Car Movements		29			

Note: 1) Acoustic Dynamics advises that the presented noise levels are the calculated noise levels to the external facade minus the transmission losses for 5mm monolithic glazing ($R_w + C_{tr} = 29$) and brick masonry construction ($R_w + C_{tr} = 45$).

Acoustic Dynamics advises that the above calculated noise emission levels are conservatively based on the **maximum** source noise levels and **maximum** capacity operations (i.e. **worst-case scenario**) at the proposed gym. Acoustic Dynamics advises that such a scenario is unlikely to occur for the majority of the time.

4 RECOMMENDATIONS

4.1 RECOMMENDED MANAGEMENT PLAN

Acoustic Dynamics' calculations and analysis indicate that the predicted noise emission associated with the use and operation of the proposed gym will achieve compliance with the various relevant noise emission criteria. We provide the following recommendations to be incorporated into the proposed gym to ensure noise emission is adequately managed and minimised during operation of the gym.

We recommend a management plan incorporating measures to protect the acoustic amenity of the surrounding area be implemented by the proprietor. Such a management plan should outline policies and procedures to ensure noise emission from patrons at the proposed gym are kept to a minimum, including:

- 1) Ensuring the doors and roller doors of the proposed gym are kept closed at all times (other than when patrons enter and exit the premises);
- 2) If operable windows are installed along the southern facade, they should be kept closed during night time hours 10:00pm to 7:00am;

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- 3) All doors on the external facade should have an appropriate acoustic seal installed around the door frame and door bottom;
- 4) The erection of clear signage at all studio entries and exits advising patrons that they must not generate excessive noise when entering and leaving the premises;
- 5) Staff monitoring the behaviour of patrons within the subject premises and as patron's egress to ensure noise emission of patrons is kept to a minimum when entering and leaving the premises;
- 6) Restricting the use of low frequency speakers (sub-woofers) and ensuring any full range speakers are isolated from building services;
- 7) The noise level of background music within the gym should be kept to a level below **L_{Amax} 80 dB(A)** at all times to enable speech intelligibility within the gym and to ensure patrons are not required to raise their voices while in the gym. Note is made that the maximum internal reverberant sound pressure level can be set to ensure the adjacent receivers are not adversely affected by the operation of the subject gym, following the fit-out of the premises and installation of the speaker system;
- 8) The installation of impact sound absorbing flooring to reduce the regenerated noise and vibration throughout the building;
- 9) The implementation of an appropriate management policy regarding the dropping of weights, including:
 - Education of staff and all patrons instructing how to place weights without dropping;
 - Erection of clearly visible signage throughout the gym advising patrons they must not drop weights or allow weights to drop on the floor, or use weights outside the designated weight areas;
 - Imposition of penalties (patron warnings, suspensions or lockout warnings) on patrons identified dropping weights; and
- 10) Instruct patrons and staff not to park along Victoria Street during night-time hours (10:00pm to 7:00am) to reduce the likelihood of sleep disturbance due to car doors closing.

Acoustic Dynamics advises that incorporation of the above recommendations will ensure that predicted noise emission associated from the use and operation of the proposed gym complies with the relevant noise emission criteria and not adversely impact nearby receivers.

5 CONCLUSION

Acoustic Dynamics has conducted an acoustic assessment of the noise emission resulting from the use and operation of the proposed Dukes gym located at 571-573 Victoria Street Abbotsford, Victoria in accordance with the requirements of Yarra City Council.

Attachment 5 - PLN18/0873 - 571 - 573 Victoria Street Abbotsford - Supplied Acoustic Report



Acoustic Opinion

Further to the noise monitoring and measurements conducted, our review of the relevant acoustic criteria and requirements and our calculations, Acoustic Dynamics advises that the predicted noise emission associated with the proposed gym development will comply with the relevant noise emission criteria of Yarra City Council, EPA Victoria and relevant Australian standards subsequent to the incorporation of the recommendations outlined within Section 4.

