

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

**to be held on Wednesday 4 September 2019 at  
6.30pm  
in Meeting Rooms 1 & 2 at the Richmond Town Hall**

**Rostered Councillor membership**

Councillor Stephen Jolly  
Councillor James Searle  
Councillor Bridgid O'Brien

- I. ATTENDANCE**  
Ally Huynh (Senior Co-ordinator Statutory Planning)  
Lara Fiscalini (Principal Planner)  
Cindi Johnston (Governance Officer)
- II. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT OF INTEREST**
- III. CONFIRMATION OF MINUTES**
- IV. COMMITTEE BUSINESS REPORTS**

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



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

### **POLiCY**

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

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

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

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

**Governance Branch  
2008**

## 1. Committee business reports

Item		Page	Rec. Page
1.1	000410.02 - Section 72 Amendment to Planning Permit 000410, including the following: - Change of Use to a Place of Assembly (Function Centre) - Increase the area for the sale and consumption of liquor - Buildings and works to construct a storage shed	5	42
1.2	36-38 Kerr Street, Fitzroy - Planning Application No. PLN18/0404 - Part demolition to allow for the construction of three dwellings.	101	132

- 
- 1.1 000410.02 - Section 72 Amendment to Planning Permit 000410, including the following:**
- **Change of Use to a Place of Assembly (Function Centre)**
  - **Increase the area for the sale and consumption of liquor**
  - **Buildings and works to construct a storage shed**
- 

## **Executive Summary**

### **Purpose**

1. This report provides Council with an assessment of an application to amend planning permit 000410 and recommends approval, subject to conditions.

### **Key Planning Considerations**

2. Key planning considerations include:
- (a) Noise and off-site amenity impacts associated with the proposed use and liquor licence (clauses 13.05-1S, 21.04-2, 22.05, 22.09 and 52.27).

### **Key Issues**

3. The key issues for Council in considering the proposal relate to:
- (a) Strategic justification;
  - (b) Use of the land and sale and consumption of liquor;
  - (c) Buildings and works; and
  - (d) Objectors concerns.

### **Submissions Received**

4. Thirteen (13) objections were received to the application, these can be summarised as:
- (a) Noise (venue, leaving patrons, live music, collection of waste);
  - (b) Anti-social behaviours (including litter);
  - (c) Light spill;
  - (d) Location of red line increase inappropriate; and
  - (e) Shed materials/colours.

### **Conclusion**

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported subject to the following key recommendations:
- (a) Restricting the hours of operation for the proposed use Sunday to Wednesday, until 11pm.
  - (b) Deletion of the proposed extension of the red line area.
  - (c) Limiting the number of patrons within all outdoor areas.
  - (d) Further acoustic testing undertaken three months after the commencement of the sale and consumption of liquor in association with the Function Centre, demonstrating that the operation complies with the relevant policies and guidelines for music, patron and operational noise.

**CONTACT OFFICER: Michelle King**  
**TITLE: Senior Statutory Planner**  
**TEL: 9205 5333**

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- 1.1 000410.02 - Section 72 Amendment to Planning Permit 000410, including the following:**
- **Change of Use to a Place of Assembly (Function Centre)**
  - **Increase the area for the sale and consumption of liquor**
  - **Buildings and works to construct a storage shed**
- 

Trim Record Number: D19/113006

Responsible Officer: Senior Coordinator Statutory Planning

<b>Proposal:</b>	Section 72 Amendment to Planning Permit 000410, including the following: <ul style="list-style-type: none"><li>• Change of Use to a Place of Assembly (Function Centre)<ul style="list-style-type: none"><li>○ Operating hours: Sunday: 10am to 12 midnight, Mon to Sat: 9am to 12 midnight.</li><li>○ Patron numbers: 350 patrons.</li></ul></li><li>• Increase the area for the sale and consumption of liquor to include part of the forecourt area adjacent to the Victoria Street front entrance to the premises (concluding at 10pm on all days).</li><li>• Buildings and works to construct a storage shed to the south of the building.</li></ul>
<b>Existing use:</b>	Restaurant
<b>Applicant:</b>	Victoria Gardens Developments Pty Ltd Hollerich Town Planning Pty Ltd
<b>Zoning / Overlays:</b>	Comprehensive Development Zone (Schedule 1) Road Zone Category 1 Significant Landscape Overlay (Schedule 1) Environmental Audit Overlay Land Subject to Inundation Overlay Design and Development Overlay (Schedule 2)
<b>Date of Application:</b>	12/01/2018
<b>Application Number:</b>	000410.02

### Planning History

1. The planning history of the subject site can be broken into three aspects, the Victoria Gardens complex, Victoria Gardens – Stage 1 (Subject building) and the subject site, now known as Fenix Events.

#### Victoria Gardens Complex

2. The site is part of the broader 'Victoria Gardens' complex, comprising a range of retail, office and residential land uses. An excerpt from the IDAC report for PL10/0156 sets out the relevant history of the subject site:

#### Victoria Gardens – Comprehensive Development Zone

##### *Background to planning controls*

12. *Victoria Gardens ("the CDZ site") is the land bound by Victoria Street to the north, the Yarra River to the east, Burnley Street to the west and Doonside Street to the south (in part).*

13. *The site was rezoned on 4 February 1987 from 'General Industrial' to 'Comprehensive Development Zone No. 8' by Amendment 409 to the Melbourne Metropolitan Planning Scheme. The amendment permitted the site to be used for a mixture of office, retail, motel, residential and high technology industry uses.*
14. *On 8 October 1987, the Minister for Planning (in their capacity as the Responsible Authority for the site) endorsed a development plan, traffic control and management plan for the site.*
15. *On 16 February 1988, Council became the Responsible Authority such that any request to the previously approved plans must be made to Council.*
16. *In November 1989, Carlton United Brewery ("CUB") sought an amendment to develop the western part of the site as a large scale distribution centre. Council received a number of objections and the amendment was abandoned in September 1990.*
17. *Amendment L8 to the Yarra Planning Scheme was gazetted on 21 May 1997. The amendment rezoned the site to the 'Comprehensive Development Zone, Schedule 1: Victoria Gardens Comprehensive Development' which allows for retail, warehouse, cinema, and office development subject to the approval of development plans. The amendment also addressed car parking requirements and building height controls (among other things).*

#### *History of approvals within the CDZ1*

18. *On 11 November 1997, Council approved an office development in the north-east corner of the site which also included a restaurant. An amendment to the landscape plan was approved on 15 December 1999, modifying the planting schedule, and an amendment to the development plan was also approved on 6 February 2006, reflecting internal layout changes and modifications to advertising signage.*
19. *On 12 December 1997, Council approved a development plan, traffic plan, management plan, and landscape plan for stage 2 (residential development). The approval was subject to a number of conditions, including a requirement to meet EPA standards and regulations, and to conduct an Environmental Audit in accordance with the Environment Protection Authority Act 1970. On 29 March 1999, an amendment was approved to the development plan, modifying the roof terraces of apartments 7, 8 and 15 and increasing the height of the river front residential apartment building by 708mm. On 23 September 1998, Council approved an amendment to the landscape concept plan. On 8 September 1999, Council approved a further amendment to the development plan to delete awnings and address overlooking issues.*

#### Victoria Gardens – Stage 1 (Subject Building)

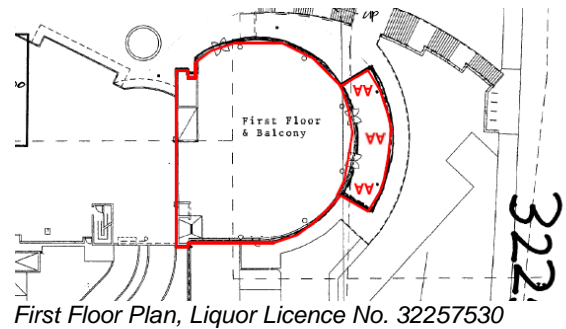
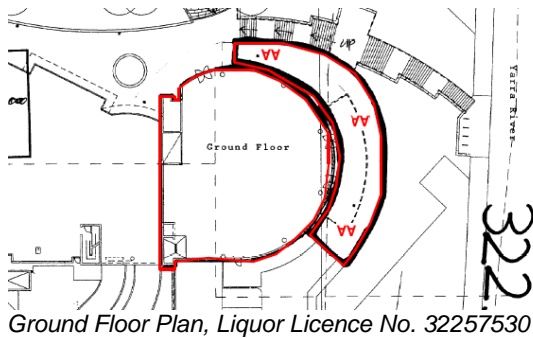
3. Planning Permit PLN14/1034 was granted by Council on 6 January 2015 for the installation of a fire escape door within an existing opening.
4. Planning Permit PLN16/0382 was granted by Council on 03 January 2017 for a reduction in car parking associated with food and drinks premises, and display of business identification signage.
5. Planning Permit PLN17/0684 and Development Plan Amendment AML8 was granted by Council on 16 January 2018. This amendment approved a reduction in the car parking requirements associated with buildings and works to the external pedestrian pathways.

6. As a result of this application, the Car Parking Management Plan associated with Stage 1 of the Victoria Gardens development was updated to make reference to the subject site as a 'Function Centre' rather than a 'Restaurant.' This document has been endorsed and removes the requirement for this application to amend this document to modify the use of the subject site.
7. Planning Permit Application PLN19/0129 is currently being advertised in respect of the café tenancy located at No. 678 Victoria Street, known as 'Concrete Blonde'. The application seeks approval for the sale and consumption of liquor associated with an existing food and drinks premises. This application is currently on advertising, with a decision yet to be made.

#### Subject Site (Fenix Events)

8. Planning Permit No. 000410 was issued on 11 August 2000 for an on-premises liquor licence. The liquor licence was granted in association with the use of the site for a restaurant, the use of which does not require planning approval pursuant to the requirements of the Comprehensive Development Zone, Schedule 1.
9. The permit included five conditions, as follows:
  - *All development and use must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.*
  - *The layout of the uses on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
  - *The permit will expire if the use and development is not commenced within one year from the date of this permit. The Responsible Authority may approve extensions to these limits if request are made within 3 months of expiry.*
  - *The use hereby permitted must only operate between the hours of 10.00am to 12 midnight (Sunday), 9 am to 12 midnight Monday to Saturday and 12 noon to 12 midnight (Public Holidays) unless further consent is granted by the Responsible Authority.*
  - *No more than 350 patrons are to be permitted on the premises at any one time.*
10. Planning Permit Application PLN17/0390 was lodged on 22 May 2017 seeking an amendment to increase the licensed area to include part of the forecourt area adjacent to the premises. This application was withdrawn on 21 June 2017 and re-lodged as an amendment to Planning Permit 000410, as discussed in this next paragraph.
11. Planning Permit Amendment No. 000410.01 was lodged on 15 June 2017 seeking an amendment to increase the licensed area to include part of the forecourt area adjacent to the premises.
12. Through the processing of this application it became clear that the use of the subject site had changed over time, from a restaurant with an ancillary function centre component to a complete function centre use, with no restaurant component.
13. As the use of the land for a Function Centre requires a planning permit, planning permit application 000410.01 was withdrawn on 19 January 2018.
14. The subject application, planning permit amendment 000410.02, was lodged on 12 January 2018 seeking a change of use to a place of assembly (function centre), an increase to the area for the sale and consumption of liquor and buildings and works to construct a storage shed.

15. An On-Premises Liquor Licence (Licence No. 32257530) was obtained following the granting of Planning Permit 000410 on 11 August 2000 and is still valid. The liquor licence allows for trading hours in accordance with Planning Permit 000410, but allows for a maximum capacity of 725 patrons.
16. The following are excerpts from the existing red line plan associated with liquor licence No. 32257530, showing where liquor can presently be sold and consumed on premises (according to the VCGLR):



## Background

### Retrospective Application

17. At the time of lodgement, the use and buildings and works components of this application were sought retrospectively.
18. On 28 June 2019, Council Officers were notified that whilst this planning application was being considered, the venue was taking the following steps to minimise noise and comply with the requirements of the Scheme, as follows:
  - Patron numbers in the northern forecourt area restricted to a maximum 45.
  - Combined maximum of 50 patrons occupying the Panorama and River Terrace outdoor areas to the east.
  - Patrons not permitted to occupy each of the 3 designated outdoor areas after 10pm.
  - The operators are currently undertaking a review of the door closing options to ensure they can automatically close.
  - Displaying of signs at venue exits encouraging patrons to be considerate of neighbours and keep noise to a minimum when leaving.
  - Opening of the venue through the day so that it is used as a restaurant.

### Aboriginal Cultural Heritage Significance

19. Pursuant to Section 46 of the *Aboriginal Heritage Regulations 2018*:
  - (1) *The construction of a building or the construction or carrying out of works on land is a high impact activity if the construction of the building or the construction or carrying out of the works—*
    - (a) *would result in significant ground disturbance; **and***
    - (b) *is for, or associated with, the use of the land for any one or more of the following purposes—*

...

(xviii) a place of assembly;

...

[emphasis added]

20. The buildings and works component is for the placement of a storage shed upon the existing asphalt apron associated with an external car parking area.
21. The buildings and works would not result in significant ground disturbance and therefore would not be considered a high impact activity and are exempt from the requirements of the regulations.

#### Processing the Permit Application

22. The application was received by Council on 12 January 2018. Following the submission of further information, the application was advertised and thirteen (13) objections were received.
23. A planning consultation meeting was held on 26 February 2019 and attended by eight objectors, the applicant, client representatives and Council Planning Officers to discuss all issues and concerns raised in the letters of objection.
24. Whilst the applicant did not make any commitments to make changes, following the consultation meeting the applicant commissioned an acoustic report to be prepared to assess the mechanical plant, music noise and patron noise associated with the use.
25. This acoustic report was prepared by WatsonMossGrowcott Acoustics (WMGA), dated 9 May 2019 and was submitted to Council on 9 May 2019. The assessment and findings will be discussed further, later in this report.

#### Commitments from the Applicant

26. On 24 August 2019 the applicant advised Planning Officers in writing that in the interests of addressing objector concerns, they would be happy to accept conditions on any planning permit issued for the application, that would result in the following:
  - (a) No extension to the area for the sale and consumption of liquor. This would result in no liquor within the part of the forecourt area adjacent to the Victoria Street front entrance to the premises.
  - (b) Reduction in the hours on Monday, Tuesday and Wednesday so that the venue would cease operating at 11pm, in lieu of 12 midnight.

#### **Existing Conditions**

##### Subject Site

27. The subject site is located on the southern side of Victoria Street, with River Boulevard to the west and the Yarra River to the east, in Richmond. The site is irregular in shape, with a frontage of approximately 122 metres to Victoria Street and a maximum depth of 52 metres, constituting an overall area of 6529 sqm.
28. The site has been developed in accordance with Stage 1 of the approved Comprehensive Development Plan (CDP) with a four storey building incorporating offices, a café and the restaurant overlooking the Yarra River at the eastern end of the building. The main entrance to the offices is centrally located along Victoria Street, with access to the function centre provided to the north and east.

29. There is a multi-level basement, providing car parking to the building tenants and accessed via Elaine Court from the rear. This car park provides a total of 237 spaces over 5 levels. In addition, there are four at-grade car spaces adjacent to the loading bay area to the south of Fenix Events. An additional 161 car spaces are available to the west at No. 10 River Boulevard, with 117 spaces allocated to the offices and 44 spaces available on a commercial basis.
30. The rear of the building (abutting Elaine Court) has a number of functions including car parking access, delivery of goods and waste storage. The southern (rear) side of the building adds to this service context with large blank walls and basement vents dominating the façade. The setback between the rear of the building and Elaine Court has been planted with shrub-like landscaping and a row of semi-mature trees.
31. The subject tenancy “Fenix Events” (Fenix) is located over two levels in the eastern end of the Stage 1 building. The site is primarily accessed from the forecourt adjacent to Victoria Street. The forecourt features areas of landscaping and paved areas providing access to the various tenancies within the development. An image of the forecourt area to Fenix is shown below:



*Planning Officer Photo, taken 18 July 2018*

32. The building (where facing the Yarra River) includes large expanses of glazing to maximise views of the river and river environs. Each level includes additional outdoor areas facing the Yarra River, as shown in the below image:



*Planning Officer Photo, taken 18 July 2018*

33. Within Basement Levels 1 and 2 are 73 car parking spaces that are shared between the commercial “display & pay” customers; the subject tenancy Fenix Events and the customers of the café located at No. 678 Victoria Street. All of the shared 73 car parking spaces must be

made available solely to the subject tenancy Fenix Events when an event is being held within the tenancy, in accordance with the endorsed Car Parking Management Plan.

34. At the rear of the site, and accessed from Elaine Court, is an asphalt apron that comprises a loading area, at-grade car park for four spaces. This area also includes the storage container permission is retrospectively being sought for as part of this application. An informal bin storage area that was not previously approved but referenced within the documentation submitted within this application is also provided in this area. The below images show the existing arrangement of this area:



*Planning Officer Photo, taken 15 July 2019*

#### Restrictive Covenants

35. There are no restrictive covenants or easements listed on the property title submitted with the application for the subject site, located within Lot 1 of PS 415801 B.

#### Site Surrounds

36. The surrounding area is a mixture of residential and commercial properties. Figure 2 of the acoustic report prepared by WMGA, dated 9<sup>th</sup> May 2019 provides an aerial photo showing the subject site and surrounding noise sensitive receivers (e.g. closest residences):



Figure 2: Aerial Photo of Subject Site and Surrounds

37. To the north, on the opposite side of Victoria Street is a mixed-use high density development incorporating ground floor commercial uses, with apartments above. The built forms of these complexes are generally 9 storeys. This land is zoned Commercial 1 Zone.
38. To the east is the Yarra River. On the eastern side of the Yarra River is Harrison Court. This is a residential area located within the General Residential Zone, Schedule 1 of the Boroondara Planning Scheme. Several residences are located along Harrison Court, with large single dwellings oriented to face the river.
39. To the south, on the opposite side of Elaine Court, are residential complexes ranging in height from three to five storeys also located within the Comprehensive Development Zone, Schedule 1.
40. To the west of the subject site is No. 10 and No. 20 River Boulevard. These allotments are presently utilised for car parking associated with the Victoria Gardens Shopping Complex and the subject site.
41. However, a recent planning permit (PLN17/1143) and development plan (PLN16/1156) were approved for No. 10 and No. 20 River Boulevard for the construction of a 13 storey building (plus basement levels) containing dwellings shops, food and drinks premises (cafes), medical centre, childcare centre and restricted retail premises.

## The Proposal

42. The key elements of the proposal can be summarised as follows:

### Use

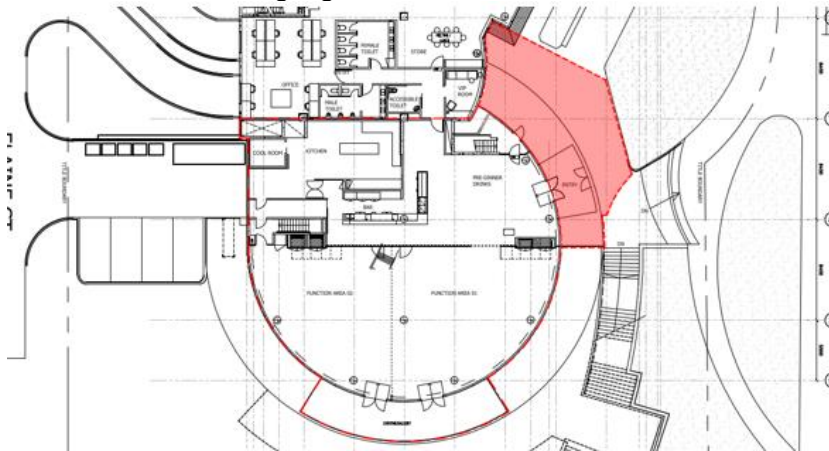
43. Use of the land for a Place of Assembly (Function Centre), as follows:

- (a) The proposed hours for operation match the existing hours as referenced on the Planning Permit for the sale and consumption of liquor:

- (i) Monday to Saturday: 9AM to 12 midnight; and
  - (ii) Sunday: 10AM to 12 midnight.
- (b) A total of 350 patrons will be unchanged from the maximum number of patrons as referenced on the Planning Permit for the sale and consumption of liquor.
- (c) The venue operates over two levels, the lower level is known as the 'River Terrace' and due to the topography of the land is level with Elaine Court. The upper level is described as the 'Panorama Room' and due to the topography is level with Victoria Street. Both levels include outdoor areas, a terrace on the lower and balcony on the upper that face east. These outdoor areas shown in the red line plans (VCGLR Liquor Licence) are licensed. There is no maximum patron numbers or hours of operation for these outdoor areas.
- (d) Music including amplified music in the form of DJs or live bands internal to the premises. No amplified music is played outdoors.
- (e) Car parking will be made available within the subject building, as previously identified. Four at-grade car parking spaces are located to the south of the building along with the storage unit and informal bin storage area (this bin storage area has not been previously approved, nor has it been applied for in the current application).

#### *Sale and consumption of liquor*

44. It is proposed to increase the area for the sale and consumption of liquor to include part of the upgraded forecourt area adjacent to Victoria Street, as the below extract from the plans demonstrates, the highlighted red area:



45. The sale and consumption of liquor is proposed to commence from the times listed above, but conclude at 10pm on all days. This area is intended to be utilised for pre-dinner and arrival drinks.

#### *Buildings and works*

46. Installation of a storage shed within the southern setback of the building, upon an existing asphalt apron. The storage shed will be positioned 0.5 metres south of the existing building and 0.21 metres east of the adjacent garden bed.
47. The storage shed will adopt an overall height of 2.5 metres above natural ground level, a width of 1.7 metres and length of 6 metres. The storage shed will be painted black and is intended to be utilised for the storage of chairs.

### **Legislation Provisions**

48. The amendment has been requested pursuant to Section 72 of the *Planning and Environment Act 1987* (the Act). Section 72 of the Act states:
- (1) A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.
  - (2) This section does not apply to—
    - (a) a permit or a part of a permit issued at the direction of the Tribunal, if the Tribunal has directed under section 85 that the responsible authority must not amend that permit or that part of the permit (as the case requires); or
    - (b) a permit issued under Division 6.
49. Planning Permit 000410 was issued on 11 August 2000 and was not issued at the direction of the Tribunal or under Division 6 of the Act.
50. Section 73 of the Act states that Sections 47 to 62 of the Act apply to the amendment application. This allows the Responsible Authority to apply the abovementioned sections of the Act to the amendment application as if it was an application for a permit.

## Planning Scheme Provisions

### Zoning

51. The subject site is located both within a Road Zone, Category 1 (RDZ1) and within the Comprehensive Development Zone, Schedule 1 (CDZ1) as the following image from Planning Maps Online demonstrates:



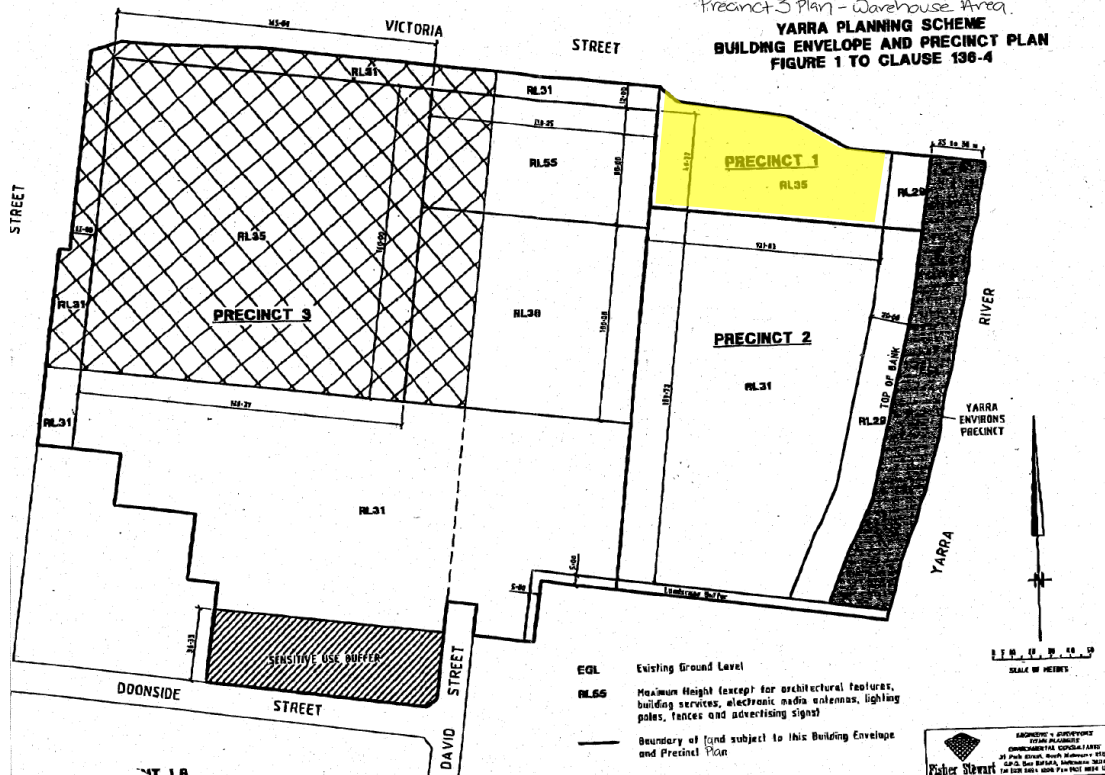
Pink = RDZ1, Blue = CDZ1, Location of buildings and works shown by asterisk

### *Road Zone, Category 1 (RDZ1)*

52. Pursuant to Clause 36.04-1 of the Yarra Planning Scheme (the Scheme), a Place of Assembly and/or Function Centre is not listed under Section 1 (Permit not required) or Section 3 (Prohibited) and therefore a planning permit is required pursuant to the zone requirements for a Function Centre use.
53. The location of the buildings and works sought as part of this application are indicated by the yellow asterisk above. As the location of the buildings and works is not within the RDZ1 the requirements of the RDZ1 as it relates to buildings and works do not apply.

### *Comprehensive Development Zone, Schedule 1 (CDZ1)*

54. Under Section 1 of Schedule 1 to the CDZ, a permit is required for a Place of Assembly if it is located in Precinct 1 or 2. As the following precinct map indicates, the subject site is located in Precinct 1:

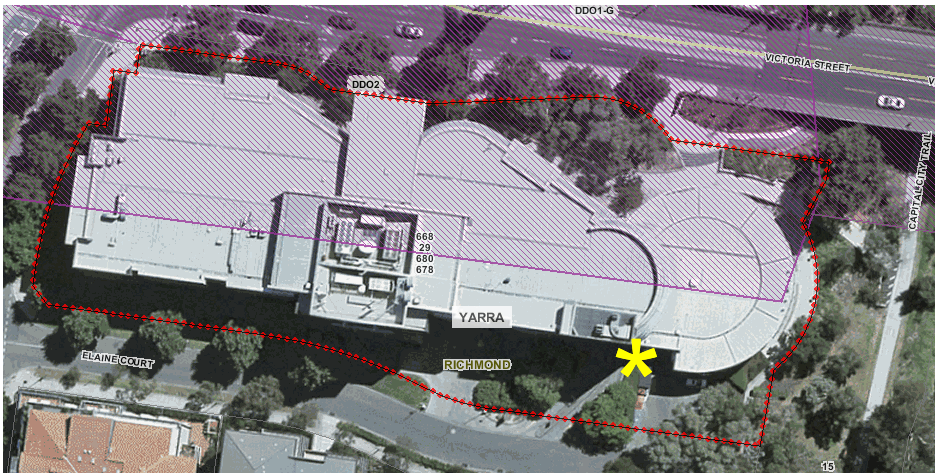


- ### Significant Landscape Overlay – Schedule 1 (SLO1)

61. Pursuant to the requirements of Clause 42.03-2 a planning permit is required to construct a building or construct or carry out works. This does not apply if a schedule to the overlay specifically states that a permit is not required.
62. Clause 3.0 of Schedule 1 to the SLO1 identifies that a permit is not required to construct a building less than 6 metres in height above natural ground level at any point.
63. The proposed storage shed will be 2.5 metres in height above natural ground level and therefore there is no requirement for a planning permit pursuant to this clause.

*Design and Development Overlay, Schedule 2 (DDO2)*

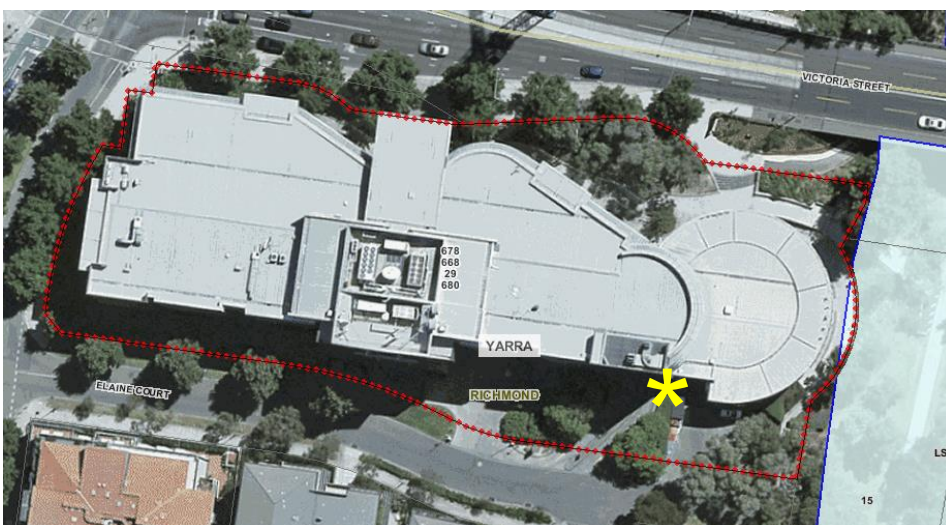
64. As the following image from Planning Maps Online demonstrates, the DDO2 covers land associated with the subject site along the northern half of the allotment and does not apply to the area where buildings and works are proposed, shown asterisked:



65. The requirements of the DDO2 therefore do not apply.

*Land Subject to Inundation Overlay (LSIO)*

66. As the following image from Planning Maps Online demonstrates, the LSIO covers land associated with the subject site along the eastern boundary and does not apply to the area where buildings and works are proposed, shown asterisked:



67. The requirements of the LSIO therefore do not apply.

*Environmental Audit Overlay (EAO)*

68. The Environmental Audit Overlay applies to the subject site. As the use of the land for a Function Centre is not a sensitive use, the requirements of the overlay do not apply.

### Particular Provisions

#### *Clause 52.06 – Car Parking*

69. The CDZ1 provides a specific parking rate for a Place of Assembly use and therefore the parking rate provided within Clause 52.06 does not apply.
70. The CDZ1 requires 0.3 car parking spaces to be provided per seat or square metre available to the public. The use utilises 73 shared car parking spaces that are made available exclusively for the Place of Assembly during functions and 4 at-grade staff spaces.
71. The following are extracts from the endorsed Car Parking Management Plan associated with Stage 1 in regards to the car parking requirement and endorsed car parking allocation:

**Table 3 Stage 1 – Car Parking Requirement**

Use	Floor Area	CDP Rate	No. of Car Spaces
Office	11,308m <sup>2</sup>	2.5 spaces / 100m <sup>2</sup>	283 spaces
Fenix Events	350 patrons	0.3 spaces / seat	105 spaces
Café	80 seats	0.3 spaces / seat	24 spaces
<b>Total</b>			<b>412 spaces</b>

**Table 5 Stage 1 – Car Parking Allocation**

Level	No. of Spaces	Allocation
Basement Level 1 & 2	84 spaces	Office (7) Café (4) *Shared (73) Commercial Pay and Display, Fenix Events & Café Customers
Basement Level 3 - 5	148 spaces	Office
At Grade	4 spaces	Common Spaces
10 River Blvd	117 spaces	Office
	44 spaces	Commercial Pay and Display
<b>Total</b>	<b>397 spaces</b>	

\*The shared provision of 73 car spaces on basement level 1 and 2 must be made available solely to Fenix Events when an event is being held at Fenix.

Based on the above allocation, the following effective provision is provided to the respective uses.

72. The above has been reviewed and endorsed by Council's Engineering Unit. A car parking waiver has already been granted for the proposed use of the land for a Function Centre and no further approvals are sought as part of this application.
73. The car parking allocation does reference the four at-grade spaces as being common spaces. The proposal relies on these as being solely designated to the Place of Assembly Use, and therefore in the event the application is supported, a condition should require the existing Car Parking Management Plan to be updated to reference these as being for the use of Fenix Events.
74. Furthermore, in the event the application is supported, a condition should require the proposed basement plans be provided outlining the location of all 73 spaces that are available to the use.

#### *Clause 52.34 – Bicycle facilities*

75. Pursuant to Clause 52.34-3, the bicycle requirements for a function centre use are triggered by a floor area of 1500sqm or greater. As the floor area of the proposed function centre is approximately 976sqm, the requirements of this clause do not apply.

*Clause 52.27 (Licenced Premises)*

76. Pursuant to Clause 52.27, a planning permit is required to use land to sell or consume liquor if the area that liquor is allowed to be consumed or supplied under a licence is to be increased.
77. Decision guidelines at clause 52.27 include:
- (a) *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
  - (b) *The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.*
  - (c) *The impact of the hours of operation on the amenity of the surrounding area.*
  - (d) *The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.*

*Clause 53.06 (Live Music and Entertainment Noise)*

78. The purpose of this clause is:
- (a) *To recognise that live music is an important part of the State's culture and economy.*
  - (b) *To protect live music entertainment venues from the encroachment of noise sensitive residential uses.*
  - (c) *To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise.*
  - (d) *To ensure that the primary responsibility for noise attenuation rests with the agent of change.*
79. Pursuant to Clause 53.06-1, this clause *applies to an application required under any zone of this scheme to use land for, or to construct a building or carry out works associated with:*
- (a) *A live music entertainment venue.*
  - (b) *A noise sensitive residential use that is within 50 metres of a live music entertainment venue.*
80. *Relevant to this proposal, pursuant to clause 53.06-3:*
- (a) *A live music entertainment venue must be designed, constructed and managed to minimise noise emissions from the premises and provide acoustic attenuation measures that would protect a noise sensitive residential use within 50 metres of the venue.*

General Provisions

*Clause 65 (Decision Guidelines)*

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

Planning Policy Framework (PPF)

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

*Clause 11 (Settlement)*

*Clause 11.03-1S (Activity centres network)*

83. The objective is:

- (a) *To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.*

*Clause 11.03-1R (Activity Centres – Metropolitan Melbourne)*

84. Strategies include:

- (a) *Support the development and growth of Metropolitan Activity Centres by ensuring they:*
  - (i) *Are able to accommodate significant growth for a broad range of land uses.*
  - (ii) *Are supported with appropriate infrastructure.*
  - (iii) *Are hubs for public transport services.*
  - (iv) *Offer good connectivity for a regional catchment.*
  - (v) *Provide high levels of amenity.*

*Clause 13.05-1S (Noise abatement)*

85. The objective is:

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

86. Noise abatement issues are measured against relevant State Environmental Protection Policy (SEPP) and other Environmental Protection Authority (EPA) regulations.

87. Strategies of this policy include:

- (a) *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.*

*Clause 13.07-1S (Land use compatibility)*

88. The objective is:

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

*Clause 15.01-1R (Urban Design – Metropolitan Melbourne)*

89. The objective is:

- (a) *To create a distinctive and liveable city with quality design and amenity.*

*Clause 15.01-2S (Building Design)*

90. The objective is:

- (a) *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*

*Clause 15.01-5S (Neighbourhood Character)*

91. The objective is:

- (a) *To recognise, support and protect neighbourhood character, cultural identity and a sense of place.*

92. A strategy to achieve the objective is:

- (a) *Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:*
  - (i) *Pattern of local urban structure and subdivision.*
  - (ii) *Underlying natural landscape character and significant vegetation.*
  - (iii) *Heritage values and built form that reflect community identity.*

*Clause 17.02 (Commercial)*

*Clause 17.02-1S (Business)*

93. The objective of this clause is '*To encourage development that meets the community's needs for retail, entertainment, office and other commercial services*'.

94. A strategy of this clause includes:

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

Local Planning Policy Framework (LPPF)

*Clause 21.03 (Vision)*

95. The following is offered in this clause:

*In the City of Yarra in 2020:*

*Land Use*

- (a) *The complex land use mix characteristic of the inner City will provide for a range of activities to meet the needs of the community*
- (b) *Yarra's exciting retail strip shopping centres will provide for the needs of local residents, and attract people from across Melbourne*

*Clause 21.04-2 (Activity Centres)*

96. The site is located within the Victoria Street Activity Centre. The relevant objectives and strategies of this clause are:

- (a) *Objective 4 - To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.*
  - (i) *Strategy 4.1 Increase the range of retail, personal and business services, community facilities, and recreation activities, within individual centres.*
  - (ii) *Strategy 4.2 Support the regional role of the Major Activity Centres as an important component of Yarra's economy and as a metropolitan destination.*
- (b) *Objective 5 To maintain the long term viability of activity centres.*
  - (i) *Strategy 5.2. Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.*

*Clause 21.04-3 (Industry, office and commercial)*

97. 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'.

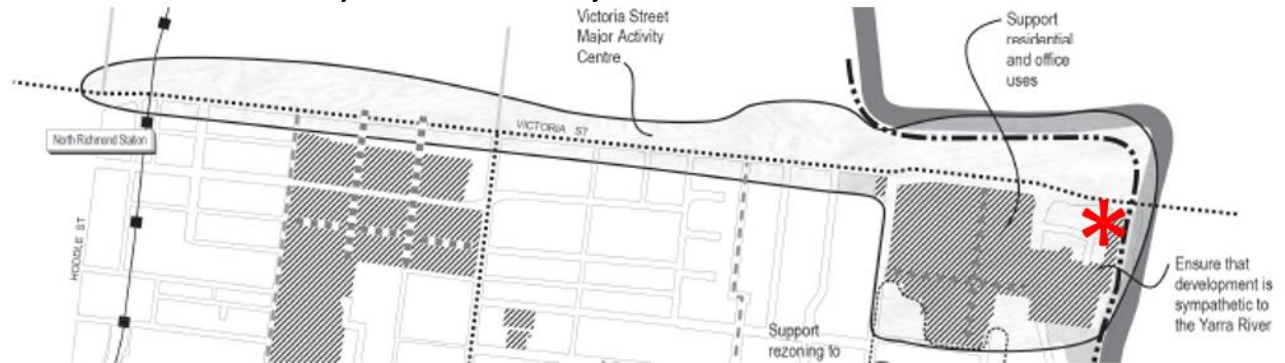
*Clause 21.05-2 (Urban design)*

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

- (a) *Objective 16 To reinforce the existing urban framework of Yarra.*
- (b) *Objective 17 To retain Yarra's identity as a low-rise urban form with pockets of higher development.*

*Clause 21.08-9 (North Richmond (area north of Bridge Road))*

99. Figure 21 of this clause, the Neighbourhood Map of North Richmond, demonstrates that the subject site is located within the Victoria Street Major Activity Centre, as the following extract demonstrates with the subject site identified by the red asterisk:



100. The following relevant elements are offered at this clause:

- (a) *This part of Richmond is largely residential and Victorian and Edwardian in its origins. The consistent character of the residential areas must be protected. The Victoria Street Major Activity centre runs along the northern boundary of this neighbourhood. This activity centre spans approximately 2 kilometres and incorporates a variety of land uses along its length – some vibrant and others more dormant in terms of activity and street frontage.*
- (b) *Within the centre are three precincts:*
  - (i) *Victoria Street East This precinct incorporates the area between Grosvenor Street in the west and the Yarra River to the east. It includes a combination of retail, bulky goods, entertainment, residential and office land uses. The centre has a key interface with the Yarra River, which defines its northern and eastern boundaries. Significant parts of this precinct have recently undergone extensive redevelopment. With a number of key sites in the area still up for redevelopment, it will continue to evolve. New development must enhance the landscape qualities of the Yarra River and include active frontages on Victoria Street and the River. The Victoria Gardens development has the capacity to incorporate further residential development.*  
*To the east of Burnley Street is an area of mixed industrial character with a pocket of low rise residential development. Given the proximity of this area to Victoria Gardens and the limited demand envisaged for the reuse of large industrial sites, there is potential for a wider range of employment uses including offices to locate in this precinct. It is important to:*

- *Protect the pocket of Residential 1 zoned land.*
- *Provide land use close to the Victoria Gardens Activity Centre that supports the role of the centre i.e. residential plus mixed uses.*
- *Continue to retain industry but allow office development further south and east of the Residential 1 and Mixed Use areas.*

*Clause 21.05-3 (Built Form character)*

101. Being within the CDZ, the site does not have a nominated built form character type in the Scheme.

Relevant Local Policies

*Clause 22.05 (Interface Uses Policy)*

102. This policy applies to applications for use or development within Business Zones (albeit now Commercial Zones), amongst others. The policy supports the objectives of the MSS by protecting Yarra's diverse land use mix and built form, reducing conflict between commercial, industrial and residential activities, and supporting appropriate industrial and commercial activity.

103. The policy has the following objectives:

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

*Clause 22.09 (Licenced premises)*

104. This policy applies to all applications for new licensed premises and for the extension (including the extension of floor area, hours and patron numbers) of existing licensed premises.

105. The objectives of this clause are:

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

106. This policy outlines a range of guidance at clause 22.09-3 including hours of operation and noise.

*Clause 22.10 (Built form and design policy)*

107. This policy applies to all new development not included in a Heritage Overlay. The relevant objectives of this policy are to:

- (a) *Ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood character.*
- (b) *Ensure that new development makes a positive contribution to the streetscape through high standards in architecture and urban design.*
- (c) *Limit the impact of new development on the amenity of surrounding land, particularly residential land.*
- (d) *Design buildings to increase the safety, convenience, attractiveness, inclusiveness, accessibility and 'walkability' of the City's streets and public spaces.*

- (e) *Create a positive interface between the private domain and public spaces.*
- (f) *Encourage environmentally sustainable development.*

108. The clause includes various design objectives and guidelines that can be implemented to achieve the above objectives.

*Clause 22.11 (Victoria Street East Precinct Policy)*

109. The relevant objectives of this clause are:

***Land use, activity and development opportunities***

*To facilitate a mix of land uses appropriate for land forming part of the Victoria Street Major Activity Centre.*

***Urban Design and Built Form***

*To relate the siting scale bulk and massing of new development to the distinctive landscape and ex-industrial character of this section of the Yarra River Corridor*

*To encourage high quality urban design and architecture throughout the precinct which contributes to the public realm, including the Yarra River corridor and street scapes.*

110. The relevant policies of this clause are:

***Land Use***

*A mix of land uses, in accordance with the Framework Plan forming part of this policy is encouraged in the redevelopment of all sites within the Precinct, having regard to site constraints.*

*Hospitality, entertainment and recreational uses, combined with office use, are encouraged east of Walmer Street*

***Urban Design and Built Form***

*Built form does not unreasonably impact on the landscape within viewed from the River corridor and public access routes along the River corridor*

**Other Policies**

*Victoria Gardens Urban Design Guidelines [VGUDG]*

111. These guidelines are incorporated into the Scheme and outline 11 Design Objectives, as follows:

- (a) 4.1 Design Element 1 - Setbacks, building envelopes and height limits;
- (b) 4.2 Design Element 2 – Building form, materials and colour;
- (c) 4.3 Design Element 3 – Orientation, overshadowing and overlooking;
- (d) 4.4 Design Element 4 – Streetscape and landscape;
- (e) 4.5 Design Element 5 – Views and vistas;
- (f) 4.6 Design Element 6 – Car park access and treatment;
- (g) 4.7 Design Element 7 – Open space;
- (h) 4.8 Design Element 8 – Pedestrian movement and security;
- (i) 4.9 Design Element 9 – Advertising signs;
- (j) 4.10 Design Element 10 – Interface areas; and
- (k) 4.11 Design Element 11 – Boat landings.

112. The design objectives that are applicable to the buildings and works to construct the storage shed are provided below:

*4.1 Design Element 1 - Setbacks, building envelopes and height limits*

- *Acknowledge the value of the historic landmark "Skipping Girl" in the urban landscape;*
- *To ensure development of the site complements and enhances the surrounding streetscape and built form;*
- *To integrate, where appropriate, the layout and design of the proposal with the surrounding neighbourhood and abutting uses;*
- *To reflect a transition of building height, scale and massing in respect to surrounding development; and*
- *To respect the significance of the Yarra River and the valley.*

*4.2 Design Element 2 – Building form, materials and colour*

- *Building design to capitalise on river corridor and city sky line views;*
- *To articulate strategic aspects of the site, such as the Burnley and Victoria Streets corner, the Victoria Bridge edge and the Victoria Street frontage;*
- *To create high levels of community safety within the site; and*
- *To encourage a variety of architectural forms, roofscapes and façade treatments across the site which is reflective of the cultural and architectural diversity of the surrounding area.*

*4.3 Design Element 6 – Car park access and treatment*

- *Shared provision of car parking spaces is encouraged, where possible to minimise areas of parking;*
- *To ensure adequate landscaping of ground level car parking areas;*
- *To ensure that the appearance, location and entrances to on site car parking do not detrimentally affect streetscape amenity; and*
- *To minimise pedestrian/vehicle conflict.*

**Advertising**

113. The application was advertised under the provisions of Section 52 of *the Planning and Environment Act* (1987) with 371 letters sent to surrounding owners and occupiers and three signs displayed on site. Council received thirteen (13) objections, the grounds of which are summarised as follows:

- (a) Noise (venue, leaving patrons, live music, collection of waste);
- (b) Anti-social behaviours (including litter);
- (c) Light spill;
- (d) Location of red line increase inappropriate; and
- (e) Shed materials/colours.

114. A planning consultation meeting was held on 23 October 2018 and attended by eight objectors, the Applicant and Council Planning Officers to discuss all issues and concerns raised in the letters of objection.

115. Following the consultation meeting the applicant submitted an acoustic report prepared by WMGA detailing the existing conditions and proposed acoustic attenuation measures to upgrade the building to ensure compliance with the State Environmental Protection Policies.

116. As previously identified on 24 August 2019 the applicant advised in writing that in the interests of addressing objector concerns, they would be happy to accept conditions on any planning permit issued for the application, that would result in the following:
- (a) No extension to the area for the sale and consumption of liquor. This would result in no liquor within the part of the forecourt area adjacent to the Victoria Street front entrance to the premises.
  - (b) Reduction in the hours on Monday, Tuesday and Wednesday so that the venue would cease operating at 11pm, in lieu of 12 midnight.

## **Referrals**

### External Referrals

117. The application was referred to the following external consultants:

- (a) Head, Transport for Victoria (Determining Authority)

This application was referred to the Head, Transport for Victoria pursuant to Clause 66.02-11 of the Yarra Planning Scheme as buildings and works are proposed in conjunction with a change of use to a Place of Assembly that has a gross floor area greater than 600 sqm. No response was received.

- (b) SLR Consulting (engaged by Council for acoustic peer review)

### Internal Referrals

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

- (a) Community Amenity Unit

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

120. Informal comments were sought from Council's Engineering Unit who advised that for car parking spaces with a width of 2.6 metres, a minimum aisle width of 5.8 metres would be required in accordance with the Australian Standard for employee parking (long stay).

121. As the proposal results in an aisle width of 4.4 metres due to the position of the storage shed, Council's Engineering Unit were not supportive of this aspect of the proposal.

## **OFFICER ASSESSMENT**

122. The primary considerations for this application are:

- (a) Strategic justification;
- (b) Use of the land and sale and consumption of liquor;
- (c) Buildings and works;
- (d) Objector concerns; and
- (e) Other Matters.

### Strategic Justification

123. The Planning Policy Framework, including local policies, encourage the sustainability of commercial uses. These policies seek to encourage development and use of land which meets the communities' needs for retail, entertainment, office and other commercial services and provide net community benefit in relation to accessibility, efficient infrastructure use and the

aggregation and sustainability of commercial facilities, provided that a balance is achieved in relation to off-site amenity impacts.

124. Specifically, Clauses 13.04-1, 21.04-2 and 22.05 identify that noise and the interface between uses must be managed appropriately, particularly in a municipality such as Yarra where *'almost all residents are within 400m of an activity centre... Abutting uses along the length of the strips are generally residential, creating interface conflicts where some uses are not well managed or inappropriate uses are permitted'* (Clause 21.04-2).
125. The proposed function centre in this location is considered to have strategic support given:
  - (a) State and local planning policies encourage the concentration of commercial and entertainment uses in activity centres, such as Victoria Street which are well connected to public transport (clauses 11.03-1, 11.03-2 and 21.04-2);
  - (b) Clause 17.01-1 also encourages the aggregation of commercial facilities which can be achieved by locating them in an Activity Centre such as Victoria Street;
  - (c) The purpose of Schedule 1 to the Comprehensive Development Zone includes *to assist redevelopment as a mix of office, retail, entertainment, residential, commercial and ancillary uses*. The proposal would contribute to the provision of commercial and entertainment facilities within this mixed use precinct.
126. Whilst there is overarching strategic policy support for new businesses to locate in Activity Centres such as Victoria Street, the impacts of these venues should be appropriately limited as outlined by relevant clauses such as 22.05, 22.09 and 52.27. These clauses require careful consideration of on and off-site amenity impacts that will be considered later in this report.

#### Use of the land and sale and consumption of liquor

127. A key purpose of Schedule 1 to the Comprehensive Development Zone is *to ensure that the combination of uses, their overall density and the scale, character and level of redevelopment are compatible with, as relevant, the amenity of the surrounding area and the nature of the surrounding uses*.
128. The proposal is for a change of use, from a restaurant to a function centre. With regard to this it is noted that whilst no liquor licence is sought for the internal areas or the eastern terrace/balcony areas (already in existence), the use of the land for a function centre is intrinsically associated with the sale and consumption of liquor. Any use permit granted will essentially result in changes to the operation of the sale and consumption of liquor from the venue (e.g. from in association with restaurant to in association with a function centre).
129. For this reason, the use of the land will be assessed against the headings contained within Clause 22.09, Council's local policy for licensed premises. The policy contains several headings for assessment, including location and access, venue design, hours of operation, patron numbers and noise that are all relevant to the use application that, as identified, would also have implications for the extent of the existing liquor licence.
130. It is reiterated that the sale and consumption of liquor from inside the existing tenancy and also within the directly adjoining terrace/balcony areas to the east is already permissible due to the existing liquor licence (controlled by the VCGLR). No increase in patron numbers or modification of hours for the sale and consumption of liquor is proposed. A permit is triggered pursuant to Clause 52.27 for the extension of the red line within the forecourt area. This will also be required to be assessed against Clause 22.09.

131. To evaluate the appropriateness of the amendment in terms of a licensed function centre use, clause 22.05 (Interface Uses Policy) and clause 22.09 (Licensed Premises Policy) contain the relevant policy guidelines.

*Location and access*

132. The site is located within the Victoria Street Major Activity Centre; a consolidated urban neighbourhood with good access to services, infrastructure and public transport. The site has a direct frontage to Victoria Street and has a car park on site which provides 73 car parking spaces to the subject use at any time a function is held.
133. Whilst policy at Clause 22.09 directs licensed premises with a capacity of more than 200 patrons to within Core Entertainment Precincts, the closest being Victoria Street west of Burnley Street, the sale and consumption of liquor from this site for 350 people has already been approved. Regardless, it is considered the use and associated sale and consumption of liquor is appropriate in this location due to the following:
- (a) The building already exists and has operated as a 350 patron licenced venue for many years. The use of the land for a function centre does not require a new or additional building; rather, it will be within an existing large commercial building that has existed on the land for many years and one that has been identified as being suitable for commercial use zone and in policy.
  - (b) The area is well served by public transport, having excellent access to the Principal Public Transport Network (PPTN) through the tram network along Victoria Street.
  - (c) Given the site's location within a Major Activity Centre it is also considered that taxis and ride share/Uber services are readily available in the area.
  - (d) The land is not zoned specifically for residential and the Comprehensive Development zone encourages entertainment venues to be located within this precinct.
  - (e) The venue would not result in an unreasonable cumulative impact on the amenity of the surrounding area, as discussed later.
  - (f) There is opportunity for a high level of public safety and surveillance of patrons as they enter and leave the premises due to the access directly from Victoria Street and patron car parking located on-site. People leaving the venue are unlikely to disperse to the south as there is no through road, and only residential uses to the south.

*Venue Design and Patron Numbers*

134. The policy seeks to ensure that the layout and design of a new licensed premises incorporates safe design principles, that entry and exit points and areas for queuing of patrons are located away from sensitive land uses and that waste management and storage is provided on-site and noise enclosures are provided where bottle crushers are to be used.
135. As this application does not seek to alter the layout or design of the tenancy, but allow for the use to change from a restaurant to a function centre these policies are largely extraneous to this application.
- It is considered that the large floor area associated with the tenancy provides an adequate layout and facilities to service the use. The endorsed Car Parking Management Plan associated with the Comprehensive Development Plan already anticipates the car parking in association with the Function Centre use, requiring that all shared 73 car spaces be made available to the use when an event is held.

136. It is unlikely that queuing of patrons would occur, as events would typically be invitation only, and waste management will be discussed further, later in this report.
137. Policy requires an assessment of patron capacity against the *VCGLR Liquor Licencing Fact Sheet – Maximum Patron Capacity* (2016). The fact sheet requires an assessment demonstrating:
  - (a) *the number of patrons that may be accommodated on the internal premises and (if applicable) on any external areas of the premises based on a ratio of one person per 0.75 square metres.*

138. With regard to the current maximum of 350 patrons to be allowed on site at any time liquor is being sold and consumed, it is considered that this is well below the referenced ratio with regard to the square meterage of 976sqm available to the public (i.e. 1,301 patrons). The floor area can accommodate the 350 patrons, and this number is considered acceptable for the Function Centre use.

#### *Hours of Operation and Noise*

139. The proposal does not seek to modify the overall hours for the sale and consumption of liquor associated with the existing venue. The sale and consumption of liquor on the premises, internally and including the eastern terrace/balcony areas, will continue between the following hours:
  - (a) Sunday: 10am to 12 midnight
  - (b) Monday to Saturday: 9am to 12 midnight
  - (c) Public Holidays: 12noon to 12 midnight
140. The use of the land for a function centre proposes to adopt the hours as referenced above.
141. The sale and consumption of liquor is proposed to include part of the forecourt area adjacent to the Victoria Street front entrance. The sale and consumption of liquor is proposed to commence at the times referenced above, and conclude at 10pm on all days. As proposed, this area would still be available for use after 10pm by patrons, without liquor.
142. The subject site is located within a Comprehensive Development Zone. This zone is not recognised as either a residential zone or a commercial zone, but rather a special use zone. The purpose of the Comprehensive Development Zone is to provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated into the Scheme.
143. Whilst located within a commercial building, the function centre is located within proximity of several apartment buildings and single residences, located within the Commercial 1 Zone to the north, the Comprehensive Development Zone to the south and the General Residential Zone to the east, across the river.
144. Policy at Clause 22.09-3 provides guidelines for the hours of operation dependent on zone type, however, the policy does not go so far as addressing the Comprehensive Development Zone specifically. Rather, the policy looks at commercial zoning, residential zoning (excluding the mixed use zone) and the mixed use zone separately.
145. A purpose of Schedule 1 to the Comprehensive Development Zone is *to assist redevelopment as a mix of office, retail, entertainment, residential, commercial and ancillary uses*. This is considered to be closely aligned to the purpose of a commercial zone, however, the reference to the residential uses also indicate some overlap with the purposes of the Mixed Use Zone where a mix of residential and non-residential uses are encouraged.
146. Policy at Clause 22.09-3 provides the following relevant guidelines:

- (a) *Licensed premises (including packaged liquor outlets) should not commence the sale and consumption of liquor before 9am.*
  - (b) *Licensed premises in a Mixed Use Zone should not provide for the sale and consumption of liquor beyond 10pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.*
  - (a) *Licensed premises in a Commercial or Industrial zone should not provide for the sale and consumption of liquor beyond 1am, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.*
  - (b) *For outdoor areas, including smoking areas, rooftops and open courtyards, the sale and consumption of liquor should not occur after 10pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.*
  - (c) *Deliveries to and waste collection from a licensed premises should not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday except for those allowed under any relevant local law.*
  - (d) *Emptying bottles into bins in outdoor areas should not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday.*
147. The proposed commencement times for the sale and consumption of liquor meet the requirements of the policy and would not commence prior to 9am at the earliest.
148. A condition can be included to ensure the emptying of bottles into bins accords with the above referenced time, consistent with Council's Local Law.
149. Furthermore, whilst the submitted NAAP details the waste management practices and number of bins required, it is considered that the description does not go far enough in addressing the waste management practices and procedures on site. It is considered that the proposed use would generate a large volume of waste that has not been outlined.
150. In addition, while a bin store area has been shown on the plans this has not been submitted as part of the application and has therefore not been considered. Even if it formed part of the application, there is a concern with the location of the bin store area, upon the existing concrete apron associated with the four at-grade car parking spaces. A site inspection carried out by Planning Officers on 18 July 2019 indicated that the placement of bins outside resulted in conflict with vehicles utilising the apron and also detrimentally affected the amenity of the area due to the unregulated appearance of the bin storage area.
151. The Stage 1 approval for the larger overall building and subsequent liquor licence application for Fenix Events always included the storage and provision of waste receptacles within the subject building. The tenancy, a venue for 350 patrons, is not to change. Only the use from a restaurant to a function centre will change as a result of this application. It is considered that this change would not warrant a change to the pre-existing waste arrangements and therefore a condition will require the external bin storage areas to be deleted from the external area.
152. A condition of permit will require a Waste Management Plan to be submitted, prior to the commencement of the use (on the basis that it is currently operating as a restaurant), to include waste storage within the subject building.
153. Whilst the building is already operating as a function centre (without a planning permit) this has evolved from a restaurant over time and it is considered that these conditions are warranted for the formal change of use, and also the proposed extension of the service area, as it is clear from the objections that there have been issues with noise from waste collection.

154. In regards to deliveries to the venue the submitted NAAP outlines that deliveries only occur Monday to Friday, between 9am and 5pm. This is in accordance with the policy guidance above consistent with Council's Local Law. A condition will require deliveries and waste collection to be with the specific times as outlined in Council's Law.
155. With regard to the policy guidance for sites within a Mixed Use Zone, a Commercial Zone and outdoor areas this assessment must determine if the following would not adversely affect the amenity of the area:
- (a) The operation of the use, and therefore the sale and consumption of liquor, from the internal areas and adjacent terraces/balconies between 10pm and 12 midnight (i.e. outside of specified hours supported by policy); and
  - (b) The operation of the use and extension of the red line area for the sale and consumption of liquor within the adjacent forecourt area until 10pm.
156. Referral comments were sought from Council's Community Amenity Unit on the proposal who recommended:
- (a) *The forecourt area to be licenced Thursday to Saturday (10pm) only.*
  - (b) *No music is in the forecourt (outdoor) area at any time.*
  - (c) *A noise limiter be installed.*
157. The recent amenity complaints cannot be ignored, nor can the content of the objections, that primarily raise issues with the existing operation of the premises in regards to noise.
158. It is long held by VCAT that residentially zoned land near, or abutting Activity Centres cannot expect the same level of amenity as would be afforded within a purely residential zone.
159. Senior Member Rickards concluded at paragraph 24 in *Robertson v Yarra CC (2014)* that:
- Living in close proximity to a Major Activity Centre and within a mixed use zone it should be expected that there will be some level of noise over and above what might be expected in a purely residential area. The nearby residents therefore cannot expect their amenity will not be impacted to a certain extent by some level of noise from other uses within the mixed use zone.*
160. It must be reiterated that the subject site is within the Victoria Street Major Activity Centre, with apartment buildings to the north and south that are not included within residential zoning. Whilst consideration of residential amenity must be afforded it is clear that residential amenity expectations within this zone area must be tempered.
161. Clause 22.09 contains specific policy requirements for the assessment of noise, as follows:
- (a) *Noise from the operation of the licensed premises should not have an unreasonable impact on the amenity of the area.*
  - (b) *Noise emissions from licensed premises should comply with the standards specified in the State Environmental Protection Policy or any other relevant requirement such as accepted sleep disturbance criteria or relevant Australian Standards.*
  - (c) *On-site noise attenuation measures should be applied for licensed premises where unreasonable amenity impacts on the surrounding area may result from the proposed activities.*
  - (d) *Where required, a licensed premise must be designed and managed in accordance with*

*an acoustic report approved by the responsible authority.*

162. In respect of the acoustic performance of the building and the proposal concerning the use, the applicant submitted an acoustic report prepared by WMGA detailing the existing conditions and proposed acoustic attenuation measures to upgrade the building to ensure compliance with the State Environmental Protection Policies.
163. The report concluded that the outlined acoustic attenuation treatments proposed, that will be discussed further in the following paragraphs, are likely to enable compliance with the relevant criteria, legislation and guidelines for mechanical equipment, music and patron noise.
164. The submitted acoustic report was reviewed by Council's external acoustic consultants, SLR Consulting (SLR). SLR have recommended that the details of the attended measurements (times and results for each location) be included for transparency and this can be required by way of condition.