We trust that the above information meets with your requirements and expectations. Please do not hesitate to contact us on 02 9908 1270 should you require more information



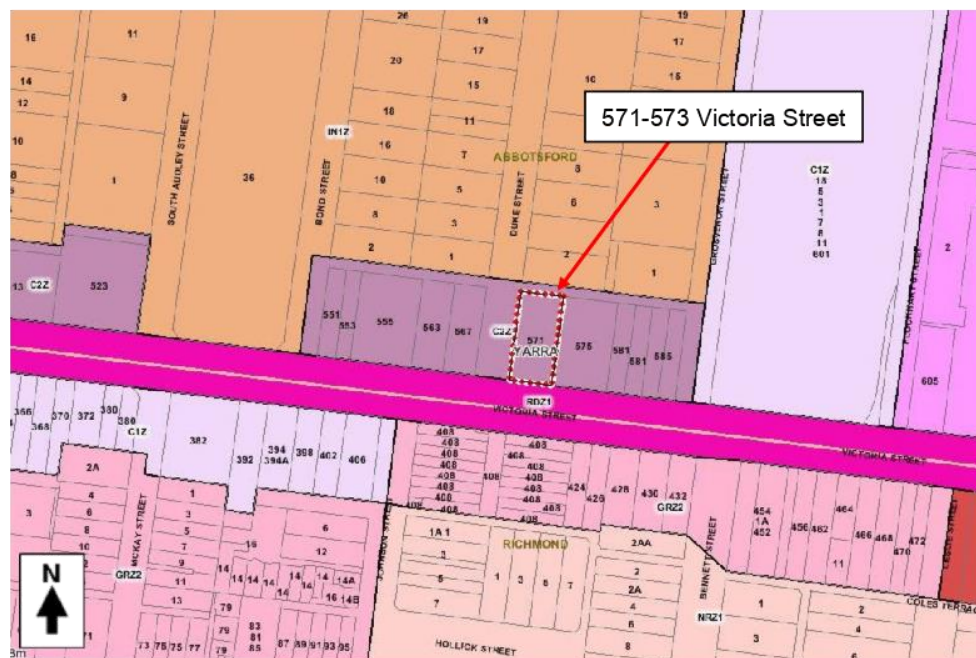
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ACOUSTIC DYNAMICS – EXCELLENCE IN ACOUSTICS

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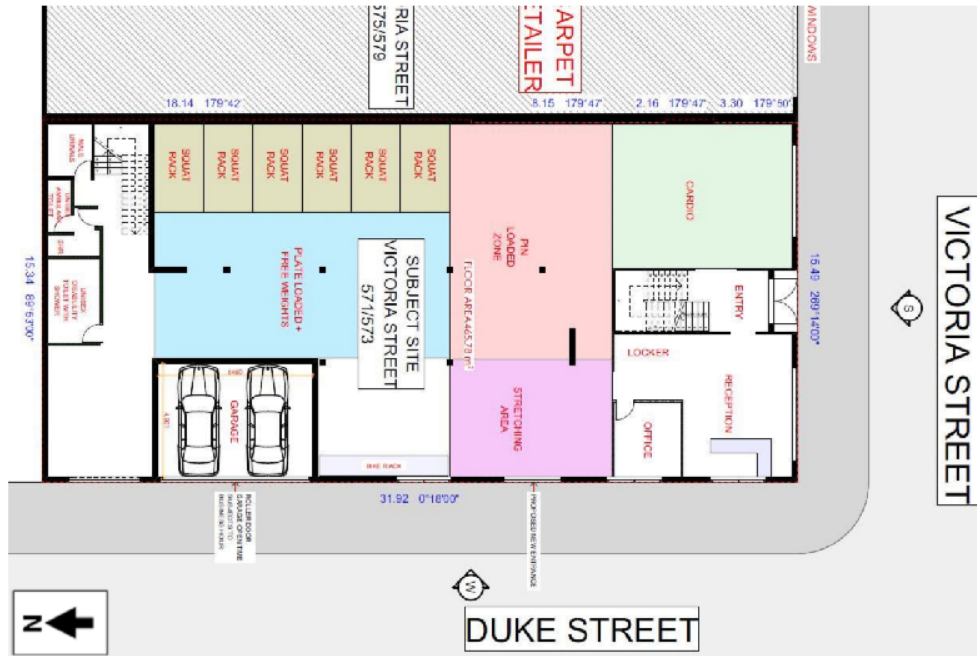


A.3 PLANNING MAP

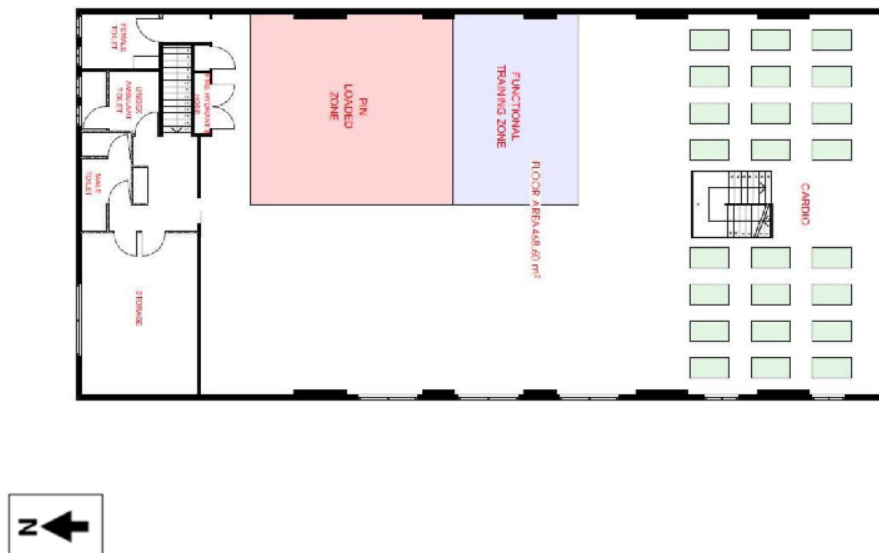




APPENDIX B – DRAWINGS



Ground Floor Plan

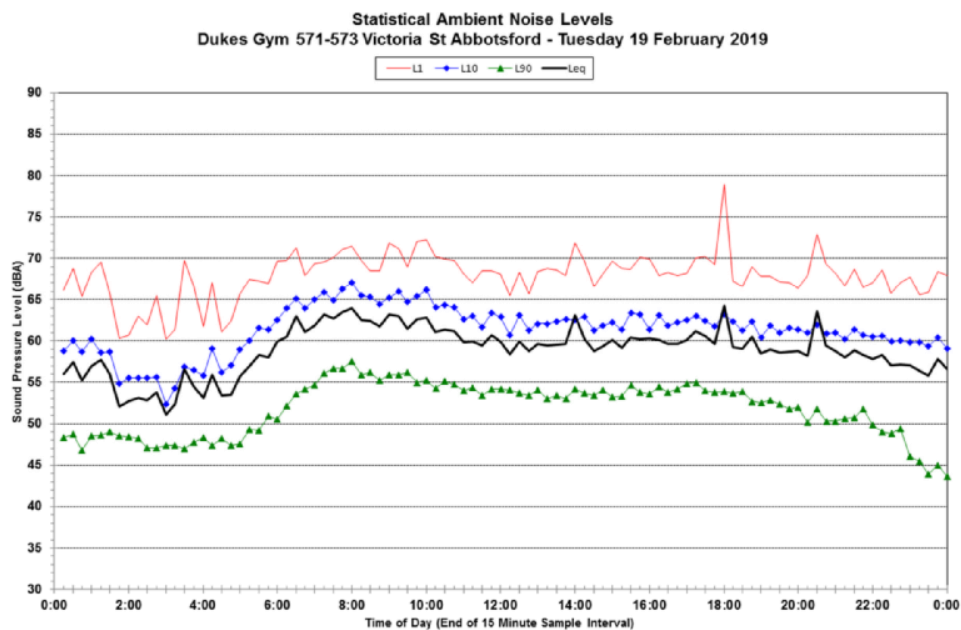
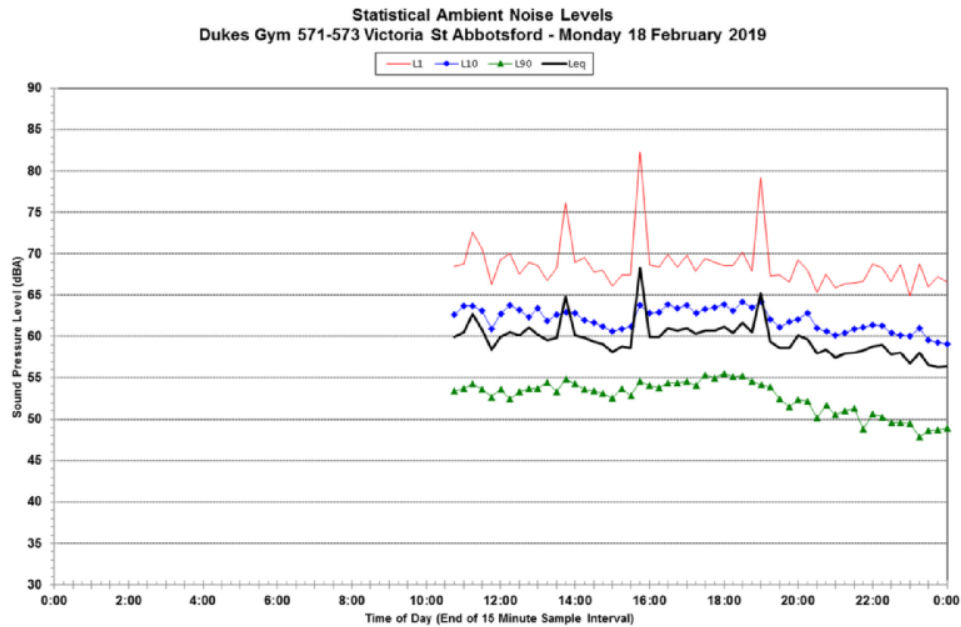