*Mechanical Equipment Noise*

165. WMGA concluded that in order for the existing rooftop plant to achieve compliance with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1) rectification works would be required, and potential treatments include:
  - (a) *Each of the existing fans must be replaced so that the cumulative sound power level of the new fans has a maximum sound power level of 95 dB(A). Should the fans operate during the EPA-defined night period, the cumulative value will be reduced to 90 dB(A).*
  - (b) *Replace KEF-1 fan with same fan which is used for KEF-2. If this option is selected, then only one fan can operate at any time. Both fans cannot operate simultaneously.*
  - (c) *Should the existing fans be retained, then additional acoustically lined duct and/or acoustic attenuators will need to be installed to the discharge side of the fans.*
166. Whilst the applicant has stated they believe the rectification of the noise generated by the kitchen exhaust fans would be onerous to require of the applicant as this is a broader building issue, rather than linked to the use application, Planning Officers disagree. It is clear that the kitchen exhaust system is linked to the kitchens of the Function Centre use and therefore rectification works are required.
167. In regards to mechanical equipment noise, SLR have raised concern with the upper level apartments at Nos. 3 to 6 Christine Crescent not being considered by WMGA and recommend WMGA review the noise control measures with regard to these residences.
168. SLR identifies that WMGA includes options for rectifying the exceedances, as referenced above. To ensure it is clear what option will be undertaken to rectify the non-compliant roof top plant and also ensure that the residential receivers at the upper levels of Nos. 3 to 6 Christine Crescent are considered, a condition will require this report to be updated to identify what rectification method will be undertaken and provide an assessment of these additional residential properties.
169. Furthermore, a post occupational acoustic report undertaken within 3 months of permit issue and commencement of use will be required to demonstrate compliance or identify what matters require further attention and what rectification works would be undertaken. A post occupational

acoustic report would provide a safeguard to ensure that these issues have been resolved, and that the venue is in compliance.

*Music and Patron Noise (Outdoors)*

170. The proposed extension of the red line area to include the forecourt is proposed by the applicant. It is proposed for this area only to be used for the sale and consumption of liquor until 10pm everyday, with no parameters provided for the general use of this area.
171. To successfully limit noise, WMGA recommends no more than 45 patrons be accommodated in this area, no music within this area and for the use of this area to conclude at 10pm. SLR agrees with this recommendation. In addition, Council's Community Amenity Unit requested this area to be licenced Thursday to Saturday only.
172. The extension of the red line area and use is supported within the forecourt area, subject to the use and sale and consumption of liquor be restricted until 10pm on all days with a maximum of 45 patrons. Whilst the recommendation of the Community Amenity Unit has not been adopted, to restrict the use to Thursday – Saturday, it is considered the report by WMGA has adequately demonstrated that subject to conditions the outdoor area could successfully operate until 10pm, in accordance with policy.
173. The applicant has advised by email on 24 August 2019 that to address the objector concerns they would be happy to accept conditions on any permit issued that delete the extension of the red line within this area. This can therefore form a condition.
174. It is clear from the WMGA report that the use of the forecourt area, even without liquor, would result in unreasonable amenity impacts from patron noise. Given the proximity of the forecourt area to the apartment buildings on the northern side of Victoria Street the use in this location is still recommended to be restricted to 45 patrons and until 10pm in accordance with policy.
175. It is clear from the objections received that music and patron noise from the outdoor terrace/balcony areas that face east result in a high level of disturbance. The application seeks that these areas be used until 12 midnight, on all days.
176. The recommendations from WMGA confirm that the use is not currently operating in a fashion that would limit amenity on the surrounding areas, with the following recommendations:
  - (a) A combined total of 50 patrons can occupy the Panorama and River Terrace outdoor terrace areas.
  - (b) This number can be increased for ceremonies, so long as a speech reinforcement system be calibrated to ensure that the maximum noise level (of the celebrant) does not exceed 75 dBA Leq @ 3 m from the loudspeaker. The speech reinforcement system must also be angled west toward the venue base building.
  - (c) No music is to be played outdoors.
  - (d) The areas must cease use at 10pm.
  - (e) Doors to be closed (except for ingress and egress).
177. SLR agrees with the above restrictions and it is recommended that restrictions on the hours, number of patrons and music form conditions to ensure that the use is appropriately managed. It is understood that this would also result in the sale and consumption of liquor from these areas being restricted. In regards to the requirement for doors to be closed, except for the ingress and egress of patrons, automatic doors cannot be enforced however this is a clear requirement of the acoustic reporting and would be required to be complied with.
178. In regards to the recommendation for increased patron numbers subject to a calibrated speech reinforcement system it is considered that further details on how this would be managed would be required for support. Parameters such as number of outdoor ceremonies a year, time of

ceremonies (e.g. is it the day / evening / night period) and maximum length of ceremonies would be required for support. As this has not been provided, this will be required to be removed from the Acoustic Report.

*Music and Patron Noise (Indoors)*

179. As previously outlined, it must be determined whether the use of the internal areas between 10pm and 12 midnight is appropriate, with regard to the surrounding sensitive residential uses and policy direction contained at Clause 22.09. The WMGA report recommends:
- (f) Music is not to exceed octave band levels provided in Table 25 if both venues are operating. If only one venue is operating, levels can be 3 dB higher. The nominated levels are to be met 3 m from any loudspeaker within the venue.
  - (g) Music is only to be played through a dedicated in-house system. The system is to include spectrum shaping capabilities and is to be set up by a suitably qualified acoustical consultant to ensure that the nominated noise levels are not exceeded.
  - (h) Access doors between the inside and outside patron areas are to be kept closed unless being used for access. Installation of automatic door closers is recommended.
  - (i) A follow up assessment of music noise is recommended to ensure that compliance has been achieved.
180. SLR endorses the above approach and a condition will require post occupational testing, within three months of the Function Centre use according with the requirements outlined above. To be included within the post occupational testing, as identified by SLR, is an assessment from a location exposed to noise from the venue roof, as well as the glazed walls, and undertaken for sufficiently long to provide an indication of noise leakage via external doors onto the deck.
181. Council's Community Amenity Unit recommended the installation of a noise limiter due to the recent complaints they have received regarding the operation of the use within night time period. This is considered an appropriate measure. Whilst the WMGA report advised that a suitably qualified consultant would set the music levels in accordance with the report, there is a possibility that a third party could tamper with these settings. A condition will be implemented to require a noise limited to ensure a greater level of control around the acoustics is required.
182. It is considered that the music and patron noise from inside the venue can be managed, subject to the recommended conditions being implemented. The post occupational acoustic report would also provide a safeguard to ensure that these issues have been resolved, and that the venue is in compliance.

*Hours of Operation and Noise Summary*

183. With regard to the above it is considered that plant, music and patron noise would be successfully addressed through the proposed acoustic attenuation measures. Post occupational testing would also ensure that if compliance is not achieved additional measures would be required to be implemented to guarantee compliance.
184. Furthermore, standard conditions should be included on the permit to ensure the use at all times complies with the requirements of the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2) and SEPP N-1.
185. Further consideration must be given to the appropriateness of the use operating until 12 midnight every night as proposed.

186. The applicant has advised by email on 24 August 2019 that to address the objector concerns they would be happy to accept conditions on any permit issued to restrict the operating hours until 11pm Monday to Wednesday. With the location of the use in a quasi-commercial, quasi-residential zone this is a necessary restriction.

187. Member Davies concluded at Paragraph 47 of *Bailey Kennett Pty Ltd v Yarra CC* [\[2018\] VCAT 698](#):

*Given the particular location in the MUZ, close to the activity centre, it is reasonable to have a closing time on Sunday nights later than 10pm, as now specified in the policy. However, I think trading until midnight is not reasonable. Sunday is no longer seen as 'a day of rest' in a religious sense and Sunday shopping hours in Victoria have been deregulated for many years. However, there is still an expectation that Sunday will be treated differently to other days, especially Thursday to Saturday. This is an area where there are nearby residents in a MUZ. My concern relates more to noise and other disturbance associated with dispersal of patrons after the closing time, rather than noise from within the premises...*

188. The above decision discusses the appropriateness of later hours on a Sunday, ultimately determining that Sunday to Wednesday is to be afforded a greater level of sensitivity due to community expectations. It is therefore recommended that the use be limited until 11pm, Sunday to Wednesday.

The operation until 12 midnight Thursday to Saturday is considered appropriate with the recommendations of the acoustic reporting, and would be in line with community expectations for weekend days.

189. The recommended conditions discussed above are quite explicit in terms of controlling noise. Recommended conditions to restrict the use, together with the mandatory requirements under both SEPP N-1 and SEPP N-2, would ensure that the proposed activity on the land would not cause unreasonable detriment to surrounding residential properties in an area which is zoned for a mix of uses.

#### *Noise and Amenity Action Plan*

190. To ensure a venue is managed appropriately, Council's local policy at clause 22.09 requires submission of a NAAP which outlines management procedures aimed at ensuring good patron management. This document outlines the specific management procedures to be followed at all times, and includes details relating to staffing, responsible service of alcohol and complaint management procedures.

191. In regards to patron noise management, the report prepared by WMGA recommends the facility managers actively manage the patron noise. These measures include:

- (a) *Implementing management plans for non-typical events (eg. Patrons shouting) within outdoor areas to ensure that the events are resolved promptly.*
- (b) *Communication with patrons relating to expectations during arrival and departure from the subject site. This will include minimising loud communication, and operating vehicles in 'reasonable' manner.*
- (c) *Clear signage within the venue which notifies patrons to be aware of their surroundings and to conduct themselves in a 'reasonable' manner.*

192. In regards to point (a) and (b) it is considered that these items should be addressed within an updated NAAP. These can form conditions of permit.

193. In regards to (c), the following condition can also be included on any permit issued:

*Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent uses and to leave in a quiet and orderly manner.*

194. It is acknowledged that the use of the site for a function centre gives rise to the potential for various groups to hire and use the space for a variety of events. There is an associated risk that the event operator may not be fully aware of the obligations of the planning permit and NAAP.
195. Accordingly, in addition to the above the NAAP should require and specify the role and function of a venue manager who is responsible for bookings, providing those booking a function with the obligations of the permit and NAAP and for management of events when they are taking place. This measure will ensure a reasonable degree of accountability for the venue for management of patrons.
196. Litter has been an issue that has been consistently raised within the objections. This is partly due to the lack of physical barriers between the river terrace, the outdoor area adjoining the lower level, and the public realm. To manage this aspect of the operation a condition can be included for the NAAP to be updated to require hourly patrols of all outdoor areas, as well as at closing time, to ensure all litter associated with the venue is remedied.
197. One area of noise that has been raised within the objections and not addressed, is the noise generated from patrons leaving via cars within the car park allocated to the Function Centre. A further condition will require the NAAP to include details of how patrons who exit via private vehicles will be managed in regards of exiting in an orderly and quiet fashion.
198. SLR recommended details of the means by which occupation of the outdoor patron areas is to be limited to the numbers specified should be provided. This should also be required.
199. In regards to light spill, the NAAP identifies that the subject site is well lit along the frontage to Victoria Street and at the main entrance. A condition will require the NAAP to indicate that all external lighting along the eastern façade be baffled.
200. Objections received indicate that there is light spill to the east, across the river, from internal lights (e.g. disco lights). It is considered that the restricted hours of operation recommended by this assessment would adequately limit light spill from the use to be within appropriate hours.
201. An item the NAAP does not touch on, is the management of smokers. This is to be included within the NAAP, and also details of how the closing of all outdoor areas at 10PM will be managed.
202. In addition to these measures, Council's Local Law No.8 prohibits the consumption of liquor in public places and Council's Community Amenity Unit and Victoria Police are charged with ensuring these venues operate in an appropriate manner. Victoria Police generally focus on patron behaviour on the street and Council's Community Amenity Unit generally deals with issues of noise from within premises. Regardless, the NAAP will also be updated to reference how the quasi-public and outdoor areas are to be managed to limit litter outside of the premises.
203. The NAAP with updated requirements is considered to be satisfactory in mitigating negative cumulative impacts associated with the venue. To ensure the venue is managed in accordance with these specifications, the NAAP should be endorsed by way of condition, on any permit issued.

### *Cumulative Impact Assessment*

204. It is acknowledged that the mix of licensed premises in an area can influence potential cumulative impacts. These cumulative impacts can be both positive and negative. For instance, areas with a range of licensed venues (small bars, large hotels, and restaurants) can create vibrant commercial areas with fewer impacts, whereas areas with many large scale bars and nightclubs within proximity of each other could potentially result in more negative impacts to the immediate neighbourhood accumulatively.
205. The “Corner Hotel” decision (*Swancom Pty Ltd T/as Corner Hotel v Yarra City Council & Ors*) provides an assessment methodology for considering applications that may result in cumulative impact. The decision also acknowledges that depending on the nature of the use (i.e. premise type, patron numbers and operating hours) the required level of assessment will vary.
206. Based on this decision, Council has developed an assessment tool to determine the likelihood of cumulative impact occurring as a result of a proposal based on risk factors associated with the type, size and closing hours of the premises, to help determine what level of assessment is appropriate.

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

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

207. Applying the matrix of risk, a reasonable consideration would suggest a score of 1-3 would be no risk, higher than 3 would be a potential risk. In this instance the venue achieves a maximum score of 6, thus would be a venue of potential risk.
208. Practice Note 61 – Licensed premises: Assessing cumulative impact was released by the former Department of Planning and Community Development (DPCD) in March 2011, and provides a framework for assessing cumulative impact.
209. A number of these factors such as the policy context and land mix of the surrounding area have been discussed previously within this report, with anticipated amenity impacts also

considered in detail. An assessment including the mix of licensed premises and the dispersal of patrons will need to be undertaken.

*The mix of licensed premises*

210. When assessing the mix of licensed premises Practice Note 61 provides some guidance as to what is to be achieved. The practice note states that *the mix of licenced premises in an area can influence potential cumulative impacts. For example, an area with a mix of restaurants, cinemas and small bars may have fewer impacts than an area with primarily large bars and nightclubs.*
211. According to the VCGLR the following liquor licences (excluding limited licenses) exist within 500m of the site:

319570072 (General Licence)	61 North Street, Richmond	Brogan's Way Distillery
31913117 (General Licence)	12 River Street, Richmond	Royston Hotel
320554013 (Packaged Liquor)	Victoria Gardens Shopping Centre	Liquorland
32272035 (On- Premises Licence)	Victoria Gardens Shopping Centre	Café Krifi
32270180 (On- Premises Licence)	Victoria Gardens Shopping Centre	Hoyts Cinema Complex
32068339 (Packaged Liquor Licence)	Victoria Gardens Shopping Centre	Toscano's Victoria Gardens
32204406 (Restaurant and café licence)	663 Victoria Street, Abbotsford	Four Larks
32319285 (restaurant and café licence)	677-679 Victoria Street, Abbotsford	Kitty Burns
32321761 (Restaurant and café licence)	677-679 Victoria Street, Abbotsford	Frankie Says

212. Most of the existing licenses are associated with cafes and the Victoria Gardens Shopping Centre that would have a significant food offering and early closing time, thus a reasonable balance is being provided within the area and it is not considered that it is offering a risky cluster of 'vertical drinking' venues.
213. It is considered that the Function Centre in proximity of the above referenced liquor licenses would not result in negative cumulative impacts, nor positive ones, given the differences between the venue offerings.

*Transport and dispersal*

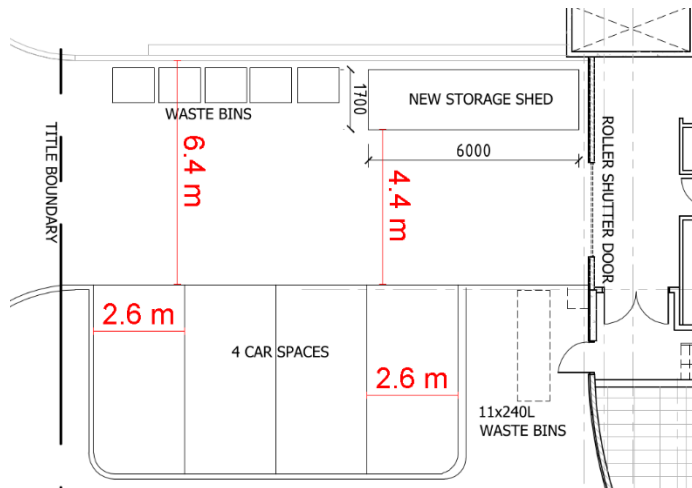
214. The practice note requests consideration of the dispersal routes of patrons from the premises in order to assess potential impacts on the amenity of the surrounding area, noting that how patrons leave the licensed premises at closing time can have a significant impact on the amenity of an area.
215. As recommended throughout this report, conditions would require the function centre use to conclude at 11pm Sunday to Wednesday and 12 midnight Thursday to Saturday. Furthermore, the outdoor uses would cease at 10pm on any night. With this type of use it is anticipated that large groups of patrons would disperse at similar time periods.

216. There are considered to be two main entry/exit points to the venue. To Victoria Street (to those dispersing to public transport, taxis and rideshares) and to the internal car parking area. There is no need for patrons to pass through the residential apartment buildings to the north and to the south, with the river providing a barrier to those residences located on the east side of the river.
217. Based on the above identified dispersal routes it is not considered that the proposed use in an Activity Centre would result in unreasonable impacts, considering the limitation of the use to 11pm Sunday to Wednesday.

#### Buildings and works

218. As outlined earlier in the report a permit is required to construct a building or construct or carry out works under the CDP1 of the Scheme. The buildings and works are not triggered by any other zone or overlay.
219. The proposed buildings and works are relatively minor in scale and effectively formalise an area for the storage of extra chairs within the rear service area. The works are consistent with the relevant State and local policy given that it supports the purpose of the zone and commercial activity along Victoria Street and the associated Major Activity Centre.
220. The proposal is also suitable in terms of built form given that it would be low scale and not impact on views from the Yarra River. The works do not change the overall height of the larger built form behind, nor increase the predominant scale and massing of the building.
221. It is considered that the development achieves a high level of compliance with Clause 22.10 and the broader policies within this clause, as follows:
  - (a) Given the location of the storage shed it will not have a detrimental impact on the Yarra River and its environs. It's location upon an existing asphalt apron will also ensure stormwater runoff is not increased nor impact as a result of the proposal.
  - (b) The storage shed will not have a detrimental impact on the amenity of adjoining land users, residential or commercial, due to the low scale nature and purpose for the storage of items.
  - (c) An objection was received requesting that the finishes of the shed be constructed in conjunction with the finishes of the existing building. The finish of the storage shed in black adequately blends in with the materiality of the overall development.
222. Clause 22.05 (Interface Uses Policy) requires consideration of the off-site amenity impacts to residential properties from commercial development (including overshadowing and visual bulk).
223. Due to the height of the storage shed not exceeding 2.5 metres, and minimum separation distance of approximately 20 metres to residences it is not considered that the storage shed would result in any off-site amenity impacts.
224. With regard to the *Victoria Gardens Urban Design Guidelines [VGUDG]* it is considered that the proposal achieves a high degree of compliance with *Design Element 1 - Setbacks, building envelopes and height limits* and *Design Element 2 – Building form, materials and colour*.
225. The proposed storage shed is neat in appearance, low in height and provides adequate setbacks to the River and Elaine Court. The basic construction of the storage shed would ensure that the form is not overbearing and would blend in with the larger development behind.

226. In regards to *Design Element 6 – Car park access and treatment* there is concern with the reduced aisle width the placement of the storage shed would result in, as follows:



*Excerpt of development plans, with aisle widths imposed using Trapeze Desktop (Imaging software that provides the ability to scale and measure plans).*

227. As previously identified, the VGUDG has the objective to minimise pedestrian/vehicle conflict. Furthermore, Clause 22.10 requires new development to ensure car parking areas allow for safe and efficient movements within the development.
228. Council's Engineering Unit reviewed the proposal and commented that the position of the new storage shed would result in aisle widths that are not compliant with the Australian Standard and would result in inefficient access/egress into the car spaces opposite.
229. This is contrary to the above referenced policies and therefore, to ensure that new development ensures car parking areas allow for safe and efficient movements within the development, the storage shed will be required to be deleted.

#### Objector concerns

*Noise (venue, leaving patrons, live music, collection of waste)*

230. This concern has been discussed at paragraphs 139 - 203.

*Anti-social behaviours (including litter)*

231. This concern has been discussed at paragraphs 190 - 203.

*Light spill*

232. This concern has been discussed at paragraph 199 - 200.

*Location of red line increase inappropriate*

233. This concern has been discussed at paragraphs 170 - 178.

*Shed materials/colours*

234. This concern has been discussed at paragraphs 218 - 229.

#### Other Matters

235. If an amended permit were to issue the permit preamble would be required to be updated to acknowledge the inclusion of the use, from:

*On premises liquor licence*

To:

*Use of the land as a place of assembly (function centre) including sale and consumption of liquor (on-premises liquor licence)*

236. The amended permit preamble will not include reference to the extension of the red line area, or the buildings and works to construct the storage shed, as these aspects have been recommended to be deleted by condition.
237. The existing permit where references have been made to use, would be required to be updated to reference use and the sale and consumption of liquor.
238. Condition 1, from:

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

To:

*All development and use **(including the sale and consumption of liquor)** must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.*

239. Condition 2, from:

*The layout of the uses on the endorsed plans must not be altered without the written consent of the Responsible Authority.*

To:

*The layout of the uses **(including the sale and consumption of liquor)** on the endorsed plans must not be altered without the written consent of the Responsible Authority.*

240. Condition 4, from:

*The use hereby permitted must only operate between the hours of 10.00am to 12 midnight (Sunday), 9 am to 12 midnight Monday to Saturday and 12 noon to 12 midnight (Public Holidays) unless further consent is granted by the Responsible Authority.*

To:

*The **sale and consumption of liquor** hereby permitted must only operate between the hours of 10.00am to 12 midnight (Sunday), 9 am to 12 midnight Monday to Saturday and 12 noon to 12 midnight (Public Holidays) unless further consent is granted by the Responsible Authority.*

241. The existing expiry condition will be required to be updated to reference the date of the amended permit, rather than the original permit date, from:

*This permit will expire if the use or development is not commenced within one year from the date of this permit. All development must be completed within 2 years from the date of this permit. The Responsible Authority may approve extensions to these time limits if requests are made within 3 months of expiry.*

To:

***This permit will expire if the use is not commenced within one year from the date of this amended permit.***

242. As approval for the storage shed was sought retrospectively, a new condition will require the removal of this element within one month from the date of the issuing of a permit.

## Conclusion

243. The proposal is considered to demonstrate a high level of compliance with policy objectives contained within the Planning Policy Framework. The proposal, subject to conditions recommended, is an acceptable planning outcome that demonstrates clear compliance with the relevant Council policies.

## RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit for the change of use to a Place of Assembly (Function Centre) and buildings and works to construct a storage shed at 680 – 682 Victoria Street, Richmond, generally in accordance with the plans noted previously as the “decision plans” and subject to the following conditions (amended/new conditions shown in **bold**):

### Preamble (amended)

**Use of the land as a place of assembly (function centre) including sale and consumption of liquor (on-premises liquor licence)**

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

1. **Before the use or the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans ‘A1 1.01’ (Rev 2, 14.09.2018), ‘A2 G.01’ (Rev 2, 04.11.2018), ‘A2 G.02’ (Rev 2, 04.11.2018), ‘A2 1.01’ (Rev 2, 04.11.2018), ‘A2 1.02’ (Rev 1, 15.08.2018) and ‘A4 0.01’ (Rev 0, 30.04.2018) but modified to show:**
  - (a) **Basement plans clearly identifying all 73 car parking spaces to be used in association with the Function Centre.**
  - (b) **Deletion of the external storage shed.**
  - (c) **Deletion of external bin storage areas.**
  - (d) **Any requirement of the endorsed acoustic report required prior to commencement (condition 12) where relevant to show on plans and specific requirements annotated.**
  - (e) **Any requirement of the endorsed waste management plan required prior to commencement (condition 22) where relevant to show on plans and specific requirements annotated.**
2. All development and use **(including the sale and consumption of liquor)** must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
3. The layout of the uses **(including the sale and consumption of liquor)** on the endorsed plans must not be altered without the written consent of the Responsible Authority.

4. **Prior to the commencement of the use, the Car Parking Management Plan (dated 7 December 2016) endorsed under PLN16/0382 and Amendment L8 must be amended to allocate the four at-grade spaces to the Function Centre Use.**

#### Liquor Licence

5. **The sale and consumption of liquor hereby permitted must only operate between the hours of 10.00am to 12 midnight (Sunday), 9 am to 12 midnight Monday to Saturday and 12 noon to 12 midnight (Public Holidays) unless further consent is granted by the Responsible Authority.**
6. **No more than 350 patrons are permitted on the land at any one time.**

#### Use

7. **Except with the prior written consent of the Responsible Authority, the use may only occur between the following hours:**
  - (a) **Sunday 10am to 11pm**
  - (b) **Monday to Wednesday 9am to 11pm**
  - (c) **Thursday and Saturday 9am to 12 midnight**
8. **No more than 350 patrons are permitted on the land at any one time.**
9. **Except with the prior written consent of the Responsible Authority, the use within all outdoor areas may only occur until 10pm and no more than 45 patrons are permitted within the outdoor forecourt outdoor area and 50 patrons are permitted within the eastern outdoor terrace/balcony areas.**

#### Amenity

10. **Before the use commences, an amended Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Noise and Amenity Action Plan will be endorsed and will form part of this permit. The amended Noise and Amenity and Action Plan must be generally in accordance with the Noise and Amenity Action Plan prepared by Hollerich Town Planning, but modified to include:**
  - (a) **The following in accordance with the recommendations of the Acoustic Report prepared by WatsonMossGrowcott, dated 9<sup>th</sup> May 2019:**
    - (i) **Management plans for non-typical events (eg. Patrons shouting) within outdoor areas to ensure that the events are resolved promptly in accordance with the recommendations of the Acoustic Report prepared by WatsonMossGrowcott, dated 9<sup>th</sup> May 2019.**
    - (ii) **Details of how communication with patrons relating to expectations during arrival and departure from the subject site will be undertaken. This will include minimising loud communication, and operating vehicles in 'reasonable' manner.**
  - (b) **The specific role and function of a venue/function manager(s) who is responsible for taking bookings, providing details of permit and NAAP restrictions and obligations to those making bookings and management of events when they occur. This must also specify that a venue/function manager must be on-site during all functions/events**

- (c) Details of how patrons who exit via private vehicles will be managed in regards of exiting in an orderly and quiet fashion.
  - (d) Details of the means by which occupation of the outdoor patron areas is to be limited to the numbers specified within Condition 9.
  - (e) Indication of all external lighting along the eastern façade, ensuring that the lighting is baffled.
  - (f) Management of smokers, with regard to the requirements of Condition 9.
  - (g) Management of outdoor areas to limit litter, including hourly patrons of external areas and at the conclusion of operating hours.
11. The provisions recommendations and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
12. Before the use commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by WatsonMossGrowcott and dated 9<sup>th</sup> May 2019, but modified to include (or show, or address):
- (a) The details of the attended measurements (times and results for each location).
  - (b) Residential receivers to be provided at the upper levels of 3 – 6 Christine Crescent.
  - (c) Identification of the rectification method to be applied to the mechanical plant (not options).
  - (d) Deletion of Section 9.2.3 Consideration of patrons located externally during ceremony events on Page 23 and the Outdoor Ceremonies section on Page 27.
  - (e) Installation of a noise limiter.
13. The provisions, recommendations and requirements of the endorsed Acoustic Report be implemented and complied with to the satisfaction of the Responsible Authority.
14. Before the use commences, all acoustic attenuation measures and recommendations contained within the report required pursuant to Condition 12 are to be constructed and implemented to the satisfaction of the Responsible Authority.
15. Within 3 months of the commencement of the use, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the updated post-commencement Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
- (a) Confirm that the recommendations of the endorsed acoustic report required as part of Condition 13 have been implemented;
  - (b) Assess their effectiveness in meeting the predicted patron noise level and SEPP N-1 and SEPP N-2 requirements as outlined within the endorsed acoustic report required as part of Condition 12;

- (c) Include an assessment from a location exposed to noise from the venue roof, as well as the glazed walls, undertaken for a period of time that would allow for an indication of noise leakage vis external doors onto the deck; and
  - (d) If non-compliance with Condition 16(b) is measured, the venue must implement additional acoustic measures as recommended by the amended acoustic report within one month of the date of the amended acoustic report.
- 16. The provisions, recommendations and requirements of the endorsed post-occupational Acoustic Report be implemented and complied with to the satisfaction of the Responsible Authority.
- 17. Prior to the commencement of the use authorised by this permit, a Noise Limiter must be installed on the land. The Noise Limiter must:
  - (a) be set at a level specified by a qualified acoustic engineer in accordance with the requirements of the Acoustic Report prepared by WatsonMossGrowcott, dated 9 May 2019;
  - (b) ensure the emission of noise from amplified music does not exceed the levels specified in the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2); and
  - (c) be maintained and operated at all times.to the satisfaction of the Responsible Authority.
- 18. Except with the prior written consent of the Responsible Authority, the provision of music and entertainment external to the building is not permitted.
- 19. Before the commencement of the use, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent uses and to leave in a quiet and orderly manner.
- 20. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 21. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

#### **Waste**

- 22. Before the use commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must provide for waste storage inside of the building. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.
- 23. Except with the prior written consent of the Responsible Authority, the collection of waste by a private contractor must not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday.
- 24. Except with the prior written consent of the Responsible Authority, emptying bottles into bins in outdoor areas must not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday.

25. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
26. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land must not occur after 10pm on any day, before 8am Monday to Saturday, or before 9am on a Sunday or public holiday.

Expiry

27. This permit will expire if the use is not commenced within one year from the date of this amended permit.
28. Within one month from the date of the amended planning permit, the unlawful structures identified at Condition 1 (b) and 1 (c) must be removed by the owner of the land.

**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.

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**CONTACT OFFICER:** Michelle King  
**TITLE:** Senior Statutory Planner  
**TEL:** 9205 5333

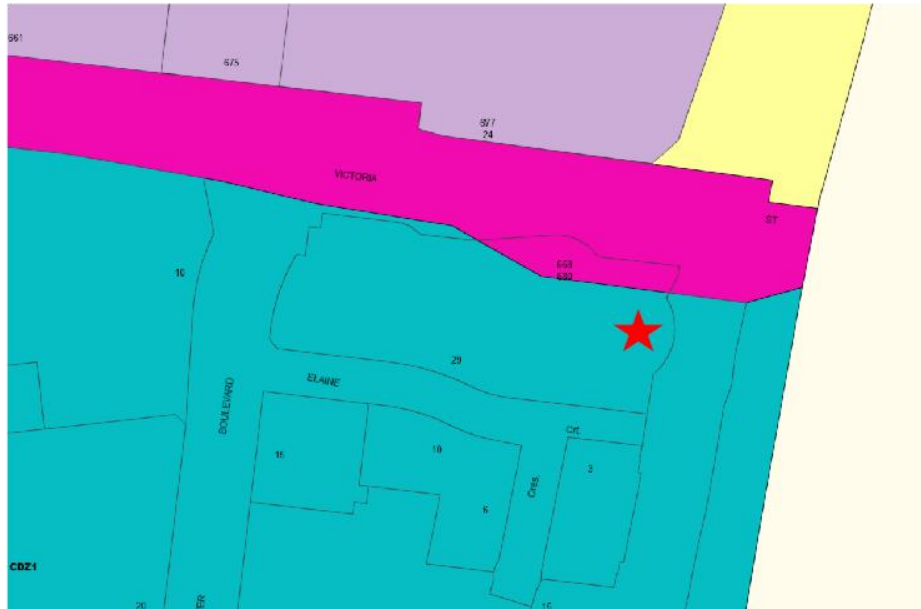
**Attachments**

- 1 000410.02 - Site Plan
- 2 000410.02 - Plans
- 3 000410.02 - Noise and Amenity Action Plan
- 4 000410.02 - Applicant Acoustic Report
- 5 000410.02 - Peer review (SLR) of Applicant Acoustic Report
- 6 000410.02 - Existing Liquor Licence No. 32257530

Attachment 1 - 000410.02 - Site Plan

# ATTACHMENT 1

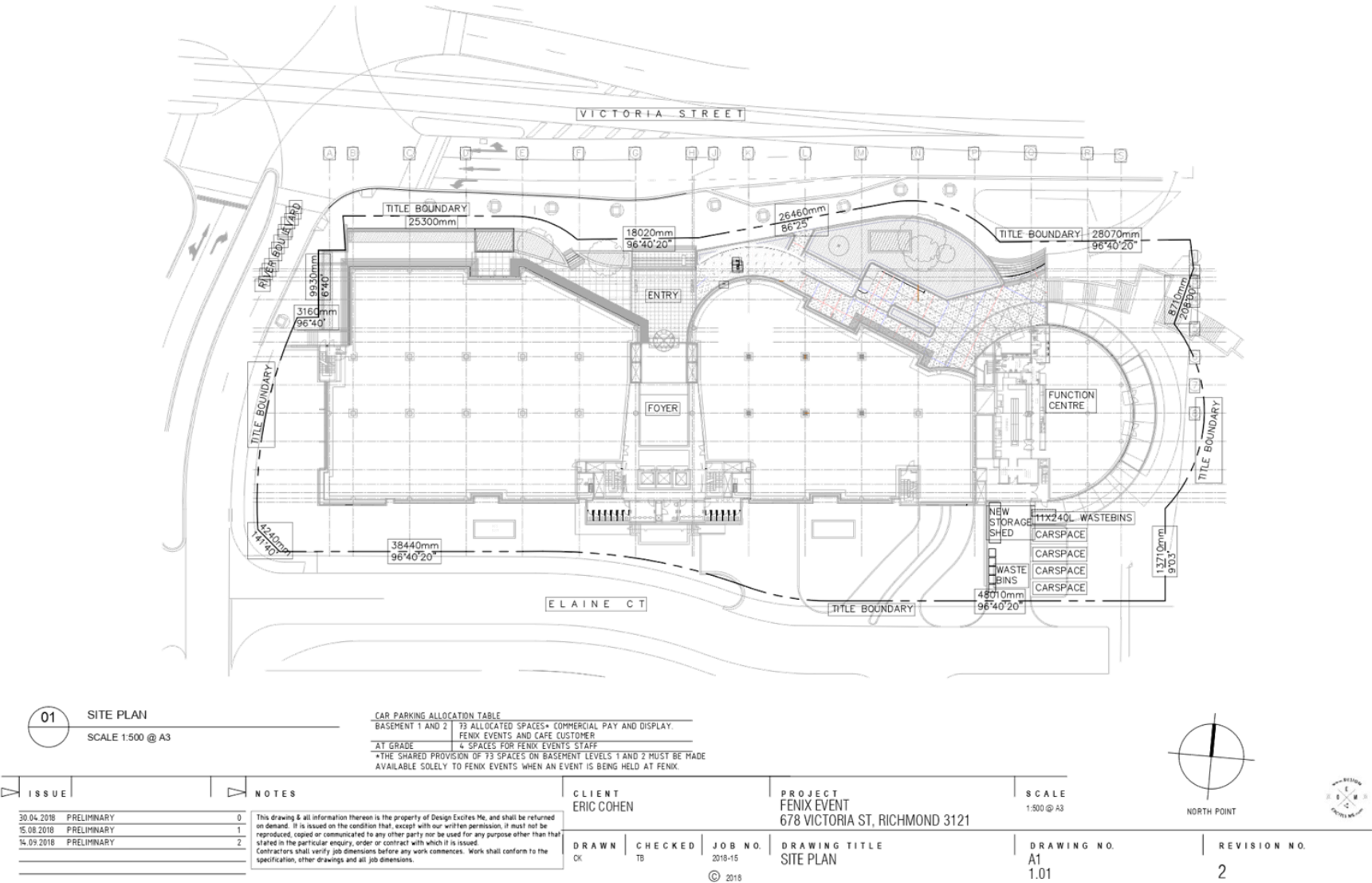
**SUBJECT LAND: 680 – 682 Victoria Street, Richmond**



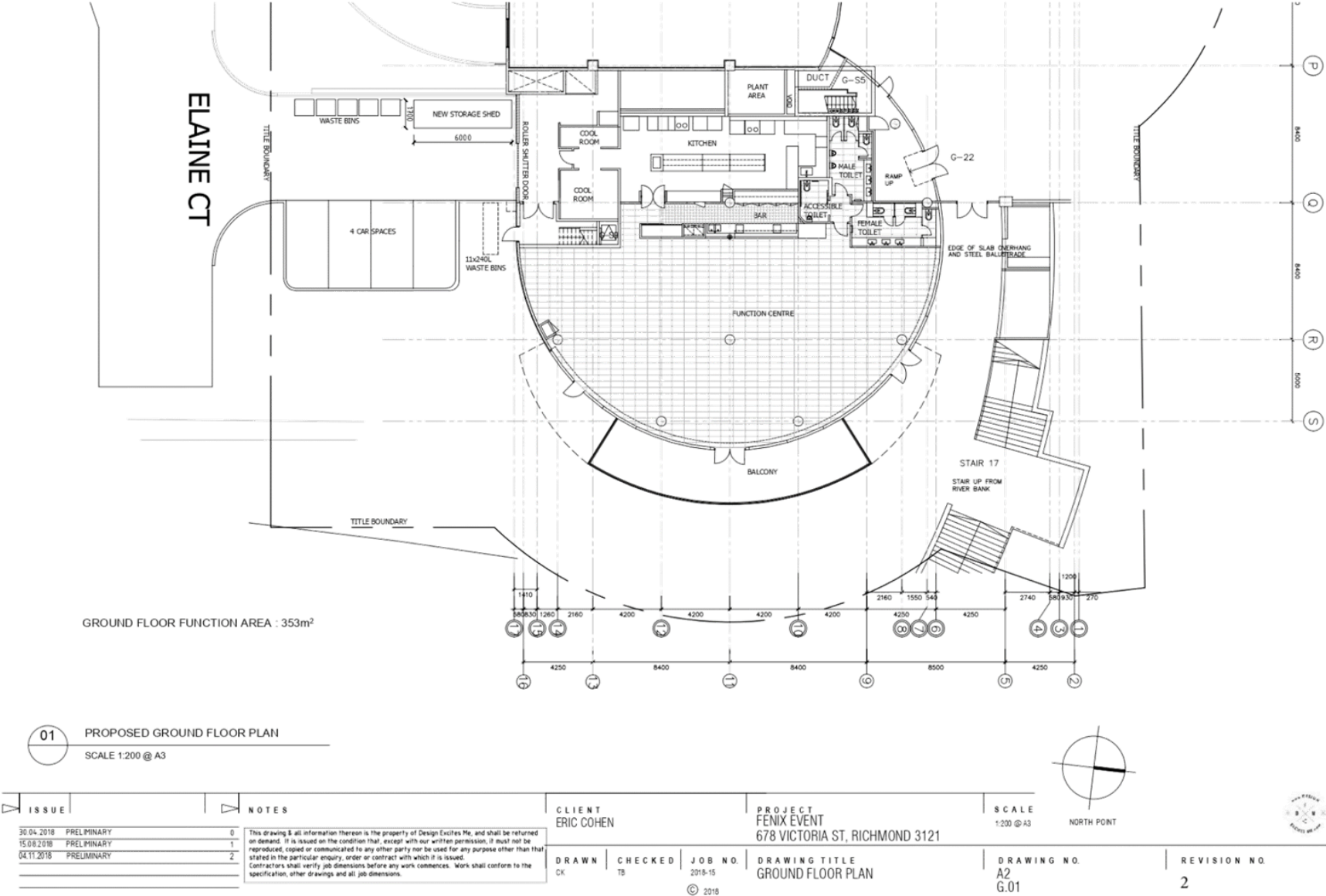
↑ North

★ Subject Site

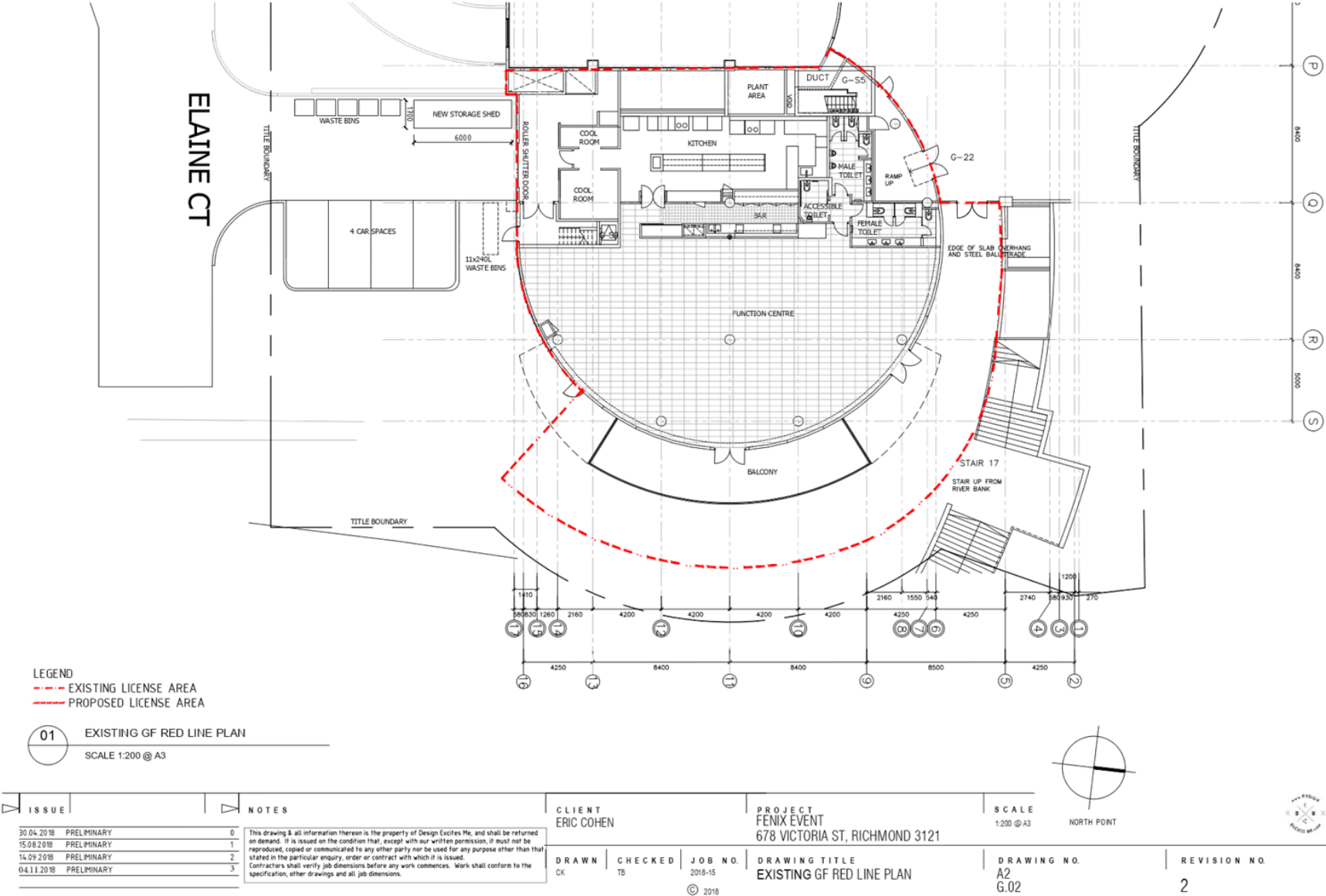
Attachment 2 - 000410.02 - Plans



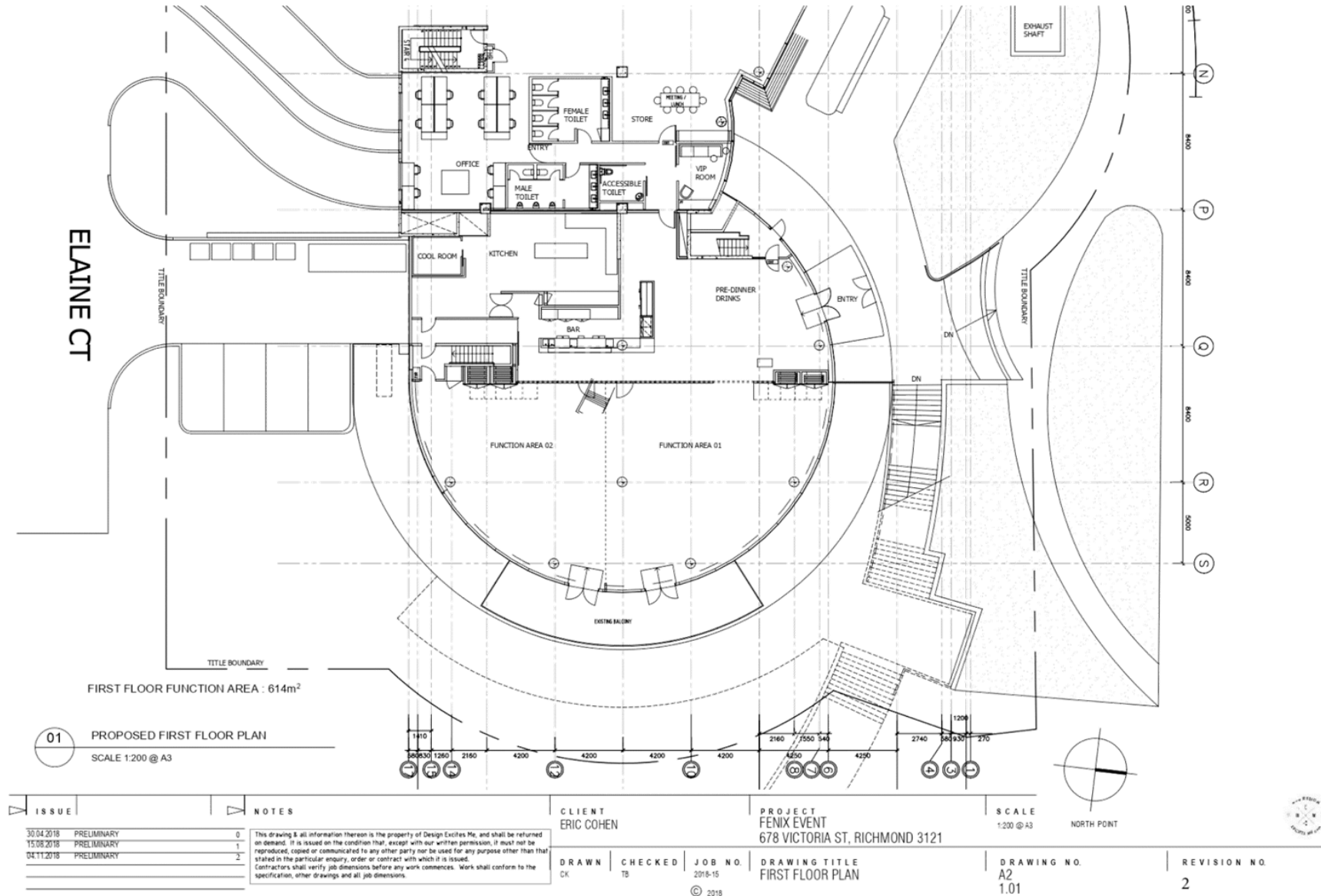
Attachment 2 - 000410.02 - Plans



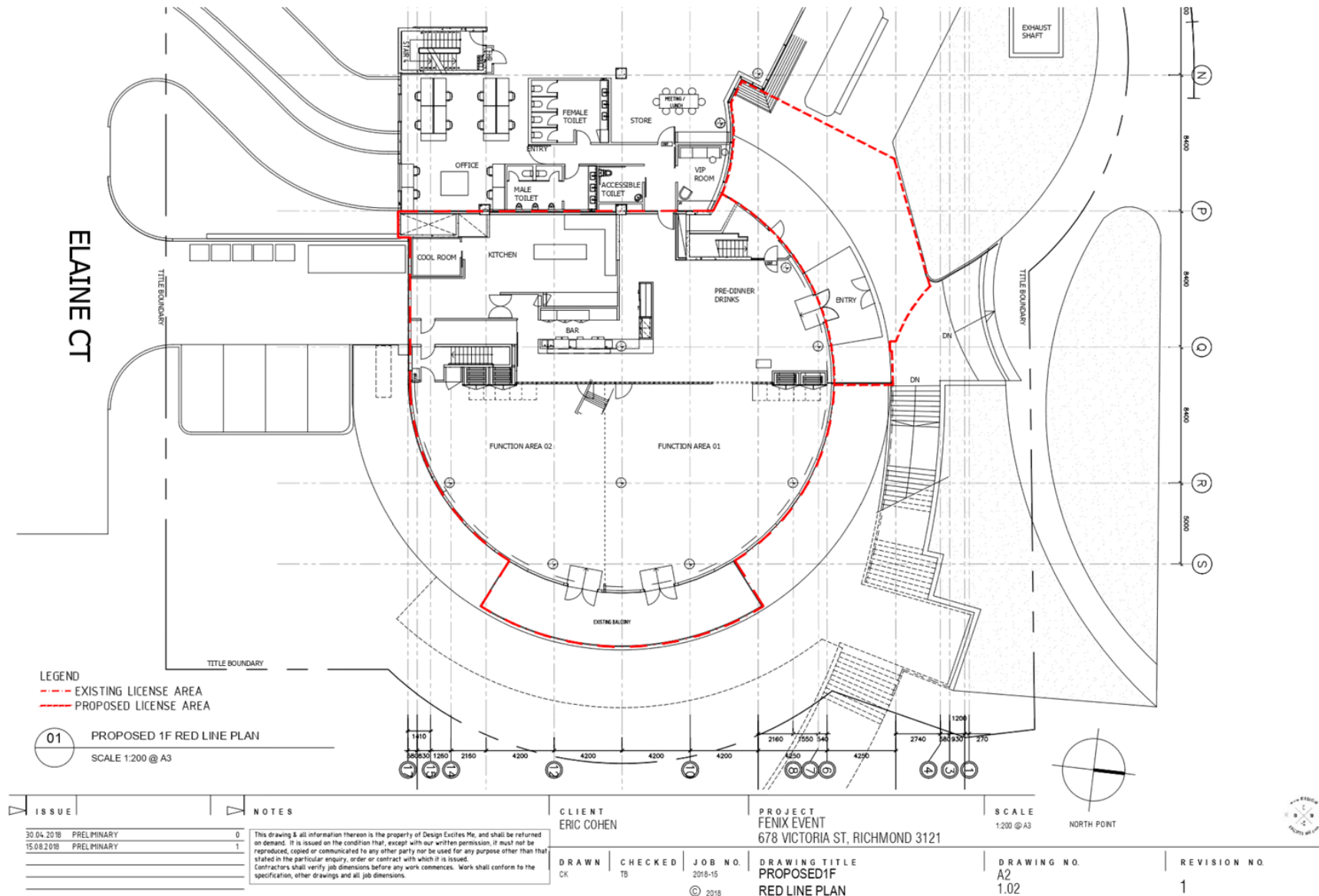
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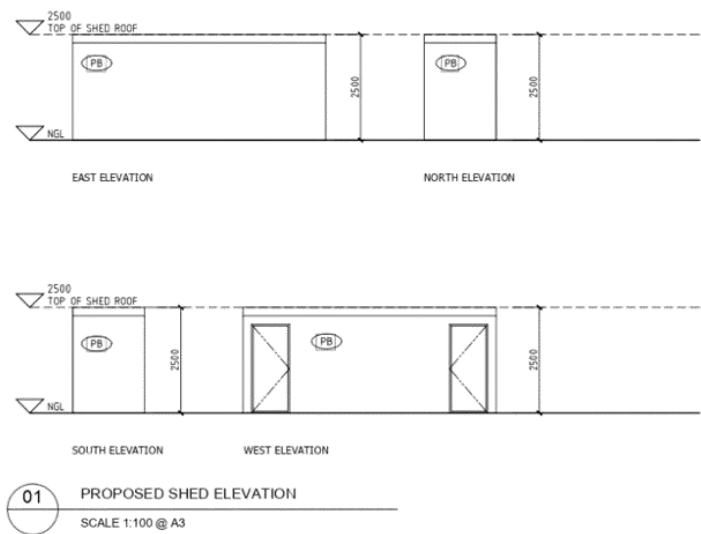
Attachment 2 - 000410.02 - Plans



# Attachment 2 - 000410.02 - Plans



Attachment 2 - 000410.02 - Plans



LEGEND

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ISSUE		NOTES		CLIENT		PROJECT		SCALE		 NORTH POINT					
30.04.2018 PRELIMINARY		0		ERIC COHEN		FENIX EVENT 678 VICTORIA ST, RICHMOND 3121		1:100 @ A3							
		<div>This drawing &amp; all information thereon is the property of Design Expects Me, and shall be returned or destroyed, if it is issued on the condition that, except with our written permission, it must not be reproduced, copied or communicated to any other party nor be used for any purpose other than that stated in the particular enquiry, order or contract with which it is issued. Contractors shall verify job dimensions before any work commences. Work shall conform to the specification, other drawings and all job dimensions.</div>		DRAWN		CHECKED		JOB NO.		DRAWING TITLE		DRAWING NO.		REVISION NO.	
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**Attachment 3 - 000410.02 - Noise and Amenity Action Plan**



**NOISE AND AMENITY ACTION PLAN**

**Fenix Events  
680-682 Victoria Street, Richmond**

This Noise and Amenity Action Plan (NAAP) has been prepared in relation to the proposed change of use to a place of assembly (function centre), and expansion to the area for the service of liquor as associated with the Fenix Events venue at 680-682 Victoria Street, Richmond.

Specifically, the primary use is shifting from a restaurant with an ancillary function centre use to use exclusively for private functions. It is noted that given the similarities between the existing and proposed use, existing management practices relating to noise, deliveries and waste management will remain unchanged as outlined in further detail below.

The expanded area for the service of liquor relates to the external forecourt between the venue and Victoria Street. It is proposed to allow liquor to be consumed in this forecourt area until 10pm every evening. No change to the number of patrons permitted by the existing planning permit is proposed.

The extended area is intended to be used predominantly for pre-dinner drinks as guests arrive and for smoking guest should they chose to take their drink outside with them.

No change to the number of patrons permitted by the existing planning permit is proposed.

This NAAP has been prepared having regard to the requirements of Clause 22.09-4.3.

**Details of existing licensed premises in the locality**

There are no other licensed premises in the immediate locality, with the closest premises being located in the Victoria Gardens shopping centre to the west, being largely internal to the shopping centre and operating to a latest hour of 9pm.

**Noise sources**

Potential noise sources associated with the functions at the Fenix include:

- patron noise at the venue entry and when using the external areas to the east and north of the enclosed venue;
- amplified music internal to the premises (existing and unchanged);
- rubbish disposal in the waste bins located at the rear of the building (existing and unchanged).

## Attachment 3 - 000410.02 - Noise and Amenity Action Plan



### Amplified Music

A large number of events held at Fenix Events feature amplified music in the form of DJs or bands. All amplified music is internal to the premises.

In the last 12 months, approximately 120 events with amplified music have been held at Fenix Events. This results in an average of two to three events per week, with up to four events each week during busier periods.

In the last 12 months, amplified music has consisted of either DJ's (approximately 70% of events with amplified music) or live bands (approximately 30% of events with live music).

### Measures to be undertaken to address noise sources

Fenix Events seeks to minimise any potential off-site amenity impacts to nearby residential areas. It is noted that there are no immediately adjacent residential uses.

It should be noted that all noise sources associated with Fenix Events are associated with the existing use and extent of service of liquor approved by the VCGLR, apart from the proposed external area in the front forecourt. Therefore, the methods summarised below to address music noise and noise associated with the disposal of waste along with measure to manage patron noise at entry to the venue are already in operation.

When patrons arrive at the venue they are greeted by a door person and invited inside. Given the nature of the venue for organised events such as business lunches, conventions or weddings, queuing of patrons outside the venue is highly unlikely.

There are no residential properties in close proximity to the function venue. The residential development to the north is separated from the subject site by Victoria Street and is unlikely to be impacted by the activities on the subject site.

Patrons are permitted to use the outdoor areas to the east and north of the building during events. Staff will monitor the behaviour of patrons using these areas. The proposed 10pm limit on the consumption of liquor within the forecourt to the north of the building at first floor level, further reduces the likelihood of unreasonable noise late in the evening.

Patrons are expected to leave the venue in an orderly manner at the conclusion of the event.

Music is provided by the event organiser and is usually a band or DJ. If the manager on duty believes that the music is too loud, they will request the band or DJ to lower the volume. Staff ensure that front doors are kept closed where possible to limit potential impacts on nearby residential properties. No amplified music is played outdoors.

All rubbish will be stored within the large waste bins located to the rear (south) of the building. The emptying of glass bottles is restricted to appropriate hours so as to not impact on the amenity of surrounding residents.

## Attachment 3 - 000410.02 - Noise and Amenity Action Plan



### **Procedures to be undertaken by staff in the event of a complaint by a member of the public or relevant authority**

A manager is present on-site for the duration of all events held at the venue. The duty manager will immediately handle any complaints made by the public or authorities. Any complaint will be recorded and signed off by the manager on duty.

Victoria Police officers or an authorised officer of the responsible authority or Liquor Licensing Victoria will be provided with access to the premises if requested, with any matter dealt with immediately and recorded appropriately.

### **Staffing**

Staff numbers vary greatly throughout the week depending on when events are held and the size and nature of each event. A general summary of typical staff numbers is provided below.

At times when no event is taking place, there will be up to four staff present on site at any one time. During an event, the average number of staff is approximately 8. Generally the office daytime staff have finished and left before the event commences, unless the event is taking place during the day.

Usually events where alcohol will be served occur between 6pm and 12 midnight. The number of staff depends on the size of the event and the number of guests invited however, typically there will be anywhere between 5 and 14 staff present. This is usually comprised of 1-2 bar staff, 1 manager, 1 door person and between 3 and 11 wait staff.

On occasions when the venue is at maximum capacity, up to 16 staff will be present however, it is noted that events of this nature generally only occur once or twice per month.

Staffing requirements are determined on an event by event basis and it should be noted that the nature of events held in the venue (via prior invite only) ensures that an appropriate level of staffing can be pre-planned and provided accordingly.

It is noted that many of Fenix Event's staff commute to the premises by public transport or other sustainable methods of transport and do not greatly rely on on-site car parking. Staff that do travel to the venue by car are able to use the car parking spaces allocated to Fenix Events in basement levels 1 and 2 of the existing building. The Car Parking Management Plan approved by Council under the CDZ1 for 678 Victoria Street, Richmond discusses car parking allocation and states that the 73 commercial pay and display car parking spaces in basements 1 and 2 are available for use by Fenix Events staff and patrons.

### **Details of training provided for bar staff in the responsible serving of alcohol**

All staff are required to hold a current Responsible Serving of Alcohol certificate. Additional on job training is provided to bar staff as required.

**Attachment 3 - 000410.02 - Noise and Amenity Action Plan****Hours of operation**

In accordance with the conditions of Planning Permit 000410, the use is permitted to operate between 10am and 12 midnight on Sunday and 9am to 12 midnight from Monday to Saturday however, it is proposed to limit the consumption of liquor in the northern forecourt area as shown on the first floor plan to 10pm, in order to ensure that nearby residents maintain a high level of amenity.

**Lighting**

The subject site is well lit by lighting along the frontage to Victoria Street and at the main entrance to the function venue. The extent of lighting is not expected to negatively affect the amenity of surrounding residential uses.

**Security lighting**

The surrounding area is well lit given its abuttal to a main road to the north and there is existing lighting at the venue entry. Street lights are situated within the road reserve on either side of Victoria Street immediately adjacent to the subject site and the forecourt area is lit as appropriate given that it is the main entry to the venue.

**Any other measures to be undertaken to ensure minimal amenity impacts from the proposed liquor licence****Waste Management Practices**

Waste bins are stored to the rear (south) of the building. Waste types, capacities and collections times are summarised below.

Waste Type	Bin Numbers and Capacity	Storage Location	Collection Frequency
General Waste	2 x 1100 litre bins on wheels	To the rear of the building near the loading bay.	3 times per week after 7am (Mondays / Fridays / Saturdays) by Premier Waste.
Cardboard Recycling	3 x 1100 litre bins on wheels	To the rear of the building near the loading bay.	2 times per week (Monday and Thursday) by Visy.
Glass Recycling	11 x 240 litre wheel bins	Adjacent to the loading bay entrance at the rear of the site	Collected once a week on Tuesday morning between 8am and 9am by Elite Recycling.

These existing waste management practices will continue as described above. The frequency and times of collection are appropriate and ensure potential impacts on residential amenity are minimised. The weekday collection times do not conflict with peak travel times.

**Attachment 3 - 000410.02 - Noise and Amenity Action Plan**



Deliveries

The number of deliveries each week can vary depending on the number and nature of events held. As a general rule, approximately eight deliveries occur each week from a range of suppliers, including liquor, linen and food. Most delivery vehicles use the roller door at the rear of the building, adjacent to the staff car park. Delivery vehicles temporarily park in the accessway, adjacent to the roller door while unloading goods. Given the infrequent nature of deliveries and the delivery times, the loading / unloading activities do not affect the usability of these car parking spaces. Deliveries occur on weekdays (Monday to Friday) anytime between 9am and 5pm.