First Floor Plan

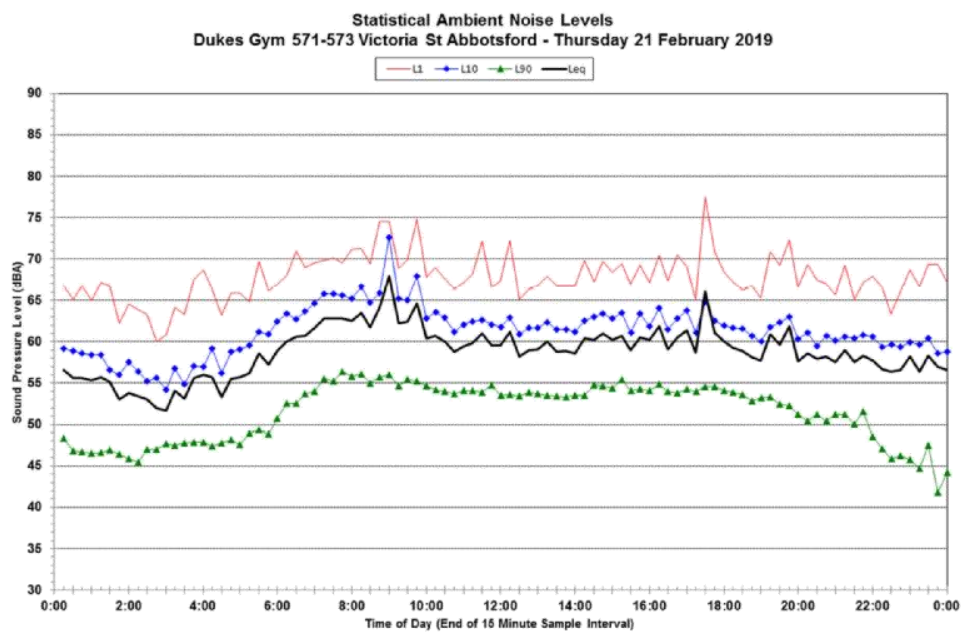
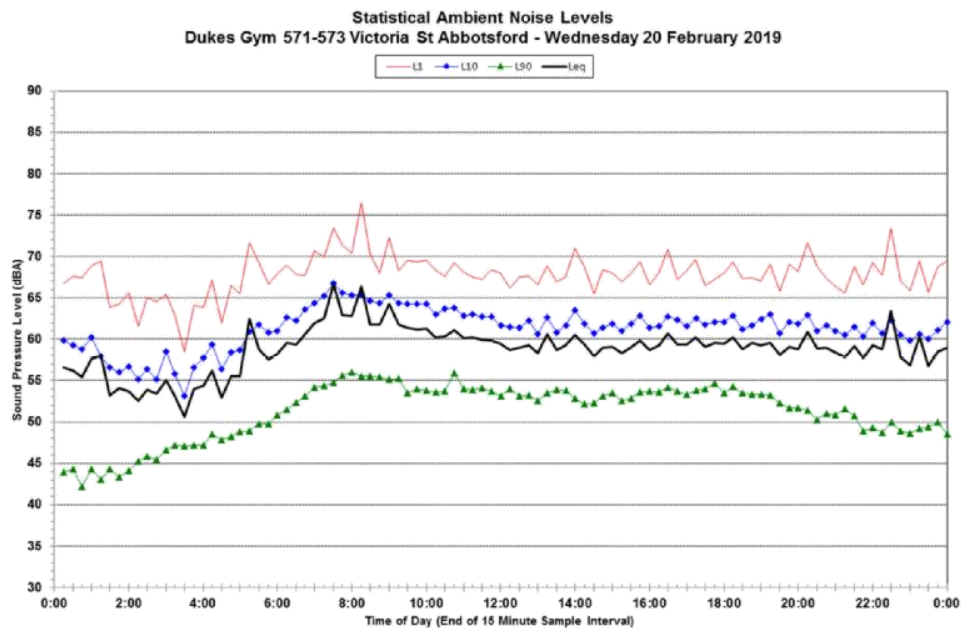
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APPENDIX C – UNATTENDED NOISE LOGGER DATA



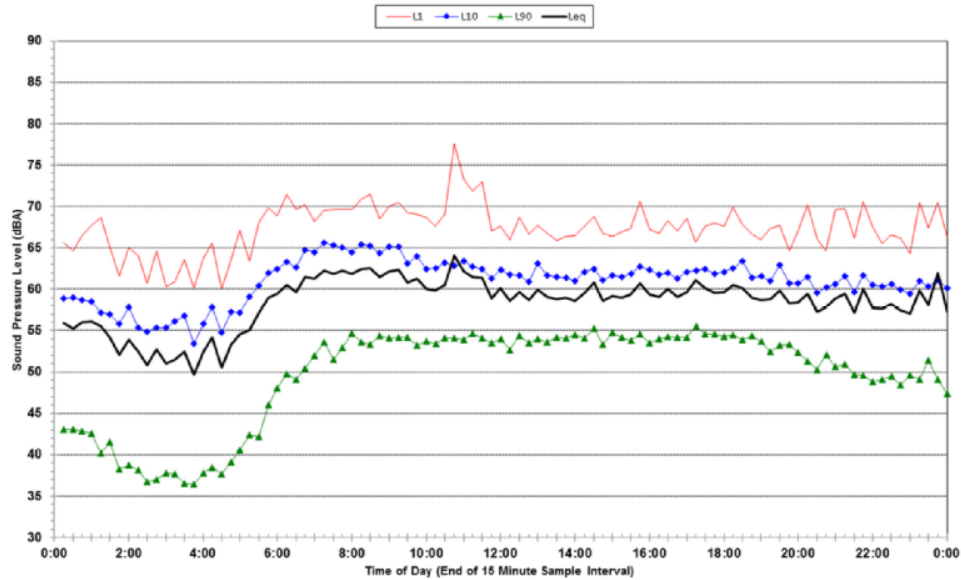
Attachment 5 - PLN18/0873 - 571 - 573 Victoria Street Abbotsford - Supplied Acoustic Report



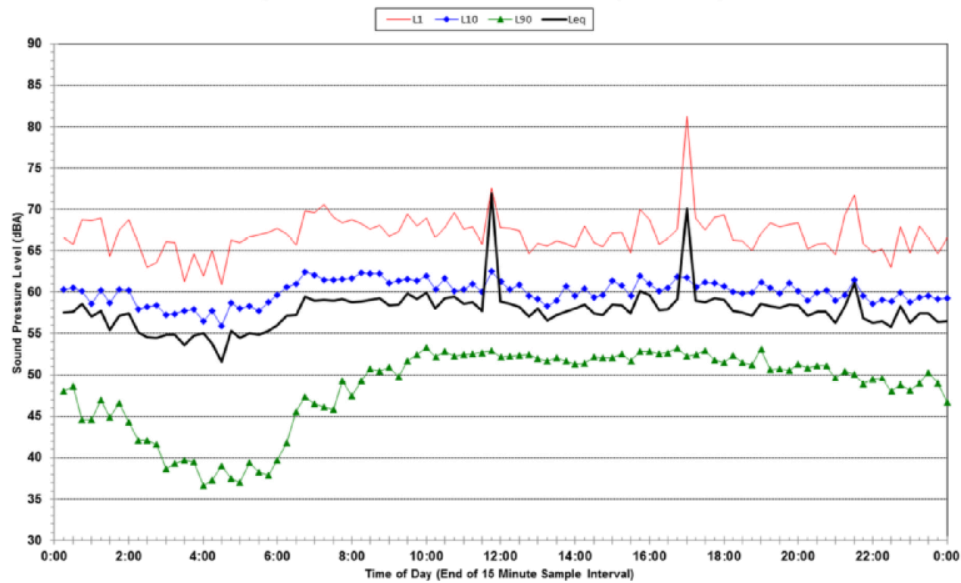
Attachment 5 - PLN18/0873 - 571 - 573 Victoria Street Abbotsford - Supplied Acoustic Report