**Attachment 4 - 000410.02 - Applicant Acoustic Report**



CONSULTANTS: ACOUSTICS, NOISE & VIBRATION CONTROL

A.C.N. 005 446 579  
ABN 44 445 257 249

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PO BOX 201, KEW EAST, 3102

**EXISTING COMMERCIAL VENUE**

**680-682 VICTORIA STREET  
RICHMOND**

**Town Planning Application  
Acoustic Report**

**Acoustic Report Prepared for:**

**Maple Event Group**  
C/- Hollerich Town Planning Pty Ltd  
5/111 Collins Street  
Melbourne VIC 3000

Ref. 12390-1.1jg  
9<sup>th</sup> May 2019

MEMBER FIRM OF THE ASSOCIATION OF  
AUSTRALIAN ACOUSTICAL CONSULTANTS



# Attachment 4 - 000410.02 - Applicant Acoustic Report



WatsonMossGrowcott  
Acoustics

CONSULTANTS: ACOUSTICS, NOISE & VIBRATION CONTROL

A.C.N. 005 446 579  
ABN 44 445 257 249

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## Attachment 4 - 000410.02 - Applicant Acoustic Report



CONSULTANTS: ACOUSTICS, NOISE & VIBRATION CONTROL

A.C.N. 005 446 579  
ABN 44 445 257 249

### 1. INTRODUCTION

The subject site is located at 680-682 Victoria Street, Richmond.

The site is currently occupied by a multi-level commercial building which incorporates an existing commercial venue identified as '*Fenix Function Centre*'.

The site venue currently operates under a planning permit 00410 which was issued by the City of Yarra Responsible Authority on 11<sup>th</sup> August 2000.

A preliminary application has recently been submitted to the Responsible Authority which seeks to amend the venue existing permit as follows:

- Change of the use of the existing venue from a restaurant with an ancillary function centre use, to a venue exclusively used for private functions.
- Increase the area in which liquor can be served to incorporate an additional external area described as the 'forecourt' located adjacent to the northern façade of the existing building.
- Construct a storage shed at the rear (within the southern carpark of the existing building).

It is understood that following public notification of the preliminary application, the City of Yarra Responsible Authority received objections relating to potential noise emission issues associated with the venue.

In response to the objections raised, the City of Yarra Responsible Authority has requested that an acoustic report be prepared which considers noise emission associated with the commercial venue operations including patron, music and mechanical services noise.

In accordance with the request from Council, Watson Moss Growcott Acoustics (WMG) has been engaged to undertake an acoustic assessment of the commercial venue operations.

This report presents an assessment of the potential noise emissions associated with the venue operations and provides noise control recommendations to achieve compliance with relevant legislation/guideline documentation where applicable.

## Attachment 4 - 000410.02 - Applicant Acoustic Report



CONSULTANTS: ACOUSTICS, NOISE &amp; VIBRATION CONTROL

A.C.N. 005 446 579  
ABN 44 445 257 249

## 2. NOISE ASSESSMENT TERMINOLOGY

Common terminology used within this noise assessment report is described in Table 1 below.

Table 1: Description of Noise Assessment Terminology

Reference	Description
dB(A)	Decibels recorded on a sound level meter, which has had its frequency response modified electronically to an international standard, to quantify the average human loudness response to sounds of different character.
$L_{eq}$	The equivalent continuous level that would have the same total acoustic energy over the measurement period as the actual varying noise level under consideration. It is the noise measure defined by the EPA as the measure of the noise to use in assessing compliance with noise limits.
$L_{90}$	The level exceeded for 90% of the measurement period, which is representative of the typical lower levels in a varying noise environment. It is the noise measure defined by the EPA as the measure of the background noise level to use in determining noise limits.
$L_{10}$	Commonly described as the average of the higher levels of a range of noise levels. It is the value of a range of values exceeded for 10% of the observation period, i.e. the level exceeded for 6 minutes for every 60 minutes of observation.

## 3. MEASUREMENT EQUIPMENT

As part of the assessment works, WMG used the equipment described in Table 2 below.

Table 2: Measurement Equipment List

Equipment Designation	Use of Equipment
Rion NA27 Precision Sound Level Meter	Handheld Noise Measurements
Ngara Real Time Sound Acquisition System	Fixed Position Noise Logging Measurements

The field calibration of the measurement equipment was checked with a Bruel & Kjaer Type 4230 Sound Level Calibrator at the commencement and completion of the noise measurements and found to be within the correct calibration range.

## Attachment 4 - 000410.02 - Applicant Acoustic Report



CONSULTANTS: ACOUSTICS, NOISE &amp; VIBRATION CONTROL

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#### 4. SITE LAYOUT AND EXISTING OPERATIONS

The existing venue is constructed and operates over two levels at the subject site.

The lower level of the venue is described as the 'River Terrace' as is set down in height to be level with Elaine Court located to the south of the subject site. The 'River Terrace' space includes the following internal and external areas:

- Open plan bar and adjoining internal seating areas.
- Private internal kitchen areas accessed from the internal seating areas via swing doors.
- External areas suitable for patrons located adjacent to the eastern façades of the venue overlooking the Yarra River.
- Internal amenities areas.

The upper level of the venue is described as 'Panorama' and equivalent in height with Victoria Street located to the north of the subject site. The 'Panorama' space includes the following internal and external areas:

- Open plan bar and adjoining internal seating areas.
- Private internal kitchen areas accessed from the internal seating areas via swing doors.
- External areas suitable for patrons located adjacent to the eastern façades of the venue overlooking the Yarra River.
- Internal amenities areas.

In addition to the above, the venue includes a lower level external parking area which is accessed from Elaine Court to the south of the subject site. The lower level car park also provides access to the venue main refrigeration equipment area which is accessed via a ventilated roller shutter door in the southern façade of the venue base building.

Based on discussions with the client, it is understood that the general operations associated with the venue include the following:

- Venue Operating Hours:

Table 3: Adopted Operating Hours

Operating Days	Adopted Operating Times
Monday to Saturday	9:00am to 12:00am
Sunday	10:00am to 12:00am
Public Holidays	12:00pm to 12:00am

- Music Entertainment:

- Internal areas associated with the 'River Terrace' and 'Panorama' spaces will include live and recorded music entertainment. For functions, DJ's and live bands will be included in the entertainment.
- Music entertainment associated with the venue will not occur within any external areas.

- Patrons:

- It is understood that each of the levels have the capacity to operate independently with as few as 80 patrons per level, or with a combined total of 350 patrons.
- The existing outdoor terrace areas adjacent to the eastern facades of the 'River Terrace' and 'Panorama' spaces are sized to allow for in the order of 50 patrons per level.

## Attachment 4 - 000410.02 - Applicant Acoustic Report

**5. PROPOSED CHANGE TO EXISTING USE**

An application has recently been submitted to the Responsible Authority which seeks to amend the existing permit under which the current venue operates.

It is understood that the primary amendment to the existing use at the subject site will include the shift from the venue being used as a restaurant with an ancillary function centre use, to a venue exclusively used for private functions.

Additional considerations forming part of the application include the construction of a new storage shed adjacent to the southern boundary of the venue base building, and the use of the existing external forecourt area abutting Victoria Street for patrons and the consumption of alcohol.

The client has indicated that all other uses will remain consistent with existing operations.

An aerial photograph identifying the area where the new storage shed will be constructed, and the existing external forecourt area is shown below in Figure 1.



Figure 1: Aerial Photograph Identifying Relevant Areas

## Attachment 4 - 000410.02 - Applicant Acoustic Report



CONSULTANTS: ACOUSTICS, NOISE & VIBRATION CONTROL

A.C.N. 005 446 579  
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### 6. SITE AND NEARBY ENVIRONMENT

The subject site is located at the land described as 680-682 Victoria Street, Richmond.

The site is occupied by a multi-level commercial building which includes the relevant commercial venue at low level.

The site land abuts Victoria Street to the north, Elaine Court to the south, River Boulevard to the west and the Yarra River and associated 'Main Yarra Trail' to the east.

The area surrounding the site is occupied by mix of existing residential and commercial properties.

In response to the Council request, noise emissions associated with the venue operations will require consideration at residential receptors surrounding the subject site.

Based on the distance separation between the subject site and the nearby residential receptors, the most relevant receptors will be as follows:

- Multi-Level Residential Dwelling: 2 Harrison Crescent to the east of the subject site.
- Multi-Level Residential Building: 3 Harrison Crescent to the east of the subject site.
- Multi-Level Residential Dwelling: 3 Christine Crescent to the south of the subject site.
- Multi-Level Residential Building: 681 Victoria Street to the north of the subject site.

An aerial photograph identifying the subject site and surrounds is shown below in Figure 2.

# Attachment 4 - 000410.02 - Applicant Acoustic Report



Figure 2: Aerial Photo of Subject Site and Surrounds

## Attachment 4 - 000410.02 - Applicant Acoustic Report

## 7. ATTENDED AND UNATTENDED NOISE MONITORING AT SUBJECT SITE

As part of the assessment works for the proposal, WMG has carried out attended and unattended noise monitoring at and around the subject site. Attended and unattended noise monitoring were carried out during the following dates and times:

- Attended site survey between 7:30pm and 8:00pm on Friday 15<sup>th</sup> March 2019.
- Attended site survey between 4:30pm and 5:00pm on Saturday 16<sup>th</sup> March 2019.
- Attended site survey between 11:30pm and 12:30am on Saturday 16<sup>th</sup> March 2019.
- Attended site survey between 3:00pm and 4:00pm on Monday 8<sup>th</sup> April 2019.
- Unattended monitoring during the period Friday 15<sup>th</sup> and Wednesday 20<sup>th</sup> March 2019 at the residential building located at 4 Barkers Road, Hawthorn.

The purpose of the noise monitoring was to determine the existing acoustic environment at the site to form a basis in determining the following:

- Noise limits in accordance with State and Environment Protection Policy N-1.
- Noise limits in accordance with State Environment Protection Policy N-2.
- Measure noise emissions associated with existing commercial venue operations where possible.

An aerial photograph identifying the attended noise measurement locations is shown below in Figure 3.



Figure 3: Aerial Photograph identifying Noise Measurement Locations

## Attachment 4 - 000410.02 - Applicant Acoustic Report



CONSULTANTS: ACOUSTICS, NOISE &amp; VIBRATION CONTROL

A.C.N. 005 446 579  
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## 8. ASSESSMENT METHODOLOGY AND DESIGN OBJECTIVES FOR CONSIDERATION OF EXTERNAL NOISE EMISSIONS

When considering noise emissions associated with the venue consistent with the subject site operations, there is no variation in the methodology of assessment between a restaurant and a function centre. In consideration of the above, and based on previous experience involving similar venues, the relevant legislation/guideline documentation applicable for the venue operations at the subject site are shown below in Table 4.

Table 4: Assessment Methodology

Noise Source	Assessment Methodology
Mechanical Services Noise	State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1
Patron Noise	State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1
Music Noise	State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2

### 8.1 MECHANICAL SERVICES NOISE – STATE ENVIRONMENT PROTECTION POLICY N-1

Commercial premises noise, including noise associated with the mechanical services equipment forming part of the facility operations must comply with limits determined according to State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 (SEPP N-1) when assessed at residential premises.

Using SEPP N-1 methodology, the noise limits are calculated values determined using the areas of differing land zoning surrounding the relevant residences as described in Schedule 2 of SEPP N-1. Noise limits will vary depending on the time of the day, evening or night, with the highest permitted values during week daytimes.

These periods are defined within several documents provided by the EPA including SEPP N-1 and EPA Noise Control Guidelines Publication 1254. The EPA day, evening and night periods are defined below in Table 5.

Table 5: Details of EPA Assessment Periods

EPA Assessment Period	Relevant Days	Relevant Time Periods
Day	Monday to Friday	7:00am to 6:00pm
	Saturday	7:00am to 1:00pm
Evening	All Days	6:00pm to 10:00pm
	Saturday	1:00pm to 6:00pm
	Sunday, Public Holidays	7:00am to 6:00pm
Night	All Days	10:00pm to 7:00am

Based on the operating hours of the facility described in Table 3, noise emissions during the day, evening and night periods will require consideration.

The calculated SEPP N-1 zoning levels will apply when the ambient background noise level falls within the range considered 'neutral'. The 'neutral' range represents a background noise level which is considered typical for the surrounding land zoning.

Adjusted values will apply where the measured values of the existing ambient background noise are above or below the noise level range deemed neutral.

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CONSULTANTS: ACOUSTICS, NOISE &amp; VIBRATION CONTROL

A.C.N. 005 446 579  
ABN 44 445 257 249**8.2 COMMERCIAL PATRON NOISE – STATE ENVIRONMENT PROTECTION POLICY N-1**

There is currently no regulated noise assessment procedure for considering the noise that occurs from patrons gathered in indoor/outdoor areas at licenced venues.

In the opinion of the writer, patron noise from indoor/outdoor areas can be assessed like other noise sources ie. the acceptability or otherwise of patron noise will rely on a comparison of the patron noise levels with the ambient noise occurring at residential locations at noise sensitive times.

The writer's firm has considered possible criteria and believes, by observation, that the noise emitted from groups of patrons in indoor/outdoor areas of licensed venues will be relatively constant in level and be observed as "babble" by offsite listeners rather than individual voices.

Further, if the individual voices can be identified within a patron group then the number of patrons will be very small (likely to be less than ten). The overall patron noise levels for such small groups will be measurably lower than for larger patron groups expected at the venue.

Hence, the effective noise of a small patron group, ie. lower absolute noise level plus individual voice character, is expected to have similar noise impact than a larger group with the more constant babble noise character.

WMG adopts State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1(SEPP N-1) as the most reasonable assessment criteria.

This statement is made in the knowledge that SEPP N-1 explanatory notes indicate that the EPA did not intend at the time of development, to use the policy for assessing individual voices or the noise from (sporting) crowds.

The SEPP N-1 methodology provides the following suitable attributes for assessing patron noise:

- It has been a good predictor for many years of the subjective response from residential communities exposed to noise sources of many differing characters, and in the opinion of the writer, noise sources with the character of groups of socialising club or hotel patrons.
- It provides the ability to determine different noise limits for day, evening and night periods.
- Night-time noise limits have as a prime consideration the protection of residential locations especially those used for sleeping.

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## 8.3 COMMERCIAL MUSIC NOISE – STATE ENVIRONMENT PROTECTION POLICY N-2

Music noise emissions from the venue must comply with limits determined in accordance with State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2).

SEPP N-2 requires compliance with two noise criteria conditions. These include a daytime/early evening criterion and a late evening/night time criterion.

Table 6 below defines for time for the daytime/early evening, and night time periods.

Table 6: SEPP N-2 Assessment Periods

NUMBER OF OPERATIONS PER WEEK	hour	A.M.												P.M.																							
	DAY	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12											
One	Friday																																				
	Saturday																																				
	Sunday																																				
	Other																																				
Two or three	Thursday																																				
	Friday																																				
	Saturday																																				
	Sunday																																				
More than three	Other																																				
	Saturday																																				
	Sunday																																				
	Other																																				
		12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12											
		Operating Periods												Night												Day/Evening											

A summary of the requirements during each of the relevant periods is shown below in Table 7 and 8.

Table 7: Daytime/Early Evening Assessment Methodology

Daytime/Early Evening
The higher peaks of music noise do not exceed the lower lulls of the ambient noise by more than 5 dB(A), i.e.:
$\text{Music dB(A) } L_{eq} \leq \text{Background dB(A) } L_{90} + 5 \text{ dB(A)}$

Table 8: Late Evening/Night Time Assessment Methodology

Late evening/Night Time
The higher peaks of music (measured in octave bands) measured inside or outside a room used for sleeping must not exceed the lulls of the ambient noise (also measured in octave bands) by more than 8 decibels, i.e.:
$\text{Music dB } L_{10} \text{ (octave 63 - 4 kHz)} \leq \text{Background dB } L_{90} \text{ (octave 63 - 4 kHz)} + 8 \text{ dB}$

Based on the operating hours of the facility as shown in Table 3, consideration of noise emissions during the daytime/early evening and late evening/night periods will be required.

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A.C.N. 005 446 579  
ABN 44 445 257 249**8.4 MEASURED AMBIENT BACKGROUND NOISE LEVELS**

Ambient background noise levels refer to the acoustic environment of an area in the absence of noise intrusion associated with any commercial/industrial operations nearby.

Ambient background noise levels are typically controlled by noise associated with vehicle movements on nearby and distant roads.

Noise measurements of the ambient background noise level are described as the dB(A) L<sub>90</sub>. The dB(A) L<sub>90</sub> refers to the level exceeded for 90% of the measurement period.

This value is considered representative of the typical lower levels in a varying noise environment and is the noise measure defined by the EPA as the measure of the background noise level to use in determining the relevant SEPP N-1 and SEPP N-2 noise limits.

In order to determine the existing ambient background noise environment at the subject site, WMG carried out attended and unattended noise monitoring as described in Section 7 of this report.

Based on analysis of the audio files recorded by the unattended noise logging equipment and observations by the attending engineer during site visit works, the acoustic environment at the subject site and at residential receptors surrounding the subject site is typically dominated by noise associated with vehicle movements including tram movements along Victoria Street/Barkers Road.

**8.4.1 Relevant Assessment Periods for Venue Operating Hours**

Based on the operating hours associated with the venue, a summary of the relevant assessment periods for SEPP N-1 and SEPP N-2 methodology is shown below in Table 9.

*Table 9: Relevant Assessment Periods for SEPP N-1 and SEPP N-2 Compliance*

Day	Operating Hours	Relevant SEPP N-1 Assessment Period	Relevant SEPP N-2 Assessment Period
Monday to Friday	9:00am to 6:00pm	Day	Day/Early Evening
	6:00pm to 10:00pm	Evening	Day/Early Evening
	10:00pm to 12:00am	Night	Late Evening/Night
Saturday	9:00am to 10:00am	Day	Late Evening/Night
	10:00am to 1:00pm	Day	Day/Early Evening
	1:00pm to 6:00pm	Evening	Day/Early Evening
	6:00pm to 10:00pm	Evening	Day/Early Evening
	10:00pm to 12:00am	Night	Late Evening/Night
Sunday	10:00am to 12:00pm	Evening	Late Evening/Night
	12:00pm to 6:00pm	Evening	Day/Early Evening
	6:00pm to 9:00pm	Evening	Day/Early Evening
	9:00pm to 10:00pm	Evening	Late Evening/Night
	10:00pm to 12:00am	Night	Late Evening/Night

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The operations at the subject site will be relatively consistent whereby patrons will occupy internal and external areas as required, and music noise will continually be played through the venue in-house system.

In consideration of the above, the most critical operating periods will be during the late evening/night period between 10:00pm and 12:00am when ambient noise levels and corresponding noise limits will be at their lowest.

Compliance with SEPP N-1 and SEPP N-2 noise limits at these times will result in compliance at all other times.

#### 8.4.2 State Environment Protection Policy N-1 Noise Limits

A summary of the adopted ambient background noise levels, and corresponding SEPP N-1 noise limits for the off-site noise sensitive receptors is shown below in Table 10, 11 and 12.

Table 10: Calculated SEPP N-1 External Noise Limits (Harrison Crescent Dwellings)

EPA-defined Assessment Period	Day	Relevant Time Period	Adopted Ambient Background Noise Levels		Calculated SEPP N-1 Noise Limits
			Value	Value Relative to Neutral Range	
Day	Monday to Friday	9:00am to 6:00pm	48 dB(A) $L_{90}$	High	54 dB(A) Leq
	Saturday	9:00pm to 1:00pm			
Evening	Saturday	1:00pm to 6:00pm	44 dB(A) $L_{90}$	High	47 dB(A) Leq
	Sunday	10:00pm to 6:00pm			
	All Days	6:00pm to 10:00pm	44 dB(A) $L_{90}$	High	47 dB(A) Leq
Night	All Days	10:00pm to 12:00am	39 dB(A) $L_{90}$	High	42 dB(A) Leq

Table 11: Calculated SEPP N-1 External Noise Limits (Christine Crescent Dwellings)

EPA-defined Assessment Period	Day	Relevant Time Period	Adopted Ambient Background Noise Levels		Calculated SEPP N-1 Noise Limits
			Value	Value Relative to Neutral Range	
Day	Monday to Friday	9:00am to 6:00pm	48 dB(A) $L_{90}$	Neutral	58 dB(A) Leq
	Saturday	9:00pm to 1:00pm			
Evening	Saturday	1:00pm to 6:00pm	44 dB(A) $L_{90}$	Neutral	51 dB(A) Leq
	Sunday	10:00pm to 6:00pm			
	All Days	6:00pm to 10:00pm	44 dB(A) $L_{90}$	Neutral	51 dB(A) Leq
Night	All Days	10:00pm to 12:00am	39 dB(A) $L_{90}$	Neutral	46 dB(A) Leq

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Table 12: Calculated SEPP N-1 External Noise Limits (Victoria Street Dwellings)

EPA-defined Assessment Period	Day	Relevant Time Period	Adopted Ambient Background Noise Levels		Calculated SEPP N-1 Noise Limits
			Value	Value Relative to Neutral Range	
Day	Monday to Friday	9:00am to 6:00pm	56 dB(A) L <sub>90</sub>	High	62 dB(A) Leq
	Saturday	9:00pm to 1:00pm			
Evening	Saturday	1:00pm to 6:00pm	52 dB(A) L <sub>90</sub>	High	56 dB(A) Leq
	Sunday	10:00pm to 6:00pm			
	All Days	6:00pm to 10:00pm	52 dB(A) L <sub>90</sub>	High	56 dB(A) Leq
Night	All Days	10:00pm to 12:00am	50 dB(A) L <sub>90</sub>	High	53 dB(A) Leq

### 8.4.3 State Environment Protection Policy N-2 Noise Limits

#### 8.4.3.1 Day/Early Evening Period

A summary of the measured ambient background noise levels and corresponding external SEPP N-2 noise limits during the day/early evening are shown below in Table 13, 14 and 15.

Table 13: Calculated SEPP N-2 External Music Noise Limits - Day/Early Evening (Harrison Crescent Dwellings)

Day/Early Evening	Relevant SEPP N-2 Noise Limit
Adopted ambient background noise level – 44 dB(A) L <sub>90</sub>	49 dB(A) Leq

Table 14: Calculated SEPP N-2 External Music Noise Limits - Day/Early Evening (Christine Crescent Dwellings)

Day/Early Evening	Relevant SEPP N-2 Noise Limit
Adopted ambient background noise level – 44 dB(A) L <sub>90</sub>	49 dB(A) Leq

Table 15: Calculated SEPP N-2 External Music Noise Limits - Day/Early Evening (Victoria Dwellings)

Day/Early Evening	Relevant SEPP N-2 Noise Limit
Adopted ambient background noise level – 52 dB(A) L <sub>90</sub>	57 dB(A) Leq

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### 8.4.3.2 Late Evening/Night Period

A summary of the measured ambient background noise levels and corresponding external SEPP N-2 noise limits during the late evening/night are shown below in Table 16, 17 and 18.

Table 16: SEPP N-2 Music Noise Limits Late Evening/Night Assessment Period (Harrison Crescent Dwellings)

Late Evening/Night Time	Noise Levels dB Octave Band Centre Frequency, Hz						
	63	125	250	500	1k	2k	4k
Background noise during late evening (Up to 12:00am)	43	40	38	37	36	31	25
EPA adjustment to determine SEPP N-2 limits	+8	+8	+8	+8	+8	+8	+8
EPA SEPP N-2 Noise Limits for late evening (Up to 12:00am)	51	48	46	45	44	39	33

Table 17: SEPP N-2 Music Noise Limits Late Evening/Night Assessment Period (Christine Crescent Dwellings)

Late Evening/Night Time	Noise Levels dB Octave Band Centre Frequency, Hz						
	63	125	250	500	1k	2k	4k
Background noise during late evening (Up to 12:00am)	43	40	38	37	36	31	25
EPA adjustment to determine SEPP N-2 limits	+8	+8	+8	+8	+8	+8	+8
EPA SEPP N-2 Noise Limits for late evening (Up to 12:00am)	51	48	46	45	44	39	33

Table 18: SEPP N-2 Music Noise Limits Late Evening/Night Assessment Period (Victoria Street Dwellings)

Late Evening/Night Time	Noise Levels dB Octave Band Centre Frequency, Hz						
	63	125	250	500	1k	2k	4k
Background noise during late evening (Up to 12:00am)	51	48	45	46	46	42	33
EPA adjustment to determine SEPP N-2 limits	+8	+8	+8	+8	+8	+8	+8
EPA SEPP N-2 Noise Limits for late evening (Up to 12:00am)	59	56	53	54	54	50	41

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## 9. NOISE EMISSIONS ASSESSMENT

### 9.1 NOISE ASSOCIATED WITH MECHANICAL SERVICES EQUIPMENT

Based on discussions with the client, existing mechanical services equipment which forms part of the existing subject site operations will remain.

The proposed change in use will not result in any change to the existing mechanical services equipment.

Furthermore, the proposed storage shed to be constructed adjacent to the southern façade of the base building will not include any additional mechanical services equipment and will therefore not be relevant when considering the general operating noise levels of the venue.

#### 9.1.1 Relevant Noise Sources

It is understood that mechanical services equipment associated with venue operations is located at the subject site as follows:

- Above the roof of the subject site base building on a dedicated plant platform.
- Internally at ground level adjacent to the southern façade of the subject site base building.
- Externally at ground level adjacent to the southern façade of the subject site base building.

As part of site investigations, WMG has undertaken noise measurements where possible to determine noise emissions associated with the relevant mechanical services equipment.

Based on observations during site inspection works, a summary of the relevant mechanical services equipment and the location of the equipment is shown below in Table 19.

*Table 19: Summary of Relevant Mechanical Services Equipment Associated with Venue Operation*

Equipment Location	Equipment Description
Above roof of base building	<ul style="list-style-type: none"> <li>▪ 1 x Kitchen Exhaust Fan servicing 'Panorama' space (KEF-2).</li> <li>▪ 1 x Kitchen Exhaust Fan servicing 'River Terrace' space (KEF-1).</li> </ul>
Internally adjacent to southern façade of base building	<ul style="list-style-type: none"> <li>▪ Refrigeration Plant (Approximately 5 units).</li> <li>▪ 3 x commercial fridge units.</li> <li>▪ Duct mounted air conditioning exhaust fan (EF B1-3).</li> </ul>
Externally adjacent to southern façade of base building	<ul style="list-style-type: none"> <li>▪ 1 x ice machine.</li> </ul>

Based on discussions with the client, it is understood that the operating times of the equipment will typically be as follows:

- Roof mounted kitchen exhaust fans will not operate beyond 10:00pm.
- Ground level equipment will operate 24 hours per day.

An aerial photograph and image from google street view which identifies each of the units describe Table 19 above is shown below in Figure 4 and Figure 5.

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Figure 4: Aerial Photograph Identifying Roof Mounted Kitchen Exhaust Fans

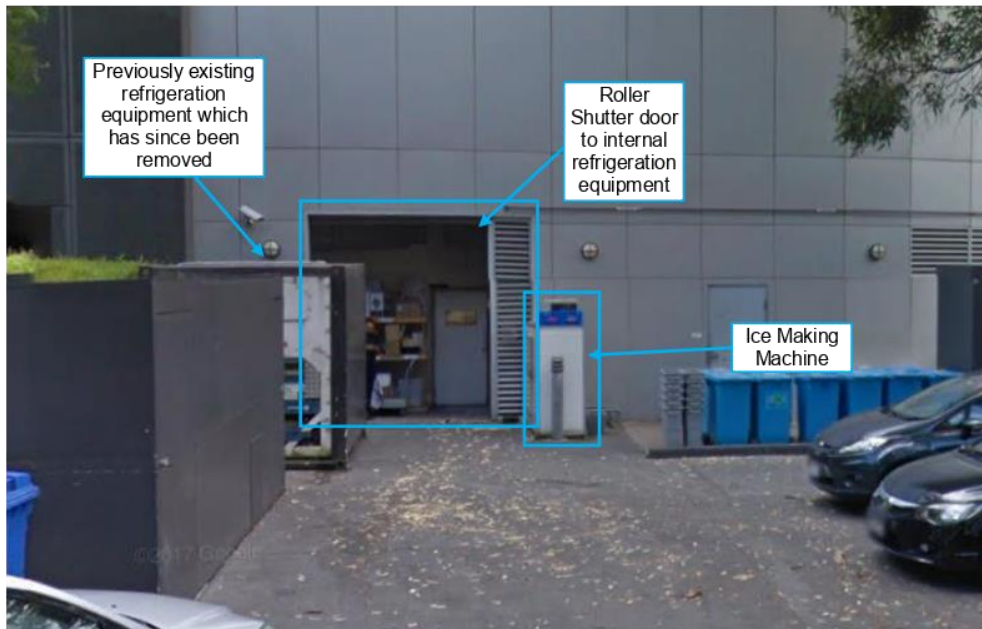


Figure 5: Google Street View Identifying Ground Level Internal and External Mechanical Services Equipment

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## 9.1.2 Noise Emission Assessment

As part of the assessment works at the subject site, WMG has undertaken noise measurements of the existing mechanical services equipment at relevant nearby residential receptors.

For the roof mounted kitchen exhaust fans, WMG was able to measure noise emissions associated with the equipment to the east of the subject site in Harrison Crescent at 'attended measurement location 3' identified in Figure 3.

For the ground level internal and external equipment, WMG was able to measure noise emissions associated with the equipment to the south of the subject site in Elaine Court at 'attended measurement location 1' identified in Figure 3.

A summary of the measured noise levels due to the relevant equipment, and a comparison of the measurement values with the relevant SEPP N-1 noise limits is shown below in Table 20.

Table 20: Summary of Measured Mechanical Services Equipment Noise Levels at Relevant Assessment Locations

Assessment Location	Measured Noise Level	Relevant SEPP N-1 Noise Limit Based on Operating Hours of Equipment	Comments
Attended Measurement Location 1 (Representative of Exposure at Christine Crescent Dwellings)	46 dB(A) Leq*	46 dB(A) Leq	Noise associated with ground level internal and external refrigeration equipment was audible and measurable.
Attended Measurement Location 3 (Representative of Exposure at Harrison Crescent Dwellings)	52 dB(A) Leq	47 dB(A) Leq	Noise associated with the kitchen exhaust fans was clearly audible and measurable.

\*Note: Documented value includes a -2 dB(A) adjustment to allow for a reflection at the assessment location.

Based on noise level calculations shown in Table 20, WMG has concluded the following:

- Noise emissions due to the ground level internal and external refrigeration equipment marginally comply with SEPP N-1 noise limits at the Christine Crescent dwellings located to the south of the subject site during the day, evening and night periods.

Due to the proximity to the equipment, the described residential receptors are considered the most noise sensitive.

In consideration of the above, compliance with SEPP N-1 noise limits at these dwellings will also result in compliance at all other residential receptors.

- Noise emissions due to the roof mounted kitchen exhaust fans currently comply with SEPP N-1 day time noise limits at the Harrison Crescent residential dwellings.

During the EPA defined evening period, the current noise impacts due to the roof mounted exhaust fans exceed the relevant SEPP N-1 noise limits by 5 dB(A) at the Harrison Crescent residential dwellings.

It is understood that the kitchen exhaust equipment does not operate after 10:00pm. If the equipment were to operate after 10:00pm, the exceedance of SEPP N-1 noise limits would be in the order of 10 dB(A) at the Harrison Crescent residential dwellings.

In consideration of the above, noise control treatments to the two roof mounted kitchen exhaust fans will be required in order to comply with the relevant SEPP N-1 noise limits. Suitable noise control recommendations are described within Section 10 of this report.

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**9.2 NOISE EMISSIONS ASSOCIATED WITH PATRONS LOCATED AT THE VENUE****9.2.1 Patron Source Noise Levels**

Based on discussions with the operator of the venue and a review of the existing permit under which the venue operates under, the number of patrons which will be located at the venue will be as follows:

- The venue is licenced for 350 patrons overall.
- The existing outdoor terrace areas adjacent to the eastern facades of the 'River Terrace' and 'Panorama' spaces are sized to allow for in the order of 50 patrons per level.
- The existing forecourt area located adjacent to the northern façade of the venue base building which is sized to allow for in the order of 100 patrons.

An aerial photograph identifying each of the outdoor areas is shown below in Figure 6.



*Figure 6: Aerial Photograph Identifying Relevant Outdoor Areas Under Consideration*

The expectation will be that when the venue is operating at full capacity, there is the potential for up to 200 patrons to be located externally, and up to 350 patrons to be located internally.

When considering patron noise emissions at off-site receptors, noise due to patrons located in external areas will be significantly greater than noise due to patrons located in internal areas.

This is due to the noise reduction provided by the external façade construction of the venue base building.

In consideration of the above, only patrons located in external areas have been considered as part of this assessment.

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Based on previous experience including observations and measurements of noise from patrons in smoking and alcohol consumption areas at different venues by members of this firm and others, patron noise source values are determined based on a formula derived by the writer's firm as follows:

$$\text{Patron Noise dB(A) Leq} = 20 \log(\text{patron Numbers}) + 43 \text{ dB(A)}$$

(measured in the area 2-3 metres above an area enclosing a group of hotel patrons).

The further refinement of this formula is that once patron numbers exceed nominally 100, then the noise per unit area will be relatively constant. In consideration of the above, the adopted noise levels associated with the patrons located within the relevant external areas associated with the venue will be as shown below in Table 21.

Table 21: Adopted Patron Noise Levels

Relevant External Areas	Approximate Number of Patrons	Adopted Source Noise Level
External Forecourt Area (Proposed as Part of New Application)	100	83 dB(A) Leq
Panorama Room Outdoor Terrace (Existing)	50	77 dB(A) Leq
River Terrace Outdoor Terrace (Existing)	50	77 dB(A) Leq

### 9.2.2 Noise Emission Assessment

Due to the location of the outdoor areas relative to the surrounding residential receptors, patron noise emissions will require consideration at residential receptors to the north, east and south of the venue within Victoria Street, Harrison Crescent and Christine Crescent.

When considering noise emissions associated with patrons located at the venue impacting on the relevant off-site receptors, residual noise levels will be reduced by distance separation as well as noise shielding by building elements blocking line of sight between the outdoor areas and the residential receptors.

In consideration of the above, a summary of the calculations to predict noise level impacts on the most critical noise sensitive receptors with the nominated number of external patrons is shown below in Table 22, 23 and 24.

Table 22: External Assessment (Harrison Crescent Dwellings – to the east of the subject site)

External Assessment to Harrison Crescent Dwellings (to the east of the subject site)			
Outdoor Area Designation	External Forecourt	Panorama Outdoor Terrace	River Terrace Outdoor Terrace
Adopted Patron Noise Level within external area	83 dB(A)	77 dB(A)	77 dB(A)
Distance/Off Axis Attenuation, and Noise Shielding to Nearest Noise Sensitive Receptor	- 40 dB(A)	- 29 dB(A)	- 29 dB(A)
Predicted Residual Noise Level Outside Residential Receptor	43 dB(A)	48 dB(A)	48 dB(A)
Combined Noise Level at Receptor Due to Relevant Outdoor Areas	52 dB(A)		
SEPP N-1 External Noise Limit (Day period)	54 dB(A)		
SEPP N-1 Compliance (Day Period)	YES		
SEPP N-1 External Noise Limit (Evening period)	47 dB(A)		
SEPP N-1 Compliance (Evening Period)	NO, patron numbers need to be reduced. Refer Section 10.		
SEPP N-1 External Noise Limit (Night period)	42 dB(A)		
SEPP N-1 Compliance (Night Period)	NO, outdoor area must not be occupied. Refer Section 10.		

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Table 23: External Assessment (Christine Crescent Dwellings – to the south of the subject site)

External Assessment to Christine Crescent Dwellings (to the south of the subject site)			
Outdoor Area Designation	External Forecourt	Panorama Outdoor Terrace	River Terrace Outdoor Terrace
Adopted Patron Noise Level within external area	83 dB(A)	77 dB(A)	77 dB(A)
Distance/Off Axis Attenuation, and Noise Shielding to Nearest Noise Sensitive Receptor	- 51 dB(A)	- 29 dB(A)	- 29 dB(A)
Predicted Residual Noise Level Outside Residential Receptor	32 dB(A)	48 dB(A)	48 dB(A)
Combined Noise Level at Receptor Due to Relevant Outdoor Areas	51 dB(A)		
SEPP N-1 External Noise Limit (Day period)	58 dB(A)		
SEPP N-1 Compliance (Day Period)	YES		
SEPP N-1 External Noise Limit (Evening period)	51 dB(A)		
SEPP N-1 Compliance (Evening Period)	YES		
SEPP N-1 External Noise Limit (Night period)	46 dB(A)		
SEPP N-1 Compliance (Night Period)	No, outdoor area must not be occupied. Refer Section 10.		

Table 24: External Assessment (Victoria Street Dwellings – to the north of the subject site)

External Assessment to Victoria Street Dwellings (to the north of the subject site)			
Outdoor Area Designation	External Forecourt	Panorama Outdoor Terrace	River Terrace Outdoor Terrace
Adopted Patron Noise Level within external area	83 dB(A)	77 dB(A)	77 dB(A)
Distance/Off Axis Attenuation, and Noise Shielding to Nearest Noise Sensitive Receptor	- 19 dB(A)	- 33 dB(A)	- 33 dB(A)
Predicted Residual Noise Level Outside Residential Receptor	64 dB(A)	44 dB(A)	44 dB(A)
Combined Noise Level at Receptor Due to Relevant Outdoor Areas	64 dB(A)		
SEPP N-1 External Noise Limit (Day period)	62 dB(A)		
SEPP N-1 Compliance (Day Period)	NO, patron numbers need to be reduced. Refer Section 10.		
SEPP N-1 External Noise Limit (Evening period)	56 dB(A)		
SEPP N-1 Compliance (Evening Period)	NO, patron numbers need to be reduced. Refer Section 10.		
SEPP N-1 External Noise Limit (Night period)	53 dB(A)		
SEPP N-1 Compliance (Night Period)	NO, outdoor area must not be occupied. Refer Section 10.		

Based on the calculations described in Table 22, 23 and 24, WMG has concluded the following:

- The use of the outdoor forecourt outdoor area will require limitation due to the potential for noise impacts on the residential receptors located to the north in Victoria Street.
- The use of the Panorama and River Terrace outdoor areas will require limitation due to the potential for noise impacts on the residential receptors located to the east and south in Harrison Crescent and Christine Crescent.
- The number of patrons within each of the relevant external areas will need to be **limited** in order to allow for compliance with SEPP N-1 noise limits during the day and evening periods.
- Each of the described outdoor areas will not be able to be occupied after 10:00pm.

Details regarding the limitations of use associated with each of the outdoor areas is described in Section 10.

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### 9.2.3 Consideration of Patrons Located Externally During Ceremony Events

It is understood that on occasion, the venue will be used for wedding ceremonies.

The ceremonies will typically occur during the early afternoon at approximately 4:00pm.

As part of the wedding ceremonies, the client has indicated that patrons will gather within the external areas associated with the 'River Terrace'.

During these periods, it is understood that there is potential for a significant number of patrons to occupy the external areas.

Based on discussions with the client, and previous experience involving wedding ceremonies, WMG provide the following comments regarding the ceremony events:

- The ceremony will typically have a duration in the order of 15-30 minutes.
- Typically, during the ceremony only one person, being the Master of Ceremonies, bride or groom will speak at any time. There may be the need for speech re-enforcement to ensure that all relevant parties can hear.
- There is potential that for a short duration of less than 10 seconds, the patron group will cheer in celebration.
- Once the ceremony has completed, patrons will return to internal areas associated with the venue.

Due to the short duration of the patron 'cheer', the effective noise level at nearby residential receptors will result in compliance with relevant SEPP N-1 noise limits and will not require further consideration.

Therefore, the main item requiring consideration will be the potential for the speech re-enforcement system to be audible and intrusive at residential receptors.

As a result, some consideration must be given to the location of external speakers for the speech re-enforcement system, and the level of amplification the system is set up to produce.

Noise control strategies for the proposed system are described in Section 10.

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CONSULTANTS: ACOUSTICS, NOISE &amp; VIBRATION CONTROL

A.C.N. 005 446 579  
ABN 44 445 257 249**9.3 NOISE EMISSIONS ASSOCIATED WITH MUSIC BEING PLAYED AT THE VENUE**

Based on discussions with the operator of the venue, it is understood that the 'River Terrace' and 'Panorama' internal areas will include live and recorded music entertainment. For functions, DJ's and live bands will be included in the entertainment. External areas **will not** include music entertainment.

Music entertainment is typically played through a combination of the in-house speaker system, and additional speakers provided by external parties.

In order to determine the maximum allowable levels of music noise which can be played within each of the relevant internal areas whilst complying with SEPP N-2 music noise limits, WMG has considered the following:

- SEPP N-2 music noise limits at relevant residential receptors.
- Distance separation between the residential receptors and the venue base building facades.
- Solid shielding elements blocking line of sight between the residential receptors and the venue base building.
- Noise reduction provided by the external façade construction associated with the venue base building.

The base building facades associated with the relevant 'River Terrace' and 'Panorama' internal areas include full height glazed wall sections with several access doors opening onto the external terrace areas and providing access to internal areas from the northern forecourt area.

The roof/ceiling construction of the 'Panorama' room includes a combination of metal deck external roofing combined with suspended plasterboard, and perforated timber ceilings.

The venue operating hours allow for operation during the EPA-defined night time period between 10:00pm and 12:00am.

The night period is considered the most critical as it is when ambient background noise levels and corresponding limits are at their lowest.

As a result, compliance with the relevant SEPP N-2 music noise limits during these times will result in compliance at all other operating times.

Based on noise level calculations, WMG has concluded that in order to achieve compliance with SEPP N-2 music noise limits at residential receptors, the maximum allowable music noise levels within each of the River Terrace and Panorama areas at the venue will be as shown below in Table 25.

*Table 25: Determined Maximum Allowable Music Noise Levels within Venue Internal Areas*

	Octave Band Sound Pressure Level dB						
	63Hz	125Hz	250Hz	500Hz	1000Hz	2000Hz	4000Hz
Maximum Allowable Music Noise Levels dB L <sub>10</sub>	90	91	91	92	92	87	82

Should only one of the rooms be occupied as part of operations, the maximum allowable values would be equivalent to the values described in Table 25 plus 3 dB at each octave band.

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A summary of the relevant noise level calculations to determine the maximum allowable internal music noise levels is shown below in Table 26, 27 and 28.

Table 26: Summary of Predicted Noise Impacts at Harrison Crescent Residential Receptors

Noise Sensitive Receptors: Harrison Crescent Dwellings	Octave Band Sound Pressure Level dB						
	63Hz	125Hz	250Hz	500Hz	1000Hz	2000Hz	4000Hz
Maximum Allowable Internal Music Noise Levels dBL <sub>10</sub> (Combined value for both River Terrace and Panorama)	93	94	94	95	95	90	83
Noise Reduction Provided by Venue Base Building Construction	17	22	24	27	28	29	30
Noise Reduction Provided by Distance Separation and Off-Axis Propagation Between Residential Receptor and Venue Base Building	25	25	25	25	25	24	24
Predicted Music Noise Levels at Residential Receptors dBL <sub>10</sub>	51	47	45	43	42	37	29
SEPP N-2 Music Noise Limit at Residential Receptor dBL <sub>10</sub>	51	48	46	45	44	39	33
SEPP N-2 Compliance	Yes						

Table 27: Summary of Predicted Noise Impacts at Christine Crescent Residential Receptors

Noise Sensitive Receptors: Christine Crescent Dwellings	Octave Band Sound Pressure Level dB						
	63Hz	125Hz	250Hz	500Hz	1000Hz	2000Hz	4000Hz
Maximum Allowable Internal Music Noise Levels dBL <sub>10</sub> (Combined value for both River Terrace and Panorama)	93	94	94	95	95	90	83
Noise Reduction Provided by Venue Base Building Construction	17	22	24	27	28	29	30
Noise Reduction Provided by Distance Separation and Off-Axis Propagation Between Residential Receptor and Venue Base Building	25	24	24	23	23	22	22
Predicted Music Noise Levels at Residential Receptors dBL <sub>10</sub>	51	48	46	45	44	39	31
SEPP N-2 Music Noise Limit at Residential Receptor dBL <sub>10</sub>	51	48	46	45	44	39	33
SEPP N-2 Compliance	Yes						

Table 28: Summary of Predicted Noise Impacts at Victoria Street Residential Receptors

Noise Sensitive Receptors: Victoria Street Dwellings	Octave Band Sound Pressure Level dB						
	63Hz	125Hz	250Hz	500Hz	1000Hz	2000Hz	4000Hz
Maximum Allowable Internal Music Noise Levels dBL <sub>10</sub> (Combined value for both River Terrace and Panorama)	93	94	94	95	95	90	83
Noise Reduction Provided by Venue Base Building Construction	17	22	24	27	28	29	30
Noise Reduction Provided by Distance Separation and Off-Axis Propagation Between Residential Receptor and Venue Base Building	20	19	19	19	18	18	17
Predicted Music Noise Levels at Residential Receptors dBL <sub>10</sub>	56	53	51	49	49	43	36
SEPP N-2 Music Noise Limit at Residential Receptor dBL <sub>10</sub>	59	56	53	54	54	50	41
SEPP N-2 Compliance	Yes						

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## 10. NOISE CONTROL RECOMMENDATIONS

### 10.1 ROOF MOUNTED KITCHEN EXHAUST FANS

At present, noise emissions associated with the roof mounted kitchen exhaust fan units are exceeding SEPP N-1 evening noise limits by in the order of 5 dB(A) at the critical nearby residential receptors.

Should the fans operate during the EPA-defined night period between 10:00pm and 12:00am, the exceedances would be in the order of 10 dB(A).

WMG has gained access to the roof of the existing venue base building and has identified and measured noise emissions associated with the existing kitchen exhaust fan units.

A summary of the relevant units and associated measured noise levels at close distances is shown below in Table 29.

*Table 29: Summary of Roof Mounted Kitchen Exhaust Fan Measured Noise Levels*

Unit Reference	Unit Make Model	Measured Noise Level
KEF-1 (Panorama Room)	Fantech RVE0714	72 dB(A) Leq at 15 metres
KEF-2 (River Terrace Room)	Fantech RVE100	64 dB(A) Leq at 15 metres

Based on noise level calculations, WMG has concluded that in order to achieve compliance with the relevant SEPP N-1 evening noise limits noise control treatments will be required.

Potential treatments will include:

- Each of the existing fans must be replaced so that the cumulative sound power level of the new fans has a maximum sound power level of 95 dB(A). Should the fans operate during the EPA-defined night period, the cumulative value will be reduced to 90 dB(A).
- Replace KEF-1 fan with same fan which is used for KEF-2. If this option is selected, then only one fan can operate at any time. Both fans cannot operate simultaneously.
- Should the existing fans be retained, then additional acoustically lined duct and/or acoustic attenuators will need to be installed to the discharge side of the fans.

The described options be considered as indicative.

The recommendation will be that any new fan selection, or alternative noise control solution to be implemented by the client be reviewed by an acoustic consultant to ensure that compliance with relevant SEPP N-1 noise limits is achieved at the nearby noise sensitive receptors.

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CONSULTANTS: ACOUSTICS, NOISE &amp; VIBRATION CONTROL

A.C.N. 005 446 579  
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Part of controlling noise emissions associated with the venue will rely on facility management being active and aware of potential noise issues.

Guideline recommendations for general operations to minimise potential issues include the following:

- Implementing management plans for non-typical events (eg. Patrons shouting) within outdoor areas to ensure that the events are resolved promptly.
- Communication with patrons relating to expectations during arrival and departure from the subject site. This will include minimising loud communication, and operating vehicles in 'reasonable' manner.
- Clear signage within the venue which notifies parents to be aware of their surroundings and to conduct themselves in a 'reasonable' manner.

**10.3 VENUE OUTDOOR AREAS**

In order to achieve compliance with the relevant SEPP N-1 (patron noise) and SEPP N-2 (music noise) design objectives for the project, the venue outdoor areas must include the following limitations:

- Music Noise Emissions:

No music is to be played in external areas associated with the venue.

- Patron Noise Emissions:

In order to comply with the relevant SEPP N-1 noise limits, the number of patrons within each of the relevant outdoor areas must be limited as follows:

- The forecourt area can be occupied by up to 45 patrons.
- A combined total of 50 patrons can occupy the Panorama and River Terrace outdoor terrace areas. This can include 25 patrons for each floor level, or a total of 50 on one of the outdoor terraces.

The described number can be increased for ceremonies as it has been indicated that only a single patron will address the patron group during these times. Patrons must be guided by employees of the venue to conduct themselves in a reasonable manner and not make unreasonable noise whilst transitioning in and out of the venue, or during the ceremony.

- Each of the three designated outdoor areas must not be occupied after 10:00pm.

- Outdoor Ceremonies:

Should a speech re-enforcement system be used for the external ceremonies, then the associated loud speakers must be angled west toward the venue base building and away from nearby noise sensitive receptors.

The system must be calibrated to ensure that maximum noise levels associated with the loud speakers does not exceed 75 dB(A)  $L_{eq}$  when measured at 3 metres from the speaker.

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CONSULTANTS: ACOUSTICS, NOISE &amp; VIBRATION CONTROL

A.C.N. 005 446 579  
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In order to achieve compliance with the relevant SEPP N-1 (patron noise) and SEPP N-2 (music noise) design objectives for the project, the venue outdoor areas must include the following limitations:

- Music Noise Emissions:

Music and PA address must only be played through a dedicated in-house system which will include music spectrum shaping capabilities and achieve music noise levels as follows:

	Noise Levels dB Octave Band Centre Frequency, Hz							
	63Hz	125Hz	250Hz	500Hz	1000Hz	2000Hz	4000Hz	dB(A)
Maximum Allowable Music Spectrum dBL <sub>10</sub>	90	91	91	92	92	87	82	95

The documented noise levels are to be measured at 3 metres from the speaker locations.

Calibration of the in-house sound system to achieve music noise levels consistent with the above can be carried out by Watson Moss Growcott Acoustics or other acoustic consultancy firm.

- Access Doors:

In order to ensure that compliance with SEPP N-2 music noise limits is achieved, the existing access door between the internal and external areas must be kept closed and only opened for short periods during times when patrons are gaining access to the internal/external areas.

Automatic closing mechanisms are recommended to ensure that this is adhered to.

**10.5 OPERATIONAL NOISE IMPACT ASSESSMENT**

Once the above operating parameters have been implemented at the subject site, it is suggested that an assessment is carried out by an acoustic consultant at each of the off-site noise sensitive receptors to ensure that compliance with the relevant SEPP N-1 and SEPP N-2 noise limits is achieved.

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CONSULTANTS: ACOUSTICS, NOISE &amp; VIBRATION CONTROL

A.C.N. 005 446 579  
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Watson Moss Growcott Acoustics (WMG) has undertaken out an acoustic assessment for the existing commercial venue identified as 'Fenix Function Centre' which operates at the site described as 680-682 Victoria Street, Richmond.

The assessment has been undertaken to satisfy a request for further information issued by the City of Yarra Responsible Authority relating to noise emissions associated with the venue.

The request from Council was directly in response to a recent application from the venue which seeks to amend the existing planning permit as follows:

- Change of the use of the existing venue from a restaurant with an ancillary function centre use, to a venue exclusively used for private functions.
- Increase the area in which liquor can be served to incorporate an additional external area.
- Construct a storage shed at the rear (within the southern carpark of the existing building).

As part of the assessment works, WMG has carried out attended and unattended noise monitoring at and around the subject site to be used as a basis for determining relevant noise limits in accordance with:

- State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
- State Environment Protection Policy (Control of Music from Public Premises) No. N-2.

Noise emissions associated with the venue including patron, music and mechanical services noise have then been considered in accordance with the relevant limits.

Based on the assessment, WMG has concluded that with the implementation of noise control treatments and operating limitations, the described venue can comply with suitable SEPP N-1 and SEPP N-2 noise limits at the nearest relevant noise sensitive residential receptor locations.

Noise control treatments and operating limitations include the following:

- Limitations of patron numbers located externally.
- Maximum allowable music entertainment noise levels within internal areas.
- Noise control treatments to the existing Kitchen Exhaust Fans located above the roof of the venue base building.

Each of the treatments and recommendations are described in detail in Section 10 of this report.

A handwritten signature in black ink, appearing to read "J. Growcott", is shown on a light-colored background.

JORDAN GROWCOTT  
WATSON MOSS GROWCOTT  
acoustics pty ltd

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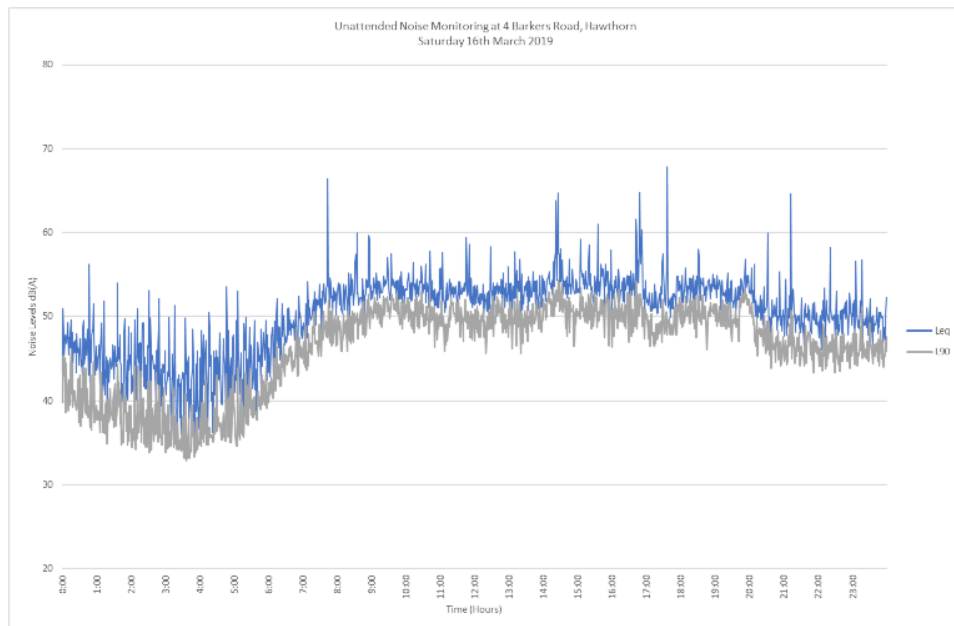
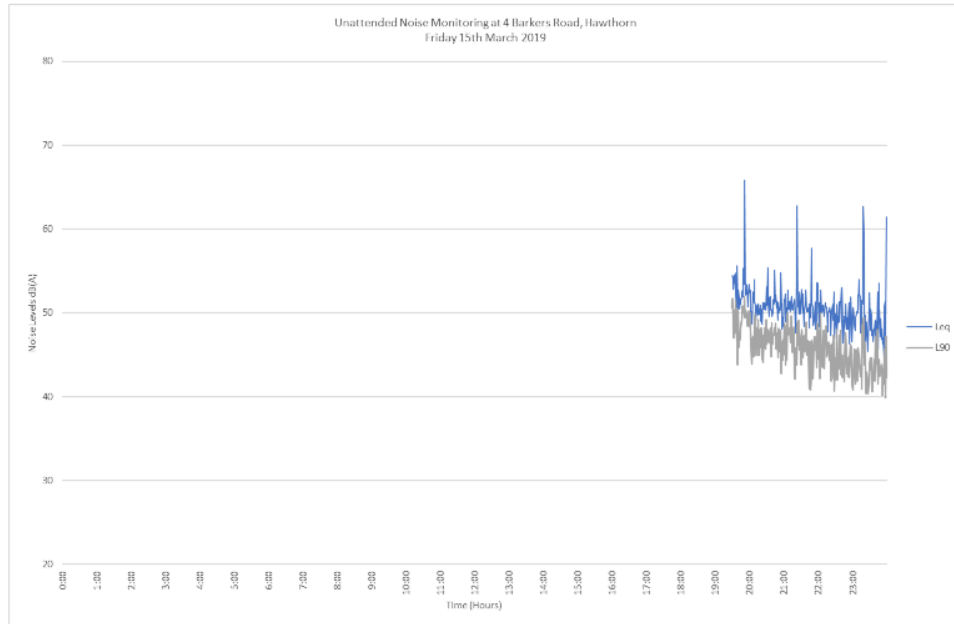


CONSULTANTS: ACOUSTICS, NOISE & VIBRATION CONTROL

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ABN 44 445 257 249

## 12. APPENDICES

### 12.1 UNATTENDED NOISE MONITORING DATA

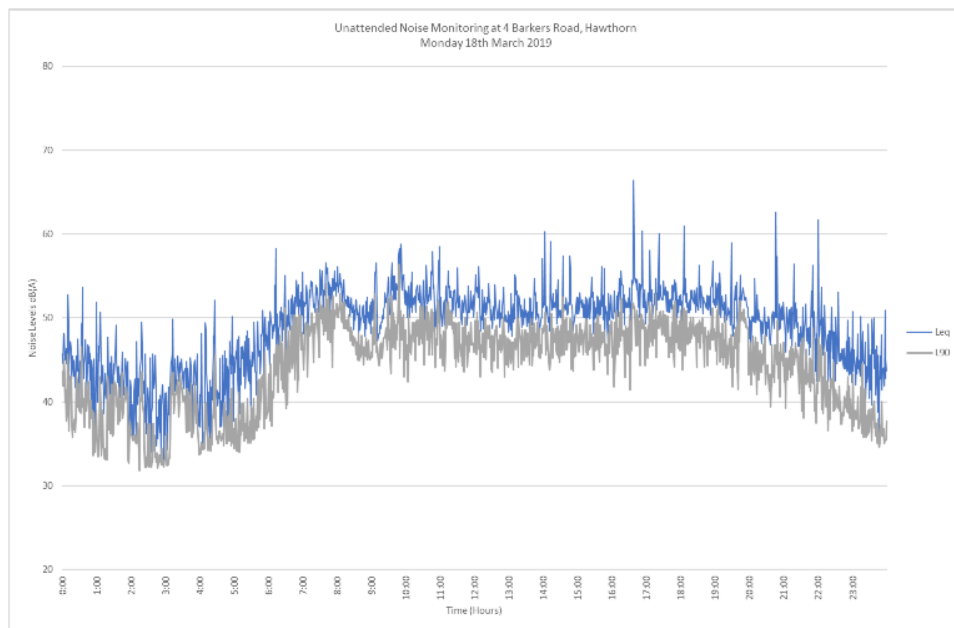
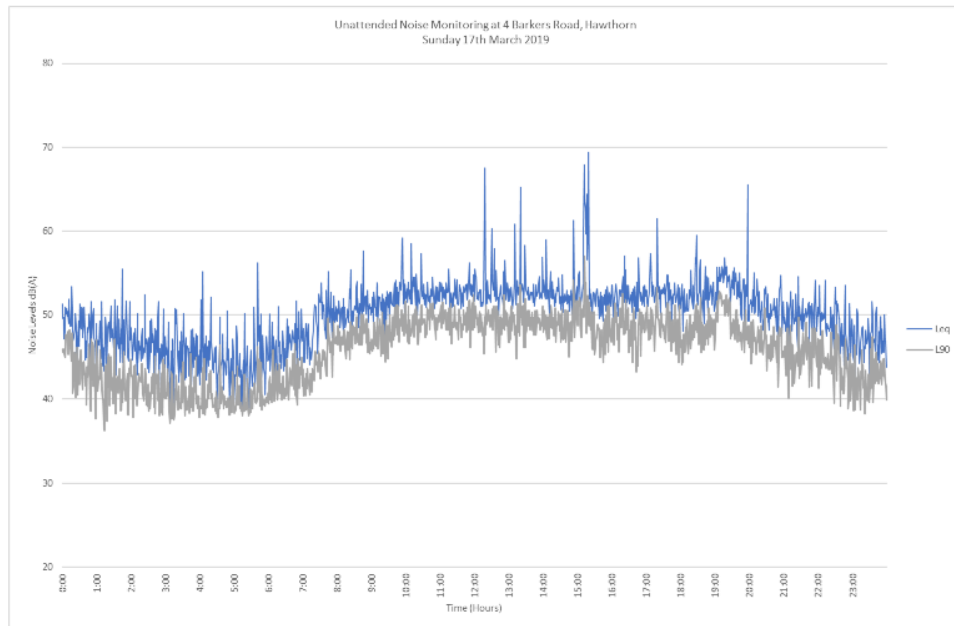


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AUSTRALIAN ACOUSTICAL CONSULTANTS

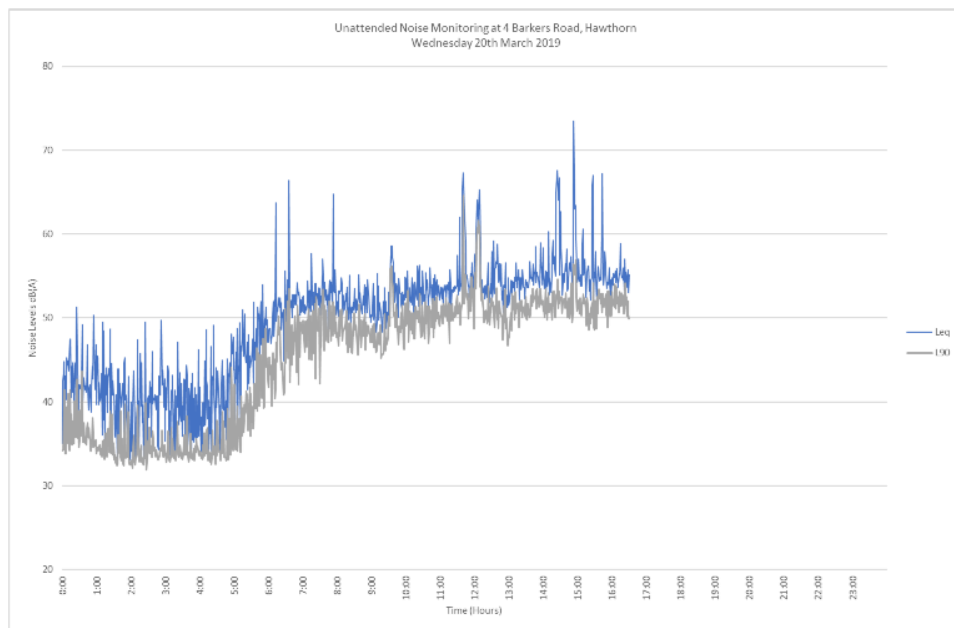
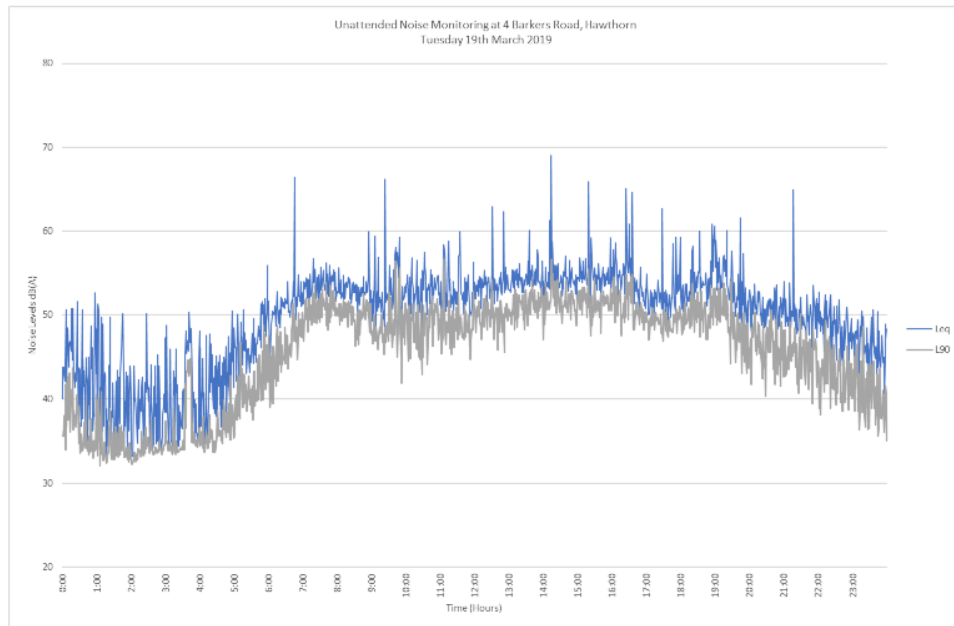


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## Attachment 5 - 000410.02 - Peer review (SLR) of Applicant Acoustic Report



18 June 2019

640.10090.05960 680-682 Victoria St Richmond 20190608.docx

Yarra City Council  
PO Box 168  
RICHMOND 3121

**Attention: Michelle King**

Dear Michelle

### **680-682 Victoria Street, Richmond Development Application Acoustic Review PLN 000410.02**

SLR Consulting Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the acoustic assessment report for the changes to the entertainment venue at 680-682 Victoria Street, Richmond.

Details of the report are as follows.

- Title: Existing Commercial Venue, 680-682 Victoria Street, Richmond
- Reference: 12390-1.1jg
- Date: 9 May 2019
- Prepared for: Maple Event Group
- Prepared by: Watson Moss Growcott Acoustics Pty Ltd (WMG)

The report has been prepared to support the application for changes to the operating conditions of the existing venue at 680-682 Victoria Street, Richmond.

## **1 Background Information**

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

The acoustically significant aspects of the application are summarised below.

- The existing venue comprises ground and first floor levels, being:
  - 'River Terrace' described as the ground level, which opens onto the grounds adjacent to the Yarra river, and
  - 'Panorama' described as Level 1. The Panorama level is at the same RL as Victoria Street.Each level is proposed to operate as a separate function centre.
- Both levels have associated outdoor patron areas that can accommodate 50 patrons each.

---

SLR Consulting Australia Pty Ltd Suite 2, 2 Domville Avenue Hawthorn VIC 3122 Australia  
T: +61 3 9249 9400 E: melbourne@slrconsulting.com  
www.slrconsulting.com ABN 29 001 584 612

## Attachment 5 - 000410.02 - Peer review (SLR) of Applicant Acoustic Report

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- The facility currently operates up until midnight all nights of the week. It is understood that no changes to operating hours are proposed.
- Live and recorded music are proposed for the internal areas of the venue only.
- The application is for a total number of 350 patrons, potentially spread over the two levels.
- A new outdoor patron area on the existing forecourt of the Panorama venue is proposed.

The nearest noise sensitive receivers are identified as being occupants of the multi-level residential buildings at:

- 3 Harrison Crescent (east)
- 2 Harrison Crescent (east)
- 3 Christine Crescent (south)
- 681 Victoria Street (north)

The locations of dwellings relative to the subject site are shown in Figure 2 of the report.

Potential noise impacts from the subject development are identified as:

- Patron noise from the outdoor decks
- Music noise from within the venue
- Mechanical plant noise (no new plant is proposed)

**SLR Comments:** *The proposal, potential noise impacts and the nearest noise sensitive receivers have generally been identified. We note that the dwelling at 3 Christine Court appears to be 3 levels high, and that there is a multilevel building at 6 Christine Crescent (5 levels).*

## 2 Background Noise Levels

*(Sections 7 and 8.4 and 12 of the report)*

Attended and unattended measurements of background noise have been undertaken to quantify the ambient noise environment. This information has been used to set environmental noise limits. The monitoring locations are shown in Figure 3 of the report.

- Attended monitoring was undertaken between:
  - 7:30 pm and 8:30 pm Friday 15 March 2019
  - 4:30 pm and 5 pm Saturday 16 March 2019
  - 11:30 pm Saturday and 12:30 am Saturday 16 March 2019 (Saturday night)
  - 3 pm and 4 pm Monday 8 April 2019
- Unattended monitoring was conducted from Friday 15 to Wednesday 20 March 2019 at 4 Barkers Road, Hawthorn.

Graphical results of the logging data are included in Section 12.

The primary source of ambient noise was noted to be road traffic.

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**SLR Comments:** *The background noise monitoring was undertaken at appropriate locations and times. Full details of the attended measurements (times and results for each location) are not included in the report. This information should be provided for transparency.*

### 3 SEPP N-1 Noise Limits

*(Section 7.4.2 of the report)*

The SEPP N-1 noise limits are calculated from WMG's adopted background noise levels and their calculated land use zoning. The adopted background noise levels and identified limits are presented in Table 10 of the report.

**SLR Comments:** *Our calculations of the SEPP N-1 noise limits, taking into consideration the WMG adopted background noise levels, agree with WMGs. While we cannot confirm that the appropriate background noise measurement results have been used to determine noise limits, the adopted levels look generally reasonable.*

### 4 Music Noise

#### 4.1 Music Noise Criteria

*(Section 8.4.3 of the report)*

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

The SEPP N-2 day/evening limit is equal to the background noise level + 5 dB. The identified limits range from 49 to 57 dBA  $L_{eq}$ , based on assumed background noise levels of 44 dBA  $L_{90}$  (Harrison and Christine Crescent dwellings) and 52 dBA  $L_{90}$  (apartments overlooking Victoria Street).

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

The noise limits have been calculated from background noise data obtained during the late evening period.

**SLR Comments:** *The background noise data looks reasonable for the receiver locations, however as details of the background noise data used to determine noise limits are not provided in the report, a full technical review of this information cannot be carried out.*

#### 4.2 Music Noise Controls and Assessment

*(Sections 9.3 and 10.4 of the report)*

The following advice is provided with respect to music within the venue:

- Music is not to exceed octave band levels provided in Table 25 if both venues are operating. If only one venue is operating, levels can be 3 dB higher. The nominated levels are to be met 3 m from any loudspeaker within the venue.
- Music is only to be played through a dedicated in-house system. The system is to include spectrum shaping capabilities and is to be set up by a suitably qualified acoustical consultant to ensure that the nominated noise levels are not exceeded.

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- Access doors between the inside and outside patron areas are to be kept closed unless being used for access. Installation of automatic door closers is recommended, but is not a formal requirement of the report. In subsequent sections of the report it is also indicated that there is not to be any access to the outdoor areas at night.
- A follow up assessment of music noise is recommended to ensure that compliance has been achieved.

With the above noise controls in place WMG predict that music will comply with the SEPP N-2 night noise limits at all residential receivers.

**SLR Comments:** *The main sound transmission paths from within the venue to noise sensitive receivers will be via the large areas of glazing, the roof and the potentially open doors. The venue construction is described simply in Section 9.3 of the report, but not in sufficient detail to enable us to accurately calculate music noise at nearby receiver locations. However, the proposed music levels are not excessively loud, and we agree that these provide a reasonable starting point provided that testing is conducted shortly after opening to confirm that that SEPP N-2 noise limits will be met.*

*The testing should be undertaken at a location exposed to noise from the venue roof, as well as glazed walls, because there is potential for the roof to be a dominant sound transmission path. The testing should also be undertaken for sufficiently long to provide an indication of noise leakage via external doors onto the deck.*

## 5 Patron Noise

### 5.1 Patron Noise Criteria

*(Section 2.2 of the report)*

Patron noise is proposed to be assessed to SEPP N-1 limits.

**SLR Comments:** *Agreed.*

### 5.2 Patron Noise Controls and Assessment

*(Sections 8.2 of the report)*

Patron noise has been predicted based on the following assumptions:

- Number of patrons in the outdoor areas are:
  - New forecourt patron area: 100
  - Existing River Terrace: 50
  - Existing Panorama Terrace: 50
- Assumed patron noise levels are 83 dBA  $L_{eq}$  in the Forecourt and 77 dBA  $L_{eq}$  in the other areas.

WMG's predicted patron noise levels are greatest at receivers to the north, which are in close proximity to the forecourt, and non-compliant levels are predicted there for all assessment periods. Non-compliant levels are also predicted during the evening and night periods at dwellings to the east, and during the night period at dwellings to the south.

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To address the predicted exceedances WMG propose to further limit patron numbers in the outdoor areas to during the evening period (which includes Saturday afternoon and Sundays) and to restrict access to the outdoor areas completely at night.

In Section 10.3 of the report ('Recommendations'), it is proposed that:

- Patron numbers in the outdoor areas do not exceed the following:
  - New forecourt patron area: 45
  - Existing River Terrace and Panorama patron areas: 50 in total. This number can be spread over the two levels, or located on one level only.

Larger numbers of patrons are permitted during the performance of ceremonies conducted outdoors.
- The external patron areas are not to be used after 10 pm
- Any speech reinforcement system must be calibrated to ensure that the maximum noise level does not exceed 75 dBA  $L_{eq}$  @ 3 m from the loudspeaker.

With the above noise controls in place WMG predict that patron noise will comply with SEPP N-1 limits at all receiver location and at all times.

It is, however, proposed that patron noise be reassessed once the venue is operating under the new conditions, to confirm that the limits are met.

**SLR Comments:** *The operating assumptions and assumed patron noise levels are reasonable. Our indicative calculations of noise to receiver locations are in general agreement with WMG's. The proposed operating conditions for achieving compliance are also appropriate.*

## 6 Mechanical Plant

(Sections 8, 9.1 and 10.1 of the report)

Project mechanical plant is proposed to be assessed to SEPP N-1. WMG state that no new mechanical plant is proposed to be installed. Existing mechanical plant comprises:

- Roof mounted plant including 2 KEF fans, which are not proposed to operate after 10 pm
- Internally located plant at ground floor, southern side of building including:
  - Refrigeration plant/fridge units
  - Air conditioning exhaust fan
- Externally located plant at ground floor, southern side of building comprising 1 ice machine

The location of the equipment is shown in Figures 4 and 5. Noise from existing mechanical plant has been measured outside dwellings in Christine Crescent (south) and Harrison Crescent (east) and Mechanical plant noise levels are noted to be 46 dBA  $L_{eq}$  at dwellings to the south (external plant dominant) and 52 dBA  $L_{eq}$  at dwellings to the east (kitchen exhaust plant dominant).

The measured levels are noted to comply with SEPP N-1 day, evening and night limits in Christine Crescent (night limit = 46 dBA  $L_{eq}$ ), but to exceed the evening and night noise limits at Harrison Crescent due to operation of the kitchen exhaust fans (evening limit = 46 dBA  $L_{eq}$  and night limit = 41 dBA  $L_{eq}$ ).

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Richmond 20190608.docx  
Date: 18 June 2019

Noise control measures for addressing the exceedances in Harrison Court are provided in the report and include replacement of the exhaust fans or inclusion of lined ductwork to the fan discharges. WMG indicate that greater noise control works will be required if the kitchen exhaust fans are likely to be operated after 10 pm. It is also proposed that the noise controls elected to be undertaken by the client be reviewed by an acoustical consultant to ensure that they are suitable.

**SLR Comments:** *The assessment provided is clear and practical advice has been provided for addressing the measured SEPP N-1 exceedances.*

*Measurements relative to the Christine Crescent dwellings were undertaken at ground level, whereas the residential buildings in this area appear to be three to five levels high. It is likely that noise from roof mounted plant will be higher at upper levels of these building, and potentially non-compliant with SEPP N-1 at these dwellings, as well as at dwellings in Harrison Court. The noise reduction proposed to address the exceedances in Harrison Court may be adequate to address any exceedances at these upper level dwellings, however WMG should confirm whether this is the case.*

## 7 Recommendations

(Section 10 of the report)

All recommendations for noise control are fully detailed in this section of the report, and include:

- Advice from controlling noise from the kitchen exhaust fans.
- Recommendation for a full review of noise control to address the identified SEPP N-1 exceedance due to existing kitchen exhaust fans.
- No music to be played in outdoor areas.
- Patron numbers in the outdoor areas .not to exceed the following:
  - New forecourt patron area: 45
  - Existing River Terrace and Panorama patron areas: 50 in total. This number can be spread over the two levels, or located on one level only.

Larger numbers of patrons are permitted during the performance of ceremonies conducted outdoors, during which time behaviour is assumed to be more orderly.

- Outdoor patron areas not to be used after 10 pm.
- Music to be played though the in-house sound system only.
- Recommendation that the music system incorporate spectrum shaping capabilities, and that the music levels be calibrated by a suitably qualified acoustical consultant to ensure that the octave band levels provided in Section 10.4 are not exceeded.
- External doors to the venue to be closed when not in use.
- Assessments of SEPP N-1 and SEPP N-2 to be conducted once the venue is operating under the new conditions.

**SLR Comments:** *The advice for noise control is clearly documented and can be expected to manage noise impacts from the proposed use if implemented. SLR cannot assess the practicality of restricted occupation of the outdoor patron areas to the numbers proposed in the report. This requirement would need to be addressed in a venue noise management plan, to the satisfaction of Council.*

## Attachment 5 - 000410.02 - Peer review (SLR) of Applicant Acoustic Report

Yarra City Council  
680-682 Victoria Street, Richmond  
Development Application Acoustic Review  
PLN 000410.02

SLR Ref: 640.10090.05960 680-682 Victoria St  
Richmond 20190608.docx  
Date: 18 June 2019

### 8 Summary

A review of the acoustic report prepared to support the proposed changes to the venue / function centre at 680 to 682 Victoria Street is provided above. The report addresses patron, music and mechanical plant noise.

Patron noise is proposed to be managed by restrictions to the hours of use of the outdoor patron areas, and restrictions to the number of patrons outdoors at any one time.

Music is proposed for inside the venue only, and is to be limited to the in-house sound system. WMG recommend that the music system is elected such that it can be calibrated and set to ensure that SEPP N-2 limits are not exceeded, and that the equipment is calibrated by a suitably qualified acoustical consultant.

Exceedances are identified from existing roof mounted mechanical plant, and the report includes options for rectifying the exceedances, and advice that an acoustical consultant be retained to review the works before they are implemented.

The report also proposes an operational noise impact assessment following the completion of all works, once the venue is operating under the new conditions.

The strategies proposed are all reasonable and appropriate. Our only concern with respect to the report is that explicit consideration has not provided of upper level apartments at 3 and 6 Christine Crescent. It is recommended that:

- WMG review the noise control measures for mechanical plant during the detailed design stage, to ensure that noise limits will also be met at these receivers, and
- Post construction testing, particularly of music from the upper level of the venue, include an assessment to these elevated receivers.

It is also recommended that the venue noise management plan include details of the means by which occupation of the outdoor patron areas is to be limited to comply with the acoustic report.

Regards,



Dianne Williams  
Associate – Acoustics

Checked/ Authorised by: JA
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**Attachment 6 - 000410.02 - Existing Liquor Licence No. 32257530***On-Premises Licence**Licence No. 32257530*

Subject to the provisions of the Liquor Control Reform Act 1998 and any conditions specified in the licence, the licensee is authorised to supply liquor up to and including 31 December 2018

Licensee FENIX RECEPTIONS PTY LTD

Address 680-682 VICTORIA STREET  
for service RICHMOND 3121  
of notices

Licensed 680-682 VICTORIA STREET  
premises RICHMOND 3121  
address

Trading as FENIX EVENTS

**TYPE OF LICENCE**

This licence is an on-premises licence and authorises the licensee to supply liquor on the licensed premises for consumption on the licensed premises during the trading hours specified below.

**AMENITY**

The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence relates during or immediately after the trading hours authorised under this licence.  
The licensee shall ensure that the level of noise emitted from the licensed premises shall not exceed the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No.N-2.

**MAXIMUM CAPACITY**

725 patrons

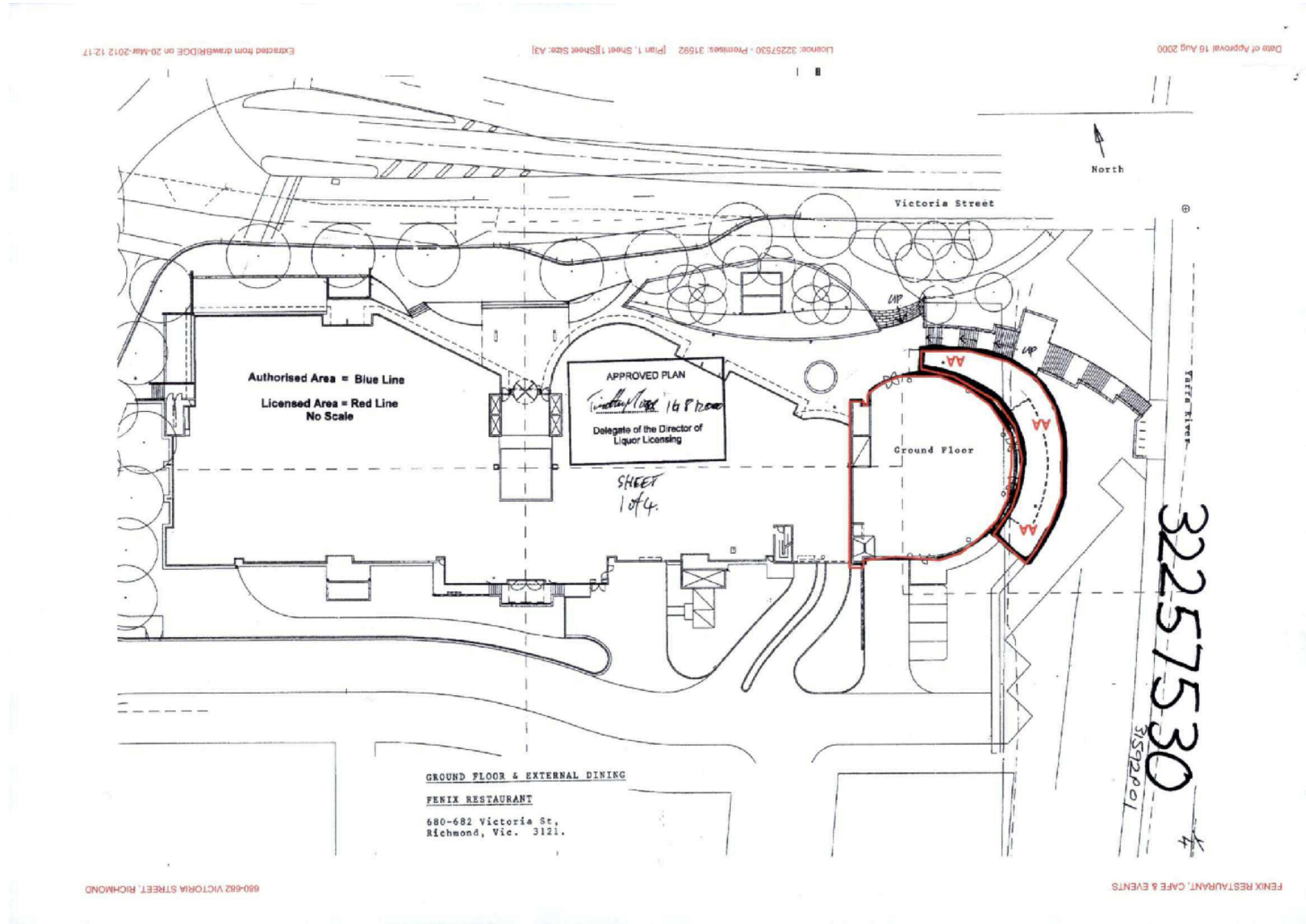
**TRADING HOURS**

Sunday	Between 10 a.m. and 12 midnight.
Good Friday & Anzac Day	Between 12 noon and 12 midnight.
On any other day	Between 9 a.m. and 12 midnight.

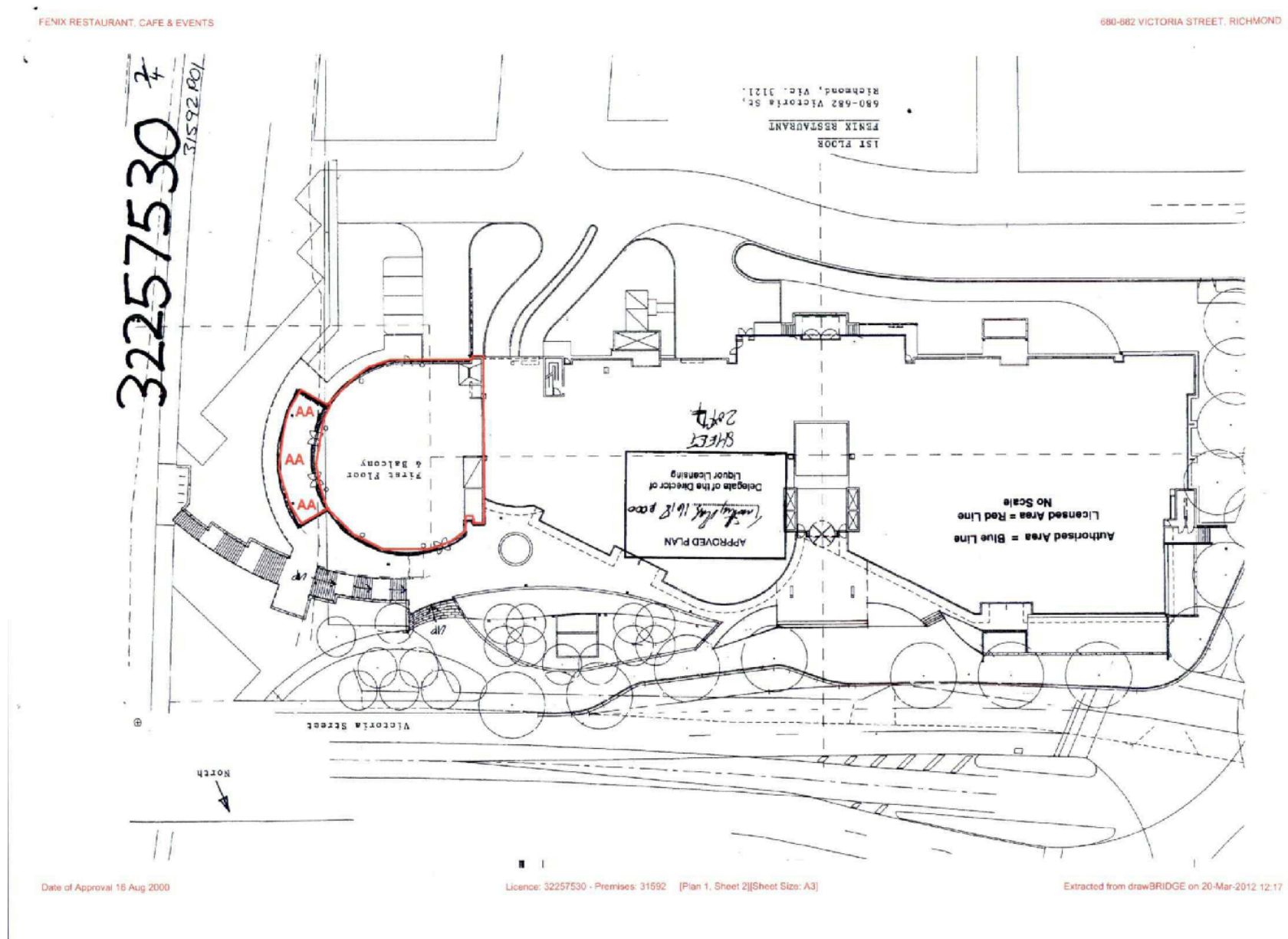
**APPROVALS/CONSENTS**

Section 9(1)(b)/9A(1)(b)/11A(3)(b) Footpath/External Area. The licensee is authorised to supply liquor on premises, other than the licensed premises, authorised by the Victorian Commission for Gambling and Liquor Regulation shown on the approved plan during the hours specified under "Trading Hours" for consumption on those premises.  
End of Conditions - Printed on 19/06/2018

Attachment 6 - 000410.02 - Existing Liquor Licence No. 32257530



Attachment 6 - 000410.02 - Existing Liquor Licence No. 32257530



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**1.2        36-38 Kerr Street, Fitzroy - Planning Application No. PLN18/0404 - Part  
demolition to allow for the construction of three dwellings.**

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**Executive Summary**

**Purpose**

1. This report provides Council with an assessment of Planning Permit Application PLN18/0404 relating to land at 36 – 38 Kerr Street, Fitzroy and recommends approval, subject to conditions.

**Key Planning Considerations**

2. Key planning considerations include the following:
  - (a) Built form (Clauses 15.01, 21.05, 22.07 and 52.35).
  - (b) Heritage (Clauses 43.01 and 22.02).
  - (d) Decision guidelines (Clause 65).

**Key Issues**

3. The key issues for Council in considering the proposal relate to:
  - (a) Planning Policy Framework and Local Planning Policy Framework;
  - (b) Heritage;
  - (c) Clause 55 (ResCode); and
  - (d) Objector concerns.

**Objector Concerns**

4. Following advertising, a total of 11 objections were received to the application. Issues raised can be summarised as follows:
  - (a) Neighbourhood character.
  - (b) Design including height, massing, scale, bulk, site coverage and permeability.
  - (c) Overdevelopment.
  - (d) Off-site amenity impacts including overshadowing / loss of daylight, overlooking and noise.
  - (e) Car parking and traffic impacts and impact on laneway.
  - (f) Impacts on the structural integrity of surrounding properties during the construction phase.
  - (g) The area being prone to flooding.
5. One letter of support was received citing that the development is appropriate in the surrounding context.

**Conclusion**

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

**CONTACT OFFICER:**    **John Theodosakis**  
**TITLE:**                    **Senior Statutory Planner**  
**TEL:**                      **9205 5307**

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**1.2      36-38 Kerr Street, Fitzroy - Planning Application No. PLN18/0404 - Part demolition to allow for the construction of three dwellings.**

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Reference:     D19/144129  
 Authoriser:    Senior Co-ordinator Statutory Planning

**Proposal:**                      Part demolition to allow for the construction of three dwellings.  
**Existing use:**                 Single-storey warehouse  
**Applicant:**                   Hilary Sleight of Kirstin Thompson  
**Zoning / Overlays:**        Mixed Use Zone  
                                         Heritage Overlay – Schedule 334  
                                         Environmental Audit Overlay  
**Date of Application:**        08 June 2018  
**Application Number:**       PLN18/0404

### Planning History

7. Planning Permit PL07/1157 was issued on 05 May 2008 for *change of use to a commercial kitchen (food preparation of raw and canned food only and the cooking of rice only) for wholesale food distribution*. This permit was not acted on and has expired.
8. Planning Permit Application No. PLN16/0322 was refused by Council on 29 September 2016. The application sought approval for *full demolition of the existing building, the construction of a ten storey building containing 18 dwellings and a reduction in the car parking and bicycle requirements*. Council's decision to refuse the application was upheld at the Victorian Civil and Administrative Tribunal (VCAT) (VCAT Reference No: P2137/2016).
9. At the time of the VCAT proceedings associated with Planning Permit Application No. PLN16/0322, the permit applicant lodged a set of substituted plans for a four storey apartment building with car parking from the rear laneway, essentially reducing the building from ten storeys to four storeys. However, for the reasons detailed within the VCAT order (attached to this report) the VCAT affirmed Council's refusal. The assessment of this application will turn its mind to some of the findings within the VCAT order and Council's decision to refuse Planning Permit Application No. PLN16/0322 as relevant to this proposal.

### Background

10. The application for Planning Permit (PLN18/0404) was received by Council on 08 June 2018 and following the submission of further information on 15 August 2018 the application was advertised on 19 September 2018. At the time, the application proposed *construction of four dwellings and reduction in the associated car parking requirement*. The application was advertised and a total of eleven (11) objections were received.
11. The permit applicant submitted a set of amended plans to Council under Section 57(a) of the *Planning and Environment Act* (1987) (the "Act") on 10 May 2019 in an attempt to address concerns raised by objectors and Council Officers. The amended plans show the following key changes to the advertised plans:
  - (a) The deletion of one dwelling and reconfiguration of the building footprint and internal areas to make way for three dwellings.

- (b) A reduction in the overall building height of between 0.830m and 1.5m (as measured above the natural ground level) by increasing the extent of excavation and dropping the ground floor below the natural ground level, sinking the basement lower.
  - (c) Deletion of the lift tower elements.
  - (d) The western wall setback 1.46m for the length of the dwellings at the lower and upper ground floors (i.e. not the garage) and the courtyards increased in size.
12. Said plans show improvements that respond to some of the objector concerns particularly in relation to the visual mass, overshadowing and setbacks of the proposed development from the subject site's western and eastern boundaries. The plans were not re-advertised and were formally exempted from the notice provisions of the Act at a Development Assessment Panel on 21<sup>st</sup> August 2019 based on the fact that they show a reduction in the built form shown on the advertised plans. The plans were however circulated to all objectors with their invitations to the planning consultation meeting that was held on 09 July 2019.
13. Said plans are the "decision plans" given that they were submitted to Council under Section 57(a) of the Act.

### Planning Scheme Amendments

#### *Amendment VC148*

14. On 31 July 2018, Amendment VC148 was gazetted by the Minister for Planning. Amongst other changes the amendment deleted the State Planning Policy Framework (SPPF) and replaced it with a new integrated Planning Policy Framework (PPF) in Clauses 10 to 19 of the Scheme. Relevant to this application, there is no longer a requirement under the Scheme for the proposed development to provide on-site visitor car parking spaces.

### **The Proposal**

15. The application is for the part demolition of the former warehouse building on site to develop the land with a row of three, three-storey dwellings in a townhouse-style development with roof terraces, a basement level and car parking at the rear of the site. The proposed development will be described as a "building" throughout this report given that all three townhouses and the rear garage (housing a mechanical car stacker) are in an attached row.
16. The facets of the proposed development can be summarised as follows:

#### Development

17. *Part demolition / excavation (no permit required)*
- (a) Part demolition of the existing former warehouse building (i.e. roof, internals, most front and all of the rear walls, including clearance of the land inclusive of the demolition of fences (not shown on plans).
  - (b) Excavation to make way for a split level containing a lower and upper ground floor and basement.
18. *Layout*
- (a) Construction of a row of three attached three-storey dwellings (the "building") each with a roof-top terrace and basement.
  - (b) A car stacker providing a total of 6 car spaces (2 car spaces to each townhouse) accessed from the laneway at the rear.
  - (c) Shared pedestrian entrance is provided from Kerr Street, with all three primary pedestrian entrances accessed via a walkway along the eastern site boundary.

- (d) The building provide a total of three townhouses (identified correctly as Townhouses 1, 2 and 3 on the Level 02 Plan but incorrectly labelled as Townhouses 02, 03 and 04 on the Proposed Lower and Upper Ground Plans) that would proceed in a consecutive manner from north to south.
- (e) An area of approximately 88.2sq.m. designated to Townhouse 1. Townhouse 1 would comprise three bedrooms, a private courtyard of 15.6sq.m. and an open plan living, kitchen and dining area with a breezeway to the north and access to a roof terrace of 37sq.m. and service amenities, including lift.
- (f) Townhouse 2 would follow and would occupy an area of approximately 76sq.m of the lot. Townhouse 2 would comprise three bedrooms, a private courtyard of 15sq.m. and an open plan living, kitchen and dining area and access to a roof terrace of 29sq.m. and service amenities, including lift.
- (g) Townhouse 3 would follow and would occupy an area of 45sq.m. of the area of the lot at the lower ground level and a further 53sq.m. above the car stacker / garage (at the second level) equating to a total area of approximately 98sq.m. of the lot. Townhouse 3 would also comprise three bedrooms, a courtyard of 8.8sq.m. and an open plan living, dining and kitchen area with access to a roof terrace of 30sq.m. and service amenities, including lift.
- (h) Each townhouse would have a basement level that will include a laundry and store room with secondary service amenities that range between 41sq.m. and 77sq.m.

#### 19. *Heights and setbacks*

- (a) The predominant height is 9.12m above the natural ground level, with a maximum building height of 11.33m to the highest point of the sawtooth roof form.
- (b) To the north (front), the building is hard-edged for a length of 4.22m with the remainder setback 1.5m at the north-west corner and to the north-east.
- (c) To the west and east, the building retains the existing on-boundary walls of the former warehouse building, with new walls constructed behind and setback between 1.46m and 1.61m from the western boundary and setback between 1.44m and 1.69m from the eastern boundary (with the latter inclusive of the walls of the garage).
- (d) The garage with the car stacker would extend to the western boundary for a length of 6.17m and to the southern boundary for a length of 7.58m (combined length of the garage and the bin store).
- (e) The proposed site coverage will be approximately 70% (i.e. approximately 217sq.m. will be occupied by the building), with some site permeability in the front (northern) and side (western and eastern) setbacks.

#### 20. *Design detailing, colours and materials*

- (a) The building adopts a contemporary design with the new walls constructed of masonry (combinations of solid and hit-and-miss bricks) with large expanses of opaque glass channels. Balustrades would be constructed of a combination of brick and mesh metal screens.
- (b) All elevations are punctuated with windows / openings.
- (c) The building has a saw-tooth roof form with three saw-tooth pitches.

#### 21. *ESD Features*

- (a) Operable windows and doors providing good cross-ventilation opportunities.
- (b) Provision of three water tanks (one to each basement) with a minimum 2000lt water capacity and connected to the toilets within the 3 townhouses.
- (c) Most living areas will be provided with large areas of west and east-facing glazing, providing for extensive areas of natural light to the main activity areas within each townhouse.

#### 22. *Car parking and vehicle access*

- (a) A total of 6 car spaces within the rear car stacker.
- (b) Vehicle access provided from the laneway to the south.

### Subject Site

23. The subject site is a rectangular-shaped site located on the southern side of Kerr Street, situated approximately halfway between Fitzroy Street to the east and Spring Street to the west. The site has a frontage of 8.9m, a western boundary length (depth) of 35.89m, and an eastern boundary length of 34.56m, yielding an overall site area of 313sqm. The site is formally described as Lot 1 on TP 605163L associated with Certificate of Title Volume No. 11486 and Folio No. 008 on the title plan submitted with the application.



Subject site

24. The subject site is developed with a single storey brick warehouse building (as identified in the image above) set back 1.5m from Kerr Street and up to 5.76m from the rear (southern boundary). The building extends across both side (western and eastern) site boundaries.
25. There is a party wall easement (7.92m long and 0.22m wide) along the western boundary. There are no restrictive covenants evident on the title.

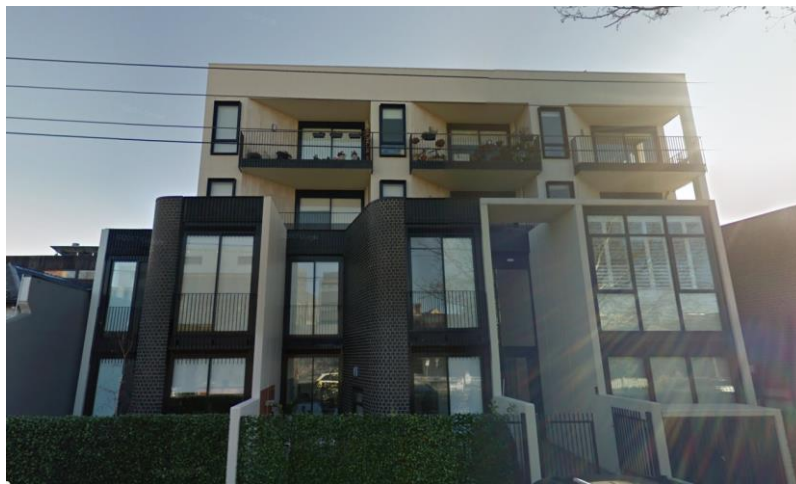
### Surrounding Land

26. The subject site is located within a former industrial pocket, west of the Brunswick Street Major Activity Centre (MAC) that is still experiencing some built form and land use change as a result. Infill residential developments and warehouse conversions of former industrial / warehouse buildings have occurred over recent years, with most industrial buildings in the immediate area converted to residential or office buildings. As a result, the surrounding area has an established mixed-use character with taller buildings interspersed with single and double storey terrace housing. Taller built forms range from four to six storeys with a street wall height of two to three storeys will taller built form recessed from the street (i.e. such as the neighbouring property to the west).



Aerial image

27. To the north of the subject site is Kerr Street, a two-way street with angled parking to the north and parallel parking to the south. The immediate property to the north (amongst other more traditional single and double-storey housing) supports a four to six storey apartment building (as per the image below) with a two storey podium to Kerr Street. This site is approximately three times the width of the subject site and extends the block from Kerr Street to Rose Street further to the north. The ground and first floor levels of this building are set back from Kerr Street and extend boundary to boundary, comprising private open space areas within the front setback. The frontage is fenced with a steel balustrade fence. The second and third floors are further recessed from Kerr Street. The fourth and fifth storeys are located to the northern portion of the site, approximately 30m from Kerr Street so that they are not readily visible to Kerr Street.



Property immediately to the north side of Kerr Street

28. Immediately to the west of the subject site is a four storey building (as per the image below and developed under planning permit No. PL03/0782 – endorsed plans) with seven townhouses on a lot approximately twice the width of the subject site. To Kerr Street, the building presents a three storey street wall with operable perforated metal bi-fold shutters at the first and second floors on the boundary. The top floor is recessive to Kerr Street and to the side boundaries. The ground level comprises two home/offices fronting the street and rear car parking accessed from the rear laneway. The endorsed plans show extensive shopfront clear glazing to the home offices; however it appears that the as-constructed glazing is tinted thereby restricting views into these areas.



Adjoining building to the west

29. The rear (southern) portion of the western abutting building is detached from the front building, with a 4m separation. The building tapers away from the side boundaries up to 4.5m. The setback contains private open space areas for three of the townhouses as well as numerous habitable room windows facing the boundary.
30. To the south of the subject site is a laneway and beyond that are properties fronting onto Argyle Street that are hard-edged and range between two and five-storeys. Directly opposite is a five storey apartment building on a comparable-sized lot to the subject site. The development comprises a car park at ground floor (accessed from the laneway) with deep balconies overlooking the lane from levels one to four. The building is robust in design and hard edged to Argyle Street (that also provides vehicle access into this site). To the east of this is a three-storey building with up to ten dwellings with three that have north-facing areas of secluded private open space in the form of roof decks with access from the second floor.
31. Immediately to the east of the subject site is a similar sized lot to the subject site and is occupied with a double-fronted, single-storey, weatherboard Victorian building. The building is setback approximately 1.2m from the front title boundary (i.e. as measured to the edge of the front verandah), with the original front section built boundary to boundary. To the rear a shed is located on the eastern boundary and there is an extensively concreted secluded area of private open space which is also used for car parking. Vehicle access is provided from the laneway.



Adjoining properties to the east of the subject site

32. Beyond the dwelling to the east, are further single-storey, single-fronted Victorian and Edwardian dwellings. The dwelling further east also has rear vehicle access into a garage that wraps around the south-east corner of the dwelling to the immediate east of the subject site.
33. The subject site is well serviced in terms of services, park land and public transport given that it is located (amongst other services) within 160m and 140m from Brunswick and Nicholson Street, respectively. There are also bus services operating along Johnston Street 130m to the south.

## **Planning Scheme Provisions**

### Zoning

#### *Mixed Use Zone (MUZ)*

34. The subject site is zoned Mixed Use.
35. Pursuant to Clause 32.04-6 of the Yarra Planning Scheme (the 'Scheme'), a planning permit is required to construct two or more dwellings on a lot.

### Overlays

#### *Heritage Overlay (HO334 – South Fitzroy Precinct)*

36. Clause 43.01-1 (Heritage Overlay) states that a planning permit is required to demolish or remove a building and construct a building or construct or carry out works.

#### *City of Yarra Review of Heritage Areas 2007 Appendix 8 (Revised May 2018)*

37. The building on the subject site is located within Schedule 334 and is identified as "not-contributory" to this precinct as outlined in the incorporated document.

#### *Environmental Audit Overlay (EAO)*

38. Pursuant to Clause 45.03-1 of the Scheme it is a requirement that:
  - (a) *Before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:*
    - (i) *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*
    - (ii) *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*
39. This provision is a requirement of the Scheme and will be captured by way of a note on any planning permit issued.

### Particular Provisions

#### *Clause 52.06 – Car Parking*

40. Pursuant to Clause 52.06-2, the car parking spaces required under Clause 52.06-5 must be provided on the land. Clause 52.06-3 requires a planning permit to reduce the number of car parking spaces required under this clause.

41. The requirement of Clause 52.06-5 of the Scheme are shown below:

Proposed Use	No. of houses	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Provided
Three (or more) bedroom dwellings	3	2 spaces per dwelling	6	6
<b>Total</b>			<b>6</b>	<b>6</b>

42. The proposed dwellings require two car parking spaces each. Two spaces per dwelling is provided in the form of a car stacker at the rear of the site with vehicle access from the laneway. The proposal therefore meets the minimum Scheme requirement for the on-site car parking provision. In relation to the requirements at Clause 52.06-9 (design standards for car parking) of the Scheme, Council's Engineer has reviewed the design including access and egress to the laneway, garage design and manoeuvrability on site, and found the design response to be satisfactory subject to conditions.

*Clause 52.34 – Bicycle facilities*

43. Clause 52.34 of the Scheme only applies to dwellings in developments of four or more storeys. The overall proposal is three storeys in height and therefore these provisions do not apply.

*Clause 55 – Two or more dwellings on a lot and residential buildings*

44. Pursuant to clause 55 of the Scheme this provision applies to an application to construct or extend two or more dwellings on a lot within the Mixed Use Zone. A development must meet the objectives of Clause 55 but does not need to meet the standard.

General Provisions

*Clause 65 – Decision guidelines*

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

Planning Policy Framework (PPF)

*Clause 15.01-1S – Urban Design*

46. The relevant objective of this clause is “to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity”.

*Clause 15.01-2S – Building Design*

47. The relevant objective of this clause is “to achieve building design outcomes that contribute positively to the local context and enhance the public realm”.

*Clause 15.01-5S – Neighbourhood Character*

48. The relevant objective of this clause is *“to recognise, support and protect neighbourhood character, cultural identity, and sense of place”*.

*Clause 15.02 – Sustainable Development*

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

*Clause 15.03 Heritage*

*Clause 15.03-1S – Heritage conservation*

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

51. Strategies include:

- (a) *Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.*
- (b) *Provide for the protection of natural heritage sites and man-made resources.*
- (c) *Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.*
- (d) *Encourage appropriate development that respects places with identified heritage values.*
- (e) *Retain those elements that contribute to the importance of the heritage place.*
- (f) *Encourage the conservation and restoration of contributory elements of a heritage place.*
- (g) *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*
- (h) *Support adaptive reuse of heritage buildings where their use has become redundant.*

*Clause 16.01 Residential Development*

*Clause 16.01-1S – Integrated housing*

52. The objective of this clause is *“to promote a housing market that meets community needs”*.

*Clause 16.01-1R – Integrated housing- Metropolitan Melbourne*

53. Strategies for this clause are:

- (a) *Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas.*
- (b) *Allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing.*

*Clause 16.01-2S Location of residential development*

54. The objective of this clause is *“to locate new housing in designated locations that offer good access to jobs, services and transport”*.

55. Relevant strategies for this clause are:

- (a) *Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in Greenfield and dispersed development areas.*

- (b) *Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.*
- (c) *Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.*
- (d) *Facilitate residential development that is cost effective in infrastructure provision and use, energy efficient, water efficient and encourages public transport use.*
- (e) *Identify opportunities for increased residential densities to help consolidate urban areas.*

*Clause 16.01-2R – Housing opportunity areas- Metropolitan Melbourne*

56. Relevant strategies for this clause are:

- (a) *Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.*
- (b) *Manage the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in locations that are:*
  - (i) *In and around the Central City.*
  - (ii) *Urban-renewal precincts and sites.*
  - (iii) *Areas for residential growth.*
  - (iv) *Areas for greyfield renewal, particularly through opportunities for land consolidation.*
  - (v) *Areas designated as National Employment and Innovation Clusters.*
  - (vi) *Metropolitan activity centres and major activity centres.*
  - (vii) *Neighbourhood activity centres - especially those with good public transport connections.*
  - (viii) *Areas near existing and proposed railway stations that can support transit oriented development.*
- (c) *Facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport.*

*Clause 16.01-3S – Housing diversity*

57. The objective of this clause is “to provide for a range of housing types to meet increasingly diverse needs”.

58. Strategies of this policy are:

- (a) *Ensure housing stock matches changing demand by widening housing choice.*
- (b) *Facilitate diverse housing that offers choice and meets changing household needs through:*
  - (i) *A mix of housing types.*
  - (ii) *Adaptable internal dwelling design.*
  - (iii) *Universal design.*
- (c) *Encourage the development of well-designed medium-density housing that:*
  - (i) *Respects the neighbourhood character.*
  - (ii) *Improves housing choice.*
  - (iii) *Makes better use of existing infrastructure.*
  - (iv) *Improves energy efficiency of housing.*

- (d) *Support opportunities for a range of income groups to choose housing in well-served locations.*
- (e) *Ensure planning for growth areas provides for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.*

*Clause 16.01-3R – Housing diversity - Metropolitan Melbourne*

59. The strategy of this policy is “*create mixed-use neighbourhoods at varying densities that offer more choice in housing*”.

*Clause 18.01 – 1S – Land use and transport planning*

60. The objective of this clause is “*to create a safe and sustainable transport system by integrating land use and transport*”.

Local Planning Policy Framework (LPPF)

*Clause 21 – Municipal Strategic Statement (MSS)*

*Clause 21.03 – Vision*

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

*Clause 21.04 – Land use*

*Clause 21.04-1 – Accommodation and Housing*

62. The objectives of this clause are:

- (a) *To accommodate forecast increases in population.*
- (b) *To retain a diverse population and household structure.*
- (c) *To reduce potential amenity conflicts between residential and other uses.*

*Clause 21.05 Built form*

*Clause 21.05-1 Heritage*

63. This clause acknowledges that new development can still proceed whilst paralleling the objective to retain the nineteenth century character of the City. Conservation areas seek to conserve the City's heritage places whilst managing an appropriate level of change.

64. Relevant objectives include:

- (a) *Objective 14 To protect and enhance Yarra's heritage places:*
  - (i) *Strategy 14.1 Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.*
  - (ii) *Strategy 14.2 Support the restoration of heritage places.*
  - (iii) *Strategy 14.3 Protect the heritage skyline of heritage precincts.*
  - (iv) *Strategy 14.4 Protect the subdivision pattern within heritage places.*
  - (v) *Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.*
  - (vi) *Strategy 14.8 Apply the Development Guidelines for site subject to a Heritage Overlay policy at clause 22.02.*

*Clause 21.05-2 – Urban design*

65. This clause incorporates the following relevant objectives:

- (a) *Objective 16 - To reinforce the existing urban framework of Yarra; and*
- (b) *Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric.*

*Clause 21.07 – Environmental Sustainability*

66. The relevant objectives of this clause are:

- (a) *To promote environmentally sustainable development.*
- (b) *To improve the water quality and flow characteristics of storm water run-off.*

*Clause 21.08 Neighbourhoods*

67. Clause 21.08-7 (Fitzroy) describes this area as follows:

- (a) *Fitzroy is a mixed commercial and residential neighbourhood notable for the consistency of its Victorian streetscapes. It comprises a dense combination of residential areas, shopping precincts and commercial/ industrial activities.*

Relevant Local Policies

*Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay*

68. This policy applies to all new development included in a heritage overlay. The relevant objectives of this clause includes to conserve Yarra's natural and cultural heritage, to conserve the historic fabric and maintain the integrity of places of cultural heritage significance, to retain significant view lines to, and vistas of, heritage places and to preserve the scale and pattern of streetscapes in heritage places.

69. The relevant policies with regard to demolition/removal of a building of this clause are:

- (a) *Generally encourage the retention of a building in a heritage place, unless:*
  - (i) *The building is identified as being not contributory*
  - (ii) *The building is identified as a contributory building, and*
    - *New evidence has become available to demonstrate that the building does not possess the level of heritage significance attributed to it in the incorporated document, City of Yarra Review of Heritage Areas 2007 Appendix 8 (as updated from time to time) and*
    - *The building does not form part of a group of similar buildings.*
- (b) *Encourage the removal of inappropriate alterations, additions and works that detract from the cultural significance of the place.*
- (c) *Generally discourage the demolition of part of an individually significant or contributory building or removal of contributory elements unless:*
  - (i) *That part of the heritage place has been changed beyond recognition of its original or subsequent contributory character(s).*
  - (ii) *For individually significant building or works, it can be demonstrated that the removal of part of the building or works does not negatively affect the significance of the place.*

70. The relevant policies with regard to alterations and additions of a building of this clause are:
- (a) *Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:*
    - (i) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape;*
    - (ii) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place;*
    - (iii) *Be visually recessive and not dominate the heritage place;*
    - (iv) *Be distinguishable from the original historic fabric;*
    - (v) *Not remove, cover, damage or change original historic fabric;*
    - (vi) *Not obscure views of principle façades;*
    - (vii) *Consider the architectural integrity and context of the heritage place or contributory element.*
  - (b) *Encourage setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply.*
  - (c) *Encourage similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height.*
  - (d) *Minimise the visibility of new additions by:*
    - (i) *Locating ground level additions and any higher elements towards the rear of the site;*
    - (ii) *Encouraging ground level additions to contributory buildings to be sited within the 'envelope' created by projected sight lines (see Figure 1);*
    - (iii) *Encouraging upper level additions to heritage places to be sited within the 'envelope' created by projected sight lines (for Contributory buildings refer to Figure 2 and for Individually significant buildings refer to Figure 3);*
    - (iv) *Encouraging additions to individually significant places to, as far as possible, be concealed by existing heritage fabric when viewed from the front street and to read as secondary elements when viewed from any other adjoining street.*
  - (e) *Discourage elements which detract from the heritage fabric or are not contemporary with the era of the building such as unroofed or open upper level decks or balconies, reflective glass, glass balustrades and pedestrian entrance canopies.*

*Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)*

71. This policy applies to new buildings. The objective of this clause is “to achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended)”.

*Clause 22.17 – Environmentally Sustainable Design*

72. This policy applies throughout the City of Yarra to residential and non-residential development that requires a planning permit. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. The considerations are energy performance, water resources, indoor environment quality, storm water management, transport, waste management and urban ecology.

## Advertising

73. The submitted application was advertised between September and October 2018 under the provisions of Section 52 of the *Planning and Environment Act* (1987) (the Act) by 137 letters sent to surrounding owners and occupiers, and by one (1) sign displayed on the Kerr Street frontage.
74. The grounds of the eleven (11) objections received to the application are summarised as follows:
- (h) Neighbourhood character.
  - (i) Design including height, massing, scale, bulk, site coverage and permeability.
  - (j) Overdevelopment.
  - (k) Off-site amenity impacts including overshadowing / loss of daylight, overlooking and noise.
  - (l) Car parking and traffic impacts / impact on laneway.
  - (m) Impacts on the structural integrity of surrounding properties during the construction phase.
  - (n) The area being prone to flooding.
75. The permit applicant submitted a set of amended plans to Council under Section 57(a) of the *Planning and Environment Act* (1987) (the "Act") on 10 May 2019 in an attempt to address concerns raised by objectors and Council Officers. These plans were not re-advertised (as they show a reduction in built form to the advertised plans) and were formally exempt from the notice provisions at a Development Assessment Panel on 21<sup>st</sup> August 2019. Said plans are the "decision plans" and copies were sent to all objectors with their invitations to the planning consultation meeting.
76. The planning consultation meeting held on 09 July 2019 was attended by the Applicant, Objectors and Planning Officers. At the meeting, one Objector agreed to provide Planning Officers with their shadow diagrams that related to the previous scheme (Planning Application No. PLN16/0322) refused by Council and later considered and refused by the VCAT (as outlined under the *Planning history* heading of this report). At the meeting, the permit applicant also agreed to provide Planning Officers with a response to the traffic implications of vehicles waiting in the laneway to access the car stackers and the consequences of this. Both, the sectional shadows and a response by the Objector and Permit Applicant respectively, were submitted to Council. See Attachment 8 for Permit Applicant's response.

## Referrals

### External Referrals

77. The application was not required to be referred externally.

### Internal Referrals

78. The application was referred to the following units within Council:
- (a) Heritage Advisor
  - (b) Engineering Services Unit
79. Referral comments have been included as attachments to this report (Attachment 5 and 6).

80. The amended plans were referred internally to Council's Engineering Services Unit due to the increase in the number of car spaces within the car stacker. Further referral advice in relation to this component of the proposal was provided by Council's Engineering Services Unit (see Attachment 6).

## OFFICER ASSESSMENT

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

- (a) Relevant Planning Policy in the Scheme;
- (b) Heritage;
- (c) Clause 55 (ResCode); and
- (d) Objector concerns.

82. The proposed development will be described as a "building" throughout this assessment given that all three townhouses are in an attached row.

### Relevant Planning Policy in the Scheme

83. The development will increase the density on site (i.e. replacing a single-storey former warehouse building with a total of three dwellings). When assessed against the relevant Planning Policy Framework and Local Planning Policy Frameworks (PPF & LPPF), there is strategic support for the development with regard to its location within an area that contains many resources.
84. The purpose of the MUZ is:
- (a) *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
  - (b) *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
  - (c) *To provide for housing at higher densities.*
  - (d) *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
  - (e) *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*
85. The proposal fulfils the above by providing what will present to the street as a single modern building on a site within an inner-city context that is ideally located to take advantage of existing public transport services along the Brunswick Street MAC and Nicholson Street.
86. Clause 11 of the Scheme supports an increase in diversity of choice, economic viability, accessibility and land use and transport integration, whilst facilitating sustainable development that takes full advantage of existing settlement patterns. The future residents of the building (3 townhouses) will use the services available in the nearby commercial environments.
87. The proposed building also complies with a number of key strategic policies within the Scheme, in particular policy at clause 15.01-1S and 18.01-1S, by providing higher density housing with connections to public transport/cycling networks and by increasing and consolidating the supply and diversity of housing in existing urban areas. For all of the reasons outlined above, the proposal is considered to achieve sufficient compliance with the relevant planning policies.
88. Pursuant to clause 52.06 of the Scheme, the proposed development is required to provide a minimum of 6 on-site car parking spaces. There are 6 car parking spaces provided within the car stacker. However, objectors have raised concerns with the location of car spaces within a car stacker type arrangement.

Council's Engineering Services Unit have reviewed the on-site car parking provision and also the principle of having a mechanical car stacker and the design of the car stacker against the relevant design standards at clause 52.06 of the Scheme (including the access and egress from the laneway and vehicle manoeuvrability) and have provided comments of support.

### Heritage

89. The urban design assessment for this proposal is principally guided by clauses 15.01-2 (Urban design principles), 21.05 (Urban design), 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay and 22.07 (Development Abutting Laneways) of the Scheme.

### *Demolition*

90. The warehouse building on the subject site is classified as 'not contributory' to the South Fitzroy Heritage Precinct. Clause 22.02-5.1 of the Scheme generally discourages the full demolition of a building unless the building is not contributory. As the building is 'not contributory' the extent of demolition of the building proposed is acceptable and supported by heritage policy. Whilst further comments in relation to the decision plans have not been sought from Council's Heritage Advisor, their advice on the originally submitted application supported the full demolition of the existing building. Given that the decision plans intend to maintain and incorporate some of the original walls of the warehouse building into the scheme, concealing part of the building from the west and east, it is assumed that the reduced amount of demolition would also be supported by Council's Heritage Adviser.

### *New built form*

91. Surrounding built form along Kerr Street includes single-storey buildings such as those to the east but there is also a number of double and four-storey buildings such as that to the immediate west, and five and six-storeys. As identified earlier under the *Surrounding Land* heading, the property to the immediate north supports a four to six storey apartment building with a two storey podium to Kerr Street. The taller buildings are characterised as having a rectilinear form with flat roofs and a number of windows and balconies facing the street.
92. To the east, Kerr Street is primarily characterised by single-storey, dwellings of the Victorian era. Kerr Street is a 20m wide street that is comprised of two lanes of cars (west and east bound), angled parking on the northern side and parallel car parking on the southern side. The building on the site is consistent with the typology and appearance of the mixed character of the area more broadly where there is further evidence of hard-edged former warehouse / industrial building interspersed amongst more traditional housing and contemporary and angular apartment buildings such as this instance.
93. The immediate property to the west is graded 'not contributory' whilst the two single-storey dwellings to the east are graded 'contributory' to the heritage precinct. The proposal ensures that it is distinguishable from the heritage fabric of identified buildings with heritage significance to the east and has also considered the context of the heritage place as policy at Clause 22.02-5.7.1 of the Scheme directs.
94. The proposed building, whilst comprised of a row of townhouses, will have the appearance of an apartment building which reflects the prevailing building form of the more contemporary buildings in the area (particularly that to the west) which is compliant with policy at Clause 22.02-5.7.1 of the Scheme.
95. The decision plans have also addressed Council's Heritage Advisor's recommendation with regard to reducing the height of the lift shaft of Townhouse 01 by deleting all lift shafts and have responded to the visual prominence of the balustrade associated with Townhouse 01's roof terrace by cleverly blending this into the façade wall and modifying the material to masonry.

Whilst an increase to the roof terrace setback has not been adopted to reduce visibility of activity from the street, any activity on the roof terrace will not be any different to that in the front yards of surrounding dwellings, or balconies of surrounding apartments currently visible to the street, therefore a further setback will not be adopted.

96. Council's Heritage Advisor also had a preference for the adoption of more traditional masonry to the front walls of the building, *similar in colour to traditional red common, Hawthorn, or cream*. However, the decision plans include grey masonry and this is directly derived by the colour scheme of the immediate building to the west that has a grey brutalist appearance to the street. In fact, the presentation of the building will be softer in appearance compared to the western building, with the combination of materials chosen and setbacks that provide scope for soft landscaping.
97. The new front portion of the building is setback at the north-west and north-east corners (i.e. where the original walls of the former warehouse building is maintained) clearly demarcating separation points that reference the setback of the adjoining dwelling to the east. The extended portion of wall that is hard-edged appropriately references the hard-edged interface of the adjoining property to the west. Overall, it is considered that the building can be supported from a heritage perspective.
98. In addition to the above, the current scheme is generally consistent with the Tribunal's deliberations of the previously refused four-storey scheme (in *David Watson Architect v Yarra* [2017] VCAT 588) that provide the following comments in determining whether or not to support the scheme from a streetscape perspective at pages 6-7:
  22. *The size and robust character of the heritage precinct influences our finding. We find that the height of proposed building will not adversely affect the significance of the precinct, because it is one of many three or four storey buildings on non-contributory sites in the precinct. We find that there is a clear distinction between the old and the new throughout the precinct, and great diversity in the new architectural treatments. In this proposal, the heritage references in the proposed façade are subtle, yet acceptable as they are within the range found in the precinct.*
99. The same can be argued with regard to the current scheme for this application. In this instance the proposal would provide a contemporary outcome at a height and scale that has been informed by surrounding buildings. The building utilises the on-boundary walls of the original building by maintaining these at the ground floor and providing an appropriate transition with the dwelling to the east whilst being shorter than the adjoining four-storey building to the west. The use of masonry is also derived from surrounding buildings, both old and new and is similar to the grey colour tone of the adjoining four-storey building.