Statistical Ambient Noise Levels
Dukes Gym 571-573 Victoria St Abbotsford - Friday 22 February 2019



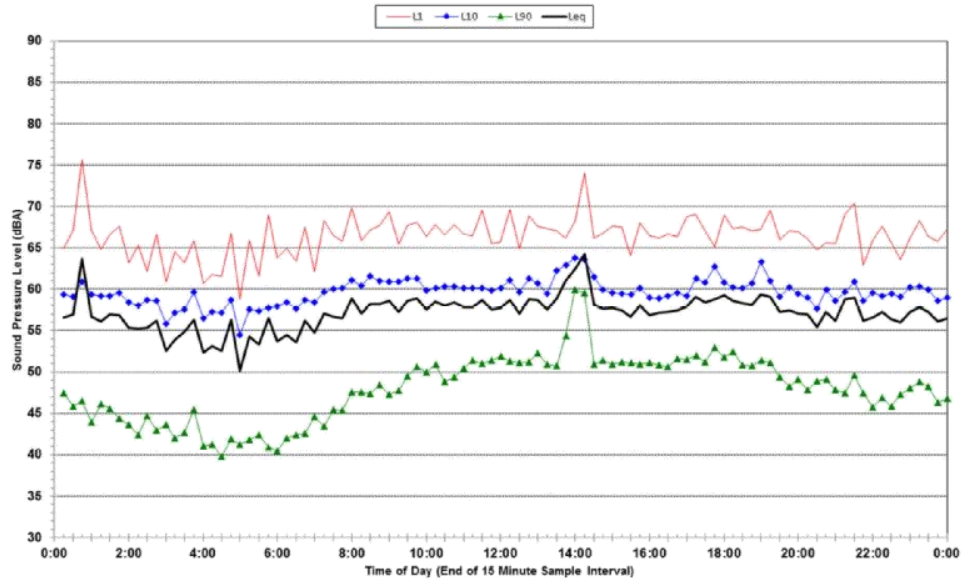
Statistical Ambient Noise Levels
Dukes Gym 571-573 Victoria St Abbotsford - Saturday 23 February 2019



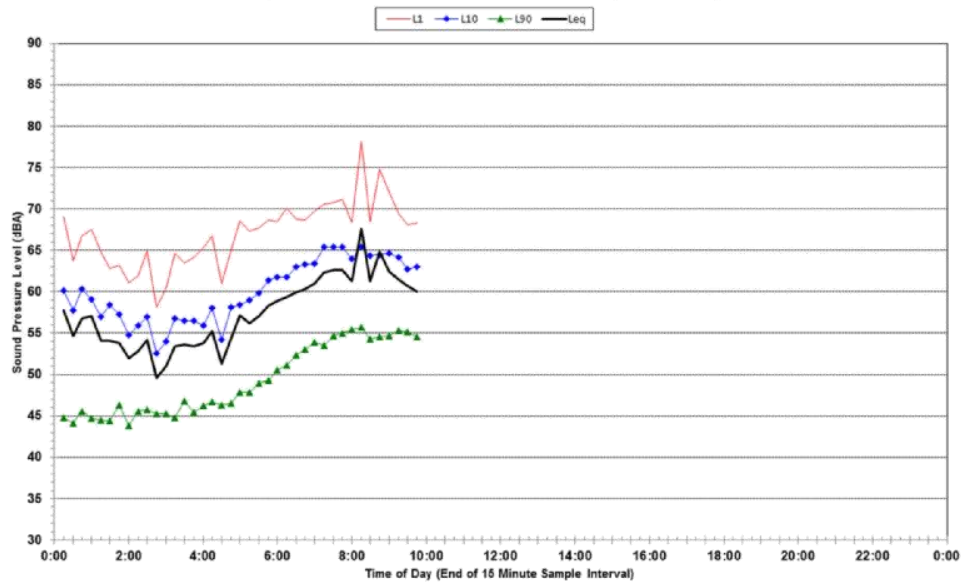
Attachment 5 - PLN18/0873 - 571 - 573 Victoria Street Abbotsford - Supplied Acoustic Report