#### Clause 55 (ResCode)

100. Clause 55 (ResCode) provides an assessment tool for the appropriateness of the design of two or more dwellings on a lot. Given the site's location within a built-up inner-city residential area and Mixed Use zoning, strict application of the standard is not always appropriate. The relevant test is whether the proposal meets the objectives. The following provides an assessment against the relevant standards of ResCode and shows the proposal achieves a reasonable level of compliance with relevant objectives.

#### *Standard B1 – Neighbourhood Character (with regard to Clause 22.07 - Development abutting laneways policy)*

101. Complies. The proposal seeks to develop the site with a building (townhouses style development) that will be fitting to the character of this precinct. Kerr Street contains some varied building heights, and the proposed interface is acceptable in this context.

It would be a reasonable expectation that this site would experience further intensification in use and development. The proposed building would replace a warehouse building that is appropriate within the context of its location on an inner-city street.

102. In terms of more specific street interfaces, the proposed building as it presents to the street reflects the existing character of high walls, high levels of glazing facing the street and rectilinear form with flat roofs. The proposal has responded to its context as per the objectives of clause 15.01-1. The proposed scale with a more recessive saw-tooth fronting Kerr Street has kept to a height that would read as being one-storey taller than the adjoining dwelling to the east (given the pitch of the roof of this dwelling and excavation associated with sinking the lower ground), and comparable to the three-storey podium of the adjoining four-storey building to the west (as identified in the northern elevation below) and therefore complies with the design objectives of clauses 15.01 and 21.05 of the Scheme.



103. A visual connection with the immediately abutting buildings is provided through the interesting combination of glass panels, including grey masonry that is a direct reference to the four-storey building to the west. Portions of the façade of the former warehouse building would also be incorporated and reference the height of the adjoining dwelling to the east, before transitioning to the new walls that would provide a narrow podium to the street. This is considered to strike a reasonable balance between referencing two significantly different buildings.
104. The building provides windows and a terrace to the street therefore providing opportunities for passive surveillance from the front most townhouse over the public domain. The decision plans also include landscaping in the corner setbacks that further reference the landscaping arrangements of surrounding properties.
105. The laneway interface is also another facet of the development that is required to be considered with regard to neighbourhood character. The proposed building satisfies the Development Abutting Laneways policy at Clause 22.07 of the Scheme as follows:
- (a) Principle pedestrian access will continue to be provided at the Kerr Street frontage, away from the rear lane, as is encouraged by policy.
  - (b) Vehicles will ingress and egress efficiently within the laneway, without the need for multiple movements, pursuant to the Development abutting laneways policy at Clause 22.07 and Council's Engineering Services Unit is satisfied with vehicle access from the laneway.

- (c) A condition will require all entries, including the laneway entry to provide external lighting for pedestrian safety. Pursuant to the policy requirements, lighting at the laneway interface must avoid light spill into adjacent private open space and habitable room windows. This will be facilitated by Council's standard condition of permit.
- (d) The hard-edged walls of the garage housing the car stacker are comparable to the hard-edged walls of surrounding more contemporary buildings and in this context, are appropriately sited with regard to the existing character of the laneway.
- (e) A condition will require the vehicle access gate to open into the site to ensure that this does not obstruct access to the laneway when open.
- (f) The building will have a bin enclosure area on site at the south-west corner. As such, bins will not spill out onto or be stored within the laneway as required by policy. Further, a condition will require the submission of a waste management plan that includes private collection.
- (g) Council's Engineering Unit support the car stacker that would provide for six on-site car spaces, meeting the minimum car parking provision for the dwellings under the Scheme.

106. Overall, the modern rectilinear form as well as the colour and material scheme that includes a charcoal paint finish to the existing walls and new grew walls, with varied glass panels to the windows are considered to introduce an interesting design within the streetscape and will add to the vitality of the surrounding area. The proposed development will be an improvement in the streetscape from the existing building.

*Standard B2 – Residential Policy*

107. Complies. The building satisfies the PPF and LPPF given that:

- (a) it will provide higher density housing within close proximity to public transport and retail facilities; and
- (b) it takes advantage of and maximizes the existing local infrastructure.

108. As demonstrated above, the building will adequately respect the neighbourhood character.

*Standard B3 – Dwelling Diversity*

109. This standard seeks, "*to encourage a range of dwelling sizes and types in developments of ten or more dwellings*". Accordingly, this standard is not applicable to this development.

*Standard B4 – Infrastructure*

110. The development is located within an existing established residential area. It is not expected the dwellings would overload the utility services and infrastructure. The proposed development would be readily connected to the required utility services and infrastructure which are present at the site.

111. Furthermore, the application has been referred to Council's Engineering Services Unit who raise no objection to this aspect of the proposed development. As such the site is considered capable of supporting the proposed dwellings.

*Standard B5 – Integration with the street*

112. The primary pedestrian entrance to the building will be orientated to Kerr Street and Townhouse 01 will have windows and a terrace that will allow for passive surveillance to the main street frontage in compliance with policy objectives. The building will give the impression of an apartment style building to the street, which is fitting to the context and neighbourhood character.

*Standard B6 – Street setback*

113. Complies with the objective. The building will provide a good pedestrian link to Kerr Street. The building will have a northerly orientation with frontage and primary pedestrian access to Kerr Street.
114. The building will integrate well with Kerr Street, pursuant to the objective which is *“to ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site”*. The retention of existing setbacks as a consequence of partially maintaining and incorporating the façade walls of the former warehouse building respond to the front setback of the wing wall associated with the front verandah of the adjoining dwelling to the east. The new façade wall will respond to both the height and zero setback of the adjoining apartment building to the west.

*Standard B7 – Building height*

115. Complies with the objective. The predominant height is 9.12m above the natural ground level, with a maximum building height of 11.33m to the highest point of the sawtooth roof form. Whilst this height exceeds 9m as prescribed by the standard, it is in accordance with the objective which is *‘To ensure that the height of buildings respects the existing or preferred neighbourhood character’*. In this instance the adjoining building to the west, justifies a taller building on the subject site given that this building has a height of approximately 12.3m above the natural ground level. The subject building is comparable to the height of the adjoining four-storey building whilst providing an appropriate height transition (as discussed in earlier section) within the single-storey dwelling to the east.

*Standard B8 – Site coverage*

116. Complies with the objective. The overall degree of built form coverage on the site (as shown on the decision plans) equates to approximately 217sq.m. or 70% of the total site area, thereby exceeding the 60% standard specified in the Scheme. The degree of site coverage proposed is considered acceptable given the 313sq.m. of the allotment and the context of the site within a dense inner urban area where there is an expectation of greater density.
117. The proposed site coverage in this instance is considered to meet the objectives of this standard and is acceptable within its inner city context whereby the site is surrounded by properties with varied percentages of site coverage, including some of which are 100% (i.e. surrounding sites occupied by apartment building to the west, south of the laneway and north of Kerr Street).

*Standard B9 – Permeability*

118. Variation required. Landscaping would be provided within the front setbacks at both north-west and north east corners to Kerr Street, and the side setbacks to the west that comprise courtyards. Each townhouse would have a rainwater tank with a 2,000lt capacity in its basement. The percentage of permeability is not shown or identified on the decision plans but there is further scope to improve this by including ground surface treatments within the pedestrian walkway along the east side of the building and courtyards that are pervious and therefore achieve compliance with the standard. A condition will address this.
119. A condition will also require a plan notation to state that the stormwater collected by the rainwater tank of each townhouse will be re-used on site for the flushing of toilets.

*Standard B10 – Energy efficiency, Clause 22.16 – Stormwater Management (Water Sensitive Urban Design) and Clause 22.17 – Environmentally Sustainable Design*

120. A Sustainable Design Assessment (SDA) was submitted with the original application plans for four townhouses. Whilst some of the information may still be relevant to the current scheme for three townhouses, a condition of any permit issued will require an updated SDA that makes reference to the provision of three townhouses. Nonetheless some of the commitments outlined within the SDA report that can be transposed to the three townhouses are the following:
- (a) Provision of standard fluorescent and LED lighting throughout;
  - (b) Minimum average 6 NatHERS rating;
  - (c) 5 star heating and 4 star cooling systems;
  - (d) 4 star WELS rated toilets;
  - (e) 3 star WELS rated shower heads;
  - (f) Low VOC paints;
  - (g) Water tanks to each townhouse with a 2000lt water capacity; and
  - (h) Large north-facing windows within the saw-tooth that will filtrate solar access into the living arrangements below.
121. A STORM report will also be required as part of that updated SDA report to ensure compliance with the Best Practice Standards outlined in Clause 22.16 – *Stormwater Management (Water Sensitive Urban Design)* and Clause 22.17 – *Environmentally Sustainable Design*.

*Standard B11 – Open Space*

122. Not applicable as no communal open space is proposed. However, soft landscaping is proposed in the north-west and north-east setbacks of the site and courtyards of the townhouses, including planter boxes on the roof terraces of Townhouses 02 and 03.

*Standard B12 – Safety*

123. Complies with the objective. Pursuant to the standard all pedestrian entries will be visible from the internal walkway located along the east of the development, with a canopy provided each entry door. To improve resident and visitor safety and security, a condition of any permit issued will require bollard / garden lighting to be provided at the communal entry area at the street frontage and along the length of the eastern walkway.
124. Subject to a permit condition having regard to the lighting, the proposed building will provide an acceptable level of safety for future residents and visitors.

*Standard B13 - Landscaping*

125. Landscaping opportunities are provided at the street frontage which is reflective of the character of the area. Other areas are provided on the western sides, within the courtyards of all townhouses and the terraces of Townhouses 02 and 03.
126. These areas, as well as the amount of planting that would be achievable in each, would be consistent with the character of the area which typically sees limited areas of landscaping, particularly within the front setbacks of smaller allotments, and some medium density developments.

*Standard B14 – Access*

127. The existing vehicle crossover to Kerr Street will be made redundant. As such, a condition of any permit issued will require this to be demolished and reinstated to Council's satisfaction and at the Permit Holder's cost.

128. A separate condition will require the footpath along the property's Kerr Street road frontage to be stripped and re-sheeted to Council's satisfaction and at the Permit Holder's cost.

*Standard B15 – Parking location*

129. The on-site car parking spaces are conveniently located for the future residents of the building in the form of a car stacker located within a garage. The design of the car stacker and manoeuvrability of vehicles from the laneway has been assessed by Council's Engineer and found to be satisfactory. Conditions of any permit issued will require the plans to dimension the garage door widths, provide a convex mirror at the garage entrance to improve visibility to the laneway and details in relation to the car stacker model. A condition will also require plans to dimension internal floor to ceiling heights of the garage as requested by Council's Engineer. Despite these details not being shown on plans Council's Engineer supports this component of the proposal.
130. Subject to these conditions, the objectives of the standard will be met.

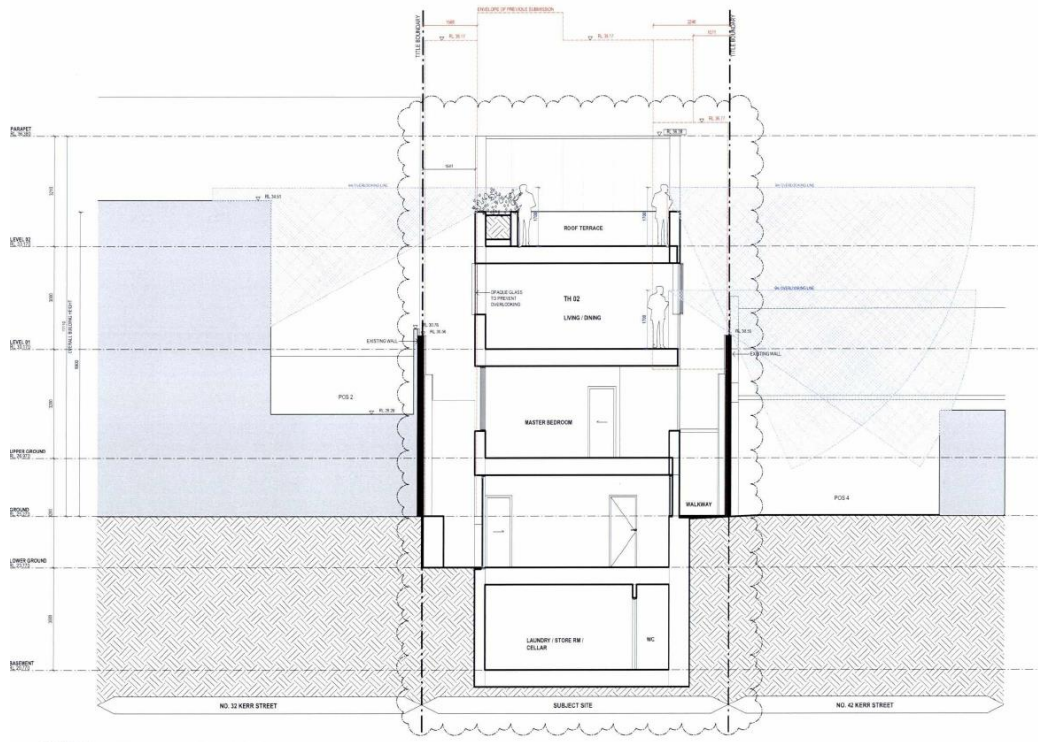
*Standard B17 – Side and rear setbacks*

131. This standard stipulates the following:

*"A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:*

- (a) At least the distance specified in a schedule to the zone, or*
- (b) If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres".*

132. The adopted setbacks at the lower and upper ground floor walls measuring up to 3.6m are compliant with the standard, as are walls that measure up to 5.1m above the natural ground level. Where these walls fail to comply with the standard are at heights above 5.1m (i.e. at Level 02 of the building as identified on the plans). At this level and upwards the standard requires wall setbacks of up to 4.19m as these progress to a height of 9.12m above the natural ground level and up to 6.39m where these progress to 11.33m (i.e. the side walls to the saw teeth) above the natural ground level.
133. However, the adopted setbacks are supported in this instance and a variation to the standard is supported. The walls (where opposite the private open spaces at the first floor of townhouses that form part of the four-storey building to the west) are generously separated and have been reduced in height. Further, the upper floor walls will be seen in association with the existing on-boundary walls (i.e. those that form part of the former warehouse and those that form part of the adjoining property) on the boundary measuring up to 5.29m with regard to the walls of the former warehouse as demonstrated through the section below (thick bold lines). Further discussion in relation to these walls is provided in later sections of this assessment.



134. The same can be also be said with regard to the setbacks adopted to the east in relation to the eastern elevation when read in association with the existing on-boundary walls of up to 5.2m in height. The existing walls extend a length of 13.2m where adjacent to the extensively concreted secluded area of private open space of the eastern adjoining dwelling (noting that that this doubles as a car park in part). It is considered that there will be minimal visual bulk to the east as a result of the continuous built form.

The new walls atop the existing walls will be softened with interesting fenestration detail and would essentially present a height transition of one-storey with a saw tooth roof form. This is a significant departure from the previous design presentation that was 'busy' in appearance with lift shafts and walls that presented a height transition of two-storeys above the existing on-boundary wall.

135. The adopted side setbacks at the front will provide a visual break from the adjoining properties and will assist the building in transitioning between the single-storey dwelling to the east and the four-storey building to the west.

*Standard B18 – Walls on boundaries*

136. This standard stipulates the following:

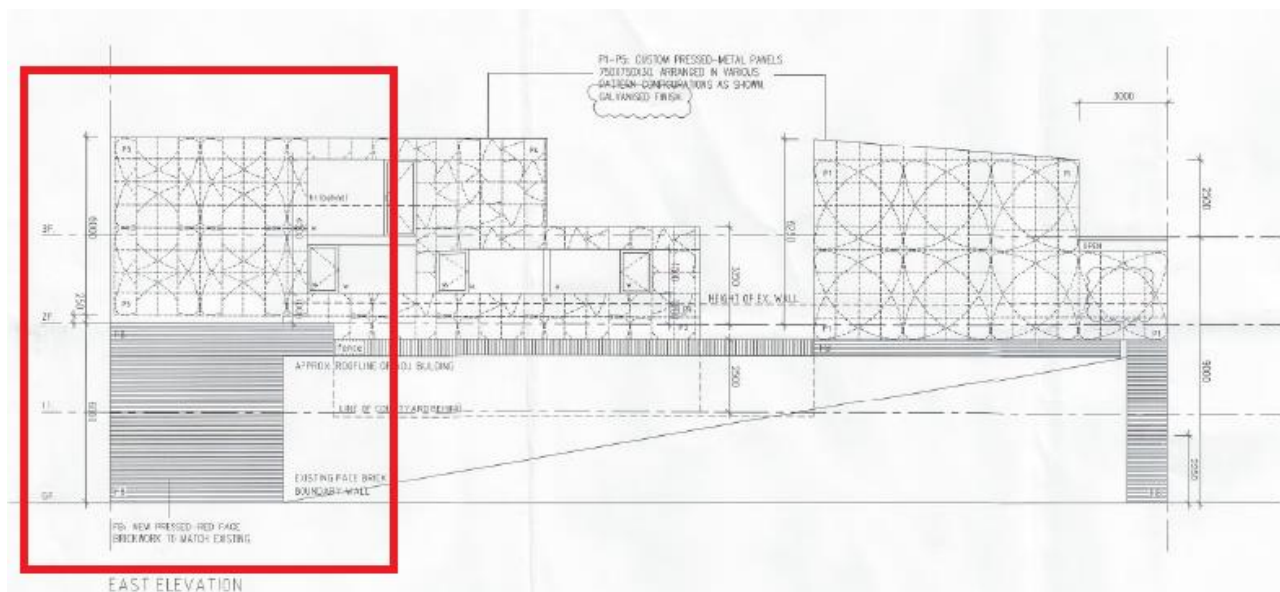
*A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:*

- (a) *For a length of more than the distance specified in a schedule to the zone; or*
- (b) *If no distance is specified in a schedule to the zone, for a length of more than:*
  - (i). *10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or*
  - (ii). *Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports whichever is the greater.*

137. Applying the standard:

- (a) an on-boundary wall length of 35.89m is permitted along the western boundary (i.e. length of existing on-boundary walls);
- (b) an on-boundary wall length in the order of 16.14m (i.e. 10 metres plus 25 per cent of the remaining length of the boundary) is permitted on the eastern boundary; and
- (c) an on-boundary wall length of 9.76m is permitted on the southern (rear) boundary that includes the acutely angled boundary length at the south-west corner (i.e. full length given that minimum wall length permitted is 10m where not abutting a wall).

138. In this instance the on-boundary wall lengths of new walls associated with the garage housing the car stacker and walls above associated with the open plan, living dining and kitchen area of Townhouse 03 are compliant. However a variation to the standard is required with regard to the wall heights because these range between 8.9m to the south and up to 11m to the west. It is considered that a variation to the standard can be supported when considering the surrounding context, particularly the western adjoining building. The on-boundary walls to the west would be constructed to abut the on-boundary walls of the adjoining four-storey building that extend between 6m and 12m on the shared boundary (as identified on the endorsed eastern elevation of planning permit PL03/0782 – image below). The western adjoining building is also hard edged to the laneway and is 12.25m in height above the natural ground level. As such, the new on-boundary wall to the south would produce a lesser height by comparison.



Endorsed eastern elevation of western adjoining building

*Standard B19 – Daylight to existing windows*

139. This standard stipulates the following:

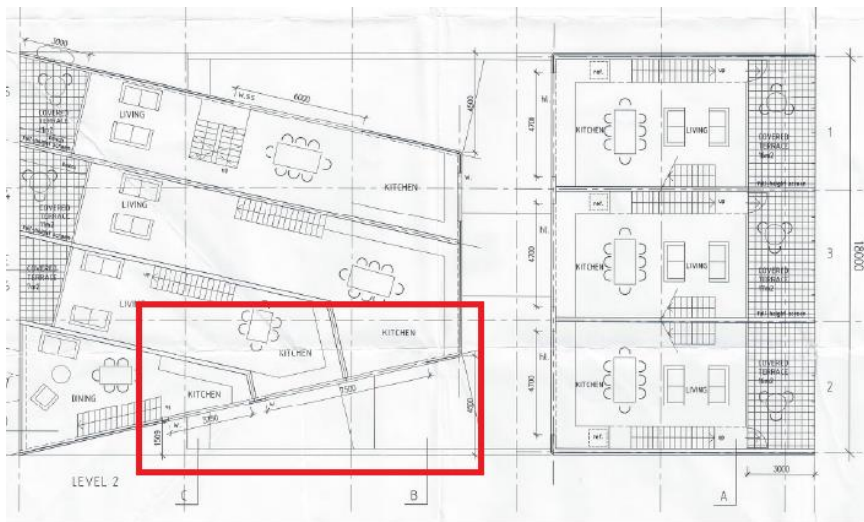
*Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot. Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window.*

*Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window [emphasis added].*

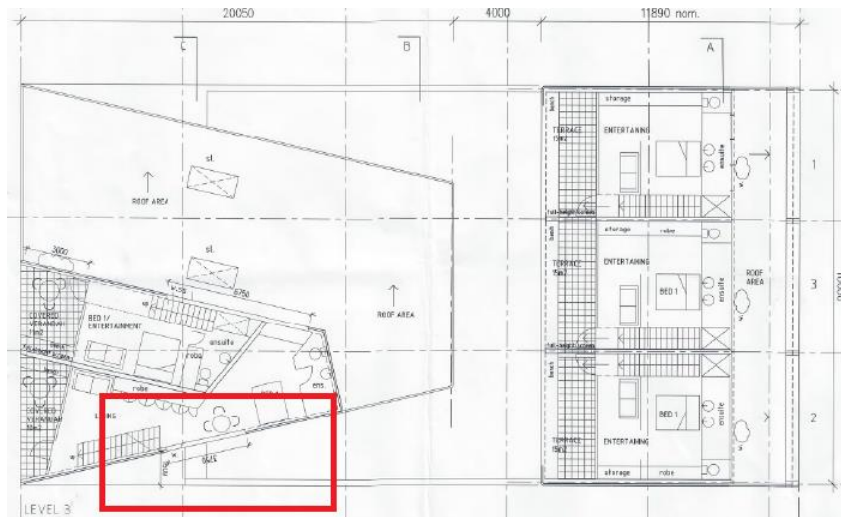
140. Complies with the standard and the objective. The proposed building would be located opposite several east-facing windows of the adjoining property to the west (commencing from Level 1 through to Level 3 where the building tapers away from the shared boundary). These windows are identified in the images below (extracted from the endorsed plans for planning permit No. PL03/0782):



Endorsed level 1 floor plan of western adjoining building



Endorsed level 2 floor plan of western adjoining building



Endorsed level 3 floor plan of western adjoining building

141. The standard is applied to the walls of the upper most floor levels of Townhouses 02 and 03 that extend between 3.6m and 5.82m above the existing on-boundary walls (that will be maintained and measure 5.29m above the natural ground level). Applying the standard, a minimum separation distance of 1.8m is required (progressively increasing to a minimum separation distance of 2.91m where the side wall of the saw-tooth is exposed). In this instance, the separation distances range between 3.5m (i.e. combined setbacks proposed and those existing as measured from mid-way of the kitchen window of the townhouse at the south-east corner of Level 2 of the adjoining building to the west) and 5.3m (i.e. combined setbacks proposed and those existing as measured from mid-way of the east-facing kitchen window of the townhouse north on Level 2 of the adjoining building to the west where this tapers at a greater distance from the shared boundary).

*Standard B20 – North-facing windows*

142. This standard stipulates the following:

*'If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window'.*

143. There are no north-facing windows located within 3m of the subject site.

*Standard B21 – Overshadowing*

144. Standard B21 seeks to ensure buildings do not significantly overshadow existing secluded private open space. The closest areas of secluded private open space are located at Level 1 of the west adjoining four-storey building, to the east of the adjoining single-storey dwelling, including several north-facing balconies on the opposite side of the laneway to the south. It should be noted that in the morning and afternoon, due to the orientation of these secluded private open space areas (particularly with regard to the adjoining western areas), they are significantly shadowed by their own built form at the equinox.
145. For the purpose of the following assessment, the northern-most area opposite the subject site will be referenced as area "A", that to its immediate south as area "B" and that further south as area "C" as shown in the diagram below (extracted from the endorsed Level 1 floor plans for planning permit No. PL03/0782):



146. The shadow diagrams submitted with the decision plans show that the only increase in the shadow cast to the west is at 10am into area B. This area currently enjoys solar access into approximately 5.2sq.m of its area (that is 16sq.m.) and at 10am at the Equinox this will be reduced by up to 2.2sq.m. This increase is not considered to be unreasonable given that the impact is limited to this single area of private open space at 10am only (one hour).
147. The shadow diagrams show an increase in shadow cast into the 119sq.m secluded private open area of the east adjoining dwelling. The proposal will increase shadows cast into this area by between one square metre and approximately 21.4sq.m between 1pm and 3pm at the Equinox. The shadow diagrams clearly demonstrate that this dwelling will continue to enjoy solar access to at least 40 square metres between 9am and 1pm. In this regard the proposal does not result in unreasonable levels of shadowing and meets the policy objective which is *to ensure buildings do not significantly overshadow existing secluded private open space*.
148. Shadows cast to the south and south-east will not impact the north-facing balconies of the building opposite but will be confined to the laneway.
149. The proposal has considered the Tribunal's findings in its deliberations of the previous four-storey scheme (in David Watson Architect v Yarra [2017] VCAT 588) that did not support this. In deciding whether to support the previous scheme the Tribunal stated at paragraph 41 on page 9 *that a strict implementation of ResCode's standards is inappropriate in this case* and considered that *a good planning outcome requires a proposed development to consider its context and to respond accordingly*. The current scheme is considered to appropriately respond to both western and eastern neighbouring properties given that it largely complies with this standard.

#### *Standard B22 – Overlooking*

150. The standard requires *a habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level*.
151. Plans show that views into adjoining secluded areas of private open spaces from habitable room windows will be blocked by the existing on-boundary walls or will be screened with opaque windows. Sections also identify that views from the terraces are also restricted by the existing on-boundary walls or planter boxes. Whilst the plans have adopted some measures to prevent overlooking, a condition will require the plans to clearly identify all screening measures in accordance with the standard on the floor plans and include plan notations confirming compliance. The materials schedule will also be required to be amended as this also shows two different variations of glass (i.e. clear and opaque) incorrectly identified in both instances as "GL2".

#### *Standard B23 – Internal views*

152. It is unclear whether the internal partitions between courtyards and upper level windows go far enough to address internal overlooking requirements of the standard. A condition will therefore require the plans to demonstrate full compliance with the standard.

#### *Standard B24 – Noise impacts*

153. The dwellings are not located in close proximity to existing noise sources and it is not considered necessary to require additional acoustic treatments for the proposed dwellings.

With no large plant areas proposed, it is not necessary to require to protect nearby dwellings (especially as the use as dwellings does not require a planning permit).

154. Objectors have raised noise from the car stacker as a concern including services. However, the building will be required to be attenuated for noise impacts and mechanical systems such as A/C units are generally designed to meet the relevant EPA noise requirements and so are not considered to have unreasonable noise impacts.

*Standard B25 – Accessibility objective*

155. The walkway and entrances of each new townhouse are located at the natural ground level and will be generally accessible for those with limited mobility in accordance with the standard. The townhouses would also have a lift, providing access to the upper and lower levels, including the basement and roof terrace of each. The objective of the standard is met.

*Standard B26 – Dwelling entry objective*

156. Complies with the standard and the objective subject to conditions. The primary pedestrian entrance is from Kerr Street with the entrances to the new dwellings clearly visible from within the shared walkway. The building will be clearly identified as one that houses multiple dwellings similar to any apartment building. Mail boxes have also been included at the north-east corner adjacent to the footpath of Kerr Street and next to the walkway, with gas meters provided within the front setback and electrical meters provided to the east of Townhouse 01.

*Standard B27 – Daylight to new windows*

157. The standard requires all habitable room windows to face an “*outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky*”. The position of all new windows satisfies this standard.

*Standard B28 – Private open space*

158. Standard B28 generally requires that:

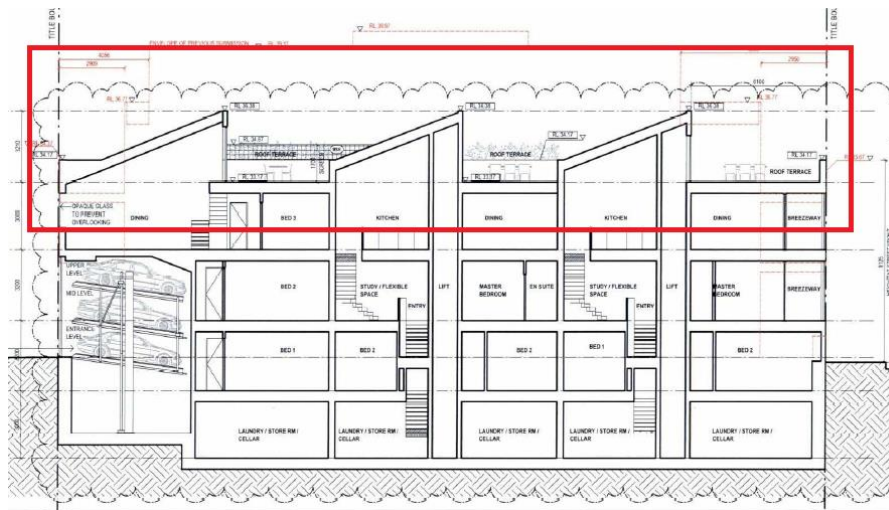
*..a dwelling or residential building should have private open space consisting of:*

- (a) *An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or*
- (b) *A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or*
- (c) *A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.*

159. The roof terraces range between 29sqm and 37sq.m. with a minimum dimensions of 4.3m and comply with the standard. The plans also provide lower courtyards to the west, accessed from the bedrooms of the townhouses that range between 8.8sq.m and 15.6sq.m. complying with the standard.

*Standard B29 – Solar access to open space*

160. Complies with the standard and the objective. The roof terraces will have an outlook to the north with saw-tooth roof forms angled to graduate to a reduced height to their southern side to ensure adequate levels solar access into these areas i.e.:



### *Standard B30 – Storage*

161. The standard requires that all dwellings are provided with 6 cubic metres of externally accessible storage. Storage areas have been provided in the form of basements and evidently exceed these minimum requirements.

### *Standard B31 – Design detail*

162. Complies with the standard. The proposed development is contemporary in design, yet complementary to the existing surrounding built form in terms of typology, form and materiality. It will integrate into the surrounding context along Kerr Street and the laneway which host tall buildings and a mix of styles from the Victorian era through to contemporary.
163. The building adopts masonry (combinations of solid and hit-and-miss bricks) to the walls with large expanses of opaque glass channels. Balustrades to terraces would also be constructed of a combination of brick and mesh metal screens with elevations punctuated with windows and a saw-tooth roof form with three saw-tooth pitches. The selected materials are supported given the location of the development and surrounding context with the added benefit of the adjoining building to the west which justifies the adopted design response to Kerr Street, including taller built forms evident in the laneway.
164. The design of the garage at the rear effectively integrates into the character of the laneway that provides vehicle access to several properties. It is also visually compatible with the local area, and other vehicle access points along the laneway. The dwellings will contribute to the design styles and housing choice found within the area. The proposal will present a development of acceptable quality within a built-up inner-city context and residential area zoned Mixed Use. The varied materials and contemporary approach, will emphasize a clear delineation between the old and new built form therefore providing an appropriate and distinguished built form outcome very separate to the heritage dwellings evident to the east.

### *Standard B32 – Front fences*

165. Not applicable as there is no new front fence proposed.

### *Standard B33 – Common property*

166. Common property is appropriately located to ensure its efficient ongoing management (likely to be a Body Corporate), in compliance with the standard.

### *Standard B34 – Site Services*

167. There is common bin storage and meters enclosures proposed, in compliance with the standard.

*Standard B35 – B49 Energy efficiency*

168. Not applicable as these provisions are only relevant to apartments.

Objector concerns

169. The majority of the issues which have been raised by the objectors have been addressed within this report. However, each point will be addressed for clarity.

- (a) Neighbourhood character.
- (b) Design including height, massing, scale, bulk and site coverage and permeability.
- (c) Overdevelopment.

170. Neighbourhood character, height, massing, scale, bulk, site coverage and permeability have been discussed at paragraphs 86 to 106 with setbacks and walls on boundaries discussed at paragraphs 131 to 138. The strategic context, zoning of the land and size of the lot supports higher density. The site area is 313sq.m and occupied by a building formerly used as a warehouse. The building design and height has been informed by the immediate context to the west and has been sensitively designed and reduced in scale (compared to the original application plans) to address the eastern interface as this is seen from the adjoining property to the east. As such, the building is not considered to be an overdevelopment of the site in the existing site context that contains taller buildings with greater density than that proposed.

- (d) Off-site amenity including overshadowing / loss of daylight, overlooking and noise impacts.

171. Off-site amenity impacts have been discussed at paragraphs 131 to 154. More specifically:

- (i) overshadowing has been discussed at paragraphs 144 to 149;
- (ii) loss of daylight has been discussed at paragraphs 139 to 141;
- (iii) overlooking has been discussed at paragraphs 150 to 151; and
- (iv) noise has been discussed at paragraphs 153 to 154.

172. Daylight to surrounding dwellings will not be impacted as a consequence of the additional shadows given that windows of existing dwellings closest to the development are either west or east-facing or in the case of the building to the west clearances to the sky in excess of a 1m dimension and 3sq.m and where there are walls proposed opposite, separated by a dimension in excess of that required by the relevant standard of ResCode.

173. A condition will require noise emissions from plant and equipment to comply with the State Environment Protection Policy or any other standard recommended by the EPA (including but not limited to SEPP N-1).

174. As detailed at paragraph 151 Conditions for clarity around limiting any overlooking will also be included. It is acknowledged that some measures to prevent overlooking have been adopted in the proposal, however a condition will require the plans to clearly identify all screening measures on the floor plans and include plan notations confirming compliance with the standard. A condition will also require the materials schedule to be amended as this currently shows two different variations of glass (i.e. clear and opaque) incorrectly identified in both instances as "GL2".

- (e) Car parking and traffic impacts / impact on the laneway.

175. The development provides the required number of car parking spaces prescribed under Clause 52.06 of the Scheme and will utilise the existing laneway for vehicle access, similar to the other surrounding developments. Council's Engineer has also provided the following comments in relation to the queue of vehicles in the laneway:
- (a) *The 98<sup>th</sup> percentile queue length for the car stacker during the AM and PM peak hour is one car length. Based on this calculation, we are satisfied the proposed car stacker unit can adequately operate without adversely impacting on the traffic operation of the Right of Way.*
  - (b) *The delays that are likely to be expected with the operation of the car stacker will be just slightly longer compared to the operation of the automated gates that are currently in use at adjacent properties off the Right of Way*
176. As such, Council's Engineer anticipates no negative traffic implications. Council's Engineer is also supportive of the car park arrangement in terms of access and egress and manoeuvrability into the site from the laneway with regard to the car stacker.
- (f) Impacts on the structural integrity of surrounding properties during the construction phase.
177. Given the excavation involved with the construction of this development, a Construction Management Plan (CMP) will be required by way of condition and will manage any impacts during the construction stage. This will be further considered during the building permit stage.
- (g) The area being prone to flooding.
178. The subject site is not identified in the Scheme as one which is subject to flooding. Whilst it is acknowledged that the proposal includes excavation for a basement and part subterranean level, appropriate weatherproofing measures will need to take place to ensure that the site can appropriately drain without flooding or impacting its neighbouring properties. These are matters that will be considered at the building permit stage.

## Conclusion

179. The proposed development is considered to demonstrate a high level of compliance with policy objectives contained within the State and Local Planning Policy Framework. Notably, the proposal achieves the State Government's urban consolidation objectives.
180. The proposal, subject to the conditions recommended, is an acceptable planning outcome that demonstrates clear compliance with the relevant policies of the Scheme.

## RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN18/0404 for the part demolition of the existing building and development of the land with three dwellings at 36 and 38 Kerr Street, Fitzroy subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans received by Council on 10 May 2019 but modified to show the following:
  - (a) The townhouses labelled correctly on the floor plans.

- (b) The provision of lighting along the pathways leading up to the primary pedestrian entrances of each townhouse, and appropriately shielded and of limited intensity so as to avoid any light spillage into existing adjoining properties.
- (c) Plan notation confirming that ground surface treatments within the pedestrian walkway along the east side of the building will be pervious.
- (d) Plan notations confirming that the storm water collected on site will be used for the flushing of toilets within the development.
- (e) Plan notations confirming that the storm water collected on site will be used for the flushing of toilets within the development.
- (f) Details to demonstrate that windows and terraces will be screened in accordance with the standard at Clause 55.04-6 (Overlooking) of the Yarra Planning Scheme.
- (g) Details to demonstrate that windows and terraces will be screened in accordance with Clause 55.04-7 (Internal views) of the Yarra Planning Scheme.
- (h) The vehicle access gate shown to open into the site to ensure no obstruction to the laneway.
- (i) An updated schedule of all external materials and finishes showing the materials colour, finish and application methods of all external walls, roof, fascias, window frames, glazing types, cladding, doors and fences and labelled correctly to correlate with the elevations.
- (j) The garage door width and internal floor-to-ceiling heights of the garage dimensioned with further plan notations (including separate manufacturer details) of the car stacker model.
- (k) Provision of a convex mirror to the southern side of the development's vehicle entrance to improve the visibility of the laneway.
- (l) Design changes to implement recommendations of the Sustainable Development Assessment condition of this permit.
- (m) Design changes to implement any recommendations of the endorsed Waste Management Plan condition of this permit.

#### *Endorsed Plans*

- 2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority
- 3. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 4. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 5. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
- 6. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

#### *Environmentally Sustainable Design Principles (SDA)*

- 7. Before the plans are endorsed, a Sustainable Development Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Sustainable Development Assessment will be endorsed and will form part of this permit.

The Sustainable Development Assessment must include a STORM rating report and include the following commitments:

- (a) Provision of standard fluorescent and LED lighting throughout;
  - (b) Minimum average 6 NatHERS rating;
  - (c) 5 star heating and 4 star cooling systems;
  - (d) 4 star WELS rated toilets;
  - (e) 3 star WELS rated shower heads;
  - (f) Low VOC paints; and
  - (g) Water tanks to each townhouse with a 2000lt water capacity.
8. The provisions, recommendation and requirements of the plans and endorsed Sustainable Development Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

#### *Lighting*

9. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all external lighting capable of illuminating access to the pedestrian entries and basement level car parking area must be provided. Lighting must be:
- (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity.

to the satisfaction of the Responsible Authority.

#### *General Parking Areas*

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

all to the satisfaction of the Responsible Authority.

#### *Council Infrastructure*

11. Within 2 months of the completion of the development or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including the full re-sheeting of the footpath at the front of the property if required by Council):
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
12. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

13. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.

*Waste Management*

14. Before the plans are endorsed, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.
15. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with at all times to the satisfaction of the Responsible Authority.

*Noise*

16. Noise emissions from plant and equipment must comply with the State Environment Protection Policy or any other standard recommended by the Environment Protection Authority (including but not limited to SEPP N-1).

*Construction*

17. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
  - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) works necessary to protect road and other infrastructure;
  - (c) remediation of any damage to road and other infrastructure;
  - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
  - (e) facilities for vehicle washing, which must be located on the land;
  - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) site security;
  - (h) management of any environmental hazards including, but not limited to:
    - (i) contaminated soil;
    - (ii) materials and waste;
    - (iii) dust;
    - (iv) stormwater contamination from run-off and wash-waters;
    - (v) sediment from the land on roads;
    - (vi) washing of concrete trucks and other vehicles and machinery; and
    - (vii) spillage from refuelling cranes and other vehicles and machinery;
  - (v) the construction program;
  - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (k) parking facilities for construction workers;
  - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;

- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
  - (i) using lower noise work practice and equipment;
  - (ii) the suitability of the land for the use of an electric crane;
  - (iii) silencing all mechanical plant by the best practical means using current technology;
  - (iv) fitting pneumatic tools with an effective silencer;
  - (v) other relevant considerations; and

During the construction:

- (q) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
  - (r) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
  - (s) vehicle borne material must not accumulate on the roads abutting the land;
  - (t) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
  - (u) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
18. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
  19. The development, once commenced, must be completed to the satisfaction of the Responsible Authority.
  20. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
    - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
    - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm;
    - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
  21. This permit will expire if:
    - (a) the development is not commenced within two years of the date of this permit; or
    - (b) the development is not completed within four years of the date of this permit.

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

Notes:

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

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

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

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

Public lighting for pedestrian access must comply with the minimum lighting level of P4 as per the Australian Standard AS/NZS 1158.3.1:2005 *Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements*.

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

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

**CONTACT OFFICER:** John Theodosakis  
**TITLE:** Senior Statutory Planner  
**TEL:** 9205 5307

**Attachments**

- 1 Site Location - 36 - 38 Kerr Street, Fitzroy
- 2 36 - 38 Kerr Street Fitzroy - Plans pursuant to Section 57(a) - Decision Plans
- 3 36 - 38 Kerr Street Fitzroy - Advertised / Original Plans
- 4 36 - 38 Kerr Street Fitzroy - Advertised Shadows forming part of original plans
- 5 Heritage advice
- 6 Updated engineering comments in relation to Amended plans
- 7 VCAT Reference No: P2137 2016
- 8 Permit Applicant's Letter of Response following planning consultation meeting.
- 9 Endorsed Plans associated with western adjoining property

**Attachment 1 - Site Location - 36 - 38 Kerr Street, Fitzroy**

**SUBJECT LAND: 36 – 38 Kerr Street, Fitzroy**



↑ North

★ Subject Site

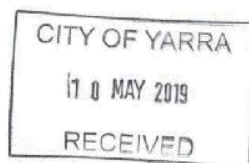
**Attachment 2 - 36 - 38 Kerr Street Fitzroy - Plans pursuant to Section 57(a) - Decision Plans**

—KERSTINTHOMPSONARCHITECTS

Kerstin Thompson Architects Pty Ltd  
277 Queenberry St, Melbourne  
Australia 3000  
ABN 31 067 225 487  
T +61 3 8662 8800  
kta@kerstinthompson.com  
www.kerstinthompson.com

08 July 2018

City of Yarra  
Statutory Planning Branch  
PO Box 168  
RICHMOND 3121



Dear John,

**Planning application No.: PLN18/0404**

**Address: 36 – 38 Kerr St Fitzroy VIC 3065**

Please find enclosed plans to be lodged in substitution pursuant to Section 57(a) of the Planning and Environment Act, 1987. Please contact the client on the details below for payment of associated fees.

Ilija Karlusic  
e: ilija.karlusic@k2kinvest.com  
m: 0433 541 588

**Statement of Changes:**

TP000: Drawing List / Locality Plan

- Development summary updated to reflect 3 townhouse scheme

TP002: Proposed Site Plan, Design Response and Roof Plan

- Roof plan updated to reflect 3 townhouse scheme.

TP120-124: Plans

- Layouts updated to reflect 3 townhouse scheme.
- Townhouses set back from the western boundary at all levels.

TP200: North elevation

- Overall building height reduced by 1500mm.
- Terracotta screens replaced by combination of glass channels and louvered windows.
- Building envelope is set back from both side boundaries.

File: 190508 38 kerr tp3 statement of changes.docx

1

**Attachment 2 - 36 - 38 Kerr Street Fitzroy - Plans pursuant to Section 57(a) - Decision Plans**

— KTA

TP201: South Elevation

- Overall building height reduced by 1500mm.
- Increase in height of garage door to allow for 6 car stacker.
- Terracotta screens replaced by glass channels.

TP202 – TP203: East Elevation and West Elevation

- Overall building height reduced by 1500mm.
- Terracotta screens replaced by glass channels and hit and miss brickwork.
- Lift towers removed.
- 3 Sawtooth pitches rather than 4.

TP300 – TP301: Section AA and Section BB

- Overall building height reduced by 1500mm.

TP303: Section CC

- Overall building height reduced by 1500mm.
- Lift towers removed – lifts sit within sawtooth.
- 3 Sawtooth pitches rather than 4.
- 6 car stacker.
- Mesh screen to townhouse 3 roof terrace planter to prevent overlooking to neighbour

TP303: Section DD

- Overall building height reduced by 1500mm.

TP400: Shadow Diagrams

- Sunlight to POS 2 increased by 19% at 10am
- Sunlight to POS 1 increased by 4% at 11am
- Sunlight to POS 2 increased by 6.5% at 11am
- Sunlight to POS 4 increased by 11% at 2pm

TP500: Material Palette

- Inclusion of Hit & Miss brickwork
- Inclusion of opaque and clear glass channels
- Inclusion of mesh screen

Please contact me on the details below with any queries.

Kind Regards,

**HILARY SLEIGH**

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Australia 3000  
T +61 3 8662 8800  
hilary@kerstinthompson.com

Attachment 2 - 36 - 38 Kerr Street Fitzroy - Plans pursuant to Section 57(a) - Decision Plans



1 Locality plan

# 36-38 KERR STREET FITZROY

## DRAWING REGISTER

SITE PLANS	
TP01	DRAWING LIST / LOCALITY PLAN
TP02	EXISTING SITE PLAN
TP03	PROPOSED SITE PLAN DESIGN RESPONSE - ROOF PLAN

EXISTING CONDITIONS	
TP04	EXISTING CONSTRUCTION ELEVATION
TP05	EXISTING CONSTRUCTION ELEVATION
TP06	EXISTING CONSTRUCTION ELEVATION

DESIGN RESPONSE	
TP07	PROPOSED CONSTRUCTION PLAN
TP08	PROPOSED CONSTRUCTION PLAN
TP09	PROPOSED CONSTRUCTION PLAN
TP10	PROPOSED CONSTRUCTION PLAN

TP11	SECTION A-A
TP12	SECTION B-B
TP13	SECTION C-C
TP14	SECTION D-D

TP15	SECTION E-E
TP16	SECTION F-F
TP17	SECTION G-G
TP18	SECTION H-H

TP19	SECTION I-I
TP20	SECTION J-J
TP21	SECTION K-K
TP22	SECTION L-L

TP23	SECTION M-M
TP24	SECTION N-N
TP25	SECTION O-O
TP26	SECTION P-P

TP27	SECTION Q-Q
TP28	SECTION R-R
TP29	SECTION S-S
TP30	SECTION T-T

TP31	SECTION U-U
TP32	SECTION V-V
TP33	SECTION W-W
TP34	SECTION X-X

TP35	SECTION Y-Y
TP36	SECTION Z-Z
TP37	SECTION AA-AA
TP38	SECTION BB-BB

TP39	SECTION CC-CC
TP40	SECTION DD-DD
TP41	SECTION EE-EE
TP42	SECTION FF-FF

TP43	SECTION GG-GG
TP44	SECTION HH-HH
TP45	SECTION II-II
TP46	SECTION JJ-JJ

TP47	SECTION KK-KK
TP48	SECTION LL-LL
TP49	SECTION MM-MM
TP50	SECTION NN-NN

TP51	SECTION OO-OO
TP52	SECTION PP-PP
TP53	SECTION QQ-QQ
TP54	SECTION RR-RR

TP55	SECTION SS-SS
TP56	SECTION TT-TT
TP57	SECTION UU-UU
TP58	SECTION VV-VV

TP59	SECTION WW-WW
TP60	SECTION XX-XX
TP61	SECTION YY-YY
TP62	SECTION ZZ-ZZ

TP63	SECTION AA-AA
TP64	SECTION BB-BB
TP65	SECTION CC-CC
TP66	SECTION DD-DD

TP67	SECTION EE-EE
TP68	SECTION FF-FF
TP69	SECTION GG-GG
TP70	SECTION HH-HH

TP71	SECTION II-II
TP72	SECTION JJ-JJ
TP73	SECTION KK-KK
TP74	SECTION LL-LL

TP75	SECTION MM-MM
TP76	SECTION NN-NN
TP77	SECTION OO-OO
TP78	SECTION PP-PP

TP79	SECTION QQ-QQ
TP80	SECTION RR-RR
TP81	SECTION SS-SS
TP82	SECTION TT-TT

TP83	SECTION UU-UU
TP84	SECTION VV-VV
TP85	SECTION WW-WW
TP86	SECTION XX-XX

TP87	SECTION YY-YY
TP88	SECTION ZZ-ZZ
TP89	SECTION AA-AA
TP90	SECTION BB-BB

TP91	SECTION CC-CC
TP92	SECTION DD-DD
TP93	SECTION EE-EE
TP94	SECTION FF-FF

DEVELOPMENT SUMMARY			
NO.	DESCRIPTION	DATE	BY
1	PROPOSED DEVELOPMENT	10/05/2019	TP01
2	PROPOSED DEVELOPMENT	10/05/2019	TP02
3	PROPOSED DEVELOPMENT	10/05/2019	TP03
4	PROPOSED DEVELOPMENT	10/05/2019	TP04
5	PROPOSED DEVELOPMENT	10/05/2019	TP05
6	PROPOSED DEVELOPMENT	10/05/2019	TP06
7	PROPOSED DEVELOPMENT	10/05/2019	TP07
8	PROPOSED DEVELOPMENT	10/05/2019	TP08
9	PROPOSED DEVELOPMENT	10/05/2019	TP09
10	PROPOSED DEVELOPMENT	10/05/2019	TP10

CITY OF YARRA  
11 MAY 2019  
RECEIVED

## GENERAL NOTES

1. THESE DRAWINGS MUST BE READ IN CONJUNCTION WITH ALL ARCHITECTURAL AND OTHER CONSULTANTS' DRAWINGS & SPECIFICATIONS AND WITH ANY WRITTEN INSTRUCTIONS WHICH MAY BE ISSUED DURING THE COURSE OF THE CONTRACT. ANY DISCREPANCIES OR CHANGES IN THESE DOCUMENTS SHALL BE REFERRED TO THE ARCHITECT FOR A DECISION BEFORE ANY CONSTRUCTION PROCEEDING WITH THE WORK.
2. ALL DIMENSIONS RELAYANT TO SETTING OUT CONSTRUCTION BY A CONTRACTOR SHALL BE VERIFIED ON SITE BY THE CONTRACTOR BEFORE CONSTRUCTION. A CONTRACTOR IS COMMANDED NOT DIMENSIONS ARE TO BE OBTAINED BY ISSUING THESE DRAWINGS.
3. UNLESS OTHERWISE NOTED, ALL LEVELS ARE GIVEN IN METRES AND ALL DIMENSIONS ARE IN METRES.
4. ALL MATERIALS, WORKMANSHIP AND QUALITY SHALL BE IN ACCORDANCE WITH THE CURRENT AUSTRALIAN STANDARDS INCLUDING ALL APPROPRIATE, ALL OTHER CODES OF PRACTICE AND THE SOLUTIONS AUTHORITY REGULATIONS, EXCEPT WHERE VARIED BY THE CONTRACT DOCUMENTS.

## MATERIALS

- CON CONCRETE
- BRK BRICKWORK
- WV WOOD VENEER
- GLZ GLASS
- GLZ GLASS CHANNEL CLEAR
- GLZ GLASS CHANNEL OPAQUE
- MTL METAL
- MTL METAL ROOF
- THD THROD
- EX-SP EXISTING UNKNOWNS

## ABBREVIATIONS

- COL COLUMN
- CL CENTRE LINE
- FPL FINISHED FLOOR LEVEL
- FP FINE INDICATOR PANEL
- PP PRIORITY POINTS
- RL RELATIVE LEVEL
- SCF SCREEN - FIXED
- SCF SCREEN - OPERABLE
- PAUT AUTOMATICALLY HOT
- AVR AVERAGE
- AC AIR CONDITIONER

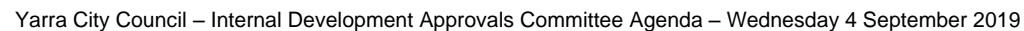
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## KT

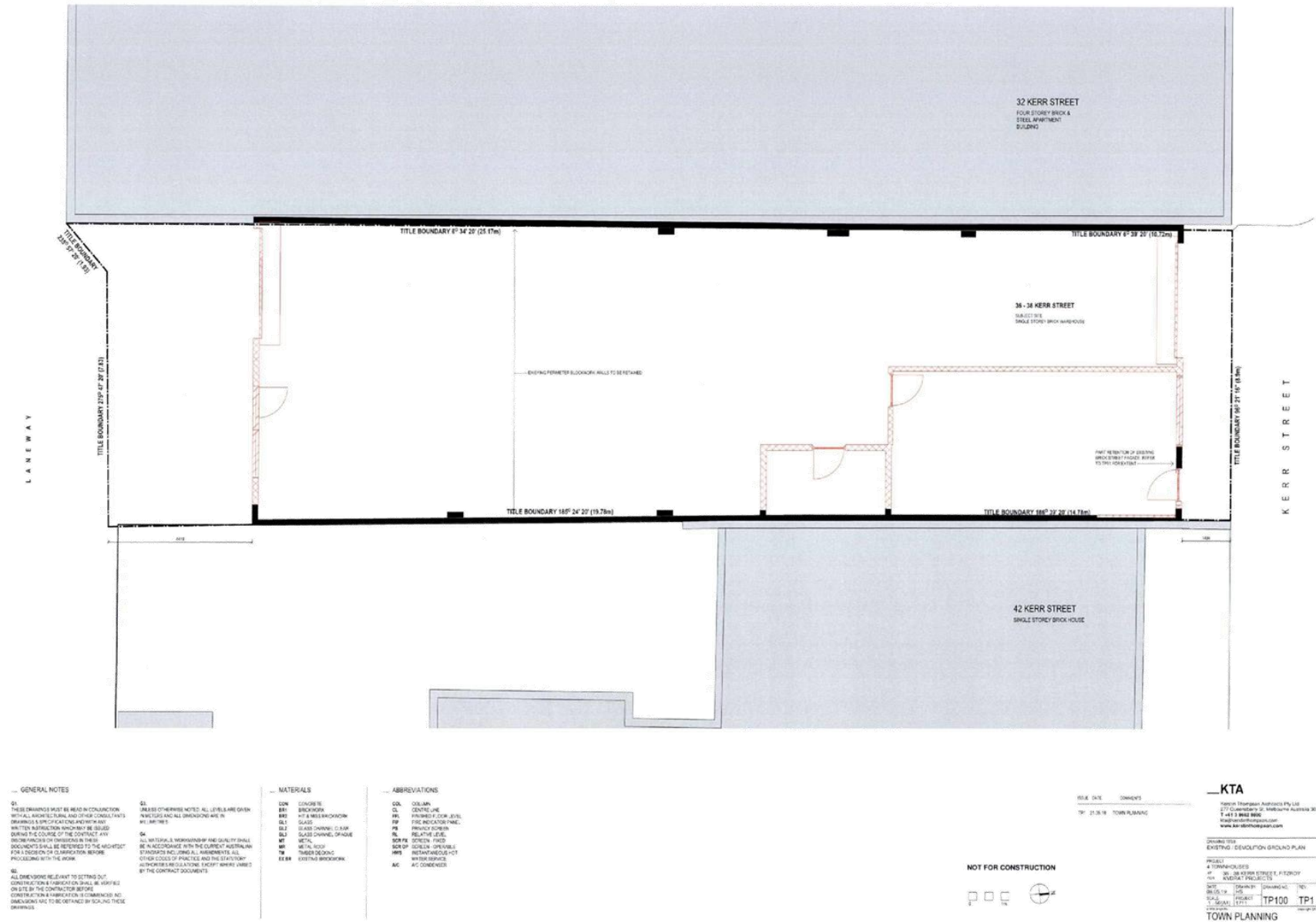
KT  
4 TOWN PLANNING  
277 Glenferrie St, Melbourne Australia 3145  
Phone: 03 9594 1111  
www.kt-townplanning.com.au

DRAWING TITLE			
DRAWING LIST / LOCALITY PLAN			
NO.	DATE	COMMENTS	
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TP02	02/06/19	TOWN PLANNING RESPONSE	
TP03	06/06/19	TOWN PLANNING	

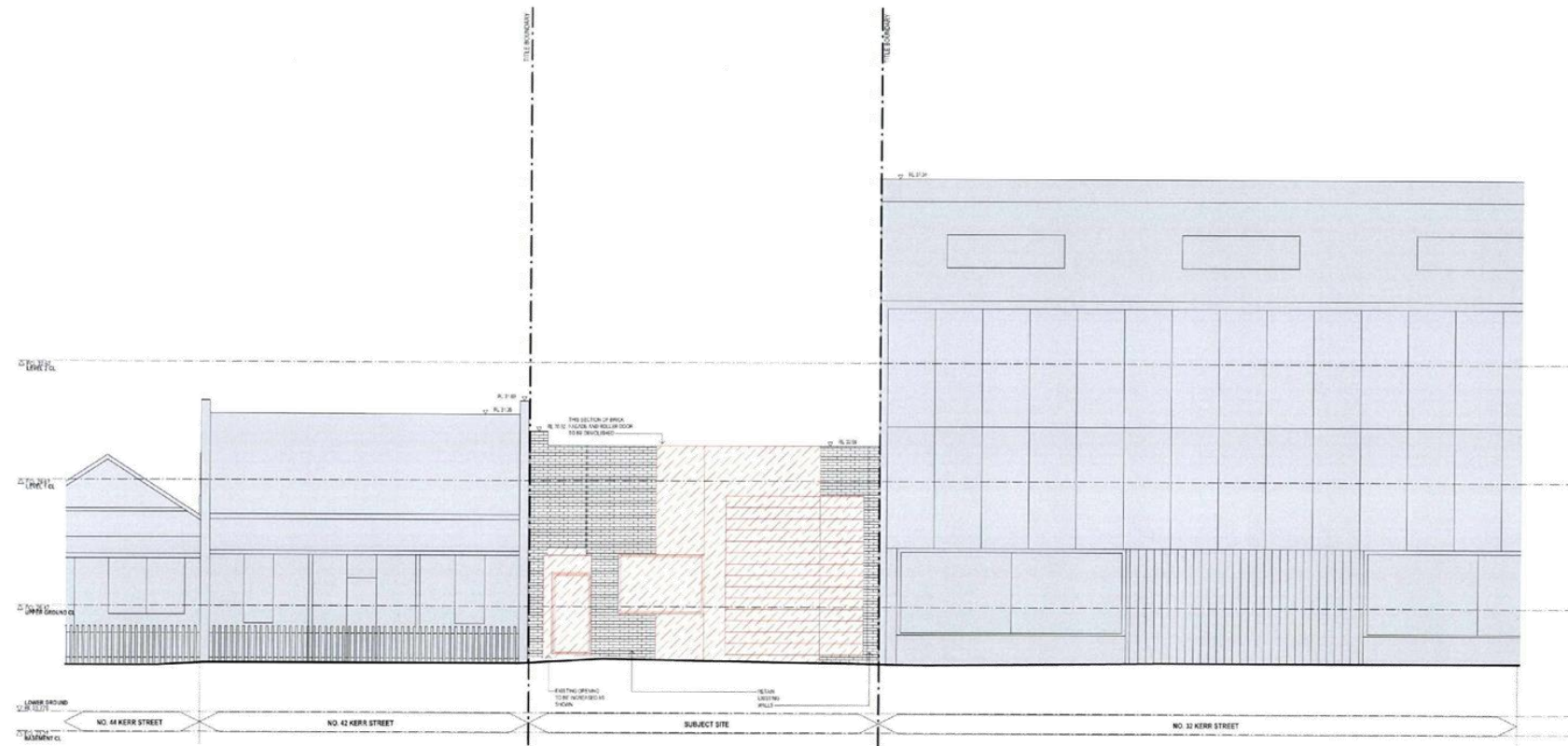




**Attachment 2 - 36 - 38 Kerr Street Fitzroy - Plans pursuant to Section 57(a) - Decision Plans**



**Attachment 2 - 36 - 38 Kerr Street Fitzroy - Plans pursuant to Section 57(a) - Decision Plans**



#### GENERAL NOTES

61. THESE DRAWINGS MUST BE READ IN CONJUNCTION WITH ALL ARCHITECTURAL AND OTHER CONSULTANTS' DRAWINGS & SPECIFICATIONS AND WITH ANY WRITTEN INSTRUCTIONS WHICH MAY BE ISSUED DURING THE COURSE OF THE CONTRACT. ANY DISCREPANCIES OR CONFLICTS IN THESE DOCUMENTS SHALL BE REFERRED TO THE ARCHITECT FOR A DECISION OR CLARIFICATION ON BEFORE PROCEEDING WITH THE WORK.

62. ALL DIMENSIONS RELAYANT TO SETTING OUT, CONSTRUCTION & FABRICATION SHALL BE VERIFIED ON SITE BY THE CONTRACTOR BEFORE CONSTRUCTION & FABRICATION IS COMMENCED. NO DIMENSIONS ARE TO BE OBTAINED BY MEASURING THESE DRAWINGS.

**G3.** UNLESS OTHERWISE NOTED, ALL LEVELS ARE GIVEN IN METERS AND ALL DIMENSIONS ARE IN MILLIMETRES.

**G4.** ALL MATERIALS, WORKMANSHIP AND QUALITY SHALL BE IN ACCORDANCE WITH THE CURRENT AUSTRALIAN STANDARDS INCLUDING ALL AMENDMENTS, ALL OTHER CODES OF PRACTICE AND THE STATUTORY AUTHORITIES REGULATIONS, EXCEPT WHERE VARIED BY THE CONTRACT DOCUMENTS.

62. ALL DIMENSIONS RELEVANT TO SETTING OUT, CONSTRUCTION & FABRICATION SHALL BE VERIFIED ON SITE BY THE CONTRACTOR BEFORE CONSTRUCTION & FABRICATION IS COMMENCED. NO DIMENSIONS ARE TO BE OBTAINED BY SCALING THESE DRAWINGS.

## MATERIALS

CON	CONCRETE
BR1	BRICKWORK
BR2	HT & WSS BRICKWORK
GL1	GLASS
GL2	GLASS CHANNEL CLEAR
GL3	GLASS CHANNEL OPAQUE
MT	METAL
MR	METAL ROOF
TR	TIMBER DECKING
EX BR	EXISTING BRICKWORK

#### — ABBREVIATIONS

COL	COLUMN
CL	CENTRE LINE
FFL	FING-ED FLOOR LEVEL
FP	FIRE INDICATOR PANEL
FS	FRANITY SCREEN
RL	RELATIVE LEVEL
SCF FS	SCREEN - FIXED
SCF OP	SCREEN - OPGABLE
WMS	INSTANTANEOUS HOT WATER SERVICE
AC	AC CONDENSER

NOT FOR CONSTRUCTION

□ □ □

DATE	QFTS	COMMENTS
7/1	21 05 19	TOWN PLANNING

\_\_\_\_KTA

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kta@kerstinthompson.com  
www.kerstinthompson.com

Document Title

EXISTING / DEMOLITION NORTH ELEVATION

4 TOWNHOUSES  
M 36 - 38 KERR STREET, FITZROY

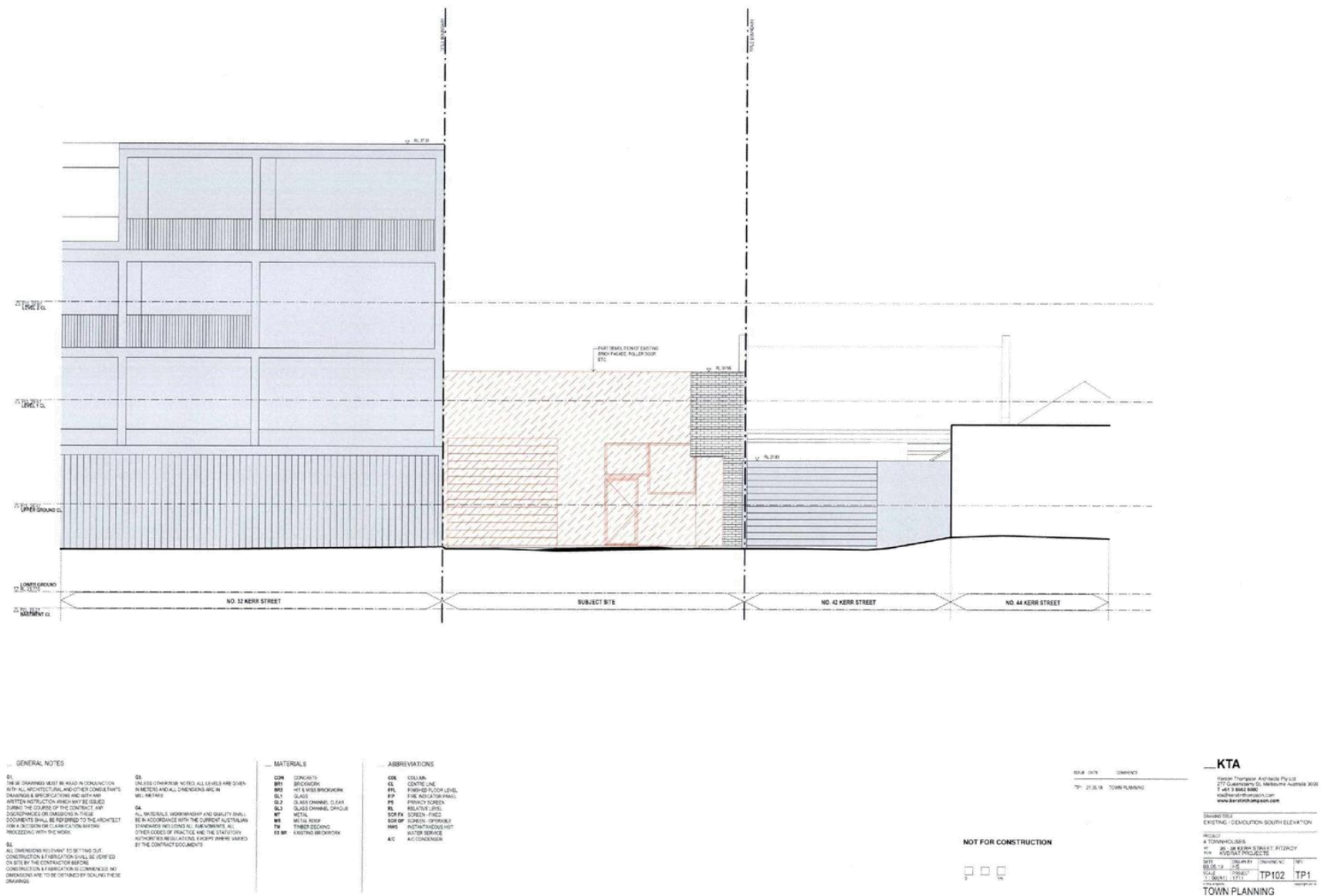
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DATE	DRAWN BY	DRAWING NO.	REV.

DATE 12	HS		
SCALE 1:5000	PROJECT 171	TP101	TP1

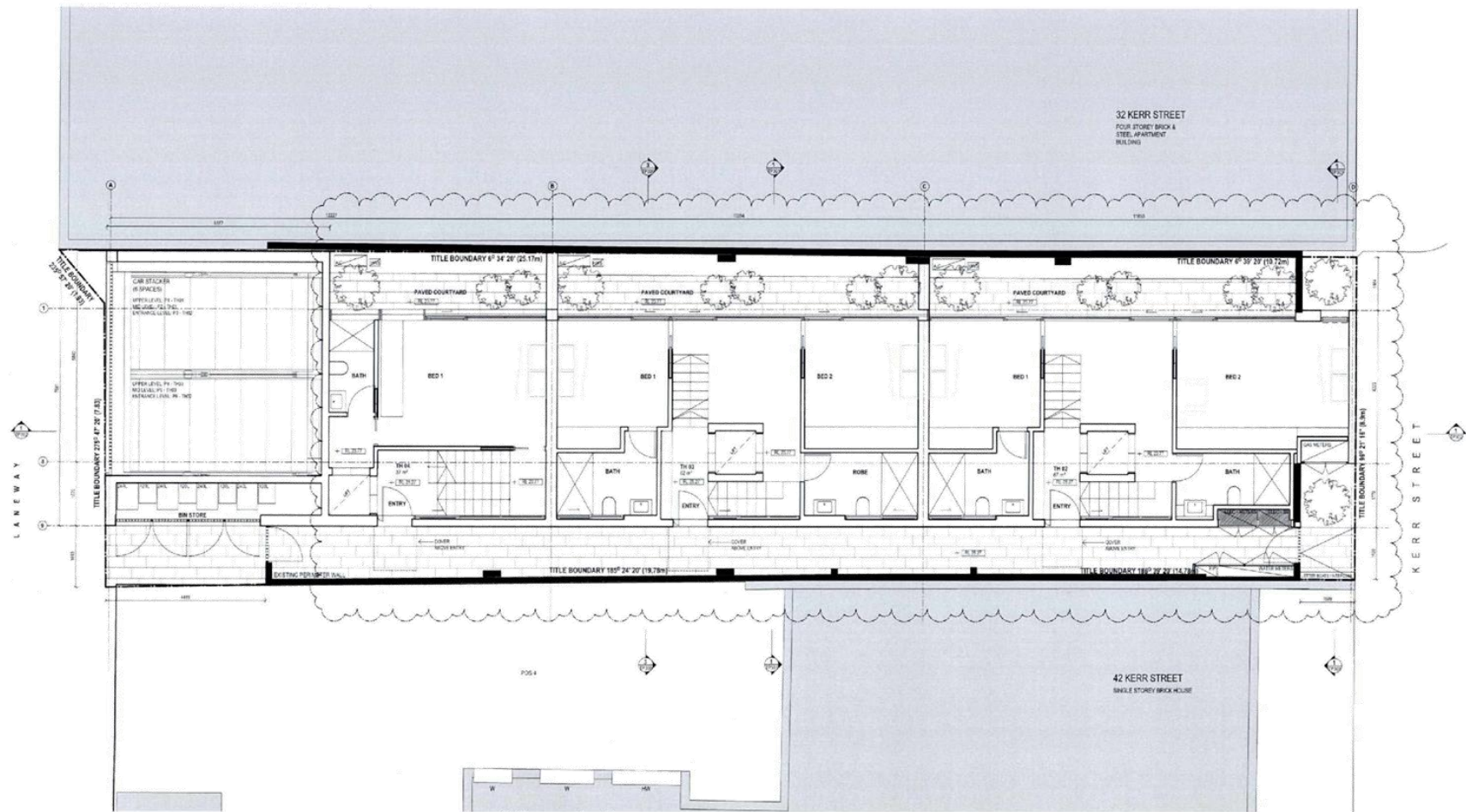
TOWN PLANNING

### CONCLUSIONS

# Attachment 2 - 36 - 38 Kerr Street Fitzroy - Plans pursuant to Section 57(a) - Decision Plans



Attachment 2 - 36 - 38 Kerr Street Fitzroy - Plans pursuant to Section 57(a) - Decision Plans



GENERAL NOTES

01. THESE DRAWINGS MUST BE READ IN CONJUNCTION WITH ALL ARCHITECTURAL AND OTHER CONSULTANTS DRAWINGS & SPECIFICATIONS AND WITH ANY WRITTEN INSTRUCTIONS WHICH MAY BE ISSUED DURING THE COURSE OF THE CONTRACT. ANY DISCREPANCIES OR OMISSIONS IN THESE DOCUMENTS SHALL BE REFERRED TO THE ARCHITECT FOR A DECISION OR CLARIFICATION BEFORE PROCEEDING WITH THE WORK.
02. ALL DIMENSIONS RELEVANT TO SETTING OUT, CONSTRUCTION & FINISHES SHALL BE VERIFIED ON SITE BY THE CONTRACTOR BEFORE CONSTRUCTION & FINISHES IS COMMENCED. NO DIMENSIONS MAY BE TAKEN FROM EXISTING BUILDINGS OR ADJACENT PROPERTIES.

03. UNLESS OTHERWISE NOTED, ALL LEVELS ARE GIVEN IN METRES AND ALL DIMENSIONS ARE IN METRES.
04. ALL MATERIALS, WORKMANSHIP AND QUALITY SHALL BE IN ACCORDANCE WITH THE CURRENT AUSTRALIAN STANDARDS INCLUDING ALL SUBORDINATE, ALL OTHER CODES OF PRACTICE AND THE SITUATION. AUTHORIZED REGULATIONS EXCEPT WHERE INDICATED BY THE CONTRACT DOCUMENTS.

MATERIALS

- CON CONCRETE
- BRK BRICKWORK
- BRK2 NOT LINED BRICKWORK
- GL1 GLASS
- GL2 GLASS CHANNEL CLEAR
- GL3 GLASS CHANNEL OPACITY
- MT METAL
- MT2 METAL ROOF
- TH THIN WALLS
- EX BR EXISTING BRICKWORK

ABBREVIATIONS

- COL COLUMN
- CL CONCRETE JOINT
- FFS FINISHED FLOOR LEVEL
- FP FIRE INDICATOR PANEL
- FP2 FIRE INDICATOR PANEL
- ISOL INSULATION
- SCR EX SCREEN - FIXED
- SCR OP SCREEN - OPERABLE
- HWS HOT WATER SUPPLY
- WATER WATER
- AC CONCRETE

NOT FOR CONSTRUCTION



—KTA

DATE	DATE	COMMENTS
TP1	21.08.18	TOWN PLANNING
TP2	13.09.18	TOWN PLANNING RE RESPONSE
TP3	05.09.19	TOWN PLANNING

Kerr Street Architects Pty Ltd  
277 Glenferrie St, Melbourne Australia 3005  
T 03 9488 1880  
www.kerrstreetarchitects.com

DRAWING TITLE

PROPOSED LOWER GROUND PLAN

PROJECT

4 TOWNHOUSES

36 - 38 KERR STREET, FITZROY

LOCALITY PLAN

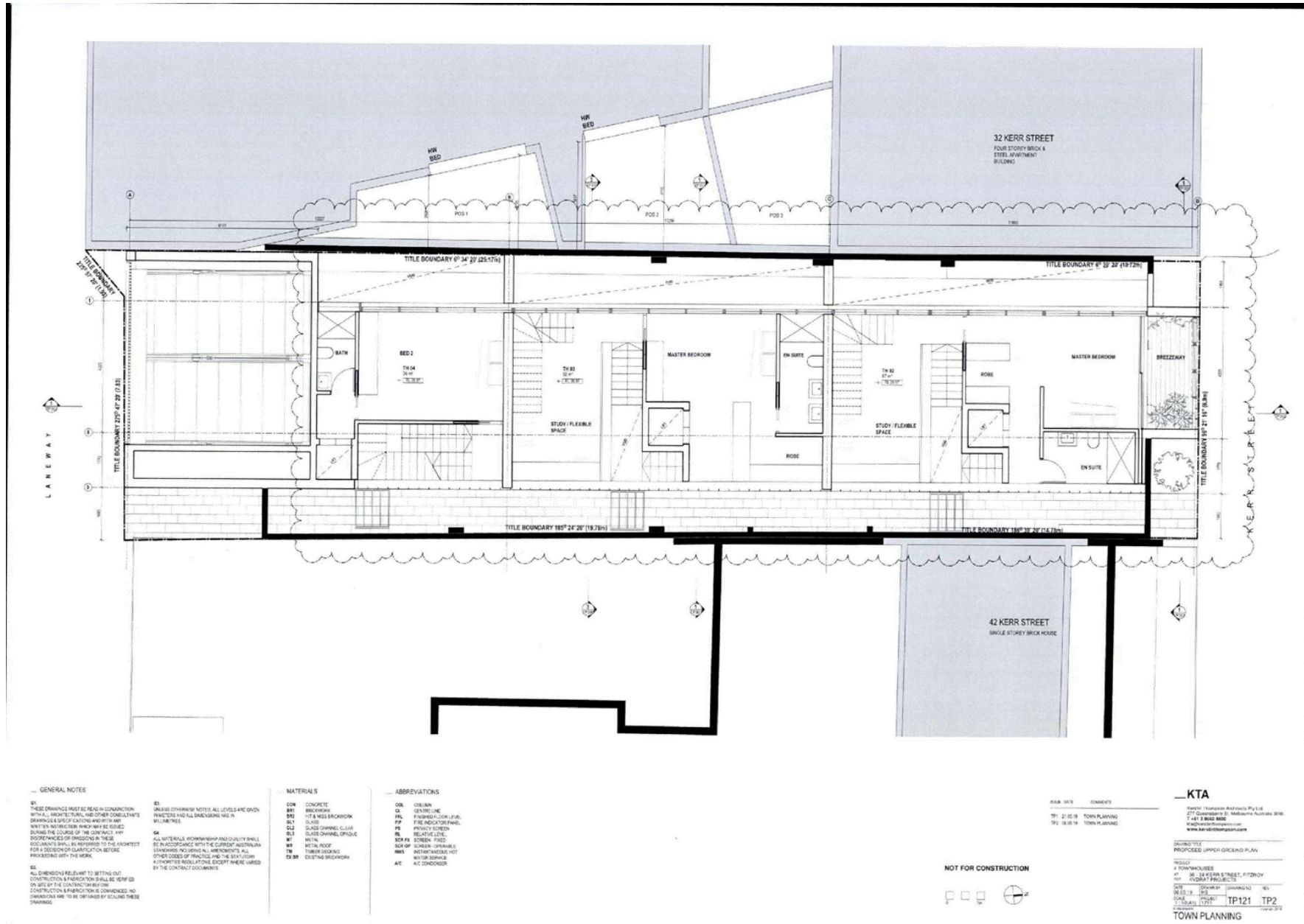
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BY KTA

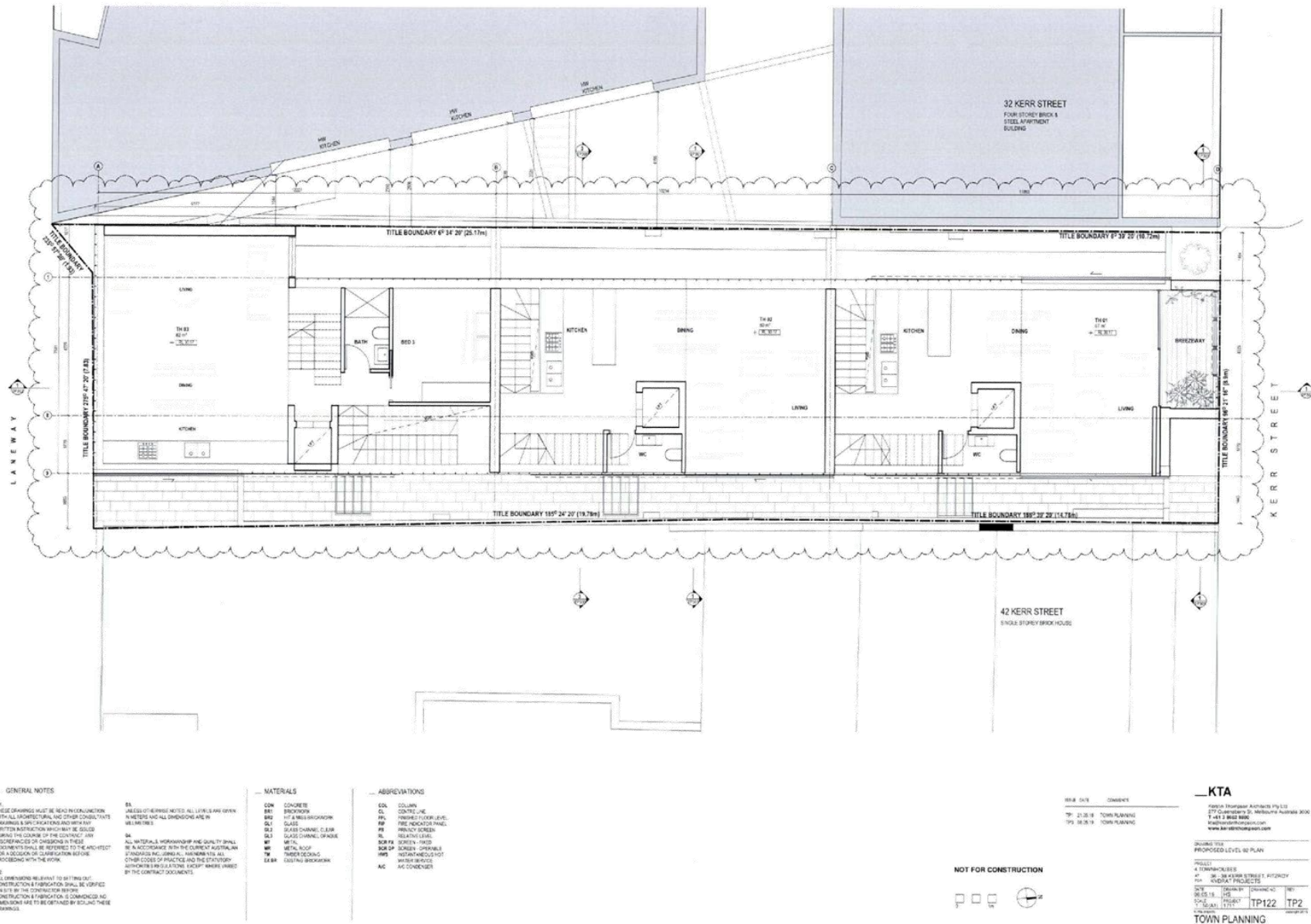
TP120

TOWN PLANNING

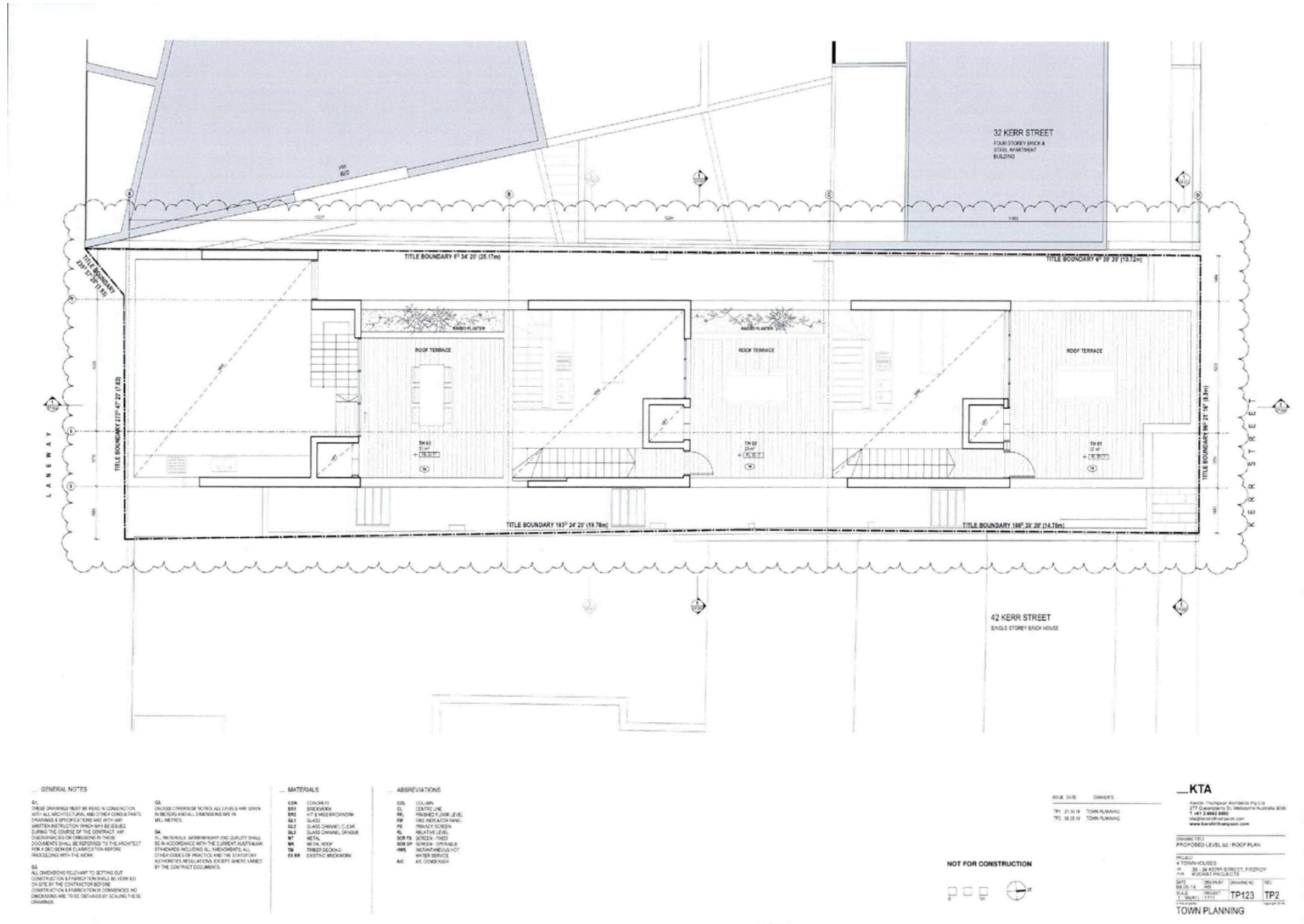
**Attachment 2 - 36 - 38 Kerr Street Fitzroy - Plans pursuant to Section 57(a) - Decision Plans**

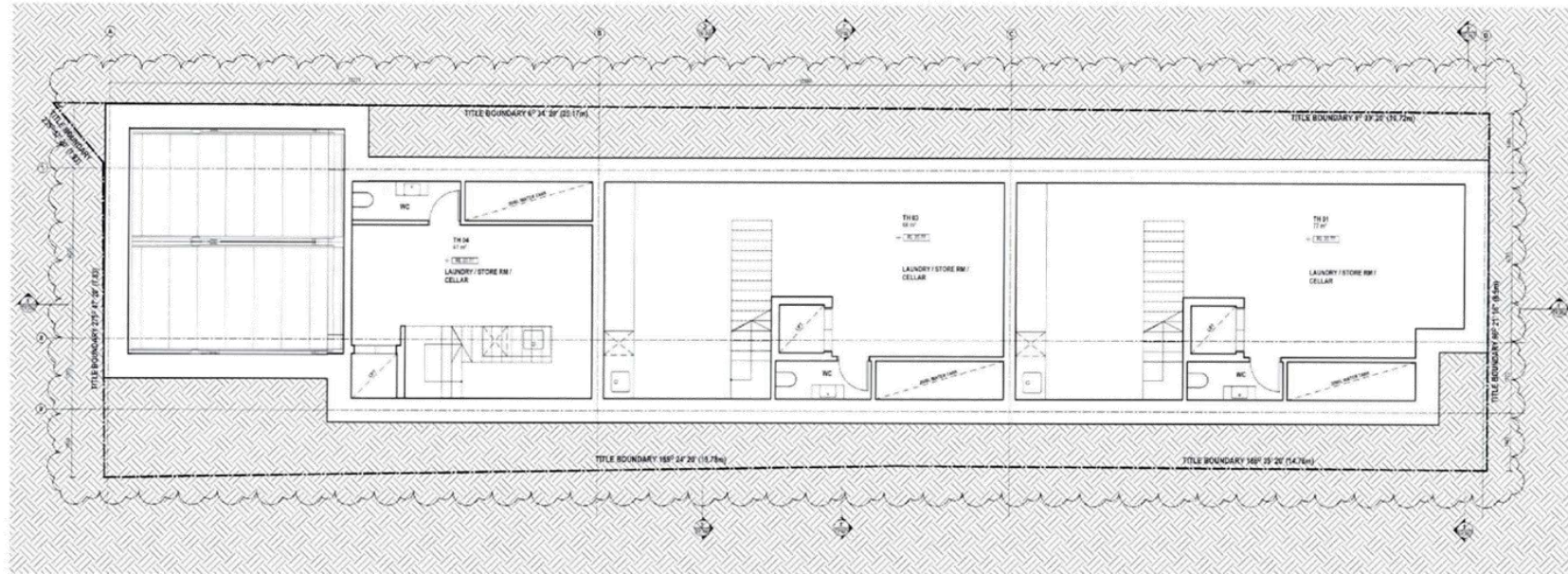


**Attachment 2 - 36 - 38 Kerr Street Fitzroy - Plans pursuant to Section 57(a) - Decision Plans**



# Attachment 2 - 36 - 38 Kerr Street Fitzroy - Plans pursuant to Section 57(a) - Decision Plans





### GENERAL NOTES

61. THESE DRAWINGS MUST BE READ IN CONJUNCTION WITH ALL ARCHITECTURAL AND OTHER CONSULTANTS' DRAWINGS & SPECIFICATIONS AND WITH ANY WRITTEN INSTRUCTIONS WHICH MAY BE ISSUED DURING THE COURSE OF THE CONTRACT ANY DISCREPANCIES OR OMISSIONS IN THESE DRAWINGS SHALL BE REPORTED BY THE ARCHITECT FOR A DECISION OR CLARIFICATION BEFORE PROCEEDING WITH THE WORK.

62. ALL DIMENSIONS RELATIVE TO FITTING OUT, CONSTRUCTION & FABRICATION SHALL BE VERIFIED BY THE CONTRACTOR BEFORE ANY CONSTRUCTION & FABRICATIONS COMMENCED, AND DIMENSIONS ARE TO BE OBTAINED BY SCALING THESE DRAWINGS.

602. ALL DIMENSIONS RELYANT TO SETTING OUT, CONSTRUCTION & FABRICATION SHALL BE VERIFIED ON SITE BY THE CONTRACTOR BEFORE CONSTRUCTION & FABRICATION IS COMMENCED. NO DIMENSIONS ARE TO BE OBTAINED BY SCALING THESE DRAWINGS.

**04.** ALL MATERIALS, WORKMANSHIP AND QUALITY SHALL BE IN ACCORDANCE WITH THE CURRENT AUSTRALIAN STANDARDS INCLUDING ALL APPROPRIATE, ALL OTHER CODES OF PRACTICE AND THE STATUTORY AUTHORITY REGULATIONS, EXCEPT WHERE VARYED BY THE CONTRACT DOCUMENTS.

BY THE CONTRACT DOCUMENTS

## MATERIALS

CON	CONCRETE
BR1	BRICKWORK
BR2	H/T & MISS BRICKWORK
GL1	GLASS
GL2	GLASS CHANNEL, CLEAR
GL3	GLASS CHANNEL, OPHOL
MT	METAL
MR	METAL ROOF
TR	TRUSS ROOFING
EX BR	EXISTING BRICKWORK

#### ABBREVIATIONS

COL	COLUMN
CL	CENTRE LINE
FPL	FINISHED FLOOR LEVEL
FIP	FIRE INDICATOR (FIRE)
PS	PRIVACY SCREEN
RL	ROULANIS LEVEL
SCR FR	SCREEN - FIXED
SCR OP	SCREEN - OPHOLABLE
HWS	INSTANTANEOUS HOT WATER SERVICE
A/C	A/C CONDENSER

AC CONDENSER

ISSUE	DATE	COMMENTS
TP1	21.05.05	TOON PLANNING
TP2	06.05.05	TOON PLANNING

\_\_\_KTA

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277 Queensberry St, Melbourne Australia 3000  
T +61 3 8662 8800  
kta@karsidethompson.com  
[www.karsidethompson.com](http://www.karsidethompson.com)

Figure 10.1: Proposed Basement Plan

#### 4. TOWNHOUSES

74 KYORAT PROJECTS

DATE	ISSUED BY	APPROVED BY	NO.
08.05.18	PH		

SCALE 1"=40'	PROJECT 1711	TP124	TP
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TOWN PLANNING

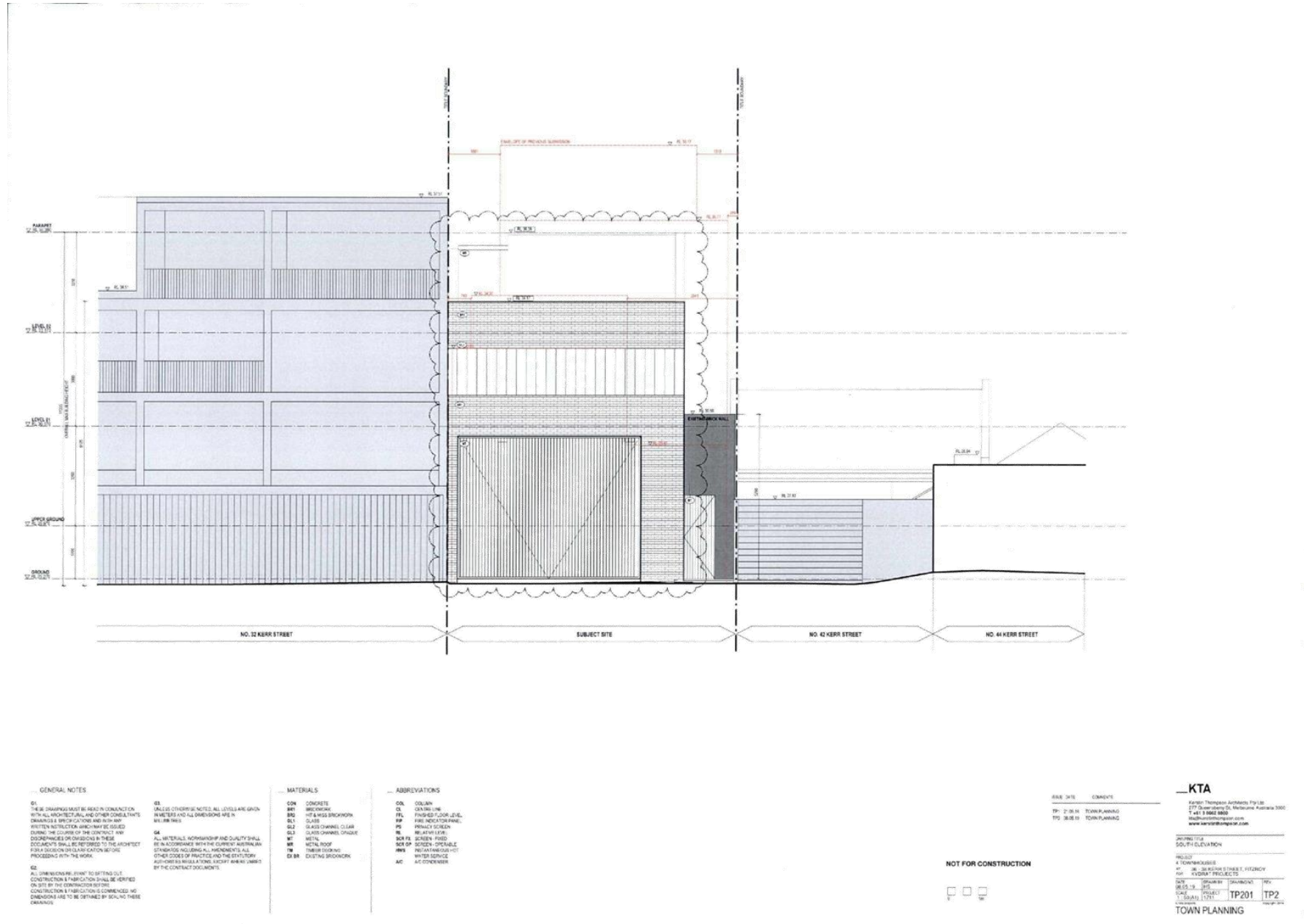
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NOT FOR CONSTRUCTION

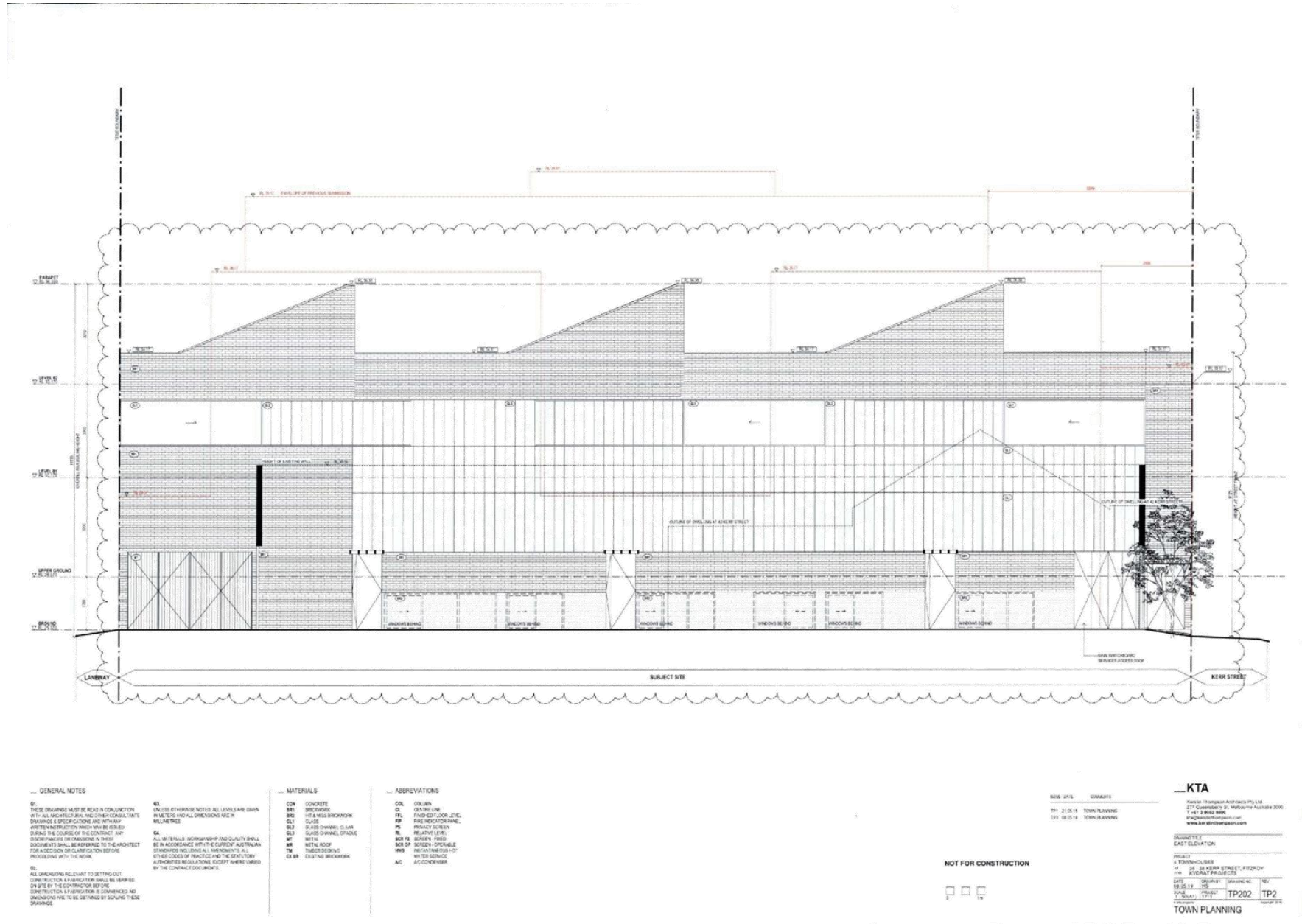
**Attachment 2 - 36 - 38 Kerr Street Fitzroy - Plans pursuant to Section 57(a) - Decision Plans**



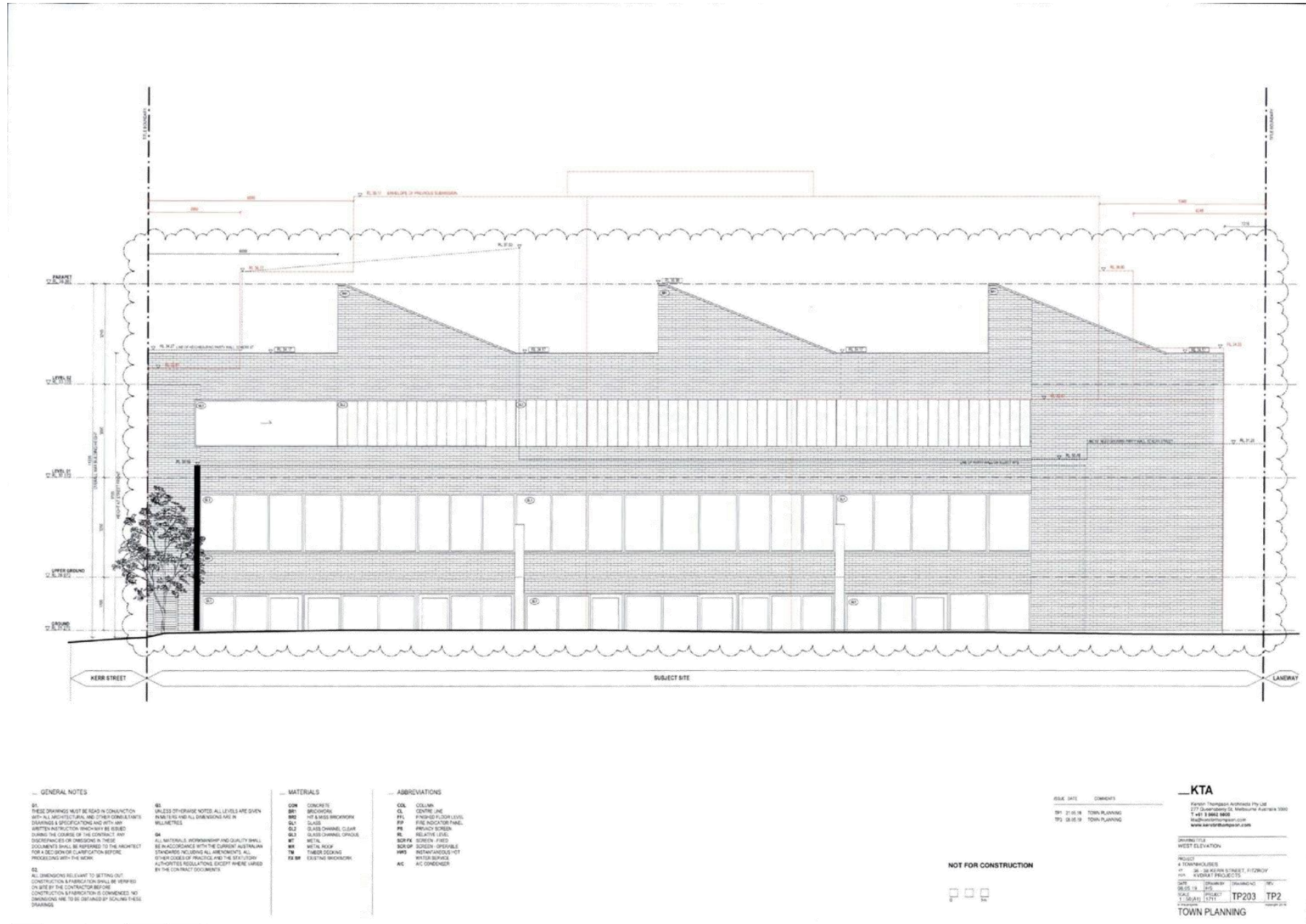
**Attachment 2 - 36 - 38 Kerr Street Fitzroy - Plans pursuant to Section 57(a) - Decision Plans**

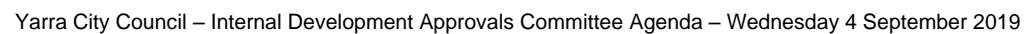


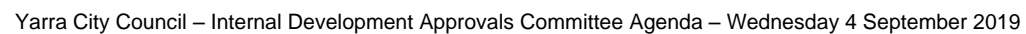
Attachment 2 - 36 - 38 Kerr Street Fitzroy - Plans pursuant to Section 57(a) - Decision Plans



# Attachment 2 - 36 - 38 Kerr Street Fitzroy - Plans pursuant to Section 57(a) - Decision Plans









**Q3.**  
UNLESS OTHERWISE NOTED, ALL LEVELS ARE GIVEN IN METERS AND ALL DIMENSIONS ARE IN MILLIMETRES.

**Q4.**  
ALL MATERIALS, WORKMANSHIP AND QUALITY SHALL BE IN ACCORDANCE WITH THE CURRENT AUSTRALIAN STANDARDS INCLUDING ALL AMENDMENTS, ALL OTHER CODES OF PRACTICE AND THE STATUTORY AUTHORITIES REGULATIONS, EXCEPT WHERE VARYED BY THE CONTRACT DOCUMENTS.

## MATERIALS

CON	CONCRETE
BR1	BRICKWORK
BR2	H/T & NISS BRICKWORK
GL1	GLASS
GL2	GLASS CHIMNEL, CLEAR
GL3	GLASS CHIMNEL, OPAQUE
MT	METAL
NR	METAL ROOF
TM	TIMBER DECKING
EX BR	EXISTING BRICKWORK

#### ABBREVIATIONS

COL	COLUMN
CL	CENTRE LINE
FFL	FINISHED FLOOR LEVEL
FP	FIRE INDICATOR PANEL
PS	PRIVACY SCREEN
RL	RELATIVE LEVEL
SCR FX	SCREEN - FIXED
SCR OP	SCREEN - OPERABLE
HWS	INSTANTANEOUS HOT WATER SERVICE
A/C	A/C CONDENSUR

NOT FOR CONSTRUCTION

☐ ☐

LINE	DATE	COMMENTS
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TP3	28.05.18	TORN PLANNING

\_\_\_KTA

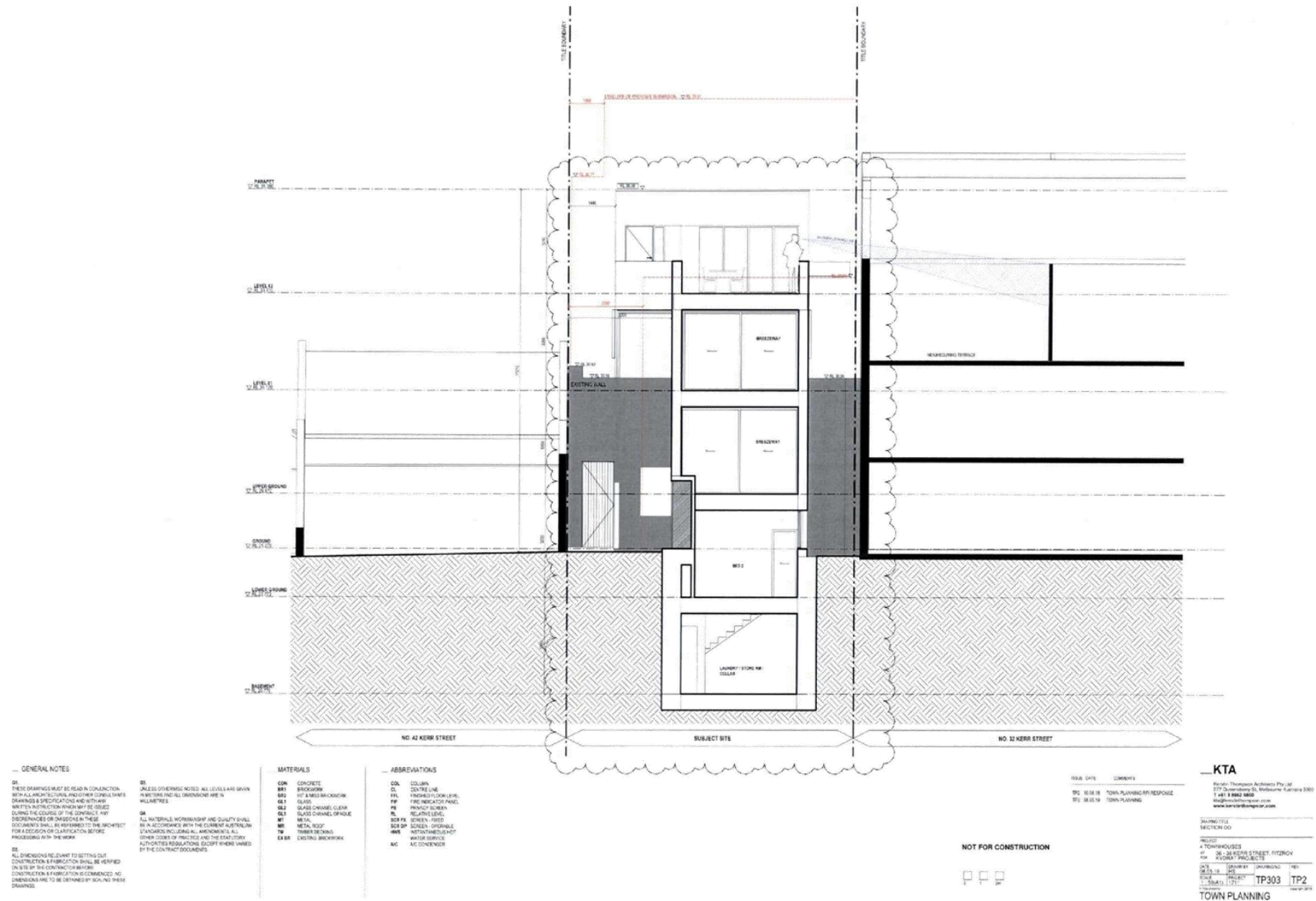
Karsten Thompson Architects Pty Ltd  
277 Queensberry St, Melbourne Australia 3000  
T +61 3 8662 5500  
info@karstenthompson.com  
www.karstenthompson.com

GRADING TITLE  
SECTION CC

PROJECT 4 TOWNHOMES		DATE 08/25/15		DRIVING BY YES	DRIVING NO NO	REMARKS TP302
X1 36-38 KERR STREET, FITZROY KYNAT PROJECTS		SCALE 1:100(A5):1711				

**TOWN PLANNING**

# Attachment 2 - 36 - 38 Kerr Street Fitzroy - Plans pursuant to Section 57(a) - Decision Plans



**Attachment 2 - 36 - 38 Kerr Street Fitzroy - Plans pursuant to Section 57(a) - Decision Plans**

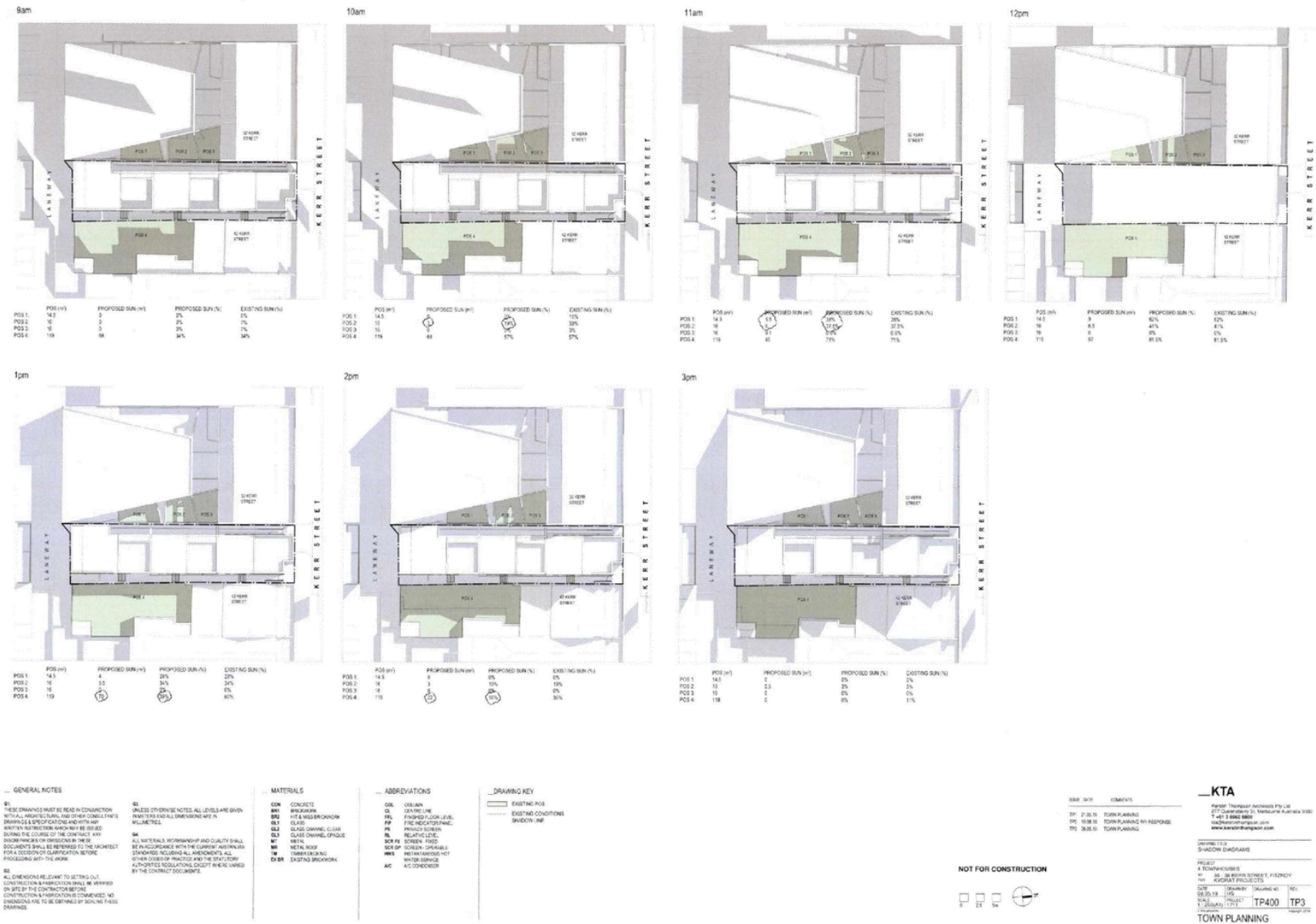
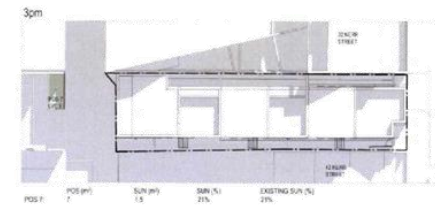
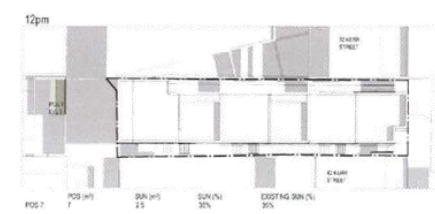
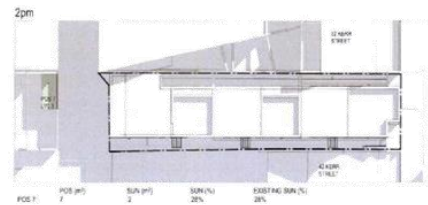
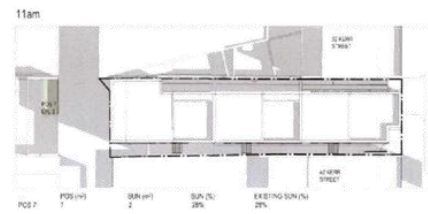
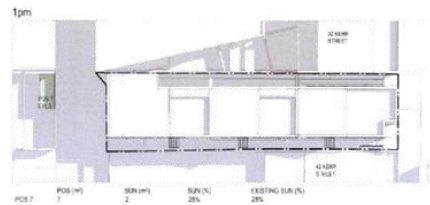
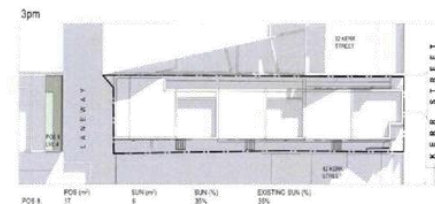
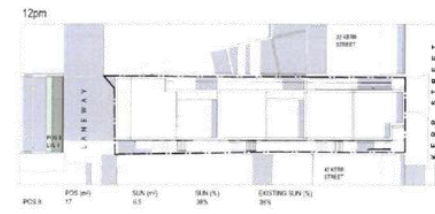
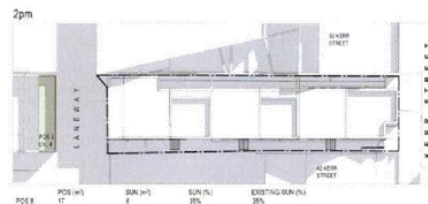
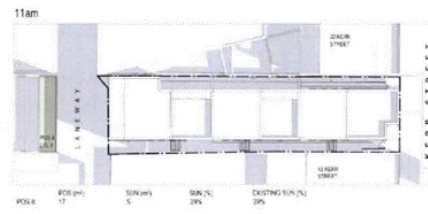
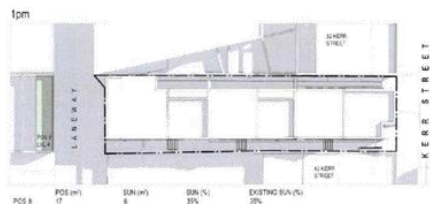




Figure 1 is a cross-sectional diagram of a building facade. It shows a building with a sloped roof and a large glass facade. The diagram is labeled with various components and their corresponding solar radiation absorption percentages. The components and their percentages are: POSE (7%), SUN (1.5%), GLASS (21%), SKATING SUN (21%), and SKATING (100%). A scale bar at the top left indicates 10m. The diagram shows a building with a sloped roof and a large glass facade.

[illegible]


**01.** THESE DRAWINGS MUST BE READ IN CONJUNCTION WITH ALL ARCHITECTURAL AND OTHER CONSULTANTS' DRAWINGS & SPECIFICATIONS AND WITH ANY WRITTEN INSTRUCTIONS WHICH MAY BE ISSUED DURING THE COURSE OF THE CONTRACT. ANY DISCREPANCIES OR OMISSIONS IN THESE DOCUMENTS SHALL BE REFERRED TO THE ARCHITECT FOR A DESIGN OR CLARIFICATION BEFORE PROCEEDING WITH THE WORK.

**02.** ALL DIMENSIONS RELEVANT TO SETTING OUT, CONSTRUCTION & FABRICATION SHALL BE VERIFIED ON SITE BY THE CONTRACTOR BEFORE COMMENCING FABRICATION & COMMENCED DIMENSIONS HAVE TO BE OBTAINED BY MEASURING THESE DRAWINGS.

**G4.** ALL MATERIALS, WORKMANSHIP AND QUALITY SHALL BE IN ACCORDANCE WITH THE CURRENT AUSTRALIAN STANDARDS INCLUDING ALL AMENDMENTS. ALL OTHER CODES OF PRACTICE AND THE STATUTORY AUTHORITIES REGULATIONS EXCEPT WHERE VARYED BY THE CONTRACT DOCUMENTS.

CON	CONCRETE
BR1	BRICKWORK
BR2	H/T & MISS BRICKWORK
GL1	GLASS
GL2	GLASS CHAMEL CLEAR
GL3	GLASS CHAMEL OPAQUE
MT	METAL
MR	METAL ROOF
TM	TIMBER CEDING
E & BR	EXISTING BRICKWORK

COL	COLUMN
CL	CENTRE LINE
FFL	FINISHED FLOOR LEVEL
FIP	FIRE INDICATOR PANEL
FS	FRONT SCREEN
RL	RELATIVE LEVEL
SCR FX	SCREEN - FIXED
SCR OP	SCREEN - OPERABLE
WHS	INSTANTANEOUS HOT WATER SERVICE
A/C	A/C CONDENSER

 EXISTING POS  
 EXISTING CONDITIONS  
 SHADOW LINE

Karsten Thompson Architects Pty Ltd  
277 Queensberry St, Melbourne Australia 3000  
T +61 3 8062 8000  
info@karstenthompson.com  
www.karstenthompson.com

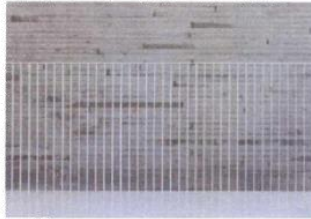
### SHADOW DIAGRAMS

PROJECT  
4 TOWN-HOUSES  
at 36-38 KERR STREET, FITZROY  
FOR KYDRAT PROJECTS

DATE 08.05.12	ORIGIN JCS	DRAWING NO. TP402	REV TP2
SCALE 1:250(A1)	PROJECT FV12		

TOWN PLANNING

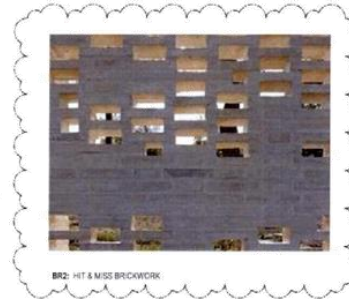
**Attachment 2 - 36 - 38 Kerr Street Fitzroy - Plans pursuant to Section 57(a) - Decision Plans**



MT: GALVANISED STEEL BALUSTRADE AND GATES



BR1: GREY BRICK



BR2: HIT &amp; MISS BRICKWORK



EX BR: EXISTING BRICKWORK TO BE PAINTED CHARCOAL



GL1: GLASS



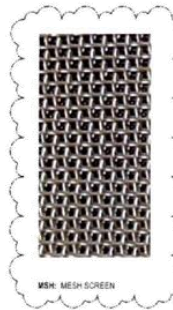
GL2: GLASS CHANNELS - CLEAR



GL2: GLASS CHANNELS - OPAQUE



MR: DARK GREY METAL ROOF



MSH: MESH SCREEN



TM: TIMBER DECK

## GENERAL NOTES

01. THESE DIMENSIONS MUST BE READ IN CONJUNCTION WITH ALL ARCHITECT, P.E. AND OTHER CONSULTANTS' DRAWINGS & SPECIFICATIONS AND WITH ANY WRITTEN INSTRUCTIONS WHICH MAY BE ISSUED DURING THE COURSE OF THE CONTRACT AND DISCREPANCIES OR OMISSIONS IN THESE DOCUMENTS SHALL BE REFERRED TO THE ARCHITECT FOR A DECISION OR CLARIFICATION BEFORE PROCEEDING WITH THE WORK.

02. ALL DIMENSIONS ARE SUBJECT TO SETTING OUT. CONSTRUCTION & FABRICATION SHALL BE VERIFIED ON SITE BY THE CONTRACTOR. DIMENSIONS FOR CONSTRUCTION & FABRICATION COMMENCED, NO DIMENSIONS ARE TO BE OBTAINED BY SKETCHES, THESE DRAWINGS.