**Statistical Ambient Noise Levels
Dukes Gym 571-573 Victoria St Abbotsford - Sunday 24 February 2019**



**Statistical Ambient Noise Levels
Dukes Gym 571-573 Victoria St Abbotsford - Monday 25 February 2019**



Attachment 6 - PLN18/0873 - 571 - 573 Victoria Street Abbotsford - SLR Report



12 April 2019

640.10090.05860 571-573 Victoria St Abbotsford 20190412.docx

Yarra City Council
PO Box 168
RICHMOND 3121

Attention: Robert Galpin

Dear Robert

571-573 Victoria Street Abbotsford, Victoria Development Application Acoustic Review PLN 18/0873

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the acoustic assessment report for the gym proposed for 571-573 Victoria Street Abbotsford, Victoria.

Details of the report are as follows.

- Title: Noise Emission Assessment, Dukes Gym Abbotsford, 571-573 Victoria Street, Abbotsford, Victoria
- Reference: 4547R001.LB.190225
- Date: 27 February 2019
- Prepared for: Dukes Gym Abbotsford
- Prepared by: Acoustic Dynamics

The report has been prepared to address potential noise impacts from the proposed use.

1 Background Information

(Sections 1.2 and 3.1 of the acoustic report)

The project is a commercial gym. The acoustically significant aspects of the proposal are summarised below:

- Licence for up to 50 patrons.
- The gym is proposed to be located within an existing two storey freestanding commercial building.
- The gym is proposed to include cardio equipment, weight machines and a free weights area.
- 'Light' music is proposed to be played in the gym.
- The proposed hours of operation are 24 hours per day, 7 days a week.
- The nearest residential receivers are on the opposite (southern) side of Victoria Street, which is a busy arterial road.

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Attachment 6 - PLN18/0873 - 571 - 573 Victoria Street Abbotsford - SLR Report

Yarra City Council
571-573 Victoria Street Abbotsford, Victoria
Development Application Acoustic Review
PLN 18/0873

SLR Ref: 640.10090.05860 571-573 Victoria St
Abbotsford 20190412.docx
Date: 12 April 2019

- The nearest commercial receivers are identified as being in the adjacent commercial premises 575 Victoria Street (currently a rug sales shop)
- No new mechanical plant is currently proposed. The three existing roof mounted condenser units are identified as Toshiba VRF units with a sound power level of 82 dBA each.
- Sources of noise considered in the assessment are detailed in Section 3.1 and are:
 - Use and operation of the gym (including low level music)
 - Access / egress of patrons
 - Car movements
 - Mechanical plant

SLR Comments: *The proposal, potential noise impacts and the nearest noise sensitive receivers have been identified. From the description provided we understand that group fitness classes are not proposed. Acoustic Dynamics have confirmed to us that this is also their understanding of the proposed operations.*

2 Assessment Criteria

(Section 2 of the acoustic report)

Noise from the gym is proposed to be assessed to SEPP N-2 (music noise) SEPP N-1 (other on-site sources), and sleep disturbance targets (on-site and off-site sources, including vehicle movements). Noise from within the gym to the adjacent commercial premises is proposed to be assessed to the lower end of the AS/NZS2107 design sound ranges.

SLR Comments: *The nominated assessment criteria are appropriate.*

3 Existing Background Noise Levels

(Section 2.2.1 of the report)

Attended and unattended measurements of background noise were conducted to quantify the existing ambient noise environment and to assist in determining environmental noise limits.

Unattended noise logging was carried out at the southern end of the subject building roof from Monday 18 February to Monday 25 February 2019. The logger location is shown in A.2. The noise logging data is appended to the acoustic report.

Attended measurements were conducted in front of the nearest residential receivers in Victoria Street, at ground level. The times and results of the attended measurement are provided in the report.

SLR Comments: *The unattended background noise monitoring location is appropriate. Acoustic Dynamics have provided us with the approximate times of their attended measurements (daytime only), and explained that the data obtained during these periods was used to verify the logging data, and has not been used directly in the derivation of noise limits. This approach is reasonable.*

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4 SEPP N-1 Assessment

4.1 Noise Limits

(Section 2.2.1 of the report)

The SEPP N-1 noise limits are calculated from the measured background noise levels and the land use zoning. The zoning levels, background noise and identified limits are presented in Table 2.1 of the report and are equal to 59 dBA (day), 53 dBA (evening) and 47 dBA (night).

SLR Comments: *Our calculations of the SEPP N-1 noise limits, taking into consideration the Acoustic Dynamics logging data, agree with those presented in the report.*

4.2 Assessment of Operational Noise (excluding music)

(Section 3.1 of the report)

Noise from mechanical plant, activity within the gym, access and egress of patrons and car movements is assessed to SEPP N-1 noise limits, assuming worst case operating conditions. Predicted contributions from all sources are presented in Table 3.1 of the report, and are below the most stringent of the identified SEPP N-1 limits (the night limit of 47 dBA).

SLR Comments: *The basis for predictions of gym usage noise are not provided in this section of the report. Assumed gym internal noise levels for both music and general activity are, however, presented in Section 3.2, where they are noted to be 80 dBA Leq (music) and 83 dBA Leq (use of barbells and fitness equipment). Acoustic Dynamics have confirmed to us that these internal levels were also used in predictions of noise to residential receivers. These levels appear reasonable.*

5 Music Noise

(Section 3.1 / Table 3.3 of the report)

The SEPP N-2 octave band night noise limits are presented in Table 3.3 of the report and are compared with the predicted music levels at noise sensitive receiver locations assuming background level music is played inside the gym. The predicted levels are well below the identified limits.

SLR Comments: *The assumed level of music within the gym are not provided in this section of the report, but were confirmed by Acoustic Dynamics to be 80 dBA Leq. This level is commensurate with moderately high background music. We note that the SEPP N-2 night noise assessment should be conducted using unweighted, rather than A-weighted octave band levels (this does not have any implications for the assessment outcome).*

6 Sleep Disturbance

(Sections 2.2.3 and 3.1.1 of the report)

A sleep disturbance target is identified from existing background noise levels, in accordance with the NSW EPA Noise Guide for local government. The screening target is equal to the background noise level + 15 dB and is 59 dBA L_{\max} or $L_{A01(60 \text{ sec})}$.

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Acoustic Dynamics predict that noise from within the gym will be well below the screening target at all times. Noise from patrons' vehicles is identified as having the potential to exceed sleep disturbance targets due to noise from car doors closing. They recommend that patrons and staff do not park on Victoria Street at night.

SLR Comments: *The assessment and advice provided can be expected to control noise impacts at night.*

7 Gym Noise to Commercial Receivers

(Section 3.2 of the report)

Assessments of noise from within the gym to the closest adjacent commercial premises (575 and 567-569 Victoria Street) are conducted. The assessments assume:

- Internal music levels of up to 80 dBA L_{eq}
- Gym activity noise of up to 83 dBA L_{eq}
- Buildings are not connected in any way
- Gym east external wall to have a rating of $R_w+C_{tr} = 45$ dB
- Commercial premises west wall to have a rating of $R_w+C_{tr} = 40$ dB

The predicted noise levels inside the commercial premises are well below the lower end of the AS/NZS2107 design ranges.

SLR Comments: *Agreed.*

8 Recommendations

(Section 4.1 of the report)

The report proposes the following noise control treatments and/or management strategies:

- Doors and roller doors of the gym to be kept closed unless used for egress
- Openable windows, if installed, to be kept closed at night
- Music not to exceed L_{max} levels of 80 dBA at any time
- Management policy requiring
 - No dropping of weights
 - Staff monitoring of patron behaviour during egress
 - No parking along Victoria Street at night

SLR Comments: *The advice provided is generally reasonable. We recommend, however, that either an explicit assessment is conducted for a 'windows open' scenario, or that the gym be required to keep doors and windows closed during the evening, and the night, periods. If an assessment for a windows open scenario is conducted, advice should be provided in the report for the extent of the allowable open area (e.g. not greater than $x \text{ m}^2$).*

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9 Summary

A review of the acoustic report prepared for the 24 hour gym proposed for 571-573 Victoria Street, Abbotsford is provided above.

The report generally addresses noise impacts from the proposal, however we recommend that, if openable windows in the façade are proposed, they are either kept closed during the evening and night periods, or that an explicit assessment of an 'windows open' scenario is provided. The assessment should include the allowable extent of open window area.

Regards,



Dianne Williams
Associate – Acoustics

Checked/ Authorised by: JA