## 42

**03.**  
UNLESS OTHERWISE NOTED, ALL LEVELS ARE GIVEN IN METERS AND ALL DIMENSIONS ARE IN MILLIMETERS.

**04.**  
ALL MATERIALS, WORKMANSHIP AND QUALITY SHALL BE IN ACCORDANCE WITH THE CURRENT AUSTRALIAN STANDARDS INCLUDING ALL AMENDMENTS, ALL OTHER CODES OF PRACTICE AND THE STATUTORY AUTHORITY REGULATIONS, EXCEPT WHERE VARIOUS BY THE CONTRACT DOCUMENTS.

BY THE

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN  
BY THE CONTRACT DOCUMENTS.

## MATERIALS

CON	CONCRETE
BR1	BRICKWORK
BR2	HIT & MISS BRICKWORK
GL1	GLASS
GL2	GLASS CHANNEL CLEAR
GL3	GLASS CHANNEL OPAQUE
MT	METAL
MR	METAL ROOF
TR	FIBRE DECKING
EX BR	EXISTING BRICKWORK

#### ABBREVIATIONS

DOL	COLLAR
CL	CENTRE LINE
FFL	FINISHED FLOOR LEVEL
FIP	FIRE INDICATOR PANEL
PS	PRIVACY SCREEN
RL	RELATIVE LEVEL
SCR F3	SCREEN - FIXED
SCR OP	SCREEN - OPERABLE
HTS	INSTANTANEOUS HOT
	WATER SERVICE
A/C	A/C CONDENSER

NOT FOR CONSTRUCTION



ISSUE DATE	COMMENTS
EP1 21.05.15	TOWN PLANNING
EP2 08.02.19	TOWN PLANNING

\_\_KTA

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277 Queensbury St, Melbourne Australia 3000  
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kja@kerrinthompson.com  
www.kerrinthompson.com

BRAND TYLE  
MATHEMATICAL PALSTEN

## CONCLUSIONS

4 TOWNHOUSES  
AT 36-38 KERR STREET, HENDON  
FOR FURTHER DETAILS

DATE DELIVERED	EXAMINED BY NLS	QUANTITY (NO.)	RE
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SCALE	PROJECT	TP500	T
1:1000 A1	1211		

TOWN PLANNING

### Attachment 3 - 36 - 38 Kerr Street Fitzroy - Advertised / Original Plans



1 Locality plan  
1:500

**36 - 38 KERR STREET**  
FITZROY

## DRAWING REGISTER

## SITE PLANS

PH00	OVERSIGHT / LOCALITY PLAN
PH01	EXISTING SITE PLAN
PH02	PROPOSED SITE PLAN DESIGN RESPONSE + ROOF PLAN

### EXISTING CONDITIONS

TYPE	PERFORMANCE TEST (20 AND 75 A)
TYPE	OUTING/IDNO, FOR VEHICLE EMISSION
TYPE	OUTING/IDNO, FOR POWER EMISSION

## DESIGN RESPONSE

[illegible]

TP00	RECESSION
TP01	QUALIFICATION
TP02	CLASSIFICATION
TP03	DELETION
TP04	RECESSION
TP05	RECESSION
TP06	RECESSION
TP07	RECESSION

T900	SH3C072000RM0
T901	SH3C072000RM0
T902	SH3C072000RM0
T903	SH3C072000RM0

### DEVELOPMENT SUMMARY

	T001 (mg)	T002 (mg)	T003 (mg)	T004 (mg)
RAOPH2	43	40	40	39
GACMD	44	40	40	32
UNIL1	50	50	51	34
UFU1	44	40	47	39
TOTAL	181	170	180	145

TOTAL	191	191	190	211
POS	27	33	35	36

TYPE	COUNT	CARTRACES	SEC. PIN-INS
TRAY-BED TOURHOUSE	3		
ROCK-BED TOURHOUSE	1		
TOTAL	4	0	0

— GENERAL NOTES

- [illegible]

- G3**  
UNLESS OTHERWISE NOTED, ALL LEVELS ARE GIVEN IN METERS AND ALL DIMENSIONS ARE IN MILLIMETERS
- G4**  
ALL MATERIALS, WORKMANSHIP AND QUALITY SHALL BE IN ACCORDANCE WITH THE CURRENT AUSTRALIAN STANDARDS INCLUDING ALL AMENDMENTS AND OTHER CODES OF PRACTICE AND THE STATUTORY AUTHORITY REGULATIONS, UNLESS INDICATED OTHERWISE BY THE CONTRACT DOCUMENTS.

## MATERIALS

- |       |                    |
|-------|--------------------|
| CON   | CONCRETE           |
| BR    | BRICKWORK          |
| GL    | GLASS              |
| MT    | METAL              |
| MR    | METAL ROOF         |
| TR    | TIMBER DOCKING     |
| EX BR | EXISTING BRICKWORK |

## ABBREVIATIONS

- |        |                                 |
|--------|---------------------------------|
| COL    | COLUMN                          |
| CL     | CENTRE LINE                     |
| FFL    | FINISHED FLOOR LEVEL            |
| FP     | FACE OF PIER/FOUNDATION         |
| PS     | PERMANENT SURFACE               |
| RL     | RELATIVE RISE                   |
| SOR FX | SURFACE FIXED                   |
| SOR OP | SURFACE - OPERABLE              |
| HWS    | INSTANTANEOUS HOT WATER SERVICE |
| AC     | AIR CONDENSER                   |

DATE	COMMENTS
10/10/18	TOYOTA PLANNING

\_\_KTA

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DRAWING LIST / LOCALITY PLAN

FRONT  
4 TOWNHOUSES

41	36 - 38 KERR STREET, FITZROY
42	KYOHAI PROJECTS
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05082016	195		
SCALE (1:50000)	PROJ. (1:711)	TP000	T

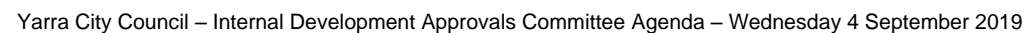
TOWN PLANNING

NOT FOR CONSTRUCTION

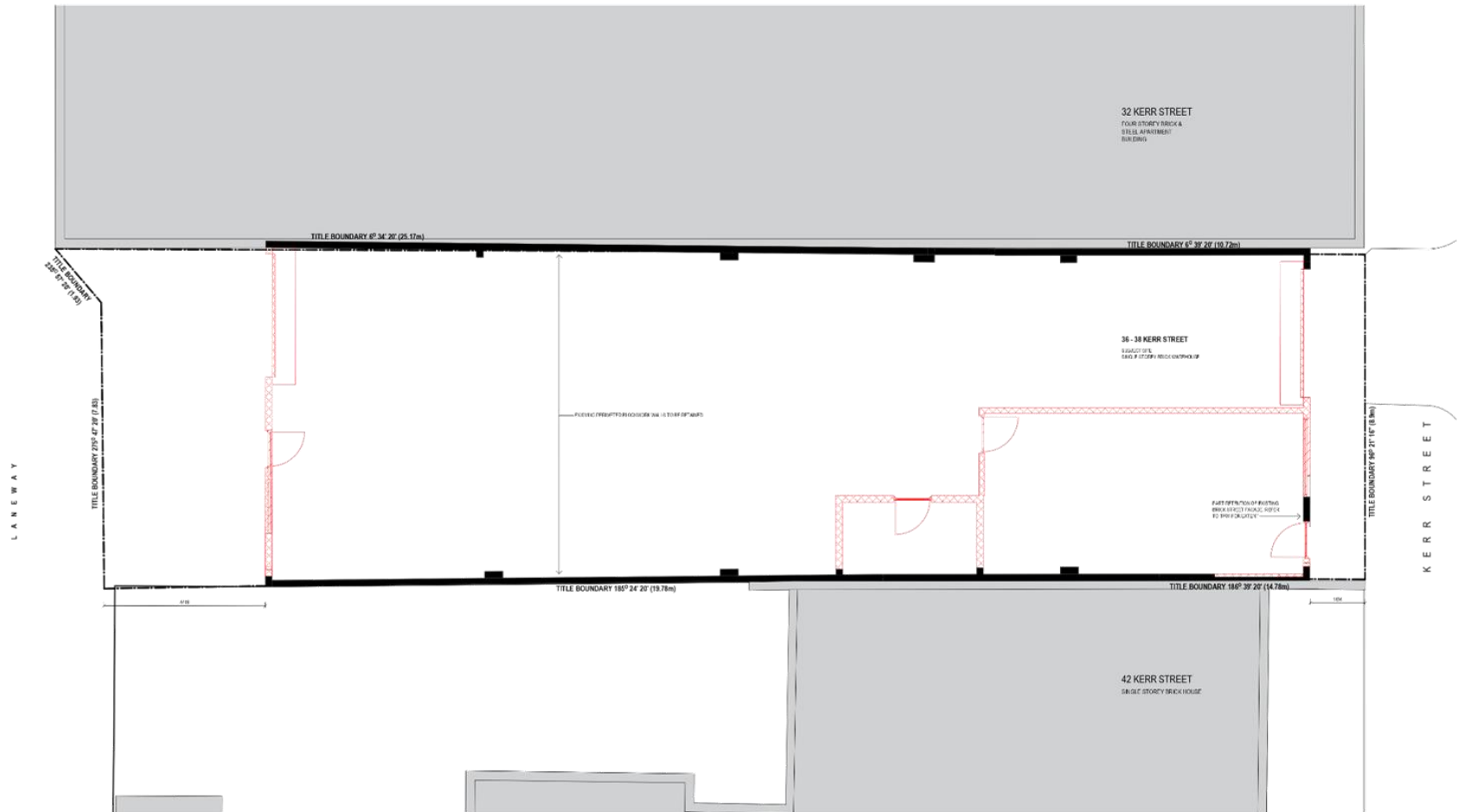


# Attachment 3 - 36 - 38 Kerr Street Fitzroy - Advertised / Original Plans





# Attachment 3 - 36 - 38 Kerr Street Fitzroy - Advertised / Original Plans



## GENERAL NOTES

01. THESE DRAWINGS MUST BE READ IN CONJUNCTION WITH ALL RELEVANT LOCAL AND STATE REGULATIONS AND ANY APPLICABLE STANDARDS AND SPECIFICATIONS.
02. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
03. ALL MATERIALS MUST BE OF THE QUALITY AND SPECIFICATION STATED ON THE DRAWINGS.
04. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.

## MATERIALS

- |     |           |
|-----|-----------|
| CON | CONCRETE  |
| BR  | BRICKWORK |
| CL  | CEILING   |
| MT  | METAL     |
| TR  | TIMBER    |
| EX  | EXTERNAL  |

## ABBREVIATIONS

- |     |              |
|-----|--------------|
| COL | COLUMN       |
| CL  | CEILING LINE |
| FL  | FLOOR        |
| MT  | METAL        |
| TR  | TIMBER       |
| EX  | EXTERNAL     |

DATE: 2019/09/04  
DRAWN: [Name]  
CHECKED: [Name]  
APPROVED: [Name]

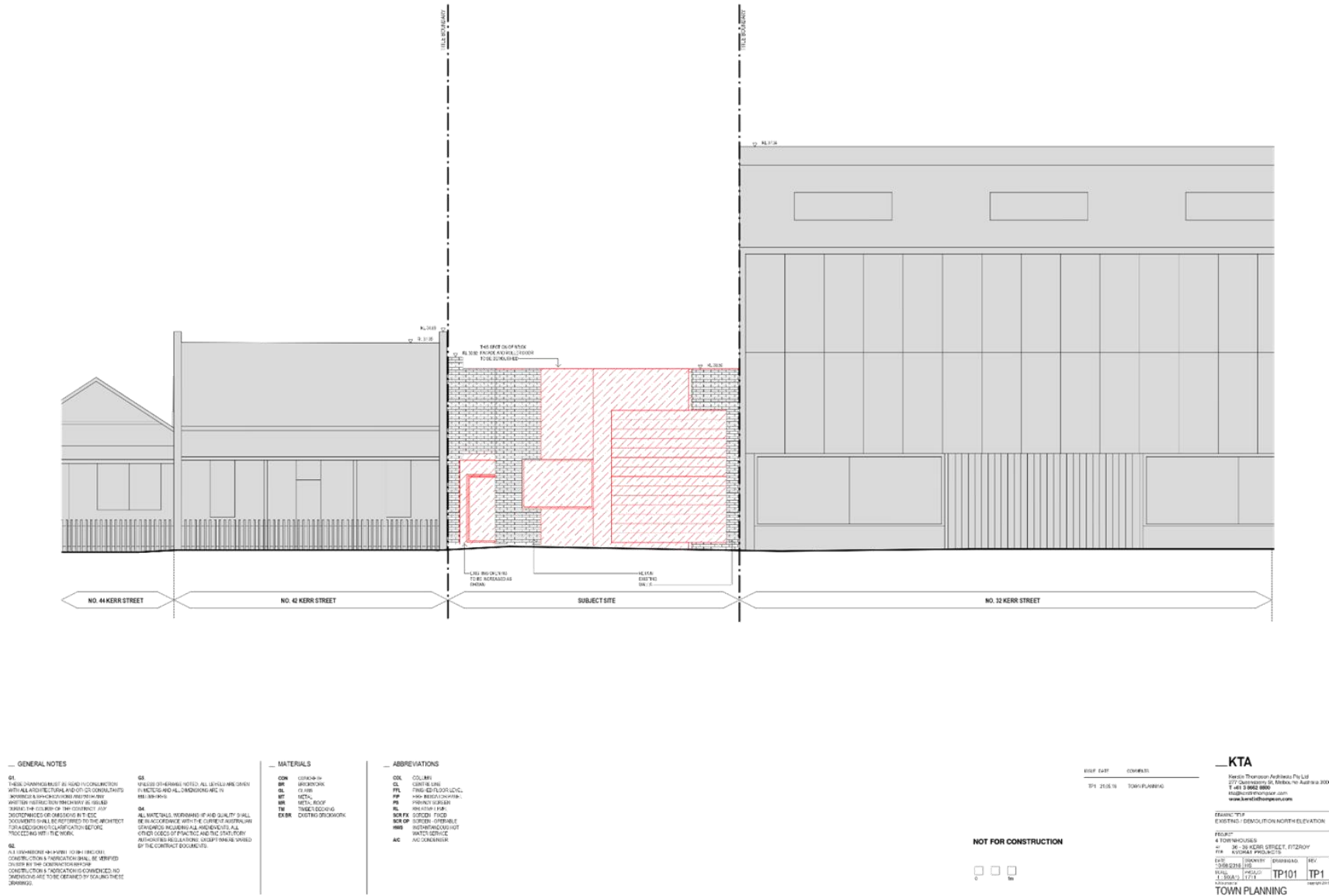
## KTA

Project: 4 TOWNHOUSES  
Site: 36 - 38 KERR STREET, FITZROY  
Client: [Name]  
Date: 2019/09/04  
Drawn: [Name]  
Checked: [Name]  
Approved: [Name]  
Town Planning

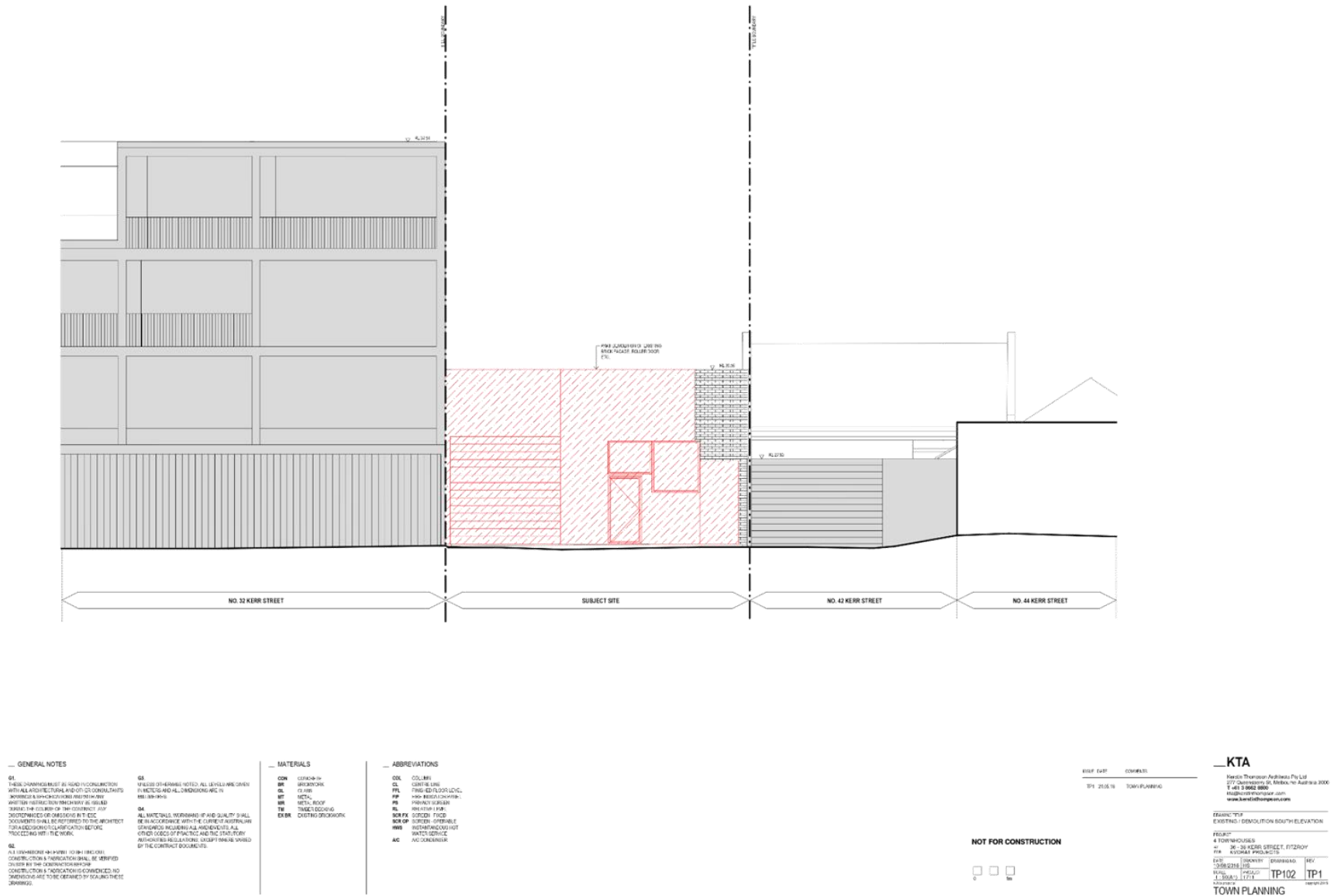
NOT FOR CONSTRUCTION



### Attachment 3 - 36 - 38 Kerr Street Fitzroy - Advertised / Original Plans



### Attachment 3 - 36 - 38 Kerr Street Fitzroy - Advertised / Original Plans





- [illegible]

## MATERIALS

- |       |                   |
|-------|-------------------|
| CON   | CERAMIC TILE      |
| DR    | WOODWORK          |
| GL    | GLASS             |
| MT    | METAL             |
| NR    | METAL ROOF        |
| TR    | TINDER ROOFING    |
| EX BR | OUTSIDE BRICKWORK |

## ABBREVIATIONS

- |        |                                 |
|--------|---------------------------------|
| COL    | COLUMN                          |
| CL     | CENTRE LINE                     |
| FFL    | FINISHED FLOOR LEVEL            |
| FP     | W/6- REVISION MARK              |
| PS     | PERMANENT SIGN                  |
| RL     | RELATIVE HUM.                   |
| SOR FX | SORCEIN- FIXED                  |
| SOR OP | SORCEIN- OPERABLE               |
| HWS    | INSTANTANEOUS HOT WATER SERVICE |
| AC     | A/C CONDENSER                   |

**NOT FOR CONSTRUCTION**

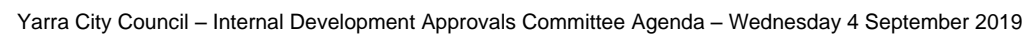


\_\_KTA

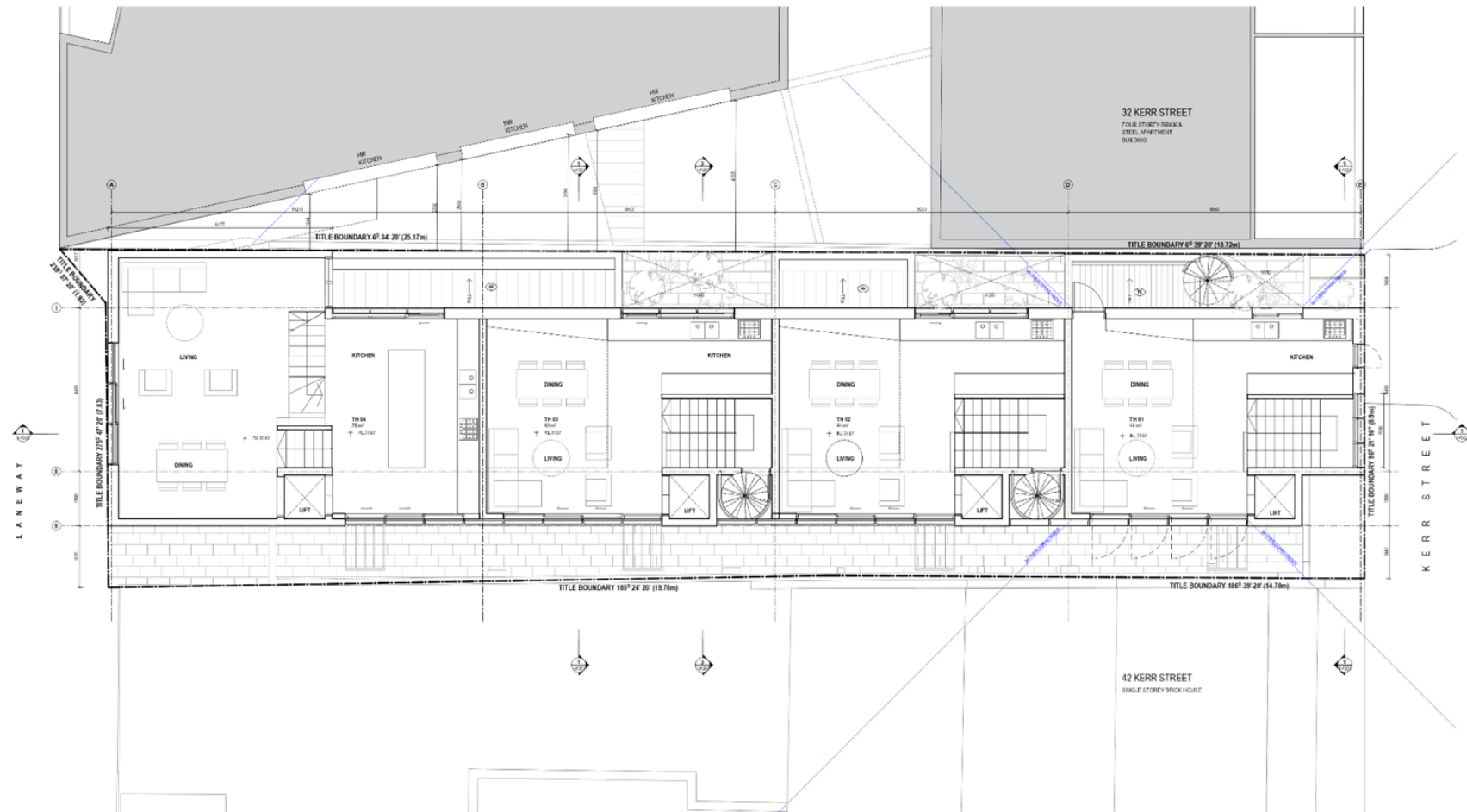
GROUP	DATE	COMMENTS
SP1	21.05.16	TOWNS PLANNING
SP2	15.06.16	TOWNS PLANNING (RTI RESPONSE)

FLOOR 4 TOWNHOUSES 47 36-38 KERR STREET, FITZROY FOR KYRAN PRODUCTIONS			
E-17 0-5502316 1.150A2 1.150A2	D-17 115 1.150A2 1.150A2	D-17 115 1.150A2 1.150A2	REV TP120 TP2 08/08/2015

**TOWN PLANNING**



# Attachment 3 - 36 - 38 Kerr Street Fitzroy - Advertised / Original Plans



## GENERAL NOTES

01. THESE DRAWINGS MUST BE READ IN CONJUNCTION WITH ALL RELEVANT LOCAL AND STATE REGULATIONS AND STANDARDS. ANY DEVIATIONS FROM THE RELEVANT REGULATIONS AND STANDARDS MUST BE NOTED AND APPROVED BY THE RELEVANT AUTHORITIES BEFORE CONSTRUCTION.
02. ALL DIMENSIONS ARE GIVEN IN METERS UNLESS OTHERWISE NOTED.
03. ALL MATERIALS TO BE USED MUST BE OF THE QUALITY AND SPECIFICATION NOTED ON THE DRAWINGS. ANY DEVIATIONS FROM THE RELEVANT REGULATIONS AND STANDARDS MUST BE NOTED AND APPROVED BY THE RELEVANT AUTHORITIES BEFORE CONSTRUCTION.

## MATERIALS

- CON CONCRETE
- BR BRICKWORK
- CL CLADDING
- GL GLASS
- HT HATCH
- ME MECHANICAL
- TR TRAILER
- EX BR EXTERIOR BRICKWORK

## ABBREVIATIONS

- COL COLUMN
- CL CLADDING LINE
- FL FLOOR
- HT HATCH
- ME MECHANICAL
- TR TRAILER
- EX BR EXTERIOR BRICKWORK
- CON CONCRETE
- BR BRICKWORK
- CL CLADDING LINE
- FL FLOOR
- HT HATCH
- ME MECHANICAL
- TR TRAILER
- EX BR EXTERIOR BRICKWORK

DATE: 2019.09.04  
 DRAWN: [Name]  
 CHECKED: [Name]

## KTA

Project: 4 TOWNHOUSES  
 36-38 KERR STREET, FITZROY  
 KYRAT PHILLIPS  
 14/11/2019

Project: 4 TOWNHOUSES  
 36-38 KERR STREET, FITZROY  
 KYRAT PHILLIPS  
 14/11/2019  
 TOWN PLANNING

NOT FOR CONSTRUCTION





- G3**  
UNLESS OTHERWISE NOTED, ALL LEVELS ARE GIVEN  
IN METERS AND ALL DIMENSIONS ARE IN  
MILIMETERS
- G4**  
ALL MATERIALS, WORKMANSHIP AND QUALITY SHALL  
BE IN ACCORDANCE WITH THE CURRENT AUSTRALIAN  
STANDARDS INCLUDING ALL APPLICABLE AS  
OTHER CODES OF PRACTICE AND THE STATUTORY  
AUTHORITY REGULATIONS, EXCEPT THOSE VARIED  
BY THE CONTRACT DOCUMENTS.

## MATERIALS

- ## ABBREVIATIONS

- |         |                                 |
|---------|---------------------------------|
| COL     | COLUMN                          |
| CL      | CURTAIN LINE                    |
| FFL     | FINISHED FLOOR LEVEL            |
| FP      | HOT-HEAT-CHIMNEY                |
| PS      | PERMANENT SORREN                |
| RL      | REINFORCED FLOOR                |
| SCRF    | SORREN FINED                    |
| SCRF OP | SORREN - OPERABLE               |
| HWS     | INSTANTANEOUS HOT WATER SERVICE |
| AVC     | AVC CONDENSER                   |

**NOT FOR CONSTRUCTION**



\_\_KTA

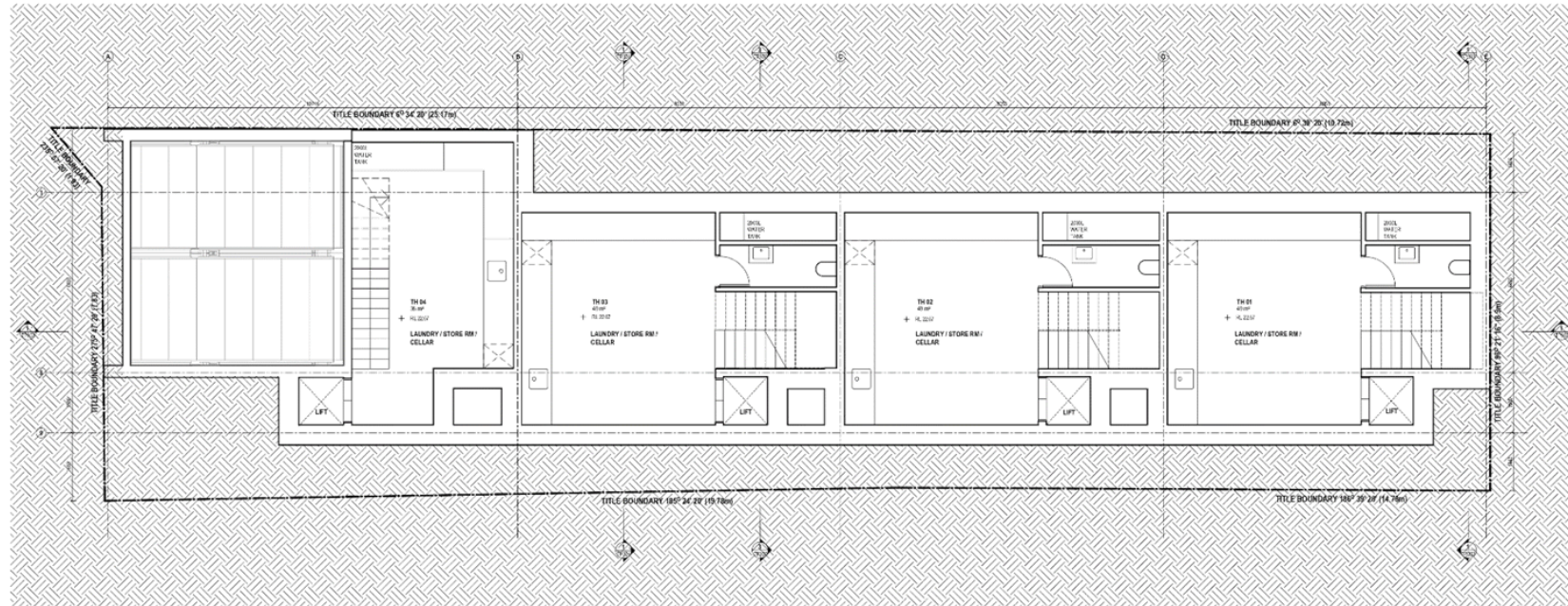
FILE	DATE	COMMENTS
EP1	21.05.19	TOWN PLANNING

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TRAINING TEL  
PROPOSED LEVEL AS BOOE PLAN

PROJECT		DRAWING NO.	
4 TOWNHOUSES		TP123	
40 36 - 38 KEAR STREET, FITZROY			
FOR KYNARD PROJECTS			
DATE	DRAWN BY		
02-08-2016	HS		
SCALE	PROJECT		
1:500A1	1711		
TOWN PLANNING			

### Attachment 3 - 36 - 38 Kerr Street Fitzroy - Advertised / Original Plans



— GENERAL NOTES

01.  
THESE DRAWINGS MUST BE READ IN CONJUNCTION  
WITH ALL ARCHITECTURAL AND OTHER CONDITIONS,  
SPECIFICATIONS AND CONTRACT DOCUMENTS AND IN THE  
WHOLE BE SUBJECT TO THE CONTRACT DOCUMENTS.  
THESE DRAWINGS ARE THE PROPERTY OF THE ARCHITECT  
AND SHALL BE RETURNED TO THE ARCHITECT  
UPON COMPLETION OF THE PROJECT AND THE  
REMOVAL OF THE DRAWINGS FROM THE PROJECT.

## 61

- G4.** ALL MATERIALS, WORKMANSHIP AND QUALITY SHALL BE IN ACCORDANCE WITH THE CURRENT AUSTRALIAN STANDARDS INCLUDING ALL AMENDMENTS AND OTHER CODES OF PRACTICE AND THE STATUTORY AUTHORITY REGULATIONS, EXCEPT WHERE VARIED BY THE CONTRACT DOCUMENTS.

## — MATERIALS

- |       |                    |
|-------|--------------------|
| CON   | CEMENT-TO-         |
| DR    | DRICKWORK          |
| GL    | GLASS              |
| MT    | METAL              |
| MR    | METAL ROOF         |
| TR    | TINDER DOCKING     |
| EX DR | EXISTING DRICKWORK |

#### — ABBREVIATIONS

- |        |                                 |
|--------|---------------------------------|
| COL    | COLUMN                          |
| CL     | CENTRE LINE                     |
| FFL    | FINISHED FLOOR LEVEL            |
| FP     | FIXED FREEDOM POINT             |
| PS     | PROXY POINT                     |
| RL     | RELATIVE POINT                  |
| SOR FX | SOURCE FIXED                    |
| SOR OP | SOURCE - OPERABLE               |
| HWS    | INSTANTANEOUS HOT WATER SERVICE |
| AC     | AIR CONDITION                   |

**NOT FOR CONSTRUCTION**



\_\_KTA

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ENDING TIP  
BROOKS BASEMENT BL AM

PROPOSED BASEMENT PLAN  
 100.000

#### PROJECT 4 TOWNHOUSES

4/ 36 - 38 KERR STREET, FITZROY  
PER KYDHA PROJECTS

DATE	CONVERT	DRAWING	BY
2-08-2016	HS		

SURE	PEACH	TP124	T
1:50A13	1711		

TOWN PLANNING

### JOINT BIDDING







### Attachment 3 - 36 - 38 Kerr Street Fitzroy - Advertised / Original Plans



— GENERAL NOTES

01. THESE DRAWINGS MUST BE READ IN CONJUNCTION WITH ALL SPECIFICATIONS AND OTHER CONSULTANTS' DRAWINGS & INFORMATION WHICH ARE ISSUED DURING THE COURSE OF THE CONTRACT AND TO CORRECT/REVISE OR AMEND THE DESIGN. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE CLARIFICATION OF ANY AMBIGUITIES AND FOR THE REVISION OF THE DRAWINGS.

**G3**  
UNLESS OTHERWISE NOTED, ALL LEVELS ARE GIVEN  
IN METERS AND ALL DIMENSIONS ARE IN  
MILLIMETERS

**G4**  
ALL MATERIALS, WORKMANSHIP AND QUALITY SHALL  
BE IN ACCORDANCE WITH THE CURRENT AUSTRALIAN  
STANDARDS INCLUDING ALL AMENDMENTS AND  
OTHER CODES OF PRACTICE AND THE STATUTORY  
AUTHORISED REGULATIONS, EXCEPT WHERE SHOWN  
BY THE CONTRACT DOCUMENTS.

WITHOUT RESERVATIONS, EXCEPT WHERE SHOWN  
BY THE CONTRACT DOCUMENTS.

## — MATERIALS

CON	GENERAL CONTRACTOR
BR	BROOKLYN
GL	GLASS
MT	METAL
NR	NATURAL ROOF
TR	TIMBER DOCKING
EX BR	EXISTING BRICKWORK

## ABBREVIATIONS

COL	COLUMN
CL	CENTRE LINE
FFL	FINISHED FLOOR LEVEL
FP	FREE-BENCHING (FREE)
PS	PREPARED SOLENS
RL	RELATION (REL)
SOR FX	SOREN - FIXED
SOR OP	SOREN - OPERABLE
WWS	INSTANTANEOUS HOT WATER SERVICE
AC	AIR CONDENSER

DATE	COMMENTS
SEP 21 05 16	TOWN PLANNING

\_\_KTA

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info@kevinthompson.com  
www.kevinthompson.com

EDWARD TWP  
WEST ELEVATION

PROJECT  
4 TOWNHOUSES

41	36 - 38 KERR STREET, FITZROY		
PER	KYORAT PROJECTS		
DATE	DRAWN BY	DRAWING NO.	REV.

TP203	TP203
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TOWN PLANNING

NOT FOR CONSTRUCTION

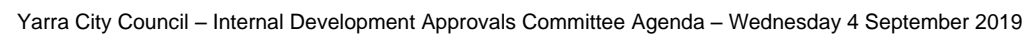
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### Attachment 3 - 36 - 38 Kerr Street Fitzroy - Advertised / Original Plans

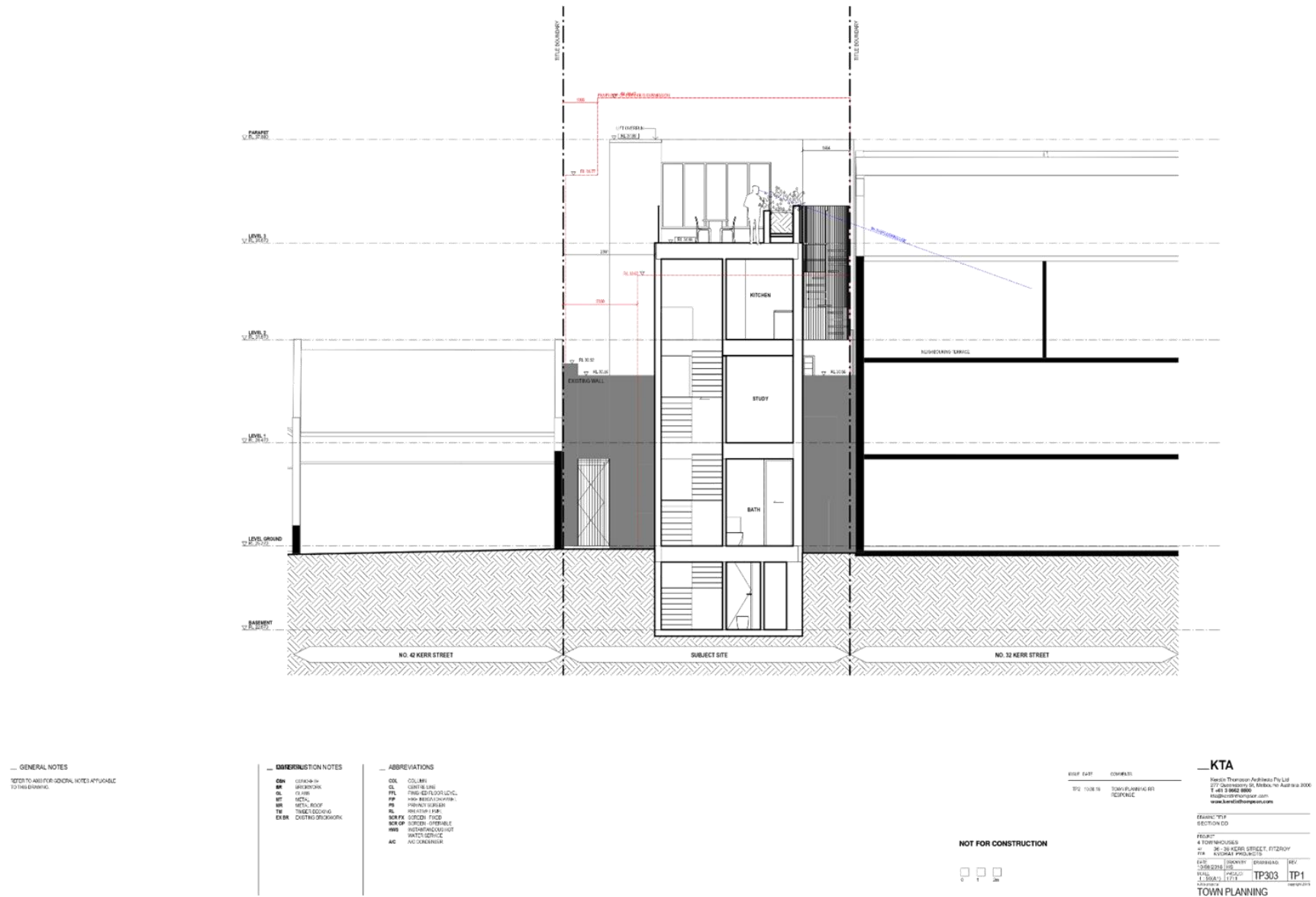


### Attachment 3 - 36 - 38 Kerr Street Fitzroy - Advertised / Original Plans

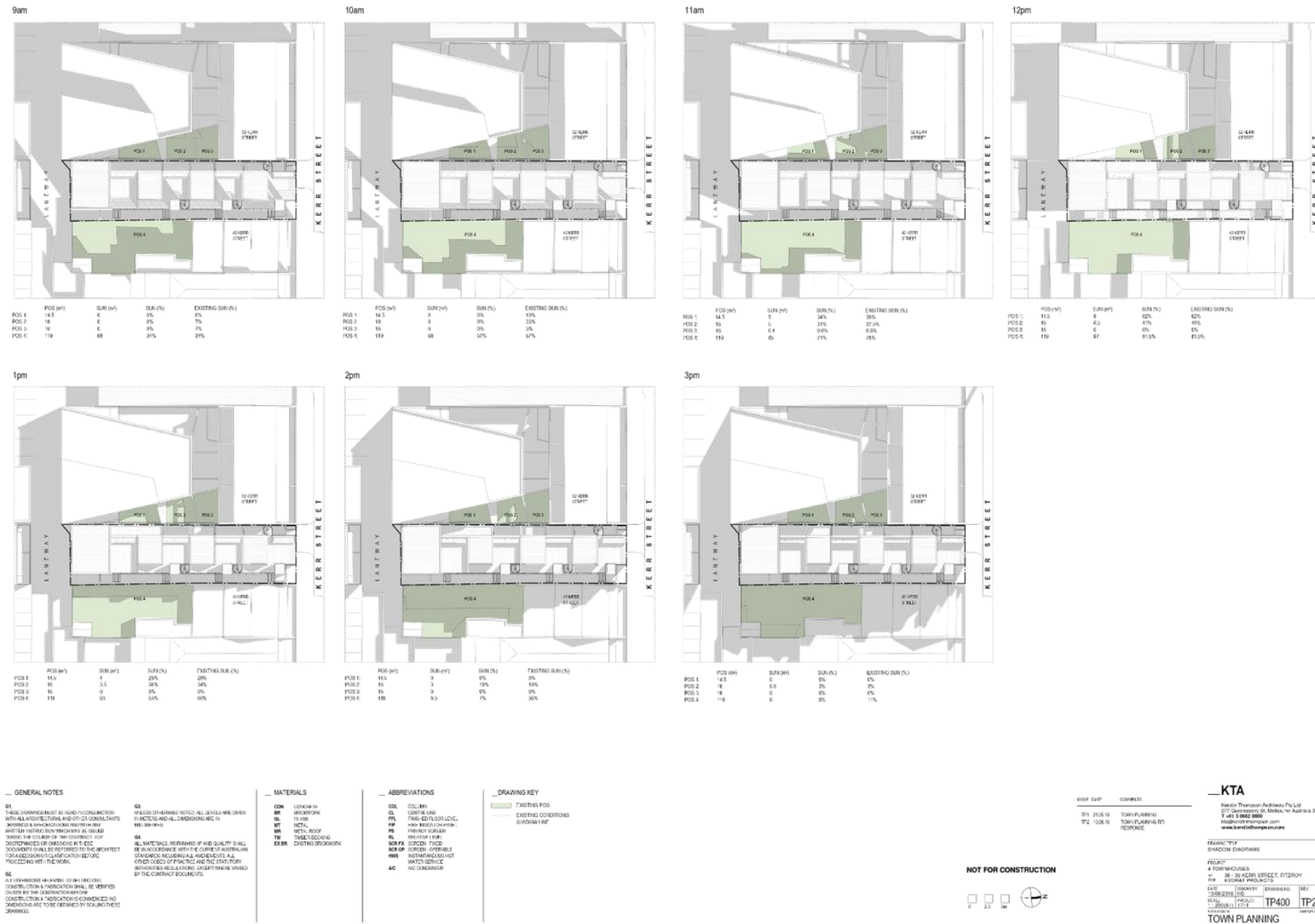




### Attachment 3 - 36 - 38 Kerr Street Fitzroy - Advertised / Original Plans

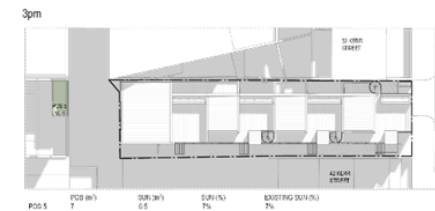
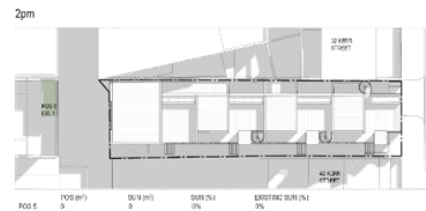
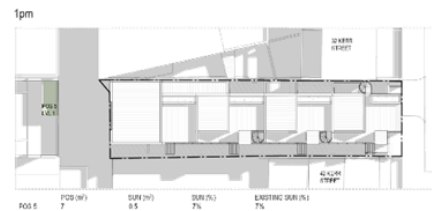
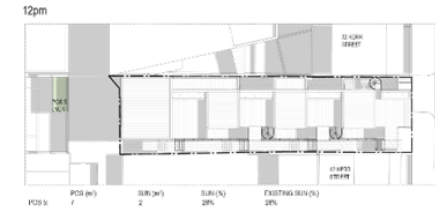
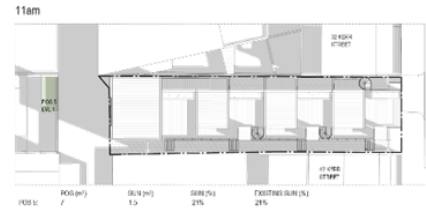
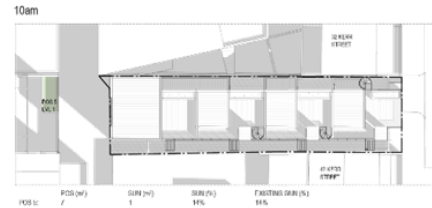


**Attachment 4 - 36 - 38 Kerr Street Fitzroy - Advertised Shadows forming part of original plans**



**Attachment 4 - 36 - 38 Kerr Street Fitzroy - Advertised Shadows forming part of original plans**

35 - 41 ARGYLE STREET LEVEL 1 BALCONY



— GENERAL NOTES

51. THESE CHANGES MUST BE MADE IN CONJUNCTION WITH ARCHITECTURAL AND OTHER CONSULTANTS APPROVED BY THE CONTRACTOR AND REVIEWED BY THE WRITTEN INSTRUCTION WHICH MAY BE ISSUED DURING THE COURSE OF THE CONTRACT. ANY DISCREPANCIES OR OMISSIONS IN THESE DOCUMENTS SHALL BE REFERRED TO THE ARCHITECT FOR A DECISION BEFORE PROCEEDING WITH THE WORK.

52. ALL INFORMATION MUST BE SUBMITTED TO THE CONTRACTOR AND A FIDUCIARY SHALL BE VERIFIED. CHANGES IN THE CONTRACTOR'S WORK OR CONSTRUCTION & MODIFICATIONS COMPLETED NO ADDITIONS ARE TO BE OBTAINED BY SCALES THESE 20000000.

## 63

04. ALL MATERIALS, WORKMANSHIP AND QUALITY SHALL BE IN ACCORDANCE WITH THE CURRENT AUSTRALIAN STANDARDS INCLUDING ALL REQUIREMENTS AND OTHER CODES OF PRACTICE AND THE STATUTORY AUTHORITIES REGULATIONS, EXCEPT WHERE VARIED BY THE CONTRACT DOCUMENTS.

## — MATERIALS

CON	CONCRETE
BR	BRICKWORK
GL	GLASS
MT	METAL
MR	METAL ROOF
TR	TIMBER DOCKING
EX BR	EXISTING BRICKWORK

## — ABBREVIATIONS

COL	COLUMN
CL	CENTRE LINE
FFL	FINISHED FLOOR LEVEL
HP	HIGH PRESSURE WATER
PS	PRIVATE GARDEN
RL	RELATIVE HUMIDITY
SOR FX	SORPTION FIXED
SOR OF	SORPTION - OPERABLE
HWS	INSTANTANEOUS HOT WATER SERVICE
AC	AIR CONDITIONING

\_\_\_\_ DRAWING KEY

 EXISTING PCS  
 EXISTING CONDITIONS  
 SHOWN LINE

**NOT FOR CONSTRUCTION**



\_\_KTA

Keirstin Thompson Architects Pty Ltd  
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T +61 3 8662 8800  
haz@keirstinthompson.com  
www.keirstinthompson.com

### GRAPHIC TIP

#### SHADOW DIAGRAMS

## FRONT 4 TOWNHOUSES

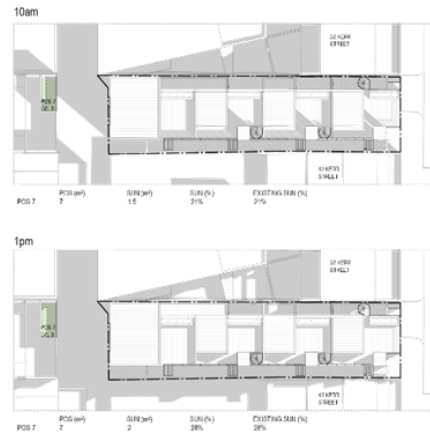
41	36 - 38 KERR STREET, FITZROY		
PER	KYORAI PROJECTS		
DATE	COMPLETION	FINANCING	STATUS

10/08/19	HS		
NULL	FIELD	TP401	T
10/08/19	1711		

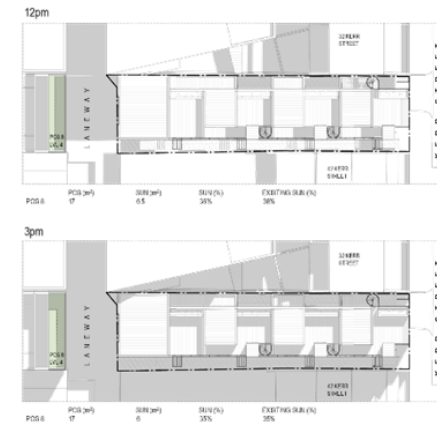
TOWN PLANNING

# Attachment 4 - 36 - 38 Kerr Street Fitzroy - Advertised Shadows forming part of original plans

## 35 - 41 ARGYLE STREET LEVEL 2 & 3 BALCONY



## 35 - 41 ARGYLE STREET LEVEL 4 BALCONY



### GENERAL NOTES

01. THESE SHADOWS MUST BE READ IN CONJUNCTION WITH ALL ARCHITECTURAL AND CIVIL CONSULTANTS' ADVISORY DOCUMENTS AND NOT BE USED IN ISOLATION. THE CONSULTANTS' ADVISORY DOCUMENTS MUST BE OBTAINED BY THE CLIENT PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. THE CONSULTANTS' ADVISORY DOCUMENTS MUST BE OBTAINED BY THE CLIENT PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. THE CONSULTANTS' ADVISORY DOCUMENTS MUST BE OBTAINED BY THE CLIENT PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

### MATERIALS

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## Attachment 5 - Heritage advice

## City of Yarra Heritage Advice

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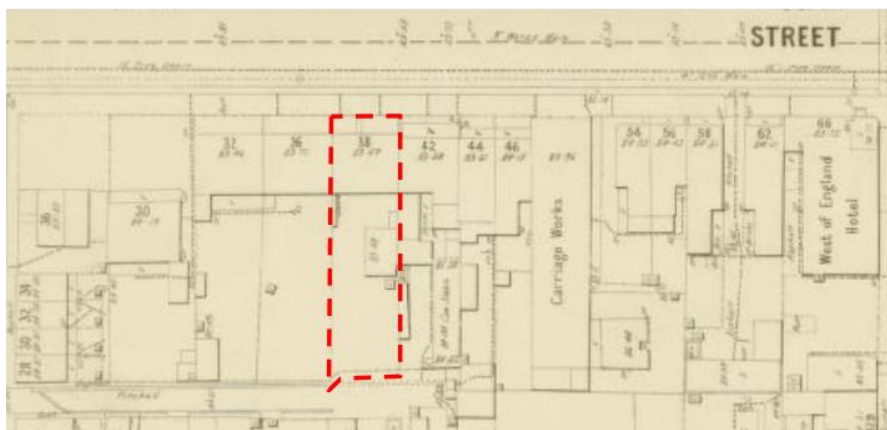
<b>Application No.:</b>	PLN18/0404
<b>Address of Property:</b>	<b>36-38 Kerr Street, Fitzroy</b>
<b>Planner:</b>	John Theodosakis
<b>Yarra Planning Scheme References:</b>	<ul style="list-style-type: none"> <li>• Clause 15.03 Heritage</li> <li>• Clause 21.05-1 Built Form (Heritage)</li> <li>• Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay</li> <li>• Clause 43.01 Heritage Overlay</li> <li>• Clause 59.07 Applications Under A Heritage Overlay</li> </ul>
<b>Heritage Overlay No. &amp; Precinct:</b>	HO334 South Fitzroy Precinct
<b>Level of significance:</b>	Non-contributory (City of Yarra Review of Heritage Areas 2007 Appendix 8 (as updated from time to time))
<b>General description:</b>	Part demolition and construction of four 4-storey dwellings
<b>Drawing Nos.:</b>	Set of 23 drawings, entitled 4 Townhouses 36 - 38 Kerr Street, Fitzroy prepared by Kerstin Thompson Architects Pty Ltd, received by Council and not date stamped

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### CONTEXT DESCRIPTION:

The subject site is a rectangular allotment with a principal frontage to Kerr Street and a rear frontage to a laneway.

Historically the site appears to have been developed as part of a row of three Victorian style townhouses. All three have been demolished and redeveloped. The subject site appears to have been redeveloped in the 1950s. The adjoining sites to the west were redeveloped initially as a warehouse however that was demolished in 2007 to allow the development of the existing apartment building.



Above: Extract from Melbourne and Metropolitan Board of Works detail plan, 1242, City of Fitzroy (dated 1900) Subject site outlined in red.

## Attachment 5 - Heritage advice



Above: Current aerial of the subject site

The subject site currently contains a single-storey industrial workshop building of c.1950s construction date. The building has been assessed as being of non-contributory heritage value.



Above: Subject site at 36-38 Kerr Street

The adjoining property to the west (no.32) is a four-storey brick and steel, multi-unit residential building of contemporary appearance. This is a building of non-contributory heritage value. The property beyond that (no.30) is another two-storey brick non-contributory building.

The adjoining properties to the east of the subject site are single-storey dwellings of contributory heritage value. These dwellings are late Victorian style dwellings.

## Attachment 5 - Heritage advice



*Above: Adjoining properties to the west of the subject site*



*Above: Adjoining properties to the east of the subject site*

The immediate area is characterised mainly by dwellings from the Victorian era with a substantial contribution of houses from the Edwardian period. There is also a contribution from some well preserved inter-war buildings and individually significant places of all eras.

### **ASSESSMENT OF PROPOSED WORKS:**

#### Comments regarding proposed demolition:

The extent of demolition proposed by this application includes almost full demolition of the existing building, after from part of the existing façade.

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

Clause 22.02-5.1 of the Yarra Planning Scheme states that full demolition of the building can be supported on the grounds that the building is identified as being not contributory.

The retention of a small proportion of the existing building's façade is not considered to be of any particular heritage concern.

#### Comments regarding new development:

The extent of new works proposed by this application includes development of a new three-storey multi-unit development together with a basement floor level and roof terraces.

## Attachment 5 - Heritage advice

The key consideration for assessing this aspect of the works is whether the proposed new development will

- Be in keeping with the character or appearance of nearby heritage buildings of contributory significance; AND
- Not adversely affect the significance of the broader heritage precinct.

### *Setbacks:*

Clause 22.02-5.7.1 of the Yarra Planning Scheme encourages:

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

The proposed front setback for the new development will be partially based on the existing approx. 1.5m setback of the building and partially at zero metres from the front site boundary. Together these setbacks will provide a reasonable staggered transition from the existing non-contributory building at no.32 and the approx. 2 metre setback of the contributory building at no. 42.

### *Scale/height:*

Clause 22.02-5.7.1 of the Yarra Planning Scheme encourages:

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

The proposed facade height for the new development will be consistent with the façade height of the adjoining building at no. 32, apart from the balustrading associated with the front roof terrace and the lift shaft.

The height of the abutting wall to the heritage property at no. 42 will be unchanged from the existing building however the lift shaft to the front unit will raise to a height of four floor levels, close to the street frontage. This element will create a dramatic change of scale to the existing contributory building at no.42 and will be higher than the maximum height of no. 32 (which is further setback from the street frontage). Given the proximity of the two adjacent contributory dwellings, it is considered that the lift shaft to TH 01 should be reduced to height to service no higher than Level 02.

### *Roof terraces:*

The proposed roof terrace to Townhouse 1 (TH 01) will be positioned at zero front setbacks. There is a potential therefore for movable items, such as people, umbrellas and plants in pots to be clearly visible from the street. The visibility of such activity is inconsistent with the character of the street. The roof terrace should be setback at least consistent with the top floor level of no.32 to minimise the balustrading's visual dominance in the streetscape and reduce the potential visibility of any activity on the terrace.

### *Appearance:*

Clause 22.02-5.7.1 of the Yarra Planning Scheme encourages the design of new development to:

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

## Attachment 5 - Heritage advice

- Consider the architectural integrity and context of the heritage place or contributory element

A contemporary design approach has been adopted for the proposed new building. This approach is not unacceptable provided that adequate respect is given to the heritage character of the surrounding area through details such as external materials, proportions and fenestration.

The adjacent property at no.32 is a non-contributory building of contemporary appearance. The appearance of the proposed new development at no. 36-38 has adopted many characteristics which are similar in appearance. The proposal to use brickwork for the façade is considered reasonable on the grounds that brickwork is a traditional material. Based on the character of the heritage precinct, it is considered that the selected brickwork should be similar in colour to red common, Hawthorn, or cream.

It is considered that the louvered openings on the faced provide a visual transition from the blank appearance of no. 32 to the traditional appearance of no.42.

### RECOMMENDATIONS:

On heritage grounds the works proposed in this application may be approved subject to the following conditions:

1. That the lift shaft to TH 01 must be reduced to height to service no higher than Level 02;
2. That the roof terrace must be setback at least consistent with the top floor level of no.32 to minimise the balustrading's visual dominance in the streetscape and reduce the potential visibility of any activity on the terrace;
3. That the selected façade brickwork must be similar in colour to traditional red common, Hawthorn, or cream

### SIGNED:



Diahn McIntosh

**DATED: 24 October 2018**

## Attachment 6 - Updated engineering comments in relation to Amended plans



## MEMO

**To:** John Theodosakis  
**From:** Artemis Bacani  
**Date:** 22 August 2019  
**Subject:** Application No: PLN18/0404  
 Description: Amended Plans  
 Site Address: 36-38 Kerr Street, Fitzroy

I refer to the above Planning Application received on 20 August 2019 in relation to the proposed development at 36-38 Kerr Street, Fitzroy. Council's Civil Engineering unit provides the following information:

**CAR PARKING PROVISION**

The amended proposal consists of the reduction of one dwelling and one additional on-site car space.

**Original Development**

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Three-bedroom dwelling	3	2 spaces per dwelling	8	5
Four-bedroom dwelling	1			
Total			8 Spaces	5 Spaces

**Amended Development**

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Three-bedroom dwelling	3	2 spaces per dwelling	6	6
Total			6 Spaces	3 Spaces

\*Since the site is located within the Principal Public Transport Network Area, the parking rates in Column B of Clause 52.06-5 now apply.

The six car spaces provided on-site satisfies the car parking requirements of Clause 52.06-5.

## Attachment 6 - Updated engineering comments in relation to Amended plans

### TRAFFIC GENERATION

The traffic generation for the site could be adopted as follows:

Proposed Use	Adopted Traffic Generation Rate	Daily Traffic	Peak Hour	
			AM	PM
Residential (3 dwellings)	0.3 trips per dwelling per peak hour	Not Provided	1	1

The peak hour volumes generated by the development are not unduly high and should not adversely impact on the traffic operation of the Right of Way or the surrounding streets,

### DEVELOPMENT LAYOUT DESIGN

Kirstin Thompson Architects Pty Ltd Drawing No. TP120 Revision TP3 dated 8 May 2019

#### Layout Design Assessment

Item	Assessment
<b>Access Arrangements</b>	
Width of Right of Way	Access to the development's car park is off the rear Right of Way.  According to the submitted drawings, the Right of Way has a carriageway width of 4.776 metres and widens to 6.110 metres towards the southern end.
Width of Garage Doorway	Not dimensioned on the drawings.  Using Trapeze, the doorway is approximately 5.8 metres in width.  Off a 6.110 metre apron, the doorway is sufficient to allow a B85 design vehicles to enter and exit the stacker platforms.
Visibility	As the garage is located off a Right of Way, the development has no requirements to provide visibility splays.
<b>Mechanical Car Stackers</b>	
Car Stacker Device	The applicant has not provided the car stacker variant model to be utilised for this development.
Floor to Ceiling Height of Garage	Not dimensioned on the drawings.
Vehicle Clearance Height of Car Stacker	To be determined upon the submission of the car stacker model information/data sheet.

## Attachment 6 - Updated engineering comments in relation to Amended plans

### Design Items to be Addressed

Item	Details
Garage Doorway	The width of the garage doorway is to be dimensioned on the drawings.
Visibility	In-lieu of visibility triangles, it is recommended for the applicant to consider the installation of convex mirrors at the garage entrance to improve visibility along the Right of Way.
Car Stacker Device	The applicant is to provide information on the car stacker model to be used for this development. The car stacker information/data sheet is to be submitted to Council for assessment.
Floor to Ceiling Height of Garage	The internal floor to ceiling clearance height is to be dimensioned on the drawings.
Vehicle Clearance Height of Car Stacker	To be determined upon the submission of the car stacker model information/data sheet.

### QUEUING ANALYSIS

To determine the queue length for the car stacker, it is assumed that a total service time of 60 seconds will be required for the operation of the car stacker.

The proposed car stacker is capable of servicing 60 vehicles per hour, based on a total service time of 60 seconds. With an estimated inbound peak our traffic volume of 1 vehicle per AM peak ad PM peak hour wishing to access the car park, the utilisation ratio for the car stacker (usage/capacity) would be 0.016 (1 vehicle trips per hour/60 vehicles per hour).

To determine the storage queue of the car stacker, guidance is sought from the Australian/New Zealand Standard AS/NZS 2890.1:2004. The mechanical device such as this car sacker should have sufficient vehicle storage to accommodate the 98th percentile queue (the queue that will be exceeded on 2% of occasions). By knowing the utilisation ratio of the car stacker (in this case, 0.016), the 98th percentile queue length can be calculated.

$$\begin{aligned}
 \text{Queue Length, } N &= (\text{Log}_n \text{Pr}(n>N) / \text{Log}_n \rho) - 1 \\
 \text{Pr}(n>N) &= \rho^{N+1} \\
 \text{where } \rho &= r / s \text{ (utilisation factor)} \\
 \rho &= \text{average arrival rate} / \text{average service rate} \\
 &= 1 / 60 \\
 &= 0.016 \\
 N &= (\text{Log}_n 0.02 / \text{Log}_n 0.116) - 1 \\
 &= 0.816 \text{ car lengths, say 1 car}
 \end{aligned}$$

The 98<sup>th</sup> percentile queue length for the car stacker during the AM and PM peak hour is one car length. Based on this calculation, we are satisfied the proposed car stacker unit can adequately operate without adversely impacting on the traffic operation of the Right of Way.

The delays that are likely to be expected with the operation of the car stacker will be just slightly longer compared to the operation of the automated gates that are currently in use at adjacent properties off the Right of Way.

## **Attachment 6 - Updated engineering comments in relation to Amended plans**

**N.B.** – The Engineering Conditions and Non-Planning Advice for the Applicant as per our engineering referral comments of 22 October 28 are relevant and pertinent to this development application.

**Attachment 7 - VCAT Reference No: P2137 2016**

**SUBJECT LAND: 36 – 38 Kerr Street, Fitzroy**



↑ North

★ Subject Site

## Attachment 8 - Permit Applicant's Letter of Response following planning consultation meeting.

—KTA

### LETTER OF RESPONSE

PROJECT	Kerr Street Townhouses	DATE	18.07.2019
CLIENT	Kvadrat Projects	PAGES	5
ADDRESS	36-38 Kerr Street, Fitzroy	JOB NO	1711

John Theodosakis  
City of Yarra  
John.Theodosakis@yarracity.vic.

Dear John,

Thank you for facilitating the meeting with the objectors on Tuesday the 9<sup>th</sup> of July 2019. It was a good opportunity to better understand their key concerns with the present design changes; version TP3.

It is our understanding that the key concerns that the objectors are raising are:

1. Traffic impacts to the right of way to the rear of the site
2. Overshadowing to 32 and 42 Kerr Street.
3. Overlooking to 32 and 42 Kerr Street.

In this letter we provide a response to each of these concerns.

#### 1. Traffic Impacts

Note:

- The June 2015 scheme prepared by David Watson Architects and refused by VCAT provided **8 car spaces** for **6 dwellings**.
- The August 2018 scheme TP2 prepared by Kerstin Thompson Architects provided **5 car spaces** for **4 dwellings**
- The May 2019 scheme TP3 prepared by Kerstin Thompson Architects provides **6 car spaces** for **3 dwellings**

## Attachment 8 - Permit Applicant's Letter of Response following planning consultation meeting.

—KTA

### Loading and unloading

Queries were raised in the meeting around the impact of additional cars and delays associated with the use of a car stacker system.

Traffix Group have provided the following comment on this:

*"The dwellings may require loading from time-to-time associated with removal trucks or vans. We are satisfied that the frequency of these movements does not warrant the inclusion of a dedicated on-site loading bay and we are satisfied that these can be accommodated on-street in the vicinity of the site."* 18/07/19

The traffic engineering assessment provided by Traffix Group in May 2018 in response to scheme TP2 states:

*"the removal of a redundant crossover provides an additional on-street car space which could be restricted to short-term parking (2P 7am-11pm)"*

The current crossover has good access to the entries to the townhouses via the front gate on Kerr St.

In addition to this the 2018 traffic engineering assessment states:

*"The use of an independent stacker/platform system in this development is an acceptable design solution as the system will be used for long-term parking by residents who will become familiar with the use of the system."*

The VCAT decision of the previous 2015 permit states:

*"88. We find that the use of car stackers will not cause unreasonable delay in the right of way. The low traffic volumes make the potential delays acceptable. We acknowledge that delays will occur on occasions, yet consider that this is a reasonable loss of amenity in this setting."* Pg 11

*"84. We find that the right-of-way can accommodate peak hour movements of one vehicle every 20 to 30 minutes. This will not substantially alter the existing situation."* Pg 10

*"85. We find that the potential for conflicts with cars entering or exiting the single dwelling properties to the east is low enough to be acceptable."* Pg 10

### Safety

Queries were raised around the safety of access and egress to the site.

Traffix Group have provided the following comment on this:

*"The stacker are accessed off a Right-of-Way, which is considered a low speed environment and low pedestrian volumes. We consider these arrangements acceptable and are common practice. Furthermore, we do not consider the addition of an additional car space in the stacker system to have any impact on pedestrian safety."* 18/07/19

## Attachment 8 - Permit Applicant's Letter of Response following planning consultation meeting.

—KTA

The 2018 traffic engineering assessment in response to TP2 states:

*"We are satisfied that the traffic generated by this development is very low, will be spread throughout the day, residential in nature and will not have a detrimental impact on the safety or operation of the ROW, Kerr Street or nearby intersections."*

*"The VCAT decision of the previous permit application found that turning maneuvers for the stacker systems were acceptable."*

*"...the access arrangements for the development will provide for safe and efficient movements to and from the development."*

The VCAT decision of the previous 2015 permit states:

*"90. Questions were raised regarding the turning circles to access the stackers. On this point, we accept Ms Dunstan's evidence that the turning maneuvers are manageable. We consider that future residents will become familiar with these maneuvers and find that this is acceptable." Pg 11*

In summary the 2018 traffic engineering report states:

*"The proposed parking layout, access arrangements and car stacker systems accords with the requirements of the planning scheme, AS2890.1:2004 (where relevant) and current practice"*

*"The level of traffic generated as a result of this proposal is acceptable, generally spread throughout the day and will not have a detrimental impact on the surrounding road network."*

*"There are no traffic engineering reasons why a planning permit for the proposed residential development at 36-38 Kerr Street, Fitzroy, should be refused, subject to appropriate conditions."*

And the VCAT decision of the previous 2015 permit states:

*"82. We find that these are not sufficient grounds to refuse the proposal. We find it persuasive that local planning policy promotes 'the use of rear laneway access' in order to provide 'a safe and convenient pedestrian and bicycle environment'. This policy outcome has been implemented in other apartment buildings in the area and we find it reasonable to be achieved on this site." Pg 10*

Based on the comments provided by Traffix Group on the 2019 TP3 scheme, the traffic report prepared by Traffix Group on the 2018 TP2 scheme and the VCAT decision on the 2015 scheme the current parking arrangement is acceptable.

### 2. Overshadowing Impacts

Concerns were raised around the overshadowing of secondary private open space at 32 Kerr Street and primary private open space at 42 Kerr Street.

There are no overshadowing impacts to the primary open space of the units at 32 Kerr Street. As indicated on TP400 (TP3) overshadowing impacts to the **secondary** private open spaces at 32 Kerr Street are as follows:

## Attachment 8 - Permit Applicant's Letter of Response following planning consultation meeting.

— KTA

POS 1: Unit 6/32 Kerr Street **secondary** private open space off second bedroom.

- Maintains solar access for five of the hours between 9am and 3pm on the 22<sup>nd</sup> of September complying with clause 55.04-5, Standard B21.

POS 2: Unit 4/32 Kerr Street **secondary** private open space off second bedroom

- Maintains solar access for four of the hours between 9am and 3pm on the 22<sup>nd</sup> of September.
- At 10am the sunlight has been reduced from 33% to 19%. This is an improvement from TP2 where the sunlight at this time was reduced to 0%

POS3: Unit 2/32 Kerr Street **secondary** private open space off hall.

- Maintains solar access for four of the hours between 9am and 3pm on the 22<sup>nd</sup> of September.

POS 4: 42 Kerr Street private open space

- Receives 40 square meters of sunlight for four of the hours between 9am and 3pm on the 22<sup>nd</sup> of September.

We note the VCAT decision of the previous 2015 permit states:

*"41. We agree that a strict implementation of ResCode's standards is inappropriate in this case." Pg 6*

It was ruled that the previously proposed development (2015) did not adequately respond to the group of apartments of 32 Kerr Street. The reasons cited were a combination of:

*"a. the height of the building;  
b. The 4.4 metre wall on the boundary;  
c. The setback of the upper two storeys that is significantly less than the average setback achieved by the angled facades of these apartments; and  
d. The siting of the light court in the proposed development that aligns with the widest space of the adjoining development and provides no relief where the space is narrower."  
Pg 6*

To this end, in comparison with the 2015 scheme, the current proposal TP3:

- a. Reduces the overall building height by 2.79m at the tip of the sawtooth and 5m at the height of the roof terrace balustrade which forms a large part of the building envelope.
- b. Retains the existing warehouse wall and maintains the wall height on boundary of the existing condition. The exception to this is to the rear of the site where the neighbouring building approaches the boundary and there is little to no impact on the neighbouring habitable windows or private open space.
- c. Sets back all levels for most of the length of the boundary where the previous (2015) scheme only set back the upper two levels.
- d. Takes cues from 32 Kerr Street to inform the location of boundary setbacks. The proposed building is set back for most of the length of the boundary and only approaches the boundary where the neighbouring 32 Kerr St development abuts the boundary.

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The VCAT decision of the previous 2015 permit states:

*"43. We agree with the applicant's submissions that it would be unreasonable for the occupants of 32-34 Kerr Street to expect there would be no impact on their outlook. What we find unacceptable is the proposed height and limited setback of the walls on the shared boundary." Pg 6*

Regarding the overshadowing impacts on 42 Kerr Street the previous VCAT decision states:

*"71. The existing building on the review site significantly overshadows its eastern neighbor after 2pm, and this effect would be more severe if the site contained a taller building. Yet we find that the site's strategic context and the policy support for housing intensification calls for a taller building on the site, despite this shadow impact. Consequently, we find that the shadow impact on the site's immediate neighbor is not fatal." Pg 9*

The current TP3 scheme has been carefully designed to address both the VCAT decision on the 2015 application as well as council and objector comments on the 2018 TP2 scheme and where possible maintain solar access to neighboring properties.

### 3. Overlooking Impacts

Concerns were raised around overlooking to neighboring properties at 32 and 42 Kerr Street.

The section provided on TP301 (TP3) indicates the ways in which overlooking has been managed in accordance with clause 55.04-6, standard B22.

- The retained existing warehouse wall limits overlooking to 42 Kerr Street.
- Planter boxes on the roof terrace and translucent glass to the western windows on level 1 limit overlooking to 32 Kerr Street.

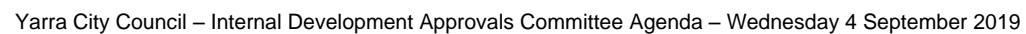
If you should require further information on the application please do not hesitate to get in touch.

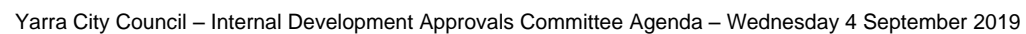
Yours sincerely,

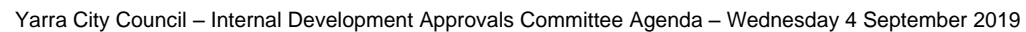
HILARY SLEIGH

—KTA

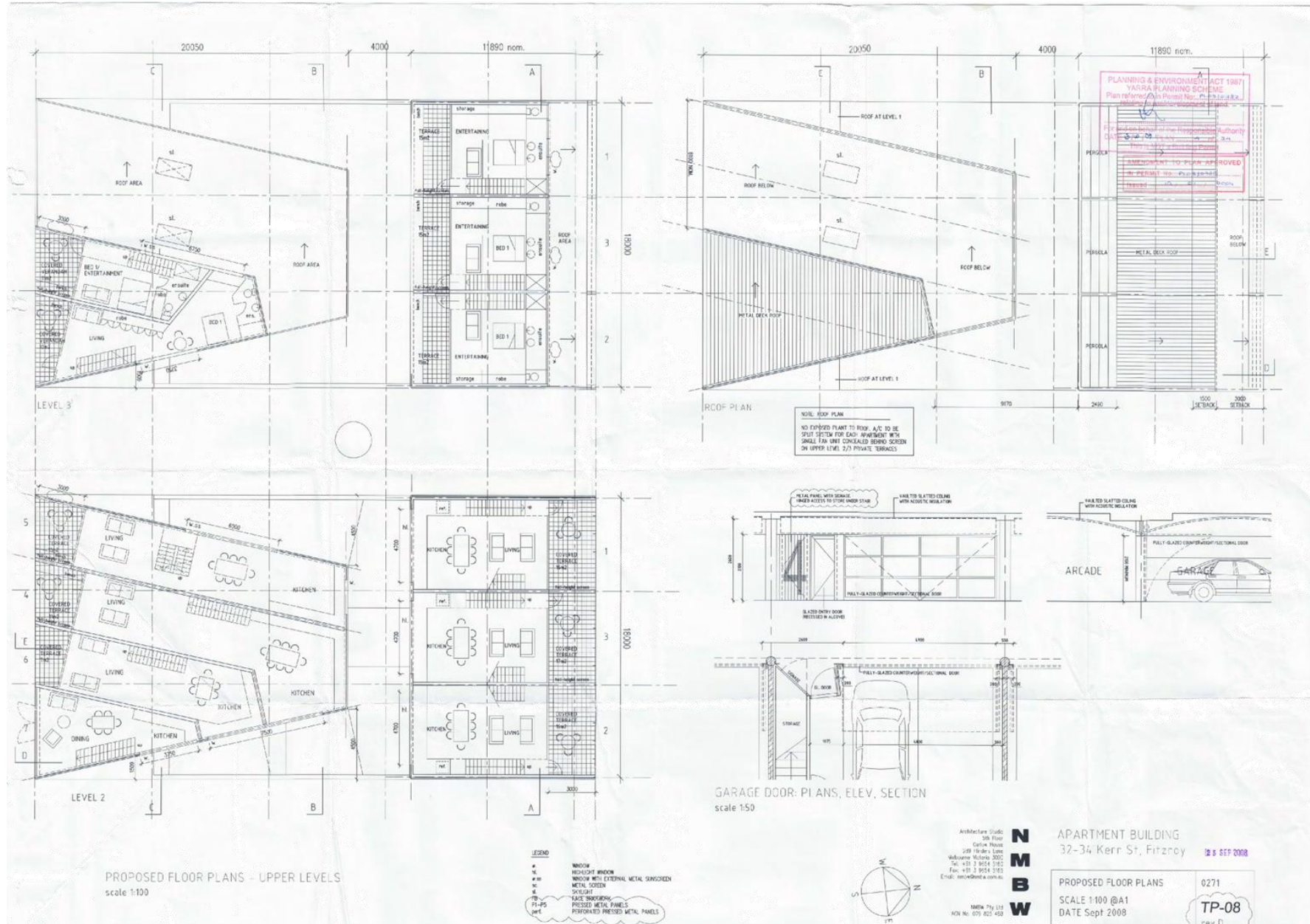
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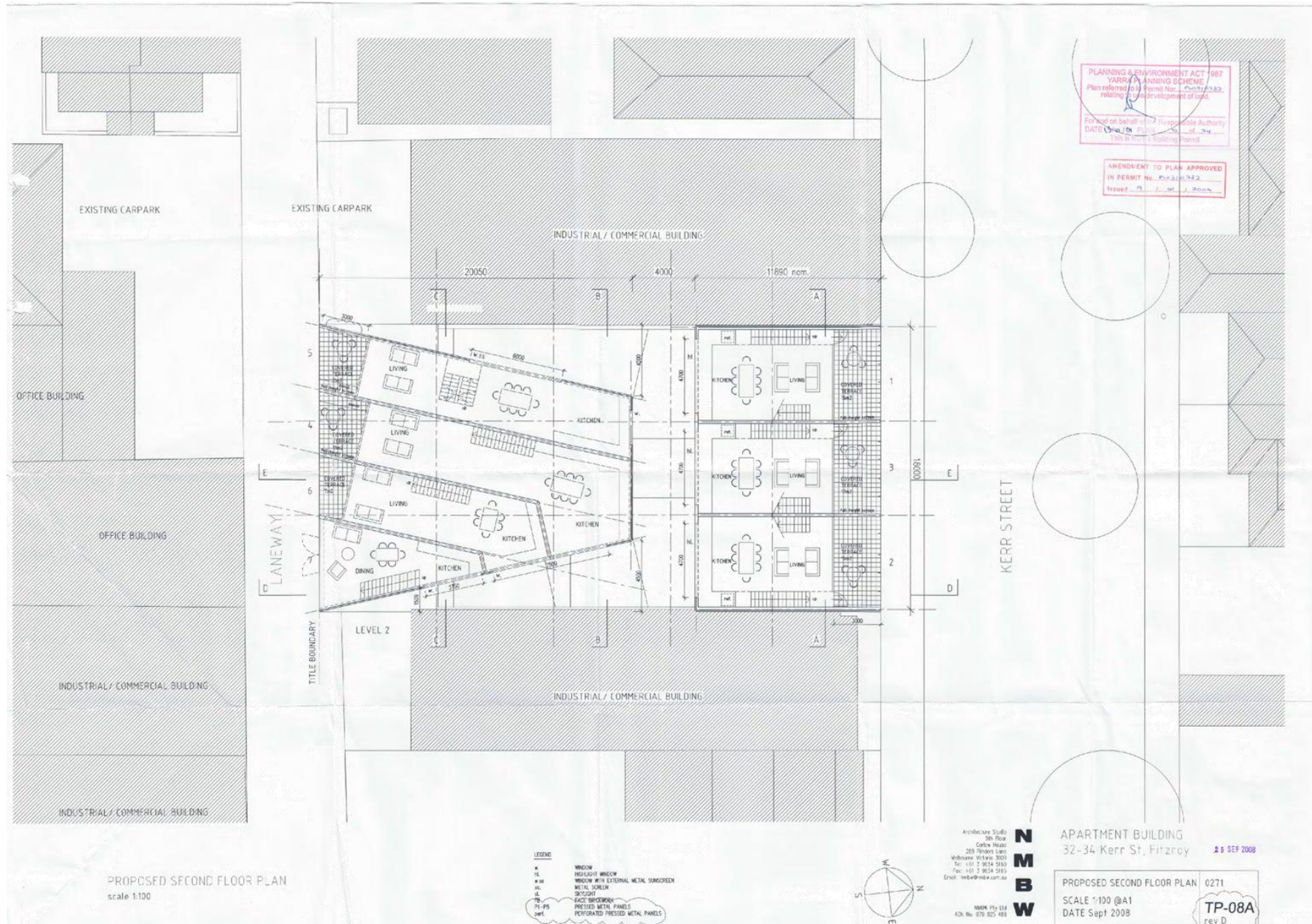




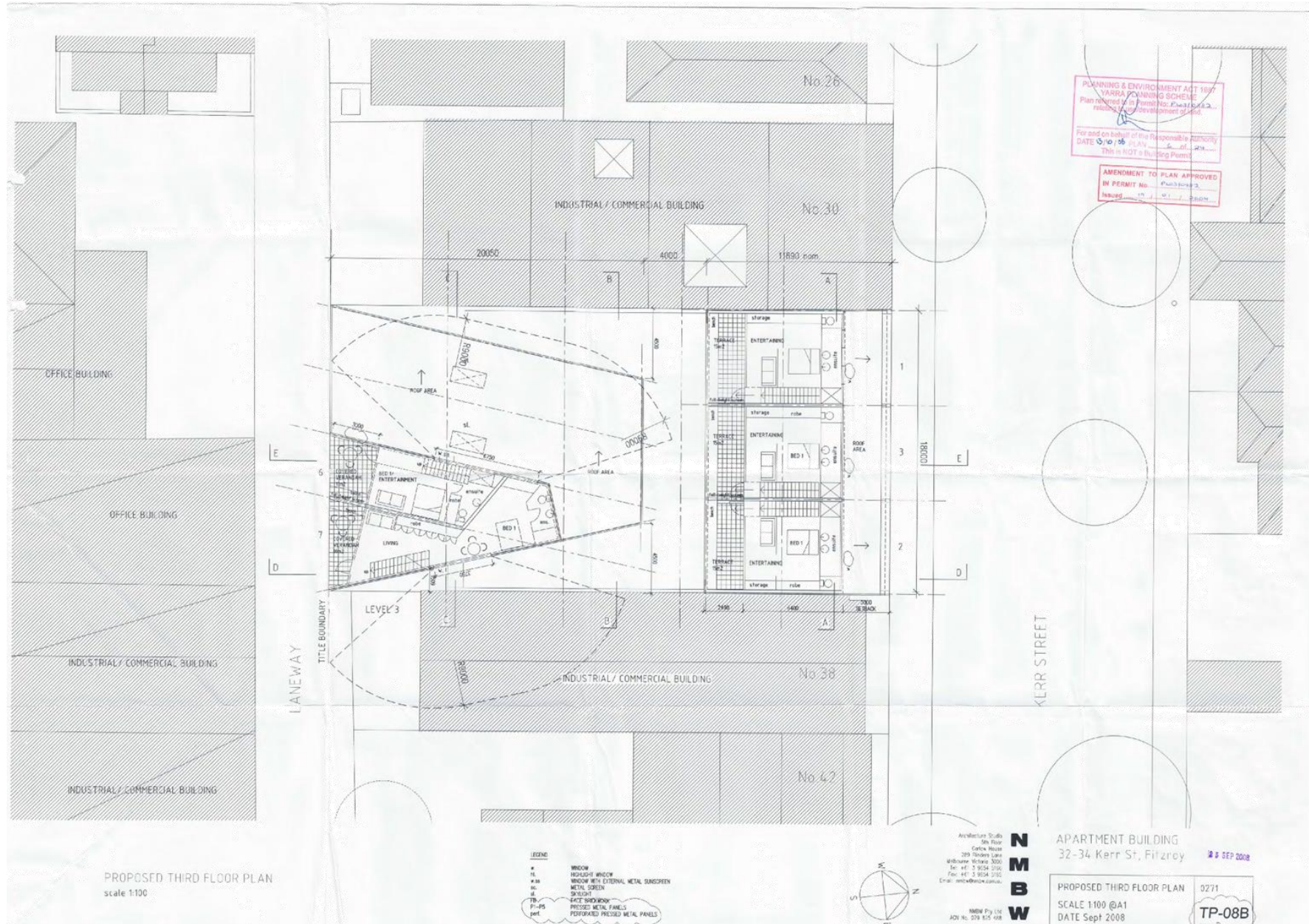
# Attachment 9 - Endorsed Plans associated with western adjoining property



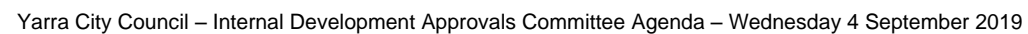
# Attachment 9 - Endorsed Plans associated with western adjoining property



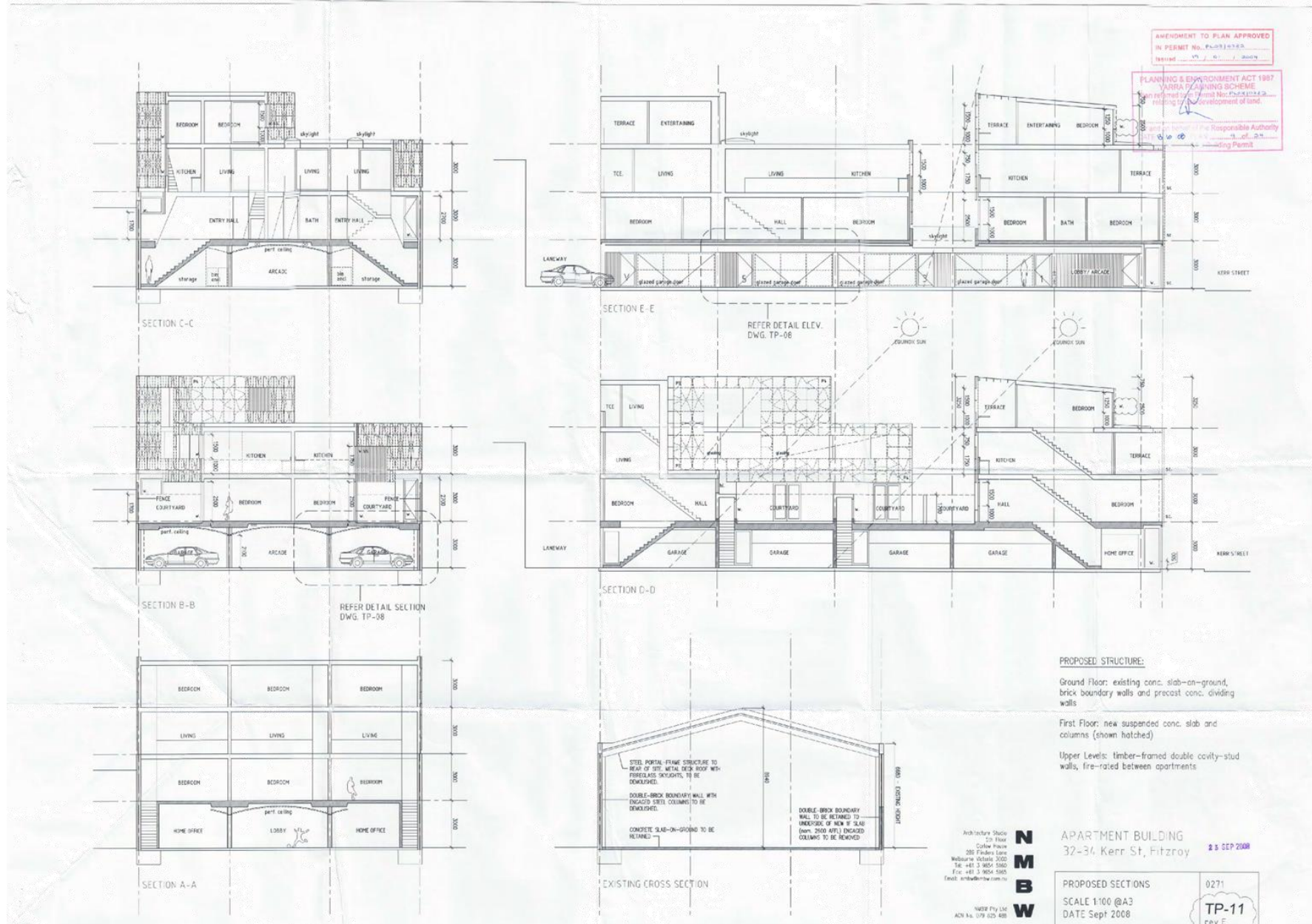
# Attachment 9 - Endorsed Plans associated with western adjoining property







# Attachment 9 - Endorsed Plans associated with western adjoining property



## Attachment 9 - Endorsed Plans associated with western adjoining property

## ArupAcoustics

Level 17, 1 Nicholson Street  
Melbourne Victoria 3000  
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ARUP

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sylvia.jones@arup.com.au

To Nigel Bertram, NMBW Pty Ltd 9654 5165 Date 28 May 2004  
Copies Job No/Ref 83884/00/sgj.f002  
From Sylvia Jones File Ref G  
Subject 32-34 Kerr Street, Fitzroy Acoustic Consultancy Services Page 1 of 11

The information contained in this fax message is confidential and intended only for the addressee(s).  
If you are not an intended recipient please notify us and destroy this document. Thank you.

Nigel,

We are pleased to provide the following acoustic assessment for the Kerr Street Apartments.

#### External Sound Insulation Assessment

##### Noise Ingress

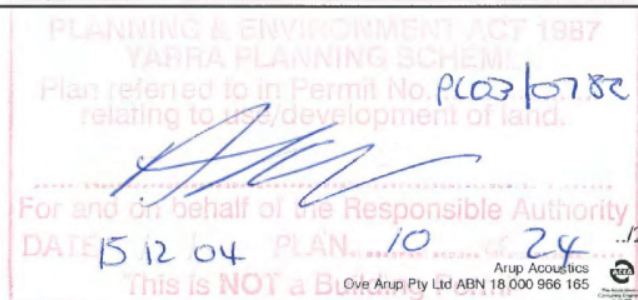
The council's Planning Permit requires "the construction of the proposed residences to be in accordance with the relevant Australian Standards for acoustic control".

The design of the envelope of the building should ensure that external noise sources are limited to appropriate levels within the building. The target criteria in Table 1 apply for the control of noise ingress from external sources, as recommended for this apartment building. The recommended criteria for the external sound insulation are based on the Australian Standard AS/NZS 2107:2000 *Acoustics - Recommended design sound levels and reverberation times for building interiors*.

Occupancy	Description	Recommended Design Sound Level, dBL <sub>Aeq</sub> (AS 2107)	Recommended Noise Ingress Limit, dBL <sub>Aeq</sub>
Apartments near minor roads	sleeping areas	30 (satisfactory), 35 (maximum)	30
	living areas	30 (satisfactory), 40 (maximum)	35
	work areas	35 (satisfactory), 40 (maximum)	35

Table 1: Target Noise Ingress Limits

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## Attachment 9 - Endorsed Plans associated with western adjoining property

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### Background Noise Levels

This report's recommendations to achieve the above target criteria are based on background noise levels measured at the site during the evening of 24 May 2004, which coincided with peak-hour traffic. During the measurements, the weather was fine and calm, and the road surface was dry.

The background noise measurements were taken at 4 locations around the Kerr Street site. All measurements were taken at a height of 1.2m above ground level and were for a duration of 10 minutes each. The measurement positions are shown in Figure 1.

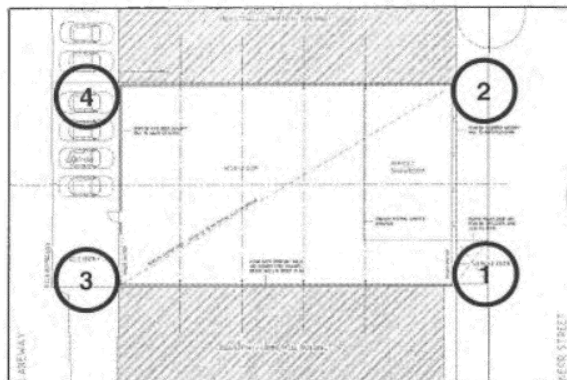


Figure 1: Measurement Positions

Note that the measurements are expected to represent a worst-case scenario in terms of the site's exposure to traffic noise levels, as they were conducted during peak-hour traffic.

The measured noise levels ( $L_{eq}$ ) for each position are shown in Table 2 below:

Measurement Position and Time		L <sub>Aeq</sub> (dB)	Background Noise Level, dBL <sub>eq</sub> Octave Band Centre Frequency (Hz)							
			63	125	250	500	1k	2k	4k	8k
1	4:30pm – 4:40pm	56	64	62	54	52	51	48	43	37
	5:30pm – 5:40pm	59	67	63	57	54	54	52	45	38
2	4:40pm – 4:50pm	56	67	61	54	51	52	49	41	34
	5:40pm – 5:50pm	56	70	63	56	51	51	47	41	26
3	4:55pm – 5:05pm	54	65	60	51	50	49	47	39	31
	5:55pm – 6:05pm	49	61	56	48	47	44	39	31	23
4	5:10pm – 5:20pm	48	61	54	47	45	43	39	35	27
	6:10pm – 6:20pm	50	62	54	50	47	46	42	35	28

Table 2: Noise Measurements

### Observations

The proposed apartments on Kerr Street are located approximately 150m from Nicholson Street towards the west and approximately 150m from Brunswick Street towards the east. Buildings on both sides of Kerr Street reduce the angle of view of these roads, and consequently the traffic noise from these roads was relatively screened.

Kerr Street is a relatively quiet road with intermittent traffic (comprising mainly cars). An increase in the frequency of cars was observed during 5-6pm, which coincided with "peak-hour" traffic (this comprised mainly cars, which had been parked in the Kerr Street area, leaving).

The laneway at the back of the site was well screened from all surrounding roads. This area comprised a carpark for the surrounding commercial buildings.

The area is mixed-use, comprising residential, commercial, and light-industrial areas including a mechanic on the corner of the laneway and Spring Street.

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## Attachment 9 - Endorsed Plans associated with western adjoining property

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### Qualifications and Assumptions

Initial calculations have been made for the sound insulation requirements of the new building façade, based on the following:

- The site and building layouts are as provided in the floorplans and elevations (NMBW drawings dated January 2004).
- The room acoustic (i.e. reverberation time) has been estimated based on typical room layouts.
- Openable windows and glazed doors are acoustically sealed when closed.
- Base wall types and areas of walls/windows/doors have been based on the architectural drawings. The walls types are assumed to be of the following constructions:

Framed external wall	Existing masonry wall (or new to match existing)
Minimum of: <ul style="list-style-type: none"> <li>• Exterior metal panels</li> <li>• 1 x 12 mm fibre cement sheeting</li> <li>• 64 mm studs at 600 mm centres</li> <li>• 50 mm glasswool batts inside cavity</li> <li>• 2 x 13 mm plasterboard (minimum surface mass 20 kg/m<sup>2</sup>)</li> </ul>	Minimum of: <ul style="list-style-type: none"> <li>• 100 mm thick medium density brickwork (minimum surface mass of bricks 150 kg/m<sup>2</sup>)</li> <li>• 13 mm render on one side of wall or 1 x 13 mm plasterboard (minimum surface mass 10 kg/m<sup>2</sup>)</li> </ul>

Table 3: Wall Type Details

### Façade Glazing Requirements

The glazing options presented in Table 4 below have been used to assess the requirements for the apartments, which are detailed in Table 5 on the following page.

Glazing Type	Minimum Insertion Loss, dB						Example Minimum Construction
	Octave Band Centre Frequency, Hz						
	125	250	500	1000	2000	4000	
Type G1	24	26	31	34	29	35	Minimum 6 mm float glazing, sealed
Type G2	26	28	32	36	37	41	Minimum 6 mm laminated glazing, sealed
Type G3	27	31	34	37	38	47	Minimum 10 mm laminated glazing, sealed
Type D1	25	27	30	31	32	33	Single door, minimum 6 mm laminated glazing, sealed
Type D2	25	28	30	32	33	34	Double door, minimum 6 mm laminated glazing, sealed

Table 4: Glazing Type Details



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**Attachment 9 - Endorsed Plans associated with western adjoining property**

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Based on the background noise measurements, and the construction types indicated above, the façade glazing constructions presented in Table 5 are predicted to achieve the target noise criteria.

Units 1, 2 & 3				
Façade	Level	Units	Glazing Type	Door Type
North	G	1, 2	Type G2	Type D1
	1	1, 2, 3	Type G3	
	2	1, 2, 3	Type G2	
	3	1, 2, 3	Type G2	
East	2	2	N/A	Type D1
	3	2	N/A	
South	1	1, 2, 3	Type G1	
	2	1, 2, 3	Type G1	
	3	1, 2, 3	Type G1	
West	2	1	N/A	Type D1
	3	1	N/A	
Units 4, 5, 6 & 7				
Façade	Level	Units	Glazing Type	Door Type
North	1	4, 5	N/A	Type D2
	2	4, 5	Type G1	
	3	7	N/A	
East	1	7	N/A	
	1	4, 6	Type G1	
	2	4, 6, 7	Type G1	
South	3	7	Type G1	Type D1
	1	4, 5, 6, 7	Type G2	
	2	4, 5, 6, 7	Type G2	
West	3	6, 7	Type G2	Type D1
	1	5	N/A	
	1	5	Type G1	Type D1
	2	5	Type G1	
	3	6	Type G1	

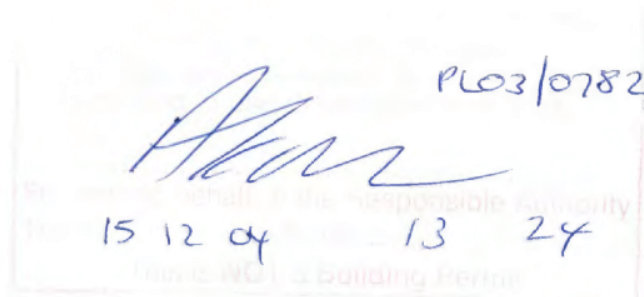
Table 5: Wall/Glazing Type Locations

#### Acoustic Performance of Glazing and Glazed Doors

It should be noted that the construction of glazed doors, windows, framing, ironmongery, seals, surrounds, packing and fixings and junctions with adjacent constructions, should maintain the full performance of the sealed units.

It is recommended that test certificates be requested from the manufacturer to show compliance with the specified acoustic performance for the products offered, as well as installation drawings showing the method for acoustically sealing the windows, including junctions between window elements and junctions with adjacent constructions.

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## Attachment 9 - Endorsed Plans associated with western adjoining property

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### Internal Sound Isolation Requirements

The sound insulation provisions of the Building Code of Australia (BCA) were amended on 1 May 2004. As noted in AAC's fax dated 2 February 2004, the Victorian Building Commission advised that these amendments are not retrospective and that a building surveyor is able to approve a design if it is established that the design was substantially progressed prior to the changes taking effect.

In this instance, the Building Surveyor has confirmed that the design, which was at Town Planning stage as of 1 May 2004, was not sufficiently progressed to justify the application of the former sound insulation regulations, and therefore the current sound insulation provisions (i.e. 2004) are applicable.

The current BCA sound insulation requirements for Class 2 residential apartment buildings are summarised in the following table:

Description	Airborne Sound Insulation	Impact Isolation
Floors separating sole-occupancy units, or separating a sole-occupancy units from a common area (such as an enclosed corridor, stairway, lobby), a lift shaft or a plantroom	$R_w + C_{tr} \geq 50$ dB	$L'_{n,w} + C_1 \leq 62$ dB
Walls separating sole-occupancy units	$R_w + C_{tr} \geq 50$ dB	Discontinuous construction if wall separates non-habitable room (including a kitchen) in one sole-occupancy unit from a habitable room (excluding a kitchen) in adjoining sole-occupancy unit
Walls separating a sole-occupancy units from a common area (such as an enclosed corridor, stairway, lobby), a lift shaft or a plantroom	$R_w \geq 50$ dB (& door assembly in wall $R_w \geq 30$ dB)	Discontinuous construction if wall separates sole-occupancy unit from a lift shaft or a plantroom
Constructions separating (i) soil, waste, or water supply pipes that pass through more than one sole-occupancy unit and (ii) storm water pipes that pass through one sole-occupancy unit, from a habitable room other than a kitchen	$R_w + C_{tr} \geq 40$ dB No access panels	-
Constructions separating (i) soil, waste, or water supply pipes that pass through more than one sole-occupancy unit and (ii) storm water pipes that pass through one sole-occupancy unit, from a non-habitable room	$R_w + C_{tr} \geq 25$ dB	-

Table 6: Summary of Sound Insulation Provisions of the Current BCA

### Qualifications

- The Building Surveyor has advised that garages on Level G are included as part of the sole-occupancy unit (S.O.U.) they serve.
- The Building Surveyor had advised that open-air courtyards are not included as part of the S.O.U.
- The Architect has advised that the Home Offices on Level G are included as part of the S.O.U. on the basis that the future occupant may wish to use the space privately.
- The Architect has advised that walls between apartments will be of drywall studwork construction, and floor/ceiling systems will comprise timber joist construction on upper levels and concrete slab on Level 1.

The internal sound insulation requirements, as applicable to this building, are detailed in the following tables. Table 7 details the vertical sound isolation requirements for floor/ceiling systems, and Table 8 details construction options that are expected to achieve the requirements for floors. Table 9 details the horizontal sound isolation requirements for walls, and Table 10 details construction options that are expected to achieve the requirements for walls.

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## Attachment 9 - Endorsed Plans associated with western adjoining property

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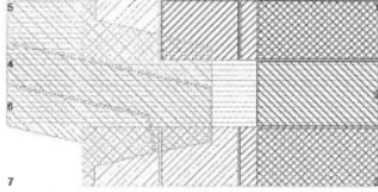
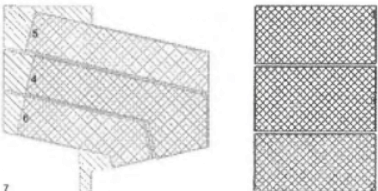

Indicative Relative Locations of Units	Area Above	Area Below	Type of Separation	So
Level G to Level 1	S.O.U.s over Arcade			
	Unit 3: Bed 2 & 3, Bath, Hall	Arcade	S.O.U. from common space	$R_w$
	Unit 4: Bed 1, 2 & 3, Bath, Ensuite			
	Unit 5: Bed 1 & 3, Hall			
	Unit 6: Bed 2 & 3, Bath			
	S.O.U.s over Garages of Separate S.O.U.			
	Unit 4: Hall	Unit 6: Garage	S.O.U. from S.O.U.	$R_w$
	Unit 5: Bed 3	Unit 3: Garage		
	Unit 6: Bed 3 & Bath	Unit 7: Garage		
Level 1 to Level 2	Unit 7: Kitchen	Unit 6: Hall	S.O.U. from S.O.U.	$R_w$
Level 2 to Level 3	Unit 7: Bed 1 & Ensuite	Unit 6: Kitchen	S.O.U. from S.O.U.	$R_w$

Table 7: Sound Insulation Requirements for Floor/Ceiling System

P03/0782

  
 15 12 04      15 24

## Attachment 9 - Endorsed Plans associated with western adjoining property

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28 May 2004

The following constructions detailed in Table 8 are expected to achieve the vertical sound insulation requirements where required as shown in Table 7:

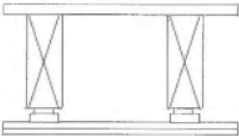
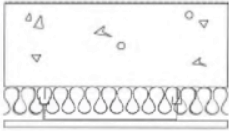
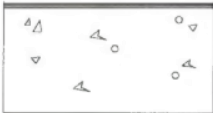

Indicative Construction	Construction Details	Sound Insulation Performance
	<ul style="list-style-type: none"> <li>1x19 or 22 mm particleboard flooring</li> <li>250 mm timber joists at 450 mm centres</li> <li><u>Resilient</u> mounts clipped to furring channel, or <u>resilient</u> furring channel</li> <li>50 mm medium density sound absorptive material in cavity</li> <li>2x16 mm plasterboard (min 25 kg/m<sup>2</sup>) screw-fixed to furring channel</li> </ul>	$R_w + C_{tr} \geq 50 \text{ dB}$ $L'_{n,w} + C_1 \geq 54 \text{ dB}$
	<ul style="list-style-type: none"> <li>150 mm concrete slab</li> <li>air space of not less than 65 mm underneath the slab containing 50 mm mineral or glass batts or 65 mm polyester batts</li> <li>1 x layer of 13 mm plasterboard fixed to 28 mm furring channels on <u>resilient</u> mounts.</li> </ul>	$R_w + C_{tr} \geq 50 \text{ dB}$ $L'_{n,w} + C_1 \leq 62 \text{ dB}$
	<ul style="list-style-type: none"> <li>200 mm thick slab with wall to wall carpet fixed around the perimeters and laid on underlay</li> </ul>	$R_w + C_{tr} \geq 50 \text{ dB}$ $L'_{n,w} + C_1 \leq 62 \text{ dB}$

Table 8: Constructions to Achieve Sound Insulation Requirements of Table 7

#### Additional Requirements

The construction of sound insulating ceilings should be contiguous and airtight, with any penetrations (e.g. for light fittings or sprinklers) boxed and sealed using the same thickness of plasterboard as the ceiling construction.

R03/0782

  
 15 12 04      16 24

## Attachment 9 - Endorsed Plans associated with western adjoining property

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## Horizontal Sound Insulation Requirements





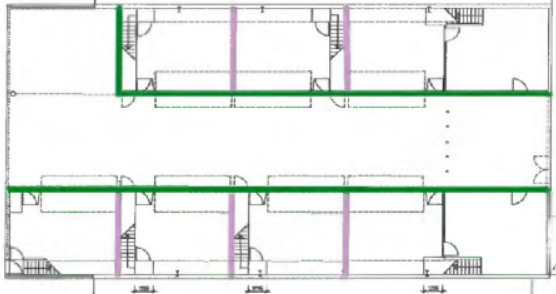


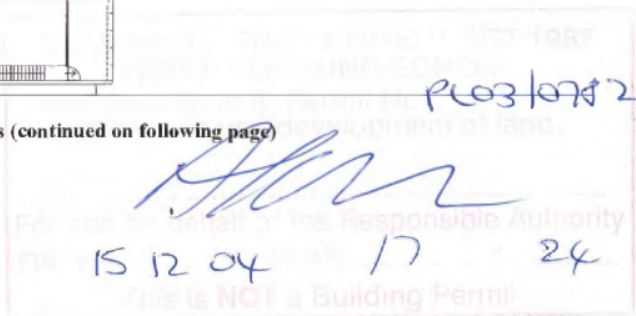
Key	Type of Separation	Sound Insulation Requirements
	S.O.U. from common space	$R_w \geq 50 \text{ dB}$ (+ $R_w$ 30 dB door)
	S.O.U. from S.O.U.	$R_w + C_{tr} \geq 50 \text{ dB}$
	Common services from habitable room	$R_w + C_{tr} \geq 40 \text{ dB}$
	Common services from kitchen	$R_w + C_{tr} \geq 25 \text{ dB}$
Location	Comments	
Level G	 <p>Garages alone are not noise-sensitive spaces, however a reduced sound insulation performance of garage walls could expose noise-sensitive spaces above garages to noise sources in the Arcade area or adjacent garages.</p> <p>To achieve compliance with the BCA, the constructions in Table 10 can be employed. However, as it may not be practical to achieve <math>R_w</math> 30 dB for a glazed garage door, an alternative performance-based approach has been provided (refer to Table 11). This is subject to acceptance by the Building Surveyor.</p>	
Level 1	 <p>Services duct passes through Bedroom 3 of Unit 3 and therefore must achieve minimum of <math>R_w + C_{tr} \geq 40 \text{ dB}</math></p> <p>Access panels to services duct cannot be located within the bedroom.</p>	
Level 2	 <p>Services duct passes through kitchen of Unit 3 and therefore must achieve minimum of <math>R_w + C_{tr} \geq 25 \text{ dB}</math></p> <p>Access panels to services duct can be located within the kitchen.</p>	

Table 9: Sound Isolation Requirements for Walls (continued on following page)

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## Attachment 9 - Endorsed Plans associated with western adjoining property

Nigel Bertram, NMBW Pty Ltd  
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Key	Type of Separation	Sound Insulation Requirements
	S.O.U. from common space	$R_w \geq 50 \text{ dB}$ (+ $R_w$ 30 dB door)
	S.O.U. from S.O.U.	$R_w + C_{tr} \geq 50 \text{ dB}$
	Common services from habitable room	$R_w + C_{tr} \geq 40 \text{ dB}$
	Common services from kitchen	$R_w + C_{tr} \geq 25 \text{ dB}$
Location	Comments	
Level 3		

Table 9: Sound Isolation Requirements for Walls

The following constructions detailed in Table 10 are expected to achieve the vertical sound insulation requirements detailed in Table 9:

Key	Indicative Construction Options	Construction Details	Sound Insulation Performance
		<ul style="list-style-type: none"> <li>2x13 mm plasterboard (min 21 kg/m<sup>2</sup>) each side of staggered 64 mm studs on 92 mm baseplate,</li> <li>50 mm medium density sound absorptive material in cavity,</li> <li>note: no rigid connection between wall leaves</li> </ul>	$R_w + C_{tr}$ 50 dB
		<ul style="list-style-type: none"> <li>2x13 mm plasterboard (min 21 kg/m<sup>2</sup>) each side of double 64 mm studs, separated by 20 mm airspace,</li> <li>50 mm medium density sound absorptive material in cavity,</li> <li>note: no rigid connection between studs</li> </ul>	$R_w + C_{tr}$ 52 dB

Table 10: Constructions to Achieve Sound Insulation Requirements of Table 9 (continued on following page)






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15 12 04 18 24

## Attachment 9 - Endorsed Plans associated with western adjoining property

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28 May 2004

Key	Indicative Construction Options	Construction Details	Sound Insulation Performance
		<ul style="list-style-type: none"> <li>pipes lagged with lead-loaded lagging (minimum surface mass 8 kg/m<sup>2</sup> with 25mm insulation included – e.g. Pyrotek 8025C)</li> <li>minimum 70mm gap</li> <li>2x13 mm plasterboard (min 21 kg/m<sup>2</sup>)</li> </ul>	Predicted to achieve in the order of $R_w + C_{tr}$ 40 dB
		Alternative: <ul style="list-style-type: none"> <li>1x25 mm shaft liner panel (min 20 kg/m<sup>2</sup>)</li> <li>64 mm C-H studs</li> <li>50 mm medium density sound absorptive material in cavity</li> </ul>	$R_w + C_{tr}$ 42 dB
		<ul style="list-style-type: none"> <li>minimum 70mm gap</li> <li>2x13 mm plasterboard (min 21 kg/m<sup>2</sup>)</li> </ul>	$R_w + C_{tr}$ 30 dB

**Table 10: Constructions to Achieve Sound Insulation Requirements of Table 9**

Additional Requirements


Where a sound-insulating wall has a floor or roof above, the wall must continue to the underside of the floor/roof, or a ceiling that provides a sound insulation rating equivalent to the wall.

Access panels to services ducts must overlap the opening by a minimum of 10 mm and be fitted with a sealing gasket along all edges. The access panels must be constructed of wood, particleboard or blockboard a minimum of 33 mm thick, or fibre cement sheeting a minimum of 9 mm thick, or an alternative material with a minimum surface mass of 24.4 kg/m<sup>2</sup>.

Water supply pipes that serve only one S.O.U. located in the cavity of a wall must include a minimum clearance of 10 mm from, and not be fixed to, the wall leaf on the side adjoining another S.O.U.

Electrical outlets must be offset from each other by a minimum of 300 mm.

PC03/0782



1512 04      19      24

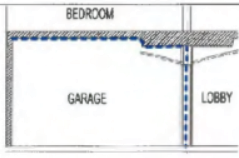
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## Attachment 9 - Endorsed Plans associated with western adjoining property

Nigel Bertram, NMBW Pty Ltd  
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Level G Arcade/Garages Performance-Based Option

Indicative Location	Indicative Construction Details	Sound Insulation Performance
	<ul style="list-style-type: none"> <li>Garage door comprising minimum 6 mm float glass, with perimeter seals</li> <li>Garage ceiling comprising minimum 100 mm solid dense concrete</li> </ul> <p>Note that this option is not applicable to garage floor/ceiling systems required to achieve a sound insulation rating in accordance with the BCA. Refer to Table 7.</p>	Garage door + garage ceiling predicted to achieve in the order of $R_w + C_{tr}$ 55 dB

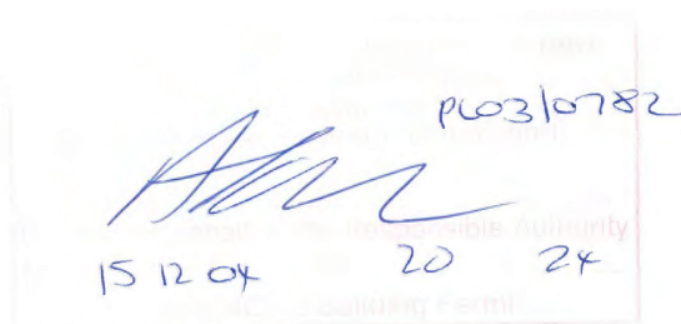
**Table 11: Performance-based Option Between Arcade and Spaces Above Garages**

I trust this is sufficient information at this time. Please contact either myself or Sarah Alper if you have any questions or wish to discuss alternative options.

Regards,



Sylvia Jones



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## Attachment 9 - Endorsed Plans associated with western adjoining property

## ArupAcoustics

Level 17, 1 Nicholson Street  
Melbourne Victoria 3000  
www.arup.com/acoustics

ARUP

Tel +61 3 9668 5500  
Fax +61 3 9663 1546  
sylvia.jones@arup.com.au

To Nigel Bertram, NMBW Pty Ltd

9654 5165

Date  
31 May 2004

Copies

Job No/Ref  
83884/00/sgj.f003

From Sylvia Jones

File Ref  
G

Subject 32-34 Kerr Street, Fitzroy  
Clarification of Acoustic Issues

Page 1 of 3

The information contained in this fax message is confidential and intended only for the addressee(s).  
If you are not an intended recipient please notify us and destroy this document. Thank you.

Nigel,

Further to our telephone conversation this morning, please find below alternative solutions to the items discussed.

#### Alternative Exterior Framed Wall Construction

Table 3 of Arup Acoustics' report dated 28 May 2004 notes that the base exterior framed wall construction comprised a minimum of:

- Exterior metal panels,
- 1 x 12 mm fibre cement sheeting,
- 64 mm studs at 600 mm centres,
- 50 mm glasswool batts inside cavity,
- 2 x 13 mm plasterboard (minimum surface mass 20 kg/m<sup>2</sup>)

If plywood were used as an alternative to the 12mm fibre cement sheeting, the plywood would have to be in the order of 25-30mm thick to achieve an equivalent surface mass (depending on the density of the plywood used).

An alternative to the (internal side) 2 layers of 13mm plasterboard (minimum surface mass 20 kg/m<sup>2</sup>) would be 1 layer of 16mm plasterboard (minimum surface mass 12 kg/m<sup>2</sup>) and 1 layer of *standard* (i.e. not fire rated) 13mm plasterboard (minimum surface mass 8 kg/m<sup>2</sup>). This may not be a cost-effective alternative to the above construction.

On the basis of the lower noise exposure in the internal courtyard, and the minimum glazing construction of 6mm laminated (as advised), Figure 1 indicates locations where the following alternative reduced-performance exterior framed wall construction is feasible. The alternative construction comprises:

- Exterior metal panels,
- 1 x 9 mm fibre cement sheeting (or 1 x 18 mm plywood sheeting),
- 64 mm studs at 600 mm centres,

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Arup Acoustics  
Ove Arup Pty Ltd ABN 18 000 966 165



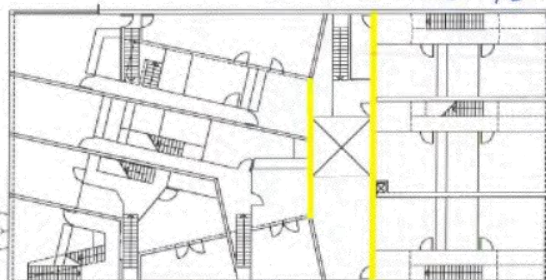
## Attachment 9 - Endorsed Plans associated with western adjoining property

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31 May 2004

- 50 mm glasswool batts inside cavity,
- 1 x 13 mm plasterboard (minimum surface mass 10 kg/m<sup>2</sup>)

Level 1



Level 2



Level 3

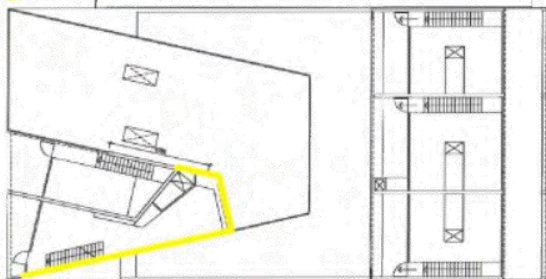


Figure 1: Locations for Alternative Exterior Framed Wall Construction (Indicated in Yellow)

Note that the glazing requirements for these locations are as per Table 5 of Arup Acoustics' report dated 28 May 2004, with the exception that 6mm laminated glazing (i.e. Type G2) will be the minimum glazing construction.

#### Alternative Glazing Construction

Table 4 of Arup Acoustics' report dated 28 May 2004 notes that Type G3 glazing has the following insertion losses. An example construction expected to achieve this performance is 10 mm laminated glazing.

Glazing Type	Minimum Insertion Loss, dB						Example Minimum Construction
	Octave Band Centre Frequency, Hz						
	125	250	500	1000	2000	4000	
Type G3	27	31	34	37	38	47	Minimum 10 mm laminated glazing, sealed

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**Attachment 9 - Endorsed Plans associated with western adjoining property**

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An alternative double glazing construction expected to achieve in the order of this performance is:

- 6 mm laminated sealed glazing / 12 mm airspace / 10 mm float sealed glazing.

**Concrete Walls to Achieve Horizontal Sound Insulation Requirements**

Table 10 of Arup Acoustics' report dated 28 May 2004 details drywall studwork construction options expected to achieve the Building Code of Australia's sound insulation provisions, where required.

As advised, the wall construction separating garages on Level G is likely to be 150mm thick precast panels. 150mm concrete panels alone are not expected to achieve the criteria, however the following constructions are expected to achieve  $R_w + C_{tr}$  50 dB:

- 150 mm concrete panel, joints filled to depth of wall and sealed,
- 10 mm gap,
- 50 mm studs at 600 mm centres,
- 50 mm glasswool batts inside cavity,
- 1 x 13 mm plasterboard (minimum surface mass 10 kg/m<sup>2</sup>)

or

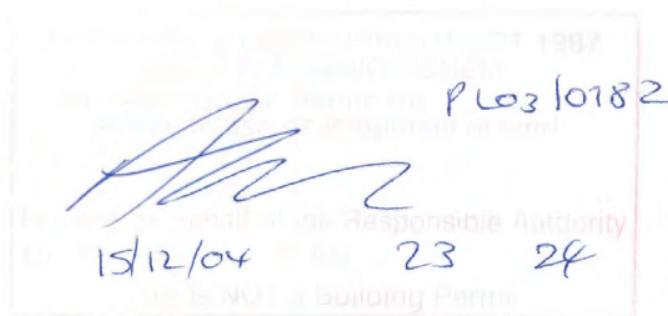
- 1 x 13 mm plasterboard (minimum surface mass 10 kg/m<sup>2</sup>)
- 28 mm furring channel at 600 mm centres with resilient mounts,
- 150 mm concrete panel, joints filled to depth of wall and sealed,
- 28 mm furring channel at 600 mm centres with resilient mounts,
- 1 x 13 mm plasterboard (minimum surface mass 10 kg/m<sup>2</sup>)

I trust this is sufficient information at this time. Please contact either myself or Sarah Alper if you have any further questions.


Regards,



Sylvia Jones



Attachment 9 - Endorsed Plans associated with western adjoining property



1a.

2a.

5a.

REPLACE WITH '1a'

REPLACE WITH '2a'

REPLACE WITH '5a'

1a. PRESSED METAL PANELS  
Galvanised metal sheet

2a. FRONT FACADE SHUTTERS  
perforated Aluminium sheet - low sheet  
shop paint finish  
(sample is for colour only, not perforations)

5a. FLOOR PAVING (Arcade - Lobby, Parking)  
Bluestone paving

**PLANNING & ENVIRONMENT ACT 1987**  
**YARRA PLANNING SCHEME**  
 Plan referred to in Permit No: P103/0782  
 relating to use/development of land.

For and on behalf of the Responsible Authority  
 DATE 15/10/08 24/01/24  
 Building Permit

**AMENDMENT TO PLAN APPROVED**  
 IN PERMIT No. P103/0782  
 Issued 19/01/2004

1. Pressed Metal Panels  
Brushed/Weathered Stainless Steel Sheet

2. Front Facade Shutters  
Perforated Aluminium Sheet - Matt Finished Sheet

3. Metalwork Balustrades & Grates  
Metal rods, Charcoal Grey (Black Marble Vain't)

4. Face Brickwork  
'Pressed Red' Clay Bricks

5. Terrace Floor (Arcade - Lobby, Parking)  
White/Black/gray 'external' color range

MATERIALS 1,2,5 to be replaced  
with 1a, 2a, 5a - REFER ATTACHED.  
24.09.08

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Tel: +61 3 9554 5180  
Fax: +61 3 9554 5185  
e: rnz@archstudio.com.au

**N  
M  
B  
W**

ANRW Pty Ltd  
ACN No. 079 825 408

APARTMENT BUILDING  
32-34 Kerr St, Fitzroy

25 SEP 2008

MATERIALS BOARD	0271
DATE Sept 2008	TP-FN rev A

# Attachment 9 - Endorsed Plans associated with western adjoining property

